

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 5 STATE PARKS AND RECREATION
PART 7 FILMING IN STATE PARKS

19.5.7.1 ISSUING AGENCY: Energy, Minerals and Natural Resources Department, State Parks Division.
[19.5.7.1 NMAC - N, 1/1/2008]

19.5.7.2 SCOPE: 19.5.7 NMAC applies to filming and photography occurring within a park.
[19.5.7.2 NMAC - N, 1/1/2008]

19.5.7.3 STATUTORY AUTHORITY: 19.5.7 NMAC is authorized pursuant to NMSA 1978, Section 9-1-5(E) and Section 16-2-2 *et seq.*
[19.5.7.3 NMAC - N, 1/1/2008]

19.5.7.4 DURATION: Permanent.
[19.5.7.4 NMAC - N, 1/1/2008]

19.5.7.5 EFFECTIVE DATE: January 1, 2008, unless a later date is cited at the end of a section.
[19.5.7.5 NMAC - N, 1/1/2008]

19.5.7.6 OBJECTIVE: 19.5.7 NMAC's objective is to establish procedures for issuance of film permits within parks.
[19.5.7.6 NMAC - N, 1/1/2008]

19.5.7.7 DEFINITIONS: [RESERVED]
[See 19.5.1.7 NMAC for definitions.]
[19.5.7.7 NMAC - N, 1/1/2008]

19.5.7.8 ACTIVITIES REQUIRING A FILM PERMIT: An individual or entity shall obtain a division-issued film permit for a film or photography project when the film or photography project:

- A.** involves commercial filming;
- B.** will or may impact a park's natural, cultural or recreational resources or disrupt or interfere with visitors' use and enjoyment;
- C.** uses actors, models, special effects, vehicles, sets or props;
- D.** requires entry into areas closed to visitors;
- E.** involves articles of commerce for the purpose of commercial advertising; or
- F.** requires closure of all or part of a park.

[19.5.7.8 NMAC - N, 1/1/2008]

19.5.7.9 ACTIVITIES NOT REQUIRING A FILM PERMIT:

- A.** An individual or entity does not need to obtain a film permit:
 - (1) when using a camera or other audio or video recording device for the individual's or entity's own personal use in areas open to visitors;
 - (2) for commercial photography, so long as the project does not require a film permit for any of the reasons stated in 19.5.7.8 NMAC; or
 - (3) when filming, photographing or audio recording a news event that occurs in a park.
- B.** When a film permit is not required pursuant to Subsection A of 19.5.7.9 NMAC, a special use permit may be required pursuant to 19.5.2.39 NMAC, depending on the scope of the activity.

[19.5.7.9 NMAC - N, 1/1/2008; A, 1/1/2013]

19.5.7.10 APPLICATION FOR A FILM PERMIT:

- A.** An individual or entity shall apply for a film permit with the division's office in Santa Fe at least 30 calendar days before the film or photography project is to start by submitting a division-developed film permit application and the non-refundable film permit application fee. The individual or entity may not begin the film or photography project until the division issues the film permit.

B. The film permit application shall include the following, as applicable:

- (1) name, address, phone number, fax number and e-mail of the individual or entity applying for the film permit and the local contact;
- (2) a brief description of the proposed film or photography project including:
 - (a) whether it is a feature film; still photography; television series, movie or pilot; documentary; video; television commercial; or other;
 - (b) title or product;
 - (c) the project's content;
 - (d) producer;
 - (e) director;
 - (f) production manager; and
 - (g) number in cast;
- (3) the name of the park where the proposed film or photography project would occur;
- (4) the dates and times the proposed film or photography project would occur in the park;
- (5) description of how the individual or entity would use the park, the approximate number of people and vehicles involved, special accommodations needed and special effects planned, including any activity that involves fire;
- (6) whether partial or full closures of the park will be needed;
- (7) whether equipment or vehicles will be used off of established trails or outside of developed areas;

and

- (8) additional information the division requests to determine the proposed project's nature and potential impacts upon the park's resources and visitors.

[19.5.7.10 NMAC - N, 1/1/2008]

19.5.7.11 FILM PERMIT ISSUANCE OR DENIAL:

A. After receipt of the film permit application and the application fee, the division shall either:

- (1) issue the film permit with such conditions as the division deems necessary, including those needed to protect park resources or to ensure visitors' safety and enjoyment, upon the applicant's submission of the following:
 - (a) payment of film permit fees pursuant to 19.5.7.12 NMAC, park fees pursuant to 19.5.7.13 NMAC, as well as costs for division staff or equipment needed for the project to occur (*e.g.* providing a snowplow and operator to remove snow from roads normally closed for the winter) and for park fees the division loses as a result of a park's full or partial closure;
 - (b) a damage deposit sufficient to cover the division's costs for restoration that public liability insurance does not cover and clean up; the division will calculate the damage deposit based on the size, number of hours and days, number of individuals involved and the project's overall complexity;
 - (c) certificate of worker's compensation; and
 - (d) certificate of insurance for public liability for personal injury and property damage in amounts greater than or equal to the liability limits set forth in NMSA 1978, Section 41-4-19, as it may be amended, which shows the department as an additional insured; or
- (2) deny the film permit application in writing for any of the following reasons:
 - (a) the film permit application does not contain the information required by 19.5.7.10 NMAC.
 - (b) the proposed film or photography project is incompatible with park resources and visitor use and demand;
 - (c) the proposed film or photography project depicts activities that are incompatible with or damage the division's image;
 - (d) the proposed film or photography project will or may risk division employee and visitor safety or damage division property or the park's natural and cultural resources; or
 - (e) the park lacks sufficient staff to monitor the proposed film or photography project's activity.

B. If the division denies the film permit application because it is incomplete or for any reason listed in Paragraph (2) of Subsection A of 19.5.7.11 NMAC, the applicant may provide additional information to complete the film permit application or revise the film permit application for the division's reconsideration.

[19.5.7.11 NMAC - N, 1/1/2008]

19.5.7.12 FILM PERMIT FEES:

A. Non-refundable application fee: \$100.

B. Rental fees.

Motion pictures/videos/television documentaries:	
1-30 people	\$250/location/day
31-60 people	\$500/location/day
over 60 people	\$1,000/location/day
Commercial still photography:	
1-10 people	\$100/location/day
11-30 people	\$150/location/day
over 30 people	\$250/location/day

C. Monitoring fees: \$25 per ranger/per hour.

D. Damage deposits.

Less than five people, no stock (animals), props or sets	\$500
Five to 10 people, no stock (animals)	\$1,000
Six to 24 people or up to five consecutive calendar days scheduled filming; complex sets; construction of sets at location	\$2,000 plus \$100 per animal/per day
25 or more people or more than five consecutive calendar days scheduled filming; complex sets; construction of sets at location	\$5,000 plus \$100 per animal/per day

E. The superintendent or director may waive or reduce the fees for individual student projects that are non-commercial.

[19.5.7.12 NMAC - N, 1/1/2008; A, 1/1/2013]

19.5.7.13 PAYMENT OF PARK FEES:

A. Persons associated with the filming project shall pay the generally applicable visitor fees including camping and electrical and sewage hook-up. Day use fees are not charged.

B. The permittee or those involved in the film or photography project shall not use annual permits to cover day use or camping fees for film or photography projects that require closure of all or part of a park.

[19.5.7.13 NMAC - N, NMAC, 1/1/2008]

19.5.7.14 PARK MONITORS:

A. The division may assign staff to monitor all aspects of filming. The number of monitors the division assigns shall depend upon the number of individuals involved in the project. Generally, the division will assign the following number of monitors.

Less than 50 people	one monitor
51-89 people	two monitors
More than 90 people	three monitors

B. The division may assign fewer or no monitors, such as for a commercial still photography shoot that is using only one location and using no props or sets, or assign additional monitors due to the complexity of the shoot, locations used, special effects or fire danger or other hazards.

[19.5.7.14 NMAC - N, 1/1/2008]

19.5.7.15 ADDITIONAL REQUIREMENTS:

A. The permittee shall remove equipment and materials brought into a park for the film or photography project immediately upon the project's completion unless otherwise agreed upon in the film agreement.

B. The permittee shall, on a daily basis, remove and properly dispose of garbage, trash, food, supplies, temporary props and other debris associated with the film or photography project's activities from all filming location, staging, catering, parking and storage areas located within the park. The permittee shall arrange for private trash service and shall not use the park's trash disposal facilities or sewage dump stations.

C. If a film project uses animals, the film project shall comply with the American humane association guidelines for the safe use of animals in filmed media, have an American humane animal safety representative present on the set and qualify for the End Credit Disclaimer "No Animals Were Harmed"TM. For the most current edition of the American humane association guidelines for the safe use of animals in filmed media please go to www.americanhumane.org/film.

D. Helicopter or aircraft operations within park boundaries require specific approval in the film permit and helicopters and aircraft shall maintain at least a 500-foot altitude above known bird nesting sites, occupied campgrounds and other sensitive park locations that the division identifies.

E. If the film or photography project involves more than 10 people, the permittee shall provide or hire its own security services. The permittee shall provide one security officer for every 20 people involved.

F. The permittee shall include the division and the individual park where the actual filming occurred in the “credits” listing at the end of each motion picture, video, sound recording or television documentary.

[19.5.7.15 NMAC - N, 1/1/2008]

19.5.7.16 DAMAGE TO PARK RESOURCES OR STRUCTURES:

A. Unless modified in the film permit, the permittee shall not:

(1) use materials, adhesives or paints on geological, paleontological or archaeological or other scientific resources within a park;

(2) disturb trees, shrubs, forbs, grasses or other vegetative resources; or

(3) temporarily or permanently modify the interior or exterior of any park structure.

B. The permittee shall ensure that no material is discharged into waters of the state or storm drainage system.

C. The permittee shall repair, replace or compensate the division for damage to park resources or structures caused or allowed by the permittee’s activities within seven days after the division has notified the permittee of the damage.

[19.5.7.16 NMAC - N, 1/1/2008]

HISTORY OF 19.5.7 NMAC: [RESERVED]