



# 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:

10.C. (NCR-ROCR)

SEP 20 2016

## **Record of Determination for a Partial and Temporary Closure of Certain Federal Parkland for the Beach Drive and Rock Creek Park Multi-Use Trail Reconstruction Project**

Pursuant to 36 C.F.R. § 1.5, the National Park Service is temporarily closing certain sections of parkland encompassing and adjacent to Beach Drive, as well as other roadway areas within the administrative jurisdiction of Rock Creek Park, from on or around September 22, 2016 through the spring of 2019. These closures are necessary for the setup, operation and demobilization of construction crews and equipment associated with the Beach Drive and Rock Creek Park Multi-Use Trail reconstruction project, and will help provide for secure and safe project areas for the protection of park visitors, National Park Service, Federal Highway Administration, concessioners, contractors, other federal agency staff and project construction crews.

The closure results from the National Park Service, National Capital Region issuing a contract for the reconstruction of Beach Drive NW, associated parking areas and other infrastructure as described in the Reconstruction and Rehabilitation of Rock Creek and Potomac Parkway and Beach Drive Environmental Assessment's Finding of No Significant Impact (2006) and as further amended by the National Park Service in response to:

- 1) Updated (2013) District of Columbia stormwater management laws and associated regulation regarding the city's Municipal Separate Storm Sewer System permit;
- 2) An identified need to improve parking facilities for the United States Park Police at the District 3 substation in Rock Creek Park;
- 3) An assessment of the current conditions, which revealed that degradation of certain roadway features has accelerated since the original compliance and design effort, resulting in the determination that additional infrastructure work will be required. This work includes re-building and/or repair of historic stone headwalls at various outfalls along Beach Drive; the replacement of safety railing at three bridges (the bridge south of the Beach Drive tunnel, the Broad Branch culvert at Beach Drive, and the bridge at Blagden Road NW and Beach Drive), and the placement of additional riprap at six culvert headwalls; and
- 4) A request by the city's municipal water utility, DC Water, to facilitate repair of the main sewer lines running under or near Beach Drive NW.

The project, administered by the Federal Highway Administration, Eastern Federal Lands Highway Division, also includes certain work described in the Rock Creek Park Multi-Use Trail Rehabilitation Environmental Assessment's Finding of No Significant Impact (2015), specifically rehabilitation of the trail in certain areas adjacent to Beach Drive as well as widening of the trail through the Beach Drive tunnel south of the Smithsonian's National Zoological Park and north of Rock Creek and Potomac Parkway. Detours will be put in place for vehicles using Beach Drive and other park roads as well as for users of the multi-use trail.

The closures will occur in the following four stages:

#### Stage 1

Beach Drive NW between Shoreham Drive NW and up to the south portion of the Park Road NW/Tilden Street NW intersection. This stage of closure, which is anticipated to last from Monday, September 22, 2016 until spring 2017, will also include: 1) partial and full closures of the Porter Street NW/Piney Branch Parkway intersection during certain periods, which will also involve partial or full closures of Piney Branch Parkway, the Porter Street NW ramp to Beach Drive, and 17<sup>th</sup> Street NW from the 3500 block to Piney Branch Parkway; 2) full closure of the access ramp from Beach Drive to Harvard Street NW and the associated unofficial pedestrian pathway from Harvard Street NW to Beach Drive; and 3) the full closures of the access roadway from the National Zoological Park to Beach Drive.

A section of Beach Drive, from Shoreham Drive NW to the U.S. Park Police Edgewater Stables and Training Facility, will remain accessible to only authorized personnel required for the operation and maintenance of the facility, including National Park Service and U.S. Park Police employees, contractors and members of the United States Secret Service, who require access to a fuel station located adjacent to the facility.

During this stage, the adjacent Rock Creek Park Multi-Use Trail will remain open except for the section that passes through the Beach Drive tunnel. When construction of Beach Drive is completed in this stage, the multi-use trail will close for reconstruction from Shoreham Drive NW to Porter Street NW. Trail users will be detoured onto a dedicated lane of Beach Drive from Shoreham Drive NW to Porter Street NW while the trail is reconstructed. Closure of the multi-use trail is expected to last several weeks.

#### Stage 2

From the north portion of the Park Road NW/Tilden Street NW intersection to Broad Branch Road NW to include the parking area north of the Park Road NW/Tilden Street NW intersection. This stage of closure, which is anticipated to last from spring 2017 to winter 2018, includes the closure of Blagden Avenue NW from Mathewson Drive NW to Beach Drive. While certain lanes of the Park Road NW/Tilden Street NW intersection will be closed for reconstruction on a daily basis, full closure of the intersection is not anticipated.

#### Stage 3:

From Broad Branch Road NW to the intersection of Joyce Road NW. This stage of closure, which is anticipated to last from winter 2018 to fall 2018, will include all parking areas along this section of Beach Drive. A section of Beach Drive from Joyce Road NW to the U.S. Park Police District 3 Substation will remain accessible to only authorized personnel required for the operation and maintenance of the facility, including National Park Service and U.S. Park Police employees and contractors. The weekend and holiday closures which historically restrict motorized traffic along this section of Beach Drive to allow for recreational use, will be suspended during this stage of the project as recreational users will be routed onto nearby city and park roads.

#### Stage 4

From the Joyce Road intersection to the Maryland state line. This stage of closure, which is

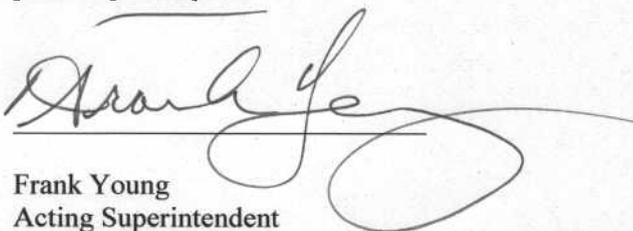
anticipated to last from fall 2018 to spring 2019, includes picnic groves 6, 7, 8, 9 and 10, and the associated picnic grove parking areas; Bingham Drive NW and the adjacent multi-use trail; and Sherrill Drive NW. During the initial portions of this stage, cross traffic will be maintained along Beach Drive from West Beach Drive NW to Wise Road NW. When all work on this stage is completed south of Wise Road NW and north of Beach Drive NW, cross traffic access will be suspended and the closure will be expanded to include Wise Road NW from Oregon Avenue NW to Beach Drive NW, and West Beach Drive from Parkside Drive NW to Beach Drive NW. The weekend and holiday closures, which historically restrict motorized traffic along this section of Beach Drive to allow for recreational use, will be suspended during this stage of the project as recreational users will be routed onto nearby city and park roads.

During all four project stages, an area of Piney Branch Parkway, approximately east/southeast of picnic grove 29 between Piney Branch Parkway, picnic grove 29, and the wood line, will be closed and fencing erected to allow for a field office for project contractors and for use as a material staging area. The parking area for picnic grove 29 will be closed to public use to allow for safe and efficient parking for project-related vehicles, as well as for staging area entry and egress of construction vehicles. Picnic grove 29 will remain open during this time. If construction concludes during any stage of work earlier than planned and the park area no longer needs to be kept closed, the park will remove the area's fencing and signage, so the public is aware the area is open. If the park area needs to be kept closed during any stage of work for a longer time period due to ongoing construction, the park will ensure the fencing and signage remains in place, so the public is aware the area remains closed.

This partial and temporary closure does not constitute an impairment to park resources and values and is not of a nature, magnitude or duration that will result in a significant alteration of the public use pattern. Further, it will not adversely affect the park's natural, aesthetic or cultural values and is not of a highly controversial nature. Similar restrictions are common at other roadway construction projects throughout the country. Less restrictive measures will not suffice because of the need to ensure adequate visitor and workmen safety during the Beach Drive and Rock Creek Park Multi-Use Trail reconstruction project.

Accordingly, the National Park Service has determined publication as rulemaking in the Federal Register in unwarranted under 36 C.F.R. §1.5(c). The partial and temporary park closure and public use limitation is consistent with hundreds of other temporary park closures, the legal opinion of the Office of the Solicitor, and judicial adjudications. *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), *plaintiffs' emergency motion for appeal for injunction pending appealed 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. Lujan*, No. 90-1261 (D.D.C. May 30, 1990); *Picciotto v. Hodel*, No. 87-3290 (D.D.C. December 7, 1987); *Spiegel v. Babbitt*, 855 F. Supp. 402 (D.D.C. 1994), *affd in parr 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 and public use limitation will be made through media advisories, fencing, maps and posting at conspicuous locations in the affected park areas. Violation is prohibited. Finally, pursuant to 36 C.F.R. § 1.5(c), this determination is available to the public upon request.



Frank Young  
Acting Superintendent

9/20/16

Date