

Agricultural Drainage Channel Maintenance

Before you file

OREGON DEPARTMENT OF AGRICULTURE | OREGON DEPARTMENT OF STATE LANDS
OREGON DEPARTMENT OF FISH AND WILDLIFE

Maintenance of channels used for agricultural drainage is critical to the viability of Oregon's farms and ranches. Because of legislation passed in 2019 (HB 2437), specific maintenance activities may be eligible for a Notice (ORS 196.906 – 196.919, OAR 603-095-4000 to 603-095-4060) from the Oregon Department of Agriculture (ODA) instead of a Removal-Fill Permit from the Oregon Department of State Lands (DSL). The resulting ADCM Program was developed by ODA, DSL, Oregon Department of Fish and Wildlife (ODFW), and interested stakeholders.

You must have a validated Notice or a DSL permit prior to maintaining channels. The Notice provides a streamlined process by which landowners and water districts may, without paying a fee, maintain eligible agricultural channels while ensuring that maintenance protects, maintains, or improves ecological functions of the channels; upholds state objectives for fish recovery; and protects wetlands, waterways, and fish and wildlife habitats. Once validated by ODA, a Notice is good for five years; the work described in the Notice may be completed in compliance with all required conditions anytime within a five year period starting when ODA validates the notice.

Eligible channels must be:

1. Traditionally maintained = segment, set of segments, or an entire drainage ditch, intermittent stream, or perennial stream that:
 - a. Has been routinely maintained to facilitate drainage related to agriculture, and
 - b. Has facilitated drainage within the past five years, **AND**
2. Dry at time of work= no flowing or standing water present in the area to be maintained at the start of or during the maintenance activity, other than small quantities of water that may occur in low areas of the channel as a direct result of active maintenance activities, **AND**
3. Non-ESH (Essential Indigenous Anadromous Salmonid Habitat) = streams not designated as necessary to prevent the depletion of indigenous anadromous salmonid species during spawning and rearing. ESH includes any adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to an ESH stream. See map at: <https://maps.dsl.state.or.us/esh/>.

Work must be done during Regional Dry Maintenance Time Periods designated by ODFW. A Variance process is available to request alternate work periods.

Compliance with AgWQ Rules will decrease the need to maintain channels, by minimizing field erosion and maintaining vegetation that stabilizes banks and filters sediment out of overland flows.

Opportunities and incentives are available to landowners to enhance ecological functions of maintained channels. Contact your local Soil and Water Conservation District for assistance.



3/2021

CONTACT US

Oregon Department of Agriculture

Tyler Manitsas,
Program Specialist:
971.218.1180,
tmanitsas@oda.state.or.us

Ellen Hammond,
Program Lead:
503.931.6689
ehammond@oda.state.or.us

Oregon Department of State Lands

Contact the Aquatic Resource Coordinator by county,
503-986-5200,
www.oregon.gov/dsl/WW/Pages/WWStaff.aspx

Oregon Soil and Water Conservation Districts (SWCDs)

<https://oda.direct/SWCDDirectory>

FOR MORE INFORMATION

Email:
agchannelmaintenance@oda.state.or.us

Website:
<https://oda.direct/AgChannelMaintenance>

Sign up for updates:
<https://oda.direct/AgChannelUpdates>

Know before you file a notice

Oregon has streamlined agricultural drainage maintenance regulations. However, there are requirements. In addition, other state and federal regulations may impact this work.

Rain during maintenance activity: If it rains sufficiently during the work to result in standing water or flow in the channel, the work must stop. A variance must then be requested or work resumed after channel is again dry; approval of variance is not guaranteed.

Tribal cultural resources: Oregon protects archaeological objects and sites of cultural importance to Tribes that may be within submerged and submersible lands. A person “may not excavate, injure, destroy or alter an archaeological site or object or remove an archaeological object located on public or private lands in Oregon unless that activity is authorized by a permit issued under ORS 390.235 [ORS358.920].” Human remains and articles relevant to human burial are especially protected. Additional information is available at <https://www.oregon.gov/oprd/OH/Documents/Bulletin1.pdf>, the Oregon Heritage State Historic Preservation Office at (503) 986-0690, and oregon.heritage@oregon.gov.

Fish Passage: It is state law to provide fish passage in all waters of the state that were historically or are presently occupied by native migratory fish (ORS 509.585). To avoid blocking or delaying fish passage and ensure that fish are not stranded, injured or killed, channel maintenance activities shall leave no holes or vertical steps in the channel bed.

Federal Conservation Program Eligibility: ODA’s validation of your Notice does not qualify you for United States Department of Agriculture (USDA) programs and may make you ineligible. If you are a USDA Farm Bill Program participant or are interested in USDA Programs, please contact your local USDA Service Center or go to <https://offices.sc.egov.usda.gov/locator/app> to determine if you need to update your AD-1026 Highly Erodible Land and Wetland Conservation Certification form.

Federal Permits and Review: Your work may require a federal permit (Section 404 Clean Water Act permit from the U.S. Army Corps of Engineers). If so, this would trigger the need for a certification from the Oregon Department of Environmental Quality (Section 401 Certification or water quality review). If so, maintenance work could not begin until these approvals are in place. It is the applicant’s responsibility to obtain required approvals.

Noxious Weeds: Project site recovery and restoration keeps the site stable and protects your maintenance investment. To protect agricultural production and protect fish and wildlife habitat, revegetation of these sites must not allow the establishment of noxious weeds identified by ODA as an A or B List Weed (<https://oda.direct/NoxiousWeedLawsLists>).