

APPENDIX A, Ordinance No. 5

Bayou Lafourche Fresh Water BLFWD

1016 St. Mary Street, Thibodaux, Louisiana 70301
Telephone (985) 447-7155 Facsimile (985) 447-6307

Bayou Lafourche Permit Processing Instructions

Donaldsonville to Larose, Louisiana

You have received this packet of information because you are interested in obtaining a permit to construct a physical structure and/or do dredging or filling or some other activity in Bayou Lafourche between its head waters at Donaldsonville and the Gulf Intracoastal Waterway in Larose, LA. Besides the permit issued by the Bayou Lafourche Fresh Water BLFWD (the “BLFWD”) as a result of this application, other permits, certifications and/or approvals may be needed for the activity you are undertaking.

If you are proposing to dredge or fill any portion of Bayou Lafourche, in addition to the BLFWD’s permit, you must secure a permit from the U.S. Army Corps of Engineers. In addition, if the activity you are proposing is located within the Louisiana Coastal Zone, coordination with Louisiana Department of Natural Resources is required. Finally, it is incumbent upon the applicant to assure the proposed activity does not require coordination with any other federal, state and local governing entity, including but not limited to towns, villages, cities and parishes with jurisdiction over the affected property. It is highly recommended that you contact these agencies prior to the onset of any activity in Bayou Lafourche. The BLFWD patrols and inspects Bayou Lafourche regularly and will report any and all activity to the appropriate agencies in order to assure that proper approvals/permits have been secured.

IT IS HIGHLY RECOMMENDED THAT YOU READ THESE INSTRUCTIONS IN THEIR ENTIRETY AND OTHER MATERIALS IN THIS PACKET INCLUDING ORDINANCE NUMBER 5 BEFORE GOING THROUGH THE EXPENSE AND ENERGY OF FILING AN APPLICATION FOR A PERMIT FROM THE BLFWD. It is possible that a permit is not required for the activity you are proposing by requesting this application. If you have any doubts or questions about whether or not your proposed activity requires a permit from our agency, please call the BLFWD at (985) 447-7155 in Thibodaux between the hours of 7:00AM and 4:30PM, Monday through Thursday and 7:00AM to 11:00 AM on Friday.

THE APPLICATION FORM

(Type or print clearly using black ink when completing this application)

As set forth in the introductory paragraphs of the Permit Application, one set of original drawings or good reproducible copies which show the location and character of the proposed activity

or structure must be attached to the application and submitted to the Board of Commissioners of the BLFWD for approval prior to the beginning of any work. Any application that is not complete, prepared correctly or understandable will not be processed until corrected and/or completed.

ITEM 1. Do not fill in this item. A permit number will be assigned to the application by the BLFWD upon receipt. The applicant/agent will be notified of receipt of the application.

ITEM 2. & 2a Provide the name, address, email address and phone numbers of the Applicant. This is usually the owner or occupant of the property upon which the proposed activity will take place or structure will be constructed. If the Applicant is not the owner of the property on which it is to occur, provide the name and contact information for the owner and the nature of the Applicant's right to access the property.

ITEMS 3, 3a & 3b. Provide the name, title address, email address and phone numbers of the person the Applicant has authorized to act on the Applicant's behalf, if any, in the procedural and informational negotiations required by this application. The Applicant is not required to, nor is it recommended that the Applicant authorize someone to act in the applicant's behalf for this application. However, it is important that the Applicant understands that the BLFWD views negotiations with an authorized agent as negotiations with the Applicant. The Applicant shall be bound by the permit negotiated with an authorized agent, unless the BLFWD is provided written notice of removal of the agent from authorization to negotiate on the Applicant's behalf, prior to issuance of the permit.

ITEM 4. Provide a detailed, but short description of the proposed activity or structure for which a permit is being requested. Additional pages may be used if the space provided is not adequate.

ITEM 4a. Provide information on the purpose and intended use of the proposed activity or structure. The BLFWD must review the activity in light of its impact to Bayou Lafourche on a variety of levels including, but not limited to, the environment, its water quality, navigation, and hydrologic flow.

ITEM 4b. If the activity includes the dredging of any portion of Bayou Lafourche, no matter how slight or incidental, the number of cubic yards dredged or filled must be calculated and entered in this ITEM. In addition all imported fill material must be free of any hazardous material and must be free of any contaminant outlined in the Clean Water Act. A permit from the US Army Corps of Engineers as well as certification from the Louisiana Department of Environmental Quality (and possibly other agencies) are required if any dredging of Bayou Lafourche occurs as a result of this activity. These permits and certifications are in addition to the one issued by the BLFWD.

ITEM 4c. Provide the anticipated time to complete the project.

ITEM 5. Provide all information requested to ensure the BLFWD can accurately identify the location of the proposed permitted activity. Insert the physical address of the property upon which the proposed activity will occur. If a visible street address is not available, please insert directions as to the location of the property for inspection purposes. In addition, insert the name of the parish in

which the proposed activity is located.

ITEM 6. You must give a copy of your permit application to all known adjacent landowners to the proposed structure or activity. In addition, provide their contact information and property location in the spaces provided. Comments may be solicited from each property owner prior to the issuance of a permit.

ITEM 7. If any of the proposed activity already exists or if construction has already begun on the proposed activity, mark "yes" and explain the reason for beginning construction prior to the issuance of a permit by the BLFWD. Be sure to insert the month and year in which the construction began. Designate all existing construction in the drawings attached to this permit.

ITEM 8. If other permits are necessary or have been applied for or secured, insert the name of the agency from which a permit was requested, as well as the type of approval needed, the identification number of the permit request, and the dates of application, approval and/or denial. This information must be supplied for each agency and permit required.

ITEM 9. Sign and date the application. If an agent has been authorized to act in behalf of the Applicant, the agent's signature and date of signature is also required.

ITEM 10. Private Property / State Property Letter of Agreement. This Agreement Letter must be signed and notarized before any permit application will be approved by the BLFWD.

DRAWINGS

Good drawings are necessary for the BLFWD to process your application. Drawings are the primary means in determining the impact(s) of your work and are used to evaluate your proposed work as to whether a permit should be issued or denied. Inadequate or bad drawings are one of the primary causes of delay in obtaining a permit.

Every Permit Application Must Include:

1. Vicinity map, plan view and cross-section.
 - (a) Drawings must be reproducible.
 - (b) All drawings **must have** dimensions, distances and scales.
 - (c) Clearly define the limits of any dredging on plan view and dimensions of spoil placement if applicable.
 - (d) Place North arrow on plan view
 - (e) Mark the drawing to show previously completed work as "existing" and requested work as "proposed". Show existing ground contours, shorelines and the proposed work.
 - (f) Include any landmark in the vicinity (tree, power pole, mailbox, etc.) with dimensions.

The drawings become a most important part of the permit, and performing work not shown on the drawings or indications of incorrect conditions at the worksite may lead to suspension or revocation of permits and/or legal action against the violators. Most applications for permits include drawings that are prepared by engineering or land surveying firms. However, applicants who are capable of preparing adequately scaled drawings, and of taking field measurements and soundings to obtain the necessary data, may prepare their own. They should insure that the drawings fully and accurately describe the proposed activity and the conditions at the worksite. Since the description of the work listed on the permit is brief, the principal means for showing what a permit authorizes are the drawings. The drawings are used during our review process to evaluate impacts of the proposed activity. The drawings may be reproduced and mailed to the adjacent property owners listed on the application in order to solicit their comments, suggestions or objections on the proposed activity. These comments are evaluated to assist us in determining whether or not it will be contrary to the public interest by issuing a permit.

PROCESSING AND THE TIME REQUIRED FOR PROCESSING

Care in preparing and submitting accurate and complete drawings will enable the BLFWD to process your application in a timely fashion. Once an acceptable application is received by the BLFWD, an inspector will conduct a physical inspection of the site of the proposed activity. A complete review of the application will be conducted by BLFWD staff members. A recommendation whether or not to issue a permit will be made by the Director to the Board of Commissioners at the next regular meeting of the BLFWD. The BLFWD's Board of Commissioners meets regularly on the third Monday of each month at 5:00 PM in the Board Room of the BLFWD located at 1016 St. Mary Street, Thibodaux, Louisiana 70301. Processing times will vary based on information supplied with permit application form, necessary coordination with other local, state, and federal agencies. Usually processing time is 30-60 days.

GENERAL CONSTRUCTION LIMITS

1. Bulkheads, docks, wharves, and other permanent structures may be permitted through this process. The following guidelines will apply to these types of structures:
 - a. No permanent fixed structure will be permitted within the proposed channel excavation limits set forth by BLFWD. These limits represent the most recent proposed channel excavation limits within Bayou Lafourche from its headwaters in Donaldsonville, LA to the Gulf Intracoastal Waterway (GIWW) in Larose, LA. These proposed channel excavation limits can be made available to the applicant upon request.
 - b. Floating docks or floating wharves may be permitted within the proposed channel excavation limits, so long as the floating dock or wharf does not extend twenty-five feet (25') beyond the proposed channel excavation limits.

2. Erosion control structures (other than bulkheads) may be permitted under this process. Due to the variability in these types of structures, erosion control structures will be evaluated on a case by case basis.
3. Utility/Pipeline Crossings may be permitted through this process. Due to the variability in the size, location, and content of these crossings, utility/pipeline crossings will be evaluated on a case by case basis. Generally, BLFWD will require a minimum of fifteen feet (15') of cover over the utility/pipeline crossing, which is measured from the bottom elevation of the center of Bayou Lafourche to the top of the proposed utility/pipeline crossing.

GENERAL PERMIT CONDITIONS

The following conditions will apply to all permits issued by the BLFWD. It is incumbent that applicants read and understand all these conditions (along with any special conditions) before applying. Special conditions (exceptions to the rule) will be applied on a case by case basis upon written request of the applicant and upon approval of the Board of Commissioners during open session of a regular meeting.

If you discover any previously unknown historic or archeological remains, the activity authorized under the Permit must cease until proper local, state or federal coordination is made to determine if the remains warrant recovery effort.

Permittee must maintain the activity and/or structure authorized by this permit in good condition and in conformance with the terms and conditions of this permit and with any other permits issued in connection with the permitted activity or structure, including but not limited to those issued by the Department of Natural Resources, Office of Coastal Management, the Department of the Army and with any applicable rules of the United States Coast Guard. Should Permittee wish to cease to maintain the authorized activity or structure, you must notify the BLFWD in writing and if requested to do so by the BLFWD, remove the structure at your sole expense.

Permittee must allow representatives from the BLFWD to inspect the authorized activity or structure at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

By issuing this Permit, the BLFWD assumes no responsibility for the design and/or engineering sufficiency of the proposed structure/work described by Permittee in his application for a permit. Permittee, agrees that this permit is granted subject to a servitude in favor of the State of Louisiana, which extends into said Permittee's property, up to the historical, average, high-water mark of Bayou Lafourche; the permit granted herein in no way establishes or in any way recognizes any right of the Permittee to use any portion of his property, subject to the aforementioned servitude, in any manner inconsistent with said servitude.

Permittee recognizes that at any time in the future, it is determined by the BLFWD or any local, state,

or federal authority with jurisdiction over the permitted structure, that the proposed structure/work must be removed to accommodate a local, state, or federal project, or any other reasonable basis, the BLFWD may require Permittee to remove the structure at Permittee's sole expense.

The BLFWD will not be liable for any damage to the proposed structure or activity due to collisions with marine traffic. Further, should any governmental authority with jurisdiction determine that the permitted structure or activity poses a navigation hazard, the BLFWD shall require Permittee to remove the structure or activity at Permittee's sole expense.

Should the BLFWD require the Permittee to remove the permitted structure and restore the bank to its original condition, Permittee shall have thirty (30) days to comply with the BLFWD's written notice to remove. Should Permittee fail to remove the structure and restore the bank to its original condition, the BLFWD shall have the right to remove the structure and thereafter bill Permittee for any and all costs of same. Should Permittee fail to reimburse the BLFWD for the costs of removal of the structure within forty five (45) days of receipt of written invoice, Permittee shall also be liable for any expenses incurred by the BLFWD, including attorney's fees, and any other costs expended to collect the amount due from Permittee.

Should Permittee sell the property associated with this Permit, Permittee shall inform the purchaser of the existence of the permit and provide said purchaser with a copy of all documents related to this permit. Permittee will also notify the BLFWD of any such sale.

Permittee, recognizes that any damage to the structure/work constructed pursuant to this permit, resulting from the activities of the Bayou Lafourche Fresh Water District including but not limited to the right to dredge and all other rights granted to the BLFWD in Louisiana Revised Statutes 3086.21 – 3086.27, or any and all other laws of the State of Louisiana, are to be the sole responsibility of Permittee, and the BLFWD assumes no responsibility therefore.

Permittee agrees defend, indemnify and hold and save the Bayou Lafourche Fresh Water District, its board members, directors, officers, employees, representatives and attorneys, harmless from any claim, loss, costs, expense, liability, damage, or cause of action, including reasonable attorneys' fees, whatsoever, on account of injury to or death of persons or damage to or loss of property arising out of or relating to the structure or activity permitted.

Limits of the BLFWD's permit:

- a. This permit does not obviate the need to obtain other local, state or federal permits required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any interference with the property rights of others.
- d. This permit does not authorize interference with any existing or proposed local, state or federal project.

Limits of the BLFWD's Liability:

In issuing this permit, the BLFWD does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the BLFWD or any state, parish, local or federal governing agencies.
- c. Design or construction deficiencies associated with the permitted work.
- d. Damages associated with any future modification, suspension, or revocation of this permit.