

# Creek Maintenance Fact Sheet for Creek Property Owners

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The City of San Luis Obispo receives many requests from citizens concerning creek care and creek maintenance and realized there was a need to provide more information to the public on this subject.

If your property is bordered by a creek, this natural resource can be a wonderful amenity; however there are additional responsibilities and things to be aware of when you live next to a creek. This fact sheet has been prepared to provide information and resources to creek side property owners. These facts and resources relate to bank repair projects and routine maintenance activities within the creek or on the creek bank.

## *Historical Perspective*

Natural creeks flow throughout our community, adding beauty, tranquility, and economic value to neighboring properties. They serve as refuges and avenues of travel for wildlife, as well as an area for storm water drainage. The San Luis Obispo Creek watershed includes 84 square miles of the coastal slope of the Santa Lucia Mountains. The main creek begins as a mountain stream near Cuesta Pass, flows through San Luis Obispo, and enters the Pacific Ocean at Avila Beach. San Luis Obispo Creek has several major tributaries: Stenner, Reservoir Canyon, East Fork, Davenport, Froom and See Canyon Creeks.

## *Ownership and Easements*

Most of the property bordering the creeks is privately owned. Typically, property lines extend to the centerline of the creek. That means the primary responsibility for creek bank repair and maintenance falls to each individual property owner. The City has some easements on private property. The type of easement varies from property to property. Property owners can find out about these easements in the title reports for their properties.

Easements most often provide access to areas or allow for the construction and maintenance of specific facilities. The easement typically does not assign responsibility for regular routine maintenance of the creek area to the City.

## *Permits for Creek Bank Repair and Maintenance Work*

Several government agencies have jurisdictions over the creeks. The water flowing through the individual properties and the unique habitat represented by the creek are protected by State and Federal laws. The following provides a brief summary of the primary applicable regulations:

**Federal:** Since the creeks are considered “waters of the United States,” the U.S. Army Corps of Engineers has the authority under the Clean Water Act (Section 404) for activities that involve the placement of fill (including rip rap) within the stream channel. The National Marine Fisheries and Fish and Wildlife Service also regulate habitat in the creek and adjacent vegetation.

**State:** The State of California Regional Water Quality Control Board (RWQCB) and the Department of Fish and Game (DFG) have the authority over work in stream channels for both water quality and habitat issues.

**Local Requirements:** Work on creek banks is also subject to local regulations depending on the type of work proposed. Construction of any structure in proximity to the creek is subject to local building permits and these projects should begin with a visit to the City of San Luis Obispo Building Division. The City's ordinance requires facilities to be set back from the top of the creek bank between 20 and 50 feet. Properties in flood prone areas have additional requirements to meet.

### **Routine Creek Maintenance by Property Owners**

The creek channel is not a static environment and erosion is a natural part of the creek system. Properties in close proximity to the creek create a situation where significant bank erosion is undesirable, requiring ongoing maintenance to keep erosion in check. As previously stated, required maintenance of creek banks is the responsibility of the property owner and in many cases requires permits.

Property owners should seek advice before they attempt creek bank maintenance activities. Some activities can be more harmful than helpful. For example, many property owners believe the creek should be devoid of any debris, including woody materials, and that vegetation should be removed to prevent flooding. **However, vegetation is vital to prevent erosion** and both vegetation and woody materials are essential to a healthy creek environment. One of the easiest things property owners can do is keep the creek bank as open and free of structures or stored materials as possible. Decks and structures placed too close to the creek bank tend to destabilize the bank and create problems during flood events. Another important activity is routine maintenance of large trees. Fallen trees or large limbs can plug drainage systems and cause flooding during a storm.

### ***Activities that DO NOT require permits:***

- Removing manmade trash or debris that is on the creek bank or in the creek.
- Minor trimming of vegetation on creek bank. Focus on removal of low limbs while maintaining upper vegetation for creek shading.

### ***Activities that DO require permits:***

- Large scale debris removal, other than manmade, from the streambed below ordinary high water. The ordinary high water mark is typically about half way up the bank in the larger creeks, but is officially determined using several channel characteristics and in small channels could include to the top of bank.
- Vegetation or tree removal
- Alteration/armoring of creek bank
- Dredging of the channel
- Any kind of physical structure
- Dumping dirt, rocks, concrete etc. into channel or eroded banks.

### **Creek Maintenance by the City**

Local resources are limited for routine maintenance of creeks. The Natural Resources Manager surveys the creeks to identify problem areas. Problems are evaluated on a priority basis and work conducted pending available funds. In some cases property owners may be advised of work that should be done.

In an emergency situation (a fallen tree blocking the flow line during heavy storms, a mud slide, etc.) the City may take action, to alleviate the flooding of surrounding properties.

If you are uncertain of your responsibilities or requirements in dealing with your creek, please contact the City at one of the phone numbers on the front of this brochure.

### **On-line Resource**

<http://www.slocity.org/publicworks/download/wmp/smmp-appx-a.pdf>