



United States Department of the Interior

NATIONAL PARK SERVICE
National Mall and Memorial Parks
900 Ohio Drive, S.W.
Washington, D.C. 20024



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6/21/16

June 20, 2016

Record of Determination for Partial and Temporary Park Closures of Certain Federal Parkland and Public Use Limitations for the July 4, 2016, Independence Day Celebration

Pursuant to 36 C.F.R. §1.5, the National Park Service is temporarily closing certain designated parkland in Washington, D.C.'s Monumental Core and imposing a public use limitation for the July 4, 2016, Independence Day Celebration in these park areas.

The area around the Lincoln Memorial Reflecting Pool from the north side of Ash Road to the sidewalk south of Constitution Gardens Lake, as well as the area around the terraces and plaza on the east side of Constitution Gardens will be fenced and closed from June 26 through July 9, so that it can be used as a secured safety zone for the storage, installation and discharge of the fireworks, as well as the subsequent safety clean-up of any fireworks debris.

The park areas located between Constitution and Independence Avenues and from 14th Street along the Washington Monument grounds to the Potomac River, including up to the west side of Memorial Bridge and Ohio Drive's Inlet Bridge will be fenced and closed from 6:00 a.m. to 10:00 a.m. on July 4, 2016, to allow the United States Park Police to conduct a security sweep of the area. After the security sweep, the public will have access into these fenced areas only through designated security access points.

Non-authorized vehicles will not be allowed through the security access points. Pedicabs that have been issued a park Commercial Use Authorization (CUA) permit will be allowed in and out of the secured area through the secured access point located at 14th and Independence Avenue. Entry into the secure area will only be permitted between the hours of 10 a.m. to 11 a.m., 12 p.m. to 1 p.m., 2 p.m. to 3 p.m., 4 p.m. to 5 p.m. and 6 p.m. to 7 p.m. All pedicabs will be subject to a security sweep and entry into the secure area outside of these established times will not be permitted. In order to enter the secure area, the pedicab operator must be wearing his/her CUA ID card around the neck and must be on the outside of all clothing and visible at all times. The CUA ID card must be current, the name on the CUA ID card must match a valid government ID and a sign stating "the driver must negotiate all fares before departing" must be visible on the pedicab. Once the pedicab has been admitted into the secure zone, the pedicab must remain on the paved roads and may not drive on any sidewalk.

No water transportation vessels will be permitted to operate and disembark passengers into West Potomac Park between 12:01 a.m. and 11:59 p.m. on July 4, 2016, due to the United States Coast Guard's established security zone. This security zone, where vessels are prohibited, consists of the 75 yards from the eastern shore of the Potomac River measured perpendicularly to the shore between the Long Railroad Bridge and the Theodore Roosevelt Memorial Bridge and all of the water in between to include the waters of the Georgetown Channel and the Tidal Basin.

Furthermore, at 4:00 p.m. on July 4, 2016, the World War II Memorial will be closed to the public due to its location within the fireworks fall-out zone. The World War II Memorial will re-open to

visitation as soon as it has been determined to be safe, which generally occurs twenty-four to forty-eight hours after the fireworks display.

All of these areas to be closed will be more particularly identified by fencing and signage. The park closures come at the request of the United States Park Police, in coordination with the National Park Service, to allow them to conduct their security sweep of the area and to ensure fireworks safety before the commencement of the Independence Day celebration. This is part of the park's enhanced security efforts for the July 4th celebration on the National Mall following the terrorist attacks of September 11, 2001. These enhanced security efforts will include security access points into the fenced areas to help ensure the safety and enjoyment of the tens of thousands of persons expected to celebrate Independence Day on the National Mall, a highly symbolic national celebration event that will be occurring in a highly prominent park area. Less restrictive measures will not suffice because of the need to ensure an effective security sweep as part of a public safety area as well as to protect the public during the fireworks storage, installation, discharge and clean-up.

Pursuant to 36 C.F.R. §2.35 (3)(i) and as detailed in the park compendium, possession, use or sale of alcoholic beverages is prohibited in all areas of the park, with the limited exceptions of designated areas of approved concessions contracted by the government and assigned by the superintendent, or within limited and clearly designated areas authorized under a specific permit issued by the superintendent.

Pursuant to 36 C.F.R. §1.5, the National Park Service is also imposing a partial and temporary public use limitation and will not allow, on July 4, 2016, within the areas of the National Mall from 3rd to 23rd Streets, including the Washington Monument grounds to the west side of Memorial Bridge: glass containers, open fires, barbeque grills, explosives and fireworks including but not limited to sparklers. Unmanned Aerial Systems (UAS) are also prohibited within these areas. The operation of UAS is already prohibited on parkland, but prohibiting such items (some of which are small enough to fit inside a suitcase) from being carried onto parkland will help ensure compliance, especially since its operation therein could pose a threat to the crowded groups of attendees and could potentially interfere with the flight paths of authorized aircraft as well as violate the P-56A prohibited airspace. Firearms, weapons, explosives and knives, that are otherwise illegal under Federal or District of Columbia law, remain prohibited.

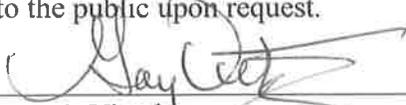
The temporary and partial closures and public use limitation comes at the request of the United States Park Police, in coordination with the National Park Service, to help ensure public safety. Less restrictive measures will not suffice in order to help ensure the public safety and order for the expected hundreds of thousands of visitors coming to these park areas to observe and participate in this high profile national celebration.

These temporary and partial closures and the public use limitations are not of a nature, magnitude and duration that will result in a "significant alteration in the public use pattern." Bureau of Alcohol, Tobacco, Firearms and Explosives regulations regarding fireworks require an adequate safety buffer, and alcohol, glass containers, explosives and fireworks are already generally prohibited under National Park Service regulations or the park's compendium. The security sweep of the temporarily closed park areas, the fireworks safety zone closure and public use limitations are similar to that which occurred on the National Mall during July 4th celebrations since September 11, 2001. These types of closures have also become common at other significant large-scale events throughout the country. Furthermore, other nearby park areas will remain open to the public. The closure and public use limitations will not adversely affect the park's natural, aesthetic or cultural values; nor require significant modification to the resource management objectives; nor is it of a highly

controversial nature. Accordingly, the National Park Service determines publication as rulemaking in the Federal Register is unwarranted under 36 C.F.R. §1.5(c).

The partial and temporary park closures and public use limitations is consistent with hundreds of other 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 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), *affid 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, 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.



Gay E. Vietzke
Superintendent, National Mall and Memorial Parks

6/24/14
Date