



United States Department of the Interior

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



September 18, 2015

Record of Determination for the Temporary Public Parking Closure of the Tidal Basin
Parking Area near the Paddle Boats During the Pope's Visit to Washington, D.C.

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 located near the paddle boats for National Park Service employee parking due to displacement caused by security, staging and events associated with the Pope's visit to Washington, D.C. This public parking closure will begin on Monday, September 21, 2015, at 10:00 p.m. and will remain in effect until 10:30 p.m. on Wednesday, September 23, 2015. Access to the Tidal Basin Parking Area will remain open to the walking public. The roadway into the area will be closed with a gate at each roadway entrance. Message boards and police directions will assist visitors looking for public parking in other alternate parking areas. Violation is prohibited.

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. The Tidal Basin Parking Area has been closed for employee parking during events in the past and other nearby parking areas will remain 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 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 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.

For 
Karen L. Cucurullo
Acting Superintendent, National Mall and Memorial Parks

9/18/15
Date