

(1) This EC must be applied to alterations proposed within the real property identified and acquired for the USACE project, with exceptions further described in this section. An activity affecting a USACE project not yet constructed or under construction is considered to be an alteration, occupation, or use of a USACE project requiring permission under Section 408 if the activity will occur on real property that the Federal Government has acquired for the USACE project or that the non-federal sponsor has provided for the USACE project under the terms of a Project Partnership Agreement (PPA).

(2) This EC must be applied to alterations proposed to submerged lands occupied or used by a USACE project.

(3) At the USACE district office's discretion, this EC may be applied to alterations to submerged lands proposed in the vicinity of a USACE project that occur in an area subject to the navigation servitude, when it is determined that the alterations have the potential to impair the usefulness of the USACE project. Navigation servitude is defined as the dominant right of the Government under the Commerce Clause of the U.S. Constitution (U.S. Const. art. I, sec. 8, cl. 3) to use, control, and regulate the navigable waters of the United States and the submerged lands thereunder for various commerce-related purposes, including navigation and flood control. In tidal areas, the servitude extends to all lands below the mean high water mark. In non-tidal areas, the servitude extends to all lands within the beds and banks of a navigable stream that lie below the ordinary high water mark.

(4) This EC should not be applied to proposed alterations occurring outside of the areas specified in paragraphs 9.a.(1) to 9.a.(3). If there is a case in which a proposed alteration occurring outside of the areas specified could impair the usefulness of a USACE project, such cases should be coordinated vertically through the appropriate Regional Integration Team (RIT) to determine the course of action.

b. Emergency alterations or emergency activities performed by USACE on USACE projects pursuant to Public Law (PL) 84-99, reference A.29, do not require Section 408 permission. Alterations by others that are considered an emergency and/or urgent, which may include interim risk reduction measures, but not implemented pursuant to PL 84-99, may require Section 408 permission and this EC would apply. Districts will consider if the alteration meets other criteria defined under this paragraph 9. If this EC applies, districts can reprioritize and expedite reviews as appropriate given the urgency required for each specific situation. Reference Appendix D on expediting environmental compliance in emergency situations.

c. Non-federal Sponsor Maintenance and Repair Activities. Maintenance and repair activities conducted by non-federal sponsors on the USACE project for which they have operation and maintenance responsibilities do not require Section 408 permission, but may require coordination or concurrence from the USACE district, as further specified below.

(1) Operations and Maintenance (O&M) activities, including any floodfighting and/or other emergency activities, specified in a USACE issued O&M manual do not require Section 408 permission.

(2) Activities to restore the USACE project to the physical dimensions and design of the constructed project, without any changes to the real property, existing design features, or physical dimensions or performance of the USACE project do not require Section 408 permission. USACE districts may at any time require the non-federal sponsor to coordinate with the district to verify the design or construction approach of such activities based on scope and scale. USACE districts should proactively coordinate with the non-federal sponsor to identify, if any, the types of activities that may need this verification.

(3) Geotechnical exploration drilling by the non-federal sponsor associated with activities described in paragraphs 9.c.(1) and (2) does not require Section 408 permission. However, drilling in embankment dams and levees must comply with requirements in reference A.31, including a drilling plan. Districts will coordinate with non-federal sponsors to develop the drilling plan.

d. Improvements, excavations, construction, or changes to local flood protection works referenced in 33 CFR 208.10(a)(4) and (5) do not negate nor replace the requirement for approval from USACE under Section 408 as specified for such activities in this EC.

e. When a proposed alteration will be carried out entirely within the boundaries of real property of the United States or reservoirs managed by USACE, a separate evaluation under the procedures in this EC is not required, so long as the alteration is either consistent with an approved project master plan developed in accordance to references A.34 and A.39, or subject to a Report and Determination of Availability in accordance with chapter 8 of reference A.28. In such cases, the project master planning process or the procedure for preparing the Report and Determination of Availability satisfies the requirements for Section 408 for the proposed alteration. No separate Section 408 permission is required to support issuance of the associated shoreline use permit, outgrant, or consent. Note, in these instances, Regulatory can render a permit decision before USACE issues the shoreline use permits, outgrants or consents, as long as Regulatory has received the Determination of Availability or confirmation of consistency with the approved project master plan, whichever is applicable to the proposed alteration.

(1) When a federal agency other than USACE is responsible for issuing the permit or outgrant authorizing a proposed alteration that will be carried out within the boundaries of real property of the United States or reservoirs managed by the USACE (e.g., pipeline rights-of-way issued by the Bureau of Land Management under 30 USC 185, or hydropower licenses issued by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act), a separate Section 408 permission is not required if USACE provides the other federal agency with a Report and Determination of Availability or confirmation of consistency with the approved project master plan prior to the other federal agency's issuance of the permit or outgrant. In cases where a Report or Determination of Availability is not required by chapter 8 of reference A.28, and the proposed alteration has not been evaluated during the project master planning process, a Section 408 permission is required prior and in addition to, the permit or outgrant issued by the other federal agency. In all cases, USACE will advise the other agency of any special conditions that must be incorporated into the permit or outgrant issued by the other federal agency.

(2) If a proposed alteration requires use of both real property of the United States and real property owned by private entities or non-federal sponsors, then the processes in this EC will apply. In these cases, USACE will incorporate the decisions associated with the USACE required shoreline use permit, outgrant, or consent as part of the comprehensive Section 408 evaluation and decision.

(3) In cases in which a USACE real estate decision and Section 408 decision are both needed, the district will conduct these evaluations in a coordinated and concurrent manner to the maximum extent practicable. Although reviews for both Section 408 and the real estate decisions can be conducted concurrently, final decision-making requires that the Section 408 decision be rendered before or concurrent with, but not after, the USACE real estate decisions. Implementing regulations and policies for the real estate decisions require the evaluation of proposed activities and their compatibility with the purposes of a federal project. The Section 408 decision informs this element of the evaluation for shoreline use permits, outgrants, and consents. The required shoreline use permit, outgrant, or consent must still be issued before the alteration can be carried out on real property of the United States.

(4) Fees for administrative processing of outgrants issued by USACE will be determined by applicable regulations and policy promulgated under the authority of 10 USC 2695 and 30 USC 185(l). Evaluation of a USACE project alteration requiring the issuance of a permit or outgrant by another federal agency will be funded using Operation and Maintenance funds provided for the USACE project or appropriate funding associated for coordination for non-federal hydropower development, if applicable. If a Section 408 permission is required refer to paragraph 7.f. for funding related to Section 408 reviews.

f. Non-Federal Construction of a Water Resources Development Project.

(1) Section 204 of WRDA 1986, as amended, authorizes non-federal interests to undertake construction of certain water resources development projects, or separable elements, with potential credit or reimbursement of the federal share of that construction, subject to several requirements, including obtaining all necessary permits. If the proposed work under Section 204 would alter an existing USACE project, then the non-federal interest must obtain Section 408 permission in accordance with this EC, unless the proposed work has been authorized for construction by Congress, or the USACE real estate policies and process applies (reference paragraph 9.e). Further guidance on Section 204 of WRDA 1986 is included in reference A.38.

(2) If a Section 408 permission is needed to implement work under Section 204, conducted in accordance with a feasibility study, the procedures and process in reference A.38 will be followed in lieu of the review and decision process in this EC, and the district report that is required for approval for construction will also serve as the documentation and basis for the Section 408 permission decision. The Section 204 report will specifically address any impacts to the usefulness of the existing USACE project and the public interest.

(3) Districts should ensure that, to the maximum extent practicable, information from the feasibility study, including technical analyses, NEPA documentation, National Historic Preservation Act (NHPA) documentation, and other environmental and cultural resources

compliance is used for the Section 204 report. Districts must determine whether physical or environmental circumstances have changed since the feasibility study was completed, and supplement those analyses if necessary.

(4) If the Section 204 report is approved by the Assistant Secretary of the Army for Civil Works (ASA(CW)), this approval will also constitute approval of the Section 408 permission. The District Commander will document that the Section 408 permission is granted and reference the Section 204 report approval.

(5) For alterations for which the non-federal interest is seeking federal assumption of maintenance in accordance with Section 204(f) of WRDA 1986, as amended, Section 408 permission will be required unless the modification to the USACE navigation project has already been specifically authorized by Congress. In order to avoid duplication of documentation for these two authorities, districts should ensure that requirements for both are coordinated and leveraged to the maximum extent practicable. Reference A.38 for the approval process and requirements for a Section 204(f) request. In general, the Section 204(f) report will not be submitted to the ASA(CW) for approval unless and until the Section 408 permission and any Section 10/404/103 permits have been approved.

g. In-kind Contribution Credit under Section 221 of the Flood Control Act of 1970, as amended (Section 221). There may be cases in which a non-federal sponsor wishes to undertake alterations to an existing USACE project for which there is an ongoing USACE feasibility study and the non-federal sponsor seeks credit eligibility for those alterations toward its cost share for the USACE project that is not yet authorized for construction (under Section 221 of the Flood Control Act of 1970). In such cases, any proposed alteration for which the non-federal sponsor is seeking credit cannot be initiated until the draft feasibility report is released for public review, an in-kind memorandum of understanding (MOU) for the work is executed, and Section 408 permission is issued.

(1) In those cases where a non-federal sponsor is undertaking work as an in-kind contribution on an authorized USACE project pursuant to an executed project partnership agreement that provides credit for such work, Section 408 permission is not required.

(2) Detailed guidance on crediting can be found in reference A.36.

h. Actions conducted pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The portions of any removal or remedial action conducted entirely onsite (as that term is used in CERCLA) in a manner consistent with CERCLA and the National Contingency Plan (40 CFR Part 300) are not subject to the procedural requirements in this EC. USACE will work with the United States Environmental Protection Agency (EPA) or other federal agency undertaking or overseeing the CERCLA response during the investigation and during the process of developing the removal or remedial action to ensure that the remedy implemented does not impair the usefulness of the USACE project and is not injurious to the public interest.

10. Options for Seeking Section 408 Permission. Early coordination between USACE, the

requester, and/or non-federal sponsor, if applicable, is recommended in order to determine the optimal option below. All information must be submitted in writing to USACE.

a. **Categorical Permission.** The district, division, and/or HQUSACE have the ability to create a “categorical permission” in order to expedite and streamline the review and decisions of Section 408 requests that are similar in nature and that have similar impacts to the USACE project and environment. An assessment of impacts to the usefulness of the USACE project, environmental compliance, and a public interest determination is conducted ahead of time for a common category of activities. For those individual Section 408 requests that are consistent with the terms and conditions of an established categorical permission, the Section 408 request can be granted with a simplified validation process. See Appendix C for details.

b. **Single-Phased Review.** Requesters may submit all information for a complete Section 408 request for review and decision at one time. A Section 408 request is considered complete when all of the basic requirements (reference paragraph 11) deemed necessary by the district has been received by USACE; a final Section 408 decision can be made; and will result in a fully functional element once construction is complete.

c. **Multi-Phased Review.** This option provides a formalized process for requesters to pursue Section 408 permission in milestones. In other words, there is a proposed alteration in which interim reviews are conducted as the level of detail of the information is progressively developed. However, the multi-phased review approach cannot be used to piecemeal the evaluation of effects of the proposed alteration. Assessing effects to the environment, public interest, and the USACE project must consider the proposed alteration as a whole. This approach will require the district, the requester, and non-federal sponsor, if applicable, to establish pre-determined milestones at which the requester will submit varying information to the district. The district will review the information at each milestone to identify any concerns. Based on the information provided at each milestone, the district will provide a written response providing feedback and a determination as to whether or not the requester can proceed to the next milestone. This approval to the next milestone means that USACE has not identified any critical items that would preclude the eventual approval of the Section 408 based on the information reviewed, but does not guarantee an approval of the final Section 408 request. Information submitted for a specific milestone is not required to meet all of the basic requirements for a complete Section 408 request; however, information for each milestone will be cumulative and result in a complete Section 408 request with the information submitted for the final milestone. The following are additional considerations for this multi-phased review approach:

(1) Submittal for the initial milestone must contain enough information at a conceptual or master plan level for USACE to understand the scope and scale of the complete Section 408 alteration. The initial submittal must also have the Statement of No Objection, if one is required, reference paragraph 11.a.

(2) For the multi-phased review approach, the district must develop an alteration-specific review plan for the complete alteration, reference paragraph 12.c., and are encouraged to initiate development of the review plan, as soon as possible, including determining if a Safety Assurance

Review (SAR) is required. Milestones will be managed, monitored, and adapted, if necessary, in the district review plan. If a SAR is required, there may be additional review milestones required for design and construction activities.

d. If there is a situation that involves a long-term or large-scale plan, such as a watershed-based master plan, comprised of the construction of multiple alterations occurring over time, this case should be coordinated vertically through the appropriate RIT to the HQUSACE Section 408 proponent to determine the most efficient process to manage such a request.

11. Basic Requirements for a Complete Section 408 Request. All costs associated with information required for obtaining a Section 408 permission, constructing the alteration if approved, and complying with any conditions associated with the Section 408 permission is at 100 percent cost to the requester. This does not include costs for USACE to conduct the review of the request. Costs associated with USACE review is addressed paragraph 7.f. If submitting information for a categorical permission, reference the process in Appendix C. If the multi-phased review approach is used, then the information needed for a complete Section 408 request may be provided at different milestones for review. Because proposed alterations vary in size, level of complexity, and potential impacts, the procedures and required information to make such a determination are intended to be scalable. Requirements for data, analyses, and documentation may be subject to change as additional information about the Section 408 proposal is developed and reviewed. Determination for the required information for each Section 408 submittal is led by the district. Supplemental information specific to dams, levees, hydropower, and navigation can be found in the appendix appropriate to the type of infrastructure (Appendices E-G). Note, identification of whether or not the proposed alteration also requires Section 10/103/404 authorization should be done up front, and districts should encourage requesters to submit any required Section 10/103/404 request in a manner to facilitate concurrent and efficient reviews with the Section 408 permission request, to the maximum extent practicable. Basic requirements for a complete Section 408 request include the following:

a. Statement of No Objection. For USACE projects with a non-federal sponsor, a written "Statement of No Objection" from the non-federal sponsor is required if the requester is not the non-federal sponsor. Non-federal sponsors typically have operation and maintenance responsibilities; have a cost-share investment in the USACE project; and/or hold the real property for the USACE project. The purpose of the Statement of No Objection is to document that the non-federal sponsor is aware of the scope of the Section 408 request and does not object to the request being submitted to USACE to initiate the evaluation of the request. Districts must coordinate with non-federal sponsors throughout the review process and will ensure feedback from non-federal sponsors are considered prior to USACE rendering a final decision on the Section 408 request. Requesters can ask the USACE district office to facilitate coordination with, and obtain the Statement of No Objection from, the non-federal sponsor. If a Statement of No Objection cannot be obtained, the district will not proceed with the Section 408 review with the following exceptions:

(1) A Statement of No Objection is not required if the requester is the non-federal sponsor.

(2) A Statement of No Objection is not required when USACE has all operation and

maintenance responsibilities for the portion of the USACE project proposed to be altered.

(3) If a USACE project has multiple non-federal sponsors and potential impacts of the proposed alteration are limited to the location of the alteration, Statements of No Objection are required only from the non-federal sponsors associated with the locations with potential impacts. However, if the proposed alteration may impact the usefulness of the USACE project as a whole, Statements of No Objection must be obtained from all non-federal sponsors.

(4) A Statement of No Objection from the non-federal sponsor is not required if the requester can obtain the real property necessary to undertake the alteration through eminent domain without the consent of the non-federal sponsor, and the alteration will not be integral to the functioning of the USACE project. An alteration would be considered integral to the USACE project if the alteration must be complete, functional, and in-place in order for the USACE project to function and meet its authorized purpose. In cases in which the alteration is not considered integral to the USACE project, if the requester makes reasonable efforts, but is unable to obtain a Statement of No Objection from the non-federal sponsor, the requester may submit a Section 408 request with a written statement documenting the efforts to obtain a Statement of No Objection, and cite the authority and process through which the requester will have the sufficient authority to condemn all real property required for the alteration in the event the Section 408 request is approved by USACE. For these cases, USACE will independently seek input from the non-federal sponsor on the potential impacts of the proposed alteration relative to the non-federal sponsor's responsibilities, and will take that input into consideration in making the Section 408 decision. Within 30 days of notification by USACE, the non-federal sponsor must provide its input or may propose a timeline for providing feedback commensurate with the complexity of the proposed alteration. If the non-federal sponsor provides no response within 30 days of USACE's notification, USACE may proceed with the review of the alteration request without such input. Throughout the USACE review phase, USACE will continue to provide the non-federal sponsor opportunities to provide input on the Section 408 request up until and just before USACE renders a final decision. For these subsequent opportunities for input, districts can use judgment as to the appropriate time in which to provide non-federal sponsors to respond. Approval of the Section 408 under these circumstances does not negate the process the requester must follow in order to obtain the real property needed to construct the alteration, nor provides the requester with eminent domain authority.

(5) A Statement of No Objection is not required if, after a good faith effort, neither the requester nor USACE can locate the non-federal sponsor or the non-federal sponsor's successor. If a requester is able to secure the necessary real property to execute the alteration but cannot identify the non-federal sponsor or successor, the requester should document the measures taken to locate the non-federal sponsor or successor and request that USACE determine if there is a viable non-federal sponsor or successor. USACE should document their efforts and decision for the administrative record and notify the requester.

b. USACE Project and Alteration Description. Basic requirements for a complete Section 408 submittal include the identification of the USACE project and a complete description of the proposed alteration(s), including necessary drawings, sketches, maps, and plans.

c. Technical Analysis and Design.

(1) The requester is responsible for ensuring a proposed alteration meets current USACE design and construction standards. However, a requester is not required to bring those portions or features of the existing USACE project that are not impacted by the alteration up to current USACE design standards. The district will work closely with the requester to determine the applicable USACE standards to be applied and the specific level of detail necessary to be provided in order for USACE to make a decision for a particular alteration request. The district determination of the appropriate level of detail will be risk-informed and documented in the USACE review plan.

(2) Districts will inform the requester if a hydrologic and hydraulic system analysis is required. The purpose of a hydrologic and hydraulics system analysis is to determine the potential hydrologic and hydraulic changes of proposed alterations. Districts will determine if such an analysis is needed and, if so, the appropriate scope of analysis based on the complexity of the proposed alteration. See Appendix H for more details regarding the requirements of a hydrologic and hydraulics system analysis.

(3) For alterations involving professional design services, the requester will be required to submit a certification that the design underwent a quality control process.

(4) If the district determines a SAR is required, a SAR review plan must be developed by the requester and the requester will be required to cover the costs of the SAR. A SAR is required for design and construction activities where potential hazards pose a significant threat to life safety. Districts will work with requesters to coordinate the development of the SAR review plan. See paragraph 12.c.(4).

d. Environmental and Cultural Resources Compliance. A decision on a Section 408 request is a federal action subject to NEPA and other federal environmental and cultural resources compliance requirements, such as Section 7 of the Endangered Species Act (ESA), Section 106 of the National Historic Preservation Act (NHPA), essential fish habitat (EFH) consultation, Tribal consultation, etc. Government-to-government Tribal consultation is inherently a federal obligation and must be conducted in a meaningful, collaborative and effective communication process working toward mutual consensus, to the extent practicable and permitted by law, and begins at the earliest planning stages. Ensuring and conducting environmental and cultural resources compliance for a Section 408 request is the responsibility of USACE. However, the requester is responsible for providing all supporting information and documentation that the district identifies as necessary to assess compliance, such as species surveys, habitat assessments, and/or cultural resource surveys. Requesters may, but are not required to, draft the NEPA environmental assessment or fund a contractor to prepare an environmental impact statement for a Section 408 request consistent with 40 CFR 1506.5. However, the district must ensure that any NEPA documentation drafted by a requester or contractor is accurate and compliant with USACE and Council on Environmental Quality (CEQ) requirements prior to accepting it for use with the Section 408 request. A final Section 408 request cannot be rendered until the requester has provided all information necessary for the district to complete its assessment for environmental and cultural resources compliance. The district will work with the requester to

determine the requirements, which will be scaled to be commensurate with the degree of potential environmental effects of the activity within the scope of the Section 408 analysis. Environmental and cultural resources compliance for Section 408 requests will typically not require the same level of detailed analysis as needed for feasibility reports or other planning studies. See Appendix D for further information.

(1) Alterations that are expected to not result in significant effects to the environment, both individually and cumulatively, should be evaluated for applicability with the approved categorical exclusions at 33 CFR 230.9. However, activities that qualify for a NEPA categorical exclusion must still satisfy compliance requirements under other statutes such as NHPA and ESA, and must fulfill consultation obligations with federally recognized Tribes. Documentation of applicability of a categorical exclusion may be signed by the Section 408 decision-maker or other appropriate district staff.

(2) For categorical permissions, the district will inform the requester if additional documentation is necessary to complete environmental compliance.

(3) Districts are strongly encouraged to adopt and/or incorporate by reference any NEPA documentation that may already exist for the USACE project.

(4) For those alterations in which another federal agency is the NEPA lead agency (e.g. such as when FERC is the lead agency for private hydropower licensing, reference Appendix F), districts will participate in the NEPA review as a cooperating agency to the maximum extent practicable. Districts will typically adopt or incorporate by reference that federal agency's Environmental Impact Statement (EIS) or Environmental Assessment (EA) and consider it to be adequate for NEPA compliance for a Section 408 permission, unless the district finds substantial doubt as to the technical or procedural adequacy or omission of factors important to the Section 408 permission decision. Districts also have discretion to adopt/use another lead federal agency's environmental compliance documentation (ESA, NHPA, EFH, etc.) as allowable and appropriate for the Section 408 permission decision. Districts should ensure that the lead agency is informed of all needs to determine technical adequacy and environmental and cultural resources compliance for the purposes of Section 408 early in the process.

(5) Districts have discretion and are encouraged to develop new or use existing programmatic NEPA documents (consistent with 40 C.F.R. Part 1500.4(i)) and/or programmatic environmental consultations for Section 408 requests, when appropriate.

(6) Clean Water Action, Section 401 Water Quality Certification. If the requirement for a state water quality certification (33 U.S.C. 1341) applies to the alteration that is subject to a Section 408 review, as determined by USACE, then Section 408 authorization cannot be granted until the certification has been obtained or waived, as provided for by statute.

(7) Per USACE Tribal consultation policy, federally recognized Tribes have the right to request government-to-government consultation with the district. All requests by a Tribe for government-to-government consultation with USACE will be honored.

e. **Real Estate Requirements.** A description of the real property required to support the proposed alteration must be provided. Non-federal sponsors issuing permits, outgrants, or consents for alterations undertaken by others will ensure that the terms of the instrument or agreement are consistent with the terms and conditions of the Section 408 permission, if applicable. If additional real property is required for an alteration that will be integral to the functioning of the USACE project, the district must follow the normal procedures to request approval of any non-standard estates under the guidance in chapter 12 of reference A.28. Maps clearly depicting both existing real property and the additional real property required must also be provided.

f. **Operation, Maintenance, Repair, Replacement, and Rehabilitation (OMRR&R).** Requesters must identify any projected requirements for OMRR&R needed throughout the life of the proposed alteration and the responsible entity. For instances when there may be a desire for USACE to assume or incorporate operations and maintenance of the proposed alteration as part of its responsibilities for the USACE project being modified, a justification must be provided. See paragraph 9.f.(5) for federal assumption of maintenance associated with navigation features. If operation and maintenance of the USACE project is affected by the alteration, the requester, if not the non-federal sponsor, must provide written documentation that the non-federal sponsor agrees to assume responsibility for the changed OMRR&R of the USACE project at no cost to the federal government. This written documentation must be received prior to USACE issuing the Section 408 decision. If the Section 408 request is approved and an update to the USACE issued O&M manual is needed as the result of the alteration, the requester will be required to provide the district with sufficient information to update the portion of the O&M manual related to the approved alteration. As part of this update, as-builts may be required. See paragraph 17.

g. If applicable, a written statement regarding whether credit under Section 221 of the Flood Control Act of 1970, as amended, or other law or whether approval under Section 204 of WRDA 1986, as amended is being or will be sought must be provided.

12. USACE Review Requirements. In general, each Section 408 request will be reviewed by USACE in accordance with the following:

a. **Main Determinations.**

(1) **Impacts to the Usefulness of the USACE Project.** The objective of this determination is to ensure that the proposed alteration will not limit the ability of the USACE project to function as authorized and will not compromise or change any authorized project conditions, purposes or outputs. All appropriate technical analyses including geotechnical, structural, hydraulic and hydrologic, real estate, construction, and operations and maintenance requirements, must be conducted, and the technical adequacy of the design must be reviewed. In addition, the district will determine whether or not the alteration is an integral component of the USACE project and therefore, will be treated as a federal component of the USACE project once constructed, including for purposes of the USACE Rehabilitation Program, reference A.29. An alteration would be considered integral to the USACE project if the alteration must be complete, functional, and in-place in order for the USACE project function and meet its authorized purpose. If at any time it is concluded that the usefulness of the authorized project will be