

**Forest Service Manual
National Headquarters - Washington Office
Washington, DC**

**Forest Service Manual 5300 – Law Enforcement
Chapter 5330 – Law Violations**

Amendment: 5300-2008-4

Effective date: February 13, 2008

Duration: This amendment is effective until superseded or removed.

Approved by: Abigail Kimbell, Chief

Date approved: February 04, 2008

Responsible Staff:

Last Change: 5300-2008-3 to FSM 5310

Superseded Document(s): 5330, Amendment 5300-90-1, June 01, 1990

Posting Instructions: Amendments are numbered consecutively by title and calendar year. Post by document; remove the entire document and replace it with this amendment. Retain this transmittal as the first page(s) of this document. The last amendment to this title was 5300-2008-3 to FSM 5310.

Digest: Following is an explanation of the changes throughout the directive by section.

5330: Throughout the chapter, makes minor technical and editorial changes and adds clarifying language.

5330.1: Adds additional references to authority.

5330.11: Adds additional references under United States Code, Title 16, Conservation.

5330.12: Adds additional references under United States Code, Title 18, Crimes and Criminal Procedure.

5330.13: Removes direction and caption “Title 36, Code of Federal Regulations, Part 261” and replaces with caption and direction for “United States Code, Title 21, Controlled Substance Act.”

Forest Service Manual 5300 – Law Enforcement

Chapter 5330 – Law Violations

Amendment: 5300-2008-4

Effective date: February 13, 2008

5330.14: Establishes new code, caption, and direction for “Title 36, Code of Federal Regulations, Part 242, Subsistence Management Regulations for Public Lands in Alaska.”

5330.15: Establishes new code, caption, and direction for “Title 36, Code of Federal Regulations, Part 261, Prohibitions” and recodes to this section direction previously set out in 5330.13.

5330.16: Establishes new code, caption, and direction for “Title 36, Code of Federal Regulations, Part 262, Law Enforcement Support Activities.”

5331.01a: Adds additional references to Federal fire laws.

5331.01b: Removes cross-reference to FSM 6573.32.

5331.03: Revises direction for determining fire investigation cause and origin; notification of law enforcement; and investigation of human caused fires. Adds cross-reference to FSH 5309.11, chapter 20.

5331.1: Adds cross-reference to FSH 5109.18 and regional law enforcement plans.

5331.2: Removes direction and caption “Damage Appraisal Standards” and replaces with caption and direction for “Fire Trespass Claims.”

5331.3: Removes code, caption, and direction regarding reports.

5332.2: Clarifies and revises direction for the documentation, reporting, and investigation of unauthorized cutting or removal of timber and other forest products.

5332.4: Clarifies and provides direction for determining timber values and damages associated with timber violations.

5332.5: Removes code, caption, and direction on “Violation Report” and recodes to this section caption and direction previously set out in 5332.6.

5333.03: Adds additional reference to FSH 5309.11, section 23.1 and FSM 2230.5.

5334.01a: Adds reference to authorities under Title 36, CFR, Part 242, Subsistence Management Regulations for Public Lands in Alaska.

5334.01b: Clarifies authority to enforce State fish and game laws and adds the delegated authority of special agents in charge to enter into memorandums of understanding with State fish and game agencies for purposes of enforcement. Adds authority under 18 U.S.C. 13, Assimilated Crimes Act.

5334.01c: Establishes new code, caption and recodes to this section direction previously set out in 5334.2. Recodes authority of forest officers to be appointed Federal game wardens by the U.S. Department of the Interior Fish and Wildlife Service as well as authority to perform such functions under 16 U.S.C. 3111-3126, Title VIII of the Alaska National Interest Lands Conservation Act.

5334.2: Removes code, caption, and direction and recodes direction to 5334.01c.

5335.01: Adds cross-reference to FSH 5309.11 for addressing illegal occupancy.

5335.1: Clarifies procedures for addressing occupancy issues under claim of title.

5335.3: Adds direction on the need for law enforcement personnel to be involved in the impoundment of personal property.

5336.01: Adds references to Federal laws that apply to Federal property.

5336.1: Clarifies procedures for documenting and reporting Federal property crimes.

5337.01: Adds references to Federal laws that apply to recreation, wilderness, and primitive areas.

5338.01a: Adds cross-references to FSM 7730 and Title 36 of the Code of Federal Regulations. Changes “Forest Development Road and Trail” to “National Forest System Road and Trail” and removes reference to obsolete 36 CFR part 295.

5338.01b: Establishes new code, caption, and direction for “State Traffic Laws.”

5339.01: Adds references to additional Federal laws that apply to assaults and threats against forest officers.

5339.01a: Removes code, caption, and direction and recodes direction to 5339.01.

5339.1: Establishes new code, caption and direction for reporting incidents of assaults and threats against forest officers.

5339.2: Establishes new code, caption, and direction on forest officer actions during assaults and threats.

Table of Contents

5330.1 - Authority.....	6
5330.11 - United States Code, Title 16 - Conservation	6
5330.12 - United States Code Title 18, Crimes and Criminal Procedures	7
5330.13 - United States Code Title 21, Controlled Substance Act.....	9
5330.14 - Title 36, Code of Federal Regulations, Part 242 – Subsistence Management Regulations for Public Lands in Alaska	9
5330.15 - Title 36, Code of Federal Regulations, Part 261 - Prohibitions	9
5330.16 - Title 36, Code of Federal Regulations, Part 262 - Law Enforcement Support Activities.....	10
5331 - Fire Violations.....	10
5331.01 - Authority	10
5331.01a - Federal Fire Laws.....	10
5331.01b - Rewards in Connection With Fire Prosecutions	10
5331.03 - Policy.....	10
5331.1 - Prevention of Fire Violations	10
5331.2 - Fire Trespass Claims.....	11
5332 - Timber Violations.....	11
5332.01 - Authority	11
5332.1 - Investigation of Unauthorized Cutting or Removal of Timber or Other Forest Product Violations.....	11
5332.2 - Timber Cutting on Unpatented Mining Claims.....	11
5332.3 - Determination of Timber Damages	11
5332.4 - Civil, Administrative, or Contractual Settlement	11
5333 - Livestock Violations	12
5333.01 - Authority	12
5333.03 - Policy.....	12
5334 - Wildlife Violations.....	12
5334.01 - Authority	12
5334.01a - Federal Wildlife Laws and Regulations	12
5334.01b - Authority to Enforce State Fish and Wildlife Laws	13
5334.01c – Authority Under Federal Game Warden Appointments	13
5335 - Occupancy and Use	13
5335.01 - Authorities.....	13
5335.1 - Occupancy Under Claim of Title	13
5335.2 - Occupancy Under Claim of Mining Claim.....	14
5335.3 - Impoundment of Personal Property.....	14
5335.31 - Removal of Obstructions.....	14
5336 - Property Violations	14
5336.01 - Authority	14
5336.1 - Special Referral Requirements.....	15
5337 - Recreation, Wilderness, and Primitive Area Violations.....	15
5337.01 - Authority	15

5338 - Road and Trail Violations.....	15
5338.01 - Authority	15
5338.01a - Federal Laws and Regulations Applicable to National Forest System Roads and Trails	15
5338.01b - State Traffic Laws	16
5339 - Assaults and Threats Against Forest Officers.....	16
5339.01 - Authority	16
5339.1 - Reporting of Assaults and Threats Against Forest Officers	16
5339.2 – Forest Officer Actions During Assaults and Threats.....	17

This chapter lists Federal laws that apply to specific Forest Service activities and areas of interest.

5330.1 - Authority

Titles 16, 18, and 21 of the United States Code (U.S.C.); Title 36, Code of Federal Regulations (CFR), Sections 242, 261, and 262; and State and local laws and ordinances apply to National Forest System (NFS) lands.

United States Code references may be obtained at <http://www.gpoaccess.gov/uscode/index.html>, and CFR references may be obtained at <http://www.gpoaccess.gov/cfr/retrieve.html>.

5330.11 - United States Code, Title 16 - Conservation

Listed below are selected portions of Title 16 U.S.C., which apply generally to all functional activity areas. Additional authorities are listed in each section.

1. Title 16 U.S.C. 433. American Antiquities.
2. Title 16 U.S.C. 470. Archeological Resources Protection.
3. Title 16 U.S.C. 480. Act of March 1, 1911, (provides that both State and local civil and criminal jurisdiction over persons within the NFS shall not be affected or changed by reason of their existence, except for the punishment of offenses against the United States).
4. 16 U.S.C. 515. Act of March 1, 1911, and subsequent amendments (provides authority for acquisition and exchange of lands for purposes of the establishment of national forests, and that the legislature of each State must consent to purchase of acquisition of lands for the establishment of national forests and may grant legislative jurisdiction to the Federal government (FSM 5453.05)).
5. Title 16 U.S.C. 551. Protection of national forests; rules and regulations.
6. Title 16 U.S.C. 551a. Cooperation by Secretary of Agriculture with States and political subdivisions in law enforcement.
7. Title 16 U.S.C. 553. Duties of officials of Forest Service; stock laws; protection of fish and game.
8. Title 16 U.S.C. 559. Arrests by employees of Forest service for violations of laws and regulations.
9. Title 16 U.S.C. 559b. Prevention of manufacture, etc. of marijuana and other controlled substances.
10. Title 16 U.S.C. 559c. Powers of officers and employees of Forest Service.

11. Title 16 U.S.C. 559d. Cooperation with other Federal, State, and local law enforcement agencies.
12. Title 16 U.S.C. 559g. Designation authority of Secretary of Agriculture.
13. Title 16 U.S.C. 1338. Wild Horse and Burro Act.
14. Title 16 U.S.C. 3372. Lacey Act.

5330.12 - United States Code Title 18, Crimes and Criminal Procedures

All laws in Title 18 U.S.C., except as specifically restricted, are enforceable by the Forest Service. Listed below are selected portions of 18 U.S.C., which apply generally to all functional activity areas and are commonly used by the Forest Service. Additional authorities are listed in each chapter.

1. Title 18 U.S.C. 2. Principals.
2. Title 18 U.S.C. 3. Accessory After the Fact.
3. Title 18 U.S.C. 4. Misprision of Felony.
4. Title 18 U.S.C. 7. Special Maritime and Territorial Jurisdiction (establishes that NFS lands acquired with exclusive and concurrent jurisdiction are within the special maritime and territorial jurisdiction of the United States. The provisions of Federal criminal law that allow prosecution of certain acts only when committed within the special maritime and territorial jurisdiction of the United States include 18 U.S.C., Sections 81 (arson), 113 (assaults), 114 (maiming), 661 (theft), 662 (receiving stolen property), 1111 (murder), 1112 (manslaughter), 1113 (attempt to commit murder or manslaughter), 1201 (kidnapping), 2111 (robbery), 1855 (timber arson), and 1363 (destruction of Government property)).
5. Title 18 U.S.C. 13. Assimilated Crimes Act (ACA) (provides for the adoption of State laws on lands under concurrent jurisdiction. Where the United States has acquired legislative jurisdiction over the site of a crime but has not specifically prohibited the criminal conduct, Federal law provides for the “assimilation” of certain relevant aspects of State criminal law. Under the ACA, any person who engages in conduct on lands covered by 18 U.S.C. 7 that would be punishable under State law if done within the State in which the lands are situated “shall be guilty of a like offense and subject to a like punishment.” Thus, where the Federal government has acquired exclusive or concurrent legislative jurisdiction over NFS lands, the definition of “special maritime and territorial jurisdiction” applies to allow Federal prosecution of certain Federal criminal laws, including those listed above, and State criminal laws assimilated under the ACA).
6. Title 18 U.S.C. 47. Use of Aircraft or Motor Vehicles to Hunt Certain Wild Horses or Burros; Pollution of Water Holes.

Forest Service Manual 5300 – Law Enforcement

Chapter 5330 – Law Violations

Amendment: 5300-2008-4

Effective date: February 13, 2008

7. Title 18 U.S.C. 111. Assaulting, Resisting, or Impeding Certain Officers or Employees.
8. Title 18 U.S.C. 115. Influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member.
9. Title 18 U.S.C. 201. Bribery of public officials and witnesses.
10. Title 18 U.S.C. 371. Conspiracy to Commit Offense or to Defraud U.S.
11. Title 18 U.S.C. 372. Conspiracy to Impede or Injure Officer.
12. Title 18 U.S.C. 641. Public Money, Property, or Records.
13. Title 18 U.S.C. 701. Official Badges, Identification Cards, Other Insignia.
14. Title 18 U.S.C. 711 and 711a. Woodsy Owl/Smokey Bear Act.
15. Title 18 U.S.C. 844. Arson, Explosives, and Penalties.
16. Title 18 U.S.C. 912. Officer or Employee of the U.S. (False Personation).
17. Title 18 U.S.C. 1001. Statements or Entries Generally (Fraud).
18. Title 18 U.S.C. 1361. Government Property or Contracts.
19. Title 18 U.S.C. 1362. Communications Lines, Stations, or Systems.
20. Title 18 U.S.C. 1621. Perjury Generally.
21. Title 18 U.S.C. 1851. Coal Depredations.
22. Title 18 U.S.C. 1852. Timber Removed or Transported.
23. Title 18 U.S.C. 1853. Trees Cut or Injured.
24. Title 18 U.S.C. 1854. Trees Boxed for Pitch or Turpentine.
25. Title 18 U.S.C. 1855. Timber Set Afire.
26. Title 18 U.S.C. 1856. Fires Left Unattended and Unextinguished.
27. Title 18 U.S.C. 1857. Fences Destroyed; Livestock Entering.
28. Title 18 U.S.C. 1858. Survey Marks Destroyed or Removed.
29. Title 18 U.S.C. 1859. Surveys Interrupted.
30. Title 18 U.S.C. 1863. Trespass on National Forest Lands.

31. Title 18 U.S.C. 1864. Hazardous or injurious devices on Federal lands.
32. Title 18 U.S.C. 2112. Personal Property of United States.
33. Title 18 U.S.C. 2232. Destruction or removal of property to prevent seizure.

5330.13 - United States Code Title 21, Controlled Substance Act

This is the primary Federal statute concerning the criminal use of controlled substances. The National Forest System Drug Control Act of 1986 (16 U.S.C. 559b-g, as amended) provides the congressional authority for Forest Service law enforcement personnel to enforce this statute.

5330.14 - Title 36, Code of Federal Regulations, Part 242 – Subsistence Management Regulations for Public Lands in Alaska

These regulations govern the management of subsistence use of National Forest System lands in Alaska.

1. Subpart A, Section 242.1, General Provisions, provides for the implementation of the Federal Subsistence Management program on public lands in Alaska.
2. Subpart B, Section 242.10, Program Structure, provides for the establishment of a Federal Subsistence Board and assigns it responsibility for administering the program.
3. Subpart C, Section 242.22, Board Determinations, designates areas and communities that qualify as “rural” with regards to eligibility to participate in the Federal Subsistence Management Program.
4. Subpart D Section 242.25, Taking of Fish and Wildlife, addresses the definitions, regulations, and prohibitions associated with the Federal Subsistence Management Program.

5330.15 - Title 36, Code of Federal Regulations, Part 261 - Prohibitions

1. Subpart A, Section 261.1 – 261.21, General Prohibitions, addresses those acts or omissions that affect, threaten, or endanger property, roads, and trails of the United States administered by the Forest Service, and persons using or engaged in the protection, improvement, or administration of the National Forest System.
2. Subpart B, Section 261.50, Orders, authorizes the Chief, regional foresters, station directors, Administrator of the Lake Tahoe Basin Management Unit, and each forest supervisor to issue orders which close or restrict the use of described areas over which they have jurisdiction.
3. Subpart C, Section 261.70, Issuance of Regulations, authorizes the Chief and each regional forester to whom the Chief has delegated the authority, to issue regulations prohibiting acts or omissions within their area of jurisdiction.

5330.16 - Title 36, Code of Federal Regulations, Part 262 - Law Enforcement Support Activities

1. Subpart A, Section 262.1 – 262.5, provides authority for payment for rewards and information.
2. Subpart B, Section 262.10 – 262.13, provides authority governing impoundments and removals.

5331 - Fire Violations

5331.01 - Authority

5331.01a - Federal Fire Laws

The principal Federal law violations that apply to fire are:

1. Title 18 U.S.C. 1855. Timber Set Afire.
2. Title 18 U.S.C. 1856. Fires Left Unattended and Unextinguished.
3. Title 18 U.S.C. 844. Arson, Explosives, and Penalties associated with Unlawful Acts.
4. Title 36 CFR 261, Subpart A, Section 261.5. Fire.
5. Title 36 CFR 261, Subpart B, Section 261.52. Fire Orders.

5331.01b - Rewards in Connection With Fire Prosecutions

36 CFR 262.1a (1) and (2) provide rewards for information leading to the arrest and conviction of any person on a charge of setting a fire.

5331.03 - Policy

Trained cause and determination investigators should investigate all fires to determine origin and cause. Origin and cause information and determinations must be given to the law enforcement personnel responsible for the area. All human-caused fires must be immediately referred to law enforcement personnel to conduct or oversee the investigation to determine who or what is responsible for the fire. Follow procedures in FSH 5309.11, section 23.4.

5331.1 - Prevention of Fire Violations

Each unit shall coordinate its fire prevention plan (FSM 5100, FSH 5109.18) with the Regional Law Enforcement Plan (FSM 5310) to ensure a maximum effort is planned to reduce fire violations and establish an enforceable fire prevention program.

5331.2 - Fire Trespass Claims

Follow the claims procedures listed in FSM 6570 for fire trespass cases.

5332 - Timber Violations

5332.01 - Authority

The principal Federal law violations that apply to Federal timber are:

1. Title 18 U.S.C. 641. Public Money, Property, or Records.
2. Title 18 U.S.C. 1361. Government Property or Contracts.
3. Title 18 U.S.C. 1852. Timber Removed or Transported.
4. Title 18 U.S.C. 1853. Trees Cut or Injured.
5. Title 18 U.S.C. 1864. Hazardous or injurious devices on Federal lands.
6. Title 36 CFR 261.6. Timber and Other Forest Products.

5332.1 - Investigation of Unauthorized Cutting or Removal of Timber or Other Forest Product Violations

Unauthorized cutting or removal of timber or other forest products from National Forest System lands is a violation of law or regulation and the responsible party can be held criminally liable. Action is necessary to determine those responsible. Forest officers must document all unauthorized cutting or removal of timber and forest products and immediately report this information to Forest Service law enforcement personnel (FSH 2409.15, sec. 13.42c, FSM 5304.7, FSM 5305). For specific procedures refer to FSH 5309.11, chapter 20, section 23.3.

5332.2 - Timber Cutting on Unpatented Mining Claims

See FSM 2813.13 relative to claimants' rights to timber.

5332.3 - Determination of Timber Damages

Use a recognized, defensible method to calculate the estimated timber volume. The survey must be conducted by or under the supervision of a certified cruiser. Dispose of forest products seized in accordance with FSM 2466 and Title 36, CFR part 223, section 223.3, after approval of the U.S. attorney when necessary (FSM 6572 and FSH 5309.11, sec. 23.37f).

5332.4 - Civil, Administrative, or Contractual Settlement

Defer civil, administrative, or contractual settlement action until any criminal case is decided or the U.S. attorney gives approval for such action.

5333 - Livestock Violations

5333.01 - Authority

The principal Federal law violations that apply to livestock are:

1. Title 18 U.S.C. 1857. Fences Destroyed; Livestock Entering.
2. Title 18 U.S.C. 1001. Statements or Entries Generally.
3. Title 36 CFR 261.7. Livestock.
4. Title 36 CFR 262.10. Impoundment and Disposal of Unauthorized Livestock.

5333.03 - Policy

Prevent all unauthorized livestock use on National Forest System (NFS) lands and other lands under Forest Service control. Investigate and take appropriate action in suspected violations. However, since livestock can enter upon NFS lands without the knowledge of their owner, do not undertake criminal action upon initial discovery unless there is sufficient evidence to establish that the owner placed or allowed the livestock to be upon lands within the NFS. Follow procedures in FSH 5309.11, section 23.1 for procedures relative to livestock violations and FSM 2230.5 for additional descriptions of the terms "excess livestock" and "unauthorized livestock" considered in livestock use investigations.

5334 - Wildlife Violations

5334.01 - Authority

5334.01a - Federal Wildlife Laws and Regulations

The principal Federal law violations that apply to Federal wildlife are:

1. Title 16 U.S.C. 553. Duties of Officials of Forest Service; Stock Laws; Protection of Fish and Game.
2. Title 16 U.S.C. 1338. Wild Horses and Burros Protection Act.
3. Title 16 U.S.C. 3372. Lacey Act.
4. Title 18 U.S.C. 47. Wild Horse Protection.
5. Title 36 CFR 261.8. Fish and Wildlife.
6. Title 36, CFR part 242. Subsistence Management Regulations for Public Lands in Alaska.

5334.01b - Authority to Enforce State Fish and Wildlife Laws

Law enforcement personnel are authorized to enforce State fish and wildlife laws when properly designated and/or appointed under State law (36 CFR 241.1) in which they are working, through appropriate CFR prohibitions and authorities, or under the Assimilated Crimes Act (18 U.S.C. 13).

Federal law and regulations allow for direct Forest Service involvement in enforcing State fish and game laws on or affecting National Forest System lands or users. Wildlife law enforcement shall be coordinated closely with jurisdictional State agencies and with the U.S. Department of the Interior, Fish and Wildlife Service where appropriate.

Law enforcement personnel authorized as signatories in FSM 1580.41 may enter into a memorandum of understanding (MOU) to provide a clear description of the enforcement roles and responsibilities of the Forest Service and State fish and game agencies (FSM 1580.41b).

5334.01c – Authority Under Federal Game Warden Appointments

The U.S. Department of the Interior Fish and Wildlife Service may appoint forest officers as Federal game wardens through interagency agreement. Law enforcement personnel authorized as signatories in FSM 1580.41 may enter into a memorandum of understanding to provide a clear description of the enforcement roles and responsibilities of the Forest Service and State fish and game agencies (FSM 1580.41b).

Under 16 U.S.C. 3111-3126, Title VIII of the Alaska National Interest Lands Conservation Act, the Forest Service issues and enforces Federal fish and game regulations on public lands in Alaska for purposes of implementing the federal subsistence use program (FSM 2614, 36 CFR 242).

5335 - Occupancy and Use

5335.01 - Authorities

The principal Federal law violations that apply to occupancy and use are:

1. Title 18 U.S.C. 1863. Trespass on National Forest Lands.
2. Title 36 CFR 261.10. Occupancy and Use.

Procedures for addressing illegal occupancy can be found in FSH 5309.11, section 23.2.

5335.1 - Occupancy Under Claim of Title

Follow procedures in FSM 5450 and FSH 5309.11, section 23.22 where a person occupying National Forest System (NFS) lands alleges right or title to the land. Until such time as the legality of the occupancy can be determined, real and related personal property located on NFS land must not be destroyed or removed without a court authorization or written permission of the

owner. Such cases should also be coordinated with the U.S. Department of Agriculture, Office of the General Counsel.

5335.2 - Occupancy Under Claim of Mining Claim

See FSM 2818 for investigation and follow-up on questionable occupancy of National Forest System land where the occupant claims to be legally occupying a mining claim.

5335.3 - Impoundment of Personal Property

Follow the impoundment procedures authorized in 36 CFR 262.12 and FSH 5309.11. Because of the potential for confrontations involved with impounding personal property, law enforcement personnel should be present and involved in impoundment actions.

5335.31 - Removal of Obstructions

Forest officers may remove obstructions under authority provided in 36 CFR 262.13.

5336 - Property Violations

5336.01 - Authority

The principal Federal law violations that apply to Federal property are:

1. Title 18 U.S.C. 641. Public Money Property or Records.
2. Title 18 U.S.C. 701. Official Badges, Identification Cards, Other Insignia.
3. Title 18 U.S.C. 711 and 711a. Woodsy Owl/Smokey Bear Act.
4. Title 18 U.S.C. 1361. Government Property or Contracts.
5. Title 18 U.S.C. 1362. Communication Lines, Stations, or Systems.
6. Title 18 U.S.C. 1851. Coal Depredation.
7. Title 18 U.S.C. 1858. Survey Marks Destroyed or Removed.
8. Title 18 U.S.C. 2112. Personal Property of the United States.
9. Title 18 U.S.C. 3435. Receiver of Stolen Property Triable Before or After Principal.
10. Title 16, U.S.C. 433. Preservation of American Antiquities.
11. Title 16 U.S.C. 470. Archeological Resource Protection Act.
12. Title 36 CFR 261.9. Property.

13. Title 36 CFR 261.1. Rewards.

5336.1 - Special Referral Requirements

Report all property violations to law enforcement personnel for follow-up investigation. Damage or attempted damage that exceeds \$1,000 constitutes a felony, and therefore, meets case opening guidelines for assignment to a special agent. Follow requirements of FSM 6410 in reporting property loss. See FSH 5309.11, 23.5 for procedures specifically related to violations of Title 16 U.S.C. 470, Archeological Resource Protection Act.

5337 - Recreation, Wilderness, and Primitive Area Violations

5337.01 - Authority

The principal Federal law violations that apply to recreation, wilderness, and primitive areas include:

1. 18 U.S.C. 641. Public Money, Property, or Records.
2. 18 U.S.C. 1863. Trespass on National Forest Lands.
3. Title 36 CFR 261.10. Occupancy and Use.
4. Title 36 CFR 261.14. Developed Recreation Sites.
3. Title 36 CFR 261.15. Admission, Recreation, and Special Recreation Permit Fees.
4. Title 36 CFR 261.16. National Forest Wilderness.
5. Title 36 CFR 261.17. Boundary Water Canoe Area.
6. Title 36 CFR 261.18. Pacific Crest Trail.
7. Title 36 CFR 261.19. National Forest Primitive Areas.

5338 - Road and Trail Violations

5338.01 - Authority

5338.01a - Federal Laws and Regulations Applicable to National Forest System Roads and Trails

The principal Federal law violations that apply to National Forest System roads and trails are:

1. 18 U.S.C. 641. Public Money, Property, or Records.
2. Title 36 CFR 261.13. Forest Development Roads and Trails.

Refer to FSM 7730 and 36 CFR parts 212, 251, and 261 for specific information on travel management and the designation of roads, trails, and areas that are open to motor vehicle use.

5338.01b - State Traffic Laws

State traffic laws apply to roads and trails within the National Forest System, and are enforced by State and local authorities in most States. Law enforcement personnel may also enforce State traffic laws through:

1. State peace officer authority granted them via State statute,
2. Deputation or other special law enforcement commission of the State or county in which they are employed,
3. Authority under 18 U.S.C. 13, Assimilated Crimes Act, and/or
4. 36 CFR 261.54, Subpart B, Closure Orders.

Where the Forest Service has closed a road or trail or imposed restrictions, it is the responsibility of the Forest Service to enforce those closures or restrictions.

5339 - Assaults and Threats Against Forest Officers

5339.01 - Authority

The principal Federal law violations that apply to assaults and threats against forest officers are:

1. Title 18 U.S.C. 111. Assaulting, Resisting, or Impeding Certain Officers or Employees.
2. Title 18 U.S.C. 115. Influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member.
3. Title 18 U.S.C. 372. Conspiracy to Impede or Injure Officer.
4. Title 36 CFR, 261.3. Interfering with Forest Officers.
5. Title 36 CFR, 261.3(c). Interfering with a Volunteer or Hosted Enrollee.

5339.1 - Reporting of Assaults and Threats Against Forest Officers

Incidents involving assaults, threats, interference, or similar acts involving Forest Service employees must not be tolerated. All employees shall immediately report all such instances to their supervisor and to law enforcement and investigations personnel.

When the assault, threat, interference, or similar act is alleged to have occurred by a Forest Service employee against another Forest Service employee, immediate notification of affected

employees' supervisors and the employee relations specialist must also occur as immediate administrative action may also be necessary.

5339.2 – Forest Officer Actions During Assaults and Threats

Forest officers may take whatever defensive action is reasonable and necessary to protect themselves, or another, from an assault.