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Dear resident,

As a stream owner, you may be experiencing a slew of issues. Luckily, the Stark SWCD Drainage Program is here to help. Our drainage program assists Stark County residents with their particular issue by providing guidance and technical assistance. The best part of all, *it's completely free to county residents.*

My name is Rome Marinelli. I am the Drainage Specialist with Stark Soil & Water Conservation District (SWCD). I am writing you because your property appears to contain a waterway. When a stream exists on a property, it is the property owner's responsibility to maintain the stream *but only for the portion within your property.* This is why it's important to know your property boundary.

The water flowing through a stream is regulated by the US Army Corps of Engineering (because water is a public good). However, the soil under the stream (streambed) falls under the category of property ownership. Owning a property that contains a waterway can have its challenges. I am here to help you understand what it means to own a stream.

In Ohio, surface water rights are governed through the Ohio Drainage Law. This law is complex but offers helpful insight. For example, water conveyances fall under the responsibility of the property owner – gutters, downspouts, French drains, yard drains, field tiles, ponds, and streams, just to name a few. If it's moving water and it's on your property, *you* are responsible for its maintenance. If these systems are not maintained and result in damage to an upstream or downstream property, you can be held potentially liable for damages that occur. Therefore, it's important to maintain all your drainage systems for flow and function.

Managing a waterway can have its share of difficulties. Here are some key points to understand:

- Any water conveyance on private property is the responsibility of the private property owner but only for the extent that it occurs on your property (ex. A waterway across many properties);
- Water conveyances include but are not limited to gutters, downspouts, French drains, yard drains, ponds, creeks, streams, and other waterbodies;
- Water conveyances (to include waterways and easements) cannot be blocked or otherwise altered to reduce the drainage capacity;
- Clogging, restricting, or obstructing water conveyances may hold liabilities for damage done to upstream or downstream properties;
- Stream maintenance can include the removal of sediment build up, controlling or removing vegetation within the streambed, clearing debris like log jams, keeping leaves and grass clippings out of the waterway (it is illegal), and not mowing to the edge of the stream to allow vegetation to establish along the stream banks to minimize erosion of the stream bank.

If you have any questions, would like to speak, or wanting to schedule a free site visit, please call me directly at 330-451-7644. We operate Monday through Friday from 8:00 a.m. to 4:30 p.m. Additional information can be found on our website at www.StarkSWCD.org.

Thank you for your time. I hope you've found some use in this letter.

Sincerely,

Rome Marinelli, *Drainage Specialist*
Stark Soil & Water Conservation District