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

Upper Willamette River Steelhead 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:

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:
_ 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:

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

(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.

(10) Middle Columbia River steelhead .....................................................
(i) OR—Clatsop, Columbia, Crook, Gilliam, Grant, Hood River, Jefferson, Morrow, Multnomah, Sherman, Umatilla, Union, Wallowa, Wasco, and Wheeler.

(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/\n  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).
Outlet(s) = Willamette River Watershed 17090000303. Outlet(s) = Willamette River (Lat 44.5088, Long –123.1101) upstream to endpoint(s) in: Bigs Creek (44.2883, –122.6133); Butte Creek (44.4684, –123.0488); Calapooia River (44.2361, –122.3664); Hands Creek (44.2550, –122.5127); King Creek (44.2458, –122.4452); McKinley Creek (44.2560, –122.5621); North Fork Calapooia River (44.2497, –122.4094); Potts Creek (44.2581, –122.4756); Spoon Creek (44.4379, –123.0877); United States Creek (44.2244, –122.3825). (ii) Oak Creek Watershed 17090000304. Outlet(s) = Willow Creek (Lat 44.7504, Long –123.1421) upstream to endpoint(s) in: Calapooia River (44.5088, –123.1101); Cox Creek (44.6417, –123.0680); Periwinkle Creek (44.6250, –123.0814); Trux Creek (44.6467, –123.0905). (iii) Luckiamute River Watershed 17090000306. Outlet(s) = Luckiamute River (Lat 44.7561, Long –123.1468) upstream to endpoint(s) in: Bonner Creek (44.6735, –123.4849); Burgett Creek (44.6367, –123.4574); Clayton Creek (44.7749, –123.4870); Cooper Creek (44.8417, –123.3246); Grant Creek (44.8339, –123.4098); Little Luckiamute Creek (44.8673, –123.4375); Luckiamute River (44.7970, –123.5270); Maxfield Creek (44.6849, –123.3427); McTimmonds Creek (44.7622, –123.4125); North Fork Pedee Creek (44.7866, –123.4511); Plunkett Creek (44.6522, –123.4241); Price Creek (44.6677, –123.3732); Shyette Creek (44.7683, –123.5027); Soap Creek (44.6943, –123.2488); South Fork Pedee Creek (44.7798, –123.4667); Teal Creek (44.8329, –123.4582); Unnamed (44.7562, –123.5293); Unnamed (44.7734, –123.2027); Unnamed (44.7902, –123.6211); Vincent Creek (44.6803, –123.4327); Waymire Creek (44.8725, –123.4128); Woods Creek (44.6564, –123.5293). (ii) North Santiam Subbasin 170900005—(i) Middle North Santiam River Watershed 17090000504. Outlet(s) = North Santiam River (Lat 44.7852, Long –122.6079) upstream to endpoint(s) in: Little North Santiam River (Lat 44.7852, Long –122.6079). (ii) Little North Santiam River Watershed 17090000505. Outlet(s) = Little North Santiam River (Lat 44.7852, Long –122.6079) upstream to endpoint(s) in: Cedar Creek (44.8439, –122.2682); Elkhorn Creek (44.8139, –122.3451); Evans Creek (44.8412, –122.3601); Fish Creek (44.8282, –122.3915); Little North Santiam River (44.8534, –122.2887); Little Sinker Creek (44.8235, –122.4163); Sinker Creek (44.8211, –122.4210). (iii) Lower North Santiam River Watershed 17090000506. Outlet(s) = Santiam River (Lat 44.7504, Long –123.1421) upstream to endpoint(s) in: Bear Branch (44.7602, –122.7942); Chehulump Creek (44.7554, –122.9898); Cold Creek (44.7537, –122.8812); Morgan Creek (44.7495, –123.0443); North Santiam River (44.7852, –122.6079); Salem Ditch (44.8000, –122.8120); Santiam River (44.6869, –122.0052); Smallman Creek (44.7293, –122.9139); Stout Creek (44.8089, –122.5994); Trask Creek (44.7725, –122.6152); Unnamed (44.7972, –122.7328); Valentine Creek (44.7499, –122.7311). (v) South Santiam River/Foster Reservoir Watershed 17090000607. Outlet(s) = South Santiam River (Lat 44.4163, Long –122.6693) upstream to endpoint(s) in: Lewis Creek (44.4387, –122.6223); Middle Santiam River (44.4498, –122.5479); South Santiam River (44.3977, –122.4473). (vi) Wiley Creek Watershed 17090000608. Outlet(s) = Wiley Creek (Lat 44.4140, Long –122.6752) upstream to endpoint(s) in: Farmers Creek (44.3393, –122.5805); Mill Creek (44.3669, –122.6344); Little Wiley Creek (44.3633, –122.5228);Unnamed (44.3001, –122.4579); Unnamed (44.3121, –122.5197); Unnamed (44.3455, –122.5934); Unnamed (44.3565, –122.6051); Wiley Creek (44.2981, –122.4318). (3) South Santiam Subbasin 170900007—(i) Mill Creek/Willamette River Watershed 17090000701. Outlet(s) = Mill Creek (Lat 44.9520, Long –123.0381) upstream to endpoint(s) in: Mill Creek (44.8268, –122.8249). (ii) Beckrawl Creek Watershed 17090000702. Outlet(s) = Willamette River (Lat 44.9288, Long –123.1124) upstream to endpoint(s) in: Willamette River (44.7504, –123.1421). (iii) Willamette River/Chehalis Creek Watershed 17090000703. Outlet(s) = Willamette River (Lat 45.2552, Long –122.8806) upstream to endpoint(s) in: Willamette River (44.9288, –123.1124). (iv) Abernethy Creek Watershed 17090000704. Outlet(s) = Willamette River (Lat 45.3540, Long –122.6186) upstream to endpoint(s) in: Willamette River (45.2552, –122.8806). (5) Yamhill Subbasin 170900008—(i) Upper Yamhill River Watershed 17090000801. Outlet(s) = South Yamhill River (Lat 45.0784, Long –123.4753) upstream to endpoint(s) in: Agency Creek (45.1799, –123.6976); Cedar Creek (45.0892, –123.6969); Cockerham Creek (45.0584, –123.5077); Cooper Creek (45.1497, –123.6178); Cow Creek (45.0410, –123.6165); Crooked Creek (45.0964, –123.6611); Doane Creek (45.0449, –123.4920); Salt Creek (45.1214, –123.6969); Elmer Creek (45.0794, –123.6714); Gold Creek (45.0794, –123.6714).
to endpoint(s) in: South Yamhill River
(45.161, -123.2190).
(6) Molalla/Pudding Subbasin
17090009-(i) Abiqua Creek/Pudding River Watershed 1709000901. Outlet(s) = Pudding River (Lat 45.0740, Long -122.8525) upstream to endpoint(s) in : Abiqua Creek (44.9264, -122.5666); Little Abiqua Creek (44.9252, -122.6204); Little Pudding River (45.0435, -122.8965); Powers Creek (44.9552, -122.6796); Pudding (44.9998, -122.8412); Silver Creek (44.8981, -122.6799).
(ii) Butte Creek/Pudding River Watershed 1709000902. Outlet(s) = Pudding River (Lat 45.1907, Long -122.7527) upstream to endpoint(s) in : Pudding River (45.0740, -122.8525).
(iii) Rock Creek/Pudding River Watershed 1709000903. Outlet(s) = Rock Creek (Lat 45.1907, Long -122.7527) upstream to endpoint(s) in : Rock Creek (45.0876, -122.5916).
(iv) Senecal Creek/Mill Creek Watershed 1709000904. Outlet(s) = Pudding River (Lat 45.2843, Long -122.7149) upstream to endpoint(s) in : Pudding River (45.1907, -122.7527).
(v) Lower Molalla River Watershed 1709000905. Outlet(s) = Molalla River (Lat 45.1196, Long -122.5342) upstream to endpoint(s) in : Camp Creek (44.9630, -122.2928); Cedar Creek (45.0957, -122.5257); Copper Creek (44.8877, -122.3704); Cougar Creek (45.0421, -122.3145); Dead Horse Canyon Creek (45.0852, -122.3146); Gawley Creek (44.9320, -122.4304); Lost Creek (44.9913, -122.2444); Luens Creek (45.0498, -122.2421); Molalla River (44.9124, -122.3228); North Fork Molalla River (45.0131, -122.2986); Pine Creek (45.0153, -122.4560); Table Rock Fork Molalla River (44.9731, -122.2629); Trout Creek (45.0577, -122.4657).
(vi) Lower Molalla River Watershed 1709000906. Outlet(s) = Molalla River (Lat 45.2979, Long -122.7141) upstream to endpoint(s) in : Buckner Creek (45.2382, -122.5399); Canyon Creek (45.1317, -122.3858); Cedar Creek (45.2037, -122.5327); Gribble Creek (45.2004, -122.6867); Jackson Creek (45.1822, -122.3898); Milk Creek (45.2036, -122.3761); Molalla River (45.1196, -122.5342); Woodcock Creek (45.1508, -122.5075).
(7) Tualatin Subbasin 17090010—Gales Creek Watershed 1709001002. Outlet(s) = Tualatin River (Lat 45.5019, Long -122.9946) upstream to endpoint(s) in: Bateman Creek (45.6350, -123.2966); Beaver Creek (45.6902, -123.2889); Clear Creek (45.5705, -123.2567); Gales Creek (45.6428, -123.3576); Iler Creek (45.5900, -123.2582); North Fork Gales Creek (45.6680, -123.3394); Roaring Creek (45.5620, -123.2574); Roderick Creek (45.5382, -123.2013); South Fork Gales Creek (45.6059, -123.2978); Tualatin River (45.4917, -123.1012).
(8) Lower Willamette/Columbia River Corridor—Lower Willamette/Columbia River Corridor. Outlet(s) = Columbia River (Lat 46.2485, Long -124.0782) upstream to endpoint(s) in: Willamette River (45.3540, -122.6186).
(b) Maps of critical habitat for the Upper Willamette River Steelhead ESU follow:
Final Critical Habitat for the
Upper Willamette River Steelhead ESU

UPPER WILLAMETTE SUBBASIN
17090003

Legend

○ Cities / Towns

~ Critical Habitat

Subbasin Boundary

Watershed Boundaries

01 - 06 = Watershed code - last 2 digits of 17110001xx
Final Critical Habitat for the
Upper Willamette River Steelhead ESU

NORTH SANTIAM SUBBASIN
17090005

Legend
⊙ Cities / Towns
∼∼ Critical Habitat
⊙ Subbasin Boundary
−− Watershed Boundaries

01 - 06 = Watershed code - last 2 digits of 17090005xx
Final Critical Habitat for the Upper Willamette River Steelhead ESU

SOUTH SANTIAM SUBBASIN 17090006

Legend

○ Cities / Towns

~ Critical Habitat

- Subbasin Boundary

Watershed Boundaries

01 - 08 = Watershed code - last 2 digits of 17090006xx
Final Critical Habitat for the Upper Willamette River Steelhead ESU

MIDDLE WILLAMETTE SUBBASIN
17090007

Legend
○ Cities / Towns
~ Critical Habitat
♀ Subbasin Boundary
…” Watershed Boundaries

01 - 04 = Watershed code - last 2 digits of 17090007xx
Final Critical Habitat for the Upper Willamette River Steelhead ESU

Legend

- Cities / Towns
- Critical Habitat
- Subbasin Boundary
- Watershed Boundaries

01 - 06 = Watershed code - last 2 digits of 17090009xx
Rearing / Migration Corridor for the Upper Willamette River Steelhead ESU

Legend
- Cities / Towns
- State Boundary
- Rearing / Migration Corridor

Upper Willamette River Steelhead ESU

Lower Willamette / Columbia River Corridor
The lower Willamette / Columbia River corridor is that segment from the mouth of the Columbia River at the Pacific Ocean upstream to the confluence of the Clackamas and Willamette rivers, including the Multnomah Channel portion of the lower Willamette River.