

Public Property Permitting Processes

I. General

A. The best resource for any questions that come up along the way is the Arkansas Production Alliance and the state film commissioner, Christopher Crane.

1. Arkansas Production Alliance website: Arkansasproduction.com
2. Commissioner Contact Info: (501) 682-7676

B. What is Commercial Filming?

1. Arkansas Digital Product and Motion Picture Industry Development Act Definitions:

- i. Film: “means a single media or multi-media production that is fixed on film, digital medium, videotape, computer disc, laser disc, or similar delivery medium”
- ii. Film and digital product: “means video images or other visual media entertainment content in digital format, film, or videotape, provided the program meets all the underlying criteria of a qualified production including but not limited to the following: motion pictures, documentaries, long-form programs, specials, mini-series, series, music videos, television programming, interactive television, interactive games, videogames, commercials, digital media for distribution or exhibition to the general public, trailer, pilot, video teaser, or demo created primarily to stimulate the sale, marketing promotion, or exploitation of future investment”

2. National Park Service:

- i. Commercial Filming: “means the film, electronic, magnetic, digital, or other recording of a moving image by a person, business, or other entity for a market audience with the intent of generating income”
- ii. Non-commercial Filming: a permit may still be required “if a permit is necessary to manage the activity to protect park resources and values while minimizing conflict between user groups or to ensure public safety.” Examples include filming for tourism bureaus, convention and visitor bureaus, and student filming.

3. USDA Forest Service:

- i. 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. This does not include broadcasting breaking news.”

C. This guideline assumes a permit will be required; however, permits will not always be required to film in certain areas of Arkansas. Be aware: if you need to shut down a street, this will largely always require a permit from the city.

D. Be on the safe side when it comes to attaining the proper permits and approvals. This entire process should take place prior to the production stage to ensure you have the proper permits and have informed all necessary parties prior to the shooting date.

II. The Process

- A. The entire process takes place *prior to the filming date, generally during pre-production*. You want to have secured permits to film and given notice to the necessary officials and neighbors at least a week prior to the filming date.
- B. **Step 1:** Location Scouting – Pre-production
 1. The permitting process and the contact persons who will have the information you need will depend on the type of location you choose
 2. The Arkansas Production Alliance keeps a directory of Arkansas locations that is useful for scouting within the state.
 3. Arkansas Production Alliance Location Directory:
<http://www.arkansasproduction.com/arlocations.php>
- C. **Step 2:** Know what your scene entails – Pre-production
 1. Along with knowing what type of location you will shooting on, you should know what activities will be shot in each scene and how you intend to shoot the scene. This information will be used to determine what type of permits you may need and which authorities or neighbors you may need to inform prior to shooting.
 2. Types of Locations
 - i. City property: city streets, sidewalks, etc.
 - ii. State property: state parks, Capitol grounds, etc.
 - iii. Federal property: national parks, national forests, etc.
 3. Types of Activities
 - i. Scenes involving *fire and special effects* may require informing the local fire department
 - ii. Scenes involving *animals* may require certain permits and/or handlers or set
 - iii. Scenes involving *loud noises or large groups of people* may require certain permits or informing local police
 - iv. Scenes involving *violence* may require informing local police
 - v. Scenes involving *cars or shutting down of streets* may require certain special event permits and informing the local police
 - vi. Scenes being shot by *drone* in Arkansas state parks require a drone permit
 4. Practical Considerations

- i. The size of the production will determine the plans you will need to make for parking production vehicles and equipment trucks nearby the shooting location and any permits or authorizations associated with parking needs.
- ii. Location Maps are sometimes required to secure permits. They detail the shooting areas, parking for production vehicles and equipment, and any disruptions to traffic that are anticipated.

D. **Step 3:** Who to Contact – Make contact *as soon as you know your locations and the shooting dates*

1. Shooting on City Property: Contact the City Hall of each town you will be shooting in
2. Shooting on State Property: Contact the State film commissioner or the particular park offices
3. Shooting on Federal Property
 - i. National Forests: See Contact Reference and Resources Sheet
 - ii. National Parks: See Contact Reference and Resources Sheet
4. The best source to contact regarding any questions about the proper permits needed is the Arkansas Production Alliance and the state film commissioner. Contact information for each is listed above.

E. **Step 4:** Prepare for Insurance and Fee Requirements – Make preparations *as soon as you know what permits you will need*

1. Make sure you meet any insurance requirements to apply. Insurance requirements will vary depending on the activities being filmed. Keep in communication with your contact person to make sure you meet the necessary requirements.
2. **Insurance:** Certificates of Insurance and Fees should be given to the necessary officials prior to filming. Many locations have specific requirements for naming parties to the insurance policy. Refer to permit application and contact person for specific language required.
 - i. State/City Property
 - a. Certificate of Insurance evidencing:
 - i. The certificate should name the city or state, depending on the type of location, as additionally insured
 - ii. Minimum of \$1,000,000 General Liability
 - iii. Proof of Workers' Compensation
 - iv. \$5,000,000 Aircraft Liability (when applicable)

- b. Requirements may vary depending on the city. Refer to contact person and permit application for specific requirements.
 - c. See Sample Permit Forms for Details
- ii. State Parks
- a. Certificate of Insurance evidencing:
 - i. Example Pinnacle Mountain Requirements: All personnel directly connected with work in the permit area, including park personnel, against accident and/or injury in an amount not less than \$2,000,000
 - ii. Requirements may vary depending on the park. Refer to contact person and permit application for specific requirements.
 - iii. See Sample State Park Permit for Details
- iii. Federal Property
- a. National Forests
 - i. Certificate of Insurance should name the United States Government Forest Service as additionally insured
 - ii. Certificate should contain a specific provision to the effect that the policy shall not be cancelled or the provisions changed or deleted before 30 days written notification by the insurance company to the U.S. Government, c/o USDA Forest Service
 - iii. The amount of insurance required will depend on the degree of risk involved. The Forest Representative administering the permit will inform the permittee of the required liability coverage necessary.
Minimum requirements:
 - 1. \$25,000 Property Damage
 - 2. \$100,000 Death or injury to one individual, and
 - 3. \$300,000 Death or injury to more than one individual
 - 4. \$300,000 Combined Single Limit (CSL)
 - b. National Parks
 - i. General Liability Insurance naming the park as additionally insured
 - ii. Required commercial liability for video or film production companies is \$1,000,000, but will vary according to project scope, risk to park resources, and other relevant circumstances

- iii. High-risk activities may require additional amounts
 - iv. Original Insurance Certificate should be given to park official no later than 1 week before shooting date
 - v. See Sample Hot Springs National Park Permit Application
3. **Fees:** Budget for the fees to apply for permits
- i. City Property
 - a. Some require a deposit to be paid prior to filming, generally around \$500-\$1000
 - b. Fees will vary depending on the city. Refer to contact person and permit application for specific requirements.
 - ii. State Parks
 - a. Generally, \$500/day or \$250/half day
 - b. Fees may vary depending on the park. Refer to contact person and permit application for specific requirements.
 - c. See Sample State Park Permit for Details
 - iii. Federal Property
 - a. National Forests – fees vary depending on the size of the production
 - i. 1-3 people - \$100/day
 - ii. 4-10 people - \$212/day
 - iii. 11-30 people - \$282/day
 - iv. 31-60 people - \$709/day
 - v. 61+ people - \$851/day
 - b. National Parks – fees vary depending on the size of the production
 - i. Prepare for an application fee of around \$100 and permit application fees around \$150
 - ii. Additional monitoring costs may apply
 - iii. Location Fees
 - 1. 1-3 people (camera and tripod only) - \$10/day or \$250/month
 - 2. 1-5 people (more than camera and tripod) - \$75/day
 - 3. 6-10 people - \$150/day
 - 4. 11-30 people - \$350/day
 - 5. 31-50 people - \$650/day
 - 6. 51-70 people - \$1,000/day

7. 70+ people - \$1,500/day

F. **Step 5:** Sending Applications and Conduct Outreach – Send applications *as soon as they are completed*. Give notice to community at least a week prior to the shooting date.

1. Now that you've determined what permits you need and who you need to inform prior to shooting, it is time to send permit applications and to reach out to the necessary authorities and local residents that you will be shooting in their area.
2. Granting permits takes time, so send all applications as soon as they are completed. Generally, plan for at least 2-3 weeks to process applications, but more complex requests may require more time to process.
3. Contact the necessary authorities, including the local fire department and police stations or reach out to your contact for the city in the area to secure the presence of police and the fire department on set.
4. Notices of Filming
 - i. Distribute notices of filming to local residents and businesses where you will be filming.
 - ii. Notices should include when you will be filming, what activities will be filmed, and who the community members can contact for concerns
 - iii. Notices should be distributed *at least a week prior to filming*. However, earlier notice may be necessary for more extensive intrusions such as scenes involving fire, loud noises, large groups of people, violence, or street shutdowns.
 - iv. Being a good neighbor and giving notice helps curb any potential issues on the day of filming and encourages continued filming within the state.

III. Special Requirements

A. Permits for Commercial Filming in National Forests

1. Permits to film in National Forests are assessed using particular criteria. Refer to National Forest reference documents in the Contact Reference and Resources Sheet.
2. Criteria for Commercial Filming in Non-wilderness areas:
 - i. Applications to film in non-wilderness areas undergo a multi-level screening process:
 - a. The initial screening ensures that the proposed activity (commercial filming) would be consistent with laws and regulations that govern the National Forest Service, would not conflict with administrative use by the Forest Service or other scheduled uses, would not pose a serious risk to

public safety, and would not involve gambling or sexually oriented commercial services.

- b. If the minimum requirements are met, an authorized officer will provide further guidance and information, including potential conflicts, application procedures and time requirements, necessary fees and permits, and environmental and management considerations.
 - c. A second-level screening follows, where additional information and a full description of the proposed use (commercial filming) may be needed. The officer will determine if the proposed use would be inconsistent with the purposes for which the lands are managed, would not be in the public interest, or whether the proponent (the production company) would be able to demonstrate technical and financial capability to fully comply with the Forest Service's terms and conditions.
 - d. Screening specific to commercial filming will determine if the proposed activity (shooting) would cause unacceptable resource damage, unreasonably disrupt the public's use and enjoyment of the site, or that the activity it would pose a public health or safety risk.
3. Criteria for Commercial Filming in Wilderness areas:
- i. After completion of the above screening process, an additional level of screening specific to commercial filming in wilderness areas will occur.
 - ii. Defining Wilderness Area: A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this chapter an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.
 - iii. Wilderness Area Specific Screening:
 - a. The proposed activity (commercial filming) must have the primary objective of disseminating information about the use and enjoyment of

wilderness or its ecological, geographical, or other features of scientific, educational, scenic, or historic value.

- b. The proposed activity must leave the wilderness untrammelled, natural, and undeveloped and preserve opportunities for solitude or primitive and unconfined type of recreation.
 - c. The proposed activity must be wilderness-dependent, meaning a location within a wilderness area is identified for the proposed activity, and there are not suitable locations outside of a wilderness area.
 - d. The proposed activity must not involve a motor-vehicle, motorboat, or motorized equipment. This does not include cameras.
 - e. The proposed activity must not involve the use of mechanical transport, such as a hang glider or bicycle.
 - f. The proposed activity must not violate any applicable orders. Refer to contact official for applicable orders.
 - g. The proposed activity must not advertise any product or service.
- iv. *Illustration:* For example, a proposal could meet wilderness purposes if the primary objective is an educational film about wilderness values and benefits that is unique to that area and cannot be produced outside wilderness. In contrast, a proposal to make a Hollywood style adventure film or documentary film in wilderness, because of a desire to use wilderness locations as settings, would not meet the criteria, even if wilderness recreation use or Leave no Trace is mentioned in the film.

B. Permits for Commercial Filming in National Parks

1. Each park varies regarding how strict their requirements are for commercial filming activity. These are some general considerations used specifically to assess applications to film in the Hot Springs National Park. For greater detail, see the “Guidelines for Special Use Permit” link in the Contact Reference and Resources Sheet.
2. A request for a filming permit may be denied if:
 - i. If the park official assessing the application determines that the requested filming activity represents a potential for harm or adverse impact on the park’s natural, cultural, wilderness or recreational resources. It may also be denied if the activity may create a health or safety risk or disrupt visitor use and enjoyment of the park area.
 - ii. If the park official determines that supervisory requirements for the project will place unreasonable burdens on park staff, regardless of the applicant’s willingness to pay supervisory costs.

- iii. If the permittee fails to obtain the necessary insurance or to agree to pay assessed cost recovery.
- iv. If the proposed filming would conflict with the visitors' normal use of the park.
- v. If the request includes entry into areas closed to the general visiting public, or which would allow activities not permitted to the average visitor.