

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

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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:



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***PUBLIC PETITIONS to Amend  
USFS 'Group Use' Rules***

**SERIES ID: guPubPetrn-2014.1**

*Uinta-Wasatch-Cache N.F. – Utah  
July 2014*

**2 pp. 15 Signers**

***PUBLIC PETITIONS to Amend  
USFS 'Group Use' Rules***

**SERIES ID: guPubPetrn-2016.1**

*Green Mountain N.F. – Vermont  
July 2016*

**7 pp. 52 Signers**

***PUBLIC PETITIONS to Amend  
USFS 'Group Use' Rules***

**SERIES ID: guPubPetrn-2017.1**

*Malheur N.F. – Oregon  
July 2017*

**10 pp. 80 Signers**

***PUBLIC PETITIONS to Amend  
USFS 'Group Use' Rules***

**SERIES ID: guPubPetrn-2018.1**

*Chattahoochee N.F. – Georgia  
July 2018*

**6 pp. 47 Signers**