



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250



March 8 1979

Valentine B. Deale, Chairman
Atomic Safety and Licensing Board
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

Dear Mr. Deale:

This is in reference to the pending administrative proceeding before the Atomic Safety and Licensing Board in the matter of the Skagit Nuclear Power Project, Docket Nos. STN 50-522, 50-523. We have received copies of several recent submissions to the Board pertaining to the status of outstanding issues. There is apparently some disagreement among several of the parties to the proceeding over the requirements of the Wild and Scenic Rivers Act, 16 U.S.C. §§ 1271-1287, and our statutory responsibilities under Section 7 of that Act. I want to clarify for you and the Board our views on this matter.

The Wild and Scenic Rivers Act affords statutory protection to certain free-flowing rivers from the construction of water resources projects which would pose direct and adverse effects on the rivers' natural values. This protection extends to rivers being studied for designation under Section 7(b), and those already included in the system under Section 7(a).

On April 11, 1978, this Department made a determination pursuant to Section 7 of the Act that the Skagit Nuclear Power Project could be licensed only if various mitigation measures were undertaken, and only if Congress acted favorably upon the Administration's proposals for Wild and Scenic River designation. The Congress did act favorably upon the designation proposals in enacting Section 703 of the National Parks and Recreation Act of 1978 (Pub. L. 95-625), which designated the Skagit River a component of the National Wild and Scenic River System. This designation was made with the full knowledge by the Congress of the proposed power project as that subject was addressed in written submissions to the Congressional committees and in oral testimony.

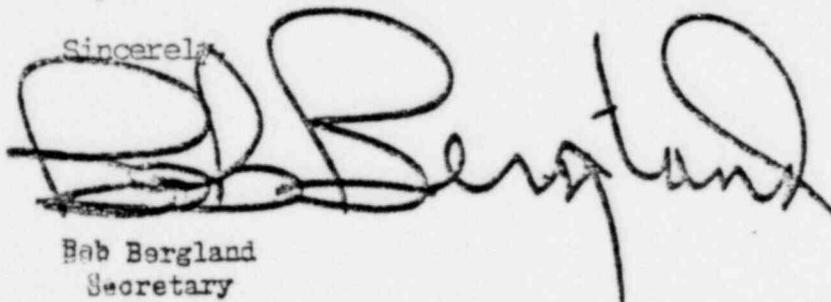
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Some opponents to the Skagit project have asserted that the Department of Agriculture must now make a new determination of the issues pursuant to Section 7(a) of the Act since the legislation superseded our April 11, 1978, determination. We do not agree that this is necessary. That determination was made in anticipation of favorable action by Congress on the Administration's designation proposals. At that time, we felt obligated to apprise the Congress of the effect the designation would have on the licensing of the project. Since the present project proposal is essentially unchanged from the proposal we reviewed in our April 1978 determination, we see a second review and determination to be redundant and not legally required.

What remains to be done is this Department's review of the applicant's proposed mitigation proposals. The environmental impacts of these proposals are being studied by the Forest Service. That process should soon be completed, after which we will notify the Nuclear Regulatory Commission of our decision. If the mitigation is determined to be satisfactory, we will view such a decision as satisfying our statutory duty under both Sections 7(a) and 7(b) of the Wild and Scenic Rivers Act. A reasonable time to expect our final determination on mitigation would be May 1979.

We hope this clarifies our role in this matter. We are providing copies of this letter to the principal parties in this matter.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Bob Bergland". The signature is written over the word "Sincerely," and extends across the width of the page.

Bob Bergland
Secretary