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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 603
DEPARTMENT OF AGRICULTURE

FILED
03/30/2026 2:56 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amending the Willow Creek and Umatilla Basin Agricultural Water Quality Management Area Rules

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/01/2026 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: Sunny Summers
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635 Capitol St NE
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: 04/23/2026

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: 25851467800664

SPECIAL INSTRUCTIONS:

Meeting ID: 258 514 678 006 64

Passcode: je22QA6b

Dial in by phone

+1 503-446-4951,,962488108#

NEED FOR THE RULE(S)

There is a need to update the Willow Creek and Umatilla Basin 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.

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 Willow Creek Local Advisory Committee (LAC) meeting and the Umatilla Basin 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 was no RAC convened for the making of these rules because a LAC was consulted instead. The LAC acted as a RAC.

RULES PROPOSED:

603-095-0340, 603-095-2840

AMEND: 603-095-0340

RULE SUMMARY: The requirement 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. Remove language regarding soil disturbing activities, as ORS 468B covers concerns to sediment entering waters of the state.

CHANGES TO RULE:

603-095-0340

Required Prevention and Control Measures ¶¶

(1) All landowners or operators conducting activities on lands in agricultural use must be in compliance with the following rules; OAR 603-095-0340(2) to (8). A landowner is responsible for only those conditions caused by activities conducted on land managed by the landowner or operator. Rules will be applied with consideration of agronomic and economic impacts.¶¶

~~(a)~~ These rules do not apply to conditions resulting from unusual weather events or other exceptional circumstances.¶¶

~~(b)~~ Temporary exceptions to the rules are allowed when a specific integrated pest management plan is in place to deal with certain weed, insect pest, or disease problems.¶¶

~~(c) Unless otherwise indicated, the rules below become effective on January 1, 2008.~~

~~(2) Waste Management: Effective on rule adoption, n2) Waste Management: No person subject to these rules shall violate any provision of ORS 468B.025 or ORS 468B.050.~~

~~(3) Soil Erosion and Sediment Control:~~

~~(a) Landowners must control upland soil erosion using technically sound and economically feasible methods to protect against sediment delivery to streams.~~

~~(ab) Landowners must control active channel (gully) erosion to protect against sediment delivery to streams.~~

~~(bc) On croplands, a landowner may demonstrate intent to comply 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 requirements 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) Maintaining sufficient live vegetation cover and plant litter to capture precipitation, slow the movement of water, increase infiltration, and reduce excessive movement of soil off the site.~~

~~(ed) On rangelands, a landowner may demonstrate intent to comply 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;~~

~~(B) Maintaining sufficient live vegetation cover and plant litter to capture precipitation, slow the movement of water, increase infiltration, and reduce excessive movement of soil off the site; or~~

~~(CB) Minimizing visible signs of erosion, such as pedestal or rill formation and areas of sediment accumulation.~~

~~(de) Private roads that traverse rural lands or roads used for agricultural activities must 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 roads on agricultural lands not subject to the Oregon Forest Practices Act (OFPA) are subject to this regulation. Homesteads and other non-crop areas must be laid out and managed in a manner that controls soil erosion and prevents delivery of sediments to the stream. Stream crossings, with or without culverts or bridges, must be kept to a minimum, and must be installed and maintained to prevent sediment delivery to the stream. Agricultural lands must be managed to prevent runoff of sediment to public road drainage systems.~~

~~(4) Stream-side Area Management:~~

~~(a) Agricultural land management activities must not cause streambank instability.~~

~~(b) Agricultural land management near streams must include establishment and maintenance of riparian vegetation, vegetative buffers, filter strips, sediment retention structures, or equally effective water pollution control practices, placed so as to prevent sediment, thermal and other pollution of waters of the state.~~

~~(c) When establishment or reestablishment of crops occurs near waters of the state during the growing season (March through October), cropping and management systems must be employed that prevent erosion. An adequate vegetative buffer or equally effective erosion control practice must be provided during the winter months (November through March).~~

~~(5) Livestock Management:~~

~~(a) Pastures and rangeland must be managed to prevent sediment, nutrient and bacterial contributions to waters of the state. Adequate vegetative buffers or filter strips must be installed and maintained, and vegetative cover must be maintained or restored after use as needed to control contaminated runoff or weed infestations. Where appropriate, waste management systems must be installed to collect, store and utilize animal wastes.~~

~~(b) Barnyards, feedlots, drylots, confinement and non-pasture areas, and other livestock facilities located near waters of the state must employ an adequate runoff control system, or an equally effective pollution control practice. Where necessary to prevent waste delivery, waste management systems must be installed to collect, store and utilize animal wastes.~~

~~(c) Grazing must be done in a manner that does not degrade waters of the state or negatively impact the stability of streambanks. Grazing management systems must be applied that allow for recovery of plants and leaves adequate vegetative cover to ensure streambank stability, reduce sediments entering the stream, and provide stream-side shading consistent with the site capability. The grazing management system must maintain or develop the desired vegetative cover.~~

~~(6) Irrigation Management:~~

- (a) Irrigation systems must be designed and operated to prevent runoff of potential contaminants. Irrigation scheduling must consider such factors as soil conditions, crop, climate and topography.¶
 - (b) Overland return flows from irrigation must be managed to prevent the delivery of pollution including water temperature increases to waters of the state.¶
 - (7) Nutrient and Farm Chemical Management:¶
 - (a) Crop nutrient applications, including manure, sludge and commercial fertilizers, must be done at a time and in a manner that does not pollute waters of the state.¶
 - (b) Nutrients and farm chemicals must be stored in a location and condition that makes them unlikely to be carried into the waters of the state by any means.¶
 - (8) Channel and Drain Management: Whenever major construction, reconstruction or maintenance occurs in ditches and water channels, exclusive of perennial and intermittent streams, they must be designed and maintained with a capacity to handle a greater than normal runoff event with a minimum likelihood of bank erosion or erosion impacts on nearby land areas.
- Statutory/Other Authority: ORS 561.190 - 561.191, 568.912
Statutes/Other Implemented: ORS 568.900 - 568.933

AMEND: 603-095-2840

RULE SUMMARY: The requirement 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. Remove language regarding soil disturbing activities, as ORS 468B covers concerns to sediment entering waters of the state.

CHANGES TO RULE:

603-095-2840

Required Prevention and Control Measures ¶¶

(1) ~~Limitations:~~ All landowners or operators conducting activities on agricultural lands are provided the following exemptions from the requirements of OAR 603-095-2840 (~~Prevention and Control Measure~~).¶¶

~~(a)(2) to (5).~~ A landowner or operator shall be responsible for water quality resulting from conditions caused by the management of the landowner or operator.¶¶

~~(b)~~ 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 must be available to address conditions described in the Required 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.¶¶

(2) Waste Management: ~~Effective on rule adoption, n~~No person subject to these rules shall violate any provision of ORS 468B.025 or 468B.050.¶¶

(3) Upland Management and Soil Erosion: ~~By January 1, 2008, landowners must control upland soil erosion using practical and available methods.~~¶¶

~~(a) Landowners must control active channel (gully) erosion to protect against sediment delivery to streams.~~¶¶

~~(b) 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 requirements 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.~~¶¶

~~(c) On rangelands, 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) Maintaining sufficient live vegetation cover and plant litter 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~~Landowners must prevent soil erosion to protect against sediment delivery to streams.¶¶

(4) Streamside Management: ~~By January 1, 2008, l~~Landowners must promote the establishment and development of adequate riparian vegetation for streambank stability, filtering sediment, and shading, consistent with site capability.¶¶

(5) Irrigation Management: ~~By January 1, 2008, i~~Irrigation must be done in a manner that limits the amount of pollutants in the runoff from the irrigated area or that leaches into groundwater.

Statutory/Other Authority: ORS 561.190 - 561.191, 568.912

Statutes/Other Implemented: ORS 568.900 - 568.933