

Steps to Take When BLM Becomes Aware of a Mineral Trespass

Fluid mineral personnel should report a suspected Mineral Trespass to their supervisor and Field Manager. Field Managers should notify the local Bureau of Land Management (BLM) Law Enforcement (LE) Ranger, who will notify the LE Special Agent in Charge (SAC), who will begin the process described below.¹ In addition, the Department of the Interior Office of the Inspector General has statutory and regulatory authority to be alerted as soon as there is a suspected case of mineral trespass. Please coordinate with OIG per their Department Manual 355 DM2 when mineral trespass is suspected.

1. Contact the appropriate, local BLM LE Special Agent in-Charge (SAC) within 10 days of discovering a mineral trespass, as defined in BLM IM 2013-056, *Oil and Gas Theft Reporting Guidelines and Format*.
2. Upon first contact with the BLM LE Ranger, fluid minerals personnel should provide the LE Ranger with the contact information of the primary BLM point of contact in the field office working on the trespass case. The field should continue to gather and record information for the SAC, but should not delay initial contact. Information to provide includes, but is not limited to:
 - How the BLM discovered the mineral trespass or how the company self-reported the mineral trespass
 - Name of company involved and contact information
 - When and where company drilled the well
 - Surface owner
 - Other mineral owners affected by the well
 - Lease owner (in the case of partially federally owned mineral lease)
 - Whether the mineral estate is fractionally owned or 100 percent federally owned
3. The SAC will engage the OIG General Energy Investigation Unit (OIG), Office of Natural Resources Revenue (ONRR), and the Department of Justice (DOJ), as appropriate. The field office will work with the LE SAC, OIG, ONRR, and DOJ to provide information necessary to determine damages, penalties, and fines.
4. Using established protocols within each state, notify regional solicitors, who will also work with the LE SAC, OIG, ONRR, and DOJ, as appropriate.
5. Maintain a file of the trespassing well, including all information provided to and correspondence with the LE SAC, OIG, ONRR, and DOJ.

Note: The BLM should not approve a Communitization Agreement (CA) in any situation involving trespass without consulting with the DOI's regional solicitor. Approving a CA prior to resolution of the case may jeopardize the government's ability to properly pursue the trespass.

¹ Field Managers should coordinate with the Bureau of Indian Affairs for trespass of an Indian mineral estate.

Note also: (1) Timeliness is important. Failure to contact a trespasser and to demand that the trespass cease within a reasonable time after discovery of the trespass may adversely affect the relief that a court awards to the United States.² (2) Prior to contacting the SAC and the Solicitor's Office, do not say or write anything to anyone that could be construed as granting permission for the trespasser to continue drilling, producing, or removing federal minerals. In early contacts with the trespasser, other than gathering facts, limit statements to demands that the trespasser cease all operations in the federal mineral estate and account for the federal minerals produced. Refer questions to the Solicitor's Office unless DOJ (*e.g.*, U.S. Attorney's Office or FBI) is involved.

² *E.g.*, *United States v. Standard Oil*, 21 F. Supp. 645, 656-57 (S.D. Cal. 1937), *aff'd*, 107 F.2d 402 (9th Cir. 1939), *cert. denied*, 309 U.S. 654, *reh'g denied*, 309 U.S. 697 (1940).