
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2679 Session of
1988

INTRODUCED BY HAYES, WAMBACH, BRANDT AND RUDY, SEPTEMBER 28,
1988

REFERRED TO COMMITTEE ON CONSERVATION, SEPTEMBER 28, 1988

AN ACT

1 Prohibiting certain conduct with respect to caves; prohibiting
2 the sale of certain minerals; and imposing penalties.

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

5 Section 1. Legislative findings and policy.

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

1 these unique natural and cultural resources.

2 Section 2. Definitions.

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

6 "Cave." Any naturally occurring void, cavity, recess or
7 system of interconnecting passages beneath the surface of the
8 earth or within a cliff or ledge, including, but not limited to,
9 natural subsurface water and drainage systems, whether or not it
10 has a natural entrance. The term does not include any mine,
11 tunnel, aqueduct or other man-made excavation. The term
12 includes, or is synonymous with, cavern.

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

17 "Commercial cave." Any cave utilized by the owner for the
18 purposes of exhibition to the general public as a profit or
19 nonprofit enterprise, wherein a fee is collected for entry.

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

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

28 "Owner." A person who owns title to land where a cave is
29 located, including a person who owns title to a leasehold estate
30 in such land, and specifically including the Commonwealth and

1 any of its agencies, departments, boards, bureaus, commissions
2 or authorities, as well as counties, municipalities and other
3 political subdivisions of the Commonwealth.

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

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

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

18 Section 3. Violations.

19 It shall be unlawful for any person, without the expressed
20 written permission of the land owner, to:

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

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

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

3 (4) Store, dump, litter, dispose of or otherwise place
4 any refuse, garbage, dead animal, sewage or toxic substance
5 harmful to cave life or humans in any cave.

6 (5) Burn within any cave any material which produces any
7 smoke or gas which is harmful to any organism in the cave.

8 This paragraph shall specifically exempt acetylene gas
9 emissions created by carbide lamps used as a source of light
10 by persons using the cave.

11 (6) Kill, injure, disturb or otherwise interfere with
12 any cave life, including any cave roosting bat, or interfere
13 with or obstruct the free movement of any cave life into or
14 out of any cave, or enter any cave with the intention of
15 killing, injuring, disturbing or interfering with life forms
16 therein.

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

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

22 Section 4. Sale of speleothems unlawful.

23 It is unlawful to sell or offer for sale any speleothems in
24 this Commonwealth or to export them for sale outside this
25 Commonwealth.

26 Section 5. Penalties.

27 A person who violates any provision of this act commits a
28 misdemeanor of the third degree.

29 Section 6. Effective date.

30 This act shall take effect in 60 days.