



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 603

DEPARTMENT OF AGRICULTURE

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FILING CAPTION: Amend the Wallowa Agricultural Water Quality Management Area Rules

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AMEND: 603-095-1740

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RULE SUMMARY: Updates Required Prevention and Control Measures for Walla Walla Agricultural Water Quality Management Area

CHANGES TO RULE:

603-095-1740

Required Prevention and Control Measures ¶¶

(1) Limitations:¶¶

(a) All landowners or operators conducting activities on agricultural lands are provided the following exemptions from the requirements of OAR 603-095-1740 (Required Prevention and Control Measures).¶¶

(A) A landowner or operator shall be responsible for only those conditions caused by activities conducted on land managed by the landowner or operator.¶¶

(B) A landowner or operator is not responsible for conditions resulting from unusual weather events or other uncontrollable circumstances.¶¶

(C) The Department will allow temporary exceptions when a specific integrated pest management plan is in place to deal with certain weed or pest problems.¶¶

(b) These rules may be modified as a result of the biennial review of the progress of implementation of the Walla

Walla Agricultural Water Quality Management Area Plan.¶¶

(2) Waste Management: ~~Effective on rule adoption, n:~~ No person subject to these rules shall violate any provision of ORS 468B.025 or 468B.050.¶¶

(3) Streamside and Riparian Area Management:¶¶

(a) Except as provided in OAR 603-095-1740(3)(b), ~~effective January 1, 2006,~~ streamside area management must allow the establishment, growth and maintenance of riparian vegetation to promote habitat and protect water quality by filtering sediment, stabilizing streambanks, naturally storing water, and providing shade consistent with the vegetative capability of the site.¶¶

(b) OAR 603-095-1740(3)(a) does not apply to irrigation water conveyance systems, including, but not limited to, irrigation canals, ditches, laterals, and waterways, such as the Upper Little Walla Walla system, that in the normal course of operation have no return flow into perennial streams where coldwater fish species are present.¶¶

(4) Soil Erosion and Sediment Control:¶¶

(a) ~~Effective on January 1, 2006, L~~andowners must control ~~upland soil erosion using practical and available methods~~erosion to protect against sediment delivery to streams.¶¶

(b) Landowners must control active channel erosion to protect against sediment delivery to streams.¶¶

(c) On croplands, a landowner may demonstrate compliance with OAR 603-095-1740(4)(a) by:¶¶

~~(A) Operating consistent with a Soil and Water Conservation District (SWCD) approved conservation plan that meets Resource Management Systems (RMS) quality criteria for soil and water resources; or~~¶¶

~~(B) Operating in accordance with an SWCD approved plan for Highly Erodible Lands (HEL) developed for the purpose of complying with the current US Department of Agriculture (USDA) farm program legislation; and farming non-HEL cropland in a manner that meets the requirements of an approved USDA HEL compliance plan for similar cropland soils in the county; or~~¶¶

~~(C) Farming such that the predicted sheet and rill erosion rate does not exceed 5 tons/acre/year, as estimated by the Revised Universal Soil Loss Equation (RUSLE); or~~¶¶

~~(D) C~~onstructing and maintaining terraces, sediment basins, or other structures sufficient to keep eroding soil out of streams.¶¶

(d) On rangelands, a landowner may demonstrate compliance with this OAR 603-095-1740(4)(a) by:¶¶

~~(A) Operating consistent with a Soil and Water Conservation District (SWCD) approved conservation plan that meets Resource Management Systems (RMS) quality criteria for soil and water resources; or~~¶¶

~~(B)~~ Maintaining sufficient live vegetation cover and plant litter to capture precipitation, slow the movement of water, increase infiltration, and reduce excessive movement of soil off the site; or¶¶

~~(C)~~ Minimizing visible signs of erosion, such as pedestal or rill formation and areas of sediment accumulation.

Statutory/Other Authority: ORS 561.190 - 561.191, 568.912

Statutes/Other Implemented: ORS 568.900 - 568.933