

CHAPTER 8 - COUNTY REGULATED DRAIN PERMITS

Chapter 8 - County Regulated Drain Permits	57
Introduction to Regulated Drain Permitting.....	57
8.1 County Regulated Drain Permits.....	57
Background	57
Application Process.....	57
8.2 County Regulated Drain Permitting Scenarios	58

Intended Use of Manual for INDOT and Local Projects

This manual has been written to set expectations for waterway permitting deliverables and review paths for projects developed by the Indiana Department of Transportation (INDOT). Other projects may also benefit from the guidance in this manual. Specifically, preparers of permits for local projects that receive federal funds and which follow INDOT standard specifications are encouraged to use this manual; however, INDOT does not review permits or other related deliverables for local projects

CHAPTER 8 - COUNTY REGULATED DRAIN PERMITS

INTRODUCTION TO REGULATED DRAIN PERMITTING

County regulated drains are established by state drainage law (IC 36-9-27). Each county has its own regulations, and not all counties require formal permits prior to conducting work within a regulated drain. Each county has an elected surveyor who administers the county's drainage code and oversees maintenance of legal drains. INDOT is required to notify county surveyors of any proposed construction that impacts a regulated drain and conduct any necessary permit coordination prior to the start of construction.

8.1 COUNTY REGULATED DRAIN PERMITS

Background

On all INDOT projects where work is proposed in (or associated with) a regulated drain, regardless of county, the designer should conduct early coordination with the county surveyor. A permit may be required for work that may not directly impact a regulated drain, such as structure replacement. For instance, some counties also require permitting for outletting drainage to a regulated drain. The surveyor should be sent a copy of the plan set as well as an invitation to the preliminary field check for the project. The designer should incorporate feedback from the surveyor into the final project design. Feedback that cannot be incorporated into the final design should be coordinated with INDOT (Project Manager, INDOT Hydraulics, and EWPO).

There are five counties in Indiana that require formal county regulated drain permits as of the date of this manual: Allen, Elkhart, Hamilton, Lake, and LaPorte. The designer should determine early in project design if impacts are proposed to county regulated drains in one of these five counties, and if so coordinate with the surveyor on application requirements. Note that the surveyor will coordinate with the county drainage board for ultimate approval of the work following INDOT's permit application submittal. Drainage board meetings are held infrequently (monthly or bi-weekly) and may delay approval of the permit.

Drainage code allows surveyors to clear and maintain legal drains and all land within 75' of each stream bank. This often makes it difficult to use a county regulated drain for compensatory mitigation tied to waterway permits. In rare cases, a maintenance agreement has been worked out with a surveyor in advance for mitigation construction on a regulated drain. The designer should coordinate with INDOT's EWPO early in project development if mitigation is targeted on a regulated drain in any Indiana county.

Application Process

Each county has unique application requirements for county regulated drain permits. In general, each submittal will include a permit application form, scope of work, and the project plan set. It may also include hydraulic modeling if requested from the surveyor. Copies of application forms for Allen, Elkhart, Lake, Hamilton, and LaPorte counties may be obtained by contacting that county's surveyor's office. Some of these are available online.

The designer should submit the application documents to the EWPO for review. Once the EWPO has a complete application, EWPO staff will sign and submit it to the county surveyor. The surveyor will coordinate with the county drainage board and arrange to have the project discussed at an upcoming meeting. Application deadlines vary but are typically ten days in advance of the monthly or bi-monthly board meeting. Application submission should consider the meeting time constraints and the fact that revisions may be required to the proposed project prior to approval. Once issued, regulated drain permits typically do not have an expiration date. Most, however, do request notification from INDOT prior to the initiation of construction.

8.2 COUNTY REGULATED DRAIN PERMITTING SCENARIOS

The following are example projects provided to illustrate instances when a permit may be required from a county surveyor. The final determination on what permits are required will be made by the county.

- INDOT proposes a small structure replacement project on Sugar Creek in Benton County. The project designer researches the project location with the county surveyor and determines that this creek is not a county regulated drain. No county regulated drain permit will be required.
- INDOT proposes a small structure replacement project on an Unnamed Tributary (UNT) to Pine Creek in Benton County. The project designer researches the project location with the county surveyor and determines that this creek is a county regulated drain. No county regulated drain permit will be required; however, early coordination on the project's design with the surveyor is required.
- INDOT proposes a small structure replacement project on an Unnamed Tributary (UNT) to Buck Creek in Hamilton County. The project designer researches the project location with the county surveyor and determines that this creek is a county regulated drain. A **county regulated drain permit** will be required.
- INDOT proposes an interchange modification project in LaPorte County. As part of the project, new roadside drainage will be cut and allowed to outlet to a county regulated drain located at the terminus of the proposed project. No direct impacts are anticipated to the drain itself. This project will likely require a **county regulated drain permit**.