

Categorical Permission Alteration Description – 5. Buildings and Structures

This categorical permission covers the construction, and modification of buildings or other structures such as, solar arrays, artwork, patios, and decks, along with associated work, such as minor landscaping, within the federal project easement. The maximum area of construction must not exceed 2 acres. Structures must be constructed in previously disturbed areas, structures must not convert native habitat. New buildings and similar structures authorized under this categorical permission must not be used for human habitation. Modifications to existing buildings can be allowed so long as the habitable area of the structure is not increased.

New buildings within the levee embankment are not included in this categorical permission. For buildings outside the levee embankment, but within 300 feet of the levee (typically on the waterside of the levee), the requester should complete a geotechnical analysis that includes slope stability and seepage analyses to ensure that the proposed building does not pose a serious risk to the levee. If a geotechnical investigation is not possible, the following rule of thumb may be appropriate: add 10 feet of lateral distance from the levee toe for each foot of excavation. That is, at 10 feet from the toe, excavation is limited to one foot; 20 feet from the toe, two feet deep, and so on. A geotechnical analysis is not needed if the building is constructed on fill.

If an existing building or structure is damaged, due to any cause, cumulatively to more than 50% of its market value, the building or structure may not be reconstructed or replaced without the approval of the non-federal sponsor. If a damaged building or structure is not repaired or replaced, the entire building or structure, including all associated materials, must be completely removed within a reasonable period of time and the area restored so that there is no interference with the flood risk management project's function, operation, inspection, or flood-fighting.

The non-federal sponsor should be notified about removal of a building that is within the levee easement. Following removal, the area must be restored to pre-building conditions by filling any hole(s) with compacted material similar to the adjacent soil. Any damage to the federal civil works project caused by removal of the building must be repaired by the requester.

Categorical Permission Alteration Checklist – 5. Buildings and Structures

Please note, the following checklist is intended for planning purposes only and reflects information that USACE reviewers will look for when considering a Section 408 request for buildings and structures under the Categorical Permission. To be reviewed under the Categorical Permission, the proposed project must adhere to all requirements of the Categorical Permission, including the full alteration description (see previous page). The plans and narrative project description should reflect this information.

New construction Modification

Maximum area of construction is 2 acres:

Work will occur in previously disturbed area(s) and will not convert native habitat:

New building/structure will not be used for human habitation:

Modification to an existing building will not increase the habitable area: Yes NA

Proposed alteration does not include any new buildings within the levee embankment:

If a building is to be removed, project plans show that the area will be restored to pre-building conditions by filling any hole(s) with compacted material similar to adjacent soil: Yes NA

Any work \geq 12 inches into the levee embankment? Yes No

Hydraulic blockage calculation \geq 1%? Yes No

Hydraulic model used for hydraulic analysis? Yes No