

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

NO. 94- 19

IN RE: GENERAL LOCAL RULE :  
88.4 AMENDMENT TO :  
COLLATERAL FORFEITURE :  
SCHEDULES :

FILED  
94 MAY 23 10:40  
1.6.01  
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ADMINISTRATIVE ORDER

Pursuant to a vote of the United States District Judges of this Court,, Southern District of Florida, it is hereby

**ORDERED**

That this order supersedes all previous Orders establishing in the Southern District of Florida a plan known as the Forfeiture of Collateral System for the National Park Service. From the date of this Order, all forfeiture of collateral on petty offenses shall be handled in accordance with General Local Rule 88.4 and the schedules attached to this Order.

Under the plan, collateral may be posted in lieu of the personal appearance of a person charged with certain petty offenses under the laws or regulations of the United States. Upon the failure of the person charged with a petty offense violation to appear before the United States Magistrate Judge for trial of the offense, collateral in the appropriate amount, as shown on the attached schedules, shall be forfeited to the United States and serve as the fine for said offense. The posting of collateral shall signify that the person accused does not contest the charge or request a hearing. Forfeiture of collateral shall constitute an admission of guilt.

Nothing herein shall prohibit a United States Magistrate

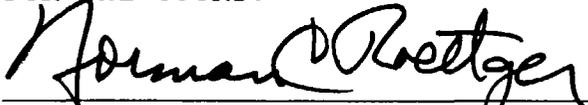
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Judge, or law enforcement officer, from requiring the personal appearance of the person accused before the Magistrate Judge, whether the offense to be charged appears in the schedule or does not appear.

Offenses for which collateral may be posted in lieu of appearances and the amount of said collateral shall be as shown on the Schedule of Violations and Fines attached hereto.

DONE AND ORDERED at Miami, Florida, this 12 day of May 1994.

FOR THE COURT:



CHIEF UNITED STATES DISTRICT JUDGE  
NORMAN C. ROETTGER

cc: All United States District Judges  
All United States Magistrate Judges  
United States Attorney

COLLATERAL SCHEDULE  
 NATIONAL PARK SERVICE  
 SOUTHERN DISTRICT OF FLORIDA

RECOMMENDED REVISIONS

On the following pages, you will find listed the sections of Title 36 of the Code of Federal Regulations, which are commonly enforced by the National Park Service.

The National Park Service has expressed a concern that this District closely communicate with the Middle District of Florida during this process. Both Everglades National Park and Big Cypress National Preserve lie partially within both Districts. It is recommended that the two Districts agree on the same collateral schedule in order to provide the public with consistency in dealing with violations, as well as to prevent an administrative nightmare for the National Park Service.

**TITLE 36, CODE OF FEDERAL REGULATIONS:**

**GENERAL PROVISIONS**

Sect.		Current	New Recommended Fine
1.5	<u>Closures and Public Use Limits</u>		
(f)	Closure Violations	\$30	\$75
1.6	<u>Permits</u>		
(g)	No Permit/Permit Violation (special use)	\$150	\$150
1.10	<u>Symbolic Signs</u>		
(a)	Engaging in Activity Symbolized by Sign Bearing Slash Mark	\$30	\$75

**SOURCE PROTECTION, PUBLIC USE & RECREATION**

Sect.		Current	Recomm.
1.1	<u>Preservation of Natural, Cultural, Archeological Resources</u>		
(a)(1)	Possessing/Injuring/Removing/Disturbing	\$50	\$150
(a)(2)	Introducing Wildlife/Fish/Plants	\$50	\$100
(a)(4)	Using/Possessing Wood (does not include dead & down wood where permitted for fires)	\$50	\$100
(a)(7)	Possessing/Using Metal Detectors	\$50	\$100
(c)(3)	Gathering/Possessing/Removal of Natural Products	\$50	\$100
2.2	<u>Wildlife Protection</u>		
(a)(1)	Poaching/Illegal Taking	MA	\$500 + \$100 each item
(a)(2)	Bothering/Molesting/Feeding	\$30	\$100
(a)(3)	Possessing Unlawfully Taken Wildlife	MA	\$100 item
(e)	Use of Spotlight in Closed Area	MA	\$200
2.3	<u>Fishing Violations</u>		
(a)	State Fishing Laws Applicable:		
	License Violations	\$30	\$50
	Taking Species During Closed Season, Bag Limit or Size Limit	\$30	\$100 + \$50 item
	Other State Fishing Laws	\$30	\$50
(d)(1)	Fresh Water-Other Than By Hook and Line	\$30	\$100
(d)(2)	Fresh Water-Possessing/Using Live or Dead Bait	\$30	\$50
(d)(3)	Fresh Water-Chumming	\$30	\$100
(d)(4)	Unauth. Commercial Fishing	MA	MA
(d)(5)	Fishing by Use of Drugs/Poisons/ Explosives/Electricity	MA	MA
(d)(6)	Digging for Bait	\$30	\$50
(d)(7)	Size and Species Restrictions	\$30	\$100 + \$50 item
(d)(8)	Fishing From Bridge or Swim Beach	\$30	\$75
2.4	<u>Weapons, Traps and Nets</u>		
(a)(1)(i)	Possessing Weapon	\$50	\$150
(a)(1)(i)	Possessing Trap/Net	\$50	\$100
(a)(1)(ii)	Carrying Weapon	\$50	\$150
(a)(1)(ii)	Carrying Trap/Net	\$50	\$100
(a)(1)(iii)	Using Weapon	\$50	\$200
(a)(1)(iii)	Using Trap/Net	\$50	\$150
(b)	Carrying/Possessing Loaded Weapon in Vehicle/Vessel/Conveyance	\$50	\$150
(c)	Using Weapon In Manner That Endangers Persons/Property	MA	MA
(f)	Carrying/Possessing Weapon in Violation of Applicable Federal/State Laws	\$50	\$150
Sect.		Current	Recomm.

2.5	<u>Research Specimens</u>		
(a)	Collecting Without Permit	\$200	\$200
2.10	<u>Camping and Food Storage</u>		
(b)	Camping Violations	\$30	\$75
(d)	Improper Food Storage	\$30	\$50
2.11	<u>Picnicking</u>		
	Picnicking Violations	\$30	\$50
2.12	<u>Audio Disturbances</u>		
(a)	Excessive Noise/Device	\$30	\$100
2.13	<u>Fires</u>		
(a)(1)	Fire In Undesignated Area	\$30	\$100
(a)(2)	Using Stoves/Lanterns In Viol. of Established Conditions	\$30	\$75
(a)(3)	Using Fire in Manner that Threatens or Causes Damage or Hazard	\$30	\$150
(a)(4)	Leaving Fire Unattended	\$30	\$75
(a)(5)	Throwing/Discarding Lighted Material	\$30	\$75
(b)	Fire Not Extinguished After Use	\$30	\$75
(c)	Fire in Closed Area During High Fire Danger	\$30	\$150
2.14	<u>Sanitation and Refuse</u>		
(a)(1)	Littering	\$30	\$100
(a)(2)	Disposing Household/Commercial Refuse in Government Facilities	\$30	\$200
(a)(3)	Depositing Trash Refuse in Toilet	\$30	\$100
(a)(4)	Draining Refuse From Trailer/Vehicle	\$30	\$100
(a)(5)	Bathing/Washing Food/Property at Undesignated Public Water Outlet	\$30	\$50
(a)(6)	Polluting or Contaminating Water	\$30	\$200
(a)(7)	Disposing Fish Remains - Undesignated Area	\$30	\$50
(a)(8)	Disposing Human Waste in Developed Areas Outside of Restrooms	\$30	\$100
(a)(9)	Disposing Human Waste in Undeveloped Areas Areas Within 100 Feet of Water or Trail	\$30	\$100
(b)	Violating Conditions of Human Waste Carry-out Policy	\$30	\$100
2.15	<u>Pets</u>		
(a) thru (f)	(All Violations)	\$30	\$50
2.16	<u>Horses and Pack Animals</u>		
(a) thru (g)	(All Violations)	\$30	\$50
2.17	<u>Aircraft and Air Delivery</u>		
(a)	Landing on Undesignated Land/Waters	\$150	\$150
(e)	Using Hovercraft	\$150	\$150
Sect.		Current	Recomm.

2.20	<u>Skating, Skateboards and Similar Devices</u>			
	Use In Undesignated Area	\$15	\$30	
2.21	<u>Smoking</u>			
(a)	In Closed Area	\$30	\$50	
2.22	<u>Property</u>			
(a)(1)	Abandoning Property	\$30	\$300	
(a)(2)	Unattended Over 24 Hours	\$30	\$100	
2.23	<u>Recreation Fees</u>			
(b)	Entering Fee Area Without Paying	\$30	\$100	
2.30	<u>Misappropriation of Property and Services</u>			
(a) thru (b)	(All Violations)	MA	MA	
2.31	<u>Trespassing, Tampering, Vandalism</u>			
a)(1)	Trespassing	MA	\$100	
(a)(2)	Tampering	MA	\$150	
(a)(3)	Vandalism	MA	\$150	
2.32	<u>Interfering With Agency Functions</u>			
(a)(1)	Interfering/Resisting/Threatening	MA	\$500	
(a)(2)	Disobey Lawful Order	MA	\$500	
(a)(3)	False Information	MA	\$250	
(a)(4)	False Report	MA	\$250	
2.33	<u>Report of Injury or Damage</u>			
(b)	Fail to Report Injury/Damage	MA	\$100	
2.34	<u>Disorderly Conduct</u>			
(a)(1)	Fighting/Threatening/Violent Behavior	MA	\$200	
(a)(2)	Obscene/Threatening Language/Act	MA	\$100	
(a)(3)	Unreasonable Noise	MA	\$100	
(a)(4)	Hazardous/Physically Offensive Condition	MA	\$100	
2.35	<u>Alcoholic Beverages and Controlled Substances</u>			
(a)(2)(i)	Sale/Gift Alcohol to Minor	MA	Sale-MA	Gift-\$100
(a)(2)(ii)	Minor in Possession of Alcohol	MA	\$100	
(a)(3)(iii)	Consumption/Open Container in Closed Area	\$30	\$50	
(c)	Public Intoxication (except DUI)	MA	\$150	
(b)(1)	Delivery of Controlled Substance	MA	\$250	
(b)(2)	Possession of Controlled Substance	\$50	\$150	
(c)	Under Influence of Controlled Substance	MA	\$150	
2.36	<u>Gambling</u>			
(a)	All Violations	MA	\$100	
Sect.		Current	Recomm.	
2.37	<u>Noncommercial Soliciting</u>			

	Soliciting/Demanding Gifts/Money/Goods	\$30	\$50
1.38	<u>Explosives</u>		
(a)	Using/Possessing Explosives	MA	MA
(b)	Using/Possessing Fireworks	\$30	\$50
2.51	<u>Public Assemblies, Meetings</u>		
(h)	Obstructing/Impeding Pedestrians/ Vehicles or Harassing Visitors	MA	\$200
2.52	<u>Sale or Distribution of Printed Matter</u>		
(h)	Obstructing/Impeding Pedestrians/ Vehicles or Harassing Visitors	MA	\$200
2.60	<u>Livestock Use and Agriculture</u>		
(a)	Livestock Running at Large/Grazing or Agriculture Violations	MA	\$200
2.61	<u>Residing on Federal Lands</u>		
(a)	Residing Without Authorization	MA	\$200
2.62	<u>Memorialization</u>		
(b)	Scattering of Human Ashes Without Permit	MA	\$150

#### BOATING AND WATER USE ACTIVITIES

3.1	<u>Applicable Regulations</u>		
(a)	assimilating following sections of 33 CFR and 46 CFR		
33 CFR 87.3	Improper Use of Distress Signals	\$30	\$150
33 CFR 159.7	Marine Sanitation Device	\$100	\$100
33 CFR 173	Numbering	\$30	\$50
33 CFR 173	Certificate of Numbers	\$30	\$75
33 CFR 175	PFD Violations (rec. & rental vessels)	\$50	\$50
33 CFR 175.110	Visual Distress Signals Required	\$30	\$50
33 CFR 177.05	Fail to Terminate Voyage	MA	\$500
33 CFR 177.07	Nav. Lights	\$30	\$50
33 CFR 177.07	Fuel in Bilge	\$50	\$50
33 CFR 177.07	Fuel Leak	\$50	\$50
46 CFR 25.25	PFD Violations (comm. vessels)	\$50	\$200
46 CFR 25.30	Fire Extinguisher	\$50	\$50
46 CFR 25.35	Flame Arrestor	\$50	\$50
46 CFR 25.40	Ventilation	\$50	\$50
	Other Applicable Regulations	\$30	\$50
(a)	assimilating 33 CFR 80.01 Providing for Compliance with COLREGS and Inland Navigation Rules		
Rule 5	Maintain Adequate Lookout	\$50	\$150
Rule 6	Exceed Safe Speed	\$50	\$150
Rule 8	Fail to Take Action to Avoid Collision	\$50	\$150
Rule 33	Sound Producing Devices	\$50	\$50
Sect.		Current	Recomm.
3.4	<u>Accidents</u>		

(b)	Failure to Report Incident	MA	\$150
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3.5 Inspections

	Fail to Obey Directions of Boarding Officer	MA	\$500
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3.6 Prohibited Operations

(a)	Reckless Operation	\$150	\$400
(b)	Operating Under Influence	MA	MA
(c)	Regulatory Markers	\$30	\$75
(d)	No Wake Zone	\$30	\$75
(e)	Vessel Within 500 Feet of Swim Beach	\$30	\$75
(f)	Bow Riding	\$30	\$75
(g)	Attaching Vessel to Navigation Marker	\$30	\$50
(i)	Launching Vessel Propelled by Machinery at Undesignated Site	\$30	\$75
(k)	Launching/Operating Airboats	\$150	\$250

3.7 Noise Abatement

	Excessive Noise	\$30	\$50
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3.20 Water Skiing

	Waterskiing Violations	\$30	\$50
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3.21 Swimming and Bathing

	Swimming Violations	\$30	\$50
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3.22 Surfing

	Surfboards Within Designated Swimming Beaches	\$30	\$50
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3.23 SCUBA and Snorkeling

(a)	Within designated Swimming/Docking Areas	\$30	\$50
(b)	Without Displaying Diver Flag	\$30	\$75

**VEHICLES AND TRAFFIC SAFETY**

4.2 State Law Applicable

FS 316.081	Travel Out of Proper Lane	\$30	\$75
FS 316.085	Unsafe Passing	\$30	\$75
FS 316.0875	Passing in No Passing Zone	\$30	\$75
FS 316.0895	Following Too Closely	\$30	\$75
FS 316.121	Unsafely Entering Unsigned Intersect.	\$30	\$75
FS 316.122	Unsafe Left Turn	\$30	\$75
FS 316.123	Unsafely Entering Signed Intersect.	\$30	\$75
FS 316.192	Reckless Driving	MA	MA
FS 316.1935	Fleeing/Attempting to Elude	MA	MA
FS 316.211(1)	Motorcycle Helmet Required	\$30	\$50
FS 316.217(1)	Lights Required-Night	\$30	\$50
FS 316.220	Head Lamp Defective	\$30	\$50
Sect.		Current	Recomm.
FS 316.221	Tail Lamp Defective	\$30	\$50

FS 316.222	Stop Lamp/Turn Signal Defect.	\$30	\$50
FS 316.405	Motorcycle Headlights	\$30	\$50
FS 316.646	No Proof Of Insurance	\$30	\$50
FS 320.07	Tag - None Or Expired	\$30	\$50
FS 322.03	Driver's License Expired	\$30	\$50
FS 322.34	D/L Suspended/Revoked	\$30	\$400
Other State Vehicle Laws		\$30	\$50
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4.4	<u>Report of Motor Vehicle Accident</u>		
(c)	Fail to Report Within 24 Hours	MA	\$100
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4.10	<u>Travel on Park Roads and Designated Routes</u>		
(a)	Travel Off Road/Parking Area	\$30	\$100
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4.11	<u>Load, Weight and Size Limits</u>		
	(Any Load, Weight, Size Violation)	\$30	\$50
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4.12	<u>Traffic Control Devices</u>		
	Fail to Comply - Parking	\$30	\$30
	Fail to Comply - Passing on Double Yellow	\$30	\$75
	Fail to Comply - Officer's Signal	\$30	\$100
	Fail to Comply - Signs	\$30	\$75
	Other Traffic Control Violations	\$30	\$75
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4.13	<u>Obstructing Traffic</u>		
(a) thru (b)	(All Violations)	\$30	\$75
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4.14	<u>Open Container of Alcoholic Beverage</u>		
(b)	Open Container In Motor Vehicle	\$30	\$75
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4.20	<u>Right of Way</u>		
	Fail to Yield to Pedestrian	\$30	\$75
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4.21	<u>Speed Limits</u>		
(c)	1 - 5 Over Limit	\$10	\$50
(c)	6 - 10 Over Limit	\$20	\$75
(c)	11 - 15 Over Limit	\$30	\$90
(c)	16 - 20 Over Limit	\$40	\$115
(c)	21 - 25 Over Limit	\$50	\$135
(c)	26 or Higher Over Limit	\$60	\$155
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4.22	<u>Unsafe Operation</u>		
(b)	(All Violations)	\$30	\$75
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4.23	<u>Operating Under the Influence of Alcohol or Drugs</u>		
(a)	DUI	MA	\$750 (first time DUI only)
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Sect.		Current	Recomm.
4.30	<u>Bicycles</u>		

	All Violations	\$10	\$25
4.31	<u>Hitchhiking</u>		
	Hitchhiking in Undesignated Area	\$10	\$25
5.3	<u>Unauthorized Business Operations</u>		
	All Violations	none	\$200

**SPECIAL REGULATIONS**

7.45	<u>Everglades National Park Special Regulations</u>		
(f)(2)	Taking Ornamental Fish Prohibited	\$30	\$100 + \$50 item
(f)(2)	Taking Spiny Lobster Prohibited	\$150	\$150 + \$50 item
(f)(3)	Taking Oysters Except as Permitted	\$30	\$75
(f)(4)	Recreational Crabbing	\$30	\$75
(f)(6)	Bait Violations	\$30	\$75
(f)(9)	Possession/Use of Nets/Traps (commercial)	\$50	\$500
(f)(11)	Fishing in Closed Area, (Royal Palm, Sh.Val)	\$30	\$75
(f)(13)	Fishing in Closed Areas, (Coot Bay, etc.)	\$30	\$75
(f)(15)	Prohibited Nets/Gear/Fish	\$150	\$500
(f)(16)	Fish Filet Restriction	\$30	\$75
(f)(17)	Bag Limit - 10 species/20 total	\$30	\$100 + \$15 item
(g)(1)	Boating in Closed Area (West Lake etc)	\$30	\$75
(g)(2)	Landing on Closed Keys	\$30	\$75
(g)(3)	Motor Boats in Prohibited Area	\$30	\$75
(g)(4)	Entering Wildlife Sanctuary	\$50	\$100
(g)(5)	Houseboat Permit Required	\$50	\$50
(g)(6)	Boating in Closed Area (Shark Valley)	\$30	\$75
(h)(1)	Unauthorized Commercial Fishing	MA	MA

7.27	<u>Fort Jefferson National Monument</u>		
(a)	Taking Ornamental Fish Prohibited	\$100	\$100 + \$15 item
(a)(1)	Disturbing Turtles or Nests	\$250	\$400
(a)(2)	Commercial Lobstering	\$350	\$1000
(a)(3)	Commercial Conching	\$350	\$1000
(a)(4)	Commercial Fishing or Shrimping	\$350	MA
(a)(5)	Bait Violations	\$50	\$100
(a)(6)	Fishing in closed Areas	\$125	\$100
a)(7)	Use/Possession Spears, Gigs, etc	\$125	\$150
(b)	Anchoring Outside Designated Area	\$50	\$100
(b)	Violating Docking Policy	\$50	\$100
(c)	Aircraft Landing Restrictions	\$150	\$150

7.86	<u>Big Cypress National Preserve</u>		
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Sect.		Current	Recomm.
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(a)(2)(ii)(A)	Vehicles inside Loop Area	\$100	\$150	
(a)(2)(ii)(B)	Vehicles on the Florida Trail	\$35	\$150	
(a)(2)(iii)	Motor Vehicle in Other Closed Area	\$75	\$150	
(a)(3)(i)(A)	Vehicle Permits Required	\$75	\$100	
(a)(3)(i)(B)	Use of Vehicles to Cause Damage	\$150	\$250	
(a)(3)(ii)(B)	Spark Arresters Required	\$35	\$50	
(a)(3)(ii)(C)	Vehicle Lights Required	\$35	\$50	
(a)(3)(ii)(D)	Airboat Light/Flag Required	\$35	\$50	
(c)(1)	Landing/Use of Airstrip Without Permit	MA	\$150	
(c)(2)	Rotorcraft Use Without Permit	MA	\$150	
(e)(1)	Assimilated State Hunting/Fishing			
Adopt State Fines Unless Shown Below				
FS 372.9903	Illegal Possession of Game	\$75	\$250	+ \$100 item
39-4.02 FAC	Possession of Gun & Light	MA	\$250	
39-11.01 FAC	ORV Registration Required	\$35	\$75	
39-12.02 FAC	General Methods of Taking Game	\$35	\$150	
39-12.03 FAC	Protected Animals	\$150	\$250	
39-23.02 FAC	General Methods of Fishing	\$50	\$100	
39-23.05 FAC	Bag Limits for Freshwater Fish	\$35	\$100	+ \$50 item

BUREAU OF LAND MANAGEMENT

VIOLATIONS OF UNITED STATES CODE:

<u>TITLE/SECTION</u>		<u>Collateral fine</u>
16/433	American Antiquities	\$100.00
18/1361	Vandalism	\$ 50.00
18/1852	Timber removed or transported	Mandatory Appearance
18/1853	Trees cut or injured	Mandatory Appearance
18/1856	Fires left unattended	\$ 50.00
18/1857	Fences destroyed; livestock entering	\$ 50.00
18/1858	Survey marks destroyed or removed	Mandatory Appearance
43/1061	Unlawful enclosure	Mandatory Appearance
43/1063	Obstruction of transit over Public Lands	\$100.00

**VIOLATIONS OCCURRING WITHIN LANDS ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT  
CHARGED UNDER CITED SECTIONS OF TITLE 43, CODE OF FEDERAL REGULATIONS.**

4140.1(b)(1)(i)	Allowing livestock on Public Land without permit or lease.	\$ 50.00
4140.1(b)(2)	Disturbing or installing range improvements	\$ 50.00
4140.1(b)(3)	Cutting, burning, spraying, destroying or removing vegetation	\$ 50.00
4140.1(b)(4)	Damaging or removing U.S. Property	\$ 50.00
4140.1(b)(5)	Molesting livestock	\$ 10.00
4140.1(b)(6)	Littering	\$ 50.00
4140.1(b)(7)	Interfering with lawful uses or users	\$ 50.00
4140.1(b)(8)	False statements	\$100.00
4770.1(g)	Violating term or condition of private maintenance and care agreement	\$ 50.00
4770.1(h)	Branding a Wild Horse or Burro	\$ 50.00
4770.1(j)	Violating an order, term, or condition established by the Authorized Officer under this part.	\$100.00
8365.1-4(a)(2)	Creating a hazard or nuisance	\$ 50.00
8365.1-4(a)(3)	Refusing to disperse	\$ 50.00
8365.1-4(a)(4)	Resisting arrest, citation; interfering with officer	Mandatory Appearance
8365.1-4(a)(5)	Assault or battery on BLM Employee	Mandatory Appearance
8365.1-4(a)(6)	False emergency or crime report	\$100.00
9264.7(a)(2)	Converts Wild Horse or Burro to private use	\$ 50.00
9264.7(a)(3)	Causing death or harassment of Wild Horse or Burro	\$100.00
9264.7(a)(4)	Processes Wild Horse or Burro into Commercial products	\$100.00
9264.7(a)(5)	Selling Wild Horse or Burro	\$100.00
9264.7(a)(6)	Uses Wild Horse or Burro for Commercial exploitation	Mandatory Appearance
9264.7(a)(7)	Inhumane treatment of Wild Horse or Burro	\$100.00
9264.7(a)(8)	Use of Wild Horse or Burro for Bucking stock	\$ 50.00
9264.7(a)(9)	Fails to produce Wild Horse or Burro for inspection	\$100.00
9264.7(a)(10)	Failure to notify of death of Wild Horse or Burro	\$ 50.00
9264.7(a)(11)	Removal or alteration of official mark	Mandatory Appearance

9264.7(a)(12)	Abandoning Wild Horse or Burro	\$100.00
9264.7(a)(13)	Failure to attempt to capture Wild Horse or Burro	\$ 50.00
9264.7(a)(14)	Accepting Wild Horse or Burro for slaughter or destruction	Mandatory Appearance
9264.7(a)(15)	Failure to retain Wild Horse or Burro certification	\$100.00