

Request for Variance from Mandatory Conditions in a Valid Notice Issued under Agricultural Channel Rules (OAR 603-095-4000 to -4060)



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: _____

Where is the activity area (River system and lat/long): _____

Channel type: Perennial stream Intermittent stream, or Farm ditch

The RDMT Period for this area: _____

If an RDMT request, how long will the activity exceed the dry maintenance time period? _____ days

Information above line to be filled out by ODA

(Responsible person/party) Information to be submitted to ODA

Name: _____

Name of Drainage or Irrigation District (if applicable): _____

Address: _____

Cell: _____ Home (if different from cell): _____ Work: _____

Email: _____

If you want to extend the region dry maintenance period, insert the number of days requested: _____ .

For updates:
[https://oda.direct/
AgChannelUpdates](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**



List the number of the mandatory and / or prohibited conditions for which you request a variance.

For each condition listed, describe the alternative actions you will take. Describe how each alternative action will protect water quality and prevent erosion. Also describe how the alternative(s) will protect, maintain, or improve channel conditions for fish and wildlife in the channel(s). For example: protect and/or replant streamside vegetation, decrease streambank slope and revegetate, etc.

Describe the consequences to your operation or water district if the variance is not granted:

Include an aerial photo or more maps that identify:

1. Location of the activity along the channel impacted by the proposed variance.
2. Proposed location(s) for placement of material removed from the traditionally maintained channel if different than the notice.

ODFW Checklist Criteria

Known fish and/or wildlife presence upstream, within, or downstream from project area at any time of year? If so, identify species and expected temporal use.

Are there fish and/or wildlife expected in the channel during the proposed activity?

A) If present, do the fish and/or wildlife have protected status?

- Federal ESA?
- State ESA?
- State sensitive or vulnerable?
- Native Fish or Wildlife?

B) What is the life stage(s) of the fish and/or wildlife at the site? (life-history status)

- Spawning?
- Breeding/Nesting?
- Rearing?
- Aestivation?
- Migration?

C) What are the expected positive and negative impacts to water quality, fish and/or wildlife life stage, and how significant are they? Rank Significance (1 = low; 5 = high)

- Direct? (e.g., increased erosion potential, removal of spawning gravels, etc.) Rank Explanation
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- Indirect? (e.g., downstream sedimentation, change in flow patterns, etc.) Rank Explanation
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Determination

1. Taking into consideration A, B, C, does the project pose an insignificant risk to water quality, fish, and/or wildlife?

- a) If yes, proceed to 4
- b) If no, proceed to 2.

2. Will the impacts be offset/mitigated?

- a) If no, proceed to 5.
- b) If yes, proceed to 3.

3. How can impacts be offset/mitigated?

- Timing?
- Avoidance?
- Minimization?
- Modification of the activity?
- Depth, elevation, or distance restrictions?
- Equipment, procedural, or technology modifications?

Explanation

ODFW recommendation to ODA

4. Grant variance

5. Deny variance

6. Grant variance with mitigation conditions

Requester _____ Date received _____

ODA Decision and Decision Summary:

ODA Reviewer: _____ ODFW Reviewer: _____

Date variance denied/approved: _____

Dates for which dry maintenance time period exemption will apply: _____