

**DECISION RECORD**  
**Skinny Dipper Hot Spring Temporary Restriction**  
**DOI-BLM- ID-B010-2012-0030-EA**

I have reviewed the Skinny Dipper Hot Springs Temporary Restriction Environmental Assessment (DOI-BLM-ID-B010-2012-0030-EA) and have decided to implement the Proposed Action, described as follows:

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. The public lands affected 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

**Authorities:**

The authority for this decision is contained in 43 CFR 8364.1(a). *“To protect persons, property, and public lands and resources, the authorized officer may issue an order to close or restrict use of designated public lands.”*

**Compliance and Monitoring:**

BLM law enforcement personnel, in cooperation with local law enforcement agencies, will increase patrols of the hot springs for the first several months following this decision. This increased presence is to educate users of the new rules and to ensure compliance with the decision.

**Terms / Conditions / Stipulations:**

The following persons are exempt from this decision: Federal, State, and local officers and employees in the performance of their official duties; members of organized rescue or fire-fighting forces in the performance of their official duties; and persons with written authorization from the Bureau of Land Management.

**PLAN CONFORMANCE AND CONSISTENCY:**

The proposed action and alternatives have been reviewed and found to be in conformance with the following BLM Land Use Plans and Activity Level Plans and the associated decisions:

1988 Cascade Resource Management Plan

*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 - 1994

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

In addition to the above BLM plans, the decision conforms to the following state corridor management plan, as required for designated state scenic byways:

Wildlife Canyon Scenic Byway Corridor Management Plan (Garden Valley Recreation District, 2004)

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

**Alternatives Considered:**

The alternatives analyzed in the environmental assessment considered the proposed action and a no action alternative.

**Rationale for Decision:**

Activities associated with night-time public use of Skinny Dipper Hot Springs have created a situation where the public health and safety is at risk. The decision to restrict use to daylight hours only is being made to protect public health and safety, as there have been several recent incidents of injury and death associated with after-dark use of the parking area, trail, and springs.

**Protest/Appeal Language:**

The decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Public notification of this decision will be considered to have occurred on 6/27/2012. Within 30 days of this decision, a notice of appeal must be filed in the office of the Authorized Officer: Terry A. Humphrey, Field Office Manager, Four Rivers Field Office, 3948 Development Ave., Boise, Idaho 83705.

If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

If you wish to file a petition for stay, pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons, and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken, and on the Office of the Solicitor, U.S. Department of the Interior, 960 Broadway Avenue, Suite 400, Boise, Idaho 83706, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

/s/ Terry A. Humphrey  
Authorized Officer

6/27/2012  
Date