

OFFICE OF THE SECRETARY OF STATE  
TOBIAS READ  
SECRETARY OF STATE  
  
MICHAEL KAPLAN  
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION  
STEPHANIE CLARK  
DIRECTOR  
  
800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

---

## PERMANENT ADMINISTRATIVE ORDER

### DOA 100-2026

CHAPTER 603

### DEPARTMENT OF AGRICULTURE

---

**FILED: 06/01/2026 4:59 PM**

ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Amend the Lower John Day Agricultural Water Quality Management Area Rules

EFFECTIVE DATE: 06/01/2026

AGENCY APPROVED DATE: 06/01/2026

CONTACT:

Sunny Summers

503-400-4196

Sunny.Summers@oda.oregon.gov

635 Capitol St NE

Salem, OR 97301

Filed By:

Sunny Summers

Rules Coordinator

---

AMEND: 603-095-2940

NOTICE FILED DATE: 02/12/2026

RULE SUMMARY: OAR 603-095-2940. 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. Also, removed language regarding gully formation and sediment entering water as ORS 468b covers concerns to sediment entering waters of the state.

CHANGES TO RULE:

603-095-2940

Required Prevention and Control Measures ¶¶

~~(1) Limitations: All landowners or operators occupying lands in agricultural lands are provided the following exemptions from the requirements of OAR 603-095-2940(2), (3) and (4):~~¶¶

~~(a) use shall be in compliance with the following criteria. A landowner or operator shall be responsible for water quality resulting from conditions caused by the management of the landowner or operator.~~¶¶

~~(b) These rules do not apply to conditions resulting from unusual weather events or other circumstances not within the reasonable control of the landowner or operator. Reasonable control of the landowner means that technically~~

sound and economically feasible measures are used to address conditions described in Prevention and Control Measures.¶¶

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

(d) The capability of a site is the highest ecological status a site can attain given political, social, or economic constraints.¶¶

(2) Waste Management: Effective on rule adoption, n¶¶

(1) Waste Management: No person subject to these rules shall violate any provision of ORS 4658B.025 or 468B.050.¶¶

(3) Soil Erosion and Sediment Control: By January 1, 2008, landowners must control upland soil erosion using technically sound and economically feasible methods.¶¶

(a) On croplands, a landowner may demonstrate compliance with this rule 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 requiretreamside Management.¶¶

(a) Landowners or operators must allow the establishments 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) Constructing and maintaining terraces, sediment basins, or other structures sufficient to keep eroding soil out of streams.¶¶

(b) On rangelands, a landowner may demonstrate compliance with this rule by:¶¶

(A) Operatriparian vegetation for streambank stability, filtering sediment and shading, 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, consistent with site capability, 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.¶¶

(c) Landowners must control active gully erosion to protect against sediment delivery to streams. 'Active Gully Erosion' means gullies or channels that at the largest dimension have a cross sectional area of at least one square foot and that occur at the same location for two or more consecutive years of cropping or grazing.¶¶

(4) Streamside Management: By January 1, 2008, management must allow the establishment and improvement, over time, of riparian vegetation for streambank stability, filtering sediment and shading, consistent with site capability.site capability.¶¶

(b) If any agricultural activity disturbs enough streamside vegetation to impair the conditions and functions described in 603-095-2940(2)(a), the landowner or operator must replant or restore the disturbed area with vegetation that will provide the functions.

Statutory/Other Authority: ORS 561.190 - 561.191, 568.912

Statutes/Other Implemented: ORS 568.900 - 568.933

