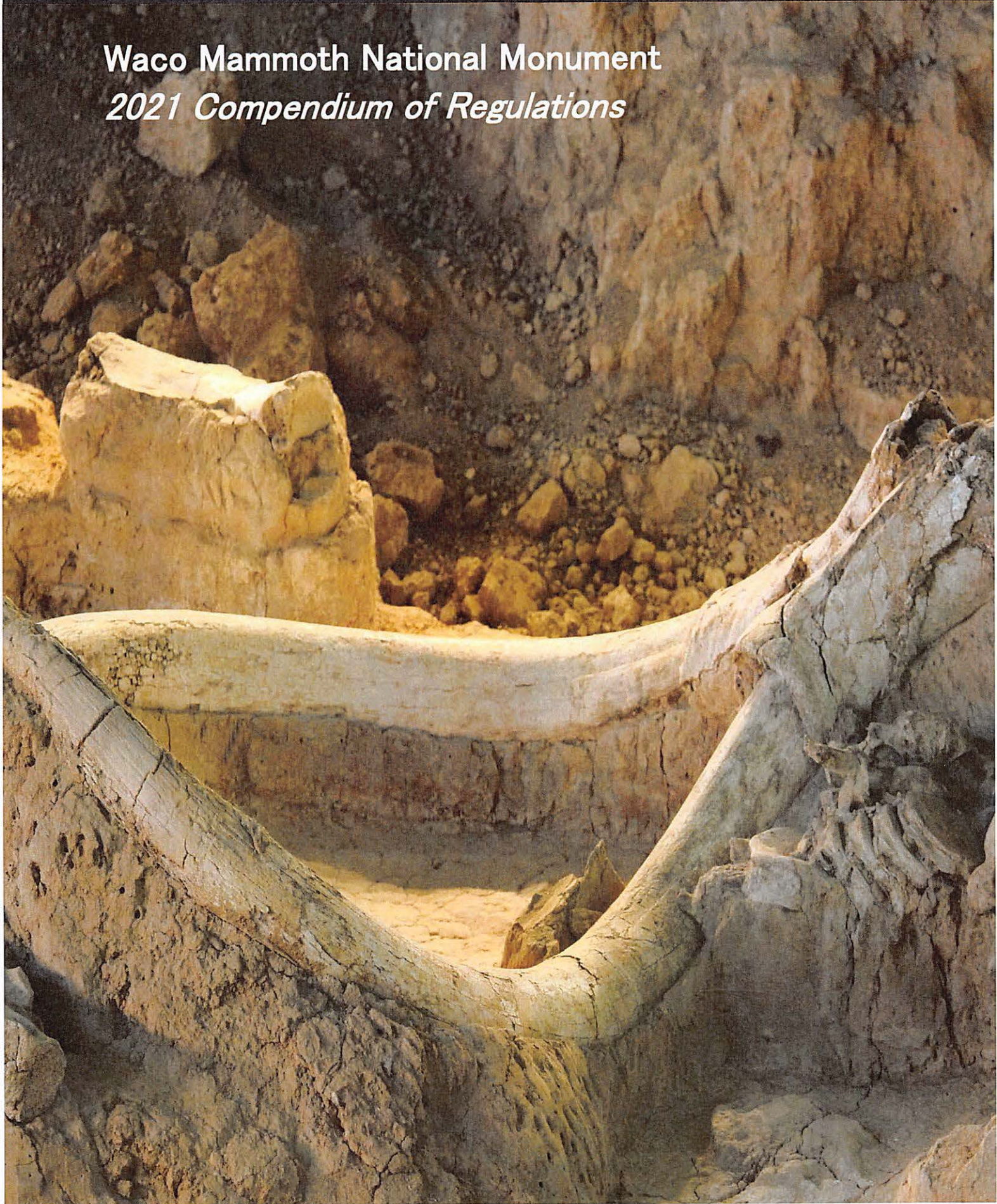




# Waco Mammoth National Monument

## *2021 Compendium of Regulations*





**National Park Service**  
**U.S. Department of the Interior**

Waco Mammoth  
 National Monument  
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## Waco Mammoth National Monument 2021 Compendium of Regulations

### AUTHORITY

Designations, Closures, Permit Requirements, and other Restrictions and/or Specifications Imposed Under the Discretionary Authority of the Superintendent, Title 36, Code of Federal Regulations, Chapter 1.

Under the authority of 54 USC 100751, and Title 36, Code of Federal Regulations, Chapter 1, Parts 1 to 7, this Compendium of Regulations is established for Waco Mammoth National Monument. The regulations listed in this compendium are a requirement in addition to those listed in Parts 1 to 7 of Title 36 unless otherwise noted. The specific authority for this regulatory authority procedure is found in Sections 1.5, 1.6, and 1.7 of Title 36.

In addition to these regulations, the following are also provided:

Written determinations that explain the reasoning behind the Superintendent's use of discretionary authority are required by Section 1.5 (c) and appear in this document as italicized print.

Section 1.6(f) states that a list of those activities that require a permit must be maintained. That list appears in this document under 1.6.

As required by 1.7(b), designations, closures, permit requirements, and other restrictions imposed under discretionary authority shall be updated annually and made available to the public upon request.

*Brian C. Perry*

Brian Perry

Recommended by: Chief Ranger

Date

*Gregory F. Smith*

Approved by: Acting Superintendent

Date

*2/5/2021*

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## INTRODUCTION

This document lists the special designations, closures, permit requirements, public use limits, and other restrictions made at the superintendent's discretion. The compendium is updated annually and augments what is contained in the Code of Federal Regulations and other applicable federal statutes and regulations.

## SECTION 1.4 – DEFINITIONS

***Electronic Personal Assistive Mobility Device (EPAMD)*** – Also known as a Segway, is a device that has two non-tandem wheels, is self-balancing, and is designed to transport only one person with an electric propulsion system that limits the maximum speed of the device to 12-1/2 miles an hour. It is defined as a motor vehicle in 36 CFR 1.4.

***Service Animals*** – are defined in 28 CFR 36.104 as, “any guide dog, signal dog or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.”

***Unmanned aircraft*** – is defined as a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g. model airplanes, quadcopters, and drones) that are used for any purpose, including for recreation or commerce.

## SECTION 1.5 - CLOSURES AND PUBLIC USE LIMITS

(a)(1) The following visiting hours and public use limits are established for all or for the listed portions of the park, and the following closures are established for all or a portion of the park to all public use or to a certain use or activity:

### Visiting Hours:

- Park buildings are open year-round except for Thanksgiving Day, Christmas Day and New Year's Day.
- Welcome Center (City of Waco) is open 9:00am–5:00pm daily.
- The Dig Shelter is open for guided tours 9:00am–5:00pm daily (last tour begins at 4:30pm).
- Guided tours of the Dig Shelter begin at the Welcome Center. Tours are conducted every 30 minutes, no reservation needed. Tours last from 45 minutes to one hour.

#### Closures:

The following roads are closed year-round to public motor vehicles, bicycles, pedestrians and/or any other methods of transportation during the periods indicated for the purpose of traffic control and resource protection (exceptions include NPS-authorized personnel/vehicles, and authorized Special Use Permit-holders):

- The service roadway to administrative areas/offices.

#### Public Use Limits:

The following park areas and facilities are closed year-round to public use during the periods indicated:

- The adjacent ravines in and around the dig shelter.

***Determination:** Visiting hours, closures and public use limits are intended to safely manage visitor use of lands and associated resources entrusted to the staff and management of the national monument. The use limits have been in-place since site designation. There have been few public comments on operating hours or visitor limits. The restrictions have served to safeguard irreplaceable resources and do not constitute an unreasonable limitation on the public.*

(a)(2) Individuals over the age of two years must wear masks, except when actively eating or drinking, in the following locations.

1. All common areas and shared workspaces in buildings owned, rented or leased by the National Park Service, including, but not limited to, park visitor centers, administrative offices, lodges, gift shops and restaurants.

2. The following outdoor areas, when others are present, where the superintendent has determined that physical distancing (staying at least six feet apart) cannot reasonably be maintained:

- Trail from Welcome Center to dig shelter

Masks must cover the nose and mouth and fit snugly around the nose and chin with no large gaps around the sides of the face. Masks not designed to be protective, masks with ventilation valves, and face shields do not meet the requirement.

***Determination:** To protect the health and safety of NPS employees, volunteers, partners and contractors, and park visitors, superintendents must implement mask-wearing requirements for park visitors, using the authority in 36 CFR 1.5(a)(2). This authority allows superintendents to impose restrictions on activities within park areas for the maintenance of public health and safety. Additionally, Executive Order 13991, Protecting the Federal Workforce and Requiring Mask-Wearing*

*(E.O. 13991). E.O. 13991 directs federal agencies to: ... immediately take action, as appropriate and consistent with applicable law, to require compliance with [Centers for Disease Control and Prevention] guidelines with respect to wearing masks, maintaining physical distance, and other public health measures by: on-duty or on-site Federal employees; on-site Federal contractors; and all persons in Federal buildings or on Federal lands.*

- (a)(2) Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Waco Mammoth National Monument is prohibited except as approved in writing by the Superintendent. (DOI Policy Memorandum 14-05)

**Determination:** *The compendium closures required by the Director of the National Park Service are implemented and deemed necessary to maintain public health and safety in units of the national park system and to protect park resources and values including, but not limited to, the protection of wildlife mating, breeding, nesting, and feeding activities, natural character, scenic values, and soundscapes, and until the NPS can determine whether specific uses of unmanned aircraft on lands and waters administered by the NPS are appropriate and will not cause unacceptable impacts on these park resources and values. NPS Management Policies 2006, states that a new form of park use may be allowed within a park only after a determination has been made in the professional judgment of the superintendent that it will not result in unacceptable impacts on park resources and values.*

## **SECTION 1.6 - PERMITS**

- (f) The following is a compilation of the activities for which a park permit is required:

Carry or possess certain weapons, traps or nets	2.4(d)
Specimen collection	2.5
Audio devices	2.12
Aircraft and air delivery	2.17
Explosives	2.38
Special events	2.50(a)
Public assemblies	2.51(a)
Sale or distribution of printed matter	2.52(a)
Livestock use and agriculture	2.60(b)
Scattering of human ashes	2.62(b)
Advertising	5.1
Business operations	5.3
Commercial photography and filming*	5.5
Construction of buildings or other facilities	5.7

See appendix C for information on commercial filming and still photography regulations.

Permits will be specific in nature to the activity being permitted. For those activities that frequently require a permit, a specific permit form has been designed, such as commercial filming and still

photography permit, etc. In most other cases, a special use permit or letter of authorization that is signed by the Superintendent and identifies the specific conditions under which the permitted activity is authorized will be prepared. In all cases, a permit or letter of authorization must be in the possession of the permittee at all times and exhibited to any authorized person upon request.

***Determination:** Permit systems authorized and issued pursuant to specific regulations in this chapter, except 1.5, need not be supported by a written determination unless required by the specific authorizing regulation.*

## **SECTION 2.1 - PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL FEATURES**

(a)(5) The following conditions are in effect for walking, climbing, entering, ascending or traversing the listed archeological or cultural resource, monuments or statues:

- Visitors on guided tours of the interior of the Waco Mammoth Dig Shelter are limited to pathways delineated by ropes, signs, stanchions, and other access control devices.
- Visitors are restricted from entering vegetative areas adjacent to established walkways and natural areas in and around the Waco Mammoth Dig Shelter, trails, and public use areas unless accompanied by NPS or City of Waco staff

## **SECTION 2.2 - WILDLIFE PROTECTION**

(a)(2) The following areas are closed to the viewing of wildlife with the use of an artificial light:

- All areas of the park.
- Exception: Wildlife counts (White Tailed Deer, animals as designated) for resource management.

***Determination:** The viewing of wildlife at night with the use of artificial lights temporarily blinds animals, which causes them to become unnatural prey for natural predators and poachers. Intentional disturbing of wildlife may adversely affect wildlife behavior (i.e., breeding and mating rituals, feeding habits, travel patterns/routes) possibly causing stressful and/or disruptive conditions for wildlife. Waco Mammoth National Monument is mandated to protect and preserve healthy and natural wildlife populations. Intentional disturbance by humans directly conflicts with this mandate and is unnatural. Disturbing wildlife can cause wildlife to leave foraging and mating areas and attract them to roads where they are more likely to become injured or killed. They may also become unnatural prey if artificially attracted out of cover.*

(d) Wildlife taken lawfully outside the legislative jurisdiction of the Park may be transported through the Park under the following conditions:

- Persons transporting will have in their possession a valid State hunting license.

- Animal carcasses will display a valid State game tag that is properly completed.
- Animal carcasses will be subject to inspection at any time by an authorized person.

*Determination: The park does not wish to impede those hunting legally nor impede the transportation of legally taken game. The transportation of game through the Park, which is closed to hunting, however, has elicited visitor complaints and could cause confusion with the Park's hunting regulation. Law enforcement park rangers are authorized to check hunters transporting game to ensure wildlife was not taken illegally within Park boundaries.*

## **SECTION 2.10 - CAMPING AND FOOD STORAGE**

- (a) Overnight camping is prohibited, except for individuals participating in the Volunteer-in-Parks program or exercising a Special Use Permit (SUP).

*Determination: The Park has no designated camping areas, in as much there are inadequate facilities for such activities. Except where permitted by written authorization by the superintendent.*

## **SECTION 2.13 - FIRES**

- (a)(1) Campfires and/or grill fires are prohibited in the park. Bonfires of any type are prohibited.

*Determination: The use of fires in the Park is regulated to protect structures, natural resources and the public. During extreme weather conditions, open fires may be restricted to prevent the accidental ignition of wildfires. Section 2.13(b) does not apply to planned ignitions by park management or wildfires determined by the Superintendent to be allowed to burn for resource benefit.*

## **SECTION 2.15 – PETS.**

- (a)(1) With the exception of specially trained service dogs meeting requirements listed under the Americans with Disabilities Act (ADA),

- Pets are prohibited in the Welcome Center.
- Pets are prohibited in the interior of Waco Mammoth Dig Shelter.
- Pets are not allowed within any park structure except for assistance animals. This prohibition shall not apply to any guide/service dogs accompanying visually impaired persons or hearing ear dogs accompanying hearing-impaired persons, or any other disabled visitors requiring service animals.

- (a)(3) There are no designated areas where pets may be left unattended and tied to an object. The owners or responsible persons of pets running-at-large will be charged for kennel or boarding costs, in addition to veterinarian, transportation, and other fees and fines.



- (a)(4) With the exception of specially trained service dogs meeting ADA requirements, pets may not be taken more than 30 feet from developed areas, such as parking lots, designated paths, public areas, and 30 feet from the centerline of any road.
- (a)(5) Pet excrement shall be properly disposed of by their owners.

***Determination:*** *These regulations are not intended to restrict pets from the Park but rather to enhance the natural experience of all visitors. Pets are natural predators and their scent alone may scare wild animals into hiding places, and cause Park wildlife to run. Pet excrement contributes to sanitation problems in visitor use areas and may contribute to transmission of wildlife diseases. During warm temperatures, pets have been left unattended and tied to objects in the Park and visitor center parking areas. Unattended pets have barked at and bitten other park visitors and are frequently public safety hazards. We recommend that a member of the group stay with the pet while the rest of the group tours the Waco Mammoth Dig Shelter and associated exhibits. Keeping a pet in an unattended vehicle during high temperatures can result in the death of the animal. Specially trained service dogs fall under provisions of the Americans with Disabilities Act (ADA) and are permitted to accompany people with disabilities in all areas where members of the public are allowed to go. Additionally, prohibitions on pets in the above-named areas serve to avert health risks and prevent inappropriate contact between the pets and people, and pets and wildlife. Pets can be threatening and even the best-behaved domestic animal can be unpredictable, therefore allowing pets on tours is maintained to protect resources and safeguard the public.*

## **SECTION 2.21 - SMOKING**

- (a) The following portions of the park, or all or portions of buildings, structures or facilities are closed to smoking:
- Waco Mammoth Dig Shelter and the Welcome Center.
  - All public use and administrative buildings and facilities, as well as within 25 feet of a public building entrance, (exception of designated exterior smoking areas)
  - Any NPS-operated vehicles, including rented or leased vehicles.
- (a) For purposes of this prohibition the definition of smoking shall extend to all forms of smoking to include electronic cigarettes, electronic nicotine delivery systems (ENDS), and Vapes or Vapor Cigarettes.

Under this policy, the use of e-cigarettes and other Electronic Nicotine Delivery Systems (ENDS) will be subject to the same restrictions as tobacco smoking. All provisions of Director's Order #50 will apply to ENDS. ENDS use will not be allowed within all facilities and vehicles that are Government owned or leased, and within concessions facilities.

***Determination:*** *Executive Order 13058, August 9, 1997, and Ch.11 of the DOI DM 11, June 29, 2009 establishes a smoke-free environment for Federal employees and members of the visiting public using federal facilities.*

*These closures were implemented in order to reduce the risk of fire in and around the Waco Mammoth Dig Shelter, to protect resources and museum collections on display and to reduce conflicts among visitor use activities in public areas.*

## **SECTION 2.35 - ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES**

- (a)(3)(i) The possession or consumption of an alcoholic beverage and/or the possession of a bottle, can, or other receptacle containing an alcoholic beverage that is open, or that has been opened, or whose seal is broken, or the contents of which has been partially removed is prohibited in all public/administrative buildings.

The superintendent may authorize the possession and consumption of alcoholic beverages as part of a special use event.

*Determination: Closing these areas to the consumption and possession of alcoholic beverages is for public safety concerns and the orderly management of the facilities.*

## **SECTION 2.51 - PUBLIC ASSEMBLIES**

- (c) (2) The following areas may be used for public demonstrations, picketing, speechmaking, marching, holding vigils or religious services and all other like forms of conduct that involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which is reasonably likely to draw a crowd of onlookers:

- o Waco National Monument Parking lot adjacent to the service roadway entrance.

*Determination: This action is necessary to comply with 36 CFR 2.51 to provide a map showing locations available for public assembly activities. The areas provided should not unreasonably interfere with visitor services and should provide adequate public recognition for any public assembly activity.*

## **SECTION 2.62 – MEMORIALIZATION**

- (c) Most areas in Waco Mammoth National Monument, excluding waterways, are open to the scattering of human ashes with a permit from the Superintendent.

*Determination: The resource concerns for this type of activity are minimal. Such activity can occur without causing any negative impacts to the resources of the area.*

## **Section 3.21 – SWIMMING AND BATHING**

- (a)(1) The following areas are closed to swimming and bathing:

- Any waterways, ponds, or ravines located within the 5-acre legislative boundary of Waco Mammoth National Monument.

**Determination:** *The Park does not maintain public swimming facilities and is only used as a natural resource aspect. The waterways and ravines likely contain in situ fossil remains which could be damaged by these activities.*

## **SECTION 4.10 - VEHICLES AND TRAFFIC SAFETY**

- (a) Travel off-road by the public is prohibited.
- (a) Electronic Personal Assistive Mobility Device (EPAMD), motorized scooters and similar devices, as defined under 36 CFR 1.4 are motor vehicles.

Any visitor or employee with a disability is permitted to use EPAMDs, motorized scooters, motorized wheelchairs or similar devices in park buildings and developed areas, to include parking lots, when the sole purpose for use of such devices is mobility assistance.

Individuals with disabilities who operate one of the above described devices must operate the device in a safe and responsible manner so as not to endanger one's self or other park visitors. The maximum speed for such devices is 8 mph. The operator of an assistive mobility device will have the same rights applicable to a pedestrian under the same circumstances, except the operator must yield to other pedestrians.

Wheelchairs (either manual or motorized) are not considered motor vehicles or mechanized vehicles and are allowed in all park areas, although this is not recommended.

**Determination:** *The Park wishes to provide as much access as possible to visitors with disabilities while maintaining an environment that is safe for all visitors and protects park resources.*

## **SECTION 4.21 - SPEED LIMITS –**

- (b) The Superintendent has established the following speed limits:
- Steinbeck Bend Road – 25 mph
  - Waco Mammoth National Monument Parking Area – 15 mph

**Determination:** *36 CFR 4.21(a) establishes a 45 mph speed limit for park roads outside of certain areas listed in 36 CFR 4.21(a)(1) and (a)(2) unless the Superintendent determines that the speed is “unreasonable, unsafe or inconsistent with the purposes for which the park area was established” as stated in 36 CFR 4.21(b). The Superintendent has determined that the speed limits listed above are reasonable, safe and consistent with park purposes. Many are based on the recommendations from Department of Transportation road engineers.*

## **SECTION 4.30 - BICYCLES**

- (a) Bicycle and/or “E-bike” use within Waco Mammoth National Monument is permitted only on routes and areas open to public motor vehicles and pedestrian traffic. They are prohibited on administrative roads. Exceptions include the Service road to the NPS administrative offices

(see Section 1.5 Closures and Public Use Limits). Park staff is authorized to use bicycles on administrative roads approved by the Superintendent.

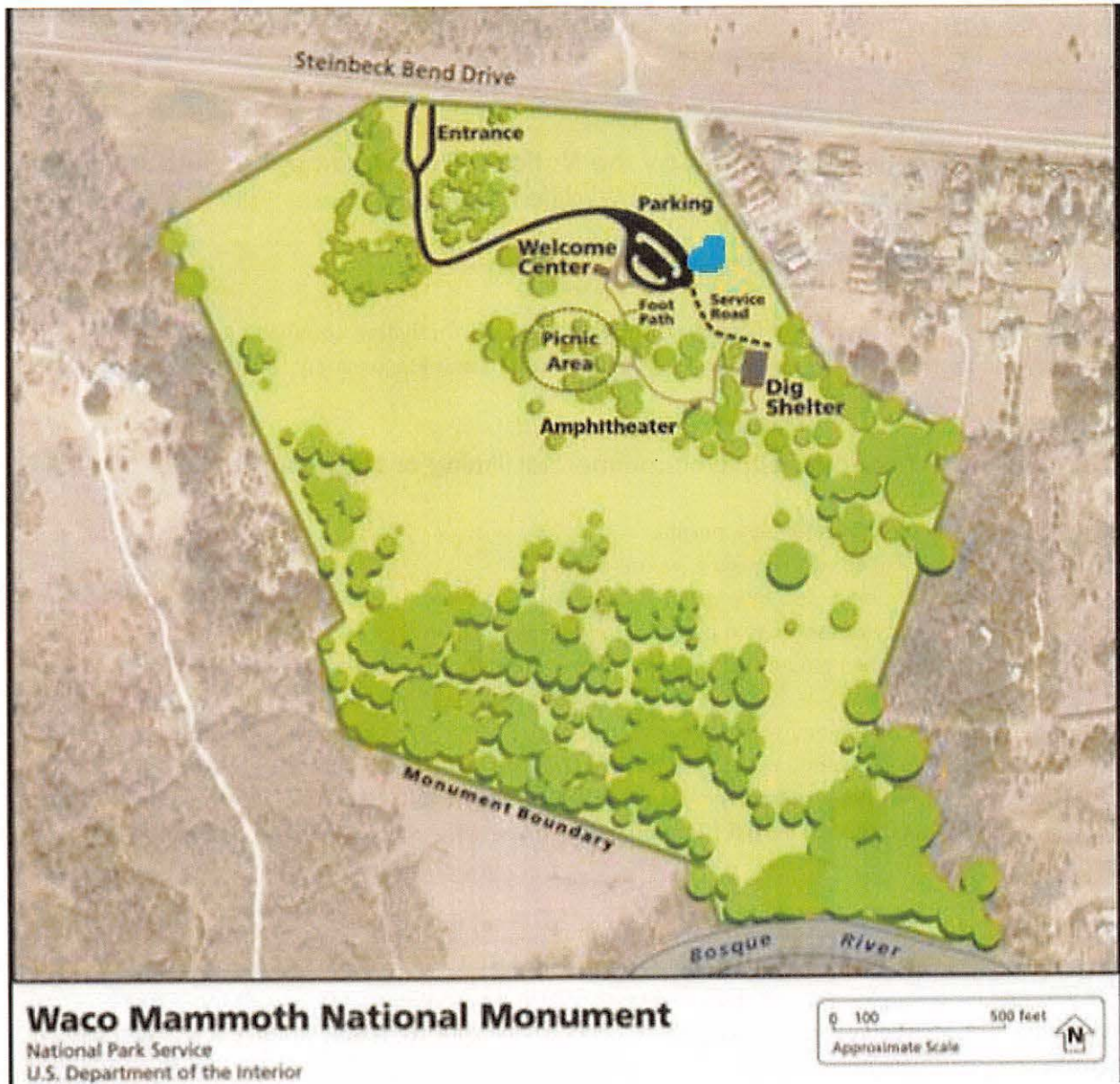
- (b) “The term “e-bike” means a two- or three-wheeled cycle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.).

E-bikes are allowed in Waco Mammoth National Monument where traditional bicycles are allowed. E-bikes are prohibited where traditional bicycles are prohibited. Except where use of motor vehicles by the public is allowed, using the electric motor to move an e-bike without pedaling is prohibited.

A person operating an e-bike is subject to the following sections of 36 CFR part 4 that apply to the use of traditional bicycles: sections 4.12, 4.13, 4.20, 4.21, 4.22, 4.23, and 4.30(h) (2)–(5).

Except as specified in this Compendium, the use of an e-bike within Waco Mammoth National Monument is governed by State law, which is adopted and made a part of this Compendium. Any violation of State law adopted by this paragraph is prohibited.”

***Determination:** Bicycle use is permitted on all roads open to public motor vehicles and trails. They are not permitted on trails and roads closed to the public. Travel off road and in wildlife areas could negatively affect the natural landscape and bring undue stress to the wildlife contained therein. Additionally, the use off trail or off road could damage existing in situ paleontological resources.*



Assembly Area =



## **Appendix C – Commercial Filming and Still Photography Regulations**

Authority: 5 U.S.C. 301; 16 U.S.C. 1-3, 3a, 668dd-ee, 715i, 460l-6d; 25 U.S.C. 2; 31 U.S.C. 9701; 43 U.S.C. 1701, 1732-1734, 1740.

Source: 78 FR 52095, Aug. 22, 2013, unless otherwise noted.

### **Subpart A - Areas Administered by the National Park Service, the Bureau of Land Management, and the U.S. Fish and Wildlife Service**

#### **§5.1 What does this subpart cover?**

This subpart covers commercial filming and still photography activities on lands and waters administered by the National Park Service, the Bureau of Land Management, and the U.S. Fish and Wildlife Service.

#### **§5.2 When do I need a permit for commercial filming or still photography?**

- (a) All commercial filming requires a permit.
- (b) Still photography does not require a permit unless:
  - (1) It uses a model, set, or prop as defined in § 5.12; or
  - (2) The agency determines a permit is necessary because:
    - (i) It takes place at a location where or when members of the public are not allowed; or
    - (ii) The agency would incur costs for providing on-site management and oversight to protect agency resources or minimize visitor use conflicts.
- (c) Visitors do not require a permit for filming or still photography activities unless the filming is commercial filming as defined in § 5.12 or the still photography activity involves one of the criteria listed in § 5.2 (b).

#### **§5.3 How do I apply for a permit?**

For information on application procedures and to obtain a permit application, contact the site manager at the location at which you seek to conduct commercial filming or still photography activities.

#### **§5.4 When is a permit required for news-gathering activities?**

- (a) Permit requirements. News-gathering activities involving filming, videography, or still photography do not require a permit unless:
  - (1) We determine a permit is necessary to protect natural and cultural resources, to avoid visitor use conflicts, to ensure public safety or authorize entrance into a closed area; and
  - (2) Obtaining a permit will not interfere with the ability to gather the news.
- (b) Terms and conditions. All permits issued under this section will include only terms and conditions necessary to maintain order, ensure the safety of the public and the media, and protect natural and cultural resources.

(c) Exemptions. A permit issued for news-gathering activities is not subject to location fees or cost recovery charges.

### **§5.5 When will an agency deny a permit for commercial filming or still photography?**

We will deny a permit authorizing commercial filming or still photography if we determine that it is likely that the activity would:

- (a) Cause resource damage;
- (b) Unreasonably disrupt or conflict with the public's use and enjoyment of the site;
- (c) Pose health or safety risks to the public;
- (d) Result in unacceptable impacts or impairment to National Park Service resources or values;
- (e) Be inappropriate or incompatible with the purpose of the Fish and Wildlife Service refuge;
- (f) Cause unnecessary or undue degradation of Bureau of Land Management lands; or
- (g) Violate the Wilderness Act (16 U.S.C. 1131-1136) or any other applicable Federal, State, or local law or regulation.

### **§5.6 What type of permit conditions may the agency impose?**

- (a) We may impose permit conditions including, but not limited to, conditions intended to:
  - (1) Protect the site's values, purposes, and resources, and public health and safety; and
  - (2) Prevent unreasonable disruption of the public's use and enjoyment.
- (b) We may revoke your permit if you violate a permit condition.

### **§5.7 What are my liability and bonding requirements as a permit holder?**

- (a) Liability. In accepting a permit, you agree to be fully liable for any damage or injury incurred in connection with the permitted activity, and to indemnify and hold harmless the United States of America as a result of your actions. We may require you to obtain property damage, personal injury, commercial liability or public liability insurance in an amount sufficient to protect the United States from liability or other claims arising from activities under the permit. The insurance policy must name the United States of America as an additional insured.
- (b) Bond. You are responsible for all response, repair and restoration if your activity causes damage to an area. We may also require you to provide a bond or other security sufficient to secure any obligations you may have under the permit and applicable laws and regulations, including the cost of repair, reclamation, or restoration of the area. The amount of the bond or security must be in an amount sufficient to provide full payment for the costs of response and restoration, reclamation, or rehabilitation of the lands in the event that you fail to adequately repair, reclaim, or restore the area as directed by the agency. If the amount of the bond or other security is inadequate to cover cost of the repair, reclamation, or restoration of the damaged lands or resources you will also be responsible for the additional amount.

### **§5.8 What expenses will I incur?**

You must pay us a location fee and reimburse us for expenses that we incur, as required in this section.

(a) Location fee.

(1) For commercial filming and still photography permits, we will require a reasonable location fee that provides a fair return to the United States.

(2) The location fee charged is in lieu of any entrance or other special use fees. However, the location fee is in addition to any cost recovery amount assessed in paragraph (b) of this section and represents a fee for the use of Federal lands and facilities and does not include any cost recovery.

(3) We will assess location fees in accordance with a fee schedule, which we will publish in the Federal Register and also make available on the internet and at agency field offices. The location fee does not include any cost recovery.

(b) Cost recovery. You must reimburse us for actual costs incurred in processing your request and administering your permit. We will base cost recovery charges upon our direct and indirect expenses including, but not limited to, administrative costs for application processing, preproduction meetings and other activities, on-site monitoring of permitted activities, and any site restoration.

## §5.9 How long will it take to process my request?

We will process applications for commercial filming and still photography permits in a timely manner. Processing times will vary depending on the complexity of the proposed activity. A pre-application meeting with agency personnel is encouraged and may assist us in processing your request for a permit more quickly. For information on application procedures contact the appropriate agency field office.

## §5.10 Can I appeal a decision not to issue a permit?

Yes. If your request for a permit is denied, the site manager issuing the denial will inform you of how and where to appeal.

## §5.11 Information collection

The information collection requirements contained in this subpart have been approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3501 et seq., and assigned the following OMB clearance numbers: 1024-0026 for the National Park Service, 1004-0009 for the Bureau of Land Management and 1018-0102 for the Fish and Wildlife Service. This information is being collected to provide land managers data necessary to issue permits for commercial filming or still photography permits on Federal lands. This information will be used to grant administrative benefits. The obligation to respond is required in order to obtain a benefit. You may send comments on this information collection requirement to the Departmental Information Collection Clearance Officer, U.S. Department of the Interior, 1849 C Street NW., MS3530, Washington, DC 20240.

## §5.12 How are terms defined in this subpart?

The following definitions apply to this subpart:

**Agency, we, our, or us** means the National Park Service, the Bureau of Land Management, and the U.S. Fish and Wildlife Service, as appropriate.

**Commercial filming** means the film, electronic, magnetic, digital, or other recording of a moving image by a person, business, or other entity for a market audience with the intent of



generating income. Examples include, but are not limited to, feature film, videography, television broadcast, or documentary, or other similar projects. Commercial filming activities may include the advertisement of a product or service, or the use of actors, models, sets, or props.

**Cost recovery** means the money that an agency collects as reimbursement for actual costs it incurred to permit a particular activity, including but not limited to, accepting and processing a permit application and monitoring the permitted commercial filming or still photography activity.

**Location fee** means a land or facility use fee similar to rent that provides a fair return to the United States for the use of Federal lands or facilities when used for:

- (1) Commercial filming activities or similar projects; and
- (2) Still photography activities where a permit is required.

**Model** means a person or object that serves as the subject for commercial filming or still photography for the purpose of promoting the sale or use of a product or service. Models include, but are not limited to, individuals, animals, or inanimate objects, such as vehicles, boats, articles of clothing, and food and beverage products, placed on agency lands so that they may be filmed or photographed to promote the sale or use of a product or service. For the purposes of this part, portrait subjects such as wedding parties and high school graduates are not considered models, if the image will not be used to promote or sell a product or service.

**News** means information that is about current events or that would be of current interest to the public, gathered by news-media entities for dissemination to the public. Examples of news-media entities include, but are not limited to, television or radio stations broadcasting to the general public and publishers of periodicals (but only if such entities qualify as disseminators of "news") who make their products available for purchase by or subscription by or free distribution to the general public.

- (1) As methods of news delivery evolve (for example, the adoption of the electronic dissemination of newspapers through telecommunications services), these alternative media will be considered to be news-media entities.
- (2) A freelance journalist is regarded as working for a news-media entity if the journalist can demonstrate a solid basis for expecting publication through that entity, even if the journalist is not actually employed by the entity. A contract would present a solid basis for such an expectation; we may also consider the past publication record of the requester in making such a determination.

**News-gathering activities** means filming, videography, and still photography activities carried out by a representative of the news media.

**Permit** means a written authorization to engage in uses or activities that are otherwise prohibited or restricted.

**Representative of the news media** means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.

***Resource damage*** means harm to the land or its natural or cultural resources that cannot reasonably be mitigated or reclaimed.

***Sets and props*** means items constructed or placed on agency lands to facilitate commercial filming or still photography including, but not limited to, backdrops, generators, microphones, stages, lighting banks, camera tracks, vehicles specifically designed to accommodate camera or recording equipment, rope and pulley systems, and rigging for climbers and structures. Sets and props also include trained animals and inanimate objects, such as camping equipment, campfires, wagons, and so forth, when used to stage a specific scene. The use of a camera on a tripod, without the use of any other equipment, is not considered a prop.

***Still photography*** means the capturing of a still image on film or in a digital format.

***Videography*** means the process of capturing moving images on electronic media, e.g., video tape, hard disk or solid-state storage.