



File Code: 2720

Date: November 4, 2014

Route To:

Subject: Commercial Filming and Photography Permits

To: Regional Foresters, Station Directors, Area Director, IITF Director, Deputy Chiefs and WO Directors

There has been considerable response to the recent release of a proposed directive for commercial filming in wilderness. The release of the proposed directive raised significant concerns beyond the intended scope of the directive. The intent of this directive is to finalize a consistent set of criteria to be used to justify permitting commercial filming in wilderness within the authorities and restrictions of the Wilderness Act. The proposed directive never intended to restrict the appropriate use of National Forest System (NFS) lands for personal and commercial filming or photography activities. Nevertheless the directive raised significant concerns among journalists and the general public about access and the first amendment. The proposed wilderness directive does not define commercial filming or still photography, but the proposed directive did generate conversation around those activities.

I have spoken with agency leadership, members of the national press, leadership from the Society of Environmental Journalists, and the Outdoor Writers Association of America; and I want to ensure that my intent is clear at all levels of this agency. News coverage on NFS lands is protected by the Constitution, and it is our responsibility to safeguard this right on the lands we manage for all Americans. Journalists provide a critical public service, and this agency will ensure their access in the pursuit of that public service. Journalism is not to be considered a commercial activity for purposes of the regulations or our permit policies on any NFS lands. Journalism includes, but is not limited to: breaking news, b-roll, feature news, news documentaries, long-form pieces, background, blogs, and any other act that could be considered related to news-gathering.

To further help differentiate between journalism and other activities, the following question should be asked: Is the primary purpose of the filming activity to inform the public, or is it to sell a product for a profit? If the primary purpose is to inform the public, then no permit is required and no fees assessed.

I also want to emphasize that commercial photography only requires a permit if the photography takes place at locations where members of the public are not allowed, or uses models, sets, or props.

Commercial film and photography permit fees should be primarily viewed as land-use fees. If the activity presents no more impact on the land than that of the general public, then it shall be exempt from permit requirements.

We have planned a series of public sessions to gain input on the proposed directive to ensure we understand all concerns before issuing a final directive. Please ask any interested parties to consider participating in those sessions so that we can develop a well-informed final directive.



I ask you to help us through your contacts to share and discuss with the public and the media the intent of this proposed directive and those circumstances where a permit is not required. The Agency will fully and carefully address comments from journalists and all other public comments in developing the final directive and associated *Federal Register* notice as part of the rulemaking process. Over the last several weeks, I have had many conversations with agency leaders on this issue, and I have been encouraged by the passionate support within the Forest Service for the value of journalism on America's public lands. Thank you for your continued commitment to reasonable application of the laws and policies that protect these wild places while ensuring access for the people who play such a critical role in our democracy.

/s/ Thomas L. Tidwell
THOMAS L. TIDWELL
Chief

