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## Gov. Brown expected to be 'green leader'

PORTLAND, Ore. -- Environmentalists say Governor Brown will be a green leader.

Brown has a reputation for being smart, tenacious and a long-time supporter of the environment. She graduated college with a degree in Environmental Conservation.

As a legislator she voted the "pro-environment" way 87 percent of the time.

Doug Moore, executive director for the Oregon League of Conservation Voters, believes as governor Brown will have a similar approach to John Kitzhaber when it comes to protecting our streams, rivers and the fish that swim in them, but he thinks she can do a better job at protecting our forests.

"Our forest practices in Oregon are worse than those in Idaho, California and Washington," said Moore. "Our standards are worse and that's not really the state's values with regards to the environment."

Andrea Durbin, executive director for the Oregon Environmental Council, says Brown is committed to cleaner air.

Durbin believes one of the first bills Brown will sign will be the one that extends the Clean Fuels Program, which aims to reduce the carbon emissions of gasoline.

"She's really interested in protecting Oregon's climate, really positioning Oregon to lead on helping to solve climate change and be a national leader on climate change," said Durbin.

Governor Kitzhaber was also known for his strong opposition to coal projects in Oregon.

Durbin believes Governor Brown will maintain that anti-coal position. However, when it comes to her overall agenda, both Durbin and Moore believe Brown will clearly make her own.

From Inside EPA:

## EPA, NOAA Rejection Of Oregon Coastal Plan Sets Stage For Other States

Posted: February 18, 2015

EPA and the National Oceanic & Atmospheric Administration's (NOAA) recent rejection of Oregon's plan to control coastal nonpoint source pollution sets an important precedent that increases the chances the agencies will soon make

decisions about 10 other states' coastal programs that have been operating under conditional approvals for more than a decade, according to an informed environmentalist.

The agencies' Jan. 30 finalization of their finding that Oregon's coastal nonpoint pollution control program (CNPCP) is not fully approvable "has put the federal agencies themselves under pressure to get these other states wrapped up," the source says. "It does set a precedent that perhaps the federal agencies actually mean what they say and are willing to stand by their repeated findings. I know that sounds obvious but, trust me, it's not."

A NOAA spokeswoman says that although the agencies have been working with the 10 states with programs that are operating under conditional approvals, NOAA has been giving a great deal of focus to Oregon's program and does not expect to issue any final approvals for other states before the next round of funding is appropriated this summer.

"I don't think that we are looking at any proposed Federal Register notices in the near term," she says.

The disapproval of Oregon's program is the first time EPA and NOAA have made such a finding, and the decision comes as the result of a 2010 settlement agreement with environmentalists in the U.S. District Court for the District of Oregon case Northwest Environmental Advocates v. Gary Locke et al., which set deadlines for final federal action.

The decision could cut the program's Coastal Zone Management Act (CZMA) and Clean Water Act section 319 grants by 30 percent as early as July 1. And if the state doesn't submit an approvable program by 2016, the Oregon Department of Environmental Quality (DEQ) could face further reductions in these grants.

The informed environmentalist source expects the agencies to cut the specified grants by 30 percent. However, the NOAA spokeswoman says the agencies have been focusing more on DEQ's progress in developing an approvable program rather than assessing penalties.

"As the state continues to make progress we will evaluate the withholding of those funds as we get closer to the summer," the spokeswoman says. "We think that the state is committed to making progress, and NOAA and EPA are absolutely committed to working with the states."

Under the CZMA, states are required to develop CNPCPs that outline how they will control runoff from six main sources: agriculture, forestry, urban areas, marinas, shoreline and stream channel modification, wetlands, and riparian and vegetated treatment systems.

All coastal states were initially granted conditional approval of their plans, which allows them to receive federal grants to control nonpoint source pollution while they work on meeting the CZMA's conditions for grant eligibility. Environmentalists have been critical of this practice and sued the federal agencies in 2009 over the lack of a final decision on Oregon's plan. EPA and NOAA, under the settlement agreement, were to make a final decision by May 15, 2014, but that date slipped due to a large volume of public comments on the 2013 proposed decision and the government shut down in 2013.

Forestry Concerns

EPA and NOAA disapproved Oregon's program based solely on DEQ's forestry practice rules, finding the state's approach provides inadequate riparian protection measures, fails to control runoff from logging roads built before 1971 and fails to prevent landslides and pesticides from entering streams, according to the decision document.

The federal agencies also raise concerns about Oregon's agriculture management measures, but those issues are not the basis for the disapproval because the 2013 proposed decision merely sought comment on the state's approach and did not include a rationale for rejecting the program for agricultural reasons, the decision document says.

Among the concerns raised in public comments are "enforcement is limited and largely complaint-driven;" the agriculture water quality management plans do not include specific enough implementation requirements, such as for buffers that protect fish habitats and water quality; the measures focus too sharply on impaired areas rather than also protecting waters from becoming impaired; DEQ lacks a formalized process to track implementation and effectiveness; and the measures do not address legacy issues created by agriculture.

EPA and NOAA issued DEQ an interim approval in 2004 for the agriculture measures, a NOAA spokeswoman says,

and the agencies “will be in discussion” with DEQ about potential actions the state may be required to take for a future approval.

“We will be making a decision at some point about the state’s agricultural measures and activities that they take on are in fact part of what we would think would be an approvable program,” the spokeswoman says. “The state doesn’t receive final approval until we go through those steps of reviewing all of the parts that we have determined where the state has gaps and also put out a proposed approvability finding in a Federal Register notice.”

The 2013 proposed disapproval also listed problems with control measures for new development and onsite sewage disposal systems, but the final document says that DEQ has satisfied conditions for those parameters. However, the agencies did not provide a rationale for those measures in the decision document, saying that they “will provide a rationale for public comment if/when the federal agencies are in a position to propose full approval of Oregon’s coastal nonpoint pollution control program at a later point in time.”

Other states that are still operating under conditional approvals include Alabama, Georgia, Hawaii, Indiana, Louisiana, Michigan, Mississippi, Ohio, Texas and Washington.

The environmentalist source says political pressure from nonpoint source industries “keeps these states’ [plans] in limbo, neither approved nor disapproved,” but the source is optimistic that EPA’s and NOAA’s decision will induce change despite the likelihood that DEQ will have less money to run an effective program.

“There is generally a lot of political pressure [on the agencies] to walk away from the science and the facts on the ground that are the basis for those findings,” the source says. “I have no problem with cutting funds when the agencies are simply wasting it to begin with. They play around at nonpoint source control, but they don’t do any of it. Why reward that with federal taxpayer dollars?” -- Chris Cotelesse (ccotelesse@iwpnews.com)

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