

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.

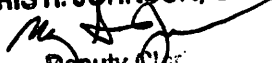


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JIMM LARRY HENDREN  
Chief U. S. District Judge  
Western District of Arkansas

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 law . . . . .	.200.00
	- 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 equipment . . . . .	.250.00
	- 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 . . . . .	
32.6	Violation of refuge specific fishing regulations . . . . .	100.00
		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
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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.