

Agricultural Drainage Channel Maintenance

Notification Form (“Notice”)

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

8/2022

CONTACT US

Oregon Department of Agriculture

Brittany Mills,
Program Specialist:
971.218.1409
brittany.mills@oda.oregon.gov

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.oregon.gov

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

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

For ODA use only

Notice # _____ Date received by ODA _____ Complete (Y?N)? ___
Date to ODFW _____ 45-Day Default Date: _____

GUIDANCE FOR FILLING OUT A NOTICE

1. Read ‘Before You File’ available on the ODA Ag Channel website.
2. **Submit your Notice at least 60 days before you want to start work.** Both the Oregon Department of Agriculture (ODA) and the Oregon Department of Fish and Wildlife (ODFW) will review the Notice for eligibility and to determine if any additional conditions are needed to protect water quality, fish, and/or wildlife. ODA and ODFW may contact you to schedule a site visit. ODA and ODFW may consult with staff from Department of State Lands (DSL) to determine final project conditions or prohibitions.
3. Will maintenance activities be undertaken in part by a district, company, or corporation? Yes No
If yes, in the project activity descriptions, clearly identify which activities will be done by the district, company, or corporation and which will be done by the person filing the Notice.
4. Material removed from the channel (“spoils”) may be temporarily placed along the channel to dry for up to one year. After one year, the spoils 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, or exported. **It is prohibited to place the spoils in a wetland that is natural and undisturbed.**
5. On an aerial photograph from Google Maps (google.com/maps), Google Earth (google.com/earth), NRCS soil survey (websoilsurvey.sc.egov.usda.gov), or the equivalent, clearly show starting and stopping points of channel activity and where spoils will be placed both temporarily and permanently.
6. You may attach a Variance Form to request a variance to one of the Mandatory Conditions or submit a variance request later.

NEXT STEPS

You can submit this form via one of the following options:

- ODA, Natural Resources Program Area, Water Quality-ADCM Program, 635 Capitol St. NE, Salem, OR 97301
- Fax: 503.986.4730
- Email: agchannelmaintenance@oda.oregon.gov

ODA may not review the Notice if the form is incomplete. If complete, ODA will forward it within five work days to ODFW. ODA will respond to you within 45 work days of the date that they received the Notice from you.

Once validated by ODA, Notices will be posted at oda.direct/AgChannelMaintenance.



This is a resubmittal of a form that was not complete within 5 days of submittal

PRIMARY CONTACT INFORMATION

Landowner Business Water District

Name of landowner/business name/water district: _____

Contact name: _____

Mailing address: _____ City: _____ State: _____ Zip: _____

Preferred Phone: _____ Email: _____

In case of multiple landowners in the Notice area, on a separate page, provide all contact information shown above for each landowner.

Please do not submit without checking each of the following boxes:

I certify that the channel for which I am seeking the Notice:

- Is traditionally maintained for agricultural drainage.
- Has facilitated drainage in the last five years.
- Is not ESH (see map at <https://maps.dsl.state.or.us/esh/>).
- Will be dry when the work under this Notice is being done.

- I read the Before You File document on the Ag Channel website.
- I understand that if it rains sufficiently during work to result in standing water or flow in the channel, work must stop until work area dries.
- I read the Mandatory Conditions and Prohibitions on pages 5 and 6 and will comply with them.
- My Regional Dry Maintenance Time Period (Page 7) is: _____.
- I attached an aerial photo or map screenshot that clearly shows location(s) of channel maintenance activity.
- I attached an aerial photo or map screenshot that clearly shows where spoils will be temporarily and permanently placed or a description of spoils placement.
- I included information on each maintenance activity.
- To protect fish, my channel maintenance activities shall leave no holes or vertical steps in the channel bed.
- I have read and understand the Agricultural Water Quality Rules for this Area (<https://oda.direct/AgWaterQualityPlans>).
- I will contact ODA and report any subsequent changes to information in this Notice. I understand this may require me to file a separate Notice with ODA.

I will submit a variance request for this Notice. Yes No

I certify that all the information in this Notice is true and that I have contacted all landowners in the Notice area and they will comply with this Notice:

Name: _____ Date: _____

Project Site No. 1: Activities

A. Location

1. Street address/intersection closest to the project site, with city

2. Name of channel or receiving stream: _____

3. What months is the channel generally dry? _____

Why is it dry then? _____

4. Will work be done from one side of the channel, preferably the north or east side? Yes No

If 'no,' why not? _____

B. Spoils

1. Will spoils be sidecast and **temporarily** stored to dry along the channel? Yes No

a. If yes, when will temporary spoils be removed? Date: _____

b. Describe method of placement (bulldozer, front end loader, etc.):

2. Describe method and location where you will place the **permanent** spoils:

Spread:

Piled:

Other:

C. Calculations for volume of material removed below the normal high water mark (to nearest foot):

Excavation area length: _____

Average width of excavation area: _____ Average depth excavation area: _____

Spoil volume (length * width * depth / 27): _____ cubic yards

Project Site No. _____ : Activities (attach more sheets for additional sites)

A. Location

1. Street address/intersection closest to the project site, with city

2. Name of channel or receiving stream: _____

3. What months is the channel generally dry? _____

Why is it dry then? _____

4. Will work be done from one side of the channel, preferably the north or east side? Yes No

If 'no,' why not? _____

B. Spoils

1. Will spoils be sidecast and **temporarily** stored to dry along the channel? Yes No

a. If yes, when will temporary spoils be removed? Date: _____

b. Describe method of placement (bulldozer, front end loader, etc.):

2. Describe method and location where you will place the **permanent** spoils:

Spread:

Piled:

Other:

C. Calculations for volume of material removed below the normal high water mark (to nearest foot):

Excavation area length: _____

Average width of excavation area: _____ Average depth excavation area: _____

Spoil volume (length * width * depth / 27): _____ cubic yards

Required Conditions and Prohibitions

Mandatory Notice Conditions (OAR 603-095-4030)

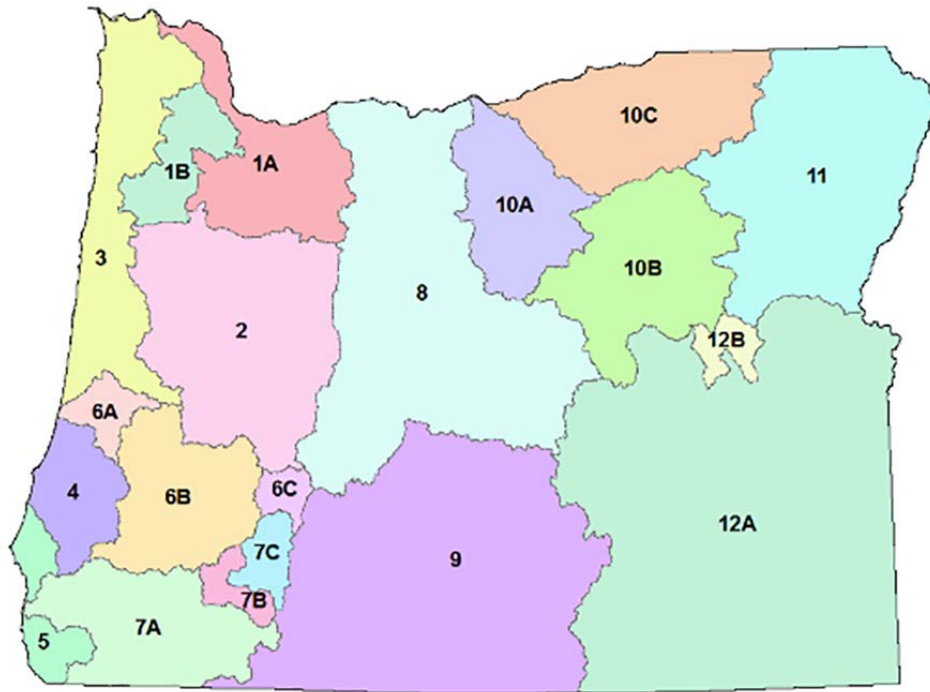
- (1) A traditionally maintained channel must be dry before the commencement of any removal activities in the channel. If there is standing water in the channel that is due to a single rain event and the presence of the water is not indicative of a stream, a person must request a variance on a form provided 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 period, 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-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 in 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.
- (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 of the traditionally maintained channel 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 uplands or be spread in a thin layer outside the riparian area that serves as a buffer adjacent to the channel. Material may only be permanently spread in a thin layer where agricultural activity presently and historically has occurred.
- (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 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 wetlands adjacent to the channel, impacts related to accessing the site to conduct removal activities in the channel, and 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-fill activities for the maintenance of a traditionally maintained channel unless a valid notice is posted on the Oregon Department of Agriculture website, the Department has not responded within 45 days of receiving a complete notification per ORS 196.915(3) and OAR 603-095 4020(6), 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, as defined in 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 not violate any condition in the applicable 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.
- (10) Maintenance activities shall not be conducted in channels other than traditionally maintained channels, as defined in 603-095-4005(15).
- (11) Placement of material in wetlands not presently or historically disturbed by agricultural activities constitutes a material change to the depth or functionality of the wetland and is prohibited.

Regional Dry Maintenance Time Periods (RDMTs), summarized from OAR 603-635-418

All work must be conducted during the RDMT for your area unless you have an approved variance. The region descriptions are updated. This map and table provide the current valid descriptions as of August 2022.



Region	Description, as summarized by ODA	Time Period
1A. North Willamette	<ul style="list-style-type: none"> Columbia River above Hunt Creek to Herman Creek Sandy Willamette to, but not including, the Santiam River Except for watersheds described in 1B. 	Aug. 1-31
1B. North Willamette	Tualatin, Yamhill and Rickreall watersheds	Aug. 1-Sept. 30
2. South Willamette	Santiam River, and the Tualatin and Yamhill watersheds	July 15-Sept. 30
3. North Coast	<ul style="list-style-type: none"> Lower Columbia downstream of and including Hunt Creek Tribs to the ocean south to and including 3Mile Creek (basically Necanicum south to Siltcoos) 	July 15-Aug. 31
4. Coos-Coquille-10Mile	From south of the South Jetty at Winchester Bay to and including Twomile Creek	July 15-Sept. 22
5. South Coast	2Mile Creek to California	July 15-Sept. 22
6A. Umpqua	Below Scottsburg Bridge, including Smith River	July 15-Sept. 22
6B. Umpqua	Above Scottsburg Bridge upstream, including North Fork to Slide Creek Dam	July 1-Sept. 30
6C. Umpqua	North Fork above Slide Creek Dam	July 15-Oct. 15

Region	Description, as summarized by ODA	Time Period
7A. Rogue	Below Dodge Bridge at Highway 234 (including Illinois and Applegate Rivers)	July 15-Sept. 30
7B. Rogue	Between Dodge Bridge and William Jess Dam (Lost Creek Lake)	July 15-Aug. 31
7C. Rogue	Above William Jess Dam	July 15-Sept. 30
8. Deschutes	Hood River, Deschutes, tribs to Columbia River above Herman Creek to mouth of John Day	Oct. 15-Nov. 15
9. Klamath	Klamath River Basin, Closed Lakes Basin (includes Goose Lake)	Sept. 1-Sept. 30
10A. John Day	John Day below North Fork	July 15-Aug. 30
10B. John Day	John Day above North Fork and including North Fork	July 15-Aug. 15
10C. Willow-Umatilla-WallaWalla	Umatilla, Walla Walla, Mill Creek/Butter Creek, Willow Creek	July 15-Sept. 30
11. Grande Ronde	<ul style="list-style-type: none"> Grande Ronde and its tribs Powder and Burnt Rivers and their tribs Tribs to the Snake River between Washington border and Annex, Oregon 	July 15-Aug. 15
12A. Malheur	<ul style="list-style-type: none"> Closed Lakes Basin (Harney) Snake River tributaries except for 'Malheur 12B' 	Oct. 1-Nov. 15
12B. Malheur	<ul style="list-style-type: none"> Malheur River and tribs above Wolf Creek North Fork Malheur River above Beulah 	Aug. 1-Aug. 31

For ODA use only

Notice #: _____

ODA initial review

ODA reviewer: _____

ODA comments:

Final ODA decision

Decision Date: _____ Grant variance Deny variance Grant variance with additional conditions

ODA reviewer: _____

Additional conditions:

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