Order Number: BHNF-98-043

## FOREST CAVES

## USDA - FOREST SERVICE

## BLACK HILLS NATIONAL FOREST

Pursuant to 36 CFR 261.50 (a), it is prohibited to go into the following caves which are closed for the protection of:

- 1) habitat for threatened, endangered, rare, or vanishing species of animals, 36 CFR 261.53(a), and
- 2) public safety, 36 CFR 261.53(e).

Davenport Cave Yearlong Closure T5N R5E Section 28, BHM Meade County, South Dakota

Bad Luck Cave Closed September 15 through June 1 T3S R2E Section 10, BHM Custer County, South Dakota

Pursuant to 36 CFR 261.51(e), the following are EXEMPT from this order:

- 1) Person(s) with a permit specifically authorizing this prohibited act.
- 2) Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty.

Done at Custer, South Dakota, this 12th day of March 1998.

/s/ John C. Twiss

JOHN C. TWISS

Forest Supervisor

Violation of this prohibition is punishable by a fine of not more than \$5000.00 or imprisonment for not more than six(6) months or both. Title 16 USC, Section 551.

\*\* JUSTIFICATION \*\*

To ensure that sensitive species of bats will not be disturbed during their period of hibernation and possible maternity/nursery activities.

DATE: Feb. 5, 1998

SUBMIT THE FOLLOWING INFORMATION.

- 1. STATE THE DESIRED PROHIBITED ACT: To allow Forest Service LE&I personnel the ability to effectively respond and react to incidents involving the disturbance of sensitive bat species during months when they are hibernating and giving birth to their young.
- 2. REASON FOR THE ORDER: These caves are documented hibernation sites for several species of bats, specifically Federal Category II, sensitive species. Restricting access during the critical winter/spring months will protect the biological values of the cave. Roosting bats are vulnerable to disturbance, which can result in the death of young and adult bats, and possible loss of these significant hibernation sites. The cave entrance to Bad Luck Cave includes a nearly vertical drop of 10 feet. Winter snow and ice accumulates to create an icy build-up making footing hazardous.
- 3. HAVE OTHER METHODS BEEN TRIED TO RESOLVE THIS PROBLEM? Yes DESCRIBE: Voluntary compliance, education.
- 4. PERIOD OF TIME THE ORDER WILL BE IN EFFECT: Each cave will have a different season of closure but the order will be in effect until rescinded.

Davenport Cave Yearlong Closure.

Bad Luck Cave Closed September 15 through June 1.

- 5. LIST THOSE EXEMPT FROM THE ORDER: Persons with a permit specifically authorizing the prohibited act and any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty.
- 6. HAS AN ENFORCEMENT PLAN AND A SIGN PLAN BEEN ESTABLISHED?: Yes
  Who will enforce the order?: Law Enforcement & Investigations
  Who will ensure proper signing?: Recreation and LE&I Personnel
- 7. WILL THIS ORDER BE REVIEWED ANNUALLY FOR NEED AND PROPER ENFORCEMENT?: Yes

8. COMPLETE THE ORDER USING THIS CHECKLIST. When complete, forward the original request to the SO, Attn.: Law Enforcement. The request will be routed to the appropriate staff officer, Public Information Officer, and Forest Supervisor.

Reviewed:	/s/ J.T. Millard	3/4/98
	/s/ J.T. Millard District Ranger, CU/EM	Date
Reviewed:	/s/ M.D. Lloyd District Ranger, SP/NE	3/2/98
	District Ranger, SP/NE	Date
Reviewed:	So. Zone Law Enforcement Officer	Date
Reviewed:	No. Zone Law Enforcement Officer	Date
Reviewed:	/s/lester I Pinkorton	2/17/08
Reviewed.	/s/ Lester L. Pinkerton Supervisory LEO	2/17/98 Date
Reviewed:	Public Information Officer	Date
Reviewed:		
	Forest Staff Officer	Date