

# Updating the Coastal Nonpoint Control Plan and Resolving CZARA Disapproval

Water Quality Division

March 21, 2024  
Environmental Quality Commission Meeting



# Coastal Program Area

- Oregon's Coastal Zone boundary roughly follows the crest of the coast range
- The Coastal Nonpoint Program Boundary includes the Rogue and Umpqua Basins



# What is CZARA?

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- Coastal Zone Management Act – 1972
- Coastal Zone Amendments and Reauthorization Act – 1990
- Statutes require coastal program states to develop a Coastal Nonpoint Control Plan (CNPCP)
  - Plan must describe regulatory and effective voluntary mechanisms to employ best practices that preserve coastal water quality and support compliance with water quality standards
  - EPA and NOAA evaluate and approve or disapprove a state's plan

# What is CZARA?

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- DEQ and DLCD are lead agencies for state agency coordination, writing and managing plan for the state
- Other agencies implement their programs with NPS implications (e.g. ODA, ODF, Marine Board, OWEB)
- Full allotment of state's 319 nonpoint source grant and 306 coastal management program grant are contingent on having an approved Coastal Nonpoint Control Plan

# What is CZARA?

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- An approvable program for Oregon requires:
  - Addressing six categories of nonpoint source water pollution with 50+ management measures described in EPA guidance
  - A process for identifying when additional measures are needed
  - Additional forestry management measures assigned by EPA and NOAA
- Status of Oregon's management measures:
  - Fully approved, 30%
  - With interim approval, 63%
  - Disapproved, 7%

# Meeting Conditions for Approval

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- 1998-2015: DEQ and DLCDD worked with other state agencies to describe existing and evolving NPS programs
- Majority of measures received interim approval including:
  - Inspection of existing onsite disposal systems
  - Wetland protection
  - Best practices for marinas
  - Best practices for agriculture
- 2013-2015 focus on:
  - Forestry management measures
  - Oversight and enforcement of agriculture management measures

# Coastal Nonpoint Control Plan Disapproval



- Oregon's CNPCP disapproved in 2015
- 30% reduction in
  - CWA Section 319 and
  - CZMA Section 306 funds
- Forest practices concerns are the basis of the disapproval

# Preparation for Final CNPCP Submittal



DEQ and DLCD working with federal agencies:

- Updating descriptions of programs with interim approval
  - e.g. agriculture, urban development
- Updating forestry program, relying on Private Forest Accord (PFA) rules and TMDL implementation



# Agriculture

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- Oregon's plan relies on Agricultural Water Quality Management Act and the TMDL program
- ODA-DEQ MOA and ODOJ memo describe how WQ requirements will be achieved
- ODA development of implementation plans to demonstrate assurance of TMDL implementation

# Forestry

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- Additional forestry management measures needed for four topics:
  - Aerial herbicide application
  - “Legacy” roads
  - Riparian areas on small and medium streams
  - Landslide-prone areas
- Private Forest Accord legislation updated forestry rules
- Oregon’s forestry plan will rely on new rules, the new Adaptive Management Program, and the Compliance Monitoring Program

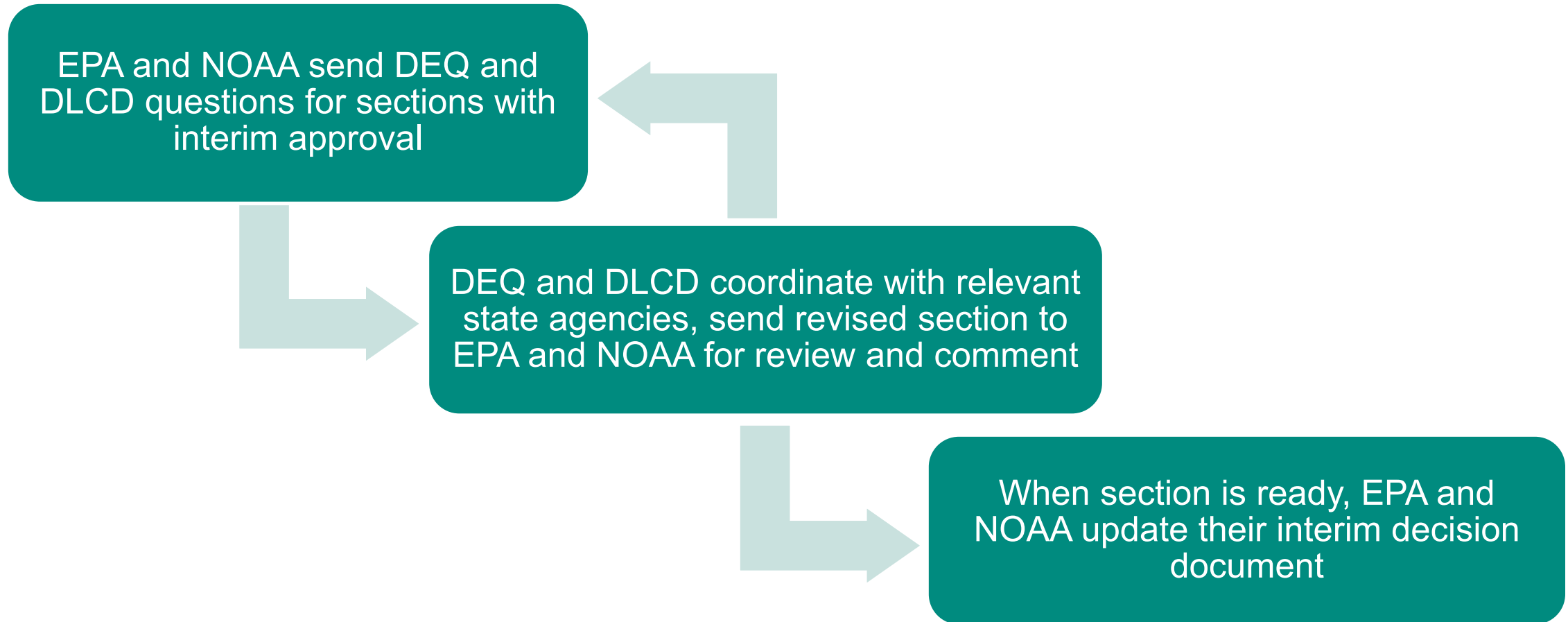
# Forestry



- The TMDL program will be used for additional authority where there is uncertainty
- ODF-DEQ MOU and ODOJ memo describe how WQ requirements will be achieved
- ODF development of implementation plans to demonstrate assurance of TMDL implementation

# Process for Resubmitting Interim Approvals

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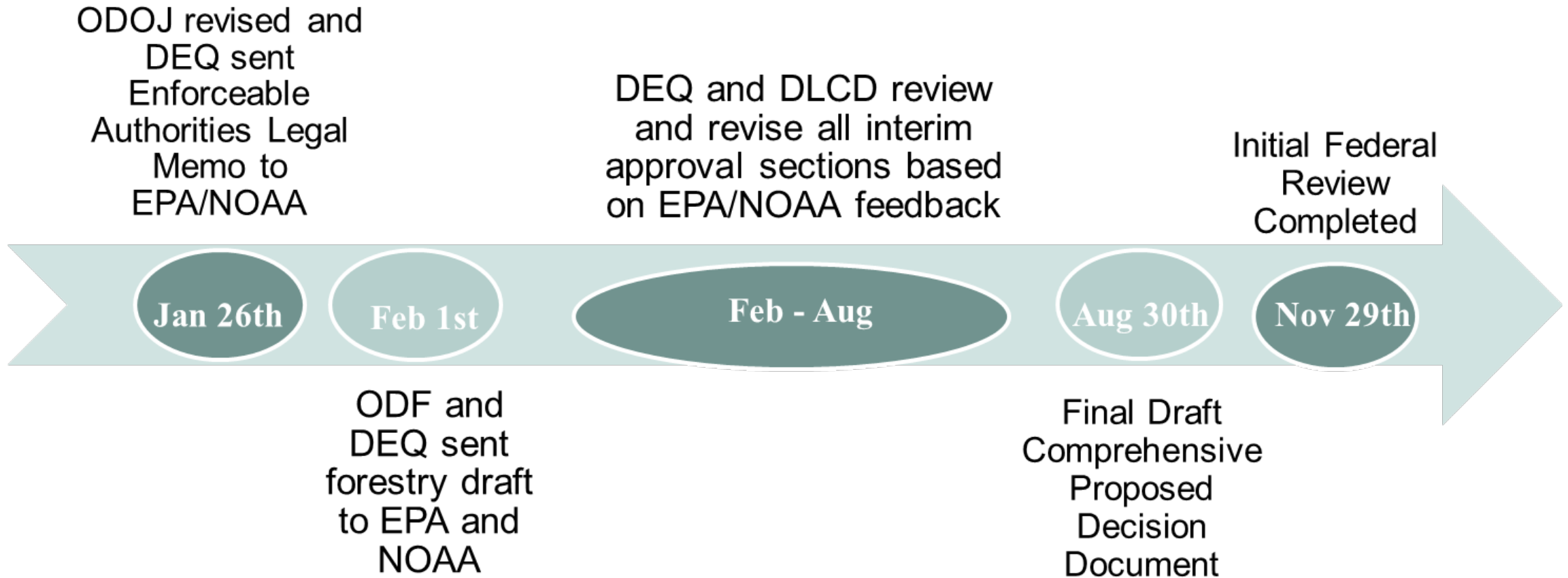


# Process and Timeline

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- Now – July 2024:
  - Sending revisions to EPA and NOAA as we complete them for early review
  - Ongoing reviews and discussion with federal agencies will allow state to revise as we go, speeding up the process
- August 2024: State submits completed CNPCP
- November 2024: Initial federal review completed
- 2025-mid 2026: Federal agencies prepare package with recommended action, publish in Federal Register for public comment, and take final action

# Project Timeline 2024



# Potential Risks

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- Schedule
  - Relies on prompt engagement and response from multiple state and federal agencies
  - Relies on current programs being adequate across state agencies
- Private Forest Accord legislation includes automatic repeal provision if Habitat Conservation Plan does not result in USFWS/NOAA Fisheries Incidental Take Permit by end of 2027
- Forestry and agriculture sections will be of particular interest

# Questions?

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# Title VI and alternative formats

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