

**ORDER OF THE FOREST SUPERVISOR  
SETTING FORTH RESTRICTIONS AND CONDITIONS OF USE  
OF CERTAIN CAVES ON THE  
MONONGAHELA NATIONAL FOREST – WEST VIRGINIA**

Under the authority of the Act of Congress dated June 4, 1897, as amended (16 U.S.C. 551), and pursuant to the Secretary of Agriculture's Regulations set forth at 36 CFR Part 261, Subpart B (36 CFR 261.50(a), the following acts and omissions are prohibited in the Monongahela National Forest controlled lands, waters and administrative units in the listed counties. The Monongahela National Forest lands are located in Grant, Pendleton, Randolph, and Tucker Counties in the State of West Virginia. Areas are within, and adjacent to, the Forest Proclamation Boundary. The said area being described and designated as shown on the map set forth as Exhibit A, which is attached hereto and made a part hereto:

1.) Entering into the below named caves:

Cave Hollow Cave, Arbogast Cave, Peacock Cave, Big Springs Cave, Cave Mountain Cave, and Two Lick Run Cave.

**THESE RESTRICTIONS ARE NECESSARY FOR THE PROTECTION OF THE SUMMER MATERNITY AND WINTER HIBERNACULA HABITAT OF TWO (2) ENDANGERED SPECIES OF BATS, THE VIRGINIA BIG-EARED BAT AND THE INDIANA BAT. THEY ARE IN ADDITION TO THE GENERAL PROHIBITIONS SET FORTH IN 36 CFR PART 261. THE PROHIBITIONS WILL BE IN EFFECT FROM THE DATE OF THIS ORDER UNTIL SPECIFICALLY WITHDRAWN BY TERMINATION ORDER OF THE FOREST SUPERVISOR.**

Pursuant to the provision of 36 CFR 261.50(e), the following persons are exempt from this order:

1. Persons with a permit specifically authorizing the otherwise prohibited act or omission (36 CFR 261.50(e)(1)); and,
2. Any Federal, State, or local officer, or member of an organized rescue in the performance of an official duty (36 CFR 261.50(e)(4)); and,

Violation of these prohibitions is punishable by a fine of not more than \$5000.00 for an individual or \$10,000.00 for an organization, or imprisonment for not more than six (6) months, or both (16 U.S.C. 551, 18 U.S. C. 3559 and 3571).

Dated this 10th day of March, 2008, at Elkins, West Virginia.

United States Department of Agriculture  
Forest Service

/s/ Clyde N. Thompson

CLYDE N. THOMPSON  
Forest Supervisor  
Monongahela National Forest