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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
CAROL C. FIDICERALE  
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IN THE MATTER OF:

FORFEITURE OF COLLATERAL IN LIEU OF )  
APPEARANCE RELATIVE TO CONDUCT IN )  
NATIONAL FORESTS, AND VIOLATIONS OF ) Special Order No. 1  
RULES AND REGULATIONS APPLICABLE TO )  
AND GOVERNING THE SAME )

Persons charged with violation in this District within the territorial jurisdiction of a United States Magistrate, of any offense listed below, whether originating under 36 CFR, as now or hereafter amended and applicable, issued under and pursuant to 76 Stat. 1157, Sec. 6 and 78 Stat. 745 (16 U.S.C. & 551), or under applicable State statute by virtue of the Assimilated Crimes Act (18 U.S.C. 7 13), may, unless "Mandatory Appearance" is indicated for the particular offense, or the officer issuing the citation (at his discretion in aggravated case) requires a personal appearance, post collateral in the amount indicated for the offense, waive appearance before a Magistrate and consent to forfeiture of the collateral, which forfeiture shall be equivalent to a conviction.

<u>VIOLATION</u>	<u>COLLATERAL</u>
36 CFR 261.3	<u>INTERFERING WITH FOREST OFFICERS</u>
	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. *
36 CFR 261.4	<u>DISORDERLY CONDUCT</u>
	(a) Engaging in Fighting, or in threatening or abusive behavior. *
	(b) Inciting or participating in a riot. *
	(c) Making unreasonable noise \$25.00

1	36 CFR 261.5	<u>FIRE</u>	
2			
3		(a) Carelessly or negligently	
4		throwing or placing any burning,	
5		glowing, or ignited substance,	
6		or any other substance or thing	
7		which may cause a fire, into	
8		any place where it might start	
9		a fire.	\$25.00
10		(b) Firing any tracer bullet or	
11		incendiary ammunition.	\$25.00
12		(c) Causing timber, trees, slash,	
13		brush or grass to burn except	
14		as authorized by permit.	*
15		(d) Leaving a fire without completely	
16		extinguishing it.	\$25.00
17		(e) Allowing a fire to escape from	
18		control.	*
19		(f) Building, attending, maintaining,	
20		or using a campfire without	
21		removing all flammable material	
22		from around the campfire adequate	
23		to prevent its escape.	\$25.00
24	36 CFR 261.6	<u>TIMBER AND OTHER FOREST PRODUCTS</u>	
25		(a) Cutting, killing, destroying,	
26		girdling, chipping, chopping,	
27		boxing, injuring, or otherwise	
28		damaging, or removing, any timber,	
29		tree or other forest product,	
30		except as authorized by permit,	
31		timber sale contract, Federal	
32		law or regulation.	*
		(b) Cutting any standing tree under	
		permit or timber sale contract,	
		before a Forest Officer has	
		marked it or has otherwise desig-	
		nated it for cutting.	*
		(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.	*
		(d) Stamping, marking with paint, or	
		otherwise identifying any tree or	
		other forest product in manner	
		similar to that employed by forest	
		Officers to mark or designate tree	
		or any other forest product for	
		cutting or removal.	*

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- (e) Loading, removing or hauling any 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. \*
- (f) Selling or exchanging timber or other forest product obtained under free use pursuant to 221.26, 221.27 or 221.28. \*
- (g) Violating any timber export or substitution restriction in 221.25. \*

36 CFR 261.7 LIVESTOCK

- (a) Placing or allowing unauthorized livestock to enter or be in the National Forest System. \*
- (b) Not removing unauthorized livestock from the National Forest System when requested by a Forest Officer. \*
- (c) Failing to reclose any gate or other entry. \$25.00
- (d) Molesting, injuring, removing or releasing any livestock impounded under 262.2 while in the custody of the Forest Service or its authorized agents. \*
- (e) Removing or attempting to remove, converting to use, causing the death of, harassing or interfering with any wild, free-roaming horse or burro defined in 231.11 (a)(2), or selling or commercially processing any part or carcass thereof. \*

36 CFR 261.8 FISH AND WILDLIFE

- (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. \*
- (b) Possessing a firearm or other implement designed to discharge a missile capable of destroying animal life. \$50.00
- (c) Possessing equipment which could be used for hunting, fishing, or trapping. \$50.00

1		(d) Possessing a dog not on leash	
2		or otherwise confined.	\$25.00
3	36 CFR 261.9	<u>PROPERTY</u>	
4		(a) Mutilating, defacing, removing,	
5		disturbing, injuring or destroying	
6		any natural feature or any prop-	\$50.00
7		erty of the United States.	
8		(b) Remvoing, destroying or damaging	
9		any plant that is classified as	
10		a threatened, endangered, rare	
11		or unique species.	*
12		(c) Entering any building or struc-	
13		ture owned or controlled by the	
14		United States when such building	
15		or structure is not open to the	\$25.00
16		public.	
17		(d) Using any herbicide, pesticide	
18		or fungicide except for personal	
19		use for medical purposes or as	
20		an insect repellent or with per-	*
21		mission for other minor uses.	
22		(e) Digging in, excavating, dis-	
23		turbing, injuring, or destroying	
24		any archeological, paleontologi-	
25		cal, or historic site, or	
26		removing, disturbing, injuring,	
27		or destroying an object in such	*
28		a site.	
29	36 CFR 261.10	<u>OCCUPANCY AND USE</u>	
30		(a) Constructing, placing, or main-	
31		taining any kind of road, trail,	
32		structure, fence, enclosure, com-	*
		munication equipment, or other	
		improvement without a permit.	
		(b) Taking possession of, occupying	
		or otherwise using National	
		Forest System lands for resi-	
		dential purposes without a per-	
		mit or as otherwise authorized	*
		by Federal law or regulation.	
		(c) Selling or offering for sale any	
		merchandise unless authorized	
		by Federal law, regulation or	\$25.00
		permit.	
		(d) Discharging a firearm or any	
		other implement capable of	
		taking human life, causing	
		injury, or damaging property:	
		(1) In or within 150 yards of	
		a residence, building, campsite,	
		developed recreation site or	
		occupied area, or (2) across	

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or on a Forest Development road  
or a body of water adjacent  
thereto whereby any person or  
property is exposed to injury  
or damage as a result of such  
discharge.

\*

- (e) Abandoning a vehicle, animal, or personal property. \$50.00
- (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. \$25.00
- (g) Posting, placing, or erecting any paper, notice, advertising material, sign or similar matter without a permit. \$25.00
- (h) 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. \$25.00
- (i) Operating or using a public address system, whether fixed, portable, or vehicle mounted, in or near a campsite, developed recreation site, or over an adjacent body of water without a permit. \$25.00
- (j) Conducting, demonstrating, or participating in a public meeting, assembly, or special event, except as authorized by permit. \$50.00

36 CFR 261.11

SANITATION

- (a) Depositing in any toilet, toilet vault, or plumbing fixture any bottle, can cloth, rag, metal, wood, stone, flammable liquid, or other substance which could damage or interfere with the operation or maintenance of the fixture. \$25.00
- (b) Possessing or leaving refuse, debris, or litter in an exposed or unsanitary condition. \$25.00
- (c) Placing in or near a stream, lake or other water any substance which does or may pollute a stream, lake or other water. \$50.00

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- (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. \$25.00
- (e) Dumping or leaving in a refuse container, dump or similar facility, refuse, debris, or litter brought as such from private property or from land occupied under permit. \*

36 CFR 261.12 FOREST DEVELOPMENT ROADS AND TRAILS

- (a) Violating the load, weight, height, length or width limitations prescribed by State law, except by permit, written agreement, or where greater or lesser limits have been established pursuant to 261.54. \$25.00
- (b) Failing to have a vehicle weighed at a Forest Service weighing station, if required by a sign. \$25.00
- (c) Failing to stop a vehicle when directed to do so by a Forest Officer. \$25.00
- (d) Damaging and leaving in a damaged condition any such road, trail, or segment thereof. \*
- (e) Blocking, restricting, or otherwise interfering with the use of a road, trail, or gate. \$25.00
- (f) Using motorized vehicles in excess of 40 inches in width on a trail. \$25.00

36 CFR 261.13 USE OF VEHICLES OFF ROADS

- (a) Without a valid license as required by State law. \$25.00
- (b) Without an operable braking system. \$25.00
- (c) From one-half after sunset to one-half hour before sunrise unless equipped with working head and tail lights. \$25.00
- (d) In violation of any applicable noise emission standard established by any Federal or State agency. \$25.00

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- (e) While under the influence of alcohol or other drug. \*
- (f) Creating excessive or unusual smoke. \$25.00
- (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. \$50.00

36 CFR 261.14

DEVELOPED RECREATION SITES

- (a) Occupying any portion of the site for other than recreation purposes. \$25.00
- (b) Building, attending, maintaining or using a fire outside of a fire ring provided by the Forest Service for such purposes or outside of a stove, grill or fireplace. \$25.00
- (c) Cleaning or washing any personal property, fish, animal or food at a hydrant or at a water faucet not provided for that purpose. \$25.00
- (d) Discharging or igniting a firecracker, rocket or other firework, or explosive. \$25.00
- (e) Occupying between 10 p.m. and 6 a.m. a place designated for day use only. \$25.00
- (f) Failing to remove all camping equipment or personal property when vacating the area or site. \$25.00
- (g) Placing, maintaining, or using camping equipment except in a place specifically designated or provided for such equipment. \$25.00
- (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. \$25.00
- (i) Leaving camping equipment unattended for more than 24 hours without permission. \$25.00
- (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. \$15.00

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2	(k)	Bringing in or possessing in a swimming area an animal, other than a seeing eye dog.	\$15.00
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4	(l)	Bringing in or possessing a saddle, pack or draft animal, except as authorized by a sign.	\$25.00
5			
6	(m)	Operating or parking a motor vehicle or trailer except in places developed for this purpose.	\$25.00
7			
8	(n)	Operating a bicycle, mororbike, or motorcycle on a trail unless designated for this use.	\$25.00
9			
10	(o)	Operating a motorbike, motorcycle, or other motor vehicle for any purpose other than entering or leaving the site.	\$15.00
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13	(p)	Distributing any handbill, circular, paper, or notice without a permit.	\$25.00
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15	(q)	Depositing any body waste except into receptacles provided for that purpose.	\$50.00
16			
17	36 CFR 261.15	<u>ADMISSION, RECREATION USE AND SPECIAL RECREATION PERMIT FEES</u>	
18		Failing to pay any fee established for admission or entrance to, or use of a site, facility, equipment, or service within the National Forest System furnished by the United States is prohibited	\$15.00
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21	36 CFR 261.16	<u>NATIONAL FOREST WILDERNESS</u>	
22			
23	(a)	Possessing or using a motor or motorized equipment except small battery-powered, hand-held devices, such as cameras, shavers, flashlights and Geiger counters.	\$50.00
24			
25	(b)	Possessing or using a hang glider or bicycle.	\$25.00
26			
27	(c)	Landing of aircraft, or the dropping or picking up of any material, supplies or person from aircraft, except by permit or as specifically authorized by Federal law or regulation.	\$50.00
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30	36 CFR 261.19	<u>NATIONAL FOREST PRIMITIVE AREA RESTRICTIONS</u>	*
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32	36 CFR 261.20	<u>UNAUTHORIZED USE OF "SMOKEY BEAR" AND WOODSY OWL" SYMBOL</u>	*

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WHEN PROVIDED BY AN ORDER, THE FOLLOWING ARE PROHIBITED:

36 CFR 261.52

FIRE

- (a) Building, maintaining, attending or using a fire, campfire, or stove fire. \$25.00
- (b) Using an explosive.
- (c) Smoking.
- (d) Smoking, except inside a building or vehicle, or while seated in an area at least three feet in diameter that is barren or cleared of all flammable materials. \$15.00
- (e) Going into or being upon an area. \$25.00
- (f) Possessing, discharging or using any kind of fireworks or other pyrotechnic device. \$25.00
- (g) Entering an area without any firefighting tool prescribed by the order. \$25.00
- (h) Operating an internal combustion engine except on a road. \$25.00
- (i) Welding, or operating acetylene or other torch with open flame. \$25.00
- (j) Operating or using any internal or external combustion engine on any timber, brush, or grass covered land, including trails traversing such land, without a spark arrester, maintained in effective working order. \$25.00
- (k) Violating any state law specified in the order concerning burning fires or which is for the purpose of preventing or restricting the spread of fires. \$25.00

36 CFR 261. 53

SPECIAL CLOSURES

- (a) Threatened, endangered, rare, unique, or vanishing species of plants, animals, birds or fish. \$25.00
- (b) Special biological communities. \$25.00
- (c) Objects or areas of historical, archeological, geological, or paleontological interest. \$25.00
- (d) Scientific experiments or investigations. \$25.00

1		(e) Public health and safety.	\$25.00
2		(f) Property.	\$25.00
3	36 CFR 261.54	<u>FOREST DEVELOPMENT ROADS</u>	
4		(a) Using any type of vehicle pro-	
5		hibited by the order.	\$25.00
6		(b) Use by any type of traffic pro-	
7		hibited by the order.	\$25.00
8		(c) Using a road for commercial	
9		hauling without a permit or	
10		written authorization.	\$25.00
11		(d) Operating a vehicle in viola-	
12		tion of the speed, load, weight,	
13		height, length, width, or other	
14		limitations specified by the	
15		order.	\$25.00
16		(e) Being on the road.	\$25.00
17	36 CFR 261.55	<u>FOREST DEVELOPMENT TRAILS</u>	
18		(a) Being on the trail	\$15.00
19		(b) Using a bicycle or motorized	
20		vehicle.	\$25.00
21		(c) Possessing or using a saddle,	
22		pack or draft animal.	\$25.00
23		(d) Shortcutting a switchback.	\$15.00
24	36 CFR 261.56	<u>USE OF VEHICLES OFF FOREST DEVELOPMENT</u>	
25		<u>ROADS</u>	\$25.00
26	36 CFR 261.57	<u>NATIONAL FOREST WILDERNESS</u>	
27		(a) Entering or being in the area.	\$25.00
28		(b) Possessing camping or pack-out-	
29		fitting equipment, as specified	
30		in the order.	\$25.00
31		(c) Possessing a firearm or fire-	
32		work.	\$25.00
		(d) Possessing any non-burnable	
		food or beverage containers,	
		including deposit bottles,	
		except for non-burnable con-	
		tainers designed and intended	
		for repeated use.	\$25.00
		(e) Grazing.	*
		(f) Storing equipment, personal	
		property or supplies.	\$25.00
		(g) Disposing of debris, garbage,	
		or other waste.	\$25.00

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36 CFR 261.58

OCCUPANCY AND USE

- (a) Camping for a period longer than allowed by the order. \$25.00
- (b) Entering or using a developed recreation site or portion thereof. \$25.00
- (c) Entering or remaining in a campground during the night periods prescribed in the order except for persons who are occupying such campgrounds. \$25.00
- (d) Occupying a developed recreation site with prohibited camping equipment prescribed by the order. \$25.00
- (e) Camping. \$25.00
- (f) Using a campsite or other area described in the order by more than the number of users allowed by the order. \$25.00
- (g) Parking or leaving a vehicle in violation of a posted sign. \$15.00
- (h) Parking or leaving a vehicle outside a parking space assigned to one's own camp unit. \$15.00
- (i) Possessing, parking or leaving more than two vehicles, except motorcycles or bicycles, per camp unit. \$15.00
- (j) Being publicly nude. \*
- (k) Entering or being in a body of water. \$15.00
- (l) Being in the area after sundown or before sunrise. \$25.00
- (m) Discharging a firearm, air rifle, or gas gun. \$25.00
- (n) Possessing or operating a motorboat. \$25.00
- (o) Waterskiing. \$25.00
- (p) Storing or leaving a boat or raft. \$25.00
- (q) Operating any watercraft in excess of a posted speed limit. \$25.00
- (r) Launching a boat except at a designated launching ramp. \$25.00

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- (s) Possessing or transporting a bird or animal. \$25.00
- (t) Possessing or transporting any part of a tree or plant. \$25.00
- (u) Being in the area between 10 p.m. and 6 a. m. except a person who is camping or who is visiting a person camping in that area. \$25.00
- (v) Hunting or fishing. \$25.00

36 CFR 261.70 ISSUANCE OF REGULATIONS

WHEN PROVIDED BY A REGULATION, ACTS OR OMISSIONS ARE PROHIBITED FOR THE FOLLOWING PURPOSES:

- (a) Fire prevention or control \*
- (b) Disease prevention or control \*
- (c) Protection of property, roads or trails. \*
- (d) Protection of threatened, endangered, rare, unique, or vanishing species of plants, animals, birds or fish, or special biological communities. \*
- (e) Protection of objects or places of historical, archaeological, geological or paleontological interest. \*
- (f) Protection of scientific experiments or investigations. \*
- (g) Public safety. \*
- (h) Protection of health. \*
- (i) Establishing reasonable rules of public conduct. \*

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A Mandatory Appearance is required in connection with those offenses designated by the asterick\* herein.

Nothing contained in this order shall prohibit a law enforcement officer from arresting a person for the commission of any offense, including, if the circumstances warrant, those offenses for which collateral may be imposed and forfeited, and taking such arrested person or persons before the United States Magistrate.

If a person charged with an offense fails to post and forfeit collateral (as above provided and authorized), any punishment, including fine, imprisonment, or probation, may be imposed within the limits established by law upon conviction by plea or after trial.

This Special Order supersedes all Standing Orders numbered 4, the latest of which was amended July 15, 1975.

Made, entered and effective as of June 21st, 1977.

  
ROGER D. FOLEY  
Chief United States District Judge

  
BRUCE R. THOMPSON  
United States District Judge