



United States
Department of
Agriculture

Forest
Service

Santa Fe National Forest

1474 Rodeo Road
P.O. Box 1689
Santa Fe, New Mexico 87504-1689
505-438-7840 FAX 505-438-7834

File Code: 2720-1

Date: June 13, 2009

EX(b)(6)+
PA
Garrick Beck

[REDACTED]
Santa Fe, NM 87505

Dear Garrick:

Thank you for acting as a contact for the Rainbow Gathering and providing us with a non-commercial group use permit (the "permit") application received at approximately 6:00 p.m. on June 11, 2009. This response satisfies the Forest Service's 48 hour response requirement of 36 C.F.R. § 251.54(g)(3)(i).

To consider the application complete and begin processing of the permit the qualifying language that was added to the permit application in Section 6 would need to be removed and the name(s) supplied of those willing to sign the permit.

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 is incorrect.

You refer to letters from Undersecretary Mark Rey, however, those letters are specific to the years 2007 and 2008. As the authorized officer I do 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.

Please refer to Regional Forester Corbin Newman's letter to you dated June 9, 2009 for further information on this subject.

Based on our conversation this afternoon I understand that while you are willing to strike the qualifying language from your permit application you are declining to provide the names of those who would sign the permit. Unfortunately the permit application is incomplete as it does not identify or designate the person who will sign the actual permit, therefore we hereby deny this application because it fails to meet the requirement in 36 C.F.R. § 251.54 (g)(3)(ii)(H).



Garrick, I appreciate your willingness to work with us to insure a safe and productive gathering. If you reconsider your decision and would like to re-apply, please contact me, or if there are others that would be willing to provide a complete application I will take that into consideration.

Sincerely,

A handwritten signature in black ink that reads "Erin Connelly". The signature is written in a cursive style with a large, looping "E" and "C".

ERIN CONNELLY
Acting Forest Supervisor
Agency Administrator

cc: Rainbow Attorney

Auth ID: #AUTH_ID#
Contact ID: #HOLDER_ID#
Expiration Date: #EXPIRATION_DATE#

FS-2700-3b (03/06)
OMB No. 0598-0082

U.S. DEPARTMENT OF AGRICULTURE
Forest Service
SPECIAL USE PERMIT FOR
NONCOMMERCIAL GROUP USE
(Ref.: 36 CFR 251.54)
Authority: Organic Act of 1897, 16 U.S.C. 551
PART I - APPLICATION

EX(b)(6) + PA

1. APPLICANT INFORMATION:

Name of Group or Event: Address of Group or Contact:
RAINBOW GATHERING (whichever is applicable) ST
Name of Contact: SANTA FE, NM 87505
The contact shall be available to the Forest Service from the date this application is signed until it is accepted, rejected, or denied.
Day Phone: 505 - Evening Phone: () - 505 -

2. DESCRIPTION OF PROPOSED ACTIVITY: July 4th Silent Circle & Prayer for
WORLD PEACE, COMMUNITY VILLAGE, COUNCILS, WORKSHOPS, PLAYSHOPS,
KIDDLER VILLAGE, CALM, ENVIRONMENTAL EDUCATION, & COUSTIC ENTERTAINMENT,
HEALING

3. LOCATION & DESCRIPTION OF NATIONAL FOREST SYSTEM LANDS & FACILITIES APPLICANT WOULD LIKE TO USE:
 VENADO/PALOMOS SECTIONS 24, 25, N 1/2 of 26, E 2/3 of 23, 26
SECTIONS 19, 29, 2A, 31, SOUTH 2/5 of 17, 18 R 2 E T 21 N
SE COR. of SEC 14 R 1 E T 21 N

4. ESTIMATED NUMBER OF PARTICIPANTS & SPECTATORS FOR PROPOSED ACTIVITY:
Participants: 9000-12,000 Spectators: 75+

5. STARTING & ENDING DATE & TIME OF PROPOSED ACTIVITY:
Start June 11, 2009 3:00 PM End July 30, 2009 11:59 PM

6. NAME OF PERSONS WHO WILL SIGN A SPECIAL USE PERMIT ON BEHALF OF THE GROUP (Must be same as contact listed in Item 1.): SEE 36 CFR 251.54 (a)(3) IF AN ALTERNATIVE TIME, PLACE, OR (HANNING) WILL ALLOW THE APPLICANT TO MEET THE EIGHT EVASION CRITERIA, AN AUTHORIZED OFFICER SHALL OFFER THAT ALTERNATIVE (HANNING) (SEE 2 ATTACHED USDA LETTERS (0005, 0007) CONFIRMING THAT ALTERNATIVE GOVERNING THAT PROCESS.

Name: Address:
Day & Evening Phone: () / () / () / () / () / ()
Signature: _____ Date:

APPLICATION NOT VALID UNLESS SIGNED BY CONTACT

Jamie Beck June 16, 2009
Signature of Contact Date

18 U.S.C. § 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false...



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

MAY 28 2008

To All:

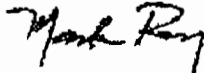
As we prepare for the 2008 Annual Rainbow Family Gathering in Wyoming, several Gatherers have suggested that it would be helpful to again clarify the Forest Service's approach to the 2008 Gathering:

The Agency's authority to require group use permits is in place and has been upheld by the Courts. However, the Forest Service does have discretion with respect to the enforcement of this authority. Pursuant to that discretion and a previously negotiated protocol recognizing the unique nature of the Rainbow Family, we will implement the following process to facilitate a Gathering in accordance with the Forest Service Regulations:

1. The Forest Service has forwarded several sites on the National Forests in Wyoming for the participants in the 2008 Gathering to consider as gathering sites.
2. The participants in the 2008 Gathering will select 2 or 3 alternate locations for the Forest Service to consider as soon as possible. Initial scouting of sites is being done in cooperation with local Forest Service personnel.
3. The Forest Service will quickly evaluate the sites (if other than the recommended Forest Service sites) and give the participants in the 2008 Gathering an answer on suitability before Spring Council.
4. Beginning at Spring Council and after a site has been mutually agreed upon, an operating plan would be prepared in advance of the Gathering in collaboration with the participants in the 2008 Gathering. The plan would be subject to mutual modifications as the Gathering sets up. For this purpose the Forest Service is committed to meeting on the land daily with Gatherers involved with the 2008 Gathering during the Gathering.
5. No permit would be issued. The Forest Service would exercise its discretion and refrain from any enforcement of a permit requirement provided that the operating plan is followed. Failure to comply with the operating plan will result in enforcement of the current regulations.

6. All laws will be enforced on the National Forests similar to other recreation gatherings and forest visitor use.
7. The Gathering will be managed thru the Forest Service Incident Command System for the purpose of addressing social and resource impacts.

Please feel free to circulate within the region and with Gatherers involved with the 2008 Gathering. Welcome home.



MARK REY

05/04/2007 13:00 FAX

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United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

Dear Rainbow Family Spring Circle,

Based upon our conversations, as well as conversations with other Family Individuals over the last few weeks, I would like to offer the following clarification of the Forest Service's approach to the 2007 Gathering. The Agency's authority to require group use permits is in place and has been upheld by the Courts. However, the Forest Service does have discretion with respect to the enforcement of this authority. Pursuant to that discretion, and recognizing the unique nature of the Rainbow Family, we propose the following:

1. The Rainbow Family would recommend 2 or 3 alternate locations for the Forest Service to consider as soon as possible. Initial scouting of sites should be done in cooperation with local Forest Service personnel. In the future, this date should be much earlier to allow the Forest Service adequate time to analyze the potential sites.
2. The Forest Service would quickly evaluate the sites and give the Rainbow Family an answer on suitability before Spring Council.
3. Beginning at Spring Council, an operating plan would be prepared in advance of the gathering in collaboration with the Rainbow Family. The plan would be subject to mutual modifications as the Gathering sets up. No permit would be issued. The Forest Service would exercise its discretion and refrain from any enforcement of a permit requirement provided that the operating plan is followed. Failure to comply with the operation plan will result in enforcement of the current regulations.

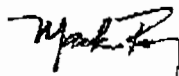
05/04/2007 10:00 FAX

0003

4. All laws will be enforced on the National Forests similar to other recreation gatherings and forest visitor use.
5. A declaration of emergency will be for the purpose of addressing resource impacts.

Please feel free to circulate with other individuals of the Rainbow Family.

Sincerely,



MARK REY

U.S. DEPARTMENT OF AGRICULTURE
Forest Service
SPECIAL-USE PERMIT FOR
NONCOMMERCIAL GROUP USE

(Ref.: 36 CFR 251.54)
Authority: Organic Act of 1897, 16 U.S.C. 551

EX (b)(6) + PA

PART I - APPLICATION

1. APPLICANT INFORMATION:

Name of Group or Event: **Rainbow Family Gathering**

Address of Group or Contact:

Name of Contact: **LISA LAW**

P.O. Box [REDACTED] SFNM 8750

The contact shall be available to the Forest Service from the date this application is signed until it is accepted, rejected, or denied.

Day Phone: () - [REDACTED] Evening Phone: () - [REDACTED]

2. DESCRIPTION OF PROPOSED ACTIVITY: Gathering of individuals for participation in Silent Circle & Prayer for World Peace, Community Villages, Councils, Workshops, Play shops, Kiddy village; CALM, Environmental Education, & Acoustic Entertainment, Healing

3. LOCATION & DESCRIPTION OF NATIONAL FOREST SYSTEM LANDS & FACILITIES APPLICANT WOULD LIKE TO USE:

Parque Venado/Palomas/ Luterio Springs Sections 24,25,N1/2 of 26, E2/5 of 23, 26and S2/5 of sec 13 of R.1, E., T. 21, N. Section 19, 30, 20,31, S 2/5 of sec 17, 18 & N.1/2 sec. 21 of R.2, E., T. 21,N Section cor of sec 14 R.1E., T.21,N.

4. ESTIMATED NUMBER OF PARTICIPANTS & SPECTATORS FOR PROPOSED ACTIVITY:

Participants: 9,000-12,000

Spectators: 75+

5. STARTING & ENDING DATE & TIME OF PROPOSED ACTIVITY:

Start June 11, 2009 3pm End: July 30 2009 11:59 pm
Date Time Date Time

6. NAME OF PERSONS WHO WILL SIGN A SPECIAL USE PERMIT ON BEHALF OF THE GROUP (May be same as contact listed in item 1.):

Name: **LISA LAW** Name:

Address: **P.O. Box [REDACTED] SFNM 8750** Address:

Day & Evening Phone: **505 [REDACTED]**
Day & Evening Phone: **505 [REDACTED]**

Signature: [Signature] Signature: _____

Date: 6/13/09 Date: _____

APPLICATION NOT VALID UNLESS SIGNED BY CONTACT

[Signature]
Signature of Contact Date 6/13/09

18 U.S.C. ? 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction. Anyone who knowingly or willfully makes or uses any false writing shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

PART II PERMIT

Purpose:

Noncommercial group use permits do not grant or deny freedom of assembly or freedom of speech. The rights to freedom of assembly and freedom of speech are guaranteed by the United States Constitution. These rights are fully respected by the Forest Service. When noncommercial group use permits are issued, they regulate time, place, and manner with respect to the exercise of these rights by groups of 75 or more people on National Forest System lands. Noncommercial group use permits authorize the holder to use and occupy the National Forest System lands covered by the permit, subject to rights retained by the United States, including continuing rights of access, a continuing right of physical entry for inspection, monitoring, or for any other purposes consistent with any right or obligation of the United States, and the right to require common use of the land or to authorize use by others in any way that is not inconsistent with the privileges granted by the permit. The use and occupancy authorized by a noncommercial group use permit would not be allowed without the permit. The primary purposes of noncommercial group use permits include protection of National Forest System lands and resources, promotion of public health and safety, and allocation of space among competing uses of National Forest System lands.

1. Use under this permit shall begin on **JUNE 11, 2009 and end on JULY 30, 2009**. The permit shall not be extended.
2. **RAINBOW FAMILY GATHERING**, Lisa Law, as an individual participant of the Rainbow Family Gathering (the holder) is hereby authorized to use, subject to the terms of this permit, National Forest System lands described as or shown in attached **Exhibit A**. This permit covers section of and areas within approximately **5500 acres** and/or **21 miles area**. Please see attached map.
3. The holder is authorized to conduct the following activities and install the following improvements in the permitted area: **activities** - silent circle, prayer circle, community village, councils, workshops, play shops, kiddie village, environmental education, acoustic entertainment.
Improvements: Also see operating plan for specifics-
surface waterline, slit trenches, temporary kitchen facilities, medical facility, dispersed camping, parking areas
4. The holder shall conduct the authorized activities according to the attached approved plans and specifications, **Exhibit B**. The holder shall not install any improvements not specifically identified and approved in clause 3, in exhibits attached to this permit, or by the authorized officer during the activity authorized by this permit.
5. No soil, trees, or other vegetation may be destroyed or removed from National Forest System lands without specific prior written permission from the authorized officer.
6. The holder shall comply with all federal, state, county, and municipal laws, ordinances, and regulations which are applicable to the area or operations covered by this permit.
7. The holder shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer. The holder shall fully repair and bear the expense for all damages, other than ordinary wear and tear, to National Forest System lands, roads and trails caused by the holder's activities.
8. The holder has the responsibility of inspecting the use area and adjoining areas for dangerous trees, hanging limbs, and other evidence of hazardous conditions which would pose a risk of injury to individuals. After securing permission from the authorized officer, the holder shall remove such hazards.

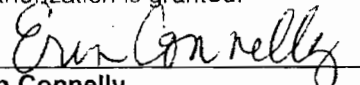
9. The holder shall be liable for any injury, loss, or damage, including fire suppression costs and environmental harm or injury to natural resources, that arises in connection with the use and occupancy authorized by this permit.
10. The holder shall indemnify and hold harmless the United States for any injury, loss, or damage, including third-party claims, damage to federal property, fire suppression costs, and environmental harm or injury to natural resources, that arises in connection with the use and occupancy authorized by this permit.
11. The persons who sign this permit are not subject to any individual liability under this permit as a result of that signature. They provide their name solely to allow notice of actions pertaining to the permit to be communicated to the holder and to give the permit legal effect. At least one of the persons who sign this permit shall be available to the Forest Service from the date this permit is issued until the use authorized by this permit has concluded.
12. The holder agrees to permit free and unrestricted access to and upon the premises at all times for all lawful and proper purposes not inconsistent with the intent of the permit or with the reasonable exercise and enjoyment by the holder of the privileges thereof.
13. This permit is subject to all valid existing rights and claims outstanding in third parties.
14. This authorization may be revoked or suspended only in accordance with 36 CFR 251.60(a)(1)(i). Upon expiration or revocation of this permit, the holder shall immediately remove all improvements except those owned by the United States, and shall restore the site within 30 days, unless otherwise agreed upon in writing. If the holder fails to remove the improvements, they shall become the property of the United States, but that will not relieve the holder of liability for the cost of their removal and the restoration of the site.
15. This permit is a license for the use of federally owned land. It does not grant any interest in real property. This permit is not transferable. The holder shall not enter into any agreements with third parties for occupancy of the authorized premises and improvements.
16. Any decision concerning this permit, including but not limited to suspension or revocation and modification of permit terms and conditions, is not subject to administrative appeal and is immediately subject to judicial review.
17. **This permit is accepted subject to the conditions set forth herein, including any conditions in any exhibits attached to and made a part of this permit. Exhibits attached: (A) Map, (B) Operating Plan.**
18. The above clauses shall control if they conflict with additional clauses or provisions.
19. Cultural Resources Protection (D001RO). The holder, contractor, or lessee shall be responsible for the protection from damage of all identified cultural resources within the area which may be affected by their actions. In addition, the holder, contractor, or lessee shall be liable for all damage or injury to the identified cultural resources caused by their actions. The holder, contractor, or lessee shall immediately notify the agency Project Administrator if any damage occurs to any cultural resource and immediately halt work in the area in which damage has occurred until approval to proceed has been granted by the Project Administrator after consultation with the Forest Archeologist. All provisions of the Region 3 Cultural Resources Damage Assessment Handbook are incorporated by reference herein.
20. Native American Grave Protection and Repatriation Act (X003RO). Pursuant to the Native American Grave Protection and Repatriation Act (NAGPRA) 25 USC 3002(d); 43 CFR Part 10.4, if any human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during the course of ground disturbing activity, the holder will immediately cease

activity in the area of the discovery and will make a reasonable effort to protect the remains and objects. The holder will provide immediate telephone notification of the discovery to the Forest Service, and will follow up with written confirmation to the authorized officer. The holder will not resume the activity that resulted in the discovery until the authorized officer gives written approval. Approval to resume the activity, if otherwise lawful, will be given thirty (30) days after certification by the authorized officer of the holder's written confirmation of the discovery, or at any time that a written binding agreement is executed between the Forest Service and the affiliated tribes adopting a recovery plan for the remains and objects.

I have read and understand the terms
AGRICULTURE
and conditions and agree to abide by them.

U.S. DEPARTMENT OF
Forest Service

HOLDER:
By: 

Authorization is granted:
By: 
Erin Connelly
Deputy Forest Supervisor
Santa Fe NF

Date: 6/13/09
Title: 8:40 PM

Date: June 13, 2009

HOLDER MUST HAVE THIS PERMIT (OR A LEGIBLE COPY) IN POSSESSION DURING THE AUTHORIZED ACTIVITY

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

EX(b)(6) & PA

Auth ID: CUB310009
Contact ID: RainbowFamily
Expiration Date: JULY 30, 2009

FS-2700-3b (03/06)
OMB No. 0596-0082

U.S. DEPARTMENT OF AGRICULTURE
Forest Service
SPECIAL-USE PERMIT FOR
NONCOMMERCIAL GROUP USE
(Ref.: 36 CFR 251.54)
Authority: Organic Act of 1897, 16 U.S.C. 551
PART I - APPLICATION

1. APPLICANT INFORMATION:

Name of Group or Event: **Rainbow Family Gathering** Name of Contact: Lisa Law
Address of Group or Contact: P.O. Box [REDACTED], Santa Fe, NM 87504

The contact shall be available to the Forest Service from the date this application is signed until it is accepted, rejected, or denied.

Day Phone: ([REDACTED]) [REDACTED] - [REDACTED] Evening Phone: ([REDACTED]) [REDACTED] - [REDACTED]

2. DESCRIPTION OF PROPOSED ACTIVITY: Gathering of individuals for participation in Silent Circle & Prayer for World Peace, Community Villages, Councils, Workshops, Play shops, Kiddy village; CALM, Environmental Education, & Acoustic Entertainment, Healing

3. LOCATION & DESCRIPTION OF NATIONAL FOREST SYSTEM LANDS & FACILITIES APPLICANT WOULD LIKE TO USE:

Township 21 North, Range 1 East
S1/2 section 13, SE1/4 section 14, E1/2 section 23, section 24, section 25, section 26, section 27, section 28, section 30, N1/2 section 34, N1/2 section 35.
Containing 5,280 acres +/-

Township 21 North, Range 2 East
S1/2 section 17, S1/2 section 18, section 19, section 20, section 30, section 31.
Containing 3,200 acres +/-

Township 20 North, Range 2 East
N1/2 section 6
Containing 320 acres +/-

Total Acreage: 8,800 +/-

4. ESTIMATED NUMBER OF PARTICIPANTS & SPECTATORS FOR PROPOSED ACTIVITY:

Participants: 9,000-12,000

Spectators: 75+

EX (b)(6) + PA

5. STARTING & ENDING DATE & TIME OF PROPOSED ACTIVITY:

Start	June 11, 2009	3pm	End:	July 30, 2009	11:59 pm
	Date	Time		Date	Time

6. NAME OF PERSONS WHO WILL SIGN A SPECIAL USE PERMIT ON BEHALF OF THE GROUP (May be same as contact listed in item 1.):

Name: Lea Law

Name: Lindsey Dearborn

Address: P.O. Box [redacted]
Santa Fe, NM 87504

Address: [redacted]

Day & Evening Phone: [redacted]

Day & Evening Phone: [redacted]

Signature: [redacted]

Signature: [redacted]

Date: 6/17/09

Date: [redacted]

APPLICATION NOT VALID UNLESS SIGNED BY CONTACT

[redacted signature]

Signature of Contact

Date: 6/17/09

18 U.S.C. § 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction. Anyone who knowingly or willfully makes or uses any false writing shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

PART II PERMIT

Purpose:

Noncommercial group use permits do not grant or deny freedom of assembly or freedom of speech. The rights to freedom of assembly and freedom of speech are guaranteed by the United States Constitution. These rights are fully respected by the Forest Service. When noncommercial group use permits are issued, they regulate time, place, and manner with respect to the exercise of these rights by groups of 75 or more people on National Forest System lands. Noncommercial group use permits authorize the holder to use and occupy the National Forest System lands covered by the permit, subject to rights retained by the United States, including continuing rights of access, a continuing right of physical entry for inspection, monitoring, or for any other purposes consistent with any right or obligation of the United States, and the right to require common use of the land or to authorize use by others in any way that is not inconsistent with the privileges granted by the permit. The use and occupancy authorized by a noncommercial group use permit would not be allowed without the permit. The primary purposes of noncommercial group use permits include protection of National Forest System lands and resources, promotion of public health and safety, and allocation of space among competing uses of National Forest System lands.

1. Use under this permit shall begin on **JUNE 11, 2009** and end on **JULY 30, 2009**. The permit shall not be extended.
2. The holder is hereby authorized to use, subject to the terms of this permit, National Forest System lands described as or shown in attached **Exhibit A**. This permit covers section of and areas within approximately **8800 acres**. Please see attached map.
3. The holder is authorized to conduct the following activities and install the following improvements in the permitted area: **activities** - silent circle, prayer circle, community village, councils, workshops, play shops, kiddie village, environmental education, acoustic entertainment.
Improvements: Also see operating plan for specifics-
surface waterline, slit trenches, temporary kitchen facilities, medical facility, dispersed camping, parking areas
4. The holder shall conduct the authorized activities according to the attached approved plans and specifications, **Exhibit B**. The holder shall not install any improvements not specifically identified and approved in clause 3, in exhibits attached to this permit, or by the authorized officer during the activity authorized by this permit.
5. No soil, trees, or other vegetation may be destroyed or removed from National Forest System lands without specific prior written permission from the authorized officer.
6. The holder shall comply with all federal, state, county, and municipal laws, ordinances, and regulations which are applicable to the area or operations covered by this permit.
7. The holder shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer. The holder shall fully repair and bear the expense for all damages, other than ordinary wear and tear, to National Forest System lands, roads and trails caused by the holder's activities.
8. The holder has the responsibility of inspecting the use area and adjoining areas for dangerous trees, hanging limbs, and other evidence of hazardous conditions which would pose a risk of injury to individuals. After securing permission from the authorized officer, the holder shall remove such hazards.

9. The holder shall be liable for any injury, loss, or damage, including fire suppression costs and environmental harm or injury to natural resources, that arises in connection with the use and occupancy authorized by this permit.
10. The holder shall indemnify and hold harmless the United States for any injury, loss, or damage, including third-party claims, damage to federal property, fire suppression costs, and environmental harm or injury to natural resources, that arises in connection with the use and occupancy authorized by this permit.
11. The persons who sign this permit are not subject to any individual liability under this permit as a result of that signature. They provide their name solely to allow notice of actions pertaining to the permit to be communicated to the holder and to give the permit legal effect. At least one of the persons who sign this permit shall be available to the Forest Service from the date this permit is issued until the use authorized by this permit has concluded.
12. The holder agrees to permit free and unrestricted access to and upon the premises at all times for all lawful and proper purposes not inconsistent with the intent of the permit or with the reasonable exercise and enjoyment by the holder of the privileges thereof.
13. This permit is subject to all valid existing rights and claims outstanding in third parties.
14. This authorization may be revoked or suspended only in accordance with 36 CFR 251.60(a)(1)(i). Upon expiration or revocation of this permit, the holder shall immediately remove all improvements except those owned by the United States, and shall restore the site within 30 days, unless otherwise agreed upon in writing. If the holder fails to remove the improvements, they shall become the property of the United States, but that will not relieve the holder of liability for the cost of their removal and the restoration of the site.
15. This permit is a license for the use of federally owned land. It does not grant any interest in real property. This permit is not transferable. The holder shall not enter into any agreements with third parties for occupancy of the authorized premises and improvements.
16. Any decision concerning this permit, including but not limited to suspension or revocation and modification of permit terms and conditions, is not subject to administrative appeal and is immediately subject to judicial review.
17. **This permit is accepted subject to the conditions set forth herein, including any conditions in any exhibits attached to and made a part of this permit. Exhibits attached: (A) Map, (B) Operating Plan**
18. The above clauses shall control if they conflict with additional clauses or provisions.
19. Cultural Resources Protection (D001RO). The holder, contractor, or lessee shall be responsible for the protection from damage of all identified cultural resources within the area which may be affected by their actions. In addition, the holder, contractor, or lessee shall be liable for all damage or injury to the identified cultural resources caused by their actions. The holder, contractor, or lessee shall immediately notify the agency Project Administrator if any damage occurs to any cultural resource and immediately halt work in the area in which damage has occurred until approval to proceed has been granted by the Project Administrator after consultation with the Forest Archeologist. All provisions of the Region 3 Cultural Resources Damage Assessment Handbook are incorporated by reference herein.

EX (b)(6) & PA

20. Native American Grave Protection and Repatriation Act (X003RO). Pursuant to the Native American Grave Protection and Repatriation Act (NAGPRA) 25 USC 3002(d); 43 CFR Part 10.4, if any human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during the course of ground disturbing activity, the holder will immediately cease activity in the area of the discovery and will make a reasonable effort to protect the remains and objects. The holder will provide immediate telephone notification of the discovery to the Forest Service, and will follow up with written confirmation to the authorized officer. The holder will not resume the activity that resulted in the discovery until the authorized officer gives written approval. Approval to resume the activity, if otherwise lawful, will be given thirty (30) days after certification by the authorized officer of the holder's written confirmation of the discovery, or at any time that a written binding agreement is executed between the Forest Service and the affiliated tribes adopting a recovery plan for the remains and objects.

I have read and understand the terms and conditions and agree to abide by them.

U.S. DEPARTMENT OF AGRICULTURE
Forest Service

HOLDER: Rainbow Family

Authorization is granted:

By:

Lisa Law

By:

Erin Connelly

Erin Connelly
Deputy Forest Supervisor
Santa Fe NF

Date:

6/17/09

Date:

6/17/09

By:

Lindsay Dearborn

Date:

6/17/09

By:

Date:

HOLDER MUST HAVE THIS PERMIT (OR A LEGIBLE COPY) IN POSSESSION DURING THE AUTHORIZED ACTIVITY

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OPERATING PLAN

**2009 RAINBOW FAMILY GATHERING
Exhibit B
As made part of permit CUB310009**

June 23, 2009

This Operating Plan has been developed in cooperation between the Forest Service and Rainbow Family Gathering participants to address public health and safety, allocate space among competing uses, and protect National Forest System resources associated with the 2009 Rainbow Family Gathering. This Operating Plan is consistent with applicable law and the Santa Fe National Forest Plan.

The Forest Service will attempt to hold daily meetings at noon at Information to discuss proposals for any necessary amendments of this operating plan. This operating plan will be posted at Welcome Home, Information, and other suitable public information centers within the Rainbow Gathering site.

HEALTH and SAFETY

1. Gathering participants are responsible for their own health and safety, including coordination with area medical facilities for emergency services and evacuation plans.
2. Emergency vehicles will be allowed ingress and egress quickly without unnecessary delays.
3. Emergency helicopter landing zones have been identified to accommodate emergency evacuation of Flight For Life needs at Wetherhill and Manuel's Cabin. Areas designated as landing sites in cooperation with Rainbow Family Gathering participants shall remain clear of campsites or other facilities within 200 feet of the center.
4. An emergency plan will be developed by the Forest Service in coordination with Rainbow Gathering participants for use in the event of fire, flood, or other natural disasters.
5. Victims of any non-life threatening injury or illness discovered by the Forest Service at the gathering will be referred to individual Rainbow Gathering first aid volunteers who have identified themselves to the Forest Service. These first aid volunteers agree to report any contagious outbreaks to the Forest Service and appropriate health agencies. Gathering participants have the right to refuse medical service from any entity.
6. Biological Hazards generated at first aid stations will be disposed of at an appropriate medical waste disposal facility. No biological hazardous waste will be buried or left on the site.
7. Trash will be removed from the site in accordance with State/County sanitation requirements. The County transfer station is open Wednesday and Saturday from 8:00 AM until 5:00 PM. Only paper and wood trash will be burned.
8. Drinking water should be filtered or boiled or treated. Periodic testing of drinking water systems for total coliform and fecal e-coli will be performed as County or

State requirements dictate. Gathering participants may have an independent entity test water.

9. A hand washing station will be present at each kitchen area.
10. Minimum kitchen dish washing procedures should be a four bucket system followed by a trickling water non-dip final rinse. The first bucket should be for compost, the second bucket for warm water pre-wash, the third bucket for a hot soapy wash, the fourth bucket for a hot clear rinse, followed by a rinse using trickling disinfected water, or bleach water buckets. Dishes should be allowed to air dry.
11. To assure the health and safety of visitors to the gathering, the following actions should be followed:
 - a) Portable toilets should be utilized when feasible. The toilets will be pumped and cleaned as needed.
 - b) As an alternative to portable toilets, slit trenches or earth pit privies may be used. The trenches or privies must meet State or County requirements for temporary campsites.
 - 1) Slit trenches should be constructed on upland sites. They should be located at least 300 feet from standing surface waters or perennial streams, at least 300 feet away from kitchens, and down slope from any drinking water sources. Trenches should be approximately 12 inches wide and of an adequate depth and length for the anticipated number of people. Topsoil and sod should be stored for rehabilitation. Buckets of lime or wood ash shall be available at all trench or privy sites. Trenches or pits shall be closed when they fill to within 12 inches of the surface. Disinfectant hand wash stations will be provided at each location.
12. Due to endemic rabies in this area, all dogs, cats and any livestock should be vaccinated for rabies, per State and County ordinances. Any encounters with wild animals that exhibit unnatural behavior should be reported to the Forest Service.
13. If Gathering participants identify dead or defective trees that present a hazard to gathering infrastructure or participants, they will be discussed with a Forest Service resource adviser and mitigation will be jointly developed.

RESOURCE PROTECION

14. Sensitive areas such as wetlands, sensitive species, and archeological sites will be flagged by the Forest Service in cooperation with Rainbow Gathering volunteers. Gathering participants may not park, camp, or congregate within these areas or remove items from these areas (plants, items over 50 years old like bottles, cans, etc.)

15. To prevent disturbance to wildlife that utilize water sources in the area, no camping will occur within 300 feet of any streams, lakes, or ponds..
16. Gray water and compost pits from kitchens will be at least 100 feet from any surface water or running stream channel and will not be located in areas that contain riparian vegetation. Gray water and compost pits should be covered at all times with 4 millimeter polyethylene, ash or lime and will be marked so as to prevent people from falling into them.
17. Bathing or swimming areas will be suggested by the Forest Service in cooperation with Rainbow Gathering volunteers.
18. Water diverted from one live source should not be introduced to another live source (no stream to stream, spring to spring transfer.)
19. Gathering participants will monitor all activities to ensure that soap, disinfectants, medical waste, or any other foreign material is not introduced into lakes, streams, or other surface waters.
20. Gathering participants will do minimal excavation or digging out around drinking water sources. Temporary collection techniques (such as rocks, logs, or tarps, etc.) will be used to collect drinking water at the source.
21. Log and/or rock crossings will be constructed to minimize impacts to stream banks and will be removed at the conclusion of the gathering.
22. Campfires will be attended to at all times. A shovel and at least one five gallon container of water should be placed at each campfire location. Campfires must serve as community fires– individual campfires will not be used. Fire pits should be completely contained and should not exceed a 12 foot diameter. All top soil and sod will be stored and covered for protection.
23. If local conditions dictate, a District wide or larger fire order prohibiting open fires may be issued. If such an order is issued, all cooking and warming must then be accomplished with camp stoves fueled by propane or white gas, or in kitchens approved by a Forest Service resource adviser; and smoking may only occur in vehicles or areas designated by the Forest Service.
24. No fireworks of any kind will be used on National Forest System lands.
25. Only dead and down firewood may be used. Cutting of green vegetation requires prior approval of the Forest Service.
26. Livestock fences will not be cut or damaged; gates will be kept closed.
27. Sensitive archaeological sites are present in and around Parque Venado.

28. Forest archaeologists will be present to help avoid effects on this resource by ground disturbing activities such as digging fire pits and latrines. Rainbow Gathering participants will not pick up or move any artifacts.
29. Vegetation transect markers (metal stakes) in the Parque Venado will be identified and marked with flagging or another method and will be left undisturbed.
30. The San Pedro Parks Wilderness is subject to applicable regulations. Motorized and mechanized (wheeled) vehicles are not allowed; and party size is limited to 15 in the Wilderness Area.

SITE REHABILITATION

31. All parking areas, Bus Village, trails and areas of concentrated use in the gathering site will be scarified to a depth of 2-4 inches unless deemed unnecessary by the Forest Service and gathering participants and if deemed necessary, will be seeded with a native seed mix approved by the Forest Service. Seeding will be accomplished following the gathering at a time approved by the Forest Service.
32. Slit trenches and latrines will be filled and covered with the native material originally removed from the pit and from the surrounding area, and mounded with excess material to allow for settling. Any surface waste will be removed from the area.
33. Gathering participants will remove and recycle all trash at an established sanitary landfill. Contracts may be made by individuals with local trash hauling companies.
34. Any abandoned vehicles will be removed from National Forest System lands at the cost of the owners.
35. All structures not previously existing at the gathering site (bridges, swings, lean-tos, ovens or art) will be dismantled or scattered to achieve a natural appearance.
36. Any unauthorized (user created) trails will be returned to as natural a state as possible. If necessary, existing trails will be returned to a width specified by the Forest Service, and the appropriate water controls will be installed.
37. All water lines constructed by Gathering participants will be removed from the gathering site and adjacent areas.
38. Fire pits will be filled with native material originally removed and mounded with excess material to allow for settling. Rocks will be scattered to give a natural appearance to the landscape.
39. Other site specific needs will be identified during a walk through the gathering site with Gathering volunteers and the Forest Service on the morning of July 6 and with Information and Welcome Home stations by noon on July 8.

40. When site rehabilitation is completed to the satisfaction of the Forest Service, a letter to that effect will be written to the Rainbow Family.

SPACE ALLOCATION

41. Sufficient limited use parking areas will be provided for Rainbow Gathering participants who are disabled, volunteers for emergency response, temporary supply drop-off by attended vehicles, ongoing shuttle services from remote parking areas, and Forest Service administrative purposes. Areas will be designated by the Forest Service in cooperation with Rainbow Gathering volunteers.
42. Wetland areas will not be used for parking.
43. All four wheels of parked vehicles must be completely off the road.
44. Whenever feasible, vehicles should be parked facing out toward the road to expedite egress.
45. Unauthorized vehicles parked in areas reserved for specific purposes or that interferes with the ingress/egress of emergency vehicles are subject to citation or towing at the owner's expense.
46. The Forest Service in cooperation with Gathering volunteers will institute a one-way system of travel. On Forest Road 70 parking will be limited to the south side of the road between Welcome Home and Palomas Trailhead. There will be 10-12 individually marked parking areas on the North side of the road between those two points. They will be well marked as "Rainbow Parking".
47. Pursuant to the exemption in Closure Order 10-322, clothing is optional within the Gathering site except that areas within view of Forest Roads 69, 70, 103 and State Highway 126 will be identified as "No Nudity" areas.
48. Leashing of animals within the Rainbow Gathering site is optional as long as they are under effective voice control, except that Rio Arriba County ordinances requiring that dogs be on leash at all times will apply on Forest Roads 69, 70, 103 and State Highway 126.
49. Rainbow Gathering participants and their animals will not harass wildlife or livestock.
50. No camping will be allowed in the closure area on Forest Road 70. The area is 2 ½ miles in length and is signed on both ends.

USA

United States
Department of
Agriculture

Forest
Service

Southwestern Region
Regional Office

333 Broadway SE
Albuquerque, NM 87102
FAX (505) 842-3800
V/TTY (505) 842-3292

File Code: 1550-2/2720-2

Date: June 1, 2009

Mr. Garrick Beck

Santa Fe, NM 87505

Dear Mr. Beck:

Thank you for your email of 4/29 regarding this year's Rainbow gathering. I agree with you that we should be pursuing a course that will lead to a legal gathering, and one in which Rainbow Family representatives, the Forest Service, and local community work cooperatively to ensure that the gathering is conducted in conformance with a non-commercial group use permit and an operating plan.

You indicated that you have some concern as to who is making decisions in the Forest Service with respect to the gathering. As I mentioned in previous meetings, it is my direction to the Forests (Gila, Santa Fe, or Carson) that the gathering will be conducted under the terms of a permit. I also indicated that it would be the individual Forest Supervisor who will be responsible for working with Rainbow Family representatives to work out the details of the permit and the operating plan. So, decisions will be made at various levels of the Forest Service, but as we get closer to the actual gathering, the Forest Supervisor and his or her representatives (District Ranger, Permit Administrator, Resource Specialists, etc.) will be making decisions and administering the terms of the permit and the operating plan.

As we discussed in previous meetings, it will be necessary for a representative of the Rainbow Family to sign the permit so that it can be issued. I understand that Jeff Kline is willing to do so. By having a valid permit and an accompanying operating plan, we will be able to manage the gathering as a legal event and focus our attention on working with you and your representatives to ensure compliance with the provisions of the permit and operating plan. Our law enforcement officers will of course have a role to play to the extent that there may be violations of law by Rainbow gatherers, but our intent is to manage the gathering more from an administrative standpoint, than as a law enforcement effort. Of course, the extent to which law enforcement actions will be needed depends on the conduct of the individuals attending the gathering.

The ability of the Forest Service to manage the gathering more as an administrative action than a law enforcement action depends much on your willingness to work cooperatively with the individual Forest Supervisor and his or her staff. To date, you have shown an excellent collaborative spirit. I thank you. I hope this will continue with early identification of the gathering site, ensuring that Rainbow representatives work closely with the Forest to finalize the permit and develop the operating plan, and working closely on a daily basis once the gathering

EX(b)(6)
+PA



begins. I believe that if these things can be accomplished, we will have established a successful process that can serve as a model for the planning of future gatherings.

You know how important it is that you continue your coordination with the individual Forest Supervisors on the Gila, Santa Fe and the Carson NF's to select the site for the gathering, complete the permit process and develop the operating plan for the gathering. The sooner this work can be completed, the better we can jointly prepare for a successful gathering. Thank you again for your dedication to working with us.

Sincerely,

/s/ Corbin L. Newman, Jr.
CORBIN L. NEWMAN, JR.
Regional Forester

**cc: Richard Markley
Glen H Pickett
Karen M Carter
Kendall Clark
Daniel Jiron
Erin Connelly
Laurie A Thorpe**

EX(b)(6)+PA

Corbin Newman/R3/USDAFS

06/08/2009 11:00 AM

To "Lindsey Dearborn" <[REDACTED]@[REDACTED]>
cc "garrick" <[REDACTED]@[REDACTED]>, "jeff" <[REDACTED]@[REDACTED]>, "jayjensen" <jayjensen@osec.usda.gov>, Gilbert Zepeda/R3/USDAFS@FSNOTES, Faye L

bcc

Subject Re: permit []

Lindsey thank you very much for your assistance. Your primary contact will be Erin Connelly or Kendall Clark depending on final location of the gathering. Thanks again for helping us mske this gathering a better one. Corbin
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: Lindsey Dearborn <[REDACTED]@[REDACTED]>
Sent: 06/08/2009 12:23 PM AST
To: Corbin Newman
Cc: [REDACTED]; [REDACTED]; jayjensen@osec.usda.gov; Gilbert Zepeda; Faye Krueger; Erin Connelly
Subject: permit

June 8, 2009

Mr. Corbin Newman, Regional Forester, S.W. Region, U.S. Forest Service

Dear Mr. Newman:

I am planning on attending the Rainbow Gathering in the Santa Fe or Carson National Forest this summer. I will be assisting some of the attendees with setting up water purification systems and communal kitchens beginning in the second or third week of June for this non-commercial environmental educational event scheduled for 7/1-7, 2009.

I understand that the U.S. Forest service is preparing a free non-commercial group use permit for the Rainbow Gathering that lays out the environmental and health and safety rules for use of the public lands for this event, and that you need one or more persons planning to attend the event to sign the permit as contact people so that it can take effect. Assuming that by signing, the signer is neither personally responsible for, nor liable for, the actions of any other individual/s at the event, I will be pleased to sign the permit as an attendee who is capable of communicating those rules, as soon as the permit is ready for signature.

Please email me a copy of the document that I can print out, sign and fax or mail back to you, should you need my signature.

Sincerely,

Lindsey Dearborn

KX (b)(6) & PA

[REDACTED]

Corbin Newman/R3/USDAFS
06/10/2009 09:18 AM

To Erin Connelly/R3/USDAFS@FSNOTES
cc
bcc
Subject Re: Fw: one small change to letter - instead of "at least" use
"more than"□

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

Sent from my BlackBerry Handheld.
Erin Connelly

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

From: Erin Connelly
Sent: 06/10/2009 08:40 AM MDT
To: Corbin Newman
Cc: Faye Krueger; Gilbert Zepeda; Janine Daniels; Kendall Clark
Subject: Re: Fw: one small change to letter - instead of "at least" use
"more than"
Will do. I should be in communication with him today or tomorrow. I suspect the easiest and quickest way
would be to e-mail and hand-deliver as he'll be on site soon,

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!)

Corbin Newman/R3/USDAFS

Corbin Newman/R3/USDAFS
06/09/2009 04:32 AM

To "Janine Daniels" <janinedaniels@fs.fed.us>, "Faye Krueger"
<fkrueger@fs.fed.us>, "Mr. Gilbert Zepeda"
<gzepeda@fs.fed.us>
cc "Ms. Erin Connelly" <econnelly@fs.fed.us>, "Kendall Clark"
<kclark@fs.fed.us>
Subject Fw: one small change to letter - instead of "at least" use
"more than"

Hi guys please make the changes as Jeff requests below and lets get this mailed and faxed/emailed to Garrick.
Gilbert/ Faye one of you can sign for me

Erin - When the letter is done maybe you could talk with Garrick to determine the best way to get it to him Thanks

all. 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: "Jeff Kline" [REDACTED]@ [REDACTED]
Sent: 06/08/2009 11:33 PM AST
To: Corbin Newman
Subject: one small change to letter - instead of "at least" use "more than"

EX(b)(6) + PA

I've already gotten calls and emails from three people threatening me. I'd like them to find out that I am not acting alone. Three different women have told me they are willing to sign the permit so that it can have legal effect.

Please change the sentence from saying: "We are already in contact with at least one individual – to say, we are already in contact with more than one individual" Then also change: Accordingly, since we have already identified at least one individual – change to read: "Accordingly, since we have already identified more than one individual"

Hopefully, this will help the folks to realize that more than one person is willing to sign the permit in compliance with the regulations.

[attachment "New Ltr to Garrick Beck Edited Coord Copy.doc" deleted by Corbin Newman/R3/USDAFS]

EX (b)(6) + PA

06/08/2009 08:10 PM

To <Cnewman02@fs.fed.us>, [REDACTED]@[REDACTED],
[REDACTED]@[REDACTED].com>, <Jay.Jensen@osec.usda.gov>,
<gzepeda@fs.fed.us>, <lkrueger@fs.fed.us>,
cc

bcc

Subject Rainbow Gathering

Mr Corbin Newman, Regional Forester, Southwest Region, US Forest Service

Dear Mr. Newman,

I am planning to attend the Rainbow Gathering in the Santa Fe or Carson National Forest this summer. I believe that some attendees plan to set up the water purification systems and communal kitchens beginning in the second or third week of June for this non-commercial environmental education event scheduled for July 1 – 7, 2009. I am looking forward to the July 4th morning of silent prayer for world peace and freedom.

I understand that the US Forest Service is preparing a free non-commercial group use permit for the Rainbow Gathering that lays out the environmental and health and safety rules for use of the public lands for this event; and that you need one or more persons planning to attend the event to sign the permit as contact people so that it can take effect. Assuming that by signing, the signer is neither personally responsible for, nor liable for, the actions of any other individual/s at the event, I will be pleased to sign the permit as an attendee who is capable of communicating those rules, as soon as the permit is ready for signature.

Please send me a copy of the document that I can print out, sign and fax or mail back to you, should you need my signature.

Sincerely,

[REDACTED]
and [REDACTED]

(voice)

(fax)

[REDACTED].com



Please print this email only if absolutely necessary. thanks!

EX (b)(6) + PA

[REDACTED]
@ [REDACTED]

06/09/2009 08:15 AM

To <cnewman@fs.fed.us>, <econnelly@fs.fed.us>

cc

bcc

Subject Rainbow Gathering permit

Dear Mr. Newman and Ms. Connelly,

I am a New Mexico based singer – songwriter who wants to go to this year's Rainbow Gathering so I can join with others to sign songs around the campfires. I was pregnant with my youngest son when I went to my first Rainbow Gathering in 1982. At that time, the Forest Service rangers were very helpful.

I heard that you have had problems for these past few years about a permit, because some Rainbows don't believe in signing documents. I want to go to this year's Gathering and want it to be a free event that conforms to your normal rules. I am willing to sign the Permit and tell others about the rules, as long as my signature does not make me personally liable for the behavior of anyone else at the Gathering.

Please let me know when the Permit form needs to be signed. You can email it to me for my review with the name and phone number of someone who can explain the details to me, and I can then sign it and fax it back to you.

Sincerely,

[REDACTED]

(505) [REDACTED]

EX (b)(6) + PA



United States
Department of
Agriculture

Forest
Service

Southwestern Region
Regional Office

333 Broadway SE
Albuquerque, NM 87102
FAX (505) 842-3800
V/TTY (505) 842-3292

File Code: 1550-2/2720-2

Date: June 9, 2009

Mr. Garrick Beck

[REDACTED]
Santa Fe, NM 87505

Dear Mr. Beck,

This letter supersedes our previous letter dated June 1, 2009.

Thank you for your email of 4/29 regarding this year's Rainbow Family Gathering. I agree with you that we should be pursuing a course that will lead to a legal gathering, and one in which Rainbow Family representatives and the Forest Service work cooperatively to ensure that the Gathering is conducted in conformance with a non-commercial group use permit and an operating plan.

You indicated that you have some concern as to who is making decisions in the Forest Service with respect to the Gathering. As I mentioned in previous meetings, it is my direction to the Forests (Gila, Santa Fe, or Carson) that the Gathering will be conducted under the terms of a permit, as required by law. I also indicated that it would be the individual Forest Supervisor who will be responsible for working with Rainbow Family representatives to work out the details of the permit and the operating plan. So, decisions will be made at various levels of the Forest Service, but as we get closer to the actual Gathering, the Forest Supervisor and his or her representatives (District Ranger, Permit Administrator, Resource Specialists, etc.) will be making decisions and administering the terms of the permit and the operating plan.

As we discussed in previous meetings, it will be necessary for a representative of the Rainbow Family to sign the permit so that it can be issued. By having a valid permit and an accompanying operating plan, we will be able to manage the Gathering as a legal event and focus our attention on working with you and your representatives to ensure compliance with the provisions of the permit and operating plan. Our law enforcement officers will of course have a role to play to the extent that there may be violations of law by Rainbow Family gatherers, but our intent is to manage the Gathering more from a Special Use Permit administrative standpoint, than as a law enforcement effort. Of course, the extent to which law enforcement actions will be needed depends on the conduct of the individuals attending the Gathering.

We understand that there is no legally constituted "group" or non-profit corporation known as the "Rainbow Family" and that no individuals can speak for or act as legal representatives of the collective group of individuals who wish to gather and camp together in a National Forest in New Mexico in June and early July of 2009. We understand that rather than having leaders, decisions are reached collectively in council at the site where people are camping. Nevertheless,



as we discussed in previous meetings, it will be necessary for someone who plans to attend the Gathering to sign the non-commercial group use permit for it to take effect under our interpretation of the regulations. 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 used for the Gathering under the permit. We are already in contact with more than one individual planning to attend this year's Gathering who would prefer for us to issue a permit without requiring a signature from an attendee, but are willing to sign the permit in his/her capacity as an individual contact person should we so require. Accordingly, since we have already identified more than one person willing to sign, we are planning for the 2009 National Rainbow Family Gathering to be a legally permitted event.

The ability of the Forest Service to manage the Gathering more as an administrative action than a law enforcement action depends much on your (and other participants of the Gathering) willingness to work cooperatively with the individual Forest Supervisor and his or her staff. To date, you have shown an excellent collaborative spirit. I thank you. I hope this will continue with early identification of the Gathering site, ensuring that Rainbow Family representatives work closely with the Forest to finalize the permit and develop the operating plan, and working closely on a daily basis once the Gathering begins. I believe that if these things can be accomplished, we will have established a successful process that can serve as a model for the planning of future Gatherings.

You know how important it is that you to begin coordinating with the individual Forest Supervisors on the Gila, Santa Fe and the Carson NFs to select the site for the Gathering, complete the permit process and develop the operating plan for the Gathering. The sooner this work can be completed, the better we can jointly prepare for a successful Gathering. Thank you again for your dedication to working with us.

Sincerely,

/s/ Gilbert Zepeda for
CORBIN L. NEWMAN, JR.
Regional Forester

cc: Richard Markley
Glen H Pickett
Karen M Carter
Kendall Clark
Daniel Jiron
Erin Connelly

EX (b) (6) + PA

Corbin Newman/R3/USDAFS
06/09/2009 09:28 PM

To [REDACTED]@ [REDACTED]
cc "garrick" [REDACTED]@ [REDACTED], "Jay Jensen"
<Jay.Jensen@osec.usda.gov>, Gilbert
Zepeda/R3/USDAFS@FSNOTES, Faye L
bcc
Subject Re: [REDACTED]

Thanks Mr [REDACTED] I appreciate your willingness to be a partner in making the Families gathering a positive experience. 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: [REDACTED]@ [REDACTED].us]
Sent: 06/09/2009 03:17 PM CST
To: Corbin Newman
Cc: [REDACTED]@ [REDACTED]; <Jay.Jensen@osec.usda.gov>; Gilbert Zepeda; Faye Krueger; Erin Connelly; Kendall Clark

Dear Mr. Newman,

I am an internationally recognized Artist who works with local [REDACTED] to creates natural [REDACTED] in the [REDACTED] (see [REDACTED] for events in support of humanitarian causes. I plan to attend the Rainbow Gathering in the Santa Fe National Forest this summer. I heard that the US Forest Service will issue a free non-commercial group use permit for the Rainbow Gathering and that they need one or more attendees to sign the permit.

As long as by signing, I do not become personally responsible for, nor liable for, the actions of anyone else at the event, I will be pleased to sign the permit as a participant, performance artist and New Mexico resident.

Please send me a copy of the permit so I can print it and mail it back to you.

Sincerely,

[REDACTED]

EX (b)(6) + PA

[REDACTED]
[REDACTED]@ [REDACTED]
om>

06/10/2009 12:33 PM

To <Cnewman02@fs.fed.us>

cc

bcc

Subject request to sign Rainbow Gathering permit

Mr Corbin Newman, Regional Forester, Southwest Region, US Forest Service

Dear Mr. Newman,

I have attended previous Rainbow Gatherings and found them to be positive, worthwhile events, and I understand that the Forest Service needs some sort of certification of what's going on.

I hope to attend the Rainbow Gathering in the Santa Fe or Carson National Forest this summer. I believe that some attendees plan to set up the water purification systems and communal kitchens beginning in the second or third week of June for this non-commercial environmental education event scheduled for July 1 – 7, 2009. I am looking forward to the July 4th morning of silent prayer for world peace and freedom.

I understand that the US Forest Service is preparing a free non-commercial group use permit for the Rainbow Gathering that lays out the environmental and health and safety rules for use of the public lands for this event; and that you need one or more persons planning to attend the event to sign the permit as contact people so that it can take effect. *Assuming that by signing, the signer is neither personally responsible for, nor liable for, the actions of any other individual/s at the event,* I will be pleased to sign the permit as an attendee who is capable of communicating those rules, as soon as the permit is ready for signature.

Please send me a copy of the document, that I can print out, sign and fax or mail back to you, should you need my signature.

Sincerely,

[REDACTED]
Tel. [REDACTED]
[REDACTED] (postal address available on request)

Information from ESET NOD32 Antivirus, version of virus signature database 4145
(20090610)

The message was checked by ESET NOD32 Antivirus.

EX (b)(6) + PA

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

To Paula Bamhill/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
>

EX (b)(6) + PA

> Corbin L. Newman, Jr.
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> US Forest Service
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> E-mail: cnewman02@fs.fed.us

>
>
>
> "Garrick Beck"
> <[REDACTED]@[REDACTED]>
>

To

>
> "Jeff Kline"
> <[REDACTED]@[REDACTED]>,
> <cnewman02@fs.fed.us>,
> <fkrueger@fs.fed.us>

cc

> <Mark.Rey@usda.gov>

Subject

> Re: USFS needs Rainbow Site
> Criteria

> Hello folks,

>
> These are two previous site criteria comments from previous efforts
> [2005-2007]. These comments were originally part of longer reports
> that
> went into discussions of each of the specific sites suggested. I think
> this
> should be helpful.

> Garrick

>
>
>
> A) This is from 2007, written by a scout who visited the sitelist
> suggested
> by fs.:

> Site Criteria and Other Suggestions

>
>
> "In the spirit of co-operation" I, as an individual who volunteers on
> occasions to look for large scale encampment sites for Rainbow
> Gatherings,
> have chosen to pass along the following general criteria hoping that
> future
> site suggestions by the U.S.FS will not be so wasteful of time and

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 Barnhill/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

> three forests.
>
> Carson NF - Dan Rael (Kendall Clark - Forest Supervisor)
>
> Gila NF - Danny Montoya (Richard "Dick" Markley - Forest Supervisor)
>
> Santa Fe NF - Mike Frazier (Dan Jiron - Forest Supervisor; Erin
> Connelly -
> Deputy)
>
> Corbin L. Newman, Jr.
> Regional Forester, Southwestern Region
> US Forest Service
> Telephone: (505) 842-3300
> FAX: (505) 842-3110
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>
>
>
> "Garrick Beck"
> [REDACTED]
>
>
To <cnewman02@fs.fed.us>
> 09/05/2008 02:15
Cc PM
>
Subject good meeting, request for audio
>
>
>
>
>
>
>
>
>
>
> Corbin,
>
> Thank you and your staff for the time and attention Wednesday afternoon.
We
> are definitely off to a good start as far as cooperation on siting
choices
> for next year's gathering.
>
> If there is a way for me get emailed - or sent - a file of the audio
of
> our
> video conferencing that would be good. We can post that because there
are
> many others who would like to be able to hear our discussions.
>
> There are other topics to get back with you but those will have to
wait
> until after the weekend.
>
> Again many thanks,
>
> Garrick
>
>

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.
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 12:34 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 3rd 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

To Gather On, that speaks to people in terms that are not measured by criteria on paper but touches people in their hearts. Frenchy told several examples of people finding sites and what had to be gone thru to find them. He explained that so far, every year had been different.

Corbin asked about the possibility of finding sites that were jointly FS and BLM.

Frenchy said that there had nothing against sites that spanned agencies. We have looked at BLM and State land sites but it was largely a matter of water. The FS had the lands with the water sources.

Alberto spoke at length with several examples of Leo harassment of Gathering participants. He talked about how the harassment on the road into the Gatherings was so completely extreme. He gave descriptive eyewitness reports. He spoke about the attitudes and aggressive conduct of the officers and how this was by far the single biggest problem the Gatherings had. And that this was the root of so many other problems the FS has had with the Gatherings. Alberto asked all the FS present to put themselves in the shoes of someone ordered from their car, pointed at with multiple weapons, watching their vehicle rummaged thru without any cause except maybe not using a turn signal! How would you feel toward the Forest Service after that? And when people do get inside they find that so many of their brothers and sisters have been put through the same thing! And for no crime of any account.

Alberto asked Glen Picket, the Leo present, how he intended to deal with this harassment issue this year.

Glen was brief. He indicated that Corbin Newman was going to set the policy and that Corbin was his 'mouth' about these things. Corbin responded that they would provide 'adequate law enforcement' and he wanted to avoid problems and avoid the controversy that came with the problems.

Jeff talked about the law enforcement problem at length. He explained how people come into the Gathering to set up and do the work necessary to make it all happen and just about all of them are pulled over – generally except the nicely dressed older-looking folks in rental cars – and searched on the flimsiest premises – which is exactly what he witnessed this past year. Then a couple of days later the nice resource people from the district come in and they can't figure out why no one from the Gathering wants to talk to them. Jeff explained that *this* was exactly why the Operating Plan ran into communications problems this year. That it was just about entirely the FS Leo's fault for setting the stage for endless problems with cooperation by bullying people with insane roadblocks on the way into a public peaceful event.

He proposed that if the FS wants to meet people coming in, that they do so with a smile and a welcome, hand them an FS map or other friendly welcoming information and greet people with decency. He urged Corbin and all the FS supervisors to make sure that was what happened on their watch.

Jeff also suggested that there were other ways that the 'permit issue' could get resolved such as what I had suggested, or some other alternative method of finding compliance with the regs.

Corbin agreed that was possible – without commitment to any solution -

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 1st 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 or somewhereelse@website or where???

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

Garrick

From: Richard Markley
To: Corbin Newman
Cc: Karen M Carter; Laurie A Thome; Glen H Pickett; Kendall Clark; Daniel Rael; Janice S Stevenson; Benjamin C Romero; Faye L Krueger
Subject: Fw: Contact
Date: 05/05/2009 11:18 AM

Corbin - I think that Garricks note warrants a response from you that addresses Garricks philosophical questions, reiterates your expectations re. permit/op plan, and encourages Garrick to now coordinate with Kendall/myself on the planning for the gathering. Is the response something you'd like Kendall/myself to draft or do you want someone like Karen to do it? -Dick

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----- Forwarded by Richard Markley/R3/USDAFS on 05/05/2009 11:10 AM -----

KX(b)(6)+PA

"Garrick Beck"



04/29/2009 05:17 PM

To: "Kendall Clark" <kclark@fs.fed.us>
cc: "Richard Markley" <rmarkley@fs.fed.us>, "Daniel Jiron" <djiron@fs.fed.us>, "Daniel Rael" <drael@fs.fed.us>, "Erin Connelly" <econnelly@fs.fed.us>
Subject: Re: Contact

Dear Corbin,

As you know from our Thanksgiving Council information, the scouting for the 2009 Gathering is scheduled to begin next week.

Inquiries directed to the Secretary of Agriculture's office have received replies stating, "the Regional Forester in Region 3, Corbin Newman, will be handling arrangements for the Annual Gathering of the Rainbow Tribes" – which is exactly as you had told us.

On the other hand, there have been recent communications from Law Enforcement indicating that decisions regarding this event are not being made in your offices.

In any case, I would like to continue our ongoing process by outlining what I believe can be both a new course and a continuing direction from the Forest Service

processes during Mark Rey's tenure as Undersecretary.

I and at least one other person (acting as individuals who intend to attend) would make application for special use/ space reservation of a site that both Gatherers and your FS team have pre-approved. I and at least one other person will be the contact people as specified. We will complete all the applicable information on the application and we will begin – along with the application – immediately preparing a site-specific Operating Plan with your resource team. Upon approval by your field team and administrators my understanding is that the event would be granted a Permit, issued by your offices.

This is in line with Acting Forest Supervisor Rael's testimony at the recent 'US v. Gordon' trial in Albuquerque that such an application would have been accepted by the Carson Forest had there been time enough to set it in place. That application indicated 'N/A' for 'not applicable' where it called for a representative designated by the group.

For past two years, the Forest Service recognized and implemented an "alternative manner" of accommodation. Undersecretary Rey's support of the Forest Service position is evidenced in his documented letter.

We are hoping to continue the path mapped out and put into practice by the Forest Service and approved by The Department of Agriculture over the past two years, including, this year, the issuance of a valid Permit in addition to a mutually agreed upon Operating Plan. I believe that this will set in motion, in the new administration, a process that can be used successfully for years, even decades to come. This plan makes accommodation for the Gatherers and fulfills the objectives of the FS to protect the forest environment and provide for the public safety and health. Rey's letters and directives always included mention that the agency "recognizes the unique nature of the Rainbow Gatherings."

We know there are other powers-that-be who wish to corral the individuals assembling into an illegal position. I believe that only you – in this year's situation – can avert that by crafting a plan that accommodates the Gathering and works with the volunteers who are frankly eager to work together with your teams in a productive and protective manner.

If you cannot do this, if the forces that want to undo the past two years of legal gatherings have convinced you otherwise, then we are unfortunately thrust backward into the same poor conditions we faced in 2006 Colorado and we will have to proceed on those terms – where I have to remind you, all FS resource people, public health officials, local fire marshals, etc. were all prohibited by incident command from even meeting with us; where attendees who went to town to meet with FS resource officers

were ticketed on the way out of the offices; and where – in my opinion – the responsibilities of the public officers to do their valuable jobs were obstructed by Law Enforcement.

I don't want to see us go backward to that kind of unworkable position. There are ways to accommodate the Gathering and uphold the responsibility of public trust. The Forest Service and Mark Rey put this on track, but the job isn't finished. I know you can devise an administrative method to cover all these bases. My experience is that we can come up with a mutually agreed to site and work together to meet the highest possible standards for resource protection if we have cooperation with the Forest Service.

I will personally (hopefully, along with many others) be there to work with the resource people you designate in order to make as close to a perfect example as we can for resource protection, traffic safety, land use, health concerns, fire plans, and so on. I know this can be done better than it has been. If you like, I can get you a brief "Letter of Intent to Apply" from myself and at least one other contact person.

But what I am hoping to get from you, and what I am asking for in this letter, is assurance from you that there will be accommodation worked out for the this unique event that will work for all of us. Then it's easy to proceed scouting, in touch with FS ranger districts all along the way, and with the Forest Supervisors we have already met with. Otherwise we are back below 'square one' in an adversarial position. I don't want that, and I don't think you do either – but there are people who do - and only you can make the determinations that will bring peace to this in 2009. And with a little good fortune set the example, the model, to be followed for a long time to come.

Please let me know how you see this and how you are planning to accommodate the Annual Rainbow Gathering in New Mexico July 1-7, 2009.

Many thanks,

Garrick Beck