



United States Department of the Interior

NATIONAL PARK SERVICE
George Washington Memorial Parkway
c/o Turkey Run Park
McLean, Virginia 22101

IN REPLY REFER TO:

W22 GWMPVRP
Closure Order # 21-001
January 19, 2021

Record of Determination for the Partial Temporary Closure of Areas within and around the George Washington Memorial Parkway in Response to Threats to Visitors and Park Resources

Pursuant to 36 CFR 1.5(a)(1) the George Washington Memorial Parkway is implementing a temporary closure of National Park Service (NPS) parking areas and roadways in response to real and substantially likely threats to visitors and park resources. This temporary closure will remain in place from January 20, 2021, at approximately 6:00 a.m., through approximately 9:00 p.m. on January 20, 2021 for vehicular access to parking areas and road ways associated with and around the U.S. Marine Corps War Memorial (Iwo Jima) and the Netherlands Carillon.

On September 24, 2018, the Secretary of Homeland Security designated Presidential Inaugurations as recurring National Special Security Events (NSSEs). Traditionally, this event is attended by the highest officials from all three branches of government, as well as thousands of spectators. On January 12, 2021, the NSSE period for the 59th presidential inauguration was extended to begin on January 13, 2021, and run until January 21, 2021. The unprecedented nature of the recent civil unrest at the U.S. Capitol coupled with the real and substantial threat of violence and unlawful behavior poses an unprecedented public safety and security challenge for the National Park Service and its partners.

On January 6, 2021, the U.S. Capitol's security barriers were breached, and violent altercations ensued between individuals and law enforcement. These lawbreakers vandalized the U.S. Capitol and released multiple suspicious packages inside the U.S. Capitol buildings, one near critical infrastructure. Multiple law enforcement officers sustained injuries, and an officer died as a result of the violence. An individual was also fatally shot inside the U.S. Capitol.

Groups involved in the January 6, 2021 riots at the U.S. Capitol continue to threaten to disrupt the 59th presidential inauguration on January 20, 2021. In light of these events, the National Park Service has received a request from the United States Park Police to temporarily restrict vehicular access to parking areas and road ways around the U.S. Marine Corps War Memorial (Iwo Jima) and the Netherlands Carillon on January 20, 2021 from approximately 6:00 a.m. to approximately 9:00 p.m. The U.S. Park Police made the determination that in light of recent events, and with the current available threat assessments that allowing vehicle access to these areas creates an unmanageable security risk and a potential staging location for violence as happened on January 6, 2021.

The temporary closure is not of a nature 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. Please be advised that authorized law enforcement partners, and emergency vehicles would continue to have access to this restricted area. These park areas will also continue to be available to the general park visitor traveling by foot or other non-vehicular transportation method during this time.

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 curium); *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 closures of roadway gates in the affected park areas. Finally, pursuant to 36 CFR 1.5(c), this determination is available to the public upon request.

Approval: _____
Superintendent

1/19/2021
Date

Attachments: map of affected area.