

Oregon's Agricultural Water Quality Program

Streamside regulations: Oregon Department of Agriculture

Agricultural producers must protect streamside areas from activities that erode streambanks, or remove or prevent growth of streamside vegetation. Farm and ranch activities must:

- Allow growth of appropriate vegetation, such as trees and shrubs, along streams, and groundcover along ditches
- Prevent soil and animal wastes from entering streams and ditches
- Protect streamside vegetation from over-grazing and cropping

What streams need to be protected?

First, learn whether the waterways on your property are streams or ditches. A ditch is an artificial, human-made channel that was not formerly a stream. Many waterways appear to be ditches but actually are altered streams that were straightened or moved to provide more efficient farming. See the other side of this document for additional information from the Oregon Department of State Lands.

Under Oregon's Agricultural Water Quality Program, producers must protect all streams and ditches but requirements vary. Agricultural activities along any stream or ditch must have vegetation sufficient to stabilize banks. Producers must prevent soil, fertilizers, livestock manure, and pesticides from entering all streams and ditches. Streams that flow all or most of the year (perennial streams) must have vegetation sufficient to shade the stream.

Where can I get more information?

Contact the Oregon Department of Agriculture (ODA) or your local Soil and Water Conservation District office.

There are 38 agricultural water quality management areas in Oregon. Each management area has a unique set of requirements that agricultural producers are responsible for achieving. ODA's website provides information about each management area. Go to <http://oda.direct/AgWQPlans>. There you will find your local plan and requirements, and your local ODA contact.



Compliant



Non-compliant

635 Capitol St. NE, Salem, OR 97301
Web: www.oregon.gov/ODA
Phone: 503.986.4700



**OREGON
DEPARTMENT OF
AGRICULTURE**

Oregon's Aquatic Resource Management Program

Waterway regulations: Oregon Department of State Lands

Ditch maintenance is a normal agricultural practice to ensure that field and tile drainage is performing as designed. State and federal agency programs regulate alteration in waterways (streams or ditches). The programs may vary over which waterways and how specific activities are regulated. The information below provides a brief overview of the Department of State Lands (DSL) administrative rules (OARs) for removal-fill requirements for waterway maintenance.

Waterway – Is it a ditch or a stream?

Intermittent and perennial streams are, “jurisdictional” waters of the state meaning that their regulation is within the jurisdiction of DSL. “Ditch” is defined in OAR 141-085-0510(30) as “a manmade water conveyance channel. Channels that are manipulated streams are not considered ditches.” Some ditches may be jurisdictional if they meet certain criteria (OAR 141-085-0515(8)).

Mapping sources, like www.streamnet.org and the National Hydrography Dataset map viewer <https://oda.fyi/NationalMapView>, may give an idea if a waterway is a stream or an irrigation/drainage ditch. However, to provide certainty of state regulation, DSL offers free off-site determinations to verify stream and ditch status. To request an off-site determination, use this form:

<https://oda.fyi/DSLdeterminationRequest>

Additional consideration – Is the waterway Essential Salmon Habitat?

Is a stream or ditch designated ESH? See DSL's interactive ESH Map at <https://oda.fyi/ESHMap>. If a stream or regulated ditch is designated ESH, a permit is required for any amount of removal-fill with one exception: “activities customarily associated with agriculture” are exempt if removal-fill does not exceed 50 cubic yards. These activities include maintenance commonly and usually associated with raising livestock and growing crops, and may be conducted in an ESH waterway.

Exempt activities in regulated waterways

Maintenance of jurisdictional irrigation and drainage ditches is an exempt activity under OAR 141-085-0530(4) if the project meets the definition of “maintenance” or “reconstruction,” the ditch was serviceable within the last five years, and the activity would not adversely affect waters of the state to a greater extent than were affected as a result of the original construction. Maintenance (OAR 141-085-510(52)) is defined as the periodic repair or upkeep of a structure in order to maintain its original use. Maintenance includes a structure being widened by no more than 20 percent of its original footprint at any specific location, when necessary to maintain its serviceability. It also includes removal of the minimum amount of sediment either within, on top of, or immediately adjacent to a structure that is necessary to restore its serviceability, provided the spoil is placed on upland. For agricultural ditch maintenance under OAR 141-085-0530(4), disposal of dredged material can be spread in a thin layer on converted wetlands, provided that the disposal does not change wetland to upland. Note: maintenance or reconstruction (rebuild, or replacing the structure as originally built) of other types of water control structures such as culverts, dikes, dams, levees, groins, tidegates, and tile drain systems are also exempt under OAR 141-085-0530(4) if the project meets the listed criteria.

Where can I get more information?

For more information about when a state permit is or isn't required, see DSL's Removal-Fill Guide, visit DSL's website at www.oregon.gov/DSL.

To speak to an Aquatic Resource Coordinator about various activities or types of permits, call **DSL's main numbers 503.986.5200 – Western Region, or 541.388.6112 – Eastern Region** and ask for the coordinator for your county.

775 Summer St. NE, Suite 100, Salem, OR 97301
Web: www.oregon.gov/DSL
Phone: 503.986.5200

