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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 603

DEPARTMENT OF AGRICULTURE

FILED: 04/29/2026 12:02 PM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Amend the Lost River Agricultural Water Quality Management Area Rules

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/29/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT:

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Filed By:

Sunny Summers
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 05/19/2026

TIME: 10:30 AM - 11:30 AM

OFFICER: Sunny Summers

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 233777330986186

SPECIAL INSTRUCTIONS:

Meeting ID: 233 777 330 986 186

Passcode: Wr9Ch37z

Dial in by phone

+1 503-446-4951,,116590139#

NEED FOR THE RULE(S):

There is a need to update the Lost River Agricultural Water Quality Management Area rules to align with other rules throughout the state, as well as provide more clarity for landowners and land managers on meeting water quality compliance.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Other documents relied upon include rules from other management areas within the state at the Oregon Secretary of State website.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

There is no anticipated effect on racial equity.

FISCAL AND ECONOMIC IMPACT:

There may be minor fiscal impacts to landowners or land operators restoring streamside areas.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s): There is no anticipated economic impact to state agencies, local government, or members of the public.
(2) Effect on small businesses: (a) estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s): There is minimal small business impact anticipated. There are no additional recordkeeping, reporting, or administrative costs associated with compliance of the rules.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

There were businesses involved in the development of the rules during the Lost River Local Advisory Committee (LAC) meeting. An LAC is a group of local landowners and agricultural interests who provide input to ODA on rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

There was no RAC convened for the making of these rules because a LAC was consulted instead. The LAC acted as a RAC.

AMEND: 603-095-3940

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:

603-095-3940
Required Prevention and Control Measures ¶

(1)(a) A landowner is responsible for only those conditions resulting from activities controlled by the landowner. A landowner is not responsible for conditions resulting from activities by landowners on other lands. A landowner is not responsible for conditions that are natural, could not have been reasonably anticipated, or that result from unusual weather events or other exceptional circumstances. ~~Landowners will not be required to implement practices or management systems that are not practical and effective for their operation. Where a prohibited condition results from the requirement(s) of another government entity, the department will work with the other government entity and the landowner to resolve the condition. As long as the landowner is cooperating with the department in resolving the condition, the department will not assess a civil penalty against the landowner for that condition. Any enforcement action under this provision shall be consistent with the policies described in the water quality management area plan and OAR 603-090-0000(4)(e). The department will consider costs, benefits, and economic feasibility when working with a landowner to resolve a compliance issue. The department will seek input from the local management agency prior to requiring a schedule of corrective practices.~~

~~(b) Unless otherwise restricted by state or federal law, conditions resulting from limited duration activities are exempt.~~

~~(2) Sheet Rill and Wind Erosion:~~

~~(a) Combined sheet, rill, and wind erosion of soil, averaged through a crop rotation period, must be less than or equal to T.~~

~~(b) If an alternative standard is needed for certain soils, the department and the Klamath SWCD, acting as the Local Management Agency, will request an alternative recommendation from the NRCS State Conservationist for an appropriate erosion control standard.~~

~~(3) Streamside Areas:~~

~~(a) By December 31, 2005, agricultural a~~

~~(b) Unless otherwise restricted by state or federal law, conditions resulting from limited duration activities are exempt.~~

~~(2) Streamside Areas:~~

~~(a) Activities must allow the establishment or improvement of vegetation to provide bank stability and shading of natural streams consistent with the vegetative capability of the site. Evaluation of vegetation will consider conditions for a stream reach in contiguous ownership.~~

~~(b) Except as provided in (a), grazing, weed control, and other common agricultural activities are allowed in riparian areas.~~

~~(c) Channel maintenance provided for under ORS 196.600 to 196.905 (Removal Fill laws) is not subject to 603-095-3940(3)(a).~~

~~(4) Livestock Waste Management:~~

~~(a) Effective on rule adoption, Landowners must prevent movement of animal waste into waters of the state from animal handling or feeding operations that concentrate animal waste.~~

~~(b) Waste storage and application shall be done in such a way as to keep from exceeding beneficial use for forage and/or crops.~~

~~(5) Waste Management Effective on rule adoption, n: No person subject to these rules shall violate any provision of ORS 468B.025 or ORS 468B.050.~~

Statutory/Other Authority: ORS 561.190 - 561.191, 568.912

Statutes/Other Implemented: ORS 568.900 - 568.933