



# Interagency Wild & Scenic Rivers Coordinating Council



## The WSRA: Section 7





# The WSRA: Section 7

Often considered the “teeth” of the WSRA; Section 7 contains powerful features designed to protect rivers from the harmful effects of hydropower and water resources projects.

*“...no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established...”*



Rogue River, OR



# Section 7(a): Hydropower Projects



7(a) Prohibits the Federal Energy Regulatory Commission (FERC) licensing of new construction for hydropower projects on **designated rivers**;



Cheoah Dam, Little Tennessee River, NC



# Sec. 7(a): Water Resources Projects



7(a) Prohibits federal assistance for other water resources projects on **designated rivers** that would:

- Have direct or adverse effects
- Invade or unreasonably diminish outstandingly remarkable values present on the date of designation (includes projects above, below or on a tributary)



# Section 7(b): Study Rivers



7(b) Prohibits during protection period on 5(a) and 2(a)(ii) study rivers:

- FERC hydropower licensing
- Other federally assisted water resources projects that would:
  - Have direct or adverse effects
  - Invade or *unreasonably* diminish outstandingly remarkable values present (includes projects above, below or on a tributary)



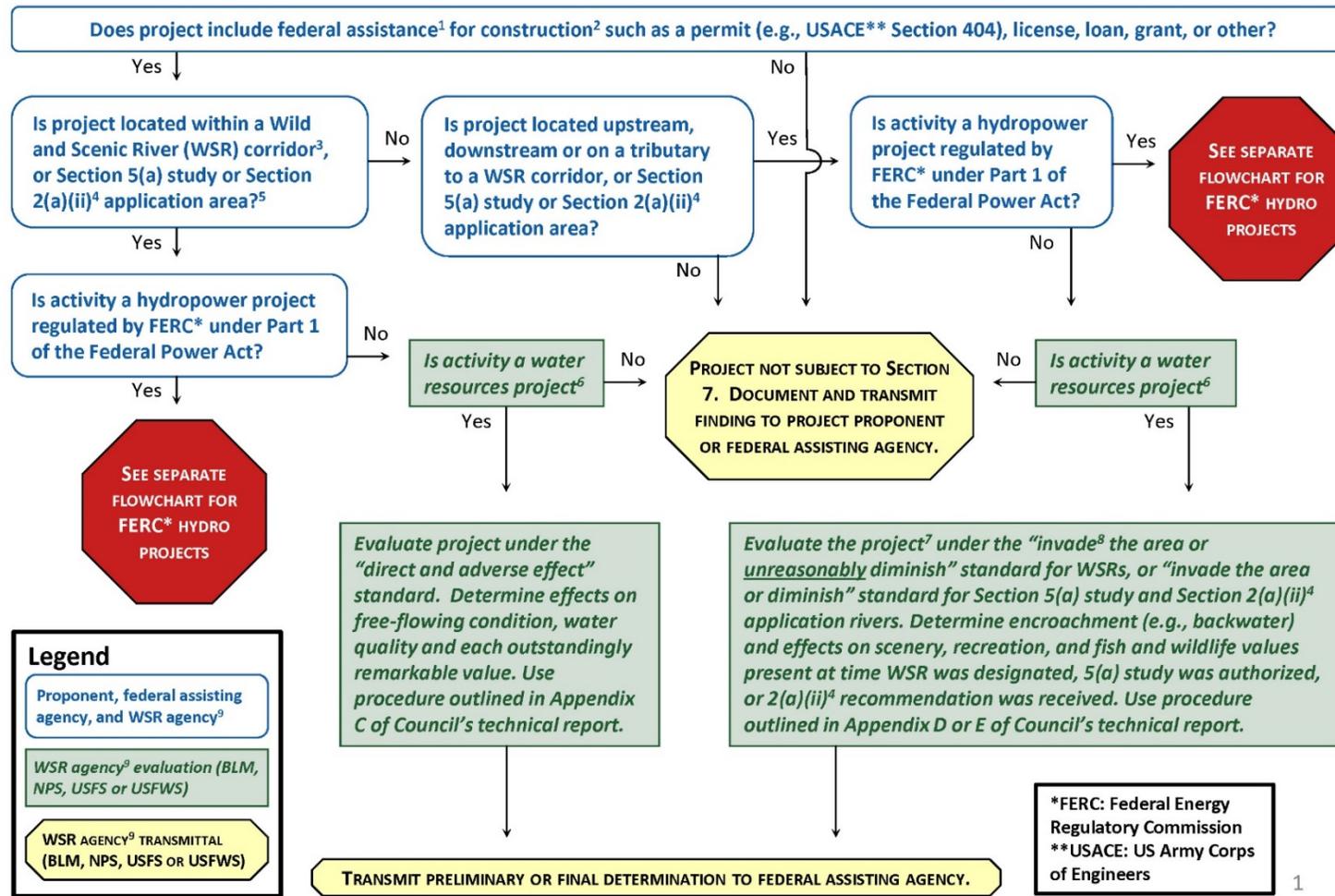


# When does Section 7 apply?



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## Section 7 Flowchart (see separate flowchart for FERC\* hydro)





# When does Section 7 apply?



## Factor 1

What is the status of the river under the Act?

Designated

Congressional study river

Agency study river





# When does Section 7 apply?



## Factor 2

Does the project involve  
Federal assistance?

FERC Authorization

USACE Permit

Federal Funding

Other





# When does Section 7 apply?



## Factor 3

What is the project location, relative to the protected stream corridor?

Within the corridor of a designated WSR or Section 5(a) study river

Upstream, downstream, or on a tributary to a WSR or Section 5(a) study river corridor





# When does Section 7 apply?



## Factor 4

Is the project a hydroelectric project licensed by the Federal Energy Regulatory Commission (FERC)?



Hells Canyon Dam,  
Snake River, ID/OR



# When does Section 7 apply?



## Factor 5

Is the project a  
“Water Resources  
Project?”

Construction below the  
ordinary high water mark





# Water Resources Projects



## Examples include but are not limited to:

- Bank stabilization/revetments
- Bridges (abutments, piers, approaches)
- Channelization
- Channel restoration
- Culverts
- Dams and dam removal
- Dredging or excavation
- And . . .



Tioga Pedestrian Bridge,  
North Umpqua River, OR



# Water Resources Projects



Snake River, ID



Examples include but aren't limited to:

- Fish habitat/passage restoration or enhancement
- Gravel mining
- In-channel transmission towers, pipelines
- Levees
- Recreation facilities (e.g., boat ramps and fishing piers)
- Water diversions/wells



# Water Resources Projects



McNerney Road Bridge,  
Westfield River, MA



WRPs located below the ordinary high water mark (OHWM) are subject to Section 7 review.

Projects located above the OHWM are not subject to Section 7 review, but may be subject to review under WSRA Sections 10(a) and 12.



# WSRA: Sections 10(a) and 12



## Section 10(a)

Directs federal agencies to administer wild and scenic rivers to protect and enhance the values for which the river was designated

## Section 12

Other federal agencies must take actions to protect water quality and lands adjacent to designated rivers and congressionally authorized study rivers





# Section 7 Consultation Timeline



**<30% plans** - Project proponent should contact the river-administering agency about the project

**30-60% plans** - River administering agency can make preliminary Section 7 determination

**60-90% plans** - River administering agency can make final Section 7 determination



# What is needed to make a Section 7 determination?



To make a Section 7 determination, the river-administering agency may use information from:

- Project engineering plans and specifications
- Environmental review documents (e.g. NEPA, Section 404)
- Comprehensive river management plan, foundation documents (NPS), and other documents



Wekiva River boat dock



# Project Information



## Site Information

- Hydrology, hydraulics, geomorphology
- Affected resources (free flow, WQ, ORVs)

## Design/Construction Information

- Duration, timing & construction sequence
- Water quality protection measures (ESCP)
- Channel restoration materials and specs
- Scour countermeasure specifications
- Substructure and superstructure materials
- Grade control structure specifications
- Habitat structure specifications
- Bioengineering materials specifications
- List of plant species and seed mixes



Pond Eddy Bridge, PA/NY



# Section 7 Compliance



## How do I ensure that my project is Section 7 compliant?



Rogue River, OR

Projects are more harmonious with WSR values if they:

- Are constructed of native materials (e.g., wood, rock, vegetation)
- Use construction materials more natural in appearance (e.g., un-fractured rock, intact logs, weathering steel, tinted concrete)
- Avoid the use of anchoring materials such as cables and rebar, if possible
- And . . .



# Section 7 Compliance



- Do not impede natural channel processes, (e.g. bank erosion, bar formation/island building, bed aggradation/degradation, channel migration, etc.)
- Match the up- and downstream channel width, depth, slope, and substrate . . . And . . .

## Dingle Road Culvert Replacement



Before



After



# Section 7 Compliance



- Place materials in locations, positions, and quantities mimicking natural conditions, form and processes
- Consider the project's effects (temporary or permanent) on other ORVs

## Bancroft Bridge Replacement





# Section 7 Key Concepts



- Applies to water resources projects on certain rivers
- Project must avoid adverse effects (not mitigate)
- River classification has no effect on Section 7 determination
- River-administering agency must:
  - Evaluate project effects on river-related values including free-flowing condition, water quality and ORVs
  - Make Section 7 determination



Rt. 20 Skagit River permanent stabilization



# Section 7 Evaluation Standards



Location	Standard
Below the OHWM of a designated WSR or 5(a) study river	Direct and adverse
Below OHWM upstream, downstream, or on a tributary of a WSR	Invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values
Below OHWM upstream, downstream, or on a tributary of a 5(a) study river	Invade the area or diminish the scenic, recreational, and fish and wildlife values

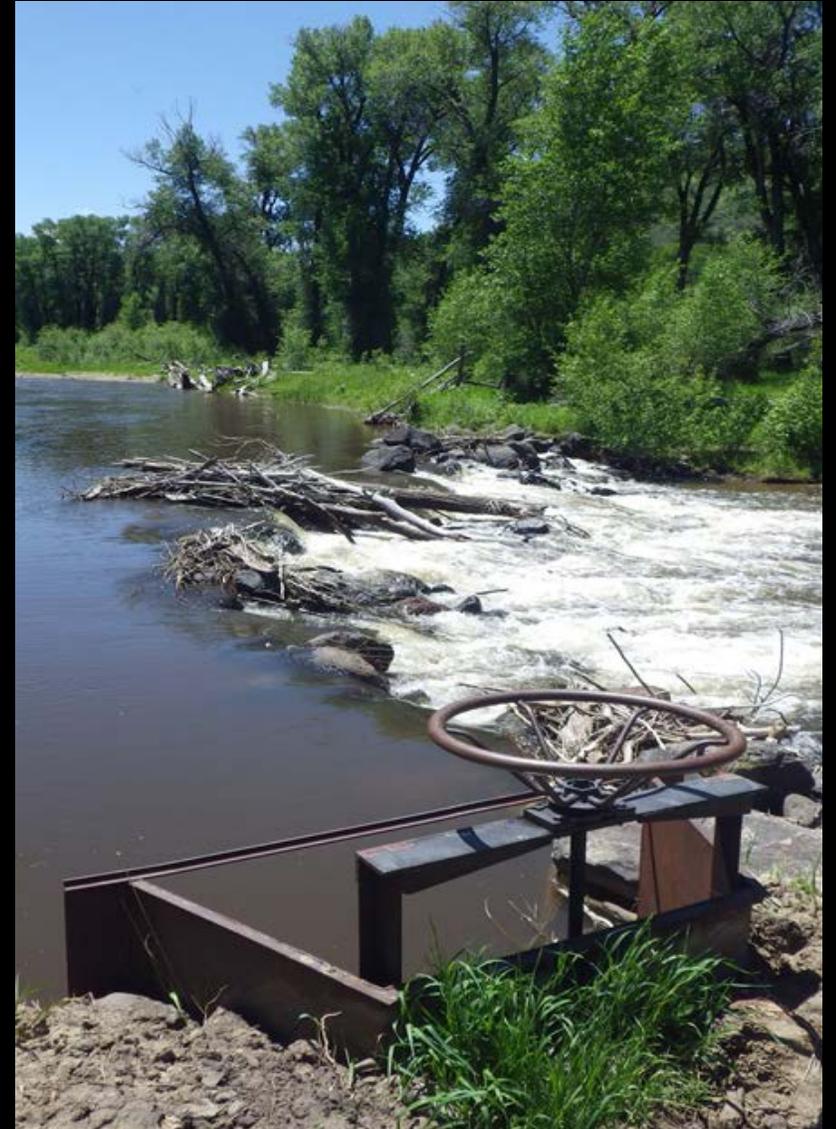


# “Direct and Adverse” Evaluation



## Describe:

1. Proposed activity
2. Alteration of within-channel conditions
3. Alteration of riparian and/or floodplain conditions
4. Alteration of upland conditions
5. Alteration of hydrologic or biologic processes
6. Magnitude and spatial extent of potential off-site changes
7. Time scale over which Steps 3-6 are likely to occur
8. Comparison of project analyses to management goals
9. Section 7 Determination





# Existing Structures and Maintenance



- Section 7 protections are inclusive of structures present at the time of designation or study authorization.
- Alteration or replacement of an existing structure must undergo a Section 7 analysis
- Cultural and historic ORVs may also be protected under the National Historic Preservation Act.
- Seasonal/routine roadway maintenance may not require Section 7 analysis, but consult with the river-administering agency first

