



# United States Department of the Interior

NATIONAL PARK SERVICE  
Fort Stanwix National Monument  
112 East Park Street  
Rome, New York 13440

10D (FOST-VRP)  
Public Use Order # [21-002]  
[03/01/2021]

Closures, restrictions and public use limits:

Restrictions and Public Use Limits: Under the authority provided to the Superintendent in 36 CFR [1.5], the following filming activities (commercial and non-commercial at Fort Stanwix National Monument, are effective immediately, until further notice:

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]<sup>2</sup> 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;
- 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 concerns identified above in an acceptable manner, the Superintendent may deny a filming request without issuing a permit. 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 a 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]3 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.

Authority: [36 CFR 1.5(a)(2)]

Notice: This administrative order applies to all individuals subject to the regulatory authority of the National Park Service (NPS) within the boundaries of [Fort Stanwix National Monument], including park visitors, government employees, concession employees, park residents and stakeholders.

Finding: On January 22, 2021, the United States District Court for the District of Columbia issued its decision in *Price v. Barr*, No. 19-3672, (D.D.C. Jan. 22, 2021). The court held that the requirements in 54 U.S.C. § 100905, 43 C.F.R. Part 5, and 36 C.F.R. § 5.5 that those engaged in "commercial filming" must obtain permits and pay fees are unconstitutional under the First Amendment. The court entered a permanent injunction preventing the National Park Service (NPS) from implementing and enforcing those permit and fee requirements.

This order is effective immediately and will remain in effect until further notice. The effectiveness of this order will be assessed on an ongoing basis, and the order will be modified or rescinded when conditions warrant.

Approval: \_\_\_\_\_  
Superintendent

\_\_\_\_\_  
Date