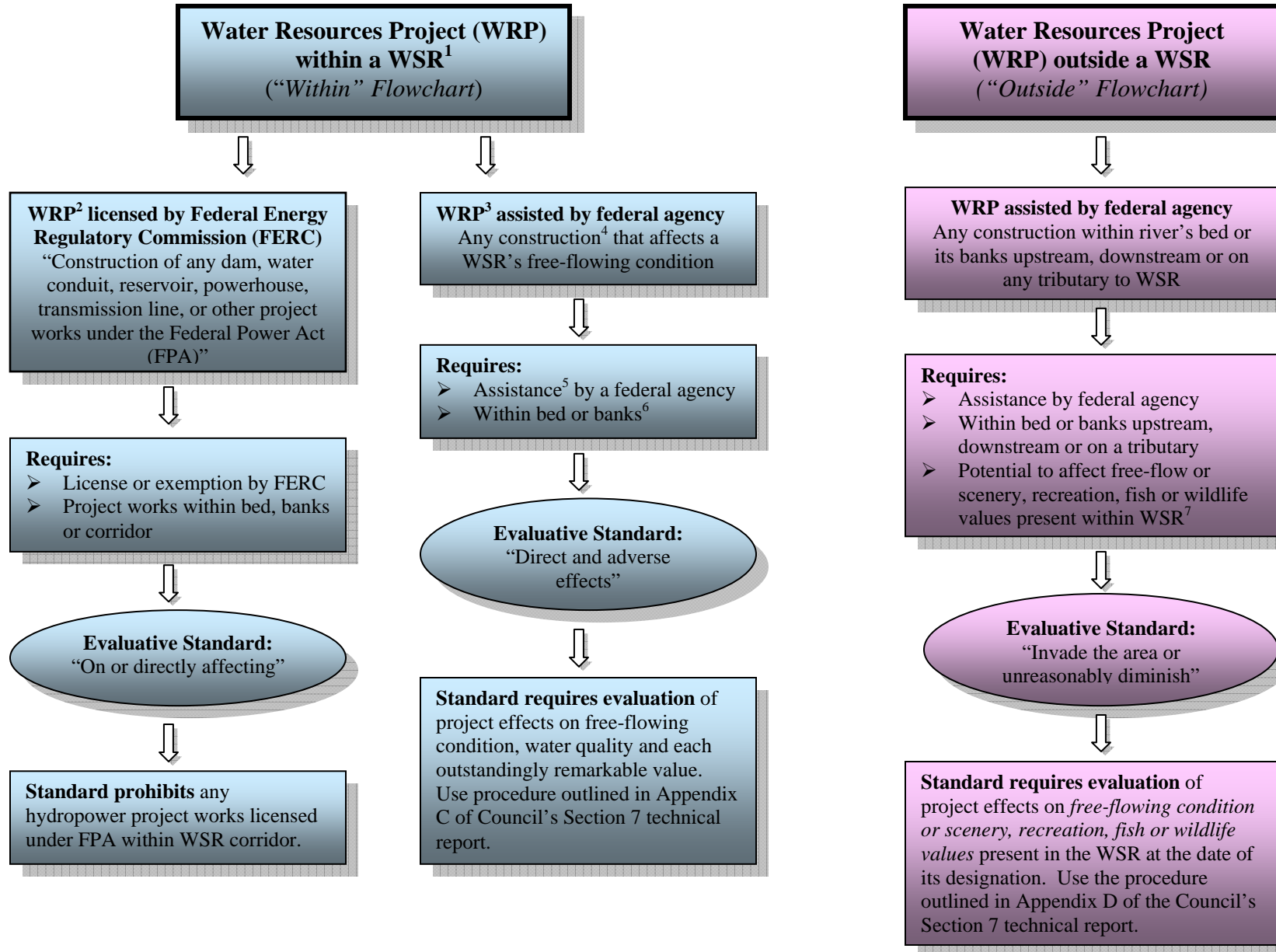


WSRA Section 7(a) “Process” Flowchart



¹ **A wild and scenic river (WSR)** means a river and the adjacent area within the boundaries of a component of the National Wild and Scenic Rivers System pursuant to section 3(a) or 2(a)(ii) of the Wild and Scenic Rivers Act (WSRA).

² **Water resources project (FERC-Hydropower)** means construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the hydropower provisions (license and exemption) of the Federal Power Act (FPA, Part I), as amended (41 Stat. 1063; 16 U.S.C. 791a et seq.). Other facilities licensed under the FPA by FERC (e.g., interstate power transmission lines or natural gas pipelines) are not prohibited outright. They are subject to review under Section 7(a) only if they include construction as described in footnote 6.

³ **Water resources project** means any federally assisted construction that would affect free-flowing characteristics, as defined in Section 16(b) of the WSRA (see footnote 6). Examples of water resources projects include, but are not limited to: fisheries habitat and watershed restoration/enhancement projects; water diversion projects; transmission lines and pipelines; bridge and other roadway construction/reconstruction projects; dams; water conduits; bank stabilization projects; channelization projects; powerhouses; levee construction; reservoirs; recreation facilities, such as boat ramps or fishing piers; or dredge and fill projects that require a Federal permit, such as from the U.S. Army Corps of Engineers as required by Section 404 of the Clean Water Act (33 U.S.C. 1344).

⁴ **Construction** means any action carried on with Federal assistance affecting the free-flowing characteristics of a WSR.

⁵ **Assistance** means loan, grant, license, or other assistance in the construction of any water resources project.

⁶ **Bed or banks** is an interpretation of Section 16(b) of the WSRA, which defines free-flowing, in part, as “existing or flowing in natural condition without impoundment, diversion, straightening, riprapping, or other modification of the waterway.” Generally the applicability of Section 7(a) is limited to the area within the ordinary high water mark (OHWM) of the river. OHWM is defined in 33 CFR Part 328.3(e) as “...that line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.”

⁷ Requires a **nexus** between the proposed upstream, downstream or tributary project and the WSR or such project is not a water resources project for purposes of a Section 7(a) determination. Projects that have the potential to affect *free-flow, or scenery, recreation, fish or wildlife values* of the WSR are dams, upstream diversion structures and projects that can be seen from the WSR as they have the potential to affect these characteristics and values in the WSR.