ARTHUR CARHART NATIONAL WILDERNESS TRAINING CENTER

MINIMUM REQUIREMENTS DECISION GUIDE

WORKSHEETS

". . . except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act..."

– the Wilderness Act, 1964

Please refer to the accompanying MRDG *Instructions* for filling out this guide.
The spaces in the worksheets will expand as necessary as you enter your response.

Step 1: Determine if any administrative action is necessary.

Description: Briefly describe the situation that may prompt action.

Mr. Dennis Casebier has acquired a parcel of land landlocked by wilderness in Mojave National Preserve. His parcel, APN 0657091080000, is located in Watson Wash, Lanfair Valley. The shortest distance to the parcel from the edge of wilderness leads along an abandoned dirt track road starting at Ford Dry Lake. It crosses wilderness, then two private parcels owned by the Mojave Desert Land Trust, to reach Mr. Casebier's parcel. Mr. Casebier has applied for a special use permit to use two motor vehicles to access his property. He wants to take archeologists from Mojave National Preserve and the University of Nevada, Las Vegas, to assess potentially important prehistoric resources on site. His application requests permission for periodic vehicle access to this parcel. Mr. Casebier is of an advanced age with a heart condition that limits his physical activity. He asserts that he would be physically unable to hike or ride a horse 2.2 miles (4.4 miles round trip) over rough terrain.

To determine if administrative action is necessary, answer the questions listed in A - F on the following pages.

A. Describe Options Outside of Wilderness

Is action necessary within wilderness?

Yes: ☒ **No:** ☐

Explain:
The action must take place within wilderness where the parcel in question lies. The applicant wants to take Mojave National Preserve archeologist, David Nichols, and archeologists from University of Nevada, Las Vegas to this parcel to survey potentially significant archeological resources on his property. Nichols will not be able to carry out this survey without on-site access. The landowner will not be able to show Nichols these resources without entering wilderness.

B. Describe Valid Existing Rights or Special Provisions of Wilderness Legislation

Is action necessary to satisfy valid existing rights or a special provision in wilderness legislation (the Wilderness Act of 1964 or subsequent wilderness laws) that allows consideration of the Section 4(c) prohibited uses? Cite law and section.

Yes: ☒ **No:** ☐ **Not Applicable:** ☐

Explain:
Section 2(c)(4) of the Wilderness Act describes wilderness as having ecological, geological, or other features of scientific, educational, scenic, or historical value. Section 4(b) of the Act allows for wilderness areas to be devoted to public purposes of recreational, scenic, scientific, educational, conservation, and historical use. The proposed action must be taken for the park archeologist to be given access to private property, in order to survey and initiate monitoring of potentially significant cultural resources. Because this parcel lies within the boundaries of Mojave National Preserve, these resources have high potential to contribute to the body of knowledge about human activities in the eastern Mojave desert.

C. Describe Requirements of Other Legislation

Is action necessary to meet the requirements of other laws?

Yes: ☐ **No:** ☒ **Not Applicable:** ☐

Explain:

D. Describe Other Guidance

Is action necessary to conform to direction contained in agency policy, unit and wilderness management plans, species recovery plans, or agreements with tribal, state and local governments or other federal agencies?

Yes: ☐ **No:** ☒ **Not Applicable:** ☐

Explain:

E. Wilderness Character

Is action necessary to preserve one or more of the qualities of wilderness character including: untrammeled, undeveloped, natural, outstanding opportunities for solitude or a primitive and unconfined type of recreation, or unique components that reflect the character of this wilderness area?

Untrammeled: **Yes:** ☐ **No:** ☒ **Not Applicable:** ☐

Explain:

Undeveloped: **Yes:** ☐ **No:** ☒ **Not Applicable:** ☐

Explain:

Natural: **Yes:** ☐ **No:** ☒ **Not Applicable:** ☐

Explain:

Outstanding opportunities for solitude or a primitive and unconfined type of recreation:

Yes: ☐ **No:** ☒ **Not Applicable:** ☐

Explain:

Other unique components that reflect the character of this wilderness:

Yes: ☐ **No:** ☒ **Not Applicable:** ☐

Explain:
The action of allowing motorized vehicular access will not contribute to wilderness character. If this site is prehistoric, as suspected, and its resources are found to be significant, this survey will contribute to our knowledge of prehistoric activity in the Mojave Desert. If this parcel is ever acquired by the US Government, this knowledge will direct the protection afforded these important cultural resources. At present, the parcel is privately owned and its protection lies outside of NPS jurisdiction.

F. Describe Effects to the Public Purposes of Wilderness

Is action necessary to support one or more of the public purposes for wilderness (as stated in Section 4(b) of the Wilderness Act) of recreation, scenic, scientific, education, conservation, and historical use?

Recreation: **Yes:** ☐ **No:** ☒ **Not Applicable:** ☐

Explain:

Scenic: **Yes:** ☐ **No:** ☒ **Not Applicable:** ☐

Explain:

Scientific: **Yes:** ☒ **No:** ☐ **Not Applicable:** ☐

Explain:
Survey of a potentially important prehistoric site will contribute to the knowledge of the history of the greater Mojave Desert.

Education: **Yes:** ☐ **No:** ☒ **Not Applicable:** ☐

Explain:

Conservation: **Yes:** ☐ **No:** ☒ **Not Applicable:** ☐

Explain:

Historical use: **Yes:** ☐ **No:** ☒ **Not Applicable:** ☐

Explain:

Step 1 Decision: Is any administrative action necessary in wilderness?

Yes: ☒ **No:** ☐ **More information needed:** ☐

Explain:

The landowner could give the park archeologist permission to cross into his parcel to survey the cultural resources therein. This would not ensure that the archeologist would assess the resources selected by the landowner for consideration. The landowner is not of sufficient physical health to access this parcel by walking in or traveling by horseback. Therefore, an administrative action is necessary for the landowner to facilitate an archeological survey of his parcel.

If action is necessary, proceed to Step 2 to determine the minimum activity.

Step 2: Determine the minimum activity.

Please refer to the accompanying MRDG *Instructions* for an explanation of the effects criteria displayed below.

Description of Alternatives

For each alternative, describe what methods and techniques will be used, when the activity will take place, where the activity will take place, what mitigation measures are necessary, and the general effects to the wilderness resource and character.

Alternative #A	Hike into wilderness.

Description:

To access his parcel in Lanfair Valley, Watson Wash (APN 0657091080000), the applicant and his party would hike 2.2 miles from the wilderness boundary at Ford Dry Lake. He would cross NPS lands and two parcels privately owned by the Mojave Desert Land Trust to reach his property. He would either need to obtain permission from MDLT to cross their lands or go around their parcels, thereby lengthening the distance of his journey.

Effects:

Wilderness Character – Wilderness would remain untrammeled and undeveloped. Soils and vegetation would be minimally impacted by human foot traffic. Natural conditions would remain unaltered; the risk of impairment would be extremely low. Opportunities for solitude would be temporarily impacted by the presence of Mr. Casebier's group. Other wilderness values would remain unchanged.

Heritage and Cultural Resources – The purpose of this request is to evaluate a potentially significant archeological site on private land. In the short term, this work could contribute to the body of knowledge about human occupation in the Mojave Desert. Because the land is privately owned, it will not lead to increased protection or management of archeological artifacts, sites, structures, or landscapes on NPS lands in Mojave National Preserve. Over the longer term, if the US government ever obtains ownership of this parcel, it would have these records on which to base appropriate management and protection of such resources.

Maintaining Traditional Skills – not applicable.

Special Provisions – Alternative A, which could be also be considered the No Action, Mr. Casebier has access to non-federal land and does not require a permitting instrument for this action.

Economics and Timing Constraints – none.

Additional Wilderness-specific Comparison Criteria – none.

Safety of Visitors, Personnel, and Contractors – Safety concerns associated with hiking in remote areas of a hot, arid landscape. Safety associated with hiking is of low risk with adequate preparation.

Alternative #B	Ride horseback into wilderness.

Description:

To access his parcel in Lanfair Valley, Watson Wash (APN 0657091080000), the applicant would ride a horse 2.2 miles from the wilderness boundary at Ford Dry Lake. He would cross both NPS lands and parcels privately owned by the Mojave Desert Land Trust. He would either need to obtain permission from MDLT to cross their lands or go around their parcels, thereby lengthening the distance of his journey both in and out of wilderness.

All effects would be the same as for Alternative A.

Alternative C Access wilderness by helicopter.

Description:

To access his parcel in Lanfair Valley, Watson Wash (APN 0657091080000), the applicant would be delivered by helicopter to his land. The helicopter would only be able to land in wilderness if it is determined to be the minimum tool necessary to preserve the character of the Mojave Wilderness. In order to land, a makeshift helicopter pad would need to be developed – i.e., all vegetation, rocks and other ground surface obstacles would need to be cleared. The helicopter would cause disruptions to opportunities for solitude, although these disruptions would be temporary in nature.

Effects:

Wilderness Character – Use of a helicopter to fly over and land in wilderness would leave a noticeable mark of human presence where the aircraft lands and takes off, and the surrounding area that would be impacted by the blades' rotations. This action alternative would disturb the natural conditions, and impede opportunities for solitude or a primitive, unconfined type of recreation. Helicopters are mechanized transport with high levels of impact to the environment.

Heritage and Cultural Resources – same as Alternative A.

Maintaining Traditional Skills – not applicable.

Special Provisions – Alternative C would give Mr. Casebier access to non-federal land by use of motorized and mechanized transport. It would require the determination of helicopter use as the minimum tool.

Economics and Timing Constraints – Costs associated with helicopters include but are not limited to rental, pilot time, and aviation safety training for all passengers. Duration might be less than that of hiking or equestrian use. Helicopter use should be restricted to periods of lower activity by desert tortoises (November 1 through February 28 and with monitoring from June 15-August 31) and would require a pre-construction survey.

Additional Wilderness-specific Comparison Criteria – none.

Safety of Visitors, Personnel, and Contractors – Aviation safety training would be highly recommended for all people involved in this expedition. Safety risks associated with stress and elevation can be much higher with helicopter use compared to Alternatives A and B.

Alternative D Access private parcel by use of motorized vehicle into wilderness.

Description:

To access his parcel in Lanfair Valley, Watson Wash (APN 0657091080000), the applicant would operate a motorized vehicle 2.2 miles from the wilderness boundary at Ford Dry Lake. He would cross both NPS lands and parcels privately owned by the Mojave Desert Land Trust. He would either need to obtain

permission from MDLT to cross their lands or go around their parcels, thereby lengthening the distance of his journey both in and out of wilderness.

Effects:

Wilderness Character – Wilderness would not remain untrammeled under Alternative D. Along the abandoned dirt track that has been left to passive restoration since 1994, motorized vehicles would cause soils disturbance and compaction; breakage and/or crushing of vegetation; and diminishment of air quality due to vehicle emissions. The footprint of the dirt track will be reinforced by vehicular use. Natural conditions will be adversely impacted to a minor degree; risk of impairment is negligible given the limited use and frequency being proposed by Mr. Casebier. Vehicles would be required to be cleaned of plant and soil debris before entering Mojave National Preserve to minimize the introduction of non-native and/or invasive plant species into wilderness areas. Opportunities for solitude or a primitive, unconfined type of recreation would be reduced and compromised by the presence, noise and emissions of motorized vehicles and Mr. Casebier's group. Visitors would not experience this wilderness value and would witness a seeming violation of wilderness character.

Heritage and Cultural Resources – same as for Alternative A.

Maintaining Traditional Skills – not applicable.

Special Provisions – Alternative C would give Mr. Casebier access to non-federal land by use of motorized transport. It would require the determination of four-wheel-drive vehicle use as the minimum tool.

Economics and Timing Constraints – Costs would include the operation of two motorized vehicles. Duration would be less than that of Alternative A or B, undetermined compared with Alternative C. Time constraints do not apply.

Additional Wilderness-specific Comparison Criteria – none.

Safety of Visitors, Personnel, and Contractors – Safety concerns would be equivalent to those associated with the operation of four-wheel-drive, high clearance vehicles over rough terrain. Safety would be high relative to the other alternatives. Comparative risk of severe injury is undetermined relative to Alternative A, undetermined compared with Alternative B, and might be less than that of Alternative C. Safety to Mr. Casebier under Alternative D would be much greater than that associated with the other alternatives.

Comparison of Alternatives

It may be useful to compare each alternative's positive and negative effects to each of the criteria in tabular form, keeping in mind the law's mandate to "preserve wilderness character."

	Alternative A	Alternative B	Alternative C	Alternative D
Untrammeled	+	+	-	-
Undeveloped	+	+	-	-
Natural	+	+	-	NE
Solitude or Primitive Recreation	+	+	-	-
Unique components	NA	NA	NA	NA
WILDERNESS CHARACTER	++++	++++	----/NA	---/NE/NA

NA = Not Applicable NE = No Effect

	Alternative A	Alternative B	Alternative C	Alternative D

Heritage & Cultural Resources	n/a	n/a	n/a	n/a
Maintaining Traditional Skills	n/a	n/a	n/a	n/a
Special Provisions	+	+	+	+
Economics and Timing Constraints	+	+	-	+
• **Costs**	-	NE	+	+
• **Duration**	NA	NA	NA	N/A
• **Timing Constraints**				
Additional Wilderness Criteria	NA	NA	NA	NA
OTHER CRITERIA SUMMARY	+-/NA NA	+/NE/NA NA	-+/NA NA	++/NA NA

NA = Not Applicable NE = No Effect

	Alternative A	Alternative B	Alternative C	Alternative D
SAFETY	-	-	-	+

NA = Not Applicable NE = No Effect

Safety Criterion

If safety issues override impacts to wilderness character or other criteria, provide documentation that the use of motorized equipment or other prohibited uses is necessary because to do otherwise would cause increased risks to workers or visitors that cannot be satisfactorily mitigated through training, use of personal protective equipment (PPE), or other requirements to alleviate the safety risk. (This documentation can take the form of agency accident-rate data tracking occurrences and severity; a project-specific job hazard analysis; research literature; or other specific agency guidelines.)

Documentation:
Mr. Casebier has provided a statement of his physical condition and limitations. Of the four alternatives described herein, operation of a motor vehicle would present the least amount of strain on Mr. Casebier's physical condition. Access by foot (walking or hiking) or horseback requires strenuous physical activity beyond Mr. Casebier's capabilities. Helicopter use would present similar difficulties in that it can be associated with higher levels of stress and anxiety. Mr. Casebier's statement of his physical condition is attached.

Step 2 Decision: What is the Minimum Activity?

Selected alternative:
Alternative D, access to private property by use of motorized vehicle, is the selected alternative. Mr. Casebier would operate one motor vehicle from Ford Dry Lake along an abandoned dirt track road that leads south across NPS lands and two private parcels owned by the Mojave Desert Land Trust to reach his property. This alternative was selected to best ensure Mr. Casebier's safety when accessing his property within wilderness. Other motorized transport – i.e., helicopter – is generally associated with a higher level of stress for the passenger than motor vehicle. Non-motorized transport – access by foot or horseback – are physically prohibitive for Mr. Casebier.

Rationale for selecting this alternative (including documentation of safety criterion, if appropriate):
Alternative D will cause the least amount of impacts to the wilderness character and values while allowing Mr. Casebier to access his property without undue strain on his physical condition. Access to private property is a special provision in the Wilderness Act that allows for adequate access to

State- or privately-owned lands that are completely surrounded by wilderness (PL88, §5(a)). The term, "adequate," is subject to interpretation. While Mr. Casebier has the right to access his property without impediment, he requires special consideration because of his age and physical condition. Operation of a motor vehicle provides him access to his property with the least amount of risk to Mr. Casebier's personal safety. Mr. Casebier's statement of his physical condition is attached.

Monitoring and reporting requirements:
NPS personnel must be present at the gate installed Ford Dry Lake when Mr. Casebier leads his group into wilderness to access his parcel. Dave Nichols, Mojave National Preserve's archeologist who is to accompany Mr. Casebier's group, will also serve as the permit monitor. He will unlock the gate to give Mr. Casebier access to the old dirt track road, ensure minimal damage to the terrain and wilderness values, and will ensure that Mr. Casebier's complete party has exited the wilderness before re-securing the gate.

Check any Wilderness Act Section 4(c) uses approved in this alternative:

- ☐ mechanical transport
- ☐ motorized equipment
- ☒ motor vehicles
- ☐ motorboats
- ☐ landing of aircraft
- ☐ temporary road
- ☐ structure or installation

Record and report any authorizations of Wilderness Act Section 4(c) uses according to agency procedures.

Approvals	Signature	Name	Position	Date
Prepared by:		Danette Woo	Environmental Compliance Specialist	12/02/10
Recommended:		Robert Bryson	Chief, Resource Management	12/2/10
Recommended:		Lawrence Whalon	Deputy Superintendent	
Approved:		Dennis Schramm	Superintendent	12/2/10

"Dennis Casebier"
<goffs@eastmojave.net>
11/30/2010 03:21 PM

To <danette_woo@nps.gov>
cc
bcc
Subject Re. Casebier application for permit to access his private property

History: This message has been replied to.

30 November 2010

Email Message to: Dannette Woo

Evironmental Compliance Specialist

Mojave National Preserve

Dear Ms. Woo: Pursuant to our discussion earlier today, relating to my application for a permit to visit by vehicle my private property described as San Bernardino County APN 0657091080000. This property being in wilderness, you asked for a statement about my inability to hike in the 2.2 miles or ride a horse in &c.

I have had a serous heart condition since the year 1997. In April of 2007 I underwent quadruple bypass open heart surgery. My condition is presently stabilized, although precarious, and therefore it would not be safe for me to attempt to hike 2.2 miles over rough country into wilderness. As to riding in on a horse, I consider that to be equally strenuous, unsafe, and threatening to my heath. I don't own a horse, have no experience with horses, and don't plan to acquire a horse or gain the necessary experience. Hence the absolute need for permission to access my property by motorized vehicle. Phone: 760-733-4848 Email: goffs@eastmojave.net. Best regards, Dennis G. Casebier

PS. Pls acknowledge receipt of this message. Many thanks. DGC