

Maintenance

Maintenance is defined as routine, recurring and usual work for the preservation, protection, and keeping of a publicly-owned or operated facility for its intended purpose in a safe and continually usable condition for which it was designed, improved, constructed, altered or repaired. Maintenance is generally conducted on constructed and improved channels.

In broad terms, maintenance is performed on completed flood protection works and management activities are performed on District property outside the limits of a constructed project. Management activities may be performed for safety, aesthetics, water quality, erosion repair, fire suppression, and mitigation purposes. The scope of these activities to improve flow capacity is limited. Because the Watersheds Operations and Maintenance Division performs these maintenance and management activities they are commonly and collectively referenced as "maintenance".

The District performs work on streams in the following manner:

Maintenance of Capital Projects

For watersheds, capital projects proceed through a planning, design and approval process, that includes public review, California Environmental Quality Act (CEQA) compliance, funding and land acquisition, and regulatory permit acquisition. The District maintains the structural and functional integrity of these constructed projects to ensure the significant investment in infrastructure continues to provide the flood protection benefits as designed.

Work takes place on District-owned lands and easements or where otherwise obligated by permit or agreement. Work activities include sediment removal, erosion protection, and vegetation management. Work is defined and permitted under a Stream Maintenance Program (SMP), currently a ten-year program approved in 2013 by seven state and federal regulatory agencies. Activities and work locations not covered by the SMP require separate regulatory permits.

Maintenance work is prioritized based on several considerations. Higher priority is given to capital projects completed with federal partners,

levee maintenance, locations with capacity reduction due to sediment accumulation or vegetative growth, and removal of flow obstructions. Sediment removal for flow conveyance is generally limited to these constructed and improved channels.

Maintenance as a Land Owner

The District also performs work to manage its property as a landowner. In watersheds, these maintenance activities include weed abatement, hazardous tree removal, pruning for access, care of planted mitigation sites, fence and erosion repair, and graffiti, trash, and debris removal. Activities in most locations are covered under the District's SMP; others require individual regulatory and municipal permits and separate CEQA compliance.

Types of Land Rights

The District may perform maintenance and management activities where it owns property, has an easement, or has specific agreements with others. The scope of work differs based on the type of land right held by the District.

Fee Title

The District has rights and responsibilities for the land it owns (fee title) and any existing improvements unless otherwise excluded by deed or agreement. Maintenance is performed on completed capital projects and on District owned property as priorities, resources, and



Staff removing fallen trees blocking creek flow.

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safe working conditions allow. The District generally has fee title rights where capital projects have been constructed.

Easements

District easements are generally acquired for flood protection or water management and storm drainage purposes and grant the District rights (not obligations) to take actions in accordance with those purposes.

The District does not perform activities such as weed abatement, erosion repair, graffiti or trash removal on easements as these are landowner responsibilities. Removal of fallen trees or other obstructions to flow are flood protection activities that may be done by the District. Unless an easement deed specifically states otherwise, erosion repair on easements is the responsibility of the property owner. The landowner retains rights to use the easement but cannot take actions, such as construction of a building, that conflict with the District easement right. A typical easement deed requires a property owner to seek District approval for certain construction activities such as grading, and fencing.

Property Owner's Responsibility for Creek Management

Every property owner has a duty under the law to maintain his or her property in a reasonably safe condition and in a manner that does not interfere with a neighbor's ability to enjoy their property. A property owner does not have a duty to enlarge or increase the capacity of a creek for flood protection purposes. Maintenance duties may include activities like the District's actions as a property owner; such as vegetation management, erosion repair, and removal of graffiti, trash, debris, and fallen trees. Activities such as erosion repair and vegetation removal that are below the top of bank and within the riparian corridor are subject to review and permitting by local, state and federal regulatory agencies prior to performing the work.

Emergency Work

The District 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 District response in an urgent or emergency situation.

Stream Stewardship

Stream stewardship activities that remove invasive plants along streams are conducted by District maintenance staff. This work may occur on District property and easements with permission from the property owner. Because it is important to eradicate invasive plants on a creek and watershed wide basis and the Clean Safe Water program provides funding for this activity, District staff may also seek permission to perform this work on private property.

Notes

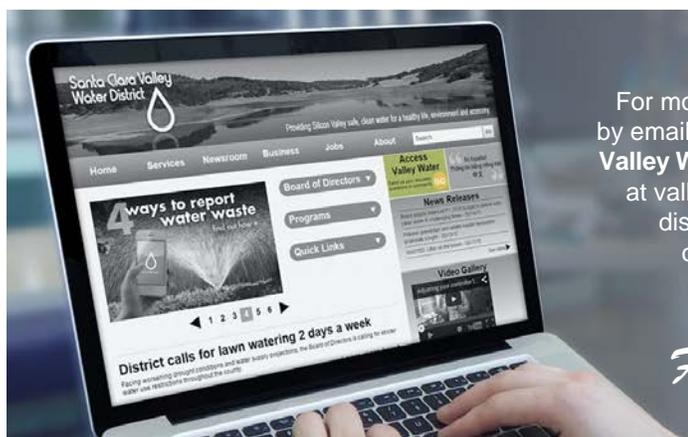
Erosion is a natural process; the District is not obligated to keep a creek "in place". Rather, the District is obligated (considering the availability of resources) to preserve the functional and structural integrity of flood protection projects built or accepted by the District.

See link for care guidelines:

<http://valleywater.org/Services/TakingCareofStreams.aspx> or
<http://valleywater.org/Programs/CreeksidePropertyProgram.aspx>



Crews removing giant reed (*arundo donax*) an invasive plant from a creek.



CONTACT US

For more information, contact us at (408) 630-2650 or by email at cpur@valleywater.org. Or use our **Access Valley Water** customer request and information system at valleywater.org to find out the latest information on district projects or to submit questions, complaints or compliments directly to a district staff person.



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