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DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING, LANSING, MICHIGAN 48926
HOWARD A. TANNER, Director

July 1, 1975

General John A. Johnston
Department of Military Affairs
P.O. Box 210
Lansing, Michigan 48901

Dear General Johnston:

I have enclosed a revised copy of our Department's original closure order on Kirtland's Warbler nesting areas. This new order releases approximately 1,000 acres of land previously closed. I should point out that the closure now proposed is very minimum when compared to those areas closed by the U. S. Forest Service on their lands or by our Department on other state-owned lands.

The order does not affect military use on all existing roads which includes nine miles of boundary roads and eight miles within the closed area. If new roads are needed within the closed areas, we are more than willing to review the requests and assist in the location of the needed access.

I earnestly hope that these compromises will bring a resolution to the problem. I have spent considerable time reviewing the recommended closures with the biologists responsible for Kirtland's Warbler management and I am personally convinced that this proposal now represents the best compromise available to protect the nesting birds while at the same time, allowing the fullest possible military use of the area.

In the future, perhaps as early as next summer, I feel we can combine the expertise of our forest managers and your military training specialists to provide more than adequate tank training areas within the Grayling Military Reservation. We certainly do not want to be in conflict with your agency on the use of the Reservation. I offer the assistance of my Department to work with you to avoid future problems through land management practices designed to optimize the military training opportunities.

Sincerely,

Howard A. Tanner
Director

Encl.



MODIFICATION OF ORDER ISSUED
APRIL 17, 1975
CLOSING KIRTLAND'S WARBLER NESTING AREA

In accordance with Rule 1 of the Rules for State Lands other than State Parks and Recreation Areas, being Rule R 299.331(1) of the Michigan Administrative Code, promulgated by the Commission of Natural Resources under the authority of Sections 2 and 3a of Act 17 of the Public Acts of 1921, as amended, and Sections 9 and 252 of Act 380 of the Public Acts of 1965, as amended, being paragraphs 299.2, 299.3a, 16.109 and 16.352 of the Compiled Laws of 1970, I hereby order that between May 1 and August 15 it shall be unlawful for any person to enter, without a written permit from the Department of Natural Resources, all state-owned lands posted with signs reading:

"Endangered Species Area

Kirtland's Warbler Nesting Habitat

Unlawful To Enter

Without Written Permission

Between May 1 and August 15

Michigan Department of Natural Resources

In Cooperation With

U. S. Forest Service And U. S. Fish and Wildlife Service"

Provided, however that nothing in this order shall be construed as restricting designated personnel of the Forest Service, Fish and Wildlife Service, and Michigan Department of Natural Resources from necessary entry for administration and the enforcement of laws and regulations, and;

Provided, further that the public may be permitted entry as members of tour groups guided by authorized personnel of any of the above named cooperating agencies.

Signs containing the foregoing regulation shall be posted in such a manner and at such locations as will provide reasonable notice of same to the public.

Only state-owned lands within the following descriptions shall be posted.

Secs. 7, 8, 18
Secs. 11, 12, 13, 14
Secs. 5, 6, 7, 8
Secs. 8, 16
Sec. 17

T 27 N, R 2 E
T 27 N, R 1 E
T 28 N, R 1 W
T 27 N, R 2 W

All the posted area north and east of the trail road which begins just north of Kyle Lake and proceeds southeast to Sec. 20.

Sec. 9

All the posted area southwest of a line beginning at a point due north of the western most part of Duck Lake, and extending to the southeast corner of Sec. 9.

Sec. 15

All the posted area in the NW, SW, and SE quarters.

Secs. 15, 22, 27
Sec. 1
Secs. 5, 8
Secs. 11, 12

T 24 N, R 1 E
T 23 N, R 1 W
T 23 N, R 1 E
T 25 N, R 3 W

Issued this 1st day of July, 1975.


Howard A. Tanner, Director
Department of Natural Resources

Violations of this regulation are punishable by fine and/or imprisonment.

