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NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 603
DEPARTMENT OF AGRICULTURE

FILED

02/12/2026 3:57 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amend the Wallowa 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 Wallowa 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 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.

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 Wallowa 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 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 November 6, 2025, and acted as the RAC to provide review and comment on the proposed rule changes.

AMEND: 603-095-1840

RULE SUMMARY: Updating the required prevention and control measures.

CHANGES TO RULE:

603-095-1840

~~Prohibited Conditions~~ Required Prevention and Control Measures ¶¶

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

~~(2) Excessive Sheet and Rill Erosion:¶¶~~

~~(a) By January 1, 2006, soil erosion will be reduced to the "Soil Loss Tolerance Factor" or "T."¶¶~~

~~(b) For croplands which the department determines cannot practically or economically achieve "T" soil erosion will be reduced to 5 tons per acre per year averaged over the length of the rotation.¶¶~~

~~(c) Reduction of soil erosion will be calculated by the Revised Universal Soil Loss Equation (RUSLE), with supporting data from the Natural Resource Conservation Service Field Office Technical Guide and similar data from other credible sources.¶¶~~

~~(3) Excessive Gully Erosion:¶¶~~

~~(a) By January 1, 2006, no person shall cause conditions on the land that~~ 1) Pollution Control and Waste

Management. No person subject to these rules shall violate any provision of ORS 468B.025 or ORS 468B.050.¶

(2) Streamside Conditions.¶

(a) No person may contribute to gully erosion delivering sediment directly to the waters of the state. Gullies are defined as channels which at the largest dimension have a cross sectional area of at least one square foot and which occur at the same location for two or more consecutive years.¶

(b) No violation of this condition will be deemed to have occurred if the affected landowner has estconditions that preclude establishment and development of adequate riparian vegetation for streambank stability and shading, consistent with site capabilished and maintained a department or local Designated Management Agency approved effective management program. An effective management program shall provide assurance that reasonable steps have been taken to lessen and manage gully formation.¶

(4) Pollution Control and Waste Management. Effective on rule adoption: No person subject to these rules shall violate any provision of ORS 468B.025 or 468B.050.¶

(5) Streamside Conditions. By January 1, 2006, no person may contribute to conditions thaty.¶

(b) If any agricultural activity disturbs enough streamside vegetation to impair the conditions and functions described in 603-095-1840(2)(a), the landowner or operator must preclude establishment and development of adequate riparian vegetation for streambank stability and shading, consistent with site capabilityplant or restore the disturbed area with vegetation that will provide the functions.¶

(63) Irrigation Return Flow:¶

(a) By January 1, 2006, n. No person may cause bacteria levels in irrigation tailwater to exceed state water quality standards. When the irrigation water at the point of initial application already exceeds the bacteria standard, then the bacteria level in the tailwater cannot be higher than the level in the irrigation water at the point of initial application.¶

(b) A landowner shall be responsible for only those conditions caused by activities conducted on land managed by the landowner. Criteria do not apply to conditions resulting from unusual weather events, natural background levels of bacteria or other exceptional circumstances which could not have been reasonably anticipated.¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 561.190 - 561.191, 568.909

Statutes/Other Implemented: ORS 568.900 - 568.933