

408 APPLICATION

Civil Works Project Alteration (Section 408) For use of this form,
see SWG-OD-408-APP



PART I - BUSINESS/COMPANY APPLICANT INFORMATION

1a. BUSINESS/COMPANY NAME			
1b. LAST NAME (SIGNATORY FOR APPLICANT)	FIRST NAME	M.I.	
1c. TITLE	1d. E-MAIL	1e. PHONE	
1f. PHYSICAL ADDRESS	1g. CITY	1h. STATE	1i. ZIP CODE
1j. MAILING ADDRESS	1k. CITY	1l. STATE	1m. ZIP CODE

PART II - AGENT INFORMATION (IF APPLICABLE)

2a. BUSINESS/COMPANY NAME			
2b. LAST NAME (AGENT)	FIRST NAME	M.I.	
2c. TITLE	2d. E-MAIL	2e. PHONE	
2f. ADDRESS	2g. CITY	2h. STATE	2i. ZIP CODE

PART III - LEGAL OFFICER / CERTIFYING OFFICER INFORMATION

(For dredging must be an attorney, for all others must be corporate officer)

3a. LAST NAME	FIRST NAME	M.I.	
3b. TITLE	3c. E-MAIL	3d. PHONE	
3e. ADDRESS	3f. CITY	3g. STATE	3h. ZIP CODE

PART IV - FINANCIAL CONTACT

4a. LAST NAME	FIRST NAME	M.I.	
4b. TITLE	4c. E-MAIL	4d. PHONE	
4e. ADDRESS	4f. CITY	4g. STATE	4h. ZIP CODE

PART V - PERMITTING

5a. Do you hold a current authorizing Regulatory document (i.e., Section 404, Section 10, Nationwide Permit(s) or Letter of Permission) for the requested activity? If "Yes", ATTACH COPIES of all permits and amendments.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5b. Have you applied for a regulatory permit for this action? If "Yes" include permit # in box 5c	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5c. SWG- _____ - _____		

Instructions

OD-408-APP

Part I - Business/Company Applicant Information

1a - The “Applicant” is the entity in whose favor the transactional documents will be issued. Agent information should be entered in Part II of the form. The Applicant may be as follows:

- An Individual. Provide the legal name of the individual.
- An Individual Trading as a Firm or Doing Business Under a Firm or Trade Name.
- A Partnership. The name of all the partners or the name of the partnership by one partner who signs as one of the firm. (see notes on Partnerships)
- A Corporation or Association. The name of the corporation and the name of the officer with official capacity signing on its behalf.
- State or local governmental entities. The name of the entity and the name of the officer with official capacity signing on its behalf

1c - The name listed in block 1c of the application should be the Applicant's signatory. The names listed in block 1c and 3c cannot be the same individual

1f - The address should match the W9 address and is the address where a refund of administrative fees would be sent

The address listed should be the Applicant's physical address, not a P.O. Box.

For pipeline applications, the owner should be placed in Part I, and if there is no additional agent the operator may be placed in Part II (please note “operator” after business name in block 2a). In cases where there is an agent and operator; please provide operator information within the Summary of Project section (6h).

Part II – Agent Information

The agent of an Applicant cannot sign on behalf of the Applicant. A signatory is typically a corporate officer. Funds for payment of administrative fees or consideration will only be accepted from the Applicant. Agents may not make payment on behalf of an Applicant.

Part III-Legal Officer/Certifying Officer Information

For Legal Officer and Certifying Officer requirements refer to notes that are applicable to your type of entity.

Notes on Partnerships

The signer will be required to furnish, for filing with the review, extracts from the partnership agreement that indicate the names of the general partners. In order to expedite the application, please include this with the initial submission. In lieu of this evidence, the signer may furnish a Partnership Certificate, certifying that the signer has authority to bind the partnership as follows:

PARTNERSHIP CERTIFICATE:

I, (Partner X), certify that I am a General Partner in the Partnership named as Grantee in the attached review. I certify further that (Partner Y), who signed said review on behalf of the Partnership, is also a General Partner and has the authority to bind the Partnership by virtue of the powers vested in him/her in the Partnership agreement.

Notes on Corporations or Associations

The corporate seal will be affixed on the final review documents prior to execution by USACE. The signer will furnish, for filing with the review, extracts from the articles of incorporation (also known as Formation documents), the by- laws, or the minutes of the board of directors, duly certified by the Custodian of such records, under the corporate seal (if there is one), which properly vest the signer with authority to bind the corporation. In lieu of this evidence the grantee may furnish a certificate signed by an appropriate corporate officer, other than the person executing the review, as follows:

CORPORATE CERTIFICATE

I _____ certify that I am the (secretary) of _____, and that _____, who signed the foregoing instrument on behalf of the corporation was then of the corporation. I further certify that said officer was acting within the scope of powers delegated to this officer by the governing body of the corporation in executing said instrument.

Corporate Secretary or Appropriate Officer
(AFFIX CORPORATE SEAL)

Notes on State or Local Governmental Entities

The signer will furnish, for filing with the review, an extract from the minutes of the entity indicating that the review was approved by the governing body of the entity and authorizing a named individual to execute the review on its behalf. In lieu of the minutes, the grantee may furnish a certificate signed by an appropriate official, other than the person executing the review, as follows:

CERTIFICATE OF AUTHORITY

I _____ certify that I am the _____ of _____ and that _____ who signed the foregoing instrument on behalf of the grantee, was then _____ of _____. I further certify that said officer was acting within the scope of powers delegated to this governing body of the grantee in executing said instrument.

Part IV – Financial Contact

The financial contact is an individual who works for the same business/company as the Applicant, and who will be handling the payment and financial inquires for the administration fee to process the review.

The financial contact should be able to answer questions regarding debtor/vendor information, Tax ID or W9 issues, and address confirmation of return payments.

Administrative Fees and Section 214, as amended (33 USC 2352)

Section 1156(a)(2) of WRDA 2016 and Section 214 of WRDA 2000, as amended (33 USC 2352) authorizes

the collection of administrative fees to cover costs to the Government for processing requests for the use of Government controlled property. These costs include, but are not limited to, payment for work products such as environmental, cultural and historical assessments, determinations of value, preparation of land surveys, maps and legal descriptions, and construction oversight).

After initial screening, the Review Team Lead assigned to the application performs a scope of work analysis for the purpose of developing an administrative fee cost estimate. Once a cost estimate is established, an administrative fee letter will be sent to the Applicant requesting payment of administrative fees to include construction oversight. Payment of administrative fees is required before further work can occur.

If the actual administrative costs for processing the application are greater than the initial request, the Applicant will be notified and required to pay the additional amount for processing of the application to continue. If excess funds exist at the time processing of the application is complete, the balance will be refunded to the Applicant.

Part V - Regulatory Permits

Regulatory Permits control the activities of the Applicant to be performed in the Waters of the United States, including Wetlands, pursuant to applicable laws and regulations, such as Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act. The Regulatory Permit cannot be issued without the Section 408 Permission Letter.

Part VI- Project Description

The project description is the most critical part of the application. For a multi-faceted project, please check all required activity types in 6a, provide a vicinity map, a detailed description of the project, and include GIS and/or KMZ files with application (see Cadastral Data and Format Requirements.) If necessary, please provide supplemental information.

The following sections detail additional requirements for Dredging, Pipeline, Cadastral Data, and Flood Risk Management activities:

Dredging

Please provide a complete scope of work along with maps showing the area to be dredged, placement areas to be used, and location or alignment of temporary dredge pipelines.

A hydrographic survey showing the area to be dredged must also be submitted.

List placement areas identified in the Regulatory Permit in order of preference.

If both new and maintenance dredging are required, please select new in the form and discuss maintenance portion within the project description.

Include detailed timelines (as well as completing box 6e of the form).

Sediment Testing Requirement: Approval of sediment testing plans and reports prior to issuance of a Real Estate clearance is required for all Applicants. Contact the Operations Division to obtain information on sediment testing requirements.

Email: CESWG-OD-INT-REV@usace.army.mil

Pipelines

Please provide a complete narrative of the project. The narrative should include the pipeline starting and ending points, route, channel crossings, tie-ins, valve stations, access roads, ingress, egress, ROW needed, etc., for the pipeline.

If a pipeline crosses a Federal Channel, Placement Area(s) or Placement Area Levee, Hurricane Levee, or Tributary Waters of the United States, the Applicant must provide cross section diagrams depicting depth and entry and exit points for each crossing. Applicants must also provide any and all standoff distances between the pipeline and any of the features listed above, including other pipelines. Identify diameter of each pipeline, type of fuel or product being transported, and pipeline configuration for each bundle.

If applicable, please submit:

- Geotechnical Study
- Design Computations
- Railroad Commission of Texas PS -8000A Form
- Railroad Commission of Texas T-4 Form which identifies the pipeline owner.

If there will be ground disturbance (e.g. trenching, excavation) please address the following:

- What are the dimensions (i.e. length, width, depth) of each type of ground disturbances (e.g. trench, fence post hole, leveling, etc.)?
- Will more than an acre of ground surface be disturbed? How much?
- What kind of equipment will be used?
- How will the work be done?
- Will access across Government controlled property, in addition to the area identified for the requested activity, be required for equipment? If so, where?
- Will there be staging and/or storage areas required? If so, where are they located and what are the dimensions? Will staging/storage areas be at locations different than the site of the proposed action?

- Are there any cultural resources known to exist in the area? If so, what?
- Describe other reasonable alternative routes or locations considered and reasons not selected.

Cadastral Data & Format Requirement

Applicants must submit their GIS data in either the equivalent or lesser version of the following: AutoCAD 2016 (.dwg) or ESRI ArcMap 10.4.1 (.shp) file to help us in this endeavor. Upon receiving a design CADD or a GIS file, we will better determine the location of project interest and limits. We ask that you please include the Regulatory Permit Tracking Number/Application Number and also indicate the coordinate system and datum that the drawing is currently in. The design data should consist of simple lines and polygons indicating the limits of the completed project.

If a CADD drawing is provided, please ensure that all layers are properly named to describe that specific feature. If the layers are named using acronyms, we would need a legend or shoe boxes with leader lines, identifying each feature class within the drawing. All areas must be created in real-world (model space) with an assigned coordinate system. Please do not send drawings with XREFs or reference files, simply insert all needed files or feature layers into one design file. Cut-sheet or plate layouts in CADD are not needed; however, PDFs of proposed project plans and/or as-builts would be greatly appreciated for further review.

If a GIS shape file is provided, the same requirement to assign a proper name sequence to describe that specific feature applies or it can also be defined in the spatial data within the shape file.

To help keep file sizes to the minimum, imagery and USGS Quads do not need to be provided.

Preferred Projected Coordinate System

- Datum: North American 1983 (Survey Feet)
- Projection: State Plane
- Zone: Texas South Central

If you have any questions pertaining to Cadastral requirements, please email:

CESWG-OD-INT-REV@usace.army.mil

Flood Risk Management

Please include a complete narrative of the project's purpose and details of proposed impact to the Federal project, construction methods, and estimated construction timeline/schedule duration. The narrative should include the project starting and ending points, route, channel/flood wall crossings, tie-ins, valve stations, access roads, ingress, egress and the ROE, ROW needed for the project.

At a minimum, the project summary description should include A & B listed below.

- A. If a pipeline crosses a Federal Channel, Placement Area(s) or Placement Area Levee, Hurricane Levee, or Tributary Waters of the United States, the Applicant must provide cross-section diagrams depicting depth, entry and exit points for each crossing. Applicants must also provide any and all stand-off distances between the pipeline and any of the features listed above; to include other pipelines. Identify the diameter of each pipeline both inside and outside of the pipeline, the type of fuel or product being transported, and the pipeline configuration for each bundle. If there will be ground disturbance (e.g. trenching, excavation), please address the following:
 - What are the dimensions (i.e. length, width, depth) of each type of ground disturbances (e.g. trench, fence post hole, leveling, etc.)?
 - Will more than an acre of ground surface be disturbed? How much?
 - What kind of equipment will be used?
 - How will the work be done?
 - Will access across Government controlled property, in addition to the area identified for the requested activity, be required for equipment? If so, where?
 - Will there be a staging and/or storage areas required? If so, where are they located and what are the dimensions? Will staging/storage areas be at locations different than the site of the proposed action?

- If available, please submit the Geotechnical Study

B. Design Details: Each request should clearly identify the existing condition of the portion of the USACE project being altered and include plan, profile, and design details of the proposed alteration in relation to the existing USACE project. Below are examples of information that may be necessary to understand the existing and proposed conditions:

- (1) Alteration location (KMZ file and vicinity map showing specific alteration location)
- (2) Grading plans
- (3) Layout plan, profiles, and cross sections of proposed alteration
- (4) Temporary measures required during construction (bypasses, cofferdams, etc.)

C. The following is a list of analyses or information that may be necessary to consider for geotechnical considerations and assessing their impacts if proposed alterations alter the USACE project cross-section or penetrate the natural blanket or foundation.

- (1) Erosion control (changes in erosive forces on a slope)
- (2) Material usage/borrow/waste/transport/hauling
- (3) Liquefaction susceptibility
- (4) Placement of stockpiles, heavy equipment, or other surcharges
- (5) Drilling Plan
- (6) Results of subsurface investigation-boring logs, test pit logs, laboratory test results
- (7) Seepage analysis
- (8) Settlement analysis
- (9) Stability analysis
- (10) Vegetation

D. The following is a list of analyses or information that may be necessary to evaluate the impacts of proposed alterations to concrete, floodwalls, or drainage structures on Federal projects:

- (1) Bridges and related abutments
- (2) Design analysis for retaining walls and excavation support system
- (3) Design of shallow or deep foundations, including bearing capacity and settlement analysis if the construction is located within the line of protection or right-of-way and creates potential seepage problems
- (4) Design recommendations for foundations on expansive soils
- (5) Diaphragm walls
- (6) Gates or other operable features
- (7) Other structural components integral to the USACE project
- (8) Pier penetrations of embankments
- (9) Stability analysis including sliding, overturning, bearing, flotation, uplift and any seismic load effects for any alterations to the channel walls and/or flood walls
- (10) Structural drainage control methods
- (11) Water stops contraction/expansion joints

DI. The list below shows examples of factors that should be considered and/or submitted when Applicant is evaluating hydrology and hydraulics impacts of a proposed 408 application:

- (1) Changes in inflow
- (2) Changes in velocity
- (3) Changes in water surface profiles and flow distribution
- (4) Consideration of impacts to energy dissipation measures; sedimentation; or navigation
- (5) Scour analysis
- (6) Sediment transport analysis
- (7) Drainage Report
- (8) Hydraulic Report