

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS

IN RE: FORFEITURE OF COLLATERAL
UNITED STATES FISH AND WILDLIFE SERVICE

On this 4 day of June, 1998, it is hereby ordered
by the Court:

That in the interest of justice, efficient court administration, and effective law enforcement concerning the violation of the following rules and regulations while on any property under the charge and control of the United States Fish and Wildlife Service, collateral in the amount prescribed on the attached schedule may be posted in lieu of the appearance of the offender unless it is the opinion of the arresting or citing officer that the offense charged was aggravated;

That upon the election of the person charged with such an offense to post said collateral in lieu of appearance before the United States Magistrate for trial of said offense, the collateral in the amount shown opposite the offense shall be forfeited to the United States. The posting of such collateral shall signify that the offender neither contests the charge nor requests a hearing before the United States Magistrate, and said collateral shall be administratively forfeited;

That forfeiture of collateral shall not be permitted in lieu of the offender for a subsequent offense or offenses within a twelve month period not arising out of the same transaction or occurrence as the original offense or offenses;

That there be maintained in the office of the Clerk, and with the respective United States Magistrates, a current list of the petty offenses and fines applicable thereto for which collateral may be accepted;

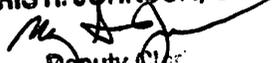
That, pursuant to the foregoing provisions, the offenses for which collateral may be posted in lieu of the appearance of the person charged therewith are as shown on the schedule attached hereto.



JIMM LARRY HENDREN
Chief U. S. District Judge
Western District of Arkansas

U. S. DISTRICT COURT.
WESTERN DIST. ARKANSAS
FILED

JUN 04 1998

CHRIS R. JOHNSON, Clerk
By 
Deputy Clerk

WESTERN DISTRICT OF ARKANSAS
 U.S. FISH AND WILDLIFE SERVICE
 VIOLATIONS
 Revised May 29, 1998
16 USC 703
 Migratory Bird Treaty Act

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
50 CFR 20	<u>Migratory Game Bird Hunting Violations</u>	
20.20(b)	Failure to comply with HIP program . . .	\$100.00
20.21(a)	Take with illegal device or substance . . .	200.00 + 50.00/Bird
20.21(b)	Take with shotgun capable of holding more than three (3) shells	100.00 + 50.00/Bird
20.21(c)	Take by means, aid or use of sinkbox . . .	100.00 + 50.00/Bird
20.21(d)	Take for or by means, aid or use of motor driven conveyance, motor driven vehicle or aircraft	100.00 + 50.00/Bird
20.21(e)	Take by means of motor boat or other craft under power	200.00 + 50.00/Bird
20.21(f)	Take by use or aid of live birds	200.00 + 50.00/Bird
20.21(g)	Take by use or aid of recorded or amplified bird calls	300.00 + 50.00/Bird
20.21(h)	Take by means or aid of motor driven conveyance for concentrating, driving or rallying or stirring up of waterfowl . . .	200.00 + 50.00/Bird
20.21(i)	Take by use of bait	300.00 + 50.00/Bird
20.21(j)	Take in violation of lead shot regulations	200.00 + 50.00/Bird
20.22	Take during closed season	300.00 + 50.00/Bird
20.23	Take before or after legal hours 1-15 min	100.00 + 50.00/Bird
	16-30 min	200.00 + 50.00/Bird
	30+ min	300.00 + 50.00/Bird
20.24	Exceeding daily bag limit	200.00 + 50.00/Bird
20.25	Wanton waste	200.00 + 50.00/Bird
20.26(c)	Failure to comply with temporary closure regulations as determined by the USFWS . . .	250.00 + 50.00/Bird
20.31	Possession of birds taken in violation of 20.21 through 20.23	100.00 + 50.00/Bird
20.32	Possess freshly killed migratory bird in closed season	300.00 + 50.00/Bird
20.33	Exceed possession limit taken in the United States	200.00 + 50.00/Bird
20.34	Possession in excess of daily limit on opening day	200.00 + 50.00/Bird
20.35	Possess or transport in excess of daily field limit	200.00 + 50.00/Bird
20.36	Violation of tagging regulations	200.00 + 50.00/Bird

<u>30 CFR 21</u>	<u>Migratory Bird Permits</u>	<u>Collateral</u>
21.29(d)	Take, possess, transport a raptor for falconry purposes or practice falconry without a state permit as required by state law.	250.00
21.29(e) (1) (iii)	Possession by apprentice of more than one raptor or taking more than one replacement bird.	250.00 + 50.00/Bird
21.29(e) (1) (iv)	Possession by apprentice of unauthorized species.	250.00 + 50.00/Bird
21.29(e) (2) (iii)	Possession by general class permittee of more than two raptors or taking more than two replacement birds.	250.00 + 50.00/Bird
21.29(e) (2) (iv)	Possession by general class permittee of threatened species.	500.00
21.29(e) (3) (ii)	Possession of master class of more than three raptors or taking more than two replacement birds.	250.00 + 50.00/Bird
21.29(e) (3) (iii)	Unauthorized take of a endangered species.	500.00
21.29(e) (3) (iv)	Unauthorized take of golden eagle.	500.00
21.29(e) (3) (v)	Take more than one raptor listed as threatened.	500.00
21.29(g) (1)	Failure to meet minimum falconry facility standards.	150.00 + 50.00/Bird
21.29(g) (2)	Failure to meet minimal falconry equipment standards.	150.00 + 50.00/Bird
21.29(g) (3)	Failure to meet maintenance requirements.	150.00 + 50.00/Bird
21.29(g) (4)	Transporting or temporarily holding raptors without adequate facilities or protection.	200.00 + 50.00/Bird
21.29(h)	Violation of state marking laws.	250.00 + 50.00/Bird
21.29(i) (1)	Take of eyass by apprentice or take of more than two eyass by other.	250.00 + 50.00/Bird
21.29(i) (2)	Take of passage bird during closed season.	250.00 + 50.00/Bird
21.29(i) (4)	Take unauthorized species of raptor over 1 year of age.	250.00 + 50.00/Bird
21.29(j) (4)	Care for raptor belonging to another without written authorization, or in excess of 30 days.	150.00 + 50.00/Bird
21.29(j) (5)	Retain or exchange molted feathers for other than imping purposes.	150.00 + 25.00/ Feather
21.30(a)	Take, possess, transport, sell, purchase, barter or transfer any raptor, raptor egg, or raptor semen for propagation purposes without a permit.	250.00 + 50.00/Bird
21.30(d) (1)	Failure to provide adequate facilities.	150.00 + 50.00/Bird
21.30(d) (2)	Failure to notify of eggs laid.	250.00 + 50.00/Egg
21.30(d) (3)	Failure to properly mark propagation raptors.	250.00 + 50.00/Bird
21.30(d) (4)	Unauthorized take of raptors from the wild for propagation.	250.00 + 50.00/Bird

50 CFR 21Migratory Bird PermitsCollateral

21.30(d)(5)	Unauthorized purchase, sale or barter of propagated raptor	250.00 + 50.00/Bird
21.30(d)(6)	Take or otherwise acquire falcon without filing form 3-186A.	250.00 + 50.00/Bird
21.30(d)(7)	Possess raptor without properly completed form 3-186A.	250.00 + 50.00/Bird
21.30(d)(8)	Temporary possession of raptor without properly completed 3-186A	250.00 + 50.00/Bird
21.30(d)(9)	Sale, purchase or barter improperly marked raptor	250.00 + 50.00/Bird
21.30(d)(10)	Transfer raptor to another without proper permits.	250.00
21.30(d)(11)	Use of propagated raptor without permit designation	250.00
21.30(d)(12)	Failure to follow interspecific hybridization regulation.	250.00
21.30(d)(13)	Possession of dead raptor, non-viable eggs, feathers, without authorization.	250.00
21.30(d)(14)	Release of raptor to the wild without authorization.	250.00
21.30(d)(15)	Failure to maintain complete and accurate records.	250.00
21.30(d)(16)	Failure to submit an annual report.	100.00
21.41	Violation of migratory bird depredation permit requirements	100.00 + 50.00/Bird
21.41(a)	Take, possess, transport depredating migratory birds without required permit	100.00 + 50.00/Bird
21.41(c)(1)	Unauthorized killing of depredating migratory birds	200.00 + 50.00/Bird
21.41(c)(2)	Take of depredating birds by unauthorized method or in unauthorized area	200.00 + 50.00/Bird
21.41(c)(3)	Take by luring or concealing from depredating birds	150.00 + 25.00/Bird
21.41(c)(4)	Failure to properly dispose of dead depredating migratory bird.	150.00 + 25.00/Bird
21.41(c)(5)	Act as Agent of depredation permittee without authorization	150.00
21.42	Kill depredating migratory birds other than by permitted method.	100.00 + 50.00/Bird
21.43	Violation of depredating control requirements for crows, blackbirds	100.00 + 50.00/Bird

Migratory Bird Violations

16 USC 703 Taking, pursuing, hunting, capturing, killing, or the attempt thereof; possess, sell, barter, purchase, ship, export, import, carry, transport - or offer or cause thereof - migratory bird, their parts, nests, or eggs without authorization . . . 250.00 + 50.00/Bird

16 USC 703 Ship, transport, carry in interstate or foreign commerce, any bird, part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to law of the place where captured, killed, taken, shipped, transported or carried. 250.00 + 50.00/Bird

16 USC 1538
Endangered Species Act

50 CFR 17 Endangered Wildlife

17.21(a) Knowingly attempt to violate endangered wildlife prohibitions 500.00

16 USC 1538

<u>Section Number</u>	<u>Offense</u>	<u>Endangered Wildlife</u>	<u>Collateral</u>
<u>50 CFR 17</u>			
17.21(b)	Knowingly import or export endangered species	500.00	+ 50.00/ Animal
17.21(c)	Knowingly take an endangered species	1000.00	+ 50.00/ Animal
17.21(d)	Knowingly possess, sell, transport an unlawfully taken endangered species	1000.00	+ 50.00/ Animal
17.21(e)	Knowingly transport an endangered species in interstate or foreign commerce for a commercial activity	1000.00	+ 50.00/ Animal
17.21(f)	Knowingly sell or offer for sale an endangered species in interstate of foreign commerce	1000.00	+ 50.00/ Animal
17.21(g)	Knowingly violate captive-bred endangered species regulations	350.00	+ 50.00/ Animal

<u>50 CFR 17</u>	<u>Endangered Wildlife</u>	<u>Collateral</u>
17.22	Knowingly violate requirements for endangered species requirements for scientific purposes or for the enhancement of propagation or survival permit	350.00 + 50.00/ Animal
17.23	Knowingly violate requirements for endangered species economic hardship permit	350.00 + 50.00/ Animal

Threatened Wildlife

17.31	Knowingly violate threatened wildlife prohibitions	350.00 + 50.00/ Animal
17.40	Knowingly violate special regulations for threatened mammals	350.00 + 50.00/ Animal
17.41	Knowingly violate special regulations for threatened birds	350.00 + 50.00/ Bird
17.42	Knowingly violate special regulations for threatened reptiles	350.00 + 50.00/ Reptile
17.43	Knowingly violate special regulations for Threatened amphibians	350.00 + 50.00/ Animal
17.44	Knowingly violate special regulations for threatened fishes	350.00 + 50.00/ Animal
17.46	Knowingly violate special regulations for threatened crustaceans	350.00 + 50.00/ Animal
17.61	Knowingly violate endangered plant regulations	500.00 + 50.00/Plant
17.62(c) (1)	Knowingly fail to submit requested report	250.00
17.62(c) (2)	Knowingly fail to provide accompanying permit	250.00
17.62(c) (3)	Knowingly fail to submit consignor or consignee name/incomplete Customs dec.	250.00

Threatened Plants

17.71	Knowingly violate threatened plant regulations	350.00 + 50.00/Plant
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Other Threatened Wildlife

17.82	Knowingly violate general experimental regulations	250.00
17.84	Knowingly violate Special Rule - vertebrates	250.00

<u>50 CFR 23</u>	<u>Endangered Species Convention</u>	<u>Collateral</u>
23.11(a)	Knowingly attempt to violate the Endangered Species Convention prohibitions	500.00
23.11(b)	Knowingly import an Appendix I, II, or III species contrary to regulations	500.00 + 50.00/Animal
23.11(c)	Knowingly export an Appendix I, II, or III species contrary to regulations	500.00 + 50.00/Animal
23.11(d)	Knowingly re-export an Appendix I, II, or III species contrary to regulations	500.00 + 50.00/Animal
23.11(e)	Knowingly possess unlawfully imported, exported or re-exported Appendix I, II, or III species contrary to regulations	500.00 + 50.00/Animal

<u>50 CFR 24</u>	<u>Importation and Exportation of Plants</u>	
24.11	Knowingly import, export, re-export plants at non-designated port	250.00

16 USC 1371 - 1372
Marine Mammal Protection Act

Because a Marine Mammal Act violation is a Class A misdemeanor, any criminal charges will have to be filed by Information or Indictment.

16 USC 742 J-1
Airborne Hunting Act

Because an Airborne Hunting Act violation is a Class A misdemeanor, any criminal charges will have to be filed by Information or Indictment.

16 USC 668
Bald and Golden Eagle Protection Act

Because the Bald and Golden Eagle Protection Act is a Class A misdemeanor, any criminal charges will have to be filed by Information or Indictment.

16 USC 668dd and 16 USC 460k
National Wildlife Refuge Systems Administration Act
and
National Recreation Act

<u>50 CFR 25</u>	<u>Administrative Provisions</u>	<u>Collateral</u>
25.21	Enter closed portion of a National Wildlife Refuge	\$ 100.00
25.22	Failure to turn in found money or property	50.00
25.31	Failure to comply with special regulations, signs, maps, etc.	50.00
25.42	Failure to display permit when requested	100.00
25.71	Failure to comply with safety regulations.	100.00
25.72	Failure to report accidents	100.00
<u>50 CFR 26</u>	<u>Public Entry and Use</u>	
26.21(a)	Trespass by person on a National Wildlife Refuge	100.00
26.21(b)	Permit unconfined domestic animal to enter on a National Wildlife Refuge	100.00 + 50.00/Animal
26.22(b)	Enter a National Wildlife Refuge without acquiring required permit	100.00
26.36	Conduct public assembly without permit	100.00
<u>50 CFR 27</u>	<u>Prohibited Acts</u>	
27.21	Take any animal or plant without authorization	250.00 + 50.00/Item
27.31	Travel on other than designated route of travel	100.00
27.31(a)	Operate a vehicle in violation of state law	100.00
27.31(b)	Operate a vehicle under the influence intoxicating beverage or controlled substance	300.00
27.31(c)	Operate a vehicle carelessly or heedlessly	200.00
27.31(d)	Exceed 25 m.p.h. or the posted speed limit	100.00 + 2.00/mphover
27.31(e)	Operate a vehicle without a muffler or spark arrester	50.00
27.31(f)	Operate a vehicle without a license plate or registration	100.00
27.31(g)	Operate a vehicle without a driver's license	100.00
27.31(h)	Block road access for other vehicles	100.00
27.31(i)	Failure to obey orders of traffic control officer.	250.00
27.31(j)	Operate over sized/over weight vehicle	100.00
27.31(k)	Unauthorized moving of a vehicle involved in an accident	150.00
27.31(l)	Operate a vehicle without proper headlights, tail- lights or brake lights	50.00
27.31(m)	Violation of other established special vehicle requirements	50.00
27.32(a)	Use of a boat in a closed area of a National Wild- life Refuge	200.00

50 CFR 27

Prohibited Acts

Collateral

27.32(b)	Operate a boat in violation of U.S. Coast Guard	
(1)(i)	laws	100.00
27.32(b)	Operate a boat in violation of state laws	100.00
(1)(ii)		
27.32(b)(2)	Operate a boat in a reckless or negligent manner	200.00
27.32(b)(3)	Operation of a boat under the influence of an intoxicant	300.00
27.32(b)(4)	Interfere with the operation of other boats.	100.00
27.32(b)(5)	Operate a boat without proper marine head.	100.00
27.32(b)(6)	Operate a sailboat without required lights	100.00
27.32(b)(7)	Leave boat unattended for 72 hours	100.00
27.32(b)(8)	Unauthorized use of a government boat dock	50.00
27.33	Unauthorized waterskiing on a National Wildlife Refuge	50.00
27.34	Unauthorized landing of an aircraft on a National Wildlife Refuge	250.00
27.41	Carry, possess or discharge a firearm	200.00
27.41	Carry, possess or discharge fireworks or explosives	100.00
27.43	Use of weapons other than firearms	100.00
27.51	Disturb, injure, damage animals	200.00
		50.00/Animal
27.51	Disturb, injure, damage plants	100.00
		+ 25.00/Plant
27.52	Introduction of plants and animals	100.00
		+ 50.00/Item
27.61	Destruction or removal of public or private property	250.00
27.62	Search for or removal of archeological resources.	250.00
27.63(a)	Search for valued stones, jems	250.00
27.63(b)	Conduct archeological study without permit	250.00
27.64	Conduct prospecting or mining operations.	500.00
27.65	Tamper with vehicles or equipment.	200.00
27.71	Take or film motion pictures for commercial use.	100.00
27.72	Cause unreasonable disturbance with audio equipment	100.00
27.73	Use of artificial light to locate wildlife	200.00
27.81	Enter a National Wildlife Refuge under the influence of alcohol	200.00
27.82(b)(1)	Deliver controlled substance	500.00
27.82(b)(2)	Possess less than two ounces of a controlled substance	250.00
27.82(b)(3)	Under the influence of a controlled substance.	250.00
27.83	Indecency and disorderly conduct	250.00
27.84	Interference with persons engaging in authorized activity	250.00
27.85	Gambling	100.00
27.86	Begging and soliciting	50.00
27.91	Conducting field trails.	100.00
27.92	Construct, install, occupy private structure	250.00
27.93	Abandon private property	150.00
27.94(a)	Simple littering	100.00
	Disposal of sewage	500.00
	Disposal of chemicals.	500.00

<u>50 CFR 27</u>	<u>Prohibited Acts</u>	<u>Collateral</u>
27.95(a)	Setting unauthorized fire.	500.00
27.95(b)	Leaving fire unattended.	150.00
27.95(c)	Throw burning cigarette, match, etc. where it may start a fire	150.00
27.95(d)	Smoke in a non-smoking area.	50.00
27.96	Advertising	50.00
27.97	Conduct private commercial operation	500.00

50 CFR 28

28.31	Violate any provision, rule, regulation, sign, permit, or special regulation	200.00
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50 CFR 31 Wildlife Refuges - Commercial Fishing & Trapping

31.13	No refuge commercial fishing permit.	250.00 + 50/Fish
31.16	Violation of federal trapping permit, regulations, state trapping laws, or other special trapping laws, or other special trapping regulations	
	- Violate state law200.00
	- Violate permit conditions, marking of stakes, traps, etc.200.00
	- Failure to inspect traps, other violations not enumerated.200.00
	- Unlawful sets, or use of unlawful equipment250.00
	- Each animal unlawfully trapped.	250.00 +50/Animal

50 CFR 32 Hunting and Fishing

32.2(a)	Hunt without a state license.200 + 50/Animal
32.2(b)	Hunt without a migratory waterfowl hunting stamp	100
32.2(c)	Hunt in violation of federal law.100 + 50/Animal
32.2(d)	Hunt in violation of state law.100 + 50/Animal
32.2(e)	Hunt in violation of special access requirements.100
32.2(f)	Failure to comply with refuge specific regulations regarding hunting	100
32.2(g)	Bow hunt with any drug on an arrow.	500
32.2(h)	Hunting with the aid of bait.	250 + 50/Animal
32.2(i)	Hunting from a tree in which a metal object has been driven to support hunters.	100
32.2(j)	Use or possession of alcoholic beverage while hunting	100
32.5(a)	Fish without a state license	100.00
32.5(b)	Fish in violation of a federal law	100.00
32.5(c)	Fish in violation of state law	100.00
32.5(d)	Fish in violation of special access requirements	100.00

50 CFR 32 Hunting and Fishing

Collateral

- 32.5(e) Failure to comply with refuge specific regulations regarding fishing 100.00
- 32.6 Violation of refuge specific fishing regulations 100.00

19 USC 1202
Tariff Classification Act

50 CFR 15

- 15.12 Import in excess of quota feathers belonging to species listed in 50 CFR 15.11 100.00

18 USC 42
16 USC 3372-3378
Lacey Act

Because the Lacey Act is a Class A misdemeanor, any criminal charges will have to be filed by Information or Indictment.

18 USC 13
Assimilative Crimes Act

Violation of the Arkansas Game & Fish Codes,
200.00 + 50.00/Specimen

General FWS Permit Regulations

50 CFR 13

- 13.25 Unauthorized transfer of FWS issued permit 100.00
- 13.26 Failure to return permit 50.00
- 13.41 Failure to maintain wildlife in humane conditions. 100.00
- 13.43 Unauthorized altering of FWS permit 200.00
- 13.44 Failure to display FWS permit 50.00
- 13.45 Failure to file reports required by FWS permit 100.00
- 13.46 Failure to maintain records required by FWS permit 100.00
- 13.47 Failure to allow inspection of activity authorized by FWS permit 250.00
- 13.48 Failure to comply with conditions of permit 200.00

General Regulations for Importation, Exportation and Transportation of Wildlife

50 CFR 14

- 14.11 Knowingly import or export wildlife at a non-designated port of entry \$ 250.00
- 14.14(b) Knowingly unload intransit shipment in U.S. 250.00
- 14.51 Knowingly fail to allow detention and inspection of imported or exported wildlife 350.00
- 14.52 Knowingly release from US Customs imported or exported wildlife without FWS clearance. 350.00

50 CFR 14

Collateral

14.61	Knowingly import wildlife without filing a declaration of imported wildlife	350.00
14.63	Knowingly export wildlife without filing a declaration of exported wildlife	350.00
14.81	Knowingly ship in interstate or foreign commerce wildlife without marked containers	100.00 + 50.00/Cont.
14.82	Knowingly ship in interstate or foreign commerce wildlife without complying with marking alter- natives or exceptions.	100.00 + 50.00/Cont.
14.91	Knowingly import or export wildlife without the required import or export license.	350.00

16 USC 470ee

Archeological Resources Protection Act

Because the Archeological Resources Protection Act is a Class A misdemeanor,
any criminal charges will have to be filed by Information or Indictment.