

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

APR 21 2014

SEAN F. MAVOY, CLERK
SM DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re

UNITED STATES NATIONAL
MARINE FISHERIES SERVICE
SCHEDULE OF COLLATERAL
FORFEITURE

GENERAL ORDER NO. 14- 12-1

Pursuant to Fed. R. Crim. P. 58(d)(1) and LMR 2(c), this Schedule of Collateral Forfeiture allows a defendant to pay a fixed-sum payment in lieu of appearance and end the case for non-mandatory citations. If the defendant chooses not to pay the fixed-sum payment and initially appears in court pursuant Fed. R. Crim. P. 58(b)(2) on the citation or violation notice, the fixed-sum amount in this Schedule of Collateral Forfeiture is no longer applicable. In some circumstances, the Schedule of Collateral Forfeiture provides for the defendant's mandatory appearance. After appearing on either a fixed-sum payment or mandatory appearance, a defendant faces the maximum penalty allowed by law within the

proscribed statutory maximums. However, nothing prevents a magistrate or district court judge from issuing any sentence it deems appropriate under the law. This Schedule of Collateral Forfeiture only applies to defendants charged by citation or violation notice.

Upon the Motion of the United States and accompanying Memorandum to adopt the proposed United States National Marine Fisheries Service Schedule of Collateral Forfeiture,

IT IS ORDERED that said Motion is granted and the National Marine Fisheries Schedule of Collateral Forfeiture is hereby adopted by the United States District Court, for the Eastern District of Washington.

DATED this 21st day of April, 2014.



ROSANNA MALOUF PETERSON
CHIEF UNITED STATES DISTRICT JUDGE
FOR THE COURT

National Marine Fisheries Service
Eastern District of Washington
VIOLATIONS OF UNITED STATES CODE
AND
TITLE 50 CODE OF FEDERAL REGULATIONS
Restricted or Prohibited Acts

<u>Section</u>	<u>Offense</u>	<u>Bail</u>
----------------	----------------	-------------

Marine Mammal Protection Act
(16 USC §§ 1372, 1375)

50 CFR §216: Taking and Importing of Marine Mammals

216.12	Import marine mammal	\$500
216.13	Port use, transport, purchase, sale of any marine mammal or marine mammal product	\$500
216.16	Provide false information in a letter of intent for research	MA
216.17	Assault, resist, oppose, impede, intimidate, threaten, or interfere with officer	MA

Endangered Species Act
(16 USC §§1538, 1540)

50 CFR §223: Prohibitions - Threatened Marine and Anadromous Species

223.202(a)	Take, import, export, deliver or transport-Steller sea lion	\$1,000
223.203(a)	Take, import, export, deliver or transport of any threatened anadromous fish species	\$500

National Marine Fisheries Service Schedule
Eastern District of Washington

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

APPENDIX A

FISH AND WILDLIFE PROPERTY FORFEITURE ORDER

Unless otherwise specifically ordered by a United States Court, any fish, wildlife, or property, which has been seized under authority of the following statutes:

Endangered Species Act, 16 USC §§1531-1544;
Marine Mammal Protection Act, 16 USC §§1371-1389;

where final disposition of the case has been made, by either payment of a forfeiture of collateral or a judgement by the Court, on behalf of the government and where so authorized by statute, such fish and wildlife or property shall be forfeited to the U.S. Government. The property will be disposed of by the National Marine Fisheries Service in the manner proscribed by Title 15, Code of Federal Regulations, Part 904.