

IKC Update

**A QUARTERLY PUBLICATION OF THE INDIANA KARST CONSERVANCY
DECEMBER 1997, NUMBER 47**



INDIANA KARST CONSERVANCY, INC.

PO Box 2401, Indianapolis, IN 46206-2401

Affiliated with the National Speleological Society.



The Indiana Karst Conservancy is a non-profit organization dedicated to the conservation and preservation of caves and karst features in Indiana and other areas of the world. The Conservancy encourages research and promotes education related to karst and its proper, environmentally compatible use.

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Cover - Depigmented crayfish (*Orconectes inermis*) in River Cave, Washington County, Indiana. Photo by Melinda Grayson. Layout by James Adams.

Editor and Publisher Keith Dunlap.



QUARTERLY MEETING REMINDER

SATURDAY, DECEMBER 6th, 7:00 PM

BLOOMINGTON, INDIANA

IU GEOLOGY BUILDING, ROOM 143

(SAME ROOM AS BIG MEETING)

The quarterly meetings are for members and other interested persons to have an open forum for talking about cave and karst conservation and related topics. Past, present, and future IKC projects are discussed to solicit comments and input from our members and the caving community as a whole. The meetings are informal, and everyone is encouraged to attend and participate. The IKC Board *wants* your input.

Preliminary Agenda Items: Brief recaps of last quarter's activities (Indian Creek clean-up, etc); Sullivan Cave management plan and ownership proposal; Orangeville Rise ownership transfer status; Oil & Gas Division permit requirements update; IDNR cave management policies; HNF inventorying project; HNF/IKC committee status and other HNF activities; Reprint #9 status; and more....

Meeting directions: The Geology Building is located at 10th and Walnut Grove. Tenth Street runs east/west and is one of the major streets that cut across the IU Campus. Park behind the building, parking permits are not enforced at night. Enter the building from the rear at the west end. The room is halfway down the hall on the right.

EVENTS CALENDAR

06 DEC = IKC QUARTERLY MEETING (see above)

08 DEC = INDIANA CAVE SURVEY MEETING (Columbus)

?? FEB = IKC EXECUTIVE BOARD MEETING (date and location TBD)

?? MAR = IKC ANNUAL BUSINESS MEETING/ELECTIONS (date and location TBD)

For more information on the Indiana Karst Conservancy, visit our website at <http://www.caves.org/~joshua/ikc/> or write to our PO box. Membership to the IKC is open to anyone interested in cave and karst conservation. Annual dues are \$15. Please see inside back cover for the membership application form or to make a donation.

The *IKC Update*, distributed for free, is published quarterly for members and other interested parties. The purpose of this newsletter is to keep the membership and caving community informed of IKC activities and other news related to cave/karst conservation. Submission of original or reprinted articles for publication is encouraged.

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RAMBLINGS FROM THE PRESIDENT...

Wouldn't you know it. I wrote an editorial for the last *Update* (#46, page 7) talking about what kinds of caves we are looking to buy, and an opportunity falls into our lap. I'm talking, of course, about Sullivan Cave.

At first sight, Sullivan doesn't seem to be the kind of cave we'd want to buy -- at least not in the context of my previous editorial. It is, first and foremost, a recreational cave. Yet it also offers unique opportunities for education; and there can be no question that owning an entrance to the third-longest cave in the state gives the IKC some credibility. It may even build our membership and encourage more activism on the part of existing members. One caveat -- we don't own the cave yet. I believe Bill Tozer, chairman of the ad hoc Sullivan Cave Committee, has submitted an article that will expand on the open issues (see page 8).

Now we have the challenge of coming up with a management plan for the property; both in the cave and above-ground. This is not an easy job. Sullivan is laden with a whole series of expectations from the caving community. It will be interesting to see if we can put something together that addresses all legitimate management concerns without "caving in" to the pressure of public opinion.

The IKC doesn't have a single cave management policy, and I think it would be inappropriate to have one. Each cave is very different. Their locations are different, both regionally and in their proximity to population centers. They also have different values as far as their biology, hydrology, paleontology, archeology/cultural, and recreational/educational potential. A management plan must be tailored to the cave, to appropriately address the issues surrounding the protection of these values. Also, the plan must change as the situation changes.

As you know from my September editorial, I don't like the sound of "buying caves for cavers." It makes for a good fund-raising motto -- if you want cavers to help out financially, you must provide some incentive. And of course, recreation is both a legitimate cave value and a legitimate use of a cave resource. However, it is only one of many values and uses. In the case of Sullivan, it is the primary value; so a fairly liberal access

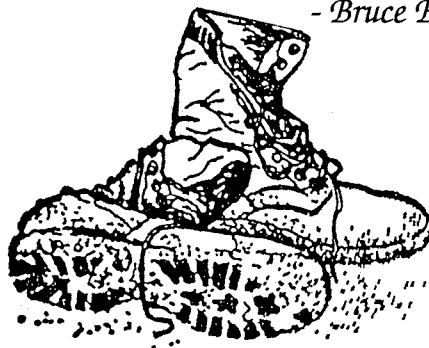
policy should be expected. Yet we can't revert to the situation that we had in the mid-70's, either. Expect a gate to remain on the cave and some form of a permit system.

Some people in the Midwest view the IKC as "the group that gates caves." There is a reason for this. We normally don't pursue management of caves that aren't being threatened in some manner. If the cave isn't threatened, there's no need for us to intervene. We also don't have the resources to buy caves just for the heck of it. When caves *are* threatened, such that we do need to manage access, a gate oftentimes becomes a necessity. Most IKC members realize this, but I suspect that many other cavers do not.

If we don't own the cave, there's also the landowner's wishes to deal with. The IKC currently manages one cave mainly to maintain access for cavers (Suicide). We didn't want to gate this cave, but the new landowner wasn't willing to allow *any* access unless it was gated. Years of negotiations didn't change matters so we gave up and gated the cave anyway. As I look back on that, I wonder if it was the best use of our time and money. Still, we'd established a sound history of management of this particular cave, and it would've been very unfortunate to "lose one." As landowner liability issues continue to gain prominence, you can expect this trend to continue.

Putting aside the gate issue, a good management plan is one that balances the protection of all of a given cave's values. In my more cynical moments, I sometimes feel that a good plan is one that no one is completely happy with and is changed just often enough to keep everyone a little bit annoyed. Such is the essence of compromise. Wish us luck.

- Bruce Bowman



NEWS BRIEFS...

- ❑ The Hoosier National Forest is in the process of finalizing the boundaries and designation of a number of Special Interest Areas (SIA or MA 8.2) on the forest. SIAs contain unique or unusual cultural, ecological, geological, or other scientific values and the areas will be specifically managed to protect the unique value(s). Of the 22 SAI proposed, at least four are being so designated because of their unique karst geology. These include Wesley Chapel Gulf (187 acres), Beaver Creek (116 A), Gypsy Bill Allen (79 A) and Tincher Karst (4,305 acres). As cavers, we need to support these designations by writing to the HNF. Be forewarned that there is opposition on at least two of the karst SAIs (Beaver Creek and Tincher Karst) from horse riders who want these areas open for future horse trails. Comments are due by December 6th, but will be accepted after the deadline. Send your letters of support to Ellen Jacquart, c/o Hoosier National Forest, 811 Constitution Ave, Bedford, IN 47421.
- ❑ An interim management plan has been drafted for Wesley Chapel Gulf. This plan addresses some immediate issues while a longer term plan is developed by the Hoosier National Forest. The interim plan calls for the salvage and removal of the six structures on the property (the house, three sheds, a barn, and a pole-building). The house was found to be in too poor a condition to save, and the sheds and the barn present a safety hazard. There are also several fence rows in need of removal. These will likely be removed by volunteers next spring (May) as a Take Pride in America project...probably with the assistance of the IKC. Minimal signage and mowed trails to the gulf are also being proposed. Visitation to the three caves on the property will not be encouraged, nor is it desired. The IKC is very supportive of interpretive opportunities that exist with the Gulf and plans to be fully involved in it's future development and protection.
- ❑ On August 31st, the IKC held it's annual workday on the Hancock property (Coon, Grotto, Shaft caves) to take care of the above-ground part of the property. Minor fence repairs at Grotto Cave, trash pick-up along the trails and in the woods, and trash pick-up along Spicer Lane were the order of the day. Also completed were gate maintenance and trash pick-up along Gardner Road at Wayne's Cave. The participants this year were Keith Dunlap, Bambi Erwin, and Nick Noe.
- ❑ After several years of continued vandalism in Dry Cave (southwest Ohio), the Central Ohio Grotto, in cooperation with the Highland Nature Preserve, gated this easily accessible cave. While the IKC wasn't directly involved with this project, it did donate some of it's left over materials from the Shiloh gate and IKC members Keith Dunlap, Tom Rea, Kathy Welling, Dick Maxey, and Cheryl Early assisted with the installation of the bat-friendly gate.
- ❑ The problems at Langdons Cave (Crawford County) seem to be escalating. There have been two rescues at the cave in the last year or so. Then, in early November, a Louisville-area man murdered his wife and hid the body in the cave. After a lengthy search, he eventually confessed and the body was recovered. This received a lot of media coverage, including a front-page map in a local newspaper showing the location of the cave. Most recently, an IKC member came across a group of four juvenile and two adult "spelunkers" who were killing hibernating bats. Diplomacy and education didn't work, so they were turned over to the authorities. A number of dead bats and a bag containing a broken stalagmite and cave popcorn were found. Prosecution of these vandals is being pursued.
- ❑ Over three years ago, the Indiana DNR established a cave management task force. The purpose of this committee was to draft a consistent management and access policy for caves on DNR-owned properties. Tom Rea has served on this task force as the IKC representative. In September, the task force provided their draft policy guidelines for input from selected external organizations, including the IKC. The guidelines suggest a very inexpensive permit system, allowing cavers to demonstrate their ability to cave safely. After an initial three trips with no reported problems, a given caver can apply for a yearly permit. This permit is



renewable at no cost. Cavers are also encouraged to provide visitation records to document impact on cave resources, similar but not identical to the Contemporary Cave Use Survey of the NSS. The IKC reviewed the proposals and had only minor comments.

In the past, cave management and access policies on various state properties have been hit-or-miss; and largely left up to the discretion of property managers. The IKC applauds the DNR's effort to provide a consistent policy in light of increased traffic and some of the problems now being experienced in DNR-managed caves.

- ❑ The Army Corps of Engineers is proposing to address a leak problem in Patoka Lake. In 1996, after record rainfall, the pool level extended into the spillway area and subsequently led to the development of sinkholes and associated leakage from the spillway through a nearby cave. Emergency sandbagging and other actions were taken to reduce the leakage until the pool level was reduced. The proposed "fix" by the Corps is to excavate a trench 5 foot wide, by 40 foot deep, by 3,000 feet long and fill the trench with concrete, hopefully cutting off the solutional leak path. This example once again shows that man-made reservoirs in karst areas are not a good idea.
- ❑ As reported in the last *IKC Update*, the momentum for the construction of the I-69 "extension" between Bloomington and Evansville is waning. After the EPA blasted the Indiana Department of Transportation (InDOT) for its inadequate Draft Environmental Impact Statement that didn't look at alternative routes (mainly the I-70/US41 upgrade), the official "purpose" of the billion dollar project was changed. Previously the highway was a *transportation* project to connect Evansville with Indianapolis and northern Indiana. However, to circumvent the EPA's criticisms, the project has now become an *economic development* project for Monroe, Greene, Daviess, Pike, and Gibson counties. While this silences the argument for the I-70/US41 route, it opens a whole new set of questions of alternative means of stimulating the economies of these five counties. Some interesting numbers in the Fall 1997 *Protect Our Woods* newsletter show that interstates and poverty/unemployment have no direct relationships. Some of the poorest counties in the state have interstates, while some counties without interstates have relatively low unemployment. Furthermore, one study suggested that only four jobs per year would be created in the counties this new highway is supposed to help, while at the same time removing over 3,000 acres out of agricultural production. The numbers don't appear to add up, but that hasn't kept InDOT and lobbyist-influenced politicians from spending money on this yet authorized project.
- ❑ The Indiana Cave Survey (ICS), our "sister" organization, has recently become officially affiliated with the National Speleological Society. While the ICS's function and operation will not change, the added recognition and exposure will perhaps encourage non-members to submit cave location data for inclusion in the ICS's extensive database and archive system. For more information on the ICS, contact Dave Black or James Adams.
- ❑ A very good bibliography on "Environmental and Engineering Hazards of Karst Terrains" has been compiled by Megan Porter and published in the July 1997 (Vol 16, I & II) of *Pholeos*, the Journal of the Wittenberg University Speleological Society. Over one hundred references are given, categorized by topics. Contact Keith Dunlap if you would like a copy of this bibliography.
- ❑ With the seasonal changes, the bats begin their hibernation and the IKC and Indiana DNR begin their hibernation monitoring projects. Three speloggers to monitor disturbance events and fifteen dataloggers to record temperatures (sampling every three hours) have been installed in Coon, Grotto, and Jim Ray's caves, all significant Indiana bat (*Myotis sodalis*) hibernacula. Both projects are accumulating long term information which will assist in better managing these and other Indiana bat caves.



- ☐ The IKC recently purchased a high frequency bat "detector" for the Indiana DNR. The detector will be used for field identification and educational demonstration by the Nongame section of the Division of Fish and Wildlife. The detector cost \$236 and was funded out of the IKC's DNR restricted fund. Monies in this fund were obtained by IKC sales of DNR supplied posters to our members.
- ☐ Members obviously noticed the bonus color cover on this issue of the *IKC Update* (exchanges and grotto freebies only have the graytone cover). The costs of the covers were donated by an anonymous corporate sponsor. If you have an interesting cave photo suitable for a cover, preferably in Indiana, contact Keith Dunlap.
- ☐ Each year as part of our September meeting/cook-out, the IKC sponsors a dessert contest. This year's winners: first place - Keith Dunlap for his homemade strawberry ice cream; second place - Bambi Erwin for her peach cobbler; third place - Bruce Bowman for his home grown organic apple/pear pie. Judges this year were Eric Higbie, Tom Rea, and Kevin Strunk. Yum, yum!
- ☐ Readers may have noticed the redesigned "page 2" listing the various executive board members, committees chairs, patrons, and grotto liaisons. If you are listed on this page, please check that the information is correct. Also, if you have an e-mail address that is not listed, please send it to Keith Dunlap.
- ☐ Other projects have taken priority, but work is continuing on the IKC Special Reprint #9, Banta's 1907 report on the *Fauna of Mayfield Cave*. The reprint has been printed, but still needs to be collated, folded, stapled, and trimmed. It *will* be distributed with the March *Update*. Sorry for the delay.
- ☐ Each year at Indiana Cave Capers, the IKC collects aluminum beverage cans. Also several members (Jim & Kim Adams, Bambi Erwin, Keith Dunlap, Tom Rea) save up their cans and donate them to the cause. This year's collection netted 75 pounds and \$22 towards the IKC. Furthermore, this is that much less trash going to our limited landfills. Please recycle!
- ☐ Donations to the IKC are very important to cover expenses beyond our basic activities and communication materials. This will be especially true as we pursue the purchase of Sullivan Cave which will be funded entirely by voluntary contributions. The IKC is an IRS 501(c)3 educational charity and all donations are tax deductible on your federal taxes. Any year-end contributions will be greatly appreciated. Please specify if the donation is for Sullivan Cave or our general fund.
- ☐ Four new members have joined the IKC in the last quarter, including the St Joseph Valley Grotto (322), Theresa Peterson (323), Aaron Atz (324), and Rauf Khalid (325). Welcome to all and the IKC appreciates your support. The membership now stands at 153.

IKC EXECUTIVE BOARD NOMINATIONS

As the end of the year approaches, it is time to start thinking about the upcoming March elections. The three officer (President, Secretary, and Treasurer) and six of the twelve Director positions are up for a vote. All members are eligible, with the only requirements being the willingness to be involved and to attend the five meetings each year (the four Quarterly meetings plus the February Board meeting). Officer positions are single year terms while the Director terms are two years in duration. Contact Bruce Bowman for more information, to nominate yourself, or to suggest other IKC members who might be interested.

SULLIVAN CAVE STATUS

by Bill Tozer

The property containing Sullivan Cave was offered for sale and was purchased by two IKC members. They have in turn offered the IKC the opportunity to repurchase the cave from them. The September quarterly IKC meeting generated a lot of discussion on the topic. As there was significant interest, Bruce Bowman appointed a Sullivan Cave Committee to explore the purchase of the cave. The committee is to prepare a report on the purchase of Sullivan Cave at the December IKC quarterly meeting. At that time the IKC board may consider the issue, or perhaps ask for more information.

The committee members are Bruce Bowman, Bob Decker, Keith Dunlap, Dave Haun, Larry Mullins, Tom Rea, Bob Vandeventer, Kathy Welling, and Bill Tozer (chairman). The committee has been meeting to address some fundamental questions.

HOW DOES SULLIVAN CAVE FIT INTO THE IKC PHILOSOPHY OF CAVE MANAGEMENT?: All on the committee agreed that Sullivan definitely fits the IKC. Recreational caving is a legitimate use of caves. The cave is a great educational opportunity. There is great potential for organization building.

COSTS: At this time, a reasonable best estimate is \$65,000 for the property (27.5 acres) plus improvements of \$3200 for a new driveway to the parking area. As was reported at the IKC quarterly meeting, the current house and drive is being sold to reduce the cost of the cave property (until the house is sold, the final price can not be determined). This would cut off road access to the current parking area. Annual costs are principally insurance and taxes. The insurance would cover liability on the property, the IKC Board, and volunteers on authorized work days. These are estimated at \$300 annually. Future costs could be an access road to the top of the ridge, which is currently a large pasture. It is the only large open flat area on the property.

FUND RAISING: Money for the Sullivan Cave project would be kept in a restricted account of the IKC. Any funds received prior to the purchase of the cave will be deposited in the account which will be returned to the donors if the cave is not purchased.

There will be no active solicitation of funds until the IKC decides to purchase the cave. Certainly, money and pledges will be accepted. This would give us confidence in our ability to raise the money. It is reasonable to raise enough additional money to set up an endowment fund to pay for the annual costs. This would protect the IKC treasury.

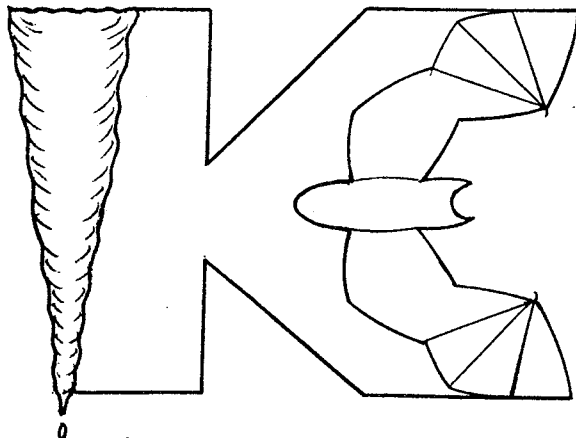
The committee feels that the IKC should not take on any additional purchases until the Sullivan Cave property is fully funded. A major concern raised at the IKC quarterly meeting was the impact on other IKC activities. The separate funding with an endowment to cover operating costs will protect the money aspect. The acquisition of Sullivan should stimulate interest in the IKC and our activities across the caving community.

The purchase of Sullivan Cave should enhance rather than hinder our current activities.

The Sullivan Committee is now working on the policies and procedures to manage the cave property. We expect to have full recommendations in time for the December IKC meeting.

As stated in the first paragraph, the IKC has not yet decided to purchase the cave. The Sullivan Committee would like to know that the membership will support the purchase of the cave. Your cards and letters (and e-mail) would be appreciated. Until the decision to purchase is made, we are not actively seeking donations. However we appreciate your support and pledges/donations of funds would show the membership interest.

Please direct comments and e-mail to Bill Tozer, 9698 S 150W, Pendleton, IN 46064, or WTozer@aol.com.



INDIAN CREEK SINKS CLEAN-UP

by Bruce Bowman

In mid-summer, I was contacted by Brian Leavell. He'd been appointed to find a suitable Indiana conservation project for the Ohio Valley Region. This workday occurs in a different state of the region each year, and 1997 was Indiana's year again. I immediately thought of the dump on the bluffs near Indian Creek Sinks.

At the time, The Nature Conservancy was in the process of acquiring a conservation easement for the sinks, which is the principal water source for the largest spring in Indiana, Harrison Spring. The area is very scenic and a textbook example of stream piracy. Unfortunately, someone decided that a 50-foot bluff upstream of the sinks was a good place to dump their trash. This material had accumulated over the years, and included old, rotten furniture; kitchen and yard waste; even a few major appliances. You name it, and it was in this trash pile, strewn along the bluff and, in some cases, cascading down into the stream bed.

It took awhile to coordinate this event between the region, the IKC, The Nature Conservancy, and the landowner; but we eventually set a date of November 15. TNC arranged a twenty-cubic-yard dumpster for us at a significantly reduced rate. A notice was sent in mid-October and we were ready to go at it. Although there were some anxious moments when unseasonably cold, wet weather inundated central Indiana with snow, we were lucky enough that no accumulation occurred at the work site. Still, we had to deal with heavy, intermittent snow squalls throughout the day.

After a drive of nearly three hours, I arrived at the site at 10 AM. Roughly half the work crew was already there. The dumpster was positioned at the end of the gravel road, which is maybe a quarter mile from the trash dump. Fortunately, some of the folks volunteered their pickup trucks to shuttle the trash back and forth from the site. After twenty minutes or so, we decided that we should get started. Alan Pursell, Blue River Project Manager of TNC, drove most of the crew back to the site in his truck while I stayed behind to point stragglers in the right direction.

In another twenty minutes, several of us started walking back to join the rest; passing three trucks that were already loaded down with trash. We got to the site and pitched in. What is there to say about picking up junk? The only thing you can do is just jump in and get your hands dirty. TNC donated a number of large trash bags. We had a good-sized crew of nearly two dozen people now and were moving fast. Under a pile of diapers and baby trash, a pack of contraceptive pills was found unused. As you might imagine, this was the subject of much speculation.

After two trips from our pickup "shuttles," the dumpster was already half full. Now we had a problem. I was hoping to get some of the large appliances further down the bluff, which would have required using winches and/or pulleys to pull them up. We had the equipment, and had only worked about two hours; yet we already had enough trash bags and other junk lined up along the road to top off the dumpster. There would be no place to put them. We could bring them up anyway and set them along the road, but that would just make them more of an eyesore than they already were. After much discussion, we decided to leave the stuff down there and get it next time. We're going to need at least one more workday to finish the job with a dumpster three times as large as the one we were using today. Perhaps the weather will be nicer next time around, too. It was snowing heavily during this discussion and showed no signs of letting up!

After filling the last load, the crew was rewarded with a view of the sinks themselves. The first time I was here, all the sinks were inundated with flood waters. The features were much better this time around. There had been some CCC activity at this site during the 1930's, and two dams were installed on Indian Creek. The first diverted the stream around the first series of sinks on the south bank. As a result, a new sink opened just downstream of the dam, which noisily takes a great deal of the water. Another dam was put in place to divert the entire stream around the sinks in the creek bed and through a specially-dug channel on



the south side. In time, this channel has silted up; and the creek now flows over the dam and terminates where it did back then in a series of small, quiet pools. I'd like to think that over the last 60 years, we've learned that nature will eventually overcome such attempts to tame her; but I can think of too many recent examples to really believe it.

After that, we went back and stomped/crammed as much more junk as we could into the dumpster, took advantage of a few photo opportunities, and went our separate ways. Most people (including me), left at around 1:30.

It's always a pleasure to see so many turn out for a workday, but it's especially rewarding when people still show up on what amounts to a fairly miserable day. Some members may not be aware that the IKC is

in process of acquiring this easement from The Nature Conservancy. This was an excellent demonstration of our level of commitment to the protection of karst resources. The transfer and another workday should occur sometime in 1998. Thanks to the following people for pitching in: John and Nick Benton, Bruce Bowman, John Cole, Bruce Devore, Brian Leavell, Julian Lewis, Jerry Litaker, Nick Noe, Everett Pulliam, Tom Rea, Gary Roberson, Bob Sergesketter, Tom Sollman, Frank Swarts, Dick Vernier, and Barry Welling. Special thanks go to Dave Black, Alan Pursell, and Dave Strickland as these guys not only helped, but also allowed us to abuse their trucks. Also thanks to Greg Albers, Manager, Gray Disposal, Waste Management of Kentucky for donating much of the cost of the dumpster.



The top half of the trash pile in and around trees. The mess continues down over the bluff to the right of the picture.

Photo by James Adams, April 1995.



Collecting the household trash and construction debris into bags for the shuttle drive to the dumpster.

Photo by Bruce Bowman.



With a full dumpster, part of the work crew poses by their spoils, thinking about getting out of the cold.

Photo by Bob Sergesketter.

HOOSIER NATIONAL FOREST INVENTORYING PROJECT

by Kriste Lindberg

As most IKC members probably know, the IKC has paired with the Hoosier National Forest to inventory each and every cave on the HNF. To date, as far as we have been able to determine, there are approximately 100 caves on the property. We are endeavoring to discover exactly how many there are, where they are located, and what values they possess in order to write individualized management plans for each cave. All is in compliance with laws that protect caves and their resources.

This is literally a groundbreaking project that has never been done before anywhere, and is the brainchild of former HNF Cave Resource Specialist and IKC member, Larry Mullins. Although Larry has recently accepted a position with the US Forest Service in Alabama, the project is advancing by the efforts of Ellen Jacquart, Natural Resource Specialist for the HNF.

The project consists of volunteers from Indiana and neighboring states. It is overseen by an IKC committee, the Hoosier Forest Committee, which includes representatives from each of the participating grottos and caving organizations within the Indiana. This project would not be possible without the help of all these dedicated volunteers.

The members of the project are divided into two groups: The Advance Team which

scouts out cave locations by using GPS units and other means, and the Values Team, which inventories the caves after they have been located to determine what biological, cultural, geological, hydrological, paleontological, and recreational/educational significance they have. All members have been specially trained to ascertain these characteristics.

At the time of the writing of this article, there are:

2 caves that have draft management plans completed (waiting for Line Officer review and approval).

16 caves that have both Advance work and Values work completed and are waiting for management plans to be drafted.

16 caves that have Advance work completed and need Values work completed.

38 caves that need Advance work completed.

26 caves that need more information in order to do the fieldwork.

HNF/IKC Karst Field Workdays take place on the third Saturday of each month. If you would like to be part of this progressive project, please contact either Kriste Lindberg (812-339-7210, Lindberg@indiana.edu) or Ellen Jacquart (812-275-5987).

LANDOWNER LIABILITY

edited by Keith Dunlap

As the IKC prepares itself to become a landowner, the concerns of additional liability exposure is a topic to explore. Fortunately, Indiana has a statute protecting landowners who allow recreational use of their property by others under certain situations. Thus it is important to understand the law and its limits and condition.

The current statute, IC 14-22-10-2, was enacted in 1995, replacing a similar law, IC 14-2-6-3, which was repealed that same year. Both codes specifically mention "caves" which is an important aspect, reducing the need to argue the applicability of the law to

cave visitors who are *under* the land rather than *on* the land.

The text of IC 14-22-10-2, Section 2 reads:

(a) As used in this section "governmental entity" means any of the following: (1) The government of the United States of America, (2) The state of Indiana, (3) A county, (4) A city, (5) A town, (6) A township, (7) The following, if created by the Constitution of the United States, the Constitution of the State of Indiana, a statute, an ordinance, a rule, or an order: (A) An agency, (B) A board, (C) A commission, (D) A committee, (E) A council, (F) A department, (G) A district, (H) A public body corporate and politic.

(b) As used in this section, "owner" means a governmental entity or another person that: (1) has a fee interest in; (2) is a tenant, lessee, or an occupant of; or (3) is in control of; a tract of land.

(c) A person who goes upon or through the premises, *including caves*, of another: (1) with or without permission to hunt, fish, swim, trap, camp, hike, sightsee, or for any other purpose; and (2) either: (A) without the payment of monetary consideration; or (B) with the payment of monetary consideration directly or indirectly on the person's behalf by an agency of the state or federal government, does not have an assurance that the premises are safe for the purpose.

(d) The owner of the premises does not assume responsibility for or incur liability for an injury to a person or property caused by an act or failure to act of other persons using the premises.

(e) This section does not affect the following: (1) Existing Indiana case law of liability of owners or possessors of premises with respect to the following: (A) Business invitees in commercial establishments, (B) Invited guests; (2) The attractive nuisance doctrine.

(f) This section does not excuse the owner or occupant of premises from liability for injury to a person or property caused by a malicious or an illegal act of the owner or occupant.

ANALYSIS OF THE LIABILITY LAW

[*Editor's note: The following analysis was provided by Adair Brent, Director, Mitchell Plain Research Center and was originally published in Notes on the Mitchell Plain, Vol 1, #1. Reprinted with permission.*]

Landowners are often fearful that they will be held liable for any injuries that occur in caves or sinkholes on their property. This fear has caused many owners to block or fill cave entrances or sinks, or to place gates on entrances which are detrimental to wildlife. The Indiana Legislature acknowledged this tendency among owners of caves and other natural resources. They also recognized the value of encouraging the use of these natural areas. IC 14-22-10-2 was drafted to encourage landowners to open their property to the public free of charge.

At first glance, this statute might seem to provide little protection for a land owner. Specifically, section (e) might appear worrisome. It might appear as if the State were not really providing any protection at all if this statute does not change the law with regard to an invited guest. Yet the term "in-

vited guest" is not what it might seem. It is a term of art in the legal realm. Landowner liability statutes like this one hinge on the classification of the injured person. Are they an Invitee, a Licensee, or a Trespasser? The duty of care that a landowner must obey changes with the classification.

These distinctions can be quite technical, but I will try to provide a very brief overview. A landowner owes the highest duty of care to an invitee. Instead of quoting the technical definitions which can be very confusing, I turn to an example of the distinction between an invitee and a licensee that I found in *McCormick v. Indiana* 673 N.E. 2d 829 (1996). Children who are allowed by a landowner to play ball on a vacant lot would be licensees. If the landowner built a playground and put up a sign inviting the children in they would be invitees and the landowner would owe them a much higher duty of care. This is the type of distinction that comes into play in cases involving landowner liability.

As I hope you can see from this example, few cave owners hold their land open to the public for the purpose. (another legal phrase) of entering their caves. Rather, they allow cavers and others in pursuit of recreation on their property for the convenience, curiosity, or entertainment of the visitor. This typifies a licensee. A landowner must refrain from willful and wanton conduct, they must not increase the peril of the licensee and they must warn of latent dangers. The intricacies of these duties are beyond the scope of this article but it would appear that only the third (for instance, if a landowner knew that his cave entrance flooded) would be a potential problem for the cave owner.

Section (d) of this statute is also interesting. A landowner would not be held liable if one caver or visitor hurt or failed to help another. This section provides additional explicit protection for the landowner.

From this basic review of IC 14-22-10-2, it appears that Indiana provides adequate protection to cave and sinkhole owners. In the majority of situations, a landowner would not be held liable for karst related accidents. This is however, not blanket protection. In my research, I was not able to locate a case in which a landowner was sued for an injury occurring in a cave. Yet the statute explicitly includes caves, so other case law dealing

...continued on page 17

AWESOME ADVENTURES

by Don Ingle

On July 7th and 9th I had the privilege of putting on a video and slide show presentation for the children, ages six through twelve, as part of a summer reading program call "Awesome Adventures," put on by the Vigo County Public Library.

Several other groups were there also, representing mime troops, magicians, hikers, and practically anything else that you could imagine. I was there to represent the Western Indiana Grotto as an appointed human sacrifice.

The presentations were to be at the main branch on July 7th and then at the West Terre Haute Branch on the 9th. Each presentation was surprisingly well attended and was interesting, each in its own way.

Next year, if they want us back, I think I'll let someone else experience it though. I have paid my dues. It's now someone else's turn. I don't mean to give the impression that it was a descent into Dante's Inferno. It wasn't that bad or that much fun (depending on your point of view)...just interesting.

The presentation consisted of a video, (volume seven of *Roughing It: Cave Exploration*) coupled with the slides from an IKC Cave clean up last year and the grotto trip to Apple Cave this year. Somewhere in between I was going to explain about cavern development and animal life found in caves, among other things, in varying degrees of depth depending upon the age of the audience.

I had no idea what to expect nor could the library give me any idea how young they would be. And so, on one hand I had to be ready to give an intellectual discussion of cave conservation and cave development, while also preparing to explain why we had never met the Teenage Mutant Ninja Turtles on one of our grotto trips.

The woman in charge of the program told me she felt sorry for me after the first presentation because the audience was close to three quarters pre-school age. Knowing what I do about children of that age, I decided to lean heavily on the visual aids since the attention span of the average pre-school child is about thirty seconds, more or less.

Before too long I showed them the poster so graciously provided by the IKC about bats. This proved to be a big mistake. From that point on every question asked was about

vampire bats. Where do they live? Did I know they drink blood? Have I ever seen one in a cave? Which one of those bats on the poster was a vampire bat? And so on...

Every attempt to steer the talk back to the subject of caves was short-lived; though I got to demonstrate, on the floor, what a belly crawl looked like; much to the amusement of the parents there.

The aforementioned woman thought it would be a good idea to show the kids some of our equipment instead of the videos and such for an hour, a whole hour, a whole agonizing hour.

The next presentation was in West Terre Haute. This one was quite interesting, too. No vampire bat questions this time, much to my relief. In fact the kids appeared to be under some heavy sedatives. There were no questions at all from the children, not even one.

The adults had a truckload of questions however, which did make the hour pass much more quickly. The kids seemed attentive but were absolutely devoid of any curiosity concerning caves. My five-year-old boy (who had escaped from his sisters downstairs, to come up to disrupt the proceedings) was the only one of the children present to show any vitality. Unfortunately, it was all spent on chasing some girl he had taken a shine to around the chalk board until I was forced to interrupt the proceedings to halt his merriment. Over all, I got the feeling that the kids were all there as prisoners of their parents who asked all the questions and showed most of the interest.

Following each presentation I invited all present to attend one of our grotto meetings. This was mostly for the benefit of the adults present if they were interested in learning more about caves. I also distributed a flyer listing several commercial caves for those with a more casual interest in caving.

Later I received a nice thank you card from the woman in charge of the program, so I must not have done too bad a job.

[Editor's note: Don is an IKC member and chairman of the Western Indiana Grotto. The article was reprinted from the WIG newsletter, Vol 1, #2.]

INDIANA KARST CONSERVANCY TREASURY REPORT

Income/Expense Statement From July 1, 1997 to September 30, 1997

INCOME:

Dues Apportionment and Residuals	606.25	
Donations	135.00	
Hat & Shirt sales	21.30	
Interest	97.67	
	<u> </u>	\$860.22

EXPENSES:

IKC Update (printing, production, mailing)	167.07	
Membership (postage, meeting notices, etc)	83.20	
Conservation/Management/Education	152.72	
Dry Cave Gate	54.75	
SCCI Donation (Fricks Cave)	100.00	
HEC Membership and Donation	100.00	
	<u> </u>	(\$657.74)

NET OPERATING EXCESS (DEFICIT) THIS PERIOD: \$202.48

Balance Sheet September 30, 1997

ASSETS:

Cash in Savings Account	1643.35	
Cash in Savings Account	8564.18	
	<u> </u>	<u>\$10,207.53</u>

LIABILITIES & OPERATING EXCESS:

Hancock Property Maintenance Fund	183.79
Indiana DNR Nongame Fund	370.00
Sullivan Aquisition Fund	1000.00
Deferred Dues Fund: 151 members - 1997	1132.50
6 members - 1998	90.00
1 members - 1999	15.00

Previous Operating Excess	7213.76	
Net Excess (Deficit) This Period	<u>202.48</u>	
Current Operating Excess	<u>7416.24</u>	

Total Liabilities & Operating Excess \$10,207.53

IKC QUARTERLY MEETING MINUTES

Sunday, September 14th, 1997

Indianapolis, Indiana

BOARD MEMBERS PRESENT:

Bruce Bowman
Larry Bundy
Bruce Devore
Keith Dunlap
Bambi Erwin (proxy for James Adams)
Dave Haun
Kriste Lindberg
Larry Mullins
Nick Noe
Gene Pelter (proxy for Clyde Simmerman)
Tom Rea
Eric Schmidt
Tom Sollman
Robert Sergesketter
Bill Tozer

BOARD MEMBERS ABSENT:

none

The meeting was called to order at 4:10 at the home of Bambi Erwin amidst the roar of a nearby motorcycle meet.

The March meeting minutes were accepted with the following corrections: 1) Jeff Cody was listed as an e-board member in attendance (Jeff was there but he is not currently an e-board member); 2) Director Nick Noe was left off the attendance list.

Treasurer Keith Dunlap reported the IKC cash assets as \$9,676.54 as of the beginning of the meeting.

The main topic of the quarterly meeting was an offer for the IKC to purchase Sullivan Cave. Keith Dunlap started the discussion by giving background information on the events leading to Dunlap's and Bob Decker's pending purchase of the property from Janet Stewart, the long time owner [editor's note: the closing occurred on September 24th]. Dunlap described the property and their intent to sub-divide/resell the house with 2-1/2 acres prior to offering at their cost the remaining 27-1/2 acres to the IKC. Depending upon the proceeds from the house, the remaining property is expected to be \$60,000 to \$70,000.

Bruce Bowman then opened the floor for general comments. Larry Reece expressed his support for the IKC purchase. Bill Tozer was for the acquisition, but stated the need to answer various management questions prior to committing. Larry Mullins was for the purchase and thought Sullivan Cave had extremely high values. Nick Noe was concerned it would consume too much of our effort/resources and we would neglect our other important activities.

Bob Vandeventer thought owning the cave would allow the IKC to continue our educational emphasis. Tom Rea thought it was a great opportunity, but thought we would need better control over trips (cited problems with Wayne's liberal access). Bruce Bowman reiterated that the purchase of Sullivan would take a major commitment (financial and otherwise) on the part of the IKC. Bowman then polled each of the Executive Board for additional comments.

Keith Dunlap raised the question over what method should be used to provide access. The consensus was that access to Sullivan would continue to be through a single contact person to coordinate access, rather than the grotto liaison system used for some of the other IKC managed caves. The consensus was also to continue using Bob Vandeventer as the contact person. Bob has coordinated access for the previous owner of the cave for the past ten years.

Bowman motioned, "In principle, the IKC should pursue the acquisition of the Sullivan Cave property from the interim owners." The vote was 9 for, 3 against, motioned passed.

Bowman then formed an ad hoc committee to study the acquisition, formulate above and underground management recommendations, and propose a fund raising strategy. The committee is to report their findings at the December meeting. Appointed to the committee were Bruce Bowman, Bob Decker, Keith Dunlap, Dave Haun, Larry Mullins, Tom Rea, Bill Tozer (chair), and Bob Vandeventer [editor's note: Kathy Welling was added at the first committee meeting].

Other business....Bruce Bowman reported that The Nature Conservancy was still working on transferring the ownership of the Orangeville Rise (Orange County) and the conservation easement at the Sinks of Indiana Creek (Harrison County) to the IKC. The goal is have this completed by the end of 1997.

The IKC membership with the Hoosier Environmental Council is due. Nick Noe motioned to renew our membership with a \$100 donation. Passed: 15 for, 0 against. Noe will attend the HEC annual business meeting and will officially represent the IKC.

Nick Noe setup the new IKC display "booth". He solicited ideas of the educational information we wanted to present.

Kriste Lindberg has revised the text of the IKC brochure and passed out a draft. Her main goal was



to reduce the amount of the text on the current brochure with the philosophy that less is more.

Nick Noe suggested we pursue an IKC window decal for membership recognition or fund-raising.

Tom Sollman relayed comments from an IKC member who suggested quarterly meetings should be on Saturday rather than Sunday. [editor's note: In general the meetings have been on Saturday and it was only special circumstances that the July and September meetings were scheduled on Sunday.]

Tom Sollman announced that Dr Julian Lewis would be starting a biota study in Binkley Cave.

Nick Noe reported on the Hancock property work-day and reminded the board that the signs need updating as they still have our old address on them.

Bill Tozer requested that those in attendance should

not discuss details of the Sullivan Cave acquisition until after final closing. An appropriate "press release" would be prepared and distributed to announce the ownership change and proposed acquisition by the IKC. Tozer also asked that comments and suggestions on the management policies be sent to him for consideration by the study committee.

Larry Reece announced there would be a work weekend at Mammoth Cave on October 4-5. Due to the short notice, he is looking volunteers. The work area is in the Echo River section of the cave.

The next meeting was scheduled for December 6th in Bloomington. Kriste will make room arrangements, preferable in the IU Geology Building.

The meeting was adjourned at 6:06 and the cook-out followed.

Respectfully submitted, Keith Dunlap

continued from page 13...

with this statute should cover cave-related cases as well. In addition, it must be remembered that the purpose behind this law was to encourage landowners to allow access to caves and other natural features.

LIABILITY WAIVERS

The IKC has always used liability waivers to provide additional protection to the landowner and the IKC. Some have questioned if waivers really do much good, especially in

our increasingly litigious society. While waivers will *not* keep someone from suing, a properly drafted and executed waiver can decrease the likelihood of them collecting any settlement. A recent suit, Shumate vs Lycan (1997) and subsequent appeal, upheld the validity of liability waivers. Thus it is very important that all visitors execute a waiver before entering an IKC managed cave (note, special care must be given to minors who can not waive their rights without parental consent). Protecting caves also means protecting their landowners.

INDIANA KARST CONSERVANCY, PO BOX 2401, INDIANAPOLIS, IN 46206-2401

I would like to help the IKC protect Indiana's unique caves and other karst features. Enclosed is:

\$ _____ for IKC membership dues at \$15 per year (dues expire March 31st of each year, please pro-rate @ \$1.25/month).

\$ _____ donation to the general IKC fund.

\$ _____ donation restricted to a specific IKC project. Please specify: _____

_____ I know of an area worthy of protection. Please contact me.

_____ I would like to volunteer to help. Please contact me.

NAME _____

ADDRESS _____

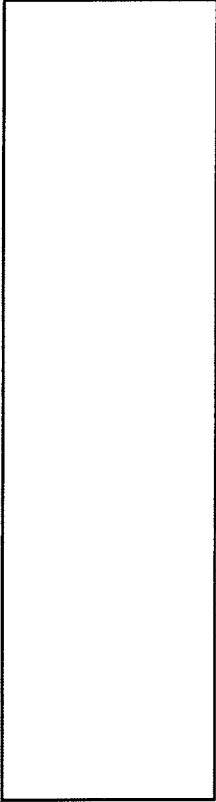
CITY/STATE/ZIP _____

PHONE # _____

Make checks payable to the Indiana Karst Conservancy, Inc. and mail to the IKC Treasurer, c/o Indiana Karst Conservancy, PO Box 2401, Indianapolis, IN 46206-2401. The IKC is an IRS recognized 501(c)(3) non-profit organization with membership dues and donations fully tax deductible.

Indiana Karst Conservancy
PO Box 2401
Indianapolis, IN 46206-2401

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