



United States Department of the Interior

NATIONAL PARK SERVICE
Office of the National Park Service Liaison to the White House
1849 C Street, N.W.; #1426
Washington, D.C. 20240

IN REPLY REFER TO:

10.C.

January 6, 2021

Record of Determination for a Partial and Temporary Park and Roadway Closures and Public Use Limitation for the January 6, 2020 for the *Women for America First* Permitted Event

Pursuant to 36 C.F.R. § 1.5, the National Park Service is imposing a temporary closure of certain park areas, as detailed in the attached map, beginning at approximately 4:00 a.m., and continuing through approximately 4:30 p.m. Specifically the northern half of the Ellipse and its side panels, roadways and sidewalks, E Street and its adjacent north and south sidewalks from 15th Street to 17th Street, N.W., State Place, Sherman Park, and the park surrounding the First Division will be closed beginning at approximately 4:00 a.m. on Wednesday, January 6, 2021, and continuing through 4:30 p.m. on Wednesday, January 5, 2021.

In addition, the National Park Service is closing Constitution Avenue NW from 15th Street to 17th Street, N.W., as well as 15th Street N.W. and 17th Street N.W. between Constitution Avenue N.W. at approximately 4:00 a.m. on Wednesday, January 6, 2021, and continuing through approximately 4:30 p.m. on Wednesday, January 6, 2021.

The National Park Service is also imposing a public use limitation and will not allow into the general public and public ticketed areas:

- Aerosols
- Ammunition
- Animals other than service/guide animals
- Backpacks and bags exceeding size restrictions (18" by 13" by 7")
- Bicycles
- Balloons
- Body Armor
- Coolers
- Drones and other unmanned aircraft systems
- Explosives
- Firearms
- Flammable liquids
- Glass, thermal, or metal containers
- Laser pointers
- Mace / Pepper spray
- Packages
- Recreational motorized mobility devices
- Selfie Sticks
- Signs exceeding size restrictions (20' x 3' x 1/4")
- Structures
- Supports for signs and placards
- Toy guns

- Weapons of any kind
- Any other items determined to be potential safety hazards

The public use limitation come at the request of the United States Secret Service, in consultation with the United States Park Police, to help ensure public safety during event, that is expected to bring the attendance of the President, assorted dignitaries, as well as ticketed and non-ticketed members of the public who will enter and be screened by the Secret Service at various entrances. A copy of the map of the park areas to be closed is attached and incorporated by reference.

This partial and temporary park closure and public use limitation does not constitute an impairment to park resources and values and is not of a nature, magnitude and duration that will result in a significant alteration in the public use pattern. To adequately address security and public safety concerns and ensure a safe and efficient passage into the event, less restrictive measures will not suffice. Further, it will not adversely affect the park's natural, aesthetic or cultural values and is not of a highly controversial nature. Indeed, pursuant to long-standing Park Service regulations neither demonstrations nor special events are allowed in some of these park areas, although ample nearby park areas remain open and available.

Accordingly, pursuant to 36 C.F.R. § 1.5(b), publication as rulemaking in the Federal Register is unwarranted. This is consistent with hundreds of past partial and temporary park closures or public use limitations, the legal opinion of the Office of the Solicitor, and past judicial adjudications. See e.g., 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) (public use limitation); Picciotto v. United States, No. 99-2113 (D.D.C. August 6, 1999) (closure); Picciotto v. United States, No. 94-1935 (D.D.C. September 9, 1994)(closure); Picciotto v. Lujan, No. 90-1261 (D.D.C. May 30, 1990)(closure); Picciotto v. Hodel, No. 87-3290 (D.D.C. January 26, 1988)(closure); Spiegel v. Babbitt, 855 F.Supp. 402 (D.D.C. 1994), aff'd in part and vacated with instruction to dismiss in part w/o op. 56 F.3d 1531 (D.C. Cir. 1995), cert. denied 516 U.S. 1046 (1996) (public use limitation).

Pursuant to 36 C.F.R. § 1.7, notice of the public closure will be made by fencing and signage and notice of the public use limitation will be on the tickets and entrance way signage. Pursuant to 36 C.F.R. § 1.5(c), this Record of Determination is available to the public upon request.

JOHN STANWICH

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Date: 2021.01.06 10:46:01 -05'00'

NPS Liaison to the White House
National Capital Region


Superintendent
National Mall & Memorial Parks

Attachments