

DEPARTMENT OF TRANSPORTATION STATE OF GEORGIA

INTERDEPARTMENT CORRESPONDENCE

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FROM 
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TO Program Delivery, IPD, TIA, Engineering, Operations, Construction, and Field Districts

SUBJECT USACE Section 408

This is to communicate interim GDOT procedures for coordinating with the US Army Corps of Engineers (USACE) to obtain Section 408 determination.

On July 31, 2014, the USACE issued [guidance](#)¹ explaining how the Corps will process requests by private, public, tribal, or other federal entities, to make alterations to, or temporary or permanently occupy, any USACE land or real property interests. Section 408 authorizes the Secretary of the Army to grant permission for the alteration or occupation of the USACE land or real property if it is determined that the activity will not be injurious to the public interest and will not impair the usefulness of the civil infrastructure type (i.e. dams, hydropower, levee systems, channels, sea wall, bulkhead, jetty, dike, wharf pier, and navigation).

A key principle in the USACE guidance is that a decision on a 404 Permit will not be rendered prior to the decision on the Section 408 request. Therefore, the following interim GDOT procedures are implemented immediately to properly plan and coordinate Section 408 determinations with the USACE.

1. A determination of potential impacts to USACE property should be made in the conceptual phase of project development. The Concept Report Template will be updated to include a decision on potential impacts to USACE property. Project Managers and Design Phase Leaders should review projects already in plan development to make this assessment.
2. If potential impact is identified, the Project Manager should contact the State Design Policy Engineer to assess the potential impact and determine if further coordination is needed.
3. If coordination with USACE is needed, the State Design Policy Engineer will make contact with the USACE District Section 408 Coordinator to schedule the "pre-coordination meeting". One outcome of the meeting will be a decision regarding further coordination which may be either none, Real Estate Outgrant, Minor 408, or Major 408.
4. Further coordination may require the services of a professional engineering firm to prepare technical studies and documentation required to obtain 408 approvals from the USACE.

The key players at GDOT include the Project Manager, Design Phase Leader, Office of Design Policy/Roadway Hydraulics Group, and the NEPA Section Chief. Supporting roles may involve the Office of Bridge Design/Hydraulics Group, Office of Materials and Testing/Geotechnical, and the Office of Right-of-Way.

Further guidance will be provided at a later date. If you have any questions contact the State Design Policy Engineer, Brent Story, at (404) 631-1600.

GSB:BAS

cc: Commissioner McMurry, Todd Long, Meg Pirkle, ACEC Georgia, GHCA, GMA, ACCG, R.O.A.D.S. webpage

¹ POLICY AND PROCEDURAL GUIDANCE FOR PROCESSING REQUESTS TO ALTER US ARMY CORPS OF ENGINEERS CIVIL WORKS PROJECTS PURSUANT TO 33 USC 408: http://www.publications.usace.army.mil/Portals/76/Publications/EngineerCirculars/EC_1165-2-216.pdf