

1 July 2020

Cheryl Probert - Forest Supervisor  
Jeffrey Shinn - District Ranger/ICT  
Nez Perce-Clearwater National Forests

cc: Leanne Marten - Regional Forester [R1]  
Russell Harris - LEI/ICT

re: **De-Escalating the Un-Gathering**

Ms. Probert and Staff:

We have been watching events near Riggins closely and with concern:

Sage gatherers agreed overwhelmingly to keep 'Rainbow' out of Idaho this year, but some contraries chose to come... Nez Perce people are afraid and enraged, and demanding USFS intervention as you know. There are diverse players with divergent motives, facts & rumors, and it is a volatile situation in need of a balanced and healing policy course.

Noting the facts on the ground, consider this approach:

- The problem is much smaller than feared... the total influx of travelers will only be a few hundred people, including new arrivals by weekend. Those already at the "Iron Phone" site have been urged by native & 'family' folks to leave the area; realistically most may refuse, and confrontations to remove them would be provocative.

However some Nez Perce also indicated that they could remain if the numbers don't grow, with certain precautions and no digging in the meadow... this points to a constructive solution.

- Campers should comply with the normal rules for "dispersed camping" in National Forest 'primitive areas' -- with adequate distancing of small family camps, and proper Covid-19 protocols & enhanced sanitation as required under State/Region 2 health regulations.

Attendees were advised to be self-sufficient... this is not a real "Gathering" with full infrastructure, and the 'Group Use' permit rules should not be triggered by village camps under 40-50.

Foresters have "*...a panoply of statutory and regulatory grounds*" to protect public interests without a permit, and can avoid the burdens & risks of granting special use authorization, or of denying it. *U.S. v. Rainbow Family*, 695 F.Supp 294, 303 E.D. Tex. 1988 (at 314).

- There were threats to blockade the area forcefully, but things have eased down. Nez Perce activists have now approved an alternate site -- urging new arrivals to go there, and current campers to move there. An "information" stop is staked out on the road, where travelers can be apprised of the preferred location but not obstructed. Similarly those camped lawfully around Iron Phone cannot be forced out, and must be allowed time to clean up that site after July 4th.

Reportedly the FS plans to conduct a walk-through by July 6, but more time is needed: Know that there's a lot of old trash there from local users, and some people on-site are planning on a 'Counsel' before they leave... give it a few more days to clear out.

In Sum -- there will be small clusters of camps in 2 National Forest locations for the next couple weeks, and the crisis will go away. Understand that "Rainbows" on the backside have expressed sincere remorse over any harms to the First Nation people, and strong sentiments to bring in able crews and perfect the remediation of all related sites as soon as possible, in consultation with Nez Perce & FS resource experts.

In turn, the Forest Service has to acknowledge that gatherers and volunteers will be in central Idaho over the coming weeks, and assure that their movements are protected. Wherever they go, their intent to exercise and support First Amendment rights must be respected and not targeted by law enforcement. *Park v. Forest Service*, 205 F.3d 1034 (8th Cir. 2000).

We hope to be helpful in the best possible outcomes.  
Thank you for your attention...

Respects,

*Scott C. Addison*

Coordinator  
St. Louis, MO  
314. \_\_\_\_\_