

## ESA Overview Module 7 – Section 11, Penalties and Enforcement

Conclusions (slides 20 - 21)

### Conclusion

Now that you've completed the module and exercises, you should know the maximum civil or criminal penalties assessed under Section 11 of the Endangered Species Act. You should also know the options Federal agencies have when Federal lease and permit holders are convicted of criminal violations of the Act.

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Review (slides 22 - 26)

### Review

Now let's do a quick review: In civil violations, the maximum penalty of a knowing Section 9 violation is \$25,000 per violation. Knowing violations of recordkeeping requirements are \$12,000 apiece. Non-knowing, non-Section 9 violations rate \$500 fines, and no penalty is assessed for self-defense. No jail time is imposed, but the violator is entitled to a Solicitor's hearing.

In criminal violations, such as trafficking, the penalty is a \$100,000 fine and up to one year in jail for each violation. Violations not resulting in taking may net \$25,000 fines and/or six months in jail. Violations are heard in U.S. District Court. Convictions can result in forfeiture of vehicles, computers, and cameras and other equipment that were used in the violations. Immediate loss of Federal hunting and fishing privileges and cancellation or suspension of agreements, permits, and Federal grazing leases also may result.

Most Federal agencies have some ability to enforce the Act. Cargo inspections of imported or exported goods are where many violators of the Act are caught. Rewards and incidental expenses may be paid. Actual rehabilitation or clean-up expenses may come from the violator, whether the penalty is civil or criminal. Citizens can bring suits against the government for not enforcing the Act.

This wraps up Section 11 of the Endangered Species Act – penalties and enforcement. When you have questions about violations of the Act ... when an investigation might be needed ... or when a potentially dangerous situation arises ... provide your agency's law enforcement agents with as much information as you can. We're ready to work with you for the protection of threatened and endangered species.

Our final module – "Minor Provisions of the Endangered Species Act" – is next.