



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS, SOUTH ATLANTIC DIVISION
60 FORSYTH STREET SW, ROOM 10M15
ATLANTA, GA 30303-8801

CESAD-RBT

22 April 2018

MEMORANDUM FOR COMMANDER, WILMINGTON DISTRICT

SUBJECT: Approval of the Wilmington District Procedural Review Plan for the Low-Impact Alteration Requests Pursuant to 33 USC 408

1. References:

a. Memorandum, CESAW-DE, 9 April 2018, subject: Request for Approval of Final Procedural Review Plan for Request Pursuant to 33 USC 408 for Low-Impact Alterations (Encl).

b. Memorandum, CEIWR-RMC, 28 March 2018, subject: Risk Management Center Endorsement, Procedural Review Plan for Low-Impact Alteration Requests, Pursuant to 33 USC 408, Review Plan (Encl)

c. EC 1165-2-216, Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408, 30 September 2015.

2. The enclosed subject Review Plan (RP) submitted by the Wilmington District via reference 1.a and endorsed by the Risk Management Center (RMC) via reference 1.b has been reviewed by this office. The enclosed RP is hereby approved in accordance with reference 1.c.

3. This procedural review plan is applicable only to proposed low-impact alteration requests. Proposed alteration request that require a Type II IEPR or those requiring more complex reviews to assess the impacts to the Federal Civil Works Project will require the development of an alteration specific review plan for submittal and approval.

4. The District should take steps to post the RP to its web site and provide a link to CESAD-RBT and the RMC. Before posting to the web site, the names of Corps/Army employees should be removed. Subsequent significant changes to this RP, such as scope or procedure changes, should they become necessary, will require new written approval from this office.

CESAD-RBT

SUBJECT: Approval of the Wilmington District Procedural Review Plan for the Low-Impact Alteration Requests Pursuant to 33 USC 408

5. The SAD point of contact is Mr. James Truelove, CESAD-RBT, 404-562-5121.

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Encl

DIANA M. HOLLAND
Brigadier General, USA
Commanding

CF:

CESAW-ECP-PE/Ms. Jennifer L. Owens

CESAW-DP/Ms. Christine M. Brayman



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

CESAW-DE

9 April 2018

MEMORANDUM FOR Commander, U.S. Army Corps of Engineers, South Atlantic Division (CESAD-RBT), ATTN: Mr. Jim Truelove, CESAD-PDC, Room 9M3, 60 Forsyth Street, SW, Atlanta, Georgia 30303-8801

SUBJECT: Request for Approval of the Final Procedural Review Plan for Requests Pursuant to 33 USC 408 for Low-Impact Alterations

1. Reference Memorandum from CEIWR-RMC, dated 28 March 2018, subject: Risk Management Center (RMC) Endorsement, Procedural Review Plan for Low-Impact Alteration Requests, Pursuant to 33 USC 408, Review Plan.
2. The Wilmington District is submitting the Final Procedural Review Plan for Requests Pursuant to 33 USC 408 for Low-Impact Alterations. This Procedural Review Plan, which has been endorsed by the RMC, complies with current peer review policy requirements in EC 1165-2-214 and EC 1165-2-216, Policy and Procedural Guidance for Processing Requests to Alter U.S. Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408.
3. Enclosed is the RMC endorsement memorandum and one hard copy of the Final Procedural Review Plan, dated March 2018.
4. I hereby request approval of the enclosed Final Procedural Review Plan for Requests Pursuant to 33 USC 408 for Low-Impact Alterations.

2 Encls

1. RMC Endorsement Memo
2. Final Review Plan

CLARK.ROBERT.JA
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ROBERT J. CLARK
COL, EN
Commanding

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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
RISK MANAGEMENT CENTER
12596 WEST BAYAUD AVE., SUITE 400
LAKEWOOD, CO 80228

REPLY TO
ATTENTION OF

CEIWR-RMC

28 March 2018

MEMORANDUM FOR: Commander, Wilmington District, ATTN: CESAWECP-PE

SUBJECT: Risk Management Center Endorsement, Procedural Review Plan for Low-Impact Alteration Requests, Pursuant to 33 USC 408, Review Plan

1. The Risk Management Center (RMC) has reviewed the Review Plan (RP) for – Procedural Review Plan for Low-Impact Alteration Requests, Pursuant to 33 USC 408, dated 19 March 2018, and concurs that this RP complies with the current peer review policy requirements outlined in EC 1165-2-214 “Civil Works Review Policy” and EC 1165-2-216, “Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408”, dated 15 December, 2012 and 31 July 2014 respectively.
2. This review plan was prepared by Wilmington District, reviewed the RMC, and all RMC review comments have been satisfactorily resolved. For the projects encompassed by this plan, Type II IEPR’s will not be performed.
3. The RMC endorses this document to be approved by the MSC Commander. Upon approval of the RP, please provide a copy of the approved RP, a copy of the MSC Commander’s approval memorandum to the RMC Senior Review Manager (rmc.review@usace.army.mil).
4. Thank you for the opportunity to assist in the preparation of this RP. Please coordinate all aspects of the Agency Technical Review and the Independent External Peer Review (as appropriate) efforts defined in the RP. For further information, please contact me at 601-631-5896

Sincerely,

Dustin C. Herr, P.E.
Review Manager
Risk Management Center

CF:
CEIWR-RMC (Mr. Snorteland)
CESAD-DQM (Division Quality Manager)

U.S. Army Corps of Engineers Wilmington District

Procedural Review Plan for Requests Pursuant to 33 USC 408 for Low-Impact Alterations

March 2018



**US Army Corps
of Engineers®**

**Procedural Review Plan for
Requests Pursuant to 33 USC 408
for Low-Impact Alterations**

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**Procedural Review Plan for
Requests Pursuant to 33 USC 408
for Low-Impact Alterations**

1. Introduction

Purpose

This Procedural Review Plan (RP) was prepared in accordance with Engineer Circular (EC) 1165-2-216, "Policy and Procedural Guidance for Processing Requests to Alter U.S. Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408." This RP provides the review guidelines associated with alteration requests pursuant to 33 USC 408 (Section 408) that are similar in nature and have similar impacts (reference Paragraph 7.c(4)(a) in EC 1165-2-216). These types of alterations are usually of small size, are not complex, and have relatively minor and/or temporary impacts to the Corps civil works project and are hereafter referred to in this document as low-impact alterations. This District Procedural RP is intended to ensure the quality of work performed by the Wilmington District as they evaluate and make decisions on these low-impact requests to alter U.S. Army Corps of Engineers (Corps) civil works projects within the Wilmington District area of responsibility. Nothing in this District Procedural RP shall be interpreted to supersede any EC 1165-2-216 requirements.

This District Procedural RP does not in any way create a pre-approval, waiver, exception, etc., for any requester to make any alteration to a Federally authorized project without proper authorization. Also, this District Procedural RP does not provide any authorization by the Corps to alter or modify a Federally authorized civil works project.

This District Procedural RP has been endorsed by the Risk Management Center (RMC) and approved by the South Atlantic Division (SAD) Commander. Any significant changes to this RP (such as changes to the scope and/or level of review) shall be re-endorsed by the RMC and re-approved by the Division Commander. Non-significant changes to this RP since the last approval will be documented in Attachment 3.

Applicability, Description, Information

Many of the procedures identified in this document may also be applicable to non-low-impact alterations. However, this Procedural RP applies only to requests for low-impact alterations to the Corps civil works projects. Alteration actions are proposed by a requester (i.e. private, public, tribal or other Federal entities) within the lands and real property interests identified and acquired for the Corps project and to lands available for

the Corps projects under the navigation servitude. Examples of activities that might be low-impact alterations are, but are not limited to the following:

- Repair, replacement, or removal of discharge pipes or utility lines
- Construction of new discharge pipes or utility lines
- Construction of minor structures
- Pump station modifications
- Repair and installation of sidewalks, fences, driveways, signage
- Removal of culverts
- Replacement of existing low-impact project features using similar design
- Installation of trails, ramps, lighting, boat docks and other recreational, operational, or decorative features
- Removal of bridges (road and pedestrian)
- Construction of new or replacement bridges (road and pedestrian)
- Changes to channel riprap to accommodate fish passage
- Replacement of existing project features using similar design

The inclusion of a proposed activity on the above list does not automatically mean that the alteration is a low-impact alteration. Each proposed alteration must be evaluated on a case-by-case basis. The determination of whether or not an alteration is low-impact will be made as part of the initial review of the proposed action by the District Section 408 Coordinator in coordination with District staff. The minimum District staff for the initial review will include an engineer and environmental resource specialist.

As indicated below, this RP is not applicable to any proposed alteration that poses a significant threat to public health and/or life safety associated with the Federally authorized project. Per EC 1165-2-214, the District Chief of Engineering is the decision-making official for the significant threat to human life determination. This RP is also not applicable to any proposed alteration that requires review and approval above the District level. An alteration-specific RP, for approval by the SAD Commander, will be prepared for any proposed project modifications that pose a significant threat to public health or life safety or requires review and approval above the District level. The determination of the applicability of this RP will also depend on the determination of whether or not an alteration is low-impact, which will depend on the scope of the alteration. This determination of a low-impact alteration is for the applicability of this RP only and shall be documented by use of the form presented in Attachment 2. If the determination is that the proposed alteration is not a low-impact alteration, an alteration-specific RP will be prepared for approval by the SAD Commander.

For any alteration where the District approval is authorized, the District Commander or his designated representative will make the final determination as to whether a proposed alteration should be approved or denied whether this low-impact alterations RP is applicable or an alteration specific RP is prepared.

For Alterations that require HQUSACE or SAD review and approval an alteration-specific RP will be prepared and submitted to SAD for the SAD Commander's approval.

All drilling requests, sampling, or any other invasive in-situ testing or exploration in and near embankment dams and levees and/or their earth and rock foundations (including drilling for power poles, instrumentation, third party utilities, relief wells, and geotechnical drilling) must first have a Drilling Program Plan (in accordance with ER 1110-1-1807) that is approved by the District Dam Safety Officer or Levee Safety Officer (Levees). If a technical review in accordance with ER 1110-1-1807 determines that a review is required by the Geotechnical and Materials Community of Practice (G&M CoP) Standing Committee on Drilling and Instrumentation, the District will develop an alteration-specific RP for approval by the SAD Commander.

The District Section 408 Coordinator is responsible for ensuring that policy and processes in EC 1165-2-216 as well as any other applicable Section 408 guidance are met, and for ensuring that proper coordination occurs among all the necessary District elements. Those District elements will comprise the District-led Agency Technical Review (ATR) Team. The District-led ATR Team will include, at a minimum, an engineer, an environmental specialist and a District Office of Counsel representative with other disciplines included as needed.

This District Procedural RP;

- 1) shall not be interpreted to supersede, change, void, etc. any other relevant, pertinent and governing Corps policy and/or guidance involving Federally authorized projects.
- 2) does not apply to any proposed alteration that poses a significant threat to public health and/or life safety associated with the Federally authorized project as assessed by the District Chief of Engineering, as the Engineer-In-Responsible-Charge. (NOTE: Reference Paragraph 7.c.(3)(f) in EC 1165-2-216 and Appendix E Paragraph 1.a. in EC 1165-2-214 concerning Type II IEPR determination and alteration-specific RP requirements).
- 3) does not cover proposed alterations that require an Alteration-Specific RP and/or that require SAD or HQUSACE level review(s) and decision(s).

- 4) does not apply to Routine Operations and Maintenance (O&M) Activities that are specified in the O&M manual and performed by the non-Federal sponsor or USACE (reference EC 1165-2-216, Para 6.f).
- 5) does not apply to Corps Shoreline Management and Master Planning Programs and the activities that are contained in 36 C.F.R. Part 327 (reference EC 1165-2-216, Para 6.g).
- 6) does not apply to certain Real Estate Outgrants (reference EC 1165-2-216, Para 6.h).

The Review Management Organization (RMO) for this Section 408 District Procedural RPs is SAD. No further approvals from the RMO/SAD are required for the individual Section 408 reviews performed on the low-impact alterations executed under this Procedural RP.

The Alteration Request Package will require the following information so the applicability of this RP can be determined and the District-led ATR review can determine whether the proposed alteration will impair the usefulness of the project or be injurious to the public interest and is legal and policy compliant. The level of detail required is scalable and will be determined based on the pertinent aspects of the proposed alteration.

- 1) A summary of the requested Section 408 alteration, location, a written description of the alteration, features affected, construction sequencing, and special considerations.
 - 2) Technical Analysis and Design. The desired level of detail will be 60 percent complete plans and specifications and supporting analysis. A lower level of detail may be sufficient to evaluate some less-complicated proposed alterations.
 - 3) Hydrologic and Hydraulics Analysis. The District will determine if such an analysis is needed and, if so, the appropriate scope of analysis based on the alteration's complexity. However, if such an analysis is required, the alteration may not be a low-impact alteration.
 - 4) Environmental Compliance. A decision on a Section 408 request is a Federal action and, therefore, subject to National Environmental Policy Act (NEPA) and other environmental compliance requirements. The Requester is responsible for providing all information that the District identifies as necessary to satisfy all applicable Federal laws, Executive Orders, regulations, policies, and ordinances.
 - 5) Real Estate Requirements. A list of all real property interests required to support the proposed alteration must be provided by the Requester.
 - 6) Operations and Maintenance. Requesters must identify any operations and maintenance requirements needed throughout the life of the proposed alteration.
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Coordination with the Requester shall be performed by or through the Section 408 Coordinator. Coordination can take place via letter, e-mail, meeting, webinar, or phone conversation, and minutes may be recorded when a meeting or phone conversation is held.

References

The following is a list of references that the District will consider in the review of alteration requests covered by this Procedural RP. Other references that are not listed may be considered if applicable.

- Public Law (P.L.) 84-99, as amended, flood emergencies; extraordinary wind, wave, or water damage to Federally authorized hurricane or shore protective structures; emergency supplies of water; drought; well construction and water transportation
 - 33 USC 408, Taking possession of, use of, or injury to harbor or river improvements
 - 33 CFR 208.10, Local flood protection works; maintenance and operation of structures and facilities
 - 44 CFR 65.10, Mapping of areas protected by levee systems
 - Engineer Manual (EM) 1110-1-1005, Control and Topographic Surveying, 1 January 2007
 - EM 1110-1-1804, Geotechnical Investigations, 1 January 2001
 - EM 1110-1-1904, Settlement Analysis, 30 September 1990
 - EM 1110-1-1905, Bearing Capacity of Soils, 30 October 1992
 - EM 1110-2-1418, Channel Stability Assessment for Flood Control Projects, 31 October 1994
 - EM 1110-2-1601, Hydraulic Design of Flood Control Channels, 1 July 1991
 - EM 1110-2-1611, Layout and Design of Shallow-Draft Waterways, 31 December 1980
 - EM 1110-2-1619, Risk-Based Analysis for Flood Damage Reduction Studies, 1 August 1996
 - EM 1110-2-1902, Slope Stability, 31 October 2003
 - EM 1110-2-1906, Laboratory Soils Testing, 20 August 1986
 - EM 1110-2-1913, Design and Construction of Levees, 30 April 2000
 - EM 1110-2-1914, Design, Construction, and Maintenance of Relief Wells, 29 May 1992
 - EM 1110-2-2002, Evaluation and Repair of Concrete Structures, 30 June 1995
 - EM 1110-2-2007, Structural Design of Concrete-Lined Flood Control Channels, 30 April 1995
 - EM 1110-2-2100, Stability Analysis of Concrete Structures, 1 December 2005
 - EM 1110-2-2104, Strength Design for Reinforced-Concrete Hydraulic Structures, 20 August 2003
 - EM 1110-2-2502, Retaining and Flood Walls, 29 September 1989
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- EM 1110-2-2504, Sheet Pile Walls, 31 March 1994
- EM 1110-2-2902, Conduits, Culverts, and Pipes, 31 March 1998
- Engineer Circular (EC) 1110-2-6066, Design of I-Walls, 1 April 2011
- EC 1165-2-214 Civil Works Review, 15 December 2012
- EC 1165-2-216, Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers CW Projects Pursuant to 33 USC 408, 31 July 2014
- Engineer Regulation (ER) 500-1-1, Civil Emergency Management Program, 30 September 2001
- ER 1105-2-101 Risk Analysis for Flood Damage Reduction Studies
- ER 1110-1-1807, Drilling in Earth Embankment Dams and Levees, 31 December 2014
- ER 1110-2-1806, Earthquake Design and Evaluation of Civil Works Projects, 31 July 1995
- ER 1110-2-1942, Inspection, Monitoring, and Maintenance of Relief Wells, 29 February 1988
- ER 1130-2-520, Navigation and Dredging Operations and Maintenance Policies, 29 November 1996
- ER 1105-2-101, Risk Analysis for Flood Damage Reduction Studies, 3 January 2006
- Engineer Technical Letter (ETL) 1110-2-583, Engineering and Design: Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures, 30 April 2014
- ETL 1110-2-575, Evaluation of I-Walls, 1 September 2011
- Engineer Pamphlet (EP) 1130-2-520, Navigation and Dredging Operations and Maintenance Guidance and Procedures, 29 November 1996
- U.S. Army Corps of Engineers, Policy for Development and Implementation of System-Wide Improvement Frameworks (SWIFs), CECW-HS memorandum, 29 November 2011

2. Review Requirements

a. Levels of Review Required

The review of all low-impact Section 408 submittals will be in accordance with the guidelines established within this RP. As explained below, reviews will include Quality Control (by the Requester) and, in accordance with Paragraph 7.c.(4) in EC 1165-2-216, District-led ATR.

b. Quality Control (QC)

Quality Control (QC) of the proposed design and its implementation is the responsibility of the Requester. All submitted documents (including supporting data, analyses, environmental compliance documents, etc.) shall undergo QC. Quality Control is an internal review process of basic science and engineering work products focused on fulfilling the project quality requirements. Basic quality control tools include seamless review, quality checks and reviews, supervisory reviews, Project Delivery Team (PDT) reviews, etc. Documentation of QC performed by the Requester should be included in all submittals.

c. District-led Agency Technical Review (ATR)

- (1) Purpose: The purpose of the District-led ATR will be to make the following determinations (as described in EC 1165-2-216, Paragraph 7.c.(4)).
- a) Impair the Usefulness of the Project Determination. The objective of this determination is to ensure that the proposed alteration would not limit the ability of the project to function as authorized and would not compromise any authorized project conditions, purposes or outputs.
 - b) Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. The decision whether to approve an alteration will be determined by considering whether benefits are commensurate with risks.
 - c) Legal and Policy Compliance Determination. A determination will be made as to whether the proposed alteration meets all legal and policy requirements. District Office of Counsel concurrence is required.
- (2) District-led ATR Team: The District-led ATR Team is comprised of reviewers with the appropriate independence and expertise to conduct a comprehensive review in a manner commensurate to the proposed alterations. As identified by the Section 408 Review Coordinator for a given alteration request, the District-led ATR Team with the ATR Team Lead will contain members possessing the required subject matter expertise for each needed discipline. District subject matter experts may be supplemented by staff from Communities of Practice, Centers of Expertise or other Districts as necessary. Descriptions of the roles of District-led ATR Team member are provided below.
- a) ***District Section 408 Coordinator***

The District Section 408 Coordinator is the primary point of contact concerning a Section 408 project alteration request. The Section 408 Coordinator will identify the District-led ATR Team members and Leader required to perform the technical

evaluation of the project alteration request. When appropriate the Section 408 Coordinator will prepare preliminary responses to the Requester and the non-Federal Sponsor. The Section 408 Coordinator will ensure documentation of the alteration is received from the Requester and is complete. The Section 408 Coordinator will participate in meetings and discussions regarding the status of each request and oversee preparation of the response letter for the District Commander's signature.

The Section 408 Coordinator will coordinate a timely review and District response. If no funding is available, the Section 408 Coordinator will identify the lack of funding issue to the District Management for guidance and resolution. Cataloging and annual tracking of all Section 408 requests will also be the responsibility of the Section 408 Coordinator.

b) ***District-led ATR Team Lead***

The District-led ATR Team Lead may also serve as a specific discipline's reviewer. The District-led ATR Team Lead is designated by the District Section 408 Coordinator with the concurrence and agreement of Office Chiefs/District Management. The ATR Team Lead is an individual with the appropriate expertise described in EC 1165-2-216, and sufficient skills and experience to lead the team and evaluate the procedures and required information for the specific proposed alteration. This individual will possess a minimum of five years civil works experience and experience in civil works design and construction. The ATR Team Lead will coordinate with the District Section 408 Coordinator to identify needed expertise of reviewers and make contact with each member of the District-led ATR Team, once assigned, to schedule the review. With input from the District-led ATR Team, the District-led ATR Team Lead will prepare a Summary of Findings (SOF) that list the team members and documents the team's recommendation to approve or disapprove the proposed project alteration.

c) ***Technical Reviewers***

Each Technical Reviewer is responsible for technical evaluation of the project alteration request for their discipline in accordance with current Corps criteria. Section/Office Chiefs will assign Technical Reviewers based on the scope of the alteration request and their ability/expertise in assessing the impacts of the proposed alteration and assisting the District with its determinations set forth in Paragraph 7.c.(4)(b) of EC 1165-2-216. The District Section 408 Coordinator and District-led ATR Team Lead will jointly determine which areas of expertise

are necessary to review each alteration. Possible areas of expertise include, but are not limited to:

- Engineering Technical Disciplines: Geotechnical, Hydrologic and Hydraulic, Structural, Electrical, Civil, and Mechanical
- Levee Safety and Dam Safety
- Real Estate
- Environmental (NEPA coordination)
- Regulatory
- Operations
- Legal
- Flood Risk Management (expertise related to EO 11988 compliance)
- Planning (expertise related to the public interest determination)
- Other specific subject matter experts based on the type of Corps project involved, such as dam safety, levee safety, hydropower, and/or navigation.

Section 408 request/reviews will be coordinated with Operations, Regulatory, and Real Estate as needed even if those disciplines are not an active part of the District-led ATR Team. Their agreement with SOF will be documented.

d) **Section/Office Chiefs**

The Section/Office Chief is responsible for assigning a qualified Technical Reviewer.

3. Procedures for Low-Impact Alterations

a. Review

Proposed alteration submittal packages may be submitted by a civil works project sponsor, their agent, or a third party. For USACE projects with a non-federal sponsor, the requester must either be the non-federal sponsor or the non-federal sponsor shall provide a letter of no objection. Alteration proposals should be submitted in an electronic format. A hard copy is recommended but not required. The proposal must include all applicable documentation outlined in EC 1165-2-216. The Section 408 Coordinator will be the responsible party for tracking and coordinating the District-led ATR. The District-led ATR shall be documented. Use of ProjNet/DrChecks is preferred. Each review comment will address the following key parts.

- 1) The review concern(s) – identify any deficiency or incorrect application of policy, guidance, or procedures.
- 2) The basis for the concern(s) – cite the appropriate law, policy, guidance, or procedure that has not been properly followed.
- 3) The significance of the concern(s) – indicate the importance of the concern with regard to its potential impact on the District’s ability to make a decision as to whether to approve or deny the Section 408 request.
- 4) The probable/suggested specific action needed to resolve the concern(s) – to the extent practicable, identify the action(s) that the Requester might take to resolve the concern.

In some situations, especially when addressing incomplete or unclear information, comments may seek clarification in order to then assess whether further specific concerns may exist. If determined to be appropriate in accordance with “best practices,” the District led ATR documentation should include the text of each ATR concern, a brief summary of the pertinent points in any discussion, including any vertical coordination, and the agreed upon resolution. All of these requests will be coordinated through the Section 408 Coordinator.

Corps permission to alter a Federally authorized civil works project is a Federal decision subject to compliance with the National Environmental Policy Act (NEPA) prior to rendering a Federal decision. Each proposed alteration requires a case-by-case determination by the District-led ATR Team. The environmental resource specialist will determine the required NEPA analysis. The District-led ATR Team shall evaluate the proposed alteration’s potential impacts on the environment, public health and life safety, and the authorized project purpose relative to the original project authorization and any subsequent NEPA documents. Based on the evaluation, the District-led ATR Team shall determine if a new Environmental Assessment (EA) or a supplement to the existing NEPA documentation is needed and the proper extent of public involvement required to comply with NEPA and other environmental laws and regulations prior to deciding to grant the Requester permission to alter a Federally authorized civil works project.

When the Section 408 review is complete, the Section 408 Coordinator will ensure all documentation related to the Section 408 request (e.g. request letter, Plans & Specifications, District–led ATR results, comment/resolution document, SOF, notification letters, as-built drawings) have been added to the project file.

The District-led ATR is complete when the District-led ATR team has determined whether the proposed alteration will be injurious to the public, will impair the usefulness

of the project, and is in conflict with any known laws and/or policies. The District-led ATR Team will recommend approval or denial based on its determination. If District leadership is not in agreement with the ATR team's recommendation, the District shall consult with Division, by means of the RMO representative, and, if needed, the HQUSACE in accordance with EC 1165-2-216, paragraph 9., Vertical Teaming.

The Section 408 Coordinator and the District-led ATR Team Lead, will prepare letters to the Requester, in accordance with EC 1165-2-216, for the District Commander's (or designee's) signature. A District-led ATR certification (see Attachment 1) and the SOF will also be attached.

District Counsel will review the District's recommendation and documentation. District Counsel concurrence that the proposal meets all legal and policy requirements is required before the package is routed for the final determination of the District Commander, or his/her designee in accordance with the applicable Office of the Assistant Secretary of the Army (Civil Works) delegation memo, to approve or deny the request. A letter will be sent to the non-Federal sponsor (if applicable) and/or the Requester stating the District's final determination.

b. Follow-on Coordination/Review

It will be the Section 408 Coordinator's responsibility to follow up with the Requester after a letter of permission has been issued. He will coordinate with the appropriate Corps staff to make sure field monitoring takes place during construction or, at a minimum, during routine civil works inspections. In addition, the District Section 408 Coordinator will ensure that all as-built drawings are submitted and filed appropriately and that any required updates to the O&M Manual are completed. If at any time it is observed that a Requester has constructed an unapproved alteration or is constructing an approved alteration that is not in conformance with their District letter of permission, a cease and desist letter will be issued by the District to the Requester. The letter will be signed by the District Commander and will inform the requestor that they are in violation of the 33 USC 408. The District will examine any unauthorized alteration for impacts to the integrity of the civil works project and will use all legal means necessary to remedy the situation.

c. Public Comment

To ensure that the peer review approach is available to the wide array of stakeholders and customers, both within and outside the Federal Government, this RP will be published on the District's public internet site at

<http://www.saw.usace.army.mil/Library/Review-Plans/> following approval by SAD. There will not be a formal comment period and there is no set timeframe for the opportunity for public comment on the contents of this Review Plan. If and when comments are received, the District should inform the Division Section 408 coordinator.

d. Review Schedule

Review schedules are commensurate with the scale and complexity of the review. Review times are dependent on the completeness of the information provided by the Requester and the availability of District (or other) resources (including available funding) to complete the review. Once a Section 408 request is deemed complete, the Section 408 Coordinator working with the District-led ATR Team, will develop the review schedule and communicate that schedule to the Requester.

e. Review Cost

In accordance with Paragraph 8 of EC 1165-2-216, applicable project-specific appropriated funds in investigations, construction, operations and maintenance, or flood control, may be used for Section 408 reviews that are specific to the applicable project. Depending on the specifics of each request, the reviews will potentially be funded from one of the following funding sources (as described in Paragraph 8 of EC 1165-2-216):

- (1) HQUSACE funds from the O&M Remaining Items (OMRI) account for evaluation of Section 208 requests
- (2) O&M funds from the project proposed to be modified
- (3) District funds for Inspection of Completed Works (ICW) - (for levees, channel, and dams)
- (4) HQUSACE funds from the Levee Safety Program - (for levees, channel, and dams where life safety issues exist)
- (5) District funds for Project Condition Surveys - (for navigation projects)
- (6) HQUSACE funds for coordination on Federal Energy Regulatory Commission activities - (for non-Federal hydropower projects)
- (7) Funds from the requester through an agreement under the authority of Section 214 of Water Resources Development Act (WRDA) 2000
- (8) Funds provided by a State Department of Transportation under the authority of Section 6002(j) of P.L. 109-59 - (for Federal transportation projects)
- (9) Funds from the Requester through an agreement under the authority of Section 204(b) of WRDA 1986 - (for navigation projects)

4. Review Plan Points of Contact

Title	Organization	Phone
District Section 408 Coordinator	CESAW-ECP-PE	(910) 251-4747
Planning and Environmental Branch	CESAW-ECP-P	(910) 251-4505
Dam and Levee Safety Program Manager	CESAW-ECP-EG	(910) 251-4742
Chief, Engineering Division Dam and Levee Safety Officer	CESAW-ECP-E	(910) 251-4767

ATTACHMENT 1

COMPLETION OF SECTION 408 DISTRICT-LED AGENCY TECHNICAL REVIEW

The District-led Agency Technical Review (ATR) has been completed for the <short description of proposed alteration> for <project name and location>. The District-led ATR was conducted as defined in the Procedural Review Plan to comply with the requirements of EC 1165-2-216. During the District-led ATR, compliance with established policy principles and procedures and legal requirements was verified. This included the determination whether the proposed alteration would impair the usefulness of the Federal project or was injurious to the public interest.

SIGNATURE

Name

District-led ATR Team Leader

Office Symbol

Date

SIGNATURE

Name

District Section 408 Coordinator

Office Symbol

Date

SIGNATURE

(Add any additional signatures as appropriate)

Title

Office Symbol

Date

CERTIFICATION OF AGENCY TECHNICAL REVIEW

Significant concerns and the explanation of the resolution are as follows:

[Describe the major technical concerns and their resolution and specifically list any agreed-upon deferrals to be completed in the next phase of work.]

As noted above, all concerns resulting from the District-led ATR of the proposed alteration have been fully resolved.

Chief, EN Division

Date

ATTACHMENT 2

Documentation of Determination to use District's Procedural Review Plan for Section 408 Low-Impact Alteration Requests Form

The District Chief of Engineering has determined that the *(insert the name of the proposed alteration)* does not pose or result in a significant threat to human life and has no substantial life safety impacts to Dam or Levee Safety.

Chief, EN Division

Date

This proposed alteration has been assessed and determined to be a low-impact alteration. It is similar in nature to other alterations on this or other Wilmington District Projects, routine, and expected to result in a low impact to this Project. It is small in size, not complex, and has only minor and/or temporary impacts to the Corps civil works project. Based on this assessment and the above determination by the District Chief of Engineering, the District's Procedural Review Plan for Low-Impact Alteration Requests will be used on this alteration.

The District Staff members involved in this determination that this alteration is a low-impact alteration are:

1	
2	
3	
4	
5	

SIGNATURE

Name

District Section 408 Coordinator

Office Symbol

Date

NOTE: Completed form should be appropriately filed according to District policy.



ATTACHMENT 3

District Procedural Review Plan Revisions

Non-significant revisions to the District's Procedural Review Plan since the last approval by the Division Commander shall be recorded in the table, below. Significant changes (such as changes to the scope and/or level of review) must be re-endorsed by the RMC and re-approved by the Division Commander via a revised/updated Review Plan.

Description of Revision	Section of the Review Plan	Date of Revision

