



# Riparian Lands TAX INCENTIVE PROGRAM



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# Manual for Landowners

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Oregon Department of Fish and Wildlife

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# Overview

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## Protecting, Conserving, and Rehabilitating Healthy Riparian Habitat

When the Riparian Tax Incentive law was passed in 1981, the Oregon Legislative Assembly declared that:

*It is in the best interest of the state to maintain, preserve, conserve and rehabilitate riparian lands to assure the protection of the soil, water, fish and wildlife resources of the state for the economic and social well-being of the state and its citizens.*

Reference: ORS [308A.353](#)

Healthy riparian zones (the land along the border of permanent or intermittent streams and rivers) provide numerous benefits:

1. Cooler water from shading results in better fish habitat
2. More diverse habitat for game and non-game wildlife alike
3. Increased water during summer low flow periods
4. Erosion control by stabilizing streambanks with protective vegetation
5. Flood control

The **Riparian Lands Tax Incentive Program** (RLTIP), administered by the Oregon Department of Fish and Wildlife

(ODFW, referred to as the Department throughout this document), is a cooperative effort involving county and city governments with other partners to help private landowners voluntarily conserve and rehabilitate riparian zones.

Oregon's 1981 legislative assembly created the RLTIP to protect riparian lands, establishing a tax benefit to offset the economic pressure on land owners to use the land for farming or forestry. Originally, the program only applied to lands outside of urban growth boundaries, in areas that were zoned for forest or farm. In 1997, the legislative assembly amended the RLTIP to add provisions allowing the enrollment of lands within urban growth boundaries or non-forest or agriculture zoning, provided they meet certain conditions.

The program offers landowners a full property tax exemption for riparian lands up to 100ft from a stream, provided landowners file and meet the terms of a riparian management plan to protect, conserve, and rehabilitate the riparian land on their property.

## The Oregon Conservation Strategy

First published in 2006 and updated in 2016, the Oregon Conservation Strategy is an overarching state strategy for conserving fish and wildlife. It provides a shared set of priorities for addressing Oregon's conservation needs. The Conservation Strategy brings together the best available scientific information,

and presents a menu of recommended voluntary actions and tools for all Oregonians to define their own conservation role. The goals of the Conservation Strategy are to maintain healthy fish and wildlife populations by maintaining and restoring functioning habitats, preventing declines of at-risk species, and reversing declines in these resources where possible.

The Riparian Lands Tax Incentive Program provides an important tool to help achieve the goals of the Strategy, while highlighting some of the challenges facing conservation efforts.

The full Oregon Conservation Strategy can be found online at <http://oregonconservationstrategy.org/>.

## **The Importance of Flowing Water and Riparian Habitats**

The Strategy lists 11 Strategy Habitats, which are habitats of conservation concern that provide important benefits to the 294 species of greatest conservation need in Oregon. Found in all regions of the state, the **Flowing Water and Riparian Habitat** faces significant challenges, including climate change, fish passage barriers, and pollution.

Like the Riparian Lands Tax Incentive law, the Strategy identifies the many benefits of healthy riparian lands, including:

1. Providing habitat for birds and other wildlife, along with in-channel aquatic habitat
2. Protecting banks from erosion

3. Maintaining favorable water temperature for fish through shading
4. Filtering runoff
5. Linking habitats across regions

Programs like the RLTIP help prevent the loss of riparian land, ensuring the continuation of these benefits for generations to come.

## **Focusing on Conservation Opportunity Areas**

Included in the Strategy are Conservation Opportunity Areas (COAs) – places where broad fish and wildlife conservation goals would best be met. Per the Strategy, focusing investments in these prioritized areas can increase the likelihood of long-term success, maximize effectiveness over larger landscapes, improve funding efficiency, and promote cooperative efforts across ownership boundaries. As of September 2019, about half of enrolled properties were within Conservation Opportunity Areas. Future expansion of the RLTIP should focus on enrollment in these areas.

## **Challenges and Opportunities for Private Landowners**

One of the Key Conservation Issues presented in the **Strategy is Challenges and Opportunities for Private Landowners to Initiate Conservation Actions**, which identifies the challenges facing private landowners who have taken the initiative to remove invasive plants, replace culverts, restore wetlands, establish native plants, and act to enhance habitat for fish and wildlife. One of these challenges is the complexity of tax deferral and incentive

programs – it can be difficult for landowners to find the resources and technical resources required to enroll in these programs. The purpose of this manual is to clarify for landowners the process of enrolling and protecting riparian land on their property.

## **Using This Manual**

This document includes an overview of the program rules including eligibility criteria; a step-by-step overview of the process to enroll in the program, maintain eligibility, and withdraw; and a summary of additional resources and conservation programs. More information is available online, including sample riparian management plans, ODFW contacts by county, and landowner resources:

[https://www.dfw.state.or.us/lands/tax\\_overview.asp](https://www.dfw.state.or.us/lands/tax_overview.asp)



# Program Rules

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Several words and phrases have been bolded the first time they appear – these terms have a definition listed in the Appendix at the end of this document.

## RLTIP Oregon Administrative Rules:

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=2992>

## RLTIP Oregon Revised Statutes:

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors308A.html](https://www.oregonlegislature.gov/bills_laws/ors/ors308A.html)

## What land is eligible for designation?

The Oregon Revised Statutes and Administrative Rules provide specific criteria for which lands are eligible for enrollment in the program:

1. The land must be outside of adopted urban growth boundaries unless:
  - a. the application for the program is submitted to **the Department** within five years of the **stream** and associated **riparian lands** being incorporated into adopted urban growth boundaries, or
  - b. the governing bodies of both the county and city in which the stream and associated riparian land are located have adopted ordinances or resolutions that allow enrollment within urban growth boundaries.

2. The land must be zoned as either agriculture or forest use (including rangeland), unless the application for the program is submitted to ODFW within five years of a zoning change.
3. The riparian land must be wide enough to support long-term stream stability, erosion control, water quality, large wood recruitment, fish and wildlife habitat protection, conservation or restoration, and other functions deemed important to healthy aquatic habitats. This can be assessed by the ODFW representative or other participating parties that help with the development of riparian management plans.
4. Likewise, there must be enough **riparian vegetation** to support the functions listed in criteria 3, or sufficient **vegetation restoration potential** if the land lacks current adequate riparian vegetation.
5. The landowner must have implemented conservation or restoration measures in accordance with ODFW-approved techniques.
6. The property must be **private land**.

### References:

OAR: [635-430-0320](https://www.oregon.gov/odfw/635-430-0320)

ORS: [308A.359](https://www.oregon.gov/odfw/308A.359), [308A.360](https://www.oregon.gov/odfw/308A.360)

## What is the impact of a Riparian Land designation on taxation?

If all of the above criteria are met and the Department has received and reviewed a Riparian Management plan, agreement, and

application, the Department will **designate the land as riparian land**, making eligible for exemption. If outside an urban growth boundary, the riparian land is fully exempt from ad valorem taxation. If within an urban growth boundary, but still eligible by meeting the criteria above (e.g. city and county have adopted ordinances/resolutions), then the exemption applies only to the ad valorem property taxes of the city and county that have authorized the exemption.

*References:*

OAR: [635-430-0320](#)

ORS: 308A.383

## **Are there limits on the designation of Riparian Lands?**

Beyond the eligibility criteria, there are a number of restrictions on the acreage that can be enrolled in the program:

- The designation can cover land up to 100 feet horizontally from the line of non-aquatic vegetation adjacent to the stream.
- The total acreage cannot exceed more than 25 acres per mile of stream.
- The Department can designate up to 200 miles of private stream bank in any particular county for a given tax year. If the full 200 miles of stream bank is not allocated in a tax year, whatever number of miles between 200 and what was actually enrolled are eligible for enrollment in addition to the baseline 200 the following year.
- The Department can approve up to 50 applications for properties within urban growth boundaries each year.

*References:*

OAR: [635-430-0330](#), [635-430-0340](#)

ORS: 308A.362

## **What restrictions exist on the use of the land after it has been designated as riparian?**

The program rules provide guidance on both compatible and incompatible activities with riparian land.

### **Activities Generally Compatible with Riparian Lands**

Activities that are generally compatible with the intent of the riparian lands tax incentive program include, but are not limited to, the following when they are adequately described as a part of an approved riparian lands management plan and agreement:

1. Livestock watering and crossing areas when fenced and located at defined points, unless the Department specifically finds the watering or crossing areas are consistent with the objectives of the program without fencing or definite location
2. All existing legal irrigation and utility developments, including powerlines, water lines, pipelines, irrigation diversion dams, pump stations, pump intakes, irrigation ditches and other similar developments, if they meet adequate fish passage and diversion screening requirements
3. Fish habitat restoration projects
4. Large wood removal after a natural disaster, but only when large wood poses an immediate and significant threat to private property or public safety, and only if the Department agrees to removal after the review process specified in OAR 635-430-0390

5. Equipment or vehicle crossings at fords, culverts and bridges, if the crossing points are minimized, are constructed and maintained in a manner that minimizes sediment delivery to streams, and provide adequate fish passage in accordance with Oregon Department of Fish and Wildlife Guidelines and Criteria for Stream-Road Crossings
6. Recreational facilities (i.e., trails, boat ramps, and primitive camp sites) when consistent with the objectives of the program
7. Tree harvest or vegetation management consistent with the objectives of this program and in compliance with the requirements of the Oregon Forest Practices Act

*References:*

OAR: [635-430-0380](#)

3. Herbicide spraying, except for the spot control of noxious weeds or when necessary for establishment and survival of vegetation planted in compliance with the riparian management plan. Such spraying must prevent drift into aquatic areas
4. Channel or stream bank alterations other than those determined by the Department to be necessary to achieve healthy aquatic habitat conditions
5. Construction or relocation of buildings
6. Gravel, mineral or soil removal
7. Land clearing (native vegetation removal)

*References:*

OAR: [635-430-0390](#)

### **Activities Generally Incompatible with Riparian Lands Tax Incentive Program**

Activities that are generally incompatible with the protection or restoration of riparian lands include, but are not limited, to the following. These activities may only occur on designated riparian lands if specifically described and approved in the riparian lands management plan or plan amendment.

1. Regular cultivation, seeding, and harvesting of crops or other farming activities which preclude the development of permanent vegetative cover
2. Livestock grazing or feeding areas except at watering points that are approved and appropriately limited in the management plan



# Participating in the Program

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## 1. Confirm eligibility and acquire application forms

Landowners interested in enrolling their property should first contact their county assessor to determine if their property is eligible. If so, they can acquire the application forms from the county assessor, along with other required property information such as the legal description and tax account number. The county assessor should also be able to refer landowners to local Department resources to help develop a riparian management plan.

First and foremost landowners should confirm that their land is zoned for farm or forest use, and if they are within an urban growth boundary, that they meet the specific eligibility criteria described above.

When obtaining this information, landowners should also ask their county assessor for a legal description of the property, including township, range, section, quarter, and tax lot information, along with an account ID or R#.

*References:*

OAR: [635-430-0360](https://www.oregon.gov/OSD/Default.aspx?ID=6354300360)

## 2. Develop a habitat plan

The landowner, in conjunction with a cooperating agency, must develop a riparian management plan that specifies the conservation and management practices that will be conducted to protect and restore the riparian land. Cooperating agencies include the Oregon Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, the Natural Resource Conservation Service, the Oregon State University extension service, local Soil and Water Conservation Districts, or qualified contractors.

### Getting help

The county assessor should be able to refer you to a local ODFW office, or you can refer to the Department's district office map to find a district office close to you:

[https://www.dfw.state.or.us/agency/directory/map\\_district\\_offices.asp](https://www.dfw.state.or.us/agency/directory/map_district_offices.asp)

A local Fish Biologist will be able to guide you through the application process and help develop the plan and associated materials. The Department also recommends working with local resources such as Soil and Water Conservation Districts, which have deep experience working with landowners to develop land management plans. The Oregon Department of Agriculture provides a directory of SWCDs here:

<https://www.oregon.gov/ODA/shared/Documents/Publications/NaturalResources/SWCDDirectory.pdf>

County assessors and planning departments are encouraged to provide support and resources as well.

*References:*

OAR: [635-430-0360](#)

### **Goals for healthy riparian habitat**

While each plan will contain conservation and rehabilitation actions tailored to the specific ecological potential of each property, all plans should be written in consideration of the following general goals:

**Goal 1:** Ensure sufficient shade to moderate water and air temperatures

**Goal 2:** Ensure adequate native vegetative exists cover to reduce streambank erosion, provide organic matter input, enhance water quality, and provide for the delivery of large wood to the stream channel

**Goal 3:** Ensure sufficient in-channel large wood is present to promote complex stream habitat conditions, such as pools and riffles

**Goal 4:** Provide habitat for native fish and wildlife

*References:*

OAR: [635-430-0350](#)

### **Required documents**

The documentation developed with the Department and other cooperators has 3 components; a riparian management plan, a property map, and an agreement.

#### **Riparian Management Plan**

The riparian management plan must include the following information:

1. Landowner name, mailing address, and telephone number
2. A legal description of the property to be enrolled, including township, range, section, quarter, and tax lot
3. The county in which the property is located
4. The name of the stream/river associated with the riparian land
5. The total streambank miles associated with the riparian land
6. Total acreage of land proposed for riparian land designation
7. A description of the existing vegetative condition of the riparian land
8. An explanation of the habitat objectives to be achieved by implementing the plan
9. The linear feet of unstable streambank, if any
10. Soil types present on the riparian land
11. Current use of the riparian land

12. Proposed use of the riparian land
13. Current use of the land immediately adjacent to the riparian land
14. Any anticipated change in use of the land immediately adjacent to the riparian land
15. Specific conservation management practices the landowner will implement to meet program objectives and a timeline for implementing these management practices. See below for a list of the types of conservation and management practices generally used to achieve the general conservation goals of the program

A template and a sample plan can be found at the RLTIIP website:  
[https://www.dfw.state.or.us/lands/tax\\_overview.asp](https://www.dfw.state.or.us/lands/tax_overview.asp)

*References:*  
 OAR: [635-430-0360](#)

### **Property Map**

The property map must include:

1. A legal description of the property to be enrolled
2. Boundaries of the riparian lands
3. Stream name and location
4. Property boundaries

The map must be at a 4 inch per mile or 8 inch per mile scale, unless the Department approves a different scale. It may be helpful

to work with a partner such as a Soil or Water Conservation District, or work directly with the county planning department to get an accurate map.

*References:*  
 OAR: [635-430-0360](#)

### **Riparian Lands Tax Incentive Program Agreement**

Along with the riparian management plan and map, landowners must sign a Riparian Lands Tax Incentive Program Agreement. The agreement must include:

1. Landowner name, mailing address, and telephone number
2. A legal description of the property to be enrolled, including township, range, section, quarter, and tax lot
3. The county in which the property is located
4. The name of the stream/river associated with the riparian land
5. Boundaries of the riparian lands proposed for inclusion in the program
6. Authorization for the Department to inspect the property for continued compliance with the riparian management plan
7. Landowner's commitment to follow the riparian management plan associated with the property unless a request for withdrawal is submitted to the county assessor
8. Signatures of landowner(s) and any other participating party

The form can be found at the RLTIP website:

[https://www.dfw.state.or.us/lands/tax\\_overview.asp](https://www.dfw.state.or.us/lands/tax_overview.asp)

*References:*

OAR: [635-430-0360](https://www.dfw.state.or.us/lands/tax_overview.asp)

## **Recommended conservation and management practices**

There are a variety of conservation practices that are commonly implemented to accomplish the objectives of the Riparian Lands program. While there are other practices that can be used, these practices can be used as the backbone for any plan:

1. Protecting existing native vegetation
2. Planting native trees, shrubs, grasses and other native vegetation
3. Removing invasive, non-native vegetation that threatens native plant communities
4. Control of invasive, non-native fish or wildlife that threaten native wildlife species
5. Burning as prescribed by the Department to maintain fire-dependent native vegetation
6. Fencing to protect wildlife habitat or plant communities
7. Increasing habitat diversity by practices such as placing downed, woody material, preserving or creating standing dead trees, creating ponds, or other methods approved by the Department

8. Placing boulders, logs and other appropriate materials in streams to enhance fish habitat
9. Removing buildings, pavements and other man-made features
10. Grading altered land areas to restore original hydrology and natural topography
11. Restoring, enhancing or creating wetlands
12. Establishing vegetative buffers or structural setbacks adjacent to wildlife habitats

*References:*

OAR: [635-430-0375](https://www.dfw.state.or.us/lands/tax_overview.asp)

## **3. Submit plan for review**

Once the plan and associated documents have been developed, the landowner submits the plan for approval by the Department. The Department will notify the landowner in writing if there are recommended changes to the plan, the plan is approved, or if the plan is rejected. If there are changes requested, the landowner works with the Department to revise the plan in accordance with the recommended changes.

Provided all required elements are present and the landowner has started implementation of the riparian management plan, the Department will sign the agreement, designating the land as riparian land. Once the plan is approved, ODFW will send a copy of the final approved plan, agreement, and application to the local county assessor, notifying them that the land has been designated.

The county assessor then records the designation, and the exemption will be applied, starting in the upcoming tax year.

*References:*

OAR: [635-430-0370](#)

## Annual deadlines

Tax years begin on July 1<sup>st</sup> of each calendar year. To be considered for an exemption in the upcoming tax year, all application materials must be provided to the county assessor no later than December 31<sup>st</sup> in the current tax year.

*References:*

OAR: [635-430-0360](#)

## Updating a plan

If at any point after the initial plan is submitted and approved the landowner wants to amend the plan, they must submit a new plan and agreement for the department for approval, following the same process as the initial submission.

*References:*

OAR: [635-430-0360](#)

## 4. Continue to implement the approved riparian management plan

Once the property has received its initial riparian land designation, the landowner is responsible for continuing to implement the plan and ensuring the land remains eligible for its riparian designation.

This includes working with the Department to schedule compliance monitoring visits and notifying the Department and county assessor if the land use changes or other factors impact the effectiveness of the plan.

## Monitoring compliance

Property monitoring is primarily conducted by the Department. Department staff will periodically inspect the riparian land enrolled in the program to make sure the objectives of the riparian management plan and agreement are being met. Department staff will provide a landowner with written notification at least 10 days before an inspection. The Department will ask the landowner to participate in the inspections, if possible.

The Department will conduct the first inspection roughly one year after the property is initially enrolled in the program, and subsequent inspections in approximately 5 year intervals. The Department may also schedule an inspection visit upon the request of the county assessor.

If Department staff determine the riparian land is not in conformance with the riparian management plan or agreement, the Department will send written notification to the landowner. The notification will describe the reasons the property is not in conformance with the riparian management plan and agreement. The notification will also describe in detail the proposed changes necessary to achieve conformance with the plan and agreement, and an appropriate deadline for implementation of these remedial measures. Typically, this deadline will be 90 days from the date of the notification, unless the Department determines a longer



timeframe is necessary to achieve the required remedial measures.

After receiving a Department notification describing needed remedial measures, the landowner may request a meeting with Department staff to discuss these measures. During the meeting the landowner may propose other remediation to bring the riparian lands into conformance with the riparian management plan and agreement. Whenever possible, the Department and the landowner should jointly develop remedial measures and an implementation deadline.

After the implementation deadline, the Department will schedule a visit to reinspect the property, providing a written notice at least 15 days before the visit. If the landowner has implemented the necessary remedial activities, then the property remains enrolled in the program. The Department will continue to monitor the property to ensure compliance.

If the reinspection visit reveals that the remedial activities have not been implemented, the Department will notify the county assessor that the property is not in compliance in the program, and the county will remove the riparian designation and exemption.

Likewise, if a landowner does not allow the Department to inspect a property, the Department will notify the county assessor that the property is not in compliance, and the county will remove the designation and exemption. In both cases, the county assessor will assess back taxes for up to 5 years.

In addition to the Department, the county assessor may also request, in writing, a report from the landowner on the use of the

land. The landowner has 90 days to respond to the request. If the report is not provided within that timeframe, the county assessor will notify the Department and the landowner that the property will lose its designation if the report is not received in the next 30 days. If the report still hasn't been provided at the end of those 30 days, the county assessor will remove the riparian designation, and may assess back taxes for up to 5 years.

*References:*

OAR: [635-430-0420](#)

ORS: 308A.374

### **Withdrawing from the program**

At any point following the initial designation, landowners may voluntarily withdraw from the program by sending a request to withdraw to the county assessor. The county assessor may assess back taxes for up to 5 years.

*References:*

OAR: [635-430-0420](#)

### **Response to natural disasters**

If a natural disaster such as a flood or fire significantly damages or reduces riparian vegetation or reduces the effectiveness of the conservation practices described in the riparian plan, the landowner has 90 days to notify the Department.

The Department then has 60 days to visit the property and determine if remedial or new conservation measures are needed. After the visit, the Department has 10 days to notify the landowner

of the results of the visit, including any recommended remedial actions.

After receiving the notification, the landowner has two options:

1. The landowner may withdraw from the program by submitting a request to withdraw to the county assessor. The county assessor may assess back taxes.
2. If the landowner decides to stay in the program, they must submit a revised or amended plan to the Department, within 3 months of the initial visit report from the Department. The Department will follow the standard process for reviewing and approving the plan.

References:

OAR: [635-430-0400](https://www.legis.state.or.us/orsc/635/635.430/635.430.0400)

## Other incentive programs

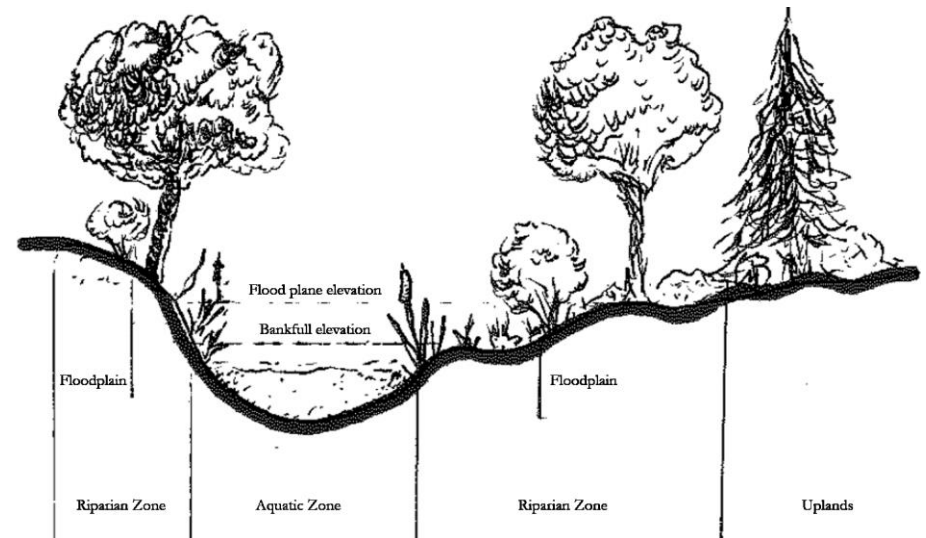
Besides the RLTI, there are many programs available to landowners wishing to protect, conserve, and rehabilitate wildlife and natural habitat on their property. In particular, properties eligible for the RLTI may also be eligible for the Wildlife Habitat Conservation and Management Program (WHCMP) or the Conservation Reserve Program (CRP).

The **Wildlife Habitat Conservation and Management Program** is a similar tax incentive program administered by the Department. The program offers a special assessment similar to a farm or forest deferral to landowners that create and implement a plan to preserve, enhance or improve the composition, structure or

function of habitat for native wildlife species. You can learn more about the WHCMP at: <https://www.dfw.state.or.us/lands/whcmp/>.

The **Conservation Reserve Program** is a land conservation program administered by the Farm Service Agency (FSA). In exchange for a yearly rental payment, farmers enrolled in the program agree to remove environmentally sensitive land from agricultural production and plant species that will improve environmental health and quality. Contracts for land enrolled in CRP are 10-15 years in length. The long-term goal of the program is to re-establish valuable land cover to help improve water quality, prevent soil erosion, and reduce loss of wildlife habitat. For more information please refer to the FSA website:

<https://www.fsa.usda.gov/programs-and-services/conservation-programs/conservation-reserve-program/index>



# Appendix

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## Definitions of Terms

**Department** means the Oregon Department of Fish and Wildlife.

**Designation as Riparian Land** means Department approval of a landowner's riparian management plan and agreement for qualifying riparian land, after application and review as specified in OAR 635-430-0300 through 635-430-0430. This designation qualifies the riparian land for exemption or partial exemption from taxation.

**Native vegetation** means vegetation that is indigenous to the subject property or to the physiographic province in which the subject property is located.

**Non-aquatic Vegetation** means perennial vegetation adjacent to the edge of the stream channel, which may be submerged or partially submerged during periods of annual high streamflow, but spends the majority of the year completely out of surface water.

**Private lands** means any real property, except real property in which the legal title is vested in a federal, state or local government entity.

**Regular Cultivation** means the practice of annual or semi-annual tilling of soil, usually in conjunction with the production of various agricultural crops, produce or livestock.

**Riparian** means pertaining to or situated on the edge of the bank of a river or stream.

**Riparian Land** means land situated along the bank of a stream characterized by vegetation and microclimate influenced by perennial and/or intermittent water normally associated with high water tables and/or hydric soils. This area must be sufficient to support conservation or management measures identified in the riparian management plan and agreement.

**Riparian Vegetation** means the aquatic and non-aquatic vegetation adjacent to streams that is dependent upon or tolerant of the presence of water near the ground surface for at least part of the year.

**Riparian Management Plan and Agreement** means a written plan and agreement that specifically describes a segment of stream corridor and the protection or restoration measures necessary to meet the requirements of OAR 635-430-0300 to 635-430-0430.

**Stream** means a natural channel that carries flowing surface water during some portion of the year. For the purposes of OAR 635-430-0300 to 635-430-0430, "stream" includes stream-associated wetlands, beaver ponds, oxbows and side channels if they are connected by surface flow to the stream during a portion of the year. A waterway that has been channelized through human interaction can meet the definition of a "stream" if the waterway still

retains natural stream functions or can achieve natural stream functions through restoration activities required in a riparian management plan.

**Intermittent Stream** means any natural stream in a natural channel that flows during a portion of every year but does not have continuous surface flow at all times of the year.

**Perennial Stream** means a natural stream in a natural channel that ordinarily has continuous surface flow at all times of the year.

**Stream-associated wetland** means a wetland that is adjacent and hydrologically connected to any stream.

**Vegetation Restoration Potential** means the physical potential of a specific site to become re-vegetated with native vegetation if adequate protection, management, or restoration actions are implemented.