

ENDANGERED SPECIES ACT PENALTY SCHEDULE

16 U.S.C. §1531 *et seq.*

VIOLATION	VIOLATION HISTORY - PENALTY AMOUNT		
	FIRST	SECOND	THIRD
A. Taking			
Kill	\$3,500 - Statutory Maximum	\$7,500 - Statutory Maximum	\$13,000 - Statutory Maximum
Wound/Injure/Hunt/Capture	\$2,000 - Statutory Maximum	\$4,500 - Statutory Maximum	\$10,000 - Statutory Maximum
Taking via Significant Habitat Modification or Degradation	Penalties to fit the facts and circumstances of a particular case up to the statutory maximum.	Penalties to fit the facts and circumstances of a particular case up to the statutory maximum.	Penalties to fit the facts and circumstances of a particular case up to the statutory maximum
Harass	\$1,000 - \$10,500	\$2,000 - Statutory Maximum	\$7,500 - Statutory Maximum
Collect parts	\$500 - \$2,000	\$1,000 - \$5,500	\$2,000 - \$10,500
B. Transportation and Transactions			

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Import/Export	\$500 - \$4,000	\$2,000 - \$15,000	\$7,500 - Statutory Maximum
Possess, deliver, carry, transport, sell or ship illegally taken threatened or endangered species in interstate or foreign commerce	\$3,500 - Statutory Maximum	\$7,500 - Statutory Maximum	\$13,000 - Statutory Maximum
Deliver, receive, carry, transport, sell or ship threatened or endangered species in interstate or foreign commerce	\$500 - \$3,000	\$1,500 - \$10,500	\$5,500 - Statutory Maximum
C. Other Violations			
Trade in violation of CITES	\$500 - \$2,500	\$1,500 - \$10,500	\$5,500 - Statutory Maximum
Violate certificate of exemption regulations	\$500 - \$2,500	\$1,500 - \$10,500	\$5,500 - Statutory Maximum
Violate the conditions of a permit issued for research or propagation	\$100 - \$1,500	\$500- \$2,500 and/or permit revocation	\$2,000 - \$4,000 and/or permit revocation

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VIOLATION	VIOLATION HISTORY - PENALTY AMOUNT		
	FIRST	SECOND	THIRD
Violate distance restrictions – watchable wildlife			
Commercial	\$1000 - \$3,500	\$2,000 - \$6,500	\$3,500 - \$9,500
Non-Commercial	\$500 - \$1000	\$1000 - \$1,500	\$1,500 - \$3,000
Failure to maintain records as required by federal regulation or permit	\$1,500 - \$8,500	\$2,000 - \$13,000 and/or permit sanction	\$2,500 - Statutory Maximum and/or permit sanction
Failure to allow inspection of records as required by federal regulation or permit	\$1,500 - \$8,500	\$2,000 - \$13,000 and/or permit sanction	\$2,500 - Statutory Maximum and/or permit sanction
Fail to comply with the terms and conditions of an incidental take permit	Revocation and penalties to fit facts and circumstances of the particular case up to statutory maximum	Revocation and penalties to fit facts and circumstances of the particular case up to statutory maximum	Revocation and penalties to fit facts and circumstances of the particular case up to statutory maximum

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D. Southeast Region - Turtle Excluder Devices			
Failure to comply with all applicable regulations.	\$1,500 - \$8,500*	\$2,000 - Statutory Maximum*	\$3,000- Statutory Maximum*
Possess fish or wildlife in violation.	\$1,500 - \$8,500*	\$2,000 - Statutory Maximum*	\$2,500 - Statutory Maximum*
Failure to follow sea turtle handling and resuscitation requirements/possess a sea turtle contrary to such.	\$1,500 - \$8,500	\$2,000 - Statutory Maximum	\$2,500 - Statutory Maximum
Fail to comply with enforcement provisions.	\$1,500 - \$8,500	\$2,000 - Statutory Maximum	\$2,500 - Statutory Maximum
Refuse to allow a boarding, entry to an area of custody, inspection.	\$1,500 - \$8,500	\$2,000 - Statutory Maximum	\$2,500 - Statutory Maximum
Dump fish or other matter (including nets or other gear).	\$1,500 - \$8,500	\$2,000 - Statutory Maximum	\$2,500 - Statutory Maximum

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Interfere with an investigation, interfere with the apprehension of another, resist arrest, make a false statement.	\$1,500 - \$8,500	\$2,000 - Statutory Maximum	\$2,500 - Statutory Maximum
Attempt to do, solicit another to do, or cause to be done, any of the violations.	\$1,500 - \$8,500	\$2,000 - Statutory Maximum	\$2,500- Statutory Maximum
Sell, barter, trade or offer to sell, barter, or trade a non-approved TED.	\$1,500 - \$8,500	\$2,000 - Statutory Maximum	\$2,500 - Statutory Maximum
E. Steller Sea Lions -Alaska			
Approach designated rookery or haulout in buffer area or on land	\$2,500 - \$10,500	\$5,500 - \$21,500	\$10,500 - Statutory Maximum

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VIOLATION	VIOLATION HISTORY - PENALTY AMOUNT		
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Discharge firearm within 100 yards of sea lion			
- Commercial	\$1,500 - \$10,500	\$3,250 - \$16,500	\$9,500 - Statutory Maximum
- Non-commercial	\$1,000 - \$10,500	\$2,000 - \$16,500	\$7,500 - Statutory Maximum
Fish within designated rookery or haul-out buffer area	\$5,500 - \$10,500 plus forfeiture of catch or equivalent value	\$10,500 - \$21,500 plus forfeiture of catch or equivalent value	\$21,500 - Statutory Maximum plus forfeiture of catch or equivalent value
F. North Atlantic Right Whales			
Violations of speed restrictions by vessels greater than or equal to 65ft (19.8 m) in overall length	\$2,500 - \$5,500	\$5,000 - \$8,000	\$7,500 - Statutory Maximum

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Notes:

- Taking includes attempting to take, soliciting to take, or causing to take.
- This schedule covers the general ESA violations but does not cover particular regional categories, such as Alaska Native subsistence and particular threatened species violations.
- This schedule may be useful by analogy for violations not included.
- This civil penalty schedule does not address forfeiture of all marine mammal items involved in an ESA violation, except as otherwise provided.