

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

JUL 1 2005

5:00 pm
Stephan Harris, Clerk
Casper

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

ORDER ADDING ADDENDUM TO COLLATERAL FINE SCHEDULE

It appearing to the Court that it is necessary to file an addendum to the collateral fine schedules presently in effect in the District of Wyoming in order to insure that collateral fines are more uniform throughout the District, and being fully advised in the premises, it is hereby

ORDERED that in the event a violator fails to forfeit collateral, the United States Magistrate Judge shall require the preparation of a written complaint or other document containing a probable cause statement, and may, within said Judge's discretion, require that the bond on said petty offenses complaint be set at not more than a sum equal to twice the amount of the fine. The amount of bond the Magistrate Judge requires shall be plainly stated on the Complaint; and it is further

ORDERED that the following list comprises the addendum of those statutes that shall be enforced by the various federal agencies throughout the District. Included herein is the addendum that includes the applicable collateral forfeiture/appearance bond fee schedule for each offense listed, attached as Exhibit "A", which shall be uniformly levied by law enforcement personnel throughout the District. It should be understood that if not governed by this schedule, the decision whether to (1) take an accused violator into custody; (2) allow him/her to forfeit collateral; or (3) merely issue a warning shall be within the sound discretion of the law enforcement personnel. In addition, should a violator appear before a United States Magistrate

Judge, said Magistrate Judge may impose a fine or imprisonment or both, up to the statutory maximum without regard to this schedule.

(1) Mandatory Appearance Where Bail is Required:

Some of the offenses contained herein have been deemed by the United States District Court to require that an accused violator be detained and brought before an available United States Magistrate Judge. In the event a Magistrate Judge is not immediately available, and in the interest of preventing undue detention, an amount of bail has been established, which the accused violator may tender to the person authorized to accept bail for the Magistrate Judge. This bail is intended to insure the appearance of the violator at the time and place noted on the violation notice and is **not** forfeitable. If the violator is unable to make the required bail, he/she shall be placed in proper custody, and he/she shall remain in such custody until he/she makes bail or is released by the Magistrate Judge.

Throughout the schedule, these offenses are denoted by the required appearance and a set bail amount. In each case where so indicated, the above procedure shall be followed.

(2) Mandatory Appearance Where No Bail is Required:

In all cases where a mandatory appearance is required but no bail amount has been set, the violator may be allowed to go free, but he/she must be advised to appear on the date indicated on the violation notice, and under **no** circumstances may he/she forfeit collateral. In the event the violator

fails to appear on the date indicated on the violation notice, the United States Magistrate Judge may, pursuant to Rule 58(d)(3), issue a summons or warrant for arrest of the violator.

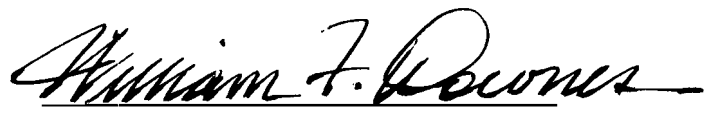
(3) Offenses Where Collateral May Be Forfeited:

In those instances where a collateral amount has been set and no mandatory appearance is required, the accused may be allowed to plead guilty without an appearance before a United States Magistrate Judge and forfeit the collateral amount applicable to the offense charged. The law enforcement officer under any circumstances may require the violator to deposit the collateral in the United States Mail in the presence of said officer.

IT IS FURTHER ORDERED that in the event an offense occurs to which no reference has been made in the previously approved Fine Schedule and the attached addendum, the law enforcement agency involved shall immediately contact the United State's Attorney's Office in Cheyenne, Wyoming, at (307) 772-2124, or the United States Attorney's Office in Casper, Wyoming, at (307) 261-5434, for advice and consultation; it is further

ORDERED that Local Rule 503 of the United States District for the District of Wyoming shall be in effect as if fully set forth herein.

DATED this 30th day of June, 2005.


CHIEF JUDGE
UNITED STATES DISTRICT COURT

ADDENDUM TO FINE SCHEDULE

NATIONAL PARK SERVICE Yellowstone National Park/Grand Teton National Park Devil's Tower/Big Horn Canyon		
STATUTE (36 CFR)	Current Fine Schedule	Proposed Fine Schedule
Fishing		
2.3(a) Except in designated areas, fishing shall be in accordance with the laws and regulations of the State.	Use 36 C.F.R. § 7.13	Adopt State Fine Schedule
2.3(d)(1)	Use 36 C.F.R. § 7.13	\$60.00
Camping and Food Storage		
2.10(b)(3) Camping within 25 feet of a water hydrant or main road or within 100 feet of a flowing stream, river or body water, except in designated area.		\$50.00
2.10(d) Improper Food Storage	\$50.00	<i>Minor</i> – \$50.00 <i>Major</i> – Bear, Wolf, etc. get to food – \$200.00 or M/A
Pets		
2.15(a)(1) Possessing a pet in a public building, public transportation vehicle, or location designated as a swimming beach.		Front Country \$50.00 Back Country \$100.00
2.15(a)(5) Failing to comply with pet excrement disposal		\$50.00
Horses and Pack Animals		
2.16(a) Use of animals other than those designated as “pack animals” for purposes of transporting equipment		\$50.00

STATUTE (36 CFR)	Current Fine Schedule	Proposed Fine Schedule
2.16(g) Violation of established conditions concerning the use of horses or pack animals		\$110.00 plus \$25.00 for each additional animal
Violations of terms/conditions of permits		
2.50(e) Violation of terms and conditions of a permit – special event		\$250.00
Permits		
3.3 Permit required for use of a vessel within a park area		\$200.00
3.6(j) Operating a vessel propelled by machinery on waters not directly accessible by road		\$60.00
Water Skiing		
3.20(a) Towing of persons by vessels is prohibited except in designated areas		\$75.00
3.20(b)(1) Where towing is authorized, towing between the hours of sunset to sunrise		\$75.00
3.20(b)(2) Towing without one person (other than the operator) observing the progress of person being towed		\$75.00
3.20(b)(3) Towing a person is not wearing a personal flotation device		\$75.00
3.20(b)(4) Towing or being towed in channels or within 500 feet of areas designated as harbors, swimming beaches or mooring areas – or within 100 feet of person fishing or swimming		\$75.00
Swimming and Bathing		

STATUTE (36 CFR)	Current Fine Schedule	Proposed Fine Schedule
3.21(a)(1) Swimming or bathing in locations designated as closed		\$25.00
3.21(a)(2) Swimming or bathing in violation of designated restrictions		\$100.00
3.21(a)(3) Swimming from vessels which are underway		\$100.00
3.21(b) Use of flotation devices, glass containers, kites, or incompatible sporting activities within locations designated as swimming beaches		\$100.00
4.2 – State Law Applicable		Use state law except as noted in this fine schedule
Load, Weight and Size Limits		
4.11(a) Vehicle load, weight and size limits established by state law apply to vehicle operated on park road		<i>See State Fine Schedule</i>
4.11(b)(4) Operating a motor vehicle with an auxiliary detachable side mirror that extends more than 10 inches beyond the side fender	\$25.00	\$50.00
4.11(c) Violating a term or condition of permit		<i>See State Fine Schedule</i>
Alcoholic Beverages; Sales of Intoxicants		
5.2(a) Sale of alcohol containing more than 1 percent of alcohol by weight shall conform with all applicable federal, state and local laws		\$500.00 or M/A
5.2(b) No liquor shall be sold on any privately owned lands		\$500.00 or M/A
Eating, Drinking, or Lodging Establishments		

STATUTE (36 CFR)	Current Fine Schedule	Proposed Fine Schedule
5.10(a) No establishment offering food, drink or lodging for sale on any privately owned lands may be operated without a permit		\$500.00 or M/A
5.10(b) Establishments shall be maintained and operated in accordance with the rules and regulations		\$500.00 or M/A
YNP – Special Regulations		
Winter Use		
7.13(l) Speeding (the use of over snow vehicles in YNP is not subject to 2.18(d)(4). Therefore, speeding violations shall be cited via 4.21(c)		Snowmobile – radar \$5.00/mile Snow coach – radar \$5.00/mile Snowmobile – no radar \$50.00 Snow coach – no radar \$50.00
7.13(l)(3) Operate a snowmobile out of compliance		\$100.00
7.13(l)(4)(i) Historic snowcoaches are not initially required to meet air or sound requirements		\$100.00
7.13(l)(4)(ii) Non-historic coaches must meet NPS air emissions requirements		M/A
7.13(l)(4)(iii) Beginning winter of 2008-2009 all non-historic snowcoaches must meet NPS sound requirements.		M/A
7.13(l)(4)(iv) All critical emission-related exhaust components must be functioning properly		M/A

STATUTE (36 CFR)	Current Fine Schedule	Proposed Fine Schedule
7.13(l)(4)(v) Tampering with or disabling a snowcoach's original pollution control equipment is prohibited		M/A
7.13(l)(4)(v) Refusal to be subjected to inspection to determine compliance with requirements		M/A
7.13(l)(5) Only commercially available snowmobiles that meet NPS air and sound emissions requirements may be operated in the park		M/A
7.13(l)(6)(i) Beginning with the 2005 model year, all snowmobiles must be certified under 40 C.F.R. par t1051, to a Family Emission Limit no greater than 15 g/kW-hr for hydrocarbons and to a Family Emission Limit not greater than 120 g/kW-hr for carbon monoxide		M/A
7.13(l)(b)(i)(B) Snowmobiles manufactured prior to the 2004 model year may be operated only if they have been shown to have emissions no greater than the requirements identified in 7.13(l)(b)(i)		M/A
7.13(l)(b)(i)(B)(ii) For sound emissions, snowmobiles must operate at or below 73 dB(a), as measured at full throttle		M/A
7.13(l)(7) Operate snowmobile in designated areas		<i>VN will be issued pursuant to 36 C.F.R. § 2.18(c)</i>
7.13(l)(8) Operate snowcoach in designated areas		M/A
7.13(l)(9)(i) Non-commercial guides are required to successfully complete a training program approved by the Superintendent		M/A

STATUTE (36 CFR)	Current Fine Schedule	Proposed Fine Schedule
7.13(l)(9)(ii) Snowmobile parties must travel in a group, including the guide. Maximum and minimum number designated by Superintendent		M/A
7.13(l)(9)(iii) It is prohibited fro non-commercial guides to receive fees or other forms of compensation for non-commercial guiding services		M/A
7.13(l)(9)(iv) Guided parties must travel together within a maximum of one-third mile of the first snowmobile in the group		M/A
7.13(l)(14)(i)(A) Idling an over snow vehicle more than 5 minutes at any one time		\$100.00
7.13(l)(14)(i)(B) Operating an over snow vehicle while the operator's state motor vehicle license or privilege is suspended or revoked by any state		M/A
7.13(l)(14)(i)(C) Allowing or permitting an unlicensed driver to operate an over snow vehicle		\$100.00
7.13(l)(14)(i)(D) Operating an over snow vehicle in willful or wanton disregard for the safety of persons, property, or park resources		M/A
7.13(l)(14)(i)(E) Operating an over snow vehicle without a lighted white headlamp and/or red taillight.		\$50.00
7.13(l)(14)(i)(F) Operating an over snow vehicle that does not have brakes in good working order		\$50.00
7.13(l)(14)(i)(G) towing of persons on skis, sleds or other sliding devices by over snow vehicles, except in emergency situations		\$50.00

STATUTE (36 CFR)	Current Fine Schedule	Proposed Fine Schedule
<p>7.13(l)(14)(ii)(A) All over snow vehicles that stop on designated routes must pull over to the far right. Pullouts must be utilized where available</p>		\$50.00
<p>7.13(l)(14)(ii)(B) Over snow vehicle operators must possess a valid motor vehicle operator's license. A learner's permit does not satisfy this requirement</p>		\$60.00
<p>7.13(l)(14)(ii)(C) Equipment sleds towed by a snowmobile must be pulled behind the snowmobile and fastened to the snowmobile with a rigid hitching mechanism</p>		\$100.00
<p>7.13(l)(14)(ii)(D) Snowmobiles must be properly registered and display a valid registration from the United States or Canada</p>		\$60.00
<p>7.13(l)(15)(i) Operating or being in actual physical control of an over snow vehicle is prohibited when the driver is under 21 years of age and the alcohol concentration in the driver's blood or breath is 0.02 grams or more of alcohol per 100 milliliters of blood</p>		M/A
<p>7.13(l)(15)(ii) Operating or being in actual physical control of an over snow vehicle is prohibited when the driver is a snowmobile guide or a snowcoach driver and the alcohol concentration in the operator's blood or breath is 0.04 grams or more of alcohol per 100 milliliters of blood</p>		M/A
<p>7.13(l)(17)(ii) Dog-sledding or ski-jorring is prohibited</p>		\$100.00
<p>7.13(l)(18) Operation of a snow plane is prohibited</p>		M/A
<p>John D. Rockefeller, Jr. Memorial Parkway</p>		

STATUTE (36 CFR)	Current Fine Schedule	Proposed Fine Schedule
<p>7.21(a)(3) Operation of a snowmobile in the Parkway shall be done in compliance with use limits and entry passes, guiding requirements, operating hours and dates, equipment, and operating conditions.</p>		\$100.00
<p>7.21(a)(5) Only commercially available snowmobiles that meet NPS air and sound emissions requirements may be operated in the Parkway</p>		M/A
<p>7.21(a)(6)(i)(A) Beginning with the 2005 model year, all snowmobiles must be certified to a Family Emission Limit no greater than 15 g/kW-hr for hydrocarbons and to a Family Emission Limit no greater than 120 g/kW-hr for carbon monoxide</p>		M/A
<p>7.21(a)(6)(i)(B) Snowmobiles manufactured prior to the 2004 model year may be operated only if they have shown to have air emissions no greater than the requirements found in 7.21(a)(6)(i)</p>		M/A
<p>7.21(a)(6)(ii) Snowmobiles must operate at or below 73dB(a) as measured at full throttle</p>		M/A
<p>7.21(a)(13)(i)(C) Allowing or permitting an unlicensed driver to operate an over snow vehicle is prohibited</p>		\$100.00
<p>7.21(a)(13)(ii)(B) Over snow vehicle operators must possess a valid motor vehicle operator's license. The license must be carried by the operator at all times. A learner's permit does not satisfy this requirement</p>		\$60.00
<p>7.21(a)(13)(ii)(D) Snowmobiles must be properly registered and display a valid registration from the United States or Canada</p>		\$60.00

STATUTE (36 CFR)	Current Fine Schedule	Proposed Fine Schedule
7.22(a)(17) The operation of a snowplane in the Parkway is prohibited		M/A
Grand Teton National Park		
7.22(b)(1) Fishing in a closed area		\$60.00
7.22(b)(2) Fishing from bridge or boat docket is prohibited		\$60.00
7.22(b)(3) Use of unlawful bait		\$60.00
7.22(c) Stock grazing – privileges for grazing domestic livestock		M/A
7.22(d)(1) No person, party or organization shall be permitted to camp for more than 30 days in a calendar year		\$100.00
7.22(d)(2) Except in group campsites and back country sites, camping is limited to six persons to a site		\$60.00
7.22(e)(1) Motorboats are prohibited except in designated areas		\$60.00
7.22(e)(2) Hand-propelled vessels are prohibited except in designated areas		\$60.00
7.22(e)(3) Sailboats may be used only on Jackson Lake		\$60.00
7.22(e)(4) No person except an authorized concessioner shall moor or beach a vessel on the shore of a designated harbor area		\$60.00
7.22(f) The laws and regulations of the State of Wyoming shall govern elk management		<i>See State Fine Schedule – Assimilate State Law</i>

STATUTE (36 CFR)	Current Fine Schedule	Proposed Fine Schedule
7.22(g)(3) Must operate a snowmobile in GTNP in compliance with use limits and entry passes, operating hours and dates, equipment, and operating conditions		\$100.00
7.22(g)(5) Only commercially available snowmobiles that meet NPS air and sound emissions requirements may be operated in the park.		M/A
7.22(g)(6)(i) Beginning with the 2005 model year, all snowmobiles must be certified to a Family Emission Limit no greater than 15 g/kW-hr for hydrocarbons and to a Family Emission Limit no greater than 120 g/kW-hr for carbon monoxide		M/A
7.22(g)(6)(i)(B) Snowmobiles manufactured prior to the 2004 model year may be operated only if they have shown to have air emissions no greater than the requirements of 7.22(g)(6)(i)		M/A
7.22(g)(7)(i) Operating snowmobile upon designated over snow routes established with the park in accordance with 36 C.F.R. § 2.18(c) – the frozen water surface of Jackson Lake for the purposes of ice fishing only.		M/A
7.22(g)(11)(A) It is prohibited to idle an over snow vehicle more than 5 minutes at any one time		\$100.00
7.22(g)(11)(B) It is prohibited to operate an over snow vehicle while the operator's state motor vehicle license or privilege is suspended or revoked by any state		M/A
7.22(g)(11)(C) It is prohibited to allow or permit an unlicensed driver to operate an over snow vehicle		\$100.00

STATUTE (36 CFR)	Current Fine Schedule	Proposed Fine Schedule
<p>7.22(g)(11)(D) It is prohibited to operate an over snow vehicle in willful or wanton disregard for the safety of persons, property, or park resources or otherwise in a reckless manner</p>		M/A
<p>7.22(g)(11)(E) It is prohibited to operate an over snow vehicle without a lighted white headlamp and red taillight</p>		\$50.00
<p>7.22(g)(11)(F) It is prohibited to operate an over snow vehicle that does not have brakes in good working order</p>		\$50.00
<p>7.22(g)(11)(ii)(A) All over snow vehicles that stop on designated routes must pull over to the far right and next to the snow berm</p>		\$60.00
<p>7.22(g)(11)(ii)(B) Over snow vehicle operators must possess a valid motor vehicle operator's license. The license must be carried by the operator at all times. A learner's permit does not satisfy this requirement</p>		\$60.00
<p>7.22(g)(11)(ii)(C) Equipment sleds towed by a snowmobile must be pulled behind the snowmobile and fastened to the snowmobile with a rigid hitching mechanism</p>		\$100.00
<p>7.22(g)(11)(ii)(D) Snowmobiles must be properly registered and display a valid registration from the United States or Canada</p>		\$60.00
<p>7.22(g)(12)(i) Operating or being in actual physical control of an over snow vehicle is prohibited when the driver is under 21 years of age and the alcohol concentration in the driver's blood or breath is 0.02 grams or more of alcohol per 100 milliliters of blood or 0.02 grams or more of alcohol per 210 liters of breath</p>		M/A

STATUTE (36 CFR)	Current Fine Schedule	Proposed Fine Schedule
7.22(g)(12)(ii) Operating or being in actual physical control of an over snow vehicle is prohibited when the driver is a commercial guide or a snowcoach driver and the alcohol concentration in the driver's blood or breath is 0.04 grams or more alcohol per 100 milliliters of blood or 0.04 grams or more of alcohol per 210 liters of breath		M/A
7.22(g)(14)(iii) Dog sledding or ski-jorring is prohibited		\$100.00
7.22(g)(15) The operation of a snowplane in GTNP is prohibited		M/A
Part 71 – Recreation Fees		
71.8(a) Validation & Display of Entrance Permits	\$25.00	\$50.00
71.8(b) Non-transferable – Single Visit Non-transferable – Annual Permit National Park Pass Golden Access, Age, Eagle	\$100.00 100.00 100.00 100.00	\$100.00 M/A M/A M/A
Grand Teton National Park Enforcement of 33 and 46 C.F.R.'s (authorized by 36 C.F.R. § 3.1(a))		
General Provisions – 33 C.F.R.		
70.05-1 Interfere with or damage navigation aids		M/A
88.05 Vessel 12+ Meters shall carry and maintain for ready reference a copy of the Inland Navigation Rules		\$60.00
155.330(a) No person may operate a non-oceangoing ship in navigable waters unless it has the capacity to retain on board all oily mixtures and is equipped to discharge mixtures to a reception facility		\$60.00

STATUTE (36 CFR)	Current Fine Schedule	Proposed Fine Schedule
155.450(a) A ship, except a ship of less than 26 feet, must have a placard of a least 5 by 8 inches		\$60.00
155.770 No person may intentionally drain oil or hazardous material from any source into the bilge of a vessel		\$210.00
159.7(b) No device to prevent sewage discharge from a vessel built after 01/30/75		\$210.00
159.7(c) No device to prevent sewage discharge from vessel built before 01/30/75		\$210.00
173.15(a)(1) No numbered certificate from principal state		\$60.00
173.15(a)(2) Numbers not properly displayed		\$60.00
173.19 Other numbers displayed		\$60.00
173.21(a)(1) No valid certificate of number on board		\$60.00
173.21(a)(2) No rental agreement on board		\$60.00
173.23 Failure to present certificate of number, lease or rental agreement		\$60.00
173.25 Certificate of number, lease or rental agreement not able to be handed to inspector		\$60.00
175.15(a) No type I, II or III PFD for each person on board		\$60.00
175.15(b) A boat greater than 16 foot must also have PFD (Type IV) in addition to the PFD's required in 175.15(a)		\$60.00

STATUTE (36 CFR)	Current Fine Schedule	Proposed Fine Schedule
175.15(c)(1) Child less than 13 years must wear PFD		\$60.00
175.15(c)(2) Child less than 13 must be below decks or in enclosed cabin if not wearing Type I, II or III PFD		\$60.00
175.19(a) No person may use a recreational boat unless Type I, II, or III PFD is readily accessible		\$60.00
175.19(b) No person may use a recreational boat unless each Type IV PFD is immediately available		\$60.00
175.21(a) PFD not in serviceable condition		\$60.00
175.21(b) PFD not sized correctly for user		\$60.00
175.21(c) PFD not correctly/legibly marked		\$60.00
175.201 Ventilation: none/not operable		\$60.00
W.S. § 41-13-213 Ch – 22 § 5(a) Improper or no lighting/no or inefficient sound signal device – Assimilate WY Boating Regulation via 36 C.F.R. 3.1(a)		\$60.00
General Provisions – 46 C.F.R.		
25.30-20 No fire extinguisher on motorboat when required		\$60.00
25.35-1(a) No flame arrestor		\$60.00
25.35-1(c) Flame arrestor – improper		\$60.00

STATUTE (36 CFR)	Current Fine Schedule	Proposed Fine Schedule
Speeding (36 C.F.R. § 4.21(c))		<p>\$5.00 per mile over posted speed limit; 25 miles per hour over posted limit – <i>Bond Amount or</i> Mandatory Appearance</p> <p>Construction Zones – \$10.00 per mile over posted speed limit; 25 miles per hour over posted limit – <i>Bond Amount or</i> Mandatory Appearance</p>