

DEPARTMENT OF THE ARMY
NORFOLK DISTRICT, CORPS OF ENGINEERS
FORT NORFOLK, 803 FRONT STREET
NORFOLK, VIRGINIA 23510-1096

CENAO-TS-G

November 9, 2001

MEMORANDUM FOR: U.S. COAST GUARD CAPTAIN OF THE PORT AND THE COMMONWEALTH OF VIRGINIA EMERGENCY OPERATIONS CENTER.

SUBJECT: Designation of restricted areas at bridges and bridge tunnel complexes on navigable waters within the Commonwealth of Virginia.

The District Engineer, at the request of the Virginia Department of Transportation, has established a Local Order via this memorandum and public notice that authorizes restricted areas at designated bridge and tunnel complexes located in or adjacent to navigable waters of the United States within the Commonwealth of Virginia.

The restricted areas associated with this regulation shall only be activated when there is a specific threat or condition of heightened security for the port and shall remain active for the duration of the threat. Once the threat passes, the restricted area will be de-activated until such time as it is needed again. Restricted areas may be activated at any one bridge or all of the bridges. This decision is discretionary. The restricted areas authorized by this order are intended to complement appropriate threat-based restrictions on vehicular traffic at the bridge and tunnel complexes.

(a) **Applicability.** (1) At the request of the Virginia Department of Transportation, The United States Army Corps of Engineers, Norfolk District, pursuant to the authority granted in 33 C.F.R. 209.200, 334.3(c) and 33 U.S.C. 1, has designated temporary restricted areas adjacent to all bridge and tunnel complexes, owned or operated by the Virginia Department of Transportation, and any subdivision thereof, located on, under or adjacent to navigable waters of the United States. The provisions of this order may also be applied to privately owned bridges whenever the Virginia Emergency Operations Center or the U.S. Coast Guard Captain of the Port determines that a credible threat exists and that damage to these structures would have a detrimental effect on the navigable capacity of the waterway, land based modes of transportation, the public, environment or the economy. This order has been established to compliment threat-based restrictions on vehicular traffic using these bridge and tunnel complexes.

(2) Navigable waters of the United States are those waters defined in 33 C.F.R. 329.4.

(b) **The Area:** (1) The restricted areas encompass all waters within 100 yards of any portion of any structure attached to, or associated with any bridge or tunnel complex located in, on, or under navigable waters of the United States located within the Commonwealth of Virginia. This authorization begins and ends at the ordinary Mean High Water Line.

(2) The Commonwealth of Virginia Emergency Operations Center or U.S. Coast Guard Captain of The Port may, at any time, and without immediate consultation with the District Engineer, increase the overall size of a restricted area as deemed necessary for the safety and security of the Port, Public, Environment or Economy.

- (c) **The Regulation:** (1) No vessels or persons may enter restricted areas established in accordance with this regulation without the permission of persons in charge, or persons or agencies authorized to act in his/her behalf.
- (2) Patrol crafts enforcing the restricted area shall monitor marine channels (VHF) 13 and 16 at all times so vessels approaching a restricted area can contact them for instructions. Commercial and recreational vessels shall contact the Patrol Commander on channel 13 or 16 prior to entering a restricted area.
- (3) City, State and Federal law enforcement vessels shall contact the Patrol Commander of a restricted area on marine channel 13 or 16 or other channel designated by Port Operations Teams/Commanders/COTP prior to entering a restricted area.
- (d) **Exceptions:** Any vessels and/or persons that need to transit a restricted area because it encompasses a designated channel, fairway or established route of navigation, and where no reasonable alternative route of navigation exist must contact the patrol commander prior to entering the restricted area. This regulation authorizes security personnel, the authority to ascertain the identity and intent of the vessel. If a determination is made that the vessel and/or persons are a threat to a designated asset located within the restricted area, security units may take actions as provided by law or regulation that are deemed necessary to protect designated assets.
- (e) **Enforcement:** The primary enforcement agency for the Commonwealth of Virginia shall be the Virginia Marine Resources Commission, Law Enforcement Division and or agents or agencies authorized to act in their behalf. The primary enforcement agency for the Federal Government is the U.S. Coast Guard Captain of the Port.
- (f) **Effective Date:** This order may be activated by the Commonwealth of Virginia Emergency Operations Center, the U.S. Coast Guard Captain of the Port or the District Engineer, when they obtain specific information indicating that the bridge and tunnel complexes within the Commonwealth have been threatened/targeted or a condition of heightened security for the port exists. This order shall be used in conjunction with appropriate vehicular restrictions unless the information obtained indicates that a specific waterborne threat exists.
- (g) **Public Notification:** The public shall be notified that a restricted area has been activated in association with the provisions of this regulation via the most efficient means which may include, but are not limited to, local broadcast notice to mariners, posting of signs, media releases, patrol vessels, patrol vehicles with loud speakers broadcasting from the bridges, or any other means necessary to keep the public informed.
- (h) **Suspension Date:** Restricted areas shall remain active only when there is a specific threat. Once the threat passes the restricted areas will be de-activated and the public notified.
- (i) **Duration:** This order shall remain in effect until further notice.

(j) Additional Information: For the latest information regarding Restricted Areas contact the Corps of Engineers Regulatory Branch at (757) 441-7653 or check the web site at <http://www.nao.usace.army.mil/Regulatory/PN/PN.html>.

FOR AND IN BEHALF OF THE DISTRICT ENGINEER, COLONEL DAVID L. HANSEN:

//signed//

J. ROBERT HUME, III
Chief, Regulatory Branch