



Ohio Administrative Code

Rule 1501:46-3-29 Private channel construction.

Effective: June 30, 2023

(A) No person who is the owner, his agent, lessee, or tenant of land adjacent or contiguous to any lands or waters administered by the division may dredge or permit a channel to be dredged or otherwise constructed upon said land for the purpose of effecting a junction with the waters of the state, nor fill such channel with the waters of the state nor cut through any water containment on state lands or waters without first having made application and received written permission therefor from the chief of the division as hereinafter provided.

(B) Persons desiring to dredge or otherwise construct a channel on private land and to utilize the waters of the state to fill such channel shall submit a written request therefor to the chief of the division setting forth detailed information, including but not limited to:

(1) A drawing showing exact length, width, and depth of the proposed channel;

(2) Proof of low permeable qualities of the soil in the proposed channel;

(3) The sequence and stages of construction with details showing plans to minimize any siltation impacts on the lake resulting from the construction project.

(C) If the chief determines that the proposed channel will be advantageous to the division in promoting increased recreational activities in the area and that the permeable qualities of the soil in the channel will preclude loss of normal pool stage of the waters of the state, and siltation from the channel will not severely hamper or impede navigation in the waters of the state, the chief may authorize construction of the proposed channel.

(D) Such authorization will be in contract form granting the applicant permission to cut through the existing containment on state lands for the purpose of utilizing the waters of the state to fill the proposed channel. Such authorization will contain the provisions hereinafter set forth:



- (1) The applicant shall not alter, modify, or extend the channel or construct additional channels from the original construction without having requested and received additional written permission from the chief of the division and having paid an additional fee as provided for in the rules of the division;
- (2) The applicant thereafter will permit the public to use the waters in the channel for fishing and boating purposes;
- (3) The applicant shall grant to the division a perpetual easement for flowage and access and shall file such easement in the office of the county recorder of the county in which the channel is located;
- (4) The applicant is responsible for channel maintenance including but not limited to maintaining the originally specified width and depth and for weed cutting without expense to the division now or in the future;
- (5) The state retains the right to regulate water levels of the source supplying the channel without liability for damages to the property of the applicant or responsibility for maintaining channel water levels. The division is not liable for damage effects to the channel or its surrounding area from natural disasters and floods.
- (E) The chief of the division will charge a one-time fee as compensation to the state of Ohio for this utilization of the waters of the state and for authorization to cut through containments on state lands. The fee is established in rule 1501:46-2-04 of the Administrative Code.
- (F) This rule does not apply to drainage ditch excavation where said ditch is for the purpose of intermittently draining lands and said ditch is not being used for recreational purposes.