

systematic archaeological surveys were undertaken, Indian campsites may be uncovered along the river.

## PRELIMINARY NATURAL RIVER PLAN

### A. Proposed Designation

The White River system represents the southernmost major trout stream in the Lake Michigan drainage. Except for areas around Hesperia and White Cloud, much of the river, especially the middle and lower reaches, are scenic, crossed by few bridges, wild in nature and intrusions by man are few. Development of recreation homes and homesites on the White River have increased in recent years, however, there are still many miles of stream in a natural state with scenic and other recreational values worth preserving. Because of this concern, the White River Planning Group was formed in February 1974, to draft a plan to regulate future development and use for the protection of the natural character of the White River.

It is recommended that the following portions of the White River system be classified and managed as a country scenic river under Part 305, Natural Rivers, of P.A. 451 of 1994: (Approximate mileage mainstream - 70 - tributaries - 93)

<u>Stream</u>	<u>Approximate Mileage</u>	<u>Section for Inclusion</u>
Mainstream of the White River	70	From 8-Mile Road, NW corner of Section 28, T15N, R12W in Newaygo County downstream to US-31, Muskegon County excluding the following: from the north city limit of White Cloud down to old M-20 west of city, from the east city limit of Hesperia down to west city limit and those portions within the city limits of Whitehall and Montague.
Mullen Creek	3	From 6-Mile Road downstream to White River.
Five Mile Creek	5	From Pine Ave. downstream to White River.
Flinton Creek	4	From Pine Ave. downstream to Catalpa Ave.
Wrights Creek	2	From Comstock Road downstream to White River.

Mena Creek	4	From Minnie Lake Dam downstream to White River.
Martin Creek	5	From Warner Ave. in Section 2, T14N, R14W, downstream to White River.
East Branch Heald Creek	4	From Crowsell Road downstream to White River.
Braton Creek	3	From Wilkie Road downstream to White River.
Cushman Creek	3	From 192 <sup>nd</sup> Ave. downstream to White River.
Skeels Creek	4	From 192 <sup>nd</sup> Ave., (Holton Duck Lake Road) downstream to White River.
North Branch River	20	From 176 <sup>th</sup> Ave. downstream to White River.
Robinson	4	From Woodrow Road downstream to North Branch.
Cobmoosa Creek	4	From Filmore Road downstream to North Branch.
Newman Creek	3	From 132 <sup>nd</sup> Ave. downstream to north Branch.
Knutson Creek	3	From Garfield Road downstream to North Branch.
Sand Creek	7	From outlet of Dressler Lake downstream to White River.
Carlton Creek	9	From Arthur Road downstream to White River.
Mud Creek	4	From outlet of Heitman Lake downstream to Carlton Creek.
Carleton (Lanford) Creek	1	From Walsh Road downstream to White River.
Silver Creek	1	From Silver Creek Road downstream to White River.

Cleveland Creek	<u>1</u>	From Russell Road downstream to White River.
TOTAL	163	

B. Natural River District

The White River Natural River District is an area on each side of and parallel to the designated river and its designated tributaries. The District merely establishes a definable area within which local zoning may regulate future development and use. Establishment of this District on private land in no way implies a "taking" of these lands by the state or opening them up to public use. Private lands remain private and are subject to the rights of private ownership with respect to public use. Existing structures and uses will not be subject to the regulations which follow.

C. Water Quality

The existing high water quality will be maintained according to the quality standards and use designation established by the Water Resources Commission. The river will be monitored periodically by the Department of Environmental Quality to ensure continued maintenance of high water quality (Part 31 of PA 451).

D. Land Development

1. Building Setbacks: New residential buildings shall be limited to single family dwellings. Setbacks from the river's edge for new structures and appurtenance are as follows:
  - a) On the designated portions of the mainstream from 8-Mile Road, NW corner of Section 28, T15N, R12W, Newaygo County downstream to Lutes Bridge (Baldwin Road) T14N, R13W, Newaygo County and from Podunk Bridge between Sections 9 and 10, T13N, R15W, Oceana County downstream to U.S. 31 in Muskegon County, the setback is 150 feet, except that for every foot of bank height above a minimum of seven feet above normal river flow, the new structures can be placed five feet closer to the river, to a minimum of 100 feet. Further, new structures must be setback at least 50 feet from the top of the bluff on the cutting edges of the river and tributaries.
  - b) On the designated portion of the mainstream from Lutes Bridge (Baldwin Road) downstream to Podunk Bridge and on all designated tributaries the setback is 100 feet, except that for every foot of bank height above a minimum of seven feet above normal river flow, the new structures can be placed five feet closer to the river, to a minimum of 75 feet. Further, new structures must be

setback at least 50 feet from the top of the bluff on the cutting edges of the river and tributaries.

2. Subdivisions: Unplatted lots and new subdivisions in the natural river area shall accommodate the building setbacks set forth in the plan and have a minimum lot width of 200 feet. Where, by reason of the narrowness, shallowness, or shape of a lot or property, at the time of the effective date of these regulations, the lot or property cannot accommodate a building because of the required building setback or lot width, variances shall be allowed by the appropriate local board only if such reasonable terms as may be set forth in the zoning ordinance or rule are met. All such variances shall make provisions that such structures shall be so placed as to best meet the spirit and objectives of the Natural Rivers Act.
  
3. Building Design and Screening:
  - a) Property owners are encouraged to use natural materials and unobtrusive colors in the construction of new or maintenance of old buildings.
  - b) Property owners of existing buildings, visible from the river, are encouraged to screen them with native vegetation. The Department of Natural Resources Area Forester will advise on planting stock on request.
  
4. Industrial and Commercial Structures and Uses:
  - a) Industrial uses and buildings will not be permitted within 400 feet of the designated river and tributaries.
  - b) Commercial uses and buildings; such as gas stations, motels, restaurants, retail stores, mobile home parks, etc. will not be permitted within 400 feet of the designated river and tributaries. However, a number of commercial uses requiring special exception permits may be compatible with maintaining the natural aspects of the river.
    - 1) Commercial crop farms or forest plantations that are landward of the native vegetation strip (50 feet).
    - 2) Campgrounds that are constructed, maintained and operated in accordance with State Health Department regulations (Act 17, P.A. 1970). Includes tent, travel trailer, camper and motor home uses, buildings, cement pads, hookups, etc., in conformance with established setbacks.
    - 3) Sales and/or rental of non-motorized boats or canoes.
    - 4) Small home operated business such as photography studio, beauty shop, home repair, insurance or other business which do not alter the residential nature of the property and are in conformance with established setbacks.

- 5) Small rental cabins with light housekeeping, but not motels, which are in conformance with setback requirements.
5. Septic Tank Systems: Septic tanks and absorption fields shall be located at least 100 feet from the river's edge and the bottom of the absorption field be at least four feet above the high water table. No septic tank or absorption field shall be closer than 50 feet to any subsurface drainage system emptying into the White River or designated tributaries.
  6. Land Fills: Cutting, filling for building, including appurtenances, on the flood plain and filling for buildings on the upland within 300 feet of the river's edge where the highest ground water table is within six feet of the surface shall be prohibited. Dredging or filling for the construction of fish or wildlife ponds within 500 feet of the river requires a permit under Part 301 of P.A. 451 of 1994. However, no pond shall be constructed within the natural vegetation strip (50 feet from the river).
  7. Stream Alteration: To protect the natural character of the river and the natural flow of its waters, no damming, dredging, filling or channelization of the stream channel will be permitted in those portions of the White river or tributaries designated under the Natural Rivers Act unless approved by the Department of Natural Resources under authority of Part 301 of P.A. 451 of 1994.

New in-channel stream improvements for fish habitat, bank stabilization or other resource management practices which might alter the natural character of the stream, must be approved by the Natural Resources Commission. Any private plans for these types of projects requires a permit under Part 301 of P.A. 451 of 1994. Natural materials should be used to construct stream bank stabilization projects to control erosion. They should be camouflaged and the local Conservation Office or District Fish Biologist contacted to provide technical advice for such projects. Permission shall be obtained from the property owner when removing fallen trees and log jams from the river. If there is any extensive removal of log material from the bottom, during these operations, advice should be sought from the District Fish Biologist.

Water withdrawal for irrigation will be permitted in accordance with the riparian doctrine of reasonable use.

8. Utilities: New gas or oil pipelines, or electric transmission lines generally shall not be permitted in the Natural River District or to cross the designated river and tributaries except on existing rights-of-way without prior written consent of the Natural Resources Commission. Plans for these transmission lines which include crossing the river district or river and designated tributaries must be approved by the Natural Resources Commission Section 30514 of Part 305 of P.A. 451 of 1994. New distribution lines generally shall not cross the housing setback zones

unless they are placed underground or if overhead lines are less disruptive to the environment. Plans for distribution lines which are to be placed under the river shall be approved by the Department of Natural Resources and all construction shall meet the requirements under the Sedimentation Control Act and Inland Lakes and Streams Act. Local service lines to private dwellings shall originate from the landward side of the dwelling in so far as practical.

Utilities should be required to obtain permission from the property owner to chemically treat vegetation in the right-of-way on utility easements that have only provision for cutting and trimming.

9. Signs: Only those signs necessary for (a) identification, (b) direction, (c) resource information, and (d) regulation of use, should be placed along public use areas of the designated river and tributaries. The Department of Natural Resources should post signs at access sites and on state and county road bridges emphasizing respect for private property rights and penalties for littering and trespassing. Signs for the sale of products or services shall be prohibited in the natural river area except a business can advertise on lands on which that business is established or operates. Signs and outdoor advertising devices must be (1) related to permitted uses, (2) not more than one square foot in area for residential uses and not more than four square feet in area for any other uses, (3) not illuminated by any neon or flashing device, and (4) not attached to any tree or shrub.
10. Docks: Docks may be constructed not to exceed four feet in width nor more than 20 feet in length with no more than four feet of the dock extending over the water. Docks must be constructed in accordance to the rules of Part 301 of P.A. 451 of 1994. The use of "natural" materials and camouflaging should be encouraged.
11. Disposal of Solid Wastes: No trash, refuse, junk cars, junk appliances, garbage, sawdust or other unsightly or offensive material shall be dumped or stored within sight of the river except as incidental to forestry or farm operations.

#### E. Land Use

1. Natural Vegetation Strip: A natural vegetation strip will be maintained in trees, shrubs or other vegetation on each side of the river to help stabilize the river banks, provide shading which helps maintain cool water temperatures, absorb nutrients from surface water runoff and provides screening for permanent or seasonal dwellings. The zoning administrator shall notify each applicant for building permit of the permit of the purpose of the natural vegetation strip and of the provisions of this section.

- a) Public Land: On public owned lands, a 100 foot or more restricted cutting strip will apply on each side of the mainstream and designated tributaries.
  - b) Private Land: On private frontage, a restricted cutting belt 50 feet wide, will be maintained on the mainstream and on designated tributaries Section 30509 of Part 305 of P.A. 451 of 1994. Trees and shrubs may be pruned for a view of the river upon approval by the local zoning administrator or the area forester, but clear cutting in the natural vegetation strip is not allowed. The natural vegetation strip is also subject to the following provisions:
    - 1) Dead, diseased, unsafe or fallen trees and noxious plants and shrubs may be removed.
    - 2) Selective removal or trimming of trees for commercial timber harvest, landscaping or public utility facilities shall be allowed upon approval of the area forester or zoning administrator.
    - 3) Mowing of lawns will be allowed to within 10 feet of the river's edge.
2. Grazing: Grazing will be permitted within the restricted cutting belts unless the Department of Environmental Quality determines that grazing contributes to stream degradation. In those cases, live stock will be fenced out to protect the river banks, except that cattle crossings and watering areas will be permitted if constructed so as not to cause damage to the stream.
  3. Plowing: Plowing will be prohibited within 50 feet (natural vegetation strip) of the riverbank unless the land is currently in cultivation.
  4. Minerals: New development, exploration or production of gas, oil, salt brine, sand and gravel or other materials, except ground water are not permitted within 300 feet of the designated river or tributaries on private land Section 30509 of Part 305. Natural Resources Commission policy prohibits drilling for gas or oil within 1/4 mile of streams on state land.
  5. Litter: In view of the special status of the White River, its unique character and beauty and in consideration of the rights of private property owners to avoid trespass by others, the enforcement of anti-litter laws be strengthened and liveries will be asked to voluntarily institute river clean-up bees and special incentive programs for clean-up.
  6. Commercial Horseback Riding: No horse trails will be permitted in the natural vegetation strip.
- F. River or River Related Activities
1. Boating and Canoeing:

- a) Non-motorized boating and canoeing is permitted.
- b) Use of motorized watercraft will be permitted downstream from County Line Bridge, at Oceana-Muskegon county line, unless posted against such use, provided the watercraft are operated at slow no wake speeds.
- c) Rafting of more than two vessels not permitted.

2. Campgrounds and Picnic Areas:

- a) No structures incidental to a campground or picnic area shall be permitted within 100 feet of the designated mainstream and tributaries.
- b) On public lands, no new campground shall be permitted within 300 feet of the designated mainstream and tributaries.

3. Fishing and Hunting

- a) Fishing, hunting and trapping will be permitted in the natural river area in accord with Michigan game and fish laws. Firearm use shall be in accordance with state laws and rules pertaining to the use of firearms.
- b) Emphasis will be given to maintaining a high-quality fishery and a quality fishing experience. Management practices such as stream improvement, bank stabilization, stocking and removal of rough fish may be employed to meet these objectives. It is recommended that the Fisheries Division establish a high priority in their planning efforts and management programs to ensure the maintenance and enhancement of a high quality fishery on the White River system.
- c) Wildlife management practices if undertaken in the natural river area will be done in conformance with the character of the area.

3. Use of Firearms: It is not the intent of this plan to place additional limitations on hunting, but because of the river's unique character, numerous horseshoe bends and oxbows and the possibility of property damage or injury, the strict enforcement of state laws pertaining to the safe use of firearms on the river and on public roads and bridges in the Natural River District will be strengthened and encouraged through the cooperative efforts of property owners, liveries and law enforcement officials.

G. Access and Motorized Travel

1. Public Access: New public roads, highways and river crossings will not be permitted in the Natural River District. Plans for relocation or improvements to public roads must be approved by the local zoning board and the Natural Resources Commission Sections 30509 and 30514 of Part 305. It is recommended that the following access sites and/or rest stops be established on the White River:
- a) Access site (canoe) and rest stop be developed on state land in Section 28, T14N, R14W, Newaygo County.
  - b) That the present public access be retained in public ownership and improved by developing a rest stop at Cisco Rollway, Section 30, T13N, R15W, Oceana County. Because of active gully erosion on the high sandbanks, the existing road should be blocked near the

riverbanks. A new trail (100-200 feet in length) should be developed on high ground east of the present road to a new parking area (in conformance with established setbacks). A rustic stairway and canoe slide should be constructed down the wooded slope to the floodplain. Restrooms should be constructed in conformance with established setbacks. Erosion control should be initiated on the bare sandbank and active gully.

- c) Rest stop could be developed at Twin Rollway, Section 35, R13N, R16W, Oceana County. The sandbank is eroding and should be repaired. Restroom facilities, a foot trail to the river should be developed, an easement should be obtained from private owners to document public access to the parcel on the river.

The land for these latter two proposals is in federal ownership. Should the Forest Service be unable to improve these sites, the state may be able to develop them under the Waterways Program if the proper leases can be obtained from the Forest Service.

These recommendations should meet present and foreseeable future needs for access. Should use expand in the more distant future, it may be necessary to re-study the adequacy of access.

## 2. Motor Vehicles:

- a) Public access for licensed motor vehicles will be prohibited in the natural river area except for travel on existing roads, and designated trails on publicly owned lands.
- b) Amphibious vessels, all-terrain vehicles or other off-road machines for which licenses are not required will be prohibited on publicly-owned land in the natural river area except on such trails as may be designated. Use of snowmobiles on public lands will be permitted within the natural river area in accordance with the guidelines of the agency administering such lands but it is recommended that they remain out of the natural vegetation strip and follow Department of Natural Resources guidelines which require at least a four-inch snow depth. Use of such vehicles by a landowner or his guest on his own property is permitted. No vehicles of any type are permitted on private property without the permission of the property owner.
- c) The muffler requirement of the Michigan Vehicle Code shall be enforced for all motorized vehicles using public roads and designated trails within the natural river area (Section 7, Act 300, P.A. 1949).

## H. Administration

### 1. Land Use Guidelines

- a) Zoning by local governmental units (township or county) shall be the chief means of protecting the White River and its designated tributaries as a Country-Scenic river under the Natural River Plan.
  - 1) Zoning shall be applied within a Natural River District on both the designated mainstream and tributaries. Upon adoption of a local zoning ordinance, certified copies of maps and/or documents describing the Natural River District shall be filed with the local tax assessing officer and county equalization department. In establishing true cash value of property within the Natural River District, the assessing officer shall recognize the effect of use limits established by the ordinance Section 30511 of Part 305 of P.A. 451 of 1994.

Any property owner with undeveloped river frontage on the designated portions of the White River or its designated tributaries may sign an open space development rights easement with the state under Part 361 of P.A. 451 of 1994 to obtain direct tax relief.

- 2) Appeals: Under certain circumstances, strict adherence to this plan may create unreasonable hardships for the frontage owner. Such cases may be appealed to the appropriate local board for a variance. Applications for a variance shall be based on a site plan. The county health department, Soil Conservation Service, appropriate field personnel of the Department of Natural Resources and other experts should be consulted to recommend to the appeals board a course of action which will have the least degrading impact on the character of the natural river. Final approval of the variance will be made by the local appeals board.
- 3) Nonconforming Uses: As stated in Section 30512 of the Natural Rivers Act, Part 305 of P.A. 451 of 1994, "the lawful use of any building or structure and of any land or premise as existing and lawful at the time of enactment of a zoning ordinance or rule of an amendment thereof may be continued although such use does not conform with the provisions of the ordinance, rule or amendment. The ordinance or rule shall provide for the completion, restoration, reconstruction, extension or substitution of nonconforming uses upon such reasonable terms as may be set forth in the zoning ordinance or rule."

- b) Land Acquisition:
    - 1) The state may purchase or trade lands with owner consent on the designated river and tributaries to maintain or improve the river and its environment. Efforts should be made by the appropriate divisions of the Department of Natural Resources to purchase lands on or trade other lands for lands along the river as key areas are identified and as funds become available Section 30504 of Part 305 of P.A. 451 of 1994.
    - 2) Some landowners in the Natural River District may be interested in offering scenic or other easements or inserting restrictions in their deeds which coincide with their property interests. The opportunity to obtain such easements or restriction should be pursued.
  - c) State Resources: Overall responsibility for implementing and coordinating the Natural River Plan is assigned to the Region II office of the Department of Natural Resources. The Office of Planning Services and the Department of Natural Resources Natural Rivers Task Force will act in an advisory capacity. Enforcement of water quality standards and water use regulations will be the responsibility of the Water Resources Commission and other divisions of the Department of Natural Resources.
2. Other laws and programs reinforcing natural rivers management objectives should be utilized to the extent necessary to protect the river in implementing the management plan for the river and tributaries. (See Appendix A)