

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

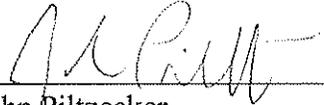
Pursuant to 36 CFR 1.5 a(1), the National Mall & Memorial Parks is closing totally and temporarily the entirety of the DC War Memorial beginning the week of August 23-27, 2010 and ostensibly ending on/before January 01, 2011; however, there may need to be partial and/or full closures of the site for miscellaneous Punchlist items and installation of Landscape elements and Planting continuing through March 31, 2011. The closure will be in effect until April 01, 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 the pedestrian plaza and installation of security barriers. The work will be phased so that access to the chamber of the memorial via steps, elevator and at least one of the two ramps is maintained at all times. Due to construction vehicle egress, the north/south walks adjacent to the plaza (walks connecting the North and South Elm Walks) will be narrowed but still accessible during the construction period.

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 though 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.



John Piltzecker,
Superintendent, National Mall and Memorial Parks

9/24/10
Date