

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

Huron-Manistee NP

REPLY TO: 2630 Habitat  
(1029)

April 1, 1976

SUBJECT: Closure Order for Kirtland's Warbler Nesting Habitat

TO: Regional Forester, R-9



Enclosed is our suggested revision for the closure of Kirtland's Warbler nesting habitat on the Huron National Forest.

The changes include deleting the descriptions in the Kirtland's Warbler Management Area where there are no nesting birds and no potential nesting habitat. We are also recommending the deletion of the Luzerne area since birds did not occupy this area last year and it has apparently grown past the nesting habitat stage.

Those areas to be closed will be signed and posted. The same collateral forfeiture schedule should be adequate.

We had excellent compliance with the closures last year. It was only necessary to give a few warnings with which people complied and found no case necessitating the issuance of a citation. There was also very little violation of the areas by ORV's; just a few tracks noted.

We will also be conducting the guided tours on the KWMA. The Fish and Wildlife Service will be conducting their tours from Grayling and will be using the Pere Cheney area when the Artillery Range is closed.

We will continue to publicize these closures in conjunction with the MDNR and FSWS.

*John P. McArdle*  
JOHN P. McARDLE  
Acting Forest Supervisor

Enclosure

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
R-9

REPLY TO: 2030 Habitat

April 14, 1975

SUBJECT: Closure Order - Kirtland's Warbler  
(Your ltr: 4/1)

TO: Forest Supervisor, Huron-Manistee



The revised Closure Order for the Kirtland's Warbler management areas is approved. The designated areas should be posted in accordance with this Order.

Collateral forfeiture or mandatory appearance before the Federal magistrate will remain as defined in our 2030 letter of April 30, 1975.

We are pleased that there has been excellent compliance with the 1975 Order. You have done an excellent job in making our concerns for the protection of this endangered species known to the public.

CURTIS L. SMITH  
Acting Regional Forester

Enclosure

cc: Regional Forester's Office  
Office of Info.  
P&LUP  
USFWS - Minneapolis w/copy of Closure  
MDNR - Byelich " "  
WO  
Harold Mayfield  
Fredal Bryant  
RERadtke:d1

*Handwritten notes:*  
C. L. Smith  
Wm  
R

*Handwritten initials:*  
R

ORDER OF THE REGIONAL FORESTER

Closing Designated Area

of the

HURON NATIONAL FOREST

MICHIGAN

Pursuant to the Secretary of Agriculture's Regulation 36 Code of Federal Regulation 251.25 and CFR 261.11(i), it is hereby ordered that all National Forest System lands herein described are closed to entry and occupancy for the perpetuation and protection of the Kirtland's Warbler, an endangered species, between May 1 and August 15 unless otherwise authorized in writing by the Forest Supervisor, Huron-Manistee National Forest; except that nothing in this Order shall be construed as: (1) infringing upon any rights reserved or outstanding in parties other than the United States or abridging such rights by the prevention or obstruction of the reasonable exercise thereof; and (2) restricting use of emergency vehicles and officers for the protection of life or property; and (3) restricting the entrance of Forest Service, Fish and Wildlife Service, and Michigan Department of Natural Resource officers from necessary entry for administration and the enforcement of laws and regulations.

Provided, however, entry may be permitted by the public for conducted tours as authorized by the Forest Supervisor, Huron-Manistee National Forest.

National Forest lands closed under this Order are specifically described as:

- I. Section 2, 3, 11, and 12 of Township 25 north, Range 3 east; and that portion of Section 7, Township 25 north, Range 4 east lying west of Forest Road 4545; of Mentor Township Oscoda County, Michigan. (Except the roads traversing the above descriptions which include Oscoda County Roads 489 and 604 and National Forest Systems 4464, 4452, 4146, 4463, 4226, 4144, and 4545 shall remain open for all legal uses.)
- II. Also, the W 1/2 of the NW 1/4 of the SW 1/4 of Section 5; and the S 1/2 of the NE 1/4 of the NE 1/4, the SE 1/4 of the NE 1/4, the S 1/2 of the NE 1/4 of the SW 1/4, and the S 1/2 of the SW 1/4 of Section 6; and the N 1/2 of the NW 1/4, and the N 1/2 of the SW 1/4 of the SW 1/4 of Section 7 of Township 25 north, Range 2 west, South Branch Township, Crawford County Michigan. (Except Stephan Bridge Road shall remain open for legal use).

The above described areas, located as shown on the attached maps and made a part of this Order as Exhibit I, and II. Roads open to public use within the above designated areas are located as shown on Exhibits I, and II.

The following explanations and conditions apply to this Order:

1. The purpose of this Order is: a) to protect an endangered species of wildlife, the Kirtland's Warbler, during its nesting season in compliance with the Endangered Species Act of 1973 (P.L. 93-205); and b) to administer these areas for their renewable resources in accordance with management direction established to protect the habitat of the Kirtland's Warbler.
2. The Kirtland's Warbler is hereby protected from any harassment, which includes disturbance of the nest or nesting bird, photographing of birds or their nests, playing of recorded or imitated songs within the closed areas, or any other act that may cause disruption of this bird's normal activities within the designated areas.
3. The Forest Supervisor may issue written permits for entry to these areas under certain conditions and subject to specified restrictions, or the area may be entered by the public in the company of Forest Service personnel authorized by the Fish and Wildlife Service to conduct tours of designated areas under provision of the Endangered Species Act.
4. A copy of this Order will be maintained for public reference in the office of the Regional Forester, Milwaukee, Wisconsin; the Forest Supervisor, Cadillac, Michigan; and the District Rangers at Mio and Harrisville, Michigan.
5. The effective date of this order shall be May 1, 1976.
6. Notices shall be placed and maintained at appropriate locations, including the termini or points of access to closed areas, and along roads traversing such areas to bring this order to the attention of the public. This notice will conform to Exhibit No. 3 which is attached to and made a part of this Order.
7. Violation of this Order is punishable by fine of not more than \$500.00 or imprisonment for not more than six(6) months, or both (16 U.S.C. 551).

Signed at Milwaukee, Wisconsin this

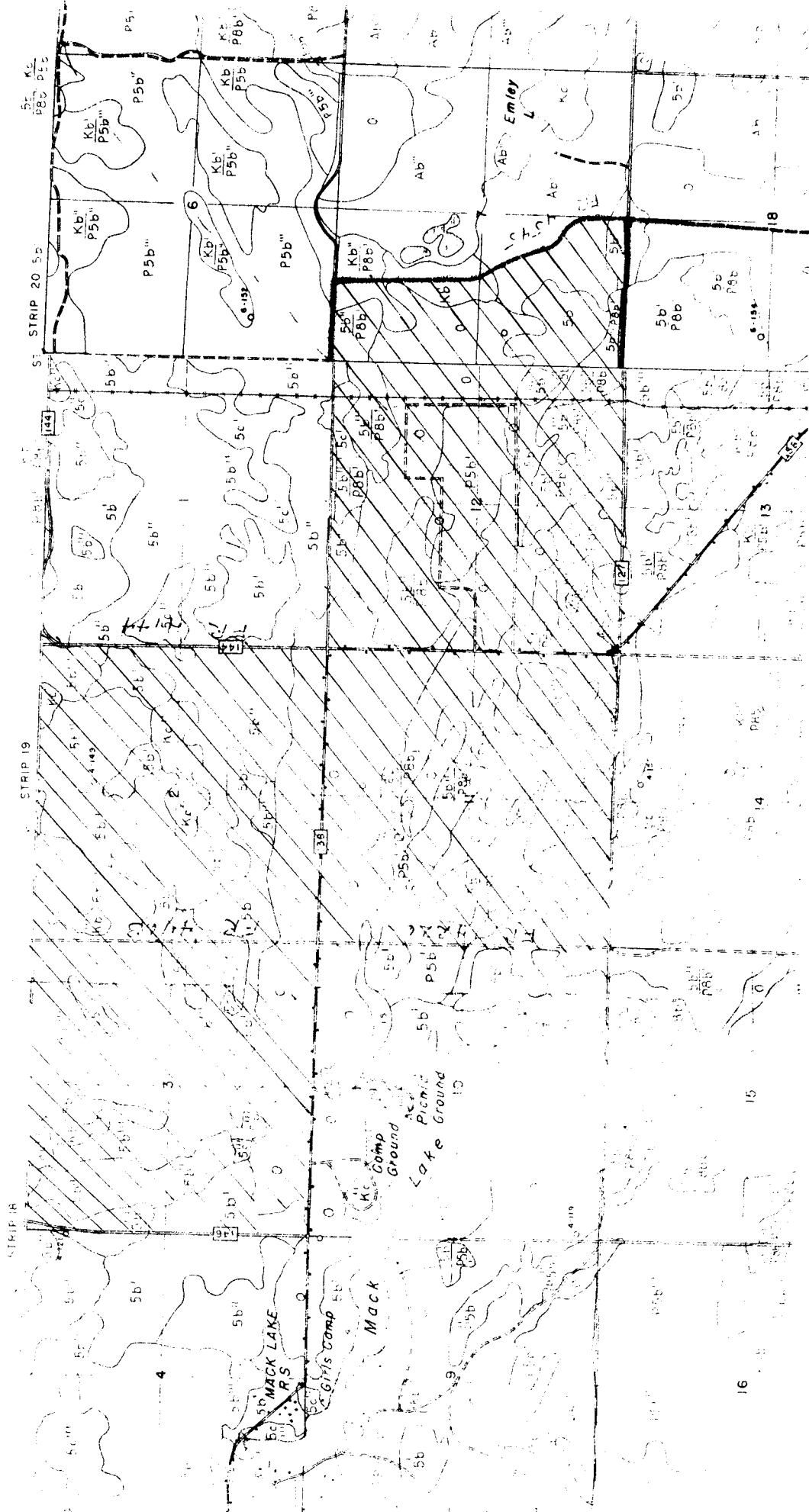
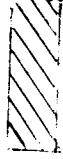
10<sup>th</sup> day of April, 1976  
Curtis L. Smith  
CURTIS L. SMITH, Acting Regional Forester  
Eastern Region, U.S. Forest Service

U. S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

1948 TIMBER SURVEY  
HURON NATIONAL FOREST  
T. 25 N. R. 3 E. MICH. MER.

OSCODA COUNTY

MICHIGAN



HURON NATIONAL FOREST  
T. 25 N. R. 2 W. MICH. MER.  
CRAWFORD COUNTY  
MICHIGAN

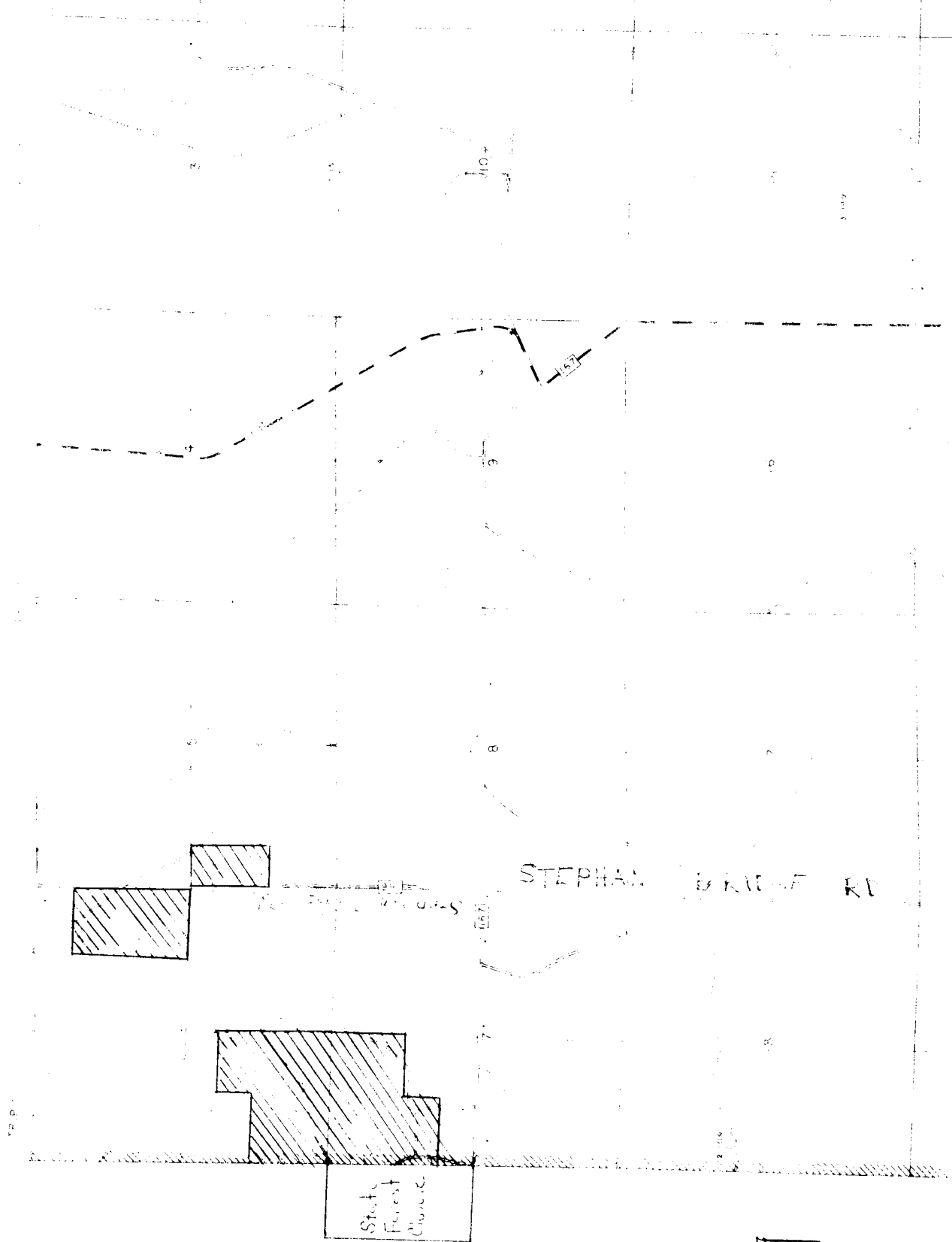


Exhibit # 2  
Pete Cheney Avest

Notice of Closure to a Landowner May 1 - Aug 15

ENDANGERED SPECIES AREA  
KIRTLANDS WARBLER NESTING HABITAT



# UNLAWFUL TO



WITHOUT WRITTEN PERMISSION  
BETWEEN MAY 1 AND AUGUST 15

CLOSED BY ORDER OF THE REGIONAL FORESTER, EASTERN REGION, U.S. FOREST SERVICE PURSUANT TO TITLE 36, CODE OF FEDERAL REGULATIONS, SECTION 251.25 AND 261.11(C). VIOLATION OF THIS ORDER IS PUNISHABLE BY FINE OF NOT MORE THAN \$500.00 OR IMPRISONMENT FOR NOT MORE THAN SIX (6) MONTHS, OR BOTH (16 U.S.C. 351).

U.S. Forest Service in cooperation with Michigan  
Department of Natural Resources and U.S.  
Fish and Wildlife Service.