

Note – This document contains only the regulations describing critical habitat for the

Ozette Lake Sockeye ESU

as published in the *Federal Register* on Sept. 2, 2005 (70FR52630 - 52858). These pages have been extracted from the FR notice to assist those readers interested only in the maps and regulatory text pertaining to this ESU. The complete FR notice can be downloaded at: <http://www.nwr.noaa.gov/Publications/FR-Notices/2005/Index.cfm>.

List of Subjects in 50 CFR Part 226

Endangered and threatened species.

Dated: August 12, 2005.

William T. Hogarth,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

_ For the reasons set out in the preamble, we amend part 226, title 50 of the Code of Federal Regulations as set forth below:

PART 226—[AMENDED]

_ 1. The authority citation of part 226 continues to read as follows:

Authority: 16 U.S.C. 1533.

_ 2. Add § 226.212 to read as follows:

Critical habitat for 12

Evolutionarily Significant Units (ESUs) of salmon and steelhead (*Oncorhynchus* spp.) in Washington, Oregon and Idaho.

Critical habitat is designated in the following states and counties for the following ESUs as described in paragraph (a) of this section, and as further described in paragraphs (b) through (g) of this section. The textual descriptions of critical habitat for each ESU are included in paragraphs (i) through (t) of this section, and these descriptions are the definitive source for determining the critical habitat boundaries. General location maps are provided at the end of each ESU description (paragraphs (i) through (t) of this section) and are provided for general guidance purposes only, and not as a definitive source for determining critical habitat boundaries.

(a) Critical habitat is designated for the following ESUs in the following states and counties:

ESU	State—Counties
(1) Puget Sound chinook salmon	WA—Clallam, Jefferson, King, Mason, Pierce, Skagit, Snohomish, Thurston, and Whatcom.
(2) Lower Columbia River chinook salmon	(i) OR—Clackamas, Clatsop, Columbia, Hood River, and Multnomah. (ii) WA—Clark, Cowlitz, Klickitat, Lewis, Pacific, Skamania, and Wahkiakum.
(3) Upper Willamette River chinook salmon	(i) OR—Benton, Clackamas, Clatsop, Columbia, Lane, Linn, Marion, Multnomah, Polk, and Yamhill. (ii) WA—Clark, Cowlitz, Pacific, and Wahkiakum.
(4) Upper Columbia River spring-run chinook salmon	(i) OR—Clatsop, Columbia, Gilliam, Hood River, Morrow, Multnomah, Sherman, Umatilla, and Wasco. (ii) WA—Benton, Chelan, Clark, Cowlitz, Douglas, Franklin, Grant, Kittitas, Klickitat, Okanogan, Pacific, Skamania, Wahkiakum, Walla Walla, and Yakima.
(5) Hood Canal summer-run chum salmon	WA—Clallam, Jefferson, Kitsap, and Mason.
(6) Columbia River chum salmon	(i) OR—Clatsop, Columbia, Hood River, and Multnomah.

- (7) Ozette Lake sockeye salmon WA—Clallam.
- (8) Upper Columbia River steelhead (i) OR—Clatsop, Columbia, Gilliam, Hood River, Morrow, Multnomah, Umatilla, and Wasco.
(ii) WA—Adams, Benton, Chelan, Clark, Cowlitz, Douglas, Franklin, Grant, Kittitas, Klickitat, Okanogan, Pacific, Skamania, Wahkiakum, Walla Walla, and Yakima.
- (9) Snake River Basin steelhead (i) ID—Adams, Blaine, Clearwater, Custer, Idaho, Latah, Lemhi, Lewis, Nez Perce, and Valley.
(ii) OR—Clatsop, Columbia, Gilliam, Hood River, Morrow, Multnomah, Sherman, Umatilla, Union, Wallowa, and Wasco.
(iii) WA—Asotin, Benton, Clark, Columbia, Cowlitz, Franklin, Garfield, Klickitat, Pacific, Skamania, Walla Walla, Wahkiakum, and Whitman.
- (10) Middle Columbia River steelhead (i) OR—Clatsop, Columbia, Crook, Gilliam, Grant, Hood River, Jefferson, Morrow, Multnomah, Sherman, Umatilla, Union, Wallowa, Wasco, and Wheeler.
(ii) WA—Benton, Clark, Cowlitz, Columbia, Franklin, King, Kittitas, Klickitat, Lewis, Pacific, Pierce, Skamania, Wahkiakum, Walla Walla, and Yakima.
- (11) Lower Columbia River steelhead (i) OR—Clackamas, Clatsop, Columbia, Hood River, Marion, and Multnomah.
(ii) WA—Clark, Cowlitz, Klickitat, Lewis, Pacific, Skamania, and Wahkiakum.
- (12) Upper Willamette River steelhead (i) OR—Benton, Clackamas, Clatsop, Columbia, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill.
(ii) WA—Clark, Cowlitz, Pacific, and Wahkiakum.

(b) *Critical habitat boundaries.*

Critical habitat includes the stream channels within the designated stream reaches, and includes a lateral extent as defined by the ordinary high-water line (33 CFR 319.11). In areas where ordinary high-water line has not been defined, the lateral extent will be defined by the bankfull elevation. Bankfull elevation is the level at which water begins to leave the channel and move into the floodplain and is reached at a discharge which generally has a recurrence interval of 1 to 2 years on the annual flood series. Critical habitat in lake areas is defined by the perimeter of the water body as displayed on standard 1:24,000 scale topographic maps or the elevation of ordinary high water, whichever is greater. In estuarine and nearshore marine areas critical habitat includes areas contiguous with the shoreline from the line of extreme high water out to a depth no greater than 30 meters relative to mean lower low water.

(c) *Primary constituent elements.*

Within these areas, the primary constituent elements essential for the conservation of these ESUs are those sites and habitat components that support one or more life stages, including:

- (1) Freshwater spawning sites with water quantity and quality conditions and substrate supporting spawning, incubation and larval development;
- (2) Freshwater rearing sites with:
 - (i) Water quantity and floodplain connectivity to form and maintain physical habitat conditions and support

- juvenile growth and mobility;
- (ii) Water quality and forage supporting juvenile development; and
- (iii) Natural cover such as shade, submerged and overhanging large wood, log jams and beaver dams, aquatic vegetation, large rocks and boulders, side channels, and undercut banks.
- (3) Freshwater migration corridors free of obstruction and excessive predation with water quantity and quality conditions and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels, and undercut banks supporting juvenile and adult mobility and survival;
- (4) Estuarine areas free of obstruction and excessive predation with:
 - (i) Water quality, water quantity, and salinity conditions supporting juvenile and adult physiological transitions between fresh- and saltwater;
 - (ii) Natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels; and
 - (iii) Juvenile and adult forage, including aquatic invertebrates and fishes, supporting growth and maturation.
- (5) Nearshore marine areas free of obstruction and excessive predation with:
 - (i) Water quality and quantity conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation; and
 - (ii) Natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders,

and side channels.

(6) Offshore marine areas with water quality conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation.

(d) *Exclusion of Indian lands.* Critical habitat does not include habitat areas on Indian lands. The Indian lands specifically excluded from critical habitat are those defined in the Secretarial Order, including:

- (1) Lands held in trust by the United States for the benefit of any Indian tribe;
- (2) Land held in trust by the United States for any Indian Tribe or individual subject to restrictions by the United States against alienation;
- (3) Fee lands, either within or outside the reservation boundaries, owned by the tribal government; and
- (4) Fee lands within the reservation boundaries owned by individual Indians.

(e) *Land owned or controlled by the Department of Defense.* Critical habitat does not include any areas subject to an approved Integrated Natural Resource Management Plan or associated with Department of Defense easements or right-of-ways. In areas within Navy security zones identified at 33 CFR 334 that are outside the areas described above, critical habitat is only designated within a narrow nearshore zone from the line of extreme high tide down to the line of mean lower low water. The specific sites addressed include:

- (1) Naval Submarine Base, Bangor;
- (2) Naval Undersea Warfare Center, Keyport;
- (3) Naval Ordnance Center, Port Hadlock (Indian Island);
- (4) Naval Radio Station, Jim Creek;
- (5) Naval Fuel Depot, Manchester;
- (6) Naval Air Station Whidbey Island;
- (7) Naval Air Station, Everett;
- (8) Bremerton Naval Hospital;
- (9) Fort Lewis (Army);
- (10) Pier 23 (Army);
- (11) Yakima Training Center (Army);
- (12) Puget Sound Naval Shipyard;
- (13) Naval Submarine Base Bangor security zone;
- (14) Strait of Juan de Fuca naval air-to-surface weapon range, restricted area;
- (15) Hood Canal and Dabob Bay naval non-explosive torpedo testing area;
- (16) Strait of Juan de Fuca and Whidbey Island naval restricted areas;
- (17) Admiralty Inlet naval restricted area;
- (18) Port Gardner Naval Base restricted area;
- (19) Hood Canal naval restricted areas;
- (20) Port Orchard Passage naval

restricted area;

(21) Sinclair Inlet naval restricted areas;

(22) Carr Inlet naval restricted areas;

(23) Dabob Bay/Whitney Point naval restricted area; and

(24) Port Townsend/Indian Island/Walan Point naval restricted area.

(f) *Land subject to the Washington Department of Natural Resources Habitat Conservation Plan.* Critical habitat is excluded on lands covered by the incidental take permit issued by NMFS under section 10(a)(1)(B) of the ESA to the Washington Department of Natural Resources.

(g) *Land subject to the Green Diamond Company Habitat Conservation Plan.* Critical habitat is excluded on lands covered by the incidental take permit issued by NMFS under section 10(a)(1)(B) of the ESA to the Green Diamond Resources Company (formerly Simpson Timber Company).

(h) *Land subject to the West Fork Timber Company Habitat Conservation Plan.* Critical habitat is excluded on lands covered by the incidental take permit issued by NMFS under section 10(a)(1)(B) of the ESA to the West Fork Timber Company (formerly Murray Pacific Corporation).

(o) Ozette Lake Sockeye Salmon (*Oncorhynchus nerka*). Critical habitat is designated to include the areas defined in the following subbasin:

(1) Hoh/Quillayute Subbasin
17100101—(i) Ozette Lake Watershed
1710010102. Outlet(s) = Ozette River
(Lat 48.1818, Long -124.7076) upstream

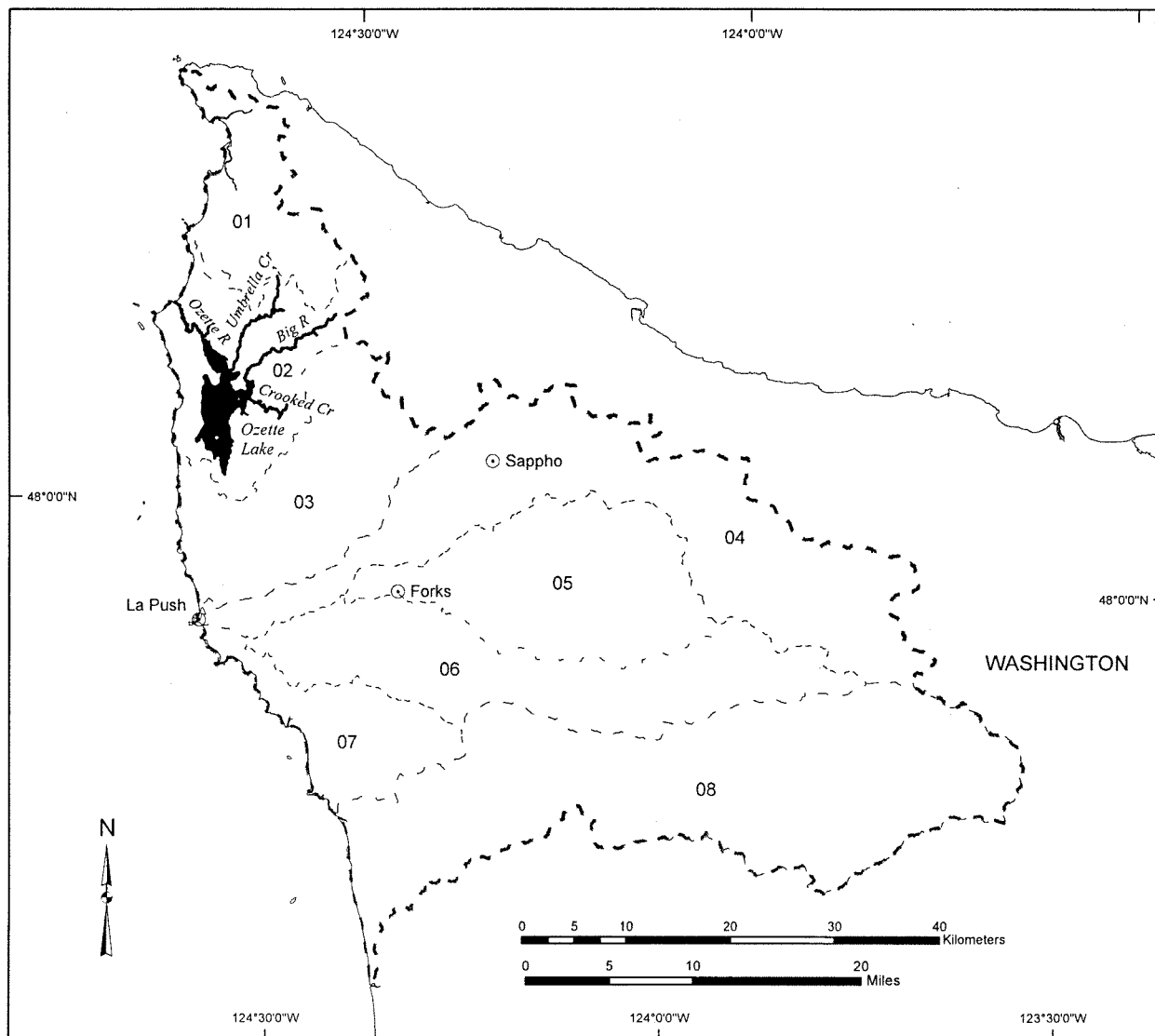
to endpoints in: Big River (48.1844, -124.4987); Coal Creek (48.1631, -124.6612); East Branch Umbrella Creek (48.1835, -124.5659); North Fork Crooked Creek (48.1020, -124.5507); Ozette River (48.0370, -124.6218); South Fork Crooked Creek (48.0897, -124.5597); Umbrella Creek (48.2127,

-124.5787); Unnamed (48.1771, -124.5967); Unnamed (48.1740, -124.6005); Unnamed (48.1649, -124.5208).

(ii) [Reserved]
(2) A map of critical habitat for the Ozette Lake sockeye salmon ESU follows:

**Final Critical Habitat for the
Ozette Lake Sockeye Salmon ESU**

**HOH / QUILLAYUTE SUBBASIN
17100101**



Legend

- ⊙ Cities / Towns
- ~~~~~ Critical Habitat
- - - - Subbasin Boundary
- · - · Watershed Boundaries

02 = Watershed code - last 2 digits of 17100101xx

