

# REFUGE MANUAL

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16. Audio-Visual Productions

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16. Audio-Visual Productions

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- 16.1 Policy. The policy of the Service is to provide refuge access and/or assistance to legitimate producers of audio and/or visual recordings. Such assistance or access will not be provided if production operations are incompatible with refuge or Service objectives. Priority consideration is extended to producers of wildlife and natural resource related audio or visual materials. Producer's credentials will be verified by the appropriate Public Affairs Officer.
- 16.2 Objectives. Audio-visual (A-V) coverage of Service facilities can increase public understanding of America's wildlife and of the Service's role in managing and protecting natural resources. Program objectives are:
- A. To promote public understanding of America's wildlife and the Service's role in managing and protecting these resources through the National Wildlife Refuge System.
  - B. To make refuge resources available to wildlife oriented users.
  - C. To minimize conflict between audio-visual production, other public use activities, and wildlife.
  - D. To standardize and coordinate responses to requests to film or record at NWRs facilities.
  - E. To place on-site supervision of audio-visual productions with the refuge manager, to the extent possible.
- 16.3 Authorities. Regulations concerning filming and recording activities are established in 43 CFR, Subtitle A, Section 5.1. Regulations regarding employee conduct and use of government facilities and equipment are established in 43 CFR 20.735-12 and 43 CFR 20.735-16. Regulations regarding disturbing violations (light and sound equipment), are established in 50 CFR Subpart G.
- 16.4 Definitions. The following terms and their definitions will aid personnel in interpreting this directive on audio-visual productions.
- A. Film. Film is defined as still photographs, motion pictures, and videotapes.
  - B. Recording. Recording is the audio component in motion picture and video production, and audio-tape recording.
  - C. Casual photography. Casual photography is any type of visual recording performed by amateur owner/operators of photographic equipment. Casual photography is generally exempt from permit requirements. For example, visitors taking photographs for their personal use.

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- D. News photography. News photography includes audio-visual productions for news and public affairs, stills, motion pictures, video, records and audio tapes, such as produced for television, newspapers, magazines, etc. Examples of news events are emergencies, such as a plane crash or fire, a commemorative event, or appearance by a public figure, or an erupting volcano or other unusual, non-recurring natural phenomenon.
- E. Commercial photography. Visual recording by firms or individuals (other than news media representatives) who intend to distribute their photographic product. Creation of educational entertainment or commercial enterprise would be included in this category, as would advertising audio-visuals for the purpose of paid product or services publicity. All advertising photography requires an A-V Productions Permit. Advertisements must not imply endorsement by the Service.

**16.5 Responsibilities.**

- A. Washington Office. The Washington Office, Office of Endangered Species, reviews and approves or disapproves requests to film or record endangered species. Contacts responsible State and Federal agencies in cases involving non-Service lands. Notifies Washington Office of Public Affairs, and regional office concerning decisions about filming/recording endangered species.
- B. Regional office. The regional director is responsible for approval of permit applications for commercial audio-visual productions, approval of bond and general liability insurance costs (See Section 8, below.), providing audio-visual guidance when requested by the refuge manager, and reviews requests to film endangered species which are forwarded to the Washington Office.
- C. Refuge manager. The refuge manager issues Special Use Permits for commercial photography activities (after receiving regional approval), forwards requests to film or record endangered species through the regional office, advises producers of commercial audio-visual productions concerning permit applications and refuge rules (See Exhibits 1 and 2), and in the case of news-gathering media, provides assistance necessary for the media to accomplish its goal in a manner which minimizes the disruption of Service and refuge operations.

- 16.6 Issuance of permits. Regardless of the permit requirement, as outlined in 16.4 and 16.5 above, all audio-visual productions must be conducted pursuant to applicable rules and regulations governing activities and conduct at Service facilities. Refuge managers may issue Special Use Permits as needed, for news photographers, casual photographers, Service personnel, and State cooperators. These permits may be used to authorize

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permittees access to areas normally closed to the public, to clarify the parameters of authorization, etc. While a permit is required for documentaries, travelogues, feature stories, etc., that do not involve news events, permit is not required for photography (individuals using hand-held equipment, tripods, flash bulbs and/or strobe lights) which does not involve the use of products, and which does not require refuge staff assistance or supervision. Permits are not required for models, sets, props, lights, or similar equipment which will not result in damage to the resource or which will not unduly conflict with normal visitor use.

**16.7 Guidance for audio-visual production permits.**

- A. Bond requirements. A bond or cash deposit is required when an audio-visual permit is issued. The purpose of the bond is to assure that the area is left in its original condition. A performance bond issued by a bonding company, a cash deposit or certified check may be used for this purpose. The criterion for selection of the form the bond will take should be that the refuge manager has immediate access to the funds.

The refuge manager has the option to set the bond requirement at \$0.00 (zero) if he or she anticipates no damage to the resource, clean-up, or restoration. A bond is not to be used as a penalty.

As a general guideline, bonds or deposits will be required in amounts equal to the estimated cost to the Government of clean-up or restoration that would be required if the permittee failed to perform. Should the permittee actually fail to perform all or any part of the necessary clean-up or restoration, the refuge manager will have the required work done, assess the charge, deduct it from the bond or cash deposit and return the balance, if any, to the permittee. Cash deposits must be secured immediately and accounted for at all times. News gathering organizations are exempt from formal permits and bonding requirements.

- B. General liability insurance. General liability insurance will protect the U.S. Government from claims or litigation connected with injury or damage resulting from the actions of the permittee or his agents and employees. Another purpose of this requirement is to avoid undue tort liability to the Government and to assure that the filmmakers are not judgement-proof if a visitor is injured through the negligence of the permittee.

The refuge manager has the authority to waive the insurance requirement if there is little or no possibility of injury or damage to persons or property resulting from the activity.

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Filmmakers that carry extensive general liability insurance may obtain a rider to have the U.S. Government named as additional insured. Others must obtain the necessary coverage.

- C. Use of government equipment. Government equipment may be loaned or rented to a productions company or diverted from its normal use for production purposes only to persons who render services or perform functions that facilitate or supplement activities and objectives of the Service.
- D. Service supervision. Audio-visual productions authorized by permit must be supervised by a Service employee to assure full compliance with all of the terms and conditions of the permit.

In the case of a production involving substantial numbers of persons and equipment, supervision will be on-the-spot and continuous.

In the case of productions involving few people or minimal amounts of equipment, or taking place in areas where there is little, if any possibility of damage or violation of other permit requirements or inconvenience to the visitor, the refuge manager or his/her representative may spot check during the production to assure compliance.

If the refuge manager determines that the issuance of a permit would place overtime burdens on the supervisory capacity for the area, as a condition of the permit, he/she may require reimbursement for the cost of all overtime supervisory services provided. The monies received must be deposited as Miscellaneous Receipts in the General Treasury of the United States.

- E. Off-duty personnel. The potential for conflict of interest is great in cases where Service employees are invited to work for productions companies directly. The Service position is that employees may work, off duty, for a productions company if they do not perform or appear to perform official duties. Off-duty employment requests must be approved by the regional director.

Off-duty employment while in uniform is not permitted. Also, personnel engaged in supervision of the permittee are under no circumstances allowed to engage in off-duty employment with the filmmaker.

- F. Termination or denial of permits. If warranted, in cases of deliberate infractions of the terms of the permit, or when resource damage occurs, A-V productions may be suspended or terminated. If the refuge manager determines that a permittee deliberately made false or misleading statements in securing the permit, he/she should inform the regional director, and recommend appropriate action. The following circumstances may justify permit denial:

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- (1) Supervision requirements. If the refuge manager determines that the requirement for supervision will place unreasonable burdens on the supervisory capacity of the Service staff, the permit may be denied. Denial may be made irrespective of the prospective permittee's willingness to pay overtime expenses.
- (2) Disruption of visitor activities. If, in the refuge manager's opinion, the proposed A-V production will conflict unduly with the public's normal use of the refuge, the request should be negotiated to alleviate that impact, or if that is not possible, the request should be denied.
- (3) Resource damage. If, in the refuge manager's opinion, the proposed A-V production may potentially damage the resource, the request should be negotiated to alleviate that impact, or if that is not possible, the request should be denied.

G. Fees. No fees are to be charged for A-V production permits.

H. Credit lines. The Service, through the Assistant Director - Public Affairs, retains the right to request appropriate credit either in narrative or audio forms, and/or through use of the Service symbol.

The suggested format for credit line is:

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Name(s) of facility(ies)  
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U.S. DEPARTMENT OF THE INTERIOR

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1. Preliminary arrangements must be made with the Service prior to applying for the permit.

A pre-conference is required with the refuge manager and the audio-visual production director (or producer, or locations manager) at which time regulations and permit requirements will be discussed.

At least one month's notice will be required to process applications that could entail extensive disruption of Service activities. In other cases, five days' notice will be required.

2. Cancellations or changes for reasons other than the weather, in scheduled filming dates may necessitate three or more working days notice for rescheduling.
3. A visit to all proposed filming locations with film director and the refuge manager will precede the refuge manager's approval of locations. Film locations should be selected and approved before permit is issued.
4. Presence of film company must not unduly interfere with normal operation or visitor use. Due to the Service requirement that commercial audio-visual permits must be supervised by a Service employee, the number of hours or days filming may be limited by the availability of Service staff.
5. All Service regulations will apply. Areas of special concern are:
  - A. Dogs, cats and other animals must be leashed or otherwise controlled at all times. (See 11, below.)
  - B. All traffic regulations apply.
  - C. All vehicles must stay on designated roadways.
  - D. Camping is allowed only with refuge manager permission.
  - E. Open fires are prohibited, unless special permission is given by the refuge manager.
  - F. The use of inflammables or explosives is prohibited, except with written approval from the refuge manager. Production companies will arrange for and cover the cost of firefighting equipment and personnel.
  - G. Littering is prohibited.
  - H. Gathering of wood is permitted only with express refuge manager permission.

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6. If the production company desires to stay overnight on the refuge, arrangements must be made well in advance with the refuge manager.
7. The production company is responsible for any sets or equipment left at the location site for any length of time (overnight, etc.).
8. If the production company anticipates the need to make numerous phone calls, the company must install a private phone line. Government phones may be used in emergency situations only.
9. Production companies will provide all their own materials, equipment and supplies.
10. A shooting schedule must be drawn up before permits are issued. Changes in the original shooting schedule will be permitted, subject to approval by the refuge manager, only when unforeseen circumstances occur, such as weather, mechanical breakdown or illness.
11. Under NO circumstances will film companies bring any animals--foreign or domestic--to a Service facility without prior approval in writing by the refuge manager.
12. Credit may be given to the Department of the Interior and the Service, through the use of appropriate title or announcement.
13. Whenever an audio-visual productions company wishes to use the Service symbols, especially with titles, credits, and similar long deliberate exposures, concurrence from the Director of the Service is appropriate. Incidental filming of the symbol is not prohibited, except where filming is for advertising, promotional or direct commercial purposes.
14. Production companies should be prepared to provide the refuge manager with a list of the following information:
  - a. How many hours or days will be spent filming?
  - b. What specific locations will be used?
  - c. What kind and how many vehicles will be used? List all vehicles (including props) to be used in the production. Arrangements will be made for vehicles to be parked as close to the filming area as possible. Locations manager and driver captain will agree, in writing, with Service staff regarding what vehicles (prop truck, personnel carriers, dressing rooms, honey wagons, catering trucks, camera trucks, generator vans, grip trucks, etc.) are to be allowed.
  - d. What equipment will be used at each shooting location?

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- e. How many people will be involved in film operation (cast, crew)?
- f. Synopsis of the production as it will pertain to the refuge.
- g. Name, title, address and telephone number of the company representative who will be supervising production.

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Production Permit Application Form

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UNITED STATES DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
COMMERCIAL AUDIO-VISUAL PRODUCTION  
APPLICATION

Date \_\_\_\_\_

To the Refuge Manager \_\_\_\_\_, Fish and Wildlife Service  
(Name and facility)  
Department of the Interior, \_\_\_\_\_

(1) Permission is requested to make, in the area mentioned above, a \_\_\_\_\_

\_\_\_\_\_  
(Description of audio-visual including title of production if applicable)

(2) The scope of the audio-visual activity and the manner and extent that the production will involve the use of the FWS facilities are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
(An additional sheet should be used if necessary)

Weather conditions permitting, work will commence on approximately \_\_\_\_\_ and will be completed on \_\_\_\_\_. Extension of the permit may only be made by the refuge manager in writing.

- (3) The undersigned accepts and will comply with the following conditions:
- (1) Utmost care will be exercised to see that no natural, historic or cultural features are injured, and after completion of the work the area will, as required by the refuge manager, either be cleaned up and restored to its prior condition or left, after clean-up, in a condition satisfactory to the refuge manager.
  - (ii) Credit will \_\_\_\_\_ will not \_\_\_\_\_ be given to the Department of the Interior and the Fish and Wildlife Service through the use of an appropriate title or announcement.
  - (iii) Photographing or filming of resident wildlife will be permitted only when such wildlife will not be molested, harmed, or disturbed thereby. Trained or untrained, wildlife captured elsewhere will not be allowed in any production.
  - (iv) Any special instructions received from the refuge manager will be complied with.

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- (v) Any additional information relating to the privilege applied for by this application will be furnished upon request of the refuge manager.
  - (vi) No employee of the Service may work for the permittee in any capacity whatsoever while in uniform or directly involved in supervision of the permittee.
  - (vii) No personal gratuity of any nature whatsoever will be offered to any employee of the Government in connection with the exercise of the privilege granted.
- (4) A member of the Service staff will supervise the production within the Service boundaries. He/she will have the authority to make all supervisory decisions to assure compliance with the permit, applicable regulations, and Service audio-visual production policy. Any overtime expense incurred due to the necessity for such supervision will be borne by the permittee.
- (5) The permittee will be required to post a bond or cash deposit to ensure that the area is left in as good condition after completion of production as it was before. The bond or deposit will be determined by the Service refuge manager and will be an amount equal to the estimated cost to the Government of clean-up restoration operations that would occur in the event that the permittee causes damage to resource or facilities or fails to clean up the area satisfactorily. Return of the bond or deposit is subject to compliance with the terms of this permit.
- (6) The permittee, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of the Interior, the Service, and all Federal, State, county and municipal laws, ordinances, or regulations which are applicable to the area of operations covered by this permit.
- (7) This permit is a revocable permit and may be revoked at the discretion of the Director of the Fish and Wildlife Service or his designee upon 24 hours notice, or without notice, if damage to resources or facilities is threatened, notwithstanding any other term or condition of the permit to the contrary.
- (8) The permittee hereby agrees to save and hold harmless the United States of America, its agents and employees, from any and all claims, damages, suits at law or equity of whatever kind or nature for damages to or loss

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of property, or injury or death to persons resulting directly or indirectly from or attributable to the permittee or its employees in connection with the filming activities authorized by this permit. In addition, the permittee agrees to carry a general liability insurance policy in the amount of \$ \_\_\_\_\_ in which the United States is named as a coinsured.

\_\_\_\_\_  
(Applicant)  
For: \_\_\_\_\_  
(Company)  
\_\_\_\_\_  
(Address)

Bond/Deposit Requirement: \$ \_\_\_\_\_

Approved: \_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Title)  
\_\_\_\_\_  
(Date)

Bond/Deposit  
Returned

\_\_\_\_\_  
(Signature of person accepting return of bond/deposit and date)

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.