

FLPMA 304(b) Reasonable Factors

Section 304(b) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1734, lists six factors that BLM must consider in deciding what is a reasonable processing fee. As stated in the proposed cost recovery rule at 70 FR 41537 (July 19, 2005), BLM has interpreted the FLMPA reasonableness factors as follows:

- (1) BLM's actual costs to process a document.
- (2) The monetary value, or objective worth, of the right or privilege that the applicant seeks.
- (3) The efficiency with which BLM processes a document, meaning with a minimum of waste by carefully managing agency expenses and time.
- (4) Whether any of BLM's processing costs, for actions such as studies or data collection, benefit the general public or the Federal Government, rather than just the applicant.
- (5) Whether the project provides any significantly tangible improvement, such as a road, or other direct service to the public. Occasionally, a negative factor, such as an adverse impact on wildlife or surface drainage, may prevent an improvement from being regarded as a public service. Data collection that BLM needs an applicant to perform so that it can monitor an activity is not a public service.
- (6) Other relevant factors