

project. Erosion is an active force which will continue to encroach on the land. Until completely controlled, bank cutting will endanger several cottages that were built too close to the river in the past.

EXISTING AND PROPOSED LOCAL ZONING

Benzie County has a Planning Commission which is presently working on a county plan. They intend to have the plan and a tentative zoning ordinance prepared for the county by July 1, 1973.

Of the six townships in Benzie County, through which the Betsie River flows, three have comprehensive zoning ordinances and three have zoning boards presently working on zoning ordinances. Springdale Township in Manistee County does not have a zoning board or zoning ordinance.

LAWS AND PROGRAMS REINFORCING OBJECTIVES OF THE NATURAL RIVERS PROGRAM

A number of Michigan laws now authorize Department of Natural Resources' programs or activities for the protection of rivers. Officials administering the Natural Rivers Program for the protection of the Betsie River should utilize these statutes in implementing the plan objectives of the river and its tributaries. (See Appendix A)

The proposed Department of Natural Resources' program to establish rules for river use on heavily-used streams may also be directed toward protecting natural rivers-- particularly those rivers where recreational use is or may be expected to be quite heavy. The rules have been designed to protect the river resources and recreational experiences that are characteristic of a particular stream.

PRELIMINARY NATURAL RIVER PLAN

A. Proposed Designation

Development of recreation homes and homesites on the Betsie River have been increasing rapidly in recent years. The concern of local citizens and governmental units on the effect this development will have on the remaining natural portions of the Betsie prompted the six townships and others in Benzie County to petition the DNR to study the Betsie River for possible Natural River designation. It was found that although many areas of private land along the river is or will be developed in the near future, there are still many miles of stream in a natural state with scenic and other recreational values worth preserving.

It is recommended that the following portions of the Betsie Rive system be classified and managed as a wild-scenic river and be designated as a Natural River by the Natural Resources Commission under Part 305, P.A. 451 of 1994:

The 50-mile mainstream of the Betsie River from Grass Lake Dam, Benzie County downstream to its mouth at Betsie Lake, and the Thompsonville

Pond and Homestead Impoundment should be included as mainstream designation. The Little Betsie River and Dair Creek from their headwaters to their confluences with the Betsie, a total of 20 miles, should be included as tributary designation.

B. Natural River District

The Betsie River Natural River District is a strip of land 400 feet wide on each side of and parallel to the designated river and its designated tributaries. 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 are not affected. The District merely establishes a definable area within which certain types of development and use will be controlled. Private ownership within the Natural River District for the proposed portions of the mainstream and tributaries is estimated to be about 3,685 acres.

C. Administration

1. State Resources: Overall responsibility for implementing and coordinating the Natural River Plan is assigned to the Fisheries Division of the Department of Natural Resources. 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 Public Properties: Agreements between the Department of Natural Resources and other public landowners such as the county will be developed as required and feasible.
3. Private Properties: Pursuant to Section 8 of the Natural Rivers Act, administration of local zoning regulations along the river will be the responsibility of the local unit of government. The Zoning Administrator shall be responsible to the Zoning Board and Zoning Appeals Board for administration of the of the local governmental unit zoning ordinance. The ordinance shall be the instrument by which the Natural River Plan is implemented. The Michigan Department of Natural Resources regional office shall be notified of any variances to the local ordinances requested for properties or activities within the Natural River District.

D. Water Quality

The existing high water quality will be maintained. The river will be monitored periodically by the Surface Water Quality staff to ensure continued maintenance of high water quality (Part 323, P.A. 451 of 1994).

E. Land Development

1. **Building Setbacks:** New buildings and appurtenances thereto in the Natural River District shall be set back at least 200 feet from the river's edge except for every foot of vertical river bank elevation greater than five feet above the normal water level the building set back may be moved five feet closer to the edge of the river ridge or escarpment until a minimum of 150 feet is reached. On designated tributaries, a minimum setback of 100 feet will be maintained. The Department of Natural Resources agrees that new structures on State land will adhere at least to minimum setback requirements or, where possible, be placed further back and out of view.
2. **Subdivisions:** Unplatted lots and new subdivisions in the Natural River District shall accommodate the setbacks as set forth in #1 above. The minimum lot width shall be 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, 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 DNR area forester will advise on planting stock.
4. **Commercial and Industrial Structures:** No commercial or industrial structures or uses will be permitted in the 400-foot Natural River District. Local zoning should not permit commercial or industrial activities near the 400-foot district, which could unreasonably interfere with the Natural River environment.
5. **Land Fills:** Cutting, filling or building on the land in a flood plain and filling for buildings on the uplands within the 400-foot district where the highest ground water table is within six feet of the surface shall be prohibited.
6. **Stream Alteration:** To protect the natural character of the river and the natural flow of its waters, no damming, dredging, filling or channelization will be permitted in the portions of the Betsie River or tributaries designated under the Natural Rivers Act unless approved by the Department of Natural Resources. Water withdrawal for irrigation will be permitted in accordance with the riparian doctrine of reasonable use. New 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.

7. Utilities: 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 local zoning board and the Natural Resources Commission (Part 305, P.A. 451 of 1994). New distribution lines generally shall not cross the designated portions of the river or housing setback zones unless they are placed underground. Plans for distribution lines which are to be placed under the river should be approved by the Department of Natural Resources. Local service lines to private dwellings shall originate from the landward side of the dwelling.
8. 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 shall post signs at access sites emphasizing respect for private property rights and penalties for littering and trespassing. Signs for the sales of products or services shall be prohibited on private property in the Natural River District.
9. 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. The use of "natural" materials should be encouraged.
10. Disposal of Solid Wastes shall be prohibited in the Natural River District.

F. Land Use

1. Trees and Other Vegetation: Trees, shrubs, and other vegetation will be managed to protect and enhance the river's natural values through maintenance of vegetation types native to the area.
 - a) State-owned Land: The DNR agrees that on State-owned land a 100-foot restricted cutting strip will apply on each side of the mainstream and designated tributaries. On non-designated tributaries the State Forest Management Plan will determine forest management practices within these water influence zones.
 - b) Private Land: On private frontage, a restricted cutting belt 50 feet wide will be recommended on the mainstream and on the designated tributaries (Part 305, P.A. 451 of 1994). Cutting and removal of dead, diseased, unsafe or fallen trees and noxious weeds and shrubs is permitted. Clear cutting in the natural vegetation strip is not allowed; however trees and shrubs in one

corridor may be pruned for a view of the river upon approval by the local zoning administrator and the area forester.

2. Grazing will not be permitted within these restricted cutting belts if it contributes noticeably to stream degradation. In those cases livestock will be fenced out to protect the river banks. Cattle crossings and watering areas shall be constructed so as not to cause damage to the stream.
3. Minerals: New development, exploration or production of gas, oil, salt brine, sand and gravel or other minerals except ground water are not permitted within 300 feet of the designated river or tributaries on private lands (Sec. 10, Natural Rivers Act). Natural Resources Commission policy prohibits drilling for gas or oil within 1/4 mile of streams on state land.
4. On private lands adjacent to and within one-quarter mile of the Natural River District, it is recommended that the local Soil Conservation Districts, County Extension Service and Department of Natural Resources cooperate with landowners to ensure that timber harvest, agricultural practices, housing, road building or other development, are compatible with the wild-scenic designation of the river.

G. River or River Related Activities

1. Boating and Canoeing:
 - a) To provide a natural setting for canoeists and fishermen, the use of motorized watercraft on the Betsie River will be prohibited from the M-22 Bridge at Elberta upstream, under authority of Part 801, Marine Safety, of 1994 PA 451.
 - b) Upon presentation of evidence or claims of river degradation by over-use by canoeists or fishermen, studies shall be carried out by the DNR staff to determine justification and programs for control of river users.
2. Campgrounds and Picnic Areas:
 - a) No structures incidental to a campground or picnic area shall be permitted within 200 feet of the wild-scenic designated mainstream and 100 feet of designated tributaries.
 - b) The DNR agrees that no new State campgrounds shall be permitted within 300 feet of the designated mainstream or tributaries.
 - (1) It is recommended that a canoe only campsite be established on 80 acres of state land located in T24N, R14W, Sec. 9, Manistee County. Also recommend a canoe rest stop be established on an appropriate site on state

forestland located in T25N, R14W, Sec. 25 or 36. New structures should not be visible from the river.

3. Fishing and Hunting:

- a) Fishing and hunting will continue to be permitted in the Natural River District and adjoining land areas under current laws and regulations.
- b) Emphasis will be given to maintaining the high-quality trout fishery and a quality fishing experience.
 - (1) Fish Division plans call for removal of Homestead Dam with provisions for lamprey control. Safeguards should be provided to ensure that siltation of the stream does not occur during or after dam removal. Periodic chemical treatment of rough fish may be necessary to maintain a good trout fishery. An ongoing program to survey bank erosion will be carried out in order that serious erosion problems can be corrected.
- c) Wildlife management practices if undertaken in the Natural River District will be carried out in conformance with the objectives of the Natural River designation.

H. Access and Motorized Travel

1. Public Access:

- a) Additional vehicular access will not be provided to the river except for possible fisherman walk-in access. Vehicle parking will be 300 feet back from river. New public roads, highways and river crossings will not be permitted in the Natural River District. Plans for relocations or improvements to public roads must be approved by the local zoning board and the Natural Resources Commission (Part 305, P.A. 451 of 1994). Road access to private property will be permitted upon approval of the proper zoning authority. Private road access will not be permitted within 200 feet of the mainstream or within 100 feet of designated tributaries.

2. Motor Vehicles:

- a) Licensed motor vehicles will be prohibited in the 400-foot Natural River District except for travel on existing public roads, private 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 District except on such trails as may be designated. Use of snowmobiles on public lands will be permitted within the Natural river District, but it is recommended snowmobiles be prohibited in the restricted cutting strip and follow

- DNR guidelines which require at least a four inch snow depth. Use of such vehicles by a local owner on his own property is permitted.
- 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 District (Part 315, P.A. 451 of 1994).

I. Measures for Plan Implementation

1. Property Control

- a) Zoning by local governmental units shall be the chief means of protecting the Betsie River and its designated tributaries as a Wild-Scenic River under the Natural River Plan.
1. Zoning shall be applied to the 400-foot Natural River District on both the mainstream and designated tributaries. Upon adoption of a local zoning ordinance, certified copies of maps and/or documents describing the Natural Rivers 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. (Part 305, P.A. 451 of 1994).
 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, the area forester of the DNR and other experts shall 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.
 3. Nonconforming uses: As stated Section 30512, 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 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 to purchase lands on or trade other lands for lands along the river as key areas are identified and as funds become available. (Sec. 30504, Part 305, P.A. 451 of 1994)

- (2) Some landowners in the Natural River District may be interested in offering scenic or other easements which coincide with their property interests. The opportunity to obtain such easements by gift or purchase should be pursued.
- c) Cooperative agreements will be developed with Federal and State agencies to support the Natural River Program by implementing policies which will provide financial assistance for practices which will protect and enhance the quality of the natural river and its tributaries, and conversely, will not provide grant assistance, loan funds or ensure mortgages for any person or contractors who develop project plans which are not in harmony with the Natural Rivers concept and plan.
- 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 its tributaries. (See Appendix A)

J. Management of Areas Beyond the Natural River District

It is recommended that local governmental units zone areas beyond the Natural River District to maintain the integrity of the Betsie River and designated tributaries as a Wild-Scenic River:

- 1. By limiting residential development to low density-single-family structures.
- 2. By providing districts where industry which may produce noise, smoke, fumes, odors, etc., will not affect the wilderness aspect of the river area.
- 3. By providing districts for commerce where heavy traffic, parking, automobile exhaust and noise will not create environmental intrusions.