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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 603

DEPARTMENT OF AGRICULTURE

FILED: 06/23/2026 2:39 PM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Amend the Walla Walla Agricultural Water Quality Management Area Rules.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/31/2026 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:

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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: 07/23/2026

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: 257396202519647

SPECIAL INSTRUCTIONS:

Meeting ID: 257 396 202 519 647

Passcode: Yq7J8rZ2

Dial in by phone

+1 503-446-4951,,5996394#

NEED FOR THE RULE(S):

There is a need to update the Walla Walla 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. Note: These rules were accidentally mis-noticed (but not permanently filed) earlier this year so we are going through the notification process again.

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 Walla Walla 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: 603-095-1740

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. Also removed language regarding soil disturbing activities as ORS 468B covers concerns to sediment entering waters of the state.

CHANGES TO RULE:

Required Prevention and Control Measures ¶¶

(1) Limitations:¶¶

(a) All landowners or operators conducting activities on agricultural lands are provided the following exemptions from the requirements of OAR 603-095-1740 (Required 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) A landowner or operator is not responsible for conditions resulting from unusual weather events or other uncontrollable circumstances.¶¶

(C) The Department will allow temporary exceptions when a specific integrated pest management plan is in place to deal with certain weed or pest problems.¶¶

(b) These rules may be modified as a result of the biennial review of the progress of implementation of the Walla Walla Agricultural Water Quality Management Area Plan.¶¶

(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) Streamside and Riparian Area Management:¶¶

(a) Except as provided in OAR 603-095-1740(3)(b), ~~effective January 1, 2006,~~ streamside area management must allow the establishment, growth and maintenance of riparian vegetation to promote habitat and protect water quality by filtering sediment, stabilizing streambanks, naturally storing water, and providing shade consistent with the vegetative capability of the site.¶¶

(b) OAR 603-095-1740(3)(a) does not apply to irrigation water conveyance systems, including, but not limited to, irrigation canals, ditches, laterals, and waterways, such as the Upper Little Walla Walla system, that in the normal course of operation have no return flow into perennial streams where coldwater fish species are present.¶¶

(4) Soil Erosion and Sediment Control:¶¶

(a) ~~Effective on January 1, 2006, l~~ Landowners must control upland soil erosion using practical and available methods to protect against sediment delivery to streams.¶¶

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

(c) On croplands, a landowner may demonstrate compliance with OAR 603-095-1740(4)(a) 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) C~~ constructing and maintaining terraces, sediment basins, or other structures sufficient to keep eroding soil out of streams.¶¶

(d) On rangelands, a landowner may demonstrate compliance with this OAR 603-095-1740(4)(a) 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.

Statutory/Other Authority: ORS 561.190 - 561.191, 568.912

Statutes/Other Implemented: ORS 568.900 - 568.933