



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 603
DEPARTMENT OF AGRICULTURE

FILED

07/17/2025 11:56 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Update the Lower Willamette Water Quality Management Area rules.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/29/2025 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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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: 08/21/2025

TIME: 1:30 PM - 2:00 PM

OFFICER: Sunny Summers

REMOTE HEARING DETAILS

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

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 2717598925964

SPECIAL INSTRUCTIONS:

Meeting ID: 271 759 892 596 4

Passcode: yU63nL7m

+1 503-446-4951,,402242205#

NEED FOR THE RULE(S)

There is a need to remove language referencing the 2001 Metro Stream Map as the map is outdated and no longer used. Language around site capable is vague and difficult to enforce on. This change makes rules more clear for the public.

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 affect 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 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 was no RAC convened for the making of these rules because a LAC was consulted instead. The LAC acted as a RAC.

AMEND: 603-095-3740

RULE SUMMARY: Removes language referencing the 2001 Metro Stream Map and site capable vegetation. The map is outdated and no longer used. Language around site capable is vague and difficult to enforce on. This change makes rules more clear for the public.

CHANGES TO RULE:

603-095-3740

Prevention and Control Measures ¶¶

(1) All landowners or operators conducting activities on agricultural and rural lands are provided the following exemptions from the requirements of OAR 603-095-3740 (Prevention and Control Measures).¶¶

(a) A landowner or operator shall be responsible for only those conditions caused by activities conducted on land managed by 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. Within the reasonable control of the landowner means that technically sound and economically feasible measures must be available 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.¶¶

(2) Waste Management: Effective upon rule adoption, no person subject to these rules shall violate any provision of ORS 468B.025 or ORS468B.050.¶¶

(3) Nutrient Management: Effective upon adoption.¶¶

(a) Landowners and operators shall prevent the runoff or leaching of contaminated water from feed and manure storage piles into waters of the state, including but not limited to groundwater.¶¶

(b) Landowners or operators shall store, use, and apply crop nutrients in a manner that prevents transport into the

waters of the state.¶

(4) Erosion Management: Effective upon rule adoption, there shall be no visible evidence of erosion resulting from agricultural activities in a location where erosion contributes, or may contribute, sediment to waters of the state.¶

(a) Visible evidence of erosion consists of one or more of the following features:¶

(A) Sheet wash, noted by visible pedæstalling, surface undulations, and/or flute marks on bare or sparsely-vegetated ground; or¶

(B) Visibly active gullies, as defined by OAR 603-095-0010.(1); or¶

(C) Multiple rills, which have the form of gullies, but are smaller in cross sectional area than one square foot; or¶

(D) Visible soil deposition that could enter natural stream areas; or¶

(E) Streambanks breaking down, eroding, tension-cracking, shearing or slumping beyond the level that would be anticipated from natural disturbances given natural hydrologic characteristics; or¶

(F) Underground drainage tile outlets either improperly installed or maintained allowing soil or bank erosion to actively occur.¶

(b) Private roads used for agricultural activities shall be constructed and maintained such that road surfaces, fill, ditch lines, and associated structures are designed and maintained to prevent and control contributing sediment to waters of the state. All private roads not subject to the Oregon Forest Practices Act are subject to this regulation.¶

(c) Drainage and irrigation ditch construction and maintenance must be done such that:¶

(A) Ditch slope and ditch cross section are designed for the local soils and minimize erosion;¶

(B) Placement of disposed soils is done in a manner that prevents reintroduction to waters of the state; and¶

(C) Other appropriate best management practices are employed when necessary, so that sediment delivery is consistent with water quality standards.¶

(5) Riparian Management: Effective upon rule adoption.¶

(a) Agricultural activities in ~~Riparian Management Areas~~ will allow for the development of riparian vegetation along all streams, consistent with site capability, to provide:¶

(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 sediment, organic material, nutrients, and pesticides in surface runoff by intercepting or slowing overland flow;¶

~~(D) Improvement to water storage capacity of the riparian zone; and¶~~

~~(E) Protection of streams from flashy flows by infiltrating runoff and overland flow.¶~~

~~(b) The Riparian Management Area is defined by that area needed to achieve OAR 603-095-3740(5)(a)(A)-(E).¶~~

~~(c) Streams as used in OAR 603-095-3740(5)(a) are those that are identified in the 2001 Metro stream map Regional Land Information System (RLIS) lite stm_line.shp and stm_fill.shp.¶~~

~~(d) Riparian vegetation in OAR 603-095-3740(5) includes grasses, sedges, shrubs and trees that are consistent with site capability.¶~~

~~(e) Riparian area development can be through allowing natural processes to occur or through active management to accelerate achieving OAR 603-095-3740(5)(a)(A)-(E).¶~~

~~(f) Sufficient Riparian Management Area width will be site specific, and may vary by soil type, hydrology, climate, geology, and man-made limitations, and other factors.¶~~

~~(g) Within the entire Riparian Management Area the technical criteria to determine compliance with OAR 603-095-3740(5)(a) are:¶~~

~~(A) Ongoing renewal or establishment of riparian vegetation, especially native.¶~~

~~(B) Where sufficient if any agricultural activity disturbs enough 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 OAR 603-095-3740(5)(a) have not been met, at least 50% of each year's new growth of woody vegetation, both trees and shrubs, is maintained (A)(B)(C).¶~~

~~(h) (A) Management activities within the Riparian Management Area are allowed provided they do not compromise achieving the conditions described in 603-095-3740(4) and 603-095-3740(5)(a).¶~~

~~(i) (B) Drainage and irrigation ditches are not subject to the riparian management provisions cited above but are subject to OAR 603-095-3740(4).~~

Statutory/Other Authority: ORS 561.190 - 561.191, 568.912

Statutes/Other Implemented: ORS 568.900 - 568.933