



United States
Department of
Agriculture

Forest
Service

Eastern Region

626 E. Wisconsin
Suite 800
Milwaukee, WI 53202

File Code: 6270

Date: MAY 14 2014

Mr. Seth Turner
910 Walnut Avenue
Redlands, CA 92373-6634

Dear Mr. Turner:

This is our final response to your Freedom of Information Act (FOIA) request received by the Shawnee National Forest on November 25, 2013, and received in this office on April 18, 2014. Your request was assigned case #2014-FS-R9-01412-F. Specifically, you requested the following:

1. *I am requesting a copy of all such documents that may have been obtained by the USFS for compliance of this statute [Illinois Cave Protection Act, 525 ILCS 5/6] over the past five years. I am also requesting a copy of all records that detail the types of activities undertaken inside or near the mouth of Illinois caves during the same time period by any individual acting on behalf of the USFS, as well as documents that may indicate current or future activities that would necessitate landowner approval under 525 ILCS 5/6. Records providing such details include, but are not limited to, field notes, pictures, bat survey protocols, grant applications, internal memos, and communications between other government agencies.*
2. *Copies of any permits granted under the Federal Cave Protection Act by the Shawnee National Forest.*
3. *Copies of any paperwork relating to the designation of a cave on Shawnee National Forest lands as significant under the Federal Caves Protection Act.*
4. *....all bat count data obtained by the Shawnee National Forest over the past five years, as well as any quantitative or other data that might pertain to decisions reached in the gating of Illinois caves over the last fifteen years. For data obtained by light sensors, additional information pertaining to the sensitivity settings and proximity to an entrance and the cave's twilight zone is desired – could events other than visitation be recorded in any results. Any information relating to the reevaluation of the decision to gate Brasher Cave is requested, as is a copy of any conservation easements obtained by the Shawnee National Forest relating to Toothless Cave in Jackson County. I also require any documents discussing sampling protocols – why particular sites were chosen over others, what sampling method was used in determining areas to inventory, etc.*
5. *Bat count data for Brasher Cave dating from 1980 to the present.*
6. *Copies of all emails and letters discussing the gating of caves in Illinois.*

EXHIBIT

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7. *Documents relating to agency intervention that would have been necessary to protect both gray and Indiana bats from an expanding quarry near Cave Spring Cave (Shetlerville Cave, Crystal Caverns, Waters Cave, Lost Stream Cave) in Hardin County. Bat count data going back to 1966 for Cave Spring Cave. Any management plans created for or given to owners of the cave since 1966.*
8. *Documents relating to agency intervention that would have been necessary to protect southeastern bats from an expanding quarry near Cyprus, IL at White Hill. Bat count records for all caves and quarries at White Hill since 1991.*
9. *White Nose Syndrome decontamination protocols including any photos that may have been taken during the gating of a cave and documents detailing decontamination for welders or other workers.*
10. *Copies of documents that indicate post gating actions: removal of debris from gated caves, checks for vandalism, etc.*
11. *Records indicating the current location of any eastern small-footed bats collected/killed after 11/01/2005 in Illinois, as well as any specimen identification numbers and the agency or organization responsible for the sampling. I am specifically interested in two specimens in the Chicago Field Museum. Their catalog numbers are 150632 and 150639.*

After a thorough search of all offices expected to contain this requested information, we found forty-two (42) pages and three (3) pictures responsive to your request. All of the responsive documents are being released in full. Below is a summary of the documents that are responsive to your request:

- In response to items #1, 2, 7, 8, 9, and 11, no responsive documents were found. No records or portions of records have been withheld for these items.
- In response to item #3, two (2) pages of documentation were found that are responsive. The documents being released in their entirety include a nomination form listing potential significant caves on the Shawnee National Forest, and the accompanying cover letter signed by the Forest Supervisor (File Code: 2300/2600/2800, Date: June 17, 2001).
- In response to items #4 and 5, the Southern Illinois Hibernacula Winter Bat Population Trend Information is being released in its entirety.
- In response to item #6, twenty-two (22) documents are being released in their entirety; these emails and letters are combined into one file that totals 38 pages.
- In response to item #10, three (3) responsive photographs are enclosed; they display removal of debris from gated caves and damage found when monitoring for vandalism.

Pursuant to Title 7, Code of Federal Regulations (C.F.R.), Subtitle A, Part 1, Subpart A, Appendix A, there is no charge for the records enclosed as the amount falls below the minimum amount required for the Forest Service to collect fees.

The FOIA (5 U.S.C. § 552 (a)(6)(A)(2006)), amended by the OPEN Government Act of 2007, provides you the right to appeal this response. An Administrative Appeal under the FOIA is a

follow-up request by an initial requester (or their representative) based on the initial request (no new issues may be raised) asking the Agency to reverse the original decision for:

- Withholding all or part of a requested record
- Denying a fee category claim by a requester
- Denying a request for a waiver or reduction of fees
- Denying a request to review an initial fee estimate
- Denying a request for expedited processing due to demonstrating compelling need
- Confirming that no records were located during the initial search

You may also file an appeal to challenge the following:

- The adequacy of the search for records
- The timeliness of the final response determination
- The Agency's interpretation of the request
- Any determination believed to be adverse in nature by the requester


Any appeal must be made in writing within 45 days from the date of this letter to the Chief, USDA Forest Service:

1. By email to wo_foia@fs.fed.us
2. By regular mail to USDA Forest Service, FOIA Service Center, Mail Stop 1143, 1400 Independence Avenue, SW, Washington, DC 20250-1143
3. By FedEx or UPS to USDA Forest Service, FOIA Service Center, Mail Stop 1143, 201 14th Street SW, Washington, DC 20250-1143, Telephone (202) 205-1542
4. By fax to (202) 260-3245

The term "FOIA APPEAL" should be placed in capital letters on the subject line of the email or on the front of the envelope. To facilitate processing of your appeal, please include a copy of this letter and/or the FOIA control number assigned to your FOIA request (2014-FS-R9-01412-F).

If you have further questions or concerns, please contact the Acting Eastern Region FOIA Coordinator Judi Pérez japerez@fs.fed.us at (812) 276-4770.

Sincerely,


KATHLEEN ATKINSON
Regional Forester

Enclosures (10)

cc: Richard Blume-Weaver, Allen Nicholas, Vince Vukelich, Judi Perez, Cynthia M Sandeno