

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

IN THE MATTER OF)
)
COLLATERAL FORFEITURE SCHEDULES)

**ORDER REGARDING COLLATERAL FORFEITURE SCHEDULE FOR USE BY THE
UNITED STATES DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS**

THIS MATTER comes before the Court on application of the United States of America pursuant to Local Rule 58.1(h) of the Criminal Rules of the United States District Court for the District of Colorado for approval of a collateral forfeiture schedule for use by the United States Department of the Army, Corps of Engineers.

HAVING considered the application, and being fully advised in the premises, the Court makes the following FINDINGS:

A. The proposed collateral forfeiture schedule was prepared according to the collateral forfeiture framework set out in D.C.COLO.LCrR 58.1.

B. The proposed collateral forfeitures for standard offenses fall within the presumptive forfeiture ranges set out in the collateral forfeiture framework.

C. The proposed collateral forfeitures for aggravated offenses fall within the presumptive collateral forfeiture ranges for aggravated offenses set out in the collateral forfeiture framework.

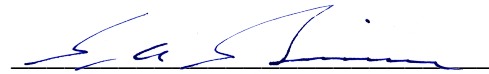
Therefore, pursuant to D.C.COLO.LCrR 58.1, the Court ORDERS as follows: A.

The Court approves the Collateral Forfeiture Schedule attached as Exhibit A to this Order for use by the United States Department of the Army, Corps of Engineers.

B. The approved Collateral Forfeiture Schedule shall be kept on file with the Clerk's office.

Dated at Denver, Colorado, this 2nd day of February, 2021.

BY THE COURT:



PHILIP A. BRIMMER
Chief United States District Judge

Exhibit A

Collateral Forfeiture Schedule, Department of the Army, U.S. Army Corps of Engineers

Citation for Offense	Description of Offense	Collateral Forfeiture
36 CFR 327.2	<u>VEHICLES</u>	
327.2 (b)	Parking a vehicle in violation of posted restrictions and regulations.	\$75
327.2(b)	Parking a vehicle in such a manner as to obstruct or impede the movement of normal traffic or the parking of other vehicles. Parking a vehicle in such a manner as to obstruct or impede the movement of emergency traffic or create a safety hazard.	\$100
327.2(b)	Parking a vehicle in such a manner as to endanger any person, project property or environmental feature.	\$125
327.2(c)	Prohibited off road vehicle use	\$125
327.2(c)	Taking any vehicle through, around, or beyond a restrictive sign, recognizable sign, and fence or traffic control barrier.	\$200
327.2(d)	Operating a vehicle in violation of posted restrictions and regulations.	\$100
327.2(e)	Operating a vehicle in a reckless manner.	MA ¹
327.2(e)	Operating a vehicle in a careless or negligent manner.	\$200 If personal injury results, MA
327.2(f)	Using a vehicle in a developed area for the purposes other than entering or leaving, except as authorized.	\$100
327.2(g)	Operating a motorized vehicle without a proper and effective exhaust muffler.	\$100
36 CFR 327.3	<u>VESSELS</u>	
327.3(b)	Placing or operating any vessel or watercraft for a fee or profit without authorization.	\$200
327.3 (c)	Operation of a vessel or other watercraft in violation of posted restrictions, regulations or applicable law or without display of appropriate registration.	\$200
327.3(d)	Operation of a vessel or other watercraft in a careless, negligent or reckless manner.	\$250 If personal injury results, MA
327.3(e)	Using or allowing the use of a vessel without required safety equipment.	\$100
327.3(f)	Unauthorized use of a vessel for overnight occupancy or residence.	\$125

¹ "MA" stands for Mandatory Appearance. No collateral forfeiture amount is authorized for any violation listed as MA.

Collateral Forfeiture Schedule, Department of the Army, U.S. Army Corps of Engineers

Citation for Offense	Description of Offense	Collateral Forfeiture
327.3(g)	Use of water skis, parasails, ski kites or similar devices in a restricted area or in a careless, negligent or reckless manner.	\$250 If personal injury results, MA
327.3(h)	Failure to remove a vessel not actually in use from the project which is not securely moored at mooring facilities approved by the District Commander. Placing floating or stationary mooring facilities on, adjacent to, or interfering with, a buoy, channel marker, or other navigational aid.	\$100
327.3(i)	Use of vessel not constructed or maintained in compliance with National Safe Boating Act or regulations promulgated pursuant to such Act.	\$100
327.3(j)	Unauthorized operation of a vessel or watercraft without proper and effective exhaust muffler.	\$100
36 CFR 327.4	AIRCRAFT	
327.4(b)	Operating an aircraft on project lands in locations other than those designated by the District Commander.	\$200
327.4(c)	Operating an aircraft while on or above project waters on project lands in a careless, negligent or reckless manner.	\$250 If personal injury results, MA
327.4(e)	Unauthorized air delivery or retrieval of any person, material or equipment.	\$250
327.4(f)	Operation of a seaplane on project waters contrary to established prohibitions or restrictions or to marine rules of the road for power boats or vessels.	\$150
327.4(f)	Unauthorized mooring of a seaplane.	\$150
327.4(f)	Unauthorized commercial operation of a seaplane from project waters.	\$200
327.4(f)	Unauthorized operation of a seaplane at a project between sunset and sunrise without adequate lighting and supervision.	\$200
36 CFR 327.5	SWIMMING	
327.5(a)	Swimming, diving, snorkeling or scuba diving at prohibited areas.	\$125
327.5(b)	Failure to display an international diver down or diving flag during underwater activities.	\$125
327.5(c)	Diving, jumping or swimming from trees, bridges, or other structures, which cross or are adjacent to project waters.	\$200

Collateral Forfeiture Schedule, Department of the Army, U.S. Army Corps of Engineers

Citation for Offense	Description of Offense	Collateral Forfeiture
36 CFR 327.6	PICNICKING	
327.6	Picnicking in a prohibited area.	\$100
36 CFR 327.7	CAMPING	
327.7(a)	Camping in an undesignated location.	\$100
327.7(b)	Camping in one or more campsites for a period longer than 14 days during any 30 consecutive day period without written permission.	\$100
327.7(c)	Placing camping equipment or other items on a campsite and/or personal appearance without daily occupancy at a campsite for the purpose of reserving that campsite for future occupancy.	\$100
327.7(d)	Digging or leveling of any ground or the construction of any structure without written permission of District Commander.	\$100
327.7(e)	Occupying or placement of any camping equipment at a campsite which is posted or otherwise marked or indicated as "reserved" without a reservation for that site.	\$100
36 CFR 327.8	HUNTING, FISHING, AND TRAPPING	
327.8(a)	Hunting in areas or during periods prohibited by the District Commander.	\$150
327.8(b)	Trapping in areas or during periods prohibited by the District Commander.	\$150
327.8(c)	Fishing in swimming areas, on boat ramps or other areas designated by the District Commander as prohibited.	\$150
327.8(d)	Violating additional restrictions pertaining to these activities established by the District Commander.	\$150
36 CFR 327.9	SANITATION	
327.9(a)	Improper disposal of or failure to remove garbage, trash, rubbish, debris, dead animals, or litter of any kind for disposal or dumping without having obtained written permission.	\$150
327.9(b)	Bringing any household, commercial garbage, trash, rubbish, debris, dead animal, or litter of any kind for disposal or dumping without having obtained written permission.	\$250

Collateral Forfeiture Schedule, Department of the Army, U.S. Army Corps of Engineers

Citation for Offense	Description of Offense	Collateral Forfeiture
327.9(c)	Spilling, pumping, disposing, or otherwise discharging contaminants, pollutants or other wastes on project lands or project waters.	\$250
327.9(d)	Failure to keep a campsite or picnic site free of trash and litter during the period of occupancy or failure to clean a campsite or picnic site and removal all personal equipment upon departure.	\$125
327.9(e)	Discharging or placing sewage, galley waste, garbage, refuse, or pollutant from any vessel or watercraft into project waters.	\$250
36 CFR 327.10	FIRES	
327.10(a)	Carrying gasoline or any other fuels onto project or storing same within a project in containers not designed for such purposes without written permission.	\$100
327.10(b)	Failure to confine a fire in a fireplace, grill, or other facility designated for this purpose. Unattended fires. Burning of materials that produce toxic fumes.	\$150
327.10(c)	Improper disposal of lighted smoking materials, matches or other burning material.	\$125
36 CFR 327.11	CONTROL OF ANIMALS	
327.11(a)	No person shall bring or allow dogs, cats or other pets into developed recreation areas or adjacent waters unless penned, caged, on a leash under six feet in length, or otherwise physically restrained. No person shall allow animals to and waters by the public. No person shall allow animals to bark or emit other noise which unreasonably disturbs other people. Animals and pets, except properly trained animals assisting those with disabilities (such as seeing-eye dogs), are prohibited in sanitary facilities, playgrounds, swimming beaches and any other areas so designated by the District Commander. Abandonment of any animal on project lands or waters is prohibited. Unclaimed or unattended animals are subject to immediate impoundment and removal in accordance with state and local laws	\$100

Collateral Forfeiture Schedule, Department of the Army, U.S. Army Corps of Engineers

Citation for Offense	Description of Offense	Collateral Forfeiture
327.11(b)	Failure to properly remove and dispose of, in sanitary facilities, any waste produced by an animal or pet brought or allowed into designated public use areas.	\$100
327.11(c)	Bringing or allowing horses, cattle, or livestock in camping, picnicking, swimming, or other recreation areas or on trails except in areas designated by the District Commander. Unauthorized livestock are subject to immediate impoundment.	Up to 10 head \$250 More than 10 head: MA
327.11(d)	Ranging, grazing, watering, or otherwise allowing unauthorized livestock on project lands or waters.	Up to 10 head: \$500 More than 10 head: MA
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.	\$150
36 CFR 327.12	<u>RESTRICTIONS</u>	
327.12(a)	Entering or using a project in a manner which is contrary to the schedule of visiting hours, closure or restrictions is prohibited.	\$100
327.12(b)	Excessive noise prohibited.	\$125
327.12(c)	Engaging in any act or manner of conduct which interferes with, impedes, or disrupts the use of a project. Engaging in any act or manner of conduct which impairs the safety of another person.	\$150
327.12(d)	The operation of noise producing devices in a manner to unreasonably annoy or endanger persons is prohibited.	\$150
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.	\$125
327.12(f)	Smoking in prohibited areas.	\$100

Collateral Forfeiture Schedule, Department of the Army, U.S. Army Corps of Engineers

Citation for Offense	Description of Offense	Collateral Forfeiture
36 CFR 327.13	EXPLOSIVES, FIREARMS, OTHER WEAPONS AND FIREWORKS	
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, statute or regulation.	\$200 If firearm or dangerous weapon: MA
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.	\$150 If destructive device or dangerous weapon: MA
36 CFR 327.14	PUBLIC PROPERTY	
327.14(a)	Destruction, injury, defacement, removal or any alteration of public property including, but not limited to, developed facilities, natural formations, mineral deposits, historical and archaeological features, paleontological resources, boundary monumentation or markers and vegetative growth, is prohibited except when in accordance with written permission of the District Commander.	Under \$250 of damages: \$300 Over \$250 of damages: MA
327.14(b)	Cutting or the gathering of trees or parts of trees and/or the removal of wood from project lands without written permission.	\$500 Clearing/major defacement: MA
327.14(c)	Gathering of dead wood on the ground in violation of posted restrictions.	\$100
327.14(d)	Using metal detectors in areas where prohibited by the District Commander and failure to properly dispose of found items.	\$100
36 CFR 327.15	ABANDONMENT AND IMPOUNDMENT OF PERSONAL PROPERTY	
327.15(a)	Personal property shall not be abandoned or stored on project lands and if left unattended more than 24 hours, or at anytime after a posted closure or for purpose of public safety or resource protection, shall be impounded.	\$150

Collateral Forfeiture Schedule, Department of the Army, U.S. Army Corps of Engineers

Citation for Offense	Description of Offense	Collateral Forfeiture
327.15(b)	Placing personal property on Federal lands or waters adjacent to a private residence and/or development of any private nature for more than 24 hours without permission.	\$150
36 CFR 327.16	LOST AND FOUND ARTICLES	
327.16	Lost and found articles shall be reported to the Park Manager or Ranger and if not claimed, disposed of under .15.	\$100.00
36 CFR 327.17	ADVERTISEMENT	
327.17(a)	Any advertisement without permission of the District commander except on vessels used for recreation is prohibited.	\$200.00
327.17(b)	Failure to comply with conditions set forth in the permit.	\$200.00
36 CFR 327.18	COMMERCIAL ACTIVITIES	
327.18(a)	Engaging in or solicitation of business without written agreement of the District Commander is prohibited.	\$200.00
327.18(b)	Refusal or failure to comply with any terms, clauses, or conditions of any lease, license or agreement issued under the provisions of this regulation.	\$250.00
36 CFR 327.19	PERMITS	
327.19(a)	It shall be a violation of these regulations to refuse to or fail to comply with the fee requirements or other terms or conditions of any permit issued under the provisions of this regulation.	\$200.00
327.19(e)	Shoreline Use Permits to authorize private shoreline use facilities, activities or development (issued under the authority of § 327.30) may be issued in accordance with the project Shoreline Management Plan. Failure to comply with the permit conditions issued under § 327.30 is prohibited.	\$150.00

Collateral Forfeiture Schedule, Department of the Army, U.S. Army Corps of Engineers

Citation for Offense	Description of Offense	Collateral Forfeiture
36 CFR 327.20	UNAUTHORIZED STRUCTURES	
327.20	<p>The construction, placement or existence of any unauthorized structure (including, but not limited to, roads, trails, signs, non-portable hunting stands or blinds, buoys, docks, or landscape features) of any kind under, upon, in or over the project lands, or waters is prohibited unless a permit, lease, license or other appropriate written authorization has been issued by the District Commander. The design, construction, placement, existence or use of structures in violation of the terms of the permit, lease, license, or other written authorization is prohibited. The government be liable for the loss of, or damage to, any private structures, whether authorized or not, placed on project lands or waters. Unauthorized structures are subject to summary removal or impoundment by the District Commander. Portable hunting stands, climbing devices, steps, or blinds, that are not nailed or screwed into trees and are removed at the end of a day's hunt may be used.</p>	\$250.00
36 CFR 327.21	SPECIAL EVENTS	
327.21(a)	Special events are prohibited unless written permission has been granted.	\$150.00
327.21(b)	Public shall not be charged any fee for a special event unless the District Commander has approved the schedule of fees.	\$150.00
36 CFR 327.22	UNAUTHORIZED OCCUPATION	
327.22(a)	Unauthorized occupation is prohibited.	\$200.00
327.22(b)	Unauthorized use of project lands and/or waters for agricultural purposes or failure to comply with the terms and conditions of the authorizing document.	\$200.00
36 CFR 327.23	RECREATION USE FEES	
327.23(b)	Failure to pay authorized recreation use fees.	\$100.00
327.23(c)	Failure to pay authorized day use fees, and/or properly display applicable receipt, permit or pass is prohibited.	\$100.00

Collateral Forfeiture Schedule, Department of the Army, U.S. Army Corps of Engineers

Citation for Offense	Description of Offense	Collateral Forfeiture
327.23(d)	Fraudulent use of a Golden Age or Golden Access Passport is prohibited.	\$125.00
36 CFR 327.24	INTERFERENCE WITH GOVERNMENT EMPLOYEES	
327.24(a)	Forcibly assaulting, resisting, opposing, impeding, intimidating, interfering with, or attempting to kill or kill 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 official duties. (Sections 111 and 1114 of Title 18 U.S.C.)	MA
327.24(b)	Failure to comply with a lawful order issued by a Federal employee acting pursuant to these regulations, including failure to provide a correct name, address, or other identification upon request of a Federal employee that is authorized to issue citations in the performance of his or her official duties.	\$250.00