

Pyramid Lake Paiute Tribe

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RESOLUTION NO.: PL 31-10

RESOLUTION OF THE TRIBAL COUNCIL OF THE PYRAMID LAKE PAIUTE TRIBE NIXON, NEVADA

WHEREAS, the Pyramid Lake Paiute Tribe is organized pursuant to the provisions of Section 16 of the Indian Reorganization Act (25 U.S.C. § 476) and is federally recognized by the United States Government through the Secretary of the Interior and the Bureau of Indian Affairs; and

WHEREAS, the Pyramid Lake Paiute Tribal Council, pursuant to Article VI, Section 1 of the Constitution and By-laws of the Tribe, has the authority to establish policy and adopt resolutions for the benefit of the Pyramid Lake Paiute Tribe; and,

WHEREAS, it is the duty and responsibility of the Pyramid Lake Paiute Tribal Council to protect and enhance the natural resources of the Pyramid Lake Paiute Tribe; and,

WHEREAS, the Pyramid Lake Indian Reservation possesses many unique and scenic attractions that make it a desirable place to film and photograph for many types of media; the economy of the Pyramid Lake Paiute Tribe is dependent upon the promotion of tourism and visitors to Pyramid Lake; and,

WHEREAS, the Pyramid Lake Paiute Tribe recognizes that film productions and photography projects can bring additional exposure to Pyramid Lake as a high quality recreational destination; and,

WHEREAS, that film productions and photography projects on the reservation can bring positive economic impacts to the Pyramid Lake Paiute Tribe and its members; and,

WHEREAS, the Pyramid Lake Paiute Tribe recognizes the need to regulate filming activities and photography on the Pyramid Lake Indian Reservation in order to protect the image and the interests of the Tribe and its members.

NOW, THEREFORE BE IT RESOLVED, that the Pyramid Lake Paiute Tribal Council hereby adopts the Pyramid Lake Film and Photography Policy and attachments thereto, incorporated herein by reference, for the Pyramid Lake Paiute Tribe of Nevada.

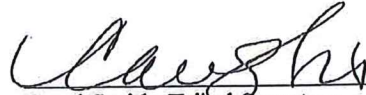
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BE IT FINALLY RESOLVED, the Tribal Chairman or his designee is hereby authorized and directed to implement and carry out the duties as assigned in the Pyramid Lake Film and Photography Policy. This policy shall take effect upon adoption by the Pyramid Lake Paiute Tribal Council. Any changes to this policy will be through the same resolution process.

CERTIFICATION

It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of ten members, of whom 9 constituting a quorum were present at a meeting duly held on the 7th day of May, 2010 was adopted by the affirmative vote of 8 FOR and 0 AGAINST, with 0 ABSTENTIONS; pursuant to the authority contained in the Constitution and By-laws of the Pyramid Lake Paiute Tribe.



Carol Smith, Tribal Secretary
Pyramid Lake Paiute Tribal Council

Pyramid Lake Paiute Tribe Film & Photography Policy

Section 1: 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.

1.1. "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.

1.2. "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.

1.3. "Chairman" shall mean the Tribal Chairman or authorized designee.

1.4. "Permit" shall mean a permit issued by the Pyramid Lake Paiute Tribe in accordance with the terms of this Policy.

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

1.6. "Tribe" shall mean the Pyramid Lake Paiute Tribe.

1.7. "Tribal Council" shall mean the Tribal Council of the Pyramid Lake Paiute Tribe.

Section 2: Applicability

This Policy shall apply to all the lands within the Pyramid Lake Paiute Tribe's jurisdiction.

Section 3: Permits

3.1 Permit required. No person shall film or engage in photography within the boundaries of the Pyramid Lake Indian Reservation without first applying for and obtaining a permit from the Tribe. All permits shall be applied for by submitting the proper application to the Tribal Chairman 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 within the boundaries of the Reservation. 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. In the event that no such written permission can be obtained, the film permit officer may accept other forms of verification that said permission has been granted.

3.2 Permit Application. Applications for a Permit shall:

- a) Be on a form provided by the Tribe.
- 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.

3.3 Film and Photography Permit Application Process.

- a) Applications for Film or Photography must be submitted to the Tribal Chairman at least 10 business days prior to the next regularly scheduled Tribal Council meeting.
- b) The Chairman will review and issue a recommendation on the application to the Tribal Council at least 6 business days prior to the next regularly scheduled Tribal Council meeting.
- c) The Tribal Council 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.
- d) If approved, the Chairman will sign and monitor the conditions of the film or photography permit as approved by the Tribal Council.

3.4 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 Tribal Council depending on the location and type of filming or photography activities.

3.5 Permit Fees: Filming

a) An application fee in the amount of \$100.00 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 \$1,000 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 an application fee or per day filming fee.

3.6 Permit Fees: Photography

a) An application fee in the amount of \$50.00 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 \$500 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, and other similar non-commercial photography projects shall not be subject to an application fee or per day photography fee.

3.7 Waiver of Fees

a) Requests to waive the required \$1,000 per day filming fee or \$500 per day photography fee must be submitted in writing and submitted with the film or photography application.

b) The required \$1,000 per day filming fee or \$500 per day photography fee can be waived by a majority vote of the Tribal Council at a regularly scheduled meeting.

3.8 Standard Conditions of Film Permits

The Tribal Council may impose any conditions to a film permit as deemed necessary to protect the interests of the Tribe. 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 Pyramid Lake Paiute Tribe \$XXX each day of filming. 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 Pyramid Lake Paiute Tribe 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 on the Pyramid Lake Indian Reservation.
- e) The permittee shall provide a verbal and visual film credit within the production to the Pyramid Lake Paiute Tribe as determined by Tribal Council.
- f) The permittee shall allow the Tribe an opportunity to view the final product of a filming project prior to distribution and release of the project.

3.9 Standard Conditions of Photography Permits

The Tribal Council may impose any conditions to a photography permit as deemed necessary to protect the interests of the Tribe. 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 Pyramid Lake Paiute Tribe \$XXX each day of photography. 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 Pyramid Lake Paiute Tribe 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 the Pyramid Lake Indian Reservation.

e) The permittee shall provide credit to the Pyramid Lake Paiute Tribe as determined by the Tribal Council.

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

Section 4: 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 5: Permit Criteria

A Filming or Photography Permit may be granted unless the Tribal Council 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 Pyramid Lake Paiute Tribe in a negative fashion.

Section 6: Penalties

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

Section 7: 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 activities conducted for use in a criminal investigation or civil or criminal court proceeding
- d) Agencies and employees associated with the Pyramid Lake Paiute Tribe.
- e) Enrolled members of the Pyramid Lake Paiute Tribe.
- f) Businesses that are majority owned by an enrolled member of the Pyramid Lake Paiute Tribe.

Section 8: 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 Tribal Council. The decision of the Tribal Council shall be final. All appeals to the Tribal Council shall be submitted in writing and submitted to the Tribal Secretary.

Section 9: Closed Areas

Any form of filming or photography shall be prohibited in the following areas, unless with special approval by the Tribal Council.

- a) The Needles Area
- b) Anaho Island
- c) Marble Bluff
- d) Bee Hives

Section 10: Effective Date

This Policy shall be effective upon adoption by the Tribal Council.

Pyramid Lake Paiute Tribe Photography Application

I. Company

Name: _____

Address: _____

Company Website: _____

Project Title(s): _____

II. Name and cell phone number of the point of contact/before and during photography project representative authorized to make decisions on behalf of the company:

Name: _____ Local Phone/Cell: _____

Office Number: _____ Fax Number: _____

E-Mail Address: _____

If different from above, name of person filing application:

Name: _____ Local Phone/Cell: _____

Office Number: _____ Fax Number: _____

E-Mail Address: _____

III. Type of Photography Project

_____ Magazine	_____ For sale photographic artwork
_____ Catalogue	_____ Books
_____ Advertisements	_____ Travel/Outdoor Publication
_____ Documentary/Educational	_____ Other (Please Specify)
_____ Student Project	_____

IV. A general description of the proposed activity:

IV. Are you planning? Please circle answer

Special Effects/Pyrotechnics	Yes	No
Tents, canopies or any temporary membrane structures*	Yes	No
Stunts, chase scenes	Yes	No
Any activity that will obstruct egress or ingress to buildings	Yes	No

Photography on Pyramid Lake	Yes	No
Pedestrian/Visitor Disruptions	Yes	No
Photography near residences or businesses*	Yes	No
Use of Hazardous Chemicals	Yes	No
Road Closures*	Yes	No
Use of Tribal Members as Extras	Yes	No

Please note that construction of any structures or temporary structures may be subject to additional requirements of the Pyramid Lake Paiute Tribe Tax Department. Photography within 300 feet of residences or businesses requires written notification 48 hours prior to photography. Also note that photography on State highways located on the reservation may require approval from the, Nevada Highway Patrol or the Nevada Department of Transportation.

V. List the addresses and locations where filming is to be conducted Use additional paper if needed

- 1) Address or Location _____
 Dates and Times: _____
 Total number of Cast and Crew: _____
 Number & Type of Vehicles to be used: _____
 Types of Equipment to be used: _____
 Description of Photography Activity: _____

- 2) Address or Location _____
 Dates and Times: _____
 Total number of Cast and Crew: _____
 Number & Type of Vehicles to be used: _____
 Types of Equipment to be used: _____
 Description of Photography Activity: _____

- 3) Address or Location _____
 Dates and Times: _____
 Total number of Cast and Crew: _____
 Number & Type of Vehicles to be used: _____
 Types of Equipment to be used: _____
 Description of Photography Activity: _____

VI. Please explain the distribution and exposure of the photography project

VII. Background Information on Production Company Please feel free to provide examples of previous work.

Hold Harmless Agreement

Minimum insurance requirements do not relieve the permittee of responsibility or limit the amount of liability to the Pyramid Lake Paiute Tribe, and the permittee is encouraged to purchase such additional insurance as it deems necessary. Regardless of the coverage provided by any insurance, permittee shall indemnify, defend, and hold harmless, the Pyramid Lake Paiute Tribe from any and all claims, demands, actions, attorney's fees, costs and expenses based upon or arising out of any negligence of the permittee or its associates, employees, subcontractors and other agents while performing activities within the scope of the permit. Permittee further agrees that to the extent any losses or damage to public property caused by any negligence of the permittee or associates, employees, subcontractors and other agents while performing activities within the scope of the permit which is not covered by insurance, such property will be repaired or replaced at the sole cost and expense of permittee. This shall be done to the satisfaction of the Pyramid Lake Paiute Tribe within 10 working days after film activities have ceased.

Please indicate your acceptance of the foregoing by signing and printing your name in the space provided below.

Name of Production Company: _____

Permittee Signature: _____

Please print your name here: _____ Date: _____