

JUN 16 1994

BY DAVID J. MALAND, CLERK  
DEPUTY J. Henderson

GENERAL ORDER NO. 94-21

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.

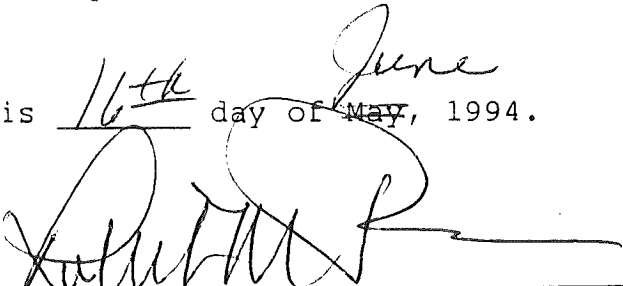
Appendix A sets forth collateral amounts which may be forfeited in lieu of court appearance by a person facing a charge described in Appendix A, should the charging officer authorize collateral forfeiture in lieu of mandatory appearance on the face of the violation notice. Should collateral forfeiture 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 16<sup>th</sup> day of June, 1994.

  
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ROBERT M. PARKER  
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, battery gun, machine gun, fishhook, poison, drug, explosive, or stupefying substance.	250+25/bird
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, induces or procures its commission	500+25/bird

i.e. A host/landowner of hunt who may not actively hunt but is responsible for placement of bait in 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 custody of any migratory game bird or part thereof if taken in violation of any provision of Subpart C (taking) | 150+25/bird |
| 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 tagged 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 time by any means or in any manner, of migratory game birds or parts thereof taken in violation of any provision of Subpart C (taking)
- 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
- 50 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 package or container 150+25/bird

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 150+25/bird  
without species identification  
requirements - each bird
- 20.64 Importing migratory game birds 150+25/bird  
killed in a foreign country without  
being accompanied by export permit -  
each bird
- 20.65 Importing migratory game birds 150+25/bird  
killed in a foreign country without  
meeting processing requirements -  
each bird
- 20.66 Importing migratory game birds 150+25/bird  
without properly marking package or  
container

SUBPART H - FEDERAL, STATE, AND FOREIGN LAW

- 20.71 Violation of Federal Law - Taking, 200+25/bird  
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
- 20.72 Violation of State Law - Taking, 200+25/bird  
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
- 20.73 Violation of Foreign Law - 200+25/bird  
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

SUBPART I - MIGRATORY BIRD PRESERVATION - FACILITIES

- 50 CFR 20.81 Failure to meet tagging 100+10/bird  
requirements by migratory bird  
preservation facility

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 200.00  
offering to purchase. sell or barter  
for millinery or ornamental use of  
feathers of migratory game birds  
taken under authority of these  
regulations

20.91(b) Purchasing, selling, bartering or 250+100/bird  
offering to purchase, sell, or  
barter mounted specimens of  
migratory game birds taken under  
authority of these regulations

PART 21 MIGRATORY BIRD PERMITS

SUBPART B - GENERAL REQUIREMENTS AND EXCEPTIONS

21.11 Violation of permit regulation 150.00  
requirements

21.12.27 All other permit violations 100.00

21.28.29 Falconry regulations 150.00

MIGRATORY WATERFOWL HUNTING AND CONSERVATION STAMP ACT

16 USC 718a Taking migratory waterfowl without 200.00  
migratory waterfowl hunting stamp

Taking migratory waterfowl with an 100.00  
unsigned migratory waterfowl hunting  
stamp

16 USC 718e(a) Use of migratory waterfowl hunting 200.00  
stamp belonging to another person

16 USC 718e(b) Altering, mutilating, imitating, 200.00  
or counterfeiting any migratory  
waterfowl hunting stamp

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
27.31(d)	Speed limit (0-10 mph)	25.00
	(11-15 mph)	35.00
	(16-21 mph)	50.00
	(over 21 mph in excess or over 80 mph)	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, registered, or inspected in accordance with Texas Law	50.00

- 27.31(g) Driving or permitting another person to drive a vehicle without a valid operator's license displayed upon request 50.00
- 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 50.00
- 27.31(k) Moving a motor vehicle involved in an accident before authorized official arrives at the scene 50.00
- 27.31(l) Operating a motor vehicle without proper brakes and brake lights or from sunset to sunrise without working headlights and taillights as required by Texas Law 50.00
- 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 WEAPONS

- 27.41 GENERAL PROVISIONS - Possessing or discharging firearms, fireworks, or explosives 200 00

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

SUBPART G - DISTURBING VIOLATIONS: LIGHT AND SOUND EQUIPMENT

- 27.71 Unauthorized taking or filming any motion or sound pictures on a National Wildlife Refuge for subsequent commercial use 200.00
- 27.72 Operation of audio devices causing unreasonable disturbance to others 200.00
- 27.73 Use of artificial lights for the purpose of spotting, locating, or taking any animal on a National Wildlife Refuge 200+25/  
wildlife

SUBPART H - DISTURBING VIOLATIONS: PERSONAL CONDUCT

- 27.81 Entering or remaining on a National Wildlife Refuge while under the influence of alcohol 200.00
- 27.82 Possession or delivery of a controlled substance on a National Wildlife Refuge \*
- 27.83 Indecency and disorderly conduct in violation of state or local law 200.00
- 27.84 Disturbing, molesting, or interfering with any person who is in pursuit of an authorized activity on a National Wildlife Refuge 300.00
- 27.85 Gambling for money or otherwise on a National Wildlife Refuge 100.00
- 27.86 Begging or unauthorized solicitation of funds on a National Wildlife Refuge 100.00

SUBPART I - OTHER DISTURBING VIOLATIONS

- 27.91 Unauthorized field trials for dogs on a National Wildlife Refuge 200.00
- 27.92 Constructing, installing, occupying, or maintaining any building or other structure without proper authority 200.00

27.93	Abandoning, discarding, or otherwise leaving any personal property on a National Wildlife Refuge	300.00
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 areas in a National Wildlife Refuge	200.00
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 Refuge	100.00
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
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U.S. FISH AND WILDLIFE SERVICE VIOLATIONS

16 USC 668	Eagle Protection Act	500+250/spec
16 USC 742j-1	Airborne Hunting Act	500+250/spec
16 USC 1532-1542	Endangered Species Act	500+250/spec
16 USC 3371-3378	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 1361-1407	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.