

III. PRELIMINARY NATURAL RIVER PLAN

A. Goal

To preserve, protect and enhance the Rifle River environment in a natural state for the use and enjoyment by all generations.

B. Objectives

1. Maintain the water quality of the Rifle River and its tributaries consistent with the wild-scenic classification of the river and adhere to the concept of nondegradation of water quality.
2. To prohibit or limit those developments and activities which may damage or destroy the Rifle River's free flowing condition, its fish, wildlife, boating, scenic, aesthetic, flood plain, ecologic and recreation values and uses.
3. To ensure that the development and activities which do occur shall be 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.
4. To ensure that recreational uses which do 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

It is recommended that the following portions of the Rifle River be designated as a wild-scenic river under the authority of Act 231, P.A. 1970:

Mainstream: From, and including, Mallard Pond to the northern city limits of Omer, including all channels of the mainstream, except the old channels leading into and out of Devoe Lake (approximately 50 miles).

Tributaries: (approximately 60 miles):

1. Gamble Creek from Heath Road in Rose Township (T24N, R3E) to Mallard Pond in the Rifle River Recreation Area (2.8 miles).
2. Vaughn Creek from Heath Road in Rose Township (T24N, R3E) to its confluence with Gamble Creek (2.0 miles).
3. Oyster Creek from Oyster Road in Rose Township (T24N, R3E) to its confluence with Mallard Pond (4.0 miles).
4. Mayhue Creek from the pond in Section 28 of Rose Township (T24N, R3E) to its confluence with Oyster Creek (2.8 miles).
5. Houghton Creek from Heath Road in Rose Township (T24N, R3E) to its confluence with the Rifle River (6.5 miles).
6. Wilkins Creek from Campbell Road in Klacking Township (T23N, R2E) to its confluence with the Rifle River (3.8 miles).
7. Prior Creek from Morrison Road of Cumming Township (T23N, R2E) to its confluence with the Rifle River (4.9 miles).

8. Klacking Creek from its source in Foose Swamp in Section 34 of Klacking Township (T23N, R2E) to its confluence with the Rifle River (5.2 miles).
9. Little Klacking Creek from its source in Section 26 of Klacking township (T23N, R2E) to its confluence with Klacking Creek (2.4 miles).
10. Dedrich Creek from Gerald Miller Road in Churchhill Township (T22N, R3E) to its confluence with the Rifle River (.7 miles).
11. West Branch from the outfall of Flowage Lake in West Branch Township (T22N, R2E) to its confluence with the Rifle River (11 miles).
12. Eddy Creek (both North and South branches) from M-33 (the Huron-Mills Township line) to its confluence with the Rifle River (5.2 miles).
13. Silver Creek from Elbow Lake Road in Mills Township (T21N, R3E) to its confluence with the Rifle River (4.7 miles).
14. Mansfield Creek from Melita Road (old M-70) Mills-Richland Township line to its confluence with the Rifle River (3.0 miles).
15. Fritz Creek from Fritz Road in Clayton Township (T20N, R4E) to its confluence with the Rifle River (.6 miles).

The Rifle River Advisory Group feels that these tributaries, having a total of approximately 60 miles, possess the necessary fish, wildlife, boating, scenic, aesthetic, floodplain, ecologic, historic or recreation values to be of statewide significance and should be considered for designation.

Other tributaries of the Rifle system, as well as the mainstream below Omer, although not recommended for designation may still be protected through adoption of protective zoning 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, impoundments, etc.

D. Natural River District

The Rifle 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 or state 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 ALL 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 on the mainstream shall have a minimum riverfront lot width of 200 feet.

On all designated tributaries of the Rifle River, lots shall be a minimum of 150 feet wide.

Lots or properties of record that are nonconforming at the time of the effective date of these regulations because of lack of size to accommodate 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 lot of record, provided that structures be so placed so as to best meet the objective of the Natural River Act and this plan.

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.

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 and expansion of existing uses and buildings such as canoe liveries, 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 procedures shall be strictly controlled. Controls such as location, design, coloring and screening of structures, parking, drainage, setback, natural vegetation strip, signs, 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, 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. At the discretion of the local community, private campgrounds will be permitted in the natural river district, provided the following standards are met:
 1. Minimum lot size shall be 35 acres.
 2. There shall be a minimum river frontage of 660 feet.
 3. There shall be a 100-foot natural vegetation strip.

4. No structure or camping shall be permitted closer than 200 feet from the river.
 5. All standards and requirements of the Public Health Code, Act 368 of P.A. 1978, shall be met.
 6. One foot trail from the campground to the river, no greater than ten feet in width shall be permitted. Also, a foot trail parallel to the river within the natural vegetation strip is allowed for use of fishermen and other recreational users. This trail shall be designed so as to minimize damage to the vegetation and protect the stream from erosion and other potential adverse impacts.
 7. One sign per lot or parcel, no greater than four square feet, informing river users of the location of the campground, shall be permitted in the natural vegetation strip.
 8. No commercial launching or retrieval of canoes shall be permitted. However, privately owned canoes may be launched and retrieved.
- e. New canoe liveries, or expansion of existing liveries, for 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, 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 Rifle 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 Rifle River mainstream, new buildings and appurtenances will be required to be setback a minimum of 150 feet from the ordinary high water mark. The setback may be decreased one foot for every one foot rise in bank height to a minimum of 100 feet from the ordinary high water mark.¹ Further:

1. New buildings and appurtenances must be setback at least 50 feet from tip of the bluff² on the cutting edge³ of the stream.
2. New buildings and appurtenances must be setback at least 25 feet from the top of a bluff, on the noncutting edge 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 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 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.

3. No building shall take place on land that is subject to flooding.⁴

On all 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 risk in bank height to a minimum of 75 feet from the ordinary high water mark.

In order to allow local communities along the Rifle river greater zoning flexibility and at the same time ensure the long-range protection of the natural values of the Rifle River, local communities may, at their discretion choose to adopt a site plan review* concept for zoning the river. Such a site plan review ordinance must meet the spirit and intent of natural river designation. And just as with all local natural river zoning, meet with the approval of the Department of Natural Resources.

H. Building Design and Screening

1. Property owners along the Rifle River 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.

⁴"Land 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 HUD's special flood hazard boundary maps.

*Site plan review may be defined as a zoning ordinance which describes the documents, drawings, procedures and standards for determining compliance of proposed land uses with ordinance requirements. Specifically with regard to a designated natural river, it refers to a zoning technique for reviewing a river site development plan for consistency with an approved natural river zoning ordinance and the adopted Rifle River Natural River Management Plan.

I. Docks

The construction of docks along the designated portions of the Rifle 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. Docks 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 the natural river designation.

J. 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 water borne waste disposal by the septic tank-absorption tile field method or for nonwater borne disposal by the use of a health department approved or other State of Michigan approved sanitary system.

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

1. The setback for septic tanks and absorption field shall be a minimum of 150 feet from the ordinary high water mark.
2. The bottom of the absorption field shall be at least four feet above the known high ground water table.
3. No absorption field shall be closer than 50 feet from any permanent surface or subsurface drainage system.
4. Variances from these standards may be allowed by the district health departments where existing lots of record cannot conform because of their size.

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

K. 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 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 to exceed four square feet in area shall be allowed outside of the natural vegetation strip (as described in Sections F and S).
 - b. Signs posted by public agencies must be kept to a minimum, of rustic design, no larger than ten 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.
 - c. The Department of Natural Resources shall 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 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

1. Because of the high degree of natural and man caused erosion (see The Watershed and Study Area, Section C), a comprehensive erosion control program is needed on the Rifle River.

It is recommended that the following measures be undertaken:

- a. The Department of Natural Resources should increase their priority use of Dingell-Johnson funds for erosion control and fish habitat improvement structures along the Rifle River.
- b. If and when Congress reinstates funding of Resource Conservation and Development (RC&D) Programs, such a program should be initiated in the Planning and Development Region, with erosion control measures along the Rifle River given a high priority.
- c. The Department of Natural Resources and the Soil Conservation Service have programs and technical assistance available to property owners for controlling erosion on streams. These services as well as other pertinent information regarding Michigan’s Natural River Program should be outlined in an informational brochure designed for property owners along the Rifle River. This procedure will be developed by the Department of Natural Resources.

- d. An association of property owners, canoe livery owners, fishermen—anyone who has an interest in the protection of the Rifle River could be formed. It could be the fundamental purpose of the organization to promote programs and actively take part in improving the quality of the river. The Department of Natural Resources can assist in the formation of such a group. This assistance can be in the form of supplying mailing lists, drafting by-laws, etc. (See Appendix A.)
2. Michigan's Soil Erosion and Sedimentation Control Act, Part 91, 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, 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 often can provide general and detailed information on 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 wherever erosive conditions indicate their 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.

M. Minerals

New development, exploration or production of oil, gas, salt brine, sand and gravel, or other minerals except ground water are not permitted within 300 feet of the designated river or tributaries (Sec. 30509, Part 305). On new leases on state land, Natural Resources Commission policy prohibits drilling for gas or oil within ¼ mile of any principal stream.

N. Utilities

Except on existing rights-of-way, 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 designed tributaries shall be done in accordance with the rules entitled Utilities and Publicly Provided Facilities in Natural Rivers Areas (Section 30514 of Part 305).

New distribution lines shall not cross the designated portions of the river or housing setback zone unless they are placed underground, or if overhead lines are less disruptive to the environment. Plans for distribution lines which area 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 (Part 91, P.A. 451 of 1994) and the Inland Lakes and Streams Act (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 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

Grazing will be permitted within the natural vegetation strip unless the Land and Water Management Division of the Department of Environmental Quality determines that it contributes to stream degradation (Act 245, P.A. 1929). 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 Cooperative 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 Rifle River system.

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

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.

No dumps or sanitary landfills shall be permitted within 400 feet of the designated portions of the Rifle River or its tributaries.

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 Rifle 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 Act, 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, 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 Act, Part 301, P.A. 451 of 1994.

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

R. Land Alteration

The following uses are prohibited:

1. Cutting or filling for building, including appurtenances, on the floodplain.
2. Filling for buildings on the upland within 400 feet of the river's edge where the highest ground water table is within six feet of the surface.

Dredging or filling for the construction of fish or wildlife ponds within 500 feet of the river requires a permit under Michigan's Inland Lakes and Streams Act (Part 301, P.A. 451 of 1994) and the Soil Erosion and Sedimentation Control Part 91, P.A. 451 of 1994).

S. 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, prevent erosion, provide shading which will help maintain cool water temperatures, absorb nutrients from surface water runoff, provide screening of man-made elements, protect fisheries and wildlife habitat, and maintain the aesthetic 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. On designated tributaries, a one hundred (100) foot minimum restricted cutting strip shall apply.

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

Distances of 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. Selective removal of trees for commercial timber harvest, access of 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 so dense as to completely block the river view. It means no clear cutting.
4. Agriculture: Grazing will be permitted within the natural vegetation strip unless the Land and Water Management Division of the Department of Environmental Quality determines the grazing 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, Cooperative 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/or 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

Local campgrounds, picnic and recreation areas: Development of county and/or township river related recreation areas is encouraged, particularly along that portion of the Rifle Rive in Arenac County where such public facilities are generally not now available.

Such facilities, particularly campgrounds, may help provide for the long-term economic benefit of the area or simply provide day use recreation activity for area residents that may not now be available. Development of such facilities must recognize recommended setback and greenbelt requirements for public facilities.

State campgrounds: The Rifle River Campground in the Au Sable State Forest currently has approximately 40 campsites located on both sides of the river. Connecting these two campgrounds is a wooden footbridge. It is recommended that this campground be relocated away from the river to meet setback requirements, and where possible, the recommended vegetation strip should be re-established and maintained. It is further recommended that camping be limited to one side of the river. By doing so, the "wild-scenic" characteristics of this portion of the river will be re-established as well as reducing the existing and future erosion problem due to heavy human traffic.

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 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 and upgrading, when necessary, the quality cold water fisheries of the Rifle River particularly above the old M-70 bridge north of Sterling.

Boating and canoeing: Nonmotorized boating and canoeing is permitted. Local units of government (township or county) are encouraged to prohibit the use of motorized watercraft above the City of Omer. Such controls should be done in accordance with Part 801, Marine Safety, of 1994 PA 451.

Litter: In view of the special status of the Rifle River, 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.

Recreation controls: It is recognized that recreational conflicts, misuse and overuse is occurring throughout the state, and particularly on the Rifle 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 the level of authority of the Department of Natural Resources is more clearly defined, the Department should initiate study of the Rifle River for such controls as necessary over the numbers, timing, location and conduct of river users.

U. Public Access Sites and Rest Areas

Mainstream: The Advisory Group feels that public access should be provided at approximately four hour intervals along the mainstream. Therefore, the following is recommended:

- The existing access near Klacking Creek may be upgraded or improved in the future.
- An access site just downstream of Old M-70 should be established.
- Canoe rest stops (with no public vehicular access) should be established: (a) south of M-55, and (b) between the proposed access site downstream of old M-70 and the City of Omer.

The proposed rest stop between Old M-70 and Omer should only be developed when it is shown the first site achieves the desired results. Coupled with a public information program and careful signing of the river area, the proposed rest stops should help reduce trespass and litter problems in the most popular canoeing portion of the river.

Existing access sites should be improved to provide a natural vegetation strip, to provide for better bank stabilization and erosion control, and to improve the aesthetics of the area better in tune with the wild-scenic river classification.

Tributaries: There are no developed public access sites on the Rifle River tributaries.

Any additional fisherman public access sites on the Rifle 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 minimize trespass and user conflicts on privately owned lands.

To help control trespass, litter and other associated problems, water tight 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 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 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 708, Act 300, P.A. 1949, etc.)

W. Historic and Archaeological Sites

It is recommended the two privately owned Indian earthworks located adjacent to the Rifle River in Churchill Township be included on the National Historic Register. The Department of Natural Resources in cooperation with the Department of State, History Division and the owners, should initiate the application process for national historic designation of these sites.

The further identification, preservation and interpretation of historical and archaeological sites along the designated portion of the Rifle 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. Administration

Land Use Guidelines:

1. Under Part 305, zoning by local governmental units and/or the state shall be the chief means of protecting the Rifle River and its designated tributaries as a natural river.
 - a. 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 river's designation.

2. Appeals: Under certain circumstances, strict adherence to this plan may create unreasonable hardships for the frontage owner. Such cases may be appealed to the appropriate local board for a variance. Applications for a variance shall be based on a site plan. The county health department, Soil Conservation Service, appropriate 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 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 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."
4. Utilities and Publicly Provided Facilities: The rules entitled "Utilities and Publicly Provided Facilities in Designated Natural River Areas" establishes the following administrative guidelines for designated natural rivers:
 - a. Procedures for the review and approval of preliminary and final plans for site or route location, construction or enlargement of utility transmission lines, publicly provided recreational facilities, access sites, highways, roads, bridges and other structures within areas subject to the Natural River Act. It also provides for review and approval for publicly developed water management projects and for the orderly development of all such facilities across or adjacent to state designated natural rivers.
 - b. Criteria upon which a decision of the department shall be based in the review and approval or rejection process of such proposals.
 - c. Mitigation measures to enhance and protect the natural qualities of the designated river systems.

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, 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.

State Resources:

1. 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 Advisory Group 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 Division 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).

Y. 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 Rifle 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 impact 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 facts 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 land adjacent to and within $\frac{1}{4}$ 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.