

Record of Determination for a Temporary Closure
of the DC War Memorial

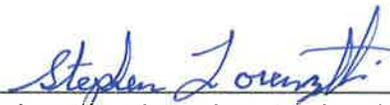
Pursuant to 36 CFR 1.5 a(1), National Mall and Memorial Parks will continue to close temporarily the entirety of the DC War Memorial beginning July 1, 2011 and lasting until September 30, 2011. This extends the closure period that expires on June 30, 2011. It will extend from Ash Rd on the north side of the memorial through to Independence Drive – West Bound on the south, and from all sides, east and west of the site abutting Ash Woods. These dates may be subject to change due to weather or exigencies of the construction process. Access to the memorial will not be maintained throughout the construction period.

The closure is necessary for reconstruction of all pedestrian walkways as well as for the restoration of the memorial itself. Installation of temporary security barriers and ancillary walkways to allow for pedestrian and vehicular traffic along Independence Ave sidewalk to the south and Ash Road to the north are required to complete parts of the construction. Once certain phases of work are accomplished, temporary barriers will be removed and full use of Ash Road or Independence Avenue Sidewalk will resume.

This temporary and partial closure is not of a nature, magnitude and duration that will result in a "significant alteration in the public use pattern". Indeed, the memorial and all other nearby park areas will remain open to the public. The closure will not adversely affect the park's natural, aesthetic or cultural values; nor require significant modification to the resource management objections; nor is it of a highly controversial nature.

Accordingly, the National Park Service determines publication as rulemaking in the Federal Register is unwarranted Under 36 C.F.R. § 1.5(c). This is consistent with hundreds of earlier partial and temporary park closures, the legal opinion of the Office of the Solicitor, and judicial adjudications. Picciotto v. United States, No. 99-2113 (D.D.C.); Picciotto v. United States, No. 94-1935 (D.D.C.); Picciotto v. Lulan, No. 90-1261 (D.D.C.); Picciotto v. Hodel, No. 87-3290 (D.D.C.); Spiegel v. Babbitt, 855 F.Supp. 402 (D.D.C. 1994), affld in part w/o op. 56 F.3d 1531 (D.C. Cir. 1995).

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



for Acting Superintendent, National Mall and Memorial Parks

6/29/11
Date