

## **Buffalo District Request for Section 408 Permission**

1. **Authority:** In accordance with 33 USC 408 (Section 408), requests made by private, public, tribal, or other federal entities to make alterations to, or temporarily or permanently occupy or use, any US Army Corps of Engineers (USACE) federally authorized Civil Works project must receive permission before they can be implemented. The Requestor must submit the information below, along with a transmittal letter, for requests under the jurisdiction of the Buffalo District Army Corps of Engineers.
2. **Submission requirements:** Requests must be signed and submitted along with a transmittal letter to the Buffalo District Army Corps of Engineers (ATTN: Diane Kozlowski, [LRB-408-404Submittals@usace.army.mil](mailto:LRB-408-404Submittals@usace.army.mil), U.S. Army Corps of Engineers, Buffalo District, 1776 Niagara Street, Buffalo, NY 14207). Incomplete requests will be returned. Requests may be sent by either regular mail or e-mail and should include the following information:
3. **The alteration is:** Existing \_\_\_\_ Proposed \_\_\_\_
4. **Name, city, and state of civil works project being altered, used, or impacted:**
5. **Name of Alteration (ex. placement of recreation trail on crest of right bank levee):**
6. **Property name, description, and address (if applicable):**
7. **Location of alteration (body of water, bank, approx. stationing, nearby streets, or landmarks, latitude/longitude, etc.):**

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8. **Purpose of alteration:**

9. **Project scope of work:**

10. **Approx. construction timeframe of work (Mo./Yr. to Mo./Yr.):**

11. **Alteration operations and maintenance:** Describe operations and maintenance that will be required as a result of this alteration. (Note: Requestor is responsible for performing all operations and maintenance required as a result of the alteration, as well as for all associated costs. If Sponsor is not the Requestor, Sponsor is required to ensure that all required operations and maintenance associated with this alteration is adequately performed).

12. **The following documents are attached in support of this alteration request:**

Detailed Plans \_\_\_\_\_ Drawings \_\_\_\_\_ Photos \_\_\_\_\_  
Environmental Compliance \_\_\_\_\_ Geotechnical Investigation \_\_\_\_\_  
Hydrological and Hydraulic Analysis \_\_\_\_\_ O&M Documentation \_\_\_\_\_  
Other (Describe): \_\_\_\_\_

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**13. Will the proposed alteration occur within navigable waters and/or within the boundaries of a USACE Navigation project?**

Yes \_\_\_\_ No \_\_\_\_ Don't Know \_\_\_\_

**14. Does this request involve the use of federally owned Real Property?**

Yes \_\_\_\_ No \_\_\_\_ Don't Know \_\_\_\_

**15. Environmental compliance questions**

**a.** Will waters of the United States be affected by the proposed alteration?

Yes \_\_\_\_ No \_\_\_\_ Don't Know \_\_\_\_

**b.** Will streams or other water bodies be impounded, diverted, or otherwise controlled?

Yes \_\_\_\_ No \_\_\_\_ Don't Know \_\_\_\_

**c.** Will dredged and or fill material be discharged into waters of the United States?

Yes \_\_\_\_ No \_\_\_\_ Don't Know \_\_\_\_

**d.** What is the ordinary high water level of the body of water being worked on?

Elevation \_\_\_\_\_ Datum \_\_\_\_\_ Don't Know \_\_\_\_\_

**e.** Has United States Fish and Wildlife Service (USFWS) been contacted to identify any threatened endangered species and/or critical habitats in the area of the proposed work?

Yes \_\_\_\_ No \_\_\_\_ Don't Know \_\_\_\_

**f.** Has the appropriate State Historic Preservation Office (SHPO) been contacted and coordinated with?

Yes \_\_\_\_ No \_\_\_\_ Don't Know \_\_\_\_

**g.** Has any other environmental coordination been completed or documents prepared identifying potential impacts to environmental and cultural resources?

Yes \_\_\_\_ No \_\_\_\_ If Yes, describe:

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16. **Criteria considered in USACE Review:** USACE will review the alteration request for potential adverse impacts to the project based on, but may not be limited to, the following criteria:
- a. Reliability of the project to function as designed.
  - b. Sponsor's and/or USACE's ability to adequately inspect the project during normal and emergency conditions.
  - c. Sponsor's or USACE's ability to adequately operate and maintain the project, contact Flood Fighting Operations and complete temporary repairs during an emergency.
  - d. Alteration impacts to the structural or geotechnical integrity of project components (including embankment, floodwall, or retaining wall strength; sideslope stability; stone protection; crest elevation; miscellaneous structures, etc.).
  - e. Alteration impacts on the hydraulics and hydrology design of the project.
  - f. Alteration impacts to a floodplain or floodway (EO 11988).
  - g. Alteration impacts on the interior drainage system or drainage facilities (i.e. outfalls, gate wells, storm sewer lines, pump stations, drainage ditches, etc.).
  - h. Alteration impacts on environmental aspects of the project, including compliance with National Environment Policy Act (NEPA) requirements.
  - i. Alteration impacts on safety aspects of the project.
  - j. Alteration impacts to the real estate easement requirements, including project access.
  - k. USACE Section 10/404 Regulatory permit requirements.
  - l. Impacts to the public and other stakeholders.
17. **USACE review and approval:** Upon completion of review of the request, the Buffalo District will send a letter from the District Commander, or his designee, either granting permission or rejecting the proposed alteration or usage of the civil works project. If rejected, reasons for the disapproval will be provided.

Work or usage shall not begin until written permission from the Buffalo District Commander, or his designee, is obtained.

18. **USACE Section 408 point of contact:**

Name: Robert W. Remmers, P.E., PMP  
Title: Chief, Operations and Technical Support Section  
Phone Number: (716) 879-4277  
E-mail Address: [robert.w.remmers@usace.army.mil](mailto:robert.w.remmers@usace.army.mil)

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**19. Alteration Points of Contact:**

**a. Requestor:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**b. Requestor Point of Contact (if different than above):**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**c. Non-federal sponsor (if applicable):**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

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**20. Signature Block:**

**REQUESTOR (not applicable if non-federal sponsor is Requestor):**

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Organization or Agency

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Non-Federal SPONSOR (Representative's signature indicates non-federal sponsor has no objection to the USACE initiating review of the Section 408.)**

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Organization or Agency

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**NOTE: An electronic copy of this form is available by contacting Robert Remmers at e-mail address [robert.w.remmers@usace.army.mil](mailto:robert.w.remmers@usace.army.mil).**