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U.S. DISTRICT COURT
CEDAR RAPIDS HEARING OFFICE
NORTHERN DISTRICT OF IOWA

DEC 17 2003

By: _____ DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN THE MATTER OF THE ESTABLISHMENT OF PENALTIES FOR VIOLATION OF REGULATIONS PROMULGATED BY THE SECRETARY OF THE ARMY FOR THE PUBLIC USE OF WATER RESOURCE DEVELOPMENT PROJECTS UNDER THE JURISDICTION OF THE U. S. ARMY CORPS OF ENGINEERS	)	No. 03-AO-0016-P ORDER OF THE COURT

Now on the 15th day of Dec., 2003, the matter of the determination of a schedule of appropriate penalties for violation of regulations promulgated under Title 16 of the United States Code, by the Secretary of the Army to prescribe rules and regulations for the purpose of public use of water resource development projects under the U. S. Army Corps of Engineers' jurisdiction located in the Northern District of Iowa and the Court being fully advised in the premises, the Court hereby finds that for the effective, efficient and proper administration of justice in this district, the following schedule of penalties for violations of the above mentioned regulations committed within the Northern District of Iowa should be established and

IT IS THEREFORE ORDERED that the following penalties for violations of rules and regulations promulgated by the Secretary of the Army for the purpose of public use of water resource development projects under the U. S. Army Corps of Engineers' jurisdiction located in the Northern District of Iowa, as reflected in Exhibit A attached hereto and incorporated herein as though set forth in full, is hereby adopted, effective

~~03-AO-0015-P~~ (Renumbered : 03-AO-0016-P)

the date of this order.

IT IS FURTHER ORDERED that the Magistrate Judges may depart from the fine schedule established by this Order in their discretion based upon the circumstances of the case and the defendant's resources and ability to pay.

IT IS FURTHER ORDERED that anyone charged with violation of any of the above offenses may, within seven days after being so charged, dispose of the matter by sending the appropriate payment to the Clerk of the United States District Court for the Northern District of Iowa at Cedar Rapids, Iowa.

IT IS FURTHER ORDERED that if the fine or penalty is not paid by the person charged with an offense described above within seven days, the matter shall be set down for hearing before a United States Magistrate Judge for the Northern District of Iowa.

IT IS FURTHER ORDERED that the United States Magistrate Judges for the Northern District of Iowa, located at Cedar Rapids and Sioux City, are hereby specifically authorized to try persons accused of the offenses listed in Exhibit A, in accordance with Fed. R. Crim. P. 58.

IT IS FURTHER ORDERED that the Clerk of the United States District Court institute an appropriate collateral forfeiture procedure wherein persons may dispose of the offenses charged by mailing in a sum equivalent to the penalty established in the above Order.

Nothing contained in the above Order shall prevent an officer from requiring a

mandatory Court appearance by a person charged with any of the above violations when, in the judgment of the officer, the cash payment provided for the violation is inappropriate considering the circumstances surrounding the alleged violations.

Dated this 15th day of Dec., 2003.

Mark W. Bennett

Mark W. Bennett, Chief Judge
United States District Court
Northern District of Iowa

US Army Corps of Engineers
Title 36 Collateral Forfeiture Schedule

Section	Description of Violation	Cash Payment in Lieu of Appearance
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(b)	Parking a vehicle in violation of posted restrictions and regulations	$25.00
	Parking a vehicle as to block traffic	$50.00
	Parking a vehicle as to impede emergency traffic	$75.00
	Parking a vehicle as to create a safety hazard or endanger any person	$75.00
	Parking a vehicle as to endanger property or environmental feature	$50.00
	Parking a vehicle in handicapped parking space without proper tag or identification	$100.00
327.2(c)	Operating and/or parking a vehicle off authorized roadways except at locations and times designated by the District Commander	$100.00
	Taking any vehicle through, around or beyond a restricted sign, recognizable barricade, fence or traffic control barrier	$100.00
327.2(d)	Operating a vehicle in violation of posted restrictions and regulations	$50.00
	Less than 15mph over limit Each mph over 15	$25.00 $2.00

EXHIBIT A

Section	Description of Violation	Cash Payment in Lieu of Appearance
327.2(e)	Operating a vehicle in a careless, negligent, or reckless manner so as to endanger any person	$150.00
	Operating a vehicle in a careless, negligent, or reckless manner so as to endanger property or environmental feature	$100.00
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	$50.00
372.2(g)	Operating a vehicle without a proper and effective muffler as defined by state and local laws	$50.00
	Operating a vehicle with an exhaust muffler cutout open or any other manner which renders the exhaust muffler ineffective in muffling the sound of engine exhaust	$50.00
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	$100.00
327.3(c)	Operating a vessel or watercraft on project waters in prohibited or restricted areas	$50.00
	Operating a vessel or watercraft on project waters in violation of posted regulations and restrictions, including buoys	$50.00
	Operating a vessel or watercraft on project waters without display of appropriate registration on board	$50.00

Section	Description of Violation	Cash Payment in Lieu of Appearance
327.3(d)	Operating a vessel or watercraft in a careless, negligent or reckless manner so as to endanger any person, property or environmental feature	$125.00
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 while moored in commercial facilities, community or corporate docks, or at any fixed or permanent mooring point, for overnight occupancy when such use is not incidental to recreational boating	$50.00
	Using a vessel or other watercraft as place of habitation or residence	$100.00
327.3(g)	Using water skis, parasails, ski-kites and similar devices in restricted areas	$50.00
	Using water skis, parasails, ski-kites, or similar devices in a careless, negligent, or reckless manner so as to endanger any property, person or environmental feature	$150.00
327.3(h)	Failure to remove a vessel not in actual use from the project lands and waters which is not securely moored or stored at designated areas approved by the District Commander	$50.00
	Placing of floating or stationary mooring facilities on, adjacent to, or interfering with a buoy, channel marker or other navigational aid	$100.00

Section	Description of Violation	Cash Payment in Lieu of Appearance
	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	$50.00
327.3(j)	Operating a vessel or watercraft without a proper and effective exhaust muffler	$50.00
	Operating a vessel or watercraft with an exhaust muffler cutout open, or in any other manner which renders the muffler ineffective in muffling the sound of engine exhaust	$50.00
327.4(b)	Operating an aircraft on project lands at locations other than those designated by the District Engineer	$100.00
327.4(c)	Operating an aircraft while on or above project waters or project lands in a careless, negligent or reckless manner so as to endanger any person, property or environmental feature.	$200.00
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	$100.00
327.4(f1)	Operating aircraft other than seaplane	$100.00

Section	Description of Violation	Cash Payment in Lieu of Appearance
327.4(f2)	Operating seaplane contrary to the prohibitions or restrictions established by the District Commander	$100.00
327.4(f3)	Operating a seaplane on project waters contrary to U.S. Coast Guard navigation rules for powerboats or vessels	$50.00
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	$50.00
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	$50.00
327.4(f4ii)	Mooring of a seaplane on project lands or waters by an operator who fails to remain in the vicinity and be reasonably available to relocate the plane	$50.00
327.4(f5)	Unauthorized commercial operation of a seaplane from project waters	$100.00
327.4(f6)	Operating a seaplane at Corps projects between sunset and sunrise without approval from the District Commander	$100.00
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	$100.00
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	$50.00

Section	Description of Violation	Cash Payment in Lieu of Appearance
327.6	Picnicking or related day use activity in a prohibited area	$50.00
327.7(a)	Camping in an undesignated location	$50.00
327.7(b)	Camping at one or more campsites for a period longer than 14 days during any 30 consecutive day period without written permission from the District Commander	$50.00
327.7(c)	Placing camping equipment or other items on a campsite and/or personal appearance at a campsite without daily occupancy for the purpose of reserving that camp site for future occupancy	$50.00
327.7(d)	Digging or leveling of any ground or the construction or any structure without written permission of the District Commander	$50.00
327.7(e)	Occupying or placement of any camping equipment at a campsite which is posted or otherwise marked as "reserved" without an authorized reservation for that site	$50.00
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 as prohibited	$75.00
327.8(d)	Violating additional restrictions pertaining to these activities established by the District Commander	$75.00

Section	Description of Violation	Cash Payment in Lieu of Appearance
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.	$200.00
327.9(c)	Spilling, pumping, discharge or disposal of contaminants, pollutants, or other wastes on project lands or into projects waters	$150.00
327.9(d)	Failure to keep site free of trash and litter during the period of occupancy	$50.00
	Failure to clean site and remove all personal equipment upon departure	$50.00
327.9(e)	Discharging or placing sewage, galley waste, garbage, refuse, or pollutants from any vessel or watercraft into project waters	$150.00
327.10(a)	Carrying gasoline or any other fuels onto a project or storing same 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 to areas designated by the District Commander	$50.00
	Failure to confine a fire in a fireplace, grill, or other facility designated for this purpose	$50.00
	Leaving fire unattended or failing to completely extinguish prior to departure	$50.00

Section	Description of Violation	Cash Payment in Lieu of Appearance
	Burning materials that produce toxic fumes including, but not limited to, tires, plastics and other floatation materials or treated wood	$50.00
327.10(c)	Improper disposal of lighted smoking materials, matches or other burning material	$50.00
327.11(a)	Bringing or allowing dogs, cats or other pets that are not on a leash under 6 feet in length, penned, caged, or otherwise physically restrained, into developed recreation areas or adjacent waters	$50.00
	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	$50.00
	Allowing an animal or animals to impede or restrict otherwise full and free use of project lands and waters by the public	$75.00
	Allowing an animal to bark or emit other noise that unreasonably disturbs other people	$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	$50.00
327.11(c)	Bringing or allowing horses, cattle or other livestock in camping, picnicking, swimming or other recreation areas or on trails, except in areas designated by the District Commander	$75.00/head

Section	Description of Violation	Cash Payment in Lieu of Appearance
327.11(d)	Ranging, grazing, watering or allowing unauthorized livestock on project lands or waters	$75.00 $10/add'l head
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(a)	Entering or using a project in a manner which is contrary to the schedule of visiting hours, closures or restrictions	$50.00
327.12(b)	Creating excessive noise in a public use area between the hours of 10 p.m. and 6 a.m. 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	$100.00
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 unreasonably annoy or endanger another person	$75.00
	Exceeding state or local laws governing noise levels from motorized equipment	$75.00

Section	Description of Violation	Cash Payment in Lieu of Appearance
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	$50.00
327.12(f)	Smoking in prohibited areas	$35.00
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	$50.00
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 the removal of wood from project lands without written permission from the District Commander	$150.00
327.14(c)	Gathering of dead wood on the ground in violation of posted restrictions	$25.00
327.14(d)	Using metal detectors in areas where prohibited by the District Commander	$50.00
327.15(a)	Abandoning, storing or leaving unattended, personal property on project lands or waters	$50.00

Section	Description of Violation	Cash Payment in Lieu of Appearance
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 or the District Commander	$50.00
327.16	Failure to deposit a found article	$35.00
327.17	Unauthorized advertising on project lands and/or waters by any means	$75.00
327.18(a)	Engagement in or solicitation of business on project land or waters without the express written permission of the District Commander	$100.00
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	$100.00
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
327.20	Construction, placement or existence of any structure (including roads, trails, signs, non-portable 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	$150.00
	Violation of the terms of a permit, lease, license or other written agreement via the design, construction, placement, existence or use of any structure	$100.00

Section	Description of Violation	Cash Payment in Lieu of Appearance
327.21(a)	Holding special events including, but not limited to, water carnivals, boat regattas, fishing tournaments, music festivals, dramatic presentations or other special recreation programs without written permission from the District Commander	$150.00
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	$100.00
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)	Incompliant use of project lands and/or waters for agricultural purposes	$100.00
327.23(c)	Failure to pay recreation use fees, and/or properly display applicable receipt, permit or pass	$50.00
327.23(d)	Unauthorized presentation or fraudulent use of a Golden Age or Golden Access Passport to obtain a 50 percent discount from the established use	$50.00
327.24(a)	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 official duties	$250.00
	Forcibly assaulting, attempting to kill or killing 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	Mandatory appearance

Section	Description of Violation	Cash Payment in Lieu of Appearance
327.24(b)	Failing to comply with a lawful order issued by a Federal employee acting pursuant to these regulations	$100.00
	Failing to provide a correct name, address or other information deemed necessary for identification upon request of Federal employee that is authorized to issue citations in the performance of his or her official duties	$100.00