
File Code: 1950
Date: February 27, 2020

Dear Reader:

The Deschutes National Forest is proposing to issue a forest order that would prohibit specific activities in and around caves where these activities are causing adverse impacts to cave resources on National Forest System lands. Most of these prohibitions are taken from existing forest orders, in other words, there would be little change to what is already being enforced.

The Deschutes National Forest has 4 forest orders¹ dating back to the mid-1990s prohibiting a variety of activities that cause adverse impacts to cave resources on the Forest. To streamline these numerous forest orders into one comprehensive order we are beginning a planning process for a Cave Resource Protection Forest Order.

A more comprehensive forest order, rather than multiple forest orders, will be more responsive to changing recreational use patterns, minimize or avoid adverse resource impacts, and clarify regulations to the public about what and where activities in caves are prohibited or restricted.

As background, there are approximately 700 known caves on the Deschutes National Forest, with approximately 680 caves on the Bend / Fort Rock Ranger District, approximately 22 caves on the Sisters Ranger District, and no known caves on the Crescent Ranger District. Adverse impacts are commonly caused by Forest users; for example, vandalism, lighting fires, playing music, excavating and removing geologic and archaeological resources, installing permanent anchors or bolts for climbing, leaving human and domestic animal body waste, and disturbing bats and other wildlife. In addition, white-nose syndrome in bats has been detected in Washington and northern California.

This proposal for a streamlined Cave Resource Protection Forest Order is needed to protect National Forest System lands from adverse impacts to non-renewable, and extremely fragile, cave resources. The 1988 Federal Cave Resources Protection Act mandates Federal agencies to secure, protect, and preserve significant caves on Federal lands for the perpetual use, enjoyment, and benefit of all people. Many caves on the Deschutes National Forest are recognized as significant caves in every category, for outstanding biota, cultural, geologic-mineralogical-paleontological, hydrologic, recreational, and/or educational-scientific characteristics. In addition, increased visitation to caves associated with the popularity of this type of unique outdoor adventure, as well as the detection of *Pseudogymnoascus destructans* and white-nose syndrome nearby in Washington and northern California have increased the potential for irreversible resource damage. The purpose of this forest order is to:

- Provide consistency in management, protection, use, and development of caves on the Deschutes National Forest.
- Reduce the risk of spread of white-nose syndrome to bats on the Deschutes National Forest, including Region 6 Sensitive Species Townsend's big-eared bat, pallid bat, spotted bat, and fringed myotis.

¹ A forest order is a document describing what, where, how, and when certain activities are restricted or prohibited on a national forest.



- Avoid adverse impacts to cultural resources, geologic features, wildlife, mosses, and other cave resources from Forest users.²

This proposed forest order would enable law enforcement officers to enforce federal regulations under 36 Code of Federal Regulations (CFR) 261 Subpart B³ to minimize or avoid adverse impacts to cave resources associated with fires (36 CFR 261.52(a)); smoking (36 CFR 261.52(c)); operating an internal combustion engine (36 CFR 261.52(h)); threatened, rare, unique, or vanishing species of plants, animals, or birds (36 CFR 261.53(a)); objects or areas of historical, archeological, geological, or paleontological interest (36 CFR 261.53(c)); use of vehicles off National Forest System roads (36 CFR 261.56); camping (36 CFR 261.58(e)); possessing an alcoholic beverage (36 CFR 261.58(bb)); possessing glass containers (36 CFR 261.58(cc)); and depositing body waste in caves (36 CFR 261.58(ee)). In addition, the proposed order would increase the Forest's consistency with the 1988 Federal Cave Resources Protection Act and 2018 Deschutes National Forest Cave Management Strategy. Please see Table 1 and Table 2 for details regarding the proposed cave resource protection prohibitions, and the Forest's website for more information: <https://www.fs.usda.gov/project/?project=57443>.

Table 1. Proposed cave resource protection prohibitions applicable to all caves and cave sinks

What would be prohibited?	What is the purpose of this prohibition?	Existing or new prohibition?
Within a cave, cave sink, or within 200 feet of any cave entrance or opening: <ul style="list-style-type: none"> • Building, maintaining, attending, or using a fire, campfire, or stove fire. • Camping. • Smoking. • Using any hand-drying agent (chalk or substances). • Possessing any alcoholic beverages (as defined by State Law), glass containers, paint, and/or domestic animals (with the exception of certified service animals). • Installing or using any permanent or temporary anchors or bolts. • Depositing any body waste in caves. • Possessing, using, and/or operating an internal combustion engine, motorized vehicle (such as off-highway vehicles, electric bikes, electric skateboards, one-wheels, etc.), or mechanized vehicle (such as mountain bike, skateboard, etc.). 	To protect cultural resources, geologic features, bats and other wildlife, and the overall sensitive cave environment. Cultural resources, including pictographs and petroglyphs, can be permanently damaged by such activities.	Existing (with the addition of the 200-foot buffer)
Within a cave, cave sink, or within 200 feet of any cave entrance or opening: <ul style="list-style-type: none"> • Lighting, maintaining, attending, or using any burning material. • Digging, excavating, and/or depositing any foreign material. • Playing live or recorded music. • Releasing glitter, dust, smoke, or other substances into the air. • Slacklining in a cave or around a cave entrance or opening. • Depositing any domestic animal body waste in caves. 	To protect cultural resources, geologic features, bats and other wildlife, and the overall sensitive cave environment. Cultural resources can be damaged and/or destroyed by many of these activities.	New

² 1990 Deschutes National Forest Land and Resource Management Plan; 2018 Deschutes National Forest Cave Management Strategy.

³ 36 CFR 261 Subpart B – Prohibitions in Areas Designated by Order. Available online: <https://www.ecfr.gov>

Table 2. Proposed cave resource protection prohibitions applicable to specific caves and cave sinks⁴

What would be prohibited?	What is the purpose of this prohibition?	Existing or new prohibition?
<p>Lava River Cave:</p> <ul style="list-style-type: none"> • Entering or being in Lava River Cave (west tube, show cave) from October 1 through April 30 (winter closure), or until the beginning of the open season, whichever is latest. • Entering or being in Lava River Cave (west tube, show cave) from May 1 to September 30, or after the end of the open season, whichever is earliest, between the hours of 5:00pm and 9:00am. • Entering or being in the last 300 feet of the west tube (wet tube, show cave). • Entering or being in the gated east tube of the cave year round. • Climbing or bouldering of any kind. 	To protect cultural resources, geologic features, bats and other wildlife.	New (it is currently prohibited to be within Lava River Cave from October 15 to May 1)
<p>Skeleton Cave:</p> <ul style="list-style-type: none"> • Entering or being in the cave year-round. • Climbing or bouldering of any kind inside or outside the gate at the cave entrance from October 1 through April 30. 	To protect geologic features, bats and other wildlife.	New
<p>Hidden Forest Cave:</p> <ul style="list-style-type: none"> • Climbing or bouldering of any kind. 	To protect cultural resources and geologic features. Cultural resources, including pictographs and petroglyphs, can be permanently damaged by such activities.	Existing
Entering or being in Bat, Charcoal #1, Charlie the Cave (both upper and lower chambers), Cody Borehole, Deg, Eternity, Infinity, Lavacicle, and Wind caves year-round.	To protect bat maternity and hibernating sites, and cultural resources.	Existing for Deg and Charcoal #1 caves, new for other caves
Entering or being in Arnold Ice, Edison Ice #1, Lee's, Lower Quartz Mountain, and Skylight caves from October 1 through April 30 (winter closure).	To protect hibernating bats.	New

⁴ A map of the locations of these caves is not provided because information regarding the nature and location of "significant" caves is protected under section 552 of title 5, United States Code.

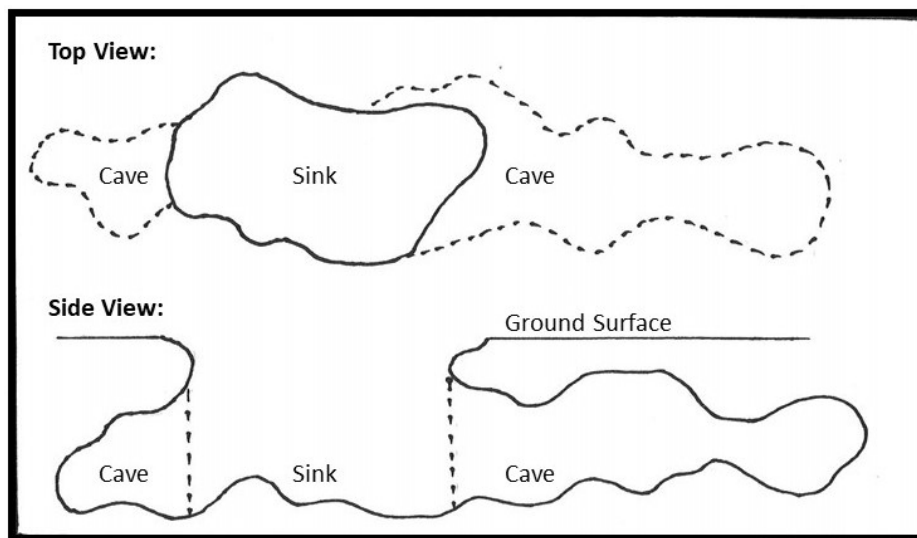


Figure 1. Cave and cave sink illustration

The following persons would be exempt from these prohibitions:

- Personnel with written authorization by a Forest Officer, which specifically authorizes the otherwise prohibited act or omission. The issuing Officer may include such conditions as are considered necessary for the protection of the area, or for the promotion of the health, safety, or welfare of its users.
- Any Federal, State, or Local officer, or member of an organized search and rescue or fire fighting force in the performance of an official duty.
- Persons under a special use authorization that allows the otherwise prohibited activity, and approved contractors and their agents directly engaged in approved work outlined in an operating plan or permit.

Public input is a vital part of the planning process. As part of planning, we invite your comments on this proposed forest order. Your specific written comments will be used to determine if there are any issues associated with implementing the forest order. An environmental assessment will be prepared to document the environmental effects associated with implementing this forest order.

How to Comment

Please submit your scoping comments concerning this action within 30 calendar days following publication of the scoping legal notice in the Bend Bulletin. We anticipate that the notice will publish on March 3, 2020. Therefore, to be most useful, comments on this proposed action should be received by the Deschutes National Forest on or before April 2, 2020. Written comments concerning the proposal may be submitted using the following methods:

- Postal mail or hand delivery: Holly Jewkes (Forest Supervisor), Deschutes National Forest, c/o Sasha Fertig, 63095 Deschutes Market Road, Bend, OR 97701 (if hand delivering, submit during business hours 8:00am to 4:30pm, Monday through Friday, excluding holidays).

- Email message: comments-pacificnorthwest-deschutes@usda.gov (please put Cave Resource Protection Forest Order in the subject line of your email). Electronic comments must be submitted as part of the actual e-mail message or as an attachment in Microsoft Word (.doc), rich text format (.rtf), or portable document format (.pdf) only. E-mails submitted to e-mail addresses other than those listed above, in other formats, or containing viruses will be rejected. For electronically submitted comments, the sender should normally receive an automated acknowledgment from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgment of the receipt of the comments, it is the sender's responsibility to ensure timely receipt by other means.
- Fax: 541-383-5553

Written comments shall include your name, address, and (if possible) telephone number; organization represented (if any), title of document about which the comment is being submitted, and specific facts or comments along with supporting reasons that you believe the responsible official should consider in reaching a decision; and your signature. For objection eligibility, each individual or representative from each entity must either sign the comments or verify identity upon request. If you are submitting an electronic message, a scanned signature is one way to provide verification.

This action is subject to the objection procedures at 36 CFR 218. Only individuals who submit written comments specific to the proposal during the scoping or comment periods for the Cave Resource Protection Forest Order will have standing to file an objection (36 CFR 218.7).

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered, but will not allow for standing to object to the proposal. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act permits such confidentiality. Requests for confidentiality may be granted in only very limited circumstances.

If you have any questions or would like additional information, please contact Sasha Fertig (Environmental Coordinator) by phone at 541-383-5563 or email at sasha.fertig@usda.gov.

Thank you for your interest in the Deschutes National Forest.

Sincerely,



HOLLY JEWKES
Forest Supervisor