

# Agricultural Drainage Channel Maintenance

## *Before you file a notification*

There are important things to know before filling out a Notice form.

- Confirm the channels and maintenance activities are eligible under this new program.
- If the channels are eligible, remember that notifications that are incomplete, ineligible, or inaccurate will not be considered for validation by ODA.
- There may be other local, state and federal laws and/or programs that regulate the maintenance activities. See below for additional information on some of these other programs.

### **Your channels likely qualify for work under the notification program IF:**

- The channels are NOT considered Essential Indigenous Anadromous Salmonid Habitat (ESH) by Oregon Department of State Lands (DSL). To determine if your channels are considered ESH, locate your property on the following ESH on-line map <https://maps.dsl.state.or.us/esh2017/>. If you need help working with the map, contact ODA or your local Soil and Water Conservation District (SWCD) at <https://oda.direct/SWCD>.
- The channels are “traditionally maintained”, meaning they have been maintained at some point in the past to drain agricultural lands.
- The channels provide or have provided a drainage function for agricultural lands at some point within the past five years.
- The channels will be dry at the time of the proposed work.

- Only wetlands adjacent to traditionally maintained channels may be impacted under this program; material may be placed in them to dry temporarily for up to one year before the material must be relocated to an upland (nonwetland) location.

If your channels do not meet these eligibility criteria, maintenance work in them will likely require a permit from DSL. Additional information about the DSL permit process is available at <https://oda.fyi/DSLPermits> and at the DSL office at 503-986-5200.

The Oregon Legislature worked to streamline and simplify the state process for working in channels that drain agricultural lands. In addition, there other state and federal programs that you must be aware of prior to working in drainage channels in Oregon.

- **Oregon Tribes cultural resources.** Oregon protects archaeological objects and sites of cultural importance to Oregon Tribes that may be located within submerged and submersible lands. A person “may not excavate, injure, destroy or alter an archaeological site or object or

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

For more information:  
Call (971) 218-1180 or email  
[agchannelmaintenance@oda.state.or.us](mailto:agchannelmaintenance@oda.state.or.us)

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 [ ORS 358.920].” 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>, and at the Oregon Heritage State Historic Preservation Office at (503) 986-0690 and [oregon.heritage@oregon.gov](mailto: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 actions must ensure that no physical obstructions be placed in the channel that can block or delay migrating fish (upstream and downstream). The maintenance activities must not leave pits, holes, or vertical steps in the channel bed.
- **Federal permits and review.** 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 cannot begin until these approvals are in place. It is the applicant’s responsibility to obtain these approvals if required.

- **Federal conservation program eligibility.** Conducting drainage channel maintenance work under an ODA notification may conflict with conservation programs of the United States Department of Agriculture (USDA). If you are a USDA Farm Bill Program Participant or are interested in USDA Programs please contact your local SWCD <https://oda.direct/SWCD> or USDA Service Center <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.
- **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 result in the establishment of noxious weeds as identified by the ODA has an A List Weed or B List Weed. For a list of these weeds and additional guidance, see <https://oda.direct/NoxiousWeedLawsLists>.

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