

## Questions and Answers for Still Photography

### **How does this Instruction Memorandum (IM) affect the permitting of filming or videography activities?**

This IM does not change the current handbook direction for permitting of filming or videography; it only applies to still photography.

### **What if the still photography is having negative effects on natural resources, values, or other visitors?**

Public Law (PL)106-206 states:

- *The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines—*
  - (1) there is a likelihood of resource damage;*
  - (2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or*
  - (3) that the activity poses health or safety risks to the public.*
- *The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.*

In cases of natural resource damage, resource value conflicts (e.g., diminished scenic quality), visitor interference, or public health and safety risk, Law Enforcement should be consulted.

Whenever the Bureau of Land Management (BLM) must act to protect resources or provide for public health and safety, an administrative burden is incurred. This could be a Law Enforcement citation, or it may also involve other personnel either in the field or administratively. Either way, for the still photography activity to resume, a permit would now be required with stipulations to prevent or mitigate the damage, conflict, or public safety risk.

### **How should I treat an outfitter who gives photographs to guests as a memento of the trip?**

In this case, the photographs are included as part of the overall trip package, and no action is necessary.

### **What should I do if a company is taking photos of the public (recreation users) in order to sell them back to those recreationalists?**

A permit for still photography is not required unless models, sets or props are involved in the marketing of a service or product. The photograph does not qualify as a “product.”

### **What is meant by the photograph does not qualify as a product?**

As interpreted, Congress' intent with PL 106-206 was to exempt stock photographers who may or may not be able to sell their photographs.

**Are the clients models?**

No, because they are not expressly placed on the public lands to sell a product or service.

**Would the outfitters' boats, vehicles, fishing rods, duck decoys, etc., serve as props?**

No, as interpreted, these items are also not placed on the public lands with the purpose of selling a product or service.

**What if the still photographer is selling his photos on BLM land?**

This activity is vending, and if associated with recreational use, a 2930 vending special recreation permit would be the correct vehicle to use if you believe that it is appropriate and necessary for the recreational setting.