

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

WORKSESSION NOTES SPECIAL MEETING MINUTES

March 16, 2006

A Worksession followed by a Special Meeting of the Manistee City Planning Commission was held on Thursday, March 16, 2006 at 6:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Maureen Barry, Ben Bifoss, Tamara Buswinka, Greg Ferguson, Ray Fortier, Tony Slawinski and Roger Yoder

MEMBERS ABSENT: Sara Bizon and Dave Crockett

OTHERS: Chuck Canestraight (Sand Products Corporation), Rob Nowak (Charter Communication), Greg Gust (The Bay Condominiums), Cyndy Fuller (Harbor Village, 100 Marina Drive), Jon Rose (Community Development), Denise Blakeslee (Planning & Zoning) and Others

Worksession was opened at 6:03 p.m. by Chairman Yoder.

WORKSESSION

Sand Products Corporation - PUD Amendment

Planning Commission continued their discussion on the request from Sand Products Corporation for a Planned Unit Development. Chairman Yoder wanted clarification from Jon Rose about the concerns that there would be gates on Dunes Drive and Monroe Street. Mr. Rose said that there would be no gates installed that would prohibit public access to Dunes Drive or Monroe Street. Discussion and questions included:

- Does the agreement take away the Planning Commissions ability to take action on the berm?
- Does the easement become in jeopardy if the developer feels the Planning Commission is not cooperative?
- Does the letter from JF News mean that the Planning Commission needs to approve the request?

The City Manager called the City Attorney who said that the language in the agreements means that we will cooperate, however it was always meant to go through the Planning Commission and meet all applicable requirements.

- Is the Site Plan Complete?
- Where are the utilities? They need to be shown on the plan.
- Will utilities be allowed because of High Risk Erosion designation?

- Application should include all of the requirements for Phase 1 and Phase 2 (density calculation, open space calculation) as well as Phase 3.
- Concern about development on the berm, the berm was breached then closed by man made means.
- If the Planning Commission approves the request and the berm breached what type of liability does the City have because of issuing the permit?
- Environmental Stewardship needs to be considered with this request.
- Two plans were submitted the view corridors changed between the plans.
- Planned Unit Developments provide flexibility that allows the community to get something back. What does the community get back for this development?
- What ordinance does this request fall under?

Jon Rose has conflicting responses as to what ordinance this request falls under. The Planning Commission under a Planned Unit Development has the right to allow a 50 foot set-back although 100 feet is required under the ordinance that goes into effect on March 27, 2006. The developer may allow more time if the Planning Commission requests it.

- Were there any agreements made to Harbor Village regarding the development of this property.

Mr. Rose said that no agreements could be found. Harbor Village worked in a collaborative effort to allow beach access and provide view corridors under their Planned Unit Development.

- Concern about soil stability, utility locations and storm water maintenance. When should permits be required? What if the property is deemed non-buildable by the State? Why is the Planning Commission looking at the request without these answers?

Mr. Rose said that it is not inappropriate to ask for other permits to be in place prior to rendering a decision.

- Should an Environmental Assessment be required?
- How does Planning Commission approval effect the cost of the property?
- Could height be limited to less than 30 feet to provide more view?
- Should maintenance of the stabilization efforts be required if approved?
- Permits/Engineering is expensive. Should they be required? Would requirement jeopardize the agreements?
- Are permits an expenditure or an investment if required?
- Is the Ad-Hoc Committee still meeting?

Mr. Rose said that the Committee has not met since the last Planning Commission Meeting. Mr. Rose also noted that it is not the Planning Commissions responsibility to find grants or funding to purchase this property.

Mr. Rose said that the transfer of development rights could be a possibility. To allow increased density on an alternate site for decreased density on this site.

- What is the width of the berm.

Mr. Rose said the berm is between 350' and 500' wide.

- Does the fact that this property has Lake Michigan on one side and Man Made Lake on the result in other considerations than the Harbor Village Planned Unit Development did?
- Are there any endangered species?

Mr. Rose said that there is Pitcher's Thistle located in Phase 2. He did not know if there were any located on Phase 3.

- Could an Environmental Assessment be required? Should it be required?
- The Department of Environmental Quality is responsible for endangered wildlife/species.
- In the event of erosion and the property owners installed seawalls what effect would that have on the easement that allows public access on Lake Michigan?
- Would Man Made Lake become private?

Jon Rose showed where the City owns property on the south shore of Man Made Lake and the portion by the existing parking area. Mr. Rose showed where the high risk erosion areas are located. The Harbor Village buildings are not located in this area. The berm is located in this area.

- If a road and utilities were developed and there was a breach in the berm would that effect Public Health Safety and Welfare?
- Where does the water from Man Made Lake come from? Natural Springs or Lake Michigan?

Chairman Yoder noted that the Planning Commission has received copies of correspondence in response to this request. Copies are attached. The Planning Commission has to uphold the standards of the Zoning Ordinance. They do read and listen to public comments also.

- Was there any testing done to prove that the berm is buildable?
- Who is responsible to interpret studies if required? Would the City Engineer provide that service?
- How do we verify who is going to pay for the studies? The City paid costs associated with the Manistee Salt Works Development request.
- Should a request be made to ask for additional information?
- Is this an amendment?

Jon Rose said this request is to add property to an approved Planned Unit Development. Mr. Rose feels this is an amendment. This property was not on the original application.

- Agreements reference an approved site plan. Could members have a copy of that site plan?

The Worksession was closed at 7:20 p.m.

Special Meeting was opened at 7:21 p.m. by Chairman Yoder

PUBLIC HEARING:

None

APPROVAL OF MINUTES:

Planning Commission Meeting of March 2, 2006

MOTION by Ray Fortier, seconded by Tony Slawinski that the minutes of the March 2, 2006 Planning Commission Meeting be approved with a correction. Add to Page 9 "*Planning Commission shall take action within 60 days following the public hearing (March 2, 2006) on the application, unless the applicant and Planning Commission mutually agree to extend the time.*"

With a roll call vote this motion passed 7 to 0.

Yes: Barry, Bifoss, Buswinka, Ferguson, Fortier, Slawinski, Yoder
No:

NEW BUSINESS:

Charter Communication - Review request for Special Use Permit

Ben Bifoss will be abstaining from this request because his employer prepared the Site Plan.

Charter Communications has submitted a request for a Special Use Permit. Planning Commission members were submitted a copy of the request after the Zoning Administrator considered the application complete. Under Section 1801.C of the Zoning Ordinance that goes into effect on March 27, 2006 the Planning Commission must concur with the Zoning Administrators that the application is complete for a Public Hearing to be scheduled.

Rob Nowak, Charter Communication spoke of the request. They would like to construct a new building for their equipment. They would demolish the existing structure that has had two additions constructed in the last 30 years. The current building is too small to meet their current needs.

MOTION by Tamara Buswinka, seconded by Ray Fortier that the Planning Commission concurs with the Zoning Administrator that the application contains sufficient information to hold a Public Hearing at their next regular meeting.

With a roll call vote this motion passed 5 to 1 with Bifoss Abstaining.

Yes: Barry, Fortier, Buswinka, Yoder, Slawinski
No: Ferguson

The Bay Condominiums (Joslin's) - Sketch Plan Review

Greg Gust spoke on behalf of the developer West Coast LLC. They would like to submit a request for a Planned Unit Development for review by the Planning Commission at their April 6, 2006 Meeting. They recently acquired the Moonlight Motel property south of the Joslin Site and have proposed a two phase development. Their company and engineer met with the City Engineer, Fire Chief and Community Development Director to discuss this proposed development. This resulted in a sketch plan shown to the Planning Commission this evening. The Plan includes 40 condominiums units, a Pool House/restroom/office building and outdoor volleyball court. Visitor parking is also shown on the plan. They incorporate a marina that would offer a boat slip to each unit. A sidewalk runs the length of the development and includes two gazebo's that has a feeling of a community. They applied under a Planned Unit Development because one unit is a foot or two within the waterfront setback. They have been waiting for the adoption of the new Zoning Ordinance to apply for a permit.

Comments from the Planning Commission included:

- ▶ Would like to see bike racks in the development.
- ▶ What is the width between buildings? *Approximately 20 feet.*
- ▶ View corridors could be increased if the units were stacked.
- ▶ What would the area look like from U.S.31?
- ▶ Concerns about the public use of the City of Milwaukee being so close to the development.
- ▶ What will happen to the existing trees? *They would be removed and the property would be landscaped.*
- ▶ What would the cost of the units be? *Approximately \$300,000*
- ▶ Would like included in their proposal types of materials/plants that will be used for bank stabilization.
- ▶ Need to show density #units per acre.
- ▶ Was there an offer for a Public easement of the sidewalk? *No.*
- ▶ How long is the proposed construction period? *Regulated by market, will begin with phase I and as units are sold continue with phase II, Goal is to be built out in 3 to 4 years. A market analysis will be submitted with application.*
- ▶ Only one exit is shown, is that a problem? *In the discussion with the Fire Chief they provided a 26 foot easement adjacent to the City of Milwaukee. This will provide access to the fire department in the event of an emergency. They will use a waffle material (that will support the weight of the fire truck) that will be covered with grass.*
- ▶ What is the width of the boat slips? *Between 30' and 40'. The slips will include electrical hookups and water. They may need to provide a pump out service for the boaters.*
- ▶ May want to include a deceleration lane on U.S.31 for access to the development.
- ▶ Plan will require compliance with the U.S. 31 Corridor Overlay Zone.
- ▶ Need to include plans for outdoor lighting for boats, boardwalk and parking lot on plan.
- ▶ How will the sewer moratorium effect this development?

Mr. Rose said that it is anticipated that the sewer moratorium would be lifted in June 2006.

A request will be submitted for the Planning Commission to review at their April 6, 2006 meeting.

Sand Products Corporation - Extension

Chuck Canestraight, President of Sand Products Corporation was asked by the Planning Commission if they would grant an extension for deliberation to the Planning Commission. Mr. Canestraight said that they would agree to a 60 day extension that would require action by the Planning Commission within 120 days from the date of the Public Hearing (March 2, 2006).

UNFINISHED BUSINESS:

None

OTHER COMMUNICATIONS:

Planning Commissioners were reminded about the workshop on March 29th on the health of Manistee Lake.

CITIZEN QUESTIONS AND CONCERNS:

Cyndy Fuller, Harbor Village, 100 Marina Drive - Ms. Fuller asked for clarification on when applications can be applied for under the new ordinance.

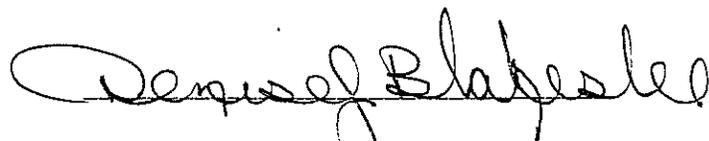
Mr. Rose said that the City Attorney has determined that an application could be filed after the City Council Adopted the Ordinance as long as the meeting that it was deliberated on was held after the ordinance goes into effect on March 27, 2006.

ADJOURNMENT:

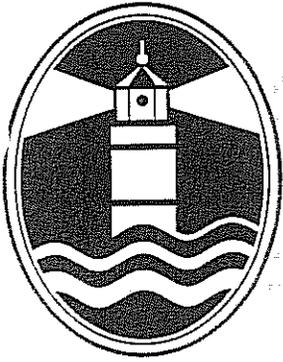
MOTION by Tony Slawinski, seconded by Ray Fortier that the Special Meeting be adjourned. Motion passed unanimously.

MEETING ADJOURNED AT 8:34 P.M.

MANISTEE PLANNING COMMISSION



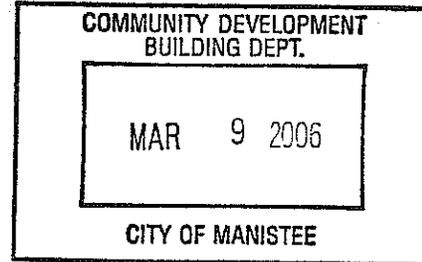
Denise J. Blakeslee, Recording Secretary



Harbor Village
100 Marina Drive
Manistee, MI 49660
Telephone (231) 723-0070
Facsimile (231) 723-0071

March 7, 2006

Mr. Jon Rose
Ms. Denise Blakeslee
Members of the City of Manistee Planning Commission



I wanted to forward my comments relative to the Public Hearing for the Special Use Permit application filed by Sand Products Corporation.

When the construction of the marina at Harbor Village was underway in March 1992, incorporated into the MDNR permit was a beach nourishment plan, consistent with the USCOE nourishment area, that by 1995 had caused Harbor Village to place 175,000 cubic yards of sand from the dredging of our marina along the 3,500 feet of the Manistee, Lake Michigan shoreline. This area began approximately 500 feet north of the north pier and extended along the Lake to the existing City storm sewer outfall structure, which is beyond man-made lake. The purpose was to re-establish the berm that had been breached between man-made lake and Lake Michigan. There also were 25,000 cubic yards of sand placed in man-made lake itself upon a City request to reduce the existing lakeside slopes from 1:1 to a lesser slope such as 1:3, which would be safer for swimming.

I do not believe any of us thought that someday these efforts might allow construction to take place on the berm; rather the intent of the City was to enhance and protect its beach area. It is ironic knowing the history to be talking about development of this area today.

Following is a list of questions, concerns, and requests I hope you will evaluate through this process.

1. The proposed site plans that were submitted do not specifically show sanitary, storm, water, or other utilities. Rather, the plan states that they will be within the 66' right of way. It is difficult to read the site plans due to their size, but it would appear that this infrastructure could all be within the high risk erosion set back on one site plan, and 2/3 or so within the high risk erosion set back on the other plan.

Does allowing a sewer line, road, and other utilities to be built within the high-risk erosion area set back promote the health, safety, and welfare of the public? Is this prudent?

2. Will you be making any potential approval for the development of the berm property subject to its development meeting all federal, including Corp of Engineers, and state land use requirements as already agreed to by Sand Products Corporation in their



previous agreement with the City? Is the fact that the breach was previously closed an issue? Is pitcher thistle an issue?

3. The application states that a Special Use Permit is requested for the purpose "to develop a Residential Planned Unit Development including 5 single family home sites around the West end of Manmade Lake in an area that would allow these units under the PUD provisions of the ordinance." Why is this being referred to on the Agenda as an "amendment" phase 3? Was this land included in the original PUD? If not, shouldn't this instead be viewed as a new PUD? Assuming it is, the size of the site would work under the new ordinance, but not the former ordinance.
4. What waterfront yard setback requirement will be used? The new ordinance requires 100', yet the site plan shows a 50' setback. This would suggest that the former ordinance is being used as the standard. If this is true, is there justification for its use? Is there concern about setting a precedent contrary to the new zoning ordinance? In reference to the point mentioned in number 3 above, do you need consistency regarding which ordinance applies?
5. When the developer of Harbor Village worked with the City in developing the PUD, the City was sensitive to the impact on neighboring properties, requiring us in instances to build a few single detached units when adjacent to an existing neighborhood, and restricting heights of buildings in various areas such as the Cottages to minimize the impact to the existing neighborhood and any potential views of the lake. Additionally, we have an area of land adjacent to our first building on Lakeshore and man-made lake that was restricted from building to maintain a view corridor for the public.

I would request as a neighboring, adjacent property that the City to the existing neighborhoods impacted by this potential development use similar sensitivity. As with the Cottages, consider restricting the height of any buildings to a maximum of 25'. As with the side yard set backs throughout our development have one side be 20' while the other is no less than 15'. And, maintain a view corridor consistent with the intent and visual field of the one required of Harbor Village previously.

6. Will you consider offering a transfer of development rights from this property to another property owned by Sand Products Corporation within the City limits? It would be nice for this to be a win-win-win situation, by allowing the developer to obtain their profit through another property, allowing man-made lake to be preserved for the City and public use, and conserving the natural asset that the City previously attempted to protect.

Thank you for your consideration of the above points.

Sincerely,

HARBOR VILLAGE AT MANISTEE BEACH



Cyndy Fuller



11181 Marwill Avenue
West Olive, MI 49460
Phone: 616-847-1680 ext. 13
Fax: 616-847-9970

Michael Hayes
Senior Project Manager
Coastal Regulatory Specialist
mhayes@jfnew.com

Corporate Office:
Walkerton, Indiana

Crete, Illinois

Indianapolis, Indiana

Grand Haven, Michigan

Cincinnati, Ohio

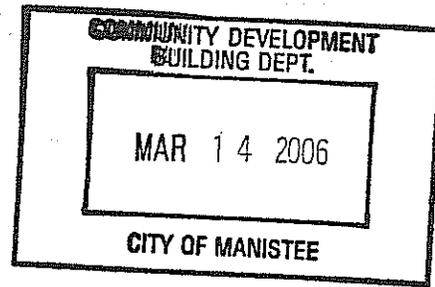
Madison, Wisconsin

Native Plant Nursery:
Walkerton, Indiana

www.jfnew.com

March 8, 2006

Attn: Roger Yoder, Chairperson
Manistee City Planning Commission
Manistee City Hall
70 Maple Street
Manistee, MI 49660-0358



Re: Additional Information, Phase 3, Man-made Lake Planned Unit
Development Amendment, Sand Products Corporation

Dear Mr. Yoder:

JFNew is a team of resource specialists and environmental planners. Our staff has worked with Sand Products Corporation (SPC) to create a Planned Unit Development (PUD) plan that represents a sensitive use of the Man-made Lake property in accordance with the character of the site. The plan is compatible with adjacent uses, consistent with the Master Plan, and meets local zoning requirements.

I attended the recent Public Hearing, held Thursday, March 2, 2006, to address Phase 3 amendments to the PUD at Man-made Lake. A number of citizens commented on the proposed project during the meeting. While listening to their comments, it appeared there may be some misunderstanding of the design constraints and permit issues related to developing the site. For this reason additional information is warranted.

Sand Products Corporation has submitted two versions of a PUD for Phase 3. Both versions show a private road lakeward of five proposed lots. The two versions differ in lot sizes and configuration based on current site conditions vs. anticipated site conditions. This property is regulated as a high risk erosion area under Part 323, Shorelands Protection and Management, of the Natural Resources and Environmental Protection Act (Part 323). Under this statute, a permanent structure, such as a home, will require a permit from the Michigan Department of Environmental Quality (MDEQ) prior to construction.

The proposed sewer and road are not permanent structures under Part 323 and are therefore not regulated or required to meet a setback under State law. After the hearing I recommended to Jon Rose that he contact Martin Jannereth, Chief of the MDEQ Shorelands Section, for confirmation of this fact if necessary. The road has been proposed above the State and federal high water marks and the 100-year flood plain. JFNew employees have reviewed the site on several occasions and no protected species have been identified. Under these circumstances no State and federal permits are required to finalize approval of the proposed PUD. When homes are constructed on each lot the property owner will need to obtain a permit for the house under Part 323.

The Man-made Lake property is one of three high risk erosion areas within the City of Manistee and Filer Township. This status is not unique or even unusual for lakefront property. Over 50% of the Lake Michigan shoreline has been designated as a high risk erosion area. The analysis performed by the MDEQ indicates a moderate level of risk due to erosion on this property as indicated by the designated setback distances. The PUD plan under consideration by the City of Manistee anticipates building envelopes that comply with those setbacks and a prudent level of risk management.

For the past several years, SPC has contracted the planting of hundreds of plugs of beach grass to stabilize the site. This effort has been augmented by the placement of snow fences parallel to the shoreline. This has resulted in the accretion of sand along the shoreline and has increased the stability of the dunes there. These activities are consistent with maintenance performed at many local and State Parks along the coast as well as on private property and reflect responsible stewardship of coastal resources.

As the three different phases of development at Man-made Lake proceed, public access to the property will become more restricted but hardly eliminated. The City's ownership of property and existing easement agreements with SPC guarantee access to both the shoreline of Man-made Lake and Lake Michigan, as well as creating designated open space and view corridors. The proposed density is far less than existing properties to the south and similar to or less than properties to the north.

I will be available at the upcoming work session, scheduled for Thursday, March 16, 2006 to answer any questions you may have regarding this information or the creation of the proposed plan.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Hayes".

Michael Hayes, Coastal Regulatory Specialist

Cc: Jon Rose

Manistee News Advocate

Dave Barbon Editor

We would like to have you help us please ask the city of Manistee to help save our man made lake and share swimming and play area we have enjoyed fishing, swimming and playing here for many years. please don't do anything to take this away from us. Thank you.

~~Carol Felt~~

Alexandra Engle
Ashleigh Engle

Alysa Engle

Cheryl Stalk

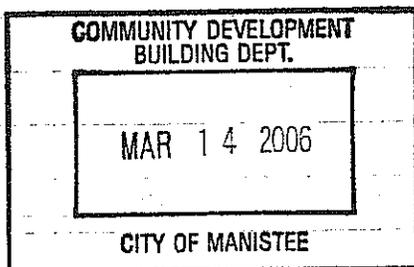
- I have been swimming there since I was little. I am now 17!

Note: When I explained to my grandchildren what people wanted to do they asked if they could send this - it's their future and I hope you seriously consider the outcome of this.

Thank you

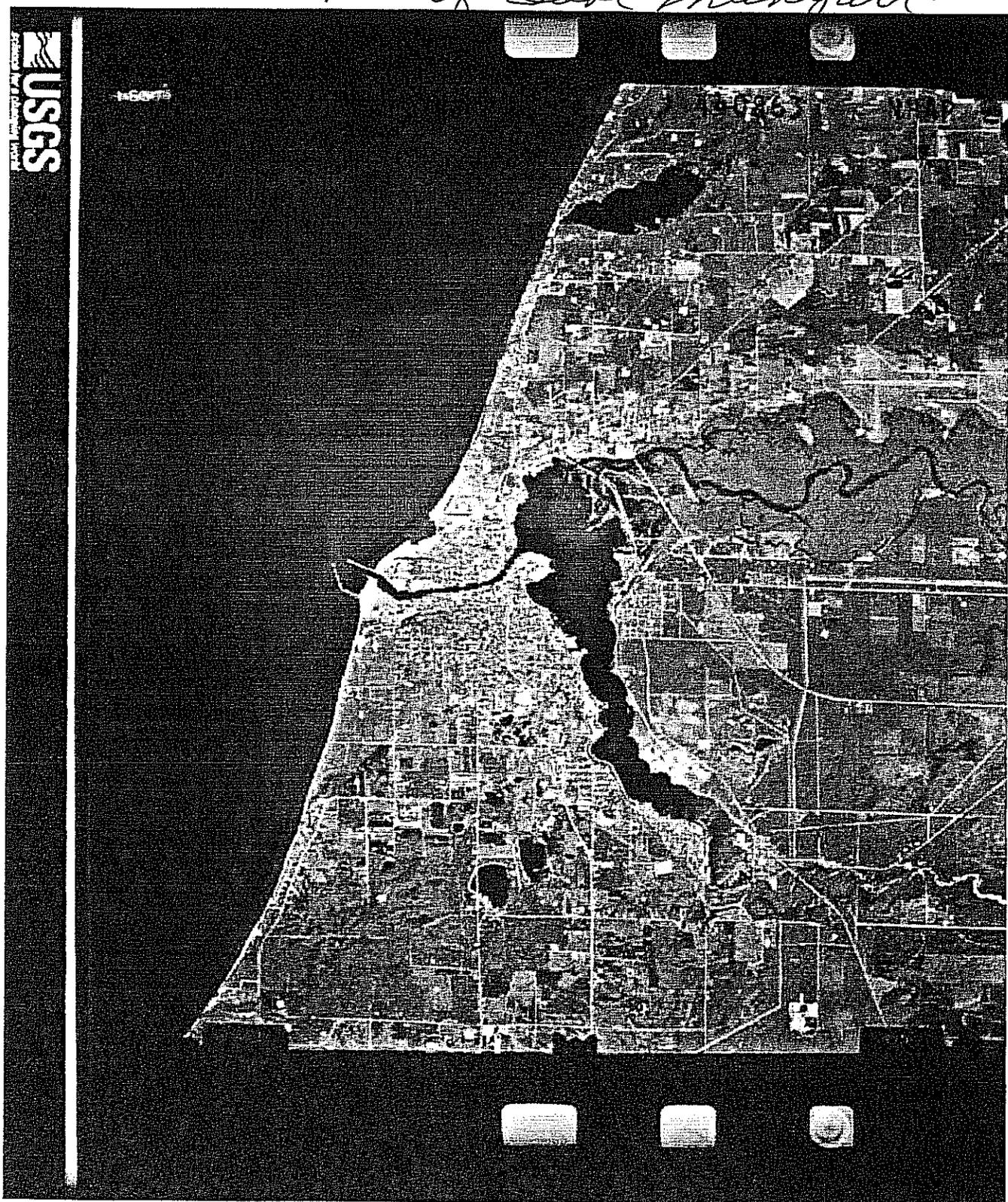
Cheryl Stalk
17627 Kenlock
Redford, Mich
48240

Phone 313 538 632



*Notice - Mammoth Lake
Became Part of Lake Michigan!*

*How
was
Filling
Allowed?*



Item 14: National High Altitude Photography (1980-1989) search results, Preview Image

March 15, 2006

City of Manistee
Planning Commission

To: Whom It May Concern:

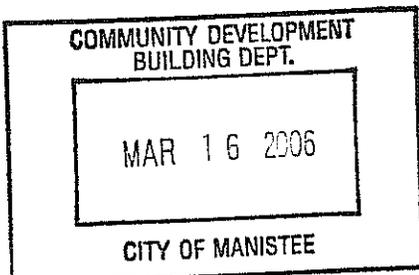
Subject: Man Made Lake
Sand Products

We are the property owners of Brookharbor #5 since June 1998. This letter is written to inform the City of Manistee - Planning Commission to deny the ability of Sand Products to develop the Man Made Lake across from the Cottages at Harbor Village.

Our preference would be to have Sand Products deed the lake and surrounding property to the City of Manistee for \$1.00 of which they could be kept in a tax deduction.

2) The City of Manistee purchase this property to protect it for the enjoyment of present & future generations at a current appraisal agreeable to both parties.

Sincerely,
Hazel M. Chase
Richard H. Chase



Sandra S. Brooks
234 Wine Street
Charlottesville, VA 22902
imadunewalker@hotmail.com
434.974.7525

March 13, 2006

Planning Commission
City of Manistee
P.O. Box 358
Manistee, MI 49660

Dear Commission Members:

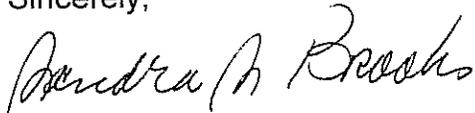
As an eight-year property owner and future retiree resident in Harbor Village, I write to inform the members of the City of Manistee's Planning Commission of my position with respect to Sand Products Corporation's project adjacent to Man-Made Lake.

I have serious concerns regarding adding to the real estate development density in a relatively small area of beachfront and the impact that may have on traffic and the environment. I have serious concerns regarding the impact a real estate development will have on the vista (and, hence the property values) of the existing Brook Harbor condominiums, and finally, I have serious concerns about the troubling environmental record of Sand Products Corporation. See enclosed letter to the MDEQ written by the Alliance for the Great Lakes.

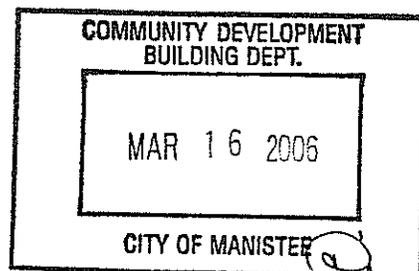
I understand that the real estate development of Sand Products Corporation may be on an accelerated track given the upcoming implementation of the revised zoning ordinances. My grandmother was fond of saying "haste makes waste" when she suspected I was cutting corners or under-planning a project. I have serious concerns that Sand Products Corporation may be under-planning their project to meet an artificial deadline, and so I trust the Planning Commission will take its time to study this proposed project and allow all interested parties to get full information, and provide full input, on this project.

I look forward to hearing the results of Thursday meeting and to further communication with you on this subject. Thank you.

Sincerely,



Sandra S. Brooks
Enclosure



- ▣ NEWS ROOM
- ▣ CURRENT EVENTS
- ▣ MEMBERSHIP INFO
- ▣ ABOUT THE ALLIANCE
- ▣ GIVING OPTIONS
- ▣ THE GREAT LAKES STORE
- ▣ VOLUNTEERING & JOBS
- ▣ BUSINESS PARTNERS

[sitemap](#) | [contact](#)

- [Adopt-a-Beach](#)
- [Air Quality](#)
- [Beach Health](#)
- [Education](#)
- [Invasive Species](#)
- [Great Lakes Facts](#)
- [Human Health](#)
- [Coastal Conservation](#)
- [Oil & Gas](#)
- [Toxic Mud](#)
- [Sand Dunes](#)
- [Wetlands](#)
- [Habitat Recovery](#)
- [Water Quality](#)
- [Water Conservation](#)
- [Contact Your Agencies](#)
- [Contact Your Legislator](#)
- [Current Events](#)
- [Membership Info](#)
- [Research Library](#)
- [Volunteering](#)
- [Around The Home](#)
- [Annual Reports](#)
- [Advocate's Field Guide](#)
- [Books & Educational Materials](#)
- [Newsletters](#)
- [Prescription for Healthy Beaches](#)

▣ **LEARN MORE ABOUT**

▣ **GET INVOLVED**

SAND DUNES

1. Plateau Site

[Back to Sand Dunes](#)

Letter to MDEQ commenting on a sand dune permit renewal for Sand Products Corporation, Plateau Site

Mr. Paul Sundeen
Michigan Department of Environmental Quality
Geological Survey Division
735 E. Hazel Street.
Lansing, MI 48909-7756

SUBJECT: Sand Dune Permit Renewal for Sand Products Corporation, Plateau Site

Dear Mr. Sundeen,

The Alliance for the Great Lakes's review of the renewal application by Sand Products Corporation for its Plateau Site sand dune mining permit in Brevo has generated a number of serious concerns that we believe should be addressed before the Michigan Department of Environmental Quality (MDEQ) approves a permit renewal.

Violations on the site have been left unaddressed

There is a history of violations at this site that has been ignored and/or unsatisfactorily addressed by the Michigan Department of Environmental Quality (MDEQ). In 1991 DEQ records show that Sand Products destroyed 9.8 acres of Lake Michigan coastal wetlands on the site by filling them with waste sand from its mining operation. During that same time, the company also constructed a dike on its site without the required permits. DEQ requires Sand Products to either restore the wetlands or create a man-made wetland. According to our review, although a site was chosen on which to create a new wetland, the area in question has not been properly monitored by DEQ nor is it deemed successful.

The company has not fulfilled regulatory requirements for protection of wildlife. In 1995, Sand Products' proposal to dredge a shipping canal on the site for maintenance purposes was flagged by the wildlife division of the Michigan Department of Natural Resources (DNR), which required clearance from the company to ensure that a colony of over 300 common terns was protected if deemed necessary. Our review of Sand Products' file shows this clearance was never granted by the DNR and the impact of the dredging

on the tern colony unknown.

▣ PUBLICATIONS

Sand washing at the site could impair onsite and area water quality
Recent water quality testing at the Nugent Sand Company's Lincoln Avenue Site in Norton Shores has revealed levels of iron and manganese that exceed "secondary" drinking water standards according to a news release from the DEQ dated May 17, 2001. Although the DEQ has not established a definite link between the sand dune mining operations and water quality problems and adjacent to the site, the water quality study did suggest, "the breakdown of fatty acids (which are used in the sand washing process) by microbes may be causing naturally-occurring iron and manganese to dissolve from the surface of the sand grains and leach into the groundwater."

To further resolve the issue, neighbors of the Nugent Site contracted with Environmental Resources Management of Holland, which recently concluded in their study that current or past mining operations did indeed introduce significant concentrations of iron and manganese into the aquifer system.

The two studies raise serious questions that aren't yet answered and suggest that water quality at and around sand mining sites can be degraded by sand washing compounds such as that used at the Lincoln Avenue and Plateau sites, Parnell. This is another serious concern that should be completely addressed during this permit renewal process. At minimum, we recommend water quality testing at the Plateau Site similar to that conducted at the Lincoln Avenue Site.

Reclamation plans for mined areas are unsatisfactory.

Sand Products plans to revegetate mined areas with non-native grass, in combination with native plants. Non-native species have less competition and can often overwhelm areas. Dunes are a very fragile and ecologically significant ecosystems. Although reclamation will not restore the dune, requiring the use of only native species will help assure the site is at minimum returned to a natural area that reflects native species of the region. Use of native species should be a requirement of new permits and renewal

Sincerely yours,

Cheryl Mendoza
Project Manager