

# Section 408 Statement of No Objection

See instructions attached to this form

For Louisville District Use Only:

Alteration # \_\_\_\_\_

## CIVIL WORKS PROJECT AND GOVERNING ENTITY AFFECTED BY REQUEST

Name of Civil Works Project

Name of Governing Entity (e.g., Local Sponsor) over Affected Civil Works Project

## AUTHORIZED REPRESENTATIVE OF GOVERNING ENTITY OVER AFFECTED CIVIL WORKS PROJECT

Name	Title	Phone#	email
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### REQUESTER INFORMATION:

Name of Entity/Organization Requesting this Alteration (Requester)

Name and Title of Authorized Representative of Requester

Address

City, State, Zip

Email

Phone

ALTERATION LOCATION: Lat. \_\_\_\_\_ Long. \_\_\_\_\_ Lat. \_\_\_\_\_ Long. \_\_\_\_\_  
e.g. 38.254628 e.g. -85.760567  
Location or beginning point Ending point (if necessary)

### ALTERATION DESCRIPTION:

ATTACHED TO THIS SNO ARE THE FOLLOWING (SEE INSTRUCTIONS): ☐ PLAN SHEETS ☐ DESIGN DOCS ☐ REAL ESTATE DOCS ☐ ENVIRONMENTAL DOCS

### CONDITIONS:

Upon termination or expiration of this permission, whether by voluntary relinquishment by the Requester, revocation by the civil works governing entity, or otherwise, the Requester shall remove all structures, improvements, or appurtenances which may have been erected or constructed under this permission, and shall repair or replace any portion of the civil works project or its right-of-way which may have been damaged by his/her operations (including grading and seeding, or sodding, if necessary), to the satisfaction of the governing entity.

The structure or operation for which this permission is issued shall be maintained by the Requester in such manner as to not damage the associated civil works project, or interfere with its operation and maintenance in accordance with regulations of the Secretary of the Army.

The structure or operation covered by this permission may be damaged, removed or destroyed by the civil works governing entity during emergencies if such action is determined by the governing entity to be necessary to preserve life or property or prevent damage or impairment to the use or safety of the civil works project, and the governing entity will not be liable for such damage or destruction.

Unless otherwise specifically provided herein, this permission may be cancelled at any time by the civil works governing entity upon 10 days written notice mailed to the address shown above. During the 10-day period, (or such other period as may be provided herein), the Requester will be permitted to remove any property or improvements installed under this permission, and to repair or replace any damage to the Levee System right-of-way or structures resulting from his/her use or operations. At the end of such period, the governing entity shall have the right to possess and dispose of any such property or improvements remaining upon its right-of-way, and may proceed to repair or replace any such damage, and the Requester herein shall be liable to the governing entity for the full cost of such repairs or replacements.

The construction, installation and maintenance of the structure or structures covered by this permission are subject to inspections by representatives of the governing entity and the U.S. Army Corps of Engineers (USACE). In the event the work covered by this permission consists of or includes major construction, the cost of inspection thereof by the governing entity and/or the USACE may be required to be paid by the Requester.

Requester agrees that it will not use the area or facilities covered by this permission for any purpose other than is specifically covered by this permission, and is responsible for obtaining Section 10/404/103 permissions, as necessary, through the Louisville District's Regulatory Division.

The Requester is responsible for ensuring that the structure or operation for which this permission is issued is supported by the appropriate real estate interest(s) and does not constitute a trespass or encroachment onto property the Requester or Local Sponsor does not legally possess.

### SIGNATURES:

By signing below, the Requester's representative agrees to the terms of the conditions above and any Special Conditions included in the attached USACE approval letter.

\_\_\_\_\_  
Authorized Representative of Requester  
[Print/type name]

\_\_\_\_\_  
Authorized Representative of Requester  
[Signature]

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

By signing below, the representative of the civil work project agrees to the terms of the conditions above and any Special Conditions included in the attached USACE approval letter.

\_\_\_\_\_  
Authorized Representative of Governing Entity  
[Print/type]

\_\_\_\_\_  
Authorized Representative of Governing Entity  
[Signature]

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

THIS ALTERATION PERMISSION IS NOT VALID UNTIL SIGNED BY THE LOUISVILLE DISTRICT LEVEE SAFETY OFFICER, U.S. ARMY CORPS OF ENGINEERS.

\_\_\_\_\_  
Ian F. Mitchell, P.E., LEED AP BD+C  
Chief, Engineering Division & Levee Safety Officer

\_\_\_\_\_  
Date

## Instructions for Section 408 Statement of No Objection (Louisville District)

**CIVIL WORKS PROJECT AND GOVERNING ENTITY AFFECTED BY REQUEST** – Provide the name of the existing civil works project associated with this alteration request (e.g., Louisville Metro Levee System, Brookville Dam, McAlpine Locks) followed by the name of the governing entity responsible for the project.

**AUTHORIZED REPRESENTATIVE OF GOVERNING ENTITY AFFECTED CIVIL WORKS PROJECT** - Provide the contact information for the person designated as the authorized representative of the affected civil works project (e.g., for a levee system it would be the point-of-contact (POC) for the Local Sponsor).

**REQUESTER INFORMATION** - Provide the name of the entity/organization submitting the request and the complete contact information for the person designated as its authorized representative that will serve as the POC for this request. The entity/organization listed as the Requester will be responsible for the operation and maintenance of the alteration. The engineering design firm hired to prepare the plans and specifications for the alteration is **NOT** the Requester.

**ALTERATION LOCATION** – Provide latitude and longitude coordinates (decimal form preferred) at either the center location of the proposed work or at the beginning point for alterations that run a long distance. When required, use the second set of coordinates to locate the ending point for lengthy alterations.

**ALTERATION DESCRIPTION** – To accompany the plans and specifications that must be provided as part of the request package, provide a brief description of the proposed work which will be accomplished in relation to the existing civil works project, including a basic sequence of construction. **Do not write “See Attached”** or the application will be returned for correction. Any Special Conditions required by USACE will be stated in the signed USACE Approval Letter accompanying this document.

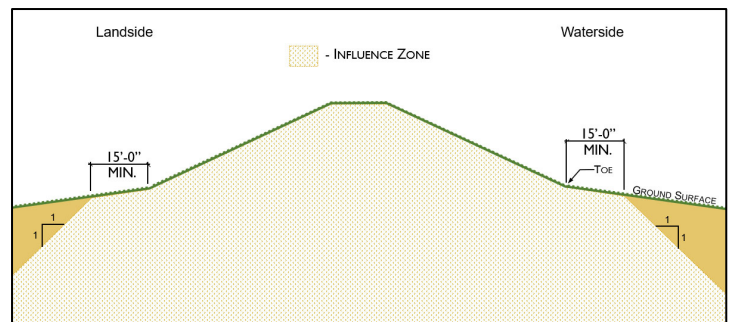
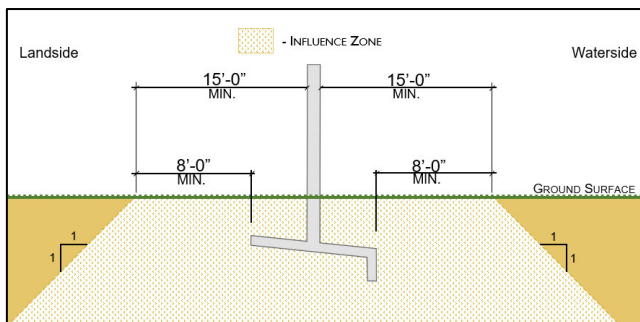
### **SIGNATURES –**

**Authorized Representative of Requester** – Provide the name, title, and signature/date of the authorized representative of the Requester who will be responsible for all associated communications concerning construction and operation and maintenance of the alteration. The engineering design firm hired to prepare the plans and specifications is **NOT** the Requester and cannot sign the document.

**Authorized Representative of Governing Entity** - Provide the name, title, and signature/date of the authorized representative of the governing entity over the existing civil works project; this is commonly signed by a City Engineer, Public Works Director, Levee Commissioner, Lake Manager, Lockmaster, or Mayor. A signature from the governing entity’s representative indicates approval of the proposed alteration.

### **PLAN SHEETS –**

- Complementing the project stationing with civil works stationing typically expedites the review process.
- Cross sections must include the “Influence Zone” limits (shown below). Shading of the influence zone is helpful.



**Add the following notes to the plan sheets when the alteration work is within 50 feet of a levee toe or floodwall face.**

- ✓ “The Requester must provide digital pictures of the ‘before’, ‘during’, and ‘after’ conditions of the affected civil works project and submit them to both the governing entity’s authorized representative and the USACE POC, (“*Name of Levee Safety Region*; [LRL.Sec408@usace.army.mil](mailto:LRL.Sec408@usace.army.mil)”) within 30 days of completion of the approved project.”



- ✓ “The Requester must complete as-built drawings of all final features within 50 feet of the existing civil works project (earthen toe, face of floodwall, etc.) where construction activities occurred and provide them to the Governing Entity’s authorized representative and the USACE POC, at [LRL.Sec408@usace.army.mil](mailto:LRL.Sec408@usace.army.mil), within 30 days of completion of the approved project.”
- ✓ “The Requester is responsible for any damage to the existing civil works project during construction. Damages must be repaired by the Requester at their expense. If damages beyond the approved scope of work occur, the Contractor shall immediately contact the Governing Entity’s authorized representative and the USACE POC.
- ✓ “Provide notice to USACE at least one week prior to the start of construction to allow a USACE representative the option to be on site. POC is “*Name of Levee Safety Region*” at [LRL.Sec408@usace.army.mil](mailto:LRL.Sec408@usace.army.mil).
- ✓ “Any modification to the approved submittals deemed necessary during the construction phase of the project may require additional technical review and approval by the USACE prior to continuing construction. Consult the USACE POC, to determine if an additional review is necessary.”

-Levee Safety Regions and contact info for levee systems can be found on the Louisville District Section 408 website: (<https://www.lrd.usace.army.mil/Submit-ArticleCS/Programs/Article/3835365/section-408-louisville-district/>)

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## **PROJECT DESIGN -**

- See the Louisville District Section 408 website for multiple resources, including access to Section 408 guidance documents, Engineering Manuals, Engineering Regulations, Standard Operating Procedures, etc. Do not copy USACE SOPs directly onto plan sheets; they are provided as guidance during the design process and cover many of the criteria for which the project will be evaluated against. (<https://www.lrd.usace.army.mil/Submit-ArticleCS/Programs/Article/3835365/section-408-louisville-district/>). Additional USACE guidance documents can be found at: <https://www.publications.usace.army.mil/>.
- A review effort beyond the Louisville District’s capability is typically required if drilling is necessary as part of the request. Early coordination with the Louisville District concerning requirements and approvals associated with drilling is highly recommended.
- More complicated alterations will require that the calculations/design memorandum be submitted for review as well.

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## **REAL ESTATE -**

- Provide documentation that the governing entity responsible for the project owns sufficient real estate interests in the lands required to construct, operate, maintain, repair, replace, and rehabilitate the proposed alteration. If additional lands outside of the original project footprint are required to construct, operate, maintain, repair, replace, and rehabilitate the proposed alteration, the responsible governing entity must acquire the necessary real estate interests using the standard estate language (e.g. flood protection levee easement) approved by USACE.

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## **ENVIRONMENTAL -**

- A decision on a Section 408 request is a federal action subject to NEPA and other federal environmental and cultural resources compliance requirements.
- The Great Lakes and Ohio River Division (LRD) of USACE has a Regional Categorical Permission that can cover most Section 408 requests. You can find that document on the Louisville District website referenced above.
- The following information shall be submitted with your request to be considered complete and allow for proper environmental review:
  - List which category (1-9) and project type you believe your project falls in from the RCP document referenced above.
  - KMZ, aerial, shape file, or some other map showing where the project limits are located must be submitted.
  - Endangered Species Act: List if any trees will be cut and if so, list the acreage of timber removal or number of trees and dates they will be cut. Also, if mussel species might be impacted, list surveys and potential salvage efforts planned.
  - If any work is to occur below the ordinary high water mark of any bodies of water, that must be stated. If any fill is to be placed within a wetland or other body of water, list how much, the type, and the location.
  - If CWA Section 402 Discharge applies, provide total acreage and total disturbance (>1 acre disturbance requires additional permits).



**USACE APPROVAL** – The form must be properly filled out and signed by the Requester and the authorized representative of the of the governing entity over the affected civil works project before the USACE technical review can begin.

You will receive comments on the completeness of your application within 30 days of receipt of the submittal. Once the contents of the application have been determined complete (which may take several iterations) you will receive approval within an additional 90 days. You can track the progress of your alteration at: <https://permits.ops.usace.army.mil/orm-public>

The size and sophistication of the submittal is expected to parallel the complexity of the proposed project, i.e., more backup calculations and documentation (all charts, graphs, tables, correlations, boring logs, and laboratory testing used to determine earth press coefficients, settlement estimates, bearing pressures, etc.) will be required for more complicated alterations.

The Louisville District Levee or Dam Safety Officer will approve the alteration by signing the form once the technical evaluation has been completed with all issues resolved. Any unauthorized revisions to the alteration submittal package after approval by USACE voids the approval of the Alteration.

Feel free to contact the Louisville District Section 408 Coordinator (Brandon Adair - [Brandon.L.Adair@usace.army.mil](mailto:Brandon.L.Adair@usace.army.mil) or 502.315.6237) if you have any questions regarding these requirements.

