



## Section 408 Submittal Package Guide

This guide is intended to ensure a complete submittal, aid in the review process, and serve as a guide for sponsors/applicants requesting approval to make alterations to, or temporarily or permanently occupy or use, any US Army Corps of Engineers (USACE) federally authorized Civil Works project under 33 USC 408 (Section 408). Further guidance may be found in EC 1165-2-220. Because proposed alterations vary in size, level of complexity, and potential impacts, the procedures and required information to make such a determination are intended to be scalable. Requirements for data, analyses, and documentation may be subject to change as additional information about the Section 408 proposal is developed and reviewed.

Incomplete submittals will delay processing of applicant requests. This information will be submitted to the St. Louis District for quality assurance review prior to making any recommendations or approvals. This submittal package does not preclude the need for pre-coordination with the Section 408 Coordinator and/or the associated Regulatory Project Manager. Requestors are encouraged to engage in dialogue with the Section 408 Coordinator and/or the associated Regulatory Project Manager early in the process to aid in identifying potential issues, focus efforts and minimizing costs for both parties.

### Requester's Prepared Documents:

#### 1. Written Request for Approval of the Alteration/Modification

All requests for Section 408 permission must be submitted via email or in writing to the District Section 408 Coordinator of the USACE St. Louis District.

District Section 408 Coordinator – [Matthew.J.Hartman@usace.army.mil](mailto:Matthew.J.Hartman@usace.army.mil)

District Section 408 Coordinator  
U.S. Army Corps of Engineers, St. Louis District  
1222 Spruce Street  
St. Louis, MO 63103

- Request Letter must include:
  - A detailed description of the proposed modification
  - The purpose/need for the modification
  - Statement regarding impacts to waters of the U.S. (wetlands, rivers, streams, lakes, etc.) and whether the requester is pursuing authorization pursuant to Sections 10 of the Rivers and Harbors Act or Section 404 of the Clean Water Act, and if so, the date or anticipated date of the application/pre-construction notification submittal
  - Written statement of whether the requestor will require the use of federally-owned real estate property or property owned by the non- federal sponsor



- Statement of whether the requester will request in-kind credit for the proposed alteration (if the non-federal sponsor is the requester)
- Anticipated project start date and anticipated duration of work
- All necessary drawings, sketches, map and plans, including lat/long of project area, all work areas, staging areas, haul roads, construction limits, etc.
  - A .kmz or GIS file of project area is required

## 2. Statement of No Objection

- Written statement from the non-federal sponsor endorsing the proposed alteration.
- Not required if the requester is the non-federal sponsor of the affected federal project

## 3. Technical Analysis and Adequacy of Design

All necessary technical analysis should be provided. The list below is only a guide for typical items that would routinely be expected and is not intended to list every item that may be required to make a determination regarding the proposals impact(s) to the usefulness of the federal project.

- Civil Evaluation
- Geotechnical Evaluation
- Structural Evaluation
- Hydraulic and Hydrology. The purpose of a hydrologic and hydraulics system performance analysis is to determine the potential hydrologic and hydraulics impacts of proposed alterations. USACE will determine if such an analysis is needed and, if so, the appropriate scope of analysis based on the complexity of the proposed alteration. The requester will be responsible for the analysis. Hydrologic and hydraulic system performance analyses will be applied to alterations that alter the hydrologic and/or hydraulic conditions (e.g., reservoir operations, bridge constrictions, hydropower installation, etc.) Such information required to be include are:
  - Changes in inflow
  - Changes in velocity
  - Changes in water surface profiles and flow distribution
  - Consideration of impacts to energy dissipation measures; hydropower generation; sedimentation; or navigation
  - Scour analysis
  - Sediment transport analysis as needed



#### **4. Operation, Maintenance, Repair, Replacement, and Rehabilitation Requirements**

Requesters must identify any operations and maintenance requirements needed throughout the life of the proposed alteration and the responsible entity for the operations and maintenance into the future. For instances when there may be a desire for USACE to assume or incorporate operations and maintenance of the proposed alteration as part of its responsibilities for the USACE project being modified, a justification must be provided. Any alteration to a project operated and maintained by a non-federal sponsor and for which an update to the operations and maintenance manual is required, the non-federal sponsor will provide USACE with sufficient information to update the O&M manual. The modified O&M manual will be subject to environmental compliance in the same manner as the requested alteration. The non-federal sponsor will acknowledge in writing their continued responsibility to operate, maintain, repair, rehabilitate and replace the USACE project at no cost to the government.

#### **5. Real Estate Analysis**

A list of all real property interests required to support the proposed alteration must be provided, including those in federally managed lands and those owned by the requester. If a non-standard estate is proposed, the district must follow the normal approval requirements outlined in ER 405-1-11 and Chapter 12, ER 405-1-12 or subsequent regulation. If the lands are under the control of the Army, the applicant will work with the district to determine lands impacted. Additional information may be needed. If it is determined that an outgrant of Army land is required, a *Report of Availability and Determination of Availability* must be completed by the district in accordance with AR 405-80 and Chapter 8, ER 405-1-12 or subsequent regulation.

- Maps clearly depicting both existing real property and the additional real property required must also be provided.

#### **6. Discussion of Executive Order 11988 Considerations**

- Justification to construct in the floodplain
- No practicable alternative determination, if Federal agency, Agency determination.
- Public Notice Notifications

#### **7. Environmental and Cultural Resources Compliance**

A decision on a Section 408 request is a federal action subject to the National Environmental Policy Act (NEPA) and other federal environmental and cultural resources compliance requirements, such as Section 7 of the Endangered Species Act (ESA), Section 106 of the National Historic Preservation Act (NHPA), essential fish habitat (EFH) consultation, Clean Water Act, Rivers and Harbor Act, tribal consultation, etc. The requester is responsible for providing all supporting information and documentation that the district identifies as necessary to assess compliance, such as species surveys, habitat assessments, and/or cultural resource surveys. Requesters may draft the NEPA environmental assessment or fund a contractor to prepare an environmental impact statement for a Section 408 request



consistent with 40 CFR 1506.5. A final Section 408 request cannot be rendered until the requester has provided all information necessary for the district to complete its assessment for environmental and cultural resources compliance.

#### **8. As-Builts**

Plans and specifications with amendments during construction showing alterations as finally constructed will be furnished by the Section 408 requester after completion of the work. As-builts must be provided to the district and the non-federal sponsor (if the requester is not the non-federal sponsor) within 180 days of construction completion.