

Appendix F: Minimum Requirement and Minimum Tool Analysis

Explanation of Process

Wilderness managers often speak of “minimum required” or “minimum tool”. The terms are shorthand for the provisions found in section 4(c) of the Wilderness Act.

Section 4 (c) of the Act prohibits certain activities in wilderness by the public and, at the same time, allows the agencies to engage in those activities in some situations. Section 4 (c) states:

“... except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.”

In the above language, Congress acknowledged that even though certain activities are prohibited, there are times when exceptions to these prohibitions will need to be made for administration of the area. However, from the regulations, special orders, and internal agency policy, it is clear that the wilderness management agencies should not view the language in Section 4 (c) as blanket approval to conduct projects or allow activities without an analysis of (1) whether the project or activity is necessary to meet the minimum requirements for the administration of the area, and (2) which tool or method should be used to complete the project that results in the least impact to the physical resource or wilderness values.

Agency employees entrusted with management of wilderness should set the highest standard possible when reviewing management practices in wilderness. Wilderness is intended to be managed differently from other public lands and this difference needs to be demonstrated to the public.

The minimum requirement analysis is used to determine what is the least impacting way of administering the wilderness. The wilderness manager may authorize any of the generally prohibited activities or uses listed in Sec. 4(c) of the Wilderness Act if they are determined to be the minimum necessary to do the job and meet wilderness management objectives.

When conducting the actual minimum requirement analysis wilderness managers generally follow these steps:

1. Complete a minimum requirement analysis, for all proposed projects or activities. This step should not be used to justify use of motorized equipment or mechanical transport, but rather, to scrutinize the project or activity and make the best decision for wilderness in the long term. To determine if the proposal truly is required for the administration of the wilderness area, managers need to answer the following questions:
 - a. Is there an emergency?
 - b. Does the project conflict with stated wilderness goals, objectives and desired future conditions of applicable legislation, policy, and management plans?
 - c. Are there any less intrusive actions that should be tried first?
 - d. Can this project be accomplished outside of wilderness and still meet it’s objectives?
 - e. Is the project subject to valid existing rights?
 - f. Is there a special provision in the enabling legislation that allows for the proposal?
 - g. How does the proposal benefit wilderness as a whole?
 - h. If this project were not completed, how would the wilderness characteristics of naturalness, solitude, primitive recreation and special features be impacted?

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- i. How would the project ensure that human presence is kept to a minimum?
 - j. How would the project ensure that the wilderness provides opportunities for solitude or primitive recreation?
 - k. How did you consider wilderness values over convenience, comfort, political, economic or commercial values while evaluating this project or activity?
2. If after completing step one, the proposal is found to be the minimum required action for administration of the area as wilderness, the wilderness manager needs to complete a minimum tool analysis. The minimum tool analysis is used to determine which method of implementing the proposal would have the least impact on the wilderness resource while still allowing the project to be completed safely and successfully. Generally at least three alternatives are evaluated in the minimum tool analysis; an alternative using non-motorized, non-mechanized equipment, an alternative using motorized and/or mechanized equipment, and one alternative using a combination of the methods. Impacts to naturalness, solitude, primitive recreation and special features are evaluated for each alternative. That method that has the least impact on the wilderness resource and allows the project to be successful is determined to be the minimum tool.

If the analysis shows a justifiable need for motorized equipment, it is important to have this analysis in writing to provide to the official(s) who can authorize the use of mechanical transport or motorized equipment in wilderness. For some units, this analysis may become an integral part of an environmental analysis required to document a decision to use motorized equipment.

Ongoing management practices, especially if they involve mechanical transport, motorized equipment, or structures, should be reviewed to determine if they are still necessary or the best way to complete the task at hand.

The Wilderness Management Plan, to be prepared after the RMP, will contain minimum required and minimum tool analysis for specific management actions dealing with wildlife, grazing operations, fire suppression and other resources in the wilderness areas.

Minimum Requirement/Tool Worksheets for Maintenance of Existing Small Game Wildlife Water Developments in Wilderness

Step 1- Determining the Minimum Requirement (a two-part process)

Part A. Minimum Requirement Key to making determinations on wilderness management proposals

(This flow chart will help you assess whether the project is the minimum required action for the administration of the area as wilderness. Answering these questions will determine *if* this proposed action really is the *minimum required* action in wilderness.)

Guiding Questions

Answers and explanations

<p>1. <u>Is this an emergency?</u> (i.e. a situation that involves an inescapable urgency and temporary need for speed beyond that available by primitive means, such as fire suppression, health and safety of people, law enforcement efforts involving serious crime or fugitive pursuit, retrieval of the deceased or an immediate aircraft accident investigation)</p> <p>If Yes> Document the rationale for line officer approval using the minimum tool form and proceed with action.</p> <p>If No> Go to question 2</p>	<p>No</p>
<p>2. <u>Does the project or activity conflict with the stated management goals, objectives and desired future conditions of applicable legislation, policy and management plans?</u></p> <p>If Yes> Do not proceed with the proposed project or activity.</p> <p>If No> Go to question 3</p>	<p>No</p>
<p>3. <u>Are there any less intrusive actions that should be tried first?</u> (i.e. signing, visitor education, or information)</p> <p>If yes> Implement other actions using the appropriate process.</p> <p>If No> Go to question 4</p>	<p>No, for the developments to remain in a functioning condition periodic maintenance will need to occur.</p>
<p>4. <u>Can this project or activity be accomplished outside of wilderness and still achieve its objectives?</u>(such as some group events)</p>	<p>No, the developments were located in the wilderness areas at the time of designation, so maintenance will need to occur inside the wilderness boundaries.</p>

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<p>If Yes> Proceed with action outside of wilderness using the appropriate process.</p> <p>If No> Go to question 5</p>	
<p>5. <u>Is this project or activity subject to valid existing rights?</u> (such as mining claims or right of way easements)</p> <p>If Yes> Proceed to Minimum Tool Analysis</p> <p>If No> Go to question 6</p>	<p>No, the developments were built under a Cooperative Agreement with NDOW, but it is not considered a Valid Existing Right.</p>
<p>6. <u>Is their special provisions in legislation (the Wilderness Act or Black Rock Act) that allows this project or activity?</u></p> <p>If Yes> the proposed project or activity should be considered but is not necessarily <u>required</u> just because it is mentioned in legislation. Go to part B</p> <p>If No> Go to Part B</p>	<p>No</p>

Part B- Determining the Minimum Requirement

Responsive Questions for Minimum Requirement Analysis: Explain your answer in the response column. If your responses indicate potential adverse affects to wilderness character, evaluate whether or not you should proceed with the proposal. If you decide to proceed, begin developing plans to mitigate impacts, and complete a Minimum Tool Analysis. Some of the following questions may not apply to every project.

Effects on Wilderness Character

Responses

<p>1. How does this project/activity benefit the wilderness as a whole as opposed to one resource?</p>	<p>The project does not necessarily benefit the wilderness as a whole, the maintenance of the existing projects will help maintain the existing populations and distributions of naturalized and native species.</p>
<p>2.If this project/activity were not completed, what would be the beneficial and detrimental effects to the wilderness resources?</p>	<p>Impacts to solitude associated with maintaining the existing developments would not occur if the activity did not occur.</p>
<p>3. How would the project or activity help ensure that the wilderness provides outstanding opportunities for solitude or a primitive and unconfined type of recreation? (e.g. does the project/activity contribute to the people's sense that they are in a remote place with opportunities for self-discovery, adventure, quietness, connection with nature, freedom, etc.)</p>	<p>The activity would have an impact on the solitude and naturalness of the areas. It would provide for continued recreation in the form of upland bird hunting.</p>
<p>4. How would the project/activity help ensure that human presence is kept to a minimum and that the area</p>	<p>Maintenance of the developments would not ensure that human presence is kept to a minimum. The</p>

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is affected primarily by the forces of nature rather than being manipulated by humans?	that human presence is kept to a minimum. The existing developments are a form of human manipulation.						
Management Situation 5. What does your management plan, policy, and legislation say to support proceeding with this project?	A Wilderness Management Plan has not been prepared for the Wilderness Areas. BLM Handbook 8560-1 Chapter III, Section 3 states “ ... water developments... necessary for fish and wildlife management (which were in existence before wilderness designation) may be permitted to remain in operation.” Through the Resource Management Planning process it has been decided to retain the existing water developments.						
6. How did you consider wilderness values over convenience, comfort, political, economic or commercial values while evaluating this project/activity?	Wilderness values were not the overriding values that were considered when deciding to retain the existing structures.						
7. Should We Proceed?	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Yes</td> <td style="width: 50%;">No</td> </tr> <tr> <td>Go to step 2</td> <td>Stop the project</td> </tr> <tr> <td colspan="2" style="text-align: center;">(Minimum Tool Analysis)</td> </tr> </table>	Yes	No	Go to step 2	Stop the project	(Minimum Tool Analysis)	
Yes	No						
Go to step 2	Stop the project						
(Minimum Tool Analysis)							

Step 2 - Determining the Minimum Tool (the Minimum Tool Analysis)

These questions will assist you in determining the appropriate tool(s) to accomplish the project or proposed activity with the least impact to the wilderness resource.

Develop several alternate approaches to implementing the project or activity. At a minimum consider the following three alternatives.

Alt#1 An alternative using motorized equipment or mechanized transport	Alt#2 An alternative using non-motorized equipment or non-mechanized transport	Alt#3 Variations of methods 1 and 2, as appropriate
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Describe the alternatives. Be specific and provide detail.

- What is proposed?
- Why is it being proposed in this manner?
- Who is the proponent?
- When will the project take place?
- Where will the project take place?
- How will it be accomplished? (What methods and techniques)

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<p>Alt#1 Maintenance of 14 small game water developments (guzzlers). The existing developments consist of a 8'x12' catchment apron (fiberglass or aluminum), 4 steel angle iron uprights and crossbeams, a 320 gallon fiberglass tank, and a 12' x 14' barbed wire fence. The average distance that guzzlers are located from an open route is .7 miles. The furthest one is located 1.4 miles and the closest .07 miles from an open route.</p> <p>Under this Alternative guzzlers would be accessed, and materials hauled in by motorized vehicle (truck or quad) on existing routes. Guzzlers that are not located on existing routes would be maintained by helicopter. Motorized power tools and portable generators could be used.</p> <p>This method for maintaining the guzzlers would be the most efficient method and would allow several guzzlers to be maintained in short amount of time.</p> <p>The proponent is NDOW in conjunction with BLM.</p> <p>It is estimated that the guzzlers would need some form of maintenance about once every 5 years.</p> <p>See map for location of each guzzler.</p>	<p>Alt#2 Same as Alternative 1, but all access would be non-motorized and non-mechanized, materials would be hauled to the guzzler sites on foot or horseback, and only non-motorized, or small battery operated handtools would be used.</p>	<p>Alt#3 Same as Alt 2, but helicopters could be used to sling in large items that would be difficult to pack on foot or horseback (such as the 320 gallon tanks). All other materials would be brought in on foot or horseback. It is estimated that helicopters would be used once every 10 years.</p>
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Utilize the following criteria to assess each alternative (a brief statement should suffice)

Biophysical effects

- Describe the environmental resource issues that would be affected by the proposed action.
- Describe any effects this action will have on protecting natural conditions within the regional landscape, (i.e. non-native insects and disease, or noxious weed control)
- Include both biological and physical effects.

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<p>Alt#1 Routes accessing several of the guzzlers would not be reclaimed and would continue to see occasional use for maintenance, this could lead to increased motorized trespass. The routes would also continue to impact the naturalness of the areas. The probability of introducing noxious weeds into the area may also be increased by using motor vehicles to access the guzzlers.</p>	<p>Alt#2 Existing routes would be reclaimed and very little impact to naturalness would occur from the maintenance activities.</p>	<p>Alt#3 Same as Alt 2</p>
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Social/recreation/experiential effects

-Describe how the wilderness experience may be affected by the proposed action

-Include effects on recreation use and wilderness character

-Consider the effect the proposal may have on the public and their opportunity for discovery, surprise and self-discovery

<p>Alt#1 Impacts to solitude and the wilderness experience would be greatest under this alternative. Using motorized equipment for access and maintenance would increase the likelihood of being heard and seen by wilderness users.</p>	<p>Alt#2 Impacts from the maintenance activities would have very little impact on solitude and the wilderness experience.</p>	<p>Alt#3 Impacts from the maintenance activities would have very little impact on solitude and the wilderness experience.</p>
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Societal/political effects

-Describe any political considerations, such as MOUs, agency agreements, local positions that may be affected by the proposed action.

-Describe relationship of method to applicable laws

<p>Alt#1 The Cooperative Agreements that authorized the guzzlers outlined that NDOW would cover the costs of maintenance, but did not outline how it would be accomplished. There was also considerable public comments received that supported maintaining the existing guzzlers.</p>	<p>Alt#2 Same as Alt 1</p>	<p>Alt#3 Same as Alt 1</p>
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Health and safety concerns

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-Describe and consider any health and safety concerns associated with the proposed action. Consider the types of tools used, training, certifications and other administrative needs to ensure a safe work environment for employees. Also consider the effect the proposal may have on the health and safety of the public.

Alt#1 No special health and safety concerns	Alt#2 Same as Alt 1	Alt#3 Same as Alt 1
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Economic and timing considerations

-Describe the costs and timing associated with implementing each alternative

-Assess the urgency and potential cumulative effect from this proposal and similar actions

Alt#1 This alternative would take the least amount of time to accomplish the maintenance, but would probably be the most costly due to the use of the helicopter. Cumulative effects could include the continued motorized trespass that may occur due to the routes not being reclaimed.	Alt#2 This alternative would take the longest amount of time to accomplish the maintenance, but could cost less, because a helicopter would not be used.	Alt#3 Similar to Alt 1, but costs would probably be lower because of the less frequent use of the helicopter. Cumulative impacts associated with Alt 1 would not occur.
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Formulate a preferred alternative from the above alternatives and describe in detail below

Access to the 14 existing guzzlers would be by foot or horseback, materials would be hauled to the guzzler sites on foot or horseback, and only non-motorized, or small battery operated handtools would be used to conduct the maintenance.

Helicopters could be used to sling in large items that would be difficult to pack on foot or horseback (such as the 320 gallon tanks). All other materials (fencing, angle iron, and apron material) will be brought in on foot or horseback. It is estimated that helicopters would be used once every 10 years for guzzler maintenance.

Further refine the alternative to minimize impacts to wilderness

-What will be the specific operating requirements?

NDOW will coordinate the occasional use of helicopters for guzzler maintenance with BLM. NDOW will contact the BLM by phone or letter at least 5 business days prior to helicopter use.

-What are the maintenance requirements?

As outlined in the Cooperative Agreements:

- Maintenance of the guzzler will be limited to normal upkeep and repair of the catchment, tank, lid, and ramp as necessary to maintain proper function of the unit

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- Maintenance of the enclosure fence will be limited to normal upkeep and repair that will be necessary to maintain the integrity of the enclosure to keep livestock and/or wild horse/burros out.

-What standards and designs will apply?

Guzzlers aprons will match the color of the surrounding vegetation and soils to minimize visual impacts.

-Develop and describe any mitigation measures that apply?

Maintenance operations will be scheduled to avoid high visitor use periods. Inspection of projects would be completed regularly to minimize the amount of maintenance and reconstruction required. BLM and NDOW will seek the assistance of volunteer wilderness and wildlife groups to assist in the added workload of accomplishing guzzler maintenance primarily by non-motorized and non-mechanized means.

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