

# **FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET**

**Meeting Date:** March 12, 2015

**Agenda Item:** Commercial Use Permit Fee Rule

**Division:** Fisheries

**Action Needed:** Final

**Time Needed on Agenda for this Presentation:** 10 minutes

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**Background.** In January, the Fish & Wildlife Commission proposed a Commercial Use Permit Fee Rule, which sets the permit fees for commercial use occurring on lands under the jurisdiction of the Commission. The Commission proposed two changes to the previous fee rule in response to a recent amendment to the Commercial Use Administrative Rules that now exempts individual photographers and videographers operating on their own without the use of models, props, crew members, or clients. To reflect this exemption for individual photographers/videographers, the Commission proposed that the fee rule be amended to no longer include reference to a one-person (photo/film) crew, and that the \$50 per year fee for 1–3 person crews be eliminated (retaining the \$25 per day fee). The \$50 per year fee was used by the Department when issuing a permit valid for a 12-month period of time at all FWP locations, i.e. a “statewide permit” (1–3 person crews only). The rationale for proposing to eliminate the \$50 per year fee was based on the assumption that with the exemption of individual photographers, there would no longer be a demand for a statewide permit, and that the Department would issue site-specific permits to a 2–3 person crew at a cost of \$25 per day.

**Public Involvement Process & Results.** FWP received 86 comments, with 95% expressing opposition to the rule. There are two primary concerns with the proposed changes, with both concerns predicated on the assumption that even with the exemption for some individuals, there will still be a number of photographers and videographers operating with models, props, crew members or clients and therefore will still need to obtain a permit. There is a concern that site-specific (and date-specific) permits are too confining for an industry that relies on flexibility to photograph when and where conditions are right. The other primary concern is that a \$25 per day fee would create a financial hardship to an industry that has in the past received a permit for a cost of \$50 per year.

**Alternatives and Analysis.** The Commission could adopt the changes as originally proposed. By eliminating the \$50 per year fee, the Department would move to a site-specific permit, which would increase the Department’s ability to regulate when and where commercial use occurs and minimize impacts on other users. It would also make it easier for the Department to ensure sure that fee revenue is deposited into the correct accounts. As pointed out in the comments, a site-specific permit is problematic for small photography and film crews. Site-specific permits would also require more time to administer. Alternatively, the Commission could establish a 2 to 3 person crew fee of \$25 per day or \$50 per year. This would allow the Department to retain the option to issue a permit valid at multiple locations at a cost of \$50 per year. A single photographer/videographer operating with the use of models, props, crew members, or clients would fall into this fee category.

**Agency Recommendation & Rationale.** FWP recommends that the Commission modify the rule proposed in January to include a 2 to 3 person crew fee of \$25 per day or \$50 per year, and add language defining the terms model, prop, crew member, and client. The 2 to 3 person crew category would include individual photographers/videographers that don’t meet the exemption requirements--that is they are operating with use of models, propos, crew members, or clients. Keeping the \$50 per year fee would enable the Department to issue multi-site permits at a reasonable cost with minimal workload.

## **Proposed Motion.**

I move that the Commission adopt the proposed commercial use fee rule for lands under jurisdiction of the Commission with an amendment to include a \$25 per day or \$50 per year fee for two to three person photography and film crews, and definitions for model, prop, crew member, and client.