

Frequently Asked Questions About **Proposed Critical Habitat** **for Bull Trout**

What action is the Fish and Wildlife Service taking?

The Service is proposing critical habitat designations for the Columbia River Basin and Klamath River Basin distinct population segments of bull trout (*Salvelinus confluentus*), a threatened species protected under the federal Endangered Species Act. A final decision will be made in October 2003, following the completion of an economic analysis and an extensive public comment period with public hearings and informational meetings.

Critical habitat will be proposed in September 2003 for three other distinct population segments of bull trout: Jarbidge River (Nevada), St. Mary's/Belly River (Montana) and Puget Sound/Coastal (Washington). A final decision will be made in September 2004.

Why is the Service proposing critical habitat?

In a January 2002 court settlement, the Service agreed to designate critical habitat for all populations of bull trout in the lower 48 states by September 2004. To facilitate this complex process, the Service decided to approach the designation of critical habitat by population segments, beginning with a proposal in November 2002 for the Columbia River Basin and Klamath River Basin populations.

What is critical habitat?

Critical habitat refers to specific geographic areas that are essential for the conservation of a threatened or endangered species and which may require special management considerations. A designation does not set up a preserve or refuge and has no specific regulatory impact on landowners taking actions on their land that do not involve a Federal nexus. A Federal nexus exists when a Federal agency funds, authorizes or permits an action, whether it occurs on Federal or non-Federal property. However, under the Endangered Species Act, landowners with listed species on their property must avoid taking actions that could harm or kill protected species or destroy their habitat, regardless of whether critical habitat has been designated or whether there is a Federal nexus.

Critical habitat is determined after taking into consideration the economic impact it could cause, as well as any other relevant impacts. The Secretary may exclude any area from critical habitat if the benefits of exclusion outweigh the benefits of inclusion, as long as the exclusion would not result in the extinction of the species.

What is being proposed as critical habitat for bull trout?

The proposed critical habitat designation includes approximately 8,958 miles of streams and

205,639 acres of lakes and reservoirs in the State of Idaho; 3,319 miles of streams and 217,577 acres of lakes and reservoirs in the State of Montana; 3,687 miles of streams and 78,609 acres of lakes and reservoirs in the State of Oregon; and 2,507 miles and 30,896 acres of lakes and reservoirs in the State of Washington. Only the waterways are included in the proposed designations; adjacent lands are not included.

The proposed critical habitat designations approximately account for 3.1 percent of the stream miles in Oregon, 8.4 percent of the stream miles in Idaho, 2.5 percent of the stream miles in Washington and 10.2 percent of the stream miles in western Montana. In addition to these stream miles, the proposal also includes 537.4 miles of the main stem Columbia River (73.5 percent of the total U.S. miles) and 343.1 miles of the Snake River (41.3 percent of the total). Across the four states included in the current proposal, the adjacent land ownership is 58 percent Federal, 36 percent private, 4 percent State and local, and 2 percent Tribal.

How did the Service determine what should be proposed as critical habitat for bull trout?

We used the best scientific data available to determine areas that contain the physical and biological features essential for the conservation of the bull trout. In proposing critical habitat, we reviewed the overall approaches to the conservation of the species undertaken by local, state and Federal agencies, tribal governments, and private individuals and organizations since the species was listed in 1998. We relied heavily on information developed by the bull trout Recovery Unit Teams, which were composed of Federal, state, tribal and private biologists as well as experts from other scientific disciplines such as hydrology and forestry. The Recovery Unit Teams also included resource users, private landowners and other stakeholders with an interest in bull trout and the habitats they depend on for survival. We reviewed available information concerning bull trout habitat use and preferences, habitat conditions, threats, limiting factors, population demographics, and the known location, distribution, and abundance of bull trout.

The proposed critical habitat rule and the draft recovery plan are closely linked. However, critical habitat refers to areas determined to be essential to the conservation of the species, whereas a recovery plan is a much larger blueprint for the recovery and eventual de-listing of a species, as it provides recommendations concerning habitat and various other factors that need to be addressed to achieve recovery.

Critical habitat units are patterned after the 23 recovery units identified in the Draft Recovery Plan for the Klamath River and Columbia River population segments. Using localized guidance from that plan, we identified essential habitat areas needed for the conservation of bull trout for each of the 23 recovery units in the Klamath River and Columbia River basins. To be included as critical habitat, an area had to provide one or more of the following three functions: (1) spawning, rearing, foraging, or overwintering habitat to support essential existing bull trout local populations; (2) movement corridors necessary for maintaining essential migratory life-history forms; and/or (3) suitable habitat that is considered essential for recovering existing local populations that have declined or that need to be re-established to achieve recovery.

Included as critical habitat are some areas with low levels of bull trout occupancy or where presence of the species is unknown. Such areas were included when they provided connectivity between areas of high quality habitat, served as important migration corridors for

river-dwelling or lake-dwelling fish, or were identified in the Draft Recovery Plan as essential for local population expansion or re-establishment in order to achieve recovery. Some habitat areas that would not be considered essential if they were geographically isolated are, in fact, essential when situated in locations where they facilitate movement between local populations or otherwise play a significant role in maintaining population viability (e.g., by providing immigrants to re-colonize adjacent habitat). Populations on the periphery of the species' range, or in atypical environments, are important for maintaining the genetic diversity of the species and could be essential to evolutionary adaptation to changing climatic and environmental conditions.

Proposed critical habitat for bull trout was delineated based on interpretation of the multiple sources available during the preparation of this rule, including: the StreamNet GIS (Geographic Information System) database for Idaho, Oregon, Washington, and Montana; and State databases of bull trout distribution.

We are only proposing to designate areas that currently have primary constituent elements that are essential to the conservation of the species and require special management. Primary constituent elements are physical and biological features that are essential to the conservation of the species. These include, but are not limited to: space for individual and population growth, and for normal behavior; food, water, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, or rearing of offspring; habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species. All areas proposed as critical habitat for bull trout are within the historic geographic range of the species and contain one or more of these physical or biological features (primary constituent elements) essential to the conservation of the species.

We are not proposing critical habitat for all areas currently occupied, including some small scattered occurrences or habitats that are in highly fragmented areas and/or no longer have hydrological conditions sufficient to maintain bull trout habitat; we do not believe that these areas are essential to the conservation of the species based on current scientific and commercial information. In other areas, we are proposing to include waters not known to currently contain bull trout, in part because survey data are incomplete, but are considered essential to the conservation and recovery of the species because of considerations for population viability and genetic integrity.

Are there areas being proposed as critical habitat where bull trout are not currently known to occur?

It is probable that bull trout are not currently occupying all of the areas classified as unknown occupancy in the Columbia River DPS due to current low abundance levels for many of the local populations, degraded habitat conditions preventing access, and habitat conditions that reduce the current suitability of these areas for bull trout. However, it is likely that they do occur in some of these areas and have yet to be detected. The need for a statistically sound bull trout survey protocol has been addressed only recently (2002) through the development, by the American Fisheries Society, of a peer-reviewed protocol for determining presence/absence, and potential habitat suitability for juvenile and resident bull trout. Application of this protocol has been limited to date. These areas are included in this proposal, however, because they provide connectivity between areas of high-quality habitat, serve as important migration corridors for

bull trout, can be restored, and are necessary for local population expansion or reestablishment. Therefore, we believe they are essential to conservation of the species.

The development of this proposal was complicated by uncertainty about which areas are occupied by bull trout, primarily due to limited available survey information. Approximately 86 percent of the stream segments proposed as critical habitat for the Columbia River DPS are in areas currently known to be occupied by bull trout, while approximately 14 percent are in areas of unknown occupancy. Approximately 94 percent of the lakes and reservoirs proposed as critical habitat are known to be occupied, while about 6 percent are of unknown occupancy.

In the Klamath River Basin, the development of this proposal was complicated by uncertainty about which areas are occupied by bull trout, primarily due to limited available survey information. Approximately 28 percent of the stream segments proposed as critical habitat for the Klamath River Distinct Population Segment are in areas currently known to be occupied by bull trout, while approximately 72 percent are in areas of unknown occupancy. It is probable that bull trout are currently occupying only a small proportion of areas classified as unknown occupancy in the Klamath River DPS due to current low abundance levels in the areas where bull trout do occur, degraded habitat conditions currently preventing access to some areas, and habitat conditions that reduce the current suitability of these areas for bull trout. These areas are included in this proposal, however, because they provide connectivity between areas of high-quality habitat, serve as important migration corridors for bull trout fish, can be restored, and are necessary for local population expansion or reestablishment. Therefore, we believe they are essential to conservation of the species.

How would bull trout benefit from having critical habitat designated?

Critical habitat receives protection under Section 7 of the Endangered Species Act through the prohibition against destruction or adverse modification of critical habitat with regard to actions carried out, funded, or authorized by a Federal agency. Aside from the added protection that may be provided under Section 7, the Act does not provide other forms of protection to lands or waters designated as critical habitat. Consultation under Section 7 of the Act does not apply to activities on private or other non-Federal lands that do not involve a Federal nexus such as funding or permits.

Who would be affected by a critical habitat designation?

Federal agencies are required to consult with the Service on actions they carry out, fund, or authorize that might affect critical habitat. It is important to note that in most cases, this is already occurring under the section 7 interagency consultation requirements of the Endangered Species Act. Non-Federal entities, including private landowners, that may also be affected could include, for example, those seeking a U.S. Army Corps of Engineers 404 permit under the Clean Water Act to build an in-water structure, those seeking Federal approval to discharge effluent into the aquatic environment, or those seeking Federal funding to implement land management practices where such actions affect the aquatic environment that has been designated as critical habitat. But again, in most cases where this link exists between activities on private lands and Federal funding, permitting, or authorization, consultation under section 7 of the Endangered Species Act is already occurring.

Who would not be affected?

A critical habitat designation does not affect non-Federal entities when there is not a Federal nexus. For example, swimming, boating, fishing, farming, ranching, or any of a range of activities normally conducted by a landowner or operator of a business not involving Federal funding, permitting, or authorization in order to occur would not be affected.

What is the land ownership adjacent to the proposed critical habitat designations in the aquatic environment?

Across the four states included in the current proposal, the adjacent land ownership is approximately 58 percent Federal, 36 percent private, 4 percent State and local, and 2 percent Tribal. The following table shows the adjacent land ownership by state for the critical habitat proposal for the **Columbia River Basin bull trout population**:

State	Streams (km)	Lakes and Reservoirs (ha)	Federal	Tribal	Local/State	Private
ID	14,416 km (8,958 mi)	83,219 ha (205,639 ac)	82%	1%	5%	12%
MT	5,341 km (3,319 mi)	88,051 ha (217,577 ac)	60%	1%	5%	34%
OR	5,930 km (3,391 mi)	31,812 ha (78,609 ac)	49%	4%	1%	46%
WA	4,034 km (2,507 mi)	12,503 ha (30,896 ac)	39%	3%	4%	54%
TOTAL	29,948 km (18,609 mi)	215,560 ha (532,662 ac)	58%	2%	4%	36%

The table below shows the adjacent land ownership in the critical habitat proposal for the **Klamath Basin population of bull trout**:

	Streams (km)	Lakes	Federal	Tribal	Local/State	Private
OR	475 km (296 mi)	13,740 ha (33,939 ac)	55%	n/a	n/a	45%

What effect would a critical habitat designation have on fire suppression activities?

None. Fire suppression activities are generally treated as emergencies. The Endangered Species Act section 7 regulations provide for expedited consultation procedures during emergencies. Through this expedited process, emergency response is not delayed or obstructed because of ESA considerations. During the actual suppression of the wildland fire, consultation is conducted informally, in a manner that allows the Federal agency to respond to the emergency while incorporating measures for minimizing impacts on protected species and critical habitat into its response, as time and the situation permit. Once the emergency is under control, the Federal agency would initiate formal consultation, using normal consultation procedures.

What effect would a critical habitat designation for bull trout have on National Fire Plan interagency coordination?

It would prompt Federal agencies to consider the effects of proposed actions on critical habitat. Each Federal agency must confer with the Fish and Wildlife Service on any action that may affect listed species or designated critical habitat. This includes any actions proposed under the National Fire Plan. Consultation can take the form of informal discussions during which the Fish and Wildlife Service may suggest modifications to the action to avoid or minimize impacts to critical habitat. If the Federal agency determines that the proposed action is not likely to adversely affect designated critical habitat, and the Fish and Wildlife Service concurs with this determination, consultation can be concluded informally. If the proposed action is likely to adversely affect critical habitat, formal consultation is required.

Would a critical habitat designation have economic impacts?

An economic analysis of the proposed critical habitat designation will be completed and subject to public review prior to a final decision. This analysis will be conducted by Bioeconomics an independent, professional economics firm based in Missoula, Montana. The Secretary of Interior may exclude any area from critical habitat if the benefits of exclusion outweigh the benefits of inclusion, as long as the exclusion would not result in the extinction of the species.

Would a critical habitat designation affect swimming, boating and fishing?

In most cases, a critical habitat designation will not impact swimming, boating or fishing. In rare instances, where Federal funding, authorization or permits are required – such as construction of a new boating facility – consultation with the Fish and Wildlife Service may be needed.

Would a critical habitat designation affect water rights or usage?

It will not affect water rights. In cases where irrigation is provided through a Federal agency, such as the Bureau of Reclamation, that agency would have to consult with the Fish and Wildlife Service to determine whether water withdrawals would adversely impact bull trout critical habitat. However, it is important to note that most of these types of projects already are being reviewed under the section 7 interagency consultation requirements of the Endangered Species Act.

Would a critical habitat designation impact the use of land adjacent to the designated waterways?

Possibly. If the adjacent land is Federal land or the land is private but has a Federal nexus such as funding or permits, the proposed land use activity would be assessed for its potential impacts on bull trout critical habitat in the aquatic environment through consultation with the Federal agency. Most of these types of projects already are being reviewed under the section 7 interagency consultation requirements of the Endangered Species Act.

How long does a critical habitat designation remain in effect?

A critical habitat designation remains in effect until the species is considered to be recovered, and is delisted.

How can I obtain copies of the critical habitat proposal and other documents?

The critical habitat proposal, the draft recovery plan, maps, fact sheets, photographs and other materials may be found at <http://species.fws.gov/bulltrout>.

Will I have an opportunity to comment on the proposed critical habitat designations?

The 60-day public comment period opened November 29, 2002, and closes January 28, 2003. Written comments may be sent to John Young, Bull Trout Coordinator, U.S. Fish and Wildlife Service, 911 NE 11th Street, Portland, OR 97232; faxed to John Young at 503-231-6243, or sent via e-mail to R1BullTroutCH@r1.fws.gov.

A 90-day public comment period for the draft recovery plan began November 29, 2002, and closes February 27, 2003. Comments may be mailed to the U.S. Fish and Wildlife Service, Snake River Basin Office, Attn: Supervisor, 1387 S. Vinnell Way, Room 368, Boise, ID 83709; faxed to 208-378-5262, or sent via e-mail to fw1srbocomment@fws.gov.

In January 2003, you will be able to submit formal oral testimony on the critical habitat proposal during public hearings and submit written comments on both the critical habitat proposal and the draft recovery plan at information meetings. They are scheduled at the following times and locations:

January 6: Challis, Idaho

Custer County Courthouse (Commissioners Room)
801 Main Street
Information meeting 4 p.m. to 7 p.m.

January 7: Salmon, Idaho

Salmon Valley Center
200 Main Street
Information meeting 10 a.m. to 3 p.m.
Hearing 6 p.m. to 8 p.m.

January 7: Polson, Montana

KwaTaqNuq Resort
303 U.S. Highway 93
Informational meeting 3 p.m. to 5 p.m.
Hearing 6 p.m. to 8 p.m.

January 7: Wenatchee, Washington

West Coast Wenatchee Center Hotel
201 North Wenatchee Avenue
Information meeting 1 p.m. to 3 p.m.
Hearing 6 p.m. to 8 p.m.

January 8: Missoula, Montana

Montana Fish, Wildlife and Parks Headquarters
3201 Spurgin Road
Information meeting 3 p.m. to 7 p.m.

January 9: Spokane, Washington

West Coast Grand Hotel
303 West North River Drive
Information meeting 1 p.m. to 3 p.m.
Hearing 6 p.m. to 8 p.m.

January 9: Lewiston, Idaho

Red Lion Hotel
621 21st Street
Information meeting 10 a.m. to 3 p.m.
Hearing 6 p.m. to 8 p.m.

January 9: Bend, Oregon

Central Oregon Community College
2600 NW College Way
Information meeting 6 p.m. to 8 p.m.

January 13: Vancouver, Washington

Water Resources Education Center
Bruce E. Hagenson Community Room
4600 SE Columbia Way
Information meeting 6 p.m. to 8 p.m.

January 13: Yakima, Washington

Yakima Convention Center
10 North 8th Avenue
Information meeting 6 pm. to 8 p.m.

January 14: Eugene, Oregon

Hilton Eugene & Conference Center
66 East 6th Avenue
Information meeting 1 p.m. to 3 p.m.
Public hearing 6 p.m. to 8 p.m.

January 14: Kalispell, Montana

Montana Fish, Wildlife and Parks Headquarters
490 North Meridian Road
Information meeting 3 p.m. to 7 p.m.

January 16: Libby, Montana

U.S. Forest Service Building
1101 Highway 2 West
Information meeting 3 p.m. to 7 p.m.

January 22: Klamath Falls, Oregon

Shilo Inn
2500 Almond Street
Information meeting 1 p.m. to 3 p.m.
Hearing 6 p.m. to 8 p.m.

January 14: Boise, Idaho

AmeriTel Inn/Boise Spectrum
7499 West Overland Road
Information meeting 10 a.m. to 3 p.m.
Hearing 6 p.m. to 8 p.m.

January 15: Sandpoint, Idaho

The City Forum
418 North 3rd Avenue
Information meeting 6 p.m. to 8 p.m.

January 16: Pendleton, Oregon

Red Lion Hotel
304 SE Nye
Information meeting 1 p.m. to 3 p.m.
Hearing 6 p.m. to 8 p.m.

January 28: LaGrande, Oregon

Blue Mountain Conference Center
401 12th Street
Information meeting 6 p.m. to 8 p.m.

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 95-million-acre National Wildlife Refuge System which encompasses nearly 540 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 70 national fish hatcheries, 64 fishery resource offices and 78 ecological services field stations. The agency enforces Federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts. It also oversees the Federal Aid program that distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.