

NORTHEASTERN CAVE CONSERVANCY, INC.

Board Minutes

Submitted by Christa Hay

09/09/07 Macedonia Brook State Park, CT 11:00 AM

Meeting called to order at 11:32

Tour of the Tory Cave Preserve after the meeting and potluck lunch during the meeting.

1. Introduction and greetings – President Bob Addis
 2. Attendance:
Officers: B. Addis, P. Youngbaer, B. Folsom, C. Hay
Trustees: J. Armstrong, M. Chu, P. Haberland, V. Kappler, D. Lyons, J. Siemion, Bob Simmons, M. Warner.
 3. Absent without Proxy
 - Al Hicks
 4. Board votes in Amy Cox as proxy for Al Hicks
 5. President's Report – Bob Addis- Attachment A (attachments at end of document)
 6. Vice President's Report –Peter Youngbaer – Attachment B
 7. Treasurer's Report –Bill Folsom - Attachment C
 8. Secretary's Report – Christa Hay
 - Status quo, requested a Certificate of Good Standing for NCC- needed for CT paperwork
 - Electronic Votes:
Folsom moved the NCC may apply for grants from the NSS, NSF, TRA and any other organization that the Executive Committee feels is appropriate for its legal representation in the Beckers Cave hearings.
2nd by Hay
For – Rest, No response: Hicks, Siemion, Armstrong, Haberland
Passed

Folsom moved The Cheryl Kenez Memorial Fund is established for the protection of caves and karst in the Northeast. This discretionary fund may be used by the NCC to assist with actions that protect multiple caves, such as for legal and expert witness representation in the Beckers Cave hearings.
2nd by Hay
For – Rest, No response: Hicks, Siemion, Armstrong, Haberland
Passed
- Note: Bob Addis attended TRA business meeting at OTR and we have been granted \$1,000.00.
9. Acquisitions Committee Report –Chuck Porter
 - Report at EC
 - Several of us have had meetings with the Belknaps, owners of XTC Cave (now to be called Belknap Cave) in Columbia County, NY. We have also had a meeting with the owner of the adjacent property which has a deeded walking access to the cave property. Both owners seem willing, even eager, to set up an NCC cave preserve but we are in the process of negotiations at present. I do not think Belknaps will donate their land to us, but the price may not be too great, especially if we are able to secure additional aid perhaps through the very successful local Columbia Land Conservancy. We expect to meet soon with CLC. Things are moving well so far towards what would be a very worthwhile cave preserve. In the meantime, Belknap Cave is off limits to any visitation.

Other officers will report on arrangements pending for managing Torys Cave, Conn. and Mystery Cave, NY.

- Tory –Bob Simmons – working on an agreement with the preserve owners. We need to do a management plan.
 - Surprise Cave- now have the paper work for NY state (went and did own search to get the forms) and can start working on it.
10. Bylaws Committee Report – Joe Levinson
 - Working on the updates to the board manual. Should be available within a few weeks. I received the meeting minutes on Aug 7th.
 11. Conservation Committee Report - Joe Armstrong
 - Working on setting up other cleanups – Tory Cave at meeting.
 12. Publications/Publicity Committee Report - Christa Hay
 - Status quo
 13. Fundraising Committee Report - Alan Traino
 - Nothing to report
 14. Office Committee Report – Emily Davis / Mike Warner
 - *Problems:* busy business season and not quite enough time to do all that we would like to do in the office.
Progress: We have managed to catch up with some overdue members. All else status quo.
Plans: We hope to catch more overdue members at OTR and lock in a solid 200 paid up members by the next meeting.
 15. Knox Cave Preserve Report – Emily Davis/Jay Siemion
 - Nothing to report
 16. Onesquethaw Cave Preserve Report – Thom Engel - no report received
 - Reported at meeting: some trespassers recently, Thom did a one man cleanup.
 17. Sellecks Karst Preserve Report – Jason Siemion
 - Nothing to report
 - Management plan review – at this time there are no changes needed.
 18. Clarksville Preserve Report – Mike Chu, Thom Engel, Chuck Porter
 - *Problems:* -Kiosk front plastic was broken by someone over the summer. Has been repaired/redesigned to be stronger. Reports that there were a lot of cans and broken bottles in the main room of the cave by one group, but mess apparently was cleaned up by other groups very quickly.
Progress: -Kiosk posters have been replaced with new versions. Rough calculations from the special use trip lists show that between 750 and 1100 authorized people in visited the cave in July and August. This does not include any non-scheduled visitors. Emily Davis, Mike Warner, and Thom participated in Clarksville Heritage Day on August 4. Thom led a surface walk with about 12 individuals.

Note: Clarksville Heritage Days for next year is August 2, 2008. They enjoy having us there and they sent a thank you note and sent us a copy of the 2007 Clarksville History.

19. Ella Armstrong Preserve Report – Joe Armstrong
 - In process of getting plexiglass to finish up kiosk
 - Status quo
 - Management plan review – no changes needed at this time.

Note: Must have management plan finalized by December meeting. I will contact Ed Lucas again.

20. Membership Report – Sean Ryan
 - Email renewal notices are out for all NCC members through the end of 2007. In-person renewal requests were executed by multiple people in person at the 2007 Spring NRO.

Personal note: I'm starting grad school at Rutgers this September. I've been fairly unavailable for meetings and much long-term NCC work this past year, and that will probably continue. If anyone in the NCC knows someone who can fulfill this post better please let me know and I can pass over the reins.

21. Website Subcommittee Report – Mike Chu

- *Status:* Expanded the website to include pages for future cave acquisitions (Surprise, Tory, Aeolus, etc). -Created a new preserves page with a better interface to take into account (future) properties outside of NY. Neither of these pages are accessible from the main page at the moment but can be “turned on” once the time is right.
Problems: The website hosting provider (Brinkster.com) updated their server software again without notifying anyone, and caused problems with the volunteer value form and the NCC online database. The problems with the VV form have been fixed and I’m still working on repairing the database interface. This seems to be a continual problem with Brinkster.com; time to switch to a better hosting company when the contract is up (December). I’ll handle the transition.

22. Land Trust Liaison Committee Report – Jon Allison – no report received

Note: Bob Simmons and Chuck Porter are going to Indian Oven Cave with Columbia Land Conservancy (CLC)

23. Legal Committee Report – Dan Werner – no report received

24. Special and Group Use Coordinators –Amy Cox – Attachment D

25. Financial and Investments Committee – Joe Levinson

- Attended the Foundation meeting at convention, and am presently looking at the mutual funds that the foundation has the NCC money invested in.

26. Volunteer Value Committee – Vince Kappler

- *Progress:* Current VV totals: 5253 miles, and 403 hours of work for a total value of \$10357.00. The web page to submit hours, http://www.necaveconservancy.org/add_vv.php is working very well and some members are using it regularly. I encourage all Officers, Committee Chairs and Property Managers to check it out.
Plans: I will continue to collect data and maintain totals of the hours, mileage, and expenses members contribute to NCC projects. I will send periodic VV reminders to the membership, monitor data collection, and try to answer questions as they come up.
Problems: None at this time

27. Ad hoc Committee – Surprise Cave – Bob Simmons

- information given under acquisitions committee report

28. Ad hoc Committee- Tory’s Cave – Bob Simmons

- Harry White – W Heritage Land Trust – Trust has owned Torys for 21 years. Wrestled with the cave for these years trying to manage it. Caves are different. Liability issues - it was enlightening to him that there are cave conservancies. Trust would turn over to NCC and WHLT will keep land easement and then have first right of refusal. Lets get done soon...by end of year. They are ready to move on this. Can use their lawyer for the paper work. They figure about 2000 visitors a year but they think that number is low. Would like to know the real numbers. One listed species in the cave...but has not been able to get the actual name –the database for natural resources has not responded.

29. Addis moved to open the Committee of the Whole. The Vice President will preside. Items can be entered as new business.

2nd by Chu

Passed unanimously

- Electronic votes: discussion period before voting. Secretary will send out 2 emails; one for discussion period and one for the final vote. But it would still be a two week process.
- Clarksville outhouse: Managers have decided not to pursue this...maintenance issues.
- Data loggers- coming from BCI for Conservation Chair...will coordinate with Al Hicks. Will need to submit a report to science coordinator.
- Science proposal – need to have the guidelines on the NCC webpage.
- Cobleskill Stone Product letter – President will respond and secretary will check letter.
- Acquisition – \$1000 in budget next year for appraisals to keep moving along

30. Youngbaer moved to close the Committee of the Whole.

2nd by Siemion

Passed unanimously

31. Hay moved to accept the minutes of the June 9, 2007 meeting.

2nd by Armstrong

For – all

Passed unanimously

Amy Cox – had to leave at 1:55pm Proxy for Al Hicks

32. Hay moved to substitute for Appendix XI, "Cave and Karst Acquisition Policy" with the following Cave and Karst Acquisition Policy – see attachment E.

2nd by Warner

For – Rest, Opposed - Siemion, Abstained - Lyons

Passed

33. Folsom moved to delete from Appendix XI, "Cave and Karst Acquisition Policy" and to adapt as Appendix XII, "Writing a Cave Management Plan" with the following attachment F.

2nd by Youngbaer

For - All

Passed Unanimously

34. Hay moved to allot up to \$500.00 for the cost of a professional appraisal for the parcel of land containing the Belknap Cave, Columbia County.

2nd by Folsom

For- Rest, Opposed – Haberland

Passed

35. Kappler moved that Act 10-28 is amended.... delete "for Clarksville property" and insert.... an approved acquisition. (Also, correct spelling of loan in last sentence).

2nd by Chu

For- Rest, Abstained- Simmons

Passed

ACT 10-28

The Executive Committee is authorized to negotiate with institutions and/or individuals to secure funding for Clarksville property. Terms and conditions of all loans contracts must be reviewed and approved by a 2/3rds majority of the Board. (12-Sep-04)

36. Folsom moved that David Lyons be appointed as Chairman of the Education Committee, reporting to the President.

2nd by Hay

Passed unanimously

37. President appoints an ad hoc committee to study the acquisition policy and make recommendations on the Acquisition Policy. Chuck Porter, Peter Youngbaer, Jay Siemion

38. Addis moved that the next NCC Board meeting will be held on December 9th at 10:00am at the Gallupville House.

2nd by Simmons

Passed Unanimously

39. Executive committee meeting will be held on November 4 at 10:00am in Rutland, VT. Place to be announced.

40. Addis moved to thank Bob Simmons, CCG and Weinteing Heritage Land Trust-Tory Cave preserve for meeting.

2nd by Folsom

Passed Unanimously

41. Kappler moved to go into executive session 2:40 PM

2nd by Youngbaer

Passed Unanimously

Legal costs for Beckers was discussed

42. Addis moved to come out of executive session at 3:00
2nd by Simmons
Passed Unanimously

43. Addis moved to adjourn.
2nd by Chu
Passed Unanimously

Meeting adjourned at 3:01 pm

Attachment A – August 28, 2007

PRESIDENT'S REPORT

The NCC has had a very eventful summer since the June meeting. The biggest news has been the Issues Conference concerning the proposed quarry expansion in the Village of Schoharie and the fate of **Beckers Cave and the Palatine Spring**, its resurgence. Elsewhere Christa Hay has done an excellent job of summarizing those proceedings. This took up much of the month of June and we worked with our specialist lawyer, Gary Bowitch.

September and December's meetings and the time in between will be filled with discussion on how far the NCC should spend its resources, financial and manpower, on pursuing our Mission Statement to protect and cave or karst systems in New York State threatened by new limestone mining permits. Our lawyer estimates that it will take upwards of \$20,000 to stay in the Hearings and defend our point that blasting affects caves and karst aquifers. The Hearings, actually a formal trial setting, will not commence for several weeks or possibly months but the NCC has to establish a position that it wants to take. We will keep you informed; please take the time to voice your opinions to myself or any Board member.

On July 1, the NCC had a very productive meeting with the DEC in New Paltz concerning us taking over the management of **Surprise (Mystery) Cave** in Ulster County. Attending were Pat Vissinger (sp?), DEC, Bob Simmons, Vince Kappler, Bill Folsom, and myself. The NCC presented itself as experts in cave management and the DEC acknowledged that this was what it was seeking. Pat has several other projects demanding her time, so it will take continuing efforts for the NCC to stay in front of her. It was proposed that the NCC participate jointly in a cleanup day on site with an expert eye to re-gating the cave and re-routing the trail. The ad hoc committee headed by Bob Simmons has received positive feedback from cavers closest to the cave that they would like to help in the management.

On a personal front I must say that most of the month of July was spent preparing for, traveling, enjoying and cleaning up after the **NSS Convention** in southern Indiana. Christa and I stayed in the Cave City, KY area for a few days before Convention visiting Mammoth, Diamond and Hidden River Caverns until he headed up to Marengo Caverns, IN for a private tour of the New Discovery tour led by its owner and good friend of cavers, Gordon Smith. I had lived in IN during the 70's so this was a return to great caves and old caver friends, and we got in quite a bit of caving during Convention week. The NCC had a booth display at Convention, and Bill Folsom and I made several contacts for grants.

August 6 Chuck Porter, Bob Dion and I met with Mike Belknap starting discussions for the acquisition of **Belknap's (XTC) Cave**, the premiere newly discovered marble cave in Columbia County, NY. A draft management plan has been written and an appraisal being started following the new guidelines of the NCC Acquisition Policy. A secondary benefit here has been the revision of our Acquisition Policy to make to more workable and efficient as caves are presented to the NCC.

The August 26 **Executive Committee meeting** included Acquisitions Chair Chuck Porter and member Craig Cantello in attendance. The EC has commenced work on the 08 Budget, once again trying to streamline procedures to conduct the regular day by day business of the NCC. Treasurer Bill Folsom is introducing some changes since we are growing in size and complexity. Most of the above issues were discussed during this meeting and will show up as motions on the agenda.

Attachment B
Vice President's Report

Nothing very special to report. Most of my NCC time has been spent responding to the many emails we get regarding NCC business. Becker's Cave issues, Tory's Cave, Surprise Cave, Belknap's (XTC) Cave, and office issues dominate. A number of these issues have got the EC discussing some revisions to our operating procedures and policies (see below).

There is no news from the Vermont branch of The Nature Conservancy regarding the Mt. Aeolus Bat Cave. However, they do have a new director, Robert Klein.

Regarding Becker's Cave, along with the other members of the Executive Committee at the NSS Convention in Indiana, we approached folks from the NSF, the NSS Board of Governors, The Robertson Association, and other conservancies about potential funding to assist our regulatory and legal costs in the current proceeding. We hope this will bear fruit and help relieve our expense burden as the proceedings move forward. As you are aware, it is difficult to predict what all our specific needs may be, as a lot is dependent upon the actions of others (the Administrative Law Judge's pending decisions on party status, the actions of the other parties).

Acquisitions Policy: If you have taken the time to read our current policy, I'm sure you will agree that it needs serious revision. It is internally inconsistent in terms of process, and really doesn't address how to handle the various costs along the way. Whether Bob Addis' draft revisions address all the issues or not, I hope it will prompt good, constructive work leading to a new, workable policy at our September meeting.

Along similar lines, the EC has been discussing revisions to the budget format that potentially include some items relating to acquisitions and other general operations that we hope will lessen the need for electronic votes on minor items. I strongly believe that electronic votes should only be used – as our policy states – for urgent items. Watch for this in December.

Finally, I have suggested – and the EC has discussed – developing some sort of tracking sheet for all the activities/projects/etc. the NCC is involved in. Personally, I have found it hard to keep track of everything and have been occasionally frustrated when we come to a quarterly meeting and find that nothing has occurred on something since the last meeting. We are going to try to develop this, perhaps using the Google Calendar template. My hope is that we will be able to track things more easily, bring things to conclusion more quickly, and not take on more than we can handle knowing what else we already have on our plate.

Respectfully,

Peter Youngbaer
Vice President

Attachment C
Treasurer's Report

9/09/07

Current Account Balances

Checking accounts (as of 8/27/07):	\$ 1,247.63
Money market (as of 8/27/07):	\$12,368.21
National Speleological Society fund (as of 6/30/07):	<u>\$44,050.00</u>
Total:	\$57,665.84

2007 Budget Status

See attached Summary Sheet below. Full spreadsheet with detail worksheets was emailed to Board 8/27/07.

Income Taxes status

Ayzha Wolf, who volunteered to balance the books in preparation for recalculating our taxes based on the discrepancies reported at the last meeting, was unable to complete this prior to the 8/15/07 IRS deadline, so I submitted the form to the IRS for an additional 3-month extension, which now gives us until 11/15/07.

As of 8/27, Ayzha has completed putting the NCC financials into QuickBooks format. She has volunteered to do the books going forward and prepare year-end 990 forms for the IRS.

Ayzha states:

When you prepare your treasurer reports, it would be best if you go by Emily's check register rather than emails. Also, in the check register, if Emily could detail more in depth what everything is for so transactions can be properly categorized.

After a couple of minor outstanding questions are answered, Ayzha will prepare revised 990-EZ forms for Tax Year 2006 to submit to the IRS prior to the 11/15 deadline.

2008 Budget preparations

All Committee Chairs and others with budget considerations, please submit your proposed 2008 budget items before 10/15/07 so that I may prepare the 2008 Budget to be discussed and voted on at the December Board meeting. Please see the 2007 Budget detail worksheets emailed to you on 8/27 to check your budget status for the current fiscal year.

FY07 NCC Budget

	FY06 Budget	FY06 Actual	FY07 Budget	FY07 Actual YTD
Revenue				
Membership	\$ 3,235.00	\$ 3,030.00	\$ 3,360.00	\$ 1,270.00
Donations	\$ 4,000.00	\$ 8,473.29	\$ 8,681.00	\$ 5,478.88
Promotional items	\$ -	\$ 905.17	\$ 900.00	\$ 61.00
Investment earnings	\$ 40.00	\$ 104.66	\$ 100.00	\$ 86.27
In-kind (volunteer value)	\$ -	\$ 29,955.00	\$ -	\$ 5,503.00
Subtotal Revenue	\$ 7,275.00	\$ 42,468.12	\$ 13,041.00	\$ 12,399.15
Expenses				
Capital Expenditures	\$ -	\$ -	\$ -	\$ -
Conservation	\$ 375.00	\$ 351.46	\$ 500.00	\$ -
Donations	\$ -	\$ 100.00	\$ 100.00	\$ 200.00
Education	\$ 100.00	\$ -	\$ 800.00	\$ 755.00
Executive				
President	\$ 50.00	\$ 71.10	\$ 150.00	\$ 30.53
VP	\$ 50.00	\$ -	\$ 50.00	\$ -
Treasurer	\$ 50.00	\$ -	\$ 1,000.00	\$ 40.00
Secretary	\$ 50.00	\$ 53.99	\$ 50.00	\$ 59.28
	\$ 200.00	\$ 125.09	\$ 1,250.00	\$ 129.81
In-kind (volunteer value)	\$ -	\$ 29,955.00	\$ -	\$ 5,503.00
Misc expenses	\$ 415.00	\$ 29.87	\$ 5,046.00	\$ 7,756.29
Office/petty cash	\$ 150.00	\$ 135.79	\$ 160.00	\$ 36.00
Preserves				
Clarksville	\$ 1,100.00	\$ 876.10	\$ 1,200.00	\$ 308.00
Ella Armstrong	\$ 1,200.00	\$ 18.09	\$ 1,100.00	\$ -
Knox	\$ 200.00	\$ 30.55	\$ 200.00	\$ -
Onesquethaw	\$ 250.00	\$ -	\$ 250.00	\$ -
Sellecks	\$ 100.00	\$ 5.00	\$ 250.00	\$ -
	\$ 2,850.00	\$ 929.74	\$ 3,000.00	\$ 308.00
Promotional/Fundraising products	\$ 900.00	\$ 646.55	\$ 900.00	\$ 30.00
Publishing				
Mailings	\$ 208.32	\$ 141.36	\$ 200.00	\$ 82.77
Website	\$ 60.00	\$ 111.80	\$ -	\$ -
	\$ 268.32	\$ 253.16	\$ 200.00	\$ -
Volunteer Value	\$ -	\$ -	\$ 25.00	\$ -
Subtotal Expenses	\$ 5,258.32	\$ 32,526.66	\$ 11,981.00	\$ 14,800.87
Net Operating	\$ 2,016.68	\$ 9,941.46	\$ 1,060.00	\$ (2,401.72)

**Northeastern Cave Conservancy Group Use Coordinator
Report to the Board
September 2007**

Summary Points:

Clarksville:

- July is the heaviest use month for Clarksville, followed by August.
- Current policy is to allow up to 4 groups per day at Clarksville, 2 at all other caves.
 - 11 days had 3 reservation slots filled, 8 of those in July/August
 - 11 days had 4 reservation slots filled, 10 of those in July/August
 - 4 days had 5 reservations permitted, all in July/August
 - 7 groups on 3 different days were told to reschedule, all in July/August
- Schools are the most likely to schedule multiple groups on same day, followed by camps
- The BSA policy restriction is an ongoing issue with some troops/councils.

Knox:

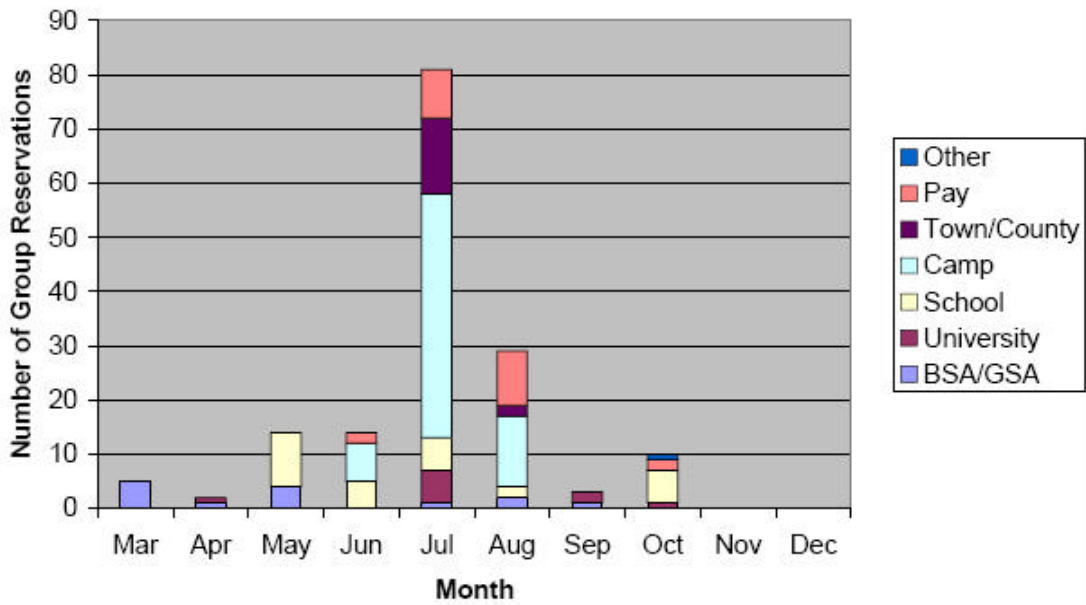
- Second most heavily used cave by groups, but significantly lighter than Clarksville
 - 4 days had two reservations
 - 1 group was told to reschedule from July 12 to July 13
- All camp use in July/Aug was by Camp Echo Lake which sent 1 group per day.
- All Town/County use was Helderberg Workshop

Definitions of Group Types:

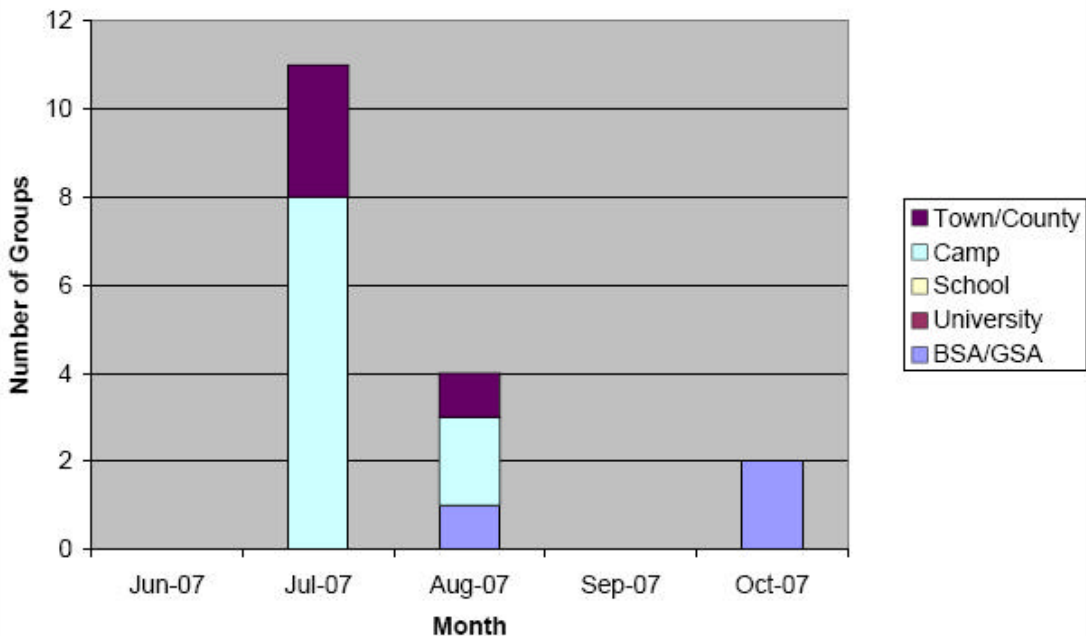
BSA/GSA	boy scout and girl scout groups
University	any university sponsored program whether for college-age groups, teachers, or youth camps
School	middle and high schools, many tend to be magnet schools. Some are private.
Camp	private summer camps
Town/County	municipal-sponsored summer camps and youth programs
Pay	any cave for pay group, some would otherwise qualify for other categories such as GSA, BSA, camps, etc.
Other	any other organization

Clarksville Group Usage as of Sept 6, 2007 *

*Sept/Oct are estimates as reservations are ongoing



Knox Group Use 2007



Clarksville Usage Summary							
Month	BSA/GSA	University	School	Camp	Town/Cour	Pay	Other
Mar-07	5						
Apr-07	1	1					
May-07	4		10				
Jun-07			5	7			2
Jul-07	1	6	6	45	14		9
Aug-07	2		2	13	2		10
Sep-07	1	2					
Oct-07		1	6				2
Nov-07							
Dec-07							
Schoharie Usage Summary							
Month	BSA/GSA	University	School	Camp	Town/County		
Mar-07	2						
Apr-07							
May-07							
Jun-07			1				
Jul-07				1	3		
Aug-07	1				2		
Sep-07		3					
Oct-07	1	1					
Nov-07							
Dec-07							
Gage Usage Summary							
Month	BSA/GSA	University	School	Camp	Town/County		
Apr-07		1					
May-07							
Jun-07							
Jul-07				1			
Aug-07							
Sep-07		3					
Oct-07							
Knox Usage Summary							
Month	BSA/GSA	University	School	Camp	Town/Cour	Pay	Other
Jun-07							
Jul-07				8	3		
Aug-07	1			2	1		
Sep-07							
Oct-07	2						
Onesquethaw Usage Summary							
Month	BSA/GSA	University	School	Camp	Town/County		
Jul-07				1			
Aug-07					1		
Sep-07							
Oct-07		1					
Nov-07							

Attachment E

APPENDIX XI - CAVE AND KARST ACQUISITION POLICY

Overview:

The NCC Board of Directors (Board) shall consider acquiring properties that contain caves, cave entrances, or significant karst features when acquisition proposals and management plans are presented that are in line with purposes of the NCC. A cave purchase is a significant commitment of resources, which makes a very visible statement about the NCC's values and the significance of the cave properties to be acquired.

Developing proposals:

Proposals and management plans will include information and rationale as described in this policy and Appendix XII, "Writing a Cave Management Plan".

The following procedure is to be followed and the required information shall be made readily available to the Acquisitions Committee and Board to help determine if a cave property meets these requirements.

Evaluation process:

Stage one

The Acquisitions Committee will evaluate the proposal and management plan to determine if the proposed cave property acquisition meets the Criteria for Cave Ownership which is included in this policy document.

If the cave property does not meet these criteria, it will not be given further consideration for NCC ownership or funding. The NCC may refer the proponents of the acquisition to the National Speleological Society, Inc., a governmental agency, or another cave conservancy, if one exists in the area, for consideration of the proposal.

Stage two

The NCC Acquisitions Committee and the Executive Committee shall assess the proposal and the management plan for the cave property using the Criteria for Cave Ownership included in this policy document. At that time, the Executive Committee is encouraged to ask questions of the Acquisitions Committee and the authors of the proposal as a part of their decision making process. Each cave acquisition is unique, and will be evaluated on its own value and merits.

Stage three

The purchase proposal and management plan shall be formally presented to the NCC Board for approval, and the Board shall base its decision on the Criteria for Cave Ownership and on the best interests of the NCC.

This process is explained in more detail under the section, "Accepting acquisition proposals" contained therein.

Alternatives to NCC acquisition:

The Board should consider other acquisition options as alternatives to the NCC purchasing the property and shall use the standards, evaluation criteria, and review process that is outlined in this policy in considering such alternatives. Such alternatives include:

- Donation of the property to the NCC
- The NCC will hold title to the property and will manage the property. In this case, the NCC does not make a financial commitment for a land purchase, although the NCC is responsible for the costs of improving and maintaining the property.

- The current owner will continue to own and use the property subject to the terms of a Conservation Easement held by the NCC.
- Lease of property to the NCC.
- Temporary NCC ownership.
- Referral of the proposal to another organization such as the National Speleological Society, Inc., a governmental agency, or another cave conservancy.

Criteria for Cave Ownership:

The NCC shall only consider acquiring caves or supporting cave acquisition that meet the purposes of the NCC as described in their Bylaws, Article 2, "The purpose of which the Corporation is formed is the promotion of the study and preservation in an ecologically sound manner of speleologically significant properties in the Northeastern United States." The goals of the NCC were later expanded by the passing of a mission statement as set forth in Act 65-16, "The NCC is a not-for-profit corporation committed to the conservation, study, management, and acquisition of caves and karst areas having significant geological, hydrological, biological, recreational, historical, or aesthetic features. To these ends, the NCC combines the resources and expertise of affiliated cave explorers, educators, scientists, landowners and conservation officials."

General attributes:

The property has regional significance by being outstanding in one or more of the categories by which caves are measured or evaluated by one or more of the following: size, length, depth, geological, hydrological, biological, recreational, historical or aesthetic value. Regardless of the particular measure that is used, the screening criteria would require that the cave's values of interest to the NCC be quantifiable and comparable with those of other caves.

The property has outstanding examples of a broad class of caves or karstlands in a given category. The property must contain certain features or values that are considered excellent representative examples of these features, and that would add value and variety to the portfolio of property owned by the NCC. For example: an outstanding example of a New England marble cave should be considered for acquisition.

Procedures to Follow when Considering NCC Ownership:

Overview: After a proposal for acquiring or leasing a cave or karst property has met the Criteria for

Cave Ownership the proposal shall be evaluated in accordance with the following procedures. The information necessary for this evaluation should be contained in the proposal.

The requirements for accepting donated property do not need to be as stringent as those used to assess purchases.

1. Financial Assessment

a. Appraisal

Obtain one or more appraisals to determine the value of the property. The presence of a cave does not make a property more valuable regardless of how desirable it may be to the NCC. Without an appraisal, a donor cannot properly receive tax credit, the NCC cannot state its worth, and we cannot evaluate whether the price reflects fair market value. The NCC, as a guideline, should not pay more than 10% over fair market value as documented by a certified appraisal. This is an IRS recommendation for non-profit corporations.

Appraisals can be important negotiating tools. The NCC should consider hiring two appraisers, one selected by the NCC and one selected by the seller.

b. Professional land survey

A professional land survey may not be required and it will be the Board's decision to call for one. If a land survey is required, offers should be made contingent upon a survey that provides evidence that the cave and/or its entrance are included on the property to be purchased. The NCC shall not pay for a land survey until there exists a signed legal contract on file with the closing attorney. A sample initial contract is included in this policy document.

c. Acquisition expenses

Establish whether the asking price is the fair market value of the property.

Evaluate the total expenses of the purchase, and endeavor to obtain the property for the lowest price possible. Consider closing costs, survey expenses, legal fees, appraisal fees, and taxes.

Determine if the expenditure is within the financial resources available to the NCC.

Consider whether a portion of the property with lesser interest to the NCC can be sold later to recover some or all of the acquisition costs.

Consider whether any of the natural resources contained in the proposed parcel such as timber or minerals could be selectively harvested to recover some of the acquisitions costs or whether these potential sources of income could be directed to the seller as part of the sale agreement. Selective harvesting could also be deferred to a later date as part of the sales contract although a finite date should be established for this to occur.

In the case of a donated property that may not meet the NCC standards for ownership, determine whether the NCC may sell or transfer the property to a suitable entity or whether the donation is restricted.

d. Sources of funds:

Determine the source of funds for the acquisition expenses, and evaluate the effect of the expenditure on the ability of the NCC to continue to function and provide membership services effectively.

Examples to consider for funding include: the NCC Cave Acquisition Restricted Fund; a fund-raising appeal or project; donations by cavers local to the property; other NCC Restricted Funds; bank loan; and a loan or grant from the National Speleological Foundation, conservation organization, government, foundation, and/or individual.

e. Operating costs:

Evaluate and calculate the costs to improve and maintain the property. Consider utilities, gates, structures, mowing, road grading, fences, taxes and insurance.

f. Liability:

Determine the Conservancy's liability under the recreation use and landowner protection statutes of the state where the property is located.

Consider the liability risks for the NCC for the level of access proposed for the cave and property.

Inventory any hazards on the property or in the cave. These may include: pits, unstable terrain, hazardous wastes, lakes, buildings, bridges, wells, trash dumps, wildlife. Determine whether these will have an impact on insurance coverage if the Board deems that it should have insurance. Consider obtaining an environmental assessment of the property.

If there is any possibility that there has been hazardous or special waste disposal on the property, a Phase 1 Investigation should be conducted prior to closing. In this case, no offer should be made unless it is contingent upon hazardous or special waste not being present on the property.

2. Other interests:

Assess and consider the neighborhood around the proposed acquisition, and its possible effects on the cave and property, its ecosystem, the safety and enjoyment of the visitors to the property, and the success of the property as a nature preserve.

Important factors include: neighbors and their activities and interests, commercial development, zoning regulations, subdivision restrictions, possible uses of adjacent land, and previous uses of the property.

Determine if the NCC is prepared to deal with the burdens that ownership of the property may present.

3. Legal:

In consultation with the NCC Legal Committee, and a local lawyer if necessary, explore thoroughly and assess the property's history and legal limitations. For example: restrictions, easements, rights of way, titles, mineral rights, water rights, back taxes, local development plans. The Board should be able to review all existing and proposed easements and right of ways, and vote to approve all new easements and right of ways.

All closings shall have a title search performed and title insurance will be purchased or as recommended by the closing attorney.

4. Management:

Assess the management plan accompanying the proposal for feasibility, suitability and effectiveness. The management plan should identify individuals or a group committed to implementing the plan.

Consider the suitability of the group or individual expected to manage the property on a long term basis.

Determine if the neighbors are willing to contribute to the management or protection of the cave.

5. No Action Option:

Consider the consequences, if any, of the NCC or similar organization not purchasing the cave property, and the opportunities that may be lost as a result. The Board shall explore this topic thoroughly.

For example: consider other possible owners and uses of the land, and the effects on the cave and its environment, both positive and negative.

6. Benefits Assessment:

The NCC Board must consider the benefits of ownership when a proposal for a cave acquisition or grant is presented.

Before a decision is reached, these benefits should be carefully weighed against the monetary costs and potential risks associated with cave ownership.

Potential benefits to the NCC, to NCC members, and to speleology may include:

a. Conservation:

The cave may contain outstanding and/or unique biological resources that are worthy of protection and scientific study; substantial and unusual speleothems or minerals also worthy of protection and study; or cultural, historical, and/or archeological values need consideration.

Purchasing the cave demonstrates our commitment to the conservation of these resources.

b. Science:

The cave may be viewed as an underground laboratory where substantial science has been and continues to be conducted. For example, it may contain a significant population of invertebrates being studied by biologists, have a complex hydrological regime, be developed in an unusual or unique geological setting, or be mineralogically rich or unusual.

Ownership of the cave by the NCC would enable studies to continue and would provide a natural facility where scientists can conduct studies in the future.

c. Recreation:

The cave may represent a significant local or regional recreational resource that would be lost to the caving community, if not acquired by the NCC.

Since recreation is stated as one of the goals of the NCC, maintaining access to this particular cave or caves may reduce recreational pressure on more sensitive caves in the area and provide a benefit to NCC members.

d. Historical:

The cave may contain important historical records such as old signatures or marks of manmade activity that could lead to new or further interpretation of the history of the surrounding area or it may have had a use important to the region's history. As well, mention of the cave or karst area in the old history records might indicate its importance to the early settlers and be a consideration for acquisition. Protection of these historic resources might best occur with NCC management.

e. Aesthetic:

The cave or karst area could either contain or be taken as a whole features deemed worthy of protection because of their/its uniqueness or rarity. Carefully controlled management by the NCC may afford that protection.

f. Education:

Ownership of a cave property may present an opportunity for the NCC to provide an educational program concerning caves, karst, and cave resources for both cavers and the public.

For example, non-caving groups could be taken to the cave and taught about cave geology, biology, and conservation. Inviting local groups, the media, school groups, and others who are not part of the caving community to experience the underground environment could further the NCC's conservation goals.

Checklist for Acquisition

Does the property have regional significance (this should be stated in the management plan)?

Does the cave or karst acquisition support the purposes of the NCC as stated in its Bylaws and Mission Statement?

How does the acquisition rank relative to other NCC expenditures? Is its significance commensurate with the required investment?

Is the cave located under the land to be purchased? Property rights extend into the earth, if the mineral rights have not been severed. Are we actually acquiring the cave or just an entrance to it? Can we obtain long-term permission to enter the neighboring property through our cave entrance? Are the neighbors willing to contribute to the management of the cave?

Is there a Management Plan in conformance Appendix XII, "Writing a Cave Management Plan"?

Appraisal. Without an appraisal, a donor cannot properly receive tax credit, the NCC cannot state its worth, and we cannot evaluate whether the price reflects fair market value. The NCC should not pay more than 10% over fair market value as documented by a certified appraisal. This is an IRS recommendation for non-profit corporations. The presence of a cave does not make a property more valuable however more desirable it may be to the NCC. Paying more than fair market value inflates land prices and reduces the total amount of money available to the NCC to protect and acquire cave and karst properties. Appraisals can be important negotiating tools since an independent party can state that the property is worth less than the asking price. To provide a better sense of independence, the NCC may wish to consider hiring two appraisers, one selected by the NCC and one selected by the seller. Their appraisals can be used as negotiation limits.

Professional Land Survey. A professional land survey may not be required and it is the Board's decision to call for one. If a land survey is required, offers should be made contingent upon a survey demonstrating that the cave and/or entrance are part of the property to be purchased. This is less important when considering a donation.

Natural Resources. Consider whether any of the natural resources contained in the proposed parcel such as timber or minerals could be selectively harvested to recover some of the acquisitions costs or whether these potential sources of income could be directed to the seller as part of the sale agreement. Selective harvesting could also be deferred to a later date as part of the sales contract although a finite date should be established for this to occur.

Mineral Rights. Mineral rights refer to the right to explore for and/or extract metal ores, oil, and rock. Quarries and mine operations can intrude and interfere on the caves, including mining them away, if the NCC does not own the mineral rights. Further, it is unclear in case law whether the NCC has legal access to caves on property on which they only hold surface rights. Case law is clear that one cannot prevent owners of mineral rights and their designees from exercising their rights. The NCC does not favor the purchase land without mineral rights.

Water Rights. Water rights refer to the right to exploit water and vary from state to state. If water plays an appreciable role in the values of the cave property, then it is critical that water cannot be diverted away from our property without NCC legal recourse. The NCC does not favor the purchase of land without water rights.

Phase 1 Investigations. If there is any possibility that there has been hazardous or special waste disposal on the property, a Phase 1 investigation should be conducted prior to closing. No offer should be made unless it is contingent upon no hazardous or special waste being present on the property.

Title Search and Title Insurance. All closings will have a title search performed and title insurance will be purchased, or as recommended by the closing attorney. There must be a contingency in the contract for land purchase that the title must be clear.

Donations of Cave and Karst Properties to the NCC:

The standard for acceptance of donated property does not need to be as stringent as that of purchase or grant support. However, the recurrent and closing costs should be considered. It is important that the NCC ensure that the property does not entail a great liability to the NCC because of unnatural hazards associated with the property. In the case of a property that may not meet the NCC criteria for purchase, the Board should consider whether the donation is restricted. In other words, can the NCC sell or transfer the property to a suitable entity.

Accepting acquisition proposals:

Cave and karst acquisition proposals shall follow the procedures and checklist described in this policy document.

Evaluation process:

Stage one

All proposals for the purchase and management of cave and karst properties shall be submitted to the Acquisitions Committee for review prior to consideration by the Board. The Acquisitions Committee shall comment on the proposal and if necessary, will return it to the proponent organization for revisions.

Stage two

Upon receipt of an acceptable proposal, the Acquisitions Committee shall submit the proposal and supporting documentation to the Executive Committee within 30 days of receipt.

Following the Executive Committee discussion of the proposal, the Executive Committee shall, prior to the next Board meeting, notify the Board of all positive and negative findings made by the Acquisitions Committee concerning the proposal, the Acquisitions Committee's recommendation to the Executive Committee, the concurrence or non-concurrence of the Executive Committee with the recommendation, and the reasons for the Executive Committee's decision.

Stage three

If either the Acquisitions Committee or the Executive Committee believes that the proposed acquisition is both desirable and feasible, a member of the Executive Committee shall present an appropriate motion to the Board that includes all costs for the entire acquisition.

If the Acquisitions Committee cannot make a recommendation (e.g. the chairmanship is vacant, there is a lack of consensus among committee members), then a member of the Executive Committee shall present the proposal and his/her evaluation to the Executive Committee and the Board with both pros and cons being represented.

Purchase Steps:

The following is a list of steps that shall be completed in order unless otherwise noted to complete a land acquisition once the Board has passed the appropriate motion for acquisition:

- 1) Hire an attorney to perform all legal work from the initial contract through final closing, including title search.
- 2) Have the initial contract signed with deposit and through legal review.
- 3) Have the property surveyed if determined necessary by the Board.
- 4) Apply for subdivision and permits from appropriate authorities if necessary (This may need to be done prior to #3 depending upon local regulations).
- 5) Final Closing.

Sample Initial contract:

Overview: Typically this will be written by an attorney hired for the purpose of following the acquisitions process from start to conclusion. It is included here as a reminder that an initial contract has to be signed with the seller before a professional land survey (if required) is ordered.

(SAMPLE INITIAL CONTRACT TO BE ADDED HERE.)

Attachment F

Appendix XII - Writing a Cave Management Plan

Outline for Writing a Cave Management Plan

The Northeastern Cave Conservancy Bylaws states, "The purpose of which the Corporation is formed are promotion of the study and preservation in an ecologically sound manner of speleologically significant properties in the Northeastern United States."

The goals of the NCC were further expanded by the passing of a Mission Statement in Act 65-16: "The NCC is a not-for-profit corporation committed to the conservation, study, management and acquisition of caves and karst areas having significant geological, hydrological, biological, recreational, historical or aesthetic features. To these ends, the NCC combines the resources and expertise of affiliated cave explorers, educators, scientists, landowners and conservation officials."

In the development of the cave management plan, the goals of the NCC as stated above should be kept in mind. This outline is the guide for writing a workable management plan and includes various topics in areas that need to be included in the management plan.

One of the great values of preparing a management plan is that it encourages a careful inventory of the property's resources and identifies potential management problems. Periodic reviews keep this process going and that is why the NCC requires that each cave preserve manager review his or her management plan every two years on a rotational basis established by the NCC Secretary and report recommended changes to the Board for their consideration as amendments to the plan.

Who Writes a Cave Management Plan?

- Acquisitions Committee.
- Any member of the Board.
- A Preserves Manager.
- A member qualified to do this.
- Any concerned member wishing to present a proposal to the Acquisitions Committee and the Board.

When is a Management Plan Written?

- A draft cave management plan must be done for a property to be considered as an acquisition.
- During the acquisitions process, the plan will be modified until it passes Board approval.
- Management plans are not static documents to be placed on a shelf and forgotten. Every two years, the NCC Secretary reminds Preserve Managers that their management plan is due for review and that the Preserve Manager must prepare a report for the Board containing their suggestions for revision if they have any.

The Sections of a Cave Management Plan

Introduction:

This section should include the intentions for the management of the cave. Most of the objectives for the property should be included.

History of the Property:

This section should include a summary of the known history of the cave and the land that it lies under. Items such as whether it was used for mining, whether it was ever commercialized, and who the previous property owners have been is of interest.

Resources:

Probably the most important aspect of a management plan is the listing of resources. This section should indicate what is significant about the property and why the NCC should own it. This section should be divided into two sub-sections: underground and surface resources.

Each sub-section should detail as many resources as possible, which may include the following:

- A) Biological
- B) Geological
- C) Hydrological
- D) Paleontological
- E) Archeological
- F) Historical
- G) Recreational

Of major concern are topics such as surface streams, roads, easements for utilities, and other such related items. In each of these sub-sections the committee should list what they will do to protect and maintain these resources.

Access Policy:

This section is the second most important items of any cave management plan. In this section, the committee must list what requirements must be met by those who wish to visit the property and should state whether the cave is open only at certain times of the year, open all year, or not at all. The potential is great for misunderstanding and hard feelings if the access policies are not clear, fair, and widely known.

The management plan should reflect the fact that all NCC cave properties should be managed in such a way as to minimize the NCC's liability in case of accidents. The management plan should state that NCC caves shall be managed in such ways as to qualify under state or local landowner liability exemption laws, to legally define unauthorized visitors as trespassers under local law, and to inform authorized visitors of the hazardous nature of the cave by requiring them to sign a liability release as directed by the Legal Committee.

Cave Management:

The manager of a property cannot assume that the management plan is effective. The cave should be monitored for degradation. The managers may evaluate the desirability and practicality of various monitoring strategies. The strategies may include, but are not limited to, photo monitoring, water quality monitoring, and periodic census of indicator species. In order for degradation to be noted, a baseline condition should be established as soon as possible.

If monitoring indicates degradation of the cave, revising the management plan to minimize degradation **must** be considered and acted on as appropriate.

Publicity Policy:

This section should include what types of publicity (if any) the committee will use to inform the general public about the use of the cave. The committee may wish to draw up a program for the use of the public to educate them on the need for cave preservation. Or, if the cave is in need of extended protection, the committee may opt to try to keep the cave obscure.

Surface Management:

This section should list what the committee plans to do to manage the land around the cave. It should include whether or not the committee will close off the road to the cave, or if a road will be constructed; if the cave is going to be gated; if barricades or gates are to be installed on the road; what parking will be available and where. And since the surface has significant impact on the cave below, this section should also include topics on possible erosion problems, water sources, disposal of human wastes, disposal of carbide, and plans for periodic trash pickup.

Future Plans:

This section should include what plans the committee has for the future of the committee and property (if any), what goals have been established, and how these goals will be realized.

Miscellaneous:

The committee should include other items not included in this outline as they feel are needed for the management of the property. **Local conditions and temperament may dictate that additional sections be written into the management plan and unique or rare features will have to be dealt with at this time.**