

ORDER NO. 04-11-02
INYO NATIONAL FOREST
FOOD AND REFUSE STORAGE RESTRICTIONS

Pursuant to 16 USC 551 and 36 CFR 261.50(a), and to provide for public safety and protect wildlife, the following acts are prohibited within the portions of the Ansel Adams, Boundary Peak, Golden Trout, Hoover, Inyo Mountains, John Muir, Owens River Headwaters, South Sierra, and White Mountains Wilderness Areas that are located within the Inyo National Forest, as shown on Exhibit A. This Order is effective from June 17, 2011 through October 31, 2011.

1. Possessing or storing any food or refuse in the areas listed below, unless the food or refuse is stored in a container designed to prevent access by bears.
 - a. Bishop Pass Area, as shown on Exhibit B.
 - b. Cottonwood Lakes Basin/Cottonwood Pass Area, as shown on Exhibit C.
 - c. Duck Pass/Purple Lake Area, as shown on Exhibit D.
 - d. Fish Creek Area, as shown on Exhibit E.
 - e. Kearsarge Pass Area, as shown on Exhibit F.
 - f. Little Lakes Valley Area, as shown on Exhibit G.
 - g. Mammoth Lakes/Rush Creek Area, as shown on Exhibit H.
 - h. Mount Whitney Area, as shown on Exhibit I.

36 CFR 261.58(cc).

2. Except for the areas listed in Prohibition No. 1, possessing or storing any food or refuse, unless the food or refuse is stored in a container designed to prevent access by bears, or counter-balanced at least 15 feet above the ground and 10 feet horizontally from a tree trunk.

36 CFR 261.58(cc).

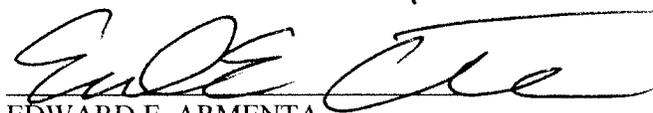
Pursuant to 36 CFR 261.50(e), the following persons are exempt from this Order:

1. Persons with a permit from the Forest Service specifically authorizing the otherwise prohibited act or omission.
2. Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty.

These prohibitions are in addition to the general prohibitions in 36 CFR Part 261, Subpart A.

A violation of these prohibitions is punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for not more than six months, or both. 16 USC 551 and 18 USC 3559, 3571, and 3581.

Done at Bishop, California, this 17 day of June, 2011.



EDWARD E. ARMENTA
Forest Supervisor
Inyo National Forest.

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Food and Refuse Storage Restrictions
Administrative Record

The purpose of this Forest Order is to provide for public safety, protect wildlife, and protect the wilderness values established by the 1964 Wilderness Act. The requirement that visitors properly store their food is based on the need to reduce human-bear conflicts and protect wildlife from becoming dependent on human food sources. This objective complies with the provisions of Forest Service Handbook Section 1909.15, Chapter 31.12, Section 1. The Order is categorically excluded from documentation in an environmental impact statement or environmental analysis.

Background

The 2001 Management Direction for the Ansel Adams, John Muir and Dinkey Lakes Wildernesses Record of Decision (2001 ROD) includes a requirement that wilderness visitors store food properly to prevent bears and other wildlife from gaining access to food, trash, or other non-native food sources (2001 ROD, pg. 16). Proper food storage is necessary “to reduce bear/human conflicts and protect wildlife from dependency on human food” (2001 ROD, pg. 4). The 2001 ROD also recognized the importance of consistent food storage policies between the Inyo and Sierra National Forests and adjacent National Parks.

The Inyo National Forest established food storage restrictions in 2002 to implement the 2001 ROD direction. The restrictions included a general requirement that visitors store food in a manner to keep bears from gaining access to food or refuse. The restrictions also identified seven areas within the Ansel Adams and John Muir Wildernesses where a specific method to properly store food was defined: 1) Bishop Pass Area; 2) Duck Pass/Purple Lake Area; 3) Fish Creek Area; 4) Kearsarge Pass Area; 5) Little Lakes Valley Area; 6) Mammoth Lakes/Rush Creek Area; and 7) Mount Whitney. In these seven areas visitors were required to store food in “bear-proof containers” because this type of container had become the only effective means of food storage. Bears in these areas were no longer deterred by protection methods such as hanging food from trees or the use of a counter-balance. Also, substantial portions of the seven areas are in alpine terrain and do not contain trees of adequate size to use the counter-balance method.

In 2005, the Inyo National Forest added the Cottonwood Lakes Basin and Cottonwood Pass Area to the list of areas where bear-proof containers are required in response to several human-bear incidents. In these two areas, the use of a counter-balance or other tree-hanging method was no longer an effective means to properly store food.

In 2009, the Forest modified the language of the Forest Order to indicate the containers must be “designed to prevent access by bears”.

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The underlying need to keep bears from obtaining human food has not changed since 2002. Bears that obtain human food can become dependent on human food sources and become more aggressive in their attempts to obtain human food. The requirement that food and refuse must be stored in a container designed to prevent access by bears should be continued in the seven areas where these containers have been required since 2002 and in the Cottonwood Lakes Basin and Cottonwood Pass Areas, where these containers have been required since 2005. In all these areas, a container designed to prevent access by bears has proven to be the only effective means of preventing bears from obtaining human food or refuse.

Reasons for categorically excluding the proposed action

This Forest Order is categorically excluded from documentation under Forest Service Handbook 1909.15, Chapter 31.12, Section 1: a Forest Order issued pursuant to 36 CFR Part 261 – Prohibitions to provide short-term resource protection or to protect public health and safety.

There are no extraordinary circumstances that might cause the action to have significant environmental effects; therefore the proposed action is excluded from documentation in an Environmental Impact Statement or Environmental Assessment. Extraordinary circumstances would include but are not limited to negative impacts on the following:

1. Steep slopes or highly erosive soils.

This order will not affect steep slopes or highly erosive soils.

2. Threatened and Endangered species or their critical habitat.

This order will not affect threatened and endangered species or their critical habitat.

3. Flood plains, wetlands, and municipal watersheds.

This order will not affect flood plains, wetlands, or municipal watersheds.

4. Congressionally designated areas, such as Wilderness, Wilderness Study areas, or National Recreation Areas.

This order will promote public safety in the Ansel Adams, Boundary Peak, Golden Trout, Hoover, Inyo Mountains, John Muir, Owens River Headwaters, South Sierra, and White Mountains Wilderness Areas, and provide short-term protection to wildlife in the wildernesses.

5. Inventoried roadless areas.

There are no inventoried roadless areas within the forest order area.

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6. Native American religious or cultural sites.

This order will not affect Native American sites.

7. Archaeological sites, or historic properties or areas.

This order will not affect archeological sites, or historic properties or areas.

Prepared by Jeff Novak, Wilderness Manager
Inyo National Forest
March 15, 2011

Approved by:



EDWARD E. ARMENTA
Forest Supervisor
Inyo National Forest