

## Emergency Creek Maintenance

With the recent rainstorm events you may be experiencing flooding, or stream flow may be affected by excess runoff and obstructions. This may require emergency maintenance work to remove vegetation or debris from channels. The County provides routine maintenance only on Project Channels and Levees, which were improved using State or Federal funds, and are generally in the urban areas. If a problem exists on other non-project sections of streams or levees, the County can only respond to emergencies, when the flow is entirely blocked or severely restricted. Otherwise, property owners are responsible for maintaining any channels that pass through their property.

Normally, property owners are required to obtain a permit from the California Department of Fish and Wildlife to do work in a channel. Since we are currently experiencing flooding, and the County has proclaimed a local emergency, work in streambeds can be conducted without a permit, but property owners must complete a Lake or Streambed Alteration Program -- Notification of Emergency Work. This form, and instructions to complete it, can be found at the California Department of Fish and Wildlife's (CDFW) website at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=3781>. The form must be completed and submitted to CDFW within 14 days after the work begins. Work should comply with the Guidelines for Private Creek Maintenance below. If you have questions regarding the completion of this work please contact the Department of Public Works at 209-468-3000.

Please [click here](#) to be routed to the California Department of Fish and Wildlife's Forms and Instructions webpage. When the link opens, scroll down to Additional Forms and click "LSA Emergency Form (PDF)."

### Living with Your Creek

If your property has a creek or a waterway flowing through it, it is your responsibility to maintain it. Section 6-7008 of the County Ordinance Code states: "Every property owner whether it be a person or his lessee or tenant, through whose property a drainage ditch, water course, channel or conduit carrying storm or drainage water passes, shall keep and maintain the same free from obstacles that will prevent or retard the flow of water through such ditch, water course, channel or conduit except that same may be filled or altered if a permit to do so has been first obtained pursuant to this chapter."

Typically, private property extends to the center of the creek and not just to the fence line. These privately owned creeks are an important part of our county's drainage system and are regulated by County ordinance, but they are not maintained by the County.

When the creek area is not properly maintained, the resulting obstructions can lead to increased flooding, changes in the course of the creek, and increased erosion. Proper creek care includes removing blockages (whether natural or man-made) that could cause flooding, keeping banks vegetated to prevent erosion, preventing pollutants from entering waterways, and removing trash to help maintain a healthy watershed. It is imperative that the work be conducted in such a manner that it will not adversely affect the natural habitat of vegetation and wildlife that share the creek with us, and in a way that will preserve the beauty of our creeks.

As a property owner, you may be legally responsible for damages to adjacent property that result from neglect or unpermitted activities on your property. You are also responsible for the actions of your gardeners, landscapers, maintenance workers and contractors. It is against the law to block drainages within the County and illegal to cause discharges of pollutants to our creeks and waterways.

If your property is located in an unincorporated area of the county and you are unsure of your responsibility regarding the maintenance of a particular drainage facility on or near your property, call the County Public Works Department at

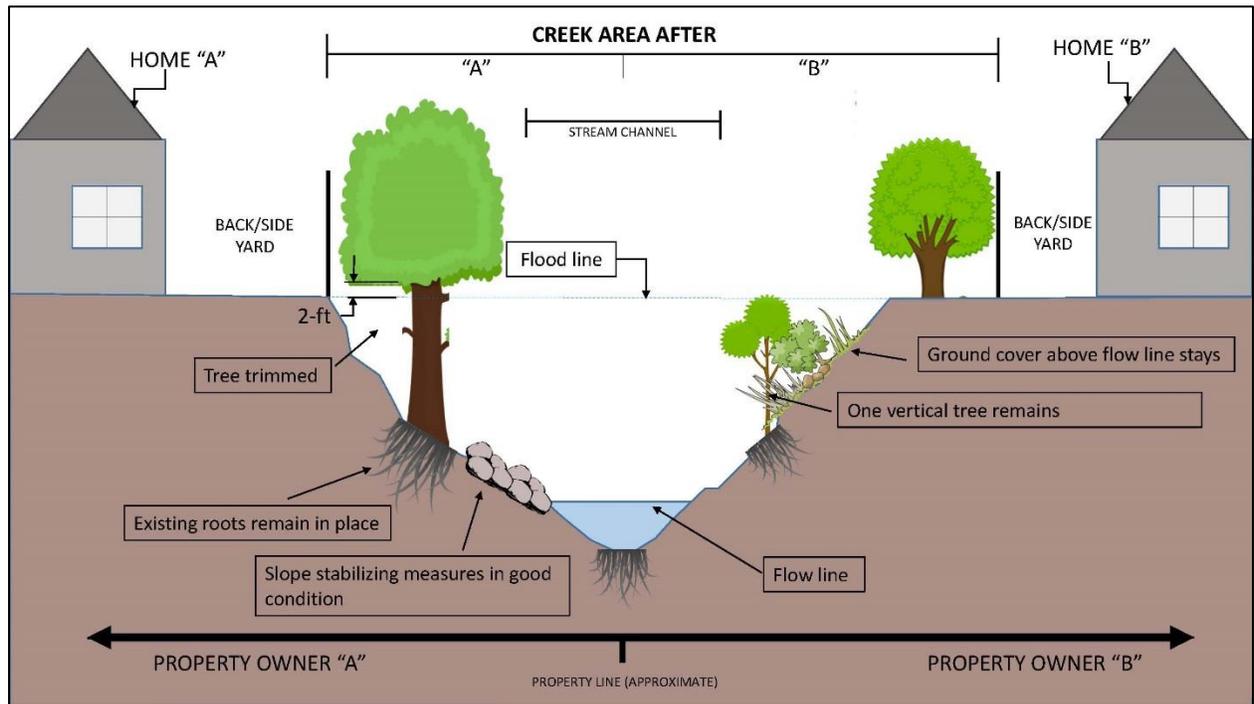
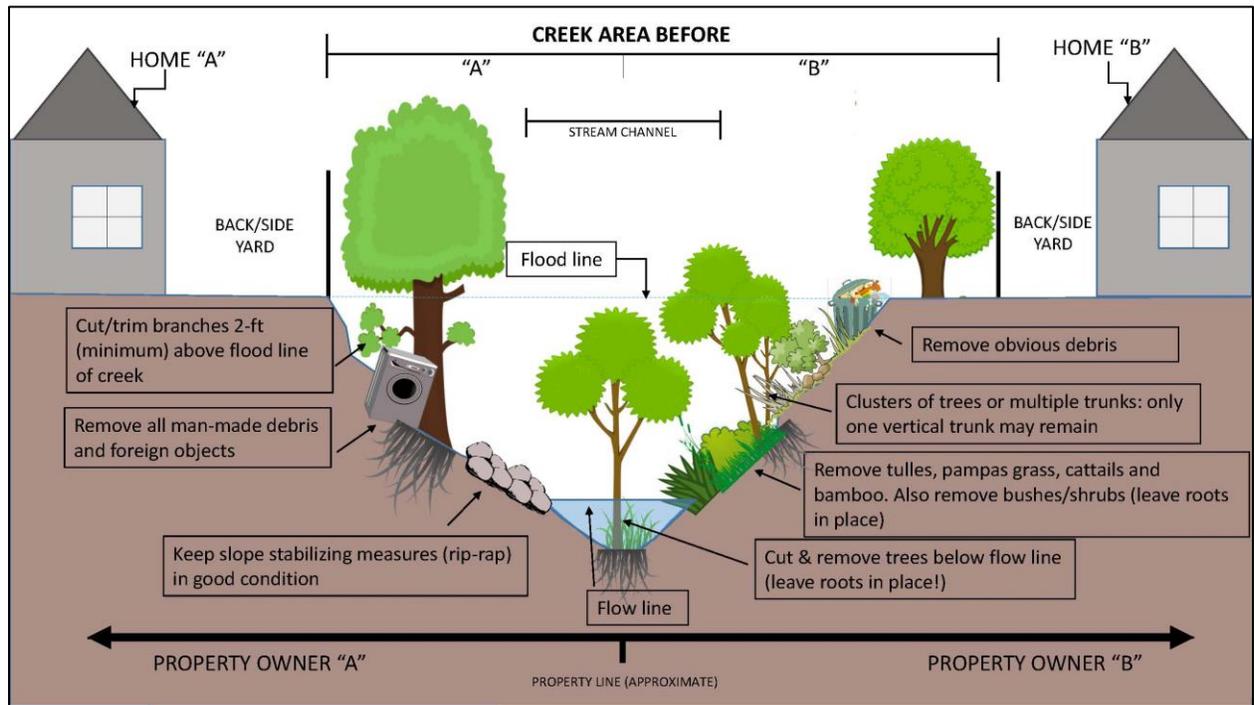
(209) 468-3000. If your property is located within the city limits, please call your **city** Public Works or Engineering Department.

### **Guidelines for Private Creek Maintenance**

The Public Works Department recommends the following guidelines be followed when maintaining the creek on your property to protect your property and that of your neighbors:

1. **Remove all debris and foreign objects.** These may include items such as bottles and cans, broken concrete, fallen fences, shopping carts, appliances, or any man-made object. It also includes wood and fallen trees or tree limbs. This is the property owner's responsibility even if the object washed down from upstream. It is recommended that all stored material in your backyard be placed a minimum of 10 feet away from the top of bank to avoid materials washing into the creek during heavy storms. Sheds and minor structures should be anchored to the ground if closer than 10 feet from the top of bank.
2. **Remove vegetation except low ground cover from the creek banks up to the top of the bank (flood line) including shrubs, tulles, pampas grass, cattails, and bamboo.** Leave all root systems in place. Remove hanging vines that may create an obstruction to the natural flow of water in the creek. If you have berry vines, trim these back to the bank.
3. **Remove from the creek banks up to the top of the bank (flood line) any tree limbs which hang within two feet of the top of the bank.** Any single tree of 2-inch diameter or greater which is living and not leaning toward the creek may remain. Some trees are protected by State laws. A tree permit may be required to remove a heritage oak. Contact the Public Works department if you feel the need to remove a heritage oak. If there are trees growing in clusters, trees with multiple trunks, or trees within the stream channel that may cause an obstruction to the flow of water, do not remove them until you contact the California Department of Fish and Wildlife for direction.
4. Do not clear-cut the creek slopes. Leave ground cover such as low grasses or vines. If you are directed to cut a tree, cut it at the ground level, but leave the roots in the ground.
5. If you have existing **slope stabilization measures** such as rip-rap (rock or concrete), a retaining wall, or fabric mesh covering, **keep these measures in good condition.** If these measures require any repair or if you want to install a measure to stabilize your slope, you must first contact the County to get a drainage or grading permit.
6. **If any work is done to alter the creek** such as widening, filling, or dredging, then permits from the County, the Department of Fish and Wildlife, the State Regional Water Quality Control Board, and the US Army Corps of Engineers will be required, even during an emergency.

The diagram below illustrates the above guidelines. If you have questions, you may call the San Joaquin County Public Works Department Maintenance Division 209-468-3000.



## **Creek Permits & Resources**

San Joaquin County requires you to obtain a Drainage or Flood Control permit if you plan to modify the flow of water, or work in, or build near, a creek or channel in the unincorporated areas of the County.

Please call the County's Application & Permit Center, 209-468-3000, to inquire about your specific project before beginning any work in or near a creek

## **Additional Resources**

For additional County resources visit the Office of Emergency Services homepage.

<https://www.sjgov.org/departments/oes/current>