



# Commercial Filming & Still Photography Permit Information

## 1. Policy

It is the policy of the National Park Service (NPS) to allow filming and photography when it is consistent with the protection and public enjoyment of park resources, and avoids conflict with the public's normal use and enjoyment of the park. Aesthetic values such as scenic vistas, natural quiet and dark night skies are resources that we value. We are also sensitive to the environments around our park sites. There are restrictions associated with group size, the use of commercial vehicles, generators, artificial lighting, commercial film equipment, props, sets and audio devices. Commercial vehicles must be in compliance with all federal and state laws and local ordinances.

## 2. Restrictions

The National Park Service cannot accommodate a project if:

- Damage to natural, cultural, and recreational resources is expected which cannot be mitigated;
- Other activities are already planned or expected to occur at the same time and place, and filming or photography would be incompatible;
- The activity involves access to areas normally closed for reasons of resource protection or safety;
- The level of activity within the park is already so high that staff would be unavailable to work with film crew;
- The project includes a portrayal of activities that are not permitted within a national park;
- The production company is unwilling or unable to obtain necessary insurance; or
- The production company is unwilling or unable to reimburse the National Park Service for cost recovery or to comply with National Park Service bonding requirements.

## 3. Permit requirement

A permit is required when the filming, videotaping, sound recording or still photography involve the use of model or actor, professional crews, set dressings, or props; when they involve product or service advertisement; or when the activity could result in damage to park resources or disruption of visitor use. A permit is also required if the photographer wants to film in areas not open to the public, or before or after normal visitation hours. If you are uncertain whether your project requires a permit or not, contact the park for additional information. If you already know that your project does not require a permit, you can call the office to check the schedule and avoid conflicts with other activities. Generally, permits are not issued for filming on holidays.

## 4. Media

### *Breaking News*

Breaking news is an event that cannot be covered at any other time or at any other location. Filming of breaking news does not involve advertising, sets, props, or models. Coverage of breaking news does not require a permit, but film crews may not disrupt park visitors, damage park resources, or compromise public health and safety regulations. Information on breaking news comes from the park's Public Information Officer at: (340) 776-6201 ext. 252.

## 5. Other Media

Frequently there are opportunities for news organizations to focus on park programs, or increase public awareness of park-specific issues. Filming related to these stories must be coordinated and planned in advance. A permit will be issued if it is determined that the park would benefit from the increased public awareness. The National Park Service may assist with your research and/or offer interviews, if staff members are available. Contact the Film Permit, Coordinator at (340) 776-6201 ext. 244 to discuss your project.

## 6. Still photography

Photography of scenery has traditionally been part of a visit to a national park. Photography does not require a permit if it involves only hand-carried equipment (tripod, interchangeable lenses or flash), and does not involve professional crews, product or service advertisement, or use of models, props or sets.

### **A still photography permit is required when:**

- Product or service advertisement is involved;
- Talent/models, props, crews or sets are involved;
- The project has the potential to disrupt other park activities or visitors;
- More than just hand carried equipment is utilized;
- Project requires access to an area normally closed or restricted to general public use;
- Access into an area outside of normal public use hours is required;
- Project carries with a potential risk to park resources;
- Activity raises safety concerns that can be mitigated through issuance of permit with restrictions.

## 7. Prohibited activities

Activities having the potential to significantly impact, alter, or damage park resources are prohibited. The following are also prohibited:

- Altering, damaging or removing vegetation or filming in marshlands
- Vehicle use off established roads and parking areas
- Use of insecticides--herbicides and pesticides
- Loud noises (60 decibels or higher) between 10:00 p.m. and 6:00 a.m.
- Nudity
- Use of marshlands or backcountry or already disturbed areas as determined by the NPS
- Night filming with artificial lighting
- Filming of wild animals in captivity (exception with park wildlife management operations)
- Aerial filming (highly restricted)
- Smoking in buildings, on boardwalks, or in vegetated areas

- Harassment of wildlife or introduction of wildlife captured elsewhere
- Pyrotechnics
- Use of equipment that inhibits public views of popular scenic vistas

The use of domestic animals is permitted if humane treatment is accorded the animal at all times and park regulations related to domestic animal use are strictly observed. For example, dogs, cats, and other animals must be under physical restraint at all times. Wildlife captured elsewhere may not be used in any in-park filming, whether trained or not.

## 8. Permit application procedures

Applications may be requested in person, by phone (340) 776-6201 x244, letter, or email: [Laurelly Richards@nps.gov](mailto:Laurelly.Richards@nps.gov). Completed applications must be returned to the park with payment. There is a \$50 non-refundable permit cost (\$50 for application review and processing). It is recommended that the \$50 fee be paid by check or money order. We cannot accept credit cards at this time. Money orders or checks are to be made payable to "National Park Service." Mail applications to: Virgin Islands National Park, Film Permit Coordinator, 1300 Cruz Bay Creek, St. John, VI 00830.

If site scouting is planned prior to application period, contact National Park Service coordinator for guidance and restriction for specific locations.

## 9. Insurance Requirement

Proof of insurance is required with your application and documentation must carry a commercial liability (minimum of \$1 million) issued by a U.S. company. Insurance certificate must identify the production company by name and business address. If permittee uses a different name than listed on insurance policy, the relationship between insured company and permittee's company must be identified. The United States Government will be named "additional insured" on the insurance certificate. If further specificity is needed, the U.S. Department of Interior, Virgin Islands National Park, 1300 Cruz Bay Creek, St. John, VI 00830-6180", should be used.

Generally the minimum acceptable amount of liability insurance is \$1 million each occurrence. High-risk activities or activities which may have the potential for resource impact require higher liability amounts. Smaller, low-risk projects or still photography may be eligible for a reduction to \$500,000. Contact our office for details. A request for a permit may be denied if there is no proof of adequate insurance. Personal or homeowners liability is not acceptable. Certificate should be generated by the insurance company. Hand written "certificate holder" information is unacceptable. We will accept a faxed copy of the certificate until your insurance company can mail us the original.

## 10. Application Review

The permitting process provides the park and the applicant an opportunity to discuss the proposed project and to establish reasonable conditions to protect National Park Service and Virgin Islands National Park interests.

Your request will be evaluated on the basis of the information in your application. If substantial staff resources are expended in the evaluation of the request, applicant will be billed for the additional costs. Therefore you are encouraged to attach maps, diagrams, script pages, storyboards, vehicle and equipment lists, crew lists, call sheet, itineraries, shot lists, etc. with your application to assist park staff in evaluating your request. Most requests may be processed within 14 days if the application is complete and without alteration. Requests involving multiple locations, complex logistics, or coordination with other visitor activities will require a minimum of 21 days to process. Projects which require environmental or cultural resource evaluation must be submitted no less than 30 days before the start of proposed activities, and may require additional time dependent upon project complexity.

In compliance with the requirements of the Debt Collection Improvement Act of 1996, applicants must submit their social security number or Federal Tax ID number when filling out the application for permit. Park managers will not sign location releases supplied by applicants.

If the impacts of the project can be mitigated to the Superintendent's satisfaction, a project request may be provisionally approved.

## 11. Bond

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 cleanup 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 are 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.

## 12. Pre-Film Conference/Site Visit

After the provisional approval of an application, and before the activity begins, the permittee (including, but not limited to the producer, director, location, and/or production manager), will meet with the Film Coordinator for a pre-film conference. A visit to potential filming sites in the park will usually be made at this time. The Film Permit Coordinator will determine the need to scout each site or alternatively hold a pre-permit conference via telephone.

**The conference is intended to accomplish the following:**

- Review the final terms/conditions, scheduling, and any special instructions pertaining to the respective project
- Complete an on-site visit, if necessary
- Provide an original certificate of insurance, and if required, a bond – see #11
- Pay location fee, cost recovery fee
- Revise original application to reflect additional information from the conference/site visit

By the end of the meeting, the permit coordinator should have enough information to prepare the permit and request final approval from the Superintendent or designate.

**IMPORTANT: Any activities not specified in the permit will not be allowed.** No activities on National Park Service property may begin until the permit has been approved by the park and agreed to by the permittee. All permits include the requirement that the site be cleaned and restored at the end of your use. Permits will not be issued for filming on holidays. Normal visitor use patterns should not be interrupted for longer than five minutes, and only as specified in the approved permit. Visitors will be allowed to watch filming in public areas.

Audio and lighting restrictions apply to prevent disruption of visitor activities and/or disturb visitors. Large reflectors, silks, camera track, jibs, cranes, generators, large props, crowd scenes, foggers, oversized vehicles are discouraged and are authorized on a case-by-case basis, dependent on location, time of year, time of day, and other mitigating factors.

Remember to include us in your plans for tech scout of the site. That will be the time to further discuss details with those directly involved. A National Park Service representative will indicate the staging areas, scenic vistas,

environmentally sensitive areas closed to filming, etc. If you need assistance with site scouting, a ranger can be made available to assist

### **13. Environmental Review**

Normally in a national park, you cannot cut brush, dig in the ground, or move natural features. Digging in the ground of a national park usually involves environmental review and monitoring by an archeologist and/or vegetative specialist. Working in environmentally sensitive areas such as salt ponds, coral reefs, and archeological sites is restricted. We have created the project clearance review process to efficiently evaluate requests for complex projects which may include temporary set construction, extended use of a site (more than a week), or those that have potential to impact the resource. All projects involving project clearance review require the posting of a refundable damage bond. For more information call the Film Permit Coordinator at 340/776-6201 ext. 244.

### **14. Park Recreation/User Fees**

Commercial photographers and their crew, who obtain a filming permit from the National Park Service, are recognized as not being in the park for recreational purposes for the duration and purposes of that permit, and as such, are exempted from paying user fees. All vehicles entering the park must show a copy of the approved film permit at user fee stations.

### **15. Cancellations**

A minimum cancellation fee of \$50 per scheduled monitor will be charged to permittee if Film Permit Coordinator is not notified within 48 hours. In addition, you are responsible for all National Park Service costs up to the time of cancellation. If the cancellation is weather related, we will attempt to make accommodations. Administrative costs are mandatory and non-refundable. Cost of overtime and site clean up, are additional and will be billed as they occur.

These costs will be estimated and the total amount must be paid before filming begins. All other costs incurred by the National Park Service for management of filming activity will be recovered. If park personnel is utilized to assist in identifying filming locations, then permittee will be charged for that monitoring or scouting cost. You can leave a voice mail message with the Film Permit Coordinator if you are canceling on a weekday (340/776-6201 ext. 244). On evenings and weekends, leave a message with the monitor assigned to your project.

### **16. Denial of Permit**

**Filming permits may be denied for any of the following reasons:**

- Resource damage--if it is determined by the Superintendent or his/her designee, that the filming activity represents a threat to the resource, including wildlife.
- Supervisory requirements--if supervisory requirements for the proposed filming project will place unreasonable burdens on staff capacity, irrespective of the permittee's willingness to pay supervisory costs.
- Disruption of visitor activities--if the proposed filming would conflict with the visitors' normal use of the Park.
- Prohibited or restricted activities--permits will not be issued which would allow film-makers to enter areas closed to the general visiting public, or which would allow activities not permitted to the visitor except for cooperative activities as an agent of the National Park Service.

## 17. Revocation

As noted in permit conditions, non-compliance with any of the permit conditions could result in revocation of the permit. In addition, the permit contains other conditions or factors relating to revocation:

- Weather or seasonal limitations
- Visitation levels
- Fire prevention requirements
- Non-permitted stunts, use of vehicles, special effects or equipment use
- Unauthorized access to park facilities, structures and resources
- False information (making deliberately false and/or misleading statements in order to obtain a permit)

## 18. Monitoring

For filming activities which are perceived to interfere with visitor use or, further congest highly visited areas, or have the potential to impact park resources without proper supervision and care, at least one employee of the National Park Service will be assigned to the film crew. Degree of monitoring is based on crew size, equipment, props, scope of project, location(s), time of day, and time of year:

- When a project involves substantial numbers of people and equipment, or if it involves a location that is environmentally sensitive or heavily visited, supervision will be on-site and continual.
- A ranger or representative may spot check during the filming to assure compliance when the operations involve only a few people or minimal amounts of equipment, or take place in areas where there is little, if any possibility of resource impact, inconvenience to visitors, or violation of permit conditions.
- The Superintendent may bring in other employees to assist in those instances when the scope of the project exceeds the park's ability to properly manage the activity. The resulting staff costs will be recovered from the permittee.

Before initiating any location set-ups or dispersal of equipment, a National Park Service representative MUST be on site. Failure to comply with this requirement could result in the revocation of the permit.

## 19. Costs

The National Park Service is required to recover all costs associated with permits for filming and photography. All administrative costs involving permit application and processing are nonrefundable and will be charged to permittee. We may require that charges be paid before work can begin on National Park Service property. Any additional costs will be posted as they occur. Charges must be paid within 14 days of the invoicing.

Permittee will be billed for monitoring, scouting, conferencing and any other personnel services provided for filming activities according to the cost recovery schedule at:

Hourly rate = \$50/hour for 2 hour minimum

Any additional hours beyond the two hour minimum will \$50.00/hour.

Cancellation = \$50 minimum (see below)

## 20. Site Scouting

If park employees are requested to assist with site scouting, the fee schedule above applies. Please call in advance to schedule a meeting with a site scout if you would like assistance from our staff.

## 21. Location Fees

Congress has mandated the National Park Service to charge location fees for the use of park lands and facilities for filming purposes. See attached fee schedule. Site use charges will be estimated based on the information you provide in your application.

Note: Since our costs are based on the services we provide, we do not differentiate between profit and nonprofit documentary projects. By law the National Park Service may not waive recovery of costs for projects that are produced to promote an industry, influence Congressional initiatives, or influence the outcomes of elections.

## 22. Safety considerations

The permittee is required to adhere to Virgin Islands fire safety standards, regulations, and laws. The permittee and vehicle operators are responsible for obtaining current road and weather conditions.

Depending on the nature of a project and the potential hazards associated with it, permittee may be required to have on-site medical, water safety and/or fire personnel.

Restricted activities and conditions will be enumerated in the permit. The following activities are restricted and must be approved on a case-by-case basis:

- Use of children or animal
- Discharge of blank ammunition and all black powder weapons
- Stunts
- Amplified music or sound
- Construction and/or placing of large set dressings
- Filming/photography inside interiors of government administrative work areas
- Film equipment or activities on roadways
- Access to closed areas or access to areas during non-visitor use hours
- Generator use
- Foggers

Special conditions and restrictions will be noted on the permit and we will specify the number of people and the exact types of equipment allowed. All federal and local laws and regulations apply to the operation of vehicles, and equipment. The monitor on duty will not allow equipment, vehicles and activities not specifically stated in the permit. No posting of signs on park roads is allowed.

## 23. Crew information

Crew information is available for you to review and distribute to everyone coming to work in Virgin Islands National Park. We encourage you to attach this information to the call sheet. Please call and discuss your project with us.

## 24. Aircraft

Use of aircraft, helicopters is strictly regulated in the park. All aircraft are requested to maintain an altitude of 2,000 feet above all National Parks. Exceptions are: when forced to land in emergencies, officially designated landing sites and on approved official business of the Federal Government. Wildlife nesting habitat, expectation of solitude in backcountry areas, and safety are our primary consideration with regard to over flight activities.

## **25. Closures**

See the Superintendent's Compendium for additional closures, use limits, and/or restricted activities. Permit activities and location access may be restricted based on weather or seasonal conditions (fire danger, standing water after rain, nesting season, etc.) Nesting sites for the Hawksbill turtle have been identified and restrictions have been applied to those areas.

### **For More Information**

For further assistance or information, please contact the Film Permit Coordinator 340/776-6201 ext. 244 or an email to [laurelly\\_anthony@nps.gov](mailto:laurelly_anthony@nps.gov).