



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:

A8219 (NCR-ROCR)

Modification of Record of Determination for a temporary closure of certain areas of Rock Creek Park during the Nuclear Security Summit for March 30, 2016 – April 1, 2016

This modification supersedes the Record of Determination issued on March 30, 2016.

On April 1, 2016 the United States Secret Service revised their March 27, 2016 and is currently requesting the opening of a portion of Rock Creek Park that was previously closed in the Record of Determination on March 30, 2016.

Pursuant to 36 C.F.R. § 1.5, the National Park Service is imposing a temporary closure of a buffer zone along Shoreham Drive, extending from Calvert Street south to Cathedral Avenue. This park area will be closed to the public until 6:30 pm Friday, April 1, 2016. In addition, the Rock Creek and Potomac Parkway between Calvert Street, NW and Beach Drive will be closed to the public on a rolling basis until 6:30 pm Friday, April 1, 2016, to facilitate the safe movement of motorcades. The closed park areas will be delineated by double fencing or by police direction. Violation is prohibited.

The temporary park closure comes at the request of the United States Secret Service's letter dated March 27, 2016, and email dated April 1, 2016 which is incorporated by reference, to provide necessary security and to protect the President, visiting dignitaries, government officials and the public for the Summit which was earlier designated as a National Special Security Event. This Summit will be attended by the President of the United States, the President of China who will be staying at the Omni Shoreham Hotel which will also serve as the location of several Summit meetings, and located near Rock Creek Park, as well as other visiting foreign Heads of State/Heads of Government, other Secret Service protectees, and numerous invited guests. As detailed in the Secret Service's letter, lesser restrictive measures will not suffice that would adequately provide for the safety of protectees, event participants, as well as the public.

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". Further, the closure will not adversely affect the park's natural, aesthetic or cultural values and is not of a highly controversial nature given the ongoing and evolving security measures being undertaken nationwide and in the Washington, D.C. following the terrorist attacks of September 11, 2001 and subsequent public safety and security alerts. Indeed, a portion of park land adjacent to the Rock Creek and Potomac Parkway and other nearby park areas will remain open to the public and for demonstration activities.

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 and partial 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