

**ALTERATION OF SHORELINE
SECTION 13-30**

**APPLICATION FOR PUBLIC HEARING
CITY OF LAKE CHARLES, LOUISIANA**

DATE: _____

THIS APPLICATION IS ISSUED IN ACCORDANCE WITH THE LAWS, ORDINANCES, AND REGULATIONS ENFORCED BY THE PLANNING DEPARTMENT OF THE CITY OF LAKE CHARLES, LOUISIANA UNDER THE PROVISIONS OF ORDINANCE 13-30 AND ALL OTHER APPLICABLE CODES AND ORDINANCES OF THE CITY OF LAKE CHARLES, THE UNDERSIGNED PARTY HEREBY APPLIES FOR AN ALTERATION OF SHORELINE PERMIT FOR THE FOLLOWING:

PROPERTY ADDRESS/LOCATION: _____

LEGAL DESCRIPTION: _____

DESCRIPTION OF JOB: _____

WITH PLANS ATTACHED HERETO:

APPLICANT: _____ PHONE: _____

MAILING ADDRESS: _____ ZIP: _____

EMAIL ADDRESS: _____

OWNER OF RECORD: _____

US ARMY CORPS OF ENGINEERS PERMIT NO. _____ (REQUIRED FOR APPLICATION SUBMITTAL)
(CONTACT INFORMATION ATTACHED)

STATE OF LOUISIANA WATER BOTTOM PERMIT NO. _____ (REQUIRED FOR APPLICATION SUBMITTAL)
(CONTACT INFORMATION ATTACHED)

ZONING DISTRICT: RESIDENTIAL MIXED USE INDUSTRIAL NEIGHBORHOOD BUSINESS
 T-4 URBAN TRANSECT T-5 URBAN CENTER TRANSECT T-6 URBAN CORE TRANSECT OTHER _____

FLOOD PLAIN MANAGEMENT REGULATIONS:

FIRM ZONE: "X" "A" "AE" "D" OTHER _____ FLOODWAY: IN OUT
ELEVATION CERTIFICATE REQUIRED: YES NO BASE FLOOD ELEVATION: _____ MSL

REMARKS OR SPECIAL CONDITIONS:

IT IS HEREBY AGREED UPON THAT MY APPLICATION FOR AN ALTERATION OF SHORELINE PERMIT IS CONTINGENT UPON MY COMPLIANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND POLICIES OF THE CITY OF LAKE CHARLES. ANY ATTEMPT TO ABROGATE SUCH OR FAILURE TO COMPLY WITH ANY CONDITION LEGALLY IMPOSED ON THIS APPLICATION SUBSEQUENT TO THE PROVISION OF SEC 13-30 OF THE CODE OF ORDINANCES WILL RENDER THE PERMIT NULL AND VOID.

PLANNING DIRECTOR

APPLICANT

DATE

DATE

Regulatory Permits



In 1890, the U.S. Army Corps of Engineers Regulatory Program originated to protect navigation. New laws broadened the program to consider the protection and utilization of water resources, and to regulate alteration or discharge of dredged and/or fill material into U.S. waters, including wetlands. We also regulate dredged material transportation for the purpose of dumping it into ocean waters.

The regulatory authorities and responsibilities of the Corps' Regulatory Program are based on the following laws:

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) prohibits the obstruction or alteration of navigable waters of the United States without a permit from the Corps.
- Section 404 of the Clean Water Act (33 U.S.C. 1344). Section 301 of this Act prohibits the discharge of dredged or fill material into waters of the United States without a permit from the Corps.
- Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1413) authorizes the Corps to issue permits for the transportation of dredged material for the purpose of dumping it into ocean waters.

Other regulations/laws may also affect the processing of applications for Corps permits. Among these are 33 USC Section 408, National Environmental Policy Act, the Coastal Zone Management Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Deepwater Port Act, the Federal Power Act, the Marine Mammal Protection Act, the Wild and Scenic Rivers Act, and the National Fishing Enhancement Act of 1984.

All of these activities require the completion and approval of a permit application. The application form used to apply for a Corps permit located outside of the coastal zone is Engineer Form 4345, Application of a Department of the Army Permit (see below). For within the coastal zone, the New Orleans District uses a slightly modified form for joint processing with the Louisiana Department of Natural Resources (LDNR) (see link to LDNR Website below); however, the required information is basically the same. It is important that you provide the complete information in the requested format. This information will be used to determine the appropriate form of authorization, and to evaluate your proposal.

Some categories of activities have been previously authorized by nationwide or regional permits, and no further Corps approvals are required. Others may qualify for abbreviated permit processing, with authorizations in the form of letters of permission, in which a permit decision can usually be reached in less than 30 days. For other activities, a Public Notice may be required to notify Federal, state, and local agencies, adjacent property owners, the general public of the proposal to allow an opportunity for review and comment or to request a public hearing.

Most applications involving Public Notices are completed within four months and many are completed within 60 days. The district engineer will begin to process your application immediately upon receipt of all required information. You will be sent an acknowledgement of its receipt and the application number assigned to your file. You should refer to this number when inquiring about your application. Your proposal will be reviewed, balancing the need and expected benefits against the probable impacts of the work, taking into consideration all comments received and other relevant factors. This process is called the *public interest review*. The Corps goal is to reach a decision regarding permit issuance or denial within 60 days of receipt of a complete application. However, some complex activities, issues, or requirements of law may prevent the district engineer from meeting this goal. If your project involves the discharge of dredged or fill material, it will be necessary for the Corps to evaluate your proposed activity under the Section 404(b)(1) guidelines prepared by the Environmental Protection Agency. The guidelines restrict discharges into aquatic areas where less environmentally damaging, practicable alternatives exist.

Answers to technical questions and information specific to proposed actions can be obtained from the Evaluation Section associated with the parish of the proposed project (see Evaluation Section contact information on the left-hand side of the screen).

Submitting a Permit Application

Outside the Coastal Zone: [Engineer Form 4345 and Permit Application Instructions](#).

Within the Coastal Zone:- go to the [LDNR Permit Website](#) for the joint permit application

Nationwide Permit Pre-Construction Notification Form: [Engineer Form 6082](#)

[Submitting a Corp Permit Application or a Corps LDNR Joint Permit Application](#)

[Submitting an Electronic Corps Permit for Outside the Coastal Zone](#)

Permit Fees

Do not send a fee when you submit an application.

The district engineer does not make a final decision on the amount of the fee until such time as there is a decision on whether to approve the permit. When the Corps issues a permit, you will be notified and asked to submit the required fee payable to the Treasurer of the United States.

General Guideline for Determining Permit Fees:

Fees are required for most permits. \$10.00 will be charged for a permit for a non-commercial activity; \$100.00 will be charged for a permit for a commercial or industrial activity. The district engineer will make the final decision as to the amount of the fee. No fees are charged for transferring a permit from one property owner to another, for Letters of Permission, or for any activities authorized by a general permit or for permits to governmental agencies.

Permit Actions

[2017 Nationwide Permits](#)

[General Permits for Use in New Orleans District](#)

[Individual Permit Actions](#)

[Deepwater Horizon Emergency Permits](#)

[Regulatory Section 214/Transportation Information](#)

[WRDA/SAFETEA-LU Decisions](#)

Additional Information

[Related Resources](#)

[Information on the "Fill" Rule](#)

[Explanation of Commonly Used Terms](#)

Important Links

[Collapse All](#) [Expand All](#)

[Environmental Impact Statements](#)

Transferring Permits

Transferring your Department of the Army Permit to a Third Party

[If the permit was issued by our Eastern Evaluation Section, Click Here.](#)

[If the permit was issued by our Central Evaluation Section, Click Here.](#)

[If the permit was issued by our Western Evaluation Section, Click Here.](#)

Not sure which Section to contact. Look on the left-hand side of the screen... Remember that the correct Evaluation Section is determined by **where the project is located**, not where the permit holder resides.

Commissioner of Administration
Division of Administration

BATON ROUGE, LA 70802

LOCAL: (225) 342-7000

TOLL FREE: (800) 354-9548

PUBLIC RECORDS REQUEST

Telephone number is:

1(800)354-9548

**Chapter 23. Permitting and Leasing Encroachments onto State Owned
Property**

REQUE

A. A Class B Permit shall be issued to construct bulkheads or flood protection structures in proximity to the bank or shore. Permits and leases may also be granted for the construction and/or maintenance of commercial structures which are permanently attached to public lands by pilings or other means. Such structures shall include, but not be limited to wharves, piers, storage docks, camps, warehouses, residences, bulkheads, restaurants, dams, bridges, etc. A Class C permit shall be issued to construct wharves and piers and a Class D permit shall be issued for those structures other than wharves and piers. Exempted from permit and lease requirements are commercial and noncommercial wharves and piers less than 50 linear feet whose surface area does not exceed 150 square feet, unless part of another encroachment or unduly interferes with public interests, navigation or fishery. Structures constructed on state lands shall be subject to the procedures as set forth in "Leases: Structures" of these rules and regulations.

B. Submitting Procedures. Applicant shall notify the commissioner of the Division of Administration in writing of his intent to apply for a permit for work contemplated. Such letter shall contain a description of the proposed physical work to be performed, materials to be used and identity of the body of water involved. Upon receipt of applicant's letter, the commissioner shall forward the appropriate permit form to the applicant with a copy of these regulations. Upon completion of the appropriate form the applicant shall:

1. apply to the governing authority of the parish or parishes within which the work or structures will be located for their approval or permit for the project;

2. apply to the U.S. Corps of Engineers for the appropriate federal permit, and in the event that the Corps of Engineers declines jurisdiction over the proposed work, and does not publish notice;

3. upon request of the governing authorities of the parish cause to have published at least once, notice of the application in the official journal of the parish or parishes.

C. Fees

1. An application for a permit shall be accompanied by a nonrefundable administrative and processing fee of \$10.

2. In the event that review of the application requires special work in the field such as special field examination or survey, the applicant shall be required to pay for such special work the price of which shall be fixed by the commissioner based on his estimate of the cost of special work to the state. The commissioner shall notify the applicant of the estimated cost of such special work and shall not proceed until the estimated cost of same is paid.

D. Application Requirements for Class B, C, or D permits. Applications must be submitted in triplicate to the commissioner of the Division of Administration, and each application must include the following:

1. application form as provided by the Division of Administration;

2. approval of the parish governing authority for the project;

3. a certified deed of ownership* (of the lands contiguous to public lands);

4. if the applicant is not the owner, a certified copy of the deed or other instrument* under which the owner holds title plus written permission for the applicant to carry out the project;

NOTE: Should the encroachment be located wholly upon state waterbottoms and not proximate to any bank or shore, no deed of ownership or written permission need be furnished provided that the letter of intent contains details of ingress and egress for such structure;

5. map or plat showing:

a. location of the activity site including section, township and range;

b. name of waterway;

c. all applicable political (parish, town, city, etc.) boundary lines;

d. name of and distance of local town, community or other identifying location;

e. names of all roads in the vicinity of the site;

f. graphic scale;

g. north arrow;

6. plan view showing:

a. existing shorelines;

b. ebb and flood in tidal waters and direction of flow in rivers;

c. mean high water line;

d. mean low water line;

e. water depth around the project;

f. extent of encroachment beyond the applicable water lines;

g. waterward dimensions from an existing permanent fixed structure or object;

h. location of structures, if any, in navigable water immediately adjacent to the proposed activity;

7. elevation and/or section view showing:

a. same water elevations as in the plan view;

b. depth at waterward face of proposed work;

c. dimensions from applicable water lines for proposed load or pile supported platform;

d. graphic or numerical scale;

- e. detailed drawings of construction including plot plan, cross section and profile;
- 8. nonrefundable administrative and processing fee of \$10;
- 9. letter of intent.

E. If the proposed project falls under the United States Army Corps of Engineers jurisdiction and permit(s) are being sought from that agency, the applications submitted to the Corps of Engineers may be submitted to the Division of Administration in lieu of the above, providing that all copies are clear and legible and the Corps permit application does in fact contain all of the information described above.

F. Leases

1. All Class C and D permits are accompanied by a lease agreement described as follows:

a. after fulfilling the requirements for a structure permit, the applicant and the commissioner of the Division of Administration shall enter into a lease agreement to operate or maintain the encroachment. Such leases will not be subject to competitive bidding except in those cases where the best interest of the state and applicant will be served. The consideration for such leases shall be based upon the size and nature of the encroachment;

b. annual rentals on leases for commercial wharves, piers, and other structures issued pursuant to R.S. 41:1201-1215 lying outside of the jurisdiction of deep water port commissions shall be levied at 2 cents per square foot of state owned land or waterbottom enclosed or utilized by the structures and associated vessels. Those lands so utilized shall include the pier, wharf or dock itself, all associated piles, dolphins, structures, and waters adjacent and contiguous to the above structures occupied by vessels docking at said structures. The waters so utilized by vessels and included in the lease shall be measured in 10-foot increments adjacent to and adjoining the structures (10, 20 or 30 feet) depending upon the size of the vessels docking at that particular pier, dock or wharf. Any contiguous area of water where boats may be moored shall be assessed according to the following schedule:

- i. boats less than 35 feet in length require a 10-foot wide berthing;
- ii. boats 35 to 75 feet in length require a 20-foot wide berthing;
- iii. boats greater than 75 feet in length require a 30-foot wide berthing.

2. In no instance shall the consideration be less than \$100 per annum.

3. Leases entered into shall be for a term of five years and subject to renewal by lessee for nine successive terms. In no case shall the maximum term of such leases exceed 50 years. At the end of a 50-year maximum period, lessees may apply for a new lease for the subject encroachment.

*Only one certified copy of deed or instrument is required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1701-1714 and R.S. 41:1131.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 3:248 (May 1977), amended LR 5:8 (January 1979), LR 7:342 (July 1981), LR 12:440 (July 1986), LR 17:777 (August 1991), repealed and repromulgated by the Office of the Governor, Division of Administration, State Land Office, LR 19:491 (April 1993).

Chapter 25. General Regulations Regarding all Permits

§2501. General Permit Conditions

A. Approval of Local and Other State Authorities. No permits shall be issued nor shall any work commence until the application has first been approved by the governing authority of the parish wherein the property is located, Office of Public Works, Department of Wildlife and Fisheries, State Mineral Board, Coastal Management Section (if the project is in the coastal zone) and such other parochial or state agencies which may have jurisdiction over such matter. Coordination and dissemination among the several agencies will be performed by the commissioner of the Division of Administration.

B. Objections and Public Hearings

1. Objections shall be received by the commissioner of the Division of Administration for a period of 30 days from date of published notice, to correspond with the delays established by the U.S. Corps of Engineers. In the event that opportunity for public hearing is deemed necessary by either the state, through the commissioner of the Division of Administration, or the U.S. Corps of Engineers, all efforts will be made by the state to accommodate the applicant by holding one hearing together with the federal authorities at whatever time and place the latter stipulates.

2. At the end of the prescribed period for objections, or after the public hearing if necessary, the governing authority of the parish or parishes shall either approve or object to the application, with reasons, and forward their determination to the commissioner of the Division of Administration, together with all required attachments and

evidence of publication of notice by either the Corps of Engineers or the applicant, for processing as provided herein.

C. Reasons for Denial or Limitation. No reclamation, encroachment or lease shall be allowed if in the determination of the Office of Public Works, Department of Wildlife and Fisheries, State Mineral Board or the commissioner of the Division of Administration, such activity would obstruct or hinder the navigability of any waters of the state, impose undue or unreasonable restraints on the state or public rights which have vested in such areas pursuant to Louisiana law, or result in unacceptable adverse impacts to the environment of the coastal zone, and to that extent the land area sought to be reclaimed, or the structure or construction, may be limited.

D. Hold Harmless. All permits and leases approved and issued hereunder shall be conditioned upon applicant's agreement to hold the State of Louisiana and her agencies and subdivisions harmless for applicant's acts or omissions in reclaiming and maintaining eroded lands and constructing or maintaining any structures and bulkheads, though the permit or lease for the same subsequently expires or is revoked.

E. Encumbrances. A permit will be issued subject to and encumbered with any right-of-way or servitude, or any mineral, geothermal, geopressure, or any other lease acquired or granted by the state for a lawful purpose while the reclaimed land was an eroded area. Nothing in these regulations shall prevent the leasing of state lands or waterbottoms for mineral or other purposes.

F. Maximum Permit Term. All permits issued pursuant to these provisions shall be effective for a period not to exceed two years from the date of issuance and shall thereupon expire. All work remaining or any additional work may be completed only by a new permit application.

G. Vested Rights. No permit or lease shall be construed to vest any proprietary rights or title in any private owner except as to lands actually reclaimed and maintained, pursuant to Act 645 of 1978. Eroded lands contiguous to the coast of the Gulf of Mexico as defined in the Decree of the United States Supreme Court dated July 16, 1975, in *United States vs. Louisiana*, No. 9 Original, may be reclaimed under reclamation permits, out to the coastline.

H. Copies to Local Governments. A copy of the permit issued, along with the pertinent plats attached and the documentation required to be submitted 60 days after completion of work shall be filed with the clerk of court of the parish or parishes affected. A copy of the above shall also be furnished the assessor of the parish or parishes for assessment purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1701-1714 and R.S. 41:1131.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 3:248 (May 1977), amended LR 5:8 (January 1979), LR 7:342 (July 1981), LR 12:440 (July 1986), LR 17:777 (August 1991), repealed and repromulgated by the Office of the Governor, Division of Administration, State Land Office, LR 19:492 (April 1993).

Chapter 27. Rights-of-Way

§2701. Granting of Rights-of-Way to Corporations or Individuals

A. Applicants are to use the state right-of-way form provided by the State Land Office. A special form is used for escrow agreement permits.

B. The right-of-way form must be submitted in triplicate with a legal size plat(s) attached to each copy.

C. The description contained in the right-of-way form must indicate section, township and range, or area and block number(s) if offshore; name of the body of water to be crossed; the size of the pipe and the length of the right-of-way in rods.

D. The plat(s) must reveal the following:

1. station numbers at the mean low water elevation on a river; the station number at the mean high water elevation on a lake, bay or Gulf of Mexico; or station number at ingress and egress of state properties. Said plat, when illustrating the mean low water line of a river or the mean high water line of a lake or the Gulf, will be authoritative only as to the date of the application for calculation of the state's consideration. The limits of state property reflected on said plat are illustrative only and recognized solely and only for computing the fee for this grant, and are not intended and shall not be construed as determinative of actual title for the benefit of any adjoining owners, whether a grantee herein or a third party;

2. the section, township and range if in an area that has been surveyed;

3. the product to be transported;

4. the location of the pipeline with respect to the right-of-way.

E. Names of adjoining landowners cannot be shown on the plat unless necessary for legal description.

F. The right-of-way form must be accompanied by a letter of intent which shall contain the following information:

1. initiating and terminating point of the pipeline;
2. point of origination of product to be transported as a result of this construction;
3. capacity or if a loopline added capacity as a result of this construction;
4. estimated volume of product to be transported as a result of this construction;
5. a detail of construction;
6. pipe specifications including size, wall thickness and type;
7. the proposed and maximum operating pressures.

G. Where state mineral leases are traversed, an applicant will furnish the commissioner of the Division of Administration a copy of the letter of notification (with signed, certified returned receipt attached) which has been sent to the mineral lessees.

H. It is necessary that permission or clearance be obtained from the United States Corps of Engineers; State Office of Public Works, Department of Transportation and Development; Louisiana Department of Environmental Quality, Water Pollution Control Division; The Louisiana Department of Wildlife and Fisheries and both the Coastal Management Division and the Office of Conservation of the Department of Natural Resources if the operation is within their respective jurisdictions and from any other agency having permit authority over the proposed project.

I. Clearance shall be obtained from the Secretary of the Department of Wildlife and Fisheries, New Orleans, Louisiana, when oyster leases are to be traversed.

J. Written consent must be obtained from the Secretary of the Department of Wildlife and Fisheries if the proposed right-of-way crosses a state or federal preserve. Similar clearance is required from any agency having jurisdiction over surface rights of state lands being crossed.

K. The state requires payment for all grants across state lands or navigable streams, regardless of size.

L. The proposed route of the pipeline shall be subject to approval of the Commissioner of the Division of Administration.

M. Fees for permits shall be as follows.

1. Class 1. Pipe 2 inches up to 19 inches outside diameter with a minimum of 75 feet right-of-way during construction to revert to 35 after construction is completed with the additional right of ingress and egress for the purpose of maintenance, repairs, removal or modification—\$25 per rod.

2. Class 2. Pipe 19 inches up to 36 inches outside diameter with a maximum of 100 feet right-of-way during construction to revert to 50 feet after construction is completed with the additional right of ingress and egress for the purpose of maintenance, repairs, removal or modification—\$35 per rod.

3. Class 3. Pipe over 36 inches outside diameter with a maximum of 200 feet right-of-way during construction to revert to 60 feet after construction is completed with the additional rights of ingress and egress for the purpose of maintenance, repairs, removal or modification—\$45 per rod.

4. The minimum fee for any application processed shall be \$50 with a \$100 fee assessed for any assignment of permit thereafter.

N. Contract Term. Twenty years with option to renew for additional 20-year term. The option to renew shall be on the same terms and conditions as the original agreement except that the consideration shall be adjusted to reflect the percentage of increase or decrease in the cost of living index as established by the Consumer Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor Statistics of the United States Department of Labor or any revision or equivalent of any such index published by the United States Government, which has occurred from date of this instrument to the date of renewal provided, however, that in no event shall consideration of such renewal be less than the consideration paid herein for the original term.

O. There shall be no above-ground installations, i.e., valve setting, tie-overs, platforms, etc., without the express consent and approval of the Commissioner of the Division of Administration. The secretary shall have authority to establish the basis of compensation (which amount shall be in addition to the per-rod consideration referred to in these rules) for such above-ground installation. The application for pipeline rights-of-way shall contain a concise description of any such above-ground facility together with appropriate drawing, showing location of same and profile of design and style.

P. All pipelines constructed under permits granted by the state of Louisiana shall be in accordance with Parts 191, 192 and/or 195 of Title 49 of the Code of Federal Regulations, as amended, and other federal and state laws not in conflict therewith.

Q. The state of Louisiana is held free from any and all liabilities.

R. A copy of the right-of-way grant, along with a pertinent plat(s) attached, must be filed with the Clerk of Court of the parish or parishes affected and the Division of Administration furnished recordation data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1173.

HISTORICAL NOTE: Adopted by the State Land Office, LR 1:147 (February 1975), amended by the Department of Natural Resources, Office of the Secretary, LR 3:314 (July 1977), repealed and repromulgated by the Office of the Governor, Division of Administration, State Land Office, LR 19:493 (April 1993).