

**OREGON ADMINISTRATIVE RULES
OREGON DEPARTMENT OF AGRICULTURE
CHAPTER 603, DIVISION 95**

AGRICULTURAL WATER QUALITY MANAGEMENT PROGRAM

Crooked River

603-095-3400

Purpose

(1) These rules have been developed to implement a water quality management area plan for the Crooked River Agricultural Water Quality Management Area pursuant to authorities vested in the department through ORS 568.900 - 568.933 and ORS 561.190 - 561.191. The area plan is known as the Crooked River Agricultural Water Quality Management Area Plan.

(2) The purpose of these rules is to outline requirements for landowners in the Crooked River Agricultural Water Quality Management Area to prevent and control water pollution from agricultural activities and soil erosion. Compliance with Division 95 rules is expected to aid in the achievement of applicable water quality standards in the Crooked River Agricultural Water Quality Management Area.

Statutory Authority: ORS 561.190 - 561.191, ORS 568.912

Statutes Implemented: ORS 568.900 - 568.933

603-095-3420

Geographic and Programmatic Scope

(1) The Crooked River Agricultural Water Quality Management Area consists of the Crooked River Basin with the following exceptions near the mouth of the Crooked River: 1) lands south of the Crooked River and west of the range line between R12E and R13E in T14S to exclude the entire Crooked River Ranch subdivision, which is in the Upper Deschutes Agricultural Water Quality Management Area, and 2) lands north of the Crooked River and west of Sherwood Canyon near Smith Rock, which are in the Middle Deschutes Agricultural Water Quality Management Area. The physical boundaries of the Management Area are indicated on the map included as Attachment 1 of these rules.

(2) Operational boundaries for the land base under the purview of these rules include all lands within the Crooked River Agricultural Water Quality Management Area in agricultural use, agricultural and rural lands that 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 lands that are held in Tribal Trust.

(3) 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 Crooked River Agricultural Water Quality Management Area.

(4) For lands in agricultural use within other Designated Management Agencies' or state agency jurisdictions, the department and the appropriate Local Management Agency will 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.

Statutory Authority: ORS 561.190 - 561.191, ORS 568.912

Statutes Implemented: ORS 568.900 - 568.933

603-095-3440

Required Prevention and Control Measures

(1) Landowners must comply with OAR 603-95-3440(2) through (3) within the following limitations. A landowner is responsible for only those conditions resulting from activities controlled by the landowner. A landowner is not responsible for conditions resulting from activities by landowners on other lands. A landowner is not responsible for conditions that: are natural, could not have been reasonably anticipated, or that result from unusual weather events or other exceptional circumstances.

(2) Streamside Riparian Area Management

(a) Effective January 1, 2009, agricultural management must allow establishment, growth, and active recruitment of streamside riparian vegetation, consistent with site capability, to moderate solar heating, stabilize streambanks, and filter sediment and nutrients from overland flows.

(b) Except as provided in (a), grazing, weed control, and other common agricultural activities are allowed in riparian areas.

(c) Water gaps and hardened crossings are allowed in streams that otherwise meet conditions required under (a).

(3) Waste Management

Effective on rule adoption, no person subject to these rules shall violate any provision of ORS 468B.025 or ORS 468B.050.

Statutory Authority: ORS 561.190 - 561.191, ORS 568.912

Statutes Implemented: ORS 568.900 - 568.933

603-095-3460

Complaints and Investigations

(1) When the department receives notice of an alleged occurrence of agricultural pollution through a written complaint, its own observation, through notification by another agency, or by other means, 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 alleged occurrence of agricultural pollution will 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 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 under section OAR 603-095-3460(3) 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 603-095-3460(4), "person" does not include any local, state or federal agency.

(6) Notwithstanding OAR 603-095-3460(4), 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 the 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 Authority: ORS 561.190 - 561.191, ORS 568.912

Statutes Implemented: ORS 568.900 - 568.933

Attachment 1 – Map

