

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE KENTUCKY GEOLOGICAL SURVEY
AND
THE KENTUCKY SPELEOLOGICAL SURVEY, INC.

INTRODUCTION

The goals of the Kentucky Speleological Survey, Inc. (KSS) are to gather and archive cave and karst data of Kentucky, to further the study of cave and karst resources for conservation, research, and scientific exploration, and to provide a permanent, non-profit, non-sectarian, cooperative organization that works to establish and nurture a professional atmosphere among individuals and organizations that support the foregoing purposes.

Among the goals of the Kentucky Geological Survey (KGS) are the archival preservation of geological data for Kentucky and the identification and evaluation of ground-water resources. Data on the geomorphology, hydrology, and engineering geology of caves and karst aquifers are essential for the evaluation and mapping of karst aquifers and karst related geologic hazards in Kentucky.

Because the goals of KGS and KSS have much in common, cooperation between the two organizations is highly desirable for the mutual benefit of the organizations and the welfare of the Commonwealth. Therefore, the KGS and the KSS have mutually agreed to the provisions detailed in this Memorandum of Understanding for the purpose of cooperating in the collection, compilation, archiving, and responsible utilization of information of karst and cave data.

TERMS

1. *Relevant data and maps*- The data covered by this MOU include the location of cave entrances (coordinates, descriptions, or locations hand marked on a base map), maps of caves, and maps or files of data of other karst topographic features not shown on published 7 ½ minute topographic maps. Other documents, photographs, digital files, or any karst-related data what so ever may also be transferred as mutually agreed by KGS and KSS.

2. *Access to and fair use of KSS data*- Documents and data obtained by the KSS remain under the direction of KSS. KGS shall provide access to the karst data to any person or organization as directed and approved by the KSS Data Access Committee or Appeals Committee. KGS shall refer any request for large volumes of data, or data classified as sensitive or proprietary, to the KSS Data Access Committee for consideration. KSS shall act upon all referrals routed through KGS within two (2) weeks of the date of transmittal of the KSS data request form. The KGS shall transmit karst data requests from the general public to the KSS within 5 working days of application. KGS may provide non-sensitive data, or any data in the case of emergency, to requestors in accordance to the "POLICY FOR ACCESS TO THE KENTUCKY GEOLOGICAL SURVEY CAVE MAP ARCHIVE" endorsed by the Director and

State Geologist on October 25, 1999 without seeking authorization from the KSS. KGS shall seek the authorization of KSS before publishing data obtained from KSS.

3. *Obligation to provide resources: informational, human, fiscal, or physical-* The KGS agrees to provide a physical repository for cave maps, cave locations, reports, topographic maps, photographs, and other karst related data. KGS shall bear the cost of copying such materials as necessary for their inclusion in the repository. The KSS agrees to collect data and maps on caves and other karst features of Kentucky and make these documents available to KGS for inclusion in the repository. The KGS is obligated to provide secure storage of documents and data received from KSS to reasonably protect them from fire, flood, or theft in a manner commensurate with other geologic data archived by KGS. The cost of filling requests for copies of data from individuals or organizations shall be chargeable to those making the request. Neither KGS nor KSS obligates any other resources. However, either organization may choose to provide additional resources as desired, or as the respective organization deems necessary in response to exceptional circumstances.
4. *Representation-* The State Geologist and Director of KGS shall appoint a professional staff member to represent KGS on the KSS board of directors. The KGS representative shall also be the point of contact for KSS for receiving the data into the repository.
5. *Cooperation-* The KSS through its volunteers, officers, and agents and the KGS through its designated representative shall mutually advise and collaborate concerning the collection, compilation, archiving, use and dissemination of cave and karst data.
6. *Resolution of unanticipated issues-* The State Geologist, or his delegated representative, and the KSS president, or his delegated representative will negotiate and resolve any issues not anticipated by the terms of this MOU.
7. *Period memorandum of understanding is effective-* This MOU shall become effective as of the date of approval by the President of the Kentucky Speleological Survey and the State Geologist of the Kentucky Geological Survey. This document shall remain in force regardless of the tenure in position of the signing State Geologist or KSS President except if terminated in writing by the chief officers of either organization. The terminating party shall give at least thirty (30) days notice stating the cause for termination. This document may be amended upon the conclusion of discussion and mutual signed agreement between the parties as to amendment intent, scope and language.

Kentucky Geological Survey,
Director and State Geologist

Kentucky Speleological Survey,
President

James C. Cobb

Lee Florea

POLICY FOR ACCESS TO THE KENTUCKY GEOLOGICAL SURVEY CAVE MAP ARCHIVE

Explanation

The purpose of the Kentucky Geological Survey Cave Map Archive is to provide data on the geomorphology, hydrology, and engineering geology of caves for the use of engineers, geologists, hydrogeologists, archaeologists, biologists, planners, and other professional researchers who need such maps for scientific and engineering investigations. It is the intent of this policy to protect the natural heritage of Kentucky yet take prudent steps to minimize the hazards to health and safety encountered in karst in the course of development. In no way is the purpose of this archive to provide locations or cave maps for casual cave exploration or other recreational uses. Restricted access to cave related data is necessary because caves have geological and biological features within them that are sensitive to human activity, have conditions hazardous to human safety, and the potential to attract frequent visitation which is a nuisance to the owners of the caves. Upon taking into consideration the conditions for use requested by the contributors of the map documents and the unqualified right to privacy of the cave owners the Kentucky Geological Survey adopts the following policy. Each person obtaining a document or data from the cave map archive is required to read and sign in acknowledgement of their acceptance of this policy.

Conditions for Access

1. This archive is not intended for recreational use. Recreational use means exploration or exploitation of caves for amusement or adventure without making, documenting, and reporting scientific observations to an established speleological or other scientific organization.
2. Access to the Cave Map Archive is on a demonstrable need to know basis only. Some examples of a legitimate need to know are; preventing the loss of human life, preventing property damage from ongoing subsidence, preventing damage to the general environment, preventing damage or destruction of the cave, avoiding potentially unstable ground conditions for construction projects, and preventing the pollution of ground-water resources. Other legitimate uses for cave maps are as a base map for documenting archeological, biological, geological, and other scientific observations by professional researchers. The final determination of the "need to know" of each applications will be made by the Archive administrator in consultation with the Director and State Geologist of the KGS.
3. Applications for use of the archive must be made in writing to the Archive administrator. The Archive administrator is responsible for the review of applications and will approve or deny the applications within 5 working days of its receipt.

4. Cave surveyors who contribute original material to the depository are granted limited access to the archive for the purpose of determining if a limited number of caves in a specific geographic area have been previously surveyed.
5. Cave maps will not be released to persons under 18 years of age under any circumstance.
6. The collection of maps in the Cave Map Archive will not be copied in its entirety for any one organization or individual. The limits on what may be copied are adopted because of potential violation of the fair use provisions of U.S. copyright law, violation of the conditions upon which the maps were contributed to the archive, and imposition of an inequitable demand on the working time of KGS staff.
7. Users of the archive who wish to obtain copies of cave maps protected by copyright must obtain written permission from the holder of the copyright.
8. The Kentucky Geological Survey will not provide the geographic locations of caves more precisely than the 7 ½ minute quadrangle. A user who needs the precise location of a cave entrance is referred to the Kentucky Cave Survey or any grotto (chapter) of the National Speleological Society.

DISCLAIMER

WARNING: Caves are dangerous! The Kentucky Geological assumes no responsibility for the safety or adequacy of training of any person who enters a cave utilizing maps or data obtained from the Cave Map Archive. If you lack training and experience in cave exploration techniques that are recognized as safe and appropriate by the National Speleological Society you are **strongly** encouraged to obtain training before entering any cave.

The Kentucky Geological Survey neither expresses or implies any warranty of the accuracy of any cave map in the Cave Map Archive and assumes no liability for the use of any cave map or data. It is solely the responsibility of the user to determine the suitability of any cave map for their intended purpose.

The Kentucky Cave Protection Act (KRS 433.870) provides for criminal penalties for the damage or destruction of cave formations, writing on cave walls, killing cave animals, disturbing artifacts, or violating gates on cave entrances. Federal law provides for additional penalties for harming endangered species living in caves.

As a contributor or user of the Cave Map Archive I acknowledge that I have read and understand the Kentucky Geological Survey disclaimer presented above and the Cave Map Archive policy on the previous page.

Signed: _____ Date: _____