

Public Land Creatives  
PO Box 445  
Kalispell, MT 59903  
[www.publiclandcreatives.org](http://www.publiclandcreatives.org)  
[info@publiclandcreatives.org](mailto:info@publiclandcreatives.org)

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Joshua Tree National Park  
74485 National Park Drive  
Twentynine Palms , CA 92277-3597  
760 367-5500

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To Dave Smith (Joshua Tree National Park Superintendent),

Below are concerns of photographers, planners, officiants, brides, grooms, and local business owners over the CUA permit requirement in Joshua Tree National Park. We would like to request a meeting with you to discuss Commercial Use Applications (CUAs) now being required for portrait & wedding photographers within Joshua Tree National Park. This is our written appeal to the park for your review, prior to our meeting to remove the CUA requirement for portrait photographers.

#### 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 in the freedom of expression, our group defends the rights of photographers, videographers, creators, and all persons wishing to document their lives in National Parks, BLM lands, National Forests, and other 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 we love, while upholding the right to document and capture our enjoyment of them.

#### Our Concern

We understand that, our once quiet and undiscovered JTNP, is now experiencing unprecedented visitor numbers and that Park officials are scrambling to manage these ever changing times while implementing procedures and policies meant to protect the Park and preserve the visitor experience. However, we also feel that somehow in this process, photographers and creatives have been erroneously targeted as a major source of JTNP's issues resulting in excess and prejudicial blame, as well as overreaching restrictions that severely limit and impact the visitor experience. Our clients are also members of the public who want to experience JTNP in a special and meaningful way. Vague, murky, ever-changing rules, confusion and fear color us as we look to the future as being disconcerting and ambiguous.

We are calling for JTNP to REMOVE THE REQUIREMENT OF COMMERCIAL USE AUTHORIZATIONS for portrait photographers.

Background:

- Please see the letter written by NPPA on 3/1/2022 that is in reference to a similar CUA program attempted 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.

Our argument:

- Restricting photographers and visitors (that are clients) from areas that the general public is allowed is discrimination.
- This is illegal per code 54 U.S.C. § 100905(c)(1)
- 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 the CUA permit requirement for portrait photography as it is not legal or appropriate.

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Summary:

We urge the Park to reexamine their perspective on photographers and creatives as a whole and we beseech the CUA office to acknowledge our arguments, lift the unconstitutional and illegal policies, and implement common sense procedures. We are also seeking clarity of rules, peaceful, timely and unbiased permit processes and mutual respect moving forward.

Let us remember the words by founder President Theodore Roosevelt that our National Parks are “For the Benefit & Enjoyment of the People” & President Franklin D. Roosevelt: “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 process of making for the enrichment of the lives of all of us.” - Radio Address from Two Medicine Chalet, Glacier National Park (August 5, 1934)

We can balance the enjoyment of the land with the preservation of it for future generations. These restrictions do neither.

Signatures of People of Stand behind this Letter:

Adam Amit	Adventure Amore	adam@adventureamore.com
Aimee Flynn	Aimee Flynn Photo	aimeeflynnphoto@gmail.com
Ajja DeShayne	Ajja Photography	ajja@ajjaphotography.com
Alexander Clem	Vow of the Wild	hello@vowofthewild.com
Alexandria Odekirk	Sage Trails, LLC	Hello@sagetrails.com
Allie Dearie	Allie Dearie Photography	alliedearie@gmail.com
Allison Slater	Allison Slater Photography	hello@allisonslaterphotography.com
Amanda Karpacz	Amanda Vaelynn (DBA)	amanda.vaelynn@gmail.com
Andrea Doss	Andrea Doss Photo	andreadossphoto@gmail.com
Andrea Enger	Andrea Enger Photography	andrea@andreaengerphotography.com
Andrea O'Bert	Andrea O'Bert Photography	andreaeobert@gmail.com
Anna Long	Overland Elopements LLC	Hello@overlandelopements.com
Aris Ringas	Aris Ringas Photography	hello@arisingas.com
Ashley Loth	<a href="#">Sound Snap Photography</a> ,	<a href="#">ashley@soundsnapphotography.com</a>
Bailey Rempel	Bailey Alex Photography	Baileyalex.photos@gmail.com
Becca Smith	Travelfor2photography	Travelfor2photography@gmail.com
Bill Young	Traci Edwards Photography LLC	bill@adventureandvow.com
Brianna Parks	Brianna Parks Photography	hello@briannaparkspphoto.com
Bridget Stephenson	Bridget Stephenson Photography	bridgetstephensonphoto@gmail.com
Brittany Durham	Mountain Made Photography	mountainmadephotography@gmail.com
Brittany Hamann	Brittany Hamann Photography	brittanyhamannphotography@gmail.com
Brittany Raderstorf	Brit Rader Photography	brit.raderstorf@gmail.com
Brynn Kelley	Brynn Kelley photography	bbkelleyphotos@gmail.com
Caitlyn Jennings	Wilder West Elopements	Wilderwestelopements@gmail.com
Carissa Cannizzaro	Carissa Marie Photography	hello@carissamarie.photo
Casey Poe-Cambell	Casey Poe Creative LLC	Hello@caseypoe.com
Cassandra Oldenburg	Narrowleaf Love + Adventure Photography	narrowleafphotography@gmail.com
Cassey Golden	Cassey Golden Photography	cassey@casseygoldenphotography.com

Catherine DeSoto	Love + Travel	hello@loveplustravel.com
Cedrik Principe	Cedrik Principe Photography	photography@cedrikprincipe.c
Christie Abascal	Summit and Sur Photography, LLC	Summitandsur@gmail.com
Christie Berube	Christie Q Photography	Christieberube@yahoo.com
Christie Lynn Abascal	Summit and Sur Photography	summitandsur@gmail.com
Christie Turner	Whole Heart Photography LLC	wholeheartphotos@gmail.com
Christina Adele Warburg	Christina Adele Photo	Christina@christinaadelephoto
Christina Joy	Adventure for Love	christinajoy@adventureforlove.
Clarissa Wylde	Clarissa Wylde Photography	clarissawyldephotography@g mail.com
Claudia Gunhus	Claudia Noelle Photography	hello@claudianoellephotograp
Corey Tucker	Corey Lynn Tucker Photography	corey@coreylynnntuckerphotogr aphy.com
Cydney Craft-Macomber	Lavender Bouquet Photography	photo.lavenderbouquet@gmail
Danielle Colman	RetroCanvas Photo	retrocanvasmodern@gmail.co
Dawson Renaud	Dawson Renaud Film and Photo	dawson@dawsonrenaud.com
Destinie Fouche	Destinie Fouche Photography	Hello@destiniefouche.com
Diana Lustig	Love & Latitudes Photography	Loveandlat@gmail.com
Ellen Davis	Ellen Davis Photography	Contact@shotbyellen.com
Emerie Digiovanni	Emerie Leigh Photography	hello@el.photos
Emily Enns	Emily Noelle Photo	hello@emilynoellephoto.com
Emily Hary	Emily Hary Photography	emily@emilyhary.com
Emily Lundquist	Emily May Photography	emilymayphotography1@gmail
Emily Meyer	Em Photo	Emilymeyerphoto@gmail.com
Emma Fox	Lets Go Sig	emma@letsgosig.com
Emma McClendon	Photos by Emma	emmajuliannphoto@gmail.com
Emma Studley	Emma Studley Photography	emmastudleyphoto@gmail.co
Erin Wheat Carroll	Erin Wheat Co.	hello@erinwheat.com
Frances Howard	Frances Photography	contact@fghphotography.com
Gabriella Rankin	Gabriella Rankin Photography	GabriellaRankinphotography@ gmail.com
Gina Emmer	GE Creative, LLC	Gina@ge-creative.com

Glesni Neall	Glesni Brielle Photography	glesnibrielle@gmail.com
Gregory Herr	Authentic Collective	authenticcollectivephoto@gmail.com
Haley Skredsvig	Hales Trail Photography	hales.trails.photo@gmail.com
Halie West	Vows with Views	vowswithviews@gmail.com
Hayley-Ann Vasco	Hayley-Ann Vasco Photography	hayleyannvasco@gmail.com
Heather McDaniel	Cascadian Exposures	heather@cascadianexposures.com
Hillary VanGuilder	Joy + Wander Photography	hello@joyandwander.com
Jacqueline Olivia Photography	Jacqueline Griffin	jacquelineoliviaphoto@gmail.com
Jenna DeGracie	J.Gracie Photography LLC	j.graciephotography@gmail.com
Jenna Stevens	Jenna Stevens Photography	Jennastevensphotography@yahoo.com
Jennifer Lindo	Jenn Elle Photo	Hello@jennellephoto.com
Jennifer Mattera	Tree of Life Photos & Films	treelifefilms@gmail.com
Jennifer Vernasky	Jennifer Vernarsky Photography	info@JenniferVernarskyPhotography
Jess Drawhorn	The Drawhorns	jessdrawhorn@gmail.com
Jessica Billings	Jessica Billings Photography	jbillings.photography@gmail.com
Jessica Kovach	Jessica Kovach Photography	jessicakovachphotography@gmail.com
Jessica L. Kent	Jessica Lauren Photography	<a href="http://www.photobyjessicalauren.com">www.photobyjessicalauren.com</a>
Jesslyn Marie Braught	Jesslyn Marie Photography, LLC	jesslyn@jesslynmarie.com
Jill Jones	Jill Jones Photography	Info@jilljonesphotography.com
Jimmy Tinoco	TinocoImages	Tinocoimages@gmail.com
Joanna Adams	Joanna Adams Photography	info@joannaadamsphoto.com
Joni Bilderback	Joni Bilderback Photographer	hello@jonibilderback.com
Julie Haider	Julie Haider Photography and Design LLC	hello@juliehaider.com
Julie Laflamme	Julie Laflamme Photography	<a href="mailto:julie@julielaflamme.com">julie@julielaflamme.com</a>
Kara Hudzinski	Kara Hudzinski Photography	KaraHudzinskiphotography@gmail.com
Karen Agurto	Karen Agurto Photography LLC	hello@karenagurto.com
Karen Pfluger	Karen Castor Photography	Karencastorphotography@yahoo.com

Kate Okenatez-Mahoney	MAKE / Adventure Stories Photography	Kate@MAKEAdventureStories.com
Kate Waterman-Rose	Kate Waterman Rose photography	kate@katewatermanrose.com
Kathleen Castaneda	Kathleen Elizabeth Photography	Kathleen.elizabeth.photographs@gmail.com
Katie Bergmann	Katie Berg Photo	Katiebergphoto@gmail.com
Katie Brown	The Daydreamer Diaries	Katie@thedaydreamersdiaries.com
Kayla Means	PNW Elopement, LLC	pnwelope@gmail.com
Kayla Pederson	Northern Voyages Co	hello@norther-voyages.com
Kim Stakey	Kim Starkey Photography	kimstarkeyphotography@gmail.com
Kristen Fraude	Kristen Alexandria Photography	kristinalexandriaphotography@gmail.com
Kristi Miller	Kristi Lyn Photography	Contact@kristilynphotography.com
Kristin Beady	Kristin Elise Photo + Film	Hello@kristinlise.com
Kyle Ranney	The Ranneys	info@theranneysfilmco.com
Lauren Casino	Lauren Casino Photography	info@laurencasinophotography.com
Lauren Hatch	Lauren Rae Photography	lauren@laurenraephoto.com
Lauren Turner	Lauren Turner Photography	Hell@lauren-turner.com
Lindsay Collett	Sincerely Lindsay Photography LLC	Lindsay@sincerelylindsayphotography.com
Lindsey Jane	Lindsey Jane Photography	lindseyjanephotography@gmail.com
Lisa Ruschioni	Pretty/Bold Photography	hello@prettyboldphotography.com
Lisa Takke	Takke Photography	takkephotography@gmail.com
Lucy Schultz	Lucy Shultz Photography	lucy@lucyshultzphotography.com
Lyndsey Leach	Lyndsey Leach Photography	info@lyndseyleachphotography.com
Maddie Mae	Adventure Insead	maddiemae@adventureinstead.com
Maddison Wilson	Maddison E Wilson Photography	maddisonphotography95@gmail.com
Madison Jenö	The jeno collective	thejenocollective@gmail.com
Malachi Lewis	Shell Creek Photography	malachi@shellcreekphoto.com
Marcela Suter	Captured by Marcela	capturedbymarcela@gmail.com
Maria Crisafulli	Vow to Wander	vowtowander@gmail.com
Marissa Solini	Marissa Solini Photography LLC	marissasolini@gmail.com
Mark Collett	StoryBright Films	hello@storybrightfilms.com

Marla Manes	Marla Manes Photography	marlamanesphotography@gmail.com
Matthew Wetzler	Thewmatt Photography	matt@thewmatt.com
Mattie O'Neill	Mattie O'Neill Photography	<a href="mailto:Info@mattieoneill.com">Info@mattieoneill.com</a>
Meagan Lawler	Meagan Lawler Photography	meaganelawler@gmail.com
Meggan Jessat	Blume Photography	406meggan@gmail.com
Michaela Mader	Adventuresome Photo Co.	Hello@letsadventuresome.com
Michele Gerik	Michele Grace Photography LLC	MicheleGracePhoto@gmail.com
Molly MacDonald	Nomadic Weddings	hello@nomadicweddings.com
Nadia Padzensky	Venture Ever After LLC	nadia@ventureeverafter.com
Nadia Padzensky	Venture Ever After LLC	nadia@ventureeverafter.com
Nancy Tran	Early Night LLC	contact@earlynight.com
Natalie Moore	Nat Moore Photography, LLC	natmoorephotography@gmail.com
Nick Hoffman	Travelfor2photography	travelfor2photography@gmail.com
Nina Larsen Reed	Larsen Photo Co.	hello@larsenphoto.co
Olivia Quick	Kindred + Co.	hello@kindredandcoweddings.com
Bryan Pless	Kindred + Co	hello@kindredandcoweddings.com
Rachel Audette	The Turquoise Camera	<a href="mailto:Rachel@theturquoisecamera.com">Rachel@theturquoisecamera.com</a>
Rachel Downey	Solar Rose Co.	hello@solarroseco.com
Reagan Allen	Raegan Lynn Photography	reagranlynnphotography@gmail.com
Sabrina Claros	Sabrina Claros Photography	Hello.scphotography@gmail.com
Sam Starns	Sam Starns LLC	sam@samstarns.com
Samantha Brammer	Samantha Rose Photography	hello@samantharosephotos.com
Samantha Starns	Sam Starns LLC / Sam Starns Adventure Elopements	sam@samstarns.com
Sara Fisher	Sara Michelle Photography	sarashootsyou@gmail.com
Sara Soto	Sara Soto Photography	sara@sarasotophotography.com
Shamari Shehaj	Avonture Elopements	avontureelopements@gmail.com
Shannon Durazo	Stratus Adventure Photography	Shannon@stratusadventurephotography.com
Shannon Gray	The Grays	hello@thegrays.co
Sharlee Pymm	Unleashed Elopements	hello@unleashedelopements.com

Sheila Drakeley	Sheila Drakeley Photography	shelia@sheiladrakeleyphotography.com
Shelby Sheffer	Shelby Sheffer Photography	info@shelbyaynphotography.c
Shelly Duncan	Shelly Duncan Photography	shellyduncanphotography@gmail.com
Sherry Peters	Destination Anywhere Photography	destinationanywherephotography@gmail.com
Sierra Jessup	Seirra Jessup Photography	<a href="mailto:sierrajessupphotography@gmail.com">sierrajessupphotography@gmail.com</a>
Stacy Garfield	Outshined Photography LLC	stacy@outshinedphotography.
Stephanie Padhye	Luxe & Co. Photography	Luxeandcophotography@gmail.com
Susanne Erazo	Running Wild Studio	runningwildstudio@gmail.com
Sydney and Ryan Kroll	Sydney and Ryan LLC	<a href="mailto:hello@sydneyandryan.com">hello@sydneyandryan.com</a>
Tiffany Woerz	Tiffany Woerz Photo	Tiffanywoerzphoto@gmail.com
Tom Mattera	Tree of Life Photos & Films	treelifefilms@gmail.com
Torez Ramsey	Torez Marguerite Photography	hello@torezmarguerite.com
Traci Edwards	Traci Edwards Photography LLC	traci@adventureandvow.com
Valeria Lisuk	Valerie Lisuk Photography	hello@valerielisuk.com
Vanssa Lill	The Outlovers	hello@theoutlovers.com
Zoey Mattes	Zoe Maie Photography	zoeymariephotography@gmail.