

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

INTEROFFICE COMMUNICATION

November 4, 1986

WSS

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 *Rollie 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.