

DIVISION 660
WATER PROTECTION RULES: SPECIFIC RULES FOR
OPERATIONS NEAR WATERS OF THE STATE

STREAM CHANNEL CHANGES

OAR 629-660-040

- (1) Operators shall not channelize, relocate, or divert water from any stream, except as allowed in the forest practices rules for construction of roads, approved stream improvement projects or temporary stream crossings.***

RULE COMPLIANCE:

This section is subject to enforcement action. Noncompliance with this section includes any channel disturbance which could cause channel changes. Operators are only allowed to disturb the minimum area needed for construction of a stream crossing for a haul road or a skid road.

Noncompliance alters stream integrity, and therefore results in damage. Noncompliance where the channel was diverted but no significant volume of material was placed into or removed from the channel should be cited using this section (i.e. movement of material within the channel for diversion or other purpose). If material has been added to or removed from the channel, use section (2) of this rule.

ADMINISTRATION AND IMPLEMENTATION:

This section applies to any and all forest operations.

Operators may only modify channels at stream crossings which are necessary for yarding or hauling. These stream crossings must be constructed as per the road rules and the rules for temporary crossing structures. The following enforceable rules regulate stream crossings:

629-625-100 Written plans for road construction
 629-625-200 Road Location
 629-625-320 Stream Crossing Structures
 629-625-420 Drainage
 629-625-430 Stream Protection
 629-625-600 Road Maintenance
 629-630-800 Yarding; Ground-based Equipment Near Waters of the State

Problems with stream crossings should be handled using the guidance for the rules listed above. Skid trail diversions should be cited under OAR 629-630-800(9).

RELATED RULES AND STATUTES:

- 629-625-100 Written plan for road construction
- 629-625-200 Road location

- 629-625-320 Stream crossing structures
- 629-625-420 Drainage
- 629-625-430 Stream protection
- 629-625-600 Road maintenance
- 629-630-800 Yarding; ground-based equipment near waters of the state

REFERENCE:

- Oregon Forest Protection Laws, an Illustrated Manual, Third Edition, OFRI

STREAM CHANNEL CHANGES***OAR 629-660-040***

- (2) *Operators shall not add to or remove soil or rock from any streams, except as allowed in the forest practice rules for construction of roads, approved stream improvement projects or temporary stream crossings.*

RULE COMPLIANCE:

This section is subject to enforcement action. Noncompliance with this section includes placement of any soil, rock or debris in a channel; or removal of any natural soil or rock from a channel of any size or type. Operators are only allowed to add or remove material at the actual site of a stream crossing structure, and for stream crossings may only disturb the minimum area needed for construction of a stream crossing for a haul road or a skid road.

Noncompliance alters stream integrity, and therefore results in damage. If a significant volume of material has been added to or removed from the channel, use this section. Noncompliance where the channel was diverted or altered without major excavation should be cited using section (1) of this rule.

ADMINISTRATION AND IMPLEMENTATION:

Refer to "Administration and Implementation" under section (1). This section applies to any and all forest operations.

In limited cases, road repair may require some channel disturbance. This is allowed by OAR 629-605-500 for public safety through a SF approved plan for alternate practice. In no case should road construction or major reconstruction include placement of fill under the high water level of any stream, except at stream crossings.

Channels may not be modified above or below stream crossing structures. This applies to dry channels as well as channels with stream flow. If road construction absolutely requires channel work outside the crossing site, the operator must request and get SF approval of this alternate practice. Do not approve such practices unless equal or better resource protection is provided.

Example: An operator proposes to modify the channel to allow fish passage where it is currently blocked.

- The SF should approve a plan for alternate practice.
- The SF could approve a PFAP for a stream enhancement project.

In limited cases, road repair may also require some channel disturbance. This is allowed by 629-605-500 for public safety through a SF approved plan for alternate practice. OAR 629-605-140(2)(f) allows road reconstruction of an emergency nature without notification or an approved plan for alternate practice. It is an emergency when a road has failed (cut or fill slope, or culvert has moved or washed) and failure to take action to reconstruct would pose a risk to users of the

road or downstream/slope improvements. It is not an emergency if only road access is blocked and there is not a risk to life or property.

RELATED RULES AND STATUTES

- OAR 629-605-140(2)(f) Notification to the state forester--types of operations
- OAR 629-605-500 Modification of requirements for forest health and public safety

REFERENCE:

- Oregon Forest Protection Laws, an Illustrated Manual, Third Edition, OFRI

BEAVER DAMS OR OTHER NATURAL OBSTRUCTIONS**OAR 629-660-050**

- (1) *Except as needed for road maintenance, operators must submit a written plan to the State Forester prior to the removal of beaver dams and other natural obstructions from waters of the state during forest operations. Removal of any beaver dam that is within 25 feet of a culvert shall be considered to be needed for road maintenance.*

RULE COMPLIANCE:

This section is subject to enforcement action. Removal of any beaver dam or any other channel obstruction which is greater than 25 feet from a stream crossing without first submitting as written plan is a violation.

ADMINISTRATION AND IMPLEMENTATION:

Other obstructions include debris in culverts, debris jams in streams, and landslide deposits. Operators may remove any jam or dam that is within 25 feet of a culvert (or other stream crossing structure) without submitting a notification or written plan, as this is considered routine road maintenance or emergency road reconstruction.

Note: Operators must submit a written plan before removing any beaver dam or other obstruction which is beyond 25 feet from a stream crossing structure.

Operations not requiring a notification must still comply with the applicable FPA rules, OAR 629-605-0140(3).

Note: Emergency road reconstruction is not consider routine road maintenance. Within 48 hours after starting an emergency road reconstruction operation, the operator must report to the State Forester the operation and justification for taking emergency action, then complete the formal notification requirement, OAR 629-605-0140(2)(f).

REFERENCE:

- Oregon Forest Protection Laws, an Illustrated Manual, Third Edition, OFRI

BEAVER DAMS OR OTHER NATURAL OBSTRUCTIONS***OAR 629-660-050***

- (2) *A written plan for removal of a beaver dam or obstruction must demonstrate:*
- (a) *A beaver dam or obstruction threatens existing forests or plantations; or*
 - (b) *Beaver dam removal is part of a beaver population control program approved by the Oregon Department of Fish and Wildlife; or*
 - (c) *Retaining the beaver dam or obstruction would result in greater environmental harm than benefit.*

RULE COMPLIANCE:

This section is **not** subject to enforcement action.

ADMINISTRATION AND IMPLEMENTATION:

This section provides guidance to the department for reviewing a written plan for removal of beaver dams or other obstructions. Do not use this section for citations.

Subsection (a) applies only to water damage, and not to beavers eating trees. It does not allow drainage to start a new plantation.

Consult ODFW on potential environmental damage from retaining beaver dams (subsection(c)).

REFERENCE:

- Oregon Forest Protection Laws, an Illustrated Manual, Third Edition, OFRI

BEAVER DAMS OR OTHER NATURAL OBSTRUCTIONS***OAR 629-660-050***

- (3) *Sediment releases and downstream channel scouring can occur when beaver dams are removed. Operators are encouraged to use techniques that result in a gradual release of water when a dam is removed.*

RULE COMPLIANCE:

This section is **not** subject to enforcement action.

ADMINISTRATION AND IMPLEMENTATION:

This section provides guidance to the department and the operator on methods for beaver dam removal to protect water quality. Do not use this section for citations. If rapid removal causes serious turbidity, use the road maintenance rules for any citations.

It is not acceptable to remove beaver dams in a manner that would result in major releases of sediment, channel scouring, or damage to downstream stream crossing structures.

If the SF encounters a situation where a large volume of water is stored behind a beaver dam or obstruction, the SF should consult with DEQ after informing the landowner of the problem. If a written plan is required, encourage the operator to not rapidly drain the obstruction without first consulting DEQ. If the operator has not removed debris from culverts and this resulted in ponding behind the fill, it is likely that the operator is not in compliance with road maintenance rules. Enforcement action for damage should be taken under the road maintenance rules.

Methods that should be avoided include blowing up the dam with explosives or using other methods that would "pull the plug" quickly. Methods that could be used include removal when the dam is empty, pumping, siphoning, or gradually constructing a spillway that does not outlet onto steep fill material.

HEADWATER AMPHIBIAN SPECIES**OAR 629-660-060**

Amphibians that are sensitive to temperature and moisture fluctuations may live in small Type N streams. Operators are encouraged to retain portions of in-unit green live trees and snags as blocks of intact vegetation along small Type N streams.

RULE COMPLIANCE:

This rule is **not** subject to enforcement action.

ADMINISTRATION AND IMPLEMENTATION:

If sensitive amphibians are known to live in the operation area, the SF should inform the operator of this rule. Consultation with the ODFW non-game biologist may also be appropriate. Operators should be encouraged to retain in-unit wildlife trees along Type N streams even if there are no known sensitive amphibians in the area.

Enforcement action may not be taken on this rule.

REFERENCE:

- Oregon Forest Protection Laws, an Illustrated Manual, Third Edition, OFRI