

Good Morning Idaho Outfitters and Guides Licensing Board (IOGLB) Members,

Boise River Outdoor Opportunities, LLC (BROO, *brew*) is a State of Idaho licensed outfitter that operates commercial paddle rafting services on the Boise River. This is an urban paddle rafting operation taking guests through the Boise Whitewater Park. Guided paddle rafting services within the urban area have not been provided since Boise River Tours in the early 2000s, circa 2002. The “empty” years of guided paddle rafting from 2002 to 2021, when BROO outfitting began, has led to municipality encroachment of State authorities pertaining to outfitted recreation within the Boise River. An encroachment of this authority on BROO services since 2021 has led to a detriment of the public’s health, wellbeing, and safety to recreation within the Boise River. The recent 2023 season has led to new actions by municipalities that can be considered blatant encroachment of State authorities.

Please review the following information intended to describe acts that exemplify a flagrant violation of river navigability and impeding outfitting services contrary to Idaho Statutes. As the Designated Agent of the licensed outfitter BROO, I believe it is in the public interest and BROO interest for the Idaho Outfitters and Guides Licensing Board (IOGLB) to bring action by establishing a committee to investigate the decisions made by the City of Boise and potentially Ada County for violations of Idaho Statute 36-1601 and 36-2101. I recommend that you review the information and questions contained in this report that should be answered by those holding or attempting to hold authority within the Boise River. During any investigation or review, please consider utilizing the authority of the State Attorney General for prosecution of these violations in accordance with 67-1401(1). I request if there are any public records requests for this report, the questions within it be redacted from viewing prior to them being answered in public by the duly respected authorities involved.

Known Facts

- 1) The City of Boise has constructed adjustable features within the Boise River channel and manages them in a way that doesn’t meet requirements for navigation. This occurs at the first feature of Phase 2 of the Whitewater Park which has many components to the feature, primarily being the bypass and the wave shaper, see Figures 1, 2, and 3. During wave shaper operation at low flows, the current practice by the City of Boise directs minimal flow through the bypass which impedes navigation/commerce through the bypass and all the water in the river is directed to the wave shaper adjacent to the bypass. The water withdrawal at the bypass can be considered reducing the public’s health, welfare, safety, and freedom by impeding navigability, requiring a portage, and increasing concrete exposure to those that choose to navigate through the bypass. To reiterate, the City withdrawals water from the usable river to form a wave feature with through river traffic using a bypass that is unreasonably restrained by having no flow.

[REDACTED]

[REDACTED] Basis of liability regarding the safety, well-being, health, and freedom of the public in reference to rivers is dependent on the historical data of flows and since the City can

adjust flow of different channels in the river, [REDACTED]
[REDACTED]
[REDACTED]



Figure 1. Whitewater Park Phase 2, first feature components at low water, wave shaper not operating.



Figure 2. Whitewater Park Phase 2, first feature components at low water, wave shaper operating.



Figure 3. Whitewater Park Phase 2, first feature components at high water.

2) In 2023, The city prepared and implemented a new plan to require a portage at the Boise Whitewater Park. This included a portage plan map and portage signs, see Exhibit 1 and Exhibit 2 respectively. The required portage was 1,600 feet long if not using stairs [It should be noted the use of stairs while carrying a raft is higher risk for guest injury]. Portaging a raft is an extremely physically demanding effort even more so for a distance of 1,600 feet, agreed by IOGA Exhibit 8. The City installed signs that either stated a portage as required or stated safety hazards. This was a safety hazard because it questioned the authority of guides to paddle through the whitewater park and had negative psychological impacts to guests and trip dynamics. These guides have been licensed by the State to operate paddle rafts within the Boise River. I performed due diligence correspondence to understand decisions by asking questions resulting in responses that can be considered unreasonable or unconscionable.

█ Note there is a description of a [March 29 meeting of stakeholders to check in with everyone involved ahead of official "pre-season meetings."] in Exhibit 2. █
█
█
█

3) The City was unconscionable in its correspondence regarding the required portage and the signs. My understanding of the decisions involving these issues can only be based on correspondence directly with the City and Public Record Requests. As the Designated Agent of an outfitting company providing services through the whitewater park, I represent BROO and am a stakeholder with substantive reason for comment when considering guest experiences are on the line. A well-functioning city sponsored project constructing adjustable river features should manage such stakeholder comments through documented comment resolution processes by A) incorporation or B) justification of comment being unattainable. Further, having 3 years experience of providing paddle rafting services through the whitewater park, my experience should be considered as an asset to have when making decision about the Boise Whitewater Park. The City does not appear to consider my perspectives as so. The following information is pertinent information regarding the required portage and signs at the whitewater park.

█ 2022 Summer – I requested to be a stakeholder for any changes to the whitewater park, Exhibit 3. This request was made well before the decisions of the required portage and placement of signs. █
█

- 2023 Spring – The City of Boise updates the Commercial Use Permit contract, Exhibit 4, to include language using an authority it doesn't have to require a portage, impede outfitting services, and threaten the health, welfare, and safety of guests not only at the location shown on the portage map, but around the entire Whitewater Park:

"Applicants floating the river through the JA and Kathryn Albertson Family Foundation Whitewater Park are required to portage around the park's features. The wave features will not be adjusted to accommodate passage." – language added to 2023 Commercial Use Permit.
█
█

- 2023 - The City of Boise staff did not respond in timely manners or with good faith efforts to resolve questions regarding the issue of the required portage and the signs that impede outfitting services, Exhibit 5.

March 3, 2023 - I was told while applying for a Commercial Use Permit that “The wave feature is on a set schedule and will not be altered to provide passage. It is up to the outfitter to determine whether the wave is passable. If it’s questionable, then the outfitter should portage around.” This is an acceptable response and does not impede navigability. The response led me to believe the operation will be like seasons 2021 and 2022 but was misleading because the City of Boise did not follow through with this approach.

March 30 – signs are placed at the whitewater park stating a portage is required, Exhibit 2.

April 8 – Water levels increase allowing for BROO to provide rafting services. The water level is so high that the City cannot stop all the water going through the whitewater park using the gates. Rafting operations can paddle through the whitewater park in a safe manner even though the portage required signs are in place. I anticipate that once the water level drops to a lower level, the City will use adjustable gates to close the river to traffic navigating through the whitewater park.

May 2 - I file a Public Records Request asking for all emails pertaining to signs at the Boise Whitewater Park to understand reasoning. After a back and forth of scope of the request, I receive documents on May 16th that provide some information about sequence of events but no reasoning behind the newly placed signs requiring a portage. I consider new ways to reach out to the City of Boise again about this issue of a required portage and the signs after being misled to believe the whitewater park would operate in a similar manner as the 2021 and 2022 seasons.

May 29, 2023 – I have telephone correspondence with the City Project Manager and was told “*all stakeholders who operate on the river were included in the decision to remove access.*” This is not the case as BROO was not included and has significant impacts to services if the City requires a portage at the whitewater park.

Same correspondence on May 29 - I was told “*no safety incidents from last year impacted the decision to require a portage. The decision to change access is based on modeling determination that it is unsafe.*” Upon a Public Records Request for this

documentation, no record of this determination from Subject Matter Experts was provided, Exhibit 6. [REDACTED]

[REDACTED] Seeing how the City is unconscionable in responses and decisions about the portage and the required portage, I begin reaching out to subject matter experts for their opinion.

- 2023 Spring – The City of Boise uses the same response for an outfitter as it does for a concerned citizen demonstrating a lack of good faith efforts to resolve the issue, Exhibit 7.

4) The City was unconscionable towards Subject Matter Expert (SME) organizations and their concerns of a situation where a municipality plans to close navigability of a natural resource.

- Idaho Outfitters and Guides Association (IOGA) provided a letter to the City of Boise Parks and Recreation Department describing why the approach is incorrect and must be changed, Exhibit 8. This letter was disregarded.
- Idaho Rivers United (IRU) inquired with the City about the closure and the City issued the same response for an outfitter and concerned citizen as it did for a river recreation advocacy group further demonstrating a lack of good faith efforts to resolve the issue, Exhibit 9.

5) The City closed the river of navigability multiple times since BROO trips began in 2021. A photo of a closure on July 19, 2023 can be seen in Exhibit 10. This river closure requires a portage and therefore holds the City in violation of state statute. [REDACTED]

6) The City has failed to coordinate, with proper stakeholders, any improvements to be constructed at the whitewater park during the 2022-2023 with BROO. The City ended up cancelling any improvements to the whitewater park during the 2022-2023 season. The City has failed to coordinate, with proper stakeholders, any improvements to be constructed at the whitewater park during the 2023-2024 winter season. [REDACTED]

7) To muddle any understanding of the nature of the decisions regarding navigability and portage required signs; Ada County can be considered as a collaborator with the City of Boise and may have influenced decisions. Both have agreed to partner and develop www.floattheboise.org in 2023 which provides information and lists paddle rafting services of a single outfitter on the website and excludes listing the paddle rafting services of my outfitting. Both outfitting services are similar in nature and are contracted to use City of Boise facilities. If both the City of Boise and Ada County agreed to form the www.floattheboise.org institution for river recreation, then it can be assumed that continued river recreation conspiring would occur during the administration of this newly formed institution. This conspiracy between the City of Boise and Ada County may have influenced decisions to close navigability and post signs. [REDACTED]

[REDACTED]

Potential Violations

The City of Boise actions herein described violate code 36-1601 Navigability: The City of Boise designed and constructed a wave that requires all the water within the river channel to operate. Just because it is within the riverbed doesn't give authority to impede any traffic traveling through the whitewater park. Further, the City of Boise created a Conditional Use Permit with language violating code 36-1601.

The City of Boise does not have the authority to use signs that instigate what is and isn't safe on the river and since the City has constructed such signs, it is in violation of code 36-2101.

The City of Boise and Ada County actions are in violation of 36-2101 for impeding residents and nonresidents alike to participate in the enjoyment and use of the Boise River natural resource through the posting of hazard signs. These signs make guests and potential guests question the authority that BROO has of providing paddle rafting services through the Boise Whitewater Park. This impeding also questions the licensure of BROO to be compensated for services and the authority of Idaho with the explicit purpose of safeguarding the health, safety, welfare, and freedom from injury or danger of such persons, in the exercise of the licensing police power of this state.

Prudent Questions from BROO the Board Should Answer

[REDACTED]

Potential Solutions

I am asking IOGLB to establish a committee to investigate the issues stated in the report herein. The questions being asked within this report need the IOGLB and its authority to be resolved because my limited authority received unreasonable and unconscionable responses.

I believe the City should be required to construct/manipulate a river feature meeting navigability requirements **AT ALL TIMES**. The City constructed adjustable features within the river and should be responsible for documenting any and all changes to these features for historical reference, primarily relating to flow of each feature.

The City should include stakeholders, as defined from the Project Management Institute, such as BROO for any changes to the river features because BROO is an outfitter that provides paddle rafting services through the whitewater park.

The City of Boise should be ordered to remove any signs saying subjective clauses of safety they have no authority to post. Signs regarding safety and river traffic should not be viewable from the river. Any signs, viewable from the river, concerning safety and river traffic should be coordinated with stakeholders as defined from the Project Management Institute, such as the Licensing Board and BROO.

- It is likely informational signs would be easily allowed by stakeholders but still would be beneficial to have stakeholders review sign design as a resource for input from Subject Matter Experts.
- It is likely hazard signs would be more difficult to get stakeholder approval as a strong purpose and need would be required along with subject matter expert documentation.

The City of Boise should be required to provide a report to the IOGLB every year for 3 years to ensure it abides by Idaho Statute of promoting and encouraging residents and nonresidents to enjoy the natural resources of Idaho using all services, including BROOs. The requirements of this report should be determined by the IOGLB and stakeholders such as BROO.

Exhibit 1

J.A. and Kathryn Albertson Family Foundation Boise Whitewater Park

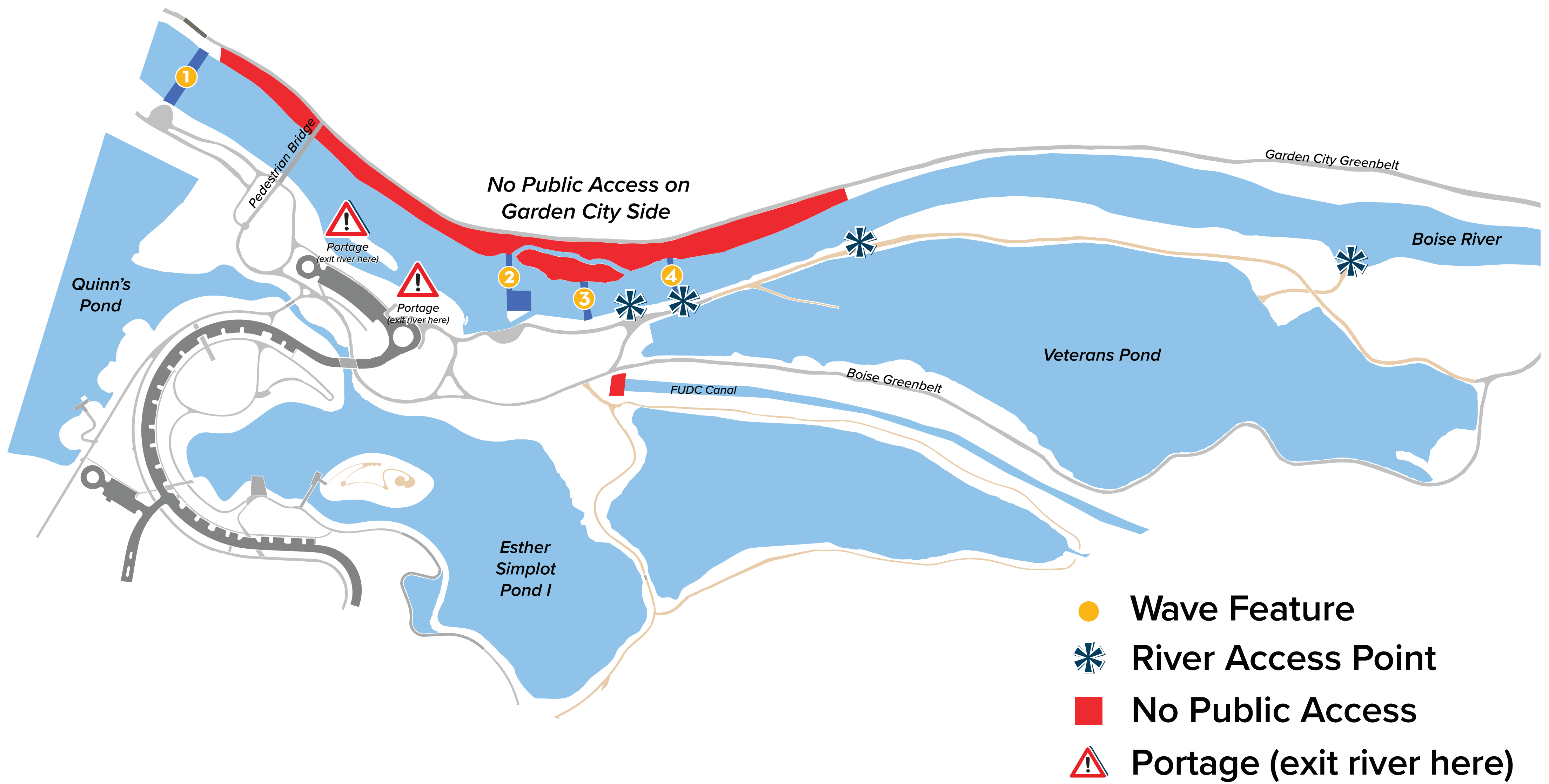


Exhibit 2

Date : 3/7/2023 10:34:09 AM
From : "Chloe Sallabanks" csallabanks@cityofboise.org
To : "Doug Holloway" DHolloway@cityofboise.org
Subject : RE: River Float Update
Attachment : PortageSigns-WhitewaterPark-022023 (002).pdf;image001.jpg;

Here are the portage signs.

From: Doug Holloway <DHolloway@cityofboise.org>
Sent: Tuesday, March 7, 2023 10:32 AM
To: Chloe Sallabanks <csallabanks@cityofboise.org>
Subject: RE: River Float Update

Can you resend the designs to me?

From: Chloe Sallabanks <csallabanks@cityofboise.org>
Sent: Tuesday, March 7, 2023 10:29 AM
To: Doug Holloway <DHolloway@cityofboise.org>
Subject: RE: River Float Update

I'm waiting for the Fire Dive Team to finalize where they want them, but it will likely be large red signs (similar to the portage ones for the Whitewater Park) that say "HAZARD – GO LEFT" to be placed on bridges. We are also looking into the option of adding some signage at the popular jumping bridge.

Once flows are a bit more reliable, the dive team will run the stretch and pin these points down.

From: Doug Holloway <DHolloway@cityofboise.org>
Sent: Tuesday, March 7, 2023 10:21 AM
To: Chloe Sallabanks <csallabanks@cityofboise.org>
Subject: RE: River Float Update

Looks great, do you have the static signs design?

From: Chloe Sallabanks <csallabanks@cityofboise.org>
Sent: Tuesday, March 7, 2023 10:03 AM
To: Doug Holloway <DHolloway@cityofboise.org>
Subject: RE: River Float Update

Hello - and sure thing! We are on track with the timeline we set last fall.

- The interactive map website has been built out and static hazards (like bridges, the three diversion dams, etc.) have been mapped: <https://float-the-boise.hub.arcgis.com/pages/river-hazards>
- The safety page that I worked on with Fire (and ran by Risk & Safety) is a tab on the interactive map website: <https://float-the-boise.hub.arcgis.com/pages/Safety%20Checklist>
- The signage that will be at Barber Park has been designed; the QR code will direct people to the website

- We plan to have the QR code on stickers, signs, etc. everywhere at the put-in and on the shuttles
- Our next stakeholder meeting is on March 29 to check in with everyone involved ahead of our official “pre-season meetings”
- Over the next month, we will work on getting the metal signs ordered and installed

I’m happy to walkthrough more specifics on any of this.



Chloe Sallabanks (she/her)
Admin Support Coordinator
Parks and Recreation Department
Office: (208)608-7615
csallabanks@cityofboise.org
cityofboise.org

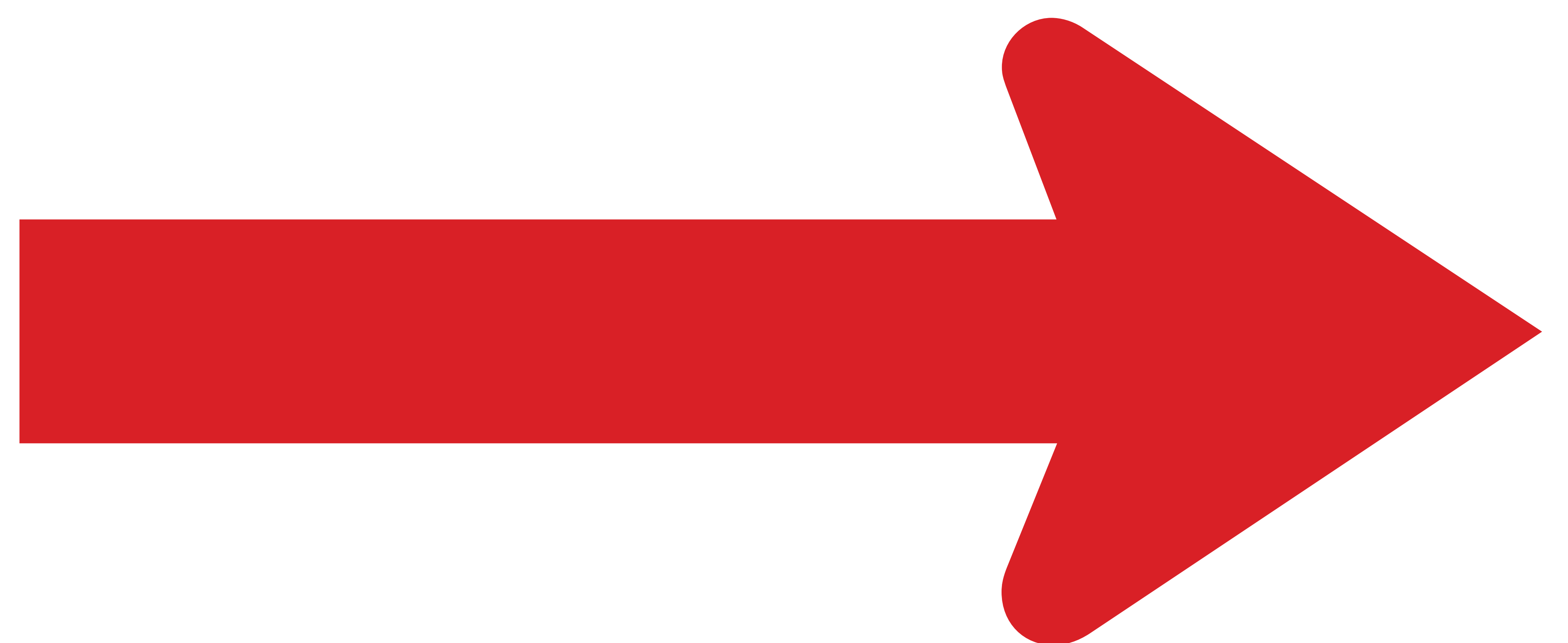
Creating a city for everyone.

From: Doug Holloway <DHolloway@cityofboise.org>
Sent: Tuesday, March 7, 2023 9:40 AM
To: Chloe Sallabanks <csallabanks@cityofboise.org>
Subject: River Float Update

Morning, I have a meeting with Courtney on Thursday morning and would like to give her an update on where we are. Thanks.

**DO NOT
PROCEED**

**USE CHANNEL
TO EXIT RIVER**





**HAZARD
AHEAD**


**DO NOT
PROCEED**

**PORTAGE/
RIVER
EXIT ONLY**

**IMMEDIATE
HAZARD**

EXIT NOW

**PORTAGE
REQUIRED**



36th St. Footbridge
◀ Garden City | Boise ▶

DANGER AHEAD
HAZARDOUS AREAS

RIVER PARK ENDS
Exit Now & Take Out ▶

Date : 3/30/2023 12:43:51 PM

From : "Chloe Sallabanks" csallabanks@cityofboise.org

To : "Emma Peacock" epeacock@cityofboise.org, "Daniela Lopez-Lopez" dlopezlopez@cityofboise.org, "Chelsea Reimers" creimers@cityofboise.org, "Jill Boyer" JBoyer@cityofboise.org, "Meliza Guajardo" MGuajardo@cityofboise.org, "Joey Eckles" jeckles@cityofboise.org

Cc : "Merlani DeVries" MDeVries@cityofboise.org, "Karen Bledsoe" KBLEDSOE@cityofboise.org, "Sarah Collings" SCollings@cityofboise.org

Subject : Whitewater Park Update - Talking Points

Attachment : Whitewater Park Map.pdf;Portage Sign.jpg;image001.png;

Hello,

We installed some new signs in the river today, between Phase 1 and Phase 2 of the Boise Whitewater Park, telling folks to get out of the river before Phase 2.

If anyone calls or emails about it, here is some general information:

- Phase 1 is open for surfing & kayaking, and is operating on a regular seasonal schedule
- Phase 2 is not currently on, but will offer monitored sessions (where a professional staff member is on-site) this summer again
- There is no opportunity for people to float through Phase 2 this summer, which is why the new signs guide people off the river beforehand

[The webpage](#) is updated with all of the information needed about Phase 1 and 2. These talking points can also be helpful: [FAQ](#).

If anything else comes up, please let me know!

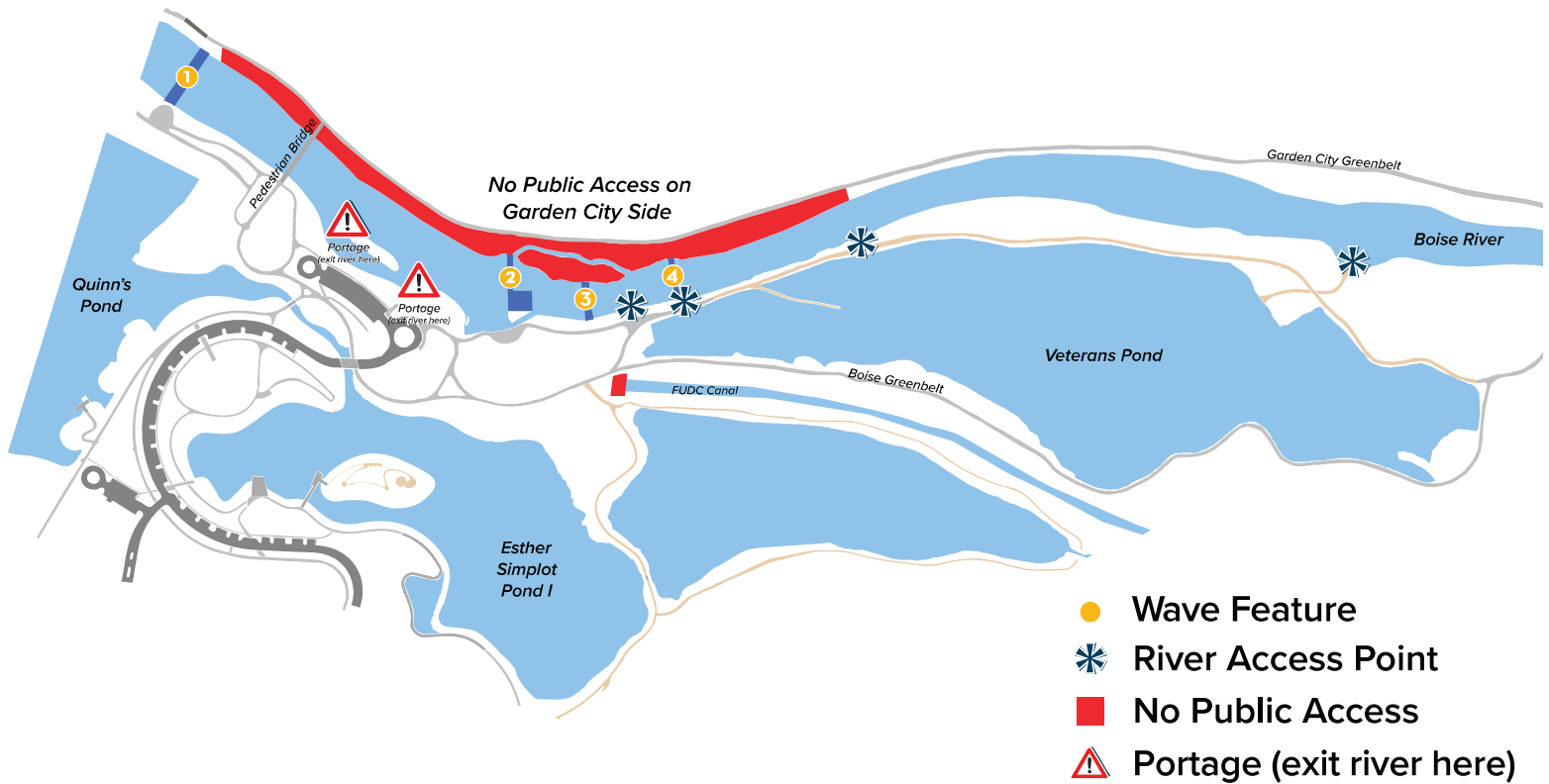
Thanks, all!



Chloe Sallabanks (she/her)
Admin Support Coordinator
Parks and Recreation Department
Office: (208)608-7615
csallabanks@cityofboise.org
cityofboise.org

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J.A. and Kathryn Albertson Family Foundation Boise Whitewater Park





DO NOT
PROCEED
USE CHANNEL
TO EXIT RIVER
→



Adam Bass <bassadam16@gmail.com>

Response Information for 2023-1700

1 message

PRRManager@cityofboise.org <PRRManager@cityofboise.org>
To: bassadam16@gmail.com, jeckles@cityofboise.org, mlang@cityofboise.org

Wed, Jun 14, 2023 at 3:38 PM



PARKS AND RECREATION DEPARTMENT

RESPONSE INFORMATION

PRRID: 2023-1700 Bass-Whitewater Park Meetings

Pursuant to Idaho Code Section 74-103, the records deemed responsive to your request and not found to be exempt from disclosure are now available.

There are no responsive documents for this public records request.

Any release of public records (textual, audio, video, graphical, pictorial, digital, or otherwise) in response to your public records request is not permission from the City to allow you to republish or otherwise make use of the records in violation of state or federal law, including privacy, trademark, or copyright law.

If you have any questions, please do not hesitate to contact our office.

Thank you,

Merlani DeVries, Boise Parks and Recreation
(208) 608-7600 or email prp_parks@cityofboise.org

WEB FORM REQUEST DETAILS for 2023-1700

Specific Directions for Records Requested:

Please provide the list of stakeholders relating to the decision to stop navigability of the whitewater park Phase 2 feature. Also, please provide meeting minutes of all meetings between these stakeholders that are associated with the Boise Whitewater Park.

Applicable Dates:

Geographic Area of Interest:

Boise Whitewater Park



(208)608-7600

prp_parks@cityofboise.org

150 North Capitol Boulevard, Boise, ID 83702

Exhibit 3



Adam Bass <abass@thebroo.com>

Whitewater Park 2022-2023 Reconstruction

Adam Bass <abass@thebroo.com>
To: Jerry Pugh <JPugh@cityofboise.org>

Fri, Aug 5, 2022 at 7:23 AM

Thank you for the heads up Jerry. If you have any job openings for positions like this please send them my way. I may know of some interested parties that have experience with project management and construction projects.

Have a great weekend,

Adam Bass
Designated Agent



BOISE RIVER
OUTDOOR OPPORTUNITIES

www.boiseriveroutdoor.com
208-519-2070
412 E. 51st Street
Garden City, ID 83714

On Thu, Aug 4, 2022 at 3:02 PM Jerry Pugh <JPugh@cityofboise.org> wrote:

Adam,

We have had some turnover with our Design & Construction team, including the project manager for this project. However, we are working diligently to keep the project on track and will note or your concerns. Any outreach that takes place will include stakeholders.

Regards,



Jerry Pugh

Community Volunteer Coord

Parks and Recreation Department

Office: (208)608-7617

jpugh@cityofboise.org

cityofboise.org

Creating a city for everyone.

From: Adam Bass <abass@thebroo.com>
Sent: Tuesday, August 2, 2022 2:56 PM

To: Jerry Pugh <JPugh@cityofboise.org>
Subject: [External] Whitewater Park 2022-2023 Reconstruction

Hi Jerry,

After speaking with you the other day, I wanted to reiterate my thoughts on the reconstruction being planned for this winter. It sounds like the bypass is going to get some major reworking and probable relocation. You mentioned that the best time for me to comment would be during the public comment period.

As an outfitter that commercially uses this stretch of the river to guide guests for an enjoyable river experience, it is my opinion that I should have an opportunity to be a stakeholder in the development of the project rather than a member of the general public. The improvements will impact most of the business operations because they utilize the Boise Whitewater Park. The perspective of a commercial rafting operation provides one that is different from a member of the general public because it will bring a perspective that considers guests and commercial recreation of the planned feature.

As a stakeholder, I would expect to get periodic information about the project as it develops with an increase in opportunities to provide comments and ask questions than a general public comment period might provide.

What are your thoughts on this?

Are there currently any stakeholders listed as a part of this project? The most successful projects and best project management practices typically include stakeholders early in the development process.

Respectfully,

Adam Bass

Designated Agent



www.boiseriveroutdoor.com

208-519-2070

412 E. 51st Street

Garden City, ID 83714

Exhibit 4

**CITY OF BOISE
PARKS AND RECREATION DEPARTMENT**



**PARKS AND
RECREATION**

**2023 Commercial Use Permit
Application**



**CITY OF BOISE
PARKS AND RECREATION DEPARTMENT
COMMERCIAL USE APPLICATION**

The City of Boise provides opportunities for entities to apply for a permit allowing them to conduct classes, lessons, tours, or demonstrations on city-owned/managed waterways and properties. **Permit applications shall be accepted throughout the year, with consideration being given on a first-come, first-served basis. Commercial Use Permits are awarded for the calendar year (January 1 - December 31) regardless of when applications are submitted.**

Entities wishing to acquire a permit to operate on city-owned/managed waterways and/or properties shall comply with all applicable laws, statutes, and ordinances, the terms and conditions stated in the Commercial Use Application, and the following standards, requirements, terms, and conditions.

Completed applications should be submitted to:

Boise Parks and Recreation Administration Office
1104 Royal Blvd.
Boise, ID 83706
Or emailed to: BPR@cityofboise.org

Boise Parks and Recreation reserves the right to deny a request if it does not meet the Parks and Recreation Department's mission, or conflicts with park operations.

Name of Business: _____

Address: _____
City, State, Zip
Code: _____

Phone #: _____

E-mail Address: _____

Web Site: _____

Printed Name: _____

Title: _____

Date: _____

PERMIT QUESTIONNAIRE

1. Application is for (check all that apply):

- _____ Demonstrations
- _____ Lessons
- _____ Fitness Classes
- _____ Other: _____

2. Park/Facility Locations (please attach and specify the location on a map):

For permitting in or surrounding bodies of water, please select from the following locations. Boise Parks and Recreation will issue a maximum of six (6) water use permits annually.

- Bernardine Quinn Riverside Park Pond/Esther Simplot Park Pond #1**
(Esther Simplot Park Pond #2 is not available for commercial use.)

- Boise River**

Language Violating
36-1601

(Applicants floating the river through the JA and Kathryn Albertson Family Foundation Whitewater Park are required to portage around the park's features. The wave features will not be adjusted to accommodate passage.)

- JA and Kathryn Albertson Family Foundation Boise Whitewater Park**
(Applicants that receive a permit to use the J.A. and Kathryn Albertson Family Foundation Boise Whitewater Park are subject to the wave schedule detailed on the city's website: <https://www.cityofboise.org/departments/parks-and-recreation/parks/ja-and-kathryn-albertson-family-foundation-boise-whitewater-park/>.)

The wave schedule will not be altered to accommodate applicants' classes or lessons. Permittees do not receive exclusive use of the park and must share the wave with drop-in users.)

- Marianne Williams Park Pond**
(Bank fishing only.)

- Parkcenter Pond**
(Available for special events. Must go through Boise Parks and Recreation's reservation process.)

- Veterans Memorial Park Pond**

8. **Price Schedule:** List all prices you anticipate charging customers such as class tuition, etc.

9. **Equipment:** List all equipment you anticipate using in the course of your business.

10. **References:** Please include three references.

Name	Address	Phone Number
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

11. **Additional Comments/Information:** Include any additional information you feel will add additional value to the city, or you wish to be considered in awarding the permit.

12. **Product Sponsorship:** The city enters into sponsorships for products such as soft drinks, which stipulate that the city will only sell their products through the term of the sponsorship. If awarded a permit, Applicant agrees to abide by the city's product sponsorships and use all products currently under contract with the city. Yes No

13. Business License (Check one):

Check	Item
	Applicant has a business license and copies are attached.
	Applicant agrees to obtain all required licenses/permits promptly at time of award announcement.

14. Idaho Outfitters and Guides License (Check One, If Applicable): To conduct operations on the Boise River or at the JA and Kathryn Albertson Family Foundation Boise Whitewater Park, applicants must have or obtain a license with the State of Idaho Outfitters and Guides Licensing Board.

Check	Item
	Applicant has a current license with the State of Idaho Outfitters and Guides Licensing Board, and a copy is attached.
	Applicant agrees to obtain required license from the State of Idaho Outfitters and Guides Licensing Board and submit proof of license, prior to being awarded a Commercial Use Permit for the Boise River and/or JA and Kathryn Albertsons Family Foundation Boise Whitewater Park.
	Not Applicable.

15. Insurance: To operate on City of Boise managed waterways or properties, applicants must possess Commercial General Liability Insurance, Commercial Automobile Insurance, and Workers Compensation Insurance at the following levels:

A. Commercial General Liability

Applicant shall maintain, and specifically agrees that it will maintain, throughout the term of the permit, Commercial General Liability Insurance, Workers' Compensation Insurance, and Employers' Liability Insurance in the form of a certificate of insurance issued on behalf of the

City of Boise, naming the City (Licensor) as an additional insured on the liability policies, for the following minimum limits and coverage:

Commercial General Liability Insurance in the following amounts:

General Aggregate \$2,000,000

Product/Completed Operations Aggregate \$2,000,000

Personal & Advertising Injury Liability \$1,000,000

Per Occurrence \$1,000,000

B. Commercial [Business] Automobile Liability

Proof of auto liability insurance coverage with State of Idaho required liability limits is required.

C. Workers Compensation and Employers Liability

Where required by law, the Permittee shall have and maintain during the life of this contract, statutory Workers Compensation and include Employers Liability with minimum limits of: Bodily injury by accident - \$100,000 each accident; bodily injury by disease - \$100,000 each employee; bodily injury by disease - \$500,000 policy limit, while engaged as a Permittee. In case any such work is sublet, the Permittee shall require its sub-Permittee to provide Workers Compensation and Employers Liability Insurance where required by law.

The limits of insurance shall not be deemed a limitation of the covenants to indemnify and save and hold harmless the City. And if the City becomes liable for an amount in excess of the insurance limits herein provided, Applicant covenants and agrees to indemnify and save and hold harmless the City from and for all such losses, claims, actions or judgments for damages or liability to persons or property. **Applicant shall provide the City with a Certificate of Insurance or other proof of insurance evidencing Applicant's compliance with the requirements of this paragraph and file such proof of insurance with the City's Risk Manager and Department of Parks and Recreation.** In the event the insurance minimums of the Idaho Tort Claims Act are changed to exceed the above-listed amounts, Applicant shall immediately submit proof of compliance with the changed limits. If Applicant fails to provide or maintain said insurance in the amounts listed, even if cured by Applicant at a subsequent date, such shall be deemed an incurable default by Applicant, and Licensor may exercise any rights or remedies for such default that Licensor may have under this License or at law or equity, including, without limitation, the right to terminate this License.

Applicant has enclosed Certificate of Insurance. Yes No

16. **Fee:** To obtain a permit to conduct lessons, classes, demonstrations, on Boise City managed properties, the following fees are required:

Annual Fee:

\$350 (City of Boise residents)

\$620 (non-residents)

Additional Fee for over 100 uses:

\$620 (City of Boise residents)

\$961 (non-residents)

Check	Item
	Applicant has enclosed payment of annual permit fee.
	Applicant agrees to pay annual permit fee promptly at time of award announcement.

End of Application

[Signatures appear on following page.]

I hereby certify the enclosed information to be true and accurate, to the best of my knowledge. I understand that any misrepresentation of the information contained within may disqualify me from obtaining a Commercial Use Permit for City of Boise Department of Parks and Recreation managed properties. I also certify that I have read, and that I understand, the terms and conditions set forth in this Commercial Use Application and in the City's Terms of Commercial Use, which is attached hereto as Attachment A and incorporated herein by reference. By my signature, below, I knowingly and willingly agree to be bound by all applicable laws, statutes, ordinances, and regulations, and by the terms and conditions contained in both this Commercial Use Application and in the City's Terms of Commercial Use, attached and incorporated herein. Violation of any of the terms and conditions detailed in the Commercial Use Application or the City's Terms of Commercial Use may result in the revocation of the Commercial Use Permit. I further understand that this application does not guarantee me issuance of a Commercial Use Permit.

Permit holder shall save, defend, indemnify, and hold City harmless from and against any and all loss, damage, liability or claims (including, without limitation, costs and expense of litigation and reasonable attorneys' fees) (collectively, "Claims") arising from, or connected with, this Permit and/or use of the Licensed Space by Permit holder or Permit holder's employees, agents, or invitees.

Printed Name of Applicant: _____

Signature of Applicant: _____ Date: _____

STATE OF IDAHO)
) ss.
County of Ada)

On this _____ day of _____, before me, a notary public, personally appeared _____, known or identified to me to be the _____ of _____, who executed the within instrument on behalf of the company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above.

Notary Public for Idaho
Commission Expires _____

[THIS PAGE IS FOR BPR STAFF USE ONLY]

Commercial Use Permit – Conditions for Approval

Check	Item
	Completed & notarized application
	Commercial General Liability Insurance: City of Boise listed as certificate holder
	Automobile Liability Insurance
	Workers Compensation and Employers Liability (or) WC Vendor Declaration approved by Risk & Safety
	Payment
	Schedule

2023 Commercial Use Permit	
	APPROVED
	DENIED

Exhibit 5



Adam Bass <abass@thebroo.com>

2023 Commercial Use Permit

Jerry Pugh <JPugh@cityofboise.org>

Fri, Mar 3, 2023 at 9:25 AM

To: Adam Bass <abass@thebroo.com>

Cc: Merlani DeVries <MDeVries@cityofboise.org>, Joey Eckles <jeckles@cityofboise.org>

Adam,

The wave feature is on a set schedule, and will not be altered to provide passage. It is up to the outfitter to determine whether the wave is passable. If it's questionable, then the outfitter should portage around.



Jerry Pugh

*Community Volunteer Coord**Parks and Recreation Department*

Office: (208)608-7617

jpugh@cityofboise.orgcityofboise.org*Creating a city for everyone.*

From: Adam Bass <abass@thebroo.com>**Sent:** Friday, March 3, 2023 9:10 AM**To:** Jerry Pugh <JPugh@cityofboise.org>**Cc:** Merlani DeVries <MDeVries@cityofboise.org>; Joey Eckles <jeckles@cityofboise.org>**Subject:** [External] Re: 2023 Commercial Use Permit

Hi Jerry,

Section 2 of the permit questionnaire specifically states the following:

"Applicants floating through the JA and Kathryn Albertson Family Foundation Whitewater Park are required to portage around the park's features"

Is the City of Boise intention to require all outfitters including BROO operations to portage around the Whitewater Park?

Thank you,

Adam Bass

Designated Agent



www.boiseriveroutdoor.com

208-519-2070

412 E. 51st Street

Garden City, ID 83714

On Fri, Mar 3, 2023 at 8:15 AM Jerry Pugh <JPugh@cityofboise.org> wrote:

Good morning,

This is a friendly reminder that if you are planning to operate along the Boise River on BO1A and BO1B, you will need renew your Commercial Use Permit (attached). If you have already done so, then you're ahead of the game. Otherwise, please renew by the end of the month. Due to an influx of permit requests the last couple of years, we have decided to cap the number of outfitters we will annually permit on BO1a and BO1b to six. Those organizations with prior year permits will be given first opportunity to renew each year. If an organization fails to renew, then the permit will made available to a another outfitter.

We think the cap on six vendors is fair, in that it provides a reasonable opportunity for businesses to operate while not overwhelming the resource. In comparison, as you know, the Idaho Outfitters and Guides Licensing Board limits river sections to two outfitters.

Please let us know if you have any questions.

Regards,



Jerry Pugh
Community Volunteer Coord
Parks and Recreation Department
Office: (208)608-7617
jpugh@cityofboise.org
cityofboise.org



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Adam Bass <abass@thebroo.com>

Whitewater Park Phase 2 Portage Required

Adam Bass <abass@thebroo.com>
To: Chloe Sallabanks <csallabanks@cityofboise.org>

Thu, Jun 15, 2023 at 8:38 AM

Hi Chloe,

The lack of information and timeliness is disturbing for such an important issue. Anyway, I had correspondence with Doug Holloway and Sara Arkle on this matter and Doug stated the portage will be recommended and not required meaning a channel will be maintained at all times for river users traveling through the whitewater park. This approach will be in agreement with Idaho Statute 36-1601.

I would appreciate the Parks and Rec Department letting the wave techs know of this so that our rafts or other watercraft don't come up on a situation where the bypass or other method of navigating through the feature is closed. Please incorporate this requirement into any future wwp designs also.

Sincerely,

Adam Bass
Designated Agent



BOISE RIVER
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208-519-2070
412 E. 51st Street
Garden City, ID 83714

On Fri, Jun 9, 2023 at 7:43 AM Adam Bass <abass@thebroo.com> wrote:

Hi Chloe, this is disappointing as I have trips involving senior citizens and young children who will find it difficult to complete such a portage. In fact, this trip is marketed as for beginners and a portage such as this will not be for beginners which means I will have to cancel all of the trips.

At what flow will the city be closing navigability of the river? Is there a particular target date? Will I receive notification or will it be similar to the current practice of not providing any information or updates that might impact the rafting operations I organize?

Sincerely,

Adam Bass
Designated Agent



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www.boiseriveroutdoor.com
208-519-2070
412 E. 51st Street
Garden City, ID 83714

On Thu, Jun 8, 2023 at 11:00 AM Chloe Sallabanks <csallabanks@cityofboise.org> wrote:

Hi Adam,

Thanks for following up – I did receive your email and have shared your questions and concerns with the project team. The group is continuing to communicate plans for the Whitewater Park, and Boise River in general, and the portage plan will be in place at Phase II for the summer.

Again, your feedback is appreciated and has been shared with department leadership.

Thank you,



Chloe Sallabanks (she/her)
Admin Support Coordinator
Parks and Recreation Department

Office: (208)608-7615
csallabanks@cityofboise.org
cityofboise.org

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From: Adam Bass <abass@thebroo.com>
Sent: Thursday, June 8, 2023 8:00 AM
To: Chloe Sallabanks <csallabanks@cityofboise.org>
Subject: Re: [External] Whitewater Park Phase 2 Portage Required

Good Morning Chloe,

Did you receive my message? What is the status of this please?

Thank you,

Adam Bass
Designated Agent



www.boiseriveroutdoor.com
208-519-2070
412 E. 51st Street
Garden City, ID 83714

On Thu, Jun 1, 2023 at 8:00 AM Adam Bass <abass@thebroo.com> wrote:

Hi Chloe,

Dan and I spoke over the phone Tuesday at lunch time about the required portage this summer. Our discussion led to the following items:

Dan stated "The portage will require getting out on the north side of the river near the bathrooms and to put in on the gravel ramp downstream of phase 2 to avoid putting in at the riprap embankment on river right." This is a total of 1,600 feet, which Dan did not know the distance of the portage. As a decision maker, I'm curious when was the last time you portaged a raft? Where was it, how long was it, how many people did you have, and how did it go? After all, you stated to be the contact person for any questions regarding the required portage at the Whitewater Park Phase 2 this summer.

Dan stated, "no safety incidents from last year impacted the decision to require a portage. The decision to change access is based on modeling [and a subjective] determination that it is unsafe." After around 150 trips on this stretch, I have had no significant issues that need to result in closing navigability of the feature. This does not appear to be a reasonable justification to close navigability when considering 36-1601 of Idaho State Code. Further, I feel I was misled by the permit manager when previously this year I was told in an email "The wave feature is on a set schedule, and will not be altered to provide passage. It is up to the outfitter to determine whether the wave is passable. If it's questionable, then the outfitter should portage around." Making me plan for the feature to be navigable like last year.

Dan stated, "all stakeholders who operate on the river were included in the decision to remove access." and I'm curious why I wasn't included in the discussion of this when I requested to be a part of any stakeholder decisions relating to WWP improvements last summer. As the designated agent of an outfitting operation on this section, decisions like this significantly impact business decisions and planning for the future. The City of Boise has continuously failed to realize this during planning and design decisions, why is this?

I look forward to your response and any clarifications.

Adam Bass

Designated Agent



www.boiseriveroutdoor.com

208-519-2070

412 E. 51st Street

Garden City, ID 83714

On Tue, May 30, 2023 at 8:34 AM Chloe Sallabanks <csallabanks@cityofboise.org> wrote:

Hi Adam,

Apologies for the delayed response over the holiday weekend! Dan Falconer, our construction manager, will give you a call today to provide some more information and answer any questions about the Whitewater Park portage plan for this summer.

Thanks for reaching out.



Chloe Sallabanks (she/her)
Department Support Coordinator
Parks and Recreation Department
Office: (208)608-7615
csallabanks@cityofboise.org
cityofboise.org

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From: Adam Bass <abass@thebroo.com>
Sent: Friday, May 26, 2023 5:21 PM
To: Chloe Sallabanks <csallabanks@cityofboise.org>
Subject: [External] Whitewater Park Phase 2 Portage Required

Hi Chloe,

I left a message for you in the last hour. Please call when you have a moment.

Have a great weekend,

Adam Bass

Designated Agent



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www.boiseriveroutdoor.com

208-519-2070

412 E. 51st Street

Garden City, ID 83714

Exhibit 6



Adam Bass <abass@thebroo.com>

Fwd: Response Files are ready for Public Records Request 2023-2312

3 messages

Adam Bass <bassadam16@gmail.com>
To: Adam Bass <abass@thebroo.com>

Tue, Sep 12, 2023 at 10:32 AM

CITY of BOISE

OFFICE OF THE CITY ATTORNEY

RESPONSE FILES READY

PRRID: 2023-2312 Bass-Whitewater Park
ACCESS EMAIL: bassadam16@gmail.com

The response to your public records request has been uploaded to a secure distribution website. Files are available for review or download for 14 days via the button below.

Open 2023-2312 Response

Thank you for your public records request.

Based on the search criteria you provided, Boise Public Works Department staff performed a search of their records and found no documents responsive to your request.

Based on the search criteria you provided, Boise Department of Finance & Administration staff have attached all records responsive to your request.

Based on the search criteria you provided, attached please find the records City staff have located in response to your request. The Office of the Boise City Attorney has reviewed this request and issues this partial denial.

72 responsive records are statutorily exempt from disclosure in full under Idaho Code Section 74-104(1), 1-212, and 9-203(2) which apply the Lawyer-Client Privilege to protect the disclosure of attorney-client communications and attorney work product.

In accordance with Idaho Code §74-106(4)(h), corporate tax numbers have been redacted as records of a personal nature are exempt from disclosure.

This response to your public records request may be appealed by filing a petition in conformance with the provisions of the Idaho Public Records Act, Title 74, Chapter 1. Your petition must be filed in the Fourth Judicial District Court within 180 days of mailing this notice.

Any release of public records (textual, audio, video, graphical, pictorial, digital, or otherwise) in response to your public records request is not permission from the City to allow you to republish or otherwise make use of the records in violation of state or federal law, including privacy, trademark, or copyright law.

If you have any questions regarding this response, please do not hesitate to contact me.

Thank you,
Michelle Steel, Paralegal
Office of the City Attorney
(208) 608-7950 or email pr_legal@cityofboise.org

If the button above does not work correctly for you, please copy this address directly in your browser:
https://boisecity.sharepoint.com/:f/s/cw.rdc/EIPzcTNRcbpGoVKUSr42zyMBOUD__uStbIRawVA_vBlvyA

WEB FORM REQUEST DETAILS for 2023-2312

Specific Directions for Records Requested:

Please provide the formal declaration from designers, modelers, or professional subject matter experts that the whitewater park is "unsafe" and a portage should be required. This might be a memo, email, or other type of correspondence including contract documents. Also please provide all correspondence from City decision makers to staff relating to the whitewater park having a required portage.

Applicable Dates:

Geographic Area of Interest:

Whitewater Park



(208) 608-7950

pr_legal@cityofboise.org

150 North Capitol Boulevard, Boise, ID 83702

Exhibit 7



Adam Bass <bassadam16@gmail.com>

Fwd: [External] Boise River White Water Park Rafting Closure

2 messages

John Heimer <jheimer1111@gmail.com>
To: bassadam16@gmail.com

Wed, Jun 14, 2023 at 2:40 PM

Adam,

For your information. I kinda feel this is a cop out and was thinking portage is probably more dangerous than doing the river. He says that "portage is a recommended" twice in the email, does that mean the river is not closed to all boating. Very confusing! With this email I think I would go ahead and float it.

John

----- Forwarded Message -----

Subject: RE: [External] Boise River White Water Park Rafting Closure**Date:** Wed, 14 Jun 2023 15:56:43 +0000**From:** Doug Holloway <DHolloway@cityofboise.org>**To:** John Heimer <jheimer1111@gmail.com>, office@ioga.org <office@ioga.org>, Mayor McLean <mayormclean@cityofboise.org>, Sara Arkle <sarkle@cityofboise.org>

Good morning John, thank you for reaching out with these concerns. We appreciate you are working to run a business in a dynamic setting and understand your frustrations. The portage is a recommended safety precaution based on guidance from our Whitewater Park wave technicians, local water resource engineers, and city risk officials. Portage is recommended to avoid extremely hazardous conditions associated with the existing bypass feature. We are hopeful that modifications planned for construction this next winter will alleviate the need for portage in the future.

The City has posted signage and designated a portage location in an abundance of caution. We understand your frustrations but hope your organization understands that the City makes this recommendation out of concern for the safety of you, your guests, and business invitees.

The city encourages you to consult your own attorney as to the risks and legal ramifications with respect to any decision to ignore posted warnings relating to current conditions of the river in this area.

Thank you again John for reaching out.

From: John Heimer <jheimer1111@gmail.com>**Sent:** Tuesday, June 13, 2023 7:25 PM**To:** Doug Holloway <DHolloway@cityofboise.org>; office@ioga.org; Mayor McLean <mayormclean@cityofboise.org>**Subject:** [External] Boise River White Water Park Rafting Closure

Administrators,

Recently I learned from your web site about the closure to river rafting in the White Water Park area of the Boise River. I find this river closure to rafting highly unusual, especially considering my experience with rivers throughout the western United States. I have started and operated a commercial river outfitting business-Boise River Tours (six years), worked as a fishery biologist for the Idaho Fish and Game (33 years), and enjoyed many western rivers as a private boater (50+ years). The rafting closure in the White Water Park is the only river section that I know of closed for safety reasons because of high water flows.

The US Forest Service, Bureau of Land Management and other agencies that manage rivers allow boaters to float their many miles no matter what the

flows are. However, they do advise floaters as to safety issues but never close them due to high flows. You float a river at your own risk, just like you drive a car on slippery roads at your own risk. In fact, I question your legality to close river floating as the city does not own the water in the river, only access to it via property you control. You should check out the legal statues and court cases on this subject.

It seems ironic to me that you create a recreational area for floaters (kayakers and surfers) and allow them to float during high water but rafters with similar whitewater experience cannot float this section because of safety. Like the kayakers and surfers the boaters would be very experienced as they are on other western rivers during high river flows. Hazzard signs located correctly could notify floaters what lies ahead as the city now utilizes them in the river corridor.

I suspect this closure decision was made without any input from whitewater boaters and by individuals without little whitewater experience. With input from qualified boaters i suspect the results would be quite different.

One outfitter and possibly more are licensed and bonded to operate in this river section. I am sure they are all very experienced as required. With the rafts they use and their customers it would be virtually impossible to portage this closed river section. I suspect their operations here will have to be discontinued during the time of this closure is in effect and their bottom line effected.

This river is a wonderful recreational assest to the citizens of the area and the city does an excellent job with their management, However in this case it should be like other Idaho rivers. Please reconsider your closure of this section of river to rafting during high water so that the experienced rafting public can utilize this resource as they do other Idaho rivers.

Thank you very much for your consideration in this matter.

John Heimer

208-371-9173

Adam Bass <bassadam16@gmail.com>
To: John Heimer <jheimer1111@gmail.com>

Wed, Jun 14, 2023 at 3:17 PM

Weird, I have the exact same email from Doug Holloway. Just your name and my name are switched.

[Quoted text hidden]

Exhibit 8



☎ 208-342-1438
✉ office@ioga.org
📍 PO Box 95, Boise, ID 83701

June 12, 2023

To:

Doug Holloway
City of Boise Parks and Recreation Department
1104 Royal Blvd
Boise, ID 83706

Dear Director Holloway,

I hope this letter finds you well. I am writing to you today concerning an important issue regarding the navigational closure and portage requirement related to the Boise Whitewater Park Phase 2 construction. As the Executive Director of the Idaho Outfitters and Guides Association (IOGA), I am reaching out on behalf of licensed outfitters operating on this section who will be significantly affected by these measures.

The issue at hand involves the planned navigational closure of Phase 2 at the Boise Whitewater Park this summer. It appears that this decision will require licensed outfitters to portage their clients approximately 1,600 feet around the feature, identified as a 'dangerous eddy'. According to the construction manager, this decision is based on modeling and a [subjective] determination of safety.

While I appreciate the department's commitment to the safety of all park users, there are several problematic aspects to this decision that need to be addressed.

First, licensed outfitters, such as those represented by the IOGA, provide guided services to a diverse group of clients, many of whom would be unable to participate in these activities independently. This includes senior citizens, young children, and individuals with limited mobility or cognitive differences. The decision to enforce a 1,600 foot portage may effectively prohibit these groups from participating entirely due to the strenuous nature of this task.

Further, I find it disconcerting that the decision on what constitutes a safe or unsafe river feature has been made by city officials or construction managers. As the Executive Director for IOGA, I regularly liaise with management agencies such as USFS, BLM, and IDL, statewide. In my experience, closures or mandatory river egresses for licensed outfitters and their clients are rarely imposed. In fact, the only instances of a permit administrator or management agency more generally enacting a closure or mandatory egress from a river on licensed outfitters and their clients that comes to mind quite literally involved trees, on fire, actively falling into the river—or literally impassable logjams. Short of that apocalyptic scene, it is widely accepted that the outfitter is responsible for evaluating the risks, planning, and mitigation. The role of these professionals is to use their training and expertise to facilitate safe and enjoyable recreation for the public.

Finally, I have been informed that there was a lack of meaningful communication with the licensed outfitters about the navigational closure, nor were they provided adequate notice about it. As a result, these outfitters stand to suffer significant financial losses due to potential trip cancellations. This lack of communication and consideration for the impact on local businesses is deeply concerning.

I implore you and any other relevant decision makers in this area to reconsider the closure and portage requirement for licensed outfitters, taking into account the valid concerns raised by the affected outfitters. Greater collaboration with licensed outfitters in the decision-making process, coupled with more advanced notice of any future closures, would better serve all stakeholders and contribute to a more inclusive and successful Whitewater Park.

I am eager to engage in further discussions about this issue and look forward to any input or suggestions you may have towards its resolution. Thank you for your time and consideration.

Sincerely,

Aaron Lieberman

Aaron Lieberman

Executive Director
Idaho Outfitters & Guides Association

Exhibit 9



Adam Bass <abass@thebroo.com>

Fwd: [External] Boise Whitewater Park - Portage questions

1 message

Nick Kunath <nkunath@idahorivers.org>
To: Adam Bass <abass@thebroo.com>

Tue, Sep 19, 2023 at 4:07 PM

----- Forwarded message -----

From: **BPR** <BPR@cityofboise.org>
Date: Thu, Jul 20, 2023, 10:26 AM
Subject: RE: [External] Boise Whitewater Park - Portage questions
To: Nick Kunath <nkunath@idahorivers.org>

Good Morning Nick,

Currently, our Park Design team doesn't have any detailed plans finalized for the winter modifications. However, we will provide more details on the Boise Whitewater Park landing page once plans are finalized.

J.A. and Kathryn Albertson Family Foundation Boise Whitewater Park | City of Boise

Kind regards,

 A close up of a logo
Description automatically generated

Parks and Recreation Department
cityofboise.org
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From: Nick Kunath <nkunath@idahorivers.org>
Sent: Wednesday, July 19, 2023 8:54 AM
To: BPR <BPR@cityofboise.org>
Subject: Re: [External] Boise Whitewater Park - Portage questions

Sorry for the delay in my response here but I was curious if you could provide any additional details on the planned modifications or the hazard that the existing bypass feature is creating.

Thank you!

On Thu, Jun 22, 2023 at 2:16 PM BPR <BPR@cityofboise.org> wrote:

Thank you for reaching out Nick. There will be no structures in place within the river corridor that would impede downstream movement. The hazardous conditions are associated with the existing bypass feature. We hope the modifications planned for this next winter will alleviate portage in the future.

Thank you,

 A close up of a logo Description automatically generated

Parks and Recreation Department

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From: Nick Kunath <nkunath@idahorivers.org>
Sent: Tuesday, June 20, 2023 11:12 AM
To: BPR <BPR@cityofboise.org>
Subject: Re: [External] Boise Whitewater Park - Portage questions

Thank you for clarifying and responding to my initial email regarding the porridge around Phase 2. Is the concern related to the bypass feature connected to flow rates or does this feature exist at a wide range of flows? Additionally, will the bypass channel be open/passable for the rest of the float season or are there any planned instances where this will be closed to divert more water towards the Phase 2 wave?

Thanks!


On Thu, Jun 15, 2023 at 11:11 AM BPR <BPR@cityofboise.org> wrote:

Good morning Nick,

Thank you for reaching out with these concerns. The portage is a recommended safety precaution based on guidance from our Whitewater Park wave technicians, local water resource engineers, and city risk officials. Portage is recommended to avoid extremely hazardous conditions associated with the existing bypass feature. We are hopeful that modifications planned for construction this next winter will alleviate the need for portage in the future.

The City has posted signage and designated a portage location in an abundance of caution. We understand your frustrations but hope your organization understands that the City makes this recommendation out of concern for the safety of you, your guests, and business invitees.

The City encourages you to consult your own attorney as to the risks and legal ramifications with respect to any decision to ignore posted warnings relating to current conditions of the river in this area.

 A close up of a logo
Description automatically generated

Parks and Recreation Department

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From: Nick Kunath <nkunath@idahorivers.org>
Sent: Monday, June 12, 2023 3:17 PM
To: BPR <BPR@cityofboise.org>
Subject: [External] Boise Whitewater Park - Portage questions

Hello,

My name is Nick Kunath. I called and left a message earlier this afternoon and wanted to follow up with you via email as well.

One of our members alerted us regarding the plan to implement a mandatory portage around Phase 2 of the Boise Whitewater Park for the summer 2023 season. We wanted to gather some additional information to try and fill in the gaps related to the rationale behind the portage decision and what has lead to this change compared to previous years.

Feel free to give me a call at any time.

--



Nick Kunath (he/him)

Conservation Program Manager
Idaho Rivers United

C: 208-908-9232
Nimiipuu lands (Nez Perce)

www.idahorivers.org

If you love a river... Take Action Now

--



Nick Kunath (he/him)

Conservation Program Manager
Idaho Rivers United

C: 208-908-9232
Nimiipuu lands (Nez Perce)

www.idahorivers.org

If you love a river... Take Action Now

--



Nick Kunath (he/him)

Conservation Program Manager
Idaho Rivers United

C: 208-908-9232
Nimiipuu lands (Nez Perce)

www.idahorivers.org

If you love a river... Take Action Now

2 attachments

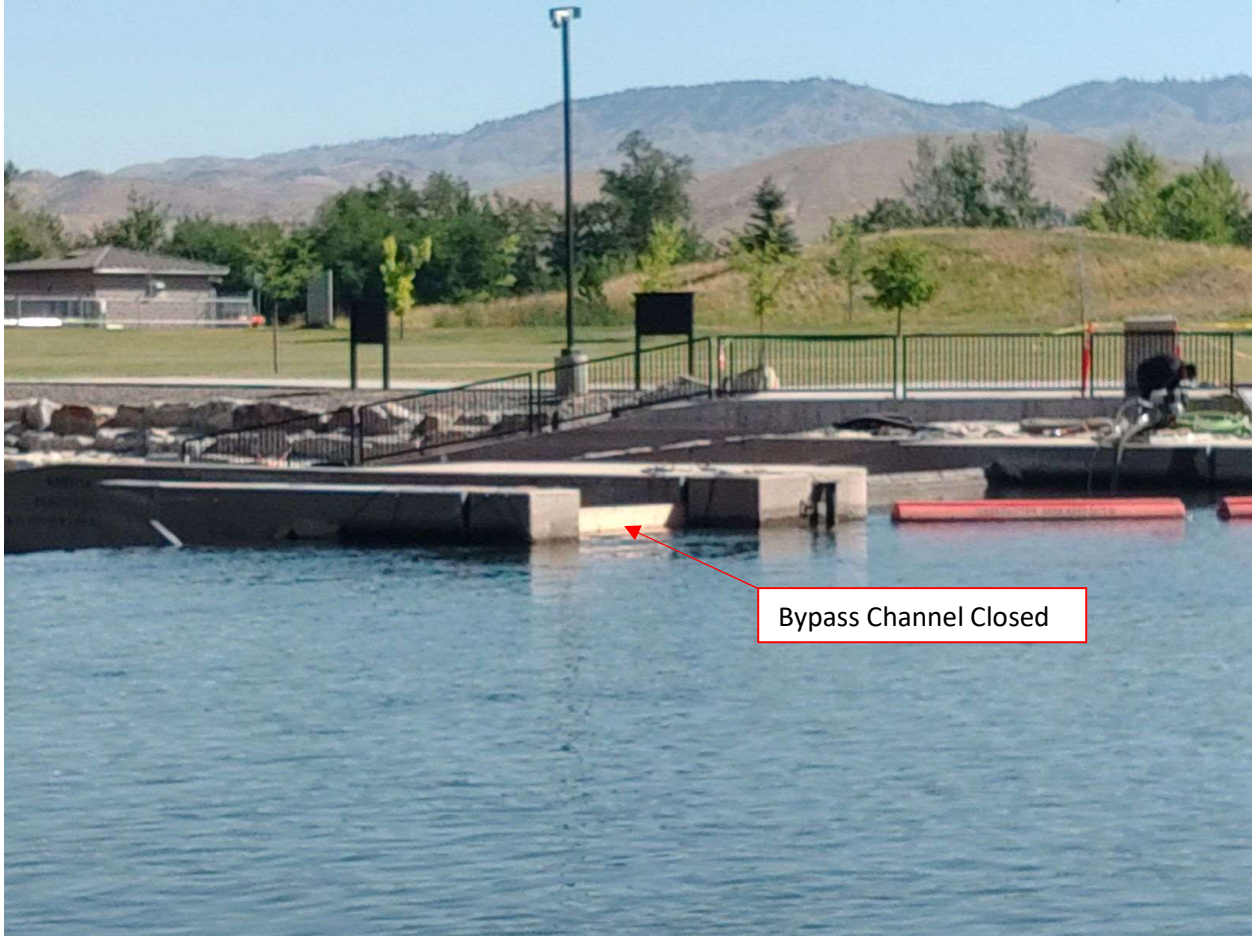


image001.jpg
20K



image001.jpg
20K

Exhibit 10



Bypass Channel Closed