



# BREAKDOWN

Volume 6, Number 3, January 1992

## Pennsylvania Cave Protection Act Tested

*You may have already seen the following article written by Kim Opatka, however, it is worth reprinting here.*

A 19-year-old Blairsville RD1 (Derry Township) resident of Westmoreland County appears to be the first person in Pennsylvania to be found guilty of violating the new Cave Protection Act (Act 133). The case was heard in District Court 10-3-08 by District Justice, Mark Bilik.

Keith David McDowell was found guilty for vandalism done at Con Cave and Bear Cave in Derry Township. The land is privately owned by brothers Albert and Victor Smith.

During the annual Bear Cave Cleanup on April 13, 1991, Loyalhanna Grotto members discovered spray-paint vandalism. The initials "KDM" and the date "3-9-91" were scrawled on the quarry face at Con Cave and at the entrance to Bear Cave. This matched the name and date which had been entered on the sign-in sheet.

The evidence was circumstantial, however, Trooper James Ferens of Greensburg Barracks visited both caves and contacted every person whose name appeared on the sign-in sheet for the date in question.

Jack Reed, a Loyalhanna Grotto member, was in the cave that day. At the hearing, he testified that he saw someone carrying a spray-paint can and that he and his brother Mike had discovered fresh paint in the back part of the cave. While he could not identify the painter as McDowell, Reed's testimony helped

MAR  
Business Meeting  
February 29, 1992  
Details Inside

establish that the vandalism was done that day.

Bill Wolford, Loyalhanna Grotto Chairman, also testified. He provided information concerning the time frame for the vandalism and its subsequent discovery during the cleanup trip.

Kim Opatka, representing the Smith family, guided Ferens to the caves, photographed the vandalism, and testified at the hearing. Copies of the Cave Protection Act were provided to Trooper Ferens, who at the time was unaware of the new law, and to District Justice Bilik.

While Bilik noted that the circumstantial evidence of the sign-in sheet, initials and grotto members testimony alone were not enough to convict McDowell, his own testimony did.

McDowell's sole witness, Shaun Long, of the Blairsville area, testified that McDowell did not do the spray painting. He did, however, provide his initials to the ones who did the painting - another group that was caving with them. Long testified that when the groups moved to Bear Cave, he asked the group to stop because the fumes were making him sick.

Ferens, in a summary citation, cited McDowell for the violation, charging that "he did, or cause to be done, paint sprayed on rocks in and around a cave - files on information received."

Bilik, in making his decision against the visibly upset McDowell, noted that the "did or cause" clause in the citation, as well as McDowell's admission that he was with the group doing the painting, played a role in the guilty verdict.

Cost for the damages amounted to \$250 plus court costs, for a total of \$279.

### Cave Protection Signs Ordered

Bert Ashbrook, Chairman of the Cave Sign Committee, has ordered the new metal signs.

During the past year he has requested suggestions from Pa. grottos and interested individuals. The draft wording was sent to all grottos who were asked to respond. Funds were solicited to finance the first printing.

The signs are expected to be ready for the 1992 MAR business meeting. A discussion concerning the disposition of the signs will be a topic on the agenda.

---

This newsletter is published three times a year by the Mid Appalachian Region of the National Speleological Society. Send articles for publication to the editor. Caving related publications may reprint articles provided credit is given to this publication.

# Cleversburg Sink Gated

by Larry Clauser

On November 16, 1991, Cleversburg Sink was gated by a dozen cavers, mainly Franklin County Grotto members. Others present for the project were York Grotto and Greater Allentown Grotto.

There is a fair sized sinkhole which contains the main entrance. This entrance will be filled with large boulders and then the sinkhole will be filled. Inside the entrance area is a skylight. This will be the new gated entrance. The new entry will be a short vertical drop. There is talk of installing a permanent ladder inside.

The landowner, Ken Gashorn, has been very supportive of the project. He donated the use of his air compressor and pneumatic rock drill to aid the gaters. He will fill the sinkhole with rocks and dirt.

Keys are to be distributed to all Pa. Grottos. The landowner will also have one. A person living nearby in the mobile home park will also have a key. A sign will be made which will state the access policy for the cave.

There will be an update about the cave at the upcoming MAR business meeting.

## Hostermans Pit in Danger?

by Keith D. Wheeland

A sales agreement has been signed for the property which contains the entrance to Hostermans Pit in Centre County, Pa. The interested buyer would like to quarry for limestone on the 500+ acre tract.

On November 14, 1991 an article appeared in the local newspaper stating that the residents of Aaronsburg, Pa. were concerned about a possible quarry planned for their area.

Will & Bette White, and other cavers, attended a town meeting to discuss the proposed project.

It is doubtful that the quarrying operation would destroy the cave because the cave lies very near the property boundary. However, there is concern that any quarrying operation nearby would change the cave or its hydrology.

Nancy Parks, an Aaronsburg resident, is spearheading a citizen's group which is opposed to the project because of the negative impact it may have on the towns of Aaronsburg and Millheim.

Nittany Grotto member, Phil OKunewick, is organizing an effort by the caving community to respond to the threat to the cave.

According to reports, the Western Pennsylvania Conservancy has noted an imperiled species in the cave. Also, the bone dig in the cave is important because it represents a time period between two climatic shifts in Pa.

This topic will be discussed at the upcoming MAR business meeting.

## NEW! Berks Co. MAR Bulletin

The Berks County MAR Bulletin is now available. It contains 64 caves and 32 maps. It is available for \$7 plus \$1 postage and handling.

Copies will be available at the MAR business meeting. If you just can't wait till then, see the ordering information elsewhere in this newsletter.

## MAR Spring Meet Planned

Preparations are under way for a joint MAR/NRO spring meet to be held at the Woodward Cave Campground, May 8-10, 1992.

By popular demand, there will be a geology field trip led by Will White.

More information will be forthcoming in the next issue of this newsletter.

Mark the date on your calendar. The contact person is Ed Kehs, (215) 536-8153.

## Landowner Liability

Senate Bill 1051 still must be acted upon by the PA. House of Representatives. Please write or call your representative and ask them to support this bill.

The bill is designed to limit liability for landowners who allow cavers to explore caves on their property.

This bill would have a positive effect on the caving community. Please contact your representative now.

For more information, please contact Judi Stack at (717) 238-2198. Judi is the legislative liaison for the Pa. Cave Law Conservation Task Force.

## Out of Print MAR Bulletins to be Reprinted?

Some of the early MAR Bulletins are now out of print. Discussions are now under way to determine whether to reprint the bulletins. Should they be updated before printing? Should the printing of certain counties be postponed until the new data can be added? How should this endeavor be financed?

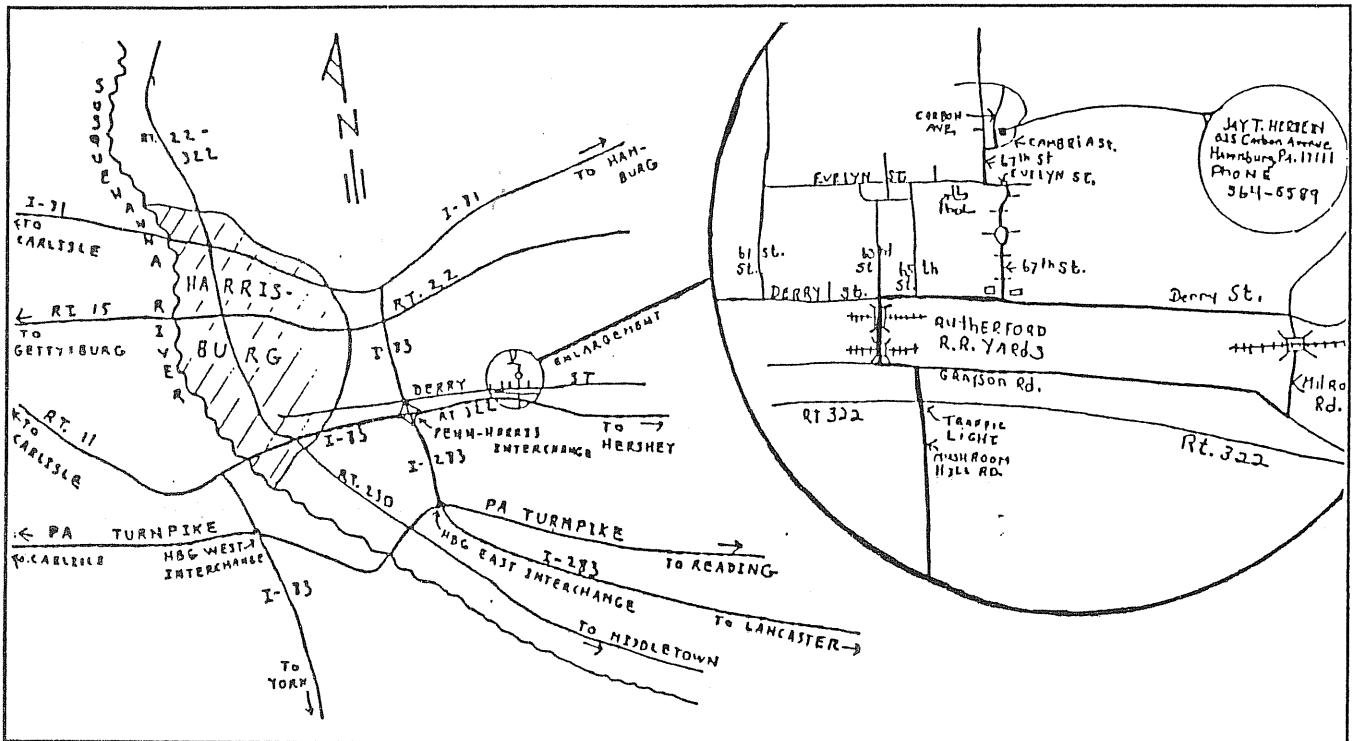
Join in this lively discussion at the upcoming MAR Business meeting.

**Make sure your grotto is represented.**

# MAR BUSINESS MEETING 1992

**DATE:** February 29, 1992 **Time:** 1:30 P.M. **Place:** Jay Herbein's house. SEE MAP.

We hope to see representatives from all MAR Grottos. A party at Dale and Judi's will follow the business meeting. Food and Beverage will be at both locations. (Donations Appreciated.) For more information call Jay at (717) 564-5589 or Dale and Judi at (717) 238-2198.



If coming from the East on Rt. 322 heading towards Harrisburg, turn right onto Mushroom Hill Rd. at second traffic light after passing Hummelstown, PA.. Go one block to Grayson Rd., turn left, go one block, turn right onto the New bridge crossing Rutherford Railroad Yards. At the other end of the bridge is Derry Street. Turn right onto Derry St. go to 67th St., turn left, then follow enlargement on the map to Jay's house.

If coming from the West, get onto Rt. 322 heading towards Hershey. Turn Left onto Mushroom Hill Rd. at first traffic light, about 2 mi. after Rt. 322 begins at the big Penn Harris Interchange.

If coming from the West on I-83 N. you can NOT get off at Derry Street. Take Rt. 322 and follow map.

## MAR Bulletins Available

No.	County in Pennsylvania		Cost	Postage
10	Snyder	20 caves, 14 maps	2.00	*
11	Centre	71 caves, 56 maps/ 1 large map	4.75	**
12	Mifflin	47 caves, 31 maps/5 large maps	5.50	**
13	Perry	13 caves, 6 maps	1.50	*
14	Bucks	24 caves, 6 maps	3.00	*
15	Lehigh	25 caves, 13 maps	3.25	*
16	Northampton	24 caves, 13 maps/1 large map	5.50	*

\* \* \* NEW \* \* \*

17	Northumberland	20 caves, 10 maps	5.00	*
18	Berks	64 caves, 32 maps	7.00	**

\*U.S. Postage: \$0.75 each copy: \$0.25 each additional to same adr.

\*\*U.S. Postage: \$1.00 each copy: \$0.50 each additional to same adr.

Make check payable to MAR Order from Bette White  
542 Glenn Road  
State College, PA 16803

---

---

Keith D. Wheeland  
Editor, MAR Breakdown  
2191 Mt. View Ave.  
State College, PA 16801  
(814) 238-2057