

**EMERGENCY ORDER OF THE FOREST SUPERVISOR
CLOSING AN AREA TO ENTRY, TO WIT,**

**MARLINTON-WHITE SULPHUR RANGER DISTRICT AND GAULEY RANGER DISTRICT
FOOD STORAGE RESTRICTION**

Marlinton-White Sulpher and Gauley Ranger District's
Monongahela National Forest, West Virginia

Under 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, sub Part B (36CFR 261.50 (a) and (b)), the following acts and omissions are prohibited within the Monongahela National Forest, Marlinton-White Sulpher and Gauley Ranger Districts in Greenbrier, Nicholas, Pocahontas, Randolph, and Webster Counties in the state of West Virginia as shown on the map set forth as Exhibit A attached:

1. Possessing, storing, or leaving any food, refuse, lawfully taken fish, wildlife and/or parts thereof, camping equipment used for transporting and/or preparing food, i.e. coolers, cook stoves, pots and/or pans or cooking utensils or bear attractant unless it is:
 - a. Properly stored in a bear-resistant container;
 - b. Suspended at least 10 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 adjacent to the supporting tree or pole;
 - c. Stored in a closed, motor vehicle with a solid top; or
 - d. Being eaten, being prepared for eating or being transported
2. Discarding or abandoning any food, refuse, or bear attractant unless it is:
 - a. Disposed in a trash receptacle which has been provided by the Forest Service for that purpose
3. Burning or burying any food, refuse, or bear attractant.

36 CFR 261.58 (cc)

THESE RESTRICTIONS ARE NECESSARY DUE TO BLACK BEAR ACTIVITY WITHIN THE DISTRICT'S, ASSOCIATED WITH FOOD STORAGE. THEY ARE IN ADDITION TO THE GENERAL PROHIBITIONS SET FORTH IN 36 CFR PART 261, THESE PROHIBITIONS WILL BE IN EFFECT FOR 180 DAYS FROM THE DATE OF SIGNATURE UNLESS SPECIFICALLY WITHDRAWN BY TERMINATION ORDER OF THE FOREST SUPERVISOR.

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 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 bladed hay.

Refuse: means any discarded material, including fish guts, or solid waste.

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

1. Persons with a permit specifically authorizing the otherwise prohibited act or omission (36 CFR 261.50(e)(1)); and,
2. Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty (36 CFR 261.50(e)(4)),

Violation of these prohibitions is punishable by a fine of not more than \$5000.00 for an individual or \$10,000.00 for an organization, or imprisonment for not more than six (6) months, or both (16 U.S.C. 551, 18 U.S. C. 3559 and 3571).

Dated this 1st day of July, 2011, at Elkins, West Virginia.



CLYDE N. THOMPSON
Forest Supervisor
Monongahela National Forest