

CREEK MAINTENANCE FACT SHEET

The City of Cortland receives many requests from citizens concerning creek care and creek maintenance and realized there was a need to provide more information to our residents.

If your property is bordered by a creek, this natural resource can be a wonderful amenity; however, it also comes with additional responsibilities. 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.

Ownership

Every property owner should understand who owns the creek. There are two components – the water flowing in it and the land beneath the water. The flowing water is considered a public good and therefore no one can own it, while the land beneath the water belongs to the property owner, which means the primary responsibility for creek bank repair and maintenance falls to each individual property owner. Property owners can find out if a creek is on their property by looking at the title reports for their property or on the auditor's website. A property owner can utilize water flowing through their property as long as it does not infringe on the rights of others (ex. downstream property owners.)

To protect free-flowing water as a public good, any projects or actions taken by the property owner that take place in or might impact streams or wetlands require local, state, and federal permits.

Permit Overview

Federal:

Any project that involves dredging or the placing of fill material in waters of the United States requires permits through the **US Army Corps of Engineers Pittsburgh District Regulatory/Permits Division at 412-395-7155**. Individual permit applications will need to be submitted for projects anticipating large areas of impact, while small projects may qualify for a pre-authorized permit.

A request should be submitted to the US Fish and Wildlife Service to obtain information on federally listed, threatened, and endangered plants and wildlife in the project area.

State:

The Ohio Department of Natural Resources (ODNR) has the authority over work in stream channels for both water quality and habitat issues.

The Ohio Environmental Protection Agency (OEPA) should always be contacted prior to any in-stream work. Depending on the project's location and the scope of impacts, 401 Water Quality Certification might be required.

Local:

Property owners planning any project that involves digging/dredging or the placing of any material in the creek or on its banks should also give advance notification to the City of Cortland's **Service Director, Kimberly Blasco, 330-637-4637**.

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 near 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 some 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 wood 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. Please do not apply herbicide (weed killer) to plants on the bank or within the creek. 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.

Before beginning any project that might impact water quality, contact your local, state, and federal agencies. Our local agency, **Trumbull County Soil and Water, (330) 637-2056 opt. 3**, is always a good place to start when seeking additional information.

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 (contact the above number):

- Large scale debris removal, other than manmade, from the streambed below ordinary high water. The ordinary high-water mark is typically about halfway 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

Information taken from *Farm and Dairy*. December 5, 2019, "Know who owns Ohio's Streams" and also "The Creek Maintenance Fact Sheet" by the City of Norwalk, Ohio.