

John Price

From: Zac Clifford
Sent: Friday, May 23, 2025 10:05 AM
To: John Price
Subject: FW: Rulemaking Process- Opposition on expanding commercial rafting to Discovery Park on the Boise River

FYI

From: Kendra Kenyon <kendra@idaholands.org>
Sent: Friday, May 23, 2025 10:00 AM
To: Zac Clifford <zac.clifford@dopl.idaho.gov>
Cc: Chuck Blair <clblair3579@gmail.com>; Brandy Wilson <brandymwilsonxvii@gmail.com>
Subject: Re: Rulemaking Process- Opposition on expanding commercial rafting to Discovery Park on the Boise River

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Hi Zac,

Thank you for the opportunity to take part in the rulemaking process. After the meeting today, I guess I am a bit confused as to what the "basis" is for starting this process other than one person's desire to increase their business territory. According to code, there needs to be a well reasoned justification that includes data or evidence to start this process. Other than Adam stating he would like to be able to take disadvantaged people on this reach of the river, he has presented no analysis as to why this section is needed, and no plan for portage or take-out, which is important because this section has a physically challenging portage around a dam. This obstacle counteracts his only reasoning for the rule change that was given today.... that this section is important for people with disabilities. I feel like we are trying to respond to a plan that doesn't exist. Please include this email in your public input records.

Thank you,

Kendra
Kendra Kenyon
Executive Director
Idaho Foundation for Parks & Lands
5657 Warm Springs Ave
Boise, ID 83716
208.870.9889
kendra@idaholands.org

John Price

From: Zac Clifford
Sent: Thursday, April 17, 2025 9:24 AM
To: John Price
Subject: FW: BO1A Section Update
Attachments: 12. Negotiated Rulemaking Discussion_BROO Responses.pdf; Memorandum of Response for Discovery to Eckert (FINAL).pdf

FYI

From: Adam Bass <abass@thebroo.com>
Sent: Wednesday, April 16, 2025 8:00 AM
To: DOPL OGLB Licensing <OGLB-Licensing@dopl.idaho.gov>
Subject: Re: BO1A Section Update

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Good Morning Zac,

The comments have been reviewed diligently and thoughtful consideration in response has been made. Attached are 2 documents with one being responses to the public comments made in blue. The second is a memorandum that has been created to consolidate the responses into the different subject matter which is referred to throughout the public comment document.

The summary of this exercise is the following that I wish to present to the Board at the meeting tomorrow:

1. BROO has followed the correct process to petition the Board to allow licensed outfitting on this stretch of river with already established public access points.
2. If the general public can use the river access points then so too should a licensed outfitter. I understand that conditions may be made as deemed necessary by the Board.
3. Having licensed guides is a way to manage human use of the river.
4. There is concern of the impacts to aquatic organisms and wildlife habitat.

- **BROO is amenable to the board conditioning this area so no fishing is allowed.**

5. There is concern of the impacts to a Bald Eagle nest. This nest has a 330' protective buffer as determined by the Idaho Foundation for Parks and Lands that does not extend into the main channel of the Boise River.

6. There is concern that the licensed commercial operation will look like the unlicensed commercial operation downstream at Barber Park. This is a concern that is not warranted since the licensed commercial operation will not be as large as the unlicensed commercial operation. There are ways for

the board to maintain that the amount of human use by licensed outfitting is capped through that BROO is amenable to.

- **BROO is amenable to limiting the number of trips to 1 per day with the max number of watercrafts being 2 rafts or 5 personal watercrafts (i.e. kayak, SUP).**
- **BROO is amenable to limiting the number of allowed licenses on the BO1A section of the river.**

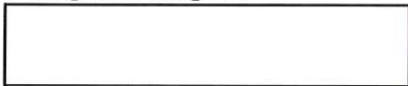
7. There is concern over the portages along this stretch of river. Portaging is reasonable at the Ridenbaugh Canal and at Barber Dam. The portage at Boise Diversion Dam has been identified to likely cause conflicts with users of the Greenbelt.

- **BROO is amenable to limiting licensed outfitting not being allowed to portage the Boise Diversion Dam because the portage is not suitable for those recreating on the navigable river the dam obstructs.**

With this helpful review of community comments and a coordinated licensing system, this river section can be managed best if licensed outfitting is allowed to accommodate a broad range of the general public and protect its health, safety, and welfare.

Thank you for your time.

Adam Bass
Designated Agent



www.boiseriveroutdoor.com

208-519-2070

7661 W. Riverside Dr., Suite 104

Garden City, ID 83714

On Fri, Apr 11, 2025 at 7:37 AM DOPL OGLB Licensing <OGLB-Licensing@dopl.idaho.gov> wrote:

Good morning,

To request the land manager's comments, please complete the Public Records request form linked below.

[Public Records Request: Public Records Request](#)

Kind regards,



Zac Clifford

Outfitter Designation Program Coordinator

Occupational Licenses Bureau

11341 W Chinden Blvd.
Building 4

Boise, ID 83714

dopl.idaho.gov

From: Adam Bass <abass@thebroo.com>

Sent: Monday, April 7, 2025 8:00 AM

To: DOPL OGLB Licensing <OGLB-Licensing@dopl.idaho.gov>

Subject: Re: BO1A Section Update

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Hello Zac,

I want to request to receive any and all comments made from land managers to better understand the feasibility of this request.

Can you please send them to me or let me know the correct procedure to receive these comments?

Thank you,

Adam Bass

Designated Agent



www.boiseriveroutdoor.com

208-519-2070

7661 W. Riverside Dr., Suite 104

Garden City, ID 83714



Virus-free www.avast.com

On Fri, Mar 21, 2025 at 10:26 AM DOPL OGLB Licensing <OGLB-Licensing@dopl.idaho.gov> wrote:

Good morning,

IOGLB did not request comment or hold a public comment period. Staff did reach out to land managers to gain a better understanding of the feasibility of the request and asked that information be provided to the Board before the meeting. As your request was made during a public meeting, many other interested parties started writing into the board to comment on your request. All comments from such individuals as well as other state agencies and land managers were given to the board ahead of the meeting. The BO1A was not specifically on the agenda to discuss however the board did mention the number of comments received during the discussion for potential rule changes and agreed to further discuss the matter at the upcoming board meeting on May 23rd.

Kind regards,



Zac Clifford

Outfitter Program Coordinator

Occupational Licenses Bureau

11341 W Chinden Blvd.
Building 4

Boise, ID 83714

dopl.idaho.gov

From: Adam Bass <abass@thebroo.com>

Sent: Thursday, March 20, 2025 1:08 PM

To: DOPL OGLB Licensing <OGLB-Licensing@dopl.idaho.gov>

Subject: Re: BO1A Section Update

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.

To Whom It May Concern,

It is my understanding that the IOGLB requested comment from anyone or organizations relating to the requested increase in permit limits for BO1A section of the Boise River from Eckert Bridge to Discovery Park. My understanding is that this comment period ended on February 5th.

What was the outcome of this request for comment?

Thank you,

Adam Bass

Designated Agent



www.boiseriveroutdoor.com

208-519-2070

7661 W. Riverside Dr., Suite 104

Garden City, ID 83714

On Thu, Dec 12, 2024 at 8:00 AM Adam Bass <abass@thebroo.com> wrote:

Dear Members of the Idaho Outfitters and Guides Licensing Board,

Thank you for your consideration of my request to adjust the licensed boundaries for BO1A during the last IOGLB meeting.

After submitting my petition, I learned of the scheduled modernization and reconstruction of the Ridenbaugh Canal diversion, anticipated for the winter of 2025–2026. According to the information available, the current design for this project—\$8 Million jointly funded by the Bureau of Reclamation and the Idaho Department of Water Resources Board—is approximately 50% complete and retains parameters from its original construction in 1878, providing no navigational access within the Boise River channel. Additional details about this project can be found at: <https://nmid.org/>.

In the interest of forthrightness and reducing any chance of potential conflict or confusion, I want to clarify that I was unaware of this modernization project when I submitted the petition and emphasize that it does not affect my request to extend the BO1A licensed limits from Eckert Bridge to Discovery Park. My intent and goal remains simply to provide guests more ability to have diverse experiences along the Boise River, and this project will not affect this. Anticipated operational adjustments, such as portaging around this structure during lower flows in the irrigation season, have already been accounted for. To reiterate, the modernization project will limit the navigable capability of the public waterway but this will not impact the request to extend the licensed limits of BO1A from Eckert Bridge to Discovery Park.

That said, I do have concerns about the potential broader implications of this project on navigation and outfitting operations. It is my understanding, based on prior consultation, that the IOGLB may have the capacity to engage with other agencies, such as IDWR, on issues impacting public access and outfitting experiences. I believe it may be beneficial for the Board to provide input on this project to ensure it supports positive outcomes for public recreation and outfitting services.

Here are some considerations I believe the IOGLB may wish to advocate for:

1. Incorporating Navigation Access:

- Modernization should reflect 21st-century standards, balancing private water rights with the public's right to navigate waterways.
- A navigable design would enhance safety, health, and welfare by eliminating mandatory portages, particularly for those with physical or cognitive challenges.

2. Improving Portage Routes:

- Improving portage infrastructure would reduce the likelihood of injuries, creating a safer environment for all river users.

3. Environmental and Recreational Benefits:

- A naturalized stream structure would support fish migration, macroinvertebrate populations, and overall ecosystem sustainability.
- Improved river recreation opportunities contribute to public mental well-being, environmental education, and local economic activity.
- Nearby conservation areas can benefit from outfitters with eyes and ears on the water in case of any trespassing or damage occurring within a conservation area, then notifying the proper authorities.

4. Boosting Community and Economic Impact:

- Recreation supported by outfitters promotes community identity and provides unique opportunities for residents and visitors.
- Enhancing river access could increase commerce and tourism, benefiting the region economically and socially.
- Partnering between outfitters and conservation groups builds community and can provide a way to sustain conservation efforts through guest conservation fees, if necessary.

I appreciate the Board's commitment to supporting Idaho's outfitting industry and the public's ability to enjoy our state's natural resources. Thank you for your time and attention to these matters, and I look forward to continuing our collaborative efforts toward shared goals for the future.

If any Board or staff members would like to discuss this matter, I am gladly available to coordinate as allowed.

Kind Regards,

Adam Bass

Designated Agent



www.boiseriveroutdoor.com

208-519-2070

7661 W. Riverside Dr., Suite 104

Garden City, ID 83714

On Thu, Nov 21, 2024 at 1:29 PM Adam Bass <abass@thebroo.com> wrote:

Hello,

Thank you for the opportunity to provide insights on why I think there is a needed change to the BO1A section limits. At the last meeting I described a change to my request of making the new BO1A section limits to extend from Discovery Park to Main Street Bridge. I believe this is a more fitting limit to the section since there is a public launch site at Discovery Park. Please note that this is the intent

of the change going forward. To reiterate, the request is to change the limits of BO1A from Eckert Br.- Main St. Br. to Discovery Park to Main St. Br.

The Licensing Board requested me to coordinate with landowners to see if they have any comments.

I have reached out to Idaho Department of Parks and Recreation Park Manager, Surat Nicol, regarding this and they immediately asked me for an operational plan including a projection of revenue generated. A description of the conceptual operation and projected revenue was provided. I asked if there were any comments on the conceptual operations that the licensing board should be aware of.

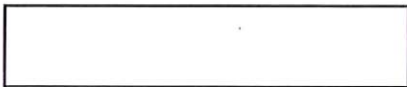
My concern is that by reaching out to the Idaho Department of Parks and Recreation prior to having a more solid operational plan and revenue projection, the Park Manager may have a more skeptical opinion of the operation to the disadvantage of getting this limit changed.

If I hear back from the Park Manager, I will let the board know.

Kind Regards,

Adam Bass

Designated Agent



www.boiseriveroutdoor.com

208-519-2070

7661 W. Riverside Dr., Suite 104

Garden City, ID 83714

On Tue, Nov 5, 2024 at 10:55 AM DOPL OGLB Licensing <OGLB-Licensing@dopl.idaho.gov> wrote:

Good morning,

You are welcome to present your request to the board during the public comment period of the next meeting. We will also provide them with your emailed comments as well. The agenda and meeting information should be posted later this week on the following webpage; [IDAHO OUTFITTERS AND GUIDES LICENSING BOARD : BOARD MEETING | Division of Occupational and Professional Licenses](#)

Kind regards,



Zac Clifford

Outfitter Program Coordinator

Occupational Licenses Bureau

11341 W Chinden Blvd.
Building 4

Boise, ID 83714

dopl.idaho.gov

From: Adam Bass <abass@thebroo.com>

Sent: Tuesday, November 5, 2024 9:27 AM

To: DOPL OGLB Licensing <OGLB-Licensing@dopl.idaho.gov>; DOPL OGLB Licensing <OGLB-Licensing@dopl.idaho.gov>

Subject: BO1A Section Update

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Good Morning,

I wanted to reach out and ask the board to make an adjustment to the section of BO1A to change from beginning at Eckert Bridge to beginning at Barber Dam. The following are reasons why this change would help recreation:

- Add another access point for outfitters to the Boise River.
 - This reduces the number of outfitting trips launching at other locations, particularly Barber Park.
 - This provides an alternative for outfitters that don't find the facilities at other launch locations to be suitable for their operation.
- Adds ability for the general public to experience more areas of the Boise River.
- Adds ability for the general public to understand a more in depth history of the Boise River, particularly Barber Dam.

May I present this request at the next board meeting?

Thank you,

Adam Bass

Designated Agent



www.boiseriveroutdoor.com

208-519-2070

7661 W. Riverside Dr., Suite 104

Garden City, ID 83714

From

Boise River Outdoor Opportunities, LLC
7661 W. Riverside Dr. Suite 104
Garden City, ID 83714

Idaho Guide Service Inc.
17940 US-30
Hagerman ID, 83332

To

IOGLB
11351 W. Chinden Blvd. Building 6
Boise, ID 83714

To Whom It May Concern,

The undersigned hereby request that the Idaho Outfitters and Guides Licensing Board (IOGLB) consider a change to rule 059.01, to increase the number of licenses allowed on the BO1 section of the Boise River from 2 to 5. The following reasons, among others, support this change:

- **There is a Public Need/Demand** - With the increase in population and visitation in the Treasure Valley, the limit of 2 permits on BO1, which has not been reconsidered for decades, prevents outfitters from providing the level of services to the community as it was originally intended to and relative to current demand.
- **There is Outfitter Demand** - There are currently at least 5 outfitters operating on the BO1A section of the Boise River. There are 5 licenses available for all the sections of the Snake River in close proximity to this river section.
- **The River can Sustain it** - The BO1 section is about 16 miles long and in a remote area which reduces the ability to operate more than one trip per day. There are also considerations that can be made to cap the number of trips if the IOGLB considers it necessary.
- **Resource Education & Stewardship** - Increasing to 5 outfitters operating in the section will foster more of the following environmental benefits.
 - Increased marketing campaigns, interpretive education, and exposure to this resource from outfitters will increase awareness of Boise river issues and values, and support for related stewardship activities.
 - More supply of healthy activities for the community.
- **Plan for the Future** – The river section has had landslides occur within it that has increased the difficulty of the river. Prior to the landslides, it was reasonable for friends and family to enjoy the class 3 stretch of river. Since the landslides increased the difficulty to class 3-4 some, some groups are taking more risk because of the added difficulty. By having available outfitters to accommodate these groups, there is less risk for them. There will likely be more landslides in the future which has increased chances of making the river more difficult.
- **Resource Management** – The federal government is undergoing processes that significantly reduce the resources available to manage the river section. By issuing more outfitting licenses, the State will be protecting this resource through encouraging there to be more licensed individuals on the river.

This rule change will not approve a permit for any outfitter along the BO1 section but will allow outfitters to apply for the permit and go through the standard Licensing Board process of operation plan review and insurance review prior to the approval of any license.

Respectively,

Olin Gardner
Name

Olin Gardner
Signature

IGS
Organization

Adam Bass
Name

Adam Bass
Signature

Boise River
Outdoor Opportunities
Organization

John Price

From: Jordan, Edward - FS, ID <edward.l.jordan@usda.gov>
Sent: Thursday, September 7, 2023 11:39 AM
To: Holcomb, Adriene - FS, ID; Zac Clifford
Subject: RE: [External Email]South Fork of the Boise Inquiry

Follow Up Flag: Follow up
Flag Status: Completed

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Hi Zac Clifford,

Thank you for reaching out to the Boise National Forest. We would like to make things clearer for you and provide answers to your questions. The Forest strives to provide opportunities for commercial use as well as for the general public whenever possible. In the case of the South Fork Boise, at this time per Forest Plan, we are unable to provide the commercial opportunities.

The Boise National Forest is required, as is all National Forests to have a Land Management Plan. Forest Land Management Plans are required under Federal Law 36 CFR 219. There are requirements for planning and public involvement in the creation of these Forest Land Management Plans as listed below. There is more to the legal Federal law which can be found: [CFR-2018-Title36-Vol2-Part219.pdf \(usda.gov\)](#)

The Boise National Forest Land Management Plan can be found: [Boise National Forest - Planning \(usda.gov\)](#), the section specifically for the South Fork of the Boise River is found: [Lower South Fork Boise River Map \(usda.gov\)](#), forest plan definitions are found: [CHAPTER III \(usda.gov\)](#). As you mentioned in your email this amendment is has been in place since 2010 and will remain in place until superseded with a new amendment or Forest Plan revision. If either of these were to occur, it would provide to the forest a new guiding document for land management. The Forest does not currently have plans for a revision or amendment to change the Standard for the South Fork Boise River.

Excerpt from the Boise National Forest Land Management Plan Chapter III
Boise National Forest Land Management Plan: Lower South Fork Boise River -Standard 0149

- Do not issue special use permits for commercial whitewater rafting or fly-fishing outfitters and guides in order to maintain the current river related recreation experiences.

Additional information on wild and scenic rivers can be found: [Wild & Scenic Rivers | US Forest Service \(usda.gov\)](#), [The National Wild & Scenic Rivers System | Rivers.gov](#) and [complete-act-compilation.pdf \(rivers.gov\)](#).

While public is allowed to whitewater raft and fish on the South Fork of the Boise River, Commercial Activities such as Outfitting and Guiding are not allowed under the Boise National Forest Land Management Plan.

We would like to help keep you informed when requests come to us for new permits. Would you like to know if any requests are made on the Boise National Forest, or specific Districts? If the Idaho Outfitter and Guide Board would like information sent to them on decisions how best should the Special Use Permit Administrators reach out? Would a phone call or email be the best form of communication for these items?



Edward Jordan, Realty Specialist
Boise National Forest Work Environment Program Chair
Region 4 Work Environment Committee Chair
Veteran Special Emphasis Program Manager
Disabled Special Emphasis Program Manager
Hospital Liaison / Family Liaison

Forest Service
Boise National Forest, Idaho City Ranger District

p: 208-781-0134
edward.l.jordan@usda.gov

3831 Highway 21
Idaho City, ID 83631

www.fs.fed.us



Caring for the land and serving people

From: Zac Clifford <zac.clifford@dopl.idaho.gov>
Sent: Wednesday, August 30, 2023 12:11 PM
To: Jordan, Edward - FS, ID <edward.l.jordan@usda.gov>
Subject: [External Email]South Fork of the Boise Inquiry

You don't often get email from zac.clifford@dopl.idaho.gov. [Learn why this is important](#)

[External Email]

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Good afternoon,

My name is Zac Clifford, I work with the Outfitters and Guides Licensing Board under the Division of Occupational and Professional Licenses. I called yesterday and left a message but thought I should also reach out via email.

I am reaching out to you to ask a few questions regarding the South Fork of the Boise (IOGLB section BO1 – Danskin Bridge to Neal Bridge). We have an outfitter that operates in that area and has been denied permit authorization recently. I have a few questions as our current rules allow 2 outfitters to operate on that river section but it appears none of them are being permitted. I saw the response given to Anne Long regarding the 2010 Boise NF Amended Forest Plan, Chapter III-2003-2010 Lower South Fork Boise River Management Area 1 as a reference for denial.

My questions are as follows;

1. I am not clear on what this management area is for and how long it will be in place. I saw that a suitability study would be required to determine the status of the river. From what I can tell this river is considered "Wild and Scenic" but not sure what that means or what that means for recreational use.
2. The first question may answer this one as well but if not is this river open for recreation by the public? Do outfitters not fall under public recreation if it is?
3. If this river is not open for public recreation and licensed outfitters would not be considered for permits any time soon is there a need to change the current rule language? (Rule reference; IDAPA 24.35.01.259.01. (BO1) Boise River, South Fork - Danskin Bridge to the Neal Bridge EXCEPT on weekends or holidays. Each outfitter may use only one (1) boat for fishing only with a maximum of two (2) fishermen. No overnight camping or walk-and-wade fishing allowed.)

In addition to these questions, I also have a request. When outfitters are not being permitted by the land managers it is something the Board needs to be made aware of. If an outfitter is not permitted use in an area, it does affect their license so we would appreciate being informed of those decisions. What would need to take place to ensure that communication is happening between our agencies?

Feel free to give me a call at 208-488-7526. I am in the office Monday through Friday 8AM-4PM. I will be out of the office this Friday afternoon.

Thanks,



Zac Clifford

Outfitter Program Coordinator

Occupational Licenses Bureau

zac.clifford@dopl.idaho.gov

208-488-7526

11341 W Chinden Blvd.

Building 4

Boise, ID 83714

dopl.idaho.gov

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John Price

From: Zac Clifford
Sent: Thursday, December 19, 2024 1:23 PM
To: John Price
Subject: FW: BO1A Section Update

Not sure if anyone else forwarded this to you.

From: Adam Bass <abass@thebroo.com>
Sent: Thursday, December 12, 2024 8:00 AM
To: DOPL OGLB Licensing <OGLB-Licensing@dopl.idaho.gov>
Subject: Re: BO1A Section Update

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Dear Members of the Idaho Outfitters and Guides Licensing Board,

Thank you for your consideration of my request to adjust the licensed boundaries for BO1A during the last IOGLB meeting.

After submitting my petition, I learned of the scheduled modernization and reconstruction of the Ridenbaugh Canal diversion, anticipated for the winter of 2025–2026. According to the information available, the current design for this project—\$8 Million jointly funded by the Bureau of Reclamation and the Idaho Department of Water Resources Board—is approximately 50% complete and retains parameters from its original construction in 1878, providing no navigational access within the Boise River channel. Additional details about this project can be found at: <https://nmid.org/>.

In the interest of forthrightness and reducing any chance of potential conflict or confusion, I want to clarify that I was unaware of this modernization project when I submitted the petition and emphasize that it does not affect my request to extend the BO1A licensed limits from Eckert Bridge to Discovery Park. My intent and goal remains simply to provide guests more ability to have diverse experiences along the Boise River, and this project will not affect this. Anticipated operational adjustments, such as portaging around this structure during lower flows in the irrigation season, have already been accounted for. To reiterate, the modernization project will limit the navigable capability of the public waterway but this will not impact the request to extend the licensed limits of BO1A from Eckert Bridge to Discovery Park.

That said, I do have concerns about the potential broader implications of this project on navigation and outfitting operations. It is my understanding, based on prior consultation, that the IOGLB may have the capacity to engage with other agencies, such as IDWR, on issues impacting public access

and outfitting experiences. I believe it may be beneficial for the Board to provide input on this project to ensure it supports positive outcomes for public recreation and outfitting services.

Here are some considerations I believe the IOGLB may wish to advocate for:

1. Incorporating Navigation Access:

- Modernization should reflect 21st-century standards, balancing private water rights with the public's right to navigate waterways.
- A navigable design would enhance safety, health, and welfare by eliminating mandatory portages, particularly for those with physical or cognitive challenges.

2. Improving Portage Routes:

- Improving portage infrastructure would reduce the likelihood of injuries, creating a safer environment for all river users.

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- Recreation supported by outfitters promotes community identity and provides unique opportunities for residents and visitors.
- Enhancing river access could increase commerce and tourism, benefiting the region economically and socially.
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I appreciate the Board's commitment to supporting Idaho's outfitting industry and the public's ability to enjoy our state's natural resources. Thank you for your time and attention to these matters, and I look forward to continuing our collaborative efforts toward shared goals for the future.

If any Board or staff members would like to discuss this matter, I am gladly available to coordinate as allowed.

Kind Regards,

Adam Bass
Designated Agent



www.boiseriveroutdoor.com

208-519-2070
7661 W. Riverside Dr., Suite 104
Garden City, ID 83714

On Thu, Nov 21, 2024 at 1:29 PM Adam Bass <abass@thebroo.com> wrote:

Hello,

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The Licensing Board requested me to coordinate with landowners to see if they have any comments.

I have reached out to Idaho Department of Parks and Recreation Park Manager, Surat Nicol, regarding this and they immediately asked me for an operational plan including a projection of revenue generated. A description of the conceptual operation and projected revenue was provided. I asked if there were any comments on the conceptual operations that the licensing board should be aware of.

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If I hear back from the Park Manager, I will let the board know.

Kind Regards,

Adam Bass
Designated Agent



www.boiseriveroutdoor.com

208-519-2070
7661 W. Riverside Dr., Suite 104
Garden City, ID 83714

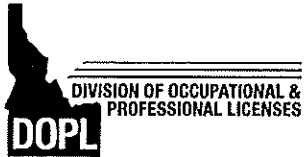
On Tue, Nov 5, 2024 at 10:55 AM DOPL OGLB Licensing <OGLB-Licensing@dopl.idaho.gov> wrote:

Good morning,

You are welcome to present your request to the board during the public comment period of the next meeting. We will also provide them with your emailed comments as well. The agenda and meeting information should be

posted later this week on the following webpage; [IDAHO OUTFITTERS AND GUIDES LICENSING BOARD : BOARD MEETING](#) | Division of Occupational and Professional Licenses

Kind regards,



Zac Clifford

Outfitter Program Coordinator

Occupational Licenses Bureau

11341 W Chinden Blvd.
Building 4

Boise, ID 83714

dopl.idaho.gov

From: Adam Bass <abass@thebroo.com>

Sent: Tuesday, November 5, 2024 9:27 AM

To: DOPL OGLB Licensing <OGLB-Licensing@dopl.idaho.gov>; DOPL OGLB Licensing <OGLB-Licensing@dopl.idaho.gov>

Subject: BO1A Section Update

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.

Good Morning,

I wanted to reach out and ask the board to make an adjustment to the section of BO1A to change from beginning at Eckert Bridge to beginning at Barber Dam. The following are reasons why this change would help recreation:

- Add another access point for outfitters to the Boise River.
 - This reduces the number of outfitting trips launching at other locations, particularly Barber Park.
 - This provides an alternative for outfitters that don't find the facilities at other launch locations to be suitable for their operation.
- Adds ability for the general public to experience more areas of the Boise River.
- Adds ability for the general public to understand a more in depth history of the Boise River, particularly Barber Dam.

May I present this request at the next board meeting?

Thank you,

Adam Bass

Designated Agent



www.boiseriveroutdoor.com

208-519-2070

7661 W. Riverside Dr., Suite 104

Garden City, ID 83714



IDAHO DEPARTMENT OF FISH AND GAME

SOUTHWEST REGION

15950 N. Gate Blvd.

Nampa, Idaho 83687

Brad Little / Governor

Jim Fredericks / Director

February 3, 2025

Zac Clifford
Outfitter Program Coordinator
Occupational Licenses Bureau
Division of Occupational & Professional Licenses
11341 W Chinden Blvd.
Boise, ID 83714

RE: Request for scoping comments related to a potential rule change for Boise River section BO1A

Dear Mr. Clifford,

The Idaho Department of Fish and Game (IDFG) has received your email dated December 10, 2024, requesting concerns or support related to a request for a potential rule change for the BO1A river section of the Boise River. The request was entered by Adam Bass of Boise River Outdoor Opportunities (BROO). Mr. Bass is asking for the Idaho Outfitters and Guides Licensing Board (IOGLB) to consider a change to the boundaries of the BO1A, which is currently from Eckert Road Bridge to Main Street Bridge, to be changed to Discovery Park to Main Street Bridge. One reason for this request is to allow access to the public launch site at Discovery Park.

Your email stated that the IOGLB is seeking information from permit managers who oversee this river section for any concerns or support related to this change request. The purpose of these scoping comments is to advise the IOGLB about the potential fish and wildlife implications related to the proposed change. Resident species of fish and wildlife are property of all Idaho citizens, and the IDFG and the Idaho Fish and Game Commission are expressly charged with statutory responsibility to preserve, protect, perpetuate and manage all fish and wildlife in Idaho (Idaho Code § 36-103(a)).

Consistent with IDAPA 24.35.01 section 203, *"An outfitter's operating area may be adjusted for reasons of wildlife and fish conservation, where territorial conflict exists, or for the safety of persons utilizing the services of outfitters."* We believe all these conditions exist in the proposed expansion area and have provided comments related to each one below. In fulfillment of our statutory charge and direction as provided by the Idaho Legislature, we offer the following comments, recommendations, and suggestions.

Keeping Idaho's Wildlife Heritage

No Outfitter Plan

No outfitter operating plan (IDAPA 24.35.01.002.15) has been provided by BROO or the Division of Occupational and Professional Licensing (DOPL) for agencies/stakeholders to review, evaluate, and provide comments/recommendations that can inform the IOGLB decision making process.

Lack of Stakeholder Engagement

IDFG believes it is important to identify, notify, and engage with existing landowners, agencies, and other organizations that manage the areas that would be impacted by this change. The initial email asking for comments appears to be incomplete. The requestor and/or DOPL should identify all the stakeholders that this change could affect and include them in the request for concerns or support. Because most stakeholders have not been included in the process, IDFG recommends that a decision regarding the BOIA river section expansion should be postponed until all stakeholder groups have been appropriately identified, notified, and given sufficient time to formulate concerns and comments for the IOGLB to consider.

- Entities included in the initial change request email on December 10, 2024: IDFG, Bureau of Land Management (BLM), U.S. Forest Service (USFS), Idaho Dept. of Parks and Recreation (IDPR).
- Other stakeholder entities to consider that do not appear to be included in this scoping request (not an exhaustive list): City of Boise, Ada County Parks and Waterways, Barber Dam operators, Idaho Foundation for Parks and Lands, Barber Pool Advisory Council, angling groups, Boise Project Board of Controls-Diversion Dam (BPBC), U.S. Bureau of Reclamation (BOR), Boise State University and Intermountain Bird Observatory (IBO), Harris Ranch, Nampa Meridian Irrigation District-Ridenbaugh Canal (NMID), Idaho Transportation Dept. (ITD), Idaho Dept. of Water Resources (IDWR), Idaho Dept. of Environmental Quality (IDEQ), U.S. Army Corps of Engineers (USACE), etc.

Limited River Access Areas

Existing access sites within this reach are extremely limited or have not been approved for commercial use.

- 3 dams in that reach of the Boise River
 - New York Canal Diversion Dam (Owned/operated by BPBC)
 - No current portage path around this dam
 - Barber Dam
 - No vehicle access
 - Limited portage access
 - Ridenbaugh Canal Diversion Dam (Owned/operated by NMID)
 - No current portage around this diversion dam. Any portage would take place on lands owned by City of Boise Parks and Recreation and would need to be approved by them.
 - The headworks modernization project is being led by the BOR and is in the planning and permitting phases with no public access to the river planned.

- The section from Discovery Park to Boise Diversion Dam is bordered by steep cliffs and no access on the south bank of river while the north bank is bordered by US Highway 21. There is not a formal boat ramp nor the ability to park or operate a vehicle/trailer at the Diversion Dam (directly above the Penitentiary Canal entrance). Any portage or take out at this location involves crossing several jurisdictions including BPBC, ITD, BOR, and Ada County. Expanding outfitting to this section would create public safety issues because of increased use at the Diversion Dam and an active irrigation entrance, and because recreators would be required to cross a busy state highway on foot to access the parking area on the north side of Hwy 21 at that location.
- The section from Diversion Dam to Barber Dam has only one public access which is a parking area on BLM lands (managed by BOR) near the intersection of Warm Springs Ave. and Hwy 21. From the Hwy 21 bridge to Barber Dam, there are no other public access points, no facilities or infrastructure, and no access from the river above the ordinary highwater mark through much of the Barber Pool Conservation Area (BPCA).
- The takeout/portage at Barber Dam is also restricted and does not include a boat ramp or vehicle access. Outfitter access would require permission from the dam operators and Ada County.

Inconsistency with Current Management Objectives

If this proposed rule change is approved, it could directly conflict with the management direction and objectives for the area upstream of Barber Dam. The BO1A river section is currently uncapped on the number of outfitters and trips per day. The proposed rule change to BO1A is simply not in alignment with the current management direction and resources that occur between Diversion Dam and Barber Dam, which is mostly made up of the BPCA. This area is currently being managed as a wildlife preserve and public access is limited. The area involves many government and private stakeholders that should be contacted regarding this proposal. Currently, land managers and stakeholder groups are developing management, restoration, and recreational plans for the area. Any additional access to the river through the BPCA would require landowner permission and the addition of access points and parking areas which could compromise the purpose of the BPCA and displace wildlife and aquatic resources in the area. Therefore, extending the BO1A section would be in direct conflict with the management objectives and direction of the BPCA.

Fisheries Management

The fishery between Diversion Dam and Barber Dam is managed for wild trout with no hatchery stocking. The USACE and the Idaho Foundation for Parks and Land are currently working on plans to improve habitat in the BPCA which may include adding instream structures to manage water flows into side channels to improve aquatic habitat. As we have witnessed in downstream reaches where recreational floating is prioritized, fish habitat is compromised and degraded as recreation managers seek to reduce liability and improve floater safety by removing woody debris and structure from the river. We also observe that many anglers are displaced by the sheer number of recreational floaters.

Summary

Active outfitting is permitted throughout much of the Lower Boise River and the B01A section is currently an uncapped outfitter section. Allowing the currently uncapped B01A section to be extended upstream to Discover Park could have detrimental effects on existing fish and wildlife habitat management and improvement efforts and could adversely affect private and government landowners in the area. Any proposed change to outfitter use of the B01A river section should require careful and thorough consideration of the reasons for the requested expansion, the potential impacts on existing management efforts, and the concerns of stakeholders before any decision is made.

IDFG appreciates the opportunity to provide scoping comments pertinent to the B01A expansion request. Please contact Brandon Flack or Art Butts in the Southwest Region office at (208) 465-8465 or via email at brandon.flack@idfg.idaho.gov or art.butts@idfg.idaho.gov if you have any additional questions concerning this letter.

Sincerely,



Josh Royse
Southwest Regional Supervisor

JR/BF

ecc: Josh Royse, Brandon Flack, Art Butts: IDFG Southwest Region
Zac Clifford: DOPL

e-file: S:\TECH ASSISTANCE\Boise River basin\B01A Outfitter request\B01A Outfitter
Request_IDFG Scoping Comments_02032025

John Price

From: Surat Nicol
Sent: Friday, January 24, 2025 11:24 AM
To: Zac Clifford; Butts, Art; Schade, Nicholas - FS, ID; Smith, Jennifer - FS, ID; Bassista, Shannon C
Cc: John Price
Subject: RE: BO1A Change Request

Hi Zac,

I appreciate the reminder. I have discussed the situation with my supervisors. At this time IDPR does not have any comments on the proposal. However, any access through State Park lands like Discovery Park would require a concession agreement with IDPR. This would require a detailed formal proposal.

Please feel free to contact me if you have any questions.

Surat Nicol
Park Manager
Lucky Peak State Park
74 Arrowrock Rd
Boise, ID 83716
(208) 336-9505

From: Zac Clifford <zac.clifford@dopl.idaho.gov>
Sent: Wednesday, January 15, 2025 9:58 AM
To: Butts, Art <art.butts@idfg.idaho.gov>; Schade, Nicholas - FS, ID <nicholas.schade@usda.gov>; Smith, Jennifer - FS, ID <Jennifer.Smith6@usda.gov>; Bassista, Shannon C <sbassista@blm.gov>; Surat Nicol <surat.nicol@idpr.idaho.gov>
Cc: John Price <John.Price@dopl.idaho.gov>
Subject: RE: BO1A Change Request

This is a friendly reminder that the Idaho Outfitters and Guides Licensing Board is seeking more information about a rule change request we received regarding the Boise River, BO1A river section. To be clear, this is only a consideration for a potential rule change. The Licensing Board has yet to decide whether to take this up for rule-making, right now we are only seeking more information to help inform the Board about the request and gain an initial understanding of the feasibility of the request from the land managers' perspective.

If the Board decides to take it up for rule-making stakeholders will have many opportunities to provide comments throughout 2025, including Board meetings, a negotiated rulemaking meeting, and a public hearing. The deadline to receive initial comments of February 5th is only so we can ensure that the Board has the information before their upcoming meeting on March 5th. It will not be the last opportunity to provide information to the Board.

Best,

John Price

From: Zac Clifford
Sent: Tuesday, February 4, 2025 10:02 AM
To: John Price
Subject: FW: [EXTERNAL] RE: BO1A Change Request

FYI

From: Bassista, Shannon C <sbassista@blm.gov>
Sent: Tuesday, February 4, 2025 10:00 AM
To: Zac Clifford <zac.clifford@dopl.idaho.gov>
Cc: Ralston, Brent E <bralston@blm.gov>; Schaible, Dustin J <dschaible@blm.gov>; Draheim, David L <ddraheim@blm.gov>
Subject: RE: [EXTERNAL] RE: BO1A Change Request

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Zac,

I met with the Four Rivers FO staff last week and determined that BLM does not manage any land within the BO1A reach, therefore, we will not be providing comments. We did talk to Bureau of Recreation representatives because they manage land along that reach and may be involved with providing comments on the proposal rule change.

Thanks for including BLM in this initial discussion and please contact me if you have further questions.

Thanks,

Shannon Bassista
BLM Recreation Program Lead
Idaho State Office
208-373-3845

From: Zac Clifford <zac.clifford@dopl.idaho.gov>
Sent: Wednesday, January 15, 2025 9:58 AM
To: Butts, Art <art.butts@idfg.idaho.gov>; Schade, Nicholas - FS, ID <nicholas.schade@usda.gov>; Smith, Jennifer - FS, ID <Jennifer.Smith6@usda.gov>; Bassista, Shannon C <sbassista@blm.gov>; Surat Nicol <surat.nicol@idpr.idaho.gov>
Cc: John Price <John.Price@dopl.idaho.gov>
Subject: [EXTERNAL] RE: BO1A Change Request



5657 Warm Springs Avenue, Boise, Idaho 83716-8700, (208) 344-7141

January 25, 2025

Zac Clifford, Outfitter Program Coordinator
Occupational Licenses Bureau
11341 W Chinden Blvd., Building 4
Boise, ID 83714

Sent via email to: zac.clifford@dopl.idaho.gov

RE: BO1A Change Request: Allowing commercial outfitters to operate on the Boise River through the Barber Pool

Dear Mr. Clifford,

The Idaho Foundation for Parks and Lands (IFPL) has become aware of the proposal to change the administrative rule that prohibits commercial guiding activities on the Boise River from Discovery Park to Eckert Road. Our organization objects to any commercial use of the Boise River in this stretch and has worked with State agencies to prohibit such uses consistently since becoming stewards of the Barber Pool Wildlife Reserve in 1978.

The Barber Pool Wildlife Reserve is the largest parcel within the overall Barber Pool Conservation Area (BPCA), identified in 2002 in the initial Barber Pool Master Plan. A new Master Plan was developed in 2002 and contains property maps and management priorities (available at <https://idaholands.org/barber-pool-master-planning/>).

Our objections to opening this stretch of the river for commercial use follow:

- Commercial uses conflict with the 2022 Master Plan. The Master Plan prioritizes wildlife habitat while managing human use to avoid conflict with wildlife. The Master Plan was developed through a series of workshops, engaging about 60 people from relevant State, County, and City agencies, interest groups, and neighbors.
- The presence of a Bald Eagle nest on the south side of the river restricts uses and seasons of use in the adjacent area, per US Fish and Wildlife Service guidance.

- No formal put-in, take-out, or parking facilities are present in this stretch, and adjacent lands have not been sufficiently developed to direct, manage, and be resilient to human use. The Master Plan identifies potential, future areas for such uses (for example, beach areas that could potentially be open for pausing to rest), but none of these developments are currently budgeted nor planned by the landowners and local agencies engaged in the stewardship of the area.
- While there is one applicant at present requesting this rule change, a rule change would mean that commercial outfitting opportunities would be open to all. We strongly object to a blanket rule change absent engagement with the relevant local agencies and landowners.
- IFPL holds a conservation easement adjacent to the Ridenbaugh Canal. Currently, this area receives little to no human use, owing to the challenges involved in the portage of the diversion facility. To accommodate guests, any outfitter would need to improve this portage area, as the current modernization proposal for the diversion facility does not include navigability.
- To our knowledge, there has been no direct consultation with agencies or adjacent landowners to consider nor evaluate the inherent impacts that would inevitably occur to private ownerships above the ordinary high-water mark. IFPL acquired correspondence from the applicant to the Outfitters and Guides Board under a public information request. Of note, the applicant did not wish to directly engage with relevant agencies “prior to having a more solid operational plan and revenue projection,” fearing, “a more skeptical opinion of the operation to the disadvantage of getting this limit changed.” This approach to relationships with agencies and landowners is concerning to us, as the public agencies charged with Boise River and public land stewardship, as well as those entities responsible for public safety and river rescue, are not being engaged and consulted.

The BPCA is the second largest area of undeveloped, uncultivated, wildlife habitat along the entire length of the Boise River. Only the Fort Boise Wildlife Management Area (WMA) is larger. Furthermore, the Barber Pool Wildlife Reserve, owned by IFPL within the BPCA, is the largest area of wildlife habitat along the entire length of the Boise River that is almost entirely inaccessible to people.

Barber Pool is a wildlife refuge teeming with over 200 avian species and 60 species of mammals, reptiles, and amphibians. Bald eagles have been nesting successfully and continuously in the IFPL property on the south side of the river in the Barber Pool since at least the late 1990s. Bald eagle nesting has been documented in the area since 1978. The current active nest is only 350 feet from the river and there are no large trees or riverbank shrubs to block the line-of-sight views between the nest and the river for a substantial

distance. Concerns about effects of human activity on nesting and foraging bald eagles include the following:

- Nest abandonment: Adults kept off the nest by people causing eggs or chicks to overheat or get too cold, both of which are deadly.
- Human presence disrupting foraging activity resulting in lower foraging success and lower chick and fledgling survival.

Currently, there is little human presence on the north side and virtually none on the south side. This would change dramatically with detrimental effects on wildlife, increase risk of fires through inappropriate use, and trampling of riparian vegetation. While such damage may not be directly attributable to a particular, well-intentioned outfitter, advertising the area will increase human use by people beyond the target customers. Further, it's likely that demand will increase for improved put-in and take-out facilities to enhance the "comfort and safety" of outfitter clients. Such facilities would only attract even more people and further degrade the habitat value and wildlife use of the Barber Pool.

Most of the riverbank through this reach is privately owned and is closed to public access. Responsibility for managing trespass would fall on the adjacent landowners, who receive no funding nor benefit from these activities. Within the Barber Pool Wildlife Reserve, maintaining or improving habitat value and integrity is the standard against which all potential recreational and educational actions are evaluated. This is especially important on the south side of the river where human access is presently restricted.

Thank you for your attention to our comments. We look forward to hearing of your denial of the request to move forward with a rulemaking change process for BO1A.

Sincerely,



Brandy M. Wilson, President
Idaho Foundation for Parks and Lands

January 13, 2025



Zac Clifford (via email: zac.clifford@dopl.idaho.gov)
Outfitter Program Coordinator
Occupational Licenses Bureau

RE: Proposed rule change - Boise River, BO1A

Dear Mr. Clifford,

The Barber Valley Neighborhood appreciates the opportunity to provide comments concerning the proposed rule change to the Boise River BO1A section. After consideration of the proposal, the Board has concerns about the impact that this rule change would have on both the human residents of the Barber Valley as well as the resident wildlife.

The stretch of the Boise River between the Diversion Dam and the Barber Dam flows through the Barber Pool Conservation Area, the largest natural areas dedicated to wildlife in an American capital city, containing 300 native species of plants and wildlife, including one of the only Bald Eagle nesting sites in the area. Frequent or even occasional human trespass will have negative impacts and degrade the quality of wildlife habitat.

As a practical matter, most of the land in this stretch of the Boise River is private property with no human trespassing allowed in the wildlife refuge. Additionally, there is no infrastructure to support commercial rafting. The only feasible way to portage around the Diversion Dam would be to carry the rafts some distance down the greenbelt, effectively blocking a section that has high bicycle usage. Additional portages would be required at the Barber Dam and the Ridenbaugh Canal diversion. If rafters wanted to end their trip and takeout at Barber Dam, there is no available parking for vans and trailers in the area, leaving only a residential street with residents who object to having this kind of operations parking in front of their homes and clogging their streets.

In closing, the Barber Valley Neighborhood Association urges denial of this proposed rule change because the stretch of the Boise River between Discovery Park and the Eckert bridge is inappropriate for commercial outfitters to host guided float trips.

Barber Valley Neighborhood Association Board

Gary Veasy, Director	Steinar Hjelle, Director
Randy Schubert, Director	Zach Piepmeyer, Director
Marshall Curtis, Director	Mike Strasser, Director
Katie Swain, Director	Roy Tweedle, Director
	Brian Williams, Director

Barber Valley NA Testimony (Proposed rule change - Boise River, BO1A)

www.BVNABoise.org
Board@BVNABoise.org

John Price

From: Zac Clifford
Sent: Tuesday, February 11, 2025 1:19 PM
To: John Price
Subject: FW: Potential rule change related to the Boise River, BO1A river section

FYI

From: nicekay877@gmail.com <nicekay877@gmail.com>
Sent: Tuesday, February 11, 2025 12:52 PM
To: Zac Clifford <zac.clifford@dopl.idaho.gov>
Cc: board@bvnaboise.org
Subject: Potential rule change related to the Boise River, BO1A river section

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.

I am a resident of the Barber Valley and am adamantly apposed to this request for a rule change. The boundaries for the entrance to the river was established at the Eckert Road Bridge to Main Street Bridge were established for environmental reason that have grown even stronger so the change request needs to be rejected immediately. The area from Discovery Park to Eckert bridge is passes along breeding grounds for native fish through the side channel of the Intermountain Bird Observatory and that area should not be disturbed by river activity. Getting around the Diversion Dam seems onerous and would be unnecessarily disturbing to the Bird Observatory inhabitants.

There are many water ways within Idaho more appropriate for this activity, Discovery Park to Eckert Bridge is too precious to be considered for outfitters. Please do not approve this request or allow any other agency to approve it.

Thank you,

KJ Nice

6227 E Playwright St

Boise, ID 83716



BOISE VALLEY FLY FISHERS

Feb 7, 2025

Zac Clifford, Outfitter Program Coordinator
Occupational Licenses Bureau
11341 W. Chinden Blvd.
Boise, ID 83714

Sent via email to: zac.clifford@dopl.idaho.gov

Dear Mr. Clifford,

Boise Valley Fly Fishers has become aware of a proposal to allow commercial guiding on the Boise River from Discovery Park downstream through the Barber Pool to Barber Dam. This letter is to inform you of our opposition to opening this stretch of the Boise River to commercial guiding.

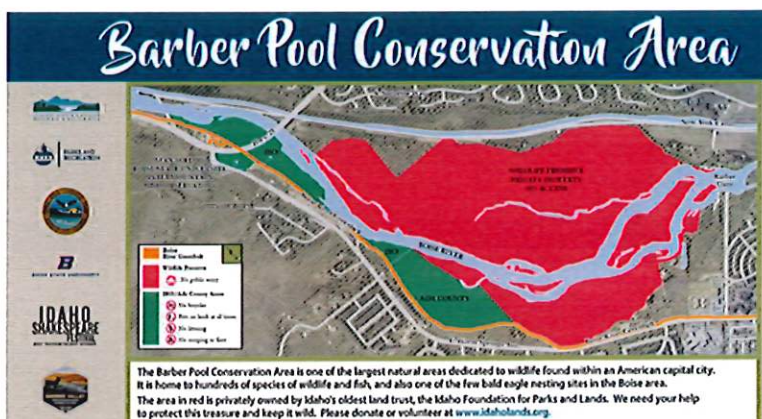
Our organization feels this stretch of river is not suited to commercial guiding for several reasons.

First, this stretch has inadequate facilities and infrastructure to handle the added parking, restroom needs, boat launch ramps, and watercraft portages necessary to accommodate commercial guiding.

Second, there is extremely limited public access providing walk-in fishing opportunities for the general public. The prime drifts available are few and currently receive heavy pressure from all types of anglers.

Third, the Barber Pool is a sensitive, unique ecosystem with a restricted wildlife conservation area that cannot handle large amounts of floater traffic. This wildlife conservation area is closed to public entry of any kind. The map to the right shows this area in red, and as

you can see, it encompasses a large portion of the area proposed for commercial guiding. Here is a link to this area for you to further review [Barber Pool Wildlife Conservation Area](#).



Fourth, this unique ecosystem is a true Idaho gem freely available to the public.

Finally, the entire river from Barber Dam downstream is available for commercial guiding.

Allowing commercial guides to bring clients to this unique, sensitive, public ecosystem will lead to negative impacts on the fishery and wildlife that inhabit it. Therefore, Boise Valley Fly Fishers recommends against opening this stretch of river for commercial guiding.

Thank you for considering our comments. I am available to discuss our position with you at any time. Please feel free to email me at your convenience at President@bvff.com or by phone at (208) 447-9596.

Best Regards,

A handwritten signature in black ink that reads "Brian Martin". The signature is written in a cursive, flowing style.

Brian Martin, President
Boise Valley Fly Fishers



P.O. Box 1949
Boise, Idaho 83701
208-515-7413
Karle@hrwmawildlife.org

Zac Clifford, Outfitter Program Coordinator
Occupational Licenses Bureau
11341 W Chinden Blvd., Building 4
Boise, ID 83714

RE: A Request for a Potential Rule Change - Boise River, BO1A

February 4, 2025

Dear Mr. Clifford

Harris Ranch Wildlife Mitigation (HRWMA) is a non-profit organization whose mission is to mitigate adverse impacts to wildlife through conservation planning and restoration efforts in the Barber Valley. We conduct habitat improvement projects and maintain and preserve open space in this area along the Boise River.

HRMWA was informed of the comment period indirectly through the Barber Pool Action Committee on which we serve.

We are opposed to this request for a proposed rule change because the applicant has failed to provide the information needed to determine the impact of such a proposed change. In addition, there has not been engagement with or outreach to land managers (federal, state, city, and county) or private landowners that may be impacted by this proposed rule change.

Thank you for your serious consideration of our concerns and those of other interested parties,

Sincerely,

A handwritten signature in black ink, appearing to read "Karle Pappani", written over a horizontal line.

Karle Pappani
Conservation Director

RECEIVED

FEB 05 2025

January 29, 2025

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSE
Outfitters and Guides Licensing Board
P.O. Box 83720
Boise, Idaho 83720-0063

RE: BO1A Change Request: Allowing commercial outfitters to
operate on the Boise River through the Barber Pool (Adam
Bass)

Dear Mr. Clifford,

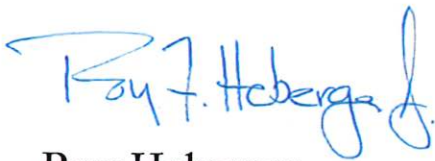
This follows a recent letter of January 30, 2025, from Charles Blair, a retired wildlife biologist, concerning the referenced subject. I'm retired with formal training in Forestry (AAS), Fishery Biology (BS), and Aquatic Ecology (MS). I have held titles as biological technician, fishery research biologist, fishery biologist, fish and wildlife biologist, and assistant field supervisor -- all with one state fish and wildlife agency, one federal fisheries agency, and one federal fish wildlife agency. I write to support the substance of Mr. Blair's letter and his request for consideration of that substance.

I'm not a wildlife biologist, but I'm well aware of the underpinnings of the science of ecology; of ecological relationships; of the importance of quality, but declining, fish

RECEIVED

and wildlife habitats; and the fact that habitat degradation and loss may be attributed mostly to human activities. Mr. Blair did an excellent job of documenting the importance of the Barber Pool lands and the land/water interface. Simply put, it is a treasure, the values of which would be degraded by the requested change and the future implications of the change. I request that you consider the negative effects of the proposed change before the board arrives at its decision.

Sincerely,

A handwritten signature in blue ink that reads "Roy F. Heberger". The signature is fluid and cursive, with a large initial "R" and "H".

Roy Heberger

(Retired Biologist, degrees from Paul Smiths College, School of Forestry; and the University of Michigan)

201 South Villa Place

Boise, Idaho 83712



Ted Trueblood Chapter

TROUT UNLIMITED

P.O. Box 1971, Boise, Idaho 83701

www.tedtruebloodtu.org

February 5, 2025

Zac Clifford
Idaho Outfitters & Guides Licensing Board
11341 W Chinden Blvd.
Boise, ID 83714

Dr. Mr. Clifford:

We have become aware of a proposal to open the Boise River from Eckert Road upstream to Discovery Park to commercial outfitting. We have several comments that we ask you to take into consideration, the end point which we think you would agree that opening up this reach of the river to licensed guiding would not be a good idea. Our comments are organized by different areas of the river reach under consideration or current issues.

Lucky Peak – Diversion: We are not aware of a full-scale boat ramp at Discovery Park. There may be a smaller egress for kayak, canoe and stand-up paddle board access below the Lucky Peak tail race area. Downstream near Diversion Dam there appears to be a maintenance access road. Use as a takeout would create safety issues, not unlike what the old Payette River takeout near Beehive Bend was prior to its development.

Barber Pool: We support the comments from the Idaho Foundation for Parks and Lands (IFPL) concerning the Barber Pool where IFPL is the major landowner and is concerned about the potential impacts to fish and wildlife resources from additional use of the area where there is virtually no infrastructure in place. IFPL manages the Barber Pool as a wildlife preserve.

There is a limited area of wade fishing below the Diversion Dam spillway to the Highway 21 bridge before the backwaters of Barber Pool make the waters too deep. Anglers are concentrated into a small area where they pursue the wild trout found in that reach. Adding a commercial element in this small area would create conflicts and the Barber Pool area is not like the lower Boise River below Eckert bridge where guides and their clients can easily move to another area immediately upstream or downstream to avoid other anglers and avoid crowding.

There is no boat ramp below Diversion Dam and the public parking in the area is on the bluff at much higher elevation than the river. Access to the river carrying water craft means scrambling down steeper hillslopes where there is concern about soil erosion from user created paths.

Barber Dam to Eckert Bridge: Aside from the portage at Barber Dam and a foot path around the powerhouse yard to the river there is no established access in this reach. Most of the riverfront from the Idaho Power Co. powerline corridor downstream to Eckert bridge is City of Boise land, but importantly there are two conservation easements. One is held by IFPL, donated by the Harris family in 2008, that borders the Boise River and some 200-300 feet in width from the river. The other conservation easement is jointly held by Trout Unlimited and Land Trust Treasure Valley.

The TU/LTTV jointly hold conservation easement runs nearly 100 feet of Boise River frontage from Eckert Bridge upstream towards the Ridenbaugh Diversion and to the border of the IFPL conservation easement which continues upstream. The TU/LTTV easement is adjacent to and wraps to the north of IFPL's riverside easement east to the Idaho Power Co. lands, nearly 100 feet in width. This easement was donated by the Harris family in 2005 for the Alta Harris Creek side channel project which is designed to improve aquatic habitat for the Boise River. The initial phase of this project, built 2005-2010 contains numerous habitat pools with large woody debris and structure and dense riparian vegetation to provide aquatic habitat lacking in the main channel of the Boise River.

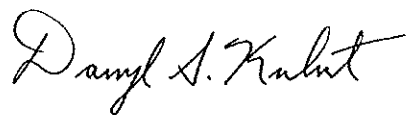
The provisions of both conservation easements should be carefully examined by IOGLB to understand the strict limitations and conditions on infrastructure development allowed in those areas. The holders of the conservation easements should be consulted.

Pending projects with the Ridenbaugh Diversion structure replacement, green up of Alta Harris Park, and more recently the likely replacement of the Eckert bridge point to the next few years of this area being inundated with construction activity.

As pointed out in the reach-by-reach analysis above, access for rafts, kayaks and other vessels is generally lacking in this area. Opportunities for building such access may be severely limited by physical and logistical factors. Restroom facilities are nearly nonexistent. Importantly, the priorities for Barber Pool and the conservation easements downstream of Barber Dam is for conservation and restoration of fish and wildlife habitat as evidenced by the recently launched Section 1135 Army Corps of Engineers project in Barber Pool, the pending completion of Alta Harris Creek, and the Harris Ranch Wildlife Mitigation plan adopted by the City of Boise with Idaho Fish and Game support in 2007.

Considering all of the concerns and potential conflicts mentioned above, we would recommend against opening these sections of the Boise River to commercial outfitting at this time.

Sincerely,



Darryl Kuhrt, President
Ted Trueblood Chapter of Trout Unlimited

cc. IFPL, HRWMA, BVFF, BPR, IDFG

John Price

From: Zac Clifford
Sent: Wednesday, February 5, 2025 7:48 AM
To: John Price
Subject: FW: BO1A Section limits

FYI

-----Original Message-----

From: Gina Gregerson <gregersongina@yahoo.com>
Sent: Wednesday, February 5, 2025 7:42 AM
To: Zac Clifford <zac.clifford@dopl.idaho.gov>
Subject: BO1A Section limits

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.

Good morning and thank you for your time!

As a resident of Barber Pool for 59 years, I appreciate a moment to comment on the request to change the BO1A section limits to extend to Discovery Park.

Barber Pool is a unique and precious wildlife habitat. While humans understandably want to enjoy water recreation activities on our beautiful river, Barber Pool is home to many thousands of our native animals and birds, and is a critical migratory bird pit stop in Spring and Fall.

These animals and birds have nowhere else to live and every human intrusion puts pressure on their attempts to exist and go about their daily lives.

I respect human recreational desires and needs, but humans can do these elective activities in other places. Barber Pool is the only home these native fauna have. They can't move away from human activity any more as there isn't anywhere else to go.

Due to the incredible negative pressures a change in BO1A section limits would put on this amazing and precious wildlife sanctuary, I humbly ask you to consider denying this request. The negative consequences of such increased human activity far outweigh the temporary pleasure and profit of a few humans.

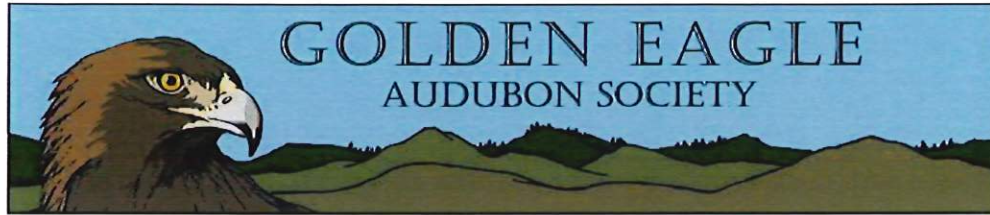
Thank you again for your time.

Sincerely,

Gina Gregerson

(208) 850-0357

gregersongina@yahoo.com



February 4, 2025

(sent via email): zac.clifford@dopl.idaho.gov

Zac Clifford, Outfitter Program Coordinator
Occupational Licenses Bureau
11341 W Chinden Blvd. Building 4 Boise, ID 83714

RE: Oppose BO1A Change Request: Allowing commercial outfitters to operate on the Boise River through the Barber Pool

Dear Mr. Clifford,

I am writing to submit comments on behalf of the Golden Eagle Audubon Society (GEAS) on the proposal to change the administrative rule that prohibits commercial guiding activities on the Boise River from Discovery Park to Eckert Road.

Golden Eagle Audubon is a 501(c)(3) non-profit organization founded in 1972, based in Boise, Idaho and represents nearly 1,500 members. GEAS' mission is to build an understanding, appreciation, and respect for the natural world to conserve and restore natural ecosystems for birds and other wildlife. Our focus area includes Ada, Elmore, Canyon, Owyhee, Washington, Payette, Gem, and Boise counties.

Golden Eagle Audubon has three areas of concern about potential adverse impacts of changing the rule on birds, bird habitat, and other wildlife in the area. Such impacts would be caused by the increased human presence and human disturbance the rule change would facilitate.

Allowing commercial guiding activities on the Boise River from Discovery Park to Eckert Road will attract significantly more people to this section of the river. While the public has a right to access the river below the Ordinary High Water Mark, most of the lands adjacent to this reach are privately owned. We know from observing recreational floating of the Boise River between Barber and Ann Morrison Parks, that people often land their boats and go ashore to rest, explore, and picnic. We can expect the same to result from opening this reach to guided fishing boats.

Human disturbance, even at low levels, are likely to impact species during sensitive periods of their life cycles, such as breeding. The mere presence of humans in the spring, when birds are establishing their nesting territories, has been shown to have a negative effect on both density of breeding birds and species richness, even when the habitat is not altered (Botsch et al. 2017).

Barber Pool Conservation Area Impacts

The [Barber Pool Conservation Area](#) (BPCA) supports over 300 native species of plants and animals in a 700 acre area between the Highway 21 bridge and Harris Ranch. It is the largest remaining area of wildlife habitat left in Boise and in Ada County. It is the second largest along the entire Boise River below Lucky Peak Dam. Larger blocks of habitat support both larger wildlife populations and more wildlife species than smaller areas of habitat. The large size of the BPCA contributes greatly to its value for wildlife.

The BPCA supports over 200 species of birds and 60 species of mammals, reptiles, and amphibians (USACE 2002). The area is part of the Boise River [Important Bird Area](#) designated by the National Audubon Society for the abundance and diversity of birds it supports. The National Audubon Society identifies residential and commercial development, as well as recreational development and overuse, as serious conservation issues impacting Important Bird Areas.

With dozens of partners and 300 volunteers, GEAS recently completed extensive restoration activities in the BPCA as part of our [Boise River ReWild Project](#). In the last two years, more than 10,000 volunteer hours have been dedicated to improving riparian and upland habitat in the area with weeding, planting 25,000 native plants, and watering seedlings. We will continue to steward these areas to ensure the success of the project.

About half of the BPCA is owned by the Idaho Foundation for Parks and Lands and managed as the [Barber Pool Wildlife Refuge](#) (Refuge). The Refuge supports riparian and wetland habitat that is dwindling along the Boise River due to acceleration of development in recent years. The Idaho Foundation for Parks and Lands are closed here to public access to protect wildlife with no formal put-in, take-out, or parking facilities. If commercial outfitters gain access, it is likely they will later push for improved launch and take-out facilities. Such facilities would only attract even more people and further degrade the habitat value and wildlife use of the Barber Pool.

An increase in human use of the BPCA also increases the risk of wildfire. The National Park Service (no date) estimates that nearly 85 percent of wildland fires in the United States are caused by humans. Two of the three wildfires in southeast Boise this past summer were caused by human carelessness. All three fires burned within ½ mile of the BPCA.

A wildfire in the river bottom would be devastating. The dense cover of grasses on the drier lands within the BPCA burn very easily. A fire within the BPCA could destroy the existing riparian habitat, leaving several hundred acres prone to invasion of exotic grasses with little wildlife habitat value and high flammability. Natural re-establishment of cottonwoods, willows, and other high-value riparian species would be impossible throughout most of the Barber Pool due to the distance between the ground surface and groundwater and the fact that there is no overbank flooding, which is essential for seedling establishment.

Idaho Bird Observatory Research Station Impacts

Boise State University's Intermountain Bird Observatory (IBO) is working to develop an outdoor education destination, the Diane Moore Nature Center, on its property in the BPCA. Through a long-running bird banding project, habitat restoration, and other activities, IBO's Research Station at the

Diane Moore Nature Center provides research and educational opportunities to students of all levels and to the public. This Research Station is more important than ever since last year's Valley Fire burned IBO's other Research Station on Lucky Peak. Increased human disturbance in and near IBO's lands will interfere with ongoing research on bird use and populations in the BPCA and beyond.

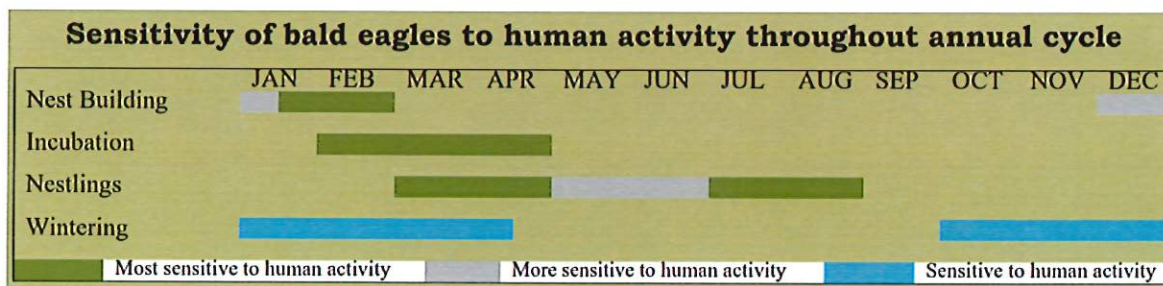
Through IBO, Boise State University is the non-federal sponsor for the [Barber Pool Ecosystem Restoration Project](#). GEAS is a contributor of matching funds to this project. The proposed objectives include improvements to floodplain, riparian, and wetland habitats to the maximum extent feasible, and the enhancement and creation of fish habitat in the project area. This work could be jeopardized by increased human presence in the area.

Bald Eagle Impacts

Bald Eagles (*Haliaeetus leucocephalus*) are present in the BPCA throughout the year. A mated pair has been nesting successfully on the Idaho Foundation of Parks and Lands property on the south side of the river in the Barber Pool since at least the late 1990s (Kaltenecker pers. com.). They can do so because current levels of human activity in the adjacent parts of the river are very low, especially compared to the Boise River below Eckert Road.

Bald Eagles are very sensitive to human disturbance before, during, and after the nesting season as well as outside of the breeding season (USFWS 2007). The current active nest is only 350 feet from the river and there are no large trees or riverbank shrubs to block the line-of-sight views between the nest and the river for a substantial distance. Increased human use of the river through the Barber Pool has a very high potential of jeopardizing the continued success of this nesting pair of eagles.

The Idaho Department of Fish and Game (IDFG) publication "Bald Eagles in Idaho" (2008 revision) describes the effects of human-related disturbance of wintering and nesting eagles. It also provides management guidelines needed to reduce the effects of human-related disturbance on Bald Eagles. The table below indicates that the highest levels of Bald Eagle sensitivity to human disturbance occur from January through the end of April and from mid-June through August. The summer period corresponds to the highest levels of human activity on the Boise River.



The publication states the following: "Habitat destruction and human-related disturbance of wintering and nesting eagles are still major contributors to the eagle's decline. Bald eagle numbers are directly related to quality and quantity of habitat. As our human population grows and expands, available wildlife habitat becomes scarcer. It becomes even more important to manage this habitat for the highest level of (eagle) productivity, in addition to securing new and future habitat. To keep bald eagles from being re-listed as Threatened or Endangered, we must consider the consequences of permanent wildlife habitat changes in land management practices."

Bald Eagles are protected under the Bald and Golden Eagle Protection Act (BGEPA.) BGEPA prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" Bald or Golden Eagles, including feathers, nests, or eggs, and provides criminal penalties for "take." BGEPA defines "take" as to "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." Regulations further define "disturb" as "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior" ([50 CFR 22.6](#)).

Bald Eagles generally use the same nest or an alternate nest nearby year after year, as has been observed with the mated pair in the BPCA. In Idaho, nesting activity by a mated pair of eagles begins as early as January 1st, and egg laying and incubation can run from February 1st through the end of May. After the eggs hatch, the young eagles are cared for in or near the nest by both parents until they can survive on their own, which can take until the end of August.

Bald Eagles are sensitive to human activity in the vicinity of their nest throughout the breeding season, and such activity may lead to nest abandonment or decrease the chances of successfully raising chicks. The U.S. Fish and Wildlife Service (USFWS) developed the [National Bald Eagle Management Guidelines](#) (USFWS 2007) to advise landowners, land managers, and others who share public and private lands and waters with Bald Eagles when and under what circumstances the protective provisions of BGEPA may apply to their activities. A variety of human activities can potentially interfere with bald eagles, affecting their ability to forage, nest, roost, breed, or raise young. These guidelines include a detailed discussion of Bald Eagle sensitivity to human activities. Highlights follow:

- If agitated by human activities, eagles may inadequately construct or repair their nest, may expend energy defending the nest rather than tending to their young, or may abandon the nest altogether.
- Activities that cause prolonged absences of adults from their nests, such as human presence, can jeopardize eggs or young. Depending on weather conditions, eggs may overheat or cool too much and fail to hatch. Unattended eggs and nestlings are subject to predation.
- Young nestlings are particularly vulnerable because they rely on their parents to provide warmth or shade, without which they may die because of hypothermia or heat stress.
- If foraging or food delivery schedules are interrupted, the young may not develop healthy plumage, which can affect their survival.
- Adults startled while incubating or brooding young may damage eggs or injure their young as they abruptly leave the nest. Older nestlings no longer require constant attention from adults, but they may be startled by loud or intrusive human activities and prematurely jump from the nest before they are able to fly or care for themselves.
- Interference with feeding can also result in reduced productivity (number of young successfully fledged).

Over several years, opening the BPCA to commercial outfitters would greatly increase human use of this reach of the river and would very likely have adverse effects on Bald Eagles rising to the level of illegal "take", which would require a permit from the U.S. Fish & Wildlife Service.

Golden Eagle Audubon Society appreciates the opportunity to comment on the proposal to change the administrative rule that prohibits commercial guiding activities on the Boise River from Discovery Park to Eckert Road. Given all of the potential adverse impacts granting this request could cause, we respectfully ask that this request to open this reach of the Boise River to commercial guiding be denied.

Thank you for considering the conservation of birds and other natural resources in your decision, and thank you for your time,



Cynthia Wallesz
Executive Director
cwallesz@goldeneagleaudubon.org

References

Bald Eagles in Idaho. 2008 (revised). Idaho Department of Fish and Game.

Bötsch, Y., Tablado, Z., & Jenni, L. 2017. Experimental evidence of human recreational disturbance effects on bird-territory establishment. *Proceedings. Biological sciences*, 284(1858), 20170846.
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Kaltenecker, Gregory S., Bechard, Marc J., and Tiedemann, Robert B. 1994. Boise River Wintering Bald Eagle Study: Boise River Corridor, Lucky Peak Dam to Ada/Canyon County Line. Ada Planning Association and Boise River Bald Eagle Task Force.

National Park Service. Wildfire Causes and Evaluations.
<https://www.nps.gov/articles/wildfire-causes-and-evaluation.htm>

USACE. 2002. Barber Pool Conservation Area Inventory and Analysis Submitted to: The Friends of Barber Pool Conservation Area Boise. 2002. Walla Walla District, US Army Corps of Engineers.

USFWS. 2007. National Bald Eagle Management Guidelines.

Golden Eagle Audubon Society is a 501(c)(3) non-profit organization founded in 1972. Based in Boise, we serve eight counties in southwest Idaho and currently have 768 local members. Our mission is to build an understanding, appreciation, and respect for the natural world to conserve and restore natural ecosystems for birds and other wildlife.

John Price

From: Zac Clifford
Sent: Tuesday, February 4, 2025 7:39 AM
To: John Price
Subject: FW: BO1A Change Request

FYI

From: Stephani Hilding <stef.hilding@gmail.com>
Sent: Monday, February 3, 2025 4:39 PM
To: Zac Clifford <zac.clifford@dopl.idaho.gov>
Subject: BO1A Change Request

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.

Dear Mr. Clifford:

I am writing in opposition to the proposal to permit commercial outfitters to operate on the Boise River through the Barber Pool. Our property borders the IFPL nature reserve in the Barber Pool and we have already seen a significant increase in the number of trespassers on the IFPL property in recent years.

While we would have no objection if paddlers and floaters stayed on the river, the problem is that many don't. They land on beaches, set up shade structures and have picnics. They hike on the privately held land on both sides degrading the quality of this last remnant of significant wildlife habitat. They create new trails and leave litter behind.

Some bring their unleashed dogs with them. We have seen dogs chasing deer through the reserve on a number of occasions.

Others are smokers. In addition to litter from the butts, smokers create added risks of wildfires in an area that is usually tinder dry during the float season.

While conscientious outfitters would no doubt try to reduce these threats to the reserve, it is doubtful they could completely eliminate these risks. In addition, if commercial operations are permitted, word of mouth would quickly spread to the community at large resulting in even more use, and more abuse, of the reserve.

For all of these reasons, I respectfully request that you not allow commercial outfitters to operate in the Barber Pool.

Thank you.
Stephani and Paul Hilding

RE: BO1A Change Request: Allowing commercial outfitters to operate on the Boise River through the Barber Pool

Dear Mr. Clifford,

I have prepared these comments to specifically address wildlife habitat issues related to the request to allow commercial outfitters to operate on the Boise River through the Barber Pool. I am a retired botanist with more than 30 years of experience working in southwest Idaho, primarily for land management agencies. I currently volunteer with the Golden Eagle Audubon Society and The World Center for Birds of Prey to actively restore wildlife habitat at several areas around the Treasure Valley. I have also volunteered my time to assist with vegetation restoration within the Barber Pool Wildlife Reserve.

There appear to be very few details about what the outfitter is requesting. The request does not include anything about the seasonal duration of outfitting activity or whether this is for a single outfitter or would open it to any outfitter. Guided trips through the Barber Pool would probably be very popular and lucrative, possibly triggering a flood of other outfitters wanting to make a profit. Given the Treasure Valley's population explosion, **this will add additional stress to the area's wildlife and trampled vegetation along the Barber Pool shore.**

Because of the unique combination of a large contiguous habitat area, extensive riverbank, islands, slow moving water, and very low to almost no human disturbance, the BPCA is a rare gem in the Boise River valley. It is refuge teeming with over 200 avian species and 60 species of mammals, reptiles, and amphibians (USACE 2002). The area is particularly important because it serves as critical winter habitat for deer as well as an important stop for birds migrating between North and Central and South America. The National Audubon Society and the American Bird Conservancy have named the Barber Pool Conservation Area an "**Idaho State Important Bird Area**". The black cottonwood forest provides a rare sanctuary for bald eagles to nest, roost, and forage, and perch.

I understand the public's right to access navigable waters below the ordinary high-water mark (OHWM). However, most of the riverbank above the OHWM through the Barber Pool reach is privately owned by the Idaho Foundation for Parks and Lands (IFPL) and is closed to public access. Counting both the riverbanks and the two large islands in this reach, approximately 75% of the riverbank is private property and is closed to public access.

The request states that the change in classification would provide alternatives for outfitters that don't find the facilities at other locations to be "suitable for their operation". There are no formal put-in, take-out, or parking facilities in the Barber Pool reach of the river. If the change is granted and commercial outfitters gain access to the Barber Pool, they will later push for improved launch and take-out facilities to enhance the "comfort

and safety" of their clients. Such facilities would only attract even more people and further degrade the habitat value and wildlife use of the Barber Pool.

It is inevitable that allowing outfitters to float through Barber Pool will attract significantly more people to this section of the river. Who will enforce trespass laws on private users?

Bald eagles are present in the Barber Pool Conservation Area throughout the year. They have been nesting successfully on the south side of the river in the Barber Pool since at least the late 1990s. They can do so because current levels of human activity in the adjacent parts of the river are very low, especially compared to the Boise River below Eckert Road. Habitat destruction and human-related disturbance of wintering and nesting eagles are still major contributors to the eagle's decline. To keep bald eagles from being re-listed as Threatened or Endangered, we must consider the consequences of permanent wildlife habitat changes in land management practices.

Over several years, opening the Barber Pool to commercial outfitters would greatly increase human use of this reach of the river via outfitters and private floaters. This would very likely have adverse effects on bald eagles.

Within the Barber Pool Wildlife Reserve, maintaining or improving habitat value and integrity is the standard against which all potential recreational and educational actions should be evaluated.

Thank you for the opportunity to comment and for considering my comments and the incredibly valuable natural resources of the Barber Pool.

Ann DeBolt
Botanist, retired
2032 South Crystal Way, Boise, ID
83706
annmdebolt@gmail.com

John Price

From: Zac Clifford
Sent: Monday, February 3, 2025 8:14 AM
To: John Price
Subject: FW: Barber Pool Outfitter Proposal

FYI

-----Original Message-----

From: don frisk <dfrisk5@gmail.com>
Sent: Saturday, February 1, 2025 9:24 AM
To: Zac Clifford <zac.clifford@dopl.idaho.gov>
Subject: Barber Pool Outfitter Proposal

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.

There is a song recorded by The Eagles with a line:
"Call a place paradise and kiss it good bye!"

My wife and I have seen several situations where there is a small movement by a business to manipulate things in order to expand their plans and business goals. Once the genie is out of the bottle, well, you know the rest!
We are strongly opposed to the Outfitters proposal. We are so impressed by and proud of the extraordinary accomplishments in Boise to protect and restore natural habitat! There are many concerned citizens volunteering hours, and even years working on this effort. My wife and I have joined in tree planting projects to help maintain healthy living spaces in our area. This outfitter's proposal sounds disastrous for the river, the wildlife, and the community!
I encourage you to look up and watch the film, "Rebels with a Cause" where a few citizens literally saved the Marin/Sonoma coast in Northern California from being spoiled by corporate interests! We also lived for years in Sedona, Arizona where the pendulum has swung too far and the area is changing in ways not healthy to the natural environment. Please, don't allow this to happen here!

Thank You!
Don Frisk
Victoria Moore
Sent from my iPhone

John Price

From: Zac Clifford
Sent: Monday, February 3, 2025 8:14 AM
To: John Price
Subject: FW: Requested change to BO1A

FYI

From: Dan Herrig <danscedar@aol.com>
Sent: Saturday, February 1, 2025 10:25 AM
To: Zac Clifford <zac.clifford@dopl.idaho.gov>
Subject: Requested change to BO1A

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Mr. Clifford,

I am writing to express my opposition to extending the boundaries of the BO1A river section upriver from Eckert bridge to Discovery Park.

The value of the area for wildlife is far too great to be jeopardized for commercial use of one or more outfitters. There are very few larger areas of natural, native riparian habitat in the Boise River -- and this is the only one in the upper valley -- that have the diversity and scale of the reach from Eckert bridge upstream to the Boise Diversion Dam. It's importance to resident and migratory wildlife makes this area rare and very special. And, it will only become more important as development continues in the valley and foothills.

I hope you and the Board will help insure this important area is protected from overuse.

Thanks for reading my comments.

Dan Herrig
3116 N. Wagon Wheel Rd
Boise

[Sent from AOL on Android](#)

John Price

From: Zac Clifford
Sent: Monday, February 3, 2025 8:15 AM
To: John Price
Subject: FW: Barber Pool Outfitter Proposal

FYI

From: Judi and Frank <bruneauboy@gmail.com>
Sent: Saturday, February 1, 2025 9:08 PM
To: Zac Clifford <zac.clifford@dopl.idaho.gov>
Subject: Barber Pool Outfitter Proposal

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.

The river and riparian habitat upstream of the Eckert St bridge are extremely important wildlife habitat. The area is uniquely wild while in close proximity to urban Boise. This area should be limited to quiet, private, non-commercial use. It is not appropriate to open the river stretch to commercial rafting. Commercial use would lead to wildlife disturbance and damage to the riparian corridor. There is ample opportunity for commercial uses downstream.

Thank you
Ginger Newt

John Price

From: Zac Clifford
Sent: Monday, February 3, 2025 8:15 AM
To: John Price
Subject: FW: BO1A Boundary Change

FYI

From: George Farrow <geofarrow@yahoo.com>
Sent: Sunday, February 2, 2025 12:46 PM
To: Zac Clifford <zac.clifford@dopl.idaho.gov>
Subject: BO1A Boundary Change

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.

Greetings,

I am against changing or amending the current boundary limits of section BO1A of the Boise River. The stretch above Eckert Road receives little human activity or impacts and should be kept that way for the benefit of wildlife and the watershed. Thanks.

Farrow

Watershed Manager (Ret.)

Sincerely,

George

BLM

John Price

From: Zac Clifford
Sent: Friday, January 31, 2025 1:40 PM
To: John Price
Subject: FW: Feedback re: Barber Pool Outfitter Proposal

FYI

From: Matt Fennie <MattFennie@outlook.com>
Sent: Friday, January 31, 2025 10:58 AM
To: Zac Clifford <zac.clifford@dopl.idaho.gov>
Subject: Feedback re: Barber Pool Outfitter Proposal

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.

Dear Zac,

My wife and I are residents of the Barber Valley and would like to voice our opposition to allow commercial outfitters to float the Boise River from Discovery Park to the Eckert Bridge. In an effort to preserve and restore this stretch for wildlife, we often volunteer to wrap trees and eliminate litter from this area. We feel strongly that allowing commercial outfitters to have access would stress both the land, and wildlife that make the Barber Pool area so wonderful.

Additionally, the recent fires came close to our home and our neighborhood is full of deer searching for food. Thankfully, the Barber Pool was spared this time, and provides a sanctuary for them to feed. I believe that opening up the river to outfitters would likely result in a higher likelihood of fire, as well as litter and further bank erosion/damage. Please consider denying the requested rule change to the BO1A river section.

Thanks,

Matt and Lisa Fennie
4766 S. Spotted Horse Ave
Boise, Id 83716

January 30, 2025

Zac Clifford, Outfitter Program Coordinator
Occupational Licenses Bureau
11341 W Chinden Blvd., Building 4
Boise, ID 83714

Sent via email to: zac.clifford@dopl.idaho.gov

Subject: BO1A Change Request: Allowing commercial outfitters to operate on the Boise River through the Barber Pool

Dear Mr. Clifford,

I am a retired wildlife biologist based in Boise and have prepared these comments to specifically address wildlife and wildlife habitat issues related to this request. My work focused on wildlife and habitat issues throughout much of Idaho and the Intermountain West over a 35-year career.

I have become aware of the proposal to change the administrative rule that prohibits commercial guiding activities on the Boise River from Discovery Park to Eckert Road. I have prepared these comments to make you aware of several natural resource issues that would arise if the change were granted.

There appears to be very few details about what the outfitter is requesting. The request doesn't include anything about the seasonal duration of outfitting activity, the number of trips or passengers per day, or whether this is for a single outfitter or would open it to any outfitter. Given the population explosion in Boise, guided trips through the Barber pool would probably be very popular and lucrative, possibly triggering a flood of other outfitters wanting to cash in.

Since early 2018 I've been volunteering on wildlife related issues on the approximately 350-acres of the Barber Pool owned by the Idaho Foundation for Parks and Lands (IFPL). This represents about half of the total area of the Barber Pool Conservation Area (BPCA). The 350 acres owned by IFPL is called the Barber Pool Wildlife Reserve (Reserve).

I've volunteered over 2,000 hours learning about the habitat, wildlife, and threats to the Reserve area. As such, I am quite familiar with the riparian and wetland habitat and wildlife on the IFPL Reserve lands within the BPCA. Over my 35-year professional career I've become very familiar with the problems that arise when too many people interact with wildlife and their habitat. Without exception, the habitat and the associated wildlife lose every time.

Why is the Barber Pool So Valuable for Wildlife?

To begin, I carefully reviewed the most recent Google Earth imagery of the entire length of the Boise River. What I found is that the BPCA is the second largest area of undeveloped, uncultivated, and ungrazed river bottom wildlife habitat along the entire length of the Boise River. Only the Fort Boise Wildlife Management Area (WMA) is larger. In addition, the Reserve portion of the BPCA is the largest area of river bottom wildlife habitat along the Boise River that is almost entirely inaccessible to people. It is well documented in peer-reviewed scientific publications that larger blocks of habitat support both larger wildlife populations and more wildlife species than smaller areas of habitat. The large size of the BPCA contributes greatly to its value for wildlife.

Because of the unique combination of a large contiguous habitat area, extensive riverbank, islands, slow moving water, and very low to almost no human disturbance, the BPCA is a rare jewel in the Boise River valley. It is refuge teeming with over 200 avian species and 60 species of mammals, reptiles, and amphibians (USACE 2002). The area is particularly important because it serves as critical winter habitat for deer as well as an important stop for birds migrating between North and Central and South America. The National Audubon Society and the American Bird Conservancy have named the BPCA an "Idaho State Important Bird Area". In addition, the black cottonwood forest provides a rare sanctuary in our busy city for bald eagles to nest, roost, and forage, and perch.

Issues Caused by More People Using the River

I understand the public's right to access navigable waters below the ordinary high-water mark (OHWM). You need to be aware that most of the riverbank above the OHWM through the Barber Pool is privately owned by the IFPL and is closed to public access. Counting both the riverbanks and the two large islands in this reach about 75% of the riverbank is private property and is closed to public access. It is inevitable that allowing outfitters to float through Barber Pool will attract significantly more people to this section of the river. Who will enforce trespass laws on private users?

The request states that the change in classification would provide alternatives for outfitters that don't find the facilities at other locations to be "suitable for their operation". There are no formal put-in, take-out, or parking facilities in the Barber Pool reach of the river. If the change is granted and commercial outfitters gain access to the Barber Pool, they will later push for improved launch and take-out facilities to enhance the "comfort and safety" of their clients. Such facilities would only attract even more people and further degrade the habitat value and wildlife use of the Barber Pool.

The request also states that granting the requested change would allow the public to "learn more about the history of the river and Barber dam". There's plenty of on-line

sources of information that cover the history of the river and Barber Dam. You don't need to float the river through the Barber Pool to educate yourself on these topics.

Wildfires

Where people go, wildfires will follow. Every year we see a large uptick in the number of wildfires in Idaho around July 4th, despite usually clear and sunny weather. These are largely human-caused fires. The National Park Service (no date) estimates that nearly 85 percent of wildland fires in the United States are caused by humans. Two of the three wildfires in southeast Boise this past summer were caused by human carelessness. All 3 fires burned within ½ mile of the BPCA.

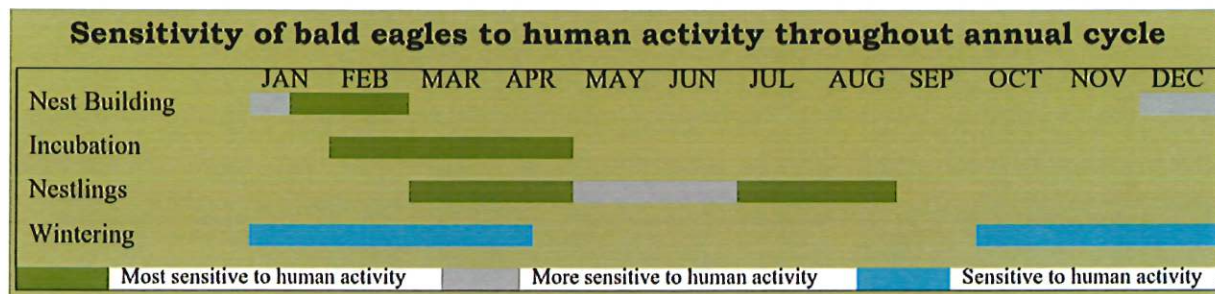
A wildfire in the river bottom would be devastating. The dense cover of grasses on the drier lands within the BPCA burn very easily. A fire within the BPCA would be devastating to the existing riparian habitat, leaving several hundred acres of nothing but invasive, exotic grasses with little wildlife habitat value. Natural re-establishment of cottonwoods, willows, and other high-value riparian species would be impossible throughout most of the Barber Pool due to the distance between the ground surface and groundwater and the fact that there is no overbank flooding, which is essential for seedling establishment.

Bald Eagle Sensitivity to Human Disturbance

Bald eagles (*Haliaeetus leucocephalus*) are present in the BPCA throughout the year. They have been nesting successfully on the IFPL property on the south side of the river in the Barber Pool since at least the late 1990s (Kaltenecker pers. com.). They can do so because current levels of human activity in the adjacent parts of the river are very low, especially compared to the Boise River below Eckert Road.

Bald eagles are very sensitive to human disturbance before, during, and just after the nesting season as well as outside of the breeding season (USFWS 2007). The current active nest is only 350 feet from the river and there are no large trees or riverbank shrubs to block the line-of-sight views between the nest and the river for a substantial distance. Increased human use of the river through the Barber Pool has a very high potential to jeopardize the continued success of this nesting pair of eagles.

The Idaho Department of Fish and Game (IDFG) publication "Bald Eagles in Idaho" (2008 revision) describes the effects of human-related disturbance of wintering and nesting eagles. It also provides management guidelines needed to reduce the effects of human-related disturbance on bald eagles. The table below indicates that the highest levels of bald eagle sensitivity to human disturbance occur from January through the end of April and from mid-June through August. The summer period corresponds to the highest levels of human activity on the Boise River.



The publication states the following: “Habitat destruction and human-related disturbance of wintering and nesting eagles are still major contributors to the eagle’s decline. Bald eagle numbers are directly related to quality and quantity of habitat. As our human population grows and expands, available wildlife habitat becomes scarcer. It becomes even more important to manage this habitat for the highest level of (eagle) productivity, in addition to securing new and future habitat. To keep bald eagles from being re-listed as Threatened or Endangered, we must consider the consequences of permanent wildlife habitat changes in land management practices.”

Bald eagles (are protected by the Bald and Golden Eagle Protection Act (Eagle Act) and the Migratory Bird Treaty Act (MBTA). These laws protect bald eagles from harmful actions and impacts. The U.S. Fish and Wildlife Service (USFWS) developed the National Bald Eagle Management Guidelines (USFWS 2007) to advise landowners, land managers, and others who share public and private lands and waters with bald eagles, when and under what circumstances the protective provisions of the Eagle Act may apply to their activities. A variety of human activities can potentially interfere with bald eagles, affecting their ability to forage, nest, roost, breed, or raise young. These guidelines include a detailed discussion of bald eagle sensitivity to human activities. Highlights follow:

- If agitated by human activities, eagles may inadequately construct or repair their nest, may expend energy defending the nest rather than tending to their young, or may abandon the nest altogether.
- Activities that cause prolonged absences of adults from their nests, such as human presence, can jeopardize eggs or young. Depending on weather conditions, eggs may overheat or cool too much and fail to hatch. Unattended eggs and nestlings are subject to predation.
- Young nestlings are particularly vulnerable because they rely on their parents to provide warmth or shade, without which they may die because of hypothermia or heat stress.
- If foraging or food delivery schedules are interrupted, the young may not develop healthy plumage, which can affect their survival.
- Adults startled while incubating or brooding young may damage eggs or injure their young as they abruptly leave the nest. Older nestlings no longer require

constant attention from adults, but they may be startled by loud or intrusive human activities and prematurely jump from the nest before they are able to fly or care for themselves.

- Interference with feeding can also result in reduced productivity (number of young successfully fledged).

Over several years, opening the Barber Pool to commercial outfitters would greatly increase human use of this reach of the river via outfitters and private floaters. This would very likely have adverse effects on bald eagles.

Here's a first-hand example of how allowing commercial outfitters to operate through the Barber Pool is a very bad idea for bald eagles. During one of several week-long heat waves in the summer of 2021, with successive days over 100 degrees, Gina Gregerson and I observed a fledged juvenile bald eagle cooling itself by wading into the river near their nest on two consecutive days. The bird stood on the bank next to the river and occasionally waded into the water up to "shoulder" level to cool off. If people were floating past this location regularly or stopped on the nearby bank during these hot spells there's a good chance this juvenile would have been prevented from cooling itself, with possible deadly consequences.

Please carefully consider these direct and indirect consequences of any actions that would improve or increase human access to the river. Within the Barber Pool Wildlife Reserve, maintaining or improving habitat value and integrity is the standard against which all potential recreational and educational actions should be evaluated. This is especially important on the south side of the river where human access is presently restricted.

Thank you for considering my comments and the valuable natural resources of the Barber Pool.

Charles L. Blair
Wildlife Biologist, retired
4782 S. Spotted Horse Avenue, Boise, ID 83716
clblair3579@gmail.com

References

Bald Eagles in Idaho. 2008 (revised). Idaho Department of Fish and Game.

Kaltenecker, Greg 1996 Continued Monitoring of Boise's Wintering Bald Eagles, Winter 1995/1996 Ada Planning Association, Boise Idaho

Kaltenecker, Gregory S., Bechard, Marc J., and Tiedemann, Robert B. 1994. Boise River Wintering Bald Eagle Study: Boise River Corridor, Lucky Peak Dam to Ada/Canyon County Line. Ada Planning Association and Boise River Bald Eagle Task Force.

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USACE 2002. Barber Pool Conservation Area Inventory and Analysis Submitted to: The Friends of Barber Pool Conservation Area Boise. 2002. Walla Walla District, US Army Corps of Engineers.

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https://www.fws.gov/sites/default/files/documents/national-bald-eagle-management-guidelines_0.pdf

John Price

From: Zac Clifford
Sent: Thursday, January 30, 2025 11:00 AM
To: John Price
Subject: FW: Stomping on Local Fishermen's Access

FYI

From: RICHARD C JONES Owner <coffeerush@q.com>
Sent: Thursday, January 30, 2025 9:06 AM
To: Zac Clifford <zac.clifford@dopl.idaho.gov>
Subject: Stomping on Local Fishermen's Access

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.

Opening up this section of the river to guiding will degrade an already "busy" area of fishing on the river in town.

Guiding in this area on a regular basis will stop local fishermen from having access to a fishing resource that is close to home.

Guiding will seriously impact the ability of local fishermen to have access to the river.

Tell the "guide" to find a place outside of very heavily fished section of the river!!!!!!!!!!!!!!!!!!!!!!

John Price

From: Zac Clifford
Sent: Thursday, January 30, 2025 11:00 AM
To: John Price
Subject: FW: Boise River B01A Rule Change

FYI

From: Rob Stark <robvickistark@gmail.com>
Sent: Thursday, January 30, 2025 9:57 AM
To: Zac Clifford <zac.clifford@dopl.idaho.gov>
Subject: Boise River B01A Rule Change

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Mr. Clifford:

We are writing to express our opposition to the proposed rule change that would allow commercial outfitters to guide trips between Discovery Park and the Eckert Bridge. We can see a part of this section of the river and the wild lands on either side of the river from our house. We have volunteered our time and money to the efforts of the Idaho Foundation for Parks and Land and the Intermountain Bird Observatory to rehabilitate and protect this area and the wildlife that calls it home. We fully support restricting human and domestic animal access to this area. It is unique to have this kind of preserve located within a metro area, and all efforts should be made to keep the area wild. Most of the riverbanks are private property, so chances are that any rafts pulling up onto the islands or shore would be trespassing. Furthermore a portage around the Diversion Dam at the New York Canal would be impractical at best. The only possible portage route around the Diversion Dam would involve carrying rafts along a stretch of the greenbelt that is heavily used by bicyclists at high speed due the lack of pedestrian traffic in this area. Finally there is a long time bald eagle nest that is near the river. This longtime nest is in this location because of the lack of human activity. If there's an uptick in human activity along this stretch it will have an adverse outcome on the eagle's and possibly abandonment of the nest.

Thank you for your consideration of our thoughts on this matter.

Rob & Vicki Stark
6865 E Warm Springs Ave
Boise ID 83716
208-869-5429

John Price

From: DOPL OGLB Licensing
Sent: Thursday, January 30, 2025 8:58 AM
To: John Price
Subject: FW: Request to extend commercial activities from Discovery Park to Eckert Road

FYI

-----Original Message-----

From: Bruce Smith <bms2650@gmail.com>
Sent: Wednesday, January 29, 2025 3:54 PM
To: DOPL OGLB Licensing <OGLB-Licensing@dopl.idaho.gov>
Subject: Request to extend commercial activities from Discovery Park to Eckert Road

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.

Dear Sirs: It has come to my attention there is a request from someone to allow commercial guiding activities from Discovery Park to Eckert Road. At this point this may be a rumor as I have been unable to find any posted information regarding this. However as a homeowner in the very near vicinity, I can tell you with little room for doubt that such an proposal would be met with a lot- a lot- of local opposition. This is notwithstanding the absence of any details of the proposal. Harris Ranch has already overloaded the river with new users and traffic is already burdening the neighborhoods and Discovery Park and Barber Park. If there were some type of rafting or other activities proposed , there is no place for a takeout between Discovery and Barber Park. There is already one lawsuit from a homeowner over general public use of the area. At a minimum some type of detail or plan-or some type of notice- provided to the public. Thank you. Bruce Smith 2809 S Shadywood Way Boise Id 83716

Sent from my iPad

Mr. Clifford,

1-29-2025


I was informed there is a proposal to change the rule that bans commercial guiding on the Boise River between Discovery Park to Eckert Road.

In my view allowing commercial guiding activities along this section of the Boise River would have a serious detrimental effect on the Barber Pool Conservation Area (BPCA). The BPCA is one of the very few areas along the Boise River closed to the public creating a precious wildlife/riparian habitat.

BPCA is private land but it is inevitable that allowing commercial guiding activities trespassing would become a larger issue and there is no way to enforce no trespassing. If one outfitter is given permission to float this section of the river what would stop other outfitters from applying for a permit?

Volunteers have spent thousands of hours helping to restore the BPCA and the area between the NY Canal diversion dam and Eckert Road to a more natural/wild habitat and it would be a travesty to have it threatened due to increased human activity. With the Treasure Valley's exponential growth protecting small areas like BPCA is vital for wildlife which is one of the reasons why people love living here.

Best regards

A handwritten signature in blue ink that reads "Howard Sheppa". The signature is fluid and cursive, with the first name "Howard" being more prominent than the last name "Sheppa".

Howard Sheppa
Idaho Master Naturalist
Trout Unlimited Member
Golden Eagle Audubon Society Member

John Price

From: Zac Clifford
Sent: Wednesday, January 29, 2025 1:41 PM
To: John Price
Subject: FW: Request to allow private outfitter access to Boise River now restricted

FYI

-----Original Message-----

From: Kathleen Sheppa <kbsheppa@gmail.com>
Sent: Wednesday, January 29, 2025 1:39 PM
To: Zac Clifford <zac.clifford@dopl.idaho.gov>
Subject: Request to allow private outfitter access to Boise River now restricted

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.

Dear Mr. Clifford,

I am writing to you today to register my concerns with the proposal to open the Boise River to private outfitters at the now restricted area between Discovery park and Eckert rd. I have logged numerous hours of volunteer time trying to improve this area with numerous organizations. There are professionals who can elaborate better than I why this is a bad idea. Please don't approve this request ! It would change this area forever.

Sincerely

Katie Sheppa

Sent from my iPad

John Price

From: Zac Clifford
Sent: Monday, February 24, 2025 7:44 AM
To: John Price
Subject: FW: Proposed rule change-Boise River, BO1A

FYI

From: Larry Rich <numberwon2@gmail.com>
Sent: Saturday, February 22, 2025 7:11 AM
To: Zac Clifford <zac.clifford@dopl.idaho.gov>
Subject: Proposed rule change-Boise River, BO1A

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Dear Mr. Clifford,

As residents in the Harris Ranch area, we are writing in opposition to the proposed rule change for the stretch of the Boise River between the Diversion Dam and the Barber Dam.

We urge a denial of this proposed rule change and support the detailed letter provided to you from our Barber Valley Neighborhood Association Board 01/13/2025.

Kind regards,

Larry & Tami Rich

Home Owners

John Price

From: Zac Clifford
Sent: Tuesday, May 6, 2025 8:08 AM
To: John Price
Subject: FW: BARBER CONSERVATION AREA

FYI

From: Guy Popsy Levingston <gleving3@gmail.com>
Sent: Sunday, May 4, 2025 7:47 AM
To: Zac Clifford <zac.clifford@dopl.idaho.gov>
Subject: BARBER CONSERVATION AREA

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.

Zac,
I have been a resident in SE Boise and business owner for over 30 years in the Treasure Valley and am writing you to express my extreme opposition to allowing rafters/floaters in and thru the Barber Conservation area. It is ludicrous to consider opening up this area to the public as it will destroy this conservation area with public intrusion both on the water and land. Leave it alone! The general public has miles of other water ways in which to "play" along the Boise river. Don't ruin this last natural gem that Boise has!

Thank you
Guy "Popsy" Levingston

gleving3@gmail.com
208.830.4420