

NAVAJO NATION
PARKS AND RECREATION DEPARTMENT



COMMERCIAL FILMING AND
PHOTOGRAPHY
POLICIES AND PROCEDURES

April 2005

INTRODUCTION

The Navajo Parks and Recreation Department was established by the Advisory Committee of the Navajo Tribal Council pursuant to Resolution CAU-48-64. The Department is responsible for the protection, preservation and conservation of the natural and cultural resources and values within established Navajo Tribal Parks, Monuments and Recreation Areas.

PURPOSE

Requests for commercial filming and photography in areas under the authority of the Navajo Parks and Recreation Department are received regularly. The purpose of these Commercial Filming and Photography Policy and Procedures is to establish guidelines to be followed in the application for, review, approval/disapproval, of commercial filming and photography permits.

POLICY

The Navajo Parks and Recreation Department shall allow commercial filming and photography in tribal parks, recreation areas and monument only in a manner consistent with these policies and procedures.

AUTHORITY

The Department Manager, Navajo Parks and Recreation Department, has the authority to issue filming permits in tribal park areas pursuant to Government Services Committee resolution GSCJY-18-04, Section IV. J.

APPLICABILITY AND SCOPE

These policies and procedures apply within tribal parks, recreation areas, monuments and other areas under the authority and supervision of the Navajo Parks and Recreation Department. The policy and procedures also apply specifically to filming and photography undertaken for commercial purposes, i.e. for financial gain or public display and exhibition.

OTHER TRIBAL LAWS

The Navajo Office of Broadcast Services has the authority to issue filming permits on the Navajo Nation in compliance with all Navajo Nation law. The Office of Broadcast Services may not issue filming permits in tribal park areas without prior consultation with the Navajo Parks and Recreation Department and may not charge land use fees in such areas. The Office of Broadcast Services may issue filming permits in non-tribal park areas without prior consultation with the Navajo Parks and Recreation Department.

CONSIDERATIONS

Navajo Nation Jurisdiction

The Navajo Nation retains sole and exclusive jurisdiction over all commercial filming and photography within the exterior boundaries of the Navajo Nation.

First Amendment; Censorship

The Navajo Nation has the right to ensure that any filming or photography is in compliance with Navajo Nation law including obscenity and pornography statutes. The Navajo Nation has the inherent right to terminate any filming or photography that may violate Navajo law or adversely affect the image of the Navajo Nation.

Freedom of Speech

The Navajo Nation has laws that protect the right of Navajo citizens to exercise their right of free speech as long as such practice is not an infringement on the rights of others to enjoy the park resources and facilities. The Navajo Nation does not offer such rights to non-Navajos on the Navajo reservation and may terminate or disallow any filming or photography that may be detrimental to the Navajo Nation.

GUIDELINES

Resource Protection

Filming and photography will be allowed as long as the natural, cultural, scenic and other park resources and values are protected and not adversely impacted.

Visitor Experience

Filming and photography will be allowed as long as the uses and enjoyment of the park resources by visitors are not unduly infringed.

Property Rights

Filming and photography will be allowed as long as the property rights of the Navajo people and park residents and traditional uses are not infringed.

Insurance

Companies filming or photographing within park lands shall possess appropriate commercial general liability insurance at all times with the Navajo Nation as additional insured.

Performance Bond

Any filming or photography activity shall require the deposit of a security or performance bond with the Navajo Parks and Recreation Department at an amount to be determined prior to such activity.

Location Scouts

Navajo members shall be utilized as primary location scouts for any filming or photography activity on the Navajo Nation. Non-Navajo location scouts may be used only in partnership with Navajo companies.

Guide Services

Filming and photography companies shall utilize Navajo members as guides on any filming or photography activity while on Navajo Nation lands.

Recovery of Costs

The Navajo Parks and Recreation Department has the right to recover any costs or expenses incurred as a result of filming or photography activity in tribal park areas.

Waivers

Any request for waiver of any requirements under this part shall be in writing and submitted to the Department Manager. Generally, waivers will only be approved for any filming or photography that will benefit the Navajo Nation.

Safety

Any filming or photography activity must provide for the safety of all persons involved in the activity, and park staff, visitors, residents and observers.

Monitoring

Any filming or photography activity that involves more than five (5) people in the on-site production shall be monitored by an off-duty park staff, if available. Such staff shall be compensated at twice their normal hourly rate for each hour on-site with the production.

Suspension/Revocation

Any filming or photography that violates any of the provisions herein may be suspended by the Department Manager until such violation is corrected. Any violation that is not corrected in a reasonable period shall cause the permit to be revoked.

Gratuities

No gratuities will be paid to park staff in the performance of their duty except as provided herein regarding off-duty assignment. Gratuities to any non-staff are at the discretion of the permittee.

High Risk Activities

Any filming or photography activity that involves or requires high risk stunts that could be dangerous to participants or hazardous to the park environment shall require extra consideration and require additional insurance coverage.

Special Effects

Any filming or photography activity that involves or requires special effects such as pyrotechnics and that could be dangerous to participants or hazardous to the park environment shall require extra consideration and require additional insurance coverage.

Aircraft/Airspace

Any filming or photography activity that involves or requires aircraft, motorized or not, including airplanes, helicopters, hot air balloons, hang gliders, etc., that could be dangerous to participants or hazardous to the park environment shall require extra consideration and require additional insurance coverage.

STANDARD FEES AND RATES

Personnel

1-5	Daily Entrance/Backcountry Fee	\$10.00/person/day
6+		\$20.00/person/day

Vehicles

Standard Passenger	\$10.00/vehicle/day
Pickup/up to _ ton	\$15.00/vehicle/day
Passenger Van	\$15.00/vehicle/day
RV/Motor Home	\$40.00/vehicle/day
Trailer, transport	\$20.00/vehicle/day
Large vehicles, 1 ton +	\$40.00/vehicle/day
Special production	\$50.00/vehicle/day
Aircraft, non-motorized	\$250.00/craft/day
Aircraft, motorized	\$750.00/craft/day

Security Deposit

Non-disturbance	\$10,000
Disturbance	\$50,000

Staff/Monitoring Fees

1-3 day	\$50.00/day/staff/on-site
4+ days	\$100.00/day/staff/on-site

PERMIT PROCESS

Pre-Application

Any person, company or organization that desires to undertake filming or photography in any tribal park shall submit a formal request and proposal to the appropriate Park Manager or the Parks Program Manager.

Short Form

Any filming or photography that involves still or digital photography involving less than ten people may submit a Short Form, hereto attached as Exhibit “B”.

Long Form

Any filming or photography that involves filming, including video, and involving any number of people shall submit a Long Form, hereto attached as Exhibit “C”.

Application Review

The Letter of Request, Proposal, and Short/Long Form shall be reviewed by the appropriate Park Manager or Parks Program Manager for preparation of any specific terms and conditions and subsequent action on the application.

Rejection/Denial

The Park Manager or the Parks Program Manager may reject or deny any application that may not be in the best interest of the Park and/or the Navajo Nation.

DENIAL/APPEAL PROCESS

Any person, company or organization that has their filming or photography application denied or rejected may appeal such to the Department Manager, Parks and Recreation Department, within five days of the denial/rejection. Such appeal shall be in writing and shall address only the reasons given for the denial/rejection.

SEVERABILITY

If any part of these policies and procedures is deemed invalid, the rest of the policies and procedures shall remain valid and in effect.

SOVEREIGN IMMUNITY

Nothing herein shall be interpreted or construed, express or implied, as a waiver of the sovereign immunity of the Navajo Nation.

EFFECTIVE DATE

The Navajo Parks and Recreation Department Commercial Filming and Photography Policies and Procedures shall become effective upon approval by the Resources Committee, Navajo Nation Council, and remain in effect until rescinded.