

FILED

SEP 03 2013

Clerk, U.S. District Court
District Of Montana
Missoula

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA**

**IN THE MATTER OF
COLLATERAL FORFEITURE
SCHEDULE FOR THE
BUREAU OF LAND
MANAGEMENT IN THE
DISTRICT OF MONTANA**

**ORDER AMENDING
COLLATERAL FORFEITURE
SCHEDULE REGARDING THE
BUREAU OF LAND
MANAGEMENT**

IT IS ORDERED that the Collateral Forfeiture Schedule of the Bureau of Land Management, adopted in the District of Montana on February 9, 2006, is amended regarding off highway vehicle related violations contained in 43 C.F.R. as listed in Attachment A to this Order.

IT IS FURHTER ORDERED that this amendment to the current Collateral Forfeiture Schedule is effective as of the date of this Order.

DATED this 3rd day of September, 2013.



Dana L. Christensen, Chief District Judge
United States District Court

C! USA
CVB

List of Required Collateral Forfeiture Standardization

	CFR	Offense Description	1st Offense	2nd Offense	3rd Offense
	43 CFR 8341.1(b)	Violate Use Conditions of ORV operation in Limited Use Area	\$125	\$250	\$500
	43 CFR 8341.1(d)	Violation of Applicable State ORV Law ⁱ	\$125	\$250	\$500
	43 CFR 8341.1(f)(5)	Operate ORV at Night Hours without Head and Tail Lights	\$125	\$250	\$500
Minor	43 CFR 8341.1(g)	Failure of OHV to Yield Right-of-Way	\$125	\$250	\$500
Violations	43 CFR 8343.1(a)	Operate ORV without Functioning Brakes	\$125	\$250	\$500
	43 CFR 8343.1(b)	Operate ORV with Noise Level Exceeding EPA Standards	\$125	\$250	\$500
	43 CFR 8343.1(c)	Operate ORV w/o Spark Arrester Where Posted & Signed	\$125	\$250	\$500
	43 CFR 8343.1(d)(1)	Operate ORV at night w/o Meeting Head/Tail Light Req.	\$125	\$250	\$500
	43 CFR 8341.1(c)	Operation of an ORV in a closed area	\$250	\$500	MA ⁱⁱ
	43 CFR 8341.1(f)(1)	Reckless, Careless or Negligent ORV Operation	\$250	\$500	MA
Moderate	43 CFR 8341.1(f)(2)	Excess of Established Speed Limits	\$250	\$500	MA
Violations	43 CFR 8364.1(d)	Violate Closure or Restriction Order	\$250	\$500	MA
	43 CFR 8351.1-1(a)	Operate Vehicle on National Scenic Trail Where Prohibited	\$250	\$500	MA
	43 CFR 8365.2-4	Operate Motor Vehicle Except on Roads in Developed Rec. Site	\$250	\$500	MA
	43 CFR 8341.1(f)(3)	Operate Vehicle under the Influence of Alcohol or Drugs	\$500	MA	MA
Serious	43 CFR 8341.1(f)(4)	Cause Significant or Undue Damage/Disturbance w/Vehicle	\$500	MA	MA
Violations	43 CFR 6302.20 (b)	Construct Temporary or Permanent Roads in Wilderness	\$500	MA	MA
	43 CFR 6302.20 (d)	Use of Motorized or Mechanized Equipment in Wilderness	\$500	MA	MA

ⁱ State fines may be adopted for violations of State ORV laws under 43 CFR 8341.1(d).

ⁱⁱ "MA" means that a Mandatory Appearance in court is required.

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AUG 27 2013
Clerk, U.S. District Court
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Missoula

ATTORNEY FOR UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

**IN THE MATTER OF
COLLATERAL FORFEITURE
SCHEDULE FOR THE BUREAU
OF LAND MANAGEMENT IN
THE DISTRICT OF MONTANA**

**MOTION TO AMEND
COLLATERAL FORFEITURE
SCHEDULE REGARDING
THE BUREAU OF LAND
MANAGEMENT**

Comes now the United States, by and through Kris A. McLean, Assistant U.S. Attorney for the District of Montana, and moves this Court to amend the Collateral Forfeiture Schedule for misdemeanor violations under the jurisdiction of the Bureau of Land Management on the following grounds and for the following reasons:

The Court issued an order adopting the Uniform Collateral Forfeiture Schedule of the Bureau of Land Management (BLM) on February 9, 2006. Since that time the United States Department of the Interior, Bureau of Land Management, has found the need for a revision of collateral fine amounts for off-highway vehicle (OHV) violations on public lands administered by the BLM in the District of Montana. BLM Instruction Memorandum No. 2012-050 advises that it has reviewed those fine amounts for OHV's within the BLM and with other federal land management agencies and, in order to bring the fine amounts to a more consistent and appropriate level with those other federal land management agencies, seeks modification to the collateral forfeiture amounts for OHV related violations contained in 43 C.F.R. as listed in Attachment A to this motion.

Wherefore the United States respectfully requests this Court issue an order amending the Collateral Forfeiture Schedule for misdemeanor offenses committed within the jurisdiction of the Bureau of Land Management in the District of Montana as described in Attachment A.

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DATED this 20th day of August, 2013.

MICHAEL W. COTTER
United States Attorney

A handwritten signature in blue ink, appearing to read "Kris A. McLean", is written over a horizontal line.

KRIS A. MCLEAN
Assistant U. S. Attorney

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