

**TENSAS BASIN LEVEE DISTRICT
408 PERMIT REQUEST APPLICATION INSTRUCTIONS**

Exhibit A

Terms & Conditions for the Tensas Basin Levee District Permit Request

- 1 Unless expressly excluded in the Permit Request issued to Applicant, each Permit Request automatically includes, but is not limited to, the following conditions as if they were fully stated in the Permit Request issued to Applicant:
- A) A copy of the Permit Request must be in Applicant's possession at all times, and available for viewing by the Tensas Basin Levee District, the U. S. Army Corps of Engineers, and Department of Transportation and Development, or their successors or designees.
 - B) The Permit Request is non-negotiable and non-transferable.
 - C) Applicant will maintain the servitude area clean and free of any debris resulting from Applicant's activities; otherwise, TBLD may demand that Applicant sign a "Hold Harmless" agreement accepting responsibility for all damages it occasions to TBLD or others at its own expense and cost, or reimburse TBLD for any clean-up costs.
 - D) Applicant is responsible for all construction / work activities as requested in the permit application. TBLD will not perform any work / construction activities on behalf of the applicant, nor will TBLD perform any future maintenance on the approved activities unless the maintenance falls within TBLD's statutory obligations to perform such maintenance. Applicant is responsible for making sure all approved activities will perform and function properly as designed with no adverse impacts on the levee protection system on drainage.
 - E) Applicant will not place any fill materials on the batture or flood side of the levees that raise elevations above natural grade without the expressed approval of the District.
 - F) Should Applicant elect, or is required by the landowner or the District to cease operations at the work area, all structures and materials at the area shall be removed from the area and the area returned to its natural state before abandoning the area at Applicant's costs with approval of the District.
 - G) Any damage to the levee, berm, or servitude, or the property of third parties is to be repaired at Applicant's expense.
 - H) Applicant agrees to hold harmless, indemnify, and defend District against any and all damages, including damages to the levee, berm, and servitude, and all claims, actions, or liabilities which might arise from Applicant's use of the Permit Request or the result of the Applicant's activities; all of Applicant's employees or guests are bound by these requirements.
 - I) Applicant acknowledges the District's obligation to insure and protect the flood protection system, to maintain the levee system, and to exercise its law enforcement jurisdiction on or adjacent to the levees. Consequently, if an emergency occurs and the District determines that the performance of its above obligations are detrimentally affected because of the requested activities, construction, or structures, the District may immediately, without notice, revoke the "Letter of No Objection." If no emergency exists, but the performance of the above obligations by the District are detrimentally affected because of the requested activities, construction, or structures, or if it is ordered by U. S. Army Corps of Engineers or the Louisiana Department of Transportation and Development, the District may revoke the Permit Request after thirty (30) days prior written notice and a hearing.
 - J) If it is necessary for the District to file suit to enforce the conditions of the Permit Request, Applicant agrees to pay the District's reasonable attorney's fees and court costs. If the District shall, without its fault, be made a party to any claim or litigation commenced by or against Applicant, Applicant agrees to pay all costs and reasonable attorney's fees incurred by District in connection therewith.
 - K) Should changes in the location or the section of the existing levee and/or waterway, or in the generally prevailing conditions in the vicinity be required in the future, in the public interest, the Applicant shall make such changes in the project concerned or in the arrangement thereof as may be necessary to satisfactorily meet the situation and shall bear the cost thereof.
 - L) Permit Request issued may contain special conditions, in addition to the conditions stipulated above.
 - M) Gates, keys, locks, usage of the premises are authorized for the District and/or its designees at all times and without prior approval of Applicant.
 - N) Applicant shall hold TBLD harmless of any damage to the property and/or to third persons occasioned by the fault of Applicant.
 - O) The Tensas Basin Levee District does not warrant title to the property.
 - P) TBLD through its Superintendent or designee shall determine the reasonableness of the construction period provided and reserves the right to reject any request based on the length of time provided.

**TENSAS BASIN LEVEE DISTRICT
408 PERMIT REQUEST APPLICATION INSTRUCTIONS**

- Q) All requirements related to provision and proof of the performance bond are due upon request of the Superintendent, Executive Director, or the Board of Commissioners for TBLD
- R) The amount and/or sufficiency of the performance bond shall at all times be discretionary for TBLD.
- S) All extensions of the time for construction are within the discretion of TBLD; extensions for construction should be made within the period provided in ("P")
- T) Failure to timely perform may forfeit the performance bond in favor of TBLD and may result in the cancellation of the Permit Request.
- U) TBLD shall be an additional insured for mail purposes for all insurance and performance bonds.

Instructions

2 A Levee Board Permit Request is required when any proposed activity will:

- A) Any activity including subsurface work on the batture or within 1500' of the levee centerline, and 300' within a Federal or Non-Federal levee;
- B) Take place on, over, or adjacent to any portion of the levee 15' statutory easement right-of-way;
- C) Require piling to be driven or excavations made or wells drilled within 1,500' of the landside levee toe;
- D) Produce heavy detonation (explosives) within two miles of the landside levee toe;
- E) Place any object or material, which interferes with the safety, inspection, construction, or maintenance of a levee within 15' of the landside levee toe and 40' from the flood side of the levee toe;
- F) Any activity including but not limited to any type of structure, electric or phone pole, water or gas lines within 300';
- G) In addition if the proposed work/activity, such as those listed above, is located on the levee itself (from flood side levee toe to land side levee toe) then a request letter must be addressed to the USACE District Commander of the appropriate district office. This request letter shall be sent to TBLD as instructed on Page 4 Item III.A) for further processing. Instructions for submitting the letter are as follows:

USACE Written Request: Document the initiation of the Section 408 process. Information for this request will be used by the USACE District to determine documentation and approval requirements.

All requests for Section 408 permission must be submitted in writing to TBLD, addressed to the USACE District Commander of the appropriate USACE district office having jurisdiction over the USACE project that would be impacted by the alteration.

The USACE Written Request must include:

- 1 A complete description of the proposed alteration including necessary drawings, sketches, maps and plans that are sufficient for the district to make a preliminary determination as to the location, purpose and need, anticipated construction schedule, and level of technical documentation needed to inform it evaluation. Detailed engineering plans and specifications are not required but could be submitted at the same time if available.
- 2 A written statement regarding whether the requester is also pursuing authorization pursuant to Sections 10/404/103 and, if so, the date or anticipated date of application/preconstruction notification submittal.
- 3 Information regarding whether credit under Section 221 of the Flood Control Act of 1970, as amended, or other law or whether approval under Section 204(f) of WRDA 1986 is being or will be sought.
- 4 A written statement of whether the requester will require the use of federally-owned real property or property owned by the non-federal sponsor.

Permit Instructions:

- A) **Proposed Permit Requestor Information:**
Name, address, email, and telephone number of person, contractor, engineering firm, etc. who is applying for the permit.
- B) **Proposed Permit Holder Information:**
Name, address, email, and telephone number of person, governing entity, business, etc. who will own the permit. If same as "Proposed Permit Requestor," check the box.

TENSAS BASIN LEVEE DISTRICT
408 PERMIT REQUEST APPLICATION INSTRUCTIONS

- C) Proposed Permit Location Information:
Enter the type of modification to the levee that is being performed. Enter the state and parish where the modification is taking place. Enter the levee system or stream name if there no levee system exists. Enter the GPS coordinates in DECIMAL DEGREES. Example: 32.378483 -92.385375
- D) Detailed Description of Proposed Modification:
Give a detailed description of the proposed modification. Include measurements, start / stop points, depths, heights, etc. Submit an aerial image, such as Google Earth that includes all existing and proposed facilities at this site. Also, submit any plans to the modification, and any other supporting documentation. See "Exhibit B" if installing a fence, gate, or cattle guard.
- E) Engineer / Architect Information:
Name, address, email, and telephone number of engineering or architectural firm that is designing modification. If same as "Proposed Permit Requestor," check the box. If none is used, leave blank.
- F) Insurance Information:
Name, address, email, and telephone number of your insurance or bond carrier.
- G) Continuing Guaranty:
Applicant must warrant that the information submitted in Permit Request is true and correct and will not change during processing period. Applicant must sign and date.

Exhibit B

General Guideline for Fences, Gates, and Cattle Guards

- A) A fence permit will not be issued unless the applicant has an appropriate gate secured by a lock utilizing a key or master key of the TBLD (see Exhibit A 1.M above). TBLD will attach their lock to the landowners lock so each can access the premises.
- B) The Applicant, not TBLD, will be responsible for the construction of the requested fence.
- C) Permit Application is for cross fences only.
- D) Applicant constructs, maintains and cleans fences at their cost.
- E) Stand alone electric fences are not allowed. If an electric fence is used, it must be attached to a multi strand standard fence.
- F) Type of fence and material used must be stated under the Detail Description of the Permit Request Form.
- G) Cattle Guards are no longer permitted.
- H) These rules may be changed at any time without notice by the TBLD, USACE, or LADOT.

General Permit Request Instructions:

How to submit Permit Request:

- A) Permit Request should be submitted by email to permits@tbld.gov or mailed or hand delivered to 505 District Drive, Monroe, LA 71202. TBLD will forward the Permit Request to the U.S. Army Corps of Engineers and Louisiana Department of Transportation & Development for review/recommendation.
- B) Insurance Requirements:
The Tensas Basin Levee District may, at any time, require the Applicant or their contractor to carry public liability insurance in a form and content acceptable to the Levee District, provided that TBLD is a named insured in the policy; surety bonds or their equivalents may be required for long-term facilities or activities; otherwise, TBLD may demand that Applicant sign a "Hold Harmless Agreement" accepting responsibility for all damages it occasions to TBLD or others at its own expense and cost. Provided that the insurer will immediately notify TBLD and applicant of any changes in coverage for any reason.
- C) Processing Time:
The Applicant should be aware that adequate review of Permit Request takes time to review. Allow a minimum of 45-120 days to process, depending on the nature of the requests being reviewed at the time and possible delays for modifications to the original proposal. Therefore, providing complete and accurate information and clear drawings for the proposed project is important.
- D) Applicant will have one year from the issue date of the permit to begin construction on the modification. If deadline is exceeded, a new permit application must be submitted.