



Valid Notice: Agricultural Channel Maintenance Program

Notice#	# Sites	County	Notice Received	Notice Posted	Variance Granted?
21-001	5	Yamhill	March 2, 2021	April 20, 2021	Yes
<p>Additional Required Conditions (see Mandatory Conditions for All Notices at end)</p> <p>Variance Approval and Conditions:</p> <ol style="list-style-type: none"> The Variance for maintenance beyond the Regional Dry Maintenance Time Period has been granted. Please note that the Variance is only granted for 2021. If a variance is needed for additional years you will need to submit another variance request. <p>Additional Required Conditions:</p> <ol style="list-style-type: none"> Stop work if it rains sufficiently to result in standing water or flow in the channel. Do not proceed until standing water has evaporated and flow ceases. Preserve all existing trees adjacent to the channel. 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 the Oregon Department of Fish and Wildlife (ODFW) and contact ODFW for assistance as needed. Dispose of or spread dredged sediment no more than 2-3 inches deep to avoid smothering turtle nests and to allow any amphibians and turtles that may be buried in the material to dig themselves out. Note: in the section south of Pike Road it is acceptable to spread sediment up to 6 inches deep on the east side of Rowland Creek for approximately 200 feet where agricultural activity presently and historically has occurred. This is for the purpose of leveling the bottom of the slope to minimize equipment rollover risk and facilitate establishment of a grassed, streamside buffer. Seed all exposed ground surfaces from maintenance activities and bare ground from spread soils by October 15th of the same year. Amendments to your notice: In Section C (Calculations for volume of material removed), for sites 2-4 of your project area, the “average channel depth” is now set at 1.5 feet as per discussion with ODA staff on April 20, 2021. Across the entire project, this results in 4485 feet (0.85 mi) maintained and 2391 cubic yards (CY) removed (2814 CY/mi). It is your responsibility to ensure that no more than 3000 CY per linear mile of traditionally maintained channel is removed. 					

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.