

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: December 6, 2022

SUBJECT: Report on Bill 24-617, “Office of District Waterways Management Establishment Act of 2022”

The Committee of the Whole, to which Bill 24-617, the “Office of District Waterways Management Establishment Act of 2022” was sequentially referred, reports favorably thereon with amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On January 19, 2022, Bill 24-617, the “Office of District Waterways Management Establishment Act of 2022” was introduced by Councilmember Charles Allen and Councilmembers Cheh, Gray, McDuffie, Nadeau, Pinto, and T. White. As introduced and marked up by the Committee on Housing and Executive Administration, Bill 24-617 would create a District entity to coordinate management of the District’s waterways and create an advisory entity that would adopt a biennial advisory report on issues related to waterways management.

The Committee of the Whole largely incorporates the background and need in the Committee on Housing and Executive Administration’s committee report (attached) and its recommendations in the committee print. However, the Committee of the Whole’s Committee Print (“Committee Print”) makes the following substantive changes to simplify the legislation.

First, the print changes the number of members of the District Waterways Advisory Commission (“Commission”). The Mayor would still have a total of seven appointments of voting

members of the Commission, including the chairperson of the commission, while the Council would have seven instead of eight appointments. The Council appointments would be by the Chairman of the Council rather than by resolution of the Council. The Committee believes that the Chairman, in consultation with Councilmembers, can more efficiently identify potential commission members based on the specific criteria identified for who may hold those seats. The Committee Print removes the Council appointment of a Councilmember, but clarifies that the seventh non-institutional member of the Commission could have expertise *or interest* in waterways management, leaving open the option of appointing a Councilmember or their designee to the seat. In addition, the Committee Print adjusts the staggering of the terms of Commission members.

Second, the Committee Print makes minor changes to the composition of the non-voting District government members of the Commission. The Committee Print clarifies that these are *ex officio* members, enabling District agencies with expertise in matters related to waterways management to send representatives to aid the Commission in its work. The Committee Print also changes the federal nonvoting members composition as follows. It substitutes the Department of Defense for Joint Base Anacostia Bolling – the Committee on Housing and Executive Administration added Joint Base Anacostia Bolling given the base’s presence on the Anacostia River. However, there are other affected military interest on District waterways, including the Navy Yard and Fort Lesley McNair. This change enables participation of a Defense Department a representative who has background on all defense interests on the waterways. The Committee Print also adds the National Capital Planning Commission as a nonvoting federal member given that agency’s broad planning expertise in the National Capital Region, including planning work with a number of other federal agencies.

Third, the Committee Print streamlines some of the meeting and hearing procedures intended for public input on the Commission’s formulation of the District Waterways Advisory Plan (“Action Plan”). Both the introduced and Committee on Housing and Executive Administration versions of the bill were prescriptive with respect to the form for public input on the Action Plan. For instance, while the Committee Print still calls for two hearings on a proposed plan to focus on residents west of the Anacostia River and residents east of the Anacostia River, it does not specify that the hearings would have to *physically take place* in those areas. Given the changes with public participation in government meetings such as the use of online virtual meetings as a result of the COVID-19 pandemic, the Committee believes that there should be some flexibility in the form of these hearings. The Committee Print also removes the requirement that a Council committee must hold a public hearing on a proposed Action Plan. The Committee believes that if a Committee of jurisdiction were so inclined to have such a hearing, that should not preclude it, but the Committee also believes that the Council should not legislate its meeting procedures, and should use the Council’s own rules regarding the conduct of oversight.

The Committee supports the concept of creating a new District government entity with a focus on managing the District’s waterways. This new office, housed in the Department of Energy and the Environment, will allow that agency to better coordinate and plan with respect to waterways management in addition to its other related duties. Thus, the Committee of the Whole recommends adoption of the Committee Print with the outlined changes.

II. LEGISLATIVE CHRONOLOGY (ABBREVIATED)

- May 16, 2018 The Committee on Government Operations holds a public hearing on Bill 22-522.
- January 23, 2020 The Committee of the Whole holds a public hearing on Bill 23-396.
- January 19, 2022 Bill 24-617, the “Office of District Waterways Establishment Act of 2022” is introduced by Councilmember Allen along with Councilmembers Cheh, Gray, McDuffie, Nadeau, Pinto, and T. White.
- February 1, 2022 Bill 24-617 is officially read at a regular Legislative Meeting and the sequential referral to the Committee on Housing and Executive Administration and Committee of the Whole is official.
- September 29, 2022 The Committee on Housing and Executive Administration holds a public hearing on Bill 24-617.
- November 9, 2022 The Committee on Housing and Executive Administration marks up Bill 24-617.
- December 6, 2022 The Committee of the Whole marks up Bill 24-617.

III. SUMMARY OF TESTIMONY

Tommy Wells, Director of the Department of Energy and Environment, testified on behalf of the Executive with recommended changes to the print and in support of the intent of Bill 24-617 at a hearing before the Committee on Housing and Executive Administration on September 20, 2022. That hearing also included public testimony broadly in support of the legislation. In addition, hearings on earlier versions of the legislation were held before the Committee on Government Operations on May 16, 2018, and the Committee of the Whole on January 23, 2020. Testimony from the Committee on Housing and Executive Administration hearing is summarized in the attached Committee Report from that committee.

IV. IMPACT ON EXISTING LAW

Bill 24-617 has no effect on existing law. This is freestanding legislation that creates a new Office of Waterways Management within the Department of Energy and the Environment to: focus on waterways management and interjurisdictional coordination; create a District Waterways Management Advisory Commission; and direct the District Waterways Management Advisory Commission to develop a District Waterways Action Plan with input from the public and nonvoting ex officio members of the Commission.

V. FISCAL IMPACT

According to the December X, 2022 fiscal impact statement of the District of Columbia Chief Financial Officer, funds are not sufficient in the fiscal year 2023 and in the proposed fiscal year 2024 through fiscal year 2027 budget and financial plan to implement this bill. The bill's implementation will cost approximately \$316,000 in fiscal year 2023 and \$1.26 million over the four-year financial plan.

VI. RACIAL EQUITY IMPACT

According to the December 6, 2022 Racial Equity Impact Analysis of the Council Office on Racial Equity, XXXXX

VII. SECTION-BY-SECTION ANALYSIS

<u>Section 2</u>	Establishes the Office of Waterways Management within the Department of Energy and the Environment.
<u>Section 3</u>	Establishes the District Waterways Advisory Commission and provides for the appointment and terms of voting members, and the participation of nonvoting ex officio member agencies.
<u>Section 4</u>	Requires the development and adoption of a District Waterways Advisory Plan including guidelines for public participation.
<u>Section 5</u>	Fiscal impact statement.
<u>Section 6</u>	Provides that applicability is upon inclusion of the measure's fiscal impact in an approved budget and financial plan.
<u>Section 7</u>	Effective date.

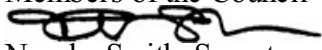
VIII. COMMITTEE ACTION

IX. ATTACHMENTS

1. Bill 24-617 as introduced.
2. Committee on Housing and Executive Administration report on Bill 24-617 (without attachments).
3. Racial Equity Impact Assessment for Bill 24-617.
4. Fiscal Impact Statement for Bill 24-617.
5. Legal Sufficiency Determination for Bill 24-617.
6. Committee Print for Bill 24-617.

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : Nyasha Smith, Secretary to the Council
Date : Tuesday, January 25, 2022
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Wednesday, January 19, 2022. Copies are available in Room 10, the Legislative Services Division.

TITLE: "District Waterways Management Authority Establishment Act of 2022", B24-0617

INTRODUCED BY: Councilmembers Allen, Pinto, Nadeau, Gray, T. White, Cheh, and McDuffie

The Chairman is referring this legislation sequentially to the Committee on Housing and Executive Administration and Committee of the Whole.

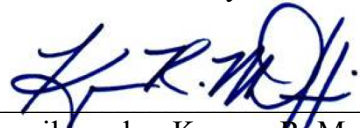
Attachment
cc: General Counsel
Budget Director
Legislative Services

1 
2 Councilmember Trayon White, Sr.


Councilmember Charles Allen

3
4 
5 Councilmember Mary M. Cheh


Councilmember Brooke Pinto

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7 
8 Councilmember Kenyan R. McDuffie

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10 Councilmember Brianne K. Nadeau

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13 Councilmember Vincent C. Gray

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19 A BILL

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23
24 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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29 To establish the District Waterways Management Authority and the District Waterways
30 Management Commission to comprehensively plan, manage, coordinate, promote, and
31 advocate for the diverse uses of and access to the District's waterways and adjacent
32 property, and to require the development of a District Waterways Management Action
33 Plan.

34
35 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
36 act may be cited as the "District Waterways Management Authority Establishment Act of 2022".

37 Sec. 2. Definitions.

38 For the purposes of this act, the term:

39 (1) "Action Plan" means the Waterways Management Action Plan.

40 (2) "Commission" means the District Waterways Management Commission.

41 (3) “Authority” means the District Waterways Management Authority.

42 (4) “Task Force” means the District Waterways Management Interagency Task
43 Force.

44 (5) “Waterways” refers to the Anacostia and Potomac Rivers and the
45 Washington Channel.

46 Sec. 3. Establishment; purpose and duties.

47 (a) The Mayor shall establish the District Waterways Management Authority.

48 (b) The purpose of the Authority will be to plan, manage, coordinate, promote, and
49 advocate for the diverse uses of and access to the District’s waterways and adjacent property,
50 including:

51 (1) In coordination with the District Waterways Management Commission
52 established pursuant to section 4, the creation of the District Waterways Management Action
53 Plan;

54 (2) Coordinating District, Maryland, Virginia, and federal government officials
55 and agencies; businesses; community organizations; and the public on economic, public safety
56 and security, environmental, recreation, and transportation issues relevant to the waterways and
57 adjacent property; and

58 (3) Advising the Mayor and the Council on issues related to the District’s
59 waterways and adjacent property, including public improvements, maintenance, operations,
60 programming, budgeting, resiliency, planning, and public safety and security.

61 (c) The District agencies listed in section 4(b)(1)(C) shall provide the Authority with
62 resources and information at the Authority’s request.

63 Sec. 4. Establishment of the District Waterways Management Commission; composition;
64 duties.

65 (a) There is established a District Waterways Management Commission to produce a
66 District Waterways Management Plan and annual updates, pursuant to section 5 of this act. The
67 commission shall not issue rules pursuant to Title I of the District of Columbia Administrative
68 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

69 (b) Commission members shall be appointed as follows:

70 (1)(A) Six voting members appointed by the Mayor, with the advice and consent
71 of the Council, pursuant to section 2(e) of the Confirmation Act of 1978, effective March 3, 1979
72 (D.C. Law 2-141; D.C. Official Code § 1-523.01(e)), one with expertise in each of the following
73 areas:

- 74 (i) Public safety;
- 75 (ii) Environmental stewardship;
- 76 (iii) Economic development or tourism;
- 77 (iv) Maritime management or policy;
- 78 (v) Athletics and recreation; and
- 79 (vi) Maritime transportation.

80 (B) Seven voting members appointed by the Council as follows:

81 (i) One Councilmember, or the Councilmember's designee, whose
82 election ward borders a waterway;

83 (ii) Two Advisory Neighborhood Commissioners whose single-
84 member districts border a waterway, with one Commissioner representing a single-member
85 district east of the Anacostia River and one west of the Anacostia River;

86 (iii) Two representatives of Business Improvement Districts that
87 border a waterway;

88 (iv) One representative from a marina or yacht club located in the
89 District; and

90 (iv) One public member with expertise in one of the areas listed in
91 subparagraph (A) of this paragraph.

92 (C) At least one non-voting member appointed by the Mayor to represent
93 each of the following agencies:

94 (i) The Office of the Deputy Mayor for Planning and Economic
95 Development;

96 (ii) The Office of the Deputy Mayor for Public Safety and Justice;

97 (iii) The Metropolitan Police Department;

98 (iv) The Fire and Emergency Medical Services Department;

99 (v) The District Department of Transportation;

100 (vi) The Department of Energy and Environment;

101 (vii) The District of Columbia Water and Sewer Authority;

102 (viii) The Washington Convention and Sports Authority; and

103 (ix) The Public Service Commission.

104 (D) The Mayor shall request the designation of non-voting members from
105 the following federal agencies:

106 (i) The National Park Service;

107 (ii) The United States Coast Guard; and

108 (iii) The Metropolitan Washington Airports Authority.

109 (b) A majority of the sitting voting members shall constitute a quorum.

110 (c) All voting members shall have equal voting power.

111 (d) All voting members shall serve for 4-year staggered terms, with no term limit;
112 provided, that of the members initially appointed under this section, the 6 voting members
113 appointed by the Mayor shall be appointed for a term of 4 years, and the 7 voting members
114 appointed by the Council shall be appointed for a term of 3 years. The terms of the members first
115 appointed shall begin on the date that a majority of the first members are sworn in, which shall
116 become the date for all subsequent appointments.

117 (e) The District Waterways Management Authority shall provide administrative resources
118 for the commission.

119 Sec. 5. District Waterways Management Action Plan.

120 (a) By July 1, 2022, the Commission shall develop and publish a District Waterways
121 Management Action Plan (“Action Plan”) to create a strategic vision for the District waterways
122 and adjacent property. In developing the Action Plan, the voting members of the commission
123 shall interview all non-voting members, or another representative from that agency. The
124 commission shall use these interviews and any additional research necessary, including
125 consultations with subject-matter experts, to inform the Action Plan’s recommendations. The
126 Action Plan shall include recommendations for the following:

127 (1) The orderly, safe, and efficient use of the waterways for boating and
128 recreation;

129 (2) The public and private use of the property and infrastructure adjacent to the
130 waterways;

131 (3) Promoting and facilitating interagency and regional coordination on issues
132 relevant to the waterways and adjacent property;

133 (4) Environmental conservation and management of the waterways and adjacent
134 property;

135 (5) Strategies for coordinated economic growth on and adjacent to the waterways;

136 (6) Assessments of safety and security risks and needs on and adjacent to the
137 waterways;

138 (7) Identification of transportation gaps on and adjacent to the waterways; and

139 (8) Opportunities to increase local control of the waterways and adjacent property.

140 (b) The commission shall meet at least once every month until the first Action Plan is
141 published and at least quarterly thereafter.

142 (c) The commission shall gather public input for the Action Plan and annual updates as
143 follows:

144 (1) At least 90 days prior to publishing the Action Plan or an annual update, the
145 commission shall hold at least two public meetings, one located east of the Anacostia River and
146 one located west of the Anacostia River.

147 (2) At least 60 days prior to publishing the Action Plan or an annual update, the
148 commission shall publish a draft Action Plan or annual update and provide a 30-day public
149 comment period.

150 (d) The Council committee with jurisdiction over the Office of the City Administrator
151 shall hold a hearing no later than one year following the release of the Action Plan.

152 (e) Following the Council hearing, the Commission shall make annual updates to the
153 Action Plan.

154 Sec. 6. Open meetings.

155 Proceedings of the Commission shall be subject to the Open Meetings Act, effective
156 March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*).

157 Sec. 7. Fiscal impact statement.

158 The Council adopts the fiscal impact statement in the committee report as the fiscal
159 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
160 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).


161 Sec. 8. Effective date.

162 This act shall take effect following approval by the Mayor (or in the event of veto by the
163 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
164 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
165 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
166 Columbia Register.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND EXECUTIVE ADMINISTRATION
COMMITTEE REPORT**

1350 Pennsylvania Avenue, N.W., Washington, DC 20004

TO: All Councilmembers

FROM: Councilmember Anita Bonds 
Chairperson, Committee on Housing and Executive Administration

DATE: November 9, 2022

SUBJECT: Report on B24-0617, the “District Waterways Management Authority Establishment Act of 2022”, as amended and renamed the “Office of District Waterways Establishment Act of 2022”.

The Committee on Housing and Executive Administration reports **favorably** on B24-0617, the “District Waterways Management Authority Establishment Act of 2022”, as amended and renamed the “Office of District Waterways Establishment Act of 2022”, and recommends its approval by the Council of the District of Columbia.

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I. PURPOSE AND EFFECT

The purpose of B24-0617 is to establish an Office of District Waterways within the Department of Energy and Environment, which shall comprehensively plan, promote, advocate

for, and facilitate stakeholder cooperation for the diverse uses of and access to the District's waterways. The bill also establishes a District Waterways Advisory Commission, made up of various stakeholders and experts, which will develop and publish a District Waterways Advisory Plan to create a strategic vision for the District Waterways and adjacent property.

B24-0617 was introduced on January 19, 2022 by Councilmember Charles Allen, alongside Councilmembers Cheh, Nadeau, Pinto, T. White, Gray, and McDuffie. The bill was sequentially referred to the Committee on Housing and Executive Administration and the Committee of the Whole on February 01, 2022; the Committee on Housing and Executive Administration held a public hearing on B24-0617 on September 29, 2022.

B24-0617 establishes an advisory Office and Commission to provide a single point-of-contact for the District to gather community, stakeholder, and expert input on the use of waterways – including the Anacostia and Potomac Rivers, and the Washington Channel – and adjacent property. The Office of District Waterways will facilitate communication between these various groups, and will utilize their input to advise the Mayor and the Council on relevant policy. The District Waterways Advisory Commission, in coordination with the Office, will utilize community, stakeholder, and expert input to create an Advisory Plan. The Advisory Plan will include strategic recommendations for recreational and commercial use, environmental conservation, safety and security, transportation, and opportunities to increase local control of the waterways and adjacent property.

Two bills substantially similar to B24-0617 as introduced have been previously introduced by Councilmember Allen in Council Periods 22 and 23. B22-0522, the District Waterways Management Act of 2017, was introduced on October 17, 2017 by Councilmember Allen, alongside Councilmembers Gray, McDuffie, Bonds, Evans, Grosso, and R. White. It was sequentially referred to the Committee on Government Operations with comments from the Committee of the Whole, and to the Committee on Transportation and the Environment. The Committee on Government Operations, chaired by former Councilmember Brandon Todd, held a hearing on B22-0522 on May 16, 2018. B23-0396, the District Waterways Management Act of 2019, was introduced by CM Allen on July 09, 2019. It was sequentially referred to the Committee on Government Operations and the Committee of the Whole. The Committee of the Whole, chaired by Chairman Phil Mendelson, held a public hearing on B23-0396 on January 23, 2020.

Committee Reasoning

Background

Over the last two decades, the District has seen increasing activity on and along its waterways. Residential, commercial, and mixed-use development of waterfront properties in The Wharf and Capital Riverfront / Navy Yard, as well as development in downtown Ward 7 neighborhoods such as Parkside and Minnesota-Benning, has brought thousands more District residents and hundreds of businesses into neighborhoods abutting the Anacostia River and the

Washington Channel/Potomac River. In addition to landside economic growth, these developments have spurred a growing interest in businesses that directly utilize the waterways, such as boat rentals and sightseeing river cruises.

As river-adjacent neighborhoods experience demographic and economic growth, they have also seen increased investment into recreational and cultural activities. The development of new parks (including Yards Park, Canal Park, Diamond Teague Park, Wharf Park, Georgetown Waterfront Park, and the 11th Street Bridge Park) has gone hand-in-hand with the revitalization of existing parks (such as Anacostia Park and Benjamin Banneker Park). DC's Department of Parks and Recreation has also invested in renovating and constructing recreation centers, including the Kenilworth-Parkside, Joy Evans Therapeutic, Barry Farm, and Arthur Capper Recreation Centers. Other entertainment venues developed in river-adjacent neighborhoods include two sports stadiums (Nationals Park and Audi Field), several music venues (including The Anthem and Pearl Street Warehouse), and multi-use spaces such as the Anacostia Arts Center. The investment into recreational and cultural activities has also brought community celebrations into these neighborhoods, including many music and food festivals.

The District Department of Transportation has made significant investments to expand and improve access to these growing neighborhoods. Multi-modal and motorway infrastructure projects such as the Frederick Douglass Memorial Bridge, the 11th Street Bridge, and the renovated Interstate-295/Malcolm X Avenue SE Interchange, are complimented by increased pedestrian access through projects such as the Anacostia Riverwalk Trail and the Parkside Pedestrian Bridge. The District has also seen a growing interest in water transportation opportunities, such as water taxis and commuter ferries.

Concerns

The increasing development along the District's waterways has raised and highlighted environmental concerns about the health of the rivers, and the safety of adjacent neighborhoods. These concerns include longstanding issues such as polluted water, flood risks, and shrinking ecosystems, as well as growing issues such as siltation and increasingly shallow water levels. The District's Department of Energy and Environment works to mitigate the environmental impact of new development, and has undertaken several long-term projects to protect and enhance the aquatic ecosystem. DOEE leads the Anacostia River Sediment Project, implements the Clean Water Act programs, and convenes the DC Flood Task Force. It also improves water quality and habitat through hatchery programs, restoring aquatic and wetland vegetation, and restoring tributaries/streams. DOEE also runs Education Centers in Anacostia and Kingman Island Parks, which promote environmental stewardship. Additionally, DC Water runs the DC Clean Rivers Project, which reduces pollution from stormwater and sewage overflow, and mitigates flood risks.

The growth of river-adjacent neighborhoods has also brought both excitement and concern to historic communities on and alongside the District's waterways. The District is home to longstanding liveaboard communities and boathouses such as the Gangplank Slipholders

Association, the Seafarers Yacht Club, and the Capital Yacht Club. While these historic groups experience the benefits of new amenities, transportation infrastructure, and environmental programs, they are also concerned that the increasing pace of development will fail to properly consider their needs. At the public hearings on B24-0617, B23-0396, and B22-0522, representatives of these groups testified to the safety concerns surrounding increased traffic on the waterways, environmental concerns about increased waterfront development and activity, equity concerns regarding access to the waterways, and affordability concerns as waterfront property becomes more desirable.

Anacostia Waterfront Initiative

Much of the growth and development along the District's waterways has been guided by the Anacostia Waterfront Initiative (AWI). Founded in 2000 under Mayor Williams, the AWI is an interagency project established by a Memorandum of Understanding between 19 Federal and District agencies, which seeks to articulate a vision for the restoration and revitalization of the Anacostia River and adjacent neighborhoods. In 2003, DC's Office of Planning published the Anacostia Waterfront Framework Plan (AWI Plan), which identified common long-term goals for the Anacostia River and adjacent neighborhoods. The AWI Plan included common goals for the environment, transportation, parks, cultural destinations, neighborhoods, and target areas.

The guidance provided by the AWI Plan has been complemented over the years by other policy frameworks, including the Comprehensive Plan, Sustainable DC, Climate Ready DC, Move DC, and Vision Zero DC. In 2016, Mayor Bowser founded the Anacostia Waterfront Interagency Working Group (led by DC's Office of Planning) to foster continued interagency collaboration on the goals articulated in the AWI Plan. The Working Group published the Anacostia Waterfront Progress Report in 2018.

The Need for a Coordinated and Comprehensive Approach

Despite the guidance provided by the Anacostia Waterfront Initiative and the AWI Plan, many stakeholders feel that the District – and the Washington metropolitan area generally – lacks a coordinated and comprehensive approach to development on and along the waterways. In public hearings on B24-0617, B23-0396, and B22-0522, stakeholders testified that the AWI Plan does not always include sufficiently detailed policy recommendations for development and use of the waterways and adjacent property.

Stakeholders also testified that District, Federal, and State (Virginia/Maryland) agencies with jurisdiction over the waterways and adjacent property do not sufficiently coordinate their projects and regulatory frameworks. Witnesses explained that development projects and commercial enterprises must go through an unnecessarily burdensome and complicated process, in part because some agencies have overlapping or contradicting jurisdiction. While the lack of coordination has sometimes resulted in over-regulation, it has also sometimes resulted in under-regulation. Stakeholders testified that certain maritime issues regarding development and use of

waterways infrastructure is beyond the scope of any one regulatory agency, leaving key decisions in the hands of private developers.

Importantly, many stakeholders testified that there is currently no part of the District government responsible for gathering input from the many communities, businesses, organizations, and agencies with a vested interest in the use of the District's waterways. Witnesses explained that the absence of a space for public and stakeholder input is a missed opportunity for future growth and development to consider the complex set of needs regarding the District's waterways.

Committee Recommendation

The increasing activity and growth on/alongside the Anacostia River, Potomac River, and the Washington Channel, has created a diverse set of stakeholders surrounding the District's Waterways. B24-0617 creates a dedicated entity within the District government to hear these stakeholders' concerns, and to advocate on their behalf. It establishes an important advisory resource to support the District's policy and regulatory decisions that promote effective, safe, and environmentally responsible use of the waterways. It provides an ongoing system for comprehensive planning that relies on community, stakeholder, and expert input. It also provides a clear mechanism for ongoing interagency communication and collaboration.

For these reasons, the Committee recommends approval of B24-0617.

Committee Print

In response to input from the public hearing, the Committee made several substantial changes to B24-0617 as introduced.

1. The name of the entity is changed to "Office of District Waterways"; the name of the Commission is changed to "District Waterways Advisory Commission; the name of the Plan is changed to "District Waterways Advisory Plan"; the term "manage" is removed from descriptions of the Office; the term "coordinate" is replaced with "facilitate communication between".
 - a. These changes clarify that the entities created by this bill serve only an advisory purpose, and do not have any authority to create regulations or mandate policy changes.
2. The Office of District Waterways is placed within the Department of Energy and Environment; DOEE is required to provide administrative support for the Commission.
 - a. These changes will ensure that the Office and Commission have adequate resources to fulfill their mandate, and that they are properly integrated within existing frameworks.

3. The Department of Housing and Community Development is added as a non-voting member of the Commission; Joint Base Anacostia-Bolling is added as a requested non-voting member of the Commission.
 - a. These changes will ensure that housing issues are appropriately considered by the Commission, and that Joint Base Anacostia-Bolling (an important stakeholder for the District's waterways) has the opportunity to weigh in on the Commission's recommendations.
4. One of the Commissioners representing a Business Improvement District (BID) is required to represent a BID east of the Anacostia River; one of the Commissioners representing a BID is required to represent a BID west of the Anacostia River; a second Commissioner representing a marina or yacht club was added; the marinas or yacht clubs represented on the Commission are required to be locally managed; one Commissioner appointed by the Mayor is added to serve as Chairperson.
 - a. These changes will ensure that the diverse needs of stakeholders from different parts of the District's waterways are appropriately represented on the Commission, and that the Commission remains properly balanced between Mayoral and Council appointees.
5. The Commission is required to provide a period for public comments at each regular monthly or quarterly meeting; the Action Plan will be updated biennially
 - a. These changes will ensure that there is adequate opportunity for public input on the Action Plan's recommendations.
6. The Committee made other technical and conforming changes.

II. LEGISLATIVE CHRONOLOGY

October 17, 2017	B22-0522 is introduced by Councilmembers Allen, Gray, McDuffie, Bonds, Evans, Grosso, and R. White at the Committee of the Whole.
October 17, 2017	B22-0522 is referred to the Committee on Government Operations with comments from the Committee of the Whole, and the Committee on Transportation and the Environment.
October 20, 2017	Notice of Intent to Act on B22-0522 is published in the <i>District of Columbia Register</i> .
March 16, 2018	Notice of Public Hearing on B22-0522 is published in the <i>District of Columbia Register</i> .

May 11, 2018	Notice of Public Hearing on B22-0522 is published in the <i>District of Columbia Register</i> .
May 16, 2018	The Committee on Government Operations holds a Public Hearing on B22-0522.
July 09, 2019	B23-0396 is introduced by Councilmembers Allen, Evans, R. White, Cheh, Gray, McDuffie, Bonds, Grosso, and Nadeau at the Committee of the Whole.
July 09, 2019	B23-0396 is referred to the Committee on Government Operations, and the Committee of the Whole.
July 19, 2019	Notice of Intent to Act on B23-0396 is published in the <i>District of Columbia Register</i> .
December 27, 2019	Notice of Public Hearing on B23-0396 is published in the <i>District of Columbia Register</i> .
January 23, 2020	The Committee of the Whole holds a Public Hearing on B23-0396.
January 19, 2022	B24-0617 is introduced by Councilmembers Allen, Cheh, Nadeau, Pinto, T. White, Gray, and McDuffie at the Office of the Secretary.
January 28, 2022	Notice of Intent to Act on B24-0617 is published in the <i>District of Columbia Register</i> .
February 01, 2022	B24-0617 is referred to the Committee on Housing and Executive Administration, and the Committee of the Whole.
August 29, 2022	Notice of Public Hearing on B24-0617 filed in the Office of the Secretary.
September 02, 2022	Notice of Public Hearing on B24-0617 is published in the <i>District of Columbia Register</i> .
September 29, 2022	The Committee on Housing and Executive Administration holds a Public Hearing on B24-0617.
November 03, 2022	Notice of Mark-up filed in the Office of the Secretary
November 09, 2022	Committee on Housing and Executive Administration Mark-up of B24-0617.

III. POSITION OF THE EXECUTIVE

Tommy Wells, Director of the Department of Energy and Environment (DOEE), **testified in support of the intent of B24-0617, but recommended key amendments.** Director Wells testified that DOEE supports an Office (referred to as an Authority in the introduced version) that has the responsibility of managing and promoting the coordinated use of the District’s waterways. However, he testified that that the Office’s purview should be restricted to exclude private and federally owned adjacent property, so as not to interfere with the jurisdiction of the federal government, other District agencies, and the Zoning Commission. Director Wells also testified that that the bill should authorize a dedicated revenue source for the Office, so that it could fund projects and programs. Additionally, Director Wells testified that the Commission should only be an advisory body that supports the Office in drafting a District Waterways Advisory Plan (referred to as the “District Waterways Action Plan” in the introduced version), but that if the Plan itself makes determinations for management and use of District land and resources, it should be drafted by an Executive agency. He also testified that the Plan should not be updated more than biennially. Finally, Director Wells testified that DOEE is already well-equipped to serve as the central coordinator for the District’s waterways and natural resources, because of DOEE’s technical expertise and experience with enforcement.

Testimony from the Executive regarding B23-0396 and B22-0522 is reflected in Section V (Summary of Testimony) of this report.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee on Housing and Executive Administration received no testimony or comments from any Advisory Neighborhood Commissions on B24-0617. Testimony or comments from Advisory Neighborhood Commissions regarding B23-0396 and B22-0522 is reflected in the summary of testimony below, and in the written testimony attached to this report.

V. SUMMARY OF TESTIMONY

The Committee on Government Operations held a public hearing on B22-0522 on May 16, 2018. The Committee of the Whole held a public hearing on B23-0396 on January 23, 2020. The Committee on Housing and Executive Administration held a public hearing on B24-0617 on September 29, 2022. The testimony summarized below is from those hearings and reflects opinions based upon the introduced versions.

There was no hearing record filed for the 2018 hearing on B22-0522, nor for the 2020 hearing on B23-0396. The Committee on Housing and Executive Administration has worked with the Office of the Secretary, the Committee on Government Operations and Facilities, and the Committee of the Whole to recover as much of the submitted written testimony as possible. However, there are no copies of the witness lists available from the hearings in previous Council Periods.

A copy of the witness list from the Committee on Housing and Executive Administration's public hearing on B24-0617 is attached to this report. The video recordings of the hearings (available online at dc.granicus.com/MediaPlayer.php?view_id=42&clip_id=4539 | dc.granicus.com/MediaPlayer.php?view_id=4&clip_id=5326 | dc.granicus.com/MediaPlayer.php?view_id=52&clip_id=7755) are incorporated by reference. A copy of all submitted testimony from the Committee on Housing and Executive Administration's public hearing on B24-0617 is attached to this report, as well as a copy of all submitted written testimony recovered from the hearings in previous Council Periods. All submitted testimony from the Committee's public hearing on B24-0617 is part of the hearing record available through the Office of the Secretary.

The following witnesses testified at the Committee on Housing and Executive Administration's public hearing on B24-0617:

Bob Dreher, *Acting Vice President for Policy, Potomac Riverkeeper Network*, **testified in support of this bill.** Mr. Dreher testified that the Potomac Riverkeepers welcome the long overdue attention to the significant public value of the Potomac and Anacostia Rivers. He testified that the Potomac River was heavily polluted when the Clean Water Act was passed, and that it has slowly but steadily recovered since then. Mr. Dreher testified that despite this progress, swimming in the Potomac River is still prohibited, and that the Potomac Riverkeeper Network looks forward to working with the new Waterways Management Authority and Commission to establish safe swimming areas along the Potomac in the near future.

Jason Kopp, *Public Witness*, **testified in support of this bill.** Mr. Kopp testified that he has been involved with maritime development in SW DC for 15 years, and has previously served as president of the Gangplank Slipholders Association (a liveaboard community in SW) and as chair of the Southwest Neighborhood Assembly's Waterfront Planning Task force. Mr. Kopp testified that during the development of Phase 1 of the Wharf in 2012, there were many questions related to maritime infrastructure and economic activity that were beyond the scope of government agencies (including the Office of Planning, Army Corps of Engineers, District Department of Transportation, and Harbor Patrol). He testified that because no government agency took responsibility for these considerations, many of the decisions were made by the Wharf's developers, and that a similar situation has occurred at Navy Yard on the Anacostia. Mr.

Kopp testified that although the Anacostia Waterfront Framework Plan has provided some overall vision for landside development along the river, it does not have sufficient information about water access, uses, and infrastructure. He testified that the District needs a whole-of-government approach to planning for equitable and safe use of DC's waterways, much like Baltimore's Maritime Master Plan. Mr. Kopp testified that there has never been an effort to comprehensively catalog or seek out the needs of the hundreds of thousands of people that use the District's waterways, and that waterfront development must take these needs into account.

Laurance Kent Jones, *Commodore, Capital Yacht Club*, **testified in support of this bill.** Mr. Jones testified that the Capital Yacht Club has a deep concern for the environment and the health of the District's waterfront, and that it is extremely important for there to be some comprehensive look at the uses of the water. Mr. Jones testified that it is important to take into account all the users who live and recreate on the water, especially the liveaboard communities. He further testified that the Capital Yacht Club wants to ensure that B24-0617 results in enhancements – not restrictions – for use of the waterways, and that the areas are controlled in a way that is as open and welcoming as possible.

Tara Strutsman, *Vice President, Gangplank Slipholders Association*, **testified in support of this bill.** Ms. Strutsman explained that the Gangplank Slipholders Association represents a historically community of approximately 94 liveaboard vessels, which has been in the Washington Channel for over 45 years. Ms. Strutsman testified that the Gangplank Slipholders Association is very connected with the use and environmental health of the waterways, and faces challenges related to affordability, landside development, economic and recreational activity on the water, and changes to the waters' ecosystem. Ms. Strutsman testified that the piecemeal permitting and zoning processes, and other regulatory frameworks split across various agencies, is a fundamentally flawed design for residents who are so connected to the waterways. She explained that the District Waterways Management Authority would be an important advisory resource for the city, and that a holistic and cohesive plan for the District's waterways is essential for the safety of District residents and the economic vitality of many neighborhoods.

Robert Ford, *Commodore, Seafarers Yacht Club*, **testified in support of this bill.** Mr. Ford testified that B24-0617 address the exact concerns of the Seafarers Yacht Club and all boaters on the Anacostia River. He explained that siltation – rising land beneath the water – threatens to destroy the Seafarers Yacht Club and other marinas along the Anacostia. Mr. Ford testified that a lack of intervention from the District government is largely to blame for the continued issues with siltation, and that an "Action Plan" for Boathouse Row is necessary. Mr. Ford testified to the historic nature of the Seafarers Yacht Club, and to their significant involvement with the local community. He testified that B24-0617 is necessary to help expedite important projects on the Anacostia River and Washington Channel, and to save the Seafarers Yacht Club from extinction.

Patrick Revord, *Director of Technology Marketing and Community Engagement, District Wharf*, **testified in support of this bill.** Mr. Revord described the variety of shops, restaurants,

residential buildings, office buildings, hotels, liveaboard residents, yacht club, water taxis and cruises, and recreational boating that encompasses The Wharf. He explained how The Wharf, and its coalition of stakeholders called the Wharf Maritime Advocacy Group, have dramatically expanded public access to the waterways, and that they are invested in the goals of B24-0617. Mr. Revord testified that The Wharf supports aligning the many stakeholders and governing bodies of the District's waterways, creating a central clearinghouse for waterways inside the District government, greater advocacy and organizing on behalf of stakeholders, and increased support for cleanliness, dredging, local control, water safety, and emergency services. He went on to testify about several suggested clarifications and modifications to B24-0617 as introduced; Mr. Revord testified that the bill should clarify that the District Waterways Management Authority and Commission are only advisory, and that they should be placed within the Department of Energy and Environment. He also testified that the bill should find a dedicated funding source for the Authority.

The following witnesses testified at the Committee of the Whole's public hearing on B23-0396:

James R. Foster, *President, Anacostia Watershed Society*, **testified in support of B23-0396**. Mr. Foster testified that the Anacostia Watershed Society fully supports B23-0396, which will formalize equitable access to the District's waterways and riverside activities. He testified that the Anacostia Watershed Society recommends that: the District should ask Congress for full ownership of the riverbeds; the Commission should have the authority to establish rules, approve/disapprove certain projects, provide inspection/compliance oversight, and have access to legal support; and the Commission should have responsibility for maintaining an ecologically healthy river, particularly along a critical area within 200 feet of the tidal river's edge and wildlife conservation areas.

Jeremy Ebie, *Co-Founder and Managing Partner, Phoenix Infrastructure Group*, **testified in support of B23-0396**. Mr. Ebie explained Phoenix Infrastructure Group's involvement in the M495 Commuter Ferry Project, and testified to the economic benefits of developing new water transit options. Mr. Ebie testified that the overlapping and occasionally conflicting jurisdiction of several District, state, and Federal agencies makes it complicated and challenging to develop transportation options on the waterways. He testified that a single, deliberate, and defined government entity to regulate the waterways would streamline regulatory processes.

Richard Yager, *Commodore, Port of Washington Yacht Club*, **testified in support of B23-0396**. Mr. Yager testified that B23-0396 would create a central point of contact for planning and regulation of the District's river system, and would create a comprehensive approach to the

waterways. Mr. Yager testified that the bill would also streamline communication between the Federal government and the District on issues regarding the waterways.

John Lake, *National Director of Marine Operations, Hornblower Cruises and Events*, **testified in opposition to B23-0396**. Mr. Lake testified that the vitality of the District's waterways is important to the region's economic growth, and that it is critical important to have a balance of safe and effective use of the waterways. He testified that the regulatory oversight to achieve this balance already exists, and that there are currently several overlapping bureaucratic and regulatory systems governing the District's waterways. Mr. Lake explained that Hornblower Cruises and Events does not support the creation of a new regulatory agency without more clarity on how it fits within existing bureaucratic and regulatory frameworks. He testified that Hornblower Cruises and Events would support a water safety committee, or an organization that takes a regional approach to development on and along the waterways, and explained that the waterways need a comprehensive and holistic approach.

Kathleen Heet, *President of the Waterfront Taskforce, Southwest Neighborhood Association*, **testified in support of B23-0396 on behalf of Jason Kopp from the Southwest Neighborhood Association**. Ms. Heet testified that the new District Waterways Management Authority will have the responsibility for coordination of existing organizations and interest groups related to the District's waterways. She testified that the new agency could address issues including trash removal, designation of fishing and public access areas, access to educational resources, coordination related to traffic and parking on the waterways, and funding for cleanup / improvement efforts.

Curtis Sloan, *President, Gangplank Slipholders Association*, **testified in support of B23-0396**. Mr. Sloan testified that there is currently no entity responsible for assembling information about and developing a strategy for the District's rivers. He explained that the growth of economic activity on the river, such as kayaks/canoes/paddleboats, cruises, river tours, and more, has created a complicated mix of traffic. Mr. Sloan testified that the increasing development along the District's waterfronts underscores the need for a comprehensive approach to regulation. He noted that B23-0396 as introduced does not allow the Commission to create new rules, and that it requires the Commission to collaborate with Virginia, Maryland, and the Federal government.

Fredrica D. Kramer, *Commissioner, ANC 6D05*, **testified in support of B23-0396**. Ms. Kramer testified that the timing of this bill is important as the Wharf continues to develop, and as other development along the District's waterways increases. She testified that the new Authority would result in coherent and comprehensive management of the District's waterways, and would balance the interests of various stakeholders. She also testified that the Authority would manage interagency coordination for regulating and administering policy on the waterways. Ms. Kramer went on to testify that because much of the public land along the waterways has been long-term leased to organizations and businesses, strategic decisions regarding development on and along the District's waterways has been seceded to a complex set of users. She explained that there is

no single entity that will hear all voices, and advocate for reasonable policies that reflect this diverse set of needs. Ms. Kramer testified that the new Authority should have adequate resources for research and analysis, and that the Commissioners should have staggered terms and term limits.

Phillip Musegaas, *Vice President of Programs and Litigation, Potomac Riverkeeper Network*, **testified in support of B23-0396**. Mr. Musegaas testified that B23-0396 provides a great framework for diverse interests to get together and develop a plan that will promote cohesive management of our waterways. He testified that the Authority will support increased maritime, commercial, and recreational use of the Rivers, and that it will build a constituency of people who support the rivers and want to protect their natural resources. He also explained that the lack of a comprehensive framework regarding the District's waterways is a significant detriment.

Tommy Wells, *Director, Department of Energy and Environment*, **testified on behalf of the Executive in support of the intent of B23-0936, but recommended key amendments**. Director Wells recommended that District Waterways Management Authority should be established as an office within an executive agency, so as to streamline its integration with the work currently being done by the District government. He also recommended that the Authority's purview should be restricted to the use of waterways and adjacent District-owned property, rather than all adjacent property, so as to avoid conflicting jurisdiction with the Federal government and other District agencies. Director Wells additionally recommended that the bill authorize a dedicated revenue source for the Authority, or that the Commission is directed to consider potential dedicated funding sources, so that the Authority may fund projects and programs. Finally, Director Wells recommended that the bill should clarify the advisory nature of the Commission, so that it would not execute executive authority. Director Wells also testified to the significant work already done by DOEE in promoting and managing the use of the District's waterways and adjacent property.

The following witnesses testified at the Committee on Government Operation's public hearing on B22-0522:

Doug Siglin, *Executive Director, Anacostia Waterfront Trust*, **testified in support of B22-0522**. Mr. Siglin testified that the Action Plan proposed by B22-0522 is the most significant part of the legislation, and that the District needs a new comprehensive planning process for the waterfronts. He testified that this comprehensive approach is even more important given the increasing development and activity along the waterfront, including Capital Riverfront, the District Wharf, Buzzard Point, the DC Water Anacostia Tunnel, DOEE's Anacostia River Sediment Cleanup Project, the Kenilworth Remediation Project, Educational Activates on Kingsman Island, development in the RFK area, the Douglass Bridge. He also testified to increasing challenges along the waterfront, including siltation in the Anacostia, and the Army

Corps of Engineers' indication that they may no longer dredge the rivers. Mr. Siglin testified that he is supportive of the broad and comprehensive approach proposed in the bill, and that it would make up for the mistake of abolishing the Anacostia Waterfront Corporation.

Catherine Simons, *Secretary of the Board of Directors, Gangplank Slipholders Association*, **testified in support of B22-0522**. Ms. Simons testified that there is currently no structure for waterfront development to be considerate of the needs of commercial and recreational users of the waterways. She testified that B22-0522 would ensure the creation of a comprehensive plan that would serve the needs of District residents, businesses, and tourists. Ms. Simons testified that increasing development along the water has created concerns for the liveaboard community, as growing activity in a narrowing Washington Channel presents safety risks to everyone on the water. She testified that without B22-0522, there is no way for the District to comprehensively plan recreational and commercial activities on and along waterways in a safe and sustainable way.

Andy Litsky, *Vice Chairman, ANC 6D (SMD-6D04)*, **testified in support of B22-0522**. Mr. Litsky testified that ANC6D, which represents Southwest, Navy Yard, and Buzzard Point, covers more waterfront area than any other ANC, and unanimously supports B22-0522. Mr. Litsky testified that the District devotes most of its time and energy to landside development, and does not often consider how to maximize and manage the waterways. He explained that since the abolition of the Anacostia Waterfront Corporation, there has been a lack of waterways planning and management in the District, resulting in significant policy and planning decisions being largely left to developers. Mr. Litsky testified that as the use of our waterways for commerce, recreation, and transportation increases, it is important for the District government to have a comprehensive plan.

Will Handsfield, *Transportation Director, Georgetown Business Improvement District*, **testified in support of B22-0522**. Mr. Handsfield testified that that the District should address long-standing opportunities to improve the planning and management of the Anacostia and Potomac River waterfronts; He explained that recreational boating facilities along the waterfront in Georgetown have not kept up with growing demand, and that in the absence of an entity tasked with planning and constructing new facilities, this issue is likely to continue. Mr. Handsfield went on to testify that the lack of formal management for the Washington Harbor – in part because of overlapping Federal jurisdiction – has led to unsafe and disorderly use of the water and waterfront for commercial tourism and private parties. Mr. Handsfield then testified to a few suggested changes to B22-0522: he suggested that the 24-member Commission should be shrunk to 5-7 members, and that it should be given several staff members and the authority to hire consultants; he also suggested that the District's waterways should be divided into smaller planning management zones, so as to better account for unique conditions and needs; finally, he suggested that the Action Plan should be submitted to the DC Council for formal adoption, and that some of the recommendations should be automatically submitted as amendments to the Comprehensive Plan.

Peggy Tadej, *Director of Military Partnerships, Northern Virginia Regional Commission*, **testified in support of B22-0522**. Ms. Tadej testified that the Northern Virginia Regional Commission supports the District taking a more comprehensive and regional approach to establish a port authority and provide funding for a ferry system. Ms. Tadej testified to the popular support for a ferry system, and to the significant transportation and commuter benefits. She also testified that a ferry system would be an affordable and sustainable alternative to the region's increasingly gridlocked road system, and that it would increase emergency preparedness capabilities on the Potomac; she explained that other jurisdictions have found success in a Public-Private Partnership model. Ms. Tadej testified that existing water taxi companies such as the Potomac Riverboat Company are expanding their service, and that B22-0522 would support the increasing development of transportation systems on the waterways.

Timothy Payne, *Principal, Nelson/Nygaard Consulting Associations, Inc. (under contract with the Northern Virginia Regional Commission)*, **testified in support of B22-0522**. Mr. Payne testified that the Northern Virginia Regional Commission (NVRC) has researched the significant benefits of increasing passenger water transportation along the Potomac, Anacostia, and Occoquan Rivers, which would add diversity, connectivity, resiliency, safety, and job creation to the region's transportation system. He explained that the absence of a single agency or organization with overall responsibility for encouraging, sponsoring, regulating, and monitoring water transportation – and the conflicting jurisdiction of various local, federal, and state agencies – has made waterfront development and transportation unnecessarily complex and challenging. He testified that B22-0522 would bring order and even-handed control to waterfront development and activity. He then testified to a few suggested changes to B22-0522 such as including language that explicitly references commerce, transportation, flood prevention, and emergency management (in coordination with the Department of Defense).

Fredrica D. Kramer, *Vice Chair, Near SE/SW Community Benefits Coordinating Council*, **testified in support of B22-0522**. Ms. Kramer testified that increasing development along the waterfronts, including the Wharf Phase 2, Buzzard Point, and a new soccer stadium, makes this legislation particularly timely and significant. She testified that as recreational, commercial, and residential use of the waterways and adjacent property increases – particularly through the use of public private partnerships – proper management of the waterways is necessary to ensure safety and access. Ms. Kramer explained that absence of a single body to hear and negotiate the diverse stakeholders on and along the waterways makes it impossible for policy and development decisions to reflect the complex set of issues involved. She testified that the comprehensive plan proposed by B22-0522 would address many of these concerns. Ms. Kramer went on to suggest a few changes to B22-0522: she recommended that the Commission should have more staff for monitoring and analysis, and that the Commissioners should have term limits; Ms. Kramer recommend that the Action Plan should be reviewed on a regular basis, with adequate public input; she also recommended that the Authority should be given explicit enforcement authority, and that the scope of “adjacent property” be more clearly defined.

John Lake, *Captain and General Manager, Potomac Riverboat Company*, **testified neither in support nor in opposition to B22-0522**. Mr. Lake began by explaining his experienced background with Potomac Riverboat Company, and in marine safety and security. Mr. Lake testified to Potomac Riverboat Company's growing activity and investment in the DC area, described the benefits many of water transportation, and explained the under-utilization of water transportation opportunities. Mr. Lake testified that it is critically important for development along the Potomac and Anacostia Rivers to encourage safe and effective use of the waterways. He testified that Potomac Riverboat Company is already subject to several overlapping jurisdictional bodies, and that it is concerned about additional levels of bureaucracy; however, he went on to testify that it welcomes the opportunity to give highly qualified input on development and operation of safe and efficient services on multi-use waterways.

Michael Bruce, *Director of Maritime Operations, District Wharf*, **testified in opposition to B22-0522**. Mr. Bruce testified to the work that the Wharf has done to promote coordination, best practices, and safe use for the diverse stakeholders that use the Washington Channel. He testified that the purpose and nature of the proposed Authority and Commission is unclear, and that the bill does not adequately address how they would fit into existing regulatory frameworks. He explained the already complicated process for development along the waterways, and expressed concerns about a new level of bureaucracy. Mr. Bruce testified that the Wharf would want to ensure that technical and commercial experts are represented on the Commission, and that the Wharf supports the expansion of water transportation opportunities.

Darryl Madden, *Federal Commissioner, Interstate Commission on the Potomac River Basin*, **testified in support of B22-0522**. He explained that the Interstate Commission on the Potomac River Basin is focused on science, education, and regional cooperation for the protection and enhancement of water related resources, and that it supports this legislation. Mr. Madden testified to the increasing economic activity and public safety mechanisms on the water, particularly related to transportation. Mr. Madden testified that he would like to see the proposed Action Plan consider the transportation issues related to increasing traffic on the waterways, and that it should explicitly address the social impacts related to the use of our waterways. Mr. Madden also testified to the importance of public comment in the development of the Action Plan. He explained that B22-0522 would create a focal point for stakeholder input on the use of the waterways, and that it would gather and disseminate important data; he also testified that B22-0522 would greatly support future public-private partnerships on and along the waterways. Mr. Madden testified that the City Administrator would likely be the best executive agency to house the Authority.

Jamie Johnson, *Public Witness*, **testified in support of B22-0522**. Mr. Johnson explained his background in strategic coordination and risk management, and testified to the importance of comprehensive and thorough planning. Mr. Johnson testified that there are significant opportunities for economic, cultural, and community growth, but that there are also safety and environmental risks to consider. He testified that as growth along the waterfronts accelerates, it is important that the District acts quickly to comprehensively assess and plan these opportunities.

Andrew Trueblood, *Chief of Staff in the Office of the Deputy Mayor for Planning and Economic Development*, **testified on behalf of the Executive in opposition to B22-0522**. Mr. Trueblood gave a detailed description of the Mayor's implementation of the Anacostia Waterfront Framework Plan, and suggested that much of the work proposed in B22-0522 is already performed by District agencies in coordination with the Anacostia Waterfront Initiative Working Group.

The following witnesses submitted written testimony to the Committee on Housing and Executive Administration regarding B24-0617:

Gary Blumenthal, *Public Witness*
Justin Chambers, *Public Witness*
Jeremy M. Ebie, *Founder and CEO, Phoenix Infrastructure Group (on behalf of M-495 Commuter Fast Ferry Stakeholder Group)*
Robert Ford, *Commodore, Seafarers Yacht Club*
Kathleen Heet, *Public Witness*
Laurence Kent Jones, *Commodore, Capital Yacht Club*
Jason Kopp, *Public Witness*
Bob Link, *Public Witness*
Jean Link, *Public Witness*
Steve Moore, *Executive Director, Southwest Business Improvement District*
Ramsey Poston, *Public Witness*
Patrick Revord, *Director of Technology Marketing and Community Engagement, District Wharf*
Robert Rowe, *Public Witness*
Tara Strutsman, *Vice President, Gangplank Slipholders Association*
Celine Wolff, *Public Witness*

The Committee recovered written testimony submitted to the Committee of the Whole regarding B23-0396 from the following witnesses:

Tommy Wells, *Director, Department of Energy and Environment (on behalf of the Executive)*
James R. Foster, *President, Anacostia Watershed Society*
Jayme Johnson, *Public Witness*

The Committee recovered written testimony submitted to the Committee on Government Operations regarding B22-0522 from the following witnesses:

Andy Litsky, *Vice Chairman, ANC 6D (SMD 6D-04)*
Bob Link, *President, Gangplank Slipholders Association*
Doug Siglin, *Executive Director, Anacostia Waterfront Trust*
Will Handsfield, *Transportation Director, Georgetown Business Improvement District*
Peggy Tadej, *Director of Military Partnerships, Northern Virginia Regional Commission*
Timothy Payne, *Principal, Nelson/Nygaard Consulting Associates, Inc. (on behalf of Northern Virginia Regional Commission)*
Fredrica Kramer, *Vice Chair, Near SE/SW Community Benefits Coordinating Council*
John Lake, *Captain and General Manager, Potomac Riverboat Company*
Jayme Johnson, *Public Witness*
Andrew Trueblood, *Chief of Staff, Office of the Deputy Mayor for Planning and Economic Development (on behalf of the Executive)*

VI. IMPACT ON EXISTING LAW

B24-0617 has no impact on existing law.

VII. FISCAL IMPACT

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

VIII. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	States the short title of B24-0617.
<u>Section 2</u>	Adds definitions for the terms “Advisory Plan”, “Commission”, “Office”, and “Waterways”.
<u>Section 3</u>	Establishes an Office of District Waterways within the Department of Energy and Environment. Describes the purpose of the Office, and requires certain District agencies to provide the Office with resources and information at the Office’s request.
<u>Section 4</u>	Establishes a District Waterways Advisory Commission to produce a District Waterways Advisory Plan and biennial updates pursuant to section 5.

Describes the makeup of the Commission, sets term limits for Commissioners, defines a quorum, and clarifies that all voting members have equal voting power. Requires the Department of Energy and Environment to provide administrative resources for the Commission.

- Section 5 Requires the Commission to produce a District Waterways Advisory Plan, and describes the purpose and scope of the Advisory Plan. Requires the Council committee with jurisdiction over the Department of Energy and Environment to hold a hearing within one year of the release of the Advisory Plan, and requires the Commission to publish biennial updates thereafter. Requires the Commission to meet regularly, and to gather public input for the Advisory Plan and biennial updates.
- Section 6 Provides that the Commission’s proceedings shall be subject to the Open Meetings Act (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*)
- Section 7 Provides the Fiscal Impact Statement.
- Section 8 Provides that this Act shall apply upon inclusion in an approved budget and financial plan.
- Section 9 Provides the effective date.

IX. COMMITTEE ACTION

On November 9, 2022, the Committee on Housing and Executive Administration held an Additional Meeting to consider and mark-up B24-0617. The meeting was called to order at 9:30 a.m. A quorum was present, which included Chairperson Bonds, Councilmember Robert White, and Chairman Mendelson. Chairperson Bonds provided an opening statement summarizing the provisions of the proposed bill. Chairperson Bonds then moved for approval of B24-0617 and opened the floor for discussion.

Chairperson Bonds then moved for approval of the Committee Print and Report for B24-0617, with leave for staff to make technical and conforming amendments.

Committee members voted as follows:

Committee members voting in favor: Chairperson Bonds, Councilmember R. White, Chairman Mendelson

Committee members voting against: N/A

Committee members voting present: N/A

Committee members absent: Councilmember McDuffie, Councilmember Silverman, Councilmember Pinto

The meeting was adjourned at 10:30 a.m.

X. ATTACHMENTS

- A. B24-0617 as Introduced
- B. Secretary's Memo
- C. Public Hearing Notice
- D. Agenda and Witness list
- E. Testimony
- F. Legal Sufficiency Determination
- G. Fiscal Impact Statement
- H. Committee Print for B24-0617

1 **DRAFT COMMITTEE PRINT**
2 **Committee of the Whole**
3 **December 6, 2022**

4
5 A BILL

6
7
8 24-617
9

10
11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
12
13 _____
14

15 To establish the Office of District Waterways Management and the District Waterways Advisory
16 Commission to comprehensively plan, promote, advocate for, and facilitate stakeholder
17 cooperation for the diverse uses of and access to the District’s waterways and adjacent
18 property, and to require the development of a District Waterways Advisory Plan.
19

20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
21 act may be cited as the “Office of District Waterways Management Establishment Act of 2022”.

22 Sec. 2. Establishment; purpose and duties.

23 (a) There is established, within the Department of Energy and the Environment an Office
24 of District Waterways Management (“Office”). The purpose of the Office is to plan, promote
25 and facilitate stakeholder cooperation for the diverse uses of and access to the Anacostia and
26 Potomac Rivers, the Washington Channel, and adjacent property.

27 (b) The Office shall:

28 (1) Publish the Waterways Advisory Plan adopted pursuant to section 4;

29 (2) Facilitate communication between the District, Maryland, Virginia, the federal
30 government, businesses, community organizations, and the public on issues relevant to the
31 Anacostia and Potomac Rivers and the Washington Channel including economic activity, public
32 safety and security, environment, recreation, and transportation; and

33 (3) Advise the Mayor and the Council on issues related to the Anacostia and

34 Potomac Rivers, the Washington Channel, and adjacent property including public improvements,
35 maintenance, operations, programming, budgeting, resiliency, planning, and public safety and
36 security.

37 Sec. 3. Establishment of the District Waterways Advisory Commission; composition;
38 duties.

39 (a) There is established a District Waterways Advisory Commission (“Commission”) to
40 advise the Office of District Waterways and to adopt a Waterways Advisory Plan pursuant to
41 section 4 of this act.

42 (b)(1) The Commission shall be comprised of 14 voting members appointed as follows:

43 (A) Seven members appointed by the Mayor, with the advice and consent
44 of the Council, pursuant to section 2(e) of the Confirmation Act of 1978, effective March 3, 1979
45 (D.C. Law 2-141; D.C. Official Code § 1-523.01(e)), one of whom shall be designated as
46 Chairperson. Appointees shall have experience in at least one of the following areas:

- 47 (i) Public safety;
- 48 (ii) Environmental stewardship;
- 49 (iii) Economic development or tourism;
- 50 (iv) Maritime management or policy;
- 51 (v) Athletics and recreation; and
- 52 (vi) Maritime transportation.

53 (B) Seven members appointed by the Chairman of the Council as follows:

- 54 (i) Two Advisory Neighborhood Commissioners whose single-
55 member districts border a waterway, one from east of the Anacostia River and one from west of
56 the Anacostia River;

57 (ii) Two individuals representing a Business Improvement District
58 that border a waterway, one from east of the Anacostia River and one from west of the Anacostia
59 River; and

60 (iii) Two individuals representing a marina or yacht club located in
61 the District, provided that the individuals do not represent the same marina or yacht club; and

62 (iv) An individual with expertise or interest in waterway
63 management.

64 (2) Members appointed pursuant to this subsection shall serve for 4-year
65 staggered terms, provided, that of the members initially appointed under this subsection, four of
66 the members appointed by the Mayor shall be appointed for a term of 4 years and 3 for a term of
67 one year, and of the members initially appointed by the Chairman of the Council, 4 shall serve a
68 term of 3 years and 3 shall serve for a term of 2 years.

69 (c) The following government officials, or their designees, shall serve as *ex officio* non-
70 voting members of the Commission:

71 (1) The Office of the Deputy Mayor for Planning and Economic Development;

72 (2) The Office of the Deputy Mayor for Public Safety and Justice;

73 (3) The Metropolitan Police Department;

74 (4) The Fire and Emergency Medical Services Department;

75 (5) The District Department of Transportation;

76 (6) The Department of Energy and Environment;

77 (7) The District of Columbia Water and Sewer Authority;

78 (8) The Washington Convention and Sports Authority;

79 (9) The Public Service Commission; and

80 (10) The Department of Housing and Community Development.

81 (d) The Mayor shall request that the following federal agencies each appoint a
82 representative as *ex officio* non-voting members of the Commission:

83 (1) The National Park Service;

84 (2) The United States Coast Guard;

85 (3) The Department of Defense;

86 (4) The Metropolitan Washington Airports Authority; and

87 (5) The National Capital Planning Commission.

88 (e) The Office of Waterways Management shall provide administrative support to the
89 Commission.

90 (f) The Commission shall meet at least once every month until the first Advisory Plan
91 developed pursuant to section 5 of this act is published and at least quarterly thereafter.

92 (g) Proceedings of the Commission are subject to the Open Meetings Act, effective
93 March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*).

94 (h) A majority of the members appointed pursuant to subsections (b) of this section shall
95 constitute a quorum.

96 Sec. 4. District Waterways Advisory Plan

97 (a) Within one year of the initial appointment of District Waterways Advisory
98 Commission voting members, the Commission shall develop and adopt a District Waterways
99 Advisory Plan (“Advisory Plan”) to create a strategic vision for the Anacostia and Potomac
100 Rivers, the Washington Channel, and adjacent property. The Advisory Plan shall include
101 recommendations for the following:

102 (1) The orderly, safe, and efficient use of the Anacostia and Potomac Rivers and

103 the Washington Channel for boating and recreation;

104 (2) Public and private uses of property and infrastructure adjacent to the

105 Anacostia and Potomac Rivers and the Washington Channel;

106 (3) Interagency and regional coordination on issues relevant to the Anacostia and

107 Potomac Rivers, the Washington Channel, and adjacent property;

108 (4) Environmental conservation and management of the Anacostia and Potomac

109 Rivers, the Washington Channel, and adjacent property;

110 (5) Strategies for coordinated economic growth on and adjacent to the Anacostia

111 and Potomac Rivers and the Washington Channel;

112 (6) Assessments of safety and security risks and needs on and adjacent to the

113 Anacostia and Potomac Rivers and the Washington Channel;

114 (7) Identification of transportation gaps on and adjacent to the Anacostia and

115 Potomac Rivers and the Washington Channel; and

116 (8) Opportunities to increase local control of the Anacostia and Potomac Rivers,

117 the Washington Channel, and adjacent property.

118 (b)(1) The Advisory Plan shall be developed with public input and input from *ex officio*

119 members of the Committee.

120 (2) At least 60 days prior to adoption of an Advisory Plan, the Commission shall

121 publish a draft of the Advisory Plan for a specified public comment period that shall be not less

122 than 30 days.

123 (3) The Commission shall hold at least two public meetings, one for residents east

124 of the Anacostia River and one for residents west of the Anacostia River, to solicit public

125 testimony and written comments on the draft Advisory Plan.

126 (c) After conclusion of the public comment period, the voting members of the
127 Commission shall adopt the Advisory Plan after revisions, if any. Thereupon, the Advisory Plan
128 shall be submitted to the Office of Waterways Management for publication.

129 (d) The Advisory Plan shall be updated at least once every two years, following the same
130 process required for the initial Advisory Plan pursuant to subsection (b) of this section.

131 Sec. 5. Fiscal impact statement.

132 The Council adopts the fiscal impact statement in the committee report as the fiscal
133 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
134 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

135 Sec. 6. Applicability.

136 (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved
137 budget and financial plan.

138 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
139 an approved budget and financial plan, and provide notice to the Budget Director of the Council
140 of the certification.

141 Sec. 7. Effective date.

142 This act shall take effect following approval by the Mayor (or in the event of veto by the
143 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
144 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
145 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of
146 Columbia Register.