

Section 7 of the Wild and Scenic Rivers Act: In Brief

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Introduction

Congress established the National Wild and Scenic Rivers System (NWSRS) in 1968 through the Wild and Scenic Rivers Act (WSRA).¹ The WSRA established a policy of preserving designated free-flowing rivers for the benefit and enjoyment of present and future generations. It complemented the then-current national policy of constructing dams and other structures that altered flow along many rivers.² Rivers or river sections designated as part of the NWSRS are usually referred to as “wild and scenic rivers” (WSRs). Congress sometimes authorizes studies of rivers for inclusion in the NWSRS, which extends certain protections to those rivers (known as “study rivers”) for a specific period of time.

Congress established several protective requirements to ensure that WSRs remain free-flowing. The federal agencies that administer the WSRA (called “river-administering agencies”) are the Bureau of Land Management (BLM), Fish and Wildlife Service (FWS), and National Park Service (NPS) in the Department of the Interior (DOI), and the Forest Service (FS) in the Department of Agriculture (USDA). These agencies administer WSRs to protect and enhance the values for which they were included in the NWSRS.³ Congress directed that the agencies give primary emphasis to protecting WSRs’ aesthetic, scenic, historic, archaeological, and scientific values and any values identified as specific to individual WSRs through agency study.⁴ Congress also prohibited the federal government from providing financial assistance, issuing licenses or permits, or otherwise authorizing projects that would create certain impacts on a designated WSR or study river.⁵ In addition to the general prohibitions, Section 7 of the WSRA contains specific restrictions on certain actions by the Federal Energy Regulatory Commission (FERC), which regulates hydroelectric facilities.⁶ The WSRA’s prohibitions are considered by some to be the act’s primary means of ensuring future free flow of designated rivers.⁷ Furthermore, the prohibitions are the primary means for protecting WSRs located on nonfederal lands, where federal agencies do not manage lands.

Prohibitions in Section 7 of the Wild and Scenic Rivers Act

Section 7(a) of the WSRA contains restrictions on federal actions which, while broadly similar, vary based on the type of action, the action’s location, and other factors.

¹ Wild and Scenic Rivers Act (WSRA; P.L. 90-542, 16 U.S.C. §§1271 et seq.). For further information, see CRS Report R45890, *Wild and Scenic Rivers: Designation, Management, and Funding*, by Anne A. Riddle.

² 16 U.S.C. §1271.

³ 16 U.S.C. §1281(a). These values are usually interpreted as being the “outstandingly remarkable values” (ORVs) described in §1(b) of the WSRA (16 U.S.C. §1271). ORVs include features individual to a given river that are unique, rare, or exemplary (e.g., geologic features that occur in a limited area or a particularly well-preserved prehistoric site) and identified through study by the relevant river-administering agency. For further information on how these values are identified, see CRS Report R45890, *Wild and Scenic Rivers: Designation, Management, and Funding*, by Anne A. Riddle.

⁴ 16 U.S.C. §1281(a).

⁵ 16 U.S.C. §1278(a)-(b).

⁶ 16 U.S.C. §1278(a).

⁷ Jackie Diedrich, *Wild & Scenic Rivers Act: Section 7*, Interagency Wild and Scenic Rivers Coordinating Council (IWSRCC), 2004, at <https://www.rivers.gov/documents/section-7.pdf>. Hereinafter referred to as Diedrich, 2004.

Projects Licensed by the Federal Energy Regulatory Commission

Under the Federal Power Act (FPA), FERC regulates the wholesale transmission and sale of electric power, as well as the regulation of hydroelectric power.⁸ In executing its authorities, FERC licenses new nonfederal hydropower projects, relicenses existing projects, and oversees ongoing projects.⁹ Section 7(a) of the WSRA prohibits FERC from licensing projects on designated WSRs:

The Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 1274 of this title as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system.¹⁰

Project works are defined under the FPA as the physical structures of a unit of hydropower development, including powerhouses, water conduits, dams, reservoirs, transmission lines, and any rights-of-way, ditches, dams, or other physical structures needed to maintain and operate the hydropower development.¹¹ Therefore, the WSRA prohibits FERC from licensing a hydropower development, or any physical structures that are part of that development, on a WSR or study river. Throughout this report, these prohibitions shall be referred to as “FERC prohibitions.”

Projects Assisted by the Federal Government

In addition to its specific restrictions on FERC, Section 7(a) also provides that

[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 ... no department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established....¹²

Thus, Section 7(a) prohibits any part of the federal government from assisting a “water resources project” that would have a “direct and adverse effect” on the values for which a river was established. The values referred to above are typically interpreted as the WSR’s “outstandingly remarkable values” (ORVs) and free flow.

Section 7(b) allows for federally assisted projects upstream, downstream, or on a tributary of WSRs, but it establishes prohibitions on certain actions which could affect the WSR:

Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the

⁸ 16 U.S.C. §§791 et seq. For more information, see CRS In Focus IF11411, *The Legal Framework of the Federal Power Act*, by Adam Vann.

⁹ Hydropower project ownership can be categorized as federal or nonfederal. The bulk of federal projects are owned and managed by the Bureau of Reclamation and the U.S. Army Corps of Engineers (USACE). These projects are typically authorized and funded by Congress. Nonfederal projects are licensed and overseen by the Federal Energy Regulatory Commission (FERC). For more information, see CRS Report R42579, *Hydropower: Federal and Nonfederal Investment*, by Kelsi Bracmort, Adam Vann, and Charles V. Stern.

¹⁰ 16 U.S.C. §1278(a).

¹¹ 16 U.S.C. §796 (11)-(12).

¹² 16 U.S.C. §1278(a).

scenic, recreational, and fish and wildlife values present in the area on the date of designation of a river as a component of the National Wild and Scenic Rivers System.

Under these provisions, projects located off of designated WSR segments still face restrictions, but those restrictions are narrower than for projects on designated WSRs. Section 7(a) prohibits any part of the federal government from *assisting* development of such projects.

Water Resources Projects

The relevant river-administering agency determines whether a given project is a water resources project that is subject to Section 7. In some cases, this decision may be clear—for example, if the project type is explicitly mentioned in the agency’s definition of water resources project (see below). In other cases, the decision may be unclear (e.g., when the project type is not explicitly mentioned, when it is unclear whether the project will affect the river’s free flowing characteristics, or both). In such cases, the river-administering agency must analyze the project to determine whether it is a water resources project (see “The Section 7 Process”).¹³

Although the WSRA does not define *water resources project*, river-administering agencies have generally interpreted the term to refer to any construction or development that could affect a river’s free flow. USDA defines the term in regulation as any “construction of developments which could affect the free flowing characteristics of a wild and scenic river or study river,” such as dams, reservoirs, levee constructions, bank stabilization, channelization, or bridges.¹⁴ USDA’s definition is inclusive of any project works under the FPA, as amended, and therefore is inclusive of all hydropower developments. In addition, water resources projects must generally be located on either the banks or bed of a river.¹⁵ NPS makes reference to the USDA’s definition.¹⁶ The BLM definition uses identical phrasing and gives additional examples of project types.¹⁷ It is unclear what definition FWS uses.¹⁸

Federal Assistance

River-administering federal agencies—BLM, FS, FWS, and NPS—have interpreted “assistance” to apply to a broad range of federal actions, such as any form of

- funding, which may include loans, grants, or the provision of federal funds (e.g., discretionary or mandatory appropriations used for projects on federal lands);¹⁹
- or

¹³ 36 C.F.R. §297.3. Department of the Interior (DOI), National Park Service (NPS), “Director’s Order #46: Wild and Scenic Rivers,” May 1, 2015. Hereinafter referred to as NPS, “Director’s Order #46.” Also see DOI, Bureau of Land Management (BLM), *Subject 6400 – Wild and Scenic Rivers – Policy and Program Direction for Identification, Evaluation, Planning, and Management (Public)*, July 13, 2012. Hereinafter referred to as BLM, *Wild and Scenic Rivers*.

¹⁴ 36 C.F.R. §297.3. For more information, see Diedrich, 2004.

¹⁵ Diedrich, 2004.

¹⁶ NPS, “Director’s Order #46.”

¹⁷ BLM, *Wild and Scenic Rivers*.

¹⁸ As of June 3, 2019, the Fish and Wildlife Service (FWS) did not have specific policy or other guidance relating to wild and scenic rivers (WSRs). Personal communication, FWS Legislative Affairs office, June 3, 2019.

¹⁹ BLM and Forest Service (FS) define *federal assistance* in 36 C.F.R. §297.3 and BLM, *Wild and Scenic Rivers*, respectively. FWS and NPS do not define federal assistance in policy documents.

- permitting, licensing, or assistance otherwise authorizing project construction.²⁰

Although these definitions come from river-administering agencies, Section 7 prohibitions apply to any action taken by a portion of the federal government. Thus, Section 7 is applicable to *all* federal agencies. Other federal agencies typically adhere to these definitions. Water resources projects may be undertaken by federal agencies as part of their mission—for example, a federal land management agency may do so as part of managing its lands, or the U.S. Army Corps of Engineers (USACE) may do so under its civil works mission.

In addition, federal assistance contemplated under the WSRA may stem from actions initiated or led by nonfederal agencies. For example, project sponsors, such as state, local, or county governments, may be eligible to receive financial assistance through a federal grant or loan program, may require a federal permit to conduct a proposed project, or may require or seek other forms of federal assistance.

Examples of federal assistance include the following:

- authorization, planning, or funding for river management projects on federal lands administered by BLM, FS, FWS, or NPS, such as fisheries habitat projects, watershed restoration projects, or construction or repair of recreation facilities;
- permits or other forms of authorization granted by USACE, such as dredging, bank stabilization, and other projects that affect the course, location, or condition of navigable waters;²¹
- funding for bridge or roadway projects via programs administered by agencies within the Department of Transportation (e.g., the Federal Highway Administration);²² and
- funding for rural or urban development projects via programs administered by the Department of Housing and Urban Development (HUD) and USDA.²³

In addition, many agency resources specify that FERC licensure of hydropower projects constitutes federal assistance.

Is Section 7 a Project Ban?

Section 7 explicitly does not prohibit projects or developments that affect WSRs. Instead, it prohibits federal assistance for such projects if—and only if—the relevant conditions given in

²⁰ BLM and FS further specify that certain permits, licenses, or other authorizations are automatically considered federal assistance. These are permits, licenses, or other authorizations given by FERC pursuant to §§4(e) and 4(f) of the Federal Power Act, as well as those given by USACE pursuant to the Rivers and Harbors Act of 1899 (33 U.S.C. §401 et seq.) and §404 of the Clean Water Act (33 U.S.C. §1344).

²¹ Under §404 of the Clean Water Act (33 U.S.C. §1344), permits are required to carry out activities involving disposal of dredged or fill materials into waters of the United States, including wetlands. Under the Rivers and Harbors Act of 1899 (33 U.S.C. §403), permits are required for any structures or other work that affect the course, location, or condition of navigable waters of the United States, such as piers, dredging, and navigation aids. For more information, see CRS Report 97-223, *The Army Corps of Engineers' Nationwide Permits Program: Issues and Regulatory Developments*, by Nicole T. Carter.

²² For example, the Federal Highway Administration provides funding and oversight through the Federal-Aid Highway Program, a grant-in-aid program implemented by state highway agencies. For more information, see CRS Report R44332, *Federal-Aid Highway Program (FAHP): In Brief*, by Robert S. Kirk.

²³ For example, the Department of Housing and Urban Development and the Department of Agriculture (USDA) offer various community development grant opportunities. For more information, see CRS Report R43520, *Community Development Block Grants and Related Programs: A Primer*, by Eugene Boyd; and CRS Report RL31837, *An Overview of USDA Rural Development Programs*, by Tadlock Cowan.

Section 7 are met. Depending on the nature of the federal assistance, a prohibition on that assistance could in some cases result in a project's de facto prohibition. For example, a fisheries habitat project on a designated WSR on BLM lands requires BLM to plan, authorize, conduct, and/or fund the project (i.e., requires federal assistance). Similarly, a bridge replacement project on a WSR on nonfederal lands may require a permit from USACE (i.e., requires federal assistance). However, these projects are not banned. These projects can proceed if the relevant river-administering agency finds that any impacts would be acceptable under the conditions set in the WSRA (see **Table 1**).

In some situations, federal assistance may not be required, and Section 7 conditions may not necessarily apply (e.g., a waterfront development project on a WSR on nonfederal lands that requires no federal permit or license to proceed). In situations where the project sponsors used federal funding—for example, HUD-administered urban development grant funding—the project would be subject to the WSRA. However, if the project sponsors were to forgo this federal assistance, the project would not be subject to the WSRA.

Section 7 and Study Rivers

Congress sometimes directs the USDA Secretary or the DOI Secretary (as relevant) through legislation to study a river's suitability for inclusion in the NWSRS, making it a study river. Congress established protections in the WSRA for study rivers for certain time periods and circumstances.

For most cases, Section 7(b) of the WSRA creates protections for study rivers identical to the protections on designated WSRs.²⁴ Namely, FERC prohibitions and federal assistance prohibitions are identical for designated WSRs and for study rivers.

Section 7(b) explicitly allows for federally assisted projects upstream, downstream, or on a tributary of study rivers, but it protects study rivers under standards stronger than those for designated WSRs.

Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential wild, scenic or recreational river area on the date of designation of a river for study as provided for in section 1276 of this title.

The phrase “invade the area or diminish” for study rivers omits the qualifier “unreasonably diminish,” which is the standard for designated WSRs (“invade the area or *unreasonably* diminish”).²⁵ According to one source, the effect of omitting the qualifier is to create greater protections for study rivers during the study process.²⁶

Congress established special timing for prohibitions for study rivers. Unless otherwise provided by Congress, the prohibitions for study rivers last for three complete fiscal years following the act of Congress designating the river for study, unless the relevant Secretary determines within this time that the river is not suitable for inclusion in the NWSRS and follows specified notification

²⁴ 16 U.S.C. §1278(b).

²⁵ 16 U.S.C. §1278(a).

²⁶ Dan Haas, *A Compendium of Questions & Answers Relating to Wild & Scenic Rivers*, IWSRCC, last revised August 2018.

procedures.²⁷ These protections for study rivers also extend to the interim period from when a study report is due to when it is submitted to Congress and for up to three additional years after the report is submitted for congressional consideration.²⁸ In the special case where a state administratively requests designation of a study river, the prohibitions last for one year following the state request.²⁹

The Section 7 Process

The *Section 7 process* (or *Section 7 determination process*) is the procedure whereby a river-administering federal agency determines whether a proposed project affecting a WSR meets the conditions of Section 7 of the WSRA, called a Section 7 determination. This procedure is required before any federal funding, licensing, or other assistance for the proposed project is allowed. The relevant river-administering agency makes the final Section 7 determination; however, the Section 7 process, and the other agencies involved in the process, differ depending on a number of factors, such as the project, the river type and WSRA standard for rivers of that type (see **Table 1**), and the nature of the federal involvement.³⁰ In particular, this process varies because water resources projects may involve federal assistance from a variety of agencies (see “Federal Assistance”). The agency administering the federal assistance may differ from the project sponsor and may differ from the river-administering agency.

Who Is Involved with the Section 7 Process?

As many as three possible groups may be involved in the Section 7 process, as follows:

- the *project sponsor*, the group initiating the project—a federal agency or a state, local, or other entity eligible for federal assistance (see “Federal Assistance”);
- the *lead agency*, the federal agency initiating the federal action;³¹ or
- the *river-administering agency*, responsible for determining whether Section 7 prohibitions are applicable to the project and evaluating impacts on the river under the Section 7 standards.

²⁷ 16 U.S.C. §1278(b)(i).

²⁸ 16 U.S.C. §1278(b)(ii)-(iii). Section 7(b) refers to “fiscal years” for the period after Congress designates the river for study and to “years” for the period after the study report is submitted to Congress.

²⁹ 16 U.S.C. §1278(b)(iii). States may apply to the DOI Secretary for federal WSR designation for rivers protected under state laws, which the Secretary must study for compliance with WSRA criteria (16 U.S.C. §1273(a)). There are no specific Section 7 prohibitions on these rivers during the study period. This time limit refers to the specific situation wherein Congress authorizes a study river, and a state subsequently requests that the Secretary designate the study river as a WSR. For more information about WSR designation and study, see CRS Report R45890, *Wild and Scenic Rivers: Designation, Management, and Funding*, by Anne A. Riddle.

³⁰ Each federal agency is responsible for determinations related to WSRs on lands that it manages. In addition, NPS is responsible for most determinations on rivers on nonfederal lands and rivers administered by states and included in the National Wild and Scenic Rivers System (NWSRS) under §2(a)(ii).

³¹ Under the National Environmental Policy Act (NEPA), a federal agency initiating a federal action (the *lead agency*) that may have an impact on the environment must review the impacts of that action. Within the context of reviewing the impacts of that action, the lead agency would identify impacts that would trigger compliance responsibilities under laws other than the NEPA. For more information on the role of lead agencies in identifying cross-cutting federal laws as part of the environmental review process, see CRS Report RL33152, *The National Environmental Policy Act (NEPA): Background and Implementation*, by Linda Luther.

In some situations, the project sponsor, lead agency, and river-administering agencies may be the same. In others, they may differ (e.g., a bridge replacement project crossing a WSR on nonfederal lands). The project sponsor may be a local agency (e.g., a state highway commission), but the project may require a permit from USACE (the lead agency) to proceed. NPS, the river-administering agency for WSRs on nonfederal lands, is responsible for implementing Section 7.³² FERC is always the lead agency for FERC projects.

Section 7 Determinations

Section 7 prohibitions would be triggered if a proposed project were to meet the definition of a water resources project, within the purpose and meaning of the WSRA, or were a project licensed by FERC. Thus, in the case of water resources projects, the relevant river-administering agency determines whether a project has the potential to impact the free flow of the river, whether it is placed on the bed or banks of the river, and any other applicable conditions (see “Water Resources Projects” for further discussion).³³

If the river-administering agency determines the project is subject to Section 7 prohibitions, the agency will verify which standards established in the WSRA are relevant to the determination (see **Table 1**). Project impacts are analyzed according to the relevant standard. Any new projects licensed by FERC that are on the WSR or study river are prohibited, and further analysis (as described below) may not be required for such projects. New FERC projects “directly affecting” the WSR or study river, or FERC project relicensures or modifications potentially affecting WSRs or study rivers, generally require analysis.³⁴

³² In general, NPS administers WSRs on nonfederal lands. For more information, see NPS, “Director’s Order #46”; and CRS Report R45890, *Wild and Scenic Rivers: Designation, Management, and Funding*, by Anne A. Riddle.

³³ 36 C.F.R. §297(A) contains the definitions relevant to determining whether a project is a water resources project for WSRs administered by USDA; other agencies typically adhere to these definitions. See, for example, NPS, “Director’s Order #46.”

³⁴ Modifying or relicensing existing FERC-licensed hydropower projects is not explicitly prohibited by the WSRA. However, river-administering agencies could evaluate the proposed modification or relicensure as a water resources project if a WSR’s free flow may be impacted. For more information, see Diedrich, 2004.

Table I. Section 7 Evaluation Standards

Project Type	River Type	Project Location	
		On River	Upstream, Downstream, or on a Tributary
Federal Energy Regulatory Commission (FERC) Hydropower Project	Designated wild and scenic rivers (WSRs); congressionally designated study rivers	May not be “on or directly affecting” a WSR or study river	
Federally Assisted Water Resources Project	Designated WSR	No “direct and adverse effect” on values for which WSR was designated	May not invade or unreasonably diminish designated WSR’s scenic, recreational, and fish and wildlife values
	Congressionally designated study river	No “direct and adverse effect” on values for which river might be designated	May not invade or diminish study river’s scenic, recreational, and fish and wildlife values

Source: Congressional Research Service, from the Wild and Scenic Rivers Act (P.L. 90-542, 16 U.S.C. §§1271 et seq.).

Notes: Projects potentially affecting WSRs are evaluated according to the standards described above. If the project does not meet the standard, it cannot proceed (for FERC projects), or the federal government cannot assist.

To make a Section 7 determination, the evaluating agency may use project plans or specifications, other review documents (such as those prepared as part of the National Environmental Policy Act process or to document compliance with other laws), and the WSR’s comprehensive river management plan, river study, or other “foundation documents.”³⁵ These items may contain information on the site, the affected resources, and the project’s design and construction specifications.³⁶ Generally, the baseline for WSRA evaluations (i.e., both the Section 7 determination itself and a determination of whether the project is a water resources project) is the resource condition on the date of designation. Some agencies (e.g., NPS) base evaluations on current conditions if they have improved since the date of designation.³⁷ Therefore, existing transportation, recreation, and other infrastructure (such as existing hydropower facilities, bridges, roads, culverts, docks, boat launches, and others) are considered as part of the evaluation baseline.

The evaluating agency may consider the effects of the proposed project on channel, riparian, floodplain, and upland (i.e., banks and corridor) conditions, hydrologic and biological processes,

³⁵ Diedrich, 2004.

³⁶ Diedrich, 2004.

³⁷ NPS, “Director’s Order #46.”

the magnitude and extent of changes, and the timing or duration of the changes.³⁸ If the project is directly on a designated WSR, the evaluating agency would also consider any particular effects on ORVs for which the river was designated, including ORVs related to existing structures (e.g., if historic structures are present and were previously identified as part of the river's ORVs).³⁹

Results of a Determination

If the river-administering agency finds that a proposed project would not have impacts on the designated WSR sufficient to trigger Section 7 prohibitions against federal assistance, then the federal government may assist the project—meaning it may issue licenses or permits, provide funding, or other forms of assistance. Alternatively, if the river-administering agency finds that a proposed project's impacts would violate the relevant standard specified in Section 7—for example, that they would cause a “direct and adverse impact” to the designated WSR—then the federal government cannot assist that project in its current form. In this case, the project sponsor may select a project alternative or amend the initial project specifications until the evaluating agency determines there will be no adverse effect. If the federal assistance provided is not required for the project to proceed, the project sponsor may forgo it and proceed with the project (because if no federal assistance is involved, the WSRA is not applicable). If federal assistance is required for the project to proceed, and the sponsor is unable or unwilling to alter the project, the project could be discontinued.

Timing

Stakeholders sometimes assert that the environmental review or analysis of a proposal, including that required under the WSRA, delays projects subject to federal approval or authorization.⁴⁰ With respect to the WSRA, there are few data to confirm or dispute this assertion. It is unclear whether, or to what extent, any procedures necessary to document compliance with Section 7 slow the federal environmental review process or result in the denial of federal assistance. As with any infrastructure project, numerous site- and project-specific factors affect the timing of overall project development, including the timing of federal decisionmaking.

The Interagency Wild and Scenic Rivers Coordinating Council (IWSRCC) states that the degree of analysis required for review under Section 7 is in direct proportion to the scope and complexity of proposed projects.⁴¹ Less complex projects may require “only a few pages” of analysis to support a determination.⁴² Section 7 determinations may take place in conjunction with analyses required under other laws or regulations, which could increase complexity (e.g., if other federal agencies must be consulted) or require coordinated efforts (e.g., if other laws require analysis of the same resource impacts).

³⁸ Diedrich, 2004; and Randy Welsh and Steve Chesterton, *Section 7 Determinations: How to Complete a Section 7*, USDA FS, WSRA Training Course, at <https://www.slideshare.net/rshimoda2014/welsh-r-and-chesterton-s-section-7-wsra>. Hereinafter referred to as Welsh and Chesterton, *Section 7 Determinations*.

³⁹ This is because the relevant standard for projects on designated WSRs is “direct and adverse effect on the values for which such river was established.” This is usually interpreted as the WSR or study river's ORVs (16 U.S.C. §1278(a)). Diedrich, 2004; and Welsh and Chesterton, *Section 7 Determinations*.

⁴⁰ See, for example, Tom Giambroni, “Beaver Creek bridge replacement may finally be going to bid,” *Morning Journal*, July 22, 2018.

⁴¹ Diedrich, 2004.

⁴² NWSRS, IWSRCC, “Introduction to IWSRCC WSRA Section 7 Examples.”

Another timing factor is any necessary coordination between the lead agency, river-administering agency, and other agencies or stakeholders. According to IWSRCC, the lead agency and river-administering agency must collaborate to identify the data needed for a determination.⁴³ It is the lead agency's responsibility to collect needed data and provide them to the river-administering agency, if those agencies are different. Thus, IWSRCC finds that early identification of the necessary data between the two agencies is a "key step," and the degree of overall coordination required by the process influences time to completion.⁴⁴

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⁴³ Diedrich, 2004.

⁴⁴ Jim MacCartney, *A Compendium of Frequently Asked Questions Relating to Transportation and Infrastructure Projects*, IWSRCC, July 2018.