

**STATEMENT OF
LESLIE A. C. WELDON
EXTERNAL AFFAIRS OFFICER
OFFICE OF THE CHIEF
FOREST SERVICE
UNITED STATES DEPARTMENT of AGRICULTURE**

**BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
DECEMBER 12, 2007**

CONCERNING

**FEEES FOR FILMING AND PHOTOGRAPHY
ON PUBLIC LANDS**

Mr. Chairman and members of the Committee, thank you for inviting me today to discuss fees for filming and photography on National Forest System lands. My name is Leslie Weldon, and I serve as the External Affairs Officer for the Forest Service. My national program responsibilities include the press office, legislative affairs, the office of communications, and partnerships.

I will focus my comments on Forest Service policies and practices regarding commercial filming and still photography.

Background

The Forest Service issues special use permits for commercial filming and still photography and collects land use fees for these activities. The current authority for these permits is Public Law 106-206, which was signed into law on May 26, 2000, and is codified at 16 U.S.C. 460l-6d. Prior to enactment of P. L. 106-206, the Forest Service had authority to issue special use permits and collect land use fees for these activities. This authority was provided by the Organic Act of 1897; it's implementing regulations at 36 C.F.R. part 251, subpart B; and directives in the Forest Service Handbook.

The legislative history for P. L. 106-206 states that it is intended to supplement the Forest Service's existing authorities to regulate commercial filming and still photography. P. L. 106-206 supplemented the Forest Service's existing authority by allowing the agency to collect, retain, and spend without further appropriation the land use fees collected for these activities.

Beginning in fiscal year 2001, the Forest Service has collected \$2,333,000 under this authority for commercial filming and still photography. In fiscal year 2007, the Forest Service collected \$388,000 for these activities.

P. L. 106-206 was necessary to give the National Park Service and the U.S. Fish and Wildlife Service the authority to regulate commercial filming and still photography, standardize the authorities for all Federal land management agencies, and allow them to retain all fees and costs collected. Prior to enactment of P. L. 106-206, neither of these agencies had the authority to regulate these activities. On August 20, 2007, the Department of the Interior published a proposed rule in the *Federal Register* to implement P. L. 106-206.

Current Policy

In 2003, the Forest Service amended agency directives to make them consistent with P. L. 106-206 and to implement the new authority to retain and spend land use fees for commercial filming and still photography.

These directives provide a definition for "commercial filming" that establishes the types of filming activities for which a permit is required. This definition specifically excludes "breaking news" as an activity requiring a permit because the need for commercial filming and still photography to cover breaking news arises suddenly, may evolve quickly, and may cease to be newsworthy by the time a permit is issued.

Still photography does not require a permit or land use fee unless the still photography takes place at a location where members of the public are generally not allowed or where additional administrative costs are likely, or when the still photography uses models, sets, or props that are not a part of the site's natural or cultural resources or administrative facilities.

Land Use Fees

As it did before enactment of P. L. 106-206, the Forest Service collects land use fees for commercial filming and still photography based on regional and forest fee schedules. In accordance with P. L. 106-206, the Forest Service collects, retains, and spends these fees without further appropriation. Ninety percent of the fee revenues are retained and spent at the local units where they were collected to improve customer service for commercial filming and still photography.

Land use fees are currently established in either regional or forest fee schedules which have been in place well over 20 years. Most of the current Forest Service fee schedules have not been updated or indexed for inflation since 1995. We believe these fees need to be revised in order to ensure a continued fair return to the United States, as required by P.L. 106-206.

To that end, and to enhance consistency in the management of federal lands and to improve its delivery of services to the public, the Forest Service has coordinated with the Department of the Interior to develop a proposed fee schedule for commercial filming and still photography.

Policy in Practice

The Forest Service fully recognizes the value and importance of the role of the media in providing essential information to the American public. Our public affairs officers, line officers, incident management teams, and permit administrators across the country work closely with members of the media to provide information and access so they can cover important natural resource issues in a timely manner.

We understand coverage of breaking news may not be limited to a one-time event. Examples include ongoing coverage of the Columbia Shuttle recovery effort or stories on resource issues such as road damage due to flooding. Forest Service policy provides for this type of media coverage without requiring a permit.

Conclusion

The Forest Service has longstanding policies in place for commercial filming and still photography that have worked well for the agency, industry, media and the public. We will continue to work with members of the commercial filming and still photography industries, the media, and other interested parties to ensure our policies are implemented fairly and equitably.

Thank you for the opportunity to discuss these issues with the Committee. I would be happy to answer any questions you may have.