

RESOLUTION
Grand Marais Bay: Harbor of Refuge?

WHEREAS, the village of Grand Marais which is located in Burt Township, Alger County, Michigan has been issued a death sentence by the U.S. Department of the Army, Corps of Engineers and that said penalty is to be executed in direct opposition to the U.S. Constitution and Bill of Rights in an inhumane, destructive and unnatural means; neglect, and

WHEREAS, Grand Marais, the oldest place name in Michigan, was discovered by French Explorers Radisson and deGroseilliers in 1658, was recognized as a settlement by the French as early as 1774, was granted Harbor of Refuge status by the U.S. Congress in 1880, was first utilized by natives, explorers and settlers, grew to a thriving community of 5000 around the turn of the century and became the central point for Michigan's Upper Peninsula logging industry and later a productive commercial fishing port, and is now being discovered and enjoyed by boaters and nature lovers in ever growing numbers. Grand Marais Bay, developed and preserved by nature for hundreds of years, is an historically significant treasure of the United States of America, the State of Michigan, and the community of Grand Marais to preserve and protect for future generations, and

WHEREAS, Grand Marais Bay is the only Harbor of Refuge between Whitefish Point and Munising, Michigan, is located along Lake Superior's notorious ninety mile "shipwreck coast", and is where the U.S. Army Corps of Engineers sought to improve safe passage through the construction of two concrete walled piers and a breakwall of timbers and boulders to improve the safety of moored vessels inside the harbor in 1894, and

WHEREAS, the U.S. Army Corps of Engineers was assigned the responsibility to maintain the harbor, to prepare navigation charts of the Great Lakes and to study all matters affecting the hydraulics and hydrology of the Great Lakes, had abandoned its responsibility to maintain Grand Marais Bay's timber and boulder breakwall in 1943. Further, U.S. Army Corps of Engineers has determined that the breakwall suffered severe damage through the diversion of natural currents resulting from construction of the piers, and due to neglect of maintenance, has admitted the contribution to accretion of sand into the Bay at an estimated rate of 33 percent, totaling 100,000 cubic yards annually, and

WHEREAS, the U.S. Army Corps of Engineers has spent hundreds of thousands of dollars on studies recommending a new breakwall, was granted funding of \$300,000 and authority in 1959 to restore or repair the breakwall through pressure of the Michigan Department of Natural Resources Waterways Commission dating back to 1957, and in 1961 these funds were misappropriated to extend the west pier thereby accelerating erosion and deterioration of the pile dike. Further studies of the Corps determined project costs to be in excess of \$6 million as of 1976 due to the complete deterioration of the pile dike as a direct result of the Corps inaction over the years, and due to Federal matching formulae, a local contribution of \$2.8 million was required to match a \$3.3 million Federal appropriation, and

WHEREAS, the local contribution amount was approximately equal to the annual capital outlay capability of the Waterways Fund of the State of Michigan Department of Natural Resources, the commission resolved their inability to contribute and that the reconstruction of the pile dike was strictly a maintenance project, entirely the responsibility of the Corps of Engineers, and urged the Corps to complete the work as a maintenance project, and

WHEREAS, Public Law 102-580 of October 31, 1992, 106 STAT. 4819, Section 114(k) of the Water Resources Development Act states, "Not later than 18 months after the date of the enactment of this act, the Secretary shall conduct an economic reevaluation of proposed improvements in Grand Marais Harbor, Michigan," in December 1993 the Corps stated, "Although Section 114(k) of the [Act] authorized an economic reevaluation ... by May 1994, no funds have been appropriated or are currently available to conduct such an

evaluation” and “further Federal action is not warranted” citing the harbors function as recreational with no commercial significance. However, Notice to Navigation Interests number L94-63, which states in part “vessel operators are advised to use caution when operating in [Grand Marais Harbor]” due to shoaling, was issued by the Corps signifying continued federal action, and

WHEREAS, accretion of sand has caused the complete loss of the easterly most portion of the bay within a span of only twenty years, and contributed to the erosion of shoreline resulting in the loss of properties and four homes, a public park, and islands that were habitat to a variety of wildlife, and

WHEREAS, the federal government has maintained an interest in properties surrounding the bay through the establishment of; a) U.S. Coast Guard base and auxiliary station, b) U.S. Army Corps of Engineers Navigation Channel, c) U.S. Department of the Interior National Park Service Pictured Rocks National Lakeshore Park for which 19,183.7 acres were acquired from the local taxing authority of Burt Township, and d) over 81,900 acres of township lands are held under the Commercial Forest Reserve Act, and

WHEREAS, the Township of Burt owns and operates an established Marina on Grand Marais Bay with the aide of the Michigan Department of Natural Resources, operates a Maritime Museum and Fisherman’s Monument, assists the National Park Service water rescue operations through use of the township marina, and provides safe harbor to recreational and commercial vessels alike, and

WHEREAS, the village of Grand Marais, which relies heavily on the commercial applications of the tourism and recreational industries for its survival, is now an economically depressed community of 500 residents as a result of the failing status of the harbor, and operates on a mere \$13,594.35 in unallocated property taxes annually without sufficient resources to fund engineering and construction costs, and has presented alternative construction ideas to the U.S. Army Corps of Engineers to no avail.

NOW, THEREFORE, BE IT RESOLVED that the Burt Township Board and citizens of Grand Marais, Michigan do hereby hold the U.S. Army Corps of Engineers responsible for the damages resultant of their neglect to the breakwall in relation to the Navigation Project at Grand Marais Harbor and do hereby implore the United States of America to mitigate sentencing on Grand Marais Harbor of Refuge, to make immediate indemnification to this community’s prized resource and to restore a gem of Lake Superior. Grand Marais Bay is an irreplaceable, invaluable treasure to be preserved for future generations, to which humanity has the ultimate guardianship.

Adopted October 16, 1995

Robert L. Gardner

Robert L. Gardner, Supervisor
Burt Township Board
Alger County, Michigan

Kay L. Wampler

Kay L. Wampler, Clerk
