



United States Department of the Interior

NATIONAL PARK SERVICE
National Mall and Memorial Parks
900 Ohio Drive, S.W.
Washington, D.C. 20024



March 10, 2016



Record of Determination for the Temporary Public Parking Closure of the Tidal Basin
Parking Area for the National Cherry Blossom Festival

Pursuant to 36 CFR § 1.5(a)(1) the National Mall and Memorial Parks is temporarily closing for public parking the Tidal Basin Parking Area (Parking Area) located near the paddle boats, due to staging and events associated with the National Cherry Blossom Festival. This public parking closure will begin on approximately Sunday, March 13, 2016, at 9:59 p.m. and will remain in effect until 11:59 p.m. on Wednesday, April 6, 2016. Access to the Parking Area will remain open to the walking public. The roadway entrance into the Parking Area will be closed with a gate at each entrance. Message boards and police directions will assist visitors looking for public parking in other alternate parking areas. Violation is prohibited.

The Parking Area closure is necessary for special public events associated with the National Cherry Blossom Festival, some of which will be staged within the Parking Area, such as a Festival stage for performances, information and medical tents, and concession operations. Due to the use of the Parking Area for Festival staging and other activities, less restrictive measures for public vehicle parking will not suffice. However, during the Festival public parking will be made available daily at Parking Lots A, B and C and in East Potomac Park. During the Festival, public parking will also be available at the National Capital Region Headquarters parking lot on Saturdays and Sundays. Finally, a shuttle, that will cost one dollar, will be available to transport visitors from East Potomac Park to other Festival sites.

The temporary closure is not of a nature, magnitude or duration that will result in a "significant alteration in the public use pattern." The closure will not adversely affect the park's natural aesthetic or cultural values, nor require significant modification to the resource management objection, nor is it of a highly controversial nature. Indeed, while the Parking Area has been closed for public parking during past Festivals, other nearby parking areas have remained open to the public.

Accordingly, the National Park Service determines publication as rulemaking in the Federal Register is unwarranted under 36 CFR § 1.5(c). This determination is consistent with hundreds of earlier partial or temporary closures, the legal opinion of the Office of the Solicitor, and judicial adjudications that have upheld other NPS closures and public use limitations. *Spiegel v. Babbitt*, 855 F. Supp. 402 (D.D.C. 1994) *affd in part w/o op.* 56 F. 3d 1531 (D.C. Cir. 1995), *reported in full*, 1995 US App. Lexis 15200 (D.C. Cir. May 31, 1995); *ANSWER Coalition v. Norton*, No. 05-0071, (D.D.C. January 18, 2005), *Mahoney v. Norton*, No. 02-1715 (D.D.C. August 22, 2002), *plaintiff's emergency motion for appeal for injunction pending appealed 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. Lujan*, No. 90-1261 (D.D.C. May 30, 1990) *Picciotto v. Hodel*, No. 87-3290 (D.D.C. December 7, 1987).

Pursuant to 36 CFR § 1.5(c), 1.7, notice of this temporary and partial closure will be made through roadway gates and the posting of signs at conspicuous locations in the affected park area. Finally, pursuant to 36 CFR § 1.5(c), this determination is available to the public upon request.



Gay E. Vietzke
Superintendent, National Mall and Memorial Parks

3/10/2016
Date