

Oregon. These proposed salmonid use designations are shown in the previously mentioned maps (available on the Internet at <http://www.epa.gov/r10earth/federaloregonwqs.htm> or in hard copy at U.S. EPA Region 10's Oregon Operations Office, 811 SW., 6th Avenue, 3rd Floor, Portland, Oregon 97204). The salmon and steelhead spawning through fry emergence use is designated only for the time period indicated in the map legends; all other identified designated uses apply throughout the year.

EPA is proposing multiple use designations for certain waters where the criterion applicable to the most sensitive use also protects a less sensitive use. Where EPA proposes to designate bull trout rearing and spawning, EPA is also proposing to designate salmon and steelhead core juvenile rearing. Where EPA is proposing salmon and steelhead core juvenile rearing, EPA is also proposing to designate salmon and trout juvenile rearing and migration. Where EPA proposes salmon and trout juvenile rearing and migration, EPA also proposes salmon and steelhead migration. EPA notes that the maps indicate only the most sensitive use that occurs during the period of maximum summer temperatures. Also, EPA notes that its approach of defining uses that occur during the period of summer maximum temperatures will also have the effect of protecting other uses. If the most sensitive use designated for a particular water body or segment no longer applies, then the less sensitive use would apply.

In proposing the designated uses for the specified water bodies the team primarily relied on a database developed by Oregon Department of Fish and Wildlife (ODFW), which is available in the record and on the Internet. (ODFW Database, <http://osu.orst.edu/dept/nrimp/information/fishdistdata.htm>). This database was the product of an ODFW multi-year effort to develop consistent and comprehensive fish distribution data for a number of salmonid species. These distribution data represent the known or probable presence of all salmonid species within the anadromous zones of Oregon. ODFW compiled fish distribution information from a variety of sources including State and Federal fishery agencies, tribal entities, watershed councils and other interested public or private groups.

The ODFW fish distribution data depict the known or probable presence for the different life stages (*i.e.*, spawning through fry emergence, rearing, and migration) of the above

listed salmonid species. The ODFW fish distribution data reflect both waters with known fish life stage presence based on documented observations, as well as local field biologists' best professional judgment as to where a life stage use is likely to occur based on suitable habitat (*i.e.*, waters near areas of documented life stage presence on the same waterbody that have similar temperatures and geomorphological habitat features, such as flow volume, gradient, gravel size, pool frequency, and no known obstructions or reasons why uses would not also be present in these waters). The ODFW fish distribution data reflect areas of fish use based on information collected over the past five life cycles for a particular species, which ranges from 15 to 35 years.

In addition to spatial fish distribution data that describe where a life stage use is known or likely to occur, the ODFW database also includes information describing when a life stage use is known or likely to occur.

EPA believes the methodology ODFW used to develop its database, as summarized above, is scientifically sound and is appropriate to use for salmonid use designations. (1:24K Fish Habitat Distribution Development Project Procedures Manual, Oregon Department of Fish and Wildlife, February 26, 2002). In particular, the ODFW database is based on fish presence information spanning multiple years and includes waters where fish are likely to occur based on locations near areas with documented life stage presence and suitable habitat. This approach is appropriate because salmonid use designations based solely on areas of documented presence does not sufficiently describe the actual waters of use due to the practical limitations of monitoring every stream mile, and routine fish monitoring sometimes indicates no fish presence when fish are actually present (*i.e.*, false negatives). Further, fish distributions vary year to year for any given waterbody, so salmonid use designations should be based on fish presence studies over multiple years. EPA requests comment on its use of the ODFW database as its primary source of fish distribution data.

EPA also relied upon three other sources of information to identify the proposed salmonid designated uses: ODEQ's *Bull Trout Habitat Designation Report: Technical Work Group Recommendations* (July 2003); USFWS proposed critical habitat for bull trout spawning and juvenile rearing (67 FR 71236, November 29, 2002); and Ecotrust's Salmon Anchor Habitat

Strategy for the Tillamook and Clatsop State Forests, October 2002 (<http://www.inforain.org/mapsatwork/anchorhabitats/>).

As noted above, EPA, the State of Oregon, and the Services developed an agreed-upon methodology to define where and when the different proposed salmonid uses would apply based on the ODFW database and the other information described above. The following is a summary of the approach used to identify each of the proposed salmonid designated uses.

*i. Bull Trout Juvenile Rearing and Spawning.* EPA reviewed three different information sources that identify bull trout spawning and juvenile rearing habitat in Oregon: (1) ODEQ's *Bull Trout Habitat Designation Report: Technical Work Group Recommendations*, (2) ODFW database for bull trout juvenile rearing and spawning habitat, and (3) FWS' proposed critical habitat for bull trout juvenile rearing and spawning. These three data sources are consistent in defining areas of known or probable bull trout juvenile rearing and spawning. The ODEQ report and the FWS proposal referenced previously also identify habitat areas that have the potential to support bull trout juvenile rearing and spawning and are essential to the conservation of the bull trout species. EPA believes it is appropriate to designate areas identified as potential bull trout rearing and spawning habitat because in order to protect the bull trout use in the State, there must be a critical population to (1) provide a compensatory reserve to protect against natural stresses and events (*e.g.*, drought); and (2) protect against "depensation" [a population level that is so low that it experiences decreases in recruitment and which has led to documented crashes in certain fish populations (Rieman and McIntyre, 1993)]; and (3) ensure that genetic diversity is sufficient to health healthy reproduction. EPA requests comment on its proposal to designate areas of potential as well as known or probable bull trout juvenile rearing and spawning use. ODEQ's report was translated into a Geologic Information System (GIS) database by ODEQ; EPA primarily used this information supplemented by FWS's proposed critical habitat information to identify where this designated use is proposed.

EPA proposes to designate a bull trout rearing and spawning use for: (a) Waters classified in ODEQ's report as known bull trout spawning and juvenile rearing habitat (BTHD1) and potential bull trout spawning and juvenile rearing habitat necessary for long-term health and viability of bull trout populations