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from Larry Jacobs

The following information is presented as a biological assessment of an action proposed by the Michigan Department of Military Affairs. A formal consultation and biological opinion is requested on this action.

PROPOSAL : Amendment to the "Kirtland's Warbler Habitat Management Plan for the Range 30 Complex."

In an effort to find ways to support the recovery of the Kirtland's warbler while maintaining necessary training opportunities at Camp Grayling, the Michigan Department of Military Affairs proposes an amendment to this plan. The plan, a cooperative agreement between the Michigan Department of Natural Resources(DNR) and the Michigan Department of Military Affairs(DMA), was signed and adopted on May 22, 1986. One of "The main long-term objectives" stated in the plan is that "The Military will discourage new regeneration of jack pine where there is potential for warbler use on all lands inside the Tank Range west of Bald Hill Road. This will permit unrestricted Military use of this area in the future." (A copy of the plan is attached)

In 1990, a Non-Jeopardy Biological Opinion was issued that supported and expanded on the principle of managing military land to avoid the development of Kirtland's warbler habitat. This Opinion stated that this principle could be applied to all DMA lands not incorporated into designated Kirtland's warbler Management Units. An Incidental Take statement was also issued to allow continued military use of 300 acres of existing habitat in the Range 30 tank range.

The proposed amendment would make an exception to this policy of discouraging habitat for those Camp Grayling lands burned by the Stephan Bridge fire of 1990. This area would be allowed to regenerate under an incidental take permit that allows the Military to continue historical, unrestricted use.

Background

The Stephan Bridge Fire of 1990 burned approximately 1500 acres within Camp Grayling boundaries. This area is in the Range 30 complex (See attached map). Portions of this burn area could regenerate to suitable Kirtland's warbler habitat in the next 3 to 5 years. This is an area of the tank range that gets relatively little use due to its proximity to private land and its distance from firing points and activity centers.

This area, along with the rest of the Camp, was inventoried in 1992 and 93 by Michigan Natural Features Inventory for threatened and endangered species. One State Threatened Plant was found in, and adjacent to the area - *Festuca scabreilla* (Rough fescue). No federally listed species were found. No Federally designated or proposed critical habitat occurs within or near the burn area.

Analysis of Effects and Alternatives

The existing Habitat Management Plan allows the Military to prevent the regeneration of

Kirtland's warbler habitat on Camp Grayling lands not designated for KW management. Any analysis of effect must be done in comparison to this alternative. Rather than discourage this potential habitat as prescribed in the plan, DMA proposes to allow habitat to develop in this burn area and to continue current, unrestricted training.

The positive affect of this proposal would be the regeneration of up to 1500 acres of additional Kirtland's warbler habitat. This could create nesting area for up to 20 pairs of warblers. Because it could be a relatively large contiguous block of habitat, this area could be used for a relatively long period of up to 8 years.

Negative effects could include lowered pairing, nesting and fledging success due to disturbance of adult and young warblers. Deaths of nestlings or fledglings could occur as a result of starvation induced by excessive disturbance. The possibility of these impacts would be relatively small because the area is not heavily used. Camp Grayling Environmental Regulation 200-1, which prohibits the creation of new trails and the operation of vehicles over trees greater than 3" diameter, should also reduce the potential for individual take.

In comparison to following the existing plan, a net negative affect could only occur if military activity resulted in physical taking or reduced nesting success of birds drawn to the area from safer, restricted habitats. The number of these takings would also have to be greater than the number of successful pairs that would not have found suitable habitat otherwise. According to Jerry Weinrich, DNR Wildlife Biologist, the Kirtland's warbler population is probably growing fast enough to produce birds to fill most suitable habitat and is projected to outgrow available habitat in the next several years.

In conclusion, DMA, after consultation with DNR and the Kirtland's Warbler Recovery Team, believes that implementation of the proposed amendment to the Kirtland's Warbler Habitat Management Plan for the Range 30 Complex will have a net positive affect on the continued existence of the Kirtland's warbler though it may result in the take of individuals.

AMENDMENT TO THE COOPERATIVE AGREEMENT BETWEEN
MICHIGAN DEPARTMENT OF MILITARY AFFAIRS
AND
MICHIGAN DEPARTMENT OF NATURAL RESOURCES

THIS AMENDMENT to the Cooperative Agreement, dated May 22, 1986, regarding management of the Kirtland's warbler, is agreed to by the Michigan Department of Military Affairs, hereinafter referred to as the Military, and the Michigan Department of Natural Resources, hereinafter referred to as the DNR.

Mutually agreed item would be added as follows:

10. The Military will allow the regeneration of any Kirtland's warbler habitat generated by the Stephan Bridge Fire of 1990. Any restriction of military training in this area will be at the discretion of the Military, based on training needs, regardless of occupation by warblers.

If occupied by Kirtland's warbler the DNR would not publish a closure order on, nor post any of the Camp Grayling lands burned by the Stephan Bridge Fire of 1990. The DNR will advise the Military of occupied territories in this area.

This amendment shall be in effect as soon as approved and signed by representatives of the Departments of Military Affairs and Natural Resources.

APPROVED:

MICHIGAN DEPARTMENT OF MILITARY AFFAIRS

Date

Adjutant General Gordon E. Stump, Director

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

Date

Roland Harmes, Director