



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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EMS TRANSMISSION: 6/17/13  
Instruction Memorandum No. CA-2013-026  
Expires: 09/30/2014

To: All BLM CA District and Field Managers  
From: State Director  
Subject: Deposit, Use and Procedures for Requesting Lands & Realty and Minerals Trespass Funds

**Program Areas:** Lands & Realty, Minerals

**Purpose:** This Instruction Memorandum provides direction in the use of lands & realty and minerals trespass funds collected and deposited into the Repair of Damaged Lands (L5320 functional area) account. Also provided are procedures for requesting these funds. Fire trespass funds are not addressed in this IM and are managed under a separate process.

**Policy/Action:** Effective immediately, the following procedures will be used to request trespass lands & realty and minerals funds. The Field Office will prepare a written request to include the trespass case (Serial #) that the work is associated with, project description, cost estimate, timeframe, and other relevant information (photos, maps). The request should comply with the general guidance for use of trespass funds as provided in the trespass handbooks for Lands & Realty and Minerals in H-9232-1 and H-9235-1 respectively. The request should also indicate that the Field Office has advised and communicated with the appropriate State Office Program Lead. The steps in the process are as follows:

- Request is approved by the Field Manager.
- District Manager reviews and concurs with the request.
- The request is forwarded to the State Budget Officer for tracking purposes.
- Requests less than \$50,000 – State Budget Officer refers request to the appropriate Deputy State Director (DSD) for review and action.
- Requests greater than \$50,000 – State Budget Officer refers request to the appropriate DSD for review and recommendation to the Associate State Director for review and action.

1. Minerals - Deposit and Use of Funds Collected (Source: H-9235-1 Mineral Material Trespass Prevention and Abatement Handbook)

- a. Deposit of Funds Collected: All collections from mineral materials trespass settlements or bond forfeiture (including penalties and forfeitures) are deposited to account 14X5017.2, Fees, Charges, Deposits, and Forfeitures, BLM, within functional area Repair of Damaged Lands L5320 (Public Domain Lands).

This includes:

- 1.) Any moneys received as a compromise or settlement of any claim involving mineral materials trespass, whether in tort or contract, including trespass liability funds inclusive of value of the materials and trespass penalties.
- 2.) Moneys received as the result of the forfeiture of a bond or deposit by a mineral materials purchaser or permittee who does not fulfill the requirements of the contract or comply with the regulations.

- b. Use of Funds Collected:

- 1.) The Interior Appropriations Act P.L. 105-83 of November 14, 1997 provides that collections received as a result of forfeiture, compromise, or settlement, are available to BLM until expended to improve, protect, or rehabilitate damaged public lands that are administered by BLM. Any collections received that are in excess of amounts needed to repair damage to the exact land for which the funds were collected may be used to repair other damaged public lands.
- 2.) These collections are also available to the BLM to offset the administrative and reclamation costs of trespass settlement or bond forfeiture.

2. Lands & Realty - Deposit and Use of Funds Collected. (Source: H-9232-1 Realty Trespass Abatement Handbook)

- a. Deposit and Use of Administrative Costs: Administrative costs received in trespass liability settlements are deposited to account 14X5017.2, Fees, Charges, Deposits, and Forfeitures, BLM, within functional area Repair of Damaged Lands L5320 (Public Domain Lands). The collections are available to the Bureau to offset the administrative costs of trespass resolution. Amounts collected for administrative costs should relate directly to the cost of resolving a specific trespass.
- b. Deposit of Rental Liability Collections and Trespass Penalties: Realty trespass rental liability funds and trespass penalties are deposited to account 141099, Fines, Penalties and Forfeitures. **THESE FUNDS ARE NOT AVAILABLE TO THE BUREAU.**
- c. Deposit and Use of Rehabilitation/Stabilization Funds: Funds received for rehabilitation/stabilization of damaged lands as a result of trespass settlement or bond forfeiture are deposited to account 14X5017.2, Fees, Charges, Deposits, and Forfeitures, BLM, within functional area Repair of Damaged Lands L5320 (Public Domain Lands). The moneys received are available for in-state rehabilitation and stabilization work on lands damaged by the trespass.
- d. The State Office Budget Office will monitor charges in the L5320 account for the approved lands & realty and minerals projects. If there are funds in excess to those

needed for repair of the trespass area, Field Offices should notify the State Budget Officer. These excess moneys may then be pulled back to use for repair or protection of other damaged public lands.

**Timeframe:** Effective immediately.

**Budget Impact:** None.

**Background:** This provides up to date guidance for the state concerning the use of lands & realty and minerals trespass funds deposited in the L5320 account. Updated guidance is necessary in order to provide for a consistent statewide utilization of lands & realty and minerals trespass funds in the L5320 functional area.

**Manual/Handbook Sections Affected:** H-9235-1, Mineral Materials Trespass and Abatement  
H-9232-1, Realty Trespass Abatement

Signed by:  
Angie Lara  
Associate State Director

Authenticated by:  
Richard A. Erickson  
Records Management

Attachments - 2

- 1 – List of typical projects using trespass funds (1 p)
- 2 – Example of recent request (2 pp)