

SUBJECT: Section 408 Request to Alter, Impact, or Encroach upon a Buffalo District Inspection of Completed Works Project (Version: February 2018)

1. Purpose:

In accordance with 33 U.S.C. 408, requests to alter, impact, or encroach upon a Federally operated and maintained Inspection of Completed Works (ICW) project must receive permission from the U.S. Army Corps of Engineers (USACE) before they can be implemented. The types of ICW projects covered by this form include flood risk management, shoreline erosion protection, streambank erosion protection, and navigation.

2. Request Submission:

Requests must be in writing, signed, and either mailed or emailed to:

Kristin Cousino, PE
City of Toledo, Division of Streets, Bridges & Harbor
1189 West Central Avenue
Toledo, OH 43610
Kristin.Cousino@toledo.oh.gov

3. Name, City, and State of ICW Project being altered, used, or impacted:

Point Place Flood Control Project, Toledo, OH

4. Name of Alteration (ex. Placement of Recreation Trail on Crest of Right Bank Levee):

Encroachment

5. ICW Project Type:

Flood Risk Management

6. This alteration is: Existing ___ Proposed ___

7. Points of Contact:

a. Government:

Name: Robert W. Remmers, P.E., PMP
Title: Chief, Operations and Technical Support Section
Address: U.S. Army Corps of Engineers, Buffalo District
1776 Niagara St.
Buffalo, NY 14207
Phone Number: (716) 879-4277
E-mail Address: robert.w.remmers@usace.army.mil

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b. Requestor

Name:

Title:

Organization:

Address:

Phone Number: _____

E-mail Address: _____

c. Sponsor:

Name: Kristin Cousino, PE

Title: Senior Engineer

Organization: City of Toledo, Division of Streets, Bridges & Harbor

Address: 1189 W Central Avenue Toledo, OH 43610

Phone Number: 419-245-1587

E-mail Address: Kristin.Cousino@toledo.oh.gov

8. Brief description or scope of work of alteration:

9. Purpose of alteration (deck, dock or waterway access, recreational use):

10. Approx. timeframe of work (construction year):

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11. Property address and/or description:

12. Location of alteration by Reach (check one)

Reach 1 Jocketts Reach 2A Edgewater Park Reach 2 Marina/Yacht Clubs
Reach 3 East Mudjaw Creek Reach 4 West Mudjaw Creek
 Reach 5 Summit Pointe Reach 6 West of Summit Street
Reach 7 East of Summit Street Reach 8 Maumee Bay

13. Criteria considered in USACE Review: USACE will review the alteration request for potential adverse impacts to the project based on the following criteria (as applicable):

- a. Reliability of the project to function as designed.
- b. Sponsor's and/or USACE's ability to adequately inspect the project during normal conditions.
- c. Sponsor's and/or USACE's ability to adequately inspect the project during potential or actual emergency conditions.
- d. Sponsor's ability to adequately operate and maintain the project.
- e. Sponsor's ability to conduct flood fighting operations and temporary repairs during an emergency.
- f. Alteration impacts to the structural or geotechnical integrity of project components (including embankment, floodwall, or retaining wall strength; sideslope stability; stone protection; crest elevation; miscellaneous structures; etc.).
- g. Alteration impacts on the hydraulic or coastal functioning of the project.
- h. Alteration impacts to a floodplain or floodway (flood risk management projects only).
- i. Alteration impacts on the interior drainage system or drainage facilities (i.e. outfalls, gate wells, storm sewer lines, pump stations, drainage ditches, etc.).
- j. Alteration impacts on environmental aspects of the project, including compliance with National Environment Policy Act (NEPA) requirements.
- k. Alteration impacts on safety aspects of the project.
- l. Alteration impacts to the real estate easement requirements, including project access.
- m. USACE Section 10/404 Regulatory permit requirements.
- n. Impacts to the public and other stakeholders.
- o. Other criteria as available.

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14. Alteration operations and maintenance:

Describe operations and maintenance that will be required as a result of this alteration. (Note: Requestor is responsible for performing all operations and maintenance required as a result of the alteration, as well as for all associated costs. If Sponsor is not the Requestor, Sponsor is required to ensure that all required operations and maintenance associated with this alteration is adequately performed).

15. The following documents are attached in support of this alteration request:

Detailed Plans Drawings/Sketches Photos Written Details
Other
(Describe): _____

16. USACE review and approval:

Work or usage shall not begin until written approval from the Buffalo District Commander, or his designee, is obtained. Upon completion of review of the request, the Buffalo District will send a letter from the District Commander, or his designee, either approving or rejecting the proposed alteration or usage of the ICW project. If approved, the Requestor's signature will be required on the Buffalo District Alteration Conditions Form to confirm acceptance of any special conditions required. If rejected, reasons for the disapproval will be provided.

17. Special Conditions:

The following are special conditions regarding the permission to encroach upon Buffalo District ICW projects; additional special conditions may be required depending on the nature of the work/usage:

- a. Requestor shall obtain all appropriate local, state, and Federal permits (or waivers from these permits) before performing the proposed work/usage. USACE approval of the proposed work/usage does not negate the need to obtain the aforementioned permits.
- b. Requestor shall provide copies of pertinent design, construction, and/or usage submittals/documents. Photographic documentation of the alteration work and the impacted project shall be taken before, during, and after construction.
- c. Field work to install approved encroachments shall be coordinated with the City of Toledo, Division of Streets, Bridges & Harbor. Commencement of work will not begin without proper notification or photo documentation.

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18. Signature Block:

REQUESTOR (not applicable if Sponsor is Requestor):

Printed Name

Address

Phone or Email

Signature

Date

SPONSOR'S REPRESENTATIVE (Sponsor's Representative's signature indicates Sponsor has no objection to the proposed alteration):

Kristin Cousino, PE; Senior Engineer
Printed Name

City of Toledo Division of Streets, Bridges & Harbor
Organization or Agency

Signature

Date

NOTE: An electronic copy of this form as well as additional information regarding the levee system is available on the City of Toledo's website at www.toledo.oh.gov