

TESTIMONY OF  
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PRESIDENT  
ON YOUR OWN ADVENTURES LLC

BEFORE THE  
UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS

LEGISLATIVE HEARING  
H.R. 8258 – FEDERAL INTERIOR LAND MEDIA ACT OF 2022

July 14, 2022

Chair Neguse, Ranking Member Fulcher, and Members of the Subcommittee:

My name is Randy Newberg and I own a media production company called On Your Own Adventures, LLC. We are focused on promoting outdoor experiences and pride ourselves on showing our audience the many opportunities available on public lands of the west.

I appreciate the opportunity to testify today in support of the Federal Interior Land Media (FILM), or FILM, Act as a means of addressing known issues related to permitting filming and photography on federal public lands.

I am starting my 15<sup>th</sup> season of filming this year, almost all of which has taken place on Forest Service (FS), U.S. Fish and Wildlife Service (USFWS), or Bureau of Land Management (BLM) public lands. My team and I travel to many states and film many different landscapes, usually in groups of four or fewer, every year. Over the course of the last decade and a half, I have applied for, and operated under 200 public land film permits. I have gained a great deal of insight from that process that I think could be helpful in your consideration of H.R. 8258, the FILM Act.

*Issues in Current Permitting*

Before getting into the outdoor media industry, I was a tax accountant. I pride myself on my attention to detail and my desire to do things the right way – but the current rules for film permitting don't make it easy for applicants.

The current rules for public land film permitting were built for large-scale filmmakers. They were written before all of us carried cameras in our pockets everywhere we go, and they have not yet adapted to the technology that has become the norm in the outdoor media industry. Most operations that are applying for federal land film permits are not feature film productions, however, they are treated that way by the federal government. Content creators today operate on a small scale, often with less impact than your average public land users.

Formally, the FS, BLM, USFWS, and National Park Service all have unique film permitting processes. While these rules are all different, they are equally laborious and difficult to navigate. In my experience, the process to get a permit also often varies across different offices or units within the same agency, as the agencies are provided a great deal of discretion. Line officers have the authority to decide when a permit is needed, for what distribution purposes, at what level, and the answers vary greatly between agencies and within employees of the same agency. Sometimes these differences are vast, making compliance difficult and time consuming.

The process to get a permit is extensive, no matter how small the request. The turnaround times are long, the requirements vary greatly by agency and office, and predicting if and when a permit might be provided is difficult. It is also often unclear to me, as an applicant, when I do or do not need a permit to operate on federal public lands. Frequently, the answer seems to differ from one ranger district to the next.

Under the current process, film permits require approval from many different people within an office. This is burdensome to those staff members and results in excessive costs to the agency, especially compared to the fees assessed. Anecdotally, my understanding is that the issuance of film permits hardly pay for the labor necessary for the agencies to process them. So, not only are the agencies burdened with all the time and paperwork required to issue these permits, what little permit revenue is generated from small operation filming doesn't offset their staff time, and they lose money.

Film permit officers are extremely busy, especially in summer fire season, and it is not reasonable to expect them to make small film permit requests a high priority. I know many of them. They work hard to get the film permits completed, but many other pieces of their workload take priority. The complexity and inconsistency of the permit requirements makes their jobs far more challenging.

All these requirements make permitting difficult for projects that take place entirely within a single forest or management area, but they are nearly impossible for projects that aim to operate on adjoining parcels of land. Many lands we film on will have a mix of USFS, BLM, or USFWS lands, which further complicates this process. Currently, we are required to get multiple permits, all with differing requirements, for any projects occurring where a patchwork of land is managed by different agencies. For those of you familiar with the mosaics of land ownership that cover the West, you understand how often we are operating in areas with mixed ownership.

### *FILM Act*

The FILM Act was introduced to modernize film permitting by removing overreaching and complex regulations that are limiting access to filmmakers and their viewers on what should be public resources. However, this modernization would also reduce administrative costs.

Simplifying the permitting process, as the FILM Act would do, would help outdoor media content creators and agency personnel work more efficiently. This legislation would clarify when and where a permit is needed or not needed and streamline the process by which they would be obtained.

The FILM Act addresses this lengthy, complex, expensive, outdated, and burdensome set of inconsistent rules and regulations for obtaining permits for filming on federal public lands. If passed, the FILM Act would provide necessary consistency across all administrative offices and agencies, streamlining the process for applicants without posing harm to the resource. Developing a consistent permitting process will make this easier for the agencies, their permit officers, and their law enforcement personnel.

I fully support the language of this legislation that requires minimal disturbance, no exclusive use, not interfering with the use of others. It is critical for all public land use to respect one another, as well as the resource that belongs to all of us. It is critical that all of us be thoughtful of our impact on public lands and ensure these places are left better than we found them, to be enjoyed by as many people as possible.

I would also be remiss not to mention the recent court case on this matter (*Price v. Barr*). At the heart of the federal court case is the propriety of charging a fee for use of federal lands in exercising our First Amendment rights to free speech. However, it is not the fee that is concerning to me; I have gladly paid my fees and will continue to do so. I am here supporting this legislation because of the simplification and consistency that will come from this directive, specifically for small film and photography operations like On Your Own Adventures.

In closing, I would like to thank Ranking Member Fulcher and Senator Barrasso for their ongoing leadership on this topic. I sincerely appreciate this subcommittee's consideration of this legislation and would like to make myself and my team available to answer any questions you may have. This bill will help the agencies and the thousands of small film and photography groups who operate on public lands to continue sharing the beauty of our nation with a broad audience.

Randy Newberg, President  
On Your Own Adventures, LLC