



PERMANENT ADMINISTRATIVE ORDER

DOA 109-2026

CHAPTER 603

DEPARTMENT OF AGRICULTURE

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ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Amend the Willow Creek Agricultural Water Quality Management Area Rules

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CONTACT:

Sunny Summers
503-400-4196
rulemaking@oda.oregon.gov
635 Capitol St NE
Salem, OR 97301

Filed By:

Sunny Summers
Rules Coordinator

AMEND: 603-095-2840

NOTICE FILED DATE: 03/30/2026

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.

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