

**GUIDELINES FOR COMMERCIAL FILMING AND STILL PHOTOGRAPHY**  
**on**  
**National Forest Land**  
**Northern Region, USDA-Forest Service**  
**(Ref. FSM 2725, FSH 2709.11)**

**I. FOREST SERVICE POLICY AND GUIDELINES**

The following guidelines have been developed to help facilitate understanding and cooperation between those engaged in commercial photography and filming on national forest system (NFS) land and the U.S. Forest Service. Commercial filming/photography includes feature-length motion pictures, video production, advertisements, educational documentaries produced for resale (e.g. National Geographic, PBS, BBC etc.), and commercial still photography.

These guidelines shall apply to all commercial filming and photography projects occurring on NFS land, unless otherwise agreed in writing by the Forest Service, or otherwise specified in subsequent direction. The Authorized Officer, responsible for issuing and administering filming or photography authorizations, may adopt portions or all of these guidelines as an Operating Plan for a special-use authorization.

- A. The Forest Service recognizes that the public and/or natural resources may benefit from commercial filming on NFS land, provided the land and resource values are protected. As with other uses of NFS land, commercial filming requires prior authorization by the Forest Service. Generally, authorization is granted via a Forest Service special-use permit (permit) issued by an Authorized Officer.
- B. All feature-length motion picture and commercial video filming using crews, specialized equipment, sets, special effects and vehicles will normally require a Forest Service permit. Commercial still photography may require a permit when:
  - 1) Activities may adversely affect NFS lands or disrupt forest visitors and/or Forest Service management;
  - 2) Photos of national forest users will be offered for sale;
  - 3) Photos will feature a commercial product for sale when NFS lands, signs, or other **readily identifiable** NFS features appear in the photo.

- C. The Forest Service will generally respond to requests for film/photo permits as quickly as possible on a first come, first served basis. Priority will be given to those requests which:
- 1) provide a general public benefit rather than a single purpose, private gain;
  - 2) further the programs of the Forest Service or Department of Agriculture; or
  - 3) where preliminary evaluation indicates no or very minor impacts will occur to NFS land, resources, visitors, environment, administration and management.
- D. In general, when a conflict between a proposed filming/photo activity and environmental protection arises, Forest Officers will discuss the conflict with the Proponent and attempt to find an acceptable alternative. If no alternative is acceptable and the proposal cannot be modified to mitigate the adverse effects, the proposed filming activity will be denied.
- E. As a discretionary use of NFS land, the Forest Service may deny an unsolicited filming or photography proposal for various reasons, including but not limited to:
- 1) Activities which may adversely affect NFS lands or resources, or disrupt forest visitors and/or Forest Service management;
  - 2) Activities which depict practices prohibited on NFS lands;
  - 3) Activities which encourage uses and practices which are inconsistent with NFS management policy or incompatible with other authorized uses of NFS resources;
  - 4) Activities which depict the Forest Service or other governmental agencies in an unfavorable manner; or
  - 5) Inability to adequately consider or evaluate the proposed activity due to insufficient funding, manpower or time.
- F. The Forest Service encourages inclusion of environmental messages and depiction of sound resource natural management practices in connection with filming on NFS land. If requested by the Proponent, the Forest Service will assist the Proponent in incorporating such messages and practices in a manner consistent with the production, applicable law, regulation and policy.
- G. Requests to film or photograph activity(ies) on NFS land which is/are currently under other special-use authorization(s) will require written consent from the original special-use authorization holder.
- H. Portrayal or employment of Forest Service personnel and any depiction of the agency must be compatible with the mission and goals of the Forest Service, and must be approved in advance by the Authorized Officer.

- I. In addition, use of official Forest Service insignia, symbols, uniform, or likenesses thereof is reserved for use by the Forest Service only. Any proposed use of such insignia, symbols or likenesses by other than the Forest Service will require advance approval from the Chief of the Forest Service (36 CFR 264, 271, 272).

A Proponent should disclose any anticipated need to use such official insignia, symbols or likenesses, such as "Smokey Bear" or "A Forest Ranger in Uniform", at the earliest contact with the Forest Service so that the Authorized Officer can evaluate the proposed use and supporting rationale. If the Authorized Officer does not deny the requested use, he/she will elevate the request through proper channels to the Chief's office for consideration. The Chief may approve the proposed use, require certain terms and conditions for use, or deny the proposed use of Forest Service insignia or symbols.

## II. APPLYING FOR A SPECIAL-USE PERMIT FOR COMMERCIAL FILMING

- A. ***The Proponent should contact the District office to describe the proposed filming project at least four (4) weeks (and preferably farther) in advance of the proposed filming date.*** The Proponent should describe the location desired and the activity or effect to be captured on film. The Forest Service can provide a Supplemental Information form for this purpose.
- B. The Forest Service will request a copy of the script, the storyboard or facsimile to determine what is to be portrayed on the film/photo. If the proposed activities are incompatible with the area or Forest Service policy (such as use of off-highway vehicles in a closed area, pyrotechnic or explosive displays, depicting the Forest Service or other public agency in an unfavorable light, etc.), the Forest Officer will explain why the proposal is unacceptable, and will suggest possible alternatives to the proposed action.
- C. The Proponent shall be responsible for scouting the potential location(s) with as many key production personnel as necessary. This will save both the Proponent and the Forest Service considerable time and effort. During scouting, the exact location of the proposed filming site(s) must be determined, either by legal description, or by using odometer readings, mileposts, readily identifiable landmarks, etc. Because permits are site-specific, the Applicant must provide the Forest Officer with accurate location descriptions as part of a complete application package. In some cases, Forest Service staff may be able to suggest areas which have the desired qualities, thus saving the Proponent time in scouting.

- D. The Proponent 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 and used on NFS land.
- E. The permit and any other required documents must be signed by the Proponent's authorized representative. The Proponent must provide the Forest Service with written designation of authorized representative(s).
- F. The Proponent must secure and furnish the Forest Service with copies of other documents, such as applicable county encroachment permits, letters of permission from private land owners, other permittees, etc., prior to filming.

**III. FOREST SERVICE REPRESENTATIVE**

- A. The Forest Service may assign a forest officer to be the Forest Service Representative (FSR) for day-to-day administration of the project. The FSR will act as the Authorized Officer's on-site representative, and shall have authority to approve site-specific requests and minor permit changes which may occur during filming after the permit has been issued. The FSR shall also have the authority to suspend operations for noncompliance.
- B. The Authorized Officer may assign additional FSRs if required due to size of production, complexity, special effects, fire conditions, multiple locations, etc.
- c.

**IV. FEES AND OTHER COSTS**

- A. Current Forest Service policy requires that fees for commercial filming and still photography be based upon the number of persons the Proponent has on-site each day during all phases of pre-production, production and post-production activities. The Forest Service Authorized Officer has the authority to adjust fees in special circumstances such as minimum number of people or short time periods. The Holder will be required to pay permit fees in advance of any proposed activities. Payment should be in the form of a cashier's check or money order made payable to "USDA-Forest Service".

- B. Fee Schedule:

**Commercial still photography basic daily fee 1/**

<b>1 -- 10 persons</b>	<b>\$50</b>
<b>11 -- 30 persons</b>	<b>150</b>
<b>More than 30 persons</b>	<b>250</b>

**Motion picture and video filming basic daily fee 1/**

<b>1 -- 10 persons</b>	<b>\$150</b>
<b>11 -- 30 persons</b>	<b>200</b>
<b>31 -- 60 persons</b>	<b>500</b>
<b>More than 60 persons</b>	<b>600</b>

**1/** Rates current as of August 1999.

- C. The Forest Service may charge additional fees for such activities as filming unique Forest Service structural attractions to be featured in the film/photo such as a lookout tower, historic ranger, station, bridge, etc. The Holder may also be responsible for costs if Forest Service administrative or public use activities are to be temporarily disrupted.
- D. The Holder may be required to provide funding to cover the cost of a Forest Service Representative (FSR), who will act as the Authorized Officer's on-site representative responsible for approving site-specific changes and decisions during filming.
- E. If the project includes a Collection Agreement, such agreement shall govern collection and disbursement of expense funds. At the discretion of the Authorized Officer, the Proponent may be responsible for all expenses incurred by the Forest Service in evaluating the permit, including costs for environmental analysis and disclosure required by the National Environmental Policy Act of 1969 (NEPA). Once a permit is issued, the Holder shall be responsible for all expenses incurred by the Forest Service in administering the permit. Such expenses may include but are not limited to Forest Service personnel salaries, overtime, vehicle mileage, overhead assessments, and loss, damage or destruction of government equipment or federal property  
**Note:** Pending cost recovery regulations may affect the above information.

**V. INSURANCE AND BONDING REQUIREMENTS**

The following or subsequent insurance and bonding guidelines shall apply to most commercial filming and photography permits:

- A. The permit requires the Holder to indemnify the United States against any liability for damage to life or property arising from the authorized occupancy and use of NFS lands.

B. Unless waived by the Authorized Officer, the Proponent must provide the Forest Officer with written proof of insurance for the proposed project. The insurance policy or certificate must name the United States and the Forest Service as additionally insured. In addition, the insurance policy and certificate must provide for a minimum of thirty (30) days written notification to the Forest Service prior to cancellation/termination.

***The following "additionally insured" and "30-day notification" clauses are mandatory and shall be shown verbatim on the face of the Certificate of Insurance or Binder, and as a clause within or an endorsement to the insurance policy:***

**"It is understood and agreed that the United States Government, Forest Service-U.S.D.A., is additionally insured solely as respects liability arising from operations of the named insured."**

**"It is understood and agreed that the coverage provided under this policy will not be changed nor its provisions changed nor deleted prior to thirty (30) days written notice to the Lewis and Clark Interpretive Center, USDA-Forest Service, Lewis and Clark National Forest, 4210 Giant Springs Road, PO Box 1806, Great Falls, MT 59403-1806."**

C. The amount of insurance required will depend on the degree of risk involved. The Authorized Officer administering the permit may conduct a risk assessment, and will inform Proponent/Applicant of the required liability coverage necessary. The following listed coverages are minimums as of August 1999:

- 1) \$25,000 property damage;
- 2) \$200,000 death or injury to one individual; and
- 3) \$300,000 death or injury to more than one individual.

***or***

- 4) \$300,000 combined single limit liability.

D. The Holder may be required to post a performance bond, or other acceptable method of surety, if the proposal has potential for resource damage, or would require a major clean-up effort after special effects, set removal, etc. The Authorized Officer shall determine the need for and amount of bond on a case-by-case basis.

## **VI. TIMING**

The Forest Service may restrict or prohibit filming during certain times for various reasons including resource management needs, environmental concerns, public use and safety. Such restrictions or prohibitions may be specified by time period or under certain conditions, such as:

- 1) Weekends, holidays, nighttime, or before or after certain hours.
- 2) In the vicinity of certain threatened, endangered or sensitive wildlife, plants or habitat.
- 3) In areas where lights or noise from such activity may disturb campground visitors or other national forest users.

## **VII. FILMING ALONG PUBLIC ROADS AND HIGHWAYS**

Questions often arise as to whether or not a Forest Service special-use permit is required when an Proponent requests authorization to film or photograph for commercial purposes from a public highway or road, or within the highway/road right-of-way. The Forest Service will evaluate each situation on a case-by-case basis. In general, a Forest Service permit is not required if the proposed activity will not disturb NFS land, resources, public users or administrative activities, and does not include "recognizable" national forest features, signs, background or users.

- A. If a Proponent proposes to film along or from a federal, state or county highway corridor where another agency (e.g. Federal Highway Administration, State Dept. of Transportation, etc.) is responsible for management and public safety by virtue of a right-of-way easement, the Forest Service will generally recognize the highway department's authority to govern such use and, provided NFS land and resource values are adequately protected, the Forest Service will not normally require the Proponent to obtain a Forest Service special-use permit.
- B. The Forest Service will review the highway agency's authorization to ensure it contains provisions sufficient to protect NFS land and resources. (The highway agency shall be responsible to ensure public safety.) If the Forest Service determines the highway agency authorization is not adequate in this regard (if, for example, the applicant wishes to film a staged car crash scene during the fire season), and if the highway agency will not agree to include provisions the Forest Service believes are necessary, the Forest Service may decide to issue a separate special-use permit which includes the necessary restrictions and provisions.

- C. The Forest Service may require the Holder to take specific precautions in the interest of public or resident safety, such as posting flagmen to warn traffic of hazards, or providing signs or other traffic control devices.

## **VIII. ACCESS AND VEHICLE OPERATION**

- A. The Holder will ***not*** be authorized to use motorized vehicles on NFS land off of existing Forest Development System Roads or other approved roadways and trails. Roads and trails not shown as "open" on Forest Service maps are not authorized for use without prior written approval from the Forest Service.
- B. Unless otherwise agreed, all Forest Service roads and trails are to be kept open to public travel. Under specific circumstances, and at Holder's request, the Authorized Officer may agree to restrict public access to certain areas during periods of active filming or rehearsal.
- C. The Holder should use existing parking lots, road turnouts, or other previously disturbed areas for parking production-related vehicles. Where possible, such areas should also be used for staging areas for film activities. Shuttle vehicles may be used to transport people from parking areas to actual filming locations.

The Forest Service may restrict the number of vehicles allowed to park in areas other than designated parking/staging areas. The Holder must obtain Forest Service approval prior to storing vehicles, equipment, or supplies on NFS land overnight.

- D. The Holder shall be required to obtain any necessary permits or authorizations from public road agencies (State, County, etc.), and must provide the Forest Service with copies of any such other agency authorizations.
- E. Emergency traffic (e.g. fire, ambulance, etc.) must be able enter and pass through the authorized area at all times.
- F. The Holder must obtain written approval from the Authorized Officer or FSR prior to entering beyond any locked Forest Service road gate or seasonal closure for any purpose. As a condition of such permission, the Forest Service may require the Holder to post a guard at the gate/closure to ensure that unauthorized vehicles or personnel do not enter.

## **IX. AIRCRAFT AND FLIGHT OPERATIONS**



- A. **ALL aircraft** (including fixed-wing, helicopter, balloon, hangglider, parasail, or other airborne craft) and associated flight operations **must be expressly approved in writing by the Forest Service prior to commencing such operations on NFS land**. Forest Service approval is required for support aircraft, personnel or equipment transport, as well as aircraft engaged in actual production activities.
- B. All applicable federal, state and local aviation laws, rules, regulations and policies shall apply and will be strictly enforced by the appropriate authority. In addition, the Holder shall comply with all provisions of any site-specific Aviation Operation Plan which the Forest Service may require as a condition of the permit.
- C. Any national forest area to be used for flight operations must meet applicable Forest Service safety standards. In general, all spectators and unnecessary personnel must remain a minimum of 300 feet from helicopter landing sites. Spectators will not be allowed under any pre-planned flight route.
- D. The authorized officer or FSR may require additional Forest Service or other agency representatives on-site during aircraft operations. In such cases, the cost of additional Forest Service personnel shall be borne by the Holder. (Other agencies shall determine whether or not Holder shall be responsible for reimbursement of that agency's costs.)
- E. The Holder shall provide aircraft "N" numbers, make, model, color, radio frequency monitored, etc. to the Forest Service Communication Center. The Holder or pilot(s) shall provide the Communication Center with daily schedules, locations, flight paths, etc., and Holder is responsible for ensuring that each pilot follow prescribed Forest Service flight-following and check-in procedures.
- F. When specified by the Forest Service, Holder shall ensure there is a direct, continuous and uninterrupted communication link between authorized aircraft and the designated FSR.
- G. Forest Service regulations require authorized aircraft flying over designated wilderness areas and certain critical wildlife habitats to ***maintain a minimum altitude of 2000 feet above ground level***, unless taking-off or landing at approved locations.

## **X. FIRES**

- A. The Holder shall comply with all federal, state and/or local laws, rules and regulations regarding prevention and suppression of wildfires. In addition, the Holder shall comply with

all provisions of any site-specific Fire Prevention and Control Plan which the Forest Service may require as a condition of the permit.

- B. The Holder must obtain written authorization from the Forest Service prior to using fire or open flame in any form as part of the filming project or in any support mode, including but not limited to campfires, welding or cutting torch equipment, pyrotechnic devices, etc.
- C. The Forest Service or responsible state or local agency(ies) may restrict or prohibit certain activities such as open fires or smoking during periods of high or extreme fire danger.
- D. The Forest Service may require additional Forest Officers to be on-site during periods of high or extreme fire danger. In such cases, the cost of additional Forest Service personnel shall be the responsibility of the Holder.
- E. Unless otherwise approved in advance by the Forest Service, the Holder shall not use high-intensity (hot) lights in areas of combustible materials such as grass, brush, and timber during high or extreme fire danger, nor inside any Forest Service structures.
- F. All vehicles must be equipped with Forest Service approved mufflers, and all other internal combustion engines shall be equipped with approved spark arresters.
- G. The Holder may be required to provide, at its expense, specialized fire control equipment in good operating condition, such as a water truck which is capable of transporting and pumping water during filming.

## **XI. SPECIAL EFFECTS AND PYROTECHNICS**

- A. All special effects must be approved by the authorized officer or the designated FS Representative prior to filming.
- B. Large explosions, concussions or flame-emitting devices will not generally be authorized on NFS land.
- C. In order to protect wildlife security, explosions, gunshots or other loud noises may be prohibited, or restricted to certain areas, times of day or seasons.

## **XII. SET CONSTRUCTION**

- A. In general, all plans, specifications and/or drawings for any planned set, prop or feature must be approved in advance of construction by the authorized officer or FSR.
- B. To help minimize disturbance to NFS land and resources, the Forest Service may require the Holder to construct sets in previously-disturbed areas such as parking areas, road turnouts, borrow pits, logging areas, campgrounds, etc.
- C. In general, all constructed sets, props or features should be self-supporting, and should not require forest vegetation or other fragile natural features for support.
- D. Any digging or excavation for footings or foundations must be approved in advance by the Forest Service.
- E. The Forest Service may require the Holder to post guards to provide public safety and set protection during times that film company personnel are not on the set.

### **XIII. ANIMALS**

- A. The Holder must obtain written Forest Service approval prior to transporting, placing or using animals of any type on NFS land.
- B. Authorized animals must be under Holder's complete control (tethered, leashed, caged, electronic, voice, etc.) at all times, including when not actually being used for filming or rehearsing. Animals will not be tethered to trees, bushes or other natural or publicly-owned manmade features unless expressly authorized in advance by the Forest Service. Holder shall remove animals from NFS land when not using them for production purposes.
- C. Animals may be unleashed only when Holder has met the following safety precautions:
  - 1) Trainer(s)/handler(s) will be in the immediate vicinity at all time.
  - 2) The animal(s) is/are under control to the satisfaction of the Authorized Officer or FSR.
  - 3) Adequate safety measures have been taken to prevent escape (e.g. fencing, catching devices, additional trainers, etc.)
- D. **Under *no circumstances* shall Holder permit any animals (mammals, fish, birds, reptiles, or other animals) to be released on NFS land prior to, during, or after filming.**

### **XIV. VEGETATIVE RESOURCES**

- A. The Holder shall not disturb any trees, shrubs, forbs, grasses or other vegetative resources without prior approval by the Forest Service.
- B. Holder shall not transport any plant materials, including hay and straw, onto NFS lands without prior Forest Service approval. Holder shall be responsible for removing any imported plant materials, and disposing of them properly off NFS lands.
- C. In areas where imported plant materials or vegetation is used, the Forest Service may require the Holder to treat the area to kill or remove exotic or noxious weeds, and/or deposit funds for subsequent treatment by the Forest Service.

#### **XV. GEOLOGICAL, PALEONTOLOGICAL AND ARCHAEOLOGICAL RESOURCES**

- A. ***Holder and its agents are expressly prohibited from disturbing any geological, paleontological, archaeological (cultural, historic, prehistoric, religious) or other scientific resources.***
- B. Holder may not use or film any geological, paleontological, archaeological (cultural, historic prehistoric, religious) or other scientific resources or site without express prior written approval of the Authorized Officer or FSR.
- C. Holder may not use any materials, adhesives, paints, etc. on any of the above-described national forest resources.
- D. Forest Service may authorize Holder to transport rocks or other natural materials onto a site when a scene or sequence requires features of a specific design, color, texture, etc. Unless otherwise agreed by the Forest Service, any natural features transported onto a site must be removed and replaced their original position following filming the specific scene or sequence.
- E. Holder shall not be authorized to place or drive any device into rocks, cliffs, caves, or other sensitive areas.

#### **XVI. WILDERNESS AREAS**

- A. In general, the Forest Service will authorize commercial filming or photography activities within designated wilderness areas only when all of the following apply:
  - 1) The Proponent can adequately demonstrate that a wilderness setting is required.
  - 2) No reasonable alternative exists to achieve the same effect on either NFS land or other

ownership outside of wilderness.

- 3) Expected impacts to wilderness resources will be negligible.
- 4) The Proponent will accept the terms, conditions, restrictions or limitations the Forest Service may require for wilderness management and protection.

- B. Forest Service regulations require authorized aircraft flying over designated wilderness areas and certain critical wildlife habitats to ***maintain a minimum altitude of 2000 feet above ground level***, unless taking-off or landing at approved locations.

## **XVII. FOREST SERVICE STRUCTURES**

- A. All film/photo activities inside Forest Service structures, including cabins, lookout towers, offices, residences, etc., must be approved in writing by the Authorized Officer or FSR prior to filming. The Forest Service may require that a FSR be present (at Holder's expense) during filming within any Forest Service structure.
- B. The Holder must obtain Forest Service approval prior to making any temporary modifications to the interior or exterior of any Forest Service structure. Any such modifications shall be non-destructive, and all materials to be applied or used must be approved in advance by the Forest Service.
- C. The Holder shall return modified structures to original condition upon completion of filming. All restoration activities shall be completed at Holder's expense by a licensed contractor, approved by the Forest Service, or by Forest Service personnel under a collection agreement. All repair and restoration work shall be completed to the satisfaction of the Authorized Officer or FSR.

## **XVIII. DAMAGE TO FOREST RESOURCES OR FOREST SERVICE STRUCTURES**

- A. Unless otherwise agreed in writing by the Authorized Officer or FSR, the Holder shall be responsible for repairing, replacing or compensating, to Forest Service satisfaction, any damage to NFS resources or structures caused or allowed by activities of the Holder or its agents, within seven (7) days after the damage or destruction has been reported, or the value has been assessed, whichever is later.
- B. The Forest Service may require that a FSR be present (at Holder's expense) during damage repair/replacement work.

## **XIX. SANITATION AND CLEAN-UP**

- A. The Holder shall, on a daily basis, remove and properly dispose of all garbage, trash, food, supplies, temporary props and/or other debris associated with each day's activities from all filming locations, staging, catering, storage and parking areas located on NFS land. Each area shall be returned to its original condition, to the satisfaction of the FSR.
- B. The Holder shall provide all necessary toilet and sanitary facilities, trash receptacles and disposal services, and shall not use Forest Service facilities unless otherwise approved by the Forest Service.
- C. The Holder shall be responsible for clean-up and proper disposal of all animal feces associated with the authorized use in developed areas such as campgrounds, trailheads, or parking areas.
- D. Unless otherwise approved by the Forest Service, the Holder shall ensure that all necessary clean-up activities are completed prior to termination of the permit. During the permit, clean-up activities shall be kept current and shall be completed immediately after, and **no later than twenty-four (24) hours**, following completion of filming. Major sets, props or constructed features **must be removed within forty-eight (48) hours** following completion of use.
- E. The Holder shall be responsible for ensuring all agents, subcontractors or other parties affiliated with the authorized use comply with clean-up all requirements.

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