



# Cave Owner's Newsletter

A publication of the Virginia Cave Board, Department of Conservation and Recreation

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## So, You've 'Bought Into' a Sacred Trust

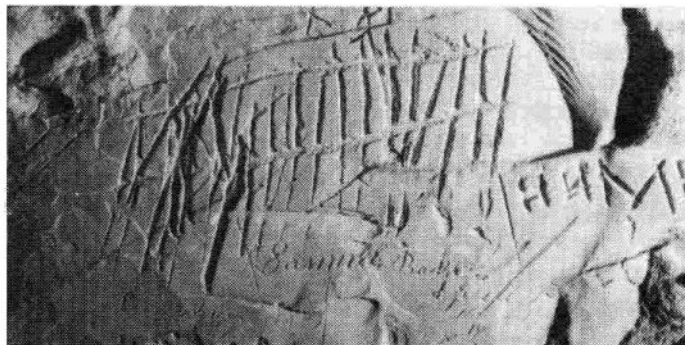
by David A. Hubbard, Jr.

Whether your property and its cave(s) were passed down through your family or you purchased them, you have acquired additional responsibility. Your cave contains a tremendous amount of information about the past. Perhaps family history is associated with your cave through social events such as dances or balls held underground, or an ancestor mined minerals there, or your ancestors hid there during an attack. Caves hold secrets far older than are recorded in the written history of man. Soils and formations in a cave, if they can be carefully studied, can tell us about what used to grow in the area, past climates, and much more. One of the more important historic uses of many Virginia caves was the mining of saltpetre for the production of black powder just prior to and during the Revolutionary War, the War of 1812, and the Civil War. During these armed conflicts, coastal blockades halted the importation of foreign gunpowder. Without gunpowder manufactured from saltpetre, our existence today would be very different.

To date, some 80 Virginia caves are known to have been mined for saltpetre. There are few written records of this mining and much of the oral history has perished. Artifacts of saltpetre mining have been preserved underground and may reveal some of this history. Unfortunately, the most significant and recognizable artifacts were made of wood and most have been removed, destroyed, or burned by thoughtless individuals. Tally marks recording the number of bags of petre dirt a miner may have dug and even the names and dates recorded by these miners are commonly destroyed as vandals carve and spray-paint their graffiti inside caves.

As an owner of a Virginia cave, you are first in the line of protection of the secrets and clues hidden in your cave. The Virginia Cave Protection Act was enacted to help you protect your cave; unfortunately, most damage can not be undone nor can lost secrets be restored. You are the guardian of the beauty, life, and history of your cave; however, how much do you really know about your cave? By taking a little time to talk with visitors who enter your cave, you can learn more about the cave and convey your concerns about protecting this natural resource.

Perhaps this article has stimulated your interest in your cave, but do you think of your cave as truly sacred to anyone? A few of you may have met an apparently misguided visitor or two who repeatedly return to visit your cave and behave as if it is some sort of sacred entity. As mentioned, caves contain far more information than one might think and, looking at how caves have been used in the past, we now realize that some were far more important than we expected. Before we learned to use electricity, caves were used for the storage of food and drink. The fairly uniform cave temperature provided natural refrigeration for storing vegetables, meats, dairy products, and wines. Caves were used as shelters and at least one Virginia cave served as a fort in the 1750's. In addition to their importance in the



Tally marks and the inscription "Samuel Baker, April the 17 1862," record historic events in the history of a Virginia saltpetre cave.

production of gunpowder, many caves served as hiding places for supplies, family treasures, as well as entire families during armed conflicts. You may remember that the Dead Sea Scrolls were found in a cave in the Mideast. Several caves in the Pyrenees of France and Spain contain some of the finest prehistoric art ever found. Have you ever

wondered why prehistoric peoples painted such fantastic works of art in caves? Perhaps these artists were giving some symbolic gift back to the mother Earth that provided so much to them. Caves certainly were important to these prehistoric peoples. They were so important that some people even buried their ancestors in caves. Some of the dead were buried with food and personal items that they would need in life after death. This may seem like a strange custom considering our belief that "you can't take it with you," but consider how we prepare our loved ones for life after death. After dressing them in their best clothes, we place them in a hole in the ground! Perhaps some of our customs are not so vastly different from those of prehistoric native peoples.

Have you had the opportunity to see any of the recent films about Native American peoples? *Dances with Wolves* and *Thunderheart* both were made with Native American actors portraying their own people; people with heritages and cultures different than those of many of us. If each of us could look back to our ancestors, how strange would our heritages and our ancestors' cultures appear to us? Saxons, Celts, Norsemen, Romans, Greeks, Eskimos, Asians, Africans, Mayans, American Indians, or other peoples may make up our roots. If we reach back far enough, all of us have ancestors that looked and acted far different than we look and act today.

Have you ever seen a gravestone pushed over and broken? Do you recall how you felt? Have you heard that the graves of some Confederate soldiers are being dug up so that thieves can steal buttons, belt buckles, and other grave goods? Imagine someone digging up a grave and scattering the bones of our war heroes? Why would anyone do such a thing? For money! Grave looters sell these artifacts! Did you know that nearly all of the known Virginia burial caves have been looted by relict hunters? Only one undisturbed burial cave is known in the Commonwealth! It is likely that there are other burial caves that scientists do not yet know of, but grave

robbers are finding and looting these caves before the scientists can find them and learn who these ancient peoples were.

By carefully examining undisturbed cave burials, scientists can determine why these ancient peoples buried some of their dead in caves and others in their own villages. They may learn why some burials were carefully placed in special places inside caves, whereas in other cases, the deceased were apparently just thrown into the entrances. Archeologists could learn which cultures even buried their dead in caves. With modern scientific techniques we can not only learn how people lived, but what diseases they had, how healthy they were, and how they died. Using dating techniques, the ages of artifacts and human remains can be determined.

The Virginia Cave Board would like to see an end to the looting of cave burials. Whether you inherited or bought your cave, you may have 'bought into' a sacred trust. You may own a Native American burial site, the final resting site of ancient Americans and the secrets that were buried with them. Anyone found guilty of unlawfully disturbing these burial sites can receive a two- to ten-year jail sentence. The National Speleological Society has posted a reward of \$500.00 for information leading to the conviction of cave looters.

Two Virginia Cave Board members are studying the burial caves of Virginia. David A. Hubbard, Jr. and Michael B. Barber are trying to determine how many burial caves there are in Virginia. If you have any information that indicates that your cave is a burial cave, please contact either one of us. Perhaps by the time this study is completed we will be able to write to you that the looting of burial caves will have all but stopped and some undisturbed sites actually do remain. This can only happen if you, the cave owners, take an interested and aggressive role in overseeing your cave resources.

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## Criminal Prosecution

by David A. Hubbard, Jr.

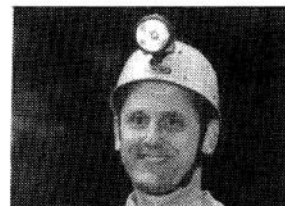
As a cave owner it is in your interest to know that *anyone who disturbs human remains* or the *artifacts* associated with them in a cave is *guilty* of a Class 4 *felony*. Conviction of a Class 4 felony usually results in a *prison term* of 2 to 10 years. The only exception to this is if the persons studying human skeletal remains or associated artifacts have a permit from the Director of the Virginia Department of

Historic Resources to scientifically remove such materials. These permits are only issued to qualified professional archeologists who have an approved research plan in hand. Very few permits are issued.

*Why should you be concerned if someone is taking Indian bones and artifacts from your cave?* If you knowingly permit a person to (continued on last page)

# A Cave Owner's Survival Guide

by Tim Kilby



Cave owners have various feelings about owning a cave; but realize it or not, they own one of nature's most exquisite and unique creations. The overwhelming beauty of the alien underground, a world that took eons to create, can be destroyed in a moment. Wild creatures that depend on caves for their continued existence are at our mercy. The respect that we landowners have for nature above ground is doubly necessary when irreplaceable resources are at stake. Considering this, I constantly reappraise my role as cave owner to be a good citizen of nature. Though in a legal sense I am called a landowner, trustee is a more apt title. I view myself as a custodian, responsible for protecting the cave now and preserving it for future generations. You probably share my love of the land, but maybe not my enthusiasm of cave ownership. After all, owning a cave can be trying and the issues can be confusing. Here are five steps that I believe will help you survive being a cave owner.

**Step 1.** Know your rights and responsibilities. As legal title holder you have the right to quiet possession; that is, enjoyment of your land without hassles from others. You also have the right to use the cave yourself, allow others in, or close it if you so desire. There are legal responsibilities that you have as a landowner and certainly moral obligations if you know that there are hidden dangers. You also have responsibilities to not destroy or harm cave wildlife or pollute underground water supplies. Virginia's laws are written to protect caves and cave owners as well.

**Step 2.** Weigh the pros and cons of allowing others to use your cave. Sure, some visitors telephone at odd hours, park their cars where they shouldn't, or leave trash behind. But the majority of cave enthusiasts are responsible persons who respect landowners, their rights and wishes, and most importantly, the cave. Personally, I'm very tough on trespassers but friendly to responsible visitors who abide by the rules I set. If you can deal with a few "bad apples", consider allowing recreational cavers access to your cave. On the other hand, if trespassing is out of hand, fragile formations are in danger, or endangered species are being disturbed, close the cave temporarily or permanently. Gates are quite effective if built from a proper design. Blasting an entrance closed is not good, because it closes the animals' entrance too.

**Step 3.** Support information gathering at your cave. If you are approached by a state agency, an environmental or conservation organization, or a recognized caving organization to conduct scientific studies, mapping, or exploration of your cave, grant them permission. Valuable information may be obtained on cave wildlife, geology, and hydrology of

that area. Information may be kept confidential, at your request, and you give up none of your rights to control cave access. I recommend that you insist that data be shared with you and other qualified organizations, but not necessarily with the general public. Based on the data gathered, the researchers might suggest, or you might decide, to close the cave or keep it open to others. You can help any study by providing information on entrance locations, sinkholes, and bat sightings.

**Step 4.** Protect cave inhabitants and the environment. I don't believe any landowner would knowingly destroy the home of harmless wildlife or pollute the soil or underground water sources. Bats, salamanders, woodrats, crickets, and a lot of other critters call Virginia's caves their homes. Your ethical responsibility as a cave owner is to allow animals to complete their life cycle undisturbed and to keep underground water clean and pure. Untreated sewage, fertilizers and pesticides, farm animals near entrances, leaky fuel tanks, or trash dumps above caves may cause underground pollution. Even if you are some distance from an entrance, you may still be polluting a cave if surface water containing contaminants drains quickly into the soil or into sinkholes.

**Step 5.** Seek help and advice when you need it. Managing a cave is tough job. If you need advice or answers to questions, contact the Virginia Cave Board. They might put you in contact with another state agency, the Virginia Speleological Survey, the National Speleological Society, American Cave Conservation Association, Cave Conservancy of the Virginias, The Nature Conservancy, or another group that can advise or help with your particular problem. Qualified and experienced volunteers are available to help you with exploration, mapping, gate design and construction, cleanup, and management assistance.

Making decisions about your cave can be agonizing, I know. Every element of a management plan involves an analysis of the cost versus the benefits. In my case, I consulted lawyers, insurance agents, scientists, conservationists, and cavers before deciding to open the cave to responsible persons. The last three years have shown a decrease in trespassing, a decrease in trash and destruction, an increase in wildlife populations, and new respect for a wonderful cave. You will find concerned cave enthusiasts ready to help you become a good cave trustee and not only survive, but enjoy, being a cave owner.

*Tim Kilby is the owner of New River Cave in Giles County, Virginia. Mr. Kilby will answer questions from anyone writing him at 10607 Howerton Avenue, Fairfax, Virginia 22030.*

(continued from page 2) remove human remains or associated artifacts from your cave, you are an accessory to the crime and also are guilty of a Class 4 felony. Another reason for concern is that there is a \$500 reward for information leading to the conviction of anyone illegally disturbing or removing Indian remains or artifacts from your cave or any other cave in Virginia.

*How do I know if my cave is a burial cave or that I should be concerned?* The chances are that your cave is not a burial cave. It is estimated that less than five percent of the caves in Virginia are Indian burial sites. You may have already been notified that your cave is a burial cave. If you have not been so notified and you have reason to suspect that your cave is a burial site, then please contact either of the following:

Mr. David A. Hubbard, Jr.  
P.O. Box 3667  
Charlottesville, VA 22903

Mr. Michael B. Barber  
JNF  
210 Franklin Road  
Roanoke, VA 24001

Reasons to suspect that your cave may be an Indian burial site include having seen or heard that Indian bones or artifacts were removed from your cave recently or in the past. Artifacts may include sea shells, 'arrow heads', copper objects, pottery, beads, pipes, or 'tomahawks' (celts).

*How can I protect myself and other innocent people visiting my cave from breaking the law if my cave is a burial cave?* First off, do not panic. The law was developed to punish criminals, not you or any other

innocent people. Do not give anyone permission to disturb or remove any bones or artifacts unless they have a burial permit. The Cave Board is considering development of a waiver for burial cave owners. This waiver would indicate to the cavers that human burials are present in the cave that they are about to enter and also would explain their responsibilities and the penalties involved in violating the law. The signed waiver would be an agreement that they would not disturb or remove any burial materials (artifacts or bones) and, by requiring visitors to sign the waiver, your liability would be virtually eliminated.

*What should you do if someone removes bones or artifacts from your burial cave?* Call a local law enforcement authority, be it a Sheriff's Department or a Police Department. Violations would include the Code of Virginia, sections 18.2-126 and 10.1-2305. In addition, please also contact Dr. Catherine Slusser, the State Archaeologist, or Dr. E. Randolph Turner at (804) 786-3143 and report the incident.

*What should you do if someone presents a 'permit' to remove Indian bones and/or artifacts and you are suspicious that the permit is not valid?* Ask to see the 'permittee's' driver's license. Check to see that the names are the same on the permit and driver's license and copy the name and address and record their phone number and the license-plate number from the car they are driving. If their 'permit' is invalid, this identity check may discourage them from any illegal activity. You can call Dr. Catherine Slusser or Dr. E. Randolph Turner at (804) 786-3143 to verify the permit. If you are told the permit is not valid, report the 'permittee' to your local law enforcement agency and give them the identity and automobile information.

## Members of the Virginia Cave Board

For additional information, please contact the **Department of Conservation and Recreation, Division of Natural Heritage**, Main Street Station, Suite 312, 1500 E. Main Street, Richmond, VA 23219 or one of the following members of the Virginia Cave Board:

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6915 Amster Road  
Richmond, VA 23225

**Dr. John R. Holsinger**  
Department of Biological Sciences  
Old Dominion University  
Norfolk, VA 23529-0266

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**Mr. Ronald D. Morton**  
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