

SUGGESTED GUIDELINES AS OF APRIL 18, 2022

***Note: Updates are indicated in "Red"**

HOW TO SUBMIT A REQUEST FOR A LETTER OF NO OBJECTION (LONO)

PLD DOES NOT AND WILL NOT ISSUE 'BLANKET' LONOS

ANY AND ALL ACTIVITY AND/OR WORK, INCLUDING SUBSURFACE WORK, on the batture or within 1500' of the Mississippi River levee centerline, and 300' within a hurricane protection levee, require a Letter of No Objection (LONO)

Request for a LONO should contain ALL of the following information to be considered otherwise said request could be denied for lack of information:

- a. A detailed description, purpose, plan, profile, elevations, topography, capacities, a site vicinity map indicating location of project, and a plan view drawing, drawn to scale of 1" = 50 feet, showing all existing and proposed facilities at the site;
- b. ALL requests must include latitude and longitude coordinates, adjacent roadways, levee station(s), waterways, and section/township/range;
- c. If said request is for borings and/or excavation(s), said request must contain depths of borings or installations and limits of excavation;
- d. ALL requests must indicate the Applicant's name, address and daytime telephone number, not just the firm requesting said LONO on behalf of said applicant;
- e. Indicate how said applicant/agent representatives will access the levee, both ingress and egress;
- f. Indicate any and all heavy equipment that will be utilized, what type(s) of heavy equipment, and how long will equipment be at the site; indicate any and all hauling that will be utilized for this job, including the size and weight of said trucks and/or equipment; indicate if it is necessary to stockpile material and if so, the intended height of stockpiled material, provide plan, profile, elevations, etc. and amount of time material is needed to be stockpiled;
- g. The applicant must submit an Erosion Prevention & Sediment Control Plan (also called a Stormwater Pollution Prevention Plan) that adheres to the United States Environmental Protection Agency and the Louisiana Department of Environmental Quality's guidelines and maintain suitable erosion protection control measures, if applicable;
- h. Any and all other information that may be deemed necessary to properly evaluate said request.

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1. **LONO requests can be submitted EITHER electronically or by hard copy (not both) to all three agencies, ALONG WITH ALL supporting documentation, including but not limited to, any modifications, revisions and/or deletions, are to be submitted simultaneously to all of these three (3) agencies:**

Written: Monica Salins Gorman, Executive Director, Pontchartrain Levee District, P. O. Box 426, Litcher, LA 70071;
Electronic requests need to be emailed to: lono@leveedistrict.org; mgorman@leveedistrict.org

Amy Powell, Operations Manager-Completed Works, Department of the Army, Corps of Engineers, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70118;

Electronic requests need to be emailed to: MVNLeveePermits@usace.army.mil

CPRAs will only accept electronic submissions for letters of no objection (LONO) requests. All requests must be sent to our processing inbox at CPRArequest@la.gov.

ANY AND ALL MODIFICATION(S), ADDITION(S), DELETION(S), AFTER THE INITIAL SUBMISSION FOR A LONO, NEED TO BE PROVIDED TO ALL THREE (3) AGENCIES, AS WELL.

ALLOW A MINIMUM OF 45-120 DAYS TO PROCESS YOUR LONO REQUEST. The Pontchartrain Levee District will not even consider said request until a "no objection" has been received by USACE and CRPA and delivered to the PLD. Once a "no objection" from USACE and CRPA is issued to PLD, a LONO will then be issued by the Pontchartrain Levee District, subject to the conditions and/or stipulations contained in the USACE and CRPA LONOS which will be attached and made a part of PLD's FINAL AND OFFICIAL LONO. PLD WILL ONLY ISSUE LONOS ON THE 10TH, 20TH AND 30TH OF EACH MONTH.

PER USACE-----For soil borings, CPTs, piezometers, HDDs, etc.....Effective January 20, 2015, it requires a drilling plan to be submitted for review and approval for ANY exploration or remedial drilling in or near a federal levee or levee foundation. Based on that, a drilling plan MUST be submitted for this request ALONG with the levee permit request for review and approval. (Reference: See Federal Regulation ER 1110-1-1807 on PLD website)

*Note: said requests will go through the "Divisions Dept." at USACE; approval for said request(s) will take a minimum of 60 days

2. Before final approval by the PLD, the following items MAY be required and/or received by the PLD office:
 - a) If incorporated - a copy of LA Charter and Articles of Incorporation or if incorporated in another state, approval to do business in Louisiana by appropriate state authority
 - b) Federal Tax Identification Number
 - c) Copy of occupational license - if required by Parish
 - d) To post a surety bond ranging from \$25,000 to \$5,000,000.00
 - e) You may be required to provide an Indemnity and Hold Harmless Agreement, Certificate of Insurance for general liability, auto liability and workmen's compensation and employee liability each in the amount of \$1,000,000 to \$5,000,000 with the Pontchartrain Levee District as additional named insured
 - f) **You are required to furnish this office, for review by PLD's Special Counsel, a letter from your attorney listing all of the owners and/or lessees of the property to be encompassed within the area affected by the work to be performed and/or activities conducted, listing the recordation data for the applicable deeds and/or leases; and certifying that no other landowners and/or lessees will be affected. Copies of the applicable deeds and/or leases should accompany the attorney letter.**

3. Upon the PLD receiving those items requested, and upon PLD receipt of letters of no objection from the Corps and CRPA, a LONO will then be issued by the Pontchartrain Levee District, subject to the conditions and/or stipulations contained in the USACE and CRPA LONOS which will be attached and made a part of PLD's LONO.
4. A letter of no objection from the PLD is not to be interpreted in any manner which would create any liability on the Board of Commissioners of this levee district and applicant shall hold the Board of Commissioners of this levee district free and harmless from any claims resulting therefrom. **Additionally, a letter of no objection does not remove the applicant's requirement to obtain federal, state, or local permits required by law, and authorization from property owner(s).** Furthermore, no interpretation or comments regarding local laws, zoning, ordinances concerning property rights, etc., have been made.

INFORMATION TO POSSIBLY CONSIDER WHEN PREPARING LONO:

- A. Requests generally fall under one (1) of five (5) categories namely:
- 1) **Construction Request** - This would involve instances in which an applicant proposed to erect or construct something on or adjacent to levee right of way, which does or has the potential to adversely affect a levee, or might interfere with normal maintenance of the levee. This type request will usually be completed within a fixed period of time.
 - 2) **Operating Request** - This type request is appropriate for action and/or activities which usually involve some ongoing action or activity which does or has the potential of an adverse effect on the levee system or its maintenance. An example would be a sand hauling or other type of hauling request. This type of "no objection" and/or agreement is issued for one (1) year and must be renewed on January 1st of each year.
 - 3) **Event Request** - letters of no objection are issued to provide control of proposed activities and which involve only short periods of time. Examples of such events are: , foot and walk races or events, bicycle races or events, helicopter landings, picnics, movie production, charity events, hay rides, firework displays, *parking on the levee etc. The purpose of such requests is to ensure protection of the integrity of levee system and its maintenance. (Some events may be required to be accompanied by a LONO and a Hold Harmless Agreement from the local governing authority.) *Parking on the levee will require a PLD Police Detail
 - 4) **Levee Sign Request** - A request to erect a signboard for applicant to advertise or convey information must include:
 - a) Size - cannot be larger than 3 ft. by 4 ft (3'X4');
 - b) Location - cannot be closer than 6 ft. (6') from landside levee toe;
 - c) Maintenance- all maintenance must be provided by applicant within 6 ft. of signposts
 - 5) **Transport Request**- A request for equipment/facility/"vessel" transport must include:
 - 1) Hold Harmless and General liability insurance and/or Bond(s);
 - 2) detailed description, purpose, plan, profile, elevations, topography, capacities, a reference to the levee station;
 - 3) a vicinity map indicating location of project, and a plan view drawing, drawn to scale of 1" = 50 feet, showing all existing and proposed facilities at the site;
 - 4) indicate the total number of transport(s);
 - 5) indicate the exact weight, load and dimensions of each piece of equipment for said transport;
 - 6) indicate the desired date for each transport(s);
 - 7) indicate levee access both ingress and egress;
 - 8) indicate any and all heavy equipment that will be utilized, what type(s) of heavy equipment, and how long will equipment be at the site;
 - 9) indicate any and all hauling that will be utilized for this job, including the size and weight of said trucks;

- 10) indicate any and all matting necessary for this site and give size, weight and total matting pads necessary for this site;
- 11) indicate if it is necessary to stockpile material and if so, provide plan, profile, elevations, etc. and amount of time material is needed to be stockpiled;
- 12) and any and all other information that may be deemed necessary to properly evaluate said request.

B. The Corps of Engineers and the State of Louisiana have established distances for certain types of work that can adversely affect the structural integrity of federal levees and structures. **PLD refers to CFR Title 33 Section 208.10 and Title 38 Statutes of the State of Louisiana for compliance and guidance.** Based on standard engineering practices, hydraulic and geotechnical conditions for this region, and lessons learned from historical events or incidents, the USACE, New Orleans District has established certain requirements to be followed. Some examples are:

a. **A LONO is required for any and all activity and/or work, including subsurface work, within 1500 feet of a MR&T levee centerline and 300 feet of a hurricane protection levee centerline.** Subsurface work includes excavating/digging of any kind, including but not limited to excavating/construction/digging of a pond, swimming pool(s), drainage ditches, soil boring(s), well(s), shaft(s), pile driving(s), drilling, etc.

b. Subsurface, seismic, and demolition work have the greatest potential to cause levee failure. Levee failure during high river stages can be catastrophic! **Therefore, subsurface work within 1500' of a MR&T levee (mainline Mississippi River levee) and seismic surveys/demolition using explosives within 5000' of any MR&T project is restricted by stipulations in the LONO to being conducted only when the stage of the Mississippi River is below elevation +11.0 feet NGVD on the Carrollton gage, New Orleans, Louisiana, unless a waiver is granted for higher stages. No work of any kind is allowed within 1500' of an MR&T levee when the river stage is above +15.0 feet NGVD at the Carrollton gage.**

c. Waivers are considered on a case-by-case basis, and are dependent on the surrounding subsurface ground conditions in the vicinity of the project, the distance the project is away from the levee, and the forecasted river stages. Waivers are only considered when the river stage is forecast to exceed +11.0 feet at the Carrollton gage. Applicants are advised to monitor the river stages by calling (504) 862-2461 or checking www.rivergages.com for daily updates and forecasts.

d. No structure(s) or other facilities and equipment may be placed any closer than fifteen (15') feet from the landside levee toe;

e. Ramp and aerial crossings, borrow pits and stockpiling etc. must conform to standard plans of both the LA CRPA and Corps of Engineers, New Orleans District; Pipeline crossings must be constructed according to standard plans of the Corps of Engineers, New Orleans District;

f. The work in accomplished in accordance with applicant's letter and any and all accompanying drawings, initially submitted and any and all modifications and the proposed work must not restrict the Pontchartrain Levee District's maintenance operations, or any potential flood fight activities at the levee, nor shall it obstruct or impede drainage, or create areas of standing water on the levee batture;

g. Any Letter of No Objection does NOT purport to authorize applicant's entry upon any land, public or private, including lands owned by this Board, without first securing from the owner's permission to conduct such operations. This LONO does not purport to waive the requirements of other governmental or sub governmental bodies, and no work should commence until all necessary permits are required;

h. PLD LONO's are valid for one (1) year ONLY. A request for renewal of said LONO should be submitted to this office sixty (60) days prior to expiration; It is required that a copy of the LONO is to be maintained on site, at all times.

AGAIN, THESE ARE A FEW "EXAMPLES"
AS THERE MAY BE OTHER REQUIREMENTS BY LAW, STATUTE OR EVENT(S)