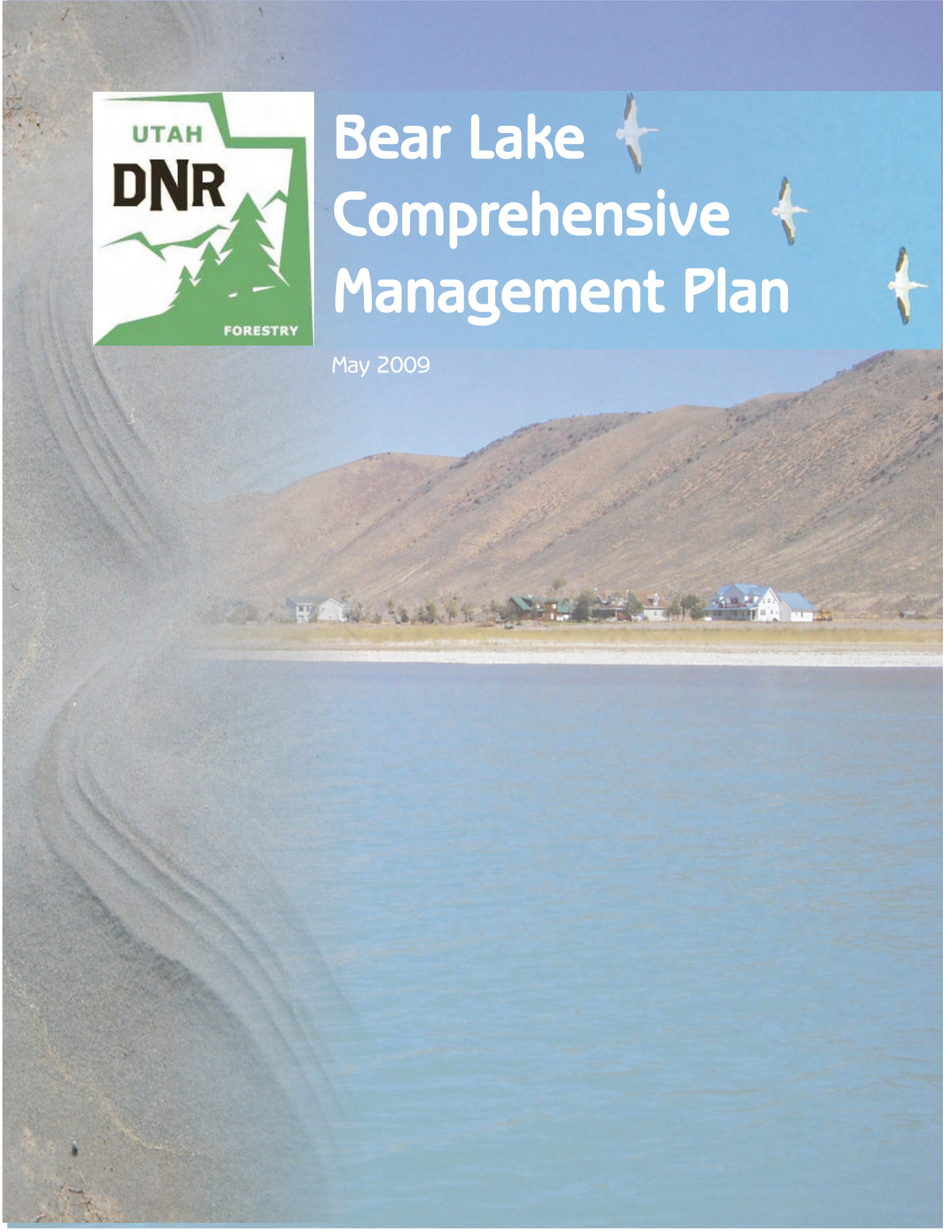


# Bear Lake Comprehensive Management Plan

May 2009



# ACKNOWLEDGEMENTS



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## 1.0 INTRODUCTION AND BACKGROUND

Beautiful Bear Lake covers more than 112 square miles of land that straddles the Utah-Idaho border. Approximately 20 miles long and 8 miles wide, it is located at an elevation of about 5,920 feet on the northeast side of the Wasatch Range and on the east side of the Bear River Mountains (see Figure 1-1). The bed of Bear Lake became state (sovereign) land on the date of Utah's statehood, January 4, 1896. The Utah State Division of Forestry, Fire and State Lands (FFSL) manages the sovereign land at Bear Lake in accordance with the Public Trust Doctrine, state law, and administrative rule.

This Comprehensive Management Plan (CMP) is a guiding document for FFSL who has statutory responsibility for managing sovereign lands that are the bed and shoreline of Bear Lake (see Figure 1-2). The purpose of this introduction chapter is to summarize the management framework for development of the Bear Lake CMP. The following section on Public Trust Doctrine explains the management responsibilities that FFSL has at Bear Lake. The section on Legal Authority provides a summary of State Law that are the rules by which FFSL must operate. The remaining sections in this introduction include a discussion on the purposes of the CMP, an overview of current management agency responsibilities, and a history of planning and management at Bear Lake.

Lands subject to the Bear Lake CMP are limited to sovereign lands. For the purposes of the planning process, the "planning unit" will include sovereign lands up to the elevation of 5,923.65 feet (UP&L datum; see Map A in Appendix A). All land and resources within and underneath this elevation constitutes the planning unit. This elevation is designated by the Bear River Compact and subsequent documents that deal with the purposes and management of water in the Bear River Basin including the diversion, storage, and release of water from Bear Lake.

On December 28, 2005, sovereign lands were withdrawn from leasing and permitting for 18 months or until the completion of the CMP document, whichever comes first. Subsequently, the withdrawal has been extended to cover the current planning process. The withdrawal does not apply to uses associated with boundary settlements, improvement of access and trails, or activities associated with the protection of endangered species. The intent of the withdrawal is to ensure that development and use of Bear Lake occur within the context of the plan instead of being driven by nominations and applications.

### 1.1 Public Trust Doctrine

The Public Trust Doctrine is a body of common law, property law, case law and state law establishing public rights in navigable waters and on their shores. These public trust lands are called sovereign lands and are held in trust by the State of Utah for the benefit of the public. The "trust" is a real trust in the legal sense of the word. There is a clear and definite trust corpus (i.e., the lands, waters and living resources therein), clear beneficiaries (i.e., the public), and trustees (i.e., the state), with fiduciary responsibilities to manage the trust.





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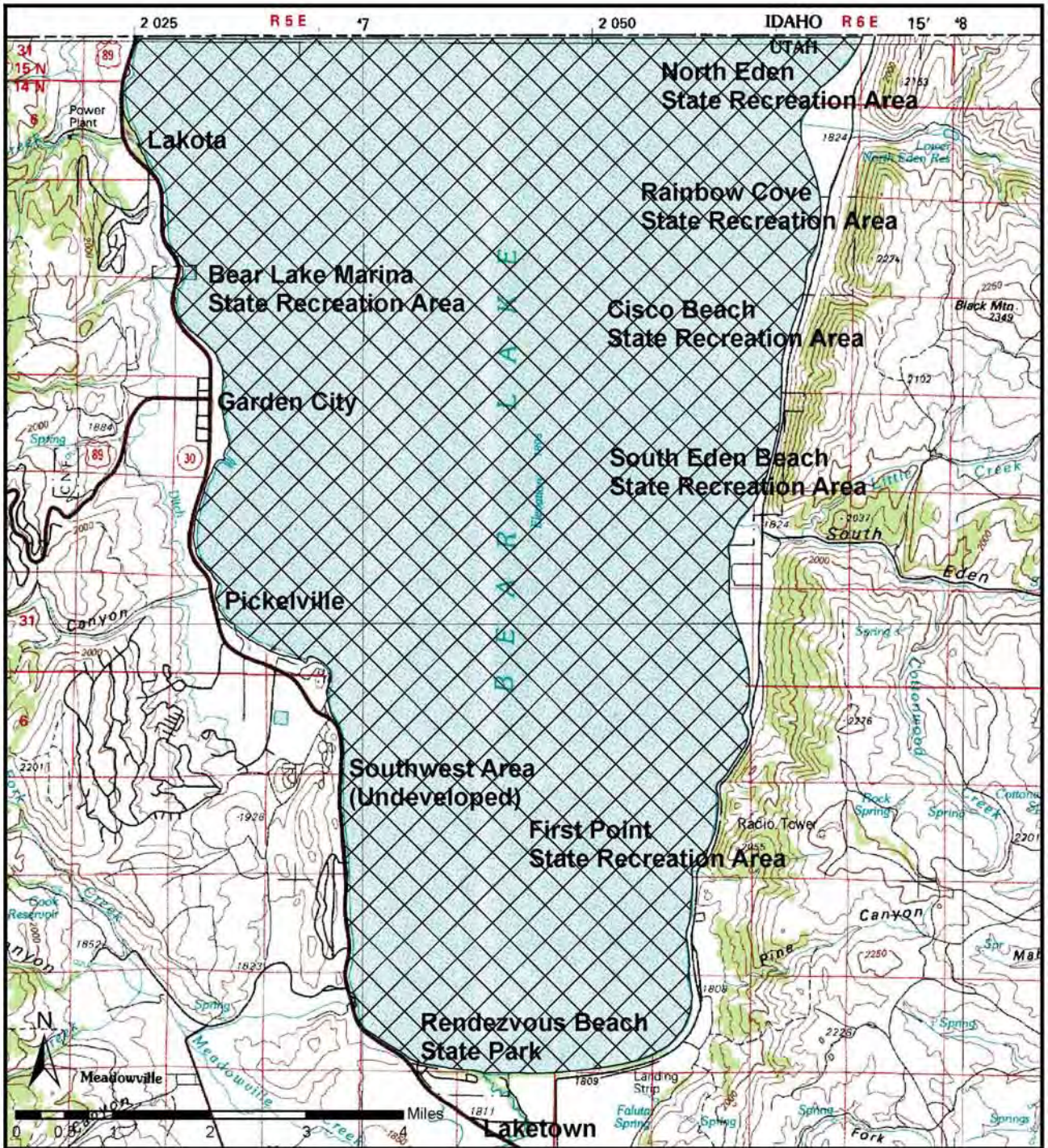
**Bear Lake Comprehensive Management Plan  
Vicinity Map**

N  
0 5 10 20 30 40 Miles

**UTAH  
DNR**  
FORESTRY

Figure 1-1. Vicinity Map for the Bear Lake Comprehensive Management Plan.





<p><b>BIO-WEST, INC.</b> 1063 West 1400 North Logan, Utah, 84321 www.bio-west.com 435-752-4202</p>	<p align="center"><b>Bear Lake Comprehensive Management Plan Planning Unit Map (Topo)</b></p> <ul style="list-style-type: none"> <li><span style="color: red;">—</span> US &amp; State Highways</li> <li><span style="border-bottom: 2px solid black; width: 20px; display: inline-block;"></span> County Roads</li> <li><span style="color: cyan;">—</span> Stream</li> <li><span style="border: 1px dashed black; width: 20px; height: 10px; display: inline-block; margin-right: 5px;"></span> Planning Unit (Land Below 5923.65 ft)</li> </ul>	<p align="center"><b>UTAH DNR</b> FORESTRY</p>
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Figure 1-2. Planning Unit Map for the Bear Lake Comprehensive Management Plan.



The Public Trust Doctrine establishes the right of the public to use and enjoy these trust waters, lands, and resources for a wide variety of recognized public uses. The original purpose of the doctrine was to assure public access to navigable waters for commerce, navigation, and fishing. This has evolved in some states to include modern uses such as swimming, recreational boating and preservation of lands in their natural state. In Utah, the state legislature has further codified public trust doctrine to include multiple uses on sovereign land.

The Public Trust Doctrine has been and will continue to be, flexible to accommodate changing demands for public trust resources. There is no hierarchy of uses protected under the doctrine but, when there are competing public benefits, the public trust requires that those benefits that best preserve the purpose of the public trust under the circumstances should be given a higher priority.

The FFSL has been given executive authority by the Utah Legislature for the management of sovereign lands, which includes the bed of Bear Lake. As trustee, FFSL strives for an appropriate balance among compatible and competing uses specified in statute and policy, while ensuring that uses protected under the Public Trust Doctrine have primacy. It is desirable to maintain the flexibility to adjust the allocation of public trust resources in response to changes in demand as well as in administrative and legislative policy.



The Utah Legislature has chosen to protect the public interest for the purpose of hunting, trapping, and fishing on sovereign lands, but may restrict or limit public use with proper notice and determination when leaseholder interest is threatened. There are circumstances under which a lessee or grantee must be able to restrict public access to fully enjoy the rights granted under a lease, permit, or sale. Examples include restrictions during construction of improvements, harbor operations, military operations, and access to personal property. The test of any disposition of an interest in sovereign land is that it must be done without any substantial impairment of the public interest in the lands and waters remaining. This involves a judgment call on the degree of impairment of the trust resource or the public's trust rights within those resources.

## 1.2 Legal Authority

Under English common law, the Crown held title to all lands underlying navigable waterways, subject to the Public Trust Doctrine. Following the American Revolution, title to such lands in the U.S. was vested to the 13 original colonies. Under the Equal Footing Doctrine, fee title to those lands also vested in each state subsequently admitted to the Union, upon admission. Utah's public trust lands, known as "sovereign lands," lie below the ordinary high water mark of navigable bodies of water. Utah's sovereign land includes Utah Lake, Great Salt Lake, Bear Lake (Utah's half), Jordan River, and portions of the Green, Colorado, and Bear rivers.

The framework for sovereign land management is found in the Utah Constitution (Article XX), state statute (primarily Chapter 65A-10), and administrative rule (R652). Article XX of the Utah Constitution accepts sovereign lands to be held in trust for the people and managed for the purposes for which the lands were acquired.



Section 65A-2-1 of the Utah Code provides:

The Division [FFSL] shall administer state lands under comprehensive land management programs using multiple-use, sustained-yield principles.

Briefly stated, the overarching management objectives of FFSL are to protect and sustain the trust resources of, and to provide for reasonable beneficial uses of those resources, consistent with their long-term protection and conservation. This means that FFSL will manage Bear Lake's sovereign land resources under multiple-use sustained yield principles, implementing legislative policies, and accommodating public and private uses to the extent that those policies and uses do not compromise public trust obligations (Section 65A-10-1) and sustainability is maintained. Administrative rules address planning (R652-90) and land use authorizations including minerals (R652-20), special use lease agreements (R652-30), easements (R652-40), rights of entry (R652-41), grazing (R652-50), cultural resources (R652-60), exchanges (R652-80) and off-highway vehicles (R652-1 10).

### 1.3 Purposes of the Comprehensive Management Plan

The primary purpose of this CMP is to produce a document that will guide FFSL, along with other local, State, and Federal partners, in managing, allocating, and appropriately using Bear Lake's sovereign land resources. This CMP clearly sets forth defined management goals, objectives, and implementation strategies for guiding and directing future resource management actions, activities, and recreation uses at Bear Lake. This CMP establishes the desired future conditions for the planning unit and sets forth the means to achieve those conditions. This CMP document includes long-term management priorities for Bear Lake and its sovereign lands.

The purposes of the Bear Lake CMP are to:

- ☀ guide future management decisions for Bear Lake and its resources that address identified problems, issues, and opportunities;
- ☀ identify and evaluate sovereign land use suitability;
- ☀ determine and recommend land use policies, responsibilities, and guidelines; and
- ☀ define the contractual and legislative responsibilities, authorities, and rights of agencies involved in the management of resources on sovereign lands.

Pursuant to Utah Statutes 65A-2-2 and 65A-2-4 and the implementing regulations of R652-90, FFSL is empowered to prepare and adopt comprehensive management plans for sovereign lands and resources. Utah Statute R652-90-200 provides, in part:

These procedures establish comprehensive land-management policies using multiple-use, sustained-yield principles in order to make the interest of the beneficiary paramount. Management plans shall guide the implementation of stated management objectives, and provide direction for land-use decisions and activities on sovereign lands.





Utah Statute R652-90-800 provides:

Comprehensive management plans shall consider the following multiple-use factors to achieve sovereign land-management objectives:

1. The highest and best use(s) for the sovereign land resources in the planning unit;
2. The present and future use(s) for the sovereign land resources in the planning unit;
3. The suitability of the sovereign lands in the planning unit for the proposed uses;
4. The impact of proposed use(s) on other sovereign land resources in the planning unit;
5. The compatibility of possible use(s) as proposed by general public comments, application from prospective users or FFSL analysis; and
6. The uniqueness, special attributes, and availability of resources in the planning unit.



## 1.4 Current Management Responsibilities

Although sovereign land planning and management responsibilities lie with FFSL, other divisions within the Department of Natural Resources (DNR) also have management responsibilities for resources on and around Bear Lake. The Division of Wildlife Resources, for example, has plenary authority for managing fish and wildlife in, on, and around the lake. The Division of Parks and Recreation manages Bear Lake State Park, coordinates search and rescue operations, and conducts boating enforcement on the lake. The Division of Water Rights regulates the diversion and use of lake water and its tributary waters. The Division of Water Resources conducts studies, investigations and plans for water use. Other DNR divisions regulate mineral extraction activities, conduct hydrologic research, and identify and map geologic hazards around the lake. The Utah Department of Environmental Quality has the authority to monitor the water at Bear Lake for its beneficial use and to take measures to correct impaired waters through the Total Maximum Daily Load (TMDL) studies.

In addition to the State agencies mentioned above, a number of Federal agencies have management responsibilities for resources at Bear Lake. The U.S. Fish and Wildlife Service provides federal leadership to conserve, protect, and enhance fish and wildlife populations and their habitats for the continuing benefit of the public as well as monitoring for threatened and endangered species. The U.S. Army Corps of Engineers has jurisdiction over any construction or vegetation management activities below the ordinary high water mark elevation level of Bear Lake. The Environmental Protection Agency has an interest in maintaining water quality in the lake and has delegated this responsibility to the Utah Department of Environmental Quality.

PacifiCorp (formerly Utah Power and Light Company) holds water rights for power generation with the authority to operate Bear



Lake water levels from elevation 5,923.65 feet to elevation 5,902.00 feet (UP&L datum). The Bear River Commission, comprised of members from the States of Utah, Idaho, and Wyoming, has jurisdiction over regulation of the water in Bear Lake by virtue of the Bear River Compact (1958). The Bear Lake Regional Commission has planning and coordination and water quality responsibilities for the Bear Lake Valley in Utah and Idaho, and acts as planning staff to Rich County, Utah and Bear Lake County, Idaho. Rich County has management responsibilities for weed control, law enforcement, refuse disposal, and road maintenance and access on the Utah side of Bear Lake.

## 1.5 History of Planning and Management of Bear Lake

Historically the south shore areas of Bear Lake were the home of several Native American Indian Tribes who utilized the area primarily during spring and summer months. These Tribes included the Shoshone, Bannock, Ute, Sioux, and Blackfoot who favored the area for its prime hunting and fishing opportunities. It was customary for these Tribes to spend many weeks on the shores of Bear Lake trading furs, ponies, and fish with each other, and then eventually with the “white man” (Palacios et. al 2006).

Permanent settlement in the valley was initiated by the Mormon pioneers in the 1860's. Nearby Round Valley was established in 1863, followed by Laketown in 1864, Meadowville in 1869, and Garden City in 1877. Rich County was officially established in 1872, with Randolph (established in 1870) as its county seat. These communities are presently encountering varying intensities of growth and development due to new residential, commercial, and resort development (Palacios et. al 2006).

In 1911 the Telluride Power Company completed a water diversion project on the Bear River and began water diversion into Mud Lake via the Dingle canal north of Bear Lake. Utah Power and

Light Company secured its control in 1912 when it purchased Telluride Power Company. Between 1912 and 1918, Utah Power and Light Company continued work on the Bear Lake development project. A new inlet canal (Rainbow) and diversion dam (Stewart Dam) were built and replaced the Dingle canal as the main diversion for filling Bear Lake. The Dingle canal remains, but is used solely for local irrigation. The outlet works to deliver water from Bear Lake back to the Bear River were also improved. The most significant improvement was the construction of the Lifton Pump Station which pumps water from Bear Lake to the Bear River through a new canal that was excavated through the natural outlet, but in a more direct course from Lifton Pump Station through Mud Lake and back to the Bear River. A dike (Paris Dike) and controlling works were built at the north end of Mud Lake to further control the flow of water. The system was partially functional in 1912, but was not operating effectively until 1918 when the Lifton Pump Station and the other canals were completed (Conder 2009).

Utah Power and Light Company's water rights allow for the diversion, storage and release of water into and out of Bear Lake for the main purpose of providing irrigation water to downstream irrigators with hydropower being an incidental use of the water as it flows downstream. Following completion of the Bear Lake development project, extensive litigation occurred to decide the water allocations and





distribution of Bear River water, which resulted in several State Court decrees within Utah, Idaho, and Wyoming. However, the inevitable conflicts across state lines resulted in negotiations that led to the 1958 Bear River Compact. The Bear River Compact is the legal document that governs the allocation of Bear River water between the states of Utah, Idaho, and Wyoming. The compact also includes provisions relating to Bear Lake. The Compact created the Bear River Commission which is responsible for oversight of the inter-state distribution of water along the entire length of the Bear River. Recognizing the importance of Bear Lake storage for irrigation purposes, negotiators of the Compact included measures to maintain storage for irrigation. Among other stipulations, the Compact reserved all Bear Lake waters below 5,914.7 feet for irrigation and that below this level, water could not be released for the sole purpose of hydropower generation (Bear River Compact 1963). The historic high water elevation of Bear Lake is 5,923.65 feet; the historic low is 5902.00 feet. Bear Lake will not be artificially lowered below 5,902.00 since the state of Idaho holds the storage right for all water in the lake below that level.

In 1962 Bear Lake State Park was established and has been attracting ever-increasing numbers of visitors. State park lands remain the only developed public facilities on the Utah portion of Bear Lake. Bear Lake State Park consists of eight separate management areas including Bear Lake Marina (1962), Rendezvous Beach (1981), First Point, South Eden, Cisco Beach, Rainbow Cove, North Eden, and the undeveloped Southwest Area (1962). Current planning and management of state park lands is outlined in the Bear Lake State Park Resource Management Plan (State of Utah 2005).

In 1973 the Bear Lake Regional Commission was formed to provide an organization to administer and plan the development of Bear Lake Valley and surrounding areas, to focus on lake conservation, and to provide for the orderly growth and recreational opportunities within the

region. The 1995 Bear Lake Settlement Agreement instituted a rationing of the irrigation deliveries from Bear Lake, with more severe restrictions imposed as the lake level drops. The agreement was signed by PacifiCorp, multiple Bear Lake non-governmental advocacy groups and all Bear River irrigator groups below Bear Lake. This agreement, more than any previous effort, provided the impetus for water conservation with the explicit goal of keeping Bear Lake as full as possible while providing for the significant irrigation benefits downstream. The 2004 amendment and restatement made some technical changes to the original agreement, but left the original intent and effect intact (Conder 2009).

The Bear Lake Regional Commission prepared the current Comprehensive Plan for Rich County in 1996. The Rich County Comprehensive Plan identifies the present and future growth and development needs for the county's unincorporated areas. There are seven policies stated in the plan to guide these activities, in addition to sections on history, setting, natural resources inventory, infrastructure, housing, and economic development (BLRC 1996).

In early 2008 the town of Garden City completed development of their General Plan, which directs future decisions regarding growth and quality of life in the town. The plan is the official policy statement governing decisions that direct future development. The Garden City General Plan contains a brief physical description of the community, as well as policies and goals regarding such issues as socioeconomic, housing, roads and streets, schools, recreation and open space, economic development, utilities, emergency services, solid waste, and capital improvement projects to community facilities (Garden City 2008). Current zoning classifications for incorporated Garden City and unincorporated Rich County are shown on Map B in Appendix A.



## 2.0 PLANNING PROCESS

### 2.1 Planning Process Overview

The CMP planning process for Bear Lake involved the coordination and cooperation from members of the public, state and federal resource management agency staff, and consultant team planners and resource scientists working together over a 12-month period to complete this document. Those involved helped to perform key activities during the planning process including public and agency involvement (see Chapter 2), resource inventories and analyses (see Chapter 3), CMP goals and objectives formulation (see Chapter 4). To help facilitate these activities, the Bear Lake CMP planning process was divided into three general phases of work, including associated work tasks, to help simplify the management of this complex undertaking. Figure 2-1 provides an overview of the Bear Lake CMP planning process and schedule.

Phase 1 of the Bear Lake CMP planning process focused on identifying issues and opportunities. There were three tasks undertaken, including (1) becoming familiar with the planning unit, (2) initiating the public and agency involvement program, and (3) identifying planning issues, goals, and objectives. Phase 1 work included site visits by resource specialists, facilitation of the first two planning work group meetings, facilitation of the first series of public workshops, and development of project issue statements.

Phase 2 of the Bear Lake CMP planning process focused on formulating recommended management classifications for the planning unit. Again three tasks were undertaken during Phase 2, including (1) continuing the public and agency involvement program, (2) conducting a site and environmental analysis for the planning unit, and (3) developing and evaluating alternative management classifications maps. Phase 2 work included facilitation of the third and fourth planning work group meetings, facilitation of the second series of public workshops, development

of project goals and objectives statements, and preparation of planning unit resource and management classifications maps.

Phase 3 of the Bear Lake CMP planning process focused on the preparation of the CMP document. Three tasks were undertaken, including (1) continuing the public and agency involvement program, (2) preparing the draft CMP document, and (3) preparing the final CMP document. Phase 3 work included facilitation of the fifth planning work group meeting, facilitation of the third series of public workshops, and development and distribution of the draft and final CMP documents.

It is important to understand that the outcome of the planning process is not only a planning document, but the process itself is important in shaping and forming public policy on sovereign lands. The planning process, as well as the planning document are inextricably linked and make up the overall planning overview for Bear Lake.





Figure 2-1. Bear Lake Comprehensive Management Plan planning process and schedule.





## 2.2 Public Involvement Overview

The preparation of the Bear Lake CMP has required extensive public and agency involvement activities throughout the planning process. Several methods of public and agency involvement were utilized to gain insight into the concerns of those potentially affected by the plan. These methods included facilitation of public workshops, formation of a planning work group, and development of an interactive web-page, each of which is described in more detail below.

### 2.2.1 Public Workshops

Originally, the Bear Lake CMP planning process was initiated in the summer of 2006 and two public workshops were scheduled and facilitated at that time. These workshops were held on August 15, 2006, in the Salt Lake City area and on August 19, 2006, in the Bear Lake area. The purpose of these original workshops was to solicit public input on the planning issues to be addressed during the CMP planning process. The workshops were well attended and some 44 comments were submitted to FFSL by the public. Due to staffing challenges, FFSL suspended the planning process in late 2006 until the current effort was initiated in early 2008.

A series of three public workshops were conducted during the current planning process to obtain public input and, as the CMP progressed, share the results of project activities. These public workshops consisted of both a “formal” presentation and question-answer period and an “informal, open-house” period whereby individuals could freely participate. Each series was held in both Garden City and Salt Lake City, Utah, on consecutive evenings and both FFSL and consultant staff were on-hand to answer questions and record input. All public workshops were advertised in local newspapers and on the FFSL web-page for the Bear Lake CMP project.

The first series of public workshops were held on June 18 and 19, 2008 at Garden City and Salt

Lake City, respectively. The first workshops allowed public and agency participants the opportunity to identify the issues, concerns, and opportunities that exist relative to sovereign lands and resources at Bear Lake. Maps and photographs of the planning unit were available that identified resource locations and conditions. An overview of the planning process was presented and a list of preliminary issue statements was provided to inform participants of the known planning constraints. Approximately 50 individuals attended the first series of workshops.

The second series of public workshops were held on September 23 and 24, 2008 at Garden City and Salt Lake City, respectively. The second workshops focused on identifying goals and objectives of the CMP, and reviewing proposed sovereign lands classifications for the planning unit. Again, maps and informational boards were provided along with detailed handouts. An update of the planning process was presented and a list of the preliminary CMP goals and objectives was provided. Comments were solicited on the comment forms provided. Approximately 85 individuals attended the second series of workshops.





The third series of public workshops were held on February 24 and 25, 2009, in Garden City and Salt Lake City, respectively. The third workshops provided an opportunity for participants to comment on the Draft CMP document. An overview of the Draft CMP document was presented and opportunities for providing comments were discussed. The comments received, along with FFSL responses, are provided in Appendix B. Approximately 49 individuals attended the third series of workshops.

### 2.2.2 Planning Work Group

The Bear Lake CMP Planning Work Group was formed to broadly represent the various stakeholders who have an interest in the planning process. The Planning Work Group helped to identify issue statements, develop CMP goals and objectives, recommend sovereign land management classifications for the planning unit, and review the Preliminary Draft CMP document. Planning Work Group members were solicited by FFSL, as well as suggested by members of the public, to participate. Members of the Bear Lake CMP Planning Work Group are as follows:

- ✦ Bear Lake Watch
- ✦ Bear Lake Regional Commission
- ✦ Bear Lake Convention and Visitor's Bureau
- ✦ Garden City
- ✦ Idaho Department of Lands



- ✦ Laketown
- ✦ Lakota Estates Home Owners Association
- ✦ Rich County
- ✦ Utah Division of Wildlife Resources
- ✦ Utah Division of Water Resources
- ✦ Utah Division of Forestry, Fire, and State Lands
- ✦ Utah Division of Parks and Recreation

The Bear Lake CMP Planning Work Group convened five times during the planning process.

### 2.2.3 Interactive Web Page

The FFSL dedicated a web-page on their web site specifically for the Bear Lake CMP project ([www.bearlakeplanning.utah.gov](http://www.bearlakeplanning.utah.gov)). An overview of the planning process was provided on the web page, along with links to a number of relevant documents and studies. Maps of the planning unit resources could be downloaded by web-page visitors, as well as all information disseminated at each of the public workshops including presentations, handouts, and announcements. Visitors to the project web-page were solicited for their comments throughout the planning process, and could review comments that were provided by other visitors. During the planning process to date, over 76 individual comments were completed and submitted on the FFSL web page.

## **2.3 Adoption of the Comprehensive Management Plan**

According to Utah Statute R652-90-600, comprehensive management plans may be approved as follows:

1. Comprehensive management plans shall be published in draft form and sent to persons on the mailing list established under R652-90-500, the Governor's Office of Planning and Budget, and other persons upon request.



- (a). A public comment period of at least 45 days shall commence upon receipt of the draft in the Governor's Office of Planning and Budget.
- (b). All public comment shall be acknowledged pursuant to 65A-2-4(2).
- (c). The division's response to the public comment shall be summarized in the final comprehensive management plan.
- (d). Comments received after the public comment period shall be acknowledged but need not be summarized in the final plan.

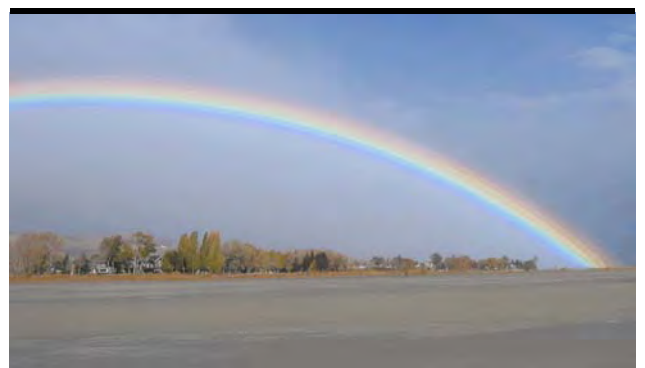
At the end of the comment period, and after providing the required responses to comments, FFSL may approve the Bear Lake CMP by Record of Decision. The Record of Decision is a formal decision document prepared by the FFSL announcing actions that will be taking place on sovereign lands. The Record of Decision may be appealed.

## 2.4 Amendments to the Comprehensive Management Plan

This CMP is a living document that can be modified and updated as conditions change. Reassessment at least every ten (10) years is a requirement of plan adoption. The procedures for initiating and considering an amendment to an approved CMP are established by rule (Utah Statute).

Pursuant to R652-90-1000, management plans may be amended as follows:

1. The Division may initiate amendments for Comprehensive Management Plans and Resource Plans at any time.
2. Amendments for Comprehensive Management Plans and Resource Plans may be requested by any person by submitting a Request for Plan Amendment to the Division that must include all of the following:
  - (a). a clear designation as a Request for Plan Amendment,
  - (b). name, address, and phone numbers where the requester can be reached during regular work days,
  - (c). identification of targeted management plan to be amended,
  - (d). identification of the specific geographic area within the planning unit to be amended,
  - (e). identification of the specific section in the plan to be amended,
  - (f). identification of the concerns and/or reasons for the amendment,





- (g). submission of proposed text and/or map changes,
- (h). justification of the request for amendment, and,
- (i). identification of any surveys, studies, reports, or other information supporting the request.

3. If the Division determines that an amendment to a plan may be warranted, the Division will:

- (a). Complete the plan amendment process pursuant to R652-90-1000 and, upon completion of the plan amendment process, the Record of Decision or other decision document summarizing final Division action and relevant facts shall be provided to any persons requesting notice from the Division.

The review and disposition for any Requests for Plan Amendment to management plans from outside the Division is as follows:

1. Upon receipt of a Request for a Plan Amendment, the director or his designee shall review the request for compliance. Incomplete or unclear requests shall be returned to the requester with an explanation of the additional information required and the requester shall be given 30 days to complete the request.
2. If the Division determines the request is unwarranted, unnecessary, or not feasible, the requester shall be notified and no amendment will be considered.

Pursuant to Utah Statute R652-90-1000, procedures for amendments to management plans are as follows:

1. The Division shall follow the management direction, policies and land use proposals presented in comprehensive management plans. When unforeseen circumstances arise which may require a change in plans, the division shall adhere to the following procedure for amendments to comprehensive management plans:
  - (a). Notify affected/adjacent lessees, beneficiaries, local and other affected government entities;
  - (b). Submit the proposed amendment to the Resource Development and Conservation Committee (RDCC) for review and comment; and





- (c). Conduct a public meeting in the affected area to provide an opportunity for comment, after giving two weeks' notice in a local newspaper. The Division shall acknowledge all written comments.

## 2.5 Comprehensive Management Plan Elements

This document is structured to generally follow the planning process that was implemented for the Bear Lake CMP. Major elements include an overview of current conditions (see Chapter 3), a listing of CMP goals and objectives (see Chapter 4), and a template for implementation and monitoring activities (Appendix E). In order to reflect the influence of public input that was received throughout the planning process, the major elements of this CMP document are organized by the following goal headings:

- ☀ Public Outreach and Partnerships
- ☀ Water Resources
- ☀ Recreation and Scenic Resources
- ☀ Natural and Cultural Resources
- ☀ Land Management

## 2.6 Bear Lake Management Classifications

Utah Statute R652-70-200 provides for the classification of sovereign lands based upon current and future uses. Six classifications are suggested, ranging from resource preservation to resource development. For the Bear Lake CMP, these classifications have been defined as follows.

### 2.6.1 Class 1: Manage to Protect Existing Recreation Development Uses

Those leaseholders, permittees, and grantees whom have developed facilities under permission

conveyed by FFSL need to be protected. Utah State Park's Bear Lake Marina and Rendezvous Beach State Parks are examples of areas where the current uses and facilities emphasize recreational development. Motorized vehicle use, day-camping, and picnicking are permitted in Class 1 areas in accordance with existing FFSL rules for Bear Lake. Permits and fees may be required for public access in certain Class 1 areas. These areas may provide for improved public recreational access by allowing for vegetation management activities and pest control in accordance with existing federal and state law.

### 2.6.2 Class 2: Manage to Protect Potential Recreation Development Options

This classification is used to indicate where future development is allowed to occur according to FFSL stipulations. Class 2 areas may be adjacent to Class 1 areas and have the potential to be further developed for recreational uses, such as the areas adjacent to Bear Lake Marina and the beachfront adjacent to Garden City. Motorized vehicle use, day-camping, or picnicking is permitted in Class 2 areas in accordance with existing FFSL rules for Bear Lake. Permits and fees may be required for public access in certain Class 2 areas. These areas may also provide for improved public recreational access by allowing for vegetation management activities and pest control in accordance with existing federal and state laws.





### 2.6.3 Class 3: Manage as Open for Consideration of Any Use

These lands can be considered for any use within the overarching policies of this document. There are no lands currently within this classification applied to Bear Lake sovereign lands.

### 2.6.4 Class 4: Manage for Resource Inventory and Analysis

Class 4 is a temporary classification that allows FFSL to gather the necessary resource information to make a responsible decision on a more permanent classification. Currently, there are no Class 4 areas at Bear Lake.

### 2.6.5 Class 5: Manage to Protect Potential Resource Preservation Options

This classification is intended to identify sensitive resource areas that may need protection in the future. This classification, used in areas to protect sensitive resources, has been applied to all sovereign lands below water elevation 5902 (UP&L datum) at Bear Lake. The Class 5 designation at Bear Lake is intended to protect the unique water quality characteristics of the lake. Motorized vehicle use is not permitted in Class 5 areas, although public access by foot travel is

allowed. Pest control is permitted in Class 5 areas to protect sensitive resources in accordance with existing federal and state laws. At Bear Lake, sensitive resources include, but are not limited to, fish spawning habitats, important wildlife habitats, and important vegetation habitats.

### 2.6.6 Class 6: Manage to Protect Existing Resource Preservation Uses

This classification is applied to areas where critical resources are currently being protected, either by intent or by legal instrument. At Bear Lake these areas include significant vegetation, fish, and/or wildlife habitat areas. Examples of Class 6 areas at Bear Lake include Cisco Beach, Big Spring and Swan Creeks, and important fish spawning substrates adjacent to State Highway 30.

Motorized vehicle use is not permitted in Class 6 areas, although public access by foot travel is allowed. Pest control is permitted in Class 6 areas to protect sensitive resources in accordance with existing federal and state laws.

Map C in Appendix A shows the location of management classifications at Bear Lake while Table 2-1 below provides a summary of acreages for each management classification. The following activities are allowed within any management classification at Bear Lake:

- ✦ Hunting, according to state of Utah law.
- ✦ Fishing, according to state of Utah law.
- ✦ Boating, according to state of Utah and Federal laws.
- ✦ Recreation activities such as hiking, swimming, sunbathing, and wildlife watching.
- ✦ Scientific research according to FFSL approval.





**Table 2-1. Summary of acreages for each management classification at Bear Lake.**

MANAGEMENT CLASSIFICATION	AREA IN ACRES	PERCENT OF PLANNING UNIT
Class 1: Manage to Protect Existing Recreation Development Uses	528 acres	1.5%
Class 2: Manage to Protect Potential Recreation Development Options	2,662 acres	7.5%
Class 3: Manage as Open for Consideration of Any Use	0 acre	0%
Class 4: Manage for Resource Inventory and Analysis	0 acre	0%
Class 5: Manage to Protect Potential Resource Preservation Options	31,251 acres	88.4%
Class 6: Manage to Protect Existing Resource Preservation Uses	926 acres	2.6%
<b>TOTALS</b>	<b>35,367 acres</b>	<b>100%</b>









## 3.0 CURRENT CONDITIONS

### 3.1 Public Outreach and Partnerships

Currently, most interactions between FFSL staff and the general public at Bear Lake are limited to responding to applications for leases, permits, and easements, or FFSL enforcement of regulations within the planning unit. However, during the CMP planning process FFSL staff interacted extensively with members of the public to ascertain the issues and opportunities that should be addressed in the CMP document. Issue Statements that were developed during the planning process were the result of soliciting public input over a 2-year period (see discussion in Section 2.2 and Appendix C).

Although the primary planning and management responsibilities for sovereign lands at Bear Lake lie with FFSL, other divisions of the Utah DNR also have management responsibilities for resources on or around Bear Lake. The following information summarizes the current partnerships and agency responsibilities for management of resources at Bear Lake.

#### 3.1.1 Utah Division of Forestry, Fire, and State Lands

The FFSL is the executive authority for management of sovereign lands in Utah, including sovereign lands at Bear Lake. Title 65A of the Utah Code, entitled “State Lands,” establishes the division and sets forth the powers and responsibilities of FFSL. Currently, FFSL has a Memorandum of Understanding with the Division of Parks and Recreation to provide annual funding for law enforcement activities on the sovereign lands beaches at Bear Lake from May 1 through September 30.

#### 3.1.2 Utah Division of Parks and Recreation

Chapter 63-11 of the Utah Code establishes the Division of Parks and Recreation and its Board, setting forth their respective responsibilities. The Division of Parks and Recreation manages all eight Bear Lake State Park management units and is also directly responsible for boating enforcement on the lake. Division of Parks and Recreation personnel also work closely with the local Rich County Sheriff’s office to respond to search and rescue needs at Bear Lake.

#### 3.1.3 Utah Division of Wildlife Resources

Title 23 of the Utah Code establishes the Division of Wildlife Resources and the Wildlife board, and sets forth their respective duties and powers. As the wildlife authority for Utah, they are vested with the functions, powers, duties, rights, and responsibilities provided by law to manage wildlife areas, regulate hunting, manage all protected species, and regulate fishing. The Division of Wildlife Resources manages fish and wildlife resources associated with Utah’s half of Bear Lake under a cooperative agreement with their counterpart in Idaho. These two agencies are currently engaged in the development of a Joint Fisheries Management Plan for Bear Lake.





### 3.1.4 Utah Division of Water Rights

The Division of Water Rights regulates the appropriation and distribution of water in the State of Utah, pursuant to Title 73 of the Utah Code. The State Engineer, who is the director of the division, gives approval for the diversion and use of any water, regulates the alteration of natural streams, and has the authority to regulate dams to protect public safety. All diversions from Bear Lake require the prior approval of the State Engineer.

### 3.1.5 Utah Division of Water Resources

The mission of the Division of Water Resources is to direct the orderly and timely planning, conservation, development, protection, and preservation of Utah's water resources that are used to meet the beneficial needs of Utah citizens. Although the division does not have direct regulatory responsibilities on Bear Lake, it conducts studies, investigations, and planning for water use.

### 3.1.6 Utah Division of Oil, Gas, and Mining

The Division of Oil, Gas, and Mining is the regulatory agency for mineral exploration, development, and reclamation at Bear Lake

pursuant to Title 40 of the Utah Code. Any mining extraction activities would be regulated by the Division of Oil, Gas, and Mining. However, there is currently an administrative withdrawal order on the sovereign lands at Bear Lake. Pursuant to 65A-6-5, FFSL has withdrawn sovereign lands at Bear Lake for mineral leasing since the 1978. This means no mineral leasing has occurred on sovereign lands since the withdrawal has been in place.

### 3.1.7 Utah Division of Water Quality

The Utah Water Quality Board and the Division of Water Quality have the responsibility to maintain, protect, and enhance the quality of surface and ground water resources at Bear Lake. The board is charged with developing programs for the prevention and abatement of water pollution. The board is also responsible for establishing water quality standards throughout the state; enforcing technology-based, secondary treatment effluent standards or establishing and enforcing other more stringent discharge standards to meet in-stream standards; reviewing plans, specifications, and other data relative to waste-water disposal systems; establishing and conducting a continuing planning process for control of water pollution. The mission of the Division of Water Quality is to protect public health and all beneficial uses of water by maintaining and enhancing the chemical, physical, and biological integrity of Bear Lake.

### 3.1.8 U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers (Corps) administers and enforces Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Under Section 10, a Corps permit is required for work or structures in, over or under navigable waters of the United States which affects the course, location, condition or capacity of such waters. Under Section 404, a Corps permit is required for the discharge of dredged or fill material into waters of the United States. Many water bodies, such as Bear Lake, and





wetlands in the nation are waters of the United States and are subject to the Corps' Section 404 regulatory authority.

Typical activities requiring Section 10 permits include:

- ✦ construction of piers, wharves, bulkheads, dolphins, marinas, ramps, floats intake structures, and cable or pipeline crossings
- ✦ dredging and excavation

Typical activities requiring Section 404 permits are:

- ✦ depositing of fill or dredged material in waters of the United States or adjacent wetlands
- ✦ site development fill for residential, commercial, or recreational developments
- ✦ construction of revetments, groins, breakwaters, levees, dams, dikes, and weirs
- ✦ placement of riprap and road fills

## 3.2 Water Resources

### 3.2.1 Hydrology

Key inflow tributaries for Bear Lake include North Eden, South Eden, Swan, and Big Spring Creeks in Utah, and Fish Haven, St. Charles, and Indian Creeks in Idaho. Much of the water in these streams entering Bear Lake originates as springs in the Bear River Range. These tributary streams drain a 228-square-mile watershed that produces an average of 66,000 acre-feet of water per year. The Bear Lake fault, which falls under the eastern side of the lake, acts as a conduit for groundwater with numerous springs coming to the surface either on land or in the lake itself. The amount of groundwater that enters Bear Lake is considerable but unmeasured. During drought cycles and low-precipitation years, all tributary streams dry up or are dewatered for irrigation

purposes except for Swan Creek. Swan Creek is protected as a municipal water supply and by a non-consumptive water right held by the Utah Division of Wildlife Resources. This creek has never been dewatered.

The entire Bear River is diverted at Stewart Dam through the Rainbow Inlet Canal into Dingle Marsh (also termed Mud Lake). When PacifiCorp is storing water in Bear Lake (usually October through April), all the water flows into Bear Lake through the Inlet Structure located on the causeway between Mud Lake and Bear Lake. Later in the spring, as irrigation begins downstream, a portion of the water entering Mud Lake flows on through the Bear Lake Outlet Canal at Paris Dike to satisfy the natural flow water rights of the downstream irrigators. When the natural flow in Bear River is insufficient to meet irrigation needs, the flow is augmented by pumping the water stored in Bear Lake out through the Lifton Pumping Station, through Mud Lake, and into the Bear Lake Outlet Canal to return to the natural Bear River channel.

The Bear Lake Settlement Agreement (BLSA) determines how much storage water is allocated to downstream irrigators. The allocation is based on the forecast lake level made each year in early April. If the lake level is above 5,914.7 feet, there is a full allocation of 245,000 acre-feet. As the lake



level decreases, the allocation also decreases. If the forecast elevation is below 5,904 feet, the allocation is zero. The allocation for each year is divided amongst the downstream water users according to the delivery contracts PacifiCorp holds with those users. Actual use is carefully measured by real-time data collection and monitored by an interstate water accounting model. How much of the allocation actually gets used depends upon the natural flow in the Bear River and weather factors like temperature, wind, and precipitation during the growing season.

The actual rise and fall of the lake level is also very dependent on natural phenomenon - the amount of snow fall, the soil moisture content, the timing and intensity of the spring runoff, and whether it is cool and wet or hot and dry weather during the spring and summer, but is accentuated by the use of Bear Lake as a reservoir for irrigation demands. The lake elevation typically varies 3 to 4 feet in a year and the long term trends generally follow the wet/drought cycles. It is the vast areas of sovereign lands that are exposed as the lake level drops that are a primary focus of this CMP.



### 3.2.2 Water Quality

Bear Lake within the State of Utah is classified as a 2A, 2B, 3A, 4 water body. These Classes indicate the designated beneficial uses assigned to Bear Lake in Utah. Class 2A waters are protected for primary contact recreation such as swimming. Class 2B waters are protected for secondary contact recreation such as boating, wading, or similar uses. Class 3 waters are protected for use by aquatic wildlife. The 3A class refers specifically to cold water aquatic life including the necessary aquatic organisms in their food chain. Class 4 refers to use for irrigation. Bear Lake currently fully supports its designated beneficial uses and is not listed as impaired in Utah's 2006 305(b) Report (UDEQ 2006).

The main Utah tributaries include Swan Creek, Laketown Creek, Big Spring Creek, North Eden, and South Eden Creek, which are monitored sites that meet Utah State water quality standards. Water quality data from Judd (1997) indicate that nutrients (total phosphorus, nitrogen, and ammonia) are below state water quality criteria. A study completed in 1982 determined that phosphorus, potassium, and nitrogen are at low levels, but adequate to support aquatic vegetation. A study completed in 2004 showed phosphorus and nitrogen both at low levels (Palacios et al. 2006).

Although the Bear River carries a significant nutrient load into Bear Lake, the high levels of calcium carbonate in the water bind to the nutrients and precipitate out and settle to the bottom, which causes them to become biologically unavailable. This adsorption reduces the potential for eutrophication in the lake (Palacios et al. 2006).

No permitted point sources discharge directly into Bear Lake. The communities adjacent to Bear Lake from the Idaho-Utah border to the Sweetwater Beach area and the area along the south shore to Vista Grande are connected to a sewer system that utilizes treatment lagoons.



Septic systems are present on the eastern side of the lake from Vista Grande north to the state line (D. Stringham 2008, pers. comm.).

Nonpoint sources such as agriculture, storm water, and recreation can potentially contribute pollutants to the lake. Pollutants could include total suspended solids, bacteria and pathogens, and nutrients.

### 3.2.3 Water Rights

PacifiCorp owns the exclusive right divert water from the Bear River and to store it in Bear Lake. Additionally, they own the right to all of the tributary flow entering the lake. These rights were established by court decrees known as the Kimball Decree in Utah and the Dietrich Decree in Idaho. PacifiCorp holds delivery contracts with six downstream irrigation companies in both Utah and Idaho to deliver Bear Lake storage water which supplements the irrigation companies' own rights in times when the natural supply is insufficient.

## 3.3 Recreation and Scenic Resources

### 3.3.1 Recreation Resources

Bear Lake is a popular destination for tourists, recreationists, and sportsmen and is becoming more popular each year as a resort and recreation area. Recreation experiences are known to be dependent on perceptions such as how well a site is managed, cleanliness, sense of safety, reasonable fees, convenience, and whether the site is too crowded. Maintaining high-quality recreation and improving the infrastructure that is needed to support increasing use is a challenge for sovereign lands management.

Garden City is the largest town at Bear Lake, offering several lodging and dining options for tourists. The area's culinary specialty is raspberry shakes. The surrounding valley has gained a reputation for having high quality raspberries,

although in recent years, raspberry production has suffered from disease and land development. The Raspberry Days festival is an annual event held each August by Garden City celebrating the harvest. Much of the summer traffic is from tourists passing through to other destinations such as Yellowstone National Park in nearby Wyoming.

Native Americans were the first known residents of the Bear Lake Valley. The first record of white people being at the lake is from 1818 when French-Canadian trappers of the Hudson's Bay Company followed the Bear River upstream to the valley. Later, between 1825 and 1840, many mountain men, including Jedediah Smith and Jim Bridger, met on the south shore with Native Americans to swap goods and to share in their forms of recreation. This is the origin of the mountain man rendezvous which continues to this day in mid-September hosted by Utah's Bear Lake State Park on Rendezvous Beach. During the 1970s there was a big increase in recreation enterprises around Bear Lake. The west shore became more crowded with motels, private cabins and the new Blue Water Beach resort. Sweetwater Resort was developed on the southwest shore and is the most developed private recreation area on Bear Lake with 150 condominiums, a convention center, two restaurants, a swimming pool, and tennis courts.

In the summer of 1978, Rendezvous Beach opened as a State Park where 80,000 people visited that first season. The State Recreation





Areas on the east shore (i.e., First Point, South Eden, Cisco Beach, Rainbow Cove, and North Eden) were obtained and opened from 1962 through 1987. Bear Lake Marina, which was constructed by the state in the mid-1960s, was expanded in 1996 to remain usable at lower lake elevations (Palacios et. al 2006).

Annual visitation has averaged 226,408 people between 1980 and 2002, with just over 200,000 visitors in 1980 and just over 300,000 visitors in 2002 (Palacios et. al 2006). July has the highest monthly visitation with just over 100,000 people visiting during that month in 2002 (State of Utah 2005). In the most recent years (2003 to 2008), visitation at Bear Lake State Park has ranged from 32,230 in 2003 and 232,825 in 2006. Visitation totals for 2008 reached 193,291 (Utah State Parks 2008).

Recreation capacity is emerging as a management challenge with some beaches at or near capacity on holidays and summer weekends. Because water-level elevations at Bear Lake determine the amount of sovereign land area exposed, recreation capacity on beaches will vary from year to year. To better understand and plan for recreation capacity on Bear Lake beaches, a water-level and sovereign land area analysis was completed for the CMP. Table 3-1 provides a summary of sovereign lands area exposed by management classification for water level elevations between 5,902 and 5,923 feet.



The Utah portion of Bear Lake has 26 miles of shoreline with 8.25 miles open to the public. The busiest recreation season runs from June to September. The majority of recreational activities on the shores of Bear Lake are water related. Most visitor experiences will include shore or boat fishing, waterskiing, boating, kayaking, canoeing, use of personal watercraft, day-camping, sun bathing, picnicking, playing in the sand and swimming. There are numerous watercraft rentals and fishing outfitters in the area.

At certain designated areas of the lake shore, all terrain vehicles are permitted. Scuba diving is popular on the east shore of Bear Lake at Cisco Beach, where the water is 208 feet deep. The water is clear and there are some interesting caverns to explore (Rich County 2008). Two diving areas have been designated and marked. Bear Lake is renowned for the Bear Lake cutthroat trout (*Onchorhynchus clarki utah*) and trophy lake trout (*Salvelinus namaycush*). Bear Lake is also home to four endemic species (i.e., found no where else in the world). Trolling and jigging from boats can be done throughout the year. Winter and spring months are the most productive. The experienced angler will find success any time of year. Winter brings ice fishing and the endemic Bonneville cisco (*Prosopium gemmifer*) are harvested in mid January by dipping the fish from the lake in nets through holes cut through the ice or from the shore if the lake has not frozen.

Bear Lake State Park offers three primary recreation areas: Rendezvous Beach, Bear Lake Marina, and East Beaches (see Map D in Appendix A). Rendezvous Beach is located on the southwest part of the lake, the Bear Lake Marina is on the west side of the lake north of Garden City, and the East Beaches are found along the east shore of the lake. State Parks hosts the annual Mountain Man Rendezvous event at Rendezvous Beach. Picnic tables and restrooms and some camping areas are available at the State Recreation Areas above sovereign lands. State Park hours are from 8 a.m. to 10 p.m. year-round with no holiday



Table 3-1. Exposed sovereign lands acreage according to Bear Lake water level.

BEAR LAKE WATER LEVEL ELEVATION BY FEET (UP&L DATUM)	CLASS 1 AREA EXPOSED (ACRES)	CLASS 2 AREA EXPOSED (ACRES)	CLASS 5 AREA EXPOSED (ACRES)	CLASS 6 AREA EXPOSED (ACRES)	TOTAL SOVEREIGN LANDS AREA EXPOSED (ACRES)
5,902	528	2,662	51	926	4,167
5,903	504	2,546	48	884	3,982
5,904	480	2,429	46	842	3,797
5,905	456	2,311	43	800	3,610
5,906	432	2,192	41	758	3,423
5,907	408	2,072	39	716	3,235
5,908	384	1,951	36	674	3,045
5,909	359	1,829	34	632	2,854
5,910	334	1,706	31	590	2,661
5,911	309	1,582	29	548	2,468
5,912	284	1,457	26	506	2,273
5,913	259	1,331	24	464	2,078
5,914	234	1,204	22	422	1,882
5,915	209	1,076	19	380	1,684
5,916	183	947	17	338	1,485
5,917	157	817	14	296	1,284
5,918	131	686	12	254	1,083
5,919	105	554	10	212	881
5,920	78	421	7	170	676
5,921	51	287	5	128	471
5,922	24	150	3	93	270
5,923	0	0	0	0	0





closures. Currently, a day visit permit is \$8 a day. There are also annual use permit passes available that currently cost \$75 or \$35 for a senior annual pass. Overnight Camping rates vary by campground and are currently \$10 to \$25 (Utah State Parks 2008).

Bear Lake Marina has a sanitary disposal station, restrooms, concessionaires, and a visitor center. Rendezvous Beach has over a mile of sandy beaches for camping, picnicking, and watercraft activities. There are four campgrounds at Rendezvous Beach State Park with a total of 220 campsites. There are five State Recreation Areas at the East Beaches. First Point, on the southeast shore, provides primitive campsites, restrooms and a small boat ramp. South Eden offers primitive campsites, restrooms, and two group pavilions. Rainbow cove provides primitive campsites, restrooms, boat ramp, and group fire pits with grills. Cisco Beach provides picnic areas, primitive camping, restrooms and a boat ramp. North Eden offers primitive campsites restrooms, two group pavilions, and fire pits with grills. There are a number of access points to the lake both public and private. The public access points include campgrounds, marinas, numerous “walk-in” and day use areas along U.S. Route 89 and the east shore road (see Map E in Appendix A). There are seven major boat-launching ramps around Bear Lake, one of which is private. The Bear Lake Marina has a five lane boat ramp, 355 seasonal boat slips, and 21 daily boat slips (State of Utah 2005).



A survey conducted by the Utah Division of Parks and Recreation in 2005 that revealed that 95 percent of the boaters on Bear Lake are from Utah and that a majority of these boaters do not yet consider the lake to be overly crowded (Palacios et. al 2006). According to a visitor survey conducted in 2002:

- ✦ The three most visited sites are the Bear Lake Marina, Rendezvous Beach, and Cisco Beach.
- ✦ For the majority of visitors, Bear Lake was their only destination.
- ✦ Over half of the visitors stayed two or more days, while about a third stayed one day or less.
- ✦ More than 70 percent of respondents visited more than two times in the last year.
- ✦ Over 75 percent of visiting groups included children under the age of 18 and 54 percent of the groups were families.
- ✦ The three most popular activities among visitors are swimming, boating, and sunbathing. Camping was number four and picnicking was number five.
- ✦ 80 percent of the visitors were Utah residents.

Current rules for recreational use of sovereign lands at Bear Lake are established for both the high-visitation time (May 1 through September 30) and the off-season time (October 1 through April 30). For the May 1 through September 30 time-frame, motor vehicle use and picnicking are allowed on sovereign lands with the following restrictions:

- ✦ Areas posted by the FFSL are off limits to motorized vehicles.
- ✦ The established speed limit is 15 miles per hour.





- ✦ Except as necessary to launch or retrieve watercraft, motor vehicles are not allowed within 100 feet of the water's edge.
- ✦ Unless posted otherwise, or to access a picnicking spot, no motor vehicles may travel parallel to the water's edge.
- ✦ Camping and the use of motorized vehicles are prohibited between the hours of 10:00 p.m. and 7:00 a.m.
- ✦ No campfires or fireworks are allowed.

For the October 1 through April 30 time-frame, motor vehicle use and picnicking are allowed on sovereign lands with the following restrictions:

- ✦ Motor vehicles will not be allowed on lands administered by the Division of Parks and Recreation.
- ✦ The established speed limit is 20 miles per hour.
- ✦ Except as necessary to launch or retrieve watercraft, motor vehicles are not allowed within 100 feet of the water's edge.
- ✦ Travel parallel to the water's edge is allowed, outside the 100 foot zone.
- ✦ Camping and use of motorized vehicles are prohibited between the hours of 10:00 p.m. and 6:00 a.m.
- ✦ No campfires or fireworks are allowed.

### 3.3.2 Scenic Resources

Bear Lake is often called the “Caribbean of the Rockies” for its eye-catching turquoise blue water. Visitors and residents recognize that the scenic quality of the lake is one of its most important natural resources. The high quality of the scenery of the lake is attributed to many factors, including water color, clarity, depth, and size. Another

factor is that the lake is visible from the visitor center near the summit of Logan Canyon, making Bear Lake the single largest scenic feature. The mountain ranges that surround the flat plane of the lake form a backdrop that creates an enclosed panoramic landscape.

Visitors and the local population share a desire to protect and keep the scenery of Bear Lake unmarred, realizing at the same time that development is necessary to serve the needs of visitors and residents. It is important to understand the relationship between the natural and built environments in order to keep the area's high scenic quality as a valued resource and to meet the needs of people. The management strategies on the sovereign lands can add to or distract from the lake as a scenic resource. Management strategies should include policies that maintain and restore the scenic qualities of the natural appearing shoreline, improve public viewing and access to the lake, define development standards such as materials lighting and signage, and preserve and enhance natural features of the lake.

Visual resource management is a planning tool used to protect and enhance the scenic quality of a particular area, such as the Bear Lake Valley. Most residents of, and visitors to, Bear Lake recognize its unique aesthetic value. However, there is currently no system in place at Bear Lake to protect and/or enhance its visual quality.



Nearby Federal Bureau of Land Management and Forest Service lands have a visual resource management system in place to manage scenery for their respective jurisdictions.

### 3.4 Natural and Cultural Resources

#### 3.4.1 Vegetation Resources

Vegetation types surrounding Bear Lake are classified by the USGS (2004) as Agriculture, Inter-Mountain Basins Big Sagebrush, Rocky Mountain Riparian Woodland and Shrubland, Developed Open Space-Low Intensity, and small areas of Developed, Medium-High Intensity (see Map F in Appendix A). The land located on the western side of Bear Lake has been historically used for agriculture (Palacios et al. 2006) and a significant portion remains in agricultural use. This land has a more gradual slope to the lake that is conducive to agriculture as well as commercial and residential development. This region around Bear Lake has experienced the most development, likely due to proximity to town, topographic character, boat access, and larger beaches.

Because of this, the native vegetation communities have in many areas been replaced with agriculture and low-density housing developments. The eastern side of Bear Lake is still relatively undeveloped and is classified by



intact big sagebrush and mountain riparian woodland and shrubland communities.

Vegetation communities on the east side of Bear Lake have not been as affected by agricultural and development to the extent that the western side of the lake has experienced. This may be attributed to the narrower width of flat land on the eastern side of the lake, characterized by the abrupt interface between the adjacent mountains, foothills, lake and associated beach. Also, cottonwood vegetation communities with young recruits can be found interspersed along the lake shoreline.

Plant species of concern in the Bear Lake region include: Wasatch rockcress (*Arabis lasiocarpa*), starveling milk-vetch (*Astragalus jejunos*), Garrett's milkvetch (*Astragalus miser*), tufted cryptantha (*Cryptantha caespitosa*), Wasatch goldenbush (*Ericameria obovata*), Cache bladderpod (*Lequerella mutliceps*) and Cache owl's-clover (*Orthocarpus tolmieri*) (UDWR 1998). These species are identified as being endemic to the region, none of that are listed as Threatened or Endangered by the U.S. Fish and Wildlife Service (USFWS 2008).

There are 19 noxious weeds listed in the State of Utah (USDA 2008), many of which can be found in the Bear Lake area. Other species of concern that are not listed on the state noxious weed list include common reed (*Phragmites australis*) and cheatgrass (*Bromus tectorum*). Common reed in particular has been observed along the shoreline of Bear Lake, and due to its invasive nature and propensity of replacing biologically diverse plant communities, this species has the potential to continue to spread and degrade native plant communities. While cheatgrass can be found in nearly all native plant communities, this species spreads and thrives in disturbed systems. Due to this characteristic, careful consideration should be taken when planning for recreation impacts to adjacent upland vegetation communities, including OHV, campfire, and firework use.



Wetlands associated with Bear Lake sovereign lands have been impacted by recreational use, mowing by adjacent landowners, beach access, and other unpermitted activities. Wetland vegetation communities are at risk to becoming dominated by invasive species, namely common reed. Recreational impacts, specifically OHV use along beach front has the potential to degrade native plant communities and reduce wildlife value. Wetland vegetation communities appear to be showing significant signs of being replaced by noxious and invasive non-indigenous species.

Vegetation community boundaries for sovereign lands were drawn in the field directly onto aerial imagery printed at 1 inch equals a 200-foot scale (see Map G in Appendix A). Species composition was recorded for all species that comprised 20 percent or more of the vegetation community. Each of the polygons mapped was classified as either a vegetation community or cover type. These classifications include: (1) bare ground, (2) open water, (3) emergent marsh (native), (4) emergent marsh (non-native), riparian woodland (native), (5) riparian woodland (non-native), (6) wet meadow (native), and (7) wet meadow (non-native). The most common plants in each vegetation type are shown in Table 3-2.

The majority of vegetation communities along the western shore are native emergent marsh community type. Vegetation communities directly adjacent to the lake, where natural, seasonal disturbance occurs, are beginning to be infested by common reed. The south west shore, an area heavily utilized for recreation, is dominated by non-native emergent marsh and non-native wet meadow. The south east corner and eastern shore area is dominated by native vegetation community types, including emergent marsh, riparian woodland, and wet meadow. The vegetation communities within the less utilized eastern shore appear to contain more intact native plant communities, likely a result of lower disturbance rates from recreational users and adjacent land owners.

Table 3-2. Common plant species occurring on Bear Lake sovereign lands according to vegetation community type.

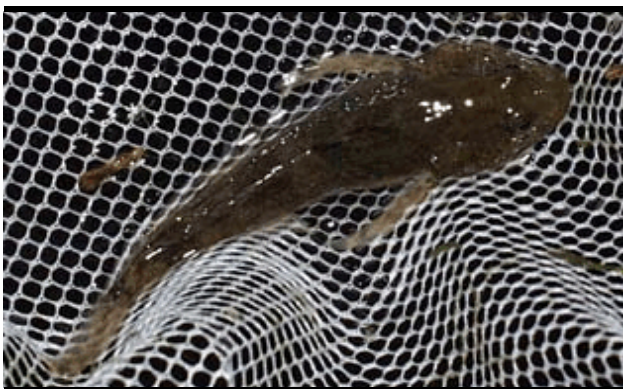
VEGETATION TYPES	
Common Name	Scientific Name
<b>Emergent Marsh (Native)</b>	
Chairmaker's bulrush	<i>(Schoenoplectus americanus)</i>
Hardstem bulrush	<i>(Schoenoplectus acutus)</i>
Broadleaf cattail	<i>(Typha latifolia)</i>
Common spikerush	<i>(Eleocharis palustris)</i>
<b>Emergent Marsh (Non-Native)</b>	
Common reed	<i>(Phragmites australis)</i>
<b>Riparian Woodland (Native)</b>	
Narrowleaf cottonwood	<i>(Populus angustifolia)</i>
Shining willow	<i>(Salix lucida)</i>
Narrowleaf willow	<i>(Salix exigua)</i>
Eastern cottonwood	<i>(Populus deltoides)</i>
<b>Riparian Woodland (Non-Native)</b>	
Russian olive	<i>(Elaeagnus angustifolia)</i>
<b>Wet Meadow (Native)</b>	
Swordleaf rush	<i>(Juncus ensifolius)</i>
Arctic rush	<i>(Juncus arcticus)</i>
Foxtail barley	<i>(Hordeum jubatum)</i>
<b>Wet Meadow (Non-Native)</b>	
Yellow sweetclover	<i>(Melilotus officinalis)</i>



### 3.4.2 Fishery Resources

Bear Lake is a large (112 square miles), high elevation (5,920 feet), oligotrophic lake located in northeastern Utah and southeastern Idaho. The mean depth of Bear Lake is about 92 feet and the maximum depth of the lake can reach 207 feet. The lake demonstrates classic tilt-block morphology with the steepest lake portions located along the eastern shore, grading into a gradual uphill slope as the western shoreline is reached. The watershed of the lake is relatively small, and the geology consists of calcareous and other soft sedimentary rocks. Due to the alkalinity of the water, marl precipitates and other minerals are present throughout the water column, contributing to Bear Lake's aesthetically appealing turquoise color. Mapping by Utah State University personnel have revealed that the major substrate types consist of fine marl sediments, rock, and ancient beds of gastropod and bivalve shells (Lamarra et al. 1986, Birdsey 1989, Wurtsbaugh and Hawkins 1990, Wurtsbaugh and Luecke 1998, Luecke unpublished data as cited in Albrecht 2004, Coleman 2006).

Bear Lake is a temperate, dimictic system. The water column is typically saturated with dissolved oxygen and sampling efforts have indicated that dissolved oxygen levels do not drop below 4 g/L (Lamarra et al. 1986, Wurtsbaugh and Luecke 1998). While hypolimnetic temperatures typically never elevate above 6 °C, surface temperatures during the summer can reach 21 °C.



Furthermore, a strong thermocline can generally be observed at depths of 40 to 50 feet during the summer months (June- October) (Wurtsbaugh and Luecke 1998). Wurtsbaugh and Hawkins (1990) report very low levels of chlorophyll-a (0.5 mg/L) that result in the lake sustaining relatively low levels of biotic productivity. Secchi depths typically range from 6 to 20 feet throughout the annual cycle and are lower than would be expected due to the high concentrations of suspended carbonates present in the water column. Zooplanktonic density and biomass is dominated by the calanoid copepod *Epischura*, *Bosmina*, and the occasional *Daphnia* (Wurtsbaugh and Luecke 1998, as cited in Albrecht 2004).

Despite the relatively low productivity of Bear Lake, the ichthyofaunal assemblage is made up of a rather robust 14 species, 4 of which are endemic. Besides the Bonneville cisco, mentioned previously, the other three endemic fish include the Bonneville whitefish (*P. spilonotus*), Bear Lake whitefish (*P. abyssicola*), and Bear Lake sculpin (*Cottus extensus*).

Other native fish species include: Utah sucker (*Catostomus ardens*), Utah chub (*Gila atraria*), reidside shiner (*Richardsonius baltiatius*), and speckled dace (*Rhyichthys osculus*). Species introduced to the system include: lake trout, rainbow trout (*Onchorynchus mykiss*), green sunfish (*Lepomis cyanelles*), yellow perch (*Perca flavenscens*), common carp (*Cyprinus carpio*), and others (McConnell et. al. 1957, Wurtsbaugh and Hawkins 1990, Wurtsbaugh and Luecke 1998, as cited in Albrecht 2004).

Like most large systems, the terrestrial and aquatic ecosystemic components of the Bear River watershed are subject to anthropogenic influences that tend to be common throughout the Western United States. Drought conditions have placed strains on management abilities to strike a balance between human need for irrigation water, hydropower, recreational use, and conservation of aquatic ecosystems. Human-caused nutrient



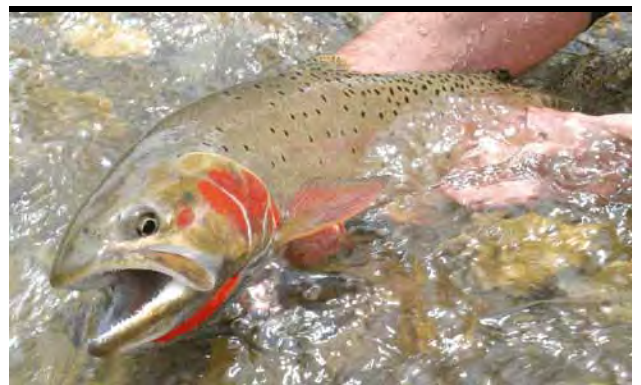
influences stemming from development, agricultural practices, recreation, or various water usage practices could positively or negatively impact successful spawning by the various endemic and sport fishes in Bear Lake based on biotic and abiotic interactions (Langton et al. 1996; Baxter and Hauer 2000). Reductions in lake levels may diminish some habitat types and potentially reduce spawning areas, particularly for the endemic fishes (Garside 1959, Silver et al. 1963, Thomas et al. 1969, Zawisza and Backiel 1970, Young and Oglesby 1972, Brooke 1975, Ringler and Hall 1975, Chapman 1988, Holtby 1988, Murray et al. 1989, Jerric 1996; as cited in Albrecht 2004; Tolentino and Albrecht 2005).

Furthermore, Bear Lake serves as a water storage area providing down-stream sources of irrigation water and hydroelectric power. The result is an overall increase in water levels in the lake during the spring months, and a decrease in water levels during the summer and fall seasons. When this management pattern is coupled with information from Albrecht (2004) that many of the fish species residing in Bear Lake use shallow, rocky areas (see Map H in Appendix A) for spawning activities during winter months, there exists a need to preserve and protect rocky habitats that are used during spawning periods (see Map I in Appendix A), as well as other shoreline cover types for early life stages, both of which are sensitive stages for many species of fishes (Gadbury and Patalas 1984, Hayes et al. 1996; as cited in Albrecht 2004).

Only a few tributaries feed Bear Lake and most of these inflows are intermittent. Tributaries are important to some of the fishes in Bear Lake. Tributaries, particularly perennial tributaries, provide essential habitats for many fish species to complete their full life history cycles and can also serve as refuge habitat for many species. Furthermore, tributaries serve to provide greater habitat complexity to the Bear Lake ecosystem. Palacios et al. (2006) indicate that Bear Lake has four perennial streams, two major seasonal streams, and numerous near shore springs and

ephemeral inputs. For the purposes of this management plan, Big Spring Creek and Swan Creek are two perennial streams that likely warrant consideration as candidates for preservation measures within the Utah portion of the greater Bear Lake ecosystem. Swan Creek, in particular, is known to serve as an important native Bear Lake cutthroat trout spawning tributary in Utah. In fact, the UDWR maintains a fish trap near the mouth of Swan Creek to collect cutthroat trout eggs which are then reared in a hatchery for one year and then restocked into Bear Lake in order to supplement the native Bear Lake cutthroat trout population. These eggs have also been used to develop a hatchery held brood stock of Bear Lake cutthroat trout which is used to manage populations of native Bonneville cutthroat trout throughout the State of Utah (Palacios et al. 2006).

Palacios et al. (2006) provide a nice summary of the aquatic plants of Bear Lake, all of which likely serve as important habitat during early life history stages of the various fish species in Bear Lake. As indicated in the previous paragraph, aquatic vegetation serves to provide shoreline cover types for both fishes and their prey sources. Palacios et al. (2006) indicate that the most common submerged aquatic plants in Bear Lake are Chara sp. Water milfoil (*Myriophyllum utricularia*) and pond weed (*Potamogeton*) also have limited distributions within Bear Lake at certain times and under certain conditions. Perhaps more pertinent for consideration in relation to the fishery at Bear Lake are the aquatic emergent plants such as





rushes, cattails, sedges, willows, and other emergent vegetation types that accumulate along the exposed shoreline areas of Bear Lake. These types in particular, can provide important nursery habitats for early life stage fishes and serve to provide refuge area for young fishes. Interestingly, these types of vegetation may also be impacted by shoreline recreation and homeowner maintenance type activities.

Palacios et al. (2006) explore the recreational uses of Bear Lake and indicate that the sale of fishing licenses, visitation at state parks, and other shoreline and boating activities have all increased nearly 50 percent during the last decade. Bear Lake has been designated as a Utah “Blue Ribbon Fishery.” Of the fishes found within Bear Lake, Palacios et al. (2006) indicate that cutthroat trout and lake trout are most desired by anglers. However, Palacios et al. (2006) indicate that whitefish are the most abundant fish actually captured. Both the cutthroat and lake trout fisheries are maintained largely by UDWR stocking efforts, with the lake trout stocking events in recent years consisting of sterile triploid individuals.

The UDWR has conducted creel surveys on Bear Lake since 1973 in an effort to ascertain angler pressure and harvest information. Palacios et al.

(2006) cite Tolentino and Nielson (2002) and provide the following trends in angler pressure:

- ☀ total angler pressure from 1996-1997 estimated at 27,711 hours
- ☀ total angler pressure in 1999 estimated at 53,046 hours
- ☀ total angler pressure in 2002 estimated at 66,645 hours
- ☀ total angler pressure in 2005-2006 estimated between 30,029-32,326 hours (Tolentino 2007)

Overall, it appears as though fishing is becoming a more popular pastime at Bear Lake. In all cases, weekend angling pressure appears to be higher than weekdays, and angler activity tends to increase during years that Bear Lake freezes, thereby facilitating ice fishing which accounts for 30 percent of the angler use on Bear Lake. During the non-winter months, the majority of the angling pressure is from boats (54 %), with a lower level of fishing pressure being expended by shoreline users (16 %). Interestingly, it has been estimated that 90 percent of anglers fish within the Utah portion of Bear Lake (Palacios et al. 2006, Tolentino 2007).

### 3.4.3 Wildlife Resources

#### *3.4.3.1 Existing Habitat*

Vegetation types surrounding Bear Lake are described above in Section 3.4.1. The land located on the western side of Bear Lake has been historically used for agriculture (Palacios et al. 2006) and a significant portion remains in use for agricultural purposes. This land has a more gradual slope to the lake that is conducive to agricultural uses, as well as commercial and residential development. This region around Bear Lake has experienced the most development, likely due to its proximity to Garden City, topographic character, boat access, and larger beaches. Because of this, the native vegetation





communities have in many areas been replaced with agriculture and low-density housing developments. The eastern side of Bear Lake is still relatively undeveloped and is classified by intact Big sagebrush and mountain riparian woodland and shrubland communities.

Vegetation communities on the east side of Bear Lake have not been as affected by agricultural and development to the extent that the western side of the lake has experienced. This may be attributed to the narrower width of flat land on the eastern side of the lake, characterized by the abrupt interface between the adjacent mountains, foothills, lake, and associated beaches. Also, cottonwood vegetation communities with young recruits can be found interspersed along the Bear Lake shoreline.

### 3.4.3.2 Birds and Mammals

Many bird species use Bear Lake on a seasonal basis or during migration. Species commonly found at Bear Lake year-round include herons, egrets, sandpipers, rails, pelicans, geese, coots, grebes, tundra swans, and ospreys. During the breeding season (April-June), Bear Lake serves as primary breeding grounds for burrowing owls, gray flycatchers, long-billed curlew, peregrine falcons, and black-throated gray warblers. During the winter, Bear Lake serves as critical habitat for bald eagle and Swainson's hawk.

The upland avian community of the Bear Lake Valley consists of numerous terrestrial species including black-billed magpies, common ravens, broad-tailed hummingbirds, downy woodpeckers, European starlings, and other neo-tropical migrants (Palacios et al. 2006). Table 3-3 presents a list of avian species that have been designated as either critical or high-priority species found within the Bear Lake basin.

The big sagebrush communities surrounding Bear Lake are important to a variety of species including the greater sage-grouse, which is currently listed as a candidate species for protection under the Endangered Species Act.

Sage-grouse, the largest grouse species in North America, are considered sagebrush obligates; they are dependent on sagebrush (*Artemisia* spp.) for food, cover, and mating and nesting habitat year-round and throughout all stages of their life cycle (USFWS 2005). Map J in Appendix A presents the location of delineated sage-grouse brooding habitat within the Bear Lake basin as provided the Utah Division of Wildlife Resources (UDWR 2008).

Big game species found in available habitat surrounding Bear Lake include mule deer, elk, moose, pronghorn antelope, mountain lion, and coyote. Although uncommon around Bear Lake, the black bear are thought to occur on the west side of the lake on U.S. Forest Service lands (Palacios et al. 2006).

Small mammals known to occur within the Bear Lake basin include squirrels, pocket gophers, chipmunks, skunks, mice, shrews, and voles. Other mammal species include cottontails, jackrabbits, badgers, weasels, bobcats, muskrats, river otters, and raccoons. Prairie dog colonies are located along the western edge of the lake and are known to have supported historic populations of black-footed ferrets.





Table 3-3. Avian species in the Bear Lake basin designated as either critical or high priority.

AQUATIC SPECIES	RAPTORS	TERRESTRIAL BIRDS
American coot	Bald eagle	American robin
Bonaparte's gull	American kestrel	Black-capped chickadee
Bufflehead	Barn owl	Brewer's blackbird
California gull	Burrowing owl	Brown creeper
Canvasback	Ferruginous hawk	Brown-headed cowbird
Cinnamon teal	Long-eared owl	Bullock's oriole
Common goldeneye	Northern harrier	Bunting species
Common loon	Peregrine falcon	Bushtit
Common merganser	Prairie falcon	Common poorwill
Franklin's gull	Red-tailed hawk	Common redpoll
Glaucous-winged gull	Rough legged hawk	Gray catbird
Herring gull	Swainson's hawk	Green-tailed towhee
Hooded merganser	Western screech owl	Killdeer
Lesser scaup		Mountain bluebird
Long-billed dowitcher		Northern mockingbird
Long-tailed duck		Northern waterthrush
Mallard		Rock pigeon
Northern shoveler		Sandhill crane
Northern pintail		Sage thrasher
Pacific loon		Shrike species
Red-breasted merganser		Shrike species
Redhead		Sparrow species
Ring-billed gull		Swanson's thrush
Ring-necked duck		Townsend's solitaire
Ruddy duck		Warbler species
Surf scoter		Western meadowlark
Thayer's gull		Western tanager
White-winged scoter		Wilson's snipe
Wilson's phalarope		Wren species
Wood duck		Yellow-breasted chat

Source: (Palacios et al. 2006).





### 3.4.3.3 Reptiles and Amphibians

Amphibians found around Bear Lake include the western chorus frog, northern leopard frog, tiger salamander, Great Basin spadefoot, Columbia spotted frog, and the Woodhouse's toad. The western toad can also be found around the lake and is listed as a sensitive species by the state of Utah (UDWR 2008). Only a few reptiles are common to the Bear Lake basin. These include the Great Basin rattlesnake, common and terrestrial garter snakes, striped whipsnake, western skink, gopher snake, eastern racer, and common sagebrush lizard.

### 3.4.3.4 Threatened and Endangered Species

A variety threatened, endangered, or otherwise sensitive (TES) species are thought to use available habitat around Bear Lake. These species include the federally delisted bald eagle, American white pelicans, and numerous other avian species (Table 3-4). The grey wolf has begun to expand its range from the northern Rocky Mountains into Utah and has been confirmed in the vicinity of Bear Lake (IDFW 2009). Although currently protected under the Federal Endangered Species Act, the USFWS has petitioned to consider the northern Rocky Mountain population of Gray Wolves as a distinct population segment that could eventually be removed from the Threatened and Endangered Species list. The state of Utah, in anticipation of an increase in Utah's wolf populations, has developed a Wolf Management Plan to guide the management of wolves in the state from delisting through 2015 (UDWR 2009). One of the largest sage-grouse populations in Utah can be found in the sagebrush steppe along the east side of the lake. Pygmy rabbits have also been found in the sagebrush communities surrounding Bear Lake. According to the Utah Natural Heritage Program and the Bureau of Land Management, pygmy rabbits have been known to occur in the sagebrush communities around Bear Lake since at least 2004 (Oliver 2004).

### 3.4.4 Cultural Resources

Very little cultural resources work has been completed along the Bear Lake shoreline, and only three sites have been recorded near the lake. These consist of two prehistoric sites recorded in 1968 and a historic cabin recorded in 1989. At least one of the prehistoric sites was described as being up to 50 percent disturbed, so it is unknown whether the prehistoric sites are still in existence.

Despite the fact that little work has been completed on cultural resources at Bear Lake, there is information concerning Native American as well as Euro-American presence there. The first recorded visit to Bear Lake was by French-Canadian trappers with the Hudson Bay Company in 1818. The trappers followed the Bear River upstream where they recorded their first views of the lake (Peterson 1994). Parson describes how Euro-American visitors to the lake "met with numerous Indian groups at or near Bear Lake. The Bear Lake area had been a favorite Indian retreat for centuries prior to the arrival of white settlers" (Parson 1996). Indians congregated at Bear Lake, likely in the summer or early fall months to fish, "dry meat, prepare skins, and recreate" (Parson 1996). The Ashley-Henry Fur Company set up a "headquarters" on the south shore of Bear Lake, which became their center of operations between 1827 and 1830 (Parson 1996).





Table 3-4. Threatened, endangered, and other sensitive species at Bear Lake.

COMMON NAME	SCIENTIFIC NAME	LISTING STATUS	
		Federal	State
American white pelican	<i>Pelecanus erythrorhynchos</i>		SPC
Bald eagle	<i>Haliaeetus leucocephalus</i>	DL	
Black-footed ferret	<i>Mustela nigripes</i>	X	
Bobolink	<i>Dolichonyx oryzivorus</i>		SPC
Brown/grizzly bear	<i>Ursus arctos</i>	X	
Canada lynx	<i>Lynx canadensis</i>	T	
Ferruginous hawk	<i>Buteo regalis</i>		SPC
Grasshopper sparrow	<i>Ammodramus savannarum</i>		SPC
Gray wolf	<i>Canis lupus</i>	E	
Greater sage-grouse	<i>Centrocercus urophasianus</i>	C	SPC
Pygmy rabbit	<i>Brachylagus idahoensis</i>		SPC
Sharp-tailed grouse	<i>Tympanuchus phasianellus</i>		SPC
Short-eared owl	<i>Asio flammeus</i>		SPC
Three-toed woodpecker	<i>Picoides tridactylus</i>		SPC
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>		SPC
Western toad	<i>Bufo boreas</i>		SPC
White-tailed prairie dog	<i>Cynomys leucurus</i>		SPC

X=extirpated; E=endangered, T=threatened, C=candidate for Federal listing; SPC=species of concern; DL=delisted



Two trapper rendezvous were held, likely at Rendezvous Beach, in 1827 and 1828. It is unknown exactly how many people attended these events, but it is known that men from the Ashley Fur Company, the Missouri Fur Company, and likely the men trapping with Peter Skene Ogden and the Hudson Bay Company attended. With Native Americans present, the number could have reached 1,000 to 1,500 men (Parson 1996).

During the late 1830s to the 1850s, many emigrants passed by the northern shores of Bear Lake while traveling on the Oregon Trail (Peterson 1994). The first reported permanent settler at Bear Lake was an ex-mountain man,



Thomas Pegleg Smith (Utah State Parks 2009). Smith set up a trading post in the 1840s to sell supplies to those who passed by on the Oregon Trail (Utah State Parks 2009). In 1863, Mormon Church President, Brigham Young, under his colonization plan sent a group of permanent settlers to the Bear Lake Valley. The Mormon settlers made an agreement with the Native Americans of the area that they would settle on the northern end of the lake (Peterson 1994). The Mormons soon reneged on this agreement and began to settle towns such as Garden City and Lake Town along the southern shores of the lake. The winters at the lake were very fierce and only the strongest remained.

Over the years, Bear Lake became a favorite summer recreation spot. In the 1970s Lakota and Ideal Beach were developed with condominiums (Peterson 1994). Numerous private cabins and summer houses have also been built along the lake shores. Camping, swimming, boating, and other water activities have also become popular and have affected the shores of Bear Lake. Because of this, and also due to the varying water levels at Bear Lake, it is unlikely that a large number of significant intact cultural resources would be found along the lake shores.

### 3.5 Sovereign Land Management

Utah Statute R-652-2 authorizes the FFSL to prescribe the general land management objectives for sovereign lands. Since statehood, the State of Utah has recognized and declared that the bed of Bear Lake within the state of Utah is owned by the State, is among the basic resources of the State, and that there exists a public trust over and upon the bed of Bear Lake. The State of Utah also recognizes that the public health, interest, safety, and welfare require that all uses on, beneath, or above the bed of Bear Lake is regulated so that the protection of navigation, fish and wildlife habitat, aquatic beauty, public recreation, and water quality will be given due consideration and balanced against the navigational or economic necessity or justification

for, or benefit to be derived from, any proposed use of sovereign lands.

Utah Statute R-652-70 provides for the issuance of special use leases, general permits, and easements on sovereign lands, as well as the procedures and fees necessary in order to regulate and manage these rights of use. Existing leases and permits at Bear Lake include 48 easements, 2 rights of entry, 5 general permits, and 5 special use lease agreements. See Appendix D for a detailed listing of existing leases and permits. Map K in Appendix A shows the location of the existing leases, permits, and easements.

Grazing permits and mineral leases are considered separately under the range resource management rules and the mineral lease rules, respectively. Any lease, permit, or easement issued by the FFSL on sovereign lands is subject to public trust and may be revoked at any time if necessary to fulfill public trust responsibilities. The following describes the types of leases, permits, and easements that may occur at Bear Lake, as well as relevant information on procedures, applications, rates, approvals, and other requirements.





### 3.5.1 Types of Use

#### *3.5.1.1 Special Use Leases*

The FFSL may issue Special Use Leases for terms of one to 51 years for surface uses on sovereign lands under the following criteria:

#### *3.5.1.2 Commercial*

Income producing uses such as marinas, recreation piers or facilities, docks, moorings, restaurants, or gas service facilities.

#### *3.5.1.3 Industrial*

Uses such as oil terminals, piers, wharves, moorings.

#### *3.5.1.4 Agricultural/Aquacultural*

Any use that utilizes the bed of a navigable lake or stream to grow or harvest any plant or animal.

#### *3.5.1.5 Private Uses*

Non-income producing uses such as piers, buoys, boathouses, docks, water-ski facilities, houseboats, and moorings that do not qualify for a General Permit.

#### *3.5.1.6 General Permits*

The FFSL may issue General Permits for terms of one to 30 years for surface uses on sovereign lands under the following criteria:

- ☀ Public agency uses such as public roads, bridges, recreation areas, or wildlife refuges having a statewide public benefit.

- ☀ Public agency protective structures such as dikes, breakwaters, and flood-control workings.
- ☀ Private recreational uses such as any facility for the launching, docking, or mooring of boats which is constructed for the use of the adjacent upland owner. An adjacent upland owner is defined as any person who owns adjacent upland property which is improved with, and used solely for, a single-family dwelling.

#### *3.5.1.7 Easements*

Easement terms and conditions shall be prescribed in the particular easement document. Applications for easements not meeting the criteria for Special Use Leases or General Permits shall follow the rules and procedures outlined in the FFSL's rules governing the issuance of easements.

### 3.5.2 Procedures

#### *3.5.2.1 Leases, Permits, and Easements*

Procedures for processing individual applications for special use lease agreements, easements, grazing permits, materials permits, off-highway designations, land exchanges, and cultural resources will be as follows.

1. Application is received in FFSL offices and application fees will be collected.
2. Application will be evaluated to check compliance with the Bear Lake Comprehensive Management Plan.
3. If application conforms to the CMP, then the proposed plan will be sent to the Resource Development Coordinating Committee for a 30-day review period. This is the time the public can provide input on individual applications, as well as agency comments to the project, including





- any suggested stipulations that may restrict timing or development of the proposed project. Following the review period, the Governor's Office of Planning and Budget will forward comment to the submitting office.
4. Simultaneous to the RDCC review, copies will be sent to local governments via BRAG office (Bear River Association of Governments).
  5. Copies of the planned actions will be sent to adjacent landowners for all actions requiring a Record of Decision. (Rights of Entries and Letters of Authorization require no public review).
  6. A decision document will be prepared either in the form of a Director's Agenda (a short factual review of the decision process) or a Record of Decision an analysis of the proposed action and the effects to the resources, adjacent landowners, and economic benefit to the trust beneficiaries.
  7. The Record of Decision, or Director's Agenda item will be executed (or disapproved).
  8. If the application is approved, legal documents outlining terms and conditions of the approved action will then be negotiated between the parties, prepared and executed.

### 3.5.2.2 *Rights of Entry*

Because they are temporary in nature (usually maximum of 1 year) and normally do not affect surface features of the sovereign lands, rights of entry are issued at the area level under the Area

Manager's signature. The process for Rights of Entry follows.

1. Application is received in FFSL offices and application fees will be collected.
2. Application will be evaluated to check compliance with the Bear Lake CMP.
3. If the use complies with the CMP, then a permit will be written outlining terms and conditions of the approved action, then executed.
4. A Director's Agenda will be prepared to update the land lease system.

### 3.5.2.2 *Letters of Authorization*

Letters of Authorization, also executed at the area level, do not normally involve any money being made on sovereign lands. These uses are generally educational or research-oriented and are free to obtain although the verbiage in the letter tries to limit the exposure to the state to mishaps (e.g., if a four wheeler falls into a rut and is damaged, the state would not be liable.). The procedure is as follows:

1. If the use complies with the CMP, then a letter will be written outlining terms and conditions of the approved action, then executed. No fees are associated with a LOA.
2. A Director's Agenda will be prepared to update the land lease system.



### 3.5.3 Applications

Any person who is qualified to do business in the State of Utah, and is not in default under the laws of the State of Utah or in default on any previous agreements with FFSL, is qualified to apply for a lease, permit, or easement on sovereign lands at Bear Lake. Application shall be on forms provided by FFSL and must be accompanied by plans which include references to the relationship of the proposed use to various water surface elevations and the high-water mark at Bear Lake and the vicinity at the site of the proposed use. The application must also include a description of the proposal's relationship to the classification system found in the CMP (see Map B in Appendix A). Where applicable, applications must be accompanied by a copy of local building permits, a copy of the Corps permit, and a copy of any additional permits required by the Division of Parks and Recreation. Incomplete applications, and applications not accompanied by filing fees when required, will not be accepted for filing. The FFSL will notify the applicant of any deficiency.



### 3.5.4 Rates

**3.5.4.1 Special Use Lease Rates**  
 Procedures for determining fair market value for surface leases are found in R-652-30-400. Where these general procedures can not be readily applied, fair market value for sovereign lands may also be determined by multiplying the market value (as determined by the County Assessor or by the State Tax Commission) of the adjacent upland by 30 percent. Lease rates for sovereign lands may also be determined by multiplying the fair market value by the current determined interest rate and then prorating that amount by a season of use adjustment as determined by FFSL. Regardless of the lease rate determined as above, no Special Use Lease shall be issued for an amount less than the minimum lease rate as determined by FFSL.

**3.5.4.2 General Permit Rates**  
 Procedures for establishing rental rates for any private recreational use of sovereign land are found in R-652-70-300. The adjacent upland owner shall also pay the FFSL's expenses in issuing a General Permit in accordance with its current fee schedule. No application fee shall be charged for public agency use of sovereign lands if the FFSL Director determines that the agency use enhances public use and enjoyment of sovereign land. In addition, no rental shall be charged for public agency use of sovereign lands if the FFSL Director determines that a commensurate public benefit accrues from the use.

The FFSL Director may enter into agreements with State agencies having regulatory authority on navigable lakes and rivers to allow these agencies to authorize public agency use of sovereign land provided the following are met:

- ☀ the use is consistent with FFSL policies and coordinated with other FFSL activities;



- ✦ the applicant has an existing General Permit in good standing under which the proposed use can be placed pursuant to R-652-70-700(3);
- ✦ a commensurate public benefit accrues from the use, as indicated by criteria provided in the agreement;
- ✦ the proposed use meets the criteria required by the State agency; and
- ✦ the proposed use is consistent with the principles of multiple use and sustained yield as defined in Section 65A-1-1.

### 3.5.5 Approvals

Nothing in the FFSL rules excuses an applicant for Special Use Lease, General Permit, or Easement from obtaining any additional approvals lawfully required by any local, State, or Federal agency, including local zoning boards or any other local regulatory entity, the Division of Parks and Recreation, the State Engineer, the Division of Oil, Gas, and Mining, the United States Army Corps of Engineers, or the United States Coast Guard. The following are examples of specific activities that require approval for uses of sovereign lands and their associated guidelines.

#### 3.5.5.1 *Placing of Dredged or Fill Material*

The placing of dredged or fill material, refuse, or waste material on the bed of Bear Lake requires written approval from FFSL and the U.S. Army Corps of Engineers.

#### 3.5.5.2 *Excavated or Dredged Channels and Basins*

Excavated or dredged channels or basins will only be authorized by the FFSL Director on a showing of reasonable necessity. Material moved during excavation or dredging shall be transported and deposited at a point above the high-water mark of

Bear Lake. Additional conditions may be stipulated in the permit.

#### 3.5.5.3 *Repair of Existing Facilities*

Approval is not required by FFSL to clean, maintain, or to make repairs to existing facilities authorized by a permit or lease in good standing. Approval is required to replace, enlarge, or extend existing facilities, or for any activity that would disturb the surface of the bed of Bear Lake or that would cause any rock or sediment to enter Bear Lake.

#### 3.5.5.4 *Docks, Piers, and Similar Structures*

All docks, piers, or similar structures shall be constructed to protrude as nearly as possible at right angles to the shoreline and to not interfere with docks, piers, or similar structures presently existing or likely to be installed to serve adjacent facilities. The structures may extend to a length that will provide access to a water depth that will afford sufficient draft for water craft customarily in use on Bear Lake during the normal low-water period.



### 3.5.5.5 *Retaining Walls and Bulkheads*

Retaining walls and bulkheads will not be authorized below the ordinary high water mark without a showing of extraordinary need.

### 3.5.5.6 *Breakwaters and Jetties*

Breakwaters and jetties will not be authorized below the normal low water mark without a showing of extraordinary need. This does not apply to floating breakwaters secured by piling or other approved anchoring devices and used to protect private property from recurring wind, wave, or ice damage. The FFSL Director may approve streambank stabilization practices concurrently with the issuance of streambed alteration permits issued by the Division of Water Rights if it is determined that the proposed practice is consistent with public trust management.

### 3.5.5.7 *Camping and Motor Vehicles*

The FFSL may restrict camping on lands lying between the low water mark and the ordinary high water mark at Bear Lake. Motor vehicles are prohibited from driving or parking on sovereign lands at all times, except for those areas supervised by the Division of Parks and Recreation or other enforcement entity that are posted as open to vehicle use according to current rules at Bear Lake.

### 3.5.5.8 *Overhead Clearances*

Overhead clearance between the ordinary high water mark and any structure, pipeline, or transmission line must be sufficient to pass the largest vessel which may reasonably be anticipated to use Bear Lake waters in the vicinity of the easement.







## 4.0 GOALS AND OBJECTIVES

### 4.1 Overview

The following Goals and Objectives Statements provide the guidelines that were used to develop the management policies found under Implementation and Monitoring Section (see Appendix E) and shown in the Bear Lake Management Classifications Map (see Map C in Appendix A). The Goals and Objectives respond to the issues and opportunities identified in the Issue Statements contained in Appendix C. The Goals give a description of the desired future resource conditions at Bear Lake, while the Objectives define those activities required to achieve each Goal. The Goals and Objectives Statements are divided into the following management plan categories: (A) Public Outreach and Partnerships, (B) Water Resources, (C) Recreation and Scenic Resources, (D) Natural and Cultural Resources, and (E) Land Management.

### 4.2 Goal Category A: Public Outreach and Partnerships

#### 4.2.1 Goal A1: Communication and Information Dissemination Between Resource Agencies and Stakeholders Improved

**Objective A.1.1:** Participate in an annual conference with resource agencies and special interest groups to help educate the general public on management of sovereign lands and improve communication between agencies, land owners, stakeholders, and user groups.

**Objective A.1.2:** Work with partners to develop concise public information materials concerning such items as the following:

- ☀ overall guide map to public recreational facilities, including restricted areas

- ☀ recreational facility characteristics and capacities
- ☀ recreational use guidelines and regulations
- ☀ boating etiquette, safety regulations, and waste management
- ☀ environmental interpretation and education
- ☀ hunting and fishing regulations

**Objective A.1.3:** Ensure adequate dissemination of public information through the availability of materials at public facilities and through cooperation with surrounding jurisdictions, chambers of commerce, businesses, and interest groups.

**Objective A.1.4:** Facilitate seasonal meetings with adjacent land owners, day users, and nearby communities to anticipate the issues for the summer season and follow up for feed-back and evaluation.





4.2.2 Goal A2: Cooperation and Coordination with Resource Agencies and Stakeholders Improved

**Objective A.2.1:** Explore additional partnerships with resource agencies and user groups that could mutually improve management of Bear Lake sovereign lands.

**Objective A.2.2:** Collaborate with County, State, and Federal agencies to implement CMP action items and monitor progress.

4.2.3 Goal A3: Knowledge of Recreational Visitation, Resource Impacts, and Ecological Processes Increased

**Objective A.3.1:** Identify information gaps and facilitate data collection and studies as appropriate, which may include seeking alternate funding sources, developing partnerships with researchers such as universities and other interested consultants, to leverage monetary resources.

**4.3 Goal Category B: Water Resources**

4.3.1 Goal B1: Threats to Water Quality in Bear Lake from Use of Sovereign Lands Diminished

**Objective B.1.1:** Identify water quality impacts coming from sovereign lands leases and uses, and develop mechanisms to mitigate problem areas to help maintain State beneficial use designations.

**Objective B.1.2:** Identify areas where additional sanitation facilities (e.g., restrooms, refuse containers) are needed.

4.3.2 Goal B2: Sovereign Lands Management and Water Operations Coordinated

**Objective B.2.1:** Identify and describe water rights and their relationship to sovereign lands management.

**Objective B.2.2:** Describe and chronicle the affects of reservoir water operations on recreation, concessions, landowners, park facilities, and natural resources.

**Objective B.2.3:** Communicate with PacifiCorp to understand annual water level projections and adjust sovereign lands management accordingly.

**4.4 Goal Category C: Recreation and Scenic Resources**

4.4.1 Goal C1: Safe and Quality Recreational Opportunities That Minimize Conflicts Provided

**Objective C.1.1:** Identifying appropriate recreational use areas on sovereign lands.





**Objective C.1.2:** Identify land-based capacities for recreation activities, leases, and uses on sovereign lands based on various lake levels.

**Objective C.1.3:** Work with adjacent communities to coordinate infrastructure needs and supporting developments.

**Objective C.1.4:** Explore ways to increase safety and security, and reduce user conflicts.

**Objective C.1.5:** Evaluate existing recreational facilities and determine appropriate levels of expansion, as needed.

**Objective C.1.6:** Explore the possibility of providing wakeless zones adjacent to certain recreation areas.

#### 4.4.2 Goal C2: Adequate Recreational Support Facilities to Meet Demand Provided

**Objective C.2.1:** Recommend appropriate recreational facilities at appropriate locations.

**Objective C.2.2:** Recommend facility improvements and visitor needs (e.g., accessibility).

**Objective C.2.3:** Explore the need for additional public boat launches and boat docks and/or marinas.

**Objective C.2.4:** Recommend a mechanism for a “one stop shopping” program to secure permits.

**Objective C.2.5:** Evaluate the need to implement fee programs as a way to provide funding for management of facilities on sovereign lands.

#### 4.4.3 Goal C3: Scenic Resources Protected and Enhanced

**Objective C.3.1:** Coordinate with County and municipal governments on protecting scenic resources on lands surrounding Bear Lake.

**Objective C.3.2:** Ensure that the location and design of all new facilities on sovereign lands, as well as maintenance and replacement of existing facilities, is compatible with the natural and cultural environments of the Bear Lake area.

#### 4.5 Goal Category D: Natural and Cultural Resources

##### 4.5.1 Goal D1: Noxious and Invasive Weeds, Pests, and Aquatic Nuisances Managed for Control

**Objective D.1.1:** Identify the location and extent of noxious and invading weeds, pests, and aquatic nuisances.

**Objective D.1.2:** Initiate development of an Integrated Pest Management Plan.

**Objective D.1.3:** Coordinate with appropriate Federal, State, and local agencies to control noxious and invading weeds, pests, and aquatic nuisances.

**Objective D.1.4:** Develop an appropriate plant list for future planting, erosion control, and habitat restoration activities.





4.5.2 Goal D2: Bear Lake Fishery Protected and Enhanced

**Objective D.2.1:** Coordinate with the UDWR to identify possible fishery enhancement opportunities on sovereign lands.

**Objective D.2.2:** Work to find mutually agreeable strategies for reducing conflicts between anglers and recreational boaters.

**Objective D.2.3:** Identify and protect important fish habitat areas on sovereign lands.

4.5.3 Goal D3: Native Vegetation and Wildlife Habitat Areas Protected and Enhanced

**Objective D.3.1:** Identify occurrences of known threatened, endangered, or special status species on sovereign lands.

**Objective D.3.2:** Identify sensitive vegetation and wildlife habitat areas.

**Objective D.3.3:** Identify areas of protection at suitable locations to conserve long-term, viable habitat for a variety of wildlife and fish species.

**Objective D.3.4:** Cooperate with appropriate entities in managing sovereign lands and protecting fish and wildlife resources.



**Objective D.3.5:** Protect wetland and riparian vegetation areas in accordance with existing Federal and State regulations.

**Objective D.3.6:** Develop an appropriate plant list for future planting, erosion control, and habitat restoration activities.

4.5.4 Goal D4: Appropriate Vegetation Management on Sovereign Lands Allowed

**Objective D.4.1:** Identify appropriate vegetation management practices for sovereign lands.

**Objective D.4.2:** Cooperate with Rich County and adjacent landowners to implement appropriate vegetation management practices on sovereign lands.

4.5.5 Goal D5: Unnatural Erosion Controlled

**Objective D.5.1:** Identify human-caused erosion problem locations.





**Objective D.5.2:** Work with water users, State Parks, and other entities as appropriate to implement erosion control strategies as necessary.

#### 4.5.6 Goal D6: Cultural Resources Protected and Managed

**Objective D.6.1:** Protect the integrity and eligibility of cultural resources, including historic, prehistoric, and paleontological resources, wherever development is proposed.

**Objective D.6.2:** Recommend mechanisms to protect, preserve, restore, recognize, and interpret historic, prehistoric, and paleontological resource sites.

## 4.6 Goal Category E: Land Management

### 4.6.1 Goal E1: Appropriate and Safe Access to Public Use Areas Provided

**Objective E.1.1:** Identify the location and extent of access rights-of-way and easements, and provide appropriate directional signage for visitors.

**Objective E.1.2:** Evaluate the feasibility and identify appropriate locations for accessible boating and fishing facilities.

**Objective E.1.3:** Identify public parking problems and explore options for improvements.

**Objective E.1.4:** Restrict access to sensitive areas where public safety and natural resources protection are concerns (e.g., sensitive fish and wildlife habitat, hazardous areas).

### 4.6.2 Goal E2: Special Use Permitting and Leases on Sovereign Lands Facilitated, as Appropriate

**Objective E.2.1:** Assure an open and public process in the issuance of leases and general permits using the Resource Development Coordinating Committee to provide review, comment, and stipulation opportunities for proposed development.





**Objective E.2.2:** Provide leases, permits, Rights of Entries, and Letters of Authorization where appropriate and within the policies developed in the Bear Lake CMP.

**Objective E.2.3:** Identify appropriate areas for lease categories.

**Objective E.2.4:** Provide for appropriate stipulations and terms for permitting and leases on sovereign lands.

**Objective E.2.5:** Coordinate with upland jurisdictions to create policies consistent with existing land use zoning ordinances.

**Objective E.2.6:** Bring into compliance all existing land uses on sovereign lands that are currently out of compliance with appropriate permits, leases, or other legal instruments consistent with the Bear Lake CMP.

**4.6.3 Goal E3: Sovereign Lands Boundary Settlements Completed**

**Objective E.3.1:** Reaffirm the State's position of the 5,923.65 foot (UP&L datum) elevational boundary for sovereign lands on the Utah side of Bear Lake.

**Objective E.3.2:** Settle boundaries with upland owners and have recorded settlements in place.

**4.6.4 Goal E4: Minerals Withdrawal on Sovereign Lands at Bear Lake Maintained**

**Objective E.4.1:** Remove the surface and subsurface mineral estate from minerals extraction by placing an administrative withdrawal on the sovereign lands at Bear Lake.





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## APPENDIX A: MAPS

Map A: Sovereign Lands Planning Unit

Map B: Surrounding Zoning

Map C: Sovereign Lands Management Classifications

Map D: Surrounding Land Ownership

Map E: Sovereign Lands Public Access Locations

Map F: Surrounding Vegetation

Map G: Sovereign Lands Vegetation Types

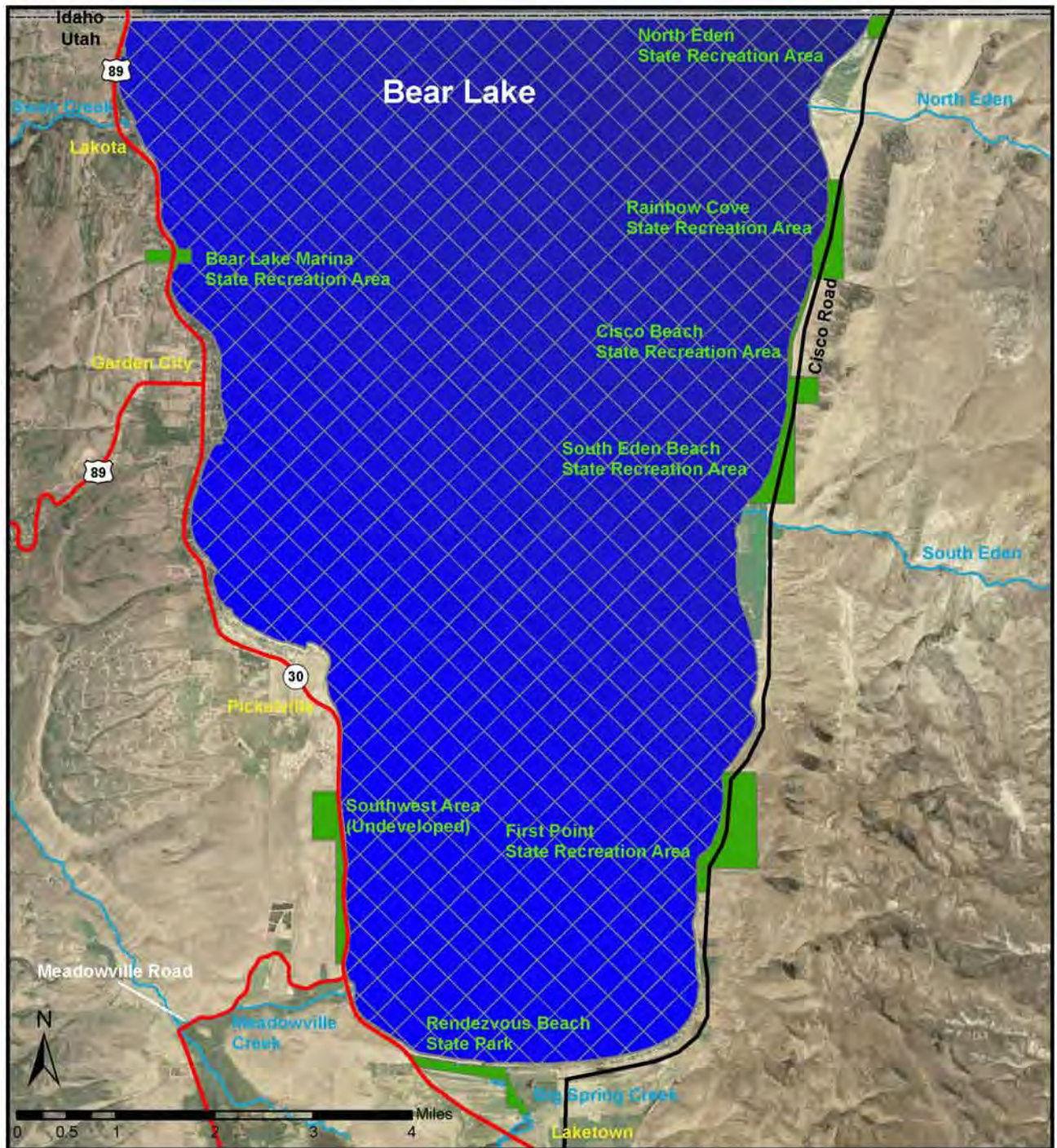
Map H: Sovereign Lands Substrate Types

Map I: Sovereign Lands Fish Spawning Areas

Map J: Surrounding Wildlife Habitat

Map K: Sovereign Lands Leases, Permits, and Easements





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## Bear Lake Comprehensive Management Plan Sovereign Lands Planning Unit

- US & State Highways
- County Roads
- Stream
- Planning Unit (Sovereign Lands)
- Utah State Park Lands

UTAH  
**DNR**  
FORESTRY

Map A. Sovereign Lands Planning Unit.



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 www.bio-west.com  
 435-752-4202

**Bear Lake Comprehensive Management Plan  
 Surrounding Zoning**

- US & State Highways
- County Roads

**UTAH  
 DNR  
 FORESTRY**

Map B. Surrounding Zoning.



**BIO-WEST, Inc.**  
 1063 West 1400 North  
 Logan, Utah, 84321  
 www.bio-west.com  
 435-752-4202

**Bear Lake Comprehensive Management Plan  
 Sovereign Lands Management Classifications**

- US & State Highways
- County Roads
- Stream
- Contour 5902 (Approximate)
- Contour 5923 (Approximate)
- Utah State Park Lands

**UTAH  
 DNR  
 FORESTRY**

Map C. Sovereign Lands Management Classifications.



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 435-752-4202

**Bear Lake Comprehensive Management Plan  
 Surrounding Land Ownership**

US & State Highways	Utah State Park Lands
County Roads	Bureau of Land Management (BLM)
	State Trust Lands

**UTAH  
 DNR**  
 FORESTRY

Map D. Surrounding Land Ownership.



# Comprehensive Management Plan



**BIO-WEST, Inc.**  
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 Logan, Utah, 84321  
 www.bio-west.com  
 435-752-4202

## Bear Lake Comprehensive Management Plan Sovereign Lands Public Access Locations

- State Park Fee Area
- No Fee Area
- Access w/Limited or No Parking
- US & State Highways
- County Roads
- Stream

**UTAH  
DNR  
FORESTRY**

Map E. Sovereign Lands Public Access Locations.



 <b>BIO-WEST, Inc.</b> 1063 West 1400 North Logan, Utah, 84321 www.bio-west.com 435-752-4202	<p><b>Bear Lake Comprehensive Management Plan</b>  <b>Surrounding Vegetation</b></p> <p>— US &amp; State Highways                  — County Roads  <span style="display: inline-block; width: 15px; height: 10px; background-color: #2196f3; border: 1px solid black; margin-right: 5px;"></span> Sovereign Lands</p> <p><b>Datasets:</b>  <b>GAP Vegetation</b></p>	 UTAH <b>DNR</b> FORESTRY
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Map F. Surrounding Vegetation.



**BIO-WEST, Inc.**  
 1063 West 1400 North  
 Logan, Utah, 84321  
 www.bio-west.com  
 435-752-4202

**Bear Lake Comprehensive Management Plan  
 Sovereign Lands Vegetation Types**

- US & State Highways
- County Roads
- Stream

**UTAH  
 DNR**  
 FORESTRY

Map G. Sovereign Lands Vegetation Types.



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 www.bio-west.com  
 435-752-4202

**Bear Lake Comprehensive Management Plan  
 Sovereign Lands Substrate Types**

- US & State Highways
- County Roads
- Stream

**UTAH  
 DNR  
 FORESTRY**

Map H. Sovereign Lands Substrate Types.



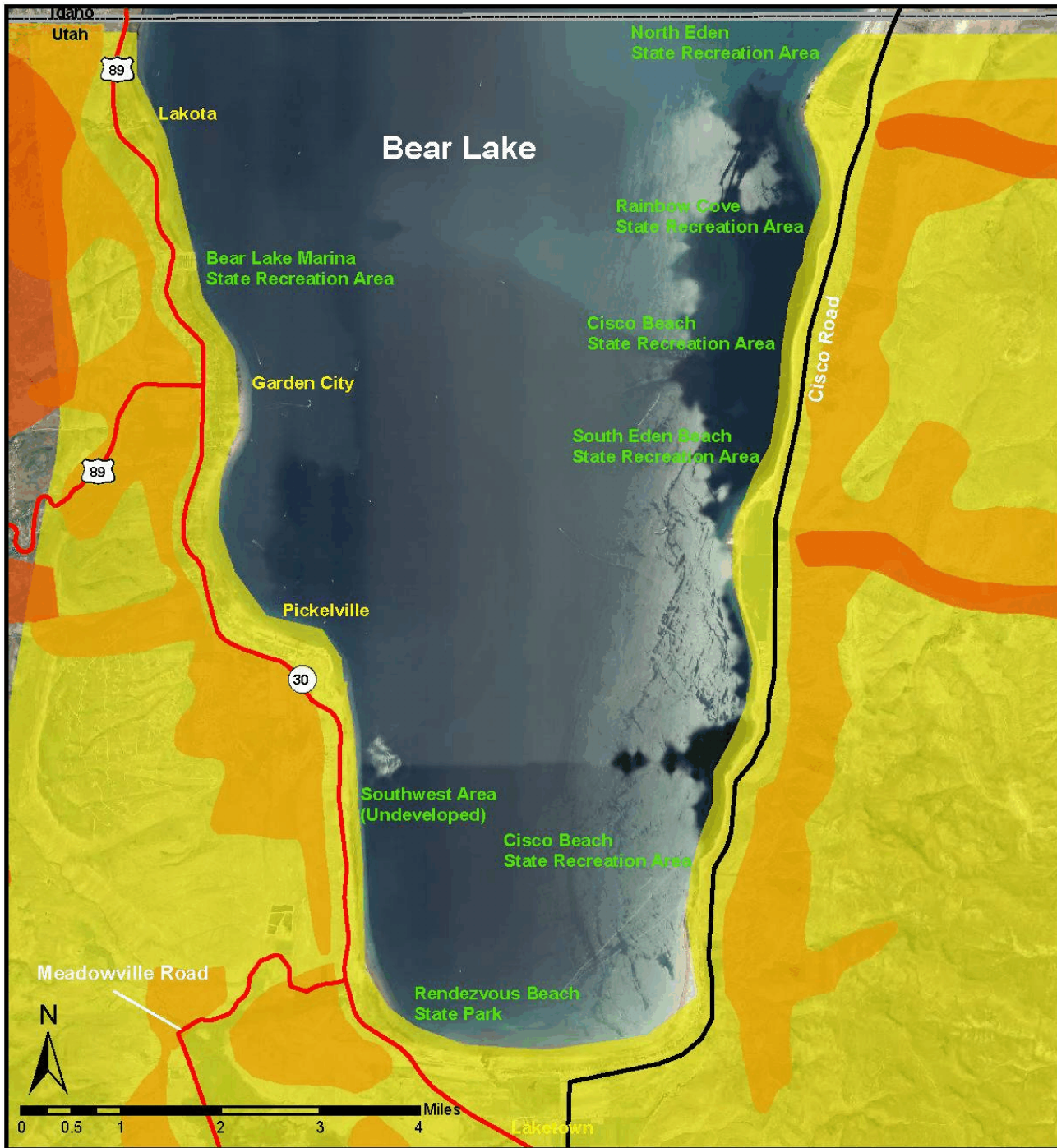
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**Bear Lake Comprehensive Management Plan  
 Sovereign Lands Fish Spawning Areas**

- US & State Highways
- County Roads
- Stream
- Fish Spawning Substrate

**UTAH  
 DNR  
 FORESTRY**

Map I. Sovereign Lands Fish Spawning Areas.



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**Bear Lake Comprehensive Management Plan  
 Surrounding Wildlife Habitat**

US & State Highways	Moose Crucial Habitat
County Roads	Mule Deer Crucial Habitat
	Sage Grouse Crucial Habitat

**UTAH  
 DNR  
 FORESTRY**

Map J. Surrounding Wildlife Habitat.



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**Bear Lake Comprehensive Management Plan  
 Sovereign Lands Leases, Permits, & Easements**

US & State Highways	Right of Way
County Roads	Commercial
Stream	Agriculture
	Recreational

**UTAH  
 DNR  
 FORESTRY**

Map K. Sovereign Lands Leases, Permits, and Easements.







## APPENDIX B: PUBLIC COMMENTS AND AGENCY RESPONSES





## INTRODUCTION

This appendix contains the unabridged comment letters received from the general public, government agencies, and interested organizations on the Draft Bear Lake Comprehensive Management Plan (Draft CMP). The Draft CMP document was made available to the public on February 5, 2009. A 45-day public comment period extended from the release date until March 23, 2009.

Each comment letter was assigned a chronological number based on its reception during the comment period. Each letter is presented in its original form and entirety. Substantive comments are coded by letter number and alphabetical

sequence. The vertical comment code bars shown on each letter indicate the position and length of each substantive comment as closely as possible. The number corresponds to the sequential number of the letter and the lower case letter corresponds to the sequential order of the comment(s) in each letter. The Utah Division of Forestry, Fire, and State Lands' (FFSL's) responses to identified comments are presented at the end of each letter according to comment code.

The FFSL would like to thank those who carefully reviewed the Draft CMP document and submitted their comments. Where appropriate, the Final CMP document has been updated or corrected according to the responses provided.





## COMMENT LETTER 1

Name: Kathy Baker  
Address: Withheld by Request  
Date: 2/13/2009

We have owned lakefront property on the West side of the lake since 1965. Our deed reads that our property extends to the “meander line of Bear Lake”. You now inform us that this is not true; that we own to the meander line of what you term sovereign land. If you own it, you should take care of it: spray for deer flies, spray the weeds, and bring in fill to get rid of the marsh that separates us from the lake. Otherwise, let us take care of it and return our property right to us.

### Comment 1-1

## RESPONSES TO COMMENT LETTER 1

**Response to Comment 1-1:** CMP Objectives D.1.1, D.1.2, D.1.3, D.4.1, and D.4.2 address the need for identifying, controlling, and managing noxious and invading weeds, pests, and aquatic nuisances on sovereign lands. The FFSL is committed to cooperating with partner agencies identified in the CMP document to achieve these stated objectives. The proposed Integrated Pest Management Plan (CMP Objective D.1.2) will detail the physical, mechanical, chemical, and biological measures for controlling specific species of concern. Shoreline wetlands (e.g., marsh areas) are a natural component of a healthy lake ecosystem. Shoreline wetlands and riparian areas are protected by existing State and Federal regulations. Disturbing these areas is not only against current law but also against the policies of FFSL to manage sovereign lands according to multiple-use sustained yield principles.



## COMMENT LETTER 2

Name: Lynn Larsen  
Address: Denver, CO  
Date: 2/16/2009

I am a homeowner adjacent to the lake south of Garden City. I am concerned about “Current Rules” during “high-visitation time”. They state in part:

“unless posted otherwise, or to access a picnicking spot, no motor vehicles may travel parallel to the water’s edge.”

The lake front adjacent to our home has grass and foilage and clay soil. The area adjacent to neighbors a few homes away is sandy.

Can I travel “parallel to the water’s edge” to launch a jet ski?

Is that considered “picnicking?”

Please advise, by email if possible. Thank you.

### Comment 2-1

## RESPONSES TO COMMENT LETTER 2

**Response to Comment 2-1:** The FFSL, in cooperation with other local and state agencies as described in the CMP document, including those in the State of Idaho, have jointly developed the existing rules for recreational use of sovereign lands at Bear Lake. These rules currently allow limited use of motorized vehicles on the exposed bed of Bear Lake only in specific areas and at certain times as described in the CMP document in both Utah and Idaho. These agencies are committed to ensuring safe and responsible recreational uses of sovereign lands, and will continue to carefully monitor motorized uses for impacts to the recreational users and natural resources of Bear Lake. Motorized uses on the exposed bed of Bear Lake may be continued, modified, or eliminated at any time based on monitoring information gathered by these agencies and as determined on an annual basis.



## COMMENT LETTER 3

Name: David Lancy  
Address: Hyde Park, UT  
Date: 2/19/2009

I have read the CMP and salute the authors for their very hard work. Progress is being made. We own a lakeshore cottage in the Falula Springs area and have been vacationing on Bear Lake for over 25 years.

I would draw attention to Issue E1: Beach Access. I am in favor of both increased and restricted access. That is, there are more potential users of the lake and its shoreline than current facilities can accommodate (although parks on the East Side seem under-utilized). I would recommend that appropriate public shore-side areas be identified (e.g. SW area) and that facilities be constructed such as parking, and sanitation services so as to mitigate the impact of the users. In my view, access to the lakeshore and lake itself should be 100% fee based.

No one should be able to access the lake shore or lake without paying a fee and that includes residents. We would be more than willing to pay an annual fee to offset the costs of managing public access, providing facilities and so on. People value what they pay for.

### Comment 3-1

### Comment 3-2

## RESPONSES TO COMMENT LETTER 3

**Response to Comment 3-1:** CMP Objectives C.1.4 and C.2.5 address the need for providing an appropriate level of, and sufficient resources for, law enforcement on sovereign lands. The FFSL, in cooperation with the Utah Division of Parks and Recreation and Rich County, is committed to providing a safe and secure environment for recreational uses on sovereign lands. The CMP Objectives C.1.1, C.1.3, E.1.1, and E.1.3 address the need to identify, locate, sign, and provide facilities for public access points on sovereign lands. The FFSL will work with its partners in facilitating appropriate public access and minimizing impacts to adjacent land owners.

**Response to Comment 3-2:** The FFSL is committed to working with its partners in managing uses on sovereign lands at Bear Lake, including the implementation of CMP action items. The CMP Objective C.2.5 specifically addresses the desire of FFSL, Garden City, and other partners to evaluate the need to implement fee programs as a way to provide funding for development and management of facilities on sovereign lands.



## COMMENT LETTER 4

Name: Kathy White  
Address: Withheld by Request  
Date: 2/24/2009

I am pleased to be learning of the scope of the Bear Lake Management Plan and the commitment of all concerned to improve and maintain the inherent value of this area.

I would hope that going forward there be no “extraction” type endeavors of any kind be allowed on or near the lake. No oil drilling, water powered electrical plants, mining of minerals etc.

**Comment 4-1**

I strongly encourage public access where proper facilities can be provided such as bathrooms and camping areas with a garbage disposal area. Idaho has Utah totally beaten Utah in this area. Idaho has provided many clean and attractive picnic areas with flush toilets and BBQ’s and TREES!! for much needed shade.

**Comment 4-2**

Also, very important, please do not prevent deer and other native animals from accessing the same beaches we love and having access to the water. There is no reason we cannot share this habitat with all the birds and what have you.

I have no objection to the continued agricultural pursuits around the lake particularly on the south end area. I would only expect that consideration and perhaps regulation be used to keep any poluting chemicals out of the ground water and hence, out of the lake.

**Comment 4-3**

PLEASE continue to patrol the shore for SUV, dirt bikes and 4wheeler traffic. I would support a ban of these types of vehicles on the shore. I watched the Sov. Lands Officer chase a vehicle at 60 mph for over 2 miles in order to catch two 4 wheelers racing along the beach.

**Comment 4-4**

Another concern is noise. Please prevent any future activities around the lake from destroying the peace and quiet most of us crave, especially after sunset. Serenity has no price.

**Comment 4-5**

Also, I would not welcome public access to areas that are now primarily privately owned. Day campers and traffic lead to vandalism and trespassing and Bear Lake should develop viable areas for public access. Areas with individual boundaries that provide for a family and somewhat separated from the next campsite would be ideal.

**Comment 4-6**



## COMMENT LETTER 4 (cont.)

Lastly, continued enforcement of the regulations already implemented is vital. Last year's enforcement was better than the year before and, hopefully, next year will be better yet. We need more officers to patrol the beach and educate the homeowners and visitors to the lake that the laws will be enforced 7 days a week.

Thank you,

Kathy White

Comment 4-7

## RESPONSES TO COMMENT LETTER 4

**Response to Comment 4-1:** The CMP Objective E.4.1 is intended to specifically remove the sovereign lands mineral estate from minerals extraction through an administrative withdrawal at Bear Lake.

**Response to Comment 4-2:** The CMP Objectives B.1.2, C.1.3, and C.1.5 address the need for providing appropriate sanitation facilities at all recreational use areas to ensure the proper disposal of refuse and waste.

**Response to Comment 4-3:** The FFSL is committed to working with its agency partners to protect and enhance water quality entering Bear Lake. However, the FFSL does not have jurisdiction over adjacent private property.

**Response to Comment 4-4:** Please see Responses to Comments 2-1 and 3-1.

**Response to Comment 4-5:** A number of administrative rules (R652) are in place to address authorization of land uses on sovereign lands including minerals, special use lease agreements, easements, rights of entry, grazing, cultural resources, land exchanges, and off-highway vehicles. The CMP Objectives E.2.1, E.2.2, and E.2.4 address the need for a public notification, review, and approval with stipulations or rejection, when appropriate, process for proposed uses on sovereign lands. The CMP Objective E.4.1 is intended to specifically remove the sovereign lands mineral estate from minerals extraction through an administrative withdrawal at Bear Lake.

**Response to Comment 4-6:** Please see Response to Comment 3-1.

**Response to Comment 4-7:** Please see Response to Comment 3-1.





## COMMENT LETTER 5

Name: Sid Davis  
Address:  
Date: 2/25/2009

Dear Sir,

I would ask that you forward this message (comments) to the appropriate individual. I am unable to attend the open hearing in Salt Lake regarding the planning for Bear Lake. I have a couple of concerns. My family and I own property that borders the Bear Lake bed (public Beaches) or beaches just below Garden City. I have concerns with the existing policy in place and would like my comments to be considered.

1. There is no concession for people with disabilities who enter the public area. The fee structure does not allow a reduce fee or possible waiver. As compared to Utah State Parks which offer a life time pass (w/o a fee) to individuals with a disability as well as our National Parks systems. While I understand the financial benefit to the community, some flexibility and understanding needs to be considered by the those developing these policies. People with disabilities make less income than the average person and a financial break here and there is needed.
2. 4 wheeler restrictions. I support the current policy during peak hours, but in the evening the beach is quiet and the public has retreated to the community. Offering the option to ride a 4 wheeler on the beach and enjoy the evening hours would be appreciated. I would support continue enforcement of the helmet laws and speed zones during the evening hours. But a relaxed tone would be appreciate.
3. Offer a season pass to the public beach area. A vast majority of the season holders would be locals who pay property taxes anyway.
4. Better enforcement of keeping dog/animals on leashes.

**Comment 5-1**

**Comment 5-2**

**Comment 5-3**

**Comment 5-4**

I would appreciate acknowledgement of this email.

Thank you for your time.

Sid Davis



## RESPONSES TO COMMENT LETTER 5

**Response to Comment 5-1:** Please see Response to Comment 3-2. The FFSL is committed to ensuring that any fees charged for access to sovereign lands are appropriate, fair, and consistent with the fee structure for access to adjacent State Parks lands.

**Response to Comment 5-2:** Please see Response to Comment 2-1.

**Response to Comment 5-3:** Please see Response to Comment 5-1.

**Response to Comment 5-4:** Please see Response to Comment 3-1.



## COMMENT LETTER 6

Name: John Spuhler  
Address: Garden City, UT  
Date: 3/01/2009

First I think the CMP project was necessary and is a good frame work to begin looking at policies that effect the ecology of the lake and the people who use it. There are areas that are without a doubt wetlands and meet the definition of Wetlands regarding wildlife, soils etc. One area for example the area between Utah State facility and just North of the boat ramp at Hodges Beach. Wild life like Ducks, Sandhill Cranes, and Geese are here all winter, 6 or more springs bring year round marshes, watercress, frogs and minnows live in the entire area and in the spring you can find larger fish coming up the small tributaries. It should be a class 5 protection area and currently has a class 2 or 3. Hunters frequent this area all winter for great hunting. I suggest at a minimum someone should evaluate this marsh area and consider its designation with appropriate protections. I have witness living on the beach many ATV's and 4 wheel drive vehicles trying to get through the springs for sport, with no designation or sign stating the obvious wetlands the wildlife is in jeopardy.

**Comment 6-1**

The other area that should be considered is ATV on the beach in any capacity. The rules set forth are impossible to enforce due the massive popularity of ATV's on the beach, until the state has proper man power unlawful ATV use cannot be and has not been controllable. Underage rides are everywhere, and small children building sandcastle with ATV's speeding around them is dangerous. It is very common to see high speed motocross type activity everywhere. Due to the fact people can drive their cars down to the beach, allowing the elderly, disabled, or little children access to the beach, ATV use on the beach should be completely abandoned. I do think the state is trying but the number of officer required to adequately enforce the rules is just not a reality.

**Comment 6-2**

Finally I think working with the local Cities and Counties is a very good idea to help with regulation and enforcement.

**Comment 6-3**

Regards,

John Spuhler  
Resident Garden City



## RESPONSES TO COMMENT LETTER 6

**Response to Comment 6-1:** Maps G, I, and J in Appendix A of the CMP document identify important vegetation, fish, and wildlife habitats on sovereign lands at Bear Lake. Although the area mentioned in the comment letter falls within a Class 2 designation, the FFSL is committed to protecting important habitat areas on sovereign lands. Specifically, CMP Objectives D.2.3, D.3.1, D.3.2, D.3.3, D.3.4, D.3.5, and E.1.4 address the identification, conservation, and protection of important habitat areas. Class 2 areas do indicate general locations where future recreational development and uses are allowed to occur on sovereign lands. However, any facility development or recreational uses will have to meet strict FFSL stipulations that would require protection of important habitat areas.

**Response to Comment 6-2:** Please see Responses to Comments 2-1 and 3-2.

**Response to Comment 6-3:** Please see Response to Comment 3-1.



## COMMENT LETTER 7

Name: Eldon Robinson  
Address: Laketown, UT  
Date: 3/3/2009

Bear Lake is a natural body of water. However, in the early 1900's the top twenty one feet of water was converted into reservoir storage. This fluctuation in lake level has caused many operational challenges for both Federal and State agencies of Utah and Idaho. I have lived in the Bear Lake area all my life and spent 27 years working at the Bear Lake State Park in Utah, I am now serving on the Rich County Conservation District. It has been my experience that the lake level will fluctuate, it is now in a lower stage, and will come back up again. I applaud the Division of Forestry, Fire and State Lands in their efforts to put together a comprehensive management plan for the Sovereign Lands at Bear Lake. I have four comments I would like to make and hope they will receive consideration:

1. I feel that the areas considered for class 6 (protect existing resource preservation uses) is insufficient. In addition to the common fish spawning areas of Swan Creek and Big Spring Creek, this classification needs to also include the historic areas of Falula Spring, North Eden Creek and the Rest Area drainage ditch. When conditions are right I have witnessed Bear Lake Cutthroat and other important species of fish to the lake eco-system spawn in these areas. Also, don't forget the rocky substrate along the shore line of the east and south/west sides.
2. The Rich County Conservation District is very concerned about the noxious and invasive plant life that has invaded the Sovereign land around Bear Lake. The plants that we are most concerned with are: dyer's woad (*Isatis tinctoria*), common reed (*Phragmites australis*), salt cedar (*Tamarix aphylla*), Russian olive (*Elaeagnus angustifolia*). These invasive plants are very taxing on the water reserves and need to be controlled or eliminated. It is our desire that an aggressive plan be adopted and funded to take care of this serious issue on the exposed beaches.
3. I do not understand why we would want to create an Off Highway Vehicle (OHV) riding area on the shores of Bear Lake. I am not opposed to using OHV's to access the lake (ingress and egress), however, I am strongly opposed to opening an area and letting them travel wherever they please. As a safety issue; swimming, sunbathing, picnicking and other beach activities don't mix with OHV use. There are plenty of OHV riding areas in the Cache National Forest and surrounding areas for that use.

**Comment 7-1**

**Comment 7-2**

**Comment 7-3**



## COMMENT LETTER 7 (cont.)

4. Lastly, I am concerned about enforcement of the Sovereign Land rules and regulations. In both the public workshops that I have attended there has been significant discussion on enforcement. In years past the majority of this enforcement has been taken care of by State Park Rangers and the Rich Country Sheriff's Office. Most of the people in these workshops think that these enforcement efforts were handled by Sovereign Land Officers. I hope there is funding available, contractual agreements and plans to increase this enforcement effort in the future.

### Comment 7-4

Thank you,

Eldon Robinson  
Laketown, Utah

## RESPONSES TO COMMENT LETTER 7

**Response to Comment 7-1:** The CMP Objectives D.2.3, D.3.3, D.3.4, D.3.5, and E.1.4 address the need to identify, protect, and restrict access to important fish habitat areas on sovereign lands. Although the areas of Falula Spring and the Rest Area drainage ditch mentioned in the comment letter fall within a Class 2 designation, the FFSL is committed to protecting important habitat areas on sovereign lands. The important habitats in these areas are shown on Maps G and I in Appendix A of the CMP document. The FFSL will continue to work with its partners in monitoring uses on sovereign lands and will implement changes to those uses that are determined to be negatively impacting resources of concern. The areas of North Eden Creek and the Southwest Area rocky shoreline are currently designated Class 6 on Map C in Appendix A of the CMP document.

**Response to Comment 7-2:** Please see Response to Comment 1-1.

**Response to Comment 7-3:** Please see Response to Comment 2-1.

**Response to Comment 7-4:** Please see Responses to Comments 3-1 and 3-2.



## COMMENT LETTER 8

Name: Melissa Spuhler  
Address: Garden City, UT  
Date: 3/5/2009

I was able to attend a recent public workshop meeting and was impressed with all you are doing to protect Bear Lake and the species in the lake. I was very concerned with one certain area being left out of the Class 6 assignments and would highly encourage you to check this area out and make sure it is classified appropriately. The area I am speaking of is near 250 South loop road, near the Utah State Research Facility. There is a boat ramp at 1850 South that goes down to the beach and north of the boat ramp is the area I feel needs to be looked at. There are 6-7 springs in this area, with abundant vegetation (not just the invasive weeds) and wildlife including water fowl and fish. During high water years my family have all witnessed fish spawning in the riverlets here. It would be a crime to see this destroyed by ATV's and cars, if it is not classified correctly, it will be.

### Comment 8-1

Please take this request into consideration.

Sincerely,

Meissa Spuhler

## RESPONSES TO COMMENT LETTER 8

**Response to Comment 8-1:** Please see Response to Comment 6-1.



## COMMENT LETTER 9

Name: Dale Kempter  
Address: Albuquerque, NM  
Date: 3/11/2009

My wife wrote to you earlier, but I also wanted to let you know how concerned we are about the way the lakeside in front of her family property has been used.

Both of us strongly support reclassification of the boat ramp from Class 2, which allows recreation development, to Class 6, which protects the existing wet land area.

The disregard for the beaches, wet land areas and blatant overuse and abuse of the area do not reflect well on Utah's recreational policies, or its efforts to preserve the quality of the area, or the wildlife which depends upon it.

### Comment 9-1

## RESPONSES TO COMMENT LETTER 9

**Response to Comment 9-1:** Please see Response to Comment 6-1.





## COMMENT LETTER 10

Name: Susan Kempter  
Address: Albuquerque, NM  
Date: 3/11/2009

My father built a cabin on Bear Lake in 1951 in what is now called "Hodges Beaches." Our cabin is located north of the boat ramp, and is currently the home of my daughter and her husband, John and Melissa Spuhler.

When I was a child, the front of the cabin was a marshy area inhabited by frogs, muskrats, water snakes, and dozens of varieties of water-loving birds. The habitat is fed by natural springs, which abound along that particular section of the beach, providing spawning areas for Bear Lake roughtail suckers, as well as a natural environment for watercress, grasses and cattails.

I happened to be at the cabin last spring, and was overjoyed to hear frogs and to see and hear some of the old water birds, killdeer, red-winged blackbirds and others. It felt like a healthy place where those animals could flourish and find sanctuary.

I also happened to be at the lake later in the summer, and was dismayed for several reasons:

1. There was not one frog to be heard
2. The birds present were sparrows, magpies and blackbirds. Indigenous water birds were not present
3. The people were riding ATV's and trucks all over the wetland areas, which had obviously destroyed bird sanctuaries, frog habitat and vegetation.
4. I did the same thing I have done for several years, which is watch the number of people children, vehicles and loose dogs on the beach, while counting the number of visits to the portable toilets. Obviously, the lake is a handy restroom for the vast number of its visitors.
5. It was disturbing to see cars parked next to the water, which is yet another means of environmental pollution.
6. Each evening, we went to the beach and picked up papers, cans, bottles, diapers and dog dung. Of course, all of the above that was tossed in the lake will remain there to pollute.

**Comment 10-1**

**Comment 10-2**

**Comment 10-3**

**Comment 10-4**



## COMMENT LETTER 10 (cont.)

I hope that your committee will consider the fragile nature of the lake's natural beaches and wetlands, and take action to protect them both.

Susan Kempter

## RESPONSES TO COMMENT LETTER 10

**Response to Comment 10-1:** The CMP Objectives D.3.2, D.3.3, and E.1.4 address the need to identify, protect, and restrict access to sensitive habitat areas on sovereign lands. The FFSL will continue to work with its partners in monitoring uses on sovereign lands and will implement changes to those uses that are determined to be negatively impacting resources of concern.

**Response to Comment 10-2:** The CMP Objectives B.1.2, C.1.3, and C.1.5 address the need for providing appropriate sanitation facilities at all recreational use areas to ensure the proper disposal of refuse and waste.

**Response to Comment 10-3:** Please see Response to Comment 2-1.

**Response to Comment 10-4:** Please see Response to Comment 10-2.



## COMMENT LETTER 11

Name: Bryce Nielson  
Address: Garden City, UT  
Date: 3/22/2009

As the public comment period comes to a close I want to reaffirm a some specific comments.

1. All mineral removal, energy development or any other undescribed activities that may have a negative impact on the limnology or ecology of the lake need to be permanently withdrawn.
2. Bear Lake needs to be classified as minimum Cat 6.
3. After the Utah CMP is finalized political efforts must be made to have Idaho adopt a similar policy.

**Comment 11-1**

**Comment 11-2**

**Comment 11-3**

Thanks for your efforts and your protection of Bear Lake.

## RESPONSES TO COMMENT LETTER 11

**Response to Comment 11-1:** The CMP Objective E.4.1 is intended to specifically remove the sovereign lands mineral estate from minerals extraction through an administrative withdrawal at Bear Lake.

**Response to Comment 11-2:** Designating the main portion of Bear Lake as Class 6 would not be appropriate because there is no existing resource preservation use of the lake on the Utah side. If there was a bird refuge, wildlife refuge, underwater park, or some other official designation of resource preservation on those sovereign lands, then a Class 6 designation would be appropriate. For example, all existing Class 6 areas are identified to protect fisheries resources by Division of Wildlife Resources. The best option available currently is to manage the lake area as if there could be such a designation in the future. The difference between Classes 5 and 6 is the potential resource preservation versus the existing resource preservation.

**Response to Comment 11-3:** The FFSL is committed to working with its Idaho counterparts to promote consistent management of Bear Lake sovereign lands across state boundaries. The FFSL strongly encouraged the State of Idaho to participate in a joint-planning process for the CMP document, but ultimately was unsuccessful in that regard. However, the State of Idaho was represented on the Planning Work Group and is also interested in consistent management of Bear Lake resources across state lines.



## COMMENT LETTER 12

Name: Kathy White  
Address: Withheld by Request  
Date: 3/22/2009

I very much appreciate the time and consideration by FFSL afforded all Bear Lake “users” for listening and responding to our input on this very important issue of a management plan.

I hope you will agree to withdraw all oil and gas leases around the lake including a few miles of buffer zone. I am opposed to any industrial endeavors on or near the water itself.

I have heard there are plans to upgrade and/or improve public access areas to the beach. I do not think this approach is beneficial to all people if the access is willy-nilly around the lake. Private areas on the lakefront should not have improved public access. While I acknowledge the beach is a public beach, there is an obvious conflict of usage here. I believe money would be better spent to provide improved access in improved public areas. It is logical to me to provide better public campgrounds, including shelters, picnic tables, bathrooms, garbage disposal areas, pet areas and landscaping. Traditionally, the private areas around Bear Lake have multiple family use. The areas without houses have 2 or more motor homes all summer. People are in groups everywhere. To also try to mix in day campers with all the additional vehicles, garbage, water toys, noise, etc. doesn't make sense. Homeowners do not expect exclusive use of the beach, but because we have a monetary year-round investment to protect, we do not welcome public access in private areas resulting in trespassing, vandalism, litter and human waste. (There ain't no where to go, folks!)

Please bring some serenity to Bear Lake. Although everyone loves Bear Lake and the joy of all its amenities, we especially value the peace we find here. Continue to enforce the vehicle rules we currently have and ideally ban ATV's altogether. There should be nothing on the beach faster than a 1944 Farmall tractor!!

Thank you,

Kathy White

**Comment 12-1**

**Comment 12-2**

**Comment 12-3**



## RESPONSES TO COMMENT LETTER 12

Response to Comment 12-1: Please see Response to Comment 4-1.

Response to Comment 12-2: Please see Response to Comment 3-1.

Response to Comment 12-3: Please see Response to Comment 2-1.



## COMMENT LETTER 13

Name: Bess Huefner  
Address: Garden City, UT  
Date: 3/22/2009

As a resident of Garden City for 40+ years we have watched the changes that have come to this beautiful area. This past year a fee was instituted for the major access points in Garden City and we believe that it helped keep the beach clean and improve the safety of the drivers to and from the beach in Garden City. We appreciate the time it has taken to produce the 2009 CMP for the Lake bed. We hope that we can talk through the problems and come up with solutions that will benefit those who live here or come to play in the valley.

### Comment 13-1

## RESPONSES TO COMMENT LETTER 13

**Response to Comment 13-1:** Please see Response to Comment 3-2.



## COMMENT LETTER 14

Name: Spencer and Susan Deiber  
Address: Withheld by Request  
Date: 3/23/2009

I would like to comment on a specific situation. Rich County intends to open right of way access in the Sidoway, south east end of the lake, area. In the past this area has had limited vehicle access limited to launch permits issued by the State to adjacent landowners. I realize that the area of lakebed below the high water line is open to all individuals, it is just the vehicle access that is in question. The County has stated that because there is limited parking they would like to open the beach to all vehicles accessing the beach through these right of ways. I believe that the State needs to be very fair and consistent in the policies they establish and enforce. All adjacent landowners should have the same status. There should not be areas of beach where the vehicle access is limited to landowners and other areas where the vehicle access is open to the general public. The State should not arbitrarily decide which landowners have the more desirable property but limiting vehicle access to public beach adjacent to their properties. I obviously would like to see the existing beach access regulations, in effect for the last 4 to 6 years, in the south east area remain the same with vehicle access limited to launch permits issued to adjacent landowners. We bought property, and paid high prices, for easy access to the lake and relative seclusion from the general public. I do not personally own property on one of the right of ways in this area but I can strongly identify with someone who goes from having a quiet access drive to their private property one day to having dumpsters and outhouses in front of their homes the next day. Hopefully the policies instituted by the State will be consistent and fair to all parties and will be diligently enforced on a fair and equal basis.

### Comment 14-1

## RESPONSES TO COMMENT LETTER 14

**Response to Comment 14-1:** The FFSL will cooperate with Rich County and other agency partners in the proper administration of access rules, including vehicles, on sovereign lands in a fair and consistent manner for all users.



## COMMENT LETTER 15

Name: Withheld by Request  
Address: Withheld by Request  
Date: 3/23/2009

I am in agreance with many about forbidding the mineral withdrawal from the lakebed. Thank you for addressing. I also like the plans to keep the public involved and expanding facilities for disposal of waste appropriately.

4.5.1 discusses coordination and control for invasive pests/weeds. We need coordination for REMOVAL of these invasive items, not just preventative control. Beaches are being overrun and I\'m told strict codes prevent owners from eliminating these items (i.e. burning/tilling/weed killer). There are now mature trees on the beach in many areas.

**Comment 15-1**

I\'m not sure I quite understand the emphasis on soil erosion. I have been going to Bear Lake every summer for the past 32 years and never observed erosion problems. Shouldn\'t we focus on water erosion (always observable)? I\'m of the belief the lake will never fill due to the pumping and reduced flow into the lake in the spring due to the control gates.

**Comment 15-2**

I might be reading 4.6.3 wrong, but if this is for lake level at capacity, a big goal in my mind would be to put a required minimum capacity that nees to be met for pumping to occur. We pump way too much. The lake will never recover.

**Comment 15-3**

Is there nothing to prevent something like the hook canyon project (pumping water up to a reservoir high up and flow back to the lake for power generation, stirring sediment and wreaking havoc on species, not to mention water quality)? If this is covered under the lease section, it was very vague. We can\'t afford to have a back door for invasive/catostrophic projects like this one.

**Comment 15-4**

Please consider this as a goal for 4.3.1. For years that old gate system on the north end has allowed silt to spill through into the lake (due to gate lifting up to allow bottom silt to pass) taking away the blue hue of the lake which has made it famous and turning it green (lower water quality). That thing should have a plan to be revamped to a top spill system (gate that lowers to allow water to overspill), which would prevent silt from entering the lake.

**Comment 15-5**

Thanks,

\*\*\*\*\*





## RESPONSES TO COMMENT LETTER 15

**Response to Comment 15-1:** Please see Response to Comment 1-1.

**Response to Comment 15-2:** Currently, there are very few erosion problems on sovereign lands. Resource agencies are primarily concerned about erosion problems developing as the lake water level increases, thus potentially affecting existing recreational and private facility developments. In addition, the FFSL would like to ensure that future facility developments do not create new erosion problem areas. To the extent that higher water levels or future facility developments could create isolated erosion problem areas, CMP Objectives D.5.1 and D.5.2 provide a pro-active management approach to addressing erosion in these areas.

**Response to Comment 15-3:** Section 4.6.3 of the CMP document presents Goal E3 and its associated objectives for settling the boundary between sovereign and private lands at Bear Lake. This boundary is established in state code as elevation 5,923.65 (UP&L datum) and is not subject to revision by the CMP document. Similarly, regulation of water resources at Bear Lake is established by state code and the Bear River Compact, and therefore not subject to revision by the CMP document.

**Response to Comment 15-4:** Please see Response to Comment 4-5.

**Response to Comment 15-5:** The current water diversion works and delivery systems for bringing Bear River water to Bear Lake are in the State of Idaho and operated according to the Bear River Compact, and therefore not subject to FFSL jurisdiction.



## COMMENT LETTER 16

Name: John Raemer  
Address: Sandy, UT  
Date: 3/23/2009

As a beach front land owner at the lake it is very disturbing to me to see the disrespect for keeping the beaches clean. We have particular problems with State Park patrons leaving garbage, dog poop behind as they use the beaches extending beyond the park boundaries. There is also dangerous driving on the beach and much danger to children and animals which is further problematic due to the high weeds which can hide both. I expect someone will be seriously hurt or killed. We had an incident last year where a truck ran right over an ATV which was parked in the weeds and the truck never saw it. Thank God there was not a child around.

I am also concerned about regular use of illegal fireworks not only on the holidays but many times during the summer. There is little or no enforcement. I have called the police with little or no support so there is little if any enforcement and everyone knows they can do whatever they want with no downside. There is no enforcement for the garbage either. The beaches should be continually patrolled with enforcement of violators.

There is little effort that I notice on cutting down the weeds and controlling them. With the low water levels this is a must.

Comment 16-1

Comment 16-2

Comment 16-3

Comment 16-4

Comment 16-5

## RESPONSES TO COMMENT LETTER 16

**Response to Comment 16-1:** Please see Response to Comment 4-2.

**Response to Comment 16-2:** Please see Response to Comment 2-1.

**Response to Comment 16-3:** Current rules for recreational use of sovereign lands at Bear Lake prohibit campfires and the use of fireworks.

**Response to Comment 16-4:** Please see Responses to Comments 3-1.

**Response to Comment 16-5:** Please see Response to Comment 1-1.



## COMMENT LETTER 17

Name: Linda Erickson  
Address: Norwell, MA  
Date: 3/23/2009

no motor vehicles allowed on the beach

**Comment 17-1**

## RESPONSES TO COMMENT LETTER 17

**Response to Comment 17-1:** Please see Response to Comment 2-1.



## COMMENT LETTER 18

Name: Michael Nebeker  
Address: Sandy, UT  
Date: 3/23/2009

DO NOT ALLOW ANY MOTORIZED VEHICLES ON THE BEACH (BELOW THE HIGH WATER MARK) EXCEPT FOR EMERGENCY, STATE-OWNED VEHICLES AND HANDICAPPED. (HANDICAPPED MAY NOT DRIVE PARALLEL TO THE BEACH).

**Comment 18-1**

NO FIRES ON THE BEACH! FIRES IN APPROVED FIRE PITS ONLY.

**Comment 18-2**

## RESPONSES TO COMMENT LETTER 18

**Response to Comment 18-1:** Please see Response to Comment 2-1.

**Response to Comment 18-2:** Please see Response to Comment 16-3.



## COMMENT LETTER 19

Name: Creighton Lowe  
Address: Withheld by Request  
Date: 3/23/2009

NO MOTOR VEHICLES ON BEACH... PERIOD!!!!!!

**Comment 19-1**

## RESPONSES TO COMMENT LETTER 19

**Response to Comment 19-1:** Please see Response to Comment 2-1.



## COMMENT LETTER 20

Name: Conrad Nebeker  
Address: Withheld by Request  
Date: 3/23/2009

I believe that the provision for vehicles to have access below the high watermark (the beaches) is inconsistent with keeping the lake and surrounding beach a pristine resource, it is my feeling that it should be banned. It encourages littering as I have seen first hand, it is also detrimental to the surrounding wildlife. I have grown up going to Bear Lake, and I look forward to a plan that will improve the lake's habitat, and surroundings, for everyones enjoyment.

Sincerely

Conrad Nebeker.

## RESPONSES TO COMMENT LETTER 20

**Response to Comment 20-1:** Please see Response to Comment 2-1. In addition, CMP Objectives B.1.2, C.1.3, and C.1.5 are intended to address the need for providing appropriate sanitation facilities at all recreational use areas to ensure the proper disposal of refuse and waste.

### Comment 20-1



## COMMENT LETTER 21

Name: Bill Nebeker  
Address: Susanville, CA  
Date: 3/23/2009

I think that vehicles that drive horizontally across the beachfront are a nuisance to the rest of lake users. I urge the commission to disallow vehicles from driving on the beach.

**Comment 21-1**

## RESPONSES TO COMMENT LETTER 21

Response to Comment 21-1: Please see Response to Comment 2-1.



## COMMENT LETTER 22

### **Bear Lake Comprehensive Management Plan**

February 2009 Draft

**Comments by Bear Lake Watch**

**March 23, 2009**

Bear Lake Watch is very pleased to have been part of the CMP Planning Work Group and is committed to assisting with the implementation into the future. We commend the FFSL staff and the contractor, Bio-West, for their professional yet responsive manner with which they have completed this process.

The Draft Comprehensive Management Plan (CMP) for Bear Lake is an excellent framework for the management for Utah's sovereign lands at Bear Lake. The goals and objectives reflect the majority of the input received from the public meetings and from the Planning Work Group. As the objectives are implemented, results from studies compiled and experience working within the CMP is obtained, goals may evolve and new objectives will be needed. The CMP framework gives the public the needed mechanism to keep the CMP working to reflect public needs, concerns and desires. We thank the State of Utah for their desire to responsibly manage the sovereign lands of Bear Lake.

#### **Commentary**

##### Implementation

Implementation of the objectives will determine the CMP's effectiveness as a planning and management tool. As the saying goes, "The devil is in the details". The benefits of clearly spelling out how each objective will be implemented are numerous – less misunderstanding by all users of Bear Lake, unambiguous lines of responsibility and authority, better communication and coordination.

To that end, Bear Lake Watch applauds:

- **PUBLIC OUTREACH** - The numerous opportunities provided in Section 5, Implementation and Monitoring, such as annual meetings to review the overall implementation, platforms for making suggestions about beach use and rules. Additionally, engaging the numerous stakeholders will not only provide valuable input but also help insure ownership of the CMP. (please see comment on Public Involvement Process)
- **PARTNERSHIP BUILDING** - The formation of the Planning Implementation and Review Group (PIRG) as a crucial part of the overall implementation strategy. Members' commitment to participating in this group will help formulate well thought out implementation strategies, provide thorough examination of progress and compliance with the CMP and carefully evaluate potential shortfalls or problems encountered as the CMP is implemented.





## COMMENT LETTER 22 (cont.)

- **COMMITMENT TO MONITOR** - The commitment to carefully and scientifically monitor the impact of recreational and other uses on Bear Lake. There should also be careful monitoring of the impacts caused by all leases whether they are for recreational use or other types of leases. These impacts fall into several categories – vegetation management, pollution and problems caused by ATVs/OHVs/vehicles, trash and sanitation, water quality along the beaches, etc. None of these areas have been examined in the past. These studies should be the basis for future changes or amendments to the CMP.
- **DETERMINING CAPACITY** As more and more people utilize Bear Lake for recreation or when the water level rises and there is less usable sovereign land, capacity restrictions will become a necessity for safety, sanitation as well as to protect the resource – regardless of classification.
- **CONTROLLING PESTS AND INVASIVES** The highest priority should be given to the development and implementation of this plan. The Pest Management Plan impacts Bear Lake and its property owners and recreation users in several very important ways.
  - Aquatic Nuisance Species (ANS) are a very present threat to endangering the entire future of both Bear Lake's ecosystem and its recreational use. Every effort should be made to educate the public and landowners about these threats, the possible impacts and to stop these threats to Bear Lake.
  - Invasive Species, especially Phragmites, are choking out native habitat and decreasing available recreational areas.
  - Mosquitoes and the deer fly/horse fly control are directly related to vegetation control on sovereign land. A policy that considers upland owners problems and desires to help control these pests is necessary.
  -
- **VEGETATION MANAGEMENT** Vegetation management should be based on scientific evidence specific to Bear Lake and to the large lake level fluctuations caused by irrigation demands. A clearly stated policy that addresses all stakeholder concerns about what can and cannot be done would be extremely beneficial towards resolving the long standing misunderstandings and possible violations. If the upland owners are provided the knowledge, education and BMP's they can be a great asset to the County and FFSL.

### Comments and Recommendations by Bear Lake Watch on sections of the CMP

In all the discussions about the issues on the sovereign land at Bear Lake, there are three that dominate; Law Enforcement, OHV/ATVs and Funding. In the Final draft of the CMP these three issues are not addressed directly. Additionally, there are comments on three other issues.



## COMMENT LETTER 22 (cont.)

- **Enforcement of beach use rules.** Enforcement is the number one concern. Adequately addressing this issue will resolve many of the others.
  - It is up to FFSL to facilitate law enforcement coverage for the sovereign lands.
  - It is paramount that both the public and adjacent landowners know and understand who has responsibility, what is enforceable, what is not and how to contact enforcement personnel.
  - It is essential for decision makers at every level to know if the MOU between FFSL and State Parks mentioned on Sect. 3.1.1 is in effect or not, and if not, what alternative plans for enforcement have been made. The status of this agreement should be well know public knowledge.
  - Funding to provide enforcement should come from day use fees (See comments on Objective C.2.5).
  
- **OHVs/ATVs/vehicles on the beach.** This is probably the number two management issue and if managed well could sharply reduce the pressure on law enforcement. Bear Lake may be the only place vehicles are allowed on the beach. You just don't see vehicles of any kind on shorelines along the oceans or other lakes. During periods when the water level is low resulting in great distances from the high water mark to the water's edge, it seems justifiable to allow the use of vehicles/ATVs/OHVs to access the water edge. This justification is also supported when this mode of transportation is used to get the elderly, handicapped and very young down to the water and patrolling the beach for enforcement or trash pickup.
  - The present rules – keeping vehicles parked 100 ft. from the water's edge and vehicle use for transportation to and from the water's edge (not parallel to the beach) will help prevent water quality problems and will improve safety along the shoreline. This should be a major theme of the Information Dissemination.
  - Use of private vehicles to launch boats or jet skis **may** be a source of pollution. Monitoring programs should be implemented to determine their impact. Enforcement officers should have authority to inspect and cite. Leaseholders should be responsible in their areas. Public or private launch areas should also be held responsible. A public education program should be developed.
  - There is a growing sentiment that the beach is no place for an ATV playground. Mixing those two recreational uses – unrestricted ATV use and traditional beach use, **may** not be compatible and **may** present safety concerns. In the Southwest Area, this is compounded by the thick stands of Phragmites which restrict visibility and the tendency to disregard the speed limit. A campaign aimed at the ATV users to remind them that this current privilege would be revoked if there is misuse or safety problems might help.

**Bear Lake Watch recommends the following be added:**

- **Objective C.1.7: Ensure that adequate law enforcement is provided commensurate with the level of beach use.**
- **Objective C.1.8: Develop a vehicle use plan, including parking, access and ATV/OHV use and limitations.**

### Comment 22-1

### Comment 22-2

### Comment 22-3



## COMMENT LETTER 22 (cont.)

- **Objective C.2.5 Evaluate the need to implement a fee program . . . find the funding!**  
**Finding and maintaining adequate funding to provide for safe and enjoyable public use of sovereign lands plus general ecosystem protections should probably be elevated to ‘Goal’ status with an additional Objective of Explore additional partnerships and funding sources.**  
A user fee program is just one of the options. Many industries, e.g. recreation, tourism, agriculture and power, benefit financially by using the lake. Partnerships should be explored where by these industries can contribute back to the resource.
  - The states collect taxes on the use of this resource. Does it return a proportional share to mitigate for the use?
  - The majority of the public comments support a user fee based program. The Garden City program in 2008 seems to have had positive results. The “need” for a fee program is obvious. Implementing just a program should be the objective.
  
- **Objective B.1.2 Identify areas where additional sanitation facilities are needed. It is not sufficient to just identify the needs. The agency must see that they are provided if not by a lessee then by FFSL, which they have been doing, but it is not stated in the CMP.**
  - The real problem here is the location of the facilities relative to the recreational users. E.g. On busy weekends when there are thousands of cars on the beach and no lines at the restrooms up on the road. A solution to this will require collaborative, creative thinking and innovation involving the Health Dept., DEQ, Rich Co. trash removal and possible contractors for the porta potties contract. The solution needs to be something that is down on the beach where people will use the facilities yet still be serviceable.
  - Funding for these increased services should come from day use fees.
  
- **Objective E.4.1 Remove the subsurface mineral estate from mineral extraction . . .** Bear Lake Watch also loudly applauds this action. Bear Lake should not be exposed to any process, extraction or removal of mineral or material that has any potential to endanger the unique ecosystem of the lake. Bear Lake already provides enough multiple uses. Those that are already in place should be protected. We do have a few questions along this line:
  - **What is covered under this withdrawal?**
  - **How strong is an administrative withdrawal against outside pressures?**
  
- **Agriculture/Aquaculture** .There are currently no goals or objectives dealing with Industrial or Agricultural/Aquacultural leases. Aquaculture practices in particular have historically proven to be harmful to ecosystems. **These two types of leases should also be withdrawn from consideration. Any industrial leases should require a public hearing process as part of any lease proceeding.**

Comment 22-4

Comment 22-5

Comment 22-6

Comment 22-7



# COMMENT LETTER 22 (cont.)

## Public Involvement

The current staff of FFSL has made commendable efforts to include the public in creation of this plan. All discussions in the work group and public meetings indicate that is their intention to continue a very open and inclusive policy. This is demonstrated by the inclusion of several provisions in the goals and objectives such as:

(Section 4.2)  
*Goal Category A: Public Outreach and Partnerships*

(Section 4.6.1)  
*Objective E.2.1: Assure an open and public process in the issuance of leases and general permits using the Resource Development Coordinating Committee to provide review, comment, and stipulation opportunities for proposed development*

(Table 5-1 )  
*c PIRG = Planning Implementation and Review Group*

However, there appears to be some loop-holes that could bypass that intent. These seem to be created by gaps between provisions in the State Code, written for the state at large and the CMP for Bear Lake specifically. First of concern is in 2.4 *Amendments to the Comprehensive Management Plan*.

(Section 2.4.1)  
*#1 The Division may initiate amendments for Comprehensive Management Plans and Resource Plans at any time.*

This use of term “initiate” indicates the start of a process, but it does not go on to describe that process only the process for changes requested by a person outside the Division. **This process and criteria should also be defined, if not in the plan itself then via suggested Objective A.2.4 (below)**

The final section of 2.4 makes reference to Utah Statute R652-90-1000, but only lists #1 –(a)(b)(c) of the rule.

**R652-90-1000. Amendments to Management Plans.**

- 1. The division shall follow the management direction, policies and land use proposals presented in comprehensive management plans. When unforeseen circumstances arise which may require a change in plans, the division shall adhere to the following procedure for amendments to comprehensive management plans:*
  - (a) notify affected lessees, beneficiaries, local and other affected government entities;*
  - (b) submit the proposed amendment to the RDCC for review and comment; and*
  - (c) conduct a public meeting in the affected area to provide an opportunity for comment, after giving two weeks' notice in a local newspaper. The division shall acknowledge all written comments.*

**Comment 22-8**



## COMMENT LETTER 22 (cont.)

2. *Resource plans may be amended by the division without public notice.*
3. *Site-specific plans may be amended by the director at any time following issuance provided that the amendment:*
  - (a) *does not materially affect any person's rights or obligations, and*
  - (b) *is consistent with existing policy or rule.*

Item #2 & #3 refers to "Resource" "Site –specific" plans but are under the title of Management Plans.

**Does it apply to the Bear Lake CMP?** If it does, it would seem to completely override all the work, input and trust of the public process and the intent of the CMP.

As there is no opportunity at this late date to amend or further define the intent of this part of the Utah Statute, it should be further clarify that the Bear Lake CMP can only be amended by a defined public process similar to that by which it was created.

Secondly, it should **define how the Bear Lake CMP will use the RDCC to guarantee the public is notified and has opportunity for input in both issuances of leases and permits as well as Amendments to the Plan. At this point there is no trigger mechanism to do so.**

(Section 4.6.2)

*Objective E.2.1: Assure an open and public process in the issuance of leases and general permits using the Resource Development Coordinating Committee to provide review, comment, and stipulation opportunities for proposed development*

In the Planning and Approval process, a list was compiled by request for notification via the website, mailing and meeting attendance. Rather than assume that this is the list reference in 2.3, **it should be made clear that this list will be maintained and used for any substantial issue such as leases, permits, CMP amendments, rule changes and meetings.**

(Section 2.3) **Adoption of the Comprehensive Management Plan**

*According to Utah Statute R652-90-600, comprehensive management plans may be approved as follows:*

1. *Comprehensive management plans shall be published in draft form and sent to persons on the mailing list established under R652-90-400, the Governor's Office of Planning and Budget, and other persons upon request."*

**(CORRECTION: The reference for maintaining the list should read R652-90-500)**

(Table 5-1)

There are several references to the (PIRG) Planning Implementation and Review Group, but this group is not defined. Through conversations in the Working Group it was

Comment 22-9

Comment 22-10

Comment 22-11

Comment 22-12

Comment 22-13



## COMMENT LETTER 22 (cont.)

inferred that the group would continue on through the implementation of the plan.

Bear Lake Watch recommends adding the following objectives to *4.2.2 Goal A2: Cooperation and Coordination with Resource Agencies and Stakeholders Improved*

**Objective A.2.3 Convert the Planning Work Group to the Planning Implementation and Review Group (PIRG) as a means of continuing communication and coordination with the public. This group will have ongoing responsibilities and tasks to work with the Division to implement the goals and objectives of the CMP.**

Comment 22-14

**Objective A.2.4 Review and revise FFSL procedures to ensure public notification and involvement in any substantial issues such as leases, permits, Plan amendments, rule changes and meetings for the management area at Bear Lake.**

Comment 22-15

**Objective A.2.5 Convert and maintain the mailing list for the Planning Process to one used for notification for general Bear Lake issues, procedures and communications.**

Comment 22-16

**Objective A.2.6 An annual management plan will be prepared and made public each spring describing the current management plan adapted for lake level, law enforcement MOU, leases etc.**

Comment 22-17

### Conclusion

The completion of the CMP is a greatly needed and much appreciated first step in providing quality recreation at Bear Lake. The framework that it establishes provides the mechanisms to manage that resource for sustainable yield and multiple use. The success and acceptance of the Plan is in the implementation of the objectives and will determine whether the plan is a useful tool or just collects dust on a shelf. Active management of this, often times, large resource will necessitate adequate funding to provide the facilities, monitoring and enforcement of rules. Whether the funding source is county, state, use fees or a combination of these, adequate funding is the key and the source should not be left in question from year to year. Since people take more ownership when have to pay for something, a minimal use fee seems appropriate and would help offset the costs incurred. Monitoring the impacts of recreational use is essential to determine if the level of use is sustainable. Water quality along the shoreline is another monitoring necessity. We realize that FFSL does not have Legislative status for changes to the State Code or Budget, but believe they should take the lead to define the needs and possible solutions for the sovereign land at Bear Lake. We also encourage FFSL to continue to work with the agencies in Idaho to coordinate and collaborate wherever possible.

Comment 22-18

FFSL holds a key component to esthetic and economic viability of the Bear Lake Valley. Bear Lake Watch is grateful for their efforts and pledges continued support.



## RESPONSES TO COMMENT LETTER 22

**Response to Comment 22-1:** FFSL, in cooperation with other local and state agencies as described in the CMP document, including those in the State of Idaho, have jointly developed the existing rules for recreational use of sovereign lands at Bear Lake. These rules currently allow limited use of motorized vehicles on the exposed bed of Bear Lake only in specific areas and at certain times as described in the CMP document in both Utah and Idaho. These agencies are committed to ensuring safe and responsible recreational uses of sovereign lands, and will continue to carefully monitor motorized uses for impacts to the recreational users and natural resources of Bear Lake. Motorized uses on the exposed bed of Bear Lake may be continued, modified, or eliminated based on annual monitoring information gathered by these agencies. See also Objective A-1.2, A-1.4, A-2.1. The agreement between FFSL and State Parks is in effect. Whether there is funding to implement the agreement is the real issue, and it is not possible to know until the budget process is complete in the legislature. FFSL can relay this information in the spring PIRG meeting. All sources of funding for enforcement of rules on sovereign lands will be considered including day use fees, boat launching permits, land use fees, royalties, revenue sharing arrangements, etc.

**Response to Comment 22-2:** FFSL agrees with the comments. Please see Goal A1.

**Response to Comment 22-3:** Because funding levels and available staff cannot be guaranteed and because the process is legislatively controlled, FFSL feels that it would be risky to include the proposed Objective C.1.7. The CMP can be used as a tool in the budgeting process but ultimately the legislature controls the funding and to a large extent, the staffing levels. Rules are already in place for vehicle use specific to Bear Lake (see R652-70-2300). The CMP endorses those rules.

**Response to Comment 22-4:** While there is agreement that finding and maintaining adequate funding is necessary, the Utah Legislature is still the body that determines FFSL budgets annually. The CMP is the tool FFSL uses for management of sovereign lands at Bear Lake, but the budget is the tool the legislature uses to manage public money. The legislature works under its own priorities, not necessarily under the priorities of the CMP. No tax dollars are collected from the use of sovereign lands, so no proportional share returns for any use. There appears to be interest beyond Garden City's program to generate revenue through the use of sovereign lands.



## RESPONSES TO COMMENT LETTER 22 (cont.)

**Response to Comment 22-5:** There are other factors involved than just placing facilities where there are people. The facilities need to be accessible for servicing, they need to be in areas that are less prone to vandalism, etc. Locating sanitation facilities is also a budgeting issue that comes with an associated price tag. The Plan Implementation and Review Group can solicit ideas and innovations to help solve this issue. All sources of funding will be considered including day use fees, boat launching permits, land use fees, royalties, revenue sharing arrangements, etc.

**Response to Comment 22-6:** An administrative mineral withdrawal will be in place when the CMP is approved. All minerals from the bed of Bear Lake will be withdrawn from leasing. An administrative withdrawal would require a plan amendment with the same public process and notification that the CMP planning process implemented.

**Response to Comment 22-7:** No withdrawal will be forthcoming on industrial or aquaculture leasing. However, all leases will be publicly reviewed with opportunity for comment.

**Response to Comment 22-8:** There are two ways an amendment to the CMP could be initiated. One is by FFSL, and the second is a request from someone outside FFSL. A request from someone outside FFSL merely goes through another step: a verification and justification analysis by FFSL. The process is still a public process with ample opportunity for public input and comment including notification, the Resource Development Coordinating Committee (RDCC) process, and public meetings. If a request for a plan amendment comes from outside FFSL, then the Division analyzes the request before the amendment process begins.

**Response to Comment 22-9:** Comprehensive management plans, resource plans and site-specific plans are special types of planning processes. Resource plans are specific to a certain resource in a planning unit (e.g. grazing or minerals). Comprehensive management plans consider all the resources on sovereign lands. Site-specific planning is used in the absence of another plan and looks at environmental as well as economic issues with a sovereign land use.

**Response to Comment 22-10:** FFSL must follow rule R652-90-1000 to amend the CMP, including notification, giving opportunities for comment and providing public meetings.





## RESPONSES TO COMMENT LETTER 22 (cont.)

**Response to Comment 22-11:** RDCC is notified for each proposed lease, permit and easement on a sovereign land use as well as amendments to the CMP.

**Response to Comment 22-12:** There may be some legal problems with this proposed recommendation. The list that was compiled for the CMP process was compiled for that specific purpose. FFSL cannot “convert” that list to another purpose. A new list will be created and maintained.

**Response to Comment 22-13:** Thank you for the comment. The reference should actually be R652-90-600. The correction will be made in the Final CMP document.

**Response to Comment 22-14:** While the Planning Work Group had a specific task during the CMP process, it was not represented that they continue on beyond that planning task. The intent of the CMP is to have a similar representation on the PIRG as was provided with the Planning Work Group (i.e. Parks and Recreation, Wildlife Resources, Rich County Commission, residents, tourism officials, etc). However, there might be different individuals serving on the future PIRG. FFSL also does not want to exclude any possible PIRG members just because they weren't a member of the PWG (e.g. a county weed supervisor).

**Response to Comment 22-15:** Public notification and involvement are already assured in the CMP through the leasing, permitting and easement process, including review by the RDCC.

**Response to Comment 22-16:** Please see Response to Comment 22-12.

**Response to Comment 22-17:** The spring PIRG meeting will have such agenda items as the law enforcement operating plan, lake level projections, as well as a number of other items. Creating another annual management plan is beyond the scope of this CMP.

**Response to Comment 22-18:** The sovereign lands at Bear Lake belong to the public. As such, the Utah legislature and the federal government have divided authority over the resources at Bear Lake. Monitoring is an important tool in determining the trends and sources of potential problems in the future. The PIRG can be instrumental in determining the priorities of monitoring, and help determine where the funding can come from to implement such monitoring programs.



# COMMENT LETTER 23



**State of Utah**

JON M. HUNTSMAN, JR.  
*Governor*

GARY R. HERBERT  
*Lieutenant Governor*

Office of the Governor  
PUBLIC LANDS POLICY COORDINATION

JOHN HARJA  
*Director*

RESOURCE DEVELOPMENT COORDINATING COMMITTEE  
*Public Lands Section*

April 13, 2009

Dave Grierson  
Sovereign Lands Planner  
Division of Forestry, Fire & State Lands  
1594 West North Temple, Suite 3520  
Salt Lake City, UT 84114-5703

Subject: Draft Bear Lake Comprehensive Management Plan  
RDCC Project No. 09-10235

Dear Mr. Grierson:

The State of Utah, Resource Development Coordinating Committee (RDCC) has reviewed this project. The RDCC is a clearinghouse for information on activities affecting state and public lands throughout Utah. The RDCC includes representatives from the state agencies that are generally involved or impacted by public lands management. Utah Code (63J-4-501 *et seq.*) instructs the RDCC to coordinate the review of technical and policy actions that may affect the physical resources of the state and facilitate the exchange of information on those actions among federal, state, and local government agencies. The Utah Division of Parks and Recreation, the School and Institutional Trust Lands Administration, and the Utah Geological Survey provide the following comments:

### Utah Division of Parks and Recreation

With respect to the land classifications, there is a concern the proposed classifications will allow another party to lease some of the beaches/sovereign land adjacent to Parks and Recreation property. We see this as a possible management conflict for our recreating public. We would like to see the sovereign lands adjacent to Parks and Recreation property classified in such a manner that will alleviate the problems that will arise from two parties trying to manage Bear Lake State Park's visitors.

**Comment 23-1**



## COMMENT LETTER 23 (cont.)

### School and Institutional Trust Lands Administration

The Wildlife Habitat Map labeled Map J, found on Page A-10, shows, along with Moose and Mule Deer "Crucial" habitat, a significant amount of Sage Grouse "Crucial" habitat which includes not only all of the trust land shown on the map, but also the cities of Garden City, Pickleville, and Laketown as well as the Sweetwater Subdivision. It seems that this map could be refined to some degree. Finally, while we understand that the plan contains this map for information purposes only, we would be interested in knowing where the habitat data came from and would like to see a discussion differentiating the term "crucial" habitat from "critical" habitat.

**Comment 23-2**

### Utah Geological Survey

The Utah Geological Survey (office of the State Paleontologist) is the agency responsible for paleontological resource management on state lands (Objectives D.6.1 and D.6.2) and should be included along with the SHPO office for ongoing review and consultation (including table 5.5—Planning Objective).

**Comment 23-3**

The Committee appreciates the opportunity to review this proposal and we look forward to working with you on future projects. Please direct any other written questions regarding this correspondence to the Resource Development Coordinating Committee at the address below, or call Kelly Beck at (801) 537-9046.

Sincerely,

John Harja  
Director

cc: Kimm Harty, Utah Geological Survey  
Rick Wilcox, School and Institutional Trust Lands Administration  
Susan Zarekarizi, Division of Parks and Recreation



## RESPONSES TO COMMENT LETTER 23

**Response to Comment 23-1:** Specific areas of sovereign lands are currently leased to State Parks for recreational purposes (e.g., Bear Lake Marina, Rendezvous Beach). The vast majority of sovereign lands at Bear Lake are currently not lease for recreational purposes. Because of funding and staff limitations, FFSL must be able to entertain proposals from potential leasees to provide for a management presence, sanitation facilities, and law enforcement capabilities on sovereign lands, as well as a revenue source for FFSL. All proposals will be carefully considered, appropriate stipulations developed, and existing leasees protected.

**Response to Comment 23-2:** The map information for Map J in Appendix A came from the UDWR. The map has been changed from “crucial” to “critical.”

**Response to Comment 23-3:** The Utah Geological Survey (UGS) has been added to the Implementation and Monitoring Table (now Appendix E) as a responsible party for Objectives D.6.1 and D.6.2 in the Final CMP document.



## APPENDIX C: ISSUE STATEMENTS





## BEAR LAKE COMPREHENSIVE MANAGEMENT PLAN ISSUE STATEMENTS

The Bear Lake Comprehensive Management Plan (CMP) Issue Statements present the issues and opportunities, identified through public and agency scoping, that will be addressed and solved through the course of the project. Although the Issue Statements provide a necessary foundation for the CMP planning process by representing both public and agency opinions, some of the statements may reflect “perceptions” rather than factual data. The Issue Statements are intended to clarify the scope of each concern and to provide the foundation for the development of CMP Goals and Objectives. The Issue Statements are divided into the following Issue Categories: (A) Public Outreach and Partnerships, (B) Water Resources, (C) Recreation and Scenic Resources, (D) Natural and Cultural Resources, and (E) Land Management.

### Issue Category A: Public Outreach and Partnerships

#### Issue A1: Public Outreach and Education

As the CMP process unfolds, there is a need to educate the general public on the role of the various jurisdictions and players involved in the planning process, the purpose of sovereign lands, and the role the Public Trust Doctrine has in the management of those lands. The public meetings and planning meetings can be tools to disseminate information and help create consensus, openness, and understanding. Following adoption of the CMP, there exists a vehicle to distribute information to civic organizations, county commission, city council meetings, and other venues. Signage, web-sites, brochures, and other information sources could also be used for such information.

### Issue A2: Multi-Jurisdictional Responsibilities

Multiple Federal, State, and local agencies have management responsibilities for a variety of natural and recreational resources at Bear Lake, as the lake straddles two Federal regions, two states, and two counties. However, natural resources such as vegetation, fish, and wildlife, as well as visitors to Bear Lake, do not recognize these jurisdictional boundaries. This situation sometimes results in discrepancies between agencies as to how regulations are enforced on nearby landowners or visitors and how resources are managed between different jurisdictions. Although some land or resource management agencies do coordinate regularly on specific resources (e.g., fish, wildlife, or water), there is no coordinated plan for comprehensive management of all resources. In addition, communication between resource management agencies, land owners, stakeholders, and users needs to be consistently maintained.

### Issue Category B: Water Resources

#### Issue B1: Water Quality

Water quality at Bear Lake is considered to be good and should be managed to maintain or improve the existing water chemistry to ensure the trophic status of the lake. There is concern regarding septic systems on private lands surrounding the lake and the need to eventually have these areas connected to a sanitary sewer system. In addition, with the high concentrations of recreationists along the shoreline during the summer season there are concerns with sanitation in these areas. The Project Team will research the necessary data to identify effects, if any, to water quality for all State beneficial use designations.



## Issue B2: Water Rights, Water Use, and Water Level Fluctuations

The Utah Power and Light Company (currently Rocky Mountain Power) secured water rights to store Bear River flows in Bear Lake. Water in the Bear Lake basin has been used for irrigation and electrical generation since the mid 1800s. The top 20 feet of water at Bear Lake (i.e., water above reservoir elevation 5904) is used for these purposes. Water level fluctuations at Bear Lake are a concern for recreation and management of sovereign lands. Of particular concern is the affect of water levels on recreational uses, concessionaires, landowners, downstream users, invasive species, water quality, vegetation management, and park facilities.

## **Issue Category C: Recreation and Scenic Resources**

### Issue C1: Recreation Development

Recreational use of Bear Lake has increased tremendously during the past ten years. There are seven Utah State Park Fee Areas and some 18 No Fee Areas at Bear Lake. As visitation continues to grow, there is a concern with the carrying capacity of the existing public beach areas. Some existing public beach areas may need to be expanded and new areas developed to relieve overcrowding. In addition, there is pressure to expand the existing public marina at Bear Lake State Park. Private land developments around the lake are also increasing, as are their needs for access and recreational facilities. Management of the growth and expansion of recreational developments needs to be a major focus of the CMP. Coordination with adjacent communities will be critical to addressing infrastructure needs (e.g., roads, access, sanitation, and water) and supporting development (e.g., restaurants, retail stores, and clinics) on adjacent lands.

### Issue C2: Recreation Facilities

Management and maintenance requirements will need to be addressed if new recreation facilities are provided. There are also security and law enforcement concerns about such facilities, mostly related to vandalism and littering. Inadequate sanitation facilities on sovereign lands is a concern to many. The need for additional boat launches and boat docks has been expressed. The State requires a permit for docks that are tied to sovereign lands. Water level fluctuations and hazards to navigation are a concern with these facilities. Land owners need a “one stop shopping” type of program for securing these permits. Improvements to existing parking areas and development of additional parking areas also needs to be explored.

### Issue C3: Recreational Use Conflicts

With heavy visitation to beach areas during the summer, limiting or controlling access is a major issue. Of particular concern is the safety of swimmers and pedestrians where there is use of motorized vehicles. Beach areas are popular for ATV uses and there is the perception of a lack of management of these uses on sovereign lands. Vehicles are often seen driving into the water, and as use increases pollution will likely increase at these beach areas. In addition, there are few wakeless zones on the lake. Conflicts also occur when adjacent landowners are unable to use the beach in front of their property due to heavy public use.

### Issue C4: Collection and Use of Fees

There is not adequate funding to provide for safe and enjoyable public use. Fees may be required to provide for improved management of sovereign lands.





## Issue C5: Scenic Resources

The Bear Lake Planning Unit has a unique and distinctive scenic quality as an “oasis” in an otherwise desert environment. Many view the scenic quality of Bear Lake and the surrounding environment as essential to the health of the tourism, recreation, and resort industries in the area. The importance of preserving viewsheds and maintaining scenic quality should be considered, including the preservation of the lake’s famous azure blue water color.

## **Issue Category D: Natural and Cultural Resources**

### Issue D1: Noxious and Invasive Weeds

The introduction and spread of noxious and invasive weeds within the Bear Lake Planning Unit are major concerns. An Integrated Pest Management Plan is needed.

### Issue D2: Lake Fishery

Bear Lake is a Blue Ribbon Fishery. Maintaining a good fishery at Bear Lake is very important. It is also a recreation concern for Bear Lake State Park, since the quality of fishing can have an effect on State Park visitation. The lack of fish habitat (e.g., rocky substrate) at low water levels is also a concern.

### Issue D3: Shoreline Erosion

Flood control and irrigation management can have a negative affect on the lake shoreline. Bank erosion is occurring in certain areas of Bear Lake, including the inlet area, the retaining wall abutting the State Park, and the southwest shoreline area. Eroding shorelines in public use areas should be further identified.

## Issue D4: Vegetation Management

Adjacent land owners receive inconsistent management recommendations from differing agencies.

### Issue D5: Pest Control

There are concerns about mosquito breeding habitat in the Bear Lake Planning Unit and some types of submerged aquatic weeds and pests that are being introduced by boats.

## **Issue Category E: Land Management**

### Issue E1: Beach Access

There is confusion on the location, maintenance, and regulations governing public access to sovereign lands at Bear Lake. Accessible facilities for public boating and fishing activities need to be addressed. Input from the public has included suggestions to maintain, improve, or increase beach access, while others have stated there needs to be limits, controls, or modifications to decrease public access.

### Issue E2: Law Enforcement

Rules and regulations that provide for public use, enjoyment, and safety of sovereign lands are not being uniformly enforced.

### Issue E3: Signage

Public access locations are not well signed and there is a need for additional orientation signs for visitors.

### Issue E4: Special Use Permitting

Adjacent landowners wishing to place structures such as floating docks, boat ramps, wheeled piers, seawalls, or marinas are required to obtain a permit from the State of Utah and the U.S. Army Corps of Engineers. No new permitting is allowed until the CMP is completed. However, existing



permits can be renewed in the interim when they expire.

**Issue E5: Boundary Settlements**

The State of Utah will continue to settle the location of the 5,923.65 foot elevation (i.e., the boundary of sovereign lands) with adjacent land owners.

**Issue E6: Minerals Leasing**

Currently, there is a temporary withdrawal of minerals leasing or minerals production within the Bear Lake Planning Unit. It has been suggested that because of the unique recreational and scenic values associated with the Bear Lake Planning Unit, a longer-term withdrawal of minerals leasing or minerals production should be considered.



## APPENDIX D: EXISTING LEASES, PERMITS, AND EASEMENTS





## EASEMENTS AND RIGHTS-OF-WAY

LEASE NUMBER	LESSEE/PERMITTEE	TYPE	PURPOSE
40000028	Alta S. Nye Family Trust	Recreational	Floating dock
40000021	Andreason, Norman	Recreational	Sea wall/boat ramp
40000079	Ballif, Neil	Recreational	Floating/portable dock
40000032	Bear Lake Limited	Recreational	Floating dock
40000045	Bowcutt, Vaughn	Recreational	Floating/portable dock
ROW 3095	Boy Scouts of America	Recreational	Campground
40000026	Bridgerland Village	Recreational	Floating dock
40000052	Brower, Dale	Recreational	Floating/portable dock
40000056	Call'S Investment Co	Recreational	Sea wall/boat ramp
40000068	Carver, William	Recreational	Floating/portable dock
40000043	Casa Blanca Limited	Recreational	Floating dock
40000070	Cisco Road Enterprises, Llc	Recreational	Sea wall/boat ramp
40000042	Crandall, John & Leslie	Recreational	Floating/portable dock
40000039	Diederich, Wilford	Recreational	Floating dock
40000040	Downs Bear Lake, Lc.	Recreational	Sea wall/boat ramp
ESMT 82	Falula Farm, Inc	right of way	Pipeline
40000058	Frandsen, Kent	Recreational	Floating/portable dock
40000030	Free, David & Deanna	Recreational	Floating dock
40000060	Green, Helen	Recreational	Sea wall/boat ramp
40000005	Gunnell, Lance	Wildlife habitat	Shoreline riprap
40000057	Hales, Max	Recreational	Floating/portable dock
40000075	Hanzelka, Cyril	Recreational	Floating/portable dock
40000037	Haycock, Bernice & Gary	Recreational	Sea wall/boat ramp
40000061	Horsley, Jack	Recreational	Sea wall/boat ramp
40000053	Jager, Steven	Recreational	Floating/portable dock
40000077	Kemker, Ralph & Corlene	Recreational	Floating/portable dock
40000055	Killpack, Robert	Recreational	Floating/portable dock
40000087	Krug, Paul	Recreational	Floating/portable dock
40000023	L. Ray Hansen Family Trust	Recreational	Floating dock
40000072	Lancy, David	Recreational	Sea wall/boat ramp
40000046	Larsen, Karen	Recreational	Sea wall/boat ramp
ESMT 70	Nebeker, Sidney	right of way	pipeline
40000031	Parrish, Richard	Recreational	Floating dock
40000054	Patterson Et Al, Robert	Recreational	Floating/portable dock
40000022	Peterson, John & Eleanor	Recreational	Sea wall/boat ramp
40000038	Phelps, Jerry	Recreational	Sea wall/boat ramp



LEASE NUMBER	LESSEE/PERMITTEE	TYPE	PURPOSE
40000047	Quinn, Mildred	Recreational	Sea wall/boat ramp
40000071	Robinson Properties	Recreational	Floating/portable dock
40000027	Sealy, M. Devro	Recreational	Sea wall/boat ramp
40000025	Slater, Thomas	Recreational	Sea wall/boat ramp
40000036	Smart, Jay	Recreational	Sea wall/boat ramp
40000033	Spinnaker Pt Homeowners Assoc	Recreational	Floating dock
40000044	Stirk, Mary	Recreational	Sea wall/boat ramp
40000050	Susaeta, John	Recreational	Sea wall/boat ramp
40000035	Taylor, Gene	Recreational	Sea wall/boat ramp
40000048	Watts, Michael	Recreational	Floating/portable dock
40000078	Wheelright, Hal, & Hans Borschel	Recreational	Floating/portable dock
40000017	Williams, Don	Wildlife habitat	Bank stabilization
40000069	Williams, Lucille	Recreational	Sea wall/boat ramp

## RIGHTS OF ENTRY

LEASE NUMBER	LESSEE/PERMITTEE	TYPE	PURPOSE
40000005	BLH Enterprises, LLC	Recreational	Right of entry
40000017	BLH Enterprises, LLC	Recreational	Right of entry

## GENERAL PERMITS

LEASE NUMBER	LESSEE/PERMITTEE	TYPE	PURPOSE
73000011	Hansen, Dell		
SLGP 0005	Hodges Beach Home Owners	Recreational	Boat ramp
73000008	Jager, Steven	Recreational	Boat ramp
SLGP 0021	Utah Parks & Recreation	Recreational	Boat ramp
SLGP 0018	Utah Wildlife Resources	Agriculture	Fishery habitat



## SPECIAL USE LEASE AGREEMENTS

LEASE NUMBER	LESSEE/PERMITTEE	TYPE	PURPOSE
SULA 333	Azure Cove, Inc	Commercial	Marina
SULA 312	Beck's Bear Lake Property	Commercial	Boat ramp
SULA 531	Hodges, Mark	Recreational	Boat ramp
SULA 648	Ideal Beach Master Assoc	Commercial	Marina
SULA 647	Ideal Beach Master Assoc	Commercial	Marina







## APPENDIX E: IMPLEMENTATION AND MONITORING

Sovereign lands at Bear Lake are a public trust resource managed by FFSL for the benefit of the people of Utah. The people of Utah have the right to use and enjoy trust lands, waters, and associated resources for a wide variety of purposes. Public use and enjoyment of Bear Lake sovereign lands in its dynamic forms will be free of substantial impairment.

Implementation and monitoring activities are an important part of the Bear Lake CMP planning process and are required to resolve issues that have been identified. In Table E-1, the implementation and monitoring activities reflect the management direction for Bear Lake and its resources as defined by the associated CMP objectives. Activities are organized by CMP planning objective. Implementation of these activities may require coordination with stakeholders as shown in the responsible party column. Target dates for implementation of each activity are also shown.

**Table E-1. Bear Lake Comprehensive Management Plan Goals and Objectives implementation and monitoring.**

BEAR LAKE CMP PLANNING OBJECTIVE	IMPLEMENTATION OR ACTION ITEM	RESPONSIBLE PARTY (LEAD AGENCY)	TARGET DATE
<b>Goal Category A: Public Outreach and Partnerships</b>			
<b>Objective A.1.1:</b> Participate in an annual conference with resource agencies and special interest groups to help educate the general public on management of sovereign lands and to improve communication between agencies, land owners, stakeholders, and user groups.	Annual Conference	FFSL w/BLW <sup>a</sup>	Spring
<b>Objective A.1.2:</b> Work with partners to develop concise public information materials concerning such items as the following: <ul style="list-style-type: none"> <li>• overall guide map to public recreational facilities, including restricted areas</li> <li>• recreational facility characteristics and capacities</li> <li>• recreational use guidelines and regulations</li> <li>• boating etiquette, safety regulations, and waste management</li> <li>• environmental interpretation and education</li> <li>• hunting and fishing regulations</li> </ul>	User guides and brochures	Recreation – P&R Hunting/Fishing, Environmental – DWR, FFSL	March 1 each year
<b>Objective A.1.3:</b> Ensure adequate dissemination of public information through the availability of materials at public facilities and through cooperation with surrounding jurisdictions, chambers of commerce, businesses, and interest groups.	Dissemination of user guides and brochures	BLW, P&R	Memorial Day Weekend

BEAR LAKE CMP PLANNING OBJECTIVE	IMPLEMENTATION OR ACTION ITEM	RESPONSIBLE PARTY (LEAD AGENCY)	TARGET DATE
<b>Goal Category A: Public Outreach and Partnerships (cont.)</b>			
<b>Objective A.1.4:</b> Facilitate seasonal meetings with adjacent land owners, day users, and nearby communities to anticipate the issues for the summer season and follow up for feedback and evaluation.	Periodic meetings among stakeholder groups [brief/debrief]	BLW – FFSL	Memorial Day weekend, Raspberry Days week
<b>Objective A.2.1:</b> Explore additional partnerships with resource agencies and user groups that could mutually improve management of Bear Lake sovereign lands.	New partnerships or re-blended partnerships	As opportunities present themselves	Ongoing
<b>Objective A.2.2:</b> Collaborate with County, State, and Federal agencies to implement CMP action items and monitor progress.	Project work	Project dependent	As needed
<b>Objective A.3.1:</b> Identify information gaps and facilitate data collection and studies as appropriate.	Report - PIRG	FFSL	Ongoing
<b>Goal Category B: Water Resources</b>			
<b>Objective B.1.1:</b> Identify water quality impacts coming from sovereign lands leases and uses, and develop mechanisms to mitigate problem areas to help maintain State beneficial use designations.	Lease review and follow-up	FFSL	August 2011
<b>Objective B.1.2:</b> Identify areas where additional sanitation facilities (e.g., restrooms, refuse containers) are needed.	Recommendations for new facilities or new locations for existing facilities	FFSL in consultation with UDWQ, and local needs	Annually
<b>Objective B.2.1:</b> Identify and describe water rights and their relationship to sovereign lands management.	Section on water level management in plan	DWt <sup>b</sup> FFSL PacifiCorp	Plan approval
<b>Objective B.2.2:</b> Describe and chronicle the affects of reservoir water operations on recreation, concessions, landowners, park facilities, and natural resources.	Report to PIRG during semi-annual meeting	Each agency in their own area – Bear Lake Regional Commission to compile (?)	Annually
<b>Objective B.2.3:</b> Communicate with PacifiCorp to understand annual water level projections and adjust sovereign lands management accordingly.	Modification of lake management activities based on projected water levels	FFSL	April
<b>Goal Category C: Recreation and Scenic Resources</b>			
<b>Objective C.1.1:</b> Identify appropriate recreational use areas on sovereign lands.	Management Classifications Map with identified regions	PIRG <sup>c</sup>	Plan approval
<b>Objective C.1.2:</b> Identify land-based capacities for recreation activities, leases, and uses on sovereign lands.	Management Classifications Map	PIRG	Plan approval
<b>Objective C.1.3:</b> Work with adjacent communities to coordinate infrastructure needs and supporting developments.	Communication to local governments on public needs	FFSL	Ongoing

# Comprehensive Management Plan



BEAR LAKE CMP PLANNING OBJECTIVE	IMPLEMENTATION OR ACTION ITEM	RESPONSIBLE PARTY (LEAD AGENCY)	TARGET DATE
<b>Goal Category C: Recreation and Scenic Resources (cont.)</b>			
<b>Objective C.1.4:</b> Explore ways to increase safety and security, and reduce user conflicts.	Law Enforcement Agreement	P&R FFSL	Ongoing
<b>Objective C.1.5:</b> Evaluate existing recreational facilities and determine appropriate levels of expansion, as needed.	Recommendations for appropriate development and expansion	P&R	Throughout planning cycles
<b>Objective C.1.6:</b> Explore the possibility of providing wakeless zones adjacent to certain recreation areas.	Wakeless zones, if recommended	P&R	May 2010
<b>Objective C.2.1:</b> Recommend appropriate recreational facilities at appropriate locations.	Appropriate facility development	FFSL P&R	Ongoing
<b>Objective C.2.2:</b> Recommend facility improvements and visitor needs (e.g., accessibility).	Facility improvements where appropriate	P&R FFSL	Plan approval and ongoing review
<b>Objective C.2.3:</b> Explore the need for additional public boat launches and boat docks and/or marinas.	Recommendations for appropriate, additional boat launches	P&R	Plan approval and ongoing review
<b>Objective C.2.4:</b> Recommend a mechanism for a "one stop shopping" program to secure permits.	Comprehensive checklist for permitting process <sup>d</sup>	FFSL RDCC	Plan approval and ongoing review
<b>Objective C.2.5:</b> Evaluate the need to implement fee programs as a way to provide funding for management of facilities on sovereign lands.	Permit/Lease specific for identified revenue stream for public trust obligations	FFSL	Plan approval and at lease opportunities
<b>Objective C.3.1:</b> Coordinate with County and municipal governments on protecting scenic resources on lands surrounding Bear Lake.	Become informed on threats to scenic resources, collaborate on ideas to protect resources	BLW FFSL	Ongoing
<b>Objective C.3.2:</b> Ensure that the location and design of all new facilities on sovereign lands, as well as maintenance and replacement of existing facilities, is compatible with the natural and cultural environments of the Bear Lake area.	Compatible development which has undergone sufficient review process	FFSL, in collaboration w/PIRG	Plan approval and ongoing review – see A.1.4
<b>Goal Category D: Natural and Cultural Resources</b>			
<b>Objective D.1.1:</b> Identify the location and extent of noxious and invading weeds, pests, and aquatic nuisances.	Inventory location and extent of problem species	FFSL compile & collect data DWR collect data DOAF <sup>e</sup> collect data	August 2009
<b>Objective D.1.2:</b> Initiate development of an Integrated Pest Management Plan.	Development of an Integrated Pest Management Plan	FFSL w/DOAF, DWR	August 2009
<b>Objective D.1.3:</b> Coordinate with appropriate Federal, State, and local agencies to control noxious and invading weeds, pests, and aquatic nuisances.	Project work that takes advantage of leveraged dollars and resources to maximize effectiveness	CWMP <sup>f</sup>	Ongoing

BEAR LAKE CMP PLANNING OBJECTIVE	IMPLEMENTATION OR ACTION ITEM	RESPONSIBLE PARTY (LEAD AGENCY)	TARGET DATE
<b>Goal Category D: Natural and Cultural Resources (cont.)</b>			
<b>Objective D.1.4:</b> Develop an appropriate plant list for future planting, erosion control, and habitat restoration activities.	Approved plant list for conservation plantings	FFSL, w/BIO-WEST	Plan approval
<b>Objective D.2.1:</b> Coordinate with the UDWR to identify possible fishery enhancement opportunities on sovereign lands.	Fishery enhancement projects	UDWR	Plan approval
<b>Objective D.2.2:</b> Work to find mutually agreeable strategies for reducing conflicts between anglers and recreational boaters.	Minimal angler/boater conflicts	P&R, UDWR	Plan approval
<b>Objective D.2.3:</b> Identify and protect important fish habitat areas on sovereign lands.	Protected fishery habitats	UDWR, FFSL	Plan approval and ongoing review
<b>Objective D.3.1:</b> Identify occurrences of known threatened, endangered, or special status species on sovereign lands.	Inventory of threatened, endangered, or special status species on sovereign lands	BIO-WEST	Plan approval
<b>Objective D.3.2:</b> Identify sensitive vegetation and wildlife habitat areas.	Inventory of sensitive vegetation and wildlife habitat areas	PIRG w/BIO-WEST	Plan approval
<b>Objective D.3.3:</b> Identify areas of protection at suitable locations to conserve long-term, viable habitat for a variety of wildlife and fish species.	Inventory of habitat areas for fish species and wildlife	PIRG w/BIO-WEST	Plan approval
<b>Objective D.3.4:</b> Cooperate with appropriate entities in managing sovereign lands and protecting fish and wildlife resources.	Management agreements, project work	FFSL UDWR IDF&G	Plan approval and ongoing review and consultation
<b>Objective D.3.5:</b> Protect wetland and riparian vegetation areas in accordance with existing Federal and State regulations.	Protected/permitted wetland and riparian vegetation areas	FFSL, ACOE, DWt, local government	Plan approval and ongoing review and consultation
<b>Objective D.3.6:</b> Develop an appropriate plant list for future planting, erosion control, and habitat restoration activities.	Approved plant list	PIRG w/BIO-WEST	Plan approval
<b>Objective D.4.1:</b> Identify appropriate vegetation management practices for sovereign lands.	Guidelines for managing vegetation on sovereign lands	FFSL, ACOE	April 2010
<b>Objective D.4.2:</b> Cooperate with Rich County and adjacent landowners to implement appropriate vegetation management practices on sovereign lands.	Project work	FFSL, Rich County	ongoing

# Comprehensive Management Plan



BEAR LAKE CMP PLANNING OBJECTIVE	IMPLEMENTATION OR ACTION ITEM	RESPONSIBLE PARTY (LEAD AGENCY)	TARGET DATE
<b>Goal Category D: Natural and Cultural Resources (cont.)</b>			
<b>Objective D.5.1:</b> Identify human-caused erosion problem locations.	Human-caused erosion problem map	PIRG	Human-caused erosion problem map
<b>Objective D.5.2:</b> Work with water users, State Parks, and other entities as appropriate to implement erosion control strategies as necessary.	Erosion control projects implemented	FFSL, ACOE DWQ P&R	August 2010
<b>Objective D.6.1:</b> Protect the integrity and eligibility of cultural resources, including historic, prehistoric, and paleontological resources, wherever development is proposed.	Protected cultural resources in accordance with law	FFSL, SHPO <sup>g</sup> UGS <sup>h</sup>	Plan approval and ongoing review and consultation
<b>Objective D.6.2:</b> Recommend mechanisms to protect, preserve, restore, recognize, and interpret historic, prehistoric, and paleontological resource sites.	Cultural resource recognition through appropriate protection measures in accordance with law	FFSL SHPO UGS	Plan approval and ongoing review and consultation
<b>Goal Category E: Land Management</b>			
<b>Objective E.1.1:</b> Identify the location and extent of access rights-of-way and easements, and provide appropriate directional signage for visitors.	Clear signage for sovereign lands users	FFSL, Permittees	Plan approval
<b>Objective E.1.2:</b> Evaluate the feasibility and identify appropriate locations for accessible boating and fishing facilities.	Report on suitable boat launching and other recreation sites	P&R	Plan approval
<b>Objective E.1.3:</b> Identify public parking problems and explore options for improvements.	Parking and congestion solutions	FFSL, local government	Plan approval and ongoing review as necessary
<b>Objective E.1.4:</b> Restrict access to sensitive areas where public safety and natural resources protection are concerns (e.g., sensitive fish and wildlife habitat, hazardous areas)	Protection zones as identified in the plan	FFSL, P&R DWR	Plan approval and ongoing review as necessary
<b>Objective E.2.1:</b> Assure an open and public process in the issuance of leases and general permits using the Resource Development Coordinating Committee to provide review, comment, and stipulation opportunities for proposed development.	A defined and open process that allows the public uses on sovereign lands due process and review <sup>i</sup>	FFSL	Plan approval
<b>Objective E.2.2:</b> Provide leases, permits, Rights of Entries, and Letters of Authorization where appropriate and within the policies developed in the Bear Lake CMP.	Regulated, well-managed public lands in accordance with public trust	FFSL	Plan approval
<b>Objective E.2.3:</b> Identify appropriate areas for lease categories.	Management Classifications Map	PIRG	Plan approval

BEAR LAKE CMP PLANNING OBJECTIVE	IMPLEMENTATION OR ACTION ITEM	RESPONSIBLE PARTY (LEAD AGENCY)	TARGET DATE
<b>Goal Category E: Land Management (cont.)</b>			
<b>Objective E.2.4:</b> Provide for appropriate stipulations and terms for permitting and leases on sovereign lands.	Management Classifications Map	FFSL, RDCC <sup>J</sup>	As needed for each new application
<b>Objective E.2.5:</b> Coordinate with upland jurisdictions to create policies consistent with existing land use zoning ordinances.	Coordinated land use policy with adjacent jurisdictions	BLW, Bear Lake Regional Commission, FFSL	Plan approval, ongoing as necessary
<b>Objective E.2.6:</b> Bring into compliance all existing land uses on sovereign lands that are currently out of compliance with appropriate permits, leases or other legal instruments consistent with the Bear Lake CMP.	Appropriate and regulated uses of public lands in accordance with the plan	FFSL	Plan approval
<b>Objective E.3.1:</b> Reaffirm the state's position of the 5,923.65 foot elevational boundary for sovereign lands on the Utah side of Bear Lake.	Reaffirm the state's position on 5,923.65 as the sovereign lands boundary	FFSL	Plan approval
<b>Objective E.3.2:</b> Settle boundaries with upland owners and have recorded settlements in place.	Recorded boundary settlements with upland owners	FFSL, upland landowners	Ongoing until completed
<b>Objective E.4.1:</b> Remove the subsurface mineral estate from minerals extraction by placing an administrative withdrawal on the sovereign lands at Bear Lake.	Continue the administrative mineral withdrawal on Bear Lake for duration of CMP	FFSL	Plan approval

<sup>a</sup> BLW = Bear Lake Watch or other local organization under agreement with FFSL

<sup>b</sup> DWt = Division of Water Rights

<sup>c</sup> PIRG = Planning Implementation and Review Group

<sup>d</sup> All agencies will be alerted during the application process for implications to their respective agencies, true one-stop shopping (one agency, one all purpose) is not yet possible.

<sup>e</sup> DOAF = Department of Agriculture and Food - Insect pests fall in their shop

<sup>f</sup> CWMP = Cooperative Weed Management Plan - usually involves local, state, and federal governments on the planning committee

<sup>g</sup> SHPO = State Historic Preservation Office

<sup>h</sup> UGS = Utah Geological Survey

<sup>i</sup> See text for process of making application for sovereign land use.

<sup>j</sup> RDCC = Resource Development Coordinating Committee

