

# Ridge to Rivers Special Uses Guidelines



Ridge to Rivers  
Special Uses Guidelines

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## **Purpose**

The Ridge to Rivers partnership is comprised of the City of Boise, the Bureau of Land Management, the U.S. Forest Service, Ada County and the Idaho Department of Fish and Game (Partnership). The Partnership jointly manages the land and recreation uses in the Boise Foothills to provide a high-quality trail system for the enjoyment of Treasure Valley residents and visitors to the Boise Foothills. A Memorandum of Understanding governs how the partner agencies will work together.

This document provides guidelines for administering special uses along land and trails that are part of the Ridge to Rivers Trail System. Special uses include things such as special events (both competitive and non-competitive), vending, and commercial use. The policies and guidance set forth in this document do not replace any laws, regulations, or policies under which each partner agency operates but provides common guidelines when making decisions concerning special uses.

The Partnership recognizes that in the event that a Ridge to Rivers partner receives a request for an event occurring entirely on its jurisdictional lands (for example the U.S. Forest Service), that agency retains the sole right and ability to permit or deny the event irrespective of these guidelines.

## **Background**

The Ridge to Rivers Trail System offers a high quality, single and double track trail experience in close proximity to the city of Boise. It is enjoyed on a daily basis by trail enthusiasts throughout the Treasure Valley, seeking recreation and physical exercise in a natural setting. The ability to maintain a system of native surfaced trails subject to such high use is a challenging proposition. Maintenance occurs regularly, user education is an on-going process, and determination of acceptable and appropriate uses is reviewed on a regular basis.

Goals in maintaining the Ridge to Rivers trail system harmoniously with recreational and resource values as stated in the 2015 Interagency Foothills Management Plan (IFMP) include the following:

- Provide the public with a wide range of recreational opportunities compatible with other plan goals at appropriate places, while taking care to protect the ecological diversity of the Foothills.
- Retain, preserve and enhance the natural scenic values of the Foothills.
- Protect soils to reduce erosion and repair erosion damage.
- Protect and restore native, special status and other desirable vegetation.

Management goals for the trail system as specified in the 2016 Ridge to Rivers 10-Year Trail Management Plan include:

- Provide a variety of trail experiences that welcome a range of recreational activities.

- Ensure that trails allow for the enjoyment and protection of ecologically and culturally important areas.
- Maintain a sustainable system balancing demand and expansion with available resources.

Requests for special use permits such as competitive and non-competitive events, vending, and commercial use on the Ridge to Rivers trail system continue to increase. Providing special use guidelines helps to ensure that requests are managed consistently, and are evaluated in alignment with resource management goals and public expectations.

Concerns specific to formulation of these guidelines included:

- Potential displacement of public use during a foothills event.
- Resource impacts to the trails and surrounding landscape.
- Increased conflicts and impacts due to set up, take down, and various other features of event management and logistics.
- The challenge of providing support infrastructure to the event(s).

In addition, as each agency promulgates rules and regulations according to the laws that govern agency lands, any special use proposal needs to conform to permit requirements associated with the lands on which the activities are proposed. In creating these guidelines, the Partnership seeks to provide consistent guidance to special use applicants.

## **Definitions**

The Partnership has agreed the following fall under the category of Special Uses: special events, competitive events, non-competitive events, vending, and commercial use. For purposes of the document, each term is defined below.

### **Special Event (Organized Group Events)**

A Special Event is any single gathering or series of gatherings for which planning reasonably could have occurred within the time frames required by the Special Use Policy. All events are subject to the rules and regulations of the Partnership. Special events include, activities that are neither commercial nor competitive or other organized activities conducted for a common purpose or collective use.

### **Competitive Event**

A competitive event is a timed race event or an event that determines placement, rankings, or winners. Competitive events are defined as organized, sanctioned, or structured use or activity in which two or more contestants compete.

## **Non-Competitive Event**

A non-competitive event means any activity or use that does not meet the definition for a competitive event. This may include any non-timed event such as hikes, bike rides, fitness-oriented fun runs, or nature-oriented activities.

## **Vending**

Vending is a type of commercial use defined as a temporary, short-term, non-exclusive, revocable authorization to sell goods or services in conjunction with a recreation activity or at a recreation site or area. "Vending" or "vendor" or "vendor operations" are those that expose or offer for sale any article or thing, or station or place any stand, cart, animal or vehicle for transportation, sale or display of any such article or thing.

This includes any person or thing that is selling, serving, giving items away for free, or advertising.

## **Commercial Use**

Commercial use means recreation use of the public lands and related waters for business or financial gain. The activity, service, or use is commercial if any of these conditions is present:

- Any person, group, or organization that makes or attempts to make a profit, receives money, or obtains goods or services as compensation from participants in recreation activities.
- Anyone collects a fee or receives other compensation that is not strictly a sharing of actual expenses, or exceeds actual expenses, incurred for the purposes of the activity, service, or use.
- There is paid, public advertising to seek participants.
- Participants pay for a duty of care, i.e., an expectation of safety.

# **SPECIAL EVENTS**

## **Competitive Events**

### **Application Process and Requirements**

Applications must meet all landowner or agency permit requirements, including timeframe deadlines in addition to requirements outlined below. The requirements below do not serve as a waiver of individual partner rules or regulations.

All competitive event proposals shall be submitted to Ridge to Rivers between November 1 and December 31 each year, in order for the event to be considered for the following calendar year. The Partnership shall not process or consider any proposals received prior to November 1 and after December 31, annually. Each proposal should contain enough detail for the event to be fully understood and evaluated.

Race proposals will be evaluated upon the following criteria:

- Degree to which race proposal adheres to Policy Conditions of Approval (detailed later in this section)
- Land managers likely permitting/approval of the proposed event
- Proposed Race Course
- Organization of race event (attention to necessary detail)
- Demonstrated past performance
- Benefit to Ridge to Rivers trail users
- Possible benefit to the Ridge to Rivers trail system
- Organization of application
- Potential for trail damage resulting from race route
- Participation rate of event
- Unique opportunity provided by the event

Approved races must adhere to the Conditions of Approval outlined below. Approved races will be reviewed annually for compliance with all required individual agency permit terms and conditions, and Ridge to Rivers Special Use Policy Conditions of Approval. A review of each race will be conducted and documented by Ridge to Rivers staff. Races found to be out of compliance with the terms and conditions of all required agency permits or the Ridge to Rivers Conditions of Approval will not be considered for future applications. Annual race reviews will also consider participation levels. If participation in the race is less than 50% of the allowed level for two years in a row, future annual race applications will be reviewed competitively with new race applications.

If the annual race review demonstrates compliance with the terms and conditions of all required agency permits, and with the Ridge to Rivers Special Use Policy Conditions of Approval, and if race participation is at least 50% of the allowed level of participants, permission from Ridge to Rivers to allow the race to be held the following year may be

given non-competitively. A complete race planning packet will still need to be submitted between November 1 and December 31 of the year before the race is proposed, and all necessary agency permits are acquired as specified.

In the case of foot and mountain bike races, if there is an open race slot (when there are not five foot races or two mountain bike races qualified for renewal from the previous year), and if Ridge to Rivers receives more qualified proposals than there are open race slots, representatives from the Partnership agencies shall convene and utilizing set criteria, review each race application. Race permit(s) will be awarded to the applicant(s) scoring the highest on the race criteria review sheet. The Partnership recognizes that in the event that a Ridge to Rivers partner receives a request for a race event occurring entirely on trails crossing its jurisdictional lands (for example the U.S. Forest Service), that agency retains the sole right and ability to permit or deny the event irrespective of these guidelines.

To ensure that the Partnership continues to manage the Ridge to Rivers System in a progressive manner, the Partnership shall review these guidelines every five years to determine if amendments are necessary.

## **Mountain Bike Races**

In keeping with IFMP goals of managing the Ridge to Rivers Trail System and Boise Foothills sustainably, up to two mountain bike races will be permitted annually between the months of June through September unless otherwise approved, on allowed system trails (see below). All races will be staged from the Bogus Basin Ski Area, as Bogus Basin provides adequate parking, restrooms, water and the capacity to handle large crowds.

Specific stipulations and exemptions are as follows:

- Race events held on trails located entirely on Bogus Basin property will require authorization from Bogus Basin. These events will be listed in the annual Bogus Basin Summer Operating Plan but will not require U.S. Forest Service or Ridge to Rivers approval or involvement. These races will not be counted toward the annual Ridge to Rivers mountain bike race limit of 2 events per year.
- Race events held on trails that lie on U.S. Forest Service property within the Bogus Basin Ski Area Special Use Permit boundary will require authorization from Bogus Basin, and the U.S. Forest Service via the annual Bogus Basin Summer Operating Plan. These races will not be counted toward the annual Ridge to Rivers mountain bike race limit of 2 events per year.
- Race events that utilize trails both within, and outside of the Bogus Basin Ski Area Special Use Permit boundary will require authorization from Bogus Basin,

the U.S. Forest Service, and Ridge to Rivers, as well as any private landowners upon whose property the race crosses. These events will count toward the annual Ridge to Rivers mountain bike race limit of 2 events per year.

- Race event participation shall be limited to no more than 150 riders.
- Mountain bike racing is allowed on the following trails ONLY:
  - Singletrack Trails (by number): 91, 92 (uphill only), 93, 94, 95 (uphill only on switchback portion), 96, 97, 98, 120, 122 (uphill only on section of trail between trails 120 and 123), 123, 124 (uphill only), 125, 126
  - Ski Area Tracks/Service Roads (by number): 140, 141, 142, 143, 144, 149
  - Ski Area Nordic Tracks (by number): 145, 146, 147, 148, 149.
- At least three (3) days prior to the race date race organizers shall deposit \$1,500.00 in the form of a credit card deposit to the City of Boise, as the lead collaborating agency for the Partnership. If this deposit is not received, the Partnership shall cancel the race.
- Race organizers shall meet with Ridge to Rivers staff the week prior to the event to discuss and determine trail locations necessary for course taping to mitigate the potential for race related trail damage.

## **Foot Races**

In keeping with the IFMP goals of managing the Ridge to Rivers Trail System and Boise Foothills sustainably, up to five foot races will be permitted annually – one race per month from May through September. Historic exemptions to this race limit apply and are detailed below.

The following stipulations will apply to all foot races:

- Race event participation shall be limited to no more than 200 runners.
- No portion of the race shall cross through trails in Hulls Gulch Reserve or the Boise River Wildlife Management Area.
- At least three (3) days prior to the race date race organizers shall deposit \$1,000.00 in the form of a credit card deposit to the City of Boise, as the lead collaborating agency for the Partnership. If this deposit is not received, the Partnership shall cancel the race.

## **Foot Race Exemptions**

Cross country races sponsored by the Boise School District, as well as races sponsored by the Downtown YMCA pre-date Ridge to Rivers race policies. As such, these will be

allowed to continue in their historic formats and locations. These events will not be counted toward the five race maximum set forth in these guidelines.

### **Boise School District Joint Use Agreement**

The Boise School District possesses a joint use agreement with the Boise Department of Parks and Recreation allowing for activities such as cross country races to occur on trails that lie on City of Boise property. Subject to any provisions that conflict with the joint use agreement, the City shall continue to permit these races subject to all conditions set forth by these guidelines, except that these courses may be permitted to traverse Hulls Gulch Reserve trails. District foot races shall not count toward the five-race maximum these guidelines establish.

### **YMCA Sponsored Events**

The Spring Sprint Triathlon, Camelsback Duathlon and the State Junior Olympic Cross Country Meet all utilize trail segments within the Lower Hulls Gulch Reserve. As these races were in existence long before these guidelines, they will be allowed to continue subject to Conditions of Approval detailed below.

### **Events Held at Bogus Basin**

Many trails lie entirely or partially within the Bogus Basin Ski Area Special Use Permit boundary. Race events utilizing these trails will be handled in the following manner:

- Race events held on trails located entirely on Bogus Basin property will require authorization from Bogus Basin. These events will be listed in the annual Bogus Basin Summer Operating Plan but will not require U.S. Forest Service or Ridge to Rivers approval. These races will not be counted toward the annual Ridge to Rivers foot race limit of 5 events per year.
- Race events held on trails that lie on U.S. Forest Service property within the Bogus Basin Ski Area Special Use Permit boundary will require authorization from Bogus Basin, and the U.S. Forest Service via the annual Bogus Basin Summer Operating Plan. These races will not be counted toward the annual Ridge to Rivers foot race limit of 5 events per year.
- Race events that utilize trails both within, and outside of the Bogus Basin Ski Area Special Use Permit boundary will require authorization from Bogus Basin, the U.S. Forest Service, Ridge to Rivers and any other land management agencies upon whose lands the race crosses via Ridge to Rivers trails. These events will count toward the annual Ridge to Rivers foot race limit of 5 events per year.

## **Other Competitive Events**

It is understood that as trail use continues to grow, there is potential interest in competitive events other than foot and mountain bike races. The Partnership will review applications for such events as needed. Approval of event applications will require compliance with Ridge to Rivers Application Process Requirements and Conditions of Approval as specified in this document, as well as compatibility with specific Ridge to Rivers Partner Agency Special Use Guidance.

## **General Stipulations**

- Participant Limit: Determined by specific event. Not to exceed 200.
- No portion of the race shall cross through Hulls Gulch Reserve trails.
- At least three (3) days prior to the race date race organizers shall deposit \$1,000 in the form of a credit card deposit to the City of Boise, as the lead collaborating agency for the Partnership. If this deposit is not received, the Partnership shall cancel the event.

## **Non-Competitive Events**

### **Application Process and Requirements**

Non-competitive events with projected attendance exceeding 50 participants will require permits. Allowed number of participants will be based on the nature of the event, but cannot exceed 200. *Exception:* Events that utilize trails within the Boise River Wildlife Management Area will need a permit if projected attendance exceeds 15 participants.

All event organizers shall be required to submit detailed event proposals to the Partnership between November 1 and December 31 each year, in order for their event to be considered for the following calendar year. The Partnership shall not process or consider any proposals received prior to November 1 and after December 31, annually.

Event proposals will be evaluated upon the following criteria:

- Degree to which event proposal adheres to Conditions of Approval
- Proposed Route Course and Site Map
- Organization of event (attention to necessary detail)
- Demonstrated past performance
- Benefit to Ridge to Rivers trail users
- Possible benefit to the Ridge to Rivers trail system
- Organization of application
- Potential for trail damage resulting from route and activity

Approved events must adhere to the Conditions of Approval as specified in this document and must be determined by the Partnership to conform to the direction of the IFMP. Approved events will be reviewed annually for compliance with all required

individual agency permit terms and conditions, and Ridge to Rivers Race Special Use Conditions of Approval. A review of each event will be conducted and documented by Ridge to Rivers staff. Events deemed out of compliance with the terms and conditions of all required agency permits or the Ridge to Rivers Special Use Conditions of Approval will not be renewed.

The Partnership may permit 6 non-competitive events annually – one per month from May through October.

## **General Stipulations**

The following stipulations will apply to all permitted non-competitive events:

- Participant Limit: Determined and approved by specific event.
- No portion of the event shall cross through Hulls Gulch Reserve trails.
- Events that utilize trails within the Boise River Wildlife Management Area will need a permit if projected attendance exceeds 15 participants.
- At least three (3) days prior to the race date race organizers shall deposit \$1,000.00 in the form of a credit card deposit to the City of Boise, as the lead collaborating agency for the Partnership. If this deposit is not received, the Partnership shall cancel the event.

## **Conditions of Approval Common to All Events**

1. Event approval is contingent on applicant meeting all agency or landowner permit requirements whose land the event course crosses including timeframe deadlines, necessary clearances, and any environmental analysis.
2. Event organizers shall indemnify and provide proof of liability insurance to each Ridge to Rivers agency whose jurisdiction the event course crosses. The insurance certificate shall list each affected agency as an “Additional Insured,” and shall provide coverage to meet each agency’s requirements
3. Unless specifically permitted, the event shall conclude no later than 3:00 pm.
4. An alternate course that does not utilize the trail system, or an alternate date, shall be included in the proposal package in the case of muddy conditions. The Partnership or land management agency reserves the right, prior to the event, to direct event organizers to use the alternate course, or postpone the event if trail tread conditions are deemed too wet.
5. All trail segments and event staging areas shall be restored to pre-event conditions by organizers within twenty-four (24) hours of the event’s conclusion. Trail reparations shall include restoring trail tread to pre-event conditions by:
  - Removing all loose rocks fist-sized or larger.

- Re-establishing all drainage dips, water bars and check dams to their pre-race condition.
- Checking all cribbing locations for race-induced damage and repairing where necessary.
- Re-establishing proper trail tread configuration (filling in and compacting race induced ruts, re-establishing proper in and out slope to trail, restoring trail to proper width).

6. Ridge to Rivers staff will review trails/staging areas the first Monday following the event to inspect corrective maintenance that has been performed, and to determine whether further repairs are necessary. If further repairs are not necessary, the City shall return the deposit to race organizers. If further repairs are deemed necessary, they shall be completed within the next 72 hours. Following a final review and approval by Ridge to Rivers staff of all race course restoration and repairs, the City shall return the deposit to race organizers.

7. If reparations are not completed and approved within this timeframe, the deposit will be kept by the City of Boise and placed in the Ridge to Rivers Trail Maintenance and Construction account to defray the cost of further repair to the trails. The City may also seek additional reimbursement from the event organizers for any repair cost in excess of the deposit.

8. The course will be marked with cones, flagging or chalk. **USE OF SPRAY PAINT IS PROHIBITED.** Chalk shall be wiped clean and all directional signage and flagging removed during course restoration.

9. Event organizers shall station personnel or directional signage at all race course trail junctions and place signage at all nearby trailheads warning other trail users of the ongoing race. Signs shall be removed immediately following conclusion of the race.

10. Event organizers shall place adequate signage at affected trail access points at least three days prior to the event, informing the public that a race will be occurring on the trails in the vicinity on the approved date and time(s). Signs shall be removed immediately following conclusion of the event.

11. Event organizers shall ensure that they provide adequate restroom facilities at the start/finish area and, as necessary, throughout the course. This may include providing portable toilets to supplement any existing restroom facilities.

12. Failure of an event organizer to comply with all Conditions of Approval or failure to fully restore or pay any additional restoration costs resulting from an event may result in the event organizer or event being denied future permits.

## VENDING

In order to adhere with the intent and direction of the IFMP, to adhere with the stated vending and special use policies of each Ridge to Rivers Partner Agency, and to ensure a recreation experience that is consistent with the natural surroundings of the Foothills, no person or entity shall be a vendor on Ridge to Rivers trails or trailheads located on Federal, County, State, or City properties except when in conjunction with a permitted event. Event organizers are required to provide the Partnership agencies with all pertinent information regarding event vendors. Ridge to Rivers Partner Agency Vending Policies are detailed below.

### Current Agency Vending Policies

#### **Ada County Parks & Waterways**

Authorized Operations – No Person shall operate any concession, business, or enterprise at or on Ada County Parks and Waterways property without the Board of County Commissioners prior written authorization.

The Board of County Commissioners will address each proposed enterprise on a case-by-case basis with input provided by the Department Director and the Parks, Open Space, and Trails Advisory Board.

#### **Bureau of Land Management**

Vending is defined as temporary, short-term, nonexclusive, revocable authorization to sell goods or services on public lands and related waters in conjunction with a recreation activity or at a recreation site. BLM has the ability to limit the amount of vendors anytime.

- *Vending in association with a permitted event* - Vending is typically associated with a permitted event. If the permittee for the event will control the vending, the vending may be included in the event SRP. If the permittee is not responsible for the vending, each vendor must acquire its own permit and provide its own insurance.
- *Vending not associated with permitted events.* Vendors may apply to vend at developed recreation sites or recreation management areas apart from an event. The need for these vendor services must be identified in the resource management plan, recreation area management plan, or environmental assessment before vending permits at attraction sites are issued. The potential impact of vendors on established businesses in surrounding communities should be considered as part of the permit evaluation. The vending must directly support or enhance the recreation objectives identified in planning and must be appropriate for the character of the recreation site's setting. Vending at attraction sites may change the physical, social, and managerial settings of the site and should occur only when recreation planning indicates that such sales or services are necessary and desirable—e.g., equipment rentals and repairs,

*shuttle services, and firewood sales. Permits for the sale of food, souvenirs, clothing, and convenience items are usually not appropriate.*

- *Other considerations for vending permits. To support the application:* All vendors must provide a complete list of the goods to be sold and the services to be provided to ensure that all items are appropriate and legal. Sales of single-use and disposable items that translate into litter or other management problems should not be allowed. If items sold generate waste, the permit must stipulate that the vendor is responsible for waste and to provide waste containers.

## **City of Boise**

### **Section 13-03-07 VENDING AND SIGNS.**

- A.** Except as otherwise specifically provided herein, no person shall:
1. Offer any goods, wares, merchandise, article, or any other thing, or any service or amenity, for sale or rent in a park; or
  2. Station or place any stand, cart, or vehicle for the transportation, sale, display, or offering of any goods, wares, merchandise, article, or any other thing, or any service or amenity in a park.
- B.** A person possessing a valid vendor's permit issued by the Boise City Clerk's Office and operating pursuant to a Department-issued permit or a license agreement approved by the Commission is exempt from Section 13-03-07.A., above. Such vendors shall comply with all applicable laws, ordinances, requirements and conditions.
- C.** Except as otherwise specifically provided herein, no person shall paste, glue, tack, attach, post, or display any sign, plaque, advertisement, or inscription in a park.
- D.** Employees and agents of the Department, and persons acting pursuant to authority granted by the Department, are exempt from Section 13-03-07.C., above.
- E.** The Department is authorized and directed to establish, post, and publish policies and regulations governing the posting of signs, plaques, advertisements, and inscriptions in parks.

## **Idaho Department of Fish & Game**

### **IDAPA code 13.01.03 – Public Use of Lands Owned or Controlled by the Department of Fish and Game.**

In regards to this policy, the Department interprets the term "vending" to be within its prohibition against commercial use or any activity or use that is related to a business venture or for which a fee is charged, or in which the primary purpose is the sale or barter of goods or services, regardless of whether the use or activity is intended to

produce a profit.

Unless specifically authorized by the Idaho Fish and Game Commission or under lease, permit, contract, or agreement issued by the Director, Regional Supervisor, or other authorized agent, the use of the Boise River Wildlife Management Area for any commercial use is PROHIBITED.

## **US Forest Service**

US Forest Service issues a 'Special Use Permit' for the vendors who meet the requirement for lodging, outfitting and guiding, and commercial film permits.

- Allow vendors to operate on National Forest System land only where there is a public need for store services and a permanent store is desirable but cannot be provided.
- Do not allow vendors or vendor property, including portable toilets, to occupy Forest Service land overnight unless otherwise authorized through the Special Use Permit.

## **COMMERCIAL USE OF TRAILS**

Any individual or organization using the trails for business purposes will be required to obtain necessary permits from each agency upon whose jurisdiction the trail crosses. This includes authorization for use of trail segments located on private lands under easement to Ridge to Rivers partner agencies.

In addition to applicable Ridge to River Partner agency permits, documentation of all necessary City, State, and/or Federal required business permits or licenses will also be provided by the applicant.

Commercial Use includes but is not limited to:

- Instructional mountain biking
- Professional dog walking services
- Professional dog training
- Professional Yoga or Exercise classes
- Commercially guided trail hikes or rides
- Other outfitters and guides

### **Current Agency Commercial Use Policies**

#### **Ada County Parks & Waterways**

Authorized Operations – No Person shall operate any concession, business, or enterprise at or on Ada County Parks and Waterways property without the Board of County Commissioners prior written authorization.

The Board of County Commissioners will address each proposed enterprise on a case-by-case basis with input provided by the Department Director and the Parks, Open Space, and Trails Advisory Board.

#### **Bureau of Land Management**

A special recreation permit must be obtained for use of public lands that is considered to be commercial. Commercial use means recreation use of the public lands and related waters for business or financial gain. The activity, service, or use is commercial if any of these conditions is present:

(1) Any person, group, or organization makes or attempts to make a profit, receives money, amortizes equipment, or obtains goods or services as compensation from participants in recreation activities occurring on public lands and led, sponsored by, or organized by that person, group, or organization. Compensation for recreation services

may come from participants and/or other sources. (2) Anyone collects a fee or receives other compensation that is not strictly a sharing of actual expenses, or exceeds actual expenses, incurred for the purposes of the activity, service, or use. (See Glossary definition of Actual Expenses.) (3) There is paid, public advertising to seek participants. (See Glossary definition of Public Advertising.) (4) Participants pay for a duty of care, i.e., an expectation of safety. (See Glossary definition of Duty of Care.)

As noted, paid public advertising qualifies a use as commercial. Paid public advertising includes, for example, newspaper ads, Internet banners, and radio and television air time (43 CFR 2932.5(1) (iii)).

Use by scientific, educational, and therapeutic institutions or nonprofit organizations is commercial and subject to a permit requirement when any of the preceding criteria is present. The nonprofit status of any group or organization, alone, does not determine that an event or activity arranged by such a group or organization is noncommercial. By contrast, profitmaking organizations are automatically classified as commercial, even if that part of their activity covered by the permit is not profitmaking (43 CFR 2932.5).

Commercial use can be either public or nonpublic. Public commercial use is characterized by efforts to promote the activity as available for general public participation. Nonpublic commercial uses are those that are available only to a limited group of participants (e.g., members of a club). Examples of commercial activity include, but are not limited to, fundraising, outfitter/guide services, guided backpacking, courses with a recreation component, outdoor skills workshops, motorized tours, and guided horse rides.

An activity may be deemed noncommercial where no compensation is received for the activity, the activity leaders' positions are not established to organize and/or conduct recreation activities, no fees other than cost sharing of actual expenses are paid by participants, the activity is not publicly advertised, and the organizers share trip expenses equally with participants.

## **City of Boise**

The city of Boise (City) provides opportunities for entities to apply for a permit allowing them to conduct classes, lessons, tours or demonstrations on City owned/managed waterways and properties. Permit applications shall be accepted throughout the year, with first consideration being given to applications received by February 28<sup>th</sup> each year. If vacancies occur during the year, applications on file shall be reviewed with the same consideration, process and requirements. Entities wishing to acquire a permit to operate on City owned/managed waterways and/or properties shall comply with all applicable laws, statutes, and ordinances, the terms and conditions stated in the Commercial Use Application, and the following standards, requirements, terms, and conditions:

1. **Federal, State, and Local Laws:** Permittee and its officers, agents, employees, contractors, subcontractors, volunteers, customers, clients, guests, or invitees shall comply with all federal, state, and local laws; ordinances; regulations; orders; postings; written requirements applicable to the area of operations covered by the permit, and all standards, requirements, terms, and conditions contained in this document and in the attached Commercial Use Application.
2. **Non-Exclusive Use:** Permittees shall not be granted exclusive use of a park or facility. The City reserves the right to issue additional permits for the same or similar services. Permittees, their agents, or clients shall not interfere with free public use or other authorized use of roads, parking lots, trails, lands or waters in the area of their activities.
3. **Term:** Permits shall be issued based on a calendar year. Regardless of when a permit application is received and permit is issued, the permit will conclude on December 31 of the year in which it was issued. Entities that have been awarded a permit in prior years will be required to apply for renewal annually.

Note: The Permittees' opening and closing date may vary contingent upon location and/or patrons served.

4. **Class Size:** Permittee shall adhere to the following class sizes and instructor to student ratio, if conducting lessons/classes.
  - A. Boise River and JA and Kathryn Albertsons Family Foundation Boise Whitewater Park: Class size shall not exceed ten (10) students at any time and maintain an instructor-to-student ratio of at least 1:5.
  - B. Park Ponds: Class size shall not exceed thirty (30) students at any time and maintain an instructor-to-student ratio of at least 1:5.
  - C. Park Grounds: Class size shall not exceed 30 students and maintain an instructor to student ratio of 1:30.
5. **Indemnification:** Permittee agrees to, and shall, protect, defend, and hold the city of Boise City, and its officials, agents, employees, and volunteers completely harmless from and against any and all liabilities, losses, suits, claims, judgments, fines or demands arising by reason of injury or death of any person or damage to any property, including all reasonable costs for investigation and defense thereof (including, but not limited to, attorney fees, court costs, and expert fees), of any nature whatsoever arising out of the negligent acts or omissions of, or the violation of any law, statute, ordinance, regulation, standard, requirement, term or condition by, Permittee or its officers, agents, employees, contractors, subcontractors, volunteers, customers, clients, guests, or invitees incident to this License or the use or occupancy of the Premises, regardless of where the injury, death, or damage occurs.

6. **Assignment:** Permittees shall not transfer, extend, or assign their awarded permits to another person or entity without prior written approval from the City. Permittees shall not sublet or enter into any third party agreements involving the privileges authorized by their permit.
7. **Area of Use:** Permits shall be applicable for the use of the area designated on the permit. Permits are not applicable to lands not owned or managed by the City.
8. **Advertising/Selling Prohibited:** Permittees shall not solicit business, advertise, collect any fees or sell any goods or services on lands authorized for use by the permit unless specified on the permit. Permittees shall not make any misrepresentation in his/her advertisements, signs, circulars, brochures, and letterhead or like materials regarding the permit.
9. **Structures:** Permittees shall not erect structures of any kind, temporary or otherwise, in the area under the permit without prior written permission from the City.
10. **Protection of City Lands, Facilities, and Resources:** Permittees shall exercise due diligence in protecting lands, facilities and resources in the areas that are used in connection with the permit from damage. Permittees shall be liable for the repair of any damages to lands, facilities or resources resulting from the activities of the permittee, their agents, employees or clients.
11. **Vehicle and Vessel Identification:** All motor vehicles and permittees shall be identified by "Commercial Operator" label. These identification labels shall be affixed to the rear view mirror of the Permittee's motor vehicles and visibly worn by the permittee and his/her employees.
12. **Equipment Operations:** Permittees are responsible for ensuring that vessels are equipped, maintained, and operated in accordance with all applicable federal and state laws and regulations.
13. **Applicable Documentation:** Permittees are required to provide documentation of all applicable licenses and permits as requested by the City.
14. **Making False Statements:** Making false statements in permit application or presenting false or altered documents in order to obtain a permit shall be grounds for permit revocation. Permittees presenting false information shall be barred from reapplication for a period of one year, from the time of revocation or from the date the information provided by the applicant/permittee is determined to be false.
15. **Inspection/Access:** Permittees are required to cooperate with agency representatives for the purpose of permit compliance, operations evaluation, or to gather current information on the area for park management purposes.

16. **Licenses:** Permittees wishing to operate on the Boise River, including the Boise River Park, shall be licensed by the State of Idaho Outfitters and Guides Licensing Board. Permittees not licensed by the Board shall not be eligible for the issuance of permits by the Department for Boise River use, and shall be restricted to operating on approved City managed ponds.
17. **Safety.** Permittees shall provide safety equipment and a safety orientation to their clients, as well as information regarding rules, regulations and other information pertaining to the area in compliance with local, state, and federal guidelines and policies and rules of the Department.
18. **Natural Hazards:** Permittees recognize and understand that natural hazards are likely to exist within the area of their operation (e.g., changing water or weather conditions, falling limbs or trees, submerged objects, hazardous flora/fauna, etc.), and agree to take all reasonable precautions to make themselves aware of these hazards and to advise all clients of the hazards. Permittees are responsible for ensuring the safety of the clients under their supervision.
19. **Accident and Injury Notification:** Permittees shall notify the City immediately of any incidents that occur involving personal injury, boat collision, overturning or swamping, or damage to vessels; or any incidents involving the loss of equipment such as canoes, rafts, or other gear which could reasonably create the impression that someone may be lost or in danger. Injuries requiring medical attention or evacuation shall be reported to Emergency Medical Services immediately.
20. **Professional Behavior:** Permittees shall not verbally or physically harass, assault, or abuse clients, employees, other Permittees and their clients, or members of the general public. This includes aggressive and disruptive behavior. See Code of Conduct in the Sample Licensing Agreement provided.
21. **Non Discrimination in Employment and Services:** Permittees and their employees shall not discriminate against any person on the basis of race, color, religion, sex, sexual orientation, gender identity/expression, national origin or ancestry, age, or disability.
22. **Limitations:** Permits do not guarantee participation in community or Department sponsored events, or activities held within the Permittees' designated area. If selected to participate in a community or Department sponsored event, Permittees are responsible for all fees and stipulations of the named event.
23. **Renewal:** The issuance of a permit does not confer any rights of renewal or references for renewal despite investments or reasons posed by the Permittees.

24. **Other Permits:** Permittees wishing to conduct commercial activities in areas beyond the scope of their permit may be required to obtain an additional permit and pay additional fees to the City of Boise.
25. **Payment of Permit Fees:** All fees shall be paid prior to initiating the activities authorized under the issued permit.
26. **Public Information:** All permit applications and supporting documents shall be public record only after the award of the permit(s) for each permitted location and shall be available for public access and copying unless otherwise exempt under the Idaho Public Records Law. The Department shall not accept confidential or proprietary information relating to a permit application without prior written authorization.
27. **Suspension or Revocation:** Breach of any of the terms outlined in the permit shall be grounds for suspension or revocation of the permit. The permit may be revoked with or without cause, at the discretion of the City without compensation to the Permittee or liability to the City.
28. **Severability:** Each term, condition, and provision of this document and of the attached Commercial Use Application is severable. If any term, condition, or provision is found by a court of competent jurisdiction to be invalid or unenforceable, it shall be excised, and the remaining terms shall continue in full force and effect, unaffected by excising the invalid or unenforceable term, condition, or provision.

## **Idaho Department of Fish & Game**

### **IDAPA code 13.01.03 – Public Use of Lands Owned or Controlled by the Department of Fish and Game.**

In regards to this policy, the Department prohibits commercial use or any activity or use that is related to a business venture or for which a fee is charged, or in which the primary purpose is the sale or barter of goods or services, regardless of whether the use or activity is intended to produce a profit.

Unless specifically authorized by the Idaho Fish and Game Commission or under lease, permit, contract, or agreement issued by the Director, Regional Supervisor, or other authorized agent, the use of the Boise River Wildlife Management Area for any commercial use is PROHIBITED.

## **US Forest Service**

Commercial Use or Activity. Any use or activity on National Forest System lands:

1. Where an entry or participation fee is charged, or
2. Where the primary purpose is the sale of a good or service and, in either case, regardless of whether the use or activity is intended to produce a profit (36 CFR 251.51).
3. The fact that the permitted area is located on the National Forest shall be made readily apparent in all of the holder's advertising regarding use and management of the area and facilities under permit. **NO ADVERTISING PERMITTED ON NATIONAL FOREST LANDS.**
4. Proponents must meet Forest Service Special Uses screening criteria.

A permit is required when:

1. Individuals or entities conducting outfitting or guiding activities on National Forest System lands shall be authorized under a special use permit, either form, Special Use Permit for Outfitting and Guiding for temporary use, form FS-2700-4i for priority use, or a supplement to form FS-2700-5 or FS-2700-5c when outfitting and guiding are authorized in connection with a commercial public service site.
2. Outfitters based off National Forest System lands who rent and deliver equipment or livestock to the public on National Forest System lands shall obtain a permit if they, their employees, or agents occupy or use National Forest System lands or related waters in connection with their rental programs.

Outfitting/Guiding. Includes all activities or commercial guiding services regardless of mode of travel, when associated with a resort or marina with a mixture of business. All fees charges are considered sales.

Additional commercial use permits are required for commercial filming. Commercial Filming: Use of motion picture, videotaping, sound-recording, or any other type of moving image or audio recording equipment on NFS lands that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets, or props, but not including activities associated with broadcasting breaking news. For purposes of this definition, creation of a product for sale includes a film, videotape, television broadcast, or documentary of historic events, wildlife, natural events, features, subjects or participants in a sporting or recreation event, and so forth, when created for the purpose of generating income.

To Apply for Outfitting and Guiding Permits:

1. Proposals and applications to use and occupy National Forest System lands for outfitting and guiding must be evaluated pursuant to 36 CFR 251.54 and FSM 2712.
2. Encourage proponents and applicants to submit proposals and applications using form SF-299 for priority use permits or form, Special Use Application & Temporary Permit for Outfitting and Guiding for temporary use permits (FSH 2709.11, sec. 11.3). Require proponents and applicants to identify the services to be performed, proposed number of service days or quotas, National Forest System lands to be occupied, modes of transportation to be used, proposed season of use and itinerary, and other matters relating to the proponents' and applicants' operations in sufficient detail for the authorized officer to make a decision on the request in accordance with regulatory requirements. Require proponents and applicants to describe their technical and financial qualifications to provide the proposed services.
3. Conduct environmental analysis for outfitting and guiding applications in accordance with 36 CFR Part 220.

Requirements to obtain a temporary Special Use Permit are listed as followed:

1. Record the following on temporary and priority use permits:
  - a. The type of authorized service or activity (such as big game hunting, white water rafting, or fishing trips).
  - b. The resource area (such as a wilderness area, a river, or an administrative unit) in which the activity is to be conducted.
  - c. The allocation of use in terms of service days or quotas, including the unit of measure for the quotas.
  - d. The modes of transportation to be used and other factors necessary to reflect the nature and scope of the activity.
2. Require an approved operating plan for the term of the permit and, if appropriate, an annual itinerary. Specify authorized use of assigned sites in the operating plan and annual itinerary.
3. Specify in the permit the amount of livestock to be used for transportation of people and equipment, and specify if grazing is permitted. Do not issue a separate livestock use permit. Include a clause that requires the holder to record and report the amount of authorized grazing that occurs.
4. Require holders to submit a report of actual use within 30 days of the close of their operating season.

5. Require the holder or the holder's employees to conduct the day-to-day activities authorized by the permit, except as provided in paragraphs 5a through 5c. To ensure that services and equipment contracted under paragraphs 5a through 5c are covered by the contracting holder's insurance policy, require the insurance policy obtained by the holder to include an endorsement covering contracted services and equipment. Use the endorsement in FSM 2713.1, exhibit 02, for this purpose. Alternatively, require the holder's contractors to procure a separate insurance policy that covers their services and equipment and that names the United States as an additional insured.

a. Ancillary services that support the use authorized by the permit may be provided by a party other than the holder or the holder's employees, but (other than unanticipated, intermittent services authorized by paragraph 5c) only with prior written approval from the authorized officer.

Require applicants and holders who would like to contract for ancillary services to submit the contract for these services with their application or at the beginning of each operating season, as appropriate. When the holder contracts for ancillary services, the holder is responsible for compliance with all terms and conditions of the permit in connection with provision of the ancillary services. Ensure that the ancillary services are covered under the holder's operating plan and that the contract for ancillary services states that the holder remains responsible for compliance with all the terms and conditions of the permit, including the operating plan.

Examples of ancillary services covered by this subparagraph include provision of:

(1) Special equipment or livestock.

(2) Food and shuttle services.

(3) For a limited number of trips, a specialized guide for people with disabilities or for highly technical trips.

b. A holder authorized to provide solely outfitting services may contract with a guide, but only with the prior written approval of the authorized officer, based upon a finding that the following conditions are met:

(1) The services of the contracted guide are covered under the contracting holder's operating plan.

(2) The contracted guide has all required State licenses.

(3) The contract for the guiding services states that the contracting holder remains responsible for compliance with all the terms and conditions of the permit, including the operating plan.

(4) The contracting holder will exercise management authority over all the day-to-day field operations of the business, including the guiding services covered by the contract.

c. Require applicants and holders who would like to contract for guiding services to submit the contract for these services and additional documentation establishing that all the foregoing requirements are met. Require applicants and holders to submit this documentation with their application or at the beginning of each operating season, as appropriate. A holder contracting for guiding services is responsible for compliance with all the terms and conditions of the permit in connection with provision of those services.

d. When on a particular day a holder lacks sufficient equipment or guides to accommodate the holder's customers, allow the holder, without prior written approval from the authorized officer, to contract for additional equipment or guides from another holder. When a holder contracts for additional equipment or guides from another holder under this subparagraph, the contracting holder is responsible for compliance with all the terms and conditions of the permit in connection with provision of the contracted equipment and services.

6. Do not approve requests to transfer all or part of the authorized use to others. If a holder is unable or unwilling to provide the services authorized by the permit, revoke the permit or reduce the allocation of use. If appropriate, assign all or part of the holder's use to others in accordance with section 53.11, paragraph 2, or section 53.1n, paragraph 4.

Additional permit guidelines:

1. Authorize all temporary use on form Special Use Application & Temporary Permit for Outfitting and Guiding, for one season or less. Allocate use in increments of 50 service days, up to a maximum of 200 service days or the equivalent in quotas for temporary use permits.

2. Only one temporary use permit may be issued per 180 days, per holder, per use area.

3. Do not issue temporary use permits through a competitive process. Rather, issue temporary use permits to qualified applicants on a first-come, first-served basis, based on a seasonal deadline, or through a lottery.

4. Issuance of a temporary use permit does not commit the Forest Service to authorize outfitting and guiding use in the future. Temporary use permits are not subject to renewal.

5. Add national or regional clauses to a temporary use permit as necessary to address site-specific circumstances.

6. Require holders to address public health and safety, emergency procedures, and resource protection in their operating plan.
7. Do not conduct performance evaluations for holders of temporary use permits.
8. Violations of law, customer complaints, and adverse outfitting and guiding performance ratings will be considered in evaluating applicants' technical qualifications.

## **RIDGE TO RIVERS PARTNER AGENCIES**

Boise City Parks and Recreation  
1104 Royal Blvd.  
Boise, ID 83702  
(208) 608-7600

Bureau of Land Management  
Four Rivers Field Office  
3948 Development Ave  
Boise, Idaho 83705  
(208) 384-3300

Ada County Parks and Waterways  
4049 Eckert Road  
Boise, Idaho 83716  
(208) 577-4578

Boise National Forest  
Mountain Home Ranger District  
3080 Industrial Way  
Mountain Home, ID 83647  
(208) 587-7961

Idaho Department of Fish and Game  
Boise River Wildlife Management Area  
13000 East Highway 21  
Boise, Idaho 83716  
(208) 334-2115

Ridge to Rivers Office  
1104 Royal Blvd.  
Boise, ID 83706  
(208) 493-2531

The undersigned Ridge to Rivers Partners support the Special Use Guidelines outlined in this document:

Boise Parks & Recreation Department

By: \_\_\_\_\_

9-13-17

Bureau of Land Management Four Rivers Field Office

By: \_\_\_\_\_

5/30/17

Ada County Parks and Waterways

By: \_\_\_\_\_

9/6/17

Boise National Forest

By: \_\_\_\_\_

06/12/2017

Idaho Department of Fish and Game

By: \_\_\_\_\_

29 August 2017

Michael S. Pearson, Chief  
Bureau of Administration