



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Desert National Wildlife Refuge Complex  
4701 North Torrey Pines Drive  
Las Vegas, Nevada 89130  
Phone: (702) 515-5450 ~ Fax: (702) 515-5460



August 4, 2022

## **BY ELECTRONIC MAIL**

Victor and Annette Fuentes  
P.O. Box 2085  
Pahrump, NV 89041  
victor.fuentes777@gmail.com  
annettefuentes4@gmail.com

Dear Mr. and Mrs. Fuentes:

I am writing in regard to trespass activity at the Ash Meadows National Wildlife Refuge [Refuge] on Saturday, July 30, 2022, that originated from your property and impacted Refuge land north of your property line. It appears this activity is directly related to the gathering you organized on this date with the intent to breach the Fairbanks Spring channel in the Carson Slough and redirect water from the Refuge to your property. This activity resulted in damage to land and wildlife habitat, including breaching the physical structure of the Fairbanks Spring channel, excavation of a ditch in an undisturbed area, and diversion of water from the channel and away from aquatic habitat for the Ash Meadows speckled dace and Ash Meadows Amargosa pupfish, both of which are listed as endangered species under the Endangered Species Act, 16 U.S.C. §1531, et seq.

As noted in our letter dated July 28, 2022, and discussed directly with you the morning of July 30<sup>th</sup>, any party found to have trespassed on Refuge land will have violated the National Wildlife Refuge System Administration Act, 16 U.S.C. §§ 668dd-668ee, 460K-460K4 and potentially other Federal laws. In addition, as described above, certain activities may have violated the Endangered Species Act, 16 U.S.C. §1531, et seq. “Take” of species listed under the Endangered Species Act is prohibited; “take” includes actions that harm or kill listed species, or that attempt to engage in such conduct. 16 U.S.C. §§ 1538(a)(1)(B); 1532(18). The alleged trespass, damage to Refuge resources, and Endangered Species Act violations are now under investigation. If you or any party undertake additional illegal actions, the United States will take appropriate action, including seeking penalties and damages.

In addition, the breaching of the Fairbanks Spring channel and diversion of water from the channel has affected water rights held by the U.S. Fish and Wildlife Service for wildlife. The breach and resulting interference with water rights has been reported to the Nevada Division of Water Resources.

U.S. Fish and Wildlife staff will be restoring the land and wildlife habitat on the Refuge damaged by these actions, including repairing the breach in the Fairbanks Spring channel and backfilling the diversion ditch. To allow the land and habitat to recover, all entry to Refuge land north of your property is prohibited.

Sincerely,

KEVIN DESROBERTS

Digitally signed by KEVIN  
DESROBERTS  
Date: 2022.08.04 12:29:10 -07'00'

Kevin DesRoberts  
Project Leader, Desert NWRC

**cc via email:**

Polly Wheeler, Assistant Regional Director, Refuges  
Pacific Southwest Region  
U.S. Fish and Wildlife Service

Blaine Welsh, Civil Chief  
U.S. Department of Justice

Anthony Merrill, Chief of Law Enforcement  
Pacific Southwest Region  
U.S. Fish and Wildlife Service

Michael Bower, Refuge Manager  
Ash Meadows NWR, USFWS

Adam Sullivan, P.E., State Engineer  
Nevada Division of Water Resources

Micheline N. Fairbank, Esq., Deputy Administrator  
Nevada Division of Water Resources

Thomas Pyeatte Jr., Professional Engineer  
Nevada Division of Water Resources

Mark Beutner, Water Resource Specialist 2  
Nevada Division of Water Resources

Debra Strickland, County Commissioner, District 5  
Nye County Board of Commissioners

Michael Eisenloffel, Undersheriff  
Nye County Sheriff's Office

**cc via FedEx:**

Sheriff Sharon Wehrly  
Nye County Sheriff  
1520 E. Basin Road  
Pahrump, NV 89060