

NATURAL RIVER PLAN

A. Goal

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

B. Objectives

1. Maintain and enhance the water quality of the Kalamazoo River and its tributaries consistent with the wild-scenic classification of the river and adhere to the concept of nondegradation of water quality.
2. Maintain the existing free-flowing conditions and seek to stabilize or improve the water flow characteristics for the purpose of preserving the natural environment.
3. To prohibit or limit those developments and activities which may damage or destroy the Kalamazoo River's fish, wildlife, boating, scenic, aesthetic, flood plain, ecologic, historic-archaeological, and recreational values and uses.
4. To ensure that the development and activities which do occur shall be done in an orderly manner, shall insure the protection of the river's natural values and qualities, and shall protect the river's outstanding scenic and aesthetic qualities.
5. To ensure that recreational uses which do occur, are 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. Designated Portions

It is recommended that the following portions of the Kalamazoo River within Allegan County be designated as a wild-scenic river under the authority of Part 305 of P.A. 451 of 1994:

Mainstream: From Calkins Bridge Dam at Lake Allegan (Valley Township) downstream to the border between flood zones A2 and A3 in Saugatuck Township (approximately ½ miles downstream of the Hacklander public access site) as identified on the 1980 Flood Insurance Rate Map by the Federal Insurance Administration, including all channels of the mainstream (approximately 22 miles).

Tributaries (approximately 33.0 miles)

1. Rabbit River from Overisel Township, east section line (Section 25) at 36th Street, downstream to the Kalamazoo River (17.0 miles).
2. Bear Creek from Heath Township, east section line (Section 24) at 36th Street, downstream to the Kalamazoo River (5.0 miles).
3. Sand Creek from the M-89 bridge, north section line (Section 3), Valley Township, downstream to the Kalamazoo River (2.0 miles).
4. Swan Creek from Valley Township, south section line (Section 32) at 112th Avenue, downstream to the Kalamazoo River (7.0 miles).

5. Mann Creek from the road crossing at 128th Avenue (south section line of Section 21, Manlius Township), downstream to the Kalamazoo River (2.0 miles).

D. Natural River District

The Kalamazoo River Natural River District includes an area 300 feet wide on each side of and parallel to all channels of the designated mainstream and the designated mainstream and 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 UPTO PUBLIC USE. PRIVATE LANDS REMAIN PRIVATE AND ARE SUBJECT TO ALL RIGHTS OF PRIVATE OWNERSHIP.

E. Land Management – Private Lands – Zoning Guidelines

1. Residential Housing: Unplatted lots and new subdivisions in the Natural River District shall be of sufficient size to accommodate the building setbacks as set forth in Section E.3, and shall have a minimum riverfront lot width of 150 feet.

Lots or properties of record which are nonconforming at the time of the effective date of these regulations because of lack of size to accommodate the setback from the water’s edge shall be allowed to be built upon and variances shall be allowed for the required setback upon such reasonable terms as set forth by the zoning administrator or the zoning review board.

Upon approval by the Department of Natural Resources of an ordinance, a local community may allow the administrator of their zoning ordinance to determine the location of proposed structures on substandard lots of record, provided that structures be so placed so 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 E.3. 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.

2. Industrial and Commercial Structures and Uses:
 - a. New industrial uses and buildings and expansion of existing uses and buildings will not be permitted within 300 feet of the designated portions of the Kalamazoo River and tributaries, except as allowed in approved local zoning ordinances or state administrative rules.
 - b. Commercial uses and buildings; such as gas stations, motels, restaurants, retail stores, etc., will not be permitted within 300 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:

- i. Commercial crop farms or forest plantations that are landward of the native vegetation strip.
 - ii. 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 homes uses, buildings, cement pads, hookups, etc. in conformance with established setbacks.
 - iii. Sales, rental and service of recreational watercraft, provided principle structures are in conformance with established setbacks.
 - iv. Small home operated businesses such as a photography studio, beauty shop, home repair, insurance, or other business that does not alter the residential nature of the property and are in conformance with established setbacks.
 - v. Small rental cabins with light housekeeping, but not motels, which are in conformance with setback requirements.
3. **Building Setbacks:** On the designated portions of the Kalamazoo River system, the building setback for new structures and appurtenances along the mainstream and tributaries shall be at least 200 feet from the river's edge¹. However, the setback may be decreased three feet for every foot of vertical bank height above the ordinary high watermark until a minimum setback of 75 feet from the river's edge is reached. Further, no building shall take place on land that is subject to flooding.²
4. **Docks:** Riparian owners have the right of reasonable access to the river. Therefore, construction of docks is a permitted use. Permanent docks must be constructed in accordance with the rules of Part 301 of P.A. 451 of 1994. The use of "natural" materials is encouraged.

¹River's edge is defined as the ordinary high water mark and 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 that the character of the land is marked distinctly from the upland and is apparent 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, Part 301 of P.A. 451 of 1994.)

²Land that is subject to flooding means that area of land adjoining the designated portions of river and tributaries which:

- a. Will be inundated by a flood which has 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
- b. In the absence of such detailed floodplain studies, have a history of flooding or are delineated by approximate methods such as USGS flood prone area maps or HUDs special flood hazard boundary maps.

5. On-Site Sanitation Systems: All habitations within the Natural River District shall be provided with 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 waterborne waste disposal by the septic tank-absorption tile field method or for nonwaterborne disposal by the use of a health department approved or other state approved sanitary system.

Minimum standards for new septic systems along designated portions of the Kalamazoo River shall be as follows:

- a. The setback for septic tanks and absorption fields shall be a minimum of 100 feet from the ordinary high water mark. Further, Allegan County Health Department requirements state that septic systems must be setback a minimum of 25 feet from the edge of a bluff along a river or stream. However, depending on soil type and soil profile, height, slope and condition of the bank at the site, health department officials may increase the setback up to 100 feet from the edge of a bluff. This is done to prevent possible leaching or seepage of contaminants from a waste system from flowing directly down the bank to the stream.
 - b. The bottom of the absorption field shall be at least four feet above the known high ground water table.
 - c. No absorption field shall be closer than 50 feet from any permanent surface or subsurface drainage system. (This will not include basement footing drains.)
 - d. Variances from these standards may be allowed by the district health department where existing lots of record cannot conform because of their size.
6. Signs: Only those signs necessary for: identification, direction, resource information, regulation of use, and 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 on private lands within the Natural River District must be in conformance with the following standards:
- a. Not 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 to exceed four square feet in area shall be allowed outside of the natural vegetation strip (as described in Section E.10).
 - b. Not attached to any tree or shrub.
 - c. Not illuminated.
7. Agriculture: Existing agricultural practices will be permitted within the natural vegetation strip. Grazing will be permitted within the natural vegetation strip unless the Department of Environmental Quality determines that it contributes to stream degradation (Part 31, P.A. 451 of 1994). In those cases, livestock will 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.

Water withdrawal for irrigation will continue to be permitted in accordance with the rights of other riparians and the public values associated with the Kalamazoo River system.

New agricultural uses and practices including commercial tree farms shall be allowed in the Natural River District provided they are landward of the natural vegetation strip.

8. 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 or as provided by Part 115 , PA 451 of 1994.

No dumps or sanitary landfills shall be permitted within 300 feet of the designated portions of the Kalamazoo River or its tributaries.

9. Land Alteration: Land alteration for building such as grading, dredging and filling of the land surface within 300 feet of the river's edge is permitted, unless the high ground water table is within six feet of the land surface or on lands subject to flooding. (This does not apply to septic system drain fields which must be four feet above the known high ground water table.) Dredging or filling for the construction of fish or wildlife ponds outside of the natural vegetation strip is permitted. All activities must meet provisions of Michigan's Inland Lakes and Streams Act, Part 305, P.A. 451 of 1994, the Soil Erosion and Sedimentation Control Act, Part 91, P.A. 451 of 1994, and the Wetlands Protection Act, Part 303, P.A. 451 of 1994.
10. Natural Vegetation Strip on Adjacent Shorelines: Trees, shrubs, and other vegetation native to the area shall be maintained and enhanced on each side of the river and tributaries to retain the river's natural values. Maintenance of the natural vegetation strip is required to help in stabilizing the riverbanks, minimize erosion, provide shading which will help maintain cool water temperatures, help protect water quality by absorbing nutrients from surface water runoff, provide screening of manmade elements, protect fisheries and wildlife habitat, and maintain the aesthetic quality of the river. The zoning administrator shall notify each applicant for a building permit of the purpose of the natural vegetation strip and of the provisions of this section.

- a. Vegetation Strip

Private Land – On privately owned land, a fifty (50) foot deep minimum restricted cutting strip shall apply on each side of the mainstream and on all designated tributaries. The following provisions shall apply within the natural vegetation strip:

- i. Dead, diseased, unsafe or fallen trees, shrubs and noxious plants, including poison ivy, poison sumac and poison oak, and other plants regarded as a common nuisance in Section 2, Public Act 359 of 1942, as amended, may be removed.
 - ii. Trees and shrubs may be pruned for a filtered view¹ of the river.
 - iii. Trees and shrubs may be selectively removed for harvest of merchantable timber, public utility facilities, to achieve a filtered view of the river from the principal structure, and for reasonable access to the river upon approval of the local zoning administrator.
 - (a) If the zoning administrator feels it is necessary he should direct the property owner to consult with the Department of Natural Resources Forester in Plainwell to establish an acceptable selective cutting plan for the area.
 - iv. Clear cutting is not allowed.
11. 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 (Section 10, Natural River Act).

F. Land Management – State and Other Public Lands

- 1. Structures Related to Recreation: On public land, no new structures associated with a campground, picnic area, rest area, access site or any other publicly provided facilities, except those necessary to protect the riverbank, will be permitted within 200 feet of the designated mainstream or tributaries. Such structures shall be designed and constructed in such a manner as to further the purposes of the Natural River Act.
- 2. Natural Vegetation Strip on Adjacent Shorelines: Trees, shrubs and other vegetation native to the area shall be maintained and enhanced on each side of the river and tributaries to retain the river's natural values. Maintenance of the natural vegetation strip is necessary to help in stabilizing the riverbanks, minimize erosion, provide shading which will help maintain cool water temperatures, help protect water quality by absorbing nutrients from surface water runoff, provide screening of manmade elements, protect fisheries and wildlife habitat, and maintain the aesthetic quality of the river.

¹"Filtered view" means the maintenance or establishment of woody vegetation of sufficient density to screen developments from the river, to provide for streambank stabilization and erosion control, to serve as an aid to infiltration of surface runoff, and to provide cover to shade the water. The vegetation need not be so dense as to completely block the river view. It means no clear cutting.

a. Vegetation Strip

Public Land – On all publicly owned land, a one hundred and fifty (150) foot deep minimum restricted cutting strip shall apply on each side of the mainstream and on all designated tributaries. The following provisions will apply within the natural vegetation strip:

- i. Dead, diseased, unsafe or fallen trees, shrubs and noxious plants, including poison ivy, poison sumac, and poison oak, and other plants regarded as a common nuisance in Section 2, Public Act 359 of 1942, as amended, may be removed.
- ii. Trees and shrubs may be pruned for filtered view of the river.
- iii. Trees and shrubs may be selectively removed for harvest of merchantable timber to maintain and establish public utility facilities, and for reasonable access to the river.
- iv. Clear-cutting within 150 feet generally is not permitted, but may be allowed if it meets the policy of cutting within water influence zones on state forestland. Limited clear cutting of certain species for fish and wildlife habitat improvement may be allowed upon approval of such plans by the affected divisions of the Department of Natural Resources (Part 305, PA 451 of 1994).

3. Signs: Only those signs necessary for identification, direction, resource information and regulation of use shall be placed along the designated river and tributaries.

- a. Signs posted by public agencies must be kept to a minimum, no larger than ten square feet in area, and placed so as to best meet the objectives of the Natural River Act.
- b. The Department of Natural Resources should initiate a signing program at major access sites along the mainstream emphasizing litter control and respect for private property. Signs should be placed along the mainstream, particularly at bridge crossings and all other strategic locations indicating present location and float time to rest areas and access sites.

(Note: Signs by public agencies may need to be larger or within the 300 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.)

4. Minerals: New development, exploration or production of oil, gas, salt brine, sand and gravel, or other minerals except groundwater is not permitted within 300 feet of the designated river or tributaries (Section 10, Natural River Act). On new leases on state land, Natural Resources Commission policy prohibits drilling for gas or oil within ¼ mile of any principal stream.

G. State Program Management

1. 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 will be permitted in those portions of the Kalamazoo River or tributaries designated under the Natural River Act unless approved by the Department of Natural Resources under authority of Michigan's Inland Lakes and Streams, Part 301 of P.A. 451 of 1994.

Natural materials should be used to construct streambank stabilization projects to control erosion, or to enhance fisheries habitat. These structures should be camouflaged and the local Conservation Officer, district fish biologist, or Soil Conservation Service representative contacted to provide technical advice for such projects. All work done below the ordinary high water mark requires a permit under the authority of the Inland Lakes and Streams, Part 301 of P.A. 451 of 1994.

Permission must be obtained from the property owner when removing fallen trees and log jams from the river. If extensive removal of log material from the bottom during these operations is anticipated, advice and permission should be sought from the district fish biologist.

2. Soil Erosion and Sediment Control Measures: Michigan's Soil Erosion and Sedimentation Control, Part 91 of P.A. 451 of 1994. 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 of 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:

- a. 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.
- b. Wherever 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.
- c. Where it is necessary to remove vegetation for construction, limit the exposed area to the smallest practical size at any one time.
- d. Limit the duration of exposure of soils to the shortest practical time.
- e. Critical areas exposed during construction should be protected with temporary vegetation and/or mulching.
- f. 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.

- g. Provisions should be made to accommodate the increased runoff caused by changed soil and surface conditions during and after construction.
 - h. Sediment basins to remove suspended soil particles from runoff water from land undergoing development should be constructed and maintained where erosive conditions indicate a need to prevent sediment damage to the river.
 - i. Diversions, grassed waterways, grade stabilization structures, and similar mechanical measures required by the site shall be installed as early in the development as possible.
3. Utilities: New gas or oil pipelines, 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 River Areas (Section 30514 Part 305, PA 451 of 1994).

New distribution lines within the designated portions of the river or housing setback zone shall be 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, Part 91, P.A. 451 of 1994 and the Inland Lakes and Streams, Part 301, P.A. 451 of 1994. Local service lines to private dwellings shall originate from the landward side of the dwelling insofar as practical.

Management of trees, shrubs and other vegetation for maintenance of utility rights-of-way shall be done manually in the natural vegetation strip. However, hand application of herbicides to stumps of selectively cut trees may 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.

No new dams will be allowed across the designated portions of the Kalamazoo River system. Permits for reactivation or relicensing of the Calkins Dam and/or the Hamilton Dam shall include a requirement that minimum flows be maintained which will ensure protection of the water quality, fish, wildlife, wetlands, ecologic, recreational and aesthetic values of the designated portions.

4. Recreation:
- a. Fishing, Hunting and Trapping: Fishing, hunting and trapping will be permitted in the Natural River District in accord with current state and local laws and regulations.

IT IS EMPHASIZED THAT NATURAL RIVER DESIGNATION, OR ESTABLISHMENT OF A ZONING DISTRICT ALONG THE RIVER, DOES NOT OPEN PRIVATE LANDS TO THE PUBLIC.

Fisheries and wildlife management will be done in conformance with the character of the area and objectives of the natural river designation. A definite fish management plan has not been developed for the lower Kalamazoo River system. However, emphasis will be placed on maintaining and enhancing the quality of the fisheries through stocking, rehabilitation and other necessary management practices. As long as PCB concentrations in fish in this area remain at a dangerous level, every effort should be made to keep the public advised of the situation.

Wildlife management plans call for development and improvement projects to enhance the three existing marsh management areas. In addition, adjacent uplands will be managed to maintain existing wildlife species.

- b. Boating and Canoeing: Boating and canoeing are permitted. Local units of government (township or county) are encouraged to limit the use of motorized watercraft by limiting size of motor or no wake speeds in areas where problems of bank erosion, property damage or personal safety exist. Such controls should be done in accordance with the Marine Safety Section of the Law Enforcement Division.
 - c. Litter: In view of the special status of the Kalamazoo 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 clean-up.
5. Public Access Sites and Rest Areas: The Advisory Group feels that existing public access is adequate and recommends no new public access sites be provided along the lower Kalamazoo River. However, one new rest stop with no public vehicular access, may be desirable in the future. If such a facility is needed in the future, it should be established in the vicinity of the following areas:
- a. NW1/4 of Section 30, T3N, R14W, on the north side of the river.
 - b. SE1/4 of SE1/4 of Section 30, T3N, R14W, on the south side of the river.

Any additional public access must be walk-in only with parking facilities at least maintaining established setbacks. These should be located only where there is sufficient adjacent public lands so as to minimize trespass and user conflicts on privately owned lands.

These recommendations should meet present and foreseeable future needs for access. Should use expand or an unexpected need for access arise, it may be necessary to restudy the adequacy of public access and rest areas.

6. **Motorized Vehicles:** Operation of all motorized vehicles except normal farm and lawn machinery, other than on designated public roads or access roads to permitted uses, will be prohibited within the Natural River District. Use of ORVs 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 state and federal noise level standards shall be strictly enforced. (Muffler requirement of MVC – Section 708, Act 300, P.A. 1949, etc.)
7. **Historic and Archaeological Sites:** It is recommended that responsible groups, individuals and the History Division, Michigan Department of State, should continue to identify and evaluate historic and archaeological sites. For those sites that qualify, work should continue toward inclusion of these sites on the State and National Registers of Historic Places, and/or Historic Sites and Historic American Buildings.
8. **Water Quality Management:** Designated stretches of the Kalamazoo River and its tributaries will be governed by the “nondegradation” rule of the Water Resources Commission’s water quality standards. Baseline water quality shall be determined, both chemically and biologically, at the time of designation. A program for water quality monitoring shall be established by the Department of Environmental Quality to ensure that continued efforts are being made to maintain or enhance water quality. Of particular concern is the monitoring of PCB levels in fish tissue.

Upstream municipal and industrial discharges to the Kalamazoo River system should be closely controlled to insure protection to the water quality and natural values of the designated portions.

H. Administration

1. **Land Use Guidelines:** under Part 305, P.A. 451 of 1994, zoning by local governmental units shall be the preferred means of protecting the Kalamazoo River and its designated tributaries as a natural river.
 - a. Zoning shall be applied within the 300-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 the County Equalization Department.

In establishing true cash value of property within the Natural River District, the assessing officer shall take cognizance of the effect of use limits established by the ordinance (Section 30512, PA 451, of 1994).
2. **Utilities and Publicly Provided Facilities in Designated Natural River Areas:** As provided in Section 30514, PA 451 of 1994, administrative rules have been adopted by the state which provide that: Plans for construction, enlargement, and site or route location of all utility pipelines and transmission lines, roads and road

rights-of-way, publicly provided recreation facilities, access sites, and public water management projects within a natural river area shall be approved by the department. An application for the approval of such plans shall be submitted by the applicant, in writing, to the Department of Natural Resources, Fisheries Division.

3. **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 state or 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 appropriate board.
4. **Nonconforming Uses:** As stated in Section 30512 of the Natural River, Part 305, 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 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.”
5. **Zoning Regulations in Unusual Circumstances:** The regulations proposed in this report are not intended to be applied in disregard of the requirement of Section 30508, PA 451 of 1994 that zoning regulations “take cognizance of the characteristics of the land and water concerned, surrounding development and existing uses.” Where specific circumstances can be proven to warrant a variance, other or different regulations, either more or less restrictive, should be adopted.
6. **Land Acquisition:** 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, walk-in fishermen access, or to protect sensitive environmental areas. 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.
7. **State Resources:** Overall responsibility for implementing and coordinating the natural river plan is assigned to the Region III Office of the Department of Natural Resources. The Natural Rivers Unit and the Department of Natural Resources Natural Rivers Advisory Group will act in an advisory capacity. Enforcement of water quality standards and water use regulations will be the

responsibility of the Environmental Enforcement Division and other divisions of the Department of Natural Resources. 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 in implementing the management plan for the river and tributaries (see Appendix C).

I. Recommendations – Encouragements

1. Private Landowners: Although not required by this plan, property owners are encouraged to consider the following recommendations which will help protect and enhance private lands, and offer additional protection to the river and adjacent environment.
 - a. Building Design – Property owners along the streams 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 may 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.
 - b. Building Screening – 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.
 - c. Building Setbacks on Bluffs - Property owners are encouraged to maintain a reasonable setback from the edge of a bluff. Bluffs are sensitive areas subject to erosion. Where construction occurs too close to the edge of a bluff, damage to the structure and severe bank sloughing may occur. The following are suggested distances for these setbacks:
 - i) New buildings and appurtenances should be setback at least 50 feet from top of the bluff¹ on the cutting edge² of a stream.
 - ii) New buildings and appurtenances should be setback at least 25 feet from the top of a bluff on the noncutting edge of the stream.
 - d. Erosion Control – Planting of perennial native species in the natural vegetation strip is encouraged, especially where exposed soil and steep slopes exist. The Department of Natural Resources or Soil Conservation Service may be consulted for selection of plant species best suited for erosion control and/or screening of existing developments. When available at state nurseries, the recommended planting materials will be supplied to property owners at cost.

2. Local Units of Government: The management of areas beyond the natural river zone is extremely important since land use and 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.

¹”Bluff” means the top of a steep bank rising sharply from the water’s edge.

²”Cutting edge of a stream” means the edge of a river or stream where water velocity is such that it may cause soil or stream bank erosion.

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

- a. By limiting residential development to low density, single-family structures or medium density cluster developments. Medium density cluster developments are recommended because it is more cost effective to provide services and control.
- b. By providing districts where industry which may produce noise, smoke, fumes, odors, etc., will not affect the natural characteristics of the river area.
- c. 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 negative impacts on the stream and its environment. It is a composite of:

- a. Soil types with severe limitations for development.
- b. Vegetation along creek banks.
- c. Wetlands.
- d. Slopes.
- e. 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 plan review process, and protecting sensitive areas outside the Natural River District through use of conditional use permit procedures.

On private lands adjacent to and within ¼ 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.

Further, local governmental units are urged to adopt building setbacks, vegetation management and septic system controls for other streams under their jurisdiction not within the natural river designation.

J. Assistance Available from the Department of Natural Resources: The following department procedures reflect adopted Commission policy and describe the commitment of the Department of Natural Resources to aid riverfront property owners and local governments along a designated river:

1. To Riverfront Property Owners – Upon Request –

- a) The Fisheries Division Programs will assist riverfront property owners in selection of the best sites on an individual's property for the location of buildings and appurtenances and with design and location of docks, pathways and riverbank protection.
- b) Forest, Mineral and Fire Management Division, through its local area foresters, will advise riverfront property owners on planting stock to be used to stabilize riverbanks or to screen existing structures. When available at state nurseries, recommended planting materials will be supplied to property owners at cost.
- c) The Fisheries Division Programs will provide technical assistance to riverfront property owners on programs of other agencies which provide information and assistance in the areas of water or septic systems location and design, soils information and management, pond development and management, and cooperative fencing.
- d) The Fisheries Division Programs and Fisheries Division will provide technical advice on erosion problems and streambank stabilization, including reference to programs of other agencies.
- e) The Fisheries Division Programs will assume responsibility for coordination of periodic river clean-ups.
- f) The Fisheries Division Programs will assist riverfront property owners, local governmental units, and other interested citizens in organization of

watershed councils, property owners' associations, or other river protective groups.

- g) The Department of Agriculture Programs will provide assistance to riverfront property owners in applying for property tax benefits available under the Farmland and Open Space Preservation Act (Part 361, PA 451 of 1994, as amended) and other relevant state statutes.

2. To Local Units of Government – Upon Request –

- a) The Division of Land Resource Programs will provide technical assistance in development and processing of local zoning and other controls designed to protect and enhance the natural qualities of the river and adjoining lands.
- b) The Fisheries Division Programs will provide assistance to local governments in administration of its zoning ordinance relating to the Natural Rivers Program by reviewing special exception or variance requests, and by providing available data.
- c) Upon specific written request of a local governmental unit along a designated natural river, the Fisheries Division Programs will delineate the “ordinary high water mark”.
- d) The Department of Environmental Quality will give high priority to floodplain delineation studies for river stretches designated under Part 305 of P.A. 451 of 1994 (Natural River Act) where heavy development activity in the floodplain is expected in the future and where recommendations for local zoning deal with setbacks in relation to lands subject to flooding.
- e) When an adopted river management plan identifies the need for administrative rules for watercraft under authority of Part 801, PA 451 of 1994, Law Enforcement Division will cooperate with the appropriate local units of government in the promulgation of such rules as soon as possible following river designation.