

APPLICANT GUIDE



Section 408 Pre-App

In order to construct any project within the boundary of the federal levee right-of-way, an applicant must obtain authorization pursuant to Section 14 of the Rivers and Harbors Act of 1899 and codified in 33 USC 408 (commonly referred to as "Section 408"). Section 408 authorizes the U.S. Army Corps of Engineers (USACE) to grant such permission if the proposed project does not pose a risk to the public interest and will not impair the usefulness of the federally authorized project.

What is the Diking District?

Consolidated Diking Improvement District No. 1 (CDID#1) maintains a system of levees to protect Longview and west Kelso from flooding. The CDID#1 levee extends from west Longview along the Columbia River to the confluence of the Cowlitz River, and north up the Cowlitz River past the Cowlitz Way bridge. The CDID#1 levee is part of the larger Columbia River levee system and is a federal civil works project under the jurisdiction of the USACE.

How do I get started?

CDID#1 will coordinate the federal review process with the USACE Portland District Regulatory Office for you. To get started, you need to contact CDID#1 to request an Alteration Determination. If the work is determined to alter or impact the federal project, a Section 408 review will be required. The USACE will not initiate a Section 408 review until CDID#1 has reviewed the project and issued a Statement of No Objection Letter. Permit applications can be submitted to CDID#1 via email or walked into our main office. The amount of information you must provide will depend on the scope and complexity of your project.

Who can I call for help?

Amy Blain, Diking Engineer
360.423.2493
amy.blain@cdid1.org
CDID#1 Main Office location
5350 Pacific Way, Longview WA 98632

THINGS WE NEED TO KNOW ABOUT YOU.....

- ☐ Name (first, last)
- ☐ Mailing Address
- ☐ Phone number including area code
- ☐ Email address
- ☐ Applicant type (consultant, state, county, city, port, district, citizen, other)
- ☐ Applicant representative (self, name or firm, government office)



THINGS WE NEED TO KNOW ABOUT YOUR PROJECT....

- ☐ Physical location of proposed work (street, city, zip code)
- ☐ Latitude in decimal degrees (eg., 46.1805)
- ☐ Longitude in decimal degrees (eg., -123.014675)
- ☐ Google Maps link (provide URL link to Google Maps pin drop location)
- ☐ Describe the proposed project in as much detail as possible
- ☐ Is the proposed project located in the levee right-of-way? ☐ Yes ☐ No
- ☐ Have you contacted the diking district about your project? ☐ Yes ☐ No
- ☐ Have you contacted the Portland District Regulatory Office? ☐ Yes ☐ No
- ☐ If Yes, who is the Regulatory Project Manager?
- ☐ Current land ownership
- ☐ Section / Township / Range
- ☐ Work type (indicate one: new construction, maintenance, installation, dredging, mining, environmental or other)
- ☐ If Other work type, explain.
- ☐ Include attachments (see Applicant Guide for drawing submittals)

How long does it take to get a permit?



Once an application is submitted, the USACE has 30 days to determine whether it is complete. If incomplete, the clock starts over. Most projects will fall under a "Small 408" and USACE has 90 days from the time they receive a **complete** package to complete the 408 review and issue a decision. Large projects can take 1-3 years.

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What is the review process?

Step 1: Alteration Determination

Step 2: Small 408 review (most common)

Examples include: fencing, road or utility crossing, soil borings, monitoring wells

Step 3: Large 408 review (if needed)

Examples include: levee breaching, channel dredging, levee raise or cut, beach armoring

How much does it cost?

There are no fees for 408 permits but the USACE offer two options for applicants who want to pay to expedite the review process.

- 1 Section 214 agreements require a public purpose determination and are available to a non-federal entity or natural gas company.
- 2 1156 agreements are much shorter and available to anyone without public notice.

These "pay to play" options move an applicant to the front of the line.

What comes next?

If the USACE decides your project will not alter or impair the federal levee, they will issue a decision memo stating that no additional 408 review is needed. You will still need a CDID#1 encroachment permit before starting work.

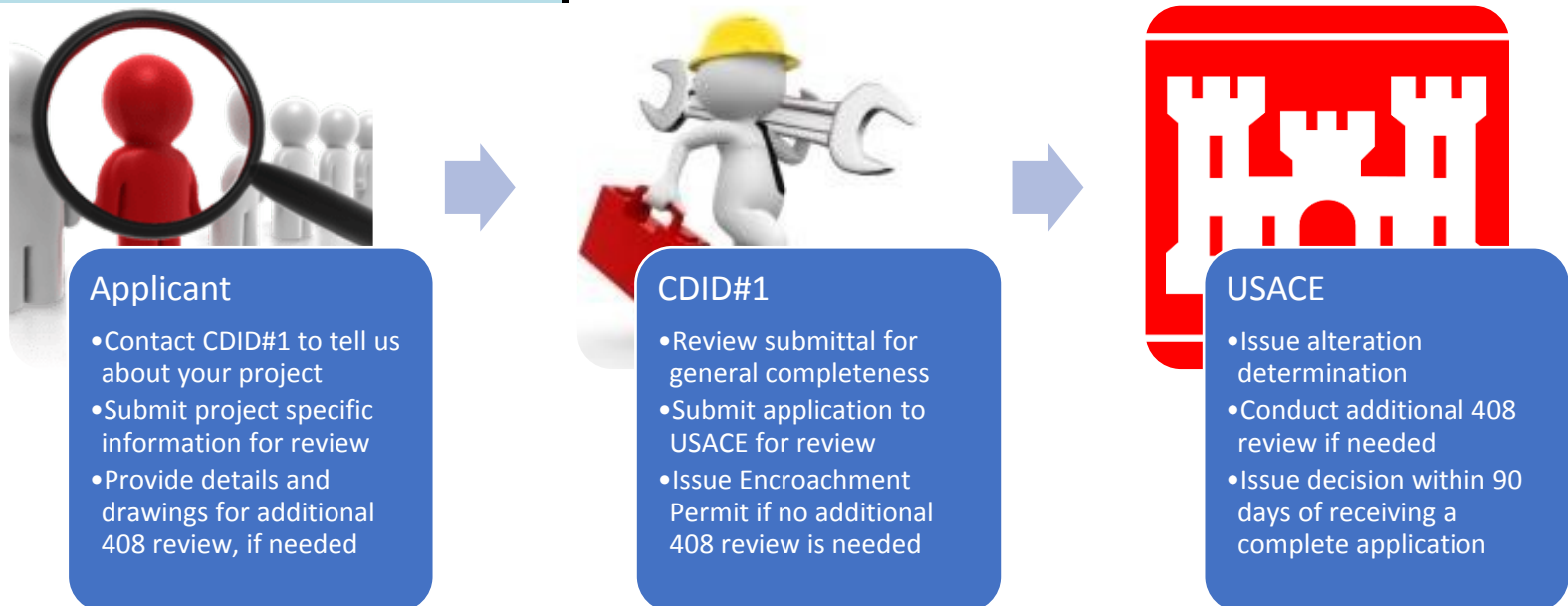
If the USACE decides your project will alter or impair the levee, additional 408 review will be required. A coordination meeting will be scheduled to discuss project specifics, outstanding details and next steps. The USACE will not begin additional 408 review until they get a Statement of No Objection from CDID#1.

If your project is complex enough to trigger an Environmental Assessment or Environmental Impact Statement, a "Large 408" review will required.

Do I need any other permits?

Yes; CDID#1 will require an Encroachment Permit. Other local, state and federal permits may also be needed depending on location and type of work.

- CDID#1 Encroachment permit (no fee)
- Local building and planning permits
- Local and State Right of Way permits
- Stormwater and grading permits
- Mechanical/Electrical/Plumbing permits
- Section 10 permits (in-water work and dredging)
- Section 401 permit (discharge of pollutants)
- Section 404 permit (in-water disposal of dredged material)



Where can I find additional information?

The procedure for reviewing Section 408 requests is contained in USACE Engineering Circular 1165-2-220, 10 September 2018.

Download at https://www.publications.usace.army.mil/Portals/76/Publications/EngineerCirculars/EC_1165-2-220.pdf