



United States Department of the Interior

National Capital Parks-East
NATIONAL PARK SERVICE
Interior Region 1- National Capital Area
1900 Anacostia Drive, S.E.
Washington, D.C. 20020

IN REPLY REFER TO:
I.I.B. (NCR-NACE)

Record of Determination for the Temporary Closure of Hiker-Biker Trail Between Park Drive, S.E. and 28th Street in Washington, D.C. for the Park Drive Outfall Channel Stream Restoration Project

Pursuant to 36 CFR 1.5(a)(1), the National Park Service is temporarily closing the Hiker-Biker Trail between Park Drive, S.E. and 28th Street. The closure prohibits all unauthorized vehicular, bicycle, and pedestrian traffic on this 0.4-mile section of trail for the duration of the project. The temporary closure is necessary for the safety of park visitors while work is performed. Less restrictive measures will not suffice in ensuring protection of the public, workers, and park resources. Trail closure signs will be placed at trail entry points at Park Drive, S.E. and at 28th Street. This segment of the Hiker-Biker Trail will remain closed until such time that restoration work has been completed (not to exceed June 30, 2024).

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”. Other nearby park areas will remain open to the public. The closure 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 that publication as rulemaking in the Federal Register, is unwarranted per 36 C.F.R. § 1.5(c). This is consistent with hundreds of earlier partial and temporary park 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 curiam); *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 C.F.R. § 1.7, notice of this temporary trail closure will be made through media advisories and the park’s website and posting of signs at strategic locations in the affected park area. Finally, pursuant to 36 C.F.R. § 1.5(c), this determination is available to the public upon request.

for

Michael Commisso

Tara D. Morrison
Superintendent, National Capital Parks-East

2/7/24

Date

INTERIOR REGION 1 • NORTH ATLANTIC-APPALACHIAN

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