

Ditch Reconstruction

Indiana law, commonly called the **Ditch Act**, requires that any person proposing to construct, dredge, repair or reconstruct a ditch or drain located within 1/2 mile of a freshwater lake of ten acres or more in size, where the bottom elevation of the ditch or drain would be lower than the legal or average water level of the lake, must obtain the written approval of the Indiana Department of Natural Resources prior to initiating the activity. A “person” may be an individual, an incorporated or unincorporated organization or association, a trustee or legal representative, the State, a unit of local government, an agency of the State or a unit of local government, or a group of such persons acting in concert. Most freshwater lakes are located in the northern part of the state. The term “freshwater lake” includes only naturally occurring water bodies located within or bordering the State of Indiana **except** Lake Michigan, lakes within the city of Hammond, man-made lakes, borrow pits, sinkholes, or privately owned water bodies associated with surface coal mining. IDNR is required to evaluate the singular and cumulative effects of the proposed activity upon:

- water level of the lake, and
- potentially effected fish, wildlife, and botanical resources.

If INDOT proposes to undertake such ditch or drain work, the following items must be submitted to the IDNR:

1. Completed application form,
2. Proof of public notice of the proposed activity
3. Plans and specifications describing the activity, and
4. Other information as required by IDNR.

Processing time depends upon the magnitude of the project and completeness of the application. Normally, IDNR requires 90 to 120 days to complete its review of a completed application.

This approval may include conditions. These conditions have the force of law. They must be understood and complied with. They are currently being included in the letting package, and also should be available at the construction site at all times. It is the project engineer's responsibility to be familiar with these conditions, and comply with them at all times. If there are conditions that you cannot feasibly comply with, contact the Division of Operations Support for assistance. Do not ignore any conditions. **Remember, if you have one permit for an activity, you are not exempted from obtaining all other required permits for the same work. Make sure you have obtained all other required permits for the same work.**