



ASSOCIATION of  
FISH & WILDLIFE  
AGENCIES



## ATTACHMENT A

### **Minimum Requirements Decisions Process Outline**

Pursuant to the Policies and Guidelines for Fish and Wildlife Management in National Forest and Bureau of Land Management (BLM) Wilderness, the intent of this attachment is to document the analysis process used by the BLM and Forest Service, in cooperation with the State fish and wildlife agencies, to determine the “minimum requirements” for accomplishing fish and wildlife projects and activities within a wilderness area. It is also intended to reemphasize that continued State and Federal coordination and cooperation is necessary to meet each agency’s management objectives in wilderness.

The following outlines the “Minimum Requirements Decisions Process” (MRDP) for certain proposed projects within wilderness. For certain projects proposed by State fish and wildlife agencies, this analysis will be completed by the applicable State agency in coordination with the responsible Federal agency. Unless specifically exempted by law, all proposed projects and activities within wilderness involving the eight Wilderness Act prohibitions listed below will require the completion of the MRDP to determine whether they can be authorized in wilderness. Section 4(c) of the Wilderness Act lists ten prohibited uses in wilderness. Eight of these prohibited uses could be allowed if they are *“...necessary to meet the 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) ...”*.

The eight prohibited uses recognized by this exception are temporary roads, use of motor vehicles, motorized equipment or motorboats, landing of aircraft, other forms of mechanical transport, and structures or installations. The two Section 4(c) prohibited uses that may not be authorized in wilderness under the above exception are commercial enterprises and permanent roads.

The 1964 Wilderness Act directs that the determination to employ a generally prohibited use can only be made by the federal agency administering the affected wilderness area. The Act in Section 4(d)(8) also states that “Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish ...” within wilderness areas. For projects proposed by State wildlife agencies in designated wilderness it is crucial that Federal and State agencies respect each other’s jurisdictions and responsibilities when employing the MRDP. The Federal land management agency must work closely and cooperatively with State agencies in determining how best to meet their needs within the allowable legal framework of the 1964 Wilderness Act and the legislation designating the area as wilderness.

For project proposals where a National Environmental Policy Act (NEPA) analysis is required, the MRDP prepared by the State agency will be included in the NEPA process. The Federal land management agency will work with the State agency to complete the applicable NEPA analysis in a timely manner. As a part of the MRDP, the State agency will conduct the Minimum Requirements Decisions Process, in close coordination and cooperation with the Federal administering agency, and will document the conclusion from Step 1 and the decision from Step 2. The Federal administering agency will make the final determination of the minimum requirements.

## **Minimum Requirements Decisions Process Outline**

### **Step 1a: Determine if the action proposed by the State agency or Federal administering agency, to meet conservation objectives for fish and wildlife, is *necessary* to manage the area as wilderness.**

First, describe the situation that may prompt the State agency or Federal administering agency action and describe how the action will address a problem or issue, or will otherwise contribute to fish or wildlife conservation objectives.

Then, determine whether the action is necessary in wilderness by describing why the action is necessary in terms of the following:

#### **1. Options Outside of Wilderness**

Determine whether the purpose of the proposed action can safely, successfully and reasonably be accomplished outside of a wilderness area. However, this does not preclude analyzing or implementing projects in wilderness, so long as they meet the minimum requirement standard (**if the project involves uses generally prohibited under Sec. 4(c) of the Wilderness Act**). For wildlife species that spend only part of the year in wilderness, give first priority to locating facilities or habitat alterations outside of wilderness.

#### **2. Legal and Policy Consistency**

Determine whether the proposed action is consistent with law, regulations, policies, and plans. Consider valid existing rights or special provisions of wilderness acts.

- 3. Consider Requirements of Other Legislation (ESA, ARPA, ANILCA, etc.)**
- 4. Consider other Guidance (State wildlife conservation strategies, comprehensive plans, State listed threatened or endangered species or sensitive species lists, State or tribal agreements, etc.).**

#### **5. Wilderness Character**

Determine whether the proposed action contributes to the preservation of wilderness character (i.e., how does the proposed action contribute to maintaining the wilderness character?).

## **6. Public Purposes of Wilderness**

Determine whether the proposed action is necessary for the purpose of wilderness (i.e., how would the proposed action support the public purposes for wilderness of recreation, scenic, scientific, education, conservation and historical uses?).

### **Step 1b: Conclusion: *Is the Action Necessary?***

If the action is necessary, proceed to Step 2 to determine the minimum tool or method for the action. If no action is necessary, stop here.

### **Step 2a: Determine the *minimum tool***

#### **1. Describe the Proposed Action and Alternative Actions**

Analyze at least one feasible alternative, if available, that does not involve a generally prohibited act. This alternative must be one that could accomplish both the wilderness management objectives and the fish and wildlife conservation objectives of the proposed action.

#### **2. Compare the Effects of the Alternatives**

Analyze whether the tools and techniques used to accomplish the proposed action are the least degrading to wilderness characteristics while safely, successfully and reasonably accomplishing the task. This entails analyzing the impacts of each alternative on the wilderness characteristics (naturalness, outstanding opportunities for solitude-or primitive and unconfined recreation, and other special features). Criteria such as time, convenience, and cost effectiveness may also be considered but are less significant than the potential for impacts to wilderness characteristics.

### **Step 2b: Decision - *What is the Minimum Tool?***

- Identify the selected alternative.
- Describe the rationale for selecting this alternative, based on the analysis from 2a, law and policy.
- List management requirements for minimizing effects (timing, location, frequency, design standards for this action).
- Describe any monitoring and reporting requirements.

The MRDP used to determine the necessity to either employ or not employ a generally prohibited use meets the intent of the “...minimum requirement...” exception in Section 4(c) of the Wilderness Act. However, any Federal authorization of a generally prohibited use must include a rationale in the decision record that clarifies why the use is needed to manage the wilderness area for the purpose of wilderness and the legislation designating the area as wilderness.

- Decisions resulting from the MRDP outline can be documented in a format that best suits the Federal administering agency and the State wildlife agency.