



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



DANIEL EICHINGER
DIRECTOR

SUBMITTED: May 19, 2020
RESUBMITTED: June 18, 2020

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

SUBJECT: Order to Regulate Camping on State Forest Lands in Benzie County
Land Use Order of the Director Amendment No. 04 of 2020

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:

Land Use Order of the Director 4.10 currently prohibits, between 1:00 a.m. and 4:00 a.m., the use or occupancy of certain state forest lands in a portion of the Traverse City Management Unit located in Section 2, T25N, R15W, Benzonia Township, Benzie County. The purpose of this proposed amendment is to update LUOD 4.10 to also prohibit camping and tending fires due to extensive resource damage occurring at these locations.

The location known as the Homestead Dam area is located on the Betsie River, downstream of US 31. Over the past few years, this location has experienced extreme levels of fishing pressure due to the abundant fishery present. Most of the use occurs during the fall salmon run; however, the use during the spring steelhead run has also greatly increased. Anglers line the banks in this location and compete for opportunities to fish. Angler traffic to the bank is constant, with anglers never leaving the site for days.

The existing order does not prohibit establishing or tending campfires, a practice that has drastically degraded the area in question. Anglers and campers scavenge any available woody debris, cut live vegetation, and trample all forest growth in the proximity of these fires. Nearly all dead and down woody debris has been burned. Conservation Officers report that in the fall of 2019 violators utilized electric chainsaws to reduce their risk of detection. This extensive removal of vegetation in the area has led to streambank erosion and widening of the river corridor.

While angler use of the streambank area is taxing enough, the concentration of angler camps in this area is even more damaging. Because of the number of anglers that visit this area, the concentration of camps far exceeds the capacity the land can adequately sustain. This level of use has damaged the surrounding state-owned land and adjacent private property.

Existing regulations are difficult to enforce to prevent the establishment of camps and fires in part because the regulations only regulate certain uses of the state land between 1:00 a.m. and 4:00 a.m., and the regulations do not expressly prohibit establishing fires or camping. And, although the Betsie River is regulated under the Natural Rivers Program, which prohibits camping near the river under R 299.922(u), it is nevertheless possible to establish a camp outside of the area regulated under the Natural Rivers Program.

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With anglers not leaving the site for days, their associated camping results in enormous amounts of garbage and accumulations of human waste being left onsite. Additionally, campers process their daily catch and leave the remains of processed fish. Roadways routinely become clogged by parked vehicles. When access becomes limited by the volume of people visiting the site, vehicles are parked illegally in restricted locations and in trespass on private property. This often blocks access to the area, including by emergency vehicles responding to situations that occur due to the excessive number of people utilizing the site. Anglers then further exacerbate this situation by trespassing across private property to access the river, which angers adjacent property owners.

Before recommending this amendment, the Department took several steps to curtail the damaging activities occurring on this site, including surveying the site and marking boundaries between state-owned land and private property, road work to improve the condition of the legal access to this site, placement of numerous boulders to restrict vehicle access to established parking areas, and posting signs to educate anglers and clearly identify relevant restrictions that exist on the property. The Department invested approximately \$25,000 on this work.

In addition to site work, during the 2018 fall fish run, Law Enforcement Division dedicated 22 officers for a total of 834.5 hours to patrol the site. These officers made 2,946 contacts, received 25 complaints, gave 104 verbal warnings, issued 4 civil infractions, and made 139 misdemeanor arrests. Even after the concerted law enforcement effort in 2018, the 2019 fall fish run resulted in a significant increase in damaging activities. Seventeen officers spent a total of 915 hours patrolling the Homestead Dam area during the first two weeks of the fall run. During this time, officers made a total of 3,875 contacts, received 76 complaints, gave 293 verbal warnings, issued 54 civil infractions, and made 349 misdemeanor arrests.

Regardless of the efforts to improve legal site access and a consistent law enforcement presence in the area, resource degradation and illegal activities continue to increase in the Homestead Dam area. Competition for access along the streambank in this area results in users camping along the riverbank and never leaving the site for days. The concentration of camping use in the area and the duration of occupancy has become unmanageable. As previously discussed, this overuse has exacerbated the excessive violation of numerous State Land Use Rules related to refuse disposal, restricting site access, and resource damage. See R 299.922(d), (h), (k), (l), (u), and (ff). Existing regulations are inadequate to properly address these destructive activities, and no existing regulations adequately address the concentration of camping use and tending of fires that occurs on State Land in Section 2.

Therefore, the relevant divisions that manage this area recommend amending the Land Use Order of the Director to prohibit any camping and the establishment or tending of any fires, on state-owned lands surrounding the Homestead Dam area. The goal is that by prohibiting camping and fires, anglers will be required to leave the site rather than stay for multiple days, which will curtail the other illegal activities occurring at the site.

Recommendation:

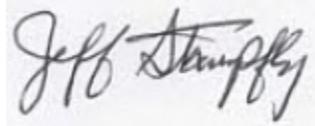
Relevant divisions have contributed to the preparation of this order. This order was submitted for information on June 11, 2020, at the Natural Resources Commission meeting. This item appeared on the Department's May calendar and may be eligible for approval on July 16, 2020.



Daniel Kennedy, Acting Chief
Wildlife Division



Gary Hagler, Chief
Law Enforcement Division



Jeff Stampfly, Acting Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



James Dexter, Chief
Fisheries Division



Shannon Hanna
Natural Resources Deputy

LAND USE ORDERS OF THE DIRECTOR

Amendment No. 04 of 2020

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 Natural Resources orders the following:

4.10 Certain state-owned lands, Benzie county, use or occupancy prohibited at certain times, prohibited conduct.

Order 4.10 (1) A person shall not use or occupy for any purpose the following described state-owned lands in Benzie county-between the hours of 1 a.m. and 4 a.m.:

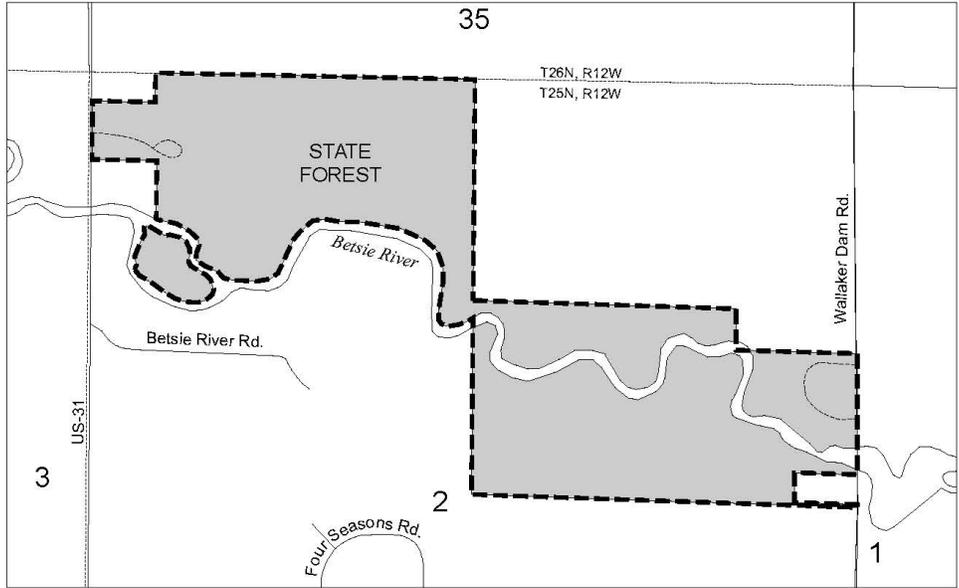
- (a) Homestead dam boating access site located within section 2, T25N R15W.
 - (b) US-31 boating access site located within section 2, T25N R15W.
 - (c) Grace road boating access site located within section 34, T26N R15W.
- (2) A person shall not do any of the following on state-owned lands within section 2, T25N R15W:
- (a) Camp.
 - (b) Establish or tend a fire for any purpose.

This amended order shall be posted on or after the 17th day of July 2020.

Issued on this 16th day of July 2020.

Daniel Eichinger
Director

Order to Regulate Camping on State Forest Lands
 Land Use Order of the Director, Amendment No. 4 of 2020
 Traverse City Management Unit - Benzie County
 Compartment No. 27, Section 2, T25N, R15W



- Area to be closed to camping
- State land
- Private land

