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Yellowstone National Park  
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To Special Use Permits Coordinator Rachel Cudmore,

Below are the concerns of photographers, videographers, planners, officiants, couples, and local business owners regarding the CUA permit requirement or other illegal permit requirements for low impact, non-commercial photography in Yellowstone National Park. We are requesting a meeting with you to discuss the Commercial Use Applications (CUAs) being required for portrait & wedding photographers within Yellowstone National Park. This is our written appeal for your review and removal of the CUA requirement for portrait photographers, to be in accordance with Federal Code 54 U.S.C. § 100905(c)(1)

## **WHO WE ARE**

Public Land Creatives is an organization that advocates for equal, fair, and unbiased access to create on public lands, without discrimination and impedance. Rooted and protected under the freedom of expression, our group defends the rights of photographers, videographers, creatives, and all persons wishing to document their lives and experiences in National Parks, BLM lands, National Forests, and other tax funded public lands. We are conservationists, who advocate that public lands remain unimpaired in both their natural and cultural resources, while practicing and promoting outdoor recreational ethics. In short, we support common sense measures designed to protect these wild spaces that we love, while upholding the right to document and capture our enjoyment of them.

## **OUR CONCERN**

We are aware that with the promotion, advertisement, and consistent campaigning made by the Department of the Interior, gateway communities and state tourism groups to drive tourism and



recreation to our Public Lands, these spaces are now experiencing unprecedented visitation numbers. And, with infrastructures that were not designed to support such an influx, local officials are now scrambling to manage these ever changing times while implementing procedures and policies meant to protect the parks and preserve the visitor experience. However, we believe that with the reactionary measures taken to mitigate the issues, photographers and creatives have been targeted, resulting in prejudicial blame, as well as overreaching restrictions that severely limit and impact the visitor experience.

Our clients are also members of the general public who deserve to experience the park in a meaningful way and, like all other visitors, they should be given the same rights to have their visit documented. Vague language and restrictions that are often inconsistent with federal code, create confusion and as we look to the future, we fear this will lead to more disconcerting and ambiguous restrictions.

We are calling for Yellowstone National Park to REMOVE THE REQUIREMENT OF COMMERCIAL USE AUTHORIZATIONS for portrait photographers.

## BACKGROUND

- Please see the letter written by NPPA [here](#) on our website on 3/1/2022 that addressed a similar CUA program implemented in Grand Teton National Park. It states clearly GTNP 2022 policies were both unconstitutional and illegal policies per code 54 U.S.C. §100905(c)(1)
- It should be noted that the Tetons (upon receipt of this letter and one from Public Land Creatives - formally National Park Collective) eradicated this program in March of 2022.
- Please also see our [letter](#) to Joshua Tree National Park. They removed this program upon receipt of our letter due to its illegal nature.

## OUR ARGUMENT

Restricting photographers and visitors (clients) from areas that the general public is allowed is targeted discrimination.

- This is illegal per code 54 U.S.C. § 100905(c)(1)

*(c) Still Photography.-*

*(1) In general. - Except as provided in paragraph (2), the Secretary shall not require a permit or assess a fee for still photography in a System unit if the photography takes place where members of the public are generally allowed. The Secretary may require a permit, assess a fee, or both, if the photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.*



*(2) Exception. - The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props that are not a part of the site's natural or cultural resources or administrative facilities.*

It should be noted that graduation seniors, wedding parties, and other portrait photography subjects are \*not\* considered models per federal code:

43 CFR 5.12 "Model"

*means a person or object that serves as the subject for commercial filming or still photography for the purpose of promoting the sale or use of a product or service. Models include, but are not limited to, individuals, animals, or inanimate objects, such as vehicles, boats, articles of clothing, and food and beverage products, placed on agency lands so that they may be filmed or photographed to promote the sale or use of a product or service. For the purposes of this part, portrait subjects such as wedding parties and high school graduates are not considered models, if the image will not be used to promote or sell a product or service.*

- No photographer should be required to:
  - ❖ Have CPR first aid classes
  - ❖ Send in financials monthly
  - ❖ Pay 3-5% additional "management" fees based on their revenue
  - ❖ Have their rates determined by the superintendent
  - ❖ Be forced to give the "United States of America access to its books at any time for the purpose of determining compliance with the terms and conditions of this authorization."

## **PROPOSED SOLUTION**

Rescind, in its entirety, the illegal CUA permit requirement for portrait photography, and comply with federal code.

- Remove any discriminatory regulations targeting photographers and their clients, as they should be warranted all the rights and privileges as members of the general public.

## **SUMMARY**

We urge the park to reexamine their perspective on photographers and creatives as a whole. We beseech the superintendent and CUA office to acknowledge our concerns, remove the unconstitutional and illegal policies, and implement common sense procedures. In addition, we are seeking clear and unambiguous regulations that are effective in their intent, as well as timely, efficient and unbiased permit processing.



Let us remember the words of President Theodore Roosevelt that with their founding, our National Parks are ***“For the Benefit & Enjoyment of the People.”***

We want to work together with mutual respect, transparency, and communication, to balance the enjoyment of our public lands and their preservation for future generations. We ask that you work with us to achieve this common goal. We will leave you with President Franklin D. Roosevelt’s words from his radio address, from Two Medicine Chalet, Glacier National Park (August 5, 1934)§:

***“There is nothing so American as our national parks.... The fundamental idea behind the parks...is that the country belongs to the people, that it is in the process of making, for the enrichment of the lives of all of us.”***

Thank you for your time. We look forward to hearing from you!

Best,

*Joanna Adams*

Joanna Adams

President

Public Land Creatives

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