



## Stream Maintenance by Valley Water and Others

There is not a singular entity in charge of creeks. Valley Water owns or has access to maintain approximately 333 of the 800 miles of creeks in the urbanized valley areas of Santa Clara County. The remaining stretches of creeks are owned by private property owners whose lands extend into the creek, and by public agencies including Santa Clara County, and cities in which the creeks are located. Of these 333 miles, Valley Water has built flood protection projects (improved channels) on 185 miles; the remaining 148 miles are natural channels (unmodified channels with no design flow capacity). Valley Water maintains property where it has built flood protection projects (capital improvement projects) and possesses land rights. Routine work activities are defined and permitted under a Stream Maintenance Program (SMP), a multi-year program approved by seven state and federal regulatory agencies.

### Valley Water maintenance as a Landowner

Valley Water performs work on properties it owns in fee title or where otherwise obligated by permit or agreement.

**Activities performed** may include weed abatement, downed tree management, hazardous tree removal, pruning for access, care of planted mitigation sites, fence and erosion repair, and graffiti, trash, and debris removal including encampment management activities.



### Property Owner's Responsibility for Creek Maintenance

Every landowner has a duty to maintain their property in a reasonably safe condition that does not interfere with a neighbor's ability to enjoy their property. A landowner's creek maintenance duties may include vegetation management, erosion repair, and removal of graffiti, trash, debris, and downed trees. Some activities are subject to permitting by local, state, and federal regulatory agencies prior to work. A property owner is not required to enlarge or increase the capacity of a creek for flood protection purposes.



### Valley Water maintenance on Easements

Valley Water performs limited work on properties owned by others where Valley Water has an easement on a natural or unmodified channel. Easements are generally acquired for flood protection or water management and storm drainage purposes and grant Valley Water the right, but not the obligation, to take actions in accordance with those purposes.

**Valley Water may perform** flood protection activities such as downed tree management or removal of other obstructions to flow. While activities conducted on natural channels may have a flow conveyance benefit, work is not conducted to meet a defined flow conveyance target as no such threshold or stream maintenance guidelines exist for natural channels. For Valley Water to determine that removal of a debris blockage needs to occur in a natural channel under typical flood protection-related easement language, the debris would have to be blocking the main channel across most of the cross-section and be significant enough to push the water over the banks.

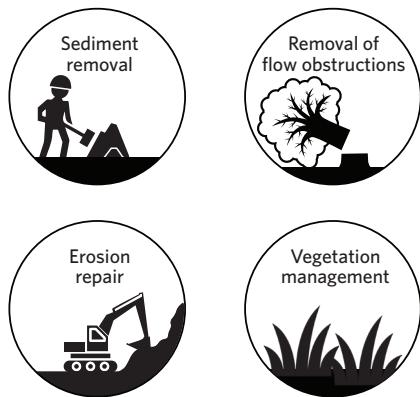
**Valley Water does not perform** activities such as weed abatement, erosion repair, graffiti or trash removal, or encampment management activities on easements as these are landowner responsibilities. Unless otherwise stated, erosion repair on easements is a property owner responsibility.

**The landowner retains rights** to use the easement but cannot take actions, such as construction of a building, that conflict with the Valley Water easement right. A typical easement deed requires a property owner to seek Valley Water's approval for certain construction activities, such as grading and fencing.

## Valley Water maintenance of Capital Projects on Improved Channels

**Capital projects** are large-scale projects that maintain or improve capital assets. They involve a planning, design and approval process that includes public review, California Environmental Quality Act (CEQA) compliance, funding, and land and regulatory permit acquisition.

Valley Water maintains these constructed and improved channels to ensure the structural and functional integrity of these projects to protect the significant investment in infrastructure, and to provide the flood protection benefits as intended by the project's design and construction. In areas where capital improvement projects occur outside of the regulated channel and Valley Water does not possess land rights, it remains the landowner's duty to maintain the property as referenced above.



Erosion is a natural process; Valley Water is not obligated to keep a creek "in place". Rather, Valley Water is obligated (considering the availability of resources) to preserve the functional and structural integrity of flood protection projects built or accepted by Valley Water.

### Activities Performed

Capital project maintenance activities include removal of sediment, vegetation, and other obstructions to flow, erosion repair, and vegetation management for maintenance access and inspection purposes. To ensure the continued reliability and functionality of the flood protection infrastructure built for capital projects, other activities, such as removal of safety hazards and graffiti, may also be conducted.

### Activities Not Performed

For portions of capital projects built on easement, Valley Water will only perform vegetation management, hazardous tree removal, graffiti abatement, trash removal, or encampment management activities as necessary to maintain the flood protection infrastructure itself. Otherwise, these activities are landowner responsibilities.

### Flood Protection Projects on Improved Channels

The design flow conveyance of a completed flood protection project, reflected in as-builts or record drawings, establishes an expected level of service (LOS). Work planning and prioritization to assess maintenance needs on flood protection projects relies on data from the projects' as-built plans, stream maintenance guidelines, and associated flow data, including cross-sections, where they exist. In addition, data from Valley Water hydraulic models and the corresponding geographic information system (GIS) flooding and facility data are used. These documents provide: a quantitative approach to identifying deficiencies that would trigger maintenance actions; channel dimensions and type (e.g., natural, concrete, levee) on a reach-by-reach basis; and dimensions and types of other in-channel features such as culverts and bridges.

## Exceptions and Joint Efforts

There are limited situations where Valley Water may conduct work on private or other public agency-owned property. Work may be conducted, subject to agreements, on other public agency-owned property or on private property, with permission, during emergencies or for limited stream stewardship purposes.

### Flood Protection Infrastructure on Natural Channels

Valley Water activities on Coyote Creek between Montague Expressway and Tully Road are limited to maintenance and inspection of the constructed flood protection infrastructure, which is not located within the natural channel. The responsibility for maintenance of the natural channel remains with the individual property owners.

### Emergency Work

Valley Water may perform urgent and emergency flood protection work on other public or private property where a public purpose is endangered, subject to written permission to enter from the property owner. Staff availability and priorities will likely limit Valley Water's response in an urgent or emergency situation.

### Stream Stewardship

Valley Water may perform stream stewardship activities such as the removal of invasive plants along streams. This work may occur on Valley Water fee title property and easements. Given the importance of eradicating invasive plants along a creek on a watershed-wide basis and with the Safe Clean Water and Natural Flood Protection Program providing funding for this activity, Valley Water may also perform this work on private property with permission from the property owner.