

## **SECTION 7(a) DETERMINATION, WILD AND SCENIC RIVERS ACT**

North Umpqua Hydroelectric Project, North Umpqua Wild and Scenic River

### **INTRODUCTION**

In February 2001, the Pacific Northwest Regional Forester and Roseburg Bureau of Land Management (BLM) District Manager determined the North Umpqua Hydroelectric Project as it was proposed to operate in the Application for New License for Major Project prepared by PacifiCorp, January 1995 and Addendum to the 1995 Application for a New License (PacifiCorp, 2000) would not invade the North Umpqua Wild and Scenic River (WSR) or unreasonably diminish its scenic, recreational, fish or wildlife values present on the date of designation (October 1988). In June 2002, the Regional Forester and District Manager updated their previous determination in response to the Draft Environmental Impact Statement for the North Umpqua Hydroelectric Project, FERC April 2002 (DEIS). In this updated determination, the responsible officials considered all action alternatives, concluding that none invaded the North Umpqua WSR or unreasonably diminished its scenic, recreational, fish or wildlife values. Both of these documents were filed with the FERC.

The following determination is in response to the Final Environmental Impact Statement, North Umpqua Hydroelectric Project, FERC March 2003 (FEIS).

### **SECTION 7 REQUIREMENTS**

Section 7(a) of the Wild and Scenic Rivers Act provides a specific standard for review of developments below or above a designated river.

Developments below or above a designated river may occur as long as the project "will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area as of the date of designation. This standard applies to projects outside the river corridor but on the same river or tributary as is the case with the North Umpqua River.

The Soda Springs Powerhouse marks the upper termini of the North Umpqua WSR, with the lower termini located at the river's confluence with Rock Creek. The conditions and operating mode at the date the river was added to the National System (October 1988) are the basis for evaluating the FEIS alternatives.

The initial question to be addressed is whether any of the FEIS action alternatives invade the designated river. The term invade is defined as encroachment or intrusion upon.

The next question to be answered, relative to the standard in Section 7(a), is whether any of the FEIS alternatives will "unreasonably diminish" the scenic, recreational, fish or wildlife values of

the designated river. Given that the standard implies some diminution of values may be acceptable, there are two questions to consider:

1. Do the proposed alternatives evaluated in the FEIS cause diminution of the scenic, recreational, fish or wildlife values of the designated river as present at the date of designation?
2. If there is diminution, is it unreasonable? This would suggest an evaluation of the magnitude of the loss. Factors to be considered include: (1) whether the value contributed to the designation of the river (i.e., outstandingly remarkable); and, (2) the current condition and trends of the resource. (If diminution is determined unreasonable, measures may be recommended to reduce adverse effects to within acceptable levels.)

### **RATIONALE FOR DETERMINATION**

The basis for this Section 7(a) determination is FERC's Final Environmental Impact Statement, North Umpqua Hydroelectric Project, FERC March 2003, and the February 2001 Forest Service/BLM Section 7(a) determination, including the Section 7(a) Report that accompanied that preliminary determination. The BLM has been a participant with various interdisciplinary teams and is a cooperator in review of this information.

### **EVALUATION OF FEIS ALTERNATIVES**

All of the action alternatives of the FEIS include provisions that enhance the scenic, recreational, fish and wildlife values of the WSR beyond those of the final license application. The following is a summary of the FEIS alternatives' provisions that most directly affect the WSR.

#### **Scenery**

All action alternatives of the FEIS include provisions that enhance scenic quality and include additional provisions beyond those included in the final license application. The Settlement Agreement and Staff Alternative require mitigation of the visual effect of transmission lines (e.g., vegetation, nonreflective material), including lines proximate and within the WSR corridor (FEIS, p. 3-228). The NGO alternative does not comment on aesthetic impacts of project facilities; however, it does include removing Soda Springs dam and associated facilities. If this alternative were implemented, there would be short-term visual impacts from dam removal as seen from the WSR corridor during the construction period and until the reservoir bed and right-of-way associated with penstock and waterways revegetate (FEIS, p. 3-229). There would also be short-term impacts in the form of increased turbidity and sedimentation within the WSR as sediment stored behind the dam is released downstream (FEIS, p. 3-30). In the long-term, however, a more natural and diverse landscape would develop, consistent with the river management goal of retaining and perpetuating natural appearances (FEIS, p. 3-229). Slightly

increased flows from all alternatives would also benefit scenery by adding to the WSR's visual appeal.

## **Recreation**

All action alternatives would slightly increase flows in the WSR above flows proposed by the final license application. This increase in flow would benefit recreation in the WSR, particularly on-river recreation such as whitewater boating. Other provisions in the Settlement Agreement and Staff Alternative that benefit recreation in the WSR include reductions in project-related ramping (FEIS, p. 2-31), and providing flow information to the public and improving public put-in and take-out access in locations where demand for whitewater boating is greatest (FEIS, pp. 3-215-217). The provisions in the action alternatives that improve water quality, scenery and provide benefits for fish and wildlife also would enhance the recreation opportunities of the WSR and its recreation setting. The FEIS recognized the potential for removal of Soda Springs dam (NGO Alternative) to have significant short-term effects to water quality and other values. These potential effects could impact recreation in the WSR. However, in the long-term, dam removal would restore natural sediment and debris transport regime below the dam (FEIS, p. 3-30).

## **Fish**

All action alternatives include provisions that enhance the fishery values of the WSR over the final license application. These include: monitoring to ensure that water quality standards are met and predicted fish habitat improvements are achieved; provisions to minimize stranding impacts to juvenile anadromous fish from ramping (FEIS, p. 3-95); and measures to restore large wood and sediment transport to the WSR channel (FEIS, pp. 3-27, 3-111). The Settlement Agreement has been amended to specify actions related to gravel augmentation in the reach immediately downstream of Soda Springs dam throughout the life of the new license. In addition to those actions listed previously under the Settlement Agreement and the Staff Alternative, there are provisions to improve fish passage at the project, (FEIS, p. 3-100), increase flows in project bypass reaches (FEIS pp. 3-85) and mitigate for inundated habitat (FEIS, p. 3-113). While these latter three provisions would largely occur outside of the WSR corridor, the resultant increase in overall fish production in the upper North Umpqua River should benefit the WSR as well.

The NGO Alternative recommends removing Soda Springs Dam as one of the primary fisheries mitigation measures in the relicensing. The impacts of downstream transport of sediments released by removal of Soda Springs dam are uncertain, but would undoubtedly include an increase in turbidity that would extend downstream throughout the WSR reach. This is anticipated to result in significant adverse impacts to water quality and habitat in the reach (FEIS, p. 3-64). The FEIS concludes that most of the suspended sediment would be transported beyond the confluence with the South Umpqua and thus out of the WSR reach, however, some fine sediment would settle out in the North Umpqua River potentially impacting fisheries habitat (FEIS, p. 3-30). In addition, dam removal without dredging was modeled during the Watershed Analysis process used during the relicensing. This modeling (though containing considerable

uncertainty) showed the effects of fine sediment transport and deposition within the Upper North Umpqua River to be limited in scale and duration (Stillwater Sciences, 1999). In the long term, the FEIS concludes that dam removal would restore natural sediment and debris transport regime below the dam (FEIS, p. 3-30). (Stillwater Sciences. 1999. Preliminary Modeling of Sand/Silt Release from Soda Springs Reservoir in the Event of Dam Removal. Draft Report.)

## **Wildlife**

All action alternatives include provisions that enhance wildlife within the watershed, providing benefits to the designated river over those included in the final license application. These include: protection and restoration of riparian and wetland habitats (FEIS, pp. 3-122, 3-124-125, 3-154, 3-158-159); provisions to improve wildlife habitat connectivity (FEIS, pp. 3-146-152); monitoring to ensure that predicted wildlife habitat improvements are achieved (FEIS, pp. 3-150, 3-152, 3-155, 3-157, 3-159); provisions that reduce adverse interactions between power lines and birds (FEIS, pp. 3-161-163); and provisions for federally listed species and for Forest Service sensitive and survey and manage species (FEIS, pp. 3-184, 3-167-168, 3-192-193).

## **DETERMINATION**

The FERC FEIS does not disclose any additional adverse effects or any greater magnitude of adverse effect than those already considered in the detailed analysis completed to support the February 2001 preliminary Section 7(a) determination prepared in response to the final license application and June 2002 determination responsive to FERC's DEIS. None of the alternatives propose construction of any project works in the WSR corridor; therefore, none will invade the designated river area.

Each of the three action alternatives will:

- Decrease flow fluctuations below Soda Springs dam, more closely approximating natural flows.
- Include the licensee's erosion control plan, designed to decrease erosion and reduce turbidity in the WSR corridor.
- Provide varying degrees of restoration of sediment and large wood transport processes below Soda Springs dam, into the WSR corridor.

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They also contain varying additional environmental measures beneficial to the river. Therefore, we find that none of the action alternatives will invade the designated river area or unreasonably diminish its scenic, recreational, fish or wildlife values as present on the date of designation (October 1988).

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