



PERMANENT ADMINISTRATIVE ORDER

DOA 106-2026

CHAPTER 603

DEPARTMENT OF AGRICULTURE

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ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

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

EFFECTIVE DATE: 07/16/2026

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AMEND: 603-095-3940

NOTICE FILED DATE: 04/29/2026

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:

603-095-3940

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