

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
JAN 16 2008
CLERK, U.S. DISTRICT COURT
By: *Tommy Shipley*
Deputy

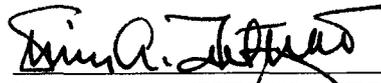
IN RE: FORFEITURE
OF COLLATERAL
SCHEDULES

§
§ MISCELLANEOUS ORDER NO. 7
§

ORDER

IT IS HEREBY ORDERED, that the government's Motion to Amend Collateral Schedule is approved and effective in the United States District Court for the Northern District of Texas, as of January 16, 2008.

SIGNED this 16th day of January, 2008.



SIDNEY A. FITZWATER
CHIEF UNITED STATES DISTRICT JUDGE

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
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FOR THE NORTHERN DISTRICT OF TEXAS

IN RE: FORFEITURE
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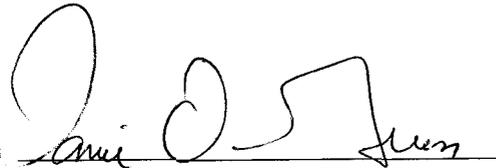
MISCELLANEOUS ORDER NO. 7

MOTION TO AMEND COLLATERAL SCHEDULE

The United States Attorney for the Northern District of Texas, by and through the undersigned Assistant United States Attorney, moves this Honorable Court to amend its order In Re: Forfeiture of Collateral Schedules as shown in the attached schedule.

Respectfully submitted,

RICHARD B. ROPER
UNITED STATES ATTORNEY



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TITLE 36--PARKS, FORESTS, AND PUBLIC PROPERTY

DEPARTMENT OF AGRICULTURE

PART 261--PROHIBITIONS--Table of Contents

Subpart A--General Prohibitions

Sec. 261.1 Scope.

(a) The prohibitions in this part apply, except as otherwise provided, when:

(1) An act or omission occurs in the National Forest System or on a Forest development road or trail.

(2) An act or omission affects, threatens, or endangers property of the United States administered by the Forest Service.

(3) An act or omission affects, threatens, or endangers a person using, or engaged in the protection, improvement or administration of the National Forest System or a Forest development road or trail.

(4) An act or omission occurs within the designated boundaries of a component of the National Wild and Scenic Rivers System.

(b) Nothing in this part shall preclude activities as authorized by the Wilderness Act of 1964 or the U.S. Mining Laws Act of 1872 as amended.

[42 FR 35958, July 13, 1977, as amended at 43 FR 32136, July 25, 1978; 46 FR 33519, June 30, 1981]

Sec. 261.1a Special use authorizations, contracts and operating plans.

The Chief, each Regional Forester, each Forest Supervisor, and each District Ranger or equivalent officer may issue special-use authorizations, award contracts, or approve operating plans authorizing the occupancy or use of a road, trail, area, river, lake, or other part of the National Forest System in accordance with authority which is delegated elsewhere in this chapter or in the Forest Service Manual. These Forest Officers may permit in the authorizing document or approved plan an act or omission that would otherwise be a violation of a subpart A or subpart C regulation or a subpart B order. In authorizing such uses, the Forest Officer may place such conditions on the authorization as that officer considers necessary for the protection or administration of the National Forest System, or for the promotion of public health, safety, or welfare.

[49 FR 25450, June 21, 1984]

Sec. 261.1b Penalty.

Any violation of the prohibitions of this part (261) shall be punished by a fine of not more than \$500 or imprisonment for not more than six months or both pursuant to title 16 U.S.C., section 551, unless otherwise provided.

[46 FR 33519, June 30, 1981]

Sec. 261.2 Definitions.

The following definitions apply to this part:

Administrative unit means a National Forest, a National Grassland, a purchase unit, a land utilization project, Columbia River Gorge National Scenic Area, Land Between the Lakes, Lake Tahoe Basin Management Unit, Midewin National Tallgrass Prairie, or other comparable unit of the National Forest System.

Archaeological resource means any material remains of prehistoric or historic human life or activities which are of archaeological interest and are at least 50 years of age, and the physical site, location, or context in which they are found.

Area means a discrete, specifically delineated space that is smaller, and in most cases much smaller, than a Ranger District.

Campfire means a fire, not within any building, mobile home or living accommodation mounted on a motor vehicle, which is used for cooking, personal warmth, lighting, ceremonial, or esthetic purposes. Fire includes campfire.

Camping means the temporary use of National Forest System lands for the purpose of overnight occupancy without a permanently-fixed structure.

Camping equipment means the personal property used in or suitable for camping, and includes any vehicle used for transportation and all equipment in possession of a person camping. Food and beverage are not considered camping equipment.

Cave means any naturally occurring void, cavity, recess, or system of interconnected passages beneath the surface of the earth or within a cliff or ledge and which is large enough to permit a person to enter, whether the entrance is excavated or naturally formed. Such term shall include any natural pit, sinkhole, or other opening which is an extensive of a cave entrance or which is an integral part of the cave.

Cave resources mean any materials or substances occurring in caves including, but not limited to, biotic, cultural, mineralogic, paleontologic, geologic, and hydrologic resources.

Commercial use or activity means any use or activity on National Forest System lands (a) where an entry or participation fee is charged, or (b) where the primary purpose is the sale of a good or service, and in either case, regardless of whether the use or activity is intended to produce a profit.

Damaging means to injure, mutilate, deface, destroy, cut, chop, girdle, dig, excavate, kill or in any way harm or disturb.

Developed recreation site means an area which has been improved or developed for recreation.

Distribution of printed material means disseminating, posting, affixing, or erecting printed material as defined in this section.

Forest road or trail means a road or trail wholly or partly within or adjacent to and serving the National Forest System that the Forest Service determines is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.

Forest officer means an employee of the Forest Service.

Historical resource means any structural, architectural, archaeological, artifactual or other material remains of past human life or activities which are of historical interest and are at least 50 years of age, and the physical site, location, or context in which they are found.

Motorized equipment means any machine activated by a nonliving power source except small battery-powered handcarried devices such as flashlights, shavers, Geiger counters, and cameras.

Motor vehicle means any vehicle which is self-propelled, other than: (1) A vehicle operated on rails; and (2) Any wheelchair or mobility device, including one that is batterypowered, that is designed solely for use by a mobility-impaired person for locomotion and that is suitable for use in an indoor pedestrian area.

National Forest System includes all national forest lands and waters reserved or withdrawn from the public domain of the United States, national forest lands and waters acquired through purchase, exchange, donation, or other means, national grasslands and land utilization projects and waters administered under title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C. 1010-1012), and other lands, waters, or interests therein acquired under the Wild and Scenic River Act (16 U.S.C. 1271-1287) or National Trails System Act (16 U.S.C. 1241-1249).

National Forest System road means forest road other than a road which has been authorized by a legally documented right-of-way held by a State, county, or other local public road authority.

National Forest System trail means forest trail other than a trail which has been authorized by a legally documented right-of-way held by a State, county, or other local public road authority.

National Forest wilderness means those parts of the National Forest System which were designated units of the National Wilderness Preservation System by the Wilderness Act of September 3, 1964, and such other areas of the National Forest System as are added to the wilderness system by act of Congress.

Operating plan means a plan of operations as provided for in 36 CFR part 228, subpart A, and a surface use plan of operations as provided for in 36 CFR part 228, subpart E.

Paleontological resource means any evidence of fossilized remains of multicellular invertebrate and vertebrate animals and multicellular plants, including imprints thereof. Organic remains primarily collected for use as fuel such as coal and oil are Paleontological Resources, but are excluded from the prohibitions under the rule.

Person means natural person, corporation, company, partnership, trust, firm, or association of persons.

Permission means oral authorization by a forest officer.

Permit means authorization in writing by a forest officer.

Prehistoric resource means any structural, architectural, archaeological, artifactual or other material remains of past human life or activity generally prior to the advent of written records and of anthropological interest, and the physical site, location, or context in which they are found.

Primitive areas are those areas within the National Forest System classified as Primitive on the effective date of the Wilderness Act, September 3, 1964.

Printed material means any written and/or graphic material including but not limited to pamphlets, brochures, photographs, graphics, signs, and posters.

Publicly nude means nude in any place where a person may be observed by another person. Any person is nude if the person has failed to cover the rectal area, pubic area or genitals. A female person is also nude if she has failed to cover both breasts below a point immediately above the top of the areola. Each such covering must be fully opaque. No person under the age of 10 years shall be considered publicly nude.

Recreation fee means a standard amenity recreation fee, an expanded amenity fee, or a special recreation permit fee as defined in section 802(8) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801(8))

Special-use authorization means a permit, term permit, lease or easement which allows occupancy, or use rights or privileges of National Forest System land.

State means any State, the Commonwealth of Puerto Rico, and the District of Columbia.

State law means the law of any State in whose exterior boundaries an act or omission occurs regardless of whether State law is otherwise applicable.

Stove fire means a campfire built inside an enclosed stove or grill, a portable brazier, or a pressurized liquid or gas stove, including a space-heating device.

Unauthorized livestock means any cattle, sheep, goat, hog, or equine not defined as a wild free-roaming horse or burro by Sec. 222.20(b)(13), which is not authorized by permit to be upon the land on which the livestock is located and which is not related to use authorized by a grazing permit; provided, that noncommercial pack and saddle stock used by recreationists, travelers, other Forest visitors for occasional trips, as well as livestock to be trailed over an established driveway when there is no overnight stop on Forest Service administered land do not fall under this definition.

Vehicle means any device in, upon, or by which any person or property is or may be transported, including any frame, chassis, or body of any motor vehicle, except devices used exclusively upon stationary rails or tracks.

Volunteer or hosted enrollee means any person, not a Forest Service employee, officially participating in a Forest Service human resource program as authorized by an act of Congress and identified to accomplish one or more of the following objectives: provide skills training; education; useful work; develop understanding of ecological systems and conservation of natural resources; build cultural and communication bridges between various socioeconomic groups; and further the administration, development, and management of National Forest resources, forest research, and State and Private Forest activities.

Wild free-roaming horses and burros mean all unbranded and unclaimed horses and burros and their progeny that have used lands of the National Forest System on or after December 15, 1971, or do hereafter use these lands as all or part of their habitat, but does not include any horse or burro introduced onto National Forest System lands on or after December 15, 1971, by accident, negligence, or willful disregard of private ownership. Unbranded, claimed horses and burros, where the claim is found to be erroneous, are also considered as wild and free-roaming if they meet the criteria above.

[42 FR 2957, Jan. 14, 1977, as amended at 42 FR 35959, July 13, 1977; 46 FR 33519, June 30, 1981; 47 FR 29230, July 6, 1982; 49 FR 25450, June 24, 1984; 51 FR 1250, Jan. 10, 1986; 55 FR 10452, Mar. 21, 1990; 59 FR 31152, June 17, 1994; 60 FR 45295, Aug. 30, 1995]

36 CFR 261.3

Interfering with a Forest officer, volunteer, or human resource program enrollee or giving false report to a Forest officer.

The following are prohibited:

(a) Threatening, resisting, intimidating, or interfering with any forest officer engaged in or on account of the performance of his official duties in the protection, improvement, or administration of the National Forest System is prohibited. \$150.00

(b) Giving any false, fictitious or fraudulent report or other information to any Forest Officer engaged in or on account of the performance of his official duties knowing that such report or other information contains false, fictitious or fraudulent statement or entry. \$150.00

(c) Threatening, intimidating, or intentionally interfering with any Forest officer, volunteer, or human resource program enrollee while engaged in, or on account of, the performance of duties for the protection, improvement, or administration of the National Forest System or other duties assigned by the Forest Service. \$150.00

[42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984]

36 CFR 261.4

Disorderly conduct.

The following are prohibited:

(a) Engaging in fighting. \$200.00

(b) Addressing any offensive, derisive, or annoying communication to any other person who is lawfully present when such communication has a direct tendency to cause acts of violence by the person to whom, individually, the remark is addressed. \$150.00

(c) Make statements or other actions directed toward inciting or producing imminent lawless action and likely to incite or produce such action. \$150.00

(d) Causing public inconvenience, annoyance, or alarm by making unreasonably loud noise. \$50.00

[46 FR 33520, June 30, 1981]

36 CFR 261.5

Fire.

The following are prohibited:

- (a) Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire. \$150.00
- (b) Firing any tracer bullet or incendiary ammunition. \$150.00
- (c) Causing timber, trees, slash, brush or grass to burn except as authorized by permit. \$150.00
- (d) Leaving a fire without completely extinguishing it. \$100.00
- (e) Allowing a fire to escape from control. \$150.00
- (f) Building, attending, maintaining, or using a campfire without removing all flammable material from around the campfire adequate to prevent its escape. \$50.00

36 CFR 261.6

Timber and other forest products.

The following are prohibited:

- (a) Cutting or otherwise damaging any timber, tree, or other forest product, except as authorized by a special-use authorization, timber sale contract, or Federal law or regulation. \$200.00
- (b) Cutting any standing tree, under permit or timber sale contract, before a Forest Officer has marked it or has otherwise designated it for cutting. \$200.00
- (c) Removing any timber or other forest product cut under permit or timber sale contract, except to a place designated for scaling, or removing it from that place before it is scaled, measured, counted, or otherwise accounted for by a forest officer. \$250.00
- (d) Stamping, marking with paint, or otherwise identifying any tree or other forest product in a manner similar to that employed by forest officers to mark or designate a tree or any other forest product for cutting or removal. \$500.00
- (e) Loading, removing or hauling timber or other forest product acquired under any permit or timber sale contract unless such product is identified as required in such permit or contract. \$250.00
- (f) Selling or exchanging any timber or other forest product obtained under free use pursuant to Secs. 223.5 through 223.11. \$100.00

(g) Violating any timber export or substitution restriction in Secs. 223.160 through 223.164. \$250.00

(h) Removing any timber, tree or other forest product, except as authorized by a special-use authorization, timber sale contract, or Federal law or regulation. \$250.00

(i) Violating the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620, et seq.), or its implementing regulations at 36 CFR 223.185-223.203. \$200.00

[42 FR 2957, Jan. 14, 1977; 42 FR 24739, May 16, 1977, as amended at 49 FR 25450, June 21, 1984; 51 FR 1250, Jan. 10, 1986; 60 FR 46934, Sept. 8, 1995]

36 CFR 261.7

Livestock.

The following are prohibited:

(a) Placing or allowing unauthorized livestock to enter or be in the National Forest System or other lands under Forest Service control. \$150.00

(b) Not removing unauthorized livestock from the National Forest System or other lands under Forest Service control when requested by a forest officer. \$400.00

(c) Failing to reclose any gate or other entry. \$50.00

(d) Molesting, injuring, removing, or releasing any livestock impounded under Sec. 262.10 while in the custody of the Forest Service or its authorized agents. \$400.00

[42 FR 35959, July 13, 1977, as amended at 51 FR 1251, Jan. 10, 1986]

36 CFR 261.8

Fish and wildlife.

The following are prohibited to the extent Federal or State law is violated:

(a) Hunting, trapping, fishing, catching, molesting, killing or having in possession any kind of wild animal, bird, or fish, or taking the eggs of any such bird. \$100.00

(a) Taking Possession of big game. \$500.00

(a) Baiting Wildlife in a W.M.A. \$150.00

(a) Night Hunting \$500.00

(a) Hunting from a public road \$250.00

(a) Hunting without a valid hunting license \$100.00

(a) Fishing without a valid fishing license \$75.00

(b) Possessing a firearm or other implement designed to discharge a missile capable of destroying animal life. \$100.00

(c) Possessing equipment which could be used for hunting, fishing, or trapping. \$50.00

(d) Possessing a dog not on a leash or otherwise confined. \$35.00

(e) Curtail the free movement of any animal or plant life into or out of a cave, except as authorized to protect a cave resource. \$100.00

[42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 59 FR 31152, June 17, 1994]

36 CFR 261.9

Property.

The following are prohibited:

(a) Damaging any natural feature or other property of the United States. \$250.00

(b) Removing any natural feature or other property of the United States. \$150.00

(c) Damaging any plant that is classified as a threatened, endangered, sensitive, rare, or unique species. \$150.00

(d) Removing any plant that is classified as a threatened, endangered, sensitive, rare, or unique species. \$150.00

(e) Entering any building, structure, or enclosed area owned or controlled by the United States when such building, structure, or enclosed area is not open to the public. \$150.00

(f) Using any pesticide except for personal use as an insect repellent or as provided by special-use authorization for other minor uses. \$250.00

(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 removing any paleontological resource for commercial purposes without a special use authorization. \$150.00

(j) Excavating, damaging, or removing any cave resource from a cave without a special use authorization, or removing any cave resource for commercial purposes. \$150.00

[46 FR 33520, June 30, 1981, as amended at 49 FR 25450, June 21, 1984; 51 FR 30356, Aug. 26, 1986; 59 FR 31152, June 17, 1994]

36 CFR 261.10

Occupancy and use.

The following are prohibited:

(a) Constructing, placing, or maintaining any kind of road, trail, structure, fence, enclosure, communication equipment, or other improvement on National Forest system land or facilities without a special-use authorization, contract, or approved operating plan. \$150.00

(b) Taking possession of, occupying, or otherwise using National Forest System lands for residential purposes without a special-use authorization, or as otherwise authorized by Federal law or regulation. \$150.00

(c) Selling or offering for sale any merchandise or conducting any kind of work activity or service unless authorized by Federal law, regulation, or special-use authorization. \$100.00

(d) Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property as follows: \$100.00

(1) In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or

(2) Across or on a Forest Development road or a body of water adjacent thereto, or in any manner or place whereby any person or property is exposed to injury or damage as a result in such discharge.

(3) Into or within any cave.

(e) Abandoning any personal property. \$100.00

(f) Placing a vehicle or other object in such a manner that it is an impediment or hazard to the safety or convenience of any person. \$50.00

(g) Commercial distribution of printed material without a special use authorization. \$50.00

(h) When commercially distributing printed material, delaying, halting, or preventing administrative use of an area by the Forest Service or other scheduled or existing uses or activities on National Forest System lands; misrepresenting the purposes or affiliations of those selling or distributing the material; or misrepresenting the availability of the material without cost. \$100.00

(i) Operating or using in or near a campsite, developed recreation site, or over an adjacent body of water without a permit, any device which produces noise, such as a radio, television, musical instrument, motor or engine in such a manner and at such a time so as to unreasonably disturb any person. \$50.00

(j) Operating or using a public address system, whether fixed, portable or vehicle mounted, in or near a campsite or developed recreation site or over an adjacent body of water without a special-use authorization. \$50.00

(k) Use or occupancy of National Forest System land or facilities without special-use authorization when such authorization is required. \$100.00

(l) Violating any term or condition of a special-use authorization, contract or approved operating plan. \$150.00

(m) Failing to stop a vehicle when directed to do so by a Forest Officer. \$200.00

(n) Failing to pay any special use fee or other charges as required. \$100.00

(o) Discharging or igniting a firecracker, rocket or other firework, or explosive into or within any cave. \$150.00

[42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984; 53 FR 16550, May 10, 1988; 59 FR 31152, June 17, 1994; 60 FR 45295, Aug. 30, 1995]

36 CFR 261.11

Sanitation.

The following are prohibited:

(a) Depositing in any toilet, toilet vault, or plumbing fixture any substance which could damage or interfere with the operation or maintenance of the fixture. \$100.00

(b) Possessing or leaving refuse, debris, or litter in an exposed or unsanitary condition. \$150.00

(c) Placing in or near a stream, lake, or other water any substance which does or may pollute a stream, lake, or other water. \$250.00

(d) Failing to dispose of all garbage, including any paper, can, bottle, sewage, waste water or material, or rubbish either by removal from the site or area, or by depositing it into receptacles or at places provided for such purposes. \$100.00

(e) Dumping of any refuse, debris, trash or litter brought as such from private property or from land occupied under permit, except, where a container, dump or similar facility has been provided and is identified as such, to receive trash generated from private lands or lands occupied under permit. \$400.00

[42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981]

36 CFR 261.12

Forest development roads and trails.

The following are prohibited:

(a) Violating the load, weight, height, length, or width limitations prescribed by State law except by special-use authorization or written agreement or by order issued under Sec. 261.54 of this Chapter. \$100.00

(b) Failing to have a vehicle weighed at a Forest Service weighing station, if required by a sign. \$100.00

(c) Damaging and leaving in a damaged condition any such road, trail, or segment thereof. \$150.00

(d) Blocking, restricting, or otherwise interfering with the use of a road, trail, or gate. \$150.00

[42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984; 55 FR 25832, June 25, 1990]

36 CFR 261.13

Motor vehicle use.

After National Forest System roads, National Forest System trails, and areas on National Forest System lands have been designated pursuant to 36 CFR 212.51 on an administrative unit or a Ranger District of the National Forest System, and these designations have been identified on a motor vehicle use map, it is prohibited to possess or operate a motor vehicle on National Forest System lands in that administrative unit or Ranger District other than in accordance with those designations, provided that the following vehicles and uses are exempted from this prohibition: \$150.00

- (a) Aircraft;
- (b) Watercraft;
- (c) Over-snow vehicles;
- (d) Limited administrative use by the Forest Service;
- (e) Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes;
- (f) Authorized use of any combat or combat support vehicle for national defense purposes;
- (g) Law enforcement response to violations of law, including pursuit;
- (h) Motor vehicle use that is specifically authorized under a written authorization issued under Federal law or regulations; and
- (i) Use of a road or trail that is authorized by a legally documented right-of-way held by a State, county, or other local public road authority.

[70 FR 68291, Nov.09, 2005]

36 CFR 261.14

Use by over-snow vehicles.

It is prohibited to possess or operate an over-snow vehicle on National Forest System lands in violation of a restriction or prohibition established pursuant to 36 CFR part 212, subpart C, provided that the following uses are exempted from this section: \$150.00

- (a) Limited administrative use by the Forest Service;
- (b) Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes;
- (c) Authorized use of any combat or combat support vehicle for national defense purposes;
- (d) Law enforcement response to violations of law, including pursuit; (e) Use by over-snow vehicles that is specifically authorized under a written authorization issued under Federal law or regulations; and
- (f) Use of a road or trail that is authorized by a legally documented right-of-way held by a State, county, or other local public road authority.

[70 FR 68291, Nov.09, 2005]

36 CFR 261.15

Use of vehicles off roads.

It is prohibited to operate any vehicle off Forest Development, State or County roads:

- (a) Without a valid license as required by State law. \$100.00
- (b) Without an operable braking system. \$50.00
- (c) From one-half hour after sunset to one-half hour before sunrise unless equipped with working head and tail lights. \$50.00
- (d) In violation of any applicable noise emission standard established by any Federal or State agency. \$50.00
- (e) While under the influence of alcohol or other drug; \$500.00
- (f) Creating excessive or unusual smoke; \$100.00
- (g) Carelessly, recklessly, or without regard for the safety of any person, or in a manner that endangers, or is likely to endanger, any person or property. \$100.00
- (h) In a manner which damages or unreasonably disturbs the land, wildlife, or vegetative resources. \$150.00
- (i) In violation of State law established for vehicles used off roads. \$150.00

[42 FR 2957, Jan. 14, 1977, as amended at 42 FR 35959, July 13, 1977]

36 CFR 261.16

Developed recreation sites.

The following are prohibited:

- (a) Occupying any portion of the site for other than recreation purposes. \$50.00
- (b) Building, attending, maintaining, or using a fire outside of a fire ring provided by the Forest Service for such purpose or outside of a stove, grill or fireplace. \$50.00
- (c) Cleaning or washing any personal property, fish, animal, or food, or bathing or washing at a hydrant or water faucet not provided for that purpose. \$50.00
- (d) Discharging or igniting a firecracker, rocket or other firework, or explosive. \$50.00

(e) Occupying between 10 p.m. and 6 a.m. a place designated for day use only. \$50.00

(f) Failing to remove all camping equipment or personal property when vacating the area or site. \$50.00

(g) Placing, maintaining, or using camping equipment except in a place specifically designated or provided for such equipment. \$50.00

(h) Without permission, failing to have at least one person occupy a camping area during the first night after camping equipment has been set up. \$50.00

(i) Leaving camping equipment unattended for more than 24 hours without permission. \$50.00

(j) Bringing in or possessing an animal, other than a seeing eye dog, unless it is crated, caged, or upon a leash not longer than six feet, or otherwise under physical restrictive control. \$50.00

(k) Bringing in or possessing in a swimming area an animal, other than a seeing eye dog. \$50.00

(l) Bringing in or possessing a saddle, pack, or draft animal except as authorized by posted instructions. \$50.00

(m) Operating or parking a motor vehicle or trailer except in places developed or designated for this purpose. \$50.00

(n) Operating a bicycle, motorbike, or motorcycle on a trail unless designated for this use. \$50.00

(o) Operating a motorbike, motorcycle, or other motor vehicle for any purpose other than entering or leaving the site. \$50.00

(p) Depositing any body waste except into receptacles provided for that purpose. \$50.00

[42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984; 60 FR 45295, Aug. 30, 1995]

36 CFR 261.17

Recreation Fees

Failure to pay any recreation fee is prohibited. Notwithstanding 18 U.S.C. 3571(e), the fine imposed for the first offense of nonpayment shall not exceed \$100.

FIRST OFFENSE \$50.00

[70 FR 70496, Nov. 22, 2005]

36 CFR 261.18

National Forest Wilderness.

The following are prohibited in a National Forest Wilderness:

- (a) Possessing or using a motor vehicle, motorboat or motorized equipment except as authorized by Federal Law or regulation. \$150.00
- (b) Possessing or using a hang glider or bicycle. \$150.00
- (c) Landing of aircraft, or dropping or picking up of any material, supplies, or person by means of aircraft, including a helicopter. \$100.00

[42 FR 2957, Jan. 14, 1977, as amended at 42 FR 35959, July 13, 1977; 50 FR 16231, Apr. 25, 1985]

36 CFR 261.19

Boundary Waters Canoe Area Wilderness.

The following are prohibited in the Boundary Waters Canoe Area Wilderness:

N/A

- (a) Possessing or transporting any motor or other mechanical device capable of propelling a watercraft through water by any means, except by permit or as specifically authorized by Federal law or regulation.
- (b) Transporting, using, or mooring amphibious craft of any type or any watercraft designed for or used as floating living quarters.
- (c) Using wheels, rollers, or other mechanical devices for the overland transportation of any watercraft, except by special-use authorization, or as authorized by Federal law or regulation.

[42 FR 2957, Jan. 14, 1977; 42 FR 24739, May 16, 1977, as amended at 49 FR 25450, June 21, 1984; 50 FR 16231, Apr. 25, 1985]

36 CFR 261.20

Pacific Crest National Scenic Trail.

N/A

It is prohibited to use a motorized vehicle on the Pacific Crest National Scenic Trail without a special-use authorization.

[49 FR 25450, June 21, 1984]

36 CFR 261. 21

National Forest primitive areas.

N/A

The following are prohibited in any area classified as a National Forest Primitive Area on September 3, 1964:

(a) Landing of aircraft or using a motor boat, unless such use had become well established before September 3, 1964.

(b) Possessing or using a motor or motorized equipment, except small battery powered, hand-held devices, such as cameras, shavers, flashlights, and Geiger-counters.

[42 FR 35959, July 13, 1977]

36 CFR 261.22

Unauthorized use of ``Smokey Bear'' and ``Woodsy Owl'' symbol.

(a) Manufacture, importation, reproduction, or use of ``Smokey Bear'' except as provided under Secs. 271.2, 271.3, or 271.4 is prohibited. \$100.00

(b) Manufacture, importation, reproduction, or use of ``Woodsy Owl'' except as provided under Secs. 272.2, 272.3, or 272.4 is prohibited. \$100.00

[42 FR 2957, Jan. 14, 1977; 42 FR 24739, May 16, 1977]

36 CFR 261.23

Wild free-roaming horses and burros.

The following are prohibited:

(a) Removing or attempting to remove a wild free-roaming horse or burro from the National Forest System unless authorized by law or regulation. \$100.00

(b) Causing or allowing the inhumane treatment or harassment of a wild free-roaming horse or burro. \$400.00

(c) Removing or attempting to remove, alter or destroy any official mark used to identify a wild horse or burro or its remains unless authorized or permitted by law or regulation. \$100.00

(d) Violating any terms or conditions specified in a care and maintenance agreement or permit. \$100.00

[46 FR 33520, June 30, 1981]

CFR 261 (Subpart B)

TO BE USED ONLY WITH SUPERVISORS ORDERS

36 CFR 261.52

Fire

(a) Building, maintaining, attending or using a fire, campfire, or stove fire	\$100.00
(b) Using an explosive	\$100.00
(c) Smoking	\$100.00
(d) Smoking outside enclosed vehicle, building, developed recreation site, or outside 3-foot barren area	\$100.00
(e) Going into or being upon an area	\$100.00
(f) Possessing, discharging or using fireworks or other pyrotechnic device	\$100.00
(g) Entering area without fire fighting 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	\$50.00
(k) Violating state burning or fire laws	\$100.00

36 CFR 261. 53

Special Closures going into or being upon area closed for the protection of:

(a)Threatened, endangered, rare, unique, or vanishing species of plants, animals, birds, or fish	\$100.00
(b) special biological communities	\$100.00
(c) Objects or areas of historical archeological, geological or paleontological interest	\$100.00
(d) Scientific experiments or investigations	\$100.00
(e) Public Health and Safety	\$100.00
(e) Orders pertaining to Controlled Substances Act (21 USC 812)	\$400.00
(f) Property	\$100.00

36 CFR 261. 54

Forest Development Roads--the following are prohibited:

(a) Using prohibited vehicle	\$100.00
(b) Use by any type of traffic prohibited	\$100.00
(c) Using road for commercial hauling without permit	\$100.00
(d) Operating vehicle in violation of speed, load, weight, height, length, width or other limitations specified by the order	\$100.00
(d) Speeding	
Exceeding 1-10 miles per hour over posted limit	\$50.00
Exceeding 11-30 miles per hour over posted limit	\$100.00
Exceeding more than 30 miles per hour over posted limit	\$200.00
(d) Operating motor vehicle on expired license	\$100.00

(d) Operating motor vehicle on a suspended license	\$200.00
(d) Operating motor vehicle in violation of state law	\$100.00
(d) DUI-----	MANDATORY
(d) Driving on revoked license	\$250.00
(e) Being on the road	\$100.00
(f) Reckless operation of motor vehicle	\$200.00

36 CFR 261.55

Forest Development Trails--the following are prohibited:

(a) Being on the trail	\$100.00
(b) Using bicycle or motorized vehicle	\$100.00
(c) Possessing or using a saddle, pack, or draft animal	\$100.00
(d) Shortcutting a switchback	\$100.00

36 CFR 261.56

<u>Use of vehicles off forest developed roads:</u>	\$150.00
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36 CFR 261.57

National Forest Wilderness--the following are prohibited:

(a) Entering or being in the area	\$50.00
(b) Possessing camping or pack out-fitting equipment	\$50.00
(c) Possessing firearms or fireworks	\$150.00
(d) Possessing non-burnable food or beverage containers, except for non-burnable containers designed and intended for repeated use.	\$50.00

(e) Grazing	\$50.00
(f) Storing equipment, personal property or supplies	\$50.00
(g) Disposing of debris, garbage, or other waste	\$100.00
(h) Possessing or using a bicycle, wagon, cart, or other vehicle	\$50.00

36 CFR 261.58

Occupancy and use--the following are prohibited:

(a) Camping for a period longer than allowed	\$50.00
(b) Entering or using developed recreation site	\$50.00
(c) Unauthorized entering or remaining in campground during night periods	\$50.00
(d) Occupying developed recreation site with prohibited camping equipment	\$50.00
(e) Camping	\$50.00
(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 space	\$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	\$50.00
(l) Being in area after sundown or before sunrise	\$50.00
(m) Discharging firearms, air rifle, or gas gun	\$50.00
(n) Possessing or operating a motor boat	\$75.00

(o) Waterskiing	\$50.00
(p) Storing or leaving boat or raft	\$50.00
(q) Operating watercraft in excess of posted speed limit	\$50.00
(r) Undesignated boat launching	\$50.00
(s) Possessing or transporting a bird or animal	\$50.00
(t) Possessing, storing, or transporting part of a tree or plant	\$50.00
(t) Possession of less than two ounces of Marijuana	\$250.00
(t) Possession of over two ounces of Marijuana	\$500.00
(u) Unauthorized presence in area between 10pm. or 6am.	\$50.00
(v) Hunting or fishing	\$50.00
(w) Possessing or transporting motor or mechanical device capable of propelling watercraft-	\$50.00
(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	\$50.00
(z) Entering or being on lands or waters in the National Wild and Scenic Rivers System	\$50.00
(aa) Riding, hitching, tethering or hobbling horse or pack animal in violation of posted instructions	\$50.00
(bb) Possessing alcoholic beverage	\$50.00
(cc) Possessing or storing any food or refuse	\$25.00

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

Title 18, United States Code

111 **Assault-** Felony

641 **Theft of Government property**
Less than \$1000--Misdemeanor
Exceeding \$1000--Felony

1361 **Willful damage of Government property**
(Malicious Mischief)
Less than \$100--Misdemeanor
Exceeding \$100--Felony

1852 **Timber removed or transported**
Misdemeanor

1853 **Trees cut or injured**
Misdemeanor

1854 **Trees boxed for pitch or turpentine**
Misdemeanor

1855 **Willfully sets fire**
Felony

1856 **Fires left unattended and unextinguished--allowing escape**
Misdemeanor

1857 **Fences destroyed; livestock entering**
Misdemeanor

1858 **Survey markers destroyed or removed**
Misdemeanor

Title 21, United states Code

841 **Cultivation, Distribution, Dispensing, Controlled Substance**
Felony

Title 16, United states Code

470 ARPA
559 Authority--LEO'S