

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

In Re: Forfeiture of Collateral
Department of the Army
U.S. Army Corps of Engineers

MOTION TO SUPERSEDE PREVIOUS STANDING ORDERS

The United States of America hereby requests that the Court supersede its previous standing order of February 10, 2022, to incorporate the Department of the Army, U.S. Army Corps of Engineers forfeiture of collateral fine schedule for violations of Title 36, Chapter III, CFR 327 (herein attached as Exhibit A).

No memorandum of law is necessary.

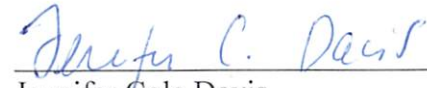
WHEREFORE, the United States requests that the motion be granted.

Respectfully submitted,

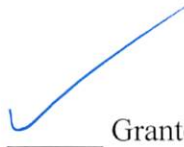
Jane E. Young
United States Attorney

~~December 18, 2023~~

By:



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Granted

Denied


United States Magistrate Judge

District

Jan 4, 2024

US Army Corps of Engineers
Title 36 Collateral Forfeiture Schedule

Section	Description of Violation	Cash Payment in Lieu of Appearance
327.1 Discriminatory Practices		
327.1(d)	Discriminating against any person because of sex, race, creed, color, age, nationality, or place of origin in the conduct of the operations under the lease, license, or concession contract	\$100.00
327.2 Vehicles		
327.2(b)	Parking a vehicle in violation of posted restrictions and regulations	\$50.00
	Parking a vehicle as to block traffic or impede emergency traffic	\$75.00
327.2(c)	Operating and/or parking a vehicle off authorized roadways except at locations and time designated by the District Commander	\$75.00
	Taking any vehicle through, around, or beyond a restricted sign, recognizable barricade, fence, or traffic control barrier	\$125.00
327.2(d)	Operating a vehicle in violation of posted restrictions and regulations	\$50.00
327.2(e)	Operating a vehicle in a careless, negligent, or reckless manner as to endanger property or environmental feature	\$100.00
	Operating a vehicle in a careless, negligent, or reckless manner as to endanger any person	Mandatory Appearance
327.2(f)	Using a vehicle in a designated recreation area for purposes other than entering or leaving the area or individual sites or facilities except as authorized	\$75.00

327.2(g)	Operating a vehicle without a proper muffler as defined by state and local laws	\$50.00
327.3 Vessels		
327.3(b)	Placing and/or operating any vessel or watercraft for a fee or profit upon project waters or lands except as authorized by permit, lease, license, or concession contract with the Department of the Army	\$200.00
327.3(c)	Operating a vessel or watercraft on project waters in prohibited or restricted areas	\$75.00
	Operating a vessel or watercraft on project waters in violation of posted regulations and restrictions, including buoys	\$75.00
	Operating a vessel or watercraft on project waters without display of appropriate registration on board	\$75.00
327.3(d)	Operating a vessel or watercraft in a careless, negligent, or reckless manner as to endanger any property or environmental feature	\$100.00
	Operating a vessel or watercraft in a careless, negligent, or reckless manner as to endanger any person	Mandatory Appearance
327.3(e)	Using or allowing the use of a vessel without safety equipment on board in compliance with the U.S. Coast Guard boating safety requirements and in compliance with boating safety laws and enforced by the state in which the vessel is located	\$75.00
327.3(f)	Using a vessel or other watercraft as place of habitation or residence	\$75.00
327.3(g)	Using water skis, parasails, ski-kites, and similar devices in restricted areas	\$75.00

	Using water skis, parasails, ski-kites, or similar devices in a careless, negligent, or reckless manner as to endanger any property or environmental feature	\$100.00
	Using water skis, parasails, ski-kites, or similar devices in a careless, negligent, or reckless manner as to endanger any person	Mandatory Appearance
327.3(h)	Failure to remove a vessel not in actual use from project lands and waters which is not securely moored or stored at designated areas approved by the District Commander	\$75.00
	Placing of floating or stationary mooring facilities on, adjacent to, or interfering with a buoy, channel marker, or other navigational aid	\$75.00
	Attaching or anchoring vessels to structures such as locks, dams, buoys, or other structures unless authorized by the District Commander	\$100.00
327.3(i)	Using, at a project, a vessel not constructed or maintained in compliance with the standards and requirements established by the National Safe Boating Act of 1971 or promulgated pursuant to such act	\$75.00
327.3(j)	Operating a vessel or watercraft without a proper and effective exhaust	\$75.00
327.4 Aircraft		
327.4(b)	Operating an aircraft on project lands at locations other than those designated by the District Commander	\$100.00
327.4(c)	Operating an aircraft while on or above project waters or project lands in a careless, negligent, or reckless manner as to endanger any project or environmental feature	\$100.00

	Operating an aircraft while on or above project waters or project lands in a careless, negligent, or reckless manner as to endanger any person	Mandatory Appearance
327.4(e)	Air delivering or retrieving, except in extreme emergencies threatening human life or serious property loss, any person, material, or equipment by parachute, balloon, helicopter, or other means onto or from project lands or waters without written permission of the District Commander	Mandatory Appearance
327.4(f2)	Operating a seaplane contrary to the prohibitions or restrictions established by the District Commander	\$200.00
327.4(f3)	Operating a seaplane on project waters contrary to U.S. Coast Guard navigation rules for powerboats or vessels	\$200.00
327.4(f4)	Mooring a seaplane in a prohibited area, or in excess of 24 hours on project waters or lands at a location not permitted by the District Commander	\$200.00
327.4(f4i)	Mooring a seaplane in an unsafe or insecure manner as to damage the rights of the Government or members of the public	\$200.00
327.4(f4ii)	Mooring of a sea plane on project lands or waters by an operator who fails to remain in the vicinity and be reasonably available to relocate the plane	\$200.00
327.4(f5)	Unauthorized commercial operation of a seaplane from project waters	\$200.00
327.4(f6)	Operating a seaplane at Corps projects between sunset and sunrise without approval from the District Commander	\$200.00

327.5 Swimming

327.5(a)	Swimming, wading, snorkeling, or scuba diving at launching sites, designated mooring points, public docks, or other areas designated as prohibited by the District Commander	\$75.00
327.5(b)	Failure to display an international diver down or inland diving flag during underwater activities	\$75.00
327.5(c)	Diving, jumping, or swinging from trees, bridges, or other structures which cross or are adjacent to project waters	\$75.00
327.7 Camping		
327.7(a)	Camping in an undesignated area	\$75.00
327.7(d)	Digging or leveling of any ground or the construction of any structure without written permission from the District Commander	\$75.00
327.8 Hunting, Fishing, and Trapping		
327.8(a)	Hunting in areas or during periods prohibited by the District Commander	\$100.00
327.8(b)	Trapping in areas or during periods prohibited by the District Commander	\$75.00
327.8(c)	Fishing in swimming areas, on boat ramps, or other areas designated by the District Commander is prohibited	\$75.00
327.8(d)	Violating additional restrictions pertaining to these activities established by the District Commander	\$75.00
327.9 Sanitation		
327.9(a)	Improper disposal of or failure to remove garbage, trash, rubbish, litter, gray water, or any other waste material or waste liquid, including human and animal wastes, generated on the project	\$100.00

327.9(b)	Bringing any household or commercial garbage, trash, rubbish, debris, dead animals, or litter of any kind onto project for disposal or dumping without written permission from the District Commander	\$150.00
327.9(c)	Spilling, pumping, discharge, or disposal of contaminants, pollutants, or other wastes on project lands or into project waters	\$200.00
327.9(d)	Failure to keep site free of trash and litter during the period of occupancy	\$100.00
327.9(e)	Discharging or placing sewage, galley waste, garbage, refuse, or pollutants from any vessel or watercraft into project waters	\$200.00
327.10 Fires		
327.10(a)	Carrying gasoline or any other fuels onto a project or storing some within a project in containers not designed for such purposes without written permission of District Commander	\$50.00
327.10(b)	Failure to confine a fire in a fireplace, grill, or other facility designated for this purpose	\$75.00
	Leaving fire unattended or failing to completely extinguish prior to departure	\$75.00
	Burning materials that produce toxic fumes including, but not limited to, tires, plastics, and other floatation materials or treated wood	\$100.00
327.10(c)	Improper disposal of lighted smoking materials, matches, or other burning materials	\$100.00
327.11 Control of Animals		
327.11(a)	Bringing or allowing dogs, cats, or other pets that are not on a leash under 6 feet in	\$75.00

length, penned, caged, or otherwise physically restrained, into developed recreation areas or adjacent waters

	Bringing or allowing an animal or pet, except properly trained animals assisting those with disabilities, in sanitary facilities, playgrounds, swimming beaches, or any other area designated by the District Commander	\$75.00
	Allowing an animal or animals to impede or restrict otherwise full and free use of project lands and waters by the public	\$75.00
	Abandonment of any animal on project lands or waters	\$75.00
327.11(b)	Failure to properly remove and dispose of any waste produced by an animal or pet brought or allowed into designated public use areas	\$75.00
327.11(c)	Bringing or allowing horses, cattle, or other livestock in camping, picnicking, swimming, or other recreation area or on trails, except in areas designated by the District Commander	\$75.00
327.11(d)	Ranging, grazing, watering, or allowing unauthorized livestock on project lands or waters	\$100.00
327.11(g)	Possessing or allowing wild or exotic pets and animals (including but not limited to cougars, lions, bears, bobcats, wolves, and snakes), or any pets or animals displaying vicious or aggressive behavior or otherwise posing a threat to public safety or deemed a public nuisance unless authorized by the District Commander	\$75.00

327.12 Restrictions

327.12(a)	Entering or using a project in a manner which is contrary to the schedule of visiting hours, closures, or restrictions	\$75.00
327.12(b)	Creating excessive noise in a public use area between the hours of 10pm and 6am, or those hours designated by the District Commander, so as to unreasonably disturb another person	\$75.00
327.12(c)	Engaging in any act or conduct which interferes with, impedes, or disrupts the use of the project	\$75.00
	Engaging in any act or conduct which impairs the safety of another person	Mandatory Appearance
327.12(d)	Operating or using any audio or other sound producing or motorized equipment, including but not limited to generators, vessels, or vehicles, in such a manner as to unreasonable annoy or endanger another person	\$75.00
327.12(e)	Possessing and/or consuming alcoholic beverages on any portion of the project land or waters, or the entire project, where designated and posted as prohibited by the District Commander	\$75.00
327.12(f)	Smoking in prohibited areas	\$50.00
327.13 Explosives, Fireworks, Weapons		
327.13(a)	Possessing a loaded firearm, ammunition, loaded projectile firing device, bow and arrows, crossbows, or other weapon except as authorized by the District Commander	\$100.00
327.13(b)	Possessing explosives or explosive devices of any kind, including fireworks or other pyrotechnics, without having obtained written permission from the District Commander	\$100.00

327.14 Public Property

327.14(a)	Destruction, injury, defacement, removal, or any alteration of public property, developed or natural, except when in accordance with written permission from the District Commander	\$200.00
327.14(b)	Cutting or the gathering of trees or parts of trees, and/or removal of wood from project lands without written permission from the District Commander	\$200.00
327.14(c)	Gathering of dead wood on the ground in violation of posted restrictions	\$50.00
327.14(d)	Using metal detectors in areas where prohibited by the District Commander	\$75.00

327.15 Abandonment and Impoundment of Personal Property

327.15(a)	Abandoning, storing, or leaving unattended, personal property on project lands or waters	\$125.00
327.15(b)	Placing personal property on Federal lands or waters adjacent to a private residence, facility, and/or developments of any private nature for more than 24 hours without permission from the District Commander	\$125.00

327.17 Advertisement

327.17(a)	Unauthorized advertising and distribution of printed matter on project lands and/or waters	\$75.00
327.17(c)	Vehicles and vessels with semipermanent or permanent painted or installed signs used for purposes other than recreational activities	\$75.00

327.18 Commercial Activities

327.18(a)	Engagement in or solicitation of business on project land or waters without the express written permission of the District Commander	\$200.00
327.18(b)	Refusing or failing to comply with any terms, clauses, or conditions of any lease, license, or agreements issued by the District Commander	\$200.00

327.19 Permits

327.19(a)	Refusing or failing to comply with the fee requirements or other terms or conditions of any permit issued under the provisions of this part of 327	\$100.00
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327.20 Unauthorized Structures

	Construction, placement, or existence of any structure (including roads, trails, signs, non-permitted hunting stands or blinds, buoys, docks, or landscape features) of any kind under, upon, in, or over project lands or waters without written authorization from the District Commander	\$200.00
	Violation of the terms of a permit, lease, license, or other written agreement via the design, construction, placement, existence, or use of any structure	\$200.00

327.21 Special Events

327.21(a)	Holding special events including, but not limited to, water carnivals, boat regattas, fishing tournaments, music festivals, dramatic presentations, or other recreation programs without written permission from the District Commander	\$200.00
327.21(b)	Charging of a fee to the public by a sponsor of a special event without written approval of proposed fee schedule from the District Commander	\$200.00

327.22 Unauthorized Occupation

327.22(a) Occupying any lands, buildings, vessels, or other facilities within water resource development projects as a full or part-time residence without written permission from the District Commander \$100.00

327.22(b) Unauthorized use of project lands and/or waters for agricultural purposes \$200.00

327.23 Recreation Use Fees

327.23(c) Failure to pay recreation use fees, and/or properly display applicable receipt, permit, or pass \$75.00

327.23(d) Unauthorized presentation or fraudulent use of a Golden Age/Access Passport to obtain a 50 percent discount from the established use \$100.00

327.24 Interference with Government Employee

327.24(a) Forcibly assaulting, resisting, opposing, impeding, intimidating, or interfering with any civilian official or employee of the U.S. Army Corps of Engineers engaged in, or on account of, the performance of his or her duties Mandatory Appearance

327.24(b) Failing to comply with a lawful order issued by a Federal employee acting pursuant to these regulations \$200.00