

TENSAS BASIN LEVEE DISTRICT
408 PERMIT REQUEST APPLICATION INSTRUCTIONS

Permit Instructions:

ALL PERMIT APPLICATIONS MUST BE SUBMITTED ONLINE AT TBLD.GOV

A) Proposed Permit Requestor Information:

The name, address, email, and telephone number of the person, contractor, engineering firm, etc., who is applying for the permit. (All Information boxes must be filled out to submit an application.)

B) Proposed Permit Holder Information:

The name, address, email, and telephone number of the person, governing entity, business, etc., who owns the permit: If the name is the same as "Proposed Permit Requestor," check the box.

C) Proposed Permit Location Information:

Enter the modification type to the levee being performed. Enter the state, parish, and the address or the nearest address to the area where the modification is taking place. Enter the levee system or stream name if 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 for 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 the engineering or architectural firm that is designing the modification. If the 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:

The applicant must warrant that the information submitted in the Permit Request is true and correct and will not change during processing. The applicant must also sign and date the application.

Terms & Conditions for the Tensas Basin Levee District Permit Request

Unless expressly excluded in the Permit Request issued to the 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 the Applicant:

- A) A copy of the Permit Request must be in the Applicant's possession at all times, and available for viewing by the Tensas Basin Levee District, the U. S. Army Corps of Engineers, and the 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. Applicants are responsible for making sure all approved activities will perform and function properly as designed, with no adverse impacts on the levee protection system or 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 the Applicant elect or be 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 the 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 the Applicant's use of the Permit Request or the result of the Applicant's activities; all of the 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 is 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 is 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 the District must file a suit to enforce the conditions of the Permit Request, the Applicant agrees to pay the District's reasonable attorney's fees and court costs. Suppose the District shall, without its fault, be made a party to any claim or litigation commenced by or against the Applicant. In that case, the Applicant agrees to pay all costs and reasonable attorney's fees incurred by the District.
- 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 meet the situation satisfactorily and shall bear the cost thereof.

- L) The Permit Request issued may contain special conditions, and the conditions stipulated above.
- M) Gates, keys, locks, and usage of the premises are authorized for the District and/or its designees at all times and without prior approval of the Applicant.
- N) Applicant shall hold TBLD harmless of any damage to the property and/or to third persons occasioned by the Applicant's fault.
- 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.
- 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 performance bond's amount and/or sufficiency shall always 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 perform promptly may forfeit the performance bond in favor of TBLD and result in the cancellation of the Permit Request.
- U) TBLD shall be an additional insured for mail purposes for all insurance and performance bonds.

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'.

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 A1.M above). TBLD will attach their lock to the landowner's lock so each can access the premises.
- B) The Applicant, not TBLD, will be responsible for constructing 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) The type of fence and material used must be stated in the detailed description of the permit request form.
- G) Cattle Guards are no longer permitted.
- H) The TBLD, USACE, or LADOT may change these rules at any time without notice.