

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Four Rivers Field Office
3948 Development Avenue
Boise, Idaho 83705-5339

**DECISION RECORD
Skinny Dipper Hot Springs Unauthorized Use
Environmental Assessment
DOI-BLM-ID-B010-2013-0025-EA**

Decision – Removal of Unauthorized Development

Acting in official capacity as Field Manager for the Four River Field Office on the Bureau of Land Management (BLM) Boise District, I have decided to implement Alternative B, of the Skinny Dipper Hot Springs Unauthorized Use Environmental Assessment #DOI-BLM-ID-B010-2013-0025-EA (see attached map). Therefore, the following actions will occur:

- Drain and render inoperable the unauthorized soaking pools located at the area known locally as Skinny Dipper Hot Springs about four miles east of Banks, Idaho adjacent to the Payette River.
- Dismantle and remove surface piping in the same location. All accessible water pipes that are cemented into the bedrock would be removed or plugged.
- Remove the seat and accumulated human waste from the tree-snag latrine.
- Remove and rehabilitate the access trail that leads from the Banks-Loman Highway to the hot springs. The trail would be re-contoured and re-vegetated with forb and grass species known to grow on the site. Fire-killed trees would be felled across the rehabilitated trail to discourage used and to stabilize the site during re-vegetation. Waterbars would be constructed across the slope to divert water away from the rehabilitated trail.
- Close the portion north of the Banks-Loman Highway in Township 9 North, Range 3 East, Section 25, Lot 3, Boise Meridian, to all human use for a period of five (5) years from the date the final notice is published in the Federal Register.
- Post signs at appropriate on-site locations to inform the recreating public of the closure.

Authority

Sections 302, 303 and 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732, 1733, 1740) authorize the Secretary of the Interior to issue regulations providing for the use, occupancy, and development of the public lands through leases, permits, and easements. These regulations are contained in Title 43 of the Code of Federal Regulations (CFR). Any use, occupancy, or development of the public lands, other than casual use as defined in § 2920.0-5(k), without authorization under the procedures in § 2920.1-1, shall be considered a trespass. Facilities or developments determined to be in trespass will be removed by the BLM.

Compliance and Monitoring

Following removal of the unauthorized developments and rehabilitation of the trail, visitor use and closure compliance will be monitored and enforced by BLM Law Enforcement Rangers and Boise

County Sheriff's officers. Changes in operational management may be made as necessary, based on monitoring results.

NEPA Compliance

The Four Rivers Field Office conducted public scoping in June 2013 including contacting known skinny dipper stakeholder and additionally stakeholders contacting BLM requesting a meeting to discuss concerns and alternatives. BLM staff met with a group of concerned citizens on July 8, 2013 at the Boise District Office (attendee list provided in the project record). BLM staff briefed the Boise County Commission on July 16, 2013. BLM hosted a scoping meeting in Boise on July 17, 2013, and a scoping meeting in Crouch, Idaho on July 18, 2013. BLM's scoping effort resulted in public scoping comments sent via email, written comments from the meetings, flip chart comments from the meetings, one letter, and one hand delivered alternative. The components of public submitted alternative are included in Section 2.1 of the EA. BLM continued to communicate with project stakeholders during alternative development. Twelve different alternatives were proposed, however none addressed the unauthorized developments. Only one viable alternative was brought forward that addressed the purpose and need of the environmental assessment.

Based on my review of the EA and consideration of comments received, I determined that the proposed actions will not result in any significant impacts to the human environment. The EA and Finding of No Significant Impact (FONSI) is available upon request to the Four Rivers Field Office, and is available with this Decision Record on the BLM NEPA Register internet site at https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do

Rationale for the Decision

The Proposed Action (Alternative B) is in conformance with the Cascade RMP issued July 1, 1988, because RMP resource management guidelines state that:

“It is BLM policy to identify, abate, and prevent unauthorized use of public lands. Trespass settlement is geared to recover at least fair market value for the unauthorized use and to require rehabilitation of the land and resource damaged by the unauthorized action.”

The plan also states that:

“BLM will manage recreation on public lands. Some areas may be subject to special restrictions to protect resources or eliminate or reduce conflicts among uses.”

The proposed action implements the abatement of the unauthorized use as required by the RMP.

Adoption of Alternative B effectively addresses the Purpose and Need (Section 1.1) of DOI-BLM-ID-B010-2013-0025-EA, meets the objectives of the Cascade RMP, and follows BLM Policy in that it will:

- *Identify, abate, and prevent unauthorized use of public lands (Cascade RMP).* Removing the unauthorized development of soaking pools at Skinny Dipper Hot Springs will comply with 43 CFR 2920.1-2.
- *Provide for public health and safety (BLM Policy).* The unauthorized use has created an environment where unsafe and often illegal activities occur during both day and night. The high volume of users, especially at night, has created a situation where there is a concern for

public health and safety.

I conclude that Alternative B will best meet the requirements of 43 CFR 2920, and BLM's Cascade RMP direction to protect resources, eliminate or reduce conflicts among uses, and provide for public health and safety. The proposed action will not have a significant impact to the human environment; therefore, an environmental impact statement is not required (FONSI for DOI-BLM-ID-B010-2013-0025-EA). The impacts to recreational opportunities will not be significant because additional hot springs opportunities are available on federally-administered lands in the area.

Administrative Remedies

This decision may be appealed to the Interior Board of Land Appeals, 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 April 27, 2015. Within 30 days of this decision notification, a notice of appeal must be filed in the office of the authorized officer at *Bureau of Land Management, Boise District Office, 3948 Development Ave., Boise, ID 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 Boise Field Solicitors Office, *U.S. Department of the Interior, University Plaza, 960 Broadway Avenue, Suite 400, Boise, Idaho 83706* not later than 15 days after filing the document with the authorized officer and/or IBLA.

Approval of Authorized Officer

/s/ *Tate Fischer*

04/24/2015

Tate Fischer – Four Rivers Field Manager

Date

Contact: For questions concerning this decision, please contact Larry Ridenhour, Outdoor Recreation Planner, Four Rivers Field Office, 208-384-3300 or at lridenhour@blm.gov.