



UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
CIBOLA NATIONAL FOREST

OCCUPANCY AND USE RESTRICTIONS

**PROHIBITIONS:**

Pursuant to 16 U.S.C. 551 and Title 36 C.F.R. 261.50 (a) and (b), the following acts are prohibited within the area, roads, and trails within the Mountainair and Sandia Ranger Districts of the Cibola National Forest as described in this Order and depicted on the attached map, hereby incorporated into this Order as Exhibit A. Also attached, and hereby made part of this Order, are definitions (Exhibit B) of terms used in support of the restrictions.

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

UNDER THIS ORDER IT IS REQUIRED THAT

1. All food and refuse must be acceptably stored or acceptably possessed during daytime hours, as defined in Exhibit B.
2. All food and refuse must be acceptably stored during nighttime hours as defined in Exhibit B, 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 as defined in Exhibit B, 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, as defined in Exhibit B.

**EXEMPTIONS:**

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

1. Persons with a Forest Service permit specifically exempting them from the effect of this Order.
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 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.

**RESTRICTED AREA:**

These restrictions apply to all National Forest System Lands within the Mountainair and Sandia Ranger Districts of the Cibola National Forest.

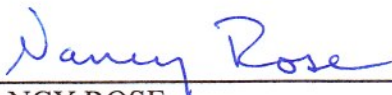
**PURPOSE:**

The purpose of this order is to minimize adverse interactions between bears and humans.

**IMPLEMENTATION:**

1. This Order is effective March 1, 2012 through December 1, 2012 and March 1, 2013 through December 1, 2013, unless otherwise rescinded.
2. Any violation of this prohibition is punishable by a fine of not more than \$5,000.00 for individuals and \$10,000.00 for organizations, and/or imprisonment for not more than six (6) months. [Title 16 USC 551, Title 18 USC 3559, 3571, 3581 ].
3. This Order supersedes any previous orders prohibiting the same acts covered by this Order.

Done at Albuquerque, New Mexico, this 14<sup>th</sup> day of December, 2011.

  
\_\_\_\_\_  
NANCY ROSE  
Forest Supervisor  
Cibola National Forest



**Exhibit B Occupancy and Use**  
**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. "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, nonpliable 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 described in 3. a-e above when located from 100 yards to  $\frac{1}{2}$  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  $\frac{1}{2}$  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  $\frac{1}{2}$  mile of any established camping area or sleeping area must be acceptably stored, possessed, or moved to a distance beyond  $\frac{1}{2}$  mile from any such camp or

sleeping area by the party(-ies) responsible for killing or harvesting such mammal.

4. "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.

5. "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.

6. "Daytime" means 1/2 hour before sunrise to 1/2 hour after sunset, Mountain Time.

7. "Night time" means 1/2 hour after sunset to 1/2 hour before sunrise, Mountain Time.

8. "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.



### Assessment of Need and Enforcement Plan

1. Background. Many of the black bears frequenting and living in and around the Mountainair and Sandia Ranger Districts of the Cibola National Forest (specifically, the Sandia and Manzano Mountains) have become habituated to human food and have become a nuisance and safety concern. An ongoing education program has been aimed at informing the public about proper food storage and disposal of garbage. Unfortunately, some people have ignored the information and improper food storage has led to the recent removal (relocating elsewhere, and in many cases, destruction of the habituated bear) of some black bears in the Mountainair and Sandia Ranger Districts. An order is needed to be able to cite persons unwilling to comply with proper food storage methods.

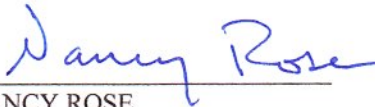
2. Intent of Subpart B order. This order is written to provide for public safety and wildlife protection in the Mountainair and Sandia Ranger Districts.

3. Enforcement Plan. The following activities will occur in order to implement this special order in a manner that results in public acceptance and safety:

<u>Action</u>	<u>Responsible Official</u>	<u>Date</u>
Update existing closure order	Zachary Parsons, Zone Wildlife Biologist, Mountainair and Sandia Ranger Districts, Cibola National Forest	12/2011
Review proposed order (Law Enforcement)	Aban Lucero, Patrol Captain, Southwest Region, USFS	12/2011
Approve proposed order	Nancy Rose, Forest Supervisor, Cibola National Forest	12/2011
Post order in accordance with 36 CFR 261.51	Forest Service LEOs and FPOs, and all available staffs	Ongoing
Prepare news release for local media describing the order and PAO management objectives/post to website/notify COIDC/copy to each receptionist/frontliners		By March, 2012
Notices will be used at major bulletin boards advising of the closure. When staffed, information will be handed out at Mountainair and Sandia Ranger Districts, camp/picnic area hosts, and field-going forest personnel to visitors likely to transport food into Mountainair and Sandia Ranger Districts recreation sites.	Appropriate Staff including Law Enforcement Officers Forest Protection Officers Cibola National Forest recreation and wildlife employees	By March, 2012

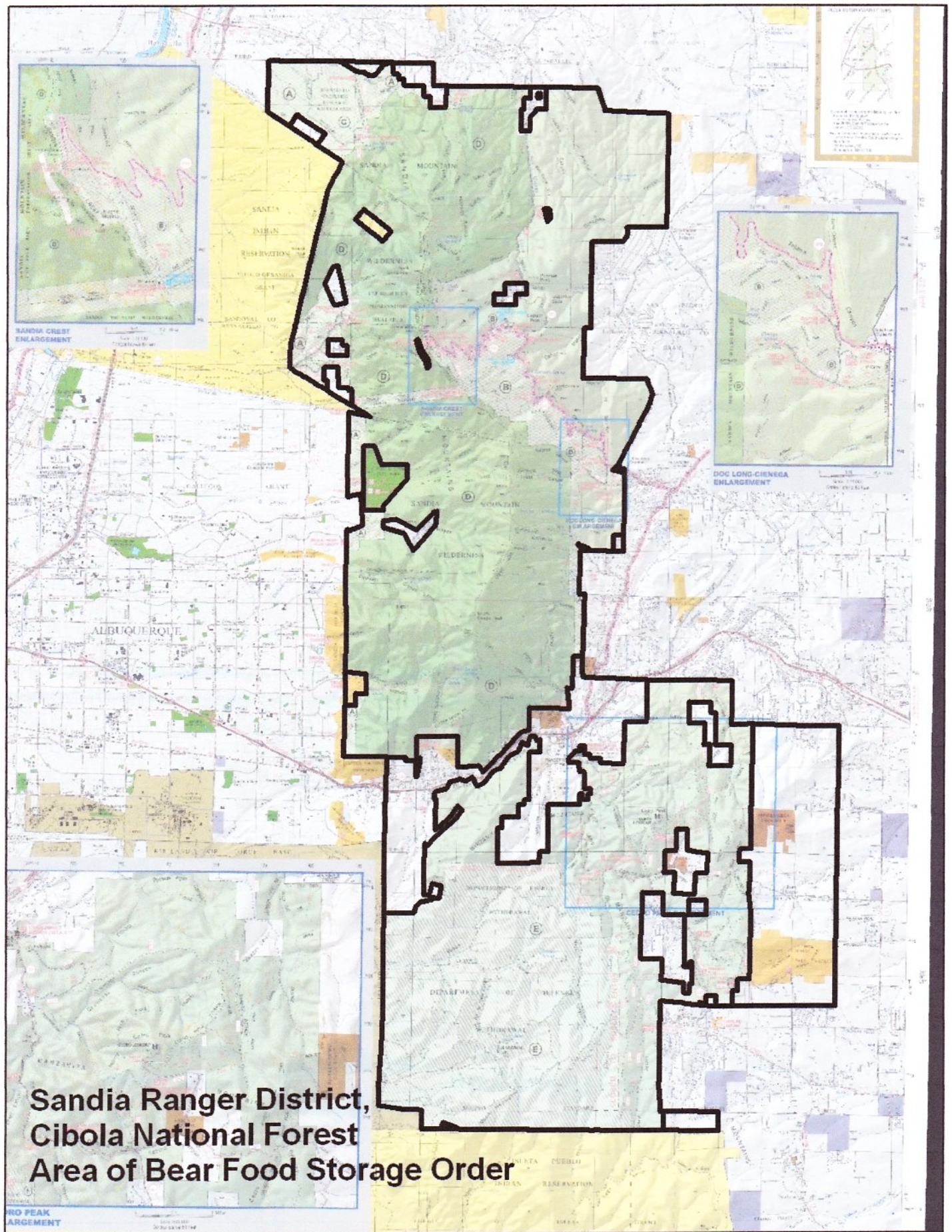
For implementation in the 2012 visitor use season, a component will be added to the Interpretive schedule focusing on black bear behavior (including proper food storage) and appropriate wildlife viewing etiquette. In support of campground/recreation site hosts, FPOs/LEOs will continue to respond to food storage problems at campsites and day-use areas.

Enforcement Plan approved for implementation:

  
NANCY ROSE  
Forest Supervisor  
Cibola National Forest

12/14/11  
DATE







# GALLINAS DIVISION

