

DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY SIGNAL CENTER AND FORT GORDON
Fort Gordon, Georgia 30905-5000

USASC&FG Regulation
No. 420-7

15 December 1998

Facilities Engineering
ENDANGERED SPECIES REGULATIONS

Summary. This regulation provides guidance to United States Army Signal Center and Fort Gordon (USASC&FG) on activities in proximity to endangered species sites.

Applicability. This regulation applies to all individuals (military and civilian) conducting activities in close proximity to endangered species sites on Fort Gordon military installation.

Supplementation. Supplementation of this regulation is prohibited unless prior approval is obtained from Commander, USASC&FG, ATTN: ATZH-DIE.

Suggested Improvements. The proponent of this regulation is the Directorate of Public Works (DPW). Users are invited to send comments and suggested improvements on Department of the Army (DA) Form 2028 (Recommended Changes to Publications and Blank Forms) to Commander, USASC&FG, ATTN: ATZH-DIE, Fort Gordon, Georgia 30905-5000 and/or submit DA Form 1045 (Army Ideas for Excellence Program (AIEP) Proposal) to the installation AIEP coordinator.

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1. Purpose. This regulation establishes guidance to United States Army Signal Center and Fort Gordon (USASC&FG) on activities in proximity to endangered species sites.

2. Policy. The red-cockaded woodpecker (*Picoides borealis*) is an endangered species listed in the Federal Register and is present on USASC&FG. The gopher tortoise (*Gopherus polyphemus*), Bachman's sparrow (*Aimophila aestivalis*), southeastern American kestrel (*Falco sparverius paulus*), loggerhead shrike (*Lanius ludovicianus*), Florida pine snake (*Pituophis melanoleucus*), southern hognose snake (*Heterodon simus*), southeastern bat (*Myotis austroriparius*),

*This regulation supersedes USASC&FG Regulation 420-7, 18 February 1993.

Rafinesque's big-eared bat (*Plecoiurus rafinesquei*), nestronia (*Nestronia umbellula*), and Pickering's morning glory (*Stylisma pickeringii* var. *pickeringii*), Carolina bog mint (*Macbridea caroliniana*), are currently under status review for possible inclusion on the Threatened and Endangered Species List, and are also found on protected plant species that are present on USASC&FG include sweet pitcherplant (*Sarracenia rubra*), pink ladyslipper

(*Cypripedium acaule*), and Atlantic white cedar (*Chamaecyparis thyoides*), rosemary (*Ceratiola erocoides*), silky camellia (*Stewartia malecodendron*). In accordance with references in paragraph 3a of this regulation, it is unlawful for any person(s) subject to the jurisdiction of the United States (U.S.) to harass, harm, or capture any endangered species within the United States. In accordance with reference in paragraph 3b of this regulation, status review species are to be considered in a proactive manner, as they can be expected to receive full protection under the Endangered Species Act once their listing process requirements have been completed. State listed species are protected by Georgia law. Harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting any species of plant or wildlife mentioned above is prohibited. Violations of this paragraph are punishable under Article 92, Uniform Code of Military Justice for members of the Armed Forces. Civilian offenders may be prosecuted under applicable federal and state laws.

3. References.

- a. Endangered Species Act of 1973, as amended by Public Law 97-304; The Endangered Species Act Amendments of 1982; and Public Law 100-478.
- b. Technical Note No. 420-74-2, Endangered Species Management Requirements on Army Installations.
- c. USASC&FG Reg 200-2, Environmental and Natural Resources Management.
- d. USASC&FG Reg 210-21, Range Regulation.

4. Definitions.

- a. Burrow. A hole in the ground excavated by a gopher tortoise.
- b. Cavity. An excavation used by red-cockaded woodpeckers for roosting or nesting at some time during the life of the colony.
- c. Cavity tree. A tree containing one or more red-cockaded woodpecker cavities.
- d. Cluster. The area prescribed by an aggregation of cavity and cavity start hole trees habitually used by a clan of red-cockaded woodpeckers plus a 200-foot buffer zone around the cavity and cavity start trees (formerly called "colony").
- e. Habitat. The place or site where plants or animals naturally or normally live and grow.

5. General.

a. Prohibited activities. Within endangered species sites (boundary marked with signs stating "ENDANGERED SPECIES HABITAT OFF LIMITS TO UNAUTHORIZED PERSONNEL") the following acts violate the references in paragraphs 3a and 3b of this regulation and are prohibited:

- (1) Movement/introduction of tracked vehicles or heavy equipment except on existing/designated trails. The establishment of any new trails must be approved by Environmental and Natural Resources Management Office (ENRMO), DPW; Directorate of Plans, Training, and Mobilization (DPTM) Range Control; and Directorate of Public Safety (DPS) Safety Division prior to use.

- (2) Artillery firing (gun positions) within 200 meters of a cavity tree.
- (3) Cutting of woody vegetation except in areas designated by ENRMO, DPW.
- (4) Excavation or digging of foxholes, trash pits, trenches, laying of underground communication lines, or other similar significant disturbance of the soil.
- (5) Use of smoke, pyrotechnics, blank ammunition, or open burning, including open campfires.
- (6) Occupation of cluster sites such as bivouacking or setting up command posts.
- (7) Training, forestry activities, and similar activities creating a major disturbance in a red-cockaded woodpecker site during the nesting season (1 March through 31 July).
- (8) Contamination of endangered species sites with petroleum products or other hazardous materials.
- (9) Cutting or otherwise damaging pine trees or other vegetation for field fortification, camouflage, etc.
- (10) Killing or damaging pine trees or other vegetation, or disturbing soil in any way with a motor vehicle.
- (11) Girdling or otherwise damaging pine trees within red-cockaded woodpecker sites by the attachment of communication wire or climbing trees to emplace wire, treetop antennas, etc.
- (12) Destroying or removing signs that delineate restricted endangered species areas.
- (13) Disturbing the burrows of gopher tortoise.
- (14) Appendix A includes list training restrictions within marked buffer zones.

NOTE: Violations of this paragraph are punishable under Article 92, Uniform Code of Military Justice for members of the Armed Forces. Civilian offenders may be prosecuted under applicable federal and state laws.

b. Authorized activities.

- (1) Movement/introduction of wheeled vehicles on established roadways.
- (2) Unrestricted movement by foot troops, outside the red-cockaded woodpecker nesting season (1 March through 31 July).

c. Military Training and Field Exercises. Environmental documentation (Environmental Impact Statement (EIS), Environmental Assessment (EA), Categorical Exclusion (CX), Record of Environmental Consideration (REC), etc.) will be prepared by the proponent for all training programs and field exercises not covered by previous assessments for the same acts. When adequate preexisting documentation exist, a copy will be provided for updated notation of concurrence by ENRMO, DPW. Documentation will become part of the training and exercise package. Proponent will also provide a copy to Range Control, DPTM. The ENRMO, DPW is the point of contact for assistance.

6. Responsibilities.

a. Directorate of Plans, Training, and Mobilization (DPTM) will:

(1) Ensure that a copy of this regulation is made available to commanding officers or officers-in-charge of units who use areas inhabited by endangered species. The contents of this regulation will also be made known to military and civilian individuals using such areas.

(2) Conduct spot inspections of training areas in which endangered species sites are identified, in accordance with USASC&FG Regulation 210-21, to determine if violations have occurred and to determine the responsible unit. Reports of violations will be forwarded to the ENRMO, DPW and to the appropriate commanding officer for disposition.

b. Commanders will conduct a continuous education/information program to ensure all personnel are aware of the status of threatened and endangered species, and the potential consequences of their actions.

c. Directorate of Public Works will:

(1) Conduct periodic surveys to determine presence or absence of protected species on USASC&FG.

(2) Review listings of endangered and threatened wildlife and plants for changes in status, additions, or deletions.

(3) Monitor known endangered or threatened species sites for compliance with Federal regulations and Army policies.

(4) Provide to Range Control, DPTM and DPS, Game Wardens the locations of known protected species sites.

(5) Coordinate with the Department of Interior, U.S. Fish and Wildlife Service on matters concerning compliance with Federal regulation.

(6) Coordinate with DPS on matters concerning violations of this regulation and State and Federal endangered species laws and regulations.

7. Violations. All violations of paragraphs 2 and 5a(1) through 14 of this regulation will be reported to the DPS for further investigation by the appropriate authority (Game Wardens, Military Police Investigations (MPI), Criminal Investigation Division (CID)). Additionally, such violations will be reported to the ENRMO, DPW, Fort Gordon, Georgia 30905, telephone numbers 706-791-2397 or 706-791-2403. Reports of violations will be forwarded to the appropriate commanding officer for members of the Armed Forces and to the U.S. Magistrate's Court prosecutor for civilian offenders.

APPENDIX A

TRAINING ACTIVITY WITHIN MARKED BUFFER ZONES	
MANEUVER AND BIVOUAC:	
HASTY DEFENSE, LIGHT INFANTRY, HAND DIGGING ONLY, 2 HOURS MAX	YES
HASTY DEFENSE, MECHANIZED INFANTRY/ARMOR 24 HOURS	NO
DELIBERATE DEFENSE, LIGHT INFANTRY 48 HOURS	NO
DELIBERATE DEFENSE, MECHANIZED INFANTRY/ARMOR	NO
ESTABLISH COMMAND POST, LIGHT INFANTRY 36 HOURS	NO
ESTABLISH COMMAND POST, MECHANIZED INFANTRY/ARMOR 36 HOURS	NO
ASSEMBLY AREA OPERATIONS, LIGHT INFANTRY/MECH INFANTRY/ARMOR	NO
ESTABLISH CS/CSS SITES	NO
ESTABLISH SIGNAL SITES	NO
FOOT TRANSIT THROUGH THE COLONY	YES
WHEELED VEHICLE TRANSIT THROUGH THE COLONY (1)	YES
ARMORED VEHICLE TRANSIT THROUGH THE COLONY (1)	YES
CUTTING NATURAL CAMOUFLAGE, HARD WOOD ONLY	YES
ESTABLISH CAMOUFLAGE NETTING	NO
VEHICLE MAINTENANCE FOR NO MORE THAN 2 HOURS	YES
WEAPONS FIRING:	
7.62mm AND BELOW BLANK FIRING	YES
.50 CAL BLANK FIRING	YES
ARTILLERY FIRING POINT/POSITION	NO

MLRS FIRING POSITION	NO
ALL OTHERS	NO
NOISE:	
GENERATORS	NO
ARTILLERY/HAND GRENADE SIMULATORS	YES
HOFFMAN TYPE DEVICES	YES
PYROTECHNICS/SMOKE:	
CS/RIOT AGENTS	NO
SMOKE, HAZE OPERATIONS ONLY, GENERATORS OR POTS (2)	YES
SMOKE GRENADES	YES
INCENDIARY DEVICES TO INCLUDE TRIP FLARES	NO
STAR CLUSTERS/PARACHUTES FLARES	YES
HC SMOKE OF ANY TYPE	NO
DIGGING:	
TANK DITCHES	NO
HASTY INDIVIDUAL FIGHTING POSITIONS, HAND DIGGING ONLY, FILL AFTER USE	YES
DELIBERATE INDIVIDUAL FIGHTING POSITIONS	NO

APPENDIX A (CONTINUED)

CREW SERVED WEAPONS FIGHTING POSITIONS	NO
VEHICLE FIGHTING POSITIONS	NO
OTHER SURVIVABILITY/FORCE PROTECTION POSITIONS	NO
VEHICLE SURVIVABILITY POSITIONS	NO
NOTE:	
YES means that activity may be conducted within 200 feet of a marked cavity tree.	
No means the activity may not be conducted within 200 feet of a marked cavity tree.	
NOTE:	
1. Vehicle will not get closer than 50 feet of a marked cavity tree unless on existing roads, trails or firebreaks.	
2. Smoke generators and smoke pots will not be set up within 200 feet of a marked cavity tree, but the smoke may drift through the 200 feet circle around a cavity tree.	
NOTE: The above training restrictions apply to red-cockaded woodpecker cavity trees in training	

areas but not to cavity trees located in dedicated impact areas.	
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(ATZH-DI)

FOR THE COMMANDER:

OFFICIAL:

THOM E. TUCKEY
Colonel, SC
Garrison Commander

SIGNED

BARBARA M. POOLE
Acting Director, Information Management

DISTRIBUTION:

HQ, USASC&FG: B
Major commands: B
Field operating activities/agencies: B
FORSCOM units: B
ATZH-DIE (100)
ATZH-CS (1)
DOIM Files (2)
Svc Sec, DOIM (1)
ATZH-MH (Archives) (1)

