

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

Public Notice

In Reply to Application Number
CENAB-OP-RMS (NATIONAL HARBOR (FORMERLY PORT
AMERICA]) 88-01361

PN 14-05

Comment Period: January 16, 2014 to February 18, 2014

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army (DA) permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: Smoot Harbor, LLC
C/o Milton V. Peterson, Manager
12500 Fair Lakes Circle, Suite 400
Fairfax, Virginia 22033

LOCATION: In the Smoot Bay area of the Potomac River, just south of the Woodrow Wilson Bridge at the National Harbor in Prince George's County, Maryland

WORK: The applicant proposes modification to DA permit CENAB-OP-RMS (NATIONAL HARBOR (FORMERLY PORT AMERICA]) 88-01631, issued August 3, 1988 and subsequently modified in 1989, 1991, 1997, 1999, 2002, 2003, 2005 and 2007 to reconfigure and expand the existing waterfront facilities; to complete previously authorized work; and to obtain after-the-fact authorization for work completed without appropriate authorizations. The original permit authorized 150 mooring buoys and the revised work proposes to eliminate 115 buoys; therefore, a total of 35 mooring buoys are proposed. In addition, the work includes a total of approximately 84.5 acres of dredging. The original permit authorized approximately 19 acres of dredging. The currently valid permit expires on September 30, 2015 and authorization for those activities approved under the original DA permit that were not completed would be superseded, if a new permit is issued. No decision has been made as to whether or not a permit will be issued.

The proposed work is described along the project shoreline from north to south direction as follows:

Heritage Cove: To remove an existing deteriorated 58 linear foot bulkhead and emplace a 9-foot wide by 347-foot wide stone revetment to extend no further than 5.4 feet channelward of the approximate mean high water (MHW) shoreline and to backfill an approximate 1,175 square foot area of tidal open water behind the proposed revetment with approximately 29 cubic yards of fill material to be maintained as an upland trail area; to construct a 57-foot wide by 189-foot long concrete boat ramp between two existing deteriorated pier structures with approximately 200 cubic yards of associated fill material to extend no more than 60 feet channelward of the approximate MHW shoreline and to deposit the approximately 78 cubic yards of excavated earth at an upland (non-wetland) disposal site.

Heritage Cove Piers: There are currently two existing deteriorated piers with no decking.

The applicant proposes to upgrade the existing piers and to incorporate additional pier structures into a new public recreational marina facility and a public safety pier for use by the Prince George's County Fire Department.

East Pier: to upgrade the pier by constructing a 10-foot wide by 365-foot long fixed pier with a 7-foot wide by 90-foot long gangway with a 5-foot wide by 10-foot long associated landing platform on the western side of the proposed fixed pier leading to a 10-foot wide by 244-foot long floating pier adjacent and parallel to the proposed fixed pier that includes a 10-foot wide by 60-foot long floating "L" head; and to construct five 7-foot wide by 40-foot long floating finger piers and install 16 associated mooring piles creating eight 18-foot wide

by 40-foot long covered boat slips, each with boat lifts east of the fixed pier, all to extend no further than 295 feet channelward of the approximate MHW shoreline.

West Pier: to construct a 10-foot wide by 361 foot long fixed pier with a 10-foot wide by 31-foot long floating "T" head and with a 7-foot wide by 90-foot long gangway with a 5-foot wide by 10-foot long associated landing platform leading to a 10-foot wide by 244-foot long floating pier adjacent and parallel east of the proposed fixed pier and a 7-foot wide by 90-foot long gangway with a 5-foot wide by 10-foot long associated landing platform to a 10-foot wide by 280-foot long floating pier adjacent and parallel west of the proposed fixed pier to extend no further than 295 feet channelward of the MHW shoreline.

Smoot Cove: To install 18 mooring buoys with a 100-foot mooring radius west of the Heritage Cove piers to extend a maximum of 1,300 feet channelward of the approximate MHW shoreline and 9 mooring buoys with a 140-foot mooring radius south of the Heritage Cove piers to extend a maximum of 700 feet channelward of the approximate MHW shoreline.

These mooring buoys were previously approved under the original DA permit; however, they were not installed.

North Marina, North Pier: To install two 100-foot wide by 100-foot long fixed platforms with tensile structures on top of the existing pier facility, one extending no further than 153 feet channelward of the approximate MHW shoreline and the other to extend no further than 680 feet channelward of the approximate MHW shoreline, both of which were previously authorized; however, they were not installed; for after-the-fact (ATF) installation of a 10-foot wide by 85-foot long gangway leading to a 24-foot wide by 108-foot long floating pier and to install a 6-foot wide by 75-foot long metal gangway to a 12-foot wide by 286-foot long floating pier on the north side of the north pier; for ATF for installation of a 10-foot wide by 90-foot long gangway leading to a 12-foot wide by 200-foot long floating pier on the south side of the existing pier and to install a 6-foot wide by 75-foot long metal gangway to a 12-foot wide by 397-foot long floating pier, and to install a 12-foot wide by 131-foot long floating pier, all to extend no more than 730 feet channelward of the approximate MHW shoreline.

The tensile structures and associated platforms were previously approved under the original DA permit; however, they were not constructed.

North Marina, South Piers:

Pier 1: for ATF installation of 5 mooring buoys with a 100-foot diameter, which were previously authorized at another location in the project area; however, not authorized in this location; for ATF construction of a 5-foot by 8-foot platform south of the pier adjacent to Pier 3; to construct a 173-foot wide by 187-foot long observation wheel cantilevered 12 feet over open water on each side of the existing pier and a kiosk, attendant work station, signage, and canopies on the existing pier and to install two private aids to navigation on the existing pier, all within approximately 775 feet channelward of the approximate MHW shoreline; to install a 12-foot wide by 477-foot long floating pier adjacent to the north side of the existing pier to extend no further than 482 feet channelward of the MHW shoreline; to install a 10-foot wide by 10-foot long floating platform and a 10-foot wide by 24-foot long floating platform on the south side of the western-most platform; to construct a 10-foot wide by 75-foot long floating pier on the southeastern side of the pier to extend approximately 111 feet channelward of the MHW shoreline; and to install a 10-foot wide by 130-foot long floating dock and a 5-foot wide by 52-foot long gangway south of the pier.

The observation wheel, work station, signage, canopies, and private aids to navigation were previously approved under the original DA permit; however, they were not installed.

The work includes extension of three existing piers on the south side of and perpendicular to Pier 1 as follows:

Pier 2: for ATF construction of five 5-foot wide by 30-foot wide finger piers and a 12-foot by 12 foot platform, one 5-foot wide by 60-foot long finger pier, and a 12-foot by 12-foot platform; and to construct a 10-foot wide by 249-foot long pier extension with a 10-foot wide by 130-foot long "T" head with eleven 5-foot wide by 60-foot long finger piers and one 8-foot wide by 60-foot long finger pier.

Pier 3: for ATF construction of a 6-foot wide by 9-foot wide platform; and to construct a 10-foot wide by 249-foot long pier extension with a 10-foot wide by 130-foot long "T" head with eight 5-foot wide by 60-foot long finger piers.

Pier 4: To construct a 10-foot wide by 249-foot long pier extension with a 10-foot wide by 61-foot long "L" head and four 5-foot wide by 60-foot long finger piers.

Gaylord Pier: for ATF construction of an irregularly shaped 1,542 square foot floating water taxi pier with a 5-foot wide irregularly shaped gangway; to construct two 5-foot wide by 60-foot long finger piers to extend no more than 284 feet channelward of the approximate MHW shoreline; and to install 3 mooring buoys with a 100-foot mooring radius to extend a maximum of 180 feet channelward of the approximate MHW shoreline.

These mooring buoys were previously approved under the original DA permit in a different location; however, they were not installed.

South Marina and Boat Ramp:

To construct a 10-foot wide by 313-foot long perpendicular pier with the following attached piers perpendicular to the proposed main pier: an 8-foot wide by 610-foot long "T" head with seven 5-foot wide by 28-foot long finger piers east of the proposed perpendicular pier; two 8-foot wide by 210-foot long piers east of the proposed perpendicular pier each with fourteen 5-foot wide by 28-foot long finger piers; one 8-foot wide by 390-foot long pier west of the proposed perpendicular pier with twenty-six 5-foot wide by 28-foot long finger piers; and one 8-foot wide by 210-foot long pier west of the proposed perpendicular pier with seven 5-foot wide by 28-foot long finger piers; and thirteen 5-foot wide by 28-foot long finger piers along the proposed "T" head west of the proposed perpendicular pier; to construct a 610 linear foot angled wave screen adjacent to the proposed "T" head; and to construct a 128-foot long angled wave attenuator at the western terminus of the "T" head, all to extend no more than 420 feet channelward of the approximate MHW shoreline. The marina would include a total of eighty-one 5-foot wide by 28-foot long finger piers creating 162 boat slips.

To construct a 68-foot wide by 180-foot long concrete boat ramp with approximately 689 cubic yards of associated fill material to extend no more than 55 feet channelward of the approximate MHW shoreline impacting approximately 0.02 acres of tidal wetlands and 557 square feet of historic submerged aquatic vegetation (SAV) and to deposit the approximately 680 cubic yards of excavated earth at an approved upland disposal site; and to construct two new 8-foot wide by 180-foot long piers on either side of the boat ramp with adjacent wing walls, all to extend no more than 152 feet channelward of the approximate MHW shoreline.

Dredging: To mechanically or hydraulically dredge an approximate 48.9-acre area to a depth of -11.0 feet mean low water (MLW); an approximate 25.8-acre area to a depth of -8.0 feet MLW; and an approximate 9.8-acre area to a depth of -5.0 feet MLW, all to extend no more than 900 feet channelward of the approximate MHW shoreline. Approximately 65.5 acres of the proposed dredging would be considered new dredging. The proposed dredge areas include work in and around the existing and proposed marinas; within and around the proposed mooring buoy fields; approximately 0.65 acres adjacent to the southwestern most pier at the North Marina south pier; and approximately 0.14 acres at the South Marina Boat Ramp.

The resulting approximately 17,750 cubic yards of dredge material would be transported by barge to Port Tobacco or transported in water tight trucks and deposited at the Weanack placement site in Charles City, Virginia. The hydraulic dredging high density polyethylene pipe is proposed to be mobilized by barge; assembled on site; and installed from the decanting area to the dredge area during the dredging operation. The hydraulic pipeline would be held in place during dredging operations by installing anchors. The applicant also requests 10-year maintenance dredging for a total of approximately 84.5 acres.

Approximately 19 acres of the proposed dredging was previously approved under the original DA permit and completed. The areas totaling approximately 19 acres consist of the mouth of the entrance channel to National Harbor and a channel adjacent to the proposed South Marina location extending past the Gaylord pier to the North Marina north pier are therefore considered maintenance dredging.

Waterway depths in the project area range from approximately- 5.0 feet to -11.0 feet MLW and the proposed dredge areas would be connected to existing depths the same or greater than the proposed areas to be dredged.

All work is to be completed in accordance with the proposed plan(s). If you have any questions concerning this matter, please contact Mr. Steve Harman of this office at (410) 962-6082 or via email at steve.harman@usace.army.mil. (Note: If you wish to receive a copy of the full set of plans, please contact Mr. Steve Harman, Regulatory Project Manager at the contact information listed above, or Ms. Melody Quinn at 410-962-4500 to make arrangements for obtaining a copy).

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 by replacing an existing boat ramp within the waterway. Compensatory mitigation is not being proposed by the applicant for impacts to open water (inter-tidal and sub-tidal) habitat.

The purpose of the project is to improve and maintain navigable access for recreational and public safety uses and to provide water access to existing commercial uses in the uplands.

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 (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). The project site does not lie in or adjacent to EFH as described under the MSFCMA.

The decision whether to issue a permit will be based on an evaluation of the probable impact 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 reasonably 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, economics, 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, and, in general, the needs and welfare of the people.

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. 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 District Engineer, U.S. Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Wetlands and Waterways Program, Maryland Department of the Environment, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230 within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the

Coastal Zone Division, Maryland Department of the Environment, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which to make its consistency determination.

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

A preliminary review of this application indicates that the proposed work will not affect listed 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.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest, which may be adversely affected by the issuance of this permit, may request a public hearing. The District Engineer must receive the request, which must be in writing, U.S. Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Comments must clearly set forth the interest which may be adversely affected by this activity relative to the proposed work and the manner in which the interest may be adversely affected. The previously authorized and completed activities are not

being evaluated as new work Activities that were previously authorized and not constructed that have valid DA authorization are not considered new work since the DA permit for those activities does not expire until September 30, 2015 and those activities would be superseded, if a new permit is issued. No decision has been made as to whether or not a permit will be issued.

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

FOR THE DISTRICT ENGINEER:

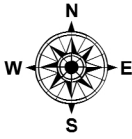
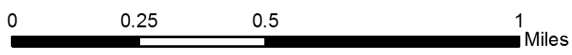
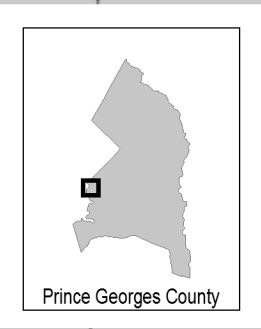
Kathy B. Anderson
Chief, Maryland Section Southern

National Harbor


Location Map

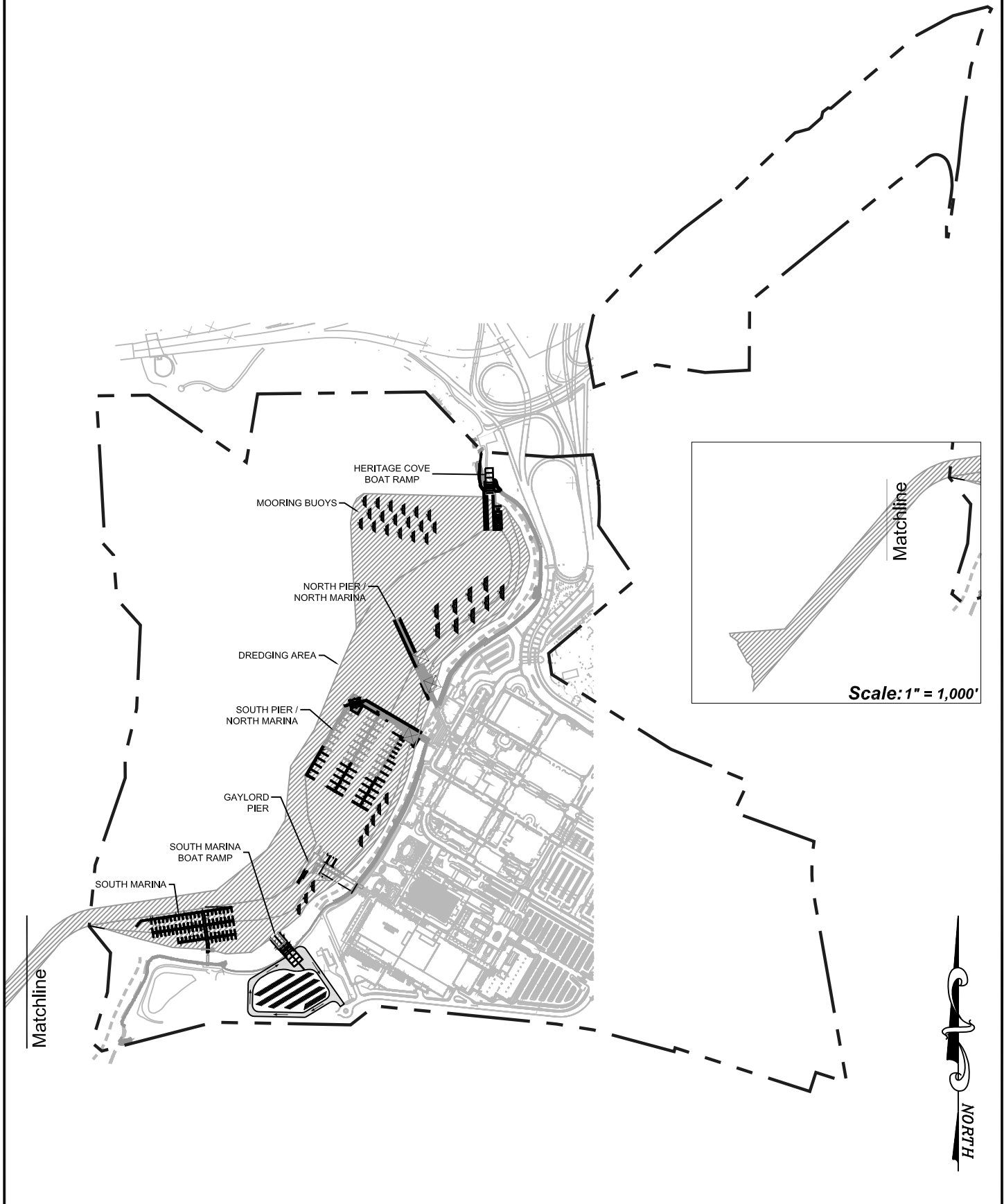


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Base Source: ESRI

 National Harbor Boundary
Area = 528 acres



Applicant:
Smoot Harbor, LLC
 12500 Fair Lakes Circle, Suite 400
 Fairfax, Virginia 22033

Agent:
Wetland Studies and Solutions, Inc.
 5300 Wellington Branch Drive, Suite 100
 Gainesville, VA 20155
 (Phone) 703-679-5600 (Fax) 703-679-5601

NATIONAL HARBOR

Proposed Impacts to Tidal Waters of the U.S.

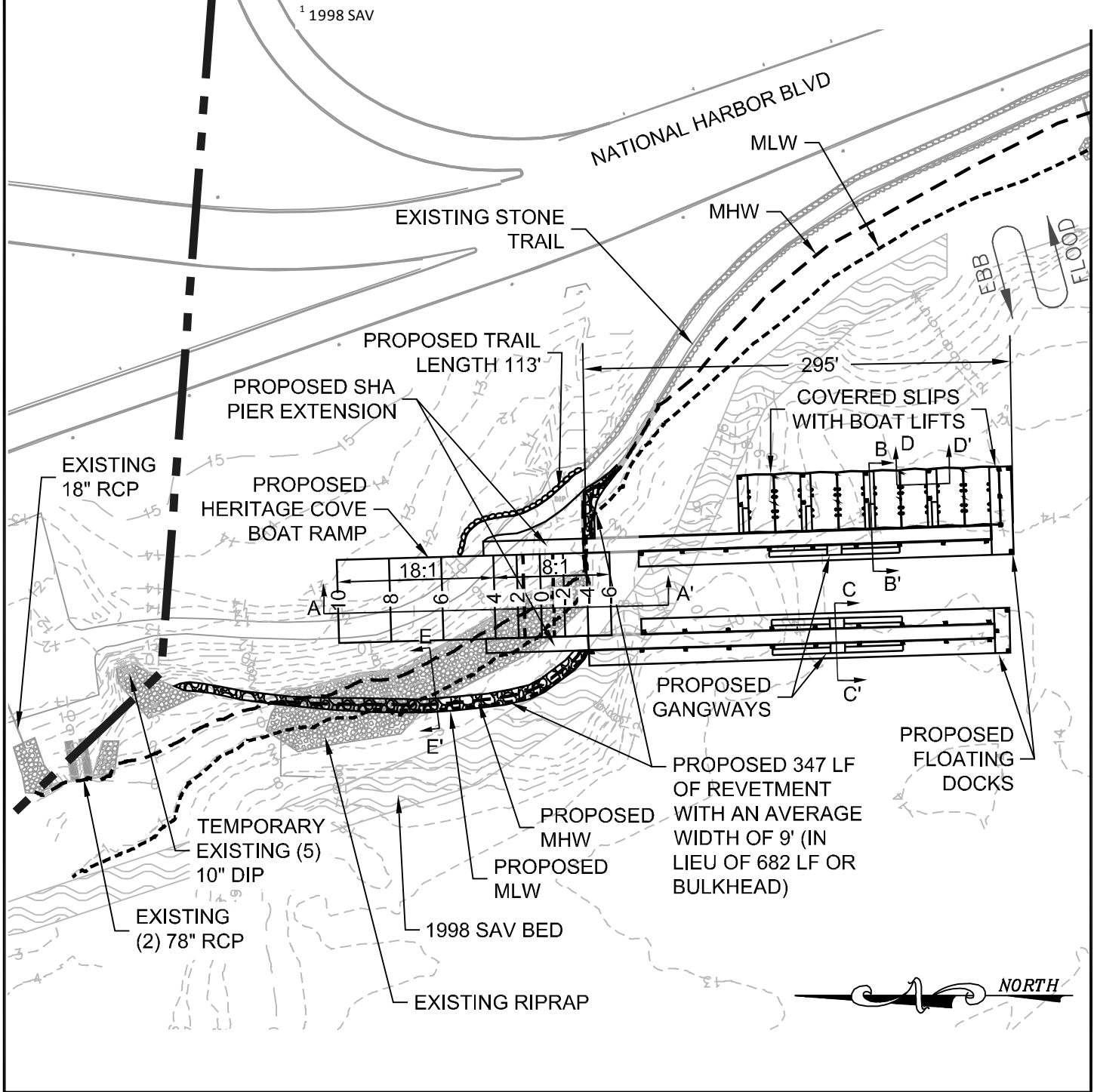
Smoot Bay / Potomac River
Prince George's County, Maryland

OVERALL MAP KEY

Date: August 2013

Scale: 1" = 1,000' **Sheet: 2 of 34**

Impact Area	Open Water Cover		Historic SAV Impact	
	Sq Ft	Acres	Sq Ft	Acres
Heritage Cove Boat Ramp	20,020	0.46	3,261	0.07 ¹



WIDTH OF BOAT RAMP = 57'
 DISTANCE OF MHW TO END OF BOAT RAMP AT ELEVATION -6' = 54'
 TOTAL LENGTH OF BOAT RAMP = 189'
 DISTANCE OF MHW TO END OF PROPOSED REVETMENT = 48'
 ALL ELEVATIONS REFERENCED TO NAVD 88

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 12500 Fair Lakes Circle, Suite 400
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NATIONAL HARBOR

Proposed Impacts to Tidal Waters of the U.S.

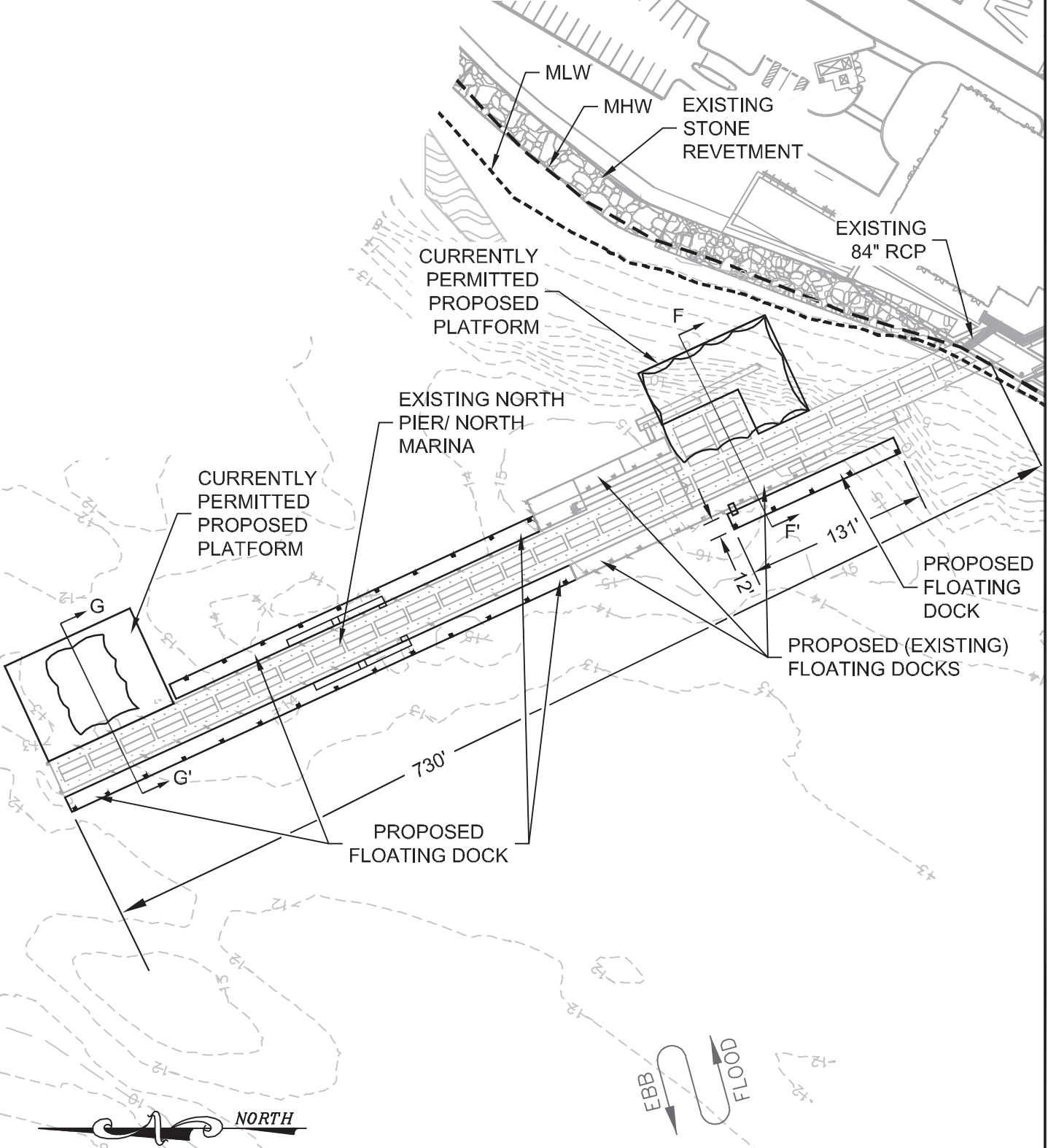
Smoot Bay / Potomac River
 Prince George's County, Maryland

**HERITAGE COVE
 PLAN VIEW**

Date: August 2013

Scale: 1" = 100' Sheet: 6 of 34

Impact Area	Open Water Cover	
	Sq Ft	Acres
North Pier / North Marina	26,722	0.61



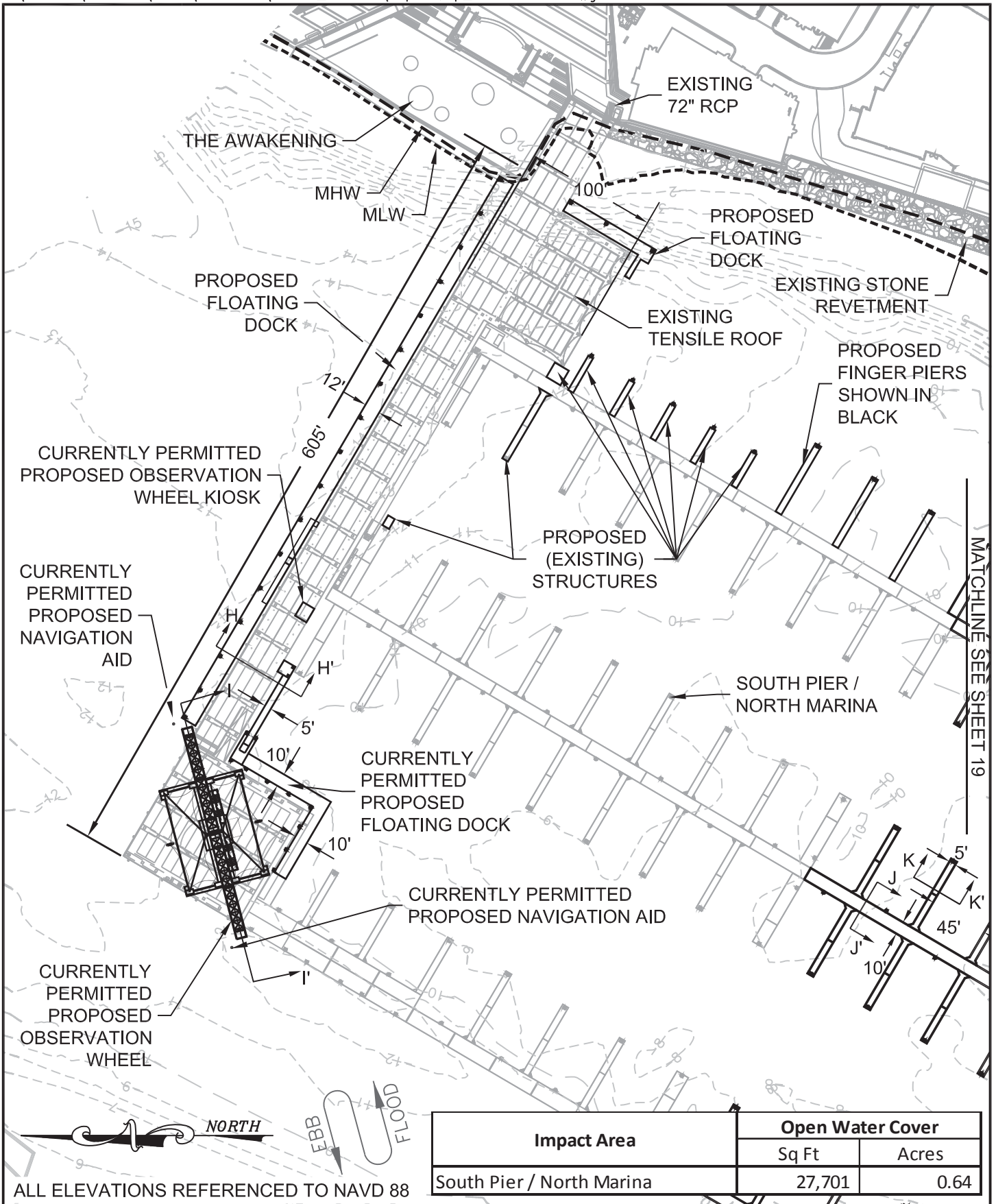
ALL ELEVATIONS REFERENCED TO NAVD 88

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NATIONAL HARBOR
Proposed Impacts to Tidal Waters of the U.S.
 Smoot Bay / Potomac River
 Prince George's County, Maryland

NORTH PIER / NORTH MARINA
PLAN VIEW
 Date: August 2013
 Scale: 1" = 100' Sheet: 15 of 34



ALL ELEVATIONS REFERENCED TO NAVD 88

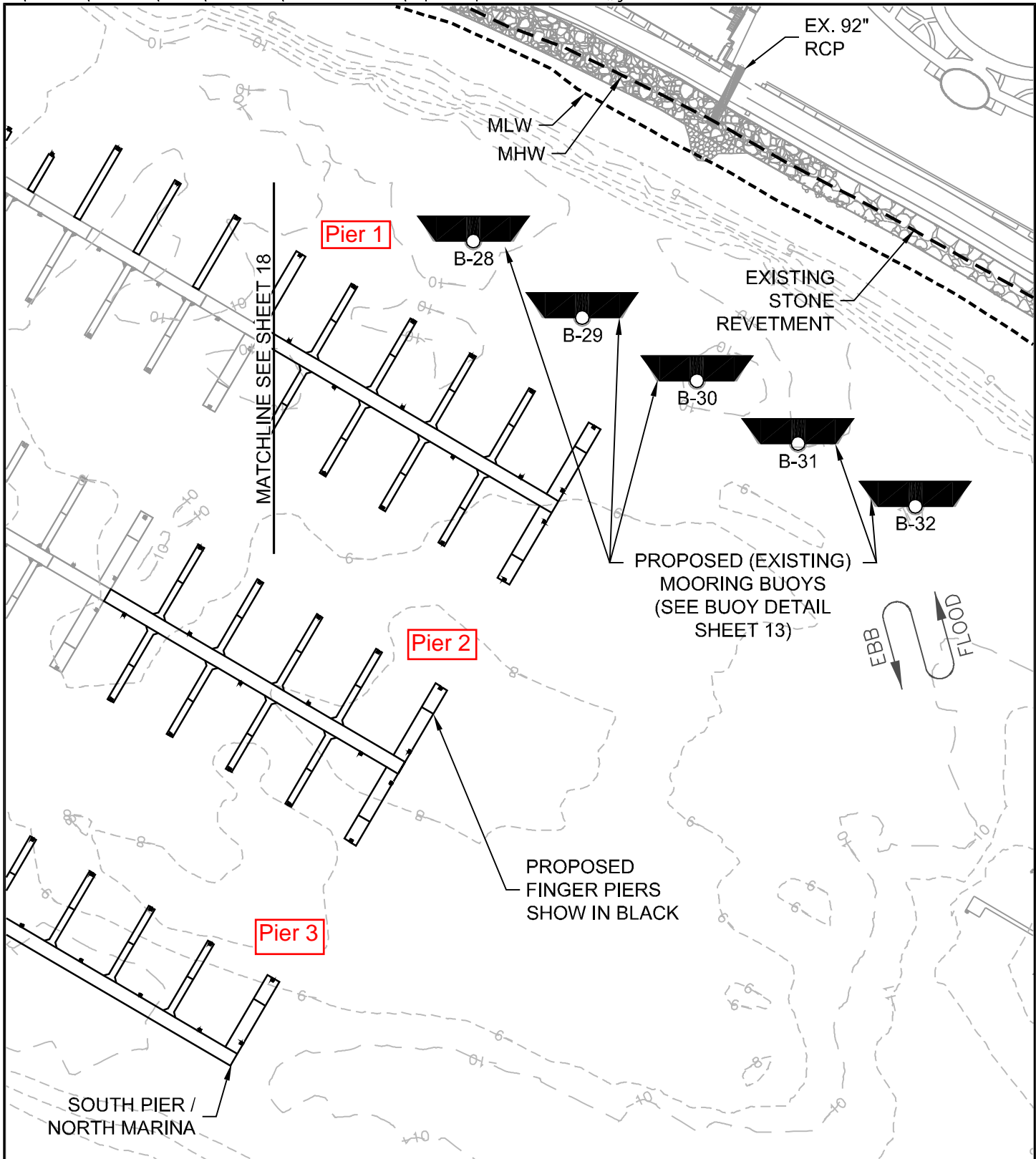
Impact Area	Open Water Cover	
	Sq Ft	Acres
South Pier / North Marina	27,701	0.64

Applicant:
Smoot Harbor, LLC
 12500 Fair Lakes Circle, Suite 400
 Fairfax, Virginia 22033

Agent:
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NATIONAL HARBOR
Proposed Impacts to Tidal Waters of the U.S.
 Smoot Bay / Potomac River
 Prince George's County, Maryland

SOUTH PIER / NORTH MARINA
PLAN VIEW 1
 Date: August 2013 (REV 10/2013)
 Scale: 1" = 100' Sheet: 18 of 34



ALL ELEVATIONS REFERENCED TO NAVD 88

Impact Area	Open Water Cover	
	Sq Ft	Acres
South Pier / North Marina	27,903	0.64

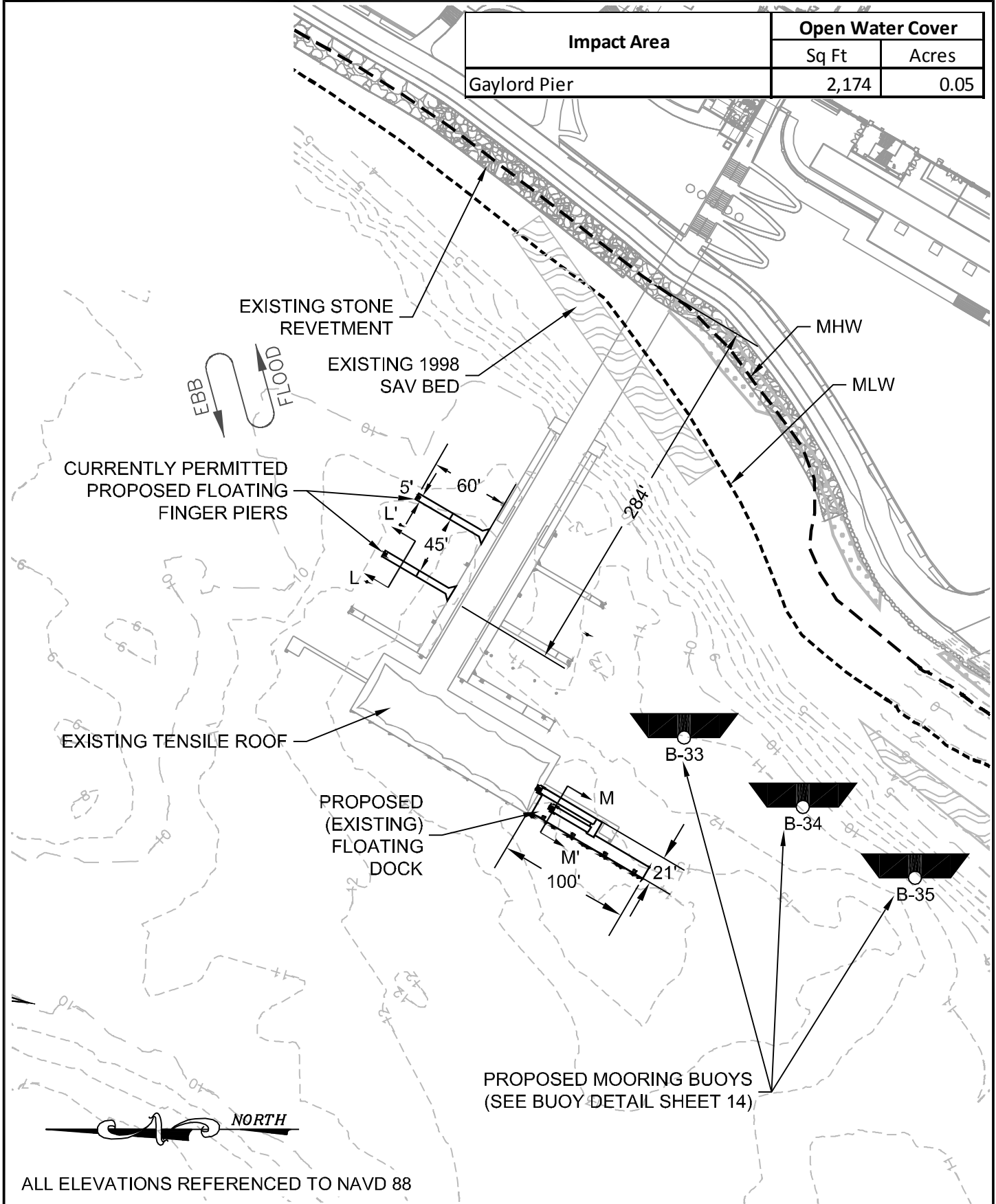
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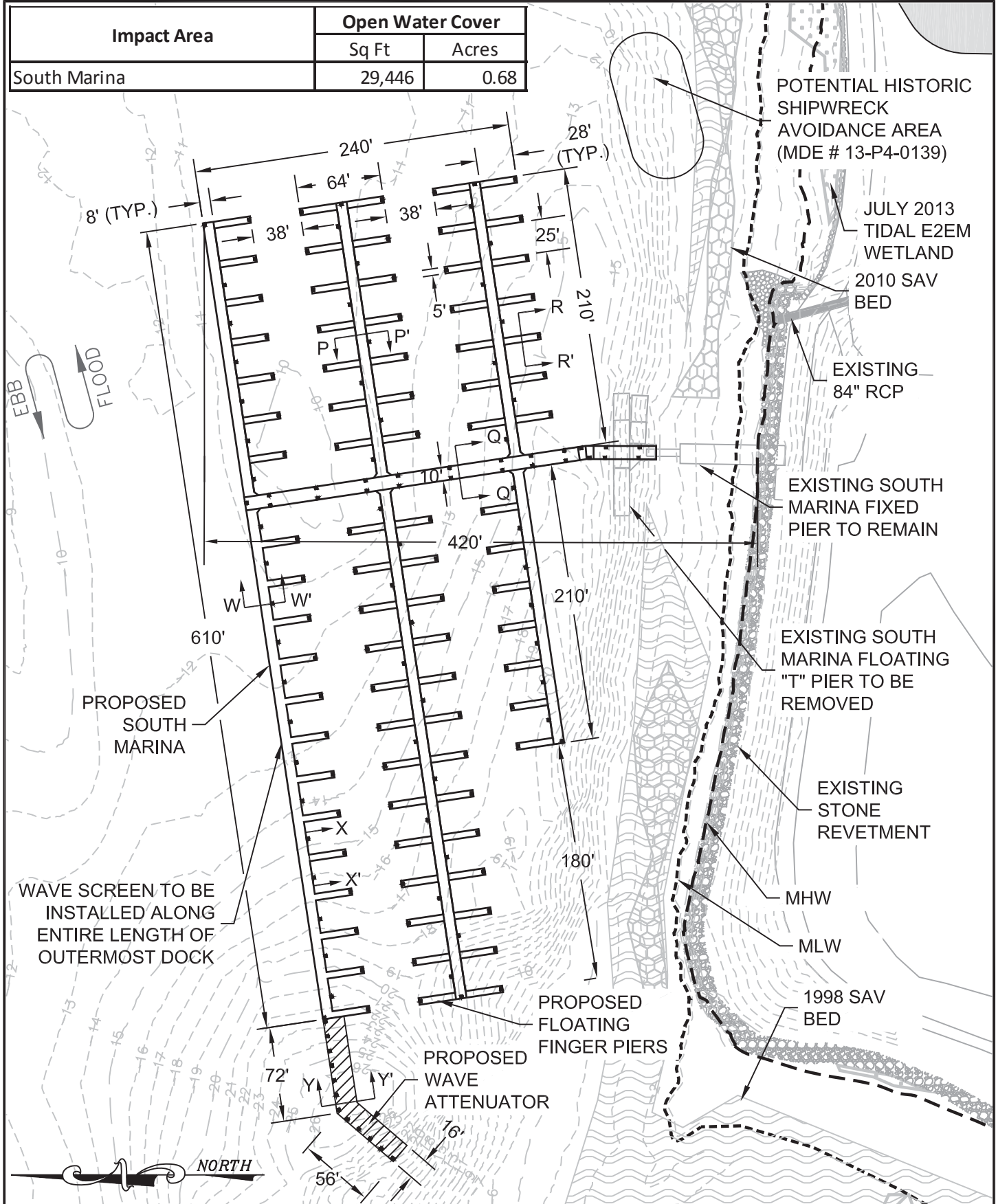
NATIONAL HARBOR
Proposed Impacts to Tidal Waters of the U.S.
 Smoot Bay / Potomac River
 Prince George's County, Maryland

SOUTH PIER / NORTH MARINA PLAN VIEW 2
 Date: August 2013
 Scale: 1" = 100' Sheet: 19 of 34

Impact Area	Open Water Cover	
	Sq Ft	Acres
Gaylord Pier	2,174	0.05



<p>Applicant: Smoot Harbor, LLC 12500 Fair Lakes Circle, Suite 400 Fairfax, Virginia 22033</p>	<p align="center">NATIONAL HARBOR</p> <p align="center"><i>Proposed Impacts to Tidal Waters of the U.S.</i></p> <p align="center">Smoot Bay / Potomac River Prince George's County, Maryland</p>	<p align="center">GAYLORD PIER</p> <p align="center">PLAN VIEW</p> <p>Date: August 2013</p>	
<p>Agent: Wetland Studies and Solutions, Inc. 5300 Wellington Branch Drive, Suite 200 Gainesville, VA 20155 (Phone) 703-679-5600 (Fax) 703-679-5601</p>		<p>Scale: 1" = 100'</p>	<p>Sheet: 23 of 34</p>



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NATIONAL HARBOR
Proposed Impacts to Tidal Waters of the U.S.
 Smoot Bay / Potomac River
 Prince George's County, Maryland

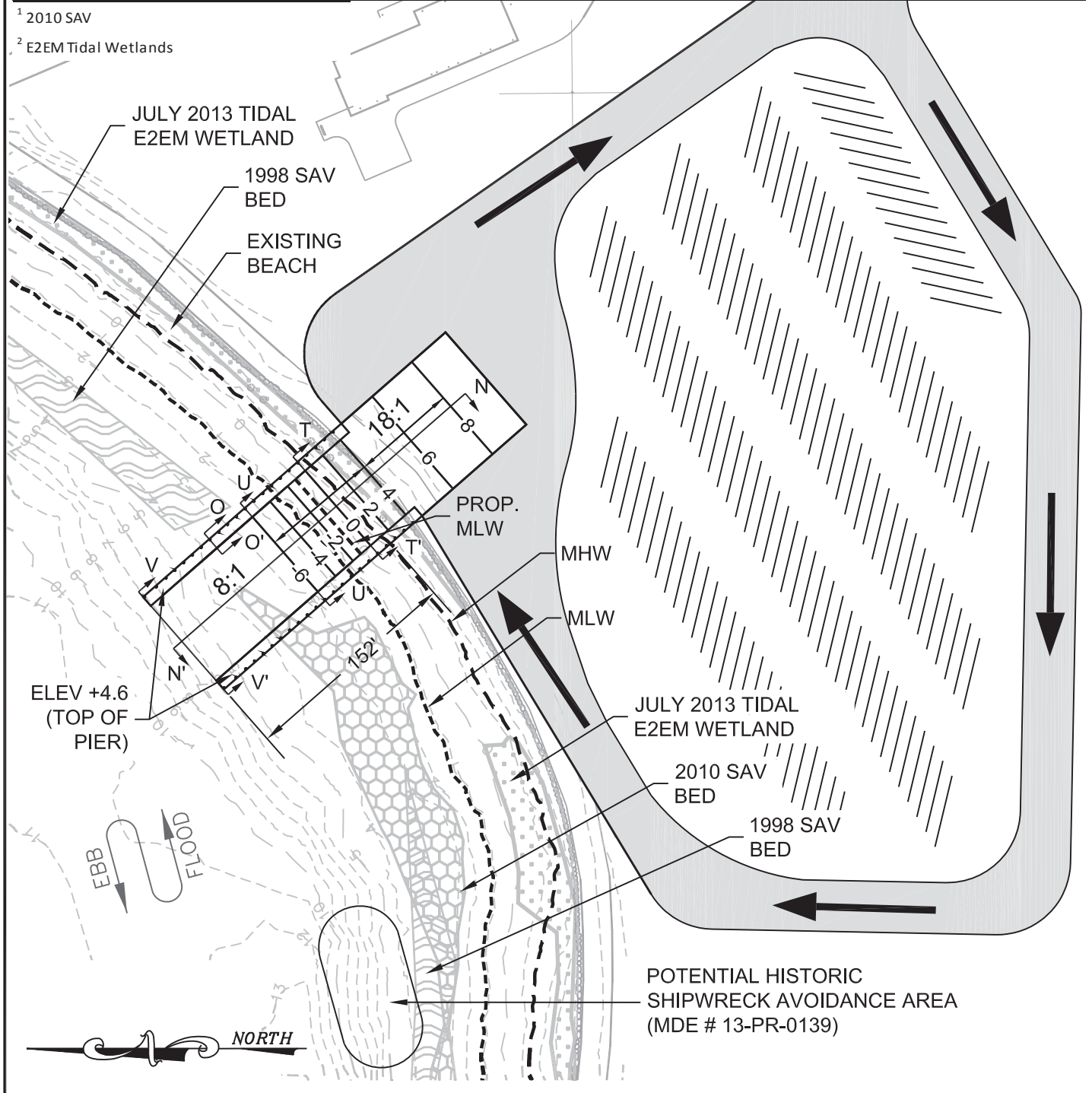
SOUTH MARINA
PLAN VIEW

Date: August 2013 (REV 11/2013)
Scale: 1" = 100'
Sheet: 30 of 34

Impact Area	Open Water Cover		Historic SAV Impact ¹		2013 Tidal Wetland Impact ²	
	Sq Ft	Acres	Sq Ft	Acres	Sq Ft	Acres
South Marina Boat Ramp	7,141	0.16	557	0.01	837	0.02

¹ 2010 SAV

² E2EM Tidal Wetlands



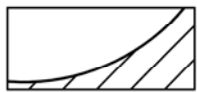
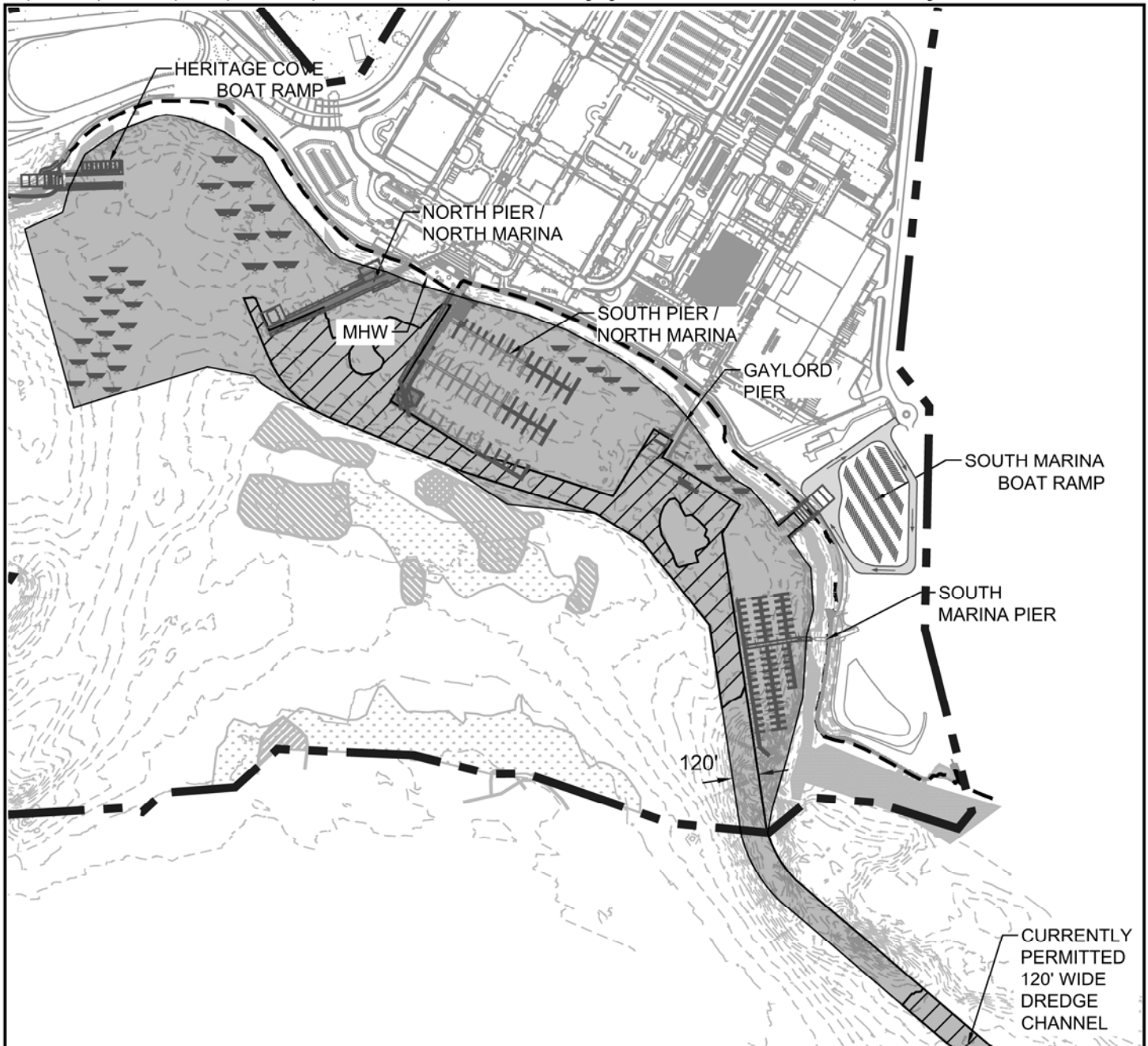
WIDTH OF BOAT RAMP = 68' (FOUR - 17' LAUNCH LANES)
 DISTANCE OF MHW TO END OF BOAT RAMP AT ELEVATION -6' = 55'
 TOTAL LENGTH OF BOAT RAMP = 152'
 ALL ELEVATIONS REFERENCED TO NAVD 88

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 12500 Fair Lakes Circle, Suite 400
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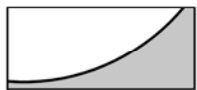
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NATIONAL HARBOR
 Proposed Impacts to Tidal Waters of the U.S.
 Smoot Bay / Potomac River
 Prince George's County, Maryland

SOUTH MARINA BOAT RAMP PLAN VIEW
 Date: August 2013 (REV 11/2013)
 Scale: 1" = 100' Sheet: 25 of 34



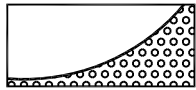
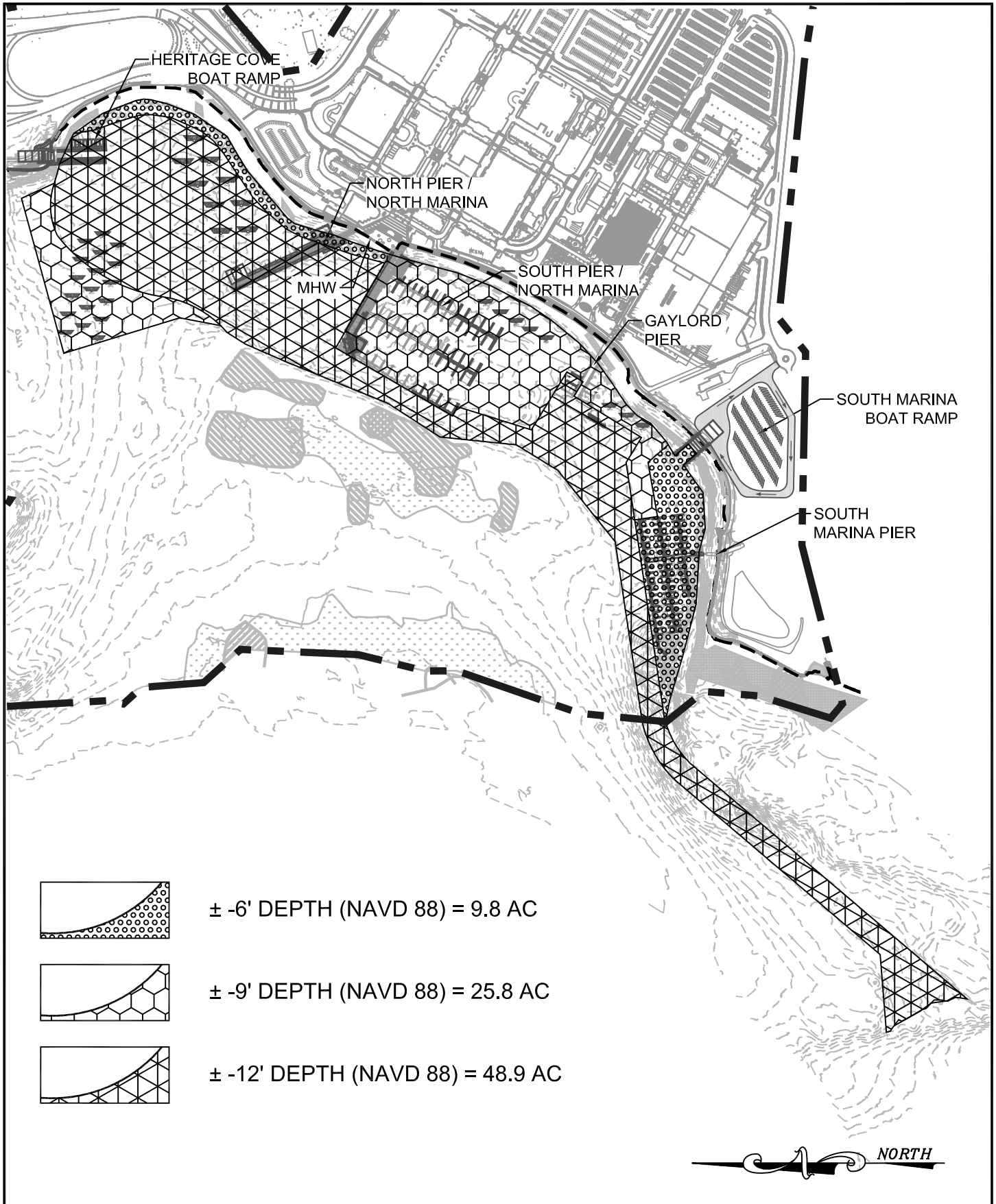
CURRENTLY PERMITTED DREDGE CHANNEL
(ORIGINALLY 19 ACRES TO A DEPTH OF 11'
BELOW MLW (\pm -12 NAVD 88), 87,000 CY OF
DREDGE MATERIAL)



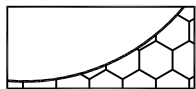
NEW PROPOSED DREDGING 84.5 ACRES, RANGING
IN DEPTHS OF \pm 11 TO \pm 5 FEET BELOW MLW (-6' TO
-12' NAVD 88) AS DEPICTED ON THE NEW DREDGING
PLAN.



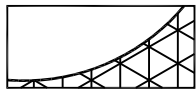
<p>Applicant: Smoot Harbor, LLC 12500 Fair Lakes Circle, Suite 400 Fairfax, Virginia 22033</p>	<p align="center">NATIONAL HARBOR <i>Proposed Impacts to Tidal Waters of the U.S.</i> Smoot Bay / Potomac River Prince George's County, Maryland</p>	<p align="center">PREVIOUSLY PERMITTED AND PROPOSED DREDGING PLAN</p>	
<p>Agent: Wetland Studies and Solutions, Inc. 5300 Wellington Branch Drive, Suite 200 Gainesville, VA 20155 (Phone) 703-679-5600 (Fax) 703-679-5601</p>		<p>Date: AUG 2013, REV JAN 2014*</p>	<p>Scale: 1" = 700'</p>



± -6' DEPTH (NAVD 88) = 9.8 AC



± -9' DEPTH (NAVD 88) = 25.8 AC



± -12' DEPTH (NAVD 88) = 48.9 AC



Applicant:

Smoot Harbor, LLC
 12500 Fair Lakes Circle, Suite 400
 Fairfax, Virginia 22033

Agent:

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 5300 Wellington Branch Drive, Suite 100
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NATIONAL HARBOR

Proposed Impacts to Tidal Waters of the U.S.

*Smoot Bay / Potomac River
 Prince George's County, Maryland*

DREDGING PLAN

Date: AUG 2013, REV JAN 2014*

Scale: 1" = 700'

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