



# *Creek Maintenance Fact Sheet for Creek Property Owners*



## **I. INTRODUCTION**

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 guide 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.

**More Information Call**

**Department of Public Works - (805) 781-7220 / (805) 781-7015 or**

**Natural Resource Manager - (805) 781-7211**

**or visit <http://www.slocity.org/publicworks/index.asp>, then stormwater.**



## II. 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.



## III. 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.

## IV. 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.

## V. 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.**



## 1. 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.



## 2. 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.

## VI. 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.



## VII. EMERGENCIES OR SPILLS!

**ABANDONED CHEMICALS** – To report abandoned chemicals contact:

- From 8:00am - 5:00pm, Mon - Fri - call (805) 781-7383.
- After normal business hours - dial 911.

**APPARENT WATER LEAK OF UNKNOWN ORIGIN** – To report an apparent water leak of unknown origin contact:

- From 8:00am - 5:00pm, Mon - Fri call (805) 781-7215.

**DEBRIS IN THE STREET** – To report debris in the street contact:

- Contact the City Corporation Yard at (805) 781-7220!

**FALLEN TREE** – To report a fallen tree blocking the water flow in a creek during normal business hours: Monday through Friday, from 8:00am to 5:00pm contact:

- **During a heavy storm event**, mud slide or something of a similar nature call **(805) 781-7220**, or
- **During dry conditions** call **(805) 781-7211**.

The City may take action, to alleviate the flooding of surrounding properties.

**HAZARDOUS MATERIALS SPILL** – To report a hazardous materials spill contact:

- From 8:00am - 5:00pm, Mon - Fri - call the City's Hazardous Materials Coordinator at (805) 781-7383 or electronically at [kboyle@slocity.org](mailto:kboyle@slocity.org).
- After normal business hours - dial 911.

**ILLICIT DISCHARGE OF SUSPICIOUS ORIGIN**: The City is concerned about illicit discharges of suspicious origin (common warning signs of illicit discharges are dry weather flow, suds, sewage, oil and gas) and, thus we appreciate your assistance in reporting these discharges to our staff at:

- City's 24-Hour Pollution Prevention Hotline - (805) 781-7876, (or)
- Call the City's Stormwater Management Department at (805) 781-7530.

**OTHER EMERGENCIES** or **AFTER NORMAL BUSINESS HOURS**

- Call 911.

**OTHER LIQUID MATERIALS** – To report a discharge or spill of **OTHER LIQUID MATERIALS** call:

- The City of San Luis Obispo 24-Hour Water Pollution Problem Reporting Hotline at (805) 783-7876, or call
- (805) 781-7530, or visit



- [http://www.slocity.org/publicworks\\_then\\_stormwater](http://www.slocity.org/publicworks_then_stormwater) to contact us electronically.

**SEWAGE DISCHARGE** – To report a sewage discharge contact:

- From 8:00am - 5:00pm, Mon - Fri - call (805) 781-7425.
- After normal business hours - dial 911.

**STORMWATER CONCERN** – To report a stormwater concern contact:

- 24-Hour Water Pollution Reporting & Information Hotline (805) 783-7876, or call
- Stormwater Management at (805) 781-7530, or visit
- [http://www.slocity.org/publicworks\\_then\\_stormwater](http://www.slocity.org/publicworks_then_stormwater) to contact us electronically.

**WATER SERVICE ISSUES** - If you are experiencing difficulties with your potable (i.e. drinking) water, then please contact the City of San Luis Obispo's Utilities Department at (805) 781-7215 or [Click Here](#) to be connected directly to the Utilities Homepage for additional information.

The tips contained in this guide provide useful information to help prevent water pollution from activities of creek maintenance. If you have other suggestions, please contact us electronically via: [http://www.slocity.org/publicworks\\_then\\_stormwater](http://www.slocity.org/publicworks_then_stormwater).

*Remember, the ocean begins at your front door!*

**VIII. FOR MORE INFORMATION ON YOUR RESPONSIBILITIES OR REQUIREMENTS IN DEALING WITH YOUR CREEK**, please contact the City's Natural Resource Manager at (805) 781-7211 or the City's Public Works Department at (805) 781-7220 / (805) 781-7015.

## **IX. ON-LINE RESOURCE:**

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