

OFFICE OF THE SECRETARY OF STATE

TOBIAS READ

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## NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 603

DEPARTMENT OF AGRICULTURE

**FILED**

02/12/2026 3:50 PM

ARCHIVES DIVISION  
SECRETARY OF STATE

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

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/27/2026 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.*

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Salem, OR 97301

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: 03/16/2026

TIME: 9:00 AM - 10:00 AM

OFFICER: Sunny Summers

### REMOTE HEARING DETAILS

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

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 24610175086000

### SPECIAL INSTRUCTIONS:

Meeting ID: 246 101 750 860 00

Passcode: wd7ro3od

Dial in by phone

+1 503-446-4951,,647775505#

### NEED FOR THE RULE(S)

There is a need to update the Lower John Day 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 - OAR 603-095 available on 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.

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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 Lower John Day 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 is an existing Local Advisory Committee (LAC) for the development and review of the Area Plan and Area Rules. An additional RAC was not convened, but the LAC met on October 1, 2025, and acted as the RAC to provide review and comment on the proposed rule changes.

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AMEND: 603-095-2940

RULE SUMMARY: Updating the required prevention and control measures.

#### 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 465B.025 or 468B.050.¶

(32) 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 require streamside 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 capabilitysite 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