



U.S. Department of Commerce
National Oceanic and Atmospheric
Administration



**U.S. Environmental Protection
Agency**

Mr. Jim Rue, Director
Department of Land Conservation and Development
635 Capitol Street Northeast, Suite 150
Salem, Oregon 97301-2540

Mr. Dick Pedersen, Director
Department of Environmental Quality
811 Southwest 6th Avenue
Portland, Oregon 97204-1390

JAN 30 2015

Dear Mr. Rue and Mr. Pedersen:

The National Oceanic and Atmospheric Administration and the U.S. Environmental Protection Agency are writing to inform you that we have found that Oregon has not submitted a fully approvable coastal nonpoint program under Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990. Specifically, NOAA and the EPA find that Oregon has not satisfied the additional management measures for forestry condition set forth in the *Findings for the Oregon Coastal Nonpoint Program*, transmitted to the State on January 13, 1998. This letter transmits a copy of the decision document that explains why the Federal agencies have found that Oregon has not yet satisfied this condition necessary to achieve and maintain water quality standards and protect designated uses.

We acknowledge that Oregon has made considerable progress to address many of the conditions placed on its Coastal Nonpoint Program. For example, since NOAA and the EPA's proposed finding on December 20, 2013, that the State did not adequately address the onsite disposal system and new development management measures, the State moved forward to fully address these gaps.

This decision was made after careful consideration of the public comments received on the Federal agencies' December 20, 2013, proposed decision and Oregon's March 2014 program submission. NOAA and the EPA will announce this decision in the Federal Register. We anticipate the announcement to be published in early February 2015. You also can find a copy of this decision document and the response to comments on NOAA's website at <http://coast.noaa.gov/czm/pollutioncontrol/>.

Please note that this decision is based only on the additional management measures needed for forestry and forested lands. The State's CZARA program includes other management measures to address pollution from various land uses. While NOAA and the EPA have given Oregon incremental, "interim" approvals for many of these CZARA management measures over the years, once the State resubmits its coastal nonpoint program for review, the agencies must complete a full assessment of all the CZARA program requirements. In addition, when NOAA and the EPA find that Oregon's program fully meets the CZARA requirements, the agencies will provide the public an opportunity to comment on a proposed decision to fully approve the State's entire coastal nonpoint program. Information the public provides during the comment period may lead NOAA and the EPA to reassess an earlier "interim" decision or request Oregon provide additional clarifying information.

In addition, the CZARA statute provides for NOAA and the EPA to withhold a portion of CZMA Section 306 and CWA Section 319 grant funds should a disapproval decision be made. We would like to have further discussions with you regarding how this would apply to Oregon and how we might work together to achieve an approvable program at the earliest possible date. We remain hopeful that Oregon


will continue to work towards achieving full approval of its coastal nonpoint program. The agencies support the State's efforts to make progress and are committed to working with Oregon towards an approvable coastal nonpoint program. Both NOAA and EPA stand ready to engage with the State in conversations to help achieve that goal.

If you have any questions regarding the Agencies' decision, please contact Jeff Payne at (846)740-1207 or Dennis McLerran at (206) 553-1234; or have your staff contact Joelle Gore (NOAA) at (301) 563-1178, or Christine Psyk (EPA) at (206) 553-1906.

Sincerely,



Jeff Payne, Acting Director
Office of Coastal Management
National Oceanic and Atmospheric Administration



Dennis J. McLerran
Regional Administrator
U.S. Environmental Protection Agency

Enclosure: NOAA/EPA Finding that Oregon has Not Submitted a Fully Approvable Oregon Coastal Nonpoint Program

cc: Ms. Patty Snow, DLCD
Mr. Eugene Foster, DEQ