

STATEMENT FOR THE RECORD
U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON
PUBLIC LANDS AND FORESTS, OF THE SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES, CONCERNING S. 1241, A BILL TO
AMEND PUBLIC LAW 106-206 TO DIRECT THE SECRETARY OF THE
INTERIOR AND THE SECRETARY OF AGRICULTURE TO REQUIRE
ANNUAL PERMITS AND ASSESS ANNUAL FEES FOR COMMERCIAL
FILMING ACTIVITIES ON FEDERAL LAND FOR FILM CREWS OF 5
PERSONS OR FEWER.

APRIL 28, 2010

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 1241, a bill to amend Public Law 106-206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities in areas designated for public use on federal lands and waterways for film crews of five persons or fewer.

While we are sympathetic with the goals of this legislation, the Department cannot support S. 1241. Although the annual permit envisioned in S. 1241 may simplify the permitting process for commercial filming by small crews, it would limit the ability of federal land management agencies to manage commercial filming activities to protect natural and cultural resources and minimize disruption to the public's enjoyment these sites.

S. 1241 would amend Public Law 106-206 by requiring the Secretaries of the Interior and Agriculture to create a permit program for commercial film crews of five persons or less for filming during public hours on federal lands and waterways. The bill proposes an annual permit with a fee of \$200 to allow up to a five-person film crew to conduct commercial filming activities on public lands. A permittee could not be assessed any additional fees for commercial filming on public lands or waterways. The Secretaries would not be allowed to restrict the use of cameras or related equipment or other mechanized apparatus.

Public Law 106-206 requires the Secretaries of the Interior and Agriculture to establish a fee system and a permit process for commercial filming activities on federal lands. The Secretaries also are directed to recover all costs associated with processing permit requests, to monitor the permitted activities, and to charge a fee that provides a fair return to the United States for the use of public lands.

Commercial film makers and videographers visit our national parks, refuges, forests, public lands and monuments to produce programs that educate, enlighten, and entertain. They create films, documentaries, television programs, and other products that introduce the public to natural and cultural resources and recreational opportunities of our parks, monuments, forests, public lands, and refuges. It is important that these commercial

filming activities be managed to avoid disruption to visitor activities while protecting our nation's natural and cultural resources and landscapes.

Currently, film permits for individual projects allow each of the federal land management agencies to be aware of where filming is occurring. The Department is concerned that an annual permit, as proposed in S. 1241, could result in the agencies losing their ability to regulate where filming could take place, the duration of filming, and other conditions under which filming could take place. In addition, it appears that such a permit, as proposed, could be issued by a manager from one agency within the Department and be valid for one year on lands administered by other Departmental agencies.

This is particularly important for areas such as National Wildlife Refuges that have sensitive or closed wildlife areas and no, or limited, staff present on site to monitor the activity authorized by the permit. Issuing commercial filming permits on a case-by-case basis allows federal land management agencies to include location-specific conditions to protect natural and cultural resources, to minimize disruption to visitors, and to ensure public health and safety. Individual permits also allow commercial filming activities to be scheduled so that an area is not over used and provides commercial film crews use of an area without competition from other permitted activities where appropriate.

There are also locations in some federal units where commercial filming during public hours may be inappropriate, even for a small crew, such as inside historic buildings, or areas where wildlife nesting or breeding activities may require that access to an area be restricted. Further, the Wilderness Act restricts commercial activities in wilderness areas, so while the area is open to the public, commercial filming in wilderness, even by small commercial crews, may be inappropriate.

Even small commercial filming activities may require cameras and tripods, reflectors, generators, lights, cables, actors, props, sets, and other equipment. It is important that federal agencies have the ability to monitor filming activities and the type and amount of equipment associated with commercial filming activities, which could vary from one filming opportunity to another, if this equipment could cause resource damage, impact wildlife management and wildlife-dependant recreational activities such as hunting and wildlife viewing, or create safety hazards for visitors.

The Department is also concerned that S. 1241 could allow large-scale commercial filming organizations to avoid paying for use of public lands. For example, the producers of television commercials frequently use Bureau of Land Management lands with props and models. Under S. 1241, an advertisement for beer, cars, or clothing could be filmed with only a small crew actually entering public lands and taking unintended advantage of the authority. Crews could also be divided into small groups of five and likewise circumvent the intent of this legislation.

Finally, one of the purposes of P.L. 106-206 is to require that a fair fee be paid for the use of public lands used for commercial filming activities. The Department is concerned that the payment of an annual \$200 permit fee may not adequately reimburse the federal

government for the administrative and staff costs associated with use of federal lands for a full year. For example, if filming in the geyser basin at Yellowstone, the permittee must have a NPS monitor for visitor safety reasons. The annual fee may not cover the cost of issuing the permit as well as staff time to monitor the activity.

The Department of the Interior looks forward to working with the Committee to address the concerns we have raised in our testimony. We are sympathetic to the small nature videographers, but at the same time we want to insure our ability to protect important natural, historic, and cultural resources.

Thank you, Mr. Chairman, for providing the Department with the opportunity to present this statement.