



## Minimum Requirements References in U.S. Fish and Wildlife Policy

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### 610 FW 1 General Overview of Wilderness Stewardship Policy

#### 1.5 Definitions.

**M. Minimum Requirement Analysis (MRA).** A decision-making process, documented in writing, that we use to determine if proposed refuge management activities conducted in wilderness are necessary to administer the area as wilderness and to accomplish the purposes of the refuge, including Wilderness Act purposes. If the activities are necessary, the **MRA** also describes how to minimize resultant impacts.

**N. Minimum Tool.** The least intrusive tool, equipment, device, force, regulation, or practice determined to be necessary to achieve a refuge management activity objective in wilderness.

#### 1.6 Who is responsible for wilderness stewardship in the Service?

##### H. Refuge Managers:

(6) Conduct, document in writing, and approve **MRAs** and decisions. Refuge managers without the training described in section 1.23D must send all **MRAs** to the Regional wilderness coordinator for concurrence and the refuge supervisor for approval (subject to the guidance in section 1.20).

(7) Send copies of all **MRAs** to the Regional wilderness coordinator.

#### Administrative guidelines.

**1.14 What are the principles for administering wilderness?** We observe five key principles in administering wilderness:

**D. Use restraint in our administration of wilderness.** As a place “where the earth and its community of life are untrammelled by man,” we minimize actions for administration of wilderness areas. We may allow exceptions to the generally prohibited uses if the uses are the **minimum** requirement for administering the area as wilderness and are necessary to accomplish the purposes of the refuge, including Wilderness Act purposes. We may limit even nonmotorized refuge management activities to protect wildness.

### **1.16 What activities does the Service prohibit in wilderness?**

**B.** Section 4(c) of the Wilderness Act also lists a number of generally prohibited uses in wilderness, subject to existing private rights:

**(1)** “[E]xcept 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.”

**(2)** We may allow exceptions to the generally prohibited uses for refuge management activities if the prohibited uses are the **minimum** requirement for administering the area as wilderness and are necessary to accomplish the purposes of the refuge, including Wilderness Act purposes. (See section 1.18.)

### **1.17 How do refuge managers accomplish both the establishing purpose(s) of a refuge and the purposes of the Wilderness Act?**

**B.** We adhere to a much stricter standard than usual for approving actions in wilderness so that we maintain the natural and untrammelled condition of the wilderness. We do not authorize generally prohibited uses in refuge wilderness **except** when the use is:

**(2)** The **minimum** requirement for administering the area as wilderness and necessary to accomplish the purposes of the refuge, including Wilderness Act purposes;

### **1.18 How does the Service determine if a proposed refuge management activity is the **minimum** requirement for administering the area as wilderness and necessary to accomplish the purposes of the refuge, including Wilderness Act purposes?**

We conduct and document a **minimum** requirement analysis (**MRA**) for all proposed refuge management activities that involve a generally prohibited use (also see section 1.19). The **MRA** clarifies the need for and impacts of a proposed action. We authorize an activity only if we demonstrate that it is necessary to meet the **minimum** requirement for administering the area as wilderness and necessary to accomplish the purposes of the refuge, including Wilderness Act purposes.

**A.** We identify and analyze alternative ways to accomplish refuge purposes, including Wilderness Act purposes, in order to determine whether the proposed refuge management activity is necessary and to identify the techniques that will minimize impacts to the wilderness resource. At a **minimum**, we evaluate the impacts of:

**(1)** An alternative where we take no management action,

**(2)** An alternative allowing no generally prohibited uses, and

**(3)** Alternative(s) to conduct the activities inside the wilderness and outside the wilderness.

**B.** We consider the full range of wilderness values and character when evaluating the alternatives. These values include the undeveloped and untrammelled natural condition of wilderness, cultural resources, outstanding opportunities for solitude, the potential for the public to have a primitive and unconfined type of recreational experience, and other components of wilderness character.

**C.** We consider the direct impacts of the proposed refuge management activity under each of the alternatives. We also consider the indirect impacts associated with the action and the cumulative

impacts of the action when it is conducted in conjunction with other existing or planned uses or actions within or adjacent to and affecting the wilderness areas. Under the nondegradation principle, the conditions prevailing in an area at the time of wilderness designation establish a benchmark for assessing the significance of a proposed action's beneficial and adverse impacts on wilderness character.

**D.** Our refuge management activities preserve wilderness character and only rarely involve generally prohibited uses. The alternative that has the least impact on the area's wilderness character, including intangible aspects of wilderness character, and accomplishes refuges purposes, including wilderness purposes, constitutes the **minimum** requirement. We do not use cost or convenience as a factor in determining the **minimum** requirement or **minimum** tool. We use primitive tools when possible.

#### **1.19 When must the Refuge System conduct a **minimum** requirement analysis?**

**A.** If the refuge has an approved WSP less than 15 years old and it includes a written **MRA** for each proposed refuge management activity, we may carry out those activities as described in the plan. The analysis in the WSP must include an estimate of how frequently each activity will take place and the intensity of the activity. If circumstances significantly change or we want to allow the same activity in a significantly different part of the wilderness, we must prepare another **MRA**.

**B.** For any refuge management activity not addressed in a current WSP (less than 15 years old), we must amend the WSP to include the activity or prepare an **MRA** once per year, even for recurring actions.

#### **1.20 Who makes **minimum** requirement decisions?**

Refuge managers may make **minimum** requirement decisions only if they have attended the Carhart Center's national wilderness stewardship course (see section 1.23D). If refuge managers have not attended this training, they must send the **MRA** to their refuge supervisor for approval. If the supervisor lacks the required training, the supervisor must request review and approval from an individual who has had this training and is equal to or higher than the refuge manager in the organizational hierarchy.

#### **1.21 What is the relationship of the **MRA** to the requirements of NEPA?**

Under NEPA, we must consider alternatives to, and the environmental effects of, our actions, incorporate environmental information, and use public participation. We will prepare **MRAs** in conjunction with the documentation of NEPA compliance (i.e., categorical exclusion, environmental assessment, finding of no significant impact, environmental impact statement, record of decision). (See 550 FW 3 for more information about NEPA.) We will use information gathered for the **MRA** to document the purpose and need for a proposed project and to develop and describe the proposed action and alternatives.

#### **1.22 What effects do emergencies involving the health and safety of people have on the uses generally prohibited by the Wilderness Act?**

In an emergency involving the health and safety of people, we may use or authorize the use of motorized vehicles and equipment, mechanical transport, or aircraft. An **MRA** is not required, but we will take all reasonable measures to minimize impacts on the wilderness character.

### **610 FW 2 Wilderness Administration and Resource Stewardship**

#### **2.4 What is the Service's general policy for wilderness administration and the stewardship of natural and cultural resources in wilderness?**

**B.** We must document a **Minimum** Requirement Analysis (**MRA**) for all proposed refuge management activities (see 610 FW 1.18) and commercial services (see section 2.12) that may involve any actions generally prohibited by the Wilderness Act.

**2.5 May the Service allow structures and installations in wilderness?** Section 4(c) of the Wilderness Act generally prohibits structures and installations in wilderness areas. After designation, we will make an inventory and condition assessment of all existing structures and installations.

**A.** If a structure or installation existed before wilderness designation, we may retain it if we determine it is the **minimum** requirement to administer the area as wilderness and is necessary to accomplish the purposes of the refuge, including Wilderness Act purposes. We will remove or allow natural deterioration of all structures and installations that do not meet these criteria.

**B.** We will not construct, maintain, or restore any structure or installation in wilderness unless it is the **minimum** requirement for administering the area as wilderness and is necessary to accomplish the purposes of the refuge, including Wilderness Act purposes. We will not construct or maintain structures for administrative convenience, economy of effort, or convenience to the public. Wilderness users must be self-reliant for shelter. We determine the need for construction or maintenance through an **MRA** and include it in the wilderness stewardship plan (WSP) for the refuge. We design, construct, or maintain structures and installations to blend into the wilderness landscape as unobtrusively as possible, using native materials to the greatest extent practical.

**2.6 May the Service allow roads and trails in wilderness?** Section 4(c) of the Wilderness Act prohibits permanent roads in wilderness. We will inventory and evaluate all roads, vehicle routes, and trails in existence at the time of wilderness designation in the unit's comprehensive conservation plan (CCP) or WSP.

**A.** We will only retain temporary roads when, after completing an **MRA**, we determine they are **necessary** to administer the area. We may convert roads or vehicle routes within wilderness to trails for walking or nonmotorized, nonmechanized transportation or allow them to return to natural conditions through normal succession or restoration.

**B.** We may provide trails, but only where they are essential for resource protection or where significant safety hazards exist during normal use periods. We determine the need for trails, trail improvements, and maintenance through **MRAs** and include them in the unit's WSP. We manage historic trails according to approved cultural resource plan requirements.

**2.7 May the Service allow use of motorized vehicles, motorized equipment, and mechanical transport in wilderness?** The Wilderness Act generally prohibits the use of motorized vehicles, motorized equipment (including motorized portable tools), and mechanical transport in wilderness.

**A.** We generally prohibit these uses for refuge management activities in wilderness (see 610 FW 1.16.) unless:

**(1)** We determine they are:

(a) The **minimum** requirement for administering the area as wilderness and necessary to accomplish the purposes of the refuge, including Wilderness Act purposes,

## **2.8 May the Service manage aircraft use in and over wilderness?**

**B.** The Wilderness Act also generally prohibits landing aircraft in wilderness for refuge management activities (see 610 FW 1.16) unless:

(1) We determine such use to be the **minimum** requirement for administering the area as wilderness, and the use is necessary to accomplish the purposes of the refuge, including Wilderness Act purposes;

**D.** We may use aircraft over wilderness for refuge management activities, such as wildlife surveys, if we determine it is the **minimum** requirement for administering the area as wilderness and necessary to accomplish the purposes of the refuge, including Wilderness Act purposes, or if we are responding to an emergency involving the health and safety of people. We may conduct such flights at levels low enough to achieve refuge management objectives. However, we will conduct our aircraft operations in conformance with the FAA minimum altitude advisory whenever mission objectives and weather conditions allow. We conduct flights for administration of the wilderness in a manner consistent with safety concerns and public aircraft use recommendations and restrictions to the greatest extent possible. We must set a high standard and provide an example for the public to follow.

## **2.12 May the Service authorize commercial enterprises and services in wilderness?**

**F.** We conduct and document an **MRA** for all proposed commercial services in wilderness to determine whether allowing a commercial service is the **minimum** requirement for administering the area as wilderness and is necessary to accomplish the purposes of the refuge, including Wilderness Act purposes. The **MRA** clarifies the need for and impacts of a proposed action.

## **2.13 How does the Service manage permits for commercial services?**

**A.** If the refuge has an approved WSP less than 15 years old, and it includes a written **MRA** for each proposed commercial service, we may authorize those services as described in the plan. The analysis in the WSP must include an estimate of the extent of the services.

(1) If circumstances associated with the service or its effects significantly change, or we want to allow the same service in a different part of the wilderness, we may need to reevaluate the service for appropriateness and compatibility and conduct a new **MRA**.

(2) If we did not identify a proposed service in the WSP, we must ensure that appropriateness and compatibility determinations are current, and we must conduct an **MRA** before we allow the proposed service.

(3) If the refuge does not have an approved WSP or has one more than 15 years old, we must ensure that appropriateness and compatibility determinations are current, and we must conduct a new **MRA** before renewing a special use permit for commercial services.

**B.** When we determine a commercial service is **necessary**, we must then determine parameters (such as location, timing, extent, etc.) so that there will be the least possible impact on all of the area's wilderness character, including the natural conditions and cultural resources, outstanding opportunities for solitude, and potential for the public to have a primitive and unconfined type of recreational experience.

**C.** We consider not only the direct impacts of the commercial service, but also the indirect impacts associated with the service. We also consider the cumulative impacts of the service when conducted in conjunction with other existing or planned uses or actions in the wilderness areas. Following the nondegradation principle, the conditions prevailing in an area at the time of wilderness designation establish a benchmark for assessing the significance of a proposed service's impacts on wilderness character.

**D.** Commercial operators must employ all applicable Leave No Trace (LNT) standards and techniques. We generally allow only temporary structures and facilities (such as tents) that are the **minimum** necessary to support wilderness recreation. We require their removal at the end of the actual use period, unless specifically permitted otherwise. We will determine the distance the structures must be located away from main trails; sensitive habitats such as riparian zones, wetlands, streams, rivers, ponds, and lakes; significant cultural resources; other key interest features; and public use areas not used for commercial services, as well as other restrictions that may be necessary to preserve wilderness character. We generally prohibit commercial service providers from permanently storing equipment and supply caches in wilderness areas. See 610 FW 5 for special provisions applicable in Alaska.

#### **2.14 May the Service authorize mineral exploration and development activities in wilderness areas?**

We authorize, under Part 612 of the Service Manual, mineral exploration and development activities in wilderness areas, recommended wilderness, and proposed wilderness under limited circumstances, as described below. Sections 4(d)(2) and (3) of the Wilderness Act address prospecting, mineral locations, mineral patents, and mineral leasing within national forest wilderness areas. These provisions do not apply to refuge wilderness areas.

##### **E. Special Use Permits for Mining Activities.**

**(1)** We allow exploration and development associated with a valid, privately owned mineral right through a special use permit or other agreement. The permit or agreement will provide for reasonable access and the protection of refuge resources, including wilderness character, to the fullest extent possible by minimizing disturbance or damage caused by mining activities. Use and physical occupancy must be kept to the **minimum** necessary for conducting efficient mineral operations.

#### **2.16 How does the Service conserve wildlife and habitat in wilderness?**

**B.** Major ecosystem processes including wildfire, drought, flooding, windstorms, pest and disease outbreaks, and predator/prey fluctuations may be natural ecological and evolutionary processes.

**(3)** All decisions and actions to modify ecosystems, species population levels, or natural processes must be:

**(b)** The **minimum** requirement for administering the area as wilderness and necessary to accomplish the purposes of the refuge, including Wilderness Act purposes.

#### **2.19 May the Service control invasive species, pests, and diseases in wilderness?**

**B.** We will follow an integrated pest management (IPM) approach to prevent, control, or eradicate invasive species, pests, and diseases subject to the criteria in section 2.16 (also see the biological integrity policy at 601 FW 3.16). We will determine appropriate IPM procedures through an **MRA** and document them in the refuge's WSP. If the approved IPM plan determines that chemical or biological

treatments are necessary, we will only use agents that have the least impact on nontarget species and on the wilderness environment in compliance with current Service policy. We may make an exception to introducing species (see section 2.17) for Service-approved, nonnative biological control agents.

### **2.23 May the Service use prescribed fire in wilderness?**

**A.** We may use prescribed fire within a wilderness area only where fire is a natural part of the ecosystem, and only if prescribed fire is the **minimum** requirement for administering the area as wilderness and is necessary to accomplish the purposes of the refuge, including Wilderness Act purposes.

### **2.26 How does the Service protect natural night skies and natural soundscapes in wilderness?**

Natural night skies and natural soundscapes are aspects of wilderness character that we preserve. We do this by:

**A.** Evaluating potential light and noise effects of refuge management activities and commercial services in an **MRA**. (See section 2.12 and 610 FW 1.18.)

### **2.27 How does the Service conduct research in wilderness?**

**C.** We permit research in wilderness only if it furthers the administrative or educational objectives or scientific knowledge of the area. There must be a reasonable assurance that the benefits to be derived from the research outweigh any impacts on wilderness character. We require researchers to restore disturbed areas to their previous condition to the greatest extent practical. Existing and potential research activities should be described and evaluated in the refuge's WSP or CCP.

**(1) Research as a Refuge Management Activity.** We administer Refuge System and Refuge System sponsored research as refuge management activities. We will evaluate research proposals through an **MRA** (see 610 FW 1.18).

**2.28 How does the Service conduct inventory and monitoring activities in wilderness?** Long-term wilderness stewardship requires that we inventory and monitor wilderness character. Conditions prevailing within a wilderness area at the time of designation serve as a benchmark for the area's wilderness character.

**C.** Inventories also give us the information necessary to evaluate the effects of refuge management activities, refuge uses, and external threats on wilderness character. We will evaluate proposed inventory and monitoring protocols and activities in an **MRA** and document inventory and monitoring activities in the refuge's WSP.

**2.29 How does the Service protect cultural resources in wilderness?** Cultural resources, such as archaeological sites, historic trails and structures, and sacred sites, may be unique and nonrenewable components of wilderness. We follow Service policy and standards for identifying, evaluating, protecting, and managing cultural resources (see the cultural resources management policy at 614 FW 1-5).

**C. Historic Buildings and Structures.** We comply with cultural resource administration requirements and policies when maintaining, using, or removing historic buildings and structures. We will use an **MRA** to



make our decisions. We must consult with the RHPO and adhere to the requirements covered by sections 106 and 110 of the National Historic Preservation Act, and the regulations in 36 CFR part 800, for any work affecting historic buildings and structures. The RHPO determines if such properties are listed in or eligible for the National Register of Historic Places and consults with the appropriate State Historic Preservation Officer and the Advisory Council on Historic Places. For buildings and structures that are eligible for or listed in the National Register that we have decided to use or maintain through an **MRA**, we will follow the Secretary of the Interior's Standards for the Treatment of Historic Properties using the **minimum** tools necessary. See section 2.5 for additional information about structures and installations in wilderness.

## **610 FW 3 Wilderness Stewardship Planning**

**3.4 What is a wilderness stewardship plan (WSP)?** A WSP guides the preservation, stewardship, and use of a particular wilderness area.

**C.** The WSP contains specific and measurable stewardship strategies and implementation schedules that address the preservation or, as appropriate, restoration of cultural and natural resource values and conditions.

**(3)** The WSP also describes ongoing and needed monitoring and research, appropriate and compatible uses and associated determinations, and **Minimum** Requirement Analyses (**MRAs**) for refuge management activities and commercial services.

**3.8 What should a WSP contain?** The WSP should include, at a minimum (see Exhibit 1 for more guidance):

**G. MRAs** and documentation of National Environmental Policy Act (NEPA) compliance for all refuge management activities and commercial services necessary to administer the wilderness area.

## **610 FW 5 Special Provisions for Alaska Wilderness**

**5.4 How do the special provisions of ANILCA affect the need for a **minimum** requirement analysis (**MRA**) for proposed refuge management activities and facilities in Alaska wilderness?** We conduct **MRAs** in accordance with 610 FW 1.18 - 1.21 for all proposed refuge management activities in Alaska wilderness whether or not the actions involve a generally prohibited use. We document and review uses and management actions approved through **MRAs** for their individual and cumulative impacts on wilderness character during the development and any subsequent revisions of the wilderness stewardship plan (WSP) and comprehensive conservation plan (CCP).

**5.9 What special provisions apply to helicopter access in Alaska wilderness areas?** Subject to an **MRA**, we may permit the use of helicopters at designated landing areas through a special use permit or memorandum of understanding (43 CFR 36.11(f)(4)) for uses including volcano monitoring, geologic hazards evaluations, and fisheries and wildlife management activities. Section 4 of the Wilderness Act authorizes helicopter landings for emergency or search and rescue operations without a permit.



Helicopter landings for initial-attack fire suppression must comply with operational guidance in the appropriate interagency and refuge fire management plans.

**5.12 Does the Service allow the use of motorized equipment in Alaska wilderness areas?** Under ANILCA, we may authorize by special use permit the use of motorized equipment for mineral resources assessments (section 1010) and the operation, construction, and maintenance of navigation aids and other facilities (section 1310). As part of the authorization process, we evaluate whether the use of motorized equipment constitutes the **minimum** tool and establish the terms and conditions for the use of motorized equipment in the special use permits issued for these activities.

**5.14 What special provisions apply to management of structures and installations in Alaska wilderness areas?** Section 4(c) of the Wilderness Act generally prohibits structures and installations in wilderness areas. ANILCA, however, contains specific direction about the authorization and management of the types of structures and installations described in the following sections. We conduct and document an **MRA** as a part of the authorization process for the facilities described below and include it in the WSP.

**A. Cabins.** We manage cabins within Alaska wilderness areas in accordance with sections 1303 and 1315 of ANILCA and the implementing regulations at 50 CFR 36.33.

**(3) Congressional notification requirements for public use cabins.** Section 1315(d) of ANILCA requires the Secretary to notify the House and the Senate authorizing committees of our intent to remove an existing or construct a new public use cabin or shelter in wilderness.

**(a)** Refuge managers must request approval for new construction or the removal of any public use cabins or shelters at least 18 months in advance of the proposed action.

**(b)** For the Regional Director to make a decision, the refuge manager's request must be accompanied by a supporting **MRA**, documentation of NEPA compliance, and a health and safety analysis. The Regional Director will send the completed proposal to the Director for submission to the Secretary. The 18-month advance notice of a proposed action allows the agency to meet ANILCA's congressional notification requirement.

**5.16 What special provisions apply to management of fish populations on Alaska wilderness areas?** In accordance with section 304(e) of ANILCA and subject to reasonable regulations, an **MRA**, and in accord with sound fisheries management principles, we may permit scientifically acceptable means of maintaining, enhancing, and rehabilitating fish stocks where compatible with refuge purposes, including Wilderness Act purposes. Any new facilities associated with these activities should be temporary whenever feasible.

**5.18 What is the Service's general policy for managing wilderness study areas (WSAs), recommended wilderness, and proposed wilderness in Alaska?** The review provisions of ANILCA (see section 1317(c)) do not affect the normal administration and management of the affected areas of the refuge until Congress takes action. We will manage WSAs, recommended wilderness, and proposed wilderness according to the management direction in the CCP for these areas. In Alaska, **MRAs** are not required for proposed refuge management activities and commercial services in WSAs, recommended wilderness, and proposed wilderness.