

STATE OF MICHIGAN



JAMES J. BLANCHARD, Governor

DEPARTMENT OF MILITARY AFFAIRS

2500 S. WASHINGTON AVE., LANSING, MI 48913-5101

MAJOR GENERAL VERNON J. ANDREWS

Director, and The Adjutant General

MITAG-CFO

22 January 1990

Mr. James Gritman
Regional Director
U.S. Fish & Wildlife Service
Bishop Henry Whipple Federal Bldg.
Ft. Snelling
Twin Cities, MN 55111

Re: Request for Formal Consultation

Dear Mr. Gritman:

On 10 Jul 1989 Ms. Sheila Minor Huff, Regional Environmental Officer of the Department of Interior, Office of Environmental Project Review, wrote a letter to the Department of Military Affairs (DMA) commenting on the Camp Grayling Draft Environmental Impact Statement. Mr. Greg Huntington, Environmental Coordinator for the DMA, has since had several phone conversations with Ms. Huff and other U.S. Fish & Wildlife Service (USFWS) staff regarding the 10 July letter. In order to properly define and respond to all USFWS concerns, an informal consultation meeting was held on 8 December 1989. The following were present:

Bob Kavetsky, Fish & Wildlife Biologist, North Central Regional Office, USFWS
Ron Refsnider, Fish & Wildlife Biologist, Twin Cities Regional Office, USFWS
Mike DeCapita, Fish & Wildlife Biologist, Wildlife Assistance Office, USFWS
Rex Ennis, Wildlife Biologist, U.S. Forest Service
Jerry Weinrich, Wildlife Biologist, Department of Natural Resources
Tom Weise, Endangered Species Coordinator, MI Dept. of Natural Resources
Greg Huntington, Environmental Coordinator, MI Dept of Military Affairs

The purpose of this meeting was to surface all present or potential impacts on the endangered Kirtland's Warbler from either proposed construction, or operational activities due to military training at Camp Grayling, Michigan. At the end of the meeting, it was determined that the DMA should request formal consultation from your office. Specifically, the DMA is to provide a discussion detailing several issues as discussed at the meeting. The USFWS is then to issue a biological opinion indicating whether or not the military actions singularly or cumulatively are likely to jeopardize the species or habitat. It was further determined that when provided with the information in this letter, along with existing written documents, enough information will be available to suffice for a biological assessment. (A copy of the cooperative agreement between the Michigan DNR and DMA for implementation of the management plan for the Range 30 Complex [tank range] is attached.)

Therefore, the following information is being provided and formal consultation is requested as suggested.

ISSUE #1: Proposed construction and operation of the Multi-Purpose Range Complex (MPRC).

This activity consists of a computer controlled combined arms training range to replace several existing ranges. Using units would include infantry, armor and aviation. It could also include fixed-wing overflights during combined arms exercises. However, there would be no weapons firing from the fixed-wing aircraft on this range.

Construction of the MPRC will occur within old-growth habitat that is no longer attracting Kirtland's Warblers. During the 1989 and 1988 census, no warblers were found and during the 1987 census, only one singing male was identified. The closest occupied warbler habitat during the 1989 nesting season was over two miles away. Construction of this range should therefore have no impact on the species.

Additionally, operation of this range, due to its distance from occupied habitat, should have no impact. Overflights of KW occupied habitat from both rotary and fixed-wing aircraft have in the past been accepted by DNR if the aircraft maintained 500 feet above ground level (AGL). Through the informal consultation, it was found that to be consistent with USFWS overflight restrictions on other endangered species which have been determined for adequate protection, overflights should be held to a minimum of 1000 feet AGL. The DMA will adhere to this guideline over occupied KW management units, except in one instance to be discussed later regarding Issue #2.

ISSUE #2: Proposed construction and operation of an Assault Landing Strip (ALS).

This activity consists of a 3600 foot long by 60 foot wide dirt landing strip at which C-130 fixed-wing cargo planes will drop off and pick up infantry units training at Camp Grayling. Approximately 500 landings annually and 10 landings on a typical operational day are anticipated.

Construction of the ALS will occur in an area that was clear cut by the DNR approximately 10 years ago. The site has remained open and is very flat. Very little additional cutting would be required for utilization of this site. The nearest KW habitat when developed will be 1½ miles to the west, thereby precluding any impact to warblers for construction activities.

Operations at this site will normally have no impact on warblers. Prevailing winds in the Grayling area are from north-northwest to south-southeast. The ALS will be built on an east-west axis. Landings and take-offs will normally be to the west into the wind. The attached map indicates proposed flight paths. The box pattern being used will keep flights from occurring over KW habitat, except when the wind might be coming out of the east. Then the required landing glide path will fall over KW habitat as the management unit to the west is developed. This will mean that aircraft will possibly be gliding in to the strip at elevations as low as 200' over KW habitat in a small portion of the management unit to the west. Again, this should occur very infrequently and only during a landing where the aircraft is gliding into the strip with noise at a minimum.

ISSUE #3: What happens when old growth Jack pine stands on military controlled lands have reached a height and/or density where KW's no longer occupy the area, and then a fire or timber cut occurs providing the potential for return of KW habitat?

In such an instance, it is the policy of the DMA that Camp Grayling staff will ensure that the affected area does not return to acceptable KW habitat. This will be accomplished in a variety of ways from burning, roller-chopping or revegetating with floral species not preferred by the warbler. It is further understood that if the Post does not follow through and habitat returns that begins to support KW's, a DNR Director's Closure Order will be initiated for this parcel and the military will then be required to adhere to specified use restrictions. As stated above, this pertains only to lands not identified in the KW Recovery Plan specified as critical habitat required for recovery of the species.

ISSUE #4: In the DNR/DMA Management Plan for the Range 30 Complex (tank range), there are two small parcels (approximately 200 acres and 100 acres) which are identified as developing habitat. What happens if warblers occupy these areas?

In 1986 when this Management Plan was signed by the DNR/DMA, critical habitat as identified in the Recovery Plan was at an all-time low. Therefore, it was felt that every possible parcel of on-coming habitat should be allowed to develop as a contingency. As the Plan reads, if the population of censused singing males drops below 200, the two parcels will be closed by DNR Director's Closure Order. If the population of singing males is above 200, it was agreed that the military could continue training in the area as necessary. This decision was felt justified because the land is not, nor ever has been, identified as critical habitat in the KW Recovery Plan and is not required for recovery of the species. This policy could mean that there might be an "incidental take" of warblers should they nest in this habitat and military training continues unchecked. The possibility of incidental take was further justified in that the military had given up approximately 4000 acres to the east of these lands for the development of a permanent KW management unit to be added to the KW Recovery Plan as identified critical habitat. The military further agreed to not use this permanent management unit at all during the nesting season and severely restrict use at other times of the year (i.e., no tracked vehicles).

In that the population of KW's has remained somewhat low (212 singing males during the June 1989 census), the military has now agreed that any "take" of actual birds is not appropriate. Therefore, if singing males are located in this identified developing habitat, DNR and/or USFWS staff will attempt to locate the actual nest. Upon location, the military will then fence off, at a minimum, a 500 foot radius around the nests to assure protection.

ISSUE #5: Is on-going training at the installation likely to jeopardize the successful recovery of the species?

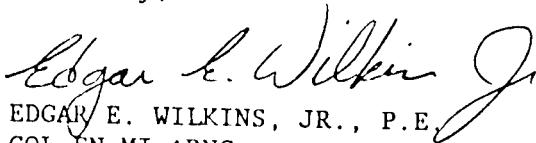
In the past few years, areas of conflict between military activities and KW's has drastically decreased. Most of the habitat that was holding KW's has now grown beyond that acceptable to the birds. Other than the three permanent KW management

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units which are on the edges of the military installation, there are only two small parcels of occupied habitat left (corner of Stephans Bridge/North Down River Roads and Sections 13 & 14 west of Bald Hill Road adjacent to the Down River Road management unit). As is the case with permanent management units, these two areas are closed by DNR Director's Closure Order during the nesting season. All occupied warbler habitat in the Camp Grayling vicinity is distinctly identified on training site maps and detailed briefings are conducted at pre-camp conferences to ensure that using units adhere to all restrictions of KW occupied areas (see attached map). Through a coordinated effort with the DNR, a 200 foot clear cut was established around the Section 13 & 14 Bald Hill area to ensure that this important area was not accidentally utilized or damaged by military activity. Additionally, as mentioned previously, more stringent minimum altitudes over occupied warbler habitat have been established, and the military has given up primary use of the new 4000 acre permanent KW management unit. The combination of these many actions will ensure that the military is in fact, not likely to jeopardize the planned recovery of the species.

Should further information or clarification of any issues still be necessary, please contact Mr. Greg Huntington, Environmental Coordinator for the DMA at (517) 483-5646.

Sincerely,



EDGAR E. WILKINS, JR., P.E.
COL EN MI ARNG

Chief, Construction & Facilities Office

cc: BG Mathieu
Bob Kavetsky (USFWS)
Tom Weise (DNR)