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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 AC/S 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.

S/R

C. Peterson

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

VKBR

TELEPHONE CONVERSATION RECORD
MCBCL 2305/8

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

TO: Chief of Staff,

DATE
12 Nov 87

TIME *(Began-Completed)*
0900-0915

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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MCBCL 2305/8

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

DATE
12 Nov 87

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COPIES TO:

SIGNATURE Albert C Henry Jr

d W
Nov 87

TELEPHONE CONVERSATION RECORD

MCBCL 2305/8

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

DATE: 5 November 1987

TIME *(Began - Completed)*: 1043 - 1045

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
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ROUTING

ACTIVITY OR NAME	ACTION	INFO	INITIAL

COMMENTS

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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 Resoruces 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)

NREAD

11015/1b
NREAD
OCT 0 9 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. 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

Writer/Typist Peterson/Trianoski
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 AC/S Facilities
Subj:

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0900-0915

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U.S. Fish & Wildlife Service
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COPIES TO:

SIGNATURE Albert C Henry Jr

d W
Nov 87

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(Name, Title, Location & Telephone Number Charged)
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SUBJECT
VIOLATION OF SECTION 9
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COPIES TO:

SIGNATURE Charles D. Peterson

ENCLOSURE (1)

NREAD

11015/1b
NREAD
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Sincerely,

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

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

4

6280/7

6000
PWO
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. Arla 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

Copy
Also done

6280/7

6000
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

628017

T5200

BW

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 0 2 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

8/31

1w

ASSISTANT CHIEF OF STAFF, FACILITIES
HEADQUARTERS, MARINE CORPS BASE

T6280M

DATE 5/14/81

TO:

BASE MAINT O
PUBLIC WORKS O
COMM-ELECT O
DIR., NAT. RESOURCES & ENV. AFFAIRS
DIR, FAMILY HOUSING
DIR, BACHELOR HOUSING
BASE FIRE CHIEF

ATTN: Mr. Worten

1. Attached is forwarded for info/action.

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

3. Your file copy.

B. Elston
by Jim

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

MCBCL 5216/21 (REV. 04-85)

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

T6280/7

ASSISTANT CHIEF OF STAFF, FACILITIES
HEADQUARTERS, MARINE CORPS BASE

File: 6280/7

DATE 4/27/87

TO:

BASE MAINT O
PUBLIC WORKS O
COMM-ELECT O
DIR., NAT. RESOURCES & ENV. AFFAIRS

DIR, FAMILY HOUSING
DIR, BACHELOR HOUSING
BASE FIRE CHIEF

ATTN: Mr Wooten

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3. Your file copy.

B Webster
By dw

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

MCBCL 5216/21 (REV. 04-85)

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.

23 APR 1987

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 explcitly 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

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

History Note: Statutory Authority G.S. 106-202.1 through 106-202.8; Eff. July 1, 1980; Repealed Eff. May 1, 1984. 86.3 86.4 86.5 86.6

.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) Arenaria alabamensis -- (McCormick, Bozeman & Spongberg) 86.24
Wyatt 86.25
Alabama sandwort; 86.26

(2) Arenaria godfreyi -- Shinners 86.27
Godfrey's Sandwort; 86.28

(3) Arenaria uniflora -- (Walter) Muhl. 86.29
Single Flowered Sandwort; 86.30

(4) Asplenium heteroresillens -- W. H. Wagner 86.31
Carolina Spleenwort Fern; 86.32

(5) Asplenium monanthes -- L. 86.33
Single Sorus Spleenwort Fern; 86.34

(6) Buckleya distichophylla -- (Nuttall) Torrey 86.35
Piratebush; 86.36

(7) Camassia scilloides -- Raf. 86.37
Wild Hyacinth; 86.38

(8) Carex aenea -- Fernald 86.39
Fernald's Hay Sedge; 86.40

(9) Carex biltmoreana -- MacKenzie 86.41
Biltmore Sedge; 86.42

(10) Carex purpurifera -- Mackenzie 86.43
Purple Sedge; 86.44

(11) Coreopsis latifolia -- Michaux 86.45
Broadleaf Coreopsis; 86.46

(12) Cystopteris X tennesseensis - Shaver 86.47
Tennessee Bladder Fern; 86.48

(13) Dalibarda repens -- L. 86.49
False Violet; 86.50

(14) Delphinium exaltatum -- Aiton 86.51
Tall Larkspur; 86.52

(15) Eupatorium resinosum -- Torrey ex DC 86.53
Resinous Joe-Pye-Weed; 86.54

(16) Gentiana crinita -- Froelich 86.55
Fringed Gentian; 86.56

(17) Glyceria nubigena -- W.A. Anderson 86.57
Smokey Mtn. Mannagrass; 87.1

(18) Grammitis nimbata -- (Jenm.) Proctor 87.2

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

(42) Solidago pulchra -- Small
Carolina Goldenrod;
(43) Solidago spithamaea -- M.A. Curtis
Blue Ridge Goldenrod;
(44) Solidago verna -- M.A. Curtis ex T. & G.
Spring-flowering Goldenrod;
(45) Sporobolus heterolepis -- Gray
Prairie Dropseed;
(46) Thalictrum cooleyi -- Ahles
Cooley's Meadowrue;
(47) Trillium pusillum -- Michaux
Carolina Trillium;
(48) Trisetum spicatum var. molle -- (Michaux) Beal
Soft Trisetum

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

.0302 THREATENED PLANT SPECIES LIST

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

(1) Arethusa bulbosa -- L.
Bog Rose;
(2) Cacalia rugelia -- (Shuttl. exchapm) Barkley & Cronq.
Rugel's Ragwort;
(3) Calamovilfa brevipilis -- (Torrey) Scribner
Riverbank Sandreed;
(4) Carex chapmanii -- Steudel
Chapman's Sedge;
(5) Carex misera -- Buckley
Wretched Sedge;
(6) Carya Myristicaeformis -- (Michaux F.) Nuttall
Nutmeg Hickory;
(7) Echinacea laevigata -- (Boynton & Beadle) Blake
Smooth Coneflower;
(8) Eleocharis halophila -- Fernald & Brack.
Split Spikerush;
(9) Geum geniculatum -- Michaux
Bent Avens;
(10) Geum radiatum -- Gray
Spreading Avens;
(11) Habenaria integra -- (Nuttall) Spronqel
Yellow Fringeless Orchid;

(12) Helonias bullata -- L.
Swamp Pink;
(13) Hudsonia montana -- Nuttall
Mountain Golden Heather;
(14) Isoetes piedmontana -- (Pfeiffer) Reed
Piedmont Quillwort;
(15) Liatris helleri -- (Porter) Porter
Heller's Blazing Star;
(16) Lilaeopsis carolinensis -- Coult. & Rose
Carolina Lilaeopsis;
(17) Lilium grayi -- Watson
Gray's Lily;
(18) Menyanthes trifoliata -- L.
Buckbean;
(19) Myriophyllum laxum -- Schuttlew. ex Chapman
Loose Watermilfoil;
(20) Nemopanthus collinus -- (Alexander) Clark
Long-stalked Holly;
(21) Nestronia umbellula -- Raf.
Nestronia;
(22) Ptilimnium nodosum -- (Rose) Mathias
Bishop's Weed;
(23) Rudbeckia heliopsidis -- T. & G.
Sun-facing Coneflower;
(24) Schisandra glabra -- (Brickel) Rehder
Magnolia Vine;
(25) Senecio millefolium -- T. & G.
Divided-leaf Ragwort;
(26) Sporobolus teretifolius -- Harper
Wireleaf Dropseed;
(27) Trichomanes boschianum -- Sturm ex Bosch
Appalachian Filmy-fern;
(28) Trichomanes petersii -- A. Gray
Peter's Filmy-fern;
(29) Utricularia olivacea -- Wright ex Grisebach
Dwarf Bladderwort.

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

.0303 LIST OF SPECIES OF SPECIAL CONCERN

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

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) -- Behder 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 106-202.19; Eff. June 30, 1981; Amended Eff. May 1, 1984.

.0305 COLLECTION AND SALE OF GINSENG

(a) Definitions

(1) Person. Individual, corporation, partnership, firm or association.

(2) Ginseng. Any plant of the species Panax quinquefolium including cuttings, roots, fruits, seeds, propagules or any other plant part.

(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.

(4) Inspector. An employee of the North Carolina Department of Agriculture or any other person authorized by the Commissioner to enforce these Regulations.

(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.

(6) Export Certificate. A document issued to allow the export of ginseng collected or grown in North Carolina.

(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.

(c) Collection of Ginseng

(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.

(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.

(d) Purchase and Sale of Ginseng

(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.

(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.

(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.

(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.

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

SECTION .0400 - COLLECTION: PROPAGATION AND MOVEMENT OF ENDANGERED AND THREATENED PLANT SPECIES

.0401 DEFINITIONS

(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.

(b) "Department" means the North Carolina Department of Agriculture.

(c) "Inspector" means an employee of the North Carolina Department of Agriculture or any other person authorized by the Commissioner to enforce these Regulations.

(d) "Nursery" means any place where any plants are propagated or grown to be offered.

(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.

(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.

(g) "Person" means an individual, corporation, partnership, firm, or association.

(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.

(i) "Plant" means any member of the plant kingdom, including cuttings, roots, fruits, seeds, propagules or any other plant part.

(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.

(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.

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

(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.

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

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

.0402 AUTHORIZATION: SPECIAL CONCERN PLANT SPECIES

(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:

(1) obtain propagation stock, and

(2) to offer propagated plants.

(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.

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

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

(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;

(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

commerce permit and a nursery certificate, as specified
in 2 NCAC 10C .0300, shall be issued if the 92.55
requirements of the law and regulations are met; the
special concern endangered and threatened plant 92.56
commerce permit shall be valid until the following 92.57
September 30, but may be revoked sooner for violation
of the North Carolina Plant Protection and Conservation 93.1
Act or regulations adopted thereunder; In addition to
the yearly inspection, the site and facilities must be 93.2
made available for inspection at any other time at the
request of the North Carolina Department of 93.3
Agriculture;

(4) The person offering special concern endangered or 93.4
threatened plants shall maintain records of all
acquisitions for the length of time these plants are in 93.5
his possession; Such records shall be available for 93.6
inspection by an inspector, and recorded on the
protected plant permit and record; 93.7

(5) At the time of inspection, the person who has made 93.8
application to offer any special concern endangered or 93.9
threatened plant or plants shall identify each species
to be offered by common and scientific name as found in 93.10
the current edition of "The Manual of Vascular Flora of 93.11
the Carolinas", or if not found in this edition, as
identified by the American Society of Plant 93.12
Taxonomists. Each species to be offered shall be
listed on a special concern endangered and threatened 93.13
plant commerce permit and only those species listed
shall be offered. Offering plants not listed is 93.14
grounds for revocation of the special concern
endangered or threatened plant commerce permit and 93.15
other remedies under the law.

History Note: Statutory Authority G.S. 106-202.12 through 93.18
106-202.19; 93.19
Eff. April 8, 1981; 93.20
Amended Eff. May 1, 1984. 93.21

.0403 MOVEMENT AND SALE OF SPECIAL CONCERN 93.23

(a) Every carload or shipping container of wild or propagated, 93.25
special concern, endangered, or threatened plants which is 93.26
offered or transported by any person shall be accompanied by a
copy of a valid North Carolina Nursery Certificate and a valid 93.27
Protected Plant Permit or Record or a Protected Plant Commerce 93.28
Permit. The wording and form of this copy shall be the same as 93.29
that of the original permit furnished by the North Carolina 93.30
Department of Agriculture and all copies must be complete, 93.31

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

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

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

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

.0406 MOVEMENT FOR CONSERVATION PURPOSES

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

(1) that movement will enhance the survival of the species;

(2) that movement will be consistent with the policy set forth in 106-202.13 of the Plant Protection and Conservation Act;

(3) that the individual(s) moving the endangered and threatened plant species has obtained written permission from the owner or agent of the land from which the affected species is to be removed and which is dated and valid for no more than 180 days and which indicates the species or higher taxon of plant(s) for which permission is granted; and

(4) that a protected plant permit and record has been obtained and shall accompany the container of such plants or the plant itself whenever such plants are moved.

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

.0407 APPLICATION FOR A PLANT CONSERVATION PERMIT

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

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

Eff. April 8, 1981; 95.4
Amended Eff. May 1, 1984. 95.5

.0408 CRITERIA FOR APPROVAL PLANT CONSERVATION PERMITS 95.7

Decisions on the acceptance or rejection of an application for 95.9
an endangered and threatened 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 to 95.15
be removed;
(3) the amount of plant material to be collected; 95.17
(4) the conditions under which the plants will be removed; 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

In emergency rescue operations a verbal permit may be acquired 95.34
with a waiver 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; Eff. April 8, 1981; Amended Eff. May 1, 1984; June 30, 1981. 96.12 96.13 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; Eff. April 8, 1981; Amended Eff. May 1, 1984. 96.40 96.41 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.

.0506 FORM PC-5

Form PC-5 is the permit issued to authorize the offering of special concern endangered or threatened plant species which have been legally obtained and propagated. The following information is required:

(1) An expiration date;
(2) The plant species for which the permit is issued;
(3) The plant part for which the permit is issued;
(4) The quantity of the plant for which the permit is issued;
(5) The permit is signed by the Commissioner, 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.

.0507 FORM PC-6

Form PC-6 is a compliance agreement for the authorization to reproduce special concern endangered and threatened plant commerce permits. The following information is required:

(1) The name, address, and location of establishment signing the agreement;
(2) Signature of the owner or a representative of the establishment;
(3) The agreement 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.

.0508 FORM PC-7

Form PC-7 is the ginseng dealer registration form and is issued to ginseng dealers who wish to purchase ginseng after June 1 of each year. The following information is required:

(1) The company name, name of owner, manager or agent, address and telephone number of the ginseng dealer;
(2) The location of ginseng records and roots; and
(3) Signature of ginseng dealer.

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

Eff. June 30, 1981.

.0509 FORM PC-8

Form PC-8 is the record of native collected ginseng purchases to be completed by ginseng dealers. The following information is required:

(1) A sheet number corresponding to the number of ginseng purchase records completed by the ginseng dealers in that harvest season;
(2) The ginseng dealer's name and address;
(3) A record number for each purchase on a sheet;
(4) The date the ginseng is purchased;
(5) The name, address and telephone number of the collector of the ginseng purchased;
(6) The amount of ginseng purchased;
(7) The counties in which the ginseng roots were collected;
(8) Form PC-8 is signed by the ginseng dealer certifying that the records are accurate and that all ginseng purchased was collected legally.

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

.0510 FORM PC-9

Form PC-9 is the record of cultivated ginseng purchases to be completed by ginseng dealers. The following information is required:

(1) A sheet number corresponding to the number of ginseng purchase records completed by the ginseng dealer in that harvest season;
(2) The ginseng dealer's name and address;
(3) A record number for each purchase on a sheet;
(4) The date the ginseng is purchased;
(5) The name, address and telephone number of the cultivator of the ginseng;
(6) The amount of ginseng purchased;
(7) The nursery and nursery certificate number, if any, where the ginseng was cultivated; and
(8) Form PC-9 is signed by the ginseng dealer certifying that the records are accurate and that the ginseng purchased was cultivated.

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

.0511 FORM PC-10

Form PC-10 is the ginseng export certification issued to ginseng dealers for export of legally collected or cultivated roots. The following information is required:

(1) The total amount of ginseng to be exported;

(2) The amount of collected and cultivated ginseng to be exported;

(3) The name and address of the ginseng dealer;

(4) The purchase dates of the ginseng to be exported;

(5) The transfer records of the ginseng covered by this certificate; and

(6) Form PC-10 is signed by the Plant Pest Administrator, Plant Industry Division, the ginseng dealer and the inspector issuing the export certification.

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

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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 3/24/87

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 referance (a).

J. I. WOOTEN

HEADQUARTERS, MARINE CORPS BASE
CAMP LEJEUNE, NORTH CAROLINA

6280/7

DATE 26 MARCH 1987

From: Assistant Chief of Staff, Facilities
To: NREAD

Subj: HABITAT MANAGEMENT, RED-COCKADED WOODPECKER

Attached letter received and foworded 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 feet2/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

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

pines for optimum dispersal. Younger stands of pines 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 pines.

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 park 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 ft^2/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 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.

T 6280/7

PINK

11015/1a
NREAD
6 Mar 87

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 Woodpekcer 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

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

T6284

YELLOW 4

11015/1a
NREAD
6 Mar 87

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

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

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 NREA)

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 recommendations concerning implementation of the recommendations in the completed investigation. Provide to this office by 26 January 1987.

T. J. DALZELL

ENCLOSURE (2)

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 occured.

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 <u>quarterly</u> 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 <u>January, May</u> and <u>September</u> of each calendar year.

ENCLOSURE (3)

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

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
Julian Wooten

ENCLOSURE (1)

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.