STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING

RICK SNYDER
GOVERNOR

DR. WILLIAM E. MORITZ
DIRECTOR

SUBMITTED: July 18, 2016

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Order to Regulate the Use of the Otsego Dam Area, Allegan County
Land Use Orders of the Director Amendment No. 7 of 2016
FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 541, authorizes the Director to issue orders to implement land use rules.

Discussion and Background:

The Department recommends the temporary closure of Department-managed land at the Otsego Dam structure and certain surrounding lands along the Kalamazoo River located Allegan County, Otsego Township, T01N R12W, in sections 17, 20 and 21. These lands are designated as portions of Allegan State Game Area, in the Kalamazoo River bottomlands unit. The recommended closure area is approximately 185 acres, and includes 50 acres or more of water and riverine or lacustrine wetlands.

The area must be temporarily closed to comply with an Administrative Order on Consent issued by the U.S. Environmental Protection Agency (EPA) to remove polychlorinated biphenyl (PCB) contaminated waste and soil materials that pose a significant risk to public health and the environment. Construction will be performed to remove impounded sediments, to conduct bank excavation and stabilization, and to conduct floodplain clearing and excavation. The project is expected to commence this summer and conclude by April of 2018.

The Department will utilize buoys and other postings to restrict access to the affected segments of the Kalamazoo River as work progresses through the river corridor. This area can be accessed at multiple locations through this stretch but has minimal public recreational use at this time. The work area extends for approximately one mile upstream of the Otsego Township Dam to the M-89 Bridge crossing the Kalamazoo River, downstream of the City of Otsego. Improvements to the area are expected to include removal of the Otsego Township Water Control Structure (replaced dam in March 2016), bank and vegetative restoration, improved access to the river for boating, and, possibly, the installation of a public boat launch.

The Department also recommends removing the restriction that a person shall not enter Plainwell No. 2 dam and former Plainwell No. 2 dam impoundment located in Allegan County without written permission from the wildlife management unit supervisor or his or her representative. This temporary closure was enacted to allow for cleanup at this location, which is now complete.

Recommendation:

This order is being submitted for information and consideration. This item appeared on the Department's July 2016 calendar and may be eligible for approval on September 8, 2016.

for
Russ Mason, Ph.D., Chief
Wildlife Division

for
Gary Hagler, Chief
Law Enforcement Division

for
Deb Begalle, Acting Chief
Forest Resources Division

for
Ronald A. Olson, Chief
Parks and Recreation Division

James Dexter, Chief
Fisheries Division

for:
Bill O'Neill
Natural Resources Deputy

LAND USE ORDERS OF THE DIRECTOR

Amendment No. 7 of 2016

By authority conferred on the Director of the Department of Natural Resources by Section 504 of the Natural Resources Environmental Protection Act, 1994 PA 451, as amended, MCL 324.504, and in accordance with R 299.921 to R 299.933, the Director of the Department of the Natural Resources orders the following:

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, T01N R12W, Allegan ~~C~~county.

(b) The Otsego dam structure located in sections 17 **and 20** T01N R12W, Allegan ~~C~~county.

(c) The Trowbridge dam structure located in section 12, T01N R13W, Allegan ~~C~~county.

(d) The Swan creek dam structure located in section 17, T02N R14W, Allegan ~~C~~county.

(e) The Swan creek diversion dam structure located in section 9, T2N R14W, Allegan ~~C~~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.

3.11a Certain state owned lands, Allegan county, entry prohibited, exception.
Order 3.11a **(1)** A person shall not enter, use, or occupy that portion of the former Plainwell ~~I~~impoundment, section 24, T1N R12W, Otsego township and sections 19 and 30 T1N R11W, Gun plain township, Allegan county, enclosed by a fence or posted against entry, use or occupancy.

(2) A person shall not enter, use, or occupy state-owned or managed lands surrounding the Otsego dam structure, as described in section 3.11 of this order, in Allegan county, Otsego township, and those adjacent state-owned lands being all or portions of sections 17, 20, and 21, T01N R12W, as described as being south of the current utility easement crossing the Kalamazoo river and located approximately 260 yards downstream (northwest) from the Otsego dam in section 17 (T01N R12W), being north/east of River road in section 20 (T01N R12W), and being both south of Lincoln road and north of Jefferson road in section 21 (T01N R12W), as posted against such use or entry, except with written permission from the department.

This amended order shall be posted on or after the 9th day of September, 2016.

Issued on this 8th day of September, 2016.

Keith Creagh
Director