



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office for Coastal Management
Silver Spring Metro Center, Building 4
1305 East-West Highway
Silver Spring, Maryland 20910

Chairman Don Gentry
Klamath Tribe
P.O. 436
Chiloquin, Oregon 97624

JAN 30 2015

Dear Honorable Gentry,

On December 20, 2013, the National Oceanic and Atmospheric Administration (NOAA) sent you a letter informing you that NOAA and the U.S. Environmental Protection Agency (EPA) were proposing to disapprove Oregon's Coastal Nonpoint Pollution Control Program (Coastal Nonpoint Program) under section 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA) (16 U.S.C. section 1455b). The federal agencies invited you to inform us of whether and how you would like to be consulted in the decision process or to provide us with any comments, pursuant to our government-to-government consultation responsibilities. Although we did not receive a response from you, we wanted to let you know of the decision we made.

On January 30, 2015, NOAA and EPA notified Oregon that the federal agencies found that the State has not submitted a fully approvable coastal nonpoint program. Specifically, the federal agencies found that Oregon has not fully addressed program requirements related to forestry as necessary to achieve and maintain water quality standards. This decision was made after careful consideration of the public comments received as well as additional information the State submitted in response to the proposed decision.

The enclosed document, *NOAA/EPA Finding that Oregon Has Failed to Submit a Fully Approvable Program*, describes the rationale for the federal agencies' decision. You can also find an electronic version posted online at <http://coast.noaa.gov/czm/pollutioncontrol/#Oregon>. You will also find a docket of all documents the federal agencies used to inform this decision and a summary of the comments received and responses to those comments. This decision also was announced in the Federal Register.

BACKGROUND

Section 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA) (16 U.S.C. section 1455b) requires all states participating in the voluntary National Coastal Zone Management Program to develop and implement coastal nonpoint programs to control polluted runoff to coastal waters. Oregon's coastal nonpoint program boundary encompasses the State's existing coastal zone management program boundary (see http://www.oregon.gov/LCD/OCMP/pages/cstzone_intro.aspx), as well as the inland portions of the Rogue and Umpqua Basins.

NOAA and EPA approved Oregon's Coastal Nonpoint Program, with conditions, on January 13, 1998. Since then, Oregon has revised and improved policies, programs, and coordination mechanisms to control polluted runoff. Based on NOAA and EPA's settlement agreement with

the Northwest Environmental Advocates, the federal agencies needed to make a final decision regarding the approvability of Oregon's Coastal Nonpoint Program (without conditions) by May 2014 (extended until January 30, 2015).

Although Oregon has made progress improving its coastal nonpoint program in some areas, NOAA and EPA have found that Oregon has not yet fully addressed the condition related to forestry. The State needs to strengthen its forestry practices to achieve and maintain water quality standards and protect designated uses in order to fully address the condition related to forestry. We are optimistic that it will do so and resubmit a new package that the Agencies can approve.

If you have any general questions, please feel free to contact me at joelle.gore@noaa.gov, or 301-713-3155 x177.

Sincerely,



Joelle Gore,
Acting Chief, Stewardship Division

Enclosure: NOAA/EPA Finding that Oregon Has Failed to Submit a Fully Approvable Program

cc: Kris Fischer, Natural Resources Director