
JURISDICTIONAL PERMIT REQUIREMENTS AND PROCEDURE

Pursuant to Louisiana Revised Statutes 9:1102.1, *et seq.*, the Board of Commissioners of the Port of New Orleans (the “Board”) has the authority to consent to riparian landowners’ buildings and improvements on the bature and banks of navigable rivers, lakes, or streams (the “Property”) within the Board’s jurisdiction for the purposes of commerce, navigation, or other public purposes. The Board’s territorial jurisdiction includes the Parishes of Orleans, Jefferson, and St. Bernard. The Board administers and controls these improvements with respect to their maintenance and to the fees and charges to be exacted for their public use. A Jurisdictional Permit (“Permit”) protects the riparian owner if the Board would like to expropriate the Property at a later date for its own use. Without a Permit the Board can appropriate without compensation any private wharves, landings, buildings or other structures erected on Property by riparian owners. Following review of the following required submissions, a Permit may be issued by the Board’s President and Chief Executive Officer upon the advice and consent of the Board’s Executive Counsel.

Board-Required Submittals for Jurisdictional Permits:

- Cover Letter containing:
 - Application Fee in the amount of \$750.00;
 - Property owner’s current contact information, including name, address, telephone number, and email address;
 - Contact information for the business or operation seeking to operate on the Property, if not the same as the riparian property owner;¹
 - Scope of the proposed project;
 - Schedule of work for the proposed project;
 - Description of any ongoing operations on the Property; and
 - Termination date of operations, if applicable.

- Project drawings, stamped by a Louisiana licensed engineer, to contain as applicable:
 - Vicinity Map, including:
 - Names of streets in vicinity;
 - Graphic scale;
 - North arrow; and
 - Direction flow in river;
 - Site plan, including:
 - Property ownership boundary lines at the site;
 - Boundaries of the proposed activity site;
 - Mean (ordinary) high water line;
 - Mean (ordinary) low water line;

¹ For purposes of this Permit, the Property (bature land as defined above) means the land lying between the ordinary low and the ordinary high state of the water. Nevertheless, when there is a levee in proximity to the water, established according to law, the levee shall form the bank.

- Extent of planned structures beyond the applicable water lines;
 - Waterward dimensions for any existing permanent fixed structure; and
 - Location of structures, if any, in the river immediately adjacent to the proposed activity;
 - Distance from flood control structures;
 - Cross-section;
 - Detailed drawings of construction;
 - Graphic or numerical scale
 - Geocoded coordinates; and
 - Mississippi River Mile marker.
- Lease and Letter of Permission from Property owner if applicant is not the Property owner.
 - Regulatory agency permits or letters of no objection, as applicable, based on project work, which may include but are not limited to:
 - Unites States Army Corps of Engineers;
 - Department of Transportation and Development – Office of Public Works;
 - Department of Natural Resources – Office of Coastal Management;
 - Department of Environmental Quality: Water Quality Certification;
 - South Louisiana Flood Protection Authorities East & West (Orleans, East Jefferson, or West Jefferson Levee Boards;
 - Municipal authorities; and
 - Other interested parties, as appropriate.
 - Clear and legible copies of maps, plans, details and other documentation and correspondence submitted to other federal, state or local agencies relating to the project work.

Once a Jurisdictional Permit is granted:

- If Permittee desires to change the project work on the Property from those aspects shown on the project drawings submitted to the Board, they are required to first notify the Board and regulatory agencies to seek written approval and/or to re-apply for a new Permit;
- Permittee shall notify the Board when improvements are completed;
- Promptly after completion of construction, Permittee shall submit to the Board copies of all drawings submitted in connection with their application(s) for this Permit, with said drawings being revised to reflect as built conditions and to bear a notation that each such revision has been made, stamped by a Louisiana licensed engineer who has inspected the completed project work and certifies to this Board that the project construction work has been constructed in accordance with the aforesaid drawings;
- If Permittee desires to change operations on the Property, they are required to first notify the Board and regulatory agencies to seek written approval and/or to re-apply for a new Permit;
- If Permittee desires to assign, convey, sell, lease or in any other way dispose of the land and/or buildings and improvements located on the Property, Permittee must first seek the written approval of the Board with all the applicable information on the proposed new owner/lessee. The proposed new owner/lessee may be required to apply for new Permit; and
- If Permittee changes legal business name including by merger or reorganization, they are required to notify the Board and regulatory agencies.

Terms and Conditions of Board's Jurisdictional Permit:

The following terms and conditions will be incorporated into a Permit issued by the Board and signed by the Board's President and Chief Executive Officer. The terms and conditions are subject to change at the Board's sole discretion depending on the particular nature of a proposed project and the particular location of the Property.

1. Permits are subject to any rights of the adjacent riparian land owners;
2. Permits do not grant any real property rights or any exclusive personal rights or privileges;
3. Permits do not authorize any injury or invasion of private property or rights, or any infringement of federal, state or local laws or regulations;
4. Permits are conditioned on the Permittee owning or being the proper lessee of the Property;
5. The Permit is nontransferable without the express written consent of the Board;
6. Permittee shall bear the full and entire expense, cost, and risk in connection with any improvements on the Property and the maintenance, care, and operation of same;
7. Permittee shall ensure that the project work is constructed entirely within the approved area of the Permit, in strict conformance with the plans and specifications submitted by Permittee to the Board and with all other regulatory agencies' approvals, and that all debris resulting from the project work is removed and disposed of in compliance with all applicable laws and regulations;
8. Any and all improvements made on the Property shall be maintained in a good state of repair at all times;
9. Should the improvements and/or the Property be abandoned for any reason for more than six months, this Permit shall be revoked;
10. Any improvements or facilities to be constructed on the Property shall at all times be subject to the Board's FMC Tariff No. 2, as amended from time to time ("Board Tariff");
11. Prior to the use of any open flame or cutting operation, Permittee must obtain a Harbor Police Hot Work Permit;
12. The Board assumes no responsibility for and makes no representations or warranties concerning the integrity, structure, or adequacy of the property, any improvements, or the depth and/or navigability of the Property's riverfront;
13. Permittee shall hold the Board harmless for all acts or omissions in constructing or maintaining any and all improvements made on the Property, including after the Permit expires or is revoked, and agrees to indemnify the Board and all its employees and agents against and from any and all claims, demands, causes of action, costs and expenses on account of or in any way arising out of the Permit or the negligence or acts of omission or commission by Permittee and its employees and agents in furtherance of the Permit or otherwise;
14. This Permit does not obviate Permittee's responsibility for obtaining any other permit (federal, state, local, or Board), which may be required by the Board or by federal state, or local law or regulation, including permits relative to Permittee's desire to maintain, alter, or construct any improvements on the subject property;
15. This Permit is revocable by the Board in the event the Board determines, in its sole discretion, that Permittee has not complied with any of the terms and conditions herein, including the provisions of La. R.S. 9:1102.1;
16. This Permit is valid for a term of five (5) years and must be renewed at least 90 days prior to the expiration of the term; and
17. This Permit does not deprive the levee boards of their authority with respect to levees in their respective districts or their right to appropriate, without compensation, any improvements, including wharves and buildings on the Property.