



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



U.S. Environmental Protection Agency

MAR 09 2016

Mr. Richard Whitman
Natural Resources Policy Director
State of Oregon
254 State Capitol
Salem, Oregon 97301-4047

Dear Mr. Whitman:

Thank you for your letter dated February 10, 2016, describing Oregon's plans to address the remaining gaps in the State's Coastal Nonpoint Program identified by the National Oceanic and Atmospheric Administration and the U.S. Environmental Protection Agency in our January 30, 2015, decision document and July 28, 2015, letter.

NOAA and EPA appreciate Oregon's expressed commitment to address these gaps and note the State's important progress in moving forward with rulemaking on the riparian issues related to forestry practices. Your letter also described several proposed voluntary programs that may address the additional management measures for forestry. We support your suggestion to have, and look forward to, conversations among NOAA, EPA and relevant State agencies to discuss the State's strategy for addressing the remaining management gaps in the forestry sector necessary to achieve full coastal nonpoint program approval and to better understand the scope, authorities, and timing for implementing the regulatory and voluntary programs described.

Notwithstanding the State's progress, NOAA and EPA have determined that this progress is not sufficiently definite or advanced to release the withheld portions of the FY 2015 grant funds. Therefore, NOAA and EPA will be redistributing the withheld portions of grant funding received under Section 306 of the Coastal Zone Management Act and Section 319 of the Clean Water Act to the other states and territories with approved coastal nonpoint programs so as to avoid expiration of the underlying appropriations and consistent with Section 6217(c) of the Coastal Zone Act Reauthorization Amendments 16 U.S.C. § 1455b.¹

We share your goal of full program approval and are committed to working with you and your staff to achieve this goal as expeditiously as possible so that full funding can be received to assist you in your efforts to improve water quality. NOAA and EPA will be able to renew full funding after the agencies approve Oregon's Coastal Nonpoint Program without conditions.

¹ The statutory language was also referenced in the Settlement Agreement (Sept. 27, 2010) that resolved *Northwest Environmental Advocates v. Locke, et al.*, Civil No. 09-0017-PK, and Agreed Order Dismissing APA Claims (Sept. 28, 2010) entered pursuant to the Settlement Agreement.

If you have any questions, please contact Jeff Payne at (843) 740-1207 or Dennis McLerran at (206) 553-1234. Your staff may also contact Joelle Gore (NOAA) at (240) 533-0813 or Christine Psyk (EPA) at (206) 553-1906.

Sincerely,



Dr. Jeff Payne, Director
Office for Coastal Management
National Oceanic and Atmospheric Administration



Dennis McLerran
Regional Administrator
U.S. Environmental Protection Agency

cc: Mr. Jim Rue, Director, Oregon Department of Land Conservation and Development
Ms. Joni Hammond, Interim Director, Oregon Department of Environmental Quality
Mr. Doug Decker, Oregon State Forester
Ms. Meta Loftsgaarden, Director, Oregon Watershed Enhancement Board
Ms. Katy Coba, Director, Oregon Department of Agriculture