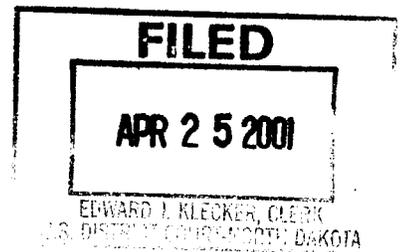


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA



IN THE MATTER OF THE FORFEITURE OF)
COLLATERAL IN LIEU OF APPEARANCE)
IN CASES OF PETTY OFFENSES)

ORDER

The United States of America, on behalf of the Department of the Army, U. S. Army Corps of Engineers, has submitted a revised bond schedule, amending the current schedule applicable to violation of statutes and regulations enforced by the U. S. Army Corps of Engineers in the District of North Dakota.

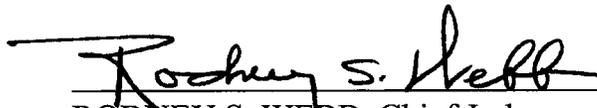
The Court has reviewed the proposed schedule and finds:

1. That it is within a range of comparable schedules adopted in other districts;
2. That changes to existing laws have necessitated the proposed revisions; and
3. That the proposed revisions are intended to achieve balance and fairness in the U. S. Army Corps of Engineers' enforcement responsibilities.

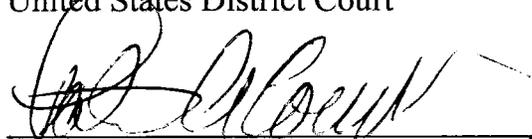
THEREFORE, IT IS ORDERED that the previous Orders of the Court in the Matter of the Forfeiture of Collateral in Lieu of Appearance in Cases of Petty Offenses are amended for violations of statutes and regulations enforced by the Department of the Army, U. S. Army Corps of Engineers, as set out in Attachment "A" which is made a part of this Order.

IT IS FURTHER ORDERED that a copy of this Order be made a part of the record of the Central Violations Bureau for the District of Colorado pertaining to the clerical, administrative, and fiscal operation maintained on behalf of the District of North Dakota.

Dated this 23rd day of April, 2001.



RODNEY S. WEBB, Chief Judge
United States District Court



PATRICK A. CONMY, Senior Judge
United States District Court

DEPARTMENT OF THE ARMY
U. S. ARMY CORPS OF ENGINEERS

16 U.S.C. 460(d), Title 36, Chapter III Regulations Part 327
Public Use of Water Resources – 36 C.F.R. Part 327

Section	Description of Violation	Cash Payment in Lieu of Appearance
<u>327.1 POLICY</u>		
327.1(d)	Discriminating against a person or persons because of sex, age, race, creed, color, nationality, or place of origin.	\$ 100.00
<u>327.2 VEHICLES</u>		
327.2 (b)	Parking a vehicle in violation of posted restrictions and regulations.	25.00
.2(b)	Parking a vehicle in such a manner as to obstruct or impede the movement of normal traffic or the parking of other vehicles.	50.00
.2(b)	Parking a vehicle in such a manner as to obstruct or impede the movement of emergency traffic or create a safety hazard.	75.00
.2(b)	Parking a vehicle in such a manner as to endanger any person, project property or environmental feature.	100.00
.2(c)	Prohibited off road vehicle use	100.00
.2(c)	Taking any vehicle through, around, or beyond a restrictive sign, recognizable sign, fence or traffic control barrier.	100.00
.2(d)	Operating a vehicle in violation of posted restrictions and regulations.	50.00
.2(e)	Operating a vehicle in a careless, negligent or reckless manner.	250.00
.2(f)	Using a vehicle in a developed area for the purposes other than entering or leaving, except as authorized.	50.00
.2(g)	Operating a motorized vehicle without a proper and effective exhaust muffler.	50.00
<u>327.3 VESSELS</u>		
.3(b)	Placing or operating any vessel or watercraft for a fee or profit without authorization.	100.00

.3 (c)	Operation of a vessel or other watercraft in violation of posted restrictions, regulations or applicable law or without display of appropriate registration.	250.00
.3(d)	Operation of a vessel or other watercraft in a careless, negligent or reckless manner.	250.00
.3(e)	Using or allowing the use of a vessel without required safety equipment.	50.00
.3(f)	Unauthorized use of a vessel for overnight occupancy or residence.	50.00
.3(g)	Use of waterskis, parasails, ski kites or similar devices in a restricted area or in a careless, negligent or reckless manner.	100.00
.3(h)	Failure to move a vessel not actually in use from the project which is not securely moored at mooring facilities approved by the District Commander. Placing floating or stationary mooring facilities on, adjacent to, or interfering with, a buoy, channel marker, or other navigational aid.	50.00
.3(i)	Use of vessel not constructed or maintained in compliance with National Safe Boating Act or regulations promulgated pursuant to such Act.	50.00
.3(j)	Unauthorized operation of a vessel or watercraft without proper and effective exhaust muffler.	50.00

327.4 AIRCRAFT

.4(b)	Operating an aircraft on project lands in locations other than those designated by the District Commander.	100.00
.4(c)	Operating an aircraft while on or above project waters on project lands in a careless, negligent or reckless manner.	100.00
.4(e)	Unauthorized air delivery or retrieval of any person, material or equipment.	200.00
.4(f)	Operation of a seaplane on project waters contrary to established prohibitions or restrictions or to marine rules of the road for power boats or vessels.	100.00
.4(f)	Unauthorized mooring of a seaplane.	50.00
.4(f)	Unauthorized commercial operation of a seaplane from project waters.	100.00
.4(f)	Unauthorized operation of a seaplane at a project between sunset and sunrise without adequate lighting and supervision.	100.00

327.5 SWIMMING

.5(a)	Swimming, diving, snorkeling or scuba diving at prohibited areas.	100.00
.5(b)	Failure to display an international diver down or diving flag during underwater activities.	100.00
.5(c)	Diving, jumping or swimming from trees, bridges, or other structures which cross or are adjacent to project waters.	100.00

327.6 PICNICKING

.6	Picnicking in a prohibited area.	25.00
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327.7 CAMPING

.7(a)	Camping in an undesignated location.	50.00
.7(b)	Camping in one or more campsites for a period longer than 14 days during any 30 consecutive day period without written permission.	50.00
.7(c)	Placing camping equipment or other items on a campsite and/or personal appearance without daily occupancy at a campsite for the purpose of reserving that campsite for future occupancy.	50.00
.7(d)	Digging or leveling of any ground or the construction of any structure without written permission of District Commander.	50.00
.7(e)	Occupying or placement of any camping equipment at a campsite which is posted or otherwise marked or indicated as "reserved" without a reservation for that site.	50.00

327.8 HUNTING, FISHING, AND TRAPPING

.8(a)	Hunting in areas or during periods prohibited by the District Commander.	100.00
.8(b)	Trapping in areas or during periods prohibited by the District Commander.	100.00
.8(c)	Fishing in swimming areas, on boat ramps or other areas designated by the District Commander as prohibited.	100.00
.8(d)	Violating additional restrictions pertaining to these activities established by the District Commander.	100.00

327.9 SANITATION

.9(a)	Improper disposal of or failure to remove garbage, trash, rubbish, debris, dead animals, or litter of any kind for disposal or dumping without having obtained written permission.	100.00
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.9(b)	Bringing any household, commercial garbage, trash, rubbish, debris, dead animal, or litter of any kind for disposal or dumping without having obtained written permission.	250.00
.9(c)	Spilling, pumping, disposing, or otherwise discharging contaminates, pollutants or other wastes on project lands or project waters.	250.00
.9(d)	Failure to keep a campsite or picnic site free of trash and litter during the period of occupancy or failure to clean a campsite or picnic site and removal all personal equipment upon departure.	50.00
.9(e)	Discharging or placing sewage, galley waste, garbage, refuse, or pollutant from any vessel or watercraft into project waters.	250.00

327.10 FIRES

.10(a)	Carrying gasoline or any other fuels onto project or storing same within a project in containers not designed for such purposes without written permission.	50.00
.10(b)	Failure to confine a fire in a fireplace, grill, or other facility designated for this purpose. Unattended fires. Burning of materials that produce toxic fumes.	200.00
.10(c)	Improper disposal of lighted smoking materials, matches or other burning material.	100.00

327.11 CONTROL OF ANIMALS

.11(a)	Bringing or allowing dogs, cats or other pets that are not on a leash under 6 feet in length, penned, caged, or otherwise physically restrained, into developed recreation areas or adjacent waters.	50.00
	Bringing or allowing an animal or pet, except properly trained animals assisting those with disabilities, in sanitary facilities, playgrounds, swimming beaches or any other area designated by the District Commander.	50.00
	Allowing an animal or animals to impede or restrict otherwise full and free use or project lands and waters by the public.	75.00
	Allowing an animal to bark or emit other noise that unreasonably disturbs other people.	75.00
	Abandonment of any animal on project lands or waters.	75.00
.11(b)	Failure to properly remove and dispose of, in sanitary facilities, any waste produced by an animal or pet brought or allowed into designated public use areas.	50.00

.11(c)	Bringing or allowing horses, cattle, or livestock in camping, picnicking, swimming, or other recreation areas or on trails except in areas designated by the District Commander. Unauthorized livestock are subject to immediate impoundment.	100.00 first head 25.00/ head each additional
.11(d)	Ranging, grazing, watering, or otherwise allowing unauthorized livestock on project lands or waters.	100.00 first head 25.00/ head each additional
.11(g)	Possessing or allowing wild or exotic pets and animals (including but not limited to cougars, lions, bears, bobcats, wolves, and snakes), or any pets or animals displaying vicious or aggressive behavior or otherwise posing a threat to public safety or deemed a public nuisance unless authorized by the District Commander.	100.00

327.12 RESTRICTIONS

.12(a)	Entering or using a project in a manner which is contrary to the schedule of visiting hours, closure or restrictions is prohibited.	50.00
.12(b)	Excessive noise prohibited.	100.00
.12(c)	Engaging in any act or manner of conduct which interferes with, impedes, or disrupts the use of a project. Engaging in any act or manner of conduct which impairs the safety of another person.	250.00
.12(d)	The operation of noise producing devices in a manner to unreasonably annoy or endanger persons is prohibited.	100.00
.12(e)	Possessing and/or consuming alcoholic beverages on any portion of the project land or waters, or the entire project, where designated and posted as prohibited by the District Commander.	50.00
12(f)	Smoking in prohibited areas.	35.00

327.13 EXPLOSIVES, FIREARMS, OTHER WEAPONS AND FIREWORKS

.13(a)	Possessing a loaded firearm, ammunition, loaded projectile firing device, bow and arrows, crossbows, or other weapon except as authorized by the District Commander.	100.00
.13(b)	Possessing explosives or explosive devices of any kind, including fireworks or other pyrotechnics, without having obtained written permission from the District Commander.	100.00

327.14 PUBLIC PROPERTY

.14(a)	Destruction, injury, defacement, removal, or any alteration of public property except as authorized.	250.00
	Destruction, injury, defacement, removal or alteration of historical, archeological or paleontological resources.	1 st offense 500.00 2 nd offense 2500.00 3 rd offense 5000.00 Mandatory Appearance for all three offenses.
.14(b)	Cutting or the gathering of trees or parts of trees and/or the removal of wood from project lands without written permission.	250.00
.14(c)	Gathering of dead wood on the ground in violation of posted restrictions.	50.00
.14(d)	Using metal detectors in areas where prohibited by the District Commander and failure to properly dispose of found items.	100.00

327.15 ABANDONMENT AND IMPOUNDMENT OF PERSONAL PROPERTY

.15(a)	Personal property shall not be abandoned or stored on project lands and if left unattended more than 24 hours, or at anytime after a posted closure or for purpose of public safety or resource protection, shall be impounded.	150.00
.15(b)	Placing personal property on Federal lands or waters adjacent to a private residence and/or development of any private nature for more than 24 hours without permission.	150.00

327.16 LOST AND FOUND ARTICLES

.16	Lost and found articles shall be reported to the Park Manager or Ranger and if not claimed, disposed of under .15.	25.00
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327.17 ADVERTISEMENT

.17(a)	Any advertisement without permission of the District commander except on vessels used for recreation is prohibited.	100.00
.17(b)	Failure to comply with conditions set forth in the permit.	100.00

327.18 COMMERCIAL ACTIVITIES

.18(a)	Engaging in or solicitation of business without written agreement of the District Commander is prohibited.	100.00
.18(b)	Refusal or failure to comply with any terms, clauses, or conditions of any lease, license or agreement issued	100.00

under the provisions of this regulation.

327.19 PERMITS

.19(a)	It shall be a violation of these regulations to refuse to or fail to comply with the fee requirements or other terms or conditions of any permit issued under the provisions of this regulation.	100.00
.19(e)	Shoreline Use Permits to authorize private shoreline use facilities, activities, or development (issued under the authority of Sec. 327.30) may be issued in accordance with the project Shoreline Management Plan. Failure to comply with the permit conditions issued under Section 327.30 is prohibited.	100.00

327.20 UNAUTHORIZED STRUCTURES

.20	The construction, placement or existence of any unauthorized structures whether on land or water are prohibited without written agreement.	250.00
	Violation of the terms of a permit, lease, license, or other written agreement via the design, construction, placement, existence or use of any structure.	100.00

327.21 SPECIAL EVENTS

.21(a)	Special events are prohibited unless written permission has been granted.	100.00
.21(b)	Public shall not be charged any fee for a special event unless the District Commander has approved the schedule of fees.	100.00

327.22 UNAUTHORIZED OCCUPATION

.22(a)	Unauthorized occupation is prohibited.	100.00
.22(b)	Unauthorized use of project lands and/or waters for agricultural purposes or failure to comply with the terms and conditions of the authorizing document.	100.00

327.23 RECREATION USE FEES

.23(b)	Failure to pay authorized recreation use fees.	50.00
.23(c)	Failure to pay authorized day use fees, and/or properly display applicable receipt, permit or pass is prohibited.	50.00
.23(d)	Fraudulent use of a Golden Age or Golden Access Passport is prohibited.	50.00

327.24 INTERFERENCE WITH GOVERNMENT EMPLOYEES

.24(a)	Forcibly assaulting, resisting, opposing, impeding, intimidating, interfering with, or attempting to kill or kill any civilian official or employee of the U. S. Army Corps of Engineers engaged in, or on account of, the performance of his or her official duties. (Sections 111 and 1114 of Title 18 U.S.C.)	Mandatory Appearance or 5000.00
.24(b)	Failure to comply with a lawful order issued by a Federal employee acting pursuant to these regulations, including failure to provide a correct name, address, or other identification upon request of a Federal employee that is authorized to issue citations in the performance of his or her official duties.	100.00 or Mandatory Appearance