

Interagency Wild and Scenic Rivers Coordinating Council's WSRA Section 7(a) Flowcharts

Introduction

Section 7(a) is a key provision of the Wild and Scenic Rivers Act (WSRA) that directs federal agencies to protect the free-flowing condition, water quality and outstandingly remarkable values of designated wild and scenic rivers (WSR)¹. It requires evaluation of federally assisted water resources projects² and determination of effects by the river-administering agencies. The Interagency Wild and Scenic Rivers Coordinating Council's (Council) *Wild and Scenic Rivers Act: Section 7* technical report (2004) defines terms, provides an interpretation of the three standards in this provision, and includes suggested procedures to evaluate the effects of proposed water resources projects. In addition, the Council's website includes examples of Section 7 determinations for common types of water resources projects.

In response to requests from river managers, the Council developed three flowcharts to guide practitioners in determining if a project proposal is a water resources project subject to Section 7(a) and, if so, which evaluative standard applies. The flowcharts also reference the appropriate detailed evaluative process in the Council's Section 7 technical report.

Section 7(b) of the WSRA provides the same evaluative standards for water resources projects proposed within a congressionally authorized (Section 5(a)) study river. However, for projects upstream, downstream or on a tributary to a 5(a) study, the evaluative standard does not include the qualifying word "unreasonably" before "diminish." The effect is to provide greater protection for 5(a) study rivers during the shorter term study process.

How to Use the Flowcharts

There are three flowcharts illustrated. The WSRA Section 7(a) "Process" Flowchart provides a general guide to determine if a proposal is subject to review under Section 7(a) and, if so, which standard and evaluative procedure applies. It is presented as a dichotomous key, requiring the user to follow either the track for water resources projects within a WSR (blue) or outside (upstream, downstream or on a tributary) a WSR (purple). This page may be used independently as it provides all the necessary information from which to analyze a project proposal. "Within" and "Outside" flowcharts are also provided to give more detail about the standards and evaluative procedures for water resources projects.

¹ A wild and scenic river designated under Sections 2(a)(ii) and 3(a) of the WSRA, including the river and area within its boundary.

² A water resources project under Section 7 of the WSRA is defined as any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (FPA), or other construction of developments which would affect the free-flowing characteristics of a wild and scenic or congressionally authorized study river (36 CFR 297). In addition to projects licensed by the FERC, water resources projects include, but are not limited to: dams; reservoirs; water diversion projects; fisheries habitat and watershed restoration/enhancement projects; bridges and other roadway construction/ reconstruction projects; bank stabilization projects; channelization projects; levee construction; recreation facilities such as boat ramps and fishing piers; and activities that require a 404 permit from the U.S. Army Corps of Engineers.