

# **Creek and Stream Maintenance Fact Sheet**

**for**

## **Williamson County Property Owners**

**Community Development Department**

615.790.5725

Williamson County receives many requests from citizens concerning creek and stream care and maintenance. Following is some helpful information and guidelines for 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 and routine maintenance activities within the creek or on the creek bank.

### **Historical Perspective**

Certain neighborhoods were constructed prior to current waterway buffer and drainage requirements. Some of these neighborhoods contain creeks with mapped FEMA floodplains such as Lynnwood Branch and Cartwright Creek. Regardless of whether or not your creek has a mapped floodplain, the County has no plan of services that provides maintenance for channels on private property. In Williamson County, the Highway Department only maintains drainage infrastructure located in County Road Rights-of-Way.

### **Ownership and Easements**

In general, most of the property bordering 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. Easements may be recorded on certain subdivision plats, or by deed. The type of easement may vary from property to property. Utility easements give a utility the ability to locate and maintain utilities such as water, sewer, and electric, within the designated easement. Williamson County does not operate any public utilities. Drainage easements allow upstream properties to discharge water across downstream properties. Property owners can find out about these easements in the title reports for their properties. Williamson County does not maintain drainage easements outside of the County Road Rights-of-Way.

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

Several government agencies may have jurisdiction over a creek. 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 Tennessee Department of Environment and Conservation (TDEC) has the authority over work in stream channels for both water quality and habitat issues.

**Local Requirements:** Work adjacent to 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 zoning and could possibly require a building permit. Prior to beginning any project located in close proximity to a creek, the property owner should begin by contacting the Williamson County Community Development Department. Properties located in flood prone areas have additional requirements that must also be met.

### **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 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 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 obstruct drainage systems and may increase localized 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 MAY 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 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 the bank.
- Vegetation or tree removal which includes root balls and destabilizes the bank

- Alteration/armoring of creek bank
- Dredging of the channel
- Any kind of physical structure
- Dumping dirt, rocks, concrete etc. into channel or eroded banks.