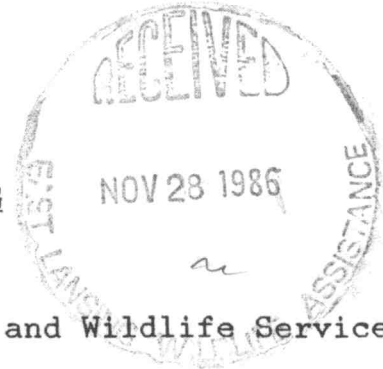


MEMORANDUM OF UNDERSTANDING



Department of Natural Resources  
State of Michigan

Fish and Wildlife Service  
U.S. Department of the Interior

This Memorandum of Understanding (MOU), entered into by and between the Department of Natural Resources, State of Michigan, hereinafter called the DNR, under Sections 3.321 and 299.201 of Michigan Compiled Laws, and the Fish and Wildlife Service, United States Department of the Interior, hereinafter called the FWS, acting by and through the Regional Director, Region 3, under the Authority of the Endangered Species Act (87 Stat. 889; 16 U.S.C. 1531-1543 ad amended); the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222 et seq.), as amended (16 U.S.C.715-715r); The National Wildlife Refuge System Administration Act of October 15, 1966 (80 stat. 927), as amended (16 U.S.G. 668dd-668jj); and in accordance with the policy of cooperation with the various states expressed in Section 6 of the Endangered Species Act.

WHEREAS, the DNR has been created under the laws of the State of Michigan to provide an adequate and flexible system for the protection, development and use of natural communities that include lakes, streams, fish, wildlife, plant life, endangered and threatened species, and other outdoor resources and,

WHEREAS, the FWS has as its responsibility the management of migratory birds and the recovery of endangered and threatened species and seeks

to maintain and increase populations of the endangered Kirtland's Warbler so they may continue to exist on earth, and WHEREAS, the DNR has a responsibility for management of the Kirtland's Warbler and other wildlife within the boundaries of the State of Michigan and,

WHEREAS, it is the mutual desire of the DNR and FWS to work in harmony for the purpose of cooperatively acquiring and managing Kirtland's Warbler habitat in Michigan in order to maintain and increase populations for recovery of the species and the best interests of the people of Michigan and of the United States.

The Department of Natural Resources and the Fish and Wildlife Service Mutually Agree:

1. To cooperate in planning, and implementation of a program to acquire and manage lands for Kirtland's Warbler habitat in the State of Michigan for the expressed purpose of maintaining and increasing the population of Kirtland's Warbler, and these lands will be known as Kirtland's Warbler Wildlife Management Areas.
2. To cooperate in identifying Kirtland's Warbler habitat in Michigan, and delineate, for fee and/or easement acquisition, lands of high nesting habitat capabilities. Parcels so selected for habitat acquisition shall be prioritized on an acquisition list. A total of 7,700 acres will be acquired as funds and willing sellers owning land so listed become available.

3. To negotiate a land exchange that will allow for the eventual transfer of the acquired priority lands to the State in exchange for equal valued state-owned land in a single designated area with similar critical habitat.
4. To cooperate in preparing guidelines for the management of lands acquired under this program for the recovery of the Kirtland's Warbler.
5. To review the program annually including land management progress, and future program direction.
6. That each and every provision of the Cooperative Agreement is subject to the laws of the State of Michigan and the United States.
7. That when the DNR becomes directly involved in the management of lands acquired under this program, the FWS shall still retain primary jurisdiction and be principally responsible for the management of these lands as part of the National Wildlife Refuge System.

8. The FWS Regional Director and the Director of the Michigan DNR shall reconcile any program disagreements.
9. That nothing in this MOU shall be construed as obligating DNR or the State of Michigan in the expenditure of funds or for the future payment of money in excess of appropriations authorized by law.
10. That nothing in this MOU shall be construed as obligating the FWS to expend, or as involving the United States in any contracts or other obligations for the future payment of money in excess of the appropriations authorized by law.
11. That this MOU shall become effective as soon as signed by the parties hereto and shall continue in force until terminated by either party upon thirty (30) days written notice to the other of intentions to terminate upon a date indicated.
12. That amendment to this basic MOU may be proposed by either party and shall become effective upon approval by both parties.

The Fish and Wildlife Service Agrees:

1. To conduct its activities as authorized under the Endangered Species Act and the National Wildlife Refuge System Administration Act.
2. To acquire, as funds become available, priority listed lands in accordance with FWS procedures, taking steps to vest title in the United States in land and associated interests so acquired for this program, and make payment for property so purchased.
3. To provide full documentation of lands acquired to the Chief of the DNR Lands Division.
4. To implement necessary procedures to ensure that these lands be open to recreational hunting and trapping compatible with Kirtland's Warbler Management, and in accordance with the provisions of 50 CFR and other applicable Federal laws. Hunting and trapping will be governed by applicable State and Federal Regulations.
5. To salvage, remove, or retain any capital improvements on all lands acquired under this program.

The Department of Natural Resources Agrees:

1. To prepare a priority list of desirable lands for acquisition under this program. This list may be amended by mutual consent.
2. To provide management expertise, equipment, and personnel to carry out the objectives of the Kirtland's Warbler Habitat Management Plan; except where specific management activities are conducted by the Fish and Wildlife Service by mutual agreement (such as cowbird population management).
3. That any revenues derived from the administration of these lands under FWS ownership shall be subject to the provisions of Section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 7155). All revenues shall be transmitted within 90 days of each fiscal year to the FWS.
4. That upon request, to assist the FWS in the removal of capitol improvements.
5. That it will manage federally owned lands for Kirtland's warbler as detailed in the Kirtland's Warbler Habitat Management Plan and its supplements; and will be reimbursed by the FWS for all costs incurred.

IN WITNESS THEREOF, the parties hereto have executed this Memorandum of Understanding as of the date when last signed below.

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

Date: \_\_\_\_\_

By: \_\_\_\_\_

Director

FISH AND WILDLIFE SERVICE

Date: \_\_\_\_\_

By: \_\_\_\_\_

Regional Director

SYNOPSIS OF THE  
KIRTLAND'S WARBLER MANAGEMENT PLAN\*

Lands acquired for management for recovery of the Kirtland's Warbler are subject to a 50 year commercial timber rotation compatible with Kirtland's Warbler habitat enhancement on State and Federal Forest Service lands. Lands acquired by the USFWS will not be subject to this restriction but may be managed solely for the recovery of the Kirtland's Warbler. The following summarizes the problems, objectives, and management options of the current Kirtland's Warbler Management Plan.

\*The detailed plan is currently under revision. Draft copies are available upon request.