

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

*Ray Perez
Grayling*

INTEROFFICE COMMUNICATION

May 20, 1982

TO: Jack Bails, Chief, Environmental Enforcement Division
FROM: Charles Guenther, Chief, Wildlife Division
SUBJECT: Endangered Species Act Violations by the Military

Habitat biologist Ray Perez has reported that on the weekend of May 15, Army tanks entered and damaged active, posted Kirtland's warbler breeding habitat. On May 18, four military jet planes sustained tree-top maneuvers for one hour and two military helicopters landed in the posted, active breeding habitat of Sections 7, 8, and 9, T27N R2W. These actions are in violation of both state and federal Endangered Species Acts. Timing could not have been worse regarding impacts to the 1982 breeding season of Kirtland's warbler.

The Michigan National Guard has notified those involved in the above actions of their violations and has referred them to existing orders that posted areas must be avoided. The Guard will not guarantee that such "accidents" will not occur in the future stating that errors occur in training operations.

I suggest that the Director send Major General John A. Johnston a letter of complaint. The General's staff has indicated that such a letter will support their efforts to enforce compliance of the Endangered Species Acts by visiting military units. Please advise whether any legal action should be taken.

CJG:mh

cc S. Taylor
R. Perez

Charles

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

mgj ✓

INTEROFFICE COMMUNICATION

May 24, 1982

TO: Tom Havard, District Wildlife Biologist
FROM: Ray Perez, Wildlife Habitat Biologist, Grayling
SUBJECT: Military Activity in Kirtland Warbler Nesting Area

A check on May 17, 1982 of the Bucks Crossing Kirtland Warbler nesting area revealed that army tanks had entered the posted area and altered the breeding habitat. The enclosed map shows the areas affected by the tanks. Also on the map are locations of singing male territories based on previous census records. The tanks also destroyed posts. We have to repost about one mile.

On May 18, 1982, between the hours of 11:30 a.m. and 12:34 p.m., four (4) military jet planes sustained near tree-top level maneuvers over Sections 7, 8 and 9, T27N R2W. Within this same time frame, two helicopters landed inside posted Kirtland's Warbler area (see map location) and also remained hovering at tree-top level for 10-15 minutes at a time over several locations.

I advised John MacGregor and Sylvia Taylor of these actions on May 18. Enclosed is a copy of a letter from Charles Guenther to Jack Bails regarding the above military actions.

On May 21, I met with Bob Borak and the Camp Grayling Commander to report my observations. I was advised that further actions by their jet planes and helicopters would not occur again. On the tank actions, I was not guaranteed that intrusions into active nesting areas would not occur again. From previous experience, we can expect further intrusions to occur in the future.

RP:rm

cc: Gary Boushelle
Nels Johnson
Jerry Weinrich
Sylvia Taylor
Charles Guenther

STATE OF MICHIGAN

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NATURAL RESOURCES COMMISSION

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DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING
BOX 30028
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HOWARD A. TANNER, Director

Roscommon, Michigan 48653
Region II
June 15, 1982

Col. Ivan W. Gwilt
Commander
Camp Grayling
Grayling, Michigan 49738

Dear Colonel Gwilt:

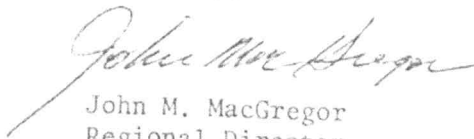
This letter is in reference to two matters concerning protection of the Kirtland's Warbler which we recently discussed.

The first is the question of restricted aircraft flight over habitat presently occupied by the Kirtland's Warbler. We had been of the understanding that all flights over these areas were restricted to heights greater than 500 feet altitude during the period 1 May through 15 August. This year, there were documented exceptions to this restriction and I hope that action can be taken to assure compliance in the future.

The other matter concerns suppression of wildfires in occupied and developing Kirtland's Warbler habitat. Considering the very limited acreage of occupied habitat now present and expected for the next eight to ten years, we feel that it is imperative that every feasible effort be made to suppress wildfires in all occupied and developing Kirtland's Warbler habitat.

I hope this serves to clarify our position on these matters.

Sincerely,


John M. MacGregor
Regional Director

JMM/JW:djs

cc: Cleary
Scherschligt
Boushelle
Taylor
Havard
Perez
Borak