

COMMERCIAL PHOTOGRAPHY GUIDELINES

Information, Requirements and Guidelines

At

Great Sand Dunes National Park and Preserve, Colorado

Department of the Interior

National Park Service

COMMERCIAL PHOTOGRAPHY GUIDELINES FOR GREAT SAND DUNES NATIONAL PARK AND PRESERVE

1: Introduction

Located against the base of the towering Sangre de Cristo Mountains in south central Colorado are wind-sculptured sand dunes of immense proportions. The dunes, rising over 750' above the valley floor are the highest in North America, and are a popular attraction among the many visitors to the San Luis Valley.

Established as a part of the National Park System for the preservation of its resources and the use and enjoyment by all, the Great Sand Dunes offers photographers a multitude of images, landscapes, wildlife, and human interactions among these resources. Photography is a popular activity at the Park by professionals and amateurs alike. There are several requirements and restrictions placed on certain photographic activities.

This guide will assist you in better understanding the area and associated photographic activities; and will help us administer such activities with a minimum of difficulty for your photo or filming session.

2: Area Information

2.1 Access

Great Sand Dunes is located about 250 miles south-southwest of Denver via highways I-25, US-160 and CO-150, or highways US-285 and CO-17. Alamosa, Colorado, 33 miles southwest of the Park, is the closest major town with full medical, shopping and transportation facilities. Commuter airlines and bus service serve Alamosa. Information regarding overnight accommodations is available from the **Alamosa Chamber of Commerce, Cole Park, Alamosa, CO 81101**

2.2 Administration

Great Sand Dunes National Park is administered by the National Park Service, U.S. Department of the Interior, and was established by Presidential Proclamation in 1932, "...for the preservation of the great sand dunes and additional features of scenic, scientific and educational interest...." Congress has also established wilderness areas comprising the dune field and much of the surrounding area in the Park and nearly all of the land in the national preserve. Commercial filming is generally prohibited by law within wilderness.

The immediate official in charge of the Park is the Superintendent, whose office is located at park headquarters, near the entrance station. Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. Contact the park by writing: Superintendent, Great Sand Dunes National Park, Mosca, CO 81146. The telephone number is (719) 378-6321.

The visitor center is open daily except the following federal holidays: New Years, Presidents, Martin Luther King Jr., Veterans, Thanksgiving, and Christmas Day.

3: Photographic Resource Information

3.1 The Photographic Resources

Rising hundreds of feet above the valley floor the Great Sand Dunes offer a spectacular and unexpected visual experience. Numerous dune types from barchan to star dunes display various lighting throughout the day. Close-ups of wind patterns on the sand surface, variable grain size and colors, circular grass impressions, or animal tracks are good photographic opportunities. With a backdrop of high mountains, the dunes are visually stunning. The Sangre de Cristo's tower to a height of over 14,000' on the north and east sides of the valley floor.

From spring until mid-summer Medano Creek (Spanish for "sandy") flows along the east face of the dunes providing a nice contrast to the desert-like dunes environment. The creek exhibits a rare phenomenon called surge flow, in which small waves travel down the creek bed at 15-20 second intervals, reminding some people of an ocean beach.

Various plant communities exist in the Park. The dune's themselves are a unique high altitude, cold climate desert. One-fifth of the dunes are sparsely vegetated with a variety of grasses and wildflowers that bloom in spring and late summer. The surrounding grasslands include bunch grasses, rabbitbrush, winterfat and sage. Along the foothills grows the pinyon-juniper forest. Riparian habitats of cottonwood, aspen and willows provide shade along streams while open stands of ponderosa pine compose the montane area of the Park. On north-facing slopes, canyons, and more sheltered areas grow forests of fir, aspen, pine and spruce.

Wildlife abounds in the park and includes mule deer, elk, antelope, coyotes, mountain lions, bobcats, foxes, black bear, rabbits, various rodents including abundant kangaroo rats, over 150 species of birds, and several species of insects found nowhere else in the world. Only a few species of amphibians and reptiles are found in the area and include the garter snake, bull snake, short-horned lizard, and toads.

Elevations at the Park and preserve range from 7,700' to over 13,300'. Air temperatures are usually cool in the San Luis Valley because of its elevation and dryness. Summer days rarely exceed the upper 80's, and temperatures only dip below zero 10-20 days during winter. Clear mornings are the rule during summer, and short, intense thunderstorms with minimal rain occur during the afternoons, especially July through early September. Winds pick up in the afternoons and may cause local haze. Spring winds can be considerable and reminds one of how the dunes got here!

3.2 Access to the Photographic Resources

The main dune mass is easily accessible by car from the paved park road via State Highway 150. A 5-10 minute walk from the Dunes Parking Lot will take you to the base of the dunes. A 1-¼ mile hike to the high dune and splashing in the creek are popular activities in this high visitor-use area. There is no direct vehicular access to the dunes except along the Medano Pass Primitive Road. Four-wheel drive vehicles are restricted to this established roadway and can provide access to dunes and Medano Creek to within 100 yards. Vehicles are prohibited off roadways throughout the Park.

The area south of the main dune mass offers the most scenic vistas with the picturesque Crestones as a background. The first three miles of the paved park road are good locations for photographs. Morning and evening light are best, as mid-day light on the dunes tends to be rather flat. Because the dunes are located at the western base of the Sangre de Cristo Mountains, sunrise doesn't arrive until about an hour after official sunrise. Sunsets are occasionally spectacular when valley dust or clouds add color to a distant San Juan Mountain horizon. Hiking the Montville, Wellington Ditch, Dunes Overlook or Sand Ramp Trails will

provide scenic vistas as well. Many species of wildlife, such as deer, chipmunks, and birds are abundant and easy to photograph

The developed areas of the park (visitor center, picnic area, and campground) are situated just east of the dunes and trails leave from each location. Horses may travel throughout the Park, except in a few prohibited locales. A handout on horse use is available on request. Pets must be leashed and under physical control at all times. Over-flights are restricted to an advisory height of 2,000' above the highest object. Landings in the Park and preserve are prohibited.

3.3 Wilderness Requirements

Because most of the Park and preserve is congressionally designated wilderness, additional use restrictions are imposed on these lands. The Wilderness Act of 1964 states that, "...*there shall be no commercial enterprise...*" NPS Wilderness Policy states that, "Commercial film and commercial photography permits, as identified and required by 36 CFR §5.5 will not be approved in wilderness areas unless determined to be necessary and proper for providing educational information about wilderness uses, resources or values, or necessary for other wilderness purposes of the area." It is important for applicants to realize that a permit will be denied for most commercial requests involving the desire to shoot within designated or proposed wilderness. Most of the main dunefield is in designated wilderness. However, there are many locations where the dunes constitute the background of a shot and the photography takes place in non-wilderness.

4: Requirements for Commercial Filming

4.1 Photography Requiring a Commercial Use Permit

A permit is required for any commercial filming. 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. Under P.L. 106-206 all commercial filming requires a permit and is subject to a location fee and cost recovery.

The decision to require a permit for still photography activities in a park is based on the activity itself as opposed to the eventual use of the image. Generally, permits are not required for still photography activities unless:

- the activity takes place at location(s) where or when members of the public are generally not allowed; or
- 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
- The park would incur additional administrative costs to monitor the activity;

If none of these conditions exist a permit is not required.

4.2 Photography Exempt from Permit Requirements

1. A visitor using a camera &/or recording device for their own personal use and within normal visitation areas and hours; and
2. Press coverage of breaking news. This never requires a permit, but is subject to the imposition of restrictions and conditions necessary to protect park resources and public health and safety, and to prevent derogation of park resources.

4.3 Fees

Public Law 106-206, codified at 16 U.S.C. 4601-6d, instructs the Secretary of the Interior to “establish a reasonable fee for commercial filming activities or similar projects on federal lands...” All commercial filming permits and still photography permits are statutorily subject to cost recovery and a location fee, neither of which may be waived. A minimum fee of \$200 .00 will be charged to process all applications for a Special Use Permit. This fee is used to cover personnel costs, phone calls, mailings, consultation & review, copies and other administrative costs. Additional daily administrative fees may be required for larger projects such as motion pictures, or commercials lasting more than one day. Field personnel required for monitoring will cost a flat rate of \$50/hour and will furnish their own transportation and meals. Fees for simple projects will be paid before filming activities commence. Fees for larger productions (which include monitoring) will generally be billed after completion of all activities.

The location fee is determined by the type of activity (commercial filming versus still photography), must be based on the current National Park Service schedule, and is determined by the number of permitted days and the number of people on park lands associated with the permitted activity. There is no deviation from the schedule. A day is defined a continuous 24 hour period.

Location Fee Schedule
National Park Service

Motion Pictures/Videos		Commercial Still Photography	
1 – 2 people camera and tripod only	zero		
1 - 10 people	\$150/day	1 - 10 people	\$50/day
11 - 30 people	\$250/day	11 - 30 people	\$150/day
31 - 49 people	\$500/day	Over 30 people	\$250/day
Over 50 people	\$750/day		

5: Applications for Commercial Filming Permits

An application must be received and reviewed prior to the issuance of a permit. The application form provides specific information regarding your filming project. Congress in P.L. 106-206 expressed the importance of resource protection and provided that the permit request should be denied if:

- there is the likelihood that resource damage would occur that cannot be mitigated or restored under the terms and conditions of a permit;
- there is the likelihood of unreasonable disruption of or conflict with the public’s use and enjoyment of the site;
- there is the likelihood that the activity poses health or safety risks to the public;
- there is the likelihood that the activity would result in the impairment of park resources or values;
- the requested activity will violate any other applicable Federal, State, or local law or regulation.

Please return the required forms completed and signed, along with the fee payment, well in advance of the proposed filming dates in order that details of the production may be finalized and an approved permit may be mailed to you in time. Fees must be paid via cashier’s check or money order.

Before proceeding with your photography project you must have a copy of an approved Special Use Permit for commercial photography on hand. This must be produced upon any park ranger’s request. The Special

Use Permit (Form 10-114) is the instrument used to authorize filming or photography in NPS areas. It must be completed and approved by the Superintendent.

APPLICATION GUIDELINES FOR COMMERCIAL PHOTOGRAPHY

1. A completed Application for Photography/Filming Permit and a Special Use Permit (10-114) is required for all commercial photography within the Park.
2. The following *may* be required prior to permit issuance in order to assure that park resources are protected:
 - a. A pre-conference with the Superintendent, or their representative, and the Filming Director, or person (s) responsible for filming activities
 - b. A visit to the proposed filming location by above parties
 - c. A meeting with the entire production staff
 - d. The posting of a bond or cash deposit to ensure permit adherence
 - e. Proof of insurance as stipulated in the permit
3. A general liability policy in the amount of \$300,000 (minimum) in which the U.S. Government is named as a co-insured may be required at the Superintendent's discretion. Generally the policy will be required if the production involves more than three persons, numerous props and sets, live animals, or any other production that appears to have a potential for injury to the production crew or the public. If on federal properties, you should attach a rider to co-insure the United States Government, not a specific agency.
4. The Superintendent is required to provide supervisory oversight of the filming activities. This may range from spot checks to a full-time assignment of personnel. If overtime is required for park personnel the permit holder shall be billed for expenses.
5. All park regulations must be adhered to as outlined in Title 36 of the Code of Federal Regulations and the park compendium. The following regulations are specifically mentioned:
 - a. Vehicles must stay on established roadways. Vehicles and drivers must be properly licensed.
 - b. The landing, take-off, and/or delivery of persons or objects by aircraft are prohibited.
 - c. Camping is allowed in the park campground (fee area) or in the backcountry by permit only.
 - d. Open fires are permitted only in the campground (wood or charcoal), and the picnic area (charcoal only).
 - e. Gathering wood or products thereof is prohibited.
 - f. Dogs, cats, etc. and riding/packing stock must be leashed/controlled at all times. A handout on horse use is available. Horses/llamas are allowed overnight in the backcountry by permit. Certified weed-free hay and grain must be brought in, and livestock provided a controlled diet 24 hours prior to entering the

Park and preserve to avoid introducing exotic seeds.

g. The feeding of deer or other wildlife is prohibited.

(This is only a partial list of regulations)

6. If the photography is to involve depictions of native park animals or plant life, we request the opportunity to review the script and comment on its content, the proposed depiction of the animals, and the manner in which the animals may be confined, if necessary.

7. If the photography is to depict National Park Service (NPS) personnel, or models and/or actors depicting NPS personnel, we request the opportunity to review the script and comment on its contents. This request is not to be construed as a means to exercise editorial control, censorship, or an attempt at prior restraint of artistic expression.

8. When the photography is for the purpose of advertising, the NPS **will not** be given credit or otherwise acknowledged. The advertising may not infer that the NPS or the Department of the Interior endorses the product. Credit for non-advertising productions will be decided on a case-by-case basis.

9. We request that when the photography is for the purpose of advertising, that a copy of the finished product (page from magazine, etc.) be furnished for our records.

10. Normal park operations and visitor activities may not be unduly disrupted. Visitors will be allowed to observe filming activities.

APPENDIX A

COMMERCIAL FILMING AND PHOTOGRAPHY POLICY

Great Sand Dunes National Park and Preserve

I. FILMING PERMITS - A permit is required for any filming or photography intended for commercial public viewing or advertising, that involve but is not limited to commercial still photography, motion picture photography, television commercials, and/or video taping.

Permits issued for commercial photography specifically prohibit implied or stated endorsement by the National Park Service. Identifiable NPS equipment, uniforms, buildings or insignia may not be portrayed in commercial advertising in any way that would imply NPS endorsement of the product.

Filming permits are issued by authority of the Superintendent through the Chief Ranger. Application for a filming permit must be made through the submission of a Commercial Filming Application and the tendering of a \$100 non-refundable application fee and a \$100 non-refundable administrative charge. Only certified or cashiers checks are accepted and should be made payable to the *NATIONAL PARK SERVICE*. A performance bond may be required.

II. BOND REQUIREMENT – The National Park Service may require film permittees to post cash or a certified bank check as a bond. The bond amount required depends on the estimated cost to the Government for the recovery of costs. Permittee agrees to reimburse the National Park Service for costs associated with the issuance and the monitoring of the permit; costs will be deducted from the bond. NPS will issue a third party draft for any monies remaining after the total of charges are billed.

III. GENERAL LIABILITY INSURANCE – General liability insurance is required. An original certificate of insurance, with a rider stating that the **U.S. GOVERNMENT** is named as additional insured, must be provided to the park prior to permit issuance and filming begins.

IV. NATIONAL PARK SERVICE SUPERVISION AND COSTS – Filming activities authorized by this permit will be supervised by an NPS employee to ensure full compliance with all the terms of the permit. The extent and complexity of the filming operation will determine the level and type of supervision. Delays or schedule changes must be provided to the NPS a minimum of 36 hours in advance. Failure to provide advance notification will result in a non-refundable minimum charge for each staff person scheduled for the activity. This charge will be \$100 per each employee assigned. The performance bond will be withheld until all charges are paid.

V. PRE-PERMIT CONFERENCE – Filming permits will only be issued after a completed application has been received and reviewed by the Chief Ranger, the application and administrative fees have been paid, and the Chief Ranger has interviewed the potential filmer in person or via phone. All locations must be approved prior to filming. Technical scouting of the proposed area(s) is encouraged. Copies of storyboards and/or scripts may also be required prior to permit approval, to determine the scope and the impact of the activity. A minimum of SEVEN BUSINESS DAYS is required for administrative review of the proposed filming activity.

VI. PERMIT CONSIDERATIONS – Requests for filming permits will be evaluated and may be denied if there is an adverse impact on any of the natural and/or cultural resources and/or the visitor's experience in the park. Permits will be denied if the proposed filming activities exhibit the potential for resource damage.

- 1) Commercial filming is prohibited in all wilderness areas of the park and preserve!
- 2) **Alcoholic beverages are prohibited on ALL set locations.**
- 3) Permittee may be required to provide portable vault toilets. Toilets will be removed immediately upon completion of the project.
- 4) The use of campfires on the dunes is prohibited.
- 5) The use of live plants from outside the park area is prohibited.
- 6) Natural and cultural features will not be disturbed, damaged or altered. Wildlife will not be molested, harmed, disturbed, or fed. Filming of wildlife is permitted only when wildlife will be shown in its natural state.
- 7) Permittee is responsible for any cleanup costs required as a result of spills or accidents resulting from activities during the permit. Cleanup will be conducted in accordance with all applicable Federal and state environmental laws.
- 8) Any accidents or incidents must be reported immediately to the NPS ranger on site, who will contact a Law Enforcement Ranger.
- 9) Any changes in locations must be cleared with the Chief Ranger prior to implementation. Notification of delays or schedule changes must be provided to the NPS with a minimum of 36 hours in advance. The filming permit must be carried on-site at all times.
- 10) An on-site meeting with all crewmembers may be required prior to production. An NPS ranger will conduct the briefing. Safety information, vehicle operations, sanitation, and general NPS policies, laws, rules, and regulations will be covered.
- 11) Visitors will be allowed to watch filming from an area designated by park and permittee. All visitors will be treated with courtesy.
- 12) Vehicles must stay on the established roadways and parking areas. Permittee and all employees must adhere to all speed limits and other traffic rules. *Off road travel is prohibited.*
- 13) Permittee will clear shooting location of all equipment, props and trash, returning the site to original condition within twenty-four hours of completion of filming activity. Cleanup will be to the NPS satisfaction with final inspection made by the Chief Ranger or designated representative.
- 14) The permit must authorize filming activities involving the use or discharge of firearms. All firearms and ammunition (non-working props included) must be inspected by NPS Law Enforcement Ranger prior to issuance and/or use. All functioning firearms and live ammunition will be retained and controlled by the Law Enforcement Ranger(s) until completion of filming.
- 15) *The permittee must comply with all directives given by rangers. Rangers will perform periodic monitoring of filming activities and will have FULL AUTHORITY to deny any activity deemed incompatible with permit guidelines and park restrictions.*

VII. REQUESTS FOR PERMIT – Permit requests may be made in person, by telephone, FAX, letter, or e-mail. The permittee will be notified if the permit is approved. An authorized on-site representative (producer, director, or location manager) of the film company must meet with park representatives prior to filming. The following items must be done by the filming company representative prior to the commencement of work at the park:

- 1) The required bond amount will be paid, either by a certified bank check or in cash.
- 2) Read, sign, and receive the original copy of the permit and agreement.
- 3) Provide the original certificate of insurance with the *U.S. GOVERNMENT* named as additional insured.
- 4) Pay estimated charges.
- 5) Discuss final terms of agreement and special instructions as they may apply to filming

activities.

- 6) Arrange for a briefing by a NPS ranger to ALL personnel involved with the film activity.

An original copy of the completed permit/agreement must be carried on-site at all times during filming activities and must be presented upon request to any authorized park personnel.

VIII. FILMING ACTIVITIES – All permitted filming activities will be conducted in strict compliance with all Federal, State, and county laws and/or regulations applicable to the area of operation covered under the agreement. All vehicles used by the Film Company will be subjected to applicable rules and regulations and length/size limitations. .

IX. USE OF ANIMALS - The harassment of wildlife is prohibited by law. Filming of wildlife is permitted if there is no disturbance or manipulation of wildlife.

The use of domestic horses may be permitted if humane treatment is accorded the animal at all times and regulations related to animal use are strictly observed. All Federal and/or State required inspections are required and certificates of inspections must be provided prior to permit issuance. Animals will not be allowed to feed or graze on plant life. All feed brought into the park will be contained so as to not allow its deposition in the park. Horse droppings must be removed from parking areas daily.

X. DISRUPTION OF VISITOR ACTIVITIES - National Park Service policy states that filming activity must not unduly disrupt normal visitor use of the park and the park visitor's experience of the park.

XI. USE OF AIRCRAFT - No aircraft will be used in connection with filming activities at Great Sand Dunes National Park and Preserve.

XII. MEDICAL AND SAFETY REQUIREMENTS – The Superintendent may require the permittee to hire a state-licensed emergency medical technician and equipment.

XIII. CATERING REQUIREMENTS – Caterers must meet all Public Health Service and/or Colorado State Health standards. A current public health or Colorado State health certificate must be presented when the permit is signed. The caterer will have trash bags and receptacles readily available. All trash will be stored in adequate containers and removed for proper disposal daily. Trash will not be disposed of within the park or park facilities.

IX. TERMINATION OF PERMIT - All filming permits issued by the National Park Service may be terminated without notice. Infractions of terms contained in the filming permit or the making of false or misleading statements concerning intended actions in order to obtain a permit are causes for immediate termination of the permit. Permits may be terminated with minimum notice due to unforeseen emergencies and/or disasters.

X. ADDRESS

**Chief Ranger
Great Sand Dunes National Park and Preserve
11500 Highway 150
Mosca, CO 81146**