

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 the Eagle/Holy Cross Ranger District (NFS lands in Eagle & Garfield Counties), the contact is **Kerry Pitt 970-827-5154 or kpitt@fs.fed.us**. Fax number 970-827-9343. If an activity takes place within a ski area boundary, contact the ski area as well. **Failure to properly notify the Forest Service may result in your application being denied. Any requests that are not at least 10 days out may not be accepted.**
- Submit an SF-299 (see instructions on page 5)** Disregard the title of the form and apply the questions to your request. Answer the questions as they pertain to your project. **Also**
- Submit a Photography and Filming Request (See pages 11-14). And**
 - List the number of people to be involved on location in the request for, 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.**
- Submit a Certificate of Insurance or Policy with the U.S. Government as additionally insured.**

Written proof of insurance must be provided prior to permit issuance in the form of the **entire policy or a Certificate of Insurance**. For a certificate to be acceptable, the policy must have been reviewed, assigned a number and placed **on the Master Insurance List**. The policy must include an endorsement that adds the **U.S. Government as additionally insured** (see <http://fsweb.f3.r6.fs.fed.us/insure/>) and provide for thirty (30) days written notification of cancellation.

- 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 if required.
- All fees are due and payable, **prior to filming, with the exception of the permit processing fee. This fee is due with the submittal of your application. Applications received without the processing fee, will not be considered and no follow-ups will be made.**

Fee payments should be made **payable to “USDA Forest Service” and sent to Lockbox** at USDA Forest Service, C/O Citibank, P.O. Box 301550, Los Angeles, CA 90030-1550. For courier delivery (i.e. FedEx, Airborne etc.) the address is: USDA Forest Service, Attn: BOX 4183, 5860 Uplander Way, Culver City, CA 90230; Phone # 310-665-1327. Lockbox can also accommodate wire transfers. **Make sure that you have a copy of the bill** to enclose with your payment. This can be provided electronically.

THE CURRENT PERMIT PROCESSING FEE IS \$112.00.

Eagle/Holy Cross Ranger District contacts and locations to submit your proposal:

Kerry Pitt
Eagle/Holy Cross Ranger District
P.O. Box 190
24747 US Hwy 24
Minturn, CO 81645
Email: kpitt@fs.fed.us
Phone: 970-827-5154
Fax:970-827-9343

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED AND NO ADDITIONAL PROCESSING WILL OCCUR AND FOLLOW UPS WILL NOT BE MADE.

IT IS YOUR RESPONSIBILITY TO FOLLOW THE INSTRUCTIONS PROVIDED AND COMPLETE THE APPLICATION AND REQUEST IN THEIR ENTIRETY. IF YOU DON'T UNDERSTAND SOMETHING, CONTACT THE FOREST SERVICE.

COMMUNICATION IS THE KEY TO YOU RECEIVING YOUR PERMIT.

Completing the SF-299 for Filming & Photography Permits

The title of this form is misleading. It applies to more than transportation and utilities. Assume in any question that it applies to your use/project. **Please complete all fields**, unless otherwise indicated. Add additional pages when necessary. The information provided below is by block number for those fields that may require a little more explanation.

1. The applicant must be a legal entity and not an unregistered DBA for example. If insurance is required, **the applicant's name must match the name on the insurance policy and/or certificate.**
2. The authorized agent must have legal authority to make decisions and sign for the applicant.
4. Make sure this is completed. **If the applicant is a corporation or partnership/association, please complete the supplemental information on page 4.** Check the applicable boxes and include an address where the information can be obtained if necessary. This information assists in making sure that the applicant is a legal entity and the individual(s) authorized to sign for the business entity.
7. There is not enough space to complete the description here. You may use the "Photography and Filming Request" to expand the description or use separate paper. If you are using the Request or separate paper, at a minimum, complete (a), (d) and (e) on this form.
8. **A map is absolutely necessary.**
9. If the use requires land in addition to Forest Service land, or requires approval from other entities, check the appropriate box and include a copy of the authorization. If you do not currently have the approval/authorization, be prepared to provide it before the Forest Service permit is completed.
10. A cost recovery fee will be determined based on the number of hours required to process your application. Incomplete documents and changes after submission may result in a higher fee.
11. Not applicable in Eagle County
12. Explain the technical and financial capability of the applicant to complete this project. Also, if you are not providing all services for your use, explain who else is and what their technical ability is. For example, if you are filming on a ski area and the ski area will be providing services such as construction, transportation or food services, please include this.
13. **It is extremely important to answer this one – a, b, & c.** Basically, you need to provide sufficient reason why you must have National Forest System lands for the filming or photography. What other locations did you consider? Why were they not chosen? Remember that use will not be authorized solely to provide a lower cost or less restrictive location.
- 15-18. **N/A is not an acceptable answer.** It is all applicable when reviewing your proposal. Remember that not all effects are negative.

**APPLICATION FOR TRANSPORTATION AND
 UTILITY SYSTEMS AND FACILITIES ON FEDERAL LANDS**

FORM APPROVED
 OMB NO. 0596-0082

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

Application Number
Date Filed
3. Telephone (area code)
Applicant
Authorized Agent

1. Name and address of applicant (*include zip code*)

2. Name, title, and address of authorized agent if different from item 1 (*include zip code*)

4. As applicant are you? (*check one*)

- a. Individual
- b. Corporation*
- c. Partnership/Association*
- d. State Government/State Agency
- e. Local Government
- f. Federal Agency

5. Specify what application is for: (*check one*)

- a. New authorization
- b. Renewing existing authorization No.
- c. Amend existing authorization No.
- d. Assign existing authorization No.
- e. Existing use for which no authorization has been received *
- f. Other*

* If checked, complete supplemental page

* If checked, provide details under item 7

6. If an individual, or partnership are you a citizen(s) of the United States? Yes No

7. Project description (describe in detail): (a) Type of system or facility, (*e.g., canal, pipeline, road*); (b) related structures and facilities; (c) physical specifications (*Length, width, grading, etc.*); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction (*Attach additional sheets, if additional space is needed.*)

8. Attach a map covering area and show location of project proposal

9. State or Local government approval: Attached Applied for Not Required

10. Nonreturnable application fee: Attached Not required

11. Does project cross international boundary or affect international waterways? Yes No (*if "yes," indicate on map*)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

13a. Describe other reasonable alternative routes and modes considered.

b. Why were these alternatives not selected?

c. Give explanation as to why it is necessary to cross Federal Lands.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (*Specify number, date, code, or name*)

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6901 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

20. Name all the Department(s)/Agency(ies) where this application is being filed.

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Date

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

GENERAL INFORMATION
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation and utility systems and facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced there from.
3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.
6. Improved right-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture
Regional Forester, Forest Service (USFS)
Federal Office Building,
P.O. Box 21628
Juneau, Alaska 99802-1628
Telephone: (907) 586-7847 (or a local Forest Service Office)

Department of the Interior
Bureau of Indian Affairs (BIA)
Juneau Area Office
Federal Building Annex
9109 Mendenhall Mall Road, Suite 5
Juneau, Alaska 99802
Telephone: (907) 586-7177

Department of Transportation
Federal Aviation Administration
Alaska Region AAL-4, 222 West 7th Ave., Box 14
Anchorage, Alaska 99513-7587
Telephone: (907) 271-5285

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual department/agencies may authorize the use of this form by applicants for transportation and utility systems and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS

(Items not listed are self-explanatory)

- 7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.
- 8 Generally, the map must show the section(s), township(s), and range(s) within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.
- 9, 10, and 12 The responsible agency will provide additional instructions.
- 13 Providing information on alternate routes and modes in as much detail as possible, discussing why certain routes or modes were rejected and why it is necessary to cross Federal lands will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate routes and modes as related to current technology and economics.
- 14 The responsible agency will provide instructions.
- 15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions

Department of the Interior
Bureau of Land Management
222 West 7th Avenue
P.O. Box 13
Anchorage, Alaska 99513-7599
Telephone: (907) 271-5477 (or a local BLM Office)

U.S. Fish & Wildlife Service (FWS)	National Park Service (NPA)
Office of the Regional Director	Alaska Regional Office,
1011 East Tudor Road	2225 Gambell St., Rm. 107
Anchorage, Alaska 99503	Anchorage, Alaska 99502-2892
Telephone: (907) 786-3440	Telephone: (907) 786-3440

Note - Filings with any Interior agency may be filed with any office noted above or with the Office of the Secretary of the Interior, Regional Environmental Office, P.O. Box 120, 1675 C Street, Anchorage, Alaska 9513.

16 through 19 Providing this information is as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.

Application must be signed by the applicant or applicant's authorized representative.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, the application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from applicants requesting right-of-way, permit, license, lease, or certification for the use of Federal lands. The Federal agencies use this information to evaluate the applicant's proposal. The public is obligated to submit this form if they wish to obtain permission to use Federal lands.

SUPPLEMENTAL

NOTE: The responsible agency(ies) will provide instructions

CHECK APPROPRIATE BLOCK

I - PRIVATE CORPORATIONS

ATTACHED

FILED*

a. Articles of Incorporation

b. Corporation Bylaws

c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State

c. Copy of resolution authorizing filing

e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications.

g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.

II - PUBLIC CORPORATIONS

a. Copy of law forming corporation

b. Proof of organization

c. Copy of Bylaws

d. Copy of resolution authorizing filing

e. If application is for an oil or gas pipeline, provide information required by item "I-f" and "I-g" above.

III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY

a. Articles of association, if any

b. If one partner is authorized to sign, resolution authorizing action is

c. Name and address of each participant, partner, association, or other

d. If application is for an oil or gas pipeline, provide information required by item "I-f" and "I-g" above.

* If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information (e.g., number, date, code, name). If not on file or current, attach the requested information.

NOTICE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

This information is needed by the Forest Service to evaluate the requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations or the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Public reporting burden for this collection of information is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.



PHOTOGRAPHY & FILMING REQUEST

Eagle/Holy Cross Ranger District, White River National Forest

<p>Date:</p> <p>Company:</p> <p>Authorized Company Representative:</p> <p>Address:</p> <p>Phone: Cell:</p> <p>Fax:</p> <p>E-mail:</p>	<p>Project Title:</p> <p>Production Date(s) (Include alternative dates):</p> <p>Primary Contact/Title:</p> <p>Phone:</p> <p>Backup Contact/Title:</p> <p>Phone:</p>
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I. Production Information:

<p>TYPE:</p> <p> <input type="checkbox"/> Still Photography <input type="checkbox"/> Commercial <input type="checkbox"/> TV Movie <input type="checkbox"/> TV Episode <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </p> <p>Feature Film</p> <p> <input type="checkbox"/> Music Video <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </p> <p> <input type="checkbox"/> Corporate Video <input type="checkbox"/> Documentary <input type="checkbox"/> </p> <p> <input type="checkbox"/> Other _____ </p>
<p>WHAT WILL THE PRODUCT BE USED FOR?</p>

<p>PROPOSED LOCATION(S) (Including size of area to be used, legal description) ATTACH A MAP:</p>
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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, flight pattern)**
- Weather** (no, we can't order it for you) **Other (describe)** _____

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, and 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.)?

Applicants Signature: _____	Date: _____
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Land Use Fee Schedule

Minimum Special Use Fee is

\$110 (adjusted periodically) for still photography
 \$150 for filming and video
\$112 minimum permit processing fee

Still Photography

Number of people	Daily rate for each location
1-3	\$75/day
4-10	\$100/day
11-30	\$150/day
31-49	\$250/day
50-100	\$300/day
101+	\$300/day or by appraisal

Motion picture and video

Number of people	Daily rate for each location	Each Staging Area
1-10	\$150/day	\$75
11-30	\$250/day	\$125
31-60	\$450/day	\$225
61-100	\$600/day	\$300
101+	\$600/day or by appraisal	\$300

Daily rate for activities over 20 days is 85% of the daily rate

Additional Fees

Activity	Daily Fee
Traffic Control (road closures, detours, etc.)	\$150
Use of Congressional or agency identified areas such as Wilderness, Research Natural areas, etc.	\$150
Authorized surface disturbances (grading , removal of rocks, Use of earth moving equipment or animals	\$100
Special Effects (crashes, large pyrotechnics, fire scenes, etc)	\$100

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

To be completed by the Forest Service:

Fees

Photography/Filming Land Use Fee: _____

Permit Preparation/Monitoring Cost: _____

(\$111 minimum processing fee, subject to change)

Total Amount: _____

Certification of Insurance Received: Yes No

Bonding:

Required: Yes No Amount: _____

Received: Yes No

Concessionaire/Permittee Coordination Required: Yes No

Other Landowner/Agency Coordination Required: Yes

Last Update 11/15/2005

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 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.