

SECTION 408 & YOU

WHAT IS SECTION 408?

The U.S. Army Corps of Engineers (USACE) Section 408 program provides permission for people, towns, or businesses to alter or impact a USACE project, like a dam, levee, or waterway. Before any changes can be made, the Section 408 program reviews alterations to ensure they won't harm the project or the public. You can find more information about the Section 408 program at <https://www.usace.army.mil/Missions/Civil-Works/Section408/>.

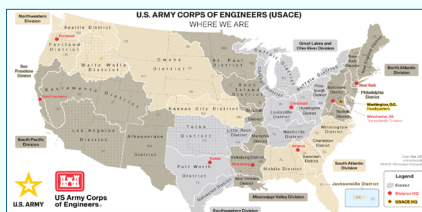
What is a non-federal sponsor?

They are a local or state agency responsible for the operations and maintenance of a USACE project. Typical non-federal sponsors include a local government, levee board, port authority, or a state government.

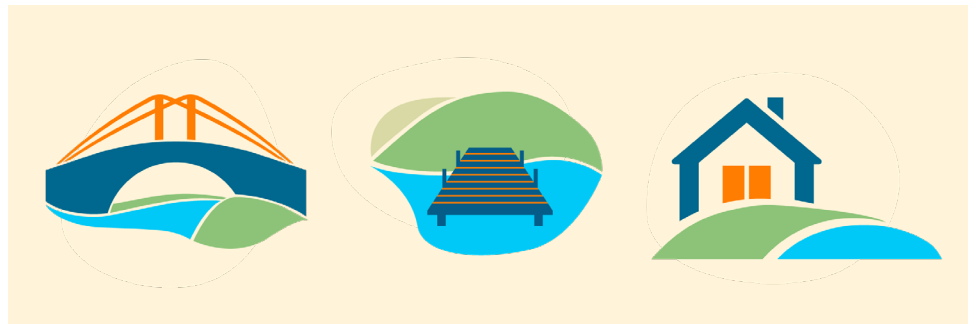
Section 408 Coordinator: Your Guide

Every USACE district has a Section 408 Coordinator. This person reviews any alterations your proposal makes to a USACE project. They are there to help and guide you.

USACE District Locator



<https://www.usace.army.mil/Missions/Locations>



Examples of activities that may need USACE Section 408 permission include:

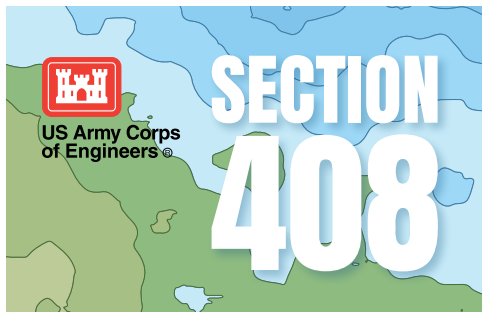
- Building a bridge across a navigable waterway.
- Building docks in or near a navigation channel.
- Building a house or a swimming pool in a backyard within a levee's easement.
- Raising a levee.
- Add a hydropower facility to a USACE dam.

How do I find out if I need a Section 408 permission?



Are you working near a levee, dam, seawall, or navigation channel? Contact your local tax assessor's office to determine if so and identify who may own the land.

There are a variety of places to look to determine if the project is federally authorized and to determine who the non-federal sponsor is, if it is a USACE project. First check your local *USACE district website* to see if they have a map; the *National Levee Database*; the *National Inventory of Dams*; or even your local property appraiser's website or tax assessor's office. You can also contact the district's Section 408 Coordinator.



Policy and Guidance

USACE district Section 408

Coordinators follow the guidelines provided by

USACE Policy and Procedural Guidance for Processing Requests to Alter U.S. Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408 (Engineer Circular 1165-2-220).

USACE Regulatory's Responsibility

The USACE Regulatory Program administers permits for Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Under the Rivers and Harbors Act, Section 10 permits are required for work or structures in, over or under navigable waters of the United States. Section 404 of the Clean Water Act requires permits to discharge dredged or fill material into waters of the United States.



TAKING YOUR FIRST STEPS TOWARD A SECTION 408 PERMISSION: PROJECT DEVELOPMENT

Identify and connect with your non-federal sponsor.

Contact your non-federal sponsor and explain your alteration to them. In order to proceed with your request, you will need a Statement of No Objection from the non-federal sponsor documenting their awareness of the request and their lack of objection to USACE reviewing it.

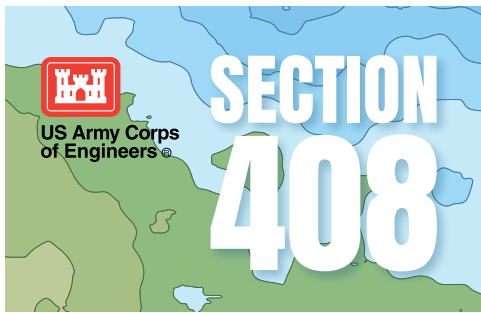
Contact your USACE district and consider a pre-application meeting.

Once you have firmed up the design for your 408 permission request, consider a pre-application meeting with your Section 408 Coordinator and the non-federal sponsor. Pre-application meetings help you get feedback on your design, ask questions, establish communication, build relationships, and align your schedule with your Section 408 Coordinator. Pre-application meetings are not required but can be helpful.

What if I need a Regulatory Permit?

Section 408 requests often involve work in navigable waters or result in discharge of dredged and fill material into waterways. These activities require permits from USACE Regulatory.

It's your responsibility to submit your application to Regulatory in addition to your 408 request. Your district's Section 408 Coordinator works closely with Regulatory staff to ensure that Section 408 and Regulatory requirements are both met. If you don't seek both authorizations, your request may be delayed. If you are unsure whether you need Regulatory permits, contact your district's Regulatory office or your 408 Coordinator for assistance.



Typical 408 Permission Request Contents

1. *Statement of No Objection from the non-federal sponsor*
2. *Project description with drawings, sketches, maps, and plans*
3. *Technical analysis and design*
4. *Environmental and cultural resources compliance documents*
5. *Real estate information*
6. *Any changes to the project's operation, maintenance, repair, replacement, and rehabilitation practices*
7. *Regulatory project number and Regulatory point of contact*

Collect information to build your 408 permission request.

Build your request package using feedback from the non-federal sponsor and your pre-application meeting. Your Section 408 request is a technical document. Depending on your request's complexity, you might need an engineer to help you make drawings, write reports, and get data for reviews.

USACE has to follow applicable laws, such as the National Environmental Policy Act, Endangered Species Act, and National Historical Preservation Act, to grant permission for your request. You may need to provide information about how your request affects the environment and historic resources. You can ask your Section 408 Coordinator what types of documents you may need. They can explain what information is required. Before sending in your 408 permission request, ensure you have all the information requested by your Section 408 Coordinator.

WHAT HAPPENS AFTER YOU APPLY?

Section 408 Coordinators will review your request package, and may provide you with feedback. You should be prepared to answer questions and possibly adjust your design. Responding quickly to questions will keep you on track. USACE will review your request to make sure it will not harm the project or the public, during that process they may hold a public comment period to collect information. USACE will contact you when your 408 review is complete.

Please contact your Section 408 Coordinator if your plans change and you no longer need a Section 408 request.

CONGRATULATIONS! YOUR SECTION 408 PERMISSION HAS BEEN GRANTED

Once you have received your Section 408 permission and other required permits, you can start work on your project. USACE may monitor your construction depending on the conditions and complexity in your 408 permission.

Notify your Section 408 Coordinator before you begin construction and before you finish. After you finish your project, provide the USACE district with "as built" project drawings. Your project may require an inspection by an engineering representative from your USACE district to close out your request.