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U.S. House of Representatives Committee on Natural Resources

Washington, DC 20515

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PENNY DODGE DEMOCRATIC STAFF DIRECTOR

September 26, 2014

The Honorable Chief Tom Tidwell U.S. Forest Service 1400 Independence Ave S.W. Washington, D.C. 20250

Dear Chief Tidwell:

We write to express our deep concern about a proposed Forest Service directive relating to commercial filming in wilderness areas. We ask that you revise this directive and specifically rescind a provision that would appear to limit the freedom to film in wilderness areas based on the views or intent of the photographer.

Earlier this month, the Forest Service published a proposed directive in the federal register for commercial filming in congressionally designated wilderness.

The Forest Service claims guidance is needed to address commercial filming and still photography on wilderness as provided in the Wilderness Act to prevent commercial exploitation of wilderness while providing reasonable access for media and authorized filming operations. The proposed rule has been in place temporarily for the last four years to prevent the use of mechanized or other cameras not suitable for wilderness areas. However, the newly proposed directive published in the federal register has a constitutionally questionable provision that could have serious implications on the First Amendment rights of Americans by creating parameters on what is deemed an acceptable use of filming in congressionally designated wilderness areas.

Specifically, the proposed directive states that a special use permit for commercial filming may be issued if the proposed activity "has a primary objective of dissemination of information about the use and enjoyment of wilderness or its ecological, geological, or other features of scientific, educational, scenic, or historical value." We do not believe the Forest Service, or any other agency should be in the business of determining what type of information can be disseminated to the public. Furthermore, this provision provides the public very little clarity on what commercial filming and photography would need a permit.

While we are pleased to see you have since stated that the proposed directive does not apply at least to news coverage, we continue to have strong concerns about this policy. We request you direct the agency to reevaluate the proposed directive and rescind this provision.

Sincerely,

Peter A. DeFazio Ranking Member Committee on Natural Resources

Raul M. Grijalva Ranking Member Subcommittee on Public Lands and Environmental Regulation Committee on Natural Resources

Doc Hastings Chairman Committee on Natural Resources

Rob Bishop Chairman Subcommittee on Public Lands and Environmental Regulation Committee on Natural Resources