

#### §4.1610

at his discretion, consider all such appeals concurrently and issue a single written decision resolving all of the several appeals.

#### §4.1610 Decision of the appeals official.

(a) Within 30 calendar days after receipt of an appeal by the Office of Hearings and Appeals, the appeals official shall issue a written decision, either affirming or denying the appeal. This decision shall be final, with no judicial review or further avenue of appeal.

(b) If the appeals official affirms the appeal, his decision regarding further action by the agency shall be binding upon the agency.

(c) If it proves impracticable to issue a decision within the prescribed 30 calendar days, the appeals official may extend this period, notifying all concerned parties of the anticipated decision date.

### PART 5—COMMERCIAL FILMING AND SIMILAR PROJECTS AND STILL PHOTOGRAPHY ON CERTAIN AREAS UNDER DEPARTMENT JURISDICTION

#### Subpart A—Areas Administered by the National Park Service, the Bureau of Land Management, and the U.S. Fish and Wildlife Service

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#### 43 CFR Subtitle A (10–1–13 Edition)

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AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 1-3, 3a, 668dd-ee, 715i, 4607-6d; 25 U.S.C. 2; 31 U.S.C. 9701; 43 U.S.C. 1701, 1732-1734, 1740.

SOURCE: 78 FR 52095, Aug. 22, 2013, unless otherwise noted.

#### Subpart A—Areas Administered by the National Park Service, the Bureau of Land Management, and the U.S. Fish and Wildlife Service

##### §5.1 What does this subpart cover?

This subpart covers commercial filming and still photography activities on lands and waters administered by the National Park Service, the Bureau of Land Management, and the U.S. Fish and Wildlife Service.

##### §5.2 When do I need a permit for commercial filming or still photography?

- (a) All commercial filming requires a permit.
- (b) Still photography does not require a permit unless:
  - (1) It uses a model, set, or prop as defined in §5.12; or
  - (2) The agency determines a permit is necessary because:
    - (i) It takes place at a location where or when members of the public are not allowed; or
    - (ii) The agency would incur costs for providing on-site management and oversight to protect agency resources or minimize visitor use conflicts.
- (c) Visitors do not require a permit for filming or still photography activities unless the filming is commercial filming as defined in §5.12 or the still photography activity involves one of the criteria listed in §5.2 (b).