



US Army Corps
of Engineers®



U.S. ARMY

SECTION 408

USACE projects accomplish the following:

- *Reduce flood hazards and protect floodplains*
- *Protect against residual risk and damages*
- *Support navigation*
- *Provide national and regional economic benefits*
- *Preserve or protect historic and cultural resources*
- *Provide environmental restoration or protection*
- *Provide recreation activities*

SEVEN QUESTIONS FOR SECTION 408 SUCCESS

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. This sheet is designed to help you think through a request to do work on or near a USACE project. You can find more information about the Section 408 program at <https://www.usace.army.mil/Missions/Civil-Works/Section408/>.

1

Could your project impact a USACE project?

First, identify if your alteration might affect a USACE project. If it does, you will need permission from the Section 408 program. Your next step will be to identify the project's non-federal sponsor.

2

Have you spoken to the USACE project's non-federal sponsor about your alteration?

*How do I find out who the non-federal sponsor is? The online **National Levee Database** and **National Inventory of Dams** are good places to start for levees and dams. Find your project on the map and look for information about the project's sponsor.*

Why should I talk with the non-federal sponsor? A statement of no objection from the non-federal sponsor is required before USACE can issue a decision.

3

Who owns the land and the project you are building on? Where are the boundaries of the USACE project?

*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.*

What is a non-federal sponsor? A non-federal sponsor is responsible for the operations and maintenance of a USACE project or navigable waterway. Typical non-federal sponsors include a local government, a levee board, a port authority, or a state government.

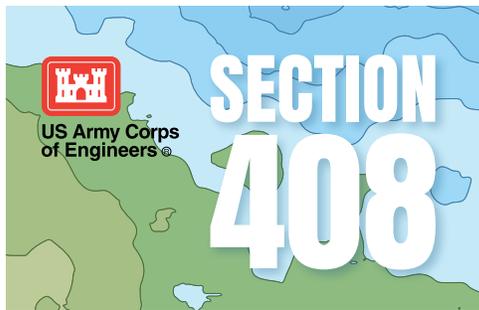
4

How might your Section 408 project impair the usefulness of a USACE project?

Think about what your project does and how it might alter or affect the USACE project.

How does USACE answer this question? USACE looks at how your activity might affect the USACE project's ability to function as designed.

If you think your alteration might impact a federal project: Consider meeting with an engineer and talking to your district's 408 Coordinator early in your project scoping and design process.



Identify your non-federal sponsor online at the *National Levee Database* and the *National Inventory of Dams*.

National Levee Database can be found at
<https://levees.sec.usace.army.mil>

National Inventory of Dams can be found at
<https://nid.sec.usace.army.mil>

5

How might your request be potentially injurious to the public interest?

Civil Works projects are designed to deliver economic, social, and environmental benefits to the public.

How does USACE answer this question? USACE reviews your request to see how it could affect the benefits provided by the project. It also collects feedback from the public, state and local governments, tribes, and federal agencies.

Think about how your alteration might affect the benefits provided by the project.

If you think your alterations may be injurious to the public interest by reducing the overall benefits of the USACE project: Consider meeting with an engineer and talking to your district's Section 408 Coordinator early in your project scoping and design process.

6

What state and local permits do you need for your request?

Contact your state and local authorities to discuss any other permits required for your request; the project's non-federal sponsor may also be able to provide more information about permitting requirements.

7

How might compliance with the National Environmental Policy Act, Endangered Species Act, and National Historic Preservation Act affect your request?

Federal laws like the National Environmental Policy Act, Endangered Species Act, and National Historic Preservation Act govern Section 408 decisions. These laws safeguard people's health, the environment, endangered species, and cultural resources.

Your Section 408 request will be reviewed to determine that it meets the requirements established in these laws. You may need to provide the following:

- *An environmental analysis that looks at how your request affects biodiversity, environmental justice, wetlands, air and water pollution, traffic, geotechnical risks, public safety issues, and hazardous substance issues. For complex requests, an Environmental Impact Statement may be needed (National Environmental Policy Act).*
- *A Biological Assessment that looks at how your request may affect protected species and designated critical habitats (Endangered Species Act).*
- *A cultural resource report that looks at how your request may affect historical, sacred, and archaeological sites (National Historic Preservation Act).*

The issues around environmental and cultural reviews may be complex, and change based on the size of your request and state and local regulations. The best advice is to contact your district Section 408 Coordinator early to discuss what information you need to provide to meet environmental and cultural resource review requirements.