

UNITED STATES DEPARTMENT OF INTERIOR

NATIONAL PARK SERVICE

BLUE RIDGE PARKWAY

**COMMERCIAL FILMING AND STILL PHOTOGRAPHY
POLICY**



COMMERCIAL FILMING POLICY

Blue Ridge Parkway

The Blue Ridge Parkway has been utilized for a diversity of commercial filming productions. The purpose of this policy is to provide a unified course of action for park management and to alleviate confusion for the commercial filmer.

It is the policy of the National Park Service to allow commercial filming and still photography when and where possible. National Park Service (NPS) policy also requires that primary consideration be given to potential resource damage and to anticipated disruption of normal public use.

To assure protection of the diverse cultural, historic, and natural resources, all commercial filming and still photography requests involving the use of NPS lands must be approved through a permitting process initiated through the Park Superintendent or his/her designated representative.

The authority for the management of commercial filming activities can be found in 16 U.S.C.460l-69

Regulations are found at 36 CFR 5.5 and 43 CFR 5.1

National Park Service Management Policies 2001, Director's Order-53 and Reference Manual 53, Special Park Uses, and Guidance Memos Dated April 13, 2006 and May 8, 2006 provide policy guidance for management of commercial filming activities.

The decision to issue or deny a permit for a special park use flows from the appropriate compliance under the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act of 1966 (NHPA), and other applicable laws.

Before issuing a permitting document, the park will be required to conduct NEPA/NHPA analysis in all instances when the use or activity is not covered under a categorical exclusion. The applicant is responsible for paying all NPS costs if an EA is required to meet NEPA and Section 106 compliance requirements.

The following guidelines are established by the National Park Service as they relate to commercial filming activities in a National Park Service area:

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.

Commercial videographers, cinematographers or sound recording crews of up to two people with only minimal equipment (i.e. a camera and a tripod) working in areas open to the public are required to obtain a commercial filming permit and are subject to appropriate permit terms and conditions and cost recovery charges but are not subject to location fees.

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. **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 statutorily subject to cost recovery and a location fee. No waivers are allowed.** 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.

Commercial Filming/Videos		Still Photography	
1 – 2 people camera and tripod only	\$0/day		
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		

Permits issued for commercial filming or still photography must specifically prohibit implied or stated endorsement by the National Park Service. Identifiable NPS equipment, uniforms, signs, 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 Resource Management & Science Office. Application for a filming permit should be made through the submission of an Application for Photography/Filming Permit, Form 10-932 along with a **\$60** application fee to **Permits Coordinator, Blue Ridge Parkway, 199 Hemphill Knob Road, Asheville, NC 28803**. Application fees are non-refundable. Checks should be made payable to the National Park Service.

Additional administrative fee of **\$135** is payable upon issuance of a permit.

- A minimum of **thirty** working days will normally be required for administrative review of the proposed filming activity, though smaller projects may be reviewed in less time.
- Depending on the scope of the proposal, park officials may require meeting with the permittee (including, but not limited to the producer, director, location and/or production manager) before a final decision on the request is made
- Once the permit is approved additional meetings may be required to review final conditions, special instructions, and possibly to complete an on-site visit. Meetings for small projects, which have minimal potential for impact, can occur by phone.
- After a permit is approved, minor changes may be made by amendment or with on-site NPS monitor approval. Major changes may require issuance of a new permit. Notification of delays or schedule changes must be provided to the NPS at least 36 hours in advance. Failure to provide notification of delays will result in a non-refundable, minimum charge for each staff person scheduled for the activity. This charge will be the equivalent of two hours of overtime for each employee assigned.
- All permitted filming activities will be conducted in strict compliance with all Federal, State, county and municipal laws, ordinances, or regulations applicable to the area of operation covered under the agreement. Filming will not be allowed in those areas closed to public use, unless specifically authorized.
- All vehicles used by the film company will be subject to applicable rules and regulations of the park regarding size and weight. Car carriers and trailers will **not be** allowed to use parkway overlooks for turning without approval from monitoring NPS personnel. Although filming companies may be allowed to use Parkway overlooks for filming activities, at no time will overlooks be closed to the visiting public. Delays in vehicular traffic flow or visitor access to park areas will not exceed **5 minutes** at a time.
- Removal of park signs must be requested in writing as part of the application process identifying the sign text and location. Signs deemed essential for public use and/or safety will **not be** authorized for temporary removal. Permittee will be responsible for a payment of \$20 per sign to cover removal and replacement costs.
- Use of aircraft during filming activities are restricted to 500 ft. above ground level with no hovering over NPS lands.

RESOURCE DAMAGE - Filming activities which exhibit the potential for resource damage will be denied. Examples of activities which could lead to resource damage include, but are not limited to: driving vehicles off established roadways, aircraft landing, cutting trees or otherwise damaging vegetation. Destroying or altering resources will not be allowed. Temporary, non-destructive activities, such as placing a prop, tent, vehicle, actor, etc., may be allowed if the resources can be left undamaged or the damage can be mitigated or repaired after filming is complete.

DISRUPTION OF VISITOR ACTIVITIES - National Park Service policy states that filming activity must not unduly disrupt normal visitor use of the park. Requests from film makers for temporary, brief closures of visitor use areas will be considered on a case-by-case basis but will generally be denied.

Filming requests during higher periods of high visitation in the park, i.e. weekends in October and holidays will generally **not be approved**.

BOND REQUIREMENT - After review of the permit application the permittee may be required to post a bond or cash deposit to assure the area is left in its original condition. Bonds will only be required if the filming activity has a reasonable potential to impact Parkway resources or facilities.

GENERAL LIABILITY INSURANCE - General liability insurance is required in order to protect the U.S. Government from claims or litigation connected with injury or damage resulting from the actions of the permittee or his/her agents or employees.

Film companies must obtain general liability insurance with a certificate of insurance naming the United States of America as an additional insured. A certificate of insurance must be provided to the park prior to permit issuance.

General liability insurance amounts are:

- 1) Personal liability minimum of \$300,000 per occurrence, 1 million aggregate .
- 2) Minimum commercial liability (still photo or small film/video projects of fewer than 15 people) \$500,000, 1 million aggregate.
- 3) General commercial liability for film production companies. \$1,000,000 per occurrence, 3,000,000 aggregate.
- 4) Special activities with high damage/injury risks - \$2,000,000 to \$5,000,000 or more aggregate.

Insurance requirements may be waived if, in the opinion of the Superintendent, there is little or no possibility of injury or damage to persons or property resulting from the proposed activity.

Additional insurance amounts may be required at the Superintendent's discretion, based on proposed filming activities.

NATIONAL PARK SERVICE SUPERVISION AND COSTS- Filming activities authorized by permit will be supervised by an NPS employee to assure full compliance with all terms and conditions of the permit.

The level and type of supervision will be determined by the extent and complexity of the filming operation.

In operations involving few people, minimal equipment or taking place where there is little, if any, possibility of resource damage or violation of permit requirements or inconvenience to the visitor, filming activities will be spot checked to assure compliance. The cost of this supervision is included in the administrative permit fee.

If additional on-site NPS supervision is required, **a charge of \$60.00 per hour/per employee will be assessed.**

All anticipated charges must be paid to the NPS prior to actual filming. Any unforeseen charges will be billed to the permittee after completion of filming activities.

DONATIONS- Director's Order 53, Section 3.10 prescribes the management of donations.

Permit applicants will not be approached by representatives of cooperating associations, friends groups or other park partners for donations. An applicant's offer of a donation to the park will not be in anyway influence the Superintendent's decision to issue or deny the permit. Donations will not be accepted in lieu of recovering costs.

The National Park Service has authority to accept donations, but not to solicit donations. Donations made to the Blue Ridge Parkway are handled by the Administrative Officer, 199 Hemphill Knob Road, Asheville, NC.

National Park Service
Blue Ridge Parkway
Attn: Permits Coordinator,
199 Hemphill Knob Road,
Asheville, North Carolina, 28803
828-348-3441



Application for Special Use Permit
Commercial Filming/Still Photography

Please supply the information requested below. **Attach additional sheets, if necessary, to provide required information.** A nonrefundable processing fee of **\$60.00** must accompany this application unless the requested use is an exercise of a First Amendment right. You must allow sufficient time for the park to process your request; check with the park for guidelines. You will be notified of the status of the application and the necessary steps to secure your final permit. Your permit may require the payment of cost recovery charges and proof of liability insurance naming the United States of America as also insured.

Enter either a social security number OR a tax ID number: we do not require both.

Applicant Name:	Applicant Company:
Social Security #:	Tax ID #:
Street/Address:	Street/Address:
City/State/Zip Code:	City/State/Zip Code:
Telephone #:	Contact name:
Cell phone #:	Telephone #:
Fax #:	Fax #:
Email:	Email:
Project name:	Telephone #:
Location manager:	Cell phone #:
	Email:

TYPE OF PROJECT: Still photography video/motion picture/film

Detailed description of onsite activities: (attach additional pages as necessary)

LOCATION SCHEDULE:

Each date and each location must have an individual entry – use additional pages as necessary.

DATE	LOCATION	Start Time	End Time	Interior or Exterior	Activity: Set-Up/ Film / Non-Filming /Breakdown	# of cast & crew*

*number in this column should include all individuals present at the location

Talent comprises anyone in front of the camera and includes, but is not limited to, actors, hosts, correspondents, presenters, park visitors, cooperators, volunteers, National Park Service and concessioner staff, etc.

Do you intend to utilize talent? Yes No

If yes, provide a full description of who they are and how they will be utilized:

Description of equipment including backdrops, sets, props, etc., to be added to or constructed on park lands: _____

ELECTRICAL REQUIREMENTS: (explain) _____

Generator(s): No Yes, quantity _____ size _____

Lighting: None Reflectors only Yes

Explain: _____

Road Use: _____ Date/time: _____

Road closure requested? No Yes

Driving shots Drive-bys Tow shots Drive-ups & Away Wet down road

Camera/Equipment on Road Shoulder Camera/Equipment on median Other (explain)

CAMERAS (check all that apply)

Hand ___ Tripod___ Dolly___ Dolly w/track footage ___ Crane or jib arm ___ Arm footage ___

Portable crane___ Car mount ___ Camera car, shot maker, or process trailer ___

OPERATIONAL INFORMATION:

Vehicles:

Number of Cars, SUVs or light pick-up trucks _____

Number of Vehicles greater than a 10,000 lbs. (class 3 or higher) _____

NOTE: Large or oversized vehicles may not be able to be accommodated or additional steps may need to be taken to ensure that no damage to park resource occurs.

BASE CAMP LOCATION: (attach diagram): _____

SPECIAL ACTIVITIES

INVOLVEMENT OF MINORS:

Children: None Yes # of Children _____ Age Range _____

LIVESTOCK and/or TRAINED ANIMALS:

Number and type of animal: _____ Manner of transportation: _____

Staging/corralling needs (attach plan if necessary): _____

AIRCRAFT: No Yes (explain)

NOTE: All aircraft use over park lands should be listed. Landings must be specifically requested and approved as a condition of your permit.

SPECIAL EFFECTS (including weapons, pyrotechnics, etc): No Yes (identify)

Effects Technician Name: _____ Phone # _____

License # (if applicable) _____ Permit # (if applicable) _____

STUNTS: No Yes (explain)

Coordinator _____ Phone # _____ Email _____

Any other unusual or hazardous activities? No Yes (explain)

Have you physically visited the requested area?

Y N

When answering yes to any of the following questions, provide additional information:

Do you have, or are you applying for, a permit with another Federal, State or local agency for this activity

Y N

Have you had previous permits from the National Park Service?

Y N

Have you ever been denied a permit or had a permit revoked?

Y N

Have you forfeited a bond or other security for filming on Federal lands?

Y N

Are there any pending investigations against you which involve a commercial filming permit

Y N

Do you plan to advertise or issue a press release about this activity?

Y N

Do you anticipate any security concerns? If yes, explain.

Y N

You are encouraged to attach additional pages with information useful in evaluating your permit request including: story boards or scripts, set construction, parking plan, security plans, sanitary facilities, crowd control, emergency medical plan, off-road activity, trail use, use of any building and site clean-up.

PROJECT ADMINISTRATION:

Are you applying for this permit on behalf of another person or company?

Y N

If yes, provide a full description (including contact information) of all other individuals/companies involved with this project (attach additional sheets if needed):

CONTACTS:

Person on location responsible for adherence to all terms & conditions of the permit:

Name: _____ Title: _____

Phone: _____ Cell Phone: _____ Email: _____

Person on location responsible for coordinating activities with the NPS:

Name: _____ Title: _____

Phone: _____ Cell Phone: _____ Email: _____

Person at the company office to contact for follow up information and billing:

Name: _____ Title: _____ Phone: _____

Email: _____

I hereby state that the above information given is complete and correct, and that no false or misleading

information or false statements have been given. All estimates are reliable to the best of my knowledge and I have the full authority to represent the applicant/production company and the project described above.

Signature _____ Title _____ Date _____

Company Name _____

Note: this is an application only, and does not serve as permission to conduct special activity in the park. The information provided will be used to determine whether a permit will be issued. Send the completed application along with the application fee in the form of a cashier's check or money order made payable to **National Park Service** to the Park address found on the first page of this application.

If your request is approved, a permit containing applicable terms and conditions will be sent to the person designated on the application. The permit must be signed by the responsible person and returned to the park for final approval by the Park Superintendent.

Notice to Customers Making Payment by Personal Check: When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day we receive your payment, and you will not receive your check back from your financial institution.

NOTICES

Privacy Act Statement: The Privacy Act of 1974 (5 U.S.C. 552a) provides that you be furnished with the following information in connection with information required in this application. This information is being collected to allow the park manager to make a value judgment on whether or not to allow the requested use. Applicants are required to provide their social security or taxpayer identification number for activities subject to collection of fees and charges by the National Park Service (31 U.S.C. 7701). Information from the application may be transferred to appropriate Federal, State, and local agencies, when relevant to civil, criminal or regulatory investigations or prosecutions.

Paperwork Reduction Act Statement: We are collecting this information subject to the Paperwork Reduction Act (44 U.S.C. 3501) to provide the park managers the information needed to decide whether or not to allow the requested use. All applicable parts of the form must be completed in order for your request to be considered. You are not required to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

Estimated Burden Statement: Public reporting burden for this form is estimated to average 30 minutes per response including the time it takes to read, gather and maintain data, review instructions and complete the form. Direct comments regarding this burden estimate or any aspects of this form to the Information Collection Clearance Officer, National Park Service, 1849 C Street NW (1237), Washington, D.C. 20240.

Title 18 U.S.C. Section 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.