

CHAPTER 4 – COMMERCIAL FILMING

4.1 Introduction

Under the provisions of the *Park Act* {Section 12(4) and 16(e)} all commercial film productions taking place in a park or recreation area must be authorized by a park use permit or a resource use permit.

Under the *Ecological Reserve Act* and the Ecological Reserve Regulations there is no authority to enable the administrator to issue an ecological reserve permit for a commercial film production except films for research or educational purposes.

For the purposes of this section and the Permit Policies and Procedures Manual the following definitions apply:

“commercial filming” means all images captured on film, videotape, disk or by other means undertaken with the intent of monetary return or for use as public educational, entertainment, promotional, or advertising material except for news purposes and still or video photography;

“major shoot” means all commercial filming that is not considered a minor shoot;

“minor shoot” means commercial filming taking one day at one location with no disturbances to park visitors or natural values;

“news purposes” means filming or photography that has as its subject an unexpected current event, is undertaken during or soon after the event as an urgent response to the event, and is for the express purpose of inclusion in a television news bulletin, newspaper, news magazine or similar topical publication;

“protected area” means either a provincial park, recreation area, ecological reserve or a protected area established under the *Environment and Land Use Act*.

“still or video photography” means a single photographer or videographer who requires no special equipment (except a tripod), taking photographs within a period of a single day, with no disturbances to park visitors, natural values and facilities.

4.2BC Parks Commercial Filming Guidelines

Each regional office should have available for passing out to potential applicants copies of the BC Parks Commercial Filming Guidelines (see **Attachment 4-A**) and the Permit Application form for Film Productions (see PASB website <http://www.env.gov.bc.ca/pasb/applications.html>) Regional offices are requested to tailor the BC Parks Commercial Filming Guidelines for their own requirements by adding specific restrictions. Regional offices should also maintain a list of alternate locations outside of protected areas that filming companies can use if the protected area is unavailable.

4.3 Operational Procedures

4.3.1 Permit Application (Ch. 3 – Sect. 3.2)

The applicant must submit a written application to film in protected areas and shall be encouraged to use the BC Parks - Permit Application Form for Film Productions (<http://www.env.gov.bc.ca/pasb/applications.html>). The application form requests the basic information required to do a review and Level 1 - Preliminary Screen of the BC Parks Impact Assessment Process. The applicant should be notified that a minimum of ten (10) business days is required to review the application. For a complex major film production the applicant may be required to complete Level 2 or greater of the BC Parks Impact Assessment Process.

4.3.2 Site Inspection Costs (Ch. 3 – Sect. 3.4)

Under Section 21 of the *Park Act* the applicant for a park use permit or a resource use permit may be required to pay the Province the cost incurred in surveying, cruising, examining and inspecting the area to be affected in respect to the removal, destruction, disturbance, damaging or exploitation of any natural resource or any work, occupancy, undertaking or activity incidental to it.

In the *Park Act* “**natural resource**” means land, water and atmosphere, their mineral, vegetable and other components including the flora and fauna on and in them. As the definition of natural resource is very broad, the payment of costs to the Province should only be applied to inspect the site if the proposed film production will have significant effect on the protected area.

4.3.3 Permit Documents (Ch. 5 – Sect. 5.2.5 and 5.2.8)

The Park Use Permit – Film Production document shall be used to authorize filming in provincial parks, recreation areas and protected areas while the Ecological Reserve Permit shall be used for filming in ecological reserves.

4.3.4 Pricing (Ch. 3 - Sect. 3.4)

The base permit fee for commercial filming under Schedule K - Part 2 - Miscellaneous Fees - Section 10 of the Park and Recreation Area Regulations is established as follows.

“The use of a defined area to carry on, with the intent of monetary return, commercial filming using still or motion photography”

Major Shoot

Minor Shoot

“minor shoot” means commercial filming taking one day at one location with no disturbances of park users or natural resources.

The following is a more specific definition of a minor shoot:

- one day or less;
- one location, one protected area;
- limited number of vehicles (five or less) no large trucks/vans;
- no props, sets or major equipment;
- minimal disturbance of protected area visitors;
- no disturbance to protected area facilities, furniture, signs, etc.;
- no use or occupancy of protected area facilities;
- no disturbances of natural resources;

- ten or less persons;
- use of only hand held photographic equipment (includes a tripod); and
- no or minimal monitoring by BC Parks.

If the commercial filming production does not meet any one of the above mentioned criteria it is to be considered a **“major shoot”**.

The following is a list of additional permit fees that can be applied to major film productions. These fees are considered over and above the base permit fee outlined above.

- **Occupancy of Land**

If the permittee requires a specific area of land for the construction or the installation of sets, props, storage, structures, etc. the following fees can be applied to the permit.

Schedule K - Part 1 - General Fees - Section 1

The exclusive use of a structure or structures not supplied by the Province

(a) without a defined adjacent area (site only), or

(b) with a defined adjacent area

If the permittee requires a specific area of land for use as parking, storage (no structures), etc. the following fees can be applied to the permit.

Schedule K - Part 1 - General Fees - Section 4

The use of a defined area for a power line, telephone line, pipeline, or other service or utility right of way and other miscellaneous land use without structures.

- **Occupancy of Provincially Owned Structures**

If the permittee requires the use of BC Park facilities such as backcountry cabins, picnic shelters, etc. the following fees can be applied to the permit.

Schedule K - Part 1 - General Fees - Section 2

The exclusive use of structure(s) supplied in whole or part by the Province – with or without a defined adjacent area.

Under the *Ecological Reserve Act* there is no authority to charge a permit fee but the following costs to the Province can be reimbursed resulting from commercial filming activities in ecological reserves.

4.3.5 Cost of Monitoring, Supervision and Inspections

Permits issued for film productions usually require a considerable amount of staff time to monitor, supervise and inspect the activity. The following options are available to reimburse BC Parks and one of these provisions can be entered into the Management Plan Schedule of the permit.

(a) *The permittee is required to reimburse the cost of BC Parks staff appointed to monitor/supervise/inspect the filming activity. The costs to be reimbursed include labour, meals, travel and accommodation if necessary. Labour costs are calculated at the hourly or daily rate applicable for the employee(s) adjusted for overtime, shift premiums and other provisions of the salary scale.*

and/or

(b) *The permittee is required to reimburse the costs of a location supervisor appointed by BC Parks to monitor/supervise/inspect the filming activity. The reimbursement charges may be calculated using the Director's Guild of Canada – BC District Council daily rates for a location manager with a minimum callout of 4 hours.*

4.3.6 Miscellaneous Costs

In special circumstances, the permittee may be authorized to use BC Parks equipment, supplies or utilities for the film production. Reimbursement costs should be calculated as follows:

- equipment at the rates specified in the "Province of British Columbia Rental Rates" book;
- supplies used to be valued at the cost to BC Parks that includes replacement costs and other costs associated with reordering such as shipping etc.; and
- estimated consumption of metered water and electrical power at the local prevailing rates.

4.3.7 Insurance (Ch. 2 - Sect. 2.3)

Prior to the commencement of the film production the permittee must provide proof that it has obtained a minimum of \$2,000,000 Commercial General Liability Insurance and other insurances as required in the permit. The Province shall be added as an additional insured under the policy and the policy must include a cross liability clause. Insurance requirements for minor shoot may be waived at the discretion of the Regional Manager.

For the Ecological Reserve Permit document the Insurance Schedule must be completed and attached to the permit.

4.3.8 Term (Ch. 2 - Sect. 2.4)

Permits will be issued for the minimum time period required for set-up, completion, site restoration and cleanup.

4.3.9 Transfer (Ch. 3 - Sect. 3.6)

A commercial filming permit is not transferable.

4.3.10 Financial Guarantees (Ch. 2 – Sect. 2.2)

Prior to the commencement of a major film production the permittee must post a \$5,000 financial guarantee with the Province. At the Regional Manager's discretion, the financial guarantee may be increased depending on impact, risk or term of the film production.

The financial guarantees for a minor shoot may be set at a lower amount or waived at the discretion of the Regional Manager.

The financial guarantee is required to ensure:

- diligent bona fide use;
- site restoration;
- site cleanup;
- payment of any monies owed to the Province; and
- payment of all costs incurred or expenses assumed by the Province as a result of the Permittee's failure to fulfil any of its obligations under the permit.

As the Ecological Reserve Permit has no provision for the requirement of a financial guarantee the following provision must be added to the Management Plan Schedule if a financial guarantee is required.

Financial Guarantee

The Permittee will deliver to the Province a security (the "Financial Guarantee") in a form satisfactory to the Province in an amount of \$_____ on or before the Commencement Date which Financial Guarantee must be kept in force during the term of this Permit.

The Province may claim or draw down the Financial Guarantee to pay

- (i) all money owed by the Permittee to the Province under this Permit; and*
- (ii) all costs incurred or expenses assumed by the Province as a result of the Permittee's failure to Fulfil any of its obligations under this Permit.*

The Province, acting reasonably, may, from time to time by notice in writing, require the Permittee to increase the amount of the Financial Guarantee to an amount that the Province considers is needed to satisfy the Permittee's obligations under this Permit, and the Permittee will, upon receiving notice, deliver to the Province proof that the amount of the Financial Guarantee has been increased accordingly.

If, at any time the Financial Guarantee is claimed or drawn down by the Province, the Permittee will immediately deliver to the Province proof that the Financial Guarantee has been replenished by the Permittee to the amount required by paragraph one.

At the end of the term of this Permit, if the obligations of the Permittee under this Permit have been fulfilled to the satisfaction of the Province, the Province will return to the Permittee the Financial Guarantee, less any amounts claimed or drawn down by the Province under paragraph 2.

4.3.11 Amendments/Modification (Ch. 3 - Sect. 3.6)

Amendments may be considered for filming permits to authorize an extension of the term due to inclement weather or minor changes to the use authorized. A Permit Amendment Agreement is required if there are major changes requested such as new filming locations and activities which would result in the disruption to park resources and visitors. The film company may be requested to submit a new application.

4.3.12 Inspections and Monitoring (Ch. 3 - Sect. 3.7)

Inspections and monitoring shall be required for all film productions except for minor productions at the discretion of the Regional Manager. The frequency of inspections is dependent on the proposed use, particular site and individual circumstances.

The minimum inspection requirements are:

- once before the filming activity starts;
- once during;
- and upon expiry of the Permit

to ensure that all conditions regarding site restoration and clean-up have been met.

Major film productions may require full time monitoring and supervision while in the protected area.

As a condition of the Permit, the Permittee may be required to reimburse BC Parks for all costs of monitoring and supervision by its staff and its filming supervisors contracted for the particular film production.

4.3.13 Suspension and Cancellation (Ch. 3 - Sect. 3.8)

Pursuant to Section 7.01(a) of the Park Use Permit and in the Management Plan Schedule of the Ecological Reserve Permit, the Province has the right to temporary suspend or, order a halt to any or all of the film production, if the activity is causing environmental damage or disturbance to other users of the protected area. No further filming can be undertaken without written approval from the Province.

Under Section 11.01 of the Park Use Permit and Section 8.01 of the Ecological Reserve Permit, the Province may, for reason cancel the Permit immediately by written notice to the Permittee.

4.4 Accreditation

BC Parks reserves the right to request the film-maker to display the following credit line identifying the protected area used as the location.

Filmed in _____ Provincial Park/Recreation Area/Ecological Reserve British Columbia, Canada