



# Public Notice

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

Date January 2009

Special Public Notice 09-02

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**Subject: U.S. Army Corps of Engineers' Action Granting Legal Authorities to Support the Protection of Military Assets During Force Protection Condition Charlie or Delta/Homeland Security Threat Advisory Orange or Red**

The United States has directed in the past and may again in the future all military assets to implement Force Protection Condition Charlie or Delta/Homeland Security Threat Advisory Orange or Red. In response, 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, the District of Columbia, and the Cities of Alexandria and Arlington, and Fairfax, Loudoun, and Prince Williams Counties, Virginia.

Military Commanders are authorized by the District Commander to take actions as provided by law, regulation or directives to implement the actions outlined in Force Protection Condition Charlie or Delta/Homeland Security Threat Advisory Orange or Red 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, the District of Columbia, and Virginia when those assets have been ordered to implement the procedures associated with Force Protection Condition Charlie or Delta/Homeland Security Threat Advisory Orange or Red.

**The Areas:** All military assets, with the exception of Marine Corps Base Quantico, located within or adjacent to navigable waters of the United States located in Maryland, the District of Columbia, and Virginia without currently established restricted areas, are hereby 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. Marine Corps Base 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 Force Protection Condition Charlie or Delta/Homeland Security Threat Advisory Orange or Red.

**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 Force Protection Condition Charlie or Delta/Homeland Security Threat Advisory Orange or Red shall enforce this regulation.

**Duration:** This regulation shall go into effect for a period of 30 days once Force Protection Condition Charlie or Delta/Homeland Security Threat Advisory Orange or Red has been initiated.

If you have any questions, please contact Mr. Steve Elinsky, of this office at 410.962.4503.

  
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Chief, Regulatory Branch