

## Setbacks/Buffers Affecting Public Drinking Water Supplies in Oregon

Agency	Program	Statutes / Rules	Areas of application	Setbacks or buffers for public water systems <sup>1</sup>
Department of Human Services	Safe Drinking Water Act	ORS 448 OAR 333-061-0005 thru 0295	Drinking water standards, regulatory monitoring/enforcement	100' required ownership or easement around well; 100' setback for sewage disposal, solid waste, etc.; 50' setback for septic tanks and pipes
Department of Environmental Quality	Clean Water Act	ORS 468/468B OAR 340-040-0140 thru 0210 OAR 340-041-0001 thru 0061	Implements water quality standards in drinking water source areas; CWA applies to all waters of the state	No statewide stream buffers; Temperature TMDLs require effective shade targets of some other surrogate for Designated Management Agencies (DMAs)
Department of Forestry	Forest Practices Act <sup>2</sup>	ORS 527.630; 527.710 OAR 629-635 thru 660	Implements forest management rules on state and private forests	Varies by stream; see Table 1 for riparian buffers
Department of Agriculture	Agriculture Water Quality Management Act <sup>3</sup> (SB 1010)	ORS 568.900 OAR 603-090 thru 095	Implements agriculture management rules on private agricultural lands	No statewide buffers; water quality protected through variety of practices, including buffers; see Table 1
Department of Land Conservation and Development	Statewide Land Use Planning Goals	ORS 197.175 OAR 660-015, 016,023	Implements land use planning rules; Goals 5&6 for drinking water	No statewide stream buffers; comprehensive plans or local ordinances (for example, Josephine County) may apply <sup>4</sup>
Water Resources Department	Ground Water Act of 1955	ORS 537 OAR 690-210 and 690-215	Restricts placement of water supply wells	50' setback for septic; 100' for sewage disposal or line; 50' from CAFO; 100' from sewage sludge disposal; 500' from hazardous waste storage <sup>5</sup>

<sup>1</sup> While there are statewide setbacks for various land uses or facilities in the DHS and WRD rules, there are no statewide buffers for streams. Oregon natural resource agencies collaborated to produce a "Statewide Riparian Management Policy" document in May 2002 that provides an overview of riparian management issues and needs. There is no overall comprehensive riparian corridor management strategy or framework in state law or rule. However, Oregon agencies implement a range of regulations and programs that influence how riparian areas on public and private land are managed.

<sup>2</sup> For forest operations on state or private lands, water quality standards are intended to be attained and are implemented through best management practices and other mechanisms established under the Forest Practices Act (ORS 527.610 to 527.992) and rules administered by the Oregon Department of Forestry. DEQ works with the Oregon Department of Forestry to revise the Forest Practices program if necessary to attain water quality standards. [ORS 527.765 & 770; OAR 340-041-0061 (11)]

<sup>3</sup> Agricultural water quality management plans to reduce agricultural nonpoint source pollution are developed and implemented by the Oregon Department of Agriculture through a cooperative agreement with DEQ to implement

applicable provisions of ORS 568.900 to 568.933 and 561.191. If the department has reason to believe that agricultural discharges or activities are contributing to water quality problems resulting in water quality standards violations, the department may consult with the ODA. If water quality impacts are likely from agricultural sources, DEQ may request that such a management plan be prepared and implemented to reduce pollutant loads and achieve the water quality criteria. [OAR 340-041-0061(12)]

<sup>4</sup> LCDC rules require riparian protection in comprehensive plans and zoning, including setbacks of 50 to 75 feet or alternative protection methods, but these requirements do not apply to all jurisdictions.

<sup>5</sup>This is a summary of WRD setback requirements. For specifics, please refer to the statutes and rules cited above.

NOTE: Agriculture and forestry activities conducted on federal land must meet the requirements of DEQ water quality standards and are subject to DEQ's jurisdiction. Pursuant to Memoranda of Agreement with the U.S. Forest Service and the Bureau of Land Management, water quality standards are expected to be met through the development and implementation of water quality restoration plans, best management practices, and aquatic conservation strategies. [OAR 340-041-0061(13)]

**Table 1: Oregon Riparian Management Areas (RMAs) for Forestry & Agriculture**

Land Use	Stream Size and Type <sup>a</sup>	RMA Width	No Harvest	Retain All Understory
Private Forestland	Large Type F	100 ft	20 ft	10 ft
Private Forestland	Large Type D	70 ft	20 ft	10 ft
Private Forestland	Large Type N	70 ft	20 ft	10 ft
Private Forestland	Med Type F	70 ft	20 ft	10 ft
Private Forestland	Med Type D	50 ft	20 ft	10 ft
Private Forestland	Med Type N	50 ft	20 ft	10 ft
Private Forestland	Small Type F	50 ft	20 ft	10 ft
Private Forestland	Small Type D	20 ft	20 ft	10 ft
Private Forestland	Small Type N	0 ft	0 ft	0 or 10 ft <sup>b</sup>
State Forestland	All perennial	170 ft	0-25 ft/ light thinning only from 25-100 ft	25 ft
Federal Forestland <sup>c</sup> (USFS & BLM)	Perennial Intermittent	~320 ft (2SPT) <sup>d</sup> ~160 ft (1SPT)	Harvest for restoration only	N/A
Agriculture	All perennial	Varies by Sub-Basin <sup>e</sup>	Varies by Sub-Basin <sup>e</sup>	Varies by Sub-Basin <sup>e</sup>

**a. Three types of streams (perennial or intermittent):**

- Type F Streams = has salmonids and/or game fish; may also be used for domestic water.
- Type D Streams = within 300ft of domestic water intake and has no protected fish.
- Type N Streams = includes all other perennial streams.

**Three sizes of streams (perennial or intermittent):**

- Small = average annual flow of 2 cubic feet per second (cfs) or less or any stream with a drainage area less than 200 acres. Small streams generally have widths of 4 feet or less.
- Medium = average annual flow greater than 2 and less than 10cfs. Medium streams generally have widths of 4-10 feet.
- Large = average annual flow greater than 10cfs. Large streams generally have widths of greater than 10 feet.

**b.** Retention zone of 10 feet required in E. Cascades and Blue Mountains regions. Retention zone of 10 feet required in some cases in the S. Coast, Interior, and Siskiyou regions.

**c.** USFS manages their lands according the Northwest Forest Plan (NWFP). BLM will manage new western Oregon projects according to the Western Oregon Plan Revision (WOPR) while projects developed prior to WOPR will be managed according to the NWFP.

**d.** SPT=Site Potential Tree Height. One SPT is the height that a typical conifer attains in 100 years on a given site. It varies from site to site and can be up to 160 feet.

**e.** There are 39 sub-basins with individual Agriculture Water Quality Rules. Generally, the rules require riparian areas to have “vegetation appropriate to site capability” and to be capable of providing riparian functions such as shade and sediment/nutrient filtration. The riparian zone width used by some entities is 25 feet, but there is no required width established by rule. The rules do not require a set buffer width to provide flexibility to achieve pollution control dependent on the source of potential pollution, the size of the stream, the volume of water expected in the stream, and the climate of the area of concern.