

F11-005-Lolo-Forest

FOOD/WILDLIFE ATTRACTANT STORAGE SPECIAL ORDER F11-005-Lolo-Forest

OCCUPANCY AND USE RESTRICTIONS LOLO NATIONAL FOREST REGION ONE USDA, FOREST SERVICE

For the purpose of minimizing potential conflicts resulting in adverse interactions between wildlife and humans and pursuant to 36 Code of Federal Regulations 261.50 (a) and (b), **the following uses are restricted in those areas of the Lolo National Forest as shown on the attached map (Exhibit A)** and hereby made a part of this Order. Also attached, and hereby made a part of this Order are definitions of terms used in support of these restrictions (Exhibit B). **This Order is effective April 1 through December 1, annually.** These restrictions are in addition to those enumerated in Subpart A, Part 261, Title 36, Code of Federal Regulations and become effective when signed, and shall remain in effect until rescinded or revoked.

1. Possessing or storing any food or refuse, as specified in the order from April 1 to December 1, annually [36 CFR 261.58(cc)]
2. Possessing, storing or transporting any bird, fish or other animal, or parts thereof as specified in the order from April 1 to December 1, annually [36 CFR 261.58(s)]

These restrictions supersede the following special order previously in place on Lolo National Forest lands only: Special Order LC_10_D1_01. This order rescinds Lolo National Forest Supervisor's Order F07-053-LOLO-D3.

UNDER THIS ORDER IT IS REQUIRED THAT:

1. During daytime hours, attractants, including human, pet and livestock food (except baled or cubed hay without additives), and garbage shall be attended or stored in a bear-resistant manner when unattended (see definitions in Exhibit B).
2. During nighttime hours, in front country areas (shown in Exhibit A Map), attractants must be stored in a "bear resistant manner" unless it is being prepared for eating, consumed (eaten/drunk), transported, or prepared for acceptable storage .(see definitions in Exhibit B).
3. During nighttime hours, in limited back country areas only (shown in Exhibit A, Map), attractants may be attended rather than stored in a bear resistant manner (see definitions in Exhibit B). However, it is strongly recommended that attractants be stored in a bear-resistant manner.
4. Any harvested animal carcass (including big game, birds, fish, or other animal parts) that are within 1/2-mile of any camping or sleeping area shall be stored in a bear- resistant manner by the responsible party (see definitions in Exhibit B). If an animal carcass is within an attended camp during daytime hours it may be on the ground.

5. Attractants (such as food leftovers or bacon grease) shall not be buried, discarded, or burned in an open campfire. Leftover food or food waste may be placed in an appropriate sealed container and packed out with garbage, burned in a contained stove fire or placed in a suitable container (i.e. tin can) to prevent leaching into the ground and burned over an open campfire.
6. The responsible party shall report the death and location of livestock to a Forest Service official within 24 hours of discovery.

EXEMPTIONS:

Pursuant to 36 CFR 261.50(e) the following persons may be exempt from this order

1. Persons with a permit issued by the Forest Supervisor specifically authorizing a prohibited act.
2. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.

Done this 25th day of March, 2011.

/s/ Deborah L. R. Austin

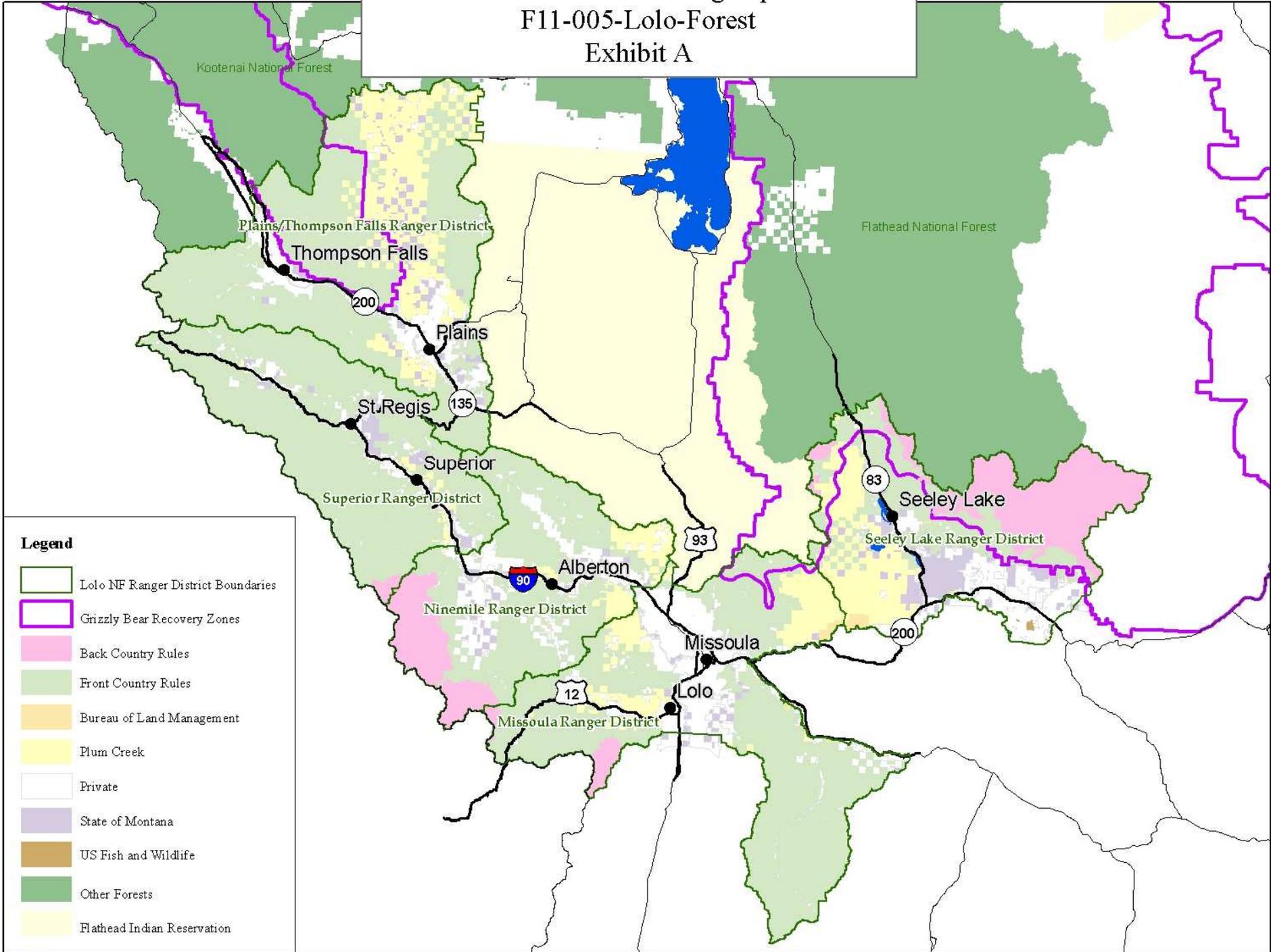
DEBORAH L. R. AUSTIN
Forest Supervisor
Lolo National Forest

Violations of these prohibitions are 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 6 months, or both (16 U.S.C 551 and 18 U.S.C. 3559 and 3571).

Exhibit A: Map

Exhibit B: Definitions

Food Wildlife Attractant Storage Special Order
 F11-005-Lolo-Forest
 Exhibit A



Legend

-  Lolo NF Ranger District Boundaries
-  Grizzly Bear Recovery Zones
-  Back Country Rules
-  Front Country Rules
-  Bureau of Land Management
-  Plum Creek
-  Private
-  State of Montana
-  US Fish and Wildlife
-  Other Forests
-  Flathead Indian Reservation

EXHIBIT B: DEFINITIONS

1. **Animal carcass:** The dead body, or any 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 as defined below.
2. **Attended:** At least one adult person (attendee) is physically present within 100 feet of **attractants** during **daytime hours**. During the **nighttime hours**, all attractants must be within 50 feet of the attendee, or attractants must be stored in a bear-resistant manner. During the **nighttime hours**, no physical barrier, except tents or containers or attractant packaging material may exist between the attendee and attractants which are not stored in a bear-resistant manner.
3. **Attendee:** An adult (18 years of age or older) in control of attractants.
4. **Attractant:** Food as defined below and garbage from human, livestock or pet foods as well as other human, livestock, or pet items that emit an odor such as personal hygiene products.
5. **Bear-resistant container:** A securable container constructed of solid material capable of withstanding 200 foot-pounds of energy applied by direct impact. The container, when secured and under stress, will not have any openings greater than one-quarter (1/4) inch, that would allow a bear to gain entry by biting or pulling with its claws. A bear-resistant container developed commercially must be approved by the USDA, Forest Service, Missoula Technology and Development Center (MTDC). Bear-resistant containers developed for personal use may be inspected for approval by the local District Ranger or their designated representative(s). For commercial operations, the MTDC has an impact testing machine available to evaluate containers for strength.
6. **Bear-resistant manner** means any attractants, including food and garbage, must be stored in one of the following ways:
 - a. secured in a hard-sided camper or vehicle trunk or cab or trailer cab;
 - b. secured in a hard-sided dwelling or storage building;
 - c. suspended at least 10 feet up (from the bottom of the suspended item) and 4 feet out from any upright support, i.e. tree, pole;
 - d. stored in an approved bear-resistant container;
 - e. stored within an approved and operating electric fence;
 - f. stored in any combination of these methods;
 - g. or stored by methods other than those described in Section #7, a-f, that shall be approved in writing by the Forest Supervisor responsible for their area of jurisdiction.
7. **Contained stove fire:** a metal stove that completely encloses the fire.
8. **Daytime:** 1/2-hour before sunrise until 1/2-hour after sunset.
9. **Food:** Any nourishing substance, which includes human food or drink (canned, solid or liquid), livestock feed (except baled or cubed hay without additives) and pet food.

10. **Livestock:** A domesticated animal, such as mule, horse, llama, or goat.
11. **Nighttime:** 1/2-hour after sunset until 1/2-hour before sunrise.
12. **Approved electric fences will meet, as a minimum, the following specifications:**
- a. **7 Strand Fence** (refer to Forest Service publication 9923-2321-MTDC, “Electric Fence Systems: Requirements for Meeting the NCDE Food Storage Special Order, 1999”, for more description of fence specifications and set-up):
- i) The fence will be set up as a “tight wire” fence. The wire will be tight and under tension, not loose or sagging.
 - ii) Minimum fence height.....4 feet.
 - iii) Minimum post height.....5 feet.
 - iv) Maximum spacing between posts.....8 feet.
 - v) Conductors (wire): Minimum of 7 wires, with 6-10 inch spacing between wires. Bottom wire must be within 2 inches of the ground. All wire must be smooth metal fence wire of at least 16 gauge or poly wire, except the top wire which may be poly tape of at least six strand stainless steel.
 - vi) The system will be set up to operate both as a ground wire return and a grounded system. The 2 top wires will be hot, with all other wires alternating hot and ground. The minimum length ground rod is 2 feet.
 - vii) Fence charger (minimum): (1) energizer output of 0.7 joules; (2) tested peak output of 5000 volts; (3) 40 shocks per minute. **User must be able to test electrical output in the field.**
 - viii) The charger must be made inaccessible to disturbance from a bear. The charger may be stored within the interior of the fence or located a minimum of 10 feet above ground.
 - ix) Minimum distance between fence and items enclosed by fence.....3 feet.
- b. **Portable Electric Mesh Fence** (refer to Forest Service publication 0723-2305-MTDC, “Specifications for Portable Electric Fence Systems as Potential Alternative Methods for Food Storage, 2007”, for more description of fence specifications and set-up):
- i) Portable electric mesh fence shall not be left in any location for more than 14 days.
 - i) Minimum fence height.....33 inches.
 - ii) Minimum post length.....42 inches.
 - iii) Post construction required to be polyethylene with metal spike on bottom.
 - iv) Minimum of 3 strands of stainless steel wire per horizontal wire.
 - v) Minimum number of horizontal wires.....8.
 - vi) Horizontal opening in mesh required to be less than 12 inches.
 - vii) Minimum length of ground rod required to be 1 foot. Earth ground is mandatory.
 - viii) Fence charger (minimum): (1) energizer output of 0.11 joules; (2) Minimum tested peak output voltage (on every hot conductor, with no load other than the fence) required to be 5,000 volts.; (3) Minimum pulse duration (with a 10,000-ohm load applied) required to be 0.05 milliseconds; (4) Minimum shocks per minute....35. **User must be able to test electrical output in the field.**
 - ix) Minimum distance between fence and items inside.....1½ feet.
 - x) Readable placard indicating fence is electrified is required.
 - xi) Maximum fence length.....60 feet.
 - xii) Mimimum of 2 LED lights.