



United States Department of the Interior

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

IN REPLY REFER TO:

MAY 18 2016

10.C. (NCR-ROCR)

Closure of certain areas of Rock Creek Park Golf Course for May 18, 2016 until further notified

Pursuant to 36 CFR 1.5(a)(1), the National Park Service is temporarily closing a portion of Rock Creek Park Golf Course. Specifically, the portion of the course commonly known as the “back nine”, holes 10 through 18 along with their associated tees and fairways, will be closed due to the presence of hazardous trees there. The closure to the public is effective immediately and until such time as the hazardous trees are removed or mitigated. The closed park areas are delineated by signage and marking tape. Violation of the closure is prohibited.

On May 12, 2016, the Park identified that there were hazardous trees throughout the golf course. Over the course of that weekend, May 14 to 15, 2016, the Park removed 38 hazardous trees from the “front nine”, holes 1 through 9 along with their associated tees and fairways. Now, the Park is prepared to remove the remaining trees which are located along each hole on the back nine. Due to the volume and location of the trees, lesser restrictive measures will not suffice. Removal of the trees is an urgent public safety matter because as recently as May 15, 2016, a tree fell near a hole on the back nine. Contractors are submitting their bids to perform the aforementioned work, quotes will be reviewed and the contract will be awarded in a timely manner to minimize the closure period.

This temporary closure is not of a nature, magnitude and duration that will result in a “significant alteration in the public use pattern.” The closure is confined to where the hazard is present and will only be for the length of time it takes to abate the hazard. It will not adversely affect the Park’s natural, aesthetic or cultural values, but will enhance the utility and landscape of the course. It is not of a highly controversial nature, because as a historically managed landscape, hazardous tree mitigation is a routine practice. Furthermore, a portion of the golf course, the “front nine”, will remain open to the public for play and enjoyment.

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 or public use limitations, the legal opinion of the Office of the Solicitor, and judicial adjudications. Mahoney v. Norton, No. 02-1715 (D.D.C. August 29, 2002), plaintiff’s emergency motion for injunction pending appeal 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. United States, No. 94-1935 (D.D.C. September 9, 1994); Picciotto v. Lujan, No. 90-1261 (D.D.C. May 30, 1990); Picciotto v. Hodel, No. 87-3290 (D.D.C. January 26, 1988); Spiegel v. Babbitt, 855 F.Supp. 402 (D.D.C. 1994), aff’d 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)

Pursuant to 36 C.F.R § 1.7, notice of this temporary closure will be made through media advisories, maps, and by 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.

Sincerely,



Tara D. Morrison
Superintendent