



**FOREST SERVICE HANDBOOK
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FSH 2709.11 – SPECIAL USES HANDBOOK

CHAPTER 40 – SPECIAL USES ADMINISTRATION

Amendment No.: 2709.11-2008-2

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Approved: CHARLES MYERS
Associate Deputy Chief, NFS

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Posting Instructions: Amendments are numbered consecutively by handbook number and calendar year. Post by document; remove the entire document and replace it with this amendment. Retain this transmittal as the first page(s) of this document. The last amendment to this handbook was 2709.11-2008-1 to chapter 30.

New Document	2709.11_40	63 Pages
Superseded Document(s) by Issuance Number and Effective Date	2709.11_40 (Amendment 2709.11-2007-1, 08/16/2007)	53 Pages

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45 - INDUSTRY

45.5 - Arts

1. Authority

- a. Statutory Authority. Cite the Act of May 26, 2000 (16 U.S.C. 460l-6d) for all authorizations issued for still photography or commercial filming uses.

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- b. Regulatory Authority. The processing of proposals and applications and the authorization, administration, and monitoring of still photography and commercial filming activities on National Forest System lands are subject to the Forest Service special use regulations at 36 CFR part 251, Subpart B.
2. Definitions. The following terms are used to describe components of still photography and commercial filming activities:
- a. Actor. An individual who either:
- (1) Portrays a character or himself/herself in the reenactment of an event or incident, or
 - (2) Narrates a storyline for commercial filming purposes. News broadcasters and correspondents, as well as witnesses, victims, or other parties interviewed by a news broadcaster or correspondent, who appear before a camera in the reporting of breaking news, are not considered actors for purposes of this definition.
- b. Breaking News. An event or incident that arises suddenly, evolves quickly, and rapidly ceases to be newsworthy.
- c. Commercial Filming. Use of motion picture, videotaping, sound-recording, or any other type of moving image or audio recording equipment on National Forest System lands that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets, or props, but not including activities associated with broadcasting breaking news. For purposes of this definition, creation of a product for sale includes a film, videotape, television broadcast, or documentary of historic events, wildlife, natural events, features, subjects or participants in a sporting or recreation event, and so forth, when created for the purpose of generating income.
- d. Model. An individual who poses for the commercial filming or still photography of a product or service for the purpose of promoting its sale or use. A model may also include inanimate objects, such as vehicles, boats, off-highway vehicles, articles of clothing, food and beverage products, and so forth, placed on National Forest System lands so that they may be filmed, photographed, or recorded to promote their sale or use.
- e. Sets and Props. Items constructed or placed on National Forest System lands to accommodate commercial filming or still photography, such as backdrops, generators, microphones, stages, lighting banks, camera tracks, vehicles specifically designed to accommodate camera or recording equipment, rope and pulley systems, 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. A set or prop does not include any of the

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preceding items when they are used to report breaking news, nor does a prop include a hand-held camera or a camera mounted on a tripod.

f. Still Photography. The use of photographic equipment to capture still images on film, digital format, and other similar technologies on National Forest System lands that:

(1) Takes place at a location where members of the public are generally not allowed or where additional administrative costs are likely, or

(2) Uses models, sets, or props that are not a part of the site's natural or cultural resources or administrative facilities.

3. Insurance and Bonding. Where appropriate, the Authorized Officer shall require liability insurance and/or performance bonds necessary to protect the public interest.

45.51 - Still Photography

45.51a - Permit Requirements

A special use permit is not required for still photography when that activity involves breaking news (sec. 45.5). A special use permit:

1. Is required for all still photography (sec. 45.5) activities on National Forest System (NFS) lands that involve the use of models, sets, or props that are not a part of the natural or cultural resources or administrative facilities of the site where the activity is taking place.

2. May be required for still photography activities not involving models, sets, or props when the Forest Service incurs additional administrative costs as a direct result of the still photography activity or when the still photography activity takes place at a location where members of the public generally are not allowed.

When a special use permit is required for a still photography activity and the request is an acceptable use of NFS lands (sec. 45.52), issue a special use permit for still photography activities on Form FS-2700-25, Temporary Special Use Permit, or on Form FS-2700-4, Special Use Permit.

45.51b - Evaluation of Proposals

A special use permit may be issued (when required by sec. 45.51a) to authorize the use of NFS lands for still photography when the proposed activity:

1. Meets the screening criteria in Title 36, Code of Federal Regulations, section 251.54 (36 CFR 251.54).

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2. Would not cause unacceptable resource damage;
3. Would not unreasonably disrupt the public's use and enjoyment of the site where the activity would occur.
4. Does not pose a public health and safety risk; and
5. If it is to occur in a Congressionally designated wilderness area, and the activity contributes to the purposes for which the wilderness area was established.

45.51c - Land Use Fees

Charge a land use fee for all still photography activities authorized under permit, unless the holder or the activity qualifies for a fee waiver as provided in FSH 2709.11, chapter 30.

Direction on fee administration, calculation, accounting, and expenditure of funds for still photography activities is found in FSH 2709.11, chapter 30.

45.52 - Commercial Filming

45.52a - Permit Requirements

1. A special use permit is required for all commercial filming (sec. 45.5) activities on National Forest System lands (NFS). A special use permit is not required for broadcasting breaking news (sec. 45.5).
2. Authorize the use of NFS lands for commercial filming activities on Form FS-2700-25, Temporary Special Use Permit, or on Form FS-2700-4, Special Use Permit, when the commercial filming activity is an acceptable use of NFS lands (sec. 45.52b).

45.52b - Evaluation of Proposals

Use the criteria found in section 45.51b for evaluating proposals to use NFS lands for commercial filming activities.

45.52c - Land Use Fees

Charge a land use fee for all commercial filming activities, unless the holder or the activity qualifies for a fee waiver as provided in FSH 2709.11, chapter 30.

Direction on land use fee administration, calculation, accounting, and expenditure of funds for commercial filming activities is found in FSH 2709.11, chapter 30.

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