

General Order No. 17-13

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

**GENERAL ORDER ADOPTING COLLATERAL FORFEITURE FOR THE
U. S. FISH AND WILDLIFE SERVICE,
IN THE EASTERN DISTRICT OF TEXAS**

Attached to this General Order is a copy of the General Fish & Wildlife Regulations, which defines certain terms, sets out a list of offenses which are prohibited, and assigns a penalty for each. The penalties assigned to each of said offenses, as defined, are hereby ADOPTED as the Collateral Forfeiture Schedule for the U. S. Fish and Wildlife Service, in the Eastern District of Texas. Offenses for which collateral may be posted in lieu of appearance and the amount of said collateral shall be the offenses set out in the Code of Federal Regulations and the value of the collateral to be posted that is subject to forfeiture shall be the amount of the penalty assigned to each offense.

Under Federal Rule of Criminal Procedure 58(d)(1) collateral may be posted in lieu of personal appearance of a person charged with certain petty offenses under the laws or regulations of the United States. Upon the failure of the person charged with a petty offense violation to appear before the United States Magistrate Judge for trial of the offense, collateral in the appropriate amount, as shown on the attached Schedule, shall be forfeited to the United States and serve as the fine for said offense. The posting of collateral shall signify that the person does not contest the charge or request a hearing. Collateral forfeiture shall constitute an admission of guilt.

Signed this 14th day of August, 2017.

FOR THE COURT



RON CLARK
Chief Judge

FORFEITURE OF COLLATERAL SCHEDULE
UNITED STATES FISH AND WILDLIFE SERVICE
EASTERN DISTRICT OF TEXAS
REVISED AUGUST, 2017

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Note: Due to 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 3571 (c) – Fines for Organizations).

Value = the current established replacement value of animals or plants listed in Appendix 1 of this Forfeiture of Collateral Schedule or the declared value, whichever is higher.

Item = per specimen

General Fish & Wildlife Regulations
(16 USC 704; 16 USC 668a; 16 USC 1538(d); 16 USC 3373)

50 CFR 13: General Conditions of Permits

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
13.1	Conducting activities requiring a permit without obtaining a permit	300.00
13.41	Failure to maintain wildlife under humane conditions	500.00
13.43	Altering, erasing, mutilating permits; Unauthorized copying of permits or displaying, offering for inspection, or otherwise using copied permits for official purposes	650.00
13.44	Failure to display permit upon request	300.00
13.45	Failure to submit required reports	300.00
13.46	Failure to maintain required records	500.00
13.47	Failure to allow inspection of activity as authorized by FWS permit	700.00
13.48	Failure to comply with conditions of permit	300.00
13.49	Failure to surrender revoked or suspended permit	300.00

General Regulations for Importation, Exportation & Transportation of Wildlife
(16 USC 3371, 16 USC 1538)

50 CFR 14: Import, Export, & Transportation Regulations

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
14.11	Import or export wildlife at a non-designated port without a permit	650.00
14.52 (a)	Failure to obtain FWS clearance prior to release from detention by Customs	650.00
<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
14.52(c)	Failure to provide documents as required	650.00

14.61	Failure to file completed Declaration of Importation or Exportation of Fish or Wildlife (Form 3-177) as required on import	700.00
14.63	Failure to file completed Declaration of Importation or Exportation of Fish or Wildlife (Form 3-177) as required on export	700.00
14.81	Import, export, or transport wildlife in interstate commerce without required markings on containers and/or without required packing list	500.00
14.91(a)	Engage in business as an importer/exporter of wildlife without a valid import/export license	700.00

50 CFR 14: Humane and Healthful Transport of Wild Mammals and Birds to the U. S.

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
14.103	Import, transport, cause or permit transport to the U. S. any wild mammal or bird in violation of Humane Transport Regulations	700.00 + value
14.104	Failure to provide an English translation of any required certificate or document written in a foreign language	200.00
14.105(a)	Unlawful acceptance by carrier of any live wild mammal or bird for transport to the U. S. without the required veterinary certificate	700.00 + value
14.106	Accepting live mammal or bird for transport in an enclosure that does not meet requirements	500.00 + value
14.107	Failure to meet cargo space requirements for live mammal or bird	700.00 + value
14.108	Failure to meet food and water requirements for live mammal or bird	500.00 + value
14.109	Failure to provide proscribed care during transportation of live mammal or bird	500.00 + value
14.110(a)	Failure to provide animal holding area; Co-mingling live animals with inanimate cargo	650.00 + value
14.111	Failure to comply with handling requirements	350.00 + value
14.121	Failure to comply with primate primary enclosure requirements	800.00 + value
14.122	Failure to comply with primate food and water requirements	800.00 + value

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
14.131	Failure to comply with marine mammal primary enclosure requirements	800.00 + value
14.132	Failure to comply with food and water requirements for marine mammals	800.00 + value
14.133	Failure to comply with proscribed care in transit for marine mammals	800.00 + value
14.141	Transporting antlered animals without removing antlers	700.00 + value
14.142	Failure to comply with primary enclosure requirements for elephants and ungulates	800.00 + value
14.151	Failure to comply with primary enclosure requirements for sloths, bats, and flying lemurs	650.00 + value
14.161	Failure to comply with primary enclosure requirements for other terrestrial mammals	650.00 + value
14.171	Transporting wild bird without veterinary certificate	700.00 + value
14.172	Failure to comply with primary enclosure requirements for birds	650.00 + value

16 USC 4901-4916
Wild Bird Conservation Act

<u>Statute:</u>		<u>Collateral</u>
16 USC 4901 et al	Violate any regulations, prohibitions, or regulations of Act relating to the import of any exotic bird.	
	Non-commercial.....	700.00 + value
	Commercial.....	1300.00 + value

50 CFR 15: Wild Bird Conservation Act

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
15.11	Unlawful import into the U. S. of any exotic bird species which is not approved for import.	
	Non-commercial.....	700.00
	Commercial.....	1300.00

18 USC 42
Lacey Act

<u>Statute:</u>		<u>Collateral</u>
18 USC 42(c)	Importation of wildlife under inhumane or unhealthful conditions	700.00 + value

50 CFR 16: Regulations for the Importation or Shipment of Injurious Species

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
16.3	Unlawful import or transport of injurious wildlife into the U. S.	700.00 + 50.00/item
16.11(a)	Unlawful import, transport, or acquisition of listed species without a permit	700.00 + 50.00/item
16.12(a)	Unlawful import, transport, or acquisition of any live specimen or egg of listed species without a permit	700.00 + 50.00/item
16.13	Unlawful import, transport, or possession of live, or dead fish, mollusks, and crustaceans, or parts thereof, or their gametes or fertilized eggs without a permit	700.00 + 50.00/item
16.14	Release of imported live amphibians or progeny or eggs thereof to the wild without a permit	700.00 + 50.00/item
16.15(a)	Importation, transportation, or acquisition of any live specimen or egg thereof of the species listed in this section without a permit	700.00 + 50.00/item
16.15(b)	Release of imported live reptiles or progeny or eggs thereof to the wild without a permit	700.00 + 50.00/item
16.22	Failure to comply with the conditions of an injurious wildlife permit	700.00 + 50.00/item

16 USC 1531–1543
Endangered Species Act

<u>Statute</u>		<u>Collateral</u>
16 USC 1538(a)(1)	With respect to any endangered species of fish or wildlife, it is unlawful to:	
	(A) Import or export of any such species;	1500.00 + value
	(B) Take within U. S. or territorial seas of the U. S. ;	1500.00 + value
	(C) Take upon the high seas	1500.00 + value

- (D) Possess, sell, deliver, carry, transport, or ship any such species taken in violation of sub-paragraphs (B) and (C); **1500.00 + value**
- (E) Deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of a commercial activity; **1500.00 + value**
- (F) Sell or offer for sale in interstate or foreign commerce; **1500.00 + value**
- (G) Violate any regulation pertaining to any endangered or threatened species. **1500.00 + value**

Statute

Collateral

- 16 USC 1538(a)(2)** With respect to any endangered species of plants, it is unlawful to:
- (A) Import or export any such species; **750.00 + value**
 - (B) Remove and reduce to possession from areas under Federal jurisdiction; maliciously damage or destroy any such species on any such area; or remove, cut, dig up, or damage or destroy any such species on any other area in knowing violation of any law or regulation of any State or in the course of any violation of a State criminal trespass law; **750.00 + value**
 - (C) Deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any such species; **750.00 + value**
 - (D) Sell or offer for sale in interstate or foreign commerce any such species; **750.00 + value**
 - (E) Violate any regulation pertaining to such species or to any threatened species of plant. **750.00 + value**
- 16 USC 1538(c)** Engaging in trade of any species contrary to the provisions of CITES or possessing any species traded contrary to the provisions of CITES **1500.00 + value**

Statute

Collateral

- 16 USC 1538(d)** Engaging in the business of importing or exporting fish or wildlife or plants; or importing or exporting raw or worked African elephant ivory without a permit **1500.00 + value**

50 CFR 17: Regulations pertaining to Endangered Wildlife

Section

Offense

Collateral

Number

17.21(a)

It is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or cause to be committed, any of the acts described in

As described below

paragraphs (b) through (f) of this section in regard to any endangered species.

17.21(b)	Unlawful import or export of any endangered wildlife	750.00 + value
17.21(c)	Unlawful take of any endangered wildlife	1500.00 + value
17.21(d)	Unlawful possessing, selling, delivering, carrying, transporting, or shipping any endangered wildlife	750.00 + value
17.21(e)	Unlawful delivering, receiving, carrying, transporting, or shipping in interstate or foreign commerce in the course of a commercial activity any endangered wildlife	1500.00 + value
17.21(f)	Unlawful selling or offering for sale in interstate or foreign commerce any endangered wildlife	1500.00 + value
17.21(g)	Violating the conditions regulating captive-bred endangered wildlife	600.00 + 75.00/animal
17.22	Violations of the conditions of permits issued for scientific purposes, enhancement of propagation or survival, or for incidental taking of any endangered wildlife	500.00 + 75.00/animal
17.23	Violations of the conditions of economic hardship permits	500.00 + 75.00/animal
17.31	Violation of sub-sections 17.21(b), (c) [except for 17.21(c)(5)], (d), and (g) as they apply to threatened wildlife	750.00 + value
17.40	Violation of special rules pertaining to mammals	500.00 + value
17.41	Violation of special rules pertaining to birds	500.00 + value
<u>Section Number</u>		<u>Collateral</u>
17.42	Violation of special rules pertaining to reptiles	500.00 + value
17.43	Violation of special rules pertaining to amphibians	500.00 + value
17.44	Violation of special rules pertaining to fishes	500.00 + value
17.45	Violation of special rules pertaining to snails and clams	500.00 + value
17.46	Violation of special rules pertaining to crustaceans	500.00 + value
17.47	Violation of special rules pertaining to insects	500.00 + value
17.48	Violation of special rules pertaining to sponges and other forms	500.00 + value

50 CFR 17: Regulations pertaining to Endangered Plants

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
17.61(b)	Unlawful import or export of any endangered plant	750.00 + value
17.61(c)	Unlawful removal and reducing to possession of any endangered plant	750.00 + value
17.61(d)	Unlawful delivering, receiving, carrying, transporting, or shipping in interstate or foreign commerce in the course of a commercial activity any endangered plant	750.00 + value
17.61(e)	Unlawful sale or offering for sale in interstate or foreign commerce any endangered plant	750.00 + value
17.62	Failure to comply with conditions of permit issued for scientific purposes or for enhancing the propagation or survival of endangered plants	400.00
17.63	Failure to comply with conditions of permit issued to prevent undue economic hardship caused by any endangered plant	400.00
17.71(a)	Violation of sub-sections 17.61 as they apply to threatened plants	500.00 + value
17.72	Failure to comply with conditions of a permit issued to allow otherwise unlawful activities with regard to threatened plants	400.00

50 CFR 17: Regulations pertaining to Experimental Populations

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
17.84	Violation of special rules pertaining to vertebrates	400.00 + value
17.85	Violation of special rules pertaining to invertebrates	400.00
17.86	Violation of special rules pertaining to plants	400.00

16 USC 1371–1372
Marine Mammal Protection Act

<u>Statute</u>		<u>Collateral</u>
16 USC 1372(a)	Unlawful take of a marine mammal	1500.00 + value
16 USC 1372(b)	Unlawful importation of marine mammals which are: pregnant or nursing mammals; from depleted species or stock; by inhumane taking	1500.00 + value

16 USC 1372(e)	Import of unlawfully taken marine mammals	1500.00 + value
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16 USC 1372(f)	Unlawful take of any species of whale incident to commercial whaling in waters subject to the jurisdiction of the U. S.	1500.00 + value
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50 CFR 18: Regulations pertaining to Marine Mammals**Section**

<u>Number</u>	<u>Offense</u>	<u>Collateral</u>
18.11	Unlawful take of marine mammal	750.00 + value
18.12	Unlawful import of marine mammals	750.00 + value
18.13	Unlawful port use, possess, transport, purchase, sale of any marine mammal or marine mammal product	750.00 + value

16 USC 742j
Airborne Hunting Act

<u>Statute</u>		<u>Collateral</u>
16 USC 742j-1	Unlawful shooting or attempting to shoot or harassing any bird, fish, or other animal; or knowingly participates in using an aircraft for those purposes	1300.00 + value

50 CFR 19: Regulations pertaining to Airborne Hunting**Section**

<u>Number</u>	<u>Offense</u>	<u>Collateral</u>
19.11(a)(1)	Unlawful shooting from an aircraft for the purposes of capturing or killing wildlife	1300.00 + value
19.11(a)(2)	Unlawful use of an aircraft to harass wildlife	650.00
19.11(a)(3)	Knowingly participates in using aircraft to shoot or harass wildlife	1300.00 + value

16 USC 703-711
Migratory Bird Treaty Act

<u>Statute</u>		<u>Collateral</u>
16 USC 703	Taking, hunting, pursuing, capturing, killing, or the attempt thereof; possess, sell, barter, purchase, ship, export, import, carry, transport, offer, or cause thereof; migratory birds, their parts, nests, or eggs, without authorization	750.00 + value/bird 60.00/part/nest /egg

16 USC 704(b)(1)	(<i>The Migratory Bird Treaty Reform Act of 1998</i>) Take any migratory bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area	1500.00 + value
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16 USC 704(b)(2)	(<i>The Migratory Bird Treaty Reform Act of 1998</i>)	
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Place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area **1500.00 + value**

16 USC 705 Ship, transport, carry in interstate or foreign commerce, any bird, part, nest, or egg, thereof, carried contrary to law of the place where captured, killed, taken, shipped, transported, or carried **500.00 + value/bird**
60.00/part/nest/egg

50 CFR 20: Migratory Game Bird Hunting Regulations

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
20.21(a)	Take with illegal device or substance	750.00 + value

20.21(b)	Take with a shotgun capable of holding more than three (3) shells	200.00 + value
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20.21(c)	Take by means, aid, or use of a sink box	200.00 + value
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<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
20.21(d)	Take from or by means, aid, or use of a motor driven conveyance, motor vehicle, or aircraft	500.00 + value

20.21(e)	Take by means of motorboat or other craft having motor attached and under power	500.00 + value
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20.21(f)	Take by use or aid of live decoys	300.00 + value
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20.21(g)	Take by use or aid of electronic/recorded calls	300.00 + value
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20.21(h)	Take by means or aid of motor driven conveyance for concentrating, driving, or rallying, or stirring up waterfowl	300.00 + value
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20.21(i)	Take by aid of bait or on or over baited area	750.00 + value
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20.21(j)	Take while possessing shot shells other than approved non-toxic shot	150.00 + value + 25.00/shell + forfeit toxic shells
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20.22	Take during closed season	750.00 + value
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20.23	Take before/after legal shooting hours.....1-15 min.	150.00 + value
16-30 min.	250.00 + value
	..... 30+ min.	400.00 + value
	.....45+ min	500.00 + value

20.24	Take in excess of daily bag limit	400.00 + value
20.25	Wanton waste of migratory birds	300.00 + value
20.26(c)	Failure to comply with temporary closure regulations	300.00 + value
20.31	Possession of birds taken in violation of 20.21 through 20.26	250.00 + value
<u>Section Number</u>		<u>Collateral</u>
20.32	Possess freshly killed migratory birds during closed season	500.00 + value
20.33	Exceed possession limit of migratory birds taken in the U. S.	300.00 + value
20.34	Possess in excess of daily bag limit on opening day	250.00 + value
20.35	Possess or transport in excess of daily field limit	300.00 + value
20.36	Violation of tagging regulations	200.00 + value
20.37	Custody of untagged birds of another	200.00 + value
20.38	Live wounded birds in possession	200.00 + value
20.40	Receive, possess, give to another untagged birds	200.00 + value
20.41	Transport birds taken in violation of 20.21 through 20.26	200.00 + value
20.42	Transportation of untagged birds of another	200.00 + value
20.43	Transport migratory game birds with species ID removed	150.00 + value
20.44	Transport unmarked or improperly marked package containing migratory game birds via postal service or common carrier	150.00 per package
20.51	Export birds taken in violation of 20.12 through 20.26	300.00 + value
20.52	Export birds with species ID removed	250.00 + value
20.53	Export unmarked or improperly marked packages containing migratory birds as required	300.00 + value
20.61	Import migratory game birds in excess of legal limit	300.00 + value
<u>Section Number</u>		<u>Collateral</u>
20.62	Import migratory game birds belonging to another	300.00 + value
20.63	Import migratory game birds with species ID removed	250.00 + value

20.64	Import, possess, transport birds killed in foreign country without required export permits	250.00 + value
20.65	Import birds not drawn or dressed as required	250.00 + value
20.66	Import unmarked or improperly marked packages containing migratory birds as required	250.00/package
20.71	Take, possess, transport, or export migratory birds, their parts, nests, or eggs in violation of any other federal law or regulation	350.00 + value
20.72	Take, possess, transport, or export migratory birds, their parts, nests, or eggs in violation of any state law or regulation	350.00 + value
20.73	Import, possess, or transport, migratory birds, their parts, nests, or eggs if taken, bought, sold, transported, possessed, or exported contrary to any law or regulation of any foreign country, state, or province thereof	350.00 + value
20.81	Commercial facility with untagged migratory birds of another as required under 20.36	400.00 + value
20.82	Violation of record keeping requirement	300.00 + value
20.83	Failure to permit premise inspection	700.00 + value
20.91(a)	Purchase, sell, barter, or offer thereof for millinery or ornamental use, the feathers of migratory game birds	300.00 + value
20.91(b)	Purchase, sell, barter, or the offer thereof, mounted specimens taken by hunting	300.00 + value
20.100	Take migratory game birds for which no season has been established	300.00 + value
20.133	Violation of crow hunting regulations	60.00 + 60.00/bird

50 CFR 21: Migratory Bird Permit Violations

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
21.11	Take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such birds without a permit	500.00 + value
21.21	Importing migratory birds , their parts, nests, or eggs without an import permit, or Exporting migratory birds , their parts, nests, or eggs without an export permit	300.00 + value

21.22	Capturing migratory birds for banding or marking purposes or use of official Service issued bands without a permit	300.00 + value
21.23	Take, transport, or possess migratory birds, their parts, nests, or eggs for scientific purposes without a scientific collecting permit	300.00 + value
21.24	Performing taxidermy services on migratory birds, their parts, nests or eggs without a taxidermy permit	300.00 + value
21.25	Unlawful sale, trade, donation, or otherwise disposing of, to another person, any species of captive-reared migratory waterfowl without a waterfowl sale and disposal permit	300.00 + value
21.27(a)	Take, salvage, otherwise acquire, transport, or possess migratory birds, their parts, nests, or eggs for any purpose not covered by standard form permits without a special purpose permit	300.00 + value
21.29	General violation of falconry regulation	500.00 + value
21.30	General violation of raptor propagation permit	300.00 + 150.00/bird
21.30(g)	Take, possess, transport, sell, purchase, barter, or transfer any raptor, raptor egg, or raptor semen, for propagation without authorization	450.00 + 130.00/bird
21.31	General violation of migratory bird rehabilitation permit	300.00 + value
21.41	Take of depredating migratory birds without a permit or take of depredating birds by unauthorized method or in an unauthorized area	250.00 + value

16 USC 718a**Migratory Bird Hunting Stamp Act**

<u>Statute</u>		<u>Collateral</u>
16 USC 718a	Taking migratory waterfowl without an unexpired federal Migratory Bird Hunting and Conservation Stamp	250.00 + value
	Taking migratory waterfowl with an invalid (unsigned) federal Migratory Bird Hunting and Conservation Stamp	150.00 + value
16 USC 718e(a)	Loan or transfer valid federal Migratory Bird Hunting and Conservation Stamp to another person, or use stamp validated by another	500.00
16 USC 718e(b)	Alter, mutilate, imitate, or counterfeit a federal Migratory Bird Hunting and Conservation Stamp	750.00

16 USC 668**Bald and Golden Eagle Protection Act**

<u>Statute</u> 16 USC 668	Take possess, sell, barter, or offer to sell, purchase, or barter, transport, export, or import any bald or golden eagle or parts, nests, or eggs thereof	<u>Collateral</u> 1500.00 + value
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<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
22.11	Take, possess, or transport a bald or golden eagle Or parts, nest, or eggs thereof	1500.00 + value 500.00
22.12	Sell, purchase, trade, barter, export, import, or offer thereof any bald or golden eagle Or parts, nest, or eggs thereof	1500.00 500.00
22.21	Violation of eagle permit requirements issued for scientific and exhibition purposes	400.00
22.22	Violation of eagle permit requirements issued for Indian religious purposes	400.00
22.23	Violation of eagle permit requirements issued for taking depredating eagles	400.00
22.24	Violation of eagle permit requirements issued for falconry purposes	400.00
22.25	Violation of eagle permit requirements issued for taking golden eagle nests	400.00
22.32	Violation of conditions of authority for taking golden eagles under depredation control order	400.00

50 CFR 23: Regulations pertaining to import/export of protected wildlife & plants

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
23.13	It is unlawful to commit, attempt to commit, solicit another to commit, or cause to be committed any of the acts described in 23.13(a) through 23.13(e) with regard to: Appendix I species Appendix II species Appendix III species	1500.00 + value 700.00 + value 300.00 + value

50 CFR 24: Regulations pertaining to the import/export of plants

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
24.11	Import, export, or re-export plants at a non-designated port of entry	400.00 + value

16 USC 4201-4245
African Elephant Conservation Act

<u>Statute</u>		<u>Collateral</u>
16 USC 4223	Import or export raw or worked ivory contrary to the provisions of the Act	
	.....commercial	1500.00 + value
	.....noncommercial	750.00

16 USC 668dd and 16 USC 721-723
National Wildlife Refuge Administrative Act

50 CFR 25: Wildlife Refuge Act, Administrative Provisions

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
25.42	Failure to display permit when requested	150.00
25.72	Failure to report accidents	150.00

50 CFR 26: Wildlife Refuge, Public Entry and Use

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
26.21(a)	Trespass on National Wildlife Refuge (NWR)	200.00
26.21(b)	Permit unconfined domestic animal to enter a NWR	100.00 +
	Domestic pet (i.e. Dog/Cat)	50.00/animal
	Livestock	300.00 + 100.00/animal
26.22(a)	Failure to comply with special regulations or other official notification under 25.31	150.00
26.22(b)	Failure to abide by terms and conditions of entry permit	150.00
26.36	Conduct public assembly/demonstration without a permit	150.00

50 CFR 27: Wildlife Refuge, Prohibited Acts

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
27.21	Take any animal or plant without authorization	300.00 + value

27.31	Travel on other than a designated route of travel	300.00 + cost to repair damage
	Fail comply with traffic control signs or signals	200.00
	Parking violations	75.00
27.31(a)	Operate a vehicle in violation of state vehicle law	150.00
	Operate a vehicle in violation of state insurance requirements	300.00
27.31(b)	Operate a vehicle under the influence of drugs or intoxicating beverage	Mandatory
27.31(c)	Operate a vehicle carelessly or heedlessly	300.00
27.31(d)	Exceed 25+ mph or otherwise leally posted speed limit	
	01-10 MPH.....	100.00
	11-20 MPH.....	150.00
	21-30 MPH.....	250.00
	31-40 MPH.....	350.00
	41+ MPH.....	Mandatory
		+ construction zone fines double
27.31(e)	Operate vehicle without a muffler/spark arrester or vehicle that produces unusual or excessive noise or visible pollutants	150.00
27.31(f)	Operate vehicle without license plate/registration	150.00
27.31(g)	Operate vehicle without valid driver's license	150.00
	Operate vehicle while driver's license suspended/revoked	250.00
27.31(h)	Block road access for other vehicles	150.00
27.31(i)	Failure to obey orders of traffic control officer	250.00
27.31(j)	Operate over sized/over-weight vehicle	250.00
27.31(k)	Moving of vehicle involved in accident	150.00
27.31(l)	Operate a vehicle without proper head, tail, or brake lights	75.00
27.31(m)	Violation of other established special vehicle requirements	150.00
27.32(a)	Unauthorized use of a boat	250.00

27.32(b)(1)	Operate boat in violation of either Coast Guard or State laws	100.00
27.32(b)(2)	Operate boat in reckless/negligent manner	300.00
	Exceed speed limit/wake zone	150.00
27.32(b)(3)	Operate boat under the influence of an intoxicant	Mandatory
27.32(b)(4)	Interfere with the operation of other boats	150.00
27.32(b)(5)	Operate boat without proper marine head	75.00
27.32(b)(6)	Operate a sailboat without required lights	150.00
27.32(b)(7)	Leave boat unattended for 72 hrs	100.00
27.32(b)(8)	Unauthorized use of government boat dock	75.00
27.33	Unauthorized waterskiing on NWR	150.00
27.34	Unauthorized operation of aircraft on/over NWR	250.00
27.41	Carry, possess or discharge a firearm/fireworks	200.00
	Carry, possess or discharge explosives	Mandatory
7.43	Use of weapons other than firearms	200.00
27.51	Disturb, injure, damage animals on NWR	250.00 + value
	Disturb, injure, damage plants on NWR	200.00 + value
27.52	Introduction of plants/animals on NWR	250.00 + recovery costs to repair and/or 50.00 animal/plant
27.61	Destruction or removal of property from NWR	300.00
27.62	Search for and/or remove objects of antiquity	500.00
27.63(a)	Unauthorized search for valued objects	500.00
27.63(b)	Conduct archaeological studies without permit	500.00
27.64	Unauthorized prospecting/mining on a NWR	500.00
27.65	Tamper with vehicles or equipment	300.00

27.71	Take or film motion pictures for commercial use	250.00
27.72	Cause unreasonable disturbances w/audio equipment	200.00
27.73	Use of artificial light to spot wildlife	200.00 + value
	Use of artificial light to take wildlife	500.00 + value
27.81	Enter NWR under the influence of alcohol	350.00
27.82(b)(1)	Deliver controlled substance	Mandatory
27.82(b)(2)	Possess controlled substance on a NWR	Mandatory
27.82(b)(3)	Under influence of a controlled substance	350.00
27.83	Indecency or disorderly conduct	400.00
27.84	Interference with persons engaged in authorized activity	400.00
27.85	Gambling on NWR	100.00
27.86	Begging or soliciting	100.00
27.91	Conducting field trials	250.00
27.92	Construct, install, occupy private structure	250.00
27.93	Abandon private property	300.00
27.94	Litter on a NWR	250.00
	Dumping refuse or waste	500.00 + cleanup costs
	Depositing environmental contaminants	1000.00+ cleanup costs
27.95(a)	Setting unauthorized fire	350.00
	Setting unauthorized campfire (contained)	100.00
27.95(b)	Leaving fire unattended	200.00
27.95(c)	Throw a burning cigarette, match, etc., where it may start a fire	300.00
27.95(d)	Smoking violation	100.00
27.96	Unauthorized advertising	100.00
27.97	Soliciting business or conducting commercial operation	300.00

50 CFR 31: Wildlife Refuges, Wildlife Species Management

Section

<u>Number</u>	<u>Offense</u>	<u>Collateral</u>
31.13	No refuge commercial fishing permit	300.00 + value
31.16	Violations of federal trapping permit regulations, state trapping laws, or other special trapping laws, or special trapping regulations	200.00 + value

50 CFR 32: Wildlife Refuges, Hunting and Fishing

Section

<u>Number</u>	<u>Offense</u>	<u>Collateral</u>
32.2(a)	Hunt without a State license	250.00 + value
32.2(b)	Hunt without a migratory waterfowl stamp	250.00 + value
32.2(c)	Hunt in violation of federal law	250.00 + value
32.2(d)	Hunt in violation of state law	250.00 + value
32.2(e)	Hunt in violation of special access requirements	150.00 + value
32.2(f)	Failure to comply with refuge special hunting regulations	200.00 + value
32.2(g)	Bow hunt with any drug on an arrow	650.00 + value
32.2(h)	Distribution of bait and hunting over bait on NWR	750.00 + value
32.2(i)	Use of nails, wire, screws or bolts to attach a tree stand to a tree, or hunt from tree into which a metal object has been driven	150.00
32.2	Use or possession of alcohol while hunting	300.00
32.2(k)	Possession of toxic shot while hunting	150.00 + value + 25.00/shell + forfeit toxic shells
32.5(a)	Fish without a State license	150.00 + value
32.5(b)	Fish in violation of other Federal laws and regulations	150.00 + value
	Over bag limits and/or size limits	300.00 + value
32.5(c)	Failure to comply with State law	150.00 + value
	Over bag limits and/or size limits	300.00 + value

32.5(d)	Failure to comply with terms and conditions authorizing sport fishing use of refuge area	150.00 + value
32.5(e)	Failure to comply with refuge special fishing regulations	150.00 + value

16 USC 668dd
National Wildlife Refuge Act – Prohibited Acts

<u>Statute</u> 16 USC 668dd(c)	Disturb, injure, burn, cut, remove, destroy, or possess any real or personal property of the United States... or take or possess any fish, bird, mammal, or other wild vertebrate or invertebrate animal or part or nest thereof... or enter, use, or otherwise occupy any such area for any purpose without a permit or authorization	<u>Collateral</u> [See subparagraph (f)(1) or (f)(2)]
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16 USC 668dd(f)(1)	Any person who knowingly violates or fails to comply with any of the provisions of this Act or any regulations issued thereunder	1000.00 + value
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16 USC 668dd(f)(2)	Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act)	500.00 + value
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16 USC 668dd(d)
Wildlife Conservation Easement Provisions

Violations of Conservation Easement Contracts

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
1.	Dwellings, barns, outbuildings, or other structures built without authorization within easement areas	650.00 + removal
2.	Alter vegetation	150.00 + restoration
3.	Alter hydrology	75.00 + restoration
4.	Unauthorized cutting or mowing	150.00+ per acre
5.	Unauthorized cultivation	250.00 +

		per acre
6.	Unauthorized grazing	100.00 + per animal
7.	Unauthorized harvesting or cutting of wood	250.00 +value
8.	Unauthorized burning	150.00 + per acre
9.	Place refuse, waste, sewage, or other debris	500.00 + clean up costs
10.	Littering	250.00
11.	Drain, dredge, channel, or fill	650.00 + restoration
12.	Pump, dike, or impound, and related activity	650.00 + restoration
13.	Divert or affect the natural flow or surface or underground water into, within, or out of easement	650.00 + restoration
14.	Failure to control noxious weeds/other undesirable plants	150.00 + per acre
15.	Hunting in a closed area	250.00 + value
16.	Taking or attempting to take fish & wildlife in violation of a Federal, State, or local game/fish regulations	150.00 + value
17.	Failure to allow inspection, entry, or egress by an authorized official, agent, or employee	650.00
18.	Trespass on a closed area	200.00
19.	Interfere with the management of easement area	400.00

50 CFR 70: Regulations pertaining to National Fish

Hatcheries

Section

Number

Offense

Collateral

70.2

Administrative provisions as adopted from Part 25

**As noted in
Part 25**

70.4(a)

Prohibited Acts as adopted in Part 27

**As noted in
Part 27**

70.4(b)	Unauthorized taking, or attempt to take fish, amphibians, or other aquatic animals	250.00 + value
70.4(c)	Unauthorized take of any animal	250.00 + value
70.4(d)	Disturbing spawning fish	250.00 + value
70.6	Public Entry & Use as adopted from Part 26	As noted in Part 26

50 CFR 71: Regulations pertaining to Hunting & Fishing on National Fish Hatcheries

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
71.2(a)	Hunting without a State license	250.00 + value
71.2(b)	Hunting waterfowl without a migratory bird hunting stamp	250.00 + value
71.2(c)	Failure to comply with other Federal laws and regulations while hunting	250.00 + value
71.2(d)	Failure to comply with other State laws and regulations while hunting	250.00 + value
71.2(e)	Failure to comply with National Fish Hatchery terms and conditions authorizing access and use	250.00 + value
71.2(f)	Failure to comply with provisions of special notices	250.00 + value
71.12(a)	Fish without a State license	150.00 + value
71.12(b)	Failure to comply with other Federal laws and regulations while fishing	150.00 + value
	Over bag limits and/or size limits	300.00 + value
71.12(c)	Failure to comply with other State laws and regulations while fishing	150.00 + value
	Over bag limits and/or size limits	300.00 + value
71.12(d)	Failure to comply with National Fish Hatchery terms and conditions authorizing access and use	150.00 + value
71.12(e)	Failure to comply with provisions of special notices	150.00 + value

Oversight Provision**All regulatory provisions of 50 CFR et sec. not heretofore enumerated**

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
As listed	Violations of permits or permit requirements	200.00
	Violations of taking, sale, purchase, or barter	500.00

Violations of possession, transport, import/export **300.00**

All other violations or noncompliance **100.00**

18 USC 13
Assimilative Crimes Act

<u>Statute</u> 18 USC 13	Violations of state statutes on land administered by the FWS	<u>Collateral</u> 300 + value
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10 USC 2671(a)
Hunting, Fishing, Trapping on Military Reservations

<u>Statute</u> 10 USC 2671(a)	Violation of state statutes for wildlife or plants while on military reservation	<u>Collateral</u> 500.00 + value
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18 USC 1866
American Antiquities Act

<u>Statute</u> 16 USC 433	Appropriate, excavate, injure or destroy historic or prehistoric ruins, or monument, or any object of antiquity	<u>Collateral</u> 750.00
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16 USC 470aa et seq.
Archaeological Resources Protection Act

<u>Statute</u> 16 USC 470ee(a)	Knowingly excavate, remove, damage, alter, deface or the attempt thereof, any archaeological resource on public or Indian lands without a permit or exemption	<u>Collateral</u>
	.....commercial	1500.00 + value
	.....noncommercial	750.00 + value

16 USC 470ee(b)	Knowingly sell, purchase, exchange, transport, receive, or offer thereof, any archaeological resource if such resource was excavated or removed from public or Indian lands in violation of 16 USC 470ee(a) or any provision, rule, regulation, ordinance or permit in effect under any other Federal law	
	.....commercial	2000.00 + value
	.....noncommercial	1000.00 + value

16 USC 470ee(c)	Knowingly sell, purchase, exchange, transport, receive, or offer thereof, any archaeological resource if such resource was excavated or removed from public or Indian lands in violation of	
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16 USC 470ee(a) or any provision, rule, regulation, ordinance or permit in effect under any other State lawcommercial 2000.00 + valuenoncommercial 1000.00 + value
16 USC 470ee(d) Knowingly violate, counsel, procure, solicit, or employ any other person to violate any prohibition	.....commercial 1300.00 .....noncommercial 650.00

16 USC 3371-3778

Lacey Act

Statute

16 USC 3372(a)

- (1) to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken, possessed, transported, or sold in violation of any law or treaty or regulation of the United States or in violation of any Indian tribal law
- (2) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce-
 - (A) any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law
 - (B) any plant-
 - (i) taken, possessed, transported, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates-
 - (I) the theft of plants;
 - (II) the taking of plants from a park, forest reserve, or other officially protected area;
 - (III) the taking of plants from an officially designated area; or
 - (IV) the taking of plants without, or contrary to, required authorization
- (3) within the special maritime and territorial jurisdiction of the United States-
 - (A) to possess any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law or Indian tribal law, or
 - (B) to possess any plant-
 - (i) taken, possessed, transported, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates-

- (I) the theft of plants;
- (II) the taking of plants from a park, forest reserve, or other officially protected area;
- (III) the taking of plants from an officially designated area; or
- (IV) the taking of plants without, or contrary to, required authorization

16 USC 3372(a)(4) Attempt to commit any act described in paragraphs (1) through (3)

<u>Species</u>	<u>Collateral</u>	<u>Species</u>	<u>Collateral</u>
Fish.....	400.00 + value	Big Game.....	1500.00 + value
Small Game.....	400.00 + value	Fur bearer.....	400.00 + value
Bird.....	750.00 + value	Plant.....	400.00 + value
Reptile.....	400.00 + value	Amphibian.....	400.00 + value
Other.....	400.00 + value		

Statute

16 USC 3372(c)

(1) It is deemed to be a sale of fish or wildlife in violation of this chapter for a person for money or other consideration to offer or provide-

- (A) guiding, outfitting, or other services; or
 - (B) a hunting or fishing license or permit;
- for the illegal taking, acquiring, receiving, transporting, or possessing of fish or wildlife

(2) It is deemed to be a purchase of fish or wildlife in violation of this chapter for a person to obtain for money or other consideration-

- (A) guiding, outfitting, or other services; or
 - (B) a hunting or fishing license or permit;
- for the illegal taking, acquiring, receiving, transporting, or possessing of fish or wildlife

Collateral

750.00 + value

16 USC 3372(d)

It is unlawful for any person to make or submit any false record, account, or label for, or any false identification of, any fish, wildlife, or plant which has been, or is intended to be-

- (1) imported, exported, transported, sold, purchased, or received from any foreign country; or
- (2) transported in interstate or foreign commerce

<u>Species</u>	<u>Collateral</u>	<u>Species</u>	<u>Collateral</u>
Fish.....	300.00 + value	Big Game.....	1300.00 + value
Small Game.....	300.00 + value	Fur bearer.....	300.00 + value

Bird.....	650.00 + value	Plant.....	300.00 + value
Reptile.....	300.00 + value	Amphibian.....	300.00 + value
Other.....	300.00 + value		

16 USC 5301-5306

Rhinoceros and Tiger Conservation Act of 1998

Statute

Collateral

16 USC 5305a(a)	Sell, import, or export, or attempt to sell, import, or export, any product, item, or substance intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger	1000.00 + value
16 USC 5305a(b)	Engaging in business as an importer, exporter, or distributor that knowingly violates subsection (a) of this section [16 USC 5305a]	1000.00 + value

APPENDIX 1

Wildlife & Plant Value Table

<u>Category</u>	<u>Species</u>	<u>Comments</u>	<u>Value</u>	
Big Game animals	Elk/caribou	whole/trophy	cow: \$1,500.00 bull: \$6,000.00	
	Moose/bison	whole/trophy	cow: \$2,500.00 bull: \$8,000.00	
	Sheep/mtn. goat	whole/trophy	\$11,000.00	
	Deer/pronghorn	whole/trophy	doe: \$750.00 buck: \$2,500.00	
	Blk. bear/cougar	whole/trophy	\$6,500.00	
	Brown bear	whole/trophy	\$9,000.00	
	Polar bear	whole/trophy	\$13,000.00	
	Rhino/elephant/hippo/ buffalo/felines	whole/trophy	\$13,000.00	
	All other African/Asian/ S. American/European	whole/trophy	\$3,000.00	
	All other	whole/trophy	\$1,500.00	
	All parts/products	per item	\$150.00 or DEC value	
	Small Game animals	All whole/trophy	per item	\$150.00
		All parts/products	per item	\$50.00 or DEC value
All whole/skin		per item	\$150.00	
Fur bearing animals	Rodent family	whole/skin	\$50.00	
	Canine family	whole/skin	\$150.00	
	Procyon/Mustelid family	whole/skin	\$75.00	
	Feline family	whole/skin	\$500.00	

<u>Category</u>	<u>Species</u>	<u>Comments</u>	<u>Value</u>
	All others	whole/skin	\$50.00
Non-game animals	Carnivores	whole/skin	\$2,000.00
		parts	\$750.00
	Primates	whole	\$1,500.00
	Others	whole	\$400.00
	All parts/products	per item	\$300.00 or DEC value
Migratory game birds	Swans	whole/mount	\$1,300.00
	Geese	whole/mount	\$100.00
	Ducks	whole/mount	\$60.00
	Doves/Pigeons	whole/mount	\$30.00
	All other	whole/mount	\$60.00
	All parts/products	per item	\$30.00 or DEC value
Migratory non-game birds	Eagles	whole/mount	\$1,500.00
		parts/products	\$500.00
	Hawks/Owls	whole/mount	\$650.00
	Song birds	whole/mount	\$130.00
	Whooping Crane	whole/mount	\$11,000.00
	All other	whole/mount	\$130.00
	All parts/products	per item	\$75.00 or DEC value
Other game birds	Wild turkey	whole/mount	\$650.00
	Grouse/Prairie Chickens	whole/mount	\$400.00
	All other	whole/mount	\$150.00
	All parts/products	per item	\$50.00 or DEC value
Parrots	Macaws/Cockatoos	whole/mount	\$1,500.00

<u>Category</u>	<u>Species</u>	<u>Comments</u>	<u>Value</u>
	Parrots	whole/mount	\$750.00
	All other	whole/mount	\$150.00
	All parts/products	per item	\$50.00 or DEC value
Other pet birds	All	whole/mount	\$130.00
	All parts/products	per item	\$20.00 or DEC value
Other animals	All whole/product	per item	\$75.00 or DEC value
Endangered/ Threatened Wildlife	All	whole/trophy	\$2,500.00
		parts	\$750.00
		curios/jewelry	\$150.00 or DEC value
	Sea turtle	eggs only	\$1,500.00
Endangered/ Threatened Plants	All	all	\$1,500.00
Marine mammals	All (except polar bear)	whole/trophy	\$2,500.00
		parts/curios/other	\$200.00 or DEC value
Game fish	Trout/salmon/walleye/ Bass/pike/etc.	whole/trophy	\$100.00
Sport fish	Pan fish/catfish/etc.	whole/trophy	\$50.00
Other fish	Paddle/sturgeon/etc.	whole/trophy	\$750.00
	Eggs/roe	per pound	\$750.00
	All other	whole/trophy	\$50.00
Non-sport fish	Carp/sucker/gar/etc.	whole/trophy	\$20.00
Tropical Fish	All	per fish	\$30.00 or DEC value
Bait fish	All	whole/product	\$13.00
Amphibians	All whole/product	per item	\$75.00 or DEC value

<u>Category</u>	<u>Species</u>	<u>Comments</u>	<u>Value</u>
Reptiles	All whole/product	per item	\$75.00 or DEC value
	American Alligator (<i>Alligator mississippiensis</i>)	Length in Feet	
		0-1	\$ 33.50
		2	\$ 53.50
		3	\$ 73.50
		4	\$ 106.00
		5	\$ 106.00
		6	\$ 245.50
		7	\$ 385.50
		8	\$ 593.50
		9	\$ 1,241.50
		10	\$ 1,281.50
		11	\$ 5,220.50
		12	\$ 5,260.50
		13	\$ 5,300.50
		14	\$ 5,340.50
Insects	All whole/product	per item	\$60.00 or DEC value
Mollusks	All whole/product	per item	\$40.00 or DEC value
Corals	All whole/product	per item	\$60.00 or DEC value
Deciduous trees	All	> 10 yrs.	\$1,300.00
		< 10 yrs.	\$400.00
Coniferous trees	All	> 10 yrs.	\$1,300.00
		< 10 yrs.	\$400.00
Bushes	All	adult	\$900.00
		young	\$200.00
Cacti	All	per plant	\$200.00
Sedges/grasses	All	per sq. foot	\$75.00
Orchid family	All	per plant	\$150.00
Other plants	All	per plant	\$20.00
Archeological Resources	All	per item	\$200.00