

**FSM 2700 - SPECIAL USES MANAGEMENT
CHAPTER 2770 - FEDERAL POWER ACT PROJECTS**

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This chapter covers the review of proposals and the granting of special use authorizations for those hydropower projects and primary transmission lines subject to licensing by the Federal Energy Regulatory Commission (FERC) that are partly or wholly on National Forest System land. This chapter also covers the Forest Service-Federal Energy Regulatory Commission relationship during project planning, construction, and operation. For related direction, refer to FSM 7500 for dam safety, FSM 2600 for fish and wildlife, FSM 2520 for riparian areas, FSM 2320 for wilderness areas, FSM 2350 for wild and scenic river areas, and FSM 2540 for instream flow coordination requirements.

2770.1 - Authority

1. The Federal Power Act of June 5, 1920 (16 U.S.C. 791a, 797, 803, 806-808, 814, 818, 821, 823a-b, 824i-k). This act authorizes the Federal Energy Regulatory Commission (FERC) to grant licenses for hydropower projects that affect: the navigable waters and lands of the United States; surplus water from a Government dam; and interstate commerce (interstate power line). When a project is located on National Forest System lands, section 4(e) of the act authorizes the Forest Service to impose mandatory conditions in the FERC license for a hydropower project. When a project is not located on National Forest System lands, but affects National Forest System lands and resources, the Forest Service may make recommendations to FERC under section 10(a) of the act to mitigate impacts or enhance natural resources.

2. Wild and Scenic Rivers Act of October 2, 1968 (82 Stat. 906; 16 U.S.C. 1278). This act authorizes the Forest Service, acting for the Secretary of Agriculture, to determine the acceptability of projects within and upstream, downstream, or on a stream tributary to wild and scenic rivers designated under section 3(a) of the act; and wild and scenic study rivers designated under section 5(a) of the act. Section 7(a) directs the Forest Service to determine whether a proposed project within a designated river corridor would be on or directly affecting a proposed project located upstream, downstream, or on a stream tributary would invade the designated river area or unreasonably diminish its scenic, recreational, fish, or wildlife values present at date of designation. The same protection is provided to a section 5(a) study river with the exception that project proposals upstream, downstream, or on a stream tributary may not invade the study river area or diminish its scenic, recreational, fish, or wildlife values present at date of designation for study.

3. Federal Land Policy and Management Act (FLPMA) of October 21, 1976, as amended (43 U.S.C. 1761-1771). Title V of this act authorizes the Secretary of Agriculture to issue, renew, or grant authorizations to occupy, use, or traverse National Forest System lands for the generation, transmission, and distribution of electric power.