

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Southern Division)**

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|---|---|-----------------------|
| CANOE CRUISERS ASSOCIATION OF GREATER WASHINGTON, DC |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No: 8:18-cv-2914 |
| |) | |
| KARL L. SCHULTZ, et. al., |) | |
| |) | |
| Defendants |) | |

DECLARATION OF JOSEPH LORING

I, JOSEPH LORING, being of full age and sound mind, make the following declaration:

1. I am a Captain [“CAPT”] in the United States Coast Guard [“USCG”] as well as Sector Commander and Captain of the Port [“COTP”] for Coast Guard Sector Maryland-National Capital Region [“MD-NCR”]. By virtue of my job, I have personal knowledge of the facts set forth herein.

2. As COTP of Sector MD-NCR, I am responsible for maintaining port security in my area of responsibility. This responsibility entails implementing such measures to safeguard human life, vessels, and waterfront facilities while sustaining the flow of port-related commerce. To this end, on July 10, 2017, upon request by the U.S. Secret Service [“USSS”] to close down this section of the river to ensure the safety of individuals under USSS protection, Commander Michael W. Batchelder, USCG, then acting COTP for Sector MD-NCR, created a security zone in certain waters of the Potomac River adjacent to Trump National Golf Club at Potomac Falls, Virginia. This security zone was and currently is necessary to prevent waterside threats and


incidents for events held at Trump National Golf Club when high-ranking U.S. officials are at the club. In sum, the security zone is a port security measure implemented under longstanding COTP authority [of which I now hold] to protect these high-ranking officials and the public, mitigate potential terrorist acts, and promote and preserve U.S. navigable waterway safety and security in order to safeguard life on or near the encompassed area. The legal basis for establishing this security zone is found at 46 U.S.C. § 70034, as delegated by Department of Homeland Security Delegation No. 0170.1, section II, paragraph 70 from the Secretary of Homeland Security to the Commandant of the United States Coast Guard and further re-delegated by 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5 to the Captains of the Port. This security zone was codified in an Interim Rule [“First Interim Rule”] published in the *Federal Register* on July 10, 2017. I was made aware of Plaintiff’s challenge to this rule in September 2018.

3. While this security zone and First Interim Rule is still in effect, currently the USCG is working on creating a Second Interim Final Rule for publication in the *Federal Register*. This Second Interim Final Rule will replace and supersede the First Interim Final Rule in full. Planning and preparation for this Second Interim Final Rule began in August 2017. Among other aspects, this Second Interim Final Rule will analyze and respond to comments received by the public following publication of the first rule.

4. Over the course of this second rulemaking project, over nine different USCG offices located in three separate geographic areas (Portsmouth, Virginia; Washington, DC; and Cleveland, Ohio) have been involved in its creation and design, including conducting various economic and environmental analyses, considering and formulating responses to the several hundred public comments submitted, and including legal sufficiency reviews. Additionally, creation of this Second Interim Final Rule has required extensive consultation and participation

from multiple other federal and state agencies, including the U.S. Department of Homeland Security, the USSS, and the State of Maryland's Department of National Resources. As of now, the USCG anticipates this Second Interim Final Rule will take effect and be published in the *Federal Register* in the summer of 2019.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 13, 2019.



JOSEPH LORING, CAPT, USCG
SECTOR COMMANDER, CAPTAIN OF THE PORT
SECTOR MARYLAND-NATIONAL CAPITAL REGION