

## PRELIMINARY NATURAL RIVER PLAN

The Boardman River is one of the outstanding trout streams in Michigan. This river system has excellent water quality and habitat conducive to good trout reproduction. Approximately half of the streams in the river system flow through lands in public ownership. Vacation and retirement home development continues to occur at a rapid rate in the Boardman River watershed and the Traverse City area. As the demand for quality recreation and homesites increases, the natural beauty and wild character of the area could be destroyed by unregulated land use. Because of this concern, the Boardman River Management Plan Committee, under the auspices of the Boardman River Advisory Council and the Department of Natural Resources, and sponsored by the Traverse Bay Regional Planning Commission, has been meeting since July, 1974, to draft a plan to regulate future development and use for the protection of the natural character of this attractive river.

### A. Goal

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

### B. Objective

1. To maintain or improve water quality consistent with the Water Resources Commission designated classification of the river and adhere to the concept of non-degradation of water quality.
2. Discourage development or activity which may damage the ecologic, aesthetic or historic values of the river and adjacent lands.
3. Encourage any future development to be done in an orderly manner consistent with the natural environment.
4. Maintain the existing free-flowing conditions and seek to stabilize or improve the water flow characteristics for the purpose of preserving the natural environment.

### C. Proposed Designation

It is recommended that the following portions of the Boardman River system be classified and managed as a natural river under Part 305, P.A. 451 of 1994: (approximate mileage—mainstream-21 miles, tributaries-67 miles)

#### 1. Country-Scenic

Mainstream of Boardman River from north boundary of Grand Traverse County property in Section 27, T27N, R11W, Garfield Township to Brown Bridge Dam, Section 15, T26N, R10W, East Bay Township (13 miles).

## 2. Wild-Scenic

Mainstream Boardman River above Brown Bridge Dam to “Forks” (8 miles).

Tributaries:

- (a) North Branch from “Forks” to U.S. 131 in Kalkaska County (15 miles).
- (b) South Branch from “Forks” to U.S. 131 in Kalkaska County (8 miles).
- (c) Beitner Creek to Sawyer Road in Section 8, and south to southline of Section 9, T26N, R11W, Blair Township (3.5 miles).
- (d) Jaxson Creek to southline Section 31, T36N, R10W, Paradise Township (4.5 miles).
- (e) Swainston Creek to westline Section 8, T25N, R10W, Paradise Township (5 miles).
- (f) Jackson Creek to Wood Road, Section 14, T25N, R10W, Paradise Township (5 miles).
- (g) East Creek to Bancroft and Parker Creeks, Section 36, T26N, R10W, Paradise Township (3.5 miles).
- (h) Parker Creek to east-west centerline of Section 31, T26N, R9W, Union Township (1.5 miles).
- (i) Bancroft Creek to Sparling Road, Section 7, T25N, R9W, Fife Lake Township (3.5 miles).
- (j) Carpenter Creek to County Road 660, Section 13, T26N, R9@, Union Township (6 miles).
- (k) Twenty Two Creek to eastline of Section 27, T26N, R9W, Union Township (3.5 miles).
- (l) Taylor Creek to U.S. 131, Section 2, T26N, R8W, Boardman Township (4.5 miles).
- (m) Crofton Creek to U.S. 131, Section 2, T26N, R8W, Boardman Township (2 miles).
- (n) Failing Creek to U.S. 131, Section 30, T27N, R7W, Kalkaska Township (1.5 miles).

## D. Natural River District

The Boardman River Natural River District includes an area 400 feet wide on each side of and parallel to the designated river and its designated tributaries. This district merely establishes a definable area within which local zoning may regulate future development and use. Establishment of this district on private land in no way implies a “taking” of these lands by the state or opening them to public use. Private lands remain private and are subject to the rights of private ownership with respect to public use.

E. Water Quality

The existing high water quality will be maintained according to the quality standards and use designations established by the Water Resources Commission. The river will be monitored periodically by Surface Water Quality Division to ensure continued maintenance of high water quality (Part 31, P.A. 451 of 1994).

F. Land Development

1. Building Setbacks

New residential buildings on private lands shall be limited to single family dwellings. Setbacks from the river's edge for new structures and appurtenances, including state lands are as follows:

- (a) Country-Scenic Zone
  - Mainstream – 100 feet or more
  - State Land – 100 feet or more
  
- (b) Wild-Scenic Zone
  - Mainstream – 150 feet or more
  - Tributaries – 100 feet or more
  - State Land – 200 feet or more

Where by reason of the narrowness, shallowness or shape of a lot or piece of property, at the time of the effective date of these regulations, the lot or property cannot accommodate a building because of the required building setback or lot width, landowners facing hardship caused by these restrictions may appeal their case to the appropriate local appeals board. Special exceptions or variances may be allowed upon such reasonable terms, such as utilization of vegetative strip, screening, etc., as the board of appeals deems necessary to carry out the objective of the natural rivers zoning.

2. Subdivisions

Unplatted lots and new subdivisions in the Natural River District shall accommodate the building setbacks set forth in the plan and have a minimum lot size of 200 feet in width x 200 feet deep.

3. Industrial and Commercial Structures and Uses

Industrial and commercial buildings and uses are not permitted within 400 feet of the designated portions of the mainstream or tributaries, except forest plantations and agricultural crop farms.

4. Septic Tank Systems

Septic tanks and absorption fields shall be located at least 100 feet from the water's edge and the bottom of the absorption field shall meet health department requirements, but in no case be less than four feet above the high water table.

5. Land Fills or Earth Removal  
No ponds shall be constructed, nor earth moved, surface soils removed or filled for building within the managed vegetative strip.
6. Stream Alteration  
To protect the natural character of the Boardman River and the natural flow of its waters, no damming, dredging, filling or channelization of the stream channel will be permitted until reviewed by the local zoning board and as approved by the Department of Natural Resources under authority of Part 301, P.A. 451 of 1994.

Improvements for fish habitat, bank stabilization or other resource management practices which may alter the existing natural character of the stream are encouraged to be designed to look as natural as possible. Approval of such improvements by permit must be obtained from the Department of Natural Resources.

To remove trees fallen across the river, the property owner's consent should first be obtained. To perform extensive removal of log material from the bottom, permission must be obtained from the Department of Natural Resources District fish biologist.

7. Utilities

New gas or oil pipelines, or electric transmission lines generally shall not be permitted in the Natural River District or to cross the designated river and tributaries except on existing rights-of-way without prior written consent of the Natural Resources Commission. Plans for these transmission lines which include crossing the river district or river and designated tributaries must be approved by the Natural Resources Commission (Secs. 30509 and 30514, Part 305, P.A. 451 of 1994). New distribution lines within the housing setback zones 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 State Soil Erosion and Sedimentation Control Act and Inland Lakes and Streams Act. Brushy vegetation shall be restored to the distributed area in the natural vegetation zone. Local service lines to private dwellings shall originate from the landward side of the dwelling in so far as practicable.

Utilities shall be required to obtain permission from the property owner to chemically treat vegetation in the right-of-way of utility easements that have only provision for cutting and trimming. Chemical treatment shall be prohibited in the vegetative management zone.

## 8. Signs

Only those signs necessary for identification, directions, resource information, and regulation of use, shall be placed along public use areas of the designated river and tributaries. The Department of Natural Resources shall post signs at access sites and on state and county road bridges emphasizing respect for private property rights and penalties for littering and trespassing. Signs for the sale of products or services shall be prohibited in the natural river area except a business may advertise on lands on which that business is established or operates.

Signs and outdoor advertising devices must be (1) related to permitted uses, (2) not more than one square foot in area for residential uses and not more than four square feet in area for any other areas, (3) not illuminated by any neon or flashing device, and (4) not attached to any tree or shrub.

## 9. Canoe Landings

Docks or landings may be constructed parallel to the bank, not to exceed 10 feet in length and not protruding into the stream. The use of "natural" materials such as rocks or logs is encouraged.

## G. Land Use

### 1. Managed Vegetative Strip

A natural vegetative area shall be maintained along both sides of the river or tributaries as noted below:

- (a) Country-Scenic Zone
  - Mainstream – 50 feet
  - State Land – 100 feet
- (b) Wild-Scenic Zone
  - Mainstream – 75 feet
  - Tributaries – 50 feet
  - State Land – 100 feet

The vegetative strip shall contain native trees, shrubs and other vegetation and natural materials. The purpose of this strip is to stabilize the river banks, prevent erosion, absorb nutrients in water runoff from adjacent lands, provide shading for the stream to maintain cool water temperatures and screening of adjacent man-made structures.

The local zoning administrator shall notify each applicant for a land use or building permit of the purpose of this vegetative strip and the other provisions of this section.

## Agricultural and Related Uses

Fencing, grazing, riding trails, and soil tilling for from crops is discouraged in the vegetative strip. The use of the vegetative strip for stock watering areas, stream crossing of horseback trails or other trails is subject to the approval of the zoning administrator. If, in his opinion, the crossing or use would result in stream bank and water degradation, a plan or technical assistance from the Soil Conservation District should be obtained as part of the requirement for use. No trash, refuse, junk cars, appliances, junk farm implements, garbage, offal, sawdust, waste construction materials or other unnatural, unsightly or offensive material shall be dumped or stored within the vegetative strip. The storage of materials incidental to forestry or farm operations is permitted; provided they are hidden from actual view from the river. No ponds shall be constructed, nor earth moved, surface soils removed or filled within the vegetative strip.

### 2. Minerals

New surface development, exploration or production of gas, oil, brine, sand, gravel or other minerals, except potable ground water are not permitted within 300 feet of the designated river or tributaries on private lands (Section 30509, Part 305, P.A. 451 of 1994). Natural Resources Commission policy prohibits drilling for oil or gas within ¼ mile of major streams on state land.

### 3. Litter Control

- (a) In view of the special status of the Boardman River, the committee feels every effort should be made to install and maintain sanitary facilities meeting local health department standards at various public access locations along the river and signing to indicate such, as well as signs to indicate float times to next facility.
- (b) Active program by Department of Natural Resources to maintain state facilities and pick up trash.
- (c) Possible user fees in future to pay for litter pick up.

### 4. Soil Erosion and Sedimentation Control

All earth changing activities must be in conformance with the Soil Erosion and Sedimentation Control Act (Part 361, P.A. 451 of 1994). "A person proposing a land use activity which disturbs one or more acres of land, or if the earth change is within 500 feet of a lake or stream shall obtain a permit form the appropriate county or local enforcing agency."

## H. River or River Related Activities

### 1. Boating and Canoeing

- (a) Non-motorized boating and canoeing is permitted, however, it should be discouraged upstream from the “Forks” and on all tributaries to avoid trespass, hazards and conflict with fishing activity.
- (b) Commercial canoe activities should be discouraged above Brown Bridge Dam and restricted below.
- (c) The following items were recommended by the committee to help avoid user conflict, trespass and littering:
  - (1) Determine carrying capacity of river for canoes.
  - (2) Until such time as the Department of Natural Resources has established a carrying capacity and is enforcing a control program, canoe livery activities should be discouraged.
  - (3) Discourage canoeing above the “Forks”.
  - (4) Designate public access sites as fishing access, canoeing access, etc.
  - (5) Sign access sites to indicate not suitable for canoeing, where appropriate.
  - (6) Develop sanitary facilities at public access sites along river and sign river to indicate such.
  - (7) Regulate and/or number or otherwise identify canoes.
  - (8) For safety, rafting of canoes shall be discouraged.

### 2. Campgrounds and Picnic Areas

- (a) Private campgrounds are permitted, provided they are constructed and maintained in accord with state health requirements. They may include tents, travel trailers, campers and motor home use and ancillary buildings, hookups, pads, etc.; provided, however, they are in conformance with established setbacks for new homes.
- (b) On public lands, no new campgrounds shall be permitted within 200 feet of the river. It is also recommended that the existing state forest campgrounds be moved away from the river to meet the setback limits. Where possible, the recommended vegetative strip should be re-established and maintained.

### 3. Fishing, Hunting and Related Wildlife Activity

- (a) Fishing, hunting and trapping will be permitted in the natural river area in accord with Michigan game and fish laws. Firearm use shall be in accordance with state laws and rules pertaining to the use of firearms.
- (b) The Boardman River system should be managed for the existing fish species, with management efforts oriented toward enhancing

this fishery, including efforts to achieve a stable waterflow. The introduction of any new species should be first documented by reports of the implications and compatibility of such a program with other native species, recreational uses and the control techniques necessary to protect private property rights and the natural quality along the river. Any decision to remove a dam on the river should include consideration of the rights of property owners and the general public, a plan for stabilization of stream banks and sediment, and a plan for the use of any new lands created in regards to the natural character of the river.

- (c) Wildlife management programs or practices if undertaken in the natural river area will be done in conformance with the natural character of the area.

## I. Access and Motorized Travel

### 1. Public Access

Plans for relocation or improvements to public roads and utilities must be approved by the local zoning board and the Natural Resources Commission (Secs. 30509 and 30514, Part 305).

- (a) It is recommended that the following access sites and/or rest stops be established and the following improvements be initiated by responsible public agency on existing sites:
  - (1) Forks' campground needs soil erosion control beside steps. Signs are needed.
  - (2) Scheck's Place campground needs bank stabilization, restriction of driving to water's edge. Signs. Possible better site for canoe landing at horse watering area—three minutes upstream.
  - (3) Brown Bridge Pond boat landing needs toilet, water and table facilities. Signs needed.
  - (4) Brown Bridge Dam – signs indicating take-out point for portage is needed. Erosion control needed at portage and put-in site.
  - (5) Public fishing access site – Section 13, Blair Township. Canoe landing could be constructed just downstream. Signs needed on river.
  - (6) Beitner Bridge – erosion control needed at bridge. Also, site needs toilet and trash facilities. Sign at bridge warning of rough water ahead (about ¼ mile where Keystone Dam washed out).
  - (7) Boardman Pond, develop access site and sanitary facilities. Sign portage trail for those continuing downstream.

### 2. Motorized Travel

All terrain vehicles (ATV's), snowmobiles, and motorcycles shall be limited to trail roads, county roads and highways or designated trails presently

used by autos, or on private property, with the owner's permission. No motorized vessels will be allowed on the flowing portion of the river.

## J. Administration

### 1. Land Use Guidelines

(a) Zoning by local governmental units (township or county) shall be the chief means of protecting the Boardman River and its designated tributaries as a natural river under the Natural River Plan.

(1) Zoning shall be applied within a Natural River District on both the designated mainstream and tributaries. Upon adoption of a local zoning ordinance, certified copies of maps and/or documents describing the Natural River District shall be filed with the local tax assessing officer and County Equalization Department. In establishing true cash value of property within the Natural River District, the assessing officer shall recognize the effect of use limits established by the ordinance (Section 30511, Part 305, P.A. 451 of 1994).

The Boardman River Management Plan Committee also urges local government units 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 Boardman 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 direct tax relief.

(2) Appeals: Under certain circumstances, strict adherence to this plan may create unreasonable hardships for the frontage owner. 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 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 may be made by the local appeals board.

(3) Nonconforming Uses: As stated in Section 30512 of the Natural Rivers Act, 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 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, reconstruction, extension or substitution of nonconforming uses upon such reasonable terms as may be set forth in the zoning ordinance or rule.”

(b) Land Acquisition

- (1) The state may purchase or trade lands with owner consent on the designated river and tributaries to maintain or improve the river and its environment. Efforts should be made by the appropriate divisions of the Department of Natural Resources to purchase lands on or trade other lands for lands along the river as key areas are identified and as funds become available (Section 30504, Part 305, P.A. 451 of 1994).
- (2) Some landowners in the Natural River District may be interested in offering scenic or other easements or inserting restrictions in their deeds which coincide with their property interests. The opportunity to obtain such easements or restrictions should be vigorously pursued.

(c) State Resources: Overall responsibility for implementing and coordinating the Natural River Plan is assigned to the Region II Office of the Department of Natural Resources. The Office of Planning Services and the Department of Natural Resources Natural Rivers Task Force will ace in an advisory capacity. Enforcement of water quality standards and water use regulations will be the responsibility of the Water Resources Commission and other divisions of the Department of Natural Resources.

2. Other laws and programs reinforcing natural rivers management objectives should be utilized to the extent necessary to protect the river in implementing the management plan for the river and tributaries. (See Appendix A)