

EX (b)(6) - 1A

Corbin  
Newman/R3/USDAFS  
07/20/2009 12:35 PM

To Paula Barnhill/R3/USDAFS@FSNOTES  
cc  
bcc

Subject Fw: USFS needs Rainbow Site Criteria

Rainbows 4

Corbin L. Newman, Jr.  
Regional Forester, Southwestern Region  
US Forest Service  
Telephone: (505) 842-3300  
FAX: (505) 842-3110  
E-mail: cnewman02@fs.fed.us

----- Forwarded by Corbin Newman/R3/USDAFS on 07/20/2009 12:35 PM -----

"Garrick Beck"

██████████@██████████  
08/28/2008 01:14 PM

To "Corbin Newman" <cnewman02@fs.fed.us>  
cc <fkrueger@fs.fed.us>, "Jeff Kline" ██████████@██████████  
<Mark.Rey@usda.gov>, "Gilbert Zepeda"  
<gzepeda@fs.fed.us>, "Kendall Clark"  
<kclark@fs.fed.us>, "Richard Markley"  
<rmarkley@fs.fed.us>, "Daniel Jiron" <djiron@fs.fed.us>,  
"Erin Connelly" <econnelly@fs.fed.us>  
Subj Re: USFS needs Rainbow Site Criteria  
ect

Corbin,

Looking forward to meeting you next Weds.

Thanks,

Garrick

----- Original Message -----

From: "Corbin Newman" <cnewman02@fs.fed.us>

To: "Garrick Beck" ██████████@██████████

Cc: <fkrueger@fs.fed.us>; "Jeff Kline" ██████████@██████████>;  
<Mark.Rey@usda.gov>; "Gilbert Zepeda" <gzepeda@fs.fed.us>; "Kendall  
Clark"

<kclark@fs.fed.us>; "Richard Markley" <rmarkley@fs.fed.us>; "Daniel  
Jiron"

<djiron@fs.fed.us>; "Erin Connelly" <econnelly@fs.fed.us>

Sent: Thursday, August 28, 2008 12:02 PM

Subject: Re: USFS needs Rainbow Site Criteria

> Thanks Garrick. Faye is out of town so I'll make sure she gets this.  
> They  
> will be very helpful. Corbin  
>



money  
> to  
> review.  
> Each year different areas of the country are chosen for gatherings,  
this,  
> in itself, often dictates some of the parameters for sites. For  
example, a  
> western area generally means high elevation will be required to find a  
> spring not "owned" or developed and in use for summer grazing. For an  
> eastern site, this, again generally, is not a concern, but finding  
areas  
> of  
> national forest without intrusive private property becomes an issue.  
This  
> year a southern area was chosen, so the "ideal" site needs to include  
a  
> body of water large enough for campers to immerse in as heat will be a  
> factor of consideration.  
>  
>  
> Criteria List:  
>  
> Road  
> If there is no "Gathering grade" road to within a few miles of the  
site,  
> it  
> isn't a site. A gathering grade road is one and a half to two lanes  
wide,  
> capable of supporting large RV type vehicles safely. The road surface  
is  
> immaterial, paved or gravel, even dirt is fine as long as it can  
support  
> two-way traffic into a parking area. From a parking area to the actual  
> trailhead, a one lane road is OK in conjunction with a "shuttle"  
system.  
> Shuttle systems are wasteful and to be avoided if possible, a site  
needs  
> to  
> meet most all other requirements to merit this transportation  
nightmare.  
> Potential sites with roads through them are not viable unless the  
U.S.FS  
> is  
> willing to work with gatherers and determine if an area closure or  
> specific  
> road closure is required for safety or environmental protection.  
>  
> Parking  
> There is no such thing as a parking lot in the woods; therefore a  
creative  
> solution is always required for dealing with four to six thousand  
> vehicles.  
> "Ideally" a large open clear cut or non-fragile (cattle graze) meadow  
is  
> fine. Roadside parking is the least desirable solution, but  
unfortunately  
> most often the case. Any road, federal, state or county, if it allows  
for  
> all four wheels to be off the road is often used.  
>  
> Logistics  
> Experience has shown that the best case scenario for gatherings is one  
> where individuals arrive, park, walk-in and don't leave the site until  
> final departure. A site far from private property and towns is

"ideal".

- > Also from the parking lot or trail head a one to five mile "walk in" to
- > the
- > actual camping area is preferred.
- >
- > Water
- > Springs emanating from elevations above the use area are the "ideal".
- > This
- > allows for a gravity distribution and filtration system to be employed.
- > Creeks, rivers and lakes can be used as a potable source but tends to
- > create more difficult distribution and filtration. Also any private claims
- > to water sources need be addressed before a site is chosen for use.
- >
- > Open areas and Slope
- > "Ideally" a site should encompass at a minimum one large area of meadow or
- > clear cut for use in ceremony and feeding purposes. Also any site that
- > contains slope of 20% or more over the whole area is not conducive for
- > tent
- > style camping.
- >
- > Down Dead Wood
- > No live wood is used at Rainbow Gatherings so a fairly large (xy cords?)
- > amount of wood is required in normal situations. Gatherings, due to fire
- > bans, are increasingly shifting toward propane so this criterion should be
- > considered as minimal.
- >
- > Percolation
- > Slit trenches, as defined by the US Army Large Scale Maneuver Encampment
- > Guide, are used at Gatherings, so the composition of subsoil is important,
- > and areas that do not percolate need to be identified.
- >
- > Flora and Fauna
- > Sites containing large areas of endangered flora or fauna are not to be
- > considered. If such sites have a limited area of habitat that can be
- > flagged off to prevent degradation, it needs to be done before anyone
- > moves
- > into the area.
- > Additionally, any historical monuments need to be identified and labeled
- > as
- > such.
- >
- > Land Claims
- > Any sites with prior claims such as areas of private property or American
- > Indian issues need to be noted so that a use decision can be made by
- > campers on an individual basis.
- >
- >
- >
- >
- > Other Suggestions to U.S.FS employees responsible for finding potential
- > sites;

>  
> a. If the roads in the potential site area are actually marked  
> using  
> county routes, please use them when writing directions to the site.  
> b. Actual mileage between turn-offs is a good thing.  
> c. Please do not list as U.S.FS contacts LEO's or Public  
Relocation  
> Officers. If a person scouting actually calls a district or regional  
> office, it is most likely for directions to a potential site, or to  
> question land ownership, or an environmental issue - none of which a  
LEO  
> or  
> PR person can answer.  
> d. Please avoid asking anyone to check or review potential sites  
in  
> the middle of hunting season.  
> e. If at all possible, provide a contact that can be reached on  
a  
> weekend as many who look for sites work during the week.  
>  
> In Summation;  
>  
> Rarely are all "ideal" criteria met. Most often a choice of  
compromises  
> between least undesirables is made. There is however some criteria  
that  
> automatically eliminate any suggested area. These are:  
> No usable road to site.  
> No water on site.  
> No "safe" parking within miles.  
> Too much private property within proposed area.  
> Cultural or habitat issues that cannot be resolved.  
>  
> I hope this list of criteria and suggestions are a useful reference  
for  
> future USFS employees charged with searching their districts for  
potential  
> large scale encampment areas.  
>  
> Regards,  
> Name  
>  
>  
>  
> -----  
-----  
>  
> B) This was by another scout, written after visiting list of sites  
> suggested by fs in '05  
>  
> 1. We need two meadows, not just one. One meadow is for parking, the  
other  
> is for the gathering itself. Ideally these need to be a distance apart  
to  
> give separation between the parking and the gathering. A mile would be  
> nice.  
>  
> 2. We need firewood. Clear cuts, logging, and mitigation make a site  
> pretty  
> much useless.  
>  
> 3. Active Industrial areas aren't appropriate!  
>

EX (b)(6) - PA

> 4. Major roads running through a site should be avoided. This includes  
> paved highways, as well as improved gravel/dirt roads. A few miles up  
> a  
> passable 4x4 road is just fine.  
>  
> 5. While open water from creeks or rivers works, springs are  
> preferred.  
> More than one water source is also preferred.  
>  
> 6. The altitude should be kept under 11,000 feet, and preferably under  
> 10,000.  
>  
> 7. The nearest town should be further than walking distance (unlike  
> both  
> sites the USFS recommended near Leadville) from the nearest liquor  
> store,  
> like say, 10 miles minimum.  
>  
>  
> ----- Original Message -----  
> From: Jeff Kline  
> To: [REDACTED]; cnewman02@fs.fed.us ; fkrueger@fs.fed.us  
> Cc: mark.rey@usda.gov  
> Sent: Tuesday, August 19, 2008 5:20 PM  
> Subject: USFS needs Rainbow Site Criteria  
>  
> Garrick:  
>  
> The Regional Forester, Corbin Newman and the Deputy Regional Forester,  
> Faye Krueger, request that you send them the CRITERIA FOR ACCEPTABLE  
> RAINBOW GATHERING SITES ASAP so that they can circulate that criteria  
> to  
> the Forest Supervisors for the Carson, Santa Fe and Gila in advance of  
> our  
> meeting.  
>  
> We are confirmed for Wednesday, September 3rd. at 2PM at the Regional  
> Foresters Office in Albuquerque.  
>

EX (b)(6) + PA

Corbin  
Newman/R3/USDA  
FS

07/20/2009 12:35  
PM

To Paula Bamhill/R3/USDAFS@FSNOTES  
cc  
bcc

Subject Fw: good meeting, request for audio

Rainbows 2

Corbin L. Newman, Jr.  
Regional Forester, Southwestern Region  
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----- Forwarded by Corbin Newman/R3/USDAFS on 07/20/2009 12:34 PM -----

"Garrick Beck"

[REDACTED]  
>

09/05/2008 05:05  
PM

To "Corbin Newman" <cnewman02@fs.fed.us>  
cc  
Subj Re: good meeting, request for audio  
ect

Thanks.

It's end of the day friday. I'll be back to you early next week.

Garrick

----- Original Message -----

From: "Corbin Newman" <cnewman02@fs.fed.us>

To: "Garrick Beck" [REDACTED]

Cc: [REDACTED]; "Faye L Krueger" <fkrueger@fs.fed.us>;

"Gilbert

Zepeda" <gzepeda@fs.fed.us>; "Kendall Clark" <kclark@fs.fed.us>; "Daniel

Rael" <drael@fs.fed.us>; "Richard Markley" <rmarkley@fs.fed.us>; "Danny

R

Montoya" <drmontoya@fs.fed.us>; "Daniel Jiron" <djiron@fs.fed.us>; "Erin

Connelly" <econnelly@fs.fed.us>; "Michael Frazier"

<mfrazier01@fs.fed.us>;

"Glen H Pickett" <gpickett@fs.fed.us>

Sent: Friday, September 05, 2008 4:27 PM

Subject: Re: good meeting, request for audio

> Hi Garrick. I too feel we are off to a good beginning. I'm sorry but  
we

> don't do any recording of either the audio or video of our

> video-conferences so have nothing to pass along.

>

> As promised the following are the names of the primary contacts for  
the





EX(b)(6) + PA

Corbin  
Newman/R3/USD  
AFS

07/20/2009 12:34  
PM

To Paula Barnhill/R3/USDAFS@FSNOTES

cc

bcc

Subject Fw: Weds. meeting & Sept. mtg notes

Rainbows

Corbin L. Newman, Jr.  
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Telephone: (505) 842-3300  
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----- Forwarded by Corbin Newman/R3/USDAFS on 07/20/2009 12:34 PM -----

"Garrick Beck"

[REDACTED]

To <cnewman02@fs.fed.us>

cc

09/29/2008 09:59  
AM

Subj Weds. meeting & Sept. mtg notes  
ect

Corbin,

I'm emailing to confirm that there is a meeting set for Wednesday Oct. 1st at 2pm at the Forest Supervisor's office in Santa Fe at the Rodeo/Zia road location.

Also, I've attached the report I wrote up from notes from our last meeting. It's what I sent out broadly.

It probably emphasizes some things over others but I've tried to be factual and present everybody's points.

At the end, I write a little comment which I hope you can take a look at. This comment particularly goes to a part of the dynamic that makes a huge difference in how the events run.

Thanks again for you time with all this,

Garrick

---

Hello Family,

Here is my report on what occurred at the meeting Wednesday, September 3<sup>rd</sup> at the Regional Forester's office in Albuquerque, New Mexico.

Attending were myself, Alberto Atencio, Frenchy, Cedar Atencio, & Jeff Kline as gathering participants. Regional Forester Corbin Newman, Special Agent Glen Pickett, Carson N.F. Forest Supervisor Kendall Clark and her resource/admin associate Dan Rael, Gila NF Forest Supervisor Dick Markley and his resource/admin associate Danny Montoya, and Santa Fe NF Deputy Forest Supervisor Erin Connelly and her resource/admin associate Mike Frazier as representatives of the FS.

The people from the Gila, the Santa Fe and the Carson appeared by videoconference. So far as we know it was not taped or recorded.

First I want to summarize what was discussed in the order it was discussed; and then I'll editorialize a bit at the end.

We got started about 2:10 pm with Corbin Newman leading introductions and everyone making agreeable statements about wanting this year's Gathering to go smoothly, be harmonious with the land, have a cooperative process to select a site everyone likes, and have low incidence of any kind of problems.

Jeff led off with a discussion of timelines for meeting with district resource people who may have suggestions for sites, scouting sites we find, scouting sites they find, finding sites that are agreeable to everyone and don't have problems like archaeological or protected species or other identifiable issues.

Corbin agreed with Jeff's analysis about working together early – beginning now – and continuing thru the process of finding alternative sites that everyone finds acceptable.

Then Corbin spoke about needing 'some sort of permit.' He described the FS's need to be accountable to the public. He explained that the permit process was the method that the regs provided for that. And users had to be held accountable also. The permit was the process for that to happen too. He said this was 'critical' and they were going to enforce all regulations.

I replied to Corbin saying there needed to be much more talk about *that*. But I wanted to lead off on a positive note so I spoke with the folks from the three forests first.

My points were a) There were huge problems with the FS recommending poor-choice sites. I said I would leave them all copies of two scouting reports (all names deleted) describing going to look at FS recommended sites: industrial area, historically protected site, no water, no firewood, no parking, dangerous roads, etc. I explained how this lead to scouts spending huge time looking at lost causes and left the impression on others that the FS wanted to send us into impossible spots. And if we don't look at all the sites they propose then we get accused of not being cooperative. So, *they* need to vet their own districts' suggestions. b) Over the decades we have noted that sites come in clusters as arranged by nature. That is: there is likely to be several sites near each other as part of the same basin or river branch system, or valleys along a range, etc. c) If we can find several alternatives near each other that we like and they like, then come spring council the pueblo, the people can look these over and make its

consensus. That's ideal because it saves everyone effort and stress.

Then addressing Corbin, I said I believed that the past two years we had used an Operating Plan as an 'alternative manner' to satisfy the conditions of the permit system. I said the Operating Plan went into much more detail than their permit system and as a result from a resource stand point this had worked well each year.

He replied that accountability was the issue. That someone needed to stand up and be accountable for what impacts there were – or might be – and the permit was their process for obtaining that.

I explained that the greatest problem with a permit was that it required us to organize ourselves into a structure. To the forest officers I noted that while we had plenty of organizational abilities (such as the process to feed thousands of people and provide all kinds of services) we had zero organizational structure and that part of the expressive nature of the gatherings was making an example that humans could live together without a hierarchy. To Corbin I said that while we here can give you our assurance that we will work with you on cooperative selection of a site, we cannot give you any assurance that anyone will cooperate with the permit's signature/agent/representative requirement.

He said that issuance of a permit was 'crucial.'

I said that brought us back toward the places we were over a decade ago. But I didn't have a problem with the FS issuing a permit – if the mutually agreed to processes in the Operating Plan were met, then the FS could sign off on, and issue a permit –unilaterally. That was what we had been suggesting in meetings since 1983. That was the process used by user groups on public spaces all over the country. It was only the Fs that had this quirky requirement that we designate an agent.

Corbin indicated that there had been problems with accountability in that process and how did we assure that the conditions in the Operating Plan would be carried out?

I described what we had planned for that process for last year and stated that for whatever reasons the FS and the Rainbows hadn't met as planned to go over things enough. The planned process was – and should be – every morning the FS resource and Leo people meet with Rainbows at the front gate and discuss what is happening and what problems there are. Then that group hikes on in toward information (or cooperations lodge) and meets there with people inside the Gathering. Everybody works to resolve whatever difficulties there are that day. I noted that this had worked very well over *many* years and we ought to be doing this exact thing next year.

The FS supervisors agreed and I suggested that since the question about the permit and the signature were clearly a political football, that for the time being we let that football rest where it had rolled to on the playing field and go on with discussing whatever other topics we had.

Corbin steered the direction around the table.

Frenchy said he would pass – for now – on the topic of the permit but he gave a vivid description of how scouts and family look at sites and how there is an undefinable spiritual calling that the land gives us that says, This Is The Place

and said we should come back to that topic and revisit it later.

Frenchy spoke about the idea of 'pre-approved' sites explaining that many times finding somewhere or agreeing on somewhere only actually happened at the last moment, so there was a difference between pre-approval and mutual approval – both of which meant that the site was good for use for a Gathering. The FS indicated they understood this.

Corbin spoke about 'mutual expectations and responsibilities' that we and they both had these in regard to both the land and the public.

Cedar spoke briefly in response to a question about young people's participation. He indicated that as a young person he was very interested in all this and would have more to say as the years go by.

I spoke about how many Gathering participants have urged the FS to protect sites that have good potential for large and 'extra-large' group expressive uses. It was much harder to locate usable sites today than it was twenty or thirty-five years ago. This is because many sites have been logged or industrialized, or privatized; and because many sites have been (often by the co-ordinated actions of Rainbows and FS personnel) protected by being included in wilderness areas, or scenic river areas, or have had protected species habitat identified. I suggested that the FS should begin a system-wide effort to identify and protect sites useful for public assembly.

Carson supervisor Kendall Clark talked about the need to notify and work with local area people better than we did in '95 when the Rainbows came to Tres Piedras. She was referring to the Northern Spanish families who have been on the land here 400 plus years. There was conflict – at least in the press – with them in '95 and we should communicate in order to avoid that if we were going to be in the Carson again. She said problems of that sort are "bigger than the Forest Service' can solve.

Dan Rael, who was District Ranger in '95 and gave us high marks for the cleanup back then – and who testified very favorably to us during the trial last year of the arrestees from the 2007 regional – spoke to the other Forest Supervisors and their associates explaining that this was no three week affair. This was going to be an all-consuming series of tasks that would take far more time and staff attention than they could possibly guess.

I talked briefly about the Fourth of July Silent Circle Meditation for Peace and how the whole of the Gathering centers around that. I noted that the meditation had not been interrupted this past year by armed patrols or planes overhead and that this was a good thing that should be continued this year.

There was a general discussion about site criteria.

Jeff talked about road closures and making sure horse patrols didn't poop and pee in the kitchens and in the streams we are trying so hard to protect. There was agreement about that, and the non-use of horses. Jeff spoke also about the problems of ATV's riding thru the crowds carrying officers across meadows when there could be way less environmental damage if officers were on foot. There was not agreement about this.

There was a discussion about how to keep in touch. It was suggested that we choose an email or web address where the FS can post its proposed

sites. I said I would bring this discussion to 'others' and get back to the FS.

There was discussion about some of the scouting taking place before snowfall with the caveat that often in New Mexico springs are running in the fall (because of what are called the afternoon Monsoon rains) which are *not* running during the spring and early summer.

There was discussion about when to meet again. And the tentative time (and place (clearly subject to change) was set for Wednesday October 1<sup>st</sup> at the Santa Fe NF Supervisors' office in Santa Fe, 1 to 3 pm.

At 4:10 pm the meeting was over.

[My afterthoughts:

First, I thought the meeting was supposed to be much more about maps and places and ideas about sites. We were all knocked off course by the Regional Forester's assertion that the permit signing was going to be an issue again. I think this is because of dis-satisfaction with the legalization of the event by the Leo forces inside the FS, but also supported by the FS resource people who felt that the Operating Plan processes weren't working for them in the way they wanted last year.

Given that, I think the discussion hit the nail on the head several times, as the above report indicates, with real thoughtful explanation of how things went and how they are for *us*.

The resource-based, 'Let's work together to find workable sites' focus was entirely supportive, with no conflicts.

I don't think Corbin Newman and his team – who voice all the kind hopes toward making things go smoothly – realize that the forces that are pushing for the permit signature are doing this partly with the hope of pushing the Gathering once again into the zone of illegality and that if they allow this, *They* will be finessed right out of any control whatsoever. I don't think they understand that in the case of an illegal event the Regional Forester, the Forest Supervisor and all their administrative people and all their water, land and other resource people will be pushed right off the map: that they will not be allowed to talk with us; they will not be allowed to meet with us; they will not be allowed to work with us; the NIMT (National Incident Command Team) will be in charge and they will not so much as be able to enter the 'illegal' area without the Special Agent's armed escorts, etc., etc.

So I'm hoping (remember in '07 I got the "Delusional Faith and Everlasting Hope in the F.S." award) that Corbin and his staff (who seem extremely friendly and un-afraid of the event) will work with us to figure out a way to cooperate across the board, bridge the gap of legality with some method that supports their public obligations and honors our spiritual individualism.

In sum, I feel it was a very realistic meeting with no nicey, nicey nonsense. We got right to the disagreements we have and let those rest while we went ahead with plans for smooth operations in the field.

I am going to attach the two reports about site scouting ('05 and '07) that I left for them. These are text-highlighted exactly as I handed them out.

Next time somebody else can take notes.

A question for anyone who has actually read this far is: should I suggest they post info to [scoutingreports@yahoo](mailto:scoutingreports@yahoo) or [somewhereelse@website](mailto:somewhereelse@website) or where???

See you all in New Mexico for the 38th Annual Rainbow Peace and Healing Gathering....]

Garrick