



# BREAKDOWN

Volume 7, Number 2, August 1992

## Fall MAR Meet Scheduled Sept. 25-28, 1992

The Fall MAR field Meet is scheduled for September 25-28, 1992 at the John Weinel Farm in Valencia, PA. It is being organized by the Loyalhanna Grotto.

See page 4 for details and directions.

### Hosterman's Pit Status Report

by Mark Jancin

[Reprinted from *Nittany Grotto News*, Vol. 39., No.3. (Summer 1992)]

[Ed. Con-Stone, Inc. has filed an application for a permit to surface mine limestone. The mine would destroy most of Hosterman's Pit.]

On June 22, 1992, the Harrisburg office of the Pennsylvania Department of Environmental Resources (DER) received Nittany Grotto's petition application for designation of certain non-coal lands as Unsuitable for Mining (UFM). This petition targets two land areas:

- (1) a circular area within which Hosterman's Pit is inscribed; and
- (2) a small area immediately surrounding Stover Cave #1, located about 1 mile south of the Hosterman's Pit entrance (and outside the present mining permit-application area).

The petition comprises a 3-page application form; a topographic location map; four pages of text; eight color

photos of Hosterman's pretties (mostly flowstone areas); a short statement by Dr. Shirley Fonda regarding the significance of the Hosterman's Pit bone deposit; and, a copy of a letter to me from Dr. Paul Weigman of the Western Pennsylvania Conservancy, briefly discussing the significance of an aquatic invertebrate found in Hosterman's. [Ed. The petition is available for public view at the Harrisburg and the Hawk Run offices of DER.]

Our key criterion toward UFM designation invokes the allegation that surface mining in the petition area will, "affect fragile or historic lands in which surface mining could result in significant damage to important historic, cultural, scientific, or esthetic values or natural systems" (wording from the relevant PA code). The petition text presents allegations of facts and supporting evidence within the scope of this criterion. The text discusses: (1) general information about Hosterman's, its special geological qualities, and its special biological qualities; (2) brief reference to a rare animal found in Stover #1; (3) description of how surface mining may adversely affect important qualities of the petition area; and (4) our recommendation that DER recognize Hosterman's as an extremely valuable scientific, recreational, and esthetic resource.

On July 23 we received formal notification that our petition application has been accepted for study by DER. This means they found our allegations and evidence sufficient to merit their undertaking a detailed study of the issues. The DER will undertake a technical study

to determine whether the area should be designated as UFM. This is the current status on this issue. I should note that, unlike UFM petitions involving coal lands, these non-coal petitions do not constitute a blocking action on any concurrent decision-making regarding filed mining-permit applications, such as Con-Stone's. In fact, if the land were given UFM designation today, there is no explicit reason to expect that Con-Stone's permit would be rejected tomorrow, or perhaps even next year. The mining-permit application and the UFM petition application are handled by separate offices and separate decision-making bodies within DER; both decision-making bodies were out-in-force at the July 9 public hearing concerning the permit application.

### Spring Meet a Rousing Success

by Andy Fluke

[This is a shortened version of a report reprinted from *Nittany Grotto News*, Vol. 39, No. 2, (June 1992)]

On May 8th, 9th, and 10th, Woodward Cave Campground was the site of the 1992 MAR/NRO Spring Meet. It was a weekend of caving, good food, and geology supported by a large caver turnout and the cooperation of the cave owners, vendors, cavers, and, of course, our hosts, Kim and Ed Kehs.

"This was something that Ed and I really wanted to see succeed", Kim said. "We

had a lot of people come up to us saying that it wouldn't work out but, I ignored the dissentors and sent flyers to everyone, inviting them to come."

The weatherman forecast gray skies, cold wind, and rain, but 167 attendees made the event a success.

Saturday was the day of Will White's Geological Field Trip which sent nearly forty people in 16 cars convoying around Penns Valley through State College eventually ending up at Lincoln Caverns over in Huntingdon County. Along the way, at a point when the 16 cars were stretched out over a long section of country road, Will described the entourage with one simple sentence. His observation: "Cavers make lousy sheep."

Back at the campground, preparations for the evening meal were underway. There were several cave trips to J-4. And a number of cavers were trying out the re-belay course set up by Ed Kehs at the campground.

Dinner was the main attraction Saturday evening, with two kinds of stew, bread, salad, soda, beer, and door prizes. Kim and Ed Kehs were treated to a few minutes of rest while friends from Met and Nittany Grotto served dinner.

Speleobooks, Bob & Bob, Vertical Supplies, and B.C. Wunderware were on hand to take our money.

Sunday morning dawned bright and warm. Waiting in the pavillion for us was a \$1 "all you could eat breakfast" of pancakes, sausage, and coffee prepared by the owner of Woodward Cave.

A late trip to Penn-Aqua was a welcome respite after an hectic but rewarding weekend.

The gathering was well in the black, netting \$374 profit for the MAR and an equally fit sum for NRO.

Kim and Ed Kehs thank all who helped make the Spring Meet a success.

The MAR officers thank Ed and Kim Kehs for doing an outstanding job.

## Pennsylvania Cave Protection Act

[Ed. For your information, the full text of the Pennsylvania Cave Protection Act is printed here.]

No 1990-133, SB 867, Signed into law Nov. 21, 1990

*Prohibiting certain conduct with respect to caves; and imposing penalties.*

### Section 1. Short title.

This act shall be cited as the Cave Protection Act.

### Section 2. Legislative findings and policy.

The General Assembly finds that caves are uncommon geologic phenomena and that the minerals deposited therein may be rare and occur in unique forms of great beauty which are irreplaceable if destroyed. Also irreplaceable are the archeological resources in caves which are of great scientific and historic value. It is further found that the organisms which live in caves are unusual and limited in numbers, that many are rare and endangered species and that caves are a natural conduit for groundwater flow and are highly subject to water pollution, thus having far-reaching effects transcending man's property boundaries. It is therefore declared to be the policy of the General Assembly and the intent of this act to protect these unique natural and cultural resources.

### Section 3. Definitions.

The following words and phrases when used in this act have the meanings given to them in this section unless the context clearly indicates otherwise:

"Cave." Any naturally occurring void, cavity, recess or system of interconnecting passages beneath the surface of the earth or within a cliff or ledge, including, but not limited to, natural subsurface water and drainage systems, whether or not it has a natural entrance. The term does not include any mine, tunnel, aqueduct or other manmade excavation. The term includes, or is synonymous with, cavern, sinkhole, natural pit, grotto and rock shelter.

"Cave life." Any life form which normally occurs in, uses, visits or inhabits any cave or subterranean water system, excepting those animals and species covered by any of the game laws of this Commonwealth.

"Commercial cave." Any cave utilized by the owner for the purposes of exhibition to the general public wherein a fee is collected for entry.

"Gate." Any structure or device located to limit or prohibit access or entry to any cave.

"Material." All or any part of any archeological, paleontological, biological or historical item or artifact, including, but not limited to, any petroglyph, pictograph, basketry, human remains, tools, beads, pottery, projectile point or remains of historical mining activity or any other occupation, found in a cave.

"Owner." A person who owns title to the land where the cave is located, including a person who owns title to a leasehold estate in such land, and specifically including the Commonwealth and any of its agencies, departments, boards, bureaus, commissions or authorities, as well as counties, municipalities and other political subdivisions of the Commonwealth.

"Person." An individual, partnership, firm, association, trust, corporation or other legal entity.

"Police officer." An individual authorized by law to make arrests for violations of the criminal law of this Commonwealth.

"Sinkhole." A closed topographic depression or basin, generally draining underground, including, but not restricted to, a doline, uvala, blind valley or sink.

"Speleogen." The surrounding natural material or bedrock in which a cave is formed, including clastic sediments, walls, floors and ceilings and similar related structural and geological components.

"Speleothem." A natural mineral formation or deposit occurring in a cave. The term includes, or is synonymous with, stalagmite, stalactite, helectite [sic], shield, anthodite, gypsum flower and needle, angel's hair, soda straw, drapery, bacon, cave pearl, popcorn (coral), rimstone dam, column, palette, flowstone and other similar mineral formations which occur in caves. Speleothems are commonly composed of calcite, epsomite, gypsum, aragonite, celestrite and other similar minerals.

#### Section 4. Enforcement.

Police officers employed in this Commonwealth shall enforce the provisions of this act.

#### Section 5. Violations.

It shall be unlawful for any person, without the expressed written permission of the landowner, to:

(1) Willfully or knowingly break, break off, crack, carve upon, write, burn, mark upon, remove or in any manner destroy, disturb, mar or harm surfaces of any cave or any natural material which may be found therein, whether attached or broken, including speleothems, speleogens and sedimentary deposits.

(2) Break, force, tamper with or otherwise disturb a lock, gate, door or other obstruction designed to control or prevent access to any cave, even though entrance thereto may not be gained.

(3) Remove, deface or tamper with a sign stating that a cave is posted or citing provisions of this act.

(4) Store, dump, litter, dispose of or

otherwise place any refuse, garbage, dead animal, sewage or toxic substance harmful to cave life or humans in any cave or sinkhole.

(5) Burn within any cave or sinkhole any material which produces any smoke or gas which is harmful to any organism in the cave. This paragraph shall specifically exempt acetylene gas emissions created by carbide lamps used as a source of light by persons using the cave.

(6) Kill, injure, disturb or otherwise interfere with any cave life, including any cave roosting bat, or interfere with or obstruct the free movement of any cave life into or out of any cave, or enter any cave with the intention of killing, injuring, disturbing or interfering with life forms therein, except where public health may be threatened.

(7) Remove, deface, tamper with or otherwise disturb any natural or cultural resources or material found within any cave.

(8) Disturb or alter in any way the natural condition of any cave.

#### Section 6. Penalties.

(a) Summary offense. -- A person who violates any provisions of this act commits a summary offense punishable by a fine of not less than \$100 and more than \$1,000 and, in default of the payment of such fine, to undergo imprisonment for not more than 30 days.

(b) Public nuisance. -- Unlawful conduct as described by section 5 shall also constitute a public nuisance.

#### Section 7. Other remedies.

(a) Jurisdiction. -- In addition to any other remedies provided in this act upon relation of any district attorney of any county affected or upon relation of the solicitor of any county or municipality affected, an action in equity may be brought in any court of competent jurisdiction for an injunction to restrain any and all violations of this act or to restrain a public nuisance.

(b) Concurrent remedies. -- The penalties prescribed by this act shall be deemed concurrent, and the existence of or exercise of any remedy shall not prevent the Department of Environmental Resources from exercising any other remedy hereunder, at law or in equity.

#### Section 8. Effective date.

This act shall take effect in 60 days.

APPROVED-- The 21st day of November, A.D. 1990. Robert P. Casey

## Cave Conservation Signs Available From MAR

Cave conservation signs are available for placing in Pennsylvania caves. The signs are 18 x 12 inches heavy, white-painted aluminum with black letters.

The signs are being made available to Grottos and other caving organizations at \$10 each. A log is being maintained by MAR to include the cave where the signs will be posted, and the sponsoring organization.

If you, as an individual, are interested in obtaining a sign for placing in a cave, check with your grotto. Grottos were sent information in March 1992.

If your organization would like to learn more about the sign program, please contact one of the following individuals.

Bert Ashbrook  
1257 Lehigh Parkway South  
Allentown, PA 18103  
(215) 797-3981

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

**FALL MAR MEET  
FRIDAY TO SUNDAY  
SEPT. 25 - 28  
HOSTED BY LOYALHANNA GROTTO  
IN VANPORT COUNTRY  
WESTERN PENNSYLVANIA**

***Now is your chance to see if the stories are true: Are vanport caves truly the longest in the northeast? Are the mazes really that tough? Is it possible that an entire MAR contingent of cavers could all go into a cave like Sarah Furnace at the same time and it wouldn't even seem crowded?***

***See for yourself the miles and miles of maze, Hineman's famous mud, the longest Pennsylvania cave -- Harlansburg -- and, don't forget the formations.....***

Camping at the John Weinel Farm in Valencia  
Grotto-led field trips to Hineman, Sarah Furnace, Harlansburg  
Dinner Saturday night by Craig Taub, chef extraordinaire  
featuring his secret stir-fry recipe.

See Craig's giant wok!!!

For those driving straight through, join Craig at his hot dog stand  
Friday

\$10 Fee includes dinner and guidebook  
Possible Chestnut Ridge cave trips too

***To pre-register, mail checks, payable to Loyalhanna Grotto to:***

***Kim Opatka***

***RD1 Box 308A***

***Derry, Pa., 15627***

***Pre-registration deadline is Sept. 20.***

***After that date, register on-site.***

**To get there:**

**You will be traveling either north or south on Route 8, from either Pa. Turnpike Exit 4 or Route 422. Route 8 will merge with Route 228 for about a mile, before Route 228 bears off. You will want to take Route 228 where it goes EAST.**

**Go on Route 228 East for about three miles. Turn right onto Sandy Hill Road, which may or may not be marked [we will have an MAR sign up] Go six-tenths of a mile to a "Y" and bear right at the "Y." Go 1.1 miles to the Weinel driveway on the right.**

**Just in case .... call Pam Long at 412-898-2335.**

# Pennsylvania Landowner Liability Act

[Ed. For your information the entire text of the law is printed here.]

No. 586, HB 1005, signed into law Feb. 2, 1966

*Encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts.*

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The purpose of this act is to encourage owners of land to make land and water areas available to the public for recreational purposes by limiting their liability toward persons entering thereon for such purposes.

Section 2. As used in this act:

(1) "Land" means land, roads, water, watercourses, private ways and buildings, structures and machinery or equipment when attached to the realty.

(2) "Owner" means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.

(3) "Recreational purpose" includes, but is not limited to, any of the following, or any combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, water sports, cave exploration<sup>1</sup>, and viewing or enjoying historical, archaeological, scenic, or scientific sites.

(4) "Charge" means the admission price or fee asked in return for invitation or permission to enter or go upon the land.

Section 3. Except as specifically recognized or provided in section 6 of this act, an owner of land owes no duty of care to keep the premises safe for entry or use by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes.

Section 4. Except as specifically recognized by or provided in section 6 of this act, an owner of land who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes does not thereby:

(1) Extend any assurance that the premises are safe for any purpose.

(2) Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed.

(3) Assume responsibility for or incur liability for any injury to persons or property caused by an act of omission of such persons.

Section 5. Unless otherwise agreed in writing, the provisions of sections 3 and 4 of this act shall be deemed applicable to the duties and liability of an owner of land leased to the State or any subdivision thereof for recreational purposes.

Section 6. Nothing in this act limits in any way any liability which otherwise exists:

1) For wilful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

(2) For injury suffered in any case where the owner of land charges the person or persons who enter or go on the land for recreational use thereof, except that in the case of land leased to the State of a subdivision thereof, any consideration received by the owner for such lease shall not be deemed a charge within the meaning of its section.

Section 7. Nothing in this act shall be construed to :

(1) Create a duty of care or ground of liability for injury to persons or property.

(2) Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this act to exercise care in his use of such land and in his activities thereon, or from the legal consequences of failure to employ such care.

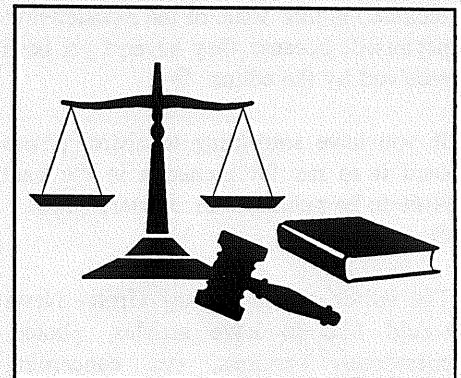
Section 8. The act of September 27, 1961 (P.L. 1696), entitled "An act limiting the liability of landowners of agriculture lands or woodlands for personal injuries suffered by any person while hunting or fishing upon the landowner's property," is repealed.

All other acts or parts of acts are repealed in so far as inconsistent herewith.

Section 9. This act shall take effect immediately.

Approved - The 2nd day of February, A.D. 1966 - William W. Scranton

<sup>1</sup> The words "Cave Exploration" were added to this act by the act of 1992-10, signed by Gov. Robert P. Casey on March 26, 1992. Cave exploration became a covered activity on May 26, 1992.



## Why Did You Receive This Newsletter?

Each grotto in the MAR is sent a copy of the *MAR Breakdown*. And a copy is sent to the NSS.

If you attend one of the MAR Field Meets held each spring and fall, you will get credit for three copies of the newsletter. Why three? Because we publish three issues per year.

At the meets, \$4.00 of your registration fee goes back to MAR. This money is used for MAR projects. It helps pay for printing the MAR bulletins and pays for the printing and mailing of this newsletter.

If you examine your address label on the newsletter you will see a number after your name. This number (less 1) tells you how many issues of the newsletter you are entitled to receive.

When you register for a field meet, you are asked to provide your address. This address is used to prepare the mailing labels for the next newsletter.

Send your address changes to the editor of this newsletter, or to the keeper of the labels, Carol Tideman, 7600 Pindell School Road, Fulton, MD 20759

## Notes from the Editor

The Minutes of the MAR Business Meeting held in February will not be included in this issue of the newsletter as promised, because they haven't yet been received by the editor. ☺

If you have something to share, please send it to me for inclusion in the next issue to be published in January 1993. ☺

The editor of the Nittany Grotto News would like to have articles, photos, anecdotes, cartoons, etc. concerning Hosterman's Pit for inclusion in the next newsletter. send your contributions to the Nittany Grotto. See the address in the next column. ☺

## Pennsylvania Legislative Alert

by Phil OKunewick & Keith Wheeland

Under the Pennsylvania Clean Streams Act, the Pennsylvania DER has the authority to designate certain lands as Unsuitable For Mining (UFM). This designation was originally only applicable to coal mining, but a recent Commonwealth Court ruling extended it to non-coal areas as well. Now an amendment to a house bill will eliminate the UFM for non-coal areas. This means that the state senate believes that the only lands worth protecting are in coal areas. How ludicrous can one get?

We know that caves are in limestone, not coal, and caves are certainly worth protecting.

House Bill 2216 passed the state house of representatives, and was amended by the senate. It must now go back to the House to be voted upon again.

Please write or call your state representative and ask them to vote against the amendment to eliminate UFM status for non-coal areas.

An alert has been prepared by Keith Wheeland and hand delivered by Judi Stack to each representative. This will help, but the important letters and calls must come from you. Please act now.

## Funds Needed to Save Hosterman's Pit

The Nittany Grotto is leading the campaign to save Hosterman's Pit. You can help by sending your donations to the

Nittany Grotto  
P.O. Box 676  
State College, PA 16804

Make checks payable to Nittany Grotto. Indicate that the money is to be used to Save Hosterman's Pit.

## MAR Elections to be held

Election of MAR officers will be held at the Fall Meet. If you would like to be a candidate for a position, please contact one of the current officers and let them know. A slate of candidates will be presented to the electorate. The three persons receiving the most votes become the Chairperson, Vice Chair and Secretary. They decide among themselves how to share the duties. The treasurer is more or less a permanent position.

Here is your chance to become active in speleopolitics at the regional level.

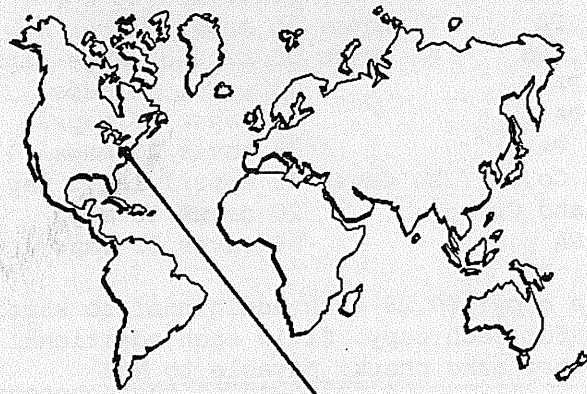
### MAR Officers

Chairperson - Jeanne Wetterling  
Vice Chair - Keith Wheeland  
Secretary - Bill Wolford  
Treasurer - Bette White

## Cave Conservation Signs Placed

Signs have been placed at the following caves (or they have been obtained by Grottos and are going to be placed).

Bear Cave Parking Lot	Seawra
Big Ridge	Sharer
Blue Springs	Tytoona
Carnegie	Whisper Rocks
Cleversburg Sink	Wind
Halls	Womers
Hershey-Coy	
Indian Echo	
Johnson Caves	
Laurel	
Lincoln Caverns	
Mummau	
Mt. Joy	
North York	
Quarry Hill	
Refton	
Ruth	
Schofer	



Save Hosterman's Pit

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