JEMEZ CAVE CLOSURE ORDER
Assessment of Need (Justification), CRIA and Enforcement Plan

Background

Increasing popularity and demand for sport overhead rock climbing in Jemez Cave is in direct conflict with the preservation and protection of Jemez Cave. The cave is listed on the National Register of Historic Places and also meets the definition of a site in the R-3 Forest Service handbook. It is relevant as an archeological resource in the implementing regulations of the Archeological Resources Protection Act (ARPA). Jemez Cave is located in association with Soda Dam, adjacent to New Mexico State Highway 4, in Section 14, T18N, R2E, see Exhibit A.

For decades, rock climbers have used the cave for specialized technical, overhead climbing. Individual climbing routes have been added over time, each route a challenge to individual skill levels. The cumulative impact was that in March of 2010 there were 40 attached bolts and quick draws. Similarly, in February of 2012 approximately 50-60 bolts were permanently attached to the roof and walls. In June, 2012 the climbing community removed all draws and chains from the cave. Since that time occasional bolts are still found and removed. There are also reports from time to time of persons hiking to the cave or squatting in the cave.

Based on inspections by Forest Service archaeologists on 1/20/2012 and 2/10/2012, rock climbers appear to be chipping into the sooted roof of the cave to create small hand and toe holds; also their shoes smear some of the soot each time they climb in the cave and chalk marks are left on the sooted roof. A later report conducted in 2014 by Park Service archaeologists concluded that despite previous excavations, looting, vandalism, and willful damage by rock climbers, Jemez Cave is still an important cultural resource site and should remain closed to the public and to recreational activities. Recreationists also hike the short, steep, and badly eroding trail up to Jemez Cave to either participate in climbing or other recreational activities.

Jemez Cave has been closed to public access since July 2012. The Closure Order was last reissued in May 2019. Each previous Order expired after one to two years.

Purpose

The purpose of this Order is to provide natural and cultural resource protection for the Jemez Cave and protect public safety and welfare until current damages to natural and cultural resources can be assessed and a long-term management strategy developed.

Scope

Forest archeologists will reanalyze the cave to determine the extent of impact. Despite the previous extensive excavation work at Jemez Cave, it is likely intact subsurface deposits still remain. The roof of the cave is heavily sooted, which is considered an archaeological feature created from past habitation/use of the cave. The soot has the potential to provide information that could be used to date the site further, and could be used in ethnobotanical analysis. Reanalysis of the cave may result in the documentation of additional modification of the cave walls and ceiling resulting from past habitation and use. Further work is needed to evaluate fully how rock climbing is affecting the qualities that make this site eligible to the National Register of Historic Places. A long term management strategy for Jemez Cave will be prepared following evaluation and determination of the cave for additional archaeological/historic significance.
NEPA Compliance
The proposed action for the Jemez Cave Closure is covered under FSH 1909.15 Ch.31.12 (1), “Categories Established by the Chief; Categories for Which a Project or Case File and Decision Memo Are Not Required; Orders issued pursuant to 36 CFR Part 261-prohibitions to provide resource protection or to protect public health and safety”. This action does not individually or cumulatively have a significant effect on the quality of the human environment and therefore is categorically excluded from documentation in an EIS or EA. This documentation will serve as sufficient basis for the action to be taken, and for the record.

Notice and Implementation
The Jemez District Ranger will coordinate the implementation of the order with the appropriate resource staff personnel, climbing community and Jemez Pueblo tribal members in accordance with Attachment B, Enforcement Plan. When the order is in effect, the order and map, along with additional regulatory signs will be posted around the mouth of the cave and along the access trail and parking area. Interested or potentially affected persons may seek information about the order by reading signs posted at the Jemez Cave, or by visiting the Santa Fe National Forest Supervisors Office, Jemez Ranger District Office, or the Forests’ web site. A news release will be prepared for dissemination to the media and public prior to implantation of the closure, explaining the rationale for the closure.

ATTACHMENT B
JEMEZ CAVE CLOSURE ORDER
Enforcement Plan
The parking area adjacent to New Mexico Highway 4 and user-created access trails leading to the Jemez Cave will be posted “Closed to Public Entry” to reasonably notify the public of the temporary closure. The Closure Order and Map will be posted at the parking area on NM Highway 4. The signs will be maintained on a regular basis. Copies of the Jemez Cave Closure Order and Map will be available at the Santa Fe National Forest Supervisor’s Office, Jemez Ranger District Office, and the Forest web site.

Forest Service Law Enforcement Officers (LEOs), as well as the Forest Protection Officers (FPOs), will enforce the temporary closure. District employees will monitor vehicles parked in the vicinity of the cave and report back to the responsible district staff. Instances where individuals are actively violating the closure will be reported to the appropriate LEO and district employees. District office staff will notify the appropriate personnel to respond to the incident.

A news release will be prepared for dissemination to the media and public prior to implantation of the closure order.

The Forest Service will coordinate with the Jemez Pueblo and Sandoval County Sheriff’s Office to facilitate support and cooperation with enforcement efforts.
<table>
<thead>
<tr>
<th>Action</th>
<th>Responsible Official</th>
<th>Date</th>
</tr>
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<tbody>
<tr>
<td>Prepare proposed order</td>
<td>Leah Hurley, Recreation Staff Officer, Jemez Ranger District Santa Fe National Forest</td>
<td>3/2/2021</td>
</tr>
<tr>
<td>Review proposed order (Law Enforcement)</td>
<td>Dan Reed, Patrol Captain, Southwestern Region, USFS</td>
<td></td>
</tr>
<tr>
<td>Approve proposed order</td>
<td>Jennifer Swaider, Acting Forest Supervisor, Santa Fe National Forest</td>
<td></td>
</tr>
<tr>
<td>Post order in accordance with 36 CFR 261.51</td>
<td>Volunteers, Forest Service FPOs and LEOs, and all available staffs</td>
<td></td>
</tr>
<tr>
<td>Prepare news release for local media describing the order and management objectives/post to website/notify COIDC/copy to each receptionist/frontliners</td>
<td>Julie Anne Overton, Public Affairs Officer, Santa Fe National Forest</td>
<td></td>
</tr>
<tr>
<td>Notices will be used at trailheads and access points advising of the closure for implementation.</td>
<td>Appropriate Staff Forest Protection Officers Law Enforcement Officers Santa Fe National Forest Employees and Volunteers</td>
<td></td>
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</tbody>
</table>

Enforcement Plan approved for implementation:

**JENNIFER SWIADER**
Digitally signed by JENNIFER SWIADER
Date: 2021.03.18 10:40:25 -06'00'

**FOREST SUPERVISOR**
ATTACHMENT C
CIVIL RIGHTS IMPACTS ANALYSIS

UNITED STATES DEPARTMENT OF AGRICULTURE
Forest Service
Southwestern Region

JEMEZ CAVE CLOSURE ORDER
Santa Fe National Forest
Sandoval County, New Mexico

Purpose
The purpose for developing a civil rights impact analysis is to provide the Forest Service decision maker information concerning potential civil rights impacts of the proposed action. Civil rights impacts are those which could affect the agency’s ability to ensure equal opportunity in employment and in delivery of programs and services.

Favorable Impacts
The proposed action would:
1) Provide reasonable opportunities for persons to access National Forest System lands to engage in hiking and other recreational activities. The extent of the temporary closure order would apply only to the Jemez Cave and area immediately surrounding it, as shown in Attachment A. All other climbing areas within the Jemez Ranger District would be available to the public.

2) Provide protection of natural and cultural resources.

Unfavorable Impacts
The proposed action would prohibit general public entry and use of Jemez Cave, as shown in attachment A, for 2 years, or until rescinded, whichever comes earlier.

Mitigation Measures
The Forest Service will continue to allow recreational use in the remainder of the district.

Social Impacts
The proposed action does not impose any unreasonable adverse impacts on the civil rights of any individuals. The overall benefits are reasonable, as compared to the unfavorable impacts. The action is not irreversible and will be subject to monitoring and evaluation in the future.

Net Civil Rights Impact
No net negative Civil Rights Impacts are foreseen, due to implementation of mitigation measures.

JENNIFER SWIADER
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Date: 2021.03.18 10:41:06 -06'00'

FOREST SUPERVISOR
Date
Order Number: 10-491

File Code: 1950, 5350
Route To:

Subject: Jemez Cave Closure Order

To: File

This letter to the file will confirm my decision to recommend the proposed Order for Jemez Cave on the Santa Fe National Forest.

The purpose and need for the temporary closure order is to provide for cultural and natural resource protection while a long term, active management strategy for the area is developed.

I find that the proposed action for the Jemez Cave Closure Order is covered under the National Environmental Policy Act, FSH 1909.15 Ch.31.12 (1), “Categories Established by the Chief; Categories for Which a Project or Case File and Decision Memo Are Not Required; Orders issued pursuant to 36 CFR Part 261-prohibitions to provide resource protection or to protect public health and safety”. This action does not individually or cumulatively have a significant effect on the quality of the human environment and therefore is categorically excluded from documentation in an EIS or EA. A project case file has been prepared and is located at the Jemez Ranger District Office, Jemez Springs, New Mexico for the Santa Fe National Forest.

The proposed closure would occur on the Jemez Ranger District within the congressional boundaries of Sandoval County, New Mexico as displayed on Attachment A of the Jemez Cave Closure Order Needs and Assessment.

The proposed Order would prohibit the following acts on the area and trails shown on Exhibit A within the Santa Fe National Forest, consistent with Title 36 Code of Federal Regulations, Section 261.50 (a) and/or (b):

1. Entering, using or being in Jemez Cave, or the area extending 50 feet upslope from the roof of cave, extending 50 feet on either side of the mouth of the cave, extending down slope to New Mexico Highway 4 right-of-way, and including all access trails leading to the cave. The restricted area does not include the unimproved parking area immediately adjacent to the highway right-of-way.

This Order will be in effect from May 1st, 2021 until April 30th, 2023.

Copies of this Order will be available at the Supervisors and Jemez Ranger District offices, and the Forest website.

A Jemez Cave Closure Order Needs and Assessment contains the Civil Rights Impact Analysis (Attachment C of the assessment) was prepared for this project, documenting that there would be no net Civil Rights Impacts due to implementation of this order.

JENNIFER SWIADER
DATE

FOREST SUPERVISOR
PROHIBITIONS

Pursuant to 16 U.S.C. § 551 and 36 C.F.R. § 261.50(a), the following acts are prohibited within the area described in this Order (the “Restricted Area”) and as depicted on the attached map, hereby incorporated into this Order as Exhibit A, within the Jemez Ranger District, Santa Fe National Forest, Sandoval County, New Mexico.

1. Going into or being upon the Restricted Area. 36 C.F.R. § 261.53(c).

EXEMPTIONS

Pursuant to 36 C.F.R. § 261.50(e), the following persons are exempt from this Order:

1. Persons with a written Forest Service authorization specifically exempting them from the effect of this Order.

2. Any Federal, State, or Local Officer, or member of an organized rescue or firefighting resource in the performance of an official duty.

RESTRICTED AREA

The Restricted Area is within Township 18N, Range 2E, Section 14, specifically all lands within the boundary starting at 50 feet upslope from the roof of Jemez cave, then extending 50 feet on either side of the mouth of the cave, then including the interior and exterior of the cave, then extending down slope to the New Mexico Highway 4 right-of-way, as depicted in Exhibit A of this Order. The Restricted Area does not include the unimproved parking area immediately adjacent to the highway right-of-way.
PURPOSE

The purpose of this Order is to provide natural and cultural resource protection for the Jemez Cave and for public safety and welfare until current damage to natural and cultural resources can be assessed and a long-term management strategy developed.

IMPLEMENTATION

1. This Order will be effective on May 1, 2021, at 8:00 a.m., and shall remain in effect until April 30, 2023, or until rescinded, whichever occurs first.

2. A map identifying the Restricted Area is attached and made part of this Order as Exhibit A.

3. Any violation of this prohibition is punishable as a Class B misdemeanor by a fine of not more than $5,000 for individuals and $10,000 for organizations, or by imprisonment for not more than six (6) months, or both (see 16 U.S.C. § 551, 18 U.S.C. § 3571(b)(6), 18 U.S.C. § 3581(b)(7)).

4. Further information regarding this Order may be obtained at the Jemez Ranger District located in Jemez Springs, NM, telephone number 575-829-3535, and at the Santa Fe National Forest Supervisor’s Office in Santa Fe, NM, telephone number 505-438-5300.

5. This Order supersedes any previous Orders prohibiting the same acts covered by this Order.

Done at ______________________, __________, this ______day of __________________, 2021.

JENNIFER SWIADER

Forest Supervisor
Santa Fe National Forest