

# **FEDERAL CAVE RESOURCE PROTECTION and ARCHAEOLOGICAL RESOURCES PROTECTION ACTS**

## **NSS Cave Vandalism Deterrence Reward Commission**

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**Updated by \_\_\_\_\_, \_\_\_\_\_**  
name date

There are many free websites which have Federal and State Laws, Codes, Statutes and Regulations.

The Cave and Archaeology Laws and Statutes included on the following pages can be found on Justia US Law webpages. Access to the law and statutes is critical to understanding your rights and your responsibilities. In my opinion the Justia website is one of the best organized, most up-to-date, easy to navigate, and offers free access to federal and state codes, statutes, and regulations. Go to <https://law.justia.com/> to begin your search.

Also review the individual State code, statute, and regulation webpages. Links and citations have been included. Useful law school websites are <https://www.law.cornell.edu/> and <http://www.washlaw.edu/> . When in doubt, contact a lawyer.

**CONTENTS**

**FEDERAL CAVE RESOURCES PROTECTION ACT .....Page 3**  
**NATIONAL CAVE AND KARST RESEARCH INSTITUTE ACT...Page 9**  
**LECHUGUILLA CAVE PROTECTION ACT ..... Page 11**  
**THE ARCHAEOLOGICAL RESOURCES PROTECTION ACT.....Page 13**  
**OTHER FEDERAL LAWS and REFERENCES.....Page 22**

# FEDERAL CAVE RESOURCES PROTECTION ACT

## 16 United States Code Chapter 63

<https://law.justia.com/codes/us/2017/title-16/chapter-63/>

- § 4301. Findings, purposes, and policy
- § 4302. Definitions
- § 4303. Management actions
- § 4304. Confidentiality of information concerning nature and location of significant caves
- § 4305. Collection and removal from Federal caves
- § 4306. Prohibited acts and criminal penalties
- § 4307. Civil penalties
- § 4308. Miscellaneous provisions
- § 4309. Savings provision
- § 4310. Establishment of Cave Research Program

### 16 U.S. Code § 4301. Findings, purposes, and policy

**(a) Findings.** The Congress finds and declares that:

- (1) significant caves on Federal lands are an invaluable and irreplaceable part of the Nation's natural heritage; and
- (2) in some instances, these significant caves are threatened due to improper use, increased recreational demand, urban spread, and a lack of specific statutory protection.

**(b) Purposes.** The purposes of this chapter are:

- (1) to secure, protect, and preserve significant caves on Federal lands for the perpetual use, enjoyment, and benefit of all people; and
- (2) to foster increased cooperation and exchange of information between governmental authorities and those who utilize caves located on Federal lands for scientific, education, or recreational purposes.

**(c) Policy**

It is the policy of the United States that Federal lands be managed in a manner which protects and maintains, to the extent practical, significant caves.

(Pub. L. 100–691, § 2, Nov. 18, 1988, 102 Stat. 4546.)

### 16 U.S. Code § 4302. Definitions.

**For purposes of this chapter:**

- (1) Cave. 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.
- (2) Federal lands: The term “Federal lands” means lands the fee title to which is owned by the United States and administered by the Secretary of Agriculture or the Secretary of the Interior.
- (3) Indian lands: The term “Indian lands” means lands of Indian tribes or Indian individuals which are either held in trust by the United States for the benefit of an Indian tribe or subject to a restriction against alienation imposed by the United States.

- (4) Indian tribe: The term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).
- (5) Cave resource: The term “cave resource” includes any material or substance occurring naturally in caves on Federal lands, such as animal life, plant life, paleontological deposits, sediments, minerals, speleogens, and speleothems.
- (6) Secretary: The term “Secretary” means the Secretary of Agriculture or the Secretary of the Interior, as appropriate.
- (7) Speleothem: The term “speleothem” means any natural mineral formation or deposit occurring in a cave or lava tube, including but not limited to any stalactite, stalagmite, helictite, cave flower, flowstone, concretion, drapery, rimstone, or formation of clay or mud.
- (8) Speleogen: The term “speleogen” means relief features on the walls, ceiling, and floor of any cave or lava tube which are part of the surrounding bedrock, including but not limited to anastomoses, scallops, meander niches, petromorphs and rock pendants in solution caves and similar features unique to volcanic caves.

(Pub. L. 100–691, § 3, Nov. 18, 1988, 102 Stat. 4546.)

### **16 U.S. Code § 4303. Management actions**

- (a) **Regulations:** Not later than nine months after November 18, 1988, the Secretary shall issue such regulations as he deems necessary to achieve the purposes of this chapter. Regulations shall include, but not be limited to, criteria for the identification of significant caves. The Secretaries shall cooperate and consult with one another in preparation of the regulations. To the extent practical, regulations promulgated by the respective Secretaries should be similar.
- (b) **In general:** The Secretary shall take such actions as may be necessary to further the purposes of this chapter. Those actions shall include (but need not be limited to):
  - (1) identification of significant caves on Federal lands:
    - (A) The Secretary shall prepare an initial list of significant caves for lands under his jurisdiction not later than one year after the publication of final regulations using the significance criteria defined in such regulations. Such a list shall be developed after consultation with appropriate private sector interests, including cavers.
    - (B) The initial list of significant caves shall be updated periodically, after consultation with appropriate private sector interests, including cavers. The Secretary shall prescribe by policy or regulation the requirements and process by which the initial list will be updated, including management measures to assure that caves under consideration for the list are protected during the period of consideration. Each cave recommended to the Secretary by interested groups for possible inclusion on the list of significant caves shall be considered by the Secretary according to the requirements prescribed pursuant to this paragraph, and shall be added to the list if the Secretary determines that the cave meets the criteria for significance as defined by the regulations.
  - (2) regulation or restriction of use of significant caves, as appropriate;
  - (3) entering into volunteer management agreements with persons of the scientific and recreational caving community; and
  - (4) appointment of appropriate advisory committees.

**(c) Planning and public participation:** The Secretary shall:

- (1) ensure that significant caves are considered in the preparation or implementation of any land management plan if the preparation or revision of the plan began after November 18, 1988; and
- (2) foster communication, cooperation, and exchange of information between land managers, those who utilize caves, and the public.

(Pub. L. 100–691, § 4, Nov. 18, 1988, 102 Stat. 4547.)

#### **16 U.S. Code § 4304. Confidentiality of information concerning nature and location of significant caves**

**(a) In general:** Information concerning the specific location of any significant cave may not be made available to the public under section 552 of title 5 unless the Secretary determines that disclosure of such information would further the purposes of this chapter and would not create a substantial risk of harm, theft, or destruction of such cave.

**(b) Exceptions:** Notwithstanding subsection (a), the Secretary may make available information regarding significant caves upon the written request by Federal and State governmental agencies or bona fide educational and research institutions. Any such written request shall, at a minimum:

- (1) describe the specific site or area for which information is sought;
- (2) explain the purpose for which such information is sought; and
- (3) include assurances satisfactory to the Secretary that adequate measures are being taken to protect the confidentiality of such information and to ensure the protection of the significant cave from destruction by vandalism and unauthorized use.

(Pub. L. 100–691, § 5, Nov. 18, 1988, 102 Stat. 4548.)

#### **16 U.S. Code § 4305. Collection and removal from Federal caves**

**(a) Permit.** The Secretary is authorized to issue permits for the collection and removal of cave resources under such terms and conditions as the Secretary may impose, including the posting of bonds to insure compliance with the provisions of any permit:

- (1) Any permit issued pursuant to this section shall include information concerning the time, scope, location, and specific purpose of the proposed collection, removal or associated activity, and the manner in which such collection, removal, or associated activity is to be performed must be provided.
- (2) The Secretary may issue a permit pursuant to this subsection only if he determines that the proposed collection or removal activities are consistent with the purposes of this chapter, and with other applicable provisions of law.

**(b) Revocation of permit.** Any permit issued under this section shall be revoked by the Secretary upon a determination by the Secretary that the permittee has violated any provision of this chapter or has failed to comply with any other condition upon which the permit was issued. Any such permit shall be revoked by the Secretary upon assessment of a civil penalty against the permittee pursuant to section 4307 of this title or upon the permittee's conviction under section 4306 of this title. The Secretary may refuse to issue a permit under this section to any person who has violated any provision of this chapter or who has failed to comply with any condition of a prior permit.

**(c) Transferability of permits.** Permits issued under this chapter are not transferable.

**(d) Cave resources located on Indian lands**

(1)(A) Upon application by an Indian tribe, the Secretary is authorized to delegate to the tribe all authority of the Secretary under this section with respect to issuing and enforcing permits for the collection or removal of any cave resource, or to carrying out activities associated with such collection or removal, from any cave resource located on the affected Indian lands.

(1)(B) In the case of any permit issued by the Secretary for the collection or removal of any cave resource, or to carry out activities associated with such collection or removal, from any cave resource located on Indian lands (other than permits issued pursuant to subparagraph (A)), the permit may be issued only after obtaining the consent of the Indian or Indian tribe owning or having jurisdiction over such lands. The permit shall include such reasonable terms and conditions as may be requested by such Indian or Indian tribe.

(2) If the Secretary determines that issuance of a permit pursuant to this section may result in harm to, or destruction of, any religious or cultural site, the Secretary, prior to issuing such permit, shall notify any Indian tribe which may consider the site as having significant religious or cultural importance. Such notice shall not be deemed a disclosure to the public for purposes of section 4304 of this title.

(3) A permit shall not be required under this section for the collection or removal of any cave resource located on Indian lands or activities associated with such collection, by the Indian or Indian tribe owning or having jurisdiction over such lands.

**(e) Effect of permit.** No action specifically authorized by a permit under this section shall be treated as a violation of section 4306 of this title.

(Pub. L. 100–691, § 6, Nov. 18, 1988, 102 Stat. 4548.)

**16 U.S. Code § 4306. Prohibited acts and criminal penalties**

**(a) Prohibited acts:**

(1) Any person who, without prior authorization from the Secretary knowingly destroys, disturbs, defaces, mars, alters, removes or harms any significant cave or alters the free movement of any animal or plant life into or out of any significant cave located on Federal lands, or enters a significant cave with the intention of committing any act described in this paragraph shall be punished in accordance with subsection (b).

(2) Any person who possesses, consumes, sells, barter or exchanges, or offers for sale, barter or exchange, any cave resource from a significant cave with knowledge or reason to know that such resource was removed from a significant cave located on Federal lands shall be punished in accordance with subsection (b).

(3) Any person who counsels, procures, solicits, or employs any other person to violate any provisions of this subsection shall be punished in accordance with section (b).

(4) Nothing in this section shall be deemed applicable to any person who was in lawful possession of a cave resource from a significant cave prior to November 18, 1988.

**(b) Punishment.** The punishment for violating any provision of subsection (a) shall be imprisonment of not more than one year or a fine in accordance with the applicable provisions of Title 18, or both. In the case of a second or subsequent violation, the punishment shall be imprisonment of not more than 3 years or a fine in accordance with the applicable provisions of Title 18, or both.

(Pub. L. 100–691, § 7, Nov. 18, 1988, 102 Stat. 4549.)

## 16 U.S. Code § 4307. Civil penalties

### (a) **Assessment:**

(1) The Secretary may issue an order assessing a civil penalty against any person who violates any prohibition contained in this chapter, any regulation promulgated pursuant to this chapter, or any permit issued under this chapter. Before issuing such an order, the Secretary shall provide such person written notice and the opportunity to request a hearing on the record within 30 days. Each violation shall be a separate offense, even if such violations occurred at the same time.

(2) The amount of such civil penalty shall be determined by the Secretary taking into account appropriate factors, including (A) the seriousness of the violation; (B) the economic benefit (if any) resulting from the violation; (C) any history of such violations; and (D) such other matters as the Secretary deems appropriate. The maximum fine permissible under this section is \$10,000.

**(b) Judicial review.** Any person aggrieved by an assessment of a civil penalty under this section may file a petition for judicial review of such assessment with the United States District Court for the District of Columbia or for the district in which the violation occurred. Such a petition shall be filed within the 30-day period beginning on the date the order assessing the civil penalty was issued.

### (c) **Collection.** If any person fails to pay an assessment of a civil penalty:

(1) within 30 days after the order was issued under subsection (a), or

(2) if the order is appealed within such 30-day period, within 10 days after court has entered a final judgment in favor of the Secretary under subsection (b),

the Secretary shall notify the Attorney General and the Attorney General shall bring a civil action in an appropriate United States district court to recover the amount of penalty assessed (plus costs, attorney's fees, and interest at currently prevailing rates from the date the order was issued or the date of such final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

**(d) Subpoenas.** The Secretary may issue subpoenas in connection with proceedings under this subsection compelling the attendance and testimony of witnesses and subpoenas duces tecum and may request the Attorney General to bring an action to enforce any subpoena under this section. The district courts shall have jurisdiction to enforce such subpoenas and impose sanctions.  
(Pub. L. 100-691, § 8, Nov. 18, 1988, 102 Stat. 4550.)

## 16 U.S. Code § 4308. Miscellaneous provisions

**(a) Authorization of appropriations.** There are authorized to be appropriated \$100,000 to carry out the purposes of this chapter.

**(b) Effect on land management plans.** Nothing in this chapter shall require the amendment or revision of any land management plan the preparation of which began prior to November 18, 1988.

**(c) Fund.** Any money collected by the United States as permit fees for collection and removal of cave resources; received by the United States as a result of the forfeiture of a bond or other security by a permittee who does not comply with the requirements of such permit issued under §4306 of this Title; or collected by the United States by way of civil penalties or criminal fines for violations of this chapter shall be placed in a special fund in the Treasury. Such moneys shall be available for obligation or expenditure (to the extent provided for in advance in appropriation Acts) as determined by the Secretary for the improved management, benefit, repair, or restoration of significant caves located on Federal lands.

**(d) Existing rights.** Nothing in this chapter shall be deemed to affect the full operation of the mining and mineral leasing laws of the United States, or otherwise affect valid existing rights.  
(Pub. L. 100–691, § 9, Nov. 18, 1988, 102 Stat. 4550.)

#### **16 U.S. Code § 4309. Savings provision**

**(a) Water.** Nothing in this chapter shall be construed as authorizing the appropriation of water by any Federal, State, or local agency, Indian tribe, or any other entity or individual. Nor shall any provision of this chapter:

- (1) affect the rights or jurisdiction of the United States, the States, Indian tribes, or other entities over waters of any river or stream or over any ground water resource;
- (2) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the States; or
- (3) alter or establish the respective rights of States, the United States, Indian tribes, or any person with respect to any water or water-related right.

**(b) Fish and wildlife.** Nothing in this chapter shall be construed as affecting the jurisdiction or responsibilities of the States with respect to fish and wildlife.  
(Pub. L. 100–691, § 10, Nov. 18, 1988, 102 Stat. 4551.)

#### **16 U.S. Code § 4310. Establishment of Cave Research Program**

**(a) Establishment.** In order to provide for needed research relating to cave resources on certain lands in the United States, the Secretary of the Interior, acting through the Director of the National Park Service shall establish and administer a Cave Research Program (hereinafter in this section referred to as the “Program”). The Program shall include the orderly and scholarly collection, analysis, and dissemination of research material related to caves in lands managed by the National Park Service including, but not limited to, Carlsbad Caverns National Park and the Capitan Reef area.

**(b) Functions.** The Program shall produce educational and interpretive information and materials vital to public understanding of cave geology, assist students and researchers, and provide for a comprehensive evaluation of cave resources and measures needed for their protection.

**(c) Emphasis.** The program shall be directed primarily toward lands managed by the National Park Service, but the Secretary of the Interior may enter into cooperative agreements with other agencies or entities as may be appropriate to carry out the purposes of this section.  
(Pub. L. 101–578, title II, § 202, Nov. 15, 1990, 104 Stat. 2859.)

#### **References in Text**

This section, referred to in subsections (a) and (c), was in the original “this title” meaning title II of Pub. L. 101–578, Nov. 15, 1990, 104 Stat. 2859, which enacted this section and provisions set out as notes below. For complete classification of title II to the Code, see Tables.

#### **Codification**

Section was not enacted as part of the Federal Cave Resources Protection Act of 1988 which comprises this chapter.



# NATIONAL CAVE AND KARST RESEARCH INSTITUTE ACT

Pub. L. 105–325, Oct. 30, 1998, 112 Stat. 3038

<https://law.justia.com/codes/us/1998/title16/chap63/sec4310/>

## Section 1. Short Title.

This Act may be cited as the **National Cave and Karst Research Institute Act of 1998**.

## Sec. 2. Purposes.

The purposes of this Act are:

- (1) to further the science of speleology;
- (2) to centralize and standardize speleological information;
- (3) to foster interdisciplinary cooperation in cave and karst research programs;
- (4) to promote public education;
- (5) to promote national and international cooperation in protecting the environment for the benefit of cave and karst landforms; and
- (6) to promote and develop environmentally sound and sustainable resource management practices.

## Sec. 3. Establishment of The Institute.

**(a) In General.** The Secretary of the Interior (referred to in this Act as the ‘Secretary’), acting through the Director of the National Park Service, shall establish the National Cave and Karst Research Institute (referred to in this Act as the ‘Institute’).

**(b) Purposes.** The Institute shall, to the extent practicable, further the purposes of this Act.

**(c) Location.** The Institute shall be located in the vicinity of Carlsbad Caverns National Park, in the State of New Mexico. The Institute shall not be located inside the boundaries of Carlsbad Caverns National Park.

## Sec. 4. Administration of The Institute.

**(a) Management.** The Institute shall be jointly administered by the National Park Service and a public or private agency, organization, or institution, as determined by the Secretary.

**(b) Guidelines.** The Institute shall be operated and managed in accordance with the study prepared by the National Park Service pursuant to section 203 of the Act entitled ‘An Act to conduct certain studies in the State of New Mexico’, approved November 15, 1990 (Public Law 101–578; 16 U.S.C. 4310 note).

**(c) Contracts and Cooperative Agreements.** The Secretary may enter into a contract or cooperative agreement with a public or private agency, organization, or institution to carry out this Act.

### **(d) Facility:**

- (1) Leasing or acquiring a facility.—The Secretary may lease or acquire a facility for the Institute.
- (2) Construction of a facility.—If the Secretary determines that a suitable facility is not available for a lease or acquisition under paragraph (1), the Secretary may construct a facility for the Institute.

- (e) **Acceptance of Grants and Transfers.** To carry out this Act, the Secretary may accept—
- (1) a grant or donation from a private person; or
  - (2) a transfer of funds from another Federal agency.

#### **Sec. 5. Funding.**

(a) **Matching Funds.** The Secretary may spend only such amount of Federal funds to carry out this Act as is matched by an equal amount of funds from non-Federal sources.

(b) **Authorization of Appropriations.** There are authorized to be appropriated such sums as may be necessary to carry out this Act.

#### **Congressional Findings**

Section 201 of Pub. L. 101–578 provided that:

The Congress makes the following findings:

- (1) The World's most exposed fossil reef, Capitan Reef, in southern New Mexico that includes Carlsbad Caverns, contains over 300 caves, including 75 identified caves in Carlsbad Caverns National Park and 22 caves in Guadalupe Mountains National Park.
- (2) Recent explorations of Lechuguilla Cave at Carlsbad Caverns National Park have provided much new information about the wonders of this cave including the fact that it is the second deepest cave in the United States and contains outstanding world-class cave features such as gypsum crystal chandeliers and gypsum flowers.
- (3) The Lechuguilla Cave has been described by cave researchers as possibly the finest cave in America.
- (4) The interest and excitement of cave researchers throughout the world have been focused on Carlsbad Caverns National Park.
- (5) Cave researchers could use this research institute as an operational base for study of caves in other regions and as a focal point for storage of data on cave geology and speleology.
- (6) The Congress, with the passage of Public Law 100–691, the Federal Cave Resources Protection Act of 1988 [16 U.S.C. 4301 et seq.], recognized the significance of cave resources on Federal lands and established the policy that Federal lands be managed in a manner which protects and maintains, to the extent practicable, significant cave resources.

#### **Cave Research Institute Study**

Section 203 of Pub. L. 101–578 directed Secretary of the Interior, not later than one year after Nov. 15, 1990, to prepare and transmit to Congress a study on the feasibility of establishing a Cave Research Institute.

#### **Authorization of Appropriations**

Section 204 of Title II of Pub. L. 101–578 provided that: “There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title [enacting this section and provisions set out as notes above].”

# LECHUGUILLA CAVE PROTECTION ACT

Pub. L. 103–169, Dec. 2, 1993, 107 Stat. 1983

<https://law.justia.com/codes/us/2001/title16/chap63/sec4301/>

## Sec. 1. Short Title.

This Act may be cited as the **Lechuguilla Cave Protection Act of 1993**.

## Sec. 2. Finding.

Congress finds that Lechuguilla Cave and adjacent public lands have internationally significant scientific, environmental, and other values, and should be retained in public ownership and protected against adverse effects of mineral exploration and development and other activities presenting threats to the areas.

## Sec. 3. Land Withdrawal.

(a) **Withdrawal.** Subject to valid existing rights, all Federal lands within the boundaries of the cave protection area described in subsection (b) are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and all amendments thereto.

(b) **Land Description.** The cave protection area referred to in subsection (a) shall consist of approximately 6,280 acres of lands in New Mexico as generally depicted on the map entitled ‘**Lechuguilla Cave Protection Area**’ numbered 130/80,055 and dated April 1993.

### (c) **Publication, Filing, Correction, and Inspection.**

(1) As soon as practicable after the date of enactment of this Act [Dec. 2, 1993], the Secretary of the Interior (hereinafter referred to as the ‘Secretary’) shall publish in the Federal Register the legal description of the lands withdrawn under subsection (a) and shall file such legal description and a detailed map with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

(2) Such map and legal description shall have the same force and effect as if included in this Act except that the Secretary may correct clerical and typographical errors.

(3) Copies of such map and legal description shall be available for inspection in the appropriate offices of the Bureau of Land Management.

## Sec. 4. Management of Existing Leases.

(a) **Suspension.** The Secretary shall not permit any new drilling on or involving any Federal mineral or geothermal lease within the cave protection area referred to in §3(a) until the effective date of the Record of Decision for the Dark Canyon Environmental Impact Statement, or for 12 months after the date of enactment of this Act [Dec. 2, 1993], whichever occurs first.

(b) **Authority to Cancel Existing Mineral or Geothermal Leases.** Upon the effective date of the Record of Decision for the Dark Canyon Environmental Impact Statement and in order to protect Lechuguilla Cave or other cave resources, the Secretary is authorized to:

(1) cancel any Federal mineral or geothermal lease in the cave protection area referred to in §3(a); or

(2) enter into negotiations with the holder of a Federal mineral or geothermal lease in the cave protection area referred to in §3(a) to determine appropriate compensation, if any, for the complete or partial termination of such lease.

**“Sec. 5. Additional Protection and Relation to Other Laws.**

**(a) In General.** In order to protect Lechuguilla Cave or Federal lands within the cave protection area, the Secretary, subject to valid existing rights, may limit or prohibit access to or across lands owned by the United States or prohibit the removal from such lands of any mineral, geological, or cave resources: Provided, That existing access to private lands within the cave protection area shall not be affected by this subsection.

**(b) No Effect on Pipelines.** Nothing in this title [Act] shall have the effect of terminating any validly issued right-of-way, or customary operation, maintenance, repair, and replacement activities in such right-of-way; prohibiting the upgrading of and construction on existing facilities in such right-of-way for the purpose of increasing capacity of the existing pipeline; or prohibiting the renewal of such right-of-way within the cave protection area referred to in §3(a).

**(c) Relation to Other Laws.** Nothing in this Act shall be construed as increasing or diminishing the ability of any party to seek compensation pursuant to other applicable law, including but not limited to the Tucker Act (28 U.S.C. 1491), or as precluding any defenses or claims otherwise available to the United States in connection with any action seeking such compensation from the United States.

**Sec. 6. Authorization of Appropriations.**

There is hereby authorized to be appropriated such sums as may be necessary to carry out this Act: Provided, that no funds shall be made available except to the extent, or in such amounts as are provided in advance in appropriation Acts.

**NOTE:**

Lechuguilla Cave Protection Act of 1993 is a law to protect a single cave. At 150.4 miles, Lechuguilla Cave is the eighth-longest explored cave in the world, the second deepest (1589 feet) in the continental United States and is located within the boundaries of Carlsbad Caverns National Park and Carlsbad Caverns Wilderness Area. (Bob Gulden (Feb 16, 2020). “World’s Longest Caves and Deepest Caves in the US”. *Geo2 Committee on Long and Deep Caves*. National Speleological Society).

Lechuguilla Cave is perhaps the most protected cave in the country. It is directly protected by The National Park Service Organic Act of 1916. Carlsbad Caverns National Park was initially protected as a national monument by Executive Order No. 1679 (October 25, 1923-43 Stat. 1929), signed by President Calvin Coolidge, who twice expanded the monument through Executive Orders (No. 3984 in 1924 and No. 4870 in 1928). President Herbert Hoover expanded the boundaries of the National Park by Executive Order (5370). The legislation that specifically enabled Carlsbad Caverns National Park is found in Chapter 279, 46, Stat. 272, 1930 and also found in Title 16, 407-407c. and P.L. 88-249.

Both Carlsbad Caverns and Lechuguilla Cave are protected under the Federal Cave Resources Protection Act of 1988. In addition, they are protected by the Federal Wilderness Act of 1964 and the Carlsbad Caverns Wilderness Area; the latter was designated under the National Parks and Recreation Act of 1978 (P.L. 95-625). Additional federal laws may offer other specific protections. As exploration continues, Lechuguilla Cave may extend beyond the rigid boundaries of the park and wilderness area. Entities with mining operations on adjacent lands are required to assure strict protection of the cave if any passage is found outside the present protection zone.

# THE ARCHAEOLOGICAL RESOURCES PROTECTION ACT

<https://law.justia.com/codes/us/2017/title-16/chapter-1b/>

## 16 U.S. Code Chapter 1B—Archaeological Resources Protection

- § 470aa. Congressional findings and declaration of purpose
- § 470bb. Definitions
- § 470cc. Excavation and removal
- § 470dd. Custody of archaeological resources
- § 470ee. Prohibited acts and criminal penalties
- § 470ff. Civil penalties
- § 470gg. Enforcement
- § 470hh. Confidentiality of information concerning nature and location of archaeological resources
- § 470ii. Rules and regulations; intergovernmental coordination
- § 470jj. Cooperation with private individuals
- § 470kk. Savings provisions
- § 470ll. Annual report to Congress
- § 470mm. Surveying of lands; reporting of violations

## 16 U.S. Code § 470aa. Congressional findings and declaration of purpose

### (a) The Congress finds that:

- (1) archaeological resources on public lands and Indian lands are an accessible and irreplaceable part of the Nation's heritage;
- (2) these resources are increasingly endangered because of their commercial attractiveness;
- (3) existing Federal laws do not provide adequate protection to prevent the loss and destruction of these archaeological resources and sites resulting from uncontrolled excavations and pillage; and
- (4) there is a wealth of archaeological information which has been legally obtained by private individuals for noncommercial purposes and which could voluntarily be made available to professional archaeologists and institutions.

(b) The purpose of this Chapter is to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data which were obtained before October 31, 1979.

(Pub. L. 96–95, §2, Oct. 31, 1979, 93 Stat. 721.)

## 16 U.S. Code § 470bb. Definitions

As used in this chapter:

- (1) The term “**archaeological resource**” means any material remains of past human life or activities which are of archaeological interest, as determined under uniform regulations promulgated pursuant to this chapter. Such regulations containing such determination shall include, but not be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under the regulations under this paragraph, unless found

in archaeological context. No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age.

(2) The term “**Federal land manager**” means, with respect to any public lands, the Secretary of the department, or the head of any other agency or instrumentality of the United States, having primary management authority over such lands. In the case of any public lands or Indian lands with respect to which no department, agency, or instrumentality has primary management authority, such term means the Secretary of the Interior. If the Secretary of the Interior consents, the responsibilities (in whole or in part) under this chapter of the Secretary of any department (other than the Department of the Interior) or the head of any other agency or instrumentality may be delegated to the Secretary of the Interior with respect to any land managed by such other Secretary or agency head, and in any such case, the term “Federal land manager” means the Secretary of the Interior.

(3) The term “**public lands**” means:

(A) lands which are owned and administered by the United States as part of:

- (i) the national park system,
- (ii) the national wildlife refuge system, or
- (iii) the national forest system; and

(B) all other lands the fee title to which is held by the United States, other than lands on the Outer Continental Shelf and lands which are under the jurisdiction of the Smithsonian Institution.

(4) The term “**Indian lands**” means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States, except for any subsurface interests in lands not owned or controlled by an Indian tribe or an Indian individual.

(5) The term “**Indian tribe**” means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (85 Stat. 688) [43 U.S.C. 1601 et seq.].

(6) The term “**person**” means an individual, corporation, partnership, trust, institution, association, or any other private entity or any officer, employee, agent, department, or instrumentality of the United States, of any Indian tribe, or of any State or political subdivision thereof.

(7) The term “**State**” means any of the fifty States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(Pub. L. 96–95, §3, Oct. 31, 1979, 93 Stat. 721; Pub. L. 100–588, §1(a), Nov. 3, 1988, 102 Stat. 2983.)

## **16 U.S. Code § 470cc. Excavation and removal**

**(a) Application for permit.** Any person may apply to the Federal land manager for a permit to excavate or remove any archaeological resource located on public lands or Indian lands and to carry out activities associated with such excavation or removal. The application shall be required, under uniform regulations under this chapter, to contain such information as the Federal land manager deems necessary, including information concerning the time, scope, and location and specific purpose of the proposed work.

**(b) Determinations by Federal land manager prerequisite to issuance of permit.** A permit may be issued pursuant to an application under subsection (a) if the Federal land manager determines, pursuant to uniform regulations under this chapter, that:

- (1) the applicant is qualified, to carry out the permitted activity,

(2) the activity is undertaken for the purpose of furthering archaeological knowledge in the public interest,

(3) the archaeological resources which are excavated or removed from public lands will remain the property of the United States, and such resources and copies of associated archaeological records and data will be preserved by a suitable university, museum, or other scientific or educational institution, and

(4) the activity pursuant to such permit is not inconsistent with any management plan applicable to the public lands concerned.

**(c) Notification to Indian tribes of possible harm to or destruction of sites having religious or cultural importance.** If a permit issued under this section may result in harm to, or destruction of, any religious or cultural site, as determined by the Federal land manager, before issuing such permit, the Federal land manager shall notify any Indian tribe which may consider the site as having religious or cultural importance. Such notice shall not be deemed a disclosure to the public for purposes of § 470hh of this title.

**(d) Terms and conditions of permit.** Any permit under this section shall contain such terms and conditions, pursuant to uniform regulations promulgated under this chapter, as the Federal land manager concerned deems necessary to carry out the purposes of this chapter.

**(e) Identification of individuals responsible for complying with permit terms and conditions and other applicable laws.** Each permit under this section shall identify the individual who shall be responsible for carrying out the terms and conditions of the permit and for otherwise complying with this chapter and other law applicable to the permitted activity.

**(f) Suspension or revocation of permits; grounds.** Any permit issued under this section may be suspended by the Federal land manager upon his determination that the permittee has violated any provision of subsection (a), (b), or (c) of section 470ee of this Title. Any such permit may be revoked by such Federal land manager upon assessment of a civil penalty under § 470ff of this Title against the permittee or upon the permittee's conviction under § 470ee of this Title.

**(g) Excavation or removal by Indian tribes or tribe members; excavation or removal of resources located on Indian lands.**

(1) No permit shall be required under this section or under the Act of June 8, 1906 (16 U.S.C. 431), for the excavation or removal by any Indian tribe or member thereof of any archaeological resource located on Indian lands of such Indian tribe, except that in the absence of tribal law regulating the excavation or removal of archaeological resources on Indian lands, an individual tribal member shall be required to obtain a permit under this section.

(2) In the case of any permits for the excavation or removal of any archaeological resource located on Indian lands, the permit may be granted only after obtaining the consent of the Indian or Indian tribe owning or having jurisdiction over such lands. The permit shall include such terms and conditions as may be requested by such Indian or Indian tribe.

**(h) Permits issued under Chapter 3203 of Title 54.**

(1) No permit or other permission shall be required under Chapter 3203 of Title 54 for any activity for which a permit is issued under this section.

(2) Any permit issued under Chapter 3203 of Title 54 shall remain in effect according to its terms and conditions following the enactment of this chapter. No permit under this chapter shall be required to carry out any activity under a permit issued under Chapter 3203 of Title 54 before October 31, 1979, which remains in effect as provided in this paragraph, and nothing in this chapter shall modify or affect any such permit.

**(i) Compliance with provisions relating to undertakings on property listed in the National Register not required.** Issuance of a permit in accordance with this section and applicable regulations shall not require compliance with § 306108 of Title 54.

**(j) Issuance of permits to State Governors for archaeological activities on behalf of States or their educational institutions** Upon the written request of the Governor of any State, the Federal land manager shall issue a permit, subject to the provisions of subsections (b)(3), (b)(4), (c), (e), (f), (g), (h), and (i) of this section for the purpose of conducting archaeological research, excavation, removal, and curation, on behalf of the State or its educational institutions, to such Governor or to such designee as the Governor deems qualified to carry out the intent of this chapter.

(Pub. L. 96–95, §4, Oct. 31, 1979, 93 Stat. 722; Pub. L. 113–287, §5(d)(6), Dec. 19, 2014, 128 Stat. 3264.)

### **16 U.S. Code § 470dd. Custody of Archaeological Resources**

The Secretary of the Interior may promulgate regulations providing for:

- (1) the exchange, where appropriate, between suitable universities, museums, or other scientific or educational institutions, of archaeological resources removed from public lands and Indian lands pursuant to this chapter, and
- (2) the ultimate disposition of such resources and other resources removed pursuant to Chapter 3125 or Chapter 3203 of Title 54.

Any exchange or ultimate disposition under such regulation of archaeological resources excavated or removed from Indian lands shall be subject to the consent of the Indian or Indian tribe which owns or has jurisdiction over such lands. Following promulgation of regulations under this section, notwithstanding any other provision of law, such regulations shall govern the disposition of archaeological resources removed from public lands and Indian lands pursuant to this chapter.

(Pub. L. 96–95, § 5, Oct. 31, 1979, 93 Stat. 724; Pub. L. 113–287, § 5(d)(7), Dec. 19, 2014, 128 Stat. 3264.)

### **16 U.S. Code § 470ee. Prohibited acts and criminal penalties**

(a)Unauthorized excavation, removal, damage, alteration, or defacement of archaeological resources  
No person may excavate, remove, damage, or otherwise alter or deface, or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands or Indian lands unless such activity is pursuant to a permit issued under § 470cc of this Title, a permit referred to in § 470cc(h)(2) of this Title, or the exemption contained in § 470cc(g)(1) of this Title.

(b)Trafficking in archaeological resources the excavation or removal of which was wrongful under Federal law. No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any archaeological resource if such resource was excavated or removed from public lands or Indian lands in violation of:

- (1)the prohibition contained in subsection (a), or
- (2)any provision, rule, regulation, ordinance, or permit in effect under any other provision of Federal law.

(c) Trafficking in interstate or foreign commerce in archaeological resources the excavation, removal, sale, purchase, exchange, transportation, or receipt of which was wrongful under State or local law  
No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange, in interstate or foreign commerce, any archaeological resource excavated, removed, sold, purchased,



exchanged, transported, or received in violation of any provision, rule, regulation, ordinance, or permit in effect under State or local law.

**(d) Penalties.** Any person who knowingly violates, or counsels, procures, solicits, or employs any other person to violate, any prohibition contained in subsection (a), (b), or (c) of this section shall, upon conviction, be fined not more than \$10,000 or imprisoned not more than one year, or both: Provided, however, That if the commercial or archaeological value of the archaeological resources involved and the cost of restoration and repair of such resources exceeds the sum of \$500, such person shall be fined not more than \$20,000 or imprisoned not more than two years, or both. In the case of a second or subsequent such violation upon conviction such person shall be fined not more than \$100,000, or imprisoned not more than five years, or both.

**(e) Effective date.** The prohibitions contained in this section shall take effect on October 31, 1979.

**(f) Prospective application.** Nothing in subsection (b)(1) of this section shall be deemed applicable to any person with respect to an archaeological resource which was in the lawful possession of such person prior to October 31, 1979.

**(g) Removal of arrowheads located on ground surface.** Nothing in subsection (d) of this section shall be deemed applicable to any person with respect to the removal of arrowheads located on the surface of the ground.

(Pub. L. 96–95, § 6, Oct. 31, 1979, 93 Stat. 724; Pub. L. 100–588, § 1(b), (c), Nov. 3, 1988, 102 Stat. 2983.)

## **16 U.S. Code § 470ff. Civil penalties**

### **(a) Assessment by Federal land manager**

(1) Any person who violates any prohibition contained in an applicable regulation or permit issued under this chapter may be assessed a civil penalty by the Federal land manager concerned. No penalty may be assessed under this subsection unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Federal land manager concerned.

(2) The amount of such penalty shall be determined under regulations promulgated pursuant to this chapter, taking into account, in addition to other factors:

(A) the archaeological or commercial value of the archaeological resource involved, and

(B) the cost of restoration and repair of the resource and the archaeological site involved.

Such regulations shall provide that, in the case of a second or subsequent violation by any person, the amount of such civil penalty may be double the amount which would have been assessed if such violation were the first violation by such person. The amount of any penalty assessed under this subsection for any violation shall not exceed an amount equal to double the cost of restoration and repair of resources and archaeological sites damaged and double the fair market value of resources destroyed or not recovered.

(3) No penalty shall be assessed under this section for the removal of arrowheads located on the surface of the ground.

### **(b) Judicial review of assessed penalties; collection of unpaid assessments**

(1) Any person aggrieved by an order assessing a civil penalty under subsection (a) may file a petition for judicial review of such order with the United States District Court for the District of Columbia or for any other district in which such a person resides or transacts business. Such a petition may only be filed within the 30-day period beginning on the date the order making such

assessment was issued. The court shall hear such action on the record made before the Federal land manager and shall sustain his action if it is supported by substantial evidence on the record considered as a whole.

(2) If any person fails to pay an assessment of a civil penalty:

(A) after the order making the assessment has become a final order and such person has not filed a petition for judicial review of the order in accordance with paragraph (1), or  
(B) after a court in an action brought under paragraph (1) has entered a final judgment upholding the assessment of a civil penalty,  
the Federal land managers may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In such action, the validity and amount of such penalty shall not be subject to review.

**(c) Hearings.** Hearings held during proceedings for the assessment of civil penalties authorized by subsection (a) shall be conducted in accordance with § 554 of Title 5. The Federal land manager may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Federal land manager or to appear and produce documents before the Federal land manager, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(Pub. L. 96–95, § 7, Oct. 31, 1979, 93 Stat. 725.)

## **16 U.S. Code § 470gg. Enforcement**

**(a) Rewards.** Upon the certification of the Federal land manager concerned, the Secretary of the Treasury is directed to pay from penalties and fines collected under §§ 470ee and 470ff of this Title an amount equal to one-half of such penalty or fine, but not to exceed \$500, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which such penalty or fine was paid. If several persons provided such information, such amount shall be divided among such persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

**(b) Forfeitures.** All archaeological resources with respect to which a violation of subsection (a), (b), or (c) of §470ee of this Title occurred and which are in the possession of any person, and all vehicles and equipment of any person which were used in connection with such violation, may be (in the discretion of the court or administrative law judge, as the case may be) subject to forfeiture to the United States upon—

- (1) such person's conviction of such violation under § 470ee of this Title,
- (2) assessment of a civil penalty against such person under § 470ff of this Title with respect to such violation, or
- (3) a determination by any court that such archaeological resources, vehicles, or equipment were involved in such violation.

**(c)Disposition of penalties collected and items forfeited in cases involving archaeological resources excavated or removed from Indian lands.**

In cases in which a violation of the prohibition contained in subsection (a), (b), or (c) of section 470ee of this title involve archaeological resources excavated or removed from Indian lands, the Federal land manager or the court, as the case may be, shall provide for the payment to the Indian or Indian tribe involved of all penalties collected pursuant to section 470ff of this title and for the transfer to such Indian or Indian tribe of all items forfeited under this section.

(Pub. L. 96–95, § 8, Oct. 31, 1979, 93 Stat. 726.)

**16 U.S. Code § 470hh. Confidentiality of information concerning nature and location of archaeological resources**

**(a) Disclosure of information.** Information concerning the nature and location of any archaeological resource for which the excavation or removal requires a permit or other permission under this chapter or under any other provision of Federal law may not be made available to the public under subchapter II of chapter 5 of title 5 or under any other provision of law unless the Federal land manager concerned determines that such disclosure would:

- (1) further the purposes of this chapter or chapter 3125 of title 54, and
- (2) not create a risk of harm to such resources or to the site at which such resources are located.

**(b) Request for disclosure by Governors.** Notwithstanding the provisions of subsection (a), upon the written request of the Governor of any State, which request shall state:

- (1) the specific site or area for which information is sought,
  - (2) the purpose for which such information is sought,
  - (3) a commitment by the Governor to adequately protect the confidentiality of such information to protect the resource from commercial exploitation,
- the Federal land manager concerned shall provide to the Governor information concerning the nature and location of archaeological resources within the State of the requesting Governor.

(Pub. L. 96–95, § 9, Oct. 31, 1979, 93 Stat. 727; Pub. L. 113–287, § 5(d)(8), Dec. 19, 2014, 128 Stat. 3265.)

**16 U.S. Code § 470ii. Rules and regulations; intergovernmental coordination**

**(a) Promulgation; effective date.** The Secretaries of the Interior, Agriculture and Defense and the Chairman of the Board of the Tennessee Valley Authority, after consultation with other Federal land managers, Indian tribes, representatives of concerned State agencies, and after public notice and hearing, shall promulgate such uniform rules and regulations as may be appropriate to carry out the purposes of this chapter. Such rules and regulations may be promulgated only after consideration of the provisions of the American Indian Religious Freedom Act (92 Stat. 469; 42 U.S.C. 1996 [1996a]). Each uniform rule or regulation promulgated under this chapter shall be submitted on the same calendar day to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Natural Resources of the United States House of Representatives, and no such uniform rule or regulation may take effect before the expiration of a period of ninety calendar days following the date of its submission to such Committees.

**(b) Federal land managers' rules.** Each Federal land manager shall promulgate such rules and regulations, consistent with the uniform rules and regulations under subsection (a), as may be appropriate for the carrying out of his functions and authorities under this chapter.

**(c) Federal land managers' public awareness program of archaeological resources on public lands and Indian lands.** Each Federal land manager shall establish a program to increase public awareness of the significance of the archaeological resources located on public lands and Indian lands and the need to protect such resources.

(Pub. L. 96–95, § 10, Oct. 31, 1979, 93 Stat. 727; Pub. L. 100–588, § 1(d), Nov. 3, 1988, 102 Stat. 2983; Pub. L. 103–437, § 6(d)(30), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104–333, div. I, title VIII, § 814(d)(2)(A), Nov. 12, 1996, 110 Stat. 4196.)

#### **16 U.S. Code § 470jj. Cooperation with private individuals**

The Secretary of the Interior shall take such action as may be necessary, consistent with the purposes of this chapter, to foster and improve the communication, cooperation, and exchange of information between:

- (1) private individuals having collections of archaeological resources and data which were obtained before the date of the enactment of this chapter, and
- (2) Federal authorities responsible for the protection of archaeological resources on the public lands and Indian lands and professional archaeologists and associations of professional archaeologists.

In carrying out this section, the Secretary shall, to the extent practicable and consistent with the provisions of this chapter, make efforts to expand the archaeological data base for the archaeological resources of the United States through increased cooperation between private individuals referred to in paragraph (1) and professional archaeologists and archaeological organizations.

(Pub. L. 96–95, § 11, Oct. 31, 1979, 93 Stat. 727.)

#### **16 U.S. Code § 470kk. Savings provisions**

**(a) Mining, mineral leasing, reclamation, and other multiple uses.** Nothing in this chapter shall be construed to repeal, modify, or impose additional restrictions on the activities permitted under existing laws and authorities relating to mining, mineral leasing, reclamation, and other multiple uses of the public lands.

**(b) Private collections.** Nothing in this chapter applies to, or requires a permit for, the collection for private purposes of any rock, coin, bullet, or mineral which is not an archaeological resource, as determined under uniform regulations promulgated under § 470bb(1) of this Title.

**(c) Lands within chapter.** Nothing in this chapter shall be construed to affect any land other than public land or Indian land or to affect the lawful recovery, collection, or sale of archaeological resources from land other than public land or Indian land.

(Pub. L. 96–95, § 12, Oct. 31, 1979, 93 Stat. 728.)

### **16 U.S. Code § 470ll. Annual report to Congress**

As part of the annual report required to be submitted to the specified committees of the Congress pursuant to § 469a–3(c) of this Title, the Secretary of the Interior shall comprehensively report as a separate component on the activities carried out under the provisions of this chapter, and he shall make such recommendations as he deems appropriate as to changes or improvements needed in the provisions of this chapter. Such report shall include a brief summary of the actions undertaken by the Secretary under §470jj of this Title, relating to cooperation with private individuals.

(Pub. L. 96–95, § 13, Oct. 31, 1979, 93 Stat. 728.)

### **16 U.S. Code § 470mm. Surveying of lands; reporting of violations**

The Secretaries of the Interior, Agriculture, and Defense and the Chairman of the Board of the Tennessee Valley Authority shall:

- (a) develop plans for surveying lands under their control to determine the nature and extent of archeological resources on those lands;
- (b) prepare a schedule for surveying lands that are likely to contain the most scientifically valuable archeological resources; and
- (c) develop documents for the reporting of suspected violations of this chapter and establish when and how those documents are to be completed by officers, employees, and agents of their respective agencies.

(Pub. L. 96–95, § 14, as added Pub. L. 100–555, Oct. 28, 1988, 102 Stat. 2778.)

## **OTHER FEDERAL ACTS PROTECTING CAVES AND ARCHAEOLOGY:**

**National Park Service Act of 1916.** (P.L. 64-235; Vol. 39 U.S. Statutes, page 535).

Examples of national parks and monuments where caves or karst are the main theme on display include sites across the U.S.

- Mammoth Cave National Park in Kentucky
- Carlsbad Caverns National Park in New Mexico
- Oregon Caves National Monument in Oregon
- Wind Cave National Park and Jewel Cave National Monument, both in South Dakota
- Timpanogos Cave National Monument in Utah

Caves are often protected within the confines of larger national parks. Examples include parks in several regions.

- Grand Canyon National Park in Arizona
- Great Smoky Mountains National Park in North Carolina/Tennessee
- Hawaii Volcanoes National Park in Hawaii
- Lehman Caves of Great Basin National Park in Nevada

**The Antiquities Act is the National Monuments Act,** An Act for the Preservation of American Antiquities of 1906 (c. 3060, 34 stat. 225; 16 U.S.C. 431 et seq.).

It allows for presidential mandate to establish national monuments. In 1908, President Theodore Roosevelt designated Jewel Cave as the first national monument.

**The Wilderness Act of 1964** (P.L. 88-577) has helped conserve caves in designated wilderness areas with their own formative acts passed by Congress. These are usually titled by the name of the area, such as the Carlsbad Caverns Wilderness Act of 1978.

**The Wild and Scenic Rivers Act of 1968** (P. L. 90-542) was enacted by Congress and allowed for the protection of caves along some of the nation's most beautiful rivers. Among the most important river areas for cave conservation are the Buffalo National River in Arkansas and the Ozarks National Scenic River in Missouri.

**The National Environmental Policy Act of 1969.** (P.L. 91-190, 83 Stat. 852 42 U.S.C. 4321 et seq.) Passed by Congress in late 1969, and signed by President Nixon on January 1, 1970, NEPA requires federal agencies to consider the consequences of their actions when environmental issues are involved. An environmental impact statement (EIS) must be written by a federal agency (or by the responsible governmental unit) for any project that would use federal funds to support an action that might significantly and adversely affect the quality of the environment. The agency must also pursue mitigating actions to reduce adverse impacts when projects are implemented. The EIS process has conserved, or at least reduced, the impact of management decisions on numerous caves. Many federally managed caves or karst regions have an associated EIS.

**The Endangered Species Act** (P.L. 93-205) provides federal protection for endangered species which is usually more effective than the protection that state endangered species statutes can offer. As mentioned above with state laws, the protection of a species may well require the broader protection of the habitat which may overlap political boundaries. Numerous animals use caves and karst as habitat for all or part of their life cycle.

**National Parks Omnibus Act of 1998** (P.L. 105-391). This Act gives park managers another tool to protect resources in the parks and allows the withholding of information on the location and nature of resources in national parks. Section 207 of the Act, dealing with confidentiality of information, provides managers a way to protect resources from freedom of information requests.

**Other Federal Cave Acts.** A list follows, though probably not exhaustive, of other federal laws which could possibly have a role in cave and karst protection

- Eastern Wilderness Act
- Endangered American Wilderness Act
- Forest and Rangeland Renewable Resources Planning Act
- Historic Sites Act
- Multiple Use Sustained Yield Act
- National Forest Management Act
- National Historic Preservation Acts (two, enacted in 1966 and 1976)
- National Parks and Recreation Act
- National Wildlife Refuge System Administration Act
- Native American Graves Protection and Repatriation Act

### Other References

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Proceedings of the National Cave and Karst Management Symposia <http://nckms.org/proceedings>  
Some recent NCKMS Proceedings are also available below:

- [2017 Proceedings](#) (12.2 Mb pdf)
- [2015 Proceedings](#) (10 mb pdf)
- [2013 Proceedings](#) (39.1 mb pdf)
- [2011 Proceedings](#) (7.9 mb pdf file)
- 2009 Proceedings (part of the 15th International Congress of Speleology, Kerrville, TX) [vol. 1](#), [vol. 2](#), [vol. 3](#)
- 2007 Proceedings (available from the [NSS Bookstore](#))
- [2005 Proceedings](#)
- [2003 Proceedings](#)
- [2001 Proceedings](#)
- [1999 Proceedings](#)
- [1997 Proceedings](#)