

## ORDER NO. 08-04-17-421

### UNITED STATES DEPARTMENT OF AGRICULTURE

#### CHEROKEE NATIONAL FOREST

##### Food and Refuse Storage Requirements

For the purpose of minimizing adverse interactions between bears and humans and pursuant to Title 36 Code of Federal Regulations (CFR), 261.50 (a) and (b), the following acts or omissions are prohibited within the Cherokee National Forest. The area in which these acts are prohibited includes the Ocoee, Tellico, Unaka, and Watauga Ranger Districts, an area of approximately 656,000 acres located in 10 east Tennessee counties. The area is shown on the attached map.

**1. Possessing or leaving food, bear attractant, or refuse unless it is possessed properly or stored properly. 36 CFR 261.58 (CC)**

The following definitions shall apply to this Closure Order:

“Food” means any substance, which is not native to the immediate area, solid or liquid (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.

“Bear Attractant” means any substance having an odor that may attract bears including food, soft drinks, cooking grease, alcoholic beverages, canned foods, pet foods, processed livestock feed and grains, personal hygiene products, and empty food and beverage containers.

“Refuse” means any discarded material or solid waste.

“Possessed properly” means:

- a. Possessed or attended by a person(s) who is under immediate control of food, attractant or refuse. The person(s) must be physically present within 100 feet and in plain sight and have the ability to immediately attend to and store such items properly.

“Stored properly” means:

- a. Stored or disposed of in a bear-resistant container or trash receptacle which is a securable container constructed of solid non-pliable material capable of withstanding 200 foot-pounds of energy. When secured and under stress the container will not have any cracks, openings, or hinges that would allow a bear to gain entry by biting or pulling with its claws. Wood containers are not considered bear resistant unless they are reinforced with metal. Most coolers are not considered bear resistant, or
- b. Stored in a closed hard top motor vehicle or travel trailer 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 12 feet off the ground and 6 feet from limbs, 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.

**Pursuant to 36 CFR, Section 261.50 € , the following persons or areas are exempt from this Order:**

- 1. Persons with special use permit specially authorizing the otherwise prohibited act or omission, issued by the District Ranger,
- 2. Any federal, State, or local officer, or member of an organized search & rescue or firefighting force in the performance of an official duty.

Executed in Cleveland, Tennessee, this 5 day of December, 2017

  
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DERRICK JASAL MORRIS  
Forest Supervisor  
Cherokee National Forest

Violation of the prohibition set forth above is punishable by a fine of not more than \$5,000 for an individual and \$10,000 for an organization, or imprisonment for not more than six (6) months, or both. See 16 USC 551, 10 USC 3559 and 3571.

