

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

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This chapter covers the reviewing of proposals and granting of special-use authorizations for those hydroelectric 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, and the Forest Service-Federal Energy Regulatory Commission relationship during project planning, construction, and operation. Refer to FSM 7500 for dam safety, FSM 2600 for fish and wildlife, FSM 2520 for riparian area, FSM 2320 for wilderness areas, FSM 2350 for wild and scenic river areas, and FSM 2540 for instream flow coordination requirements.

2771 - SPECIAL-USE AUTHORIZATION. (FSH 2709.15, ch. 50, and FSH 2709.11). Applicants for Federal Energy Regulatory Commission (FERC) preliminary permits, exemptions, or licenses must also apply to the Forest Service for authorization when projects involve National Forest System land. Issue project special-use authorizations only after the project is licensed or exempted from licensing by FERC.

2771.1 - Coordination With the License. Use the following to provide a reasonable and orderly phase-in of Federal Land Policy and Management Act (FLPMA) requirements:

1. License Issued Prior to FLPMA. A licensee does not need a Forest Service special-use authorization for project facilities authorized by a Federal Power Commission (FPC) license issued prior to October 21, 1976. A license issued prior to FLPMA by the FPC (now FERC) under the Federal Power Act serves as authorization to occupy Federal lands.

2. License Issued Between October 21, 1976, and July 6, 1980. A holder of a FPC/FERC license or license amendment issued between October 21, 1976, and July 6, 1980, must have a Forest Service special-use authorization if advised to do so by the Forest Service during that period (or if a Forest Service special-use authorization was actually issued during that period).

3. License Issued After July 6, 1980. A holder of a FERC license issued after July 6, 1980, must have a Forest Service special-use authorization. This includes original and new (reissued) licenses unless the requirement for a permit was waived by the Forest Service during the period October 21, 1976, and July 6, 1980. If a Forest Service special-use authorization already exists, amend it to include the added lands.

4. License Amendments After July 6, 1980, of Licenses Issued Prior to FLPMA. A special-use authorization is required for the use of National Forest System lands affected by a license amendment issued after July 6, 1980, even though the current license was issued prior to passage of FLPMA.