

**EMERGENCY ORDER OF THE FOREST SUPERVISOR  
UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
DANIEL BOONE NATIONAL FOREST**

**ORDER NO. 12-05-10  
“FOOD STORAGE RESTRICTION”**

Under the authority of the Act of Congress dated June 4, 1897, as amended (16 U.S.C. 551) and pursuant to the Secretary of Agriculture’s regulation set forth at 36 CFR 261, Subpart B (36 CFR 261.50 (a) and (b), **the following acts and omissions are prohibited** within the Daniel Boone National Forest in the Cumberland Ranger District in the Red River Gorge Geological Area including surrounding areas in Menifee, Powell, and Wolfe Counties, Kentucky as shown on the [attached map](#).

1. Possessing, storing, or leaving any food (including food for pets and livestock, except baled hay), refuse or bear attractant unless it is:
  - a. properly stored in a bear-resistant container;
  - b. suspended at least ten feet clear of the ground at all points, suspended at least four feet horizontally from the supporting tree or pole, and suspended at least four feet from any other tree or pole adjacent to the supporting tree or pole;
  - c. stored in a closed, motor vehicle with a solid top;
  - d. stored in a closed, hard-body trailer; or
  - e. being eaten, being prepared for eating or being transported.
2. Discarding or abandoning any food, refuse, or bear attractant unless it is:
  - a. disposed of in a bear-resistant trash receptacle or other receptacle which has been provided by the Forest Service for that purpose.
3. Burning or burying any food, refuse, or bear attractant.

36 C.F.R. Section 261.58 (cc).

The following definitions shall apply to this Closure Order:

*Bear attractant:* means any substance having an odor that may attract bears, such as food, cooking grease, toothpaste, soap, and garbage.

*Bear-resistant container:* means 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.

*Food:* means any nourishing substance, solid or liquid, which is not native to the immediate area, including nourishing substances for humans, pets, and livestock. Food does not mean water and baled hay.

*Refuse:* means any discarded material or solid waste.

Pursuant to 36 C.F.R. 261.50(e), **the following persons are exempt** from the above prohibitions:

(a) Persons with a special use permit specifically authorizing the otherwise prohibited act or omission, issued by the District Ranger.

(b) Any Federal, State, or Local Officer, or member of an organized rescue or firefighting force in the performance of an official duty.

Prepared at Winchester, KY,  
this 30th day of June, 2010

/s/ Frank R. Beum  
FRANK R. BEUM  
Forest Supervisor, DBNF

THIS ORDER REMAINS IN EFFECT UNTIL FURTHER NOTICE OR UNTIL IT IS REPLACED BY ANOTHER ORDER

Violations of the prohibitions set forth above are 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. 16 U.S.C. Section 551; 18 U.S.C. Sections 3559, 3571.

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