

Location Fees and cost recovery for commercial filming and still photography

On April 13, 2006 date the National Park Service published a final rule in the Federal Register that allows the NPS to implement Public Law 106-206 (P.L. 106-206), codified at 16 U.S.C. 460f-6d and amends the commercial filming and still photography regulation found at 43 CFR 5.1.

As of **May 15, 2006** the following procedures/guidelines apply to issuing permits for commercial filming and still photography.

1. **All commercial filming requires a permit.** Commercial filming is defined as digital or film recording of a visual image or sound recording by a person, business, or other entity for a market audience, such as for a documentary, television or feature film, advertisement, or similar project. It does not include news coverage or visitor use.
2. **Still photography activities require a permit only when:**
 - a. the activity takes place at location(s) where or when members of the public are generally not allowed; or
 - b. the activity uses model(s), sets(s), or prop(s) that are not a part of the location's natural or cultural resources or administrative facilities; or
 - c. the park would incur additional administrative costs to monitor the activity;
 - d. The park needs to provide management and oversight to:
 1. avoid impairment or incompatible use of the resources and values of the park, or
 2. limit resource damage, or
 3. minimize health or safety risks to the visiting public.
3. **News coverage does not require a permit**, for either filming or still photography, but is subject to time, place, and manner restrictions, if warranted, to maintain order and ensure the safety of the public and the media, and protect natural and cultural resources.
4. **Congress in P.L. 106-206 expressed the importance of resource protection and provided that the permit request should be denied if:**
 - a. there is the likelihood that resource damage would occur that cannot be mitigated or restored under the terms and conditions of a permit;
 - b. there is the likelihood of unreasonable disruption of or conflict with the public's use and enjoyment of the site;
 - c. there is the likelihood that the activity poses health or safety risks to the public;
 - d. there is the likelihood that the activity would result in the impairment of park resources or values;
 - e. the requested activity will violate any other applicable Federal, State, or local law or regulation.

5. **All commercial filming permits and still photography permits are subject to cost recovery and a location fee. No waivers are allowed.** The location fee is calculated per day and must be based on the following schedule and is determined by the type of activity (commercial filming versus still photography) and the number of people on park lands associated with the permitted activity. There is no deviation from the schedule.

Commercial Filming/Videos		Still Photography	
1 – 2 people, camera & tripod only	\$0/day		
1 - 10 people	\$150/day	1 - 10 people	\$50/day
11 - 30 people	\$250/day	11 - 30 people	\$150/day
31 - 49 people	\$500/day	Over 30 people	\$250/day
Over 50 people	\$750/day		

6. The authority to collect cost recovery for all other special use permits remains 16 U.S.C. 3a. Money collected under this authority will continue to be deposited into PWE 318. **PWE 318 money remains year end money and must be expended by the end of each fiscal year.**

Questions should be directed to Lee Dickinson, Special Park Uses Program Manager at 202-513-7092.