



United States Department of the Interior

NATIONAL PARK SERVICE

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



October 13, 2011

Record of Determination for a Partial and Temporary Closure of Certain Federal Parkland for the Martin Luther King, Jr. Memorial Celebration

Pursuant to 36 C.F.R. § 1.5, the National Park Service is temporarily closing certain parkland in Washington D.C.'s Monumental Core beginning Friday, October 14, 2011 through Monday, October 17, 2011. These closures are necessary for the Martin Luther King, Jr. Memorial Celebration and will allow for the set-up of security fencing and a security sweep of these areas, which will help provide for a secure and safe venue for the protection of dignitaries, participants and the public.

I. **Park Area Closures.** Beginning at 1:00 p.m. on Friday, October 14, the forecourt of the Martin Luther King, Jr. Memorial will be closed to the public. On Saturday, October 15, Ohio Drive, between Inlet Bridge and the John Ericsson Memorial, and West Basin Drive will close to vehicular traffic beginning at 6:00 a.m. At 10:00 p.m. West Potomac Park, between Inlet Bridge and the John Ericsson Memorial, will close to pedestrians and vehicular traffic, which includes bicycles and pedicabs. In addition, the Franklin Delano Roosevelt Memorial and the Martin Luther King, Jr. Memorial, in its entirety, will be closed to the public. All of these closed areas will be more particularly identified by fencing and signage and will re-open by 5:00 a.m. on Monday, October 17.

II. **Park Road Closures.** The National Park Service and the United States Park Police will also close several roads within its jurisdiction, in order further facilitate the Martin Luther King, Jr. Memorial Celebration and the protection of the public.

On Sunday, October 16, 2011, the following roads will be closed beginning at 4:00 a.m.:

- Ramp from eastbound (inbound) Memorial Bridge to Ohio Dr SW and Independence Avenue (all traffic sent north to 23rd St and Henry Bacon DR SW)
- 17th Street NW from Constitution Ave NW to Independence Ave SW
- S/B Ohio Drive NW and Parkway Drive NW (all traffic sent to Parkway Drive and LMC)
- Ramp from Potomac Freeway to Ohio Drive NW (all traffic sent N/B on Potomac Freeway or N/B on Rock Creek Parkway)
- E/B Independence Avenue SW between 15th Street and 23rd Street SW
- W/B Independence Avenue SW between Raul Wallenberg Place SW and 23rd Street SW
- Henry Bacon Drive Between Constitution Avenue and Lincoln Memorial Circle

Due to presidential protection, there will also be periodic road closures on area roadways. All roads will re-open when United States Park Police deems the area safe for vehicular traffic.

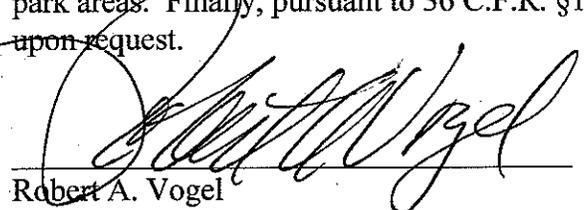
III. The Martin Luther King, Jr. Celebration is expected to be attended by the President, First Lady, Congressional and Foreign Dignitaries, as well as members of the public who will total over 50,000 participants. Entrance for the Martin Luther King, Jr. Memorial Celebration will be at designated points. These partial and temporary closures come at the request of the United States Park Police, in consultation with the United States Secret Service, to help ensure public safety and security.

These security features are part of the National Park Service's and United States Park Police's enhanced security efforts, in cooperation with the United States Secret Service, to help ensure the safety of the public and dignitaries, which will include exterior physical barriers and fencing. This security-based closure is similar to the one utilized on the National Mall during the July 4th celebrations. Lesser restrictive measures will not suffice because of the need to protect the public and ensure the safe and sufficient passage of the public through the use of limited park closures and a security sweep.

This partial and temporary closure does not constitute an impairment to park resources and values and is not of a nature, magnitude or duration that will result in a significant alteration of the public-use pattern. Further, it will not adversely affect the park's natural, aesthetic or cultural values and is not of a highly controversial nature given the security measures already undertaken following the terrorist attacks of September 11, 2001. Similar restrictions have become common at other large-scale events and public facilities throughout the country.

Accordingly, the National Park Service has determined publication as rulemaking in the Federal Register is unwarranted under 36 C.F.R. §1.5(c). The partial and temporary park closure and public use limitation is consistent with hundreds of other temporary park closures, the legal opinion of the Office of the Solicitor, and judicial adjudications. *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), *plaintiffs' 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); *Spiegel v. Babbitt*, 855 F. Supp. 402 (D. D.C. 1994), *affd in parr 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).

Pursuant to 36 C.F.R. §1.7, notice of this temporary and partial closure and public use limitation will be made through media advisories, maps and posting at conspicuous locations in the affected park areas. Finally, pursuant to 36 C.F.R. §1.5(c), this determination is available to the public upon request.


Robert A. Vogel
Superintendent, National Mall and Memorial Parks

10-13-11
Date