

Delaware Nation Film and Photography Policy

Section 1: Purpose

The Executive Committee of the Delaware Nation is charged with preserving and protecting the culture, traditions, and natural resources handed down from our ancestors and which we will in turn hand down to our children. As stewards of our culture, traditions and natural resources, we make this Policy to ensure that the cultural rights of the Delaware Nation citizens-past, present and future-are protected.

Section 2: Definitions

For the purposes of this Policy, the following terms, phrases, words and derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

2.1. "Film" or "Filming" shall mean any and all live or motion picture productions whether made on or by film, electronic tape, or any other electronic device used to produce theatrical motion pictures, television entertainment motion pictures, industrial motion pictures, television commercials, or print media. Filming shall include the erection and dismantling of the equipment associated therewith.

2.2. "Photography" shall mean black and white or color still photography which is performed under contract for profit or may be sold for profit at a later date.

2.3. "Executive Committee" shall mean the governing board of Delaware Nation.

2.4. "Permit" shall mean a permit issued by the Nation in accordance with the terms of this Policy.

2.5. "Person" shall mean any individual, partnership, firm, corporation, association or other entity responsible for the film or photography project.

2.6. "Nation" shall mean the Delaware Nation.

Section 3: Applicability

This Policy shall apply to property owned or leased/rented by Delaware Nation.

Section 4: Permits

4.1 Permit required.

No person shall film or engage in photography within the boundaries of the Nation without first applying for and obtaining a permit from the Tribe. All permits shall be applied for by submitting the proper application to the Executive Committee in advance of filming and photographing. All approved permits shall be conspicuously displayed at the filming or photography location. The copy of the permit must be in the possession of the permittee at all times while on location. A film permit does not constitute or grant permission to use or occupy private property, a private road easement, or private road. A permittee shall obtain the private property owner's consent prior to use of said property.

4.2 Permit Application.

Applications for a Permit shall:

- a) Be on a form provided by the Nation.
- b) Contain the name and contact information of the applicant.
- c) Describe the type of filming or photography that will be conducted.
- d) Identify the location(s) and date(s) where filming or photography is going to be conducted.
- e) Provide a description of the distribution and exposure of the filming or photography project.
- f) Provide background information about the applicant.
- g) Contain a signed hold harmless agreement.

4.3 Film and Photography Permit Application Process.

- a) Applications for Film or Photography must be submitted to the Executive Committee at least 10 business days prior to the next regularly scheduled meeting.
- b) The Executive Committee at their regularly scheduled meeting will review the film or photography application, make a decision on the application and impose conditions on the permit as deemed necessary.
- c) If approved, the President or their designee, will sign and monitor the conditions of the film or photography permit as approved by the Executive Committee.

4.4 Limitations on Permits.

Permits issued by the Tribe shall be subject to the following:

- a) Permits for filming or photography shall be valid only for the dates and locations specified on the permit.
- b) Permits shall be limited only to the filming or photography activities that were specified on the permit.
- c) Other limitations deemed necessary by the Executive Committee depending on the location and type of filming or photography activities.

4.5 Permit Fees: Filming

- a) A filming fee in the amount of \$500 per day shall be due and payable at the time of submittal of the filming Permit application.
- b) Filming for feature films, commercials, scripted television shows, music videos, corporate videos, and other similar filming projects shall be subject to a \$500 per day filming fee. All such fees shall be paid in advance.

c) Filming for student film projects, educational videos, documentaries about the Tribe, travel shows, fishing shows, outdoor shows, government agency films, and other similar filming projects shall not be subject to a per day filming fee.

4.6 Permit Fees: Photography

a) A permit fee in the amount of \$250 per day shall be due and payable at the time of submittal of the Photography Permit application.

b) Photography for commercial uses such as a magazine, catalogue, advertisements, for sale photographic artwork, books, modeling and other similar commercial photography projects shall be subject to a \$250 per day photography fee. All such fees shall be paid in advance.

c) Photography for non-commercial uses such as student projects, educational projects, documentaries about the Tribe, travel publications, fishing publications, outdoor publications, government agency projects, Delaware Nation events and other similar noncommercial photography projects shall not be subject to a per day photography fee.

4.7 Waiver of Fees

a) Requests to waive the required \$500 per day filming fee or \$250 per day photography fee must be submitted in writing and submitted with the film or photography application.

b) The required \$500 per day filming fee or \$250 per day photography fee can be waived by a majority vote of the Executive Committee at a regularly scheduled meeting.

4.8 Standard Conditions of Film Permits

The Executive Committee may impose any conditions to a film permit as deemed necessary to protect the interests of the Nation. By accepting a permit, a permittee agrees to comply with the conditions stated in the permit and, unless otherwise stated in the permit, to the conditions stated in this section. Unless otherwise stated, the conditions of a film permit shall include but are not limited to the following.

a) The permittee shall notify appropriate Tribal Staff at least 48 hours prior to filming to coordinate all activities.

b) The permittee shall pay the nation each day for access to film. All payments must be paid in advance.

c) Forty-eight hours prior to commencing any permitted filming the permit holder shall notify in writing any business and home owners within 300 feet of the filming location. The notice to owners shall include but not be limited to the location, date, hours, production contact information and details about the approved filming activities.

d) The permittee shall hold the Delaware Nation harmless from and against any injury, death, or property damage caused by the intentional or reckless or negligent misconduct, act, or omission of the permittee, its employees, agents, associates, contractors and subcontractors in connection with the filming.

e) The permittee shall provide a verbal and visual film credit within the production to the Delaware Nation as determined by Executive Committee.

f) The permittee shall allow the Nation an opportunity to view the final product of a filming project prior to distribution and release of the project.

4.9 Standard Conditions of Photography Permits.

The Executive Committee may impose any conditions to a photography permit as deemed necessary to protect the interests of the Nation. By accepting a permit, a permittee agrees to comply with the conditions stated in the permit and, unless otherwise stated in the permit, to the conditions stated in this section. Unless otherwise stated, the conditions of a photography permit shall include but are not limited to the following.

- a) A permittee shall notify appropriate Tribal Staff at least 48 hours prior to conducting photography activities to coordinate all activities.
- b) The permittee shall pay the nation each day for access to take photographs. All payments must be paid in advance.
- c) Forty-eight hours prior to commencing any permitted photography activities the permit holder shall notify in writing any business and home owners within 300 feet of the photography location. The notice to owners shall include but not be limited to the location, date, hours, production contact information and details about the approved photography activities.
- d) The permittee shall hold the Nation harmless from and against any injury, death, or property damage caused by the intentional or reckless or negligent misconduct, act, or omission of the permittee, its employees, agents, associates, contractors and subcontractors in connection with the photography activities on tribal land.
- e) The permittee shall provide credit to the Delaware Nation as determined by the Executive Committee.
- f) The permittee shall allow the Nation an opportunity to view the final product of a photography project prior to distribution and release of the project.

Section 5: Notice to Owners

Forty-eight hours prior to commencing any permitted film or photography project the Permit holder shall notify in writing all business and home owners within 300 feet of the film or photography location. The notice to owners shall include but not be limited to the location, date, hours, production contact information and the details of film or photography activities.

Section 6: Permit Criteria

A Filming or Photography Permit may be granted unless the Executive Committee finds that the proposed filming or photography:

- a) Unduly impedes governmental business or public access.
- b) Conflicts with previously scheduled activities.

- c) Imperils public safety.
- d) Will negatively impact natural and cultural resources.
- e) Portrays the Nation in a negative fashion.

Section 7: Penalties

Any Person who violates the provisions of this Policy shall be subject to revocation of the Permit.

Section 8: Exemptions

The following shall be exempt from the provisions of this Policy:

- a) Individuals filming or photographing only for their own personal or family use.
- b) Employees of print or electronic news media when filming on-going news events.
- c) Filming or photography activities conducted for use in a criminal investigation or civil or criminal court proceeding
- d) Agencies and employees associated with the Nation.
- e) Filming for student film projects, educational videos, and documentaries about the Nation.
- f) Travel, fishing, outdoor, and other similar filming or photography projects
- g) Government agency films
- h) Enrolled citizens of the Nation
- i) Filming or photography of Delaware Nation events using personal cell phones, tablets, cameras, etc...

Section 9: Appeals

Any person aggrieved by the terms or conditions of a permit, by the decision not to issue a permit, or by the revocation of a permit may within 10 days of the decision or action appeal to the Executive Committee. The decision of the Executive Committee shall be final. All appeals shall be submitted in writing and to the attention of the Nation's Secretary.

Section 10: Closed Areas

Any form of filming or photography shall be prohibited in the following areas, unless with special approval by the Executive Committee. Closed areas are as followed but not limited to:

- a) Offices that handle sensitive information
- b) Locations where artifacts may be stored
- c) Any other area deemed inaccessible by management or the Executive Committee

Section 11: Additional Guidelines

The following additional guidelines shall be met for any permit issued by Delaware Nation:

- a) Use of Delaware Nation's name, logos, trademarks or images in connection with any photograph or film is prohibited without written permission by Delaware Nation.
- b) Photos of minors are prohibited at all times without the written permission of the minor's parent or guardian.
- c) No set construction or alteration of buildings/grounds is permitted unless otherwise specified by the Executive Committee.
- d) All areas occupied in connection with the filming/photographing must be returned to their normal conditions.
- e) The permittee shall not make any connections to the electrical system other than through plugging into standard duplex receptacles. Covers from electrical panels or boxes must not be removed.
- f) The permittee shall not establish any connections with laptops, phones, tablets or any other devices to Delaware Nation's network without explicit permission from the IT department director.

Section 12: Effective Date

This Policy was effective upon adoption by the Executive Committee on Wednesday, November 13, 2019.