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November 25, 2014

Chief Tom Tidwell
U.S. Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250

Dear Chief Tidwell:

I am writing to express my concern about the *Proposed Directive for Commercial Filming in Wilderness; Special Uses Administration*, and ask that you work to ensure the final rule does not place an undue burden on journalists, television programs, outfitters and guides, or other media-related activities that have traditionally enjoyed access to wilderness areas for filming or photography.

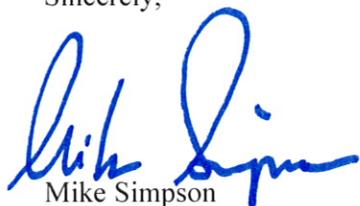
As I am sure you can imagine, my office has received considerable contact from journalists and others who regularly film or take photographs in our nation's spectacular wilderness areas. These are people who appreciate wilderness, want to share its values with others, or may want to use their photographs or videos to help promote their business. These are not individuals who are looking to film feature length actions movies that would do harm to wilderness areas or involve multiple cameras with large crews and extensive sets.

I will not recite the list of their concerns as I know you are fully aware of the ways in which the application of this rule over the last four years has caused concern and anger. Instead, I am hoping that you will work to ensure the final rule includes the following considerations for journalists and others who would like to film or take photographs in wilderness areas administered by the U.S. Forest Service.

1. As you have publicly indicated, the definition of "breaking news" is far too narrow and not in keeping with the long history of access for television news stories, documentaries, or programs such as those produced by public and private television stations across the country. The new rule needs to spell out that permits are not needed for, in your own words, "...whether it's breaking news, whether it's background news, whether it's B-roll news or if it's a series. If it's news, we don't consider it to fall under commercial activity."
2. The application itself is confusing and needs clarity.
3. Under no circumstances should the Forest Service be dictating its views about content to the media. The portion of the rule that leaves open the possibility that the Forest Service could deny access over content raises serious First Amendment concerns and is contrary to any Congressional intent associated with the creation of the National Wilderness Preservation System.

Thank you for taking time to consider my concerns and for your willingness to make sure that the final rule does not unduly impact legitimate news gathering activities. I have read your comments since this issue became more controversial this summer and appreciate your attempts to clarify the actual intent of the rule. I am hopeful the final rule will reflect your reasonable interpretation and clearly articulate that legitimate news gathering activities will not require permits in the future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Simpson". The signature is fluid and cursive, with a large initial "M" and "S".

Mike Simpson
Member of Congress