

Subject: The "Dam" Letter

.....this is our Government at work.

To: xxxxx (property owner)

Dear Sir:

SUBJECT: DEQ File No. 97-59-0023; T11N; R10W, Sec. 20; xxxxx County. It has come to the attention of the Department of Environmental Quality that there has been recent unauthorized activity on the above referenced parcel of property. You have been certified as the legal landowner and/or contractor who did the following unauthorized activity: Construction and maintenance of two wood debris dams across the outlet stream of Spring Pond.

A permit must be issued prior to the start of this type of activity. A review of the Department's files shows that no permits have been issued.

Therefore, the Department has determined that this activity is in violation of Part 301, Inland Lakes and Streams, of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994, being sections 324.30101 to 324.30113 of the xxxxx Compiled Laws, annotated.

The Department has been informed that one or both of the dams partially failed during a recent rain event, causing debris and flooding at downstream locations. We find that dams of this nature are inherently hazardous and cannot be permitted. The Department therefore orders you to cease and desist all activities at this location, and to restore the stream to a free-flow condition by removing all wood and brush forming the dams from the stream channel. All restoration work shall be completed no later than January 31, 1998.

Please notify this office when the restoration has been completed so that a follow-up site inspection may be scheduled by our staff. Failure to comply with this request or any further unauthorized activity on the site may result in this case being referred for elevated enforcement action.

We anticipate and would appreciate your full cooperation in this matter. Please feel free to contact me at this office if you have any questions.

Sincerely, xxxxx, District Representative Land and Water Management Division

Property Owner's RESPONSE

Dear xxxxx:

Re: DEQ File No. 97-59-0023; T11N; R10W, Sec. 20; xxxxx County Your certified letter dated 12/17/97 has been handed to me to respond to.

First of all, Mr. xxxxx is not the legal landowner and/or contractor at xxxxx, Michigan. I am the legal owner and a couple of beavers are in the (unauthorized) process of constructing and maintaining two wood "debris" dams across the outlet stream of my xxx Pond. While I did not pay for, authorize, nor supervise their dam project, I think they would be highly offended that you call their skillful use of natural building materials "debris."

I would like to challenge your department to attempt to emulate their dam project any time and/or any place you choose. I believe I can safely state there is no way you could ever match their dam skills, their dam resourcefulness, their dam ingenuity, their dam persistence, their dam determination and/or their dam work ethic. As to your request, I do not think the beavers are aware that they must first fill out a dam permit prior to the start of this type of dam activity.

My first dam question to you is: (1) Are you trying to discriminate against my xxx Pond Beavers or (2) do you require all beavers throughout this State to conform to said dam request? If you are not discriminating against these particular beavers, through the Freedom of Information Act I request completed copies of all those other applicable beaver dam permits that have been issued. Perhaps we will see if there really is a dam violation of Part 301, Inland Lakes and Streams, of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994, being sections 324.30101 to 324.30113 of the xxxxx Compiled Laws, annotated.

I have several concerns. My first concern is - aren't the beavers entitled to legal representation? The xxxx Pond Beavers are financially destitute and are unable to pay for said representation so the State will have to provide them with a dam lawyer. The Department's dam concern that either one or both of the dams failed during a recent rain event causing flooding is proof that this is a natural occurrence, which the Department is required to protect. In other words, we should leave the xxxx Pond Beavers alone rather than harassing them and calling their dam names. If you want the stream "restored" to a dam free-flow condition - please contact the beavers - but if you are going to arrest them (they obviously did not pay any attention to your dam letter being unable to read English) - be sure they are read the Miranda rights first. As for me, I am not going to cause more flooding or dam debris jams by interfering with these dam builders. If you want to hurt these dam beavers - be aware I am sending a copy of your dam letter and this response to PETA. If your dam department seriously finds all dams of this nature inherently hazardous and truly will not permit their existence in this State, I seriously hope you are not selectively enforcing this dam policy or once again both the xxxxPond Beavers and I will scream prejudice!

In my humble opinion, the xxx Pond Beavers have a right to build their unauthorized dams as long as the sky is blue, the grass is green and water flows downstream. They have more dam rights than I do to live and enjoy xxxx Pond. If the Department of Natural Resources and Environmental Protection lives up to its name, it should protect the natural resources (Beavers) and the environment (Beavers' Dams).

So, as far as the beavers and I are concerned, this dam case can be referred for more elevated enforcement action right now. Why wait until 1/31/98?

The xxxx Pond Beavers may be under the dam ice then and there will be no way for you or your dam staff to contact/harass them then.

In conclusion, I would like to bring to your attention a real environmental quality (health) problem in the area. It is the bears.

Bears are actually defecating in our woods. I definitely believe you should be persecuting the defecating bears and leave the beavers alone. If you are going to investigate the beaver dam, watch your step! (The bears are not careful where they dump!) Being unable to comply with your dam request, and being unable to contact you on your dam answering machine, I am sending this response to your day office via another government organization - the dam USPS. Maybe someday it will get there.

Sincerely, Stephen L. xxxxx (xxxx have been used to protect both the innocent & the guilty)