

Agenda Item No.:	10
Work Plan:	Private Forests Work Plan
Topic:	Water Quality Protection
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SUMMARY

This agenda item presents an update on the recent decision by the National Oceanic and Atmospheric Administration (NOAA) and the United States Environmental Protection Agency (EPA) that Oregon had not submitted an approvable nonpoint source water quality program for coastal waterways under the Coastal Zone Act Reauthorization Amendments (CZARA) and the State of Oregon's next steps in developing a working solution.

CONTEXT

The Board of Forestry's (Board) 2011 *Forestry Program for Oregon* supports protecting and improving the physical and biological quality of the soil and water resources of Oregon's forests (Goal D). The Board's objectives includes using education, engineering, incentives, and enforcement of the Forest Practices Act to protect water quality on non-federal forestlands (Objective D.1). The Board promotes the maintenance of forestland in forest uses and the establishment of new forests as key elements in promoting high quality water (Objective D.4) and supports the Oregon Plan for Salmon and Watersheds (Objective D.6). The Board recognizes that private forest landowners' contribution to providing Oregonians with high quality drinking water is achieved through compliance with state water quality standards (Objective D.7).

BACKGROUND

On January 30, 2015, NOAA and EPA issued a finding that the State of Oregon (State) has not submitted a fully approvable Coastal Nonpoint Pollution Control Program as required by section 6217(a) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA), 16 U.S.C. 1455b. NOAA and EPA arrived at this decision because they found that the State has not adopted additional management measures applicable to forestry that are necessary to achieve and maintain applicable water quality standards under Clean Water Act Section 303 and to protect designated uses. NOAA and EPA first identified and notified the State of the need to implement the additional measures in 1998.

ANALYSIS

NOAA and EPA explained their finding regarding the additional management measures for forestry (Attachment 1) and stated that this finding forms the basis for the federal agencies'

decision that the State has not submitted a fully approvable program. The four areas that EPA and NOAA have identified as needing additional work are:

- Programs, including rules, protecting small and medium fish-bearing streams and non-fish bearing streams from increases in stream temperatures.
- Programs to identify forest roads that are causing sediment runoff to streams, decide on priorities for repair or restoration, and develop ways to fund those improvements over time.
- Programs to identify the areas of high landslide risk, and develop tools to reduce the risk of such landslides.
- Programs to assure that forest operators are complying with federal law governing the aerial application of herbicides.

Oregon is committed to achieving the same environmental outcomes that NOAA and EPA want to achieve: abundant native fish runs and coastal waterways that meet water quality standards. Oregon has a record of success: the overall quality of Oregon's coastal waters has been improving for many years, and is continuing to do so in most areas.

Disapproval of the Oregon program could mean a cut in federal funding to coastal communities as well as two state agencies. That funding is an important element of how coastal communities are addressing water quality and other resources issues, including planning for hazards. Oregon intends to submit an approvable coastal zone management plan for forestry by January 2017. This effort will require the focused attention of coastal communities, forest landowners, and several state and federal agencies.

RECOMMENDATION

This item is informational only.

ATTACHMENT

- (1) NOAA/EPA Finding that Oregon has not Submitted a Fully Approvable Coastal Nonpoint Program. January 30, 2015. 24 p.