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Clerk, U.S. District Court
District of Montana

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U.S. District Court
Missoula, Montana

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MISSOULA, MT

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PATRICK E. DUFFY

BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

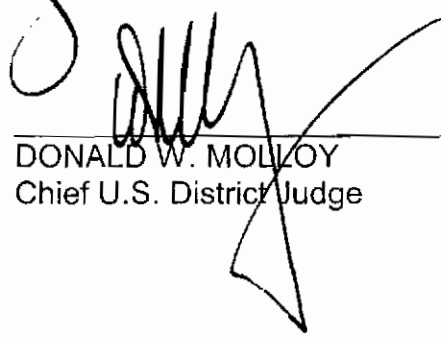
IN THE MATTER OF SCHEDULE OF
COLLATERAL FORFEITURE FOR THE
UNITED STATES FOREST SERVICE

ORDER ADOPTING UNIFORM
COLLATERAL FORFEITURE
SCHEDULE FOR MISDEMEANOR
OFFENSES COMMITTED WITHIN THE
JURISDICTION OF THE UNITED
STATES FOREST SERVICE IN THE
DISTRICT OF MONTANA

IT IS ORDERED that the attached Collateral Forfeiture Schedule of the United States Forest Service is effective as of the date of this Order.

IT IS FURTHER ORDERED that this Collateral Forfeiture Schedule supersedes all previous Collateral Forfeiture Schedules adopted in the District of Montana for misdemeanor offenses under the jurisdiction of the United States Forest Service.

DATED this 21st day of February, 2006.



DONALD W. MOLLOY
Chief U.S. District Judge

2/21/06 Faxed To
Div. Offices, Mag. Judges

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UNITED STATES OF AMERICA

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GREAT FALLS DIV.

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PATRICK E. DUFFY, CLERK

BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

IN THE MATTER OF SCHEDULE OF
COLLATERAL FORFEITURE
SCHEDULE FOR THE UNITED STATES
FOREST SERVICE

MOTION TO ADOPT UNIFORM
COLLATERAL FORFEITURE
SCHEDULE FOR MISDEMEANOR
OFFENSES COMMITTED WITHIN THE
JURISDICTION OF THE UNITED
STATES FOREST SERVICE IN THE
DISTRICT OF MONTANA

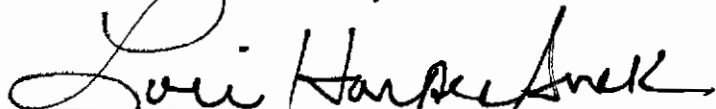
The United States of America moves the Court for an order adopting the attached Collateral Forfeiture Schedule for misdemeanor offenses under the jurisdiction of the United States Forest Service in the District of Montana. The United States Forest Service (USFS) is charged with the duty of managing, regulating use, and protecting millions of acres of public lands in the District of Montana. USFS also is charged with the duty of enforcing numerous federal laws in the District of Montana. The addition of

two new sections in the Code of Federal Regulations, Title 36, Part 261 – 36 C.F.R. § 261.13 "Motor Vehicle Use on National Forest System Roads and Trails" and 36 C.F.R. § 261.14 "Use by Over-snow Vehicles" – and the addition of three new definitions "Administrative Unit" "Forest Road or Trail" and "Motor Vehicle," prompted the agency to draft the attached revised collateral forfeiture schedule. The schedule was prepared after consultation with the field office rangers and a comparison of similar violations of other agencies.

Based upon the foregoing, the United States respectfully requests that the attached Collateral Forfeiture schedule be adopted in the District of Montana.

DATED this 15th day of February, 2006.

WILLIAM W. MERCER
United States Attorney



LORI HARPER SUEK
Assistant U.S. Attorney

PROHIBITIONS AND COLLATERAL SCHEDULE

36 CFR PART 261

Title 36

CHAPTER II

PART 261

PART 261 – PROHIBITIONS

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Authority:	16 U.S.C. 551; 16 U.S.C. 472; 7 U.S.C. 1011(f); 16 U.S.C. 1246(i); 16 U.S.C. 1133(c)-(d)(1); 16 U.S.C. 620(f). Source: 42 FR 2957, Jan. 14, 1977, unless otherwise noted.

SUBPART A

Sec. 261.1 Scope.

(a) The prohibitions in this part apply, except as otherwise provided, when:

- (1) An act or omission occurs in the National Forest System or on a National Forest System road or trail.
- (2) An act or omission affects, threatens, or endangers property of the United States administered by the Forest Service.
- (3) An act or omission affects, threatens, or endangers a person using, or engaged in the protection, improvement or administration of the National Forest System or a National Forest System road or trail.
- (4) An act or omission occurs within the designated boundaries of a component of the National Wild and Scenic Rivers System.

(b) Nothing in this part shall preclude activities as authorized by the Wilderness Act of 1964 or the U.S. Mining Laws Act of 1872 as amended.

(42 FR 35958, July 13, 1977, as amended at 43 FR 32136, July 25, 1978; 46 FR 33519, June 30, 1981; 66 FR 3218, Jan. 12, 2001)

36 CFR Sec. 261.1a

Sec. 261.1a Special use authorizations, contracts and operating plans.

The Chief, each Regional Forester, each Forest Supervisor, and each District Ranger or equivalent officer may issue special-use authorizations, award contracts, or approve operating plans authorizing the occupancy or use of a road, trail, area, river, lake, or other part of the National Forest System in accordance with authority which is delegated elsewhere in this chapter or in the Forest Service Manual. These Forest Officers may permit in the authorizing document or approved plan an act or omission that would otherwise be a violation of a subpart A or subpart C regulation or a subpart B order. In authorizing such uses, the Forest Officer may place such conditions on the authorization as that officer considers necessary for the protection or administration of the National Forest System, or for the promotion of public health, safety, or welfare.

(49 FR 25450, June 21, 1984)

36 CFR Sec. 261.1b

Sec. 261.1b Penalty.

Any violation of the prohibitions of this Part (261) shall be punished by a fine of not more than \$5,000, \$10,000 for an organization, or imprisonment for not more than six months or both pursuant to Title 18 U.S.C., section 3571 and Title 16 U.S.C., section 551 and , unless otherwise provided.

(46 FR 33519, June 30, 1981)

36 CFR Sec. 261.2

Sec. 261.2 Definitions.

The following definitions apply to this part:

Administrative unit	means a National Forest, a National Grassland, a purchase unit, a land utilization project, Columbia River Gorge National Scenic Area, Land Between the Lakes, Lake Tahoe Basin Management Unit, Midewin National Tallgrass Prairie, or other comparable unit of the National Forest System.
Archaeological resource	means any material remains of prehistoric or historic human life or activities which are of archaeological interest and are at least 50 years of age, and the physical site, location, or context in which they are found.
Campfire	means a fire, not within any building, mobile home or living accommodation mounted on a motor vehicle, which is used for cooking, personal warmth, lighting, ceremonial, or esthetic purposes. Fire includes campfire.
Camping	means the temporary use of National Forest System lands for the purpose of overnight occupancy without a permanently-fixed structure.
Camping equipment	means the personal property used in or suitable for camping, and includes any vehicle used for transportation and all equipment in possession of a person camping. Food and beverage are not considered camping equipment.
Cave	means any naturally occurring void, cavity, recess, or system of interconnected passages beneath the surface of the earth or within a cliff or ledge and which is large enough to permit a person to enter, whether the entrance is excavated or naturally formed. Such term shall include any natural pit, sinkhole, or other opening which is an extensive of a cave entrance or which is an integral part of the cave.
Cave resources	mean any materials or substances occurring in caves including, but not limited to, biotic, cultural, mineralogic, paleontologic, geologic, and hydrologic resources.
Commercial use or activity	any use or activity on National Forest System lands (a) where an entry or participation fee is charged, or (b) where the primary purpose is the sale of a good or service, and in either case, regardless of whether the use or activity is intended to produce a profit.
Damaging	means to injure, mutilate, deface, destroy, cut, chop, girdle, dig, excavate, kill or in any way harm or disturb.
Developed recreation site	means an area which has been improved or developed for recreation.

Distribution of printed material	disseminating, posting, affixing, or erecting printed material as defined in this section.
Forest road or trail	means a road or trail wholly or partly within or adjacent to and serving the National Forest System that the Forest Service determines is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.
Forest officer	means an employee of the Forest Service.
Historical resource	means any structural, architectural, archaeological, artifactual or other material remains of past human life or activities which are of historical interest and are at least 50 years of age, and the physical site, location, or context in which they are found.
Motorized equipment	means any machine activated by a nonliving power source except small battery-powered hand carried devices such as flashlights, shavers, Geiger counters, and cameras.
Motor vehicle	means any vehicle which is self-propelled, other than: (1) A vehicle operated on rails; and (2) Any wheelchair or mobility device, including one that is batterypowered, that is designed solely for use by a mobility-impaired person for locomotion and that is suitable for use in an indoor pedestrian area.
National Forest System	includes all national forest lands and waters reserved or withdrawn from the public domain of the United States, national forest lands and waters acquired through purchase, exchange, donation, or other means, national grasslands and land utilization projects and waters administered under title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C. 1010-1012), and other lands, waters, or interests therein acquired under the Wild and Scenic River Act (16 U.S.C. 1271-1287) or National Trails System Act (16 U.S.C. 1241-1249).
National Forest System road	means a road wholly or partly within or adjacent to and serving a part of the National Forest System and which has been included in a forest transportation atlas.
National Forest System trail	means a trail wholly or partly within or adjacent to and serving a part of the National Forest System and which has been included in a forest transportation atlas.
National Forest Wilderness	means those parts of the National Forest System which were designated units of the National Wilderness Preservation System by the Wilderness Act of September 3, 1964, and such other areas of the National Forest System as are added to the wilderness system by act of Congress.

Operating plan	means a plan of operations as provided for in 36 CFR part 228, subpart A, and a surface use plan of operations as provided for in 36 CFR part 228, subpart E.
Paleontological resource	means any evidence of fossilized remains of multicellular invertebrate and vertebrate animals and multicellular plants, including imprints thereof. Organic remains primarily collected for use as fuel such as coal and oil are Paleontological Resources, but are excluded from the prohibitions under the rule.
Person	means natural person, corporation, company, partnership, trust, firm, or association of persons.
Permission	means oral authorization by a forest officer.
Permit	means authorization in writing by a forest officer.
Prehistoric resource	means any structural, architectural, archaeological, artifactual or other material remains of past human life or activity generally prior to the advent of written records and of anthropological interest, and the physical site, location, or context in which they are found.
Primitive areas	are those areas within the National Forest System classified as Primitive on the effective date of the Wilderness Act, September 3, 1964.
Printed material	any written and/or graphic material including but not limited to pamphlets, brochures, photographs, graphics, signs, and posters.
Publicly nude	means nude in any place where a person may be observed by another person. Any person is nude if the person has failed to cover the rectal area, pubic area or genitals. A female person is also nude if she has failed to cover both breasts below a point immediately above the top of the areola. Each such covering must be fully opaque. No person under the age of 10 years shall be considered publicly nude.
Recreation fee	means a standard amenity recreation fee, an expanded amenity fee, or a special recreation permit fee as defined in section 802(8) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801(8))
Special-use authorization	means a permit, term permit, lease or easement which allows occupancy, or use rights or privileges of National Forest System land.
State	means any State, the Commonwealth of Puerto Rico, and the District of Columbia.
State law	means the law of any State in whose exterior boundaries an act or omission occurs regardless of whether State law is otherwise applicable.
Stove fire	means a campfire built inside an enclosed stove or grill, a portable brazier, or a pressurized liquid or gas stove, including a space-heating device.

Unauthorized livestock	means any cattle, sheep, goat, hog, or equine not defined as a wild free-roaming horse or burro by Sec. 222.20(b)(13), which is not authorized by permit to be upon the land on which the livestock is located and which is not related to use authorized by a grazing permit; provided, that noncommercial pack and saddle stock used by recreationists, travelers, other Forest visitors for occasional trips, as well as livestock to be trailed over an established driveway when there is no overnight stop on Forest Service administered land do not fall under this definition.
Vehicle	means any device in, upon, or by which any person or property is or may be transported, including any frame, chassis, or body of any motor vehicle, except devices used exclusively upon stationary rails or tracks.
Volunteer or hosted enrollee	means any person, not a Forest Service employee, officially participating in a Forest Service human resource program as authorized by an act of Congress and identified to accomplish one or more of the following objectives: provide skills training; education; useful work; develop understanding of ecological systems and conservation of natural resources; build cultural and communication bridges between various socioeconomic groups; and further the administration, development, and management of National Forest resources, forest research, and State and Private Forest activities.
Wild free-roaming horses and burros	mean all unbranded and unclaimed horses and burros and their progeny that have used lands of the National Forest System on or after December 15, 1971, or do hereafter use these lands as all or part of their habitat, but does not include any horse or burro introduced onto National Forest System lands on or after December 15, 1971, by accident, negligence, or willful disregard of private ownership. Unbranded, claimed horses and burros, where the claim is found to be erroneous, are also considered as wild and free-roaming if they meet the criteria above.
	(42 FR 2957, Jan. 14, 1977, as amended at 42 FR 35959, July 13, 1977; 46 FR 33519, June 30, 1981; 47 FR 29230, July 6, 1982; 49 FR 25450, June 24, 1984; 51 FR 1250, Jan. 10, 1986; 55 FR 10452, Mar. 21, 1990; 59 FR 31152, June 17, 1994; 60 FR 45295, Aug. 30, 1995; 66 FR 3218, Jan. 12, 2001)

**Part 261 - PROHIBITIONS AND
COLLATERAL SCHEDULES
FOR VIOLATIONS OF
TITLE 36 CFR, PART 261**

(FOR CFRs REVISED AS OF JULY 1, 2003)

	INTERFERING WITH A FOREST OFFICER, VOLUNTEER, OR HUMAN RESOURCE PROGRAM ENROLLEE OR GIVING FALSE REPORT TO A FOREST OFFICER.			
36 CFR	The following are prohibited:		MT	IRC
261.3 (a)	Threatening, resisting, intimidating, or interfering with any Forest Officer engaged in or on account of the performance of his/her official duties in the protection, improvement, or administration of the National Forest System.		\$500	032
261.3 (b)	Giving any false, fictitious or fraudulent report or other information to any Forest Officer engaged in or on account of the performance of his official duties knowing that such report or other information contains false, fictitious or fraudulent statement or entry.		\$300	000
261.3 (c)	Threatening, intimidating, or intentionally interfering with any Forest officer, volunteer, or human resource program enrollee while engaged in, or on account of, the performance of duties for the protection, improvement, or administration of the National Forest System or other duties assigned by the Forest Service.		\$400	032
	(42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984)			

DISORDERLY CONDUCT				
36 CFR	The following are prohibited:		MT	IRC
261.4 (a)	Engaging in fighting.		\$150	000
261.4 (b)	Addressing any offensive, derisive, or annoying communication to any other person who is lawfully present when such communication has a direct tendency to cause acts of violence by the person whom, individually, the remark is addressed.		\$200	000
261.4 (c)	Make statements or other actions directed toward inciting or producing imminent lawless action and likely to incite or produce such action.		\$150	000
261.4 (d)	Causing public inconvenience, annoyance, or alarm by making unreasonably loud noise.		\$150	000
	(46 FR 33520, June 30, 1981)			

FIRE				
36 CFR	The following are prohibited:		(MT)	IRC
261.5 (a)	Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire.		\$300	007
261.5 (b)	Firing any tracer bullet or incendiary ammunition.		\$500	001
261.5 (c)	Causing timber, trees, slash, brush or grass to burn except as authorized by permit.		\$300	001
261.5 (d)	Leaving a fire without completely extinguishing it.		\$200	001
261.5 (e)	Allowing a fire to escape from control.		\$200	001
261.5 (f)	Building, attending, maintaining, or using a campfire without removing all flammable material from around the campfire adequate to prevent its escape.		\$150	001
	(42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981)			

TIMBER AND OTHER FOREST PRODUCTS				
36 CFR	The following are prohibited:		(MT)	IRC
261.6 (a)	Cutting or otherwise damaging any timber, tree, or other forest product, except as authorized by special use authorization, timber sale contract, Federal law or regulation.		\$150	035
261.6 (b)	Cutting any standing tree, under permit or timber sale contract, before a Forest Officer has marked it or has otherwise designated it for cutting.		\$150	034
261.6 (c)	Removing any timber or other forest product cut under permit or timber sale contract, except to a place designated for scaling, or removing it from that place before it is scaled, measured, counted, or otherwise accounted for by a forest officer.		\$500	034
261.6 (d)	Stamping, marking with paint, or otherwise identifying any tree or other forest product in a manner similar to that employed by Forest Officers to mark or designate a tree or any other forest product for cutting or removal.		\$500	034
261.6 (e)	Loading, removing, or hauling timber or other forest product acquired under any permit or timber sale contract unless such product is identified as required in such permit or contract.		\$100	036
261.6 (f)	Selling or exchanging any timber or other forest product obtained under free use pursuant to Sec. 223.5 through 223.11.		\$200	033
261.6 (g)	Violating any timber export or substitution restriction in Sec. 223.160 through 223.164.		\$500	033
261.6 (h)	Removing any timber, tree, or other forest product, except as authorized by permit, timber sale contract, Federal law or regulation.		\$100	035
261.6 (i)	Violating the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620, et seq.), or its implementing regulations at 36 CFR 223.185-223.203.		\$500	033
	(42 FR 2957, Jan. 14, 1977; 42 FR 24739, May 16, 1977, as amended at 49 FR 25450, June 21, 1984; 51 FR 1250, Jan. 10, 1986; 60 FR 46934, Sept. 8, 1995)			

LIVESTOCK				
36 CFR	The following are prohibited:		(MT)	IRC
261.7 (a)	Placing or allowing unauthorized livestock to enter or be in the National Forest System or other lands under Forest Service control.		\$100 \$200	000
261.7 (b)	Not removing unauthorized livestock from the National Forest System or other lands under Forest Service control when requested by a Forest Officer.		\$200	000
261.7 (c)	Failing to reclose any gate or other entry.		\$50	000
261.7 (d)	Molesting, injuring, removing, or releasing any livestock impounded under 262.10 while in the custody of the Forest Service or its authorized agents.		\$200	000
	(42 FR 35959, July 13, 1977, as amended at 51 FR 1251, Jan. 10, 1986)			

FISH AND WILDLIFE				
36 CFR	The following are prohibited to the extent Federal or State law is violated:		(MT)	IRC
261.8 (a)	Hunting, trapping, fishing, catching, molesting, killing, or having in possession any kind of wild animal, bird, or fish, or taking the eggs of any such bird.		\$200	021
261.8 (b)	Possessing a firearm or other implement designed to discharge a missile capable of destroying animal life.		\$200	021
261.8 (c)	Possessing equipment which could be used for hunting, fishing, or trapping.		\$200	021
261.8 (d)	Possessing a dog not on a leash or otherwise confined.		\$25	021
261.8 (e)	Curtail the free movement of any animal or plant life into or out of a cave, except as authorized to protect a cave resource.		\$100	021
	(42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 59 FR 31152, June 17, 1994)			

	PROPERTY			
36 CFR	The following are prohibited:		(MT)	IRC
261.9 (a)	Damaging any natural feature or other property of the United States.		\$200	003
261.9 (b)	Removing any natural feature or other property of the United States.		\$200	002
261.9 (c)	Damaging any plant that is classified as a threatened, endangered, sensitive, rare, or unique species.		\$500	001
261.9 (d)	Removing any plant that is classified as a threatened, endangered, sensitive, rare, or unique species.		\$500	001
261.9 (e)	Entering any building, structure, or enclosed area owned or controlled by the United States when such building, structure, or enclosure are is not open to the public.		\$200	000
261.9 (f)	Using any pesticide except for personal use as an insect repellent or as provided by special-use authorization for other minor uses.		\$200	001
261.9 (g)	Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any paleontological, prehistoric, historic, or archaeological resource, structure, site, artifact, or property.		\$500	039
261.9 (h)	Removing any prehistoric, historic, or archaeological resource, structure, site, artifact, property.		\$500	039
261.9 (i)	Excavating, damaging, or removing any vertebrate fossil or removing any paleontological resource for commercial purposes without a special use authorization.		\$500	001
261.9 (j)	Excavating, damaging, or removing any cave resource from a cave without a special use authorization, or removing any cave resource for commercial purposes.		\$200	001
	(46 FR 33520, June 30, 1981, as amended at 49 FR 25450, June 21, 1984; 51 FR 30356, Aug. 26, 1986; 59 FR 31152, June 17, 1994)			

OCCUPANCY AND USE				
36 CFR	The following are prohibited:		(MT)	IRC
261.10 (a)	Constructing, placing, or maintaining any kind of road, trail, structure, fence, enclosure, communication equipment, or other improvement on National Forest system land or facilities without special use authorization, contract, or approved operating plan.		\$300	017
261.10 (b)	Taking possession of, occupying, or otherwise using National Forest System lands for residential purposes without a permit or as otherwise authorized by Federal law or regulations.		\$500	000
261.10 (c)	Selling or offering for sale any merchandise or conducting any kind of work activity or service unless authorized by Federal law, regulation, or special use authorization.		\$200	017
261.10 (d)	Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property as follows: (1) In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or (2) Across or on a National Forest System road or a body of water adjacent thereto, or in any manner or place whereby any person or property is exposed to injury or damage as a result in such discharge. (3) Into or within any cave.		\$300	000
261.10 (e)	Abandoning any personal property.		\$100	000
261.10 (f)	Placing a vehicle or other object in such a manner that is an impediment or hazard to the safety or convenience of any person.		\$50	000
261.10 (g)	Commercial distribution of printed material without a special use authorization.		\$50	017

261.10 (h)	When commercially distributing printed material, delaying, halting, or preventing administrative use of an area by the Forest Service or other scheduled or existing uses or activities on National Forest System lands; misrepresenting the purposes or affiliations of those selling or distributing the material; or misrepresenting the availability of the material without cost.		\$50	000
261.10 (i)	Operating or using in or near a campsite, developed recreation site, or over an adjacent body of water without a permit any device which produces noise, such as a radio, television, musical instrument, motor or engine, in such a manner and at such a time so as to unreasonably disturb any person.		\$50	017
261.10 (j)	Operating or using a public address system, whether fixed, portable, or vehicle mounted, in or near a campsite or developed recreation site or over an adjacent body of water without a special use authorization.		\$75	017
261.10 (k)	Use or occupancy of National Forest System land or facilities without special-use authorization when such authorization is required.		\$100	017
261.10 (l)	Violating any term or condition of a special-use authorization, contract or approved operating plan.		\$100	017
261.10 (m)	Failing to stop a vehicle when directed to do so by a Forest Officer.		\$200	000
261.10 (n)	Failing to pay any special-use fee or other charges as required.		\$100	017
261.10 (o)	Discharging or igniting a firecracker, rocket or other firework, or explosive into or within any cave.		\$100	001
	(42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984; 53 FR 16550, May 10, 1988; 59 FR 31152, June 17, 1994; 60 FR 45295, Aug. 30, 1995; 66 FR 3218, Jan. 12, 2001)			

SANITATION				
36 CFR	The following are prohibited:		(MT)	IRC
261.11 (a)	Depositing in any toilet, toilet vault, or plumbing fixture, any substance which could damage or interfere with the operation or maintenance of the fixture.		\$100	003
261.11 (b)	Possessing or leaving refuse, debris, or litter in an exposed or unsanitary condition.		\$150	001
261.11 (c)	Placing in or near a stream, lake, or other water any substance which does or may pollute a stream, lake, or other water.		\$200	001
261.11 (d)	Failing to dispose of all garbage, including any paper, can, bottle, sewage, waste water, or material, or rubbish either by removal from the site or area, or by depositing it into receptacles or at places provided for such purposes.		\$150	001
261.11 (e)	Dumping of any refuse, debris, trash or litter brought as such from private property or from land occupied under permit, except, where a container, dump or similar facility has been provided and is identified as such, to receive trash generated from private lands or lands occupied under permit.		\$150	000
(42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981)				

NATIONAL FOREST SYSTEM ROADS AND TRAILS				
36 CFR	The following are prohibited:		(MT)	IRC
261.12 (a)	Violating the load, weight, height, length, or width limitations prescribed by State law except by special-use authorization or written agreement or by order issued under Sec. 261.54 of this Chapter.		\$100	000
261.12 (b)	Failing to have a vehicle weighed at a Forest Service weighing station, if required by a sign.		\$100	000
261.12 (c)	Damaging and leaving in a damaged condition any such road, trail, or segment thereof.		\$300	003
261.12 (d)	Blocking, restricting, or otherwise interfering with the use of a road, trail, or gate.		\$100	000
(42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984; 55 FR 25832, June 25, 1990)				

MOTOR VEHICLE USE				
36 CFR	Text		\$ MT	
261.13	After National Forest System roads, trails and areas on National Forest System lands have been designated pursuant to 36 CFR 212.51, and these designations have been identified on a motor vehicle use map, it is prohibited to possess or operate a motor vehicle on National Forest System lands in that administrative unit or Ranger District other than in accordance with those designations.		\$200	
	(70 FR 68291, Nov.09, 2005)			

USE OF OVER-SNOW VEHICLES				
36 CFR	Text		\$ MT	
261.14	It is prohibited to possess or operate an over-snow vehicle on National Forest System lands in violation of a restriction or prohibition established pursuant to 36 CFR part 212, subpart C.		\$150	
	(70 FR 68291, Nov.09, 2005)			

USE OF VEHICLES OFF ROADS				
36 CFR	It is prohibited to operate any vehicle off National Forest System, State or County roads:		(MT)	IRC
261.15 (a)	Without a valid license as required by State law.		\$50	045
261.15 (b)	Without an operable braking system.		\$50	045
261.15 (c)	From one-half hour after sunset to one-half hour before sunrise unless equipped with working head and tail lights.		\$50	045
261.15 (d)	In violation of any applicable noise emission standard established by any Federal or State agency.		\$50	045
261.15 (e)	While under the influence of alcohol or other drug.		\$300	045
261.15 (f)	Creating excessive or unusual smoke.		\$50	045
261.15 (g)	Carelessly, recklessly, or without regards for the safety of any person, or in a manner that endangers, or is likely to endanger, any person or property.		\$300	045
261.15 (h)	In a manner which damages or unreasonably disturbs the land, wildlife, or vegetative resources.		\$100	045
261.15 (i)	In violation of State law established for vehicles used off roads.		\$75	045
	(42 FR 2957, Jan. 14, 1977, as amended at 42 FR 35959, July 13, 1977; 66 FR 3218, Jan. 12, 2001)			

DEVELOPED RECREATION SITES				
36 CFR	The following are prohibited:		(MT)	IRC
261.16 (a)	Occupying any portion of the site for other than recreation purposes.		\$75	037
261.16 (b)	Building, attending, maintaining, or using a fire outside of a fire ring provided by the Forest Service for such purpose or outside of a stove, grill, or fireplace.		\$75	037
261.16 (c)	Cleaning or washing any personal property, fish, animal, or food or bathing or washing at a hydrant or water faucet not provided for that purpose.		\$50	037
261.16 (d)	Discharging or igniting a firecracker, rocket, or other firework, or explosive.		\$200	037
261.16 (e)	Occupying between 10 p.m. and 6 a.m. a place designate for day use only.		\$75	037
261.16 (f)	Failing to remove all camping equipment or personal property when vacating the area or site.		\$200	037
261.16 (g)	Placing, or maintaining, or using camping equipment except in a place specifically designated or provided for such equipment.		\$50	037
261.16 (h)	Without permission, failing to have at least one person occupy a camping area during the first night after camping equipment has been set up.		\$75	037
261.16 (i)	Leaving camping equipment unattended for more than 24 hours without permission.		\$75	037
261.16 (j)	Bringing in or possessing an animal, other than a seeing eye dog, unless it is crated, caged, or upon a leash not longer that six feet, or otherwise under physical restrictive control.		\$50	037
261.16 (k)	Bringing in or possessing in a swimming area an animal, other than a seeing eye dog.		\$50	037
261.16 (l)	Bringing in or possessing a saddle, pack, or draft animal except as authorized by posted instructions.		\$50	037
261.16 (m)	Operating or parking a motor vehicle or trailer except in places developed or designated for this purpose.		\$25	037
261.16 (n)	Operating a bicycle, motorbike, or motorcycle on a trail unless designated for this use.		\$50	037
261.16 (o)	Operating a motorbike, motorcycle, or any other motor vehicle for any purpose other than entering or leaving the site.		\$75	037
261.16 (p)	Depositing any body waste except into receptacles provided for that purpose.		\$300	037

(42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984; 60 FR 45295, Aug. 30, 1995)

ADMISSION, RECREATION USE AND SPECIAL RECREATION PERMIT FEES				
36 CFR	Text		(MT)	IRC
261.17	Failing to pay any fee established for admission or entrance to or use of a site, facility, equipment, or service furnished by the United States is prohibited. The maximum fine shall not exceed \$100.00.		\$25	000
(Sec. 2, 78 Stat. 897, as amended; 16 U.S.C. 4601-6(e))[46 FR 33520, June 30, 1981]				

NATIONAL FOREST WILDERNESS				
36 CFR	The following are prohibited in a National Forest Wilderness:		(MT)	IRC
261.18 (a)	Possessing or using a motor vehicle, motorboat or motorized equipment except as authorized by Federal Law or regulation.		\$300	040
261.18 (b)	Possessing or using a hang glider or bicycle.		\$100	040
261.18 (c)	Landing of aircraft, or dropping or picking up of any material, supplies, or persons by means or aircraft including a helicopter.		\$500	040
(42 FR 2957, Jan. 14, 1977, as amended at 42 FR 35959, July 13, 1977; 50 FR 16231, Apr. 25, 1985)				

NATIONAL FOREST PRIMITIVE AREAS				
36 CFR	The following are prohibited in any area classified as a National Forest Primitive Area on September 3, 1964:		(MT)	IRC
261.21 (a)	Landing of aircraft or using a motor boat, unless such use had become well established before September 3, 1964.		\$250	040
261.21 (b)	Possessing or using a motor or motorized equipment, except small battery powered, hand-held devices, such as cameras, shavers, flashlights, and Geiger-counters.		\$125	040
(42 FR 35959, July 13, 1977)				

UNAUTHORIZED USE OF "SMOKEY BEAR" AND "WOODSY OWL" SYMBOL				
36 CFR	Text		(MT)	IRC
261.22 (a)	Manufacture, importation, reproduction, or use of "Smokey Bear" except as provided under 271.1, 271.3, or 271.4.		\$100	000
261.22 (b)	Manufacture, importation, reproduction, or use of "Woodsy Owl" except as provided under 272.2, 272.3, or 272.4.		\$100	000
	(42 FR 2957, Jan. 14, 1977; 42 FR 24739, May 16, 1977)			

WILD AND FREE-ROAMING HORSES AND BURROS				
36 CFR	The following are prohibited:		(MT)	IRC
261.23 (a)	Removing or attempting to remove a wild free-roaming horse or burro from the National Forest System unless authorized by law or regulation.		\$100	000
261.23 (b)	Causing or allowing the inhumane treatment or harassment of a free-roaming horse or burro.		\$500	000
261.23 (c)	Removing or attempting to remove, alter or destroy any official mark used to identify a wild horse or burro or its remains unless authorized or permitted by law or regulation.		\$100	000
261.23 (d)	Violating any terms or conditions specified in a care and maintenance agreement or permit.		\$50	000
	(46 FR 33520, June 30, 1981)			

36 CFR Sec. 261.50

SUBPART B

Sec. 261.50 Orders.

- (a) The Chief, each Regional Forester, each Experiment Station Director, the Administrator of the Lake Tahoe Basin Management Unit and each Forest Supervisor may issue orders which close or restrict the use of described areas within the area over which he has jurisdiction. An order may close an area to entry or may restrict the use of an area by applying any or all of the prohibitions authorized in this subpart or any portion thereof.
- (b) The Chief, each Regional Forester, each Experiment Station Director, the Administrator of the Lake Tahoe Basin Management Unit and each Forest Supervisor may issue orders which close or restrict the use of any National Forest System road or trail within the area over which he has jurisdiction.
- (c) Each order shall:
 - (1) For orders issued under paragraph (a) of this section, describe the area to which the order applies;
 - (2) For orders issued under paragraph (b) of this section, describe the road or trail to which the order applies;
 - (3) Specify the times during which the prohibitions apply if applied only during limited times;
 - (4) State each prohibition which is applied; and
 - (5) Be posted in accordance with Sec. 261.51.
- (d) The prohibitions which are applied by an order are supplemental to the general prohibitions in Subpart A.
- (e) An order may exempt any of the following persons from any of the prohibitions contained in the order:
 - (1) Persons with a permit specifically authorizing the otherwise prohibited act or omission.
 - (2) Owners or lessees of land in the area;
 - (3) Residents in the area;
 - (4) Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty; and
 - (5) Persons engaged in a business, trade, or occupation in the area.
 - (6) Any other person meeting exemption requirements specified in the order.
- (f) Any person wishing to use a National Forest System road or trail or a portion of the National Forest System, should contact the Forest Supervisor, Director, Administrator, or District Ranger to ascertain the special restrictions which may be applicable thereto.

(42 FR 2957, Jan. 14, 1977; 42 FR 24739, May 16, 1977, as amended at 42 FR 35959, July 13, 1977; 46 FR 33521, June 30, 1981; 66 FR 3218, Jan. 12, 2001)

36 CFR Sec. 261.51

Sec. 261.51 Posting.

Posting is accomplished by:

- (a) Placing a copy of the order imposing each prohibition in the offices of the Forest Supervisor and District Ranger, or equivalent officer who have jurisdiction over the lands affected by the order, and
- (b) Displaying each prohibition imposed by an order in such locations and manner as to reasonably bring the prohibition to the attention of the public.

FIRE				
36 CFR	When provided by an order, the following are prohibited:		\$ (MT)	IRC
261.52 (a)	Building, maintaining, attending, or using a fire, campfire, or stove fire.		\$300	000
261.52 (b)	Using an explosive.		\$300	000
261.52 (c)	Smoking.		\$150	000
261.52 (d)	Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material.		\$150	000
261.52 (e)	Going into or being upon an area.		\$300	000
261.52 (f)	Possessing, discharging, or using any kind of firework or other pyrotechnic device.		\$300	000
261.52 (g)	Entering an area without any firefighting tool prescribed by the order.		\$50	000
261.52 (h)	Operating an internal combustion engine.		\$100	000
261.52 (i)	Welding, or operating an acetylene or other torch with open flame.		\$150	000
261.52 (j)	Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained, and in effective working order meeting either: (1) Department of Agriculture, Forest Service Standard 5100-1a; or (2) Appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a).		\$100	000
261.52 (k)	Violating any state law specified in the order concerning burning, fires or which is for the purpose of preventing, or restricting the spread of fires.		\$100	000
	(42 FR 2957, Jan. 14, 1977; 42 FR 24739, May 16, 1977; as amended at 42 FR 35959, July 13, 1977; 46 FR 33521, June 30, 1981)			

SPECIAL CLOSURES				
36 CFR	When provided by an order, it is prohibited to go into or be upon any area which is closed for the protection of:		\$ (MT)	IRC
261.53 (a)	Threatened, endangered, rare, unique, or vanishing species of plants, animals, birds, or fish.		\$100	001, 021
261.53 (b)	Special biological communities.		\$100	001
261.53 (c)	Objects or areas of historical, archaeological, geological, or paleontological interest.		\$100	001
261.53 (d)	Scientific experiments or investigations.		\$100	001
261.53 (e)	Public health or safety.		\$100	000
261.53 (f)	Property.		\$100	000

NATIONAL FOREST SYSTEM ROADS				
36 CFR	When provided by an order, the following are prohibited:		\$ (MT)	IRC
261.54 (a)	Using any type of vehicle prohibited by the order.		\$200	000
261.54 (b)	Use by any type of traffic prohibited by the order.		\$100	000
261.54 (c)	Using a road for commercial hauling without a permit or written authorization.		\$200	000
261.54 (d)	Operating a vehicle in violation of the speed, load, weight, height, length, width, or other limitations specified by the order.		\$65	000
261.54 (e)	Being on the road.		\$50	000
261.54 (f)	Operating a vehicle carelessly, recklessly, or without regard for the rights or safety of other persons or in a manner or at a speed that would endanger or be likely to endanger any person or property.		\$300	000
(42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33521, June 30, 1981)				

FOREST DEVELOPMENT TRAILS				
36 CFR	When provided by an order issued in accordance with 261.50 of this subpart, the following are prohibited on a forest development trail:		\$ (MT)	IRC
261.55 (a)	Being on the trail.		\$50	000
261.55 (b)	Using any type of vehicle prohibited by the order.		\$150	000
261.55 (c)	Use by any type of traffic or mode of transport prohibited by the order.		\$50	000
261.55 (d)	Operating a vehicle in violation of the width, weight, height, length, or other limitations specified by the order.		\$50	000
261.55 (e)	Shortcutting a switchback.		\$50	000
	(55 FR 25832, June 25, 1990)			

USE OF VEHICLES OFF NATIONAL FOREST SYSTEM ROADS				
36 CFR	Text		(MT)	IRC
261.56	When provided by an order, it is prohibited to possess or use a vehicle off National Forest System roads.		\$200	001
	(42 FR 2957, Jan. 14, 1977, as amended at 66 FR 3218, Jan. 12, 2001)			

NATIONAL FOREST WILDERNESS				
36 CFR	When provided by an order, the following are prohibited:		\$ (MT)	IRC
261.57 (a)	Entering or being in the area.		\$100	040
261.57 (b)	Possessing camping or pack outfitting equipment, as specified in the order.		\$100	040
261.57 (c)	Possessing a firearm or firework.		\$100	040
261.57 (d)	Possessing any non-burnable food or beverage containers, including deposit bottles, except for non-burnable containers designed and intended for repeated use.		\$50	040
261.57 (e)	Grazing.		\$100	040
261.57 (f)	Storing equipment, personal property or supplies.		\$300	040
261.57 (g)	Disposing of debris, garbage, or other waste.		\$300	040
261.57 (h)	Possessing or using a bicycle, wagon, cart, or other vehicle.		\$200	040
	(42 FR 2957, Jan. 14, 1977, as amended at 49 FR 25450, June 21, 1984)			

OCCUPANCY AND USE				
36 CFR	When provided by an order, the following are prohibited:		\$ (MT)	IRC
261.58 (a)	Camping for a period longer than allowed by the order.		\$75	000
261.58 (b)	Entering or using a developed recreation site or portion thereof.		\$50	037
261.58 (c)	Entering or remaining in a campground during night periods prescribed in the order except for persons who are occupying such campgrounds.		\$75	037
261.58 (d)	Occupying a developed recreation site with prohibited camping equipment prescribed by the order.		\$50	037
261.58 (e)	Camping.		\$75	000
261.58 (f)	Using a campsite or other area described in the order by more than the number of users allowed by the order.		\$75	000
261.58 (g)	Parking or leaving a vehicle in violation of posted instructions.		\$25	000
261.58 (h)	Parking or leaving a vehicle outside a parking space assigned to one's own camp unit.		\$25	037
261.58 (i)	Possessing, parking, or leaving more than two vehicles, except motorcycles or bicycles per camp unit.		\$35	037
261.58 (j)	Being publicly nude.		\$50	000
261.58 (k)	Entering or being in a body of water.		\$50	000
261.58 (l)	Being in the area after sundown or before sunrise.		\$50	000
261.58 (m)	Discharging a firearm, air rifle, or gas gun.		\$100	000
261.58 (n)	Possessing or operating a motorboat.		\$50	000
261.58 (o)	Water skiing.		\$50	000
261.58 (p)	Storing or leaving a boat or raft.		\$50	000
261.58 (q)	Operating any watercraft in excess of a posted speed limit.		\$100	000
261.58 (r)	Launching a boat except at a designated launching ramp.		\$50	000
261.58 (s)	Possessing, storing, or transporting any bird, fish, or other animal or parts thereof, as specified in the order.		\$50	021
261.58 (t)	Possessing storing, or transporting any part of a tree or other plant, as specified in the order.		\$100	035
261.58 (u)	Being in the area between 10 p.m. and 6 a.m. except a person who is camping or who is visiting a person camping in that area.		\$75	037
261.58 (v)	Hunting or fishing.		\$100	000

261.58 (w)	Possessing or transporting any motor or mechanical device capable of propelling a watercraft through water by any means.		\$50	000
261.58 (x)	Using any wheel, roller, or other mechanical device for the overland transportation of any watercraft.		\$50	000
261.58 (y)	Landing of aircraft, or dropping or picking up any material, supplies, or person by means of an aircraft, including a helicopter.		\$500	000
261.58 (z)	Entering or being on lands or waters within the boundaries of a component of the National Wild and Scenic Rivers System.		\$200	000
261.58 (aa)	Riding, hitching, tethering, or hobbling a horse or other saddle or pack animal in violation of posted instructions.		\$50	000
261.58 (bb)	Possessing a beverage which is defined as an alcoholic beverage by State law.		\$100	000
261.58 (cc)	Possessing or storing any food or refuse, as specified in the order.		\$200	021
261.58 (dd)	(Reserved)	-	-	001
261.58 (ee)	Depositing any body waste in caves except into receptacles provided for that purpose.		\$100	
	(42 FR 2597, Jan. 14, 1977, as amended at 42 FR 35959, July 13, 1977; 43 FR 32136, July 25, 1978; 46 FR 33521, June 30, 1981; 52 FR 19347, May 22, 1987; 59 FR 31152, June 17, 1994)			
NOTE:	In the presence of aggravated circumstances, ie. where the result of a person's actions exceeds the bond, when it can be shown that the person had been fully informed of the prohibition prior to the violation or when a serious threat exists to forest property, resources or personnel, an enhanced bond forfeiture of up to \$500 may be established on any violation of preceding Subpart A or B Prohibitions. Special Agent or Patrol Captain approval is required for enhancing bond on a Notice of Violation, form FS-5300-4. An analysis of the violation and circumstances, including recidivism, must be conducted prior to the issuance of any Notice of Violation with enhanced bond. Justification, including name of authorizing Officer or Agent must be included in the probable cause statement on such Notice of Violation, form FS-5300-4. Inappropriate demeanor by itself will not necessarily constitute aggravated circumstances. Mandatory Appearances: may only be required on offenses for which the bond is \$200 or more, and only with the approval of a Special Agent or Patrol Captain.			

PROHIBITIONS AND COLLATERAL SCHEDULE

36 CFR PART 261

Title 36

CHAPTER II

PART 261

PART 261 – PROHIBITIONS

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Authority:	16 U.S.C. 551; 16 U.S.C. 472; 7 U.S.C. 1011(f); 16 U.S.C. 1246(i); 16 U.S.C. 1133(c)-(d)(1); 16 U.S.C. 620(f). Source: 42 FR 2957, Jan. 14, 1977, unless otherwise noted.

SUBPART A

Sec. 261.1 Scope.

(a) The prohibitions in this part apply, except as otherwise provided, when:

- (1) An act or omission occurs in the National Forest System or on a National Forest System road or trail.
- (2) An act or omission affects, threatens, or endangers property of the United States administered by the Forest Service.
- (3) An act or omission affects, threatens, or endangers a person using, or engaged in the protection, improvement or administration of the National Forest System or a National Forest System road or trail.
- (4) An act or omission occurs within the designated boundaries of a component of the National Wild and Scenic Rivers System.

(b) Nothing in this part shall preclude activities as authorized by the Wilderness Act of 1964 or the U.S. Mining Laws Act of 1872 as amended.

(42 FR 35958, July 13, 1977, as amended at 43 FR 32136, July 25, 1978; 46 FR 33519, June 30, 1981; 66 FR 3218, Jan. 12, 2001)

36 CFR Sec. 261.1a

Sec. 261.1a Special use authorizations, contracts and operating plans.

The Chief, each Regional Forester, each Forest Supervisor, and each District Ranger or equivalent officer may issue special-use authorizations, award contracts, or approve operating plans authorizing the occupancy or use of a road, trail, area, river, lake, or other part of the National Forest System in accordance with authority which is delegated elsewhere in this chapter or in the Forest Service Manual. These Forest Officers may permit in the authorizing document or approved plan an act or omission that would otherwise be a violation of a subpart A or subpart C regulation or a subpart B order. In authorizing such uses, the Forest Officer may place such conditions on the authorization as that officer considers necessary for the protection or administration of the National Forest System, or for the promotion of public health, safety, or welfare.

(49 FR 25450, June 21, 1984)

36 CFR Sec. 261.1b

Sec. 261.1b Penalty.

Any violation of the prohibitions of this Part (261) shall be punished by a fine of not more than \$5,000, \$10,000 for an organization, or imprisonment for not more than six months or both pursuant to Title 18 U.S.C., section 3571 and Title 16 U.S.C., section 551 and , unless otherwise provided.

(46 FR 33519, June 30, 1981)

36 CFR Sec. 261.2

Sec. 261.2 Definitions.

The following definitions apply to this part:

Administrative unit	means a National Forest, a National Grassland, a purchase unit, a land utilization project, Columbia River Gorge National Scenic Area, Land Between the Lakes, Lake Tahoe Basin Management Unit, Midewin National Tallgrass Prairie, or other comparable unit of the National Forest System.
Archaeological resource	means any material remains of prehistoric or historic human life or activities which are of archaeological interest and are at least 50 years of age, and the physical site, location, or context in which they are found.
Campfire	means a fire, not within any building, mobile home or living accommodation mounted on a motor vehicle, which is used for cooking, personal warmth, lighting, ceremonial, or esthetic purposes. Fire includes campfire.
Camping	means the temporary use of National Forest System lands for the purpose of overnight occupancy without a permanently-fixed structure.
Camping equipment	means the personal property used in or suitable for camping, and includes any vehicle used for transportation and all equipment in possession of a person camping. Food and beverage are not considered camping equipment.
Cave	means any naturally occurring void, cavity, recess, or system of interconnected passages beneath the surface of the earth or within a cliff or ledge and which is large enough to permit a person to enter, whether the entrance is excavated or naturally formed. Such term shall include any natural pit, sinkhole, or other opening which is an extensive of a cave entrance or which is an integral part of the cave.
Cave resources	mean any materials or substances occurring in caves including, but not limited to, biotic, cultural, mineralogic, paleontologic, geologic, and hydrologic resources.
Commercial use or activity	any use or activity on National Forest System lands (a) where an entry or participation fee is charged, or (b) where the primary purpose is the sale of a good or service, and in either case, regardless of whether the use or activity is intended to produce a profit.
Damaging	means to injure, mutilate, deface, destroy, cut, chop, girdle, dig, excavate, kill or in any way harm or disturb.
Developed recreation site	means an area which has been improved or developed for recreation.

Distribution of printed material	disseminating, posting, affixing, or erecting printed material as defined in this section.
Forest road or trail	means a road or trail wholly or partly within or adjacent to and serving the National Forest System that the Forest Service determines is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.
Forest officer	means an employee of the Forest Service.
Historical resource	means any structural, architectural, archaeological, artifactual or other material remains of past human life or activities which are of historical interest and are at least 50 years of age, and the physical site, location, or context in which they are found.
Motorized equipment	means any machine activated by a nonliving power source except small battery-powered hand carried devices such as flashlights, shavers, Geiger counters, and cameras.
Motor vehicle	means any vehicle which is self-propelled, other than: (1) A vehicle operated on rails; and (2) Any wheelchair or mobility device, including one that is batterypowered, that is designed solely for use by a mobility-impaired person for locomotion and that is suitable for use in an indoor pedestrian area.
National Forest System	includes all national forest lands and waters reserved or withdrawn from the public domain of the United States, national forest lands and waters acquired through purchase, exchange, donation, or other means, national grasslands and land utilization projects and waters administered under title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C. 1010-1012), and other lands, waters, or interests therein acquired under the Wild and Scenic River Act (16 U.S.C. 1271-1287) or National Trails System Act (16 U.S.C. 1241-1249).
National Forest System road	means a road wholly or partly within or adjacent to and serving a part of the National Forest System and which has been included in a forest transportation atlas.
National Forest System trail	means a trail wholly or partly within or adjacent to and serving a part of the National Forest System and which has been included in a forest transportation atlas.
National Forest Wilderness	means those parts of the National Forest System which were designated units of the National Wilderness Preservation System by the Wilderness Act of September 3, 1964, and such other areas of the National Forest System as are added to the wilderness system by act of Congress.

Operating plan	means a plan of operations as provided for in 36 CFR part 228, subpart A, and a surface use plan of operations as provided for in 36 CFR part 228, subpart E.
Paleontological resource	means any evidence of fossilized remains of multicellular invertebrate and vertebrate animals and multicellular plants, including imprints thereof. Organic remains primarily collected for use as fuel such as coal and oil are Paleontological Resources, but are excluded from the prohibitions under the rule.
Person	means natural person, corporation, company, partnership, trust, firm, or association of persons.
Permission	means oral authorization by a forest officer.
Permit	means authorization in writing by a forest officer.
Prehistoric resource	means any structural, architectural, archaeological; artifactual or other material remains of past human life or activity generally prior to the advent of written records and of anthropological interest, and the physical site, location, or context in which they are found.
Primitive areas	are those areas within the National Forest System classified as Primitive on the effective date of the Wilderness Act, September 3, 1964.
Printed material	any written and/or graphic material including but not limited to pamphlets, brochures, photographs, graphics, signs, and posters.
Publicly nude	means nude in any place where a person may be observed by another person. Any person is nude if the person has failed to cover the rectal area, pubic area or genitals. A female person is also nude if she has failed to cover both breasts below a point immediately above the top of the areola. Each such covering must be fully opaque. No person under the age of 10 years shall be considered publicly nude.
Recreation fee	means a standard amenity recreation fee, an expanded amenity fee, or a special recreation permit fee as defined in section 802(8) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801(8))
Special-use authorization	means a permit, term permit, lease or easement which allows occupancy, or use rights or privileges of National Forest System land.
State	means any State, the Commonwealth of Puerto Rico, and the District of Columbia.
State law	means the law of any State in whose exterior boundaries an act or omission occurs regardless of whether State law is otherwise applicable.
Stove fire	means a campfire built inside an enclosed stove or grill, a portable brazier, or a pressurized liquid or gas stove, including a space-heating device.

Unauthorized livestock	means any cattle, sheep, goat, hog, or equine not defined as a wild free-roaming horse or burro by Sec. 222.20(b)(13), which is not authorized by permit to be upon the land on which the livestock is located and which is not related to use authorized by a grazing permit; provided, that noncommercial pack and saddle stock used by recreationists, travelers, other Forest visitors for occasional trips, as well as livestock to be trailed over an established driveway when there is no overnight stop on Forest Service administered land do not fall under this definition.
Vehicle	means any device in, upon, or by which any person or property is or may be transported, including any frame, chassis, or body of any motor vehicle, except devices used exclusively upon stationary rails or tracks.
Volunteer or hosted enrollee	means any person, not a Forest Service employee, officially participating in a Forest Service human resource program as authorized by an act of Congress and identified to accomplish one or more of the following objectives: provide skills training; education; useful work; develop understanding of ecological systems and conservation of natural resources; build cultural and communication bridges between various socioeconomic groups; and further the administration, development, and management of National Forest resources, forest research, and State and Private Forest activities.
Wild free-roaming horses and burros	mean all unbranded and unclaimed horses and burros and their progeny that have used lands of the National Forest System on or after December 15, 1971, or do hereafter use these lands as all or part of their habitat, but does not include any horse or burro introduced onto National Forest System lands on or after December 15, 1971, by accident, negligence, or willful disregard of private ownership. Unbranded, claimed horses and burros, where the claim is found to be erroneous, are also considered as wild and free-roaming if they meet the criteria above.
	(42 FR 2957, Jan. 14, 1977, as amended at 42 FR 35959, July 13, 1977; 46 FR 33519, June 30, 1981; 47 FR 29230, July 6, 1982; 49 FR 25450, June 24, 1984; 51 FR 1250, Jan. 10, 1986; 55 FR 10452, Mar. 21, 1990; 59 FR 31152, June 17, 1994; 60 FR 45295, Aug. 30, 1995; 66 FR 3218, Jan. 12, 2001)

**Part 261 - PROHIBITIONS AND
COLLATERAL SCHEDULES
FOR VIOLATIONS OF
TITLE 36 CFR, PART 261**

(FOR CFRs REVISED AS OF JULY 1, 2003)

	INTERFERING WITH A FOREST OFFICER, VOLUNTEER, OR HUMAN RESOURCE PROGRAM ENROLLEE OR GIVING FALSE REPORT TO A FOREST OFFICER.			
36 CFR	The following are prohibited:		MT	IRC
261.3 (a)	Threatening, resisting, intimidating, or interfering with any Forest Officer engaged in or on account of the performance of his/her official duties in the protection, improvement, or administration of the National Forest System.		\$500	032
261.3 (b)	Giving any false, fictitious or fraudulent report or other information to any Forest Officer engaged in or on account of the performance of his official duties knowing that such report or other information contains false, fictitious or fraudulent statement or entry.		\$300	000
261.3 (c)	Threatening, intimidating, or intentionally interfering with any Forest officer, volunteer, or human resource program enrollee while engaged in, or on account of, the performance of duties for the protection, improvement, or administration of the National Forest System or other duties assigned by the Forest Service.		\$400	032
	(42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984)			

DISORDERLY CONDUCT				
36 CFR	The following are prohibited:		MT	IRC
261.4 (a)	Engaging in fighting.		\$150	000
261.4 (b)	Addressing any offensive, derisive, or annoying communication to any other person who is lawfully present when such communication has a direct tendency to cause acts of violence by the person whom, individually, the remark is addressed.		\$200	000
261.4 (c)	Make statements or other actions directed toward inciting or producing imminent lawless action and likely to incite or produce such action.		\$150	000
261.4 (d)	Causing public inconvenience, annoyance, or alarm by making unreasonably loud noise.		\$150	000
(46 FR 33520, June 30, 1981)				

FIRE				
36 CFR	The following are prohibited:		(MT)	IRC
261.5 (a)	Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire.		\$300	007
261.5 (b)	Firing any tracer bullet or incendiary ammunition.		\$500	001
261.5 (c)	Causing timber, trees, slash, brush or grass to burn except as authorized by permit.		\$300	001
261.5 (d)	Leaving a fire without completely extinguishing it.		\$200	001
261.5 (e)	Allowing a fire to escape from control.		\$200	001
261.5 (f)	Building, attending, maintaining, or using a campfire without removing all flammable material from around the campfire adequate to prevent its escape.		\$150	001
(42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981)				

TIMBER AND OTHER FOREST PRODUCTS				
36 CFR	The following are prohibited:		(MT)	IRC
261.6 (a)	Cutting or otherwise damaging any timber, tree, or other forest product, except as authorized by special use authorization, timber sale contract, Federal law or regulation.		\$150	035
261.6 (b)	Cutting any standing tree, under permit or timber sale contract, before a Forest Officer has marked it or has otherwise designated it for cutting.		\$150	034
261.6 (c)	Removing any timber or other forest product cut under permit or timber sale contract, except to a place designated for scaling, or removing it from that place before it is scaled, measured, counted, or otherwise accounted for by a forest officer.		\$500	034
261.6 (d)	Stamping, marking with paint, or otherwise identifying any tree or other forest product in a manner similar to that employed by Forest Officers to mark or designate a tree or any other forest product for cutting or removal.		\$500	034
261.6 (e)	Loading, removing, or hauling timber or other forest product acquired under any permit or timber sale contract unless such product is identified as required in such permit or contract.		\$100	036
261.6 (f)	Selling or exchanging any timber or other forest product obtained under free use pursuant to Sec. 223.5 through 223.11.		\$200	033
261.6 (g)	Violating any timber export or substitution restriction in Sec. 223.160 through 223.164.		\$500	033
261.6 (h)	Removing any timber, tree, or other forest product, except as authorized by permit, timber sale contract, Federal law or regulation.		\$100	035
261.6 (i)	Violating the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620, et seq.), or its implementing regulations at 36 CFR 223.185-223.203.		\$500	033
	(42 FR 2957, Jan. 14, 1977; 42 FR 24739, May 16, 1977, as amended at 49 FR 25450, June 21, 1984; 51 FR 1250, Jan. 10, 1986; 60 FR 46934, Sept. 8, 1995)			

LIVESTOCK				
36 CFR	The following are prohibited:		(MT)	IRC
261.7 (a)	Placing or allowing unauthorized livestock to enter or be in the National Forest System or other lands under Forest Service control.		\$100 \$200	000
261.7 (b)	Not removing unauthorized livestock from the National Forest System or other lands under Forest Service control when requested by a Forest Officer.		\$200	000
261.7 (c)	Failing to reclose any gate or other entry.		\$50	000
261.7 (d)	Molesting, injuring, removing, or releasing any livestock impounded under 262.10 while in the custody of the Forest Service or its authorized agents.		\$200	000
		(42 FR 35959, July 13, 1977, as amended at 51 FR 1251, Jan. 10, 1986)		

FISH AND WILDLIFE				
36 CFR	The following are prohibited to the extent Federal or State law is violated:		(MT)	IRC
261.8 (a)	Hunting, trapping, fishing, catching, molesting, killing, or having in possession any kind of wild animal, bird, or fish, or taking the eggs of any such bird.		\$200	021
261.8 (b)	Possessing a firearm or other implement designed to discharge a missile capable of destroying animal life.		\$200	021
261.8 (c)	Possessing equipment which could be used for hunting, fishing, or trapping.		\$200	021
261.8 (d)	Possessing a dog not on a leash or otherwise confined.		\$25	021
261.8 (e)	Curtail the free movement of any animal or plant life into or out of a cave, except as authorized to protect a cave resource.		\$100	021
		(42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 59 FR 31152, June 17, 1994)		

	PROPERTY			
36 CFR	The following are prohibited:		(MT)	IRC
261.9 (a)	Damaging any natural feature or other property of the United States.		\$200	003
261.9 (b)	Removing any natural feature or other property of the United States.		\$200	002
261.9 (c)	Damaging any plant that is classified as a threatened, endangered, sensitive, rare, or unique species.		\$500	001
261.9 (d)	Removing any plant that is classified as a threatened, endangered, sensitive, rare, or unique species.		\$500	001
261.9 (e)	Entering any building, structure, or enclosed area owned or controlled by the United States when such building, structure, or enclosure are is not open to the public.		\$200	000
261.9 (f)	Using any pesticide except for personal use as an insect repellent or as provided by special-use authorization for other minor uses.		\$200	001
261.9 (g)	Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any paleontological, prehistoric, historic, or archaeological resource, structure, site, artifact, or property.		\$500	039
261.9 (h)	Removing any prehistoric, historic, or archaeological resource, structure, site, artifact, property.		\$500	039
261.9 (i)	Excavating, damaging, or removing any vertebrate fossil or removing any paleontological resource for commercial purposes without a special use authorization.		\$500	001
261.9 (j)	Excavating, damaging, or removing any cave resource from a cave without a special use authorization, or removing any cave resource for commercial purposes.		\$200	001
	(46 FR 33520, June 30, 1981, as amended at 49 FR 25450, June 21, 1984; 51 FR 30356, Aug. 26, 1986; 59 FR 31152, June 17, 1994)			

OCCUPANCY AND USE				
36 CFR	The following are prohibited:		(MT)	IRC
261.10 (a)	Constructing, placing, or maintaining any kind of road, trail, structure, fence, enclosure, communication equipment, or other improvement on National Forest system land or facilities without special use authorization, contract, or approved operating plan.		\$300	017
261.10 (b)	Taking possession of, occupying, or otherwise using National Forest System lands for residential purposes without a permit or as otherwise authorized by Federal law or regulations.		\$500	000
261.10 (c)	Selling or offering for sale any merchandise or conducting any kind of work activity or service unless authorized by Federal law, regulation, or special use authorization.		\$200	017
261.10 (d)	Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property as follows: (1) In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or (2) Across or on a National Forest System road or a body of water adjacent thereto, or in any manner or place whereby any person or property is exposed to injury or damage as a result in such discharge. (3) Into or within any cave.		\$300	000
261.10 (e)	Abandoning any personal property.		\$100	000
261.10 (f)	Placing a vehicle or other object in such a manner that is an impediment or hazard to the safety or convenience of any person.		\$50	000
261.10 (g)	Commercial distribution of printed material without a special use authorization.		\$50	017

261.10 (h)	When commercially distributing printed material, delaying, halting, or preventing administrative use of an area by the Forest Service or other scheduled or existing uses or activities on National Forest System lands; misrepresenting the purposes or affiliations of those selling or distributing the material; or misrepresenting the availability of the material without cost.		\$50	000
261.10 (i)	Operating or using in or near a campsite, developed recreation site, or over an adjacent body of water without a permit any device which produces noise, such as a radio, television, musical instrument, motor or engine, in such a manner and at such a time so as to unreasonably disturb any person.		\$50	017
261.10 (j)	Operating or using a public address system, whether fixed, portable, or vehicle mounted, in or near a campsite or developed recreation site or over an adjacent body of water without a special use authorization.		\$75	017
261.10 (k)	Use or occupancy of National Forest System land or facilities without special-use authorization when such authorization is required.		\$100	017
261.10 (l)	Violating any term or condition of a special-use authorization, contract or approved operating plan.		\$100	017
261.10 (m)	Failing to stop a vehicle when directed to do so by a Forest Officer.		\$200	000
261.10 (n)	Failing to pay any special-use fee or other charges as required.		\$100	017
261.10 (o)	Discharging or igniting a firecracker, rocket or other firework, or explosive into or within any cave.		\$100	001
	(42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984; 53 FR 16550, May 10, 1988; 59 FR 31152, June 17, 1994; 60 FR 45295, Aug. 30, 1995; 66 FR 3218, Jan. 12, 2001)			

SANITATION				
36 CFR	The following are prohibited:		(MT)	IRC
261.11 (a)	Depositing in any toilet, toilet vault, or plumbing fixture, any substance which could damage or interfere with the operation or maintenance of the fixture.		\$100	003
261.11 (b)	Possessing or leaving refuse, debris, or litter in an exposed or unsanitary condition.		\$150	001
261.11 (c)	Placing in or near a stream, lake, or other water any substance which does or may pollute a stream, lake, or other water.		\$200	001
261.11 (d)	Failing to dispose of all garbage, including any paper, can, bottle, sewage, waste water, or material, or rubbish either by removal from the site or area, or by depositing it into receptacles or at places provided for such purposes.		\$150	001
261.11 (e)	Dumping of any refuse, debris, trash or litter brought as such from private property or from land occupied under permit, except, where a container, dump or similar facility has been provided and is identified as such, to receive trash generated from private lands or lands occupied under permit.		\$150	000
(42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981)				

NATIONAL FOREST SYSTEM ROADS AND TRAILS				
36 CFR	The following are prohibited:		(MT)	IRC
261.12 (a)	Violating the load, weight, height, length, or width limitations prescribed by State law except by special-use authorization or written agreement or by order issued under Sec. 261.54 of this Chapter.		\$100	000
261.12 (b)	Failing to have a vehicle weighed at a Forest Service weighing station, if required by a sign.		\$100	000
261.12 (c)	Damaging and leaving in a damaged condition any such road, trail, or segment thereof.		\$300	003
261.12 (d)	Blocking, restricting, or otherwise interfering with the use of a road, trail, or gate.		\$100	000
(42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984; 55 FR 25832, June 25, 1990)				

MOTOR VEHICLE USE				
36 CFR	Text		\$ MT	
261.13	After National Forest System roads, trails and areas on National Forest System lands have been designated pursuant to 36 CFR 212.51, and these designations have been identified on a motor vehicle use map, it is prohibited to possess or operate a motor vehicle on National Forest System lands in that administrative unit or Ranger District other than in accordance with those designations.		\$200	
(70 FR 68291, Nov.09, 2005)				

USE OF OVER-SNOW VEHICLES				
36 CFR	Text		\$ MT	
261.14	It is prohibited to possess or operate an over-snow vehicle on National Forest System lands in violation of a restriction or prohibition established pursuant to 36 CFR part 212, subpart C.		\$150	
(70 FR 68291, Nov.09, 2005)				

USE OF VEHICLES OFF ROADS				
36 CFR	It is prohibited to operate any vehicle off National Forest System, State or County roads:		(MT)	IRC
261.15 (a)	Without a valid license as required by State law.		\$50	045
261.15 (b)	Without an operable braking system.		\$50	045
261.15 (c)	From one-half hour after sunset to one-half hour before sunrise unless equipped with working head and tail lights.		\$50	045
261.15 (d)	In violation of any applicable noise emission standard established by any Federal or State agency.		\$50	045
261.15 (e)	While under the influence of alcohol or other drug.		\$300	045
261.15 (f)	Creating excessive or unusual smoke.		\$50	045
261.15 (g)	Carelessly, recklessly, or without regards for the safety of any person, or in a manner that endangers, or is likely to endanger, any person or property.		\$300	045
261.15 (h)	In a manner which damages or unreasonably disturbs the land, wildlife, or vegetative resources.		\$100	045
261.15 (i)	In violation of State law established for vehicles used off roads.		\$75	045
(42 FR 2957, Jan. 14, 1977, as amended at 42 FR 35959, July 13, 1977; 66 FR 3218, Jan. 12, 2001)				

DEVELOPED RECREATION SITES				
36 CFR	The following are prohibited:		(MT)	IRC
261.16 (a)	Occupying any portion of the site for other than recreation purposes.		\$75	037
261.16 (b)	Building, attending, maintaining, or using a fire outside of a fire ring provided by the Forest Service for such purpose or outside of a stove, grill, or fireplace.		\$75	037
261.16 (c)	Cleaning or washing any personal property, fish, animal, or food or bathing or washing at a hydrant or water faucet not provided for that purpose.		\$50	037
261.16 (d)	Discharging or igniting a firecracker, rocket, or other firework, or explosive.		\$200	037
261.16 (e)	Occupying between 10 p.m. and 6 a.m. a place designate for day use only.		\$75	037
261.16 (f)	Failing to remove all camping equipment or personal property when vacating the area or site.		\$200	037
261.16 (g)	Placing, or maintaining, or using camping equipment except in a place specifically designated or provided for such equipment.		\$50	037
261.16 (h)	Without permission, failing to have at least one person occupy a camping area during the first night after camping equipment has been set up.		\$75	037
261.16 (i)	Leaving camping equipment unattended for more than 24 hours without permission.		\$75	037
261.16 (j)	Bringing in or possessing an animal, other than a seeing eye dog, unless it is crated, caged, or upon a leash not longer that six feet, or otherwise under physical restrictive control.		\$50	037
261.16 (k)	Bringing in or possessing in a swimming area an animal, other than a seeing eye dog.		\$50	037
261.16 (l)	Bringing in or possessing a saddle, pack, or draft animal except as authorized by posted instructions.		\$50	037
261.16 (m)	Operating or parking a motor vehicle or trailer except in places developed or designated for this purpose.		\$25	037
261.16 (n)	Operating a bicycle, motorbike, or motorcycle on a trail unless designated for this use.		\$50	037
261.16 (o)	Operating a motorbike, motorcycle, or any other motor vehicle for any purpose other than entering or leaving the site.		\$75	037
261.16 (p)	Depositing any body waste except into receptacles provided for that purpose.		\$300	037

	(42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984; 60 FR 45295, Aug. 30, 1995)			
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ADMISSION, RECREATION USE AND SPECIAL RECREATION PERMIT FEES				
36 CFR	Text		(MT)	IRC
261.17	Failing to pay any fee established for admission or entrance to or use of a site, facility, equipment, or service furnished by the United States is prohibited. The maximum fine shall not exceed \$100.00.		\$25	000
	(Sec. 2, 78 Stat. 897, as amended; 16 U.S.C. 4601-6(e))[46 FR 33520, June 30, 1981]			

NATIONAL FOREST WILDERNESS				
36 CFR	The following are prohibited in a National Forest Wilderness:		(MT)	IRC
261.18 (a)	Possessing or using a motor vehicle, motorboat or motorized equipment except as authorized by Federal Law or regulation.		\$300	040
261.18 (b)	Possessing or using a hang glider or bicycle.		\$100	040
261.18 (c)	Landing of aircraft, or dropping or picking up of any material, supplies, or persons by means or aircraft including a helicopter.		\$500	040
	(42 FR 2957, Jan. 14, 1977, as amended at 42 FR 35959, July 13, 1977; 50 FR 16231, Apr. 25, 1985)			

NATIONAL FOREST PRIMITIVE AREAS				
36 CFR	The following are prohibited in any area classified as a National Forest Primitive Area on September 3, 1964:		(MT)	IRC
261.21 (a)	Landing of aircraft or using a motor boat, unless such use had become well established before September 3, 1964.		\$250	040
261.21 (b)	Possessing or using a motor or motorized equipment, except small battery powered, hand-held devices, such as cameras, shavers, flashlights, and Geiger-counters.		\$125	040
	(42 FR 35959, July 13, 1977)			

UNAUTHORIZED USE OF "SMOKEY BEAR" AND "WOODSY OWL" SYMBOL				
36 CFR	Text		(MT)	IRC
261.22 (a)	Manufacture, importation, reproduction, or use of "Smokey Bear" except as provided under 271.1, 271.3, or 271.4.		\$100	000
261.22 (b)	Manufacture, importation, reproduction, or use of "Woodsy Owl" except as provided under 272.2, 272.3, or 272.4.		\$100	000
	(42 FR 2957, Jan. 14, 1977; 42 FR 24739, May 16, 1977)			

WILD AND FREE-ROAMING HORSES AND BURROS				
36 CFR	The following are prohibited:		(MT)	IRC
261.23 (a)	Removing or attempting to remove a wild free-roaming horse or burro from the National Forest System unless authorized by law or regulation.		\$100	000
261.23 (b)	Causing or allowing the inhumane treatment or harassment of a free-roaming horse or burro.		\$500	000
261.23 (c)	Removing or attempting to remove, alter or destroy any official mark used to identify a wild horse or burro or its remains unless authorized or permitted by law or regulation.		\$100	000
261.23 (d)	Violating any terms or conditions specified in a care and maintenance agreement or permit.		\$50	000
	(46 FR 33520, June 30, 1981)			

36 CFR Sec. 261.50

SUBPART B

Sec. 261.50 Orders.

- (a) The Chief, each Regional Forester, each Experiment Station Director, the Administrator of the Lake Tahoe Basin Management Unit and each Forest Supervisor may issue orders which close or restrict the use of described areas within the area over which he has jurisdiction. An order may close an area to entry or may restrict the use of an area by applying any or all of the prohibitions authorized in this subpart or any portion thereof.
- (b) The Chief, each Regional Forester, each Experiment Station Director, the Administrator of the Lake Tahoe Basin Management Unit and each Forest Supervisor may issue orders which close or restrict the use of any National Forest System road or trail within the area over which he has jurisdiction.
- (c) Each order shall:
 - (1) For orders issued under paragraph (a) of this section, describe the area to which the order applies;
 - (2) For orders issued under paragraph (b) of this section, describe the road or trail to which the order applies;
 - (3) Specify the times during which the prohibitions apply if applied only during limited times;
 - (4) State each prohibition which is applied; and
 - (5) Be posted in accordance with Sec. 261.51.
- (d) The prohibitions which are applied by an order are supplemental to the general prohibitions in Subpart A.
- (e) An order may exempt any of the following persons from any of the prohibitions contained in the order:
 - (1) Persons with a permit specifically authorizing the otherwise prohibited act or omission.
 - (2) Owners or lessees of land in the area;
 - (3) Residents in the area;
 - (4) Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty; and
 - (5) Persons engaged in a business, trade, or occupation in the area.
 - (6) Any other person meeting exemption requirements specified in the order.
- (f) Any person wishing to use a National Forest System road or trail or a portion of the National Forest System, should contact the Forest Supervisor, Director, Administrator, or District Ranger to ascertain the special restrictions which may be applicable thereto.

(42 FR 2957, Jan. 14, 1977; 42 FR 24739, May 16, 1977, as amended at 42 FR 35959, July 13, 1977; 46 FR 33521, June 30, 1981; 66 FR 3218, Jan. 12, 2001)

36 CFR Sec. 261.51

Sec. 261.51 Posting.

Posting is accomplished by:

- (a) Placing a copy of the order imposing each prohibition in the offices of the Forest Supervisor and District Ranger, or equivalent officer who have jurisdiction over the lands affected by the order, and
- (b) Displaying each prohibition imposed by an order in such locations and manner as to reasonably bring the prohibition to the attention of the public.

FIRE				
36 CFR	When provided by an order, the following are prohibited:		\$ (MT)	IRC
261.52 (a)	Building, maintaining, attending, or using a fire, campfire, or stove fire.		\$300	000
261.52 (b)	Using an explosive.		\$300	000
261.52 (c)	Smoking.		\$150	000
261.52 (d)	Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material.		\$150	000
261.52 (e)	Going into or being upon an area.		\$300	000
261.52 (f)	Possessing, discharging, or using any kind of firework or other pyrotechnic device.		\$300	000
261.52 (g)	Entering an area without any firefighting tool prescribed by the order.		\$50	000
261.52 (h)	Operating an internal combustion engine.		\$100	000
261.52 (i)	Welding, or operating an acetylene or other torch with open flame.		\$150	000
261.52 (j)	Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained, and in effective working order meeting either: (1) Department of Agriculture, Forest Service Standard 5100-1a; or (2) Appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a).		\$100	000
261.52 (k)	Violating any state law specified in the order concerning burning, fires or which is for the purpose of preventing, or restricting the spread of fires.		\$100	000
	(42 FR 2957, Jan. 14, 1977; 42 FR 24739, May 16, 1977; as amended at 42 FR 35959, July 13, 1977; 46 FR 33521, June 30, 1981)			

SPECIAL CLOSURES				
36 CFR	When provided by an order, it is prohibited to go into or be upon any area which is closed for the protection of:		\$ (MT)	IRC
261.53 (a)	Threatened, endangered, rare, unique, or vanishing species of plants, animals, birds, or fish.		\$100	001, 021
261.53 (b)	Special biological communities.		\$100	001
261.53 (c)	Objects or areas of historical, archaeological, geological, or paleontological interest.		\$100	001
261.53 (d)	Scientific experiments or investigations.		\$100	001
261.53 (e)	Public health or safety.		\$100	000
261.53 (f)	Property.		\$100	000

NATIONAL FOREST SYSTEM ROADS				
36 CFR	When provided by an order, the following are prohibited:		\$ (MT)	IRC
261.54 (a)	Using any type of vehicle prohibited by the order.		\$200	000
261.54 (b)	Use by any type of traffic prohibited by the order.		\$100	000
261.54 (c)	Using a road for commercial hauling without a permit or written authorization.		\$200	000
261.54 (d)	Operating a vehicle in violation of the speed, load, weight, height, length, width, or other limitations specified by the order.		\$65	000
261.54 (e)	Being on the road.		\$50	000
261.54 (f)	Operating a vehicle carelessly, recklessly, or without regard for the rights or safety of other persons or in a manner or at a speed that would endanger or be likely to endanger any person or property.		\$300	000
(42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33521, June 30, 1981)				

FOREST DEVELOPMENT TRAILS				
36 CFR	When provided by an order issued in accordance with 261.50 of this subpart, the following are prohibited on a forest development trail:		\$ (MT)	IRC
261.55 (a)	Being on the trail.		\$50	000
261.55 (b)	Using any type of vehicle prohibited by the order.		\$150	000
261.55 (c)	Use by any type of traffic or mode of transport prohibited by the order.		\$50	000
261.55 (d)	Operating a vehicle in violation of the width, weight, height, length, or other limitations specified by the order.		\$50	000
261.55 (e)	Shortcutting a switchback.		\$50	000
(55 FR 25832, June 25, 1990)				

USE OF VEHICLES OFF NATIONAL FOREST SYSTEM ROADS				
36 CFR	Text		(MT)	IRC
261.56	When provided by an order, it is prohibited to possess or use a vehicle off National Forest System roads.		\$200	001
(42 FR 2957, Jan. 14, 1977, as amended at 66 FR 3218, Jan. 12, 2001)				

NATIONAL FOREST WILDERNESS				
36 CFR	When provided by an order, the following are prohibited:		\$ (MT)	IRC
261.57 (a)	Entering or being in the area.		\$100	040
261.57 (b)	Possessing camping or pack outfitting equipment, as specified in the order.		\$100	040
261.57 (c)	Possessing a firearm or firework.		\$100	040
261.57 (d)	Possessing any non-burnable food or beverage containers, including deposit bottles, except for non-burnable containers designed and intended for repeated use.		\$50	040
261.57 (e)	Grazing.		\$100	040
261.57 (f)	Storing equipment, personal property or supplies.		\$300	040
261.57 (g)	Disposing of debris, garbage, or other waste.		\$300	040
261.57 (h)	Possessing or using a bicycle, wagon, cart, or other vehicle.		\$200	040
(42 FR 2957, Jan. 14, 1977, as amended at 49 FR 25450, June 21, 1984)				

OCCUPANCY AND USE				
36 CFR	When provided by an order, the following are prohibited:		\$ (MT)	IRC
261.58 (a)	Camping for a period longer than allowed by the order.		\$75	000
261.58 (b)	Entering or using a developed recreation site or portion thereof.		\$50	037
261.58 (c)	Entering or remaining in a campground during night periods prescribed in the order except for persons who are occupying such campgrounds.		\$75	037
261.58 (d)	Occupying a developed recreation site with prohibited camping equipment prescribed by the order.		\$50	037
261.58 (e)	Camping.		\$75	000
261.58 (f)	Using a campsite or other area described in the order by more than the number of users allowed by the order.		\$75	000
261.58 (g)	Parking or leaving a vehicle in violation of posted instructions.		\$25	000
261.58 (h)	Parking or leaving a vehicle outside a parking space assigned to one's own camp unit.		\$25	037
261.58 (i)	Possessing, parking, or leaving more than two vehicles, except motorcycles or bicycles per camp unit.		\$35	037
261.58 (j)	Being publicly nude.		\$50	000
261.58 (k)	Entering or being in a body of water.		\$50	000
261.58 (l)	Being in the area after sundown or before sunrise.		\$50	000
261.58 (m)	Discharging a firearm, air rifle, or gas gun.		\$100	000
261.58 (n)	Possessing or operating a motorboat.		\$50	000
261.58 (o)	Water skiing.		\$50	000
261.58 (p)	Storing or leaving a boat or raft.		\$50	000
261.58 (q)	Operating any watercraft in excess of a posted speed limit.		\$100	000
261.58 (r)	Launching a boat except at a designated launching ramp.		\$50	000
261.58 (s)	Possessing, storing, or transporting any bird, fish, or other animal or parts thereof, as specified in the order.		\$50	021
261.58 (t)	Possessing storing, or transporting any part of a tree or other plant, as specified in the order.		\$100	035
261.58 (u)	Being in the area between 10 p.m. and 6 a.m. except a person who is camping or who is visiting a person camping in that area.		\$75	037
261.58 (v)	Hunting or fishing.		\$100	000

261.58 (w)	Possessing or transporting any motor or mechanical device capable of propelling a watercraft through water by any means.		\$50	000
261.58 (x)	Using any wheel, roller, or other mechanical device for the overland transportation of any watercraft.		\$50	000
261.58 (y)	Landing of aircraft, or dropping or picking up any material, supplies, or person by means of an aircraft, including a helicopter.		\$500	000
261.58 (z)	Entering or being on lands or waters within the boundaries of a component of the National Wild and Scenic Rivers System.		\$200	000
261.58 (aa)	Riding, hitching, tethering, or hobbling a horse or other saddle or pack animal in violation of posted instructions.		\$50	000
261.58 (bb)	Possessing a beverage which is defined as an alcoholic beverage by State law.		\$100	000
261.58 (cc)	Possessing or storing any food or refuse, as specified in the order.		\$200	021
261.58 (dd)	(Reserved)	-	-	001
261.58 (ee)	Depositing any body waste in caves except into receptacles provided for that purpose.		\$100	
	(42 FR 2597, Jan. 14, 1977, as amended at 42 FR 35959, July 13, 1977; 43 FR 32136, July 25, 1978; 46 FR 33521, June 30, 1981; 52 FR 19347, May 22, 1987; 59 FR 31152, June 17, 1994)			
NOTE:	In the presence of aggravated circumstances, ie. where the result of a person's actions exceeds the bond, when it can be shown that the person had been fully informed of the prohibition prior to the violation or when a serious threat exists to forest property, resources or personnel, an enhanced bond forfeiture of up to \$500 may be established on any violation of preceding Subpart A or B Prohibitions. Special Agent or Patrol Captain approval is required for enhancing bond on a Notice of Violation, form FS-5300-4. An analysis of the violation and circumstances, including recidivism, must be conducted prior to the issuance of any Notice of Violation with enhanced bond. Justification, including name of authorizing Officer or Agent must be included in the probable cause statement on such Notice of Violation, form FS-5300-4. Inappropriate demeanor by itself will not necessarily constitute aggravated circumstances. Mandatory Appearances: may only be required on offenses for which the bond is \$200 or more, and only with the approval of a Special Agent or Patrol Captain.			