
DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[OR-933-6332-00; GP5-101]

Closures and Restrictions: Oregon and Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to 43 CFR part 8364, the Bureau of Land Management (BLM) will place certain restrictions on the use of caves located on BLM-administered lands in Oregon and Washington. The purpose of the restrictions is to insure the protection of significant and potentially significant caves on BLM-administered lands in the two states.

The Federal Cave Resources Protection Act of 1988 (16 USC 4306) states that significant caves on federal lands are an invaluable and irreplaceable part of the Nation's natural heritage and, in some instances, these significant caves are threatened due to improper use, increased recreational demands, urban spread, and lack of specific statutory protection. As provided by the Act, it is also the policy of the United States that federal lands be managed in a manner which protect and maintain, to the extent practical, significant caves. Cave Management regulations define the process and criteria for determining cave significance (43 CFR Part 37, published in the Federal Register, Volume 58, No. 189 on October 1, 1993, pages 51550-51555). In accordance with the Act, federal agencies are required to prescribe policy or regulation which includes management measures to insure that caves under consideration for listing of significance be protected during the period of consideration. The Act further provides for agencies to regulate or restrict use, as appropriate for caves determined to be significant.

The term "cave" means any naturally occurring void, cavity, recess, or system of interconnected passages which occurs beneath the surface of the earth or within a cliff or ledge (including any

cave resource therein, but not including any vug, mine, tunnel, aqueduct, or other manmade excavation) and which is large enough to permit an individual to enter, whether or not the entrance is naturally formed or manmade. Such term shall include any natural pit, sinkhole, or other feature which is an extension of the entrance.

Recreational or other human activities are allowed in caves when consistent with protecting other cave resource values. Foot access and exploration in caves is permissible, unless otherwise limited.

Until caves are determined significant and management plans are prepared which provide specific management prescriptions, the following interim restrictions will insure the protection of significant and potentially significant caves on federal lands administered by the BLM in Oregon and Washington.

Interim Cave Management Restrictions

1. Where known or potential adverse impacts from human use to threatened, endangered, and/or sensitive plants or animals, cultural resources, biological deposits (i.e. middens, skeletal remains, etc.), or geologic/paleontologic/mineral features are present, the responsible authorized officer shall act to protect these resources. Such actions could include information/education, closures (seasonally or year-long), written authorization for activities, or other appropriate measures.

2. Written authorization will be required from the responsible authorized officer for any activity or installation that could destroy, disturb, deface, mar, alter, harm, remove cave resources or alter the free movement of life into or out of any significant or potentially significant cave. This could include recreational, scientific, educational, commercial or competitive uses. Written authorization can be in the form of an approved management plan, use permit or authorizing letter.

3. The BLM retains the authority to limit or terminate uses and/or require the restoration of cave resources if it is determined that unacceptable resource damage is occurring.

4. The BLM will consider proposals for special activities, including placing fixed anchors in a cave, establishing a trail to a cave, research, etc. For existing uses or activity proposals where it is determined that a management plan is required, priority will be given to caves where extensive recreational uses are occurring or significant resource conflicts may be at issue.

5. Authorized activities or installations are subject to the agency's National Environmental Policy Act

(NEPA) process and shall be consistent with the intent of the Federal Cave Resources Protection Act of 1988 and any conditions of existing policy and/or management decisions for the affected cave(s). Written authorization would require the applicant to provide the time, scope, location and specific purpose of the proposed activity and the manner in which the activity is to be performed.

6. Unless otherwise authorized, the following acts are prohibited in all caves on BLM-administered lands. The responsible authorized officer will take appropriate action needed to reduce or eliminate the occurrence of the acts.

- Willfully defacing, removing or destroying plants or their parts, soil, rocks or minerals, or cave resources

- Building, maintaining, attending or using any fire, campfire or stove

- Smoking

- Camping

- Possessing, discharging or using any kind of fireworks or other pyrotechnic device

- Discharging a firearm, air rifle, gas gun or paint gun

- Possessing a domestic animal

- Depositing or disposing of human waste

- Digging, excavation, or displacement of natural and/or cultural features

- Entering into a cave which requires written authorization; or engaging in any activities for which a written authorization requirement has been established, without having obtained in advance and having in possession such written authorization

- The use of hand drying agents for climbing which are not natural appearing

- New surface disturbing activities within a 350 foot radius of a cave opening or any known cave passages which may adversely impact any significant or potentially significant cave resource value.

7. Existing installations (e.g. stairs, ladders, fixed anchors, etc.) will be evaluated for retention or removal. Retained and future installations designed and authorized to be left in place should normally be camouflaged to minimize visual impacts. Method of removal or future placement will be pre-approved by the authorized officer and a condition of written authorization.

Any non-permanent apparatus or equipment used must be removed immediately after its use.

8. The use of hand drying agents for climbing requires mitigation measures (chalk balls, pigmented chalk, etc.) to avoid creating a visual impact from residue. If needed, periodic cleaning of

drying agents by cave users to the satisfaction of the authorized officer can be required.

Penalties

Any person who violates this closure and restriction notice may be subject to a maximum fine not to exceed \$1,000 and/or imprisonment not to exceed twelve months under authority of 43 CFR 8360.0-7.

FOR FURTHER INFORMATION CONTACT:

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Dated: April 7, 1995.

Gretchen Lloyd,

Chief, Branch of Social Sciences and Resource Data Management.

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