



ORDER NO. 09-01

ORDER OF THE FOREST SUPERVISOR
EMERGENCY CLOSURE

OF

**ALL CAVES AND MINES ON THE SHAWNEE NATIONAL FOREST
WITH BAT POPULATIONS**

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) and (b)), the following acts and omissions are prohibited in or near caves and mines within the boundaries of the Shawnee National Forest, said caves and mines being posted and/or gated as closed to recreational use:

1. Entering or damaging any cave or mine on the Shawnee National Forest posted closed for the protection of endangered, threatened and sensitive bat species. [36 CFR 261.53(a)]
2. Causing or maintaining a campfire within 200 feet of any entrance to a cave or mine on the Shawnee National Forest posted closed for the protection of endangered, threatened and sensitive bat species. [36 CFR 261.53(a)]
3. Curtailing the free movement of any animal into or out of a cave or mine on the Shawnee National Forest posted closed for the protection of endangered, threatened and sensitive bat species. [36 CFR 261.8]

These restrictions are necessary to protect endangered, threatened and sensitive bat species. They are in addition to the general prohibitions set forth in 36 CFR 261. The prohibitions will be in effect for one year.

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

1. Any federal, state, or local officer or member of an organized rescue or firefighting force in the performance of an official duty [36 CFR 261.50(e)(4)]; and,
2. Persons with a permit that specifically authorizes the otherwise prohibited act or omission. [36 CFR 261.50 (e)(1)]

Violation of these prohibitions is punishable by a fine of not more than \$5000 for an individual or \$10,000 for an organization or imprisonment for not more than six (6) months, or both, under authority of Title 16 U.S.C. 551, Title 18 U.S.C. 3559 and 3571.

Dated this 13th day of March 2009, at Harrisburg, Illinois.

United States Department of Agriculture Forest Service

HURSTON A. NICHOLAS
Forest Supervisor
Shawnee National Forest