

**PROPOSED CHANGES  
SUPERINTENDENT'S COMPENDIUM  
2023  
DENALI NATIONAL PARK AND PRESERVE**

The Superintendent is seeking comment on proposed changes to the Superintendent's Compendium. A compendium is a written compilation of designations, closures, permit requirements and other restrictions adopted under the Superintendent's discretionary authority.

Information on how to submit comments is available at:  
<https://www.nps.gov/locations/alaska/proposed-compendiums.htm>

After review and consideration of the need for annual updates, the following changes are proposed.

**36 CFR 1.6(f) Compilation of activities requiring a permit**

*Current Language:*

Commercial photography, 36 CFR 5.5

*Proposed New Language:*

Commercial filming, still photography, and audio recording, 36 CFR 5.5

*Why Change is Warranted:*

In early 2021 the United States District Court for the District of Columbia issued a decision in the Price v. Barr case that invalidated existing laws for managing commercial filming in national park areas. The US Department of Justice appealed the District Court's decision and on August 23, 2022, the United States Court of Appeals for the District of Columbia issued a decision reversing the order of the District Court. The statute and regulations that governed commercial filming before the Price v Barr decision are once again in effect.

**36 CFR 13.50 Closures and restrictions**

*Current Language:*

Filming

The following types of filming activities may occur in areas open to the public without a

permit and without advance notice to the NPS:

- Outdoor filming activities outside of areas managed as wilderness involving five persons or less and equipment that will be carried at all times, except for small tripods used to hold cameras.

The organizer of any other type of filming activity must provide written notice to the Superintendent at least 10 days prior to the start of the proposed activity. Based upon the information provided, the Superintendent may require the organizer to apply for and obtain a permit if necessary to:

- maintain public health and safety;
- protect environmental or scenic values;
- protect natural or cultural resources;
- protect opportunities for subsistence use;
- allow for equitable allocation and use of facilities; or
- avoid conflict among visitor use activities.

If the Superintendent determines that the terms and conditions of a permit could not mitigate the concern identified above in an acceptable manner, the Superintendent may deny a filming request without issuing a permit. The Superintendent will provide the basis for denial in writing upon request.

The NPS will consider requests and process permit applications in a timely manner. Processing times will vary depending on the complexity of the proposed activity. If the organizer provides the required 10 day advance notice to the NPS and has not received a written response from the NPS that a permit is required prior to the first day of production, the proposed filming activities may occur without a permit.

The following are prohibited:

1. Engaging in filming activity without providing advance notice to the Superintendent when required
2. Engaging in a filming activity without a permit if the activity takes place in areas managed as wilderness or if the Superintendent has notified the organizer in writing that a permit is required.
3. Violating a term and condition of a permit issued under this action.

Violating a term or condition of a permit issued under to this action may also result in the suspension and revocation of the permit by the Superintendent.

#### *Proposed Changes:*

Removal of existing language from the Superintendent's Compendium.

#### *Why Change is Warranted:*

See justification above for changes to 36 CFR 1.6(f).