

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS**

**IN RE: FORFEITURE OF COLLATERAL
 OUACHITA NATIONAL FOREST
 OZARK - ST. FRANCIS NATIONAL FOREST**

ORDER

On this 12 day of April, 2005, 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 Ouachita National Forest/Ozark - St. Francis National Forest, collateral in the amount proscribed in Attachment 1 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:

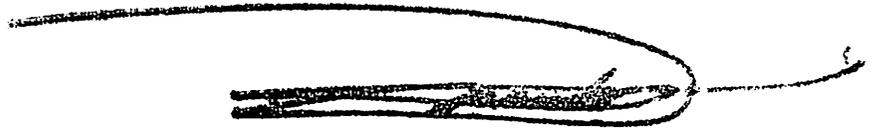
That upon the election of the person charged with such an offense to post said collateral in lieu of appearance before the United States Magistrate Judge for trial of said offense, the collateral in the amount listed in Attachment 1 opposite the offense shall be forfeited to the United States. The posting of such collateral shall signify that the offender neither contests the charge nor requests a hearing before the United States Magistrate Judge, and said collateral shall be administratively forfeited;

That forfeiture of collateral shall not be permitted in lieu of the appearance of the offender for a subsequent offense or offenses;

That there be maintained in the Office of the Clerk, and with the respective United States Magistrate Judges, 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 are set out in Attachment 1 hereto.

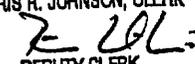
This Order shall amend the previous Order entered by this Court, in that the sections, numbers, offenses, and collateral amounts as set out in the specific provisions of said order are set aside, and in lieu thereof, Attachment 1 hereto is substituted.



JIMM LARRY HENDREN, CHIEF JUDGE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS

U. S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED

APR 13 2005

BY CHRIS R. JOHNSON, CLERK

DEPUTY CLERK

36 CFR (Subpart A)

36 CFR 261.3

Interfering with Forest Officers

(a) Interfering with Forest Officers prohibited	\$350.00
(b) Giving false, fictitious or fraudulent information to Forest Officer	\$250.00
(c) Interfering with Forest Volunteer, Human Resource Enrollee prohibited	\$150.00

36 CFR 261-4

Disorderly Conduct

(a) Engaging in fighting	\$200.00
(b) Direct annoying verbiage to individual, causing individual to engage in acts of violence	\$150.00
(c) Inciting-lawless action	\$200.00
(d) Making unreasonable noise	\$100.00

36 CFR 261-5

Fire

(a) Carelessly or negligently placing or throwing substance that may cause fire	\$150.00
(b) Firing tracer bullet	\$100.00
(c) Causing timber(etc.) to burn without permit	\$250.00
(d) Leaving campfire without extinguishing	\$100.00
(e) Allowing fire to escape	\$150.00
(f) Building campfire without removing flammable materials from area	\$ 50.00

36 CFR 261.6

Timber and Other Forest Products

(a) Cutting or otherwise damaging any forest product without authority	\$300.00
(b) Cutting non-designated timber	\$300.00
(c) Removing timber before scaled	\$250.00
(d) Counterfeit marking of timber	*
(e) Loading (etc.) timber acquired under permit in violation of contract	\$300.00
(f) Selling timber acquired by free use permit	\$100.00
(g) Violating timber export substitution restriction	\$250.00
(h) Removing forest product without permit or contract	\$300.00
(i) Violating Forest Resources Act of 1990	\$*

**No forfeiture permitted – persons charged must appear for trial.*

36 CFR 261.7

Livestock

(a) Allowing unauthorized livestock on National Forest Land	\$300.00
(b) Refusal to remove livestock	*
(c) Failure to re-close gate	\$100.00
(d) Injuring or releasing impounded livestock	*

36 CFR 261.8
Fish and Wildlife

(a) Hunting, trapping, fishing	\$150.00
(a) Hunting, taking, possession of big game	\$500.00
(a) Hunting big game in closed season.	\$500.00
(a) Hunting without valid license	\$250.00
(a) Hunting from road	\$250.00
(a) Night Hunting	\$500.00
(a) Baiting wildlife on W.M.A.	\$300.00
(a) Baiting Bear	\$300.00
(a) Fishing without valid license	\$150.00
(a) Possessing fish in slot limit	\$150.00
(a) Possession of over limit fish.	\$150.00
(b) Possessing firearms, etc or implement	\$150.00
(b) Possession of firearm in W.M.A during closed season.	\$150.00
(c) Possessing equipment for hunting, fishing, trapping, etc	\$100.00
(d) Possessing dog not on leash	\$100.00
(e) Curtailing free movement of animal or plant from cave.	\$100.00

36 CFR 261.9**Property**

(a) Damaging natural feature or other property of U.S.	\$300.00
(b) Removing natural feature or other property of U.S.	\$300.00
(c) Damaging plant classified as threatened, endangered, sensitive, rare, or unique	\$300.00
(d) Removing plant classified as threatened, endangered, rare or unique	\$300.00
(e) Unauthorized entrance of U.S. building, structure, or enclosed area	\$300.00
(f) Unauthorized use of herbicide, pesticide, or fungicide	\$300.00
(g) Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any prehistoric, historic, or archaeological resource, structure, site, artifact, or property	\$500.00
(h) Removing any prehistoric, historic, or archaeological resource, structure, site, artifact, or property	\$500.00
(i) Excavating, damaging, or removing any vertebrate fossil or any paleontological resource for commercial purposes without a special use authorization	\$500.00
(j) Excavating, damaging or removing cave resource without authorization	\$*

**No forfeiture permitted – persons charged must appear for trial*

36 CFR 261.10**Occupancy and Use**

(a) Constructing roads, structures, etc without authorization	\$300.00
(b) Using National Forest land for residential purposes	\$150.00
(c) Unauthorized selling or offering for sale merchandise, activity, or service	\$100.00
(d) Discharging firearms or other weapons	\$150.00
(e) Abandoning personal property	\$250.00
(f) Placing vehicles or other objects in an impediment to others	\$150.00
(g) Commercial distribution of printed material w/out authorization	\$*
(h) When commercially distributing printed material, interfering with use of an area, or misrepresenting the purposes, affiliation of those selling or distributing the material or misrepresenting the availability of the material without cost	\$*
(i) Causing disturbance by use of audio devices or motors	\$100.00
(j) Using public address system without approval	\$ 50.00
(k) Use of NFS land or facilities without special use authorization when required	\$200.00
(l) Violating term or condition of permit	\$200.00

**No forfeiture permitted – persons charged must appear for trial*

(m) Failing to stop vehicle when directed by Forest Officer	\$500.00
(n) Failure to pay special use fee or other charges	\$100.00
(o) Discharging a firework or explosive into or within cave	\$*

**No forfeiture permitted – persons charged must appear for trial*

36 CFR 261.11
Sanitation

(a) Depositing damaging objects in plumbing fixtures	\$100.00
(b) Possessing or leaving refuse in unsanitary condition	\$300.00
(c) Pollution of waters	\$500.00
(d) Failing to dispose of garbage properly	\$150.00
(e) Unauthorized dumping of refuse	\$500.00

36 CFR 261.12
Forest Development Roads and Trails

(a) Unauthorized violations of load and weight limitations	\$100.00
(b) Failure to have vehicle weighed when required	\$100.00
(c) Leaving road or trail in damaged condition	\$200.00
(d) Interfering with use of road, trail, or gate	\$200.00

36 CFR 261.13
Use of Vehicles Off Roads

(a) Without valid license	\$100.00
(b) Without operable braking system	\$100.00
(c) Without operable lights during designated period	\$100.00
(d) Violation of noise emission standard	\$100.00

(e) Being under the influence of alcohol or other drug	*
(f) Creating excessive smoke	\$100.00
(g) Disregarding safety of persons or property	\$300.00
(h) Using vehicles in a manner which disturbs land, wildlife, or vegetative resources	\$300.00
(i) Operating a vehicle in violation of state law for ORVs	\$200.00

36 CFR 261.14
Developed Recreation Sites

(a) Occupancy for purposes other than recreation	\$ 100.00
(b) Building a fire except in authorized structures	\$ 100.00
(c) Improper use of hydrant or faucet	\$ 100.00
(d) Discharging fireworks or explosives	\$ 100.00
(e) Occupancy of day use areas during unauthorized hours	\$ 100.00
(f) Failure to remove personal property when vacating campsite	\$100.00
(g) Placing camping equipment in unauthorized areas	\$ 100.00
(h) Noncompliance of first-night occupancy requirement	\$ 100.00
<u>36 CFR 261.14</u> continued	
(i) Leaving camping equipment unattended for more than 24 hrs	\$ 100.00
(j) Bringing animals on site unless leashed or otherwise restrictively controlled	\$ 100.00
(k) Bringing animal into swimming area	\$ 100.00

(l) Bringing or possessing a saddle, pack, or draft animal except as authorized by posted instructions	\$ 100.00
(m) Operating or parking motor vehicle in undesignated areas	\$ 100.00
(n) Operating bicycle or motorcycle on undesignated trail	\$ 100.00
(o) Operating motor vehicle on site except when entering or leaving	\$ 100.00
(p) Depositing body waste except in designated areas	\$ 150.00

36 CFR 261.15

Failure to pay admission, recreation use, and special recreation permit fees

\$ 30.00

36 CFR 261.16

National Forest Wilderness

(a) Possession or use of motor vehicle, motor boat or motorized equipment	\$300.00
(b) Possession or use of hang glider or bicycle	\$150.00
(c) Landing of aircraft or use of aircraft to drop or pick up persons or supplies, unless authorized	\$100.00

36 CFR 261.20

Unauthorized Use of "Smokey Bear" and "Woodsy Owl" Symbol

(a) Manufacture, importation, reproduction, or use of "Smokey Bear" symbol except as provided by regulation	\$100.00
(b) Manufacture, importation, reproduction, or use of "Woodsy Owl" symbol except as provided by regulation	\$100.00

36 CFR (Subpart B)

(To be used only with Supervisor's Order)

36 CFR 261.52**Fire**

(a) Building, maintaining, attending or using a fire, campfire, or stove fire	\$150.00
(b) Using an explosive	*
(c) Smoking	\$150.00
(d) Smoking outside enclosed vehicle, building, developed recreation site, or outside 3-foot barren area	\$150.00
(e) Going into or being upon an area	\$150.00
(f) Possessing, discharging, or using fireworks or other pyrotechnic devices	\$150.00
(g) Entering area without firefighting tool prescribed by order	\$ 50.00
(h) Operating internal combustion engine	\$ 50.00
(i) Welding or operating torch with open flame	\$ 50.00
(j) Operating engine without properly installed and maintained spark arresting device which complies with appropriate standards	\$ 50.00
(k) Violating state burning or fire laws	\$150.00

36 CFR 260.53**Special Closures – Going into or being upon an area closed for the protection of:**

(a) Threatened, endangered, rare, unique, or vanishing species of plants, animals, birds, or	\$300.00
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fish	
(b) Special biological communities	\$300.
(c) Objects or areas of historical, archaeological, geological, or paleontological interest	\$300.00
(d) Scientific experiments or investigations	\$300.00
(e) Public health or safety	\$300.00
(f) Property	\$300.00

36 CFR 261.54

Forest Development Roads – the following are prohibited:

(a) Using prohibited vehicle	\$200.00
(b) Use by any type of traffic prohibited	\$200.00
(c) Using road for commercial hauling without permit	\$250.00
(d) Operating vehicle in violation of speed, load, weight, height, length, width, or other limitations specified by the order	\$200.00
(d) Speeding: Exceeding 1-10 miles per hour over posted limit	\$100.00
Exceeding 11-30 miles per hour over	\$150.00
Posted limit	\$200.00
Exceeding more than 30 miles per hour over posted limit	
(d) Operating motor vehicle on expired license	\$150.00
(d) Operating motor vehicle on suspended license	\$300.00
(d) Operating motor vehicle in violation of state law: safety	\$100.00

equipment, no helmet	
(d) D.U.I.	*
(d) Driving on revoked license	*
(e) Being on the road	\$200.00
(f) Reckless operation of motor vehicle	\$350.00

36 CFR 261.55

Forest Development Trails – the following are prohibited:

(a) Being on the trail	\$100.00
(b) Using any type of prohibited vehicle	\$200.00
(c) Using any type of traffic or mode of transport prohibited by order	\$200.00
(d) Operating a vehicle in violation of size limitations specified by order	\$100.00
(e) Shortcutting a switchback	\$100.00

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36 CFR 261.56

Use of vehicles off forest development roads.

\$200.00

36 CFR 261.57

National Forest Wilderness – the following are prohibited:

(a) Entering or being in the area	\$100.00
(b) Possessing camping or pack-outfitting equipment	\$100.00
(c) Possessing firearm or firework	\$100.00
(d) Possessing nonburnable food or beverage containers, except for nonburnable containers designed or intended for repeated use	\$100.00
(e) Grazing	\$100.00
(f) Storing equipment, personal property, or supplies	\$100.00

(g) Disposing of debris, garbage, or other waste	\$250.00
(h) Possessing or using a wagon, cart, or other vehicle	\$ 50.00

36 CFR 261.58

Occupancy and Use – the following are prohibited:

(a) Camping for period longer than allowed	\$100.00
(b) Entering or using developed recreation site	\$100.00
(c) Unauthorized entering or remaining in campground during night periods	\$100.00
(d) Occupying developed recreation site with prohibited camping equipment	\$100.00
(e) Camping	\$100.00
(f) Excessive number of users in campsite	\$ 50.00
(g) Parking or leaving vehicle in violation of posted instructions	\$ 50.00
(h) Parking or leaving vehicle outside assigned parking spot	\$ 50.00
(i) Parking or leaving more than two vehicles except motorcycles or bicycles per camp unit	\$ 50.00
(j) Being publicly nude	\$100.00
(k) Entering or being in a body of water	\$100.00
(l) Being in area after sundown or before sunrise	\$100.00
(m) Discharging firearms, air rifle, or gas gun	\$100.00
(n) Possessing or operating motor boat	\$ 50.00

(o) Water skiing	\$ 50.00
(p) Storing or leaving boat or raft	\$ 50.
(q) Operating watercraft in excess of posted speed limit	\$100.00
(r) Undesignated boat launching	\$ 50.00
(s) Possessing or transporting a bird, fish or animal	\$ 50.00
(t) Possessing or transporting any part of a tree or plant	\$100.00
(t) Possession of less than one half ounce of marijuana	\$400.00
(t) Possession of one half ounce to one ounce of marijuana	\$700.00
(t) Possession of one ounce or more of marijuana	*
(u) Unauthorized presence in area between 10 p.m. and 6 a.m.	\$100.00
(v) Hunting or fishing	\$150.00
(w) Possessing or transporting motor or mechanical device capable of propelling watercraft	\$100.00
(x) Using mechanical device for overland transport of watercraft	\$ 50.00
(y) Landing of aircraft or dropping or picking up material or person with aircraft	\$100.00
(z) Entering or being on lands or waters in the National Wild and Scenic Rivers System	\$100.00
(aa) Riding, hitching, tethering or hobbling horse or pack animal in violation of posted instructions	\$100.00
(bb) Possessing beverage defined by state law as an alcoholic beverage	\$ 50.00
(bb) Drinking in public	\$ 50.00

(bb) Possession of an alcoholic beverage by a person under 21 years of age	\$200.00
(bb) Open container in a motor vehicle	\$100.00
(cc) Possessing or storing any food or refuse	\$ 35.00
(dd) Reserved	
(ee) Depositing any body waste in caves except into designated receptacles	\$*

**No forfeiture permitted – persons charged must appear for trial*

Should circumstances warrant, nothing herein shall preclude the Issuing Officer's prerogative to make any offense a mandatory appearance.

Collateral Payment of Violation Notices

Send to:

Central Violations Bureau
P O Box 740026
Atlanta, Georgia 30374-0026
(1-800-827-2982)

CVB Copies of Violation Notices

Send to:

Central Violations Bureau
P O Box 780549
San Antonio, TX 78278-0549
(210) 308-3776 or 1-800-827-2982