

Commercial Still Photography, Motion Picture and Video Filming on the Monongahela National Forest

The following explains Forest Service policy with respect to commercial still photography, motion picture, and video filming on the Monongahela National Forest.

1. The Forest Service permits commercial filming on public lands. Like other commercial uses of National Forest lands and resources, commercial filming requires a Special Use Permit. ALL motion picture and video filming using crews, special equipment, and vehicles require a Special Use Permit.

2. Commercial still photography requires a Special Use Permit only for:

- a) unusual photographic activities that may adversely affect National Forest System lands or disrupt Forest visitors and Forest Service management activities;
- b) pictures that will be offered for sale;
- c) pictures that feature a commercial product for sale with National Forest System lands used for background.

3. Prior to the issuance of a special use permit an environmental analysis of the proposed activity must take place. This analysis will assess the nature and significance of the physical, biological, social, and economic effects of a proposed action and its reasonable alternatives. Certain uses have been categorically excluded from documentation in an Environmental Assessment or Environmental Impact Statement based on the results of previous events or activities.

Activities which will require further analysis include: new types of uses with unknown effects, controversial activities or uses in sensitive areas, and activities that are ground disturbing. If this is necessary, the production company may be responsible for financing the analysis activity through a collection agreement and the process may take 30-90 days.

In general, when a conflict between the environment and a proposed filming activity arises, a Forest Service representative will discuss the conflict with the film producer and attempt to find an acceptable alternative. If no alternative is acceptable, the filming activity will not be authorized.

4. Requests for Special Use Permits will be acted upon as expeditiously as possible, even to the extent of giving priority to those requests where a preliminary evaluation indicates very minor impacts on forest visitors, environment, or management.

5. The Forest Service may deny permits for filming which depict practices prohibited on National Forest System lands. The Forest Service may also deny permits for filming that would tend to encourage uses and practices inconsistent with the Monongahela National Forest Management Plan provisions or incompatible with authorized uses of Forest Service resources.

6. The Forest Service encourages use of environmental messages and depiction of environmentally sound practices in connection with filming.

7. Portrayal or employment of Forest Service personnel and use of the Forest Service uniform, facilities, or any other depiction of the agency must be approved and be compatible with the mission and goals of the agency.

In order to facilitate cooperation between the industry and the Forest Service, the following specific guidelines are established:

I. Obtaining a Filming Special Use Permit

A. At least three weeks prior to the proposed filming date, the production company should contact the Scenic Area office describing the type of location desired for filming and the activity or effect to be captured on film. The Special Use Administrator may suggest areas which might have the desired "look" saving the filming company hours of scouting. If the proposed activities are incompatible with the area or Forest policy (such as, inappropriate use of off-highway vehicles, vehicles splashing through water, littering, etc.), an explanation will be given why the proposal is unacceptable and possible alternatives will be discussed.

B. A Special Use Application must be submitted. This officially begins the process, however, a decision on whether or not a permit will be granted may take a week or longer after the application has been received. The permit application should list the number of people to be involved on-location, a schedule of times, dates and locations of operations, and a list of all equipment, chemicals, and other materials that will be transported through the Scenic Area and be available on-location. A script or story board and a thorough, written description of the film project should be included with the application.

C. Written proof of insurance must be given to the Forest Service Special Use Administrator. The policy document must name the United States Government as additional insured and provide for thirty (30) days written notification of cancellation (see next section). A copy of other documents, such as applicable County encroachment permits, letters of permission from private land owners, other permittees, etc., will be required prior to filming.

D. The production company may be required to provide a Forest Service representative to act as a monitor during filming. The monitor will act as the Forest representative in approving or disapproving proposals which occur during filming and will also have the authority to suspend activities for noncompliance. If a Forest Service representative is to be provided, a collection agreement between the Forest Service and production company to cover the salary and mileage of the monitor may be required.

E. A performance bond or other acceptable methods of surety may be required if the proposal has a potential of resource damage or would require a major clean-up effort such

as the removal of a constructed set, use of special effects. etc. The District Ranger will determine if a bond is required on a case-by-case basis.

F. The permit fee is based on the number of production employees and days required to complete the filming. All fees are due and payable, preferably by cashier's check or money order, prior to filming (usually when the permit is signed). Fee payments should be made payable to "USDA Forest Service".

G. The permit as well as the collection agreement if required, must be signed by an authorized production company representative. Proof of authorization to execute documents on behalf of the company must be provided. If the president of the company is unavailable to sign, a letter of authorization must accompany the individual authorized to sign the documents.