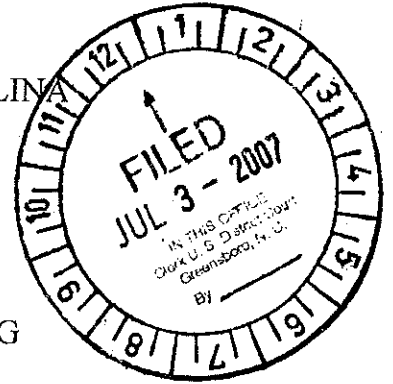


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



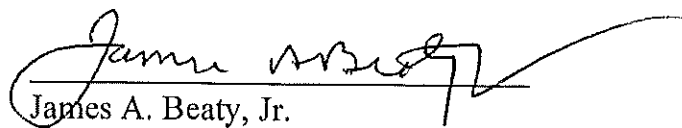
In the Matter of)
Forfeiture of Collateral) ORDER SUPPLEMENTING
in Lieu of Trial of) LCrR58.1
Misdemeanors Before)
U.S. Magistrates)

FORFEITURE OF COLLATERAL IN LIEU OF APPEARANCE:
AMENDMENT OF SCHEDULE B (NATIONAL FOREST SERVICE VIOLATIONS)

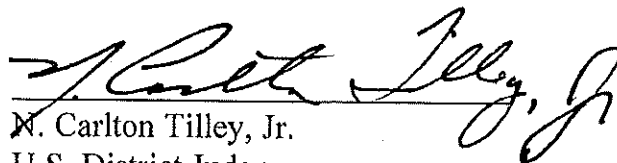
Pursuant to Rule 58, Federal Rules of Criminal Procedure, and Local Criminal Rule 58.1, the schedule of collateral which may be posted and forfeited by a person charged with a petty offense in lieu of the appearance for trial of the offender is hereby amended. The attached schedule, which applies only to National Forest Service violations of the listed federal regulations, amends and supersedes in its entirety Section B of the forfeiture of collateral schedule enacted by the Court on September 24, 2003. All other provisions of the Court's order of September 24, 2003, remain in full force and effect.

This Order is effective for all offenses listed in Section B which arise on or after the date this order is filed.

This the 3rd day of July, 2007.



James A. Beaty, Jr.
Chief U.S. District Judge



N. Carlton Tilley, Jr.
U.S. District Judge



William L. Osteen, Sr.
Senior U.S. District Judge

B. National Forest Service Violations
(36 C.F.R. Chapter II, Part 261, dated July 1, 2006)

| <u>Section</u> | <u>Offense</u> | <u>Collateral</u> |
|--|--|-------------------|
| <u>Subpart A - General Prohibitions</u> | | |
| <u>Interference</u> | | |
| 261.3(a) | Threaten/resist/intimidate/interfere with forest officer | \$ 150.00 |
| 261.3(b) | Provide false information | \$ 150.00 |
| 261.3(c) | Threaten/intimidate/interfere with forest staff | \$ 150.00 |
| <u>Disorderly Conduct</u> | | |
| 261.4(a) | Fighting | \$ 150.00 |
| 261.4(b) | Communications tending to cause violence | \$ 150.00 |
| 261.4(c) | Actions tending to incite lawlessness | \$ 150.00 |
| 261.4(d) | Unreasonably loud noise | \$ 75.00 |
| <u>Fire</u> | | |
| 261.5(a) | Carelessly or negligently causing fire | MA ¹ |
| 261.5(b) | Firing tracer/incendiary ammunition | MA |
| 261.5(c) | Burning without permit | MA |
| 261.5(d) | Failure to extinguish fire | \$ 75.00 |
| 261.5(e) | Allowing fire to escape from control | MA |
| 261.5(f) | Failure to remove flammable material around campfire | \$ 75.00 |

¹MA = Mandatory Appearance.

Timber/Forest Products

| | | |
|----------|--|-----------|
| 261.6(a) | Unauthorized cutting/damaging | \$ 150.00 |
| 261.6(b) | Cutting undesignated standing tree | \$ 150.00 |
| 261.6(c) | Unauthorized removal | \$ 150.00 |
| 261.6(d) | Unauthorized marking of tree/forest product | MA |
| 261.6(e) | Unauthorized loading/removing/hauling | \$ 150.00 |
| 261.6(f) | Sale or exchange of timber or forest product obtained pursuant to §§ 223.5- 223.11 | \$ 150.00 |
| 261.6(g) | Violation of timber export/substitution restriction | MA |
| 261.6(h) | Removing timber without permit | \$ 150.00 |
| 261.6(i) | Violation of Forest Resources Conservation and Shortage Relief Act | MA |

Livestock

| | | |
|----------|--|----------|
| 261.7(a) | Placing or allowing unauthorized livestock | \$ 75.00 |
| 261.7(b) | Failure to remove unauthorized livestock | \$ 75.00 |
| 261.7(c) | Failure to reclose gate | \$ 50.00 |
| 261.7(d) | Molest, injure, remove, or release impounded livestock | MA |

Fish and Wildlife

| | | |
|----------|---|-----------|
| 261.8(a) | Hunt, trap, fish, catch, molest, kill, or possess wildlife or bird eggs illegally | \$ 100.00 |
| 261.8(b) | Possess weapon illegally | \$ 100.00 |
| 261.8(c) | Possess hunting, fishing, trapping equipment illegally | \$ 75.00 |
| 261.8(d) | Unsecured dog | \$ 50.00 |
| 261.8(e) | Curtail movement of plant or animal in/out of cave | MA |

Property/Natural Features

| | | |
|----------|--|-----------|
| 261.9(a) | Damaging natural features or property | \$ 100.00 |
| 261.9(b) | Removing natural feature or property | \$ 100.00 |
| 261.9(c) | Damage threatened, endangered or sensitive plants | \$ 100.00 |
| 261.9(d) | Remove threatened, endangered or sensitive plants | \$ 100.00 |
| 261.9(e) | Entering closed building or area | \$ 75.00 |
| 261.9(f) | Unauthorized pesticide | MA |
| 261.9(g) | Disturbing archeological site | MA |
| 261.9(h) | Removing archeological resource | MA |
| 261.9(i) | Damaging or commercial use of paleontological resource | MA |
| 261.9(j) | Damaging or removing cave resource | MA |

Occupancy and Use

| | | |
|-----------|--|-----------|
| 261.10(a) | Constructing or maintaining improvements | \$ 100.00 |
| 261.10(b) | Illegal occupation (squatting) | \$ 150.00 |
| 261.10(c) | Selling merchandise/service without permit | \$ 100.00 |
| 261.10(d) | Unlawful/dangerous discharge of firearm | \$ 150.00 |
| 261.10(e) | Abandoning personal property | \$ 75.00 |
| 261.10(f) | Vehicle/object: impediment/hazard | \$ 50.00 |
| 261.10(g) | Commercial distribution of printed material without permit | \$ 50.00 |
| 261.10(h) | Improper commercial distribution of printed material | \$ 100.00 |
| 261.10(i) | Unreasonable noise (mechanical) | \$ 50.00 |

| | | |
|-----------|---|-----------|
| 261.10(j) | Use of public address system without permit | \$ 50.00 |
| 261.10(k) | Use of land/facilities without permit | \$ 50.00 |
| 261.10(l) | Violating terms of a permit | \$ 75.00 |
| 261.10(m) | Failure to stop for forest officer | \$ 100.00 |
| 261.10(n) | Failure to pay fee | \$ 25.00 |
| 261.10(o) | Discharge firecracker/rocket/firework/ explosive into or within cave | \$ 100.00 |

Sanitation

| | | |
|-----------|--|-----------|
| 261.11(a) | Deposit to damage toilet/fixtures | \$ 100.00 |
| 261.11(b) | Possess or leave refuse, debris, or litter in exposed or unsanitary condition | \$ 75.00 |
| 261.11(c) | Polluting stream, lake or other water | \$ 150.00 |
| 261.11(d) | Littering | \$ 75.00 |
| 261.11(e) | Unauthorized dumping into Govt. facility | \$ 75.00 |

Roads and Trails

| | | |
|-----------|-------------------------------|-----------|
| 261.12(a) | Violate vehicle limitations | \$ 50.00 |
| 261.12(b) | Failure to weigh vehicle | \$ 50.00 |
| 261.12(c) | Leaving road/trail damaged | \$ 100.00 |
| 261.12(d) | Blocking road, trail, or gate | \$ 50.00 |

Motor Vehicle Use

| | | |
|--------|------------------------------|----------|
| 261.13 | Prohibited motor vehicle use | \$ 75.00 |
|--------|------------------------------|----------|

Use by Over-snow Vehicles

| | | |
|--------|----------------------------------|----------|
| 261.14 | Prohibited over-snow vehicle use | \$ 75.00 |
|--------|----------------------------------|----------|

Use of Vehicles Off-Road

| | | |
|-----------|---|----------|
| 261.15(a) | Operate off-road without required license | \$ 75.00 |
|-----------|---|----------|

| | | |
|-----------|---|-----------|
| 261.15(b) | Operate off-road without operable brakes | \$ 75.00 |
| 261.15(c) | Operate off-road during darkness without lights | \$ 75.00 |
| 261.15(d) | Operate off-road in violation of noise limits | \$ 75.00 |
| 261.15(e) | Operate off-road while under influence of alcohol or drug | MA |
| 261.15(f) | Operate off-road with excessive smoke | \$ 75.00 |
| 261.15(g) | Operate off-road: careless or reckless operation | \$ 100.00 |
| 261.15(h) | Operate off-road to damage resources | \$ 100.00 |
| 261.15(i) | Operate off-road in violation of state law | \$ 75.00 |

Developed Recreation Sites

| | | |
|-----------|--|----------|
| 261.16(a) | Occupying site for other than recreation | \$ 50.00 |
| 261.16(b) | Fire outside designated fire ring/grill | \$ 50.00 |
| 261.16(c) | Washing items at undesignated spigot | \$ 50.00 |
| 261.16(d) | Unauthorized use of fireworks | \$ 75.00 |
| 261.16(e) | Unauthorized occupancy of day-use area | \$ 50.00 |
| 261.16(f) | Failure to remove property | \$ 50.00 |
| 261.16(g) | Placing/using camping equipment in undesignated area | \$ 50.00 |
| 261.16(h) | Failure to occupy site | \$ 50.00 |
| 261.16(i) | Leaving equipment unattended more than 24 hours | \$ 50.00 |
| 261.16(j) | Dog/animal off-leash/unsecured | \$ 50.00 |
| 261.16(k) | Animals in swimming area | \$ 50.00 |
| 261.16(l) | Unauthorized use of horses/stock | \$ 50.00 |
| 261.16(m) | Vehicle in unauthorized area | \$ 50.00 |

| | | |
|-----------|--|----------|
| 261.16(n) | Motorbikes or bicycles on undesignated trail | \$ 50.00 |
| 261.16(o) | Unauthorized use of motorbike or motor vehicle | \$ 50.00 |
| 261.16(p) | Unauthorized disposal of body waste | \$ 50.00 |

Fees

| | | |
|--------|---------------------|----------|
| 261.17 | Failure to pay fees | \$ 50.00 |
|--------|---------------------|----------|

National Forest Wilderness

| | | |
|-----------|---|-----------|
| 261.18(a) | Unauthorized use of motor vehicle/motorized equipment | \$ 100.00 |
| 261.18(b) | Unauthorized use of hang glider or bicycle | \$ 75.00 |
| 261.18(c) | Unauthorized use of aircraft | MA |

National Forest Primitive Areas

| | | |
|-----------|---------------------------------------|----|
| 261.21(a) | Landing aircraft/use of motorboat | MA |
| 261.21(b) | Possession/use of motorized equipment | MA |

Use of Forest Service Symbols

| | | |
|-----------|--|----------|
| 261.22(a) | Unauthorized use of "Smokey Bear" symbol | \$ 75.00 |
| 261.22(b) | Unauthorized use of "Woodsy Owl" symbol | \$ 75.00 |

Wild Horses and Burros

| | | |
|-----------|--|----|
| 261.23(a) | Removing wild horse or burro from FS land | MA |
| 261.23(b) | Harassment of wild horse or burro | MA |
| 261.23(c) | Remove or alter official mark on wild horse or burro | MA |
| 261.23(d) | Violate terms of wild horse/burro permit | MA |

Subpart B - Prohibitions in Areas Designated by Order

Supervisor's Orders (Fire)

| | | |
|-----------|-------------------|----------|
| 261.52(a) | Unauthorized fire | \$ 75.00 |
|-----------|-------------------|----------|

| | | |
|-----------|---------------------------------------|-----------|
| 261.52(b) | Using an explosive | MA |
| 261.52(c) | Smoking | \$ 50.00 |
| 261.52(d) | Smoking except in approved area | \$ 50.00 |
| 261.52(e) | Entering closed area | \$ 50.00 |
| 261.52(f) | Possess or use fireworks | \$ 50.00 |
| 261.52(g) | Failure to carry fire-fighting tools | \$ 50.00 |
| 261.52(h) | Operate internal combustion engine | \$ 50.00 |
| 261.52(i) | Welding/use of torch | \$ 50.00 |
| 261.52(j) | Engine without working spark arrestor | \$ 50.00 |
| 261.52(k) | Violate state fire/burning laws | \$ 150.00 |

Supervisor's Orders (Closures)

| | | |
|-----------|---|-----------|
| 261.53(a) | Entering closed area: threatened/angered/ rare/unique/vanishing species | \$ 100.00 |
| 261.53(b) | Entering closed area: biological communities | \$ 100.00 |
| 261.53(c) | Entering closed area: historical/ archeological/geological/paleontological | \$ 100.00 |
| 261.53(d) | Entering closed area: scientific | \$ 100.00 |
| 261.53(e) | Entering closed area: public health/safety | \$ 50.00 |
| 261.53(f) | Entering closed area: property | \$ 50.00 |

Supervisor's Orders (Roads)

| | | |
|-----------|---------------------------------|-----------|
| 261.54(a) | Prohibited vehicle | \$ 50.00 |
| 261.54(b) | Prohibited traffic | \$ 50.00 |
| 261.54(c) | Unauthorized commercial hauling | \$ 100.00 |
| 261.54(d) | Violate vehicle restrictions | \$ 75.00 |
| 261.54(e) | Being on the road, unauthorized | \$ 50.00 |

| | | |
|-----------|---|-----------|
| 261.54(f) | Reckless/careless operation | \$ 150.00 |
| | <u>Supervisor's Orders (Trails)</u> | |
| 261.55(a) | Being on trail, unauthorized | \$ 75.00 |
| 261.55(b) | Unauthorized vehicle | \$ 75.00 |
| 261.55(c) | Unauthorized traffic | \$ 75.00 |
| 261.55(d) | Violate vehicle/trail restrictions | \$ 75.00 |
| 261.55(e) | Short-cutting a switchback | \$ 75.00 |
| | <u>Supervisor's Orders (Off-road)</u> | |
| 261.56 | Unauthorized use of vehicle off designated road system | \$ 75.00 |
| | <u>Supervisor's Orders (Wilderness)</u> | |
| 261.57(a) | Entering or being in designated area, unauthorized | \$ 75.00 |
| 261.57(b) | Possess unauthorized equipment | \$ 75.00 |
| 261.57(c) | Possess firearm or firework | \$ 75.00 |
| 261.57(d) | Possess unauthorized food/beverage containers | \$ 75.00 |
| 261.57(e) | Unauthorized grazing | \$ 75.00 |
| 261.57(f) | Unauthorized storing equipment/personal property/supplies | \$ 75.00 |
| 261.57(g) | Unauthorized disposing of debris/garbage/waste | \$ 100.00 |
| 261.57(h) | Unauthorized possession or use of wagon/cart/vehicle | \$ 75.00 |
| | <u>Supervisor's Orders (Occupancy and Use)</u> | |
| 261.58(a) | Camping for a period longer than allowed | \$ 50.00 |
| 261.58(b) | Unauthorized entry into developed area | \$ 75.00 |

| | | |
|-----------|---|-----------|
| 261.58(c) | Unauthorized entry into camping areas at night | \$ 75.00 |
| 261.58(d) | Prohibited camping equipment | \$ 50.00 |
| 261.58(e) | Unauthorized camping | \$ 50.00 |
| 261.58(f) | Exceed allowable number of persons | \$ 50.00 |
| 261.58(g) | Violate parking instructions | \$ 50.00 |
| 261.58(h) | Parking off own campsite | \$ 50.00 |
| 261.58(i) | More than two vehicles, except motorbikes, per site | \$ 50.00 |
| 261.58(j) | Public nudity | \$ 100.00 |
| 261.58(k) | Unauthorized entry into body of water | \$ 50.00 |
| 261.58(l) | Being in an area between sundown and sunrise | \$ 50.00 |
| 261.58(m) | Discharging a weapon | \$ 75.00 |
| 261.58(n) | Possessing or operating a motorboat | \$ 50.00 |
| 261.58(o) | Water skiing | \$ 50.00 |
| 261.58(p) | Storing or leaving a boat or raft | \$ 50.00 |
| 261.58(q) | Operate watercraft in excess of posted limits | \$ 50.00 |
| 261.58(r) | Launching a boat except at designated ramp | \$ 50.00 |
| 261.58(s) | Possess or transport bird, fish, animal | \$ 50.00 |
| 261.58(t) | Possession of marijuana | \$ 250.00 |
| 261.58(u) | Unauthorized presence in area between 10 PM and 6 AM | \$ 50.00 |
| 261.58(v) | Hunting or fishing | \$ 50.00 |
| 261.58(w) | Possess or transport any boat motor | \$ 50.00 |
| 261.58(x) | Unauthorized transport method for watercraft | \$ 50.00 |
| 261.58(y) | Unauthorized use of aircraft | \$ 100.00 |

| | | |
|-------------|---|----------|
| 261.58 (aa) | Violate horse/stock use restrictions | \$ 50.00 |
| 261.58 (bb) | Possess alcohol beverage in closed area | \$ 50.00 |
| 261.58 (cc) | Possess/store food or refuse | \$ 75.00 |
| 261.58 (ee) | Depositing any body waste in caves | MA |

OFFENSES PUNISHABLE UNDER THE ASSIMILATIVE CRIMES STATUTE
(18 U.S.C. § 13)

| | | |
|----------------------|--|-----------|
| N.C.G.S. § 90-113.22 | Possession of drug paraphernalia | \$ 250.00 |
| N.C.G.S. § 20-138.7 | Transporting an open container of alcoholic beverage in a motor vehicle | \$ 75.00 |
