

## Chapter 10: Burt Township Coastal Strategy

### Introduction and Background

The need for more effective coastal management was recognized officially by the Michigan Legislator and Governor Milliken in 1970 with the passage of the Shorelands Protection and Management Act. This statute resulted from an increasing awareness of the importance of Michigan's coast and its value as a natural resource. The Act mandates the development of a plan for the management of high risk erosion areas, flood risk areas, and critical fish and wildlife habitats adjacent to the Michigan shorelines of the Great Lakes. The State of Michigan possesses 3,200 miles of Great Lakes Coastline.

The passage of the Federal Coastal Zone Management Act in 1972 underscored a nation-wide recognition of the diverse nature and value of the nations coastal areas. This Act provided for the establishment of a national program to assist individual states with the development and implementation of coastal management programs.

A coastal zone is defined as being 1000 feet landward from the ordinary high water mark of the Great Lakes or connecting channels. This boundary is expanded for certain situations including publicly owned parks adjacent to the Great Lakes and wetlands influenced by lake levels.

This coastal strategy for Burt Township begins with an inventory of soils and land use then continues on with a discussion of development potentials and limitations. This report also has a fairly extensive listing of state and federal acts and regulations affecting the coastal zone. A section of the strategy focuses on potential transportation improvements and its impact on the environment. The Coastal Strategy then concludes with a suggested course of action to deal with future growth and/or preservation, including suggested changes to the Township's Zoning Ordinance.

Burt Township is a rural area consisting of 539 persons. Encompassing 234.4 square miles, it is the largest township in Alger County. Most of the population and activity is concentrated in and around the community of Grand Marais, much of which is located within the coastal zone of Lake Superior.

People are drawn to the pristine quality of Burt Township and particularly the Grand Marais area. Both year-round and part-time residents are attracted to the area because of its abundance of natural beauty. Grand Marais is the eastern gateway to the Pictured Rocks National Lakeshore. In recent years, there has been a growing number of part-time residents.

Local discussion on the subject of development, preservation, growth management has been lively. An 18 unit condominium was recently built adjacent to West Bay along Coast Guard Point. Further discussion about additional condominium projects, the value of more commercial development and the need to preserve the qualities that make this coastal area unique has lead to spirited debates. Clearly, there needs to be a balanced approach to the growth strategy for not only the coastal zone, but all of Burt Township.

### Land Use / Land Cover

The Coastal area of Burt Township is a mixture of land uses. For discussion purposes it will be broken down into three general areas: east of East Bay; West Bay and Grand Marais; and the Pictured Rocks National Lakeshore.

Beginning with the eastern most portion of the Township and going west, the area is almost exclusively upland conifer with beach sand along the shoreline, with some limited seasonal camp development particularly as it gets closer to East Bay and the Sucker River. This area is approximately 4 miles long with the State of Michigan owning the eastern 2 miles. Large track ownership exists in Section 34, while small tracks predominate Section 33 near East Bay.

Much of the Eastern most section of the coastal area is categorized as High Risk Erosion area and also Critical Dune Requirements that apply to this area.

The West Bay/Grand Marais Area is predominately residential/seasonal development with scattered tourism related developments. Generally, commercial development is confined to a small strip of land either side of Lake Ave. (M-77) between Randolph and Brazel Street. Recreation facilities include a marina and small craft harbor, public swimming beach, and Woodland Park. In addition, the Corps of Engineers and Pictured Rocks National Lake Shore have facilities along Coast Guard Point. The area includes a fair amount of beach sand classification particularly along the Lake Superior side of Coast Guard Point. The shoreland area is prime habitat for the endangered Piping Plover.

West of Grand Marais is the Pictured Rocks National Lakeshore. Land cover is a mixture of upland conifer and hardwoods and a large area of sand dunes forming one of the lake shores attraction areas called Grand Sable Dunes. This dune area is adjacent to Grand Sable Lake and the two are literally separated only by a road corridor (H-58). The coastal zone has a campground, lighthouse, and a variety of other attractions, including hiking trails.

### Transportation System

The transportation system serving the coastal area, Grand Marais, and the Pictured Rocks National Lakeshore has been the topic of many community meetings. Much of this discussion has centered on the kinds of improvements anticipated with the Superior Scenic Drive designated through the township.

The overall strategy of the Superior Scenic Drive Committee is to make this route a hard surfaced road from Sault Ste. Marie to Munising, a distance of 175 miles. This Committee, consisting of members from Alger, Luce and Chippewa Counties, the Michigan Department of Transportation, Lakeshore, and both the central and eastern planning and development regions, published their report in 1985. This report identified the route, developed priorities for improvements and set out on a course to obtain funding from a variety of sources to upgrade the route. Much of the improvements have either already been made or are committed to in Luce and Chippewa Counties. The remaining work primarily is focused on addressing road needs within Alger County.

The portion of the Superior Scenic Drive going through Burt Township and in certain areas the coastal zone is along County Road H-58. From the eastern township line H-58 is paved through Grand Marais and then it reverts to either gravel and in some areas sand as it continues west through the Pictured Rocks National Lakeshore.

All of the proposed improvements along the Superior Scenic Drive would be along existing roads with the exception of a 12.2 mile segment within the Lakeshore. The National Park Service is currently conducting an environmental Impact Statement (EIS) for this 12.2 mile stretch of proposed new construction. The draft EIS is expected to be completed by the end of 1992 with final approval anticipated in the summer of 1993.

The EIS will consider alternatives for the primary road access system for the national lakeshore, which includes roads from Munising to Grand Marais both in the lakeshore and in other adjacent ownerships. Four alternatives will be described in detail: (1) a corridor that includes routing along the rim of the Beaver Basin shoreline zone as depicted in the 1981 General Management Plan; (2) a corridor that includes routing removed from the rim of Beaver Basin primarily with the inland buffer zone; (3) the paving of the existing route of County Road H-58; and (4) a no action alternative. The alternatives will be weighed against one another to determine the comparative impacts on the environment.

To assemble information a essential to preparation of the EIS and assess impacts from the proposed development of a Beaver Basin Rim Road in Pictured Rocks National Lakeshore, baseline data studies have been conducted on natural and cultural resources, noise impacts, visitor use, and socio-economics. Technical contractors selected to conduct the studies represented National Park Service, universities, private consulting firms, and private individuals. The majority of the studies were conducted between June, 1990 and March, 1992, within the Beaver Basin Rim Road corridor (also called the study area).

The eastern end of this Beaver Basin Rim Road is approximately 15 miles west of Grand Marais. Within this 15 mile stretch of H-58 there are a number of hazardous curves and a segment near Sullivan's Landing that is very close to the shoreline of Lake Superior. In order to make minor alignment changes from Grand Marais west, and environmental assessment would need to be conducted at an estimated cost of \$350,000. The Alger County Road Commission does not have the funds to make improvements to this road, let alone commit upfront money to complete an environmental assessment. The Road Commission will continue to maintain the road in its existing condition and will work with others to seek funding for this environmental assessment.

One of the great fears and discussions through the development of this strategy was centered on the visual appearance and quality of driving experience if improvements were made to H-58. Without exception, everyone was of the opinion that if road improvements were made and it meant losing the tree canopy and character of the driving experience, then it should not be done. There are still at least half of the people questioned that believe the road should be maintained in its present condition, without any improvements or blacktopping. Regardless of how careful an improvement project would be, there are many that say it should not be done, while others have a perception that improvements will turn H-58 into a high speed highway.

Clearly, if improvements are made to H-58, then they have to be done in such a way as to preserve the character of the existing road. This will mean a design standard that has minimum shoulders and a cross section that is as narrow as possible.

There have been two other topics of discussion relating to the Superior Scenic Drive or H-58 centered in the community of Grand Marais. The first involved relocating H-58 south of town. There are a few roads (Webb, Ridge, Carpenter) that run east – west and if connecting links were constructed could make for a continuous route. The problem with this approach is cost and getting across Carpenter Creek Valley where there is almost a hundred foot elevation difference from the surrounding ridge.

Finally, consideration should be given to changing the location of H-58 from its present route to other existing streets within Grand Marais. As H-58 enters the community from the east, it travels along Grand Marais Avenue turning on Randolph, again at Lake Avenue (M-77) and then onto Carlson. A potential change would be to continue H-58 along Grand Marais Avenue (along the shoreline), make a short jog onto Brazel Street then back to H-58 west of town.

As consideration was given to changing H-58 within Grand Marais, discussion also focused on another alternative within the coastal zone. Instead of changing H-58 along the shoreline, keep it along its present route and abandon the section of Grand Marais Avenue between Randolph and, where it connects with Lake Avenue. This would open up additional land adjacent to the communities swimming beach and shoreline for public use as a park. There was not a recommendation made on these options, but rather suggested for further community review and evaluation.

**Development Potential**

In assessing the potential and appropriateness for development within the coastal zone, the first step was to analyze the soil types. The accompanying table and map show the development limitations and locations of soil types within the general community of Grand Marais. A soil survey was conducted by the Alger County Soil Conservation office in 1987 for the area of Grand Marais which lies north and east of County Road H-58. There are five soil types identified in this area.

As can be seen from the table, there are general problems with on-site waste disposal for all soil types, primarily due to poor filtering capacity or high water table. With the exception of the Udipsamments (#1), there is either a moderate or severe limitation for development of buildings in the area.

Clearly the soils information points to the need to take precautions and work closely with the local health department in development projects.

**Development Limitations**

<b>Soil Name and Map Number</b>	<b>Septic Tank Absorption Fields</b>	<b>Erosion</b>	<b>Site Development / Buildings</b>
(1) Udipsamments; level to gently undulating	Severe/Surface runoff in slow, poor filtering capability	Vulnerable	Slight/Erosion of sand may undermine the structural integrity of a building
(2) Udipsamments; level to gently undulating, wet substratum	Severe/High water table from 3 to 6 feet		Moderate / For buildings with basements
(3) Roscommon; Udipsamment, 0 to 6% slope, wet substratum	Severe/High water table from 3 to 6 feet		Sever/High water table
(4) Roscommon mucky sand	Severe/wetness, ponding, and poor filtration capabilities		Severe/wetness and ponding
(5) Deer Park; 0 to 6% slope, wet substratum	Severe/poor filtration		Moderate/For buildings with basements because of wetness

In the narrative description of the map units, suitability ratings and brief descriptions of soil limitations for building site development and septic tank absorption fields have been outlined. These are recommended only, and the map is to be used for general planning purposes only,

and is not intended to be site specific. Any site specific use will require an on-site investigation by a person knowledgeable about the use, classification, and management of soils. Because of the seasonal high water tables, it is recommended that these on-site investigations be conducted during late April or early May, when the water tables are at their highest level, especially in map units 2 and 5 where there is a complex of soils with dry and wet sub-stratums.

It is important that landowners realize that because of the soils close proximity to Lake Superior, erosion is a problem. The natural processes of erosion have been observed by local residents who report that the beach on the northern side of West Bay is eroding and filling in the Bay and being deposited on the south shore of the Bay.

Another development limitation is found within the commercial area of Lake Avenue. There are problems with available space to replace failing septic systems. Currently two businesses are on pump and haul status and are not able to obtain health department approval for septic system replacement. Other businesses will find themselves in the same situation when their septic systems fail. One of the solutions to this problem is the development of a community septic system. Considerable discussion took place on how to manage development along West Bay and H-58. A community survey was undertaken to obtain the opinions of year round and part time residents. Most people clearly want to restrict development and make sure that the rural, unique character of Grand Marais be preserved. Residential development and recreational development were the two areas having the most support.

Considerable concern was raised about potential commercial development if H-58 was improved. There was concern raised that commercial development would change the character of the coastal zone.

A number of public development projects were discussed within the coastal zone. Most involved improvements to facilities serving users of West Bay and Lake Superior. Along Coast Guard Point some excess property has been identified for sale or disposition by the coast guard. Burt Township is interested in obtaining this property and developing a boat launch site there. This location would be a better site than the current location of the boat launch because of the sand infiltration problems.

Sand infiltration has been a problem plaguing the Grand Marais Harbor for over 20 years. Efforts have been ongoing to find funds to help correct this problem. Improvements are also needed to deal with the on-site septic problems found along the commercial district of Lake Avenue. Efforts are necessary to find a solution and way to finance a community septic system. Commercial expansion is logical for this area but will not happen until the septic problem is dealt with.

### State Regulations

Coastal areas in the State of Michigan are regulated by several single purpose programs. The major acts include the Shorelands Protection and Management Act, the Soil Erosion and Sedimentation Control Act, the Inland Lakes and Streams Act, and the Wetlands Act. In Burt Township, the Sand Dune Protection and Management Act and the Endangered Species Act are important in regulating development in Coastal areas also.

The Shorelands Protection and Management Act of 1970 (Act 245) provides for the regulation of use or development within three types of shoreland areas: "environmental areas" necessary for the preservation and maintenance of fish and wildlife, "high risk erosion areas" subject to erosion, and "flood risk areas" subject to flooding. The high risk and environmental areas extend 1,000 feet landward of the ordinary high water mark within a shorelands zone. Also included in the zone will be lands bordering or adjacent to waters affecting by Great Lakes water levels which would include coastal lakes and river mouth areas.

The flood risk areas are not limited to the 1000 foot zone but include areas “on the basis of studies and surveys to be subject to flooding from effects of levels of the Great Lakes.” Only areas actually designated within the shoreland zone are subject to permit requirements. The entire shoreland zone does not fall automatically under state or local permit review. For the high risk and environmental areas, the statute and accompanying regulations provide further that approved local zoning ordinances will replace direct state review and permits, although the DNR will retain the right to review decisions of the zoning administration.

The Great Lakes Submerged Lands Act of 1955 (Act 247) regulates the filling or building upon the bottomlands of the Great Lakes below the ordinary high water mark. If a land owner or developer desires to alter the characteristics of the bottomland an application must be submitted to the DNR. The DNR reviews the application to determine the potential effect the development will have on the public trust in the bottomlands. Fish habitat is a significant reason to protect the bottomland from alteration; however, this statute does not provide authority for the regulation of development above the ordinary high water mark regardless of the effect on the water or habitat quality.

The Soil Erosion and Sedimentation Control Act of 1972 (Act 347) provides for a unified soil erosion and sedimentation control program statewide. County enforcing agencies, appointed by the County Board which may be of any county officer, board, commission, department, or other county entity, are responsible for the administration of the regulations. The County is responsible for administration unless a city, village, or charter township has an ordinance conforming to and approved under this Act. A local ordinance may be more restrictive than the State statute, but may not make lawful what is unlawful under the original State Act and accompanying regulations. Act 347 regulates earth changes on one acre or more of land within 500 feet of a lake or stream.

The Act and regulations do not apply to:

1. The industry generally referred to as logging.
2. The industry generally referred to as mining.
3. The plowing or tilling of land for the purpose of crop production or the harvesting of crops.
4. A person engaged in agricultural practices who has entered into an agreement with the appropriate soil conservation district to pursue such agricultural practices in accordance with the Act and regulations.
5. Actions of a State agency, city, village, charter township, county, or a county agency whose soil erosion and sedimentation control procedures have been found adequate under the Act by the DNR and after review by the local soil conservation district.

In general, the Inland Lakes and Streams Act of 1972 (Act 346) is the inland counterpart to the Great Lakes Submerged Lands Act. Under Act 346, inland lake bottom lands are protected proposed alterations to bottomlands are reviewed by the DNR. Section 3 of the statute states:

Section 3. Except as provided in this Act, a person without a permit from the Department shall not:

- A. Dredge or fill bottom land.
- B. Construct, enlarge, extend, remove, or place a structure on bottomland.
- C. Erect, maintain a marina.
- D. Create, enlarge or diminish an inland lake or stream.
- E. Structurally interfere with the natural flow of an inland lake or stream.
- F. Construct, dredge, commence, extend, or enlarge an artificial canal, channel, ditch, lagoon, pond, lake, or similar waterway where the purpose is the ultimate connection with an existing inland lake or stream or where any part of the artificial waterway is located within 500 feet of the ordinary high water mark of an existing inland lake or stream.

- G. Connect any natural or artificially constructed waterway, canal, channel, ditch, lagoon, pond, lake or similar water with an existing inland lake or stream for navigation or any other purpose.

In 1976, the Michigan Legislature passed the Sand Dune Protection and Management Act, PA 222 of 1976. This law focused on the regulation of the mining of sand in designated dune areas and charged the DNR with doing additional studies to identify measures that could protect the dunes further from inappropriate development or use. Subsequent efforts by a citizens Sand Dune Advisory Committee urged DNR policy changes in 1985 (which were adopted), and the development of additional legislative measures that would use zoning to protect the dunes. The Sand Dune Protection and Management Act, PA 222 of 1976, was amended on July 5, 1989, to protect further certain sand dune areas identified as "Critical Dune Areas." The new laws give cities, villages, and townships the first option to adopt a Dune Protection Ordinance in accordance with new standards. If the local ordinance is approved by the DNR, then final authority for review and approval of all but special use projects will remain at the local level. The Department of Natural Resources (DNR) retains final review and approval authority over all special use projects.

Another key provision regards setbacks. Setbacks are established at 100 feet from the crest of the dune but projects may locate closer than 100 feet upon proof that the dune will not be destabilized as a result. Local regulations may, however, be more restrictive. Currently, the DNR regulates development within the critical dune areas of Burt Township.

The Endangered Species Act (PA 203 of 1974) and Amendments, (PA 404 of 1982), provides for the conservation, management, enhancement, and protection of fish, plant life, and wild life species endangered or threatened with extinction; to provide for enforcement authority; and to prescribe penalties. In the Act, "Endangered Species" is defined as any species of fish, plant life, or wild life which is in danger of extinction throughout all or a significant part of its range other than a species of insect determined by the commission or the secretary of the United States Dept. of Interior to constitute a pest whose protection under this Act would present an overwhelming and overriding risk to man. "Fish or Wild Life" is defined to mean any member of the animal kingdom, including any mammal, fish, amphibian, mollusk, crustacean, anthropod, or other invertebrate, and includes any part, product, egg, or offspring, or the dead body parts thereof. Fish or wild life includes migratory birds, or endangered birds for which protection is afforded by treaty or international agreement. In Section R 299.1026 Birds Of The Department of Natural Resources, Fisheries and Wild Life Divisions, Endangered and Threatened Species list, the Piping Plover, Charadrius Melodus Ord is identified as endangered. Grand Marais has been identified as one of the prime nesting sites of this endangered bird.

## Summary of Applicable State Regulations

<b>Legislation</b>	<b>Applicability</b>	<b>Requirements</b>	<b>Coordinates</b>
PA 245 of 1970 Shoreland Protection and Management Act	Environmental areas, high risk erosion areas, and flood risk areas	1,000 feet landward of ordinary high water mark, only areas actually designated within the shoreland are subject to permit requirements	Approved local ordinance replaces state review and permits/DNR retains right to review decisions
PA 247 of 1955 The Great Lakes Submerged Lands Act	Bottomlands of the Great Lakes below the ordinary high water mark	Person desiring to alter the character of a bottomland must submit an application to the DNR/protection of fish habitat a priority	
PA 347 of 1972 Soil Erosion and Sedimentation Control Act	Earth changes on one acre or more within 500 feet of a lake or stream	Logging, mining, and agricultural activities excluded	County is responsible for administration unless a city, village, or charter township has an approved ordinance
PA 346 of 1972 Inland Lakes and Streams Act	Inland lake Bottomlands	Inland counterpart to Great Lakes Submerged Lands Act	
PA 222 of 1976 Sand Dune Production and Management Act	Designated dune area	Setbacks are established at 100 feet from the crest of a dune/dune stabilization is a priority	State enforces/an approved local ordinance may enforce the Act requirements but DNR reviews all special use permits
PA 203 of 1974 Endangered Species Act	Fish, plant life, and wildlife endangered or threatened with extinction	Conservation, management, enhancement, and protection of the species	International migratory regulations apply also

## Federal Regulations

Although this report is concerned mainly with state regulations that affect development in the coastal areas of Michigan, land owners and developers should be aware of federal regulations that could restrict or prohibit development.

The following table is given to acquaint the reader with other federal regulations that could affect development in Michigan's coastal areas.

### Summary of Applicable Federal Regulations

<b>Legislation</b>	<b>Regulation</b>	<b>Applicability</b>	<b>Requirements</b>	<b>Coordinates</b>
<u>Floodplains</u> E.O. 11988 Floodplain Management	24 CFR Part 55	Any action proposed for a floodplain	Avoid direct or indirect support of floodplain development whenever there is a practicable alternative	
<u>Wetlands</u> E.O. 11990 Protection of Wetlands	24 CFR Part 55	Any action proposed for construction in the wetlands	Avoid direct or indirect support of new construction in wetlands when there is a practicable alternative	
<u>Water Quality</u> Clean Water Act, 33; U.S.C. 1251-1376, Section 404	33 CFR Part 320-325  33 CFR Part 230	Any activity involving disposal or placement of dredged or fill material in navigable waters	The 404 permit program is administered by th Corps of Engineers. EPA has authority to veto permit	Applicant must have permit before decision on appropriate environmental document.
Coastal Areas Coastal Zone Management Act, 16 U.S.C. 1451-1464 Coastal Areas Coastal Barrier Act 1982, 16 U.S.C. 3501	15 CFR Part 930 44 FR 37142	Any proposed activity affecting areas covered by an approved coastal	Ensure that projects are consistent with coastal zone program	Coordinate with State Coastal Zone Management Agency
Endangered Species  Endangered Species Act 16 U.S.C. 1531, Section 7	50 CRF Part 401	Any proposed construction or development action which may occur on an undeveloped coastal barrier listed in Section 4 of the Act	Prohibits Federal Flood Insurance and other Federal assistance on actions which encourage development of coastal barrier resources	Coordinate with U.S. Fish and Wildlife Service and State Coastal Zone Management Agencies
		Any action which might jeopardize continued assistance of endangered or threatened species or result in destruction or modification of crucial habitat.	Federal Agencies shall insure that their actions conserve listed species and ensure, in consultation with FMS/NMFS, that their actions do not jeopardize listed species or modify crucial habitat	Coordinate with FMS Terrestrial and Freshwater species, NMFS concerning marine species

## The Piping Plover

Although little attention has been devoted to the Piping Plover until recently, efforts to protect the bird are increasing nationwide. The species has been listed as Federally endangered in the Great Lakes watershed and Federally threatened elsewhere in its range. The piping plover is listed as endangered in Illinois, Iowa, Michigan, Minnesota, Ontario, and Wisconsin; threatened in New York; and extirpated in Indiana, Ohio, and Pennsylvania. Elsewhere on the Atlantic Coast, the species is either threatened or endangered or being considered for such status. In the Great Lakes, the number of Piping Plovers has declined dramatically. The number of birds has decreased to the point where only Michigan has areas where Plovers have successfully raised young recently.

Efforts to protect the species in Michigan, have included, or will include, the following: allocation of non-game funds of the DNR and other funds to conduct surveys on the status of the bird, studies of its biology, hiring people for surveillance of nesting areas, informing the public through public and private organizations, of the need to protect the Piping Plovers, complete and partial closures of beaches to the public, and development of a recovery plan. The recovery portion of the Michigan Piping Plover Recovery Plan (November 1987) is outlined in the appendix.

## Zoning

A Comprehensive Plan and a revised zoning ordinance are being written for Burt Township. The Comprehensive Plan should be completed by early spring, and the zoning ordinance is to be updated by this summer. Currently, a Zoning Ordinance is in effect for Burt Township. Zoning districts within the Burt Township coastal area are as follows:

### Section 116 Bay District

- A) Intent: This district is intended to establish and maintain for residential and recreational use those areas with frontage on the west bay shoreline which because of their natural characteristics and accessibility are suitable for development.
- B) Conditional Uses: Single-family dwellings, marinas, boat liveries, bathing facilities, fishing piers, resorts, lodges, fish markets, commercial fishing docks, and associated facilities when located and designed as not to reasonably interfere with or degrade or decrease the enjoyment of existing land uses of nearby land.

### Section 117 Lake Superior Shoreline District – (LSSD – 1)

- A) Intent: To establish and maintain for low intensity use those areas which because of their location, accessibility, and natural characteristics are suitable for residential and recreational use.
- B) Permitted Principal Uses: Single-family dwellings, public parks, and playgrounds.
- C) Conditional Uses: Community Service Buildings

### Section 118 Lake Superior Shoreline District – 2 (LSSD – 2)

- A) Intent: To establish and maintain for low intensity use those areas which because of their location, accessibility, and natural characteristics are suitable for residential and recreational use.
- B) Permitted Principal Uses: Single-family dwellings, public parks, and playgrounds.
- C) Conditional Uses: Boat Liveries, public parks, private campgrounds

## Issues and Zoning Considerations

While there are many regulations that define the type and extent of development in coastal areas, perhaps none is more significant than the endangered species act which protects the Piping Plover in Burt Township. It is probable that this tiny bird will have the most impact on future development in the coastal areas of Burt Township.

Of the seven sights identified on Lake Superior, three are located in Grand Marais. Of all the sights listed, twelve out of the Thirty-one nests (39%) occupied in 1989 were in Grand Marais. Forty-five percent of the chicks, or five out of a total of eleven, made it to fledgling status at the Grand Marais nesting sites. The incubation period is twenty eight days and migration begins in July. with most birds having left by late August.

Since the Piping Plover is an endangered species and efforts are underway to protect the bird and increase the total number of birds, it is unlikely that the DNR will approve of any development on the beaches that is likely to affect the nesting or foraging areas of the Piping Plover. It is likely too that human activity will be restricted in nesting areas until after the bird has migrated. DNR officials report that Township residents have been very cooperative in the past by respecting the conservation measures that have been implemented, especially the usage of nest enclosures.

Even if developers are able to obtain the permits necessary for construction in a coastal, wetlands, or dunes area, if the Piping Plover is present in these same areas, the protection of prime habitat of the Piping Plover will be the deciding factor of whether or not development proceeds.

Management of land consistent with the goals for the management/preservation the Pictured Rocks National Lakeshore is important in Grand Marais. Township Board and Planning Commission members are going to have to work closely with the Superintendent of the Lakeshore to ensure that effective and enforceable regulations result. If the Township Board does not adopt some type of policy to guide development within the buffer zone, the Park Service has the authority to promulgate its own rules and regulations. One of the most important issues is notifying the proper agency about proposed development, whether the development is to occur in the inland buffer zone or a designated wetland or critical dune area. Also, lines of communication need to be improved between the developer/real estate agent and the Burt Township Zoning Board.

Real estate agents need to be informed about permit requirements for development in critical areas. Real estate agents should have brochures in their offices about restrictions that may apply to development in critical areas of the Township. DNR and National Lakeshore permit applications should be available in the Burt Township Offices.

## Development Strategy

The development strategy for the coastal zone can be characterized as one that will preserve the qualities that make Burt Township and Grand Marais unique. Caution needs to be exercised when dealing with development, whether it involve road improvements, public facilities or private initiatives. The following statements accurately reflect the development strategy for Burt Township.

## Community Facilities

Work with the Coast Guard to acquire that portion of their excess property along Coast Guard Point not being transferred to the National Park Service.

Evaluate the appropriateness of making improvements to the existing boat launch site or to relocate it if the Coast Guard property is obtained.

Identify options to economically deal with the sand in fill problems of the harbor.

Pursue funding to implement measures to correct the sand problems in the harbor.

Complete a study to evaluate options to correct the on-site septic problems found in downtown Grand Marais.

Implement changes necessary to improve the sewer problems in the downtown.

Implement an ongoing water quality monitoring program for West Bay.

### Transportation

Continue to work with the Alger County Road Commission, Superior Scenic Drive Committee, MDOT, PRNL and others to assess the appropriateness of road improvements along H-58.

Encourage and support an environmental review of the 15-mile road segment between Twelve Mile Beach and Grand Marais.

If improvements are made to H-58, then they have to be done in such a way as to preserve the character of the existing road, including minimum shoulders and cross section.

Maintain the tree canopy along H-58 wherever possible.

Restrict the speed along H-58, particularly where it traverses the Pictured Rocks National Lakeshore.

Evaluate the appropriateness of changing the location of H-58 as it travels through the community of Grand Marais. At the same time consider abandoning Grand Marais Avenue between Randolph and Brazel Streets.

Encourage and support the enactment of Heritage Route legislation in Michigan.

### Land Use/Zoning

Provide information to the DNR on all zoning permits that are located within the coastal zone.

Develop an informational letter and brochure to be provided to real estate agents. This information is intended to inform them of all the rules and regulations that may apply within the coastal zone.

Work with state and federal agencies, interested groups and others to preserve the habitat of the Piping Plover.

Minimize the opportunity for intensive land uses/developments within the coastal zone.

Coordinate zoning decisions with the Pictured Rocks National Lakeshore when located within the buffer zone.

Preserve the aesthetic quality of the coastal zone by establishing proper building setback and sign regulations.

Restrict commercial development to those establishments that currently exist, a small area within Grand Marais along Lake Ave., and activities that are considered home occupations.

Concentrate commercial development in those areas where it currently exists, i.e., a small area within Grand Marais centered on Lake Street.