

Pigeon River Country Association – Winter 2011 Newsletter

Editor's Note:

This issue of our quarterly newsletter is chock full of important information (Advisory Council Report, Song-of-the-Morning dam removal progress report, a complete run-down of Trout Fishing Regulations in and around the PRCSF, plus a few photos taken by the editor during what has turned out, at least so-far, to be a very short and relatively low-snow winter). But first we begin with...

A Message from our President

I wish to take this opportunity to note and lament the passing of Glen Sheppard, the editor and publisher of the bimonthly newspaper, *Northwoods Call*. A great friend of the Pigeon River Country and advocate for the integrity of wild land everywhere, "Shep" and his often outspoken criticism of bureaucracy and what he saw to be other nonsense will be surely missed. While our association's main interest is necessarily more focused on the PRC, we sincerely hope that someone will soon be inspired to take up Shep's cause and that the *Northwoods Call* will before too long rise again. *Ray Hoobler, President PRCA*



Winter Sunset

January 21, 2011 Advisory Council Report Horseback Riding

It was brought up (following a comment made by a member of the visiting public) that a recent case involving a horseback user that was ticketed by the DNRE was dismissed as the Officer did not show up at the hearing date. Clarification of the matter showed that the date was changed but the courts failed to notify the Defendant, resulting in the Judge dismissing the case. The DNRE still intends to enforce rules governing horseback use.

New Employees

Kris Polus was introduced to the Council as the new Administrative Assistant. Kris' time will be divided between the PRCSF and the Atlanta Field Office. A new forester, Sarah Wall, has also been hired to work in the PRCSF. She

will assume the duties previously handled by Don Mittlestat.

Commercial Land Use Issues

Harold Herta of the Recreation Division gave a presentation on the enforcement of the States Land Use Rules. In 2010 the State began issuing permits at no cost for guiding activities on State Lands. It is their intent to start charging for these permits in 2011. Since 2001, it has been an illegal act to operate a commercial venture on State lands without a permit. The State has failed to enforce this rule until recently. This is something the Advisory Council has been addressing for over 25-years in the Standards and Limitations Committee with little progress. When asked if the Department had provided the list of commercial operators to the State Treasury Department or the I.R.S. so that these agencies could verify that proper taxes were collected, Mr. Herta replied they had not. Further, while Mr. Herta indicated that the DNRE Law Division had been given the list for enforcement purposes, conservation officers in the area had not received a copy of this list. Mr. Herta informed those present that the list was available by contacting Mrs. Mikula in the Cheboygan DNRE Office. I made a recommendation that the DNRE provide the list to the entire Law Division as well as the Treasury Department and the I.R.S.

The Advisory Council passed a motion recommending that Conservation Officer Nick Torsky, whose area includes a large part of the PRCSF, be appointed to the DNR Commercial User Work Group as a representative of the Law Division. Torsky has an in-the-field knowledge of the issue and its impact on the resources in Northern Michigan.

In many discussions over the years it has been and remains the opinion of the PRCA that:

- 1) Unless there is enough resource for *all* to use without a negative impact on the resource or desired population level, *no one* should be allowed to profit from its commercial exploitation.
- 2) Legalization of what had clearly been an illegal act in the past does not excuse the failure of those in a position of authority to perform their duty to enforce existing law.

Discussions also covered recent formation of "Work Groups" where the Department appoints so-called "Stakeholders" to give input as to proposed regulatory measures. Unfortunately these stakeholders are very often the same people that are exploiting the resource for personal gains and the traditional users are *not* being adequately represented.

Oil & Gas

The DNRE reported recently that they have approved drilling permits for two of the wells proposed by Schmude Oil to be drilled on the Song of the Morning property. The wells include one production well and one salt water disposal (SWD) well. It is unclear at this time if the wells

Pigeon River Country Association – Winter 2011 Newsletter

will actually be drilled as Schmude Oil still has to secure a means to get the product to market. They currently have petitioned to the Michigan Public Service Commission for condemnation of properties along a proposed pipeline route to the West and eventually to the facility on the Martin Ide property. Since the application was submitted based on an additional eight production wells, it is not clear how the MPSC might rule.

Land Acquisitions

Kerry Wieber and Scott Whitcomb updated the council on land acquisitions and recreation development projects applied for under the Michigan Natural Resources Trust Fund.

Little Pigeon River Property – A \$1.8 million acquisition – 1,060 acres – north of Green Timbers. The offer has gone out to the land owner and the Department is awaiting a response. The property owner's name is Sheila Hamp.

Storey Lake Property (located west of Green Timbers and north of Alexander Rd.) – A \$5.5 million acquisition – 2,100 acres. An application has been submitted for this purchase and is pending. There are 6 wells on this property which have had little or no activity. The DNRE's goal is to acquire both surface and mineral rights. The Department tries to enter into agreements with prospective property owners to limit the extent of the development of mineral activities.

The above properties are presently outside of the PRCSF boundary but would be managed as part of the PRC Management Unit. Although they would not fall under the official "Concept of Management", Whitcomb indicated that these large tracts of land would be managed like the other large tracts within the PRCSF, e.g., Green Timbers, etc.

Council member Dave Smethurst requested to put the acquisitions of such large tracts surrounding the PRC boundary on a future agenda and invite someone from Lansing to attend such meeting. Smethurst requested suggesting to the Director the importance of changing the PRCSF boundary to include these properties so they would be officially subject to the rules set by the Concept of Management.

Pigeon River Property Acquisition – \$1 million - 480 acre parcel. This property lies just west of the NW corner of the PRCSF. It provides over a mile of river frontage on the Pigeon River. The Little Traverse Conservancy has a Conservation Easement on this parcel. There are buildings on this property that will likely be demolished, per Department policy. The Department is looking at some options with the Conservancy, but cost is an issue.

PRCSF Upper Black River – \$2.2 million – 621 acres – This property would have both Black River and Saunders Creek access. An impoundment is on the property and Fisheries Division will be looking at removing the impoundment for

better Fisheries Management. This property is already within the Concept of Management area.

PRCSF – Consolidation Initiative –

The Stevens Property – 40 acres, bordered by State Land, along Tubbs Creek, in the SE portion of the PRCSF, has gone to the Director for approval. A signed option is in place. At least 2 other offers are pending with details needing to be worked out.

The next advisory council meeting will be held on April 15 beginning at 6:30 pm at the forest headquarters. The public is welcome to attend.

(Report by Mike Brown, PRCA Representative to the PRC Advisory Council)



Winter Wind Doodles

Song of the Morning Dam Removal Update

Progress continues to be made toward the Song of the Morning pond being drawn down in 2011. As I said in the Autumn Newsletter, I represented the PRC Association at a pre permit application meeting on October 20, 2010. We had a second meeting on December 15th, and on February 2nd Golden Lotus submitted an application for a permit to draw down the pond and remove the gates and turbine hardware.

DNRE Water Resources Division staff who manage the permit process have requested additional information before specifying which conditions to include in the permit. Once they have the information, the next steps will be: hold a public hearing; receive written comments for 10 days after the hearing; then finalize the conditions for the permit; review the permit for consistency with the Interim Order; and issue the permit.

If all required information is submitted by mid-March, it could take until mid-July for the permit to be issued. However, the hope is to issue a permit within two or three months of when the required information is submitted so that drawdown can begin as quickly as possible. Depending on many variables, preliminary data suggests

Pigeon River Country Association – Winter 2011 Newsletter

that the drawdown could take between two and four months. Once the pond is drawn down, structural modifications to permanently decommission the dam could take another couple of months.

A challenge that must be addressed in dam removal permits is how to deal with the large number of variables that may require a response or adjustment during the drawdown process, but that cannot be accurately or precisely predicted. The narrative part of the application is crucial because it is in the narrative where the applicant describes how they propose to address these variables. When the permit is issued, it will have many contingencies built in to address the issues discussed in the narrative as well as those issues that DNRE staff have learned should be addressed based on prior dam removal projects. The permit will also be consistent with the criteria and conditions in the Interim Order.

If permitted as requested, the bridge providing access to the Golden Lotus main building complex would be left in place. That would also require leaving the spillway and the bottom of the turbine pit in order to maintain the structural integrity of the bridge. Leaving the spillway and turbine pit in place creates problems such as:

- The steep incline of the spillway/turbine pit will be a barrier that will stop brook, brown trout and most steelhead/rainbow trout from getting upstream of the existing dam location. Most other aquatic organisms will also be excluded.
- The upstream end of the spillway/turbine pit is about 2.5 feet above what appears to be the level of the river bed if there had been no dam. Leaving it in place will cause the gradient of the river bed to be lower/flatter for about one quarter of a mile upstream than it would be if the spillway/turbine pit was removed.

There are ongoing efforts to figure out how to solve the problems created by leaving the spillway and the turbine pit in place without compromising the structural integrity of the bridge.

While the problems created by leaving the bottom of the spillway and turbine pit in place are definitely undesirable, there are many benefits to decommissioning the dam as proposed in the permit application, including:

- The potential for future massive sediment releases and associated fish kills such as the ones that occurred in 1985 and 2008 will be eliminated.
- The pond and the approximately three degree heating effect it has on the river below the dam will be gone.
- The daily fluctuation in water level due to the generator operation with its negative impact on young fish and other aquatic life will be eliminated.
- About 0.8 mile that is now pond or braided islands will become river bed.

- About 0.45 mile of river bed that is now impacted by heavy sand bed load will become healthy river bed.

I am optimistic that the pond will be drawn down in 2011 and that the Pigeon River will be on track to becoming a healthy, free flowing river for the first time in over a century.

Report by Joe Jarecki, PRCA Treasurer



Cold Turkeys on Thin Ice

Trout Fishing Regulation Changes and Rules for 2011 in and around the PRCSE

The DNRE Fisheries Division has taken a hard look at stream trout regulations statewide in the last couple years, in accordance with the public and many special interest groups. Anglers should be aware that some of these changes will impact the rivers and creeks of the Pigeon River Country. Past regulations on trout streams included seven different sets of regulations ranging from liberal to conservative. Now there are only four sets of regulations, along with a Gear Restricted category. There was heavy public interest from groups like Trout Unlimited to include the Pigeon River (and Black River) into that gear restricted category, at least for some river reaches. A summary of the major changes include:

- The minimum size limits for brook trout (7") and brown trout (8") have been lowered at all Type 1 trout streams (only Type 1)
- The Black River Type 2 water reaches in the past have now been changed to Type 1 water
- A reach of the Black River that had experimental gear restrictions on it is now a permanent gear restricted reach (Tin Shanty to Town Corner Stairs)
- A reach of the Pigeon River from Elk Hill campground to Pine Grove campground is a gear restricted reach

Pigeon River Country Association – Winter 2011 Newsletter

- Anglers can now fish for steelhead in a much larger portion of the Pigeon River (see details) outside of the traditional trout season dates.

A detailed summary for all the various trout holding waters in the PRC is provided below:

Sturgeon River

Headwaters to Wolverine remains Type 1 (all tackle types, traditional trout season, 7" brook trout size limit, 8" brown trout, 10" rainbow trout, possession of 5 fish).

Pigeon River

1. Headwaters to Old Vanderbilt Rd (Type 1, see above).
2. Old Vanderbilt Rd to Elk Hill Horse Campground (Type 2, all tackle types, 5 fish daily possession limit, minimum size is 10" brook trout and rainbow trout, 12" brown trout; traditional trout season fishing only).
3. Elk Hill Horse Campground to Pine Grove Campground (Gear Restricted, artificial lures only, fishing year around, possession limit for rainbow trout all year, but possession limit for brown and brook trout only in traditional season; daily possession limit of 2 fish but not more than 1 brown trout; minimum size limits of 10" brook and rainbow trout, 12" brown trout).
4. Pine Grove Campground to Mullett Lake (Type 4, all tackle types and open all year; daily possession of 5 fish with no more than 3 larger than 15 inches; rainbow can be possessed all year, but other trout can only be kept during the traditional season; minimum sizes are 8" brook trout, 10" brown and rainbow trout).

Black River:

1. Headwaters to Tin Shanty Bridge (Type 1, all tackle types, traditional trout season, 7" brook trout size limit, possession of 5 fish).
2. Tin Shanty to Town Corner Stairs (Gear Restricted, artificial lures only, bag limit of 2 trout, 10" size limit, fishing all year around but fish can only be kept during the traditional season).
3. Town Corner Stairs to Tower Dam (Type 1, all tackle types, traditional trout season, 7" brook trout size limit, possession of 5 fish).

E Branch Black River and all other small streams:

Type 1 (all tackle types, traditional trout season, 7" brook trout size limit, possession of 5 fish).

Hemlock, Ford, Section Four, & West Lost Lake

In these lakes (Type D Trout Lakes) the regulations remain the same as before: open only during the regular

trout season. artificial lures only, 1 fish daily possession limit, and 15 inch minimum size for any trout kept. Note: The dates of the traditional trout season remain as usual, beginning on the last Saturday in April and continuing through the last day of September.

Anglers should take advantage of the opportunity to fish year around (especially fall and early spring) on a large portion of the Pigeon River and a smaller reach of the Black. The Pigeon River offers a fair steelhead run and a good reach of river is now fishable outside the traditional season. Brook trout size limits have been reduced and now 7 inch fish can be harvested, they fry up just as good as an 8 incher and don't have to go to waste if hooking mortality is an issue. Good luck fishing, and if you have any questions, contact *Tim Cwalinski, DNRE Fisheries Biologist in Gaylord* at (989) 732-3541 ext. 5072.

Reminder From the Treasurer

Your membership dues help pay for things like the scholarship for a student intern to work summers at the PRC Headquarters and the costs of participating in the lawsuit over the June, 2008, Song of the Morning dam sediment release that killed large numbers of fish and other aquatic organisms for several miles downstream. Sales of Association products such as the *PRC/High Country Pathway Map*, the *PRC Poster Map*, *Dale Franz's book Pigeon River Country*, and donations provide part of our needs, but your annual membership is essential for the Association to be able to continue protecting and defending the unique wild characteristics of the PRC.

Our Bylaws provide that dues are current through July 1st, so if your address label says /10, your dues are good until this summer. However, it is okay if you prefer to renew your annual membership around the beginning of the year rather than wait until July. Those of you with /11 on your address label have recently renewed (thanks) and are good until July 1, 2012. If your address label shows a year prior to /10, please renew your membership soon. If you get the newsletter by email, you will be notified when your dues expire once a year.

On another topic, we will happily continue to send the newsletter through the mail, but if you prefer email delivery, let us know by sending a message to info@pigeonrivercountryforest.org. Even though it saves about \$5/year, please only request email delivery if you prefer it. The Board believes it is more important for members to read about Association issues than it is to save a little money, so please only request the email version if you are at least as likely to read the newsletter in that form.

Thanks for your support of the Pigeon River Country State Forest and for your membership in the PRC Association.

Joe Jarecki, PRCA Treasurer