



# United States Department of the Interior

## NATIONAL PARK SERVICE

National Capital Parks-East  
1900 Anacostia Drive, S.E.  
Washington, D.C. 20020

IN REPLY REFER TO:

### **Record of Determination for a Temporary Public Closure of Anacostia Drive from Nicholson Avenue to Good Hope Road to Vehicular Traffic on Saturday, April 12, 2014 due to the Best Kids 5K Race.**

Pursuant to 36 CFR§ 1.5(a), Anacostia Drive, administered by National Capital Parks–East, (NACE), will be closed to vehicular traffic on Saturday, April 12, 2014 from 6:00 a.m. until 12:00 p.m. The portion of Anacostia Drive that will be closed is from Nicholson Avenue to Good Hope Road. During this time period, the roadways Anacostia Drive will only be open to pedestrians who are participating or viewing the Best Kids 5K Race event #14-261. The temporary closure to vehicular traffic on the Anacostia Drive roadway is necessary to protect visitor safety as an anticipated 400 visitors participate or watch the Best Kids 5K Race. Less restrictive measures will not suffice, to help ensure the safety of race participants who will be using the roadway. Vehicles have other alternatives since they may enter and exit at Good Hope Road and will have access to the Park Police D-5 Station, NACE Headquarters and parking areas along Aviation Road. They will also be able to enter and exit the park along 22<sup>nd</sup> Street and park in the lot at Park Node to access the park.

The temporary public road closure will occur for six hours in duration and is therefore not of a nature, magnitude, or duration that will result in a significant alteration in the public use pattern of these park areas. The vehicle closure neither constitutes an impairment to park resources and values, nor adversely affects the park's natural, aesthetic or cultural values. Furthermore, the vehicle closure is not controversial in nature and is similar to past vehicle closures done for permitted races.

Accordingly, pursuant to 36 CFR§ 1.5(b), publication as rulemaking in the Federal Register is unnecessary and unwanted. This is consistent with the hundreds of past partial and temporary park closers or public use limitations, the legal opinion of the Office of the Solicitor, and past judicial adjudications. *Mahoney v. Norton*, No. 02-1715 (D.D.C. August 29, 2002), plaintiffs' emergency motion for injunction pending appeal denied *Mahoney v. Norton*, No. 02-5275 (D.C. Cir September 9, 2002) (per curiam); *Picciotto v. United States*, No. 99-2113 (D.D.C. August 6, 1999); *Picciotto v. United States*, No. 94-1935 (D.D.C. September 9, 1994); *Picciotto v. Luqan*, No.90-1261 (D.D.C. May 30, 1990); *Picciotto v. Hodel*, No.87-3290 (D.D.C. January 26, 1988).

Pursuant to 36 CFR§ 1.7, notice of the closure will be made via posting, fencing, media advisories and by park staff direction. This Record of Determination is available upon request. Violation is prohibited.

  
Gopaul Noojibail  
Acting Superintendent  
National Capital Parks -East