Problem: **Federal Land Recreation Enhancement Act**

Ostensibly passed as a method by which agencies could collect fees in order to fund improvements to public land facilities such as picnic tables, restrooms, fire rings, etc. However, this act is actually used as a method by which monies gathered through online reservation systems are funneled to a multi-billion dollar corporation.

A class action lawsuit filed February 11th in the State of Virginia, (Wilson v. Booz Allen Hamilton) reveals that these fees annually provide tens, if not hundreds of millions of dollars to this corporation.

Neither the NPS or the Rec.gov website provide any indication that these fees are not being used in the parks. There is no information on any public lands webpage or on Rec.gov itself, that informs the public that the reservation fees associated with Rec.gov are ultimately received by a for-profit company.

These are funds that the majority of Americans believe are being used to improve park facilities. Most assume that if they are using a ".gov" url, the funds are for the parks.

The number of national parks that currently require reservations to enter their gates has exploded in the past 3 years, with Glacier, Rocky Mountain, Arches National Parks requiring reservations simply to enter the park. Access to a rapidly increasing number of parks & wilderness areas can now only be attained through this online reservation system.

Current Action Being Taken:

The renewal of the FLREA is presently under consideration in the Senate Energy and Natural Resources Committee. Current language in America's Outdoor Recreation Act of 2023 seeks to make permanent the permissive provisions in the FLREA that allow third party contractors to profit from restrictive admission policies.

This arrangement is the subject of question in the above mentioned case of Wilson v. Booz Allen Hamilton. As the outcome of this case is obviously unknown, I would hope that all U.S. Senators and Representatives would support adding language to the FLREA that would restrict the collection of third party "junk fees" associated with the entrance to, and use of public lands. These lands belong to all Americans, and the current reservation fee arrangement only serves to erode public trust in a once-beloved federal agency such as the National Park Service.

What You Can Do:

Review the Title II of America's Outdoor Recreation Act of 2023.

A - Please suggest and support the addition of language that eliminates the ability of third party corporations to collect "junk fees" in association with online reservation systems.

B - Suggest that the ENR tighten the provisions of the Federal Lands Recreation Enhancement Act to prevent public monies from being removed from the parks. The National Parks have reported a maintenance backlog of more than $12 billion dollars, yet they are funneling hundreds of millions out to a for-profit corporation for tasks that they could simply eliminate, or at the least, manage themselves.

C - Suggest that the ENR implement language that requires federal land management agencies to show cause for administering restrictive entrance programs.

D - In cases where restrictive entrance programs are warranted, suggest that the ENR require parks to attempt non-discriminatory methods, such as alternating license plate entrance days. Reservation systems effectively eliminate the possibility of entrance for many people who may not have credit cards or internet access.

E - Suggest that the ENR require parks to manage reservation systems themselves. Public Parks have managed campgrounds, tours and backcountry permits for decades and such facilities have benefited greatly by having local management that is "on the ground", and have realized greater financial reward by keeping the funds from their own locations.

Problem: **Free Speech Rights Restricted in National Parks**

Officials within the NPS (& other federal land management agencies) have added language to federal commercial filming restrictions in national parks and public lands that require the securement of costly permits, even in productions that they themselves (NPS) describe as "low impact".

Outtake from NPS website:
NPS - Commercial Film Permit - Section 3 - "Does commercial filming by individuals or small groups require a permit"

In recently revised regulations, the NPS has included "*individuals or small groups that don't use much equipment, but generate revenue by posting footage on websites, such as YouTube and TikTok*", within the confines of their commercial filming definition.

However, the regulations go on to say: "*The primary focus of the NPS, however, is on commercial filming that has the potential to impact park resources and visitors beyond what occurs from normal visitor use of park areas. Examples of this type of filming are productions that use substantial equipment such as sets and lighting, productions with crews that exceed 5 people, and filming in closed areas, wilderness areas, or in locations that would create conflicts with other visitors or harm sensitive resources.*"

These restrictions represent a clear violation of the First Amendment guarantee of Free Speech and Free Press. Further, the language of NPS commercial film regulations presents a "chilling effect" on the small content creator, whose presence on the natural landscape is no more "impactful" than the average hiker.

Current Action is Being Taken:

The Senate Energy and Natural Resources Committee is now considering legislation that will address this situation.

The current version of America's Outdoor Recreation Act of 2023 contains language in Title IV that will prohibit permit requirements on public land for small content creators who film for YouTube or other commercial enterprises. However, much of the language is currently unclear, and public understanding of the regulations would benefit from the addition of more specific definitions.Much of the regulations revolve around the number of people "involved" in the making of such films, the amount of visitation the subject area receives, and the location on which the film is recorded.

What You Can Do:

Amend filming restrictions in Title IV of America's Outdoor Recreation Act of 2023.

A -Please consider language which would more accurately define the word "involve" in the determination of the number of people associated with the filming activity. Many times, a content creator may be filming a cave tour, a rafting trip down the Grand Canyon, or even a ranger-led hike.

The members of that party may not be "involved" in his filming of that journey, but could possibly appear in the frame of the video. This gray area could be used to prosecute filmmakers who are in no way associated with the nameless people who may appear in the finished product.

B - Please attempt to better define "(D) "(i) conduct the filming in a localized area that receives a high volume of visitation;"
What does the term "localized" mean? And what exactly is a "high volume of visitation"? Is this simply left to a ranger to decide?

C - Please support the addition of language that would include an ability to film with non-impacting handheld devices on wilderness lands. Designated wilderness lands include the summits of countless mountains, and the depths of countless canyons, upon which and in which the American public has a right to record their memories.

The Wilderness Act of 1964 designated 54 areas as wilderness, and today that number has grown to some 803 areas, & counting. Together, this means that more than 111,000,000 acres of the most scenic land on the planet, are off limits to someone who wants to pull out an iPhone and take a video of this spectacular scenery.

D - Add language that explicitly prohibits any possibility that the de minimus and commercial permitting process be handed over to Recreation.gov, where additional fees will be incurred, at the expense of the park, and the American taxpayer.