



Minimum Requirements Analysis

FAQs and Common Errors



Preface

The intent of this document is to clarify and address questions often submitted by Forest Service personnel and common errors associated with completing a Minimum Requirements Analysis (MRA) for wilderness projects. Employees of other agencies may find it useful as well, but agency policies may differ and additional research may be required. The following online trainings are considered prerequisites to completing an MRA and should be completed before referencing this document:

- *The Wilderness Act*
- *Writing a Minimum Requirements Analysis*

These are found here: [Online Training Courses](#).

This document is designed to supplement the instructions for the Minimum Requirements Analysis Framework (MRAF). You are advised to review the instructions prior to searching this document for answers to your questions.

The MRAF Instructions are found here: [MRAF Instructions \(Word\)](#).

More MRA resources can be found here: [Minimum Requirements Analysis](#), including recorded webinars, case study examples, an evaluation guide, and agency guidelines. Current training opportunities provided by the Arthur Carhart National Wilderness Training Center can be found here: [Classroom Training Courses](#).

Acronyms:

Minimum Requirements Analysis FAQs



MRA = Minimum Requirements Analysis

An MRA is a statutory obligation derived from Section 4(c) of the Wilderness Act of 1964. This section of the Act specifically prohibits several uses, except “*as necessary to meet minimum requirements for the administration of the area for the purpose of this Act.*” An MRA applies this language to a situation and results in a determination of the “minimum necessary,” which may or may not justify prohibited uses. The Act does not prescribe a means of completing an MRA.

MRAF = Minimum Requirements Analysis Framework

The MRAF was developed by the Arthur Carhart National Wilderness Training Center as a tool for completing an MRA. It provides a structured, rigorous process for arriving at defensible determinations of the minimum necessary. The MRAF is the primary means of completing an MRA approved for use by the Forest Service, Fish and Wildlife Service, and Bureau of Land Management.

Disclaimer: MRA and MRAF are referenced throughout this document. MRA is used when referring to the bigger picture analysis process, whereas MRAF is used when referring to writing the document and the specific components of the MRAF tool.

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and Common Errors - 03/11/2024

The Basics

When do I have to complete an MRA?

An MRA is required by law when uses prohibited under Section 4(c) of the Wilderness Act are being considered for a project in wilderness:

“Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and 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.”

Though not required by law, it is also recommended that an MRA be conducted whenever an administrative action may adversely affect wilderness character whether a prohibited use is considered or not. In addition, the use of chemicals requires Regional Forester approval (FSM 2323.34f), and is facilitated using an MRA.

The MRAF provides a thorough and methodical process to assist managers/decision makers in conducting an MRA and is the preferred tool for analysis documentation in the Forest Service.

Do I have to conduct MRAs for emergencies?

First, what is an emergency? According to a court decision ([Olympic Park Assoc. v. Mainella, 2005](#)), emergencies are:

“...matters of urgent necessity rather than... conveniences for future use ...”

FSM 2326.1(1) specifies an emergency as “inescapable urgency and temporary need for speed beyond that available by primitive means.” This basically permits an appropriate response to an emergency. For example, it allows a helicopter evacuation of a critically injured person, but it does not allow you to establish helipads where you think you might need them in the future.

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Section 4(c) of the Wilderness Act specifically states that emergencies are not exempt from an MRA where prohibited uses are involved. An MRA must be conducted when prohibited uses are proposed – such as emergency activities utilizing motorized equipment and mechanical transport. Address this programmatically and proactively in internal emergency response plans or other planning documents, and via MOUs or other instruments with cooperators. Do not wait for an emergency to complete an MRA.

Typically, programmatic MRAs for emergencies are addressed through an agreement or planning document, not an MRAF. For example, you may have an MOU with your local search and rescue organization that specifies when and how to deploy a helicopter evacuation. It can be helpful to use the MRAF structure to discuss options and responses to potential scenarios so that FS units and partners understand their responsibilities in wilderness

Additional Information:

[Wilderness Act of 1964 \(PL 88-577\), Section 4\(c\)](#)

[FSM 2326.1\(1\)](#)

[Wilderness.net](#) → [Management Tools](#) → [Toolboxes](#) → [Search and Rescue Toolbox](#)

Do I have to do an MRA if the result of the proposed action is going to have a positive effect on wilderness character?

Yes. You need to do an MRA if a prohibited use under Section 4(c) of the Wilderness Act is being considered, no matter the effects to wilderness character. All effects (positive and negative) to wilderness character are identified and documented in the process of conducting the MRA. Having a positive effect on wilderness character doesn't negate the fact that the positive effect was derived via a prohibited use under law. The ideal situation would be to have a positive effect on wilderness character without requiring a prohibited use.

Where do I find the MRAF workbook, instructions, and other resources for conducting an MRA?

The MRAF workbook and instructions can be downloaded from [Wilderness Connect](#). This site also contains training resources, recordings of a webinar series, case studies, agency guidelines, and other helpful information.

Additional Information:

[Wilderness.net](#) → [Management Tools](#) → [Minimum Requirements Analysis](#)

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Who should complete the MRA?

The local Wilderness Manager(s) should always have a role in the development of an MRA, and is generally the writer/coordinator for the analysis. If the wilderness program is the proponent of the project, then the Wilderness Manager would be the primary specialist that works on the MRA with input from other affected resources. If another resource area is proposing a project, then they too will assist in completing the MRA. For example, if engineering is proposing construction of a bridge in wilderness, then engineering staff should develop the project proposal, including development of the different project components and possible alternatives. If this is the case, the Wilderness Manager would then ideally conduct the actual analysis of the effects to wilderness character since they are the resource specialist for wilderness and in most cases have the deepest understanding of wilderness character. The engineering staff would then review the results of the MRA. Any resource that is represented in the project proposal should play a part in the MRA. Wilderness is an interdisciplinary resource, and the Wilderness Manager likely does not have the expertise to represent the interests of other resource programs.

Whoever works on a MRA will need some training on the MRA process and MRAF tool. The Arthur Carhart National Wilderness Training Center offers both classroom and online training courses related to the MRA process. See the Minimum Requirements Analysis section of wilderness.net for a listing of the most current training opportunities.

How much time does an MRAF take to complete?

The length and complexity of an MRAF varies according to the complexity of the situation, number of feasible alternatives, and the magnitude of the effects to wilderness character and other criteria. No two are alike and some may, in fact, be complicated. But, these are critical documents and must be given the attention they require for a proper analysis.

The Carhart Center offers courses in writing and evaluating MRAFs and also offers numerous examples of actual MRAFs online. Combining these resources with practice and mentors should afford authors expertise and efficiency in completing MRAFs. A well-written MRAF will be straightforward regarding the issues, the alternatives, the impacts/benefits and the rationale for the final determination. The scope of analysis should be consistent throughout and the alternatives should represent the best feasible options, including maintaining the status quo and/or taking no action. If an MRAF becomes complicated or protracted, it is worth stepping back and reassessing. Consult wilderness colleagues and veteran MRAF authors to see how they would proceed.

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Additional Information:

[Minimum Requirements Analysis Framework Additional Resources](#)

NEPA

What is the relationship between MRAFs and NEPA?

The MRAF is designed to assist with preparation of a NEPA analysis, but is not a substitute for a NEPA analysis. The MRAF provides a method to determine the necessity of an action, the effects of alternatives on wilderness character, and how to minimize impacts to wilderness character; NEPA analysis compares and discloses the environmental effects of alternatives on all resources, documents a decision, and requires public involvement.

The MRAF should be completed before other NEPA documents because it results in a recommendation for decision makers. Completing a NEPA analysis without it being informed by the MRAF might suggest the MRAF was completed for the purpose of supporting a predetermined decision. This is highly unethical. The only way a planning document could take the place of an MRAF is if the planning document contains an adequate MRA within it.

Alternatives

What does No Action alternative mean?

The “No Action” alternative often means a continuation of the current management situation, without taking any additional action. It does not mean ceasing an ongoing action. The “No Action” alternative may also refer to not pursuing or not allowing a new activity that is proposed where it hasn’t previously occurred. The “No Action” alternative displays the effects (positive or negative) of not taking action and is used as a baseline for comparing effects of the action alternatives in Step 2 of the MRAF.

Making the Decision

Who has the delegated authority to authorize an exemption to prohibited uses?

The authority to authorize an exemption to a prohibited use is directly determined by who has the authority for approving administrative actions in wilderness. FSM 2320 and

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regional supplements identify the authorized officer that has responsibility to approve administrative actions in wilderness, which depends on the type of action being addressed. Regional Foresters have the most decision authority for MRAFs. Forest Supervisors and District Rangers are assigned relatively little decision authority, unless this authority is delegated by the Regional Forester per regional delegation policies. If you are in doubt about the decision authority for a given action, it is recommended that you check with your Regional Wilderness Program Manager.

Additional Information:

[MRDG Forest Service Guidelines](#) → Authority for Approval

FSM 2320 and regional supplements

Consult with your Regional Wilderness Program Manager

Can economics and/or time constraints serve as the primary basis for selecting an alternative in an MRAF?

Generally, no, but both economics and time constraints can influence the outcome of the MRAF in different ways. These two criteria are often misunderstood, easily abused, and sometimes confused.

Time Constraints. This is meant to refer to material time constraints that physically limit the range of alternatives in an MRAF. It should not be confused with efficiency or expediency. Breeding or nesting seasons for certain species, the number of snow-free weeks in the field season, or conditions that are degrading rapidly over time are examples of legitimate time constraints that may affect the range of alternatives and, therefore, the MRAF determination.

Economics. This is meant to refer to the total estimated cost of the alternative, including the direct and indirect costs of labor, supplies, and equipment. It should not be confused with effects on businesses, users, or local or regional economies. Generally, cost alone cannot be used to justify a selection, but all alternatives must be financially feasible. And, if two or more alternatives have similar effects to wilderness character, this criterion can be legitimately applied to the selection.

The Wilderness Act of 1964 contains no provisions for making decisions based upon time constraints or economics, and preservation of wilderness character is placed first and foremost above all other considerations. Forest Service policy (FSM 2320.6) further states: “*Economy, convenience, commercial value, and comfort are not standards of management or use of wilderness.*”

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Additional Information:

[MRDG Instructions](#) → Step 2 → Time Constraints

[MRDG Instructions](#) → Step 2 → Alternative Comparison Criteria, Economics

[MRDG Forest Service Guidelines](#) → Applying the Minimum Requirements Process

Can a decision to allow a prohibited use be justified on the basis of safety?

The safety of wilderness visitors and/or workers (agency personnel, partners, volunteers, and/or contractors) is of utmost importance and must be a priority in every action taken. However, most actions involve some measure of risk and should be evaluated in the context of preserving wilderness character. This is why safety is included in the analysis process in Step 2 of the MRAF. Risk associated with each alternative is documented in Step 2, as well as possible mitigations. Hazards presented by most activities can be fully and reasonably mitigated through proper training, personal protective equipment (PPE), and safe practices. Only a hazard that can't be fully or reasonably mitigated should be considered a possible decision driver. The MRAF is intended to help identify, analyze, and select appropriate management actions in wilderness without compromising safety. If a safety concern can't be adequately mitigated and a decision to take action is made, then the decision might be justified on the basis of safety.

Additional Information:

[MRDG Instructions](#) → Step 2 → Safety of Visitors and Workers

[MRDG Instructions](#) → Step 2 → Comparison of Alternatives

What weight do maintaining traditional skills have on the MRAF decision?

Maintenance of traditional skills is a positive benefit to a wilderness program, but it is not a key factor in the minimum requirements decision. The decision should ultimately be based on the effects to wilderness character. However, if two alternatives have equal effects to wilderness character but one will allow workers to maintain traditional skills, then your decision may be influenced because traditional skills are something you want to maintain in your workforce. In addition, making the decision to use traditional skills may help you comply with law and avoid a prohibited use.

Additional Information:

[MRDG Instructions](#) → Step 2 → Comparison of Alternatives → Traditional Skills



Can the public purposes of wilderness “trump” the mandate to preserve wilderness character?

No. The public purposes cited in Section 4(b) of the Wilderness Act are deemed the appropriate uses of wilderness if they are consistent with the preservation of wilderness character; they do not supersede our primary mandate to preserve wilderness character. All uses of wilderness must be consistent with both the public purposes and the preservation of wilderness character. Actions that are consistent with the public purposes but unnecessary to the preservation of wilderness character cannot be justified in a MRA. In fact, actions that are necessary to preserve wilderness character are inherently consistent with the public purposes. Since the inverse may not be true, the public purposes alone cannot be used to justify an action in a MRA.

Additional Information:

[Wilderness Act of 1964 \(PL 88-577\), Section 4\(b\)](#)

[MRDG Instructions](#) → Step 1 → Wilderness Character

Other Laws/Guidance – Other Direction

Where do I find other laws/guidance that applies to my project and/or wilderness area?

Federal laws other than the Wilderness Act of 1964 may influence the need for action in wilderness. Common examples include the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA), the enabling legislation for a particular wilderness, and subsequent wilderness legislation specific to the wilderness area you are managing.

An [“Overview of Key Laws”](#) is provided on Wilderness Connect. This is a good place to start in determining other laws/guidance that may apply to your project proposal. In addition, the other resource specialists involved in developing the MRA should also key you into the potential link to other federal laws. For example, if your project includes an archaeological site, then the archaeologist who is participating in the analysis should be able to assist you with applying the NHPA as necessary.

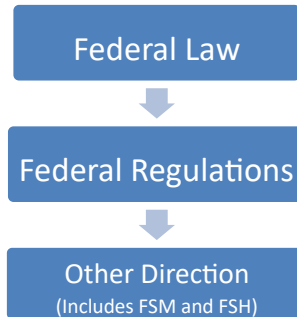
Your unit should have documentation of the enabling legislation for the wilderness area you manage. You may also find this with [“Find a Wilderness”](#), then search for your wilderness, and click “Wilderness Laws” to view a listing of applicable laws for your wilderness.

How does “other direction” affect the determination of the minimum necessary in an MRAF?

Plans, agreements, policies, and even State laws might serve as “other direction” in an
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MRAF, and they can be useful in the development of alternatives in Step 2 of the MRAF. But, they cannot alone compel us to take action in Step 1 nor justify prohibited uses in Step 2. Only federal law (e.g., the Wilderness Act) or a private right can compel action. No other form of guidance can supersede federal law; where conflicts occur, we must defer to federal law.



Additional Information:

[MRDG Instructions](#) → Step 2 → Other Direction

Prohibited Uses

How do I know if something is a prohibited use?

Prohibited uses are listed in Section 4(c) of the Wilderness Act:

“...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.”

FSM 2320.5 only explicitly defines half of the prohibited uses: *structures, installations, mechanical transport, and motorized equipment*. Most of the remaining Section 4(c) prohibited uses (i.e., aircraft, motorboats, and motor vehicles) are lumped into these definitions.

Structures are defined in FSM 2320.5 under *permanent improvement*, which are typically in place for more than one field season. The *temporary structure* definition (FSM 2320.5) is a little vague about what it might really include and whether or not it might be considered a prohibited use. In any case, to be considered temporary, the structure must be easily removed and must be removed between periods of actual use. It typically is in

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place for less than one field season. **Since the Wilderness Act doesn't differentiate between temporary and permanent structures and installations, we should regard both as prohibited and subject to an MRA.**

Additional Information:

[Wilderness Act of 1964 \(PL 88-577\), Section 4\(c\)](#)

[MRDG Forest Service Guidelines](#) → *Definitions*

FSM 2320.5 (definitions), 2323, 2324, 2326 and Regional Supplements

By law, under what circumstances might we authorize a prohibited use?

According to the Section 4(c) of the Wilderness Act, there are three circumstances under which prohibited uses might be authorized:

- 1) *"Except as specifically provided for in this Act..."* (See the special provisions of the Act in Section 4(d).)
- 2) *"...subject to existing private rights..."*
- 3) *"...except as necessary to meet the minimum requirements for the administration of the area for the purpose of this Act..."*

AND, Congress can supersede itself, so there is a fourth circumstance:

- 4) by provision of another federal law, especially by subsequent wilderness legislation.

Prohibited uses may be authorized when prescribed or allowed by provision of law or an existing private right. However, unless a provision of law specifies a prohibited use or such a use is inherent to an existing private right, an MRA is still required to ensure that only the minimum means are authorized.

Prohibited uses may be authorized for other *administrative* purposes when deemed the minimum necessary for the purpose of the Act. Generally, this includes only actions that are essential to the preservation of wilderness character. But, according to the Act, "administration" also includes *"measures required in emergencies involving the health and safety of persons within the area."*

Additional Information:

[Wilderness Act of 1964 \(PL 88-577\), Sections 4\(c\) and 4\(d\)](#)

[MRDG Forest Service Guidelines](#) → *The Wilderness Act and Minimum Requirements*

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By FS policy, under what circumstances might we authorize a prohibited use?

By policy, consistent with law and subject to an MRA, motorized equipment or mechanical transport prohibited uses may be authorized under the following circumstances:

1) Emergencies involving inescapable urgency and temporary need for speed beyond that available by primitive means, including:

- Fire Suppression
- Health & Safety (Search & Rescue)
- Serious Crime or Fugitive Pursuit (LE&I)
- Removal of Deceased Persons
- Aircraft Accident Investigations

NOTE: The law requires an MRA for emergencies. This does not require the use of an MRAF. It is typically done programmatically in advance of an emergency through the development of an MOU or other type of Search & Rescue agreement. The agreement is structured in a way that provides a legally defensible determination of the minimum necessary in given situations and provides an MRA-appropriate decision framework. See "The Basics" above for more information.

2) Aircraft or motor boat use established before the area was designated as wilderness.

3) Exploration and development of valid existing mineral rights.

4) Access to surrounded State and private lands and valid occupancies.

5) To meet minimum needs for the protection and administration of the area as wilderness, only as follows:

- A delivery or application problem necessary to meet wilderness objectives cannot be resolved within reason by non-motorized means.
- An essential activity is impossible to accomplish by non-motorized means because of such factors as time or season limitations, safety, or other material restrictions.
- A necessary and continuing program was established around the use of motorized equipment before the unit was designated wilderness, and its continued use is essential to the continuation of the program.
- Removal of aircraft wreckage when non-motorized means are unsuitable.

Remember, FS policy does not supersede law, so any authorization of prohibited uses must be consistent with the law as well.

Additional Information:

FSM 2326.1 – Conditions Under Which Use May Be Approved

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Can exemptions be made for prohibited uses for non-administrative purposes?

Yes, but very rarely and under different circumstances than administrative exemptions. According to the Section 4(c) of the Wilderness Act, there are three circumstances under which prohibited uses might be authorized:

- 1) *“Except as specifically provided for in this Act...”* (See the special provisions of the Act in Section 4(d).)
- 2) *“...subject to existing private rights...”*
- 3) *“...except as necessary to meet the minimum requirements for the administration of the area for the purpose of this Act...”*

AND, Congress can supersede itself, so there is a fourth circumstance:

- 4) by provision of another federal law, especially by subsequent wilderness legislation.

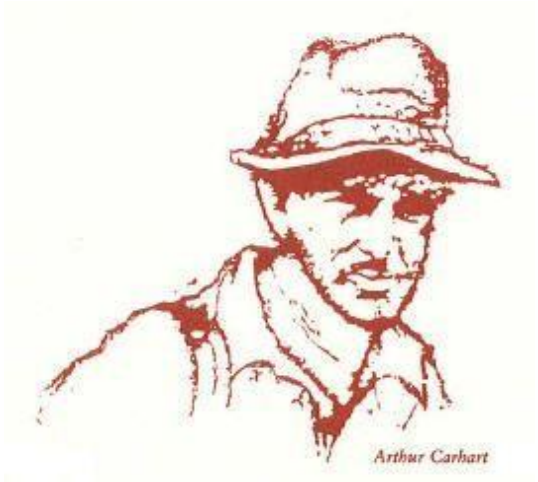
Exemptions are seldom made for *non-administrative* purposes, and only when prescribed or allowed by provision of law or an existing private right. For example, an exemption for motorized equipment may be authorized to maintain a private water right. When considering provisions of law, do not confuse the words “may” and “shall.” And, unless a provision of law specifies a prohibited use, an MRA is still required to ensure that only the minimum means of realizing the provision are authorized. The same is true of existing private rights. When such rights do not inherently prescribe a prohibited use, they may only be exercised by the minimum means.

Additional Information:

[Wilderness Act of 1964 \(PL 88-577\), Sections 4\(c\) and 4\(d\)](#)

[MRDG Forest Service Guidelines](#) → *The Wilderness Act and Minimum Requirements*





Arthur Carhart's **Top 10** **List**

REASONS AN MRAF "IS LESS THAN ADEQUATE"

10. Other laws cited in Step 1 were too broad to compel action (confused the words "allowed" or "may" or "shall").
9. Analysis was copied from a similar project or followed a bad precedent.
8. Failed to properly interpret the word "untrammeled."
7. Complete range of alternatives was not considered or failed to consider options outside wilderness.
6. Selected an action based on the local availability of tools, workers, or funding rather than what is the minimum to respond to the issue.
5. Effects of taking action were described in Step 1.
4. Did not use an iterative process; information in different parts of the analysis does not agree.
3. Biases were applied to dismiss or undermine legitimate alternatives, or supporting evidence for the selected alternative was clearly lacking.
2. Failed to break the action into distinct workflow components and apply them consistently to each alternative, resulting in insufficient minimization of 4(c) prohibited uses or other actions that affect wilderness character.
1. Title or issue statement suggested a proposed solution, or analysis supported a PRE-DETERMINED DECISION.

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