

**U.S. Department of the Interior  
Bureau of Land Management**

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**Environmental Assessment  
DOI-BLM-ID-B010-2012-0030-EA**

**Skinny Dipper Hot Springs  
Temporary Restriction**

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U.S. Department of the Interior  
Bureau of Land Management  
Four Rivers Field Office  
3948 Development Avenue  
Boise, ID 83705



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## **Skinny Dipper Hot Springs Temporary Restriction**

### **1.0 Introduction**

Skinny Dipper Hot Springs is a natural hot spring located approximately 35 miles north of Boise, Idaho along the South Fork of the Payette River. The hot springs were locally discovered in the early 1990s and were “developed” using rocks, cement, and PVC piping to direct hot and cold water into several pools. The springs have been used for many years primarily as a place to soak, relax, and enjoy the natural surroundings. For many years now, night time activities have deteriorated to include illegal and extremely unsafe actions. Over the last five years the Boise County Sheriff’s Office has responded to over 125 incidents directly related to activities at the hot springs. These incidents have included vandalism, assault, and even death. Due to concerns about public health and safety, local law enforcement and citizens have requested the Bureau of Land Management (BLM) find a solution to the current situation.

### **1.1 Purpose of and Need for Action**

The purpose of the action is to address public health and safety concerns at Skinny Dipper Hot Springs while still providing an opportunity for safe public use. The need for this action is established by the BLM’s responsibility under FLPMA to provide a safe and healthy environment. Such an objective and responsibility is currently compromised by the types of activities that commonly occur at the hot springs during night time hours.

### **1.2 Summary of Proposed Action**

The parking area adjacent to the Banks-Lowman Highway near mile post 4, the trail from the parking area to Skinny Dipper Hot Springs, and all areas within 1,000 feet of Skinny Dipper Hot Springs would be accessible to the public during daylight hours only (sunrise to sunset). Night time use of these areas would not be allowed. This use restriction would be in effect for up to two years following publication of the restriction order in the Federal Register.

### **1.3 Decision to be Made**

The Four Rivers Field Office manager will decide whether to implement the proposed action or an alternative to the proposed action. The proposed action would change recreational opportunities for night time use in a localized area of the field office. The decision would not change daytime use opportunities.

### **1.4 Location and Setting**

Skinny Dipper Hot Springs is located approximately 35 miles north of Boise, Idaho along the South Fork of the Payette River. The springs are at an elevation of approximately 3,300 feet (about 400 feet above the South Fork Payette River). Access is via a steep, ½ mile trail that leads from the Banks-Lowman Highway. A small parking area is located near mile post 4 along the highway. These public lands are administered by the Bureau of Land Management (BLM) and are located within Boise Meridian, T. 9 N., R.3 E, Section 25, Lot 3 (NENW); Boise County, Idaho.

The area is typified by steep, rocky topography with a Ponderosa Pine/Douglas Fir forest type with a mixed understory vegetative community. The Banks-Lowman Highway is designated as the Wildlife Canyon Scenic Byway by the State of Idaho and is managed under a Corridor Management Plan.

## **1.5 Conformance with Applicable Land Use Plan**

The proposed action would be in conformance with the following management plans.

1988 Cascade Resource Management Plan (USDI-BLM, 1988).

*Recreation Resources Objective:* Provide or enhance recreation use in 21 areas (including the Payette River Corridor).

*Resource Management Guidelines* – Water quality will be maintained or improved in accordance with State and Federal standards.

Payette River Recreation Area Management Plan (BLM, 1994).

*Management Objective 1:* Provide for the safe, healthy, and lawful use of the Payette River Corridor.

Wildlife Canyon Scenic Byway Corridor Management Plan (GVRD, 2004)

Address corridor/traffic safety concerns about roadside pullouts associated with natural hot springs.

## **1.6 Relationship to Statutes, Regulations, and Other Requirements**

Executive Order 13186 expressly requires that Federal agencies evaluate the effects of proposed actions on migratory birds (including eagles) pursuant to NEPA “or other established environmental review process;” restore and enhance the habitat of migratory birds, as practicable; identify where unintentional take reasonably attributable to agency actions is having, or is likely to have, a measurable negative effect on migratory bird populations; and, with respect to those actions so identified, the agency shall develop and use principles, standards, and practices that will lessen the amount of unintentional take, developing any such conservation efforts in cooperation with the US Fish and Wildlife Service. It was determined by BLM staff that there would be no effect to migratory birds as a result of the proposed action and alternatives.

### Cultural Resource Laws and Executive Orders

BLM is required to consult with Native American tribes to “help assure (1) that federally recognized tribal governments and Native American individuals, whose traditional uses of public land might be affected by a proposed action, will have sufficient opportunity to contribute to the decision, and (2) that the decision maker will give tribal concerns proper consideration” (U.S. Department of the Interior, BLM Manual Handbook H-8120-1). Tribal coordination and consultation responsibilities are implemented under laws and executive orders that are specific to cultural resources which are referred to as “cultural resource authorities,” and under regulations that are not specific which are termed “general authorities.” Cultural resource authorities include: the National Historic Preservation Act of 1966, as amended (NHPA); the Archaeological Resources Protection Act of 1979 (ARPA); and the Native American Graves

Protection and Repatriation Act of 1990, as amended (NAGPRA). General authorities include: the American Indian Religious Freedom Act of 1979 (AIRFA); the National Environmental Policy Act of 1969 (NEPA); the Federal Land Policy and Management Act of 1976 (FLPMA); and Executive Order 13007-Indian Sacred Sites. The proposed action is in compliance with the aforementioned authorities.

Southwest Idaho is the homeland of two culturally and linguistically related tribes: the Northern Shoshone and the Northern Paiute. In the latter half of the 19th century, a reservation was established at Duck Valley on the Nevada/Idaho border west of the Bruneau River. The Shoshone-Paiute Tribes residing on the Duck Valley Reservation today actively practice their culture and retain aboriginal rights and/or interests in this area. The Shoshone-Paiute Tribes assert aboriginal rights to their traditional homelands as their treaties with the United States, the Boise Valley Treaty of 1864 and the Bruneau Valley Treaty of 1866, which would have extinguished aboriginal title to the lands now federally administered, were never ratified.

Other tribes that have ties to southwest Idaho include the Bannock Tribe and the Nez Perce Tribe. Southeast Idaho is the homeland of the Northern Shoshone Tribe and the Bannock Tribe. In 1867 a reservation was established at Fort Hall in southeastern Idaho. The Fort Bridger Treaty of 1868 applies to BLM's relationship with the Shoshone-Bannock Tribes. The northern part of the BLM's Boise District was also inhabited by the Nez Perce Tribe. The Nez Perce signed treaties in 1855, 1863 and 1868. BLM considers off-reservation treaty-reserved fishing, hunting, gathering, and similar rights of access and resource use on the public lands it administers for all tribes that may be affected by a proposed action.

## **1.7 Scoping and Development of Issues**

Public health and safety concerns have been expressed to the BLM by local law enforcement agencies, State health departments, local user groups, and local commercial outfitters since 2001. To address these concerns the BLM published a Notice in the Federal Register (Vol. 69, No. 126 /Thursday, July 1, 2004) implementing a night-time emergency closure of the hot springs, the surrounding area, and the parking along the Banks-Lowman Highway. The closure expired May 24, 2009 however; a permanent solution was not in place at that time. Over the last three years the same public health and safety concerns have again become an issue. An emergency closure order was signed on May 25, 2012 restricting public access to the project area to daylight hours only to address these issues. Long term management options to address these problems, as well as other resource concerns, will be evaluated as implementation decisions within the Four Rivers RMP.

## **2.0 Description of the Alternatives**

### **2.1 Alternative A - No Action/Continue Present Management**

Continuation of current management of Skinny Dipper Hot Springs would allow public access to the project area at all times. No limitations or use restriction would be implemented. BLM and local law enforcement officers would continue to respond to incidents at the hot springs as they occur.

## **2.2 Alternative B - Proposed Action**

The proposed action would limit public access to the following areas to daylight hours only (sunrise to sunset) at the hot spring:

- the parking area adjacent to the Banks-Lowman Highway near mile post 4,
- the trail from the parking area to Skinny Dipper Hot Springs, and
- all areas within 1,000 feet of Skinny Dipper Hot Springs.

No night time use would be allowed. The area affected by this use restriction is shown in Figure 1 (Section 6 – Maps). This use restriction would be in effect for up to two years following publication of the restriction order in the Federal Register.

## **3.0 Affected Environment and Environmental Consequences**

### **3.1 Public Health and Safety**

#### **3.1.1 Affected Environment – (Public Health and Safety)**

Traditional use of hot springs is for soaking, relaxing, being with family and friends, and enjoying the natural surroundings. Use at Skinny Dipper Hot Springs includes all these activities occurring during day light and night time. However, over the last eight years night time activities have deteriorated to include illegal and unsafe actions.

*Public Safety* – Over the last five years, local county and BLM law enforcement officers have responded to more than 125 incidents associated with activities occurring at Skinny Dipper Hot Springs and the adjacent parking area. These incidents range from minor incidents such as under-age drinking, illegal drug use, and vehicle break-ins and theft to very serious incidents including sexual assault and two separate deaths. Approximately 75-80 percent of these incidents correlate to after dark activities.

*Public Health* – Bio-hazardous materials (discarded hypodermic needles, human feces) are commonly found in the area. The hot springs flow into the South Fork Payette River, which creates the potential for environmental contamination. State officials have expressed concern about water quality issues.

*Resource Damage* – The area surrounding the hot springs is littered with debris and trash (glass bottles, plastic cups, cigarette butts, cans, food, candles, etc.), unauthorized structures (cement walls, PVC piping), and damaged/removed vegetation. These resource damage issues have been brought to the BLM’s attention by local residents, outfitters and guides, county law enforcement officials, and State agencies

The website idahohotsprings.com has the following description of the hot springs and its use. “A loose-knit group of volunteers known as "Keepers" maintain the trail, pools and plumbing. Weekend and summer partying can get out of hand. Fights, vandalism, and vehicle break-ins have been known to occur during peak usage.”

In response to the safety concerns and ongoing vandalism, BLM issued an emergency night time closure in March 2004. The closure expired on May 24, 2009. Since the expiration of that closure, public health and safety issues have once again become a significant problem. A permanent solution to address public health and safety, and resource concerns is being analyzed as part of the draft Four Rivers Resource Management Plan (RMP).

### **3.1.2 Environmental Consequences – Public Health and Safety**

#### **3.1.2.1 Alternative A – No Action**

Legitimate day use of the hot springs is being directly impacted by the damaging and often illegal activities that are occurring at night. Trash, debris, discarded needles, and human feces left by night time users have a direct, adverse effect on others by creating an unsafe and unhealthy environment. This effect is short term if it causes a direct injury or causes a user to shorten their intended length of stay. This may also have a long term, indirect adverse effect resulting from direct contact with contaminated water or other objects which result in an illness or infection. Night time users seeking a relaxing soak are also affected by the inappropriate night time behavior in the same way day users are affected.

According to the Garden Valley Fire and Rescue, the terrain makes it difficult to make rescues and recover bodies. Responding to incidents at night, in difficult terrain can have a direct adverse effect on the responding law enforcement officers' or rescuers' safety. Emergency responders may suffer direct injuries from a fall or other terrain related accident. Due to the site's location, the public does not have cellular phone access, which adds to the adverse concerns regarding night-time use and users' ability to request emergency assistance.

#### **3.1.2.2 Alternative B – Proposed Action**

Restricting night time use of the hot springs would eliminate public use during the time period when a majority of the illegal and unsafe activities are occurring. While this would not completely curtail illegal or unsafe action, it would reduce it by an estimated 75 – 80 percent. This would have a direct, positive, long term effect on the health and safety conditions at the hot springs. Emergency responses to incidents by local law enforcement and emergency services volunteers would also likely decrease significantly. This would have a direct, positive effect on the resources expended for incidents but would also have an indirect positive effect on public safety in Boise by allowing emergency services to respond to other emergencies.

## **3.2 Recreation**

### **3.2.1 Affected Environment – Recreation**

The South Fork Payette River carves through a granite canyon with naturally occurring hot springs. No records could be found indicating any historic use of Skinny Dipper Hot Springs. The hot springs were locally discovered in the early 1990s and were “developed” using rocks, cement, and PVC piping to direct both hot and cold water into pools to regulate the water temperature. The springs have been used for many years primarily as a place to soak and enjoy the surrounding views.

Within the last 10 years the hot springs have become more popular as a night time party/drinking spot due to its remote location and limited visitation by law enforcement. This use has also deteriorated to include illegal drug use and more serious crimes. An Idaho hot springs website encourages users to come in the morning or during the weekday to avoid the “out of control” night time and weekend use.

### **3.2.2 Environmental Consequences – Recreation**

#### **3.2.2.1 Alternative A – No Action**

Day use of the hot springs is directly impacted by the damaging and often illegal activities that are occurring after sunset. Day time users must deal with the trash and debris left by others from the night before. This can have a direct, short term adverse effect on the users’ hot spring experience by creating an unsightly and unnatural environment. Night time users seeking a relaxing soak are adversely, directly impacted by the obnoxious, sometimes unpleasant, behaviors of individuals under the influence of alcohol or drugs. Allowing night time use to continue could have the long term, indirect effect of users deciding not to return to Skinny Dipper to recreate.

The majority of night time users are not local Boise County residents. These out-of-county users are causing indirect, adverse impacts to local resources and services. Boise County has limited emergency services and is often unable to respond to calls and enforce laws violated. Responding to night time incidents at Skinny Dipper Hot Springs limits the county’s ability to respond to other calls either in a timely manner or at all.

#### **3.2.2.2 Alternative B – Proposed Action**

The proposed action would have a direct, long-term, adverse effect on recreational opportunities for night time use in a localized area of the field office. While some of this use is also involved with illegal activities, some of it is legitimate use by those wishing to just soak and relax. The proposed action would have a long-term, adverse effect on these users. The decision would not change daytime use opportunities.

### **3.3 Cumulative Impacts**

#### **3.3.1 Public Health and Safety**

##### **3.3.1.1 Scope of Analysis**

Boise County was used as the analysis area for cumulative impacts. This county has primary responsibility for public health and safety concerns regarding Skinny Dipper Hot Springs and the highway corridor. The county incorporates the communities of Banks, Garden Valley, Crouch, and Lowman.

##### **3.3.1.2 Environmental Consequences – Cumulative Impacts**

#### **Alternative A – No Action**

As the Treasure Valley's population increases, recreational use of the adjacent mountain areas have also increased. Summer weekend traffic is a steady stream of vehicles pulling campers, boats, OHVs, and other recreational equipment into the mountains to relax and escape the urban setting. This increased recreational use, and associated accidents and incidents, puts a strain on the emergency services of the local communities' limited resources. Many of the incidents emergency services respond to involve out of county residents. The cumulative effect on health and safety of not restricting night time use at Skinny Dipper Hot Springs would be a continued additional drain on local emergency resources.

### **Alternative B – Proposed Action**

Eliminating night time activities at Skinny Dipper Hot Springs would remove a source of constant incidents for local law enforcement and emergency services. The cumulative effect would be that emergency services personnel would be available to respond to other incidents within the county.

## **3.3.2 Recreation**

### **3.3.2.1 Scope of Analysis**

Boise, Ada, and Canyon Counties were used as the analysis area for cumulative impacts. These counties constitute the primary residence of the majority of recreational users.

### **3.3.2.2 Environmental Consequences – Cumulative Impacts**

There are no cumulative impacts to recreation as a result of this action. There are no known foreseeable actions from federal or state agencies that would affect public access to natural hot springs in the analysis area.

## **4.0 Consultation and Coordination**

### **4.1 List of Preparers**

Larry Ridenhour, Outdoor Recreation Planner, BLM Four Rivers Field Office  
Terry Humphrey, Field Manager, BLM Four Rivers Field Office  
Matthew McCoy, Assistant Field Manager, BLM Four Rivers Field Office  
Stan Buchanan, Chief Law Enforcement Ranger, BLM Boise District

### **4.2 List of Agencies, Organizations, and Individuals Consulted**

Boise County Sheriff's Office  
Idaho Central District Health Department  
Boise District Resource Advisory Committee (RAC) Payette Working Group

### **4.3 Public Participation**

Local outfitters, law enforcement, idahohot springs.com, and other individuals initially expressed concerns to the BLM about ongoing problems with trash, vandalism, and other public health and safety issues occurring at the hot springs, the surrounding area, and the parking area along the Banks-Lowman Highway. The BLM has worked with local law enforcement agencies

to address the issues and identify possible solutions. The BLM published a news release on May 25, 2012 informing the public of an emergency night-time closure of the hot springs and surrounding area in effect until a permanent solution is implemented.

#### **4.4 Native American Consultation**

The night-time restriction was discussed with the Shoshoni Paiute Tribe during the June 21, 2012 Wings and Roots meeting. The tribe acknowledged the need for the night-time restriction, and requested a field visit to discuss additional follow-up actions that they believe are necessary to protect cultural and spiritual values.

#### **5.0 Literature Cited**

Bureau of Land Management 1994, Payette River Recreation Area Management Plan. Boise District – Bureau of Land Management. 46pp.

Garden Valley Recreation District. 2004. Wildlife Canyon Scenic Byway Corridor Management Plan. Prepared by Sage Community Services. 84pp.

United States Department of the Interior (USDI-BLM). 1988. Cascade Resource Management Plan and Record of Decision. Bureau of Land Management. Boise District. Boise, Idaho. pp.

6.0 Maps

Skippy Dipper Hot Springs Use Restriction Map

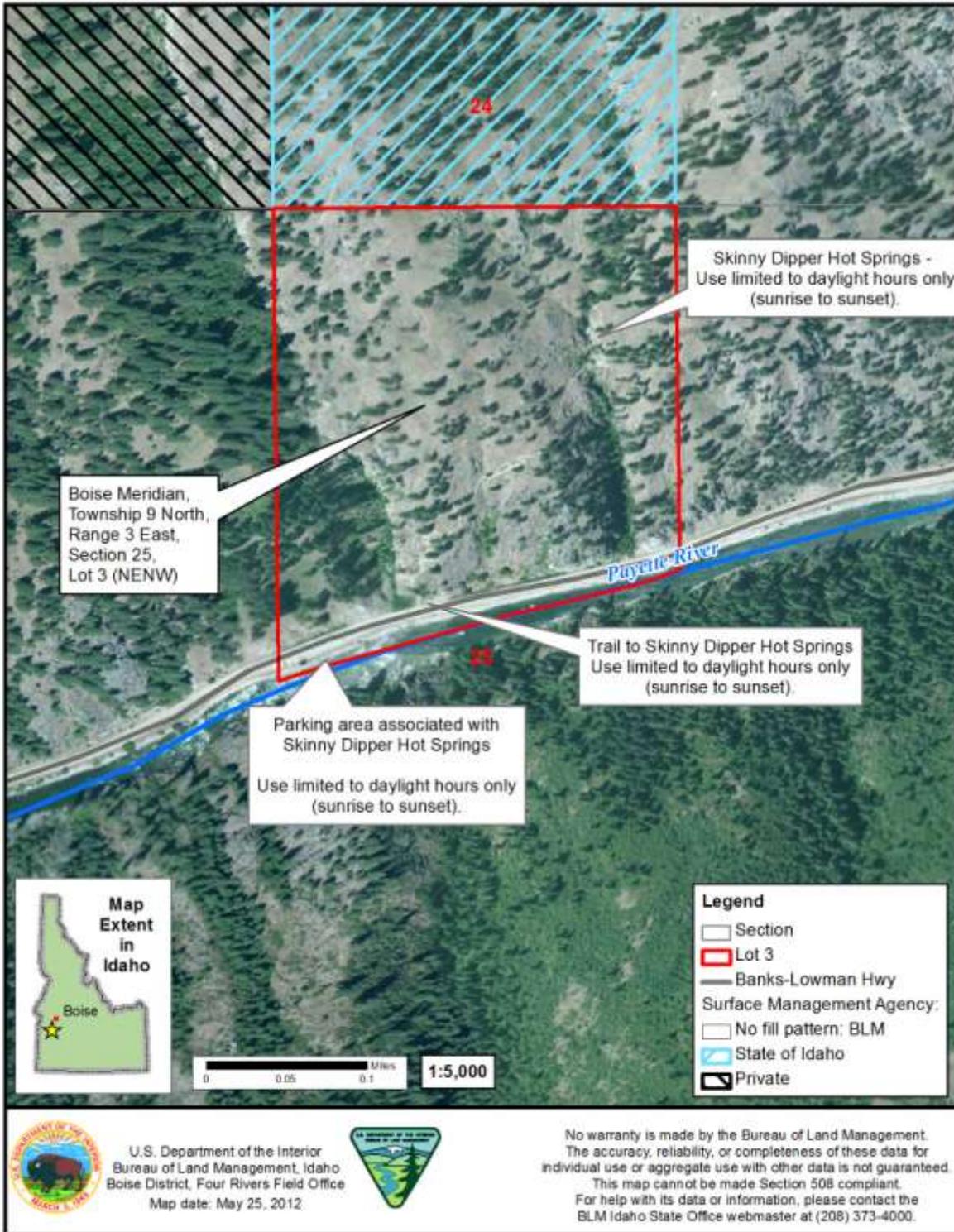


Figure 1 - Skippy Dipper Hot Springs Use Restriction Map