



**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 603  
**DEPARTMENT OF AGRICULTURE**

**FILED**

07/17/2025 11:22 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Amending the Upper Grande Ronde 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: 11:00 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: 2531819622542

**SPECIAL INSTRUCTIONS:**

Meeting ID: 253 181 962 254 2

Passcode: BU2gt3bv

+1 503-446-4951,,291360093#

**NEED FOR THE RULE(S)**

There is a need to update the Upper Grande Ronde 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.

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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 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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**AMEND: 603-095-0440**

**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. Remove language regarding soil disturbing activities as ORS 468b covers concerns to sediment entering waters of the state. Remove language referencing an effective date in sections (2-5).

**CHANGES TO RULE:**

603-095-0440

**Prohibited Conditions ¶¶**

All landowners or operators conducting activities on lands in agricultural use shall be in compliance with the following criteria. A land occupier shall be responsible for only those prohibited conditions caused by activities conducted on land managed by the landowner or occupier. Criteria do not apply to conditions resulting from unusual weather events or other exceptional circumstances, which could not have been reasonably anticipated. Limited duration activities may be exempted from these conditions subject to prior approval by the department.¶¶

~~(1) Soil erosion: By January 1, 2003:¶¶~~

~~(a) No agricultural land management or soil disturbing activity shall cause sheet or rill erosion in excess of the soil loss tolerance factor (T) on cropland, and no agricultural land management or soil disturbing activity shall cause active channel erosion that delivers sediment directly into the waters of the state; or¶¶~~

~~(b) No agricultural land management or soil disturbing activity shall exceed an alternative standard, approved by the Department, that assures protection of water quality; or¶¶~~

~~(c) No agricultural land management or soil disturbing activity shall cause a discharge of sediment to the waters of the state in excess of water quality standards.¶¶~~

~~(2) By January 1, 2003, no agricultural land management or soil disturbing activity shall cause streambanks to~~

breakdown, erode, tension-crack, shear or slump beyond the level that would be anticipated from natural disturbances given existing hydrologic characteristics.¶¶

~~(3) By January 1, 2003, n2)~~ Nutrient application rates and timing shall not exceed specific crop requirements. Crop requirements will be based on recommendations from the best available data applicable to a specific site.¶¶

~~(4) By January 1, 2003, c3)~~ Construction and maintenance of surface drainage field 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.¶¶

~~(54) By January 1, 2003, a)~~ Agricultural activities shall allow the development of riparian vegetation to control water pollution by providing control of erosion, filtering of sediments and nutrients, moderation of solar heating, and infiltration of water into the soil profile. Evaluation of riparian vegetation development will consider site-specific capabilities and anticipated levels of natural disturbance. Where cropping or resource protection activities have occurred, an adequate vegetative buffer or equally effective pollution control practice must be in place.¶¶

~~(65)~~ Waste discharges: Effective upon adoption of these rules: ¶¶

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

(c) No person conducting agricultural land management or earth disturbing practices shall violate the conditions of any waste discharge permit issued pursuant to ORS 468B or ORS 568.

Statutory/Other Authority: ORS 568.912

Statutes/Other Implemented: ORS 568.900 - 568.933