



United States Department of the Interior

NATIONAL PARK SERVICE

Yosemite National Park
P. O. Box 577
Yosemite, California 95389

IN REPLY REFER TO:
L7615(YOSE-PM)

Memorandum

To: Catherine Carlisle-McMullen, Project Manager, Yosemite National Park

From: Superintendent, Yosemite National Park

Subject: NEPA and NHPA Clearance: Programmatic CE-Film and Photography Special Use Permit (53496)

The Executive Leadership Team has reviewed the proposed project/action and completed its environmental assessment documentation, and we have determined the following:

- There will not be any effect on threatened, endangered, or rare species and/or their critical habitat.
- There will not be any effect on historic, cultural, or archeological resources.
- There will not be serious or long-term undesirable environmental or visual effects.

The subject proposed project, therefore, is now cleared for all NEPA and NHPA compliance requirements as presented above. Project plans and specifications are approved and construction and/or project implementation can commence.

For the proposed project actions to be within compliance requirements during construction and/or project implementation, the following mitigations must be adhered to:

- No adverse effect determination is contingent on implementation of "Tribal Event Restrictions" stipulation.
- The film permit coordinator will ensure that the parameters and specific criteria the permittees must adhere to must ensure the protection of historic properties and other cultural resources.
- Assessment of effect is contingent on project-specific review and implementation of stipulations 41a and 41b in the permit.

For complete compliance information see PEPC Project 53496.

//Don L. Neubacher//
Don L. Neubacher

Enclosure (with attachments)

*The signed original of this document is on file at the
Environmental Planning and Compliance Office in
Yosemite National Park.*

Letter of Compliance Completion - Programmatic CE-Film and Photography Special Use Permit - PEPC ID: 53496

cc: Statutory Compliance File



National Park Service
U.S. Department of the Interior

Yosemite National Park
Date: 10/03/2014

Categorical Exclusion Form

Project: 2014-026 Programmatic CE Film and Photography Special Use Permit

PEPC Project Number: 53496

Project Description:

This project addresses the issuance of special use permits for filming activities in Yosemite National Park and the El Portal Administrative Site. Specific locations are designated for this permit with criteria identified for location types that include existing day use areas, paved/unpaved parking areas, paved/unpaved trails, wilderness areas, Sequoia groves, and riparian areas. Types of filming requests may include TV commercials, movies, social media, documentaries, B-Roll clips (scenic footage), still photos for print (magazine, books, trade show materials, etc.), and other media types.

Film and Photography draft permits are completed by the Office of Special Park Uses, reviewed for compliance by multiple park subject matter experts, and must be approved by park division chief(s) involved in the permit (depending on shoot locations) prior to the park Superintendent or Business and Revenue Management Division Chief's final review and approval. Park employees monitor filming activities to ensure protection of resources, compliance with permit conditions, and to address activities that have the potential to conflict with visitor enjoyment.

Project Locations:

Mariposa, Madera, and Tuolumne Counties, CA

Mitigations:

- No adverse effect determination is contingent on implementation of "Tribal Event Restrictions" stipulation.
- The film permit coordinator will ensure that the parameters and specific criteria the permittees must adhere to must ensure the protection of historic properties and other cultural resources.
- Assessment of effect is contingent on project-specific review and implementation of stipulations 41a and 41b in the permit.

Describe the category used to exclude action from further NEPA analysis and indicate the number of the category (see Section 3-4 of DO-12):

A.6 Commercial use licenses involving no construction.

On the basis of the environmental impact information in the statutory compliance file, with which I am familiar, I am categorically excluding the described project from further NEPA analysis. No exceptional circumstances (e.g. all boxes in the ESF are marked "no") or conditions in Section 3-6 apply, and the action is fully described in Section 3-4 of DO-12.

Superintendent: //Don L. Neubacher// **Date:** 10/30/14
Don L. Neubacher

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Environmental Planning and Compliance Office in
Yosemite National Park.*



ENVIRONMENTAL SCREENING FORM (ESF)

DO-12 APPENDIX 1

Date Form Initiated: 10/03/2014

Updated May 2007 - per 2004 Departmental Manual revisions and proposed Director's Order 12 changes

A. PROJECT INFORMATION

Park Name: Yosemite National Park
Project Title: 2014-026 Programmatic CE-Film and Photography Special Use Permit
PEPC Project Number: 53496
Project Type: Special Use Permit (SUP)
Project Location:
 County, State: Mariposa, California
 County, State: Madera, California
 County, State: Tuolumne, California
Project Leader: Catherine Carlisle-McMullen
Administrative Record Location: Environmental Planning and Compliance Office

Is project a hot topic (controversial or sensitive issues that should be brought to attention of Regional Director)? No

B. RESOURCE EFFECTS TO CONSIDER:

Identify potential effects to the following physical, natural, or cultural resources	No Effect	Negligible Effects	Minor Effects	Exceeds Minor Effects	Data Needed to Determine/Notes
1. Geologic resources – soils, bedrock, streambeds, etc.	No				
2. From geohazards	No				

Identify potential effects to the following physical, natural, or cultural resources	No Effect	Negligible Effects	Minor Effects	Exceeds Minor Effects	Data Needed to Determine/Notes
3. Air quality		Negligible			Film crews may be authorized to intermittently use portable generators for equipment operations such as lighting. If permitted, use will be limited by established permit conditions, and by the discretion of the on-site park monitor.
4. Soundscapes		Negligible			Generators may be utilized if permitted. The sound level must be 60 decibels or lower. They must be relatively quiet and meet Environmental Protection Agency and California Air Resource Board standards.
5. Water quality or quantity	No				
6. Streamflow characteristics	No				
7. Marine or estuarine resources	No				
8. Floodplains or wetlands	No				
9. Land use, including occupancy, income, values, ownership, type of use	No				
10. Rare or unusual vegetation – old growth timber, riparian, alpine	No				Film crews are not permitted to walk/film near sensitive plants or other vegetation such as the rare Yosemite Bitterroot growing around Turtleback Dome gravel areas.
11. Species of special concern (plant or animal; state or federal listed or proposed for listing) or their habitat	No				
12. Unique ecosystems,		Negligible			Yosemite National Park is a World Heritage Site. If permitted, film crews

Environmental Screening Form (ESF) - Programmatic CE-Film and Photography Special Use Permit - PEPC ID: 53496

Identify potential effects to the following physical, natural, or cultural resources	No Effect	Negligible Effects	Minor Effects	Exceeds Minor Effects	Data Needed to Determine/Notes
biosphere reserves, World Heritage Sites					may film unique ecosystems from a distance without disturbing the site's natural features. Crews must only film or photograph from platforms, paved trails or pre-established footpaths.
13. Unique or important wildlife or wildlife habitat	No				When approved, permitted film or photography crews will film wildlife or habitats from a distance without disturbance.
14. Unique or important fish or fish habitat	No				
15. Introduce or promote non-native species (plant or animal)	No				
16. Recreation resources, including supply, demand, visitation, activities, etc.		Negligible			Permitted film or photography crews must remain clear of visitors and allow normal visitor activity to occur without disturbance. The film permit, as well as on-site monitors will always attempt to mitigate any effects.
17. Visitor experience, aesthetic resources	No				
18. Archeological resources	No				
19. Prehistoric/historic structure	No				
20. Cultural landscapes	No				
21. Ethnographic resources	No				
22. Museum collections (objects, specimens, and archival and manuscript		Negligible			When authorized by permit and by museum management, permittee's may be allowed to film or photograph museum collections. Lighting or other light effects are prohibited.

Identify potential effects to the following physical, natural, or cultural resources	No Effect	Negligible Effects	Minor Effects	Exceeds Minor Effects	Data Needed to Determine/Notes
collections)					
23. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure	No				
24. Minority and low income populations, ethnography, size, migration patterns, etc.	No				
25. Energy resources	No				
26. Other agency or tribal land use plans or policies	No				Filming and photography is prohibited during Tribal ceremonies, Tribal events and individual Tribal activities.
27. Resource, including energy, conservation potential, sustainability	No				
28. Urban quality, gateway communities, etc.	No				
29. Long-term management of resources or land/resource productivity	No				
30. Other important environment resources (e.g. geothermal, paleontological resources)?	No				

C. MANDATORY CRITERIA

Environmental Screening Form (ESF) - Programmatic CE-Film and Photography Special Use Permit - PEPC ID: 53496

Mandatory Criteria: If implemented, would the proposal:	Yes	No	N/A	Comment or Data Needed to Determine
A. Have significant impacts on public health or safety?		No		
B. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?		No		
C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E))?		No		
D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		No		
E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?		No		
F. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		No		
G. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office?		No		

Mandatory Criteria: If implemented, would the proposal:	Yes	No	N/A	Comment or Data Needed to Determine
H. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		No		
I. Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment?		No		
J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		No		
K. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		No		
L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		No		

For the purpose of interpreting these procedures within the NPS, any action that has the potential to violate the NPS Organic Act by impairing park resources or values would constitute an action that triggers the DOI exception for actions that threaten to violate a federal law for protection of the environment.

D. OTHER INFORMATION

1. Are personnel preparing this form familiar with the site? Yes
- 1.A. Did personnel conduct a site visit? No
2. Is the project in an approved plan such as a General Management Plan or an Implementation Plan with an accompanying NEPA document? No
3. Are there any interested or affected agencies or parties? No

Environmental Screening Form (ESF) - Programmatic CE-Film and Photography Special Use Permit - PEPC ID: 53496

4. Has consultation with all affected agencies or tribes been completed? No
5. Are there any connected, cumulative, or similar actions as part of the proposed action? (e.g., other development projects in area or identified in GMP, adequate/available utilities to accomplish project) No

E. INTERDISCIPLINARY TEAM SIGNATORIES

<u>Interdisciplinary Team</u>	<u>Field of Expertise</u>
Don L. Neubacher	Superintendent
Michael Gauthier	Chief of Staff
Kathleen Morse	Chief of Planning
Randy Fong	Chief of Project Management
	Chief of Administration Management
Ron Borne	Chief of Facilities Management
Linda C. Mazzu	Chief of Resources Management & Science
Kris Kirby	Chief of Business and Revenue Management
Tom Medema	Chief of Interpretation and Education
Kevin Killian	Chief of Visitor and Resource Protection
Catherine Carlisle-McMullen	Project Leader
Madelyn Ruffner	Environmental Planning and Compliance Program Manager
Renea Kenec	NEPA Specialist

F. SUPERVISORY SIGNATORY

Based on the environmental impact information contained in the statutory compliance file and in this environmental screening form, environmental documentation for this stage of the subject project is complete.

Recommended:

Compliance Specialists	Date
<u>//Renea Kenec//</u> Compliance Specialist – Renea Kenec	<u>10/7/14</u>
<u>//Madelyn Ruffner//</u> Compliance Program Manager – Madelyn Ruffner	<u>10/24/14</u>
<u>//Randy Fong//</u> Chief, Project Management – Randy Fong	<u>10/27/14</u>

Approved:

Superintendent	Date
<u>//Don L. Neubacher//</u> Don L. Neubacher	<u>10/30/14</u>

The signed original of this document is on file at the Environmental Planning and Compliance Office in Yosemite National Park.



PARK ESF ADDENDUM

Today's Date: October 3, 2014

PROJECT INFORMATION

Park Name: Yosemite National Park
Project Title: Programmatic CE-Film and Photography Special Use Permit
PEPC Project Number: 53496
Project Type: Special Use Permit (SUP)
Project Location:
 County, State: Mariposa, California
 County, State: Madera, California
 County, State: Tuolumne, California
Project Leader: Catherine Carlisle-McMullen

PARK ESF ADDENDUM QUESTIONS & ANSWERS

ESF Addendum Questions	Yes	No	N/A	Data Needed to Determine/Notes
SPECIAL STATUS SPECIES CHECKLIST				
Listed or proposed threatened or endangered species (Federal or State)?		No		All special status species will not be disturbed during permitted film or photo activity. Crews must not walk or film near sensitive nests or in special status habitat. Threatened or endangered species filming and photography is prohibited.
Species of special concern (Federal or State)?		No		
Park rare plants or vegetation?		No		Yosemite Bitterroot will be preserved during permitted film or photography activity as well as any other rare plant or vegetation.
Potential habitat for any special-status species listed above?		No		

ESF Addendum Questions	Yes	No	N/A	Data Needed to Determine/Notes
NATIONAL HISTORIC PRESERVATION ACT CHECKLIST				
Entail ground disturbance?		No		
Are any archeological or ethnographic sites located within the area of potential effect?		No		
Entail alteration of a historic structure or cultural landscape?		No		
Has a National Register form been completed?	Yes			This project is parkwide; there are several National Register nominations within the project area.
Are there any structures on the park's List of Classified Structures in the area of potential effect?		No		
WILD AND SCENIC RIVERS ACT CHECKLIST				
Fall within a wild and scenic river corridor?		No		Tuolumne River and Merced River Corridor areas may be filmed/photographed by permitted crews when approved however, crews must film away from the riverbanks whenever possible and will always stay clear of re-vegetation and sensitive wetland areas. River habitat will not be disturbed.
Fall within the bed and banks AND will affect the free-flow of the river?		No		
Have the possibility of affecting water quality of the area?		No		
Remain consistent with its river segment classification?	Yes			
Fall on a tributary of a Wild and Scenic River?	Yes			Wild and Scenic River tributaries may be filmed from a distance away from the bank(s), and crews must not operate on any wetland surface or in any tributaries.

ESF Addendum Questions	Yes	No	N/A	Data Needed to Determine/Notes
Will the project encroach or intrude upon the Wild and Scenic River corridor?		No		
Will the project unreasonably diminish scenic, recreational, or fish and wildlife values?		No		
WILDERNESS ACT CHECKLIST				
Within designated Wilderness?	Yes			Wilderness management may require and request a Minimum Requirements Analysis (MRA) for film/photo permits at their discretion, if and when film/photo projects require mitigation analysis. Special Park Uses will complete an MRA as such when requested.
Within a Potential Wilderness Addition?	Yes			



ASSESSMENT OF ACTIONS HAVING AN EFFECT ON HISTORIC PROPERTIES

A. DESCRIPTION OF UNDERTAKING

1. **Park:** Yosemite National Park

2. **Project Description:**

Project Name: 2014-026 Programmatic CE-Film and Photography Special Use Permit

Prepared by: Renea Kennec

Date Prepared: 10/03/2014

Telephone: 209-379-1038

PEPC Project Number: 53496

Locations:

County, State: Mariposa, CA

County, State: Madera, CA

County, State: Tuolumne, CA

Area of potential effects (as defined in 36 CFR 800.16[d])

Parkwide

3. **Has the area of potential effects been surveyed to identify historic properties?**

No

Yes

Source or reference: Parkwide

4. **Potentially Affected Resources:**

Archeological resources affected:

Name and numbers: Park-Wide permit; presence/absence of resources determined on a site by site basis.

Historical Structures/Resources Affected:

Name and numbers: Park-Wide permit; presence/absence of resources determined on a site by site basis.

Ethnographic Resources Affected:

Name and numbers: Park-Wide permit; presence/absence of resources determined on a site by site basis.

5. **The proposed action will: (check as many as apply)**

- No Destroy, remove, or alter features/elements from a historic structure
- No Replace historic features/elements in kind
- No Add non-historic features/elements to a historic structure
- No Alter or remove features/elements of a historic setting or environment (inc. terrain)
- No Add non-historic features/elements (inc. visual, audible, or atmospheric) to a historic setting or cultural landscape
- No Disturb, destroy, or make archeological resources inaccessible
- No Disturb, destroy, or make ethnographic resources inaccessible
- Yes Potentially affect presently unidentified cultural resources
- No Begin or contribute to deterioration of historic features, terrain, setting, landscape elements, or archeological or ethnographic resources
- No Involve a real property transaction (exchange, sale, or lease of land or structures)
- Other (please specify): _____

6. Supporting Study Data:

(Attach if feasible; if action is in a plan, EA or EIS, give name and project or page number.)

B. REVIEWS BY CULTURAL RESOURCE SPECIALISTS

The park 106 coordinator requested review by the park's cultural resource specialist/advisors as indicated by check-off boxes or as follows:

Anthropologist
 Name: Jennifer Hardin
 Date: 09/09/2014

Check if project does not involve ground disturbance

Assessment of Effect: No Potential to Cause Effect No Historic Properties
 Affected No Adverse Effect Adverse Effect Streamlined Review
 Recommendations for conditions or stipulations: No adverse effect determination is contingent on implementation of "Tribal Event Restrictions" stipulation.

Doc Method: Park Specific Programmatic Agreement

Archeologist
 Name: Sonny Montague
 Date: 10/06/2014

Check if project does not involve ground disturbance

Assessment of Effect: No Potential to Cause Effect No Historic Properties
 Affected No Adverse Effect Adverse Effect Streamlined Review
 Recommendations for conditions or stipulations: Assessment of effect is contingent on project-specific review and implementation of stipulations 41a and 41b in the permit.

Assessment of Effect Form - Programmatic CE-Film and Photography Special Use Permit - PEPC ID: 53496

Historical Architect
Name: Gabrielle Harlan
Date: 10/02/2014

Check if project does not involve ground disturbance
Assessment of Effect: No Potential to Cause Effect No Historic Properties
Affected No Adverse Effect Adverse Effect Streamlined Review
Recommendations for conditions or stipulations:

No Reviews From: Curator, Historian, 106 Advisor, Other Advisor, Historical Landscape Architect

C. PARK SECTION 106 COORDINATOR'S REVIEW AND RECOMMENDATIONS

1. Assessment of Effect:

- No Potential to Cause Effects
 No Historic Properties Affected
 No Adverse Effect
 Adverse Effect

2. Documentation Method:

A. STANDARD 36 CFR PART 800 CONSULTATION
Further consultation under 36 CFR Part 800 is needed.

B. STREAMLINED REVIEW UNDER THE 2008 SERVICEWIDE PROGRAMMATIC AGREEMENT (PA)

The above action meets all conditions for a streamlined review under section III of the 2008 Servicewide PA for Section 106 compliance.

APPLICABLE STREAMLINED REVIEW Criteria
(Specify 1-16 of the list of streamlined review criteria.)

C. PLAN-RELATED UNDERTAKING

Consultation and review of the proposed undertaking were completed in the context of a plan review process, in accordance with the 2008 Servicewide PA and 36 CFR Part 800.
Specify plan/EA/EIS:

D. UNDERTAKING RELATED TO ANOTHER AGREEMENT

The proposed undertaking is covered for Section 106 purposes under another document such as a statewide agreement established in accord with 36 CFR 800.7 or counterpart regulations.

1999 Programmatic Agreement

E. COMBINED NEPA/NHPA Document

Documentation is required for the preparation of an EA/FONSI or an EIS/ROD has been developed and used so as also to meet the requirements of 36 CFR 800.3 through 800.6

G. Memo to SHPO/THPO

H. Memo to ACHP

SHPO/THPO Notes:

3. Additional Consulting Parties Information:

Additional Consulting Parties: No

4. Stipulations and Conditions:

Following are listed any stipulations or conditions necessary to ensure that the assessment of effect above is consistent with 36 CFR Part 800 criteria of effect or to avoid or reduce potential adverse effects.

5. Mitigations/Treatment Measures:

**Measures to prevent or minimize loss or impairment of historic/prehistoric properties:
(Remember that setting, location, and use may be relevant.)**

- Assessment of Effect - No adverse effect determination is contingent on implementation of "Tribal Event Restrictions" stipulation.
- Assessment of Effect - The film permit coordinator will ensure that the parameters and specific criteria the permittees must adhere to must ensure the protection of historic properties and other cultural resources.
- Assessment of Effect - Assessment of effect is contingent on project-specific review and implementation of stipulations 41a and 41b in the permit.

D. RECOMMENDED BY PARK SECTION 106 COORDINATOR:

Historic Preservation Officer:

Kimball
Koch

//Kimball Koch//

Date: 10/6/14

E. SUPERINTENDENT'S APPROVAL

The proposed work conforms to the NPS *Management Policies* and *Cultural Resource Management Guideline*, and I have reviewed and approve the recommendations, stipulations, or conditions noted in Section C of this form.

Superintendent: //Don L. Neubacher// **Date:** 10/30/14
Don L. Neubacher

*The signed original of this document is on file at the
Environmental Planning and Compliance Office in
Yosemite National Park.*

UNITED STATES DEPARTMENT OF THE INTERIOR
National Park Service
Yosemite National Park
Special Use Permit

NAME	Name of Permittee
ORGANIZATION	Company Name
ADDRESS	XXXXX
	XXXXX
TELEPHONE NUMBER	XXXXX
FAX NUMBER	XXXXX

Park Alpha Code: YOSE
Type of Use: Commercial Film
Permit #: PWR-YOSE-9500-14-XXX

Is hereby authorized to use the following described land in Yosemite National Park: (Locations listed here)

The area must not be disturbed from its original condition by activities authorized by this permit.
The permit begins on: 9/9/2015 through 9/15/2015, from 5:00 am to 9:00 pm (Filming is prohibited on weekends) The permit expires at: 11:00 am on 9/15/2015

SUMMARY OF PERMITTED ACTIVITY: The (Name of Company) and permit project description.

Person on site responsible for adherence to the terms and conditions of the permit: John Doe

Authorizing legislation or other authority: DO-53 PL 106-206, 16 USC1, 16USC 1133© and (d), 36 CFR 5.5

NEPA Compliance: CATEGORICALLY EXCLUDED X EA/FONSI EIS PEPC # 22351

- APPLICATION FEE:** Received X Not Required Amount \$300
- PERFORMANCE BOND:** Required Not Required X Amount \$
- LIABILITY INSURANCE:** Required X Not Required Amount \$1,000,000
- COST RECOVERY:** Required X Not Required Amount \$
- FACILITY USE FEE:** Required Not Required X Amount \$
- LOCATION FEE:** Required X Not Required Amount \$

ISSUANCE of this permit is subject to the attached conditions. The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied herein.

PERMITTEE _____
Signature Title Date

Authorizing NPS Official _____
Signature Chief of Business and Revenue Date

CONDITIONS OF THIS PERMIT

1. The permittee is prohibited from giving false information; to do so will be considered a breach of conditions and be grounds for revocation: [36 CFR 2.32(a)(3)].
2. The permittee shall exercise this privilege subject to the supervision of the Superintendent or designee, and shall comply with all applicable Federal, State, county and municipal laws, ordinances, regulations, codes, and the terms and conditions of this permit. Failure to do so may result in the immediate suspension of the permitted activity or the termination of the permit.
3. If any provision of this permit shall be found to be invalid or unenforceable, the remainder of this permit shall not be affected and the other provisions of this permit shall be valid and be enforced to the fullest extent permitted by law.
4. The permittee is responsible for making all necessary contacts and arrangements with other Federal, State, and local agencies to secure required inspections, permits, licenses, etc.
5. Failure to comply with any of the terms and conditions of this permit may result in the suspension or revocation of the permit. Permittee will reimburse NPS for cleanup or repair of damages required to be made by NPS staff or contractor in conjunction with a terminated permit.
6. This permit may be revoked at the discretion of the Superintendent upon 24 hour notice, or without notice if damage to resources or facilities occurs or is threatened, notwithstanding any other term or condition of the permit to the contrary.
7. This permit is made upon the express condition that the United States, its agents and employees shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury, injuries, or death to any person or persons or property of any kind whatsoever, whether to the person or property of the Permittee, its agents or employees, or third parties, from any cause or causes whatsoever while in or upon said premises or any part thereof during the term of this permit or occasioned by any occupancy or use of said premises or any activity carried on by the Permittee in connection herewith, and the Permittee hereby covenants and agrees to indemnify, defend, save and hold harmless the United States, its agents, and employees from all liabilities, charges, expenses and costs on account of or by reason of any such injuries, deaths, liabilities, claims, suits or losses however occurring or damages growing out of the same.
8. Permittee agrees to carry general liability insurance against claims occasioned by the action or omissions of the permittee, its agents and employees in carrying out the activities and operations authorized by this permit. The policy shall be in the amount of **\$One Million Dollars** and underwritten by a United States company naming the United States of America as **additionally insured**. The permittee agrees to provide

the Superintendent with a Certificate of Insurance with the proper endorsements prior to the effective date of the permit.

9. Permittee agrees to deposit with the park a bond in the amount of \$ N/A from an authorized bonding company or in the form of cash or cash equivalent, to guarantee that all financial obligations to the park will be met, including the restoration and rehabilitation of the permitted area.
10. Costs incurred by the park as a result of accepting and processing the application and managing and monitoring the permitted activity will be reimbursed by the permittee. Administrative costs and estimated costs for activities on site must be paid when the permit is approved. If any additional costs are incurred by the park, the permittee will be billed at the conclusion of the permit. Should the estimated costs paid exceed the actual costs incurred; the difference will be returned to the permittee.
11. The person named on the permit as in charge of the permitted activity on-site must have full authority to make any decisions about the activity and must remain on-site at all times. He/she shall be responsible for all individuals, groups, vendors, etc. involved with the permit
12. The permittee represents and it is a condition of acceptance of this permit that, pursuant to 41 U.S. C. 22, "No Member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon."
13. Nothing herein contained shall be construed as binding the Service to expend in any one fiscal year any sum in excess of appropriations made by Congress or administratively allocated for the purpose of this permit for the fiscal year, or to involve the Service in any contract or other obligation for the further expenditure of money in excess of such appropriations or allocations.
14. This permit may not be transferred or assigned without the prior written consent of the Superintendent.

Special Conditions – Yosemite National Park: Permit YOSE-9500-14-XXX

15. **Permit Authorization:** This permit is not valid until signed by the Superintendent or his/her authorized representative.
16. **Health and Sanitation:** Permittee will comply with applicable public health and sanitation standards and codes.
17. **Permit Verification:** Permittee must have permit in possession at all times while engaging in filming activities.

- 18. Non-Exclusive Authorization:** This permit shall not be construed as limiting the authority of the Superintendent to issue similar permits at the request of other qualified entities seeking to conduct the same or similar activities in Yosemite National Park.
- 19. Pre-Film Conference:** Permittee's will meet with the Film Permit Program Coordinator before filming activities are allowed to proceed. This pre-film conference will determine parameters and specific criteria the permittee's must adhere to during their filming. The pre-film conference will determine and review; the film schedule, list of locations, and all applicable on-site activity conditions that apply.
- 20. Use of Area:** This permit is applicable only for the use of the area(s) and terms designated in the permit. The permittee, and/or participants will not construct any temporary or permanent structures of any kind anywhere within the boundaries of Yosemite National Park, and will not be assigned any facilities or portions thereof, located within the park, except as allowed to the general public.
- 21. Tribal Event Restrictions:** Permittee's are prohibited from filming and photographing Native American tribal ceremonies, group events and individual tribal activities. As such, permittee must not film within the boundaries of any tribal or Native American event occurring within park facilities, tribal use areas, upon Native American burial grounds, within any Native American Roundhouse or upon any land where tribal ceremonies or activities are performed.
- 22. Permit Changes:** The filming project will be well planned and scheduled. Last minute changes, if requested by permittee may be accommodated, contingent upon approval by park management. Weather and/or other emergency conditions will be considered during the approval process. If changes to the permit, or unapproved activity occurs without prior approval by park management, the permit may be cancelled.
- 23. Cancellation:** If the permittee cancels the permit, due to personal or exclusive requirements, a cancellation fee of \$100.00 will be charged to the permittee to cover administrative costs incurred by NPS. If damages within the boundaries of Yosemite National Park occur or are discovered after the permit is terminated, the permittee will be responsible for clean-up, or must either reimburse NPS or the clean-up contractor, for repairs in full.
- 24. Notification of Delays:** The permittee agrees to notify the NPS of any delays or schedule changes at least 48 hours in advance. Should the permittee fail to provide such advance notification the permittee agrees to pay for any costs incurred by the NPS, including for time spent to administer permit changes. Such payment(s) will be non-refundable.
- 25. Monitoring:** When filming or photography activities have the potential to interfere with visitor use, interfere with interpretive programs, cause congestion to visitor parking/traffic, or impact park resources, one or more NPS monitors will be assigned to oversee permit activities. The degree of monitoring will be determined by the crew size, equipment, props,

scope, complexity, location, time of day, and time of year. Park monitors are there to assure full compliance with all conditions of the permit. Since this project involves locations that are environmentally sensitive and heavily visited, monitoring by park staff will be on-site and continual in non-wilderness and wilderness locations depending on staff availability.

- a. The Superintendent may bring in other employees to assist in those instances when the scope of the project exceeds the park's ability to properly manage the activity. The resulting staff costs will be recovered from the permittee.
- b. Before initiating any location set-ups or dispersal of equipment, a park monitor must be on site. Failure to comply with this requirement could result in the revocation of the permit.
- c. Crews (talent, crew, clients & participants) may be asked to disperse when necessary if visitor impact becomes problematic. Crews are not permitted to split-up, to work in separate locations unless prior approval has been given by the Film Permit Program Coordinator or park Superintendent.

26. Visitor Communication: Permittee will communicate and interact with visitors in a courteous, and professional manner at all times.

27. Sharing the Park: Permit does not guarantee exclusive use of an area. The area will remain open to the public during park visiting hours. Permit activities must not unduly interfere with other park use and enjoyment of the area. Visitors will be allowed to watch the filming/photography activity.

28. Vehicle Parking and Road Use: The NPS cannot guarantee parking availability or access to parking locations during peak hours, weather related events or other event beyond the control of park management. All vehicles will be parked in authorized areas only; vehicles cannot block emergency access and must be legally parked at all times. Parking on the grass, blocking roads or sidewalks is strictly prohibited. Driving off roadways without proper authorization may result in the issuance of a U.S. Court Violation Notice.

29. Traffic Flow and Visitor Control: Permittee or participants will at no time impede the normal flow of pedestrian or vehicle traffic during permitted activity and film/photography operations. The permittee or participants are not allowed to direct visitors or perform crowd or traffic control at any time. Intermittent traffic control is not authorized, and any request must be pre-approved by the Superintendent.

30. Winter Road Conditions: All vehicles should be equipped with properly-fitted tire chains, in case of unsafe road conditions. Any road closed to the general public due to hazardous conditions or snow, is not accessible by film crews.

36 CFR 4.12 states, "Upon entering an activated chain control area state law requires all vehicles to carry chains. R-1 Chains required, snow tires recommended. All two-

wheeled and four-wheeled drive vehicles must use chains unless snow tires are on drive axle. Snow tire must have an M&S designation on tire, indicating that they are mud & snow tires.”

- 31. Driving Shots:** The picture car will be escorted by a monitor between each location. During the project, one drive-by shoot (two passes) may be filmed on HWY 41 at Tunnel View. Photographer may shoot footage of the picture car when the driver passes in front of the Tunnel View parking lot (short lot). The Photographer/crew must stand on the sidewalk by the Tunnel View parking lot (small, eastside lot), during this filming activity. Traffic will not be stopped at any-time during filming.
- 32. NPS Equipment:** Government equipment cannot be loaned, rented or diverted from normal use for purposes of filming.
- 33. Audio Effect/Level:** Permittee will comply with all noise regulations. The Code of Federal Regulations CFR-36, 2.12 (a)(1) prohibits the playing of audio devices in a manner that exceeds a noise level of 60 decibels. No amplified music or public address systems are allowed.
- 34. Generator Use and Artificial Lighting:** If generator use and lighting are allowed, it will not conflict with visitor enjoyment, views of landscapes, nor aesthetic value of the locations. Generators will be allowed only by the discretion of the on-site monitor, and must operate within parameters listed in CFR (36 CFR 2.12 (a) (1). Permittee may use portable lights, preferably powered by portable battery pack, rather than a generator.
- 35. Notices and Advertising:** The display, sale or dissemination of printed materials, advertisements, electronic media, artifacts, merchandise or any other item is strictly prohibited (*Re: 36 CFR § 2.52 & 5.1*).
- 36. Banners and Posters:** The permittee and participants will not attach, erect, place, hang, anchor or display any banner, streamer, poster, or any other object on NPS lands (*Re: 36 CFR § 2.1, & 5.1*).
- 37. NPS Employees:** Yosemite National Park employees may not work for the permittee in any capacity while wearing the NPS uniform, or when directly involved in the supervision of the permittee. NPS employees may not perform, or appear to perform official duties for purposes of filming/photography unless such performance has been approved by the NPS. No personal gratuity or payment of any nature whatsoever will be offered to any employee of the government in connection with the permittee’s activity.
- 38. On-site Conditions:** Authorized locations including all park land and park facilities utilized under this permit must be left in the condition that existed prior to activities authorized herein, with no disturbance or adverse effects on natural and/or cultural resources. Upon completion of permit activities at each location the area shall be cleaned and restored to its original condition as required by the NPS monitor on location.

- 39. Meadows:** Filming and photography activities must not occur within park meadows unless advance permission is granted by a designated Resources Management and Science representative. Established meadow foot-paths and walkways are permitted use when available.
- 40. Night Filming:** Pre-arranged locations must be designated before night filming occurs. Permittee may film until 12:00 am (midnight) on 9/10/15 and 9/11/15 to capture scenic footage using time lapse film equipment or basic camera equipment only.
- 41. Prohibited Activities:** Permits will be denied if the proposed film/photography activities exhibit the potential for resource damage.
- a. The permittee and participants will not disturb, adversely effect, alter, damage, or remove any natural/cultural resources, archeological or historic artifacts. If the need to move any object is anticipated, request for permission must be made in advance.
 - b. If artifacts are discovered, the permittee will ensure they are left in place undisturbed, and will immediately report the discovery to Laura Kirn, Supervisory Cultural Resources Program Manager (209) 379-1314, or Park Dispatch at (209) 379-1992.
 - c. Digging, scraping, chiseling or defacing natural features for filming purposes is prohibited.
 - d. Filming/photography activities will be conducted to avoid trampling or damage to any trees, vegetation or natural features.
 - e. Wildlife will not be disturbed at any time. Collecting, baiting, feeding, chasing and/or killing any wildlife is prohibited.
 - f. Creating new trails, marking trails or other locations by flagging, rock cairns, vegetation or dead wood, or by use of marking paint of any kind or by any means is prohibited.
 - g. Removal of signs, fences, posts, or camouflaging of directional signs/informational signage is prohibited.
 - h. Unless previously authorized by the Park Superintendent or designee, entry into any closed area is prohibited by law.
 - i. Cultural resources: filming within concessionaire facilities is prohibited.

- 42. Food Requirements:** Park regulations require proper food storage throughout Yosemite National Park. Food must be stored in a bear resistant canister or food locker unless it is within arm's reach. Food includes all edible items and beverages. In addition, all trash, toiletries, and other scented items must be properly stored. Permittee will avoid accumulation of garbage. All food and beverages brought in by the permittee must be removed from the activity area.
- 43. Health and Sanitation:** Permittee will comply with applicable public health and sanitation standards and codes. Under no circumstances shall the permittee allow its staff, members or crew dispose of human waste outside of an approved public restroom facility. The permittee, if approved, will provide, at the permittee's expense, several portable toilets for staff, members and crew.
- 44. Endorsements:** Credit must not state or imply NPS endorsement of any commercial product or service. Film or photography product will not state or visually portray endorsement of commercial products or service, or portray any illegal park activity to the viewing public.
- 45. Provision of Activities:** Only the permittee and participants registered under this permit are authorized to conduct activities specified in this permit within the boundaries of Yosemite National Park. The permittee may not subcontract or otherwise allow outside entities and/or non-registered participants to conduct activities within the park, under the auspices of this permit. The permittee may not conduct any activities other than those specified within conditions of this permit unless specifically authorized by the NPS.
- 46. Weapons and Firearms:** Possession or use of firearms, weapons, explosives, or any other explosive device or agent is strictly prohibited (Re: 36 CFR 2.4).
- 47. Rights to Film Footage and Photography:** Permittee shall own all rights of every kind in and to all photographs, and recordings made by permittee in the park, and shall have the right to use such photographs, and/or recordings in any manner it may desire, without limitation or restriction of any kind. Permit does not grant any rights regarding the filming, photography or recording of park visitors, NPS employees, or employees of other institutions, on NPS property without the individuals' permission, or written consent. In addition, rights owned by other individuals or institutions are not impacted or changed by this permit, including employee interviews involving individuals that have been selected and approved to speak on behalf of the NPS, while on duty.
- 48. Climbing and Rigging:** Film/photography projects involving rock climbing in Wilderness are restricted. As such, film/photography activity must only occur on the rock wall itself, along the specific route permitted (Nose route), and no such activity will occur off access trails to and from the climbing route.

Permittee will employ "clean climbing" ethics throughout Yosemite, and as such will adhere to the guidelines described below:

- a. Avoid nailing whenever possible and do not drill new holes or chisel gear placements.
- b. Never fabricate holds or change the nature of established climbs.
- c. The use of power drills is strictly prohibited.
- d. Use existing bolts to minimize impact on route, but if a new bolt is needed, remove after use and fill with granitic material to hide the impact.
- e. Chiseling or defacing rocks is prohibited.
- f. All property, equipment, litter and human waste must be removed upon completion of the permitted climbing activity. If it is impractical or dangerous to remove fixed ropes/gear, return as soon as possible to retrieve them.
- g. Do not throw anything off the wall.
- h. No equipment or food caching is allowed.
- i. Climbing and filming/photography activity shall not interfere with other climbers in the area.
- j. Bears actively seek food left by humans. Do not leave any food, drinks, toiletries or trash unattended while climbing.
- k. If it is necessary to leave food and scented items during filming/photography, it must be stored in a bear resistant canister or at least 50 feet off of the ground on a 5.9 or harder climb.
- l. Permittee will employ safe climbing techniques so as not to create any hazardous conditions.

49. Report of Injury or Damage: The permittee is required to make a report of ANY, serious personal injury (an injury requiring professional medical attention) and/or property damage incident occurring within the park involving the permittee, vehicles, clientele, or employees by contacting park dispatch at 209-379-1992. A report will consist of a verbal description of the incident. The permittee must cooperate with any investigation of the incident by the National Park service. A written report of the incident must be mailed or e-mailed to the Office of Special Park Uses within 7 calendar days after the reported incident.

50. Origin of Services: All business aspects associated with the activity (i.e. planning, registration, advertisement, solicitation of organization activities, exchange or collection of money, sale of goods or services, etc.) must take place outside the boundary of Yosemite National Park. This permit does not authorize the permittee to advertise, solicit business, collect any fees, or sell any goods or services on lands under the jurisdiction of the United States.

- 51. Termination of Permit:** All permits are revocable without notice if the terms of the permit are violated. Deliberate infractions of the terms of the permit or the deliberate making of false or misleading statements concerning intended actions in order to obtain a permit are causes for immediate termination of the permit and cause for possible citation and/or prosecution. Permit will be revoked if damage to resources or facilities is threatened, or if there is a clear danger to public health and safety.
- 52. Sensitive Information:** Filming Yosemite Search and Rescue operations may involve fatalities, and other personal and sensitive situations involving park visitors and employees. Permittee must comply with all state and federal laws and regulations relating to patient privacy.