

**MEMORANDUM OF UNDERSTANDING
BETWEEN
SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION
AND
THE CAVE GROUP**

The Parties to this Memorandum of Understanding (the “MOU”), the State of Utah, School and Institutional Trust Lands Administration (“SITLA”), 675 East 500 South, Suite 500, Salt Lake City, Utah 84102, and the Timpanogos Grotto of the National Speleological Society (“Cave Group”), 380 North 600 East, Orem, Utah 84097-4843, hereby agree to the following concerning the management and use of the caves known as Nutty Putty, Silly Putty, Rabbit Trap, and Blow Hole. (the “Caves”).

1. The State of Utah, by and through SITLA holds title to and manages the land described in Exhibit “C” (the “Subject Land”) and depicted on the location map, Exhibit “A”, to this MOU, under Utah Code Ann. 53C-1-102, Article XX, Section 1 of the Utah Constitution, and Section 6 of the Utah Enabling Act. The Cave Group is an entity created for the purpose of addressing safe public access and use of the Caves located on the Subject Land.

2. The Parties intend by this MOU to implement the Management Plan for the Caves attached to this MOU as Exhibit “B” and as it is modified hereafter in writing by the Parties. The Management Plan and MOU shall be in effect on a year-to-year basis from the date this MOU is signed and may be terminated by any party with thirty (30) days written notice to the Parties as set forth herein. SITLA may provide certain funds to support this MOU, but is under no obligation to do so and may condition operations by the Cave Group on the Subject Land as set forth herein or as amended in the future. The Cave Group and no member thereof shall gain any rights prescribed, statutory or otherwise, in the Subject Lands by virtue of this MOU. This MOU shall not confer any standing on any individual under SITLA’s implementing statute or rules to challenge any modification or termination of this MOU.

3. The Cave Group is authorized to manage the Caves as provided in the Management Plan and is not entitled to any compensation for its management. The Cave Group, subject to written approval, may place certain improvements on the Subject Land as described in the Management Plan. All improvements shall become the property of SITLA upon termination of this MOU.

4. SITLA makes no representations of the fitness of the Subject Land for the use that is contemplated under this MOU and expressly disclaims any responsibility or liability for activities undertaken by the Cave Group or under the supervision of the Cave Group.

5. The Cave Group shall neither commit nor permit any waste on the Subject Lands. The Cave Group shall maintain said lands in good condition and at its own expense, free from any nuisance. Surface and subsurface areas will be cleaned of all trash, debris, and waste of any kind to the satisfaction of SITLA. The Cave Group shall maintain the Subject Property to standards of repair, orderliness, neatness, sanitation, and safety as required by law and applicable regulations.

6. This MOU shall not constitute nor create a joint venture, partnership, or joint enterprise of any sort and the same is expressly disclaimed hereby.

So Agreed this _____ day of _____, 2006.

SCHOOL AND INSTITUTIONAL
TRUST LANDS ADMINISTRATION

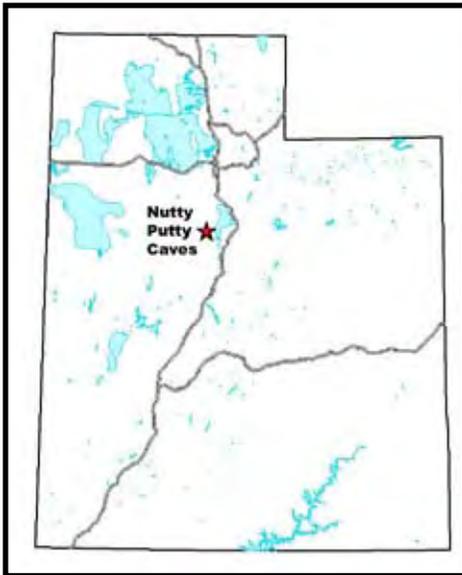
THE CAVE GROUP

Kim S. Christy, Assistant Director – Surface

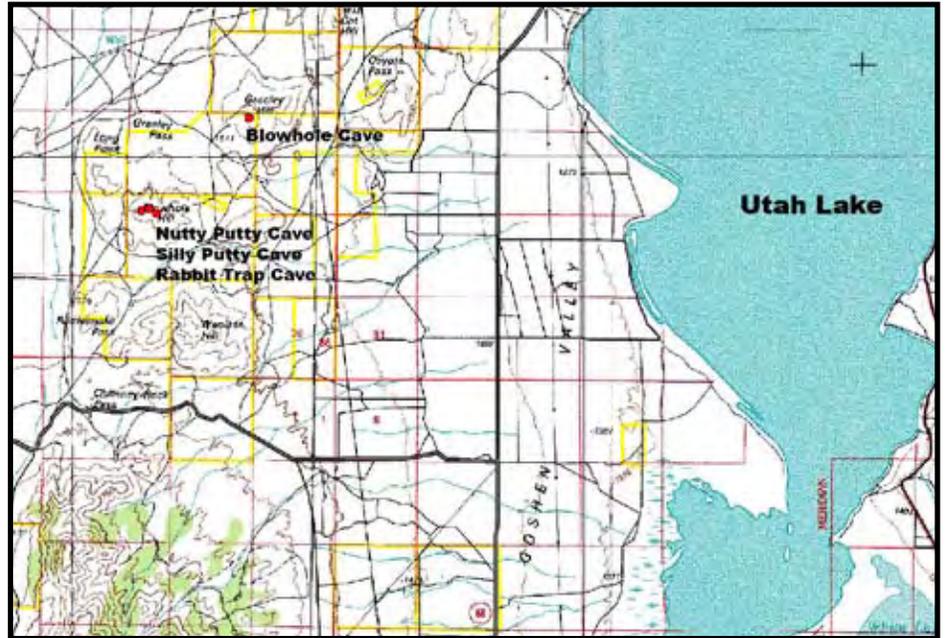
By: _____
Its: _____

Note: Action for Memorandum of Understanding was approved by the Director on the director's minutes of April 14, 2006, reference number PRED 692.

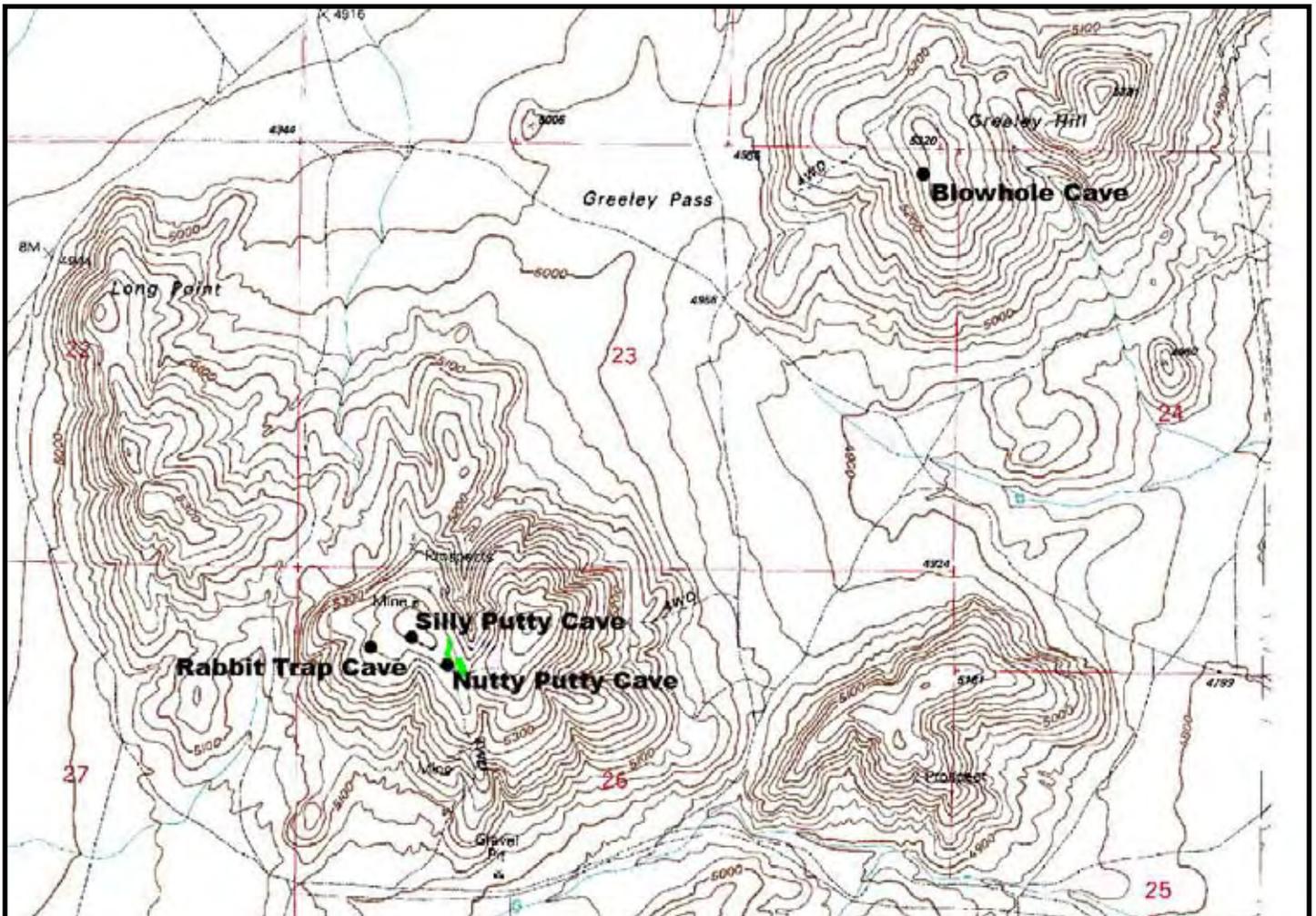
Exhibit A - Location of SITLA Caves



Location within the state of Utah



Cave locations with the State Trust Boundaries



Closeup of Blowhole Hill and Greeley Hill

EXHIBIT B: MANAGEMENT PLAN FOR STATE TRUST OWNED CAVES

Timpanogos Grotto Of the National Speleological Society (NSS)

In Nutty Putty Cave and nearby SITLA-owned caves, the overall safety and cave conservation practices have to meet the present caving standards to assure the long-term access, education, and research opportunities of responsible organizations and groups. The determined method for achieving this goal is to restrict access to the cave to only those who are properly prepared in terms of leadership, training, and equipment.

Increased awareness to the growing problems in Nutty Putty Cave began when two rescues occurred during Labor Day Weekend 2004 - the 4th rescue since the cave's discovery in mid-1950s. The Utah County Sheriff's Office approached Nutty Putty Cave owner, Utah School and Institutional Trust Lands Administration (SITLA), wishing to find a solution to reduce its office's resource drain posed by the increasing callouts (late cavers, vandalism, car problems, drug abuse, and rescues) in and near Nutty Putty Cave. A meeting with interested parties was held. The group, representing interest from Utah County Sheriff's Office, Brigham Young University, Boy Scouts of America, and the Timpanogos Grotto, concluded that the best action would be to manage the cave through restricted access to avoid future safety problems. The hope of this solution was to protect the long-term access to Nutty Putty Cave by forcing safety requirements through restricted access. If serious accident or death could be avoided, the future need for a total closure of the cave should also be avoided.

Managing Nutty Putty Cave for public enjoyment is not the purpose of the owner, School and Institutional Trust Lands Administration (SITLA). However, SITLA is willing to have Nutty Putty Cave be properly managed to improve safety and cave conservation, so that I doesn't diminish their land's long-term interest. The State of Utah, School and Institutional Trust Lands Administration (SITLA), through a Memorandum of Understanding ("MOU") with the Timpanogos Grotto of the National Speleological Society ("Cave Group"), allows the Cave Group to manage the affected caves pursuant to the terms of the MOU and this management plan, both of which can be terminated by SITLA. SITLA recognizes the Timpanogos Grotto as the primary cave manager and contact and does not intend to discuss management issues or communicate through other supporting groups, Timpanogos Grotto may select representatives from other interest groups, including, but not limited to, other Grotto Clubs, Utah Valley State College (UVSC), Brigham Young University (BYU), Boy Scouts of America (BSA) and other organizations to participate with the management of the caves pursuant to the guidelines of this management plan.

This action plan describes the steps needed to establish control of the caves' access and implement proper management of Nutty Putty Cave, Blowhole Cave, Silly Putty Cave, and Rabbit Trap Cave.

1. Not Public Land. The public needs to understand that the cave is owned by SITLA and that it is not public land. The visitors must understand SITLA's interest is not to manage the cave for the public's best interests; its interest is to hold land to maximize profits for Utah's education system.

The ownership of Nutty Putty Cave by SITLA should be better known. Signs have been already placed on the lands stating its ownership. Media relations have begun to improve the public's knowledge of SITLA's ownership and its position regarding the management of their caves.

2. Support for Gating. Through this plan, all prepared, responsible groups would have access to Nutty Putty Cave. By restricting access, visitors' preparedness and safety will greatly improve, the amounts of trash and body waste will greatly reduce, and the cave's high visitation could be spread out.

With the media's help, the need for proper management and the associated benefits will be explained to the public. Visitors must understand that safety needs to be improved to ensure access to the cave. Over the past summer, the media has successfully conveyed the potential closure of the cave. The initial shock of gating should be gone. Before the cave is gated, the cave's closure will be officially announced through the media along with the requirements for continued access.

Support will also be needed from local law enforcement. Law enforcement will be encouraged to cite anyone for trespassing who is not following the access requirements.

3. Permission for a Gate. Under SITLA's authority, the cave will be gated and the access will be managed by Timpanogos Grotto. SITLA approval will be needed for all major changes in how the cave and surrounding land's management including road closures, additional signage, permitting changes, and changing uses.
4. Funding. Funding will be needed to install a cave gate and make necessary improvements in the cave. Funding will be sought from organizations interested in Utah environmental conservation and outdoor education. At present, \$4,000 has been pledged.

5. Gate Installations. Gates will be installed on Nutty Putty Cave, Blowhole Cave, Silly Putty Cave, and Rabbit Trap Cave. All of the gates will be constructed to maximize security while still allowing permitted access.

The Nutty Putty Cave and Blowhole Cave gate installations will take approximately one full day each with about three to four skilled volunteers. The gate will be made from four-inch steel angle with an easy access swinging gate with a fairly easily accessible lock. The gates will be built so that they can be opened from the inside without a key for the lock. The gates will be constructed to allow easy passage of a loaded rescue skid.

As the Nutty Putty gate is being installed, no public access to the cave will be permitted. Therefore, the gate should be constructed during low-visitation months during the middle of the week. Media packages will be prepared to be released the following day after the Nutty Putty gate is completed.

6. Permitting. Each organization (BYU, UVSC, BSA, Utah Grottos and others) will manage its own access to the cave in accordance to this plan. Under the leadership of the Timpanogos Grotto, the groups will decide on the needed access requirements that will promote visitor safety and cave conservation. The access requirements will adhere to the national cave standards for safe, conservative caving.
7. Improving Cave Safety. The conditions of ropes or any other fixed safety must be maintained and, when needed, replaced in a timely manner. Air quality and other potential hazards will also be monitored and, when needed, mitigated.
8. Cave Cleaning and Restoration. Cave cleaning and restoration projects will be encouraged to keep the cave and surrounding areas in a safe and natural condition. These projects must ensure the participants' safety and the cave's best interest.
9. Monitoring the Management's Progress. If this plan and access requirements are followed correctly, the rescues and emergency callouts to Nutty Putty Cave should be nearly eliminated. As the caving standards change or recreation use changes, the plan must be reviewed and changed.

Access Requirements

Organizations that manage their own group's access may add additional requirements; however, all groups must follow these access requirements. Leaders of the groups are responsible for checking their organization's most recent policies, regulations, and standards. Groups from established organizations must prove that their group adheres to its organization's most recent policies, regulations, and standards before being granted access. All Scout groups are required to have an approved tour permit. Anyone in Nutty Putty Cave, Blowhole Cave, Silly Putty Cave, Rabbit Trap Cave, or any other nearby SITLA-owned caves who is found not complying with these access requirements may lose their access privileges and/or be cited for trespassing.

1. Access to all caves must be limited to the hours of 7 am to 11 pm. Special permission is needed to access or be in the caves after these hours.
2. All groups must adhere to the two-deep leadership policy of having two registered adult leaders.
 - a. The leaders must be 21 or older.
 - b. The leaders must be constantly present with the group.
 - c. One of the leaders must be an experienced caver that is able to overcome all of the obstacles countered on their visit.
 - d. The leaders must realistically evaluate their group's ability in planning and during the cave trip. They must never attempt to lead their group into a situation that is beyond capability of any member of the group.
 - e. Leader must inquire to each participant that no medical conditions exist that may compromise the participant's safety.
 - f. The leader is responsible in enforcing that no illegal drugs or substance use will be used on trip.
 - g. The leaders must be qualified, able, and willing to handle all problems that might arise.
 - h. The leaders must have adequate first-aid training and ability. They must have comprehensive knowledge of the practices to follow in the event of an accident.
 - i. The leaders must thoroughly comprehend that overwhelming difficulties may easily result from the problems of fatigue, improper or faulty equipment, emotional problems, physical limitations, or excessive

eagerness or exuberance in members of the group. Additionally, they must realize that all of these individual problems are often interrelated and that the occurrence of any one of them can easily create a situation that will lead to or accentuate any or all of the others.

- j. Leaders must be responsible and willing to terminate a trip if any of the trip requirements are not met, such as, but not limited to, inadequate equipment, inadequately trained participants, or improper hazardous behaviors.
3. All participants must be 14 years of age and older.
4. All groups will be limited to 10 persons (including the two trip leaders). More than one group is permitted in the cave at a time; however, each group should be organized to function independently by having each group with two qualified leaders as defined above.
5. The group must be together at all times.
6. Groups from established organizations must prove that their group adheres to its organization's most recent policies, regulations, and standards. BSA requires all Scout groups to have an approved tour permit to show their groups are successfully adhering to their set standards. (Venturing Ranger Cave Exploring Elective Requirements, Guide to Safe Caving (including a section on caving), NSS Guide: Cave Exploring By Scout And Explorer Groups)
7. Every participant in a caving trip must agree, without reservation, to follow all of the specific safety guidelines of their sponsoring organization. Not only the leaders, but every person on a cave trip should be aware of the necessity to constantly observe the whereabouts and potential problems of other members of the group and be ready to provide any assistance necessary.
8. Natural and fabricated hazards such as slippery slopes, loose rocks, pits, cold water, complex routes, old ropes, and the possibility of entrance flooding are all dangers to some degree and must be approached with care and judgment. If an accident still occurs in spite of preventive measures, that area must be avoided entirely. Hazards must be immediately reported to the permitting representative.
9. The groups will have proper equipment and dress for caving. All participants are required to have a helmet, helmet-mounted light, extra dependable light sources, proper boots, and clothing for each member of the group. A first-aid kit and a short 15-ft hand line are strongly recommended for each group,
10. Recreational use of drugs or alcohol is prohibited. Suspected use of drugs or under-aged drinking will be reported immediately to local authorities. Smoking or any tobacco use in the caves is also prohibited.

11. All cavers entering vertical caves (Blowhole, Rabbit Trap) must have their own vertical caving gear and have proof of successfully learned descending and ascending caving techniques.
12. Specific information about the caving trip must be left with a responsible person back home at time of departure. This should include location and length of time of trip, expected time of return, list of participants, and whom to contact for each trip member in case of emergency. The group is highly recommended to have, but not rely on, a cell phone in case of emergency.
13. Any group wishing to learn about cave rescue (other than self-rescue techniques) or pursue that activity as a specialty must do so under the sponsorship and supervision of either the Utah Cave Search & Rescue or Utah County Search & Rescue.
14. All caving participants must understand the access requirements and note their agreement to follow them by signing the Cave Permit.

EXHIBIT "C"

Description of Subject Property

Access and Access Restrictions

Estimated Legal Description of Cave Sites:

Township 8 South, Range 2 West, SLB&M

Section 26: Within lots 8 & 11 (Nutty Putty, Silly Putty, Rabbit Trap)

Section 23: Within lot 6 (Blow Hole Cave)

(The site of each cave entrance is depicted on a map, Exhibit "A" of this MOU.)

Access: Nutty Putty Cave, Silly Putty Cave, and Rabbit Trap Cave, on Blow Hole Hill.

Access is from an existing road to an area on the south side of Blow Hole Hill. Vehicles should not drive or park within approximately 100 yards of any cave entrance. Users of these caves are not authorized to drive directly to the entrance of the caves. Users are required to walk from existing disturbed areas on the south side of Blow Hole Hill, where vehicles may be parked while visiting the caves.

Access: Blow Hole Cave, located on Greeley Hill.

Access is on an existing road to the general area on top of Greeley Hill. Vehicles should not be parked closer than 50 yards from the cave entrance.

Administrative Access and Emergency Access:

Administrative and emergency access is allowed to the site of the caves.

All users of the cave traveling on existing roads and trails, parking vehicles in undeveloped parking areas, hiking to cave entrances, and entering the caves, do so at their own risk.