



## Valid Notice: Agricultural Channel Maintenance Program

Notice #	# Sites	County	Notice Received	Notice Posted	Variance Granted?
22-005	3	Polk	September 7, 2022	September 29, 2022	Yes
<p><b>Additional Required Conditions</b> (see Mandatory Conditions for All Notices at end)</p> <p>Variance Approval and Conditions:</p> <ol style="list-style-type: none"> <li>The Variance for maintenance beyond the Regional Dry Maintenance Time Period has been granted. Please note that the Variance is only granted for 2022. If a variance is needed for additional years you will need to submit another variance request.</li> </ol> <p>Additional Required Conditions:</p> <ol style="list-style-type: none"> <li>1. If a northern red-legged frog, northwestern pond turtle, or western painted turtle is encountered during the activity, move it out of harm's way to suitable habitat immediately upstream or downstream of the active work area. Report all encounters of these species to ODFW and contact ODFW for assistance as needed.</li> <li>2. Dispose of sediment in piles ideally no more than 6" deep to avoid smothering turtle nests and to allow any amphibians and turtles that may be buried in the material to dig themselves out.</li> <li>3. Stop work if it rains sufficiently to result in standing water or flow in the channel. This also aids in preserving water quality due to lower amounts of sediment entering waterways.</li> <li>4. Immediately seed all exposed bank surfaces from maintenance activities and bare ground from spread soils. The purpose of the seed is to facilitate soil stabilization.</li> </ol>					

### Mandatory Conditions for All Notices (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.