

FILED
At Albuquerque NM

JUL 01 2010 *ued*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN
CLERK

IN THE MATTER OF THE ADOPTION)
OF THE AMENDED COLLATERAL)
FORFEITURE SCHEDULE OF THE)
UNITED STATES FISH AND)
WILDLIFE SERVICE.)

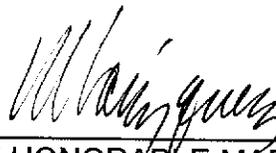
MISC. No. 10-MR-285

ORDER ADOPTING AMENDED
COLLATERAL FORFEITURE SCHEDULE OF THE
UNITED STATES FISH AND WILDLIFE SERVICE

THIS MATTER, having come before the Court on the motion of the United States for adoption of the amended collateral forfeiture schedule of the United States Fish and Wildlife Service in the District of New Mexico, the Court, having reviewed the motion and the proposed amended collateral forfeiture schedule, finds that good cause exists for approving and adopting said amended collateral forfeiture schedule.

IT IS THEREFORE ORDERED, pursuant to Rules 58(d)(1) and 58(d)(2) of the Federal Rules of Criminal Procedure and Local Criminal Rule 58.1, that the amended collateral forfeiture schedule of the United States Fish and Wildlife Service, District of New Mexico, attached to the motion of the United States, be and is hereby adopted and promulgated effective upon entry of this Order.

IT IS FURTHER ORDERED that the previous collateral forfeiture schedule applicable to the United States Fish and Wildlife Service, District of New Mexico, is hereby repealed.



THE HONORABLE MARTHA VAZQUEZ
CHIEF UNITED STATES DISTRICT JUDGE

**FORFEITURE OF COLLATERAL SCHEDULE
UNITED STATES FISH AND WILDLIFE SERVICE
DISTRICT OF NEW MEXICO**

NOTE: Due to increased liability and potential severity for environmental degradation posed by commercial and organized activities, collateral amounts for violations listed herein shall be doubled for corporations, businesses, partnerships, hunt clubs, and other organizations committing such violations (18 USC 3571 (c) - Fines For Organizations).

Value= the current established replacement value of animals or plants listed in Appendix A.

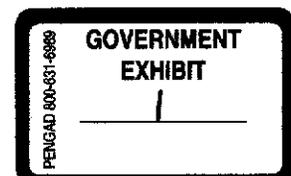
Item= per specimen

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
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General Fish & Wildlife Regulations
(16 USC 704; 16 USC 668a; 16 USC 1538(d); 16 USC 3373)

50 CFR 13: General Permit Procedures

13.1 thru 13.29	General violation of permit requirements	150.00
13.41	Failure to maintain humane and healthful conditions for live wildlife	250.00
13.42	Violation of terms/conditions set forth in permit	250.00
13.43	Alteration of permit	500.00
13.44	Failure to display permit upon request	150.00
13.45	Failure to file reports as required	150.00
13.46	Failure to maintain records as required	250.00
13.47	Failure to permit premise inspection	500.00
13.48	Failure to comply with conditions of permit	250.00
13.49	Failure to surrender permit upon suspension or revocation	250.00
13.50	Failure to assume liability and responsibility for the conduct of any activity conducted under the authority of permit	250.00



Section
Number

Offense

Collateral

General Regulations for Importation, Exportation & Transportation of Wildlife
(16 USC 3371, 16 USC 1538)

50 CFR 14: Import, Export & Transportation Regulations

14.11	Import or export wildlife at a non-designated port	500.00
14.14(b)	Knowingly unload in-transit shipment in U.S.	1,000.00
14.32 & 14.33	Violation of non-designated port permit conditions	300.00
14.51	Refusal to allow detention/inspection of wildlife	1,000.00
14.52	Failure to obtain FWS clearance prior to release from U.S. Customs	500.00
14.61thru 14.63	Failure to file completed declaration as required	500.00
14.81	Ship wildlife in interstate commerce without marked containers	350.00
14.82	Ship in interstate or foreign commerce without complying with marking requirements or alternatives	250.00
14.91	Engage in business as importer/exporter of wildlife without obtaining obtaining import/export license	500.00

50 CFR 14: Humane and Healthful Transport of Wild Mammals and Birds to the U.S.

14.103	Import, transport, cause or permit transport to the U.S. any wild mammal or bird in violation of Humane Transport Regulations	500.00 + value
14.104	Failure to provide English translation for any required certificate/document	150.00
14.105	Unauthorized acceptance by carrier of any wild mammal or bird for transport to the U.S.	500.00 + value
14.106	Failure by carrier to require proper primary enclosures for transport to U.S.	250.00 + value
14.107	Improper animal cargo space of a conveyance	500.00 + value
14.108	Violation by carrier of food/water requirements	250.00 + value
14.109(b)	Improper ambient air temperature and ventilation provided by holding area, transporting device, conveyance or terminal facility	350.00 + value

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
14.110	Improper or lack of animal holding area	500.00
14.111	Violation of handling requirements	250.00 + value
14.121 thru 14.172	Violation of primary enclosure specifications	500.00 + value

Wild Bird Conservation Act of 1992
(16 USC 4901-4916)

16 USC 4901 et seq. (50 CFR 15)	Violate any regulations, prohibitions, or regulations of Act relating to the import of any exotic bird...	
	Non-commercial	500.00 + value
	Commercial	1,000.00 + value

Lacey Act
(18 USC 42)

18 USC 42(c) Importation of wildlife under inhumane or unhealthful conditions **250.00 + value**

50 CFR 16: Regulations for the Importation or Shipment of Injurious Species

16.3 thru 16.13(a)	Unauthorized import, transport, acquire or release of prohibited species or their progeny	500.00 + 25.00/item
16.13(b)(1)	Import live/dead or eggs of salmonid of the family Salmonidae which are not accompanied by the required disease-free health certificate	500.00 + 25.00/fish
16.14 & 16.15	Release of imported live wild amphibians/reptiles or progeny or eggs thereof to the wild without authorization	500.00 + 25.00/item
16.22(b)(1)	Failure to properly confine injurious species	500.00 + 25.00/item
16.22(b)(2)	Transfer of injurious species to unauthorized person	500.00 + 25.00/item

Lacey Act Amendments of 1981 (with timber amendments)
(16 USC 3371-3778)

16 USC 3372(a)

- (1) to import, export, transport, sell, receive, acquire, or purchase any fish/wildlife/plant taken, possessed, transported or sold in violation of any law/treaty/regulation of the U.S. or in violation of any Indian Tribal Law.
- (2) to import, export, transport, sell, receive, acquire, or purchase in interstate commerce or foreign commerce-
- (A) any fish/wildlife taken, possessed, transported, or sold in violation of any law/regulation of any State or in violation of any foreign law, or
 - (B) any plant -
 - (i) taken, possessed, transported, or sold, in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates -
 - (I) the theft of plants;
 - (II) the taking of plants from a park, forest reserve, or other officially protected area;
 - (III) the taking of plants from an officially designated area; or
 - (IV) the taking of plants without, or contrary to, required authorization;
 - (ii) taken, possessed, transported, or sold, without the payment of appropriate royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or
 - (iii) taken, possessed, transported, or sold, in violation of any limitation under any law or regulation of any State, or under any foreign law, governing the export or transshipment of plants; or
- (3) within the special maritime and territorial jurisdiction of the United States -
- (A) to possess any fish/wildlife taken, possessed, transported, or sold in violation of any law or regulation of any state, or in violation of any foreign law or Indian Tribal law, or
 - (B) to possess any plant -
 - (i) taken, possessed, transported, or sold, in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates -
 - (I) the theft of plants;
 - (II) the taking of plants from a park, forest reserve, or other officially protected area;
 - (III) the taking of plants from an officially designated area; or
 - (IV) the taking of plants without, or contrary

to, required authorization;

(ii) taken, possessed, transported, or sold, without the payment of appropriate royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

(iii) taken, possessed, transported, or sold, in violation of any limitation under any law or regulation of any State, or under any foreign law, governing the export or transshipment of plants; or

(4) to attempt to commit any act described in paragraphs (1) through (3).

Big Game.....	1,000.00 + value	Small game....	250.00 + value
Furbearer.....	250.00 + value	Bird.....	500.00 + value
Reptile.....	250.00 + value	Amphibian....	250.00 + value
Fish.....	250.00 + value	Plant.....	250.00 + value
Other.....	250.00 + value		

16 USC 3372(c)

(1) it is deemed a sale of fish/wildlife in violation of this chapter for a person for money or other consideration to offer or provide -

(A) guiding, outfitting, or other services; or

(B) a hunting or fishing license or permit;

for the illegal taking, acquiring, receiving, transporting, or possessing of fish or wildlife

500.00 + value

(2) it is deemed to be a purchase of fish/wildlife in violation of this chapter for a person to obtain for money or other consideration-

(A) guiding, outfitting, or other services; or

(B) a hunting or fishing license or permit;

for the illegal taking, acquiring, receiving, transporting, or possessing of fish or wildlife

500.00 + value

16 USC 3372(d)

Unlawful for any person to make or submit any false record, account, or label for, or any false identification of, any fish, wildlife, or plant which has been, or is intended to be-

(1) imported, exported, transported, sold, purchased, or received from any foreign country; or

(2) transported in interstate or foreign commerce

Big Game.....	1,000.00 + value	Small game....	250.00 + value
Furbearer.....	250.00 + value	Bird.....	500.00 + value
Reptile.....	250.00 + value	Amphibian....	250.00 + value
Fish.....	250.00 + value	Plant.....	250.00 + value
Other.....	250.00 + value		

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
<u>Endangered Species Act</u> (16 USC 1538)		
16 USC 1538(a)(1)(A) thru 16 USC 1538(a)(1)(G)	Import or export any endangered species; take within the U.S. or territorial seas of the U.S.; take upon the high seas; deliver, carry, transport, or ship in interstate commerce in the course of a commercial activity; sell in interstate or foreign commerce	1,000.00 + value
16 USC 1538(a)(2)(A) thru 16 USC 1538(a)(2)(D)	Import or export any endangered plant; take within the U.S. or territorial seas of the U.S.; take upon the high seas; deliver, carry, transport, or ship in interstate commerce in the course of a commercial activity; sell in interstate or foreign commerce	500.00 + value
<u>50 CFR 17: Regulations pertaining to Endangered Wildlife</u>		
17.21 (a)/(b)/(d)	General Endangered Species prohibitions: <u>Attempt, solicit, or cause / Import or export / Possess, sell, deliver, carry, transport, or ship unlawfully taken endangered wildlife</u>	500.00 + value
17.21 (c)/(e)/(f)	<u>Take / Deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of a commercial activity / Sale or offer for sale</u>	1,000.00 + value
17.21(g)	Captive-bred wildlife violations	350.00 + 50.00/animal
17.22 thru 17.23	Endangered species permit violations	350.00 + 50.00/animal
<u>50 CFR 17: Regulations pertaining to Threatened Wildlife</u>		
17.31	Violate threatened wildlife prohibitions	500.00 + value
17.40 thru 17.47	Violate special regulations pertaining to threatened wildlife	50.00 + value
<u>50 CFR 17: Regulations pertaining to Endangered Plants</u>		
17.61	Violation of Endangered Plant regulations	500.00 + value
17.62 & 17.63	Fail to comply with Permit Conditions	250.00

Section Number	Offense	Collateral
<u>50 CFR 17: Regulations Pertaining to Threatened Plants</u>		
17.71	Violation of Threatened Plant regulations	350.00 + value
17.72	Fail to comply with permit conditions	250.00

50 CFR 17: Other Endangered & Threatened Plant Regulations

17.82	Violation of general Experimental regulations	250.00 + value
17.84	Violation of special regulations	250.00 + value
to end		

Marine Mammal Protection Act
(16 USC 1371-1372)

16 USC 1371	Take or import any marine mammal, marine mammal part, or thru products made thereof	1,000.00 + value
16 USC 1372		

15 CFR 18: Regulations Pertaining to Marine Mammals

18.11	Unlawful take of marine mammal	500.00 + value
18.12	Unlawful import of marine mammals	500.00 + value
18.13	Unlawful port use, transport, purchase, sale of any marine mammal or marine mammal product	500.00 + value

Airborne Hunting Act
(16 USC 742j)

16 USC 742j-1	General Airborne Hunting Act Violations	1,000.00 + value
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50 CFR 19: Regulations Pertaining to Airborne Hunting

19.11(a)(1)	Shoot from an aircraft for purposes of capturing or killing wildlife	1,000.00+ value
19.11(a)(2)	Use aircraft to harass wildlife	500.00
19.11(a)(3)	Participate in using aircraft to shoot or harass wildlife	1,000.00+ value
19.32(a)	Failure to file annual report	250.00

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
<u>Migratory Bird Treaty Act</u> <i>(16 USC 703-711)</i>		
16 USC 703	Taking, pursuing, hunting, capturing, killing, or the attempt thereof; possess, sell, barter, purchase, ship, export, import, carry, transport, offer, or cause thereof; migratory birds, their parts, nests, or eggs, without authorization	500.00 + 50.00 /value
	per part, nest, egg, item per each bird	
16 USC 705	Ship, transport, carry in interstate or foreign commerce, any bird, part, nest, or egg, thereof, carried contrary to the law of the place where captured, killed, taken, shipped, transported, or carried	350.00 + 50.00 / value
	per part, nest, egg, item per each bird	
<u>50 CFR 20: Migratory Game Bird Hunting Regulations</u>		
20.21(a)	Take with illegal device or substance	500.00 + value
20.21(b)	Take with shotgun capable of holding more than three (3) shells	100.00 + value
20.21(c)	Take by means, aid or use of sink box	150.00 + value
20.21(d)	Take from or by means, aid, or use of a motor driven conveyance motor vehicle, or aircraft	400.00+ value
20.21(e)	Take by means of motorboat or other craft having motor attached and under power	400.00+ value
20.21(f)	Take by use or aid of live decoys	250.00 + value
20.21(g)	Take by use or aid of electronic/recorded calls	250.00 +value
20.21(h)	Take by means or aid of motor driven conveyance for concentrating driving, or rallying, or stirring up waterfowl	200.00 + value
20.21(i)	Take by aid of bait or on or over baited area (where the defendant knew, or reasonably should have known, that the area was a baited area)	500.00+ value
16 USC 704(b)(2) and 16 USC 707(c)	Placed or directed placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take migratory game birds by the aid of baiting on and over a baited area.	1,000.00 + value

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
20.21(j)	Take while possessing toxic shotshells or shot	100.00 + value + 20.00/toxic shell + forfeit toxic shells
20.22	Take during closed season	500.00 + value
20.23	Take before/after legal shooting hours	1-15 min. 100.00 + value 16-30 min. 200.00 + value 31-45 min. 300.00 + value 45+ min. 400.00 + value
20.24	Take in excess of daily bag limit	300.00 + value
20.25	Wanton Waste of migratory birds	200.00 + value
20.26(c)	Failure to comply with temporary closure regulations	250.00 + value
20.31	Possession of birds taken in violation of 20.21 thru 20.23	150.00 + value
20.32	Possess freshly killed migratory birds during closed season	300.00 + value
20.33	Exceed possession limit of migratory birds taken in the U.S.	250.00 + value
20.34	Possess in excess of daily bag limit opening day	200.00 + value
20.35	Possess or transport in excess of daily field limit	250.00 + value
20.36	Violation of tagging regulations	150.00 + value
20.37	Custody of untagged birds of another	150.00 + value
20.38	Live wounded birds in possession	100.00 + value
20.40	Receive, possess, give to another untagged birds	100.00 + value
20.41	Transport birds taken in violation of 20.21 thru 20.24	150.00 + value
20.42	Transportation of untagged birds of another	150.00 + value
20.43	Transport migratory game birds with species ID removed	100.00 + value
20.44	Transport unmarked or improperly marked package containing migratory game birds via postal service or common carrier	100.00 per package
20.51	Export birds taken in violation of 20.12 through 20.24	200.00 + value
20.52	Export birds with species ID removed	150.00 + value

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
20.53	Export unmarked or improperly marked packages containing migratory birds as required	150.00 per package
20.61	Import migratory game birds in excess of legal limit	200.00 + value
20.62	Import migratory game birds belonging to another	150.00 + value
20.63	Import migratory game birds with species ID removed	150.00 + value
20.64	Import, possess, transport birds killed in foreign country without required export permits	150.00 + value
20.65	Import birds not drawn or dressed as required	150.00 + value
20.66	Import unmarked or improperly marked packages containing migratory birds as required	150.00 per package
20.71	Take, possess, transport, or export migratory birds, their parts, nests, or eggs in violation of any other federal law or regulation	250.00 + value
20.72	Take, possess, transport, or export migratory birds, their parts, nests, or eggs in violation of any other state law or regulation	250.00 + value
20.73	Import, possess, or transport, migratory birds, their parts nests, or eggs if taken, bought, sold, transported, possessed, or exported contrary to any law or regulation of any foreign country, state, or province thereof	250.00 + value
20.81	Commercial facility with untagged migratory birds of another as required under 20.36	200.00 + value
20.82	Violation of record keeping requirement	200.00
20.83	Failure to permit premise inspection	500.00
20.91(a)	Purchase, sell, barter, or offer thereof for millinery or ornamental use, the feathers of migratory game birds	500.00
20.91(b)	Purchase, sell, barter, or the offer thereof, mounted specimens taken by hunting	250.00 + value
20.100	Take migratory game birds for which no season has been established	250.00 + value
20.133	Violation of crow hunting regulations	50.00 + 50.00/bird

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
50 CFR 21: Migratory Bird Permit Violations		
21.2 thru		
21.27	Migratory Bird Permit Violations	200.00 + value
21.28	Violation of Falconry Permit requirements	250.00 + value
21.28(d)(1)	Take, possess, transport, golden eagle for falconry without a permit	500.00 + value
21.28(d)(3)	Unauthorized purchase, sale, or barter of raptor	500.00 + value
21.29	Violation of Falconry Standards	250.00
21.29(e)(3)	Take, possess, transport raptor in violation of 50 CFR 21.29	250.00 + value
21.29(e)(3)(v)	Unauthorized take of a threatened species	500.00 + value
21.29(i)	Unauthorized take of raptor	350.00 + value
21.29(g)	Failure to comply with facility/equip. standards	150.00 + value
21.29(j)	General violations of Misc. Falconry Regulations	150.00 + value
21.29(j)(5)	Retain or exchange molted feathers for other than imping purposes	150.00 + 50.00/feather
21.30	General violation of Raptor propagation permit	250.00 + \$100/bird
21.30(a)	Take, possess, transport, sell, purchase, barter, or transfer any raptor, raptor egg, or raptor semen, for propagation without authorization	350.00 + \$100/bird
21.30(d)(7)	Unauthorized hybridization of raptors	500.00
21.41 thru		
21.43	Violation of Depredating Bird regulations	200.00 + value
21.41(c)(1)	Unauthorized killing of depredating migratory birds	200.00 + value
21.42(c)(2)	Take of depredating birds by unauthorized method or in unauthorized area	200.00 + value

Migratory Waterfowl Hunting and Conservation Stamp Act
(16 USC 718)

16 USC 718a	Hunt migratory waterfowl without a federal waterfowl hunting stamp	200.00+value
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<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
16 USC 718b	Hunting migratory waterfowl with an invalid (unsigned) federal waterfowl stamp	100.00 + value
16 USC 718e(a)	Loan or transfer valid migratory stamp to another person, or use stamp validated by another	300.00
16 USC 718e(b)	Alter, mutilate, imitate, or counterfeit migratory waterfowl	500.00

Bald and Golden Eagle Protection Act
(16 USC 668d)

16 USC 668d	Take, possess, transport, sell, purchase, barter, trade, import, export any bald or golden eagle or parts, nests, or eggs thereof	1,000.00 + value
<u>50 CFR 22: Regulations Pertaining to Bald and Golden Eagles</u>		
22.11	Take, possess, or transport a bald or golden eagle	1,000.00 + value
	or parts, nest or eggs thereof	250.00
22.12	Sell, purchase, trade, barter, export, import, or offer thereof any bald or golden eagle	1,000.00
	or parts, nest or eggs thereof	250.00
22.21 thru 22.32	Violation of eagle permit requirements	250.00

Endangered Species Act - Convention on International Trade (CITES)
(16 USC 1531-1543)

16 USC 1538(c) thru 1538(d)	Violations of Convention on International Trade in Appendix designated wildlife & plants	1,000.00 + Value
<u>50 CFR 23: Regulations pertaining to import/export of protected wildlife & plants</u>		
23.13(a)	<u>Import, export, re-export, or engage in international trade with any Specimen of a species listed in Appendix I, II, or III of CITES.</u>	<u>[as per 23.13(d)]</u>
23.13(b)	<u>Introduce from the sea any specimen of a species listed in Appendix I or II of CITES</u>	<u>[as per 23.13(d)]</u>

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
<u>23.13(c)</u>	<u>Possess any specimen of a species listed in Appendix I, II, or III of CITES imported, exported, re-exported, introduces from the sea, or traded contrary to the provisions of CITES, the ESA, or this part.</u>	<u>[as per 23.13(d)]</u>
<u>23.13(d)</u>	<u>Attempt to commit, solicit another to commit, or cause to be committed any of the activities described in paragraphs (a) through (c) of this section</u>	
	<u>Appendix I species</u>	<u>1,000.00 + value</u>
	<u>Appendix II species</u>	<u>500.00 + value</u>
	<u>Appendix III species</u>	<u>250.00 + value</u>

50 CFR 24: Regulations pertaining to the import/export of plants

24.11	Import, export, re-export plants at non-designated port of entry	250.00 + value
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African Elephant Conservation Act
(16 USC 4201-4245)

16 USC 4223	Import or export raw or worked ivory contrary to the provisions of the act	
	Non-commercial	500.00
	Commercial	1,000.00 + value

Rhinoceros and Tiger Conservation Act of 1998
(16 USC 5301 – 5306)

16 USC 5305(a)	Sale, import or export of any product, item or substance intended for human consumption or application containing or labeled or advertised as containing any substance derived from any species of rhinoceros or tiger.	250.00 + value
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American Antiquities Act
(16 USC 431-433)

16 USC 433	Appropriate, excavate, injure, or destroy historic or prehistoric ruins, or monument, or any object of antiquity	500.00
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<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
<u>Archaeological Resources Protection Act of 1979</u> <i>(16 USC 470aa et seq.)</i>		
16 USC 470ee(a)	Knowingly excavate, remove, damage, alter, deface or the attempt thereof, any archaeological resource on public or Indian lands without a permit or exemption...	<p style="text-align: right;">Non-commercial 500.00 + value Commercial 1,000.00 + value</p>
16 USC 470ee(b)	Knowingly sell, purchase, exchange, transport, receive, or offer thereof, any archaeological resource if such resource was excavated or removed from Public or Indian lands in violation of 16 USC 470ee(a) or any provision, rule, regulation, ordinance or permit in effect under any other Federal law...	<p style="text-align: right;">Non-commercial 750.00 + value Commercial 1,500.00 + value</p>
16 USC 470ee(c)	Knowingly sell, purchase, exchange, transport, receive, or offer thereof, any archaeological resource if such resource was excavated or removed from Public or Indian lands in violation of 16 USC 470ee(a) or any provision, rule, regulation, ordinance or permit in effect under any other State law...	<p style="text-align: right;">Non-commercial 750.00 + value Commercial 1,500.00 + value</p>
16 USC 470ee(d)	Knowingly violate, counsel, procure, solicit, or employ any other person to violate any prohibition..	<p style="text-align: right;">Non-commercial 500.00 Commercial 1,000.00</p>

National Wildlife Refuge Act - Prohibited Acts
(16 USC 668dd(c))

16 USC 668dd(c)	Knowingly disturb, injure, cut, burn, remove, destroy, or possess any real or personal property of the United States...or take or possess any fish, bird, mammal, or other wild vertebrate or invertebrate animal or part or nest or egg thereof ...or enter, use, or otherwise occupy any such area for any purpose without a permit or authorization	500.00 + value
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<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
<u>Wildlife Conservation Easement Provisions</u> <i>(16 USC 668dd)</i>		
<u>Violations of Conservation Easement Contracts</u>		
1.	Dwellings, barns, outbuildings, or other structures built without authorization within easement areas	500.00 + removal
2.	Alter vegetation	100.00 + restoration
3.	Alter hydrology	50.00 + restoration
4.	Unauthorized cutting or mowing	100.00 per acre
5.	Unauthorized cultivation	200.00 per acre
6.	Unauthorized grazing	50.00 per animal
7.	Unauthorized harvesting or cutting of wood	200.00 + value
8.	Unauthorized burning	100.00 per acre
9.	Place refuse, waste, sewage or other debris	500.00 + removal
10.	Littering	50.00
11.	Drain, dredge, channel, or fill	500.00 + restoration
12.	Pump, dike, or impound, and related activity	500.00 + restoration
13.	Divert or affect the natural flow or surface or underground water into, within, or out of easement	500.00 + restoration
14.	Fail to control noxious weeds/other undesirable plants	100.00
15.	Hunting on a closed area	200.00 + value
	Fishing on a closed area	100.00 + value
16.	Taking or attempting to take fish & wildlife in violation of a Federal, state, or local game/fish regulations	100.00 + value

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
17.	Failure to allow inspection, entry, or egress by an authorized official, agent, or employee	500.00
18.	Trespass on a closed area	100.00
19.	Interfere with the management of easement area	100.00

National Wildlife Refuge Administrative Act
(16 USC 668dd and 16 USC 721-731)

50 CFR 25: Administrative Provisions

25	All other admin. provisions regulations	100.00
25.21	Enter a closed portion of National Wildlife Refuge	200.00
25.31	Failure to comply with special regulations	150.00
25.42	Failure to display permit when requested	100.00
25.72	Failure to report accidents	100.00

50 CFR 26: Regulations Pertaining to Public Entry & Use

26	All other public entry and use regulations	150.00
26.21(a)	Trespass on National Wildlife Refuge (NWR)	200.00
26.21(b)	Permit unconfined domestic animal to enter a NWR	250.00 + 50.00/animal
26.36	Conduct public assembly/demonstration without a permit	100.00

50 CFR 27: Prohibited Acts

27.21	Take any animal or plant without authorization	250.00 + value
27.31	Travel on other than a designated route of travel	100.00
27.31(a)	Operate a vehicle in violation of state law	200.00
27.31(b)	Operate a vehicle under the influence of drugs or intoxicating beverage	500.00
27.31(c)	Operate a vehicle carelessly or heedlessly	150.00

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
27.31(d)	Exceed 25 mph or posted speed limit	50.00 + 2.00/mph over speed limit (21 mph or more over speed limit: 150.00)
27.31(e)	Operate vehicle without a muffler/spark arrester	100.00
27.31(f)	Operate vehicle without license plate/registration	100.00
27.31(g)	Operate vehicle without a drivers license	100.00
27.31(h)	Block road access for other vehicles	100.00
27.31(i)	Failure to obey orders of traffic control officer	250.00
27.31(j)	Operate over-sized/over-weight vehicle	200.00
27.31(k)	Moving of vehicle involved in accident	150.00
27.31(l)	Operate a vehicle without proper headlights, tail-lights, or brake lights	50.00
27.31(m)	Violation of other established special vehicle requirements	100.00
27.32(a)	Unauthorized use of a boat	200.00
27.32(b)	Operate boat in violation of either Coast Guard or State laws	50.00
27.32(b)(2)	Operate boat in reckless/negligent manner	150.00
27.32(b)(3)	Operate boat under influence of an intoxicant	250.00
27.32(b)(4)	Interfere with operation of other boats	100.00
27.32(b)(5)	Operate boat without proper marine head	50.00
27.32(b)(6)	Operate a sailboat without required lights	50.00
27.32(b)(7)	Leave boat unattended for 72 hrs	100.00
27.32(b)(8)	Unauthorized use of government boat dock	50.00
27.33	Unauthorized waterskiing on NWR	75.00
27.34	Unauthorized operation of aircraft on/over NWR	250.00

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
27.41	Carry, possess or discharge a firearm	200.00
	Carry, possess or discharge fireworks/explosive	200.00
27.42	Firearms; other violations	200.00
27.43	Use of weapons other than firearms	200.00
27.51	Disturb, injure, damage animals on NWR	200.00 + value
	Disturb, injure, damage plants on NWR	100.00 + value
27.52	Introduction of plants/animals on NWR	100.00 + 50.00/item
27.61	Destruction or removal of property from NWR	200.00
27.62	Search for or remove objects of antiquity	200.00
27.63	Unauthorized search for valued objects; no permit	200.00
27.64	Unauthorized prospecting/mining on a NWR	500.00
27.65	Tamper with vehicles or equipment	200.00
27.71	Take or film motion pictures for commercial use	200.00
27.72	Cause unreasonable disturbances w/ audio equip	200.00
27.73	Use of artificial light to take wildlife	200.00 + value
27.81	Enter NWR under the influence of alcohol	300.00
27.82(b)(1)	Deliver controlled substance	500.00
27.82(b)(2)	Possess controlled substance on a NWR	350.00
27.82(b)(3)	Under influence of a controlled substance	250.00
27.83	Indecency or disorderly conduct	250.00
27.84	Interference with persons engaging in authorized activity	300.00
27.85	Gambling on NWR	100.00
27.86	Begging or soliciting	100.00

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
27.91	Conducting field trials	200.00
27.92	Construct, install, occupy private structure	250.00
27.93	Abandon private property	300.00
27.94	Litter on a NWR	200.00
	Dumping refuse or waste	500.00
	Depositing environmental contaminants	1,000.00
27.95(a)	Setting unauthorized fire	200.00
	Setting unauthorized campfire	100.00
27.95(b)	Leaving fire unattended	150.00
27.95(c)	Throw burning cigarette, match, etc. where it may start a fire	150.00
27.95(d)	Smoking violation	100.00
27.96	Unauthorized advertising	100.00
27.97	Conduct private commercial operation	200.00
<u>50 CFR 28: Regulations pertaining to Refuge Special Regulations-General</u>		
28.31	Violate any provision, rule, regulation, sign, or special regulation	150.00
<u>50 CFR 31: Regulations pertaining to Commercial Fishing & Trapping</u>		
31.13	No refuge commercial fishing permit	250.00 + value
31.16	Violation of federal trapping permit regulations, state trapping laws, or other special trapping laws, or special trapping regulations	
	Violate state law	100.00 + value
	Violate permit conditions, etc	100.00 + value
	Failure to inspect traps	100.00 + value
	Unlawful sets; unlawful equipment	150.00 + value
	Animal unlawfully trapped	150.00 + value

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
<u>50 CFR 32: Regulations pertaining to Hunting</u>		
32.2(a)	Hunt without a State license	200.00 + value
32.2(b)	Hunt without a migratory waterfowl stamp	200.00 + value
32.2(c)	Hunt in violation of federal law	150.00 + value
32.2(d)	Hunt in violation of state law	150.00 + value
32.2(e)	Hunt in violation of special access requirements	100.00 + value
32.2(f)	Failure to comply with special regulations, as per 32.12, 32.22, 32.32	150.00
32.2(g)	Bow hunt with any drug on a arrow	500.00 + value
32.2(h)	Distribution of bait and hunting over bait on NWR	500.00 + value
32.2(i)	Use of nails, wire, screws or bolts to attach a tree stand to a tree, or hunt from tree into which a metal object has been driven	100.00
32.2(j)	Use or possession of alcohol while hunting	200.00
32.2(k)	Use or possession of toxic shot while hunting with shotgun or muzzle-loader on Waterfowl Production Areas, or other designated areas	100.00 + value + 20.00/toxic shell + forfeit toxic shells
<u>50 CFR 32.5: Regulations pertaining to Fishing</u>		
32.5(a)	Fish without a state license	100.00 + value
32.5(b)	Noncompliance with applicable federal law	100.00 + value
32.5(c) thru 32.5(e)	Violations of State and applicable special regulations on fishing	100.00 + value
<u>50 CFR 70: Regulations pertaining to National Fish Hatcheries</u>		
70.2	Administrative provisions as adopted from Part 25	As noted in Part 25
70.4(a)	Prohibited Acts as adopted in Part 27	As noted in Part 27
70.4(b)	Unauthorized taking, or attempt to take fish, amphibians, or other aquatic animals	200.00 + value
70.4(c)	Unauthorized take of any animal	200.00 + value
70.4(d)	Disturbing spawning fish	100.00

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
70.6	Public Entry & Use as adopted from Part 26	As noted in Part 26

50 CFR 71: Regulations pertaining to Hunting & Fishing on National Fish Hatcheries

71.2(a)	Hunt without a State license	100.00
71.2(b) thru 71.2(f)	Noncompliance with other laws or regulations	100.00
71.12(a)	Fish without a State license	100.00
71.12(b) thru 71.12(e)	Noncompliance with other laws or regulations	100.00

Oversight Provision**All regulatory provisions of 50 CFR *et seq.* not previously enumerated**

As listed	Violations of permits or permit requirements	100.00
	Violations of taking, sale, purchase or barter	250.00
	Violation of possession, transport, import/export	150.00
	All other violations or noncompliance	50.00

Assimilative Crime Act***(18 USC 13)***

18 USC 13	Violation of state statutes on land administered by the FWS	300.00 + value
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Hunting, Fishing, Trapping on Military Reservations***(10 USC 2671(a))***

10 USC 2671(a)	Violation of state statutes for wildlife or plants while on military reservation	300.00 + value
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Hunting, Trapping, or Fishing on Indian Land***(18 USC 1165)***

18 USC 1165	<u>Whoever, without lawful authority or permission, willfully and knowingly goes upon any land that belongs to any Indian or Indian tribe, band, or group for the purpose of hunting, trapping, or fishing thereon, or for the removal of game, peltries, or fish therefrom</u>	250.00 + value
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APPENDIX A
District of New Mexico

Wildlife & Plant Value Table

<u>Category</u>	<u>Species</u>	<u>Comments</u>	<u>Value</u>	
Big Game Animals	elk/caribou	whole/trophy	cow: \$1,000.00 bull: \$5,000.00	
	moose/bison	whole/trophy	cow: \$2,000.00 bull: \$7,000.00	
	sheep/mtn. goat	whole/trophy	\$10,000.00	
	deer/pronghorn	whole/trophy	doe: \$500.00 buck: \$2,000.00	
	blk. bear/cougar	whole/trophy	\$5,000.00	
	brown bear	whole/trophy	\$7,000.00	
	polar bear	whole/trophy	\$10,000.00	
	rhino/hippo buffalo/elephant/ felines	whole/trophy	\$10,000.00	
	all other African/ Asian/S. American/ European	whole/trophy	\$2,500.00	
	all other	whole/trophy	\$1,000.00	
	all parts/products	per item	\$100.00 or DEC value	
	Small Game animals	All whole/trophy	per item	\$100.00
		All parts/products	per item	\$25.00
All whole/skin		per item	\$100.00	
Fur bearing animals	Rodent family	whole/skin	\$25.00	
	Canine family	whole/skin	\$100.00	

<u>Category</u>	<u>Species</u>	<u>Comments</u>	<u>Value</u>
	Procyon/Mustelid family	whole/skin	\$50.00
	Feline family	whole/skin	\$250.00
	All others	whole/skin	\$25.00
	All parts/products	per item	\$25.00 or DEC value
Non-game animals	Carnivores	whole/skin parts	\$1,500.00 \$500.00
	Primates	whole	\$1,000.00
	Others	whole	\$300.00
	All parts/products	per item	\$250.00
Migratory game birds	Swans	whole/mount	\$1,000.00
	Geese	whole/mount	\$75.00
	Ducks	whole/mount	\$50.00
	Doves/Pigeons	whole/mount	\$25.00
	All other	whole/mount	\$50.00
	All parts/products	per item	\$25.00 or DEC value
Migratory non-game birds	Eagles	whole/mount	\$1,000.00
		parts/products	\$250.00
	Hawks/Owls	whole/mount	\$500.00
	Song birds	whole/mount	\$100.00
	All others	whole/mount	\$100.00
	All parts/products	per item	\$50.00 or DEC value

<u>Category</u>	<u>Species</u>	<u>Comments</u>	<u>Value</u>
Other game birds	Wild turkey	whole/mount	\$500.00
	Grouse/Prairie chickens	whole/mount	\$250.00
	All other	whole/mount	\$100.00
	All parts/products	per item	\$25.00 or DEC value
Parrots	Macaws/Cockatoos	whole/mount	\$1,000.00
	Parrots	whole/mount	\$500.00
	All others	whole/mount	\$100.00
	All parts/products	per item	\$25.00 or DEC value
Other pet birds	All	whole/mount	\$100.00
	All parts/products	per item	\$10.00
Other animals	All whole/product	per item	\$50.00 or DEC value
Endangered/ Threatened wildlife	All	whole/trophy	\$2,000.00
	All	parts	\$500.00
		curios/jewelry	\$100.00 or DEC value
Endangered/ Threatened plants	All		\$1,000.00
Marine Mammals	All (except polar bear)	whole/trophy	\$2,000.00
		parts/curios/ other	\$100.00 or DEC value

<u>Category</u>	<u>Species</u>	<u>Comments</u>	<u>Value</u>
Game Fish	trout/salmon/walleye/ Bass/pike/ etc.	whole/trophy	\$75.00
Sport Fish	pan fish/catfish/ etc.	whole/trophy	\$25.00
Other fish	Paddle/Sturgeon/etc.	whole/trophy	\$500.00
	Eggs/Roe	per pound	\$500.00
	all other	whole/trophy	\$25.00
Non-sport fish	carp/sucker/gar/etc.	whole/trophy	\$10.00
Tropical fish	All	per fish	\$25.00 or DEC value
Bait fish	All	whole/product	\$10.00
Amphibians	All whole/product	per item	\$50.00 or DEC value
Reptiles	All whole/product	per item	\$50.00 or DEC value
Insects	All whole/products	per item	\$50.00 or DEC value
Mollusks	All whole/products	per item	\$25.00 or DEC value
Corals	All whole/products	per item	\$50.00 or DEC value

<u>Category</u>	<u>Species</u>	<u>Comments</u>	<u>Value</u>
Deciduous trees	All	> 10 yrs.	\$1,000.00
		< 10 yrs.	\$200.00
Coniferous trees	All	>10 yrs.	\$1,000.00
		<10 yrs.	\$200.00
Bushes	All	adult	\$750.00
		young	\$150.00
Cacti	All	per plant	\$100.00
Sedges/grasses	All	per sq. foot	\$50.00
Orchid family	All		\$100.00
Other plants	All		\$10.00
Archeological Resources	All	per item	\$200.00

**WILDLIFE/PROPERTY FORFEITURE ORDER
DISTRICT OF NEW MEXICO**

Unless otherwise specifically ordered by a United States Court, any fish, wildlife, plants, or property which has been seized under the authority of the Migratory Bird Treaty Act, 16 USC 703-712; the National Wildlife Refuge Systems Administrative Act, 16 USC 668dd-668ee; the Eagle Protection Act, 16 USC 668-668e; the Endangered Species Act, 16 USC 1531-1542; the Migratory Waterfowl Hunting Stamp Act, 16 USC 718-718i; the Airborne Hunting Act, 16 USC 742j-l; the Marine Mammal Protection Act, 16 USC 1361-1407; the Tariff Classification Act, 19 USC 1202; the Lacey Act, 18 USC 42; the Lacey Act Amendments, 16 USC 3371-3378; the American Antiquities Act, 16 USC 433; the African Elephant Conservation Act, 16 USC 4201-4245; the Archeological Resources Protection Act, 16 USC 470aa *et seq.*; the Wild Conservation Act, 16 USC 4901-4916; the Rhinoceros and Tiger Conservation Act of 1998, 16 USC 5301 *et seq.*; and Hunting, Trapping, and Fishing on Indian Lands, 18 USC 1165; where final disposition of the case has been made by either payment of a forfeiture of collateral or a judgment by the Court on behalf of the government and where so authorized by statute, such wildlife or property shall be forfeited to the U.S. Government and disposed of by the U.S. Fish and Wildlife Service in a manner prescribed by Title 50, Code of Federal Regulations, Part 12.