Public Notice

U.S. Army Corps
Baltimore District
CENAB-OP-R

Date December 7, 2003

Special Public Notice 03-17

Subject: U.S. Army Corps of Engineers' Action Granting Legal Authorities to Support the Protection of Military Assets During Threat Conditions Charlie or Delta/Notice VIII/ December 7, 2003 – January 7, 2004.

The United States has directed in the past and may again in the future all military assets to implement Force Protection/Threat Condition Charlie or Delta. In response to this action the U.S. Army Corps of Engineers, Baltimore District, has authorized the temporary establishment of restricted areas in and around all military assets located in or adjacent to navigable waters of the United States in the State of Maryland, central Pennsylvania and the District of Columbia.

Military Commanders are authorized by the District Commander to take actions as provided by law, regulation or directives to implement the actions outlined in Threat Condition Charlie or Delta when so ordered by competent authority.

The temporary restricted area and regulation read as follows: The United States Army Corps of Engineers, Baltimore District, pursuant to the authority granted in 33 C.F.R. §334.3 (c) and 33 U.S.C. §1 has established temporary restricted areas adjacent to all military assets located in or adjacent to navigable waters of the United States in the State of Maryland, central Pennsylvania, and the District of Columbia when those assets have been ordered to implement the procedures associated with Threat Condition Charlie or Delta.

The Areas: All military assets, with the exception of the Marine Corps Base at Quantico, located within or adjacent to navigable waters of the United States located in the State of Maryland and the District of Columbia, without currently established restricted areas, are authorized to establish and enforce temporary restricted areas. Temporary restricted areas will extend 100 meters into the applicable waterway from the landward boundary each facility. Quantico's temporary restricted area will extend 500 meters from the landward boundary of the base into the waters of the Potomac River. Military assets located in the State of Pennsylvania located on or adjacent to the Susquehanna or Juniata Rivers are also authorized to establish and enforce temporary restricted areas. Military assets with currently established restricted areas extending more than 100 meters into navigable waters of United States are not affected by this regulation. Those military assets with currently established restricted area extending less than 100 meters into navigable waters of the United States are hereby extended in accordance with this regulation.

The Regulation: No vessels or persons may enter restricted areas established by military commands and in accordance with directives associated with Threat Condition Charlie or Delta.

Exceptions: Military Commanders may not interfere with commercial or recreational traffic located within designated channels or fairways. Commercial fishing activities must be allowed to continue in designated areas once positive identification has been established.

Enforcement: The Commander of any military asset or agency or persons that he/she may designate while in Threat Condition Charlie or Delta shall enforce this regulation.

Duration: This regulation shall go into effect for a period of 30 days once Threat Condition Charlie or Delta has been initiated.

If you have any questions, please contact Mr. John Roop, of this office at (410) 962-5688.

FOR AND IN BEHALF OF THE DISTIRCT ENGINEER: COLONEL ROBERT J. DAVIS

JANET M. VINE
Acting, Chief, Regulatory Branch