

**UNITED STATES DEPARTMENT OF INTERIOR**

**NATIONAL PARK SERVICE**

**COMMERCIAL FILMING POLICY**

**SHENANDOAH NATIONAL PARK**



## COMMERCIAL FILMING POLICY

### Shenandoah National Park

“The service...shall promote and regulate the use of ...national parks...[its] purpose is to conserve the scenery and the natural and historic objects and the wild lie therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” (16 U.S.C. 1)

The Shenandoah National Park 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 filming and 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 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 Title 16, U.S. Code and the Title 36, Code of Federal Regulations.

National Park Service Management Policies and Director's Order-53 Special Park Uses provide policy guidance for management of commercial filming activities.

The following guidelines/procedures are established by the Superintendent of Shenandoah National Park (SNP) as they relate to filming and photographic activities within the park.

**FILMING PERMITS** – 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.

Still photography activities require a permit only when:

- The activity takes place at location(s) where and when members of the public are generally not allowed; or
- The activity uses model(s), set(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;
- The park needs to provide management and oversight to:
  - Avoid impairment of incompatible use of the resources and values of the park, or
  - Limit resource damage, or
  - Minimize health or safety risks to the visiting public.

Filming activities should not conflict unduly with the visitors' experiences in the park. Permits issued for commercial photography (advertising) 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.

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 culture resources.

A request for a filming permit may 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 the park resources or values;
- the requested activity will violate any other applicable Federal, State, or local law or regulation;
- it is determined that supervisory requirements for the proposed project will place unreasonable burdens on park staff, regardless of the applicant's willingness to pay supervisory costs;
- the project depicts activities that are not permitted within a recognized park area.

Filming permits are issued by authority of the Superintendent. Application for a filming permit should be made through the submission of a Commercial Filming Application along with a **\$200** application and processing fee to **Management Assistant, Shenandoah National Park, 3655 U.S. Highway 211 East, Luray, VA 22835**. Application fees are non-refundable. Checks should be made payable to the National Park Service.

In addition, a location fee will be charged based on the following:

Location Fee Schedule  
National Park Service  
FY 2009

<b>Motion Pictures/Videos</b>		<b>Commercial Still Photography</b>	
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		

\* Please note that 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.

- 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.

- After the approval of a filming application, park officials may require a pre-activity meeting with the permittee (including, but not limited to the producer, director, location and/or production manager.) Depending on the scope of the project, such a meeting would be 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 and length/size limitations, unless specifically authorized in the filming permit. Car carriers and trailers will **not be** allowed to use park overlooks for turning without approval from monitoring NPS personnel. Although filming companies may be allowed to use park 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 **10 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. Historic signs and signs deemed essential for public use and/or safety will **not be** authorized for temporary removal. Permittee will be responsible for any authorized removal and replacement and an additional monitoring fee of \$20 per sign.

-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 resource damage include, but are not limited to: driving vehicles off established roadways, unauthorized use of aircraft, 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 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 park 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 National Park Service 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.
- 2) Minimum commercial liability (still photo or small film/video projects of fewer than 15 people) \$500,000.
- 3) General commercial liability for film production companies. \$1,000,000.
- 4) Special activities with high damage/injury risks - \$2,000,000 to \$5,000,000 or more.

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 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 and 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 NPS supervision is required, **a charge of up to \$55.00 per hour/per ranger 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.

**RESTRICTIONS AND CONDITIONS** – will be enumerated in the permit. The following activities are restricted and must be approved on a case by case basis: 1) use of children or animals, 2) discharge of blank ammunition and all black powder weapons, 3) mechanical or pyrotechnic special effects, 4) stunts, 5) amplified music or sound, 6) placing of large set dressings, 7) filming photography inside interiors of government administrative work areas, 8) film equipment or activities on roadways, 9) access to closed areas or access to areas during non-visitor use hours. The permit will specify the number of people and the exact types of equipment allowed. Activities not specified in the permit will not be allowed by the NPS monitor on duty.

Please note that the permit does not include authority to film or photograph individuals. Model releases are the responsibility of the permittee.

**DONATIONS** - Donations of money, equipment and/or services, to the park are accepted. Donations will be deposited and allocated according to NPS policy. The park may also request a copy of the final product for documentation purposes.



(NPS Form 10-931)  
 (OMB No. 1024-0026)  
 (NEW 10/00)  
 (Expires 3/31/2010)

**National Park Service**  
**Shenandoah National Park**  
 3655 US Highway 211 East, Luray, VA 22835

540-999-3500



**Application for Commercial Filming/Still Photography Permit**

Please supply the information requested below. **Attach additional sheets, if necessary, to provide required information.** Allow **AT LEAST** four (4) business days for processing. A non-refundable processing fee should accompany this application unless the requested use is an exercise of a First Amendment right. You will be notified of the disposition of the application and the necessary steps to secure your final permit. Your permit may require the payment of cost recovery charges, a location fee, and proof of liability naming United States as also insured.

Applicant:	Company:
Social Security #:	Tax ID #:
Street/Address:	Street/Address:
City/State/Zip Code:	City/State/Zip Code:
Telephone #:	Telephone #:
Cell phone #:	Cell phone #:
Fax #:	Fax #:
Email:	Email:

Project name:	Producer:
Type of project:	Photographer:
Location manager:	Director:
Telephone #:	Caterer:
Cell phone #:	Telephone # - set:

Summary of Activities and Scene(s) (attach additional pages if necessary): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SCHEDULE BY LOCATION(S)** (Includes filming, parking and base camp):

Date	Location	Start Time	End Time	Type of Activity (e.g., film, prep, or strike)	Number of Cast & Crew

Description of Equipment/Props(attach additional pages if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
List of vehicles including type and license plate number (attach additional pages if necessary):

Vehicle Make and Model	License Number

Use of Roads and/or Trails? (Y/N): \_\_\_\_ Describe proposed use (attach additional pages if necessary):  
\_\_\_\_\_  
\_\_\_\_\_

- Are you familiar with/ have you visited the requested area? Y N  
Have you obtained a permit from the National Park Service in the past? Y N  
(If yes, provide a list of permit dates and locations on a separate page.)  
Do you plan to advertise or issue a press release before the event? Y N

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 entity and the project described above.

Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_ Company Name: \_\_\_\_\_

\*\*\*\*\*

Information provided will be used to determine whether a permit will be issued. Completed application must be accompanied by an application fee in the form of a cashiers check or money order in the amount of \$200.00 made payable to **National Park Service**. Credit card payments may be accepted at some parks. Application and administrative charges are non-refundable. *This completed application should be mailed to Office of the Management Assistant at the Park address found on the first page of this application.*

**Note** that this is an application only, and does not serve as permission to conduct any use of the park. 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 prior to the event for final approval by the Park Superintendent.

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*The above application form is provided with the understanding that parks will insert appropriate park names and addresses and the amount of the application fee as desired.*

**Paperwork Reduction Act Statement:** This information is being collected to allow the park manager to make a value judgment on whether or not to allow the requested use. All the applicable parts of the form must be completed. A Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information 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 National Park Service, Special Park Uses Program Manager, 1849 C Street NW (2465), Washington, D.C. 20240