



Land of Cheese, Trees and Ocean Breeze



March 19, 2014

Joelle Gore
Acting Chief
Coastal Programs Division (N/ORM3)
Office of Ocean and Coastal Resource Management
NOS, NOAA
1305 East-West Highway
Silver Spring MD 20910

RE: Comments on the Notice of Intent to Find that Oregon has Failed to Submit an Approvable Coastal Nonpoint Program (78 FR 77104)

Dear Ms. Gore:

The purpose of this letter is provide comment following a February 25, 2014 public forum held at the Tillamook County Library regarding Environmental Protection Agency (EPA) and National Oceanic and Atmospheric Administration's (NOAA's) notice of intent to find Oregon in violation of an approved coastal nonpoint program.

We understand EPA and NOAA have been sued by an environmental organization which is typical now-a-days to force your hand through the court system. While we believe rules and laws should be developed through science, not lawsuits, we understand the rule of law.

Oregon has addressed most of the 40 conditions and has received interim approval on all but five as we understand. Our intent with this letter is to ask you to give the state enough time to adequately respond to the remaining outstanding issues. The state agencies Oregon Department of Forestry (ODF) and Department of Environmental Quality (DEQ) are working to comply as you know.

We have seen the 35 page detailed response entitled "Oregon's Submittal for Remaining Management Measures for Approval of Oregon's Coastal Nonpoint Pollution Control Program" submitted to you in July of 2013. We have also seen ODF's seven page March 2014 Executive Summary where they outline in detail their three tiered approach to maintaining and enhancing water quality and riparian habitat and complying with the Coastal Nonpoint Program.

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We are also very familiar with what ODF is and has been doing to comply with the nonpoint program. Here are a couple of examples. ODF has documented road improvements in the Tillamook State Forest for years. From the period 1994 through 2003, for example, they installed 3,348 culverts, built 19 new bridges, spread 1.3 million cubic yards of rock on forest roads, closed 36 miles of legacy roads and spent \$29.1 million doing so. Doing this kind of work reduces pollution and improves fish spawning and rearing opportunities.

The State Department of Fish & Wildlife (ODF&W) conducted a yearly fish survey by trapping and releasing out-migrating fry and smolts from two forest land river segments in the Tillamook State Forest during the period 1998 through 2004 to see how well fish were surviving in the state forest. On the 12 mile Little north fork of the Wilson River tributary to the Wilson River in 2004 there were 1.6 million out-migrating Chinook Fry, 150,000 Coho fry and 11,000 Steelhead. On the 10 mile Little North Fork of Kilchis River there were 14,000 Chinook fry, 50,000 Coho fry, 2,421 Coho smolts and 3,400 steelhead. These two segments total 22 miles. If you translate these results to the hundreds of miles of streams in the Tillamook state forest you will quickly see that the state forest is producing millions of out-migrating fish and it is the intent of ODF to continue this trend into the future with their active work to reduce nonpoint pollution sources. As I'm sure you are aware, ODF&W is allowing the catching and keeping of wild Coho (threatened species) because of the large number of returning fish. Even larger numbers are predicted this year in the Tillamook County river systems.

In addition we ask that you to carefully review the Oregon State University Trask Paired Watershed study which provides factual scientific information on how forests affects nonpoint pollution and base your decisions on factual scientific information vs sound bites from environmental organizations that may have a different agenda for how forests should be managed.

Since 2012 a group of federal, state and county agencies, organizations and local stakeholders, involved in fish passage restoration, have been championing a pilot project to significantly restore fish passage in the Tillamook Bay - Nestucca Bay basins. This pilot effort takes a new approach to prioritizing and implementing fish passage restoration at a watershed-scale. It involves packaging and marketing fish passage restoration opportunities through an investment portfolio approach that links discreet project investments to a broad array of outcomes: species-specific population goals, community benefits, economic stimulus, infrastructure improvement, and a more flood-resilient transportation system. It is unique in the United States that a collaborative group has been able to take a basin approach like this to clearly articulate the return on investment for fish passage restoration while at the same time achieving a wide range of other benefits.

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So as you can see, Tillamook County is actively working with its partners to comply with the nonpoint program in a variety of ways. We are committed to continuing this effort. We understand and appreciate your efforts to comply with federal laws. We ask that you continue to work with us in a collaborative manner to comply with federal and state laws and not take punitive action as we work to comply.

Very Sincerely,

