

# Agricultural Drainage Channel Maintenance Notification Form Instructions

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

## What is Agricultural Channel Maintenance?

Maintenance of channels used for agricultural drainage is critical to the operational and economic viability of Oregon's farm and ranch lands. This notification provides a streamlined process by which agricultural landowners may maintain their agricultural channels while ensuring that any maintenance is conducted in a manner that protects, maintains, or improves ecological functions of the channels and upholds state objectives for fish recovery, and protects wetlands, waterways and fish and wildlife habitats.

## What types of channels qualify?

- **Traditionally maintained channel** — A traditionally maintained channel means the channel of a segment, set of segments, or the entirety of a drainage ditch, intermittent stream, or perennial stream that:
  - » Has been routinely subject to maintenance to facilitate drainage related to farming or ranching, and
  - » Has been serviceable for facilitating drainage within the past five years.
- **Dry channel** — A dry channel means conditions where no flowing or standing water is present in the area to be maintained at the commencement of or during the channel 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
  - **A channel serviceable for facilitating drainage**— This means a channel that in the past five years has adequately

facilitated drainage of agricultural lands.

- **Non-ESH streams** — Streams are designated as ESH (Essential Indigenous Anadromous Salmonid Habitat) pursuant to ORS 196.810 that are necessary to prevent the depletion of indigenous anadromous salmonid species during their life history stages of spawning and rearing, and any adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to an ESH stream.

## Next steps

Oregon Department of Agriculture (ODA) will review the notification and send it to the Oregon Department of Fish and Wildlife (ODFW) within five days of receiving the notification. ODA will provide a response within 45 days plus Sundays and holidays of the date that the notice is received. ODA may not be able to review the notification if the form is not complete. Send the completed form to the ODA, Natural Resources Program Area, Water Quality Program, 635 Capitol St. NE, Salem, OR 97301. Fax (503) 986-4730. You may also email the form to:

**[agchannelmaintenance@oda.state.or.us](mailto:agchannelmaintenance@oda.state.or.us)**

The following notification form is provided for the submittal of Agricultural Channel Maintenance projects in the state of Oregon. Provide as much information as possible about the maintenance activity.

## For more information:

Go to: **<https://oda.direct/AgChannelMaintenance>**.

For updates:  
**<https://oda.direct/AgChannelUpdates>**

Contact us: Call  
**(971) 218-1180** or email  
**[agchannelmaintenance@oda.state.or.us](mailto:agchannelmaintenance@oda.state.or.us)**



**OREGON  
DEPARTMENT OF  
AGRICULTURE**



# Agricultural Drainage Channel Maintenance Notification Form

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

Date received by ODA: \_\_\_\_\_ Case File No.: \_\_\_\_\_

Date to ODFW: \_\_\_\_\_ Default Date (Notice Becomes Active): \_\_\_\_\_

*Information above line to be filled out by ODA*

## Contact Information

(Responsible person(s)/parties)

Name: \_\_\_\_\_

Name of Drainage or Irrigation District (if applicable): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: Cell: \_\_\_\_\_ Home (if different from cell): \_\_\_\_\_ Work: \_\_\_\_\_

Email: \_\_\_\_\_

## In case of multiple landowners on the same channel

Name: \_\_\_\_\_

Name of Drainage or Irrigation District (if applicable): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: Cell: \_\_\_\_\_ Home (if different from cell): \_\_\_\_\_ Work: \_\_\_\_\_

Email: \_\_\_\_\_



For updates:  
<https://oda.direct/AgChannelUpdates>

Contact us: Call  
(971) 218-1180 or email  
[AgChannelMaintenance@oda.state.or.us](mailto:AgChannelMaintenance@oda.state.or.us)



## Checklist for your application

Oregon has worked to streamline agricultural channel drainage maintenance regulation for farmers, ranchers, and water districts. However, there are some requirements and preconditions. In addition, there are multiple other state and federal regulations that may impact this work. This checklist is a “heads up” on what they are.

- Read the required conditions and prohibitions on **pages 7 and 8**
- Review the map for the regional dry maintenance time (RDMT) periods on **Page 10**
  - » My RDMT is \_\_\_\_\_.
- Are the channels you want to work in traditionally maintained for drainage of agricultural lands?  
Yes            No
- Are the channels ESH? To see if your channels are ESH, go to **<https://oda.fyi/ESH>**  
Yes            No
- Attach an aerial photograph using Google Maps, including starting/stopping points with Latitude and Longitude
- Provide specific waterbody and spoils information on **Page 4** (use **pages 5 and 6** if multiple maintenance activities are taking place; use additional sheets if necessary)
- Complete the description of maintenance activities and the checklist on **Page 6**

ODA’s acceptance of your notification may not be valid for USDA. 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 based on your planned channel maintenance activities.

This work may require a federal permit (called a 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 (called a Section 401 Certification or water quality review). If this is the case, maintenance work could not begin until these approvals are in place. It is the applicant’s responsibility to obtain these approvals if required.

Will maintenance activities be undertaken in part by a district, company or corporation?    Yes            No

If yes, in the following activity descriptions, clearly identify which activities will be done by the district, company or corporation and which activities will be done by the person filing the notification.

Once validated by ODA, this Notice will be posted on the ODA website.

## Waterbodies where maintenance will occur

Material that is removed from the channel may be temporarily placed along the channel to dry for up to one year. After one year, the material must be removed from the riparian area and any wetland along the channel, and applied as follows: thinly spread on a farmed or converted wetland, piled or spread on non-wetland fields. It is prohibited to place this material in a wetland that is not farmed or converted.

Street address/intersection closest to the project site, city, zip code:

---

**For a complete Notice, you must show the location on an aerial photograph with starting/stopping points and placement location (please use Google Maps found at <https://www.google.com/maps>).**

≈ location — Coordinates consistent with Google Maps  
(example: Decimal: 44.944005, -123.026382 Degrees)

Starting Point: Lat: \_\_\_\_\_ Long: \_\_\_\_\_

Ending Point: Lat: \_\_\_\_\_ Long: \_\_\_\_\_

Will spoils be side cast and temporarily stored to dry along the channel?      Yes      No

Temporary: Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Date to be removed: \_\_\_\_\_

Please provide the permanent location where you will place the excavated materials/spoils/sidecast:

Permanent: Lat: \_\_\_\_\_ Long: \_\_\_\_\_

Describe Placement Method (Such as piled, sidecast, or removed from property):

## Maintenance Project Site No. 2

Street address/intersection closest to the project site, city, zip code:

---

**For a complete Notice, you must show the location on an aerial photograph with starting/stopping points and placement location (please use Google Maps found at <https://www.google.com/maps>).**

≈ location — Coordinates consistent with Google Maps  
(example: Decimal: 44.944005, -123.026382 Degrees)

Starting Point: Lat: \_\_\_\_\_ Long: \_\_\_\_\_

Ending Point: Lat: \_\_\_\_\_ Long: \_\_\_\_\_

Will spoils be side cast and temporarily stored to dry along the channel?      Yes      No

Temporary: Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Date to be removed: \_\_\_\_\_

Please provide the permanent location where you will place the excavated materials/spoils/sidecast:

Permanent: Lat: \_\_\_\_\_ Long: \_\_\_\_\_

Describe Placement Method (Such as piled, sidecast, or removed from property):

---

### Maintenance Project Site No. 3

Street address/intersection closest to the project site, city, zip code:

---

**For a complete Notice, you must show the location on an aerial photograph with starting/stopping points and placement location (please use Google Maps found at <https://www.google.com/maps>).**

≈ location — Coordinates consistent with Google Maps  
(example: Decimal: 44.944005, -123.026382 Degrees)

Starting Point: Lat: \_\_\_\_\_ Long: \_\_\_\_\_

Ending Point: Lat: \_\_\_\_\_ Long: \_\_\_\_\_

Will spoils be side cast and temporarily stored to dry along the channel?      Yes      No

Temporary: Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Date to be removed: \_\_\_\_\_

Please provide the permanent location where you will place the excavated materials/spoils/sidecast:

Permanent: Lat: \_\_\_\_\_ Long: \_\_\_\_\_

Describe Placement Method (Such as piled, sidecast, or removed from property):

---

**Please provide the estimated depth x width x length of each project site. The depth and width refer to the amount of sediment you will remove in order to estimate the total volume of the material:**

- Estimated volume: \_\_\_\_\_

---

I have read and understand the agricultural water quality rules for my area (<https://oda.direct/AgWaterQualityPlans>).

The channel(s) must be dry when work under this Notice is performed.

It is the policy of the state 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, I agree that my channel maintenance actions shall follow all of the mandatory conditions listed in the ODA notification, ensure no physical obstructions remain in the channel that can block or delay migrating fish (upstream and downstream), and leave no holes or vertical steps in the channel bed.

I have attached an aerial photograph or map screenshot, on which all maintenance activities are clearly delineated.

I have included information detailing each maintenance activity occurring.

By checking this box, I will comply with the following required conditions and prohibitions on **page 8 and 9**.

I agree to contact the Oregon Department of Agriculture and report any subsequent changes to information contained in the notification. I understand that this may require me to file a separate notification with the Oregon Department of Agriculture.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**In case of multiple landowners on the same channel:**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Required conditions and prohibitions

### MANDATORY NOTICE CONDITIONS (OAR 603-095-4030)

1. A traditionally maintained channel must be dry before the commencement of any removal activities in the channel. If there is standing water in the channel that is due to a single rain event and the presence of the water is not indicative of a perennial stream, a person must request a variance on a form provided by the Oregon Department of Agriculture prior to initiation of channel maintenance activities.
2. A person must begin and complete activities that require removal of material from the traditionally maintained channel during the applicable Regional Dry Maintenance Time, as designated by the Oregon Department of Fish and Wildlife, for the region where the traditionally maintained channel is located.
3. The body of any motorized equipment that is used to conduct removal or fill activities must be operated from the streambank or bank of the channel, with only the bucket of the motorized equipment that actively removes material operating within the channel.
4. Any excavation of the bottom of the channel must be on a smooth grade and in a manner that does not create depressions or grade changes within the channel.
5. Maintenance activities must be conducted in a manner that minimizes new erosion into the channel.
6. Removal of woody vegetation must be limited to the minimum amount needed to complete the maintenance activity.
7. Revegetation must occur for any riparian areas that serve as a buffer adjacent to the channel and that experience vegetation loss as a result of the maintenance activity. This condition is satisfied whether revegetation occurs naturally or after seeding. Revegetation shall result in adequate ground cover to keep the banks stable and prevent erosion. Revegetation shall not result in the establishment of noxious weeds as identified by the Oregon Department of Agriculture as an A List Weed or B List Weed at the time of the revegetation work.
8. All work related to the maintenance activity must be conducted only from one bank of the channel, on either the north or east side, when practicable, to minimize the ecological impacts of the maintenance activity.
9. Motorized equipment used for maintenance activities must utilize existing crossings, if crossing the channel is necessary to complete maintenance activities.
10. Maintenance activities must begin at the most upstream location and progress downstream.
11. Material that is removed from the channel may be temporarily placed in a wetland or converted wetland located adjacent to the channel to dry, provided that the material must, no later than one year after the date that the maintenance activity was completed, be moved to an uplands area or be spread in a thin layer outside the riparian area that serves as a buffer adjacent to the channel.
12. Maintenance activities may not result in converting wetlands to uplands and may not materially change the depth or functionality of a wetland. The determination of the functionality of a wetland will vary for each property, but may include fish and wildlife habitat, hydrologic and water quality functions.

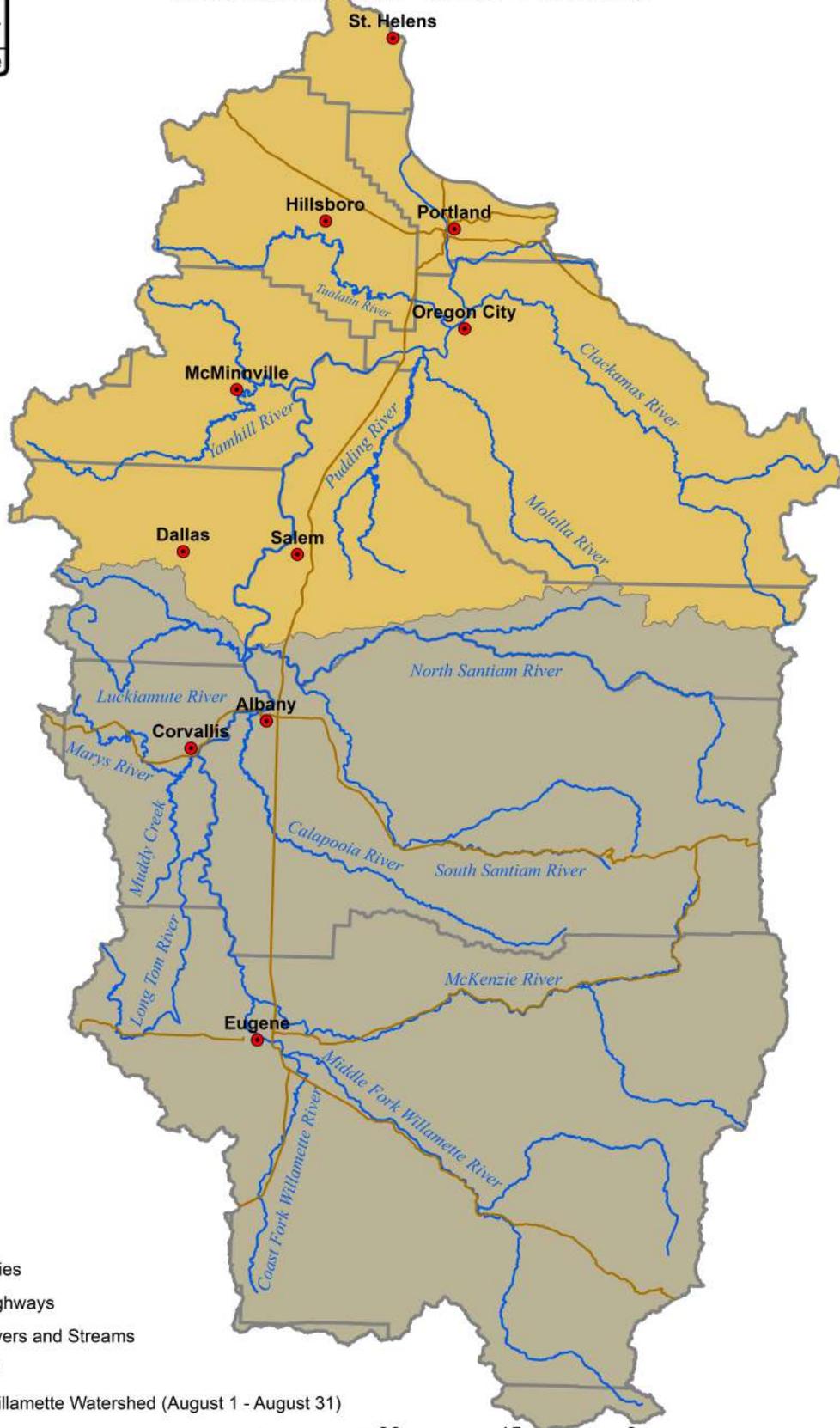
13. Impacts to wetlands caused by channel maintenance activities must be temporary and must be limited to impacts related to accessing the site to conduct removal activities in the channel, the removal of material and the disposal of material.
14. Maintenance activities may not result in a change in location of a channel through the digging of a new channel and the diversion of the flow from the old channel into the new channel. Maintenance activities may not cause or result in increasing the width or depth of the channel beyond the width or depth to which the channel has routinely been maintained to facilitate drainage.
15. Maintenance activities must not result in alteration of any existing inlet or outlet connections with other waterways.
16. The temporary placement of material along one side of the traditionally maintained channel must include gaps or flow paths to allow channel floodwaters to access the fields upland of the channel.

**PROHIBITIONS (OAR 603-095-4040)**

1. No person may commence any removal or fill activities for the maintenance of a traditionally maintained channel unless a valid notice is posted on the Oregon Department of Agriculture website or unless a removal fill permit, pursuant to ORS Chapter 196.911 is obtained from the Oregon Department of State Lands.
2. No person may commence any removal activities in a traditionally maintained channel that is not dry unless a variance is obtained from the Oregon Department of Agriculture. The variance may be granted for a channel that is not dry due to a rain event and not indicative of a perennial stream.
3. A person with a valid notice may not conduct activities that result in removal of more than 3,000 cubic yards per linear mile of a traditionally maintained channel over the course of the five-year period for which the notice is valid.
4. A person with a valid notice may only spread in a thin layer excavated material in a converted wetland or where agricultural activity presently and historically has occurred, and not in a volume of greater than 3,000 cubic yards per linear mile of traditionally maintained channel over the course of the five-year period for which the notice is valid.
5. A person with a valid notice may not conduct any maintenance activities, remove or place fill material in a channel that has been designated by the Oregon Department of State Lands as Essential Indigenous Anadromous Salmonid Habitat, per ORS 196.810.
6. A person with a valid notice may not, through the conduct or result of any maintenance activities, enlarge a water right or cause injury to an existing water right.
7. Maintenance activities must be consistent with the valid notification.
8. No work associated with a valid notice may result in the permanent conversion of wetlands to uplands.
9. Maintenance activities shall not include altering traditionally maintained channels to allow for storage of water that could be used for irrigation or exceed the historic capacity of the channel.
10. Maintenance activities shall not be conducted in channels other than traditionally maintained channels, as defined in 603-095-4005(15).



# Willamette Watershed Map for Dry Maintenance Time Periods



### Legend

- Major Cities
- Major Highways
- Major Rivers and Streams
- Counties
- Lower Willamette Watershed (August 1 - August 31)
- Upper Willamette Watershed (August 1 - September 15)

15 0 30 Miles

Map last edited on July 31, 2020