

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN THE MATTER OF FORFEITURE)
OF COLLATERAL SCHEDULE FOR)
U.S. BUREAU OF LAND)
MANAGEMENT)

ORDER

The United States of America, by Rachel K. Paulose, United States Attorney for the District of Minnesota, and LeeAnn K. Bell, Assistant United States Attorney, have moved the Court to adopt a revised Forfeiture of Collateral Schedule for the violation of rules and regulations enforced by the Bureau of Land Management and located in Minnesota.

IT IS HEREBY ORDERED that pursuant to the Rules of Procedure for the Trial of Minor Offenses before United States Magistrate Judges and the General Rules of this Court, all previously entered orders regarding the Forfeiture of Collateral Schedule for the Bureau of Land Management be and are hereby vacated.

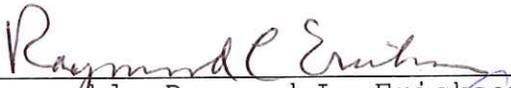
IT IS FURTHER ORDERED that the revised Forfeiture of Collateral Schedule is hereby adopted and that any person charged with violating an offense listed in the attached Forfeiture of Collateral Schedule for the Bureau of Land Management may, in lieu of appearance, post collateral in the amount indicated for the offense and consent to forfeiture of collateral or be required to appear for offenses as indicated in the new Collateral Schedule.

9/12/07 - SEA
per RLE
CC: Mag Judge
US Atty
a. j. key

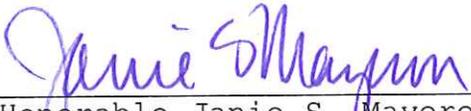
IT IS FURTHER ORDERED that this order take effect at 12:01

a.m. on May 1, 2007 .

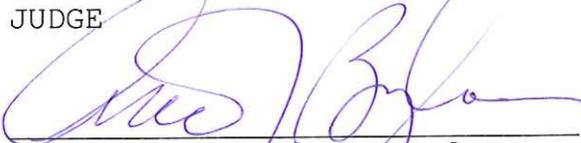
Dated: APRIL 4, 2007



Honorable Raymond L. Erickson
CHIEF UNITED STATES MAGISTRATE
JUDGE



Honorable Janie S. Mayeron
UNITED STATES MAGISTRATE JUDGE



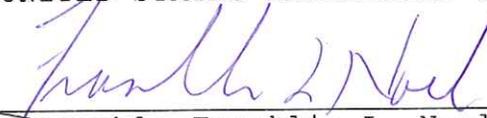
Honorable Arthur J. Boylan
UNITED STATES MAGISTRATE JUDGE



Honorable Susan R. Nelson
UNITED STATES MAGISTRATE JUDGE



Honorable Jeanne J. Graham
UNITED STATES MAGISTRATE JUDGE



Honorable Franklin L. Noel
UNITED STATES MAGISTRATE JUDGE

FILED APR 11 2007
RICHARD D. SLETTEN, CLERK
JUDGMENT ENTERED _____
DEPUTY CLERK'S INITIALS DB

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN THE MATTER OF FORFEITURE)
OF COLLATERAL SCHEDULE FOR)
U.S. BUREAU OF LAND)
MANAGEMENT)

MOTION

The United States of America, by Rachel K. Paulose, United States Attorney for the District of Minnesota, and LeeAnn K. Bell, Assistant United States Attorney, moves the Court to adopt a revised Forfeiture of Collateral Schedule for the United States Bureau of Land Management.

The United States Bureau of Land Management submits a proposal for a revised Forfeiture of Collateral Schedule for the violation of rules and regulations enforced by the Bureau of Land Management in Minnesota. The United States moves that pursuant to the Rules of Procedure for the Trial of Minor Offenses before United States Magistrate Judges and the General Rules of this Court, all previously entered orders regarding the Forfeiture of Collateral Schedule for the Bureau of Land Management be and are hereby vacated.

The United States moves that any person charged with violating an offense listed in the attached Forfeiture of Collateral Schedule, may, in lieu of appearance, post collateral in the amount indicated for the offense and consent to forfeiture of collateral or be required to appear for offenses as indicated.

The United States moves the Court that its order take effect
as 12:01 a.m. on a date set by the Court.

Dated: March 5, 2007

Respectfully Submitted,

RACHEL K. PAULOSE
United States Attorney



BY: LEEANN K. BELL
Assistant U.S. Attorney
Atty. Reg. No. 318334

<p align="center">COLLATERAL SCHEDULE FOR THE BUREAU OF LAND MANAGEMENT DISTRICT OF MINNESOTA</p>	<p align="center">PROPOSED BOND AMOUNTS</p>
<p>If alleged violation is aggravated, Mandatory Appearance or Arrest may be required.</p>	
<p><i>FEDERAL LAND POLICY AND MANAGEMENT ACT</i> <u>43 U.S.C. §1701 et seq.</u> Under §303(a) of the Federal Land Policy and Management Act of 1976, any person who Knowingly and Willfully violates any such regulation which is lawfully issued pursuant to this Act shall be fined not more than \$1,000 or imprisoned no more that twelve months or both.</p>	
<p><i>SPECIAL RECREATION PERMITS {Commercial Use, Competitive Events, Organized Groups, and Recreation Use in Special Areas}</i> <u>43 CFR §2932.57</u> (a) On all public lands and related waters it is prohibited to: (1) Fail to obtain a permit and pay any fee (2) Violate stipulations or conditions of permit; (3) Participate in an event or use where no permit has been issued. (4) Fail to post a copy of any commercial or competition permit where all participants can read. (5) Fail to show a copy of the Special Recreation Permit to BLM employee or participant upon request. (6) Obstruct or impede pedestrians or vehicles, or harass visitors or other persons with physical contact while engaged in activities covered under a permit or other authorization (7) Refuse to leave or disperse, when directed to do so by a BLM law enforcement officer or State or Local law enforcement officer, whether you have a required Special Recreation Permit or not</p>	<p>\$500 \$100 per stipulation \$100 \$100 \$500 \$250 \$250</p>
<p><i>USE AND OCCUPANCY UNDER THE MINING LAWS</i> <u>43 CFR § 3715.6</u> (a) Placing, constructing or using structures on mine claim (b) Beginning occupancy w/o approval (c) Beginning occupancy before consultation w/BLM (As required for activities that do not require a plan or do not come under casual use) (d) Beginning occupancy w/o concurrence -non conformance (e) Not complying with any order (f) Preventing/obstructing passage through public lands (g) Placing enclosures, gates or fences to exclude public (h) Causing a fire, safety hazard or public nuisance (i) Failure to comply with occupancy requirements (j) Conduct activities that are not reasonably incident to mining</p>	<p>\$250 \$250 \$250 \$250 \$100 \$250 \$150 \$150 \$250 \$250</p>

GRAZING ADMINISTRATION
43 CFR § 4140.1 (b)

Persons performing the following prohibited acts may be subject to civil and criminal penalties under **§ 4170.1**

(2) Installing, using, maintaining, modifying, and/or removing range improvements without authorization	\$150
(3) Cutting, burning, spraying, destroying, or removing vegetation without authorization	\$150
(4) Damaging or removing U.S. property without authorization	\$250
(5) Molesting, harassing, injuring, poisoning, or causing the death of livestock authorized to graze on these lands	\$250
(6) Littering	\$150
(7) Interfering with lawful uses or users	\$250
(8) Knowingly or willingly making a false statement or representation in base property certifications, grazing applications, range improvement permit applications, cooperative agreements, actual use reports and/or amendments thereto	\$250
(9) Failing to pay any fee required by the authorized officer	\$150
(10) Failing to reclaim and repair any lands property or resources when required	\$250

WILD FREE ROAMING HORSE AND BURRO MANAGEMENT
43 CFR § 4770.1

The following acts are prohibited:

(a) Maliciously or negligently injuring or harassing a wild horse or burro	\$250
(c) Destroying a wild horse or burro, except as an act of mercy	\$250
(d) Selling a wild horse or burro	\$250
(e) Commercially exploiting a wild horse or burro	\$250
(f) Treating a wild horse or burro inhumanely	\$250
(g) Violating a term or condition of Private Maintenance and Care Agreement	\$150
(h) Branding a wild horse or burro	\$250
(l) Removing or altering the freeze mark on a wild horse or burro	\$250
(j) Violating an order, term or condition established by the authorized officer	\$250

OFF-ROAD VEHICLES REGULATIONS GOVERNING USE
43 CFR § 8341.1

(b) Any person operating an off-road vehicle on those areas and trails designated as limited shall conform to all terms and conditions of the applicable designation orders.	\$100
(c) The operation of off-road vehicles is prohibited on those areas and trails closed to off-road vehicle use.	\$200
(d) It is prohibited to operate an off-road vehicle in violation of state laws and regulations relating to use, standards, registration, operation, and inspection of off-road vehicles.	\$ 50
(e) No person may operate an off-road vehicle on public lands without a valid operator's license or learner's permit where required by State or Federal law.	\$ 50
(f) No person shall operate an off-road vehicle on public lands:	
(1) In a reckless, careless, or negligent manner;	\$200
(2) In excess of established speed limits (for every mile per hour over limit)	\$5/mph over limit
(3) While under the influence of alcohol, narcotics, or dangerous drugs.	\$250

(4) In a manner causing, or likely to cause, significant, undue damage to or disturbance of the soil, wildlife, wildlife habitat, improvements, cultural, or vegetative resources or other authorized uses of the public lands; and	\$150
(5) During night hours, from a half-hour after sunset to a half-hour before sunrise, without lighted headlights and taillights.	\$ 50
(g) Drivers of off-road vehicles shall yield the right-of-way to pedestrians, saddle horses, pack trains, and animal-drawn vehicles.	\$ 50
<u>CLOSURES AND RESTRICTIONS</u> <u>43 CFR § 8364.1(d)</u>	\$100
Any person who fails to comply with a closure or restriction order under this subpart, may be subject to the penalties provided in § 8360.0-7 of this title.	
<u>SANITATION</u> <u>43 CFR § 8365.1-1</u>	
(b) On all public lands, no person shall, unless otherwise authorized:	
(1) Dispose of any cans, bottles and other nonflammable trash and garbage except in designated places or receptacles;	\$250
(2) Dispose of flammable trash or garbage except by burning in designated places or receptacles;	\$250
(3) Drain sewage or petroleum products or dump refuse or waste other than wash water from any trailer or other vehicle except in places or receptacles provided for that purpose.	\$250
.....If hazmat	\$500
(4) Dispose of any household, commercial, or industrial refuse or waste brought as such from private or municipal property	\$250
.....If hazmat	\$500
(5) Pollute or contaminate water supplies or water used for human consumption;	\$250
.....If hazmat	\$500
(6) Use a refuse container or disposal facility for any purpose other than for which it is supplied.	\$250
<u>PUBLIC HEALTH, SAFETY, AND COMFORT</u> <u>43 CFR § 8365.1-4</u>	
(a) No person shall cause a public disturbance or create a risk to other persons on public lands by engaging in activities which include, but are not limited to, the following:	
(1) Making unreasonable noise;	\$ 50
(2) Creating a hazard or nuisance;	\$100
(3) Refusing to disperse, when directed to do so by an authorized officer;	\$200
(4) Resisting arrest or issuance of citation by an authorized officer engaged in performance of official duties; interfering with any Bureau of Land Management employee or volunteer engaged in performance of official duties.	\$200
(5) Assaulting or committing a battery upon, or	\$250
(6) Knowingly giving any false or fraudulent report of an emergency situation or crime to any BLM employee or volunteer engaged in the performance of official duties	\$250

(b) No person shall engage in the following activities on the public lands:	
(1) Cultivating, manufacturing, delivering, distributing or trafficking a controlled substance	\$500
(2) Possessing a controlled substance	\$250
WILDFIRE PREVENTION <u>43 CFR § 9212.1</u>	
Unless permitted in writing by the authorized officer, it is prohibited on the public lands to:	
(a) Cause a fire, other than a campfire, or the industrial flaring of gas. to be ignited by any source;	\$100
(b) Fire a tracer or incendiary device;	\$100
(c) Burn, timber, trees, slash, brush, tundra or grass except as used in campfires;	\$100
(d) Leave a fire without extinguishing it, except to report it if it has spread beyond control;	\$100
(e) Build, attend, maintain or use a campfire without removing all flammable material from around campfire adequate to prevent its escape;	\$ 50
(f) Resist or interfere with the efforts of firefighter(s) to extinguish a fire;	\$250
(g) Enter an area which is closed by a fire prevention order	\$100
(h) Perform any act restricted by a fire prevention order	\$100
TAYLOR GRAZING ACT <u>43 U.S.C. § 315 et seq.</u>	
Under § 2 of the Taylor Grazing Act of 1934, any person who willfully violates the provisions of 43 CFR § 9264 ; or of approved special rules and regulations is punishable by a fine of \$500.	
OR	
FEDERAL LAND POLICY AND MANAGEMENT ACT <u>43 U.S.C. § 1701 et seq.</u>	
Under § 303(a) of the Federal Land Policy and Management Act of 1976, any person who Knowingly and Willfully violates any such regulation which is lawfully issued pursuant to this Act shall be fined not more than \$1,000 or imprisoned no more that twelve months or both.	
GRAZING ADMINISTRATION <u>43 CFR § 9264.1</u>	
(a) Allowing livestock or other privately-owned or controlled animals to graze on or be driven across those lands without a permit or lease or in violation of the terms and conditions of a permit or lease, either by exceeding the number of livestock authorized, or by allowing livestock to be on these lands in an area or at a time different from that designated;	\$100
(b) Installing, using, maintaining, modifying, and/or removing range improvements without authorization;	\$100
(c) Cutting, burning, spraying, destroying, or removing vegetation without authorization;	\$ 50
(d) Damaging or removing United States property without authorization;	\$100
(e) Molesting livestock authorized to graze on these lands.	\$100
(f) Littering;	\$ 50

(g) Violating any provision of 43 CFR Part 4700 concerning the protection and management of wild free-roaming horses and burros.	\$100
(h) Violating any Federal or State laws or regulations concerning conservation or protection of natural and cultural resources or the environment including, but not limited to, those relating to air and water quality, protection of fish and wildlife, plants, and the use of chemical toxicants.	\$100 or current CO Div of Wildlife fine for game/fish
(i) Interfering with lawful uses or users;	\$100
(j) Knowingly or willfully making a false statement or representation in base property certification, grazing applications, and/or amendments thereto.	\$100
WILD HORSES AND BURROS	
<u>16 U.S.C. § 1331 et. seq.</u>	
Under § 8 of the Wild Free-Roaming Horse and Burro Act of 1971, any person who willfully violates any provisions of the regulations under § 9264.7 of this title shall be subject to a fine of not more than \$2,000 or imprisonment for not more than 1 year, or both.	
<u>43 CFR § 9264.7</u>	
(a) In accordance with § 8 of the Wild Free-Roaming Horse and Burro Act, any person who: (<i>Collateral amounts per animal</i>)	
(1) Willfully removing wild horse or burro	\$100
(2) Converts wild horse or burro to private use	\$100
(3) Maliciously causes death or harassment of wild horse or burro	\$100
(4) Processes, or permits to be processed into commercial products, the remains of a wild free roaming horse or burro	\$250
(5) Selling wild horse or burro	\$100
(6) Commercial exploitation	\$100
(7) Causing inhumane treatment	\$100
(8) Using for bucking stock	\$100
(9) Fail to produce for inspection upon written notice	\$100
(10) Fail to notify of death within seven days	\$ 50
(11) Remove, or attempt to remove or alter freeze-mark	\$100
(12) Abandoning wild horse or burro	\$250
(13) Failure to attempt to capture escaped animal	\$100
(14) Accept for slaughter without title	\$250
(15) Failure to retain certificate of title for one year after slaughter or destruction	\$250
AMERICAN ANTIQUITIES	
<u>16 USC § 433</u>	
Any person who shall appropriate, excavate, injure, or destroy an historic or prehistoric ruin or monument or any object of antiquity, situated on public lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than \$500 or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.	

<p>GOVERNMENT PROPERTY <u>18 USC §1361</u></p> <p>Whoever willfully injures or commits any depredation against any property of the United States or against any Department or Agency thereof. . .</p>	\$100
<p>TIMBER REMOVED <u>18 USC §1952</u></p> <p>Whoever cuts or wantonly destroys any timber growing on public lands of the United States</p>	\$100
<p>TREES CUT or INJURED <u>18 USC §1953</u></p> <p>Whoever unlawfully cuts, or wantonly injures or destroys any tree growing, standing, or being upon any land of the United States.</p>	\$100
<p>FIRES LEFT UNATTENDED and UNEXTINGUISHED <u>18 USC §1856</u></p> <p>Whoever, having kindled or caused to be kindled, a fire in or near any forest, timber, or other inflammable material upon any lands owned by the United States.</p>	\$100
<p>SURVEY MARKS DESTROYED OR REMOVED <u>18 USC §1858</u></p> <p>Whoever willfully destroys, defaces, changes, or removes to another place any section, corner, quarter-section corner, or meander post, on any government line of survey, or willfully cuts down any witness tree or any tree blazed to mark the line of a Government survey, or willfully defaces, changes, or removes any monument or bench mark of any government survey.</p>	\$250
<p>UNLAWFUL ENCLOSURE <u>43 USC §1061</u></p> <p>All enclosures of any public lands in any State of the United States, heretofore or to be hereafter made, erected, or constructed by any person, party, association, or corporation, to any of which land included within the enclosure the person, party, association, or corporation making or controlling the enclosure had no claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim, made in good faith with a view to entry thereof at the proper land office under the general laws of the United States at the time any such enclosure was or shall be made, are declared to be unlawful, and the maintenance, erection, construction, or control of any such enclosure is forbidden and prohibited; and the assertion of a right to the exclusive use and occupancy of any part of the public lands of the United States in any State of the United States, without claim, color of title, or asserted right as above specified as to enclosure, is likewise declared unlawful, and prohibited.</p>	\$500

OBSTRUCTION of TRANSIT OVER PUBLIC LANDS

43 USC §1063

No person, by force, threats, intimidation, or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct, any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands: Provided, This section shall not be held to affect the right or title of persons, who have gone upon, improved, or occupied said lands under the land laws of the United States, claiming title thereto, in good faith.

\$500