

Agricultural Drainage Channel Maintenance

Notification Process

Notice: ODA must receive a Notice form at least 45 days before you wish to do the work. When determining the 45 day requirement for when work may begin, ODA will not include the day of receipt, Sundays, or holidays, and the last day cannot end on a weekend or holiday. Oregon does provide options for quick review and approval of work in emergencies.

- When ODA receives the Notice form, it has five days to review it for completeness, accuracy, and eligibility. If the Notice form passes this review, ODA will forward it to staff at ODFW. ODFW has up to 30 days to review the Notice form for eligibility and to determine if any additional conditions are needed to ensure that the project progresses with minimal impacts to fish, wildlife, and water quality. During this process, ODA and ODFW may contact the landowner or water control district to schedule a site visit to obtain additional information about the project. ODA and ODFW may consult with staff from DSL to determine final project conditions or prohibitions, though the agencies expect that will be rare.
- **Variance Request.** There will be times when a landowner or water control district needs a variance from the default mandatory conditions and prohibitions in the notification. The Variance form must be filled out and filed before work begins. A Variance form may be filed with a Notice form when you anticipate the need for a variance in advance.
- **Expedited Review Request.** There may be times when an emergency occurs and a landowner or water control district requires a quick review of the Notice form, faster than the 45 day maximum. The Expedited Review form is available for such emergencies. An emergency is a natural or human-caused circumstance that poses an immediate threat to public health, safety or substantial property, including cropland. If an emergency is not eligible for this notification process, a landowner or water control district must contact DSL for an emergency permit: https://www.oregon.gov/dsl/Documents/DSL_FloodEmergencyPermits.pdf
- **ESH Review Request.** Channels that DSL has designated as Essential Indigenous Anadromous Salmonid Habitat (ESH) are not eligible for this program. There may be times when a landowner or water control district does not agree with the ESH designation and wants to challenge it. In that case, they may submit the ESH Review Request form to ODA to review the designation. ODA will coordinate with DSL and ODFW during the review. This process will take some time, and a decision may not occur until the next maintenance season.

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



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

For more information:
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