Order Number 04-15-0063

United States Department of Agriculture
Forest Service
Intermountain Region—Caribou-Targhee National Forest

OCCUPANCY AND USE RESTRICTIONS

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 uses are prohibited on National Forest System lands in those areas of the Caribou-Targhee National Forest shown on the attached map (Exhibit B) and hereby made part of this Order:

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

Also attached, and hereby made part of this Order, are Definitions (Exhibit A) of terms used in support of the restrictions. This Order is effective March 1 through December 1, annually, until rescinded.

SPECIFICATIONS FOR CAMPING AND POSSESSING, STORING, AND TRANSPORTING FOOD, REFUSE, ANIMALS AND ANIMAL PARTS ON NATIONAL FOREST SYSTEM LANDS

1. All food and refuse must be acceptably stored or acceptably possessed during daytime hours.
2. All food and refuse 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 an acceptably stored animal carcass.
5. The responsible party shall report the death and location of livestock and discuss its disposal with a Forest Service official within 24 hours of discovery or as soon as reasonably possible. Any Forest user finding dead livestock should contact the Forest Service.
6. Burnable attractants that cannot be completely consumed by fire must be packed out.

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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 the effect of this Order.
2. Persons in the act of placing black bear baits for the lawful purpose of hunting black bears under state law and regulation.
3. 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 14 day of March, 2008.

LAWRENCE A TIMCHAK
Forest Supervisor
Caribou-Targhee National Forest

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)).

A copy of this order shall be posted as prescribed under 36CFR 261.51.

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Exhibit A

Occupancy and Use Order No. 04-15-0063

Special Order—Food Storage and Sanitation

Definitions

1. "Food and Refuse" means any substance, solid or liquid (excluding water, baled hay, or hay cubes without additives) or refuse, 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. 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 a 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 certified through the Interagency Grizzly Bear Committee Courtesy Inspection Program. A container may be certified by the local district ranger or their designated representative(s) if it meets the IGBC criteria, or
   b. Stored in a closed vehicle 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 four 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. For animal carcasses: stored as per 3. a-e when located from 100 yards to ½ mile of a camping or sleeping area or within 200 yards of a National Forest System Trail. Animal carcasses are not considered acceptably stored when within 100 yards of a camping or sleeping area or National Forest System Trail. Animal carcasses more than ½ mile from a camping area or sleeping area and more than 200 yards from a National Forest System Trail may be left on the ground.
   g. 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 mammal.
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, 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.

c. Must be acceptably stored at night time unless it is being prepared for eating, being eaten, being transported or being prepared for acceptable storage.

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. "National Forest System Trail" means a trail wholly or partly within, or adjacent to, and serving a part of the National Forest System and which has been included in a forest recreation map.

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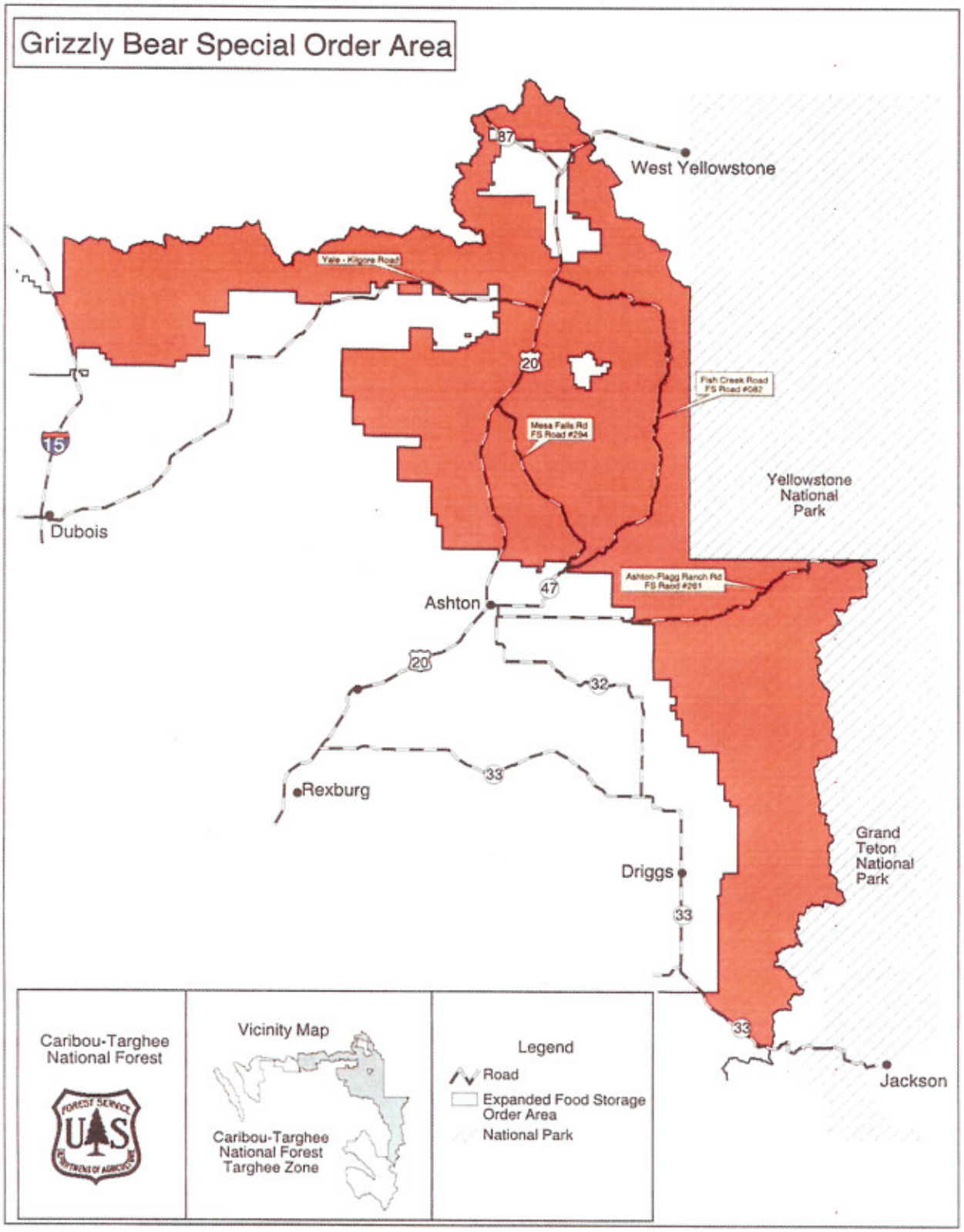
Exhibit B

Occupancy and Use Order No. 04-15-0063

Special Order—Food Storage and Sanitation

Area of Application

Order No. 04-15-0063



BOUNDARY: National Forest land on the Teton Basin Ranger District along the westslope of the Teton Mountain Range, east and north of Idaho State Highway 33 and north of Wyoming State Highway 22. National Forest land on all of the Ashton/Island Park Ranger District. National Forest land on the Dubois Ranger District east of Interstate 15.

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Assessment of Need and Enforcement Plan

1. **Background.** A special order requiring forest users to properly store their food with the primary goal of minimizing grizzly bear/human encounters and thereby providing for user safety and the protection of the grizzly bear has been in effect within most of the Primary Conservation Area (PCA) on the Forest since 2001. The 2001 order has been in effect from April 1 to December 1 each year.

From 2001 to the present time, the grizzly bear population has been increasing and expanding in the Greater Yellowstone Area, including the Caribou-Targhee National Forest. This expansion includes areas on the Dubois Ranger District, Ashton/Island Park Ranger District, and Teton Basin Ranger District.

To achieve the goal of minimizing grizzly bear/human encounters and thereby providing for user safety and the protection of the grizzly bear, the Forest Supervisor has expanded the area covered by the special order to include all National Forest land currently occupied by grizzly bears within the Caribou-Targhee National Forest.

2. **Intent of Order.** The special order requires people to properly store their food and garbage in bear-proof containers or hang it high enough in a tree so that a grizzly bear cannot get it. Hunters must also take care of their game meat so that bears will not be attracted to camp and endanger themselves or other hunters. It is basically common sense. Bears are attracted to human foods, which offer them a powerful "reward." They can develop a bad habit after only one reward. Bears that obtain human food or garbage may lose their fear of people and become a danger. When the behavior of wild bears has been corrupted by obtaining human foods, they often times have to be destroyed to protect forest visitors. Preventing grizzly bear/human conflicts is the key. Storing food and garbage properly is the best way to prevent unnecessary conflict or death of a human or a bear.

3. Enforcement Plan. Forest Protection Officers and Law Enforcement Officers will emphasize education of the regulation, especially in the areas of the Forest that were not previously covered by the special order. Notice of Violations and other enforcement actions will be used for situations where people have previously been warned and have not responded to education efforts. All field going personnel will also provide education while in these areas. In areas where grizzly bears have obtained human foods and garbage, more aggressive enforcement actions will be implemented to protect humans and grizzly bears.

Enforcement Plan approved for implementation:

Lay Tunstall

Forest Supervisor

3-14-08

Date

Civil Rights Impact Statement

Occupancy and Use Restrictions Order # 04-15-0063 (Food Storage Order)

Proposed Action
A special order requiring forest users to properly store their food with the primary goal of minimizing grizzly bear/human encounters and thereby providing for user safety and the protection of the grizzly bear has been in effect within most of the Primary Conservation Area (PCA) on the Forest since 2001. The 2001 order has been in effect from April 1 to December 1 each year.

From 2001 to the present time, the grizzly bear population has been increasing and expanding in the Greater Yellowstone Area, including the Caribou-Targhee National Forest. This expansion includes areas on the Dubois Ranger District, Ashton/Island Park Ranger District, and Teton Basin Ranger District.

To achieve the goal of minimizing grizzly bear/human encounters and thereby providing for user safety and the protection of the grizzly bear, the Forest Supervisor has expanded the area covered by the special order to include all National Forest land currently occupied by grizzly bears within the Caribou-Targhee National Forest.

The special order requires people to properly store their food and garbage in bear-proof containers or hang it high enough in a tree so that a grizzly bear cannot get it. Hunters must also take care of their game meat so that bears will not be attracted to camp and endanger themselves or other hunters.

Duration
This order will be in effect annually from March 1 to December 1.

Employee/Community Involvement
Caribou-Targhee NF managers have been informing forest users of the new order for the past two seasons (2006-07). Forest users have been contacted by Forest Service employees and given information and education materials on how to properly store their food and garbage in bear country. The Forest has provided information and maps on its web page. In order to implement the new order the Forest has installed infrastructure (such as bear resistant garbage dumpsters or food storage boxes) at designated developed recreation sites. The Forest has been working with partners, user groups, elected officials and employees on an information and education campaign regarding the new food storage order in order to be ready for successful implementation. The Forest participates in the Tri-County Grizzly Bear Committee which includes county commissioners, employees of the Idaho Department of Fish and Game, and other interested publics. This new order has been discussed for several years with the Tri-County Grizzly Bear Committee.

Justification
The new order is being implemented to reduce grizzly bear/human conflicts in areas of the Forest currently occupied by grizzly bear. The order provides increased protection for people using the National Forest. Bears are attracted to human foods, which offer them a powerful "reward." They can develop a bad habit after only one reward. Bears that obtain human food or garbage may lose their fear of people and become a danger. When the behavior of wild bears has been corrupted by obtaining human foods, they often times have to be destroyed to protect forest visitors. Preventing grizzly bear/human conflicts is the key. Storing food and garbage properly is the best way to prevent unnecessary conflict or death of a human or a bear.

Mitigation
The following persons are exempt from this Order:

1. Persons with a permit issued by the Forest Supervisor specifically exempting them from the effect of this Order.
2. Persons in the act of placing black bear baits for the lawful purpose of hunting black bears under state law and regulation.
3. Any Federal or State officer placing baits to capture animals for research or management purposes as part of their official duties.

Signs informing the public that they are in bear country and there is a special order in effect will be placed at access points and developed sites on the Forest.

Forest Protection Officers and Law Enforcement Officers will emphasize education of the regulation, especially in the areas of the Forest that were not previously covered by the special order. Notice of Violations and other enforcement actions will be used for situations where people have previously been warned and have not responded to education efforts. All field going personnel will also provide education while in these areas. In areas where grizzly bears have obtained human foods and garbage, more aggressive enforcement actions will be implemented to protect humans and grizzly bears.

Implementation
The order will be implemented immediately after approval and will stay in effect until further notice.

Agency
USDA Forest Service, Caribou-Targhee National Forest
1405 Hollipark Drive
Idaho Falls, ID 83401

Contact
Trinity Smith, Civil Rights Representative, Westside RD, Caribou-Targhee National Forest
Mark Orme, Wildlife Biologist, Headquarters Office, Caribou-Targhee National Forest
Lawrence A. Timchak, Forest Supervisor, Headquarters Office, Caribou-Targhee National Forest
Ken Rice, Law Enforcement Officer, Headquarters Office, Caribou-Targhee National Forest

Reviewed and Approved:

LAWRENCE A. TIMCHAK
Forest Supervisor
Caribou-Targhee National Forest

3-14-08
Date