

STATE OF MICHIGAN



JAMES J. BLANCHARD, Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING
BOX 30028
LANSING, MI 48909

GORDON E. GUYER, Director

February 27, 1987

NATURAL RESOURCES COMMISSION
THOMAS J. ANDERSON
MARLENE J. FLUHARTY
KERRY KAMMER
O. STEWART MYERS
DAVID D. OLSON
RAYMOND POUPORE

Mr. Thomas F. Follrath
U. S. Fish and Wildlife Service
Federal Building
Fort Snelling
Twin Cities, Minnesota 55111

Dear Tom:

As indicated in my attached memorandum of November 4, 1986, this Department agreed to provide you with the following documentation by December 1, 1986 as a part of the U. S. Fish and Wildlife Service (FWS) and Michigan Department of Natural Resources (DNR) coordinated Kirtland's Warbler habitat program:

1. Final draft of "Memorandum of Understanding" that is now ready for review by the Federal Solicitor General and the State Attorney General.
2. Certified list of improvements and disposal plan for 24 improvements on lands acquired to date.
3. Confirmation that DNR would honor initial commitment to complete a land exchange consistent with Item III, C-1, as attached.
4. Certified list of Land Acquisition Priorities.

We apologize for the long delay due to various problems in developing the revised Land Acquisition Priority List received February 23, 1987. This list will enable your staff to continue with the next phase of the acquisition utilizing the \$300,000 expected to be appropriated for the Kirtland Warbler program in Michigan.

It was good to learn that your appraiser was able to look at the Seney lands and that he has been in communication with Adrian Jentoft, Regional Property Specialist, regarding the proposed land exchange there.

For your information, Karl Hosford, former Chief of the Land Resource Programs Division, will assume the role of Chief, Wildlife Division on April 1, 1987. I plan to brief Karl on the status of the Kirtland's Warbler program and request that he and his staff assume the responsibility of further coordinating the program with your agency.

Mr. Thomas F. Follrath

-2-

February 27, 1987

It would be appreciated if notification of lands acquired by FWS continue to be directed to my attention. My staff will arrange for dissemination of this information to the appropriate Department personnel.

Finally I would like to thank the FWS for the major contributions made to the Kirtland's Warbler program and specifically I would like to commend your staff for the efficient and professional manner in which the program is administered.

Sincerely,



Roland Harmes, Jr.
Chief, Real Estate Division
517-373-1246

RH/ske

Enc.

cc: John Eadie, U. S. Fish & Wildlife Service, Minnesota
Director Gordon Guyer
Jack Bails, Deputy Director
Frank Opolka, Deputy Director - Marquette
Robert Borak, Acting Deputy Director - Roscommon
James Cleary, Chief Administrative Officer
George Burgoyne, Acting Chief, Wildlife Division
Karl Hosford, Acting Chief, Land and Water Management Division
Henry Webster, Chief, Forest Management Division

bcc: Len Schumann, U. S. Fish & Wildlife Service, East Lansing
Gary Boushelle, DNR Wildlife Division, Region II
Sylvia Taylor, DNR Wildlife Division, Region II
Ed Mikula, DNR Wildlife Division
Dave Spalding, DNR Forest Management Division
Dave Yankee, DNR Real Estate Division
Bill Schmidt, DNR Real Estate Division
Adrian Jentoft, Regional Property Specialist, Region I

INTEROFFICE COMMUNICATION

November 4, 1986

TO: John Eadie, U. S. Fish & Wildlife Service, Minnesota
Tom Follrath, U. S. Fish & Wildlife Service, Minnesota
Len Schumann, U. S. Fish & Wildlife Service, East Lansing
Gary Boushelle, DNR Wildlife Division, Region II
Sylvia Taylor, DNR Wildlife Division, Region II
Ed Mikula, DNR Wildlife Division
Dave Spaulding, DNR Forest Management Division
Dave Yankee, DNR Lands Division
Bill Schmidt, DNR Lands Division

FROM: Roland Harmes, Chief, Lands Division *Roland Harmes*

SUBJECT: Kirtland's Warbler Habitat Program

Thank you for your participation on October 30, 1986 to review progress that has been made between our agencies toward acquisition of 7,700 acres of Kirtland's Warbler habitat in Michigan's Lower Peninsula.

Following are the highlights as I noted them. Please contact me if I have missed any important items that need further action.

- I. Kirtland's Warbler Population Report
Gary Boushelle reported that 210 pairs of Kirtland's Warbler nested in 1986. He also gave a progress report on where the DNR was in relation to the existing management plan to manipulate ground cover.
- II. Status FY 1986-87 Federal Funding
Tom Follrath advised that +\$300,000 was potentially available for new Kirtland's Warbler habitat purchases. Tom feels that +\$225,000 could be obligated immediately as a result of prior owner contacts and work done on the existing land acquisition priority list.
- III. Status of June 1986 Assignments
 - A. Certified List of Improvements and Disposal Plan
Len Schumann reviewed list with identification of 24 improvements that are scheduled for sale, demolition or to be burned. U. S. Fish & Wildlife Service (USFWS) wishes to retain improvements on property known as Oscoda Oakland Club for further consideration. Dave Spaulding advised that USFWS may need to obtain air quality permits from DNR prior to burning any of the improvements. Gary Boushelle agreed to commit DNR equipment and resources to assist USFWS with disposal of improvements.

B. Certified List of Land Acquisition Priorities

Dave Yankee reported on status of former land acquisition priority lists #1 and #2 and the most recent generalized list #3. After much discussion, it was agreed that USFWS would continue to work from the remainder of priority list #2 in obligating most of the potential +\$300,000, and that DNR would prepare a more specialized list of private lands to be purchased. The new list will be known as priority list #3, and will include legal descriptions, names and addresses of property owners. Rollie Harmes agreed to obtain information from the County records and supply to Gary Boushelle and Sylvia Taylor, who agreed to prioritize the list. USFWS requests the list by December 1, 1986 in case additional funds become available, and also to plan for funding for FY 1987-88 to complete remainder of 7,700 acres.

C. Final USFWS-DNR Land Ownership Priorities

Gary Boushelle presented a pictorial view of the following seven options being considered for USFWS-DNR ownership once the entire 7,700 acres were purchased:

- (1) USFWS exchange numerous scattered Kirtland's Warbler holdings in DNR forest system for "large" block of equal value Kirtland's Warbler critical habitat owned by DNR.
- (1a) USFWS exchange scattered Kirtland's Warbler holdings for two or three blocks of equal value Kirtland's Warbler (KW) critical habitat owned by DNR.
- (2) USFWS exchange scattered KW holdings for smaller blocks within 11 DNR management units owned by DNR.
- (3) USFWS exchange scattered KW holdings for "large" block of "potential" KW land not currently designated but owned by DNR.
- (4) USFWS exchange scattered holdings for large block of noncritical KW habitat in forest system owned by DNR.
- (5) USFWS exchange scattered KW holdings for DNR lands adjacent to Seney National Wildlife Refuge.
- (6) USFWS exchange scattered KW holdings within each county for a solid block of DNR/KW land in same county.

Both John Eadie and Tom Follrath confirmed that their first choice is above referenced item (1), but that their agency would be able to live with item (1a).

Dave Spaulding quoted from prior DNR Executive Office letter of November 13, 1979 stating that there be "eventual transfer of the acquired priority lands to the State in exchange for equal value State-owned land in a single yet to be determined area with similar critical habitat or in another area managed by your agency."

The various USFWS-DNR payments in lieu of taxes scenarios were discussed. USFWS payments are based on 3/4 of 1% of fair market value of land with reassessments every 5 years. In 1985, only 64% of total funding required to make entire payments were funded by Congress. Lands acquired by DNR from USFWS would take on same status as those lands exchanged to USFWS and that is tax reverted status with payments based on \$1.50 an acre.

After further discussion, USFWS confirmed that they would be agreeable to accepting two or three solid blocks of KW critical habitat in exchange for their scattered holdings in the State Forest system.

USFWS-DNR agreed that properties to be exchanged would be appraised when total of 7,700 acres are purchased by USFWS, and that appraisals will be based on condition of property at that time. Improvements purchased during current times, and disposed of prior to the exchange would not be considered in the future exchange.

D. Cooperative Agreement

Len Schumann conducted a page by page review of the proposed USFWS-DNR "Memorandum of Understanding". Various deletions, additions and clarifications were made. Sylvia Taylor and Len Schumann agreed to prepare a revised document by December 1, 1986 for one last review prior to submitting to the Federal Solicitor General and the State Attorney General for legal review and acceptance.

IV. Schedule to Complete Kirtland's Warbler Project

As reported earlier, it was agreed that by December 1, 1986 a USFWS-DNR Memorandum of Understanding and new Land Acquisition Priority List would be completed and provided to all those attending the October 30, 1986 meeting.

V. Other USFWS-DNR Matters

The long pending land exchange proposal at the Seney National Wildlife Refuge was discussed. An action plan to complete the exchange was developed as follows:

- (a) DNR was to provide immediate response to USFWS on most recent USFWS suggestion to amend list of lands to be included in exchange proposal.
- (b) Upon agreement of lands to be appraised, USFWS was to schedule for appraisal report.
- (c) Adrian Jentoft, Property Specialist, Lands Division, Marquette Headquarters (906-228-6561) would complete appraisal review and prepare case for presentation to Natural Resources Commission for approval.
- (d) Dave Yankee would work with USFWS Realty Section to perform closing and exchange of deeds.

With no other business, the meeting was adjourned at 3:45 p.m.

RH/ske

cc: Director Gordon Guyer
James F. Cleary
Jack D. Bails
John MacGregor
Frank Opolka
Henry Webster
George Burgoyne

Att.

STATE OF MICHIGAN



JAMES J. BLANCHARD, Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING
BOX 30028
LANSING, MI 48909

GORDON E. GUYER, Director

NATURAL RESOURCES COMMISSION
THOMAS J. ANDERSON
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RAYMOND POUPORE

February 27, 1987

Mr. Thomas F. Follrath
U. S. Fish & Wildlife Service
Federal Building
Fort Snelling
Twin Cities, Minnesota 55111

Dear Mr. Follrath:

This letter will confirm the continued interest of the Department of Natural Resources in the Kirtland's Warbler land acquisition program in Michigan. At such time as the acquisition phase of the program is completed, it is the intent of the Department to enter into an exchange with the U. S. Fish & Wildlife Service that will allow for the transfer of the acquired Federal lands for equal valued State-owned land in a single designated area with similar critical habitat.

This direction is the same as outlined by my predecessor, Wayne Tody, in a letter to Harvey K. Nelson, U. S. Fish & Wildlife Service in 1979. It is also consistent with the final draft Memorandum of Understanding between the Department of Natural Resources and the U. S. Fish & Wildlife Service.

The involvement of the U. S. Fish & Wildlife Service has been very significant in the Kirtland's Warbler program. You and your staff are to be commended for the excellent service being provided to the State of Michigan.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jack D. Bails", written over a circular stamp or mark.

Jack D. Bails
Deputy Director
517-373-0046



WILLIAM G. MILLIKEN, Governor

DEPARTMENT OF NATURAL RESOURCES

HOWARD A. TANNER, Director

STEVENS T. MASON BUILDING
BOX 30676
LANSING, MI 48909

NATURAL RESOURCES COMMISSION
BOB A. MOFFET
CARL T. JOHNSON
L. LITALA
MARY F. SHELLE
JOAN L. WOLFE
CHARLES G. YOUNGLOVE

November 13, 1979

Handwritten signatures and initials:
W. G. Tanner
H. A. Tanner
W. G. Tanner
SE
RE
11/29

Stamp:
NOV 17 1979
FISH & WILDLIFE SERVICE
TWIN CITIES, MN

Mr. Harvey K. Nelson
Regional Director
U. S. Fish & Wildlife Service
Federal Building, Fort Snelling
Twin Cities, Minnesota 53111

cc: MBAC
RE

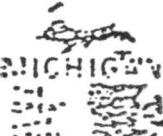
Dear Mr. Nelson:

This Department is prepared to support the federal Kirtland's Warbler land acquisition program in Michigan. Although many details need to be reviewed prior to execution of a formal agreement between agencies, we are aware of the need to commence with acquisition of certain private inholdings within the state forests.

The only conditions that we would attach to our support in lieu of a formal agreement are that you (1) accept the enclosed list of properties as the initial land purchase priorities set by the Recovery Group and this Department and (2) will allow the eventual transfer of the acquired priority lands to the state in exchange for equal valued state-owned land in a single yet to be designated area with similar critical habitat or in another area managed by your agency.

In regard to the enclosed priority list we feel it desirable that you should first acquire those lands on the list that you have already completed appraisals or have commenced with negotiations. As funds permit it would then be desirable for you to start at priority No. 1 and work toward the lower priority cases. Those cases that you have completed appraisals or owner contacts on that are not on the approved list should be terminated until a possible future date.

My review of the Kirtland's Warbler situation in Michigan shows the need for improved communications between the Recovery Group, this Department and the U. S. Fish and Wildlife Service. Therefore all future contacts regarding policy should be made through this office. The chief of our Wildlife Division will work closely with Rollie Harnes, Lands Division

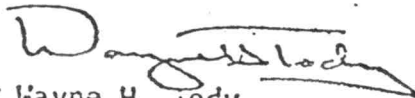


Mr. Harvey K. Nelson
Page 2
November 13, 1979.

and your Realty Staff on the current and future land acquisition lists,
and on the mechanics and agreement for the future land exchanges between
agencies.

Should you have questions, please contact me.

Sincerely,



Wayne H. Tody
Deputy Director
Bureau of Resources

cc: Dr. Jenkins
Mr. Tucker
Mr. Harms

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

RECEIVED

INTEROFFICE COMMUNICATION

FEB 23 1987

HOUGHTON LAKE WILDLIFE RESEARCH STATION
Houghton Lake Heights, Michigan 48630
Box #158

REAL ESTATE DIVISION

February 19, 1987

TO: Bill Schmidt, Wildlife Land Acquisition
FROM: Jerry Weinrich, Wildlife Habitat Research Biologist
SUBJECT: Kirtland's Warbler Land Acquisition Priority List

Attached, please find updated priority list for acquisition by USFWS for Kirtland's Warbler Habitat Management Area. This list represents consolidation of the lists of 1983 and 1985, reflects intent of acquisition list memo of August 21, 1986, and represents considerable frustration and appearingly necessary work by both our Divisions. I hope this satisfies those who are concerned (but not directly involved) with the functioning of this project.

Descriptions marked with an asterisk may have already been purchased according to maps provided by Mike DeCapita (10/24/86). It may be, however, that his maps are in error. The parcel with two asterisks is indicated on his map as having only part of the description purchased—your records may reflect a recent purchase. Nevertheless, I included these descriptions just in case.

As indicated in the memo of August 21, 1986, higher priority within each of the 3 priority categories should be assigned to parcels bounded by state or federal lands on 3 or more sides, parcels of larger acreage, and those lacking significant development.

