



PERMANENT ADMINISTRATIVE ORDER

DOA 99-2026

CHAPTER 603

DEPARTMENT OF AGRICULTURE

FILED: 05/18/2026 2:30 PM

ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

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

EFFECTIVE DATE: 05/18/2026

AGENCY APPROVED DATE: 05/18/2026

CONTACT:

Sunny Summers

503-400-4196

rulemaking@oda.oregon.gov

635 Capitol St NE

Salem, OR 97301

Filed By:

Sunny Summers

Rules Coordinator

AMEND: 603-095-1840

NOTICE FILED DATE: 02/12/2026

RULE SUMMARY: The rule related to "Excessive Sheet and Rill Erosion" was removed because it references (T), the soil loss tolerance from the Revised Universal Soil Loss Equation (RUSLE). RUSLE is useful for understanding soil loss, but not for understanding impacts to water quality. There are existing rules that address erosion and impacts to water quality.

CHANGES TO RULE:

603-095-1840

Required Prevention and Control Measures^{¶¶}

~~(1) Limitations~~ All landowners or occupiers conducting activities on lands in agricultural use shall be in compliance with the following criteria. A landowner shall be responsible for only those conditions caused by activities conducted on land managed by the landowner. Criteria do not apply to conditions resulting from unusual weather events or other exceptional circumstances which could not have been reasonably anticipated.^{¶¶}

~~(2) Excessive Sheet and Rill Erosion:¶¶~~

~~(a) By January 1, 2006, soil erosion will be reduced to the "Soil Loss Tolerance Factor" or "T."¶¶~~

~~(b) For croplands which the department determines cannot practically or economically achieve "T" soil erosion will be reduced to 5 tons per acre per year averaged over the length of the rotation.¶¶~~

~~(c) Reduction of soil erosion will be calculated by the Revised Universal Soil Loss Equation (RUSLE), with supporting~~

data from the Natural Resource Conservation Service Field Office Technical Guide and similar data from other credible sources.¶¶

~~(3) Excessive Gully Erosion:¶¶~~

~~(a) By January 1, 2006, no person shall cause conditions on the land that~~1) Pollution Control and Waste Management. No person subject to these rules shall violate any provision of ORS 468B.025 or ORS 468B.050.¶¶

~~(2) Streamside Conditions.¶¶~~

~~(a) No person may contribute to gully erosion delivering sediment directly to the waters of the state. Gullies are defined as channels which at the largest dimension have a cross sectional area of at least one square foot and which occur at the same location for two or more consecutive years.¶¶~~

~~(b) No violation of this condition will be deemed to have occurred if the affected landowner has est~~conditions that preclude establishment and development of adequate riparian vegetation for streambank stability and shading, consistent with site cap~~ablished and maintained a department or local Designated Management Agency approved effective management program. An effective management program shall provide assurance that reasonable steps have been taken to lessen and manage gully formation.¶¶~~

~~(4) Pollution Control and Waste Management. Effective on rule adoption: No person subject to these rules shall violate any provision of ORS 468B.025 or 468B.050.¶¶~~

~~(5) Streamside Conditions. By January 1, 2006, no person may contribute to conditions that~~y.¶¶

~~(b) If any agricultural activity disturbs enough streamside vegetation to impair the conditions and functions described in 603-095-1840(2)(a), the landowner or operator must preclude establishment and development of adequate riparian vegetation for streambank stability and shading, consistent with site capability~~plant or restore the disturbed area with vegetation that will provide the functions.¶¶

~~(6) Irrigation Return Flow:¶¶~~

~~(a) By January 1, 2006, n~~No person may cause bacteria levels in irrigation tailwater to exceed state water quality standards. When the irrigation water at the point of initial application already exceeds the bacteria standard, then the bacteria level in the tailwater cannot be higher than the level in the irrigation water at the point of initial application.¶¶

~~(b) A landowner shall be responsible for only those conditions caused by activities conducted on land managed by the landowner. Criteria do not apply to conditions resulting from unusual weather events, natural background levels of bacteria or other exceptional circumstances which could not have been reasonably anticipated.¶¶~~

~~[Publications: Publications referenced are available from the agency.]~~

Statutory/Other Authority: ORS 561.190 - 561.191, 568.909

Statutes/Other Implemented: ORS 568.900 - 568.933