FINAL BEAR RIVER COMPREHENSIVE MANAGEMENT PLAN RECORD OF DECISION

Prepared for Utah Department of Natural Resources, Division of Forestry, Fire & State Lands

OCTOBER 2017
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Prepared for:

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Utah Division of Forestry, Fire & State Lands
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Craig Johnson
Professor Emeritus, Utah State University

October 2017
Introduction

Pursuant to Utah Code 65A-2-2 and 65A-2-4 and the implementing regulations of Utah Administrative Code R652-90, the Utah Division of Forestry, Fire & State Lands (FFSL or the division) is empowered to prepare and adopt comprehensive management plans for sovereign lands and resources. Given this direction, FFSL initiated the Bear River Comprehensive Management Plan (BRCMP) process with interagency cooperation and collaboration and with open public participation.

The primary purpose of the BRCMP is to guide FFSL, along with adjacent landowners and other local, state, and federal partners, in managing, allocating, and appropriately using the Bear River’s sovereign land resources. The BRCMP clearly sets forth defined management goals, objectives, and implementation strategies for guiding and directing future resource management actions, activities, and agricultural and recreation uses on the Bear River.

In compliance with policy, procedures, rules, and statutes for comprehensive management planning, FFSL has completed the comprehensive management plan for the subject site. Therefore, FFSL issues this record of decision for the BRCMP.

Description of Lands Directly Affected

The Utah State Legislature defines sovereign land as “those lands lying below the ordinary high water mark [OHWM] of navigable bodies of water at the date of statehood and owned by the state by virtue of its sovereignty” (Utah Code 65A-1-1). As noted in this definition, the state’s ownership extends to the OHWM; however, knowing exactly where the OHWM was at statehood is problematic as it relates to the Bear River. For this reason, and because the OHWM has not been mapped continuously along the Bear River, the planning unit area (or “planning area”) for the BRCMP extends laterally from top of bank to top of bank. As part of an authorization process, a case-by-case demarcation of the OHWM is required. The planning unit area consists of the length of the Bear River from the Idaho-Utah state line to a negotiated location within the Bear River Migratory Bird Refuge. In cases where sovereign land boundaries associated with the Bear River in Box Elder and Cache Counties have not been settled, the visions, goals, policies, and objectives in the BRCMP will apply to those lands that are judged to be sovereign lands.

Proposed Action

The proposed action associated with this record of decision is the adoption and implementation of the 2017 BRCMP.

Relevant Factual Background

The BRCMP is the second river-based comprehensive management plan that FFSL has initiated and prepared. Through a rigorous competitive process, FFSL hired SWCA Environmental Consultants (SWCA) to facilitate the development of the 2017 BRCMP. SWCA engaged the following entities to assist in developing the plan:

- CRSA, a local planning firm
- Hansen, Allen and Luce (HAL), a local water resource engineering firm
The BRCMP planning process began in May 2016. FFSL was interested in improving management, planning, and research activities of the Utah Department of Natural Resources and the Utah Department of Environmental Quality on the Bear River and incorporated these agencies into the BRCMP planning team. Representatives from the Bear River Commission (a governmental entity created in 1958 pursuant to the Bear River Compact), the Bear River Association of Governments, Utah State University Extension, Utah Department of Agriculture and Food, and the Utah State Historic Preservation Office were also incorporated into the planning team.

As part of the planning process, the BRCMP planning team members provided input and technical support relevant to their area of expertise. Throughout the process, the BRCMP planning team represented the long-term collaborative approach necessary to holistically manage Bear River sovereign lands. The purposes of the BRCMP planning team were to:

- provide resource-specific guidance throughout the planning process;
- provide the most recent, relevant research and data pertaining to Bear River resources and associated uses;
- provide timely review and comment on the document throughout the planning process; and
- offer project updates, milestones, and opportunities for comment to State of Utah agencies and the general public.

The BRCMP planning process was designed to achieve a cumulative and linear development of conditions, desired future conditions, management goals, and management objectives and to encourage public participation throughout the process.

**Public Outreach**

The development of the BRCMP involved a 16-month public outreach process from July 2016 to October 2017. FFSL initiated the BRCMP planning with a press release distributed on July 27, 2016. Following that submittal, FFSL, SWCA, CRSA, and HAL conducted two series of public open house meetings. The first series focused on kicking off the project, and the second series focused on reviewing the draft BRCMP. In addition, FFSL, SWCA, CRSA, and HAL facilitated three series of stakeholder workshops. The first series comprised two project kickoff workshops with county and municipal representatives through which the Bear River flows; these workshops introduced the planning process. The second and third series of workshops were with agricultural, irrigation, recreation, and environmental stakeholders. The second series focused on introducing the planning process and gathering information on current sovereign land condition. In the third series, FFSL reviewed the contents of the draft plan with stakeholders. Notification of the planning process and announcement of the draft BRCMP were made to the Resource Development Coordinating Committee (RDCC) on September 11, 2017. A summary of the BRCMP public outreach opportunities is provided in Tables 1 to 5 below.

**GENERAL PUBLIC**

FFSL, SWCA, CRSA, and HAL used open house format meetings in each of the two counties to kick off the public engagement process. Dates, times, and locations for these meetings are provided in Table 1.
FFSL, SWCA, CRSA, and HAL also used open house format meetings in each of the two counties to present the draft BRCMP and to initiate the public comment process. Dates, times, and locations for these meetings are provided in Table 1.

### Table 1. Dates, Times, and Locations for Public Open House Series #1: Project Kickoff

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>City, County, and State</th>
<th>Location and Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 27, 2016</td>
<td>6:00–8:00 p.m.</td>
<td>Brigham City, Box Elder County, Utah</td>
<td>Box Elder County Commission Chambers, 1 South Main Street</td>
</tr>
<tr>
<td>August 2, 2016</td>
<td>6:00–8:00 p.m.</td>
<td>Logan, Cache County, Utah</td>
<td>Cache County Multi-Purpose Room, 179 North Main Street</td>
</tr>
</tbody>
</table>

### STAKEHOLDERS

Stakeholder workshops were convened for environmental groups, agricultural interests, recreation groups, and other stakeholders to learn about the planning process and to review the draft BRCMP. Dates, times, and locations for these workshops are provided in Tables 2–5.

### Table 2. Dates, Times, and Locations for Public Open House Series #2: Draft Plan Review

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>City, County, and State</th>
<th>Location and Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 6, 2017</td>
<td>6:00–8:00 p.m.</td>
<td>Logan, Cache County, Utah</td>
<td>Cache County Multi-Purpose Room, 179 North Main Street</td>
</tr>
<tr>
<td>June 13, 2017</td>
<td>6:00–8:00 p.m.</td>
<td>Brigham City, Box Elder County, Utah</td>
<td>Box Elder County Commission Chambers, 1 South Main Street</td>
</tr>
</tbody>
</table>

### Table 3. Dates, Times, and Locations for Stakeholder Workshops Series #1: Project Kickoff

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>City, County, and State</th>
<th>Location and Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 27, 2016</td>
<td>2:00–4:00 p.m.</td>
<td>Logan, Cache County, Utah</td>
<td>Cache County Multi-Purpose Room, 179 North Main Street</td>
</tr>
<tr>
<td>August 2, 2016</td>
<td>2:00–4:00 p.m.</td>
<td>Logan, Cache County, Utah</td>
<td>Cache County Multi-Purpose Room, 179 North Main Street</td>
</tr>
</tbody>
</table>

### Table 4. Dates, Times, and Locations for Stakeholder Workshops Series #2: Project Kickoff and Data Gathering

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>City, County, and State</th>
<th>Location and Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 29, 2016</td>
<td>6:00–8:00 p.m.</td>
<td>Logan, Cache County, Utah</td>
<td>Cache County Multi-Purpose Room, 179 North Main Street</td>
</tr>
<tr>
<td>November 29, 2016</td>
<td>5:00–7:30 p.m.</td>
<td>Brigham City, Box Elder County, Utah</td>
<td>James V. Hansen Wildlife Education Center, Bear River Migratory Bird Refuge</td>
</tr>
</tbody>
</table>

### Table 5. Dates, Times, and Locations for Stakeholder Workshops Series #3: Draft Plan Review

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>City, County, and State</th>
<th>Location and Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 14, 2017</td>
<td>6:00–8:00 p.m.</td>
<td>Logan, Cache County, Utah</td>
<td>Cache County Multi-Purpose Room, 179 North Main Street</td>
</tr>
<tr>
<td>June 27, 2017</td>
<td>6:30–8:30 p.m.</td>
<td>Logan, Cache County, Utah</td>
<td>Bear River Association of Governments, 170 North Main</td>
</tr>
<tr>
<td>June 28, 2017</td>
<td>5:30–8:30 p.m.</td>
<td>Brigham City, Box Elder County, Utah</td>
<td>James V. Hansen Wildlife Education Center, Bear River Migratory Bird Refuge</td>
</tr>
</tbody>
</table>
COUNTIES AND MUNICIPALITIES

To reach out directly to county and municipal governments whose management authority often extends to the boundary of sovereign lands, FFSL sent formal letters to county and municipal leaders announcing the planning process. FFSL and SWCA also initiated two individual meetings with local government entities in regard to the BRCMP planning process (Table 5).

Table 5. Dates and Times for County and Municipal Meetings

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>City, County, and State</th>
<th>Location and Address</th>
<th>Local Government Entity</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 27, 2016</td>
<td>2:00–4:00 p.m.</td>
<td>Brigham City, Box Elder County, Utah</td>
<td>Box Elder County Commission Chambers, 1 South Main Street</td>
<td>Box Elder County</td>
</tr>
<tr>
<td>August 2, 2016</td>
<td>2:00–4:00 p.m.</td>
<td>Logan, Cache County, Utah</td>
<td>Cache County Multi-Purpose Room, 179 North Main Street</td>
<td>Cache County</td>
</tr>
</tbody>
</table>

Meeting Design

The open houses and stakeholder workshops combined formal presentation and open house formats. At each meeting, the FFSL sovereign lands planner or sovereign lands program manager provided a brief project overview or presentation. Following this overview, FFSL, SWCA, CRSA, and/or HAL staff answered questions and facilitated information-gathering activities in an open house format, as applicable. Attendees were greeted, asked to sign in, provided information about the meeting format, and given the option of taking a business card with the BRCMP website (http://www.bearrivercmp.com) and contact information. Attendees were informed about ways to follow the planning process, provide information, or submit comments. They were encouraged to ask questions of the facilitators and resource specialists from the planning team when present.

Informational display boards were also arranged around the meeting room to provide the following background information:
- Explanation of the planning process and the general timeline and sequence of events
- Description of the general need for the BRCMP and responsible entities
- Definition of sovereign lands, public trust, and multiple-use/sustainable yield
- Maps and a list of potential resource issues
- Opportunities for public comment and a description of available comment methods
- Historic photographs of the Bear River
- Aerial images of the six Bear River segments

Meeting Advertising

Pursuant to FFSL requirements, public open house meetings were advertised in a variety of formats before their scheduled dates. In each format, the advertisements provided logistics, explained the purpose of the meetings, gave the schedule for the public and agency comment period, outlined additional ways to comment, and provided methods of obtaining additional information. Methods of communicating with the public, stakeholders, and counties and municipalities included media outlets, direct emails, direct mail postcards, the project website, the FFSL website, and FFSL press releases.

ADVERTISING FOR PUBLIC OPEN HOUSES

Meeting information for the BRCMP project kickoff open houses was posted on the project website on approximately July 5, 2016. Media releases for the BRCMP project kickoff open houses were emailed on July 27, 2016, to the following:

- Davis County Clipper
- Box Elder News Journal
- Deseret News
- Ogden Standard-Examiner
- Salt Lake Tribune
- Tooele Transcript-Bulletin
- The Leader
Meeting information for the draft BRCMP review open houses was posted on the project website on approximately May 19, 2017, and emails were sent on May 22, 2017. Media releases for the draft BRCMP review open houses were emailed on May 23, 2017, to the following:

- Davis County Clipper
- Box Elder News Journal
- Deseret News
- Ogden Standard-Examiner
- Salt Lake Tribune
- Tooele Transcript-Bulletin
- The Leader

Formal newspaper legal notices for the BRCMP project kickoff open houses were posted as follows in 2016:

- Box Elder News Journal: July 13, 20, and 27, 2016
- Box Elder Shopper: July 13, 20, and 27, 2016
- Herald Journal: July 13, 20, and 27, 2016
- Utah Legals.com: July 13–27, 2016

Formal newspaper legal notices for the draft BRCMP review open houses were posted as follows in 2017:

- Box Elder News Journal: May 31 and June 7, 2017
- Box Elder Shopper: May 31 and June 7, 2017
- Herald Journal: May 27 and 28, and June 3 and 4, 2017
- Utah Legals.com: May 27 and 28, and June 3 and 4, 2017

Press releases were drafted by CRSA and provided to FFSL for distribution to the media recipients listed above.

A list of planning process participants was obtained from the following sources:

- Individuals or organizations (land-use applicants) holding an FFSL authorization
- All landowners adjacent to Bear River sovereign lands within the affected counties
- Bear River stakeholders including agricultural and irrigation interests, environmental organizations, and members of the recreation community
- Bear River stakeholders identified by the planning team
- Local, state, and federal agencies identified as having jurisdictional authority in the project
- Members of the press

The following invitations were sent to alert interested participants to the open houses and stakeholder workshops:

- Landowner and land-use applicant postcards and emails sent in July 2016 for project kickoff open houses
- County and municipal stakeholder emails sent in June 2016 for stakeholder workshop series #1
- Stakeholder emails sent in November 2016 for stakeholder workshops series #2
- Landowner and land-use applicant postcards and emails sent in May 2017 for the draft BRCMP review open houses
- Stakeholder emails sent in June 2017 for stakeholder workshop series #3

The draft BRCMP was posted on the project website on May 22, 2017. The last day of the public comment period was July 7, 2017, allowing more than 30 days from the first draft review open house on June 6, 2017. The final BRCMP and Record of Decision were posted to the FFSL website on October 30, 2017. FFSL sent final postcards and emails of the issued record of decision on November 1, 2017. Petitions for consistency review were to be received by November 21, 2017.

**Public Trust**

FFSL acknowledges its responsibility to the Public Trust and its obligation to multiple-use, sustained-yield management. As stated in the BRCMP, the purpose of the plan is to prescribe management goals and objectives for sovereign lands along the Bear River in Cache and Box Elder Counties, Utah. and to ensure that navigation, fish and wildlife habitat, aquatic beauty, public recreation, and water quality (Public Trust values) are given due consideration and balanced with the benefits to be derived from any proposed use, pursuant to Utah Administrative Code R652-2. Primary management responsibility for the river’s resources lies...
with FFSL pursuant to Utah Code 65A, which governs management of all state lands within the jurisdiction of FFSL. Utah Code 65A-2-1 states that FFSL “shall administer state lands under comprehensive land management programs using multiple-use, sustained-yield principles.”

The overarching management objectives of FFSL are to protect and sustain the Public Trust resources and to provide for reasonable beneficial uses of those resources, consistent with their long-term protection and conservation. The 2017 BRCMP was designed to facilitate FFSL’s management of the Bear River and its resources under multiple-use, sustained-yield principles, as stated in Utah Code 65A-2-1. In particular, the management strategies highlight the range of multiple uses under FFSL’s jurisdiction and will ensure the sustained yield of Bear River resources.

Interagency Coordination

During the BRCMP planning process, FFSL recognized the importance of maintaining communication with the BRCMP planning team. Cross-agency coordination and communication are required because Bear River management is complex and because multiple government agencies are involved with various resources and uses. As outlined in Utah Code 65A-2-2, FFSL may request support for implementation of state land management plans and to this end seeks to maintain support across state agencies as it implements the 2017 BRCMP. Section 3.5 of the BRCMP outlines the proposed coordinating framework intended to be carried out by FFSL and other state agencies tasked with research, management, and permitting on the Bear River. The BRCMP management strategies allow numerous opportunities for coordination with respect to Bear River resources, a fundamental responsibility of FFSL according to Utah Code 65A-10-8.

Public Outreach: Notification, Comment, and Review

Public outreach was essential to the BRCMP planning process. As outlined earlier in this decision document, the public had numerous opportunities to contribute to the BRCMP, and many did. As required by Utah Administrative Code R652-90-500, FFSL notified RDCC about the planning process and the draft BRCMP on September 11, 2017. The project was made available for public comment on the Project Management System website for 45 days (Exhibit A). However, no comments were received via RDCC during the planning process. Stakeholders and state, federal, and local governments were notified numerous times throughout the planning process, requesting their attendance at public meetings and requesting their comments. Notification for the first public open house series was sent by postcard to 379 addresses and 56 email addresses. For the second series, notification was sent by postcard to 384 addresses and 59 email addresses. Stakeholders were notified by email and/or telephone before the stakeholder workshops. The final announcement of this record of decision was sent by postcard to 352 addresses and by email to 126 email addresses (Exhibit B). The two series of public open houses and the three series of stakeholder workshops were held during the planning process. The public comment period followed the release of the draft BRCMP and coincided with the second series of open houses and the third series of stakeholder workshops. The formal 45-day public comment period for the draft BRCMP began on May 22, 2017, and ended on July 7, 2017. Comments were accepted by comment response forms at public meetings, on the project website, by email, and by postal mail.

Information from the public, stakeholders, and counties and municipalities received throughout the planning process was substantial. FFSL received 10 submissions commenting on the draft BRCMP. Numerous verbal comments were also received at the open house series and at stakeholder workshops. Comments pertained to restoration, wildlife species, recreation, access, and permit requirements, to name a few. From the submissions, 88 individual comments were extracted for review of acceptance or non-acceptance. Comments on the draft BRCMP were acknowledged and addressed, as appropriate, by FFSL. As required by rule and statute Utah Administrative Code R652-90-600 (1)(b-d) and Utah Code 65-A-2-4, respectively, comment responses are provided in the final BRCMP (Appendix B).
Constitutional Provisions, Statutes, and Administrative Rules

Utah Constitution Article XX, Section 1
The Utah Constitution Article XX, Section 1 states the following:
All lands of the state that have been, or may hereafter be granted to the State by Congress, and all lands acquired by gift, grant or devise, from any person or corporation, or that may otherwise be acquired, are hereby accepted, and ... are declared to be the public land of the State; and shall be held in trust for the people, to be disposed of as may be provided by law, for the respective purposes for which they have been of may be granted, devised or otherwise acquired.

Utah Code 65A-2-1. Administration of State Lands - Multiple-Use Sustained-Yield Management
Utah Code 65A-2-1 states the following:
The division shall administer state lands under comprehensive land management programs using multiple-use sustained-yield principles.

Utah Code 65A-2-2 states the following:
The division:
(1) shall develop planning procedures for natural and cultural resources on state lands; and
(2) may request other state agencies to generate technical data or other management support services for the development and implementation of state land management plans.

Utah Code 65A-2-4 states the following:
(1) The division shall adopt rules for notifying and consulting with interested parties including the general public, resources users, and federal, state, and local agencies on state land management plans.
(2) Division rules shall provide:
(a) for reasonable notice and comment periods; and
(b) that the division respond to all commenting parties and give the rationale for the acceptance or non-acceptance of the comments.

Utah Code 65A-10-1. Authority of Division to Manage Sovereign Lands
Utah Code 65A-10-1 states the following:
(1) The division is the management authority for sovereign lands, and may exchange, sell, or lease sovereign lands but only in the quantities and for the purposes as serve the public interest and do not interfere with the public trust.

Utah Administrative Code R652-2-200. Sovereign Land Management Objectives
Utah Administrative Code R652-2-200 states the following:
The state of Utah recognizes and declares that the beds of navigable waters within the state are owned by the state and are among the basic resources of the state, and that there exists, and has existed since statehood, a public trust over and upon the beds of these waters. It is also recognized that the public health, interest, safety, and welfare require that all uses on, beneath or above the beds of navigable lakes and streams of the state be 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.

**Utah Administrative Code R652-70-200. Classifications of Sovereign Lands**

Utah Administrative Code R652-70-200 states the following:

Sovereign lands may be classified based upon their current and planned uses. A synopsis of some possible classes and an example of each class follows. For more detailed information, consult the management plan for the area in question.

1. **Class 1**: Manage to protect existing resource development uses. The Utah State Park Marinas on Bear Lake and on GSL are areas where the current use emphasizes development.
2. **Class 2**: Manage to protect potential resource development options. For example, areas adjacent to Class 1 areas which have the potential to be developed.
3. **Class 3**: Manage as open for consideration of any use. This might include areas which do not currently show development potential but which are not now, or in the foreseeable future, needed to protect or preserve the resources.
4. **Class 4**: Manage for resource inventory and analysis. This is a temporary classification which allows the division to gather the necessary resource information to make a responsible classification decision.
5. **Class 5**: Manage to protect potential resource preservation options. Sensitive areas of wildlife habitat may fall into this class.
6. **Class 6**: Manage to protect existing resource preservation uses. Cisco Beach on Bear Lake is an example of an area where the resource is currently being protected.

**Utah Administrative Code R652-90-300. Initiation of Planning Process**

Utah Administrative Code R652-90-300 states the following:

1. A comprehensive planning process is initiated by the designation of a planning unit as planning priorities are established by the division.

**Utah Administrative Code R652-90-500. Notification and Public Comment**

Utah Administrative Code R652-90-500 states the following:

1. Once a planning unit is designated for a comprehensive management plan, notice shall be sent to the Office of Planning and Budget for inclusion on the RDCC agenda and, if appropriate, the weekly status report.
2. The Division shall conduct at least one public meeting in the vicinity of a planning unit that has been designated for a comprehensive management plan.
   (a) The meeting shall provide an opportunity for public comment regarding the issues to be addressed in the plan
   (b) The public meeting(s) shall be held at least two weeks after notice in a local newspaper.
   (c) Notice of public meeting(s) shall be held directly to lessees of record, local government official and the Office of Planning and Budget for inclusion in the RDCC agenda packet and weekly status report. A mailing list shall be maintained by the division.
   (d) Additional public meetings may be held.
Utah Administrative Code R652-90-600. Public Review

Utah Administrative Code R652-90-600 states the following:

1. Comprehensive management plans shall be published in draft form and sent to persons on the mailing list established under R652-90-400, the Office of a 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 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.


Utah Administrative Code R652-90-800 states the following:

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. Present and future use(s) for the sovereign land resources in the planning unit;
3. 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 division analysis; and
6. The uniqueness, special attributes and availability of resources in the planning unit.

Findings of Fact

1. As described herein, FFSL notified the public and local, federal, and state agencies, including the RDCC, of the BRCMP planning effort.
2. As described herein, FFSL conducted public meetings in conjunction with the BRCMP planning effort.
3. As described herein, FFSL published a draft of the BRCMP and accepted comments from the public and other government entities and responded to all comments properly submitted.
4. FFSL considered and implemented legislative directives concerning the content of the BRCMP.

Conclusions of Law

1. FFSL properly initiated the planning process for a comprehensive plan by designating the planning unit and planning priorities established by FFSL.
2. FFSL fulfilled its notification requirements to the lessees, to local governments, and to the RDCC when the project was initiated. FFSL went beyond its required notification by also notifying upland landowners and stakeholders.
3. The notification requirements for the public meetings have been met or exceeded.
4. The public review requirements have been met or exceeded.
5. FFSL properly responded to comments received in compliance with the applicable law.
6. The BRCMP fulfills the requirements of applicable statutes, rules, policies, and legal doctrines.
7. The planning process and subsequent BRCMP comply with the legal requirements for a comprehensive management plan and specifically comply with the requirements for the BRCMP.
Record of Decision

Decision and Order

Based on the foregoing, FFSL hereby adopts the BRCMP (including Appendices A and B), which satisfies the requirements of applicable statutes, rules, and policies. The BRCMP (including Appendix A and B) becomes the comprehensive management plan that guides decision-making on the sovereign lands within the planning unit. The BRCMP supersedes any and all previous management plans—adopted, draft, or otherwise—and represents the official position of FFSL.

DATED this 27 day of October, 2017.

Administrative Appeals

Parties having an interest in this action may file a petition for administrative review by the division pursuant to Utah Administrative Code R652-9. Said petition must be in writing and shall contain

1. the statute, rule, or policy with which the division action is alleged to be inconsistent;
2. the nature of the inconsistency of the division action with the statute, rule, or policy;
3. the action the petitioner feels would be consistent under the circumstances with statute, rule, or policy; and
4. the injury realized by the party that is specific to the party arising from division action.

If the injury identified by the petition is not peculiar to the petitioner as a result of the division action, the director will decline to undertake consistency review.

Said petition must be received by the division by 5:00 p.m. on November 21, 2017.
APPROVED BY:

BRIAN COTTAM
STATE FORESTER/DIRECTOR

DATE: 10-27-17

PREPARED BY:

LAURA VERNON
SOVEREIGN LANDS PLANNER

DATE: 10/27/17

REVIEWED BY:

LAURA AULT
SOVEREIGN LANDS PROGRAM MANAGER

DATE: 10/27/17

REVIEWED BY:

FREDRIC J. DONALDSON
ASSISTANT ATTORNEY GENERAL

DATE: 10/27/2017
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Exhibit A. Resource Development Coordinating Committee Documentation
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View Project

Project #60542

Key Info:
Sponsor: DNR/Division of Forestry, Fire & State Lands
Title of Action: Bear River Comprehensive Management Plan
Project URL Link: http://www.bearrivercmp.com/
Project Start Date: 03/15/2016
Location: 41.2730, 112.1725
Location/Supplemental Attachment:
Counties: Box Elder, Cache
Has local government been contacted? Yes
Date Local Government was Contacted: 05/23/2017
Acquisition: No
Date of Acquisition: N/A
Have the state representative and state senator been contacted? No

Project abstract:
Pursuant to 652-99-300, notification is hereby given that a comprehensive management plan is being developed for the Bear River by the Division of Forestry, Fire and State Lands. Notice will be posted to RDCC once again upon the release of the Record of Decision.

Local government’s response:
Participation in scoping and draft plan review meetings.

How is the local government(s) likely to be impacted?
Local city and county zoning supported by FFS, river classifications.

Possible significant impacts likely to occur:
No significant impacts anticipated.

Consistency Review
No Consistency Review Document

Record of Decision
No Record of Decision Document

State Comments
No State Comments

For further information please contact project sponsor.
Exhibit B. Notice to Interested Parties (Bear River Comprehensive Management Plan mailing list)
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<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City, State</th>
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<tr>
<td>Hansen Kipp ETUX</td>
<td>3820 W 2500 N</td>
<td>Corinne, UT 84307</td>
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<td>Hansen Laraee TTEE</td>
<td>3795 W 8200 N</td>
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<td>Hansen Steven ETAL</td>
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<td>Hansen Warren E Trustee ETAL</td>
<td>15600 N 4005 W</td>
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<td>Hardy Allen V ETAL</td>
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<td>Hardy Wayne TTEE</td>
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<tr>
<td>Harold Selman Sheep Co</td>
<td>PO Box 175</td>
<td>Tremonton, UT 84337</td>
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<tr>
<td>Harry Gary</td>
<td>4750 W 12000 N</td>
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<td>Harry B &amp; Julene B TRS</td>
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<td>Haycock Norma H TTEE ETAL</td>
<td>1164 Holmes Creek LN</td>
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<td>Heitz Kelly ETUX</td>
<td>3138 North 1250 W</td>
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<td>Helen W TR Munk</td>
<td>5212 N 2400 W</td>
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<td>Hollis Jencks</td>
<td>USACE 533 West 2600 South, Suite 150, Bountiful, UT 84010</td>
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<td>Holmgren Bros Inc</td>
<td>P O Box 35</td>
<td>Bear River City, UT 84301</td>
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<td>Holmgren Mary Merle C Trustee</td>
<td>214 Via Ithaca</td>
<td>Newport Beach, CA 92663</td>
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<td>Honevville Food Products</td>
<td>1080 North Main, Suite 101</td>
<td>Brigham City, UT 84302</td>
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<td>Honevville Grain Inc</td>
<td>1080 N Main St #101</td>
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<td>Horine Nobuko TTEE</td>
<td>1005 W 2nd ST</td>
<td>Weiser, ID 83672</td>
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<td>Hunsaker Diane R TTEE</td>
<td>7 East Durfee ST</td>
<td>Grantsville, UT 84029</td>
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<td>Ike Ventures LLC</td>
<td>46 N Windriver Lane</td>
<td>Lindon, UT 84042-2228</td>
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<td>J &amp; C Properties Group LLC</td>
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<td>9525 N 4200 W</td>
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<td>James Tarbet</td>
<td>350 N. 100 E., Smithfield, UT</td>
<td>Smithfield, UT 84335-0441</td>
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<td>Jeff &amp; Erica Fitzgerald</td>
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<td>Jeff &amp; Erica FitzGerald</td>
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<tr>
<td>Jeff Scott</td>
<td>1 S. Main, Brigham City, UT</td>
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<td>Jenkins Shane T ETUX</td>
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<td>Jensen Jeffrey C ETUX</td>
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<td>Jensen Karen R TTEE</td>
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<td>Jensen Mark Peter TTEE ETAL</td>
<td>14255 N 3100 W</td>
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<td>Jensen Ila Tolman TTEE</td>
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<td>Willard, UT 84340</td>
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<td>Jeremy Gonzales</td>
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<td>Jerry Marlin TR Toombs</td>
<td>5490 N 2000 W</td>
<td>Benson, UT 84335-9721</td>
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<td>Jim &amp; Barb Wattersen Car Hauling</td>
<td>4705 West 3000 North, Benson, UT 84335</td>
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<td>Jim Derito</td>
<td>Trott Unlimited NA</td>
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<td>Jim Gass?</td>
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<tr>
<td>Jim Watterson</td>
<td>Lower Bear River Distribution System, River Commissioner</td>
<td>4705 West 3800 North, Benson, UT 84335</td>
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