



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

IN REPLY REFER TO:

OCT 28 2022

MEMORANDUM

To: Associate and Assistant Directors
Regional Directors
Superintendents

From: *for* Deputy Director, Operations *M. S. Powell*

Subject: Rescission of Interim Filming Guidance

Rescission of Interim Filming Guidance

On February 22, 2021, a Memorandum titled "Managing Filming Activities After Price v. Barr" (Interim Guidance) was issued. The Interim Guidance directed superintendents how to manage filming activities in park areas following a decision by the United States District Court for the District of Columbia in Price v. Barr, 514 F.Supp. 3d 171 (D.D.C. 2021). That decision had declared that permit and fee requirements for commercial filming found in 54 U.S.C. § 100905, 43 C.F.R. Part 5 and 36 C.F.R. § 5.5 were unconstitutional under the First Amendment and prohibited the NPS from enforcing those requirements.

The U.S. 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. Price v. Garland, 45 F.4th 1059 (D.C. Cir. 2022). This decision became effective today with the issuance of the Court of Appeals mandate.

As a result, the statute and regulations that governed commercial filming before the Price decision are again in effect. I hereby rescind the Interim Guidance, effective immediately. These actions return the NPS to the legal and policy framework for managing filming that existed before the District Court decision. This includes the authority to charge location fees and recover costs incurred as a result of commercial filming activities, including administrative and personnel costs.

Required Actions

The Interim Guidance directed Superintendents to add language to the park compendium to manage filming activity on an interim basis while the litigation was ongoing.

- Superintendents are directed to remove this language from the compendium.
- Superintendents also are directed to remove language from park websites and other communications materials that explain the Interim Guidance.

Further Information

The Visitor and Resource Protection Directorate will continue to provide guidance about this topic to help parks transition back to managing commercial filming under the statute and regulations that are again in effect. This topic will be discussed during the all-Superintendents call on November 8, 2022. Please contact the following individuals if you have questions about the rescission of the interim guidance and how filming should be managed as a result:

- For questions about the permit and fee requirements that are again in effect, please contact your regional Special Park Use Coordinator or Maggie Tyler, Special Park Uses Program Manager, maggie_tyler@nps.gov, (202) 513-7092.
- For questions specifically about the enforcement of the permit and fee requirements that are again in effect, please contact Kim Fondren, Law Enforcement Team Leader, Division of Parks and Wildlife, Office of the Solicitor, kim.fondren@sol.doi.gov, (202) 875-0450.