



## GUIDELINES

### CONSTRUCTION ON FLOOD EASEMENT OWNED BY THE AUTHORITY AROUND LIVINGSTON RESERVOIR:

1. On areas within the flood easement that are subject to temporary inundation by flood waters and are above the guide contour, construction of improvements including dwellings is permitted provided that such construction is not in conflict with water quality regulations.
2. On areas within the flood easement that are subject to temporary inundation by floodwaters and are below the guide contour, construction of improvements including dwellings are allowed under the condition that (a) the floor elevation of such structure should be at least two feet above the guide contour; and (b) the construction of such facility does not violate any water quality control regulations.
3. That the owner of fee land encumbered by the flood easement is required to execute an instrument relieving the Trinity River Authority of Texas of any liability that might be incurred by such construction.

Please call (936) 365-2292 with any questions.

P. O. Box 360  
Livingston, Texas 77351  
(936) 365-2292  
Fax (936) 365-2142



**ATTENTION: VICINITY MAP REQUIRED**

Each application will need a vicinity map. You will need to provide a google image of your project location in relation to the closest nearby town. Mark your location with a red X.



TRINITY RIVER AUTHORITY OF TEXAS  
Lake Livingston

**Application for Authorization to Construct Improvements on Project Lands Owned or Regulated by the Authority**

The Trinity River Authority of Texas owns and operates Lake Livingston as a water supply reservoir. It owns (or controls by virtue of easement rights) land beneath and around the lake. Because Lake Livingston is dedicated to water supply, the level of water in the lake will vary depending on the amount of water used from the lake, evaporation rates, and rainfall and runoff in the reservoir watershed. The conservation pool elevation of Lake Livingston is 131' above mean sea level. The Authority owns flowage easements of variable height on unsubmerged shoreline land around the reservoir.

This application, if approved by the Authority, will result in the issuance of a permit (Permit) entitling the Applicant to construct the approved improvements on Lake Livingston Project lands owned or controlled by the Authority. The Permit must be recorded in the deed records of the county in which the improvements are to be constructed. Failure to record the Permit prior to construction shall render any authorization granted void.

APPLICANT INFORMATION

Name of Applicant: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Location of Improvements: County: \_\_\_\_\_ Survey: \_\_\_\_\_  
Directions to Proposed Construction: \_\_\_\_\_

LAND INFORMATION

Subdivision name: \_\_\_\_\_  
Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_  
Lot Dimensions: \_\_\_\_\_  
Brief Description of Land if Other than Lot: \_\_\_\_\_

IMPROVEMENT INFORMATION

Type of Improvement: ( ) Bulkhead ( ) Boat stall ( ) Dock ( ) Boat slip ( ) Building ( ) Excavation  
( ) Boathouse ( ) Pier ( ) Boat ramp ( ) Other  
Type of Construction: ( ) Wood ( ) Concrete ( ) Metal ( ) Other  
Explain if Other: \_\_\_\_\_

Name of Contractor: \_\_\_\_\_

Electrical Improvements (of any kind): ( ) Yes ( ) No

Printed Name of Electrical Contractor or Sub-Contractor (for projects with electrical improvements): \_\_\_\_\_

Signature of Electrical Contractor or Sub-Contractor: \_\_\_\_\_

Texas Department of Licensing and Regulation License No. of Responsible Electrician or Firm: \_\_\_\_\_

Does Applicant own land or lease land abutting Lake Livingston? ( ) Own ( ) Lease

If leased, give name and address of owner: \_\_\_\_\_

PERMIT TERMS AND CONDITIONS

The Applicant, by making, executing and submitting of this application to the Authority, represents and warrants that the proposed construction described in said application is not in violation of or contrary to any federal, state or local legal requirements, and deed restrictions or covenants running with the land relating to the addition or subdivision, if any, in which the herein described lot, tract or parcel of land is situated. In the event the constructed improvements or their use is or becomes in violation of any of the foregoing, any authorization by the Authority shall automatically become void without the necessity of any action on the part of the Authority.

If a Permit is issued, the Applicant, its heirs, successors, and assigns agree to conduct the licensed or authorized activities in the manner and in accordance with the requirements of the rules and regulations of the Authority pertaining to such activities, and that any breach of any rules and regulations shall automatically void the authorization and any further activities by Applicant, its heirs, successors, and assigns shall be deemed in violation of the Authority's ordinance that provides for a penalty for the failure to obtain authorization for the activities contemplated herein.

The Authority assumes no responsibility for, and the Applicant will release and hold the Authority harmless from and indemnify the Authority, regarding disputes of title, rights, or liability for damages to persons or property arising from the construction, maintenance, or existence of any improvements. If at any time the condition or presence of an authorized improvement interferes with the operation of the reservoir or the safety of the persons or property using the surface thereof, the Applicant shall be required, at its sole cost and expense, to immediately make any and all changes or corrections necessary to make the improvement comply with the Authority's requirements or remove to the improvement.

All electrical installations permitted by the Authority shall be performed according to the National Electrical Code by an electrical contractor licensed by the Texas Department of Licensing and Regulation.

Applicant, its heirs, successors, and assigns agree to observe and abide by all applicable federal, state and local laws, ordinances and regulations pertaining to the activities herein contemplated and nothing contained herein shall be construed as alleviating the applicant, its heirs, successors, and assigns of any responsibility to obtain any permit, license or other approval required by any agency in connection with the activities herein licensed or authorized.

The Applicant, its heirs, successors, assigns, lessees, licensees and invitees shall INDEMNIFY AND HOLD HARMLESS the Authority from and against any and all claims and damages of every kind for injury to property or persons related to the construction, operation, use, or existence, of the improvements which Applicant requests permission to construct on the Authority's reservoir, or from any act of the Authority, its agents and directors including the operation of the reservoir BASED IN WHOLE OR IN PART ON THE ALLEGED NEGLIGENCE OR OTHER TORT OF THE AUTHORITY OR ITS AGENTS OR DIRECTORS, THE PARTIES HERETO INTENDING HEREBY TO SATISFY THE EXPRESS NEGLIGENCE DOCTRINE. BY THIS DOCUMENT, THE APPLICANT IS INDEMNIFYING THE AUTHORITY WITH REGARD TO ITS ACTUAL OR CLAIMED NEGLIGENCE.

The Authority disclaims responsibility for protecting the property of the Applicant, his heirs, successors, and assigns, nor guarantees that said property will not be used by other persons in the absence of Applicant, his heirs, successors, and assigns. It being expressly intended that the Authority assumes no responsibility for the conduct of the activities herein licensed or authorized which shall be at the sole risk of the applicant, his heirs, successors, and assigns.

THE APPLICANT HAS BEEN INFORMED AND UNDERSTANDS that the policy of the Authority requires a Joint Use Agreement and Permit for proposed construction in the flowage easement areas and for excavations in or beyond the flowage easement areas.

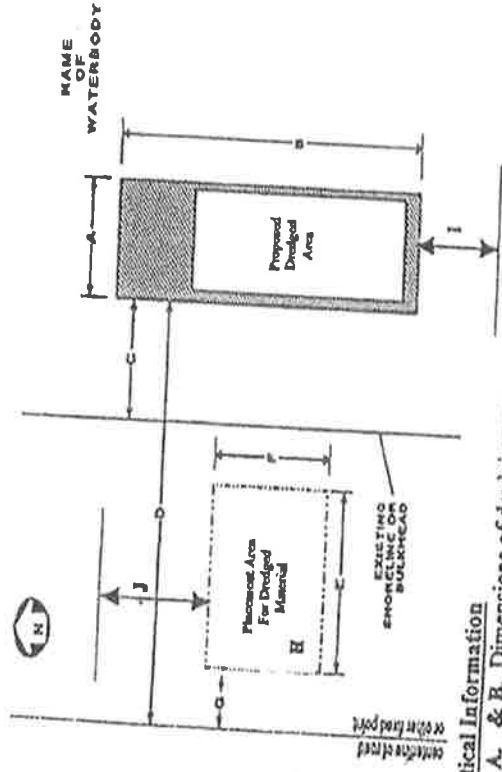
I certify that the above information is true and correct and has been answered and furnished to the best of my ability. I acknowledge that this form is a governmental record, and that the presentation of a governmental record with knowledge of its falsity is in violation of Texas law.

Applicant print name: \_\_\_\_\_

Applicant signature: \_\_\_\_\_

Application date: \_\_\_\_\_

Typical Plan View for Mechanical/Hydraulic Dredging Area

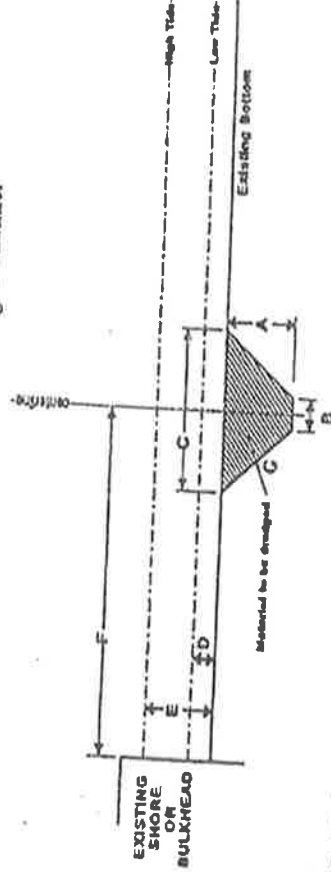


Critical Information

- A. & B. Dimensions of dredging area.
- C. Distance of dredging area from existing shoreline or bulkhead.
- D. & I. Distance of dredging area from fixed reference point.
- E. & F. Dimensions of dredged material placement area.
- G. Distance of dredged material placement area from the fixed reference point.
- H. Capacity (cubic yards) of dredged material placement area.
- J. Distance of placement area from fixed reference point.

Include information on the type of dredging (hydraulic or mechanical).  
Please include North arrow.  
Provide details on methods of moving dredged material to planned placement area.

Typical Cross-Section View of Dredged Area or Dredged Channel



Critical Information

- A. Depth of proposed excavated channel or dredged area.
- B. Width of proposed channel at bottom of channel.
- C. Width of proposed channel at top of channel.
- D. Water depth (existing bottom) at mean low tide or ordinary low water.
- E. Water depth (existing bottom) at mean high tide or ordinary high water.
- F. Distance from the centerline of proposed channel or edge of proposed dredged area to existing shore or bulkhead.
- G. Amount of material to be removed (cubic yards).

**Instructions for Preparing a  
Department of the Army Permit Application**

**Blocks 1 through 4.** To be completed by Corps of Engineers.

**Block 5. Applicant's Name.** Enter the name and the E-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked Block 5.

**Block 6. Address of Applicant.** Please provide the full address of the party or parties responsible for the application. If more space is needed, attach an extra sheet of paper marked Block 6.

**Block 7. Applicant Telephone Number(s).** Please provide the number where you can usually be reached during normal business hours.

**Blocks 8 through 11.** To be completed, if you choose to have an agent.

**Block 8. Authorized Agent's Name and Title.** Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, or any other person or organization. Note: An agent is not required.

**Blocks 9 and 10. Agent's Address and Telephone Number.** Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

**Block 11. Statement of Authorization.** To be completed by applicant, if an agent is to be employed.

**Block 12. Proposed Project Name or Title.** Please provide name identifying the proposed project, e.g., Landmark Plaza, Burned Hills Subdivision, or Edsall Commercial Center.

**Block 13. Name of Waterbody.** Please provide the name of any stream, lake, marsh, or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

**Block 14. Proposed Project Street Address.** If the proposed project is located at a site having a street address (not a box number), please enter it here.

**Block 15. Location of Proposed Project.** Enter the latitude and longitude of where the proposed project is located. If more space is required, please attach a sheet with the necessary information marked Block 15.

**Block 16. Other Location Descriptions.** If available, provide the Tax Parcel Identification number of the site, Section, Township, and Range of the site (if known), and / or local Municipality that the site is located in.

**Block 17. Directions to the Site.** Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide description of the proposed project location, such as lot numbers, tract numbers, or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project site if known.

**Block 18. Nature of Activity.** Describe the overall activity or project. Give appropriate dimensions of structures such as wing walls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 18.

**Block 19. Proposed Project Purpose.** Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work.

**Block 20. Reasons for Discharge.** If the activity involves the discharge of dredged and/or fill material into a wetland or other waterbody, including the temporary placement of material, explain the specific purpose of the placement of the material (such as erosion control).

**Block 21. Types of Material Being Discharged and the Amount of Each Type in Cubic Yards.** Describe the material to be discharged and amount of each material to be discharged within Corps jurisdiction. Please be sure this description will agree with your illustrations. Discharge material includes: rock, sand, clay, concrete, etc.

**Block 22. Surface Areas of Wetlands or Other Waters Filled.** Describe the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. If more space is needed, attach an extra sheet of paper marked Block 22.

**Block 23. Description of Avoidance, Minimization, and Compensation.** Provide a brief explanation describing how impacts to waters of the United States are being avoided and minimized on the project site. Also provide a brief description of how impacts to waters of the United States will be compensated for, or a brief statement explaining why compensatory mitigation should not be required for those impacts.

**Block 24. Is Any Portion of the Work Already Complete?** Provide any background on any part of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, acres filled, if a wetland or other waterbody (in acres or square feet). If the work was done under an existing Corps permit, identify the authorization, if possible.

**Block 25. Names and Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Project Site.** List complete names and full mailing addresses of the adjacent property owners (public and private) lessees, etc., whose property adjoins the waterbody or aquatic site where the work is being proposed so that they may be notified of the proposed activity (usually by public notice). If more space is needed, attach an extra sheet of paper marked Block 24.

**Information regarding adjacent landowners is usually available through the office of the tax assessor in the county or counties where the project is to be developed.**

**Block 26. Information about Approvals or Denials by Other Agencies.** You may need the approval of other federal, state, or local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. You need not have obtained all other permits before applying for a Corps permit.

**Block 27. Signature of Applicant or Agent.** The application must be signed by the owner or other authorized party (agent). This signature shall be an affirmation that the party applying for the permit possesses the requisite property rights to undertake the activity applied for (including compliance with special conditions, mitigation, etc.).

## DRAWINGS AND ILLUSTRATIONS

### General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross-Section Map. Identify each illustration with a figure or attachment number.

Please submit one original, or good quality copy, of all drawings on 8½ x11 inch plain white paper (electronic media may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations.

Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross-section). **While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.**

**U.S. Army Corps of Engineers (USACE)  
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT**

33 CFR 325. The proponent agency is CECW-CO-R

*Form Approved -  
OMB No. 0710-0003  
Expires: 02-28-2022*

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, (2030 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302), and to the Office of Management and Budget, Paperwork Project Director, (4800 Radium Road, Washington, DC 20503). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL

**PRIVACY ACT STATEMENT**

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344, Marine Protection, Research and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers, Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned by System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: <http://dsold.defense.gov/Privacy/SORNS/indexDOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx>

**(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)**

1. APPLICATION NO	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
-------------------	----------------------	------------------	------------------------------

**(ITEMS BELOW TO BE FILLED BY APPLICANT)**

5. APPLICANT'S NAME			
First -	Middle -	Last -	
Company -			
E-mail Address -			
6. APPLICANT'S ADDRESS			
Address -			
City -	State -	Zip -	Country -
7. APPLICANT'S PHONE NOS w/AREA CODE			
a. Residence	b. Business	c. Fax	
8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required)			
First -	Middle -	Last -	
Company -			
E-mail Address -			
9. AGENT'S ADDRESS			
Address -			
City -	State -	Zip -	Country -
10. AGENTS PHONE NOS w/AREA CODE			
a. Residence	b. Business	c. Fax	

**STATEMENT OF AUTHORIZATION**

11. I hereby authorize \_\_\_\_\_ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

SIGNATURE OF APPLICANT \_\_\_\_\_ DATE \_\_\_\_\_

**NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY**

12. PROJECT NAME OR TITLE (see instructions)	
13. NAME OF WATERBODY, IF KNOWN (if applicable)	
Address	
14. PROJECT STREET ADDRESS (if applicable)	
City - State- Zip-	
15. LOCATION OF PROJECT	
Latitude: -N	Longitude: -W
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)	
State Tax Parcel ID	Municipality
Section -	Township - Range -



17. DIRECTIONS TO THE SITE

18. Nature of Activity (Description of project, include all features)

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards
-------------------------------	-------------------------------

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres  
or  
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete?  Yes  No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list)

a. Address-

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

\* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.