

## FILE FOLDER

### DESCRIPTION ON TAB:

6280 17

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- Outside/inside of actual folder did not contain hand written information**
- Outside/inside of actual folder did contain hand written information**  
**\*Scanned as next image**

6280/7 ENDANGERED SPECIES

OPEN: 1 Jan 87

CLOSED:

(TEMPORARY) SECNAVINST 5212.5B  
Part II, Chap 6, par 6000(1)(c)

DESTROY: 1 Jan 90

File: 6280/7

NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS  
Marine Corps Base  
Camp Lejeune, North Carolina 28542

12 NOV 87

Date

From: Director

To: Deputy ACIS Facilities

Subj:

1. The attached information is provided per PHONCON with Charles Peterson on 10 Nov. 87.

If we can be of further assistance, please advise.

JR

C. Peterson

---

Col Dalzell,  
Don't expect anything further from this except probably a letter response from Fish Wildlife; i.e. no logical leads.

VH  
JR

1880

1880

Don't forget anything better from  
the world and a better  
from the world and a better

1880

**TELEPHONE CONVERSATION RECORD**  
MCBCL 2305/8

(This record is to be used for both incoming and outgoing calls)

DATE 12 Nov 87
TIME (Began-Completed) 0900-0915

**TO: Chief of Staff,**

ORIGINATOR  
(Name, Title, Location & Telephone Number Charged)  
Mr. Jack Baker, Special Agent,  
U.S. Fish & Wildlife Service  
Washington, NC (919) 946-3361

PERSON CALLED  
(Name, Title, Location & Telephone Number Charged)  
A. C. Henry, Jr., Wildlife Biologist,  
NREAD, Ext. 5549/2083

SUBJECT  
Violation of Section 9  
Endangered Species Act

COST OF CALL (MCB Units Only)  
 CHARGEABLE TO STATION ALLOTMENT       NOT CHARGEABLE TO STATION ALLOTMENT

ROUTING			
ACTIVITY OR NAME	ACTION	INFO	INITIAL

COMMENTS

*copy  
file  
done*

SUMMARY OF CONVERSATION

Mr. Baker called in reference to the report and follow up telephone conversation with Mr. Peterson, contained in the enclosure, relative to the destruction of a loggerhead sea turtle nest, 25 eggs, and 3 young on Onslow Beach. I explained to Mr. Baker the circumstances surrounding the destruction of sea turtle nest #85 by unknown vehicular traffic during the weekend of October 3/4, 1987. The wire cage over the nest had been struck by a vehicle on 8 September 1987, but the nest incurred no damage and the protective wire cage was straightened out. On the morning of 5 Oct, 1987, Danny Jones, Wildlife Technician was checking the turtle nests when he found that nest #85 had been run over. Mr. Peterson, Wildlife Manager, sent me to investigate, and I found the nest destroyed with 3 dead loggerhead hatchlings outside the nest and 25 eggs with embryos crushed inside the nest. The nest had been checked on the afternoon of 2 October, and was in good shape at that time. I informed Mr. Baker that all vehicular traffic was banned from the sand dunes at all times and that during the sea turtle nesting season of 1 June - 30 October, POV's are banned from the beach from sunset to sunrise. Mr. Baker stated that he didn't think there would be anyway to find out which vehicle destroyed the nest, but that he was going to contact the RECON Commander and the CG, MCB Camp Lejeune, to inform them that he is aware of a violation occurring. I informed Mr. Baker that the tire tracks in the sand on and around the nest resembled the old M151 Jeep tire tracks.

COPIES TO: \_\_\_\_\_ SIGNATURE *Albert C Henry Jr*



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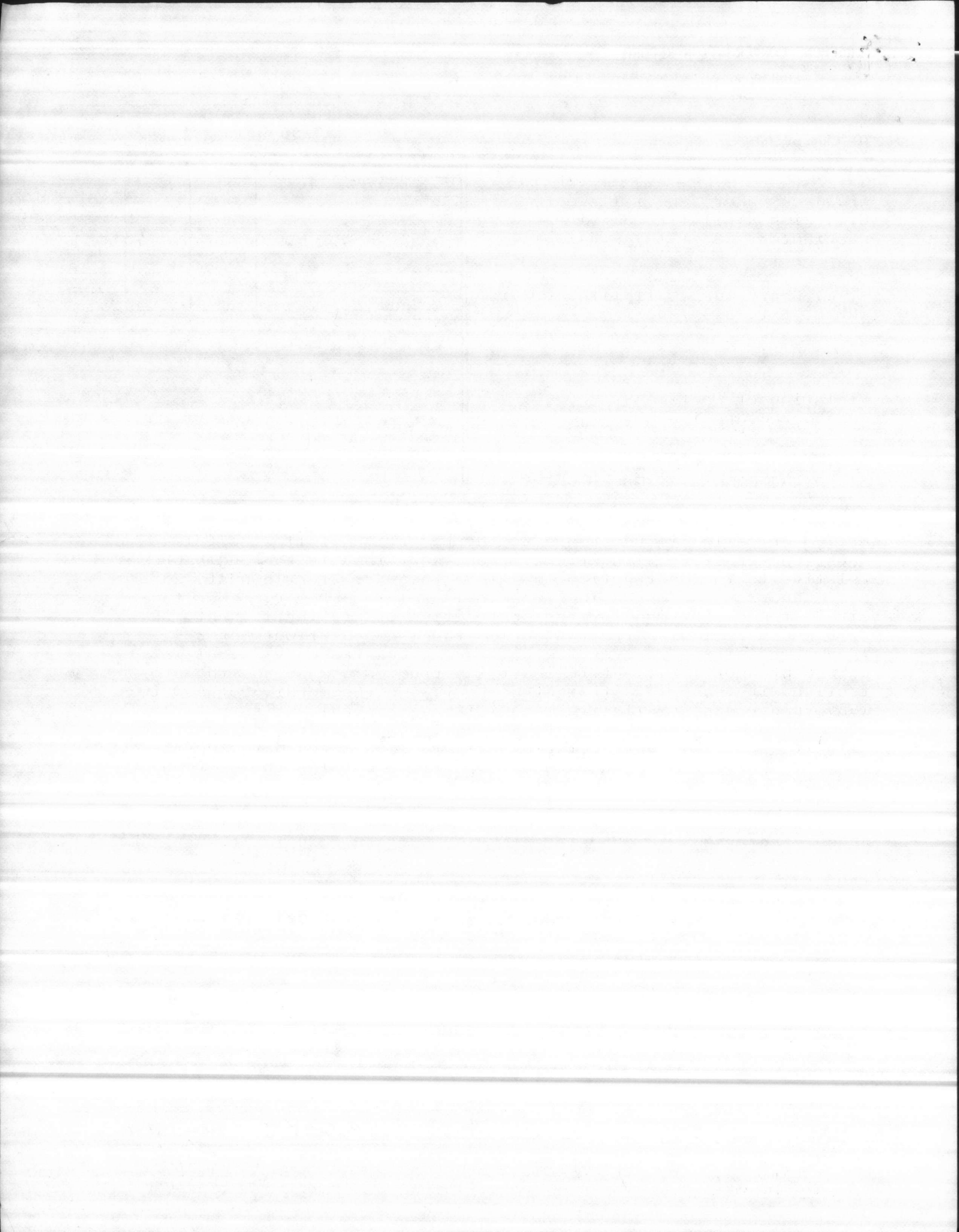
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COPIES TO:

SIGNATURE *Albert C Henry Jr*





d.w.  
Nov 87

TELEPHONE CONVERSATION RECORD  
MCBCL 2305/8

DATE
5 November 1987
TIME (Began-Completed)
1043 - 1045

(This record is to be used for both incoming and outgoing calls)

TO: Chief of Staff,

ORIGINATOR  
(Name, Title, Location & Telephone Number Charged)  
Mr. Jack Baker, Special Agent, U. S.  
Fish & Wildlife Serv., Washington,  
NC (919) 946-3361

PERSON CALLED  
(Name, Title, Location & Telephone Number Charged)  
C. D. PETERSON, BASE WILDLIFE  
Manager, NREAD  
extension 2195

SUBJECT  
VIOLATION OF SECTION 9  
ENDANGERED SPECIES ACT

COST OF CALL (NCB Units Only)  
 CHARGEABLE TO STATION ALLOTMENT       NOT CHARGEABLE TO STATION ALLOTMENT

ROUTING			
ACTIVITY OR NAME	ACTION	INFO	INITIAL

COMMENTS

SUMMARY OF CONVERSATION

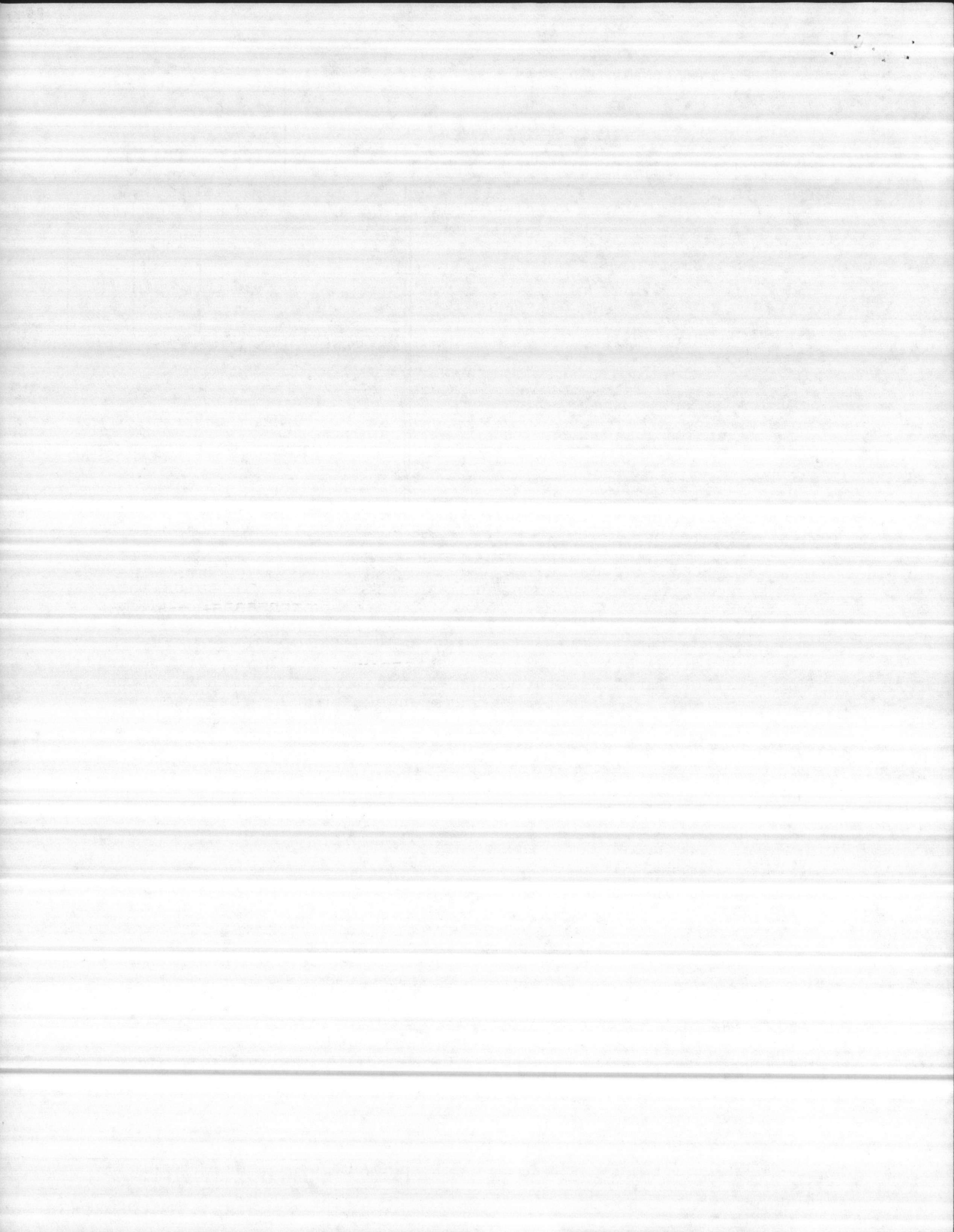
Mr. Baker called concerning the report contained in the enclosure relative to the destruction of Loggerhead Sea Turtle hatchlings and eggs at Onslow Beach. Since Mr. Peterson did not actually observe the violation, the discussion was in general terms respective to the information provided in the enclosure. Mr. Peterson informed the agent that Mr. Albert C. Henry, Jr., Wildlife Biologist, Natural Resources and Environmental Affairs Division was more familiar with the circumstances since he observed the nest after the violation had occurred. Mr. Baker plans to contact Mr. Henry by telephone after he returns from TDY on 9 November 1987.

COPIES TO:

SIGNATURE

*Charles D. Peterson*

ENCLOSURE (1)



11015/1b  
NREAD

OCT 09 1987

Mr. Gary Henry  
Endangered Species Field Office  
100 Otis Street, Room 224  
Asheville, North Carolina 28801

Dear Mr. Henry:

This is to notify your agency of a violation of Section 9 of the Endangered Species Act and applicable biological opinions for Marine Corps Base, Camp Lejeune, North Carolina. The violation involved unauthorized vehicle travel by unknown person(s) across a marked sea turtle nest located near Onslow Beach North Tower. Three Loggerhead sea turtle hatchlings and twenty-five eggs with embryos were destroyed by the vehicle.

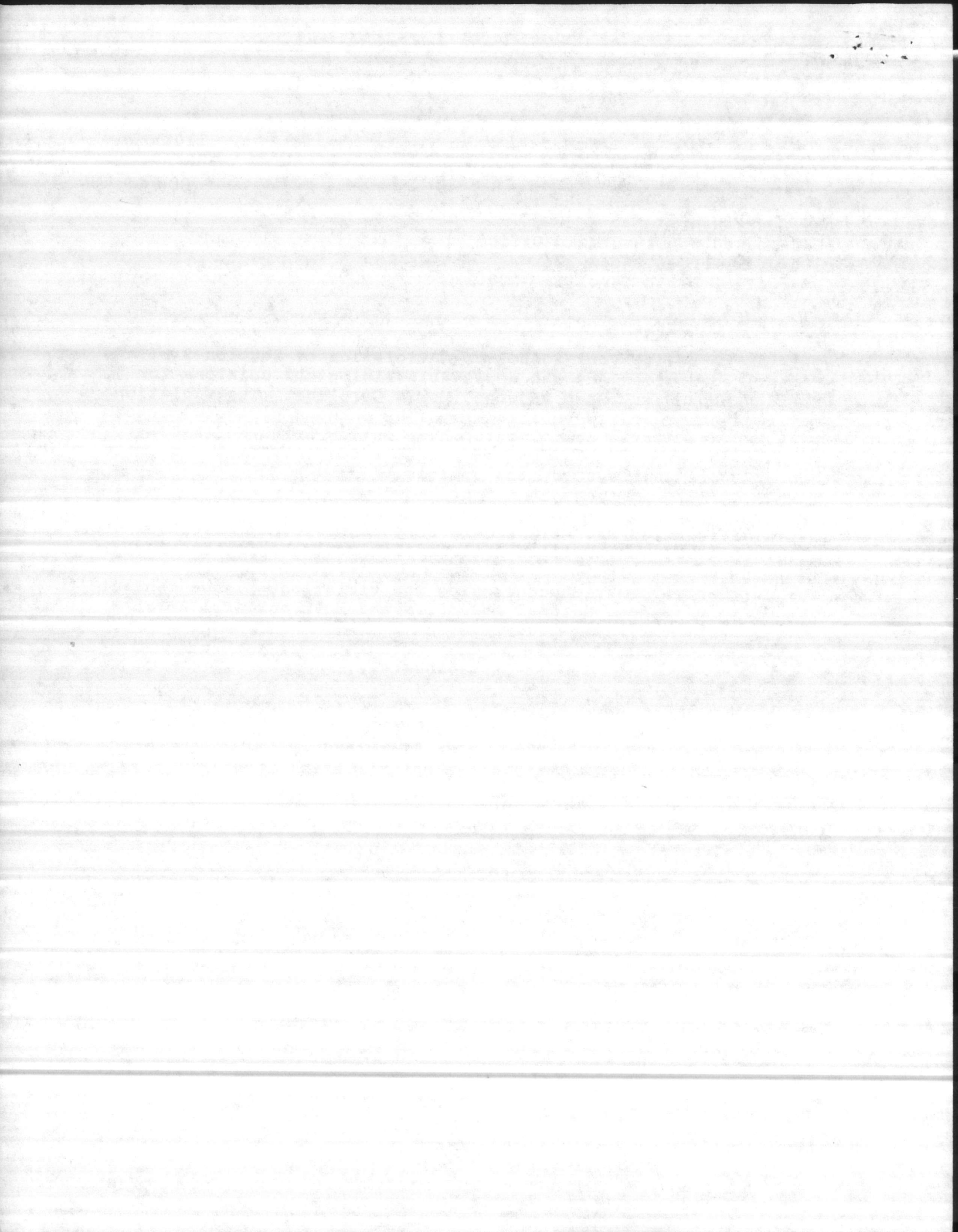
Mr. C. D. Peterson, Natural Resources and Environmental Affairs Division informed Ms. Mora Rogers of your office by telephone on 6 October 1987 that written notification would be forthcoming.

For further information concerning the violation, please contact Mr. C. D. Peterson, Natural Resources and Environmental Affairs Division, at (919) 451-2083/1690.

Sincerely,

B. W. ELSTON  
Deputy Assistant Chief of Staff, Facilities  
By direction of the Commanding General

Typed/Typist Peterson / Shianelis  
Date Typed 6 Oct 87  
Word Processor Number 28



File: 6280/7

NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS  
Marine Corps Base  
Camp Lejeune, North Carolina 28542

12 NOV 87

Date

From: Director

To: Deputy ACIS Facilities

Subj:

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If we can be of further assistance, please advise.

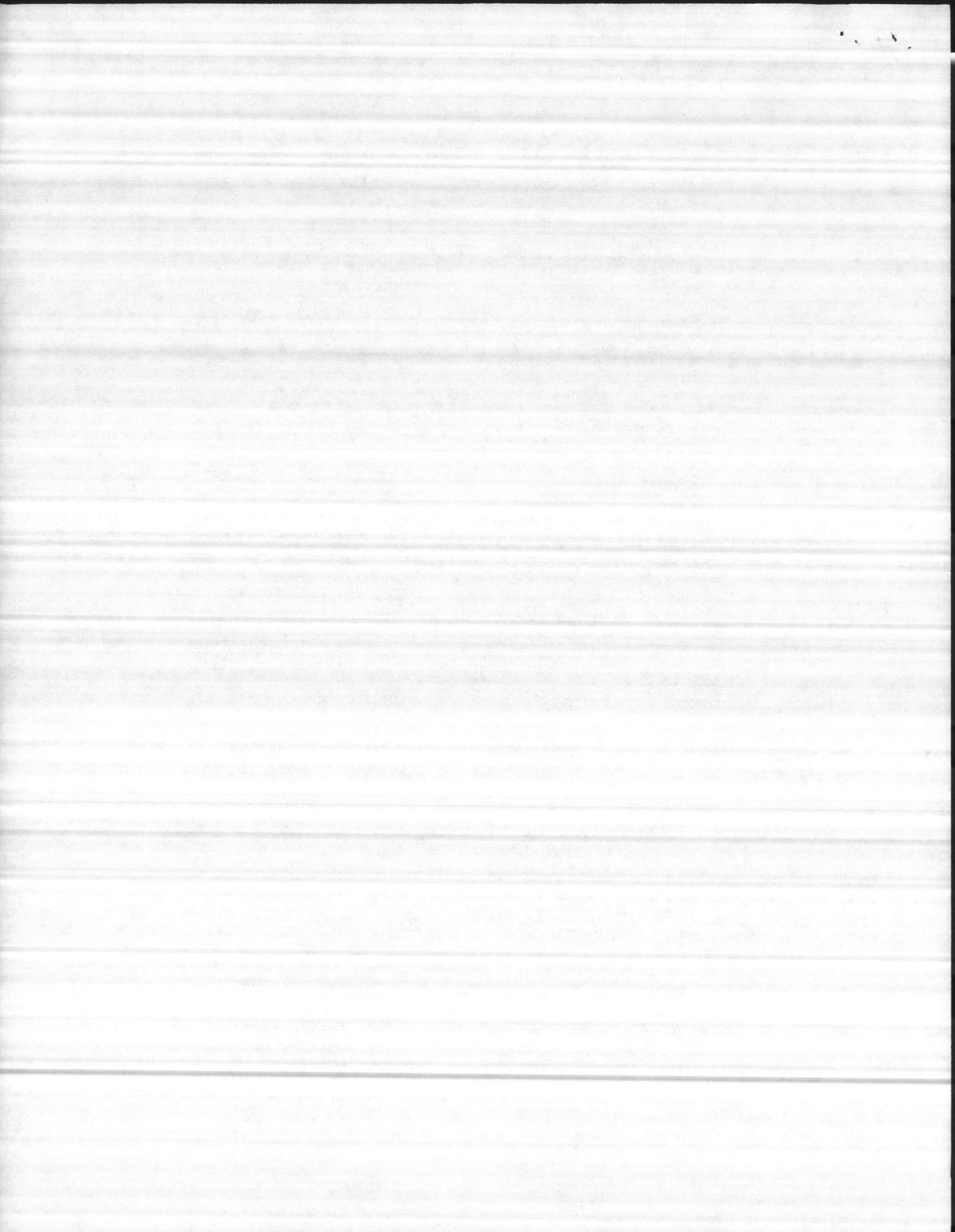
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C. Peterson

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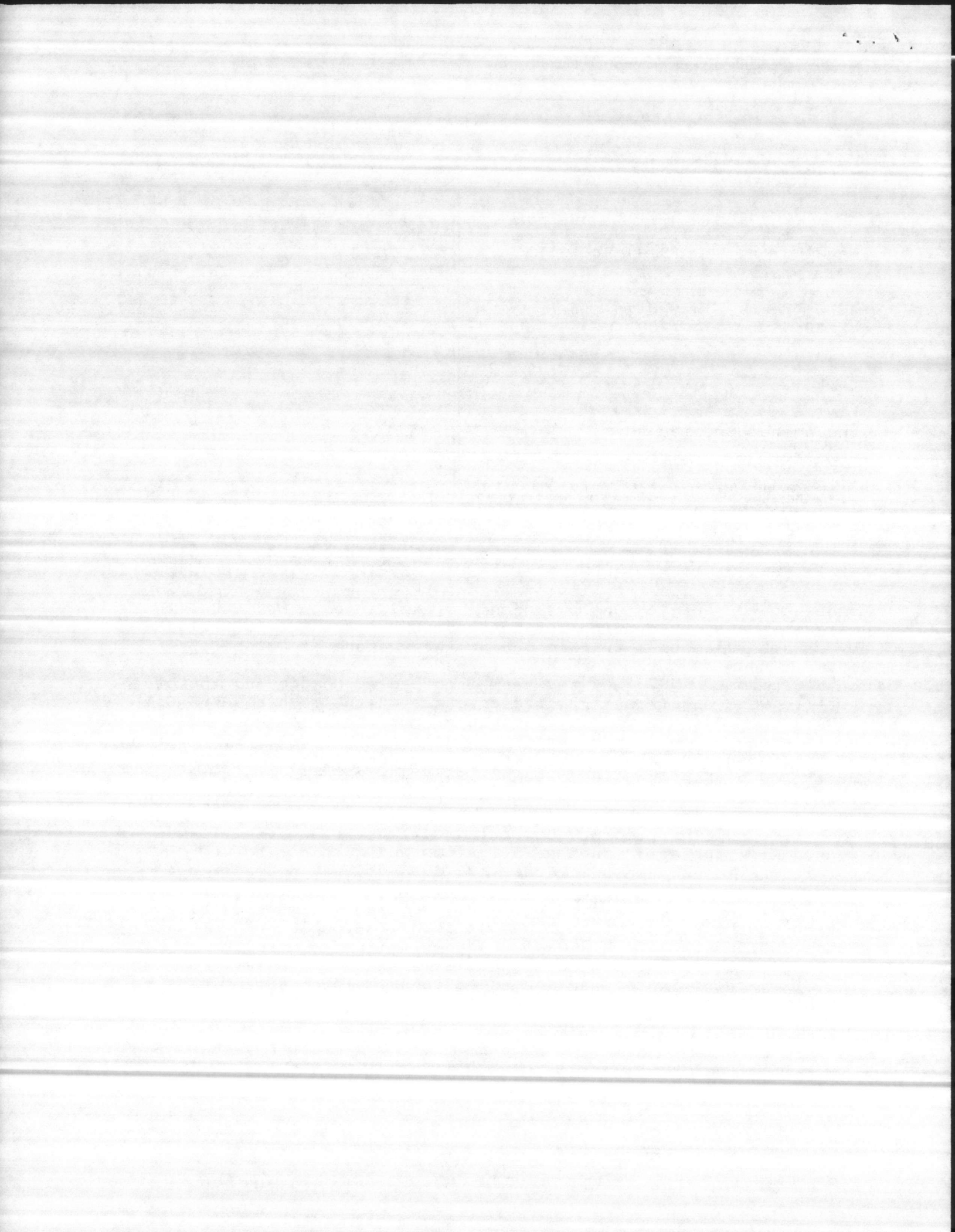
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COPIES TO:

SIGNATURE

*Albert C Henry Jr*





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Nov 87

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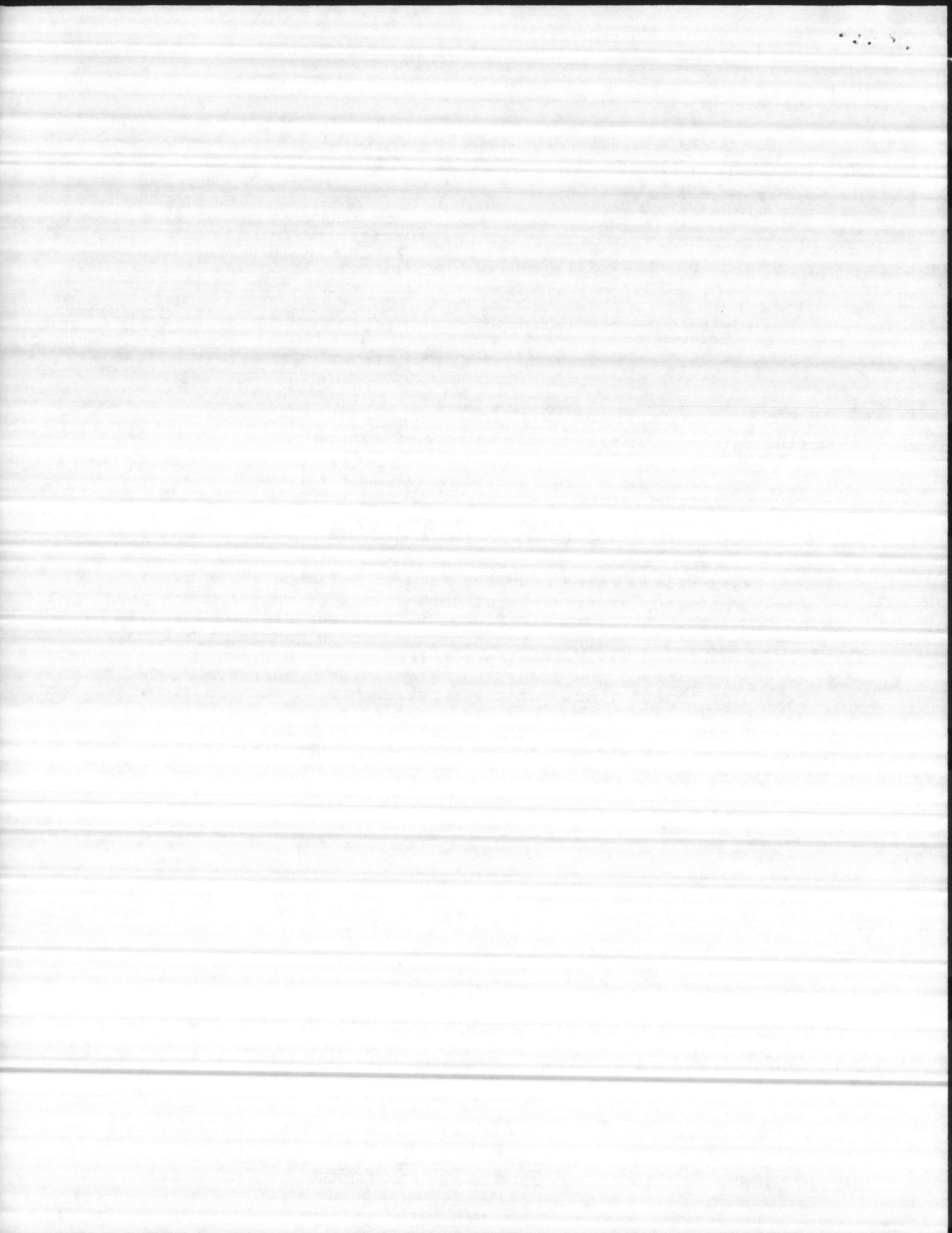
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COPIES TO:

SIGNATURE

*Charles D. Peterson*

ENCLOSURE (1)



NREAD

11015/lb  
NREAD

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Mr. C. D. Peterson, Natural Resources and Environmental Affairs Division informed Ms. Nora Rogers of your office by telephone on 6 October 1987 that written notification would be forthcoming.

For further information concerning the violation, please contact Mr. C. D. Peterson, Natural Resources and Environmental Affairs Division, at (919) 451-2083/1690.

Sincerely,

B. W. ELSTON  
Deputy Assistant Chief of Staff, Facilities  
By direction of the Commanding General

Author/Typist Peterson, Dianelle  
Date Typed 6 Oct 87  
Word Processor Number 28



W  
4

6280/7

6000  
FWD  
9 Nov 87

From: Public Works Officer, Marine Corps Base, Camp Lejeune  
To: Director, Natural Resources and Environmental Affairs  
Subj: CONTRACT FOR RED-COCKADED WOODPECKER BIOLOGICAL STUDY  
Ref: (a) NREA ltr 11015/1a NREAD of 14Sep87

1. The reference requested we investigate the possibility of obtaining a local contract with NC State University to perform the subject study.
2. Discussions with LANTDIV indicate a contract of this nature procured through this office would have to be competitive. Therefore, we could not go directly to NC State University as a sole source for performing the study.
3. I discussed the problem with Ms. Aria Strausser (Natural Resources/LANTDIV, Code 241B2). She indicated there is a similar woodpecker study currently in progress. The final report is due in the next few months. This study was contracted with NC State University through the Fish and Wildlife Services. It is recommended that you contact Mrs. Strasser (AV 565- 2371) about your needs.

F. E. CONE  
By direction

Copy to:  
EnvEngr

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PWO  
9 Nov 87

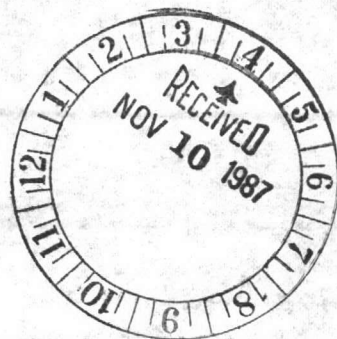
From: Public Works Officer, Marine Corps Base, Camp Lejeune  
To: Director, Natural Resources and Environmental Affairs  
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F. E. CONE  
By direction

Copy to:  
EnvEngr





A  
M



628017

~~75200~~  
ONE

5200  
NREAD  
6 Oct 87

From: Director, Natural Resources and Environmental Affairs  
Division, Marine Corps Base, Camp Lejeune  
To: Base Maintenance Officer, Marine Corps Base, Camp Lejeune  
Subj: CULVERT/BACKSLOPE DRAINAGE

Ref: (a) FONECON btwn Mr. Gary Henry, USFWS, and Mr. C. D.  
Peterson, NREAD of 31 Aug 87  
(b) Dir, NREAD ltr 5200 NREAD of 11 Sep 87

1. Reference (a) involved a discussion with Mr. Gary Henry, Staff Endangered Species Specialist, US Fish and Wildlife Service, Asheville Area Office relative to a culvert/backslope drainage problem and possible impact to marked endangered Red-Cockaded Woodpecker habitat. Purpose for the discussion was to determine if consultation was required relative to upgrading the existing drainage ditch which is within adjacent woodpecker habitat. A detail description of the problem area was provided through the discussion.

2. Mr. Henry provided the following response to the matter:

a. Formal consultation is required unless the work can be accomplished without damage to trees, root systems, vegetation and soils.

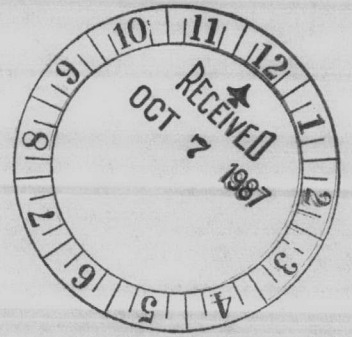
3. My Wildlife Branch personnel have looked at the proposed construction site on the ground and concluded the work can not be accomplished without damage to trees, root systems and vegetation. Recommendation/alternatives for possibly solving the drainage problem were provided by reference (b). If the alternatives are not feasible, formal consultation is recommended.

4. If additional information is desired, please contact Mr. Charles Peterson, Natural Resources and Environmental Affairs Division, extensions 2083/1690.

J. I. WOOTEN

Copy to:  
AC/S FAC





UNITED STATES MARINE CORPS  
Marine Corps Base  
Camp Lejeune, North Carolina 28542-5001

6280/7  
FAC  
SEP 02 1987

From: Assistant Chief of Staff, Facilities, Marine Corps Base, Camp  
Lejeune  
To: Public Works Officer  
Director, Natural Resources and Environmental Affairs  
Division

Subj: REVIEW OF TANK TRAIL RENOVATION PROJECTS AND IMPACTS ON  
ENDANGERED SPECIES

Ref: (a) Mtg btwn Mr. Gary Henry, U.S. Fish and Wildlife Services,  
and FAC Dept personnel on 7 Aug 87

1. Request your attendance at a meeting on 8 September 1987 at 0930  
in Building 1103 to address endangered species issues raised during  
the reference.
2. POC is Bob Alexander, extension 3034/3035.

K. J. KIRIACOPOULOS  
By direction

*[Handwritten signature]*  
8/31

*[Handwritten mark]*

UNITED STATES MARINE CORPS

MAILING LABEL

UNITED STATES MARINE CORPS

SEP 0 3 1987

FROM: DIRECTOR, MARINE CORPS HEADQUARTERS, WASHINGTON, D.C. 20380  
TO: [Illegible]  
SUBJECT: [Illegible]

RE: [Illegible]

[Illegible text block]

[Illegible text block]

1. [Illegible]  
2. [Illegible]

8/21

ASSISTANT CHIEF OF STAFF, FACILITIES  
HEADQUARTERS, MARINE CORPS BASE

T628017

DATE 2/14/81

TO:

BASE MAINT O

DIR, FAMILY HOUSING

PUBLIC WORKS O

DIR, BACHELOR HOUSING

COMM-ELECT O

BASE FIRE CHIEF

DIR., NAT. RESOURCES & ENV. AFFAIRS

ATTN: Mr. Wooten

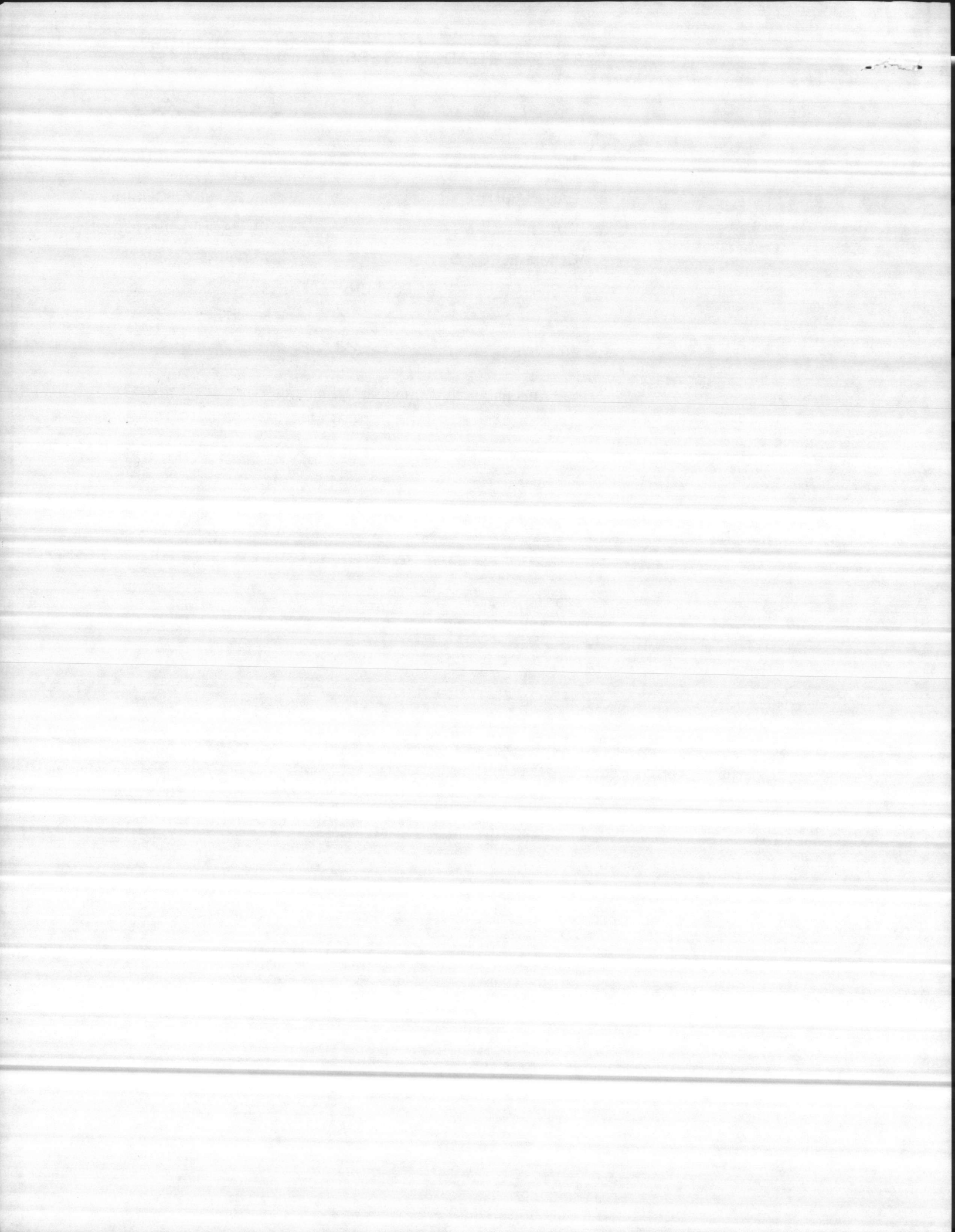
1. Attached is forwarded for info/action.

2. Please initial, or comment, and return all papers to this office.

3. Your file copy.

*Wooten*  
*by [signature]*

"LET'S THINK OF A FEW REASONS  
WHY IT CAN BE DONE"



OFFICE OF THE STAFF JUDGE ADVOCATE  
Marine Corps Base  
Camp Lejeune, North Carolina 28542

11000  
SJA4

From: Staff Judge Advocate, Marine Corps Base, Camp Lejeune  
To: Director, Natural Resources and Environmental Affairs Division, Marine  
Corps Base, Camp Lejeune

→ Via: Assistant Chief of Staff, Facilities, Marine Corps Base, Camp Lejeune

Subj: ENDANGERED SPECIES

Encl: (1) 52 Fed. Reg. 11,162 (1987) (to be codified in 50 C.F.R. § 17)  
(2) 52 Fed. Reg. 11,170 (1987) (to be codified in 50 C.F.R. § 17)  
(3) 51 Fed. Reg. 11,172 (1987) (to be codified in 50 C.F.R. § 17)

1. The enclosures pertain to recent new listings of certain threatened/endangered wildlife/plants. They are provided for your information and action as appropriate.

M. R. MCCARTY  
By direction



OFFICE OF THE STATE JUDGE ADVOCATE  
Marine Corps  
Camp Lejeune, North Carolina 28542

11000  
3344

From: Staff Judge Advocate, Marine Corps Base, Camp Lejeune  
To: Director, Naval Resources and Environmental Affairs Division, Marine  
Corps Base, Camp Lejeune  
Subject: Assignment List of Staff Judge Advocates, Marine Corps Base,

Subject: ASSIGNMENT LIST

- Enc: (1) 52 Feb. Rev. 11, 1982 (1982) (to be published in 5048.1 (17))  
(2) 5 Feb. Rev. 11, 1981 (1981) (to be published in 5048.1 (17))  
(3) 51 Feb. Rev. 11, 1980 (1980) (to be published in 5048.1 (17))

The enclosed contain the latest and complete list of assignments  
issued/assigned with dates. They are provided for your information  
and action as appropriate.

M. H. MCCARTHY  
By Direction





T6280/7

ASSISTANT CHIEF OF STAFF, FACILITIES  
HEADQUARTERS, MARINE CORPS BASE

File:  
6280/7

DATE 4/27/87

TO:

BASE MAINT O

DIR, FAMILY HOUSING

PUBLIC WORKS O

DIR, BACHELOR HOUSING

COMM-ELECT O

BASE FIRE CHIEF

DIR., NAT. RESOURCES & ENV. AFFAIRS

ATTN: Mr Wooten

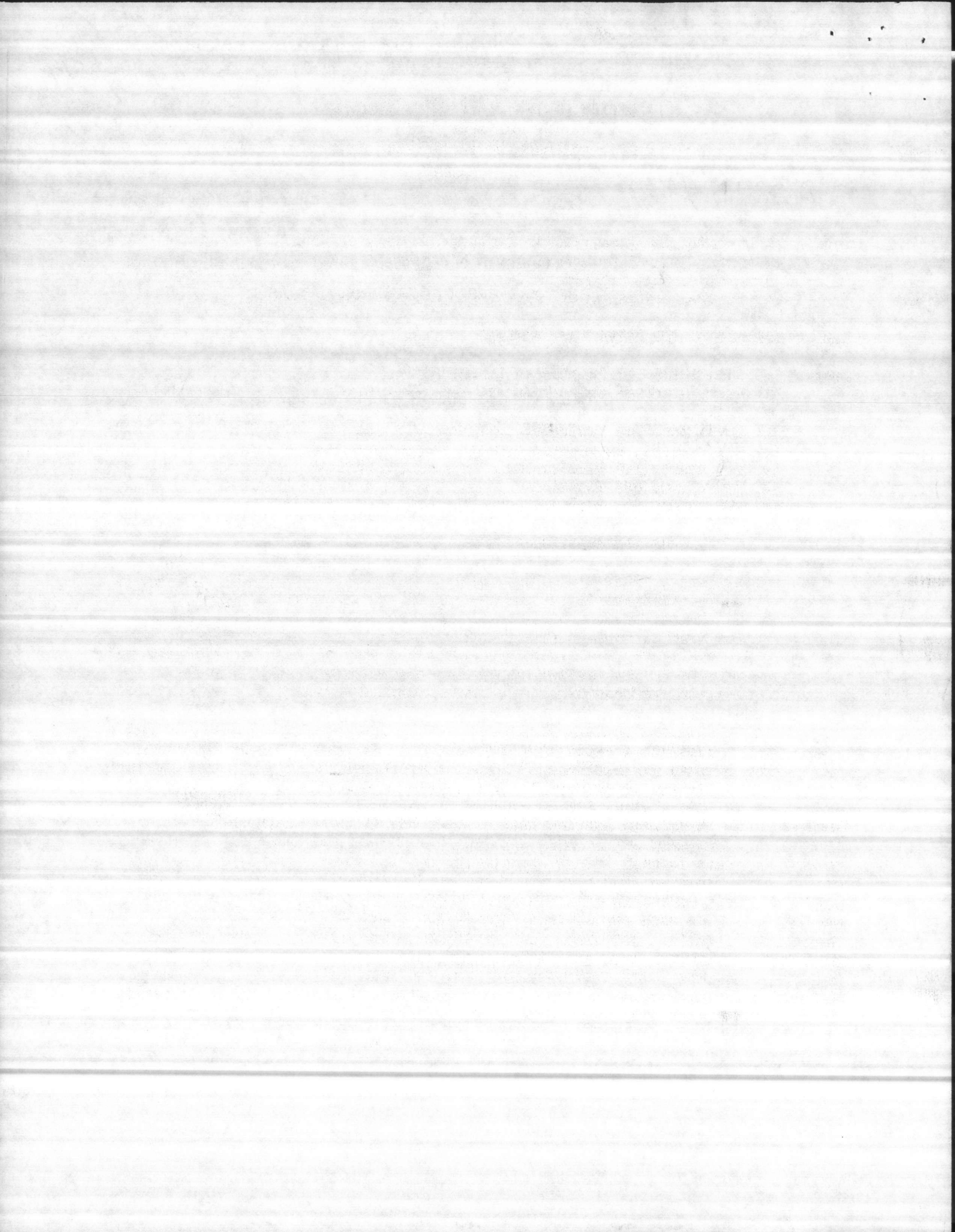
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2. Please initial, or comment, and return all papers to this office.

3. Your file copy.

*B. Wooten*  
*By du*

"LET'S THINK OF A FEW REASONS  
WHY IT CAN BE DONE"



OFFICE OF THE STAFF JUDGE ADVOCATE  
Marine Corps Base  
Camp Lejeune, North Carolina 28542

11010  
SJA47

23 APR 1987

From: Staff Judge Advocate, Marine Corps Base, Camp Lejeune  
To: Director, Natural Resources and Environmental Affairs Division, Marine  
Corps Base, Camp Lejeune

→ Via: Assistant Chief of Staff, Facilities, Marine Corps Base, Camp Lejeune *BWC 4/27/86*

Subj: ENDANGERED AND THREATENED SPECIES

Ref: (a) Dir, NREAD ltr 11010/2 of 10 Mar 1987  
(b) North Carolina Endangered and Special Concern Plant List (revised Jan 1986)  
(c) North Carolina Protection and Conservation Act of 1983  
(d) BO 11015.3A, Endangered Species Protection Program  
(e) The Endangered Species Act, 16 U.S.C. § 1531 et seq.  
(f) Endangered and Threatened Plant list 50 C.F.R. § 17.11  
(g) MCO P11000.8B, Real Property Facilities Manual

Encl: (1) North Carolina Department of Agriculture Rules and Regulations

1. In response to your request, reference (a), I have reviewed the references to ascertain the applicability of references (b) and (c) for inclusion in reference (d), presently in revision. In my opinion, the North Carolina Endangered and Special Concern Plant List, reference (b), and the applicable provisions of the North Carolina Protection and Conservation Act, reference (c), should be included in the revised version of the Base Endangered Species Protection Program, reference (d), for the following reasons:

a. The Endangered Species Act, reference (e), provides in § 1535(f) that a "State law or regulation respecting the taking of an endangered or threatened species may be more restrictive..." than Federal law "but not less restrictive than the prohibitions so defined." This provision demonstrates Congressional intent not to void a state law or regulation which is more protective of endangered or threatened species than Federal law or regulations. North Carolina's Endangered and Special Concern Plant list, reference (b) is more restrictive than Federal law or regulation, as there are more protected plants on the North Carolina list than are found on the Federal list defined in 50 C.F.R. § 17.11, reference (f). Because Congress has provided that a State regulation may be more restrictive than Federal law, the North Carolina regulation is valid. Paragraph 4103.1d of reference (g) states in pertinent part that "...Marine Corps activities shall comply with the requirements of Federal, State and local environmental laws and regulations...." Therefore, the State list of Endangered and Threatened Plants should be utilized to ascertain which plants aboard the installation must be protected.

OFFICE OF THE STATE OMBUDSMAN  
Maine State House  
Augusta, Maine 04402

23 APR 1987

From: State Ombudsman, Maine State House  
To: Director, Environmental Affairs Division, Maine State House

Subject: Environmental Affairs Division, Maine State House

- RE: (a) The Maine Environmental and Conservation Act of 1980  
(b) Maine Environmental and Conservation Act of 1980  
(c) The Maine Environmental and Conservation Act of 1980  
(d) The Maine Environmental and Conservation Act of 1980  
(e) The Maine Environmental and Conservation Act of 1980  
(f) The Maine Environmental and Conservation Act of 1980  
(g) The Maine Environmental and Conservation Act of 1980

The Maine Environmental and Conservation Act of 1980...  
In response to your request, reference (a) I have reviewed the...  
to ascertain the applicability of reference (b) and (c) for...  
reference (d) is necessary in revisiting in my opinion the...  
and Special Conservation Plans (a), reference (b), and the...  
reference (c) of the Maine Environmental and Conservation Act...  
should be included in the revised version of the...  
Protection Program, reference (d) for the following reasons:  
The Environmental and Conservation Act of 1980...  
state law or regulation regarding the...  
reference (a) of the Maine Environmental and Conservation Act...  
reference (b) of the Maine Environmental and Conservation Act...  
reference (c) of the Maine Environmental and Conservation Act...  
reference (d) of the Maine Environmental and Conservation Act...  
reference (e) of the Maine Environmental and Conservation Act...  
reference (f) of the Maine Environmental and Conservation Act...  
reference (g) of the Maine Environmental and Conservation Act...

b. Regarding the applicability of the North Carolina Act to Camp Lejeune, to the extent that the North Carolina Act is more restrictive than, or equally as restrictive as the Endangered Species Act, the North Carolina Act is valid. To the extent that the North Carolina Act and its regulations are more restrictive than Federal law, those portions of the North Carolina law should be incorporated in the revised Base Order. For example, the North Carolina Act makes it unlawful "to uproot, dig, or otherwise disturb an endangered or threatened plant..." whereas Federal law in 16 U.S.C. § 1538(2)(8) is less explicit and less restrictive by making it unlawful to "remove or reduce to possession" an endangered or threatened plant. The language of the North Carolina Act should be used in the Base Order.

2. In my opinion, the revised Base Order should give notice to potential violators that endangered and threatened plants are protected by both Federal and North Carolina law. The Order should state that all persons who knowingly violate these laws may be prosecuted by Base authorities in a federal court for violating either North Carolina law as assimilated by Federal law or applicable Federal law. The Endangered Species Act in 16 U.S.C. § 1540(a)(1) authorizes civil penalties in the amount of not more than \$10,000 per violation. Criminal violations of the Endangered Species Act may be punished, as authorized by 16 U.S.C. § 1540(b)(1), by a fine of not more than \$20,000 or imprisonment for not more than one year, or both. The Order should also explicitly provide that it is a punitive order in order to allow prosecution at court-martial of military members who violate the Order. The following language is recommended for inclusion in the Base Order:

"This Order is punitive in nature. Violations of this Order by personnel subject to the UCMJ may be punished as violations of Article 92, UCMJ. The endangered or threatened plants listed in enclosure ( ) are protected by North Carolina and Federal law, and knowing violations of these laws may also be prosecuted in a federal court. Violations may also be punished by criminal fines not to exceed \$20,000 or imprisonment for one year, or both. Civil penalties up to \$10,000 per violation may also be imposed upon those who violate the laws which protect endangered or threatened plants."

3. For your use and information, I forward references (e) and (f) and enclosure (1) which are copies of the Endangered Species Act, the rule promulgated by the Fish and Wildlife Service implementing the Endangered Species Act, and the North Carolina Rules which implement the North Carolina Protection and Conservation Act respectively.

A. P. TOKARZ

Drafter: Capt Dougherty, 5177, CivLaw  
Typist: Pfc Brown, 4/16



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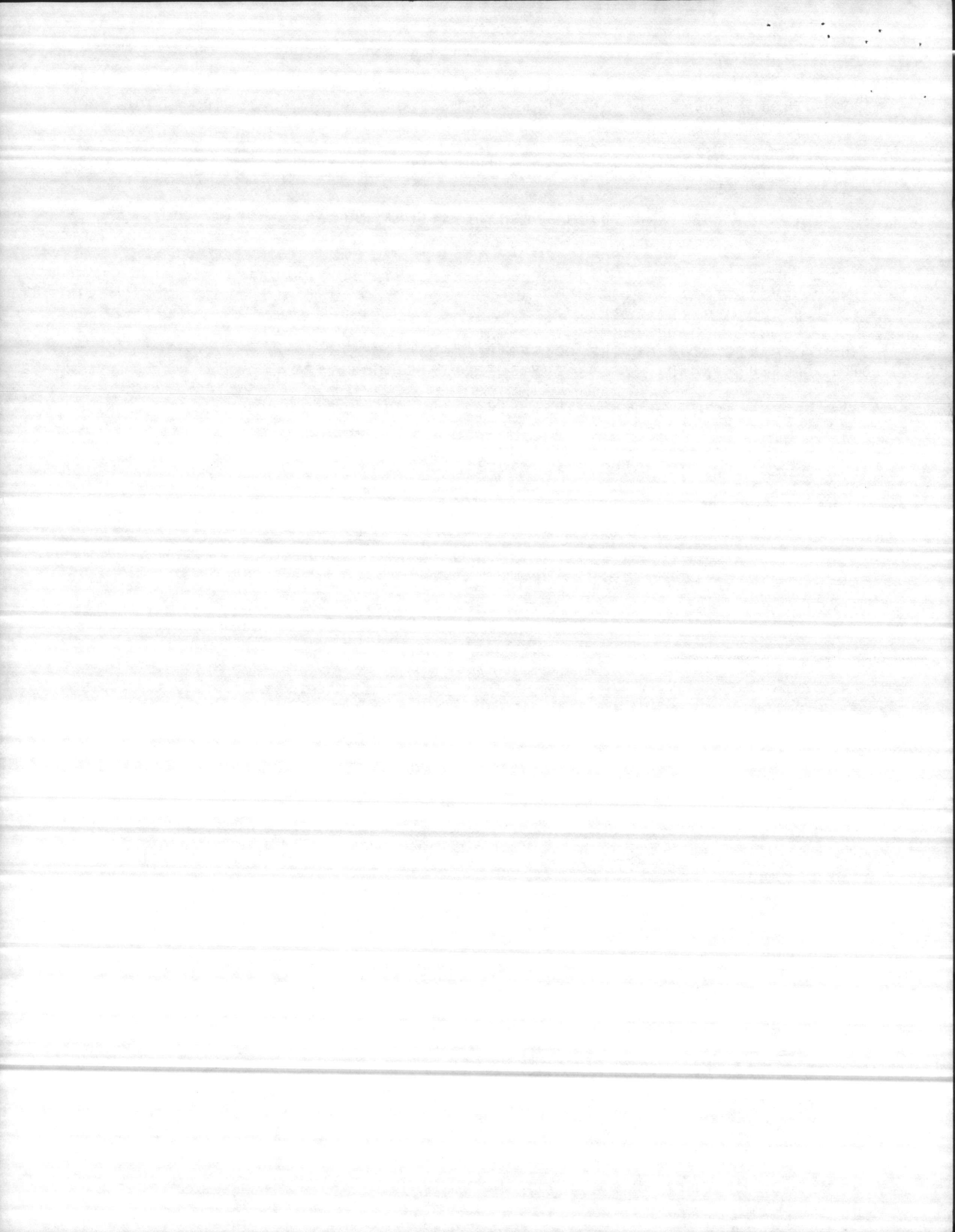
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SUBCHAPTER 10G - PLANT INDUSTRY 85.30

SECTION .0100 - ORGANIZATIONAL RULES 85.32

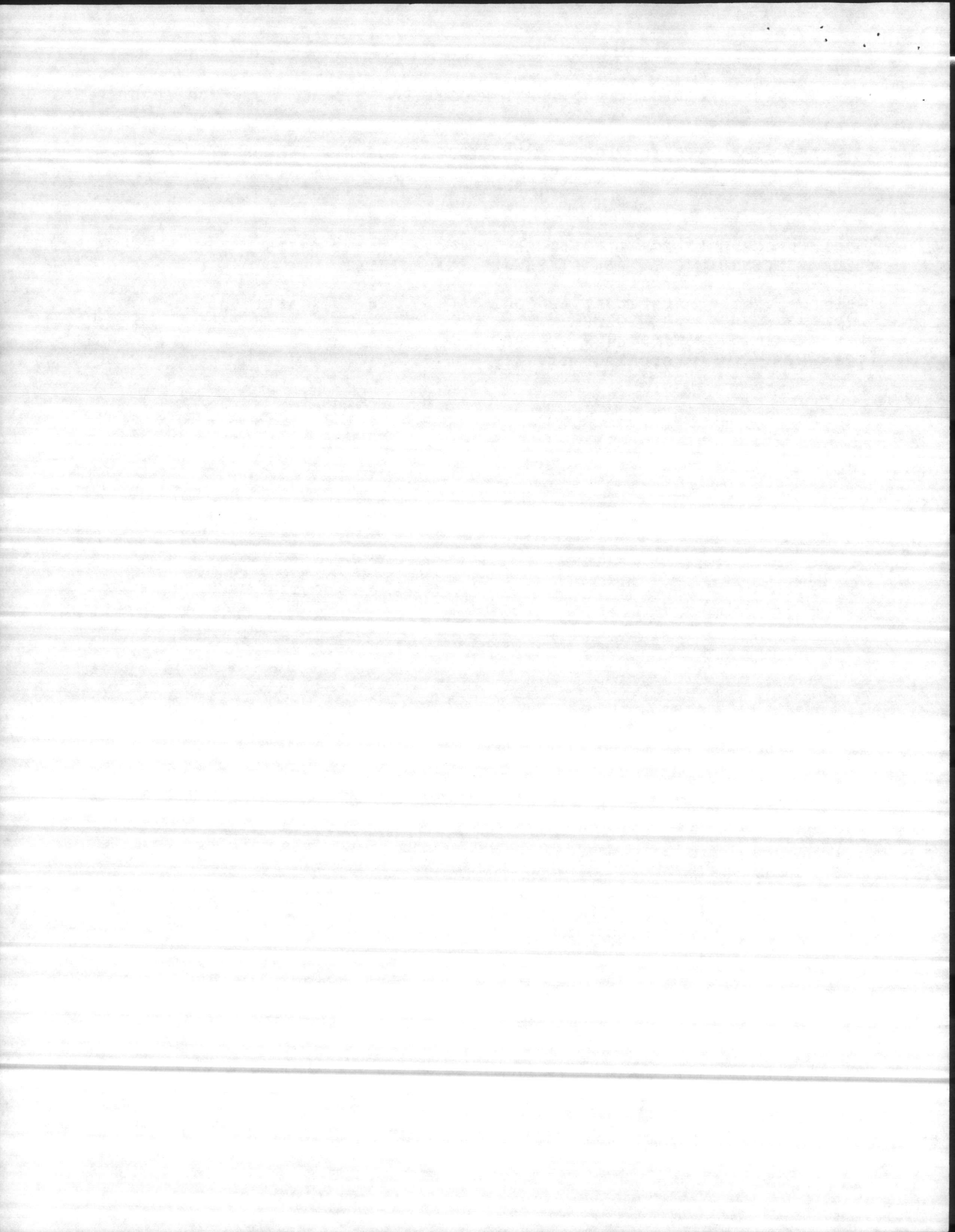
- .0101 POLICIES OF THE PLANT SPECIES CONSERVATION PROGRAM 85.34
- .0102 DEFINITIONS 85.35
- .0103 BOARD ORGANIZATION 85.36
- .0104 POWERS AND DUTIES OF THE BOARD 85.37
- .0105 ORGANIZATION OF THE SCIENTIFIC COMMITTEE 85.38
- .0106 POWERS AND DUTIES OF THE SCIENTIFIC COMMITTEE 85.39

History Note: Statutory Authority G.S. 106-202.1 through 85.42  
 106-202.8; 85.43  
 Eff. July 1, 1980; 85.44  
 Repealed Eff. May 1, 1984. 85.45



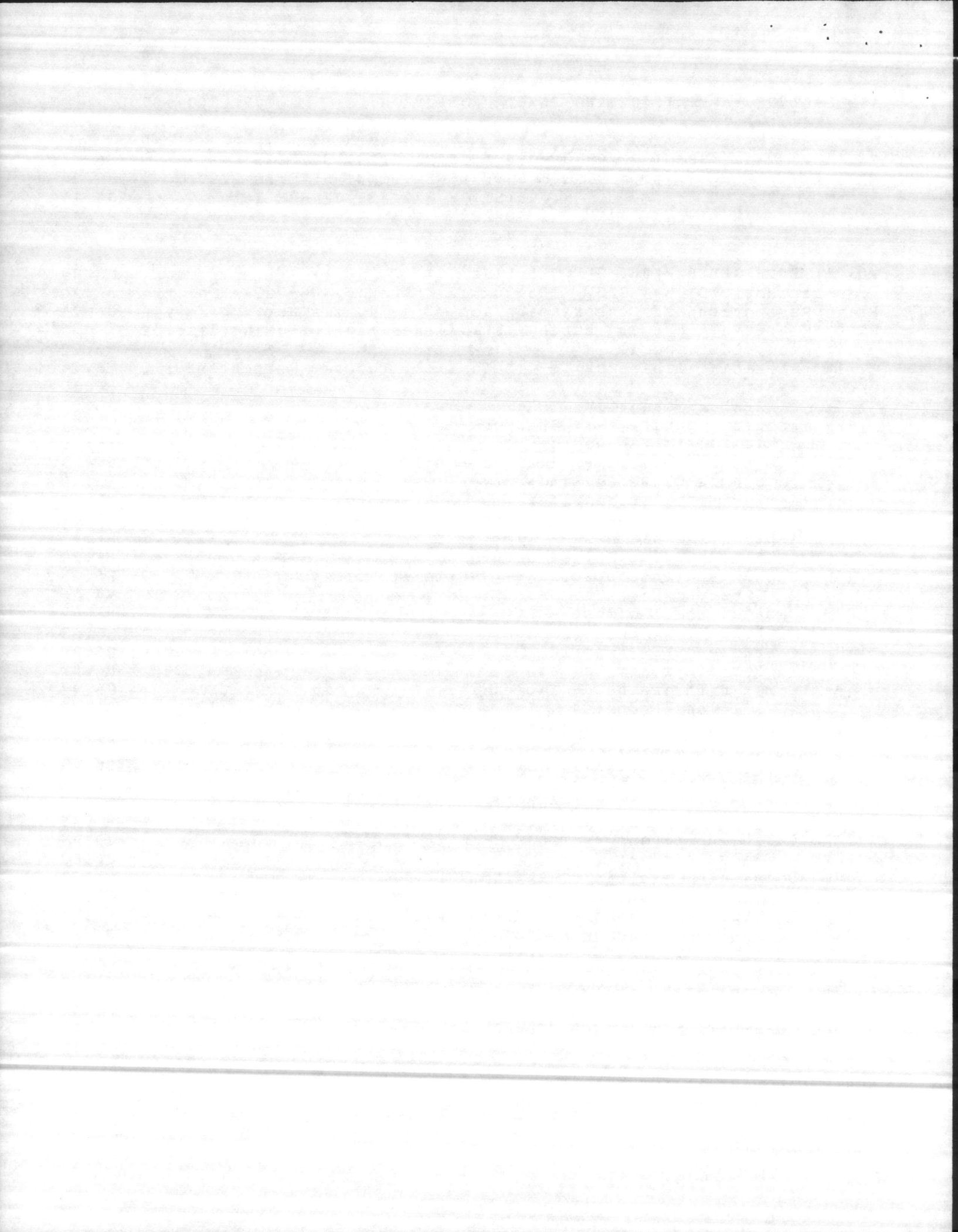


SECTION .0200 - PROCEDURES FOR PLACING ON	85.52
PROTECTED PLANT LISTS;	85.53
PENALTIES AND ENFORCEMENT	85.54
.0201 PROCEDURES FOR PLACING ON PROTECTED PLANT LISTS	85.56
.0202 UNLAWFUL ACTS: PENALTIES AND ENFORCEMENT	85.57
History Note: Statutory Authority G.S. 106-202.1 through	86.3
106-202.8;	86.4
Eff. July 1, 1980;	86.5
Repealed Eff. May 1, 1984.	86.6

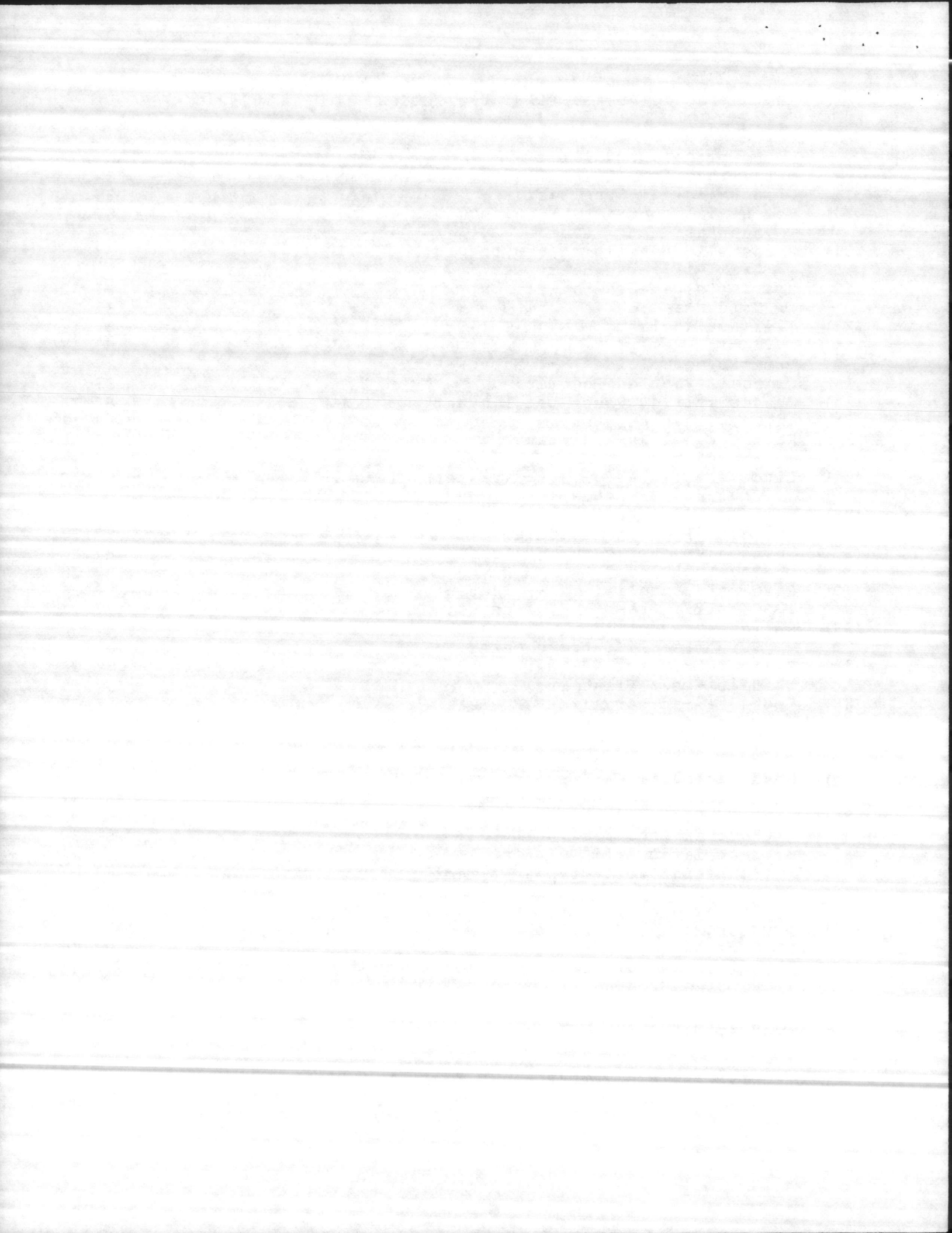


SECTION .0300 - ENDANGERED PLANT SPECIES LIST;	86.13
THREATENED PLANT SPECIES LIST;	86.14
LIST OF SPECIES OF SPECIAL CONCERN	86.15
	86.16

.0301 ENDANGERED PLANT SPECIES LIST	86.18
As authorized by G.S. 106-202.12 through 106-202.19 of the	86.20
Plant Protection and Conservation Act of 1979, the North Carolina	86.21
Plant Conservation Board hereby establishes the following list of	
endangered plant species:	86.22
(1) <i>Arenaria alabamensis</i> -- (McCormick, Eozeman & Spongberg)	86.24
Wyatt	86.25
Alabama sandwort;	86.26
(2) <i>Arenaria godfreyi</i> -- Shinners	86.27
Godfrey's Sandwort;	86.28
(3) <i>Arenaria uniflora</i> -- (Walter) Muhl.	86.29
Single Flowered Sandwort;	86.30
(4) <i>Asplenium heteroresillens</i> -- W. H. Wagner	86.31
Carolina Spleenwort Fern;	86.32
(5) <i>Asplenium monanthes</i> -- L.	86.33
Single Sorus Spleenwort Fern;	86.34
(6) <i>Buckleya distichophylla</i> -- (Nuttall) Torrey	86.35
Piratebush;	86.36
(7) <i>Camassia scilloides</i> -- Raf.	86.37
Wild Hyacinth;	86.38
(8) <i>Carex aenea</i> -- Fernald	86.39
Fernald's Hay Sedge;	86.40
(9) <i>Carex biltmoreana</i> -- MacKenzie	86.41
Biltmore Sedge;	86.42
(10) <i>Carex purpurifera</i> -- Mackenzie	86.43
Purple Sedge;	86.44
(11) <i>Coreopsis latifolia</i> -- Michaux	86.45
Broadleaf Coreopsis;	86.46
(12) <i>Cystopteris X tennesseensis</i> - Shaver	86.47
Tennessee Bladder Fern;	86.48
(13) <i>Dalibarda repens</i> -- L.	86.49
False Violet;	86.50
(14) <i>Delphinium exaltatum</i> -- Aiton	86.51
Tall Larkspur;	86.52
(15) <i>Eupatorium resinsum</i> -- Torrey ex DC	86.53
Resinous Joe-Pye-Weed;	86.54
(16) <i>Gentiana crinita</i> -- Froelich	86.55
Fringed Gentian;	86.56
(17) <i>Glyceria nubigena</i> -- W.A. Anderson	86.57
Smokey Mtn. Mannagrass;	87.1
(18) <i>Grammitis nimbata</i> -- (Jenm.) Proctor	87.2



	Dwarf Polypody Fern;	87.3
(19)	Helianthus schweinitzii --T. & G. Schweinitz' Sunflower;	87.4 87.5
(20)	Hexastylis contracta -- Blomquist Mountain Heart Leaf;	87.6 87.7
(21)	Hexastylis naniflora -- Blomquist Dwarf-flowered Heart Leaf;	87.8 87.9
(22)	Hydrastis canadensis - L. Goldenseal;	87.10 87.11
(23)	Ilex amelanchier -- M.A. Curtis Sarvis Holly;	87.12 87.13
(24)	Isotria medeoloides -- (Pursh) Raf. Small Whorled Pogonia;	87.14 87.15
(25)	Juncus trifidus ssp. carolinianus -- Hamet Aht. One Flowered Rush;	87.16 87.17
(26)	Kalmia cuneata -- Michaux White Wicky;	87.18 87.19
(27)	Lindera melissaefolia -- (Walter) Blume Southern Spicebush;	87.20 87.21
(28)	Lysimachia asperulaefolia -- Poiret Rough-leaf Loosestrife;	87.22 87.23
(29)	Narthecium americanum -- Ker Bog Asphodel;	87.24 87.25
(30)	Parnassia caroliniana -- Michaux Carolina Grass-of-Farnassus;	87.26 87.27
(31)	Pellaea X wrightiana -- Hooker Wright's Cliff-brake Fern;	87.28 87.29
(32)	Plantago cordata -- Lam. Heart-leaf Plantain;	87.30 87.31
(33)	Psoralea macrophylla -- Rowlee Bigleaf Scurfpea;	87.32 87.33
(34)	Pyxidantha barbulata var. brevifolia -- (Wells) Ahles Well's Pyxie-moss;	87.34 87.35
(35)	Rhus michauxii -- Sargent Michaux' False Sumac;	87.36 87.37
(36)	Sagittaria fasciculata -- E.O. Beal Bunched Arrowhead;	87.38 87.39
(37)	Sarracenia jonesii -- Wherry Mountain Sweet Pitcher plant;	87.40 87.41
(38)	Sedum pusillum -- Michaux Puck's Orpine;	87.42 87.43
(39)	Sedum rosea -- (L.) Scop. Roseroot;	87.44 87.45
(40)	Senecio schweinitzianus -- Nuttall Robbins Groundsel;	87.46 87.47
(41)	Shortia galacifolia -- T. & G. Oconee Bells;	87.48 87.49



(42)	Solidago pulchra -- Small	87.50
	Carolina Goldenrod;	87.51
(43)	Solidago spithamaea -- M.A. Curtis	87.52
	Blue Ridge Goldenrod;	87.53
(44)	Solidago verna -- M.A. Curtis ex T. & G.	87.54
	Spring-flowering Goldenrod;	87.55
(45)	Sporobolus heterolepis -- Gray	87.56
	Prairie Dropseed;	87.57
(46)	Thalictrum cooleyi -- Ahles	88.1
	Cooley's Meadowrue;	88.2
(47)	Trillium pusillum -- Michaux	88.3
	Carolina Trillium;	88.4
(48)	Trisetum spicatum var. molle -- (Michaux) Beal	88.5
	Soft Trisetum	88.6

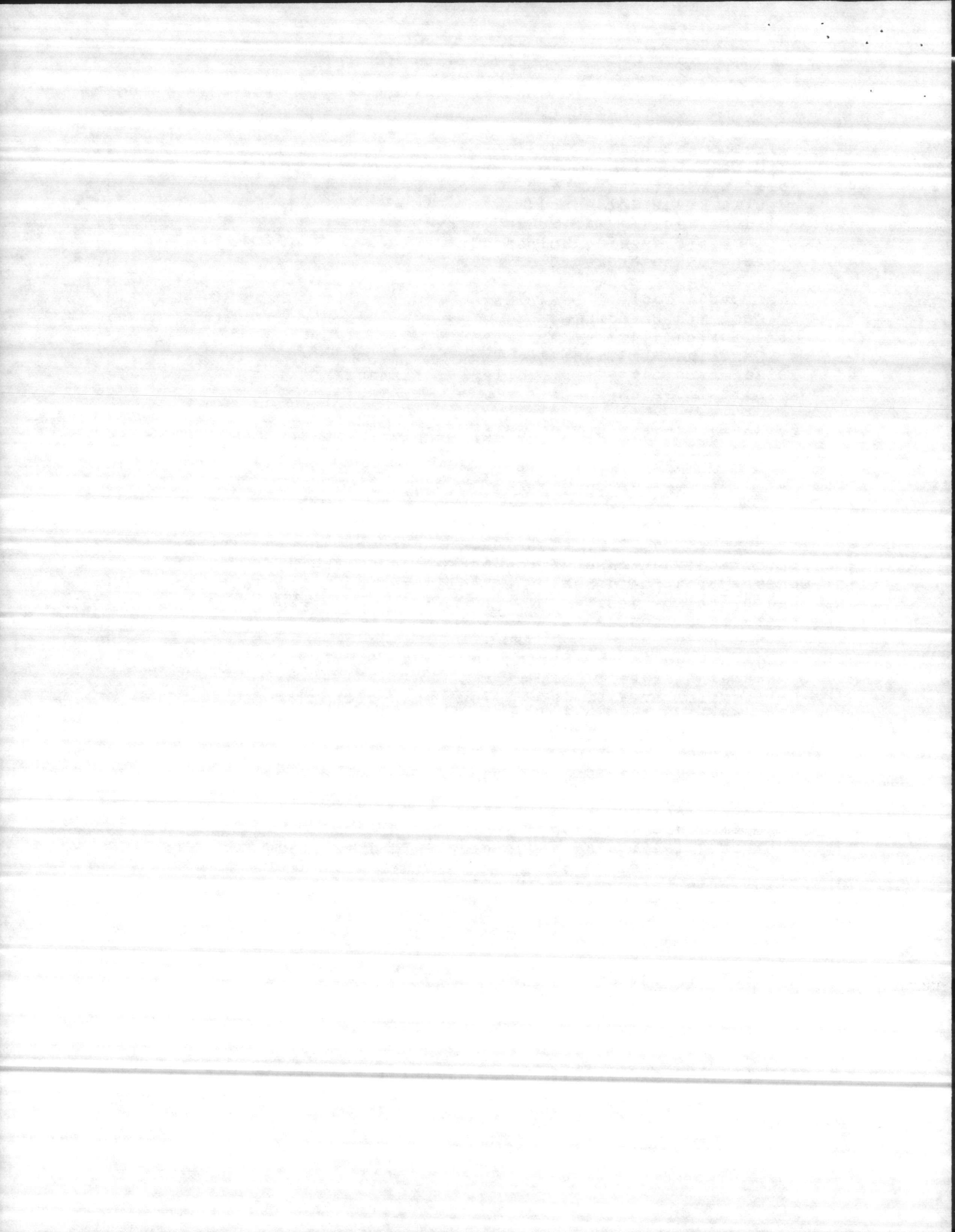
History Note:	Statutory Authority G.S. 106-202.12 through	88.9
	106-202.19;	88.10
	Eff. July 1, 1980;	88.11
	Amended Eff. May 1, 1984.	88.12

.0302 THREATENED PLANT SPECIES LIST 88.14

As authorized by G.S. 106-202.12 through 106-202.19 of the 88.16  
 Plant Protection and Conservation Act of 1979, the North Carolina 88.17  
 Plant Conservation Board hereby establishes the following list of

threatened plant species: 88.18

(1)	Arethusa bulbosa -- L.	88.18
	Bog Rose;	88.20
(2)	Cacalia rugelii -- (Shuttl. ex Chapman) Barkley & Cronq.	88.21
	Rugel's Ragwort;	88.22
(3)	Calamovilfa brevifolia -- (Torrey) Scribner	88.23
	Riverbank Sandreed;	88.24
(4)	Carex chapmanii -- Steudel	88.25
	Chapman's Sedge;	88.26
(5)	Carex misera -- Buckley	88.27
	Wretched Sedge;	88.28
(6)	Carya myristicifolia -- (Michaux F.) Nuttall	88.29
	Nutmeg Hickory;	88.30
(7)	Echinacea laevigata -- (Boynnton & Fendler) Blake	88.31
	Smooth Coneflower;	88.32
(8)	Eleocharis halophila -- Fernald & Brack.	88.33
	Split Spikerush;	88.34
(9)	Geum geniculatum -- Michaux	88.35
	Bent Avens;	88.36
(10)	Geum radiatum -- Gray	88.37
	Spreading Avens;	88.38
(11)	Habenaria integra -- (Nuttall) Sprengel	88.39
	Yellow Fringeless Orchid;	88.40
		88.41



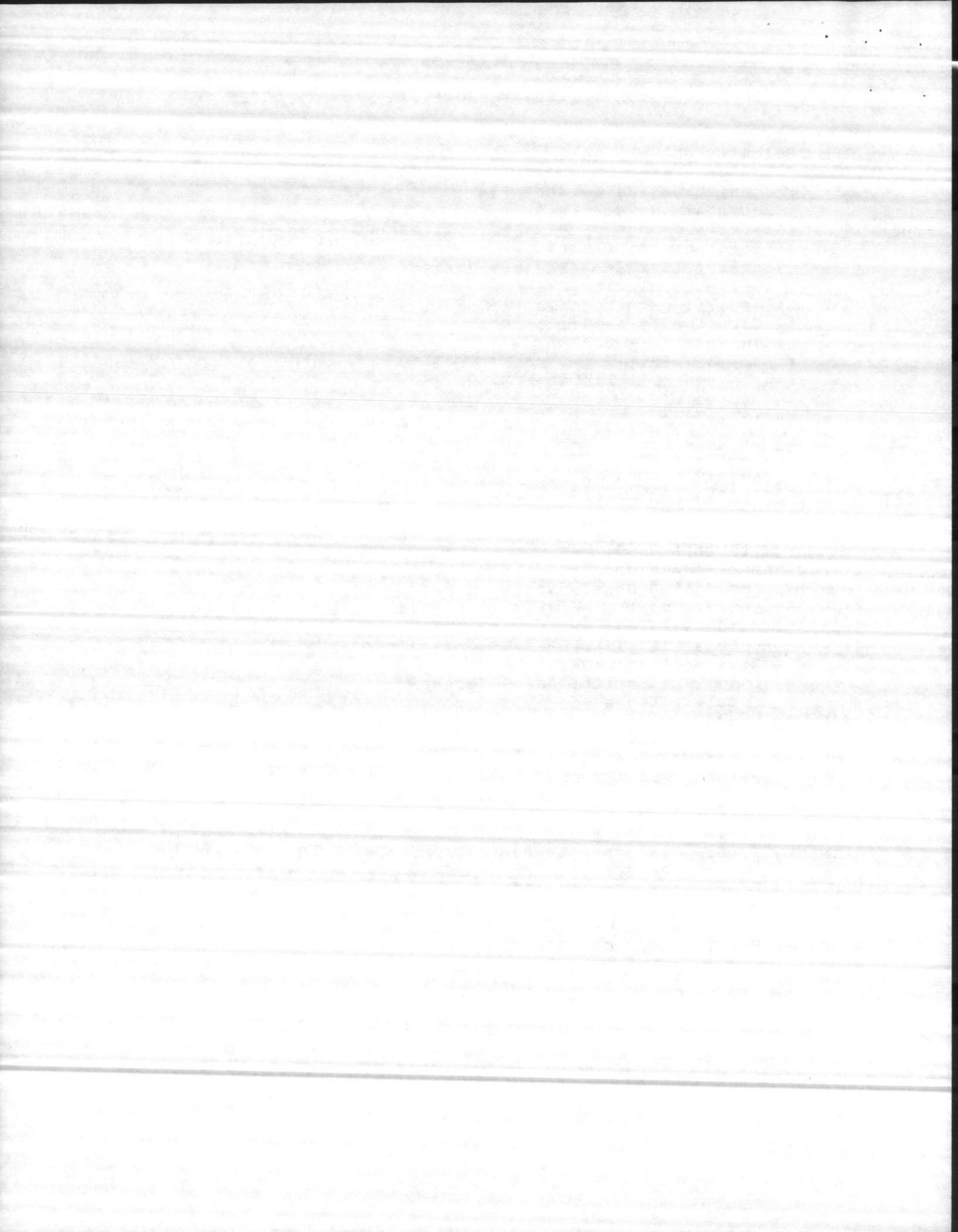


(12)	Helonias bullata -- L. Swamp Pink;	88.42 88.43
(13)	Hudsonia montana -- Nuttall Mountain Golden Heather;	88.44 88.45
(14)	Isoetes piedmontana -- (Pfeiffer) Reed Piedmont Quillwort;	88.46 88.47
(15)	Liatris helleri -- (Porter) Porter Heller's Blazing Star;	88.48 88.49
(16)	Lilaeopsis carolinensis -- Coult. & Rose Carolina Lilaeopsis;	88.50 88.51
(17)	Lilium grayi -- Watson Gray's Lily;	88.52 88.53
(18)	Menyanthes trifoliata -- L. Buckbean;	88.54 88.55
(19)	Myriophyllum laxum -- Schuttlew. ex Chapman Loose Watermilfoil;	88.56 88.57
(20)	Nemopanthus collinus -- (Alexander) Clark Long-stalked Holly;	89.1 89.2
(21)	Nestronia umbellula -- Raf. Nestronia;	89.3 89.4
(22)	Ptilimnium nodosum -- (Rose) Mathias Bishop's Weed;	89.5 89.6
(23)	Rudbeckia heliopsidis -- T. & G. Sun-facing Coneflower;	89.7 89.8
(24)	Schisandra glabra -- (Brickel) Rehder Magnolia Vine;	89.9 89.10
(25)	Senecio millefolium -- T. & G. Divided-leaf Ragwort;	89.11 89.12
(26)	Sporobolus teretifolius -- Harper Wireleaf Dropseed;	89.13 89.14
(27)	Trichomanes boschianum -- Sturm ex Bosch Appalachian Filmy-fern;	89.15 89.16
(28)	Trichomanes petersii -- A. Gray Peter's Filmy-fern;	89.17 89.18
(29)	Utricularia olivacea -- Wright ex Grisebach Dwarf Bladderwort.	89.19 89.20

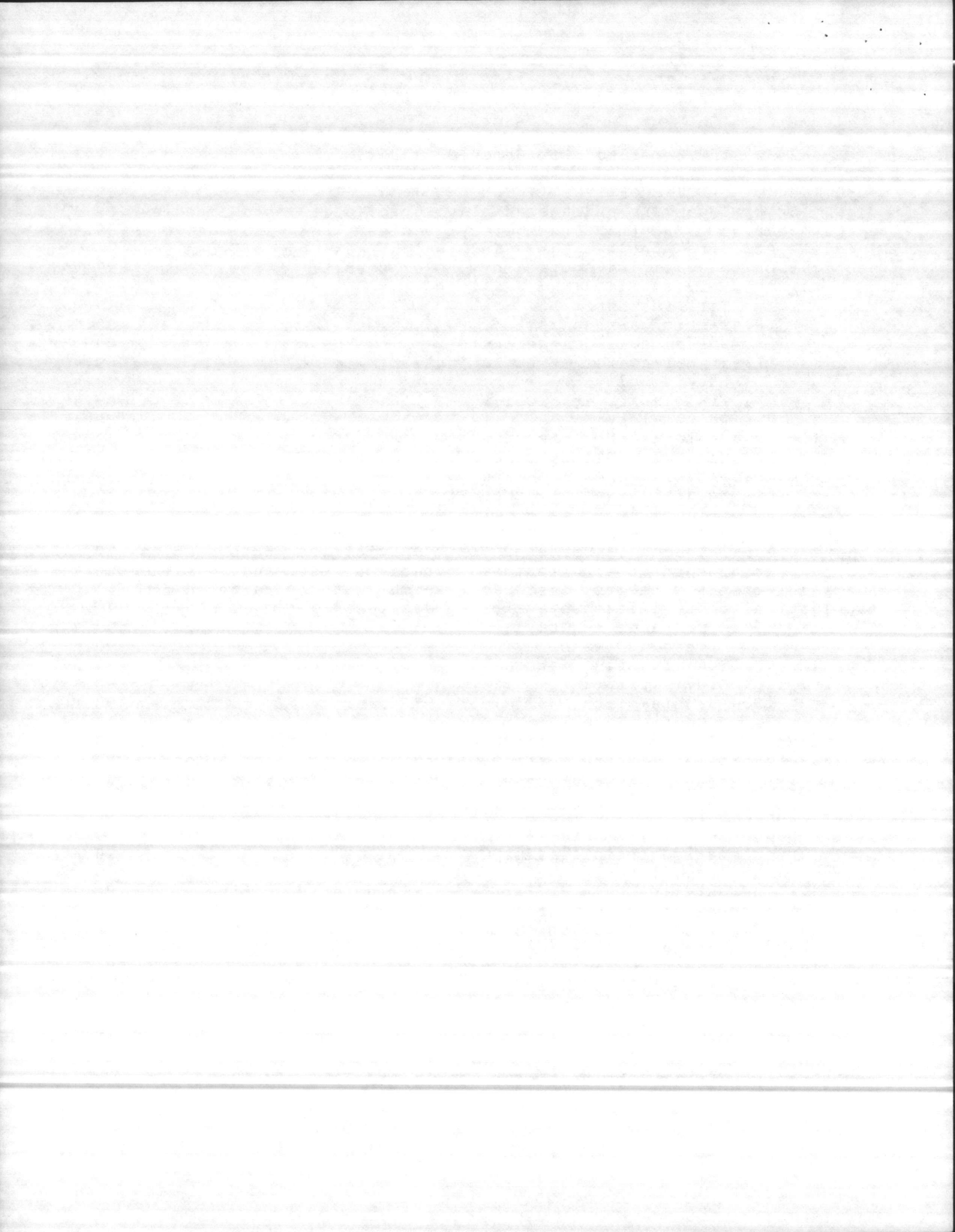
History Note:	Statutory Authority G.S. 106-202.12 through	89.23
	106-202.19;	89.24
	Eff. July 1, 1980;	89.25
	Amended Eff. May 1, 1984.	89.26

.0303 LIST OF SPECIES OF SPECIAL CONCERN 89.28

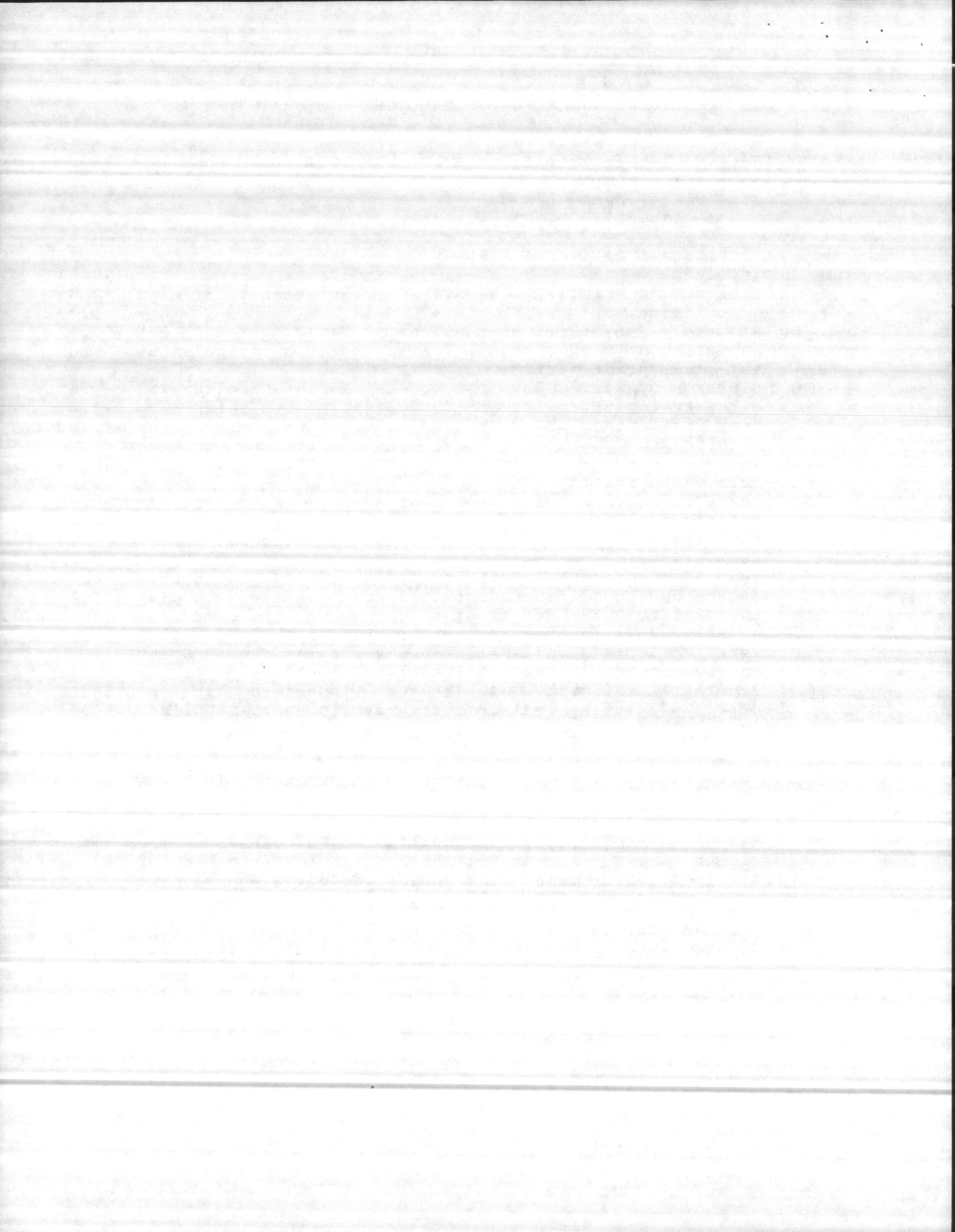
History Note:	Statutory Authority G.S. 106-202.12 through	89.31
	106-202.19;	89.32
	Eff. July 1, 1980;	89.33



Repealed Eff. June 30, 1981.	89.34
.0304 PLANT SPECIES OF SPECIAL CONCERN	89.36
(a) Special concern endangered plant species are those species	89.38
that appear on both the Endangered Species List and on the	89.39
Special Concern Species List and which can be offered for	
propagation to qualified propagators under permit.	89.40
(1) Delphinium exaltatum -- Aiton	89.42
Tall Larkspur;	89.43
(2) Hydrastis canadensis L.	89.44
Goldenseal, Orangeroot;	89.45
(3) Ilex amelanchier -- M. A. Curtis	89.46
Sarvis Holly;	89.47
(4) Kalmia cuneata -- Michaux	89.48
White Wicky;	89.49
(5) Rhus michauxii -- Sargent	89.50
Michaux's False Sumac;	89.51
(6) Sarracenia jonesii -- Wherry	89.52
Mountain Sweet Pitcher Plant;	89.53
(7) Shortia galacifolia -- T. & G.	89.54
Oconee Bells.	89.55
(b) Special Concern Threatened Plant Species are those species	89.57
that appear on both the Threatened Species List and on the	90.1
Special Concern Species List and which can be offered for	
propagation to qualified propagators under permit.	90.2
(1) Geum radiatum -- Gray	90.4
Spreading Avens;	90.5
(2) Lilium grayii -- Watson	90.6
Gray's Lily;	90.7
(3) Schisandra glabra (Brickel) -- Rehder	90.8
Magnolia Vine.	90.9
(c) Except as otherwise provided in the regulations it shall	90.11
be unlawful to sell, barter, trade, exchange, export, or to offer	90.12
for sale, barter, trade, exchange or export or give away for any	
purpose including advertising or other promotional purposes any	90.13
plant which is on the Special Concern Not Endangered or	90.14
Threatened Plant Species List.	
(1) Clematis verticillaris DC	90.16
Rock Clematis;	90.17
(2) Hexastylis lewisii (Fern.) -- Blomquist & Oosting	90.18
Lewis' heart leaf;	90.19
(3) Panax Quinquefolium -- L.	90.20
Ginseng;	90.21
(4) Rhododendron vaseyi -- Gray	90.22
Pink-shell azalea;	90.23
(5) Saxifraga caroliniana -- Gray	90.24
Carolina Saxifrage;	90.25

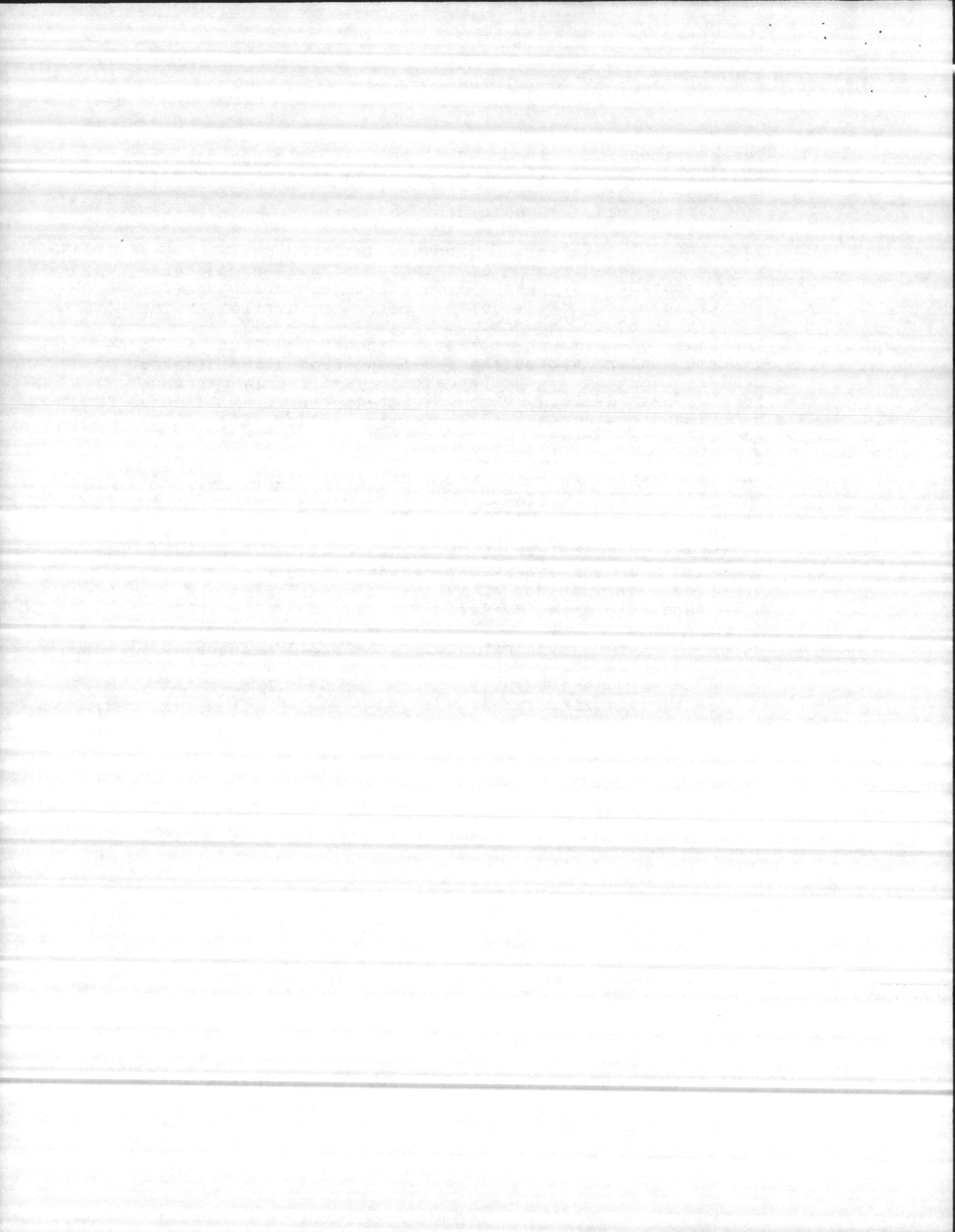


History Note:	Statutory Authority G.S. 106-202.12 through	90.28
	106-202.19;	90.29
	Eff. June 30, 1981;	90.30
	Amended Eff. May 1, 1984.	90.31
.0305	COLLECTION AND SALE OF GINSENG	90.33
(a)	Definitions	90.34
(1)	Person. Individual, corporation, partnership, firm or association.	90.36
(2)	Ginseng. Any plant of the species Panax quinquefolium including cuttings, roots, fruits, seeds, propagules or any other plant part.	90.38
(3)	Ginseng Dealer. Any person in North Carolina who purchases or otherwise obtains ginseng roots which have been collected or cultivated in North Carolina in any quantity for commercial use. This definition does not include those persons, who directly collect or cultivate ginseng roots.	90.40
(4)	Inspector. An employee of the North Carolina Department of Agriculture or any other person authorized by the Commissioner to enforce these Regulations.	90.41
(5)	Record of Ginseng Purchase. A document completed by a person buying cultivated or collected ginseng recording the seller, the weight of roots bought, the date, the nursery grown in or the counties in which the roots were collected and a signature verifying the accuracy of the record and the legal collection of the roots.	90.42
(6)	Export Certificate. A document issued to allow the export of ginseng collected or grown in North Carolina.	90.43
(b)	Policy. The trade and biology of ginseng is monitored in North Carolina to obtain federal approval for the export of ginseng from the state, to support the ginseng trade within the state and to protect the species from over collection and extinction.	90.44
(c)	Collection of Ginseng	90.45
(1)	Harvest Season for the Collection of Ginseng. The ginseng harvest season will be from September 1 through April 1. Harvesting ginseng outside of this period is unlawful except if the plants are dug from one's own land.	90.46
(2)	The Collection of Ginseng. All persons collecting ginseng from the wild are encouraged to plant the seeds of collected plants in the immediate vicinity of where they are found.	90.47
(d)	Purchase and Sale of Ginseng	90.48



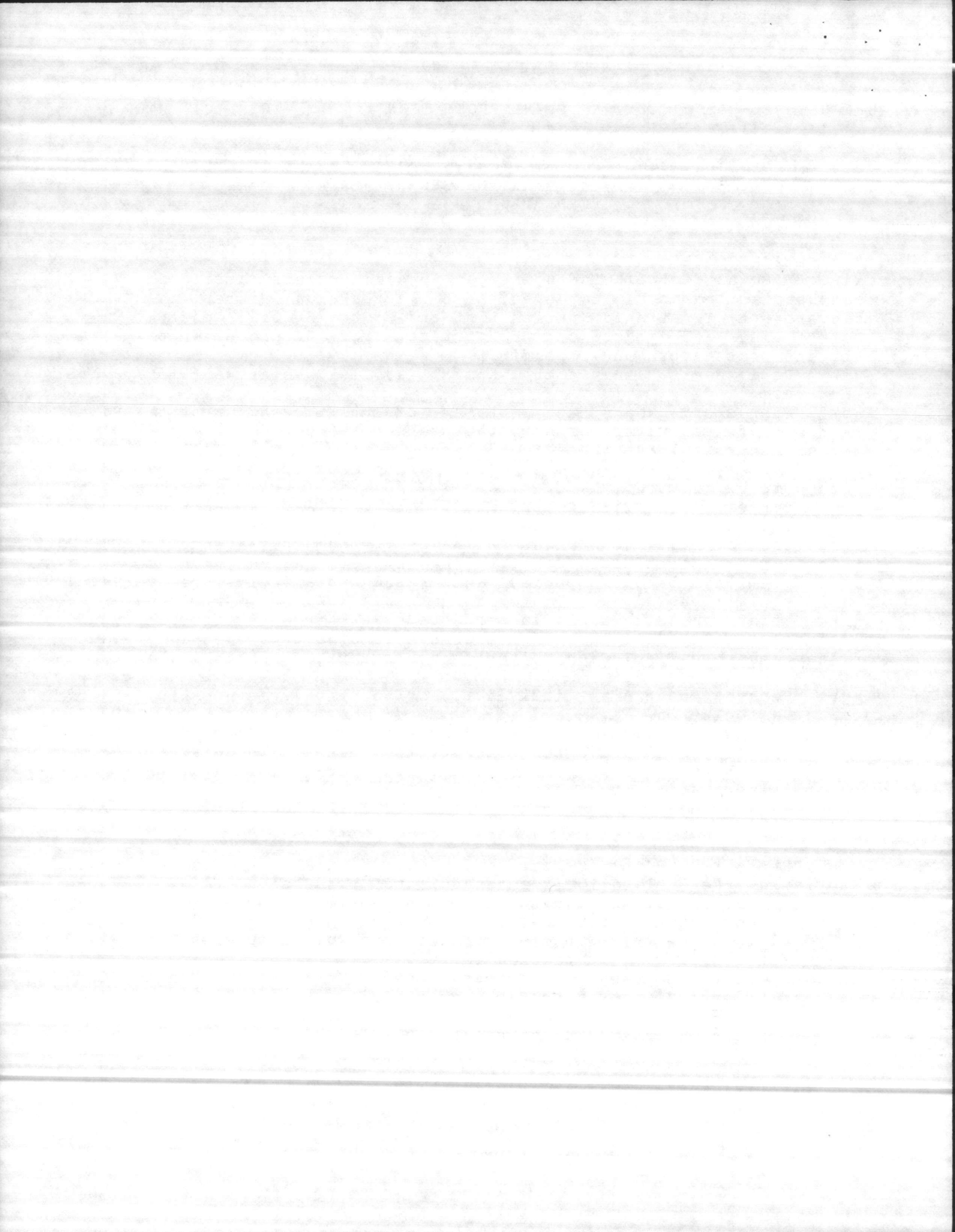
- [1) Registration of Ginseng Dealers. All ginseng dealers shall register after June 1 of each year, prior to purchasing ginseng, with the North Carolina Department of Agriculture, pesticide and plant protection division. 91.10  
 91.11  
 91.12
- [2) Purchase of Ginseng. Ginseng dealers shall keep a record of each purchase on a record of ginseng purchase form provided by the North Carolina Department of Agriculture. Such records shall be available for inspection by an inspector. 91.13  
 91.14  
 91.15
- [3) Purchase of Ginseng between Ginseng Dealers. All ginseng dealers who purchase ginseng from other ginseng dealers located in North Carolina shall only purchase from those dealers that are registered. Ginseng purchased from unregistered ginseng dealers will not be certified for export. 91.16  
 91.17  
 91.18
- [4) Exportation of Ginseng. All persons who have ginseng in any quantity and wish to export any amount out of the state can obtain an export certificate from an inspector of the North Carolina Department of Agriculture. To obtain an export certificate a person must have accurately kept records of his purchases, present and surrender the original Record of Ginseng Purchase upon issuance of an export certificate and be a registered ginseng dealer. 91.19  
 91.20  
 91.21  
 91.22  
 91.23

History Note: Statutory Authority G.S. 106-202.12 through 91.26  
 106-202.19; 91.27  
 Eff. June 30, 1981; 91.28  
 Amended Eff. May 1, 1984. 91.29





SECTION .0400 - COLLECTION: PROPAGATION AND	91.36
MOVEMENT OF ENDANGERED AND	91.37
THREATENED PLANT SPECIES	91.38
.0401 DEFINITIONS	91.40
(a) "Special Concern Endangered or Special Concern Threatened Plant Species" means a plant species that appears on either the Endangered or Threatened Species List and on the Special Concern Species List and which can be offered for propagation to qualified propagators under permit.	91.42 91.43
(b) "Department" means the North Carolina Department of Agriculture.	91.44
(c) "Inspector" means an employee of the North Carolina Department of Agriculture or any other person authorized by the Commissioner to enforce these Regulations.	91.45 91.46
(d) "Nursery" means any place where any plants are propagated or grown to be offered.	91.47 91.48
(e) "Nursery Certificate or Certificate of Plant Inspection" means a document issued by the North Carolina Department of Agriculture or the appropriate plant pest regulatory agency of any other state which declares that the nursery named on the certificate has been inspected and found apparently free of injurious plant pests.	91.49 91.50
(f) "Offer" means to sell, barter, trade, exchange, export, or to offer for sale, barter, trade, exchange or export or give away for any purpose including advertising or other promotional purposes.	91.51 91.52
(g) "Person" means an individual, corporation, partnership, firm, or association.	91.53 91.54
(h) "Protected Plant Propagator" means a person who has obtained initial plants and has demonstrated that all plants to be offered have been propagated and grown horticulturally from seed or by vegetative propagation of cuttings or meristem tissue.	91.55 91.56
(i) "Plant" means any member of the plant kingdom, including cuttings, roots, fruits, seeds, propagules or any other plant part.	91.57 92.1
(j) "Protected Plant Permit and Record" means a document authorizing the collection, movement and possession of a controlled number of any endangered or threatened plant or their propagules for scientific research or conservation purposes, or any special concern endangered or threatened plant species for propagation and sale of propagated plants.	92.2 92.3
(k) "Special Concern Endangered and Threatened Plant Propagation Permit" means a document authorizing the collection and movement for propagation purposes of a controlled number of special concern endangered or threatened plants.	92.4 92.5 92.6
	92.7 92.8 92.9 92.10 92.11 92.12 92.13



(l) "Protected Plant Commerce Permit" means a document authorizing the offering of propagated special concern endangered or threatened plants. 92.14  
 92.15

(m) "Compliance Agreement" means a document or agreement entered into between the North Carolina Department of Agriculture and a person wishing to offer a special concern endangered or threatened plant species. Such an agreement describes terms and conditions for duplicating, reproducing, or having made an acceptable facsimile of a special concern endangered or threatened plant commerce permit. 92.16  
 92.17  
 92.18  
 92.19  
 92.20

(n) "Rescue" means the collection and movement of any endangered or threatened plant as an ultimate attempt to save the plants from being destroyed. 92.21  
 92.22

History Note: Statutory Authority G.S. 106-202.12 through 106-202.19; 92.25  
 Eff. April 8, 1981; 92.26  
 Amended Eff. May 1, 1984. 92.27  
 92.28

.0402 AUTHORIZATION: SPECIAL CONCERN PLANT SPECIES 92.30

(a) Persons within the State of North Carolina who wish to propagate or offer any special concern endangered, or special concern threatened plant shall make application to the North Carolina Department of Agriculture for the appropriate permits to: 92.32  
 92.33  
 92.34

(1) obtain propagation stock, and 92.36  
 (2) to offer propagated plants. 92.37

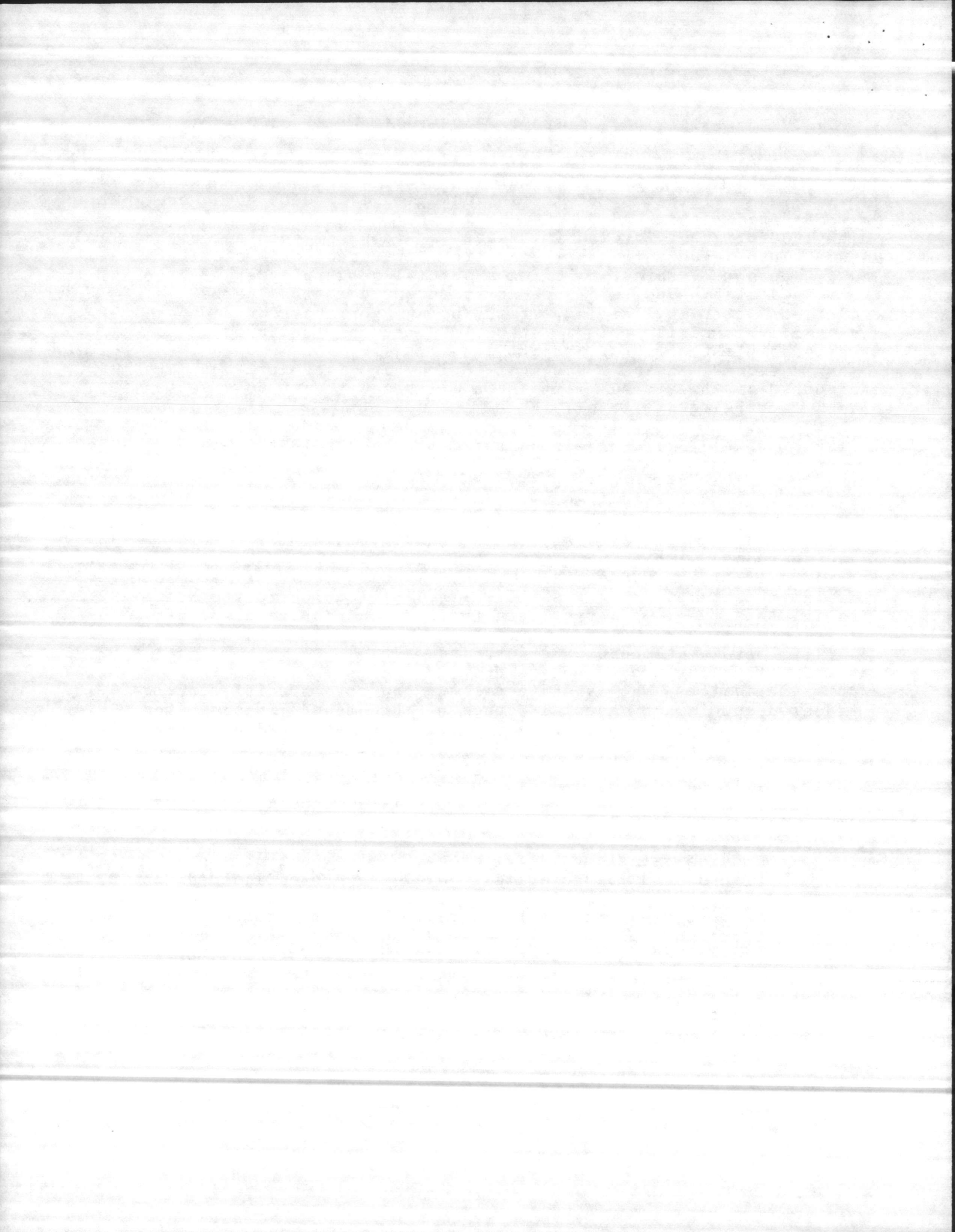
(b) Propagators who wish to collect and move special concern endangered species or special concern threatened species for propagation purposes must possess a valid protected plant permit and record. Applications for the propagation permit can be obtained from the North Carolina Department of Agriculture, Plant Industry Division. 92.39  
 92.40  
 92.41  
 92.42  
 92.43

(c) Persons who wish to offer special concern endangered species or special concern threatened species must meet the following criteria: 92.44  
 92.45

(1) Provide satisfactory evidence that the initial stock of plants used to propagate special concern endangered or threatened plants have been legally obtained; 92.47  
 92.48

(2) Demonstrate that all special concern endangered or threatened plants to be offered have been nursery propagated and grown horticulturally from seed or by vegetative propagation of cuttings or meristem tissues; 92.49  
 92.50  
 92.51

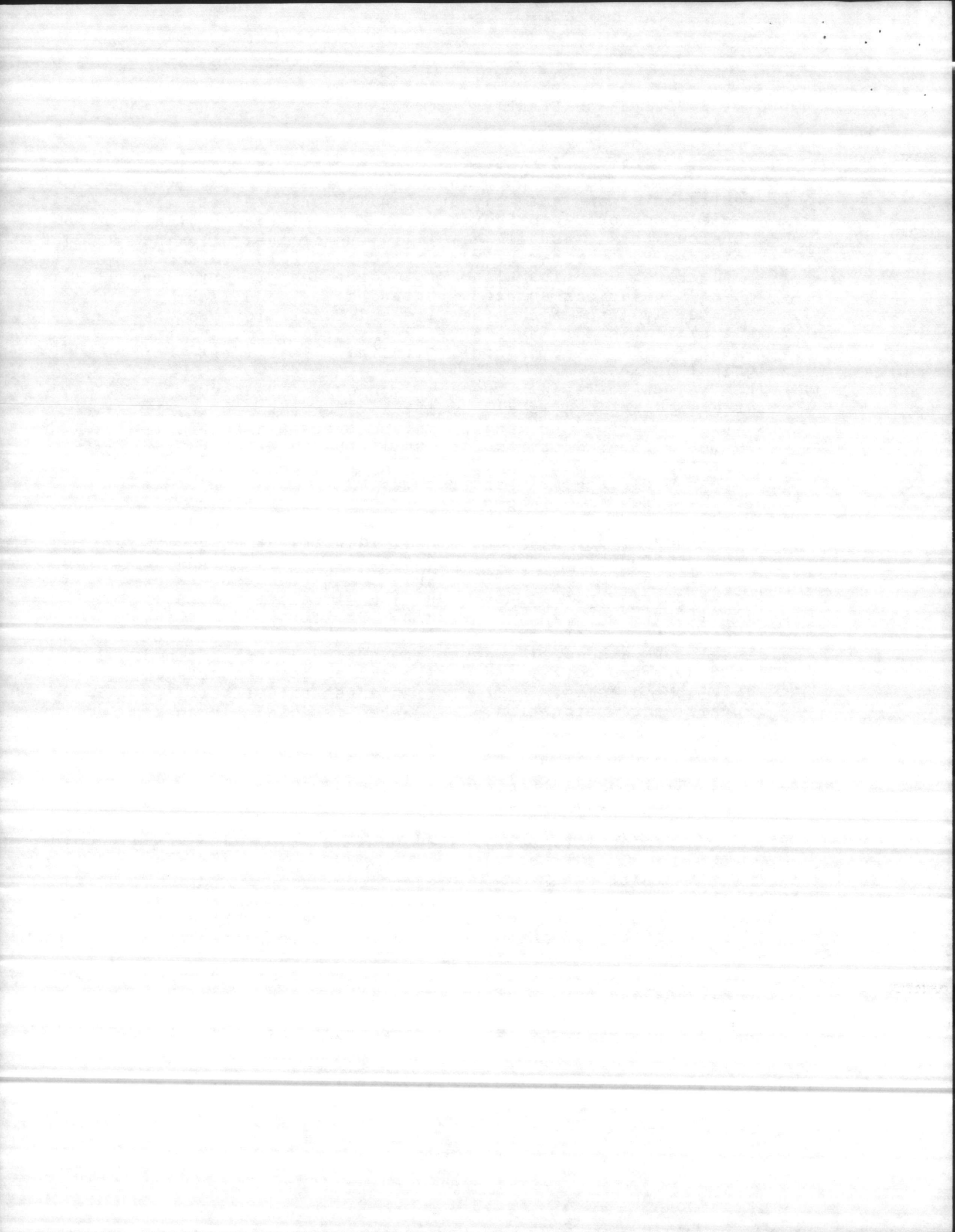
(3) Allow for a yearly inspection of site and facilities where special concern, endangered, or threatened plants are grown or stored for offer after which time a special concern endangered and threatened plant 92.52  
 92.53  
 92.54



- commerce permit and a nursery certificate, as specified in 2 NCAC 10C .0300, shall be issued if the requirements of the law and regulations are met; the special concern endangered and threatened plant commerce permit shall be valid until the following September 30, but may be revoked sooner for violation of the North Carolina Plant Protection and Conservation Act or regulations adopted thereunder; In addition to the yearly inspection, the site and facilities must be made available for inspection at any other time at the request of the North Carolina Department of Agriculture; 92.55
- (4) The person offering special concern endangered or threatened plants shall maintain records of all acquisitions for the length of time these plants are in his possession; Such records shall be available for inspection by an inspector, and recorded on the protected plant permit and record; 92.56
- (5) At the time of inspection, the person who has made application to offer any special concern endangered or threatened plant or plants shall identify each species to be offered by common and scientific name as found in the current edition of "The Manual of Vascular Flora of the Carolinas", or if not found in this edition, as identified by the American Society of Plant Taxonomists. Each species to be offered shall be listed on a special concern endangered and threatened plant commerce permit and only those species listed shall be offered. Offering plants not listed is grounds for revocation of the special concern endangered or threatened plant commerce permit and other remedies under the law. 92.57

History Note: Statutory Authority G.S. 106-202.12 through 106-202.19; Eff. April 8, 1981; Amended Eff. May 1, 1984. 93.1

- .0403 MOVEMENT AND SALE OF SPECIAL CONCERN 93.2
- (a) Every carload or shipping container of wild or propagated, special concern, endangered, or threatened plants which is offered or transported by any person shall be accompanied by a copy of a valid North Carolina Nursery Certificate and a valid Protected Plant Permit or Record or a Protected Plant Commerce Permit. The wording and form of this copy shall be the same as that of the original permit furnished by the North Carolina Department of Agriculture and all copies must be complete, 93.25



printed in full, with issuance and expiration date and number included.

(b) Every propagated, special concern endangered or threatened plant or container of plants of the same species which is offered at the final point of sale shall be labeled with a permanent tag stating the source of the propagated plant and the protected plant commerce permit number. Labeling shall be the responsibility of the person offering the plant.

(c) Out-of-date nursery certificates and protected plant commerce permits cannot be revised and used after expiration nor can the date and number of expired copies of certificates and permits be changed and such copies used after expiration of the original permit or certificate.

(d) At the discretion of the department any holder of a protected plant commerce permit may be required to submit a duplicate of the printed copy for approval.

History Note: Statutory Authority G.S. 106-202.12 through 106-202.19; Eff. April 8, 1981; Amended Eff. May 1, 1984.

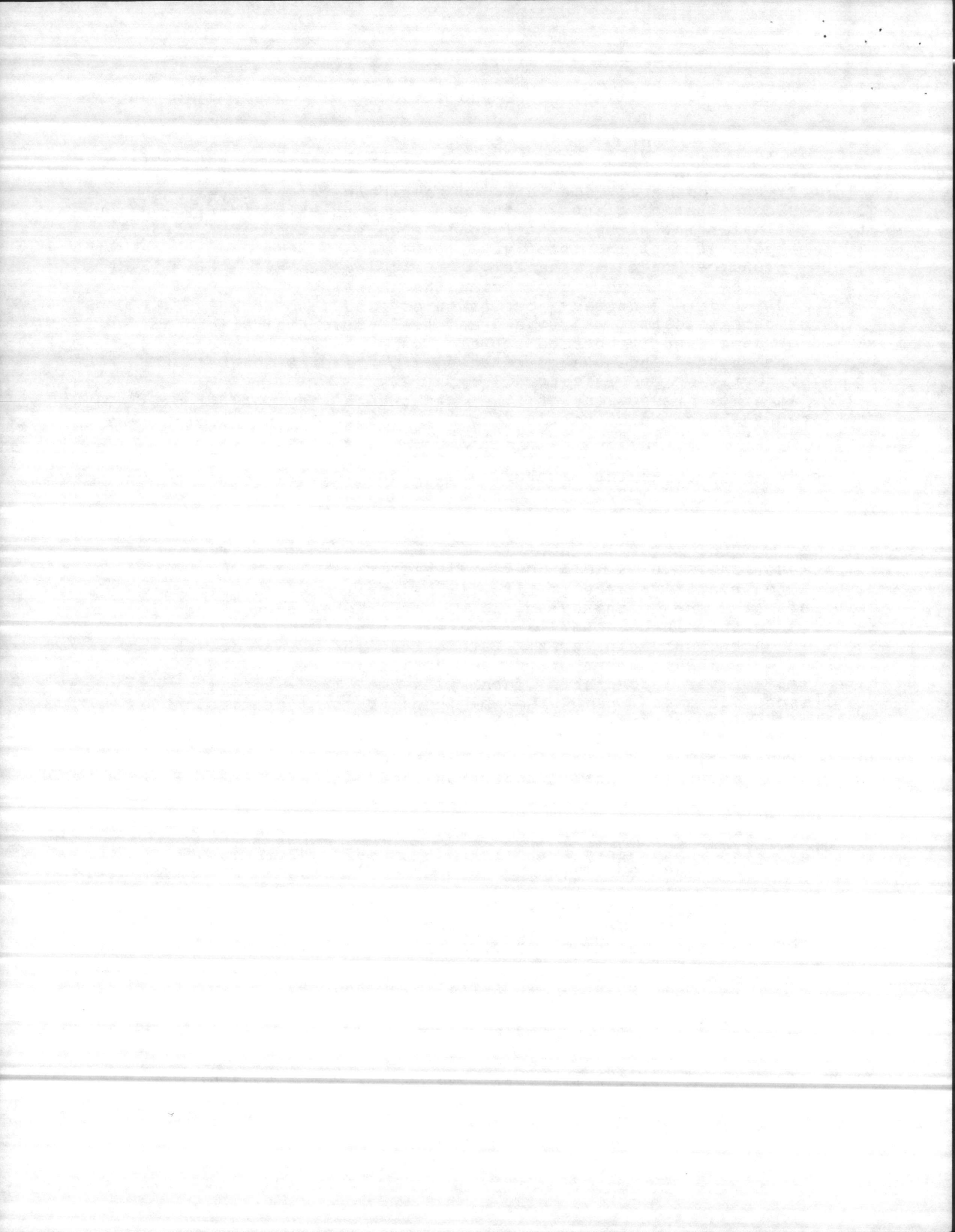
.0404 DUPLICATION OF SPECIAL CONCERN PERMITS 93.51

Protected plant commerce permits may be duplicated to accompany shipments of listed plants when the person to whom such a permit is issued enters into a compliance agreement with the department. Such an agreement can grant permission to print or have duplicated limited numbers of protected plant commerce permits or have made other acceptable facsimiles of the permit. A compliance agreement can also be used to grant permission to print or duplicate permits with the issuance and expiration dates left blank to be entered at the time of shipment for the current year. Any compliance agreement may be cancelled for violation of the North Carolina Plant Protection and Conservation Act or regulations adopted and all permits or facsimiles must be surrendered.

History Note: Statutory Authority G.S. 106-202.12 through 106-202.19; Eff. April 8, 1981; Amended Eff. May 1, 1984.

.0405 OUT-OF-STATE SHIPMENTS; ENDANGERED AND THREATENED PLANTS 94.12

Every carload, box package, shipment or other container of endangered and threatened plant or plants on the North Carolina list or any state or federal list originating outside of North Carolina and being moved into North Carolina for delivery or





resale must be accompanied by satisfactory documentation 94.17  
 asserting that the endangered and threatened plant or plants of  
 each species were legally collected, propagated or grown in 94.18  
 compliance with the regulations or laws of the state, country of  
origin, or U.S. Government. The shipment must bear the name and 94.19  
 address of the shipper. Any endangered or threatened plants not 94.20  
 meeting these requirements when found will be subject to stop-  
 sale.

History Note: Statutory Authority G.S. 106-202.12 through 94.23  
 106-202.19; 94.24  
 Eff. April 8, 1981; 94.25  
 Amended Eff. May 1, 1984. 94.26

.0406 MOVEMENT FOR CONSERVATION PURPOSES 94.28

Endangered or threatened plant species may be removed for 94.30  
 scientific, propagation, or rescue purposes in accordance with 94.31  
 the following specified conditions:

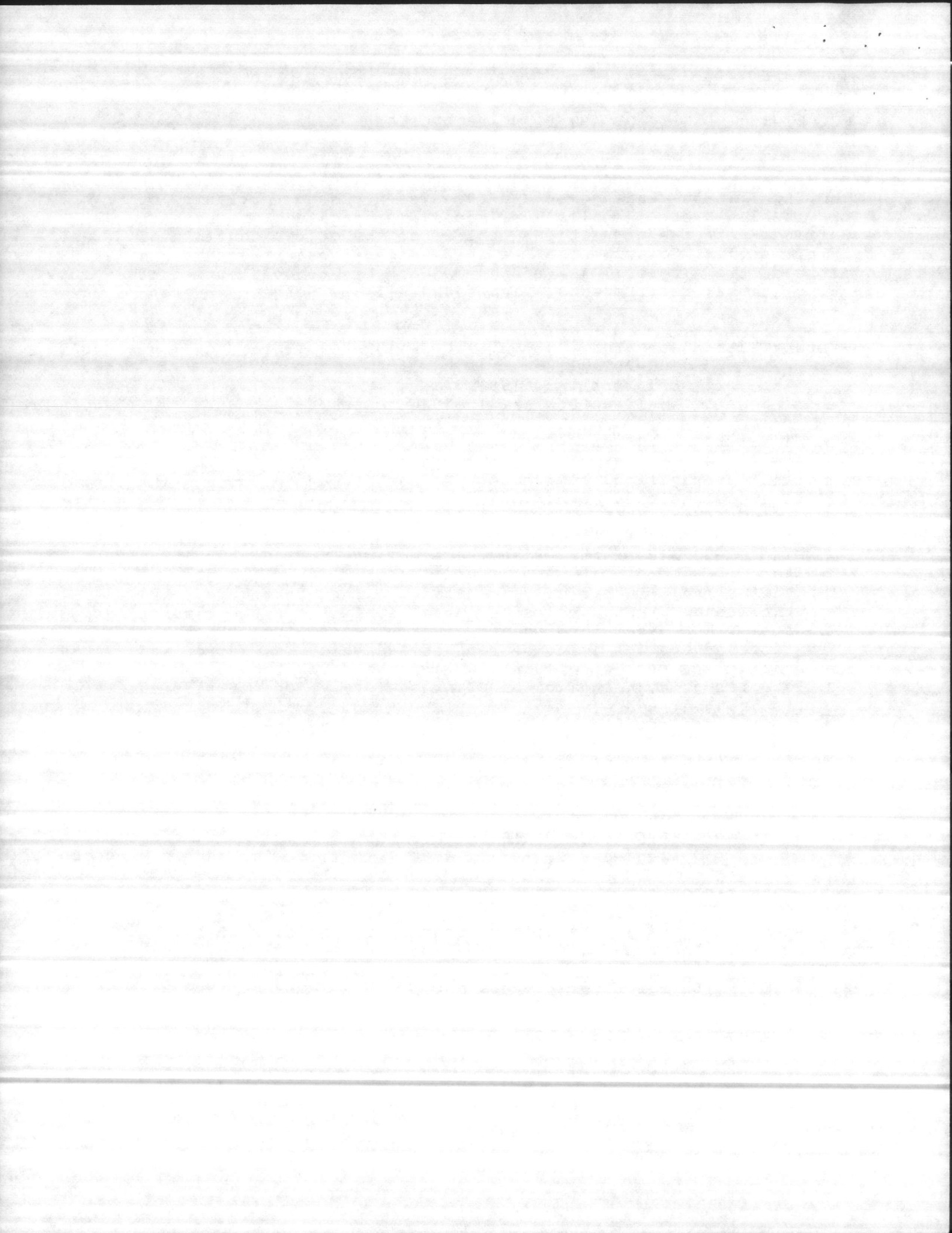
- (1) that movement will enhance the survival of the species; 94.34
- (2) that movement will be consistent with the policy set forth 94.35  
 in 106-202.13 of the Plant Protection and Conservation 94.36  
 Act;
- (3) that the individual(s) moving the endangered and 94.37  
 threatened plant species has obtained written permission 94.38  
 from the owner or agent of the land from which the  
 affected species is to be removed and which is dated and 94.39  
 valid for no more than 180 days and which indicates the  
 species or higher taxon of plant(s) for which permission 94.40  
 is granted; and
- (4) that a protected plant permit and record has been obtained 94.41  
and shall accompany the container of such plants or the 94.42  
 plant itself whenever such plants are moved. 94.43

History Note: Statutory Authority G.S. 106-202.12 through 94.46  
 106-202.19; 94.47  
 Eff. April 8, 1981; 94.48  
 Amended Eff. May 1, 1984. 94.49

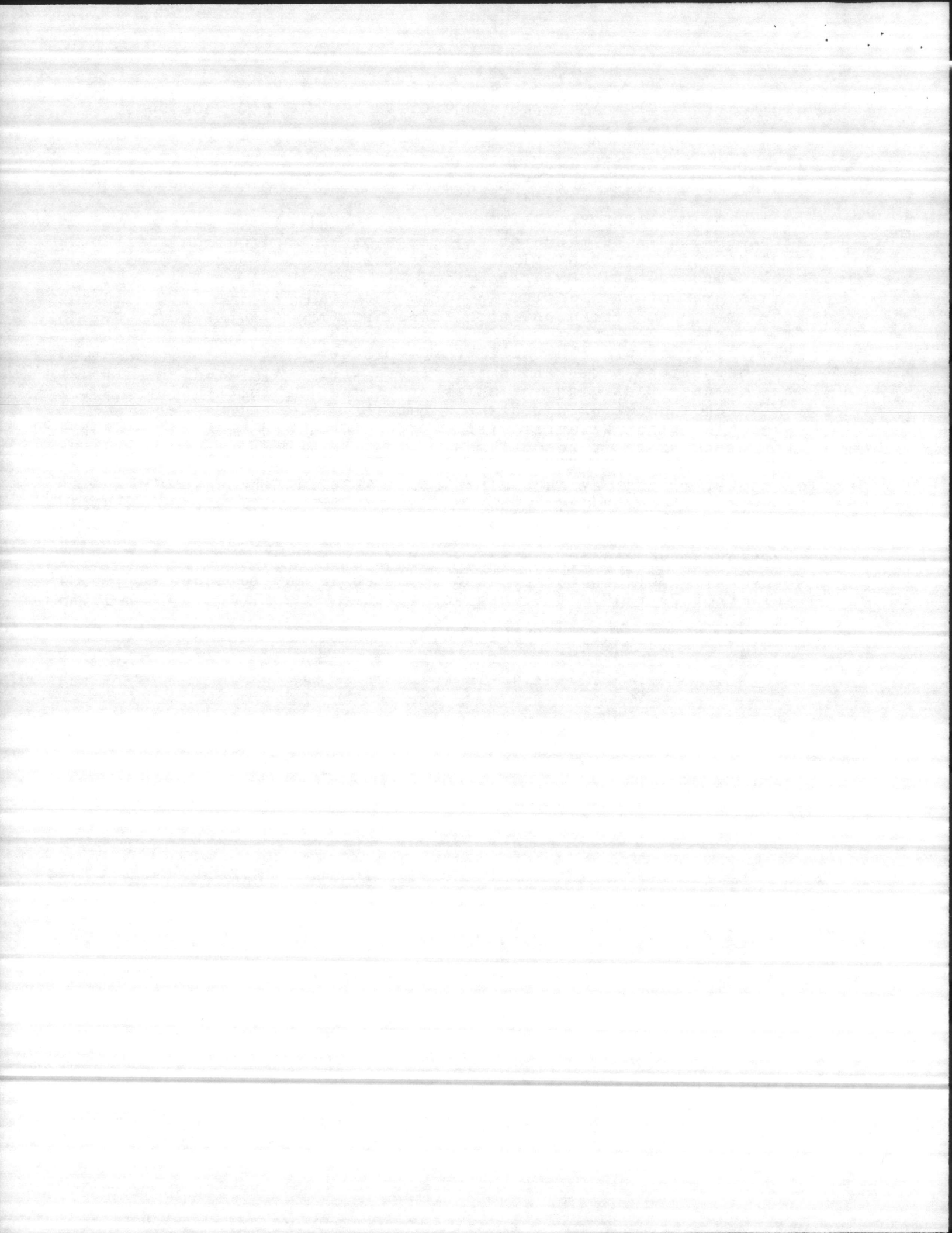
.0407 APPLICATION FOR A PLANT CONSERVATION PERMIT 94.51

An application for a protected plant permit and record to move 94.54  
 and possess any endangered or threatened plant species shall be  
 obtained from the North Carolina Department of Agriculture, Plant 94.55  
 Industry Division. The application should be returned to the  
 Plant Industry Division for processing. 94.56

History Note: Statutory Authority G.S. 106-202.12 through 95.2  
 106-202.19; 95.3



Eff. April 8, 1981;	95.4
Amended Eff. May 1, 1984.	95.5
.0408 CRITERIA FOR APPROVAL PLANT CONSERVATION PERMITS	95.7
<u>D</u> ecisions on the acceptance or rejection of an application for	95.9
an endangered and <u>t</u> hreatened plant conservation permit are based	95.10
on the following criteria as appropriate:	
(1) the status of the species in North Carolina;	95.12
(2) the status of the population from which the plants are <u>t</u> o	95.15
be removed;	
(3) the amount of plant material to be collected;	95.17
(4) the conditions under which the plants will be <u>r</u> emoved;	95.20
(5) the planned packaging and shipment of the plants;	95.22
(6) the proposed use of the plant material;	95.23
(7) where the plant material will be deposited; and	95.24
(8) the need for their rescue.	95.25
History Note: Statutory Authority G.S. 106-202.12 through	95.28
106-202.19;	95.29
Eff. April 8, 1981.	95.30
.0409 EMERGENCY PROCEDURES FOR RESCUE OPERATIONS	95.32
<u>I</u> n emergency rescue operations a verbal permit may be acquired	95.34
with a <u>w</u> aiver of Part (4) of Subsection .0406.	95.35
History Note: Statutory Authority G.S. 106-202.12 through	95.38
106-202.19;	95.39
Eff. April 8, 1981.	95.40



SECTION .0500 - FORMS

95.47

.0501 DESIGNATIONS

95.49

The forms used by the plant protection section in plant protection and conservation activities will be known by the following title and numerical designations:

95.51

95.52

- (1) application for a protected plant permit - PC-1; 95.54
- (2) protected plant conservation certificate - PC-2; 95.55
- (3) protected plant propagation certificate - PC-3; 95.56
- (4) protected plant permit and record - PC-4; 95.57
- (5) protected plant commerce permit - PC-5; 96.1
- (6) special concern endangered and threatened plant compliance agreement - PC-6. 96.3  
96.4
- (7) ginseng dealer registration form - PC-7; 96.6
- (8) record of native collected ginseng purchases - PC-8; 96.7
- (9) record of cultivated ginseng purchases - PC-9; 96.8
- (10) ginseng export certification - PC-10. 96.9

History Note: Statutory Authority G.S. 106-202.12 through 106-202.19; 96.12  
Eff. April 8, 1981; 96.13  
Amended Eff. May 1, 1984; June 30, 1981. 96.14  
96.15

.0502 FORM PC-1

96.17

Form PC-1 is an application for a protected plant permit. The following information is required:

96.19

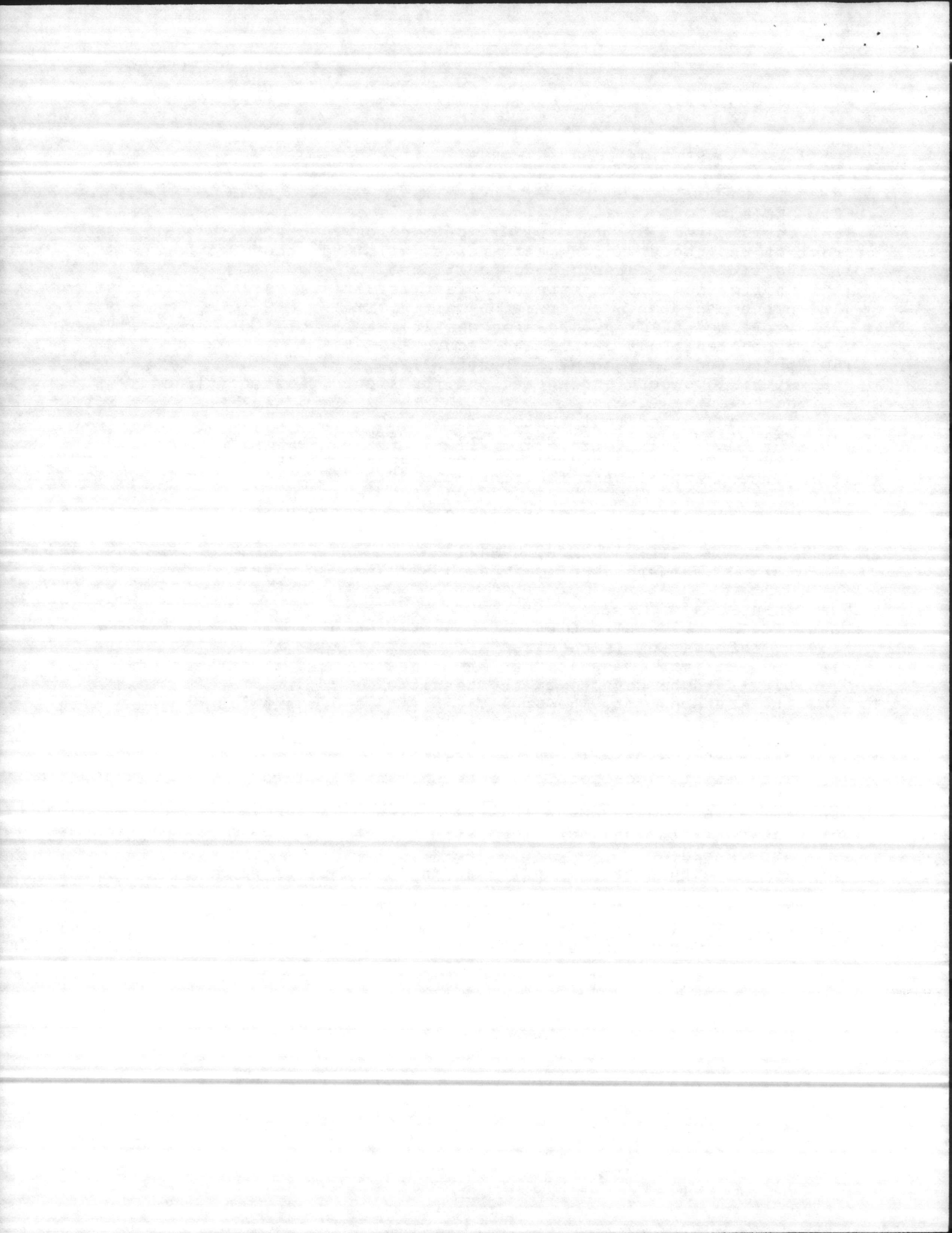
96.20

- (1) The scientific name of the species and the number of plants to be covered by the permit; 96.23
- (2) The reason for the application and a description of the work to be carried out with the plants; 96.25
- (3) The location where the plants will be held; 96.27
- (4) The method of obtaining the species; 96.28
- (5) The exact location and ownership of the land from which the species will be collected; 96.31
- (6) The name, address, and telephone number of the applicant; 96.33
- (7) The institution or firm with which the applicant is associated; 96.35
- (8) The signature of the applicant and the date of signing. 96.37

History Note: Statutory Authority G.S. 106-202.12 through 106-202.19; 96.40  
Eff. April 8, 1981; 96.41  
Amended Eff. May 1, 1984. 96.42  
96.43

.0503 FORM PC-2

96.45



Form PC-2 is the protected plant conservation certificate issued for the collection and movement of a controlled number of any endangered and threatened plants for scientific or rescue purposes. The following information is required:

- (1) The applicant's name;
- (2) A date of expiration;
- (3) The permit is signed by the Plant Pest Administrator, plant Industry Division, North Carolina Department of Agriculture.

History Note: Statutory Authority G.S. 106-202.12 through 106-202.19;  
 Eff. April 8, 1981;  
 Amended Eff. May 1, 1984.

.0504 FORM PC-3  
 Form PC-3 is a protected plant propagation certificate issued to qualified nurseries and individuals for the collection, movement and propagation of controlled numbers of special concern endangered or threatened species. The following information is on the certificate:

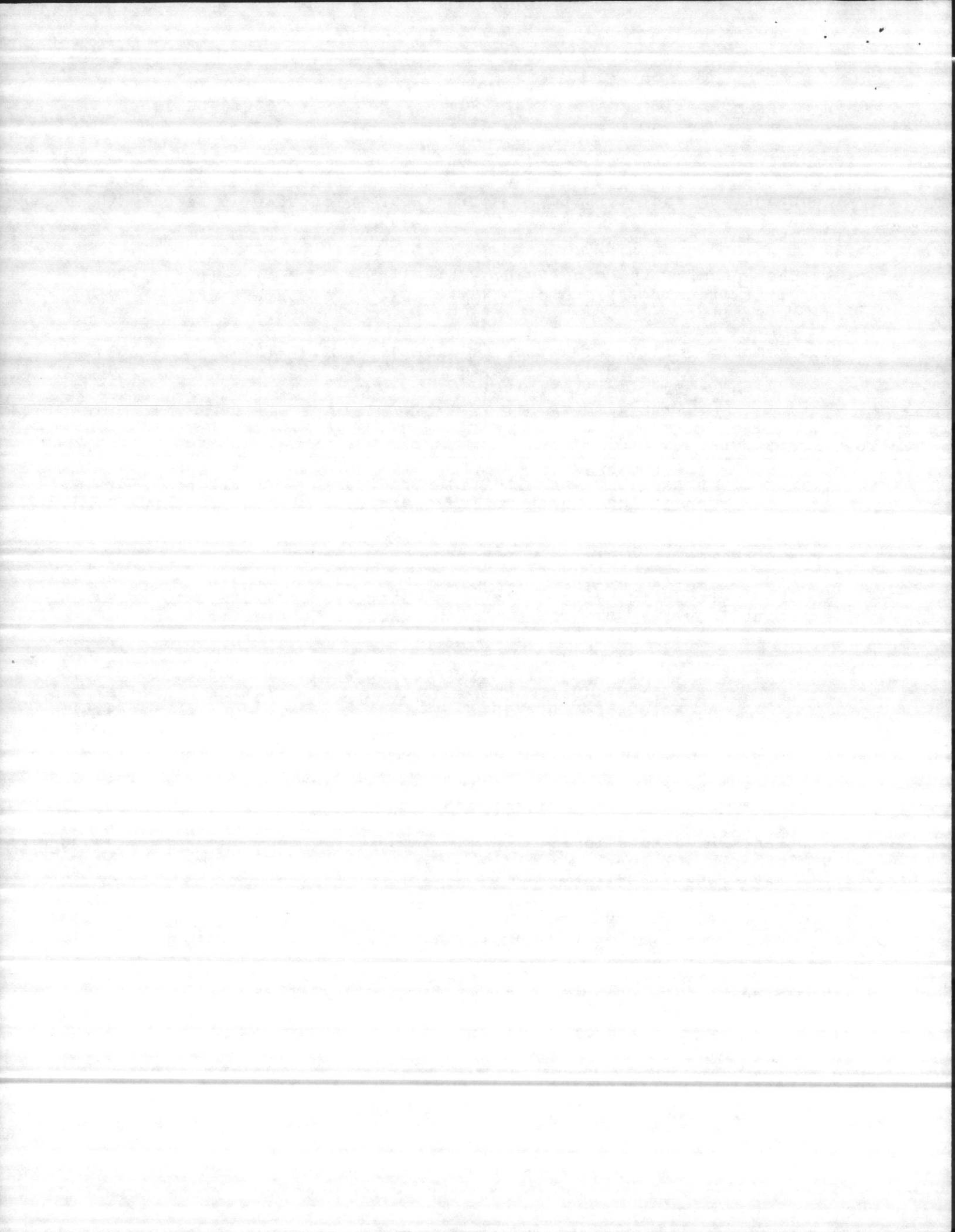
- (1) The applicant's name;
- (2) A date of expiration;
- (3) The permit is signed by the Plant Pest Administrator, Plant Industry Division, North Carolina Department of Agriculture.

History Note: Statutory Authority G.S. 106-202.12 through 106-202.19;  
 Eff. April 8, 1981;  
 Amended Eff. May 1, 1984.

.0505 FORM PC-4  
 Form PC-4 is a protected plant permit and record. The following information is required:

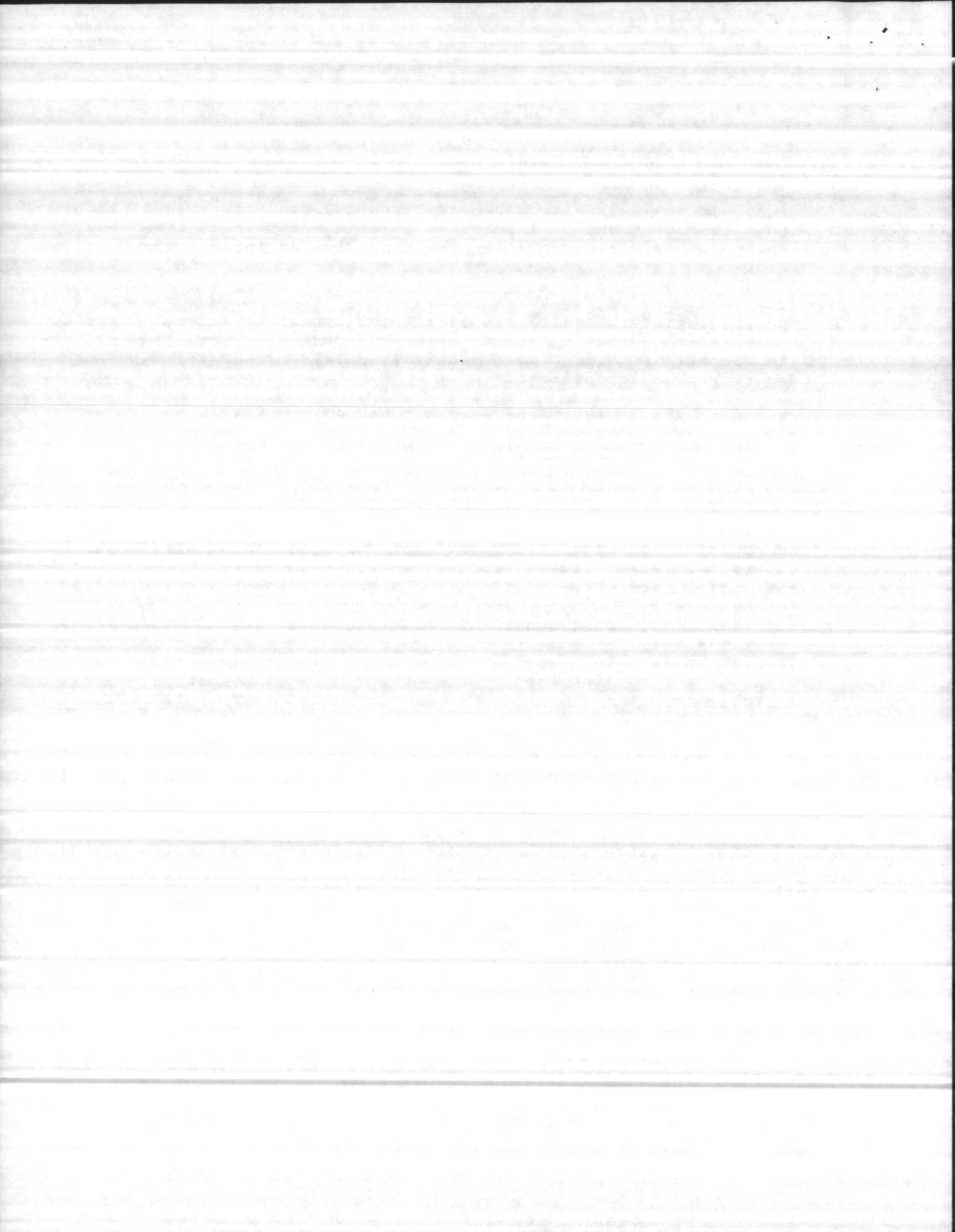
- (1) The scientific name of the species and the number of plants in possession;
- (2) The original source of the plants;
- (3) The use of the plants;
- (4) The date;
- (5) The name, address, and telephone number of the applicant;
- (6) The institution or firm applicant is associated with;
- (7) The signature of the applicant.

History Note: Statutory Authority G.S. 106-202.12 through 106-202.19;  
 Eff. April 8, 1981;





Amended Eff. May 1, 1984.	97.46
.0506 FORM PC-5	97.48
Form PC-5 is the permit issued to authorize the offering of special concern endangered or <u>threatened</u> plant species which have been legally obtained and propagated. The following <u>information</u> is required:	97.50 97.51 97.52
(1) An expiration date;	97.54
(2) The plant species for which the permit is issued;	97.55
(3) The plant part for which the permit is issued;	97.56
(4) The quantity of the plant for which the permit is <u>issued</u> ;	98.2
(5) The permit is signed by the Commissioner, North <u>Carolina</u> Department of Agriculture.	98.4
History Note: Statutory Authority G.S. 106-202.12 through 106-202.19;	98.7 98.8
Eff. April 8, 1981;	98.9
Amended Eff. May 1, 1984.	98.10
.0507 FORM PC-6	98.12
Form PC-6 is a compliance agreement for the authorization to reproduce special <u>concern</u> endangered and threatened plant commerce permits. The following <u>information</u> is required:	98.14 98.15 98.16
(1) The name, address, and location of establishment signing the agreement;	98.18 98.19
(2) Signature of the owner or a representative of the <u>establishment</u> ;	98.20 98.21
(3) The agreement is signed by the Plant Pest <u>Administrator</u> , Plant Industry Division, North Carolina <u>Department</u> of Agriculture.	98.23 98.24
History Note: Statutory Authority G.S. 106-202.12 through 106-202.19;	98.27 98.28
Eff. April 8, 1981;	98.29
Amended Eff. May 1, 1984.	98.30
.0508 FORM PC-7	98.32
Form PC-7 is the ginseng dealer registration form and is issued to ginseng dealers who wish to <u>purchase</u> ginseng after June 1 of each year. The following <u>information</u> is required:	98.34 98.35 98.36
(1) The company name, name of owner, manager or agent, address and <u>telephone</u> number of the ginseng dealer;	98.38 98.39
(2) The location of ginseng records and roots; and	98.41
(3) Signature of ginseng dealer.	98.42
History Note: Statutory Authority G.S. 106-202.12 through 106-202.19;	98.45 98.46



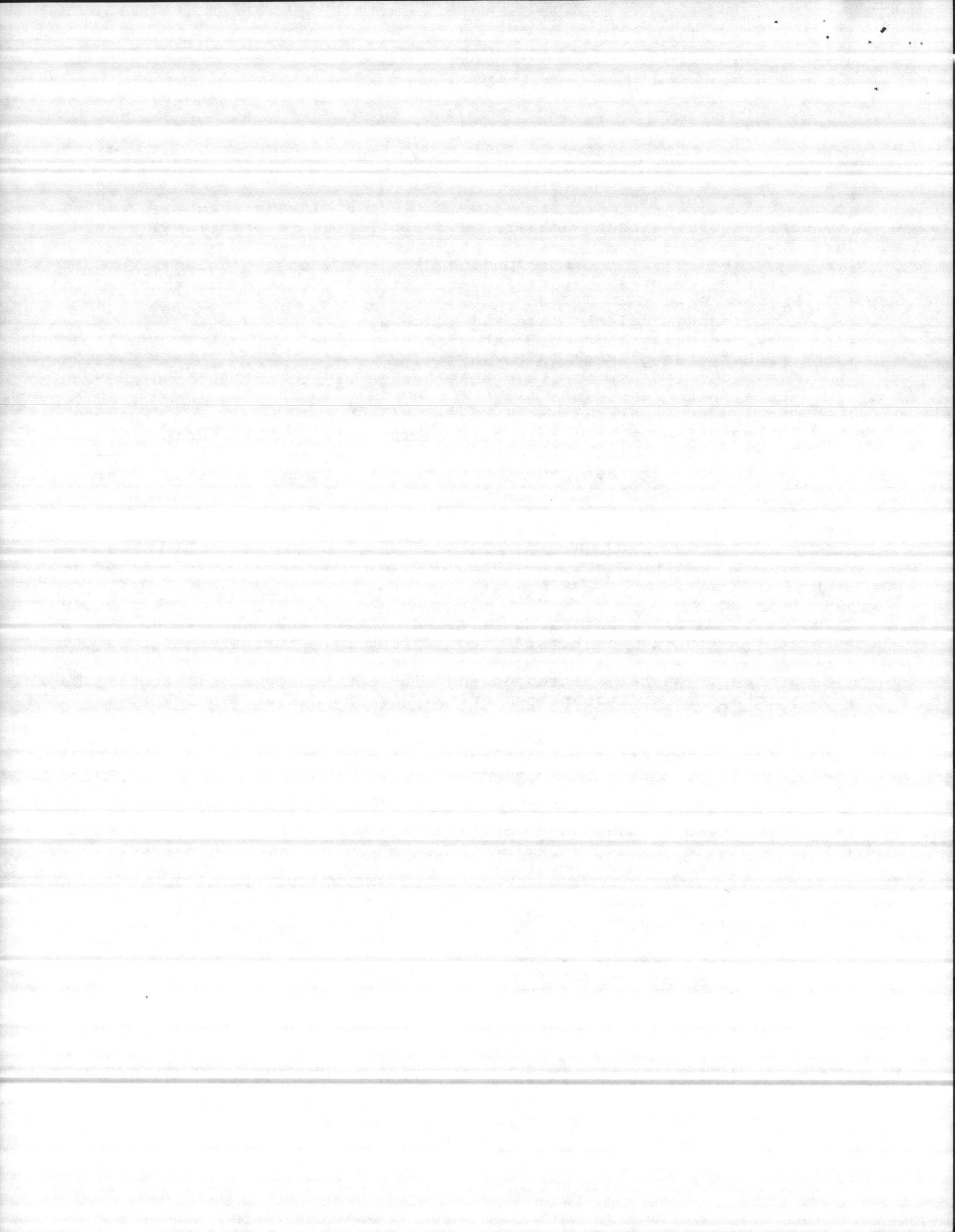
Eff. June 30, 1981.

.0509	FORM PC-8	98.47
	Form PC-8 is the record of native collected ginseng purchases to be completed by ginseng dealers. The following information is required:	98.49
	(1) A sheet number corresponding to the number of ginseng purchase records completed by the ginseng dealers in that harvest season;	98.51
	(2) The ginseng dealer's name and address;	98.52
	(3) A record number for each purchase on a sheet;	98.54
	(4) The date the ginseng is purchased;	98.55
	(5) The name, address and telephone number of the collector of the ginseng purchased;	98.57
	(6) The amount of ginseng purchased;	99.1
	(7) The counties in which the ginseng roots were collected;	99.2
	(8) Form PC-8 is signed by the ginseng dealer certifying that the records are accurate and that all ginseng purchased was collected legally.	99.4

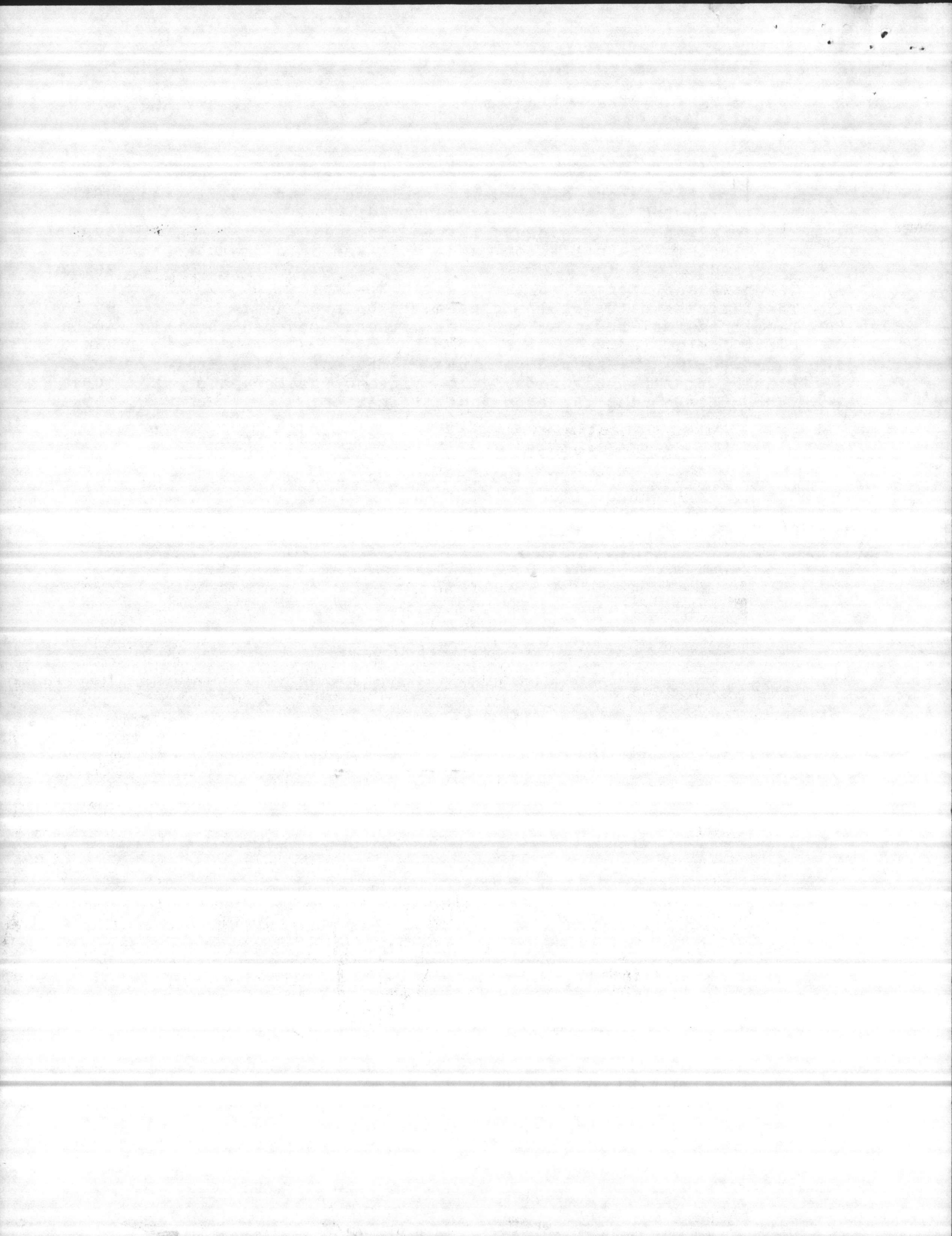
History Note:	Statutory Authority G.S. 106-202.12 through	99.14
	106-202.19;	99.15
	Eff. June 30, 1981.	99.16

.0510	FORM PC-9	99.18
	Form PC-9 is the record of cultivated ginseng purchases to be completed by ginseng dealers. The following information is required:	99.20
	(1) A sheet number corresponding to the number of ginseng purchase records completed by the ginseng dealer in that harvest season;	99.21
	(2) The ginseng dealer's name and address;	99.23
	(3) A record number for each purchase on a sheet;	99.24
	(4) The date the ginseng is purchased;	99.26
	(5) The name, address and telephone number of the cultivator of the ginseng;	99.27
	(6) The amount of ginseng purchased;	99.28
	(7) The nursery and nursery certificate number, if any, where the ginseng was cultivated; and	99.30
	(8) Form PC-9 is signed by the ginseng dealer certifying that the records are accurate and that the ginseng purchased was cultivated.	99.31

History Note:	Statutory Authority G.S. 106-202.12 through	99.35
	106-202.19;	99.36
	Eff. June 30, 1981.	99.37



.0511	FORM PC-10	99.45
	Form PC-10 is the ginseng export certification issued to	99.47
	ginseng dealers for export of legally collected or cultivated	99.48
	roots. The following information is required:	
	(1) The total amount of ginseng to be exported;	99.50
	(2) The amount of collected and cultivated ginseng to be	99.52
	exported;	99.53
	(3) The name and address of the ginseng dealer;	99.55
	(4) The purchase dates of the ginseng to be exported;	99.56
	(5) The transfer records of the ginseng covered by this	100.1
	certificate; and	100.2
	(6) Form PC-10 is signed by the Plant Pest Administrator,	100.3
	Plant Industry Division, the ginseng dealer and the	100.4
	inspector issuing the export certification.	100.5
	History Note: Statutory Authority G.S. 106-202.12 through	100.8
	106-202.19;	100.9
	Eff. June 30, 1981;	100.10
	Amended Eff. May 1, 1984.	100.11



76280/1

11010/2  
NREAD  
10 Mar 87

From: Director, Natural Resources and Environmental Affairs  
Division, Marine Corps Base, Camp Lejeune  
To: Staff Judge Advocate, Marine Corps Base, Camp Lejeune  
Via: Assistant Chief of Staff, Facilities, Marine Corps Base,  
Camp Lejeune BWE 2/24/87

Subj: ENDANGERED AND THREATENED SPECIES

Ref: (a) BO 11015.3A  
(b) CG ltr 5215/ADJ of 28 Jan 87

Encl: (1) North Carolina Endangered and Special Concern Plant  
list revised Jan 1986  
(2) North Carolina Protection and Conservation Act of 1983

1. Reference (a) which provides for protection of Endangered and Threatened species at Camp Lejeune is currently being reviewed in accordance with reference (b). Enclosure (1) contains the revised list of plants protected in North Carolina in accordance with enclosure (2). Endangered and threatened plants listed as occurring at Camp Lejeune are Carolina Grass-of-Parnassus, Well's Pixie-Moss, Spring-Flowering Goldenrod, Wireleaf Dropseed and Cooley's Meadowrue. Rough-leaf Loosestrife is also listed as endangered on the state list and is proposed for listing as endangered nationally. This plant may occur aboard Base as it was observed along Highway 17, near the Dixon Fire Tower, by a state botanist over a decade ago.

2. It is requested that enclosures (1) and (2) be reviewed relative to protection measures appropriate for inclusion in reference (a).

J. I. WOOTEN





[The following text is extremely faint and appears to be bleed-through from the reverse side of the page. It is largely illegible but seems to contain several paragraphs of typed text.]

[Faint text at the bottom right corner, possibly a signature or reference number.]



HEADQUARTERS, MARINE CORPS BASE  
CAMP LEJEUNE, NORTH CAROLINA

6280/7

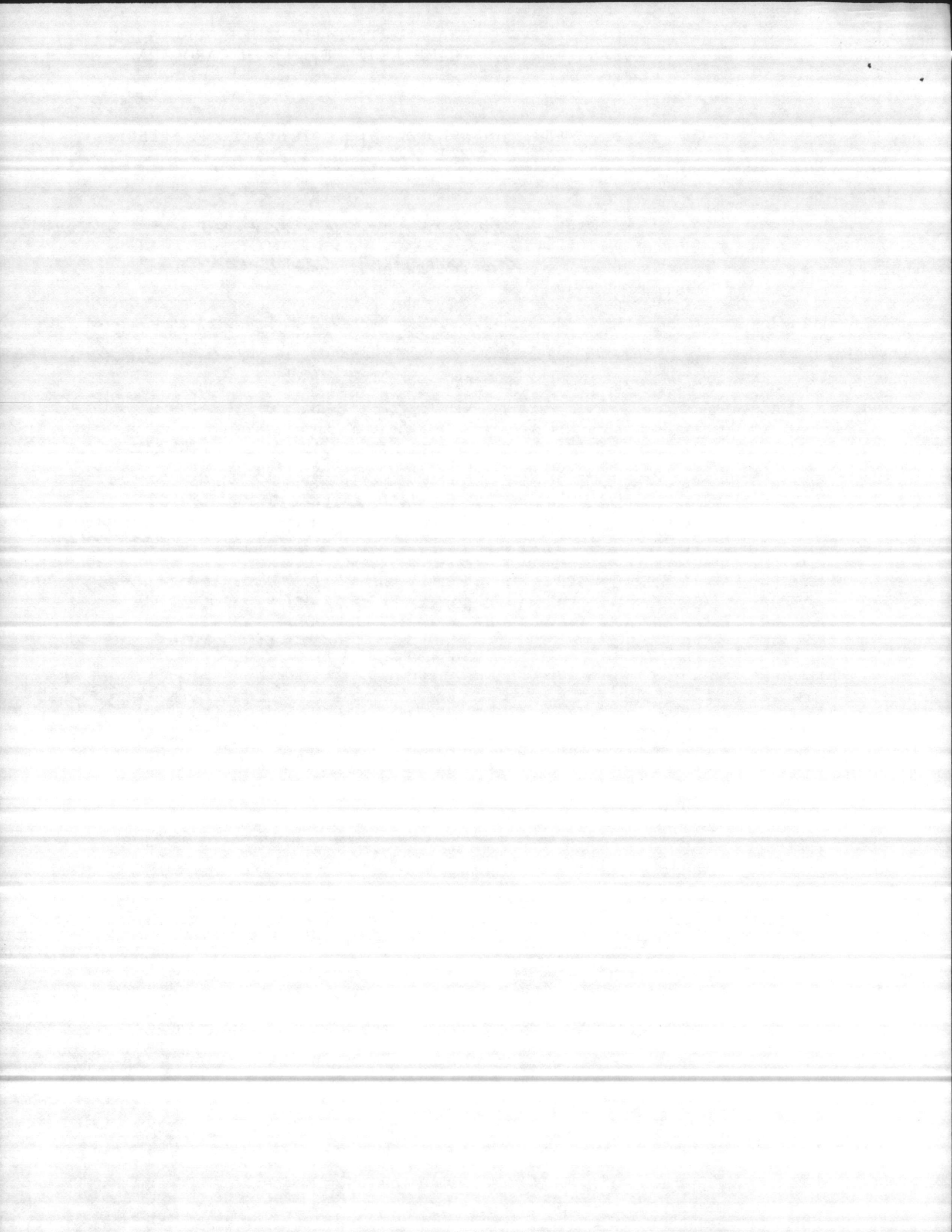
DATE 26 MARCH 1957

From: Assistant Chief of Staff, Facilities  
To: NREAD

Subj: HABITAT MANAGEMENT, RED-  
LOCKADED WOODPECKER

Attached letter received  
and forwarded for action  
as appropriate. Your people  
are to be commended  
for their efforts and I  
enjoin you to continue  
your efforts in this  
area. Thank you.

T. J. Dalzell  
Colonel USMC





United States Department of the Interior

FISH AND WILDLIFE SERVICE  
ENDANGERED SPECIES FIELD OFFICE  
100 OTIS STREET, ROOM 224  
ASHEVILLE, NORTH CAROLINA 28801

March 23, 1987

Major General J. E. Cassity  
Commanding General  
U.S. Marine Corps  
Marine Corps Base  
Camp Lejeune, North Carolina 28542

RE: 4-2-86-623

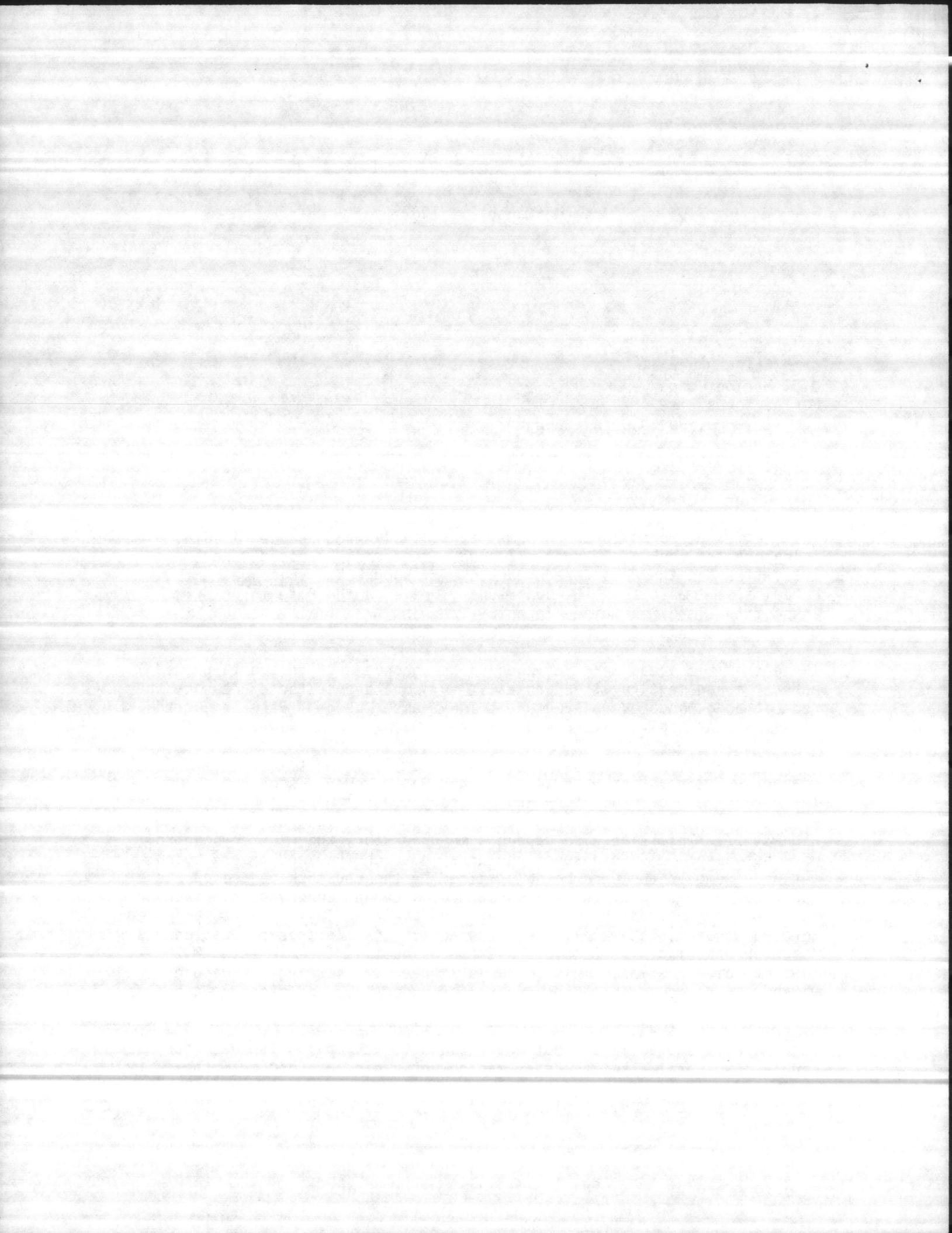
Dear General Cassity:

This letter responds to an informal consultation request received by telephone the week of February 17, 1987, regarding proposed management activities for the endangered red-cockaded woodpecker (Picoides borealis). I also took the opportunity while on the Base to briefly inspect the Tank/Mechanized Infantry Training Area (TMITA) as per the biological opinion of June 12, 1979.

Three specific areas were reviewed on the ground with regard to needed habitat management for the species. I will reference these areas by the red-cockaded woodpecker inventory colony number used by Base and North Carolina State University research personnel.

The first area looked at was colony site number 33 in timber compartment 26 east of Highway 17. This was a newly discovered colony that is in need of understory and midstory control work. The second area was colony site number 36 in timber compartment 47 just east of Highway 17. This site also needed some understory and midstory control work but also included a seed tree area in which the seed trees had not yet been removed and were being utilized by the red-cockaded woodpecker for foraging habitat. The last area evaluated was colony site number 22 in timber compartment 5 just west of Highway 172. This site was believed to be abandoned, but we discovered an active tree in this evaluation and observed one bird. We also discovered an inactive tree infested with southern pine beetles. This stand is in need of thinning, in general, which can provide much of the control of understory and midstory necessary in colony sites.

We discussed needed management and options to accomplish the necessary work. In general, the necessary management can be grouped into the following recommendation headings and are also addressed on page 50 of the recently revised recovery plan for the species:



1. Manage colony sites as stands - In the past, colonies on some lands have been considered as the cavity trees plus a 200-foot buffer, and these colony sites have been managed separately from the adjacent and surrounding stands. While this is a positive approach, it has some pitfalls. In colonies with scattered trees, some parts of the colony can be separated from other parts of the same colony. Also, colonies with few trees encompass such a small area that it is noneconomical, inefficient, and impractical in many cases to conduct needed management activities.

We recommend that the colony sites be stand size of 10 acres or more for management purposes and that they be prescribed for needed treatment during normal compartment prescription entry. Where possible, some of the needed treatments can then be handled by normal timber harvest contract. Noncommercial treatments can also be more efficient and economical because the acreage involved is sufficient to justify expenditures. Of course, treatments must be conducted outside of the nesting and fledging season of March through August. In delineating colony stands, all cavity trees and a 200-foot buffer should be included. The additional acreage should be the oldest and best habitat in terms of species composition and ease of management. In other words, include upland longleaf instead of mixed pine-hardwood or pocosin where possible. This recommendation is currently being implemented on Camp Lejeune, with the exception of colony site 22, and is not a major problem.

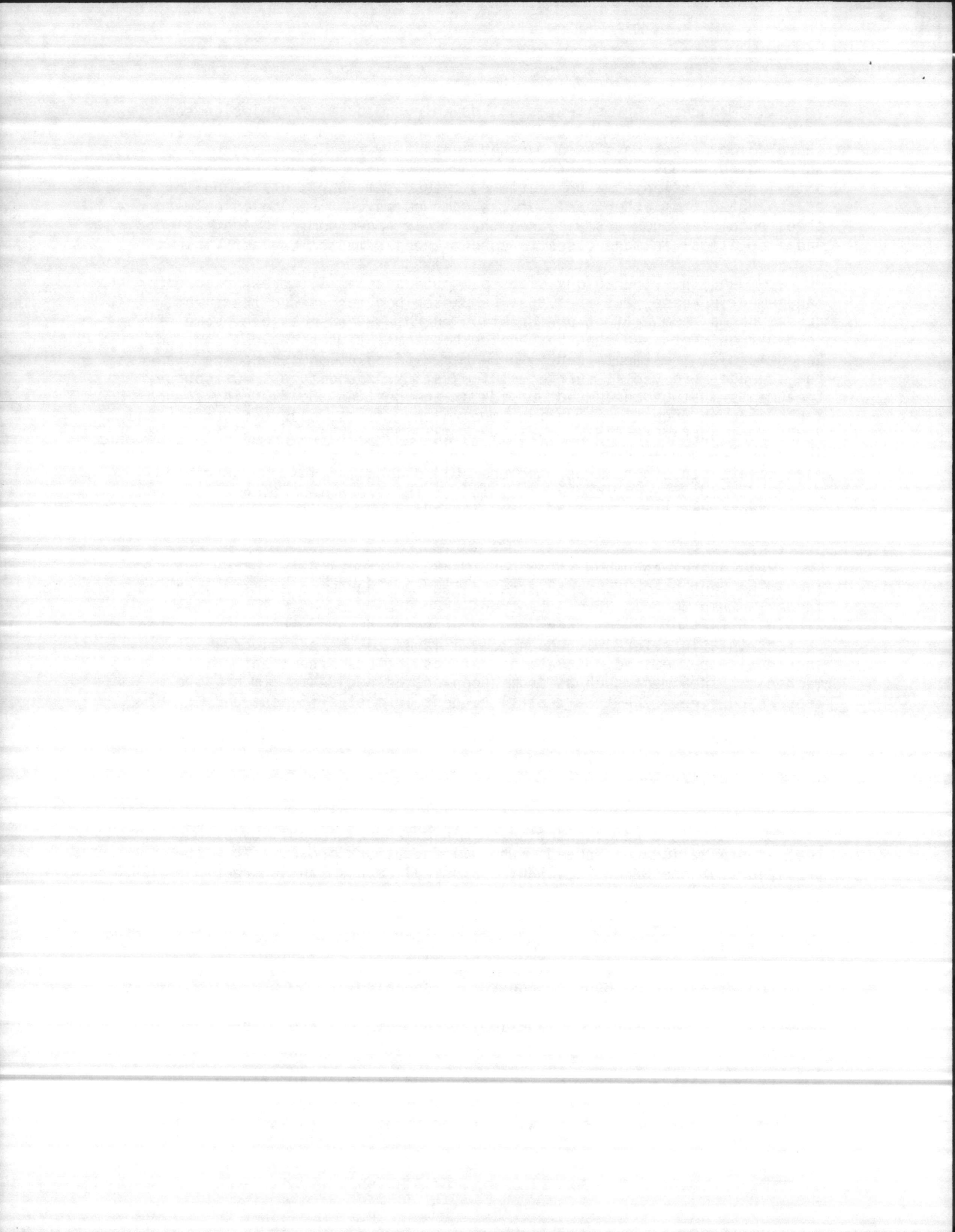
2. Control hardwood stocking - Hardwood stocking in colony stands should be kept below 20 feet<sup>2</sup>/acre BA, and all hardwood stems 1 inch and larger within 50 feet of cavity trees should be removed. Pine stems within 25 feet of cavity trees should be removed, and other pines within 50 feet that interfere with open travel lanes to the actual cavities should also be removed. Treatment options include hand treatment, mechanical treatment such as drum chopping, herbicide treatment, and prescribed fire. The treatment(s) needed, or most efficient and economical, will vary by stands and is strictly up to Base Natural Resource and Environmental Affairs Division (NREAD) personnel. Of course, chemical treatment must be with nonpersistent herbicides that are not toxic to vertebrates.

3. Maintain a 20- to 25-foot spacing between trees in sawtimber stands - This is a recommendation to minimize the probability of bark beetle infestation and spread. Where infestations occur, follow the provisions of the March 12, 1980, biological opinion on southern pine beetle control.

Application of these and other recommendations in specific cases reviewed are as follows:

Colony site 33 - Control understory and midstory by provisions in recommendation number 2. This will probably require hand, mechanical, or chemical treatment (or a combination of these), followed by periodic prescribed fire for maintenance.

Colony site 36 - Control understory and midstory by provisions in recommendation number 2. This does not appear to be quite as bad a situation as in colony 33 and will probably not require as much fund



expenditure and manpower. Also, the seed trees should be left for foraging habitat and not be removed, as there is sufficient information to indicate the usage of the area at present by the birds.

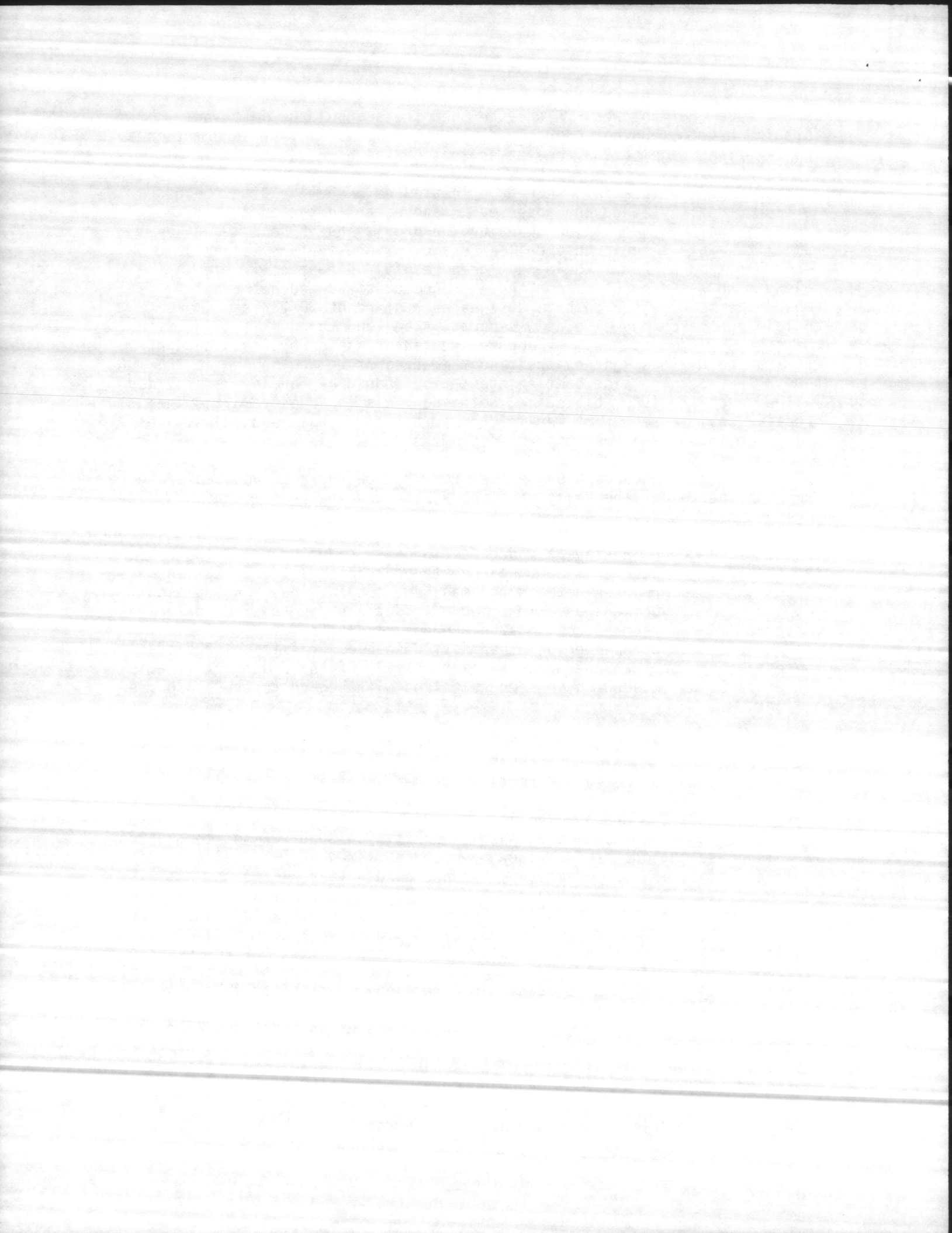
Colony site 22 - This should be treated as an active site, because we found an active tree and observed a woodpecker in the area. At least parts of the area need thinning using the provisions of recommendation number 3. This site is an excellent example where the provisions of recommendation number 1 would have been helpful in past activities. The colony site was separated from the surrounding stand and not treated. It would have been better to have designated a stand of 10 acres or more containing the colony site as a separate stand and thinned it along with the rest or other stands. Of course, we cannot manage by hindsight but must manage by foresight by treating the stand as we now recognize the need. The southern pine beetle infestation should be handled as provided in the March 12, 1980, biological opinion. This includes removing the inactive cavity tree if at least four cavity trees (active and inactive) still remain and the beetles have not emerged.

Updated Habitat Management Guidelines for the red-cockaded woodpecker on Camp Lejeune as per the revised recovery plan and the recommendations included therein were also reviewed.

After on-the-ground review of management proposals and needs of the red-cockaded woodpecker at Camp Lejeune through informal consultation, we concur that the proposed actions and management guidelines for managing red-cockaded woodpeckers on Camp Lejeune as detailed in this letter are conservation enhancement actions and are not likely to adversely affect the red-cockaded woodpecker or other listed species or critical habitat. Therefore, the obligations under Section 7(a)(2) of the Endangered Species Act of 1973, as amended, have been fulfilled with regard to these proposed actions.

However, these obligations must be reconsidered and consultation reinitiated if (1) incidental taking occurs as a result of the action, (2) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered, (3) the proposed action is subsequently modified in a manner that causes an effect to listed species or critical habitat not considered in this consultation, or (4) a new species is listed or critical habitat designated that may be affected by the proposed action.

Inspection of the TMITA revealed no significant problems. The last inspection was conducted December 13, 1983, and the change in the area in the last three years is very conspicuous. At the time of the consultation (1979), the area was rapidly deteriorating into a biological desert as a result of indiscriminate vegetation destruction. Most sites in the area now have a very good herbaceous and woody understory established. A review of photos taken at the time of the consultation and comparison to today's situation should readily reveal the change. A comparison of the TMITA to the immediate site at TLZ Hawk would also reveal the difference, as the entire TMITA was rapidly being changed to a condition present now at TLZ Hawk with just a few scattered trees and little or no additional understory vegetation. The Base is to be commended on their efforts to



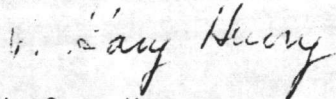


protect the red-cockaded woodpecker and the vegetation on which they are dependent in the TMITA.

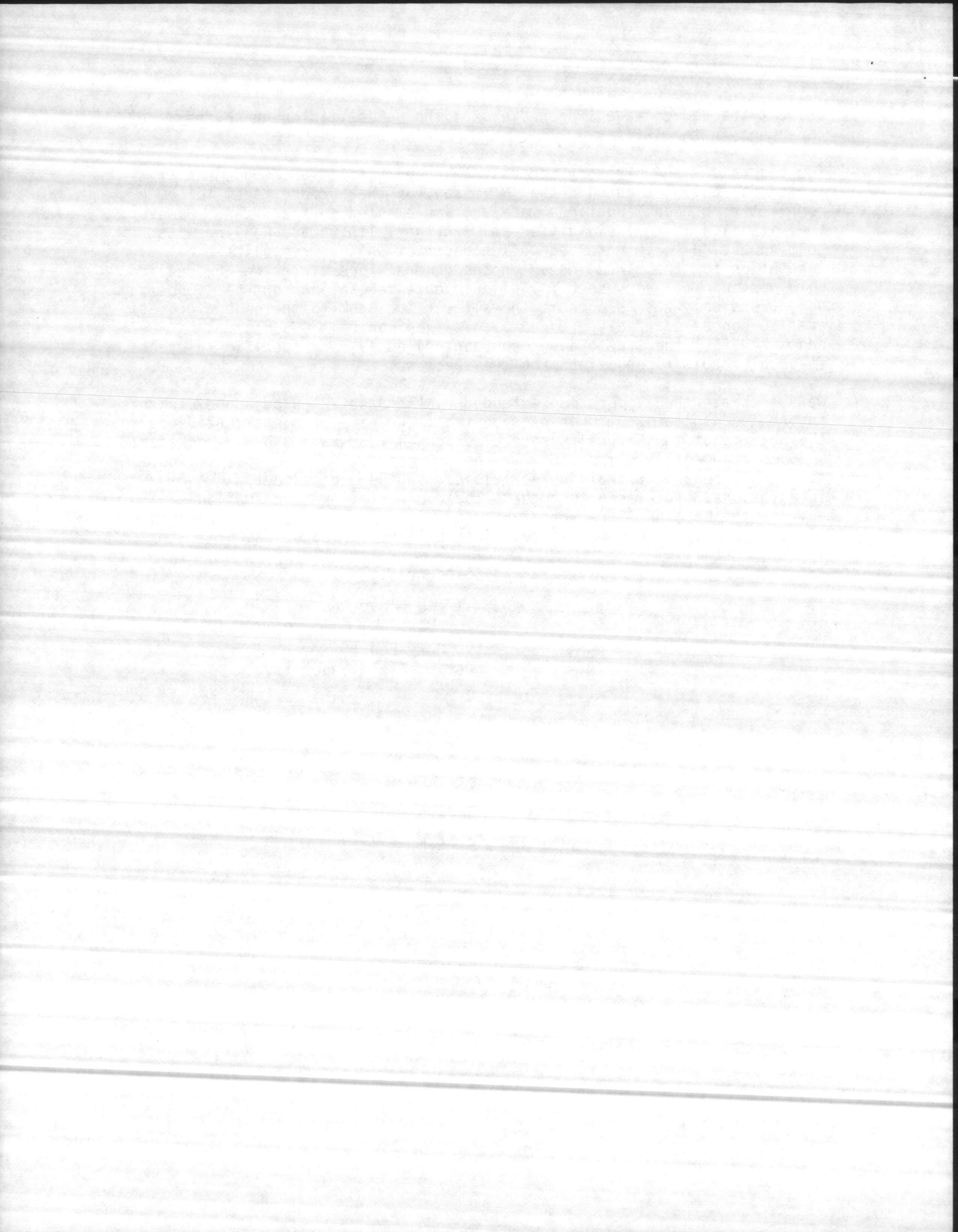
The understory and midstory control, thinning, etc., recommended in this letter for colonies outside the TMITA may, on the surface, seem to be in conflict with recommendations made and implemented in the TMITA. However, the situation is entirely different. In the TMITA we are dealing with continuous indiscriminate vegetation destruction that left little vegetation for the birds' use. In the general forest area we are dealing with periodic and very specific discriminate vegetation control. Once again, one only has to compare the site at TLZ Hawk to the general forest area to conceive the difference. Vegetation control is sometimes necessary, but the vegetation to be controlled is very specific to create favorable habitat conditions for the species.

We appreciate the cooperation extended by the Base NREAD personnel in this informal consultation and inspection trip. We have complete confidence in the ability of the Natural Resource personnel to manage the red-cockaded woodpecker properly. The stability of the population over some trying times with regard to training activities, southern pine beetle infestations, etc., is a tribute to their efforts. We are available at anytime the Base NREAD personnel want our input and advice, and we look forward to future cooperative relations between our agencies.

Sincerely,



- V. Gary Henry  
Acting Field Supervisor



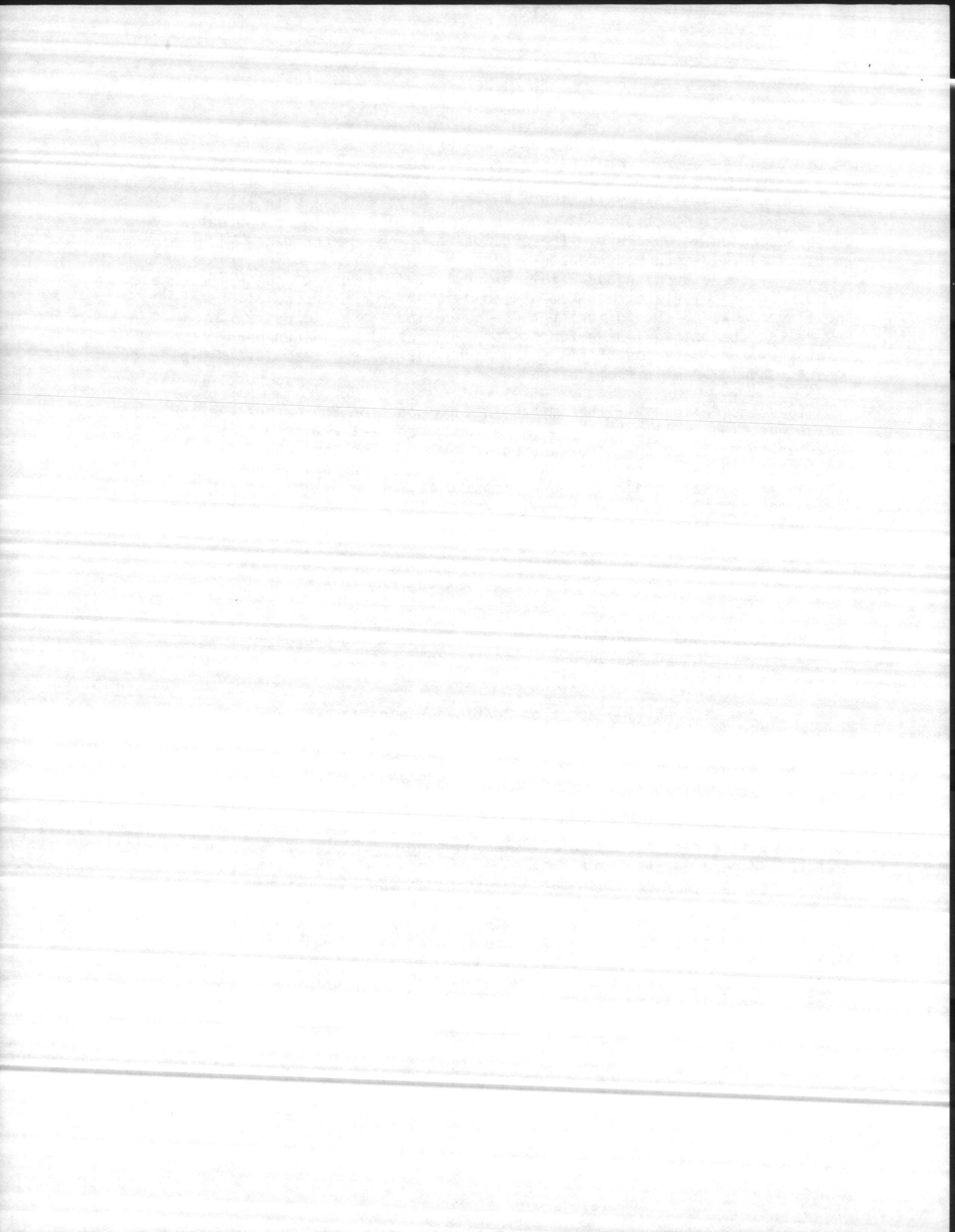
HABITAT MANAGEMENT GUIDELINES  
FOR THE RED-COCKADED WOODPECKER  
MARINE CORPS BASE  
CAMP LEJEUNE, NORTH CAROLINA

The purpose of the following guidelines is to comply with the Endangered Species Act of 1973 (Pub. L. No. 93-205) for the perpetuation of red-cockaded woodpeckers. These guidelines are in accordance with the 1985 Revised Red-cockaded Woodpecker Recovery Plan prepared for this species by the U.S. Fish and Wildlife Service. The subject guidelines are considered as immediate requirements to maintain current populations of these woodpeckers. By following these guidelines, areas closely resembling the original pine forests of the coastal plain can be maintained. All species of flora and fauna native to fire-maintained pine forests should benefit from this program.

These guidelines will become an integral part of the Natural Resource Management Plan. All natural resource management activities will be adjusted to maximize the perpetuation of this species throughout the contiguous habitat. Frequent monitoring of all colony areas and contiguous habitat is an ongoing responsibility of natural resource management personnel on the installation. Any land use activities adversely impacting upon woodpecker habitat will be reported to the proper authority for corrective action.

GUIDELINES

1. Protection and management of the red-cockaded woodpecker will take precedence over other featured species throughout the range of this bird at Camp Lejeune.
2. Maintain at least 100 acres of contiguous pine forest, including the colony stand and support stands 40 years of age or older, for replacement cavity trees, feeding, or roosting areas. In the event 100 acres are not present, manage available acreage. The following guidelines will be adhered to in management.
3. Locate, conspicuously mark, and map all cavity trees and active colonies and aggregates thereof, including single trees, starts, and relicts. Mark a 400-foot buffer zone around each nesting cavity for exclusion of primary land use during nesting season (March through July).
4. Manage colony sites as stands rather than individual trees and do not isolate colony sites from adjacent forest cover and foraging habitat. Plan no timber rotations for colony stands. Rotations for support stands will be aimed at providing sufficient stands of old growth timber. Rotations will be 100 years for longleaf pines and 80 years for loblolly



pinus for optimum dispersal. Younger stands of pinus will be sufficiently dispersed for future replacement of old growth stands. Rotation of these stands will be the same as previously mentioned for longleaf and loblolly pinus.

5. Maintain the cavity trees and a basal area of 50 to 80 square feet per acre in colony stands. Remove trees which threaten to block the cavity entrances. Conduct thinnings for reduction of dense pine and hardwood reproduction exceeding 1 inch d.b.h. or 15-foot heights within the colony stands. Thin to minimum stocking level acceptable. Understory and midstory stocking will be maintained as recommended in the recovery plan. Leave all dead snags for use by other cavity nesting birds thereby reducing competition of active cavities used by woodpeckers. Schedule logging operations in colony stands from August through February.

6. Prescribe burn colony stands and contiguous habitat for providing open park-like stands required by the woodpecker. Remove vegetation and debris from the area immediately surrounding all cavity trees prior to prescribed burning. Schedule prescribed burning with two- to three-year intervals from December through February.

7. Site preparation within the contiguous habitat will be for natural regeneration of longleaf pine whenever possible.

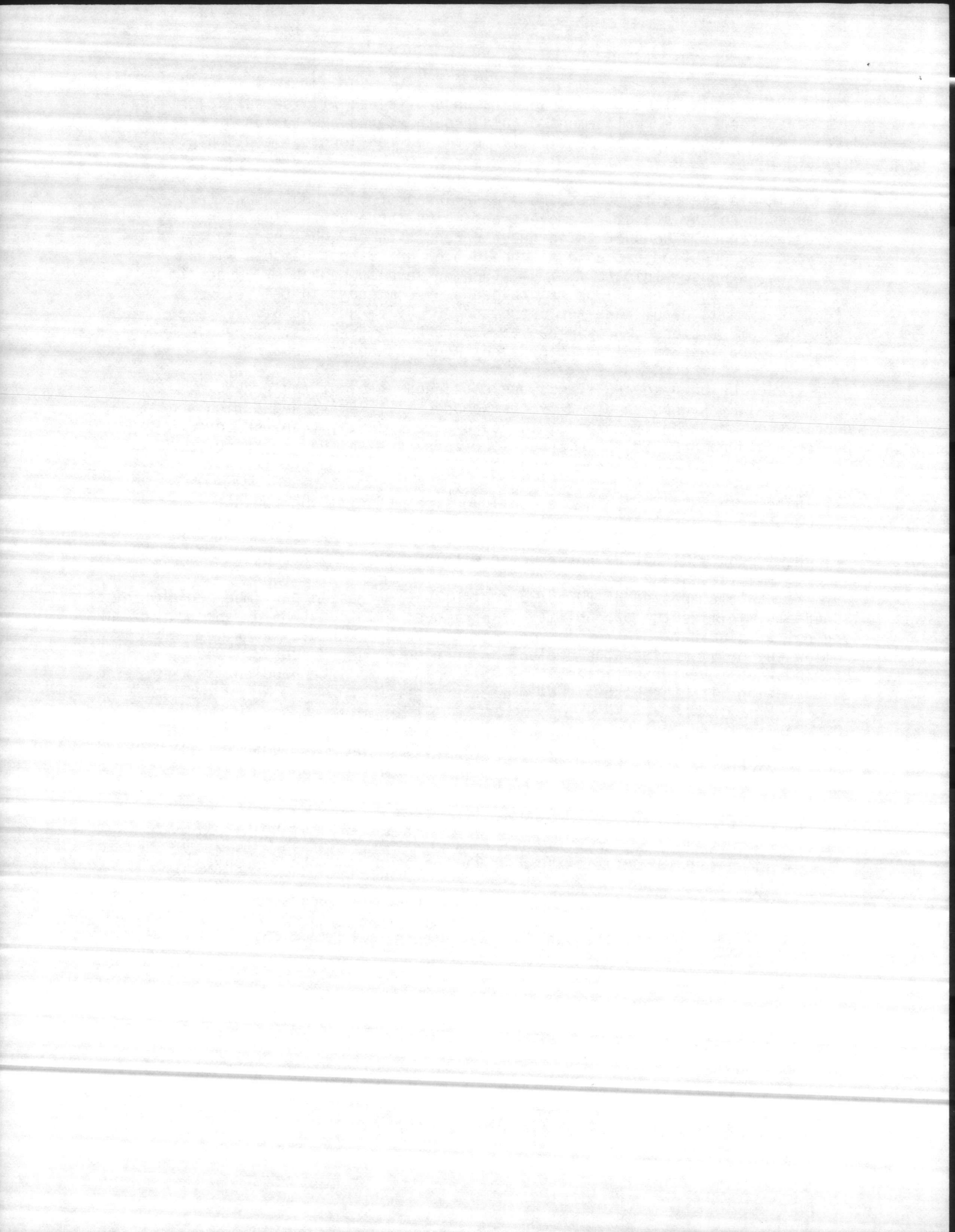
8. New roads will not be constructed within any colony stands.

9. Maintain a spacing of 20 to 25 feet between trees in sawtimber colony stands to minimize the probability of bark beetle infestation or spread. Control of pine bark beetles in red-cockaded woodpecker habitat will follow the provisions of the biological opinion issued March 12, 1980. Problems not covered sufficiently by this opinion will be handled through consultation with the Fish and Wildlife Service.

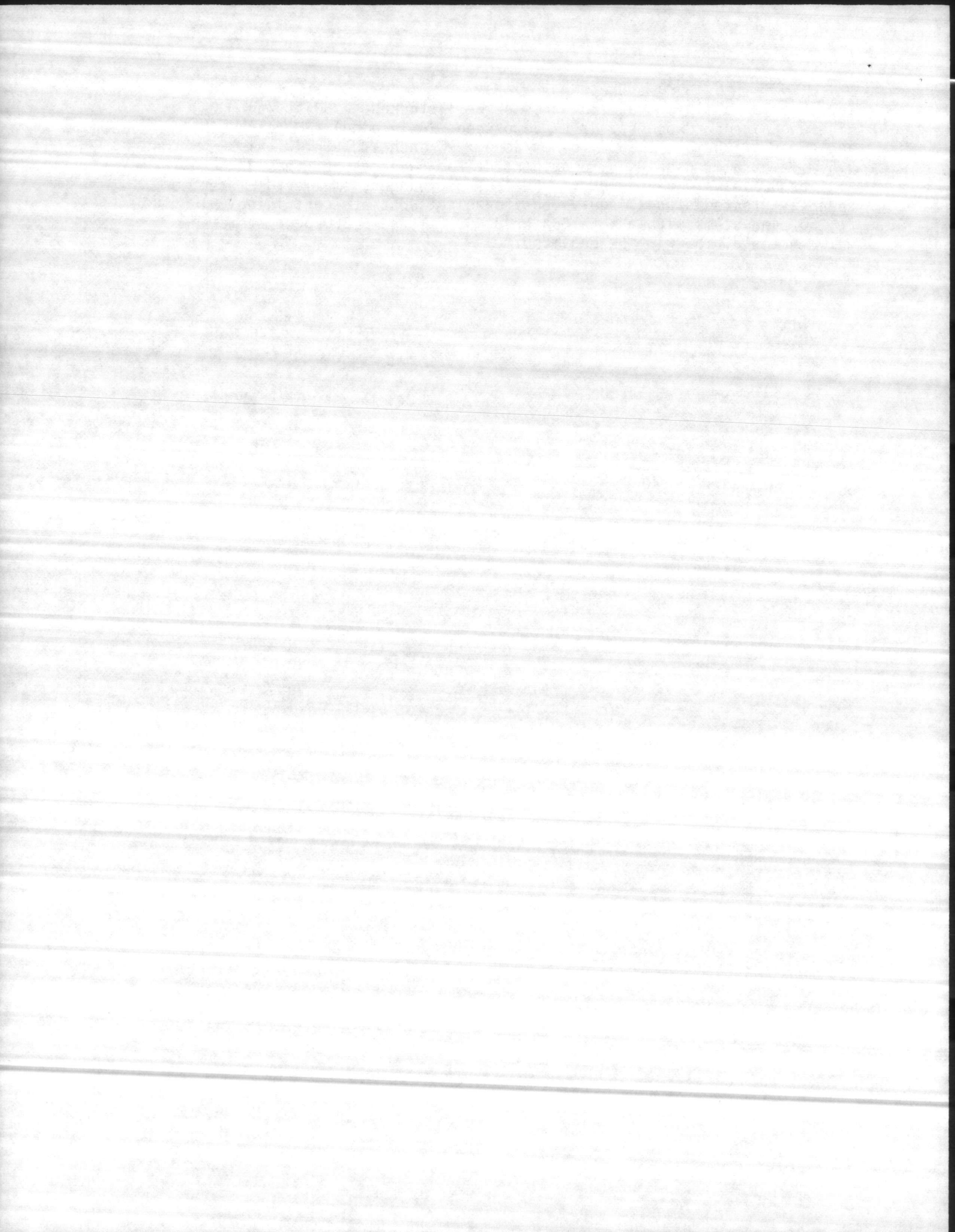
10. Cavity trees, colony areas, and contiguous habitat will be protected from all actions which will result in the destruction or adverse modification of such habitat.

11. All land use activities will cease within the 400-foot buffer of nesting cavities from March through July except for the following:

- a. Casual human activity such as nature study and photography.
- b. Infrequent field trips by students or public groups.
- c. Management activities associated with site protection, evaluation, or populations studies.



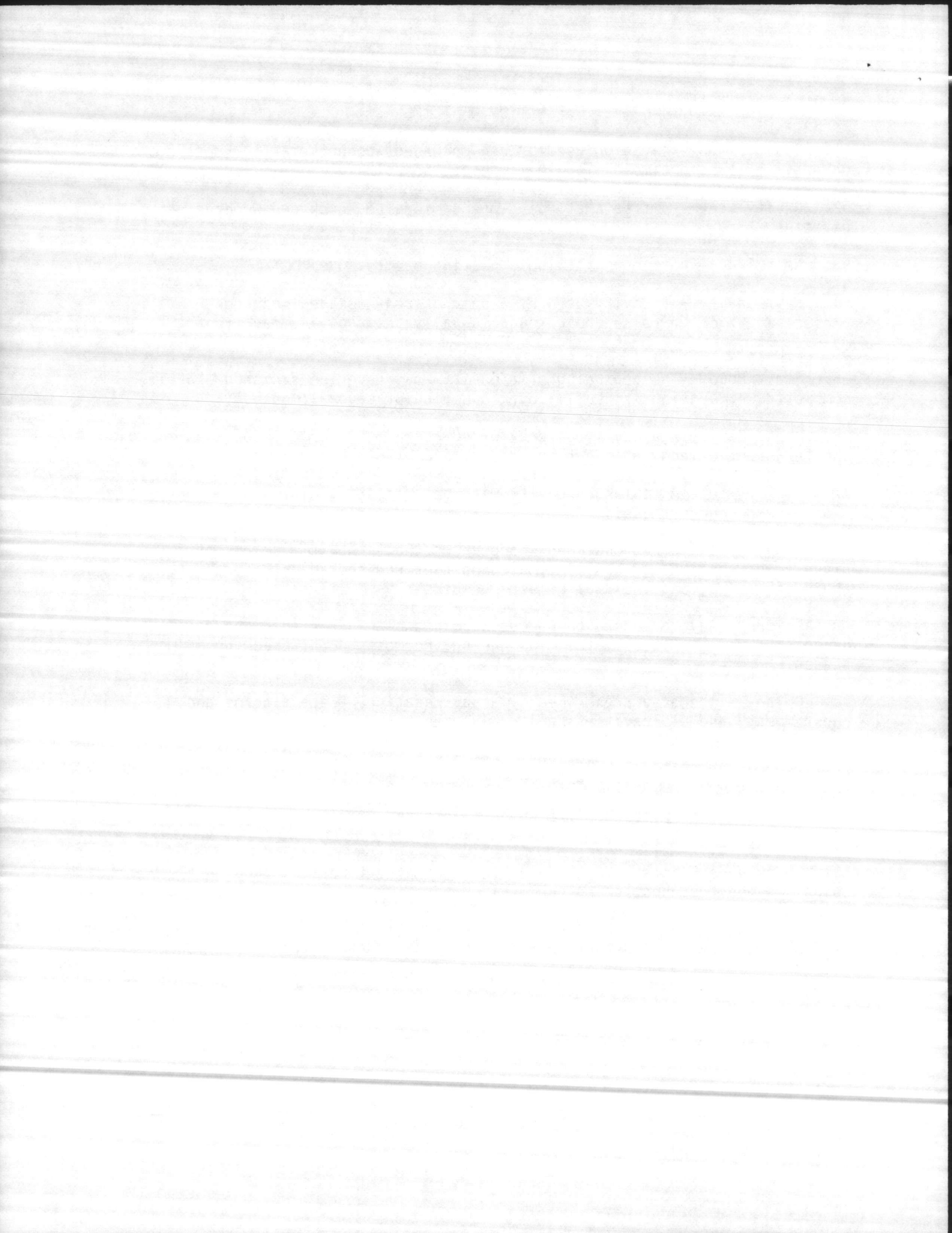
12. Provide a minimum of 125 acres of well-stocked ( $\geq 60 \text{ ft}^2/\text{acre}$  BA) pine and pine hardwood stands ( $\geq 50$  percent BA in pine), 30 years of age and older, with more than 24 pines/acre  $\geq 10$  inches d.b.h. within 0.5 mile of all colonies. Forty percent, or 50 acres, of the 125 acres will be 60 years old or older. In areas of younger, smaller diameter, or sparsely stocked stands, equivalent foraging substrate containing 21,250 pine stems with a total BA of 8,490  $\text{ft}^2$  and 6,350 pine stems  $\geq 10$  inches d.b.h. will be provided.





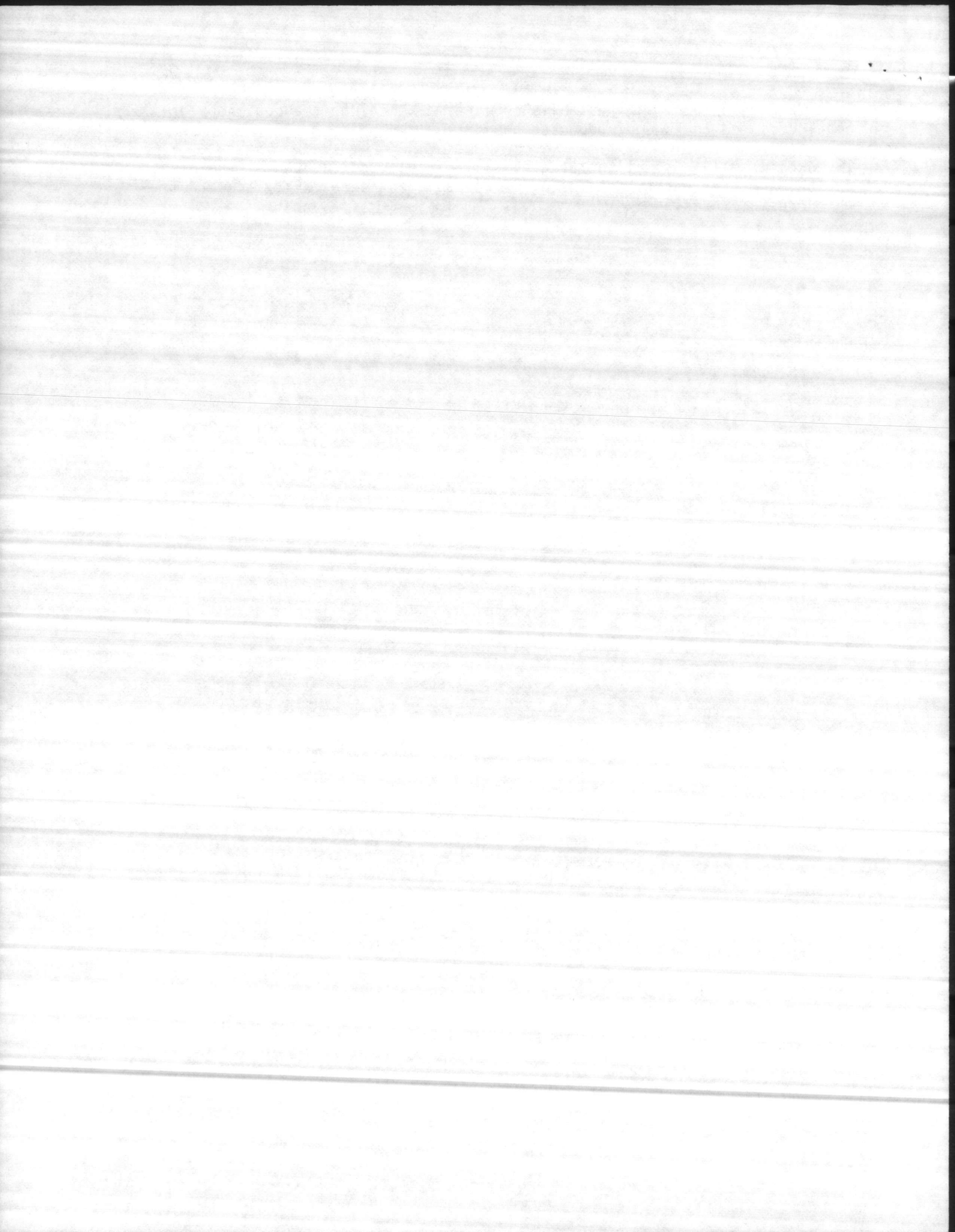
## DEFINITION OF TERMS

1. Cavity - An excavation used by red-cockaded woodpeckers for roosting or nesting at some time during the life of the colony.
2. Cavity Tree - A tree containing one or more red-cockaded woodpecker cavities.
3. Nest Tree - A tree containing a nesting cavity.
4. Nest Cavity - A cavity used by a pair of red-cockaded woodpeckers as a place in which to raise their young, usually the roosting cavity of a male.
5. Start Hole - The beginning of a cavity--may never be finished--but if completed, excavation is usually over a period of several months.
6. Roost Cavity - A cavity used by a red-cockaded woodpecker only as a shelter, particularly at night and during inclement weather.
7. Old Cavity - An enlarged cavity with deteriorating glaze receiving little or no current use.
8. Clan - All the red-cockaded woodpeckers that inhabit a colony at a given point in time--generally a mated pair of red-cockaded woodpeckers, their offspring, and their associated helpers.
9. Helper - Any red-cockaded woodpecker in a clan other than the genetic parents of young raised by the clan during the most recent breeding season.
10. Colony - The area prescribed by an aggregation of start holes and roost, nest, and old cavities habitually used by a clan.
11. Range - The area surrounding a nest cavity required by a clan to fulfill their life cycle requirements.
12. Habitat - The place or site where plants or animals naturally or normally live and grow.
13. Contiguous Habitat - Continuous acres of pine forest, including the colony, support stands, breeding territory, seasonal foraging area, or other definable units.
14. Buffer Zone - A 400-foot area around nesting/cavity trees when land uses are restricted during nesting and brooding period.



15. Marked Boundary - An established line marked along the periphery of contiguous red-cockaded woodpecker habitat.

16. Resin Well - A small hole, generally circular, excavated by the bird in the bark of a cavity tree or on a tree adjacent to a cavity tree from which resin exudes.



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NREAD  
6 Mar 87

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**From:** Director, Natural Resources and Environmental Affairs  
Division, Marine Corps Base, Camp Lejeune  
**To:** Assistant Chief of Staff, Training, Marine Corps Base,  
Camp Lejeune  
**Via:** Assistant Chief of Staff, Facilities, Marine Corps Base,  
Camp Lejeune

**Subj:** PROTECTION OF RED-COCKADED WOODPECKER HABITAT

**Encl:** (1) Camp Lejeune Special Map

1. Additional active Red-Cockaded Woodpecker cavity trees have recently been located by Mr. John Hammond, North Carolina State University Research Biologist while conducting field work on a Base Contract Project. These trees located at grids 887321, 762368 and 730321, have been tagged/flagged for marking by Natural Resources and Environmental Affairs Division personnel. The enclosure has been updated to reflect the additional trees by shading the map red.

2. The enclosure depicts all the known woodpecker habitat and is forwarded as an update to the map previously submitted. Two identical copies of the enclosure have been provided to the Training Facilities Office as requested.

J. I. WOOTEN

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FAC  
MAR 11 1987

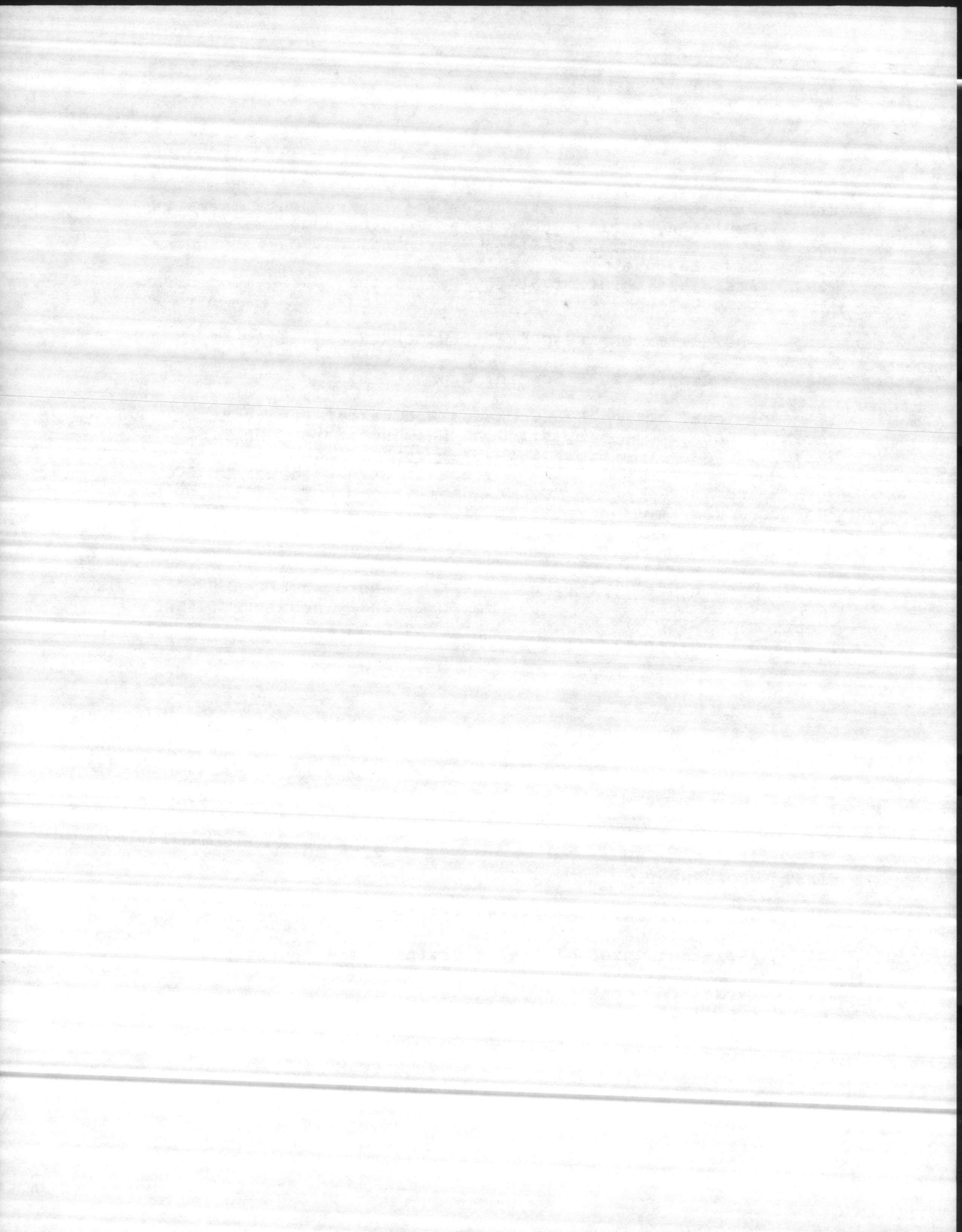
**FIRST ENDORSEMENT**

**From:** Assistant Chief of Staff, Facilities, Marine Corps Base,  
Camp Lejeune  
**To:** Assistant Chief of Staff, Training and Operations

1. Forwarded for continuing action.

B. W. ELSTON  
By direction





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NREAD  
6 Mar 87

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**From:** Director, Natural Resources and Environmental Affairs  
Division, Marine Corps Base, Camp Lejeune  
**To:** Assistant Chief of Staff, Training, Marine Corps Base,  
Camp Lejeune  
**Via:** Assistant Chief of Staff, Facilities, Marine Corps Base,  
Camp Lejeune

**Subj:** PROTECTION OF RED-COCKADED WOODPECKER HABITAT

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J. I. WOOTEN

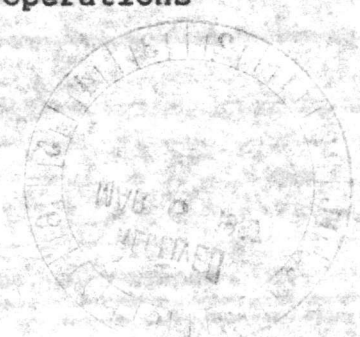
6280/7  
FAC  
MAR 11 1987

**FIRST ENDORSEMENT**

**From:** Assistant Chief of Staff, Facilities, Marine Corps Base,  
Camp Lejeune  
**To:** Assistant Chief of Staff, Training and Operations

1. Forwarded for continuing action.

B. W. ELSTON  
By direction





1. [Illegible text]

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3. [Illegible text]

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MAR 7 1987  
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UNITED STATES MARINE CORPS  
Marine Corps Base  
Camp Lejeune, North Carolina 28542-5001

6280/7  
FAC  
FEB 02 1987

From: Assistant Chief of Staff, Facilities, Marine Corps Base,  
Camp Lejeune  
To: Assistant Chief of Staff, Training and Operations  
Subj: RED-COCKADED WOODPECKER HABITAT

Ref: (a) Investigation to inquire into the circumstances  
connected with the alleged violations of the  
Endangered Species Act surrounding the endangered  
red-cockaded woodpecker occurring btwn Oct 1984 and  
Aug 1986

Encl: (1) Second End on InvesRpt 5800 SJA41 of 31 Oct 86  
(2) AC/S Fac memo 6280/7 FAC dtd 23 Dec 86  
(3) Dir NREAD ltr 11015/1A NREAD dtd 23 Jan 87

1. The reference provided recommendations to ensure safeguarding of the subject items. Enclosure (1) directed a review of applicable Base Orders with the purpose of defining specific assignments for responsibility and accountability, delineating specific procedures and duties to ensure subject habitats are protected. Enclosure (2) requested NREAD provide comments and recommendations concerning implementation of the recommendations in the completed investigation. Enclosure (3) provided recommendations for consideration.

2. Recommend appropriate Training and Operations personnel meet with NREAD personnel to discuss the best method of accomplishing the goals of protecting an endangered species habitat as directed by enclosure (1). A point of departure is the recommendations outlined in enclosure (3). Point of contact at NREAD is Mr. Charles Peterson, extension 5003/2083.

T. J. DALZELL

Copy to:  
NREAD

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142  
FEB 0 2 1987

From: Assistant Chief of Staff, Intelligence, Marine Corps Base  
To: Assistant Chief of Staff, Intelligence and Operations  
Subject: RED-COOKED WOODPECKER BAPTIST

Re: (a) Investigation to include into the above-mentioned  
connected with the alleged activities of the  
Red-cooked Woodpecker ACP surrounding the endangered  
Red-cooked Woodpecker occurring from 1984 and  
in 1987.

Encs: (1) Report and on January 2000 Serial of 41 Oct 86  
(2) ACP's and memo EX-1077 Enc 411 23 Dec 86  
(3) The report on the RED-COOKED WOODPECKER BAPTIST

1. The reference provided recommendations to report on the  
of the subject. Enclosure (1) directed a review of  
activities and to the purpose of defining specific  
activities for consideration and to determine whether  
activities are and to state subject reports are  
provided. Enclosure (2) requested WHEAD provide comments and  
recommendations concerning implementation of the recommendations  
in the report. Enclosure (3) provided  
recommendations for consideration.

2. Enclosure (3) provided the information to report on  
with WHEAD personnel to discuss the best method of accomplishing  
the goal of reporting on endangered species matters as directed  
in Enclosure (1). The report is the subject of  
outlined in enclosure (3). Point of contact at WHEAD is  
Mr. Charles Peterson, Extension 2037299.

J. J. [unclear]

Copy for  
WHEAD



UNITED STATES MARINE CORPS  
MARINE CORPS BASE  
CAMP LEJEUNE, NORTH CAROLINA 28542-5001

IN REPLY REFER TO:

5800  
SJA41

SECOND ENDORSEMENT on Maj J. E. Hull's Inves Rpt of 31Oct86

From: Commanding General, Marine Corps Base, Camp Lejeune  
To: Files

Subj: INVESTIGATION TO INQUIRE INTO THE CIRCUMSTANCES CONNECTED WITH THE ALLEGED VIOLATION OF THE ENDANGERED SPECIES ACT SURROUNDING THE ENDANGERED RED-COCKADED WOODPECKER OCCURRING BETWEEN OCTOBER 1984 AND AUGUST 1986.

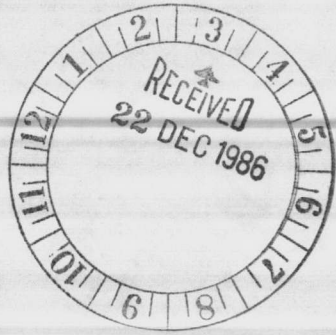
1. To files.
2. Finding of fact 9 is redesignated as Opinion 8, and as such is approved. Opinions 6 and 7 are disapproved. There is insufficient evidence to establish that endangered birds were killed or injured.
3. Subject to the foregoing, the proceedings, findings of fact, opinions and recommendations of the Investigating Officer are approved.
4. By copies hereof, the Assistant Chief of Staff, Facilities, and the Assistant Chief of Staff, Training, are directed to review the Base orders under their cognizance (BO 11015.3A and BO 11015.6, respectively) to set forth the following:
  - a. Specific assignments for responsibility and accountability, delineating specific procedures and duties to ensure that Red Cockaded Woodpecker habitats are safeguarded;
  - b. Specific inspections of each habitat by persons assigned to a specific billet, as well as the frequency of such inspections and the format and frequency of reports of the results of such inspections; and
  - c. Specific training requirements, topics, occasions, and frequency.

J. E. CASSITY

Copy to:

→ AC/S, Facilities  
AC/S, Training  
CO, HQBN  
Maj J.E. Hull

ENCLOSURE ( 1 )



UNITED STATES MARINE CORPS  
Marine Corps Base  
Camp Lejeune, North Carolina 28542-5001

6280/7  
FAC

23 DEC 1986

From: Assistant Chief of Staff, Facilities, Marine Corps Base,  
Camp Lejeune  
To: Director, Natural Resources and Environmental Affairs  
Division

Subj: INVESTIGATION TO INQUIRE INTO THE CIRCUMSTANCES CONNECTED  
WITH THE ALLEGED VIOLATION OF THE ENDANGERED SPECIES ACT  
SURROUNDING THE ENDANGERED RED-COCKADED WOODPECKER  
OCCURRING BETWEEN OCTOBER 1984 AND AUGUST 1986

Encl: (1) Second End on Maj Hull's InvesRpt of 31Oct 86 5800  
SJA41  
(2) Maj Hull's InvesRpt on subj (*only copy sent to NRET*)

1. Enclosure (1) requires review of Base Orders and procedures  
to ensure that red-cockaded woodpecker habitats are safeguarded.  
Request you review enclosure (2) and provide comments and recom-  
mendations concerning implementation of the recommendations in  
the completed investigation. Provide to this office by  
26 January 1987.

T. J. DALZELL

ENCLOSURE (2)

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

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100-100000  
100-100000

TO: SAC, NEW YORK (100-100000)  
FROM: SAC, NEW YORK (100-100000)  
SUBJECT: [Illegible]

RE: [Illegible]

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**UNITED STATES MARINE CORPS**  
Natural Resources and Environmental Affairs Division  
Marine Corps Base  
Camp Lejeune, North Carolina 28542

IN REPLY REFER TO:  
11015/1a  
NREAD  
23 Jan 87

From: Director, Natural Resources and Environmental Affairs  
Division, Marine Corps Base, Camp Lejeune  
To: Assistant Chief of Staff, Facilities, Marine Corps Base,  
Camp Lejeune  
Subj: INVESTIGATION TO INQUIRE INTO THE CIRCUMSTANCES CONNECTED  
WITH THE ALLEGED VIOLATIONS OF THE ENDANGERED SPECIES ACT  
SURROUNDING THE ENDANGERED RED-COCKADED WOODPECKER OCCURRING  
BETWEEN OCTOBER 1985 AND AUGUST 1986  
Ref: (a) AC/S, Facilities ltr 6280/7/Fac of 23 Dec 1986  
Encl: (1) NREAD Butt tag with RCW violation report (12-86)  
of 26 Nov 86

1. The reference has been reviewed relative to ensuring that Red-Cockaded Woodpecker (RCW) habitat is protected in accordance with the recommendations contained in the completed investigation. The following recommendations are provided for consideration:

a. Continue inspections under the cognizance of the Base Training Facilities Officer and supported by a representative from NREAD to determine if violations have occurred and, if so, report them officially to the Assistant Chief of Staff, Training and Operations.

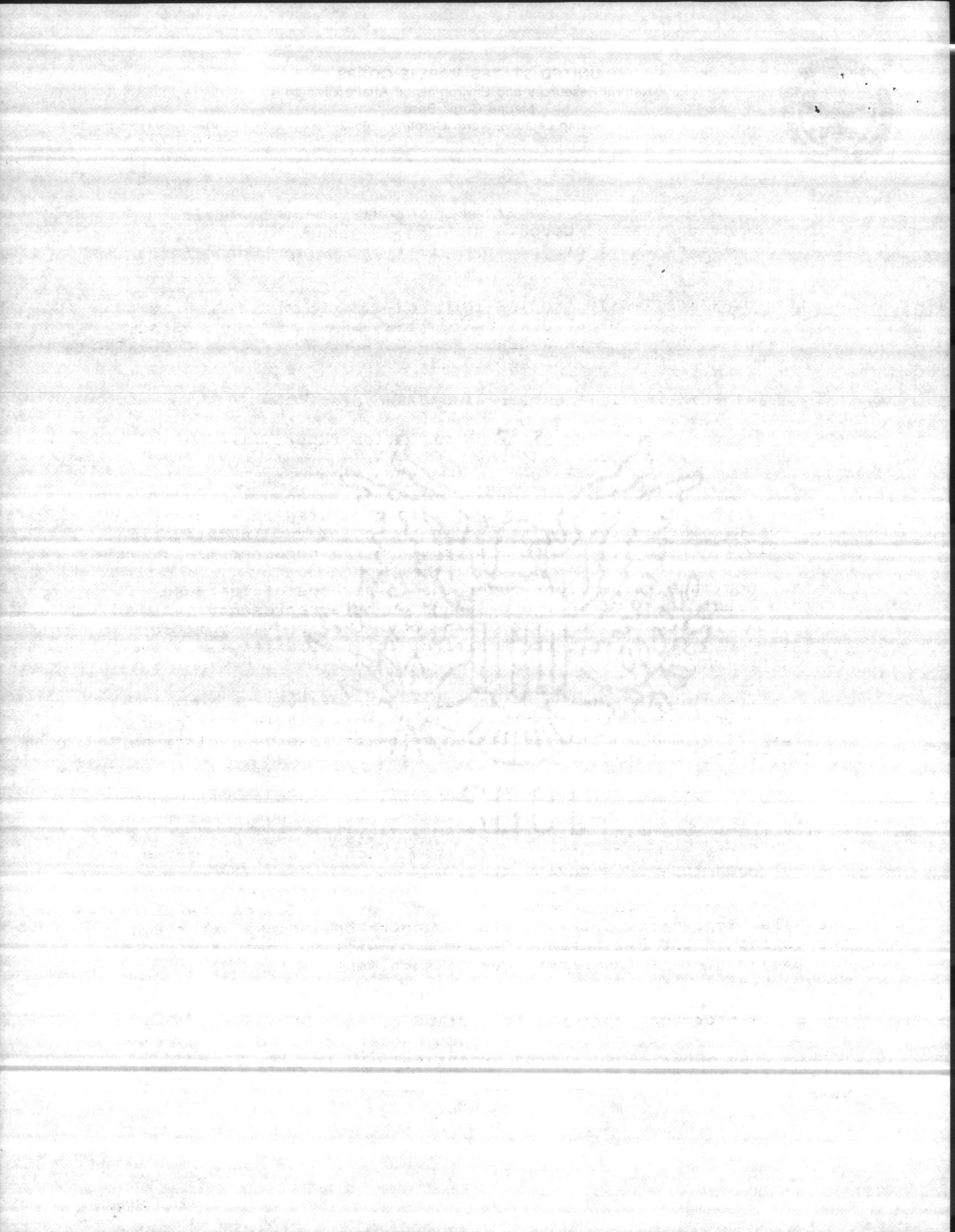
b. Training Facilities personnel supported by a NREAD (Wildlife Branch) representative shall make regularly scheduled inspections of RCW habitat as listed below to observe violations which may have occurred.

c. A thorough weekly inspection will be conducted (Tuesday & Wednesday as required beginning at 0800) of all RCW habitat and cavity trees excluding G-10 Impact Area, Surface Danger Zone and the K-2 Surface Danger Zone. This inspection requires the observation of each known RCW cavity tree.

d. A monthly ride through inspection of the RCW habitat in the G-10 Impact Area & G-10 Surface Danger Zone and walk through inspection of the K-2 Surface Danger Zone will be conducted the first Wednesday of the first week of each month beginning at 0800 hours.

e. A thorough quarterly inspection of each RCW cavity tree in the G-10 Impact Area, G-10 Surface Danger Zone and K-2 Surface Danger Zone shall be conducted beginning with the 1st Thursday of the first week of January, May and September of each calendar year.

ENCLOSURE (3)





11015/1a  
NREAD

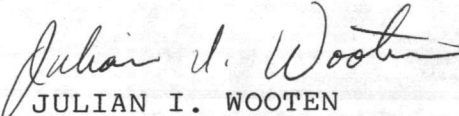
Subj: INVESTIGATION TO INQUIRE INTO THE CIRCUMSTANCES CONNECTED WITH THE ALLEGED VIOLATIONS OF THE ENDANGERED SPECIES ACT SURROUNDING THE ENDANGERED RED-COCKADED WOODPECKER OCCURRING BETWEEN OCTOBER 1985 AND AUGUST 1986

f. The NREAD representative shall be responsible for drafting a field report for use in the preparation of a final official report of the violations observed for submission to the Director, NREAD.

g. The Director, NREAD, shall affix a forwarding "butt tag", similar to enclosure (1), to the violation report and have it hand delivered to the Training Facilities Officer with recommendations that it be forwarded for continued action.

2. The increased frequency of inspections throughout the base will result in an additional workload for Natural Resources personnel. It is estimated from two - three man days will be required by NREAD (Wildlife Branch) personnel on a weekly basis to support Training Facilities personnel on the above requirements. Exact man day requirements will vary from time to time depending on the number of violations observed, clearance by Range Control for entering Surface Danger/live-firing areas, condition of roads/trails and weather conditions.

3. It should be noted this increased RCW habitat monitoring program is a significant impact on NREAD (Wildlife Branch) manpower and it is recommended appropriate consideration be given to additional staffing to support this requirement.

  
JULIAN I. WOOTEN





NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS  
Marine Corps Base  
Camp Lejeune, North Carolina 28542

26 Nov 86  
Date

From: Director

To:

Training Fac Officer

Subj:

Red-cockaded woodpecker (RCW) habitat  
inspection report (12-86) of 25 Nov 86

In accordance with AC/S Fac  
instructions the subj report (attached)  
is provided for your continued action.  
If I can be of further assistance please  
advise

V/R  
John Wooten

ENCLOSURE III



11015/1A  
NREAD  
25 Nov 86

VIOLATION TO REVISED RED-COCKADED WOODPECKER BIOLOGICAL OPINION  
REPORT NO. 12-86

This weekly inspection of marked Red-Cockaded Woodpecker habitat was conducted by Staff Sergeant Shavers, Range Control, and Mr. W. G. Bostic, Natural Resources and Environmental Affairs Division, on Nov 25, 1986.

1. TLZ DODO - Grid 886298

a. Entry of tracked vehicles into contiguous habitat area resulting in damage to 8 pine tree root systems. Damage to woody vegetation and disturbance of soils.

b. Destroying or removing signs and posts that delineate restricted areas in woodpecker site.

c. Girdling of pines by the attachment of communication and barbed wire in contiguous habitat area.

2. TLZ DOVE - Grid 865302

a. Entry of tracked vehicles into buffer zone area resulting in damage to 4 pine tree root systems. Damage to woody vegetation and disturbance of soils.

b. Girdling of pine trees in contiguous habitat by attachment of barbed wire.

c. Removing or damaging posts and signs that delineate restricted area in woodpecker site.

d. 6th MAB, CAO was assigned the above areas according to Range Control.

3. It appears that the above entry of tracked vehicles into buffer zone and contiguous habitat areas was the result of placing or digging tank traps in the roads through the Red-Cockaded Woodpecker sites.

