

ENCLOSURE IV

SECTION 7(a) DETERMINATION, WILD AND SCENIC RIVERS ACT

North Umpqua Hydroelectric Project, North Umpqua Wild and Scenic River

INTRODUCTION

In February 2001, the Pacific Northwest Regional Forester and Roseburg BLM District Manager determined the North Umpqua Hydroelectric Project as it was proposed to operate in the Application for New License for Major Project prepared by PacifiCorp, January 1995 and Addendum to the 1995 Application for a New License (PacifiCorp, 2000) (hereafter referred to as the final license application), would not invade the area or unreasonably diminish the scenery, recreation, fish or wildlife values present in the North Umpqua Wild and Scenic River (WSR) as of its date of designation (October 1988). The February 2001 determination was filed with the Federal Energy Regulatory Commission (FERC) and is referenced in the DEIS on page 3-194. That evaluation was based on proposed project operations that decrease flow fluctuations below Soda Springs Dam and more closely approximate natural flows. The licensee's erosion control plan is designed to decrease erosion and reduce turbidity in the WSR corridor. The proposed operation would, however, continue to result in algae production, affecting the appearance of water clarity and color. It would also continue to alter sediment regimes (large wood, spawning gravel), reduce occurrence of rare and unusual habitats, result in eutrophication and affect fish migration, quality and quantity of habitat, refuge habitat, and nutrient cycling.

This determination is in response to the Draft Environmental Impact Statement for the North Umpqua Hydroelectric Project, FERC April 2002 (DEIS). Specifically, this analysis considers whether the action alternatives in the DEIS will invade the area or unreasonably diminish the scenic, recreational, fish or wildlife values present at the date of the North Umpqua WSR's designation.

SECTION 7 REQUIREMENTS

Section 7(a) of the WSRs Act provides a specific standard for review of developments below or above a designated river.

Developments below or above a designated river may occur as long as the project "will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area as of the date of designation. This standard applies to projects outside the river corridor but on the same river or tributary as is the case with the North Umpqua River.

The Soda Springs Powerhouse marks the upper termini of the North Umpqua WSR, with the lower termini located at the river's confluence with Rock Creek. Conditions and operating mode at the date

the river was added to the WSRs System (October 1988) is the basis for evaluating the DEIS alternatives.

The initial question to be addressed is whether any of the DEIS action alternatives invade the designated river. The term invade is defined as encroachment or intrusion upon.

The next question to be answered, relative to the standard in Section 7(a), is whether any of the DEIS alternatives will "unreasonably diminish" the scenic, recreational, fish or wildlife values of the designated river. Given that the standard implies some diminution of values may be acceptable, there are two questions to consider:

1. Do the proposed alternatives evaluated in the DEIS cause diminution of the scenic, recreational, fish or wildlife values of the designated river as present at the date of designation?
2. If there is diminution, is it unreasonable? This would suggest an evaluation of the magnitude of the loss. Factors to be considered include: (1) Whether the value contributed to the designation of the river (i.e., outstandingly remarkable); and, (2) The current condition and trends of the resource. (If diminution is determined unreasonable, measures may be recommended to reduce adverse effects to within acceptable levels.)

RATIONALE FOR DETERMINATION

The basis for this Section 7(a) determination is FERC's Draft Environmental Impact Statement for the North Umpqua Hydroelectric Project, April 2002, the February 2001 Forest Service/Bureau of Land Management (BLM) Section 7(a) determination, including the the Forest Service 7(a) Report that accompanied that preliminary determination. BLM has been a participant with various interdisciplinary teams and is a cooperator in review of this information.

EVALUATION OF DEIS ALTERNATIVES

All of the action alternatives of the DEIS include provisions that enhance the scenic, recreational, fish and wildlife values of the designated river beyond those of the final license application. The following is a summary of the DEIS alternatives' provisions that most directly affect the designated river.

Scenery

All action alternatives of the DEIS include provisions that enhance scenic quality and include additional provisions beyond those included in the final license application. Examples of such enhancements that affect the designated river include provisions for landscaping, screening of transmission lines, and other visual management actions. Increased flows from the DEIS alternatives would also benefit scenery by adding to the designated river's visual appeal. Increased flows would

also add to the river's aesthetic appeal. The NGO Alternative proposes removal of Soda Springs Dam. There would be short-term visual impacts from dam removal and from exposure of the reservoir bed that would be visible from the designated river. In the long-term, a more natural and diverse landscape would develop, consistent with the river management goal of retaining and perpetuating natural appearances.

Recreation

All action alternatives would increase flows in the designated river above flows proposed by the final license application. This increase in flow would benefit recreation in the designated river, particularly on-river recreation such as whitewater boating. Other provisions of the DEIS alternatives that benefit recreation in the designated river area include providing flow information to the public and improving public put-in and take-out access in locations where demand for whitewater boating is greatest. The provisions in the action alternatives that improve water quality, scenery, and that provide benefits for fish and wildlife also would enhance the recreation opportunities of the designated river and its recreation setting. The DEIS recognized the potential for removal of Soda Springs dam to have significant effects to water quality and other values. These potential effects could impact recreation in the designated river. While the DEIS states that specific potential effects are uncertain, it concludes that, with proper dam removal, impacts from dam removal appear to be negligible in the long-term.

Fish

All action alternatives include provisions that enhance the fishery values of the designated river over those included in the final license application. These include: monitoring to ensure that water quality standards are met and predicted fish habitat improvements are achieved; flow releases substantially over existing and provisions to minimize impacts from ramping; measures to restore a more natural large wood regime and to restore more natural fluvial geomorphic processes; and provisions to improve fish passage and fish and habitat connectivity.

The impacts of river erosion and downstream transport of sediments released by removal of Soda Springs dam are uncertain, but could include and increase in substrate embeddedness in the downstream reach (and a resultant decrease in salmonid spawning habitat). While the DEIS states that specific potential effects are uncertain, it concludes that, with proper dam removal, impacts from dam removal appear to be negligible in the long-term.

Wildlife

All action alternatives include provisions that enhance wildlife within the watershed, providing benefits to the designated river over those included in the final license application. These include: protection and restoration of riparian and wetland habitats; provisions to improve wildlife habitat connectivity; monitoring to ensure that predicted wildlife habitat improvements are achieved; provisions that reduce adverse interactions between power lines and birds; and provisions for federally listed species and for Forest Service sensitive and survey and manage species.

DETERMINATION

The FERC DEIS does not disclose any additional adverse effects or any greater magnitude of adverse effect than those already considered in the detailed analysis completed to support the February 2001 preliminary Section 7(a) determination prepared in response to the final license application. None of the alternatives propose construction of any project works in the WSR corridor; therefore, none will invade the designated river area. Each of the three action alternatives will result in increased flows into the designated river and they contain varying additional environmental measures beneficial to the river. Therefore, we find that none of the action alternatives will invade the designated river area or unreasonably diminish its scenery, recreation, fish or wildlife values as present on the date of designation (October 1988).

This determination is based on the North Umpqua Hydroelectric Project as it is proposed to operate in the alternatives that are evaluated in the FERC DEIS. In cooperation, the Forest Service and Bureau of Land Management will make a final determination under Section 7(a) coincident with the timing of submittal of the final 4(e) terms and conditions and informed by evaluation of the project in FERC's final environmental impact statement.

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Date: 6/21/02

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