



Oregon Department of Environmental Quality
Office of the Director
811 SW 6th Avenue
Portland, Oregon 97204



Oregon Department of Land Conservation and Development
Office of the Director
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

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Daniel D. Opalski, Director
Office of Water and Watersheds
Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Margaret Davidson, Acting Director
Office of Ocean and Coastal Resource Management
National Oceanic and Atmospheric Administration
2234 South Hobson Avenue
Charleston, SC 29405-2413

Dear Mr. Opalski and Ms. Davidson:

Attached is Oregon's plan for meeting the three remaining management measures identified in the settlement of the Coastal Zone Act Reauthorization Amendments (CZARA) litigation, *Northwest Environmental Advocates v. Locke, et al.* While the specifics of our plan diverges from the commitments in the original settlement agreement, we believe that the plan meets the intent of the three CZARA management measures in a manner that is appropriately customized to Oregon's unique circumstances.

We feel the need to emphasize Oregon's *unique* circumstances in light of the following message in Christine Psyk's May 29, 2013 communication to Greg Aldrich and Patty Snow:

NOAA and EPA are mindful of what is going on concurrently in Washington that may have an impact on Oregon especially related to agriculture issues. The Pacific Northwest Tribes are concerned about the adequacy of Federal programs, including CZARA, for sufficiently protecting water quality and salmon habitat. They are specifically focused on ensuring adequate riparian buffers, especially around agriculture activities. While the Federal agencies are still deciding how we can use the suite of federal programs to address the Tribes' concerns and what role CZARA may play given that Oregon has salmon too, we'll need to be consistent in our reviews of Washington and Oregon's Coastal Nonpoint Programs.

Our expectation is that being "consistent in our reviews" means that you will objectively evaluate each state's plan in the context of the unique legal, land use and environmental circumstances of each state's coastal area. There are several significant differences between Oregon and

Washington that translate into different pressures on the coastal environment and therefore different strategies needed to address them.

- **Stronger Land Use Laws:** Oregon's land use laws have significantly curtailed the spatial extent of urban and rural residential development in western Oregon, relative to western Washington. We have important new data showing that Oregon has retained far more of its private forests than has Washington. Because forested landscapes maintain better salmon habitat and water quality, this has important implications for CZARA.
- **Oversight Over Land Use Conversions:** Oregon's state agencies have entered into a memorandum of agreement to clarify the roles and responsibilities of each state agency during the conversion of forestland to other non-forest uses on publicly or privately owned lands, to ensure that state water quality and other resources are protected throughout the process and to ensure a smooth transition of jurisdiction between the agencies.
- **Environmental Indicators:** While the Oregon coast coho salmon still have a ways to go to achieve recovery under the Endangered Species Act, particularly in terms of adult abundance and physical habitat quality goals, fish productivity has improved in recent years. Productivity is an indicator of a population's resiliency and likelihood of persistence.

We feel that this plan satisfies the three remaining management measures and provides you with what you need to approve these measures. We look forward to your response, and to continuing to work with you to ensure the protection of Oregon's coastal lands.

Sincerely,



Dick Pedersen, Director
Oregon Department of Environmental Quality



Jim Rue, Director
Oregon Department of Land Conservation and Development

cc: Christine Psyk, EPA Region 10
Jayne Carlin, EPA Region 10
Patty Snow, DLCD
Greg Aldrich, DEQ
Peter Daugherty, ODF
Lisa Hanson, ODA
Joni Hammond, DEQ