

**ORDER OF THE REGIONAL FORESTER
CLOSING AN AREA TO ENTRY, TO WIT:**

Emergency Closure

**All Caves and Abandoned Mines on National Forest System Lands
in the Rocky Mountain Region**

Pursuant to 16 U.S.C. § 551 and 36 C.F.R. 261.50(a), the following acts and omissions are prohibited on all National Forest System lands, administered by the Rocky Mountain Region in the states of Colorado, Kansas, Nebraska, South Dakota and Wyoming. These restrictions are necessary to protect bat species from White-nose Syndrome. They are in addition to the general prohibitions set forth in 36 CFR Part 261.

PROHIBITIONS:

1. Entering any cave or abandoned mine, regardless of distance or depth. 36 C.F.R. § 261.53 (a), (b) and (d).
2. Entering any cave or abandoned mine on National Forest System lands without decontamination of equipment prior to entry to, and departure from, said cave or abandoned mine consistent with those guidelines hereby attached and incorporated into this Order as Exhibit B. 36 C.F.R. § 261.53 (a), (b) and (d).
3. Use of any clothing or equipment that has been used in caves or mines in White-nose Syndrome affected States and Provinces in any cave or abandoned mine on National Forest System lands. 36 C.F.R. § 261.53 (a), (b) and (d).

DEFINITIONS:

For purposes of this Order "abandoned mines" are defined as those inactive mine openings and adits that are not situated on an unpatented claim under the 1872 Mining Law, and which are situated on National Forest System lands.

EXCEPTIONS:

Pursuant to 36 C.F.R. § 261.50 (e), the following persons are exempt from specified Prohibitions of this order:

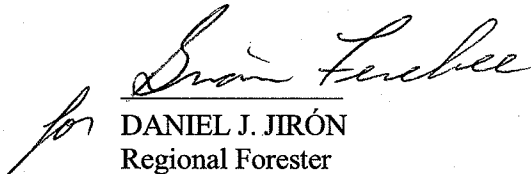
1. Persons entering those caves listed in Exhibit A, which is attached and hereby incorporated into this Order are Exempt from Prohibition #1.
2. Any Federal, State or local law enforcement officer, or member of an organized rescue or firefighting force working in the performance of an official duty is Exempt from Prohibition #1.
3. Persons operating under the 1872 Mining Law are Exempt from Prohibition #1.
4. When conducting White-nose Syndrome-related activities, Forest Service employees, contractors to the Forest Service, and personnel from State wildlife agencies are Exempt from Prohibition #1.
5. Persons with a written authorization from a Forest Supervisor specifically authorizing cave entry to conduct research, inventory, or monitoring as needed to understand and manage White-nose Syndrome and to contribute to the nomination of cave resources as significant under the Federal Cave Resources Protection Act (16 U.S.C. 4301 – 4309 and 36 C.F.R.290) with such written authorization in the physical possession of the person or persons when undertaking the exempted activities are Exempt from Prohibition #1.
6. Members of the National Speleological Society or Cave Research Foundation conducting activities consistent with the national Memorandums of Understanding between the Forest Service and these caving organizations (Agreements #11-MU-11132424-018 and MU-1113-

2424-010, respectively) with a written authorization from a Forest Supervisor specifically authorizing cave entry are Exempt from Prohibition #1. These Members must have proof of their Current Membership and the written authorization from the authorized Forest Supervisor must be in the physical possession of the Member or Members when undertaking the exempted activities. Related activities involve for example leading or assisting cave research, survey and monitoring, identification of sensitive resources, installation of bat gates and signs, monitoring cave use and impacts, survey and cartographic work, cave cleanup and restoration activities, bat observations, monitoring cave and karst resource or environmental conditions, white-nose syndrome surveillance, or related activities or information-gathering of mutual interest and benefit to inform management and conservation of the cave and karst resources. Entry is prohibited from October 15 – April 15 to avoid disturbance to bats during the winter hibernation season, unless otherwise authorized by the Forest Supervisor for winter hibernacula and related surveys and white-nose syndrome surveillance according to recognized protocols.

This closure order will be effective for one year, from August 1, 2012 through July 31, 2013, unless terminated earlier by the Regional Forester.

Violation of these prohibitions set forth above is punishable by a fine of not more than \$5,000 for an individual and \$10,000 for an organization, or imprisonment for not more than six (6) months, or both. (16 U.S.C. § 551, 18 U.S.C. §§ 3559 and 3571).

Dated this 1st day of August, 2012, at Golden, Colorado.

A handwritten signature in cursive script, appearing to read "Daniel Jirón", is written over a horizontal line. To the left of the signature, there is a small, stylized handwritten mark that looks like "for".

DANIEL J. JIRÓN
Regional Forester
Rocky Mountain Region, USDA Forest Service

EXHIBIT A

LIST OF AREAS NOT SUBJECT TO EMERGENCY CLOSURE

The following area is exempt from the prohibition on entry (Prohibition #1) but is subject to all other related requirements and prohibitions in this closure including Exhibits.

A. Wonderland Cave, Black Hills National Forest

Legal description: Section 27 of Township 4 North, Range 5 East, Meade County, South Dakota.

EXHIBIT B

Decontamination Procedures for National Forest System Lands To Help Prevent the Spread of White-Nose Syndrome (WNS) Associated with Cave and Abandoned Mine Entry

**USDA Forest Service
Rocky Mountain Region
July 26, 2012**

All approved cave entries under this emergency closure order for the Rocky Mountain Region (Region 2) must adhere to the latest National White-Nose Syndrome Decontamination Protocol. As of this order the current protocol is Version 06.25.2012. However, the protocol is periodically updated, and all persons entering caves and abandoned mines in Region 2 are responsible for ensuring they are following the latest version available at www.whitenosesyndrome.org. Additionally, the Rocky Mountain Region provides the following addenda that clarifies or expands on the national protocol relative to decontamination procedures for National Forest System lands in the Region.

Rocky Mountain Region Addenda to the National Protocol

Decontamination on National Forest System lands

White-nose syndrome (WNS) decontamination will occur using the national decontamination protocol in relation to sanctioned cave and abandoned mine entry. A cave is defined under the Federal Cave Resources Protection Act as “any naturally occurring void, cavity, recess, or system interconnected passages beneath the surface of the earth or within a cliff or ledge that is large enough for a person to enter, whether the entrance is excavated or naturally formed.” Caves used by bats and of concern in this document include all caves and fissures whether they are accessible by humans or are known to be used by bats or not. The decontamination protocol and this addendum as they relate to mines are directed at “Abandoned mines” including inactive open adits, tunnels, and shafts. They do not include active mines where ongoing mining activities are being conducted.

While the national decontamination protocol properly emphasizes that “the label is the law” when using the products identified in the protocol appropriate for decontamination, many of these are household products for which the labels may not be fully instructive about their use in the situations and environments associated with White-nose syndrome-related decontamination. Consequently, added precaution may be needed in use and proper disposal of decontamination products and materials. Consistent with the national protocol, we also emphasize again bagging exposed gear and clothing and carrying it off-site (off of National Forest System lands) in order to complete the decontamination, following the initial removal of sediment and other debris immediately after emerging from the cave or mine.

USFS employees are responsible at all times to meet any other existing agency or Region 2 requirements for cave entry and/or use of pesticides in addition to any requirements in this Exhibit.

Disinfectants/Applications

While the national protocol provides several product and procedural options for decontamination, the preferred option for decontamination for cave and mine entries in the Rocky Mountain Region is to submerge gear in hot water at sustained temperatures $\geq 50^{\circ}\text{C}$ (122°F) for **at least 20 minutes** whenever possible without harming the treated gear or equipment. (Water at the required temperature should be very hot, but not boiling, in most cases. Temperature at boiling is altitude-dependent). Thermometers must be used to ensure proper temperatures over the duration of the decontamination. All appropriate regulations regarding use of stoves or fire, as well as appropriate safety precautions to prevent burns or risk of wildfire must be followed.

Application of quaternary ammonium if used is limited to hard non-porous surfaces. Other decontaminated surfaces or materials need to be treated with a 122°F water bath for **at least 20 minutes** or 10% bleach solution within the limits specified by the label and Material Safety Data Sheet (MSDS).

Disinfectants known to be effective on *Geomyces destructans* (*Gd*), the fungus that causes WNS, contain chemicals registered with the EPA. It is a violation of federal law to use, store, or dispose of a regulated product in any manner not prescribed on the approved product label and associated MSDS. Users must obtain product labels and MSDSs, read them carefully, and use products only as instructed on the label. Final determination of suitability for any decontaminant is the sole responsibility of the user. Treatments which include the use of the products listed below need to be applied carefully, especially in confined spaces, due to risk of inhalation or contact with the product. All users should be aware of these risks prior to implementing the protocol and understand that products and corresponding procedures may cause irreversible harm. Always use personal protective equipment to reduce contact with these products, particularly when recommended by the manufacturer.

Safe Use of Decontaminants

Because each state can have different regulations concerning the disposal of decontamination solutions and rinse water, always dispose of these where they will be processed in a municipal water treatment facility. ***Never dispose of solutions or rinse water on the ground, in ground water, in outhouses, or down simple waste water systems such as at campgrounds or rural RV dumps.*** Disposal on National Forest System lands is prohibited.

Biosecurity/Decontamination Procedures

Abandoned Mines

Limit abandoned mine entry to personnel and time required for safety and biological surveys or management actions, such as gating. Follow FSH 6709.11, chapter 20, part 22.81 b, c, and d., secure line officer approval prior to entry, and insure that U.S. Forest Service employees are accompanied by a Certified Review Mineral Examiner, Certified Mineral Examiner, or Qualified Minerals Safety Lead. For the purposes of this discussion a "site" may consist of one or more related underground mine openings and may be as large as several square miles. Under situations where surveys are being conducted in

association with abandoned mine closures for human safety, and multiple sites are being visited in a single day in states without documentation of *Gd* or WNS, containment and decontamination between each site may be impractical. Specifically for abandoned mine entry associated with human-safety closures:

- Avoid entry if possible.
- Limit entry to that necessary to safely perform survey or construction work. For construction this is typically less than 50 feet inside the adit or shaft.
- Follow the national decontamination and containment protocol between sites if feasible. If decontamination is not feasible between sites, prior to surveys, identify feasible opportunities for decontamination at the smallest possible geographic unit to minimize risk of contamination between locations. These geographic units could be hydrologic unit code boundaries (HUCs) or bat habitat use areas.
- Decontamination must occur no less frequently than at the end of each day.
- Protect the interior of vehicles with tarps, sheets, etc. if driving between sites without decontaminating clothing (including outer clothing), boots, socks, harness/ropes, helmet, hardhat, hippack/daypack, headlamp, flashlight, camera or other gear.

Caves

Avoid cave entry if possible. Clothing (including outer clothing), boots, socks, harness/ropes, helmet, hardhat, hippack/daypack, headlamp, flashlight, camera, and other gear should not be used in multiple entries in the same day unless the cleaning and decontamination recommended below can be performed between each entry. Exceptions include:

- Where caves are known to be interconnected and have multiple entrances, decontamination is not required between entries at the various entrances within the same day.
- In Region 2 states where *Gd* or WNS has not been documented in the state or an adjacent state and caves are concentrated in a watershed or concise area, decontamination zones or end-of-day decontamination may be applied. Regions or Forests may identify logical decontamination zones that allow decontamination between cave clusters when use or disposal of decontamination chemicals between individual caves, present a human or environmental risk. Decontamination zones should also encompass areas that are likely to be used by the same group of bats and at the smallest possible geographic unit to minimize risk of contamination between zones. These geographic units could be hydrologic unit code boundaries (HUCs) or bat habitat use areas.
- Movement between the sites will occur by foot. If any vehicle will be used to travel between sites, gear will be decontaminated or securely stored in a container before entering/mounting the vehicle (including automobile, ATV, mountain bike, horse, etc.).
- Any item that comes in contact with contaminated gear (anything that has entered a site) will need decontamination. For example, if a backpack is put on while still wearing the coveralls/tyvex suit worn in the site, the backpack will need to be decontaminated.

- Any item that will not be securely stored in a container should be decontaminated before placed in a vehicle. This includes outer clothing that has entered a site (i.e. do not get in or on a vehicle in clothing that has entered a site unless it is decontaminated). Vehicle interiors are impractical to decontaminate so should be kept clean.
- If a site being entered is outside the designated decontamination zone/HIC, that gear/clothing should be decontaminated or changed for clean gear/clothing. Decontamination must occur no less frequently than at the end of each day.
- Gear that is designated to a site or decontamination zone should be decontaminated or replaced annually.

Show Caves and Tourist Mines

Work with contractors, special-use permittees, and concessionaires to agree on a decontamination process for all individuals entering show caves or tourist mines by implementing a combination of the following actions that best fits the situation and will be most effective:

- Provide education to visitors on caves, bats, and WNS such as is being conducted at Mammoth Cave (<http://www.nps.gov/macawhitenose.htm>). The white-nose syndrome website hosted by the FWS (www.whitenosesyndrome.org) and web pages provided by the National Speleological Society (<http://www.caves.org/WNS/index.htm>) also have useful educational information and materials.
- Sites are closed to entry for anything other than WNS surveillance during hibernation season (October 15 – April 15).
- Entry is prohibited for footwear that has previously been in a cave or mine outside the State or other regionally-accepted area of delineation (e.g. Rocky Mountain Region; also coordinate with State Wildlife Departments to be consistent about areas of delineation).
- Entry with clothing that has previously been in a cave or mine outside the State or other regionally accepted area of delineation (e.g. Rocky Mountain Region; Also coordinate with your State Wildlife Departments to be consistent about areas of delineation) is prohibited.
- Accessory items such as water bottles, cameras, cell phones, daypacks in to caves or tourist mines that have previously been in a cave, abandoned mine or tourist mine, are prohibited unless decontaminated on site.
- A WNS education and decontamination station is required on-site.
- Human access to portions of caves or tourist mines used by bats at any time of year is prohibited.
- Human traffic must be confined to well-defined pathways that avoid opportunities for human contact with cave features other than the pathway.

