

AMENDMENT 4

HURON-MANISTEE NATIONAL FORESTS
LAND AND RESOURCE MANAGEMENT PLAN

EASTERN REGION
USDA FOREST SERVICE

MANAGEMENT DIRECTION

FOR THE

Ausable NATIONAL SCENIC RIVER

APPROVED BY


FLOYD J. MARITA
REGIONAL FORESTER

DATE

4/29/88

FOREST SERVICE

U. S. Department of Agriculture

Decision to proceed with an action that has been categorically excluded from documentation in an environmental assessment or an environmental impact statement

Proposal: Amend the Huron-Manistee National Forests Land and Resource Management Plan (Forest Plan) to include standards and guidelines, and possible projects, for the Au Sable National Scenic River. The river was designated by Act of Congress in 1984.

BACKGROUND

On October 4, 1984, the President signed the law (P.L.98-444) establishing a segment of the Au Sable River as a National Wild and Scenic River. The Au Sable National Scenic River is a 23-mile segment of the mainstream of the Au Sable River located in Oscoda and Alcona Counties, Michigan, near the communities of Mio and Mc Kinley. The segment begins at the Federal Power Commission (FPC) boundary one mile below Mio Pond and ends at the FPC boundary at the upper end of Alcona Pond, a quarter mile below the Au Sable River Road bridge.

The Wild and Scenic Rivers Act (P.L. 90-542), as amended by P.L. 99-590, requires that management direction be prepared to guide the management of the river. The Au Sable National Scenic River Management Direction (River Plan) is intended to supplement the Forest Plan, provide guidance and program direction, and identify potential projects and improvements, needed to manage the Au Sable for the next ten years or until the Forest Plan is revised or amended.

RELATIONSHIP TO OTHER PLANS

(1) This document further details the management direction provided in the Au Sable Wild and Scenic River Study Report and Environmental Impact Statement (Study Report).

(2) In the Huron-Manistee National Forests Land and Resource Management Plan (Forest Plan), this segment of the Au Sable River was identified as a Special Management Area (Management Area 8.1). Forest-Wide Standards and Guidelines apply to the area, and it was further directed that a plan be developed for each Special Area. River Plan direction falls within the Forest Plan direction, and the River Plan supplements the Forest Plan.

SCOPING

Planning began in the summer of 1985 with public involvement. Issues were identified, and subsequently addressed by the planning team, as they developed a draft River Plan. In April, 1987, the Draft was printed and distributed for public comment. The comments were used in preparing the final River Plan. A detailed summary of issues, specific comments and responses is contained in Appendix O to the River Plan.

SIGNIFICANCE OF EFFECTS

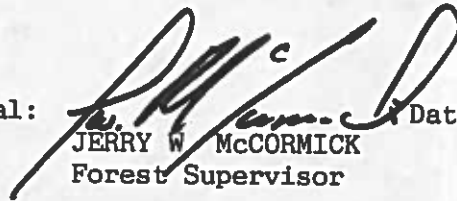
The significance of effects, both context and intensity (40 CFR 1508.27), has been considered, and the effects of the River Plan are not significant. The River Plan contains nothing contrary to the direction contained in the Study Report, and the standards and guidelines are within the Forest Plan Standards and Guidelines. Specific projects will be the subject of site-specific environmental analysis before the project is undertaken.

ADDITIONAL INFORMATION

This amendment has been reviewed in accordance with FSM 1952.2. Based on both past experience and environmental analysis, it will have no significant effect on the human environment, individually or cumulatively. The requirements of all applicable laws and regulations have been met. Therefore, the proposal is categorically excluded from documentation in an environmental assessment or an environment impact statement.

This decision is subject to appeal pursuant to 36 CFR 211.18. Notice of Appeal must be in writing and submitted to the Forest Supervisor, Huron-Manistee National Forests, 421 S. Mitchell St., Cadillac, MI 49601, within 45 days from the date of this decision. A statement of reasons to support the appeal and any request for oral presentation must also be filed within this same 45-day period.

Responsible Official:


JERRY W. McCORMICK
Forest Supervisor

Date:

JUL 27 1988



FOREWORD

Known to the early French explorers as the "Riviere aux Sables" (River of Sand), the Au Sable has played an important and colorful role in the history of Northern Michigan. This mighty stream was home to Michigan's Indians; it provided the raw materials for the region's fur industry; its mouth served as a haven for the Lake Huron fishing fleet; upon its bosom was carried millions of feet of pine logs during the lumbering era; its flow of water still serves as an important link in the production of the state's electrical power supply.

Abused through much of its existence through the reckless cutting of timber along its deep valley causing subsequent erosion, coupled with pollution factors caused later by man, the river is making a comeback through enlightened conservation measures. Today, the river coursing its way nearly 240 winding miles from Grayling to Lake Huron is visited by countless thousands of vacationers, who enjoy canoeing, fishing and camping along its banks, or those who enjoy communing with nature in a picturesque and primitive setting.

Abuse to the Au Sable today is not reckless logging but recreationists that could "love the river to death". In the early seventies the need to protect the Au Sable was brought to the public's attention by citizens concerned that this use was damaging the river once again.

The paragraphs above are quoted from an article Neil Thornton wrote for the June 30, 1976 issue of The Tawas Herald.

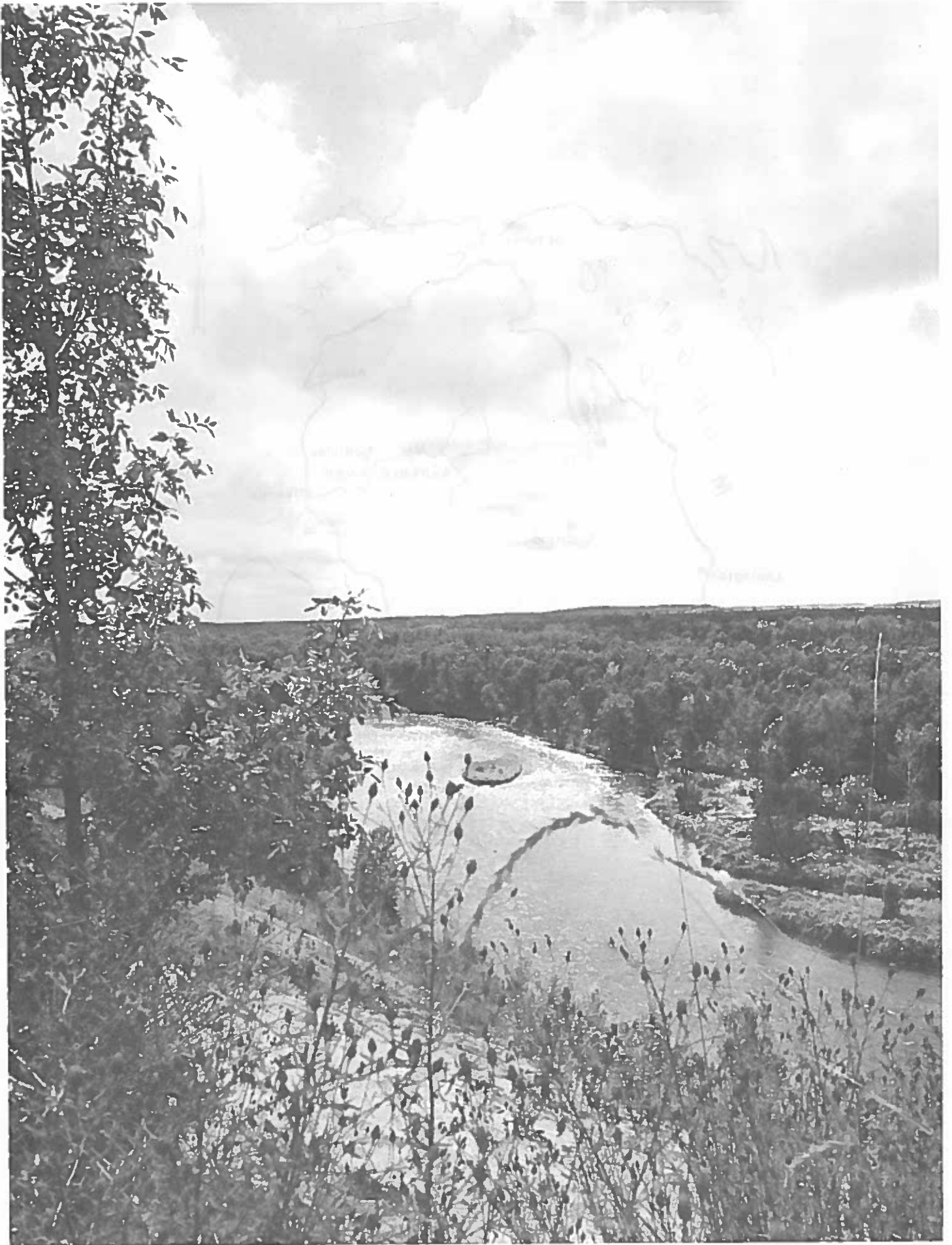
In 1974 Congress directed the U. S. Department of Agriculture, Forest Service to study the Au Sable River system for inclusion into the National Wild and Scenic River System. Ten years later, based on that study, Congress added a 23 mile segment of the mainstream of the Au Sable, between Mio, Michigan and Alcona Pond, to the National Wild and Scenic River System. This document was prepared to guide the management of that segment so future generations will find it as picturesque and primitive as it is today.

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I. INTRODUCTION

A. Location: The Au Sable National Scenic River is a 23-mile segment of the mainstream of the Au Sable River located in Oscoda and Alcona Counties, Michigan near the communities of Mio and Mc Kinley. The National Scenic River (NSR) segment begins at the Federal Power Commission (FPC) boundary one mile below Mio Pond and ends at the FPC boundary at the upper end of Alcona Pond, a quarter of a mile below the Au Sable River Road bridge. The corridor boundary varies in width from just a few hundred feet to over a half mile from the river's edge. A legal description of the official boundary for the NSR area is found in appendix A. The legal boundary can also be seen on maps in appendices B and C.

B. Establishment History: On October 2, 1968, the Wild and Scenic River Act, P.L. 90-542, became law.¹ Its purpose is "that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly-remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free flowing condition and that they and their immediate environment shall be protected for the benefit and enjoyment of present and future generations."

On January 3, 1975, an amendment, P.L. 93-621, that listed 29 new "study rivers" including the Au Sable was added to the Act.

Section (a) of P.L. 93-621 identified "the segment downstream from Foote Dam to Oscoda and upstream from Loud Reservoir to its source, including its principle tributaries and excluding Mio and Bamfield Reservoirs. The USDA-Forest Service conducted a study from 1976 to 1983 which included formal hearings and numerous meetings with interested groups, organizations, and individuals to gather the public's input and concerns. At the same time, Forest Service personnel were gathering data to determine the suitability of the various segments of the river for designation as a National Wild, Scenic, or Recreational River, and to determine the social, economic, and environmental impact National designation would have on the local area.

In 1983 the USDA-Forest Service completed a Study Report and Environmental Impact Statement that recommended:

35 miles of the mainstream from Interstate 75 to Mio Pond
be designated a National Recreation River;

23 miles of the mainstream from Mio Pond to Alcona Pond

¹See appendix F for a copy of Public Law 90-542



EXISTING CONDITIONS

The river channel is wide and well defined between banks of varying heights.

A wide variety of wildlife inhabit the river corridor.



The river corridor provides essential winter habitat for deer and other wildlife.

be designated a National Scenic River; and

16 miles of the South Branch from Chase Bridge to the mainstream be designated a National Scenic River.

The Secretary of Agriculture endorsed "National Scenic" river designation of the 23-mile segment between Mio Pond and Alcona Pond and proposed to Congress that this segment be protected under the National Wild and Scenic River Act. Most private landowners within the proposed river segments were strongly opposed to Federal designation of the river. By eliminating 51 miles of the qualifying segments the impact of designation was removed from over 9,000 acres of private land. It also eliminated management costs that were considered prohibitive on segments of the river where private lands were so predominant. These segments will instead be protected by local and State efforts. On October 4, 1984, the President signed legislation² establishing a 23-mile segment between Mio and Alcona Pond on the Au Sable River, which had been recommended for NSR designation in a river Environmental Impact Statement and Study Report as a component of the National Wild and Scenic River System.

C. Description

1. Topography: The river channel is wide, up to 125 feet, and well defined between undulating banks that vary from just one or two feet above the water level to steep banks that are over 80 feet high. Many of the banks are eroding. Some of the erosion is severe and caused by river users.

2. Wildlife: The river corridor contains aquatic, wetland, and upland habitats that support a large variety of wildlife.

The aquatic habitat is used by several species of birds (mergansers, mallards, wood ducks, hawk swallows, kingfishers, herons, eagles, etc.) for feeding. It is also used by mammals (river otter, beaver, mink, raccoon, deer, etc.) that feed on fish, aquatic invertebrates, or plants. A few amphibians (frogs) and reptiles (snakes) also inhabit this area.

The wetlands are used by a myriad of wildlife. Lowland shrub areas are the habitat for many birds found along the river, such as the common yellowthroat and woodcock. Lowland hardwood stands are used by many species of wildlife, but are especially important to the swamp sparrow and red shouldered hawk. The lowland conifer stands, within the river's

²See appendix G for copy of legislation establishing the Au Sable River as a National Scenic River.



Trout and other game fish are found in the river.

Water quality is described by most standards as excellent.



Most of the river's shoreline appears natural and undisturbed.

corridor, are important habitat for bear, bobcat, and many birds such as the blackburnian warbler, long-eared owl, magnolia warbler, northern parula, and olive-sided fly catcher. The lowland conifer also provides primary thermal cover for white-tail deer in the winter. Where the swamp conifer stands broaden out, in the lower stretch of the designated segment of the river, they are important wintering areas for the deer herd that inhabits a large portion of the surrounding area.

The upland habitat contains stands of oak, aspen, and upland conifer. It also contains grassy-shrub openings that are the result of past logging and agricultural activity. Turkey, deer, scarlet tanager, and gray and fox squirrels are commonly found in the oak stands along the river. A considerable variety of wildlife is found in the aspen stands. This includes deer, golden-winged warbler, and ruffed grouse. Aspen provides much of the forage a deer needs throughout its life cycle. Regenerating aspen is a very important winter browse for deer and hare. The upland conifer stands provide habitat for a variety of wildlife such as the black-throated-green warbler, pine warbler, Lincoln's sparrow, and ynowshoe hare. This timber type is also the habitat for the Kirtland's warbler, a threatened and endangered species. A small portion of an area designated for Kirtland's warbler management overlaps the lower end of the river corridor. The grassy-shrub openings of the upland area provide forage for deer and habitat for a variety of other species. These openings are key habitat for the vespar sparrow and the eastern bluebird.

The stands of large old-growth trees found along the river provide habitat for wildlife dependent on the characteristics of these trees. The wildlife that benefit from these characteristics are cavity nesters and denners such as pileated woodpeckers, northern flying squirrels, raccoons, porcupines, wood ducks, etc. The large trees also provide nesting and perching opportunities for eagles and roosting for turkeys.

3. Fish: This segment of the river sustains a population of brown and rainbow trout, although trout numbers are supplemented by a State stocking program. Growth analysis of brown trout indicate excellent growth rates. Fish cover for adult trout is good; however, maximum water temperatures are above optimum levels for brown trout. Michigan Department of Natural Resources personnel attribute elevated water temperatures to the warming effects of Mio Dam Pond.

Tributaries to the mainstream in this segment currently do not provide adequate spawning and rearing habitat for the mainstream trout population. Habitats in the tributaries exhibit an array of problems including fish passage problems due to beaver dams, improperly placed road culverts, and excessive sandbed loads.

This segment also contains populations of walleye, northern pike, and white sucker.

The Mio to McKinley section is regulated by the Michigan Department of Natural Resources as a "Quality Fishing Area". The entire segment is managed for trophy-size trout and grayling; only artificial lures are allowed.

4. Water: The river is wide and shallow with large curves. The current is moderate for local streams with an average discharge of 982 cubic feet per second (CFS) at the Mio Dam to 1350 CFS at Alcona Pond. The increased discharge is from the inflow of creeks and ground water.

The current on this segment remains fairly constant, and although Consumers Power Company uses the Mio Dam to generate power, an agreement between Consumers and the State has set the discharge to equal the pond inflow.

The discharge from the Mio Dam has increased the water temperature and organic content of the river immediately below the impoundment. This condition, however, improves progressively downstream due to the inflow of cold-water streams and ground water. Water quality in this section of the river is described by most standards as excellent.

5. Vegetation: The vegetation within the river corridor is that which is commonly found on lowland, well-drained, and dry upland areas in east central Michigan.

The lowland areas along the river contain stands of swamp conifer, swamp hardwoods, and adjacent to the river are large patches of grass, alder, and dogwood. The timber in the lowland area tends to be large and mature. Lowland conifer stands occupy most of the lowland area along the river, and contain primarily white cedar, spruce, and balsam fir with some birch, maple, ash, aspen, and white pine mixed in. The swamp hardwood stands principally contain maple and ash with some white pine, birch and cedar present.

The well-drained areas, the land immediately adjacent to lowland areas and on the lower slopes along the river, contain stands of aspen, oak, red and white pines. Most of the timber in these stands is approaching maturity and fairly large (large pole - small sawlog sized).

The dry, upland areas on or near the top of the higher banks along the river contain stands of small (pole sized), mature, or near-mature jack pine, oak, and oak mixed with jack pine or aspen.

The vegetation, as seen from the river, appears natural and undisturbed. There are large, isolated red and white pine. These individual, large trees, along with the open grassy areas adjacent to the river's edge, enhance the scenic values of the river considerably.

6. Developments: The river corridor has the following developments:

a. Access Sites: There are four major access sites to the river. The access sites at Mio and Comins Flats are managed by the Michigan Department of Natural Resources (MDNR). The other two major access sites are at McKinley and the 4001 Bridge. These sites are managed by the Forest Service. The Forest Service access sites are smaller and less developed than those managed by the MDNR.

b. Private Homes: The seen area³ from the river is relatively free of private developments, except for the Park Subdivision at Comins Flats, which is heavily developed, highly visible, and occupies both sides of the river for 1.9 miles. There are a few isolated homes elsewhere but they tend to be screened or otherwise unobtrusive to most river users. All private development within the seen area from the river lies upstream of the Park Subdivision. There are private developments within the river corridor that are outside of the seen area from the river. Most of these are concentrated in two subdivisions located between Comins Flats and McKinley.

c. Travelways: Within the river's corridor there are numerous low standard, unmaintained travelways and 12 miles of maintained public roads having two bridges that cross the river. Both bridges are fairly new, concrete structures designed for heavy load limits.

There is a commercial cross-country ski trail one mile east of Mio, and a 5 1/2-mile segment of the Shore-to-Shore Riding and Hiking Trail downstream of Mc Kinley within the river corridor. The Shore-to-Shore Trail is a nonmotorized travelway for horses and hikers that crosses the entire State. It provides several scenic vistas of the river and receives considerable unauthorized vehicle use. A short segment of the Oscoda and Alcona Snowmobile Trail is within the corridor.

d. Occupancy Spots: Occupancy spots are recreation sites that are used several times a year for camping or day use activities such as swimming, fishing, picnicking, canoe rest stops, etc. Forest Service personnel have identified 87 occupancy spots on the shoreline of the river. Most of these sites are accessible by conventional vehicles,

³See glossary in appendix H.

but some can only be reached by canoe, foot or with an all-terrain vehicle.

Many occupancy spots are small and have very little impact on the river. A few are heavily used. These areas generally have eroding banks and are evident from the river. Some may even have sanitary facilities and erosion control devices such as steps and retaining walls.

e. Power Lines: Consumers Power Company has a power⁴ transmission line, south of the river, on a 200 foot right-of-way. Four and a half miles (4-1/2) of the power line is within the river corridor. It is out of sight of river users except for a short segment two and a half (2-1/2) miles downstream from Mio, and where the line crosses a bend in the river near Comins Flats. The right-of-way is a popular travelway for off-road vehicles.

f. Ownership: Of the 6210 acres within the corridor, 510 acres are in private ownership, 20 acres are State-owned, and 5680 acres are National Forest System Lands. The 20 acres of State land encompass the Comins Flats watercraft access. All of the private ownership with frontage on the river is located on the first nine and one half (9-1/2) miles of the river, from Mio to just below Comins Flats. About 400 acres of the 510 acres of private ownership in the river corridor have frontage on the river, with over half of that ownership in the Parks Subdivision. Of the remaining private land fronting the river, 80 acres are protected by a conservation easement that:⁵

1. Limits use of the property to a single residence and to noncommercial purposes.
2. Prohibits any structures within 200 feet of the river.
3. Limits the cutting of trees within 100 feet of the river to only dead and diseased trees.

⁴See appendix E for rights reserved by Consumers Power Company on the right-of-way.

⁵Copy of the deed containing the conservation easement restrictions and the legal description of areas having easements are found in appendix E. A map showing these areas is found in appendix C.

4. Prohibits commercial outside advertisement.
5. Restricts mineral extraction, except for slant drilling, to an area beyond 200 feet from the river.

D. Purpose and Need of this Document: The Wild and Scenic River Act (P.L. 90-542), as amended by P.L. 93-621, requires that management be provided to guide the management of the river. This document is intended to provide guidance, specific direction, and identify projects and improvements needed to manage the Au Sable River for the next ten years, or until the direction provided is officially revised or amended.

The Management Direction for the Au Sable River, with only minor exceptions, incorporates the management recommendations provided in the aforementioned "Au Sable Wild and Scenic River Study Report and Environmental Impact Statement." Additional public input was also utilized from formal and informal meetings conducted during this document's preparation.

E. Relationship to Forests' Management Plan: A comprehensive Land and Resource Management Plan (Forests' Plan) for the Huron-Manistee National Forests was prepared as required by the "Forest and Rangeland Renewable Resources Planning Act" of 1974, as amended by the "National Forest Management Act" of 1976 (P.L. 94-588, 90 Stat 2949). The National Scenic River segment of the Au Sable River is identified in "Management Prescription Area 8.1" as a "Special management area" within that plan. Special management areas are areas having National significance or unique characteristics. The Forests' Plan directs (Chap. IV, p. 179-181) that a special plan provide specific management direction for each of these areas.

The Forests' Plan, therefore, includes special plans, such as management plans for National Scenic Rivers, and also general management direction, standards, and guidelines that pertain to all special management areas on the Forests. The existing Forests' Land and Resource Management Plan will be amended to incorporate the direction for the Au Sable National Scenic River.

II. USE, TRENDS, AND CONCERNS

The lands within the river corridor are used almost exclusively for recreational purposes. The major recreational uses for which concerns exist are:

A. Watercraft: Canoeing is a very popular activity on the National Scenic River segment of the Au Sable River. The first 9-mile segment (Mio-Comins Flats) receives 70 percent of the use, with 62 percent of the canoe use occurring on the weekends. Local liveries account for 86 percent of the



Canoeing is a popular activity and several commercial canoe liveries service the river.

Fishing is a popular activity on the river. Sometimes the activity of anglers and canoeists conflict.



The lands in the river corridor provide excellent hunting opportunities.

canoes used, but most of the canoeists come from the southern part of the State, and they come as groups rather than as family units.⁶

Use studies conducted in 1971 indicate that 20,000 people floated this river segment in canoes and other watercraft.⁷ A similar study in 1984 indicates that 36,700 people floated the same segment.⁸ These studies show that use on the Mio-Comins Flat section of the river increased by 83.5 percent, with use on Saturday more than doubling. Below Comins Flats the canoe use increase was modest with the increase occurring mainly on weekdays when watercraft use of the river is normally light. These studies also indicated an increase in persons floating the river on tubes. Many tubes are rented, and on warm summer weekends they account for 35 percent of the watercraft use on the Mio to Comins Flats segment. On the entire Scenic River segment they make up 26 percent of the total watercraft use. Boating use accounted for less than 3 percent of the total use of watercraft.⁹ Total boating use is probably higher than this since considerable boating is done in the early morning or late evening by anglers when count data was not available. Less than 3 percent of all watercraft on the river use motors.

The amount of watercraft use is a concern to property owners that live on or near the river and to some anglers.¹⁰ They object to watercraft users' behavior and believe they litter the river.

⁶ Refer to "Watercraft Use During the 1984 Use Season on the AuSable River between Mio and the Upper End of Alcona Pond," prepared by Melvin S. Goldie, July 1985, and available in the Huron-Manistee National Forests' Supervisor's Office.

⁷ "User Study Characteristics and Attitudes Michigan's Au Sable River," prepared by the Northeast Michigan Regional Planning and Development Commission, July 1972.

⁸ "Watercraft Use During the 1984 Use Season on the Au Sable River between Mio and the Upper End of Alcona Pond", by Melvin S. Goldie, July 1985, available in the Huron-Manistee National Forests' Supervisor's Office.

⁹ Ibid.

¹⁰ The concerns are identified in the "User Study Characteristics and Attitudes Michigan's Au Sable River" prepared by the Northeast Michigan Regional Planning and Development Commission, appendix A of the "Wild and Scenic River Final Study Report and Environmental Impact Statement," for the Au Sable River and in letters and recorded comments obtained as public input in preparing this plan and on file in the Forest Supervisor's Office in Cadillac, Michigan.

B. Fishing: Fishing activity on the National Scenic River segment of the Au Sable is much lighter than that on other reaches of the river. Most of the summer fishing is done at night or in early morning or late evening hours, and during major fly hatches. The fishing experience is focused primarily on catching brown trout, grayling, and walleye in an atmosphere of quiet and solitude.

Fly fishing is popular on this reach of the river with the fishing being done from a boat, shore or, by wading. Persons who fish the river are concerned that scenic river management will prevent them from driving to their favorite fishing spot or make it difficult for them to launch a boat on their favorite section of the river.

The Michigan Department of Natural Resources has considered plans to trap anadromous fish on Great Lakes tributaries and transfer those fish into this river segment. Some local anglers have expressed concern that this could affect the brown trout fishing and detract from the quality of their fishing experience. Many business people and the local Chamber of Commerce feel that the river is under utilized and the introduction of additional species will attract more anglers which will help the local economy.

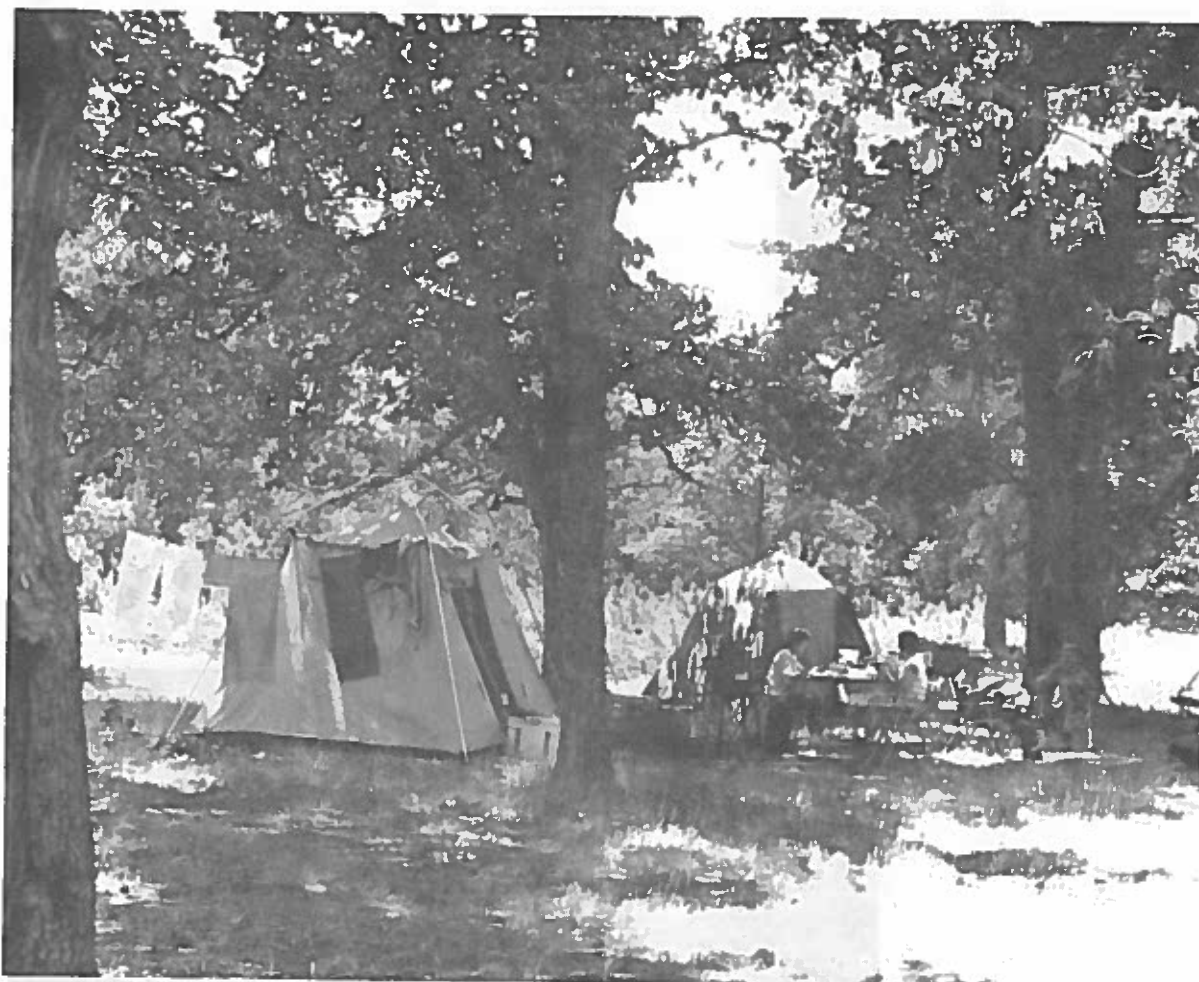
There is some concern also that the hexagenia (mayfly) hatch that the Au Sable River is famous for is decreasing.

C. Hunting and Trapping: The river corridor is a popular area for hunting deer and grouse. It also receives a fair amount of turkey hunting and some float hunting for waterfowl. Trappers seek bank beavers, mink, and other furbearers that are found along the river.

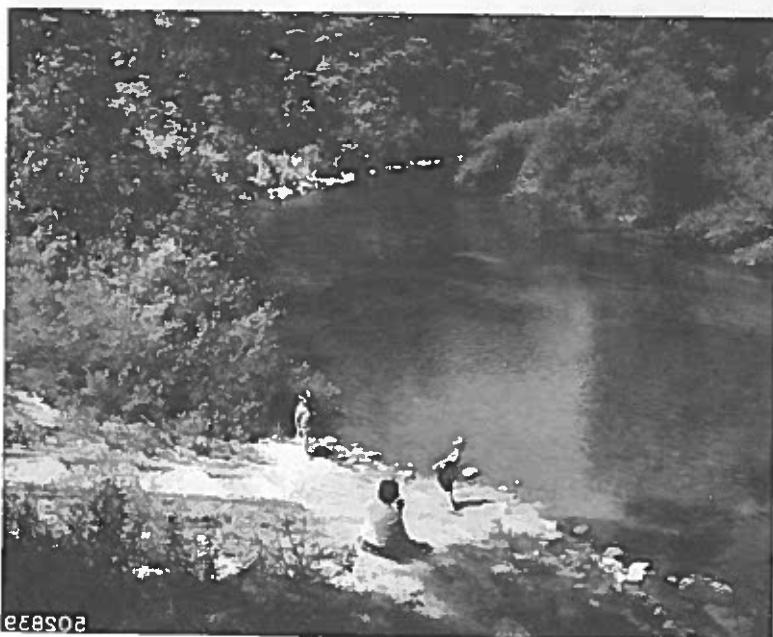
Of special concern to wildlife interests is the impact the National Scenic River designation could have on the management of "deer yards" and the habitat of wildlife associated with intolerant timber types¹¹ such as aspen and jack pine located within the river corridor. Their concern is that efforts to protect the river's natural appearance might eliminate opportunities to manage the habitat for some wildlife. They feel it is important that vegetation adjacent to deer wintering areas be managed to provide browse for deer and that intolerant timber types be regenerated.

D. Camping: Camping activity is increasing within the river corridor. Prior to 1981, 61% of the land within the corridor was privately-owned and the

¹¹See glossary in appendix H.



The amount of camping along the river has increased since lands owned by the Consumers Power Company were acquired for the Huron National Forest.



There are numerous places along the river that attract day-use activity such as picnicking, swimming, fishing, etc.



The activity of anglers, campers, picnickers, canoeists, etc., has caused bank erosion.

Dirt bikes and other all-terrain vehicle activity is increasing in the river corridor.



All-terrain vehicle activity within the river corridor has caused serious erosion problems.

public was not permitted to camp on this land.¹² Since then, the USDA-Forest Service has acquired the lands belonging to Consumers Power Company and they are now part of the Huron National Forest. Ninety-two percent of the land in the river corridor is now publicly-owned.

This recent expansion of public ownership adjacent to the river has led to increased camping along the river. This is of concern to many local residents who have traditionally used sites, now occupied by campers, for fishing access and other day use activity. They are also concerned about an increase in sanitation and litter problems that they attribute to campers.¹³

Homeowners living near sites where camping use is concentrated are concerned about the noise and the impact this use has, or could have, on their property.¹⁴

Camping activity adjacent to the river can also detract from the river's natural appearance and create erosion problems.

E. Day Use Activity: Day use activity includes swimming, fishing, and picnicking. Until 1981 most of the lands along the river were owned by Consumers Power Company which had always allowed the public to use their lands for these activities. The fact that they are now publicly-owned, as a part of the Huron National Forest, has had little impact on these activities.

There is concern that as river use increases the size and number of day use areas will increase. This activity can cause erosion that damages aesthetics and fish habitat and creates sanitation, noise and litter problems.

F. Off-Road Vehicles: Off-road vehicle (ORV) activity is popular on lands immediately adjacent to, and within, the river corridor. All forms of ORV activity are prevalent (dirt bikes, 4-wheel drives, 3-wheelers, dune buggies, and snowmobiles). This use tends to be increasing. A powerline right-of-way on the south side of the river, paralleling the river, is an attraction for this activity, as are the numerous unimproved travelways within the corridor. ORV activity is a concern in the river corridor because ORVs have caused erosion problems that have impacted aesthetic and fish habitat on the

¹²"Summer 1984 Study of Dispersed Camping Along a Segment of the Au Sable River", by Roger W. Moore, September 1984.

¹³"User Study Characteristics and Attitudes Michigan's Au Sable River," prepared by Northeast Michigan Regional Planning and Development Commission, July 1972.

¹⁴Ibid.

mainstream of the river and its tributaries. The noise from some of this activity disturbs users of the river seeking quiet and solitude, and it can impact eagles, bears, and wildlife in general during critical periods such as nesting, young rearing, and when animals seek winter cover.

III. DESIRED FUTURE CONDITION

The desired future condition contributes to achieving the goals and objectives of the Forests' Plan. It is a description of what the physical condition of the area will eventually be under the proposed management.

A. Riparian Zone: The shoreline will be natural appearing and undisturbed except for the private developments in the Park Subdivision and minor structures needed to correct erosion problems, improve fish habitat, and provide limited motorized access to the river. These structures blend in with the river's natural appearance to the extent possible.

B. Water: The water will be free-flowing and meet the quality standards for maintaining cold-water tolerant fish and full body contact forms of recreation.

C. Corridor Lands¹⁵

1. Upper segment (Within T26N, R3E): The lands within this area are natural appearing and contain large areas of old-growth timber. Human activity is evident, and there is a moderate possibility of being isolated from other users of the area.

Developments such as recreation facilities, roads, and trails harmonize with the area's natural appearance. Recreation facilities are designed to limit the users' impact on the environment and often contain obvious on-site controls.

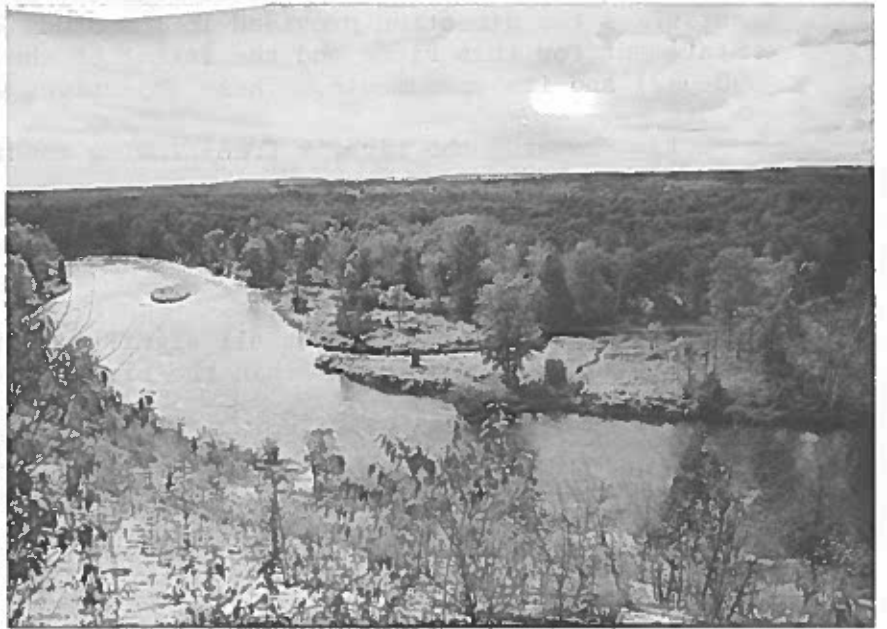
¹⁵Corridor Land - The river corridor is officially designated by the legislation that established the Au Sable as a National Scenic River and is described in appendix A. The management practices indicated in this plan do not pertain to those lands within the official corridor that lie north of the McKinley Road (County Road 600) and south of the South River Road (County Road 602). These lands are separated from other lands in the river corridor by improved, well-travelled, public roads and are not closely associated with river activity. They will be managed in the manner prescribed for adjoining lands in the Forests' Plan.

THE DESIRED FUTURE CONDITION
OF THE RIVER IS

A shoreline that appears natural
and undisturbed.



A river corridor that is scenic
and largely undeveloped.



An environment where river users can
experience solitude.

Essential wildlife habitat is maintained through vegetative management that blends in with the area's natural appearance and is not evident from the river.

2. Lower Segment (Within T26N, R4-5E): The lands within the area are natural appearing and provide the user with a high probability of experiencing a closeness to nature, solitude, and isolation from the sights and sounds of human activity. Developments such as recreation facilities, roads, and trails harmonize with the area's natural appearance and are not evident from the river. Recreation facilities are small, primitive, and limit the users' impact on the environment. On-site controls are present but subtle. Essential wildlife habitat is maintained through vegetative management that blends in with the area's natural appearance and is not evident from the river.

IV. MANAGEMENT DIRECTION

A. Management Objectives: The fulfillment of the following objectives satisfies the direction provided in the Study Report and Environmental Impact Statement for this river and the intent of the Wild and Scenic River Act (P.L. 90-542) and its amendments. These objectives will:

1. Preserve the river's free-flowing condition and its existing water quality.
2. Retain the existing natural, undeveloped appearance of the river's shoreline.
3. Protect and interpret all significant archaeological, historical, and scientific values within the river corridor for future generations.
4. Provide users of the river corridor with opportunities for a semiprimitive experience as well as a roaded natural recreational experience.
5. Reduce the conflicts between different users of the river and the stress of user activity on the river's ecosystem.
6. Protect and enhance the habitat of game and nongame fish and wildlife in the river corridor.

B. Management Responsibilities: The Forest Supervisor of the Huron-Manistee National Forests is responsible for administering lands and waters within the Au Sable National Scenic River corridor as directed by the Wild and Scenic Rivers Act. The administration will be coordinated and accomplished through cooperation with other Federal, State, and local agencies and units of

government. The Forest Supervisor will initiate Agreements and Memorandums of Understanding to obtain the coordination and cooperation needed.

Except for the following, the District Ranger for the Mio Ranger District on the Huron National Forest is responsible for implementing this direction and the day-to-day administration of the lands and waters within the river corridor: The District Ranger at Harrisville is responsible for management of the Shore-to-Shore Trail, the Mc Kinley Trail Camp, dispersed recreation sites at O'Brien Lake, and the timber management and timber inventory activity within the administrative boundary of the Harrisville Ranger District. River corridors, in this instance, mean the area where camping and motor vehicle use is limited as shown in appendix B.

The State of Michigan retains responsibility for the enforcement of State laws and regulations in the river corridor. These include fishing and hunting laws and the enforcement of water quality standards and water use along with other criminal and civil laws. Forest Service personnel will enforce Federal laws and the Code of Federal Regulations within the river corridor.

Mentor Township administers a Green Belt and Au Sable River Zone zoning ordinance to protect private land along the river shoreline and within the corridor from adverse development. The MDNR is currently studying the Au Sable River System, including the National Scenic River segment, for inclusion into the State Natural Rivers Program. Should the river become dually protected under state and Federal programs the State zoning ordinance, as developed for the State Natural Rivers Program, will be used to protect private lands within the river corridor in lieu of existing local zoning.

V. STANDARDS AND GUIDELINES

1600 INFORMATION SERVICES

The information services provided are intended to satisfy the three information needs for users of the Au Sable as identified in an earlier study.¹⁶ These needs are: directional, behavioral, and interpretive. The services will also inform river users of known unusual hazards not normally found in the semiprimitive river environment and the laws and regulations that pertain to their activity. Information will be provided to users in the following manner:

¹⁶"A Proposal for Meeting the Information Need of Recreationists on Michigan's Au Sable River", by Gregory J. Buhyoff and Richard C. Knoff, September 1972.

A. Signs

1. Informational

- a. Major access sites and rest areas will contain bulletin boards to display information of interest to users.
- b. Watercraft access and camp and rest areas will be identified with a sign at the river's edge upstream of the facility and at the site.
- c. Signs placed upstream of facilities, for persons floating the river, will indicate the approximate float time to the facility.
- d. Landmarks that can be seen from the river, such as bridges and streams, will be identified.
- e. All informational signing within the river corridor will be uniform in color and design as provided in the Forest Service Sign Handbook.
- f. A map of the Scenic River Corridor will be posted at each of the river's four major access sites. It will identify public lands, recreation facilities, landmarks on the river, roads open to public use, and the State's quality fishing segment.

2. Regulatory signs

- a. Posters will be displayed at major access, fishing, and day-use sites to inform users of regulations pertaining to camping and motor vehicle use within the river corridor.
- b. A notice will be placed at each of the four major watercraft access sites requesting persons not fishing the river to refrain from floating it between the hours of 6:00 p.m. and 9:00 a.m.
- c. A notice will be posted at major watercraft access sites and rest stops and at popular fishing, camping and day-use sites asking users to pack out any litter they have created.
- d. Existing roads, not open to vehicle use, will be signed for foot travel only.
- e. The MDNR will provide signs at fishing access sites informing users of the fishing restrictions within the quality fishing segment of the river.

B. Brochures: A brochure will be developed for the corridor. It will:

1. Contain a map that identifies all public lands, recreational facilities, the quality fishing segment, and landmarks that have been signed along the water.
2. Inform users of the recreational opportunities the river provides.
3. Identify the values that made the river worthy of being a National Scenic River, why it needs protection, and what the user can do to help protect it.
4. Inform users of the regulations pertaining to camping and motor vehicle use within the corridor and the State restrictions on the use of live bait in the quality fishing segment of the river.
5. Alert and point out to users:
 - a. The need to use a floatation device.
 - b. The possibility and potential danger of obstacles in the water.
 - c. That drinking untreated water is unsafe.
 - d. The dangers of high water.
6. Include a statement about respecting the rights of the private landowner.
7. Point out the conflict between the various users and ask that persons floating the river not do so between the hours of 6 p.m. and 9 a.m.

C. Personal Contacts

1. Forest Service personnel performing routine recreational work within the river corridor will be encouraged to talk with river users. They will be provided with river brochures and other handout material that is of value to the river user.
2. District Rangers will encourage livery operators to develop their own brochures to promote user safety and understanding of the impact their activity can have on resources and other users.
3. District Rangers will cooperate with riparian owner organizations, the MDNR, local Chambers of Commerce, local units of government, off-road

vehicle organizations, organized fishing groups, etc., to develop other appropriate means of meeting the river users' informational needs.¹⁷

D. Interpretive Program

The Forest Service will develop an interpretive program that provides visitors of the river with information about the following:

1. Indians, trappers and loggers that once lived in the area and their relationship with the river.
2. The aquatic ecosystem and how humans have influenced it.
3. The ecosystem of the vegetation and wildlife along the river, and how man has influenced it.
4. The scenic, natural, cultural, and historical items of interest along the Au Sable River.

1800 HUMAN AND COMMUNITY DEVELOPMENT

Volunteers and personnel from other programs hosted by the Forest Service will be used to accomplish needed work within the river corridor.

1900 VEGETATIVE MANAGEMENT

A. Within the seen area from the river¹⁸ a natural succession of vegetation will occur. This area occupies about 2,450 acres and 44 percent of the National Forest land within the corridor. Exceptions to permitting a natural succession of vegetation from occurring are:

1. Action needed to correct damage or to salvage material resulting from a catastrophic natural disaster.
2. Plantings needed to correct erosion problems or to screen developments that can be seen from the river.

¹⁷Refer to "A Proposal for Meeting the Information Need of Recreationists on Michigan's Au Sable River," by Gregory J. Buhyoff and Richard Knoff, September 1972.

¹⁸See glossary in appendix H.

3. Thinning of red pine plantations, about 10 acres, so they are more natural appearing.
4. Leaning trees or trees in the water that seriously impede boating activity may be cut upon approval of the District Ranger.

B. Outside of the seen area from the river the vegetation may be managed to provide for wildlife needs and to enhance recreational values. Vegetative types receiving these treatments are shown on the map in appendix D and will be managed as follows:

1. Aspen stands will receive even-aged management. They will be managed as small stands, less than 20 acres, for age diversity to provide browse adjacent to deer wintering areas and for grouse habitat. These stands occupy about 475 acres and 9 percent of the National Forest System lands within the corridor.
2. Oak types will receive uneven-aged management. They will be managed as old-growth to provide dens and cavities for wildlife and may be thinned to create oak savannahs or to provide mast production. These stands occupy about 400 acres and 7 percent of the National Forest System lands within the corridor.
3. Large stands of jack pine, outside of the Kirtland's Warbler Management Area, will receive even-aged management. They will be converted to smaller stands, less than 20 acres, to enhance aesthetics and to provide greater age and species diversity. These stands occupy 745 acres and 13 percent of National Forest System lands within the corridor.
4. Jack pine, identified as essential habitat for Kirtland's warblers within the Kirtland's Warbler Management Area, will be managed as directed in the "Kirtland's Warbler Habitat Recovery Plan." These stands occupy about 60 acres and 1 percent of the National Forest System lands within the corridor.
5. Swamp hardwoods will receive even-aged management. They will be managed for old-growth for wildlife and aesthetic purposes. These stands occupy about 40 acres and less than 1 percent of the National Forest System lands within the corridor.
6. Cedar and mixed swamp conifer stands will receive even-aged management. They will be managed as thermal cover for deer and other wildlife. These stands occupy about 720 acres and 13% of the National Forest System lands within the corridor.



Limits will be established on the amount of commercial watercraft use permitted on the river.

Camping will be permitted only at designated sites.



7. Red and white pine stands will receive even-aged management. They will be managed for old-growth and thinned as needed to produce a large tree appearance for aesthetic purposes. These stands occupy about 600 acres and 11 percent of the National Forest System lands within the corridor.
8. All large, old-growth white and red pine within the river corridor will be preserved.
9. Existing openings will be managed to maintain native herbaceous plants and shrubs and retained as openings. This vegetative type occupies about 80 acres and 1 percent of the National Forest System lands within the corridor.
10. Trees may be removed as needed from developed recreation areas and vegetation may be planted and maintained for screening and erosion control.

2300 RECREATION

A. Recreation Opportunity

1. The upper segment of the river corridor (lands within T26N, R3E) will be managed to provide users with roaded natural recreational opportunities.¹⁹
2. The lower segment of the river corridor (lands within T26N, R4E and R5E) will be managed to provide users with semiprimitive, motorized recreational opportunities.²⁰
3. Public vehicle use will be limited to roads and trails identified in appendix B, except when such vehicles are needed to accomplish management activities identified in the Forests' plan and for emergency purposes.
4. Camping will be permitted only at locations identified in appendix B and designated on-the-ground with a numbered post.
5. Watercraft will be limited to the 1984 level of use for each river segment. This will be accomplished as follows:

¹⁹See appendix K and glossary in appendix H.

²⁰See appendix K.

- a. On the Mio - Comins Flats segment, commercial liveries will be asked to voluntarily limit the number of watercraft they put on this segment of the river to their use in 1984. Total use for this segment in 1984 was 14,773 watercraft and 25,716 people. The livery portion of this total is 9,493 canoes and approximately 400 floats (21,285 people). If voluntary controls are ineffective, other controls will be established.
- b. On the Comins Flats - McKinley, and the McKinley - 4001 Bridge segments, special use permits²¹ will be issued to commercial liveries using National Forest System lands. The permits will require a fee from the liveries using National Forest land. During the first two years under permit the Forest Service will monitor livery activity, and work with the liveries to establish an equitable quota for each livery that is consistent with providing a semiprimitive, motorized recreational experience.

Total use on the Comins-McKinley segment in 1984 was 8,645 watercraft and 17,215 people, with livery use accounting for 6,897 watercraft and 15,173 people.

Total use on the McKinley-4001 Bridge segment in 1984 was 4,587 watercraft and 9,059 people, with livery use accounting for 2,873 watercraft and 6,320 people.

6. We will discourage the use of large watercraft or watercraft having large motors from using the river. Access sites will be designed to preclude easy access by large boats or boats with large motors (see Design Standards below).

B. Recreational Developments: Facilities will be provided for recreational activities that are compatible with the management objectives of this document.

1. The Forest Service will provide and maintain recreational facilities as shown in appendix B.
2. Design Standards: Developed recreational facilities will be designed to accomplish the described desired future condition in Section III.
 - a. New watercraft access sites will be constructed at McKinley and 4001 Bridge. They will be designed as carry-in access sites to limit the size of craft using the river and rustic in appearance

²¹See glossary in appendix H.

(development scale 3).²² They will also be designed to limit the "persons at one time" capacity to that shown in appendix B (Refer to conceptual plans in appendix B).

- b. Other recreational facilities such as rest stops for canoeists, fishing access sites, campsites, etc., will be designed and maintained to provide a primitive to semiprimitive appearance (development scales 1 and 2).²³
 - c. Trash receptacles will not normally be provided at recreational facilities. Users will be required to haul away their own trash, under a "Pack it in-Pack it out" philosophy.
 - d. Toilets will be provided at the more heavily used sites. They will be composting or the sealed vault type of toilet.
 - e. Recreational developments will not be established within 1,000 feet of an existing residence except for minor fishing access sites.
 - f. Recreational developments will not be established within the management zone of an eagle's nest or near essential Kirtland warbler habitat.
 - g. Parking provided for recreation sites along the river will be out of sight when viewed from the river.
- C. Trails: Trails will be provided to meet the needs of users to the extent that they do not conflict with the management objectives of this document.
- 1. Trails that cause resource damage will be closed, relocated, or hardened so that the damage is eliminated.
 - 2. Off-road vehicle activity will be limited to travelways shown in appendix B.
 - 3. New travelways will not be established within 500 feet of an over-wintering area for deer.

²²See appendix L for explanation of Development Experience Levels.

²³Ibid.

4. New travelways will not be established within the management zone of an eagle's nest or near essential Kirtland warbler habitat.²⁴
5. Additional trails will not be developed for off-road vehicle use within the river corridor.
6. Additional foot trails for fishing access will be established, when needed, to prevent resource damage to the river's banks.
7. Horses will be limited to traveling on the Shore-to-Shore Trail and roads.

D. Visual Management

1. Lands within the seen area from the river (when the leaves are off the vegetation)²⁵ will be managed for the visual quality objective of retention.
 - a. Vegetation will be allowed to evolve naturally.
 - b. Developments and other resource management activity will:
 1. Be located so they are as unobtrusive as possible.
 2. Be screened with native vegetation to make them less evident when viewed from the river.
 3. Be designed to blend in with the natural surroundings.
2. Land within the river corridor that lies beyond the seen area from the river will be managed as follows:
 - a. The land as seen from County Road 600 (Mc Kinley Road) will be managed for the visual quality objective of Retention.
 - b. Other land within the river corridor will be managed for the visual quality objective of Partial Retention.²⁶

²⁴Eagle Management Plan and Plan for Kirtland's Warbler Management are on file in Forest Supervisor's Office, Cadillac, Michigan.

²⁵See glossary in appendix H.

²⁶Ibid.

E. Cultural Resources

1. Cultural resource surveys will be conducted before any planned earth disturbing proposal is implemented.
2. An archaeologist will evaluate all cultural resources to determine their significance. Significant sites will be protected.
3. Action will be taken to avoid, protect, or minimize damage or loss of any unevaluated cultural resource.
4. A historical study of the river corridor will be conducted to provide information for interpretive programs.

2400 TIMBER MANAGEMENT

A. Within the seen area from the river:

1. Harvesting activity:

- a. Red pine plantations may be selectively thinned to reduce the unnatural right-of-way appearance that currently exists (10 acres or 1 percent of National Forest System lands within the corridor).
- b. Timber damaged by a catastrophic natural disaster may be salvaged with the Forest Supervisor's approval.
- c. Timber cutting will be restricted to the fall and winter months so as not to conflict with recreational activity and to provide feed for deer that overwinter in the river corridor.
- d. No firewood cutting permits will be issued.

2. Slash treatment:

Slash will be treated concurrent with harvesting activity. It will be removed or made to lie within 12" of the ground when located within 200' of the river's edge. Slash beyond 200' from the river's edge will be treated to lie within 24" of the ground.

3. Revegetation:

Native vegetation may be hand planted to correct erosion problems and to screen developments from the river. Areas damaged by catastrophic natural disasters may also be revegetated by hand.

B. Outside the seen area from the river:

1. Harvesting activity:

- a. Regeneration cuts may be conducted in aspen and jack pine stands as shown on the map in appendix D.
- b. Regeneration cuts will be irregularly shaped so they are natural appearing.
- c. Timber cutting will be restricted to the fall and winter months so as not to conflict with recreational activity and to provide feed for deer that overwinter in the river corridor.
- d. Aspen stands will receive regeneration cuts according to a treatment schedule developed to provide winter browse for deer and to improve the habitat for grouse and other wildlife (475 acres 9 percent of National Forest System lands within the river corridor).
- e. Red and white pine stands may be thinned as needed to enhance development of large trees and to encourage natural regeneration (600 acres or 11 percent of the National Forest System lands within the river corridor).
- f. Jack pine, identified as essential habitat within Kirtland's Warbler Management Areas,²⁷ will be cut as prescribed in the Warbler Management Plan (60 acres or 1 percent of the National Forest System lands within the river corridor).
- g. Jack pine stands outside of warbler management areas may receive regeneration cuts that divide larger stands into smaller stands for greater age diversity (745 acres or 13 percent of National Forest System lands within the river corridor).
- h. Oak stands may receive intermediate cuts as needed to enhance mast production or to establish oak savannas (400 acres or 7 percent of the National Forest System lands within the river corridor).

²⁷See appendix D.

- i. No firewood cutting permits will be issued.
2. Slash Treatment:

Slash will be treated prior to next summer's recreation season to lie within 18" of the ground when located within 100 feet of the Mc Kinley Road, a river access road, a recreation development or foot trail. Slash 100-300 feet from such features will be treated to lie within 24" of the ground.
3. Revegetation:
 - a. Natural regeneration will be used to revegetate cutover areas, except cutover jack pine stands may be site-prepared, planted, or seeded to obtain the desired regeneration.
 - b. Areas may be site-prepared and planted, as needed, to correct a catastrophic natural disaster.

2500 WATERSHED AND SOILS MANAGEMENT

Action will be taken to correct existing human-caused erosion and pollution problems on the river and to prevent those problems from occurring in the future.

- A. Recreation use areas that are a source of sediment to the river will be modified, relocated, or closed.
- B. Horses and motor vehicles will not be allowed to make wet crossings of surface drainages to the river.
- C. Watering sites for horses will not be established on the mainstream of the river or where they impact surface drainage that enters the river.
- D. Tributaries suspected of contributing pollution to the mainstream will be evaluated or monitored, and appropriate action taken to correct significant problems.
- E. The water quality of the mainstream will be monitored at locations near Mio and 4001 Bridge.
- F. Forest Service personnel will cooperate with:
 1. The Soil Conservation Service to institute best management practices (BMPs) on farm land and other private lands bordering

major tributaries to the Au Sable River that could contribute pollutants and sediment into the river.

2. Local zoning authorities and county sanitarians to strengthen zoning ordinances on the mainstream and tributaries to correct pollution problems originating on private land.
 3. The Alcona and Oscoda County Road Commissions to improve the road crossings at drainages to the river that are a source of sediment to the river.
- G. The Forest Hydrologist will be consulted before implementing projects that could impact the water resource, such as:
1. Major earth disturbances.
 2. Erosion control activities.
 3. Vegetative management immediately adjacent to the river or surface drainages to the river.
 4. Changes to, or the installation of, drainage crossings.
 5. Fish habitat improvement work.
 6. The construction or reconstruction of developments within the riparian zone of the river.
 7. The use of fertilizers or pesticides within the river's corridor.
- H. In cooperation with the State and County a review will be solicited from them for projects pertaining to the following:
1. The Wetland and Floodplains Act for work involving fill or development on the River's floodplain or wetland areas.
 2. The Soil Erosion and Sedimentation Act for all activities, other than silvicultural activities, that disturb more than 1 acre or are within 500 feet of the river or a stream.
 3. The Inland Lakes and Streams Act for projects involving stream crossings or fish habitat and erosion control activity occurring below the normal high water level of the river or a stream.

A. Wildlife

1. Management activities within the river corridor will contribute to the support of minimum viable populations of the following management indicator wildlife species on the Huron National Forest:
 - a. black-throated green warblers
 - b. eastern bluebirds
 - c. Kirtland's warblers
 - d. Lincoln's sparrows
 - e. fox and gray squirrels
 - f. pileated woodpeckers
 - g. bald eagles
 - h. ruffed grouse
 - i. whitetail deer
 - j. ducks
2. Essential wintering habitat areas for deer will be protected from activities and developments²⁸ that will disturb deer and other wildlife during the winter months.
3. Eagle nests and essential habitat for Kirtland's warblers will be protected according to established management plans.²⁹
4. Eagle and osprey nesting will be encouraged in the river corridor by retaining large old-growth pines and erecting nesting platforms as needed outside the seen area from the river.
5. Stands adjacent to areas that provide thermal cover for deer and other wildlife³⁰ will be maintained according to a treatment schedule to provide sustained browse and mast for wildlife overwintering in these areas.
6. Selective, noncommercial treatments will be made to improve the quality of thermal cover in lowland conifer stands outside of the seen area from the river.

²⁸Refer to appendices B and D. Refer to page 16.

²⁹Refer to "Bald Eagle Management Plan for the Huron-Manistee National Forests" July 18, 1986 "The Management Plan for Kirtland's Warbler Habitat in Michigan" March 1981, and "The Kirtland's Warbler Recovery Plan" September 30, 1985 on file in the Forest Supervisor's Office.

³⁰See appendix D.



Threatened and endangered species are protected.

The habitat for a wide variety of wildlife is maintained.

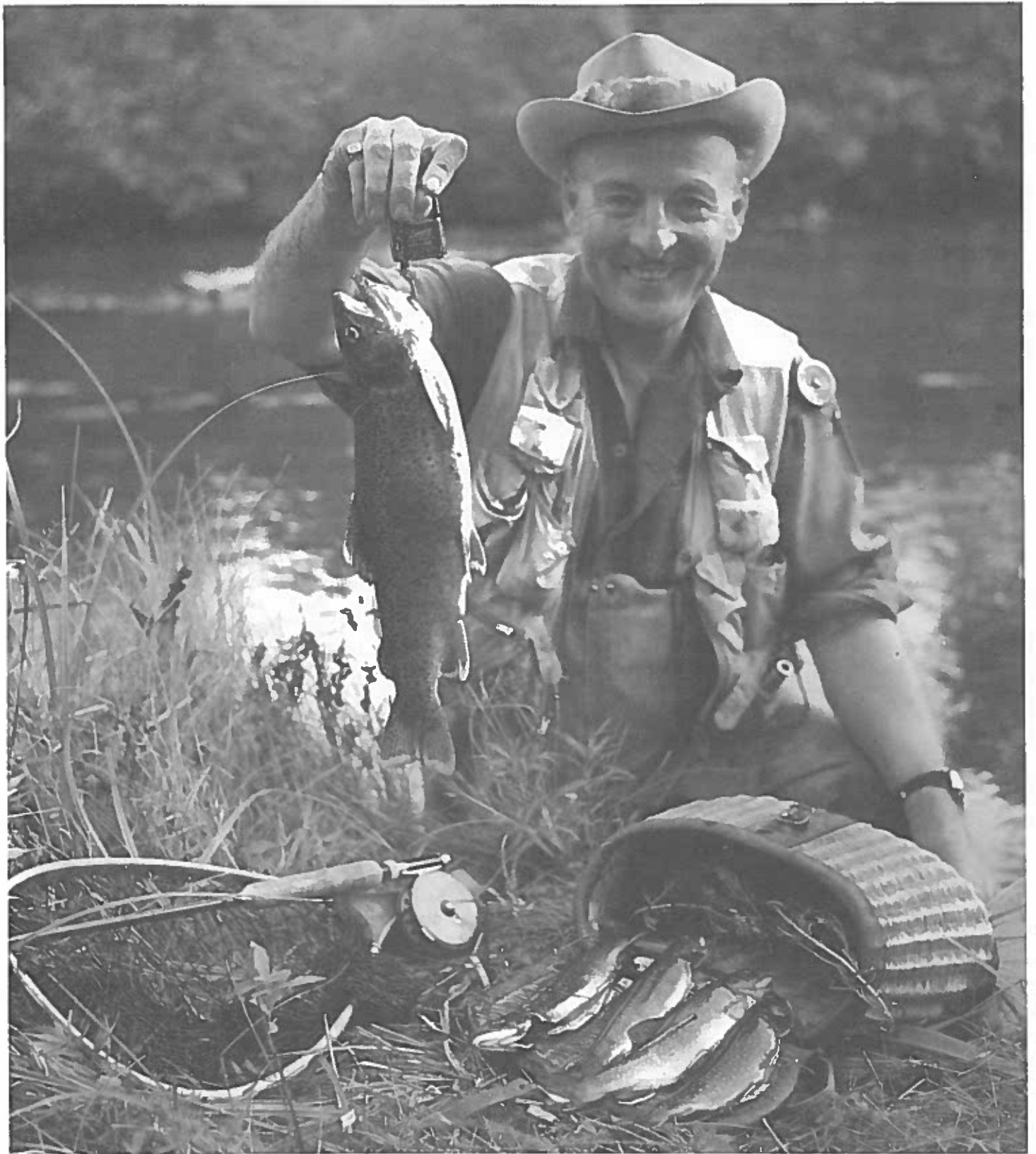


The winter habitat for the deer is maintained within the river corridor.

7. During critical winter conditions, emergency cutting will be permitted in and adjacent to stands located outside of the seen area from the river that provide essential thermal cover for wildlife.
8. Old-growth trees containing dens and cavities will be retained within clearcut areas. Natural cavities will be used in lieu of duck boxes for nesting habitat in the seen area of the river corridor.

B. Fisheries

1. Management activities within the river corridor will enhance the spawning and rearing habitat for a cold water fishery and walleye. These activities will include:
 - a. Removing barriers to fish passage into the tributaries for spawning.
 - b. Allowing vegetation that is leaning into the river, or that has fallen into it, to remain in place. Vegetation considered to be a serious obstacle to watercraft passage may be removed with permission from the District Ranger.
 - c. Prohibiting off-road vehicle activity on the streambanks of the river and its tributaries and wet crossing of the tributaries by vehicles.
 - d. Correcting erosion problems by:
 1. Limiting user activity at sites where that activity is causing sediment to enter the river and its tributaries.
 2. Stabilizing banks that are eroding into the mainstream or the tributaries of the river.
 - e. Constructing sand traps on the tributaries to reduce sand bedloads in the tributaries and the mainstream.
 - f. Installing fish habitat improvement structures that are natural appearing.
2. Work with the MDNR to identify the following base-line fisheries data:
 - a. Angler use
 1. Number of anglers
 2. Dates



3. Times
 4. Locations
- b. Harvest
 1. Number of fish caught
 2. Species of fish caught
 3. Species sought after
 - c. User Experience
 1. Type of fishing experience sought
 2. Degree to which experience was satisfied
 3. Needs of anglers using the Au Sable
3. The Forest Service will work cooperatively with the Michigan Department of Natural Resources to provide anglers with a quality fishing experience. Emphasis will be placed on distribution of fishing pressure to avoid concentrating angler numbers and to reduce impacts on the riparian ecosystem.
 4. Provide motorized access points for stocking fish in the river.³¹

2700 SPECIAL USES

A. Permits

1. Special use permits are required for organized recreational events that utilize National Forest lands and facilities within the river corridor.
 - a. Permits will not be issued for motorized events.
 - b. Permits for other events will be limited to those that are compatible with the management objectives of the river.
2. Special use permits for developments within the river corridor will not be issued except as needed for access and utility lines to other ownerships within the river corridor.
 - a. Roads will be kept out of sight of the river.
 - b. Utility lines will be buried and not permitted to cross the river.

³¹See appendix C.

3. Special use permits will be required for livery watercraft and other commercial activity that uses National Forest System lands in the river corridor. Livery permits will be administered in accordance with Forest Service policy as set forth in the USDA Forest Service Manual. The day to day operations of a livery operating under this permit is left to the discretion of the livery operator. Permits will not be issued for commercial activity that is inconsistent with the management objectives for this river.

4. Special use permits will limit commercial livery activity on National Forest System lands to a level that is consistent with the desired future conditions described in Section III of this document and the designed experience level of the landing.

B. Rights-of-way for public roads and major utility lines:

Additional rights-of-way for transmission lines, pipelines, public roads, etc., will not be granted within the managed corridor³² of the river.

2800 MINERALS AND GEOLOGY

- A. Use of common variety mineral deposits will only be for use within the river corridor and outside of the seen area from the river.
- B. Federal oil and gas rights will be leased with an "Excepted Areas Notice" for more restrictive controls to protect the water and visual quality of the river.
- C. Mineral exploration and development will be allowed on a case-by-case basis with appropriate restrictions to protect the visual quality of the seen area and the special attributes of the river.

5100 FIRE MANAGEMENT

A. Wildfire

The actions taken to suppress wildfires within the river corridor will be the same as those taken on adjacent lands, except efforts will be made to eliminate plowed lines and other unnatural-appearing disturbances that could persist after other evidence of the fire has become obscure.

³²See page 9 for distinction between managed corridor and designated corridor.

B. Prescribed Fire

1. Prescribed fires are permitted outside of the seen area from the river to accomplish the management objectives of this document.
2. Prescribed burning plans will include action to restore the area's natural appearance. This will include, but is not limited to: obliteration of plowed fire lines, felling of fire-killed timber, spreading of partially burned piles of brush and slash, and the elimination of temporary roads.

5300 LAW ENFORCEMENT

- A. The Forest Service will establish cooperative agreements with the Oscoda and Alcona Sheriff's Departments to provide:
 1. Patrols within the river corridor during periods of heavy use to keep the peace and to enforce State and local laws within the river corridor.
 2. Assistance and support for Forest Service personnel in the enforcement of Federal regulations.
- B. Forest Supervisor orders will be established and enforced under 36 CFR 261.50 that:
 1. Limits motor vehicles to identified travelways open to such use.³³
 2. Limits camping to designated locations that are marked on-the-ground and shown on maps that accompany the order.³⁴
- C. Roads, trails, and natural features, that can be identified on-the-ground, will be used to describe the area protected by the above order rather than using the official designated corridor. This boundary closely coincides with the River's designated corridor, and will be easier for users to identify.³⁵

³³See appendix B.

³⁴Ibid.

³⁵Appendix B identifies the area affected by regulations pertaining to camping and motor vehicle use.

- D. During periods of high use, uniformed Forest Service personnel will patrol the river corridor to ensure compliance with Federal laws and regulations.

5400 LAND OWNERSHIP

A. Land Acquisition

- 1. Land that has frontage on the river, or undeveloped land within the river corridor bordered on 3 or more sides by National Forest System lands, will be acquired on a willing-seller, willing-buyer basis as the opportunities occur. These acquisitions will not normally include small lots (under 10 acres) that are part of a larger subdivided tract.
- 2. The merits of Forest Service administrative jurisdiction of the State access sites at Comins Flats and Mio will be explored with the MDNR.

B. Private Land Management

- 1. The local zoning authority will be relied upon to prevent incompatible developments from occurring on private lands.³⁶
- 2. The District Ranger at Mio will work with the local zoning authority and county sanitarian to encourage the strengthening and enforcement of existing ordinances. Items of special concern are:
 - a. Providing an adequate setback from the river's edge so major developments can be screened from view from the river.
 - b. Maintaining an adequate screen of natural vegetation between major developments and the river to preserve the shoreline's natural appearance.

³⁶ Townships are responsible for the zoning of private lands along the river. The State, however, is studying the Au Sable River system for inclusion in the State's Natural River Program. If this segment of the Au Sable River is included in the State program it could change the existing zoning ordinances and the authority for enforcing those ordinances. See appendix J for existing zoning ordinances that apply to private lands within this segment of the Au Sable River.

- c. Limiting the type, size, kind, color, etc., of developments that can be seen from the river so they are unobtrusive when viewed from the river.
- d. Locating septic systems properly so they are not a source of pollution.

C. Conservation and scenic easement management

- 1. Property on which the United States owns a conservation or scenic easement will be inspected annually by the Mio District Ranger.³⁷ Conservation easements contain the following restrictions:³⁸
 - a. Lands shall be used for single-family residential or recreational purposes only.
 - b. No commercial or business activity shall be conducted.
 - c. Only one permanent single-family residence, with appurtenant buildings, shall be constructed on each parcel of land.
 - d. No buildings or other structures, hereafter, shall be located within 200 feet of the river's edge.
 - e. No trees except dead, diseased, or unsafe trees will be cut or removed within 100 feet of the river's edge.
 - f. No billboards or commercial outdoor advertising structures shall be located on these lands.
- 2. A separate file will be established for each parcel of land for which the United States owns an easement. As a minimum the file will contain:
 - a. A copy of the deed containing the restrictions granted and the area's legal description.
 - b. Photographs of the easement area at the present time, or when the easement is acquired.

³⁷See appendix C for location of parcels for which the United States own a conservation easement.

³⁸See appendix E for copy of deed for conservation easements and appendix C for map showing location of land having deed restrictions.

- c. Copies of inspection reports.
4. Actions to prevent or stop violations to partial interests the United States has acquired will be taken as soon as a violation is noticed. The Forest Supervisor will obtain a Temporary Restraining Order, if necessary, to prevent such violations.³⁹

7700 TRANSPORTATION SYSTEM

A. Forests' System Roads

Forest Development Roads are shown in appendix B. Approximately 12 miles of road, under Forest Service jurisdiction, identified in appendix B will be blocked to provide foot travel access or allowed to revert back to a natural state.

1. Markings: Forest Development Roads will be marked with a Forest road number at locations where they intersect other roads open to motor vehicle use.
2. Maintenance: Forest Development Roads within⁴⁰ the corridor will each be maintained at one of the following levels:
 - a. Level 1: Roads that are closed to vehicle use except when needed for administrative and emergency purposes. They will be gated and signed as closed to vehicle use.
 - b. Level 2: Low-standard roads retained for recreational or administrative purposes within the river corridor. They will receive very little maintenance and are intended for high clearance vehicles only.
 - c. Level 3: Low-speed roads designed and maintained to provide prudent drivers of conventional vehicles access within the river corridor for recreational and management activity.

B. Temporary Roads

³⁹See appendix I for copy of Temporary Restraining Order (TRO). Refer to Forest Service Handbook 5409.16 for directives concerning issuance of a TRO.

⁴⁰Refer to appendix B for the location of system roads in the river corridor.

Temporary roads are short-term roads not intended to be part of the Forests' transportation system and are not necessary for future resource management. Temporary roads are constructed to accomplish a single or short-term resource management activity. Temporary roads will be:

1. Closed to motor vehicles when they are no longer needed for the purpose they were built and allowed to revert back to a natural state.
2. Built only in locations where there is a reasonable opportunity to prevent future unintended vehicular use from occurring.

C. Other Roads

These include county roads and access roads to private property.

1. Existing roads: These roads are maintained by the county or others that have jurisdiction over them. Forest Service personnel will work with the county and the owners of private access roads to correct conditions that contribute sediment to the river and to open drainages for fish passage to spawning areas.
2. New Roads
 - a. New road proposals, or plans to relocate or reconstruct an existing road, will be reviewed by the local zoning authority for compliance with zoning pertaining to the river's protection.
 - b. If County Road 600 (Mc Kinley Road) were to be reconstructed, the Forest Service would work with local authorities to have those portions of the road that are within sight of the river moved further away from the river.

D. Motorized Trail

These are travelways provided for off-road vehicles such as: snowmobiles, 4-wheel drives, dirt bikes, all-terrain vehicles, dune buggies, etc. Motorized trails are marked and signed for the use they were intended. A small segment of the Oscoda Snowmobile Trail is found in the river corridor.⁴¹ Off-road vehicles are not permitted to travel off of roads except on trails established for their use (see page 16 and guidelines of Forests' Plan).

⁴¹See appendix B for the location of trails.

E. Nonmotorized Trails

These are travelways provided for foot and horse travel and are not open to motorized use. They are provided for hiking, cross-country skiing, fishing access, hunting, nature study, viewing scenery, and horseback riding (see page 16).

VI. MONITORING

A. Monitoring will be used to help evaluate the effectiveness of the management direction. It will compare conditions within the river corridor to the "Desired Future Condition" described in Section III and determine if:

1. The existing water quality is being maintained.
2. The existing natural, undeveloped appearance of the shoreline is being preserved.
3. Archaeologic, historic, and scientific values are protected.
4. The opportunities for river users to obtain a semiprimitive, motorized recreational experience is being maintained.
5. The conflict between users and the stress of user activity on the river's ecosystem has been reduced.
6. The habitat for fish and wildlife has been enhanced.

B. Monitoring will be conducted as follows:

1. Water samples will be taken quarterly each year from the river near Mio and 4001 Bridge to identify changes in water quality.
2. User sites within the riparian zone of the river will be inventoried and photographed prior to the scheduled update of the Plan. This information will be compared with similar data collected by each District in 1984.
3. Photo points will be established on these heavily impacted user sites and updated every 5 years:

⁴²Ibid.

- a. Erosion site 40 (Nine Mile Creek ORV crossing)
 - b. McKinley Landing
 - c. Recreation site 2 (Tunison's Landing)
 - d. Erosion sites 32, 33, and 34
 - e. Erosion site 17 (Meadows)
 - f. Erosion site 11 (Brant's Cabin Bank)
 - g. 4001 Bridge Landing
4. Annual inspections will be made of lands protected by conservation and scenic easements (see page 26).
 5. Archaeological surveys will be conducted prior to implementing projects that cause earth disturbances to protect archaeological and historic sites from being disturbed.
 6. A record of archeologic and historic sites found will be maintained in the Forest Supervisor's and District Offices so they can be located to prevent future disturbances.
 7. An angler survey, such as that shown on page 22, will be conducted and updated prior to the scheduled revision of this document.
 8. Livery permits will be administered and their effectiveness evaluated annually.
 9. The 1984 watercraft use survey will be updated and the use trend evaluated prior to the scheduled revision of this document.
 10. Wildlife monitoring will be accomplished in the following manner:
 - a. Habitat condition changes will be evaluated. The information will be recorded in the Forest's information data systems and compared with information already in the system.
 - b. Eagle and Kirtland's warbler surveys will be conducted on the Forest and within the river corridor.
 - c. The USDA-Forest Service will monitor fish and wildlife indicator species forest-wide. The information will be interpreted to indicate population trends in the river corridor.
 - d. Information provided periodically by the MDNR concerning wildlife populations will be extrapolated to determine wildlife trends in the river corridor.

VII. PLAN UPDATING

The Au Sable River Management Direction will be revised in conjunction with the scheduled revision of the Forests' Land and Resource Management Plan. The River direction may, however, be amended or revised whenever the Forest Supervisor determines conditions or demands have significantly changed or when monitoring indicates that planned actions are inadequate. Such changes may be implemented upon appropriate public notification of the proposed changes and satisfactory completion of "National Environmental Protection Act" requirements. The Forests' Land and Resource Management Plan will be amended to incorporate these changes as they occur.

VIII. IMPLEMENTATION PLAN

The Forests' ability to accomplish many of the projects identified in this direction is based on funds appropriated. This implementation plan represents a reasonable and orderly schedule for accomplishing the work planned. However it may be changed based on the annual Forest budget.

The following is a schedule and estimated cost to implement the activities proposed by this document:

FY	PROJECT DESCRIPTION	COST ⁴³	P.D. ⁴⁴	LEAD PERSON	ORGANIZATION
1987	1. Relocate Oscoda snowmobile trail	1.5	5	Assistant Ranger	Harris. RD ⁴⁵
	2. Organize and place existing user site inventory data in current files	.1 .1	1 1	" "	Harris. RD Mio RD
	3. Abate erosion at sites 4, 6, & 6a	15.0	20	" "	Mio RD
	4. Abate erosion at sites 24, 25, 38, & 39	15.0	20	" "	Harrisville Rd
	5. Design and construct erosion control abatement at site 31 (9 Mile Creek)	10.0	12	" "	Harrisville RD (Lead)
	6. Design landings at 4001 & McKinley	3.0	12	Landscape Architect	Supervisor's Office
	7. Design recreation site	4.5	4	Assistant Ranger	Mio RD
	8. Prepare sign plan	.1 .1	1 1	" "	Mio RD
	Subtotal	49.4	77		

⁴³Costs are shown in thousands of dollars (5=\$5,000 or .5=\$500).

⁴⁴P.D. means Person Days or the number of eight hour workdays to complete the project (10 could equal 1 person working 10 days or 10 persons working 1 day).

⁴⁵RD means a person from Ranger District Office either Mio or Harrisville District Office.

1988	1. Implement closure order for Camping and vehicle activity					
	a. Prepare Closure Order	.5	3	Recreation Staff	Supervisor's Office	
	b. Number and sign all system roads	1.0	10	Ranger	Harrisville RD	
		1.0	10	Ranger	Mio RD	
	c. Physically close a portion of non-system roads	2.0	5	Ranger	Harrisville RD	
		2.0	5	Ranger	Mio RD	
	d. Post area closed and install signs at user sites	1.0	6	Ranger	Harrisville RD	
		1.0	6	Ranger	Mio RD	
	e. Number and identify dispersed camp sites	2.0	10	Ranger	Harrisville RD	
		2.0	10	Ranger	Mio RD	
	f. Prepare requisition and purchase signs	.4	2	Engineer	Supervisors Office	
	g. Conduct cooperative law enforcement activities	3.0	-	Sheriff	Per Coop Agreement	
	h. Conduct patrols for visitor contact and law enforcement	5.0	50	Ranger	Mio RD	
		5.0	50	Ranger	Harrisville RD	
	2. Prepare temporary brochure	1.0	5	Rec. Staff	Supervisors Office	
				Public Affairs Specialist		
	3. Build and install bulletin boards at State landings	.6	1	"	"	Mio RD
	4. Set up Conservation Easement administration folders	.1	1	"	"	Mio RD
	5. Evaluate tributaries for erosion control and fish habitat. (Perry, Comins, Glennie, Blockhouse, 9 Mile, Obrien)	10.0	20	Fisheries Biologist	Supervisors Office	
	6. Establish special use permits for liveries	2.0	10	Ranger	Mio RD	
	7. Construct Mc Kinley landing	15.0	10	Asst. Ranger	Mio RD	

	8.	Construct 4001 landing	10.0	6	"	"	Mio RD
	9.	Physically close a portion of non-system roads	3.0	5	"	"	Mio RD
	10.	Gate administrative or seasonally-closed roads	3.0	6	"	"	Mio RD
	11.	Design and construct vehicle campsite, Rec. site #3 (loop)	7.0	20	Ranger		Mio RD
	12.	Special effort law enforcement and visitor contact	5.0	40	Asst. Ranger		Mio RD
	13.	Construct fish habitat improvements in tributaries	10.0	20	Fisheries Biologist		Supervisors Office
	14.	Establish photo points	.1	1	Asst. Ranger		Mio RD
			.1	1			
	15.	Order and install informational signing	3.0	8	"	"	Mio RD
	16.	Prepare winter deer range management plan	2.0	10	Wildlife Biologist		Supervisors Office
		Subtotal	97.8	331			
1989	1.	Erosion control abatement at erosion sites 1,3,5,7,31,42 43,44,45	10.0	20	Asst. Ranger		Mio RD
			15.0	30			
	2.	Develop alternate route for ORVs	3.0	10	Ranger		Mio RD
	3.	Improve fish access and minor recreation sites	7.0	12	"	"	Mio RD
	4.	Construct vehicle access camp sites at recreation sites	6.0	20	Ranger		Mio RD
	5.	Physically close non-system roads	3.0	8	Asst. Ranger		Mio RD
	6.	Conduct fishing user survey	10.0	100	Fisheries Biologist		Supervisors Office
	7.	Reconstruct day use recreation sites 2 & 17	6.0	20	Asst. Ranger		Mio RD
			40.				

	8.	Special effort administration of livery permits	1.0	10	"	"	Mio RD
	9.	Prepare a plan for the preparation of an interpretive program	.5	5	Rec. Staff		Supervisors Office
	10.	Conduct winter deer range work as directed in management plan	2.0	15	Asst. Ranger		Mio RD
		Subtotal	<u>63.5</u>	<u>250</u>			
1990	1.	Conduct additional fish habitat work as needed			Fisheries Biologist		Supervisors Office
	2.	Conduct additional erosion control work as needed			Ranger		Mio RD
	3.	Improve fishing access sites, and minor recreation sites:	2.0	6	Asst. Ranger		Mio RD
	4.	Construct canoe access campsites, recreation sites	10.0	20	"	"	Mio RD
	5.	Conduct cultural survey of river to identify material for interpretive program	5.0	20	Archaeologist		Supervisors Office
	6.	Construct scenic overlooks, recreation site 4 and 29	<u>10.0</u>	<u>10</u>	Asst. Ranger		Mio RD
		Subtotal	27.0	56			
1991	1.	Prepare interpretive program	5.0	20	Rec. Staff		Supervisors Office
	2.	Improve remaining fish access sites needing improvement					
1992	1.	Prepare brochure	4.0	12	PAS		Supervisors Office
1993	1.	Update photo point photographs	1.0	4	Asst. Ranger		Mio RD
1994	1.	Update watercraft user survey	8.0	80	"	"	Mio RD
1995	1.	Rephotograph inventoried user sites.	4.0	12	"	"	Mio RD
	2.	Update fishing survey	10.0	100	Fisheries Biologist		Supervisors Office

YEARLY

1. Open tributaries for fish passage.
2. Conduct patrols in corridor.
3. Administer conservation easements.
4. Monitor water quality of mainstream.
5. Cooperate with and assist Federal, State, local, and private organizations active within the river corridor.
6. Administer livery special use permits.
7. Monitor eagle nesting success.
8. Maintain recreation facilities.
9. Maintain river access travelways.
10. Monitor use.

PERIODIC

1. Conduct vegetative management activities as provided in the plan.
2. Conduct wildlife management as provided in vegetation treatment schedule.
3. Continue erosion control efforts as required.
4. Monitor wildlife indicator species.
5. Update photo point pictures (every 5 years).
6. Conduct road condition surveys.

APPENDIX A

LEGAL DESCRIPTION OF RIVER CORRIDOR BOUNDARY

This is a continuous description of the periphery of the Au Sable Scenic Management Zone from the NW corner southerly and easterly on the north side of the Au Sable River to the SE corner of the zone, then westerly crossing the River, then northwesterly on the south side of the River to the SW corner of the zone, then northerly, crossing the River, to the point of beginning.

Beginning at the section corner common to Sections 5,6,7 & 8 T26N R3E, Oscoda County, Michigan,

then East to the E-W $1/64$ corner common to sections 5 & 8

then South to the C-E-NW $1/64$ corner of Section 8

then East to the CN $1/16$ corner of Section 8

then South to the C $1/4$ corner of Section 8

then East to the $1/4$ corner common to Sections 8 & 9.

then East to the $1/4$ corner common to Sections 9 & 10.

then East to the C $1/4$ corner of Section 10.

then South to the C-N-S $1/64$ corner of Section 10

then East to the N-S $1/64$ corner common to Sections 10 & 11

then East to the C-N-SW $1/64$ corner of Section 11

then North to the CW $1/16$ corner of Section 11

then East to the C-E-W $1/64$ corner of Section 11

then North to the C-E-NW $1/64$ corner of Section 11

then East to the CN $1/16$ corner of Section 11

then East to the N $1/16$ corner common to Sections 11 & 12

then North to the section corner common to Sections 1, 2, 11 & 12

then East to the $1/4$ corner common to Sections 1 & 12

then East to the section corner common to
Sections 1 & 12, T26N R3E and
also Sections 6 & 7, T26N R4E
then South to the N-N1/64 corner common to
Section 12, T26N R3E and Section 7, T26N R4E
then East to the C-N-NW1/64 corner of
Section 7
then South to the CW1/16 corner of
Section 7
then East to the C1/4 corner of
Section 07
then South to the CS1/16 corner of
Section 7
then East to the S1/16 corner common to
Sections 7 & 8
then East to the CS1/16 corner of
Section 8
then East to the SE1/16 corner of
Section 8
then South to the C-S-SE1/64 corner of
Section 8
then East to the S-S1/64 corner common to
Sections 8 & 9
then East to the C-S-S1/64 corner of
Section 9
then South to the 1/4 corner common to
Sections 9 & 16
then East to the E1/16 corner common to
Sections 9 & 16
then South to the NE1/16 corner of
Section 16
then East to the N1/16 corner common to
Sections 15 & 16
then East to the NW1/16 corner of
Section 15
then South to the CW1/16 corner of
Section 15
then East to the 1/4 corner common to
Sections 14 & 15
then South to the S1/16 corner common of
Sections 14 & 15
then East to the CS1/16 corner of
Section 14
then East to the S1/16 corner common to
Sections 13 & 14
then East to the SW1/16 corner of
Section 13
then South to the W1/16 corner common to
Sections 13 & 24
then East to the 1/4 corner common to
Section 13 & 24

then South to the CN1/16 corner of
Section 24
then East to the N1/16 corner common to
Section 24, T26N R4E and also
Section 19, T26N R5E
then North to the section corner common to
Sections 13 & 24, T26N R4E and also
Sections 18 & 19, T26N R5E
then East to the 1/4 corner common to
Sections 18 & 19
then East to the section corner common to
Sections 17, 18, 19 & 20
then South to the N-N1/64 corner common to
Sections 19 & 20
then East to the C-N-N1/64 corner of
Section 20
then East to the C-N-NE1/64 corner of
Section 20
then South to the NE1/16 corner of
Section 20
then East to the N1/16 corner common to
Sections 20 & 21
then South to the 1/4 corner common to
Sections 20 & 21
then East to the CW1/16 corner of
Section 21
then South to the W1/16 corner common to
Sections 21 & 28
then East to the 1/4 corner common to
Sections 21 & 28
then South to the C1/4 corner of
Section 28
then East to the CE1/16 corner of
Section 28
then South to the E1/16 corner common to
Sections 28 & 33
then West to the 1/4 corner common to
Sections 28 & 33
then West to the W1/16 corner common to
Sections 28 & 33
then North to the SW1/16 corner of
Section 28
then West to the S1/16 corner common to
Sections 28 & 29
then North to the 1/4 corner common to
Sections 28 & 29
then West to the CE1/16 corner of
Section 29
then North to the NE1/16 corner of
Section 29
then West to the CN1/16 corner of
Section 29

then West to the NW1/16 corner of
Section 29
then North to the W1/16 corner common to
Sections 20 & 29
then North to the SW1/16 corner of
Section 20
then West to the S1/16 corner common to
Sections 19 & 20
then West to the SE1/16 corner of
Section 19
then North to the CE1/16 corner of
Section 19
then West to the C1/4 corner of
Section 19
then West to the CW1/16 corner of
Section 19
then South to the SW1/16 corner of
Section 19
then West to the S1/16 corner common to
Section 19 T26N R5E and also
Section 24 T26N R4E
then West to the CS1/16 corner of
Section 24
then West to the S1/16 corner common to
Sections 23 & 24
then West to the SE1/16 corner of
Section 23
then North to the CE1/16 corner of
Section 23
then West to the 1/4 corner common to
Sections 22 & 23
then West to the C-E-E1/64 corner of
Section 22
then North to the C-E-NE1/64 corner of
Section 22
then West to the NE1/16 corner of
Section 22
then North to the E1/16 corner common to
Section 15 & 22
then West to the 1/4 corner common to
Sections 15 & 22
then West to the section corner common to
Sections 15, 16, 21 & 22
then North to the S1/16 corner common to
Sections 15 & 16
then West to the CS1/16 corner of
Section 16
then North to the C1/4 corner of
Section 16
then West to the CW1/16 corner of
Section 16
then South to the C-N-SW1/64 corner of
Section 16

then West N-S1/64 corner common to
Sections 16 & 17
then West to the C-N-S1/64 corner of
Section 17
then West to the C-N-SW1/64 corner of
Section 17
then North to the CW1/16 corner of
Section 17
then West to the 1/4 corner common to
Sections 17 & 18
then West to the C1/4 corner of
Section 18
then North to the CN1/16 corner of
Section 18
then West to the NW1/16 corner of
Section 18
then North to the W1/16 corner common to
Sections 7 & 18
then West to the section corner common to
Sections 7 & 18 T26N R4E and also
Sections 12 & 13 T26N R3E
then West to the E1/16 corner common to
Section 12 & 13
then North to the SE1/16 corner of
Section 12
then West to the CS1/16 corner of
Section 12
then North to the C1/4 corner of
Section 12
then West to the 1/4 corner common to
Sections 11 & 12
then South to the S1/16 corner common to
Sections 11 & 12
then West to the SE1/16 corner of
Section 11
then South to the E1/16 corner common to
Sections 11 & 14
then South to the NE1/16 corner of
Section 14
then West to the CN1/16 corner of
Section 14
then West to the N1/16 corner common to
Sections 14 & 15
then West to the CN1/16 corner of
Section 15
then West to the NW1/16 corner of
Section 15
then North to the W1/16 corner common to
Sections 10 & 15
then West to the section corner common to
Sections 9, 10, 15 & 16
then West to the E1/16 corner common to
Sections 9 & 16

then South to the C-N-NE1/64 corner of
Section 16
then West to the C-N-N1/64 corner of
Section 16
then West to the C-N-NW1/64 corner of
Section 16
then North to the W1/16 corner common to
Sections 9 & 16
then West to the section corner common to
Sections 8, 9, 16, & 17
then South to the 1/4 corner common to
Sections 16 & 17
then West to the C-W-W1/64 corner of
Section 17
then North to the C-W-NW1/64 corner of
Section 17
then West to the N1/16 corner common to
Sections 17 & 18
then North to the section corner common to
Sections 7, 8, 17 & 18
then North to the 1/4 corner common to
Sections 7 & 8
then North to the point of beginning
(section corner common to
Sections 5, 6, 7 & 8 T26N R3E)

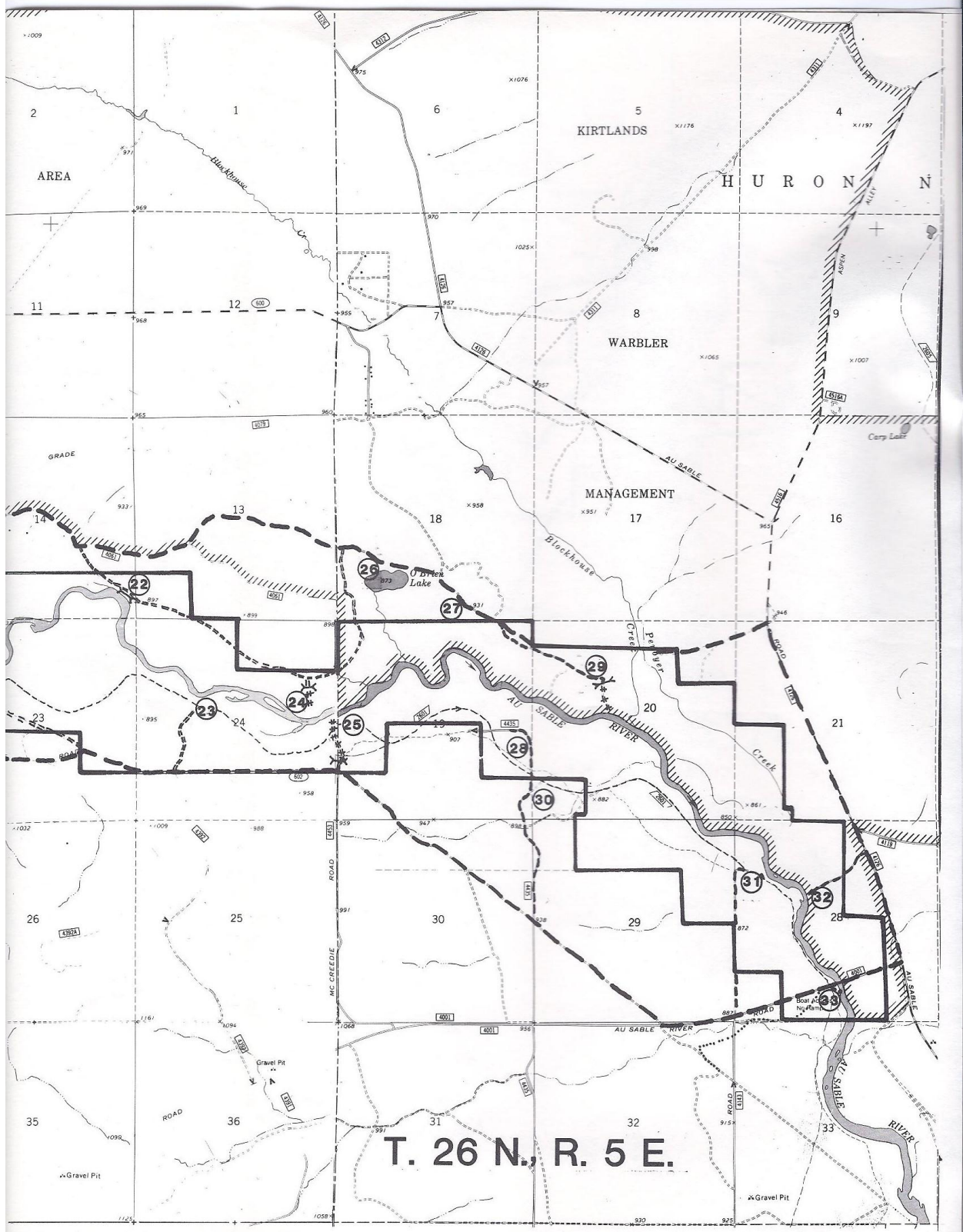
MAP KEY FOR APPENDIX B

Page 1

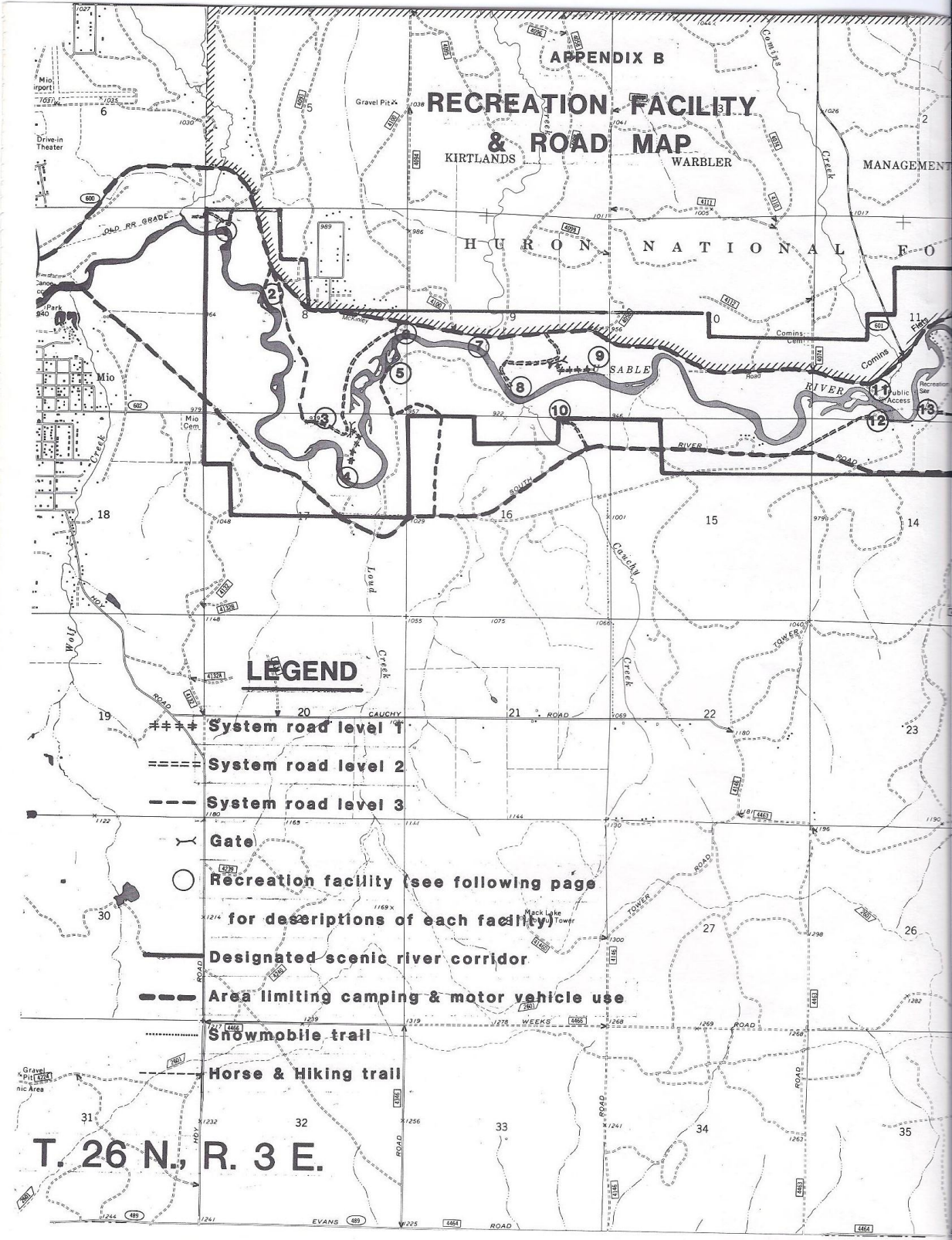
SITE NO.	TYPE OF SITE	FACILITIES PROVIDED	CAPACITY	
			PAOT ¹	VEHICLES
1	FISHING ACCESS	PARKING, SIGNING	-	3
2	DAY USE PICNIC SITE, RIVER ACCESS, ACCESS FOR FISH STOCKING	TOILETS, CARRY IN ACCESS FOR WATERCRAFT PARKING AREA BULLETIN BOARD	30-40	8-12
3	CAMPING AREA (MOTORIZED)	5-6 CAMPING SPURS, FIRE RINGS, TOILETS, BULLETIN BOARD	25-30	5-8
4	CANOE REST STOP	BULLETIN BOARD, GATE, TOILETS	120	-
5	FISHING ACCESS	PARKING AREA, SIGNING	-	3
6	SCENIC OVERLOOK	PARKING AREA, SIGNING, TRAIL FOR HANDICAPPED	6	3
7	FISHING ACCESS	PARKING AREA, SIGNING	-	3
8	FISHING ACCESS	PARKING AREA, SIGNING	-	3
9	CANOE REST STOP, ACCESS FOR FISH	TOILETS, BULLETIN BOARD, GATE, CANOE STACKING AREA	120	-
9a	CAMPING AREA (NONMOTORIZED)	3-5 CAMPING SITES	12-25	-
10	FISHING ACCESS	PARKING AREA, SIGNING	-	3
11	WATERCRAFT ACCESS (STATE)	PARKING AREA, SIGNING	-	-
12	FISHING ACCESS (STATE)	PARKING AREA, SIGNING	-	-
13	FISHING ACCESS	PARKING AREA, SIGNING	-	3
14	FISHING ACCESS	PARKING AREA, SIGNING	-	3
15	CAMPING AREA (NONMOTORIZED)	4-6 CAMPSITES, FIRE RINGS, SIGNING, CANOE STACKING AREA, GATE	25-30	-
16	CANOE REST STOP	TOILETS, BULLETIN BOARD, CANOE STACKING AREA, GATE	120	-
17	CAMPING AREA FOR HORSE TRAIL RIDERS (MOTORIZED)	TOILETS, WELL, BULLETIN BOARD, SIGNING, HITCHING AREA, PARKING AREA, FIRE RINGS, GATES	100-200	20-30

18	DAY USE PICNICKING AND FISHING, ACCESS FOR FISH STOCKING	PARKING AREA, SIGNING	20-30	6-8
19	PARKING FOR FISHING ACCESS	PARKING AREA, SIGNING	-	3
20	MAJOR WATERCRAFT ACCESS	TOILETS, RAMP FOR SMALL BOAT ACCESS, CANOE STACKING AREA, PARKING AREA, BULLETIN BOARD	150	24
21	PARKING FOR FISHING ACCESS	PARKING AREA, SIGNING	-	3
22	PARKING FOR FISHING ACCESS	PARKING AREA, SIGNING	-	3
23	PARKING FOR FISHING ACCESS	PARKING AREA, SIGNING	-	3
24	CAMPING AREA (NON MOTORIZED)	TOILETS, FIRE RINGS, 4 SITES, SIGNING, GATE	20	-
25	CANOE REST STOP	TOILETS, CANOE STACKING AREA, BULLETIN BOARD	-	70
26	CAMPING AREA (MOTORIZED) FOR O'BRIEN LAKE AND PARKING FOR FISHING	TOILETS, 3 CAMPSITES, PARKING AREA	15	3
27	CAMPING AREA FOR HUNTERS	2 CAMPSITES	10	4
28	CAMPING AREA FOR HUNTERS	2 CAMPSITES	10	4
29	PARKING FOR FISHING ACCESS, HUNTER CAMPING (MOTORIZED) ACCESS FOR FISH STOCKING	2 CAMPSITES, PARKING AREA GATE, SIGNING	10	4
30	HUNTER CAMPING	3 CAMPSITES	15	6
31	CAMPING AREA (MOTORIZED) PARKING FOR FISHING ACCESS	6-8 CAMPSITES, TOILETS, FIRE RINGS, BULLETIN BOARD	30-40	8-10
32	SCENIC OVERLOOK (WALKIN) (WALKIN)	SIGNING, FENCING, PARKING AREA NEAR FR4126	20-30	6-8
33	MAJOR WATERCRAFT ACCESS	TOILETS, RAMP FOR SMALL BOAT ACCESS CANOE STACKING AREA, PARKING AREA, BULLETIN BOARD	65	10-12

¹ PAOT Means the Number of "People at one time" the facility is designed to accommodate.



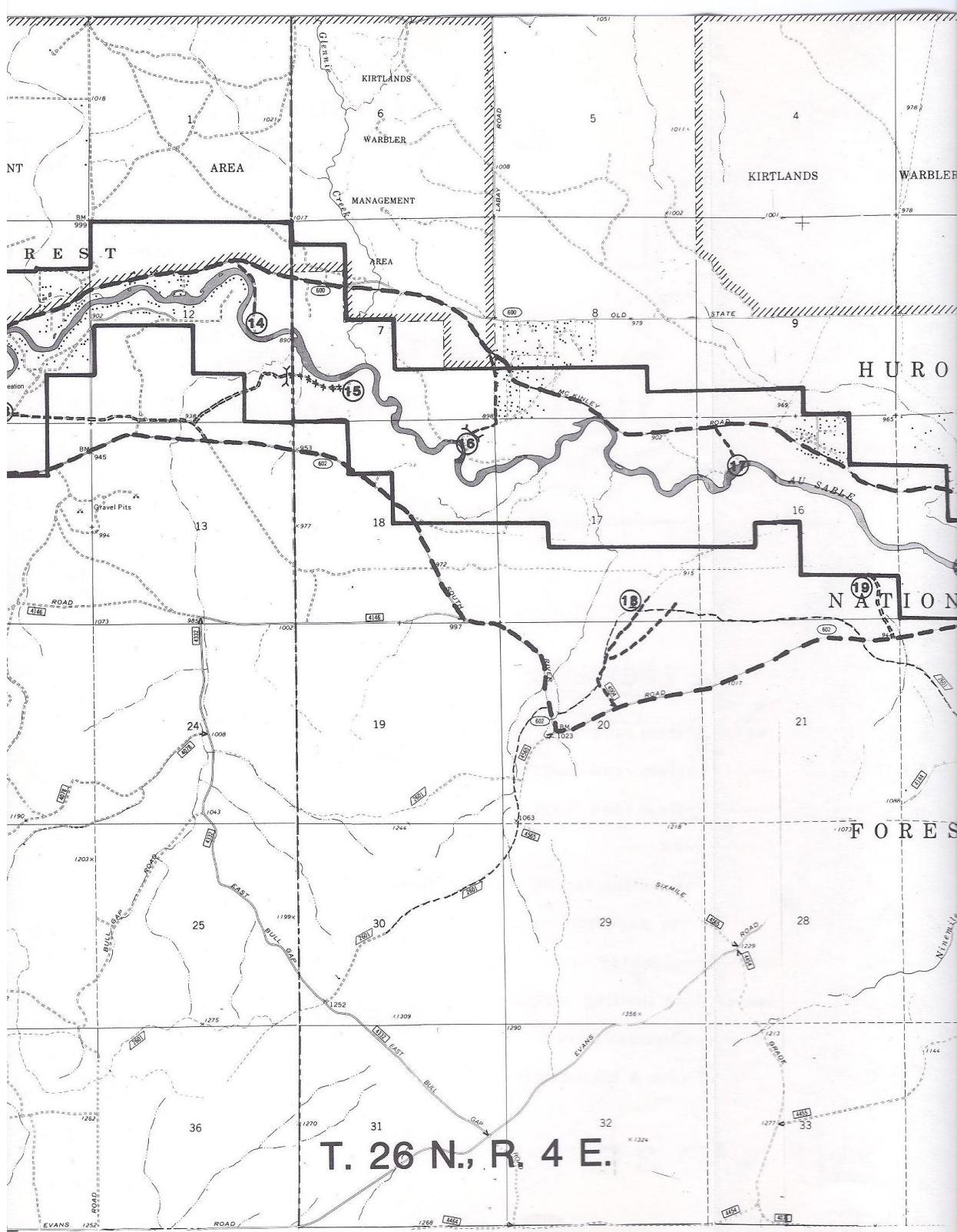
APPENDIX B
**RECREATION FACILITY
 & ROAD MAP**

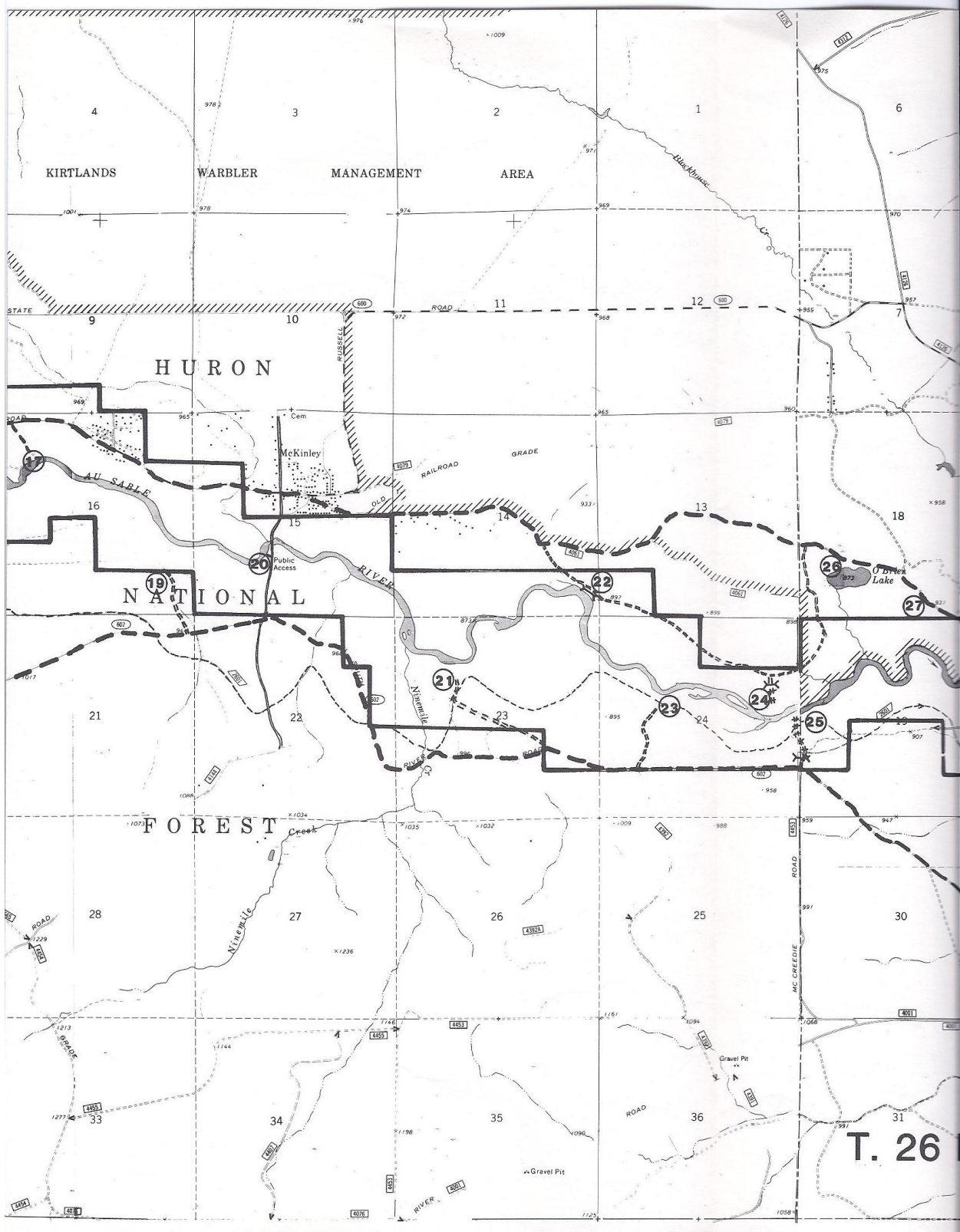


LEGEND

- ==== System road level 1
- System road level 2
- System road level 3
- Y Gate
- Recreation facility (see following page for descriptions of each facility)
- Designated scenic river corridor
- Area limiting camping & motor vehicle use
- Snowmobile trail
- - - - Horse & Hiking trail

T. 26 N., R. 3 E.

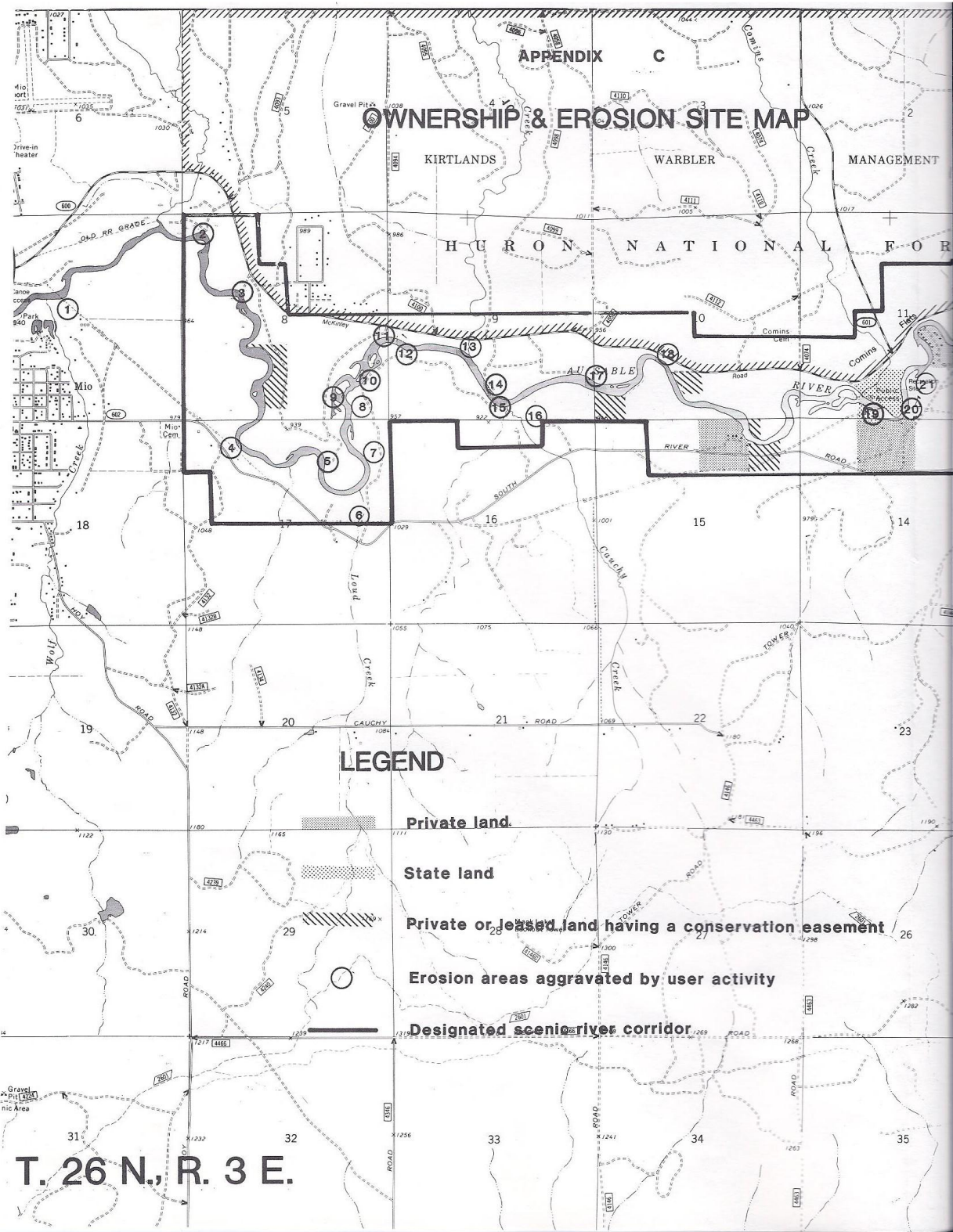




T. 26

APPENDIX C

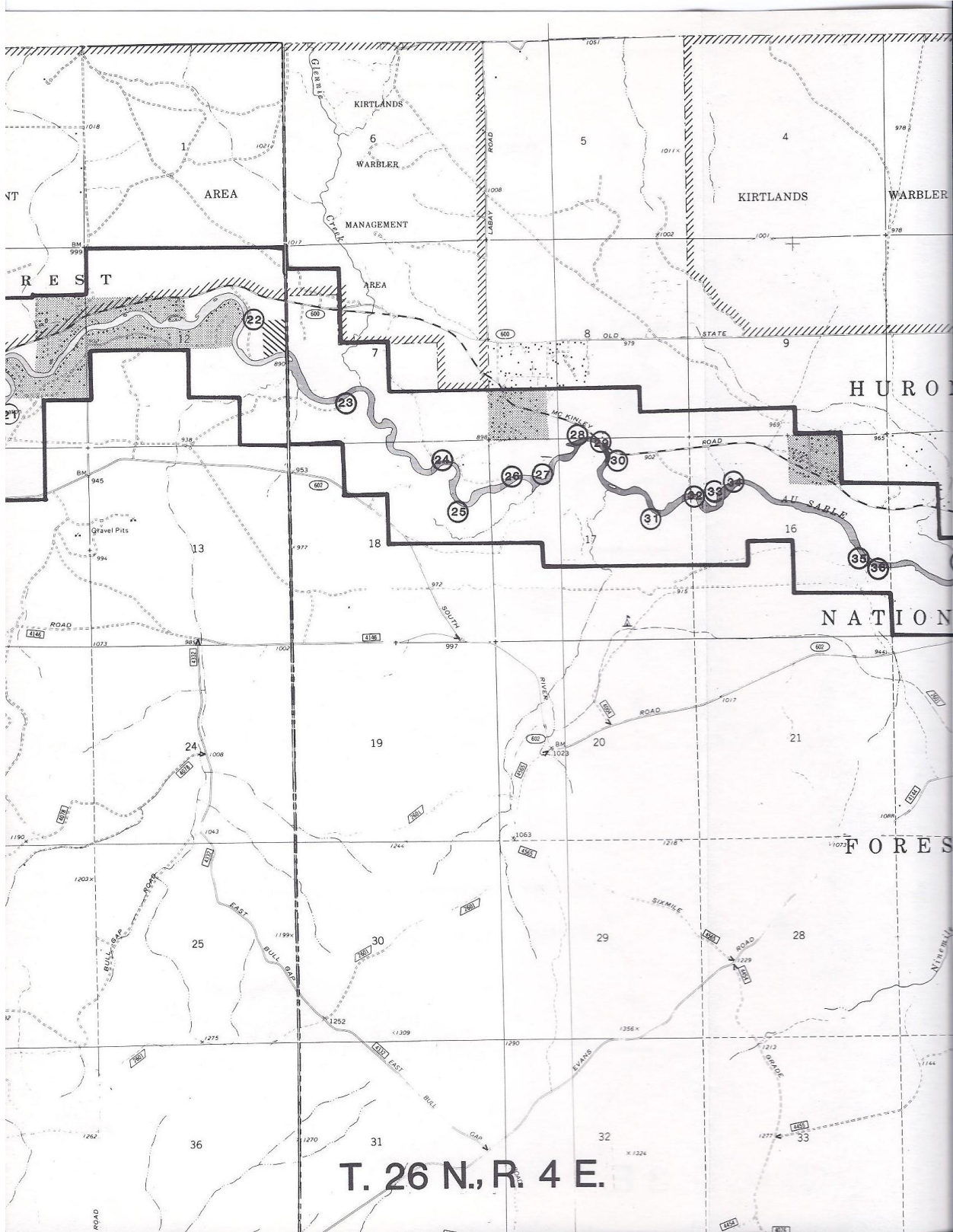
OWNERSHIP & EROSION SITE MAP

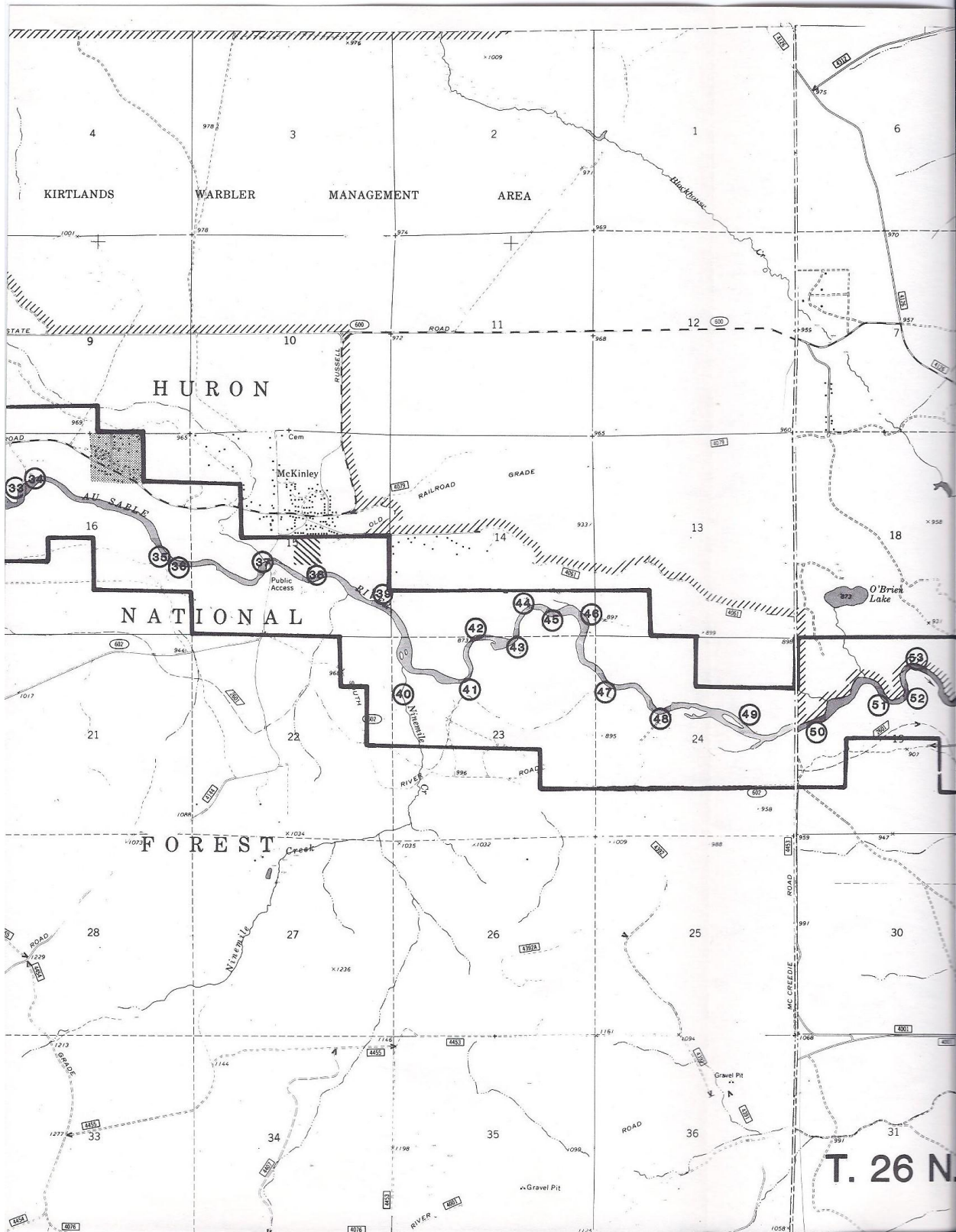


LEGEND

- Private land
- State land
- Private or leased land having a conservation easement
- Erosion areas aggravated by user activity
- Designated scenic river corridor

T. 26 N., R. 3 E.



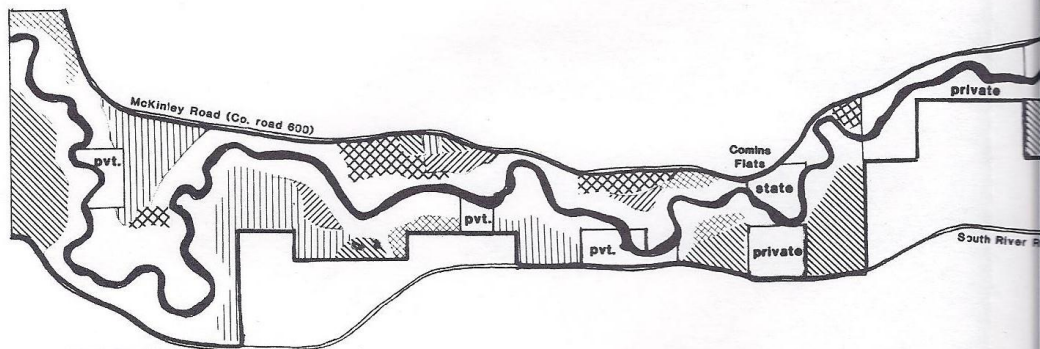


T. 26 N










APPENDIX D

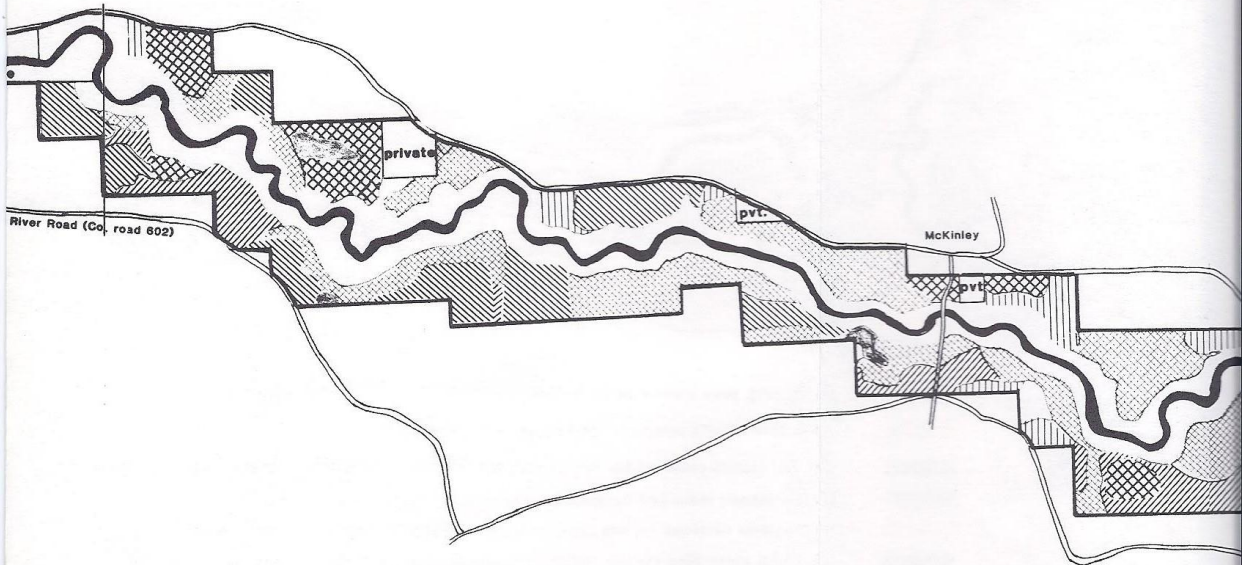
VEGETATIVE MANAGEMENT MAP

Based on 1985 timber management system data

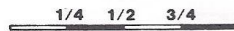


LEGEND

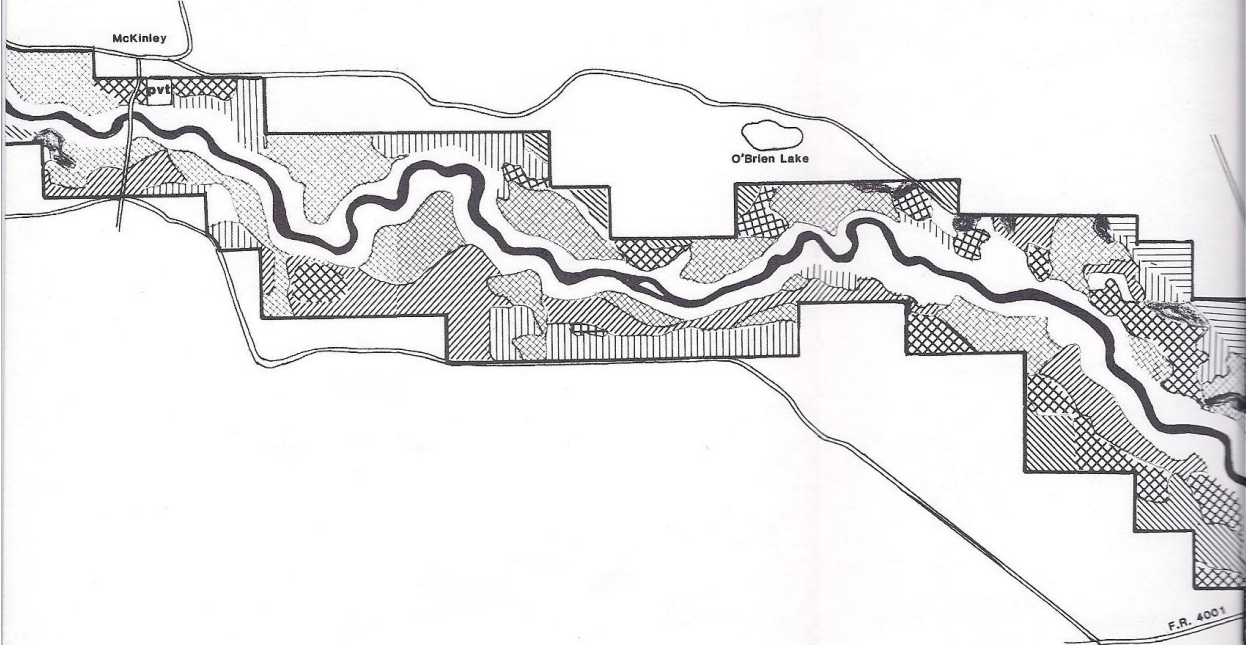
-  Large jack pine stands to be broken into smaller stands to provide greater diversity
-  Jack pine stands managed for Kirtland's Warbler habitat
-  Conifer stands retained for old growth but managed to improve thermal cover for wildlife
-  Aspen stands managed for browse and grouse habitat
-  Oak stands retained for old growth but managed to increase mast for wildlife
-  Red and white pine stands retained for old growth but thinned to enhance large tree development and a natural appearance in plantations
-  Openings to be retained as openings
-  Natural succession area
-  Management boundary

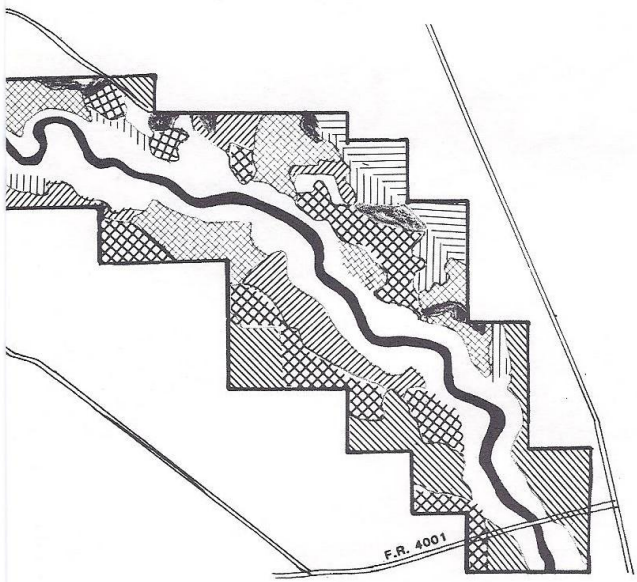


SCALE



1 - MILE





APPENDIX F

WARRANTY DEED

CONSUMERS POWER COMPANY, a corporation organized and existing under the laws of the State of Michigan, having its principal office at 212 West Michigan Avenue, Jackson, Michigan 49201, GRANTOR, for and in consideration of the sum of THREE MILLION AND NO/100 DOLLARS (\$3,000,000.00) received to its full satisfaction, does by these presents CONVEY AND FOREVER WARRANT UNTO THE UNITED STATES OF AMERICA, Washington, D.C., and its assigns, GRANTEE, certain tracts of land with all appurtenances thereunto belonging or in anywise appertaining, situate in the Townships of Mentor and Big Creek, County of Oscoda, State of Michigan, said lands being more particularly described in Exhibit "A" attached hereto and made a part hereof, and said lands containing an aggregate of 4847.10 acres, more or less, TOGETHER with a Conservation Easement in perpetuity in, over, and upon certain other tracts of land, described in Exhibit "B" attached hereto and made a part hereof, along with a right of annual entry (said right to be exercised after prior notice to the landowner) onto said lands for easement inspection purposes, the conservation easement to be of the nature and extent as immediately herein-after specified, to run with the lands described in Exhibit "B", and to be appurtenant to and for the benefit of the lands described in Exhibit "A".

Consideration, Acreage Descriptions checked
Reservation, Exception, Easement checked
A.E.H.
R.E.H.

THE NATURE AND EXTENT of the Conservation Easement hereinabove noted and hereby conveyed shall restrict the use of only the lands identified in Exhibit "B" in the following manner:

CONSERVATION EASEMENT RESTRICTIONS

1. Said lands shall be used for single family residential purposes and for recreational purposes, including all uses necessarily or customarily incidental to said purposes. No commercial or business activity of any kind shall be conducted on said lands.

Office of Treasurer of Oscoda County, Michigan
State of Michigan JAN. 12 19 81
I hereby certify that there are no Tax Liens or Taxes held by the State or any individual against the within descriptions, and all taxes thereon are paid for five years previous to the date of this instrument, as appears by the records in this office.

Jeri Winton
County Treasurer

RECORDED

At 1:45 o'clock P.M.

Date Jan. 12 1981

Book 120 Misc Page 486-511

Patricia Wright, Dep.
Register of Deeds

Oscoda County, Michigan

Huron #2741 - Oscoda Co.

2. No more than one permanent single family residential structure with appurtenant buildings shall be constructed or placed on each parcel of land described in Exhibit B.
3. No buildings or other structures hereafter erected on said lands shall be located within 200 feet of the edge of the AuSable River.
4. No trees, except trees that are dead, diseased or unsafe, will be cut or removed within the area lying between the edge of the AuSable River and a line drawn 100 feet upland from and parallel with the edge of said river.
5. No billboards or commercial outdoor advertising structures of any nature shall be located on said lands.
6. Anything in paragraphs numbered 1 through 3, to the contrary notwithstanding, these use restrictions shall not prevent (i) the use of said lands (located outside the area lying between the edge of the AuSable River and a line drawn 100 feet upland and parallel with the edge of the river) for roadways or utility lines, (ii) the commercial cutting of trees outside the area lying between the edge of the AuSable River and a line drawn 100 feet upland from and parallel with the edge of said river, (iii) the exercise by Grantor, its successors or assigns, of all rights in connection with its ownership of oil, gas, and other hydrocarbons, and all saline minerals and associated substances, provided, however, that the exercise of said rights shall not be conducted upon the surface of the area lying between the edge of the AuSable River and a line drawn 200 feet upland from and parallel with the edge of said river, it being the intention hereby to prohibit all but subsurface slant drilling into said 200-foot-wide area from locations outside, but adjacent thereto, (iv) the replacement of or any addition to any building or other structure located anywhere on said lands on the date of this conservation easement grant.

It is the intent hereof that said negative easement restrictions hereby granted shall extend, be applicable to, and run only with the lands described in Exhibit "B", and shall not be deemed applicable to any other lands of Grantor and Grantee by implication, inference, or otherwise, unless so made specifically applicable by a duly recorded written instrument.

SUBJECT TO easements, if any, for established or existing roads, highways, railroads, and utilities.

SUBJECT ALSO TO minerals and mineral rights, if any, outstanding of record in third parties.

RESERVING TO Grantor, its successors and assigns, the right to flow those lands described in Exhibit A which are adjacent to the AuSable River, together with the right to fluctuate or otherwise affect the flow of water in said river by the normal operation and maintenance of any dam or dams of Grantor in said river, said reservation as it pertains to Exhibit "A" lands being subject, however, to the terms, conditions, provisions, and limitations of the "Order Issuing License (Major)" of the United States of America, Federal Power Commission (Federal Energy Regulatory Commission) now pertaining to Project No. 2448 (Mio Dam), Project No. 2447 (Alcona Dam), Project No. 2449 (Loud Dam), Project No. 2453 (Five Channels Dam), Project No. 2450 (Cooke Dam), and Project No. 2436 (Foote Dam).

RESERVING ALSO TO the Grantor, its successors or assigns, all oil, gas, and associated hydrocarbon substances, and all saline minerals and associated substances, in and under the lands described in Exhibit "A", together with the right to enter upon said lands and to prospect for, mine (including solution mining), and remove said oil, gas, and hydrocarbon substances, and all saline minerals and associated substances, Forever, subject to the Rules and Regulations of the Secretary of Agriculture, dated April 30, 1963, a copy of which is attached hereto and made a part hereof as Exhibit C.

RESERVING ALSO TO the Grantor, its successors or assigns, Forever, subject to the Rules and Regulations of the Secretary of Agriculture, dated August 5, 1938, a copy of which is attached hereto and made a part hereof as EXHIBIT "E",

the easement and right to construct, erect, lay and maintain one or more lines consisting of pole structures, poles, or any combination of same, wires, cables, conduits and other fixtures and appurtenances for the purpose of transmitting and distributing electricity and/or conducting a communication business on, over, under, and across certain strips of land 200 feet in width for all transmission lines, and 30 feet in width for all distribution lines, over a portion of the premises herein conveyed, said strips being described in Exhibit "D" attached hereto and made a part hereof, with full right and authority to Grantor, its successors, licensees, lessees, or assigns, and its and their agents and employees, subject to said Rules and Regulations set forth at Exhibit "E", to enter at all times upon said strips of land for the purpose of patrolling, constructing, repairing, removing, replacing, improving, enlarging, and maintaining such wires, cables, conduits, structures, towers, pole structures, poles and other supports with all necessary braces, guys, anchors, manholes, and transformers and stringing thereon, and supporting and suspending therefrom lines of wires, cables, or other conductors for the transmission of electrical energy and/or communication, and also the right to cut, trim, remove, destroy, or otherwise control all trees and brush growing upon said 200-foot and 30-foot wide strips of land which may, in the opinion of Grantor, interfere or threaten to interfere with or be hazardous to the construction, operation, and maintenance of said lines. No buildings or other structures will be placed on said strips of land without the written consent of Grantor. Limited use of a part of the easement area reserved by the Grantor and occupied by Grantor's transmission line facilities shall not constitute abandonment as to any unused portion of said easement area which is situated within the easement boundaries and located to either side of that portion of said easement area occupied by Grantor's transmission line facilities.

RESERVING ALSO TO the Grantor, its successors or assigns, certain easements and private access road rights of way 16 1/2 feet wide leading to various parcels described in Exhibit B, and to other lands of Grantor not herein conveyed, said easements being more particularly described in Exhibit A under the caption "Road Easement Reservation," said easements being over and across certain lands also described in Exhibit A, and said easements and road rights of way being expressly

subject to the Rules and Regulations of the Secretary of Agriculture dated August 5, 1938, a copy of which is attached hereto and made a part hereof as Exhibit "E."

The acquiring agency is the Forest Service, Department of Agriculture.

TO HAVE AND TO HOLD the said premises described at Exhibit "A," together with the Conservation Easement right hereinabove specified in, over, and upon the lands described at Exhibit "B," unto Grantee, its successors and assigns, to the sole and only proper use, benefit and behoof of Grantee, its successors and assigns, Forever.

IN WITNESS WHEREOF, Consumers Power Company has caused these presents to be executed in its corporate name by its duly authorized officer this 29th day of December, 1980.

In the presence of:

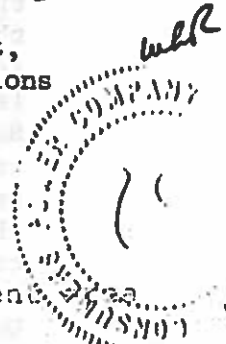
W. L. Reid
W. L. Reid
Carol J. Kielar
Carol J. Kielar

CONSUMERS POWER COMPANY
By G. L. Heins
G. L. Heins
Vice President,
System Operations

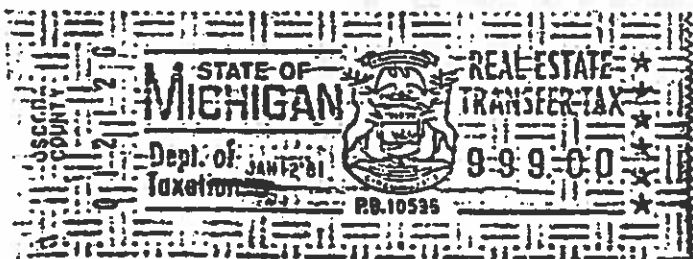
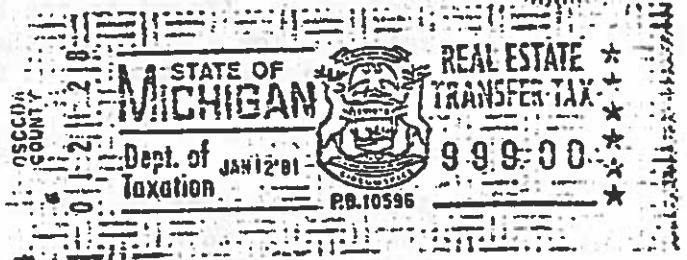
ATTEST:

J. H. Mellinger
J. H. Mellinger
ASSISTANT SECRETARY

(CORPORATE SEAL)



APPROVED AS TO FORM
12/31/80
CONSUMERS POWER COMPANY
LEGAL DEPARTMENT



OSCODA COUNTY

Parcel 1

A parcel of land in the SW 1/4 of Section 8, T26N, R3E, described as follows: To find the place of beginning of this description, commence at the S 1/4 corner of said section; run thence N 0° 35' 14" W along the North and South 1/4 line of said section, 666.46 feet to the place of beginning of this description; thence continuing N 0° 35' 14" W along said 1/4 line, 1332.93 feet; thence S 88° 19' 05" W, 678.96 feet to an iron rod near the SE'ly bank of the Au Sable River; thence continuing S 88° 19' 05" W to the center thread of said river; thence downstream along said center thread to a point S 88° 24' 04" W of the place of beginning; thence N 88° 24' 04" E to an iron rod near the E'ly bank of the Au Sable River; thence continuing N 88° 24' 04" E, 511.79 feet to the place of beginning. (Bearings are based on the South line of said Section 8 between the Southwest corner and S 1/4 corner assumed as N 88° 26' 32" E.)

Parcel 2

A parcel of land in the SW 1/4 of the SW 1/4 of Section 10, T26N, R3E, described as follows: Commence at the Southwest corner of said section and the place of beginning of this description; run thence N 88° 39' 24" E along the South line of said section, 665.71 feet; thence N 0° 46' 55" W, 577.22 feet to an iron rod near the South bank of the Au Sable River; thence continuing N 0° 46' 55" W to the center thread of said river; thence upstream along said center thread to the West line of said section; thence S 0° 50' 23" E along said West section line to an iron rod near the SW'ly bank of the Au Sable River; thence continuing S 0° 50' 23" E along said West section line, 725.37 feet to the place of beginning. (Bearings are based on the East line of said Section 15 between the Northeast corner and E 1/4 corner assumed as S 0° 03' 00" E.)

Parcel 3

A parcel of land in the SW 1/4 of Section 10, T26N, R3E, described as follows: To find the place of beginning of this description, commence at the S 1/4 corner of said section; run thence N 0° 36' 35" W along the North and South 1/4 line of said section, 641.24 feet to an iron rod near the North bank of the

Au Sable River and the place of beginning of this description; thence continuing N 0° 36' 35" W along said 1/4 line, 769.40 feet; thence S 88° 22' 24" W, 725.90 feet to an iron rod near the NE'ly bank of the Au Sable River; thence continuing S 88° 22' 24" W to the center thread of said river; thence downstream along said center thread to the North and South 1/4 line of said section; thence N 0° 36' 35" W along said 1/4 line to the place of beginning. (Bearings are based on the East line of said Section 15 between the Northeast corner and E 1/4 corner assumed as S 0° 03' 00" E.)

Parcel 4

A parcel of land in the NE 1/4 of the NE 1/4 of Section 15, T26N, R3E, described as follows: To find the place of beginning of this description, commence at the Northeast corner of said section; run thence S 0° 03' 00" E along the East line of said section, 1,315.32 feet to the N 1/8 line of said section; thence S 88° 29' 15" W along said 1/8 line, 988.38 feet to the place of beginning of this description; thence continuing S 88° 29' 15" W along said 1/8 line, 329.46 feet to the E 1/8 line of said section; thence N 0° 37' 52" W along said E 1/8 line, 1,307.28 feet to the North line of said section; thence N 88° 09' 12" E along said North section line, 450.00 feet; thence S 0° 29' 07" E, 484.37 feet to an iron rod near the North bank of the Au Sable River; thence continuing S 0° 29' 07" E to the center thread of said river; thence upstream along said center thread to a point N 0° 29' 07" W of the place of beginning; thence S 0° 29' 07" E to an iron rod near the South bank of the Au Sable River; thence continuing S 0° 29' 07" E, 504.89 feet to the place of beginning. (Bearings are based on the East line of said Section 15 between the Northeast corner and E 1/4 corner assumed as S 0° 03' 00" E.)

Parcel 5

A parcel of land in the NE 1/4 of the NE 1/4 of Section 15, T26N, R3E, described as follows: To find the place of beginning of this description, commence at the Northeast corner of said Section 15; run thence S 0° 03' 00" E along the East line of said section, 1,315.32 feet to the N 1/8 line of said section; thence S 88° 29' 15" W along said 1/8 line, 308.92 feet to the place of beginning of this description; thence continuing S 88° 29' 15" W along said 1/8 line, 679.46 feet; thence N 0° 29' 07" W, 504.89 feet to an iron rod near the South bank of the Au Sable River; thence continuing N 0° 29' 07" W to the center thread of said river; thence downstream along said center thread to a point N 0° 29' 07" W of the

place of beginning; thence S 0° 29' 07" E to an iron rod near the SE'ly bank of the Au Sable River; thence continuing S 0° 29' 07" E, 710.05 feet to the place of beginning. (Bearings are based on the East line of said Section 15 between the Northeast corner and E 1/4 corner assumed as S 0° 03' 00" E.)

Parcel 6

A parcel of land in the E 1/2 of Section 12, T26N, R3E, described as follows: Commence at the E 1/4 corner of said section and the place of beginning of this description; run thence N 0° 33' 12" W along the East line of said section, 462.00 feet; thence N 88° 53' 55" W, 660.32 feet; thence S 0° 17' 07" E, 761.76 feet to an iron rod near the NW'ly bank of the Au Sable River; thence continuing S 0° 17' 07" E to the center thread of said river; thence downstream along said center thread to the East line of said section; thence N 0° 13' 25" W along said East section line to an iron rod near the N'ly bank of the Au Sable River; thence continuing N 0° 13' 25" W along said East section line, 123.65 feet to the place of beginning. (Bearings are based on the East line of said Section 12 between the Northeast corner and E 1/4 corner assumed as S 0° 33' 12" E.)

Parcel 7

A parcel of land in the NW 1/4 of the SE 1/4 of Section 15, T26N, R4E, described as follows: To find the place of beginning of this description, commence at the E 1/4 corner of said section; run thence N 84° 38' 16" W along the East and West 1/4 line of said section, 1978.24 feet to the place of beginning of this description; thence S 3° 48' 39" W, 700.0 feet; thence N 84° 38' 16" W, 660.0 feet to the North and South 1/4 line of said section; thence N 3° 48' 39" E along said North and South 1/4 line, 700.0 feet to the center of said section; thence S 84° 38' 16" E along said East and West 1/4 line, 660.0 feet to the place of beginning, containing 10.6 acres. (Bearings are based on the East and West 1/4 line of said Section 15 between the center and E 1/4 corner assumed as S 84° 38' 16" E.)

APPENDIX F



Public Law 90-542
90th Congress, S. 119
October 2, 1968

An Act

To provide for a National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Wild and Scenic Rivers Act".

Wild and Scenic Rivers Act.

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

(c) The purpose of this Act is to implement this policy by instituting a national wild and scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

SEC. 2. (a) The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned without expense to the United States, that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine, and that segment of the Wolf River, Wisconsin, which flows through Langlade County.

National wild and scenic rivers system.

82 STAT. 906
82 STAT. 907

(b) A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system and, if included, shall be classified, designated, and administered as one of the following:

Eligibility for inclusion.

(1) Wild river areas—Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Scenic river areas—Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Recreational river areas—Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some

National wild
and scenic
rivers.

development along their shorelines, and that may have undergone some impoundment or diversion in the past.

SEC. 3 (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) CLEARWATER, MIDDLE FORK, IDAHO.—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

(2) ELEVEN POINT, MISSOURI.—The segment of the river extending downstream from Thomasville to State Highway 142; to be administered by the Secretary of Agriculture.

(3) FEATHER, CALIFORNIA.—The entire Middle Fork; to be administered by the Secretary of Agriculture.

(4) RIO GRANDE, NEW MEXICO.—The segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

(5) ROGUE, OREGON.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the Interior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

82 STAT. 907
82 STAT. 908.

(6) SAINT CROIX, MINNESOTA AND WISCONSIN.—The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: *Provided*, That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this Act may be expended for the acquisition or development of lands in connection with, or for administration under this Act of, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, including the company's right, title, and interest to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (e) of section 10 of this Act.

(7) SALMON, MIDDLE FORK, IDAHO.—From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

(8) WOLF, WISCONSIN.—From the Langlade-Menominee County line downstream to Keshena Falls; to be administered by the Secretary of the Interior.

(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection

October 2, 1968

Pub. Law 90-542

(a) of this section shall, within one year from the date of this Act, establish detailed boundaries therefor (which boundaries shall include an average of not more than three hundred and twenty acres per mile on both sides of the river); determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

Publication in
Federal Register.

82 STAT. 908

82 STAT. 909

Sec. 4. (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and from time to time submit to the President and the Congress proposals for the addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system; which, in his or their judgment, fall within one or more of the classes set out in section 2, subsection (b), of this Act; and which are proposed to be administered, wholly or partially, by an agency of the United States. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.).

Each proposal shall be accompanied by a report, including maps and illustrations, showing among other things the area included within the proposal; the characteristics which make the area a worthy addition to the system; the current status of landownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area be administered; the extent to which it is proposed that administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area as a component of the system. Each such report shall be printed as a Senate or House document.

Report, maps,
etc.

Printing as
Senate or
House document.

(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress. No river or portion of any river shall be added to the national wild and scenic rivers system subsequent to enactment of this Act until the close of the next full session of the State legislature, or legislatures in case more than one

State is involved, which begins following the submission of any recommendation to the President with respect to such addition as herein provided.

(c) Before approving or disapproving for inclusion in the national wild and scenic rivers system any river designated as a wild, scenic or recreational river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

Publication in
Federal Register.

Potential
additions.
Designation.

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

- (1) Allegheny, Pennsylvania: The segment from its mouth to the town of East Brady, Pennsylvania.
- (2) Bruneau, Idaho: The entire main stem.
- (3) Buffalo, Tennessee: The entire river.
- (4) Chattooga, North Carolina, South Carolina, and Georgia: The entire river.
- (5) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.
- (6) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.
- (7) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.
- (8) Gasconade, Missouri: The entire river.
- (9) Illinois, Oregon: The entire river.
- (10) Little Beaver, Ohio: The segment of the North and Middle Forks of the Little Beaver River in Columbiana County from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.
- (11) Little Miami, Ohio: That segment of the main stem of the river, exclusive of its tributaries, from a point at the Warren-Clermont County line at Loveland, Ohio, upstream to the sources of Little Miami including North Fork.
- (12) Maumee, Ohio and Indiana: The main stem from Perrysburg, Ohio, to Fort Wayne, Indiana, exclusive of its tributaries in Ohio and inclusive of its tributaries in Indiana.
- (13) Missouri, Montana: The segment between Fort Benton and Ryan Island.
- (14) Moyie, Idaho: The segment from the Canadian border to its confluence with the Kootenai River.
- (15) Obed, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.
- (16) Penobscot, Maine: Its east and west branches.
- (17) Pere Marquette, Michigan: The entire river.
- (18) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville.
- (19) Priest, Idaho: The entire main stem.
- (20) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the east boundary of Terrell County on the United States side of the river: *Provided*, That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate

executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.

(21) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.

(22) Saint Joe, Idaho: The entire main stem.

(23) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.

(24) Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek; the Cascade River between its mouth and the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek; the Sauk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

(25) Suwannee, Georgia and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.

(26) Upper Iowa, Iowa: The entire river.

(27) Youghiogheny, Maryland and Pennsylvania: The segment from Oakland, Maryland, to the Youghiogheny Reservoir, and from the Youghiogheny Dam downstream to the town of Connellsville, Pennsylvania.

(b) The Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture shall proceed as expeditiously as possible to study each of the rivers named in subsection (a) of this section in order to determine whether it should be included in the national wild and scenic rivers system. Such studies shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within ten years from the date of this Act: *Provided, however*, That with respect to the Suwannee River, Georgia and Florida, and the Upper Iowa River, Iowa, such study shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within two years from the date of enactment of this Act. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments which, if undertaken, would render them unsuitable for inclusion in the national wild and scenic rivers system. Studies.

(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State, and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national wild and scenic rivers system.

(d) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

Land acquisition. SEC. 6. (a) The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire lands and interests in land within the authorized boundaries of any component of the national wild and scenic rivers system designated in section 3 of this Act, or hereafter designated for inclusion in the system by Act of Congress, which is administered by him, but he shall not acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation, and lands owned by an Indian tribe or a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

(b) If 50 per centum or more of the entire acreage within a federally administered wild, scenic or recreational river area is owned by the United States, by the State or States within which it lies, or by political subdivisions of those States, neither Secretary shall acquire fee title to any lands by condemnation under authority of this Act. Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.

(c) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village, or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act. In order to carry out the provisions of this subsection the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this Act. The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this Act, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

(d) The appropriate Secretary is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(e) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the appropriate secretary jurisdic-

tion over such lands for administration in accordance with the provisions of this Act. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

(f) The appropriate Secretary is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national wild and scenic rivers system.

(g) (1) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition, may retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, or the death of either or both of them. The owner shall elect the term to be reserved. The appropriate Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

Right of use and occupancy.

(2) A right of use and occupancy retained pursuant to this subsection shall be subject to termination whenever the appropriate Secretary is given reasonable cause to find that such use and occupancy is being exercised in a manner which conflicts with the purposes of this Act. In the event of such a finding, the Secretary shall tender to the holder of that right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination. Such right of use or occupancy shall terminate by operation of law upon tender of the fair market price.

(3) The term "improved property", as used in this Act, means a detached, one-family dwelling (hereinafter referred to as "dwelling"), the construction of which was begun before January 1, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the appropriate Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

"Improved property."

Sec. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin

Water resources projects. Restrictions

construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval—

(i) during the five-year period following enactment of this Act unless, prior to the expiration of said period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, conclude that such river should not be included in the national wild and scenic rivers system and publish notice to that effect in the Federal Register, and

(ii) during such additional period thereafter as, in the case of any river which is recommended to the President and the Congress for inclusion in the national wild and scenic rivers system, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national wild and scenic rivers system under section 2(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second.

Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential wild, scenic or recreational river area on the date of approval of this Act. No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

49 Stat. 863.
16 USC 791a.

Publication
in Federal
Register.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-5 et seq.).

Sec. 8. (a) All public lands within the authorized boundaries of any component of the national wild and scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act.

Sec. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national wild and scenic rivers system except that—

Mining and
mineral leasing
laws.

(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a wild river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance or leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included in the system.

Administration.

SEC. 10. (a) Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

16 USC 1131
note.

(b) Any portion of a component of the national wild and scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(c) Any component of the national wild and scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national wild and scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

Cooperative
agreements with
State or local
governments.

(d) The Secretary of Agriculture, in his administration of any component of the national wild and scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(e) The Federal agency charged with the administration of any component of the national wild and scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

Assistance in
financing State
and local proj-
ects.

16 USC 4601-4
note.

16 USC 4601-
4601-3.

SEC. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local wild, scenic and recreational river areas. He shall also, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such wild, scenic and recreational river areas.

(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them, assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such wild, scenic and recreational river areas.

Sec. 12. (a) The Secretary of the Interior, the Secretary of Agriculture, and heads of other Federal agencies shall review administrative and management policies, regulations, contracts, and plans affecting lands under their respective jurisdictions which include, border upon, or are adjacent to the rivers listed in subsection (a) of section 5 of this Act in order to determine what actions should be taken to protect such rivers during the period they are being considered for potential addition to the national wild and scenic rivers system. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

Administration and management policies. Review.

(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party

(c) The head of any agency administering a component of the national wild and scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

Sec. 13. (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety, administration, or public use and enjoyment and shall issue appropriate regulations after consultation with the wildlife agency of the State or States affected.

Fish and wildlife. Jurisdiction under State and Federal laws.

(b) The jurisdiction of the States and the United States over waters of any stream included in a national wild, scenic or recreational river area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the national wild and scenic rivers system shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

Compensation for water rights.

(c) Designation of any stream or portion thereof as a national wild, scenic or recreational river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.

(d) The jurisdiction of the States over waters of any stream included in a national wild, scenic or recreational river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

82 STAT. 917

(e) Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system.

82 STAT. 918

(f) Nothing in this Act shall affect existing rights of any State, including the right of access, with respect to the beds of navigable streams, tributaries, or rivers (or segments thereof) located in a national wild, scenic or recreational river area.

Easements and rights-of-way. (g) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national wild and scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided*, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act.

Claim and allowance as charitable contribution or gift. 76 Stat. 1034. 68A Stat. 410. Sec. 14. The claim and allowance of the value of an easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

Definitions. Sec. 15. As used in this Act, the term—
 (a) "River" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.
 (b) "Free-flowing", as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.
 (c) "Scenic easement" means the right to control the use of land (including the air space above such land) for the purpose of protecting the scenic view from the river, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement.

Appropriations. Sec. 16. There are hereby authorized to be appropriated such sums as may be necessary, but not more than \$17,000,000, for the acquisition of lands and interests in land under the provisions of this Act.

Approved October 2, 1968.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 1523 accompanying H. R. 18260 (Comm. on Interior & Insular Affairs) and No. 1917 (Comm. of Conference).

SENATE REPORT No. 491 (Comm. on Interior & Insular Affairs).

CONGRESSIONAL RECORD:
 Vol. 113 (1967): Aug. 8, considered and passed Senate.
 Vol. 114 (1968): July 15, Sept. 12, considered and passed House, amended, in lieu of H. R. 18260.
 Sept. 25, House agreed to conference report.
 Sept. 25, Senate agreed to conference report.

Ninety-eighth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-third day of January,
one thousand nine hundred and eighty-four*

An Act

To amend the Wild and Scenic Rivers Act to permit the control of the lamprey eel in the Pere Marquette River and to designate a portion of the Au Sable River, Michigan, as a component of the National Wild and Scenic Rivers System.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a)(16) of the Wild and Scenic Rivers Act is amended by adding the following sentence at the end thereof: "Notwithstanding any other provision of this Act, the installation and operation of facilities or other activities within or outside the boundaries of the Pere Marquette Wild and Scenic River for the control of the lamprey eel shall be permitted subject to such restrictions and conditions as the Secretary of Agriculture may prescribe for the protection of water quality and other values of the river, including the wild and scenic characteristics of the river."

SEC. 2. Section 3(a) of the Wild and Scenic Rivers Act is amended by adding at the end thereof the following:

"(51) AU SABLE, MICHIGAN.—The segment of the main stem from the project boundary of the Mio Pond project downstream to the project boundary at Alcona Pond project as generally depicted on a map entitled 'Au Sable River' which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture; to be administered by the Secretary of Agriculture."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

**APPENDIX H
GLOSSARY**

Aquatic - Pertaining to standing or running water in streams, rivers, lakes, and reservoirs.

Browse - Forage eaten by animals (e.g. deer, rabbit, etc.) that consists of twigs, leaves, bark and buds of woody plants.

Cold Water Tolerant Fish - Fish species that have temperature tolerances up to about 70 °F, and exhibit their greatest reproductive success at temperatures below 65 °F (18.3 °C). Salmon, trout, whitefish, and grayling are examples.

Common Minerals - Sand, gravel, clay and similar minerals of lower unit value, which may be sold or disposed of by the land management agency.

Concern - A matter of importance to the management of the river, which is identified internally by the agency.

Conifers - Wide range of trees, mostly evergreens and cone-bearing, such as pine, spruce, hemlock, or fir.

Conservation Easement - It is a legal instrument wherein the landowner, while keeping title to the land, conveys sufficient rights to the Government to permanently maintain the visual, wildlife, historic, cultural and other non consumptive values of the property.

Corridor - See RiverCorridor.

Cultural Resources - The physical remains of past human cultural systems in places or sites of importance in human history or prehistory.

Desired Future Condition - A concise statement describing the desired condition of the land sometime in the future. The goal of this management plan.

Developed Recreation - Recreation that requires facilities resulting in concentrated use of an area. Examples are campgrounds and ski areas. Facilities might include: roads, parking lots, picnic tables, toilets, drinking water, ski lifts, and buildings.

Endangered Species - Species listed as nationally in danger of extinction throughout all or a significant part of their ranges by the State of Michigan Endangered and Threatened Species list of February 8, 1983, and 50 CFR Part 17, July 27, 1983.

Erosion - The wearing away of the land's surface by running water, wind, ice, or the activities of people.

Facility - Something built or activated to serve a particular purpose.

Fire Management - All activities required for the protection of resources and values from fire, and the use of fire to meet land management goals and objectives.

Forage - All non-woody plants (grass, grass-like plants, and forbs) and portions of woody plants (browse) available to wildlife for food. Only a portion of a plant is available for forage if the plant is to remain healthy.

Forests' Plan - A long-range plan for management of a designated area of National Forest System lands. This plan will provide direction for all management programs and practices, resource uses, and resource protection measures on these lands.

Forest System Road - See System Road.

Guideline - An indication or outline of policy or conduct; a rule to measure against.

Habitat - The native environment of an animal or plant; the kind of place that is natural for the life of an animal or plant.

Hardwood - A broad-leaved flowering tree, as distinguished from a conifer. Trees belonging to the botanical group of angiospermae.

Harvest (Timber Harvest) - Cutting and removing trees from the forest for utilization.

Intolerant Timber Types - Those communities of trees that do not grow well in shade.

Issue - A subject or question of wide-spread public discussion or interest regarding management of National Forest System lands.

Land Management - The intentional process of planning, organizing, programming, coordinating, directing, and controlling land-use actions.

Lowland Conifer - Characterized by cedar, hemlock, and balsam fir.

Lowland Hardwood - Characterized by red maple, elm, black ash, and aspen.

Minerals - Any valuable inert substance found deposited in the earth through natural agencies alone, and which is found either in or upon the soil of the earth or in the rocks beneath the soil.

NFMA - National Forest Management Act of 1976.

Off-Road Vehicle (ORV) - Any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain. Excluded are: (a) any registered motorboat; (b) any fire, military, emergency, or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes; and (c) any vehicle whose use is expressly authorized by the respective agency head under a permit, lease, license, or contract.

Old-Growth - A stand of trees older than normal rotation age for the type. Such stands provide important habitat conditions not normally found in younger stands.

Outside of the Seen Area - The distance an activity, object, development or alteration to the terrain or vegetation could occur, when the leaves are off the vegetation, without being seen when viewed from the river.

Partial Retention (PR) - See "Visual Quality Objective."

Persons-At-One-Time (PAOT) - A recreation capacity measurement term indicating the number of people that can comfortably occupy or use a facility or area at one time.

Pole Timber - As used in timber surveys, a size class definition for trees 5.0 to 8.9 inches at DBH. As used in logging operations, trees from which pole products are produced, such as telephone poles and pilings.

Recreational River - Wild and Scenic Rivers Act Usage - Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

Recreation Experience Levels -

Level 1 - At this level, recreational opportunities attempt to satisfy basic needs to a near-maximum extent. Feeling of physical achievement at reaching opportunities without mechanized access is important to the user. There is a feeling of being nearly primitive and closely associated with nature. It occurs in an essentially unmodified natural environment. Modifications for comfort and convenience are minimal. Spacing is informal and dispersed to minimize contacts with other individuals or groups. There is no motorized access at this level. There are only essential facilities for resource protection with on-site materials used whenever possible. Facilities appear inconspicuous, substantial, and harmonious.

Level 2 - At this level, recreational opportunities attempt to satisfy basic needs to an extent tempered by motorized access. Opportunities to socialize with others are important although less so than at more developed experience levels. It occurs in a slightly modified environment. Rustic or rudimentary facilities for comfort and convenience of users are provided. Improvements are mostly for the protection of the resources. Motorized access is provided or permitted. Primary access is provided over primitive roads or trails or by experienced boat or aircraft users. Facilities are more for resource protection than for the comfort of users. Architecture is functional and historic in nature. Color schemes blend into local environment with little contrast.

Level 3 (Intermediate) - At this level, recreational opportunities require moderate outdoor skills. Opportunities to socialize with others are equally as important as isolation while providing a feeling of being close to nature. Natural environment dominates but there are some modifications for comfort and convenience of users. Facilities are about equal for protection of resources and comfort/safety of users. There are hard surface roads and trails built mostly with native materials at this level. Primary access is over well-traveled roads or by capable boat or aircraft operators. Visitor information services (VIS) are informal. Facilities harmonize with the environment in form and color and are constructed primarily of wood and masonry.

Recreation Opportunity Spectrum (ROS) - A system of classifying the range of recreational experiences, opportunities, and settings available on a given area of land. Classifications include:

Primitive (P) - Characterized by essentially unmodified environment where trails may be present but structures are rare. Probability of isolation from the sights and sounds of humans is extremely high.

Semiprimitive Nonmotorized (SPNM) - Characterized by few and/or subtle human modifications and with a large probability of isolation from the sights and sounds of others.

Semiprimitive Motorized (SPM) - Characterized by moderately dominant human alterations with strong evidence of permanent roads and/or trails.

Roaded Natural (RN) - Characterized by a predominately natural environment with evidence of moderately permanent alternate resources and resource utilization. Evidence of the sights and sounds of humans is moderate but in harmony with the natural environment. Opportunities exist for both social interaction and moderate isolation from sights and sounds of others.

Rural (R) - Characterized by an area on which the sights and sounds of humans are frequent and the landscape has been considerably altered by humans.

Urban - Characterized by a natural setting that is dominated by structures built by humans; the sights and sounds of humans predominate.

Reforestation - The natural or artificial restocking of an area with forest trees.

Regeneration - (1) The actual seedlings and saplings existing in a stand. (2) The act of establishing young trees naturally or artificially.

Regeneration Cut - Removal of trees with the intention of establishing a new crop of seedlings.

Retention (R) - See "Visual Quality Objective."

Revegetation - The reestablishment of a plant cover. This may take place naturally through the reproductive process of existing flora or artificially through the direct action of humans.

Riparian Area - A term used by the Forest Service that includes stream channels, lakes, adjacent riparian ecosystems, flood plains, and wetlands.

River Corridor - An Area, including all lands and water, with the legal description shown in Appendix A. It encloses the seen area from the river, and all lands necessary for the protection and management of wild and scenic river values.

Corridor - A linear strip of land identified for present or future location of transportation or utility rights-of-way within its boundaries.

Roaded Natural (RN) - See "Recreation Opportunity Spectrum."

Savannah - Grassland regions with scattered trees, grading into either open plains or woodlands.

Sawtimber - As used in timber surveys, a size class definition for trees more than 9 inches at DBH for conifers and 11 inches at DBH for hardwoods.

Scenic Easement - Relative to the Wild and Scenic Rivers Act (P.L. 93-621) of 1975 and by definition of the Act: the right to control the use of land (including the air space above such land) within the authorized boundaries of the component of the Wild and Scenic River System for the purpose of protecting the natural qualities of a designated wild, scenic, or recreational river area. Such controls shall not affect any regular use exercised prior to the acquisition of the easement without the owner's consent.

Scenic River - Wild and Scenic Rivers Act Usage - The rivers or sections of rivers that are free of impoundments, where shorelines or watersheds are still largely primitive and shorelines largely undeveloped, but accessible at places by roads.

Sediment - Solid materials, both mineral and organic, that are in suspension, are being transported, or have been moved from their site of origin by air, water, gravity, or ice and have come to rest on the earth's surface.

Seen Area - The area where any activity, object, development or alteration of terrain or vegetation could be seen, when the leaves are off the vegetation, when viewed from the river.

Semiprimitive Motorized (SPM) - See "Recreation Opportunity Spectrum."

Semiprimitive Nonmotorized (SPNM) - See "Recreation Opportunity Spectrum."

Sensitive Areas - Areas with high erosion hazards, areas that may be susceptible to compaction, or areas with nonstable slopes.

Site Preparation - Preparation of the ground surface before planting or preparing a seedbed for natural regeneration; includes removal of unwanted vegetation, slash, stumps, and roots from a site.

Slash - Debris left after logging, pruning, thinning, or brush cutting, and large accumulations of debris after windstorms or fire. Slash includes logs, branches, bark, and stumps.

Softwood - A coniferous tree. Trees belonging to the botanical group gymnospermae.

Special Use Permit - Authorization that provides permission, without conveying an interest in the land, to occupy and use National Forest System land or facilities for specific purposes and is both revocable and terminable.

Special Management Area - Designated area where unique characteristics exist (for example, experimental forests, Research Natural Areas, and Wild and Scenic Rivers).

Stand (Tree Stand) - An aggregation of trees occupying a specific area and sufficiently uniform in composition, age arrangement, and condition as to be distinguishable from the forest on adjoining areas.

Standard - An indication or outline of policy or conduct; a rule to measure against.

System Road - A road that is part of the Forests' transportation system. It is necessary for the protection, administration and use of National Forest System Lands, and development of its resources.

Temporary Road - A temporary use of the land for transportation purposes, usually constructed to serve a specific resource activity. Occupied land is returned to resource production upon termination of the activity requiring its use.

Thinning - Cutting made in an immature crop or stand, primarily to accelerate the diameter increment (annual growth) of the residual trees, but also by suitable selection to improve the average form of the trees that remain.

Total Body Contact Recreation - Means an activity where the human body may come into direct contact with water to the point of complete submergence, including but not limited to activities such as swimming, water skiing and skin diving.

Vegetative Types - See "Aspen/Birch," "Dense Hardwood," "Long-Rotation Conifer," "Long-Rotation Hardwood," "Long-Rotation Oak," "Lowland Conifer," "Lowland Hardwood," "Low-Site Oak," "Nonforest," "Nonstocked," "Short-Rotation Conifer," or "Short-Rotation Hardwood."

Visual Management - The art and science of planning and administering the use of forest lands in such ways that the visual effects maintain or upgrade visitors' psychological welfare. It is the planning and design of the visual aspects of multiple-use land management.

Visual Quality Objective (VQO) - A desired level of excellence based on physical and sociological characteristics of an area. Refers to degree of acceptable alteration of the characteristic landscape. The five levels are:

Maximum Modification (MM) - A visual quality objective that means management activities may dominate the characteristic landscape but should appear as natural occurrences when viewed as background area.

Modification (M) - A visual quality objective that means management activities may dominate the characteristic landscape but must, at the same time, utilize naturally established form, line, color, and texture. They should appear as natural occurrences when viewed in foreground or middleground.

Partial Retention (PR) - A visual quality objective that in general means management activities may be evident but must remain subordinate to the characteristic landscape.

Retention (R) - A visual quality objective that in general means management activities are not evident to the casual forest visitor.

Preservation (P) - A visual quality objective that provides for ecological changes only.

Wetlands - Areas with shallow standing water or seasonal to year-long saturated soils (includes bogs, marshes, and wet meadows).

Wildlife Habitat - The sum total of environmental conditions of a specific place occupied by a wildlife species or a population of such species.

Wild River - Wild and Scenic Rivers Act Usage - Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted.

APPENDIX I

Sample Temporary Restraining Order

****AFFIDAVIT NO. ***

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Civil No. _____
)	
)	
Defendant.)	
)	

AFFIDAVIT IN SUPPORT OF MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION

_____(NAME)_____, having been first duly sworn on oath, deposes
and says:

1. That he is employed by the Forest Service, United States Department
of Agriculture, as a (OFFICIAL TITLE), and is assigned to the Huron National
Forest, which comprises approximately 425,000 acres, and is located in
Northeastern Michigan.

2. That in his/her capacity as (OFFICIAL TITLE),

(DESCRIBE GENERAL DUTIES AND RESPONSIBILITIES)

3. That a part of the land resource he/she is responsible for is located
in Oscoda County, Michigan, in a management subdivision of the Forest known as
the Mio Ranger District.

4. That in the Mio Ranger District is located a parcel of land that the United States acquired a Conservation Easement from Consumers Power Company by warranty deed dated January 12, 1981, and filed for record on January 12, 1981, and recorded in deed book 120 at page 486 of the land records of Oscoda County, Michigan, on January 12, 1981. A copy of this deed is attached as Exhibit A. Said parcel has been protected by a conservation easement since its acquisition in 1981.

5. That on or about (date) he/she personally observed the defendants, their agents, officers, and employees, on land described in paragraph 4, engage in the following activity (describe what they were doing) (or was advised by the defendants of their intention to do so).

6. That despite repeated requests to defendants that they cease and desist their activities until the rights of the parties can be resolved by a court of law, they have refused and continue to do so.

7. That your affiant believes the activities or threatened activities of the defendants pose an immediate threat to damage and irreparable harm to said protected land by (explain why their actions are an immediate threat)

Signature

Subscribed and sworn to before me this ____ day of _____, 198__.

Notary Public

(NOTARIAL SEAL)

My commission expires:

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APPENDIX J

LOCAL ZONING ORDINANCES THAT APPLY TO PRIVATE LAND WITHIN THE SCENIC RIVER CORRIDOR Mentor Township Zoning Ordinance

Chapter III Au Sable River Zone

Section I. DESCRIPTION AND PURPOSE.

A zone for providing low density desirable residential area, recreational and other specialized rural uses requiring large tracts of land, so as to preserve the high quality of the Au Sable River in Mentor Township. The zone is as follows:

(a) Commencing at M-33 and County 600 along County 600 to the west boundary of federal land in Section 5, T26N R3E. Then eastwardly along the section lines to the SE corner of Section 1, T26N R4E on the county line to the Alcona County line.

(b) The south boundary commences at the W1/4 corner of Section 7, T26N R3E east to the E1/4 corner. Then south to the SE corner of Section 18, T26N R3E. Then seven (7) miles east to the NE corner of section 20, T26N R4E. Then south one (1) mile to the SE corner of Section 20. Then eastwardly to the SE corner of Section 24, T26N R4E on the Alcona County line.

Section II. USE REGULATION.

Land and/or buildings in this zone may be used for the following purposes only:

(a) One (1) single family dwelling on each lot.

(b) Park, playgrounds, community centers and facilities therein, owned and operated by a governmental agency or a non-profit group.

(c) A detached accessory building not more than twelve (12) feet in height or one (1) story in height subject to the following conditions:

(1) Said accessory building shall not be closer to a side or back line than allowed for a principal building.

(2) A detached accessory building, any portion of which is located on the side of the main building, shall not be less than six (6) feet from such principal building and not nearer to the side lot line than the width of the side yard required on the lot for the main building and shall maintain a front setback equal to or greater than that of the main building.

(3) A detached accessory building, any portion of which is located to the rear of the main building shall be located not nearer than ten (10) feet to such main building.

Section III. HEIGHT REGULATION.

No residential building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories, in height, whichever is lesser.

Section IV. AREA REGULATIONS.

No buildings or structure nor the enlargement of any buildings or structure shall hereafter be erected unless the following yards, lot area and building coverage requirements are provided for and maintained in connection with such building, structure or enlargement.

(a) (Front Yard) There shall be a front yard setback of not less than forty (40) feet from the right-of-way line of any public roadway.

(b) (Side Yards) For residential buildings, there shall be total side yards of seventy (70) feet, provided that no side yard shall be less than thirty (30) feet. For all other buildings, there shall be a minimum side yard of sixty (60) feet.

(c) (Rear Yard) There shall be a rear yard of not less than one hundred (100) feet.

(d) (Lot Area) The minimum lot area for use in this zone shall be 108,000 square feet (2-1/2) acres with minimum lot width of one hundred sixty-five (165) feet. A registered plat shall have a minimum lot size of 60,000 square feet with a minimum lot width of one hundred fifty (150) feet.

Section V. MINIMUM FLOOR AREA.

Each dwelling unit in this zone shall have a minimum 1st floor area of seven hundred sixty-eight (768) square feet.

Floor space area shall be measured on the outside perimeter exclusive of breezeway and garage.

No area shall be considered as living area where more than four (4) feet of the walls are below outside ground grade except that such finished areas may be included if one wall is entirely above the grade line of the lot adjacent to said wall and which has an entrance to the out-of-doors through said wall furnishing access to and from finished living quarters.

Section VI.

Areas zoned R-3 within the Au Sable River Zone shall be exempt from Au Sable River Zone regulations.

CHAPTER IV Green Belt Zone

Section I DESCRIPTION AND PURPOSE

A zone for providing the most desirable residential summer home, and cottage area that may complement such use of the zone, so as to preserve the high quality of the Au Sable River and prevent further deterioration thereof. The Green Belt Zone is four hundred (400) feet from the river's edge on both sides of the Au Sable River in Mentor Township.

Section II USE REGULATION.

Land and/or buildings in the Green Belt Zone may be used for the following purposes only:

- (a) One (1) single family dwelling on each lot.
- (b) Parks and playgrounds.
- (c) Plats.
- (d) Guest houses will be permitted, only as follows:
 - (1) On lots containing 90,000 square feet with a minimum first floor area of four hundred eighty (480) square feet and must be constructed to the rear of the principal building.
 - (2) On lots containing 90,000 square feet with four hundred (400) feet frontage with the guest house fronting on the river the regulations of Section IV and V as set forth below must be met.
- (e) A detached accessory building not more than twelve (12) feet in height subject to the following conditions:
 - (1) Said accessory building shall not be located closer to a side or back line than was allowed for a principal building.
 - (2) A detached accessory building, any portion of which is located on the side of the main building, shall not be less than six (6) feet from such principal building and not nearer to the side lot than the width of the side yard required on the lot for the main building and shall maintain a front setback equal to or greater than that of the main building.
 - (3) A detached accessory building, any portion of which is located to the rear of the main building shall be located not nearer than ten (10) feet to such building.
 - (4) A detached accessory building may not serve as living area.
- (f) Clubs, upon application and permit from the appropriate township board(s).

Section III HEIGHT REGULATION.

No building shall exceed thirty-five (35) feet or 2-1/2 stories in height, whichever is lesser.

Section IV AREA REGULATION

No building or structure nor the enlargement of any building or structure shall hereafter be erected unless the following yards, lot area and building coverage requirements are provided and maintained in connection with such building, structure or enlargement.

(a) The minimum lot size shall contain 60,000 square feet. The minimum frontage width shall be two hundred (200) feet.

(b) (Front Yard) No building shall be constructed closer than seventy-five (75) feet from the water's edge, except for every foot of ground elevation above the minimum grade level five (5) feet may be subtracted from the minimum set-back, however, no structure shall be closer than fifty (50) feet from the river's edge. Pump Houses will be permitted if no more than nine (9) square feet and not more than three (3) feet in height, and situated to the rear of the native protection strip. Docks may be constructed not to exceed eight (8) feet in width nor more than twenty (20) feet in length with no more than four (4) feet of the dock extending into the water. Front Yard shall be considered as that part of any lot nearer the river.

(c) (Side Yard) Side yards shall be at least thirty (30) feet.

(d) (Rear Yard) Rear Yards shall be at least fifty (50) feet.

Section V MINIMUM FLOOR AREA.

Each dwelling unit in this zone shall have a minimum first floor area of seven hundred sixty-eight (768) square feet, except guest houses.

Floor space shall be measured on the outside perimeter exclusive of breezeway and garage.

No area shall be considered as living area where more than four (4) feet of the walls are below outside ground grade except that such finished areas may be included if one wall is entirely above the grade line of the lot adjacent to said wall and which has an entrance to the out-of-door through said wall furnishing access to and from such finished living quarters.

Section VI. NATIVE PROTECTION STRIP.

A strip forty (40) feet wide bordering each bank of the river in this zone shall be maintained in trees and shrubs or its natural state. Trees and shrubs in a space forty (40) feet in width may be trimmed and pruned for a view of the river and a dock.

Section VII FLOOD AREAS AND GRADE LEVEL.

No dwelling shall be constructed on lands which are subject to flooding or on land where a minimum of four (4) feet between finished grade level and high ground water cannot be met. Land may be filled to meet the minimum requirement of four (4) feet between finished grade level and high ground water only under the following conditions:

- (a) The forty (40) foot native protection strip is maintained.
- (b) No material is allowed to enter the stream either by erosion or mechanical means.
- (c) Fill material is of a pervious material such as gravel or sand.
- (d) Cement or stone retaining wall must be constructed to the rear of the protection strip in such a manner as to retain any erosion of the fill material. The entire filled area must be planted and maintained with perennial vegetation.

Section VIII. SANITARY WASTE SYSTEMS.

Disposal field and septic tanks shall be no closer than one hundred (100) feet to the river's edge. The disposal field tile shall be at least three and one half (3-1/2) feet above the high water table. Field tile trench bottoms shall be at least two (2) feet above high water table and may not be directed into a natural drain. Dry wells are prohibited.

Section IX. SUB SOIL DRAINAGE SYSTEMS.

No septic or disposal fields shall be nearer than forty (40) feet to any sub soil drainage system (footing drains) emptying directly into the river.

Section X. TRIBUTARIES.

Tributaries within the Au Sable River Zone and the Green Belt Zone shall adhere to the following regulations:

- (a) All tributaries outside the Au Sable River Zone shall be subject to the following regulations.
 - (1) A registered plat shall have a minimum lot size of 20,000 square feet with a minimum lot width of one hundred (100) feet.
 - (2) In this zone a native protection strip of twenty-five (25) feet wide bordering each side of the tributary and shall be maintained in trees and shrubs or its natural state. Trees and shrubs in a space of ten (10) feet in width may be trimmed and pruned.
 - (3) (Front Yard) A front yard shall be a minimum of thirty-five (35) feet from the tributary edge.
 - (4) (Side Yard) A side yard shall be a minimum of fifteen (15) feet.
 - (5) (Rear Yard) A rear yard shall be a minimum of ten (10) feet.
 - (6) Accessory buildings shall be a minimum of ten (10) feet from the rear lotline.

Section XI. FLOOD AREAS AND GRADE LEVEL.

No dwelling shall be constructed on lands which are subject to flooding or on land where a minimum of four (4) feet between finished grade level and high ground water cannot be met. Land may be filled to meet the minimum requirement of four (4) feet between grade level and high ground water only under the following conditions:

(a) A twenty-five (25) foot protection strip is maintained.

(b) No material is allowed to enter the stream either by erosion or mechanical means.

(c) Fill material is of a pervious material such as gravel or sand.

(d) Cement or stone retaining wall must be constructed to the rear of the protection strip in such a manner as to retain any erosion of the fill material. The entire filled area must be planted and maintained with perennial vegetation.

Section XII. SANITARY WASTE SYSTEMS.

Disposal field and septic tanks shall be at least seventy-five (75) feet from the closest point of the tributaries edge. The disposal field tile shall be at least three and one-half (3-1/2) feet above the high water table. Field tile trench bottoms shall be at least two (2) feet above the high water table and may not be directed into the tributary. Dry wells are prohibited.

Section XIII. SUB SOIL DRAINAGE SYSTEMS.

No septic or disposal fields shall be nearer than forty (40) feet to any sub soil drainage system (footing drains) emptying directly into the tributary.

Section XIV. DAMS AND OBSTRUCTIONS.

No dams or obstructions which will interfere with the natural flow of the water shall be allowed on any tributary in Mentor Township, Oscoda County, Michigan.

APPENDIX K

RECREATION OPPORTUNITY

To provide the recreationist with a satisfying recreational experience the Forest's resources and the activities that occur on a portion of the Forest can be managed to provide a specific recreational opportunity. These recreational opportunities are called: Primitive, Semi-Primitive Non-Motorized, Semi-Primitive Motorized, Roaded Natural, Rural and Urban. The characteristics for each recreational opportunity are shown on the tables below:

ACTIVITY CHARACTERIZATION

PRIMITIVE	SEMI-PRIMITIVE NON-MOTORIZED	SEMI-PRIMITIVE MOTORIZED	ROADED NATURAL	RURAL	URBAN
<u>Land Based:</u>	<u>Land Based:</u>	<u>Land Based:</u>	<u>Land Based:</u>	<u>Land Based:</u>	
Viewing Scenery Hiking and Walking Horseback Riding Tent Camping Hunting Nature Study Mountain Climbing	Viewing Scenery Automobile (off-road use) Motorcycle and Scooter Use Specialized Landcraft Use Aircraft Use Hiking and Walking Horseback Riding Camping Hunting Nature Study Mountain Climbing	Viewing Scenery Viewing Activities Viewing Works of Human-Kind Automobile (includes off-road use) Motorcycle and Scooter Use Specialized Landcraft use Train and Bus Touring Aircraft Use Aerial Trams and Lifts Use Hiking and Walking Bicycling Horseback Riding Camping Picnicking Resort and Commercial Services Use	Viewing Scenery Viewing Activities Viewing Works of Human-Kind Automobile (includes off-road use) Motorcycle and Scooter Use Specialized Landcraft use Train and Bus Touring Aircraft Use Aerial Trams and Lifts Use Hiking and Walking Bicycling Horseback Riding Camping Picnicking Resort and Commercial Services Use	Viewing Scenery Viewing Activities Viewing Works of Human-Kind Automobile (includes off-road use) Motorcycle and Scooter Use Train and Bus Touring Aircraft Use Aerial Trams and Lifts Use Hiking and Walking Bicycling Horseback Riding Camping Picnicking Resort and Commercial Services Use	
<u>Water Based:</u>	<u>Water Based:</u>	<u>Water Based:</u>	<u>Water Based:</u>	<u>Water Based:</u>	
Canoeing Other Watercraft Swimming Fishing	Boating (powered) Canoeing Sailing Other Boating Swimming Diving (skin or scuba) Fishing	Canoeing Other Watercraft Use Swimming and Waterplay Diving (skin and Scuba) Waterskiing and Water-sports Fishing	Tour Boat and Ferry Use Boat (powered) Canoeing Sailing Other Watercraft Use Swimming and Waterplay Diving (skin and Scuba) Waterskiing and Water-sports Fishing	Tour Boat and Ferry Use Boat (powered) Canoeing Sailing Other Watercraft Use Swimming and Waterplay Diving (skin and scuba) Waterskiing and Watersports Fishing	
<u>Snow and Ice Based:</u>	<u>Snow and Ice Based:</u>	<u>Snow and Ice Based:</u>	<u>Snow and Ice Based:</u>	<u>Snow and Ice Based:</u>	
Snowplay X-Country Skiing/ Snowshoeing	Ice and Snowcraft Use Skiing, Downhill Snowplay X-Country Skiing/ Snowshoeing	Ice and Snowcraft Use Ice Skating Sledding and Tobogganing Downhill Skiing Snowplay X-Country Skiing/ Snowshoeing	Ice and Snowcraft Use Ice Skating Sledding and Tobogganing Downhill Skiing Snowplay X-Country Skiing/ Snowshoeing	Ice and Snowcraft Use Ice Skating Sledding and Tobogganing Downhill Skiing Snowplay X-Country Skiing/ Snowshoeing	

SETTING CHARACTERIZATION

PRIMITIVE	SEMI-PRIMITIVE NON-MOTORIZED	SEMI-PRIMITIVE MOTORIZED	ROADED NATURAL	RURAL	URBAN
<p>Area is characterized by essentially unmodified natural environment of fairly large size. Interaction between users is very low and evidence of other users is minimal. The area is managed to be essentially free from evidence of human-induced restrictions and controls. Motorized use within the area is not permitted.</p>	<p>Area is characterized by a predominately natural or natural-appearing environment of moderate-to-large size. Interaction between users is low, but there is often evidence of other users. The area is managed in such a way that minimum on-site controls and restrictions may be present, but are subtle. Motorized use is not permitted.</p>	<p>Area is characterized by a predominately natural or natural-appearing environment of moderate-to-large size. Concentration of users is low, but there is often evidence of other users. The area is managed in such a way that minimum on-site controls and restrictions may be present, but are subtle. Motor-use is permitted.</p>	<p>Area is characterized by predominantly natural-appearing environments with moderate evidences of the sights and sounds of man. Such evidences usually harmonize with the natural environment. Interaction between users may be low to moderate, but with evidence of other users prevalent. Resource modification and utilization practices are evident, but harmonize with the natural environment. Conventional motorized use is provided for in construction standards and design of facilities.</p>	<p>Area is characterized by substantially modified natural environment. Resource modification and utilization practices are to enhance specific recreation activities and to maintain vegetative cover and soil. Sights and sounds of humans are readily evident, and the interaction between users is often moderate to high. A considerable number of facilities are designed for use by a large number of people. Facilities are often provided for special activities. Moderate densities are provided far away from developed sites. Facilities for intensified motorized use and parking are available.</p>	<p>Area is characterized by a substantially urbanized environment, although the background may have natural appearing elements. Renewable resource modification and utilization practices are to enhance specific recreation activities. Vegetative cover is often exotic and manicured. Sights and sounds of humans, on-site, are predominant. Large numbers of users can be expected, both on-site and in nearby areas. Facilities for highly intensified motor use and parking are available with forms of mass transit often available to carry people throughout the site.</p>

EXPERIENCE CHARACTERIZATION

PRIMITIVE	SEMI-PRIMITIVE NON-MOTORIZED	SEMI-PRIMITIVE MOTORIZED	ROADED NATURAL	RURAL	URBAN
<p>Extremely high probability of experiencing isolation from the sights and sounds of humans, independence, closeness to nature, tranquility, and self-reliance through the application of woodsman and outdoor skills in an environment that offers a high degree challenge and risk.</p>	<p>High, but not extremely high, probability of experiencing isolation from the sights and sounds of humans, independence, closeness to nature, tranquility and self-reliance through the application of woodsman and outdoor skills in an environment that offers challenge and risk.</p>	<p>Moderate probability of experiencing isolation from the sights and sounds of humans, independence, closeness to nature, tranquility and self-reliance through the application of woodsman and outdoor skills in an environment that offers challenge and risk. Opportunity to have a high degree of interaction with the natural environment. Opportunity to use motorized equipment while in the area.</p>	<p>About equal probability to experience affiliation with other user groups and for isolation from sights and sound of humans. Opportunity to have a high degree of interaction with the natural environment. Challenge and risk opportunities associated with more primitive type of recreation are not very important. Practice and testing of outdoor skills might be important. Opportunities for both motorized and non-motorized forms of recreation are possible.</p>	<p>Probability for experiencing affiliation with individuals and groups is prevalent, as is the convenience of sites and opportunities. These factors are generally more important than the setting of the physical environment. Opportunities for wild-land challenges, risk-taking, and testing of outdoor skills are generally unimportant except for specific activities like downhill skiing, for which challenge and risk-taking are important elements.</p>	<p>Probability for experiencing affiliation with individuals and groups is prevalent, as is the convenience of sites and opportunities. Experiencing natural environments, having challenges and risks afforded by the natural environment, and the use of outdoor skills are relatively unimportant. Opportunities for competitive and spectator sports and for passive uses of highly human-influenced parks and open spaces are common.</p>

APPENDIX L

DEVELOPMENT SCALE

A scale for site development has been prepared to guide development of recreation facilities that would be compatible with the recreation opportunities an area is being managed for (see Appendix K). The following table indicates the scale of development appropriate for each Recreational Opportunity.

Recreation opportunity	Development scale	
Primitive	1	Minimum site modification. Rustic or rudimentary improvements designed for protection of the site rather than comfort of the users. Use of synthetic materials excluded. Minimum controls are subtle. No obvious regimentation. Spacing informal and extended to minimize contacts between users. Motorized access not provided or permitted.
Semiprimitive (Motorized and non-motorized)	2	Little site modification. Rustic or rudimentary improvements designed primarily for protection of the site rather than the comfort of the users. Use of synthetic materials avoided. Minimum controls are subtle. Little obvious regimentation. Spacing informal and extended to minimize contacts between users. Motorized access provided or permitted. Primary access over primitive roads. Interpretive services informal, almost subliminal.
Roaded natural	3	Site modification moderate. Facilities about equal for protection of site and comfort of users. Contemporary/rustic design of improvements is usually based on use of native materials. Inconspicuous vehicular traffic controls usually provided. Roads may be hard surfaced and trails formalized. Development density about 3 family units per acre. Primary access may be over high standard roads. Interpretive services informal, but generally direct.
Rural	4	Site heavily modified. Some facilities designed strictly for comfort and convenience of users. Luxury facilities not provided. Facility design may incorporate synthetic materials. Extensive use of artificial surfacing of roads and trails. Vehicular traffic control usually obvious. Primary access usually over paved roads. Development density 3-5 family units per acre. Plant materials usually native. Interpretive services often formal or structured.
Urban	5	High degree of site modification. Facilities mostly designed for comfort and convenience of users and usually include flush toilets; may include showers, bathhouses, laundry facilities, and electrical hookups. Synthetic materials commonly used. Formal walks or surfaced trails. Regimentation of users is obvious. Access usually by high-speed highways. Development density 5 or more family units per acre. Plant materials may be foreign to the environment. Formal interpretive services usually available. Designs formalized and architecture may be contemporary. Mowed lawns and clipped shrubs not unusual.

APPENDIX M

ANALYSIS OF PUBLIC COMMENTS

In the summer of 1985 the Forest issued news releases asking the public for comments concerning management of the National Scenic River segment of the Au Sable River prior to preparing a management plan for that segment. A meeting was held in McKinley, Michigan to obtain local comments, and the District Rangers from Mio and Harrisville, Michigan contacted representatives of interest groups to obtain their comments. As a result of this effort 8 letters and 28 personal statements were collected, containing about 200 separate comments. The letters and statements have been numbered and are on file in the Forest Supervisor's Office in Cadillac, Michigan.

The following is an analysis of those letters and statements. The numbers following the comments indicate the number of the letters and recorded statements from which the comment came.

A. CAMPING

1. Where people camp should be controlled in some manner. 2, 5, 6, 11, 14, 15, 16, 18, 19, 21, 22, 23, 24, 27, 28, 31, 36
2. No camping should be permitted near the river. 20, 29
3. Camping does not need to be controlled. 13
4. People should pay to camp on the river. 27

B. VEHICLE USE AND VEHICLE ACCESS

1. Leave existing access roads to the river open for use by fishermen and the handicapped. 6, 7, 30, 31, 12.
2. Some of the roads to the river should be closed or relocated. 8, 16, 22, 27, 2, 5
3. Off-road vehicle activity near the river should be controlled. 14, 21, 22, 23, 24, 26, 32
4. Existing roads should not be improved. 8
5. We need to provide emergency access to the river. 21
6. No automobiles should have direct access to the river. 2

C. WATERCRAFT USE

1. Canoe use on the river should be limited in some way. 6, 7, 12, 15, 16, 19, 25, 28, 30, 31, 32, 33, 34
2. The amount of canoe use on the river is OK and controls aren't necessary. 14, 17, 18, 22, 24

3. The use of motors should be prohibited or limited in some manner. 5, 17, 18, 22.
4. Canoe liveries should be responsible for the actions and damage done by their customers; they should pay to use the river; they should be put under permit. 5, 9, 16, 28, 29, 30

D. VEGETATIVE AND WILDLIFE MANAGEMENT

1. Vegetation next to the river should be protected for fish habitat. 1, 2, 18
2. Vegetation should or can be managed for esthetics and wildlife purposes. 3, 8, 14, 15, 17, 22, 23, 24
3. Protection of the rivers scenery, natural appearance, and ecology should be our primary concern. 1, 5, 8, 22
4. Nongame management should be emphasized. 19
5. We should provide for the hunting that occurs. 23
6. When a project impacts wildlife, we should work with the Michigan DNR. 23
7. We should meet biological needs rather than avoiding controversy, or the preservation goals of a scenic river. 23
8. It is not necessary to manage the scenery for canoeists. 23
9. Trapping should be limited or prohibited. 30

E. FISHING

1. We should eliminate or modify the quality fishing regulations. 18, 19, 22
2. We should allow the planting of anadromous fish and provide trophy fishing opportunities. 20, 29
3. They are concerned about the river's ability to maintain a self-sustained population of trout. We need to do more to improve trout habitat. 18, 20, 22
4. They are opposed to the stocking of anadromous fish. 22, 25
5. We should provide for an increase in sports fishing. 15

F. WATER QUALITY AND EROSION CONTROL

1. Limit recreation development and activities near the river's edge to prevent erosion problems. 2, 12, 17, 18

2. They are concerned that the river is becoming warmer, would like to see water level regulated. 18, 24, 31
3. We need to prevent bank erosion. 19, 20, 17

G. RECREATION DEVELOPMENT AND INFORMATION SERVICES

1. Too much emphasis is given to providing for the canoeist's needs. 7
2. We should emphasize dispersed recreation rather than developed. 8, 11
3. The river area should be managed for water-related activities such as fishing, canoeing and boating; rather than camping, off-road vehicles, hiking, etc. 11
4. More landings and better landings are needed downstream of McKinley. 16, 24
5. Take down the fence at Comins Flats. 16, 18, 19
6. The Comins Flats access site should be retained by the state. 16
7. The Davis access site should be closed. 18
8. The Forest Service landings should be improved. 18, 24
9. We should not provide hiking trails. 18, 24
10. We should provide hiking and nonmotorized trails in the corridor. 8, 19
11. We should provide access for the Au Sable River boats and more access for fishing boats. 20, 22
12. A campsite accessible only to canoes is needed below McKinley. 24
13. A brochure is needed to show overnight camping opportunities. 24
14. The fence at Comins Landing should be left. 24
15. More toilets are needed for river users. 32, 36
16. We need to tell people where toilets are located. 32, 26

H. LAW ENFORCEMENT RELATED CONCERNS

1. We should do something about the litter along the river. 1, 5, 6, 18, 19, 31, 34, 35
2. We need to do something about behavior of some of the river users. 5, 7, 9, 11, 19, 30, 30, 35

3. Concerned that we will not provide the law enforcement needed. 21, 27

I. OTHER

1. The Au Sable is different than the Pere Marquette River and will need a different type of plan. 6
2. Cultural resources need to be protected. 10
3. Greenbelt zoning should be used and adhered to, to protect the river. 17
4. The plan should consider the impact on the local economy and get the Chamber of Commerce involved in river management. 21, 27
5. The river is receiving too much use in general. 25, 27

EVALUATION OF ALTERNATIVES

	ALTERNATIVES	EVALUATION CRITERIA												TOTAL WEIGHTED SCORE
		PROTECTION OF SCENIC RIVER VALUES 1/		EASE OF ADMIN. 2/		COST TO ADMIN. 3/		BENEFIT TO OTHER RESOURCES		4/		TOTAL WEIGHTED SCORE		
		WGT VALUE	SCORE	WGT VALUE	SCORE	WGT VALUE	SCORE	WGT VALUE	SCORE	WGT VALUE	SCORE			
A.	REC. OPPORTUNITY MANAGEMENT													
	1.	---	-9	+++	+6	0	1/1 0	-	-1	-4				
	2.	+++	+9	---	-6	---	-3	0	0	0				
	3.	++	+6	--	-4	--	-2	+	+1	+1				
	4.	++	+6	---	-6	---	-3	+	+1	+1				
	5.	+	+3	0	0	-	-1	+	+1	+1				
B.	VEGETATIVE MANAGEMENT													
	1.	---	-9	+++	+6	0	0	+++	+3	0				
	2.	+++	+9	0	0	+	+1	---	-3	+7				
	3.	++	+6	0	0	0	0	++	+2	+8				
	4.	++	+6	0	0	0	0	++	+2	+8				
C.	CAMPING													
	1.	+++	+9	---	-6	---	-3	++	+2	+2				
	2.	++	+6	--	-4	--	-2	++	+2	+2				
	3.	++	+6	---	-6	--	-2	++	+2	0				
	4.	---	-9	+++	+6	0	0	--	-2	-5				
D.	OFF-ROAD VEHICLE USE													
	1.	--	-6	+++	+6	0	0	--	-2	-2				
	2.	++	+6	---	-4	--	-2	++	+2	+2				
E.	WATERCRAFT USE													
	1.	---	-9	+++	+6	0	0	-	-1	-4				
	2.	+++	+9	---	-6	---	-3	+	+1	+1				
	3.	++	+6	--	-4	--	-2	0	0	0				
	4.	++	+6	-	-2	-	-1	0	0	+3				
F.	FISHING ACCESS													
	1.	---	-9	+++	+6	0	0	--	-2	-5				
	2.	++	+6	--	-4	-	-1	+	+1	+2				
	3.	+++	+9	---	-6	---	-3	++	+2	+2				
	4.	+++	+9	---	-6	---	-3	++	+2	+2				
	5.	++	+6	--	-4	-	-1	+	+1	+2				
G.	WATERCRAFT ACCESS													
	1.	++	+6	--	-4	--	-2	+	+1	+1				
	2.	-	-3	0	0	0	0	0	0	-3				
H.	LAND ADJUSTMENT													
	1.	+	+3	---	-6	---	-3	+	+1	-5				
	2.	0	0	-	-2	0	0	-	-1	-3				

LEGEND

- + = Alternative will have a positive value or impact.
- ++ = Alternative will have a very positive value or impact.
- +++ = Alternative will have an extremely positive impact or value.
- 0 = Alternative impact or value is neutral.
- = Alternative will have a negative impact or value.
- = Alternative will have a very negative impact or value.
- = Alternative will have an extremely negative impact or value.

1/ This evaluation criteria indicates how well the alternative preserves the river's watershed in a primitive condition and the shoreline as undeveloped. It is also an indication of how well the river's esthetic, scenic, historic, archaeological, and scientific values are protected.

2/ This evaluation criteria is an indication of how the public will accept the action proposed by the alternative. It is an indication also of how much the proposed action disrupts present use of the river.

3/ This evaluation criteria indicates how much more it will cost to implement, or how much revenue the Forest will lose as a result of the proposed action when compared to the present situation.

4/ This evaluation criteria indicates the impact the proposal will have on resources within the river not necessarily associated with National Scenic River values.

APPENDIX N

ALTERNATIVES CONSIDERED

A. RECREATION OPPORTUNITY SPECTRUM MANAGEMENT

1. Manage the entire river corridor as Roaded Natural.
2. Manage the entire river corridor as semiprimitive nonmotorized.
3. Manage entire river area as semiprimitive motorized.
4. Manage upper portion of river corridor (within T26N, R3E), as semiprimitive motorized and lower portion (T26N, R4 and 5E) as semiprimitive nonmotorized.
5. Manage the upper portion of the river (within T26N, R3E) as roaded natural and the lower portion (T26N, R4 and 5E) as semiprimitive motorized.

B. VEGETATIVE MANAGEMENT

1. Manage the vegetation according to standards and guidelines of adjoining management prescription areas as shown in the Forest Plan.
2. No vegetative management within the river corridor except as needed to remove hazard trees from developed sites, to screen developments from the river and to correct damage from a natural disaster.
3. No vegetative management within the seen area from the river except as needed to remove hazard trees from developed sites, to screen developments from the river and correct damage caused by a natural disaster. Timber in the remainder of the corridor would be managed similar to that in adjoining management prescription areas.
4. No vegetative management within the seen area from the river except as needed to remove hazard trees from developed sites, to screen developments from the river and correct damage caused by a natural disaster. Timber in the remainder of the corridor, would be managed similar to that in adjoining management prescription areas except long rotation hardwoods and conifer would be retained as old growth.

C. CAMPING

1. Prohibit camping within the river corridor.
2. Permit camping at designated sites only.

3. Prohibit motorized access to camp sites.

4. Allow unrestricted camping.

D. OFF ROAD VEHICLE USE

1. Limit motor vehicle use in the river corridor to roads or to trails provided for ORV use (present policy).
2. Close the river corridor to motor vehicle activity except on roads and trails designated for that use.

E. WATERCRAFT USE

1. Allow unlimited watercraft use on the river (the present situation).
2. Limit watercraft use to what the river received in 1971, as stated in the river study report.
3. Limit watercraft use to the amount of use the river received in 1984.
4. Limit commercial watercraft use to the amount of use the river received in 1984.

F. FISHING ACCESS

1. Allow motor vehicles to the river's edge at fishing access sites.
2. Allow motor vehicles close to, but parked out of sight from the river at, fishing access sites.
3. Except for developed watercraft access provide only walk-in at fishing access sites within the river corridor.
4. Allow motor vehicles close to, but parked out of sight from the river, at fishing access sites in the upper portion of the river (T26N, R3E) and walk-in only at fishing access sites in the lower portion of the river (T26N, R4 and 5E).
5. Allow motor vehicles to the river's edge at fishing access sites in the upper portion of the river (T26N, R3E) and close to, but out of sight from, the river at fishing access sites in the lower portion of the river (T26N, R4 and 5E).

G. WATERCRAFT ACCESS

1. Provide carry-in access only for watercraft at National Forest Landings.

2. Provide vehicle access to the river's edge to launch or retrieve watercraft.

H. LAND ADJUSTMENT

1. Acquire scenic easements on private lands to protect the river from the impacts on private land.
2. Utilize state and local zoning to protect the river from impacts on private land.

PREFERRED ALTERNATIVES

The preferred alternatives are:

- A-5 Manage the upper portion of the river (within T26N, R3E) as roaded natural (RN) and the lower portion (T26N, R4 and 5E) as semiprimitive motorized (SPM).
- B-4 No vegetative management within the seen area from the river except as needed to remove hazard trees from developed sites, to screen developments from the river and correct damage caused by a natural disaster. Timber in the remainder of the corridor, would be managed similar to that in adjoining management prescription areas except long rotation hardwoods and conifer would be retained as old growth.
- C-2 Permit camping at designated sites only.
- D-2 Close the river corridor to motor vehicle activity except on roads and trails designated for that use.
- E-4 Limit commercial watercraft use to the amount of use the river received in 1984.
- F-2 Allow motor vehicles close to, but parked out of sight from, the river at fishing access sites.
- G-2 Provide carry-in access only for watercraft at National Forest Landings.
- H-2 Utilize state and local zoning to protect the river from impacts on private land.

APPENDIX O

COMMENTS TO THE DRAFT PLAN AND OUR RESPONSE TO THEM

In April of 1987 a draft Management Plan for Au Sable National Scenic River was printed and distributed for public comment. Over one hundred copies of the plan were sent to individuals that had indicated an interest in management of the river and over 200 letters were sent to individuals and organizations that we thought might be interested. The letters explained how they could obtain a draft for their review. At the same time, news releases were made that briefly summarized the contents of the plan and explained how people could obtain copies of the plan for their review. Draft plans were also sent to libraries throughout the state for the general public to review.

Six individuals responded to the draft. The following are their comments and our response to them.

1. Leave all old-growth red and white pine in the river corridor.

RESPONSE: We have so indicated, see page 15.

2. Provide the handicapped with access for scenic views of the river.

RESPONSE: A hardened trail will be provided at each of the scenic overlooks to provide the handicapped with a view of the river, see appendix B

3. Liveries should have an annual clean-up day.

RESPONSE: A good idea and Forest personnel will encourage any user or user group to sponsor such an activity, but we cannot demand that they do this.

4. Sweepers should not be cut along the river.

RESPONSE: We do not feel trees and branches leaning in the river should be indiscriminately cut. There may be cases when the cutting of this vegetation is required and the plan allows cutting of this material only after obtaining permission from the District Ranger.

5. Allow no alcohol on the river.

RESPONSE: This would be extremely difficult to enforce and may not be acceptable to many of the river's users. We prefer to follow the actions outlined in the public information, law enforcement, and recreation sections of the plan to control visitor behavior.

6. Allow water from the Mio Dam to fluctuate to decrease temperature, silt and the crayfish population in the river.

RESPONSE: We consider the flow through situation at the Mio Dam as a more natural situation than the fluxuating levels suggested, and more in keeping with the natural undisturbed characteristics of a National Scenic River. The river's water quality is being monitored. If water quality declines corrective action will be taken.

7. Provide more vehicle access to the river for fishing. Consider planting screening so anglers can park closer to the river.

RESPONSE: We talked with anglers while preparing the plan and tried to retain all access sites that were of interest to them. At the same time we had to be sensitive to other concerns, such as unauthorized camping and ATV activity, littering, erosion, disturbance to the shoreline, impact to other users, etc. Generally we feel we are meeting the needs of most anglers. All parking sites for anglers are less than 1/4 of a mile from the river, and most are within 200'. Since preparing the draft no specific roads for angler access have been identified for our consideration.

8. Close the Reed Road east of Mc Kinley because of the dumping of trash and illegal tree cutting.

RESPONSE: Closing the Reed Road will prevent the public from using a large segment of National Forest land for legitimate purposes, such as hunting, fishing, access to O'Brien Lake, etc. We prefer to keep the road open and try to control illegal use by signing, educating the public and be increasing our efforts to apprehend violators.

9. Manage the shoreline more as a wilderness and keep the river area natural appearing.

RESPONSE: We feel by closing some of the roads, limiting where vehicles may go, requiring camping and parking to be out of sight from the river, designating where people may camp and park, and restricting the cutting of vegetation that we are managing for a natural appearing river. At the same time we must try to meet other concerns as allowed in the Wild and Scenic River Act.

10. Construct additional boat access sites on the river to meet the needs of the older angler.

RESPONSE: We feel the four boat access sites are evenly spaced along the river and meet the needs of most anglers. Additional sites would tend to conflict with this River's designation as a National Scenic River.

11. We should issue camping permits to canoeist. The liveries could issue the permits for use.

RESPONSE: The amount of camping done by canoeist, as they canoe the river, is minor in relation to the amount of camping associated with vehicles. At the present time we don't feel permits are needed to canoe camping. If canoe-in camping should become popular we would consider a canoe camping permit or reservation system as you suggest.

12. Limit livery canoe use activity to the hours between 9:00 a.m. - 6:00 p.m.

RESPONSE: This was not identified as an issue during any of the public involvement meetings held in preparing the plan. It does not appear to be a serious issue to most users of the river. We therefore, do not feel it is necessary to impose watercraft hour controls at this time.

