

COMMERCIAL FILMING AND PHOTOGRAPHY

What type of activities need a Filming Permit?

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.
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.

COMMERCIAL FILMING AND PHOTOGRAPHY SUMMARY

El Malpais & El Morro National Monuments

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 Filming Coordinator. Application for a filming permit must be made through the submission of a Commercial Filming Application and the tendering of a \$200 non-refundable application fee & a non-refundable administrative charge. The **\$200.00 CERTIFIED CHECK** or **MONEY ORDER** should be made payable to the **NATIONAL PARK SERVICE**. A performance bond may be required. See section **II, BOND REQUIREMENT**.

II. BOND REQUIREMENT – A refundable damage bond, drawn as a separate payment, may be required for those projects that have a high potential for resource damage or potential for site restoration. The bond amount is determined by estimating the cost of monitoring and site restoration, should you fail to adequately care for or complete clean up of the site. This amount will be specified in the permit. The permittee is responsible for removal of equipment, props, and trash, and restoration of the site to original condition, or in a condition satisfactory to the National Park Service. If this is not done, all or part of the damage bond will be retained to offset clean-up/recovery expenses. If it is not needed, the bond is released when the on-site National Park Service representative signs off that site restoration is complete and all site use charges have been paid. If a surplus remains after the costs have been reimbursed, the surplus is returned to the permittee. If the bond does not cover all the costs, you will be billed for the difference.

III. GENERAL LIABILITY INSURANCE – General liability insurance is required. An original certificate of insurance

with a rider stating that the *United States of America, Department of Interior, National Park Service, El Malpais National Monument, 123 E. Roosevelt Ave, Grants, NM 87020* or *United States of America, Department of Interior, National Park Service, El Morro National Monument, 123 E. Roosevelt Ave, Grants, NM 87020* named as co-insured. An original certificate of insurance must be provided to the park prior to permit issuance and filming begins. General liability insurance amounts are listed on the **RATE INFORMATION** sheet.

IV. NATIONAL PARK SERVICE SUPERVISION AND COSTS – Filming activities authorized by this permit may 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. Refer to the **RATE INFORMATION** sheet for a list of rates covering the supervision of a filming operation. If required, 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 Filming Coordinator, the application and administrative fees have been paid, and the Filming Coordinator 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 21 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 in proposed and designated Wilderness must be consistent with the park's wilderness management plan and section 4(d)(6) of the Wilderness Act (16 USC 1133(d)(5).
- 2) Permittee may be required to provide portable vault toilets. Toilets will be removed immediately upon completion of the project.
- 3) The use of campfires prohibited.
- 4) The use of live plants from outside the park area is prohibited.
- 5) 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.
- 6) Permittee is responsible for any cleanup costs required as a result of spills or accidents resulting from activities during the permit. Permittee is also responsible for any costs and charges associated with the restoration of the resource due to disturbed natural, cultural, and/or historic resources. Cleanup will be conducted in accordance with all applicable Federal and State environmental laws.
- 7) Any accidents or incidents must be reported immediately to the NPS ranger on site, who will contact a Law Enforcement Ranger.
- 8) Any changes in locations must be cleared with the Filming Coordinator or 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.**
- 9) An on-site meeting with all crewmembers will be held 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.
- 10) Visitors will be allowed to watch filming from an area designated by park and permittee. All visitors will be treated with courtesy and in a professional manner.
- 11) Vehicles must stay on the established roadways and parking areas. Permittee and all employees must adhere to all speed limits and traffic conditions. Off road travel is prohibited.
- 12) 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 Filming Coordinator or designated representative.
- 13) 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 the completion of the filming permits.
- 14) 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 film company representative prior to the commencement of work at the park:

- 1) If required, the 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 *United States of America, Department of Interior, National Park Service, El Malpais National Monument, 123 E. Roosevelt Ave, Grants, NM 87020* or *United States of America, Department of Interior, National Park Service, El Morro National Monument, 123 E. Roosevelt Ave, Grants, NM 87020* named as co-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 must be certified weed free and it must be contained to prevent its deposition in the park. Any excrement will be removed from the park 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 – Aircraft use may be restricted over sensitive wilderness areas or cultural areas. The use of aircraft will be in accordance with regulations of the Federal Aviation Administration.

XII. MEDICAL AND SAFETY REQUIREMENTS – The Superintendent may require the permittee to hire a state-licensed Emergency Medical Technician and equipment.

XIII. CATERING REQUIREMENTS – The caterer at the filming activity must meet all Public Health Service and/or New Mexico State Health standards. A current public health or New Mexico 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. CONTACT: Filming Coordinators

**El Malpais & El Morro National Monuments
123 E. Roosevelt Ave.
Grants, NM 87020**

coral_conway@nps.gov or kelly_lynch@nps.gov

Coral at 505-285-4641 x21, Kelly at 505-285-4641 x20, 505-285-5661 fax

COMMERCIAL FILMING RATE INFORMATION

El Malpais & El Morro National Monuments

1. FILMING APPLICATION AND ADMINISTRATIVE FEES

- \$100.00 **Non Refundable** APPLICATION FEE
- \$100.00 **Non Refundable** ADMINISTRATIVE FEE: \$50.00 Per Hour (MINIMUM 2 hours) = \$100.00

2. MANDATORY COST RECOVERY AND LOCATION FEES; PUBLIC LAW 106-206

Commercial Filming/Videos		Still Photography	
1 – 2 people, camera & 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		

*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. Cost recovery amounts are based on the actual cost incurred by the park in processing the request, monitoring the activity and rehabilitating or restoring the permitted area

- **MAKE ALL CERTIFIED CHECKS or MONEY ORDERS PAYABLE TO THE NATIONAL PARK SERVICE.**

3. PERMIT MONITORING/COST RECOVERY FEE

The Superintendent and Filming Coordinator will determine how many permit monitors are required based on the size of the project and type of activities. All projects will have a minimum of one permit monitor. The Cost Recovery Rate for each permit monitor is \$50/person/hour. Any additional assistance provided by the National Park Service (such as traffic control, public information officer, etc.) will also be charged a Cost Recovery Rate of \$50/hour. These charges will be billed after filming is complete.

4. INSURANCE REQUIREMENTS

General liability insurance requires that the *United States of America, Department of Interior, National Park Service, El Malpais National Monument, 123 E. Roosevelt Ave, Grants, NM 87020* or *United States of America, Department of Interior, National Park Service, El Morro National Monument, 123 E. Roosevelt Ave, Grants, NM 87020* be listed as additional insured in the amounts of:

- 1) Still Photography: \$300,000.00 bodily injury plus \$50,000.00 property damage per occurrence
- 2) Motion/Electronic Media: \$1,000,000.00
- 3) Special activities with high damage/injury risks: \$3,000,000.00

- **ORIGINAL CERTIFICATE OF INSURANCE MUST BE RECEIVED AT EL MALPAIS NATIONAL MONUMENT &/or EL MORRO NATIONAL MONUMENT BEFORE PERMIT WILL BE ISSUED.**

5. BOND REQUIREMENTS

The filming permittee may be required to post a bond to assure the area used is left in its original condition. A cash deposit or a certified bank check will be required. Bond will be calculated by NPS personnel assessing the cost recovery and the overall complexity of the operation including the crew size, number of hours and days and other special factors. Estimated MINIMUM bond amounts for size of operation are as follows:

- 1) Still Photography: one to two people including models, props, or sets; no stock: \$500.00
- 2) Still/Motion Photography: two to five people; no stock: \$1,000.00
- 3) Still/Motion Photography: six to twenty-four people and/or up to five days scheduled filming; complex sets; construction of sets at location: \$2,000.00
* stock use: \$100.00 per animal/per day.
- 4) Still/Motion Photography: twenty-five or more people and/or five or more days scheduled filming; complex sets; construction of sets at location: Bond will be calculated by cost recovery and/or supervision. PLUS:
* stock use: \$100.00 per animal/per day.