In Reply Refer to:
2920 (OR-958.1) P

May 09, 2003

EMS TRANSMISSION 05/13/2003
Instruction Memorandum No. OR-2003-071
Expires: 9/30/2004

To: All District Managers

From: State Director

Subject: Permit Policy/Interim Fee Schedule for Use of Public Land for Commercial Photography and Filming

Program Area: Land Use Authorizations, Planning.

Purpose: To define current policy and to authorize use of an interim fee schedule for commercial filming and photography on public lands that is consistent with fees developed for use by the USDA, Forest Service, Pacific Northwest Region, and other land management agencies.

Policy/Action:

The implementing regulations for Section 302 of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 Stat. 2762) as amended, are found at 43 CFR 2920.

Public Law 106-206 (114 Stat. 314) was enacted on May 26, 2000. This Act authorized the land management agencies in the Department of the Interior and the Department of Agriculture to regulate commercial filming activities on Federal lands and to establish a reasonable fee for activities or similar projects on Federal lands.

Until such time as the Department of the Interior promulgates regulations to enact the authority granted by the Act, the attached schedule (Attachment 1) will be utilized in determining the rental schedule for film permits. Reimbursement of costs for processing and monitoring shall be in accordance with the provisions of 43 CFR 2808.3, except that any permit whose total rental is less than $250 shall be exempt from this cost reimbursement requirement. All other regulations at 43 CFR 2920 are to be utilized.

Definitions:

Casual use activities normally involve “non-commercial” still photography or recreational videotaping and do not require a permit or fees. Casual use is defined as any short term non-commercial activity which does not cause
Instances where a permit would be required for still photography or other “commercial” filming activities would be 1) when a photographer takes pictures or images of public land users with the express purpose of selling the pictures or images to those same users, e.g., whitewater rafters, mountain bikers; 2) when the photography or other production features a commercial product or service for sale using the public lands as background, e.g., magazine advertisements, fishing guide services; and, 3) the photography or other production would adversely impact the public lands, e.g., potential deterioration to archaeological and historic features, damage or disturbance to the public lands, their resources or improvements.

Collection of Fees:

Monies collected for rental are to be placed into a suspense account until further notice from the Washington Office.

Cost recovery fees are to be deposited in subactivity 5440, Project Number ZNAA, for Categories I through IV. For applications in Category V, collections are deposited in subactivity 5440, but an individual project number must be assigned and used.

Timeframe: This guidance is effective immediately.

Background: The BLM already has the authority pursuant to Section 302 of FLPMA to issue permits for use of public lands; however, a current fee schedule has not been developed in Oregon and Washington for over ten years. The Act of May 26, 2000, allows for the BLM, and the Forest Service, to establish reasonable fees. In November 2000, the Forest Service, Pacific Northwest Region, established fees based on coordination with the National Park Service (NPS) and other Federal land management agencies. The NPS elected to take the lead in drafting a proposed commercial filming fee schedule for public notice and comment, pursuant to the provisions of the Act. When they have done so, they will develop, publish and adopt a final rental fee schedule and policy. At that time, the BLM in Oregon and Washington will evaluate the continued use of their fee schedule.


Coordination: Coordination with the staff of the Forest Service, Pacific Northwest Region, has occurred in the implementation of the interim policy and fee schedule. In addition, guidance found at the BLM National Film website, were reviewed. The web address is as follows: <http://www.blm.gov/nhp/what/commercial/filming/index.html>

Contact: John Styduhar, Realty Specialist, 503-808-6454, or Pam Chappel, Land Law Examiner, at 503-808-6170.

Districts with Unions are reminded to notify their unions of this IM and satisfy any bargaining obligations before implementation. Your servicing Human Resources Office or Labor Relations Specialist can provide you assistance in this matter.
Distribution
WO-350 (Room 1000LS) - 1
BC-620 - 1
OR-912 - 1
OR-958 - 1
Still Photography, Motion Picture and Television Production Rental Fee Schedule
Oregon and Washington
May 2003

<table>
<thead>
<tr>
<th>Commercial Still Photography Category</th>
<th>Rental Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 3 people</td>
<td>$59.00/day</td>
</tr>
<tr>
<td>4 - 15 people</td>
<td>$177.00/day</td>
</tr>
<tr>
<td>16 or more</td>
<td>$295.00/day</td>
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<table>
<thead>
<tr>
<th>Motion Picture and Uses and Television Production Category</th>
<th>Rental Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 10 people</td>
<td>$177.00/day</td>
</tr>
<tr>
<td>11 - 30 people</td>
<td>$236.00/day</td>
</tr>
<tr>
<td>31 - 60 people</td>
<td>$590.00/day</td>
</tr>
<tr>
<td>61 or more</td>
<td>$708.00/day</td>
</tr>
</tbody>
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Please Note: Adjustments to the fees will be made annually, per the CPI-U index, and rounded to the nearest dollar.