

# **APPENDIX L: THE MINIMUM REQUIREMENT ANALYSIS**

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## **INTRODUCTION**

No portion of Grand Canyon National Park has been designated as wilderness. Nevertheless, NPS Management Policies 2001 state, “For the purposes of these policies, the term “wilderness” will include the categories of suitable, study, proposed, recommended, and designated wilderness. Potential wilderness may be a subset of any of these five categories. The policies apply regardless of category.” (NPS 2001:65). The management policies continue, “The national park Service will take no action that would diminish the wilderness suitability of an area possessing wilderness characteristics until the legislative process of wilderness designation has been completed. Until that time, management decisions pertaining to lands qualifying as wilderness will be made in expectation of eventual wilderness designation. This policy also applies to the potential wilderness, requiring it to be managed as wilderness to the extent that non-conforming conditions allow.” (NPS 2001:65-66) In its Final Wilderness Recommendation / 1993 Update, the NPS identified most of the Colorado River corridor as “potential wilderness.”

In accordance with NPS Management Policies 2001:

All management decisions affecting wilderness must be consistent with the minimum requirement concept. This concept is a documented process used to determine whether administrative activities affecting wilderness resources or the visitor experience are necessary, and how to minimize impacts. The minimum requirement concept will be applied as a two-step process that determines:

- Whether the proposed management action is appropriate or necessary for the administration of the area as wilderness and does not pose a significant impact to wilderness resources and character; and
- The techniques and types of equipment needed to ensure that impact to wilderness resources and character is minimized

In accordance with this policy, superintendents will apply the minimum requirement concept to the context of wilderness management planning, as well as to all other administrative practices, proposed special uses, scientific activities, and equipment use in wilderness. (NPS 2001:66)

NPS Management Policies also require the NPS to apply the minimum requirement concept to authorized commercial activities in wilderness areas. (NPS 2001:71)

This appendix includes the Minimum Requirement Analysis for Commercial River Services and a Minimum Requirement Analysis for the NPS resource monitoring program. Other projects or actions such as river patrols and scientific activities will be evaluated under the minimum requirement analysis as stated in the FEIS.

## GRCA MINIMUM REQUIREMENT ANALYSIS

Commercial River Services on the Colorado River, Grand Canyon National Park

### **PART A: Is this action necessary to manage the area as wilderness?**

**ACTION:** To advertise and issue concession contracts for commercial river outfitter services in accordance with the Record of Decision for the revised Colorado River Management Plan.

#### **1. Describe Special Provisions of Wilderness Legislation.**

No portion of Grand Canyon National Park has been designated as wilderness; therefore, no special wilderness legislative provisions apply.

Section 4 of the Wilderness Act generally describes authorized uses of wilderness areas. Subsection 4 (d) (1) of the Act states in pertinent part: "Within wilderness areas designated by this Act, the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue..."

Subsection 4(d)(5) of the Wilderness Act states that commercial services may be authorized and performed within designated wilderness areas "to the extent necessary for activities that are proper for realizing the recreational or other wilderness purposes of the areas."

#### **2. Describe Requirements of Other Legislation, Policy, and Guidance:**

NPS river outfitter concession contracts will be issued and administered in accordance with the National Park Service Concessions Management and Improvement Act of 1998 (16 USC 5951) and implementing regulations at 36 CFR 51.

*NPS Management Policies:*

... commercial services that contribute to public education and visitor enjoyment of wilderness values or provide opportunities for primitive and unconfined types of recreation may be authorized in wilderness if they meet the necessary and appropriate criteria and if they are consistent with wilderness management objectives. (NPS 2000d:71)

...any service authorized in a concession contract will be in conformance with the appropriate approved plans for the area being considered. (NPS 2000d: 118).

...the NPS will seek to remove from potential wilderness the temporary, nonconforming conditions that preclude wilderness designation. (NPS 2000d: 65)

As stated in the Final Environmental Impact Statement (FEIS) for the Colorado River Management Plan (CRMP), "...the use of motorboats does not preclude wilderness designation because such use is only a temporary or transient disturbance of wilderness values and does not permanently impact wilderness resources or permanently denigrate wilderness values. (Section 1.6.1). See also FEIS Section 3.8.2.

#### **3. Describe how the action would contribute to the preservation of wilderness character:**

See FEIS Chapter 4, Environmental Consequences, Section 4.8, Impacts to Wilderness Character

#### **4. Describe the effects to the public purposes of wilderness:**

As stated in subsection 4(b) of the Wilderness Act, “[W]ilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.” Commercial outfitter-supported river trips provide recreational and educational opportunities.

##### **PART A DECISION: *Is it necessary to take this action?***

As stated in section 1.6.5 of the FEIS, the NPS has determined that commercial river services are necessary and appropriate to accomplish public educational goals and to provide opportunities for public recreation in a relatively primitive and unconfined setting.

##### **PART B: Determine the Minimum Tool - *HOW the action will be done***

##### **Describe alternative actions to accomplish the proposed action:**

The FEIS for the Colorado River Management Plan describes and analyzes eight alternatives for the Lees Ferry to Diamond Creek section and five alternatives for the Lower Gorge. Descriptions of the alternatives are contained in Chapter 2, and the analysis is contained in Chapter 4.

The range of alternatives includes varying levels of motorized and non-motorized use, group size, trip lengths, passenger exchange options and other variables.

##### **PART B DECISION:**

Modified Preferred Alternative H provides commercial river trip services from April through October. Outfitters may offer motorized and non-motorized trips, during the mixed use period. The no-motors use period is extended 3.5 months to 6.5 months. Group sizes have been reduced to 32 in the summer and 24 in shoulder months. Passenger exchanges at Whitmore are restricted to 10:00 AM each day.

As stated in Section 1.6.5 of the FEIS, the NPS has determined that commercial river outfitter services are necessary and appropriate to accomplish public educational goals and to provide opportunities for public recreation in a relatively primitive and unconfined setting. As stated in section 3.8.3 of the FEIS, the NPS also has determined that the use of motorized rafts (1) does not preclude possible wilderness designation because such use is only a temporary or transient disturbance of wilderness values on the river and does not permanently impact wilderness resources or permanently denigrate wilderness values and (2) does not pose a legal impediment to possible wilderness designation.

## GRCA MINIMUM REQUIREMENT ANALYSIS

NPS Resources Monitoring and Restoration Activities (general) – Colorado River

### **PART A: Is this action necessary to manage the area as wilderness?**

**ACTION:** To conduct administrative river trips for the purpose of monitoring the effect of visitation on various resources, including but not limited to vegetation, water quality, wildlife, and archeological sites. Other activities conducted on these river trips may include trail maintenance and natural and cultural resources restoration. Compliance for specific project activities may be covered under separate NEPA documents.

#### **1. Describe Special Provisions of Wilderness Legislation.**

**No portion of Grand Canyon National Park has been designated as wilderness; therefore, no special wilderness legislative provisions apply.**

Section 4 of the Wilderness Act generally describes authorized uses of wilderness area. Subsection 4 (c) of the act states in pertinent part, “[E]xcept as necessary to meet minimum requirements for the administration of the area for the purpose of this chapter (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. Describe Requirements of Other Legislation, Policy, and Guidance:**

National Historic Preservation Act, Section 106 and Section 110; Endangered Species Act, Cave Protection Act, Clean Water Act

National Environmental Policy Act (NEPA) Applicable Categorical Exclusion 3-3 (D)(G), and (H).

NPS *Management Policies* 2001 – applicable sections of Natural Resources Management, Cultural Resources Management, Wilderness Preservation and Management, Interpretation and Education, Use of the Parks, and Park Facilities.

GRCA guidance includes the 1995 General Management Plan and the 1997 Resource Management Plan.

#### **3. Describe how the action would contribute to the preservation of wilderness character:**

Untrammeled – Glen Canyon Dam is located upstream on the Colorado River from Grand Canyon National Park, and its operations have fundamentally altered the park’s riparian ecosystem. The revised Colorado River Management Plan does not address Glen Canyon Dam operations, which are subject to a separate, preexisting management plan and to review by an interagency Adaptive Management Work Group. Within the constraints imposed by dam operation, NPS resources monitoring and restoration activities attempt to sustain or restore the park’s native riparian ecosystem.

Undeveloped – These activities do not require the placement of temporary or permanent structures. Trail maintenance activities and improvements will have short-term impacts to visitor experience and long-term beneficial impacts towards protection of natural and cultural resources.

Natural – Resources monitoring activities are intended to assess resource conditions and determine appropriate management actions to address impacts from visitation or human-induced actions. On-site impacts from these management activities are negligible.

Outstanding opportunities for solitude or a primitive and unconfined type of recreation: NPS monitoring is typically conducted during the shoulder and winter months (with exceptions). These activities are also conducted on other NPS and research trips to minimize competition for camps and reduce on-river and attraction site encounters with recreational trips.

#### **4. Describe the effects to the public purposes of wilderness:**

As stated in subsection 4(b) of the Wilderness Act, “wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.” Natural and cultural resource monitoring and restoration projects accomplish NPS and GRCA management objectives for conservation and scientific research.

#### **PART A DECISION: *Is it necessary to take this action?***

These management actions/activities are necessary to preserve the resources for the enjoyment of the Colorado River through Grand Canyon National Park.

#### **PART B: Determine the Minimum Tool - *HOW the action will be done***

##### **Describe alternative actions to accomplish the proposed action:**

Alternative 1: Conduct monitoring and restoration activities utilizing human-powered rafts.

Most monitoring and restoration activities may be accomplished during the shoulder or winter months on rowing trips. Some resource management activities are time-sensitive and must be conducted during specific time periods. Otherwise, most of the resource management trips will be conducted in the shoulder months to determine effects of visitation levels on resources.

Oar-powered rafts, in most case provide the appropriate venue for accomplishing project objectives. Administrative group size will be based on the number of individuals needed to accomplish scheduled projects. Trip length will be determined based on project schedule.

The use of mechanized or motorized tools to accomplish restoration or maintenance activities will be evaluated on a case-by-case basis, and may require additional documentation.

Alternative 2: Conduct monitoring and restoration activities utilizing motorized rafts.

The use of motorized rafts may provide efficiencies for the number of personnel and time needed to accomplish specific project objectives. Administrative trips that contemplate the use of motorized rafts to accomplish objectives will be evaluated under a separate minimum requirement analysis.

#### **PART B DECISION:**

Conduct resource monitoring and restoration activities utilizing oar-powered rafts and primitive tools primarily in the shoulder and winter months. Exceptions may apply for specific resource needs.