U.S. DISTRICT COURT EASTERN DISTRICT OF TEXAS

GENERAL ORDER NO. 94-21

JUN 1 6 1994

BY DAY J. MALATU, CLERK DEPUTY A HEADER SON

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

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

ORDER AUTHORIZING SCHEDULE FOR FORFEITURE OF COLLATERAL (UNITED STATES FISH AND WILDLIFE SERVICE)

Consistent with prior Orders of this Court and under Rule 58(d)(1) and (2), Federal Rules of Criminal Procedure, schedules of collateral forfeiture may be authorized by the Court.

Each offense described in the attached collateral forfeiture schedule, designated Appendix A, are violations of Title 50, Code of Federal Regulations, and Titles 16 and 18, United States Code.

Upon motion of the United States Attorney, and the Court being informed on the premises, it is hereby

ORDERED:

Appendix A of this order is approved and authorized, and made effective immediately.

Appendix A sets forth collateral amounts which may be forfeited in lieu of court appearance by a person facing a charge described in Appendix A, should the charging officer authorize collateral forfeiture in lieu of mandatory appearance on the face of the violation notice. Should collateral forfeiture be

authorized, it shall be in the amounts specified in Appendix A, and forfeiture of that collateral shall terminate proceedings in the matter.

With respect to any of the offense described in Appendix A, the charging officer may require mandatory appearance, if in the judgment of that officer aggravated circumstances exist.

Judicial officers of this district, including United States Magistrate Judges, shall have the authority to specify a collateral forfeiture amount different from that set out in Appendix A with respect to any of the offenses described there and any other petty offense, with the exception of those offenses for which a mandatory appearance is required by law, so long as an attorney or representative of the government consents. The collateral forfeiture amount set by a judicial officer pursuant to this paragraph shall not be less than the minimum nor greater than the maximum fine that could be imposed upon conviction for violation of the particular regulation.

DATED at Tyler, Texas, this

DEEDT M DARKER

Chief United States District Judge

APPENDIX A

DEPARTMENT OF THE INTERIOR UNITED STATES FISH AND WILDLIFE SERVICE

COLLATERAL LIST

TITLE 50, CODE OF FEDERAL REGULATIONS AND TITLE 16 AND 18, UNITED STATES CODE

FORFEITURE OF COLLATERAL SCHEDULE United States Fish and Wildlife Service

NOTE:

Due to the increased liability and potential severity for environmental degradation posed by commercial and organized activities collateral amounts for violations listed herein shall be doubled for corporations, businesses, partnerships, hunt clubs, and other organizations committing such violations (18 USC 3751(c) - fines for organizations).

16 USC 703-712 TAKE OR POSSESS MIGRATORY NON-GAME BIRDS

MIGRATORY BIRD HUNTING 300+50/bird

SUBPART C	- TAKING	
50 CFR 20.21	HUNTING METHODS	
20.21(a)	Take with a trap, snare, net, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, bat gun, machine gun, fishhook, poison, drug, explosive, or stupefying subs	tery
20.21(b)	Using improperly plugged gun	100+25/bird
20.21(c)	Unlawfully take from sinkbox or similar device	150.00
20.21(d)	Unlawfully take from motor vehicle or aircraft	200+25/bird
20.21(e)	Unlawfully take from boat	150.25/bird
20.21(f)	Use of live decoys	200.00
20.21(g)	Use of electronically amplified calling device	200+25/bird
20 21(h)	Use of any motor driven land, water or air conveyance or any sailboat for the purpose of concentration, driving or rallying any migratory bird	150.00
20.21(i)	Unlawfully take by the aid of bait or over bait	200+25/bird
18 USC 2	Take by aid of bait: willfully causes the act, aids, counsels,	500+25/bird

induces or procures its commission

	i.e. A host/landowner of hunt who may not actively hunt but is responsible for placement of bait i field for guests or paid hunters on commercial operation.	
20.21(j)	Using shotshells other than steel shotshells in steel shot zones	200.00
20.22	Taking migratory birds during closed season	250+25/bird
20.23	Taking migratory game birds except during hours open to shooting	150+25/bird
20.24	Taking more than daily bag limit, or aggregate daily bag limit, whichever applies	200+25/bird
20.25	Wanton waste of migratory game birds	200+25/bird
SUBPART D	- POSSESSION	
50 CFR 20.31	Prohibited if taken in violation of Subpart C. Possession or custod of any migratory game bird or part thereof if taken in violation of arprovision of Subpart C (taking)	ly
20.32	Possessing any freshly killed migratory game birds during the closed season	200+25/bird
20.33	Possessing more migratory game birds than the possession limit or the aggregate possession limit, whichever applies	250+25/bird
20.34	Possession on opening day of freshly killed migratory game birds in excess of the daily bag limit or aggregate daily bag limit, whichever applies	200+25/bird
20.35	Excess field possession limit	250+25/bird
20.36	Failure to tag migratory game birds	100+25/bird

20.37	Receiving or having custody of migratory game birds belonging to another unless such birds are tagge	100+10/bird
20.38	Possession of wounded live migratory game birds (hunting)	100+10/bird
SUBPART E	- TRANSPORTATION WITHIN THE UNITED	STATES
20.41	Prohibited if taken in violation of Subpart C - Transportation at any to by any means or in any manner, of migratory game birds or parts there taken in violation of any provision Subpart C (taking)	ime of
20.42	Transportation of untagged migratory game birds belonging to another person	100+10/bird
20.43	Transportation of migratory game birds except doves without species identification requirement	100+10/bird
20.44	Transportation of migratory game birds without properly marking package or container	100+10/bird
SUBPART F	- EXPORTATION	
20.51	Prohibited if taken in violation of Subpart C - Transporting any migratory game bird or part thereof taken in violation of any provision of Subpart C (taking)	150+25/bird
CFR 20.52	Exporting migratory game birds without meeting species identification requirements	150+25/bird
20.53	Exporting migratory game birds without properly marking the packagor container	
SUBPART G	- IMPORTATIONS	
20.61	Exceeding importation limits on migratory game birds	150+25/bird
20.62	Importing migratory game birds belonging to another person	150+25/bird

20.63	Importing migratory game birds without species identification requirements - each bird	150+25/bird	
20.64	Importing migratory game birds killed in a foreign country without being accompanied by export permit each bird		
20.65	Importing migratory game birds killed in a foreign country without meeting processing requirements - each bird	150+25/bird	
20.66	Importing migratory game birds without properly marking package or container	150+25/bird	
SUBPART H - FEI	DERAL, STATE, AND FOREIGN LAW		
20.71	Violation of Federal Law - Taking, possessing, transporting, or exporting migratory birds, or any part, nest or egg thereof in violation of any act of Congress or any regulation issued pursuant thereto	200+25/bird	
20.72	Violation of State Law - Taking, possessing, transporting, or exporting migratory birds, or any part, nest or egg thereof in violation of any applicable law or regulation of any foreign country, or state, or province thereof	200+25/bird	
20.73	Violation of Foreign Law - Importing, possessing, or transporting any migratory bird, or any part, nest or egg thereof, taken, bought, sold, transported, possessed, or exported contrary to any applicable law or regulation of any foreign country, or state, or province thereof	200+25/bird	
SUBPART I - MIGRATORY BIRD PRESERVATION - FACILITIES			
50 CFR 20.81	Failure to meet tagging requirements by migratory bird preservation facility	100+10/bird	

50 CFR 20.82	Failure to keep required records	100.00	
SUBPART J - FEATHERS AND SKINS			
20.91	COMMERCIAL USE OF FEATHERS		
20.91(a)	Purchasing, selling, bartering or offering to purchase. sell or barte for millinery or ornamental use of feathers of migratory game birds taken under authority of these regulations		
20.91(b)	Purchasing, selling, bartering or offering to purchase, sell, or barter mounted specimens of migratory game birds taken under authority of these regulations	250+100/bird	
P.	ART 21 MIGRATORY BIRD PERMITS		
SUBPART B - GE	NERAL REQUIREMENTS AND EXCEPTIONS		
21.11	Violation of permit regulation requirements	150.00	
21.12.27	All other permit violations	100.00	
21.28.29	Falconry regulations	150.00	
MIGRATORY WATE	ERFOWL HUNTING AND CONSERVATION STAM	MP ACT	
16 USC 718a	Taking migratory waterfowl without migratory waterfowl hunting stamp	200.00	
	Taking migratory waterfowl with an unsigned migratory waterfowl hunti stamp		
16 USC 718e(a)	Use of migratory waterfowl hunting stamp belonging to another person	200.00	
16 USC 718e(b)	Altering, mutilating, imitating, or counterfeiting any migratory waterfowl hunting stamp	200.00	
PART 26 THE NATIONAL WILDLIFE REFUGE SYSTEM			
SUBPART C - PUBLIC USE AND ENTRY			
50 CFR 26.21	GENERAL TRESPASS PROVISION		

26.21(a)	Trespass by persons	200.00
26.21(b)	Trespass by domestic animals	100.00
26.22	Failure of any person entering or using any National Wildlife Refuge to comply with provisions of any special regulation	100.00
13.24	Failure to file reports required by Fish & Wildlife Service permits	100.00
13.46	Failure to maintain accurate records	100.00
	PART 27 - PROHIBITED ACTS	
50 CFR 27.21	Unauthorized taking of any animal or plant	200+25/spec
27.31	Driving motorized or other vehicles off designated routes of travel on National Wildlife Refuge	100.00
27.31(b)	Operating vehicle under the influence of intoxicating beverage or controlled substance	*
27.31(c)	Careless driving or driving with willful or wanton disregard for the rights or safety of other persons	100 00 e
27.31(d)	Speed limit (0-10 mph) (11-15 mph) (16-21 mph) (over 21 mph in excess or over 80 mph)	25.00 35.00 50.00 75.00
27.31(e)	(1) Failure to equip a motor vehicle with a muffler in good working order	50.00
	(2) Failure to equip a motor vehicle with a spark arrester	50.00
27.31(f)	Operation of a vehicle which does not bear valid license plates and is not properly certified, registe or inspected in accordance with Texas Law	

27.31(g)	Driving or permitting another person to drive a vehicle without a valid operator's license displaye upon request	50.00 ed
27.31(h)	Stopping, parking, or leaving a vehicle so as to obstruct the free movement of other vehicles	50.00
27.31(i)	Failure to obey lawful order or signal of any authorized traffic official	50.00
27.31(j)	Failure to comply with prescribed load, weight, and width limitations	
27.31(k)	Moving a motor vehicle involved in an accident before authorized official arrives at the scene	50.00
27.31(1)	Operating a motor vehicle without proper brakes and brake lights or from sunset to sunrise without working headlights and taillights a required by Texas Law	50.00 as
27.31(m)	Violating other requirements which are established by authority as provided in this Subpart C	50.00
50 CFR 27.32	BOATS	
27.32(a)	Unauthorized use of boats in a National Wildlife Refuge	100.00
27.32(b)	Failure to comply with operational requirements and limitations on use of boats when permitted	100.00
27.34	AIRCRAFT	
	Unauthorized operations of aircraft, including sail planes and hang gliders	150.00
SUBPART D	- DISTURBING VIOLATIONS: WITH WEAR	PONS
27.41	GENERAL PROVISIONS - Possessing or discharging firearms, fireworks or explosives	

27.42	FIREARMS - Possessing, using, or 200.00 transporting firearms on National Wildlife Refuge in violation of this section and applicable Federal and State Law
27.43	WEAPONS OTHER THAN FIREARMS - Use 150.00 or possession of weapons other than firearms
SUBPART E	- DISTURBING VIOLATIONS: AGAINST PLANTS AND ANIMALS
27.51	Disturbing, injuring, damaging 100+25/spec plants or animals, or attempting to disturb, injure, damage any plant or animal on a National Wildlife Refuge
27.52	Introducing, liberating, or 100.00 placing on National Wildlife Refuge of plants or animals taken elsewhere
SUBPART F	- DISTURBING VIOLATIONS: AGAINST NATIONAL WILDLIFE REFUGE PROPERTY
27.61	Destruction or removal of public 200.00 or private property including natural objects, on or from a National Wildlife Refuge
27.62	Searching for or removing objects 200.00 of antiquity from a National Wildlife Refuge
27.63(a)	Search for and removal of other 200.00 valued objects. Searching for buried treasure, treasure trove, valuable semiprecious rocks, stones, or minerals on a National Wildlife Refuge
27.64	Prospecting and mining on a 200.00 National Wildlife Refuge
50 CFR 27.65	Tampering or attempting to tamper 200.00 with any motor vehicle, boat, equipment, or machinery on a National Wildlife Refuge without proper authorization

SUBPART G	- DISTURBING VIO	LATIONS:	LIGHT	AND	SOUND
27.71	Unauthorized taking any motion or sound National Wildlife Re subsequent commercia	pictures efuge for	g on a	200.0	00
27.72	Operation of audio of unreasonable disturb			200.0	00
27.73	Use of artificial lipurpose of spotting or taking any animal Wildlife Refuge	, locating	,	200+2 wild]	
SUBPART H	- DISTURBING VIOLAT	IONS: PER	SONAL	CONDU	JCT
27.81	Entering or remaining National Wildlife Reunder the influence	efuge whil		200.0	00
27.82	Possession or delive controlled substance Wildlife Refuge		ional	*	
27.83	Indecency and disordin violation of state	derly cond te or loca	uct 1 law	200.0	00
27.84	Disturbing, molestic interfering with and in pursuit of an au on a National Wildl	y person w thorized a	ctivit	300.0 -y	00
27.85	Gambling for money on a National Wildl	or otherwi ife Refuge	se	100.	00
27.86	Begging or unauthor solicitation of fun- Wildlife Refuge		itional	100.	00
SUBPART I	- OTHER DISTURBING	VIOLATIONS	3		
27.91	Unauthorized field on a National Wildl			200.	00
27.92	Constructing, insta occupying, or maint building or other s proper authority	aining any		200.	00

27.93	Abandoning, discarding, or	300.00
-,,,,	otherwise leaving any personal property on a National Wildlife Ref	
50 CFR 27.94	DISPOSAL OF WASTE	
27.94(a)	Littering, disposing, or dumping of garbage refuse, etc., or other debris in a National Wildlife Refuge, or polluting any waters, water holes, streams, or other area in a National Wildlife Refuge	200.00 as
27.94(b)	Failure to comply with established sanitary requirements on a National Wildlife Refuge	200.00
27.95	FIRES	
27.95(a)	Setting or causing to be set on fire any timber, brush, grass, or other flammable material except as authorized	200.00
27.95(b)	Leaving a fire unattended or not completely extinguished	100.00
27.95(c)	Throwing a burning cigarette, match, or other lighted substance from any moving conveyance or throwing of same in a place where it may start a fire	100.00
27 95(d)	Smoking where designated and/or posted with no smoking signs	100.00
27.96	ADVERTISING	
27.96	Unauthorized posting, disturbing, or otherwise displaying public or private notices, advertisements, announcements, or displays of any kind on a National Wildlife Refuge	100.00
27.97	PRIVATE ORGANIZATIONS	
27.97	Unauthorized soliciting of business or conduct of commercial enterprise	50.00

PART 32 - HUNTING

32.2	GENERAL PROVISIONS	
32.2(a)	Failure to secure and possess a required state hunting license	200.00
32.2(d)	Failure to comply with applicable provisions of the laws and regulations of the State of Texas	150.00
32.2(e)	Failure to comply with the terms and conditions authorizing access or use of a National Wildlife Refug	100.00 ge
32.2(f)	Violation of special hunting regulations	150.00
32.2(g)	Possession or use of any drug on an arrow for bow hunting on a National Wildlife Refuge	200.00
	PART 33 - FISHING	
50 CFR 33.2	Failure to comply with fishing regulations on a National Wildlife Refuge	100.00
U.S. FI	SH AND WILDLIFE SERVICE VIOLATIONS	
16 USC 668	Eagle Protection Act	500+250/spec
16 USC 742j-l	Airborne Hunting Act	500+250/spec
16 USC 1532-15	42 Endangered Species Act	500+250/spec
16 USC 3371-33	78 Lacy Act	500+250/spec
18 USC 42	Importation of injurious species or importation of wildlife under inhumane or unhealthy conditions	500.00
16 USC 1361-14	07 Marine Mammal Protection Act	500+250/spec

* MANDATORY APPEARANCE

Wildlife/Property Forfeiture Order

Unless otherwise specifically ordered by a United States Court of the Eastern District of Texas, any fish, wildlife, plants, or property which has been seized within the jurisdiction of the Eastern District of Texas under the authority of the Migratory Bird Treaty Act, 16 USC 703-712; the National Wildlife Refuge System Administration Act, 16 USC 668dd-668ee; the Eagle Protection Act, 16 USC 668; the Endangered Species Act, 16 USC 15311-1542; the Migratory Waterfowl Hunting Stamp Act, 16 USC 718; the Airborne Hunting Act, 16 USC 742j-1; the Marine Mammal Protection Act, 16 USC 1361-1407; the Lacey Act, 18 USC 42; or the Lacey Act Amendments of 1981, 16 USC 3371-3378, where final disposition of the case has been made by either payment of a forfeiture of collateral or a judgement by the court on behalf of the government and where so authorized by statute, such wildlife or property shall be forfeited to the U.S. Government and disposed of by the U.S. Fish and Wildlife Service in the manner prescribed by Title 50. Code of Federal Regulations, Part 12.