



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office for Coastal Management

May 13, 2022

The Honorable Bernard F. Barcena Jr.
Tribal Council
Lipan Apache Tribe
P.O. Box 5218
McAllen, Texas 78502

Subject: Decision that Texas Has Satisfied All Conditions of Approval on its Coastal Nonpoint Pollution Control Program

Dear Chairman Barcena:

The purpose of this letter is to inform you that the U.S. National Oceanic and Atmospheric Administration (NOAA), jointly with the U.S. Environmental Protection Agency (EPA), finds that Texas has satisfied all conditions of approval on its Coastal Nonpoint Pollution Control Program (or coastal nonpoint program).

NOAA and the EPA originally approved Texas's program, with conditions, in 2003, under Section 6217 of the Coastal Zone Act Reauthorization Amendments (16 U.S.C. Section 1455b).

On February 14, 2022, NOAA and EPA sent you a letter inviting review and comment, or to facilitate a virtual meeting on the proposed findings. NOAA and EPA did not receive comments or meeting requests from Tribal leadership.

BACKGROUND

Section 6217 of the Coastal Zone Act Reauthorization Amendments (16 U.S.C. section 1455b) requires all states participating in the voluntary National Coastal Zone Management Program to develop and implement coastal nonpoint programs to control polluted runoff to coastal waters. The program establishes a suite of management measures for coastal states to implement in order to restore and protect coastal waters from nonpoint source pollution. These measures address runoff from five main sources: agriculture, forestry, urban areas, marinas, and hydromodification. The program also includes management measures for wetlands, riparian areas, and vegetated treatment systems. States need to have programs in place, backed by enforceable authorities, to implement the Coastal Zone Act Reauthorization Amendments management measures. You can find out more about the coastal nonpoint program at coast.noaa.gov/czm/pollutioncontrol.

NOAA and the EPA approved Texas's coastal nonpoint program, with conditions, on October 16, 2003. Since then, the agencies have been working with Texas to address the conditions on its program. Texas's coastal nonpoint program boundary is the same as the coastal zone management area, which extends southwest along the coast from the Sabine to the Rio Grande, seaward into the Gulf of Mexico for a distance of 10.35 miles, and inland to include 18 counties, and includes all estuaries and tidally influenced streams and bounding wetlands. The coastal nonpoint program boundary includes the

following counties: Orange, Jefferson, Chambers, Harris, Galveston, Brazoria, Matagorda, Jackson, Calhoun, Victoria, Refugio, Aransas, San Patricio, Nueces, Kleberg, Kenedy, Willacy, and Cameron. A map of the proposed management area for Texas's coastal nonpoint program is available at glo.texas.gov/coast/coastal-management/forms/files/CoastalBoundaryMap.pdf.

CONCLUSION

NOAA and EPA welcome and appreciate your continued engagement as we partner with Texas to implement the state's coastal nonpoint program.

Please contact Allison Castellan, NOAA, at (202) 596-5039 (allison.castellan@noaa.gov) or Brian Fontenot, EPA Region 6, at (214) 665-7286 (fontenot.brian@epa.gov) if you are interested in meeting or further discussing the implementation of Texas's coastal nonpoint program.

Sincerely,



Jeffrey L. Payne, Ph.D.
Director
NOAA Office for Coastal Management
Jeff.Payne@noaa.gov