



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

California State Office  
2800 Cottage Way, Suite W1834  
Sacramento, California 95825  
www.ca.blm.gov



September 7, 2000

In Reply Refer To:

2920(P)  
CA-931

EMS TRANSMISSION: 09/07/2000  
Instruction Memorandum **No. CA-2000-095**  
Expires: 9/30/2001

To: Field Managers

From: Deputy State Director, Natural Resources

Subject: Rental and Cost Reimbursement Collection Procedures for Film Permits

With the passage of Public Law 106-206 (Attachment 1) on May 20, 2000, the Secretary of Interior and the Secretary of Agriculture were given the authority to establish a fee system for commercial filming activities on federal lands. Fees collected under the Act are to be made available for expenditure by the generating offices, without further appropriation, similar to the Recreational Fee Demonstration Program.

A Departmental working group is currently developing regulations and a uniform rental fee schedule for all of the affected agencies. Until the new guidance and rental fee schedule has been completed and incorporated into BLM's 2920 regulations, the following interim procedures are to be followed for the collection of fees in connection with film permits.

**Rental Fees:** Rental fee determinations will continue to be made in accordance with California Information Bulletin No. 92-116, a copy of which is attached for your reference. All rental collected should be temporarily deposited into fund 680. When the new cost coding for film permits has been established, instructions on how to transfer the funds from 680 to the new cost coding structure will follow.

**Cost Recovery Fees:** Cost recovery fees will continue to be determined and collected in accordance with 43 CFR 2920.6, utilizing the category determination criteria under 43 CFR 2808. All cost recovery fees, including earned monitoring fees, are to be deposited under subactivity 5440. Applications falling under Categories I through IV are to be placed under project number ZNAA, while Category V applications will continue to be assigned individual project numbers. Those offices that have been depositing processing fees into 7122 accounts should discontinue doing so, as all fees deposited under subactivity 5440, including those placed in the ZNAA accounts, are available for expenditure by the generating office.

Field Offices are reminded that the fees generated from the processing of permits and leases, in addition to receipts under subactivities 5101 (Major Category R/Ws) and 5102 (Minor Category R/Ws), are becoming a more significant source of funding to augment the declining 1430 appropriations. It is therefore important to accurately assess the costs associated with processing these lands actions so the fees collected can be used as a continued source of funding to cover future workload and staffing needs, including those programs that provide resource support for lands actions.

Questions regarding collections/expenditures under these subactivities should be directed to the State Office Budget Staff. Questions regarding the procedures outlined for collecting fees in connection with film permits should be directed to Joy Wehking at 916-978-4647 or to David McInay at 916-978-4630.

**Signed**  
**David McInay**  
**Acting DSD, Natural Resources**

Authenticated  
Liza Raymundo  
Records Management

2 Attachments :

- 1 - PL-106-206 - 106<sup>th</sup> Congress (2 pp.)
- 2 - CA IB 92-116 - Update of Rent Schedule for Commercial Applicants Filming on Public Lands (2 pp.)

Public Law 106-206  
106th Congress

An Act

May 26, 2000  
[H.R. 154]

To allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

16 USC 460l-6d. SECTION 1. COMMERCIAL FILMING.

(a) **COMMERCIAL FILMING FEE.**—The Secretary of the Interior and the Secretary of Agriculture (hereafter individually referred to as the “Secretary” with respect to lands under their respective jurisdiction) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal lands administered by the Secretary. Such fee shall provide a fair return to the United States and shall be based upon the following criteria:

(1) The number of days the filming activity or similar project takes place on Federal land under the Secretary’s jurisdiction.

(2) The size of the film crew present on Federal land under the Secretary’s jurisdiction.

(3) The amount and type of equipment present.

The Secretary may include other factors in determining an appropriate fee as the Secretary deems necessary.

(b) **RECOVERY OF COSTS.**—The Secretary shall also collect any costs incurred as a result of filming activities or similar project, including but not limited to administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

(c) **STILL PHOTOGRAPHY.**—(1) Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on lands administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

(2) The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props which are not a part of the site’s natural or cultural resources or administrative facilities.

(d) **PROTECTION OF RESOURCES.**—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines—

(1) there is a likelihood of resource damage;

(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or

(3) that the activity poses health or safety risks to the public.

(e) **USE OF PROCEEDS.**—(1) All fees collected under this Act shall be available for expenditure by the Secretary, without further appropriation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program (Public Law 104-134). All fees collected shall remain available until expended.

(2) All costs recovered under this Act shall be available for expenditure by the Secretary, without further appropriation, at the site where collected. All costs recovered shall remain available until expended.

(f) **PROCESSING OF PERMIT APPLICATIONS.**—The Secretary shall establish a process to ensure that permit applicants for commercial filming, still photography, or other activity are responded to in a timely manner.

Approved May 26, 2000.

---

**LEGISLATIVE HISTORY—H.R. 154:**

**HOUSE REPORTS:** No. 106-75 (Comm. on Resources).

**SENATE REPORTS:** No. 106-67 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 145 (1999): Apr. 12, considered and passed House.

Nov. 19, considered and passed Senate, amended.

Vol. 146 (2000): May 22, House concurred in Senate amendments.

0 29/99 14:00

619 872 2894

BLM BISHOP-CA017

002/003



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
California State Office  
2800 Cottage Way, Room E-2845  
Sacramento, California 95825-1889



IN REPLY REFER TO

9300  
CA-940.2

March 27, 1992

Information Bulletin No. CA-92- 116

To: AFO's

From: State Director, California

Subject: Update of Rent Schedule for Commercial Applicants Filming on Public Lands



The California Desert District appraisal staff has completed a schedule which establishes updated rental charges for filming on public lands. Attached is a review of the data and rationale for the minimum fee of \$250 on motion picture permits. The new rates replace the old rates established in 1980 of \$100/day for less than 50 people, \$200/day for 50 or more people, and \$50/day for commercial still photography.

Although the appraisal was done in response to a request from El Centro Resource Area, the estimated rates are applicable to all California BLM offices. Therefore, all California BLM offices are instructed to use the new rates and to implement cost recovery on all commercial filming and photography permits with rentals of \$250 or more, as provided for in 43 CFR 2920. These rates will be effective until market conditions dictate a change. We will review the schedule bi-annually to determine if changes are necessary. All offices will be notified when a change is made.

### Motion Pictures - Documentaries - Video Commercials

|                     |                |            |
|---------------------|----------------|------------|
| Daily Permit Rates: | 01 - 30 People | \$ 250/day |
|                     | 31 - 60 People | \$ 500/day |
|                     | Over 60 People | \$ 600/day |

### Commercial Still Photography

|                     |                |            |
|---------------------|----------------|------------|
| Daily Permit Rates: | 01 - 10 People | \$ 100/day |
|                     | 11 - 30 People | \$ 150/day |
|                     | Over 30 People | \$ 250/day |

**Definitions:**

A "Daily permit" is for a day or fraction thereof, and "people" as used herein means all the people used to create/remove sets, actors, directors, assistants, photographers, technicians, etc., used for production.

In order to protect BLM from the negligent acts of film permit holders, it is strongly suggested that permits for movie production include a requirement for public liability insurance wherein, the BLM is named as an additional insured. Performance bonding and "hold harmless" clauses are not usually adequate when it comes to litigation.

If further information or clarification is needed, please contact Nancy Tarshis, Chief State Appraiser at FTS 460-4762.

*Ed Hunter*

**Attachments:**

Review of Updated Schedule

**Distribution**

WO 320, RM 3643 HIB

SC 325 C