National Park Service Camping Enforcement Notice For McPherson Square and Freedom Plaza

National Mall & Memorial Parks

January 28, 2012

This communication serves as notice that, on or about **noon, January 30, 2012,** the United States Park Police will commence enforcement of the long-standing National Park Service (NPS) regulations that prohibit camping and the use of temporary structures for camping in McPherson Square and Freedom Plaza. The NPS has repeatedly advised participants in both parks of the camping regulations, and had sought voluntary compliance. On or about **noon, January 30, 2012,** if camping violations are observed, individual violators may be subject to arrest and their property subject to seizure as evidence. Any temporary structure used for camping also will be subject to seizure as an abatement of a public nuisance, and may be reclaimed by the property owner between the hours of 8:00 a.m.-5:00 p.m. at the Park Police D-1 Station located at 960 Ohio Drive, S.W., Washington, D.C. 20024, if done within the 60 days. Items determined to be trash or a bio-hazard, however, will be disposed of as refuse, so you are advised to promptly dispose of any such items.

NPS REGULATIONS PROHIBIT THE FOLLOWING:

1. **CAMPING**, defined as the "use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping) or storing personal belongings, or making any fire, or using any tents or shelter or other structure or vehicle for sleeping or doing any digging or earth breaking . . . ." Title 36 CFR § 7.96(i)(1).

2. **USE OF TEMPORARY STRUCTURES FOR CAMPING:** "Temporary structures may not be used outside designated camping areas for living accommodation activities such as sleeping, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or doing any digging or earth breaking or carrying on cooking activities. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging . . . ." Title 36 CFR § 7.96(g)(5)(vi).

The NPS camping regulation has been upheld as constitutional by the Supreme Court. The NPS has a long and proud tradition of providing opportunities for the exercise of First Amendment rights, but it also is obligated to protect our important cultural and natural resources. Although 24/7 demonstration vigils and the use of symbolic temporary structures, including empty tents used as symbols of the demonstration, may be permitted in the park areas, camping and the use of temporary structures for camping is not.

TO COMPLY WITH NPS CAMPING REGULATIONS, YOU MUST DO THE FOLLOWING:

1. Remove all camping material from the park, AND
2. Leave one side of all temporary structures open at all times to ensure public health and safety and to allow NPS personnel to monitor compliance with camping regulations.

At both parks, NPS rangers will be distributing this notice to persons and at each temporary structure, and will post it in conspicuous locations in the parks, and on the park's website at www.nps.gov/nacc/parkmgmt.