

Agricultural Drainage Channel Maintenance Program 2025 Legislative Report

Written in collaboration by:



Executive Summary

Since the passage of House Bill 2437 during the 2019 Legislative Session, state agencies have collaborated with stakeholders to implement the Agricultural Drainage Channel Maintenance Program.

To date, 16 Notices have been submitted. Of those, 12 Notices covering 41 project sites have been approved. The submitted Notices requested to maintain 10.19 linear miles of channel and the removal of approximately 12,438 cubic yards of material. Two Notices were denied because the proposed work was located within undisturbed wetlands, one Notice was voluntarily withdrawn, and one Notice was submitted but determined it was not needed for the work.

Benefits of the program include a streamlined and user-friendly process that encourages participation, increased exchange of information and ideas between natural resource agencies, landowners, and stakeholders, and an improved ability to evaluate environmental outcomes. Potential impacts include changes to previously altered wetland functions, degraded fish and wildlife habitat, and temporary reductions in water quality.

At this time, no legislative changes to the program are recommended. This report fulfills the requirements in Oregon Revised Statutes (ORS) 196.906 to 196.919, Section 14. It was prepared by the Oregon Department of Agriculture's Water Quality Program in partnership with the Oregon Department of State Lands and the Oregon Department of Fish and Wildlife. The full report is available online at <https://oda.direct/AgChannelMaintenance> under Resources.

Purpose of Report

This joint report from ODA, DSL, and ODFW is the third of five reports to be submitted biennially during odd-numbered years through 2029. As required by statute, this report describes the implementation of the Agricultural Drainage Channel Maintenance Program, and includes:

- Methods of program implementation.
- Compliance information and outcomes.
- A discussion of:
 - Adaptive management opportunities.
 - Potential impacts and benefits to agricultural lands and ecological functions.
 - Opportunities to provide incentives to landowners to improve or enhance the ecological functions of channels.
 - Other relevant information on program implementation and effectiveness.

Background

Maintenance of channels used for agricultural drainage is critical to the long-term viability of Oregon’s farms and ranches. In recognition of this importance, the Oregon Legislature passed House Bill 2437 in 2019, which is now codified in ORS 196.906 to 196.919. This legislation allows specific maintenance activities to be conducted by landowners and water districts with an approved Notice from ODA, rather than requiring a Removal-Fill Permit from DSL.

Under this process, the applicant submits a Notice that includes the location(s) of the proposed maintenance, the amount of sediment to be removed, and other required information. ODA has 45 days to validate the Notice. ODA and ODFW review the Notice to determine eligibility and whether additional conditions are needed to protect water quality, fish, and wildlife. Once validated, work may begin if it complies with all required conditions described in the Notice, and it must be completed within five years. Maintenance work must occur during the Regional Dry Maintenance Time Period (RDMTP) designated by ODFW.

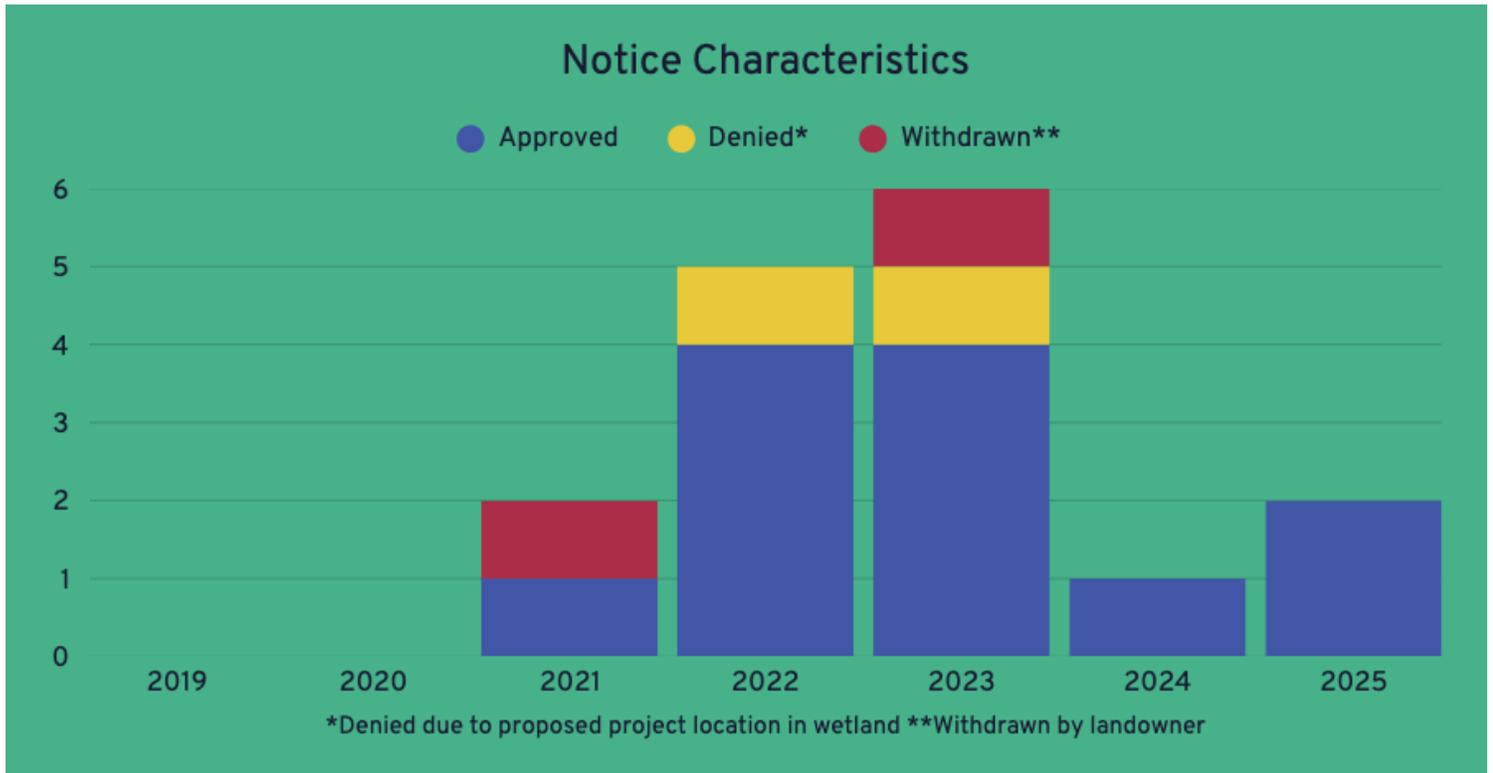
Eligible channels must be:

- Traditionally maintained = Segment(s), drainage ditch, or intermittent stream that:
 - Has been routinely maintained to facilitate drainage related to agriculture, and
 - Facilitated drainage within the past five years, AND
- Dry at time of work = No flowing or standing water present in the area to be maintained at the start of or during the maintenance activity, other than small quantities of water that may occur in low areas of the channel as a direct result of active maintenance activities, AND
- Non-ESH (Essential Indigenous Anadromous Salmonid Habitat) = Streams not designated as necessary to prevent the depletion of indigenous anadromous salmonid species during spawning and rearing.



Program Implementation

ODA, DSL, and ODFW have worked with stakeholders for the past seven years to implement ORS 196.906 to 196.919 as the Agricultural Drainage Channel Maintenance (ADCM) Program. The following graphic shows the characteristics of the 16 Notices reviewed by the ADCM program since 2019.



Outreach

Since the program began in 2019, ODA has continually provided outreach and education to Soil and Water Conservation Districts (SWCDs), landowners, agricultural interest groups, commodity groups, Natural Resources Conservation Service (NRCS), local Farm Bureau chapters, private agricultural drainage businesses, Oregon State University Extension, and large grass seed farms. Staff have spoken at two field days hosted by SWCDs and commodity group meetings. In addition, articles have been featured in multiple commodity group newsletters. In total, more than 1,250 people have attended outreach events about the program.

ODA has a dedicated webpage for this program, <https://oda.direct/AgChannelMaintenance>. The webpage includes all background information, application forms, and the ability to request emailed updates via GovDelivery. GovDelivery was also used to provide periodic updates on the program, reaching almost 2,000 individuals.

Incentives

This program provides a streamlined, simple process for maintaining agricultural channels. It also allows landowners to:

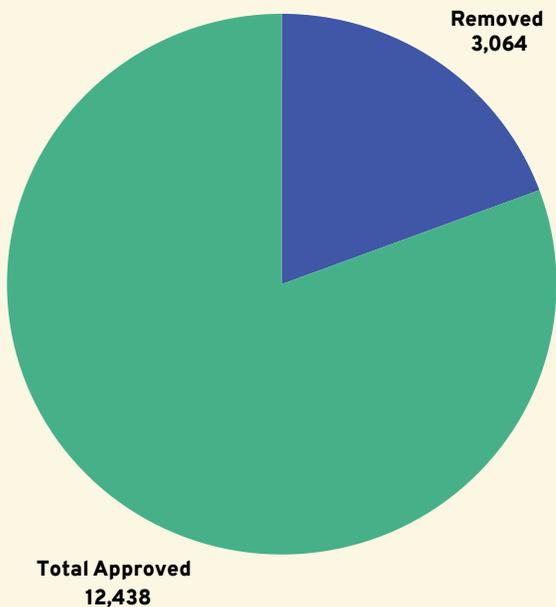
- Apply for maintenance with no cost. Also to maintain their channels with less frequency.
- Store spoils temporarily along channels, including on adjacent hydric soils and previously managed wetlands.
- Increase sediment removal limits to 3,000 cubic yards/linear mile of channel.
- Greater access to financial and tax incentive programs for ecological uplift as the result of increased engagement between local, state, and other partners through this program.

Benefits and Impacts

The ADCM Program has multiple benefits:

- A streamlined, regulatory, user-friendly program that encourages landowners and water districts to protect the environment and manage their land.
- Improved communication between ag operators and natural resource agencies.
- Improved water quality using best management practices.
- Increased understanding of agricultural practices and outcomes among a broad range of stakeholders. Allows for the exchange of information and ideas and shared education for those who engage in agricultural channel maintenance.
- Ability to set site-specific conditions to protect ecological functions for individual Notices and adapt to unique farm and ranch conditions.

Cubic Yards Removed



Effect of activities on ecological functions

Channels are complex and interconnected systems. The effects of channel maintenance activities on ecological functions will vary depending on geography, scale of vegetation removal, and scale of soil disturbance. Channel maintenance benefits to one ecological function may impact another.

Potential benefits of activities:

- Revegetation of bare banks.
- Opportunities to replace invasive plant species with native plant species.
- Reduced soil erosion and channel sedimentation.

Potential impacts of activities:

- Maintenance work perpetuates simplified channel habitat conditions, potentially limiting the number of fish and wildlife that can be supported and contributes to long-term habitat complexity loss.
- Disturbance of streamside vegetation can temporarily reduce shade, filtration of runoff, and bank stability, which supports water quality.
- Recently managed channels have increased risk of sediment delivery to waters of the state and important fish and wildlife habitat.
- Continued risk of contribution of contaminated drainage water to waters of the state (subsurface contributions of excess nutrients, fertilizer, pesticides, etc.) through tile-drains to maintained channels.
- Maintains agricultural use of former wetlands.

Effect of activities on agricultural lands

Potential benefits of activities:

- Reduces flood risk on agricultural lands.
- Reduces sediment in channels which allows for increased drainage off lands that would otherwise be too wet to support agricultural practices and production.
- Reduces risk of soil compaction and erosion due to agricultural equipment on wet soils.
- Expands growing season due to broader range of dry soil conditions.
- Helps to support the function of tile drained fields which may be more adaptable to increasing fluctuations in climate.
- Supports functioning tile systems because the outlets are unplugged from sediment and functioning as designed.
- Reduced soil erosion from channels flooding.

Potential impacts of activities:

- Alters landscape hydrology by increasing flows in receiving water bodies, which can contribute to downstream erosion and channel destabilization.