



# 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 Rock Creek and Potomac Parkway for the 2016 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 the 2016 implementation of the park's approved White-tailed Deer Management Plan Environmental Impact Statement and Record of Decision, Rock Creek Park will again temporarily close the park roads noted below to public access and travel under 36 CFR 1.5(a)(1) during the time periods detailed below and from November 14, 2016 through March 31, 2017. When implementation occurs, the closures will be designated by posted signage, roadway gates, and officer and/or employee direction. Violation of the closure is prohibited.

The temporary closures are for public safety when, as part of the Deer Management Plan, 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 5:00 p.m. to 4:00 a.m. may include:

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

Temporary road closures from 8:30 p.m. to 4:00 a.m. may include:

- Beach Drive NW, between Piney Branch Parkway and the Klinge Road/Porter Street interchange, and from Tilden Street to the Maryland boundary,
- 17<sup>th</sup> Street NW, from the Woodner Apartments to Piney Branch Parkway NW,
- Piney Branch Parkway NW,
- Porter Street ramp to Beach Drive NW, east of Williamsburg Lane NW,
- Blagden Avenue NW, west of Mathewson Drive NW,
- Broad Branch Road NW, east of Ridge Road NW,
- Wise Road NW,
- the entire length of Glover Road NW,

- the entire length of Ridge Road NW,
- Grant Road NW,
- Sherrill Drive NW,
- Joyce Road NW,
- Morrow Drive NW,
- West Beach Drive NW at Parkside Drive NW,
- Stage Road NW, and
- Bingham Drive, NW.

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 past Records of Determination dated March 28, 2013, January 3, 2014 and November 30, 2015, which authorized closure of some park roads during the 2013, 2014 and 2015 implementations, respectively, 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 National Park Service closures and public use limitations to include *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 States*, No. 99-2113 (D.D.C. August 6, 2000); *Picciotto v. Lujan*, No. 90-1261 (D.D.C. May 30, 1990); and *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

November 16, 2016

Date