THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO: 3326

Subject: Management and Protection of the National Mall and its Historic Landscape

Sec. 1 **Purpose**. This Order is intended to further the goals of the National Mall Plan (NMP), to implement the Record of Decision (ROD) dated November 9, 2010, and to guide the National Park Service (NPS) as it carries out its multi-phase restoration project.

Consistent with the NMP and the ROD, an increase in non-turf areas is critically important for management of the National Mall. The National Mall's Phase II and III areas historically have the highest concentration of use. In light of this concentrated usage, turf restoration and re-construction is central to the success of the preservation strategy for the National Mall.

Sec. 2 **Background**. The National Mall is one of the most recognizable, important landscapes in our Country. The designed historic landscape is listed on the National Register of Historic Places and it is the public space core of our Nation's capital. Since the 1976 Bicentennial, the volume of permitted activities and general tourism has increased dramatically. Some permitted uses, such as national celebrations and First Amendment gatherings are central to the National Mall's purpose. Other highly valued uses include recreational activities and special events. The NMP recognizes that demands for diverse use will not abate and recommends better ways for the National Mall and Memorial Parks (NAMA) to manage and sustain such high levels of diverse use.

The National Mall currently experiences extreme levels of use, especially the historic Mall itself, between 3rd and 14th Streets. This is because of the area's proximity to a Metro station and the visual connections to the Washington Monument and the Capitol Building. Park regulations provide a regulatory priority for certain uses, for example, the Fourth of July Celebration on the Washington Monument grounds and the Lincoln Memorial Reflecting Pool. In the interest of protecting the Park, regulations allow the NPS to impose reasonable restrictions upon the use of temporary structures. Maintaining sustainable use is a difficult objective in light of the volume of requests to use this historic area.

The NMP called for changes in the management of permitted activities, as well as changes for making available additional non-turf areas to reduce permitted activities on the turf areas. Implementing these management changes must begin now if the National Mall's historic landscape is to retain its most recognizable features.

At the same time, usage of the National Mall is uniquely anchored in the U.S. Constitution. As a critical public forum in our Nation's capital, the National Mall is a well-recognized venue for those engaging in the exercise of freedom of assembly, speech, religion, and press. Courts have repeatedly recognized these rights as well as the NPS's ability to impose reasonable time, place, and manner restrictions. As a result of these civic functions, the NPS must keep abreast of the

times and be better able to address visitor use levels that will not occur to the same extent and intensity in other national park units. Flexibility in management is critical since recent use patterns suggest that annual visitation could easily increase from 25 million to 42 million over the next 20 years.

Sec. 3 **Authority**. The authorities for this Order are 16 USC §§1-3, 36 CFR §§1.5 and 7.96.

Sec. 4 **Policy**. Consistent with laws, regulations, and the NMP Record of Decision, the NPS shall implement a multi-faceted preservation strategy that prioritizes:

a. Increasing non-turf areas to better accommodate the use of temporary structures for appropriate permitted activities and increase the desirability of those areas by providing ready utility access to electricity, water, and communications.

b. Developing a professional turf management staff to identify and implement best practices for turf management and to develop public use permits that take those turf management concerns into consideration.

c. Applying law and policy guidance to best manage and protect the National Mall.

d. Structuring special event permit fees to encourage shorter duration events, protect resources, reduce impacts, and work with event organizers to identify suitable locations for events which will facilitate their activities and protect the cultural and historic resources of the park.

e. Updating permit conditions to require the use of best practices that ensure resource protection by addressing permit conditions for the expected level of attendance, duration of events, use of turf areas, adverse weather cancellation and delay, the size and layout of temporary structures, the location of temporary structures on durable non-turf areas, and the rotation of recreational uses.

f. Implementing the approved Mall Turf Operations and Maintenance Manual which details turf protection strategies. Event organizers are responsible for funding and installing turf protection measures.

g. Developing a turf replacement strategy that discourages the use of temporary structures on turf areas. In the event that permit conditions are not likely to adequately protect the turf and the structures cannot be relocated to non-turf areas, require the organizers to provide proof of sufficient funds to rehabilitate or replace damaged turf and resources.

h. Closing and rotating small areas more frequently and establishing pre- and post-event turf recovery times consistent with best practices, based on the length of the event, the length of time turf is covered, event attendance, the location of temporary structures, and general seasonal and weather conditions.

Sec. 5 **Statutory Reviews.** The NPS shall coordinate and seek to expedite statutorily required reviews by the U.S. Commission of Fine Arts and the National Capital Planning Commission, with NPS activities required under the November 2010 Programmatic Agreement for the National Historic Preservation Act, in order to streamline the development of plans being implemented pursuant to this Order.

Sec. 6 **Implementation**. The Assistant Secretary for Fish and Wildlife and Parks and the Director of the NPS are responsible for implementing this Order.

Sec. 7 **Disclaimer**. This Order is intended only to improve the internal management of the Department and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by a party against the Department or any person.

Sec. 8 **Expiration Date**. This Order is effective immediately and will remain in effect until it is amended, superseded, or revoked, whichever occurs first.

Secretary of the Interior

Ken Salazar

Date: JAN 24 2013