Occupancy and Use Order # 01-14-11-00-02

United States Department of Agriculture
Forest Service
Custer Gallatin National Forest
Beartooth, Bozeman, Gardiner, Hebgen Lake, and Yellowstone Ranger Districts

OCCUPANCY AND USE RESTRICTIONS

Pursuant to Title 36 Code of Federal Regulations (CFR), 261.50 (a) and (b), the following acts are prohibited on the Beartooth, Bozeman, Gardiner, Hebgen Lake, and Yellowstone Ranger Districts of the Custer Gallatin National Forest. Definitions of terms used in support of the restrictions are also included as (Attachment A). The area affected is depicted on the attached map. (Attachment B) This Order is effective **March 1 through December 1,** annually, until rescinded.

1. Possessing or storing any food, refuse or other attractant, as specified in the Order (36 CFR 261.58 (cc).
2. Possessing, storing, or transporting any bird, fish, or other animal, or parts thereof, as specified in the Order (36 CFR 261.58 (s).
3. Camping as specified in the Order (36 CFR 261.58 (e).

UNDER THIS ORDER IT IS REQUIRED THAT

1. All food, refuse or other attractants must be acceptably stored or acceptably possessed during daytime hours.
2. All food, refuse or other attractants must be acceptably stored during nighttime hours, unless it is being prepared for eating, being eaten, being transported, or being prepared for acceptable storage.
3. Any harvested animal carcass must be acceptably stored, unless the carcass is being field dressed, transported, being prepared for eating, or being prepared for acceptable storage.
4. Camping or sleeping areas must be established at least ½ mile from a known animal carcass or at least 100 yards from a known acceptably stored animal carcass.
5. The responsible party shall report the death and location of livestock to a Forest Service official within 24 hours of discovery. Any Forest user finding dead livestock should contact the Forest Service.
6. Burnable attractants that cannot be completely consumed by fire (i.e., no post burning residue) must be packed out.

EXEMPTIONS

Pursuant to 36 CFR 261.50 (e) the following persons are exempt from this Order:

1. Persons with a permit issued by the Forest Supervisor specifically exempting them from this Order.
2. Any Federal or State officer placing baits to capture animals for research or management purposes as part of their official duties.

These restrictions are in addition to the general prohibitions in 36 CFR Part 261, Subpart A. This Order supersedes any previous Order prohibiting or restricting the same, or similar, acts in the above-described areas.

Done this day 19th of September, 2014.

MARY C. ERICKSON
Forest Supervisor
Custer Gallatin National Forests

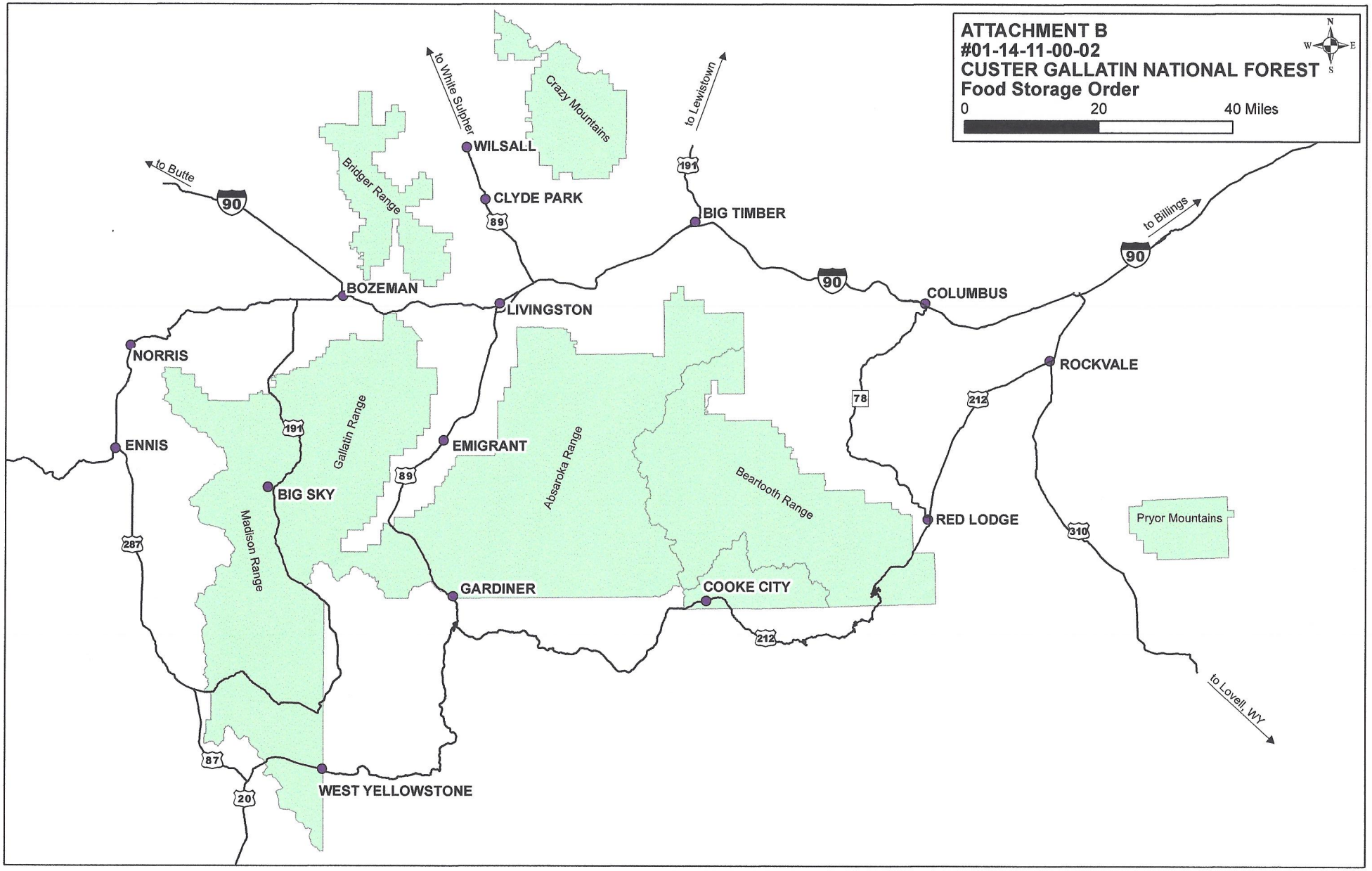
Any violation of these prohibitions is punishable by a fine of not more than $5,000.00 for an individual or $10,000.00 for an organization, and/or imprisonment for not more than six (6) months, or both (Title 16 USC 551, Title 18 USC 3571 (b)(6), Title 18 USC 3581 (b)(7)).

Attachment A
Special Order—Food Storage and Sanitation
Definitions

1. "Food, refuse and other attractants" means any substance, solid or liquid or refuse (excluding water, baled hay, or hay cubes without additives), which is or may be eaten or otherwise taken into the body to sustain health or life, provide energy, or promote growth of any person or animal. Also includes items such as soft drinks, alcoholic beverages, canned foods, pet foods, processed livestock feed and grains, personal hygiene products, and empty food and beverage containers.
2. "Animal carcass" means the dead body or parts thereof, of any harvested mammal, bird, or fish, including the head or skull plate with antlers or horns and hide or cape of big game animals and any domestic livestock that may be found in the restricted area. Packaged or prepared animal carcass products transported into the restricted area for consumption, game birds, small mammals, or fish harvested for consumption in the restricted area are considered food under the previous definition.
3. "Burnable attractants" include items such as food leftovers, waste products, food grease or residue, food saturated containers or other substances that will not be completely consumed by fire. To be completely consumed, there must be no residual attractant on the surface or in the soil. These items shall not be buried, discarded or burned in an open campfire, unless placed in a suitable container (i.e. tin can or fire pan) to prevent leaching into the ground, and burned over an open campfire. Any remaining attractants unconsumed by burning shall be placed with other garbage, acceptably stored and packed out.
4. "Acceptably stored" means:
    a. Stored in bear-resistant container and/or utilizing a method listed on the most recent Interagency Grizzly Bear Committee Certified Bear Resistant Products List.
    b. Stored in a closed vehicle, trailer or container where the storage compartment is constructed of solid, non-pliable material that, when secured, will have no openings, hinges, lids, or coverings that would allow a bear to gain entry by breaking, bending, tearing, biting, or pulling with its claws (any windows in the vehicle must be closed), or
    c. Suspended at least 10 feet clear of the ground at all points and 4 feet horizontally from any supporting tree or pole, or
    d. Stored within a hard-sided residence, building, or storage container subject to the terms and conditions of a special-use authorization or operating plan, or
    e. Stored by other methods approved in a permit issued by the Forest Supervisor responsible for the area where the method is proposed for use.
    f. Animal carcasses must be acceptably stored (a. through e. above) when located 100 yards to ½ mile of a camping or sleeping area or within 200 yards of a Forest Road or Trail.
    g. Animal carcasses more that ½ mile from a camping area and more than 200 yards from a Forest Road or Trail may be left on the ground.

h. Animal carcasses killed or harvested (and parts thereof) within ½ mile of any established camping area or sleeping area must be acceptably stored, possessed, or moved to a distance beyond ½ mile from any such camp or sleeping area by the party(-ies) responsible for killing or harvesting such animal.

5. "Acceptably possessed" means:
   a. Possessed or attended during daytime by a person(s) that is physically present within 100 feet and direct sight of the accessible food, refuse or attractant or
   b. Possessed or attended by such a person(s) for the purpose of field dressing lawfully taken animal carcasses, transporting any food or animal carcass, preparing any animal carcass or food for eating, or eating any food.
6. "Camping/sleeping area" means National Forest System Lands temporarily used for the purpose of overnight occupancy without a permanently fixed structure or lands temporarily occupied by unattended camping equipment.
7. "Daytime" means ½ hour before sunrise to ½ hour after sunset, Mountain Time.
8. "Night time" means ½ hour after sunset to ½ hour before sunrise, Mountain Time.
9. "Forest Road or Trail" means a road or trail wholly or partly within, or adjacent to and serving the National Forest System that the Forest Service determines is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.


ATTACHMENT B
#01-14-11-00-02
CUSTER GALLATIN NATIONAL FOREST
Food Storage Order
0
20
40 Miles
N
W
E
S
to White Sulpher
to Lewistown
to Butte
to Billings
to Lovell, WY
Crazy Mountains
Bridger Range
Gallatin Range
Absaroka Range
Beartooth Range
Madison Range
Pryor Mountains
WILSALL
CLYDE PARK
BIG TIMBER
BOZEMAN
LIVINGSTON
COLUMBUS
ROCKVALE
NORRIS
ENNIS
EMIGRANT
BIG SKY
RED LODGE
GARDINER
COOKE CITY
WEST YELLOWSTONE
90
191
89
78
212
310
287
87
20