

**OREGON ADMINISTRATIVE RULES
OREGON DEPARTMENT OF AGRICULTURE
CHAPTER 603, DIVISION 95
AGRICULTURAL WATER QUALITY MANAGEMENT PROGRAM**

Clackamas Subbasin

603-095-1220

Geographic and Programmatic Scope

(1) The Clackamas Subbasin Management Area includes the drainage area of the Clackamas River upstream from the confluence with the Willamette River near Gladstone. The Abernathy Creek and Beaver Creek/Parrot Creek drainages which flow directly into the Willamette from the east are included in this Management Area. Newland Creek, Boeckman Creek, Seely Ditch, Coffee Lake Creek, and Corral Creek flow directly into the Willamette River and are also included in this Management Area. The physical boundaries of the Clackamas Subbasin Management Area are indicated on the map included as Appendix 1 of these rules.

(2) Operational boundaries for the land base under the purview of these rules include all lands within the Clackamas Subbasin Management Area in agricultural use and agricultural and rural lands which are lying idle or on which management has been deferred, and forested lands with agricultural activities, with the exception of public lands managed by federal agencies and activities which are subject to the Forest Practices Act.

(3) Current productive agricultural use is not required for the provisions of these rules to apply. For example, highly erodible lands with no present active use are within the purview of these rules.

(4) The provisions and requirements outlined in these rules may be adopted by reference by Designated Management Agencies with appropriate authority and responsibilities in other geographic areas of the Clackamas Subbasin Management Area.

(5) For lands in agricultural use within other Designated Management Agencies or state agency jurisdictions, the department and the appropriate Local Management Agency shall work with these Designated Management Agencies to assure that provisions of these rules apply and to assure that duplication of any services provided or fees assessed does not occur.

[ED. NOTE: Appendices referenced are available from the agency.]

Statutory/Other Authority: ORS 561.190 - 561.191 & 568.912

Statutes/Other Implemented: ORS 568.900 - 568.933

History:

DOA 11-2001, f. & cert. ef. 6-8-01

603-095-1240

Required Prevention and Control Measures

(1) All landowners or operators conducting activities on lands in agricultural use shall be in compliance with the following criteria. A landowner or operator shall be responsible for only those violations of the following prevention and control measures caused by activities conducted on land managed by the landowner or operator. Criteria do not apply to conditions resulting from unusual weather events or other exceptional circumstances which could not have been reasonably anticipated.

(2)(a) Streamside Area Condition. Effective upon rule adoption.

(b) Streamside area conditions shall allow the establishment, growth, and/or maintenance of native or non-native riparian vegetation appropriate to the site capability, that is sufficient to encourage shade and to protect the streamside area during high stream flow events up to and including those expected to occur during or following a 25-year, 24 hour storm event.

(3)(a) Agricultural Waste. Effective upon rule adoption.

(b) No person subject to these rules shall violate any provision of ORS 468B.025 or 468B.050.

Statutory/Other Authority: ORS 561.190 - 561.191 & 568.912

Statutes/Other Implemented: ORS 568.900 - 568.933

History:

DOA 11-2001, f. & cert. ef. 6-8-01

603-095-1260

Complaints and Investigations

(1) When the department receives notice of an apparent occurrence of agricultural water pollution through a written complaint, its own observation, or through notification by another agency, the department may conduct an investigation. The department may, at its discretion, coordinate inspection activities with the appropriate Local Management Agency.

(2) Each notice of an apparent occurrence of agricultural water pollution shall be evaluated in accordance with the criteria in ORS 568.900 to 568.933 or any rules adopted thereunder to determine whether an investigation is warranted.

(3) Any person allegedly being damaged or otherwise adversely affected by agricultural water pollution or alleging any violation of ORS 568.900 to 568.933 or any rules adopted thereunder may file a complaint with the department.

(4) The department will evaluate or investigate a complaint filed by a person if the complaint is in writing, signed and dated by the complainant and indicates the location and description of:

(a) The waters of the state allegedly being damaged or impacted; and

(b) The property allegedly being managed under conditions violating criteria described in ORS 568.900 to 568.933 or any rules adopted thereunder.

(5) As used in section OAR 603-095-1260(3), “person” does not include any local, state or federal agency.

(6) The department may investigate at any time any complaint if the department determines that the violation alleged in the complaint may present an immediate threat to public health or safety.

(7) If the department determines that a violation of ORS 568.900 to 568.933 or any rules adopted thereunder has occurred, the landowner may be subject to the enforcement procedures of the department outlined in OARs 603-090-0060 through 603-090-0120.

Statutory/Other Authority: ORS 568.915, 568.918 & 568.933

Statutes/Other Implemented: ORS 568.900-568.933

History:

DOA 18-2025, amend filed 09/23/2025, effective 09/23/2025

DOA 11-2001, f. & cert. ef. 6-8-01

