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## **NOTICE OF PROPOSED RULEMAKING**

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 603

**DEPARTMENT OF AGRICULTURE**

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**FILED: 04/29/2026 11:55 AM**

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Amend the North Coast 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

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**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#

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**NEED FOR THE RULE(S):**

There is a need to update the North Coast 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.

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**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

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

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

There is no anticipated effect on racial equity.

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**FISCAL AND ECONOMIC IMPACT:**

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

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**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.

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**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 North Coast Local Advisory Committee (LAC) meeting. An LAC is a group of local landowners and agricultural interests who provide input to ODA on rules.

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**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.

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**RULES PROPOSED:**

603-095-0840, 603-095-0860

AMEND: 603-095-0840

**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:**

## Required Prevention and Control Measures ¶¶

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

(2) ~~Healthy Riparian Streambank Condition. Effective upon rule adoption.¶¶~~

~~(a) Allow the natural and managed regeneration and growthManagement:¶¶~~

~~(a) Agricultural activities will allow for the development of riparian vegetation –trees, shrubs, grasses, and sedges– along natural waterways (as defined in OAR 141-085-0010(27)) along all streams, consistent with site capability, to provide shade to moderate water temperatures and bank stability to maintain erosion near background levels.¶¶~~

~~(b) The technical criteria to determine compliance with OAR 603-095-0840(2)(a) are:¶¶~~

~~(A) Ongoing renewal of riparian vegetation that depends on natural processes (including processes such as seed fall;¶¶~~

~~(A) Shade for minimizing solar heating of the stream;¶¶~~

~~(B) Streambank stability from flows at or below those expected to occur during or following a 25-year, 24-hour storm event;¶¶~~

~~(C) Filtration, settlement, and biological uptake of seed bank in soil, or sprouting from roots, rhizomes, or dormant crowns) is evident.¶¶~~

~~(B) Ongoing growth of riparian vegetation that has a high probability of remainment, organic material, nutrients, and pesticides in surface runoff by intercepting or becoming vigorous and healthy is evident, slowing overland flow;¶¶~~

~~(C) Management activities minimize the degradation of established native vegetation while allowing for the presence of nonnative vegetation.¶¶~~

~~(D) Management activities maintain at least 50% of each year's new growth of woody vegetation –both trees and shrubs.¶¶~~

~~(E) Management activities are conducted in a manner so as to maintain streambank integrity through 25-year storm eventsIf any agricultural activity disturbs streamside vegetation to impair the conditions and functions described in 603-095-3740(5)(a), the landowner or operator must replant or restore the disturbed area with vegetation that will provide the functions required in 603-095-0840(2)(a)(A)(B)(C).¶¶~~

~~(c) Exemptions:¶¶~~

~~(A) Levees and dikes are exempt from the Healthy Riparian Streambank ConditionRiparian Management OAR 603-095-0840(2)(a) and (b), except for areas on the river-side of these structures that are not part of the structures and which can be vegetated without violating U.S. Army Corps of Engineers vegetation standards.¶¶~~

~~(B) Drainage areas where the only connection to other waterbodies are through pumps shall be exempt from the Healthy Riparian Streambank ConditionRiparian Management OAR 603-095-0840(2)(a) and (b).¶¶~~

~~(C) Access to natural waterways for livestock watering and stream crossings are allowed such that livestock use is limited to only the amount of time necessary for watering and crossing the waterway.¶¶~~

~~(D) Drainage and irrigation ditches managed in compliance with OAR 603-095-0840(3) are exempt from the Healthy Riparian Streambank ConditionRiparian Management 603-095-0840(2)(a) and (b).¶¶~~

~~(3) Drainage and irrigation ditches (channels legally constructed).-Effective upon rule adoption;¶¶~~

~~(a) Construction, maintenance, and use of surface drainage ditches shall not result in sediment delivery to waters of the state from soil erosion caused by excessive channel slope, unstable channel cross section, or placement of disposed soils.¶¶~~

~~(b) Ditch bank vegetation shall be present to stabilize earthen ditch banks.¶¶~~

~~(c) Technical criteria to determine compliance with OAR 603-095-0840(3)(a) and (b) are:¶¶~~

~~(A) Construction and maintenance of drainage and irrigation ditches utilize ditch slope and ditch cross section that are appropriate to the site.¶¶~~

~~(B) Disposed soils from construction and maintenance of drainage and irrigation ditches are placed such that sediment delivery to waters of the state from the placement of these soils is consistent with natural background sediment delivery from these sites.¶¶~~

~~(d) Exemptions: Bank vegetation damaged and soils exposed during maintenance (as defined in OAR 141-085-0010(22)) and construction, in accordance with Division of State Lands rules. Bank vegetation must be reestablished as soon as practicable after construction and maintenance are completed. However, sediment delivery to waters of the state shall not result from inappropriate ditch slope and cross section or from placement of disposed soils.¶¶~~

~~(4) Tide Gates. Effective upon rule adoption. Tide gates shall open and close as designed.¶¶~~

(5) Erosion and Sediment Control. ~~Effective upon rule adoption.~~¶

~~(a) No cropland erosion in excess of the soil loss tolerance factor (T) for the subject field, as determined by the Revised Universal Soil Loss Equation (RUSLE) for soil loss, will occur. Exceptions: The department shall establish an alternate erosion control standard for croplands which the department determines cannot practically or economically achieve the soil loss tolerance factor. Any alternate erosion control standard for croplands established by the department shall assure that delivery of sediment to adjacent water sources is reduced to the maximum extent practicable.~~¶

(a) Landowners must prevent soil erosion to protect against sediment delivery to streams.¶

(b) Private roads that traverse rural lands or private roads used for agricultural activities shall be constructed and maintained such that road surfaces, fill and associated structures are designed and maintained to limit contributing sediment to waters of the state. All private roads on agricultural lands not subject to the Oregon Forest Practices Act are subject to this regulation. Exceptions: Roads subject to the Oregon Forest Practices Act.¶

(c) Agricultural lands shall be managed to prevent and control runoff of sediment to public road drainage systems.¶

(d) Except for operations governed by the Oregon Forest Practices Act, no activities related to the conversion of woodland to non-woodland agricultural uses that require removal of the majority of woody material from a parcel of land, such that the land no longer meets the definition of woodland, shall be conducted in a manner which results in the placement of soil, the delivery of sediment or the sloughing of soil into waters of the state, the initiation or aggravation of streambank erosion, or the loss of a healthy riparian streambank condition as defined in OAR 603-095-0840(2).¶

(6) Manure, Nutrients, and Other Waste. ~~Effective upon rule adoption.~~¶

(a) No person conducting agricultural land management shall cause pollution of any waters of the state or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means.¶

(b) No person conducting agricultural land management shall discharge any wastes into the waters of the state if the discharge reduces the quality of such waters below the water quality standards established by rule for such waters by the Environmental Quality Commission.¶

(c) No person shall violate the conditions of any waste discharge permit issued under ORS 468B.050.¶

(d) Exceptions: Access to natural waterways for livestock watering and stream crossings are allowed such that livestock use is limited to only the amount of time necessary for watering and crossing the waterway.

Statutory/Other Authority: ORS 568.909

Statutes/Other Implemented: ORS 568.900 - 568.933

AMEND: 603-095-0860

RULE SUMMARY: Removed rule about voluntary plans. The intent was that approved voluntary plans would provide a level of regulatory certainty if the plan were filed with Oregon Department of Agriculture. The Water Quality Program did not develop standards and specifications, and the process for approval by the Local Management Agency (SWCD) was not put in place.

CHANGES TO RULE:

603-095-0860

Complaints and Investigations ¶¶

- (1) When the department receives notice of an alleged occurrence of agricultural pollution through a written complaint, its own observation, through notification by another agency, or by any other means, the department may conduct an investigation. The department may, at its discretion, coordinate inspection activities with the appropriate Local Management Agency.¶¶
  - (2) Each notice of an alleged occurrence of agricultural pollution shall be evaluated in accordance with the criteria in ORS 568.900 to 568.933 or any rules adopted thereunder to determine whether an investigation is warranted.¶¶
  - (3) Any person allegedly being damaged or otherwise adversely affected by agricultural pollution or alleging any violation of ORS 568.900 to 568.933 or any rules adopted thereunder may file a complaint with the department.¶¶
  - (4) The department will evaluate or investigate a complaint filed by a person under section OAR 603-095-0860(3) if the complaint is in writing, signed and dated by the complainant and indicates the location and description of:¶¶
    - (a) The property and waters of the state allegedly being damaged or impacted; and¶¶
    - (b) The property allegedly being managed under conditions violating criteria described in ORS 568.900 to 568.933 or any rules adopted thereunder.¶¶
  - (5) As used in section OAR 603-095-0860, "person" does not include any local, state or federal agency.¶¶
  - (6) Notwithstanding OAR 603-095-0860, the department may investigate at any time any complaint if the department determines that the violation alleged in the complaint may present an immediate threat to the public health or safety.¶¶
  - (7) Actions based on investigation findings:¶¶
    - ~~(a) If the department determines that a violation of ORS 568.900 to 568.933 or any rules adopted thereunder has occurred and an Approved Voluntary Water Quality Farm Plan exists and the landowner or occupier is making a reasonable effort to comply with the plan:¶¶~~
      - ~~(A) The department shall inform the landowner of the non-compliance with ORS 568.900 to 568.933 or any rules adopted thereunder; and¶¶~~
      - ~~(B) The department may acknowledge the existence of the Approved Voluntary Water Quality Farm Plan and direct the landowner to seek appropriate technical assistance and revise the plan and its implementation in a manner necessary to eliminate the violation.¶¶~~
    - ~~(b) The landowner may be subject to the enforcement procedures of the department outlined in OARs 603-090-0060 through 603-090-0120 if:¶¶~~
      - ~~(A) The department determines that a violation of ORS 568.900 to 568.933 or any rules adopted thereunder has occurred and an Approved Voluntary Water Quality Farm Plan does not exist; or¶¶~~
      - ~~(B) The department determines that a violation of ORS 568.900 to 568.933 or any rules adopted thereunder has occurred and an Approved Voluntary Water Quality Farm Plan exists and the landowner or occupier is not making a reasonable effort to comply with the plan; or¶¶~~
      - ~~(C) The department determines that a landowner or occupier has not revised a plan per OAR 603-095-0860(7)(a)(B) within the time specified by the department; the department shall inform the landowner of the non-compliance with ORS 568.900 to 568.933 or any rules adopted thereunder; and the landowner may be subject to the enforcement procedures of the department outlined in OARs 603-090-0060 through 603-090-0120.~~
- Statutory/Other Authority: ORS 568.915, 568.918, 568.933  
Statutes/Other Implemented: ORS 568.900 - 568.933