



U.S. Army Corps  
of Engineers  
Baltimore District

# Public Notice

In Reply to Application Number:  
NAB-2017-01880 (FORT LESLEY J. McNAIR/RESTRICTED  
AREA)

PN 20-71

Comment Period: December 29, 2020 to January 28, 2021

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**THE PURPOSE OF THIS SPECIAL PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE PROPOSED ACTION AND TO ANNOUNCE A RE-OPENING OF THE PUBLIC COMMENT PERIOD. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT THE ACTION WILL BE GRANTED.**

The Baltimore District has received a request from Joint Base Myer-Henderson Hall/Fort McNair for the establishment of a permanent restricted area as described below:

**APPLICANT:** Commander, JBM-HH, IMM-H-ZA  
204 Lee Avenue, Building 59  
Fort Myer, Virginia 22211

**LOCATION:** Washington Channel and Anacostia River, in the vicinity of Joint Base Myer-Henderson Hall/Fort McNair, Washington, DC., as shown on enclosed map.

**ACTION:** Joint Base Myer-Henderson Hall (JBM-HH)/Ft. McNair has requested establishment of a restricted area (RA) to fulfill security needs in the adjacent Washington Channel. The initial proposal would have permanently restricted all vessels from entering the RA except those engaged in fishing authorized by JBM-HH/Ft. McNair. In August 2019, the Baltimore District, Regulatory Branch issued a public notice for the initial proposal with a comment period of 30 days. In addition, as part of proposed rulemaking, the Corps Operations and Regulatory Division, Washington, D.C. posted the initial proposal concurrently in the Federal Register for public comment. After requests were received to extend the public comment period, a 90-day time extension was granted until December 5, 2019; and after evaluating the comments received in response to that proposed rule, the currently proposed RA was revised. The revised RA would allow transient traffic offshore of JBM-HH/Fort McNair at all times except during National Security Special Events such as the State of the Union Address, State Funerals, and Presidential Inaugurations, and Marine Helicopter Squadron (HMX) missions. Outside of National Security Special Events, watercraft would be able to transit, but not anchor, moor or loiter in the RA unless approved by JBM-HH/Ft. McNair. On 13 October 2020, the Baltimore District issued a public notice for the revised RA with a comment period ending 13 November 2020. The Corps Operations and Regulatory Division, Washington, D.C. posted the revised RA in the Federal Register for public comment for 30 days beginning 13 October 2020.

During the 2020 comment period, comments were received concerning potential impacts to the Southwest Waterfront and Wharf, boating traffic safety, and the necessity of additional security and use of Metropolitan Harbor Patrol Resources. In addition, concerns were expressed that the proposal would limit options for future environmental restoration, flood mitigation, and economic development. Several commenters requested an extension of the comment period for the proposed rule.

Recognizing the considerable interest in the proposed action, the Baltimore District is re-opening the public notice comment period from 29 December 2020 until 28 January 2021 to coincide with the re-opened comment period for the proposed rule in the Federal Register. Comments previously submitted in response to the Federal Register Notice have been incorporated into the District's administrative record and will be fully considered in the Corps' final decision.

**§334.225 Washington Channel, Fort Lesley J. McNair, Washington, D.C.;  
Restricted Area.**

(a) The area. The Fort Lesley McNair RA shall encompass all navigable waters of the Washington Channel extending approximately 75-150 meters from the mean high water mark on the shoreline of Fort McNair, Washington, D.C., as defined at 33 CFR Part 329, within the area bounded by a line connecting the following coordinates:

Latitude 38° 52'18.776" N, longitude 077° 1'9.436" W (Point 1); thence to,  
Latitude 38° 52'17.696" N, longitude 077° 1'13.345" W (Point 2); thence to  
Latitude 38° 52'12.798" N, longitude 077° 1'12.114" W (Point 3); thence to  
Latitude 38° 52'12.559" N, longitude 077° 1'9.706" W (Point 4); thence to  
Latitude 38° 51'43.667" N, longitude 077° 1'9.771" W (Point 5); thence to  
Latitude 38° 51'41.135" N, longitude 077° 1'9.45" W (Point 6); thence to  
Latitude 38° 51'38.723" N, longitude 077° 1'6.921" W (Point 7); thence to  
Latitude 38° 51'38.257" N, longitude 077° 1'3.101" W (Point 8); thence to  
Latitude 38° 51'40.069" N, longitude 077° 0'57.895" W (Point 9); thence to  
Latitude 38° 51'41.708" N, longitude 077° 0'54.969" W (Point 10); thence to  
Latitude 38° 51'41.918" N, longitude 077° 0'53.911" W (Point 11); thence to  
Latitude 38° 51'43.571" N, longitude 077° 0'55.143" W (Point 12); and

thence along the shoreline to the point of origin.

(b) The regulations:

1. Would allow transient traffic offshore of Fort McNair at all times with the exception of periods of National Security Special Events such as the State of the Union Address, State Funerals, and Presidential Inaugurations, and Marine Helicopter Squadron (HMX) missions.
2. Watercraft would be able to transit but must not anchor, moor, or loiter in, the RA unless approved by of the Commander, JBM-HH/Fort McNair or his/her designated representatives.
3. Temporary closures during National Security Special Events would be announced through Local Notices to Mariners, Safety Marine Information Broadcasts or shoreline directions from shore.

(c) Enforcement. The RA will be jointly enforced by the Commander, JBM-HH/Fort McNair and the D.C Metropolitan Harbor Patrol. The US Coast Guard also has enforcement authority under Title 14, United States Code, Section 522. During National Security Special Events and other periods of increased security, all persons, vessels, or other craft are prohibited from anchoring, mooring, loitering, or transiting the RA. If any person or vessel encroaching within the areas identified in paragraph (a) of this section is directed to immediately leave the RA and fails to do so, such failure to comply could result in forceful removal and/or criminal charges.

(d) Exceptions. Fishing is permitted within the RA.

The decision whether to establish the requested RA 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.

Comments are being solicited 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 grant, modify, or deny authorization 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 are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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.

Written comments concerning the action described above may be submitted directly to the District Engineer by email ([April.E.Sparkman@usace.army.mil](mailto:April.E.Sparkman@usace.army.mil)) or regular mail: U.S. Army Corps of Engineers, Baltimore District, Attn: Ms. April E. Sparkman, Regulatory Branch, CENAB-OPR-MN, 2 Hopkins Plaza, Baltimore, Maryland 21201, within the comment period as specified above to receive consideration. If you have any questions concerning this matter, please contact Ms. April Sparkman at 410.962.0148 or [April.E.Sparkman@usace.army.mil](mailto:April.E.Sparkman@usace.army.mil).

The proposed rulemaking has also been posted in the Federal Register for public comments for 30 days beginning 29 December 2020 until 28 January 2021, Docket Number COE-2019-0010. This public notice is issued by the Chief, Regulatory Branch.



Washington Channel

Anacostia River