

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

IN THE MATTER OF SCHEDULE OF	)	<b>ORDER ADOPTING UNIFORM</b>
COLLATERAL FORFEITURE	)	<b>COLLATERAL FORFEITURE</b>
SCHEDULE FOR THE BUREAU OF	)	<b>SCHEDULE FOR MISDEMEANOR</b>
LAND MANAGEMENT	)	<b>OFFENSES COMMITTED WITHIN</b>
	)	<b>THE JURISDICTION OF THE</b>
	)	<b>BUREAU OF LAND</b>
	)	<b>MANAGEMENT IN THE DISTRICT</b>
	)	<b>OF NORTH DAKOTA</b>

IT IS ORDERED that the Collateral Forfeiture Proposal for the District of North Dakota is hereby adopted to regulate land management standards and for violation of statutes relating to the Bureau of Land Management. All prior schedules of collateral forfeiture for the Bureau of Land Management are rescinded.

Dated this 1<sup>st</sup> day of June, 2018.

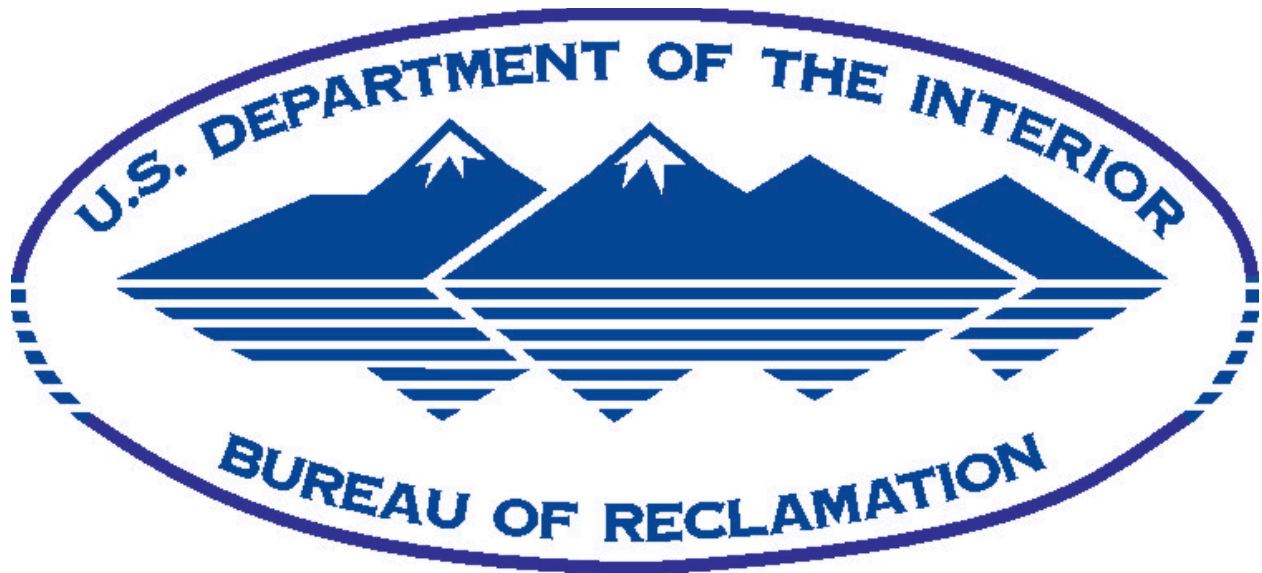
*/s/ Daniel L. Hovland*

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Daniel L. Hovland, Chief Judge  
United States District Court

**BUREAU OF RECLAMATION**

**North Dakota**



**DISTRICT OF NORTH DAKOTA**

**BAIL SCHEDULE**

**LOCATION CODE:**

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**MAXIMUM PENALTIES:** Anyone violating a regulation under the sections listed above can be fined under chapter 227, subchapter C of title 18 United States Code (18 U.S.C. 3571), or imprisoned for not more than 6 months, or both. These violations are Class B Misdemeanors.

## **GENERAL RULES**

- 43 CFR 423.20:**  
Violate any applicable Federal, State, or local law when on BOR facilities, lands, and waterbodies 150/MA

## **INTERFERENCE & DISORDERLY CONDUCT**

- 43 CFR 423.22:**
- (a) Assault, threaten, disturb, resist, intimidate, or interfere with any employee on official duty 350/MA
  - (b) Disobey lawful order 250/MA
  - (c) False report or false information to government employee 350/MA
  - (d) Interfere, impede, or disrupt authorized use of BOR facility, lands, or waterbodies or impair safety of any person 150/MA
  - (e) Disorderly conduct 350/MA

## **ABANDONED PROPERTY**

- 43 CFR 423.23:**
- (a) Abandoned property on BOR facilities, lands, or waterbodies 150/MA  
(vehicle/vessel) 350/MA
  - (b) Personal property unattended for: Over 24 hours, After posted closure, or At any time for security, public safety, or resource protection 100/MA  
(vehicle/vessel) 250/MA

## **TRESPASSING**

- 43 CFR 423.24:**  
Trespassing on BOR facilities, lands, or waterbodies 100/MA

## **VANDALISM, TAMPERING, & THEFT**

- 43 CFR 423.25:**
- (a) Tamper, attempt to tamper with, move, manipulate, operate, adjust, or set in motion property not under lawful control or possession 100/MA
  - (b) Destroy, injure, deface, damage, or unlawfully remove property not under lawful control/possession 250/MA
  - (c) Drop, place, throw, or roll rocks or other items inside, into, down, or from dams, spillways, dikes, or other structures and facilities 250/MA

## **PUBLIC EVENTS & GATHERINGS**

- 43 CFR 423.26:**  
Conduct public assemblies, meetings, gatherings, demonstrations, parades, or other events without a permit (private) 150/MA  
(commercial) 500/MA

## **ADVERTISING & PUBLIC SOLICITATION**

**43 CFR 423.27:**

Engage in advertising or solicitation on BOR facilities, lands, or waterbodies unless allowed	
	(private) 150/MA
	(commercial) 500/MA

## **MEMORIALS**

**43 CFR 423.28:**

Bury, deposit, or scatter human or animal remains, or place memorials, markers, vases, or plaques on BOR facilities, lands, or waterbodies	150/MA
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## **NATURAL & CULTURAL RESOURCES**

**43 CFR 423.29:**

(a) Destroy, injure, deface, remove, search for, disturb, or alter natural or cultural resources	250/MA
(b) Introduce wildlife, fish, or plants into BOR lands or waterbodies without a permit	150/MA
(c) Drop, place, throw, or roll rocks or other items inside, into, at, or down, caves, caverns, valleys, canyons, mountainsides, thermal features, or other natural formations	250/MA
(d) Damage or remove any live tree or part thereof	250/MA
(e) Walk on, climb, enter, ascend, descend, or traverse cultural resources on BOR lands	250/MA
(f) Use/Possess a metal detector or other geophysical discovery device to locate or recover subsurface objects or features on BOR lands	250/MA

**NOTE 1:**

A person may bring firewood to or gather dead wood on BOR lands for fires as allowed under 43 CFR section 423.31. A person may also engage in renewable natural resource gathering activities such as picking berries and mushrooms, collecting antlers, and other similar activities as regulated by Federal, State, and local laws.

## **WEAPONS, FIREARMS, EXPLOSIVES & FIREWORKS**

**43 CFR 423.30:**

(a)(1) Possess weapon when at or in a BOR facility	250/MA
(a)(2) Compliance with prohibitions or regulations applicable to weapons in a special use area	250/MA
(b) Discharge or shoot weapon unless lawfully hunting or at authorized shooting or archery range	250/MA
(c) Use/Possess explosives or fireworks or pyrotechnics of any type except allowed by permit	250/MA

**NOTE 1:**

A person may possess firearms, ammunition, bows and arrows, crossbows, or other projectile firing devices on BOR lands and waterbodies provided they are stowed, transported, and/or carried in compliance with Federal, State, and local law.

## **FIRES & FLAMMABLE MATERIAL**

### **43 CFR 423.31:**

- |  |        |
|--|--------|
| (a) Leave fire unattended and extinguished upon departure  | 150/MA |
| (b) Improperly dispose of lighted smoking materials  | 250/MA |
| (c) Burn materials that produce toxic fumes  | MA     |
| (d) Transport gasoline and other fuels in containers not designed for that purpose                     | MA     |
| (e) Compliance with all applicable Federal, State, and local fire orders, restrictions, or permit req. | CA/MA  |

## **HUNTING, FISHING, & TRAPPING**

### **43 CFR 423.32:**

- |  |        |
|--|--------|
| (a)(1) Hunt, fish, or trap in area closed to public use  | 500/MA |
| (a)(2) Hunt, fish, or trap in an undesignated special use area                                       | 500/MA |
| (b) Compliance with any restrictions pertaining to hunting, fishing, and trapping established by BOR | 500/MA |

### **NOTE 1:**

A person may hunt, fish, and trap, in accordance with applicable Federal, State, and local laws and subject to restrictions of section 423.30.

## **CAMPING**

### **43 CFR 423.33:**

- |  |        |
|--|--------|
| (a) Compliance with any restrictions, conditions, limitations, or prohibitions on camping established by BOR   | 150/MA |
| (a) Camp on BOR lands at a single site for more than 14 days during any period of 30 consecutive days  | 150/MA |
| (b) Attempt to reserve a campsite for future use by placing equipment or other items or by personal appearance, without camping on and paying the required fees for the campsite | 100    |
| (c) Camp on or place any equipment at a campsite that is posted or otherwise marked as reserved or closed  | 150/MA |
| (e) Dig in or level any ground, or erect any structure other than a tent, in a designated campground   | 150/MA |

## **SANITATION**

### **43 CFR 423.34:**

- |  |                                     |
|--|-------------------------------------|
| (a) Bring or improperly dispose of refuse on BOR facilities, lands, and waterbodies – Owner and individual in possession can both be cited                     | (refuse) 100/MA<br>(dumping) 250/MA |
| (b) Visitors must keep sites free of trash and litter during period of occupancy and must remove all personal equipment and clean their sites before departure | 150/MA                              |
| (c) Construct a latrine within 200 yards of any BOR waterbody, or within 200 yards of the high water mark of any reservoir                                     | 150/MA                              |

## ANIMALS

### **43 CFR 423.35:**

- (a) Bring pets or other animals into public buildings, transportation vehicles, or sanitary facilities except for properly trained service animals 150/MA
- (b) Abandon any animal on BOR facilities, lands, or waterbodies or harass, endanger, or attempt, to collect any animal except game during authorized hunting, fishing, or trapping 150/MA
- (d) Prohibited animals
  - (1) Captive wild or exotic animals 150/MA
  - (2) Pets or animals displaying vicious or aggressive behavior , posing a treat, or a nuisance 150/MA

## SWIMMING

### **43 CFR 423.36:**

- (a)(1) Swimming within 300 yards of dams, power plants, pumping plants, spillways, stilling basins gates, intake structures, and outlet works 150
- (a)(2) Swimming within 100 yards of buoys or barriers marking public access limits 150
- (a)(3) Swimming in canals, laterals, siphons, tunnels, and drainage works 100/MA
- (a)(4) Swimming at public docks, launching sites, and designated mooring areas 150
- (b) Failure to display international diver down, or inland diving flag when diving 150
- (c) Dive, jump, or swing from dams, spillways, bridges, cables, towers, or other structures 150

## VESSELS

### **43 CFR 423.37: Operating Vessels on BOR Waters**

- (a) Compliance with Federal, State, and local laws for operation of a vessel or other watercraft CA/MA
- (b) Operate vessel in an area closed to the public 150/MA
- (c) Fail to observe signs, buoys, and other regulatory markers 150
- (d) Operate a vessel, or knowingly allow another person to operate a vessel in a reckless or negligent manner or endanger another person, natural resource, or cultural resource 500/MA
- (e) Operate vessel when impaired or intoxicated MA
- (f) Occupy a vessel overnight, except where allowed 100/MA
- (g) Use a vessel as a place of habitation or residence 150/MA
- (h) Place or operate a vessel on a BOR waterbody for a fee or profit, except as allowed 150/MA
- (i) Must remove vessel from BOR lands and waters when not used for more than 24 hours unless securely moored or stored at designated special use area 350/MA
- (j) Attach or anchor a vessel to structures such as locks, dams, regulatory or navigational buoys or other structures not designated for such purpose 150/MA
- (k) Failure to display an international diver down, or inland diving flag when operating a vessel 150
- (l) Towing activities such as waterskiing after daylight hours 150

### **43 CFR 423.39: Standards for Vessels**

- (a)(1) Vessel not constructed and maintained with established requirements 150/MA
- (a)(2) Vessel without safety equipment including flotation devices 150/MA
- (a)(3) Motorized vessel without proper exhaust muffler/Use of device rendering muffler ineffective 250/MA

#### **NOTE 1:**

An operator of a vessel in violation of section 423.39 can be ordered to remove the vessel from BOR waterbodies until it is in compliance.

## **VEHICLES**

### **Passenger Vehicles**

#### **43 CFR 423.40:**

- |  |        |
|--|--------|
| (a) Operation in compliance with Federal, State, and local laws  | 150/MA |
| (a) Operating any vehicle through, around, or beyond a restrictive sign, barricade, fence, etc.  | 250/MA |
| (b) Parking in violation of posted restrictions, obstructing emergency traffic, or parking of other vehicles, create safety hazard, or endanger any person, property, or natural feature | 150    |
| (c) Operate any vehicle or allow another to operate in a careless, negligent, or reckless manner   | MA     |
| (d) OHV regulations contained in 43 CFR Part 420 apply   | 150/MA |

### **Off Highway Vehicles**

#### **43 CFR 420.11:**

- |  |        |
|--|--------|
| (a) OHV shall conform to applicable state laws and vehicle registration requirements | 150/MA |
| (b) OHV shall be equipped with muffler and spark arrestor                            | 150/MA |
| (b) OHV shall have adequate brakes and working headlights and taillights             | 150/MA |

#### **43 CFR 420.11:**

- |  |        |
|--|--------|
| (a) OHV operator s shall comply with State laws pertaining to OHV's.   | 150/MA |
| (b) OHV operator shall possess a valid operator's license or be supervised by person with license  | 150/MA |
| (c) Operate OHV without safety equipment required by State law or local ordinance  | 150/MA |
| (d)(1) Operate OHV in reckless, careless, or negligent manner  | 150/MA |
| (d)(2) Operate OHV in excess of established speed limits   | 150/MA |
| (d)(3) Operate OHV under the influence of alcohol or drugs   | 150/MA |
| (d)(4) Operate OHV in a manner likely to cause damage or disturbance of land, wildlife, vegetative resources, or archaeological and historic values of resources | 150/MA |
| (d)(5) Operate OHV in a manner likely to become an unreasonable nuisance to other users  | 150/MA |

## **AIRCRAFT**

#### **43 CFR 423.41:**

- |  |        |
|--|--------|
| (a) Takeoff or land an aircraft on BOR lands or waterbodies except in special areas  | 250/MA |
| (b) Operate any aircraft while on or above BOR facilities, lands, and waterbodies in a careless, negligent, or reckless manner                                     | 250/MA |
| (d) Use of non-standard boarding and loading procedures to deliver or retrieve persons, material or equipment by parachute, balloon, helicopter, or other aircraft | 250/MA |
| (f) Compliance with all applicable U.S. Coast Guard rules and section 423.38 when operating seaplane   | 250/MA |
| (g)(1) Failure to securely moor a seaplane in safe and secure manner   | 250/MA |
| (g)(2) Failure to remain in the vicinity of a seaplane and responsibly available to relocate plane   | 250/MA |
| (h) Commercial operation of seaplane from BOR waterbodies  | 250/MA |
| (i) Operation of a seaplane on BOR lands and waterbodies between sunset and sunrise  | 250/MA |
| (j) Compliance with additional restrictions on the operation of aircraft   | 250/MA |
| (k) Operation of model aircraft except as allowed in special use areas   | 100/MA |

## **GAMBLING**

#### **43 CFR 423.42:**

- |  |     |
|--|-----|
| Commercial gambling in any form, or the operation of gambling devices, is prohibited on BOR facilities, lands, and waterbodies unless authorized | 100 |
|--|-----|



## **ALCOHOL**

- 43 CFR 423.43:**  
Possession or consumption of alcohol in violation of Federal, State, or local laws or rules 150/MA

## **CONTROLLED SUBSTANCES**

- 43 CFR 423.44:**  
Possess, consume, deliver, or be under the influence of controlled substance on BOR facilities, lands, or waterbodies unless the controlled substances was legally obtained through a valid prescription or order 250/MA

## **AUTHORIZED ACTIVITIES**

- 43 CFR 423.50:**
- (a) Failing to pay all required fees and properly display any permit, passes, or receipts 100
  - (b) Violating terms and conditions of permit (private) 150/MA  
(commercial) 500/MA
  - (d) Failing to provide permit to LEO or other authorized person upon request 100

## **VIOLATIONS**

- 43 CFR 423.70:**
- (b) Violating any use or activity prohibition, restriction, condition, schedule of visiting hours or public use limit (private) 150/MA  
(commercial) 500/MA

## **GENERAL RESTRICTIONS**

- 43 CFR 429.13:**  
Possessing, occupying, extracting, or removing natural resources from facilities, lands, and waterbodies without obtaining a right-of-use or other written agreement with BOR 250/MA