



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Little Snake Field Office
455 Emerson Street
Craig, Colorado 81625-1129
<http://www.co.blm.gov/ltra/index.htm>



In Reply Refer To:
9239/2900 (CON010)
COC076570

July 9, 2015

Hand-Delivered

Mr. John Raftopoulos
351 School Street #1
Craig, Colorado 81625

Re: Notice of Willful Trespass on Public Lands located within Moffat County, Colorado, Sixth Principal Meridian, T. 9 N., R. 102 W., Sec. 3., near latitude 40.7719 degrees, longitude 108.8530 degrees, on the south side of Highway 318 in Browns Park, Colorado

Dear Mr. Raftopolous:

1. On May 2, 2015, Steve Crossan of the U.S. Army Corps, met with me and Tim Wilson, Associate Field Manager, regarding a report they had received on Vermillion Creek. He indicated that he would be going to the site and investigating the report. Thereafter, Tim Wilson, as Acting Field Manager, met with you on-site on May 21, 2014 to evaluate the alleged actions associated with the rerouting of Vermillion Creek on public lands. At that time you stated that you were responsible for constructing a new ditch, rerouting water from Vermillion Creek, and plowing and irrigating public lands.
2. On May 22, 2014, I received a letter from the U.S. Army Corps notifying me of potential unauthorized activities related to waters of the United States (Vermillion Creek) on your private lands as well as adjacent public lands managed by the BLM Little Snake Field Office.
3. On June 9, Tim Wilson, as Acting Field Manager, issued a Notice of Suspected Trespass to you, initiating trespass proceedings pursuant to 43 C.F.R. Section 2920.1-2, for the unauthorized use and development of public land and you were advised to **cease and desist** from any further unauthorized uses and developments on public lands.
4. On August 26, 2015, Tim met with the U.S. Army Corps on-site to evaluate the situation. The U.S. Army Corps mapped the relocation of Vermillion Creek from its original location and the newly-created route and provided us with copies of their maps.

5. On June 2, 2015, members of my staff, Tim and I met on-site with you, an Environmental Protection Agency (EPA) representative, Ken Champagne, as well as your consultants, Kent Crofts and Paul Currier, to discuss rehabilitation of the disturbed lands. We discussed several options relative to curing the trespasses on both public and private land.
6. However, it was discovered that a new bridge had been installed by you across a newly rerouted section of Vermillion Creek below the haystack yard on public land **after the order to cease and desist had been issued** as well as the removal of dirt used to fill the old route of Vermillion Creek. Therefore, **you are in willful trespass**, having been notified previously to cease and desist by letter and by me from any further actions on public lands.

To correct this trespass, the following must be complied with:

- Restoration of Vermillion Creek to the original route on public land consistent with the restoration plan approved by EPA and U.S. Army Corps;
- Removal of the bridge and restoration of the 2-track road on public land
- Replacement of a BLM cadastral monument marker
- Control of noxious weeds will be required through successful vegetation establishment and/or herbicide application. You are responsible to insure compliance with all local, state, and federal laws and regulations, as well as labeling directions specific to the use of any given herbicide.
- A Pesticide Use Proposal (PUP) will be approved prior to application of herbicides and/or other pesticides on Federal surface; contact the Little Snake Field Office to obtain a PUP form to request this authorization. Submit the PUP two (2) months in advance of planned application. In the event you elect to apply herbicide or other pesticide as described and authorized on the approved PUP, you must report this use within 24 hours on the BLM form titled Pesticide Application Record.
- Payment for fair market value rent of public lands; and
- Payment of administrative costs incurred by the BLM as a consequence of your actions.

The removal of dirt and gravel use for fill is under the jurisdiction of another agency, Colorado Department of Reclamation, Mining and Safety, who will contact you regarding their permitting requirements.

You are not authorized to irrigate or farm public lands unless or until a BLM Land Use Permit is issued to you that will be held in abeyance until restoration of Vermillion Creek is deemed complete by the EPA and U.S. Army Corps of Engineers.

Sincerely,



Wendy Reynolds
Field Manager

cc: Susan Bachini Nall, U. S. Army Corps of Engineers
Ken Champagne, Environmental Protection Agency