



National Park Service

COMMERCIAL FILMING/PHOTOGRAPHY GUIDELINES

NATIONAL PARK SERVICE Katmai National Park

The policy of National Park Service (NPS) is to allow commercial filming and photography when it is consistent with the protection and public enjoyment of park resources. NPS policy requires that primary consideration be given to safety, potential resource damage and anticipated disruption of normal visitor use.

By law, and to assure protection of the parks' cultural, historic and natural resources, all commercial filming requires a permit and the payment of a location fee. Under certain circumstances, commercial still photography also requires a permit and payment of a location fee. The permitting process is initiated through the Park Superintendent's representative.

Tools for management and enforcement of the permitting system can be found in Director's Order #53, RM-53 Special Park Uses, National Park Service Management Policies and Title 36, Part 5.5 and Title 43, Part 5 of the Code of Federal Regulations and Public Law 106-206.

The Superintendent or his/her designated representative has the authority to determine when a permit for filming will be issued and has the discretionary right to waive certain permit requirements.

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.

A permit is not required for:

- A visitor using a camera and/or recording device for his/her own personal use and within normal visitation areas and hours; or
- A commercial still photographer under the circumstances described below; or
- Press coverage of breaking news. While such press coverage does not require a permit, the media is subject to the imposition of restrictions and conditions necessary to protect park resources and public health and safety.

P.L. 106-206 mandates that the NPS shall not permit any filming, still photography or other related activities if it is determined that:

- There is a likelihood of resource damage;
- There would be an unreasonable disruption of the public's use and enjoyment of the site; or
- The activity poses health or safety risks to the public.

STILL PHOTOGRAPHY

No permit or fee is required for commercial still photography in NPS units if such photography takes place where members of the public are generally allowed and certain conditions are met. The decision to require a permit for commercial still photography in a park is based on the activity itself as opposed to the eventual use of the image.

Permits and fees are required under the following circumstances:

- If photography takes place at locations where members of the public are generally not allowed, or where additional administrative costs are likely.
- There is potential for damage or disruption of park resources.
- There is the use of models or props which are not a part of the site's natural or cultural resources or administrative facilities.
- There is a potential to disrupt normal visitor use
- The photographer and/or crew wants to go use portions of the park before or after normal visitation hours

A permit is also required pursuant to 36 CFR 5.5(b) for persons taking photographs of vehicles, other articles of commerce or that involve the use of a model, set or prop for the purpose of commercial advertising.

If a photography permit is required, the NPS will impose conditions necessary to accomplish the needed resource protection or visitor enjoyment objectives. Liability insurance requirements and other stipulations will commensurate with the scope of the project. For advertising photography, it is appropriate to impose a permit condition that prohibits implied or stated Service endorsement of the advertised product or service.

COMMERCIAL FILMING PERMITS

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 permitting process allows discussion of the proposed project, provides an opportunity to understand policies and presents avenues for discovery of possible alternatives. It also serves to establish an administrative record of filming activities.

FILMING ACTIVITIES

All authorized filming activities will be conducted in strict compliance with Federal, state, county and municipal laws, ordinances or regulations applicable to the area of operation covered under the agreement. Filming is generally not allowed in those areas closed to general public use for safety or resource considerations.

1. **RESOURCE DAMAGE** - Filming activities that exhibit the potential for resource damage will be denied. Cutting trees or otherwise damaging vegetation, destroying or altering resources will not be allowed. Any activities that disrupt or alter the natural behavior of wildlife will be discouraged and may result in the permit being denied.

2. **WILDLIFE** - The harassment of wildlife is prohibited by law. Photographing or filming of resident wildlife will be permitted only when such wildlife will not be molested, harmed or disturbed. All filming will be conducted in natural, unaltered settings to assure area integrity and the safety and well being of film crew and wildlife.

Approaching a bear or any large animal within 50 yards is prohibited. Continuing to occupy a position within 50 yards of a bear utilizing a concentrated food source, including but not limited to, animal carcasses, spawning salmon, and other feeding areas is prohibited. Under no circumstances will the permittee be exempted from this distance rule.

Wildlife captured elsewhere may not be used in any in-park filming, whether trained or not. Domesticated wild animals are included in this restriction.

3. **DISRUPTION OF VISITOR ACTIVITIES** - National Park Service policy states that filming activity must not unduly disrupt normal visitor use of the park.

4. **USE OF AIRCRAFT** - The use of aircraft for commercial filming activities is allowed under strict guidelines. The use of fixed wing aircraft for commercial purposes or scouting purposes is permitted only if the FAA Advisory Circular (91-36C) recommended minimum altitude of 2000 feet above ground level is observed. Landing fixed-wing aircraft in the park must be approved as part of the application process. Helicopter landings are restricted to designated heli-spots. These limitations apply to all commercial filming permits. An aircraft use request that exhibits potential for degradation of visitor experience or park resources will be denied.

REQUESTS FOR PERMITS

Applications can be found at: <http://www.nps.gov/katm/parkmgmt/businesswithpark.htm> or by contacting the film permit coordinator at katm_dispatch@nps.gov. An Application for Photography/Filming Permit, Wilderness Questionnaire if applicable and the \$200* non-refundable application (Cost Recovery) fee is required from all applicants before an application will be considered.

Once a proposed filming request has been processed and approved and the permit is prepared, an authorized representative (producer or director) must provide bond and use fees if applicable, sign, and return the original permit. Final terms of agreement and special instructions as they may apply to authorized filming activities will be presented and discussed. A 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.

***Katmai National Park no longer accepts checks or credit cards for payment. The nonrefundable application fee should be paid at: www.pay.gov.**

Select National Park Service/Katmai Film Permit Payment Form and enter the Film Permit # assigned to you by the Film Coordinator.

Permit request by letter should be addressed to:

Film Permit Coordinator
Katmai National Park
P.O. Box 7
King Salmon, AK 99613

APPLICATION FOR PHOTOGRAPHY/FILMING PERMIT

The application must be completed and returned to the Film Permit Coordinator, and the non-refundable application (Cost Recovery) fee paid, before a filming permit will be considered. Information returned must be specific, especially that information dealing with site locations and actual anticipated filming activities. Insufficiently prepared applications can result in a protracted, more expensive permitting process that may result in denial of the application.

1. PRE-PERMIT CONFERENCE - Filming permits will only be issued after a briefing by the Film Permit Coordinator or her/his representative and in no case before the application fee has been properly submitted. All locations must be approved prior to filming and depending on the complexity of the proposed project; one or more on-site visits to proposed locations may be necessary.

2. DENIAL OF PERMIT - Request for filming permits will be evaluated in a manner consistent with current applicable legislation, regulations, policies and guidelines. Filming permits may be denied for any of the following reasons:

- **Resource Damage.** If, in the opinion of the Superintendent or designee, the filming activity requested represents an unreasonable threat to the resource (including wildlife), the permit application will be denied. Consideration will be based on both long and short-term effects as they relate to environmental, archeological and historic preservation laws. Any significant cultural objections must be mitigated before a permit will be approved.
- **Supervisory Requirements.** If it is determined supervisory requirements for the proposed filming project will place unreasonable burdens on staff capacity, the permit application will be denied. This denial will be made irrespective of the permittee's willingness to pay supervisory costs.
- **Disruption of Visitor Activities.** If the proposed filming would conflict unduly with the visitors' normal use of the park, the request may be denied.
- **Safety.** Activity posing undue risk or hazard to the general public will be denied.
- **Regulatory Conflict.** Requests for filming which will result in an electronically or digitally edited product that depicts an activity in direct conflict with regulations prohibiting the "depicted" activity in an area that the general viewing public recognizes as a national park area will be denied.
- **Inability to Obtain Insurance/Bonding.** The applicant is unable to obtain the necessary bond and/or insurance certification.
- **Failure to Agree to Pay Assessed Cost Recovery.** The applicant is unwilling to agree to pay the estimated cost recovery.

TERMINATION OF THE PERMIT

All filming permits issued by the National Park Service are "revocable" on 24-hours notice or without notice if the terms of the permit are violated. Deliberate infractions of terms contained in the filming permit or the deliberate making of false or misleading statements concerning intended actions in order to obtain a permit are causes for immediate termination of the permit and for possible prosecution.

A penalty may be levied against the permittee for inconveniences to the park associated with the revocation of the permit or default on conditions of the permit. Adjustment for unused filming days will be made by the park and pre-payments returned to the permittee.

GENERAL LIABILITY INSURANCE

General liability insurance issued by a United States company 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. It is also necessary in order to avoid undue tort liability to the Government and to assure that permittees are not judgment-proof if a visitor was injured through the negligence of film company representatives.

Those companies that normally carry extensive general liability insurance must obtain a rider naming the U.S. GOVERNMENT as additional insured on the insurance certificate. Others must obtain the necessary coverage on their own. An original copy of this certificate of insurance must be provided to the park.

General guideline amounts include:

- Personal liability: \$300,000
- Commercial liability (still photography, or for small film/video projects of fewer than 15 people): \$500,000
- General commercial liability for video or film production companies: \$1,000,000
- When using boats, employing stunts or other higher risk activities: \$3,000,000 or more.

Insurance requirements may be waived if, in the opinion of the Superintendent or his/her representative, 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.

BOND REQUIREMENT

The purpose of the bond is to insure that the resource is left in as good condition as it was prior to the filming, and to cover restoration costs. Generally, bonds will be required in amounts at least equal to the estimated cost to the Government for clean up and/or restoration that would be necessary if the permittee failed to meet NPS permit conditions. A performance bond may come in various forms, for example a cashiers check, certified check, irrevocable terms of credit, or similar negotiable instruments, paid for by the permittee/production company to cover resource damage resulting from the activities of the permittee.

- The Superintendent may set the bond requirement at zero if the activities permitted will not require clean up or restoration.
- A bond is never used as a penalty.
- A bond may also be used to recover NPS costs (administrative and monitoring/management) only if the Superintendent specifies it as a condition of the permit.
- The bonding instrument must provide the Superintendent with immediate access to the funds when needed.

Those bond amounts, paid in advance, should be deposited into the designated park account upon receipt. Should the permittee fail to perform any part of the necessary clean-up or restoration, or fail to reimburse the NPS for costs associated with the permit, the account will be used to make any payments necessary. Any remaining balance will be returned to the permittee. If the bond is insufficient to cover costs the permittee will be issued a bill for collection for the amount of the deficit. Bonds must be handled appropriately and accounted for at all times. Funds from bonds, including letters of credit, shall be withdrawn only in the amount owed to the NPS.

NATIONAL PARK SERVICE SUPERVISION AND COSTS

Filming permits are issued by authority of the Superintendent or his/her designated representative. All Commercial filming permits and still photography permits are statutorily subject to cost recovery and a location fee, neither of which may be waived. The location fee is determined by the type of activity (commercial filming versus still photography), must be based on the current schedule and is determined by the number of permitted days and the number of people on park lands associated with the permitted activity. A day is defined as a continuous 24 hour period.

Application for a filming permit must be accompanied with the tendering of a non-refundable application (Cost Recovery) fee of \$200. Permit preparation and administrative time in excess of the standard time normally required to complete permit negotiations will be charged at \$50 per additional hour and added to the nonrefundable permit charges above. These fees will be retained by the NPS regardless of whether a permit is approved and issued or not. Checks should be made payable to the National Park Service.

FEES

There are four possible applicable fees:

1. Application and Administrative Fee
2. Monitoring/Management Fee
3. Location Fee
4. Performance Bond.

1. **APPLICATION and ADMINISTRATIVE FEE** - The non-refundable application fee is \$200.

Any permit preparation and administrative time in excess of the standard four hours (\$200) normally required to complete permit negotiations will be assessed at \$50 per additional hour and appended to the above standard permit charges.

2. MONITORING/MANAGEMENT FEES

Costs may vary based on the project's complexities, the resource risks involved and the level of monitoring required for each filming project:

- Continual Monitoring (park discretion):
\$50 per hour with a minimum of 3 hours per day; not to exceed \$400 per day. A day consists of a maximum of 8 hours. Daily use in excess of 8 hours will be charged at \$75 per additional hour of use.
- Spot Monitoring (park discretion):
\$200 per day. Daily use in excess of 8 hours will be charged at \$75 per additional hour of use.

Filming activities authorized by permit will be supervised by an NPS employee to assure full compliance with all terms of the permit. In operations involving few people and minimal equipment or, taking place where there is little possibility of damage or violation of other permit requirements or, inconvenience to the visitor, filming activities will be spot monitored to assure compliance. The level and type of supervision will be based on the extent and complexity of filming activities.

The minimum daily calculated cost for tracking and site-monitoring of the permitted activity, once approved, is based on the premise that no more than one NPS representative will be required for continual on-site monitoring. A minimum \$150 fee is charged for continual monitoring required by one NPS representative for up to 3 hours or less. Any portion of use less than 3 hours each day will not be prorated, but charged at the \$150 daily 3-hour minimum rate. Additional hours of daily monitored use will be billed at \$75 per hour per monitor required.

If, in the opinion of the Superintendent, the filming project will involve significant numbers of people (5 or more) and/or equipment exhibiting a degree of resource or visitor impact potential, supervision will be on-location and continual. Each additional NPS employee required to monitor and control the filming site will be charged to the permittee at \$50 per hour to offset overtime and administrative costs incurred.

Estimated daily site-monitoring costs must be paid to the NPS prior to actual filming. Payment must include the aggregate amount for all days authorized. All costs associated with permitted activities which exceed the estimated minimum daily site-monitoring cost will be billed to the permittee after completion

of filming activities. The monitoring of any site rehabilitation which may be necessary upon completion of filming activities will be charged to the permittee at \$50 per hour per monitor required. Performance bond will be withheld until all costs are paid.

3. LOCATION FEE

<u>Motion Picture/Videos</u>		<u>Commercial Still Photography</u>	
1-2 people camera & tripod only	-0-	1-2 people camera & tripod only	-0-
1-10 people	\$150/day	1 – 10 people	\$ 50/day
11- 30 people	\$250/day	11- 30 people	\$150/day

4. PERFORMANCE BOND

See information on bond requirements on Page 5 of this document.

ON-CAMERA APPEARANCE by EMPLOYEES

On-camera appearances by employees are allowed under the following conditions:

- The employee is selected and/or approved by park management, and is depicted performing his or her normal duties, or serving as a subject matter expert.
- The employee's appearance supports NPS goals and has a beneficial effect for the Service.
- The role is not scripted.
- The employee is paid by the park as part of his or her regular working hours. The permittee will reimburse the park for this cost as part of the monitoring cost recovery.
- If the filming requires overtime or back filling of positions, the NPS will be reimbursed for any such additional costs through the permitting process.

GRATUITIES

The Standards of Ethical Conduct for Employees apply. Generally, employees are forbidden from accepting gratuities from prohibited sources. However, there are exceptions that allow employees to accept modest items of food and refreshment.

The NPS recognizes that the work day for a film production company typically lasts longer than eight hours. NPS employees assigned to monitor permit activities must be prepared to sustain themselves over the entire time span. The Superintendent may, on a case-by-case basis, grant the employee permission to accept provisions from the permittee.

- If the permittee offers meals, the Superintendent may authorize the employee to accept the food provided.
- Market values of the individual meals, and aggregate market value of all meals, provided by an individual permittee may not exceed the limits set in 5C.F.R Part 2635.204.

OFF-DUTY GOVERNMENT EMPLOYEES

Off-duty Government employees may work for filming companies only if they do not perform or appear to perform official duties. Off-duty employment while in uniform is not permitted. Personnel engaged in

actual supervision of the permittee are not allowed to engage in off-duty employment with the filmmaker under any circumstance. The Superintendent must approve off-duty employment requests.

GOVERNMENT PROPERTY and SYMBOLS

- Government property, including the uniform, will not be used, loaned or rented to a film company, or diverted from its normal use, for filming purposes except as stated below. (See 43 C.F.R. 20.735.15.) Rental of NPS equipment on a reimbursable basis pursuant to 16 U.S.C. 1-b(5) is authorized only to persons who "render services or perform functions that facilitate or supplement activities of the Department."
- Government Symbols: Use of the NPS Arrowhead in titles, credits or other deliberate disclosures requires the permission of the NPS Director (36 CFR 11.2 and Special Directive 93-7).
- Special Directive 93-7 declares that use of the Arrowhead is controlled through law and regulation. Hence, under 36 C.F.R. 11.2, the Director may authorize the use of the Arrowhead "for uses that will contribute to purposes of education and conservation as they relate to the program of the National Park Service." The NPS may actively assist filming and photography activities that promote public understanding and appreciation of the National Park System, and the Director may authorize use of the arrowhead symbol for such filming projects. All other uses are prohibited, such as advertising, promotional or directly commercial purposes.
- Incidental filming of the symbol which may include the shoulder patch of a uniformed employee, an NPS vehicle or an entrance or similar sign is not prohibited.

UNAUTHORIZED FILMING

Filmmakers or photographers may be unaware that certain filming activities require a permit, cost recovery, insurance certificate or performance bond. When the Superintendent or a park staff member becomes aware that filming activities that would normally require a permit are being conducted without a permit, he/she will contact the individual or group, explain the requirements necessary to comply with regulations and resolve the issue as soon as possible. A photographer or filmmaker who fails to obtain a required permit may be subject to enforcement action.