

"Currie, Cassandra"  
<CASSANDRA.CURRIE@OGC.USDA.GOV>

06/17/2009 05:18 PM

To "Erin Connelly" <econnelly@fs.fed.us>, "Corbin Newman" <cnewman02@fs.fed.us>, "Krueger, Faye L -FS" <Faye.L.Krueger@usda.gov>, "Zepeda, Gilbert -FS" <Gilbert.Zepeda@usda.gov>, "Yandoh, Judy -FS" <Judy.Yandoh@usda.gov>; Erin Connelly; Daniel Jiron  
Cc: "Joca, MaryAnn" <MARYANN.JOCA@OGC.USDA.GOV>

bcc

Subject RE: Response to Rainbows

History:  This message has been replied to.

Yes, thank you for the call Erin. This is great news. As soon as I hear back from you that we can send the letter off we will do so; I want to be sure you are comfortable with everything before we put the letter in the mail. First thing tomorrow morning is great. Please let me know if there are any questions in the interim. With that, have a great evening and thank you all.

Thank you,  
ccc

Cassandra Casaus Currie  
Attorney  
USDA Office of the General Counsel  
Mountain Region  
P O Box 586  
Albuquerque, NM 87103-0586

Phone: (505)248-6010  
Fax: (505)248-6013  
email: cassandra.currie@usda.gov

**From:** Erin Connelly [mailto:[econnelly@fs.fed.us](mailto:econnelly@fs.fed.us)]  
**Sent:** Wednesday, June 17, 2009 5:06 PM  
**To:** Corbin Newman; Currie, Cassandra; Krueger, Faye L -FS; Zepeda, Gilbert -FS; Yandoh, Judy -FS; Daniel Jiron  
**Cc:** Joca, MaryAnn; Ms. Erin Connelly  
**Subject:** Re: Response to Rainbows

I left a message on Cassandra's work voicemail (about 30 mins ago) that I have a permit in hand with 2 signatures. The op plan is complete but I'd like to give it one last look through. I'm on my way to Cuba for the community meeting and can fax all to appropriate parties first thing tomorrow morning from Cuba District office.

Will that work?

**From:** Corbin Newman  
**Sent:** 06/17/2009 05:56 PM CDT  
**To:** "Currie, Cassandra" <CASSANDRA.CURRIE@OGC.USDA.GOV>; "Krueger, Faye L -FS" <Faye.L.Krueger@usda.gov>; "Zepeda, Gilbert -FS" <Gilbert.Zepeda@usda.gov>; "Yandoh, Judy -FS" <Judy.Yandoh@usda.gov>; Erin Connelly; Daniel Jiron  
**Cc:** "Joca, MaryAnn" <MARYANN.JOCA@OGC.USDA.GOV>  
**Subject:** Re: Response to Rainbows

Sure looks good to me. I will look to Erin to let us know when signatures are complete and you can fire this off C

Corbin L. Newman, Jr.  
Regional Forester, Southwestern Region  
USDA Forest Service  
505-842-3300 Office  
505-228-4001 Cell

---

Sent from my BlackBerry Handheld

**From:** "Currie, Cassandra" [CASSANDRA.CURRIE@OGC.USDA.GOV]  
**Sent:** 06/17/2009 06:36 PM AST  
**To:** Corbin Newman; "Krueger, Faye L -FS" <Faye.L.Krueger@usda.gov>; "Zepeda, Gilbert -FS" <Gilbert.Zepeda@usda.gov>; "Yandoh, Judy -FS" <Judy.Yandoh@usda.gov>  
**Cc:** "Joca, MaryAnn" <MARYANN.JOCA@OGC.USDA.GOV>  
**Subject:** Response to Rainbows

Please find attached, the draft response to Ms. Rosenstein who is working with the Rainbow family, please let me know if you have any comments. I plan to send the letter out as soon as I hear back from you that the permit has been finalized, so please let me know as soon as this is accomplished. Please copy both Mary Ann and I on all comments and information.

Thank you,  
ccc

Cassandra Casaus Currie  
Attorney  
USDA Office of the General Counsel  
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Phone: (505)248-6010  
Fax: (505)248-6013  
email: cassandra.currie@usda.gov

"HORNSTEIN, ELLEN R."  
<ELLEN.HORNSTEIN@OGC.  
USDA.GOV>

06/17/2009 11:05 AM

To "Currie, Cassandra"  
<CASSANDRA.CURRIE@OGC.USDA.GOV>, "Mitchell, Jan  
(USANM)" <Jan.Mitchell@usdoj.gov>, "Joca, MaryAnn"  
cc: "Barth, Chuck (USANM)" <Chuck.Barth@usdoj.gov>, "Erin  
Connelly" <econnelly@fs.fed.us>, "Gene Smithson"  
<gsmithson@fs.fed.us>

bcc

Subject RE:

Ah, I see, sorry. Yes, there shouldn't be any need for the letter from the USA's office, just ours

**From:** Currie, Cassandra  
**Sent:** Wednesday, June 17, 2009 12:55 PM  
**To:** HORNSTEIN, ELLEN R.; 'Mitchell, Jan (USANM)'; Joca, MaryAnn; PITT, KENNETH; 'Glen H Pickett'  
**Cc:** 'Barth, Chuck (USANM)'; 'Erin Connelly'; 'Gene Smithson'  
**Subject:** RE:

i still plan to send a letter to Judy Rosenstein from our (OGC) office as soon as we have a valid permit, I believe Jan is referring to a letter from her (USAO) office

Cassandra Casaus Currie  
Attorney  
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Mountain Region  
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Phone: (505)248-6010  
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email: cassandra.currie@usda.gov

**From:** HORNSTEIN, ELLEN R.  
**Sent:** Wednesday, June 17, 2009 10:13 AM  
**To:** 'Mitchell, Jan (USANM)'; Currie, Cassandra; Joca, MaryAnn; PITT, KENNETH; Glen H Pickett  
**Cc:** Barth, Chuck (USANM); Erin Connelly; Gene Smithson  
**Subject:** RE:

i would still send her the letter to apprise her of the latest developments and the agency's position regarding enforcement of the permit requirement. Would just wait until we have a valid permit and operating plan. Stay tuned

**From:** Mitchell, Jan (USANM) [mailto:Jan.Mitchell@usdoj.gov]  
**Sent:** Wednesday, June 17, 2009 9:51 AM  
**To:** HORNSTEIN, ELLEN R.; Currie, Cassandra; Joca, MaryAnn; PITT, KENNETH; Glen H Pickett  
**Cc:** Barth, Chuck (USANM); Erin Connelly; Gene Smithson  
**Subject:** RE:

From my perspective, all of this is great news. I will certainly hold off on writing Ms. Rosenstein – if may not be necessary.

Thanks so much for all of your work.

Jan

**From:** HORNSTEIN, ELLEN R. [mailto:ELLEN.HORNSTEIN@OGC.USDA.GOV]  
**Sent:** Tuesday, June 16, 2009 4:36 PM  
**To:** Mitchell, Jan (USANM); Currie, Cassandra; Joca, MaryAnn; PITT, KENNETH; Glen H Pickett  
**Cc:** Barth, Chuck (USANM); Erin Connelly; Gene Smithson  
**Subject:** RE:

Great. They have obtained a permit, but there were some technical problems with it that need to be fixed. They can be fixed easily, though. In addition, the operating plan that is incorporated into the permit is being revised. The FS hopes to have the new permit and operating plan signed tomorrow. If you could hold off sending the letter to Ms. Rosenstein until Cassandra lets you know that the new permit and operating plan have been signed, that would be great.

Erin, keep us all posted on your progress. Many thanks.

**From:** Mitchell, Jan (USANM) [mailto:Jan.Mitchell@usdoj.gov]  
**Sent:** Tuesday, June 16, 2009 4:27 PM  
**To:** HORNSTEIN, ELLEN R.; Currie, Cassandra; Joca, MaryAnn; PITT, KENNETH  
**Cc:** Barth, Chuck (USANM)  
**Subject:** RE:

This looks very good. I haven't written Judy Rosenstein yet. Am I to understand that they have applied for and have received a permit?

Jan Elizabeth Mitchell  
Assistant U. S. Attorney  
Chief, Civil Division  
District of NM  
505.224.1472

**From:** HORNSTEIN, ELLEN R. [mailto:ELLEN.HORNSTEIN@OGC.USDA.GOV]  
**Sent:** Tuesday, June 16, 2009 11:09 AM  
**To:** Currie, Cassandra; Joca, MaryAnn; Mitchell, Jan (USANM); PITT, KENNETH  
**Subject:** RE:

Here you go.

**From:** Currie, Cassandra  
**Sent:** Monday, June 15, 2009 3:10 PM  
**To:** Joca, MaryAnn; Mitchell, Jan (USANM); PITT, KENNETH; HORNSTEIN, ELLEN R.  
**Subject:**

Hello,

Please find attached a draft letter I propose sending to Judy Rosenstein in response to her letter dated June 8, 2009 (second attachment). Please feel free to edit at will. I believe we should try to keep it as short as possible. I understand that a permit has been issued for the gathering; I plan to send this letter

once we (OGC) receive and review the permit. Please advise,

Jan, did you send a response? If so, may I have a copy?

Thank you,  
ccc

Cassandra Casaus Currie  
Attorney  
USDA Office of the General Counsel  
Mountain Region  
P.O. Box 586  
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Phone: (505)248-6010  
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email: [cassandra.currie@usda.gov](mailto:cassandra.currie@usda.gov)

"HORNSTEIN, ELLEN R."  
<ELLEN.HORNSTEIN@OGC.  
USDA.GOV>

06/16/2009 07:22 AM

To "Judy Yandoh" <jyandoh@fs.fed.us>, "Glen H Pickett"  
<gpickett@fs.fed.us>, "Erin Connelly"  
<econnelly@fs.fed.us>

cc "Currie, Cassandra"  
<CASSANDRA.CURRIE@OGC.USDA.GOV>, "PITT,  
KENNETH" <KENNETH.PITT@OGC.USDA.GOV>

bcc

Subject RE: Rainbow C-Call 6/16

History:  This message has been forwarded.

1:00 E.D.T. is fine for me

**From:** Judy Yandoh [mailto:jyandoh@fs.fed.us]  
**Sent:** Monday, June 15, 2009 5:17 PM  
**To:** HORNSTEIN, ELLEN R.; Glen H Pickett; Erin Connelly  
**Cc:** Currie, Cassandra; PITT, KENNETH  
**Subject:** Rainbow C-Call 6/16

OK, how about a conference call on Rainbow permit Tuesday at 1100 MST, 1300 EST. Glen also has questions about citing for noncompliance with the terms of the permit. I'll try and get conference call set up. Will e-mail numbers.

Judy

Judith Yandoh  
Southwestern Regional Office  
Recreation Special Use Program  
jyandoh@fs.fed.us  
(505) 842-3235

**From:** Karen M Carter [mailto:kmcarter@fs.fed.us]

**Sent:** Friday, June 12, 2009 4:13 PM

**To:** Corbin Newman

**Cc:** Daniel Jiron; Erin Connelly; Judy Yandoh; Laurie A Thorpe; Glen H Pickett; Currie, Cassandra; PITT, KENNETH; Karen M Carter

**Subject:** Re: Draft response to Rainbows

Thanks Corbin for looking at this

Erin/Dan, I'm thinking it is best if you can add Corbin's thoughts since you will be signing this letter. Please let us know whenever you do receive a signed permit. Thanks... karen

\*\*\*\*\*  
Karen M. Carter  
Director, Public Affairs  
Southwestern Region  
505-842-3290  
Fax 505-842-3106  
\*\*\*\*\*

Corbin

Newman/R3/USDAFS

To: Karen M Carter/R3/USDAFS@FSNOTES, Daniel Jiron/R3/USDAFS@FSNOTES, Erin Connelly/R3/USDAFS@FSNOTES

06/12/2009 04:06 PM

CC: Judy Yandoh/R3/USDAFS@FSNOTES, Laurie A Thorpe/R6/USDAFS@FSNOTES

Subject: Re: Draft response to Rainbows [link](#)

Hi all this better. I would feel even better if added a couple of things. The first would be an invitation meet and alter the current application by simple striking of the referenced CFR and a statement we will deem the application then complete enough to process for signature the appropriate special use permit. Then a thanks for working with us to insure a safe and productive gathering. C

Corbin L. Newman, Jr.  
Regional Forester, Southwestern Region  
USDA Forest Service  
505-842-3300 Office  
505-228-4001 Cell

-----  
Sent from my BlackBerry Handheld.

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

From: Karen M Carter  
Sent: 06/12/2009 03:54 PM MDT  
To: Corbin Newman; Daniel Jiron; Erin Connelly  
Cc: Karen Carter; Judy Yandoh; Laurie Thorpe  
Subject: Draft response to Rainbows



Corbin/Dan/Erin, here's a draft letter for Dan or Erin to sign in order to reply back to the Rainbow application for a permit with 48 hours. Laurie will be talking to Dan/Erin about the rationale behind this letter and of course for either of you to modify as needed.

Here's the draft. ...

Thank you for your non-commercial group use permit (the "permit") application dated June 11, 2009. This response satisfies the Forest Service's 48 hour response requirement of 36 C.F.R. § 251.54(g)(3)(i). Unfortunately, we cannot process the permit application because of the qualifying language that was added to the application.

I understand that you believe that the language in 36 C.F.R. § 251.54 (g)(3)(iii) which states that: "... If an alternative . . . manner will allow the applicant to meet the eight alternative evaluation criteria, an authorized officer shall offer that alternative," obviates the regulatory requirement for signing a valid non-commercial group use permit. This are incorrect.

You refer to letters from Undersecretary Mark Rey, however those letters are specific to the years 2007 and 2008. As the authorized officer this response shall be notice that I intend to enforce the regulatory requirement for a non-commercial group use permit for the 2009 Rainbow Gathering. This permit is required by law, and is intended to protect the health and safety of the attendees, and to protect the environmental and archeological resources of the public lands to be reserved for the use of the Gathering under the permit,

To have the use and occupancy of National Forest System lands for the purposes of the 2009 Rainbow Gathering lawfully authorized under a non-commercial group use permit, at 36 C.F.R. 251 subpart B, you must submit an application which meets all the requirements of 36 C.F.R. § 251.54 (g)(3)(ii), 72 hours in advance of occupancy and use. I look forward to receiving your application.

Please contact \_\_\_\_\_

cc Rainbow Attorney

\*\*\*\*\*  
Karen M. Carter  
Director, Public Affairs  
Southwestern Region  
505-842-3290  
Fax 505-842-3106  
\*\*\*\*\*

Laurie A Thorpe/R6/USDAFS  
06/12/2009 06:58 PM

To Erin Connelly/R3/USDAFS@FSNOTES  
cc  
bcc  
Subject Re: Confidential Attorney Client response to Rainbows

I will be at Get Outdoors Day and keep an eye on my BB L  
Laurie A. Thorpe  
Team Leader  
Independent Resources  
USDA Forest Service  
503-803-7942

Hello from my Blackberry!  
Enjoy the day!!

**From:** Erin Connelly  
**Sent:** 06/12/2009 06:41 PM MDT  
**To:** "Currie, Cassandra" <CASSANDRA.CURRIE@OGC.USDA.GOV>  
**Cc:** Corbin Newman; Daniel Jiron; Glen Pickett; Judy Yandoh; "PITT, KENNETH"  
<KENNETH.PITT@OGC.USDA.GOV>; Karen Carter; Laurie Thorpe  
**Subject:** RE: Confidential Attorney Client response to Rainbows

I've provided a draft response to Corbin for his review. I know that there may be more discussion before we land on the final version. I'm working 8-12 (mtn time) tomorrow in my office. I'll leave the office at noon to be at Cuba at 2 to meet with LEOs. I'd like to have this complete before we leave. I know it'll be Saturday...but if your inclined to check your Blackberry there may be the latest on there tomorrow morning.

I'm available by cell tonighte (at a diinner) and will check my BBerry off and on,

PLEASE NOTE NEW OFFICE NUMBER BELOW.

Erin Connelly  
Deputy Forest Supervisor  
Santa Fe National Forest  
(505) 438-5311 office (NEW!)  
(505) 452-7578 (voice only-cell)  
(505) 438-7834 (fax)  
Executive Assistant: Barb Fuller (505) 438-5312 (NEW!)

~~"Currie, Cassandra"  
<CASSANDRA.CURRIE@OGC.USDA.GOV>~~

*Erin Connelly*  
To "PITT, KENNETH" <KENNETH.PITT@OGC.USDA.GOV>, "Corbin Newman"  
<cnewman02@fs.fed.us>, "Karen M Carter" <kmcarter@fs.fed.us>  
cc "Daniel Jiron" <djiron@fs.fed.us>, "Erin Connelly" <econnelly@fs.fed.us>, "Judy Yandoh"

Karen M Carter/R3/USDAFS  
06/12/2009 05:15 PM

To Erin Connelly/R3/USDAFS@FSNOTES  
cc  
bcc  
Subject Re: Draft response to Rainbows☐

Erin, this is the latest version of the letter but it needs Corbin's comment below added in. Looks like it's non stop from here.....

\*\*\*\*\*  
Karen M. Carter  
Director, Public Affairs  
Southwestern Region  
505-842-3290  
Fax 505-842-3106  
\*\*\*\*\*

Erin Connelly/R3/USDAFS

Erin Connelly/R3/USDAFS  
06/12/2009 05:07 PM

To Karen M Carter/R3/USDAFS@FSNOTES  
cc cassandra.currie@ogc.usda.gov, Corbin Newman/R3/USDAFS@FSNOTES, Daniel Jiron/R3/USDAFS@FSNOTES, Glen H Pickett/R3/USDAFS@FSNOTES, Judy Yandoh/R3/USDAFS@FSNOTES, Karen M Carter/R3/USDAFS@FSNOTES, "PITT, KENNETH" <KENNETH.PITT@OGC.USDA.GOV>, Laurie A Thorpe/R6/USDAFS@FSNOTES  
Subject Re: Draft response to Rainbows☐

My phone conversation with Corbin and then with Laurie indicates a slightly different path.

I am in the process of revising the letter to include Corbin's written and verbal comments and understand the 48 hr timeline. I plan to have it reviewed by y'all before it goes out.

PLEASE NOTE NEW OFFICE NUMBER BELOW,  
Erin Connelly  
Deputy Forest Supervisor  
Santa Fe National Forest  
(505) 438-5311 office (NEW!)  
(505) 452-7578 (voice only-cell)  
(505) 438-7834 (fax)  
Executive Assistant: Barb Fuller (505) 438-5312 (NEW!)

Karen M Carter/R3/USDAFS

Karen M Carter/R3/USDAFS  
06/12/2009 04:12 PM

To Corbin Newman/R3/USDAFS@FSNOTES  
cc Daniel Jiron/R3/USDAFS@FSNOTES, Erin Connelly/R3/USDAFS@FSNOTES, Judy Yandoh/R3/USDAFS@FSNOTES, Laurie A Thorpe/R6/USDAFS@FSNOTES, Glen H