

**Site Specific Plan**

General Permit 700-00247

For Sovereign Lands General Permit - Bear Lake State Park Marina

**DESCRIPTION OF SITE**

The proposed project site for the Site-Specific Plan (SSP) is located on sovereign lands lying on the west shore of Bear Lake near Garden City, Utah. The parcel of land is situated in the southwest quarter of Section 17, northwest quarter of Section 8, northeast quarter of Section 9, southeast quarter of Section 16, Township 14 North, Range 5 East, Salt Lake Base & Meridian, Rich County, Utah.

The boundaries of said parcel of land are described as follows:

BEGINNING AT A POINT IN THE EASTERLY RIGHT OF WAY LINE OF HIGHWAY 89 (BEAR LAKE BOULEVARD) AND THE BEGINNING OF A NON-TANGENT 1096.30 FOOT RADIUS CURVE TO THE RIGHT, SAID POINT IS 1232.46 FEET N.00°02'45"E. ALONG THE SECTION LINE AND 77.54 FEET S.88°02'50"W. FROM THE EAST QUARTER CORNER OF SAID SECTION 17 (BASIS OF BEARING IS N.00°02'45"E. ALONG THE SECTION LINE BETWEEN THE FOUND MONUMENTS REPRESENTING THE EAST QUARTER CORNER AND THE NORTHEAST CORNER OF SAID SECTION 17); AND RUNNING THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING FIVE (5) COURSES: 1) NORTHERLY ALONG THE ARC OF SAID CURVE 267.35 FEET THROUGH A CENTRAL ANGLE OF 13°58'21" (NOTE: CHORD FOR SAID CURVE BEARS N.04°34'52"E. FOR A DISTANCE OF 266.69 FEET), 2) N. 11°34'46"E. 1543.09 FEET TO THE BEGINNING OF A 1005.40 FOOT RADIUS CURVE TO THE LEFT, 3) NORTHERLY ALONG THE ARC OF SAID CURVE 885.75 FEET THROUGH A CENTRAL ANGLE OF 50°28'38" (NOTE: CHORD FOR SAID CURVE BEARS N.13°39'33"W. FOR A DISTANCE OF 857.38 FEET), 4) N.38°55'14"W. 371.32 FEET TO THE BEGINNING OF A 1860.08 FOOT RADIUS CURVE TO THE RIGHT AND 5) NORTHWESTERLY ALONG THE ARC OF SAID CURVE 606.48 FEET THROUGH A CENTRAL ANGLE OF 18°40'52" (NOTE: CHORD FOR SAID CURVE BEARS N.29°34'48"W. FOR A DISTANCE OF 603.79 FEET); THENCE N.81°29'50"E. 1180.19 FEET; THENCE S.46°34'07"E. 574.55 FEET; THENCE S.26°58'22"E. 754.74 FEET; THENCE S.01°26'34"E. 1514.49 FEET; THENCE S.54°46'43"W. 1756.71 FEET; THENCE S.88°02'50"W. 127.11 FEET TO THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED PARCEL OF LAND CONTAINS 93.67 ACRES IN AREA, MORE OR LESS.

**See Exhibit A - Site Map.**

**INTRODUCTION and PROPOSED USE**

The Utah Division of Forestry, Fire and State Lands (Division) received a general permit application from the Utah Division of State Parks on June 12, 2023 requesting permission to expand the existing Bear Lake

State Park Marina (“Marina”) on the west shore of Bear Lake (hereinafter referred to as the “Marina Expansion Project”).

In 2005, the Bear Lake State Park Resource Management Plan originally identified the need and costs of an expansion of the Marina. The funding was approved by the Utah State Legislature in 2022 and in February of 2023, the location north of the existing Marina was selected for the expansion. Currently, the existing Marina and facilities consist of 26 acres of footprint on sovereign lands. The current lease for the existing Marina and facilities (SULA 19) will be cancelled and incorporated into the new general permit area for the expanded Marina. The Marina Expansion Project will create an overall footprint of 93.67 acres of State Park Facilities, an additional boat ramp, additional docking facilities, restrooms, beach access as well as maintenance and office buildings. All of these improvements and facilities will be located on sovereign lands within the new general permit area.

The boundary between Bear Lake sovereign land and adjacent private land has not yet been settled in this location. However, the general permit area for the proposed Marina Expansion Project is lakeward of and has been surveyed from the elevation of 5923.65 feet U&PL datum. This is the elevation at which the Division is directed by administrative rule to settle the boundaries between state sovereign land and private land.

Utah Administrative Code Rule R652-90-300(4) requires that Site Specific Planning be initiated when the Division receives an application for a sovereign land use for twenty (20) acres or more. When the Division conducts site-specific planning, it shall consider the following:

- A. A comparative evaluation of the commercial gain potential of the proposed use with competing or existing uses;
- B. The effect of the proposed use on adjoining sovereign lands;
- C. An evaluation of the proposed use or action with regard to natural and cultural resources, if appropriate;
- D. The notification of, and environmental analysis of, the proposed use provided by the public, federal, state, and municipal agencies through the Resource Development Coordinating Committee (RDCC) process; and
- E. Any further notification and evaluations as required by applicable rules.

Utah Admin. Code R652-90-400(3) also requires site-specific plans for land uses for 20 acres or more of sovereign lands shall be subject to the same public review as comprehensive management plans under Utah Admin. Code R652-90-600.

## **BACKGROUND AND GENERAL SITE CHARACTERISTICS**

The Marina sits approximately one mile north of US 89/SR 30 junction on US 89 in Garden City, Utah. The existing Marina infrastructure includes short- and long-term boat slips, beach access and pavilions, as well as the main office for Bear Lake State Park (the “Park”). The Park also houses a concessionaire for boat rentals, supplies and fuel. To the north of the Marina is open public access down to sovereign lands beach areas. The Park, like many others, has seen an increase of use and visitation in recent years. To the south of the Marina is Daisy Bay, an open wetland-like area with difficult access from the upland area. Continuing south from Daisy Bay are the residential beach properties of Garden City.

With the drastic increase in visitation seen in the greater Bear Lake Area in the last 5 years, the need for additional, more accessible infrastructure is apparent. Utahns and visitors from adjacent states utilize this marina as one of the main locations to launch boats. On holidays and during peak summer months, the bottleneck to launch and retrieve watercraft in the Marina can be troublesome and dangerous, sometimes creating lines of cars that continue out of the Park and south into Garden City.

The purpose of the Marina Expansion Project is to provide improved public access to Bear Lake, greater safety measures, increased protection of Bear Lake as a resource, and provide more boat launching and docking facilities for the ever-increasing number of visitors.

Division personnel conducted a site visit at the proposed project location on August 1st, 2023.

Photographs were taken to document the site characteristics observed at the time of the site visit. See

**Exhibit C - Site Photographs.**

## **ANALYSIS**

### **A. Comparative Evaluation of the Commercial Gain Potential of the Proposed Use with Competing or Existing Uses**

- a. The existing and new Marina infrastructure will be owned and operated by the Utah Division of State Parks. Expansion of the Marina will accommodate more visitors and boat launching with the expanded boat launch pad and marina size.
- b. Bear Lake State Park has a small concessionaire operation on the current beach to the North of the existing Marina. This area will be displaced with the expansion project. However, the Marina Expansion Project Plan (See Exhibit C – Site Photographs and Plan) provides for an improved and larger beach area to the North side of the expanded Marina, which includes a formal concession operation built onto one side of a new restroom area. State Parks will seek to limit operations within the expansion area.
- c. North of the existing Marina, is another rental business, Performance Rental. The Marina Expansion Project Plan shows significant space between the operating business and the northern edge of the proposed marina expansion area and there will likely be no impact.
- d. There are no competing uses of sovereign lands in the immediate vicinity of the proposed Marina Expansion Project. The existing recreational activities within the Marina do not generate revenue or other forms of commercial gain for the Division.
- e. There are no existing easements or leases in the immediate area, other than the existing SULA No. 19 that permits the Marina operations in its current footprint. SULA No. 19 will be terminated upon execution of the new General Permit with the Division to encompass the current Marina and expansion area.
- f. There will be no costs to the Division associated with the construction of the new expansion area, above and beyond costs associated with issuing, monitoring, and maintenance of permits located on sovereign lands at Bear Lake.
- g. The Division will waive all permit fees and application fees to Utah State Parks based on the overall public necessity and enhanced public use and enjoyment of sovereign lands.

### **B. Effect of the Proposed Use on Adjoining Sovereign Lands**

- a. During construction, the Marina expansion area will see an increased use in construction access to and from the expansion area. A large portion of the expansion area will be temporarily closed off to public access while construction activities are ongoing, including portions of Bear Lake sovereign land.
- b. Beach access to the north of the existing marina will be permanently displaced in some areas due to the new Marina infrastructure.
- c. Navigability of Bear Lake will be impacted in the expansion area during construction. However, the Marina Expansion Project, when completed, will result in better public access and navigation of Bear Lake.
- d. During construction, the contractor will be required to meet State of Utah Water Quality Standards as part of the dewatering permit. Turbidity curtains and settling ponds will be incorporated into the construction methods to minimize impacts to water quality and meet state standards.

### **C. Evaluation of the Proposed Use or Action with Regard to Natural and Cultural Resources**

**Cultural Considerations:** A Cultural Survey has been conducted as part of the Section 404 Permit submitted to the U.S. Army Corps of Engineers. No cultural resources were found and there are no known historical or cultural resource inventories within the project area. Existing cultural resource information for the Bear Lake area indicated that Native Americans may have used this site for various activities. Historic uses by early pioneers possibly included using the flood plains for crop cultivation and livestock grazing. Any cultural or historic resources that are discovered should be reported to the Division and handled by Utah State Parks according to all applicable laws.

**Vegetation Considerations:** Current vegetation in the expansion area consists of both native and invasive vegetation. The invasive species Eurasian Watermilfoil (*Myriophyllum spicatum*), as well as others, have been detected in the project area. Contractors will be required to clean their machines before and after entering the water in the project area so as to not transport Aquatic Invasive Species. There are concerns regarding the introduction of other invasive upland plants that could result from construction activities. Fill material will need to be inspected so as to not introduce invasive weed species to the project area. The Division will actively monitor the expansion area and upland expansion area for introduced plant species.

**Wildlife Considerations:** The Utah Division of Wildlife Resources (DWR) Bear Lake Fisheries Biologist offered the following statements:

Regarding the Bear Lake Marina expansion, we believe that the project will not have any negative impact on the endemic fish species. The wetlands in the proposed expansion area do not play a critical role as rearing or spawning habitat. We are confident that the introduction of riprap and boulders as part of the project will provide substantial benefits to the endemic fish population, effectively offsetting the loss of wetland habitat. When it comes to monitoring the impact of the marina expansion project on fish usage and population, we anticipate challenges in quantifying these effects. A significant portion of the enhancement involves expanding fish spawning habitat, which often involves substrates located well below the visible surface. Therefore, it will be difficult to directly

observe and measure these changes. Additionally, we lack reference points or comparable data for similar rock habitat enhancements, further complicating the evaluation process.

**D. Notification of, and Environmental Analysis of, the Proposed Use Provided by the Public, Federal, State and Municipal Agencies through the Resource Development Coordinating Committee (RDCC) Process**

The application along with an explanation of the proposed project was submitted to the Resource Development Coordination Committee (RDCC) on October 3rd, 2023 for review and comment. See Exhibit E – RDCC Notice. Interested parties/entities will be notified of the completion of this Site-Specific Plan and will be afforded the opportunity for consistency review in accordance with Subsection R652-9.

**E. Any further Notification and Evaluations as Required by Applicable Rules  
R652-90-500 Notification and Public Comment:**

1. Once a planning unit is designated, notice shall be sent to the RDCC through the project management system.

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 or site-specific plan for 20 acres or more of sovereign land.

(a) The meeting shall provide an opportunity for the public to submit written comment regarding the issues to be addressed in the plan.

(b) The public meeting shall be held at least two weeks after public notice.

(c) Notice of public meeting shall be sent directly to lessees of record, local government officials and adjacent landowners.

(d) Additional public meetings may be held.

3. Notice that a site-specific or resource planning effort is under way shall be given to:

(a) affected parties as required by rule for exchange, or lease;

(b) adjacent landowners, lessees of record, and

(c) the RDCC through the Project Management System

**R652-90-600 Public Review:**

1. Comprehensive management plans and site-specific plans for 20 acres or more of sovereign land shall be published in draft form on the Division's website and sent in electronic format to the RDCC and other persons upon request.

(a) A public comment period of at least 45 days shall commence upon receipt of the draft in the RDCC.

(b) All public comment shall be acknowledged pursuant to Subsection 65A-2-4(2).

(c) The division's response to the public comment shall be summarized in the final comprehensive management plan or site-specific plan for 20 acres or more of sovereign land.

(d) Comments received after the public comment period shall be acknowledged but need not be summarized in the final plan.

2. Resource plans shall be published and made available upon request.

(a) Persons wishing to comment on these plans may do so at any time during the planning process.

(b) The division shall acknowledge all written comments.

3. Upon completion of any comprehensive management plan, resource management plan, or site-specific plan for 20 acres or more of sovereign land, the Record of Decision or other document summarizing final division action and relevant facts shall be published on the Division website and provided to the RDCC.

4. The Division shall provide a copy of the Record of Decision or other document summarizing final Division action in electronic format to any person upon request.

## Conclusion and Management Directive

The activities proposed as part of this action are consistent with the Division's mandates. The Bear Lake Comprehensive Management Plan considers the sovereign land in the proposed use area to be Land Use Class 1, which means the land is managed to protect existing resource development uses, within the parameters of the Public Trust Doctrine. These uses are classified based upon their current and planned uses. The Marina Expansion project is an expansion the existing resource of Bear Lake State Park Marina, which has been identified as an existing use within the subject area. The expansion area is fully contained within a Land Use Class 1, therefore is an acceptable land use of the sovereign lands in question.

A copy of this Site-Specific Plan was mailed to adjacent landowners and lessees, and posted to RDCC on October 3<sup>rd</sup>, 2023 for review and comment. The Division will accept comments for a period of 45 days, ending on November 17<sup>th</sup>, 2023 at which time the Division will adopt the Site-Specific Plan in the event that no substantive comments have been received.

APPROVED BY:

  
\_\_\_\_\_  
Jamie Barnes (Oct 2, 2023 22:46 MDT)


JAMIE BARNES, DIRECTOR  
DIVISION OF FORESTRY, FIRE AND  
STATE LANDS

PREPARED BY:

  
\_\_\_\_\_  
Rowdy Jensen

ROWDY JENSEN  
SOVEREIGN LANDS COORDINATOR

REVIEWED BY:

  
\_\_\_\_\_  
Ben Stireman (Oct 2, 2023 08:26 MDT)

BEN STIREMAN  
DEPUTY DIRECTOR  
LANDS AND MINERALS

## **List of Exhibits**

**Exhibit A - Site Map and Legal Description**

**Exhibit B - Application**

**Exhibit C- Site Photographs**

**Exhibit D - Adjacent Landowners and Lessees**

**Exhibit E - RDCC Notice**



## **Exhibit A - Site Map and Legal Description**







## 22102\_BEAR LAKE MARINA DESCRIPTION

A parcel of land situate in the SW 1/4 of Section 17, NW 1/4 of Section 8, NE 1/4 of Section 9, SE 1/4 of Section 16, Township 14 North, Range 5 East, Salt Lake Base & Meridian, Rich County, Utah. The boundaries of said parcel of land are described as follows:

Beginning at a point in the easterly right of way line of Highway 89 (Bear Lake Boulevard) and the beginning of a non-tangent 1096.30 foot radius curve to the right, said point is 1232.46 feet N.00°02'45"E. along the section line and 77.54 feet S.88°02'50"W. from the East Quarter Corner of said Section 17 (Basis of Bearing is N.00°02'45"E. along the section line between the found monuments representing the East Quarter Corner and the Northeast Corner of said Section 17); and running thence along said easterly right of way line the following five (5) courses: 1) northerly along the arc of said curve 267.35 feet through a central angle of 13°58'21" (note: chord for said curve bears N.04°34'52"E. for a distance of 266.69 feet), 2) N.11°34'46"E. 1543.09 feet to the beginning of a 1005.40 foot radius curve to the left, 3) northerly along the arc of said curve 885.75 feet through a central angle of 50°28'38" (note: chord for said curve bears N.13°39'33"W. for a distance of 857.38 feet), 4) N.38°55'14"W. 371.32 feet to the beginning of a 1860.08 foot radius curve to the right and 5) northwesterly along the arc of said curve 606.48 feet through a central angle of 18°40'52" (note: chord for said curve bears N.29°34'48"W. for a distance of 603.79 feet); thence N.81°29'50"E. 1180.19 feet; thence S.46°34'07"E. 574.55 feet; thence S.26°58'22"E. 754.74 feet; thence S.01°26'34"E. 1514.49 feet; thence S.54°46'43"W. 1756.71 feet; thence S.88°02'50"W. 127.11 feet to the point of beginning.

The above described parcel of land contains 93.67 acres in area, more or less.

## **Exhibit B - Application**

**The State Of Utah**  
**Division Of Forestry, Fire And State Lands**

**GENERAL PERMIT ON SOVEREIGN LAND APPLICATION**

APPLICATION NO: \_\_\_\_\_

DATE: 6/12/2023

STATE OF Utah            )  
                                      §  
COUNTY OF Rich        )

**APPLICANT INFORMATION:**

**Name(s):** Utah Department of Natural Resources

Division of State Parks

**Address:** 1594 W. North Temple

Suite 116

**City, St Zip:** Salt Lake City, UT 84116

**Phone:** (385) 239-3232

**For Agency use only:**

Lessee Number: \_\_\_\_\_

Legal Description  
Number: \_\_\_\_\_

- ☐ State (700)           ☐ Local (720)  
☐ Federal (710)       ☐ Private (730)

I, being first duly sworn, do depose and say that I apply for a General Permit, as provided by (R652-70-3(2), on the following sovereign lands situated in Rich County, on the bed of Bear Lake for a term of 30 years.

Subdivision	Township	Range	Meridian	Section(s)	Acres
See attached legal description	14 North	5 East	Salt Lake	17, 8, 9, 16	93.67
(Attach additional sheets if necessary)					Total Acres 93.67

If applicant is a firm association, or corporation, date when such became qualified to do business in the State of Utah N/A.

I further state I am eligible to acquire this General Permit under the laws of Utah, and the rules of the Division of Forestry, Fire and State Lands.

  
Applicant's Signature

Subscribed and sworn to before me this 13th day of June, 2023

My Commission Expires: January 3, 2024

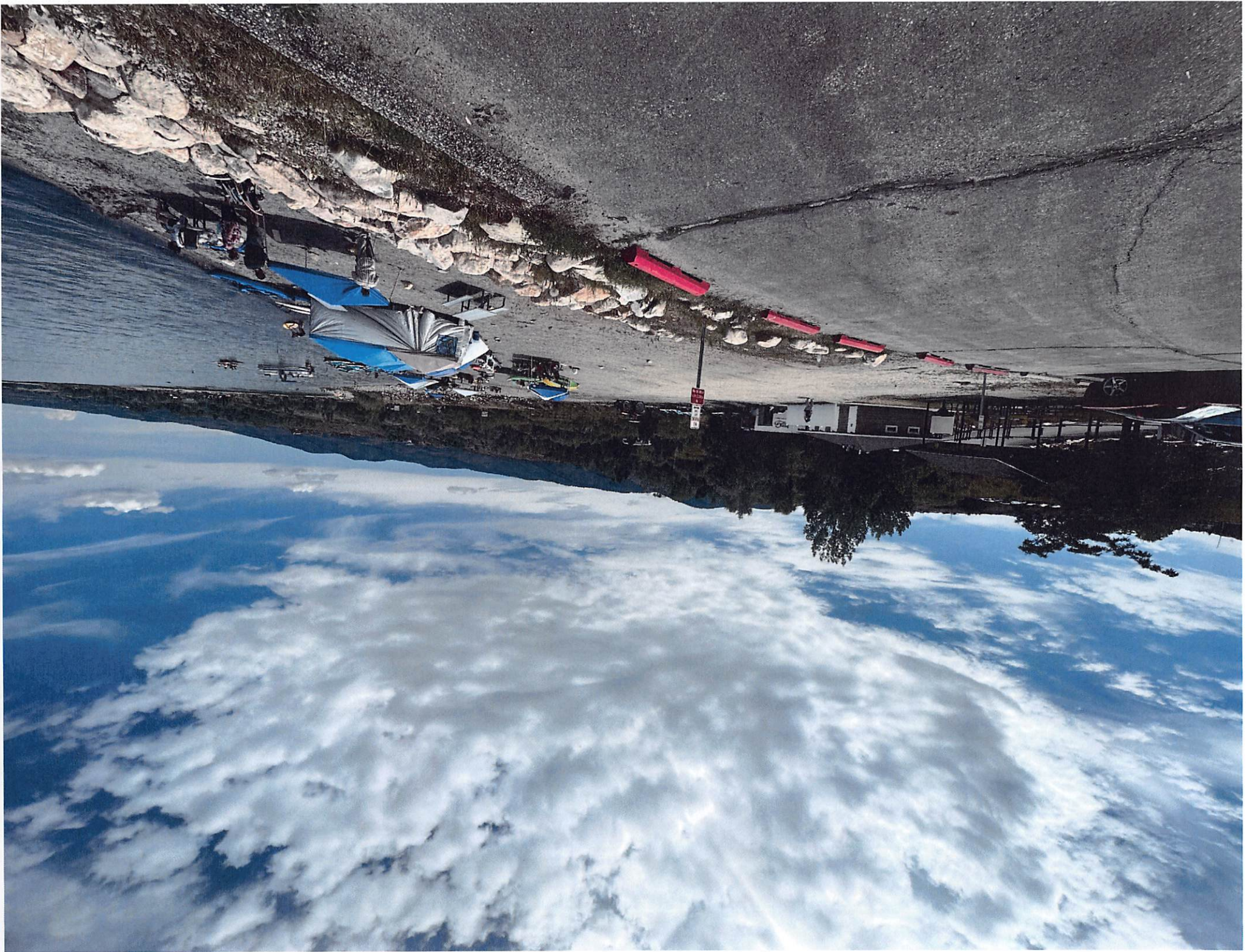


Melanie Marie Shepherd  
Notary Public, residing at:  
572 Ariane Way  
Centerville, UT 84014

NOTE: A non-refundable application fee of \$300.00 (for a non-governmental applicant) must accompany this application.

## **Exhibit C - Site Photographs**















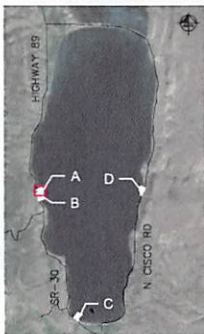








# KEY MAP



- A. WEST BEACH NORTH
- B. WEST BEACH SOUTH
- C. RENDEZVOUS
- D. RAINBOW COVE

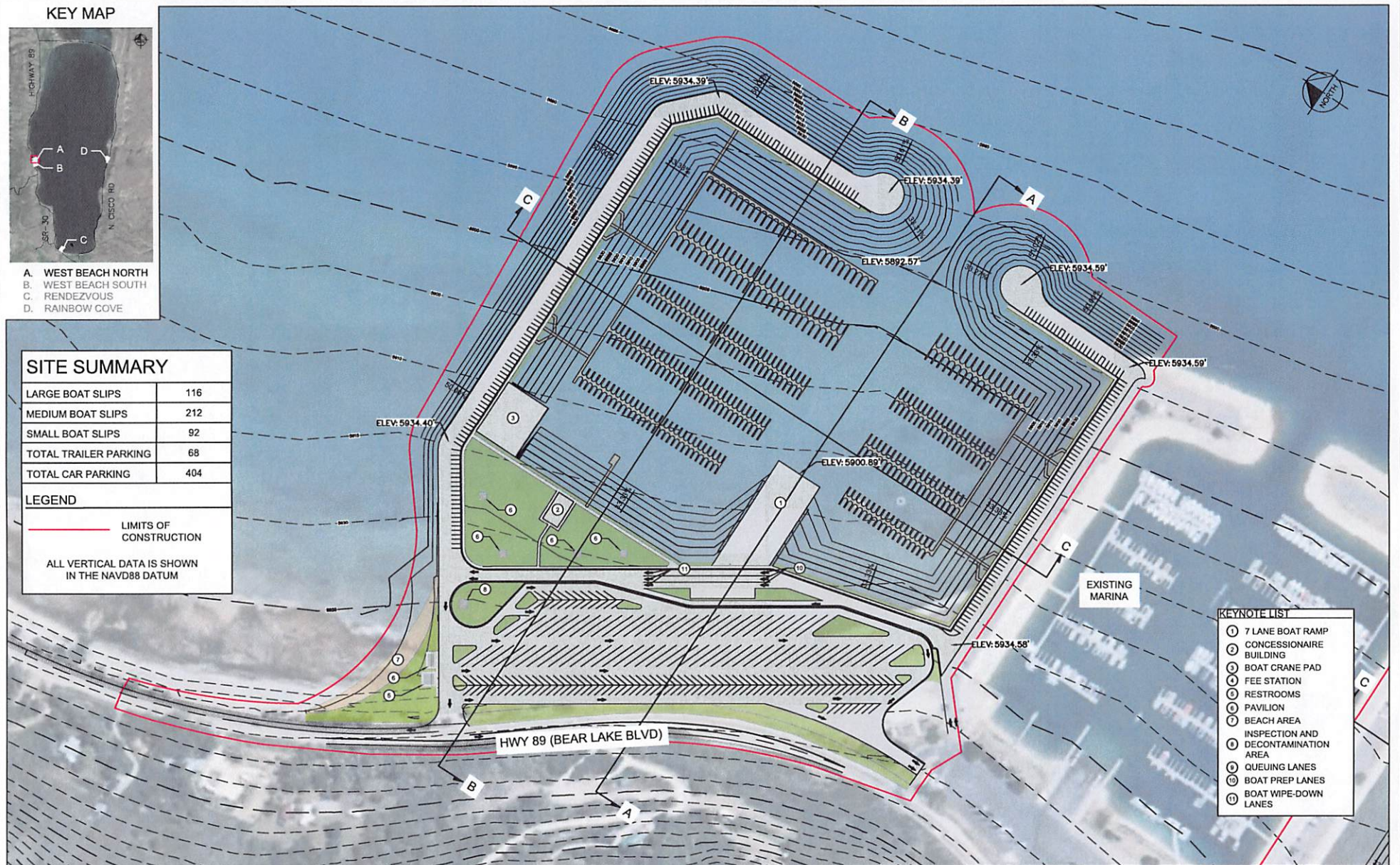
## SITE SUMMARY

LARGE BOAT SLIPS	116
MEDIUM BOAT SLIPS	212
SMALL BOAT SLIPS	92
TOTAL TRAILER PARKING	68
TOTAL CAR PARKING	404

## LEGEND

— LIMITS OF CONSTRUCTION

ALL VERTICAL DATA IS SHOWN IN THE NAVD88 DATUM

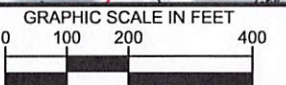


## KEYNOTE LIST

- ① 7 LANE BOAT RAMP
- ② CONCESSIONAIRE BUILDING
- ③ BOAT CRANE PAD
- ④ FEE STATION
- ⑤ RESTROOMS
- ⑥ PAVILION
- ⑦ BEACH AREA
- ⑧ INSPECTION AND DECONTAMINATION AREA
- ⑨ QUEUING LANES
- ⑩ BOAT PREP LANES
- ⑪ BOAT WIPE-DOWN LANES

**Kimley»Horn**

BEAR LAKE MARINA  
WEST BEACH NORTH ALTERNATIVE



## **Exhibit D - Adjacent Landowners and Lessees**

**Adjacent Landowners and Lessees:**

**UT Division of State Parks  
PO BOX 184  
Garden City, UT 84028**

**State of Utah  
675 East 500 South #500  
Salt Lake City, UT 84138**

**UT Dept. of Transportation  
4501 South 2700 West  
PO Box 148420  
Salt Lake City, UT 84114-8420**

**Performance Rental  
1414 North Bear Lake Blvd.  
Garden City, UT 84028**

**Pioneer Builders of Nevada, Inc.  
108 N. Main  
Logan, UT 84321**

**Karen W. Williams  
339 North Court Street  
Montpelier, ID 83254-1126**

**Owen R. Wahlstrom, TRUSTEE  
Evelyn B. Wahlstrom, TRUSTEE  
731 North 700 East  
Bountiful, UT 84010**

**Kathleen F. Coover, TRUSTEE  
145 South 200 East  
Bountiful, UT 84010**

## **Exhibit E - RDCC Notice**

The project will be posted to the Resource Development Coordinating Committee (RDCC) dashboard for the required 45 days ending on November 17<sup>th</sup>, 2023.

The project will be posted under Project ID# 85664 "Site Specific Plan For Bear Lake Marina Expansion Project."