

APPENDIX A,
Article III – Pointe Coupee Parish Code of
Ordinances – False River Regulations
Pointe Coupee Parish Government

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False River Shoreline Permit Processing Instructions

Pointe Coupee Parish, Louisiana

This packet contains information related to obtaining a permit to construct a bulkhead, shoreline modification, and/or dredge or filling in a portion of False River in Pointe Coupee Parish, LA as required by Chapter 6, Article 3 (False River) of the Pointe Coupee Parish Ordinances. In addition to the permit issued by the governing body of Pointe Coupee Parish (the “PARISH”) through this application process, other permits, certifications and/or approvals from other state or federal agencies may be required for the activity you are undertaking. Those agencies may include, but may not be limited to:

U.S. Army Corps of Engineers, New Orleans Division
Operations & Readiness Div., Regulatory Functions
P.O. Box 60267,
New Orleans, Louisiana 70160-0267
(504) 862-1270

LA Department. of Environmental Quality
Office of Water Resources
PO Box 82215
Baton Rouge, LA 70884-2215
(504) 765-0664

LA Department of Wildlife & Fisheries
PO Box 98000
Baton Rouge, LA 70898

LA Division of State Lands
PO Box 44124
Baton Rouge, LA 70804

LA Department of Health and Hospitals
Office of Public Health
PO Box 60630
New Orleans, LA 70160

IF YOU ARE PROPOSING TO DREDGE OR FILL ANY PORTION OF FALSE RIVER, IN ADDITION TO THE PARISH’S PERMIT, YOU MAY NEED TO SECURE PERMITS FROM THE U.S. ARMY CORPS OF ENGINEERS AND/OR OTHER FEDERAL, STATE AND LOCAL GOVERNING ENTITIES, INCLUDING BUT NOT LIMITED TO THE CITY OF NEW ROADS IF YOUR PROPERTY IS WITHIN CITY LIMITS. IT IS HIGHLY RECOMMENDED THAT YOU CONTACT THESE AGENCIES PRIOR TO THE ONSET OF ANY ACTIVITY IN, OR AT THE WATER’S EDGE OF FALSE RIVER.

This instruction packet contains information needed to properly complete the Shoreline Permit Application for submission to THE PARISH. Included in this packet are activities regulated

under this permitting process, associated fees, timelines for issuing permits, and operational procedures of the application process, including instructions for completing the actual application. **IT IS HIGHLY RECOMMENDED THAT YOU READ THESE INSTRUCTIONS, ALL SUPPLEMENTARY MATERIALS, AND THE FALSE RIVER REGULATIONS IN THEIR ENTIRETY PRIOR TO BEGINNING A PROJECT.** *Depending on the scope of your project, this permit may not be required. Therefore, if you have any questions about your proposed activity, please contact the PARISH at (225) 638-9556 for additional guidance.*

THE APPLICATION FORM

(Please use black ink when completing this application)

In addition to the actual permit application, the following supplementary materials must be submitted with the actual application for the application to be considered complete:

- 1) One set of original drawings or good reproducible copies which show the location and character of the proposed activity (see 'DRAWINGS' section below)
 - a. Depending on the scope of the project, applications may also require plans that are certified and stamped by a Professional Engineer currently licensed in the Louisiana. For more information, please review the 'GENERAL CONSTRUCTION LIMITS' below.
- 2) A certified copy (by the Parish Clerk of Court) of the Act evidencing ownership of the Property (e.g., Act of Sale, Donation Judgment of Possession, etc.), including the property's legal description.
- 3) If the applicant is not the legal property owner, a letter signed by the property owner expressly authorizing the applicant to file an application on behalf of the property owner

Any application that is incomplete, or prepared incorrectly or illegibly will not be processed until completed and/or corrected.

ITEM 1. Leave Blank. A permit number will be assigned to the application by the PARISH upon receipt. The applicant/agent will be notified of receipt of the application.

ITEM 2. Type or print the name and address as well as home and office phone numbers of the person who is proposing the activity requiring a permit. This is usually the owner or occupant of the property upon which the proposed activity will be constructed.

ITEMS 3 & 3a. Type or print the name, title and address of the person you have authorized to act on the applicant's behalf 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 PARISH 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 PARISH 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. Type or print a detailed, but short description of the proposed activity for which a permit is being requested. Additional pages may be used if the space provided is not adequate.

ITEM 4a. Type or print information on the purpose and intended use of the proposed activity. The PARISH must evaluate the impacts of the activity on False River, including, but not limited to, the environment, its water quality, navigation, and hydrologic flow.

ITEM 4b. If the activity includes the dredging or filling of any portion of False River, 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 False River occurs because of this activity. These permits and certifications are in addition to the one issued by the PARISH. **IT IS HIGHLY RECOMMENDED THAT YOU CONTACT THESE AGENCIES IF THE PROPOSED ACTIVITY INCLUDES DREDGING OR FILLING OF FALSE RIVER.** The volume of material of dredged or hauled-in materials is calculated by the following formula:

Length of dredge area (or area to be filled) X Width of dredge area (or area to be filled) X Depth of dredging (or area to be filled) divided by 27 (=) equals _____ cubic yards of material. (all measurements must be in feet)

ITEM 5. Insert the names and addresses of the adjacent property owners along False River (both sides) upon which the proposed activity is located. This information is needed for their possible notification of the intended proposed activity. Comments may be solicited from each property owner prior to the issuance of a permit.

ITEM 6. 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.

ITEM 7. Place an "x" in the appropriate location. 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 PARISH. 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 PARISH.

DRAWINGS

Clear and accurate drawings are necessary for the Parish to process your application. Because the description of proposed work on the application is brief, drawings are the primary means of determining the impact(s) of your work and evaluating whether a permit should be issued or denied. Inadequate or inaccurate drawings will result in a processing delay or rejection of your permit application

Minimum Drawing Requirements: Need clear vicinity map, plan view and elevation or cross-section drawings. on sheets of paper no smaller than 8.5 x 11 inches, and no larger than 11 x 17 inches. Examples can be obtained from the PARISH. All drawings **MUST**:

- 1) Be reproducible **black or blue ink only**: **DO NOT USE COLORS as it will not copy.**
- 2) Be on sheets of paper no smaller than 8.5” x 11”, and no larger than 11” x 17”
- 3) Include dimensions, distances and scales
- 4) Clearly define the limits of any dredging on plan view and dimensions of spoil placement, if applicable
- 5) Include normal pool stage and the references to the legal shoreline on plan view and elevations (maps may be obtained from the PARISH)
- 6) Include North arrow on plans view
- 7) Include turbidity mitigation structure
- 8) Identify previously completed work as “existing” and requested work as “proposed.”
- 9) Show existing ground contours, shorelines (at normal pool stage) and proposed work

Performing work not shown on the drawings or indications of incorrect conditions at the worksite may result in suspension or revocation of permits, and/or legal action against the violators. In addition to a final field inspection, the PARISH may perform preliminary inspections during the construction phase of the project to ensure that the conditions of the worksite are consistent with the submitted drawings. If, upon final inspection, the PARISH determines that the conditions of the project are inconsistent with the submitted drawings, the PARISH may

- suspend or revoke of the permit,
- require the landowner to comply with the submitted drawings (at the landowner’s expense),
- require landowner to return the worksite to the pre-application conditions, and/or
- proceed with legal action against the landowner

Most applications for permits include drawings that are prepared by engineering or land surveying firms. However, for some projects (see ‘General Construction Limits’ section below), applicants may prepare their own drawings if they are capable of preparing adequately scaled

drawings and taking field measurements and soundings to obtain the necessary data. Applicants should ensure that the drawings fully and accurately describe the proposed activity and the conditions at the worksite.

Drawings submitted with a permit application are property of the PARISH, and may be reproduced or distributed as necessary. As part of the permit review process, the PARISH may mail copies of the submitted drawings to adjacent property owners listed on the application to solicit comments, suggestions or objections on the proposed activity.

Sample drawings, or drawings of prior permitted projects are available from the PARISH, and can be furnished upon request. Sample drawings furnished by the PARISH are illustrative only, and are not intended to be representative of the exact conditions of your site. If field inspections of the work authorized by your permit show conditions significantly different than what is shown on your drawings, it could cause legal action to be taken and/or your permit to be revoked.

GENERAL CONSTRUCTION LIMITS

BULKHEADS - Permits for the construction of bulkheads may be granted under this permit process. Bulkheads will be considered for a permit by the PARISH only if the following conditions are met:

- 1) The plans and calculations are certified by a Professional Engineer currently licensed in the State of Louisiana. The stamp of the engineer shall be placed on all plans and calculations to ensure that all civil, structural, and geotechnical issues have been analyzed pursuant to accepted engineering standards and practices. In addition to the engineer's stamp, construction drawings shall include, the contractor's Louisiana License number and projected service life of the bulkhead. Applicants shall also attach a certificate of insurance, issued by the engineer's insurer, listing the landowner/homeowner as additionally insured parties.
- 2) There will be no permanent encroachment on the public side of the legal shoreline of False River; as defined in Chapter 6, Article III, Section 6.26 (False River Regulations: Definitions)
- 3) The bulkhead is designed to maintain structural integrity regardless of the presence, absence, or level of water on the lakeward face, as False River lake water levels may vary significantly due to natural causes (e.g. drought or flood) or active lake water level management practices, such as 'drawdowns.'
- 4) The bulkhead is designed to protect against erosion/scouring (caused by wave action) where the lakeward facing intersects the lake bottom.
- 5) The bulkhead is designed to minimize turbidity, or incorporates a turbidity mitigation structure on the lakeward facing to a minimum elevation within one (1) foot of the normal pool stage of False River. Although site conditions may vary, a slope of three (3) horizontal feet for each vertical foot is generally recommended as the most effective design for turbidity mitigation using rip rap or similar materials.
- 6) Any appurtenance structure used in conjunction with a bulkhead for turbidity mitigation

may extend beyond the legal shoreline if, and only if:

- a. the structure is not constructed of permeant materials,
- b. no portion of the structure shall extend across a boundary line. Furthermore, structures extending beyond the legal shoreline may be subject to additional state and/or federal regulations or permitting requirements

REVTMENTS – Permits for the construction of revetments or similar erosion control structures may be granted under this permit process. Generally, engineer certified plans (item #1 above) are not required for revetments (standard drawings are acceptable), however due to the variability in these types of structures, the need for engineer certified plans will be evaluated on a case by case basis. The general construction guidelines for bulkheads (items #2-#6 above) will also be applicable for erosion control structures.

LEGACY BULKHEAD REPAIRS – Permits for the repair of Legacy Bulkheads may be granted under this permit process. The “Legacy Bulkheads” designation is limited to the life of the Legacy Structure as it **existed on July 11, 2017**. Legacy Bulkheads are eligible for repairs, as long as the walls are not considered “substantially damaged” (see definition in Article III – False River Regulations, Section 6-26). Minor repairs costing less than \$7,500 are exempt from the permitting process, and all repairs where costs exceed \$7,500 must be permitted through the shoreline permitting process for Legacy Bulkheads.

- 1) Repairs must not expand or substantially rebuild the legacy bulkhead (to clarify, only “substantially damaged” bulkheads would require substantial rebuilding).
- 2) Engineer certified plans are not required for legacy repairs where rip rap or similar armoring is placed at the toe of the entire length (including the repaired section) of the legacy bulkhead. At a minimum, the rip rap must be placed at least two feet above the lakebed and two feet out from the bottom of the bulkhead. *Note: this requirement represents only a minimum recommendation, and individual site conditions may require more significant structural support.*
- 3) Due to the variability of all other repairs to legacy structures, the need for certified plans will be evaluated on a case by case basis. *Note: repairs that do not include additional structural stabilization of the entire length of the legacy bulkhead will likely require engineer certified plans attesting to the adequacy of the proposed repair and remaining structure.*

GENERAL PERMIT CONDITIONS

The following conditions will apply to all permits issued by the PARISH. 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 PARISH Governing Body during open session of a regular meeting.

Permitted, Non-Legacy Structures: No additions or design changes shall be made to the Permitted, Non-Legacy Structure without securing a new Shoreline Permit for Bulkheads and/or Revetments. Maintenance or Repairs to Permitted, Non-Legacy structures that have not been substantially damaged are allowed under the original permit.

Legacy Structures: Repairs to Legacy Structures that have not been substantially damaged, but costing more than \$7,500 are allowed, but each repair must be permitted through the Shoreline Permitting Process for Legacy Bulkhead Repairs. Furthermore, these repairs must not expand, substantially rebuild, or substantially alter the Legacy Structure, as the Legacy Structure designation is limited to the life of the Legacy Structure as it existed on July 11, 2017. Should a Legacy Bulkhead be destroyed or substantially damaged, and the Legacy Structure Owner wishes to replace the structure, then any proposed replacement structure must be permitted through Shoreline Permitting Process for Bulkheads and/or Revetments. If the Legacy Structure Owner chooses not to replace a destroyed structure or a structure that has been substantially damaged (i.e. demolition by neglect), the owner may be required to remove the remains of the structure from the shoreline, and return the shoreline to its natural state.

If any previously unknown historic or archeological remains are discovered, 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. Should Permittee wish to cease to maintain the authorized activity or structure, Permittee must notify the PARISH in writing, and if requested to do so by the PARISH, remove the structure at Permittee's sole expense.

Permittee must allow representatives from the PARISH to inspect the authorized activity or structure at any time prior to, during, and upon completion of construction to ensure that the project execution is consistent with the terms and conditions of the permit.

By issuing this Permit, the PARISH assumes no responsibility for the design, engineering, and/or construction sufficiency of the proposed structure/work described by Permittee in the application for a permit. For projects that include non-permanent encroachment onto the public side of the legal shoreline (see "General Construction Limits"), Permittee recognizes that if at any time in the future, the PARISH or any local, state, or federal authority with jurisdiction over the permitted structure determines that the proposed structure/work must be removed to accommodate a local, state, or federal project, or any other reasonable basis, the PARISH may require Permittee to remove the structure at Permittee's sole expense.

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

Permittee, recognizes that any damage to the structure/work constructed pursuant to this permit, resulting from the activities of the PARISH, state, or federal government including, but not limited to, dredging and False River lake water level management are to be the sole

responsibility of Permittee, and the PARISH assumes no liability therefore.

Permittee agrees to defend, indemnify and hold and save the PARISH, including members of its governing body, members of its advisory committees (e.g. False River Watershed Council), 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, regardless of fault.

Limits of the PARISH's permit:

- 1) This permit does not obviate the need to obtain other local, state or federal permits required by law.
- 2) This permit does not grant any property rights or exclusive privileges.
- 3) This permit does not authorize any interference with the property rights of others.
- 4) This permit does not authorize interference with any existing or proposed local, state or federal project.

Limits of the PARISH's Liability. In issuing this permit, the PARISH does not assume any liability for the following:

- 1) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- 2) Damages to the permitted project or uses thereof for any reason, including, but not limited to, active False River lake water level management undertaken by or on behalf of the PARISH or any local, state, or federal governing agencies.
- 3) Design or construction deficiencies associated with the permitted work.
- 4) Damages associated with any future modification, suspension, or revocation of this permit.

Permit and Certified Drawings Decision Tree:

Shoreline Permit Decision Tree

