

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

FILE COPY

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : December 11, 1989

TO : BILL CLAPP
Special Assistant Attorney General
520 Lafayette Road, Suite 200

FROM : MARTHA J. CASSERLY
Special Assistant Attorney General
525 Park Street, Suite 404 (55103)

PHONE : 296-6839

SUBJECT : In the Matter of the Adopted Permanent Rule
Relating to Lake Superior Shoreland Manangement

The above-referenced Permanent rule has been approved as to its legality by the Attorney General on December 11, 1989.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. { 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. { 14.34.

If you have any questions in this regard please contact me.

MJC:bbl
Enclosures
cc: William Brown, Chief Judge (memo only)
MaryAnn Hruby " "

RULE REVIEW CHECKLIST
RESUBMITTED RULE

File No. _____ Docket No. _____

RESUBMISSION DATE Dec 8, 1989
DATE DUE _____

ADOPTED W/O HEARING _____
EMERGENCY RULE _____

APPROVED December 11, 1989
DISAPPROVED _____
WITHDRAWM _____

REVISOR APPROVED _____
REVISOR DISAPPROVED _____
FILED W/SEC. STATE _____
RETURNED TO AGENCY _____

NO **Does the revision raise significant new legal issues?** - therefore may be approved the next day

_____ Review date

____ Rule as adopted (4 copies)

____ Supplemental Findings of Fact, Conclusions & Order Adopting

____ Board's Supplemental Resolution Adopting

____ Notice of submission to Attorney General

____ Affidavit of Mailing Notice to Attorney General

Department of Natural Resources

Adopted Permanent Rules Relating to Lake Superior Shoreland Management

Rules as Adopted

6120.2800 SCOPE.

Subpart 1. [Unchanged.]

Subp. 1a. **North Shore Management plan.** The minimum standards and criteria for the subdivision, use, and development of the shoreland of Lake Superior, other than for the city of Duluth, are those specified in the North Shore Management plan, A Shoreland Management Plan for Lake Superior's North Shore, December 1988, adopted by the North Shore Management Board on November 29, 1988. The plan is incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change.

Local governments shall comply with part 6120.3900, subpart 6, in administration of their shoreland management controls.

Local governments shall adopt shoreland management controls conforming to the North Shore Management Plan within 18 months of the effective date of this part.

Subp. 2. and 3. [Unchanged.]

12:00 PM

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 11 1989

Joan Anderson Growe

Secretary of State

APPROVED AS TO FORM AND LEGALITY

December 11 1989

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Casserly
SPECIAL ASSISTANT ATTORNEY GENERAL

no adopted rule no billing number

RULE REVIEW CHECKLIST

File No. 1637

DATE RECEIVED 10-30-89

REVIEW DATE 11-8-89

DUE DATE 11-13-89

APPROVED _____

DISAPPROVED _____

WITHDRAWN _____

Docket No. 05-0009-0592 ✓

ADOPTED W/O HEARING ✓

EMERGENCY RULE _____

To Revisor: 10-31-89

REVISOR APPROVED _____

REVISOR DISAPPROVED _____

FILED W/SEC. OF STATE _____

RETURNED TO AGENCY _____

---

4 Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
- May 8, 1989 Date published in State Register
- ✓ Comments memo attached summarizing comment

_____ ~~Petition for Adoption of a Rule (if applicable)~~

_____ Board's Authorizing Resolution
- _____ ~~Date adopted~~

✓ Proposed Rule
- _____ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
- 105.485 subd 3 Statutory Authority
- N/A ~~not~~ Small Business Statement
- ~~not sent~~ Expenditure of public money statement
- no date Signature by Joe Alexander

✓ Statement of Need and Reasonableness (if applicable)
- ✓ Small Business Statement
- ✓ Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- July 14, 1989 Date (30/25 days before adoption)
- _____ Notice attached states it's attached
- NO Copy of rule or summary attached

✓ Publication in State Register
- July 24, 1989 Date (30/25 days before adoption)

_____ 180-day deadline from:
- N/A Effective date of law requiring rule (14.12) (both rules)
- ✓ end of comment period (§ 14.26) (rules without hearing)
- _____ effective date of statutory authority (§ 14.29) (emergency rules)

_____ Resolution Adopting
- _____ ~~Date adopted~~

✓ Findings of Fact, Conclusions & Order Adopting
- Oct 18, 1989 Date

1 Written requests, submissions or comments

✓ Declaration of attorney
- Bill Clapp Name of SAAG representing agency

_____ Notice of Submission to Atty. Gen. (if applicable)

_____ Aff. of Mailing Notice to Atty. Gen. (if applicable)

* 10-25-89 - called B. Clapp told him we needed the adopted Rules + 4 copies of the proposed rule

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : December 8, 1989

TO : MARTY CASSERLY
Special Assistant
Attorney General

FROM : BILL CLAPP
Special Assistant
Attorney General

PHONE : 6-0686

SUBJECT : DNR Rules for Management of the North Shore

The rules previously submitted for review are hereby resubmitted to include the small business notice information that was omitted in the previous submission.

AWC:jec
~~Enclosures~~

RECEIVED
DEC 8 1989
Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : November 29, 1989

TO : MARTY CASSERLY
Special Assistant
Attorney General

FROM : BILL CLAPP
Special Assistant
Attorney General

PHONE : 6-0686

SUBJECT : DNR Rules for North Shore Management

The attached materials document the involvement of small business interests in the development of the rule.

It was way more extensive and intensive than the law calls for, in my opinion. I hope you will agree.

AWC:jec
Enclosures
cc: Tom Lutgen

RECEIVED
NOV 30 1989
Office of the Attorney General
Government Services Section
Capitol Office Building, Suite 300
525 Park Street
St. Paul, MN 55103



Uniting Lake Superior's North Shore
Through Local Cooperation

North Shore Management Board

November 29, 1989

RECEIVED
NOV 29 1989
ATTORNEY GENERAL'S OFFICE
SUITE 200
520 LAFAYETTE ROAD
ST. PAUL, MN 55155

Mr. A. W. Clapp, III
Special Assistant Attorney General
520 Lafayette Road, Suite 200
St. Paul, MN 55155

Dear Mr. Clapp:

In response to your November 22, 1989 telephone call, enclosed is all available documentation for last year's North Shore Plan, public meetings and hearings. This includes small business owners and organizations, which I understand is your primary interest.

Notification of the North Shore Management planning process, public meetings and hearings was made directly to small business owners and organizations through our bi-monthly newsletter, North Shore Lines; copies of relevant issues and our newsletter mailing list is enclosed.

We also published official meeting notices in the Duluth News Tribune, Lake County Chronicle and Cook County Herald. Press releases were also sent to all media outlets and several press conferences were held. Information about the public meetings and hearings was widely covered by the media. Copies of relevant materials, including a listing of all public meeting and hearing attendees is enclosed.

In addition, North Shore small business interests are well represented on the North Shore Management Board's Citizens Advisory Committee. Relevant interest areas represented on the Committee include Realtors, Industrial-Manufacturing, Developers, Commercial Business and Tourism. A copy of the Citizens Advisory Committee members and their interest areas is enclosed.

I trust this information satisfactorily documents the extensive process used by the North Shore Board in informing the public about the North Shore Management planning process.

Sincerely,

Michael Hambrock, Staff Director
North Shore Management Board

/djb

cc: Ron Nargang
Dan Retka

RECEIVED
NOV 2[illegible] 1989
Offic
Go
Capitc
St.

1-800-232-0707 • 330 Canal Park Drive • Duluth, Minnesota 55802 • 218-722-5545



NORTH SHORE LINES

News from the North Shore Management Board

July 1988 Volume 1 Number 1

NORTH SHORE MANAGEMENT BOARD DEVELOPS SHORELAND PLAN

The North Shore Management Board is developing a local plan specifically designed for the North Shore of Lake Superior in place of state mandated shoreland management regulations.

The North Shore Management Board (NSMB) was established in July 1987 and consists of elected officials from the counties, cities and townships along the shore. They provide a unified, local coalition and represent the interests of North Shore residents. Since January of this year, they have been working on a plan for the orderly growth and protection of the North Shore. The Board is taking the initiative in developing this plan because they believe that North Shore citizens should have the strongest say in what the future holds. Also, if local initiative is not taken now, it is likely that in the future, the state or federal government will assume a stronger planning and regulatory position.

Unlike the Minnesota Department of Natural Resource's (MDNR) newly proposed revisions for managing the shoreland of inland lakes and rivers, the NSMB is developing a local plan specifically designed for the North Shore of Lake Superior.

The Board has appointed two advisory committees to assist them. The Technical Advisory Committee, with sixteen members, is composed of local, state and federal agencies operating in some capacity on the North Shore. Some of the agencies involved are county zoning and health offices, county and state highway departments, the MDNR, the Pollution Control Agency, and the Soil Conservation Service. This advisory committee provides technical knowledge to the Board.

The Citizens Advisory Committee is made up of North Shore residents representing a wide range of interests. There are resort owners, realtors, environmentalists, recreationalists, developers, persons with tourism knowledge, commercial business owners, industrialists, sportsmen, concerned citizens and shoreline property owners involved in this committee. The sixteen member Citizens Advisory Committee was formed to provide information and insight that only residents of the North Shore can provide.

The first part of the plan to be developed is the Shoreland Management Element. This will be available for public review in August. This part of the plan addresses erosion, zoning, shoreland alterations, sanitary systems, planned unit developments, administration and variances in policy form.

Many issues came to light when developing the policies. As an example, erosion is a problem in many areas along the North Shore which is aggravated during high water periods. The proposed policies on erosion state that there should be more education on erosion and how it can be controlled. The policies also suggest that stricter setbacks be enforced for new construction in erosion hazard areas. The erosion hazard areas are being mapped using the best available data with the understanding that these areas may be modified in the future as more research is completed.

The draft Shoreland Management Element is scheduled to be distributed to the public in early August. Public informational meetings are scheduled later in August to give background information on the plan development, approval and adoption process and to provide the opportunity for the public to meet the people who developed the plan. Once the public has reviewed the plan, additional public meetings will be held in a variety of locations on the North Shore in September and October to allow the public to voice any comments or concerns they may have about the plan. Meeting locations and times will be announced soon.

If there are no major problems with the plan, it will be taken to the legislature by the MDNR to be presented as an addition to their rules and regulations. Once it becomes a part of the MDNR's regulations, the local units of

government on the North Shore will amend their ordinances to be in unison with the North Shore Management Plan.

Other plan elements that may be addressed in the future by the NSMB are the transportation corridor, tourism and economic development, recreation, and waterfront and harbor development.

If you would like more information on the North Shore Management Board, please feel free to contact Mike Hambrock at 1-800-232-0707.

TECHNICAL ADVISORY COMMITTEE

Name	Representing
Tim Kennedy, Chair	Cook County Zoning
Dan Retka	Dept. of Natural Resources
Dennis Johnson	Dept. of Transportation
John Pegors	MN Pollution Control Agency
Wayne Seidel	Soil and Water Conserv. Districts
Dale Baker	MN Sea Grant Extension
Lucinda Johnson	Natural Resources Research Institute
Courtland Mueller	US Army Corps of Engineers
Paul Sandstrom	US Soil Conserv. Service
Dick Sigel	Lake County Zoning & Health
Alan Goodman	Lake County Highways
Dale Schroeder	St. Louis County Health
Richard Hansen	St. Louis County Highways
Dick Bakke	Duluth Township Zoning
Bernard Pistner	Lakewood Township Zoning
Bill Corcoran	Grand Portage Reservation
Jim Hulbert	Cook County Health

NORTH SHORE MANAGEMENT BOARD

Name	Representing
Chet Lindskog, Chair	Cook County
Dick Bakke, Vice Chair	Duluth Township
Serene Dahl, Treasurer	Lake County
David Peterson	Grand Marais
Kenneth Nelson	Beaver Bay
Robert Kind	Silver Bay
Lloyd Shannon	St. Louis County
Bernard Pistner	Lakewood Township
Judith Bellile	Two Harbors

CITIZENS ADVISORY COMMITTEE

Name	Representing
Frank Holoppa, Chair	Realtors
Glenn Maxham	Environmental
Arnold Overby	Environmental
Gary Kettleson	Developer
Robert Bruce	Tourism
Edward Landin	Tourism
Carol Backlund	Commercial Business
Robert Anderson	Industrial/Manufacturing
Thomas Martinson	Recreation
Herbert Naeglei	Recreation
Jon Tofte	Recreation
Dexter Nelson	Sportsmen Groups
Robert Pye	Shoreline Property Owner
Bob Ashenmacher	At Large
Deanne Allison	At Large
Bill Corcoran	Grand Portage Reservation



NORTH SHORE LINES

News from the North Shore Management Board

August 1988 Volume 1 Number 2

NORTH SHORE MANAGEMENT BOARD RELEASES SHORELAND PLAN FOR PUBLIC REVIEW

The North Shore Management Board is developing a local plan specifically designed for the North Shore of Lake Superior in place of state mandated shoreland management regulations.

The North Shore Management Board's Shoreland Management Plan is ready for public review. The Board has been working for about a year on the plan that will eventually take the place of state controlled shoreland regulations for the North Shore of Lake Superior.

Developed over the last year by North Shore residents through a Citizens Advisory Committee and a Technical Advisory Committee, the Plan will be the subject of five informational meetings to be held along the North Shore in August. Members of the North Shore Board and its two committees will explain why the plan is necessary, how it was developed and what it says.

A second round of meetings will be held in September after residents have had time to study the plan. The purpose of these meetings is to receive public comments on the Plan. After the public review is completed, the Plan may be revised and then be adopted by the North Shore Management Board. It will then be reviewed by the Department of Natural Resources and the legislature. After this, work will begin in revising local land use ordinances to conform to the Plan.

The Plan establishes goals, policies and development guidelines for future development along the shore. These goals and policies are the result of extensive work by the North Shore Management Board and its two committees.

The goal of the North Shore Plan, as stated in the draft plan, is "To create a framework for public and private decision making affecting the North Shore lands and waters that:

(1) Protects and enhances the natural resources of the North Shore.

(2) Provides economic opportunity for residents

(3) Respects the needs and desires of residents

(4) Provides for a full mix of land uses without adverse impact

(5) Recognizes the recreational and aesthetic values of the area to residents and visitors

(6) Ensures consistency of actions."

The draft Plan outlines fifteen policy "fundamentals" which will guide future local land use decisions. These policies represent the Citizens Advisory Committee's vision for the North Shore and lay a strong foundation upon which future development decisions can be made. The Plan encourages the protection of the natural values of the shore as well as its economy. The Plan calls for historic areas to be preserved and restored and for the protection of fish and wildlife habitats. The Plan also says that local, state and federal actions should be in agreement with the Plan.

Other issues that are addressed in the Plan include the placement of on-site sewage treatment systems, placement of new buildings, shoreland alterations, and shoreland erosion. The Plan identifies erosion hazard areas and lays out development guidelines for such areas.

The public information meeting schedule is provided below. Please plan to attend one or more of the meetings and learn more about the North Shore Management Board and the proposed plan.

For more information, call the North Shore Management Board at 1-800-232-0707.

NORTH SHORE MANAGEMENT PLAN
PUBLIC INFORAMTION MEETINGS

All Meetings Begin at 7:00 p.m.

Date	Location
August 16, 1988	Duluth Township Hall 580 Holmstead Rd **Duluth**, MN
August 17, 1988	Birch Grove Center **Tofte**, MN
August 18, 1988	Cook County Courthouse Court Room **Grand Marais**, MN
August 23, 1988	Campton Center Schofield Church Room **Silver Bay**, MN
August 30, 1988	Community Center 417 South Ave. **Two Harbors**, MN

For additional information, or directions to meeting locations, please contact the North Shore Management Board at 1-800-232-0707.

North Shore Management Board

330 Canal Park Drive Duluth, Minnesota 55802

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NORTH SHORE LINES

News from the North Shore Management Board

September 1988 Volume 1 Number 3

The North Shore Management Board is developing a local plan specifically designed for the North Shore of Lake Superior in place of state mandated shoreland management regulations.

PUBLIC HEARINGS SCHEDULED

Over one hundred and sixty people turned out last month to hear representatives from the North Shore Management Board explain the North Shore Management Plan. Public informational meetings were held in Duluth Township, Tofte, Grand Marais, Silver Bay and Two Harbors. The plan was presented by members of the Citizens Advisory Committee and the Technical Advisory Committee. The public will have a chance to comment on the plan at public hearings scheduled in September and October. Written comments can also be submitted to the North Shore Management Board by October 11, 1988.

The North Shore Management Plan was developed over the last year by the North Shore Management Board and its Citizens and Technical Committees. Because the plan was initiated and developed by a wide range of North Shore interests, it was able to be tailored to the special conditions and problems of the shore. The plan is designed to take the place of state shoreland regulations which apply to all other lakes and rivers in the state. The North Shore Management Plan treats the North Shore differently. It establishes special growth and environmental protection policies, special provisions for erosion-prone areas, on-site sewage disposal standards and policies for removal of natural vegetation, grading and filling, and planned unit developments.

If the public accepts the plan, the North Shore Management Board is expected to adopt it in November. The plan will then be submitted to the DNR in December and the Legislature in January. So far, the public has been receptive to the idea of a locally initiated and developed plan.

The Board encourages the public to attend the public hearings which start at 7:00 p.m. and are scheduled for:

Date	Location
Sept. 20, 1988	Duluth Township Hall Holmstead Rd **Duluth**, MN
Sept. 21, 1988	Birch Grove Center **Tofte**, MN
Sept. 22, 1988	Cook County Courthouse Court Room **Grand Marais**, MN
Sept. 29, 1988	Campton Center Schofield Church Room **Silver Bay**, MN
Oct. 5, 1988	Community Center 417 South Ave. **Two Harbors**, MN

NORTH SHORE PLANNING-A MODEL FOR REGIONAL SHORELAND MANAGEMENT?

The North Shore Management Plan is a local initiative to develop special shoreland management provisions for a unique and special place - Lake Superior's North Shore. Several years ago, it became obvious that proposed statewide shoreland regulations just didn't make sense for the North Shore. After discussions between local elected officials and the Department of Natural Resources (DNR), agreement was reached. If the North Shore units of government could agree to work together in developing a locally based plan, and if the plan met the intent of the Shoreland Management Act, the DNR would agree to substitute the Plan for the statewide shoreland regulations. If the public accepts it, the North Shore Management Plan will become a landmark example of local initiative and cooperation.

It might also become a worthwhile example to be copied elsewhere. After all, lakes in northeastern Minnesota aren't like lakes in southern or central Minnesota. They are different geologically, biologically and will be developed for different uses. So how

MODEL *(Continued)*

can one set of State Shoreland Management Regulations be effectively applied to so many situations and areas? Perhaps the answer is a regional approach. Locally developed programs tailored to specific local conditions would be more effective, more likely to be supported, and better enforced. The process being used for the North Shore Management Program works and could be a useful model for other important lake areas in Minnesota. It's worth considering.

HARBORS OF REFUGE STUDY PROPOSED

A Harbor of Refuge is a naturally or artificially protected water area providing a place of relative safety for commercial and recreational small craft. Most people agree that more harbors of refuge are needed along the North Shore of Lake Superior. How many are needed, where they should be located, costs and engineering feasibility are some of the important questions that will be answered if the Legislative Commission on Minnesota Resources (LCMR) funds a study proposed by the DNR and the North Shore Management Board. The $200,000 study proposal is now under active consideration by the LCMR. If funded, the North Shore Management Board would carry out the study over a two year period. The study would be carried out locally with broad citizen representation and technical assistance from local, state and federal agencies.

Recreational boating use is increasing dramatically. With this increased use comes increased risk to life and property from severe storms and squalls that arise with little warning. Boating on lake Superior can be more dangerous than on many other lakes and boaters need to be able to get to a safe harbor within a relatively short time. The US Army Corps of Engineers says that the optimum distance between safe harbors is 20 to 40 miles, or about two to four hours running time for most boats. Anyone familiar with the North Shore knows that distance between safe harbors in many areas far exceed this standard. The Harbor of Refuge Study would lay a solid foundation for a much improved harbor of refuge system for the North Shore.

North Shore Management Board

330 Canal Park Drive Duluth, Minnesota 55802

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Uniting Lake Superior's North Shore Through Local Cooperation

North Shore Management Board

NEWS

August 3, 1988

For Immediate Release

Contact: Mike Hambrock

218-722-5545/1-800-232-0707

NORTH SHORE PLAN TO BE THE SUBJECT OF PUBLIC MEETINGS

A series of five public information meetings are scheduled for August to explain the draft version of the shoreland management plan for the north shore of Lake Superior. The information series will be followed up in September with feedback sessions when the public will have the opportunity to comment on the plan before it is finalized.

The North Shore Management Board was established in 1987 to develop a shoreland plan to take the place of state-controlled shoreland regulations on the north shore. This plan has been in the works since July 1987. The Board is made up of elected officials from local governments along the north shore from Lakewood Township near Duluth to the Canadian border. Two committees have helped the Board develop the plan - a Citizens Advisory Committee and a Technical Advisory Committee. The Citizens Committee has played a major role in developing the plan and is made up entirely of north shore residents.

The plan recommends policies and guidelines for future development along the shore with these specific issues addressed: preservation of natural and historic areas, commercial and industrial growth, shoreline erosion, removal of natural vegetation, lot sizes, building setbacks, sewage disposal, and planned unit development.

- 30 -

5 meetings to detail North Shore policies

By Mark Stodghill
Staff writer

After a year of developing a policy to take the place of state-controlled shoreland rules for Lake Superior's North Shore, the North Shore Management Board will have a public review of its objectives at five meetings this month.

"I don't think anything will drastically change," said Chet Lindskog of Grand Marais, chairman of the management board. "I think what it will do is tie the units of government together. Maybe we can stop having state government, the DNR (Minnesota Department of Natural Resources), or some other government making rules that affect us that we have no control over. Now they have to come to us. That's the plan. We'll be governing locally."

The DNR proposed new shoreland management rules two years ago, but opponents said the rules didn't apply to the North Shore, would add administrative costs for enforcement and further erode local control by the effected counties, cities and townships.

A coalition of their representatives came up with a self-governing outline for zoning and conservation issues. The Legislature gave the management board $170,000 to develop a plan.

The North Shore board is composed of one elected official appointed by each county board, city council and township board with zoning authority along the North Shore between Lakewood Township in rural Duluth to the Canadian border.

Five public information meetings advising people of the issues will be conducted along the North Shore this month. The meetings will be at 7 p.m. at these locations: Duluth Township Hall, Aug. 16; Birch Grove Center in Tofte, Aug. 17; Cook County Courthouse in Grand Marais, Aug. 18; Campton Center in Silver Bay, Aug. 23; and at the Community Center in Two Harbors, Aug. 30.

"This is a locally developed plan that fits the unique problems and characteristics of the North Shore of Lake Superior," said Mike Hambrock, planning director of the Arrowhead Regional Development Commission, which provides technical assistance to the board.

The plan spells out objectives for future development along the shore, including natural and historic area preservation, commercial growth, shoreline erosion, removal of natural vegetation, sewage disposal and planned unit development.

"I don't know if we can nail it down to specifics at this point," said Duluth Township Supervisor Dick Bakke, vice chairman of the management board. "We have for the first time reached a cooperative agreement" between nine governments along the North Shore (Cook County, Grand Marais, Lake County, Silver Bay, Beaver Bay, Two Harbors, St. Louis County, Duluth and Lakewood townships).

The management board will establish the policies and zoning rules and each government will incorporate the regulations into its own zoning ordinance.

"There's nothing earth-shattering here; it's simply the first step in a series of three or four steps before it will affect anybody directly."

A second round of meetings will be held in September. After the public review is completed, the plan may be revised and then adopted by the management board. It will then be reviewed by the DNR and Legislature.

nty Board at his office in the Court Two Harbors, Minnesota until 11:00 entral Daylight Savings Time on August 3, on behalf of the Board of County sioners for furnishing Lake County

ISHED ROCK SALT (Sodium Chloride) be required during the winter of 1988-

posals will be opened and read publicly Clerk of the County Board at the Court in Two Harbors, Minnesota at approxi- that time. The County Board will act on ls at their meeting the morning of Sep- 1, 1988, at approximately 11:00 A.M. in urt House in Two Harbors.

bids must be submitted on proposal and illusion forms which are available in the of the County Coordinator and the y Highway Engineer.

BMIT DUPLICATE COPIES FOR EN- ER'S OFFICE

l bids must be accompanied by a certified or bid bond in the amount of Two Hun- Dollars ($200.00), payable to the Lake ty Auditor.

ne County Board reserves the right to re- ny, any part of, or all bids and to waive ts and technicalities as it may deem best e interest of Lake County.

he successful bidder will be required to the necessary agreements entering into a act with the County to deliver the material osed in its bid.

Dated this 5th day of August, 1988 at Two ors, Minnesota.

Richard Sigel
Clerk of the County Board
Aug. 11, 18, 1988

LAKE COUNTY BOARD OF ADJUSTMENT MINUTES
Aug. 8, 1988

The Lake County Board of Adjustment sat in ion at the Lake County Courthouse, Two ors, Minnesota, at 4:00 P.M. and conduct- wo public hearings on the following vari- requests:

V-88-10 - Variance request from James rtney, III, to allow completion and occu- cy of a residence too close to the shoreline ake Superior, on property described as part Government Lot 3, Section 31, Township 52 th, Range 11 West, (Knife River), Unorgan- d Territory No. 2, zoned RR-2 and containing acres more or less. The Board recessed and tinued the hearing until the 29th of August 4:00 P.M. in the Courthouse, in order to w time to evaluate an alternate building site d make a cost comparison between two sites, luding blasting and moving power lines, the sthetic affects, comparison of wave action d determination of material used as fill and e stability of same.

V-88-11 - SOUTHARD, SECONDED FO- ELBERG. Moved denial of a variance re- uest from Thomas G. Allen requesting relief om the provisions of Article 6.0, Section 6.03, r the purpose of constructing a 28'x30' garage feet from the centerline of Eliason Road. The roperty is described as part of the SE¼ of W¼, Section 2, Township 53 North, Range 11 Vest, Unorganized Territory No. 2, zoned R-1 nd containing 12.22 acres of land. Denial ased on lack of hardship.

Dorothy A. Shromoff, Secretary
Lake County Board of Adjustment
Aug. 18, 1988

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$.25 - children under 12

RETURNS FROM THE FAIR
4:00 - 5:00

PICK-UPS		
Rustic Creek	11:45	12:45
Bayview	11:50	12:50
Harbor Point	11:53	12:53
High School	11:56	12:56
Minnehaha	12:00	1:00
Townmart	12:02	1:02
Harbor House	12:05	1:05
Arena	12:08	1:08
Clinic	12:10	1:10

PLEASE CALL: 834-5681 ext. 438 by noon, Friday, Aug. 19, for pick-ups at your home if you cannot walk to one of the pick-up points.

IS YOUR HEALTH AT RISK?
Pick up a coupon for a $5.00 cholesterol screening and free health risk appraisal at the Lake County Health Dept. Booth at the Lake County Fair.
Lake View Memorial HOSPITAL Inc.

You're Invited to Attend
Public Information Meetings
On
THE NORTH SHORE MANAGEMENT PLAN

August 23, 1988	Campton Center Schofield Church Room Silver Bay, MN	7:00 p.m.
August 30, 1988	Community Center 417 South Ave. Two Harbors, MN	7:00 p.m.

Sponsored by the North Shore Management Board

FRIDAY NIGHT

LAKE COUNTY

Lake County will accept sealed b
be sold on an "as is" basis:

1. 1979 Chev Suburban S/
2. 1984 Ford L.T.D. S/N 1

Bids will be received in the o
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August 24th at which time the
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payment and removal required

Sheriff reserves the right to rej

Vehicles may be seen behind
bors.

BRIMSON SPOR

would like to thank everyone wh
year for making it a success. Als
es for their contributions:

Kozy Korner Inn
Hellman's Store
Pauline's Bait
Pequaywan Inn
Lake County News-Chronicl
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Homekraft Bakery
Ben Franklin
Waterfront Restaurant
Electric Shop
Waterfront Drive Arts & Cr
Debbie's Cafe
Agate Cleaners
Bill's IGA
Coleman's Bait

HEY

It's a CIRCUS

Drawings should be done o
ink or black crayon (to rep
inch white paper preferred
Chronicle office by 4:30 p.
have name, age, and addr
Winner in each class will b

Lake County News-Chronicle

VOLUME 16 NUMBER 37 THURSDAY, SEPTEMBER 15, 1988 40 CENTS TWO SECTIONS

ARROWHEAD REG DEV COMM
330 S 1ST AVE E
DULUTH, MN 55802

PUBLIC NOTICE

The proposed North Shore Management Plan will be the subject of five public hearings in September and October. The Plan is being developed locally to take the place of state shoreland management regulations along the North Shore of Lake Superior. The North Shore Management Board, made up of local elected officials, developed the plan and is interested in receiving comments from the public. Copies of the plan can be obtained by calling 1-800-232-0707 or writing to: North Shore Management Board, 330 Canal Park Drive, Duluth, MN 55802

PUBLIC HEARINGS
All Meetings Begin at 7 p.m.

Date	Location
September 20, 1988	Duluth Township Hall 580 Holmstead Rd Duluth, MN
September 21, 1988	Birch Grove Center Tofte, MN
September 22, 1988	Cook County Courthouse Court Room Grand Marais, MN
September 29, 1988	Campton Center Schofield Church Room Silver Bay, MN
October 5, 1988	Community Center 417 South Ave. Two Harbors, MN

September 19,1988 50¢ per copy Net press run this week 3,700

COOK COUNTY NEWS-HERALD

VOL.98-NO. 20 Grand Marais, Minnesota



Public hearing on North Shore Management Plan this week

Two public hearings will be held in Cook County this week regarding the local acceptance of the North Shore Management Plan. The plan is intended as a guideline for the Minnesota Department of Natural Resources to use instead of the new shoreland regulations for inland lakes.

The plan was developed by the North Shore Managment Board, which is comprised of representatives of local units of government along the North Shore with the assistance of technical and citizen's advisory committees. If the public accepts the plan, the board will adopt it. It will then be submitted to the DNR for approval and then enacted into law by the Minnesota Legislature.

The plan is not be confused with zoning, because it is intended to be a guideline for counties when developing local zoning ordinances. However, local residents have raised questions where the plan appears to conflict with current zoning. For example, several West End resorts are within areas that are marked as residential in the plan.

Another question that arose during the public informational meetings which were held several weeks ago is whether the local units of government must approve the plan before it is submitted to the DNR. Although this approval would not affect whether or not the plan would be enacted as law, it would be a display of local support.

Anyone with questions regading the plan and how it affects them ar encouraged to attend hearings to be held in Cook County this week. The first will be Wednesday, September 21 at 7 p.m. in Birch Grove Center. The second will be Thursday, September 22 at 7 p.m. in the Cook County Courthouse in Grand Marais.

PUBLIC NOTICE

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September 29, 1988	Carlton Center Schofield Church Room Silver Bay, MN
October 5, 1988	Community Center 417 South Ave. Two Harbors, MN

NORTH SHORE MANAGEMENT PROGRAM
Citizens Advisory Committee

Name	Interest Group	Address/Telephone
Deanne Allison	At Large	PO Box 94 Lutsen, MN 55612 663-7971 (home)
Robert Anderson	Industrial/ Manufacturing	West Star Route Box 28 Two Harbors, MN 55616 834-4462 (home)
Lars Bakken, Jr. (Alternate)	Developer	Box 75B W. Star Route Two Harbors, Mn 55616 720-2779 (business) 834-3051 (home)
Bob Bruce	Tourism	Director Bayfront Park Dev. Assoc. 353 Harbor Drive Duluth, MN 55802 720-3033 (business) 525-2016 (home)
Bill Corcoran	Grand Portage Reservation	PO Box 428 Grand Portage, MN 55605 (218) 475-2534 (home)
Claer Dethmers	At Large	11210 North Shore Drive Duluth, MN 55804 726-0978
Frank Holappa **Chair**	Realtors	West Star Route Box 105C (Larsmont) Two Harbors, MN 55616 727-7496 (business) 834-2586 (home)
Gary Kettleson	Commercial Business	HCR #5, Box 130 Tofte, MN 55615 663-7978 (business)

Name	Interest Group	Address/Telephone
Ed Landin	Tourism	WSR Box 101 Two Harbors, MN 55616 834-4583 (summer) SR 3, Box 211 Grand Marais, MN 55604 387-1377 (winter)
Donn Larson	Boating Groups	3925 Lake Avenue South Duluth, MN 55802 727-1552 (business) 727-5855 (home)
Thomas Martinson	Recreation	26 S. Highway 1 Silver Bay, MN 55614 834-5688 (business) 353-7719 (home)
Glen Maxham	Environmental	409 Lakewood Road Duluth, MN 55804 525-6256 (business) 525-5910 (home)
Herb Naegeli	Recreation	815 14th Ave Two Harbors, MN 55616 834-4442 (business) 834-5407 (home)
Nancy Ojard	Developer	Box 14 Knife River, MN 55609 726-4769 (business) 834-5887 (home)
Arnold Overby	Environmental	Box 386 Beaver Bay, MN 55601 226-3223 (home)
Robert Pye	Shoreline Property Owner	HCR 1, Box 317 Grand Marais, MN 55604 387-1066 (home)
Jon Tofte	Recreation	25 Sjodin Road Duluth, MN 55803 724-2815 (business)

NORTH SHORE MANAGEMENT PROGRAM
Public Information Meetings

Tuesday, August 16, 1988
Duluth Township

ATTENDANCE SHEET

	NAME	ADDRESS	REPRESENTING
BP	Chet Fedeka	Grand Marais	Cook Co. DSMB.
DD	A. Lloyd Drennon	Courthouse - Duluth	St. Louis Co.
BP	Dick Babke	239 BERGQUIST RD.	DULUTH TWP.
BP	Orvin Moe	RT. 1 Box 61 T.H.	Duluth Twp.
TAC	BERNARD PISTNER	2532 N. TISCHER Rd.	LAKEWOOD TWP.
TAC	Peder Otterson	10029 North Shore Dr.	MDNR - Duluth
TAC	Paul Sandstrom	2812 Miller Trunk Hwy Duluth MN 55811	SOIL CONSERVATION SERVICE
TAC	DAN Retka	1201 E Hwy 2, Grand Rapids	DNR
✓	Joan Baker	10094 North Shore Drive	Duluth - property owner each
X	Sherrie Lindskog	Grand Marais	
✓	Winnie Wahl	9959 Greenwood Rd	Duluth
✓	Carolyn Marino	642 Bergquist Duluth	Duluth Twp. Zoning Sec.
✓	Clara Rothmeier	11210 N. Shore Dr.	Duluth Twp
✓	Bruce Highland	RT. 1 Two Harbors Box 83A	Fb
TAC	DENNY JOHNSON	1123 MESABA AVE. DULUTH	MN/DOT - TAC
✓	John Bowen	9999 Greenwood Rd, Duluth	Duluth Town Zoning
✓	RODNEY AHO	R1, Box 50, TWO HARBORS	DULUTH TOWNSHIP ZONING
✓	Robt. Abrahamson	999 Ryan Rd	DULUTH TWP. SUPERVISOR
Rep	Mary Murphy	6794 Arrowhead Rd	Dist. 8A
STAFF	Jan Hunt	Duluth	AKDC

NORTH SHORE MANAGEMENT PROGRAM
Public Information Meetings

Tuesday, August 16, 1988
Duluth Township

ATTENDANCE SHEET

NAME	ADDRESS	REPRESENTING
Randall Lake	Silver Bay	myself
CAC Bob Bruce	Duluth	CAC
STAFF Mike Hawbrock		ARDC

NORTH SHORE MANAGEMENT PROGRAM
Public Information Meetings

Wednesday, August 17, 1988
Tofte

ATTENDANCE SHEET

NAME	ADDRESS	REPRESENTING
John & Judy Burnack	Schroeder Mn	
Dorothy Barry	Cascade River State Park	
AL HOLAP	Lutsen MN 55612 HCR 3 Box 450	CASCADE PARK
Allan Barry	Schroeder.	
David Kubat	Schroeder	
Thomas Peterson	Tofte, Mn	
Deb Dobbelmann	Schroeder	Birch Grove Center
Ginny Stolie	Tofte	Business
Deann Cicak	Schroeder	Schroeder Town Board
Betty-Lou Hambrock	Duluth	
Jim Iverson	Lutsen	
Charles Skinner	Lutsen	
Don Day	Schroeder	
Judy Day		
Steven Cross	Tofte	
Dan Retten	~~Del~~ Grand Rapids	DNR
Peder Otterson	Duluth	DNR
Anne Bederman	LUTSEN	BUSINESS
GARY KETTLESON	TOFTE	CHC
Mike Hambrock		ARDC

AL Hodapp
HCR 3 Box 450
Lutsen MN 55612

Peder Otterson
2222 Woodland Ave
Duluth MN 55803

John + Judy Bursack
Schroeder 55613

Allan Barry
Schroeder 55613

Daniel Kehoe
Schroeder 55613

Thomas Peterson
Tofte 55615

Debbie Dobbelmann
Schroeder 55613

Ginny Storlie
Tofte MN 55615

Deonn Cicak
Schroeder 55613

J. Silvertson
Lutsen 55612

Charles Skinner
Lutsen 55612

Don + Judy Day
Schroeder 55613

Steven Cross
Tofte 55615

Anne Pedersen
Lutsen 55612

Gary Kethleson
Tofte MN 55615

NORTH SHORE MANAGEMENT PROGRAM
Public Information Meetings

Thursday, August 18, 1988
Grand Marais

ATTENDANCE SHEET

	NAME	ADDRESS	REPRESENTING	
	Shawn Perich	Box 157 Grand Marais	Cook Co. News-Herald	
	MERLIN H. BERG	2230 W. HOYT AV ST PAUL 55108	SELF	
	OLLIE BYRUM	3424 HUMBOLDT MPLS, 55408 AVE S	SELF	
CAC	FRANK HOLAPPA	TWO HARBOS	CITIZENS COMM.	
TAC	DAN RETKA	Grand Rap. Ds	DNR	
	Bob Sopoci	GRAND MARAIS MARIE HILL	Self + MN Ext. Service	X
	OLGA JBERG	2230 W. Hoyt ST. PAUL 55108	SELF	
	Helen Krause	Grand Marais	self	X
	Don E Smith	Lutsen	self	
	Dean Einwalter	P.O Box 666 Grand Marais 55604	National Park Service	
	RICHARD LEE	BOX 110 GRAND MARAIS 55604	SELF	
	BETTY LEE	BOX 110 GRAND MARAIS 55604	SELF	
CAC	Bill CORCORAN	PO BOX 198 GRAND PORTAGE 55605	Co. Bus. Comm.	
*	Betty Lou Hambrock	Duluth		
	Mary Storland	Grand Marais 218 E 2nd St	Shoreproperty owner	X
	georganne krause	grand marais	Cook county	X
BP	DICK BAKKE	239 BORGQUIST RD	DULUTH TWP.	
CAC	Lee Allison	Lutsen	CAC	
BP	Chester Lindskog	Cook Co., Grand Marais	NSMB	
STAFF	Mike Hambrock	ARDC/NSMB 330 Conal PKDR.		

NORTH SHORE MANAGEMENT PROGRAM
Public Information Meetings

Tuesday, August 23, 1988
Silver Bay

ATTENDANCE SHEET

NAME	ADDRESS	REPRESENTING
CAC Ed Landin	WSR Box 101 Two H.	Tourism
Blaine Fonstad	1190 Hwy 61 E.	Fonstads Resort
Joe Skala	Little Marais MN 55614 SR1 Box 3425 Ely 55731	LCPZ
Robert E Johnson	Silver Bay	Self
Mildred Johnson	98 Edna Silver Bay	
CAC Arnold Ouirby	Box 386 Beaver Bay	CAC.
Ray Jensen	2036 Hwy 61 East	Self
Walter Sve	1722 Hwy 61 E Two Harbors	Self
Carol Sve	" "	"
J. Newton + Jean D. Jackson	5780 Windermere Lane Fairfield, Ohio, 45014	self - (now purchasing property n. of Split Rock BZ110
Dana Kollars	1446 Hwy 61 East 2 Harbors	Kollars Charter
Chun Ae Kollars	" "	" "
Maralyn Houle	570 Hwy 1, Finland	Lake Co. Planning Comm.
Carol Houle	19 Hays Circle	Self.
CAC Tom Martinson	606 Hwy 61 E. S.B	CAC Recreation
Bill Mensing	2 Hays Cir. S.B.	SBARA
Barbara Linkkonen	Campton Center, SB	Cook & Lake Co. Water Resources Agt
Judy A. Beelile	P.O. Box 248 Two Harbors MN	City of Two Harbors
Lee Radzak	Split Rock Lighthouse 2010 Hwy. 61 East	Minnesota Historical Society
Anne Anderson	13216 Island View Dr. Elk River, MN + 39 Davis	self
Allan Anderson	" Silver Bay "	"

NORTH SHORE MANAGEMENT PROGRAM
Public Information Meetings

Tuesday, August 23, 1988
Silver Bay

ATTENDANCE SHEET

	NAME	ADDRESS	REPRESENTING
	David Battaglia	1803 7th Ave T.H.	State Rep
X	Lloyd Hoffbeck	19 Hays Circle Silver Bay	County Commissioner
X	Dale Baker	208 Washburn Hall	Sea Grant
	Dick Thorngren	290 Hwy 61 E Little Marais	Kennedys Landing Campground
	Ed Vargas	885 Hwy 61 E Little Marais	Self
TAC	Dan Retka	1201 E Hwy 2, Grand Rapids	DNR
BID	Chet Lindskog	RT 3 Box 46 61 Marais	Cook Co. N.S.M.B.
BD	Jerene Gade	1256 Hwy 61 E Little Marais	Lake Co. N.S.M.B.
BD	BOB KIND	City Hall S.B.	Silver Bay
CAC	FRANK HOLAPPA	LARSMONT	CITIZENS COMM.
STAFF	Mike Hamborg	Duluth	ARDC

NORTH SHORE MANAGEMENT PROGRAM
Public Information Meetings

Tuesday, August 30, 1988
Two Harbors

ATTENDANCE SHEET

NAME	ADDRESS	REPRESENTING
TAC Dick Sigel	ISABELLA	LAKE CO. PO Z
X Daniel L. Gaaltieri,	Two Harbors	self
TAC HERB NAEGELI	815 14TH AV. T.H.	RECREATION (CIT. AD. COMM.)
Charles C Hedin	152 Hwy 61 E	self
Olga D Hedin	152 Hwy 61 E	Self
Paul SUNDBERG	1300 Hwy 61 E	Gooseberry Falls State Park
BOB JOHNSON	2010A HWY 61 E TH	SPLIT ROCK LIGHTHOUSE STATE PARK
STAFF Sheldon I. Johnson	811 15th Ave T.H.	Self.
John Ludwig	1300 Hwy 61 E T.H.	SELF
Tom Peterson	Rt 1, Box 287B T.H.	Silver Creek Twsp
Albert E. Schuletal	336 East Hy. 61	Two Harbors Mn
Carl Erickson	1174B Hy 61 E	Two Harbors Mn
Richard Lowing	W. Star Rt Bx 88	Two Harbors mn
Marilyn Lowing	"	"
Myron Vold	436A Hwy 61 E	"
Marsha Sjoblom	W. Star Rt Bx 90	Two Harbors ✓
Orval Vold	436A Hwy 61 E	Two Harbors ✓
X Jason Masers	Knife River	~~Knife~~ Self ← Can't read last name
X Terry Nordeen	Knife River	Self ←
X Brian Hufstad	Knife River	Self ←

NORTH SHORE MANAGEMENT PROGRAM
Public Information Meetings

Tuesday, August 30, 1988
Two Harbors

ATTENDANCE SHEET

	NAME	ADDRESS	REPRESENTING	
X	Carol Warfield	Knife River	Self	✓
	Don + Judy Lewis	Hwy 61 East (P.O. Box 212) T.H.	Hovel Bay Motel	✓
	Robert J Bedogne	4360 Hwy 61 East	Self	✓
X	E.F Ringer.	Encampment Trust East Star Rt.	Encampment Trust Assn.	✓
X	Teresa Salabka	Knife River	Self	✓
X	Richard Jackson	Knife River	Self	✓
✓	Willie Miller	Larsmont	Self	✓
X	Virginia Nisswandt	Knife River	Self	not in Book
X	Barbara Eaton	Knife River	Self	✓
	Jeanne Tyrrell	Hwy 61 EAST	"	✓
	Edith Peterson	1040 Hwy 61 E	"	✓
	Evelyn Stone	1000 Hwy 61 E T.H.	"	✓
	Marjorie LaBrie	908 Hwy 61 E.	"	✓
X	Lois Geist	Knife River	"	✓
X	Robert Gorseth	Larsmont	Self	✓
X	Cherrol Gorseth	Larsmont	Self	✓
X	Walter Barthell	Larsmont	Self	✓
	Franklin Wright	Box 91 West Star T H 61	Big Blaze Camp of Tinker Park	✓
X	Don Boyd	KNIFE RIVER	SELF	✓
X	J. E. Backman	Castle Danger	Self	✓

8/30

	NAME	ADDRESS	Representing	
x	DWIGHT LIND		CASTLE DANGER	✓
x	Jim Sullivan		CASTLE DANGER	✓
x	Bill Mealey		Town of Silver Creek	✓
✓ CAC	Bob Anderson		CAC	
x	Bob Nelson		LAKE COUNTY	✓
x	Anna Kendall Smith -		Encampment Forest Assoc.	✓
x	Helga V. Jackson		Larsmont MN	✓
x	Craig Chase		Two Harbors	Can't read hand
x	PAUL IVERSEN		Two Harbors	✓
x	BRENT MELQUIST		LC. Planning + Zoning	✓
✓ CAC	ED LANGIN		LARSMONT — TOURISM	
x	Annamarie Peterson		Silver Creek - Lake Co. Dev. Com.	✓
x	FRANK SVERCL		SO. ST. LOUIS CO. SOIL & WATER CONS. DIS.	
✓ TAC	Dan Retka		DNR - Grand Rapids	
x	Richard T. MURPHY		LARSMONT, MN	✓
x	Helen Murphy		Larsmont, Mn.	✓
TAC	Bernie Peters		LAKEWOOD TWP	
✓ BD	A. Lloyd Shannon		ST. LOUIS COUNTY	
BD	Judy Bellile		C. of Two Harbors	
	Robert Allen		Lake Co. News-Chronicle	
✓ CAC	FRANK HOLAPPA		LARSMONT	
x	Glenn Kreag		MN SEA GRANT EXTENSION Program	✓
✓ STAFF	Mike Hambrock		ARDC	

Duluth Twp

NORTH SHORE MANAGEMENT PROGRAM
Public Hearing

Tuesday, September 20, 1988

ATTENDANCE SHEET

NAME	ADDRESS	REPRESENTING
X Peter Otterson	10028 Northshore Dr. Duluth	MDNR
C M Christensen	10516 N Shore Dr	Duluth Sec C/
Alvera Pierson	10419 N. S. Dr.	-
Dory Christensen	10516 N. Shore Dr	Self
Carl Dethmers	11210 N. Shore Dr.	"
John Green	10550 old No. Shore Rd.	"
William Cooke	9861 North Shore Dr	"
Robert Slabodnik	2325 E. 2 St. Duluth	"
Philip Meany	10520 N Shore Dr	
Jim Yeomans	224 Holiday Ctr	Minnesota Public Radio
Janet Meany	10520 N. Shore Dr.	Self
Carolyn Marsh	642 Berglund	Duluth Gosh. Zoning
John FRINK	521 Ryan Rd.	" " "
Mark Dey	4303 Birchpoint Rd.	Self
Jack Ezell	27th Ave W - Duluth	WLSSD
Robert Abrahamson	999 Ryan Rd - Dul.	TWP supervisor
X Orrin H. Moe	Rt. 1 Box 61 Two Harbors	" "
Mary Ann Heinonen	10481 N. Shore Dr.	self
GARY FIRONEN	10481 No. Shore Dr	SELF
Roberta Baker	11270 North Shore Drive	self & husband.

NORTH SHORE MANAGEMENT PROGRAM
Public Hearing

Tuesday, September 20, 1988

ATTENDANCE SHEET

NAME	ADDRESS	REPRESENTING
Bill Miller	W.S. Rt Box 87 Larsmont	self
Rep Mary Murphy	6794 Arrowhead Rd	Dist 8A
Mike Hambrock		AKDC

NORTH SHORE MANAGEMENT PROGRAM
Public Hearing

Wednesday, September 21, 1988
Tofte, MN

ATTENDANCE SHEET

	NAME	ADDRESS	REPRESENTING
	Mr + Mrs Kermit Carlson	Schroeder	
	Carol + Bernard Spencer	Schroeder	
	Deonn Cicak	"	Schr. Twp Bd
	Gloria L. Moren	Tofte	Surfside Resort
	Kenneth + Jeanne Borgen	Schroeder	Henderson Cabin
X	Orton Dopp	Tofte	CC Commissioner BOD
X	Dan Reltro	Grand Rapids	DNR
	Steven Cross	Tofte	
	Annie Olson	Lutsen	WBWA radio
X	Larry W. Kittleson	TOFTE	CAC
	Francis Johnson	Lutsen	
	B. L. Hambrick	Duluth	
X	Dee Allison	Lutsen	CAC
	Dennis Rydahl	Tofte	Bluefin Boy
X	Chet [illegible]	Gr. M.	WSMB
X	Mary [illegible]	ARDC	ARDC
X	Tim Kennedy	G Marais (OOKG	Zoning Adm TAC

NORTH SHORE MANAGEMENT PROGRAM
Public Hearing

Thursday, September 22, 1988
Grand Marais, MN

ATTENDANCE SHEET

NAME	ADDRESS	REPRESENTING
Chet Lindeberg	Gr. Marais	N.S.M.B. Cook Co.
Jamie Olson	Lutsen, MN	WBWA Radio
Russell Broberg	Gr Marais	Cook Co.
Ed A. Lindberg	Box 8 Hovland	
Howard Joyner	205 Wisconsin St. 55604	
Lois Ableman	Box 584 Hovland, Mn	self.
Richard Nelson	Bx 516 Hovland Mn	Self
Dean Engwalter	Box 666 Grand Marais	Nat'l Park Service
R. Bontenbergh	BOX 70 LUTSEN	
J.H. Evans	Lutsen, Mn	Property owner
Wm Bey Johnson	Grand Marais Mn	Cogema Lands Abstract Co
Dan Schaffer	MPLS	Star Tribune, Mpls
WALT MIANOWSKI	GM	Mayor
Mike Hornbeck	330 CANAL PK DR DUL	ARDC

NORTH SHORE MANAGEMENT PROGRAM
Public Hearing

Thursday, September 29, 1988
Silver Bay, MN

ATTENDANCE SHEET

	NAME	ADDRESS	REPRESENTING
TAC	Brian Kelley	Grand Rapids	DNR
	Blaine Fenstad	Little Marais	Self
	Dick Nyman	Silver Bay	
	Ray Jensen	2036 Hwy 61 E Two Harbors	Self
	Jeanne & Dave Battaglia	1803 7th Ave - Two Harbors	
	Al Moyer	23 Floyd Circle, Silver Bay	
	Lu Ramsdell	4 Mtview Rd	Silver Bay
	Tom Clifford	574 Hwy 61 East	Little Marais, Minn 55614
TAC	John Pegors	MPCA - Duluth	723-4660
CAC	Herb Naegeli	815 14th Av. Two Harbors, Mn	Cit. Ad. Comm. (Recreation)
CAC	Tom Martinson	Little Marais, Mn	" "
BD	Quinn Shea	Rt. 1 Box 61 T.H.	Duluth Twp.
STAFF	Sue Hedin		ARDC
STAFF	Cheryl Erickson	Duluth	ARDC
TAC	Burnard Pistinich	2532 N. Tischer Rd.	Lakewood Twsp
	Rollie Bourdage	99 Hays Circle Silver Bay	
TAC	Dick Sigel	Box 4 - Knife River	(Lake Co Zoning)
	Jim Wilford	1201 E Hwy 2 Grand Rapids	DNR (Parks)
	Bob Johnson	Box 2010A, Split Rock, Two Harbors	DNR (Parks)
	Sarma Straumanis	Room 704 Transp Bldg St. Paul	Mn Dept Transportation

NORTH SHORE MANAGEMENT PROGRAM
Public Hearing

Thursday, September 29, 1988
Silver Bay, MN

ATTENDANCE SHEET

	NAME	ADDRESS	REPRESENTING
	Chet anderson	Moosebreath Manor, Tofte MN 55615	Tofte
	Dave Geist	55 Park Hill Rd. Finland, MN	
	Todd Trimski	14 Thames Rd Silver Bay	
	Dave Mezley	14 Thames Rd Silver Bay	
	Ed Thayer	Little Marais	self.
	Dick Thompson	Little Marais	Kennedys Landing Campground
	Pat LaBlanc	Silver Bay, Minn.	North Shore Oil
	Gordie Frank Antilla	Little Marais	Antilla Gallery & Gifts
BD	Bob Kind		City of Silver Bay
BD	Irene J Dahl	Little Marais	Lake Co
BD	Dirk Babler	239 BORGQUIST RD.	DULUTH TWP
STAFF	Mike Hrmbrook	ARDC Duluth	

NORTH SHORE MANAGEMENT PROGRAM
Public Hearing

Wednesday, October 5, 1988
Two Harbors, MN

ATTENDANCE SHEET

	NAME	ADDRESS	REPRESENTING
*	David Schreyer	PO Box 203 T.H.	WBWA-FM
TAC	Peder Otterson	MDNR - 10029 N Shore Dr. Duluth	DNR
CAC	Bob Bruce	5030 London Rd. - Duluth	CCAC
	Reipi Sandvik	632 - 11th Ave.	County Comm.
+	Betty Lou Hambrock	Duluth	
	Myron Vold	436 A Hwy 61 E	
	Carol Vold	436 A Hwy 61 Two Harbors	
	Ryan Strick (Mark's Kid)	1010 B Hwy 61 E T.H.	
	Robert J Bodsgard	436 D Hwy 61 East	
	Charles Hoffman	200 W Superior, Duluth	PM & Co
	Mrs Chester Hedin	152 Hwy 61 E	self
	Chester C Hedin	152 Hwy 61 E	self
	Teri N Leibforth	104A West Star Rt.	self
	Edward W Leibforth	"	Self
	Dwight Lee	1174 J Hwy 61 E	Self
	Jim Sullivan	1010 Hwy 61 E	Self
X	Paul SUNDBERG	1300 HWY 61 East	DNR/Parks Gooseberry Falls
	Jay Fogelberg	282 Hiway 61 E.	Self
	Bob Nelson	Co. Comm. 4th Distr.	LAKE COUNTY
	Donald Wick	1174-C Hwy 61 EAST TWO HARBORS	TOWN OF SILVER CREEK
TAC	Dick Siegel	Box 4	Knife River

NORTH SHORE MANAGEMENT PROGRAM
Public Hearing

Wednesday, October 5, 1988
Two Harbors, MN

ATTENDANCE SHEET

NAME	ADDRESS	REPRESENTING
CAC HERB NELSON	615 14TH AV. TWO HARBORS	CIT AD. COMM. (RECREATION)
JULIAN EMPSON	522 SOB ST. PAUL 55155	RAN HOUSE OF REP
Lee Radzak	Split Rock Lighthouse	MN. HISTORICAL SOCIETY
Bob Anderson	W STAR RTE. BOX 28	C.A.C. Ind / MFO
David Battaglia	1803 7th Ave	State Rep
Jeanne Battaglia	1803 7th Ave	
Helen House	Box 81, West Star Rte	T.H. Bay Blaze Campground
Franklin C. Wright	" " "	" " "
Rita Barthell	931 15th Ave. Two Harbors	Barthells' Resort
Earl Barthell	" " " "	" "
Mike Barthell	West Star Rt Box 86	Barthell Cabins
Bill Miller	W.S. Rt Box 87 Larsmont MN	-RESIDENT
Brian Hatfield	8332 Hazeg Dr Bloomington Minn 55431	
Judy A. Bellile	Two Harbors	City of Two Harbors

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : November 20, 1989

RECEIVED

NOV 21 1989

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

TO : MARTY CASSERLY

FROM : BILL CLAPP
Special Assistant
Attorney General

PHONE : 296-0686

SUBJECT : DNR RULES RELATING TO NORTH SHORE SHORELAND MANAGEMENT

You have raised questions regarding the adequacy of the notice on intent to adopt the rule with regard both to fiscal impact on local governments and to small business impacts. I have reviewed the situation and concluded that the agency has satisfied the law.

Fiscal Impact. Minn. Stat. § 14.11, subd. 1 requires that the notice of intent to adopt a rule must be accompanied by a statement of cost to local governments in the first two years after rule adoption "if the estimated total cost exceeds $100,000 in either of the two years." In the SONAR, at page 27, it is stated that the cost to local governments will be $100,000 for the first two years. It follows that it will not exceed $100,000 in either of the two years. Therefore, no statement of fiscal impact was required in the notice.

Impact On Small Businesses. Minn. Stat. § 14.115, subd. 4 provides four ways that an agency may provide an opportunity for small businesses to participate in the rulemaking process. The SONAR discusses small business considerations at pages 25-27. At the end of the section it states:

> The Department provided an opportunity for small businesses to participate in the process, since notices have been published and invitations sent to associations, groups or agencies affiliated with small business concerns and were well represented on the C.A.C.

This statement refers to the process of adopting the North Shore Management Plan, which is, in effect, the rule being adopted. The process is more fully described on SONAR pages 3-5. That was the real rulemaking process, wherein the North Shore Management Plan was adopted. The SONAR indicates that in that process Minn. Stat. §14.115, subd. 4 was satisfied by fulfilling items (b), (c) and (d). It is my opinion that the requirements of the law have been met.

I also think that the rule adoption is excused from § 14.115 by its subd. 7, cl. (b), which exempts "agency rules that do not affect small businesses directly, including but not limited to rules relating to county or municipal administration of state and federal programs." The North Shore Management Plan does not affect small businesses directly. For example, it contains none of the items that are listed as matters of concern in subdivision 2: compliance requirements, reporting requirements, or design or operational standards. It is also a rule directed to the administration of the state shoreland program.

I and the agency hope that you can respond to this letter quickly.

BC:wlw
cc: Tom Lutgen

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ATTORNEY GENERAL

November 28, 1989

A.W.CLAPP, III
Special Assistant
Attorney General

MARTHA J. CASSERLY
Special Assistant
Attorney General

6-6839

Department of Natural Resources Rule Relating to Lake Superior Shoreland

The above-entitled rule has not been approved by the Attorney General for the following reasons:

1. The agency has not complied with Minn. Stat. ' 14.115, subd. 4. That section requires the agency to "provide an opportunity for small businesses to participate in the rulemaking process" utilizing one or more of the stated methods. No documentation has been submitted establishing that the agency

utilized one of the specified methods. Since the rule will impact small businesses, such advance notice must be given.

To overcome this defect, advance notice of the Department's rulemaking action in conformance with Minn. Stat. ' 14.115, subd. 4 must be made.

2. The Notice of Intent to Adopt the rule does not contain the fiscal note as required by Minn. Stat. ' 14.11. The agency's Statement of Need and Reasonableness states that the rule will require expenditure of public money by local public bodies. Under these circumstances, Minn. Stat. ' 14.11 requires "the appropriate notice of the agency's intent to adopt a rule to be accompanied by a written statement giving the agency's reasonable estimate of the total cost to all local pubnlic bodies in the state to implement the rule for two years immediately following adoption of the rule." While the Statement of Need and Reasonableness provides an estimate, such notice must "accompany" the Notice of Intent to Adopt the Rule.

To overcome this defect, another notice of intent must be published and mailed accompanied by a statement of the estimate cost of the rule to the local public bodies and another 30 day comment period provided.

3. The Notice of Intent does not contain the statement that "comment is encouraged" and that the public may submit comment in

support of or in opposition to the proposed rule or any party or subpart of the proposed rule as required by Minn. Stat. ' 14.22(1) and (2) and Minn. Rules 2010.0300E(2).

To overcome this defect, the re-published Notice of Intent must contain the all of information required by the APA and Minn. Rules 2010.0300.

After the necessary changes are made, the rule may be resubmitted to the Attorney General for review. In resubmitting the rule, the following documents must be submitted in addition to the documents required by the resubmission rule Minn. Rules 2010.1300:

1. Documentation establishing compliance with Minn. Stat. { 14.115; subd. 4;

2. The new Notice of Intent as was published in the state register;

3. The new Notice of Intent to Adopt the Rule that was mailed to the persons; and

4. Affidavit of mailing the new notice of intent in compliance with Minn. Rules. 2010.0300G.

In addition, please enclose a memorandum specifying that the rule is being resbumitted, direct the resubmission to me, and refer to our file number 1637 so that we may refer to our original file in this matter.

cc: Maryann Hruby, LCRAR
William Brown, OAH
Paul Marinac, Revisor's Office
Charlene Hatcher, Attorney General's office.

STATEMENT OF NEED AND REASONABLENESS

FOR

PROPOSED SHORELAND MANAGEMENT RULES

FOR

THE NORTH SHORE OF LAKE SUPERIOR

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATERS

JULY 1989

STATEMENT OF NEED AND REASONABLENESS

Proposed revisions to Minnesota Rules Parts 6120.2500-6120.3900

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INTRODUCTION

The Commissioner of Natural Resources is required by statute (Minn. Stat., Sect. 105.485) to promulgate standards for the subdivision, use, and development of shorelands in both unincorporated areas of counties and within cities. Standards for counties were adopted in 1970 and, because the statute was amended to include cities in 1973, standards for cities were adopted in 1976.

After adoption of the county standards in 1970, the DNR notified counties throughout the state of the requirement in the Shoreland Act for them to adopt county ordinances meeting or exceeding the state standards by July 1, 1972. DNR staff then began working with individual counties to finalize lake classifications and develop county ordinances. As this process was completed, individual counties then adopted the ordinances and began to administer them. Most of the counties adopted adequate ordinances by the deadline, and those that did not adopted resolutions which indicated their intent to adopt by a particular date. These counties all completed the adoption process in 1973.

The counties along the North Shore of Lake Superior adopted shoreland management ordinances in conformance with the statewide standards and criteria.

From its inception, the Statewide Shoreland Management program was clearly aimed at inland lakes. Lake Superior is an exception because of its size and other physical and coastal characteristics. Minimum lot sizes, building setbacks, sewage treatment standards, grading and filling provisions, subdivision regulations and vegetation management provisions were all designed to minimize the impact of shoreland development on inland lakes.

The North Shore of Lake Superior is a high amenity area with abundant natural resources and outstanding recreational opportunities. Lake Superior has long been recognized by federal, state and local officials, as well as private interests, as a unique body of water with distinctive shoreland characteristics. Lake Superior is no longer seen as just a products shipping waterway. As demonstrated by the recent increase in fishing, pleasure boating, marina proposals, condominium and townhouse developments and the expansion of land oriented recreational facilities, the North Shore has developed

into an area of multiple uses.

The North Shore will continue to experience significant development pressure over the next several decades. Tourism will play an increasing role in the economy of the area. Townhouses and condominium development, resort/condominium conversions, traditional recreational developments and greater demand for land and especially water based recreational facilities all present economic development opportunities and resource management challenges. Several issues concerning HIghway 61, the critical transportation link through the North Shore area, need to be addressed in concert with consistent land and water resources policies.

Minnesota's Statewide Shoreland Management Program was conceived by the Legislature in 1969 as a cooperative effort of the Minnesota Department of Natural Resources (MDNR) and local units of government. In 1981, the Legislative Commission on Minnesota Resources funded a program evaluation which identified Lake Superior as a distinctive management unit, not adequately addressed by the existing Statewide Shoreland Management Program. Recommendations from this evaluation called for the initiation and support of a local government effort to develop a shoreland management plan for the North Shore of Lake Superior.

During the fall of 1986, the MDNR proposed new shoreland management rules. These draft regulations were presented by MDNR staff at a public information meeting to concerned citizens and government officials on the North Shore. During that meeting, it became evident that there was a large amount of opposition to the proposed management regulations. The opposition mainly centered around the rules not specifically accounting for the unique characteristics of the North Shore, the difficulty and added administrative costs for enforcement of the rules, and the lack of a strong local perspective in defining standards to a body of water which is viewed as a unique local resource.

From October 1986 to July 1987, a task force consisting of representatives from the North Shore local units of government, MDNR and the Arrowhead Regional Development Commission (ARDC), discussed the possibility of jointly organizing the government units along the North Shore for the purpose of developing and implementing a management plan for the shoreland corridor of Lake Superior. The establishment of a Joint Powers Board was recommended. In July of 1987 the North Shore Management Board (NSMB), consisting of county, city and township governments, was established (see appendix for Joint Powers Agreement).

The purpose of the NSMB is to direct the development of a North Shore Management Plan with strategies for environmental protection and orderly growth of the North Shore of Lake Superior. The management responsibility is jointly shared by the counties, cities and townships exercising land use control and jurisdiction over certain public and private lands within this

corridor. Management responsibility was accomplished through adoption of a comprehensive North Shore Management Plan which provides the foundation for strong local official controls and policy decisions within the boundaries of the member units of government.

A Memorandum of Understanding between the NSMB and the MDNR pertaining to the coordination, cooperation and responsibilities in developing the Shoreland Management Plan was developed in October of 1987 (see appendix "A" for Memorandum of Understanding). The MDNR and NSMB agreed that the focus of the planning program for 1988-89 would be shoreland management. The goals of the Memorandum of Understanding were to define the responsibilities of the MDNR and NSMB in support of common objectives, interests and statutory requirements; to ensure timely identification and resolution of differences; and, to enhance communication and coordination.

Two sixteen member advisory committees, the Citizens Advisory Committee and the Technical Advisory Committee, were appointed by the NSMB in October of 1987 to provide assistance in defining issues to be addressed during the planning process (see appendix "B" for the Organizational Structure of the NSMB and for a list of all NSMB and committee members). Services were purchased from ARDC to provide technical assistance during the planning process.

The North Shore Management Board adopted the North Shore Management Plan (Plan) on November 29, 1988 after an extensive process of local participation through which all major interests were fully represented. The planning process received considerable statewide media coverage via newspapers and radio broadcasts and the NSMB had a broad mailing list of public notice and informational materials.

When the North Shore Management Board adopted the Plan it requested the Department of Natural Resources to adopt the plan as a state rule through the non-controversial rule making process. As outlined in the Memorandum of Understanding between the Board and the DNR, it has, from the initiation of the process, been the intent of the DNR to adopt the Management Plan as a state rule to replace the Statewide Shoreland Management Rules for the North Shore from and including Lakewood Township in St. Louis County to the Canadian border at the Pigeon River in Cook County. (see next section for a description and explanation of the Planning Boundary).

The process that was used in developing the Plan was a model of public participation and involvement, as well as fully representative of all major interests presently affected by the management plan.

As noted above, upon initiation of the planning process, the Board appointed two sixteen member advisory committees to develop the plan. A listing of Advisory Committee members is found in

the appendix along with an organization chart. As noted in the committee rosters, a very broad cross section of public and private interests were represented on the two committees. The Technical Advisory Committee (T.A.C.) was comprised of local, state and federal agency representatives with management or planning responsibility for some aspect of shoreland management along the North Shore. The T.A.C. was responsible for developing the "Development Standards", and "Administrative Review" chapters in the Plan. The T.A.C. formed various subcommittees to more efficiently carry out its work. Three subcommittees were assigned responsibility for drafting the initial proposals for zoning standards, (lot sizes, building setbacks, lot widths, etc.), sanitary provisions, shoreland alteration provisions (grading and filling, wetland preservation and removal of natural woody vegetation). The entire T.A.C. fully discussed each segment drafted by the respective subcommittees and either approved or rejected all or parts of each proposal. If rejected, the specific provision would be returned to the subcommittee of origin for reworking. When the entire T.A.C. was satisfied with any given section or portion of the plan, the T.A.C. sent it on to the Citizens Advisory Committee for discussion, review and approval. The C.A.C. sometimes asked the T.A.C. for further information or sent particular segments back for further work. When satisfied, the C.A.C. sent the T.A.C. originated provisions to the Board for approval. The Board took action on the various components of the "Development Standards" and "Administrative Review" chapters by either approving as proposed, revising, or returning them to the C.A.C. for further work.

The C.A.C. was responsible for initiating and recommending to the Board for approval, the "Shoreland Use Guide Plan and Policies". The process used for this part of the Plan was similar to that described above. The C.A.C. was very thorough and fully discussed each portion of the Shoreland Use Guide Plan and Policies before sending each segment to the T.A.C. for review. After reviewing T.A.C. comments, the C.A.C. revised each segment as they felt appropriate and sent on to the Board for approval. Board approval of each portion of the Plan submitted to it by the C.A.C. meant that each component was approved for public review.

The Plan was developed methodically, step by step, with each portion or subpart thoroughly discussed and reviewed by each committee and the Board. In this manner, all aspects of the Plan were developed, reviewed and approved from both a technical competency standpoint, and a public policy or public acceptability standpoint. Because both committees contained representatives from the full spectrum of the public, as well as from all affected local, state and federal management agencies, the Plan is technically sound, consistent with the intent and objectives of the Shoreland Management Act and publicly acceptable. Even though the Plan was not patterned after the revised Statewide Shoreland Rules, there are some similarities in procedural requirements, administrative provisions, sanitary provisions and development standards. These similarities have

been addressed in the DNR's Statewide Shoreland Rule SONAR. On balance, however, the Plan is more restrictive than the Statewide Shoreland Rules and these aspects are the focus of this SONAR.

After the Board approved the Plan in its entirety for public review, the Plan was put to the test of full public review and comment. (It should be mentioned here that all committee and Board meetings were open, public meetings). During the months of August and September 1988, the Plan was reviewed and discussed at ten separate meetings at locations along the North Shore. Over 200 people attended these meetings which were held in Duluth Township, Two Harbors, Silver Bay, Tofte and Grand Marais. The first five public meetings were information meetings to explain the contents of the Plan and the rationale for the plan's key provisions. Following the five information meetings, five public hearings were held at the same five locations along the shore. The purpose of these hearings was to receive public comments on the Plan. On balance, comments were favorable and supported adoption of the Plan. The majority of questions dealt with the intent and purposes of the guide plan maps. Concern was expressed that these maps were going to be used as zoning maps and that they would supercede existing official local zoning maps. The final plan clarifies the purposes of the "guide plan" maps, as discussed further on Page 6 of this document.

NEED AND REASONABLENESS OF PROPOSED RULE

The format of this section will follow the format of the North Shore Management Plan and will be ordered in the same manner as that Plan.

PART ONE, SHORELAND USE GUIDE PLAN AND POLICIES

This part defines the planning area (jurisdiction of plan), establishes goals and six types of management areas for the planning area. Specific goals and policies are included for each type of management area, and is intended to serve as a policy guide for local units of government in adopting/revising and administering shoreland management ordinances consistent with the Plan.

North Shore Management Planning Area (Planning Boundary)

The Planning Area extends from Lakewood Township in St. Louis County (northeastern boundary of the City of Duluth) to the Pigeon River forming the international border with Canada in Cook County. The Planning Area extends from the shoreline of Lake Superior and includes the minimum 1,000 foot shoreland jurisdiction established in MS. 105.485, but also extends to include the Highway 61 corridor. Highway 61 is the primary, critical transportation link and it traverses the entire planning corridor. The Board believes that the proper management of the shoreland of Lake Superior must include Highway 61 because of the effects of Highway 61 on the shoreland and vice-versa; Highway 61

dramatically impacts the shoreland corridor and directly affects land use within the Planning Area. They are closely interwoven and it is important from an administrative or enforcement standpoint to manage the shoreland and highway corridor as a single management unit. To ease administration and enforcement of the Plan, it was decided that the legal description of the landward extent of the Planning Area extends from the ordinary high water level of Lake Superior to the nearest 40 acre subdivision lines at least to a point 300 feet landward of Highway 61 or 1,000 feet from Lake Superior, which is the greater distance from the lake. (A further description is shown on the diagram on Page 1 of the Plan.) In this manner, local shoreland use decisions can be made in accordance with the official land subdivision boundaries currently utilized. Highway 61 is greater than 1,000 feet from the shoreline of Lake Superior for approximately 90 miles within the Planning Area, or exceeds the 1,000 foot minimum in approximately 60% of the Planning Area.

North Shore Management Goal Statement

The goal statement was developed by the C.A.C. as a guide for local shoreland decision making in implementing the Plan. The goal establishes the basis for the remainder of the Plan and represents the collective vision of the C.A.C. and Board. The goal statement provides the "target" at which the remainder of the Plan aims. The goal statement represents a balance of interests and seeks to provide for a full mix of land uses, respects the needs of North Shore residents, and provides economic opportunity while protecting and enhancing the natural resources of the shore. This fundamental philosophy transcends the full scope of the Plan.

Policy Fundamentals

The policy fundamentals provide the basic foundation for the shoreland management standards and criteria which follow in the Plan. They provide a range of options and address anticipated development and shoreland management protection problems and issues. They provide the policy guidance to be followed by local units of government in revising their existing ordinances to be consistent with the Plan, as well as assist in making specific land use decisions during the implementation (administration and enforcement) phases of the Plan. They are intended to address a variety of possible situations, issues and problems and therefore are necessarily broad. They can, however, serve as a policy reference for local zoning officials, planning commissions, boards of adjustment, county boards, or oversight entities like the North Shore Management Board or DNR in deciding specific shoreland use questions. The policy fundamentals are self-evident and are intended to be used in conjunction with the specific management area policies which follow. The specific management area policies should be consulted and the policy fundamentals used as a further guide. Proposed local government ordinances and site-specific developments that are inconsistent

with the specific management area policies and/or the policy fundamentals should not be permitted.

Shoreland Management Areas: Definitions, Goals and Policies

The shoreland use guide plan defines six types of management areas within the North Shore Planning Area to guide local plan implementation and shoreland decision making. Management areas are defined and goals and policies established for each.

When necessary, local ordinances and/or performance standards will be revised to be consistent with the management area policies. The North Shore Management Board adopted a resolution on May 30, 1989, which stated, "the North Shore Management Board establishes an 18-month implementation schedule for local units of government to revise their ordinances to be consistent with the North Shore Management Plan." The DNR's proposed rule which is to adopt the North Shore Management Plan will incorporate this 18-month implementation schedule starting from the effective date of the DNR's agency rule. The management areas are broadly mapped in the Shoreland Management Area Maps section of the Plan starting on Page 9. The goals and policies are intended to be used by local units of government in carrying out their specific planning and zoning responsibilities. The goals and policies provide a uniform decision-making framework for the North Shore. They address shore wide issues and treat the North Shore as a single resource unit. Local units of government have the responsibility of carrying out their specific planning and zoning responsibilities, including but not limited to the issuance of permits, conditional uses, variances and land use zoning district designations or zoning changes.

To ensure that the goals and objectives of the plan are achieved, these local decisions should be made after consulting these policies and in compliance with them. Oversight will be provided by the NSMB and the Department of Natural Resources to facilitate consistency of implementation along the entire Planning Area. The DNR will continue its existing proactive role of advising local government of the adequacy of local regulations and the administration of them and the appropriateness of existing development proposals.

The management areas are: Protected Resource (PR), Residential (R), Commercial-Rural (CR), Commercial-Urban (CU), Resort Commercial (RC) and Industrial (I). The Management Area Policies together with the maps on Pages 9 - 19 of the Plan provide the framework for future protection and development of the shore. The management area concept is designed to separate incompatible uses, provide for shoreland development and protection consistent with the carrying capacity of the shoreland (provide development policies that will ensure stable, long term growth and protection of environmentally sensitive areas) and foster the "node" concept of development. The "node" concept seeks to centralize like or compatible uses. For example, new resort commercial activity

should occur in areas already developed for such uses, or new single family residential uses should be located in existing residential areas. Sensitive environmental areas or areas that are of exceptional scenic or historical value should be protected from the more intense types of land uses.

Within each management area, specifically designed land use policies provide development and/or performance standards which protect existing uses and land values. Incompatible uses are strongly discouraged; for example a gravel mining operation in a resort area, or a resort area in an industrial area, or a large recreational-commercial facility in the middle of a quiet residential neighborhood. Policies also ensure to the extent possible compatibility with adjacent management areas. For example, uses immediately adjacent to sensitive protected resource areas should be permitted only if such uses do not adversely affect the protected resource area (for example, intensive commercial uses should not be allowed immediately adjacent to a state park.) Low impact uses could be allowed.

The management area policies and maps are a general guide for local shoreland zoning decision making, including zoning district delineation, identifying permitted and conditional uses, and the appropriate development standards. Although local zoning maps need not be amended to strictly conform with the area designations in the Plan, they should provide permitted and conditional use guidelines consistent with the map and policies. For example, if a county is considering a conditional use permit for a residential planned unit development in a residential management area, the policies for the residential management (as well as in this case, the planned unit development guidelines) must be used in determining the terms and conditions of the permit. A more dramatic example may be a proposed planned unit development in a protected resource area, or an industrial use in a residential management area; the plan does not allow uses that are incompatible to this degree with the policies of the management area. In most cases the management area policies are founded on common sense principles and are intended to bracket the range of options available to local decision makers in each management area and provide a degree of consistency along the entire corridor. The ultimate decision for shoreland use is left to the responsible local unit of government, but the plan provides the common policies and parameters for those local decisions. The maps were developed through the committee and public participation process. The criteria used to determine the location of these management areas were: existing development patterns, existing zoning, shoreland resource characteristics, location of scenic and historical areas, and desired location for new uses. The management areas are broadly mapped and do not replace existing zoning maps of the counties, cities or townships. They are intended to reflect existing development patterns and are to be used to further the "node" concept of development and resource protection.

The six general management areas reflect the six existing and probable major land use patterns along the shore. The protected resource area is similar in notion to the special protection districts in the Statewide Shoreland Regulations. Commercial areas (both urban and rural) are reflective of existing commercial use areas. The policies for these areas indicate that new commercial uses should be "clustered" in these areas. Also, major highway intersections, although some are not presently commercialized, were designated as desirable future commercial areas. The resort-commercial management areas are for those areas that are presently developed, or should be developed as commercial areas where resorts are the predominant use.
Industrial areas were limited to existing industrialized areas, or where existing industrial parks are located. Only water dependent industrial uses are allowed (and only in Industrial Management Areas). A water dependent use is one that must be located near the lake for its successful existence and/or operation, that is, water is required either for the transportation or use of finished product or raw materials or water is needed for the industrial process, or water is otherwise needed to support or sustain the economic viability of the industry. If an industry does not require a waterfront location to exist, then it is not a water dependent use.

PART TWO, DEVELOPMENT STANDARDS

The development standards contained in Part Two respond to the requirements of the Shoreland Management Act regarding standards for lot area, lot width, building setbacks, sanitary waste treatment, removal of natural vegetation and grading and filling in shoreland areas. Standards and policies for managing erosion hazard areas and for planned unit developments are also addressed. There are regulatory concepts that the Plan does not specifically allude to because these concepts are already being addressed by or will be addressed by county-wide regulations for their inland lakes consistent with the revised Statewide Shoreland Rules. It is reasonable to assume that different standards and procedures will not be developed for the Planning Area for these concept areas. They include subdivision procedures, enforcement of the recently revised Minnesota Pollution Control On-Site Sewage Treatment System Standards (Chapter 7080) and dealing with platted, substandard lots of record.

The standards in Part Two provide the minimum standards and criteria for future development within the jurisdiction of the proposed rule. These standards will be incorporated into local shoreland zoning ordinances.

Zoning Provisions

The Shoreland Management zoning standards were developed after carefully evaluating the standards currently in effect, shoreland characteristics, and the special needs along the North Shore.

The zoning ordinances from the cities, counties and townships along the North Shore were reviewed and discussed. After this review, it was determined that for the most part, the existing structure placement requirements in these ordinances were more stringent than the state minimum Shoreland Management Standards. It is understood that cities, counties and townships may adopt requirements which are more stringent that these minimums. The lot area and width requirements apply to lots created after the date the local ordinance is amended to be consistent with this plan, although substandard, adjacent lots of record in the same ownership can be required to be combined to meet or reasonably comply with these minimum requirements.

These standards are deemed reasonable and appropriate for the North Shore. They reflect dimensions that are compatible with existing resource conditions, development patterns and the limitations or capabilities of the shoreland areas along Lake Superior's North Shore. They were developed by technical experts on the T.A.C. that were familiar with the resource limitations and special development considerations of the North Shore area.

Lot Area and Width

The proposed lot area of 40,000 square feet is double that of the Statewide Shoreland Standards of 20,000 square feet for unsewered, riparian lots on general development lakes (Lake Superior is classified as a General Development Lake). The Statewide Shoreland Rule requires 40,000 square feet for unsewered, non-riparian lots on a general development lake. The increased lot size for unsewered areas is deemed reasonable and necessary because of severe soil limitations for the installation and maintenance of on-site sewage treatment systems. Most of the North Shore is comprised of heavy clay soil or bedrock on or near the surface. The large lot area standard is necessary to ensure in the long term that adequate room on any given lot is available to properly size, and install an on-site soil absorption sanitary system. The proposed minimum lot area is also compatible with existing zoning requirements along the North Shore. Existing minimum lot sizes are for the most part comparable or larger than the proposed lot size of 40,000 square feet.

The 10,000 square foot lot size for sewered areas was deemed appropriate to achieve north shore management objectives, and is consistent with existing zoning lot size and width standards. Lot widths and size are designed to prevent overcrowding and provide lots conforming with accepted subdivision practices. The lot widths were deemed reasonable and appropriate by the Technical Advisory and Citizens Advisory Committee and are consistent with existing zoning standards currently in place along the North Shore. They will achieve the desired management objectives. The lot widths were designed in consideration of the fact that in many unsewered areas along the Shore, the lot depths do not exceed 200 feet, therefore the 200 foot lot width is

necessary to provide for 40,000 square foot lot area. The same rationale applies to the 75 foot minimum lot width in sewered areas. These lot width standards (and area standards for unsewered riparian lots) are more restrictive than the state's existing shoreland standards. The 10,000 square foot lot size minimum matches the proposed shoreland rule for sewered, back-lot sizes, but is less than the 15,000 square foot riparian, sewered lot size minimum. Only a very small percentage of the shoreline is sewered (less than 10%) and these areas are located in the cities of Two harbors, Silver Bay, Grand Marais, and the communities of Taconite Harbor and Knife River. These cities are already fully developed, for all practical purposes. Therefore on balance, the 10,000 square foot minimum can be expected to meet the Shoreland Act's anti-crowding objectives. This standard is more than offset by the 40,000 riparian unsewered lot size for the vast majority of the shoreline in the Planning Area.

In general, structure setbacks are needed to provide an adequate distance between the development in the shoreland area and the adjacent water body to control the resource damaging effects of non-point source pollution. Soil erosion and subsequent sedimentation in water bodies and nutrient loading, toxins and other pollutants to the water body from shoreland surface water runoff are examples of non-point source pollution.

The proposed 40 feet setback from the vegetation line of Lake Superior is in most cases comparable to the 75 feet setback on general development lakes, and in about 75-80% of the time along the North Shore greater than 75 feet from the ordinary high water level (OHWL) of Lake Superior. The 40 feet structure setback is measured from the vegetation line which is that point where the permanent vegetation line is clearly distinguishable and is usually found above the storm beach line. The vegetation line is used as the measuring point for the structure setback instead of the OHWL on Lake Superior because the vegetation line is stable and usually easily determined. The OHWL is not a reliable, nor practical base line because of wave conditions and frequent fluctuating lake levels. It is very difficult, therefore, to consistently measure structure setbacks from the OHWL. On inland lakes the OHWL is fairly easy to determine. It is usually determined as that point where the water level has been maintained for a sufficient period of time to leave evidence upon the landscape. Because of wind and wave conditions on Lake Superior, however, the permanent vegetation line is often many feet landward of the water line. The vegetation line is relatively stable and provides a consistent, reliable measuring point.

It should be noted that it is the intent of the Plan to include all accessory structures in the definition of "structure" thus providing greater protection of the area between the structure setback line and the lake, i.e. <u>all</u> structures, including accessory structures must meet the minimum setback requirements.

Building Height

The 35 foot maximum structure height along the North Shore is needed to preserve the scenic values of the shoreland area and to minimize potential view obstruction from properties beyond the first tier of shoreland development. The height limitation is consistent with many existing zoning ordinances along the North Shore. Building heights above 35 feet (greater than 2 1/2 stories) have significant potential for obstructing the public's view of Lake Superior from Highway 61. Also, lot size and frontage requirements provide generous space for new development to locate without having to build upward. A two and one half story structure allowance is deemed reasonable and consistent with the goals and policy fundamentals of the North Shore Management Plan. This standard greatly exceeds the statewide shoreland rules which only would apply in residential areas in cities.

Lot Coverage

The lot coverage requirements in the Plan are necessary to minimize erosion and non-point source pollution from entering Lake Superior. When substantial portions of the natural land surface is paved (made non-permeable) runoff is more rapid and is more rapidly discharged to the surface in the lake. This has the significant potential of increasing erosion. Also, pollutants from automobiles (oil, gasoline) are more readily concentrated in storm runoff and are more likely to enter the lake. It is deemed necessary to limit impervious surfaces on lots to 30% to minimize these problems. Because of the large lot sizes along the majority of the unincorporated/unsewered North Shoreline, and especially the requirement for 40,000 square feet riparian lots in unincorporated areas, it is anticipated that most development would not ever approach the 30% impervious surface per lot. Because stormwater can be managed through proper technology and planning, the minimum lot coverage of 30% can be increased to 50%. It is felt that the increased problems that would have occurred at this higher coverage rate, will be mitigated through the implementation of an approved storm water runoff plan.

Sanitary Systems

The section in the Plan on sanitary systems was developed by the Technical Advisory Committee. It recommends uniform adoption and enforcement of the Minnesota Pollution Control Agency's Chapter 7080, Individual Treatment System Standards by all local governmental units with the North Shore planning area.

The North Shore Management Board believes that the adoption and strict enforcement of the MPCA's Chapter 7080 code is critical to improving existing water quality problems which have resulted from inadequate sanitary systems along the North Shore. The State's shoreland regulations also require local regulations to

be in compliance with Chapter 7080 in shoreland areas.

Presently most of the rural households along the North Shore rely on septic systems to treat sewage. Residents in the communities of Grand Marais, Beaver Bay, Knife River, Taconite Harbor, Silver Bay, and Two Harbors have access to centralized wastewater treatment facilities, while many smaller communities and developments such as Grand Portage, Terrace Point and Bluefin Bay use packaged treatment plants. Centralized or collector systems, as well as individual, on-site septic systems need proper siting, frequent inspection, and regular maintenance to ensure adequate wastewater treatment.

There are public health, as well as environmental and aesthetic concerns associated with wastewater treatment along the North Shore. The risk of contaminating water supplies, of contracting contagious or non-contagious diseases, and of degrading surface water resources are probable outcomes of inadequate sewage treatment. Surface or ground water supplies may be contaminated with bacteria from human waste or with toxics from improper hazardous waste disposal. This can result in the transmission of such contagious water-born diseases as cholera, typhoid, and giardiasis and possibly increase the risk of cancer, miscarriage, and genetic defects. Coastal areas of Lake Superior, North Shore rivers, and inland lakes may experience algal blooms, increased growth of aquatic weeds, and unpleasant odors from the addition of increased nutrients or sewage from improperly treated wastewater. These adverse health, environmental, and aesthetic concerns reduce the appeal of the North Shore region.

Water resources of the North Shore are especially susceptible to contamination. Very thin surficial deposits with high clay content overlying impermeable, crystalline bedrock, offer less than optimum conditions for siting septic systems and increase the need for adequate setbacks of sewage treatment systems and regular maintenance and pumping. Rapid runoff and a fractured bedrock aquifer system provide easy opportunity for contamination of ground and surface waters. For these reasons, it is important for the Plan to consider setback and construction requirements, the permitting process, maintenance, and abandonment of individual sewage treatment systems and also on-site municipal and industrial systems, and collector package plants.

There are many types of wastewater sources along the North Shore of Lake Superior. Communities, industries, resorts, businesses, and private homes all generate wastewater in various volumes. Wastewater from each type of source also has a variety of chemical, biological, and physical characteristics. The methods used to treat each source of wastewater as well as the applicable regulations and the responsible unit of government (state vs. local) will vary according to volume and type of sewage to be treated.

Sources of wastewater have been placed into two broad categories

- individual and municipal/industrial. A third category, package wastewater treatment plants, describes a specific set of technologies which is gaining wider usage on the North Shore. Packaged plants may serve most types of wastewater sources. These municipal and package plants are under the regulations of the State of Minnesota as well.

An individual on-site system may treat wastewater from residences and small businesses, as well as small clusters of homes and businesses.

The Minnesota Pollution Control Agency's Chapter 7080, Individual Sewage Treatment System Standards, provides the basic regulatory framework. Chapter 7080 specifies that individual on-site systems that have a monthly average daily flow in excess of 15,000 gallons per day or have an average daily flow in excess of 10,000 gallons per day require an MPCA permit.

The three counties along the North Shore have enacted wastewater treatment ordinances that contain the same basic provisions and follow MPCA's Chapter 7080. Each county has delegated authority to administer their respective ordinances, issue permits, and inspect installations. Chapter 7080 contains state regulations for individual on-site wastewater treatment systems. The cities along the North Shore are sewered. It is assumed that the Plan requires adherence to the revised Chapter 7080 which was in the process of being finalized when this plan was adopted by the North Shore Management Board in November, 1988.

Owners of individual on-site systems are charged with the responsibility to operate the system within design parameters and to maintain the system properly. An important component of maintenance is the inspection of septic tanks and the removal of the accumulated sludge and scum. As a rule of thumb, septic tanks should be pumped out at a frequency of once every three years if the system is designed and operated properly.

The Board, C.A.C. and T.A.C. decided that because of costs, lot size, topography, lot owner preference, and other factors, a pit privy can be constructed and used, according to provisions of Chapter 7080 and county ordinances. Pit privies can only be used for the treatment and disposal of human body wastes without pumping or other water carrying means.

Should soil conditions or topography be severely limiting so as to rule out the construction of an individual on-site wastewater treatment system, a holding tank may then be installed. It must be emphasized that holding tanks are permitted only as a last resort when other wastewater treatment options are not available. (This applies to existing as well as newly created lots.)

Septic tank and soil absorption systems must be setback at least 50 feet from the vegetation line, except in erosion hazard areas where greater setbacks may apply. For the purpose of these

rules, the vegetation line shall be defined as the first clearly identified line of terrestrial vegetation above the ordinary high water level. There must also be a separation distance between a septic system and any nearby wells. This will always meet or exceed the revised State Shoreland Rules. The minimum lot sizes required by the Plan should provide adequate space to meet these requirements on most lots, depending on soil conditions.

Shoreland Alterations

Shoreland alteration policies and procedures are necessary and important to provide a consistent mechanism whereby local governments along the North Shore can properly manage removal of natural vegetation, grading and filling and protection of precious wetland areas. Mismanagement of soil and vegetation can adversely impact the natural resources of shoreland areas. Examples are adverse impacts which impair or destroy fish and wildlife habitat, soil sedimentation or the intentional filling of areas that previously held and filtered surface water runoff for a period before drainage or discharge to a water body, or the excessive clearing of shoreland vegetation that once provided natural screening of shoreland development and maintained the scenic vistas of Lake Superior.

It is necessary to restrict the removal of woody vegetation on bluffs, steep slopes and within the structure setback area to protect the vegetation and soil resources of those environmentally sensitive areas. The existence of vegetation in these areas is important to reduce the erosive effects of falling precipitation on the soil. Vegetation can also reduce the velocities or disperse the flow of surface water runoff, which is important since high velocity or concentrated surface water runoff can readily erode soils. Additionally, vegetation root systems in these areas will assist in binding the soil column to prevent or reduce the likelihood of bank and slope failure, which further protects the fish and wildlife habitat values associated with shoreland areas. The existence of vegetation in these areas also acts to screen shoreland development activities which will protect and preserve the natural values of shoreland areas as directed by state statute.

The policies and procedures contained in the "Shoreland Alterations" section were developed by the Shoreland Alterations Subcommittee of the T.A.C. These requirements are specifically tailored to the unique resource characteristics of the North Shore and are intended to prevent soil erosion, non-point source pollution, minimize impact of development on erosion prone areas and preserve the natural quality of the shore consistent with the goals and policies of the Plan.

The requirement for vegetation management plans is necessary for large developments such as subdivisions to ensure that all possible preventative and control measures are taken to minimize the impact of such proposals on the sensitive shoreland area.

Intensive land uses such as forestry, mining, extractive uses etc, will probably be very limited, or non-existent in the Planning Area because of the value of the land and other factors. However, such activities, if proposed, would be subject to the shoreland alteration standards, and other relevant parts of the Plan, and applicable state environmental laws.

The T.A.C. determined that a reasonable threshold for determining when a vegetation plan would be necessary was 10,000 square feet or 25% of the lot area. Because most lots are or will be at least 40,000 square feet in area, it was believed by experts familiar with North Shore conditions that clearly natural vegetation removal equal or greater than 1/4 of the lot size had the potential for significant impact upon the shoreland resources. A vegetation management plan would identify specific measures or techniques to minimize these potential impacts.

Significant view corridors to Lake Superior or to uphill natural features should be identified and vegetation selectively removed to enhance these views. Developing and maintaining view corridors is necessary to enhance the public's enjoyment of the natural amenities of the North Shore and is deemed reasonable.

Clearcutting is discouraged because of the significant impact such intensive vegetation clearly can have in causing non-point pollution and can also result in serious damage to fish and wildlife habitat. Clearcutting or intensive vegetation clearing can have serious negative effects on shoreland values, as well as on nearby property values. Clearcutting or complete removal of shoreland trees can cause serious soil erosion, increase shoreline erosion potential significantly and reduce the long term economic value of shorelands. Vegetation also acts to screen shoreland development which helps maintain the natural values of shorelands.

For these reasons it is necessary and reasonable that all proposed clearcutting including cutting by public utilities or private entities be reviewed and approved very sparingly by the local unit of government and carried out using sound forest management practices.

Wetlands

The plan provides safeguards for the protection of wetlands through existing permit procedures and authorities of the Department of Natural Resources and U.S. Army Corps of Engineers. The plan requirement for approved site development plans prior to alterations of wetlands is necessary to allow local jurisdictions the opportunity to review the total plan for the area prior to any actual wetland alteration work. This requirement is reasonable considering the value of wetlands to fish and wildlife habitat, as well as for their value as nutrient traps and natural filters for storm water runoff, and the very limited number of remaining wetlands along the North Shore. The Plan requires

mitigation for wetland loss; this is especially significant in terms of resource protection for wetlands that are not regulated by the DNR.

Grading and Filling

The objective of these provisions is to maintain natural topography and minimize soil erosion caused by alteration of the shoreland environment. These provisions are necessary to achieve the objectives of the North Shore Plan and ensure shoreland development consistent with the policy fundamentals of the plan and sound shoreland management practices. They have been developed by the Technical and Citizens Advisory Committees and are tailored to the unique problems caused by the special topographic and geological characteristics of the North Shore. An erosion and sediment control plan is deemed necessary for excavations exceeding 1,000 square feet or 100 cubic yards, or for fill exceeding 1,000 cubic yards or for any shoreland alteration exceeding 50 cubic yards within the structure setback area. These limits were established because it was felt by the technical experts on the T.A.C that these thresholds defined the upper limit of alterations that would be done in conjunction with normal construction, maintenance or repair activities covered under standard building permit issuance. It was felt that alterations exceeding these amounts are significant and warrant scrutiny by local governments. These thresholds are reasonable and necessary to prevent serious soil erosion, non-point pollution problems and loss to fish and wildlife habitat, and are necessary to ensure shoreland management that conforms to the policies of the Plan. It was felt that requiring shoreland alteration plans for less than these amounts would be unnecessary and create numerous requests for local government review for routine projects and be unnecessarily burdensome on the public.

Erosion Hazard Areas

Shoreline erosion is a severe problem along some areas of the North Shore as it is in many other areas of the Great Lakes. Development close to the shoreline and the erosive process of Great Lakes storms have caused millions of dollars in damage throughout the region. Even if more effective regulation of lake levels is someday feasible, storms, currents and uncontrollable lake level fluctuations will continue to erode and flood Great Lakes shorelines. Many states and Canadian provinces around the Great Lakes have instituted a variety of structural and non-structural programs and regulations to reduce the problem and private costs associated with these hazards. The methods, policies and guidelines described in the Erosion Hazard Area part of the North Shore Plan employ non-structural solutions to the erosion problems along the shore.

Several governments have responded to coastal erosion by regulating new development on shoreline bluffs. The most extensive controls on bluff development are found in Michigan,

New York and Pennsylvania. These states require that homes, businesses and other structures be set back from the bluff's edge. Setback distances are calculated by a formula that incorporates shoreline recession rates and expected lifetime limits for structures. The expected lifetimes vary from as little as 20 years up to 100 years, depending partly on the size and value of the structure.

The erosion hazard provisions in the North Shore Management Plan are designed to specifically address the erosion hazard problems unique to the Shore. The concepts employed are in part modeled after proven techniques and policies used in the states of New York, Michigan and Pennsylvania. This basic premise is that it is the public interest to steer development away from erosion hazard areas where damage result in both substantial private and public cost. Extensive property damage results in substantial loss of revenue to local governments as well as to state and federal agencies in terms of tax losses and publically financed shore protection structures, and flood insurance payments.

Along the North Shore, shoreline erosion adversely affects the property, property values, structures and roadbeds. The specific extent of actively eroding sites is unknown but is estimated, for example, to be up to 30% of the shoreline in Lake County. Erosion is a natural process, but its rate is increased by high lake levels. Lake levels have been high in the mid 1980's and may reach those levels again. The erosion hazard area provisions of the North Shore Management Plan are based on the best available and most up to date geologic and hydrologic data as well as actual field observations available in North Shore erosion hazard areas. Erosion Hazard Areas within the North Shore Planning Area are shown on pages 12, 13, 16 and 17 of the North Shore Management Plan. Only those areas deemed to be of high potential for erosion were put on the maps. Except in rare cases, this was limited to the areas where high clay banks border the lake. Areas of erosion where the long-term erosion rate appeared to be less than the criterion of one foot per year were not mapped. Clearly, there are places outside of the Erosion Hazard Areas shown on the maps where erosion is a problem. However, mapping was limited to those areas where the Erosion Hazard Area policies apply.

The Erosion Hazard Area subcommittee used the following process to identify the Erosion Hazard Areas. First, a detailed soils map from the Coastal Zone Management study was transferred onto a Minnesota Department of Transportation strip map of the North Shore. Then, 199 surveys from a 1986 shoreline erosion survey were transferred to the map. Surveys indicating high erosion rates were tagged for further analysis. Fifty sites were revisited and measurements were made to see how far the erosion had progressed since 1986. From this information, it was determined that many of the erosion problems reported in 1986 were attributed to the extremely high water level and severe storms of the period. Losses of cobble beaches, collapse of sea

caves and the erosion of rocky shorelines were identified as being outside Erosion Hazard Areas. However, areas of high clay banks continued to show signs of failure despite the two intervening years of relatively low, calm water. These are the areas identified as Erosion Hazard Areas on the maps.

The more critical areas of clay banks were examined from the water surface. The area from French River to Split Rock River was covered by boat and pictures were taken of potential Erosion Hazard Areas. Field notes, photos, and the 1986 and 1988 videotapes of the shoreline were then used to set the approximate boundaries.

The Erosion Hazard Areas accurately represent the more severe problems of erosion on the Shore. Erosion hazard areas are defined as those areas where the long term rate of recession is one foot or greater per year. This definition is reasonable considering erosion rates vary considerably with the range being less than one foot per year to three feet per year in some instances. The most serious problems and the threat to property is most prevalent when the erosion rate is one foot or greater per year. This definition was developed by the erosion subcommittee and is deemed necessary and reasonable by the experts on this subcommittee.

The special provisions that apply to erosion hazard areas were designed to provide the public with clear information about the location of erosion hazard areas, and the necessary information to allow them to make informed decisions about purchasing and/or building on such property. Because of the extreme sensitivity of erosion hazard areas to development and because of the potential public and private costs associated with property damage due to erosion, the special provisions contained in this section are both necessary and reasonable. The burden of proof regarding suitability of any given parcel for development is reasonably placed on the proponent of such development. Site development plans for all proposed developments in erosion hazard areas are also necessary considering the high risk associated with development in these areas. The required setbacks are necessary to protect the structures which locate in these areas for their expected lifetimes. The 125 foot setback is reasonable and is based on a conservative estimate of a 2 foot per year long term recession rate. This setback is necessary because in the absence of a known recession rate, it is better to err to the safe side for the protection of the affected property. The 125 foot setback is derived from the 50 year expected structure lifetime times 2 (a conservative long-term recession rate of 2 feet per year) plus 25 feet for maneuvering room for structure relocation.

Planned Unit Development Guidelines

The purpose of the Planned Unit Development (PUD) Guidelines is to provide uniform criteria for local approval of planned unit developments within the North Shore Management Planning Area.

The criteria allow for development densities greater than the minimum lot sizes provided in this plan. These provisions apply to new planned unit developments, both commercial and residential, on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land.

Planned unit developments must be designed and operated to be compatible and harmonize with their surroundings and located in compliance with the Shoreland Use Guide Plan. It is the intent of these guidelines to provide the North Shore units of government with the flexibility to review, modify and approve planned unit developments that follow the rules of common sense and practicality. The DNR will continue to approve planned unit developments in shoreland areas as presently defined in state approved shoreland ordinances until such time as the responsible local government adopts regulations compliant with the Plan. The end result should be development which optimizes the use of building sites and protects and enhances the natural amenities of those sites.

It is the goal of the PUD guidelines to provide uniform standards to local officials and potential developers for the optimization of development opportunities and maximum environmental protection on any given planned unit development site.

For the purpose of the guidelines, a planned unit development is defined as: multiple residential or commercial dwelling units including but not limited to townhomes, condominiums, motels, hotels, resorts and related commercial activities consisting of five or more units with a minimum lot area of 2 acres per development and a maximum density of four units per acre.

This definition does not differentiate between residential and commercial PUDs, a distinction which is made in the management area policies section of the Plan. A Residential PUD is considered to be a use where the nature of residency is non-transient and the major or primary focus of the development is not service oriented. For example, residential apartments, timeshare condominiums, townhouses, cooperatives and full fee ownership residences would be considered as residential PUDs. In contrast, commercial PUDs are typically uses that provide transient, short term lodging spaces or rooms and their operations are essentially service oriented. For example, Hotel/Motel accommodations, and other primarily service oriented activities are commercial PUDs. (Campgrounds are not considered to be Planned Unit Developments but it was the intent of the NSMB, T.A.C. and C.A.C. that they be subject to the PUD guidelines (excluding the density standards) of the Plan. (See discussion of campgrounds on Page 16). The PUD Guidelines contain design criteria, sewage treatment standards and plan approval information requirements. The Guidelines were developed initially by the Zoning Subcommittee of the T.A.C. and subsequently reviewed and approved by the C.A.C. and the Board. The guidelines, as is the case with the remainder of the Plan,

are specifically designed to address the special natural resource characteristics and limitations of the North Shore.

The design criteria provide PUD design standards which will need to be incorporated into local shoreland ordinances. The design standards call for visually unobtrusive development consistent with the natural topography and development limitations at the proposed site. The standards are intended to minimize non-point pollution caused by surface runoff and the clearing, grading and filling activities associated with the construction of PUD's. The shoreland alteration provisions in the plan apply to PUD development as well and together with these criteria should minimize harmful environmental impacts and result in development which will harmonize with the shoreland agreement. The development density standards provide the maximum density of which is considered acceptable and within the goals and policy standards of the Plan.

Other design standards are to prevent shoreland crowding, provide sufficient parking for the prposed use, road access, and preserve open space. Wetland areas and areas unsuitable for development due to shallow soils and bedrock outcrops are to be left as open space. This requirement is needed to minimize environmental impacts and encourage site plans which take the natural topographic conditions into strict account. The 50% open space requirement is also to minimize the overall impact of the PUD and fosters the cluster concept of development whereby higher density development than that from the traditional lot and block subdivision approach can be allowed in trade for greater open space. The design standards provide a flexible, yet common sense approach to this type of shoreland development. The open space dedication must be filed as a restriction against the property to ensure that this standard is maintained in perpetuity. The sensitive area between the structure and the lake is also more fully protected by the 25% open space requirement. This ensures open space in this most sensitive location and prevents the "wall effect" which effectively screens the view from and to the lake.

The standards should encourage site specific designs which optimize development on any give development site, provide adequate open space, parking, road access, sewage treatment and development that is consistent with the concept of reasonable development and environmental protection, i.e. to allow well thought out and planned development in areas that are physically suited for such use, consistent with the node or cluster concept of development and that harmonizes with the unique natural and scenic qualities of the North Shore. The dimensional and density standards of the PUD provisions do not apply in commercial urban areas identified in the Guide Plan maps because of the heavily developed nature of these areas. It was felt by the T.A.C. that the dimensional, density and open space aspects of the PUD Guidelines were unrealistic, and impractical in these areas. Also, existing development patterns are already set so the density, and open space provisions would be virtually impossible

to achieve. However, it was felt, that to the extent possible the purposes and intent of the guidelines (to provide for development which harmonizes with the shoreline environment) should be adhered to.

The sewage treatment standards provide additional standards specifically for PUD's; the sanitary system standards on Page 23 of the Plan also apply. These standards are reasonable in that they are consistent with existing state MPCA regulations and are necessary considering the unique problem of sewage treatment along the North Shore posed by very thin surficial deposits with high clay content overlying impermeable, crystalline bedrock. The standards call for centralized water supply and sewage treatment systems which are designed, installed and operated consistent with, or exceeding existing MPCA standards and regulations. The sewage standards also ensure that the sewage system is properly designed to adequately serve the anticipated number of residents or users of the PUD.

The Plan approval standards provide that proposed PUD's must be described in detail in a site development plan which must be approved by the appropriate local entity prior to construction and describe the specific information requirements that must be addressed in the site development plan. These requirements are necessary to enable the local units of government to properly evaluate the proposed PUD to ensure it will be developed in accordance with the Plan and the appropriate local controls. The information described in the Plan is felt to be the minimum necessary to evaluate the soundness, feasibility and operation of the project and protect not only the shoreland resources, but the future homeowners' investment.

Because the Plan does not specifically address campgrounds, a brief discussion of the intent of the Board regarding the treatment of campgrounds under the Plan is appropriate.

Under the Plan, campgrounds are not considered to be Planned Unit Developments as is the case in the revised state shoreland rules. This is evident from a reading of the Plan's definition for a Planned Unit Development. Campgrounds do not utilize dwelling units or structures and therefore do not fall within the Plan's PUD definition. Furthermore, it is not reasonable to expect campgrounds to meet the PUD density requirements of four units per acre; considering the extremely high property values along the Shore, campgrounds would hardly be economically feasible under this standard.

There are relatively few campgrounds on the North Shore. Presently only about six to ten private campgrounds operate along the 150 mile corridor; the majority of the camping sites along the shore are located in state parks. There have been no new private campgrounds proposed in Cook County in the last fifteen years, and very few are expected to locate anywhere along the Shore in the future. It was for these reasons that the Board did

not include detailed campground standards and criteria in the Plan. It was assumed, however, that local governments will consider all proposed campgrounds in the Planning Area through a conditional use procedure and use the PUD Guidelines as the standard in so doing (except for the density and parking requirements).

Subjecting campgrounds to the PUD Guidelines (except density and parking standards) will result in campground development which protects and enhance the natural amenities of the particular site, as well as harmonizes with the North Shore environment. The PUD Guidelines ensure sensitive site development, proper on-site sewage treatment, erosion control, adequate screening from the lake and adjacent roads and properties, and thorough site planning and local review. Protection of the area between the setback line and lake is ensured, open space maintained and an overall high quality development will result. An analysis of the PUD guidelines and the revised state shoreland rules indicate that resultant densities would be comparable on a typical North Shore site.

Other development criteria in the statewide shoreland rules and North Shore Plan as they would apply to campgrounds are comparable. Proposed campgrounds, as any other shoreland development along the North Shore, are also subject to the other provisions of the Plan, including the shoreland alteration provisions, sanitary provisions and structure setback requirements. The few campgrounds that are built in the Planning Area will be subject to development criteria and procedures under the North Shore Plan which are reasonable, flexible and meet the intent of the Shoreland Act, and are comparable with the revised statewide shoreland rules.

Administrative Review

This section is divided into three parts, Administrative Review, Variance Policies and Consistency Review. These provisions were developed by the T.A.C. and C.A.C. and are intended to specifically outline the on-going role of the NSMB during plan implementation and on-going administration by local units of government. The Board will carry out a review and monitoring role and the Administrative Review part describes the specific local shoreland decisions that the Board wishes to review. The Board does not want to be another bureaucratic level of government, or place itself in any manner in the local government's decision making role. The items the Board wishes to review will give the Board a good sense of how well the Plan is working and will allow it to obtain the necessary information to document and justify needed changes to the Plan over time. The decisions that the Board wishes to review are in fact "decisions"; the Board does not at this time wish to review proposed decisions, but decisions after they are made. It is the strong belief of the North Shore Management Board that the Plan is well conceived and strongly supported by local units of

government. The Board is confident that this "ownership" will result in careful decision making consistent with the Plan. Conflicts will inevitably arise, however, and the Board is available as an arbitrator and neutral party to help resolve those conflicts. The Board is also a legal unit of government established through a formal Joint Powers Agreement under the authority of M.S.A. 471.59, and can, like other legal entities, initiate legal proceedings to compel compliance with its' adopted Plan. Hopefully, this recourse will never be necessary.

The DNR will continue to play its ongoing technical assistance and monitoring role consistent with the intent of the Shoreland Act in M.S. Chapter 105. Therefore, the Rule adopting the North Shore Management Plan will not supercede Minnesota Rule, Part 6120.3900 (Shoreland Administration). The responsible local governments within the Planning Area will be responsible to mail the required notices of certain local actions and the notice of decisions to the Commissioner of DNR with the period of time specified in Part 6120.3900. The long-term management of the North Shore will be a collaborative effort of the NSMB, the responsible local units of government and the DNR.

The Variance Policies part describes the standards and criteria under which variances can be allowed by local units of government. Variances can only be granted in accordance with standards which have been legislatively established in M.S. Chapters 394 and 462.

Local units of government must revise or adopt shoreland management ordinances or controls to be consistent with the Plan within 18 months of the date that the Plan becomes effective as a State rule. The consistency review part provides the opportunity for Board review and comment on proposed major federal and state government actions to ensure consistency with the adopted North Shore Management Plan. This part is deemed absolutely essential if the goals and policies of the North Shore Management Plan are going to be fully achieved. The Board intends to work cooperatively with the relevant state and federal agencies in developing mutually agreeable procedures for consistency review. The Board will facilitate strong inter-governmental communication and cooperation and provide a link between local units of government and state and federal agencies on all matters affecting this shoreland management plan. The consistency review procedures will provide the vehicle for this important communication role. The Board can serve as a unified voice for the North Shore and provide a convenient forum for discussion of shorewide issues. It will not replace the necessary interaction between local government and state/federal agencies, but will facilitate government decision-making that is in compliance with the North Shore Management Plan.

<u>Rulemaking Considerations of Agricultural Lands and Small Businesses</u>

As part of the agency's (Minn. DNR) administrative rulemaking procedures and responsibilities, Minn. Strat. Chapt. 14 requires that the proposed rules be evaluated for potential direct and substantial adverse impacts on agricultural land and for impacts on small businesses. The following discussion addresses this requirement.

Agricultural Lands

There are no agricultural lands affected by these rules.

Small Businesses

Minn. Stat. Sect. 14.115 is the statutory reference dealing with small business consideration in rulemaking.

According to the definition of "small business" in Subd. 1, the Department finds that this rule will address small businesses since many businesses in the recreation service and tourism industry as well as many non-recreation and tourism small businesses are within or operate within the area subject to this rule.

Pursuant to Subd. 2, agencies proposing new rules must consider 5 methods for reducing impacts on small businesses. Each of the 5 methods, as they relate to small businesses are discussed below.

(a) "The establishment of less stringent compliance or reporting requirements".

The proposed Rule has no requirements dealing with the reporting of business activities nor do they deal with compliance aspects of reporting business activities.

This proposed Rule has specific policies for commercial and industrial uses, some of which according to Minn. Stat. Sect. 14.115 Subd. 1, could include small businesses. The Rule further differentiates between those industrial uses that need to be near shoreline and those uses that don't, i.e., water dependency policy as it applies to industrial management areas. The orientation of the Rule is that if an industrial use must be near water due to a key function, use or process needed to sustain the industry, it is reasonable to allow such uses in the riparian zone of a shoreland.
With regard to zoning compliance, small businesses are treated no differently or exceptionally less or more restrictive than non small businesses. Depending on the exact nature of a small business or non small business, some may have a large potential for impacting the natural resource value of shoreland areas, whereas others may have minimal potential impacts. Therefore, it is reasonable that these regulations contain standards that equitably provide specific rule requirements, review procedures and associated performance criteria that protect and manage shoreland areas from potential environmental impacts of both

small businesses and non small businesses, in shoreland areas.

(b) "The establishment of less stringent schedules or deadlines for compliance or reporting requirements".
Specific schedules and deadlines for compliance or reporting requirements of small businesses are not contained in these rules.
(c) "The consolidation or simplification of compliance or reporting requirements".

Reporting requirements for small businesses are not contained in this Rule. As mentioned in the discussion of method (a), above, the Rule provides for certain zoning compliance requirements of small businesses as well as non-small businesses in the Planning Area.
Consolidation and simplification of zoning compliance requirements for all types of uses in the Planning Area, including small businesses, was constantly considered during the Plan and rule drafting process. The potentials for consolidation and simplification of zoning compliance requirements were weighed against the various statutory requirements relevant to these rules. The result is that zoning compliance requirements were consolidated and/or simplified whenever possible, while statutory requirements necessitated more complex rule requirements in several cases. It must be pointed out that these proposed rules in and of themselves will not be a tool used directly to regulate small businesses. Instead, local units of government, through the zoning authorities granted them by the state, will implement these rules through local land use ordinances, that can be based on consolidated and simplified model zoning ordinances.

(d) "The establishment of performance standards to replace design or operational standards required in the rule".

The NSMB and the DNR considered performance standards in many areas of the rule as they related to shoreland area uses and development, regardless of whether small or non-small businesses constituted the development or use. The result is that performance criteria are proposed in the rule in those cases where they provide feasible alternatives to design standards and the Shoreland Management Act and other relevant statutory requirements can still be met.

(e) "The exemption of small businesses from any and all requirements of the rule".

The NSMB and the DNR considered this method and found that the purposes, intent and legal requirements of Minn. Stat. Sect. 105.485 would not be met if this method were implemented.

The NSMB and the DNR have incorporated where feasible and prudent, methods to reduce impacts to small businesses and not be contrary to the statutory objectives that are the basis for this rulemaking. For example, in developing the rules relating to

Planned Unit Developments (PUD) the Department utilized input from the NSMB and the Citizens Advisory and Technical Advisory Committees and provided for a flexible and realistic PUD review process. Another example is the development of management area policies in which small businesses could be located or allowed to remain consistent with the proposed framework of that section.

Regarding small business participation in rulemaking, the Department provided an opportunity for small businesses to participate in the process, since notices have been published and invitations sent to associations, groups, or agencies affiliated with small business concerns and were well represented on the C.A.C.

This concludes the discussion of agency compliance with Minn. Stat. Sect. 14.11 and 14.115.

Fiscal Note

The foregoing rules will mandate local government to take actions that will result in the local government incurring costs beyond what is currently being expended for shoreland management. Therefore, this fiscal is provided in accordance with Minn. Stat. Sects. 3.982, 3.98 subd. 2, and Minn. Stat. Sect. 14.11 subd. 1.

The first two years costs to local government and state government will be the greater than the long term administrative costs. The first two years will require the local government to draft ordinance amendments, conduct public hearings, publish ordinances, attend training sessions and workshops in administration of the amended ordinances, and perform increased monitoring of ordinance activities.

The estimated cost for the first two years of implementation is estimated to be $100,000. This anticipates that the 9 local units of government in the Joint Powers Agreement will have to amend or adopt new shoreland ordinances and will continue the current efforts of shoreland ordinance administration and the state will increase its current efforts in assistance to local governments. The actual cost per unit of government will vary throughout the planning area based on the sophistication of existing program and the number of miles of shoreline included within the local units of jurisdiction, as well as the extent to which it is already developed. The cost could vary from $5,000 to $30,000 per unit of government. The local government costs indicated here will be offset by a $250,000 grant from the DNR to the North Shore Management Board. The Board will allocate a portion of the funds to individual local units of government to revise, adopt, and administer local ordinances. These funds were specifically authorized by the 1989 legislature to implement the North Shore Management Plan.

The balance of the fiscal note will be presented in accordance with Minn. Stat. Sect. 3.98 Subd. 2 as follows:

(1) Cite the effect in dollar amounts

* Local government -	$100,000
* State government -	$200,000
Total	$300,000

(2) Cite the statutory provisions affected
* Minn. Stat. Sect. 105.484
* Minn. Stat. Chapter 394
* Minn. Stat. Chapter 462

(3) Estimate the increase or decrease in revenues or expenditures
* No change in state revenues is anticipated
* The increase in expenditures is reflected in items (1) and (4).

(4) Costs which may be absorbed without additional funds
* Local in-kind costs $50,000 reflects support from ongoing activities in management.
* State in-kind costs $50,000, reflects support from existing efforts in shoreland management.

(5) Long range implications
* An ongoing cost to local governments for ordinance administration, monitoring and enforcement. The actual cost to the local government will depend on the implementation strategies that are selected and the fee structure established in the ordinance.
* Enhanced water quality, protection of economic values of the North Shore of Lake Superior, and protection and enhancement of environmental values of the North Shore and Lake Superior.
* Reduction in the need for and costs of lake improvement and restoration projects.
* A lake management program that will provide for a balance between resource development and resource protection and enhancement for the next 15 to 20 years.
* An on-going program of resource protection and shoreland management through a joint powers board providing the most efficient and effective mechanisms to manage the 150-mile shoreland corridor.

MEMORANDUM OF UNDERSTANDING
BETWEEN THE NORTH SHORE MANAGEMENT BOARD
AND
THE DEPARTMENT OF NATURAL RESOURCES

Pertaining to the Coordination, Cooperation and Responsibilities Relating to the Development of the North Shore Management Plan

I. GOAL

The Minnesota Department of Natural Resources (MDNR) and the North Shore Management Board (NSMB) agree that Minnesota's North Shore is a special place deserving special attention. The NSMB, established to direct development of a North Shore Management Plan, has certain responsibilities and the MDNR, with the legislated responsibility for development of shoreland management standards, have certain responsibilities in accomplishing the formulation and implementation of a North Shore Management Plan. The goal of the Memorandum of Understanding, is to the degree possible, define these specific responsibilities in support of common objectives, interests and statutory requirements; to ensure timely identification and resolution of differences; and to enhance communication and coordination.

II. OBJECTIVE

1. To develop a management plan which is locally initiated and supported and incorporates citizen and broad interest group participation.

2. To develop a management plan that reflects the uniqueness of Lake Superior, its distinctive shoreland characteristics and its various land use and water related issues.

3. To develop a management plan that is consistent with the legislative policies of M.S. 105.485 which states: To provide guidance for the wise development of shorelands of public waters and thus preserve and enhance the quality of surface water, preserve the economic and environmental values of the shorelands and provide for wise utilization of water and related resources of the state.

4. To develop management standards for the subdivision, use and development of shorelands, as setforth in M.S. 105.485, Subd. 3, which include but are not limited to the following:

   (a) the area of a lot and length of water frontage suitable for a building site;

   (b) the placement of structures in relation to shorelines and roads;

   (c) the placement and construction of sanitary and waste disposal facilities;

(d) designation of types of land uses;

(e) changes in bottom contours of adjacent public waters;

(f) preservation of natural shorelands through the restriction of land uses; and

(g) variances from minimum standards

5. To consider the existing shoreland management rules, local ordinances, and the shoreland advisory committee recommended rule changes as guidelines in developing specific management plan provisions.

6. To use applicable state policies and rules of MPCA, MDH, etc. as guidelines in evaluating and formulating specific management plan provisions.

7. To achieve elements of the management plan in a consensus manner.

III. IMPLEMENTATION

THE NSMB and the MDNR fully support the concepts of cooperation and coordination and are committed to the development and implementation of the North Shore Management Plan. In carrying out the goals and objectives of the MOU and DNR and NSMB agree as follows:

The DNR:

(a) will formally participate on the Technical Advisory Committee through Dan Retka, Regional Hydrologist;

(b) will coordinate DNR interdisciplinary input to the plan through frequent communication with other divisions within the DNR;

(c) will immediately bring to the attention of the Board proposals which the DNR believe are inconsistent with legislated policies, or strongly oppose from a sound shoreland management perspective;

(d) will in good faith negotiate differences towards finding a consensus of these items;

(e) will provide information and data relating to need, justification and experience on specific items;

(f) will adopt the final standards as set forth in M.S. 105.485, Subd. 3.

The NSMB:

(a) will guide and direct the formulation of the North Shore Management Plan consistent with the goals and objectives of this MOU;

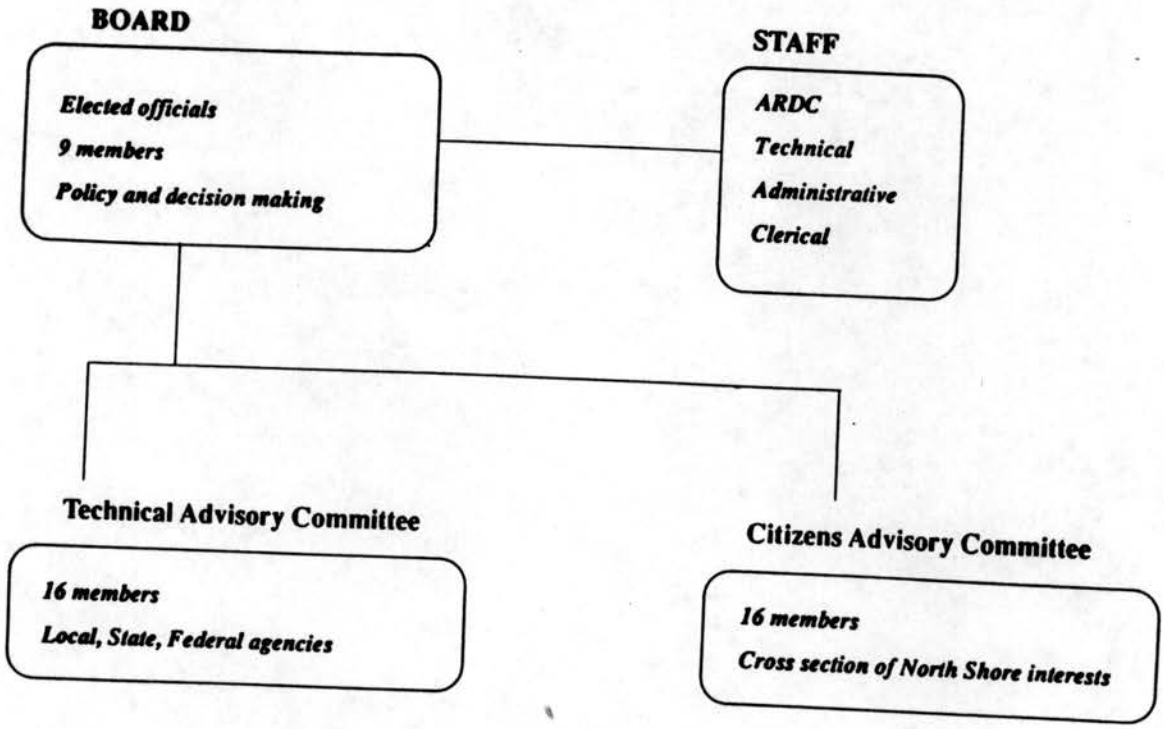
(b) will direct the Technical and Citizens Advisory Committees in a consensus approach to plan formulation

IV. MODIFICATIONS, TERMINATION AND EXPIRATION

This Memorandum of Understanding shall be effective upon the signature of both the parties and remain in effect until terminated, amended or reissued. The DNR and NSMB may terminate this MOU, with cause, by 30 day written notification to the other party.

Joseph N. Alexander Commissioner Department of Natural Resources	Chester Lindskog Chairman North Shore Management Board
Date	Date

NORTH SHORE MANAGEMENT BOARD
ORGANIZATION



NORTH SHORE MANAGEMENT BOARD

Name	Representing
Chet Lindskog *Chair*	Cook County
Dick Bakke *Vice Chair*	Duluth Township
Serene Dahle *Treasurer*	Lake County
David Peterson	Grand Marais
Kenneth Nelson	Beaver Bay
Robert Kind	Silver Bay
Lloyd Shannon	St. Louis County
Bernard Pistner	Lakewood Township
Judith Bellile	Two Harbors

Technical Advisory Committee

Name	Representing
Tim Kennedy *Chair*	Cook County Zoning
Dan Retka	MN Dept. of Natural Resources
Dennis Johnson	MN Dept. of Transportation
John Pegors	MN Pollution Control Agency
Wayne Seidel	Soil and Water Conservation District
Dale Baker	MN Sea Grant Extension
Lucinda Johnson	Natural Resource Research Institute
Courtland Mueller	US Army Corps of Engineers
Paul Sandstrom	US Soil Conservation Service
Dick Sigel	Lake County Zoning & Health
Alan Goodman	Lake County Highways
Dale Schroeder	St. Louis County Health
Richard Hansen	St. Louis County Highways
Dick Bakke	Duluth Township Zoning
Bernard Pistner	Lakewood Township Zoning
Jim Hulbert	Cook County Zoning
Bill Corcoran	Grand Portage Reservation

Citizens Advisory Committee

Name	Representing
Frank Holappa *Chair*	Realtors
Glenn Maxham	Environmental
Arnold Overby	Environmental
Gary Kettleson	Developer
Robert Bruce	Tourism
Edward Landin	Tourism
Carol Backlund	Commercial Business
Robert Anderson	Industrial/Manufacturing
Thomas Martinson	Recreation
Herb Naegeli	Recreation
Jon Tofte	Recreation
Dexter Nelson	Sportsmen Groups
Robert Pye	Shoreline Property Owner
Bob Ashenmacher	At Large
Deanne Allison	At Large
Bill Corcoran	Grand Portage Reservation

Staff, Arrowhead Regional Development Commission

Mike Hambrock, Planning Division Director

Sue Lindholm, Secretary

Linda Naughton, Public Information Specialist

Heidi Falk, Planner

Joan Hunn, Intern

Amendment to 6120.2500-6120.3900

Stat. Authority 105.485 subd 3
Commissioners duties. The commissioner shall adopt under chapter 14, model standards and criteria, other than a model ordiance for the subdivision, use, and development of shoreland in municipalities The following agencies shall provide information and advice necessary to amend the rules: Departments of agriculture, health, and trade and economic development, state planning, pollution control, board of water and soil resources, and MN historical society. Model standard and amendments to them must be finally adopted unless approved by the commissioner of health and pollution agency.

should they have given the advice recd from those agencies?

model standards and criteria are rules?

copies of OAH RCAA enc 1084

Notice of Intent

E 2. - no statement that comment is encouraged or that they can comment on a subpart.

E. 6 no statement that person requesting a hearing should state his or her name and address

last sentence & E 11. — no statement that the rule is attached to the notice or a summary of the rule.

E13 no statement relating to expenditure of public $ by local bodies

E 12. States that you can obtain a statement of need and reasonableness from DNR. Does not

no mail by statement

give address of phone number or contact person. Do you assume you obtain one from the same same person you get the rule or make comments to.

180 day deadline

14.12 law is required but no effective date is this NA?

Fiscal note - no letter from Finance and House appropriations and Senate Finance but since this is an amendment I suppose this was done when the original rules were adopted?

no statement in Findings of fact that a copy of the notice was sent to the House and Senate (K.3) but since this is an amendment maybe it isn't necessary

Findings of ~~Facts~~ Facts

(3) no statement that a copy of the notice was sent to the house appropriations and Senate Finance

North Shore Management Plan is referred in the rule

Department of Natural Resources

Proposed Permanent Rules Relating to Lake Superior Shoreland Management

Rules as Proposed

6120.2800 SCOPE.

Subpart 1. [Unchanged.]

Subp. 1a. **North Shore Management plan.** The minimum standards and criteria for the subdivision, use, and development of the shoreland of Lake Superior, other than for the city of Duluth, are those specified in the North Shore Management plan, A Shoreland Management Plan for Lake Superior's North Shore, December 1988, adopted by the North Shore Management Board on November 29, 1988. The plan is incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change.

Local governments shall comply with part 6120.3900, subpart 6, in administration of their shoreland management controls.

Local governments shall adopt shoreland management controls conforming to the North Shore Management Plan within 18 months of the effective date of this part.

Subp. 2. and 3. [Unchanged.]

Approved by Revisor PER

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Lake Superior Shoreland Management

AGENCY: Department of Natural Resources

MINNESOTA RULES: Chapter 6120

INCORPORATIONS BY REFERENCE:

Rule Number and Material Incorporated:

6120.2800, subpart 1a: North Shore Management Plan - A Shoreland Management Plan for Lake Superior's North Shore, December 1988

The attached rules are approved for publication
in the State Register

Paul E. Rohde

Paul E. Rohde
Senior Assistant Revisor

DEPARTMENT OF NATURAL RESOURCES

Proposed Permanent Rules Relating to Management of Lake Superior Shoreland Areas

Notice of Intent to Adopt Rule Amendments Without a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources intends to adopt the above entitled amendments without a public hearing, following the procedures set forth in Minnesota Statutes, § 14.21-14.28. The proposed North Shore Rule will be an amendment to "Adopted Permanent Rules Relating to Management of Shoreland Areas", Part 6120.2500-6120.3900 which became effective on July 3, 1989.

Changes are proposed to Part 6120.2800, Subpart 1. "Responsibilities and Authorities" to adopt a special set of regulations for the management of the shoreline of Lake Superior and the lower reaches of its tributary streams. This rule amendment is authorized by Minnesota Statutes, Section 105.485, subdivision 3. The amendments are being made to incorporate the shoreland management standards in the document entitled "North Shore Management Plan", December 1988.

Persons interested shall have 30 days to submit comments on the proposed amendments. The proposed amendments may be modified in final adoption if modifications are supported by the data and views submitted to the Department of Natural Resources and do not result in a substantial change in the proposed language.

Unless twenty-five or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period, a public hearing will not be held. The written request must be specific on which amendment(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minnesota Statutes, §§ 14.13-14.20.

Persons who wish to submit comments or written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed amendments, should address their correspondence to:

Tom Lutgen - DNR Waters
500 Lafayette Road
St. Paul, Minnesota 55155-4032

A statement that describes the need for and reasonableness of each provision of the proposed amendments is available from the Department of Natural Resources upon request.

Upon adoption of the final amendments without a public hearing, the proposed amendments, this notice, the statement of need and reasonableness, all written comments received, and the final amendments as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final amendments as proposed for adoption, should submit a written request to the above address.

Please be advised that Minnesota Statutes chapter 10A requires a lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minnesota Statutes § 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250 not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5148.

Joseph N. Alexander
Commissioner of Natural Resources

Rules as Proposed - see attached proposed rule as approved to "form".

Department of Natural Resources

Proposed Permanent Rules Relating to Lake Superior Shoreland Management

Rules as Proposed

6120.2800 SCOPE.

Subpart 1. [Unchanged.]

Subp. 1a. **North Shore Management plan.** The minimum standards and criteria for the subdivision, use, and development of the shoreland of Lake Superior, other than for the city of Duluth, are those specified in the North Shore Management plan, A Shoreland Management Plan for Lake Superior's North Shore, December 1988, adopted by the North Shore Management Board on November 29, 1988. The plan is incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change.

Local governments shall comply with part 6120.3900, subpart 6, in administration of their shoreland management controls.

Local governments shall adopt shoreland management controls conforming to the North Shore Management Plan within 18 months of the effective date of this part.

Subp. 2. and 3. [Unchanged.]

Department of Natural Resources

Adopted Permanent Rules Relating to Lake Superior Shoreland Management

Rules as Adopted

6120.2800 SCOPE.

Subpart 1. [Unchanged.]

Subp. 1a. **North Shore Management plan.** The minimum standards and criteria for the subdivision, use, and development of the shoreland of Lake Superior, other than for the city of Duluth, are those specified in the North Shore Management plan, A Shoreland Management Plan for Lake Superior's North Shore, December 1988, adopted by the North Shore Management Board on November 29, 1988. The plan is incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change.

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Local governments shall adopt shoreland management controls conforming to the North Shore Management Plan within 18 months of the effective date of this part.

Subp. 2. and 3. [Unchanged.]

RECEIVED
JUL 27 89

Department of Natural Resources

Adopted Permanent Rules Relating to Lake Superior Shoreland Management

Rules as Adopted

6120.2800 SCOPE.

Subpart 1. [Unchanged.]

Subp. 1a. **North Shore Management plan.** The minimum standards and criteria for the subdivision, use, and development of the shoreland of Lake Superior, other than for the city of Duluth, are those specified in the North Shore Management plan, A Shoreland Management Plan for Lake Superior's North Shore, December 1988, adopted by the North Shore Management Board on November 29, 1988. The plan is incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change.

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Subp. 2. and 3. [Unchanged.]

RECEIVED
JUL 27. 89

RECEIVED
OCT 30 1989
Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Adopting
Rules for North Shore
Shoreland Management

DECLARATION
OF COUNSEL

I have examined the above-captioned rule and the rule-making record. I conclude that the administrative procedure act and associated rules have been followed.

Dated: October 19, 1989.

By: A. W. Clapp III
A. W. CLAPP III
Special Assistant
Attorney General

Billing Number: 0592



North Shore Management Board

March 1, 1989

The North Shore Management Board is very pleased to present you with the final North Shore Management Plan. The Board unanimously adopted the plan at its' November 29, 1988 meeting in Silver Bay. The Plan establishes shoreland management policies and standards for the protection and orderly growth of Lake Superior's North Shore. It will take the place of the statewide shoreland management rules on the North Shore and be implemented through the revision or adoption of local shoreland zoning ordinances.

The Plan represents over 1,600 hours of hard work over the last year and a half by the North Shore Management Board as well as the Citizens and Technical Advisory Committees. The planning process included representation from a broad cross section of interests and afforded the public ample opportunity to participate. Media coverage of the process was extensive, and ten public meetings and hearings were held at various locations throughout the planning area.

The end result is a plan which we believe will place the North Shore of Lake Superior on a solid foundation for the future. The Plan is strongly supported by all local units of government along the 150 mile corridor, and will guide future development of the shore while preserving the unique values which make it the very special place that it is.

The Plan was funded by a special legislative appropriation that was provided to the North Shore Management Board through the Department of Natural Resources. The Board wishes to give special thanks and recognition to Representative David Battaglia (District 6A, Two Harbors) who was instrumental in obtaining the necessary funds to support this important project and who provided encouragement and support throughout the planning process.

The Board is also appreciative of the cooperation it received from the Department of Natural Resources; special thanks goes to Steve Thorne, Deputy Commissioner; Dan Retka, NE Minnesota Regional Hydrologist; Ron Nargang and Ron Harnack, Division of Waters, St. Paul.

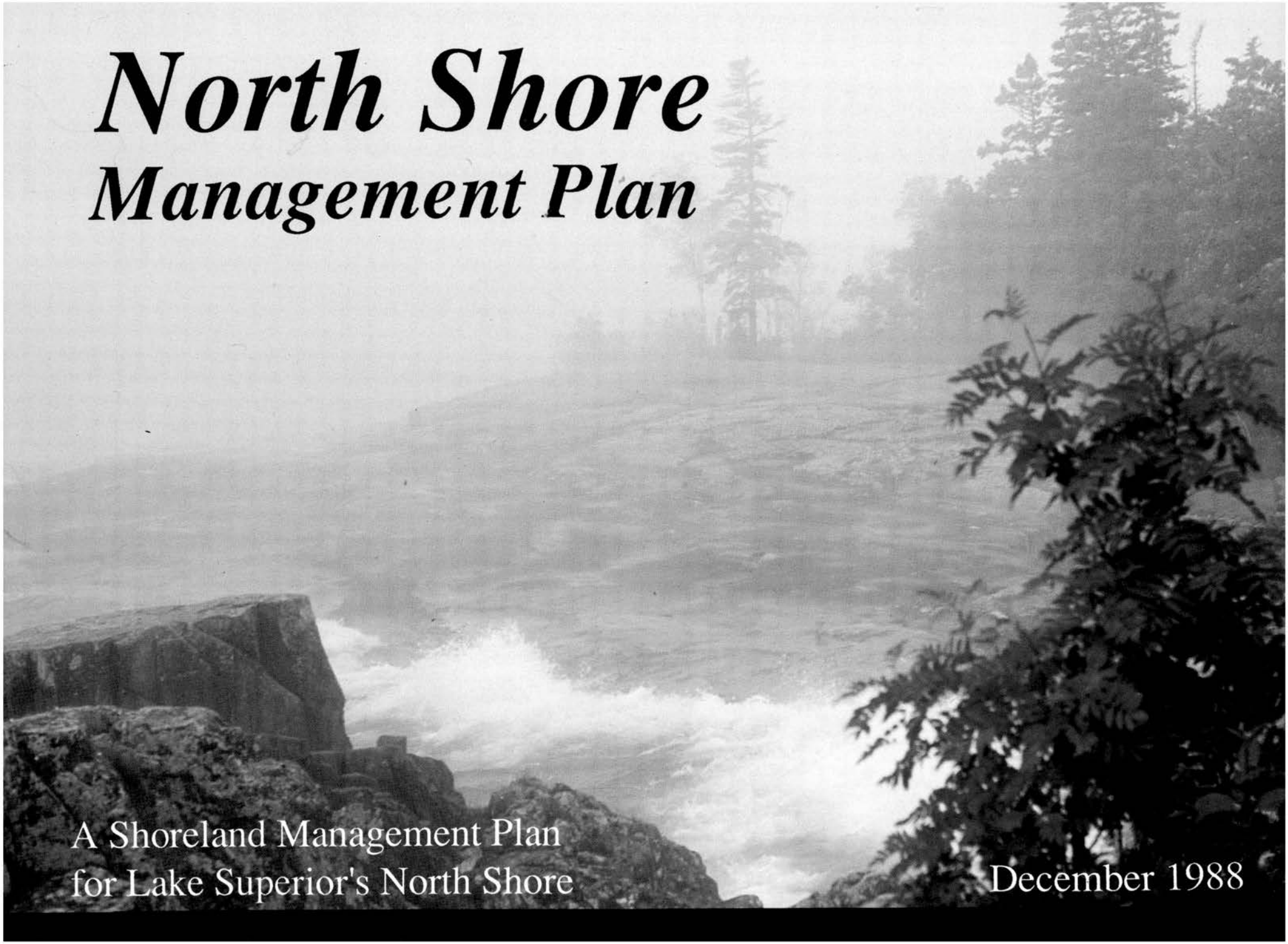
We are proud of this plan and the process that was followed in developing it. We are committed to carrying it out in a continued spirit of cooperation and local involvement.

Sincerely,

Chester Lindskog, Chair
North Shore Management Board

Enclosure

1-800-232-0707 • 330 Canal Park Drive • Duluth, Minnesota 55802 • 218-722-5545



North Shore
Management Plan

A Shoreland Management Plan
for Lake Superior's North Shore

December 1988

NORTH SHORE MANAGEMENT PLAN
Shoreland Management

DECEMBER 1988

Prepared by the North Shore Management Board
With Technical Assistance from the
Arrowhead Regional Development Commission

This program was funded by the
Minnesota Department of Natural Resources
and Local Units of Government
of the North Shore of Lake Superior

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SUMMARY

This report represents the extensive efforts of many citizens of the North Shore of Lake Superior in developing a Shoreland Management Plan for their community. This plan is tailored to the North Shore and is intended to replace state mandated shoreland management regulations on the North Shore of Lake Superior.

The North Shore Management Board (NSMB) was established in July of 1987 to develop a North Shore Management Plan and consists of county, city and township elected officials. Two sixteen member advisory committees, the Citizens Advisory Committee and the Technical Advisory Committee, were appointed by the NSMB in October of 1987 to provide assistance in developing the plan.

The North Shore Management Plan will include strategies for the environmental protection and orderly growth of the North Shore of Lake Superior. It will be made up of several planning elements, each dealing with an area needing special attention such as shoreland management, harbors of refuge, transportation, recreation, tourism, and economic development. The first part of the Shoreland Management Plan is presented in this report. Future parts will be developed as needed and as funds allow.

The Shoreland Management Plan contains many policies on issues important to the citizens of the North Shore. The first part, Shoreland Use Guide Plan and Policies, defines six types of management areas for the entire North Shore. Specific goals and policies are included for each type of management area. Part two, Development Standards, gives specific measurable standards which will apply to future development actions along the North Shore of Lake Superior. The third part, Administrative Review, describes how the plan will be administered.

The plan will be carried out by individual local units of government on the shore. It is intended that each will review and amend their existing land use ordinances so they are in agreement with the final North Shore Management Plan. The NSMB will monitor how each city, township and county carries out the plan and see that the plan's policies are applied and enforced. Thus, the NSMB will take over the shoreland management oversight function that is currently exercised by the Minnesota Department of Natural Resources.

The Shoreland Management Plan has been carefully developed by residents of the North Shore. This plan will result in a future North Shore that looks very much like it does today. The plan is a guide for future development while maintaining the unique character of the shore. Existing residential areas should be protected, existing natural areas preserved, and moderate commercial growth is encouraged in selected areas. The NSMB believes this is a good plan and that it will place the future of the North Shore on a solid foundation.

ACKNOWLEDGEMENTS

The North Shore Management Board wishes to acknowledge the considerable efforts of the members of the Citizens Advisory Committee and the Technical Advisory Committee in developing this plan. Without their diligence, persistence and dedication, this plan would not have been possible. Special thanks also goes to the staff at the Arrowhead Regional Development Commission who helped facilitate the planning process.

INTRODUCTION

Minnesota's North Shore is a special place, deserving special attention. It is a high amenity area with abundant natural resources and outstanding recreational opportunities. Lake Superior has long been recognized by federal, state and local officials, as well as private interests, as a unique body of water with distinctive shoreland characteristics. Lake Superior is no longer seen as just a products shipping waterway. As demonstrated by the recent increase in fishing, pleasure boating, marina proposals, condominium and townhouse developments and the expansion of land oriented recreational facilities, the North Shore has developed into an area of multiple uses.

The North Shore will continue to experience significant development pressure over the next several decades. Tourism will play an increasingly important role in the economy of the area. Townhouses and condominium development, resort/condominium conversions, traditional recreational developments and greater demand for land and especially water based recreational facilities all present economic development opportunities and resource management challenges. Several issues concerning Highway 61, the critical transportation link through the North Shore area, need to be addressed in concert with land and water resources policies.

Minnesota's Statewide Shoreland Management Program was conceived by the Legislature in 1969 as a cooperative effort of the Minnesota Department of Natural Resources (MDNR) and local units of government. In 1981, the Legislative Commission on Minnesota Resources funded a program evaluation which identified Lake Superior as a distinctive management unit, not adequately addressed by the existing Statewide Shoreland Management Program. Recommendations from this evaluation called for the initiation and support of a local government effort to develop a shoreland management plan for the North Shore of Lake Superior.

During the fall of 1986, the MDNR proposed new State shoreland management regulations. These draft regulations were presented by MDNR staff at a public information meeting to concerned citizens and government officials on the North Shore. During that meeting, it became evident that there was a large amount of opposition to the proposed management regulations. The opposition mainly centered around the rules not being applicable to the North Shore, the difficulty and added administrative costs for enforcement of the rules, and the further erosion of local control.

From October 1986 to July 1987, a task force consisting of representatives from the North Shore local units of government, MDNR and the Arrowhead Regional Development Commission (ARDC), discussed the possibility of jointly organizing the government units along the North Shore for the purpose of developing and implementing a management plan for the shoreland corridor of Lake Superior. The establishment of a Joint Powers Board was recommended. In July of 1987 the North Shore Management Board (NSMB), consisting of county, city and township governments, was established (see appendix for Joint Powers Agreement).

The purpose of the NSMB is to direct the development of a North Shore Management Plan with strategies for environmental protection and orderly growth along the North Shore of Lake Superior. The management responsi-

bility is jointly shared by the counties, cities and townships exercising land use control and jurisdiction over certain public and private lands within this corridor. Management responsibility will be accomplished through adoption of a comprehensive North Shore Management Plan which will provide the foundation for strong local official controls and policy decisions within the boundaries of the member units of government.

It is intended that during plan implementation, the NSMB will play an ongoing monitoring role to insure that policies and standards in the North Shore Management Plan are implemented and consistency maintained by local government units. Thus, the Board will take over the oversight responsibilities currently being exercised by MDNR under the state Shoreland Management Program.

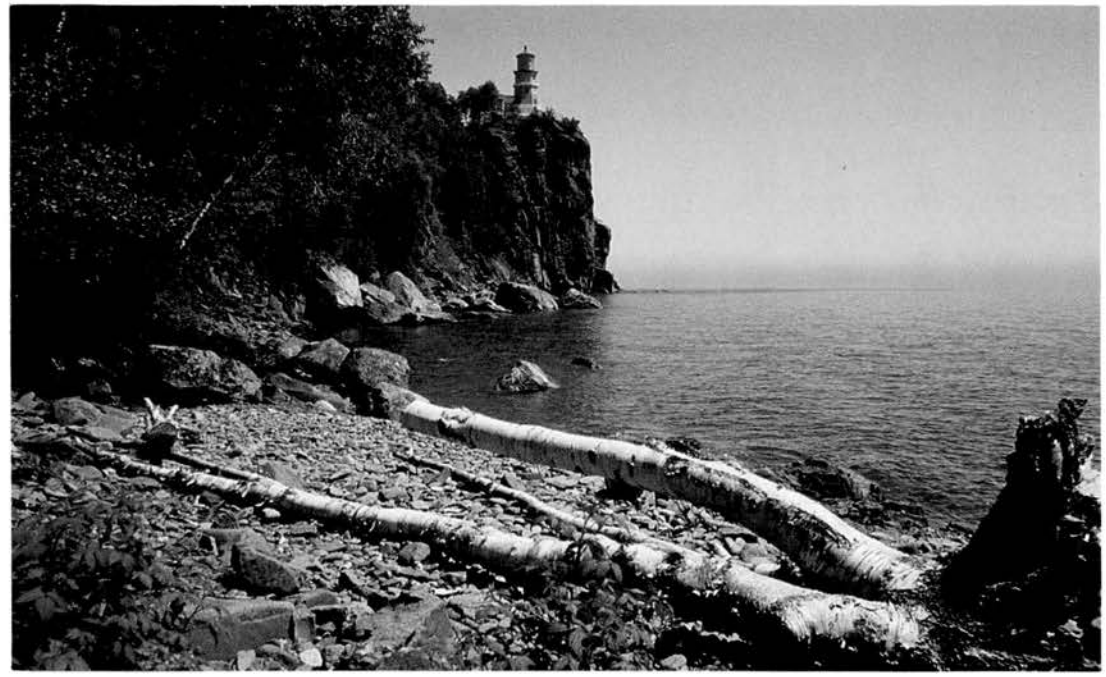
A Memorandum of Understanding between the NSMB and the MDNR pertaining to the coordination, cooperation and responsibilities in developing the Shoreland Management Plan was developed in October of 1987 (see appendix for Memorandum of Understanding). The MDNR and NSMB agreed that the focus of the planning program for 1988-89 would be shoreland management. The goals of the Memorandum of Understanding were to define the responsibilities of the MDNR and NSMB in support of common objectives, interests and statutory requirements; to ensure timely identification and resolution of differences; and, to enhance communication and coordination.

Two sixteen member advisory committees, the Citizens Advisory Committee and the Technical Advisory Committee, were appointed by the NSMB in October of 1987 to provide assistance in defining issues to be addressed during the planning process (see appendix for the Organizational Structure of the NSMB and for a list of all NSMB and committee members). Services were purchased from ARDC to provide technical assistance during the planning process.

The North Shore Management Plan will consist of several elements, each dealing with areas needing special planning attention such as shoreland management, harbors of refuge, transportation, tourism, recreation and economic development. The Shoreland Management Plan is presented in this report.

The NSMB was awarded $85,000 per year for 1988 and 1989 to conduct the planning process. These funds were authorized by the state legislature through a MDNR Waters Division program. NSMB will pursue other available resources to augment already committed planning program funds throughout the planning process. Local units of government will commit staff resources including planning, zoning, legal and other relevant professional services.

Part One



Shoreland Use Guide Plan and Policies

NORTH SHORE MANAGEMENT PLANNING AREA

The North Shore of Lake Superior is part of the shoreline of the Great Lakes and is in northeastern Minnesota in Cook, Lake and St. Louis counties. The planning area is approximately 150 miles long, extending from and including Lakewood Township, just north of Duluth, to the Pigeon River on the U.S./Canada border. (See Diagram 1.)

Diagram 1. The North Shore of Lake Superior.

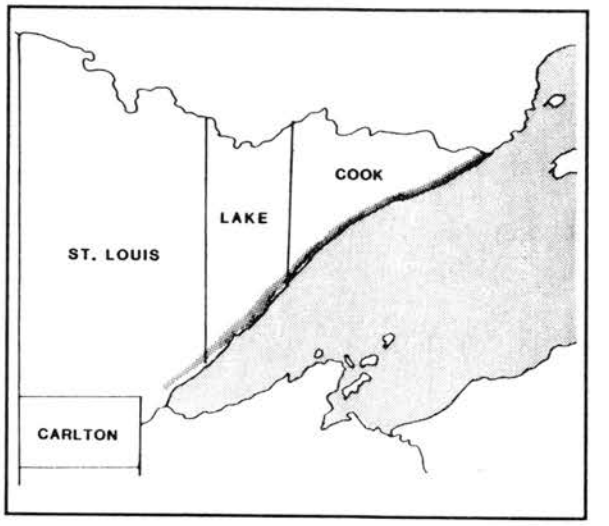
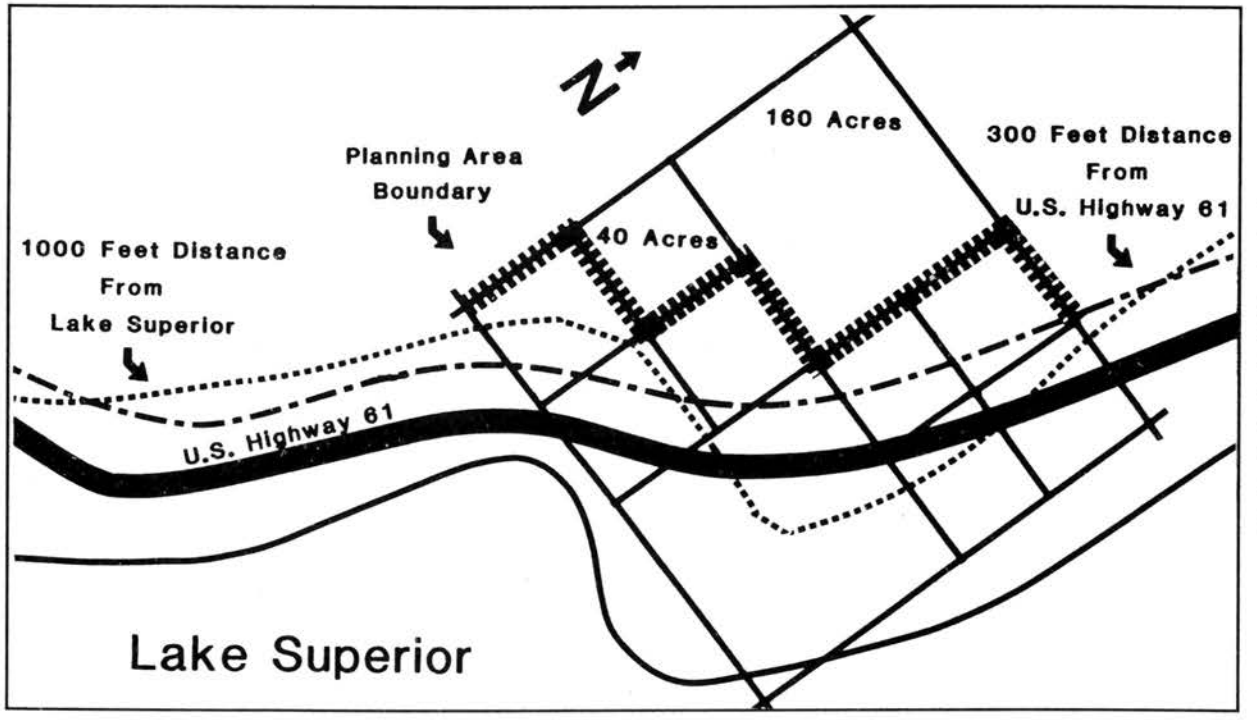


Diagram 2. Definition of the North Shore Management Plan Area Boundary.



The North Shore Management Plan area boundary is defined along the 40 acre subdivision lines of the rectangular coordinate system established in the U.S. Public Land Survey, nearest to the landward side of a line 1000 feet from the shoreline of Lake Superior or 300 feet landward from the center line of U.S. Highway 61, whichever is greater. However, the boundary between Lakewood Township and the western corporate limits of Two Harbors is the center line of the U.S. Highway 61 Expressway. (See Diagram 2.)

NORTH SHORE MANAGEMENT GOAL STATEMENT

The following goal statement is intended to serve as a guide for decision making on issues affecting the North Shore of Lake Superior. This statement reflects the thoughts and feelings of the citizens that diligently worked to develop this Shoreland Management Plan.

GOAL

To create a framework for public and private decision making affecting the North Shore lands and waters that:

1. Protects and enhances the natural resources of the North Shore
2. Provides economic opportunity for residents
3. Respects the needs and desires of the residents
4. Provides for a full mix of land uses without adverse impact
5. Recognizes the recreational and aesthetic value of the area to residents and visitors, and,
6. Ensures consistency of actions.

POLICY FUNDAMENTALS

The following Policy Fundamentals provide the foundation for the shoreland management standards and criteria of this Shoreland Management Plan. These policies are intended to serve as general guidelines upon which more specific shoreland management policies and implementation strategies will be built. These fundamentals are not prioritized.

1. Shoreland use should first satisfy the economic, social and environmental needs of the North Shore region and its people.

2. Shoreland areas particularly suited for specific and appropriate use should be designated and reserved for such use through shoreland use districts.

3. Shoreland areas unsuitable for development because of public health or physical limitations should be designated and managed to encourage appropriate use.

4. Where feasible, shoreland use should restore, enhance, or maintain the land and water environments.

5. Shoreland use should not negatively affect the economic base of the area.

6. Shoreland development should be encouraged in areas where public services and facilities essential to such development are adequate.

7. Like or compatible shoreland use should be located in an orderly manner rather than developed at random.

8. All shoreland use should be located, designed, constructed and operated in a manner that assures minimal impact on surrounding lands and waters and their use.

9. All shoreland use should be aesthetically compatible with the natural environment.

10. Scenic, aesthetic, geologic and ecological qualities of natural and developed shoreland should be recognized and where possible preserved as valuable resources.

11. Fish and wildlife habitats should be protected, preserved and where practical restored or enhanced so as to maintain their viability as habitats.

12. Structures, areas or sites that are of significance in the history, architecture, archeology or culture of the North Shore should be identified and protected, enhanced or restored.

13. All proposed governmental agency management decisions and plans within the North Shore planning area should be consistent with the policies, standards and criteria of this plan and be coordinated through the North Shore Management Board.

14. All North Shore management actions shall protect and enhance the public health and safety of residents and visitors.

15. Existing public access areas should be protected and maintained. Additional public access opportunities should be pursued.

16. Lake Superior's land and water resources should be locally managed and protected recognizing their statewide and national significance.

SHORELAND MANAGEMENT AREAS: DEFINITIONS, GOALS AND POLICIES

This shoreland use guide plan defines six types of management areas within the North Shore planning area to guide local plan implementation and shoreland decision making. Management areas are defined and goals and policies established for each.

When necessary, local ordinances and/or performance standards will be revised to be consistent with the management area policies provided below. The management areas are broadly mapped in the Shoreland Management Area Maps section that follows. The goals and policies are intended to be used by local units of government in carrying out their specific planning and zoning responsibilities. The goals and policies which follow will provide a uniform decision-making framework for the entire North Shore of Lake Superior. They are intended to address shore wide issues and treat the North Shore as a single resource unit. Local units of government have the responsibility of carrying out their specific planning and zoning responsibilities, including but not limited to the issuance of permits, conditional uses, variances and land use zoning district designations or zoning changes. To ensure that the goals and objectives of the plan are achieved, these local decisions should be made after consulting these policies and in compliance with them.

The management areas are: Protected Resource (PR), Residential (R), Commercial-Rural (CR), Commercial-Urban (CU), Resort Commercial (RC) and Industrial (I).

The North Shore Management Plan has also identified Erosion Hazard Areas shown on the Shoreland Management Area maps. Refer to the Erosion Hazard Areas section on page 31 for special management provisions regarding these areas.

Protected Resource Areas (PR)

Area Definition

1. Outstanding or unique natural or scenic areas, both public and private, existing relatively free from human influence.

2. Significant archeological or historic areas.

3. State Parks and other public lands managed for resource conservation or recreation purposes.

Goals

1. To protect, preserve and enhance valuable natural resource, scenic, historic and archeological areas.

2. To allow for limited development which is sensitive to the natural, scenic or historic resource values and development limitations of the area.

Policies

1. The visual impact of altering the landscape and of new development must be minimized.

2. Shoreland development in Protected Resource Areas will be strictly compatible with the scenic and natural qualities of these areas. Performance standards and increased lot sizes, lot widths, and structure setbacks will be utilized, as necessary, to implement this policy.

3. Unique scenic views of Lake Superior and its shoreline as viewed from state parks and other public places along the North Shore will be preserved and enhanced through appropriate performance standards and land use controls.

4. Sensitive orientation, spacing, placement and appearance of all new structures will be encouraged to seek compatibility with the natural topography and vegetation.

5. Uses and activities permitted in locations adjacent to Protected Resource

Areas will be compatible and ensure that the integrity of the Protected Resource Area will not be compromised.

Residential Areas (R)

Area Definition

1. Areas presently zoned or developed primarily for residential uses.

2. Areas capable of supporting low to medium density residential uses and compatible uses such as small resorts.

3. Areas where residential planned unit developments could be allowed under special conditions to ensure compatibility with surrounding land use.

Goals

1. To provide a healthy, safe and attractive residential environment.

2. To protect property values and the shoreline environment through the harmonious relationship of land use, highways and natural features.

3. To provide a mix of residential options, both seasonal and year-around.

Policies

1. Sensitive orientation, spacing, placement and appearance of all new structures will be encouraged to seek compatibility with the natural topography and vegetation.

2. Low intensity residential and recreational use are preferred (for example: parks, trails, interpretive centers).

3. Residential planned unit developments may be allowed as a conditional use in residential areas with strict performance standards or other restrictions to ensure compatibility with surrounding residences, land uses and the natural environment.

4. Roads, utilities and public services should be available and adequate to serve existing needs and to accommodate future development.

Commercial-Rural Areas (CR)

Area Definition

1. Unincorporated areas presently zoned or developed for commercial use.

2. Existing commercial nodes with low to medium intensity commercial use such as grocery stores, shops, gas stations or other traditional retail, wholesale or service oriented activities.

3. Areas developed or capable of supporting planned unit commercial developments.

4. Major highway corridor intersections where commercial development should locate to provide needed services and facilities.

Goals

1. To provide commercial facilities which meet the needs of residents and visitors.

2. To provide commercial growth opportunities in or adjacent to existing commercial nodes or important highway corridor intersections.

3. To provide commercial development compatible with the shoreland environment of the North Shore.

Policies

1. Existing commercial centers or nodes should be strengthened; scattered, strip highway commercial development should be discouraged.

2. Commercial development should be not only compatible with surrounding land use, but with the natural topography, vegetation and shoreland environment.

3. Highway oriented commercial development should be carefully related to abutting highways. Service roads should be provided with controlled access, front yard setback be provided and on-site parking should be

sufficient to meet estimated needs.

4. Expansion should be provided for all commercial centers or nodes without impacting Residential or Protected Resource Areas.

5. New commercial activities should be encouraged to locate in designated commercial areas and discouraged in other shoreland areas.

6. Commercial activity should be subject to standards for screening, setback, parking, appearance, vegetation removal or other requirements designed to ensure compatibility with existing land use and the shoreland environment.

7. Aesthetic considerations should be addressed through special performance standards, sign control, appearance standards, vegetative screening and other appropriate means.

Commercial-Urban Areas (CU)

Area Definition

1. Sewered areas which are zoned for or developed for commercial use.

2. Areas within incorporated areas which are zoned for or developed for commercial use.

Goals

1. To provide urban-oriented commercial facilities which meet the needs of residents and visitors.

2. To provide commercial growth opportunities in the developed areas along the North Shore.

3. To ensure that new commercial-urban activities are developed in harmony with the unique natural environment of the North Shore.

Policies

1. Commercial development should not only be compatible with surrounding land uses, but with the natural topography, vegetation and shoreland environment.

2. Full utilization of developed urban shoreland should be encouraged before expansion into undeveloped areas is allowed.

3. Priority should be given to water dependent or water oriented commercial activities over others. Commercial use which derives little or no benefit from a shoreland location should be discouraged.

4. Public access to the waterfront should be encouraged. Commercial facilities should be designed to permit pedestrian waterfront access and activities.

5. Light industrial, water dependent activities may be located in commercial-urban areas as a conditional use and must be designed and operated to be compatible with the natural shoreland environment and surrounding land use.

6. Aesthetic considerations should be addressed through special performance standards, sign control, appearance standards, vegetative screening and other appropriate means.

Resort-Commercial Areas (RC)

Area Definition

1. Areas developed or capable of supporting resort commercial operations compatible with the shoreland environment.

Goals

1. To provide for orderly growth opportunities in or adjacent to existing resort commercial activities in order to meet the needs of residents and visitors.

2. To provide resort commercial development compatible with the shoreland environment of the North Shore.

Policies

1. All resort commercial activity shall be compatible with surrounding land

use, the natural topography, vegetation and shoreland environment.

2. Commercial activity dependent upon resort activity may be allowed to co-exist with other adjacent or nearby uses if standards are observed for size of lots, screening from adjacent uses, traffic conditions and other concerns that may affect nearby non-commercial property.

3. Aesthetic considerations should be addressed through special performance standards, sign control, appearance standards, vegetative screening and other appropriate means.

Industrial Areas (I)

Area Definition

1. Areas where industrial activities have already located along the shore such as in Two Harbors, Silver Bay and Taconite Harbor.

2. Areas where water dependent, light industrial use can be found to be compatible with the shoreland environment.

Goals

1. To provide opportunities in developed industrial areas that are compatible with adjacent land use, the natural environment, and historical use patterns.

2. To provide for the possibility of future water dependent light industrial activities.

Policies

1. Only water dependent industrial use will be allowed in shoreland areas.

2. Water dependent, heavy industry will be allowed only in areas already developed for heavy industry and only with strict siting and operation standards that minimize their impact on the natural environment. Appropriate local, state and federal siting and operation standards and criteria apply.

3. All industrial use will be designed and located to harmonize with the community appearance and with surrounding land use.

4. Light industry siting standards must consider service needs, utility needs, road access, parking, noise, traffic generation, odors, etc. and means by which to minimize their impacts on adjacent land use.

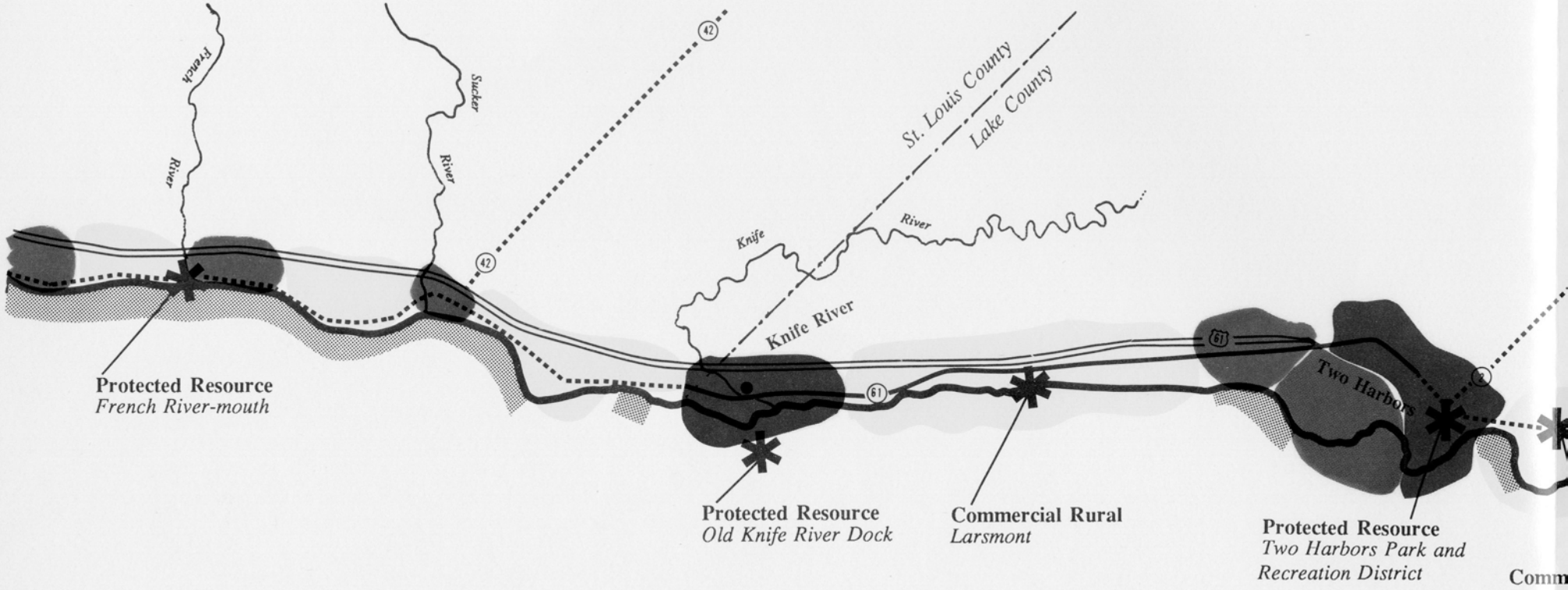
5. Industrial facilities should permit safe pedestrian waterfront activities and access to the shore. Owners of industrial facilities are encouraged to provide site specific, interpretive, historic and cultural information to the public.

6. Aesthetic considerations should be addressed through special performance standards, sign control, appearance standards, vegetative screening and other appropriate means.

SHORELAND MANAGEMENT AREA MAPS

Introduction

The maps that follow provide a graphic depiction of the shoreland management areas that are described in the previous section. The maps are to be used as a general guide for local zoning authorities to use in adopting, amending and administering local zoning ordinances to be consistent with the goals and policies of this plan. These maps are not zoning maps and do not establish zoning district boundaries. It remains the responsibility of local legislative bodies to create zoning ordinances, including specific zoning district boundaries and maps. The North Shore Management Plan, made up of goals, policies, development standards and the following maps creates a North Shore-wide view, rather than a county, city or township view. Local shoreland management planning and decision making should be carried out within this shore-wide concept.



L A K E

Note:

This map is a **general guide** for local zoning authorities to use in adopting, amending and administering local zoning ordinances to be consistent with the goals and policies of this plan. **These are not local zoning maps, and do not define zoning district boundaries.**

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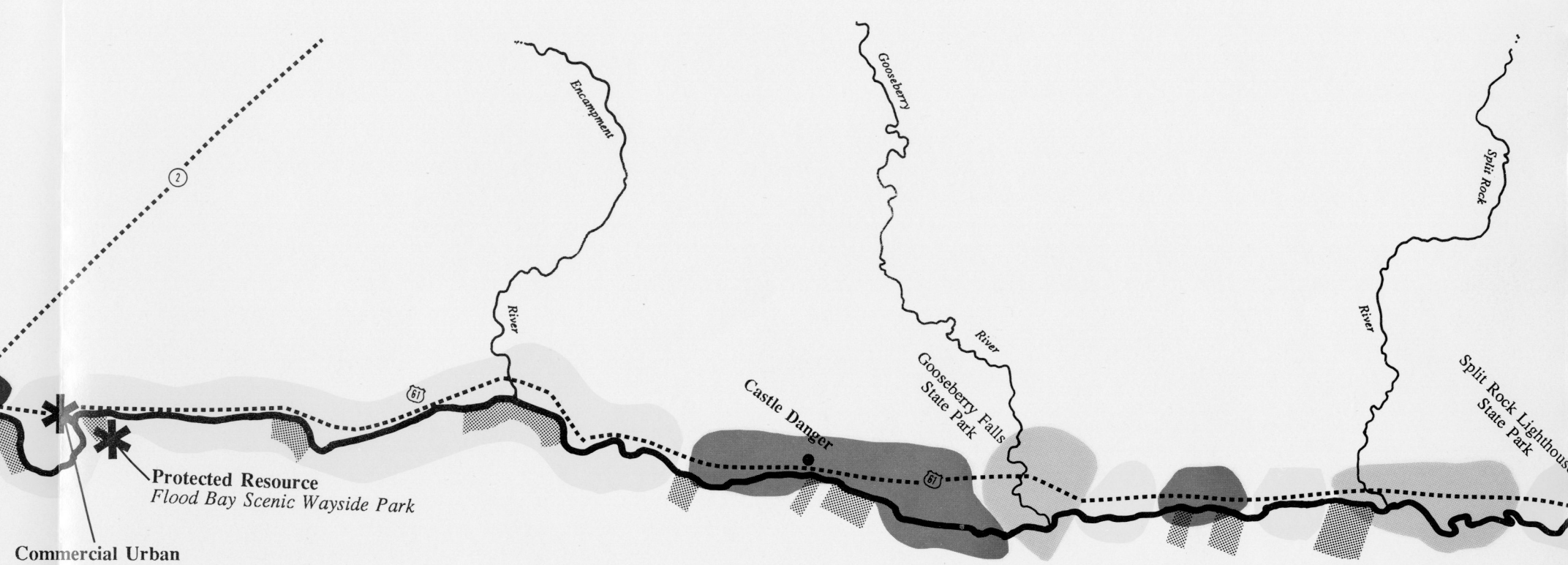
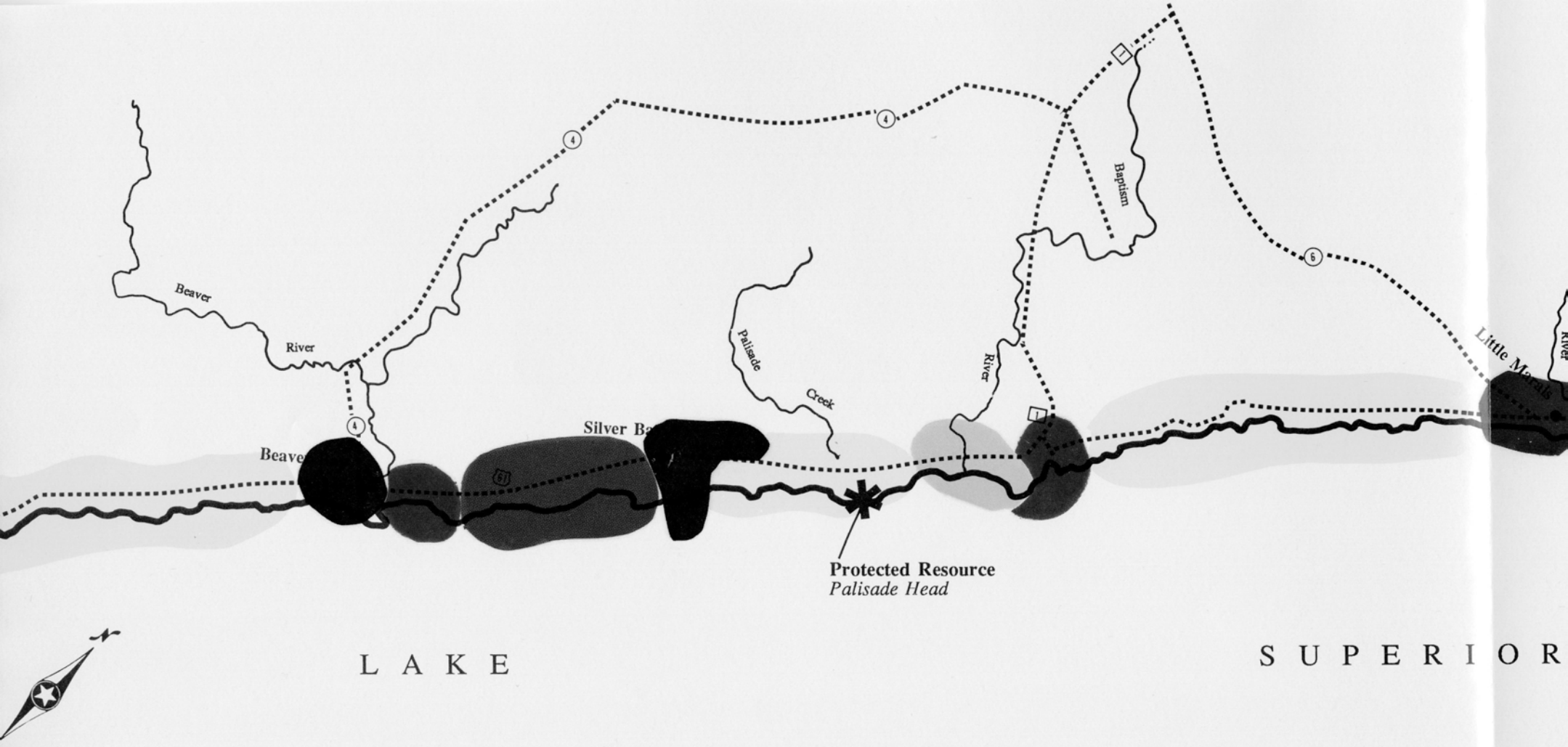
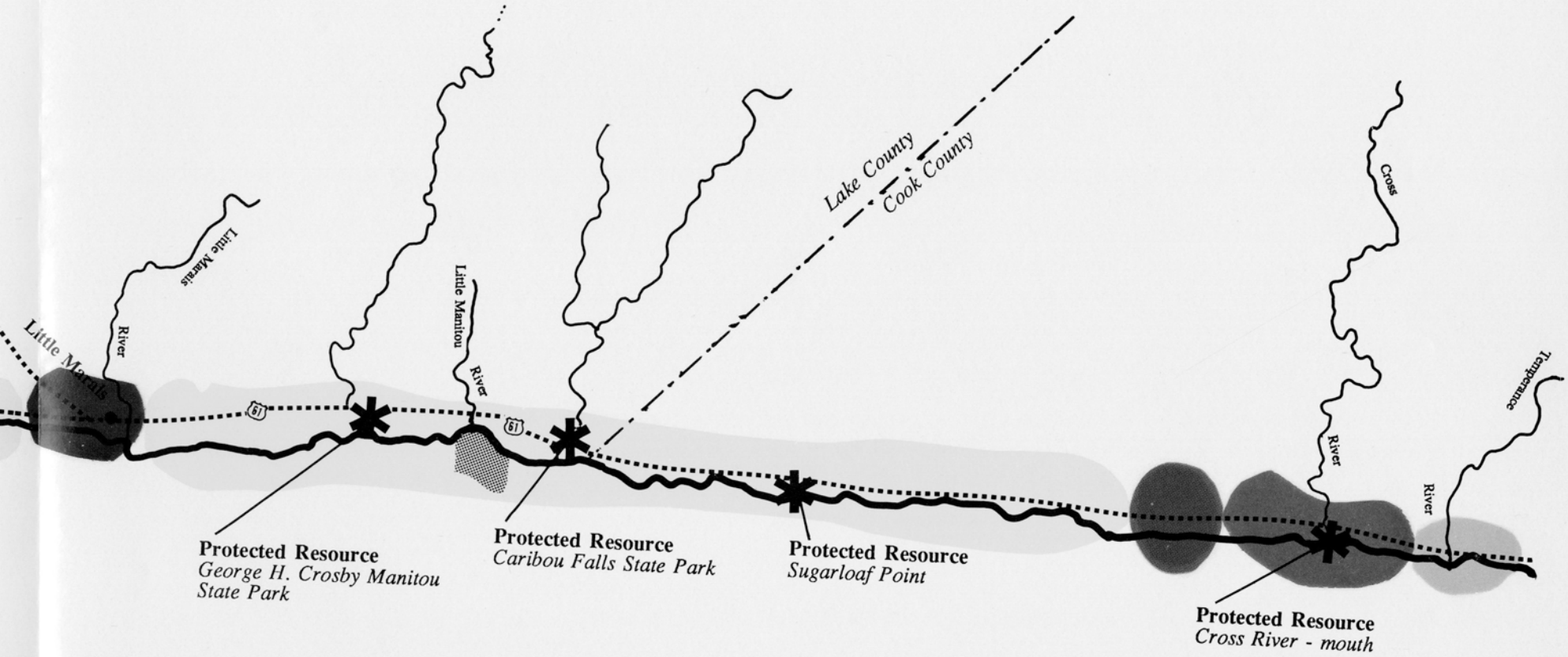

2
Encampment
River
Gooseberry
River
Split Rock
River
61
61
Castle Danger
Gooseberry Falls
State Park
Split Rock Lighthouse
State Park
Protected Resource
Flood Bay Scenic Wayside Park
Commercial Urban

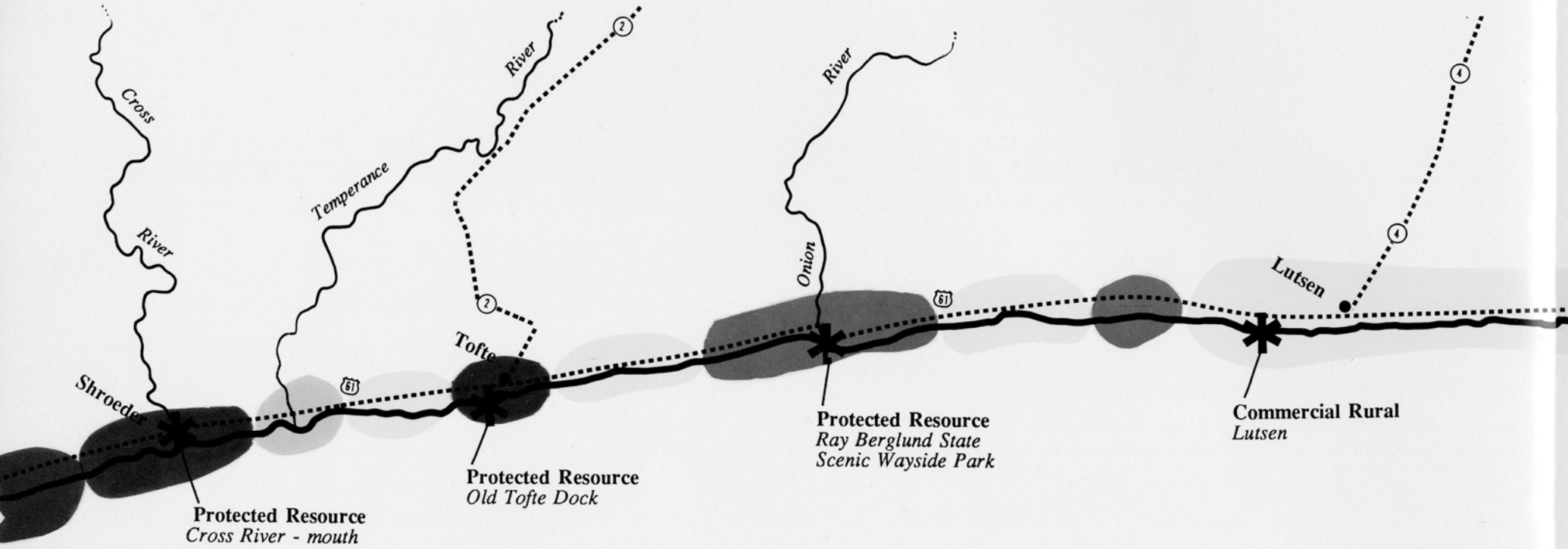
SUPERIOR


Beaver
River
Palisade
Creek
Baptism
River
Little Manitou
River
Beave
Silver Ba
Protected Resource
Palisade Head
L A K E
S U P E R I O R



I O R

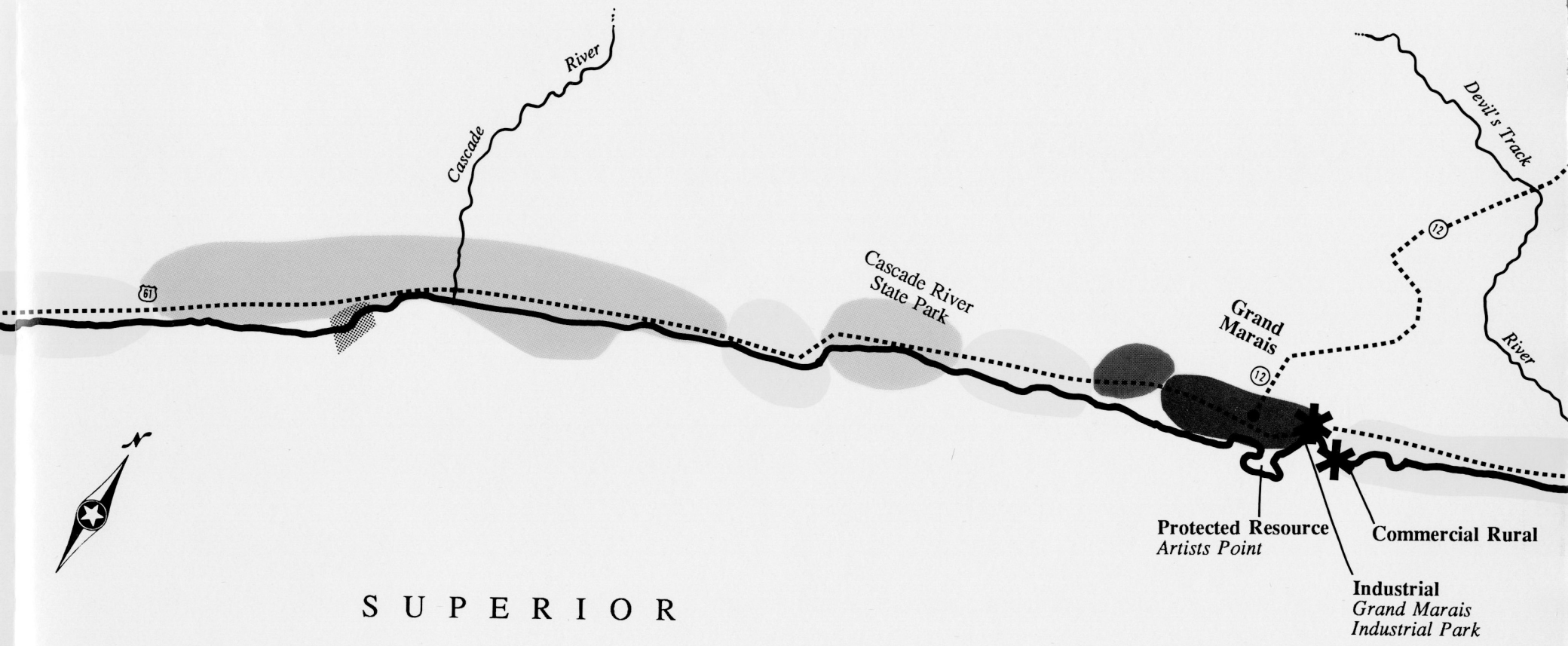
Protected Resource
Residential
Commercial Rural
Commercial Urban
Resort Commercial
Industrial
Erosion Hazard

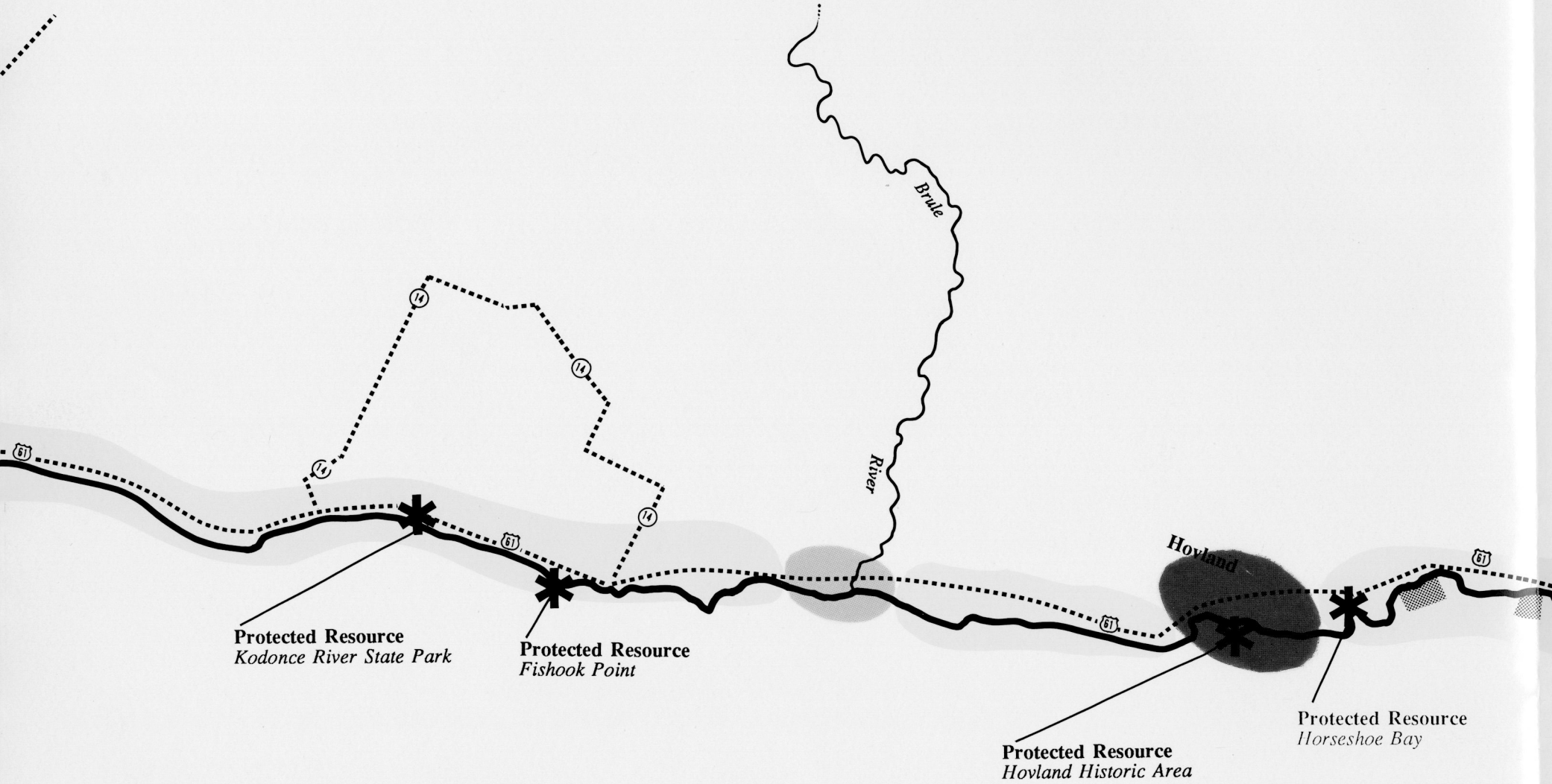


Note:

This map is a **general guide** for local zoning authorities to use in adopting, amending and administering local zoning ordinances to be consistent with the goals and policies of this plan. **These are not local zoning maps, and do not define zoning district boundaries.**

12/88


Cascade River
Cascade River State Park
Grand Marais
Devil's Track River
61
12
12
N
SUPERIOR
Protected Resource
Artists Point
Commercial Rural
Industrial
Grand Marais
Industrial Park


Brule
River
Hovland
14
14
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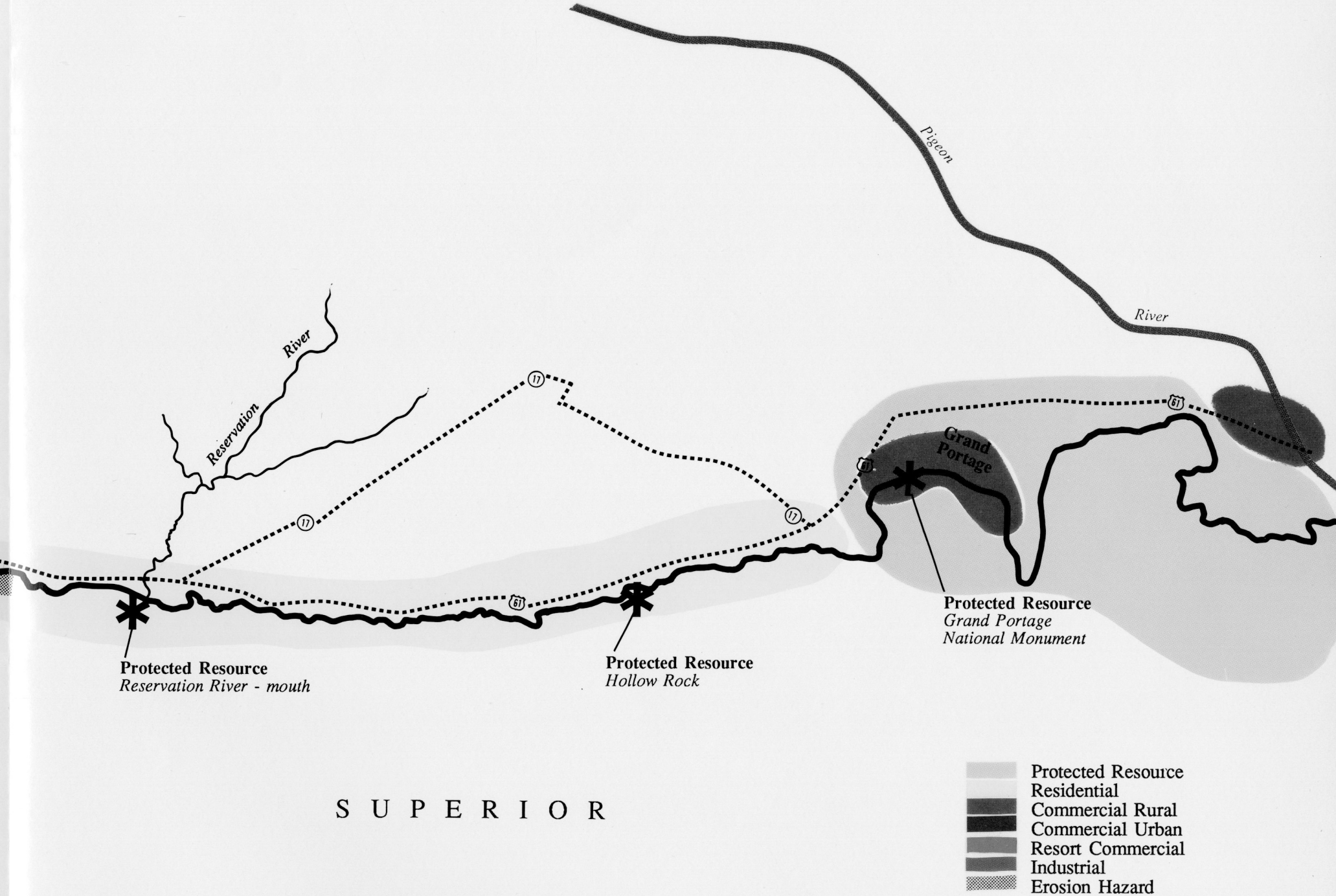
61
61
61
61
Protected Resource
Kodonce River State Park
Protected Resource
Fishook Point
Protected Resource
Hovland Historic Area
Protected Resource
Horseshoe Bay

L A K E


Pigeon
River
River
Reservation
Grand
Portage
Protected Resource
Reservation River - mouth
Protected Resource
Hollow Rock
Protected Resource
Grand Portage
National Monument
SUPERIOR
Protected Resource
Residential
Commercial Rural
Commercial Urban
Resort Commercial
Industrial
Erosion Hazard

12/88

Part Two



Development Standards

EDITOR'S NOTE

The development standards which follow were developed by the Technical Advisory Committee and the Citizens Advisory Committee. They are intended to provide the standards for future development along the North Shore.

The zoning standards address lot area, lot width, structure setbacks, building height and lot coverage. These standards will affect future development actions and land subdivision on the North Shore.

Other areas which are addressed in this section include policies for sanitary systems, shoreland alterations, management of erosion hazard areas, and guidelines for proposed planned unit developments.

ZONING

The Shoreland Management zoning standards were developed after carefully evaluating the standards currently in effect, shoreland characteristics, and the special needs along the North Shore.

The zoning ordinances from the cities, counties and townships along the North Shore were reviewed and discussed. After this review, it was determined that for the most part, the existing structure placement requirements in these ordinances were more stringent than the state minimum Shoreland Management Standards. It was agreed that under most circumstances, these standards were appropriate for the North Shore. The following minimum standards were then developed.[1] It is understood that cities, counties and townships may adopt requirements which are more stringent than these minimums. The lot area and width requirements apply to lots created after the date the local ordinance is amended to be consistent with this plan.

Lot Area

- 40,000 square feet in unsewered areas
- 10,000 square feet in areas served by a public sewer district

Lot Width

- 200 feet in unsewered areas
- 75 feet in areas served by a public sewer district.

Structure Setbacks

- 75 feet from the ordinary high water level of an officially designated Protected Water stream or 40 feet from the vegetation line of Lake Superior.
- In Commercial-Urban Areas, lesser setbacks may be allowed after certification from a licensed engineer that the building site is stable, not subject to slumping, shoreline erosion, wave run-up and public access to the shoreline is provided wherever possible.

Structure Setbacks from Public Roads

- 35 feet from the right of way line, except where municipal ordinances specify otherwise.

Highway Access Control

- It shall be the goal to minimize access to County State Aid Highway 61 and Trunk Highway 61. Accordingly, shared driveways should be encouraged wherever possible. All proposed subdivisions shall be reviewed by appropriate road jurisdictions.

Building Height Limitations

- Maximum building height for all structures is 35 feet from top of building to average grade line.
- The lowest floor elevation for new structures or substantial improvements to existing structures shall be three feet above the highest known water level or one foot above the 100 year storm wave run-up elevation on Lake Superior as determined by a licensed engineer.

Lot Coverage

- In all management areas, lot coverage by impervious surfaces shall not exceed 30% unless a surface water runoff plan certified by a registered professional engineer is submitted and approved by the local zoning office. However, in any case, lot coverage by impervious surfaces shall not exceed 50% of the total lot area. The surface water runoff plan shall contain, at a minimum, provisions for sediment entrapment and erosion control in order to minimize impacts on the receiving waters.

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[1]Refer to the Erosion Hazard Areas section (see page 31) and the Planned Unit Developments section (see page 34) for special requirements.

SANITARY SYSTEMS

Preface

The following section on sanitary systems was developed by the Technical Advisory Committee of the North Shore Management Board. It describes the Minnesota Pollution Control Agency's (MPCA) Chapter 7080, Individual Sewage Treatment System Standards, and recommends uniform adoption and enforcement of the code by all local governmental units with the North Shore planning area. Additional regulations are outlined for Erosion Hazard Areas (see page 31) and Planned Unit Developments (see page 34).

The North Shore Management Board believes that the adoption and strict enforcement of the MPCA's Chapter 7080 code is critical to improving existing water quality problems which have resulted from inadequate sanitary systems along the North Shore.

Introduction

There are many issues relating to sanitary systems and water supply along the North Shore, however most are beyond the scope of this version of the Shoreland Management Plan. The sanitary systems component of this plan will focus on wastewater treatment and regulations regarding treatment systems. Guidelines for ground and surface water appropriation, well development and abandonment, hazardous waste disposal, water conservation practices, and other concerns may be addressed later.

Presently most of the rural households along the North Shore rely on septic systems to treat sewage. Residents in the cities of Grand Marais, Beaver Bay, Knife River, Taconite Harbor, Silver Bay, and Two Harbors have access to centralized wastewater treatment facilities, while many smaller communities and developments such as Grand Portage, Terrace Point and Bluefin Bay use packaged treatment plants. Centralized or collector systems, as well as individual, onsite septic systems need proper siting, frequent inspection, and regular maintenance to ensure adequate wastewater treatment.

There are public health as well as environmental and aesthetic concerns associated with wastewater treatment along the North Shore. The risk of contaminating water supplies, of contracting contagious or non-contagious diseases, and of degrading surface water resources are probable outcomes of inadequate sewage treatment. Surface or ground water supplies may be contaminated with bacteria from human waste or with toxics from improper hazardous waste disposal. This can result in the transmission of such contagious water-born diseases as cholera, typhoid, and giardiasis and possibly increase the risk of cancer, miscarriage, and genetic defects. Coastal areas of Lake Superior, North Shore rivers, and inland lakes may experience algal blooms, increased growth of aquatic weeds,and unpleasant odors from the addition of increased nutrients or sewage from improperly treated wastewater. These adverse health, environmental, and aesthetic concerns reduce the appeal of the North Shore region.

Water resources of the North Shore are especially susceptible to contamination. Very thin surficial deposits with high clay content overlying impermeable, crystalline bedrock, offer less than optimum conditions for siting septic

systems and increase the need for adequate setbacks and regular maintenance and pumping. Rapid runoff and a fractured bedrock aquifer system provide easy opportunity for contamination of ground and surface waters. For these reasons, it is important to consider setback and construction requirements, the permitting process, maintenance, and abandonment for individual onsite units, municipal and industrial systems, and collector package plants. These concerns and the problem of non-conforming systems are addressed in the following section.

Wastewater Treatment Categories

Rationale for Subgroup Delineation

There are many types of wastewater sources along the North Shore of Lake Superior. Communities, industries, resorts, businesses, and private homes all generate wastewater in various volumes. Wastewater from each type of source also has a variety of chemical, biological, and physical characteristics. The methods used to treat each source of wastewater as well as regulations and responsible unit of government may vary according to volume and type.

Sources of wastewater have been placed into two broad categories - individual and municipal/industrial. A third category, package wastewater treatment plants, describes a specific set of technologies which is gaining wider usage on the North Shore. Packaged plants may serve most types of wastewater sources.

Individual Onsite Wastewater Treatment Systems

An individual onsite system may treat wastewater from residences and small businesses, as well as small clusters of homes and businesses.

The Minnesota Pollution Control Agency's Chapter 7080, Individual Sewage Treatment System Standards, provides the basic regulatory framework. Chapter 7080 specifies that individual onsite systems can treat up to 15,000 gallons per day of effluent from a single establishment. Collector systems which route wastewater to an individual on-site system can serve up to 15 dwellings and establishments, or have a capacity of 5,000 gallons per day, whichever is less.

The three counties along the North Shore have enacted wastewater treatment ordinances that contain the same basic provisions and follow MPCA's Chapter 7080. Each county has delegated authority to administer their respective ordinances, issue permits, and inspect installations. Chapter 7080 contains state regulations for individual onsite wastewater treatment systems.

Owners of individual onsite systems are charged with the responsibility to operate the system within design parameters and to maintain the system properly. An important component of maintenance is the inspection of septic tanks and the removal of the accumulated sludge and scum. As a rule of thumb, septic tanks should be pumped out at a frequency of once every three years if the system is designed and operated properly. Owners of individual onsite systems should not use septic tanks additives. Additives are of questionable benefit, may actually cause irreparable damage to the system and may cause pollution problems. Septic system maintenance may be the weakest link in onsite wastewater treatment technology and this problem should be addressed more fully in the future.

Because of costs, lot size, topography, lot owner preference, and other factors, a pit privy can be constructed and used, according to provisions of Chapter 7080 and county ordinances. Pit privies can only be used for the treatment and disposal of human body wastes without pumping or other water carrying means.

Should soil conditions or topography be severely limiting so as to rule out the construction of an individual onsite wastewater treatment system, a holding tank may then be installed. It must be emphasized that holding tanks are permitted only as a last resort when other wastewater treatment options are not available.

All septage (septic tank contents) that is removed from septic tanks or holding tanks must be disposed of according to MPCA guidelines and county ordinances or policy. Proper disposal includes spreading of the effluent on a suitable permeable soil that is flat, above the water table, and not saturated with septage from previous loads.

All individual onsite wastewater treatment systems, must adhere to Chapter 7080 and county ordinances, and will be required to be installed a minimum distance away from Lake Superior and the streams flowing into Lake Superior. Septic tank and soil absorption systems must be setback at least 50 feet from the vegetation line, except in Erosion Hazard Areas where greater setbacks may apply. For the purpose of this plan, the vegetation line shall be defined as the first clearly identified line of terrestrial vegetation above the ordinary high water mark[1]. There must also be a separation distance between a septic system and any nearby wells. Chapter 7080 states that the minimum separation distance be 50 feet, unless the well has a casing less than 50 feet in depth and which does not penetrate at least 10 feet of impervious material, in which case the separation distance must be 100 feet. In most cases along the North Shore, the 100 foot separation distance will be necessary. These are minimum standards, and counties may adopt more restrictive setbacks (see Diagram 3. Minimum Spacing Requirements -- Sewage Treatment Systems).

Municipal and Industrial Sewage Treatment Systems

Municipal and industrial sewage treatment systems are generally much larger than individual on-site treatment systems and normally utilize surface discharge as final disposal. A municipal sewage treatment system is one that collects liquid waste generated by individual dwelling units and businesses of a city, town, or village via a system of sewers and is treated at one central facility. This also includes individual sources of greater than 15,000 gallons per day, collector systems serving 15 or more sources, or volumes of greater than 5000 gallons per day, and all sewage treatment systems utilizing other than soil absorption or holding tanks. Industrial systems treat only those liquid wastes generated through and/or as a by product of an industrial process and does not include the wastes generated by the human labor force located at a particular plant.

Municipal and industrial sewage treatment systems may range from a few hundred gallons per day to thousands of gallons per day for a small collector system, to millions of gallons per day for large cities or industries.

Municipal and industrial sewage treatment systems consist of, but are not limited to, one or more of the following processes: sedimentation, coagulation, filtration, chemical precipitation, pre and/or post chlorination and dilution. Bacteria reduction of solids is important, but may not be necessary during treatment of some industrial wastes.

Jurisdiction over the various sewage treatment systems is determined by the size, type, or location of the system. The disposal of septage is usually permitted by the county, while sludge from municipal treatment plants is governed by the MPCA Sewage Sludge Management Regulation 7040.010 - 7040.4700.

Package Plants

Residential developments used by transient, intermittent and/or permanent populations that are too small for construction and operation of conventional wastewater treatment plants (WWTP) frequently utilize WWTP's known as package systems. These package plants usually comprise several standardized modules which are installed and connected together at the site to serve user populations of 20 to a few hundred persons and are privately owned and operated. Package WWTP's are issued operating permits by the MPCA, permits typically contain discharge limitations on biochemical oxygen demand, total suspended solids, pH and phosphorous.

Fluctuations in wastewater volumes, organic content and volumes, as well as temperature, create difficulties in attaining permit discharge limits by package plants. These plants, by virtue of the waste loads they are to treat, require careful design which addresses the special sewage system characteristics associated with their use. In order to help the package plant attain the discharge limits of its permit, it is vital that the plant be operated by personnel with special training in all aspects of package plant design, operation, maintenance and environmentally compatible management of plant waste sludge.

Nonconforming Systems

For the purpose of this discussion, non-conforming systems will consist of:

1. Systems which have an obvious surface discharge, or where the effects of

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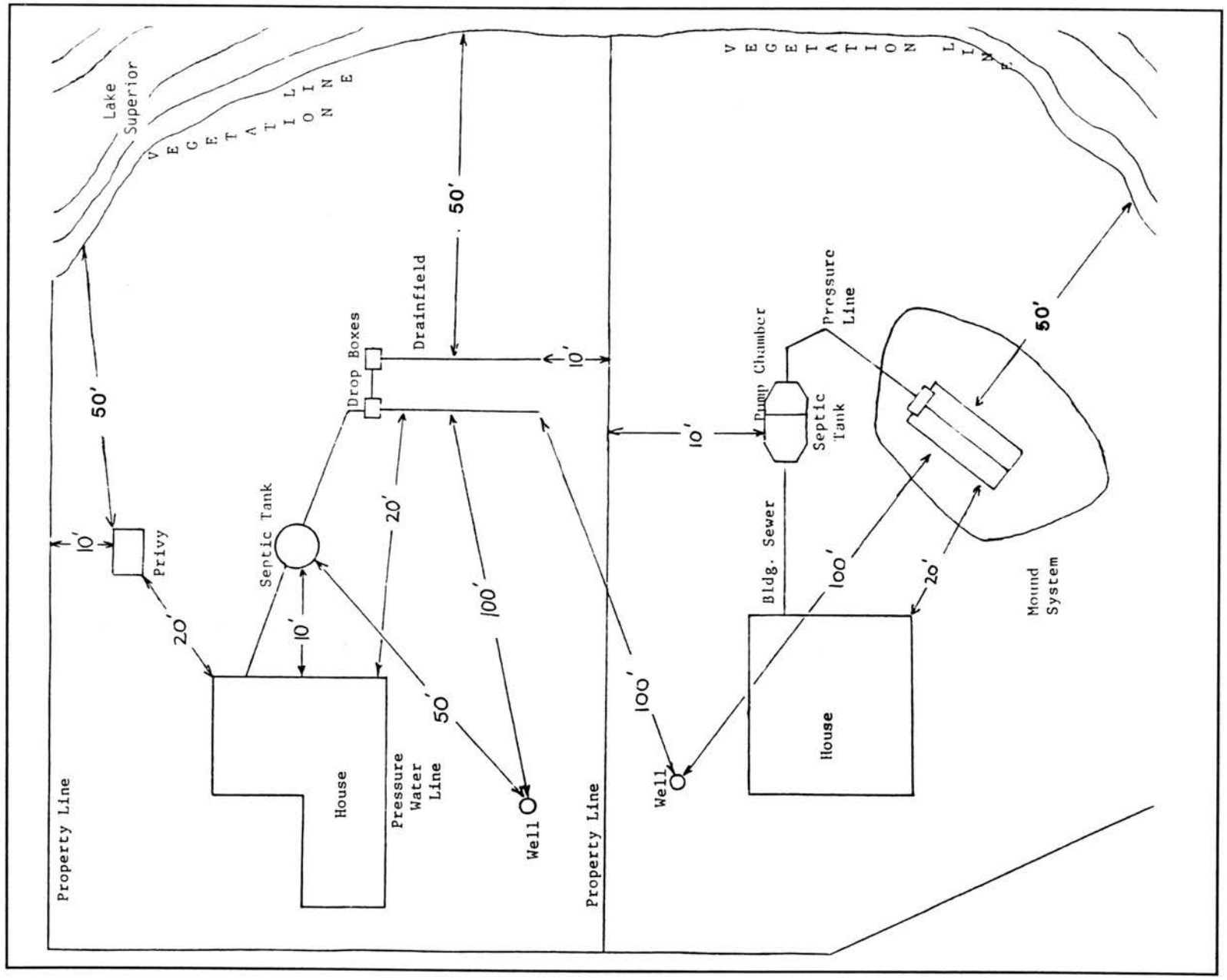
[1] *"Ordinary high water mark" is an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape.*

Diagram 3. Minimum spacing requirements -- sewage treatment systems



From Minnesota Pollution Control Agency's -- chapter 7080, *Individual Sewage Treatment System.*

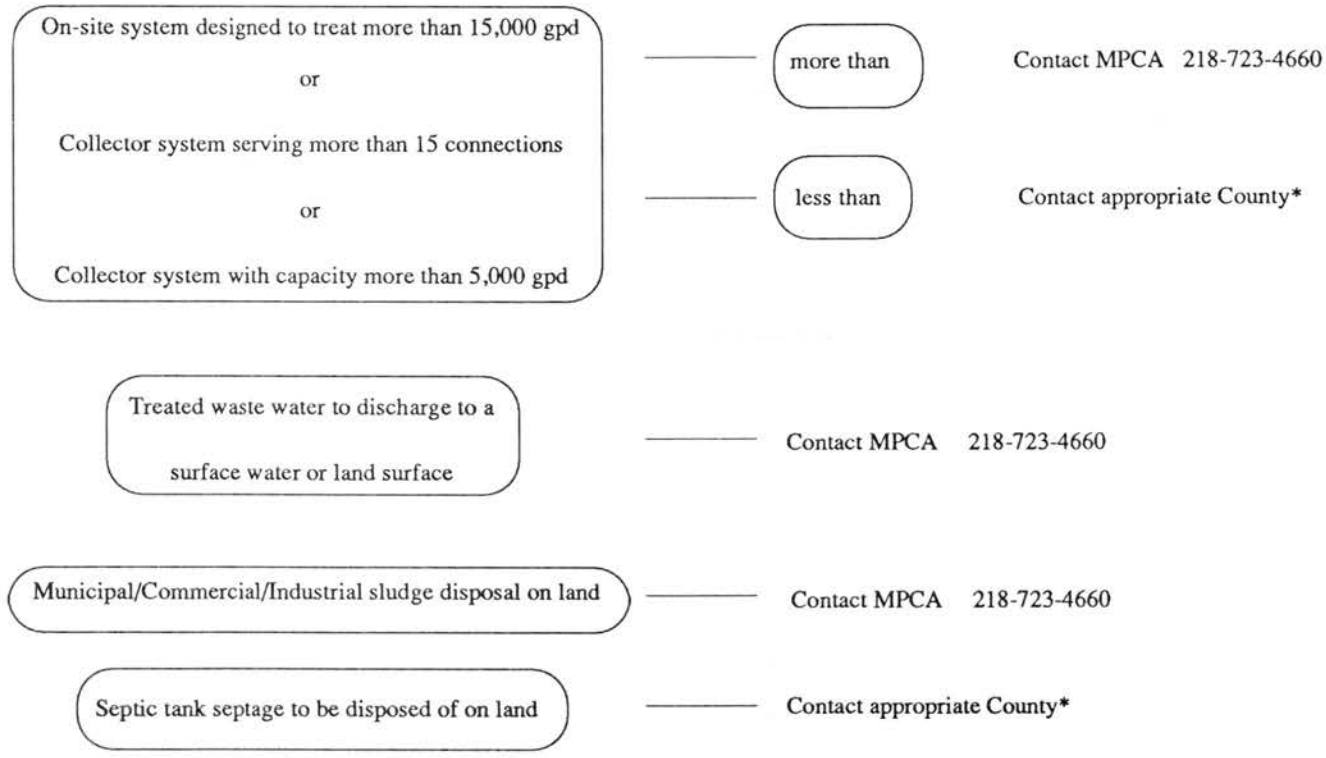
a discharge are detected, or

2. Systems in failure, but not detectable by conventional means.

Upgrading systems to comply with current standards should be initiated through one of the following: at time of sale; in response to complaints or as a result of various detection techniques, including the use of tracers, aerial detection; on-site visits; record searching; or a program of compulsory replacement of systems not built to current codes.

Methods for the replacement of non-conforming systems might include: Voluntary owner replacement of the system; filing a compliance order; collective upgrading through sewage management districts or collector systems. Replacement might also be encouraged through the use of various financial incentives such as low interest loans, tax adjustment, and matching or direct grants.

Diagram 4. Recommended Permitting Options for Wastewater Treatment Facilities



*County telephone numbers:

Cook County:	218-387-2282
Lake County:	218-834-5581
St. Louis County:	218-727-8661

The issue of non-conforming sewage systems can be addressed by better public education. This education effort could be coordinated through the North Shore Management Board with the University of Minnesota Extension Service. The use of these resources should assist in the development of various programs directed at residents and visitors to the North Shore. Specific education programs should be particularly directed toward youth.

Local units of government shall, as funds are available, develop and implement programs to eliminate nonconforming sewage systems.

Permitting Process

All newly constructed occupancies along the North Shore that generate wastewater must have properly permitted wastewater disposal systems that adhere to standards in Chapter 7080 and the ordinance in the county.

The process diagram on the next page details a recommended permitting option for wastewater treatment facilities (see Diagram 4. Recommended Permitting Options for Wastewater Treatment Facilities). By working through the diagram, a potential applicant can determine if the MPCA or a county will be the permitting authority. The MPCA is responsible for larger facilities that require an National Pollutant Discharge Elimination System Permit or State Disposal Permit, while counties will have jurisdiction over the smaller wastewater treatment systems.

By going through the local unit of government for the appropriate wastewater system permit, local control can be maintained. This would also allow each county to have one set of standards and permitting process rather than one for the Lake Superior shoreline and one for the inland areas. An annual report of permits granted by each county should be prepared and presented to the North Shore Management Board for their review and to document development.

Each county, by adhering to Chapter 7080, will maintain a backbone of regulations that would provide a measure of consistency, while enabling counties to continue existing programs and to react to local needs and conditions.

Permits will generally only be issued for wastewater treatment options that incorporate proven technology. Demonstration or research projects may be permitted, but would require special consideration and supervision.

The MPCA has the responsibility to permit, monitor, and inspect larger wastewater treatment systems as well as those utilizing water bodies or the ground surface to receive discharges of treated effluent. Local units of government should be kept informed of problems associated with these facilities and should be given the opportunity to accompany MPCA personnel during inspections. Local units of government have an interest in these facilities and can offer additional assistance.

Closure/Abandonment

When wastewater systems are to be abandoned a plan to prevent contamination of public waters should be submitted to the local responsible unit of government for approval. The abandonment process should be closely monitored to ensure compliance with the approved plan.

Other Areas of Concern

The importance of proper wastewater treatment is integrally tied to the quality of our drinking water supply. Ultimately, any discussion of sanitary systems is directed toward the protection of domestic water supplies. Thus, this plan must also acknowledge the significant issues of surface and ground water appropriations, well development and abandonment, and the disposal of hazardous wastes as they relate to issues of human health and safety. Direct discharges into Lake Superior are permitted, but only after demonstrating that other options are not feasible. A future work element of the North Shore Management Board should be to identify an appropriate discharge threshold level for Lake Superior for consideration and adoption. It should be noted that the MPCA has jurisdiction and permitting authority for direct discharges to Lake Superior. That agency should be contacted regarding specific rules, regulations and procedures to be followed in such instances.

Contamination of our water supply from sources such as landfill seepage or runoff, atmospheric deposition of mercury or toxic hydrocarbons, pesticides, leaking underground storage tanks, septic system additives and others are of concern, but are beyond the scope of the current North Shore Management Plan. These issues should be addressed through existing codes, such as the Minnesota Well Code or Minnesota Department of Health and MPCA regulations, and through educational efforts directed at North Shore residents and visitors. Additional research should be directed at some of the topics and future revisions of the North Shore Management Plan should consider them more fully and offer guidelines for zoning, permitting, and regulation.



SHORELAND ALTERATIONS

Goal

To maintain the natural character of the North Shore as much as possible and minimize soil erosion while allowing for permitted development under the North Shore Management Plan.

Objective 1

To maintain natural vegetative cover in so far as possible, the following policies shall apply. A vegetation management plan will be required for total vegetation removal of over 10,000 square feet or 25% of the lot area, whichever is lesser.

Policies

a) Removal of woody vegetation shall be restricted on bluffs, steep slopes, and within the structure setback area (the area between vegetation line and structure setback line) to maintain stable soil conditions.

b) Removal of woody vegetation shall be limited so as to screen structures, clear cuts, parked vehicles or other facilities from public roads and Lake Superior. Selective removal of woody vegetation shall be allowed to provide a reasonable view of the Lake from individual residences.

c) All proposed clearcutting, whether by public utilities or private entities, shall be reviewed and approved by the local unit of government and shall be carried out consistent with this plan.

d) Woody vegetation shall be preserved as much as possible along D.N.R. designated trout streams to provide for shade coverage, thereby maintaining lower stream temperatures.

e) Private forest management including pruning, trimming, and planting of vegetation shall be encouraged through consultation with D.N.R., Agriculture Extension, or other appropriate agencies.

f) Private driveways shall blend into the existing terrain as much as possible and public utility lines to private landowners shall be buried if at all possible.

g) Significant public view corridors from public rights of way to Lake Superior or unique uphill features should be identified and vegetation removal be encouraged to enhance these views. A plan for vegetation alterations for each should be developed and clear cutting is specifically discouraged for this purpose.

Objective 2

To maintain wetlands.

Policies

a) Alterations to wetlands shall not be permitted unless part of an approved site development plan. Any alterations shall be first permitted by the D.N.R. and U.S. Army Corps of Engineers as required.

b) Alterations to wetlands, if permitted, shall require suitable mitigation.

c) Wetlands shall be identified on the site development plan.

Objective 3

To maintain natural topography and minimize soil erosion, the following policies shall apply. An erosion and sediment control plan shall be required under the following circumstances: 1. for excavations exceeding 1,000 square feet or 100 cubic yards; 2. for fill exceeding 1,000 cubic yards and; 3. for any shoreland alteration exceeding 50 cubic yards within the structure setback area. Shoreland alterations done in connection with work authorized by a building or sewage disposal permit shall be exempt from the erosion control plan requirements.

Policies

a) Erosion and sediment control plans shall be reviewed by the local Soil and Water Conservation District and approved by the local zoning office prior to the start of the land alteration work.

b) Alterations must be designed and conducted in a manner which insures that only the smallest amount of bare ground is exposed for the shortest time possible.

c) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage and a permanent vegetative cover must be established as soon as possible.

d) Methods to minimize soil erosion and to trap sediment before they reach any surface water feature must be used. Such methods shall be in place before development occurs.

e) Altered areas must be stabilized to acceptable erosion control standards consistent with the Field Office Technical Guides of the local Soil and Water Conservation Districts and the U.S. Soil Conservation Service.

f) Fill or excavated material must be stabilized to prevent erosion and slope failure.

g) Fill or excavated material must not be placed on steep slopes, except as designed by qualified professionals.

h) Approved permanent erosion control practices should be maintained.

Objective 4

Alterations below the Ordinary High Water Level of lakes and streams shall follow accepted practices. Any alterations shall be first permitted by the D.N.R. and U.S. Army Corps of Engineers, as required.

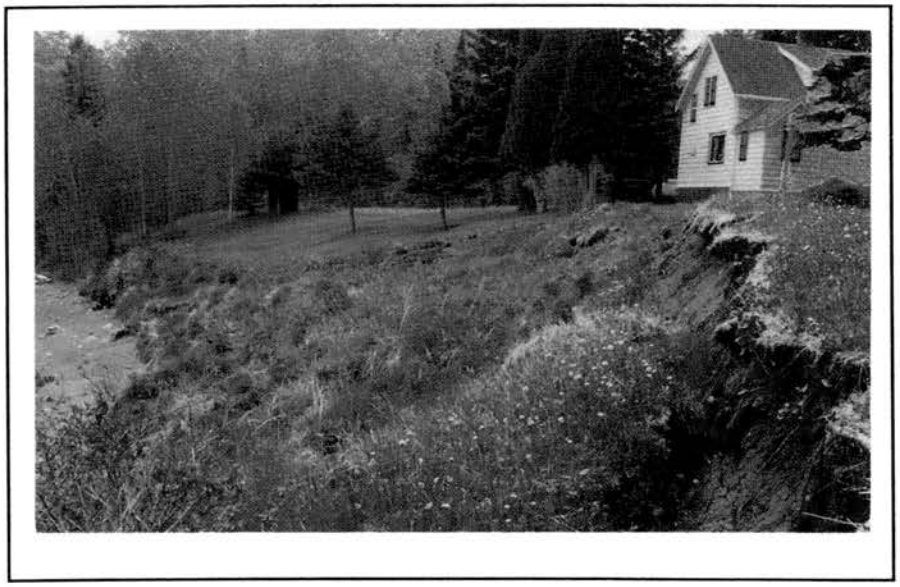
Objective 5

To encourage restoration of disturbed areas along the North Shore where feasible.

Policies

a) Utilize existing Soil and Water Conservation District Programs.

b) Encourage new programs to beautify Minnesota's North Shore.



Shoreline erosion is a severe problem along some areas of the North Shore, adversely affecting property, structures and roadbeds. The actual extent of actively eroding sites is unknown but is estimated, for example, to be up to 30% of the shoreline in Lake County. Erosion is a natural process, but its rate is increased by high lake levels. Because lake levels have been high in the mid 1980's and may reach these levels again, erosion hazard areas need to be identified and long term management guidelines established to minimize any damage.

Goal

To protect public and private property and protect public interest and safety by guiding development in areas prone to excessive shoreline erosion.

Objective 1

To promote awareness and understanding of shoreline erosion, lake levels, and natural shoreline processes.

Policies

a) The North Shore Management Board should encourage the development and distribution of informational materials about shoreline erosion, lake levels, and natural shoreline processes.

b) The North Shore Management Board should facilitate the formation of a continuing committee charged with development, distribution, and evaluation of educational material about shoreline erosion, lake levels, and natural shoreline processes.

c) The North Shore Management Board should facilitate the collection, storage, and cataloguing of information pertaining to shoreline erosion, lake levels, and natural shoreline processes. A central repository should be designated that will distribute information to the libraries of Minnesota's North Shore area.

d) Locate and compile existing data on North Shore shoreline erosion, lake levels, and natural shoreline processes. Possible sources include:

- Minnesota Department of Natural Resources
- International Joint Commission
- Environmental Protection Agency, Great Lakes Region Office
- Soil Conservation Service, Red Clay Project
- U.S. Corps of Engineers
- Natural Resources Research Institute
- Minnesota Department of Transportation
- National Oceanic and Atmospheric Administration

Objective 2

To define and identify Erosion Hazard Areas.

Policies

a) Erosion Hazard Areas shall be defined as those areas of Lake Superior's North Shore where the long term average annual rate of recession is one foot or greater per year.

b) Erosion Hazard Areas as presently defined and identified by the Erosion Subcommittee may be refined at a later date by the North Shore Management Board based upon further research and new information.

Objective 3

To designate special provisions for Erosion Hazard Areas.

Policies

a) Erosion Hazard Areas will be identified as an "overlay district" along with the shoreland management areas as identified in the Shoreland Use Guide Plan.

b) At the time of permitting and/or sale of a property within an Erosion Hazard Area, there will be a covenant recorded against the property that states that it is in an Erosion Hazard Area and notes that there may be future restrictions subject to local ordinances.

c) At the time of permitting, areas defined as Erosion Hazard Areas by the North Shore Management Board should have an onsite inspection, as determined by the local unit of government, to inform the landowner of erosion susceptibility.

d) The burden of proof concerning the suitability of land for the proposed development shall be borne by the project proponent. Accordingly, a site development plan shall be required and approved by the zoning office prior to all new construction in Erosion Hazard Areas. The site development plan shall include a description of:

- surface runoff including roof drains
- subsurface runoff
- vegetation removal including proposed landscaping
- proposed sewage treatment systems
- topography of site
- structure and driveway location
- potential bluff toe protection
- slope alterations
- other pertinent information as requested

e) The site development plan for Erosion Hazard Areas shall include set-back and shoreline erosion control recommendations, and follow shoreland alteration guidelines.

f) Structure setbacks in Erosion Hazard Areas.

1. Structures and soil absorption areas shall be setback the annual erosion rate times 50 plus 25 feet (to allow for structure relocation) from the top edge of the eroding bluff. Where slumping is evident, the setback shall be measured from the uppermost shear zone (point at which the soil separates and slumping begins). In the absence of an established long term erosion rate, the setback shall be 125 feet.

2. The structure setback and the location of the soil absorption areas can be modified by variance if the landowner provides technical data proving a different recession rate or that the erosion hazard, although correctly estimated, can be mitigated by structural protection.

Maps

Erosion Hazard Areas within the North Shore planning area are shown on pages 12, 13, 16 and 17. Only those areas deemed to be of high potential for erosion were put on the maps. Except in rare cases, this was limited to the areas where high clay banks border the lake. Areas of erosion where the long-term erosion rate appeared to be less than the criterion of one foot per year were not mapped. Clearly, there are places outside of the Erosion Hazard Areas shown on the maps where erosion is a problem. However, mapping was limited to those areas where the Erosion Hazard Area policies apply.

The Erosion Hazard Area subcommittee used the following process to identify the Erosion Hazard Areas. First, a detailed soils map from the Coastal Zone Management study was transferred onto a Minnesota Department of Transportation strip map of the North Shore. Then, 199 surveys from a 1986 shoreline erosion survey were transferred to the map. Surveys

indicating high erosion rates were tagged for further analysis. Fifty sites were revisited and measurements were made to see how far the erosion had progressed since 1986. From this information, it was determined that many of the erosion problems reported in 1986 were attributed to the extremely high water level and severe storms of the period. Losses of cobble beaches, collapse of sea caves and the erosion of rocky shorelines were identified as being outside Erosion Hazard Areas. However, areas of high clay banks continued to show signs of failure despite the two intervening years of relatively low, calm water. These are the areas identified as Erosion Hazard Areas on the maps.

The more critical areas of clay banks were examined from the water. The area from French River to Split Rock River was covered by boat and pictures were taken of potential Erosion Hazard Areas. Field notes, photos, and the 1986 and 1988 videotapes of the shoreline were then used to set the approximate boundaries.

The Erosion Hazard Areas accurately represent the more severe problems of erosion on the shore. Further work such as the Natural Resources Research Institute study of recession rates and detailed mapping by local zoning officials are still needed before the Erosion Hazard Areas can be incorporated into local zoning ordinances.

PLANNED UNIT DEVELOPMENT GUIDELINES

Purpose

The purpose of these guidelines is to provide uniform criteria for the local approval of planned unit developments within the North Shore Management Planning Area. The criteria allow for development densities greater than the minimum lot sizes provided in this plan. These provisions apply to new planned unit developments, both commercial and residential, on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land.

Planned unit developments must be designed and operated to be compatible and harmonize with their surroundings and located in compliance with the Shoreland Use Guide Plan. It is the intent of these guidelines to provide the North Shore units of government with the flexibility to review, modify and approve planned unit developments that follow the rules of common sense and practicality. The end result should be development which optimizes the use of building sites and protects and enhances the natural amenities of those sites.

Goal

It is the goal of these guidelines to provide uniform standards to local officials and potential developers for the optimization of development opportunities and maximum environmental protection on any given planned unit development site.

Definition

For the purpose of these guidelines, a planned unit development will be defined as: multiple residential or commercial dwelling units including but not limited to townhomes, condominiums, motels, hotels, resorts and related commercial activities consisting of five or more units with a minimum lot area of 2 acres per development and a maximum density of four units per acre.

Planned Unit Development Design Criteria

The purpose of the following criteria is to provide guidance to citizens, local officials, and developers in evaluating, reviewing and designing planned unit developments. Many free local resources and services are available to assist in meeting these criteria. These include city and county zoning administrators, health officials, county extension, and soil and water conservation district personnel. Many state and federal resources are also available. These include the Minnesota Department of Natural Resources, Pollution Control Agency, University of Minnesota Sea Grant Extension, Department of Transportation, Soil Conservation Service and the U.S. Army Corps of Engineers.

1. Structures, parking areas, and other facilities must be designed and placed to reduce visibility as viewed from Lake Superior, roads and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. The end result should be a development that is visually unobtrusive to the natural environment or surrounding properties.

2. Units, recreation facilities, and commercial uses must be clustered into one or more groups and located on suitable areas of the development site.

3. At least 50% of the development area must be dedicated as open space for the users and residents of the development. Road rights-of-way, land covered by road surfaces, parking areas, units, and structures are considered developed areas and should not be included in the computation of minimum open space. This 50% open space dedication must be filed as a restriction against the property. At least 25% of the lot width at the structure setback line shall be left as open space.

4. The appearance of open space areas, including topography, vegetation, and allowable uses must be preserved by the use of restrictive

deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.

5. Areas with physical characteristics unsuitable for development in their natural state, such as wetlands or areas containing significant historic sites shall be considered open space.

6. Each development shall be no less than five units and a lot area of two acres, and must provide another 10,000 square feet of lot area per additional unit.

7. The development shall have no more than four units, including related commercial activities, per acre.

8. The development shall provide at least one and one half parking spaces per unit, and one parking space for each non-resident employee, and for each 5 seats of seating capacity for restaurants and bars. Space for loading and unloading vehicles shall be provided for buildings used for commercial purposes.

9. The development must also provide access to developed public roads.

10. The dimensional and density provisions of these guidelines do not apply in Commercial Urban Areas, but the purposes and intent of these PUD guidelines and policies must be met.

Sewage Disposal Standards[1]

1. On-site water supply and sewage treatment systems must be centralized and designed, installed and operated to meet or exceed applicable standards or regulations of the Minnesota Pollution Control Agency (MPCA) and the local unit of government.

2. On-site sewage treatment systems must be located on the most suitable areas of the development.

3. Public water and sewage service must be used where available, as determined by the local unit of government.

4. Developments which produce 5000 gallons of sewage per day or contain more than 15 units require a MPCA State Disposal System permit. This would result in an average flow rate of 333 gallons per unit per day.

5. The potential person capacity of a dwelling shall be used to determine the potential gallons generated which in turn shall dictate the appropriate system(s) that should be utilized by the proposed development. Local and state standards and regulations apply and should be consulted.

6. All new units must utilize water conserving plumbing fixtures and have water meters installed and accessible which serve all sewage generating appliances.

7. No occupancy of any unit or use of any commercial structure of any planned unit development shall be allowed until the approved sewage disposal system is in place and fully operational.

Plan Approval

At the time of application, planning, and scheduled development the proposed facility shall be under unified control or ownership. The applicant will provide a detailed development plan to the local government which must include a detailed description of:

1. The property under consideration, including property boundaries, contours, on-site features, roads, lakes, rivers, wetlands, rock outcroppings, wooded areas, and other relevant features.

2. Building elevations, location on site, proposed uses, number of units, and commercial operations.

3. A concept statement describing the project.

4. Parking areas and driveways for both residences and commercial activities, vehicle loading/unloading areas, proposed public road entrances, and projected traffic generation of the proposed development.

5. Proposed phasing of the final development.

6. Description of how the project will operate after completion.

7. Nature of proposed ownership after completion.

8. Proposed fire protection.

9. Proposed homeowners association agreement, where applicable.

10. Detailed landscape plan which shows existing vegetation, pro-

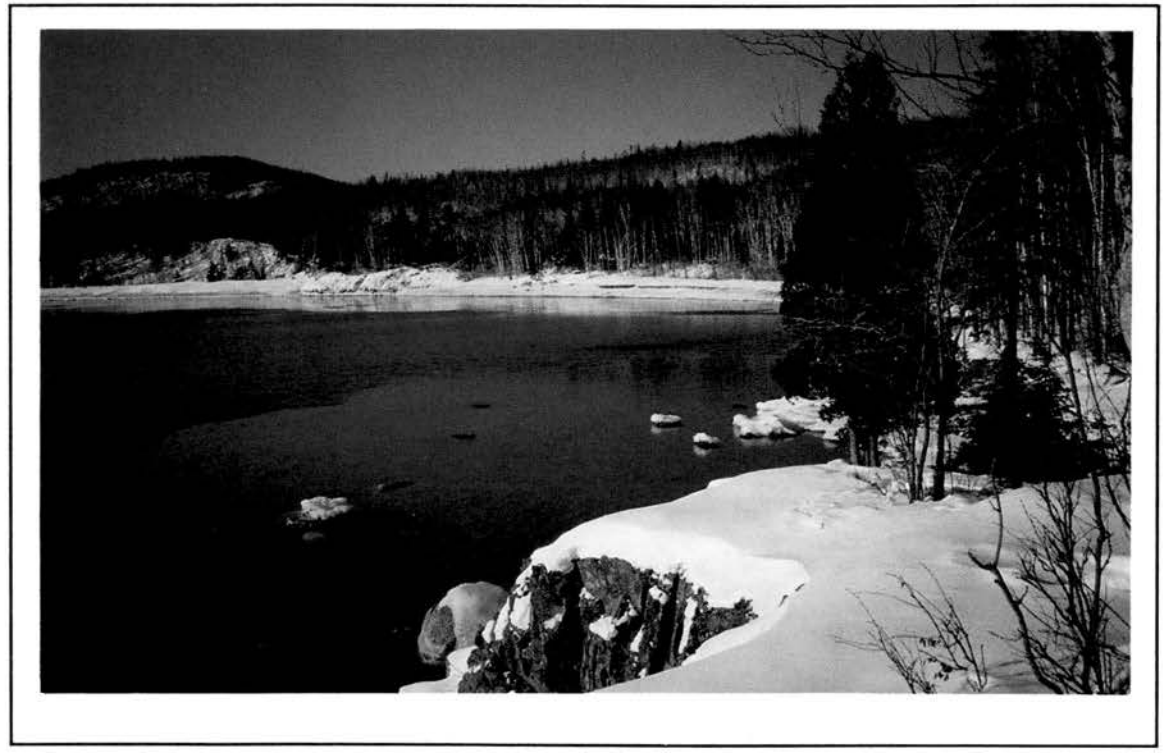
[1]Refer to Sanitary Systems on page 23 for additional information.

posed alterations, new plantings and landscaping which is consistent with shoreland alteration guidelines.

11. Recreational space location and use.
12. Adequate water sources and water supply system plans.
13. Proposed sewage treatment system plans.
14. Storm water runoff plans (construction and operation).
15. Erosion control plan for shoreline, where applicable.
16. Erosion control plan for site (construction and operation).
17. Evidence of application for appropriate permits, state and federal.
18. Evidence of availability of necessary public utilities.
19. Proposed financial plans and necessary performance bonds or escrow agreements to protect the local unit of government's financial liability for site restoration, landscaping,erosion control measures, and sewage treatment systems.

The proposed development plan will demonstrate that the development will conform with adjacent development and be screened from the lake, adjacent roads, and adjacent properties. Any other information deemed to be necessary by the local unit of government will be provided by the applicant. The local unit of government may require plan modifications or require special conditions or performance standards as a part of its approval of the project.

Part Three



Administrative Review

ADMINISTRATIVE REVIEW

The North Shore Management Board will review certain zoning decisions of cities, counties, and townships. These will include: 1) adopted or amended ordinances regulating the use of land within the North Shore Management planning area, 2) approved variances from a provision of the local land use ordinance which relates to the zoning dimensions of the North Shore Management Plan, 3) approved conditional use decisions affecting the use of land within the North Shore Planning area, 4) approved new subdivision plats, and 5) approved Planned Unit Development plans. Specific review procedures will be developed as a part of the North Shore Management Plan implementation strategies or the Model Ordinance. The DNR, through the area hydologist, should continue its present valuable role in providing on-going technical assistance and advise to the North Shore units of government in administering and enforcing their shoreland management ordinances.

VARIANCE POLICIES

Variances can only be granted in accordance with Minnesota Statutes Chapter 394 when there are particular hardships which make strict enforcement of official controls impractical. They may not circumvent the general purposes and intent of the North Shore Management Plan. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the public interest. In considering variance requests, boards of adjustment must also consider whether property owners have reasonable use of the lands without the variances, whether existing sewage treatment systems on the properties need upgrading before additional development is approved, whether variances are being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

CONSISTENCY REVIEW

All proposed major federal and state government agency actions (permit decisions and plan approvals) within the North Shore Planning Area shall first be reviewed by the North Shore Management Board to ensure consistency with the approved North Shore Management Plan.

Appendix

JOINT POWERS AGREEMENT

AGREEMENT BETWEEN THE COUNTIES OF COOK, LAKE, AND ST. LOUIS; THE CITIES OF BEAVER BAY, GRAND MARAIS, SILVER BAY AND TWO HARBORS; AND THE TOWNSHIPS OF DULUTH AND LAKEWOOD TO ESTABLISH A JOINT POWERS BOARD.

SECTION I - ESTABLISHMENT

Pursuant to the authority contained in M.S.A. 471.59 it is hereby resolved that Cook, Lake, and St. Louis County; the Cities of Beaver Bay, Grand Marais, Silver Bay, and Two Harbors; and the Town Boards of Duluth and Lakewood Townships; do thereby establish a joint powers board hereinafter referred to as the North Shore Management Board.

SECTION II - PURPOSE

The purpose of the North Shore Management Board shall be to formulate a management plan and develop strategies for environmental protection and orderly growth of the North Shore of Lake Superior. This management responsibility is jointly shared by the counties, cities and townships exercising land use control and jurisdiction over certain public and private lands within this corridor. Management responsibility will be accomplished through adoption of a comprehensive management plan which will provide the foundation for strong local official controls and policy decisions within the boundaries of the member units of government.

SECTION III - ORGANIZATION

A. Membership - The membership of the North Shore Management Board shall be composed of one elected official appointed by each respective county board, city council and township board that exercises zoning authority along the North Shore of Lake Superior from the Western boundary of Lakewood Township to the Pigeon River in Cook County. Presently, this includes Cook, Lake and St. Louis County, the Cities of Beaver Bay, Grand Marais, Silver Bay, and Two Harbors; and the Townships of Duluth and Lakewood. An alternate can be designated by each respective county board, city council and township board, said alternate must be an elected official and shall serve with voting privileges on the Board.

B. Term of Office - The term of office will run concurrently with each member's term on their respective county board, city council or township board. The chairman shall serve a term of office of one (1) year.

C. Officers - The officers of the board shall consist of a chairman, vice chairman, and a secretary/treasurer. The chairman, vice chairman and secretary/treasurer shall be selected by a majority vote of the board members.

D. Voting - Each member of the North Shore Management Board shall have one (1) vote. Alternates will have voting privileges in the absence of the member.

1. Chairman: It shall be the duty of the chairman to preside over all meetings of the North Shore Management Board. He shall have the power to call special meetings at reasonable times with appropriate public notice when it is deemed such a meeting is necessary to conduct the business of the North Shore Management Board.

2. Vice Chairman: It shall be the duty of the vice chairman to preside over the meetings of the North Shore Management Board in the absence of the chairman. The term of office of the vice chairman shall run concurrently with the chairman.

3. Secretary/Treasurer: It shall be the duty of the secretary/treasurer to keep or designate a person to assist in keeping a record of all proceedings of the North Shore Management Board, to provide for the proper receipt and disbursement of funds, and to perform all other duties normally assigned to the secretary/treasurer of a deliberative body. The term of office of the secretary shall run concurrently with the chairman.

E. Rules of Order - All North Shore Management Board meetings will operate under Roberts *Rules of Order.*

SECTION IV - MEETINGS

A. The North Shore Management Board shall meet in regular session on ____ day of each month.

B. The meetings may be alternately held in each county courthouse, city hall, town hall or other accepted meeting facility of member units of government. The rotation of meetings are to be set by the chairperson.

C. Special meetings may be held under the circumstances outlined in Section III-C-1.

D. A quorum shall consist of a majority attendance of board members.

SECTION V - DUTIES AND RESPONSIBILITIES

A. The North Shore Management Board shall have the power to contract for services, in the manner prescribed by law, that are required and necessary to prepare a comprehensive plan for management of the North Shore of Lake Superior within the boundaries of the member units of government from the Western boundary of Lakewood Township to the Pigeon River in Cook County.

B. The North Shore Management Board shall have the power to accept and disburse funds; and to apply for state and federal funds necessary to prepare and implement its plan.

C. The North Shore Management Board will have the power to develop and recommend a schedule for plan implementation by member units of government and to provide assistance in those instances where common administration of plan elements is appropriate and approved by member units of government. This could include general technical assistance, certain zoning oversight responsibilities, further issues investigation, continued operation of the Citizens and Technical Advisory Committees, etc.

D. The North Shore Management Board will have the responsibility to initiate and maintain a liaison with governmental agencies necessary to complete a comprehensive plan for the North Shore of Lake Superior within the member government jurisdictions.

E. The North Shore Management Board will have the authority to appoint advisory committees and conduct such public meetings and hearings as are necessary to provide full public review and participation of the management plan for the North Shore of Lake Superior.

F. The North Shore Management Board will also have the responsibility to arrange for the independent audit of its expenditures and disbursements, consistent with state law.

G. Exercise of these powers and duties will require a majority of the North Shore Management Board voting members.

SECTION VI - AMENDMENTS

Amendments to this agreement will require a consensus of all voting members supported by a resolution of approval from each unit of government represented. Said resolution is to be signed by the chair of the governing body.

SECTION VII - EFFECTIVE DATE

This resolution shall take effect and be in force from and after the date of its signing.

SECTION VIII - AUTHORIZATION

IN WITNESS THEREOF, the respective units of government by resolution duly adopted by its government body(s), causes this agreement to be signed by its designee and attested to all on the day and year signed:

FOR: COOK COUNTY BOARD OF COMMISSIONERS

BY: _____

WITNESS: _____

DATE: 7/22/87

FOR: LAKE COUNTY BOARD OF COMMISSIONERS

BY: _____

WITNESS: _____ Vice Chair

DATE: 7/28/87

FOR: ST. LOUIS COUNTY BOARD OF COMMISSIONERS

BY: D. Floyd Shannon

WITNESS: Mary J. Ostrello

DATE: 8/11/87

FOR: BEAVER BAY CITY COUNCIL

BY: Kenneth E Nelson Mayor

WITNESS: Helen Goodsell

DATE: 7/22/87

FOR: GRAND MARAIS CITY COUNCIL

BY: Walter Thompson Jr - Mayor

WITNESS: Helen Goodsell

DATE: 7/22/87

FOR: SILVER BAY CITY COUNCIL

BY: Robert A Read Mayor

WITNESS: Lee Eckhart

DATE: 7-28-87

FOR: TWO HARBORS CITY COUNCIL

BY: Roger Simonson, City Clerk

WITNESS: Lois Jane Hennigan

DATE: 7/28/87

FOR: DULUTH TOWNSHIP BOARD OF SUPERVISORS

BY: Richard A Babbe

WITNESS: Dorothy Christopherson

DATE: 7-23-87

FOR: LAKEWOOD TOWNSHIP BOARD OF SUPERVISORS

BY: Leon A Robertson

WITNESS: Gretchen T. Smith

DATE: 7-29-87

MEMORANDUM OF UNDERSTANDING BETWEEN THE NORTH SHORE MANAGEMENT BOARD AND THE DEPARTMENT OF NATURAL RESOURCES

Pertaining to the Coordination, Cooperation and Responsibilities Relating to the Development of the North Shore Management Plan

I. GOAL

The Minnesota Department of Natural Resources (MDNR) and the North Shore Management Board (NSMB) agree that Minnesota's North Shore is a special place deserving special attention. The NSMB, established to direct development of a North Shore Management Plan, has certain responsibilities and the MDNR, with the legislated responsibility for development of shoreland management standards, have certain responsibilities in accomplishing the formulation and implementation of a North Shore Management Plan. The goal of the Memorandum of Understanding, is to the degree possible, define these specific responsibilities in support of common objectives, interests and statutory requirements; to ensure timely identification and resolution of differences; and to enhance communication and coordination.

II. OBJECTIVE

1. To develop a management plan which is locally initiated and supported and incorporates citizen and broad interest group participation.

2. To develop a management plan that reflects the uniquenes of Lake Superior, its distinctive shoreland characteristics and its various land use and water related issues.

3. To develop a management plan that is consistent with the legislative policies of M.S. 105.485 which states: To provide guidance for the wise development of shorelands of public waters and thus preserve and enhance the quality of surface water, preserve the economic and environmental values of the shorelands and provide for wise utilization of water and related resources of the state.

4. To develop management standards for the subdivision, use and development of shorelands, as set forth in M.S. 105.485, Subd. 3, which include but are not limited to the following:

(a) the area of a lot and length of water frontage suitable for a building site;

(b) the placement of structures in relation to shorelines and roads;

(c) the placement and construction of sanitary and waste disposal facilities;

(d) designation of types of land uses;

(e) changes in bottom contours of adjacent public waters;

(f) preservation of natural shorelands through the restriction of land uses; and

(g) variances from minimum standards

5. To consider the existing shoreland management rules, local ordinances, and the shoreland advisory committee recommended rule changes as guidelines in developing specific management plan provisions.

6. To use applicable state policies and rules of MPCA, MDH, etc. as guidelines in evaluating and formulating specific management plan provisions.

7. To achieve elements of the management plan in a consensus manner.

III. IMPLEMENTATION

THE NSMB and the MDNR fully support the concepts of cooperation and coordination and are committed to the development and implementation of the North Shore Management Plan. In carrying out the goals and objectives of the MOU and DNR and NSMB agree as follows:

The DNR:

(a) will formally participate on the Technical Advisory Committee through Dan Retka, Regional Hydrologist;

(b) will coordinate DNR interdisciplinary input to the plan through frequent communication with other divisions within the DNR;

(c) will immediately bring to the attention of the Board proposals which the DNR believe are inconsistent with legislated policies, or strongly oppose from a sound shoreland management perspective;

(d) will in good faith negotiate differences towards finding a consensus of these items;

(e) will provide information and data relating to need, justification and experience on specific items;

(f) will adopt the final standards as set forth in M.S. 105.485, Subd. 3.

The NSMB:

(a) will guide and direct the formulation of the North Shore Management Plan consistent with the goals and objectives of this MOU;

(b) will direct the Technical and Citizens Advisory Committees in a consensus approach to plan formulation.

IV. MODIFICATIONS, TERMINATION AND EXPIRATION

This Memorandum of Understanding shall be effective upon the signature of both the parties and remain in effect until terminated, amended or reissued. The DNR and NSMB may terminate this MOU, with cause, by 30 day written notification to the other party.

/S/ _____

Joseph N. Alexander, Commissioner
Department of Natural Resources

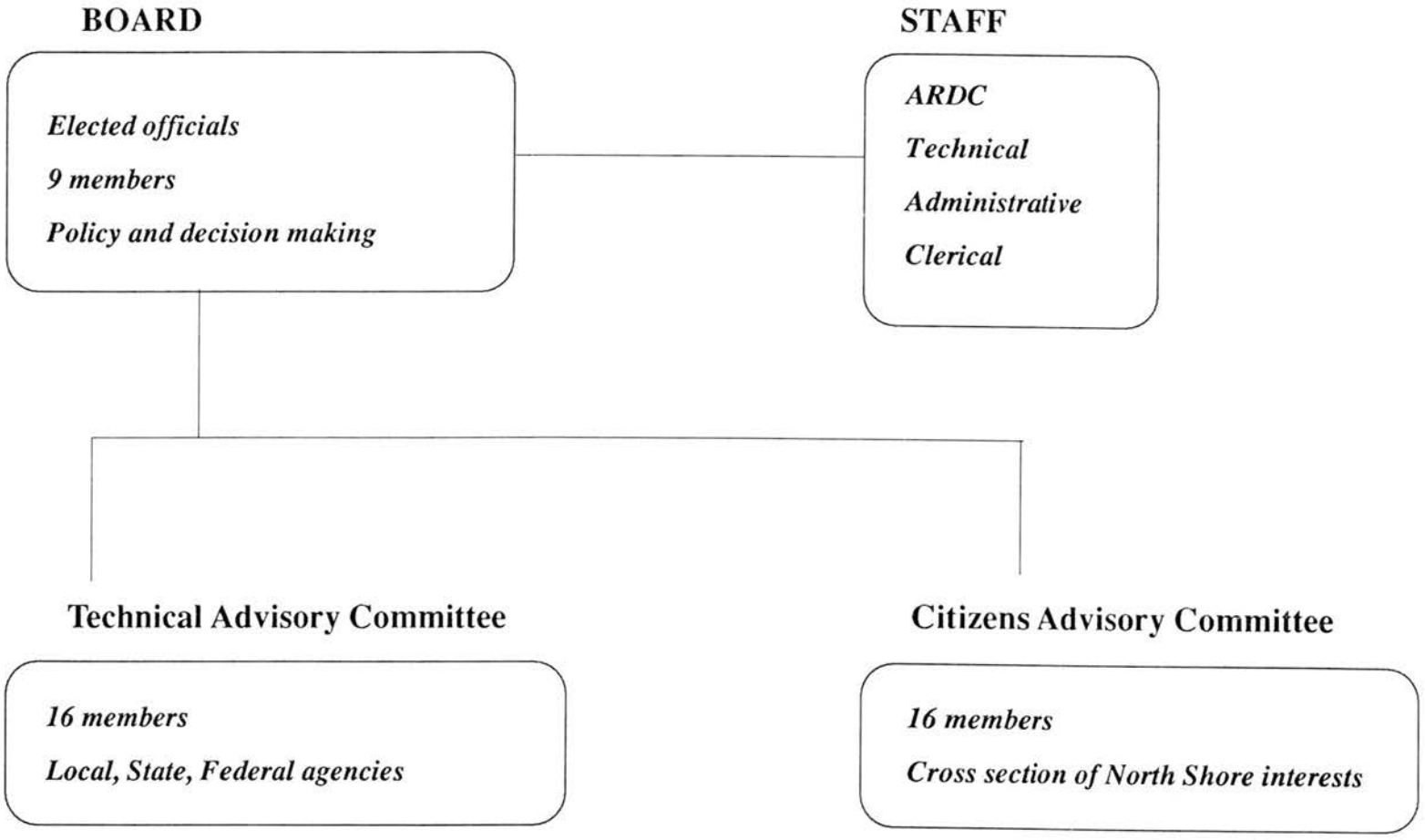
Date _____

/S/ _____

Chester Lindskog, Chairman
North Shore Management Board

Date _____

NORTH SHORE MANAGEMENT BOARD
ORGANIZATION



NORTH SHORE MANAGEMENT BOARD

Name	Representing
Chet Lindskog *Chair*	Cook County
Dick Bakke *Vice Chair*	Duluth Township
Serene Dahle *Treasurer*	Lake County
David Peterson	Grand Marais
Kenneth Nelson	Beaver Bay
Robert Kind	Silver Bay
Lloyd Shannon	St. Louis County
Bernard Pistner	Lakewood Township
Judith Bellile	Two Harbors

Technical Advisory Committee

Name	Representing
Tim Kennedy *Chair*	Cook County Zoning
Dan Retka	MN Dept. of Natural Resources
Dennis Johnson	MN Dept. of Transportation
John Pegors	MN Polluction Control Agency
Wayne Seidel	Soil and Water Conservation District
Dale Baker	MN Sea Grant Extension
Lucinda Johnson	Natural Resource Research Institute
Courtland Mueller	US Army Corps of Engineers
Paul Sandstrom	US Soil Conservation Service
Dick Sigel	Lake County Zoning & Health
Alan Goodman	Lake County Highways
Dale Schroeder	St. Louis County Health
Richard Hansen	St. Louis County Highways
Dick Bakke	Duluth Township Zoning
Bernard Pistner	Lakewood Township Zoning
Jim Hulbert	Cook County Zoning
Bill Corcoran	Grand Portage Reservation

Citizens Advisory Committee

Name	Representing
Frank Holappa *Chair*	Realtors
Glenn Maxham	Environmental
Arnold Overby	Environmental
Gary Kettleson	Developer
Robert Bruce	Tourism
Edward Landin	Tourism
Carol Backlund	Commercial Business
Robert Anderson	Industrial/Manufacturing
Thomas Martinson	Recreation
Herb Naegeli	Recreation
Jon Tofte	Recreation
Dexter Nelson	Sportsmen Groups
Robert Pye	Shoreline Property Owner
Bob Ashenmacher	At Large
Deanne Allison	At Large
Bill Corcoran	Grand Portage Reservation

Staff, Arrowhead Regional Development Commission

Mike Hambrock, Planning Division Director

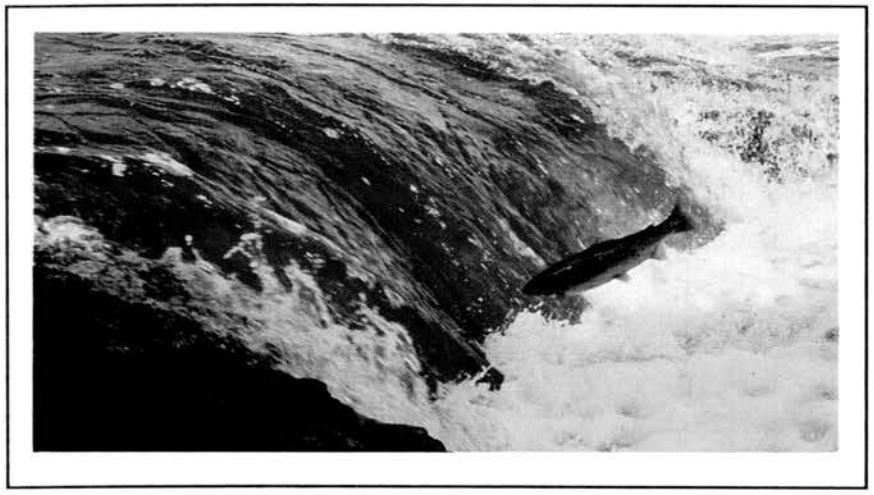
Sue Lindholm, Secretary

Linda Naughton, Public Information Specialist

Heidi Falk, Planner

Joan Hunn, Intern

PROJECT MILESTONES



1987:

- Formation of Joint Powers Board (July)
- Formation of:
  - Citizens Advisory Committee (August)
  - Technical Advisory Committee (August)
- Finalize detailed scope of work (September)
- Formalize MDNR relationship (September)
- Begin plan development (October)
- Conference on North Shore Issues (October)

1988:

- Policy guidelines established (January)
- Model ordinance prepared (May)
- Implementation of program strategy (June)
- Draft plan completed and approved for public review (July)
- Hearings on draft plan (September)
- Citizens Advisory Committee recommendations on draft plan (October)
- Final plan approval by Joint Powers Board (November)
- Plan submittal to Commissioner MDNR (December)

1989:

- Legislative Review (February)
- Necessary legislation prepared for authority and implementation funding (March)
- Final legislative action (April)
- Detailed implementation cooperative agreements with local government established (June)
- Local plan implementation efforts begin in each local governmental unit (July)

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Adopting
Rules for North Shore
Shoreland Managment

FINDINGS OF FACT,
CONCLUSIONS AND ORDER
ADOPTING RULE WITHOUT
PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on July 24, 1989, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 on July 14, 1989. (2) The Statement of Need and Reasonableness was prepared before those dates and was made available to the public.

(4) All persons were given an opportunity for 30 days after the above notices to submit comment or request a hearing on the proposed rules. (5) (7) None did so. (7) None requested notice of submission to the Attorney General.

(7) One comment was received by telephone in response to the Solicitation of Outside Opinion published in the State Register on May 8, 1989. The final Statement of Need and Reasonableness appropriately addressed the issues raised by the commentor.

The rule as proposed has been approved by the Commissioner of Health and the Commissioner of the Pollution Control Agency, as required by Minn. Stat. § 105.485, subd. 3.

(8) Based on the record before the agency, I find that the rule as proposed is needed and reasonable.

NOW THEREFORE, IT IS ORDERED that the above referenced rule is adopted as proposed.

Dated: October 18, 1989. (9)

(9) Joseph N. Alexander

JOSEPH N. ALEXANDER, Commissioner
Department of Natural Resources

minnesota department of health
717 s.e. delaware st. p.o. box 9441 minneapolis 55440
(612) 623-5000

Tom S.

RECEIVED
OCT 5 1989
COMMISSIONER

OCT 0 6.

October 2, 1989

Mr. Joseph N. Alexander, Commissioner
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, Minnesota 55155

Dear Mr. Alexander:

SUBJECT: Proposed Revision to Minnesota's Shoreland Management Standards

The Minnesota Department of Health (MDH) has reviewed the proposed rule for adoption of the "North Shore Management Plan." MDH has also reviewed a letter of September 13, 1989 (copy enclosed) from Chester Lindskog, Chair of the North Shore Management Board, which addresses concerns we had identified regarding the plan.

In accordance with Minnesota Statutes 105.485, MDH hereby indicates approval of the proposed rule for adoption of the "North Shore Management Plan," based in part upon the clarifications provided in Mr. Lindskog's letter. We do request, however, that the plan itself be clarified to address the items covered in Mr. Lindskog's letter whenever the plan is revised.

Sincerely yours,

Sr. Mary Madonna

Sister Mary Madonna Ashton
Commissioner of Health

SMMA:MRB:ter
Enclosure
cc: Chester Lindskog, North Shore Management Board

an equal opportunity employer

Celebrate MINNESOTA 1990

Minnesota Pollution Control Agency
520 Lafayette Road, Saint Paul, Minnesota 55155
Telephone (612) 296-6300

Celebrate MINNESOTA 1990

RDH

August 9, 1989

RECEIVED
AUG 10 89
DIVISION OF WATERS

Joseph N. Alexander, Commissioner
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, Minnesota 55155

Dear Commissioner Alexander:

Pursuant to Minn. Stat. M.S. § 105.485, subd. 3, I hereby give approval to adoption of the rule amendments to the "Permanent Rules Relating to Management of Shoreland Areas," Part 6120.2500-6120.3900. The proposed changes to Part 6120.2800, regulations for the management of the shoreline of Lake Superior and the lower reaches of its tributary streams, will benefit water quality to that great resource of the state.

We are pleased to have been a part of the development process of the Northshore Management Plan by the Northshore Management Board.

Sincerely,

for Barbara Lindsey Sims
Deputy
Gerald L. Willet
Commissioner

GLW/jmg

cc: Ronald Nargang
Timothy K. Scherkenbach

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : MDNR-Div. of Waters

DATE : June 2, 1989

TO : North Shore Management Plan File

FROM : Tom Lutgen, Supervisor TPL
Shoreland Program

PHONE : 6-0512

SUBJECT : RULE ADOPTION - SOLICITATION OF OUTSIDE OPINION

The Agency provided the above 30-day notice for outside opinion in the May 8, 1989 State Register. On this date, a Mr. Al Brody called this office to provide outside opinion. He said he was disabled in bed and asked me to note his comments to the file for him as he can not provide written comments. I said I would do this.

Mr. Brody said he was calling in an official capacity as the Executive Vice President of the Minnesota Association of Campground Operators. His comments and concerns were the following:

- He felt the North Shore Management Plan does not specifically address the status of existing or new campgrounds. His question is will these areas be permissible in the future and what density calculations would be used sizing the number of dwelling sites in the campground?

- Mr. Brody said that if campgrounds fall under the PUD density calculation of the Plan, then this would be too restrictive for his constituents. He said a clearer definition of PUD may be necessary or a clearer explanation of how campgrounds would fall under the Plan's PUD guidelines.

- Mr. Brody stated also that he was involved early on with the Shoreland Advisory Committee. He said he was aware that the Advisory Committee distinguished between commercial and residential PUD's and this would be the preferable approach for campgrounds on the North Shore if indeed one would have to use the Plan's current PUD densities for campgrounds.

- One last concern was with what he referred to as a large number of resorts and hotels/motels scattered along the North Shore - would a large number of these eventually become nonconforming uses. If so, what regulations would they be subject to for expansion and obviously he hoped they would be reasonable.

TL:fw

RECEIVED
MAY 08 89
DIVISION OF WATERS

State of Minnesota

STATE REGISTER

Department of Administration—Print Communications Division



Published every Monday

8 May 1989

Volume 13, Number 45

Pages 2707-2738

MAY 09 89

DIVISION OF WATERS

Department of Jobs & Training

Economic Opportunity Office

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Permanent Rules Relating to Community Action Agencies and Programs Including the Impact of the Rules on Small Businesses

NOTICE IS HEREBY GIVEN that the Department of Jobs and Training is seeking information or opinions from sources outside the agency in proposing to adopt permanent rules relating to community action agencies and programs. The proposed rules will address how community action agencies are designated and recognized, and what entities may designate community action agencies. The rules will describe the allocation of grant funds and the responsibilities of grantees. Furthermore, the rules will delineate the conditions under which a grant award may be withheld, the circumstances for terminating designations and funding, and the appeal rights of grantees.

Permanent rules are being proposed to interpret *Minnesota Statutes*, sections 268.52 through 268.54, which authorize financial assistance to community action agencies. These rules are being developed as permitted under *Minnesota Statutes*, section 268.021.

Outside opinion is also being solicited concerning how these rules will affect small businesses as defined by *Minnesota Statutes*, section 14.115, subdivision 1.

Interested persons or groups may submit data or comments in writing. Written comments should be addressed to:

Roger Sorbel
Department of Jobs and Training
Policy Development Office
390 North Robert Street, 2nd Floor
St. Paul, MN 55101

All comments and information will be accepted until further notice is published in the *State Register* or the Notice of Intent to Adopt Rules Without a Public Hearing is published in the *State Register*. Any written material received by the Department of Jobs and Training will become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event the rules are adopted.

Joe Samargia, Commissioner
Department of Jobs & Training

Department of Natural Resources

Outside Opinion Sought Regarding State North Shore Shoreland Management Standards

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources is seeking information and opinion from sources outside the agency on the proposed state North Shore Shoreland Management standards. These standards are authorized by *Minnesota Statutes*, Section 105.485.

The North Shore Management Board, formed by a joint powers agreement of three counties (Cook, Lake and St. Louis), two townships (Duluth and Lakewood), and four cities (Grand Marais, Silver Bay, Beaver Bay and Two Harbors), developed a land use plan for managing the shorelands of Lake Superior's North Shore.

The North Shore Management Board asked the Department of Natural Resources to adopt their plan as rules. The Department of Natural Resources is seeking ideas or opinions from other persons or groups on the subject. Your comments may be forwarded to or a copy of the plan may be obtained from:

Tom Lutgen
Land Use Management Unit
Department of Natural Resources
Division of Waters
500 Lafayette Road
St. Paul, MN 55155-4032
(612) 296-0512

Your comments must be received at the above address by June 7, 1989 at 4:30 p.m.

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the matter of the proposed rule amendments to the State's Standards for Management of Shoreland Areas to incorporate specific Standards for Lake Superior

AFFIDAVIT OF MAILING

THOMAS P. LUTGEN deposes and says:

That on the 14th day of July, 1989 at the City of Saint Paul, County of Ramsey, State of Minnesota, he served the attached NOTICE OF INTENT TO ADOPT RULE AMENDMENTS WITHOUT A HEARING by depositing in the United States Mail, at said City of Saint Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the address listed on the attached Certificate of the Commissioner of Natural Resources.

Thomas P. Lutgen

Subscribed and sworn to before me this 14 day of July, 1989.

Carol M. Schaefer

Carol M. Schaefer
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires August 8, 1990

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

Celebrate MINNESOTA 1990

DNR INFORMATION
(612) 296-6157

500 LAFAYETTE ROAD • ST. PAUL, MINNESOTA • 55155-40_____

July 14, 1989

Dear Shoreland Constituents:

Attached for your information is a copy of the NOTICE OF INTENT TO ADOPT RULE AMENDMENTS WITHOUT A HEARING for "Proposed Permanent Rules Relating to Lake Superior Shoreland Management". The above Notice will be published in the July 24, 1989 issue of the State Register.

The Statement of Need and Reasonableness and the "North Shore Management Plan" for the revision of the shoreland management rules is available at our office for review. A copy can be obtained by writing to the Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota, 55155-4032 or by calling (612) 296-0512.

Lake Superior is a valuable resource to the state economically, socially, environmentally and recreationally. These rules will guide the future development of these resources for years to come. Please take time to participate in the future direction for management of these resources.

Sincerely,

DIVISION OF WATERS

Ron Nargang
Director

RN/TL:fw

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : Natural Resources-Div. of Waters

DATE : February 7, 1989

TO : Andy Brewer
Regulatory and Legislative Services Unit

FROM : Dave Milles, Supervisor
Permits Unit

Dave Milles

PHONE : 296-0516

SUBJECT : DNR MAILING LIST FOR PUBLIC HEARINGS

Would you please add the following name to the Departmental mailing list used for rule making hearings. Thank you.

Mr. Donald R. Albrecht
Route 1, Box 94
Brownton, MN 55312

DBM:tjb

[redacted]

STATE OF MINNESOTA

SF-00008-04

OFFICE INFORMATION MEMO

DATE	TIME
3-21	2:08 PM

TO: Andy

LOCATION:

FROM: John Dellquist

LOCATION:

PHONE NO. ( ) 7-3[illegible]

MESSAGE TAKEN BY:

☐ Called ☐ Urgent ☐ Please call ☐ Will call again ☐ Was here to see you ☐ Returned your call

ACTION

☐ As we discussed ☐ As you requested ☐ Review and see me ☐ Review and return ☐ For your information ☐ For your approval ☐ For signature ☐ Notify staff ☐ Per voice mail ☐ Take appropriate action ☐ Prepare reply for my sig. ☐ Reply and send me copy ☐ File ☐ Dispose

PHOTOCOPY

____ No. of copies ____ Date needed ☐ One side only ☐ Head to head ☐ Head to foot ☐ Collate ☐ Staple ☐ Other

TYPING

____ Date needed ☐ Rough draft ☐ Single space ☐ Double space ☐ Rush ☐ Final copy ☐ Memo ☐ Letterhead ☐ Carbons

REMARKS/MESSAGES

rules notices!

Jerry Peterson
7080 Brian
Centerville 55038

☐ Over

[redacted]

[redacted]

Antitrust Division
MN Attorney General's Office
2nd Floor, Ford Bldg.
117 University Ave.
St. Paul, MN 55155

Broeker, Hartfeldt, Hedges & Grant
Suite 800
2850 Metro Drive
Bloomington, MN 55420

MN Izaak Walton League
3255 Hennepin Ave
Suite 109
Minneapolis, MN 55408

Professor Robert Synder
248 Classroom-Office Bldg.
University of Minnesota
St. Paul, MN 55108

[redacted]

Maryann S. Marino, Ph. D.
Koppers Company, Inc.
1201 Koppers Bldg.
Pittsburgh, PA 15219

[redacted]

John H. Herman
Suite 930
Ten South Fifth St.
Mpls., MN 55401

R. J. Barto
Midland Glass Company, Inc.
P.O. Box 69
Shakopee, MN 55379

[redacted]

Anoka Co. Community Health & Social Services Dept.
c/o Robert M. Hutchison
Courthouse-4th Floor
Anoka, MN 55303

Phillips Legislative Service,
459 Rice Street
St. Paul, MN 55103

President
Interstate Power Co.
1000 Main St.
Dubuque, IA 52001

Donald B. Crassweller
1000 Alworth Bldg.
Duluth, MN 55802

[redacted]

Harriet Lykken
4600 Emerson Ave. So.
Mpls., MN 55409

Richard Kramer
1471 Barclay
St. Paul, MN 55106

W. J. Licke, General Counsel
Blandin Paper Co.
115 1st St. SW
Grand Rapids, MN 55744

Kenneth Peterson, Exec. Director
MPIRG
2412 University Ave. SE
Mpls., MN 55414

James Miller, Sr. Attorney
MPIRG
2412 University Ave. SE
Mpls., MN 55414

Associated Builders & Contrac
Suite 109
6300 Walker St.
Mpls., MN 55416

[redacted]

Steve Chadwick
2904 W. 3rd St.
Duluth, MN 55806

[redacted]

[redacted]

Badger Safe Energy Alliance
Box 68 P.O. Box 239
~~Durand~~, Wis. ~~54736~~
Ellsworth 54011

Public Interest Advocacy Clin
Hamline University Law School
St. Paul, MN 55104

[redacted]

Steve O'Neil
475 Huff St.
Winona, MN 55987

Rodney Watkins
105 University Rd.
Cloquet, MN 55720

ERNEST N. WENTWORTH
ROUTE #2, BOX 285
HINES, MINN.

DARLENE OLSEN
KOOCHICHING COUNTY COURTHOUSE
INT'NAT'L FALLS, MINN. 56649

[redacted]

John M. Broeker
2650 Metro Drive
Suite 800
Mpls., MN 55420

City of Brooklyn Center
Brad Hoffman
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

Henry Holte
Grygla, MN 56727

[redacted]
Minnesota Woodlands
Boise Cascade Corporation
International Falls,MN 56649

Frundt, Frundt & Johnson
117 West 5th Street
Blue Earth, MN 56013

[redacted]

[redacted]

[redacted]

[redacted]

Winthrop Weinstine & Sexton
1800 Conwed Tower
444 Cedar St.
St. Paul, MN 55101

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Grygla, MN 56727

Steven Foss
RR 1 Box 12 A
Grygla, MN56727

Gordon Foss
RR 1 Box 12
Grygla, MN 56727

Marcella Gonsorowski
Marshall County
Newfolden, MN 56738

Delray Larson
Box 111
Gatzke,MN 56724

RolandKlamar
RR 2 Box 75
Gatzke, MN 56724

County Auditor -Box 10
Bagley, MN 56621

Clearwater Co.
Land and Forestry Office
Courthouse
Bagley, MN 56621

Roseau Co. Auditor
Roseau, MN 56751

Roseau Co. Board Chairman
Roseau, MN 56751

Doran Horner
Warroad,MN 56763

Otto Jourdan
Northome, MN 56661

Donald Sanbeck
Rt. 8
International Falls, MN 56649

Karl Kjemperud
Littlefork, MN 56653

Innis Nesbitt
109 Park Av.
International Falls, MN 56649

Board Clerk
Courthouse
International Falls, MN 56649

Albert Boomgoardner
Rt. 1
Pitt, MN 56665

Charles Gosen
Box 576
Baudette, MN 56623

JANET C. GREEN
10550 OLD NORTH SHORE RD
DULUTH, MINNESOTA 55804

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STATE PUBLIC AFFAIRS DEPT.
NORTHERN STATES POWER CO.
414 NICOLLET MALL
MPLS., MINN 55401

A. M. Twilley
Env. Control & Energy Dept.
Ford Motor Company
Automotive Assembly Division
17000 Oakwood Blvd.
Allen Park, Mich. 48121

[redacted]

[redacted]

[redacted]

[redacted]

Sam Ruhle
Office of Adminis. Hearings
400 Summit Bank Building
310 South Fourth Avenue
Minneapolis, MN 55415

Robert S. Burk
4344 IDS Center
Minneapolis, MN 55402

[redacted]

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Craig Waldron

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Mankato, MN 56001

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Jones, Haugh & Smith Inc.
515 So. Washington
Albert Lea, MN 56007

Robert A. Silvagni, Env. Eng.
U of M-Physical Plant Dept.
200 Shops Building
319 15th Ave. SE
Minneapolis, MN 55455

[redacted]

Robert Bollant
City of Winona
City Hall
4th & Lafayette St.
Winona, MN 55987

[redacted]

Bruce T. Rowe, Administrator
Community Health Services Board
325 Lake Ave. So., Suite 604
Duluth, MN 55802

Mr. Reynold S. Rahko, Mgr.
Projects Coordinating Division
United Power Association
Elk River, MN 55330

George C. Mastor
General Counsel
MN Gas Company, Legal Division
701 2nd Avenue South
Mpls., MN 55402

G. V. Welk, Manager
Regulatory Compliance & Services
Northern States Power Company
414 Nicollet Mall
Minneapolis, MN 55401

Philip D. Brick
Pickands Mather & Co.
Suite 811-200 W Superior St.
Duluth, MN 55802

Environmental Law Society
William Mitchell College of Law
875 Summit Ave.
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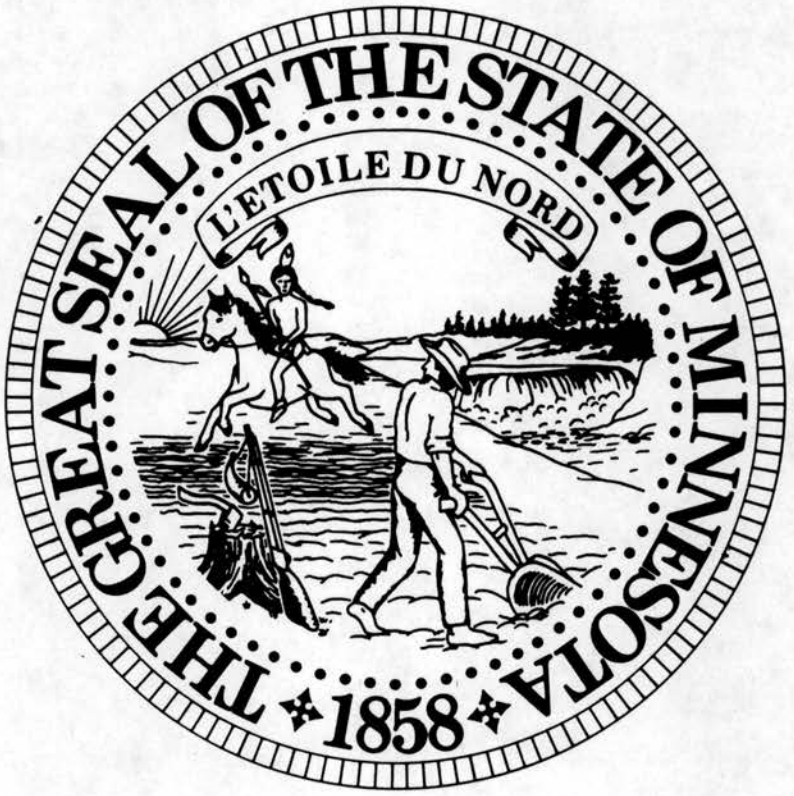
DIVISION OF WATERS

State of Minnesota

STATE REGISTER

Department of Administration—Print Communications Division



Published every Monday

24 July 1989

Volume 14, Number 4

Pages 145-192

B. Inorganic analytes eligible for certification under the Safe Drinking Water Program are:

(1) Cyanide;

(2) Fluoride;

(3) Nitrogen, Nitrate;

(4) Nitrogen, Nitrite; and

(5) Sulfate.

Subp. 3. **Bacteriology.**

A. Bacteriological analytes eligible for certification under the Clean Water Program are:

(1) Fecal Coliform Bacteria;

(2) Total Coliform Bacteria; and

(3) Fecal Streptococci Bacteria.

B. Bacteriological analytes eligible for certification under the Safe Drinking Water Program are:

(1) Fecal Coliform Bacteria;

(2) Total Coliform Bacteria; and

(3) Escherichia coli.

Subp. 4. **Metal chemistry.** The analysis of lead is eligible to be certified for the Clean Water Program and the Safe Drinking Water Program.

REPEALER. *Minnesota Rules*, parts 4717.4600, 4717.4700, 4717.4800, 4717.4900, 4717.5000, 4717.5100, 4717.5200, and 4717.5300 are repealed 60 days after the effective date of parts 4740.2010 to 4740.2040.

Department of Natural Resources

Proposed Permanent Rules Relating to Lake Superior Shoreland Management

Notice of Intent to Adopt Rule Amendments Without a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources intends to adopt the above entitled amendments without a public hearing, following the procedures set forth in *Minnesota Statutes*, § 14.21-14.28. The proposed North Shore Rule will be an amendment to "Adopted Permanent Rules Relating to Management of Shoreland Areas," Part 6120.2500-6120.3900 which became effective on July 3, 1989.

Changes are proposed to Part 6120.2800, Subpart 1. "Responsibilities and Authorities" to adopt a special set of regulations for the management of the shoreline of Lake Superior and the lower reaches of its tributary streams. This rule amendment is authorized by *Minnesota Statutes*, Section 105.485, subdivision 3. The amendments are being made to incorporate the shoreland management standards in the document entitled "North Shore Management Plan," December 1988.

Persons interested shall have 30 days to submit comments on the proposed amendments. The proposed amendments may be modified in final adoption if modifications are supported by the data and views submitted to the Department of Natural Resources and do not result in a substantial change in the proposed language.

Unless twenty-five or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period, a public hearing will not be held. The written request must be specific on which amendment(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of *Minnesota Statutes*, §§ 14.13-14.20.

Persons who wish to submit comments or written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed amendments, should address their correspondence to:

Tom Lutgen—DNR Waters
500 Lafayette Road
St. Paul, Minnesota 55155-4032

A statement that describes the need for and reasonableness of each provision of the proposed amendments is available from the Department of Natural Resources upon request.

Upon adoption of the final amendments without a public hearing, the proposed amendments, this notice, the statement of need and reasonableness, all written comments received, and the final amendments as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final amendments as proposed for adoption, should submit a written request to the above address.

Please be advised that *Minnesota Statutes* chapter 10A requires a lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. *Minnesota Statutes* § 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250 not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5148.

Joseph N. Alexander
Commissioner of Natural Resources

Rules as Proposed

6120.2800 SCOPE.

Subpart 1. [Unchanged.]

Subp. 1a. **North Shore Management plan.** The minimum standards and criteria for the subdivision, use, and development of the shoreland of Lake Superior, other than for the city of Duluth, are those specified in the North Shore Management plan, A Shoreland Management Plan for Lake Superior's North Shore, December 1988, adopted by the North Shore Management Board on November 29, 1988. The plan is incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change.

Local governments shall comply with part 6120.3900, subpart 6, in administration of their shoreland management controls.

Local governments shall adopt shoreland management controls conforming to the North Shore Management Plan within 18 months of the effective date of this part.

Subp. 2. and 3. [Unchanged.]

Board of Veterinary Medicine

Proposed Permanent Rules Relating to Veterinary License Renewal Fees

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Veterinary Medicine (hereinafter "Board"), intends to adopt the above-entitled rule amendment without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The statutory authority to adopt the rule amendment is *Minnesota Statutes* §§ 156.01, subd. 1, 156.03 and 214.06 (1988).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule amendment. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Office of the Revisor of Statutes
Administrative Rules

Paul E. Rohde
Senior Assistant Revisor
296-0953

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

June 30, 1989

RECEIVED
JUL 07 89
DIVISION OF WATERS

Ogbazghi Sium
Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4032

RE: File No. 1518

Dear Mr. Sium:

I am enclosing six copies of your rules, approved as to form. Please submit two copies to the State Register for publication.

If you have any questions, please call me.

Very truly yours,

Paul E. Rohde

Paul E. Rohde

Department of Natural Resources

Proposed Permanent Rules Relating to Lake Superior Shoreland Management

Rules as Proposed

6120.2800 SCOPE.

Subpart 1. [Unchanged.]

Subp. 1a. **North Shore Management plan.** The minimum standards and criteria for the subdivision, use, and development of the shoreland of Lake Superior, other than for the city of Duluth, are those specified in the North Shore Management plan, A Shoreland Management Plan for Lake Superior's North Shore, December 1988, adopted by the North Shore Management Board on November 29, 1988. The plan is incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change.

Local governments shall comply with part 6120.3900, subpart 6, in administration of their shoreland management controls.

Local governments shall adopt shoreland management controls conforming to the North Shore Management Plan within 18 months of the effective date of this part.

Subp. 2. and 3. [Unchanged.]

Approved by Revisor PER

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Lake Superior Shoreland Management

AGENCY: Department of Natural Resources

MINNESOTA RULES: Chapter 6120

INCORPORATIONS BY REFERENCE:

Rule Number and Material Incorporated:

6120.2800, subpart 1a: North Shore Management Plan - A Shoreland Management Plan for Lake Superior's North Shore, December 1988

The attached rules are approved for publication
in the State Register

Paul E. Rohde

Paul E. Rohde
Senior Assistant Revisor