

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

Checklist for Photo and Filming Request

The following checklist contains a few key items that should help facilitate an understanding of the needs and requirements to obtain a filming permit and to expedite the process for the film/photo industry as well as the Forest Service.

- ☐ **Make preliminary phone contact with the Forest Service** At least 10 days prior to the proposed filming date or photo shoot, for a minimal impact, short duration request and 30 days prior to desired shoot date for activities of longer duration and/or above minimal impact. (Shorter timeline request will be done on a case by case basis). the production company and/or location scout should contact the Forest Service office to describe the type of location desired for filming and the activity or effect to be captured on film or print. The Special Use Administrator may suggest areas which have the “look” desired which could help save the company hours and perhaps days of scouting. If the proposed activities are incompatible with the area resources or Forest policy (such as, inappropriate use of off-highway vehicles), an explanation will be given as to why the proposal is unacceptable and possible alternatives will be discussed. For more information concerning the **Rio Grande National Forest** contact **Kyle Burton**. Phone Number 719-872-4036. If an activity takes place within a ski area boundary, contact the ski area as well.
- ☐ Submit, a Photography and Filming Request
 - ☐ List the number of people to be involved on location per day in the request as this pertain 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.
- ☐ Map,
- ☐ An individual legally authorized to sign for the applicant must be available to sign the permit.

- ☐ Documents showing coordination between other parties, such as Location Agreements, permits necessary from County, Department of Transportation, private landowners, or other permittees (such as a ski area)
- ☐ Performance Bond or other acceptable methods of surety may be required.
- ☐ All fees are due and payable, prior to filming.

Rio Grande National Forest contact and location to submit your proposal:

Kyle Burton
Realty Specialist
Rio Grande National Forest
1055 9th Street
Del Norte, CO 81132

Office: 719-872-4036
kyle.burton@usda.gov

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HMD9:	Still Photography	Commercial	TV Episode
	Music Video	Corporate Video	Documentary
WHAT WILL THE PRODUCT BE USED FOR?			

PROPOSED LOCATION(S) (Including size of area to be used, legal description) ATTACH A MAP:

Total number of people on location (include actors, crew members, etc.):

Set Up (date, length of time, time of day):

Production (start/stop):

Breakdown and restoration (start/stop):

STUNTS/SPECIAL EFFECTS PROPOSED: (check all that apply)

☐ Pyrotechnics ☐ Hazardous Materials ☐ Riparian Area ☐ Aerial Stunts

☐ Domestic or Wild Animals ☐ Developed Recreation Site ☐ Snow effects
Other

Special Request information:

☐ Wilderness

Use of aircraft (type, time of day)

Other

II. Description of Activity:

(Include map of area, proposed ground disturbing activities, attach narratives and story boards of action in full description needed):

Include parking plan (vehicles, equipment, aircraft):

Include staging plan (dressing rooms, catering, portable restrooms, etc.):

III. Description of Equipment:

EQUIPMENT DETAIL (numbers):

_____ GENERATORS _____ CARS _____ TRUCKS _____ RVS _____ OTHER (describe)

Action involving vehicles and/or equipment:

Props proposed:

Traffic and safety control/special closures measures needed: (have you obtained permission to use improvements not owned by/under the jurisdiction of the United States Government, i.e. structures, roadways, etc.)?

A bond may be required for any activity requiring surface reclamation or restoration.

Applicants Signature: _____	Date: _____
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Additional Details:

To be completed by the Forest Service:

Fees

Photography/Filming Land Use Fee: _____

Permit Preparation/Monitoring Cost: _____

(See attached financial plan, if applicable)

Total Amount: _____

Certification of Insurance Received: ☐ Yes ☐ No

Bonding:

Required: ☐ Yes ☐ No

Received: ☐ Yes ☐ No

Concessionaire/Permittee Coordination Required: ☐ Yes ☐ No

Other Landowner/Agency Coordination Required: ☐ Yes ☐ No

History & Examples

In May of 2000, Public Law 106-206 provided direction for managing commercial filming and still photography. In July of 2004, The Code of Federal Regulations, 36 CFR 251, Subpart B was revised to clarify that a special use authorization is required for special uses including filming and still photography that occur on National Forest System roads and trails. The Forest Service requires a permit and a fee to be paid for the use of National Forest System lands for commercial filming and still photography. (See Definitions page 3)

Below is a list of examples to help determine when a permit is or is not required. The 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.**

Examples for Still Photography:

Two photographers with only tripods and cameras are taking still photos of scenery on NFS lands to sell as postcards, framed photos and to sell to magazines. No permit is required.

An outdoor clothing company shoots a catalog. Models and props are used. A permit is required.

A winter sports magazine is taking still photos of skiers, snowboarders or snowmobilers recreating on the NF. As long as these recreationists were already engaged in the activity on their own and the recreationists are not being instructed (models), no permit is required.

Posing of recreationists (models) or the use of props, to sell a product, such as skis or snowmobiles, requires a permit.

A photographer wants to go behind a gate that is closing a road to take pictures of elk bedding down. A permit is required because this is a location where the general public is not allowed.

Newspaper takes still photos of a downhill ski race. No permit is required; this is breaking news.

Examples for Commercial Filming:

Snowy Ski Resort hires Friendly Film Company to film promotions to "Ski Snowy". This may be included in the existing ski area permit.

The USA Channel wants to use Snowy Ski Area as a backdrop for their evening program "Dinner and a Movie". A permit issued to USA is required. A product for sale will be created; in this case, a TV broadcast.

Happy Hunting Outfitters solicits Friendly Film Company to put their hunting business in their new TV show, "Hunting with the Stars". A permit issued to FFC is required. A product for sale will be created; in this case, a TV broadcast.

ESPN films the "Gravity Games" as a program for concurrent or delayed broadcast. A permit to ESPN is required. This does not meet the definition of breaking news and a product for sale (TV broadcast) is created.

A local TV station films pieces of the Gravity Games for a short broadcast clip on tonight's news. No permit is required. This is breaking news.

ABC films for "Wide World of Sports". A permit is required. A product for sale will be created; in this case, a television broadcast of sporting or recreation events. This does not fit the definition of breaking news.

Sticky Productions films segments for RSN. A permit is required. A product for sale will be created; in this case, a television broadcast of sporting or recreation events.

Warren Miller films portions of new film. A permit is required. A product for sale will be created; in this case, a film of sporting or recreation events.

The permit holder encourages a film company to put his/her business in a film or video that will be aired on TV. Even if the permittee is paying or donating services in the furtherance of the filming, a permit is required. The primary purpose of the filming is to create a product for direct sale or for broadcast where sale of commercial time will occur.

Ford films a commercial for its new SUV. A permit is required; this is the sale of a product.

Coach or other person films an athlete for training purposes. No permit is required. Not commercial.

Coach or other person films an athlete for promotional/commercial purposes. A permit is required. Film or video of a subject in a sporting event created for the purpose of generating income.

A snowboarder videotapes friends riding for their personal enjoyment. No permit is required. Video is not created for the purpose of generating income.

Definitions

Commercial Filming: per Federal Register July 13, 2004.

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.

(Though the filming product itself may not be a product directly sold such as when a television network produces its own video, the filming is still used as the conduit for the promotion and sale of advertising during the showing of the video.)

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.