



Routt National Forest

Routt National Forest District Offices (Administrative Units)

Hahns Peak/Bears Ears Ranger District - Steamboat Springs, CO 970-870-2299
Parks Ranger District - Walden, CO 970-723-2400
Yampa Ranger District - Yampa, CO 970-638-4516

Application and Permit Process for Obtaining a Commercial Filming or Still Photography Permit

The Forest Service requires a permit and a fee to be paid for the use of National Forest System (NFS) lands for commercial filming and still photography, per Public Law 106-206 and 36 Code of Federal Regulations (CFR) 251, Subpart B.

Commercial filming is the use of motion picture, videotaping, sound-recording, or any other type of moving image or audio recording equipment on NFS 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. Broadcasting breaking news is not considered commercial filming.

Still photography is the use of photographic equipment to capture still images on film, digital format, and other similar technologies on NFS lands that:

- Takes place at a location where members of the public are generally not allowed or where additional administrative costs are likely.
- Uses models, sets, or props that are not a part of the site's natural or cultural resources, or administrative facilities.

A permit **is** required for all commercial filming activities on NFS lands.

A permit **is** required for all still photography activities on 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 occurring.

A permit **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 activity or when the activity takes place at a location where members of the public are generally not allowed.

A permit is **not** required for still photography or commercial filming of breaking news.

A permit will not be granted if the proposed activity:

- 1) Causes unacceptable resource damage.
- 2) Unreasonably disrupts the public's use and enjoyment of the site where the activity would occur.

Examples:

Explanations are derived from the definitions published in the *Federal Register* notice of July 13, 2004. This is not a comprehensive list. Please contact the Forest Service District office for a determination of need for a permit.

- 1) ESPN films the Gravity Games. A permit is required. A product for sale will be created, in this case, a sporting or recreation event.
- 2) A TV station films pieces of the Gravity Games to show on tonight's news. No permit is required. This is considered breaking news.
- 3) A TV station films segments for a weekly TV show or special. A permit is required. A product for sale is created; in this case, a television broadcast that is not breaking news.
- 4) A photographer stops along an open Forest road to take still photos of a mountain scene for use in a calendar that she plans to sell. No permit required. There is no use of actors, props, models or sets.
- 5) A person wants to shoot a person doing repeated bicycle stunts on the Forest trail for use in a promotional video. A permit is required. A product for sale will be created; in this case, a film of sporting or recreation activity. The stunt person is also considered an actor or model.
- 6) A local business owner encourages a film company to include their business in film that will be aired on TV. A permit is required. Creation of a product for sale, a TV broadcast.
- 7) Ford films a commercial for its new SUV. A permit is required. Sale of a product.
- 8) Coach or other person films an athlete for promotional/commercial purposes. A permit is required. Film of a subject in a sporting event created for the purpose of generating income.
- 9) REI, Cabela's, etc. hires a photographer to shoot their new winter catalog. A permit is required. Models and props are used and products are for sale.

Checklist / Guidelines for Photo and Filming Request

- ❑ Make preliminary phone contact with the Forest Service as early as possible to obtain information and coordinate with appropriate contact. If an activity takes place within a ski area boundary, contact the ski area as well.
- ❑ Must submit a **completed** Commercial Filming Request supplemental application and a map, a minimum of 10 working days prior to desired shoot for a minimal impact, short duration request and at least 30 days prior to desired shoot date for activities of longer duration and/or above minimal impact. All proposals should be made through the specific Administrative Unit upon which the activity is proposed.
- ❑ List the number of people to be involved on location in the request for, as this pertains to the land use fee calculation.
- ❑ Provide a time schedule including dates and locations of operations, set-up and take down.
- ❑ List all vehicles, equipment, chemicals, and other materials that will be used or transported.
- ❑ Script or storyboard and a thorough, written description of the film project should be included with the filming request form.
- ❑ Certificate of Insurance or copy of the Policy. The policy must include an endorsement that adds the U.S. government as additionally insured and provide for thirty (30) days written notification of cancellation to the U.S. Government, c/o USDA Forest Service. The amount of insurance required will depend on the degree of risk involved. The required minimum liability coverage necessary:
 - \$10,000 Property damage
 - \$100,000 Injury or death to one individual
 - \$300,000 Injury or death to more than one individual
 - \$300,000 Combined Single Limit (CSL)
- ❑ Documents showing coordination between other parties, such as Location Agreements, permits necessary from County, Department of Transportation, private landowners or other permittees.
- ❑ Performance Bond or other acceptable methods of surety if required for restoration.
- ❑ All fees are due and payable prior to permit issuance.

CERTIFICATE OF INSURANCE EXAMPLE

ACORD™ CERTIFICATE OF LIABILITY INSURANCE				DATE (MM/DD/YYYY) 10/14/2005	
PRODUCER (307)745-8981 FAX (307)745-8987 BW Insurance Agency, Inc. 222 E Garfield St PO Box 926 Laramie, WY 82073		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.			
INSURED		INSURERS AFFORDING COVERAGE		NAIC #	
<div style="border: 2px solid red; padding: 5px; background-color: yellow;"> PERMIT HOLDER'S NAME, BUSINESS NAME & MAILING ADDRESS </div>		INSURER A: Gillingham & Associates			
		<div style="border: 2px solid red; padding: 5px; background-color: yellow;"> Policy Effective Date should NOT expire during normal operation period. </div>			
COVERAGES THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED UNDER ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT. THIS CERTIFICATE MAY BE ISSUED OR REVOKED AT ANY TIME WITHOUT NOTICE. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO THE POLICIES, AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.					
INSR	ADD'L TR. INSR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY) LIMITS
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR _____ GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	██████████	09/15/2005	09/15/2006
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON OWNED AUTOS			
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO			
		EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE _____ DEDUCTIBLE \$ _____ RETENTION \$ _____			
		XXXXXXXXXXXXXXXXXXXX EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER			
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS					

PERMIT HOLDER'S NAME, BUSINESS NAME & MAILING ADDRESS

Policy Effective Date should NOT expire during normal operation period.

REQUIREMENTS FOR A PERMIT HOLDER'S CERTIFICATE OF INSURANCE

This is the minimum coverage that is normally required (unless otherwise specified - certain activities require higher coverage). To provide extra protection, you may choose to carry more than the minimum. Talk to your agent about what is appropriate.

Brief description of all that you do on National Forest lands that insurance covers you for. Examples: "Guided big game hunts", "Guided fishing trips", "Guided backpacking trips", "Guided horseback rides", "Guided whitewater raft trips", "Mountain bike race event" or "Horse (or llama) livery service".

This must specify:
**U.S. GOVERNMENT
 C/O US FOREST SERVICE
 MEDICINE BOW-ROUTT NATIONAL FORESTS
 925 WEISS DRIVE
 STEAMBOAT SPRINGS, CO 80487-9315**

Must specify "CERTIFICATE HOLDER AS ADDITIONAL INSURED SOLELY AS RESPECTS LIABILITY ARISING FROM OPERATIONS OF THE NAMED INSURED"

Must specify 30 days

Must have insurance company representative's signature

Cross out all blacked-out wording. Insurance company must NOTIFY us of cancellation, not just ENDEAVOR TO notify us. Failure to do so does impose obligations and/or liabilities.

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL _____ MAIL _____ DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE DEFENDANT. ~~BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.~~

 AUTHORIZED REPRESENTATIVE

Definitions

Commercial Filming: Use of motion picture, videotaping, sound recording, or any other 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 models, actors, sets or props, but not including activities associated with broadcasting breaking news, as defined in FSH 2709.11, chapter 40. 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. A special use permit is required for all commercial filming activities on National Forest System lands.

Still Photography: use of still photographic equipment on National Forest System lands that takes place at a location where members of the public generally are not allowed or where additional administrative costs are likely, or uses models, sets or props that are not part of the site's natural or cultural resources or administrative facilities.

Breaking News: An event or incident that arises suddenly, evolves quickly, and rapidly ceases to be newsworthy. Examples of breaking news may include: a plane crash, a wild land fire, lost child and other types of search and rescue proceedings, segments of special events, such as a sporting or recreation event included as a news item on the nightly news sportscast.

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.

Actor: An individual who either: a) portrays a character or himself/herself in the reenactment of an event or incident, or b) 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.

Sets & 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 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.

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