

Data Submitted (UTC 11): 6/23/2020 7:00:00 AM

First name: Matt

Last name: Skeels

Organization:

Title:

Comments: To Whom it May Concern,

This email is to be submitted as part of the scoping comment period for the recently released Forest Order (June 2020 version) proposal announced on June 23rd, 2020.

This comment compliments, yet remains distinct from, my original comment submitted in an earlier comment period from March 2020 regarding an earlier draft of the Forest Order. By no means does my comment represent the Oregon High Desert Grotto (OHDG) as a whole, although that organization may agree in part, or whole, with this comment and are welcome to comment in support of this comment.

My personal history involves two decades of local cave exploration in central Oregon and throughout the state, starting out unaffiliated as a youth, and later affiliated with the Oregon High Desert Grotto. I've worked with government agencies as it concerns caves and their resources, either as voluntary or contract work. Agencies include the Deschutes National Forest, Willamette National Forest, Oregon Department of State Lands, Bureau of Land Management in the Prineville and Vale districts, Oregon Caves National Monument and Preserve, Lava Beds National Monument, and others.

Quick Overview (TLDR): No data exists or has not been supplied that explicitly supports a partial or full closure of Cody Borehole. However, since the cave continues to be listed as a full closure, my recommendation is to support Alternative 1 - No Action, until sufficient data is provided (listed in the References section) showing a need for full closure, or in the event that Cody Borehole is omitted from the final Forest Order draft.

I would like to address at least one glaring issue with the current proposal. In March 2020, I requested documentation that supported the reasoning for closures to Edison Ice Cave and Cody Borehole, amongst other caves. I received my FOIA request back from Sasha Fertig on March 26th, 2020. I received no supporting documentation/data for Cody Borehole that could be applied to the Forest Order, which would seem to confirm that none exists to explain the rationale for cave closure. The data supplied for Edison Ice Cave proved to be anecdotal hearsay, not worthy of even being considered a preliminary study. The latter has since been removed from the current order draft.

The current June 2020 draft notes "cave monitoring information" (page 14) is used as rationale for a closure to Cody Borehole. My FOIA request and the supplied information from the response was absent any "cave monitoring information" that would be needed to determine a need for closure. No correspondence from employees of Deschutes National Forest (or others) was offered as rationale either. Monitoring information as rationale is rather vague. Does this entail in depth studies, or just observing current and cursory conditions?

No studies or reports are included in the Reference section of the Forest Order that would be helpful in acknowledging a resource risk assessment was done at Cody Borehole. The supplied references may not even fully support closures to the other caves. It would seem this is a glaring oversight, and they should be cited and referenced if that is the rationale being used for closure. Because cultural resource data is often legally unavailable to fulfil information requests such as FOIA, it would be prudent to reference the reports in the Reference section of the Forest Order. Without the references, it would appear there is not enough evidence to support the grounds for full or partial closure of Cody Borehole in regards to its cultural resource sensitivity and risk. At least with a reference we could determine a report exists, even if we can't legally access it. Not mentioning a formal reference of a sensitive report, under the reasoning that the title of reference is in and of itself too sensitive to publish, is not a satisfactory reason to withhold a citation of that reference. In that event, the

full title of the report needs to be adequately altered to hide any sensitive information that should not have been in the title in the first place, so it can be cited and referenced. It would be apropos, that this Forest Order is precisely the type of document that needs these references to back up the rationale for changes outlined in this Forest Order, and I believe they are needed in this Forest Order to show rationale that is currently lacking.

#### History of Cody Borehole:

The OHDG and other Grottoes of the National Speleological Society (NSS), and even independent cavers, have historically used Cody Borehole for recreational use for decades and is a premiere attraction for local cavers. The cave itself was discovered by Ric Calrson in 1992, an employee of the Forest Service, and surveyed as a joint project between different Grottoes in Oregon. Throughout the years of this historic use, the cave has never been considered a significant bat cave, nor a cave with much ancillary bat use. If the cave has a limited capacity of bat use, it must be considered that the bat use is compatible with the historic and current level of human use, and therefore requires no closure at this time. To date, any significant bat use data that may exist has not been supplied by the Forest Service, and the OHDG has experiential data that determines the cave to be lacking significant bat use since its initial discovery. In cooperation with the Forest Service, cavers noted cultural resources in the cave which were brought to the attention of the Forest Service and removed from the cave for study, and never returned to the cave. Effectively, the cultural resources collected from the cave and which granted the cave cultural resource significance, have all been removed from the cave. More data could be supplied to back up the claim of no risk, but it is not appropriate for full public disclosure. As for other resources (e.g. geological, hydrological), there are none at risk that would require a year round closure of the cave.

#### Concerning bat use:

As stated in the original draft, Cody Borehole was/is to be closed for bat habitation purposes and that reasoning appears to be carried over into the current draft (June 2020) though now listed generically. The cave does not meet the criteria for being a significant bat cave and requires no closure on this basis. The lack of bat data from the FOIA request confirms there is no grounds for consideration in the current draft of the Forest Order. If data was withheld from the request, then the Forest Service is acting in bad faith in regards to the Memorandum of Understanding (MOU) between the NSS and Federal government. If there is no data to support the closure and the Forest Service is ignoring the qualified opinions of the OHDG, the Forest Service may be operating in bad faith, generally.

Any closure of Cody Borehole as a result of bat use is premature. Bat studies need to be supplied showing rationale so we can review them, however I'll note, this was already requested before and no data was supplied. It is surmised from this lack of data, that criteria for recommending a full closure of the cave, lies not with bat use, but with cultural resource data that may not be able to be fulfilled by FOIA.

#### Concerning cultural resources:

"Cultural Resources" is also present as a reasoning for a full year closure to Cody Borehole, but I will reiterate that no data or correspondence was supplied for this additional reasoning. If cultural resources still exist in Cody Borehole, documentation/data needs to be supplied for review (to myself and/or the OHDG) to show the cave is still sensitive enough to require full or partial closure. It is my understanding that any cultural resources of Cody Borehole have been fully removed by the Forest Service with no intent to return them to the cave, and are in possession of the Forest Service directly. The significance of the cultural resource, it would appear, is no longer in the cave. This begs the questions: What remains to still consider the cave significant as it pertains to cultural resources? Where is a letter of recommendation from a qualified individual for full closure that demonstrates the rationale for such a closure? None was supplied in the FOIA request correspondence as noted above. To my knowledge, no cultural resource evaluation of the cave has ever been done to Cody Borehole, and it's unlikely a full cave assessment concerning this resource has been done. It is also my understanding that a non-zero amount of Forest Service employees in Deschutes National Forest employ are apprehensive to exploring the

interior of caves in general, and it's been offered that it is the same individuals that may be responsible for a cultural resource evaluation. The cave is long overdue for a complete resource evaluation (with emphasis on cultural resources) with recommendation either in support or no support, or in part, of a full or partial closure. It is my opinion that any closure based on cultural resources is extremely premature at this time, until rationale and supporting data can be provided or at least referenced in the Forest Order.

#### Ambiguity:

The report appears to have intentional ambiguity written into it concerning cultural resources and bat habitation use; to hide which caves are specifically which, and as it may pertain to the illegal possession and sale of cultural resources. In older drafts, Cody Borehole was listed under a catchall for significant bat use and significant cultural resources, but failed to distinguish if it was specifically one criteria or all. The current Alternative 2 - does not distinguish what Cody Borehole falls under - only that it is closed year round to protect generic cave resources at risk. Understandable, but flawed, considering that Cody Borehole is now specifically addressed in a public comment period. It would have been more ideal to discuss this information as addressed by individuals as well as the OHDG in the original private commenting period. Unfortunately, no correspondence was offered on rationale and no data was given to support closure at that time. Because the Forest Order lists rationale as any cave resource at risk, it would appear Cody Borehole is falling squarely in the category of ambiguity. Since no rationale can be offered by the Forest Service, and contradictory data is supplied by experienced organizations such as the OHDG, we must defer to the OHDG and experienced cavers such as myself, that suggest the cave is not at risk.

#### Recommendation:

Omit Cody Borehole from the Forest Order for failure to supply supporting data or rationale or references thereof, either in regards to bat use or cultural resource significance, which appear to be the motivating factors based on earlier drafts. Initiate bat studies to confirm any bat use during times of hibernation, maternity roosting, or ancillary use such as day roosting. Initiate a full cultural resource report (as part of a greater resource overview) evaluating Cody Borehole to determine the cave's current significances or lack thereof, as well as any potential risk level. Continue to maintain a correspondence with the local Grottoes of Oregon to discuss the data and status of Cody Borehole, until a time that a course of action is deemed warranted and is agreeable between the cooperating parties. If Cody Borehole is to be closed year round indefinitely, it's now imperative to demonstrate why that is required - as it pertains to the MOU between the NSS and its internal organizations such as the OHDG and the Federal government.

Further, it is of my opinion, that because insufficient data has been supplied showing rationale for a full year closure to Cody Borehole, and since it has not been singled out and removed in light of the lack of data/rationale, I have no choice but to put forth my recommendation to reject Alternative 2 of the Forest Order, until Cody Borehole is removed, or until rationale/data has been provided showing ample evidence to support a full closure of Cody Borehole. Therefore, until that time, I support Alternative 1 - No Action. The aforementioned MOU is not being upheld by the Forest Service on this matter. Disregarding Cody Borehole, the plan seems sound, but I either have to support in whole, or reject in whole, the proposed actions concerning the Forest Order, until my recommendations and request for data/rationale have been supplied and discussed with those on a need to know basis (i.e. the OHDG with the MOU between it and the agency) as it pertains to Cody Borehole. It has been regularly put forth by the Forest Service employees, that the OHDG and local cavers know more about the caves than the Forest Service, yet the OHDG and others have not been contacted in regards to Cody Borehole. The OHDG and other cavers have willingly supplied information to the Forest Service as it pertains to cultural resources with the cave in question and others. It would seem, at least in this one regard, it may be a one way street. To date, none of my inquiries have been acknowledged concerning Cody Borehole. Not even rationale as for why data cannot be supplied. It would seem a precedent is being set, in which it is not within the best interests to share information when one party is not fulfilling their obligation of the MOU, if it means future cave closures

without due consideration.

The current data offered by the OHDG and its members, and the lack of data represented by the Forest Service, suggests there is not enough supporting data to warrant a full year, or even partial year closure of Cody Borehole.

I repeat my request here, for rationale, supporting data, or references that show a requirement for a full or partial year closure of Cody Borehole, as nothing was supplied for that cave to satisfy my original March 2020 request. I understand this is a public comment period, but I am requesting private disclosure of this data from my request to be forwarded to the OHDG or myself for review, preferably both.

Cordially,  
Matt Skeels

P.S. This public comment was submitted by email and originally included italic and bolded words, in addition to an active hyperlink. It was cc'd to other interested parties.

P.P.S. Trivial changes that may have legal consequence as the Forest Order is currently written up (June 2020), follow (plan version found here: [https://www.fs.usda.gov/nfs/11558/www/nepa/112943\\_FSPLT3\\_5311610.pdf](https://www.fs.usda.gov/nfs/11558/www/nepa/112943_FSPLT3_5311610.pdf)):

1. "Boulder" and "bouldering" seem to be inconsistently used throughout the report. I'd recommend if you don't include a definition for the term/s in the report, to unify them all under one term (consider "climb" and "climbing" as well). As a point of contention, what does it mean when you say "and to climb our [sic] boulder inside or outside the gate at the cave entrance" (page 1, fourth bullet point), if you don't mean bouldering? This Forest Order may benefit from a glossary of defined legal terms.
2. I believe "Whychus House Cave" (page 5) is erroneously named in this report and is actually listed within your database as Whychus Creek Cave or Whychus Creek Rockshelter. This is my first encounter with the cave being named as Whychus House Cave. When and why the partial title "House" entered nomenclature is lacking an apparent reason, even though it is cited from a 2010 report.
3. Broadcasting is used to describe the distribution of glitter, dust, or smoke (consider adding industrial-made liquid chemicals as well). This term appears to define it as a broad scattering effect. A localized scattering effect of glitter or dust would seem equally prudent to prohibit, especially if directed at a particular locus, i.e. a feature of the cave or entrance area. Has glitter been Federally recognized as a micro-pollutant in certain settings yet?
4. With the advent of etching acid graffiti (typically used to mark windows and is immune to traditional graffiti removal) in metro and urban areas and abroad, you will want to consider adding something that prohibits its presence and use, in the Forest Order. While there is, to my knowledge, no glass legally authorized to be present at any caves, the chemical etching acids used to mark graffiti would no doubt be toxic and harmful to the micro-ecosystems within the caves. They may also be effective in damaging other non-glass property.
5. Page 1 notes "no known caves on the Crescent Ranger District", however there may be 1, possibly 2, rockshelters that failed to meet cultural resource significance in an initial archeological study. These two sites will require study to determine if they are eligible for entry into your cave database. Inquire with me privately for details.