

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

diminish its scenery, recreation, fish, or wildlife values as present at the date of designation. Project proposals upstream, downstream, or on a stream tributary to a designated study river may not invade the study river area or diminish its scenery, recreation, fish, or wildlife values as present at date of designation for study. The Regional Forester must make this determination on rivers administered by the Department of Agriculture in accordance with section 7 of the W&SR Act prior to issuance of an exemption or license by FERC. See FSM 2354.04 and 2770.4 for delegation of authority for making this determination. See FSH 2709.15, section 54.7 and 36 CFR 297 for further requirements.

2775.31 - Lands in Conservation Units in Alaska

Ensure that the streamflow of and transportation on the river are not interfered with or impeded and that the transportation and utility system is located and constructed in an environmentally sound manner where hydropower projects are located within the boundaries of a unit of the National Wild and Scenic Rivers System in Alaska. See Section 1107(b) of the Alaska National Interest Lands Conservation Act (ANILCA) (94 Stat. 2464; 16 U.S.C. 3167).

2775.32 - Projects on Agency-Identified Wild and Scenic Study Rivers

Rivers found eligible or suitable for the National Wild and Scenic Rivers System through agency planning processes are not protected by the W&SR Act from proposed hydropower facilities that have potential to affect river values. Forest Service policy is to protect rivers under study for suitability or inclusion in the National Wild and Scenic Rivers System by managing those lands to protect the river's free-flowing condition, outstandingly remarkable value(s), and classification as long as the river is considered either eligible or suitable for inclusion in the National Wild and Scenic Rivers System.

2775.4 - Projects in Research Natural Areas

In general, any hydropower facility would be incompatible with the purposes of a research natural area (RNA); therefore, line officers shall not issue a special use authorization for a project which includes land within an RNA boundary (FSM 4063). When the Regional Forester feels that the hydropower values that would be foregone are of greater public benefit than keeping the RNA fully protected, the Regional Forester may request, with Station Director concurrence, reconsideration or modification by the Chief of the designation order establishing the RNA.

Do not issue an investigation special use authorization for a RNA; however, a non-ground disturbing investigation special use authorization may be issued in the following situations (1) The RNA's management plan allows actions which would include or be similar to those proposed by the hydropower project, (2) there would be no direct or indirect modification to the ecological processes of the RNA such as a tunnel under the RNA, or (3) where the Regional Forester anticipates that a proposed hydropower development may have significant public benefits.

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Issue no project special use authorization for candidate RNA's until the land management planning decision is implemented. Line officers may issue investigation special use authorizations for candidate RNA's where no ground disturbance will take place.

Coordinate the issuance of any special use authorizing actions within the RNA with the Research Station Director.

2775.5 - Projects in Other Special Areas

There may be other special areas established by the forest plan or unit plan, or legislation, where the Forest Service may determine that hydropower development would not be compatible. These special areas may include:

1. Special interest areas, such as scenic, geological, botanical, zoological, and paleontological areas (FSM 2362).
2. Cultural resources (FSM 2361).
3. National scenic or historic trails (FSM 2353.4).
4. Other special land allocations such as National recreation areas established through the forest plan or other procedure where hydropower development would be incompatible.

Issue non-ground disturbing investigation authorizations for future hydropower development that could be incompatible with other resources or if the proposal is in a study area. Where the hydropower use is incompatible with the special land allocation for the affected area and the effects cannot be adequately mitigated, inform FERC that the proposal is inconsistent and would interfere with National Forest purposes (FSH 2709.15, sec. 54).

2775.6 - Projects in State-Designated Special Areas

The States may designate special areas, such as State wild and scenic rivers, wild trout streams, and State game refuges, which may include National Forest land. A State may have passed laws that prohibit State permits for hydropower projects on these special areas, but these laws are not binding on Federally authorized projects. However, in the spirit of cooperation, give them very careful analysis when considering projects which may impact them. Under section 4(e) of the Federal Power Act, the Forest Service is not authorized to condition the license to ensure protection of the State's designated special areas. However, the Forest Service and the State may request that such protection be provided by FERC.