



Fact Sheet

Fish and Aquatic Life Use Updates Rulemaking

What are the fish and aquatic life uses?

The Clean Water Act requires states to designate the beneficial uses of waters as part of the water quality standards. Beneficial uses are ways that the water provides a public benefit, such as recreation, fishing, boating, hydropower and more. Read about beneficial uses on the Oregon Department of Environmental Quality's [web page](#).

Beneficial uses vary depending on the body of water and they determine the water quality protection goals for that waterbody. The fish and aquatic life use designations determine where and when Oregon's various water quality criteria for temperature and dissolved oxygen apply to protect sensitive native species in general and at various life stages.

Why is DEQ doing this rulemaking?

The purpose of the rulemaking is to update Oregon's fish and aquatic life use designations using the best available data and information. It is critically important that the use designations are accurate and based on the best available information so that DEQ applies the correct water quality criteria in Clean Water Act programs, such as permitting and total maximum daily loads to protect Oregon waters.

DEQ adopted the current fish and aquatic life use designations for the temperature standards in 2003. While the dissolved oxygen standards were adopted in 1996, the fish and aquatic life use designations for dissolved oxygen have never been designated in rule. This rulemaking updates the designations by incorporating 20 years of additional data on the distribution of native species, their habitat, and the timing and location of their different life stages. DEQ relied primarily on data collected by the Oregon Department of Fish and Wildlife and other state and federal natural resource agencies.

Are there any changes?

The amendments to Oregon's fish and aquatic life use designations are based on the best available scientific data and information. The current use designations for most of the waters in the state will remain the same. In some waters DEQ is proposing to designate a use associated with more stringent criteria. This mainly occurs where dam removal, fish passage restoration, or reintroduction of fish have restored access to waters that were previously inaccessible.

In some other waters, DEQ is proposing to designate a use associated with less stringent criteria. None of these proposed changes are due to loss of species or habitat since 2003. Rather, these occur where the current designations were based on early data, lacking or incomplete data, or conservative assumptions that have been shown to be inaccurate. The uses are being corrected or updated based on the additional site-specific data, and more accurate data now available.

Translation or other formats

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Use attainability analysis

A use attainability analysis is a scientific evaluation of whether the use occurs in a waterbody and whether the water quality necessary to support the use is feasibly attainable. It is a federal requirement when a state wishes to remove a use or to designate a different use with a less stringent criterion than applied before.

Other minor amendments

The rulemaking also clarifies and eliminates inconsistencies in the terms used in the definitions section of Division 41, Section 2. The terms “Cold water aquatic life” and “Cool water aquatic life” are being replaced with the terms “Cold water species” and “Cool water species” in the general definitions section (OAR-340-041-0002) to avoid potential confusion with the same terms used in dissolved oxygen standards (OAR-340-041-0016). The definitions are unchanged.

When will the new designations become effective?

The new fish and aquatic life use designations will become effective for Clean Water Act Purposes once adopted by the Oregon Environmental Quality Commission and approved by the U.S. Environmental Protection Agency.

Contact

If you have any questions, you can contact James McConaghie with DEQ's Water Quality Standards Program by email at james.mcconaghie@deq.oregon.gov or by phone at 503-229-5619.

For more information, please visit the [Fish and Aquatic Life Use Updates rulemaking webpage](#).

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