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CAROL FITZGERALD
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BY _____
DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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IN THE MATTER OF: FORFEITURE OF COLLATERAL IN LIEU OF APPEARANCE RELATIVE TO CONDUCT IN NATIONAL FORESTS, AND VIOLATIONS OF RULES AND REGULATIONS APPLICABLE TO AND GOVERNING THE SAME.	AMENDED SPECIAL ORDER NO. 18

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 thereafter amended and applicable, issued under and pursuant to 76 Stat. 1157, Sec. 6 and 78 Stat. 745 (16 USC §551), or under application State statute by virtue of the Assimilated Crimes Act (18 USC §713), 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.

VIOLATION		COLLATERAL
36 CFR 261.3	INTERFERING WITH OR GIVING FALSE REPORT TO A FOREST OFFICER	

The following are prohibited:

(a) Threatening, resisting, intimidating, or interfering with any Forest Officer engaged in or on account of the performance of his official duties in the protection, improvement, or administration of the National Forest System is prohibited. MANDATORY APPEARANCE (M/A)

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

36 CFR 261.4 DISORDERLY CONDUCT

The following are prohibited:

(a) Engaging in fighting. M/A

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

(c) Make statements or other actions directed toward inciting or producing imminent lawless action and likely to incite or produce such action. M/A

(d) Causing public inconvenience, annoyance, or alarm by making unreasonably loud noise. $25.00

36 CFR 261.5 FIRE

The following are prohibited:

(a) Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire. $30.00

(b) Firing any tracer bullet or incendiary ammunition. $30.00

(c) Causing timber, trees, slash, brush or grass to burn except as authorized by permit. M/A

(d) Leaving a fire without completely extinguishing it. $30.00

(e) Allowing a fire to escape from control. M/A

(f) Building, attending, maintaining, or using a campfire without removing all flammable material from around the campfire adequate to prevent its escape. $25.00

36 CRF 261.6 TIMBER AND OTHER FOREST PRODUCTS

The following are prohibited:

(a) Cutting or otherwise damaging any timber, tree or other forest product, except as authorized by permit, timber sale contract, Federal law or regulation. M/A

(b) Cutting any standing tree under permit or timber sale contract, before a Forest Officer has marked it or has otherwise designated it for cutting. M/A

(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. M/A

(d) Stamping, marking with paint, or otherwise identifying any tree or other forest product in a manner similar to that employed by Forest Officers to mark or designate tree or any other forest product for cutting or removal. M/A

(e) Loading, removing or hauling timber or other forest product acquired under any permit or timber sale contract unless such product is identified as required in such permit or contract. M/A

(f) Selling or exchanging timber or other forest product obtained under free use pursuant to Paragraph (e), (f), or (b) of §223.1. M/A

(g) Violating any timber export or substitution restriction in §223.10. M/A

(h) Removing any timber, tree, or other forest product, except as authorized by permit, timber sale contract, Federal law or regulation. M/A

36 CFR 261.7 LIVESTOCK

The following are prohibited:

(a) Placing or allowing unauthorized livestock to enter or be in the National Forest System or other lands under Forest Service control. M/A

(b) Not removing unauthorized livestock from the National Forest System or other lands under Forest Service control when requested by a Forest Officer. M/A

(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. M/A

36 CFR 261.8 FISH AND WILDLIFE

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

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

(b) Possessing a firearm or other implement designated 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

(d) Possessing a dog not on leash or otherwise confined. $25.00

36 CFR 361.9 PROPERTY

The following are prohibited:

(a) Damaging any natural feature or other property of the United States. M/A

(b) Removing any natural feature or other property of the United States. M/A

(c) Damaging any plant that is classified as a threatened, endangered, sensitive, rare, or unique species. M/A

(d) Removing any plant that is classified as a threatened, endangered, sensitive, rare, or unique species. M/A

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

(f) Using any herbicide, pesticide or fungicide except for personal use for medical purposes or as an insect repellant or with permission for other minor uses. M/A

(g) Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any paleontological, prehistoric, historic or archaeological resource, structure, site, artifact or property. M/A

(h) Removing any paleontological, prehistoric, historic, or archaeological resource, structure, site, artifact or property. M/A

36 CFR 261.10 <u>OCCUPANCY AND USE</u>

The following are prohibited:

(a) Constructing, placing, or maintaining any kind of road, trail, structure, fence, enclosure, communication equipment, or other improvement without a permit. M/A

(b) Taking possession of, occupying or otherwise using National Forest System lands for residential purposes without a permit or as otherwise authorized by Federal law or regulation. M/A

(c) Selling or offering for sale any merchandise, conducting any kind of work

activity or service unless authorized by Federal law, regulation or permit. M/A

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

(e) Abandoning any 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

(k) Violating any terms or condition of a permit. $25.00

(l) Failing to stop a vehicle when directed to do so by a Forest Officer. $25.00

36 CFR 261.11 SANITATION

The following are prohibited:

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

(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 any refuse, debris, trash or litter brought as such from private property or from land occupied under permit, except, where a container, dump or similar facility has been provided and is identified as such, to receive trash generated from private lands or lands occupied under permit. M/A

36 CFR 262.12 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) Damaging and leaving in a damaged condition any such road, trail, or segment thereof. M/A

(d) Blocking, restricting, or otherwise interfering with the use of a road, trail or gate. $25.00

(e) Using motorized vehicles in excess of 40 inches in width on a trail. $25.00

36 CFR 261.13 USE OF VEHICLES OFF ROADS

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

(a) Without a valid license as required by State law. $25.00

(b) Without an operable braking system. $25.00

(c) From one-half hour 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

(e) While under the influence of alcohol or other drug. M/A

(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

(h) In a manner which damages or unreasonably disturbs the land, wildlife, or vegetative resources. M/A

(i) In violation of State law established for vehicles used off roads. $25.00

36 CFR 261.14 DEVELOPED RECREATION SITES

The following are prohibited:

(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 purpose or outside of a stove, grill or fireplace. $25.00

(c)	Cleaning or washing any personal property, fish, animal, or good, or bathing or washing at a hydrant or 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
(k)	Bringing in or possessing in a swimming area an animal, other than a seeing eye dog.	$15.00
(l)	Bringing in or possessing a saddle, pack or draft animal except as authorized by posted instructions.	$25.00
(m)	Operating or parking a motor vehicle or trailer except in place developed or designated for this purpose.	$25.00
(n)	Operating a bicycle, motorbike or motorcycle on a trail unless designated for this use.	$25.00
(o)	Operating a motorboke, motorcycle, or other motor vehicle for any purpose other than entering or leaving the site.	$15.00

(p) Distributing any handbill, circular, paper, or notice without a permit. $25.00

(q) Depositing any body waste except into receptacles provided for that purpose. $25.00

36 CFR 261.15 ADMISSION, RECREATION USE AND SPECIAL RECREATION PERMIT FEES

Failing to pay any fee established for admission or entrance to or use of a site, facility, equipment or service furnished by the United States is prohibited. The maximum fine shall not exceed $100 (Sec. 2, 78 Stat. 897, as amended: 16 U.S.C. 4601-6(e)). $15.00

36 CFR 261.16 NATIONAL FOREST WILDERNESS

The following are prohibited in a National Forest Wilderness:

(a) Possessing or using a motor vehicle, motorboat, or motorized equipment. $50.00

(b) Possessing or using a hang glider or bicycle. $25.00

(c) Landing of aircraft or dropping or picking up of any material, supplies, or person by means of aircraft, including a helicopter. $50.00

36 CFR 261.19 NATIONAL FOREST PRIMITIVE AREAS M/A

36 CFR 261.20 UNAUTHORIZED USED OF "SMOKEY BEAR" AND "WOODSY OWL" SYMBOL M/A

36 CFR 261.21 WILD FREE-ROAMING HORSES AND BURROS

The following are prohibited:

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

(b) Causing or allowing the inhumane treatment or harrassment of a wild free-roaming horse or burro. M/A

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

(d) Violating any terms or conditions specified in a care and maintenance agreement or permit. M/A

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. $30.00

(b) Using an explosive. M/A

(c) Smoking. $20.00

(d) Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material. $20.00

(e) Going into or being upon an area. $25.00

(f) Possessing, discharging or using any kind of firework or other pyrothechnic device. $30.00

(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 without a spark arresting device properly installed, maintained and in effective working order meeting either:

(1) Department of Agriculture, Forest Service Standard 4100-1a; or

(2) appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a). $30.00

(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

When provided in an order, it is prohibited to go into or be upon any area which is closed for the protection of:

(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

(e) Public health or safety. $25.00

(f) Property. $25.00

36 CFR 261.54 FOREST DEVELOPMENT ROADS

(a) Using any type of vehicle prohibited by the order. $25.00

(b) Use by any type of traffic prohibited by the order. $25.00

(c) Using a road for commercial hauling without a permit or written authorization. $25.00

(d) Operating a vehicle in violation of the speed, load, weight, height, length, width, or other limitations specified by the order. $25.00

(e) Being on the road. $25.00

	(f) Operating a vehicle carelessly, recklessly, or without regard for the rights or safety of other persons or in a manner or at a speed that would endanger or be likely to endanger any person or property.	M/A
36 CFR 261.55	FOREST DEVELOPMENT TRAILS	
	(a) Being on the trail.	$25.00
	(b) Using a bicycle or motorized vehicle.	$25.00
	(c) Possessing or using a saddle, pack or draft animal.	$25.00
	(d) Shortcutting a switchback.	$15.00
36 CFR 261.56	USE OF VHICLES OFF FOREST DEVELOPMENT ROADS	$25.00
36 CFR 261.57	NATIONAL FOREST WILDERNESS	
	(a) Entering or being in the area.	$25.00
	(b) Possessing camping or pack-out fitting equipment, as specified in the order.	$25.00
	(c) Possessing a firearm or firework.	$25.00
	(d) Possessing any non-burnable food or beverage containers, including deposit bottles, except for non-burnable containers designed and intended for repeated use.	$25.00
	(e) Grazing.	M/A
	(f) Storing equipment, personal property or supplies.	$25.00
	(g) Disposing of debris, garbage, or other waste.	$25.00
	(h) Possessing or using a bicycle, wagon, cart, or other vehicle.	$25.00
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 posted instructions.	$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.	M/A
(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
(s)	Possessing or transporting any 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

(w) Possessing or transporting any motor or mechanical device capable of propelling a watercraft through water by any means. $25.00

(x) Using a wheel, roller, or other mechanical device for the overland transportation of any watercraft. $50.00

(y) Landing of aircraft, or dropping or picking up any material, supplies, or person by means of an aircraft, including a helicopter. M/A

(z) Riding, hitching, tethering or hobbling a horse or other saddle or pack animal in violation of posted instructions. $25.00

(aa) Possession of beverage which is defined as an alcoholic beverage by State law. $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. M/A

(b) Disease prevention or control. M/A

(c) Protection of property, roads or trails. M/A

(d) Protection of threatened, endangered, rare, unique or vanishing species of plants, animals, birds or fish, or special biological communities. M/A

(e) Protection of objects or places of historical, archaeological, geological or paleontological interest. M/A

(f) Protection of scientific experiments or investigations. M/A

(g) Public safety. M/A

(h) Protection of health. M/A

(i) Establishing reasonable rules of public conduct. M/A

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, probation, may be imposed within the limits established by law upon conviction by plea or after trial.

This Special Order supersedes all previous orders relative to this matter.

DATED this 16th day of June, 1982.

HARRY E. CLAIBORNE
United States District Judge

ROGER D. FOLEY
United States District Judge

EDWARD C. REED, JR.
United States District Judge