

Guidelines and cost recovery for commercial filming and still photography

On April 13, 2006, the National Park Service published a final rule in the Federal Register that allows the NPS to implement Public Law 106-206 (P.L. 106-206), codified at 16 U.S.C. 460l-6d and amends the commercial filming and still photography regulation found at 43 CFR 5.1.

As of **May 15, 2006** the following procedures/guidelines apply to issuing permits for commercial filming and still photography.

1. **All commercial filming requires a permit.** Commercial filming is defined as digital or film recording of a visual image or sound recording by a person, business, or other entity for a market audience, such as for a documentary, television or feature film, advertisement, or similar project. It does not include news coverage or visitor use. A non-refundable \$50 application fee must be submitted with each permit. All fees should be made payable to “National Park Service”.
2. **Still photography activities require a permit only when:**
 - a. the activity takes place at location(s) where or when members of the public are generally not allowed; or
 - b. the activity uses model(s), sets(s), or prop(s) that are not a part of the location’s natural or cultural resources or administrative facilities; or
 - c. the park would incur additional administrative costs to monitor the activity;
 - d. The park needs to provide management and oversight to:
 1. avoid impairment or incompatible use of the resources and values of the park, or
 2. limit resource damage, or
 3. minimize health or safety risks to the visiting public.
3. **Breaking news coverage does not require a permit,** for either filming or still photography, but is subject to time, place, and manner restrictions, if warranted, to maintain order and ensure the safety of the public and the media, and protect natural and cultural resources.
4. **Congress in P.L. 106-206 expressed the importance of resource protection and provided that the permit request should be denied if:**
 - a. there is the likelihood that resource damage would occur that cannot be mitigated or restored under the terms and conditions of a permit;
 - b. there is the likelihood of unreasonable disruption of or conflict with the public’s use and enjoyment of the site;
 - c. there is the likelihood that the activity poses health or safety risks to the public;
 - d. there is the likelihood that the activity would result in the impairment of park resources or values;

- e. the requested activity will violate any other applicable Federal, State, or local law or regulation.

5. **All commercial filming permits and still photography permits are subject to cost recovery and a location fee.** The location fee is calculated per day and must be based on the following schedule and is determined by the type of activity (commercial filming versus still photography) and the number of people on park lands associated with the permitted activity. There is no deviation from the schedule.

<u>Commercial Filming/Videos</u>		<u>Still Photography</u>	
1 – 2 people, camera & tripod only	\$0/day	1 - 10 people	\$50/day
1 - 10 people	\$150/day	11 - 30 people	\$150/day
11 - 30 people	\$250/day	Over 30 people	\$250/day
31 - 49 people	\$500/day		
Over 50 people	\$750/day		

- 6. **Cost Recovery.** Cost recovery amounts are still based on the actual cost incurred by the park in monitoring the activity and any other activity that requires NPS employees' involvement. Current cost recovery is billed at \$40 per Park Ranger per hour.
- 7. **Requesting a Commercial Filming Permit.** Requests for a Commercial Filming Permit must be made by completing the *Application for Commercial Filming Permit* form. A completed application must be accompanied by an application fee in the form of a cashiers check or money order in the amount of \$50.00 made payable to National Park Service. Application and administrative charges are non-refundable. The completed application needs to be mailed to "Permit Coordinator" at the address found on the first page of the application at least 7 days prior to the date of the event. Please direct all questions to Ranger Brad Eggers at (605) 574-3125, or brad_eggers@nps.gov. Requests can be faxed to (605) 574-3103.
- 8. **Long Application vs. Short Application.** Please use the long application form for major motion pictures, filming that includes set construction, or filming that incorporates multiple actors. For everything else, use the short form. A different form may be required if the National Park Service requires more information prior to permit consideration.
- 9. **Liability Insurance.** Liability insurance protects the government from negligent actions by permittees. Insurance in an amount sufficient to protect the interests of the United States government may be required as a condition of the permit. The

permittee must carry general liability insurance issued by a United States company with the U.S. Department of Interior, National Park Service names as “additionally insured.” In general, a minimum of \$1 million per occurrence general liability policy is required.

10. **Issuing a Commercial Filming Permit.** When a completed application is received, along with the required non-refundable application fee, the park Superintendent will determine whether to approve or deny issuing the permit. If the request is to be denied, a letter explaining the denial will be sent to the requester. If the permit is approved, the permit will be sent to the permittee for agreement on the conditions of the permit and signature. The permittee must sign and return the permit for the Superintendent's signature. After the Superintendent signs the permit, the completed permit will be forwarded to the permittee along with logistical information if necessary.
11. **Questions.** Please direct all questions to Brad Eggers at (605) 574-3125, or Brad_Eggers@nps.gov.