United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Region
Rock Creek Park
3545 Williamsburg Lane, N.W.
Washington, DC 20008-1207

Record of Determination for the Temporary Closure of Certain Park Roads North of Beach Drive at Broad Branch Road for Implementation of the Rock Creek Park White-tailed Deer Management Plan

Under the existing Rock Creek Park Superintendent's Compendium, unless otherwise designated, Rock Creek Park is closed to all public use from sunset to sunrise, except for vehicular travel on park roads. During implementation of the park's approved White-tailed Deer Management Plan Environmental Impact Statement and Record of Decision, Rock Creek Park will temporarily close some park roads to public access and travel under 36 CFR 1.5(a)(1). Closures will be designated by posted signage and officer and/or employee direction.

Temporary closures are for public safety. Deer reduction actions will occur after dark when the park is normally closed. Other safety measures will also be in place to protect park visitors and neighbors. These include the use of highly trained marksmen from the U.S. Department of Agriculture, who will work under the direction of National Park Service resource management specialists and in coordination with the U.S. Park Police and local law enforcement. Implementing the plan is a critical step toward ensuring the forest is able to support native plants and animals in a sustainable manner for this and future generations.

Temporary road closures from 6:30 p.m. to 4:00 a.m. may include:

- Ross Drive,
- Ridge Road south of Grant Road,
- Glover Road south of the Rock Creek Park Horse Center,
- Horse Stable Road, NW.

Temporary road closures from 9:30 p.m. to 4:00 a.m. may include:

- Beach Drive north of Broad Branch Road,
- Wise Road,
- the entire length of Glover Road,
- the entire length of Ridge Road,
- Grant Road,
- Sherrill Drive,
- Joyce Road,
- Morrow Drive,
- West Beach Drive at Parkside Drive,
- Stage Road,
- Bingham Drive, NW.

Violation of these closures 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." Other roads will still remain open for vehicle travel. Under the Rock Creek Park Superintendent's Compendium, unless otherwise designated, park land is already closed to all public access from sunset to sunrise, except for vehicular traffic on park roads. Because deer management operations will use park roads, some park roads will need to be closed to help ensure public safety. Although there has been some public controversy regarding deer reduction actions themselves, there is no controversy as to the need for these road closures and other such measures to protect park visitors and neighbors, so these are not closures of a "highly controversial nature." These road closures are also similar to the park's Record of Determination dated March 28, 2013, which authorized closure of some park roads during the 2013 implementation of the park's White-tailed Deer Management Plan.

Accordingly, the National Park Service determines publication as rulemaking in the Federal Register is unwarranted under 36 CFR 1.5(b). 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. 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 State*, No. 99-2113 (D.D.C. August 6, 2000); *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 closure will be made through media advisories, officer and employee directions, roadway gates, and the posting of signs at conspicuous locations in the affected park road areas. Finally, pursuant to 36 CFR 1.5(c), this determination is available to the public upon request.

Tara D. Morrison
Superintendent, Rock Creek Park

January 3, 2014
Date