

**RENEWED PETITION FOR CFR AMENDMENT**  
**– 12 September 2021 –**

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***ATTACHMENTS:***

- ~ **PCU•FAP: Demand for Rulemaking (6/21/2019)**
- ~ **M.MARTIN/USDA: Petition Denied (11/18/2019)**

21 June 2019

James Hubbard, USDA Under Secretary:  
– Natural Resources & Environment, USDA  
1400 Independence Ave. SW – Suite 202-W  
Washington, DC 20250

attn: Dan J. Jiron, Deputy Under Secretary  
Michiko J. Martin, Director:

Recreation, Heritage, & Volunteer Resources Staff  
Vicki Christiansen, USFS Chief

eM: djiron@fs.fed.us

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**APA Petition, Demand for Rulemaking**

Mr. Hubbard & Staff:

A year ago we presented a formal PETITION TO AMEND the USFS 'Noncommercial Group Use' regulation, 36 CFR 251.50- 251.56 – to remedy constitutional defects precluding a broad class of citizens from fair special use review and lawful authorization in public assembly.

We sent a substantial package– with surgical *Code Amendments* enabling 'Operating Plans' for public assembly, proposed *Interpretive Rule* points in support, a definitive legal *Memorandum* on Group Use policies, and suggestions on expediting the *Rulemaking Process*.

To date we have seen no responsive action from your office or the RHVR Staff.

The "*right to petition for the issuance, amendment, or repeal of a rule*" is not a discretionary matter: It mandates the Agency's proper and transparent acceptance, timely public notice and review of the proposed rulemaking, and a clear determination on the merits. 5 U.S.C. §553(b), (c), (e).

The failure to conduct such proceedings violates the Administrative Procedure Act.

•• *Submitted herewith are signed Public Petitions protesting the abuse of these regulatory powers, and calling for the CFR revisions & applied policy reforms we propose:*

*[ 4 Series, 2014-18... 25 Pages – 194 Signatures ]*

These were collected casually as this project evolved... it is only the beginning of this campaign: With a solid APA Petition now on the table, there will be broader support from concerned citizens & organizations, and active inputs in the public record as the requisite process goes forward.

**PCU•Free Assembly Project** has moved this initiative on compelling public interests to protect rights on public lands, enact workable special use policies, and end the pointless stalemate & strife.

We expect prompt acknowledgement from the Under Secretary's office, and a proper "*Workplan*" on this proposed regulatory action from the RHVR policy staff. DR 1512-1, §3d.

Respectfully submitted:



Scott C. Addison – Coordinator

– St. Louis, MO 63137

eM: sca@free-assembly.org



File Code: 2300  
Date: NOV 18 2019

Mr. Scott C. Addison  
Coordinator  
PCU/Free Assembly Project  
9858 Rivermont Drive  
St. Louis, Missouri 63137

Dear Mr. Addison:

I have reviewed your petition dated June 8, 2018, for revising the Forest Service's noncommercial group use regulations at 36 Code of Federal Regulations Part 251, Subpart B.

The noncommercial group use rule has been upheld repeatedly by the courts, and the Forest Service is applying it consistently and fairly to noncommercial groups using National Forest System lands. Therefore, the Forest Service is denying your petition for rulemaking.

We are, as always, interested in working with individuals on planning and administration of Rainbow Family gatherings, including advance site selection.

Sincerely,

*For*

MICHIKO J. MARTIN  
Director for Recreation, Heritage and Volunteer Services

