



Requests to Alter USACE Projects Section 408

U.S. ARMY CORPS OF ENGINEERS BUILDING STRONG®

WHAT IS SECTION 408?

Section 14 of the Rivers and Harbors Appropriation Act of 1899, as amended, and codified in 33 USC 408 (Section 408) provides that the Secretary of the Army may, upon the recommendation of the Chief of Engineers, grant permission to other entities for the permanent or temporary alteration or use of any US Army Corps of Engineers (USACE) Civil Works project. This requires a determination that the requested alteration is “not injurious to the public interest” and “will not affect the USACE project’s ability to meet its authorized purpose”. This means, that USACE has the authority to review, evaluate, and approve all alterations to federally authorized civil works projects to make sure they are not harmful to the public and still meet the project’s intended purposes mandated by congressional authorization.



HOW DOES SECTION 408 IMPACT YOUR PROJECT?

USACE Civil Works projects include flood risk management, navigation, recreation, and infrastructure and environmental stewardship. Many of these projects support life safety. It is important that the intended functions of these projects are not at risk. Section 408 is intended to ensure proposed alterations to federal projects do not compromise the original purpose of the project or increase life safety risks.

WHAT IS A SECTION 408 REVIEW?

A Section 408 review includes an engineering, environmental, real estate, and legal review to ensure the alteration does not impair the usefulness of the federal project and is not harmful to the public’s interest. The Kansas City District has a streamlined process for minor alterations that have a low risk of impacting the federal project, and expect this process to take around 60 days to process. Alterations with a greater risk of impacting the project require a more thorough review. These reviews may require more than 90 days to process. Please coordinate with the Section 408 Coordinator to determine what level of review may be required for your alteration.

WHAT DOES A SECTION 408 SUBMISSION INCLUDE?

Section 408 submittal checklists and the USACE Engineering Circular (EC) 1165-2-216 include detailed information on the requirements for each submittal and will be found on the Kansas City District Section 408 website located here: <http://www.nwk.usace.army.mil/Missions/Section-408>

HOW ARE SECTION 408 REVIEWS FUNDED?

Funding for a Section 408 review is dependent on the complexity of the alteration. Alterations considered to be minor and quickly processed are funded by USACE.

COORDINATION WITH REGULATORY

Many Section 408 reviews may also require a Section 10 or 404 permit through USACE Regulatory. USACE Regulatory cannot issue a permit until a Section 408 determination is made, if applicable.

POINTS OF CONTACT

Section 408 Coordinator
(816) 389-2321

Levee Safety Program Manager
(816) 389-3238