

# Bear Lake Comprehensive Management Plan Amendment

**Appendix G**  
**July 18, 2016**

## **Purpose and Background**

The Bear Lake Comprehensive Management Plan (CMP) was approved in June of 2009. Many stakeholders (including adjacent landowners, lessees and public officials) and agency representatives that participated in the planning process were asked by the Division of Forestry, Fire and State Lands (FFSL) to continue to assist with the implementation of the CMP. This group is referred to as the Plan Implementation and Review Group (PIRG). The PIRG meets periodically to discuss management issues and the goals and objectives identified in Appendix E of the CMP. The majority of goals and objectives are related to public safety, appropriate use of public lands, water quality and the management of invasive weeds and pests. FFSL works with cooperators and interested parties on long-term solutions to protect the resource and uphold the integrity of the public trust.

As identified in the CMP, Bear Lake has continually drawn more and more visitors to area, including second homeowners and commercial operations along an already crowded shoreline. The increasing uses of sovereign lands at Bear Lake have the potential to adversely impact both natural resources and public safety. In order to develop specific guidance on land management at Bear Lake, FFSL began the process to amend the Bear Lake CMP in May 2013. The amendment was intended to focus on three significant modifications to sovereign lands management strategies: boat ramps, boat launching and motor vehicle use.

Boat launching activities and motor vehicle use were addressed during the 2013 Legislative Session with the passage of House Bill 333. FFSL implemented these legislative modifications by amending existing rules and amending the Bear Lake CMP with the addition of Appendix F. Boat launching and motor vehicle use was again addressed in the 2014 legislative session and, as a result of House Bill 140, Appendix F will be removed from the CMP with this CMP amendment.

The primary purpose of this amendment, included in the Bear Lake CMP as Appendix G, is to provide clear policy guidance to FFSL, adjacent landowners and the public regarding the use of sovereign land (the bed of Bear Lake) for boat ramps, which was not addressed in detail in the 2009 CMP or during the 2013 or 2014 Legislative Sessions.

During recent years it became apparent to FFSL that numerous temporary and permanent ramp structures have been constructed in order to provide landowners with the ability to travel onto the shoreline to access the water. To begin assessing the extent of the problem, FFSL conducted an inventory of private recreational uses of sovereign lands at Bear Lake in August 2012. The result showed 64 permanent boat ramp structures that have been constructed on sovereign land. FFSL records indicate that only five (5) of these structures currently have permits (78% are

unauthorized). In addition, many instances were observed in which adjacent landowners have used materials such as wooden pallets, old tire treads, plastic sheeting, and metal grates to provide temporary access over soft soils and marsh areas. This information was presented to the Bear Lake Regional Commission and the PIRG in the fall of 2012. Permanent structures become a public safety concern when the construction and/or maintenance of the structures is inadequate. In addition, both permanent and temporary structures can have numerous adverse impacts to natural resources if constructed in unsuitable or sensitive shoreline areas or constructed with inappropriate materials. In order to minimize risks to public safety and the environment, FFSL sought to develop clear policy guidance regarding the permitting, construction, siting and maintenance of permanent boat ramps as well as analyze alternatives to permanent structures that could be utilized on a seasonal basis.

Public comment on the authorization of public boat ramps was sought in spring 2016 to provide the opportunity for the public to comment on issues related to opportunities for the public to boat ramps at Bear Lake. The comments gathered during the public comment period were utilized in the qualitative boat ramp analysis discussed below.

Subsequent to addressing issues related to the launching of boats and motorized vehicle use along the Bear Lake shoreline, FFSL began an extensive, comparative analysis of alternatives regarding the use of boat ramps. The analysis examined four (4) different alternatives, including the following:

1. Unregulated Use – This would be an unregulated scenario in which adjacent landowners are able to access sovereign lands using any means they deem appropriate. It establishes a baseline that can be used to measure other alternatives.
2. Regulated Use Scenario – Each adjacent landowner would be able to utilize permanent and seasonal structures to access sovereign lands, but they would be required to apply to FFSL for prior authorization and would have to adhere to regulations regarding construction, siting, use/operation and maintenance of the structures.
3. Community Boat Ramp Approach – Instead of allowing each individual, adjacent landowner to construct a boat ramp, a community ramp approach tries to concentrate boat ramp structures in order to reduce the overall impact to natural resources and recreational activities along the shoreline. A minimum of seven (7) adjacent landowners (do not need to be contiguous to one another) would need to form a community boat ramp association in order to apply for authorization to construct a permanent boat ramp structure. However, individual landowners unwilling or unable to participate in a community boat ramp association would be able to apply to FFSL for authorization to utilize FFSL-approved seasonal ramp systems on sovereign lands.
4. Public Ramp Option – Under this alternative, no adjacent landowners would be allowed to construct any permanent boat ramp structure on sovereign lands. However, each owner may apply for authorization to utilize FFSL-approved seasonal ramp systems. Adjacent landowners still unable to gain access using a seasonal ramp system would need to trailer their watercraft to a public boat launch facility. This alternative may require the construction of additional public launch facilities by various regulatory agencies.

To compare and contrast the alternatives against one another, FFSL developed a set of 11 criteria based on public input and feedback from partnering regulatory agencies. The criteria, listed in no particular order, include the following:

1. Navigation and Public Safety
2. Shoreline Habitat, Wetlands and Vegetation
3. Water Quality
4. Fish, Wildlife and Endangered/Threatened Species
5. Local Economy
6. Recreation
7. Cultural Resources
8. Adjacent Landowner Costs and Ease of Accessibility
9. Administrative and Financial Burden to Regulatory Agencies
10. Capacity to Address Future Demand
11. Ease of adjacent landowner access

Based on the results of the comparative analysis of the alternatives, FFSL selected a community boat ramp permitting strategy (above-referenced Alternative 3) as the preferred alternative. In addition, FFSL will permit the use of approved seasonal ramp systems for adjacent landowners who have no desire or ability to assume the financial and legal liability associated with construction and maintenance of a permanent ramp structure. FFSL has concluded that the community boat ramp strategy and use of approved seasonal ramp systems provides an appropriate compromise between allowing unregulated, permanent structures and protecting natural and cultural resources as well as the public trust values of navigation and public access.

The community boat ramp approach has many benefits. Compared to other alternatives considered, potential impacts to shoreline habitat, vegetation, wildlife, water quality and cultural resources are greatly reduced. The alternative can be easily replicated on other parts of the lake to meet future demand for private access and, in so doing, does not jeopardize public access. It also provides financial benefits for adjacent landowners by allowing them to pool their financial resources to acquire a better quality ramp than they might otherwise be able to purchase on their own.

The permitting of approved seasonal structures enables landowners to gain access to sovereign lands without the need to construct a permanent ramp structure. By regulating the use of seasonal structures, FFSL hopes to eliminate the use of materials such as wood, tires and other unauthorized materials that have historically been used by adjacent landowners. These materials have often been abandoned on sovereign lands to become navigational and recreational hazards.

FFSL intends to utilize an adaptive management approach in its implementation of the community boat ramp permitting strategy. The adaptive management approach allows FFSL the flexibility to adjust the requirements, stipulations and other factors used in implementing the strategy as needed. Since the community boat ramp approach is a new strategy for FFSL, it is expected that adjustments in implementation will likely be required as “on-the-ground” experience is gained. FFSL will continue to work with other regulatory agencies, stakeholders, and the public to ensure that the community boat ramp strategy is effectively implemented.

A withdrawal of sovereign lands from the permitting of private, non-commercial concrete boat ramps and similar structures on the sovereign lands of Bear Lake was implemented throughout the amendment process beginning November 1, 2012 and remained in effect until FFSL issued a final Record of Decision regarding the boat ramp issue.

The comparative analysis used to select the community boat ramp permitting strategy is attached to this amendment as “Appendix G Supplemental”.

# Comprehensive Management Plan Text Revisions

The following sections in this amendment indicate the changes to the 2009 Bear Lake CMP. The sections below are numbered according to the sections in the CMP. Text deletions will be noted with call-out locations from the existing plan (i.e. Section 3.4.3 pg. 3-15 paragraph 3 will be deleted). New text will be added below that corresponds to Sections 3.0 and 4.0 in the existing plan.

## 3.0 Current Conditions

### 3.5 Sovereign Land Management

#### 3.5.5 Approvals

(Section 3.5.5.4, page 3-23, entire section will be deleted)

The following text will replace the deleted text in Section 3.5.5.4

#### Docks, Piers, Community Ramps, Seasonal Ramp Systems and Similar Structures

All docks, piers, community ramps and similar structures shall be constructed to protrude as nearly as possible at right angles to the shoreline and to not interfere with docks, piers, ramps or similar structures presently existing or likely to be installed to serve adjacent facilities. Docks, piers and similar structures may extend to a length that will provide access to a water depth that will afford sufficient draft for watercraft customarily in use on Bear Lake during the normal low-water period. Activities required for the construction of community boat ramps may not exceed 50 cubic yards of concrete, rock, crushed stone, gravel, pre-cast concrete planks or slabs and may not exceed 20 feet in width. Community ramp structures and seasonal ramp systems may not be placed more than 200 feet below the ordinary high water mark of 5,923.65 feet.

## 4.0 Goal and Objectives

The following goals and objectives will be added to each corresponding section. No text will be deleted.

- C.1.9** Utilize the community/shared strategy to permitting of private structures on sovereign lands for adjacent upland landowners in order to reduce overall adverse impacts to recreational and natural resources as well as public access.
- E.1.7** Ensure responsible, safe access for adjacent upland landowners by implementing a community boat ramp permit program and permitting the use of approved seasonal ramp systems.
- E.2.8** Utilize the community/shared permitting strategy where practical and appropriate when issuing special use permits, general permits, and leases on sovereign lands.
- E.3.3** Promote the adjudication of boundaries with upland landowners by specifying that the issuance of leases and permits be contingent upon successful boundary settlement.