



STATE OF MICHIGAN



JENNIFER M. GRANHOLM
GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

LANSING

REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: May 11, 2009
RESUBMITTED: June 8, 2009

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

SUBJECT: Order to Regulate the Use of the Plainwell No. 2 Dam Area, Allegan County
Land Use Order of the Director Amendment No. 6 of 2009

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director to issue orders to implement land use rules.

Discussion and Background:

Department staff is recommending the temporary closure of Department managed land at the Plainwell No. 2 Dam and former Plainwell No. 2 Dam Impoundment located in Sections 32 and 33, T1N R11W, Gun Plain Township, Allegan County. The area must be closed for the following reasons:

Construction will be performed to remove the former impoundment sediments, bank removal and stabilization, and floodplain clearing and excavation. This work will remove PCB-contaminated waste and soil materials that pose a significant risk to public health and the environment in compliance with an Administrative Order on Consent issued by the U.S. Environmental Protection Agency (EPA). Work will be performed by Georgia Pacific Paper Company with daily supervisory review of the work performed by the EPA. The project is expected to commence August 1, 2009, or shortly thereafter, and conclude by December 2010.

The Department will utilize buoys to restrict access to the affected segments of the Kalamazoo River as work progresses through the river corridor. This area has no public access from surface roads or trails and has minimal public recreational use at this time. The work area extends for approximately one mile upstream of the Plainwell No. 2 Dam to the Penn Central Railroad crossing of the Kalamazoo River, upstream of the City of Plainwell. Improvements to a recreational portage around the remnants of the Plainwell No. 2 Dam are anticipated to be performed in conjunction with this work.

NATURAL RESOURCES COMMISSION
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Order to Regulate the Use of the Plainwell No. 2 Dam Area, Allegan County
Land Use Order of the Director, Amendment No. 6 of 2009
Page 2
June 8, 2009

Recommendation:

This order was submitted for information on June 4, 2009 at the Natural Resources Commission Meeting. This item appeared on the Department's May 26, 2009 calendar and may be eligible for approval on July 9, 2009.

Ronald A. Olson, Chief
Parks and Recreation

Kelley D. Smith, Chief
Fisheries Division

Gary Hagler, Chief
Law Enforcement Division

Russ Mason, Ph.D., Chief
Wildlife

Arminda S. Koch
Resource Management Deputy

Rodney A. Stokes
Chief of Staff

I approve the staff recommendation.

Rebecca A. Humphries, Director

LAND USE ORDERS OF THE DIRECTOR

Amendment No. 6

By authority conferred on the Director of the Department of Natural Resources by section 504 of 1994 PA 451, MCL 324.504, and pursuant to R 299.671 and R 299.921 of the Michigan Administrative Code, it is ordered that the following order of the Land Use Orders of the Director shall read as follows:

3.11 Certain dam structures, Allegan county, entry prohibited.

Order 3.11 (1) A person shall not enter into or upon any of the following dam structures without written permission from the wildlife management unit supervisor or his or her representative:

- (a) The Plainwell no. 1 dam structure located in section 24, T1N R12W, Allegan County.
 - (b) The Otsego dam structure located in section 17, T1N R12W, Allegan County.
 - (c) The Trowbridge dam structure located in section 12, T1N R13W, Allegan County.
 - (d) The Swan creek dam structure located in section 17, T2N R14W, Allegan County.
 - (e) The Swan creek diversion dam structure located in section 9, T2N R14W, Allegan County.
 - (f) Plainwell no. 2 dam and former Plainwell no. 2 dam impoundment located in sections 32 and 33, T1N R11W, Allegan county.
- (2) This section shall not apply to department personnel acting in the lawful performance of their duties.

This amended order shall be posted on or after July 10, 2009.

Issued on this 9th day of July, 2009.

Rebecca A. Humphries
Director