



# United States Department of the Interior

NATIONAL PARK SERVICE  
National Mall and Memorial Parks  
1100 Ohio Drive SW  
Washington, DC 20242



IN REPLY REFER TO:

10.B

April 3, 2024

## Record of Determination for a temporary limitation of the use of amplified sound equipment in John Marshall Park and Pennsylvania Avenue National Historic Site

John Marshall Park and Pennsylvania Avenue National Historic Site are managed by National Mall and Memorial Parks. John Marshall Park is adjacent to the Canadian Embassy and the E. Barrett Prettyman Courthouse. Traditionally, the park is the site for lunch time and other casual uses, and on occasion, small scale special events and First Amendment demonstrations. Over the past few years, park management received a number of loud noise complaints from E. Barrett Prettyman Courthouse occupants. Courthouse occupants have complained that loud noises associated with permitted events utilizing an amplified sound system were creating a disturbance and hampering the courts' ability to conduct business during normal business hours. Due to a number of high-profile events expected to occur over the next year. The potential for a trial involving the former President of the United States at the E. Barrett Prettyman Courthouse the upcoming election and inauguration events and prior complaints by courthouse occupants as a result the National Park Service has decided to implement a temporary noise restriction in sections of parkland that borders the U.S. District Court and the Canadian Embassy, for both permitted and non-permitted events. The following temporary limitation on the use of amplified sound equipment will be applied in John Marshall Park and Pennsylvania Avenue National Historic Site.

*Permittees and all other persons using amplified sound are responsible for limiting all sound amplification equipment in John Marshall Park and Pennsylvania Avenue National Historic Site so that it will not unreasonably disturb nonparticipating persons in, or in the vicinity of, the area, including particularly, the regularly scheduled business of the federal courts, defined here as Monday through Friday from 8 am until 7 pm. The use of sound amplification devices, other than the normal accoutrements of cellphones (and with the exception of electrolarynx devices) is entirely prohibited within 500 feet of the E. Barrett Prettyman Courthouse.*

This temporary limitation of the use of amplified sound 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. Further, this closure will not adversely affect the park's natural, aesthetic, or cultural values and is not 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). This temporary closure is consistent with hundreds of earlier partial and temporary park closures, the legal opinion of the Office of the Solicitor, and judicial adjudications. *Picciotto v. United States*, No. 99-2113 (D.D.C.); *Picciotto v. United States*, No. 94-1935 (D.D.C.); *Picciotto v. Lujan*, No. 90-1261 (D.D.C.); *Picciotto v. Hodel*, No. 87-3290 (D.D.C.); *Spiegel v. Babbitt*, 855 F.Supp. 402 (D.D.C. 1994), *aff'd 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).

Pursuant to 36 C.F.R. § 1.7, notice of this temporary and partial closure will be made by use of temporary fencing and other barriers, for areas affected by this closure and by notices to the public. Finally, pursuant to 36 C.F.R. § 1.5(c), this Record of Determination is available to the public upon request.

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Jeffrey P. Reinbold, Superintendent  
National Mall & Memorials Park

4/3/2024

Date

Enclosure