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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 603

DEPARTMENT OF AGRICULTURE

FILED: 04/29/2026 11:48 AM

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: 05/29/2026 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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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: 05/19/2026

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: 233777330986186

SPECIAL INSTRUCTIONS:

Meeting ID: 233 777 330 986 186

Passcode: Wr9Ch37z

Dial in by phone

+1 503-446-4951,,116590139#

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.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Other documents relied upon include rules from other management areas within the state available on Oregon 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 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: 603-095-0840

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.

CHANGES TO RULE:

603-095-0840
Required Prevention and Control Measures ¶

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

(2) ~~Healthy Riparian Streambank Condition. Effective upon rule adoption.¶~~

(a) ~~Allow the natural and managed regeneration and growth. Management:¶~~

(a) ~~Agricultural activities will allow for the development of riparian vegetation – trees, shrubs, grasses, and sedges – along natural waterways (as defined in OAR 141-085-0010(27)) along all streams, consistent with site capability, to provide shade to moderate water temperatures and bank stability to maintain erosion near background levels.¶~~

(b) ~~The technical criteria to determine compliance with OAR 603-095-0840(2)(a) are:¶~~

(A) ~~Ongoing renewal of riparian vegetation that depends on natural processes (including processes such as seed fall);¶~~

(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 seed bank in soil, or sprouting from roots, rhizomes, or dormant crowns) is evident.¶~~

(B) ~~Ongoing growth of riparian vegetation that has a high probability of remainment, organic material, nutrients, and pesticides in surface runoff by intercepting or becoming vigorous and healthy is evident, slowing overland flow;¶~~

(C) ~~Management activities minimize the degradation of established native vegetation while allowing for the presence of nonnative vegetation.¶~~

(D) ~~Management activities maintain at least 50% of each year's new growth of woody vegetation – both trees and shrubs.¶~~

(E) ~~Management activities are conducted in a manner so as to maintain streambank integrity through 25-year storm events. If any agricultural activity disturbs 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 603-095-0840(2)(a)(A)(B)(C).¶~~

(c) Exemptions:¶

(A) ~~Levees and dikes are exempt from the Healthy Riparian Streambank Condition. Riparian Management OAR 603-095-0840(2)(a) and (b), except for areas on the river-side of these structures that are not part of the structures and which can be vegetated without violating U.S. Army Corps of Engineers vegetation standards.¶~~

(B) ~~Drainage areas where the only connection to other waterbodies are through pumps shall be exempt from the Healthy Riparian Streambank Condition. Riparian Management OAR 603-095-0840(2)(a) and (b).¶~~

(C) ~~Access to natural waterways for livestock watering and stream crossings are allowed such that livestock use is limited to only the amount of time necessary for watering and crossing the waterway.¶~~

(D) ~~Drainage and irrigation ditches managed in compliance with OAR 603-095-0840(3) are exempt from the Healthy Riparian Streambank Condition. Riparian Management 603-095-0840(2)(a) and (b).¶~~

(3) ~~Drainage and irrigation ditches (channels legally constructed). Effective upon rule adoption.¶~~

(a) ~~Construction, maintenance, and use of surface drainage 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.¶~~

(b) ~~Ditch bank vegetation shall be present to stabilize earthen ditch banks.¶~~

(c) ~~Technical criteria to determine compliance with OAR 603-095-0840(3)(a) and (b) are:¶~~

(A) ~~Construction and maintenance of drainage and irrigation ditches utilize ditch slope and ditch cross section that are appropriate to the site.¶~~

(B) ~~Disposed soils from construction and maintenance of drainage and irrigation ditches are placed such that sediment delivery to waters of the state from the placement of these soils is consistent with natural background sediment delivery from these sites.¶~~

(d) ~~Exemptions: Bank vegetation damaged and soils exposed during maintenance (as defined in OAR 141-085-0010(22)) and construction, in accordance with Division of State Lands rules. Bank vegetation must be reestablished as soon as practicable after construction and maintenance are completed. However, sediment delivery to waters of the state shall not result from inappropriate ditch slope and cross section or from placement of disposed soils.¶~~

(4) ~~Tide Gates. Effective upon rule adoption. Tide gates shall open and close as designed.¶~~

(5) ~~Erosion and Sediment Control. Effective upon rule adoption.¶~~

(a) ~~No cropland erosion in excess of the soil loss tolerance factor (T) for the subject field, as determined by the~~

~~Revised Universal Soil Loss Equation (RUSLE) for soil loss, will occur. Exceptions: The department shall establish an alternate erosion control standard for croplands which the department determines cannot practically or economically achieve the soil loss tolerance factor. Any alternate erosion control standard for croplands established by the department shall assure that delivery of sediment to adjacent water sources is reduced to the maximum extent practicable.~~¶

~~(a) Landowners must prevent soil erosion to protect against sediment delivery to streams.~~¶

~~(b) Private roads that traverse rural lands or private roads used for agricultural activities shall 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 private roads on agricultural lands not subject to the Oregon Forest Practices Act are subject to this regulation. Exceptions: Roads subject to the Oregon Forest Practices Act.~~¶

~~(c) Agricultural lands shall be managed to prevent and control runoff of sediment to public road drainage systems.~~¶

~~(d) Except for operations governed by the Oregon Forest Practices Act, no activities related to the conversion of woodland to non-woodland agricultural uses that require removal of the majority of woody material from a parcel of land, such that the land no longer meets the definition of woodland, shall be conducted in a manner which results in the placement of soil, the delivery of sediment or the sloughing of soil into waters of the state, the initiation or aggravation of streambank erosion, or the loss of a healthy riparian streambank condition as defined in OAR 603-095-0840(2).~~¶

~~(6) Manure, Nutrients, and Other Waste. Effective upon rule adoption.~~¶

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

~~(c) No person shall violate the conditions of any waste discharge permit issued under ORS 468B.050.~~¶

~~(d) Exceptions: Access to natural waterways for livestock watering and stream crossings are allowed such that livestock use is limited to only the amount of time necessary for watering and crossing the waterway.~~

Statutory/Other Authority: ORS 568.909

Statutes/Other Implemented: ORS 568.900 - 568.933