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Attorneys for Petitioner

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

BOISE RIVER OUTDOOR OPPORTUNITIES, LLC, an Idaho limited liability company, Petitioner, v. THE IDAHO DEPARTMENT OF WATER RESOURCES, Respondent.	Case No. CV01-24-04576 **DECLARATION OF JEREMY C. RAUSCH IN SUPPORT OF PETITIONER'S OBJECTION TO AGENCY RECORD**
IN THE MATTER OF APPLICATION FOR PERMIT NO. S63-21092 IN THE NAME OF BOISE RIVER OUTDOOR OPPORTUNITIES	

JEREMY C. RAUSCH declares and says as follows:

1. All statements made in this declaration are true to the best of my knowledge and belief.

2. I am counsel for the Petitioner in the above-entitled action.

3. There are numerous correspondence and documents with the Idaho Department of

Water Resources ("IDWR") and the Applicant, City of Boise, that are not included in the record lodged by the agency in the above-entitled matter (the "Agency Record"), including at least the following:

a. *Technical Memorandum Drop 1 Hydraulic Analysis,* dated September 27, 2023; see attached a true and correct copy as Exhibit A.

b. *Performance + Expectations for Phase 2 Improvements,* dated January 24, 2023, from the City of Boise Parks and Recreation; see attached a true and correct copy as Exhibit B.

c. Correspondence between City of Boise, Idaho River's United, and Boise River Outdoor Opportunities dated from August 2, 2022, to July 20, 2023; see attached a true and correct copy as Exhibit C.

d. Correspondence between Boise River Outdoor Opportunities and Idaho Department of Water Resources dated from February 1, 2024, to February 6, 2024; see attached a true and correct copy as Exhibit D.

e. Correspondence from Idaho Outfitters and Guides Association to City of Boise dated June 12, 2023; see attached a true and correct copy as Exhibit E.

f. Correspondence between Boise River Outdoor Opportunities and Idaho Department of Water Resources dated from November 8, 2023, to December 15, 2023; see attached a true and correct copy as Exhibit F.

/ / /

/ / /

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4. As provided by Idaho Code § 9-1406, I certify and declare under the penalty of perjury pursuant to the law of the state of Idaho that the foregoing is true and correct to the best of my knowledge and belief.

DATED this 15th day of April 2024.

ARKOOSH LAW OFFICES

/s/ Jeremy C. Rausch
Jeremy C. Rausch
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of April 2024, I served a true and correct copy of the foregoing document(s) upon the following person(s), in the manner indicated:

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DATED this 15th day of April 2024.

ARKOOSH LAW OFFICES

/s/ Jeremy C. Rausch
Jeremy C. Rausch
Attorney for Petitioner

Technical Memorandum

To:	Sara Arkle, City of Boise Jim Pardy City of Boise	Project:	City of Boise Waterpark Waveshaper Redesign
From:	Morton D. McMillen, P.E. McMillen Inc. 1471 Shoreline Dr STE 100 Boise, ID 83702	cc:	File
Prepared by:	Steven Klawitter	Job No.:	21-106
Date:	September 27, 2023		
Subject:	Drop 1 Hydraulic Analysis		

Revision Log

Revision No.	Date	Revision Description
0	September 27, 2023	75% Design

1.0 Introduction

This Technical Memorandum (TM) presents the results of hydraulic analyses related to proposed structure modifications for the new J.A. and Kathryn Albertson Family Foundation Boise Whitewater Park Phase II (Project).

1.1 Purpose

The purpose of this TM is to present results of hydraulic analyses based on the proposed scope of modification to the Project which includes enhancements of the main spillway, modifications to the existing waveshaper to improve tailwater control and hydraulic jump stability, modifications to the controls vault, relocation of stilling wells, and miscellaneous updates to project features that address current challenges associated with the operation of the Project. Most relevant to the hydraulic analyses are the enhancements of the main spillway and modifications to the existing waveshaper.

EXHIBIT
A

2.0 Summary of Proposed Modifications

The proposed modifications to the Project include the following elements which have direct impact on the hydraulics of the structure. These modifications were developed based on the operational issues identified and summarized under the previous TM Drop 1 Structure Modifications Scope of Work dated June 6, 2023. (McMillen 2023)

2.1 Spillway Modifications

McMillen proposes to split the current 20-foot-wide Gate 5 and Gate 6 to create four 10-foot-wide gates. A sketch of this concept is shown in Figure 1. This will provide increased flexibility for operations of the main spillway and be valuable in a variety of flow management situations as well as the following benefits:

- The majority of low flow scenarios flow could be managed with only one or two 10-foot-wide spillway gates particularly when the waveshaper is not in operation
- Stray boaters could be guided down the main channel and flushed through the Drop 1 spillway with high velocity.
- Ability to shape flow to the center of the river channel using four smaller gates by having one or two center gates (Gate 6 and Gate 7) down and Gate 5 or Gate 8 partially down.

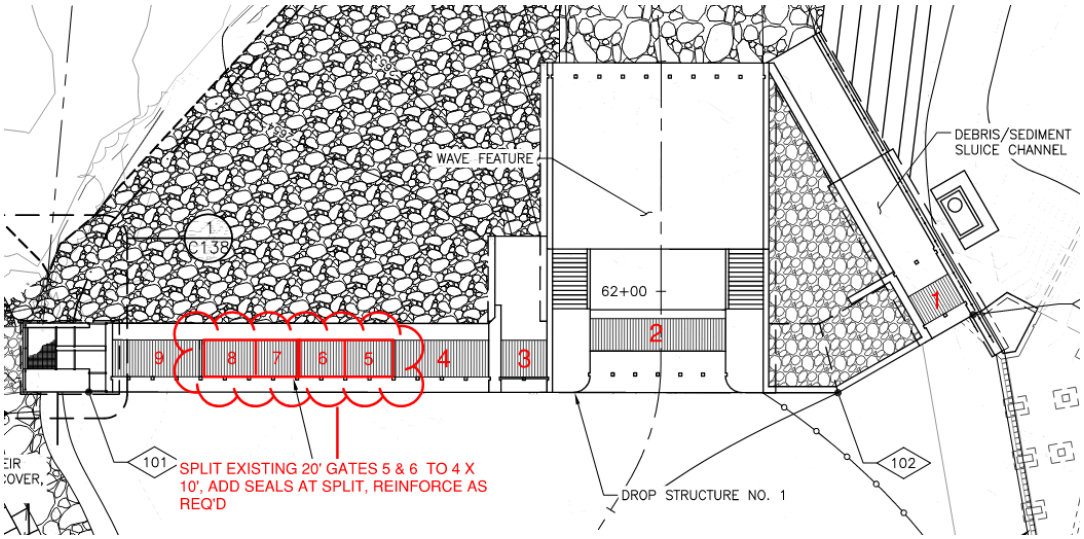

Figure 1 – Proposed Spillway Modifications

The work required to complete the modifications to this feature will include:

- Physical modification of the existing Obermeyer gates. McMillen has confirmed with Obermeyer that it is feasible and the best approach to modify the existing gates.
- Add new piping and wiring in the existing routing path from the control building to the new gates.

- Add additional inclinometers to the new gates to allow independent control of all gates.
- Add two gate control zones to the existing Obermeyer controls gates including new valving, piping and PLC programming.
- Dewatering of the drop structure to allow for construction.

In addition to the structural modifications of the spillway, a 5-feet-deep plunge pool will be excavated downstream of the new 10-feet-wide gates to provide better hydraulic conditions for rafters or tubers that may pass over the modified spillway gate section.

2.2 Waveshaper Modifications

Waveshaper modifications will be focused on downstream control and making the waveshaper less sensitive to changes in the overall river flowrate.

Through an alternatives analysis process, McMillen proposes constructing an adjustable “flip-lip” type feature on a new concrete slab downstream of the waveshaper gate for fine tuning of the tailwater. This feature would be adjustable from the riverbank without dewatering. This structure would consist of a new fully submerged Obermeyer gate downstream of the existing waveshaper structure. In the raised position, the gate would provide additional tailwater depth within the waveshaper feature to improve the operational range. During high river flows, the gate will be lowered to maximize the hydraulic capacity of the main river channel. The new gate would be 4 feet high when fully raised and 40 feet wide. The crest of the new Obermeyer gate when fully raised would be approximately 20 feet downstream of the end of the existing concrete waveshaper slab. Additional details related to the design of the new Obermeyer structure are provided under separate cover in the detailed design drawings.

3.0 Summary of Hydraulic Analyses

3.1 Spillway Gate Empirical Analysis

To assess the changes to the spillway hydraulics following the modification of the two central 20-feet-wide gates into four 10-feet-wide gates, McMillen performed an empirical analysis using a traditional weir equation. A critical assumption included in this analysis is the weir discharge coefficient. The weir coefficient selected for this analysis was based on a relationship of depth over the gate and discharge rate developed for the waveshaper gate. This relationship was estimated based on measurements manually collected at the site in 2019. The developed weir coefficients generally vary between 3.2 and 3.5 for the flow rates and depths evaluated. It is assumed that weir coefficient relationship developed for the waveshaper gate would be similar to that of the spillway gates. The rating curves developed for a 10 foot gate and 20 foot gate are shown in Figure 2.

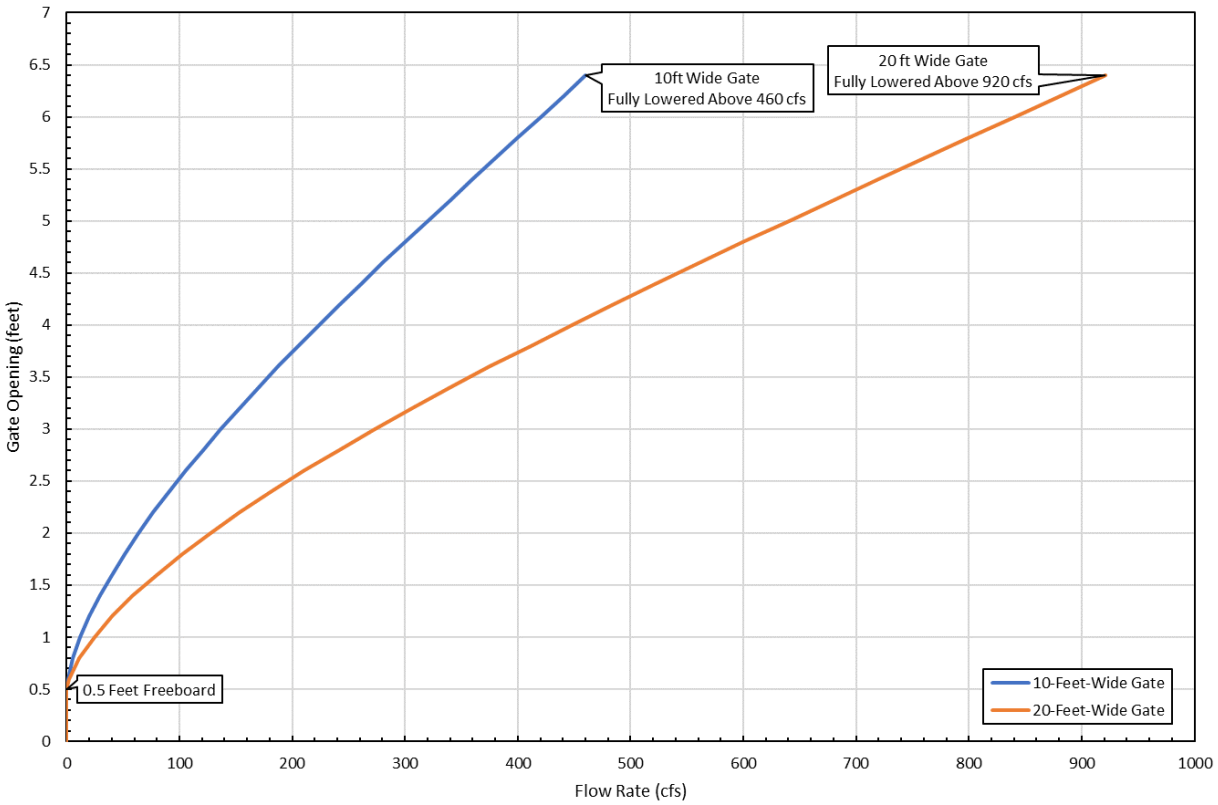

Figure 2 – Comparison of Rating Curves for Singular 10-feet-wide vs 20-feet-wide Gate

As can be seen in this figure, the capacity of a singular 10-feet-wide gate is half that of a 20-feet-wide gate. This leads to a capacity of approximately 460 cfs when a 10-feet-wide gate is fully opened as compared to 920 cfs for a 20-feet-wide gate. Based on these developed rating curves, a full operational curve for all of the spillway gates can be estimated as shown in Figure 3.

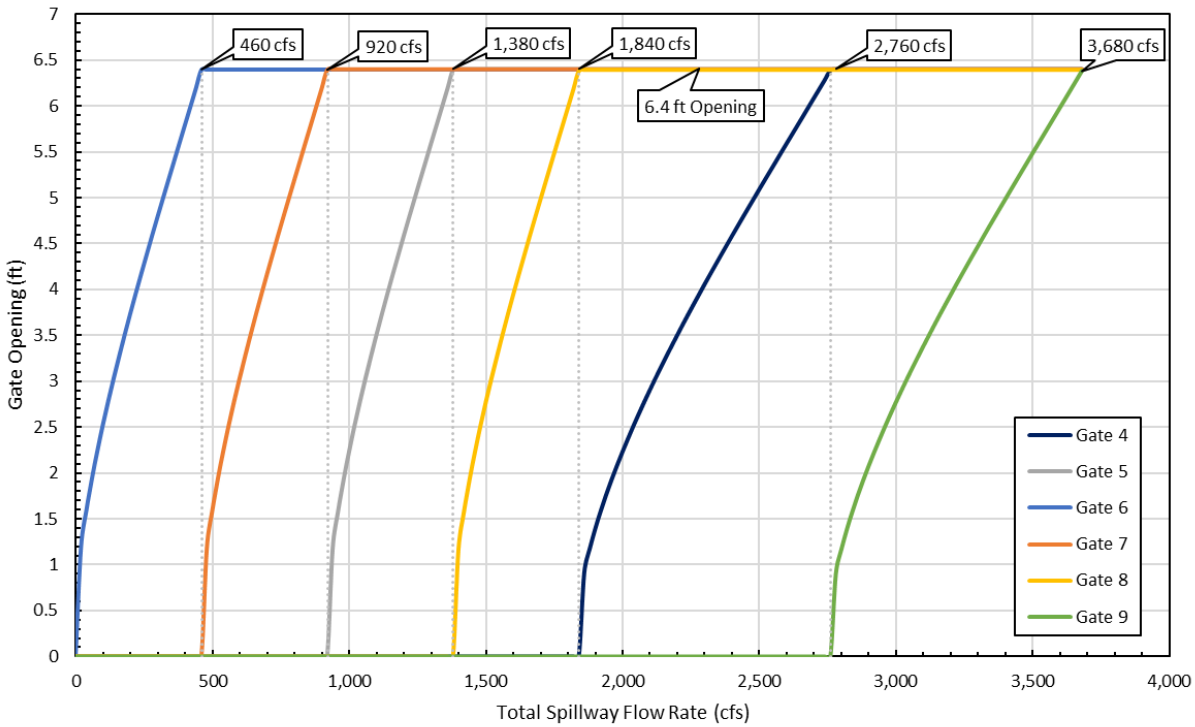

Figure 3 – Overall Spillway Operational Rating Curve

It can be seen in this figure that the modification of two of the 20-feet-wide gates into 10-feet-wide gates provides significantly more operational flexibility.

3.2 Hydraulic Model Setup

To further assess the hydraulics of the drop structure and the proposed modifications, McMillen used computational fluid dynamics (CFD) modeling. The use of a CFD model was instrumental in assessing the hydraulics of the structure due to the dynamic wave hydraulics and complex gate structures. CFD simulations were performed using FLOW3D software (version 22.2.0.17). The CFD model was developed to include a portion of the river upstream of the drop structure, the sluice, waveshaper, tuber gate, spillway, non-overflow sections, and a portion of the river downstream past drop structure 3. The model geometry at drop structure 1 for existing conditions is shown in Figure 4.

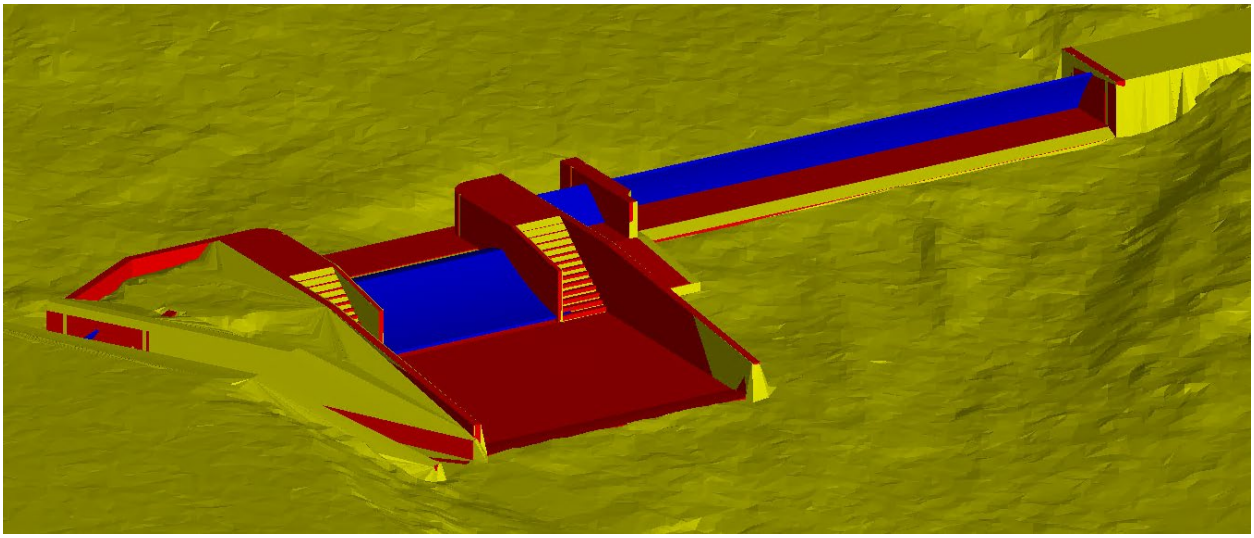

Figure 4 – CFD Model Geometry

Some additional modifications were made to the geometry to remove irregularities from the surveyed surface that did not appropriately represent the as-built conditions of the riverbed. The model domain extended from approximately 60 feet upstream of drop structure 1 to approximately 50 feet downstream of drop structure 3. These extents were selected to place the boundary conditions far enough away from drop structure 1 to not influence the results while also trying to maintain a small and computationally efficient model domain. The model domain was developed using mesh spacings from 0.25 to 1 foot. The smaller mesh spacings were used near the drop structure features to better capture the shallow flow depths as water passes over the gates. The model geometries and mesh were used to develop the mesh-generated Fractional Area Volume Obstacle Representation (FAVOR) geometry in the CFD model. The FAVOR method is used by FLOW3D to represent geometry by smoothly blocking out fractional portions of the grid cells filled with the solid geometry. A comparison of the original CAD geometry and the FAVOR generated geometry at the left side of the spillway approach is shown in Figure 5.

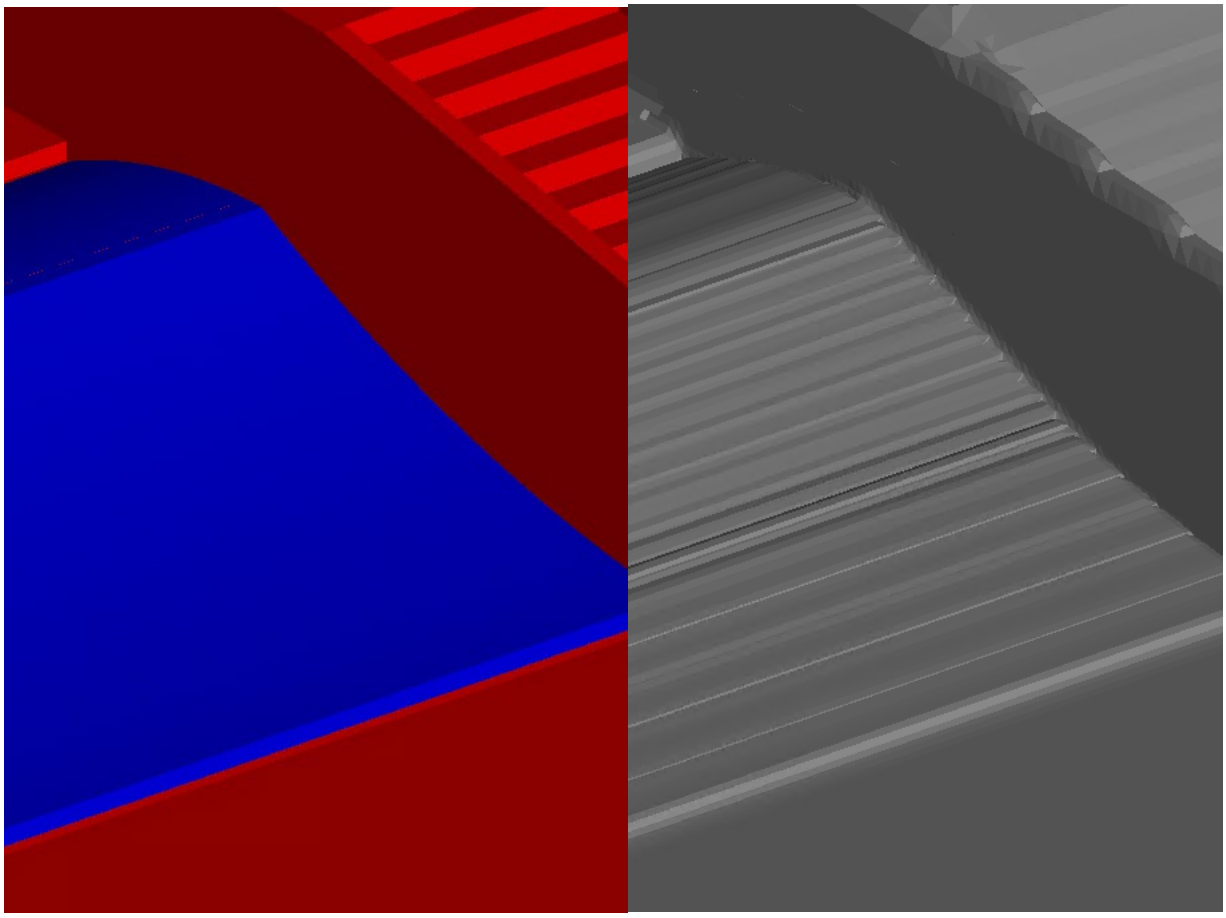

Figure 5 – Comparison of CAD and FAVOR Geometries

Within the FLOW3D model, parameters were selected to appropriately model the proposed waveshaper conditions. The FLOW3D model offers six different options for modeling turbulence. For this study, the k-ε Renormalization Group (RNG) model was used. Flow Science (the developers of FLOW3D) explains that this model is "known to describe low intensity turbulence flows and flows having strong shear regions more accurately". Additionally, the Immersed Boundary Method (IBM) option was selected. This option is beneficial for evaluating force predictions near walls. Downstream of the proposed Obermeyer structure the shallow water modeling option within FLOW3d was used. This allows the model domain to expand significantly but utilizes simplified depth-averaged calculations to improve computation efficiency where high resolution results are non-critical. The CFD model utilizes a variable timestep that is dynamically computed based on convergence criteria set within the program. This allows the timestep to vary depending on the flow regime within the model domain allowing for a stable run without sacrificing runtime.

At the downstream boundary condition a tailwater rating curve was used. This curve was based on measurements taken in 2019 downstream of drop structure 3. The measurements extended up to a flowrate of 6,560 cfs, above which the curve was linearly extrapolated. At smaller river flowrate of less than about 1,800 cfs the tailwater rating curve was modified to account for diversions through the FUDC bypass. At large flow rates there are significant impacts from

submergence at each drop structure and backwatering through the full river reach. The tailwater rating curve used for these analyses is shown in Figure 6.

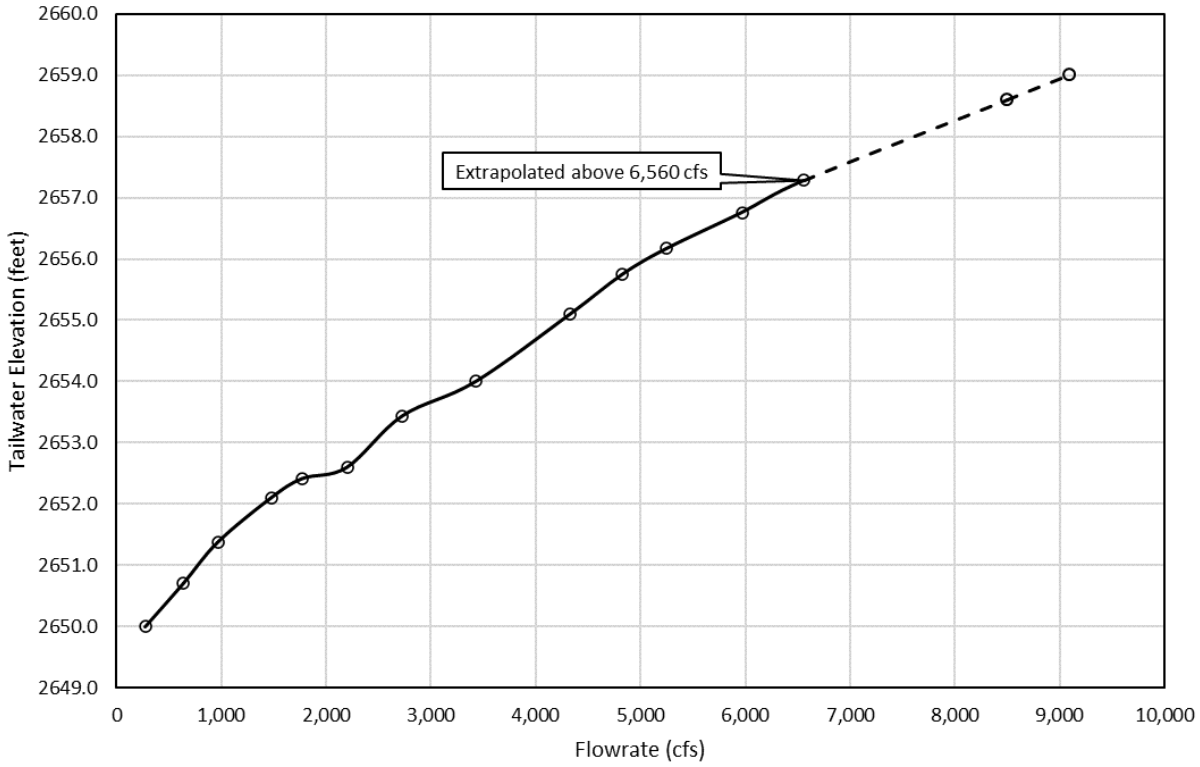

Figure 6 – Tailwater Rating Curve

3.3 Hydraulic Model Results

3.3.1 Waveshaper Gate

Within the FLOW3D model multiple hydraulic scenarios were prepared to evaluate the existing and proposed hydraulics of drop structure 1. These scenarios are summarized in Table 1.

Table 1 – Model Scenario Summary

Scenario No.	Configuration	Drop Structure Flow Rate[1] and Open Gates	Objectives
1	Existing Conditions	500 cfs @ Waveshaper	• Confirm undesirable hydraulics at low flow rates • Establish baseline for comparison to proposed conditions
2	Existing Conditions	1,400 cfs @ Spillway and Waveshaper	• Establish baseline for comparison to proposed conditions at an intermediate flow rate
3	Existing Conditions	8,000 cfs @ All Gates, Bankfull	• Establish baseline for comparison to proposed conditions at a high flow rate
4	Proposed Conditions	500 cfs @ Waveshaper	• Evaluate wave hydraulics at low end of operational range • Confirm improved hydraulic jump conditions
5	Proposed Conditions	1,400 cfs @ Spillway and Waveshaper	• Evaluate operations of new Obermeyer gate at an intermediate flow rate
6	Proposed Conditions	830 cfs @ Waveshaper	• Evaluate wave hydraulics at upper end of operational range
7	Proposed Conditions	7,950 cfs @ All Gates, Bankfull	• Evaluate impacts on overall river water surface and flow regime at a high flow rate

1. Flow rates indicated are over drop structure 1 and do not account for potential diversions through the FUDC bypass or additional flows from Esther Simplot Park which includes Sand Creek.

Except for scenarios 3 and 7, all scenarios were performed with the forebay at El. 2657.0 which has previously been established as beyond the upper bound of the original waveshaper design[1]. Within these scenarios, gate openings were modified to match the targeted flowrates. For scenarios 3 and 7, the forebay elevation model boundary condition was held at the bankfull

[1] Previous design iterations by McLaughlin Whitewater included flows down to 300 cfs with a forebay of EL 2657.0 which is a challenging set of criteria for a wide gate for which the original waveshaper gate was not designed for. Per TM006 paragraph 2.3.2 the waveshaper design is designed for 700-1200cfs. In practice the actual usable range with modification will likely allow for 500-1200 cfs over the waveshaper with a higher than original forebay of EL. 2657.0.

capacity (Approximately El. 2660.0) with all gates fully lowered and the resulting river flow rates were measured.

3.3.1.1 Scenario 1 – Existing Conditions 500 cfs at Waveshaper

Through discussions with the City, it was established that the waveshaper does not produce desirable hydraulic conditions at low flows. This was exhibited by the CFD model which showed similarly unstable wave operations at low flows. The depth-averaged velocity regime for this scenario is shown in Figure 7.

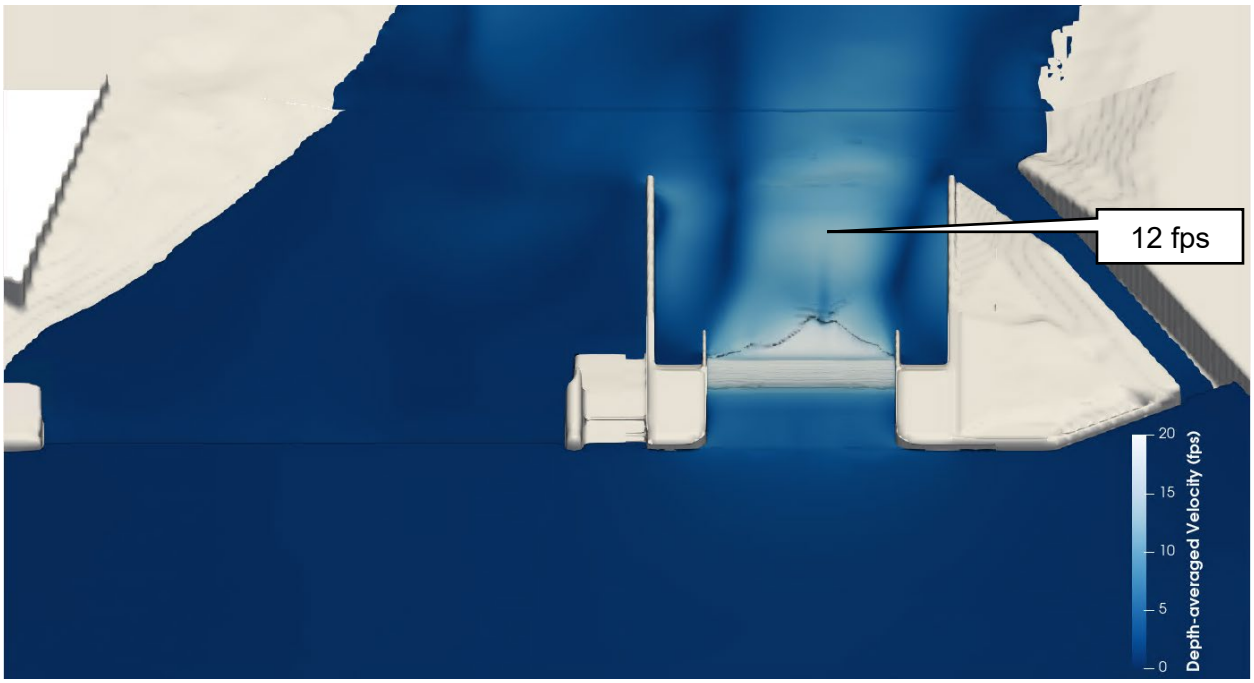

Figure 7 – Depth Averaged Velocities for Scenario 1 (Existing Conditions, 500 cfs)

As can be seen in this figure, a hydraulic jump is not well formed over the toe of the waveshaper gate. This agrees with general observations at the structure. Further, it can be seen that the majority of flows pass uniformly downstream towards drop structure 2 after exiting the waveshaper structure. This is expected as the existing conditions generally have no obstructions in the channel immediately downstream of the waveshaper.

3.3.1.2 Scenario 2 – Existing Conditions 1,400 cfs at Waveshaper and Spillway

Under existing operations for drop structure 1, flows beyond the capacity of the waveshaper gate are passed through the spillway gates starting from the right (looking downstream, gate 4). McMillen evaluated a scenario where flows are passed through both the waveshaper gate and spillway. In this Scenario The crest of Gate 4 was lowered to El. 2651.85. which is approximately 5.15 feet below the forebay elevation which resulted in a flow rate of approximately 750 cfs through the spillway. Additionally, the waveshaper gate crest was lowered to El. 2653.2. The hydraulic capacity estimated by the CFD model for both the waveshaper and existing spillway gates is consistent with analyses performed during the initial

drop structure design. An isometric of the depth-averaged velocities for Scenario 2 is presented in Figure 8.

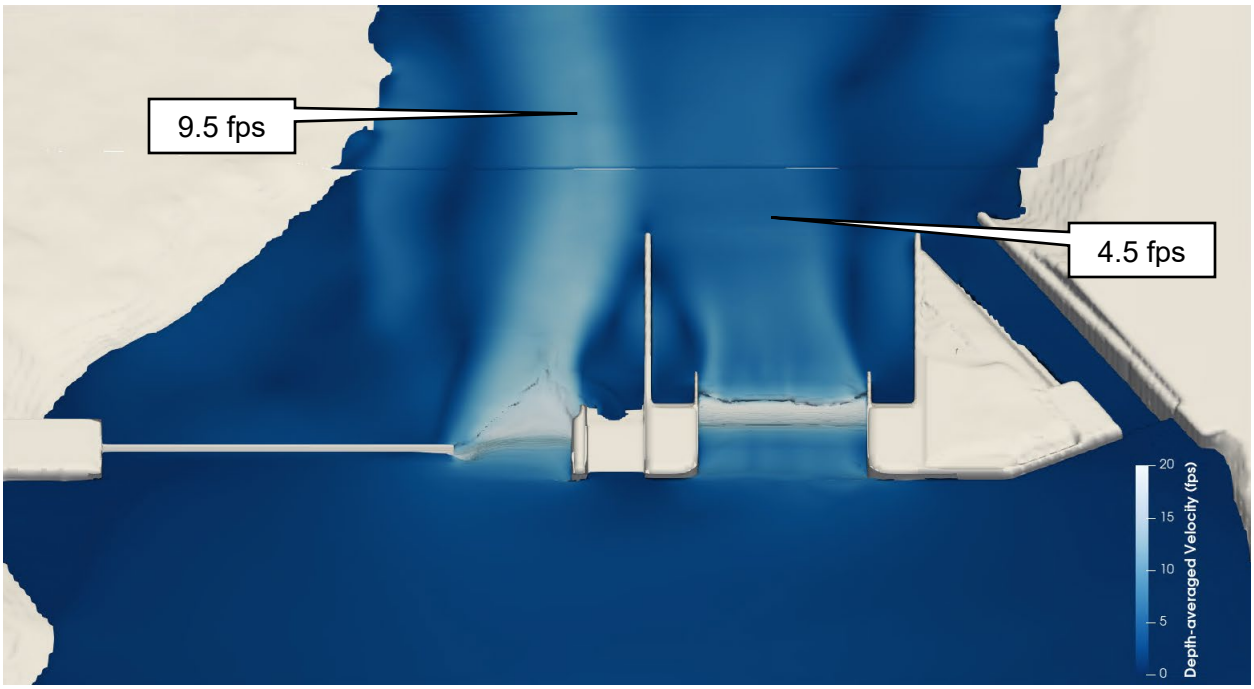

Figure 8 – Depth Averaged Velocities for Scenario 2 (Existing Conditions, 1,400 cfs)

As can be seen in this figure, the velocities downstream of Gate 4 are higher than at the waveshaper as a similar amount of flow to the waveshaper is passed through a narrower gate opening (20 ft vs 30 ft). At the waveshaper, a jump does form but exhibits some instability at the edges near the training walls.

3.3.1.3 Scenario 3 – Existing Conditions Bankfull Capacity

In the bankfull capacity scenario, all gates are fully lowered to pass their maximum capacity. Under existing conditions this bankfull capacity is estimated to be approximately 8,000 cfs. This capacity is significantly impacted by backwatering from the downstream structures and riverine hydraulics. This flowrate represents approximately 48% of the 100-year discharge (16,600 cfs). An isometric of the depth averaged velocities at drop structure 1 under a bankfull flow scenario is presented in Figure 9.

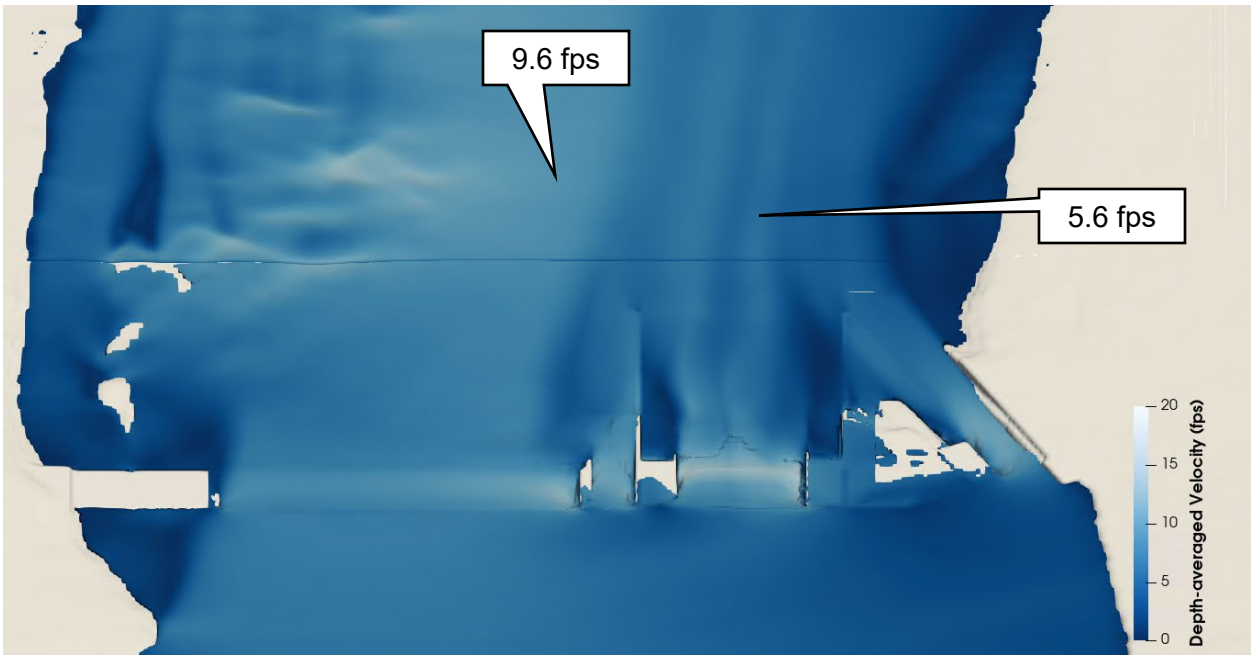

Figure 9 – Depth Averaged Velocities for Scenario 3 (Existing Conditions, Bankfull Capacity)

As can be seen in this figure there is significant overtopping of the portions of the drop structure between gates 1 and 2 (sluice and waveshaper). Velocities at the left side of the river downstream of the spillway are slightly higher than those at the right. This is similar to scenario 2 where more significant flows are passed through the spillway than the other gates. A submerged jump develops at the waveshaper gate but is well beyond the surfable range the structure is designed for.

This scenario was also developed to evaluate water surface elevations downstream of drop structure 1. A plan view of the water surface elevations in the reach between drop structure 1 and 2 is shown in Figure 10.

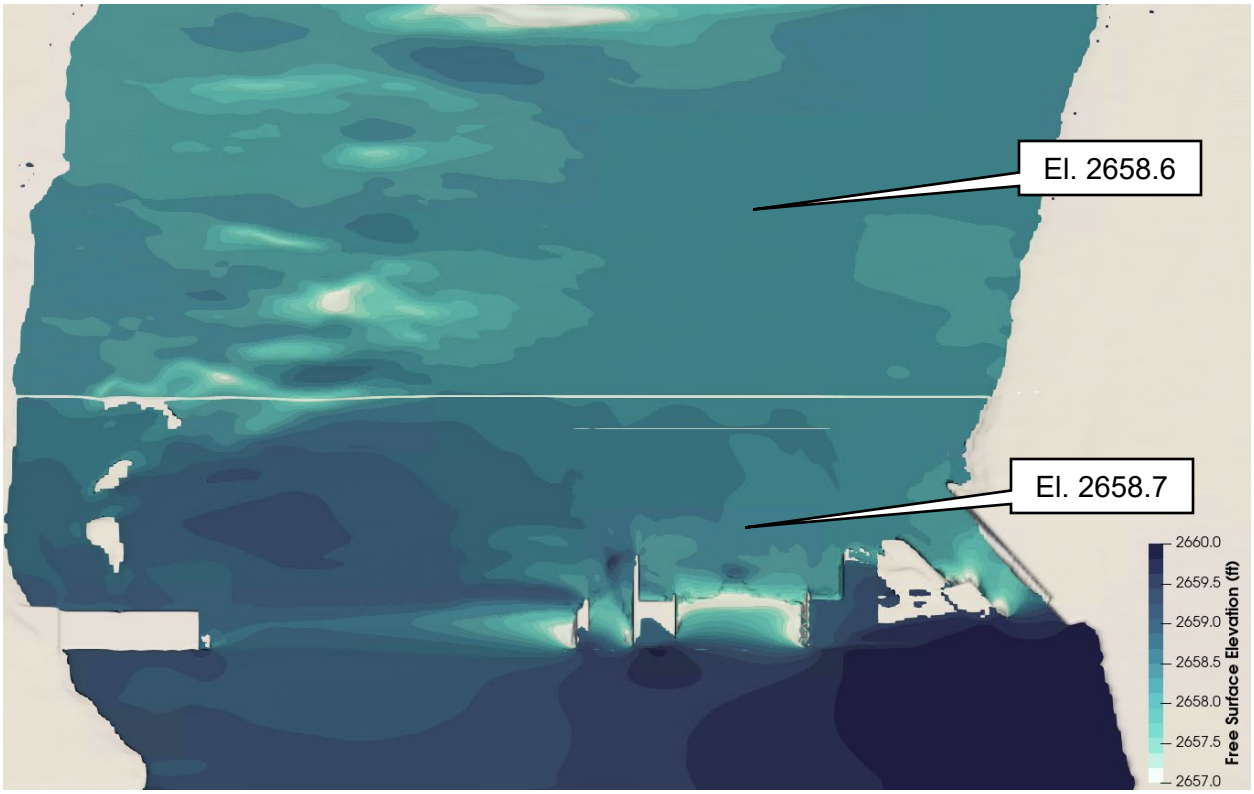

Figure 10 – Water Surface Elevations for Scenario 3 (Existing Conditions, Bankfull Capacity)

As can be seen in this figure the water surface elevations in this area are variable but within the main channel generally range from approximately El. 2658.7 to El. 2658.6. Some instability in the water surface elevations occurs at the left bank where flows would overtop the small island and enter the relatively undeveloped side channel.

3.3.1.4 Scenario 4 – Proposed Conditions 500 cfs at Waveshaper

Under proposed conditions at drop structure 1 the new Obermeyer gate downstream of the waveshaper would be fully raised during low flow conditions of 500 cfs represented by Scenario 4. An isometric of the depth-averaged velocities at the waveshaper gate and new Obermeyer is shown in Figure 11.

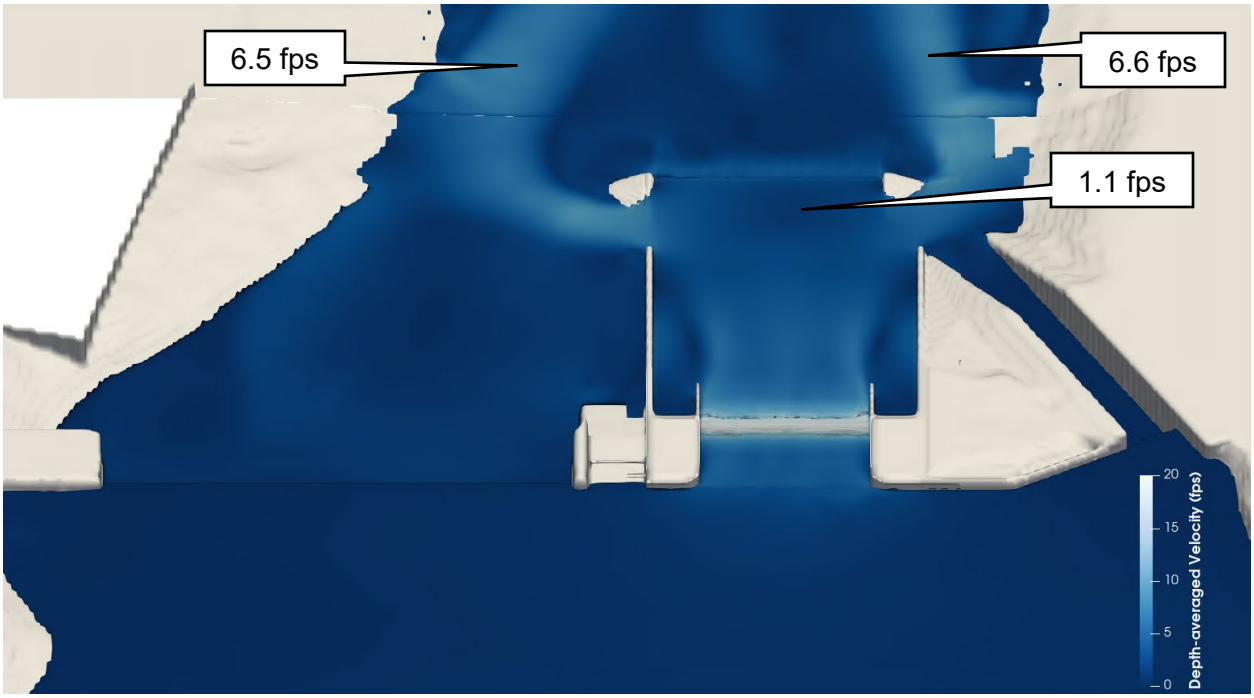

Figure 11 – Depth Averaged Velocities for Scenario 4 (Proposed Conditions, 500 cfs)

As can be seen in this figure, the CFD model indicates that the new Obermeyer is effective at producing a stable tailwater and hydraulic jump on the waveshaper gate. Velocities approaching the raised gate are approximately 1 fps and flow depths decrease to less than 6 inches over the crest of the new Obermeyer gate. The majority of flows are passed laterally towards the left and right banks around the Obermeyer structure. This can be seen in Figure 12 which shows the same depth-averaged velocities with flowpath streamlines overlaid.

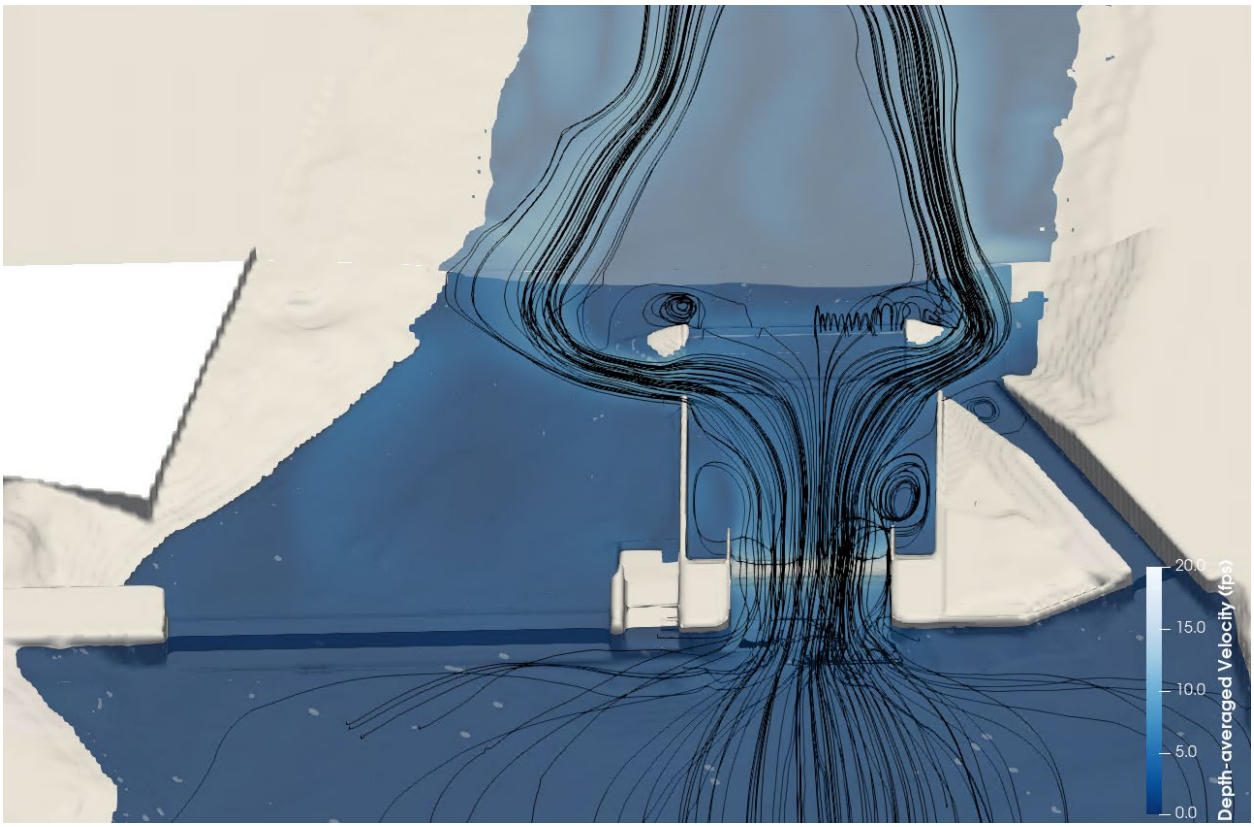

Figure 12 – Flowpath Streamlines for Scenario 4 (Proposed Conditions, 500 cfs)

The results shown in this figure also indicate that a small roller would form downstream of the new Obermeyer gate. However, this does not significantly draw from the flows that pass around the ends of the structure which represent the majority of the flows passing downstream. Detailed isometric views of the depth-averaged velocities and depths near the proposed Obermeyer structure are shown in Figure 13.

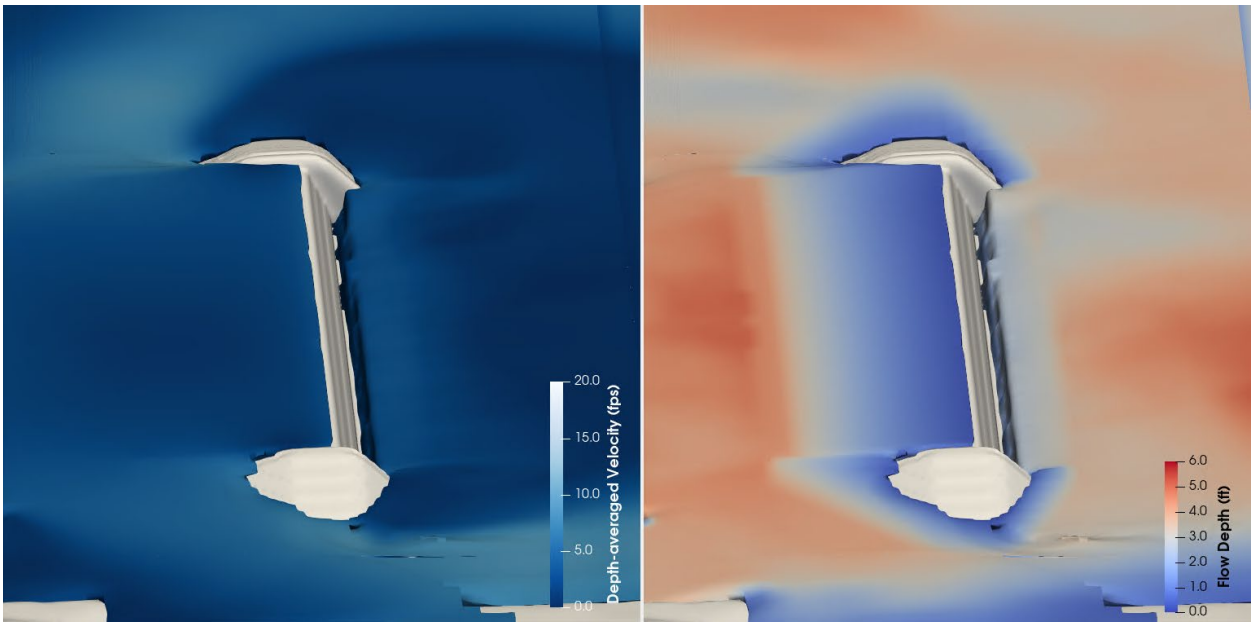

Figure 13 – Isometric Views of Proposed Obermeyer Structure (500 cfs)

Additional mesh resolution could be added to increase the quality of the results near the downstream face of the Obermeyer structure. This modeling may be performed in subsequent design phases as the Obermeyer structural geometry is refined by the manufacturer.

3.3.1.5 Scenario 5 – Proposed Conditions 1,400 cfs at Waveshaper and Spillway

McMillen evaluated a scenario where flows are passed through both the waveshaper gate and spillway. In this Scenario the new spillway gate numbers 6 and 7 could be lowered to pass approximately 750 cfs downstream. Similarly to Scenario 2, the waveshaper gate crest would be lowered to El. 2653.2 to pass approximately 650 cfs. The new Obermeyer gate was assumed to be in a fully raised position for this model scenario. An isometric view of the depth-averaged velocities at drop structure 1 for this scenario is shown in Figure 14.

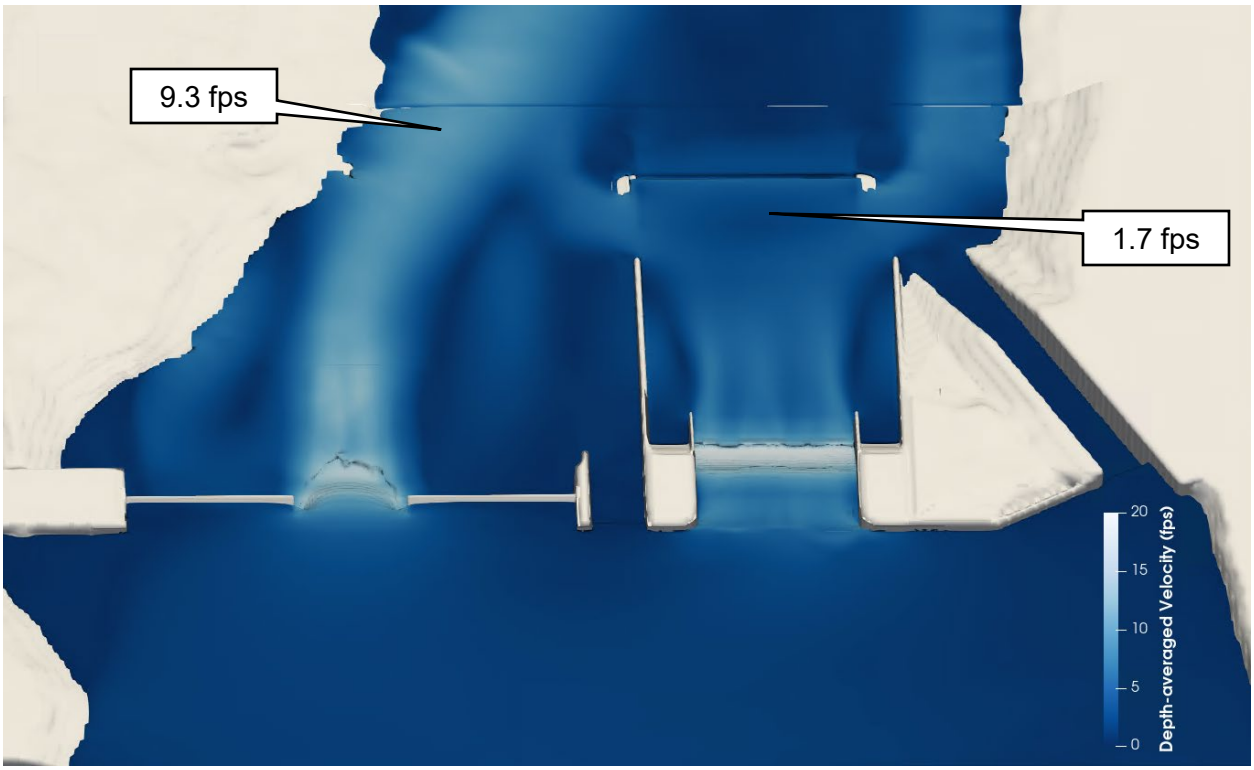

Figure 14 – Depth Averaged Velocities for Scenario 5 (Proposed Conditions, 1,400 cfs)

As can be seen in this figure, the flow regimes downstream of drop structure 1 are relatively similar to that of Scenario 2. The most significant difference is that the spillway flows are shifted from the right end of the spillway structure to be more centrally located within the spillway. This leads to a reduction in mixing between flows from the waveshaper and the spillway portions. However, flows passing the new Obermeyer are still directed laterally around the new structure towards the left and right banks. A well developed jump forms at the waveshaper under these flow conditions. Velocities approaching the Obermeyer are approximately 1.7 fps, which is slightly higher than those of Scenario 4. A similar flowpath streamline analysis was developed for this scenario and is shown in Figure 15.

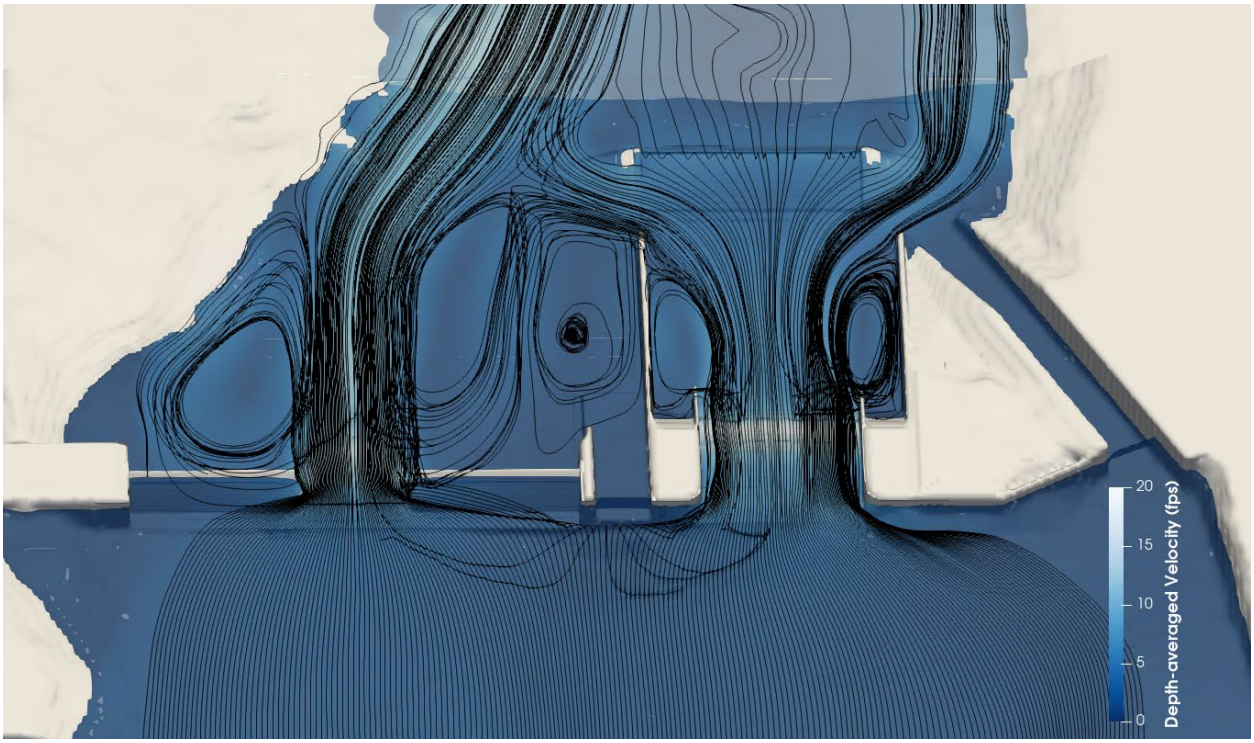

Figure 15 – Flowpath Streamlines for Scenario 5 (Proposed Conditions, 1,400 cfs)

Similar to the streamlines shown in Figure 12 for Scenario 4, a small roller forms downstream of the new Obermeyer gate. However, this is largely limited to flows passing directly over the new gate structure. These flows passing over the new gate represent a larger portion of the flows than in Scenario 4, however, they are still considerably less than the flows which pass around the structure abutments. To further evaluate the ability of the new Obermeyer gate to regulate tailwater elevations downstream of the waveshaper gate a cross section through the flow in this area is shown in Figure 16.

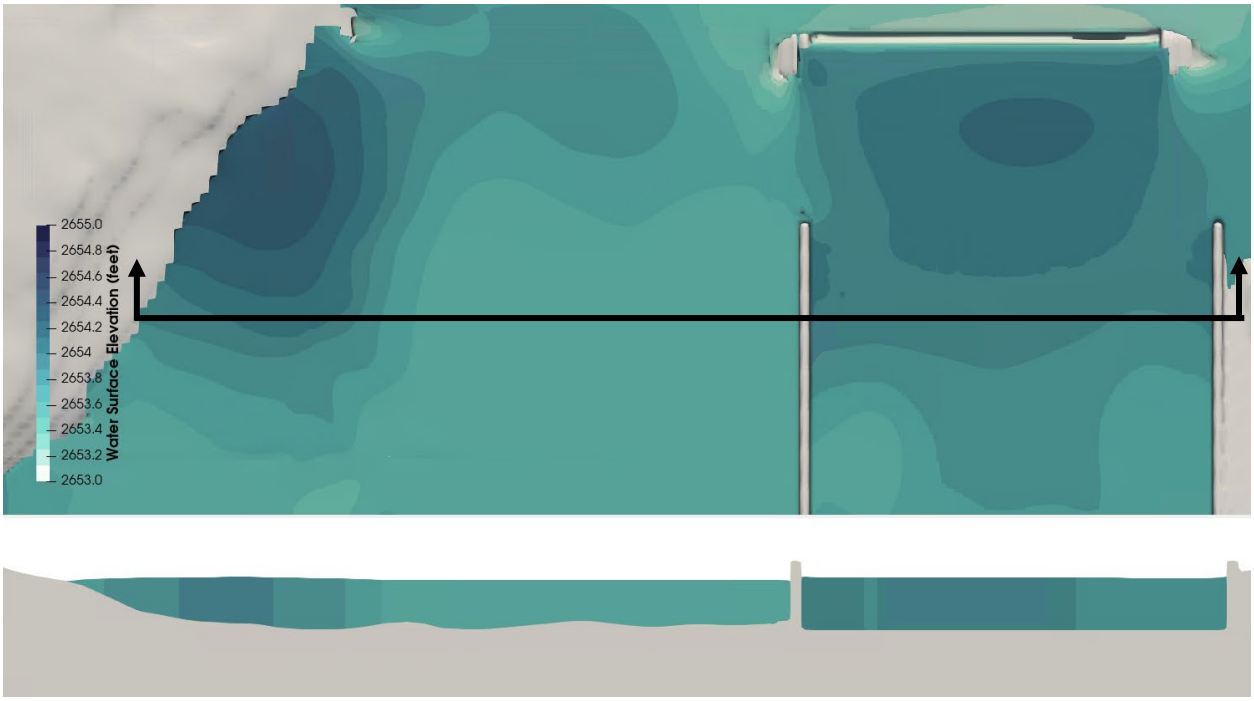

Figure 16 – Cross Section of Results of Scenario 5 (Proposed Conditions, 1,400 cfs)

As can be seen in this figure the new Obermeyer gate increases the tailwater elevation downstream of the waveshaper gate by approximately 0.5 feet when compared to the tailwater elevations downstream of the spillway. Additional increases in the tailwater elevation differential are observed when comparing points directly in front of the new Obermeyer to points downstream of the spillway gates.

3.3.1.6 Scenario 6 – Proposed Conditions 830 cfs at Waveshaper

McMillen evaluated a scenario where the waveshaper gate crest is fully lowered (El. 2652.1) and flows are passed through only the waveshaper gate. The resulting flow rate in this scenario is approximately 830 cfs. With the waveshaper gate fully lowered the crest loses some discharge efficiency and begins to act more as a broad crested weir than sharp crested. The resulting back-calculated weir coefficient for the fully lowered waveshaper gate is approximately 2.6. This significantly reduced discharge coefficient is typical of shallow flow over weirs that are relatively long in the direction of flow. The new Obermeyer gate downstream of the waveshaper was assumed to be in a fully raised position for this model scenario. An isometric view of the depth-averaged velocities at drop structure 1 for this scenario is shown in Figure 17.

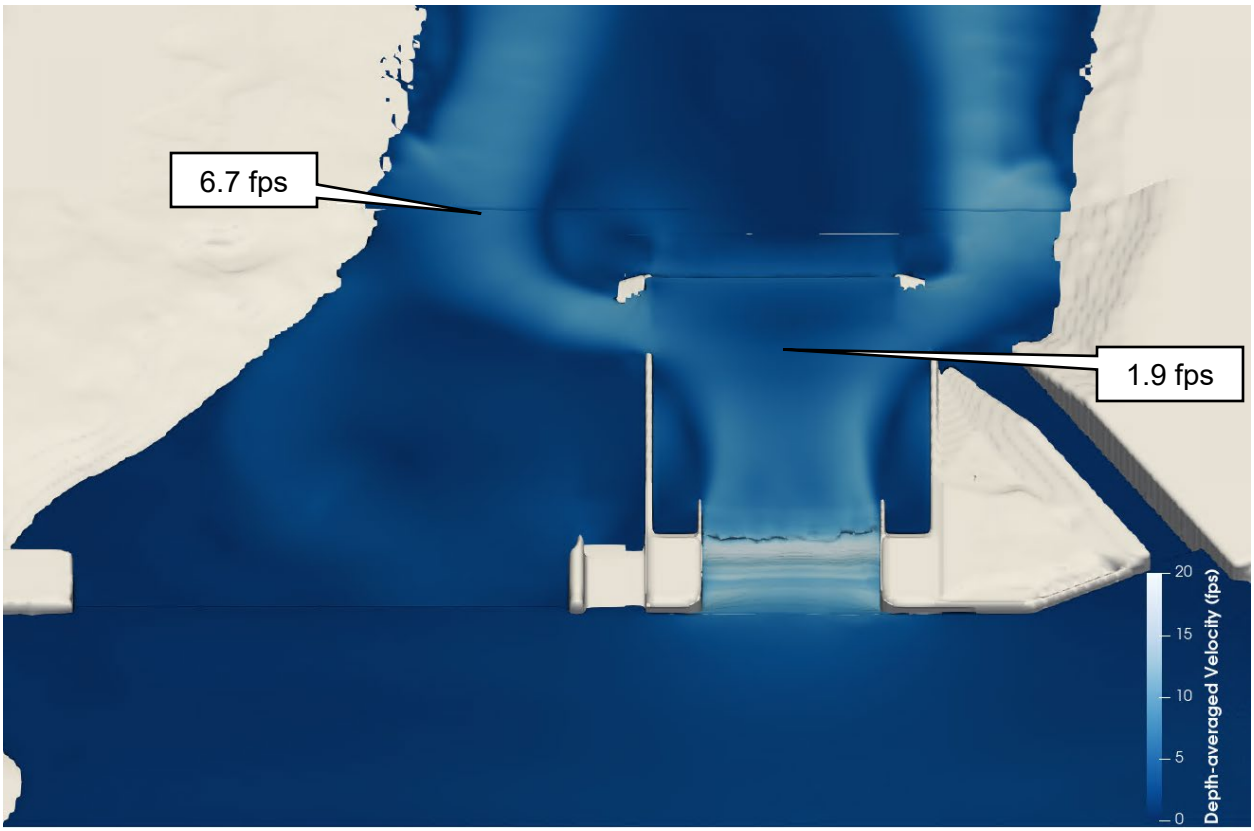

Figure 17 – Depth Averaged Velocities for Scenario 6 (Proposed Conditions, 830 cfs)

As can be seen in this figure, the flow regimes downstream of drop structure 1 are relatively similar to that of Scenario 4. As anticipated, based on the larger flow rate, the depth-averaged velocities are slightly higher through the downstream reach. Velocities approaching the Obermeyer are approximately 1.9 fps, which is slightly higher than those of Scenario 4. A similar flowpath streamline analysis was developed for this scenario and is shown in Figure 18.

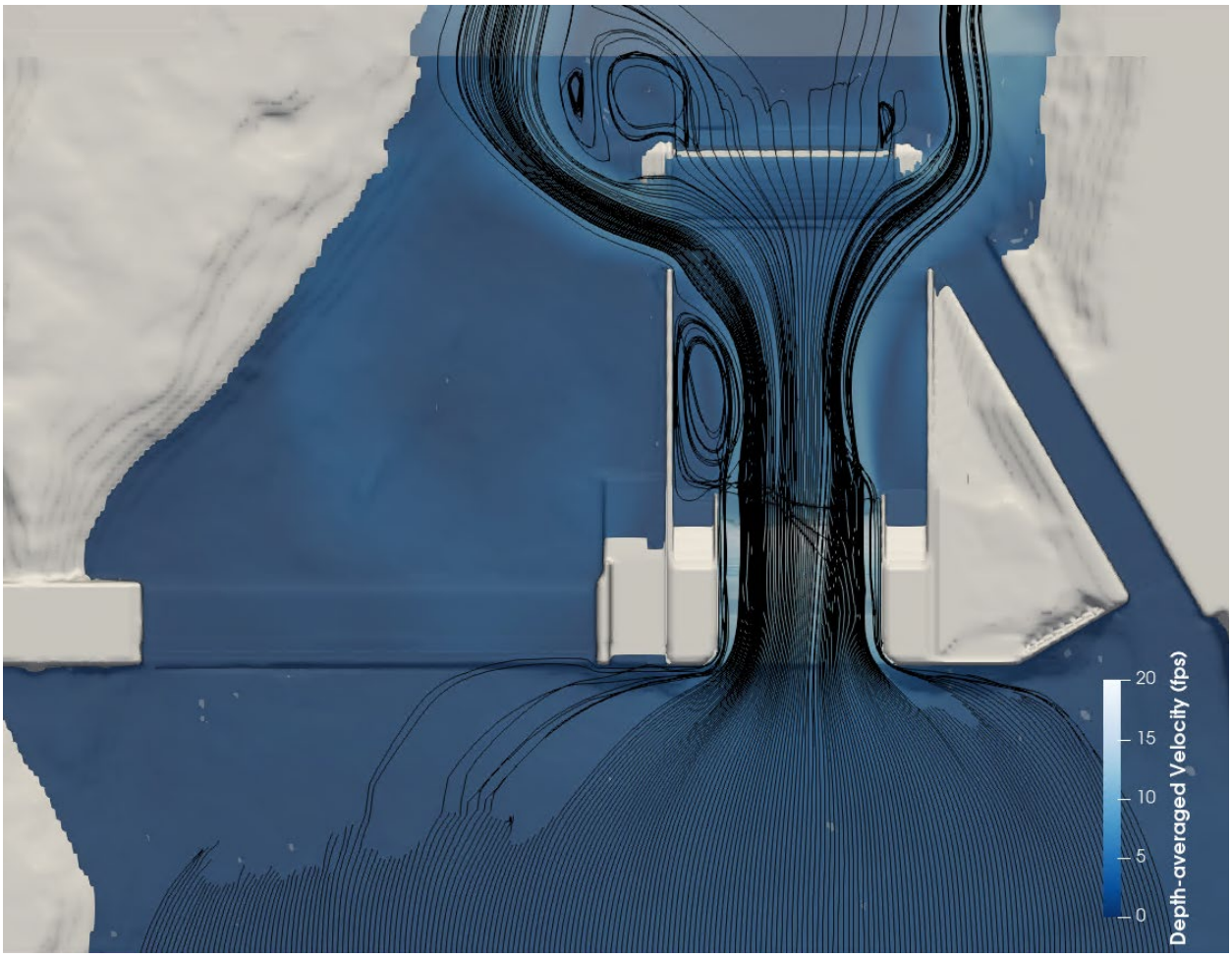

Figure 18 – Flowpath Streamlines for Scenario 6 (Proposed Conditions, 830 cfs)

Similar to the streamlines shown in Figure 12 for Scenario 4, a small roller forms downstream of the new Obermeyer gate and a majority of flow passing over the waveshaper is diverted left of the new Obermeyer structure. To further evaluate the ability of the new Obermeyer gate to regulate tailwater elevations downstream of the waveshaper gate a cross section through the flow in this area is shown in Figure 19.

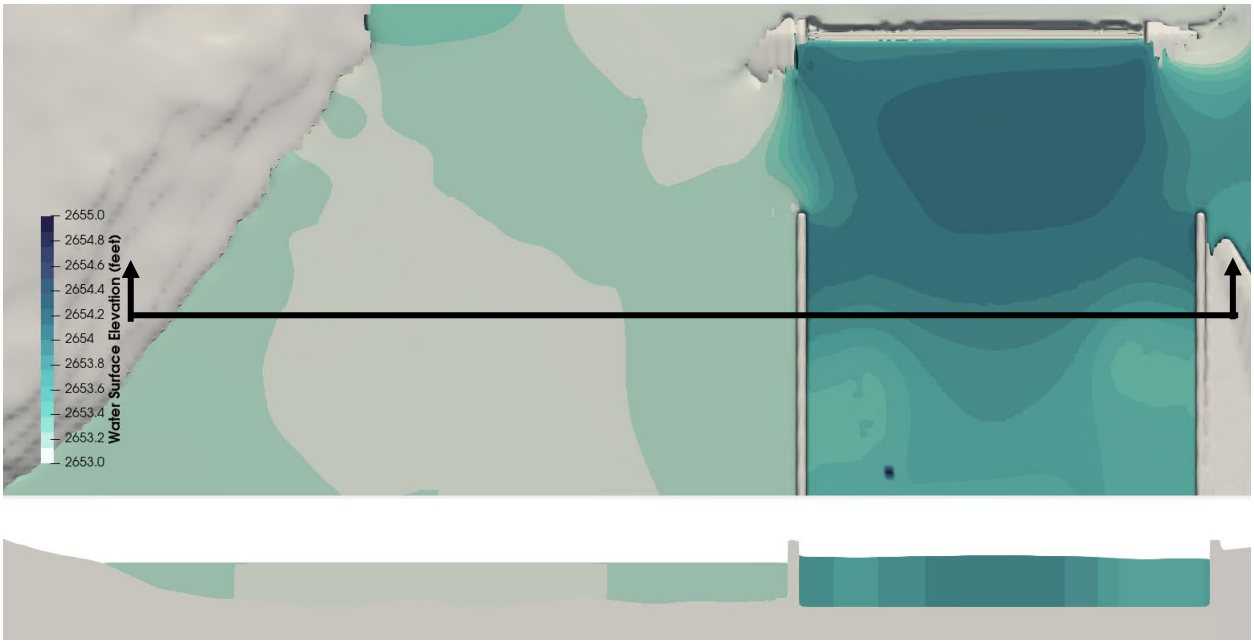

Figure 19 – Cross Section of Results of Scenario 6 (Proposed Conditions, 830 cfs)

As can be seen in this figure, the Obermeyer gate increases the tailwater elevation downstream of the waveshaper gate by approximately 1 foot when compared to the tailwater elevations downstream of the spillway. Additional increases in the tailwater elevation differential are observed when comparing points directly in front of the new Obermeyer to points downstream of the spillway gates.

3.3.1.7 Scenario 7 – Proposed Conditions Bankfull Capacity

In the bankfull capacity scenario, all gates are fully lowered to pass their maximum capacity in addition to the new Obermeyer proposed downstream. Under proposed conditions the bankfull capacity is estimated to be approximately 8,000 cfs which is equal to that of the existing conditions. An isometric of the depth-averaged velocities is shown in Figure 20.

Figure 20 – Depth Averaged Velocities for Scenario 7 (Proposed Conditions, Bankfull Capacity)

Similar to the existing conditions there is significant overtopping of the portions of drop structure 1 between gates 1 and 2 (sluice and waveshaper). In general, the estimated velocity regime for the proposed conditions is only slightly different in localized areas when compared to that of the existing conditions.

It is also important to evaluate the water surface elevations under this scenario to compare to the existing conditions to understand the implications of the new Obermeyer structure on the no-net-rise requirement. A plan view of the water surface elevations within the reach between drop structure 1 and drop structure 2 is shown in Figure 21.

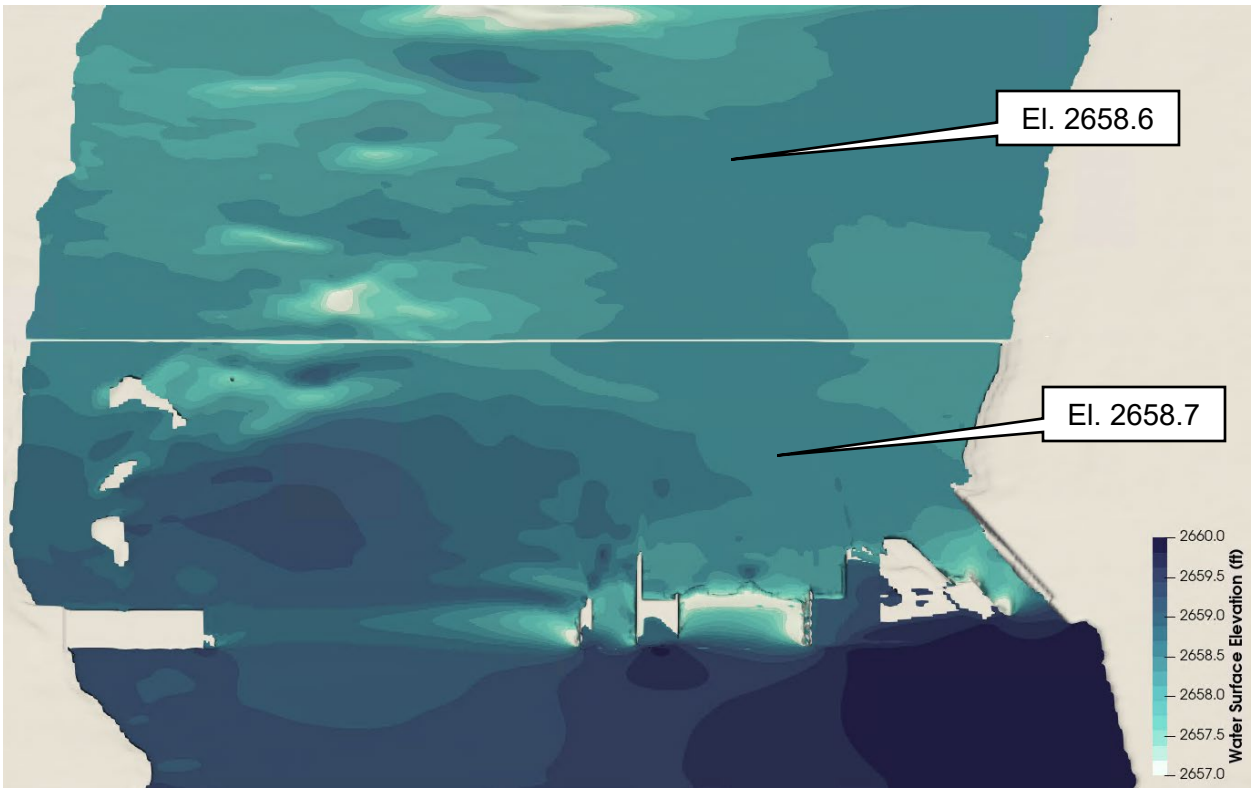

Figure 21 – Water Surface Elevations for Scenario 7 (Proposed Conditions, Bankfull Capacity)

As can be seen in this figure the water surface elevations in this area are variable but within the main channel generally range from approximately El. 2658.7 to El. 2658.6. Figure 22 shows a side-by-side comparison of the water surface elevations estimated for the existing conditions and proposed scenarios under bankfull conditions.

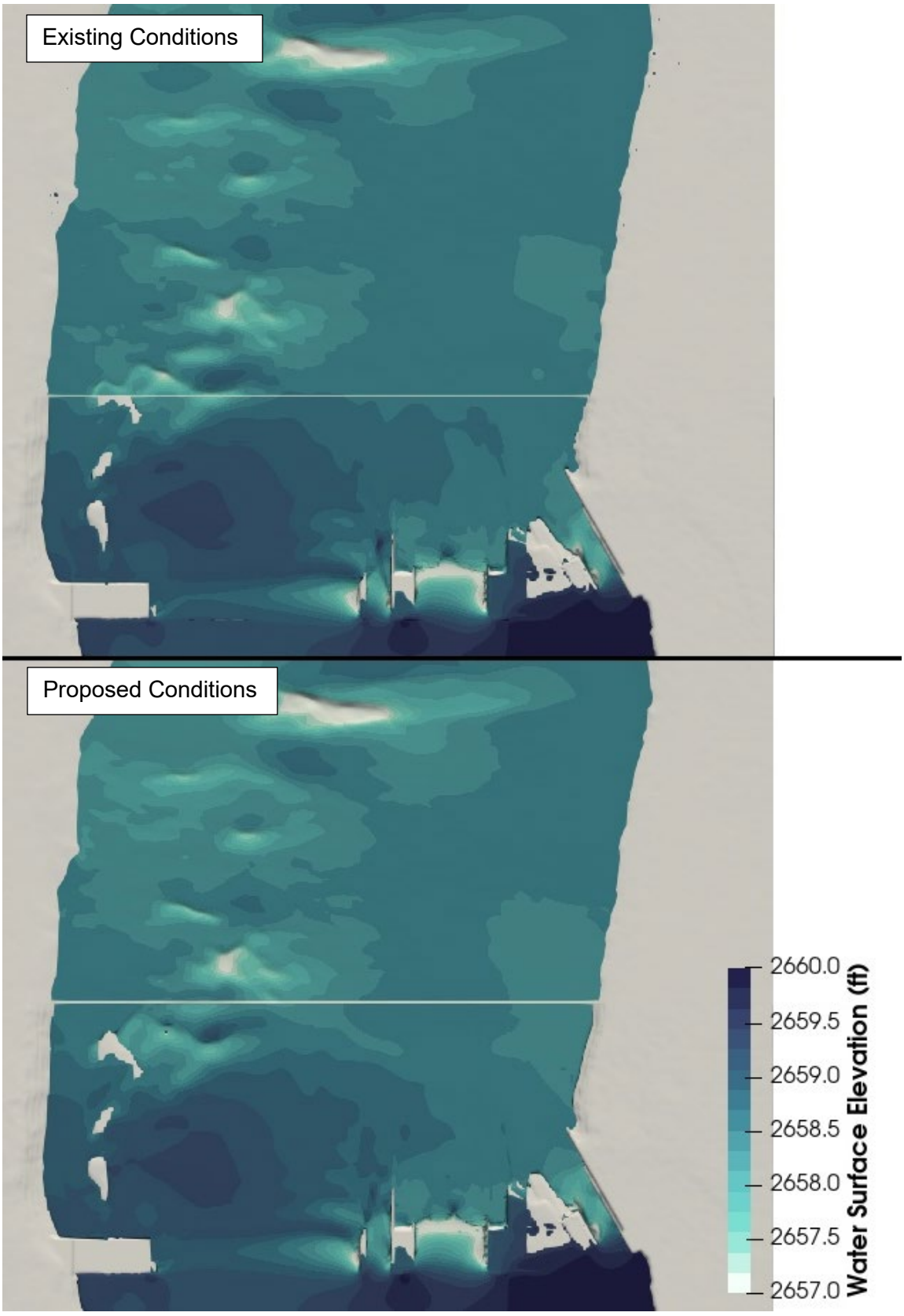

Figure 22 – Water Surface Elevations at Bankfull Capacity for Existing and Proposed Conditions

As can be seen in this figure, the water surface elevations downstream of drop structure 1 vary by less than 0.1 feet within the majority of the area of interest. Some slight variations are observed in localized areas which could be contributed to minor model instabilities which are inherent to the dynamic nature of CFD modeling.

3.3.2 Spillway Gates

The CFD model was also used to assess the hydraulic conditions of the modified spillway gates and new plunge pool. Two scenarios were specifically evaluated for the spillway gates: 1) New Gate 6 half lowered, and 2) Gate 6 fully lowered and Gates 5 and 7 half lowered. The results of these hydraulic analyses are discussed in the following sections.

3.3.2.1 Spillway Scenario 1 – Gate 6 Half Lowered

The first spillway scenario includes the crest of Gate 6 lowered to approximately El. 2654.3 which is equivalent to approximately half lowered. The results indicate that this gate would pass approximately 260 cfs in this configuration with the forebay at El. 2657.0. This is approximately 75 percent more than the empirically developed rating curve which indicates a discharge of approximately 150 cfs for this configuration. This can likely be attributed to the flows that pass over the left and right edges of the gate which are lower than the crest and are not accounted for in the empirical calculation. An isometric of the results of this scenario is shown in Figure 23.

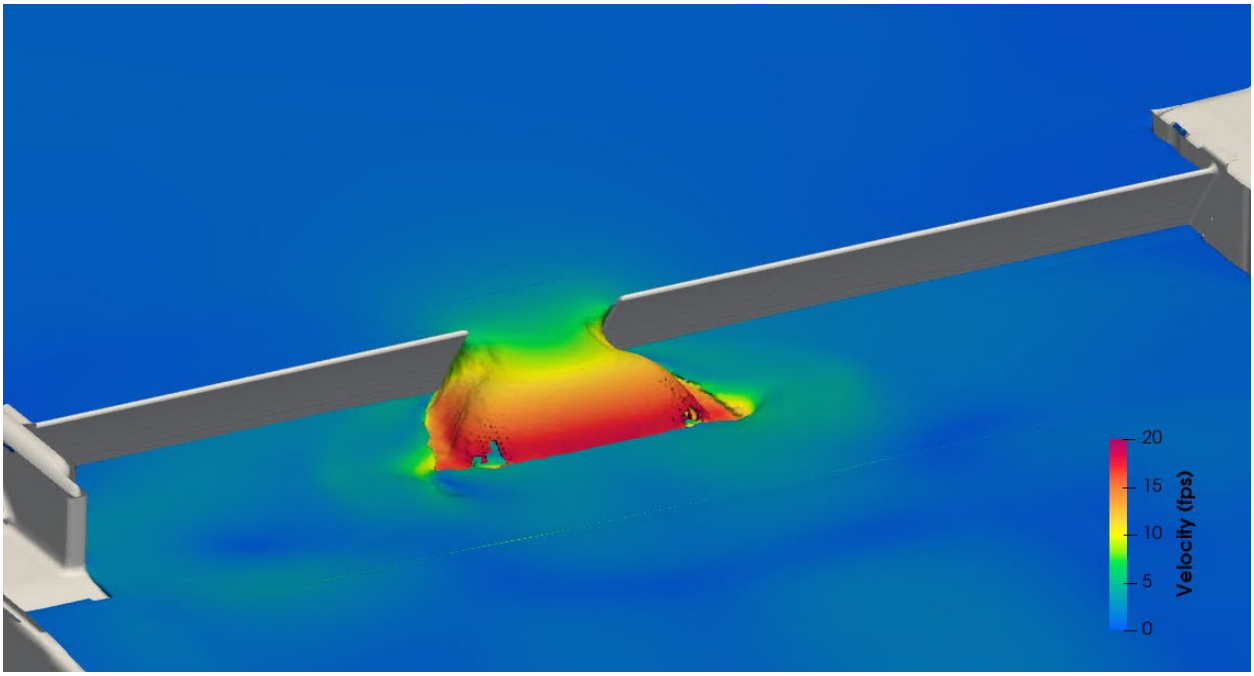

Figure 23 – Spillway Scenario 1 Isometric

As flows pass over the gate, the plunging nappe would impinge at the downstream end of the spillway slab into relatively shallow water. Velocities over the tip of the gate would reach approximately 18 fps. A cross section of the results is provided in Figure 24.

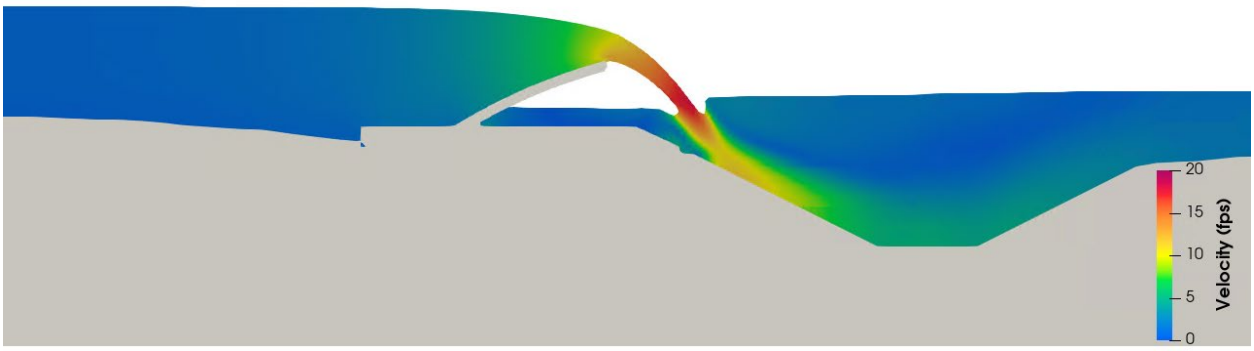

Figure 24 – Spillway Scenario 1 Cross Section

As can be seen in this figure, the velocities of the jet would be dissipated quickly but would generally be concentrated along the bottom of the plunge pool before rising to exit at the downstream end. Some slight backwards flow towards the gate would develop within the pool however velocities would be relatively low compared to the main flows directed downstream.

3.3.2.2 Spillway Scenario 2 – Gate 6 Fully and Gates 5 and 7 Half Lowered

The second spillway scenario includes Gate 5 fully lowered and the crest of Gates 6 and 7 lowered to approximately El. 2654.3 which is equivalent to approximately half lowered. The results indicate that the gates would pass a cumulative flow rate of approximately 870 cfs in this configuration with the forebay at El. 2657.0. Similarly to the first scenario, this is more than estimated by the empirical analysis which indicates a capacity of approximately 770 cfs for this gate operation. This is approximately a 13 percent difference. This is closer to the empirical analysis then spillway scenario 1 as the internal edges of each gate are significantly submerged by the neighboring gates. An isometric of the results of this scenario is shown in Figure 25.

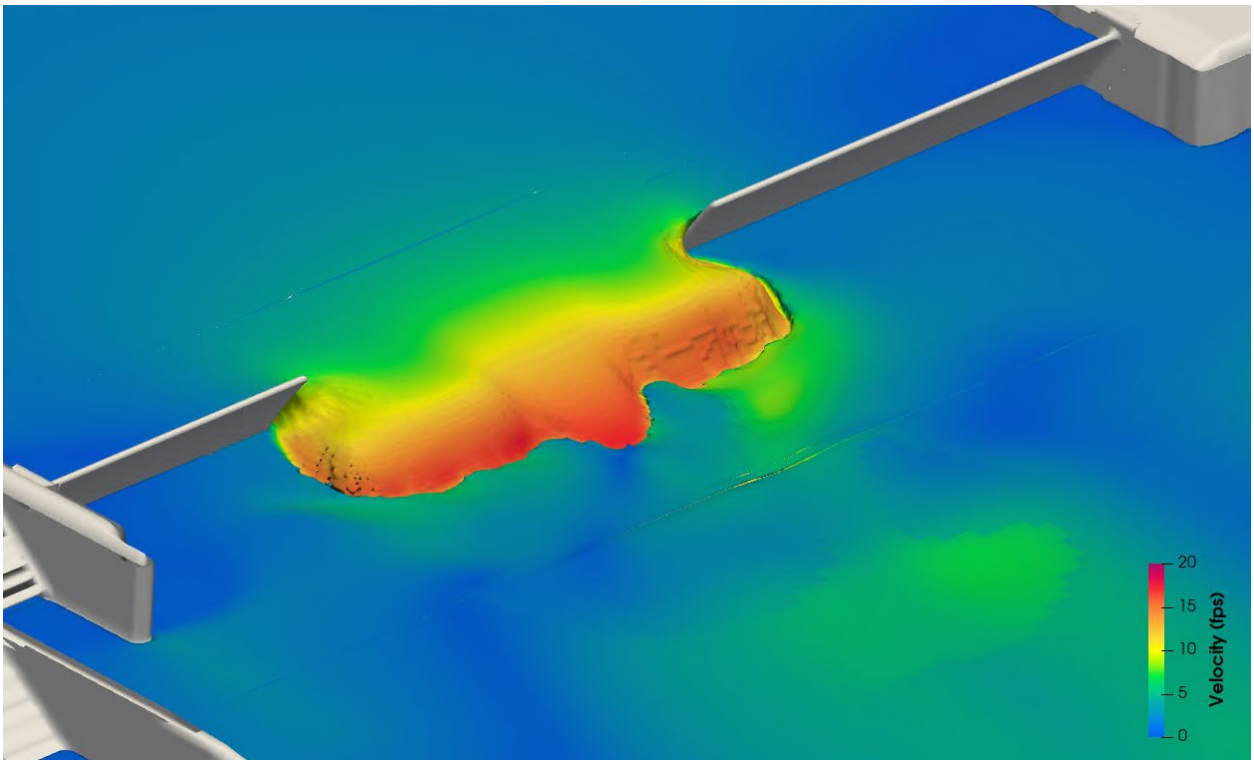

Figure 25 – Spillway Scenario 2 Isometric

As can be seen in this figure, velocities over the lowered gates reach approximately 17 fps with higher velocities concentrated near the center of the fully lowered Gate 6. Further, the same isometric with flow streamlines added is shown in Figure 26.

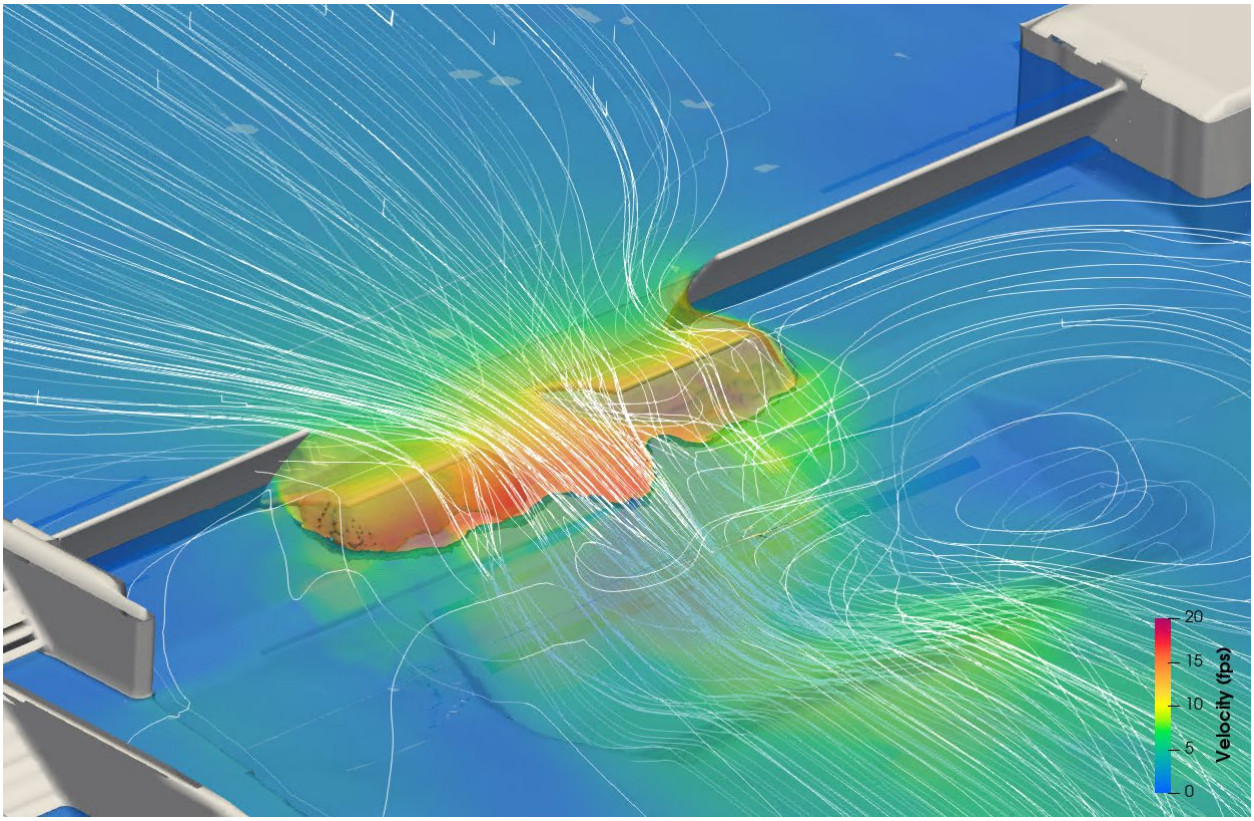

Figure 26 – Spillway Scenario 2 Isometric with Flow Streamlines

As can be seen in this figure, the majority of the streamlines from upstream of the gate are concentrated towards the central fully lowered gate. Some eddying is observed to the left and right of the gates though this is mainly due to flows deflecting off the river bank and the outside of waveshaper structure wall. Some flows are shown being pushed between the upper face of the center gate and lower faces of the side gates. These flows would likely be reduced by the Obermeyer gate bladders which are not included in the CFD model. Figure 27 shows cross sections through each spillway gate.

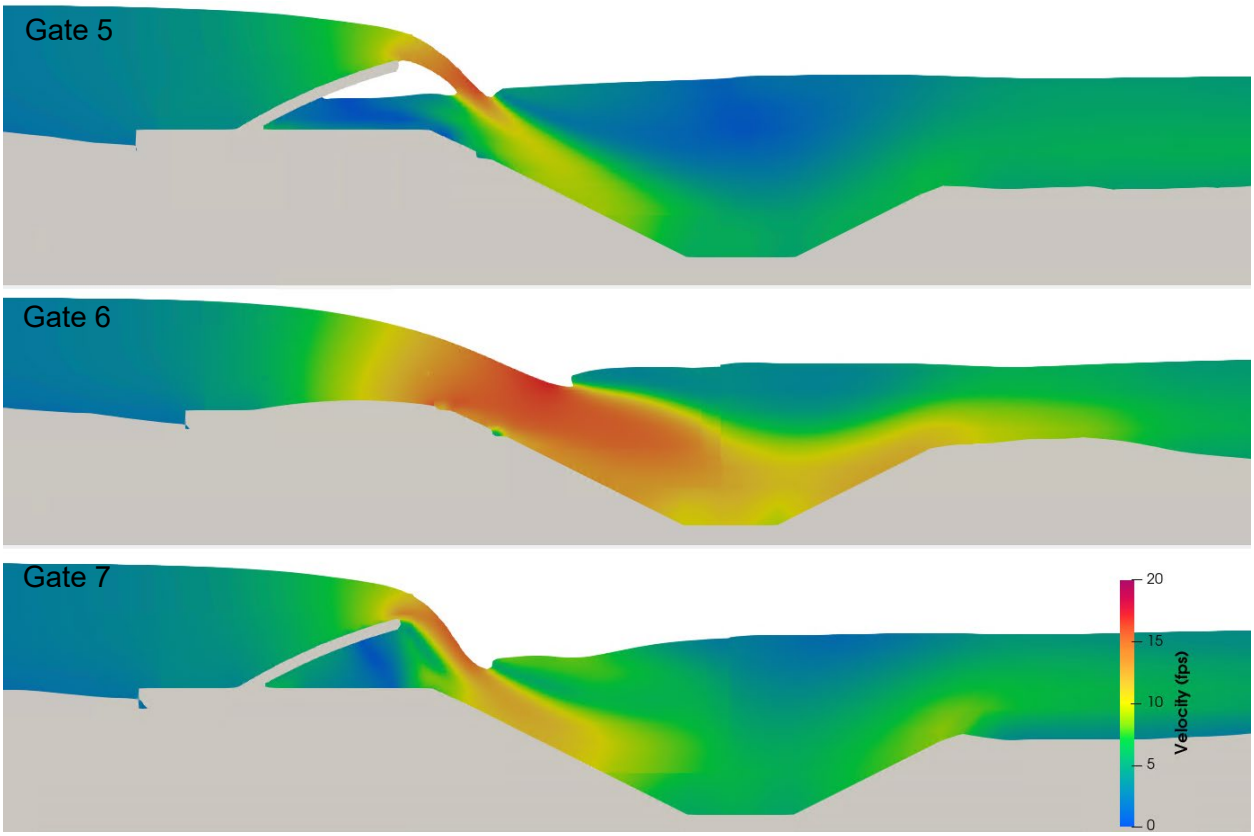

Figure 27 – Spillway Scenario 2 Cross Sections

As can be seen in this figure the hydraulics are variable at each gate but generally indicate a similar flow pattern of high velocities over the gate and entering the basin which dissipate in the plunge pool and are passed downstream. At gate 7 the nappe flow is depressed which is likely due to the dynamic CFD simulation and short time periods modeled. Over long term flows it is likely that the hydraulics would be more similar to those observed at Gate 5. Similar to the first spillway scenario, some slow recirculating velocities are observed within the new plunge pool but are generally minimal compared to the velocities passing downstream through the plunge pool.

4.0 Conclusions

McMillen has prepared a series of hydraulic analyses in support of the modification designs being developed for the J.A. and Kathryn Albertson Family Foundation Boise Whitewater Park Phase II. The results of the analyses presented in this TM show that the new Obermeyer gate proposed for downstream of the existing waveshaper gate could help to expand the operational range of the structure. Further, the proposed Obermeyer gate could be operated to limit impacts to the hydraulic regime within the Boise River during high flow events. The modifications to the spillway will help to improve the operational flexibility and the new plunge pool could allow for safter boater passage if they were to inadvertently pass over the spillway structure.

5.0 References

McMillen, Inc. (2023). *Technical Memorandum – Drop 1 Structure Modifications Scope of Work*. Boise, ID.

MEMO

TO: Mort McMillan, McMillan Engineering

FROM: Sara Arkle, Parks Resource Superintendent

James Pardy, City Engineer

Doug Holloway, Director Boise Parks and Recreation Department

DATE: 1/24/2023

RE: Performance + Expectations for Phase 2 Improvements

The purpose of this memo is to share the desired operational/maintenance elements associated with improvements to Phase 2 of the Boise Whitewater Park to inform design criteria.

- **Operational Expectations**
  - Automated gross adjustments available with manual adjustments possible for tweaks to wave shape.
  - Stabilize wave to eliminate need for monitored sessions
  - Increased ability to modulate flow within wave feature
  - Develop a wholistic approach to modifications at Phase 2 – understand and prepare for any modifications that would impact Phase 1 operations
  - Utilize Glenwood Bridge gauge as reference point
  - Wave feature can operate at a lower hazard from 400 cfs to 1700 cfs. This would allow for seasonal operation within this flow range from Memorial Day to Labor Day (our operational summer)
  - Ability to modify structure at high (1800 cfs and up) flows to reduce risk of high hazard river feature

- **Maintenance Expectations**
  - Sediment removal and management strategy that allows for a reduction in manual interventions and removal.
  - Ability to protect electronic equipment when flows are above 6500.
  - Eliminate or minimize confined space activities.
  - Improve kicker system to streamline and reduce needed adjustments.
  - Provide accessible and reliable upstream and downstream flow sensors.
  - Provide accessible and reliable inclinometers.
  - Reduce possibility for leakage of all bladders

EXHIBIT
B

- Reduce or eliminate opportunity for leakage behind the fish ladder and the island

- **Pass-Through Options**
  - Established in the near term (1-5 years) - signage, floating bowie line, portage to establish a low hazard situation for floaters and long-term goals (Boise Team to handle)
  - Establish floater bypass
    - Possibility of designing flashboards 3-7 to provide bypass (?)

- **Design Review + Timeline**
  - Boise Parks provides operational expectations by Jan. 31
  - McMillan finalize design by May 30, BPR to review, approve and provide NTP
  - Approved construction documents and permitting completed by Aug. 30
  - Mobilize for construction by Nov. 1

- **Community Engagement**
  - Following performance measure finalization, Boise Parks will create a communications plan regarding what users can expect from new wave design and timeline for construction
  - Communicate seasonality/hours of operation

- **Communications Timeline**
  - Comms starting this March: monitored sessions and user expectations for Summer 2023
  - Comms starting this fall: educational effort leading up to construction and Summer 2024 float season

- **Farmers Union**
  - *Action Item*: Determine needs/wants from them re-establishing the elevation at the intake

BOISE RIVER OUTDOOR OPPORTUNITIES

Adam Bass <abass@thebroo.com>

Whitewater Park 2022-2023 Reconstruction

3 messages

Adam Bass <abass@thebroo.com> Tue, Aug 2, 2022 at 2:56 PM
To: Jerry Pugh <JPugh@cityofboise.org>

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

Jerry Pugh <JPugh@cityofboise.org> Thu, Aug 4, 2022 at 3:02 PM
To: Adam Bass <abass@thebroo.com>

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,

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

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EXHIBIT
C

[Quoted text hidden]

Adam Bass <abass@thebroo.com> Fri, Aug 5, 2022 at 7:23 AM
To: Jerry Pugh <JPugh@cityofboise.org>

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

[Quoted text hidden]

BOISE RIVER OUTDOOR OPPORTUNITIES

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.org

cityofboise.org

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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

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OUTDOOR OPPORTUNITIES

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,
>
> BOISE
> CITY OF TREES
>
> Jerry Pugh
>
> *Community Volunteer Coord*
>
> *Parks and Recreation Department*
>
> Office: (208)608-7617
>
> jpugh@cityofboise.org
>
> cityofboise.org

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BOISE RIVER OUTDOOR OPPORTUNITIES

Adam Bass <abass@thebroo.com>

Whitewater Park Phase 2 Portage Required

Adam Bass <abass@thebroo.com> Thu, Jun 15, 2023 at 8:38 AM
To: Chloe Sallabanks <csallabanks@cityofboise.org>

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
OUTDOOR OPPORTUNITIES
www.boiseriveroutdoor.com
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
> BOISE RIVER
> OUTDOOR OPPORTUNITIES
> 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

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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
>
> BOISE RIVER
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> 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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208-519-2070

412 E. 51st Street

Garden City, ID 83714

IDAHO OUTFITTERS AND GUIDES ASSOCIATION

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 feet 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

BROO
BOISE RIVER OUTDOOR OPPORTUNITIES

Adam Bass <abass@thebroo.com>

Fwd: [External] Boise Whitewater Park - Portage questions

1 message

Nick Kunath <nkunath@idahorivers.org> Tue, Sep 19, 2023 at 4:07 PM
To: Adam Bass <abass@thebroo.com>

---------- 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

Creating a city for everyone.

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*
>
> cityofboise.org
>
> *Creating a city for everyone.*

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?

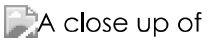
Thanks!

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.



Parks and Recreation Department

cityofboise.org

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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)

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If you love a river... Take Action Now

--

Nick Kunath (he/him)

Conservation Program Manager
Idaho Rivers United

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www.idahorivers.org

If you love a river... Take Action Now

2 attachments

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BOISE RIVER OUTDOOR OPPORTUNITIES

Adam Bass <abass@thebroo.com>

WWP Discussion Follow-up

Adam Bass <abass@thebroo.com> Tue, Feb 6, 2024 at 4:53 PM
To: "Jones, Cass" <Cass.Jones@idwr.idaho.gov>
Cc: "Golart, Aaron" <Aaron.Golart@idwr.idaho.gov>

Thank you for clarifying.

Adam Bass
Designated Agent
BOISE RIVER OUTDOOR OPPORTUNITIES
www.boiseriveroutdoor.com
208-519-2070
7661 W. Riverside Dr., Suite 104
Boise, ID 83714

On Tue, Feb 6, 2024 at 3:46 PM Jones, Cass <Cass.Jones@idwr.idaho.gov> wrote:

> Adam, 36-1601 is a Department of Fish and Game statute, IDWR does not have statutory authority over Title 36, Idaho Code. We are happy to have another conversation with you to clarify what we believe is a misunderstanding of our authority under Title 42, Chapter 38, Idaho Code, and believe requesting a hearing would likely not produce the results you are looking for. As discussed, IDWR is not involved with the operations of the park and based on our authority we do not plan to resend the permit. IDWR recommends contacting Idaho Department of Lands to discuss the encroachment permit issued for the park.
>
> **Cass Jones**
>
> **Stream Channel Protection**
>
> **Idaho Department of Water Resources**
>
> **(208) 287-4897**
>
> **Please consider the environment before printing this email**
>
> ---
>
> **From:** Adam Bass <abass@thebroo.com>
> **Sent:** Monday, February 5, 2024 3:29 PM
> **To:** Jones, Cass <Cass.Jones@idwr.idaho.gov>
> **Cc:** Golart, Aaron <Aaron.Golart@idwr.idaho.gov>
> **Subject:** Re: WWP Discussion Follow-up
>
>
>
> EXHIBIT D
>
> Good Afternoon Cass and Aaron,
>
> Following up on this, since the deadline to request a hearing is soon approaching and you requested me to reach out prior to requesting a hearing. What is the current status of IDWR as it relates to the approval of permit for the City to construct this feature and have this new operation plan at the wwp?
>
> If IDWR affirms this approach, a hearing will be requested to review the matter. Do you want to have another phone conversation regarding the items previously discussed? Do you have any initial responses to my perspective of these items after our discussion and my follow up email? Clarifying any misunderstanding I may have would be beneficial in determining whether a hearing is practical or not.

Regards,

Adam Bass

Designated Agent

www.boiseriveroutdoor.com

208-519-2070

7661 W. Riverside Dr., Suite 104

Boise, ID 83714

On Fri, Feb 2, 2024 at 8:05 AM Adam Bass <abass@thebroo.com> wrote:

> Thank you Cass and Aaron for meeting up to clarify the process and to discuss the project, it is much appreciated.
>
> To follow up about the discussion of recreation and navigation. I hope that IDWR can see the two are connected when it comes to navigable rivers based on section 36-1601 of state code. It is in the best interest of the general public to recreate on a navigable river without having features constructed in it that impede navigability. IDWR has stated only being responsible for section 42-3801 which states public health, safety, and welfare relating to recreation. Section 36-1601 states what recreational uses are allowed on navigable rivers. Therefore, IDWR is responsible for both section 42-3801 and section 36-1601.
>
> There are two concepts brought up at our recent meeting 1) navigability only at highwater and 2) an absolute right to encroach on navigability if there is a headgate nearby. It is worth seeing how these hold up to idaho code 36-1601 relating to navigable rivers.
>
> 36-1601(a) NAVIGABLE STREAMS DEFINED. is used to determine what rivers can be deemed navigable (Boise River has been deemed navigable by IDL decades ago, so this doesn't apply to the wwp scenario)
>
> 36-1601(b) RECREATIONAL USE AUTHORIZED. This section objectively states what activities are allowed on rivers that have been deemed navigable (This applies to the wwp. 1)There is no mention of only during high-water.)
>
> 36-1601(c) ACCESS LIMITED TO NAVIGABLE STREAM. states what happens if the allowed activities cannot be met. It is intended to describe the general public's rights if their right to the allowed activities within the public waterway are seized. 2)There is no mention in this section relating to a private water right giving the owner an absolute right to seize allowed activities within the public waterway. Further, the City has no water right at the headgate operated by Farmer's Union and therefore has no authority to invoke section c.
>
> For this proposed project, I am concerned for the general public's health, safety, and welfare with the proposed operation of the City to have navigating watercraft travel through this feature that significantly increases navigational difficulty in the context of the Boise River. The plan is proposed for flows at around 1,500 cfs and below. This is when the nature of the Boise River doesn't have large aggressive features in it. The plan of significantly increasing difficulty of navigation encroaches on navigability. This is a subjective determination and I would be glad to provide more detail of my opinion why this proposed feature likely can be considered to significantly encroach on navigation but why a feature like at Phase 1 can likely be considered to only mildly encroach on navigation. Here is a link to the wave feature in question: https://www.youtube.com/watch?v=XGqZOTr0hRU
>
> I recommend IDWR to rescind their approval of permit to construct this feature.
>
> Respectfully,
>
> Adam Bass
>
> Designated Agent

www.boiseriveroutdoor.com

208-519-2070

7661 W. Riverside Dr., Suite 104

Boise, ID 83714

On Thu, Feb 1, 2024 at 2:23 PM Jones, Cass <Cass.Jones@idwr.idaho.gov> wrote:

> Adam, thanks for meeting with us this afternoon to discuss the recently issued permit for the WWP. Below is an explanation of the two statutes that allow an applicant or member of the public to request a hearing.
>
> > There are two applicable statutory provisions that are implicated by your question. First, IC § 42-3805 states "Within fifteen (15) days of the date of mailing of the decision, the applicant shall notify the director if it refuses to modify its plans in accordance with such decision or that it requests a hearing before the board thereon." The language of IC § 42-3085 provides the applicant an opportunity to request a hearing if the applicant disagrees with any portion of the decision the Department makes regarding a stream channel alteration application.
> >
> > The second statute is more generally applicable. IC § 42-1701A(3) states "Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person aggrieved by any action of the director, including any decision, determination, order or other action, including action upon any application for a permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the director, who is aggrieved by the action of the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action."
> >
> > IC § 42-3805 only applies to applicants for SCAPs. Therefore, if a member of the public is "aggrieved" by a decision related to a stream channel alteration application, they can request a hearing before the Director pursuant to IC § 42-1701A. The request for hearing pursuant to IC § 42-1701A must be filed with the Department within 15 days of receipt of written notice of the Department's action. See the Department's Rules of Procedure, for details on how to file the request for a hearing.
>
> If you have any questions, please let myself or Aaron know. We would like the opportunity to address any additional concerns you may have prior to requesting a hearing, so please don't hesitate to reach out.
>
> Take care.
>
> **Cass Jones**
>
> **Stream Channel Protection**
>
> **Idaho Department of Water Resources**
>
> **(208) 287-4897**
>
> **Please consider the environment before printing this email**

IDAHO OUTFITTERS AND GUIDES ASSOCIATION

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 feet 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.

EXHIBIT
E

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

BOISE RIVER OUTDOOR OPPORTUNITIES

Adam Bass <abass@thebroo.com>

Whitewater Park Winter Improvements

Adam Bass <abass@thebroo.com> Fri, Dec 15, 2023 at 10:59 AM
To: "Golart, Aaron" <Aaron.Golart@idwr.idaho.gov>
Cc: "Jones, Cass" <Cass.Jones@idwr.idaho.gov>

Thank you for the follow up Mr. Golart, it appears that IDWR is nearing or has already adopted an opinion of the proposed improvements.

Does IDWR consider the proposed improvements to be in conformance with statutes it has purview of upholding?
If yes, please provide a basis for reasoning of how the proposed improvements will provide a beneficial use to the general public when it comes to the topics of recreational use, aesthetic beauty, and aquatic life?
If no, please provide a basis for reasoning of how the proposed improvements would not provide a beneficial use to the general public when it comes to the topics of recreational use, aesthetic beauty, and aquatic life?

This is in regards to water held in public trust within the OHWL of a navigable river and sounds like these topics were covered in the meeting so must have a conclusion to them.

Your efforts and thoughtful consideration are appreciated,

Adam Bass
Designated Agent
BOISE RIVER
OUTDOOR OPPORTUNITIES
www.boiseriveroutdoor.com
208-519-2070
7661 W. Riverside Dr., Suite 104
Boise, ID 83714

On Fri, Dec 15, 2023 at 10:02 AM Golart, Aaron <Aaron.Golart@idwr.idaho.gov> wrote:

> Mr. Bass,
>
> IDWR does not have meeting minutes or any notes to provide and I am unaware whether the city may have any that they would be willing to provide.
>
> Have a nice weekend.
>
> Aaron
>
> **From:** Adam Bass <abass@thebroo.com>
> **Sent:** Monday, December 11, 2023 9:24 AM
> **To:** Golart, Aaron <Aaron.Golart@idwr.idaho.gov>
> **Cc:** Jones, Cass <Cass.Jones@idwr.idaho.gov>
> **Subject:** Re: Whitewater Park Winter Improvements
>
>
>
> EXHIBIT
> F
>
> Good Morning,
>
> The wwp operation and proposed modifications are significant for BROO as a business entity and I hope IDWR understands this. To continue BROO to understand the work occurring within the OHWL of the area it is licensed to operate in, I would like to request the meeting minutes from any meetings the Idaho Department of Water Resources might have with the permittee for this project. This way BROO has an improved understanding of the decisions made about operating plans and modifications made to features within the OHWL of a navigable river. The more understanding BROO has about the features at the wwp, the more services can be planned to provide safe and quality experiences to guests.

> Will IDWR provide the meeting minutes to BROO?
>
> Thank you,
>
> Adam Bass
>
> Designated Agent
>
> www.boiseriveroutdoor.com
>
> 208-519-2070
>
> 7661 W. Riverside Dr., Suite 104
>
> Boise, ID 83714
>
> On Fri, Dec 8, 2023 at 11:22 AM Adam Bass <abass@thebroo.com> wrote:
>
> > Also, to clarify what was intended by my question of defining watercraft. I am not saying the watercraft needs to be regulated but I am saying that there are types of watercraft that are suitable for rivers and others that are not. If the City provides designs to river features that impact recreation of water in public trust then it should be in the best interest of the public. Designs intended for floats that are not suited for rivers are not in the best interest of the public's recreational use of the water in public trust within the OHWL of a river channel.
> >
> > This article written by the National Park service provides a description of such floats the whitewater park should not be designed for as these floats are not intended for use of river recreation. https://www.nps.gov/mnrr/planyourvisit/pool-toys-are-not-watercraft.htm
> >
> > Thank you for your time in coordination on this matter, it is greatly appreciated,
> >
> > Adam Bass
> >
> > Designated Agent
> >
> > www.boiseriveroutdoor.com
> >
> > 208-519-2070
> >
> > 7661 W. Riverside Dr., Suite 104
> >
> > Boise, ID 83714
> >
> > On Fri, Dec 8, 2023 at 11:10 AM Adam Bass <abass@thebroo.com> wrote:
> >
> > > I did misunderstand and thank you for clarifying this.
> > >
> > > Have a great weekend,
> > >
> > > Adam Bass
> > >
> > > Designated Agent
> > >
> > > www.boiseriveroutdoor.com
> > >
> > > 208-519-2070

7661 W. Riverside Dr., Suite 104

Boise, ID 83714

On Fri, Dec 8, 2023 at 10:53 AM Golart, Aaron <Aaron.Golart@idwr.idaho.gov> wrote:

> Mr. Bass,
>
> I believe you misunderstood what was stated in my previous email. IDWR has not notified the City they are in violation, and we have not determined any violations have occurred. The structure(s) were permitted by the regulatory agencies and the City communicated during our meeting that the structure(s) are not functioning as designed. The current proposal is intended to correct this and by doing so addressing the concerns you have identified. It is unfortunate you feel left out of the City's process and that efforts to engage have created conflict between user groups. IDWR is committed to involving as many stakeholders as required by statute or by reasonable request. The concerns you expressed are a primary reason why IDWR called the meeting with the City to discuss the current proposal and your concerns. Regarding your question below about floating, it is not defined that I am aware of, and I only used the term as a generalization of how I assume most users would likely navigate through the area we are discussing. I am unaware whether the City or any other regulatory agency has the authority to dictate what type of watercraft is appropriate to be used on this portion of the Boise River.
>
> Regards,
>
> Aaron
>
> ---
>
> **From:** Adam Bass <abass@thebroo.com>
> **Sent:** Friday, December 8, 2023 7:28 AM
> **To:** Golart, Aaron <Aaron.Golart@idwr.idaho.gov>
> **Cc:** Jones, Cass <Cass.Jones@idwr.idaho.gov>
> **Subject:** Re: Whitewater Park Winter Improvements
>
>
>
> ---
>
> Thank you for reaching out to the City of Boise and notifying them of their past and intended violations of Idaho Code 42-3801. I have discussed such items with City officials in the past and even went as far as requesting 1.5 years ago to be included as a stakeholder in any improvements to the whitewater park since the BROO operations have significant exposure to loss from these historic violations and improvements such as the ones proposed that continue these violations. These discussions are either met with similar "commitment and desire" but with no action or with simply no action at all to uphold the public's best interest in public trust water. BROO also has significant loss of community support from this process as it has led to situations where the lack of City good faith efforts and due diligence to uphold state statute has pitted user groups against one another. In this case, BROO will likely be seen by some as hostile towards the river surfing community when it is the opposite from the truth and good relations have occurred between BROO operations and those using the wave for surfing. Had project managers included BROO as a stakeholder to provide comment early in the project modifications, this likely would have been avoided.
>
> The City must take action to show it has "commitment and desire". The best action it can take is to include stakeholders such as BROO and other outfitters in decisions about modifications made at the Whitewater Park. This is because BROO representatives have shown a greater commitment and desire to act in the best interest of water held in public trust than the City has and is likely the same for other outfitter representatives. I requested to represent BROO as a stakeholder 1.5 years ago for any improvements made to the whitewater park but have continued to be excluded from the process. Should any design changes be made to the current plans for modification, then myself acting as the BROO designated agent should be made aware of the design criteria/scope of work, the proposed design, and a chance for comment as a business with significant stake in the project that is held in higher regard than a comment from a member of the general public.
>
> You mention the term "floating", how do you define floating within the topic of recreation? Is this any watercraft able to float or watercraft specifically rated for navigating rivers? If the City intends to create a feature with an intent for pool toys to paddle through, then once again the City is not acting in the best interest of the public by risking safety through a false sense of security that watercraft not rated for rivers are safe to recreate within the river.
>
> Best Regards,
>
> Adam Bass

Designated Agent

www.boiseriveroutdoor.com

208-519-2070

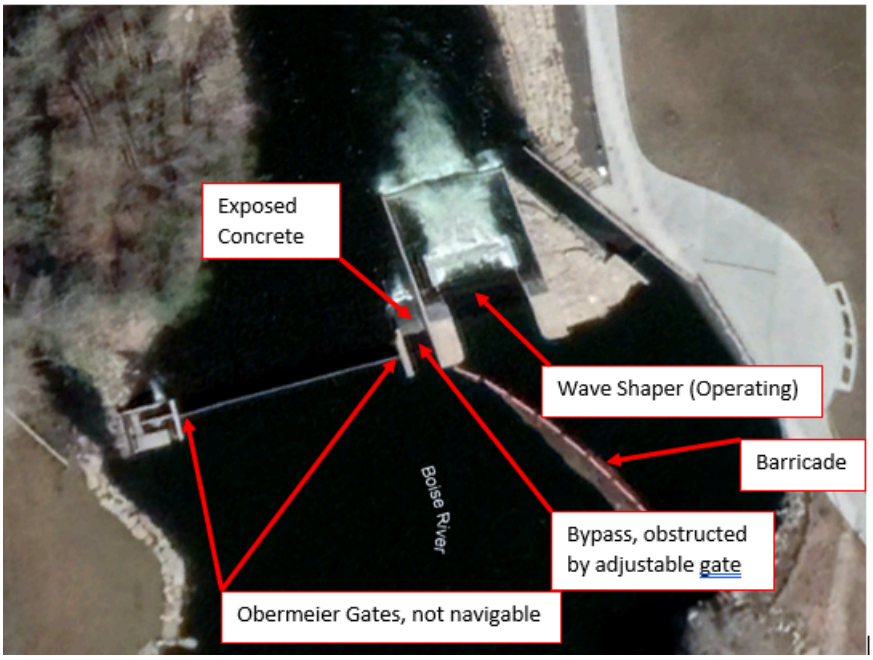
7661 W. Riverside Dr., Suite 104

Boise, ID 83714

On Thu, Dec 7, 2023 at 7:23 PM Golart, Aaron <Aaron.Golart@idwr.idaho.gov> wrote:

> Mr. Bass,
>
> IDWR agrees with you on the items outlined in blue below (aquatic life, recreation, and aesthetic beauty) being items for consideration during application review. In this case the most important being recreation, this was discussed extensively during our meeting with the City. One reason for the proposed work under the current application is to address items like the ones you have expressed concern about regarding the ability to navigate the structure(s) in the river. The City expressed commitment and desire during the meeting to address and provide the ability to float the structure(s). IDWR plans to ensure recreation is maintained, within our authority, for multiple user groups before deciding on the pending application. Your patients is appreciated and so is your involvement in the process.
>
> Sincerely,
>
> Aaron Golart
> Section Manager, Stream Channel Protection
> Idaho Department of Water Resources
> 322 E. Front St.
> P.O. Box 83720
> Boise, Idaho 83720-0098
> (208) 287-4941
> aaron.golart@idwr.idaho.gov
>
> ---
>
> **From:** Adam Bass <abass@thebroo.com>
> **Sent:** Thursday, December 7, 2023 3:38 PM
> **To:** Jones, Cass <Cass.Jones@idwr.idaho.gov>
> **Cc:** Golart, Aaron <Aaron.Golart@idwr.idaho.gov>
> **Subject:** Re: Whitewater Park Winter Improvements
>
> **CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**
>
> ---
>
> Hello Cass,
>
> Thank you for the response. I had a feeling it was going to be pushed off to Idaho Department of Lands because I didn't reiterate in the latest email the key component that does make it within the Idaho Department of Water Resources wheelhouse. As stated in a previous email of this email chain. Here is the question again with more clarification in blue:
>
> My opinion is that the general public loses access to the public trust water within the OHWL because of this use of all the water into a channel that is barricaded, see below image for reference. This diversion and barricading of water within the OHWL is not in the best interest of the general public because it is designed to provide a beneficial use to a small portion of the general public making the majority of the public lose other beneficial uses of aquatic life, recreation, and aesthetic beauty as defined in section 42-3801. Does IDWR agree or disagree with this statement?

I would be glad to provide further context for these claims if IDWR so desires in its good faith and due diligence efforts to uphold section 42-3801 of Idaho Statute.



Respectfully,

Adam Bass

Designated Agent

www.boiseriveroutdoor.com

208-519-2070

7661 W. Riverside Dr., Suite 104

Boise, ID 83714

On Thu, Dec 7, 2023 at 3:22 PM Jones, Cass <Cass.Jones@idwr.idaho.gov> wrote:

> Adam, after reviewing your past emails and the latest one, it appears that navigability of the Boise River is your primary concern and the administration of Idaho Code Title 36 Chapter 16 that you have listed below. The Idaho Department of Lands oversees the Navigable Waterways program and serves as the state authority responsible for assessing the impact of encroachments on navigable lakes and rivers. I recommend reaching out to the Navigable Waterways section within their department to engage in further discussions regarding these concerns or questions about Title 36. IDWR met with the City of Boise on 12/5 and is evaluating the current pending application within our authority outlined within Idaho Code Title 42 Chapter 38. IDWR has no statutory authority regarding Idaho Code Title 36 Chapter 16.
>
> Respectfully,
>
> **Cass Jones**
>
> **Stream Channel Protection**
>
> **Idaho Department of Water Resources**

(208) 287-4897

Please consider the environment before printing this email

From: Adam Bass <abass@thebroo.com>
Sent: Tuesday, December 5, 2023 10:22 AM
To: Jones, Cass <Cass.Jones@idwr.idaho.gov>
Subject: Re: Whitewater Park Winter Improvements

Hi Cass,

It is important to establish an understanding of what Idaho Code 36-1601 intention is. These are the 3 sections to this law with what I understand to be the intention of them:

36-1601(a) is used to determine what rivers can be deemed navigable (Boise River has been deemed navigable so this doesn't apply to the wwp scenario)

36-1601(b) states what activities are allowed on rivers that have been deemed navigable (This applies to the wwp modifications and operation)

36-1601(c) states what happens if the allowed activities cannot be met. Due diligence and documentation of reasoning why 36-1601(b) cannot be met must occur prior to invoking section 36-1601(c).

In the case of the operation of the whitewater park the City has the ability to provide access to the allowed activities in 36-1601(b) but chooses not to. Because of this choice to disregard the superseding 36-1601(b) and jumping to invoke 36-1601(c), the City is in violation of state code.

Idaho code 42-3801 and 36-2101 describes the intention of these laws and specifically call out recreational use. The Boise River has been defined as a navigable river and by closing navigability through operations at the Boise Whitewater Park, the City has historically been in violation of state code. The current plans for modification at the Boise Whitewater Park do not show any plan to change the operation to provide navigability. In fact, the Hydraulics report uses a pejorative to describe those navigating through the feature as "stray boaters" which shows the hostility towards those navigating through the feature. Also, the hydraulics report detailing the improvements shows all the water going into the wave shaper which has historically been barricaded from navigation, see figures 12 and figures 17.

Please correct me if I am incorrect with any of these items.

Have a nice day, respectfully,

Adam Bass

Designated Agent

www.boiseriveroutdoor.com

208-519-2070

7661 W. Riverside Dr., Suite 104

Boise, ID 83714

On Wed, Nov 22, 2023 at 2:31 PM Jones, Cass <Cass.Jones@idwr.idaho.gov> wrote:

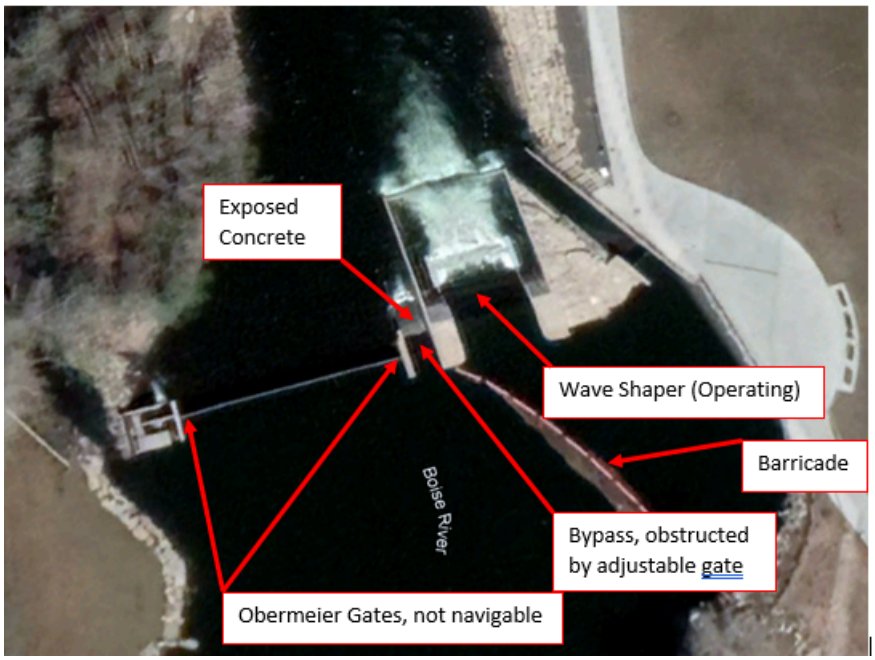
> Adam, thanks for circling back. The structures at the whitewater park serve a dual purpose, irrigation and recreation. There are many examples across the state where irrigation facilities and points of diversions become barriers to navigation, thus one of the reasons statute 36-1606 exists. IDWR plans to reach out to the City of Boise and start a dialogue on the items you have highlighted below.
>
> Thank you for bringing this to our attention.
>
> **Cass Jones**
>
> **Stream Channel Protection**
>
> **Idaho Department of Water Resources**
>
> **(208) 287-4897**
>
> **Please consider the environment before printing this email**

From: Adam Bass <abass@thebroo.com>
Sent: Wednesday, November 22, 2023 1:19 PM
To: Public Records Request <PublicRecordsRequest@idwr.idaho.gov>
Cc: Jones, Cass <Cass.Jones@idwr.idaho.gov>
Subject: Re: Whitewater Park Winter Improvements

Hi Cass,

Thank you for the conversation today. To summarize what we discussed, IDWR only has purview over water within the OHWL and this water is in public trust. My complaint stems from the City operating the whitewater park that removes access to this public water by channelizing it and barricading access to the channel all within the OHWL. This channel is for the use of a small and specific portion of the public, surfers.

My opinion is that the general public loses access to the public trust water within the OHWL because of this use of all the water into a channel that is barricaded, see below image for reference. Does IDWR agree or disagree with this statement?



Respectfully, have a nice Thanksgiving holiday,

Adam Bass

Designated Agent

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Boise, ID 83714

On Mon, Nov 13, 2023 at 1:57 PM Adam Bass <abass@thebroo.com> wrote:

> Hi Megan, and Hey Cass!
>
> Could you provide a status update of the joint application for permit of the City of Boise to reconstruct the whitewater park? Has the permit been approved, is it pending, or was it denied on account of the City hindering and obstructing public users in the waterway? This is in violation of "Idaho's constitution and statutes declare all waters of the state when flowing in their natural channels, including the waters of all natural springs and lakes within the boundaries of the state and groundwaters of the state, to be public waters." as stated on the IDWR website.
>
> This hindering and obstructing includes 1) stating there is a hazard at the whitewater park without any clear definition or backing from subject matter experts 2) hindering navigation by placing signs within the easement saying "do not proceed" "hazard ahead" and "portage required" 3) bypass closing navigability during maintenance operations and bypass obstructing navigability during wave operation at Phase 2.
>
> Best Regards,
>
> Adam Bass
>
> Designated Agent

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208-519-2070

7661 W. Riverside Dr., Suite 104

Boise, ID 83714

On Thu, Nov 9, 2023 at 5:01 PM Adam Bass <abass@thebroo.com> wrote:

> Thank you Megan,
>
> I have been able to coordinate with Idaho Department of Lands on this matter. My chief concern over these improvements is the following:
>
> It is a fact that the City of Boise has posted signs saying watercraft navigating the river should portage due to hazards at Phase II. A main question is, if they are reconstructing the feature, are they reconstructing the hazard so the signs can come down? If they plan to keep the signs up, I am concerned they will continue to hinder business and recreation watercraft and continue to push to require a portage around the whitewater park.
>
> The practice of the City continues to violate the IDL easement clause "the whitewater park is to be constructed and maintained in such a manner that will not obstruct, hinder, or affect navigation, recreation, or other authorized and customary use of the Boise River." The signs hinder traffic through the park by questioning whether they should portage or not as well as the City multiple times putting all the gates up at the Whitewater Park to stop safe navigation of the feature and requiring a portage.
>
> I am advocating for navigability of the Boise Whitewater Park at all times which is in line with Idaho Statute 36-1601.
>
> Thank you for any thoughts, actions, or advocacy when it comes to navigation and the enjoyment of the Boise River by the public now and into the future.
>
> Adam Bass
>
> Designated Agent
>
> www.boiseriveroutdoor.com
>
> 208-519-2070
>
> 7661 W. Riverside Dr., Suite 104
>
> Boise, ID 83714

On Thu, Nov 9, 2023 at 4:19 PM Public Records Request <PublicRecordsRequest@idwr.idaho.gov> wrote:

> Hello Adam,
>
> On **11/08/23**, the Idaho Department of Water Resources (IDWR) received your public records request regarding **all documents and any applications to receive a 404 permit within the Boise Whitewater Park for years 2023 or 2024**. Records responsive to your request are attached to this email. This fulfills your request.
>
> As a reminder, pursuant to Idaho Code § 74-120, use of any list as a mailing list or telephone list is prohibited and punishable by a civil penalty up to $1,000.
>
> If you have any questions, please feel free to call. I've also cc'd Cass Jones, one of our Stream Channel Protection Specialist. I know from our phone call on your first PRR that you're hoping to track down the permitting authority for some City of Boise activities- I think Cass could help you with information on the different agency authorities and permitting.

Thank you,

Megan Jenkins

Administrative Assistant II

Idaho Department of Water Resources

P: (208) 287-4803

https://idwr.idaho.gov/

IDAHO DEPARTMENT OF WATER RESOURCES

From: Jenkins, Megan <Megan.Jenkins@idwr.idaho.gov> **On Behalf Of** Public Records Request
Sent: Wednesday, November 8, 2023 4:43 PM
To: Adam Bass <abass@thebroo.com>; Public Records Request <PublicRecordsRequest@idwr.idaho.gov>
Subject: RE: Whitewater Park Winter Improvements

Hello Adam,

The Idaho Dept. of Water Resources received your public records request. We will respond to the request within the allowed time under Idaho Code §74-103.

Depending on the amount of information requested, we will transmit your requested documents via email. If the request produces an extraordinarily large amount of information we can save the documents on a thumb drive you provide or on a thumb drive we provide at a cost. If the Department deems the documents need a more secure method of transmission, we reserve the right to send through our Secure File Transfer Protocol Server. If you do not wish to download files from this secure server, you may request an appointment to copy the documents at our office. There is a fee for this service.

As a reminder, under Idaho Code § 74-120, the use of any list as a mailing list or telephone list is prohibited and punishable by a civil penalty up to $1,000.

If you have any questions, please feel free to call.

Thank you,

Megan Jenkins

Administrative Assistant II

Idaho Department of Water Resources

P: (208) 287-4803

https://idwr.idaho.gov/

IDAHO DEPARTMENT OF WATER RESOURCES

From: Adam Bass <abass@thebroo.com>
Sent: Wednesday, November 8, 2023 4:12 PM
To: Public Records Request <PublicRecordsRequest@idwr.idaho.gov>
Subject: Whitewater Park Winter Improvements

Hello,

This is a public records request for all documents and any applications to receive a 404 permit within the Boise Whitewater Park for years 2023 or 2024.

Thank you,

Adam Bass

Designated Agent

www.boiseriveroutdoor.com

208-519-2070

7661 W. Riverside Dr., Suite 104

Boise, ID 83714