

IV. NATURAL RIVER PLAN--AU SABLE RIVER

A. Goal

To preserve, protect and enhance the river environment in a natural state for the use and enjoyment of present and future generations.

B. Objectives

1. To maintain water quality consistent with the designated classification of the river and adhere to the concept of nondegradation of water quality.
2. To prohibit development or activity which may damage the ecologic, aesthetic or historic values of the river and adjacent lands.
3. To ensure that any development which may occur shall be done in an orderly manner consistent with the natural environment and aesthetic qualities of the stream.
4. To ensure that recreational uses which occur, be done in an orderly manner consistent with the natural environment and aesthetic qualities of the stream, and that a quality recreation experience is maintained.

C. Proposed Designation

The following portions of the Au Sable River are designated as a wild-scenic river under authority of Part 305, P.A. 451 of 1994 (approximate mileage--mainstream (98 miles), South Branch (34 miles), North Branch (35 miles), and tributaries (182 miles). (Total 349 miles.)

MAINSTREAM--from the confluence of Kolka and Bradford creeks (T28N, R4W), downstream to Loud Dam (Iosco County)

Kolka Creek--from the outfall of Lynn Lake (T29N, R4W) to its confluence with Bradford Creek

Bradford Creek--from the outfall of Big Bradford lake (t28N, R3W) to its confluence with Kolka Creek

East Branch--from the outfall of Barnes Lake (t28N, R2W) to its confluence with the Au Sable River

South Branch--from M76 (T23N, R1W) to its confluence with the Au Sable River

Douglas Creek--from its source (t25N, R1W) to its confluence with the south Branch.

Thayer Creek--from its source (T25N, R2W) to its confluence with the South Branch.

Hudson Creek--from its source (T25N, R2W) to its confluence with the South Branch

Robinson Creek--from its source (T23N, R2W) to its confluence with the South Branch

Beaver Creek--from its source (T25N, R3W) to its confluence with the South Branch

East Creek--from its source (T24N, R1W) to its confluence with the South Branch

South Creek--from its source (T24N, R1W) to its confluence with the South Branch

North Branch--from Ski Slope Drive (T30N, R3W) to its confluence with the Au Sable River

Turtle Creek--from the outfall of Turtle Lake (T30N, R2W) to its confluence with the North Branch

Chub Creek--from the outfall of Bridge lake (T29N, R3W) to its confluence with the North Branch

Big Creek--from the confluence of the East and West branches (T27N, R1W) to its confluence with the North Branch

West Branch Big Creek--from the outfall of Caulkins Lake (T29N, R1W) to its confluence with the East Branch Big Creek

Middle Branch Big Creek--from the outfall of West Twin Lake (T29N, R1E) to its confluence with the West Branch Big Creek

Big Creek--from the confluence of the East and West branches (T26N, R1E) to its confluence with the Au Sable River

West Branch Big Creek--from its source (T25N, R1e) to its confluence with the East Branch Big Creek

East Branch Big Creek--from its source (T25N, R2E) to its confluence with the West Branch Big Creek

Sohn Creek--from its source (T27N, R1E) to its confluence with the Au Sable River

Beaver Creek--from the east section line of section 26 (T27N, R1E) to its confluence with the Au Sable River

Wolf Creek--from its source (T26N, R3E) to its confluence with the Au Sable River

Loud Creek--from its source (26N, R3E) to its confluence with the Au Sable River

Perry Creek--from the outfall of Perry Lake (T27N, R3E) to its confluence with the Au Sable River

Comins Creek--from its source (27N, R3E) to its confluence with the Au Sable River

Glennie Creek--from its source (T27N, R4E) to its confluence with the Au Sable River

Nine Mile Creek--from its source (T26N, R4E) to its confluence with the Au Sable River

Blockhouse Creek--from its source (T27N, R4E) to its confluence with the Au Sable River

The Department of Natural Resources feels that these tributaries possess the necessary outstanding fish, wildlife, scenic, aesthetic, flood plain, ecologic, historic or recreational values to be of statewide significance and hence, should be considered for designation.

Other tributaries not recommended for designation may still be protected through adoption of protective zoning ordinances at the local level. Although not formally designated, these tributaries should be considered part of the natural river system for agency reviews of applications for sewage treatment plants, dredge and fill permits, impoundments, etc.

D. Natural River District

The Au Sable River Natural River District includes an area 400 feet wide on each side of and parallel to all channels of the designated mainstream and to the designated tributaries. This district establishes a definable area within which local zoning may guide future development and use. ESTABLISHMENT OF THIS DISTRICT 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.

E. Residential Housing

Unplatted lots and new subdivisions in the Natural River District shall accommodate the building setbacks as set forth in Section G, and shall have a minimum riverfront lot width of 200 feet on the mainstream, the South Branch, and the North Branch. On all other designated tributaries, lots shall be a minimum of 150 feet wide.

Lots or property of record that are nonconforming at the time of the effective date of these regulations because of lack of size to accommodate building setbacks from the water's edge shall be allowed to be built upon and variances shall be allowed for required setbacks upon such reasonable terms as set forth by the zoning board, providing that structures be so placed as to best meet the objectives of the Natural River Act.

One single family dwelling will be permitted on each lot or parcel within the Natural River District subject to the building setbacks as set forth in Section G. A single-family dwelling is defined as a detached building or structure designed for or occupied exclusively by one (1) family and containing housekeeping facilities.

In certain circumstances, cluster or multi-family dwellings may be permitted, provided setback and other restrictions are adhered to, and that the density of development is not increased.

F. Industrial and Commercial Structures and Uses

1. New industrial uses and buildings, and expansion of existing uses and buildings will not be permitted within 400 feet of the designated river and tributaries.
2. Commercial uses and buildings; such as gas stations, motels, restaurants, retail stores, etc., will not be permitted within 400 feet of the designated river and tributaries. However, certain commercial uses requiring special exception permits may be compatible with maintaining the natural aspects of the river. Those uses permitted under the special exception procedure shall be strictly controlled. Controls such as location, parking, drainage, setback, natural vegetation strip, signs, and hours of operation of the proposed use, shall be included in the special exception procedure. Those uses which may be compatible with natural river designation include:
 - a. Commercial crop farms or forest plantations that are landward of the native vegetation strip.
 - b. Small home operated businesses such as photography studio, beauty shop, home repair, law or real estate offices, insurance or other businesses which do not alter the residential nature of the property and

are in conformance with established setbacks and vegetative management guidelines.

- c. Detached rental cabins with light housekeeping, but not motels, which are in conformance with setback requirements and vegetative management guidelines.
- d. New canoe liveries, expansion of existing liveries, or expansion of commercial launching or retrieval of watercraft in the designated portions of the river system shall be prohibited. In considering rezoning, special exception or variance requests, either within or outside of the 400 foot Natural river District, local units of government should examine closely the effects such use will have on the natural qualities of the Au Sable river system, the need for additional local government services, and the safety and enjoyment of riparian landowners and other river users.

G. Building Setbacks

On the designated portions of the Au Sable River mainstream, the South Branch, and the North Branch, new buildings and appurtenances will be required to setback a minimum of 200 feet from the ordinary high water mark.¹ The setback may be decreased one foot for every one foot rise in bank height to a minimum of 150 feet from the ordinary high water mark.

Further:

New buildings and appurtenances must be setback at least 25 feet from the top of a bluff², on the noncutting edge³ of the stream.

¹Ordinary high water mark means "the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent in the soil itself, the configuration of the surface of the soil and the vegetation. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark. (This is the definition used for administration of Part 301, P.A. 451 of 1994.)

² "Bluff" means the top of a steep bank rising sharply from the water's edge.

³ "Cutting edge of a stream" means the outside edge of a river or stream where water velocity has increased to the point where it may cause soil or stream bank erosion.

- New buildings and appurtenances must be set back at least 50 feet from the top of the bluff on the cutting edge of a stream.
- No building shall take place on land that is subject to flooding.⁴

⁴ "Land that is subject to flooding" means that the area of land adjoining the designated portions of rivers and tributaries which:

1. Will be inundated by a flood which as a one percent chance of occurring or being exceeded in any given year (intermediate regional flood), as determined by detailed hydraulic studies which are acceptable to the Michigan Water Resources Commission; or
2. In the absence of such detailed flood plain studies, have a history of flooding or are delineated by approximate methods such as USGS flood prone area maps or HUD's special flood hazard boundary maps.

On all other designated tributaries, new buildings and appurtenances will be required to setback a minimum of 100 feet from the ordinary high water mark of the tributary provided that no building shall take place on land that is subject to flooding. The setback may be decreased one foot for every one-foot rise in bank height to a minimum of 75 feet from the ordinary high water mark.

H. Building Design and Screening

1. Property owners are encouraged to use natural materials and natural unobtrusive colors in the construction of new or remodeling of existing buildings. Upon request to the Department of Natural Resources, individual property owners will receive technical advice on location and design of structures and management of their lands. Such requests and the Department's response should be channeled through the local zoning administrator.
2. Property owners of new or existing buildings visible from the river are encouraged to screen them with native vegetation. The Department of Natural Resources Area Forester and Soil Conservation Service will advise on planting stock, etc., on request. When available at state nurseries, recommended planting materials will be supplied to property owners at cost.

I. Docks

The construction of docks along the designated portions of the Au Sable River system is discouraged. However, if necessary to provide safe and ecologically sound access for the riparian landowner, docks may be constructed not to exceed four feet in width nor more than 12 feet in length with no more than four feet of the dock extending over the water. Property owners located on the impoundments affected by fluctuating water levels will

be allowed to construct a dock large enough to provide safe and reasonable access to the water. Docks require a permit from the Department of Natural Resources and must be constructed in accordance with the rules of Part 301, P.A. 451 of 1994. The use of "natural" materials and camouflaging is encouraged. Property owners are encouraged to build "log-sod covered" docks. Upon request from the property owner, the Department of Natural Resources will supply plans and specifications for this type of dock or assist in the siting and location of a dock so as to blend in with the natural surroundings and best meet the objectives of natural rivers designation.

J. On-Site Sanitation Systems

All habitations within the Natural River District must contain sanitary waste disposal facilities conforming in type to those required by health specifications of the State of Michigan and the county or district health department having legal jurisdiction. The facilities provided may be for either water borne waste disposal by the septic tank-absorption tile field method or for non-water borne disposal by the use of a health department approved or other state approved sanitary system.

New septic tanks and absorption tile fields or other approved sanitary systems within the Natural River District shall be located not less than 150 feet from the ordinary high water mark nor within land that is subject to flooding. The absorption field shall be located in a well-drained area and the bottom of the field shall be at least four feet above the known high groundwater table. No absorption field shall be closer than 100 feet from any surface or subsurface drainage system, including sump pumps discharging into the river or its tributaries.

The bottom of an earth privy shall be not less than four feet above the known high groundwater table. Where this is not feasible, a watertight vault shall be installed.

K. Signs

Only those signs necessary for: (a) identification, (b) direction, (c) resource information, (d) regulation of use, and (e) related to permitted uses, shall be placed along the designated river and tributaries. Within the Natural River District, signs for the sale of products or services shall be prohibited. Signs within the Natural River District must be:

1. Not illuminated.
2. In conformance with the following standards.
 - a. Signs may not be larger than one square foot in area posted no more than one per 100 feet or one sign posted at upstream and downstream corner of lot. However, one temporary real estate "For Sale" sign per

parcel of land not exceed four square feet in area shall be allowed outside of the natural vegetation strip (as described in Section S).

- b. Signs posted by public agencies must be kept to a minimum, of rustic design, no larger than 10 square feet in area, not attached to any tree or shrub, and placed so as to best meet the objectives of the Natural river Act.

(Note: Signs by public agencies may need to be larger or within the 400 foot Natural River District to provide for public safety, such as warning of impending dangers in the river, or for an interpretive or historic sign.)

L. Soil Erosion and Sediment Control Measures

All earth changing activities, other than normal landscaping or maintenance, undertaken within 500 feet of a lake or stream, must be conducted in accordance with the requirements of Part 91, P.A. 451 of 1994, its administrative rules and those procedures established by the local enforcing agency.

Development along the river involving earth moving shall provide for water disposal and/or protection of the soil surface during and after construction.

Practical combinations of the following will provide effective erosion control when skillfully used in planning and construction:

1. The development plan should be fitted to the soils and topography so as to create the least erosion potential. Local offices of the Soil Conservation Service can provide detailed information on the soil characteristics of a given site and on the suitability of such soils for various uses.
2. Whenever feasible during construction, natural vegetation shall be retained and protected. Where adequate vegetation does not exist, temporary or permanent vegetation shall be established where possible.
3. Where it is necessary to remove vegetation for construction, limit the exposed area to the smallest practical size at any one time.
4. Limit the duration of exposure to the shortest practical time.
5. Critical areas exposed during construction should be protected with temporary vegetation and/or mulching.
6. Permanent vegetation and improvements, such as roads, storm sewers and other features of development capable of carrying storm runoff in a safe manner, shall be installed as early as possible.
7. Provisions should be made to accommodate the increased runoff caused by changed soil and surface conditions during and after construction.

8. Sediment basins to remove suspended soil particles from runoff water from land undergoing development should be constructed and maintained wherever erosive conditions indicate their need to prevent sediment damage to the river.
9. Diversions, grassed waterways, grade stabilization structures, and similar mechanical measures required by the site shall be installed as early in the development as possible.

M. Minerals

New development, exploration or production of oil, gas, salt brine, sand and gravel or other minerals except groundwater are not permitted within 300 feet of the designated river or tributaries (Sec. 30509, Natural River Act). On new leases on state land, Natural Resources Commission policy prohibits drilling for gas or oil within 1/4 mile of any major stream.

N. Utilities and Transportation Systems

Except on existing rights-of-way, new gas or oil pipelines, highways, roads, or electric transmission lines shall not be permitted in the Natural River District or to cross the designated river and tributaries without prior written consent of the Department of Natural Resources. Plans for these transmission lines which include crossing the river district or the river and designated tributaries shall be done in accordance with the rules entitled Utilities and Publicly Provided Facilities in Natural Rivers Areas (Section 30514 of Part 305, P.A. 451 of 1994).

New distribution lines shall not cross the designated portions of the river or housing setback zone unless they are placed underground, unless 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 Soil Erosion and Sedimentation Control Act and the Inland Lakes and Streams Act. Local service lines to private dwellings shall originate from the landward side of the dwelling insofar as practical.

When replacing an existing bridge or culvert, or constructing a new road crossing over a designated natural river, a structure to accomplish the road crossing shall be designed to maximize the purpose and objectives of the Natural River Act. In reviewing an application, the Department shall consider the anticipated effects of the structure on any portion of the natural river area.

Management of trees, shrubs and other vegetation for maintenance of rights-of-way shall be done manually in the natural vegetation strip. However, hand application of herbicides to stumps of selectively cut trees will be allowed in the natural vegetation strip where it is the objective to establish and maintain

a low growing shrub community in this zone. The Department may authorize application of selected pesticides to control insect or disease infestations.

O. Agriculture

1. Grazing within the natural vegetation strip shall be prohibited. Livestock must be fenced out to protect the riverbanks. Cattle crossings and watering areas shall be constructed according to accepted methods, after the landowner has consulted with the local Soil Conservation District, Soil Conservation Service, County Extension Service, and/or Department of Natural Resources.
2. Water withdrawal for irrigation will not be affected by natural river designation, but will continue to be permitted in accordance with the riparian doctrine of reasonable use.

P. Disposal of Solid Wastes

No unsightly or offensive material, including, but not limited to: trash, refuse, junk cars, junk appliances, or garbage, shall be dumped or stored within the Natural River District.

Q. 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 Au Sable river or tributaries designated under the Natural River Act unless approved by the Department of Natural Resources under authority of Part 301, P.A. 451 of 1994.

Natural materials should be used to construct stream bank stabilization projects to control erosion, or to enhance fisheries habitat. These structures should be camouflaged and the local Conservation Officer or District Fisheries Biologist contacted to provide technical advice for such projects.

Permission must be obtained from the property owner when removing fallen trees and log jams from the river. If any extensive removal of log material is anticipated, advice should be sought from the District Fish Biologist in order to protect existing fisheries habitat. Consideration should be given to maintaining reasonable watercraft on the river.

R. Land Alteration

Cutting or filling for building, including appurtenances, on the flood plain and filling for buildings on the upland within 400 feet of the river's edge where the highest groundwater table is within four 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, P.A. 451 of 1994 and Part 361, P.A. 451 of 1994.

S. Natural Vegetation Strip on Adjacent Shorelines

Trees, shrubs and other vegetation types native to the area shall be maintained and enhanced on each side of the river to retain the river's natural values. The presence of the natural vegetation strip is to help in stabilizing the river banks, prevent erosion, provide shading which will help maintain cool water temperatures, absorb nutrients from surface water runoff, provide screening of man-made elements, enhance fisheries and wildlife habitat and maintain the aesthetic natural quality of the river.

1. Vegetation Strip:

Public Land. On all publicly owned land, a one hundred and fifty (150) foot minimum restricted cutting strip shall apply on each side of the mainstream and designated tributaries.

Private Land. On privately owned land, a seventy-five (75) foot minimum restricted cutting strip shall apply on each side of the mainstream, South Branch, and the North Branch, and on all other designated tributaries, a fifty (50) foot restricted cutting strip shall apply.

Distances of the natural vegetation strip are measured horizontally from the ordinary high water mark.

2. **Restricted Cutting and Removal of Vegetation:** Restricted cutting of dead, diseased, unsafe or fallen trees is allowed. Removal of trees for commercial timber harvest, access or woodlot improvement shall be allowed upon specific approval of the Department of Natural Resources or its representative.
3. **Selected Cutting for Visual Access:** Trees and shrubs may be selectively pruned or removed for a filtered view of the river upon approval of the Department of Natural Resources or its representative. Filtered view of the river means maintenance or establishment of woody vegetation of sufficient density to screen new developments from the river, provide for streambank stabilization and erosion control, serve as an aid to infiltration of surface runoff and provide cover to shade the water. It need not be dense as to completely block the river view. It means no clear cutting.
4. **Agriculture:** Grazing within the natural vegetation strip shall be prohibited. Livestock must be fenced out to protect the river banks. Cattle crossings and watering areas shall be constructed according to accepted methods, after the landowner has consulted with the local Soil Conservation District, Soil conservation Service, County Extension Service, and/or the Department of Natural Resources.
5. **Planting of Native Vegetation:** Planting of native species is encouraged in the vegetation strip to enhance and protect the river's edge. The

Department of Natural Resources or the Soil Conservation Service may be consulted for selection of native plant species. For purposes of erosion control and screening of existing developments within the Natural River District, and where available at state nurseries, recommended planting materials will be supplied to property owners at cost from the Department of Natural Resources.

T. Recreation

1. Campgrounds and Picnic Areas: On public land, no new structures associated with a campground or picnic area, except those necessary to protect the riverbank, will be permitted within 300 feet of the designated mainstream or tributaries. Such structures shall be designated and constructed in such a manner as to further the purposes of the Natural Rivers Act. It is also recommended that existing public campgrounds be relocated away from the river to meet the setback limits. Where possible, the recommended vegetation strip should be reestablished and maintained.

On public lands adjacent to the river, camping will be permitted only at designated camping areas.

2. Fishing, Hunting and Trapping
 - a. Fishing, hunting and trapping will be permitted in the Natural River District in accord with current state and local laws and regulations.
 - b. IT IS EMPHASIZED THAT NATURAL RIVER DESIGNATION, OR ESTABLISHMENT OF A ZONING DISTRICT ALONG THE RIVER, DOES NOT OPEN PRIVATE LANDS TO THE PUBLIC.
 - c. Fisheries management practices will be done in conformance with the character of the area and objectives of the natural river designation. Emphasis will be placed on maintaining the high quality trout fisheries of the Au Sable River system.
3. Lakes: No lake shall be built within the Natural River District.
4. Boating and Canoeing:
 - a. Boating and canoeing is permitted.
 - b. If public safety or compatible use of state waters are threatened in the future, local governmental units may wish to regulate the use or size of motorized watercraft. Such controls should be done in accordance with Part 801, Marine Safety, of 1994 PA 451.
5. Litter: In view of the special status of the Au Sable River and its unique beauty and character, the Department of Natural Resources shall encourage and cooperate with private interests as well as other public agencies that have programs for river cleanup.

6. Recreational Controls: It is recognized that recreational conflicts, misuse and overuse is occurring throughout the state, and particularly on the Au Sable River. The limit of the statutory authority for controlling recreational uses of Michigan's waterways has not been clearly defined either through the judicial system or by the Michigan legislature. When it is determined that the Department of Natural Resources has such authority, the Department shall initiate such controls as necessary over the numbers, timing, location and conduct of river users.

The Department will make every effort to cooperate with local liveries, property owners, anglers and local governments in developing such guidelines and for the need for modification or relocation of existing public access sites.

U. Public Access Sites

No additional boat or canoe access sites shall be located on any streams in the Au Sable River system. Because of the generally small size of the North Branch and the other tributaries, except the South Branch downstream of Roscommon, canoeing should be discouraged. No additional boat or canoe access sites are recommended at this time. Existing sites may have to be modified to limit or control canoe access, control erosion, or enhance aesthetic values. New or expansion of existing access sites will be provided only if it can be shown that there is a need for such access, and that development and use of such facilities will not adversely affect the objectives of natural rivers designation. Any development must be done in accordance with the setback and vegetative management provisions of this plan.

Any additional fishermen public access sites on the mainstream or tributaries must be walk-in only with parking facilities at least maintaining established setbacks. These should be located only where there are sufficient adjacent public lands so as to avoid trespasser conflicts on privately owned lands.

To help control trespass, litter and other associated problems, watertight vault toilets and trash collection facilities at public access sites and rest areas may be located closer than the recommended setback.

V. Motorized Vehicles

Operation of all motorized vehicles other than on designated public roads, access roads to permitted uses, will be prohibited within the Natural River District.

Use of ORV's on publicly owned lands contiguous to the Natural River District shall be in conformance with guidelines and regulations of the agency administering such lands, and with state and federal noise level standards strictly enforced. (Muffler requirement of MVC--Section 707, Act 300, P.A. 1949, etc.)

W. Historic and Archaeological Sites

The identification, preservation and interpretation of historical and archaeological sites along the designated portions of the Au Sable River and tributaries, by public agencies and local historical societies, is strongly encouraged. It is illegal to disturb or dig in a designated site without prior written consent from the appropriate state and/or federal agency.

X. Federal Wild and Scenic Rivers Act

The mainstream of the Au Sable River from Mio to the Alcona Federal Power Commission (FPC) boundary has been designated by Congress as a Scenic River component of the federal Wild and Scenic River system. As a 23-mile segment of the Au Sable River mainstream has been designated under the federal act, a management plan will be developed by the U.S. Forest Service, in cooperation with the Michigan Department of Natural Resources for that designated segment only.

Protection of the river may be primarily achieved through a combination of three means. These are:

1. Local and/or state zoning.
2. Acquisition of scenic easements.
3. Acquisition of lands through fee simple title.

The management plan prepared by the U.S. Forest Service should reflect this plan and state natural river designation.

The federal plan should allow every opportunity for local and/or state natural river zoning to protect the river environment and to meet the purposes and objectives of scenic river designation.

Section 30513 of Michigan's Natural River Act states, in part, "Nothing in this act shall preclude a component of the system from becoming a part of the national wild and scenic river system under the federal wild and scenic rivers act, Public Law 90-542, approved October 2, 1968". While this provision does exist, the Department of Natural Resources feels that the state/local cooperative protection effort implemented through Natural Rivers' designation affords adequate protection to the Au Sable River and its tributaries. The Department will affirmatively resist any attempt to incorporate the Au Sable River under the Federal Wild and Scenic Rivers Act (PL 542, as amended), and other similar programs in the future, if local and/or state natural rivers zoning protection is in place and properly enforced.

Y. Military Use

Generally, military use of any of the streams or land areas within the 400-foot Natural River District is not compatible with the goal and objectives of river protection. Unless specifically authorized in a written cooperative agreement

between the departments of Natural Resources and Military Affairs approved by the Natural Resources Commission, military use shall not be authorized within the 400 foot Natural River District.

Z. Administration

1. Land Use Guidelines

- a. Under Part 305, zoning by local government units and/or the state shall be the chief means of protecting the Au Sable River and its designated tributaries as a natural river.

- 1) Zoning shall be applied within the 400-foot 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, Part 305, P.A. 451 of 1994).

Local government units are urged to adopt building setbacks, vegetation management and septic system controls for other streams under their jurisdiction not within the natural rivers designation.

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

- 2) Appeals: Under certain circumstances, strict adherence to this plan may create unreasonable hardships for the frontage owners. Such case 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 staff and 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 determination of the variance shall be made by the local appeals board.
- 3) Nonconforming uses: As stated in Section 13 of the Natural Rivers Act, Act 231, P.A. 1970, "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 or 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, 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 public agency to purchase key parcels for canoe rest areas where heavy use exists, walk-in fishermen access, or to protect sensitive environmental areas.
- 2) Some landowners in the Natural River District may be interested in offering scenic or other easements or inserting restrictions in their deeds which serve to protect the river environment and which coincide with their property interests. The opportunity to obtain such easements or restrictions should be pursued by interested public agencies.

*Site Plan--means a surface view showing elevations or contours of the grounds, including existing earth fills; generalized vegetative cover; size, location and spatial arrangement of all proposed and existing structures and uses on the site; location and elevations of streets, access roads, water supply and sanitary facilities.

- 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 Natural Rivers Unit 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 Land and Water Management and other divisions of the Department of Environmental Quality.
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).

AA. State-Federal Cooperation

The Department of Natural Resources will work towards the development of a cooperative agreement with the U.S. Forest Service. Such an agreement shall address enforcement and visitor management, public lands administration and the protection of the natural values of the Au Sable. Such a cooperative agreement shall be developed in accordance with the Au Sable Natural River Plan as approved by the Natural Resources Commission.

BB. Management of Areas Beyond the Natural River Zone

Land use and water resources are closely related. What happens on the lands beyond the Natural River District, but within the drainage area of the river, affects the river. Local units of government adjacent to the District, through their powers to influence the location, timing and nature of development, can have a positive effect on water resources.

It is recommended that local governmental units zone adjacent to the Natural River District to maintain the integrity of the Au Sable River and designated tributaries as a wild-scenic river:

- 1. By limiting residential development to low density single-family structures or medium density cluster developments. Medium density cluster developments are recommended because it is easier to provide services and control.
- 2. By providing districts where industry which may produce noise, smoke, fumes, odors, etc., will not affect the natural characteristics of the river area.
- 3. By providing districts for commerce where heavy traffic, parking, automobile exhaust and noise will not create environmental intrusions.

Further, it is recommended that local units of government incorporate water resource protection and/or management measures into their plans, programs and decisions involving land use. Such measures are of particular importance when dealing with lands in the stream corridor as defined below.

A stream corridor essentially consists of lands contiguous to the stream, the alteration or development of which could potentially cause direct impacts on the stream and its environment. It is a composite of:

1. Soil types with severe limitations for development
2. Vegetation along creek banks
3. Wetlands
4. Slopes
5. Flood profiles when known.

Sensitive areas involving one or more of the above factors may occur within the drainage area of the river but outside of the Natural River District itself. Modification or development within such areas may adversely affect water resource benefits within the district or create problems requiring costly public investment to rectify.

It is recommended that local units of government consider such measures as regulating changes in surface water runoff from specific locations through use of the site review process; and protecting sensitive areas outside of the Natural River District through use of conditional use permit procedures.

On private lands adjacent to and within one-quarter mile of the Natural River District, it is recommended that the local Soil Conservation Districts, local Soil Erosion and Sedimentation Control agencies, Cooperative Extension Service and the Department of Natural Resources cooperate with landowners to ensure that timber harvest, agricultural practices, housing, road building or other land use activities are compatible with the wild-scenic designation of the river and with maintaining the water quality of the river.

FOOTNOTES

¹Ordinary high water mark means "the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent in the soil itself, the configuration of the surface of the soil and the vegetation. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark. (This is the definition used for administration of the Inland Lakes and Streams Act, Act 346, P.A. 1972.) Page xx.

² "Bluff" means the top of a steep bank rising sharply from the water's edge. Page 37.

³ "Cutting edge of a stream" means the outside edge of a river or stream where water velocity has increased to the point where it may cause soil or stream bank erosion. Page XX.

⁴ "Land that is subject to flooding" means that the area of land adjoining the designated portions of rivers and tributaries which:

3. Will be inundated by a flood which as a one percent chance of occurring or being exceeded in any given year (intermediate regional flood), as determined by detailed hydraulic studies which are acceptable to the Michigan Water Resources Commission; or
4. In the absence of such detailed flood plain studies, have a history of flooding or are delineated by approximate methods such as USGS flood prone area maps or HUD's special flood hazard boundary maps. Page 37.