

**U.S. Army Corps  
of Engineers**

Baltimore District  
PN-20-04

# Public Notice

**In Reply to Application Number  
NAB-2019-00033-M03 (RiverPoint DC/Bulkhead, Deck  
and Pier Facility)**

Comment Period: January 28 2020 to February 18, 2020

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**THE PURPOSE OF THIS PUBLIC NOTICE IS TO INFORM INTERESTED PARTIES OF THE PROPOSED ACTIVITY AND TO SOLICIT COMMENTS. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.**

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), as described below:

**APPLICANT:** Mr. Tom Wilbur  
c/o Mr. Robert V. Sloop  
Moffatt & Nichol  
3780 Kilroy Airport Way, Suite 600  
Long Beach, California 90806

## **WATERWAY AND LOCATION OF THE PROPOSED WORK:**

The proposed project is located in the Anacostia River, at 2100 2<sup>nd</sup> Street SW, Washington, D.C. 20593. The project is located at Buzzard Point adjacent to the James Creek Marina and Fort Leslie J. McNair. Latitude: 38.86358333; Longitude - 77.01277778

## **OVERALL PROJECT PURPOSE:**

To increase public access, provide waterfront amenities, and improve shoreline stability associated with the RiverPoint DC redevelopment project.

## **PROJECT DESCRIPTION:**

The applicant proposes to construct 80 linear feet of sheet pile bulkhead with approximately 390 cubic yards of clean earth backfill landward of the approximate mean high water (MHW) shoreline with a concrete deck supported by ten 16-inch steel piles to extend no more than 27 feet channelward of the approximate MHW shoreline; to provide water access and shoreline enhancement by grading and depositing a 12-inch layer of aggregate topped with a 6-inch layer of mixed shells to be planted with marsh vegetation within an approximate 1,620 square foot area along 90 linear feet of shoreline landward of the approximate MHW shoreline; to construct a 10-foot wide by

120-foot long steel gangway 110 feet channelward of the approximate MHW shoreline to a 70-foot wide by 150-foot long floating concrete dock anchored with eleven 24-inch steel guide piles; to construct a two-level 3,500 square foot maritime services building on the proposed floating concrete deck covered by a 3,530 square foot open air canopy, and to create nine 35-foot long tie-up boat slips utilizing the pilings associated with the floating concrete dock, all to extend a maximum of 235 feet channelward of the approximate MHW shoreline.

The proposed maritime services building located on the floating concrete dock would include a water taxi ticket office, security checkpoint and screening area, passenger staging lounge, dockmaster office, restrooms, on-site maritime operation storage (oil spill response kits, safety equipment, etc.), and food and beverage concession areas.

#### **EFFECTS ON AQUATIC RESOURCES:**

Activity	River Impact	Authority
Piling disturbance (access deck and floating dock)	42 square feet (river bottom)	Section 10
Overwater coverage (docks, gangways)	11,180 square feet (shading)	Section 10
Bulkhead/enhancement work	0 square feet (river bottom)	Section 404

#### **LEAD FEDERAL AGENCY:**

The U.S. Army Corps of Engineers, as the lead federal agency, is responsible for all coordination pursuant to applicable federal authorities.

#### **APPLICANT'S PROPOSED AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION:**

As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to waters of the United States to the maximum extent practicable. The dock gangway was extended to the floating structure; a proposed day dock and floating display were eliminated to reduce overwater coverage and bottom disturbances; a proposed day dock was eliminated to avoid submerged aquatic vegetation; and shoreline enhancement was eliminated from the National Park Service shoreline.

#### **CORPS EVALUATION REQUIREMENTS:**

This project will be evaluated pursuant to Corps Regulatory Program Regulations (33 CFR Parts 320-332). The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonable may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal will be

considered, including the cumulative effects thereof; among those are conservation, economic, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, and consideration of property ownership and in general, the needs and welfare of the people. The evaluation of the impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency.

#### **ENDANGERED SPECIES:**

The lead federal agency is responsible for Endangered Species Act coordination. A preliminary review of this application indicates that the proposed work is not likely to adversely affect federally-listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

#### **ESSENTIAL FISH HABITAT:**

The lead federal agency is responsible for Essential Fish Habitat coordination. The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH), including species of concern, life cycle habitat, or Habitat Areas of Particular Concern. The project site lies in or adjacent to EFH as described under MSFCMA for managed species under the MSFCMA. The Baltimore District has made a preliminary determination that the project will have no effect on EFH. The Baltimore District has made a preliminary determination that mitigative measures are not required to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise.

#### **HISTORIC RESOURCES:**

The lead federal agency is responsible for historic resources coordination. Pursuant to Section 106 of the National Historic Preservation Act of 1966 and applicable guidance, the Corps has reviewed the latest published version of the National Register of Historic Places and initially determined that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. The Corps has made the preliminary determination that the proposed project would have no effect on historic properties. The Corps final eligibility and effect determination will be based on coordination with the District of Columbia State Historic Preservation Office as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps' identified permit area.

**TRIBAL RESOURCES:**

Section 106 of the National Historic Preservation Act also requires federal agencies to consult with federally-recognized American Indian tribes that attach religious and cultural significance to historic properties that may be affected by the agency's undertaking. The lead federal agency is responsible for tribal coordination. Corps Tribal Consultation Policy mandates an open, timely, meaningful, collaborative, and effective deliberative communication process that emphasizes trust, respect, and shared responsibility. The policy further emphasizes that, to the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages, before decisions are made and actions taken. The Corps final eligibility and effect determination will be based on the Corps current tribal standard operating procedures as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on tribal resources.

**MODIFICATION OF CIVIL WORKS PROJECTS: 33 USC 408 (SECTION 408):**

All Section 408 proposals will be coordinated internally at USACE. The Section 408 decision will be issued along with the Section 404 and/or Section 10 decision. Please see the following link for more information regarding Section 408:

<https://www.nab.usace.army.mil/section408/>.

**WATER QUALITY CERTIFICATION:**

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act.

The applicant must obtain any state or local government permits which may be required.

**SUBMISSION OF COMMENTS:**

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments provided will become part of the public record for this action and are subject to release to the public through the Freedom of Information Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the U.S. Army Corps of Engineers,

Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the Application Number 2019-00033.

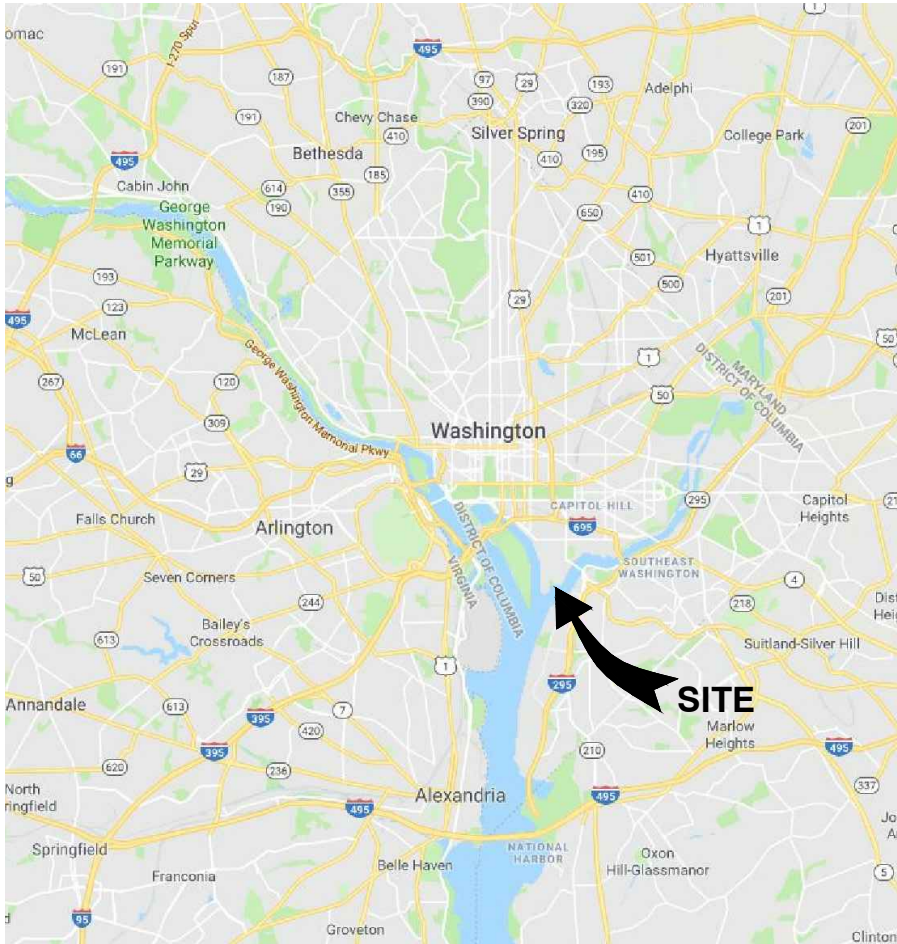
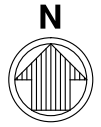
**PUBLIC HEARING REQUESTS:**

Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received within the comment period as specified above to receive consideration. Also it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected. The public hearing request may be submitted by electronic mail or mailed to the following address:

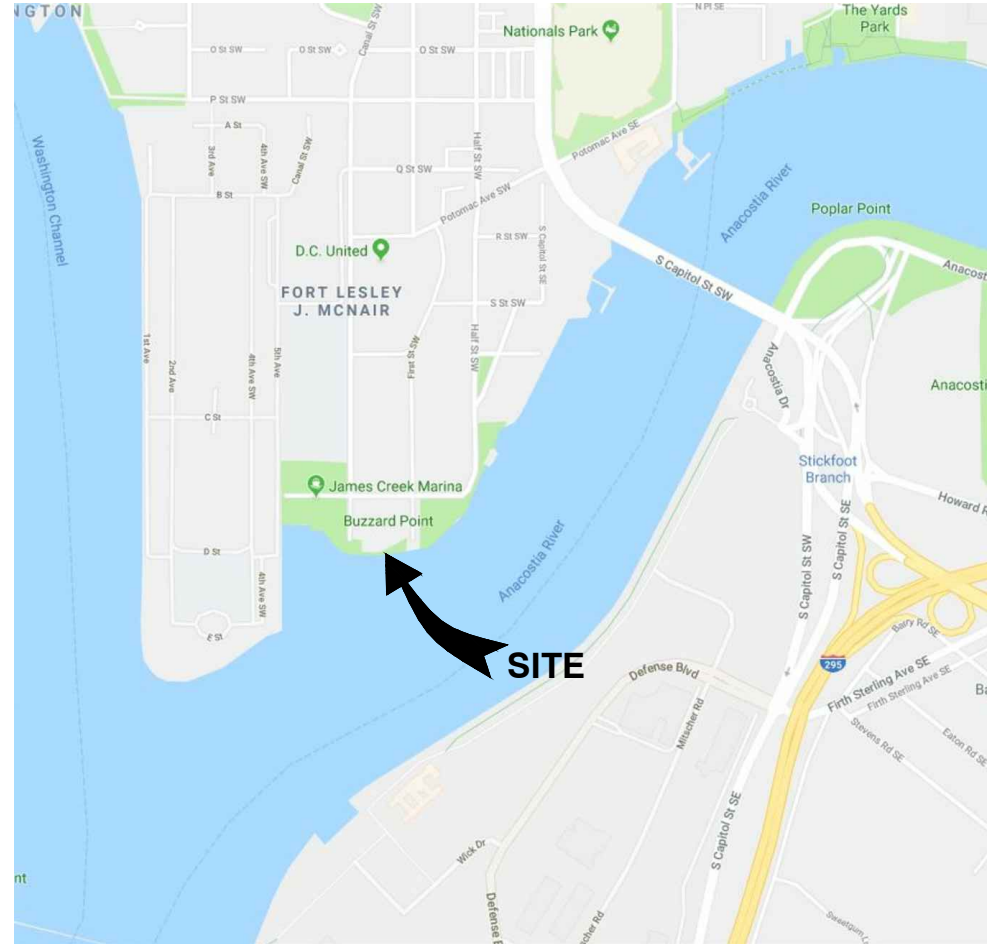
Steve Harman  
Steve.harman@usace.army.mil  
U.S. Army Corps of Engineers, Baltimore District  
Regulatory Branch  
2 Hopkins Place  
Baltimore, Maryland 21203

It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested, who did not receive a copy of this notice.

General information regarding the Corps' permitting process can be found on our website at <https://www.nab.usace.army.mil/Missions/Regulatory.aspx>. This public notice has been prepared in accordance with Corps implementing regulations at 33 CFR 325.3. If you have any questions concerning this specific project, or would like to request a paper copy of this public notice, please contact Mr. Steve Harman at (410) 962-6082 or [steve.harman@usace.army.mil](mailto:steve.harman@usace.army.mil). This public notice is issued by the Chief, Regulatory Branch.



VICINITY MAP



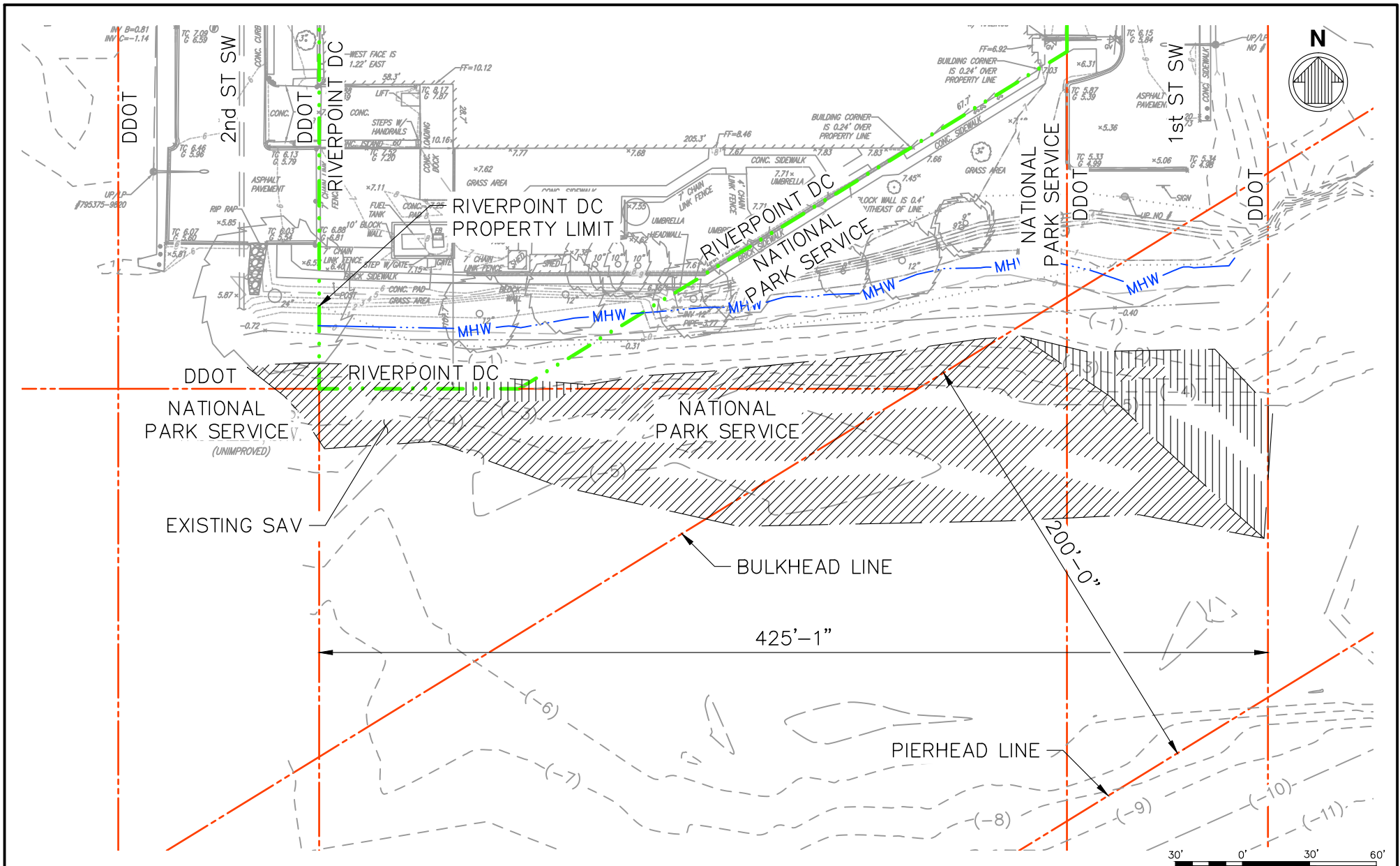
LOCATION MAP



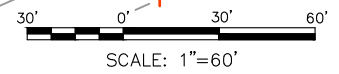




SCALE: 1"=300'



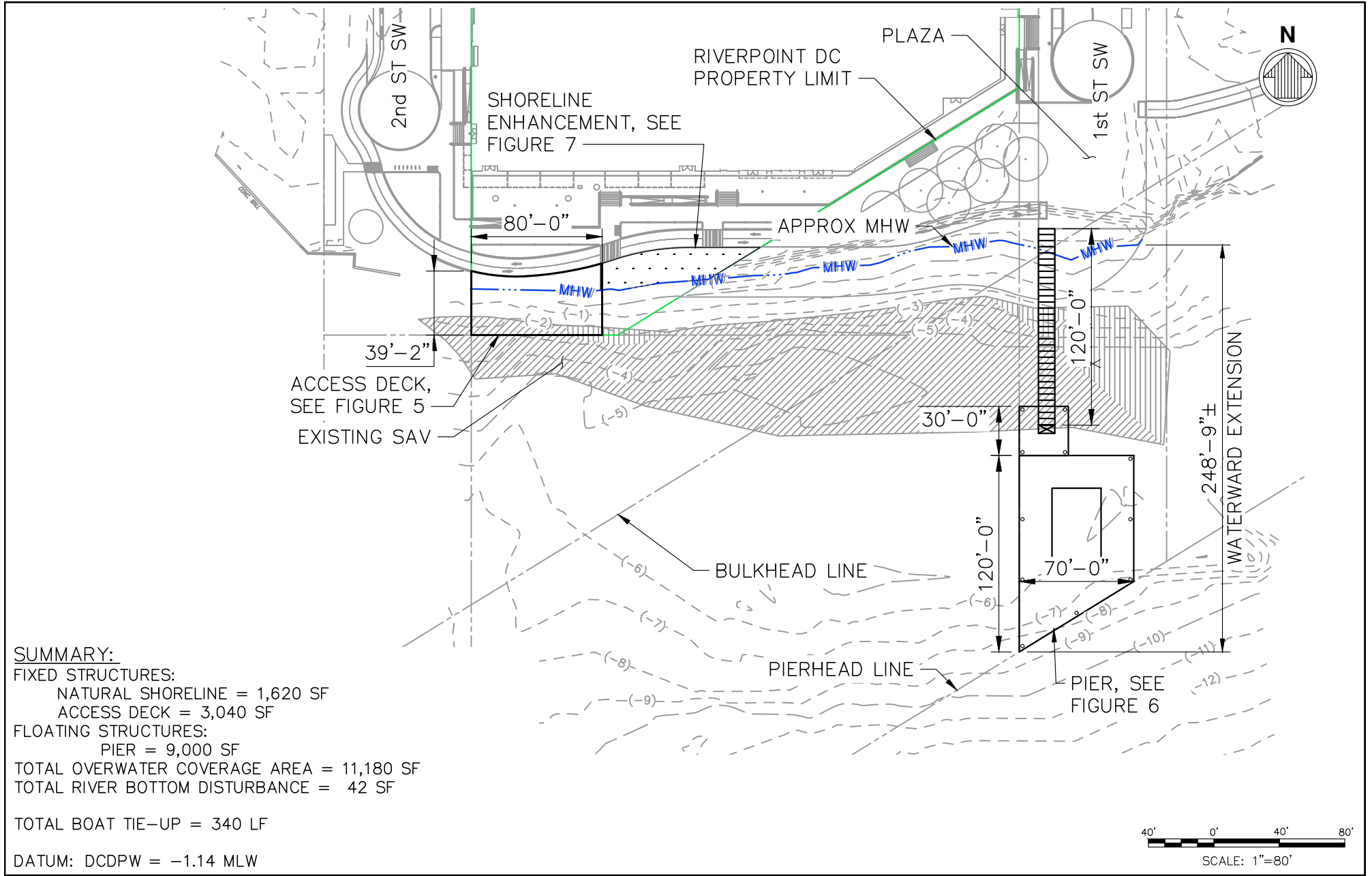
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**RIVERPOINT DC**  
**FIGURE 3 OF 11**  
**EXISTING CONDITIONS**

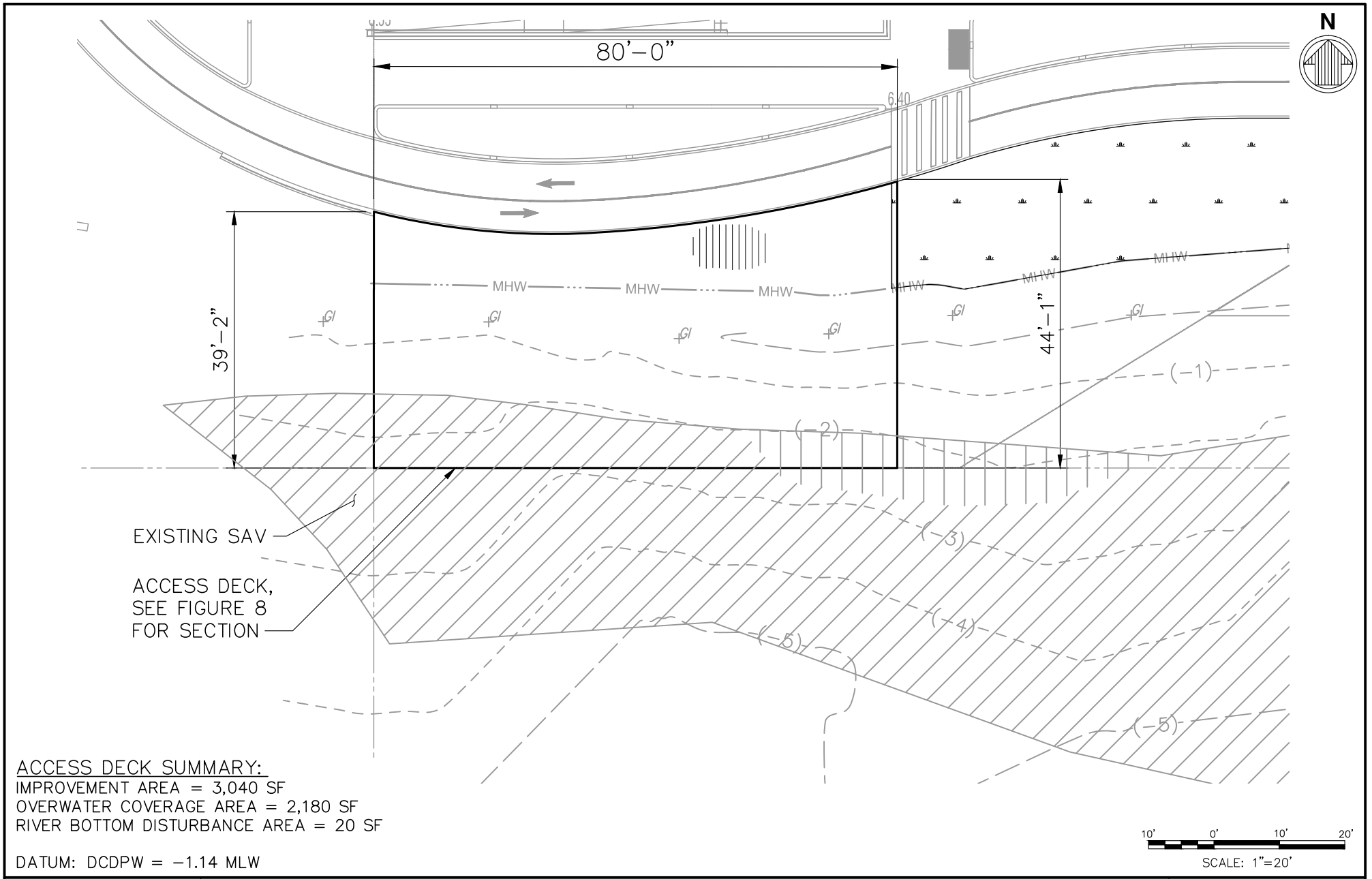
PREPARED FOR:  
**RIVERPOINT INVESTORS, LLC**





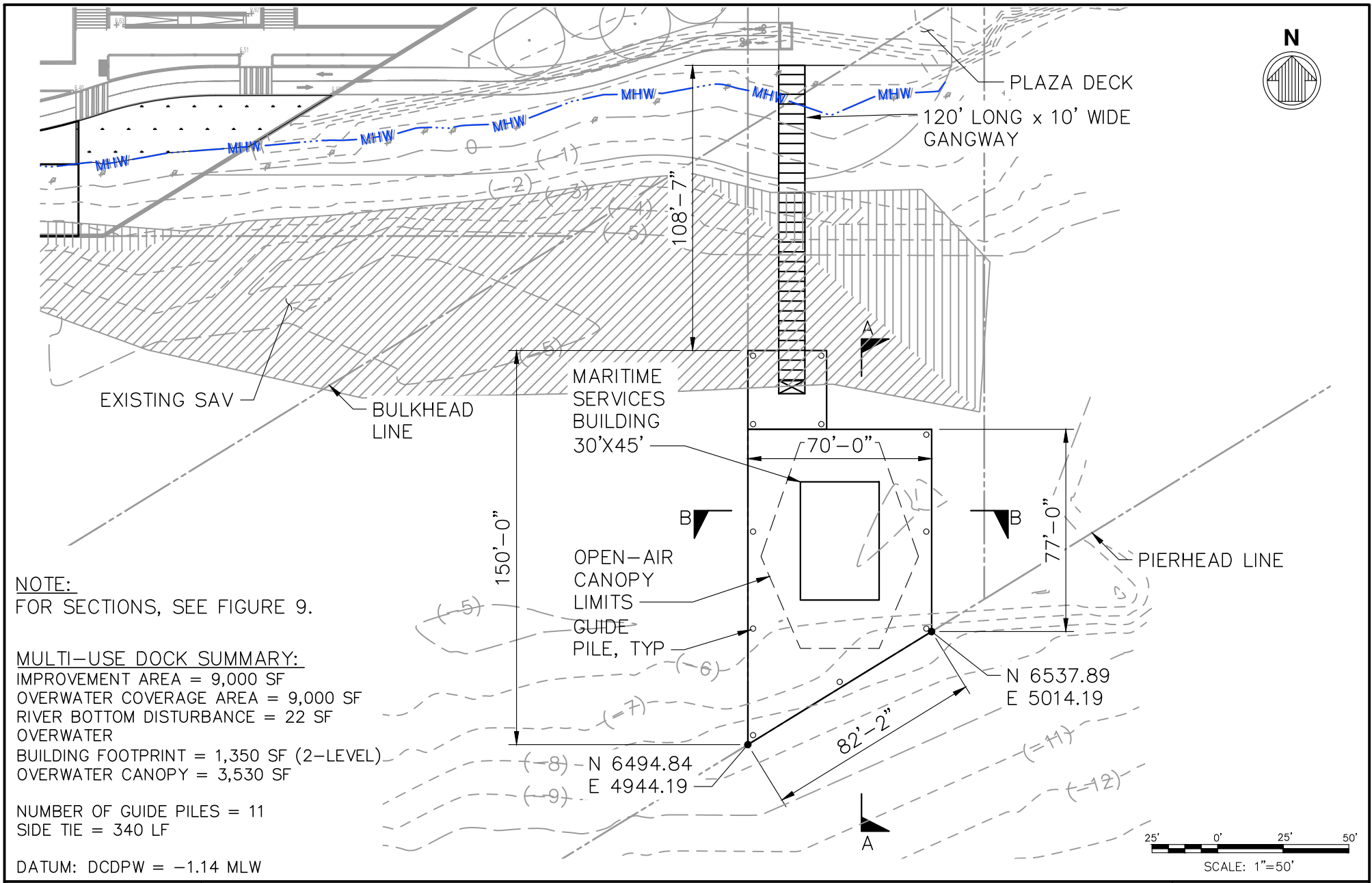
RIVERPOINT DC  
 FIGURE 4 OF 11  
 PROPOSED SITE PLAN

PREPARED FOR:  
 RIVERPOINT  
 INVESTORS, LLC



RIVERPOINT DC  
FIGURE 5 OF 11  
ACCESS DECK PLAN

PREPARED FOR:  
RIVER POINT  
INVESTORS, LLC



**NOTE:**  
 FOR SECTIONS, SEE FIGURE 9.

**MULTI-USE DOCK SUMMARY:**

IMPROVEMENT AREA = 9,000 SF  
 OVERWATER COVERAGE AREA = 9,000 SF  
 RIVER BOTTOM DISTURBANCE = 22 SF  
 OVERWATER

BUILDING FOOTPRINT = 1,350 SF (2-LEVEL)  
 OVERWATER CANOPY = 3,530 SF

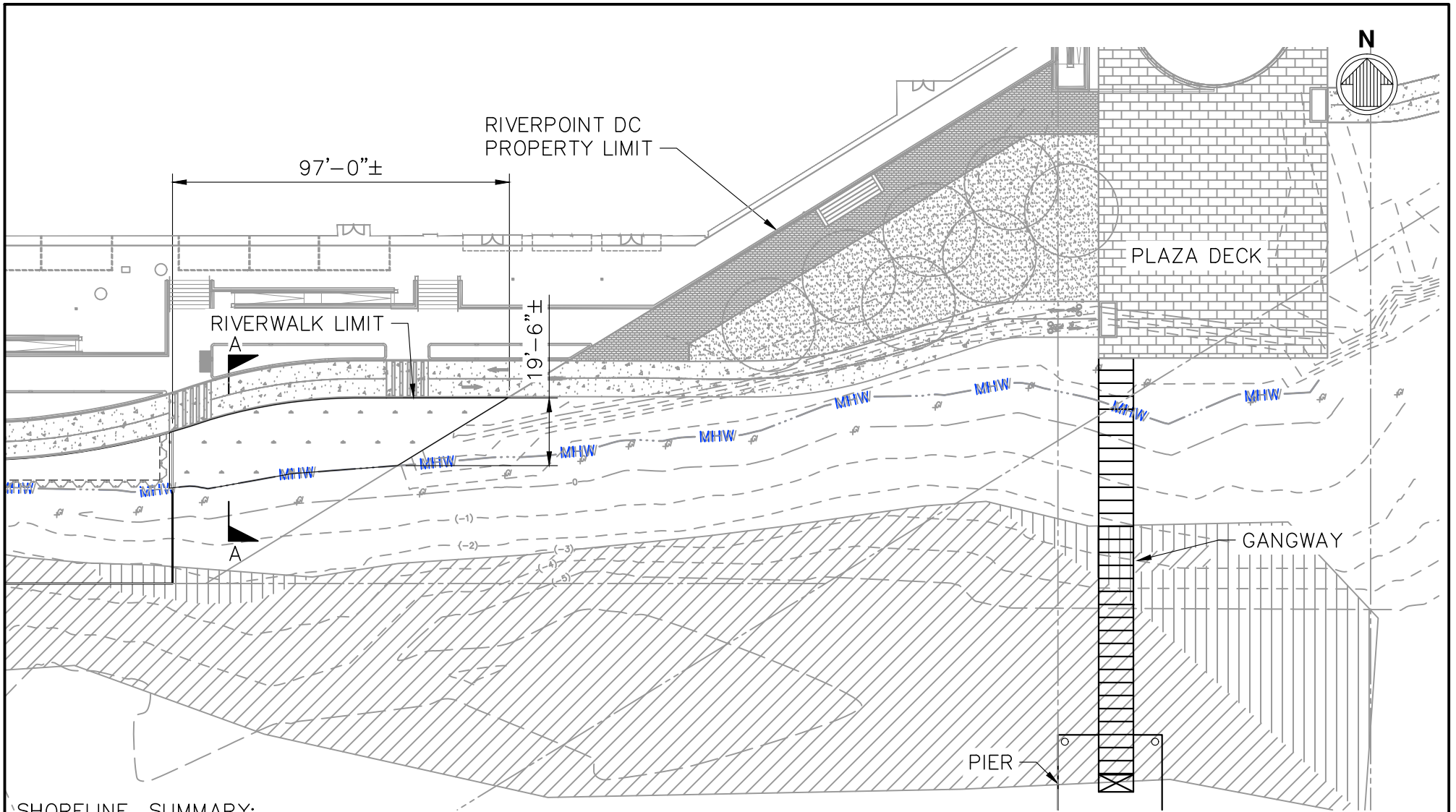
NUMBER OF GUIDE PILES = 11  
 SIDE TIE = 340 LF

DATUM: DCDPW = -1.14 MLW



**RIVERPOINT DC**  
**FIGURE 6 OF 11**  
**PIER PLAN**

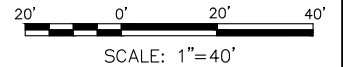
PREPARED FOR:  
 RIVERPOINT  
 INVESTORS, LLC



SHORELINE SUMMARY:  
 IMPROVEMENT AREA = 1,620 SF  
 RIVERBOTTOM DISTURBANCE = 0 SF

DATUM: DCDPW = -1.14 MLW

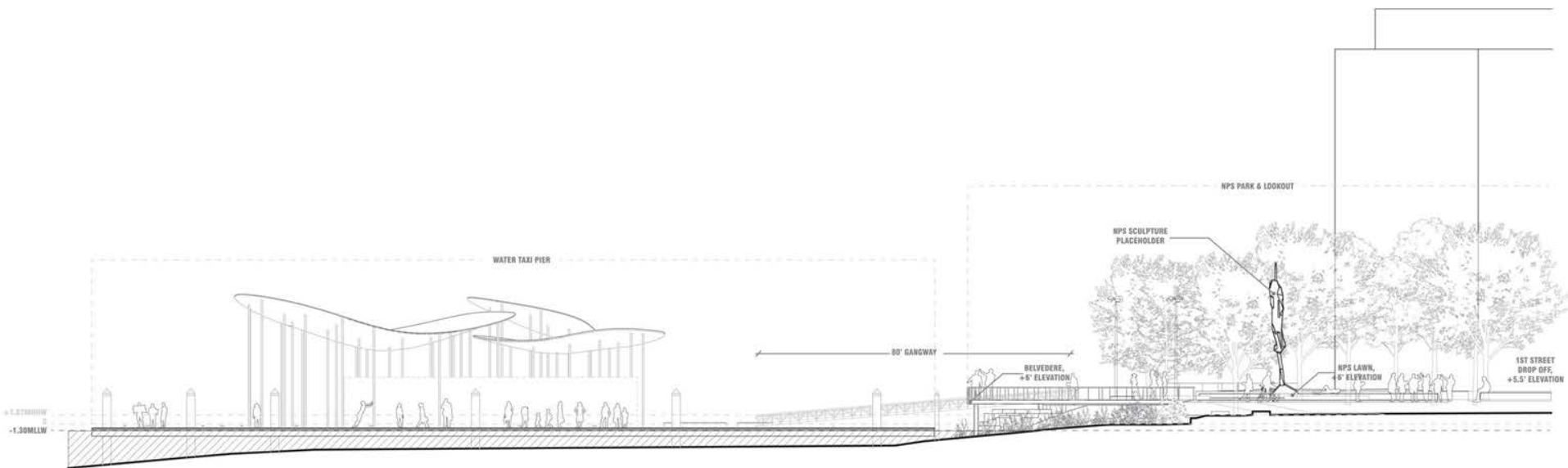
NOTE:  
 FOR SECTIONS, SEE FIGURE 10.



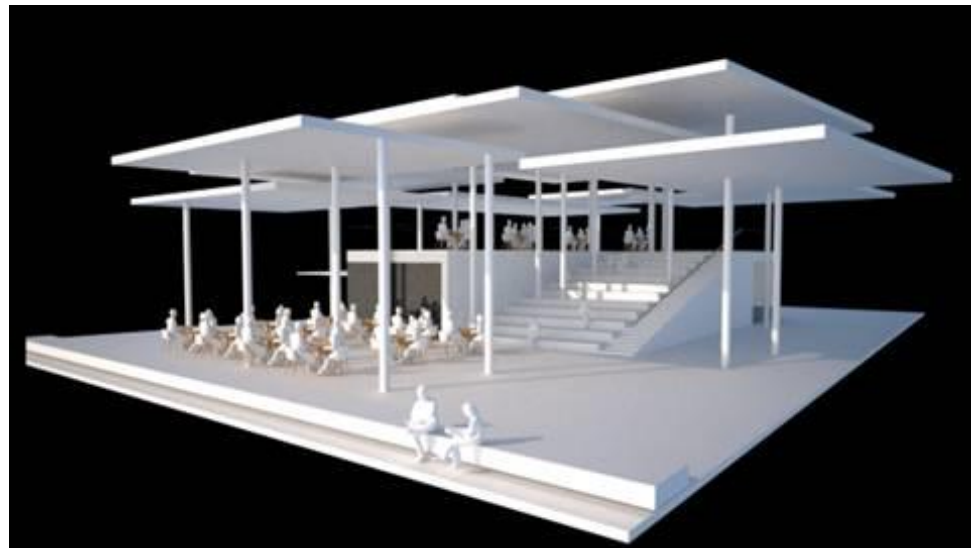
RIVERPOINT DC  
 FIGURE 7 OF 11  
 SHORELINE ENHANCEMENT PLAN

PREPARED FOR:  
 RIVERPOINT  
 INVESTORS, LLC

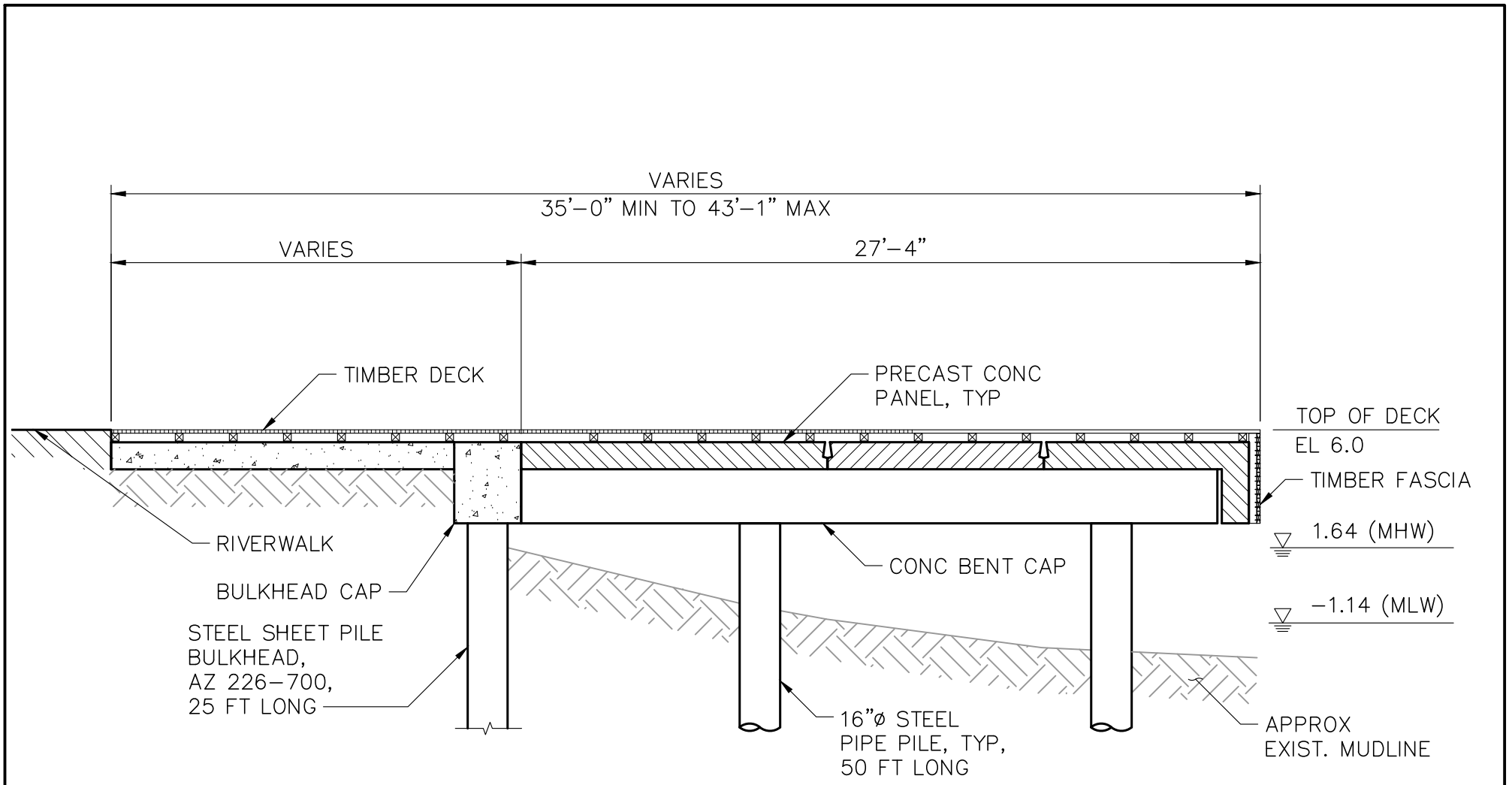
# ELEVATION







Maritime building canopy alternative designs

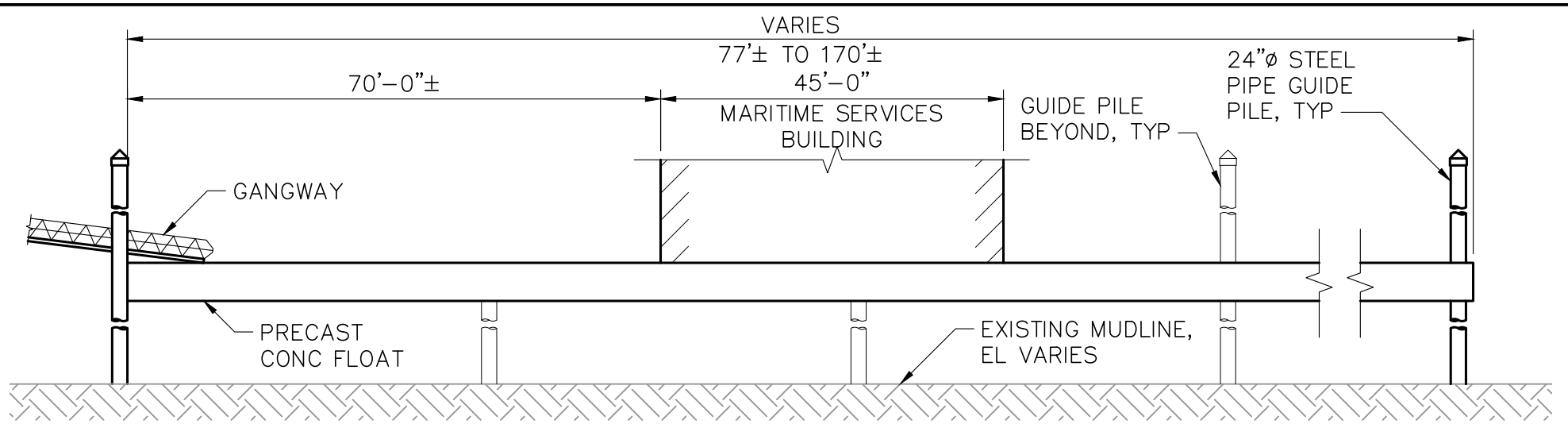


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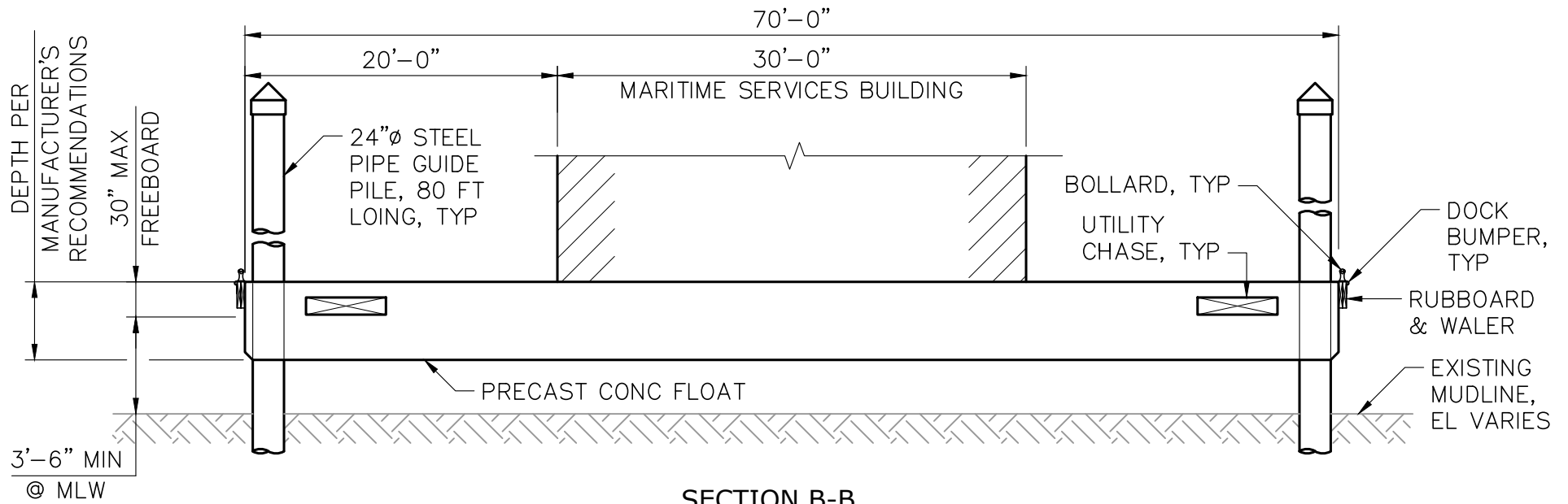


RIVERPOINT DC  
FIGURE 8 OF 11  
ACCESS DECK SECTION

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SECTION A-A



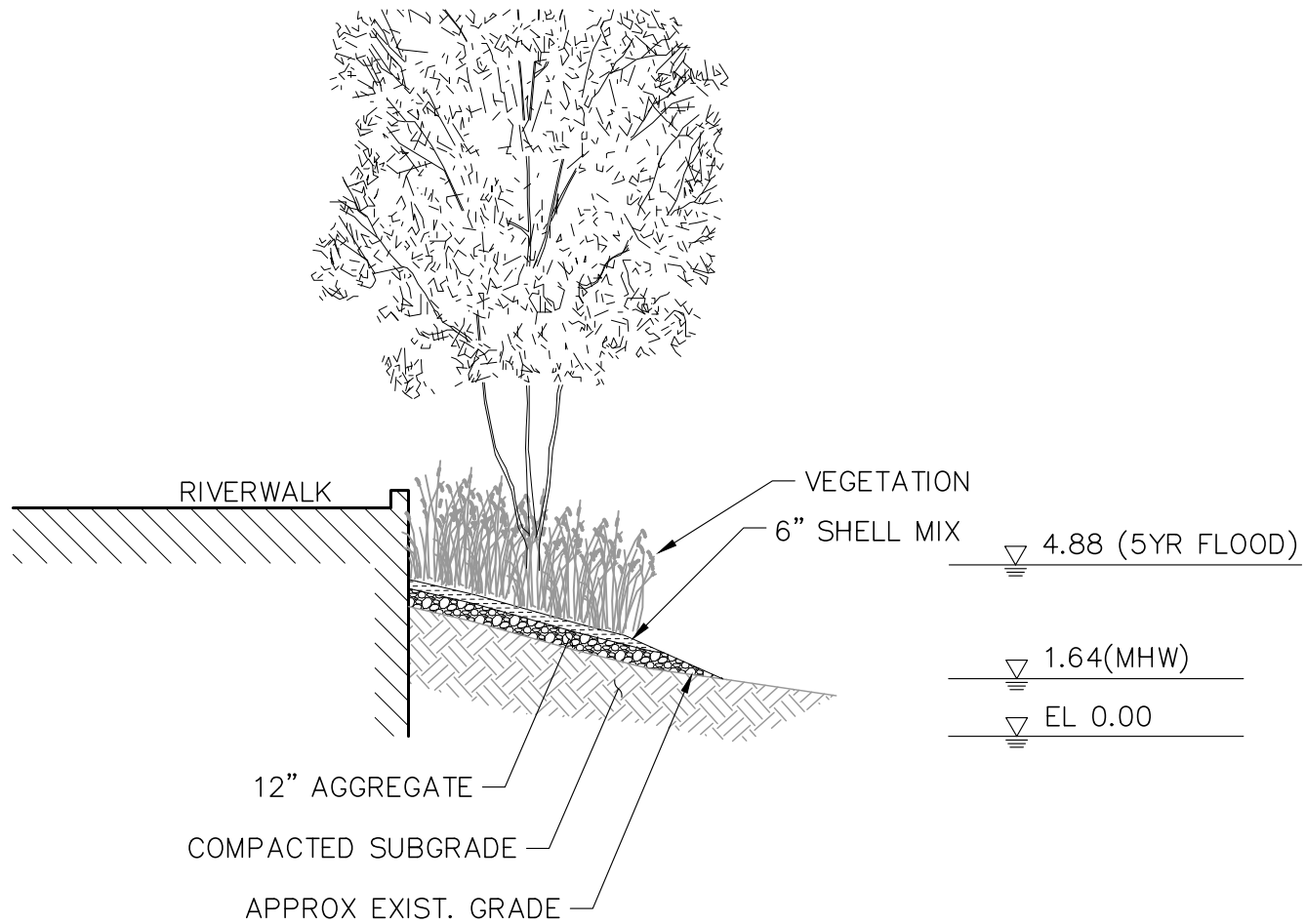
SECTION B-B

DATUM: DCDPW = -1.14 MLW



RIVERPOINT DC  
FIGURE 9 OF 11  
PIER SECTION

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RIVER POINT INVESTORS, LLC



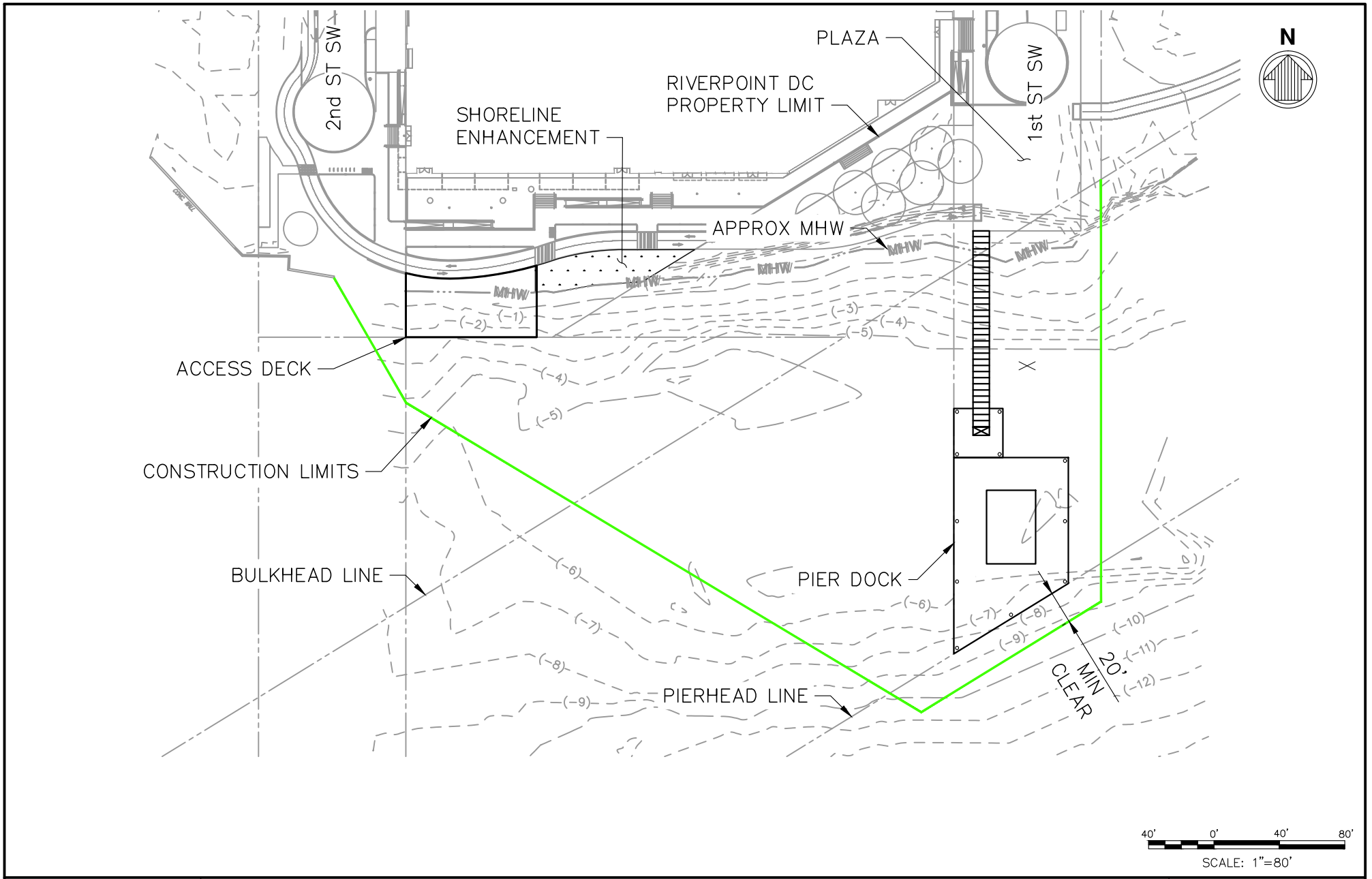
SECTION A-A

DATUM: DCDPW = -1.14 MLW



RIVERPOINT DC  
 FIGURE 10 OF 11  
 SHORELINE ENHANCEMENT SECTIONS

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 RIVER POINT  
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**RIVERPOINT DC**  
**FIGURE 11 OF 11**  
**CONSTRUCTION LIMITS PLAN**

PREPARED FOR:  
 RIVER POINT  
 INVESTORS, LLC

