

March 20, 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, Maryland, 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:

My name is [REDACTED]. I am a rancher/farmer and will be impacted by the proposed disapproval of Oregon's Coastal Nonpoint Pollution Control Program (CNPCP) by the Environmental Protection Agency ("EPA") and the National Oceanic Atmospheric Agency's disapproval ("NOAA"). My ranch/farm is located near Blachly/Triangle Lake, Oregon and we are adjacent to Lake Creek and Swamp Creek. We value the CNPCP program and Clean Water Act section 319 grant monies because together, these programs provide funding for stream improvement and restoration projects and monitoring in our areas.

Included in the proposed disapproval was a request for public comment on Oregon's Agriculture Water Quality Management Program (AWQMP). Many ranchers and farmers in my area have worked hard as required by the AWQMP rules to contribute towards the State's efforts to meet or exceed water quality standards. For instance, local farmers and ranchers have invested hundreds of hours in developing, and re-developing Ag Water Quality Management Plans that formulate watershed goals and investment priority areas that will continue to enhance water quality and ensure the State can meet its water quality obligations. To lose funding for these efforts would be discouraging and limit the capacity to achieve future water quality goals. Oregon is meeting and in many ways exceeding the federal statutory and regulatory requirements for Coastal Zone Act Reauthorization Amendments (CZARA) grant funding.

### **We Have Worked with the Oregon Department of Agriculture (ODA) to Meet Statutory Requirements**

The purpose of the CNPCP is to develop and implement management measures for nonpoint source pollution to restore and protect coastal waters, working together with state agencies and local authorities. These management measures are required to be "economically achievable measures." 16 USCS § 1455b(g)(5).

Agriculture as a whole is not a threat to water quality. In fact, I know many individuals, including me, that are striving to make improvements and are working to protect water ways. Programs like the Pesticide Stewardship Program, Confined Animal Feeding Operations (CAFO) program, and the AWQMP are all part of our efforts to continue to protect streams and rivers in our area. More specifically, my ranch/farm is CAFO licensed and compliant. Our family has worked with our local Siuslaw Watershed to improve stream quality through planting trees along

streams to improve shade where needed. We also have provided a woodland/riparian area border for all creeks.

ODA is required to regulate agriculture landowners and producers to allow the State to achieve and maintain water quality standards. ODA identifies agriculture activities that are preventing achievement or maintenance of water quality standards and works with us to modify, reduce, or remove them from our operations. Oregon's AWQMP is intended to adaptively manage watersheds to achieve and maintain water quality standards. However, what is required of producers and landowners must be economically achievable and actually reduce impacts to water quality. These criteria are consistent with the requirements of CZARA and of the AWQMP, and they are critical. The importance of economically achievable measures is critical to the long term success of our operation and ensures that our land will not be developed or otherwise converted to a more resource intensive operation.

Under the AWQMP and other laws, ODA has the regulatory authority to enforce changes by agricultural landowners and operators on the coast and throughout the State. ODA works with land owners who are not meeting the regulatory requirements before moving directly to enforcement. The efforts of landowners and program participants are dependent upon a healthy, collaborative, and coordinated working relationship. Enforcement should not be the first option, especially where landowners are willing to make changes. Only when landowners are unwilling to make necessary changes does ODA move to enforcement. This is a healthy way to work with landowners and yet accomplish the goals and requirements of the program. The Oregon agricultural community has maintained and expanded their commitment to improve water quality since we provided the political support to pass the AWQMP. Since then, we have committed significant resources of our own and worked collaboratively with ODA, Oregon Watershed Enhancement Board (OWEB), Soil and Water Conservation Districts, the Natural Resources Conservation Service, and other partners to achieved significant changes and improvements in riparian areas and land management practices that contribute to positive changes in water quality. Overall, between 1998 and 2012, OWEB contributed nearly \$18 million for Coastal agricultural water projects and over \$5 million was provided in-kind by local SWCDs and landowners. This contributed to the restoration of 956 linear stream miles and 2,759 acres of upland agricultural land treatments. On top of that, land owners have voluntarily enrolled thousands of acres in federal programs that are designed to improve water quality. We have done this with the understanding that the AWQMP and our work would meet federal and state requirements for agriculture.

### **The Current Programs Maintain and Achieve Water Quality Standards and Protect Designated Uses.**

The proposed disapproval decision suggests water quality impairments from agriculture activities within the coastal nonpoint management area are "widespread." Neither the EPA nor NOAA, have provided specific data or information to support this claim. To the contrary, the information we have for our area suggests that agriculture impacts are not significant or widespread. Indeed, in many instances, they have not been identified or detected. Our Oregon Cattlemen's Association is diligently working on a project to gather credible data and develop a monitoring guideline to educate ranchers and farmers on how to achieve/maintain water quality standards and protect designated uses. This will help to modify grazing strategies, establish a

creditable baseline and affirm the many efforts ranchers/farmers are practicing as good stewards of the land.

### **Responses to EPA and NOAA Concerns**

The disapproval suggests that the AWQMP does not include specific requirements, such as specific buffer requirements to protect water quality. This idea is incorrect and fails to acknowledge the rules enforced by the ODA on the Oregon coast. The AWQMP requires ODA to implement site-specific and site-appropriate controls. These controls are designed to address actual water quality issues with economically achievable measures. For example, in my area, farmers and ranchers are planting trees along streams, fencing streams with buffered areas, and providing alternative water sources for cattle.

To say Oregon landowners have not worked on protecting water quality does not take into account the many voluntary actions we have done. For instance, in the Wilson River watershed, a variety of partners have spent more than \$1.4 million restoring and protecting the lower Wilson River watershed. In addition, landowners and partners helped plant almost 10,000 trees along more than 17 miles of streams in the Tillamook Bay watershed. Further, landowners were involved in twenty riparian enhancement projects that included planting, fencing and invasive species removal.

The real tragedy of the disapproval will be the loss of funding that is utilized for important work on the coast and throughout the State of Oregon to improve water quality. It is counterintuitive and contrary to the purpose of the CNPCP to remove funding of these efforts. It will limit the ability to maintain and improve water quality in areas that need it. Agriculture has done a remarkable job to implement measures that are economically achievable and to partake in voluntary and non-voluntary programs to improve water conditions. The disapproval of Oregon's CNPCP punishes the agriculture community and our strong efforts to meet the requirements of the CNPCP and improve water quality conditions.

Thank you for considering my concerns.

Sincerely,

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