U.S. Department of Commerce

U. 1 S. Environmental
Pr otection Agency

Neil Mullane
Acting Administrator
Water Quality Division
Department of Environmental Quality
811 SW Sixth Avenue
Portland, Oregon 97204

Bob Bailey
Administrator
Coastal Division
Department of Land, Conservation and Development
635 Capitol Street, NE, Suite 150
Salem, Oregon 97301

Dear Mr. Mullane and Mr. Bailey:

The National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) Headquarters and Region 10 have completed their review of Oregon's comprehensive Coastal Nonpoint Pollution Control Program (CNPCP) submittal received November 15, 2007 as well as subsequent supporting information, including the April 25, 2008 letter. Based on the information provided, NOAA and EPA have concluded that Oregon has fully met five of the remaining eight management measures: site development; roads, highways and bridges; marinas; wetlands, riparian areas and vegetative treatment systems; and monitoring. We appreciate the progress Oregon has made on the other three conditions. However, additional work is still needed to fully satisfy the conditions for new development, operating onsite disposal systems and additional management measures for forestry.

The attached interim decision document addresses each outstanding condition, conveys NOAA/EPA findings, and presents a rationale for our decisions. For the few measures where conditions still remain, the rationale also recommends actions the State can take to achieve full approval.

Please note that NOAA and EPA's final decision on these conditions is contingent upon a public notice and opportunity to comment on our intent to fully approve Oregon's CNPCP. This process will occur once NOAA and EPA conclude that Oregon has met all of the conditions under Section 6217. The final decisions may also be subject to Tribal and ESA consultation.

We recognize the significant challenges posed by the sensitive beneficial uses Oregon's water quality standards are designed to protect and the inherent sensitivity of Oregon's coastal watersheds. NOAA and EPA congratulate Oregon on its progress towards program approval and recognize the state's continued efforts to address the remaining CNPCP conditions. At your earliest convenience, we would like to schedule a conference call with you to discuss this interim decision document. This will provide us an opportunity to discuss our decisions and possible steps the State could take to gain full approval and to clarify any questions you may have.

Please contact either Allison Castellan of NOAA at (301) 563-1125, or Mary Lou Soscia of EPA Region 10 at (503) 326-5873 to arrange the conference call or if you have any questions.

Sincerely,

John King, Chief
Coastal Programs Division

Mike Gearheard, Director
Office of Water and Watersheds

Office of Ocean and Coastal Resource Management
National Oceanic and Atmospheric Administration

Environmental Protection Agency, Region 10

Enclosure

cc: Don Yon, OR DEQ
Amanda Punton, OR DLCD
Eugene Foster, OR DEQ HQ
Don Waye, EPA HQ
Marylou Soscia, EPA Region 10
Allison Castellan, NOAA