

United States Senate
WASHINGTON, DC 20510

September 30, 2014

The Honorable Tom Vilsack
U.S. Department of Agriculture
Jamie L. Whitten Building
1400 Independence Ave., S.W.
Washington, DC 20010

Dear Secretary Vilsack:

We write to express our deep concerns with the Forest Service's Proposed Directive, FSH 2709.11 Chapter 40 and its impact on a free press and the American public. As advocates for transparency who share a concern over management of our nation's public lands, we always find it troubling when government tries to control or limit media access to public spaces, including the nation's public lands.

While we appreciate Chief Tidwell's recent assurances that the US Forest Service does not intend to apply limitations to media, the language in the current draft proposal goes in the wrong direction and needs to be rewritten or withdrawn immediately. The proposed directive appears to create a very subjective and arbitrary system for deciding when permits would be needed to take pictures or film video in wilderness, and how much to charge for those permits. According to conflicting reports from agency officials, these permits, and potential fines, could be up to \$1,500. As written, the directive may require reporters and photographers to obtain a permit before shooting a photo or video in wilderness land managed by the agency which could be prohibitive given some news story coverage arcs.

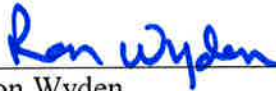
The proposed directive is a direct violation of American First Amendment rights and likely unconstitutional. This creates a serious litigation risk for the Forest Service, while providing no clear benefits for wilderness management.

It is also unclear what problems this rule intends to solve. The agency currently has procedures in place to address permits needed for Forest Service lands and also has the ability to stop activity prohibited within wilderness areas. It is unclear what fees and permits would do if the activity in fact presented a danger to the wilderness character of the lands.

Americans should be able to celebrate, enjoy, and photograph these special places without worrying about excessive permits or penalties. If wilderness becomes a place defined by excessive regulation and agency power, Congress will think twice before designating future wilderness areas.

As we mark the 50th anniversary of the Wilderness Act, this directive undermines the very spirit of the law, “to establish a National Wilderness Preservation System for the permanent good of the whole people.” These lands are meant to be enjoyed by all Americans, not kept from them. The ability to photograph, experience and learn about these places should not be unduly restricted.

Respectfully,



Ron Wyden
United States Senator



John Barrasso
United States Senator