

Barry E. Adams,
Appearing Pro Se
P.O. Box 8574
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U.S. DISTRICT COURT
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CLERK

Temporary Address
Barry E. Adams,
General Delivery
Stanley, Idaho 83278

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

Barry Adams, pro Se)	
Plaintiff,)	
)	
vs.)	COMPLAINT
)	
UNITED STATES OF AMERICA,)	
by and through)	
DEPARTMENT OF AGRICULTURE,)	
UNITED STATES FOREST SERVICE,)	
District Ranger Walter Rogers, Acting)	
Forest Supervisor Anne Archie, Incident)	
Commander Malcolm Jowers, Information)	
Officer Sharon Sweeney, in their official)	
capacities,)	(immediate hearing requested)
Defendants.)	
)	

CIVIL - 0233 - E *BLW*

COMPLAINT

1. Plaintiff Barry Adams, comes before this Court pro Se and files this Complaint.

JURISDICTION



2. Jurisdiction for this Court resides in the United States of America Department of Agriculture, Forest Service Regulation, to wit:

36 CFR Ch. II (7-1-99 Edition) § 251 Subpart B - Special Uses

A denial of an application under paragraphs (g)(3)(ii)(A) through (g)(3)(ii)(H) of this section constitutes final agency action and is *immediately subject to judicial review*. (*Emphasis added*)

DEFENDANTS

3. United States of America, Department of Agriculture, 14th & Independence Ave., SW Washington, DC 20250 .

4. United States Forest Service, Sidney R. Yates Federal Building, 201 14th Street, SW at Independence Ave., SW, Washington, DC 20250.

5. Forest Service District Ranger Walter Rogers, Boise National Forest, Lowman Ranger District, 7359 Highway 21 Lowman, ID 83637, is sued in his official capacity.

6. Acting Forest Supervisor Anne Archie, Boise National Forest, 1249 S. Vinnell Way, Suite 200, Boise, ID 83709, is sued in her official capacity.

7. Forest Service Incident Commander Malcolm Jowers, current address - Lowman Ranger District, 7359 Highway 21 Lowman, ID 83637, is sued in his official capacity.

8. Forest Service Incident Command Information Officer Sharon Sweeney, current address - Lowman Ranger district, 7359 Highway 21 Lowman, ID 83637, is sued in her official capacity.

PLAINTIFF

6. Barry Adams, is an adult citizen of the United States, residing in Jens, Montana, who wishes to attend a “Annual Gathering of the Tribes 2001”, “Rainbow Family Gathering”, which is being held on National Forest Service land in Idaho.

NATURE OF COMPLAINT

7. Denial of Application for Special Use of National Forest lands.

8. Pursuant to the provisions of 36 CFR § 251.54, Plaintiff filed a Letter of Application, and further filed application form FS 2700-3b, for Non-commercial Group Use, Special Use of National Forest systems lands in the Boise National Forest, located in Lowman District, Idaho. Forest Service District Ranger Walter Rogers denied Plaintiff's Application.

9. According to Regulation 36 CFR Ch. II (7-1-99 Edition) § 251.54:

(ii) An authorized officer shall grant an application for a special use authorization for a noncommercial group use upon a determination that:

(A) Authorization of the proposed activity is not prohibited by the rules at 36 CFR part 261, subpart B, or by Federal, State, or local law unrelated to the content of expressive activity;

10. Plaintiff's application was received and acknowledged by District Ranger Rogers in a letter dated June 18, 2001, which begins: "This is to acknowledge our receipt of your faxed application...". This letter was sent to plaintiff via fax on June 19, 2001, at 8:03am, Idaho time. *See Attachment 1.* This letter appeared to request more information.

11. District Rogers informed plaintiff orally, in a phone conversation on June 19, 2001, that at approximately 11am, that plaintiff's application had been denied. Rogers stated to plaintiff that Rogers' letter dated June 18, 2001, constituted a letter of Denial of plaintiff's Application.

12. Plaintiff's application was denied Under 36 CFR 251.54, subsection (g)(3)(ii)(H).

Relevant subsection reads:

(g)(3)(ii)(H) A person or persons 21 years of age or older have been designated to sign and do sign a special use authorization on behalf of the group. 36 CFR 251.54.

13. District Ranger Rogers, et al, did not follow regulation in that Ranger Rogers as "authorized officer" did not offer "an alternative time, place, or manner," as required by the regulation:

(g)(3)(iii) If an authorized officer denies an application because it does not meet the criteria in paragraphs (g)(3)(ii)(A) through (g)(3)(ii)(H) of this section, the authorized officer shall notify the applicant in writing of the reasons for the

denial. If an alternative time, place, or manner will allow the applicant to meet the eight evaluation criteria, an authorized officer *shall offer that alternative*. (*Emphasis added*) 36 CFR 251.54

14. Accordingly, a denial of an application under paragraphs (g)(3)(ii)(A) through (g)(3)(ii)(H) of this section constitutes final agency action and is immediately subject to judicial review. Hence, Plaintiff petitions this Court for relief.

STATEMENT OF FACTS

15. Annually, since 1972, there have been “Rainbow Family-style” Peaceable Assemblies for Purposes of Expression on National Forest land. “Rainbow Family-style” Peaceable Assemblies are composed of certain elements; these elements have developed amongst various gatherers, attendees and observers alike. People come to these “Rainbow Gatherings” as they are often called, to experience a sense of sharing common ground.

16. The nature of these “Rainbow Gatherings” is well known and apparent to all who attend. These Gatherings are Free, Open to All - All are Welcome! All are Welcomed as if they were “family”. Any and all who come are (ideally) fully accepted by all others who come as “living on the Earth with one another” and being “spiritually” a family composed of individuals and groups from all of the various walks of life upon Earth.

17. Persons who assemble this way retain a certain anonymity, retain a full sense of personal freedom, enjoy the public land as forum, altar, or recreation. These persons are largely unaffiliated except in moments of expression during the Gathering. Many, not knowing each other’s names, call one another “brother” or “sister”. For an idyllic moment, these persons share a vision of peace on Earth and good will among all people; every color, race, tribe, and culture - people of the Rainbow Way.

18. Plaintiff Adams defines the Rainbow Family in a spiritual form. “The Rainbow Family to me, in my belief and my creed, is synonymous with the name Jesus Christ; Rainbow Family and Jesus Christ are the same to me. It's a spiritual belief. It's not a group or church, but spans every

group and church -- it's not an organization and it doesn't exist or belong in the secular world." The idea of humanity living in peace, whether as beautiful creation or incident, is a theme for personal expression.

9. For Plaintiff it is very important that the Rainbow family hold its gatherings on national forest land, for three reasons. First, the national forests have traditionally served as public for a on which people hold expressive events. Second, the national forests belong to everybody, "and the idea of the gathering is to have a form of equality that exists, and it gives people a sense that they have a say in what goes on, even if they are a visitor or a spectator, since it's their National Forest." Third, being on public lands affords full expression in attempting to influence public land policy and the government.

20. Over the course of many years the U.S. Forest Service devised, and finally implemented, a "permit scheme" which discourages, and/or would ultimately prevent these Gatherings, these Assemblies from taking place on National Forest and other Public lands.

21. The Forest Service has long understood and recognized the fact that the "Rainbow Way" is non-hierarchical, with no ruling ideology or person(s). "Rainbow Family" is a purely mythic or mystical relationship. It is also voluntary. The sponsor for these Gatherings i.e. "Rainbow Family" is oneself; Being responsible in the present moment. Rainbow family is "anyone with (or without) a belly button". Informal Circles are a general forum for expression and any necessary problem-solving. People sit equally in a circle to discuss and reach consensus, i.e. agreement, in silence so everyone can be heard, and then "live their consensus". Speech, Expression, prayer, music, laughter, "whatever is the want or will of the people, and then upon the Fourth of July, A Circle in Silence for Peace on Earth." See Attachment 2, World Gathering Invitation (1971).

22. Health, resource and safety concerns at Rainbow Gatherings have always been addressed by self-designated individuals, i.e, volunteers.

23. Prior to implementation of the Permit Requirement, health, resource and safety concerns were satisfactorily met through the expedient of an "Operating Plan."

24. This year Plaintiff heard there was to be a Spring Council or Circle to prepare for this year's Gathering, and 'tuned in' to what was going on. Then, after a time, Spring Circle, Council was announced, on an individual's sponsored phone number Northwest Tribes Lightline ((503) 727-2498).

25. District Ranger Rogers and Incident Commander Jowers, USDA Forest Service, came to this council Circle, on June 11th, 2001; making "original contact" concerning the application process. They asked for persons to communicate with them concerning this process.

26. On June 12th, 2001, two concerned citizens, "Marken" and "Electric Ed", came out from that Circle and met with District Ranger Rogers and Robin Metz, resource staff, concerning application and resource issues. . This was "original contact for application".

27. The regulation provides that an application can be submitted "orally or in writing". Electric Ed and Marken "volunteered" to act as "contacts" with the Forest Service, and help communicate resource and other concerns to other Gatherers.

28. District Ranger Rogers stated, at the meeting on June 12th, that he would require only an Application and Operating Plan. Application screening processing began on June 12, 2001, at this meeting.

29. On June 15th, Ranger Rogers called Ed, at this home in Hot Springs, Montana, and expressed to Electric Ed, on phone, his desire for someone to fill out and sign an application form, FS-2700-3b, as "contact"; and help mutually develop an Operating Plan, concerning resources issues, etc..

30. On June 16, 2001, Electric Ed Tunis, after phone conversations with Ranger Rogers, filled out and filed an application form for the assembly of people, as an individual "contact".

31. Also on June 16th 2001, after hearing of Electric Ed's sending in a written application for Special Use, as well as an "oral" one given on June 12th, plaintiff wrote and faxed his own "Letter of Application" to District Ranger Rogers¹. See Attachment 3, Adams Application for Special Use (letter dated June 15, 2001).

32. Plaintiff acted to approach the "reservation desk" of the Forest Service District and "join" in being a contact for the assembly: "(2) I join these two other Gatherers in acting as a 'contact' during the time I am at the Gathering and as a source of information before and afterwards. In doing so, I am answering directly to a directive by Federal Magistrate CeBull, District of Montana." See Attachment 3, Adams Application for Special Use.

33. Plaintiff's letter of application stated its intention of adjoining Ed's application. Electric Ed Tunis faxed in a completed Form for Special Use, FS-2700-3b, on June 16, 2001, a couple hours after Plaintiff faxed in his Letter of Application. See Attachment 4, Ed Tunis' Application Form, FS-2700-3b (June 16, 2001).

34. Plaintiff was informed through conversations with Electric Ed, that during the June 12th meeting between Ranger Rogers, Metz, Marken and Ed, was that Ranger Rogers had offered that what the Forest Service needed from gatherers was "only an application and then operating plan".

35. This information concerning Ranger Rogers' offer convinced Plaintiff that the "permit" requirement would be handled by the Forest Service, in a "culturally sensitive manner"; i.e., recognizing the inability of the volunteer contacts to satisfy the "designated signer" requirement. Plaintiff believed that once an application was signed, the development of an operating plan would commence, facilitating authorization of the proposed First Amendment activity, as is commonplace in other application requirements throughout the Government.

¹ Letter is dated June 15, 2001; date it was written.

36. At past gatherings, the Forest Service has successfully worked out gathering Operating Plans by communicating with informal “contacts” and various attendees, cooperating with Forest Service personnel.²

37. On June 16, 2001, Ranger Rogers sent Electric Ed Tunis a letter “to acknowledge our receipt of your faxed application for a Non-commercial Group Use permit.” In this letter Rogers states, he “find(s) it incomplete” concerning Item 4, estimated numbers; and Item 6, the “designated signer” section. See Attachment 5, District Ranger Rogers Letter to Electric Ed Tunis (June 16, 2001).

38. On June 17th, 2001, Plaintiff amended his letter of application by additionally sending by fax to District Ranger Rogers, a completed form FS-2700-3b. Adams’ form used nearly the same language as Electric Ed, but added an estimate of the numbers of attendees to complete Item 4, found deficient in Ed’s application form.

39. Plaintiff completed form Item 6 as follows: “n/a not applicable or NEED ALTERNATIVE - Equal Right to access to Federal lands for all Viewpoints!” See Attachment 3.

40. On June 17th, 2001, Plaintiff also sent, in (same) fax, a second application form for Special Use Recreation, form FS-2700-3c. Plaintiff offered this as an alternative in case there were problems with FS-2700-3b. Form FS-2700-3c is an “all-purpose” use application. Plaintiff has received no response to his application for Special Use Recreation. See Attachment 6, Adams form FS-2700-3c (June 17, 2001).

41. Also on June 17th, 2001, Acting Forest Supervisor Anne F. Archie, Boise National Forest, issued two Orders, 0402-0&4-01-2, and Order Number, 0402-0&4-01-3. In these Orders, Ann Archie, designated areas where peoples are not to camp, and how far from streams and water to construct latrines and maps to accompany the Orders. These Orders delineate and

² See, for example, Forest Service Oregon Gathering Report 1997.

imply a *de facto* “Gathering site” i.e. where people can camp, which is the beginning of what could be described as an “Operating Plan”.³ See Attachment 7, Boise National Forest, Order Numbers 0402-O&U-01-2 and 0402-O&U-01-3 (June 17, 2001).

42. On June 18th, 2001, Plaintiff spoke, on phone, to Ranger Rogers, and Incident Commander Malcolm Jowers. Ranger Rogers informed Plaintiff that Electric Ed’s application was denied and they regarded Adams’ application as being separate. Incident Commander Jowers, on speaker phone, says this process is “negotiations”.

43. On June 19th, 2001, Plaintiff received by Fax from Ranger Rogers, a letter dated June 18th, stating: “This is to acknowledge our receipt of your faxed application for a Noncommercial Group-use permit.” The letter also expressed that Item 6 on plaintiff’s application form was “incomplete”. See Attachment 1.

44. Later on June 19th, plaintiff responded to Ranger Rogers letter by fax, further explaining his limitations concerning Item 6, as applied to these Gatherings. See Attachment 8, Adams’ Response to District Ranger Rogers (June 19, 2001).

45. Later on June 19th, in a phone conversation Ranger Rogers, Rogers stated to Adams his application was denied, and that the letter Adams had received earlier that day was a letter of “denial.” Rogers stated orally to Adams that the reason for ‘denial’ of plaintiff’s application concerned Item 6 of his application form.

46. Another individual Jeff Kline, of Washington D.C., applied as of June 19th, 2001, and signed application and Permit, as a “contact”. Mr. Kline answered Item 6 by self-designating himself as a signer “on behalf of the group”, as a number of other persons have done in past years. See Attachment 9, Application of Jeff Kline (June 19, 2001).

³ Note: No reference to “Tribal treaty agreements” nor Endangered Species Act concerns are referenced.

47. Forest Service has legalized many such Gatherings through just such a discretionary manner; e.g., Oregon Gathering 1997, Missouri Gathering 1996. At a recent assembly on Fingerlakes National Forest, in New York, the Forest Service issued a “permit” to the Ithaca Rainbow Family, for a Memorial Day weekend Gathering. A self-designated person named “Silent Thunder” was issued a permit after oral contact, which he signed for the group with the notation “T.D.C.” under his name. His attached statement explains that “T.D.C.” stands for “Threat, Duress, Coercion”. See Attachment 10, Silent Thunder Permit and Letter.

48. Forest Service also denied Mr. Kline’s application, after declaring it “the only valid application” ever submitted by the Rainbow Family. See Attachment 11, Incident Command News Release (June 20, 2001).

RELIEF SOUGHT

49. Due to these circumstances, of application and denial, and because this directly effects Plaintiff’s First Amendment Civil rights of Speech, Expression, Worship, Petition, Peaceable Assembly, and effects directly this Plaintiff Faith and Spiritual Practice, this Plaintiff’s “viewpoint” concerning his style of belief and worship is harmed by denial of his application.

50. Additionally, immediate relief is required because without granting of this application for use, persons, other attendees, are in physical danger; this includes food, shelter, sanitation are being denied through this Gathering being considered illegal. Persons are being ticketed for setting up shelters for cold nights, kitchens for producing food, and digging latrines for sanitation. inhuman treatment upon the part of Forest Service. Physical harm to attendees is a real possibility. See Attachment 11, Incident Command News Release (June 20, 2001).

51. Forest Service has expressed, through Information Officer Sharon Sweeney, as reported on KECI-TV, June 20, 2001, 10pm News “Forest Service wants these people “to admit they are a group”. This clearly indicates the main objective of the Forest Service is not to deal

with management environmental concerns or health issues, but to try to change plaintiff's viewpoint.

52. Forest Service is using this regulation in a crusade against Plaintiff's "Viewpoint", one shared by many persons who attend these Gatherings; i.e. "Rainbow Family" does not exist as a "group"⁴ but only in the Imagination. These Gatherings are not "one group's event"; these Gatherings are "Popular Assemblies", Peaceable Assemblies⁵.

53. Plaintiff has found himself in a position of applying , i.e. notifying the Forest Service, for Use of some national forest land for First Amendment expressive activity in concert with Plaintiff's viewpoint and beliefs. Forest Service should not be in a position to deny Plaintiff's Use of National Forest based on his viewpoint of believing "Rainbow Way" which is everybody and everything in creation is "Rainbow Family". One can no more sign for "Rainbow Family" than one could sign for Creation, Humankind, or Jesus Christ.

54. Plaintiff has sought to resolve this bureaucratic difficulty, i.e. application and permit process, by adjoining Electric Ed's Application for Special Use, and also volunteering to be a "contact" and help Forest Service meet and work with other "contacts" who may attend such an Assembly.

55. Plaintiff and "Electric Ed", have submitted the only "valid" application; in a way that would pass muster with most of those who would assemble "Rainbow-style", in popular assembly to protect the civil and constitutional rights. A 'reservation desk' style application, which would give adequate notification to Forest Service, and an Operating Plan, worked out between

⁴ Definition: **group** - any collection or assemblage of persons or things; cluster; aggregation. 2. a number of persons or things ranged or considered together as being related in some way. 3. Also called **radical**. [Random House College Dictionary, 1973 Edition, pg 583].

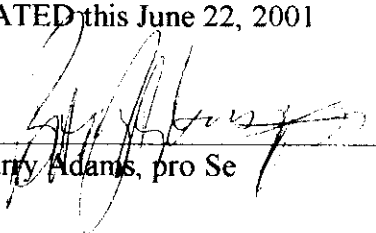
⁵ Definition: **Assembly** - The concourse or meeting together of a considerable number of persons at the same place. Also the persons so gathered. *Popular assemblies* are those where the people meet to deliberate upon their rights; these are guaranteed by the constitution. Const. U.S. Amend. art.1 - [Black's Law Dictionary. 1968 edition, pg 149].

multitudes of 'contacts' within this Peaceable Assembly and the Forest Service is the safest, healthiest, most environmentally sensitive, and culturally non-discriminatory, "manner" of management of these Gatherings.

56. Therefore, this Plaintiff prays and petitions this Court will grant an "immediate hearing for judicial review" to hear this petition and Complaint and order defendants to issue the applied for permit, or, as required by the regulation, offer "an alternative time, place, or manner."

Respectfully submitted,

DATED this June 22, 2001


Barry Adams, pro Se

Attachments

1. District Ranger Rogers Letter to Adams (June 18, 2001).
2. World Gathering Invitation (1971).
3. Adams' Application for Special Use (dated June 15, 2001).
4. Ed Tunis' Application Form, FS-2700-3b (June 16, 2001).
5. District Ranger Rogers Letter to Electric Ed Tunis (June 16, 2001).
6. Adams Application Form, FS-2700-3c (June 17, 2001).
7. Boise National Forest, Order Numbers 0402-O&U-01-2 and 0402-O&U-01-3 (June 17, 2001).
8. Adams' Response to District Ranger Rogers (June 19, 2001).
9. Application of Jeff Kline (June 19, 2001).
10. Silent Thunder Permit and Letter
11. Incident Command News Release (June 20, 2001).

CERTIFICATE OF SERVICE

The undersigned Barry Adams, certifies that on the 23rd day of June, 2001, I caused to be personally served via Certified Mail, United States Postal Service, a true copy of the foregoing: **COMPLAINT.**

upon:

United States of America by and through

Department of Agriculture
14th & Independence Ave. SW
Washington, DC 20250

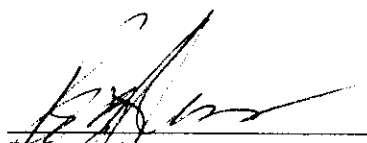
United States Forest Service
Sidney R. Yates Federal Building
201 14th Street, SW at Independence Ave.
Washington, DC 20250

District Ranger Walter Rogers
Lowman Ranger District
7359 Highway 21
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1249 S. Vinnell Way, Suite 200
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c/o Lowman Ranger District
7359 Highway 21
Lowman, ID 83637

Information Officer Sharon Sweeney
c/o Lowman Ranger District
7359 Highway 21
Lowman, ID 83637


Barry Adams, pro Se

Date: June 18, 2001

Barry Adams
Box 8574
Missoula, MT. 59807

Dear Mr. Adams:

This is to acknowledge our receipt of your faxed application for a Noncommercial Group Use permit. The application was received in my office at approximately 1:30 p.m. on June 17, 2001.

Upon review of the application I find it incomplete in the following area:

- Item 6 – Name, address, day and evening phone numbers of person(s) who will sign a Special Use Permit on behalf of the group.

In addition to the above items I am extremely concerned about the proper disposal of waste. I strongly encourage you to rent, use and maintain portable toilets.

This is an extremely sensitive resource area. I believe it is possibly much more sensitive than any previous National Gathering site. The protection of these fragile high mountain meadows and streams is of critical importance.

If you wish to discuss these requirements and the resource concerns further, please contact me at the Lowman Ranger District Office telephone number, 208—259-3361.

Sincerely,


WALTER B ROGERS
District Ranger



P. 02/02

2082593366

Caring for the Land and Serving People

LOWMAN RANGER STATION

Printed on Recycled Paper

JUN-19-2001 08:02

ATTACHMENT 1



ON July 1, 1972, NEAR ASPEN COLORADO, hopefully
 ON 3000 ACRES OF LAND set up for the purpose
 -- THERE IS GOING TO BE A GATHERING FOR ALL
 PEOPLE -- WORLDWIDE. & THE INVITATION READS:

WE, WHO ARE BROTHERS & SISTERS, CHILDREN
 OF GOD, FAMILIES OF LIFE ON EARTH, FRIENDS OF
 NATURE & OF ALL PEOPLE, CHILDREN OF HUMANKIND
 CALLING OURSELVES RAINBOW FAMILY TRIBE,
 HUMBLLY INVITE:

ALL RACES, PEOPLES, TRIBES, COMMUNES, MEN
 WOMEN, CHILDREN, INDIVIDUALS -- OUT OF LOVE.

ALL NATIONS & NATIONAL LEADERS
 -- OUT OF RESPECT.

ALL RELIGIONS & RELIGIOUS LEADERS
 -- OUT OF FAITH

ALL POLITICIANS -- OUT OF CHARITY

TO JOIN WITH US IN A GATHERING TOGETHER
 FOR THE PURPOSE OF EXPRESSING OUR SINCERE
 DESIRE THAT THERE SHALL BE PEACE ON EARTH,
 HARMONY AMONG ALL PEOPLE. THIS GATHERING
 TO TAKE PLACE BEGINNING JULY 1, 1972. NEAR
 ASPEN, COLORADO - OR BETWEEN ASPEN & THE
 HOPI & NAVAJO LANDS - ON 3000 ACRES OF LAND
 THAT WE HOPE TO PURCHASE OR ACQUIRE FOR
 THIS GATHERING -- & TO HOLD OPEN WORSHIP
 PRAYER, CHANTING OR WHATEVER IS THE WANT
 OR DESIRE OF THE PEOPLE, FOR THREE DAYS, BUT
 UPON THE FOURTH DAY OF JULY AT NOON TO ASK
 THAT THERE BE A MEDITATIVE, CONTEMPLATIVE
 SILENCE WHEREIN WE, THE INVITED PEOPLE OF
 THE WORLD MAY CONSIDER & GIVE HONOUR &
 RESPECT TO ANYONE OR ANYTHING THAT HAS
 AIDED IN THE POSITIVE EVOLUTION OF HUMANKIND
 & NATURE UPON THIS, OUR MOST BELOVED &
 BEAUTIFUL WORLD -- ASKING BLESSING UPON WE
 PEOPLE OF THIS WORLD & HOPE THAT WE
 PEOPLE CAN EFFECTIVELY PROCEED TO EVOLVE,
 EXPAND, & LIVE IN HARMONY & PEACE.

* AMEN *



ATTACHMENT 2

Attachment K

Attachment

Barry Adams, plunker
Montana Family, Rainbow Tribe
Box 8574
Missoula, Mt. 59807
msg/fax: 406-825-0044

June 15, 2001

JACK A. BLACKWELL, Regional Forester
Federal Building 324, 25th Street,
Ogden, UT 84401
801-625-5605
Fax: 801-625-5127

Robert W. Ross, Recreation Director
801-625-5164

Anne Archie, Acting Forest Supervisor
Deputy Forest Supervisor
1249 South Vinnell Way, Suite 200
Boise, ID 83709
208-373-4100, Fax: 208-373-4111

Lowman District Ranger Walter B. Rogers,
7359 Highway 21
Lowman, ID 83637
208-259-3361, Fax: 208-259-3366

**RE: Application for Special Use of National Forest System Lands
for "Gathering of the Tribes 2001"**

Howdy District Ranger et al,

Kitchens are moving in, water lines are being laid out... Cache Creek or thereabouts is the Site for the 2001 Annual Gathering of the Tribes.

"Electric Ed" and "Marken", two concerned citizens and attendees of this year's Gathering, came to District Ranger Rogers, and talked over various subjects, including location of the Gathering etc..

This conversation ranged over many subjects concerning the Gathering and then, District Ranger Rogers stated that what would be acceptable to Forest Service was an "Application" and "Operating Plan" (developed between Forest Service and Gatherers).

Electric Ed and Marken agreed to act as informal "contacts", and continue the communications and cooperation. Ed told me of this conversation.

An Application either "oral or written" is acceptable under 36 CFR 251, and this contact between District Ranger Rogers and these two Gatherers began the application process.

This morning Electric Ed is faxing an Application filled out in an appropriate manner.

ATTACHMENT 3

(4 pgs) ①

District Ranger Rogers, an authorized officer, has done the "culturally sensitive" correct action in this case. As per 36 Cfr 251, District Ranger Rogers has employed that section of the regulation i.e. "shall offer an alternative".

(2) I join these two other Gatherers in acting as a "contact" during the time I am at the Gathering and as a source of information before and afterwards. In doing so, I am answering directly to a directive by Federal Magistrate CeBull, District of Montana:

Page 172 at 15 (Transcript U.S. vs. B. Adams, pro Se, with "stand-by counsel", Bill Hooks, (my current Appeals attorney))...
Magistrate CeBull at 15 says - - (emphasis added)

"The thing I can't understand is that -- as I review it, the thing I can't understand is that this regulation is designed so that the government, who is the caretaker of all the of the public lands that we all, in essence, own a part of, the government simply wants an application signed by someone that they can contact in protecting the public's interest in the Forest Service lands in the event such a gathering occurs.

And it appears to me that this regulation is designed and is used by the Forest Service in an attempt to mitigate any problems such as occurred here, to manage resources, to put resources in place to mitigate problems and damage, and it appears to me that the way this is accomplished is by having somebody sign an application.

And the courts have held that signing the application doesn't impose personal liability, but somebody that the government can deal with in managing our public lands of this kind of a gathering of over 20,000 people. And it's -- it appears to me that you, Mr. Adams, have -- and apparently others, have thumbed your nose at this requirement, and it's a requirement that really doesn't impose a responsibility.

But I would think that as an admitted originator of this group that sounds like it has fine purposes, that as an originator of this group, you, of all people, would see to it that this simple purpose behind the regulation would be served, and if it was and the applications were signed and areas -- or the area of the contemplated gathering was revealed so that resources could be put together to manage it, that you would be accepting your responsibility, whether it's legal or otherwise."

Magistrate CeBull's statement about me taking responsible action, "whether it's legal or otherwise", by making sure there is an Application, is one reason for this letter.

Use of the Application and Operating Plan process, with "contacts" within the Gatherers is also in line with the 9th Circuit Court of Appeals decision in Black V. Arthur, 1997, which also writes of an Application and Operating Plan.

Again, in Pennsylvania in 1999, in the decision in U.S. vs. Kalb et. al., the District Judge writes of Application, and contact.

Past Incident Commander Bill Fox, testified at my trial, specifically that it is entirely up to the Resource and Recreation peoples, i.e. Forest Supervisor's office, to make decisions concerning the Application issue. he stated he is "not an administrator", only there to insure compliance.

If you read the Oregon 1997 Report on the Gathering, available on the web at different independently operated forums.. <prop1@prop1.org> and <welcomehome.org>, Legal section, you will find a great deal of information.

(3) Under the newly released Forest Service Strategic Recreation Plan, October 2000 - there is blatant statements to the effect an effort should be made upon the part

②

of Forest Service to ensure "ethnic minorities" have access to Forest lands, and to encourage Ethnicity in Forest lands use.

(4) The recent 9th circuit case "Amster" where the 9th referenced their approval of Tempe, Az. accepting and granting of all applications for First Amendment activity.

(5) The recent Supreme Court "Good news" case, that gives access to public forums, and forums like schools, equal access for all people regardless of "viewpoint".

This case speaks exactly to the "Gathering" and "Gathering Peoples" who have a significant "viewpoint" concerning not being an organization, or any sort of hierarchial association... in fact, the Gathering is composed of hundreds of differing associations, ranging from religious groups to highly individuated individuals. Many persons who come to the Gatherings are "cultural minority people", and the Gathering itself is a cultural event, unique in quality and quantity. The "blend" of groups and individuals who come to the Gathering to share common ground, and the "blend" or quality and quantity of experience that takes place during the Gathering is a unique cultural phenonomen.

(6) Many individuals, including myself, suffer from Post Traumatic Stress Disorder, and have a great deal of difficulty dealing with "organizations" or "authoritarian order". Myself and others are deprived of our First Amendment Liberties if the Forest Service will not allow access because of our mental Inability to join organizations or an "ordered group" - one capable of choosing a legal representative i.e designated signer. Under the Americans for Disability Acts, persons such as myself and others who share similar mental and emotional perspectives should be allowed access just like anybody else, i.e. persons who can join and form an "ordered group" suitable to the Forest Service. See recenet Supreme Court case - "Golf course access".

(7) Many other peoples, some with "handicaps or who are disabled" attend the Gathering i.e. Deaf Tribe etc...

Therefore, for these reasons and for many other legal and spiritual reasons, I hereby, in writing, join in this "Application" and do volunteer to be a "contact" in helping communicate and cooperate with the Forest Service concerning the environmental and other aspects of Gathering 2001.

I am not a legal representative of the "Rainbow Family" nor of "Gathering of the Tribes 2001" rather I am merely a person acting in a responsible manner, hoping for Peace and Resolution, (nor is Electric Ed or Marken).

I certainly hope the "Peace process", as I would call the "Application and Operating Plan" "Alternative" offered by District Ranger Rogers will carry through and together Forest Service Resource and Recreation personnel and Gatherers will be able to work out a successful Operation Plan, which will aid in caring for the environmental and social concerns pertaining to the Gathering.

Last year I made a similar application, and acted as a "contact" in a similar way, but things got complicated, and legal issues still need to be resolved.

In 1982, Regional Supervisor Gene Benedict, worked out the first model Operating Plan with Gatherers at the Gathering near Council, Idaho. Gene also unilaterally issued a "permit" for the Gathering to the "Rainbow".

I would suggest the "group" being referred to, be referred to as "Individuals, groups, Gathering of the Tribes 2001"

I am sending along to District Ranger Rogers, some information on "clean-up and restoration" and on "Fire process". This information has been shared at other Gatherings. last year, I worked with forest Service Fire Specialist Pete Freestone (I believe) concerning Fire preparation. I have also communicated with District Ranger Havig, concerning concerns over Montana Gathering 2000. and have, as a private individual, assisted him last year, in regards to spreading information he felt needed to be shared.

In Oregon 1997, Asst. District Ranger Bruce Chaney (now retired?) and District Ranger Susan Skalski spent long hours along with other resource and recreation people and health people coming out to the Gathering and circling with peoples and developed a comprehensive Operating Plan with attendees. This works best with Gatherers, in my opinion.

By the way, normally tents and camping away from water - 50 ft., kitchens - 150 ft.... shitters, gray water etc., - 300 ft... I send along a "rap" on Water Thoughts.

I will send along information, as I can, and please feel free to contact me. I have done many set-ups and many clean-ups of these Gatherings. I am very familiar with all aspects. I believe it is very good that someone who has been 'on the ground' be the one who 'applies'.. giving Notification and working out Operating Plan, is best done with folks "on the ground" at Site.

Years ago, hundreds, even thousands of peoples would come out and listen and speak in Circle/council with Resource and Recreation Forest Service peoples. I hope this peace process will lead to such times again. Thank you for you actions which I know must be ones approved by Forest Supervisor and possibly even 'higher-ups" in Washington, D.C..

If I can help in any way, please accept this offer of "joining in application" and "joining in helping develop an Operating Plan".

Have a good meeting. Please convey my Howdy to Malcolm Jowers; he and I have met personally a number of times. I would hope there can be better relations with his "crew" and Gatherers also. I have no problemd with communicating with Incident Command concerning Gathering issues.

Thank you, responsibly signed,

Barry Adams, plunker, Montana

No Recipient, Re: Is this a New Day Dawning?

To:
From: peacetribe@wildrockies.org
Subject: Re: Is this a New Day Dawning? Joint Application!
Cc:
Bcc:
X-Attachments:

>Return-Path: <virtualyed@hotsprgs.net>
>Date: Sat, 16 Jun 2001 10:06:34 -0600
>From: Electric Ed <virtualyed@hotsprgs.net>
>X-Accept-Language: en
>To: peacetribe@wildrockies.org
>Subject: Re: Is this a New Day Dawning? Joint Application!
>References: <200106161514.f5GFEpt27901@mail1.blackfoot.net>
>
> application responses;
>1 Name of {group}: Individuale attending 2001 Rainbow Gathering
> Name of contact: Electric Ed Tunis
> Phone: 406 741 5820
>
>2 Discription of activity: Rainbow Gathering- camping, singing, exchanging ideas, praying,
>dancing, cooking,interacting, healing, teaching, and other activities.
>
>3 Location: Boise National Forest- Casche Creek Meadows, Mace Creek Meadows, Sack Creek
>area.
>
> 4 Number of participants: Unknown
>
>5 Starting Date 6/15/01 End: 7/31/01(approx)
>
>6N/A
>
>Signed by contact Electric Ed Tunis
>

ATTACHMENT 4



United States
Department of
Agriculture

Forest
Service
Lowman
Ranger
District

7359 Highway 21
Lowman, ID 83637

File Code: 2300

Date: June 16, 2001

Dear Electric Ed Tunis:

This is to acknowledge our receipt of your faxed application for a Non-commercial Group Use Permit. The application was received in my office at approximately 9:30 this morning.

Upon review of the application I find it incomplete in the following areas:

Item 4 – Estimated number of participants and spectators for proposed activity;

Item 6 – Name, address, day and evening phone numbers of person(s) who will sign a Special Use Permit on behalf of the group.

In addition to the above items I am extremely concerned about the proper disposal of waste. I strongly encourage you to rent, use and maintain portable toilets.

This is an extremely sensitive resource area. I believe it is possibly much more sensitive than any previous National Gathering site. The protection of these fragile high mountain meadows and streams is of critical importance.

If you wish to discuss these requirements and the resource concerns further please contact me at the Lowman Ranger District Office telephone number, 208-259-3361.

Sincerely,

WALTER B. ROGERS
District Ranger

cc: Brian Michaels



June 17, 2001

Barry Adams, plunker
Montana Family, Rainbow Tribe
Box 8574 Missoula, Mt. 59807

Anne Archie, Acting Forest Supervisor
Deputy Forest Supervisor
1249 South Vinnell Way, Suite 200
Boise, ID 83709
208-373-4100, Fax: 208-373-4111

Lowman District Ranger Walter B. Rogers,
7359 Highway 21
Lowman, ID 83637
208-259-3361, Fax: 208-259-3366

RE: Electric Ed and Barry Adams written/joined (faxed) Application and Marken's and Ed's Oral Application

Howdy,

I sent a Letter of Application, June 16th, 2001 to District Ranger Rogers via Fax, from (msg/fax) 406 825 0044.

I send along my con-current application, one adjoining Electric Ed's Application, to insure my volunteering to be a 'contact' and Ed and I's Application is given due consideration and due process. There is only slightly differing aspects to my and Ed's responses in the Application.

If Application FS-2700-3b (10/99) OMB No. 0596-0082, to which Ed and I have given responses, (mine were enclosed in my faxed letter of application dated June 15th, 2001), is not applicable or appropriate, under these circumstances, then I apply for Special Use under Recreation Use form: Fs-2700-3c (01/99) OMB No. 0596-0082.

I would urge the 'authorized officer', either the District Ranger Rogers or (Acting) Forest Supervisor Archie to authorize this Gathering, utilize the Application and Operating Plan "alternative" as is authorized in the Regulation, and was offered and agreed as the process to be used in this circumstance by District Ranger Rogers to Electric Ed and Marken in their meeting; and agreed to in good faith by Electric Ed and Marken. Said offer and agreement was conveyed to me via Electric Ed.

Both Marken and Electric Ed offered their aid as volunteers to be "contacts" for the "Gathering", this was the same as an "oral" application, and Ed and Marken were given oral assurances by Ranger Rogers with Robin Metz, concerning the process, i.e., Application and Operating Plan.

In good faith, Ed and I have applied for Special Use in writing, at the "reservation desk" of the Forest Service, and signed on as "contacts". Come Monday, a written response is required to be given to Ed and I concerning whether the Application, in this case, is accepted or denied.

I certainly hope and pray for District Ranger Rogers or Forest Supervisor, as 'authorized officers' "shall offer an alternative" to one of the 8 criteria, which is on Application as Number 6. i.e. "designated signer" - on Application Fs-2700-3b(10/99) OMB no. 0596-0082: due to cultural, religious, political circumstances i.e. Rainbow

Gathering Way is all inclusive, so many groups and individuals attend - no process exists to produce a 'designated signer'.

Therefore to ensure non-discrimination, I encourage and expect a 'culturally sensitive' approach, as Ranger Rogers proposed.

With Ranger Rogers original approach and offer of process i.e. Application and Operating Plan, the concerns over Gathering issues can be better served, for all concerned, Gatherers and Forest Service alike, for the sake of all citizens, other users of the Forest, and the general public alike.

If FS-2700-3b can not be processed due to bureacratic limitations, then surely an Application can be processed under FS-2700-3c (01/99) OMB No. 0596-0082, which is the other form of application.

Please keep me informed. If for any reason Ed and I's application is denied, in writing and/or my application under FS-2700-3c is not appropriate or applicable and/or NO Alternative is offered, then I surely would like to know within the proscribed 48 hours, so I can then move to Federal Judicial Review.

It is significant that this Application is being credibility i.e. being treated as an Application. Please communicate and keep me informed.

Following is my Application Forms FS-2700-3b and FS-2700-3c. And Electric Ed's responses and accompanying letter, (and a copy of my (faxed) Letter of application to the Forest Supervisor's office - having sent this already to District Ranger Rogers June 16th, 2001).

I pray for a peace Resolution of this matter. The responsibility for the administration of these applications rests entirely in the hands of the 'authorized officer' - District Ranger and Forest Supervisor. Thank you,

Barry Adams, plunker, Montana

Application for Special Use - attn: "Reservation desk"

Authorization ID FS-2700-3b (10/99)
Contact ID OMB No. 0596-0082
USDA Forest Service FOREST SERVICE TYPE 311
SPECIAL-USE APPLICATION & PERMIT FOR NONCOMMERCIAL GROUP
USES

DATE RECEIVED CONTACT ID EXPIRATION DATE
(Ref.: 36 CFR 251.54) TIME: :
Authority: Organic Act of 1897, APPLICATION DATE TIME
16 U.S.C. 551 GRANTED DENIED

PART I - APPLICATION

1. APPLICANT INFORMATION:

Name of Group: "Individuals attending 2001 Rainbow Gathering"
Address of Group or Contact: (whichever is applicable)
Name of Contact: Barry Adams - I sign on with Electric Ed, and with Marken's "oral application"

Day Phone: msg 406 825 0044 Evening Phone: same

2. DESCRIPTION OF PROPOSED ACTIVITY: Rainbow Gathering- camping, singing, exchanging ideas, praying, dancing, cooking, interacting, healing, teaching, and other activities - and peaceable assembly for purposes of prayer, petition, speech.

3. LOCATION & DESCRIPTION OF NATIONAL FOREST SYSTEM LANDS & FACILITIES APPLICANT WOULD LIKE TO USE: Location: Boise National Forest- Casche Creek Meadows, Mace Creek Meadows, Sack Creek, or thereabouts.
4. ESTIMATED NUMBER OF PARTICIPANTS & SPECTATORS FOR PROPOSED ACTIVITY: Participants: est. over 75, perhaps 20, 000 or more Spectators: same
5. STARTING & ENDING DATE & TIME OF PROPOSED ACTIVITY:

Start: main days July 1, 2001 with set-up End: July 7, 2001 plus
clean-up/restoration

6. NAME OF PERSON(S) WHO WILL SIGN A SPECIAL-USE PERMIT ON BEHALF OF THE GROUP (May be same as contact listed in item 1.):
n/a not applicable or NEED ALTERNATIVE - Equal Right to access to Federal lands for all Viewpoints!

Name:	Name:
Address:	Address:
Day & Evening Phone:	Day & Evening Phone:
Signature:	Signature:
Date:	Date:

APPLICATION NOT VALID UNLESS SIGNED BY CONTACT.

Signature of Contact /s/ Barry Adams Date June 16, 2001

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 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.

Electric Ed Application responses, to FS-2700-3b, with accompanying letter to Ranger Rogers:

Application responses:

1 Name of {group} :Individuals attending 2001 Rainbow Gathering

Name of contact: Electric Ed Tunis

Phone: 406 741 5820

2 Discription of activity: Rainbow Gathering- camping, singing, exchanging ideas, praying,

dancing, cooking,interacting, healing, teaching, and other activities.

3 Location: Boise National Forest- Casche Creek Meadows, Mace Creek Meadows, Sack Creek

area.

4 Number of participants: Unknown

5 Starting Date 6/15/01 End: 7/31/01(approx)

6N/A

Signed by contact Electric Ed Tunis

Electric Ed's Accompanying Letter:

District Ranger, Lowman, Idaho
Boise National Forest

Dear Mr. Rogers,

As I agreed to at our meeting on Tuesday 6/12/01 I am sending you as complete an application as I can given the cultural and individual nature of the Gathering. I agree to act as a contact, (along with other volunteers), described in the Regulations. I can do this as a volunteer with the understanding that neither I, nor anyone else, can obtain designation by any group or council to sign a permit as this would violate 18 U.S.C.1001. I believe we can proceed with the culturally sensitive alternative to the permit process and address all the concerns and requirements of the site to protect the interests of the Forest Service in serving the people and our resources.

I am also including an information sheet prepared and sent out via internet to participants about site care. this information, along with much more , will be shared through-out the Gathering to help protect the resources. I hope this information along with other information you receive from other volunteers will help you in processing this application.

Thank You for your time,
Electric Ed Tunis

Adams Special Use Recreation Use Application for "Gathering" - an 'alternative', attn "Reservation desk":

FS-2700-3c (01/99)

OMB No. 0596-0082

USDA, Forest Service SPECIAL-USE APPLICATION & PERMIT FOR
RECREATION EVENTS (Ref.: 36 CFR 251) Authority: Land & Water Conservation
Fund Act of September 3, 1964, 16 U.S.C. 4601-6a(c) FOREST SERVICE

USE TYPE 149	DATE RECEIVED	ISSUE DATE	
____/____/____	____/____/____	____/____/____	____/____/____
____/____/____	REG. / FOR. / DIST.	HOLDER NO.	STATE /
COUNTY		____/____/____	_____

- ____/____/____

PART I - APPLICATION

1. APPLICANT INFORMATION:

Name of Group: "Individuals attending 2001 Rainbow Gathering"

Applicant's Agent: n/a Agent's Address: n/a Agent's Phone: n/a

Name of Contact: Barry Adams

Address: Box 8574 Msla. Mt. 59807

Phone: msg 406 825 0044

Fax Number: msg fax 406 825 0044

Corporate Tax ID or SSN: n/a E-mail Address: msg

<peacetribes@wildrockies.org>

IF AN OPERATING PLAN IS REQUIRED, SIGN APPLICATION AND STOP HERE.

Note: an Operating Plan is required in order to fulfill non-discriminatory access to National Forest lands, Civil Rights Act, Forest Service policy, and under 36 CFR 251 "authorized officer" "shall offer an alternative" if applicant is unable to fulfill criteria... this is a First Amendment cultural peaceable assembly.

OTHERWISE, COMPLETE ITEMS 2 THROUGH 7.

2. DESCRIPTION OF PROPOSED ACTIVITY:

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

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

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

6. ESTIMATED REVENUE COLLECTED FOR EVENT:

Amount: Type of Fees:

(Include event charges, vendor fees, discounts, sponsorship related fees, gratuities)

7. NAME OF PERSON(S) WHO WILL SIGN A SPECIAL-USE AUTHORIZATION ON BEHALF OF THE EVENT:

I hereby acknowledge that this is an application only, and that the use and occupancy of National Forest System lands is not authorized until an authorization is signed and issued by an authorized officer.

Printed Name: Barry Adams

Signature: Barry Adams

Date: June 16, 2001

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 be more than \$10,000 or imprisoned not more than five years, or both.

Order Number: 0402-04-01-2

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
BOISE NATIONAL FOREST

OCCUPANCY AND USE

PROHIBITIONS:

Pursuant to Title 16, USC 551 and Title 36 CFR 261.50 (a) and (b), the following acts or omissions are prohibited on National Forest System land, Forest Development roads and trails within the Boise National Forest in Idaho:

Go into or be upon the area described below on the Lowman Ranger District.
36 CFR 261.53(a)

AREA DESCRIBED:

An area along Bear Valley Creek beginning at the Bearskin Bridge on Forest Service Road # 563, downstream along Forest Service Road # 582 to the confluence with Elk Creek, from the road edge streamside to 100 feet back on the Northwest (opposite) side of Bear Valley Creek, as shown on the attached map.

PURPOSES:

1. For the protection of threatened, endangered, rare, unique or vanishing species of plants, animals, birds or fish.
2. Public health and safety.
3. Protection of Forest Service Property.

EXEMPTIONS:

Pursuant to 36 CFR 261.50(c) the following are exempt from the Order:

1. Persons with a permit specifically exempting them from the effect of this order.
2. Any Federal, State or local officer or member of an organized law enforcement, rescue or fire fighting force in the performance of an official duty.
3. Any authorized person engaged in official administrative duties regarding National Forest Administration.
4. Enrolled Tribal members entitled to be upon the described area pursuant to established treaty rights.

ATTACHMENT 7 (6 pgs)

Order Number: _____

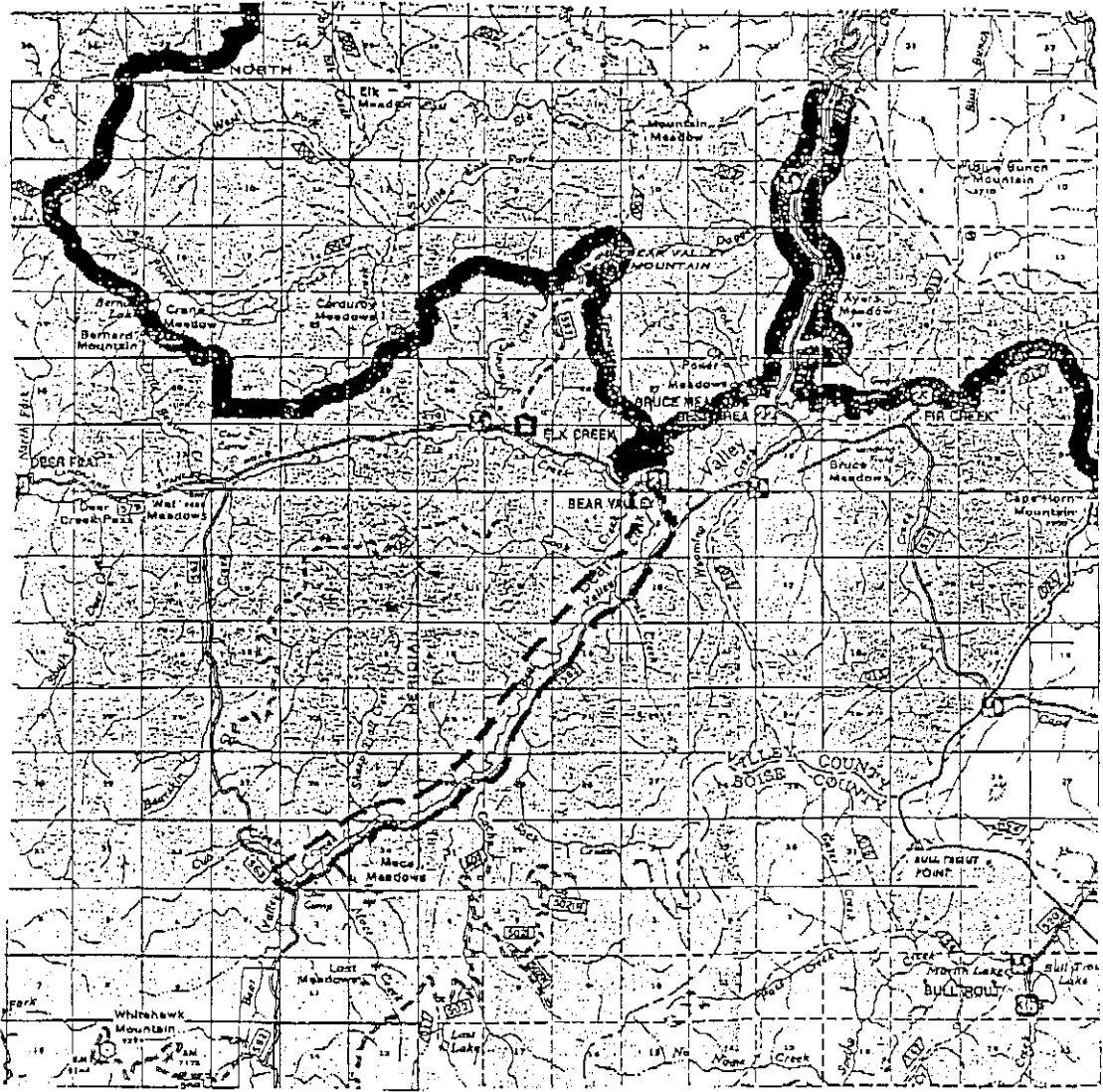
IMPLEMENTATION:

1. This Order will be in effect when signed and shall remain in effect until further notice.
2. Any violation of this Order is punishable by a fine of not more than \$5,000.00 and/or imprisonment for not more than six months, under Title 16 USC 551, Title 18 USC 3559 and Title 18 USC 3571.

Done at Boise, Idaho this 17 day of June, 2001.

James F. Cochran - Acting Forest Supervisor
David R. Rittenhouse

David Rittenhouse
Forest Supervisor
Boise National Forest



Order Number: 0402-094-01-3

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
BOISE NATIONAL FOREST
OCCUPANCY AND USE

PROHIBITIONS:

Pursuant to Title 16, USC 551 and Title 36 CFR 261.50 (a) and (b), the following acts or omissions are prohibited on National Forest System land, Forest Development roads and trails within the Boise National Forest in Idaho as described below:

1. Camping within 50 feet of running water in any stream or creek. 36CFR 261.58(e)
2. Collecting any firewood within 100 feet of running water in any stream or creek. 36 CFR 261.58(t)
3. Construction of any latrine or waste pit within 300 feet of running water in any stream or creek. 36 CFR 261.11(c)

AREA DESCRIBED:

1. On the Lowman Ranger District, any running water in any stream or creek in the Mace Creek, Sack Creek, or Cache Creek drainages down to their confluences with Bear Valley Creek as shown on the attached map.

PURPOSES:

1. For the protection of threatened, endangered, rare, unique or vanishing species of plants, animals, birds or fish.
2. Public health and safety.
3. Protection of Forest Service Property.

EXEMPTIONS:

Pursuant to 36 CFR 261.50(c) the following are exempt from the Order:

1. Persons with a permit specifically exempting them from the effect of this order.
2. Any Federal, State or local officer or member of an organized law enforcement, rescue or fire fighting force in the performance of an official duty.
3. Any authorized person engaged in official administrative duties regarding National Forest Administration.

4. Enrolled Tribal members entitled to be upon the described area pursuant to established treaty rights.

Order Number: _____

IMPLEMENTATION:

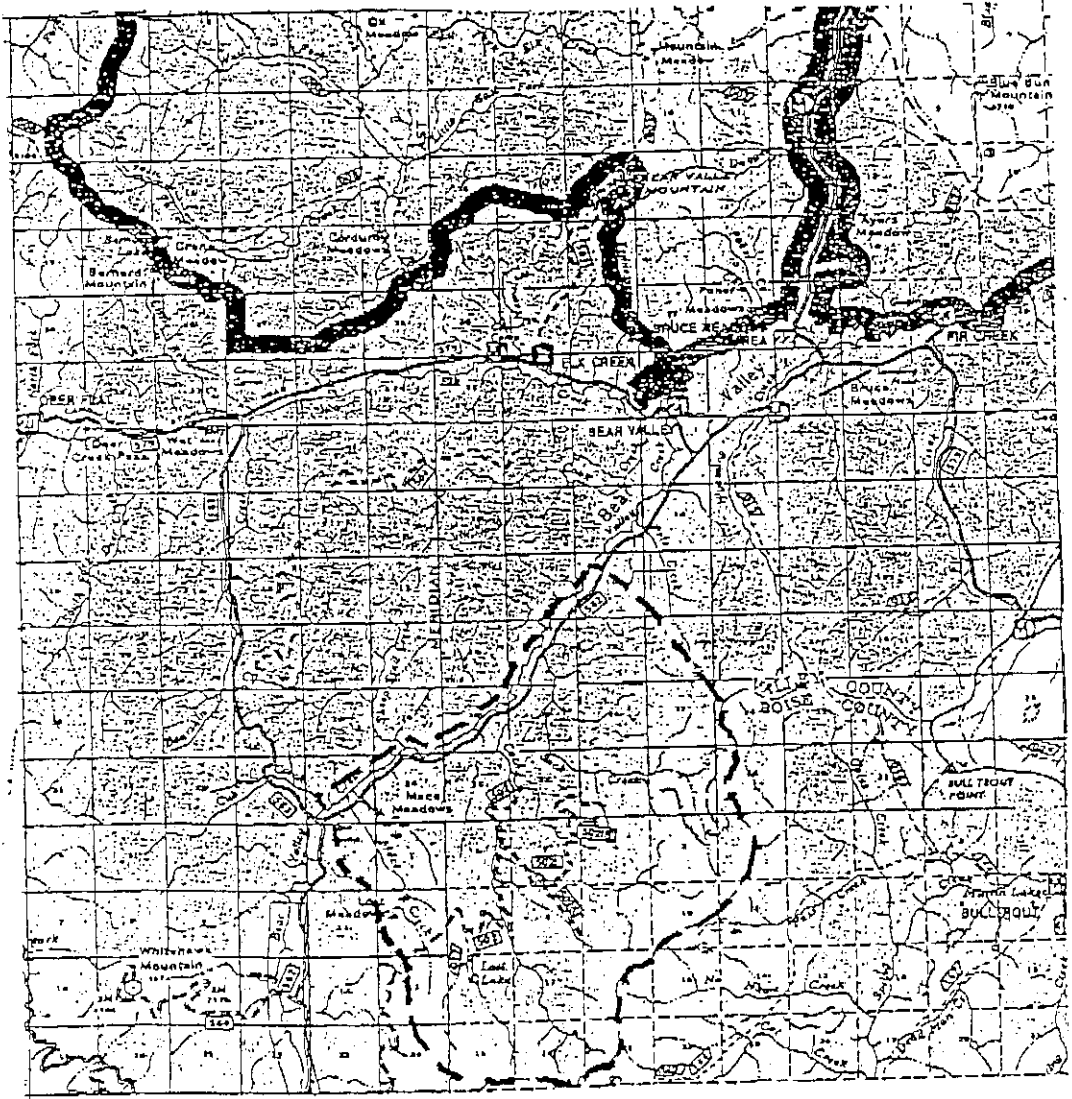
1. This Order will be in effect when signed and shall remain in effect until further notice.
2. Any violation of this Order is punishable by a fine of not more than \$5,000.00 and/or imprisonment for not more than six months, under Title 16 USC 551, Title 18 USC 3559 and Title 18 USC 3571.

Done at Boise, Idaho this 17 day of June, 2001.

Anne F. Archie - Acting Forest Supervisor

David Rittenhouse

David Rittenhouse
Forest Supervisor
Boise National Forest



peaceway

Subject: FW: Howdy re FC - 2300 - June 18, 2001

From: peaceway
Sent: 19 June 2001 09:22
To: 'Boise N.F., Forest Supervisor'; 'District Ranger Walter Rogers'
Subject: Howdy re FC - 2300 - June 18, 2001

Barry Adams
Box 8574
Missoula, Mt. 59807

District Ranger Walter Rogers, et al,

Howdy,

This is to acknowledge receipt of your (faxed) letter dated June 18, 2001, rcvd 7:57am, Montana time.

You state that my application, as an individual, is deficient i.e. Number 6. - However, I believe I entered in Number 6 - N/A Not Applicable and Need Alternative. As per regulation 36 cfr 251.

I, of course, can not fill in this number 6. as I am not someone 'designated' and this Application is for a peaceable Assembly, and is not for some identifiable particular "group" and because of all the reasons I outlined in my letter of June 16, 2001, addressed to you et al, titled:

RE: Application for Special Use of National Forest System Lands for "Gathering of the Tribes 2001"

In that letter I quote Magistrate CeBull, District of Montana: "the government simply wants an application signed by someone that they can contact in protecting the public's interest in the Forest Service lands in the event such a gathering occurs."

I listed at least 7 numbered reasons why I am spiritually, culturally, (mentally) unable to fill out number 6 on this Application for Special Use.

This Annual Gathering and other such Gatherings are Peaceable Assemblies for Purposes of Expression. Attendees are religious, cultural, minority, handicapped, straight, hippie, Gay, Christian, Moslem, Hebrew, atheist, environmentalists - individuals and groups who attend these Gatherings.

As can be seen in the Middle East and many other parts of the World, including cities and Villages of America, many people disagree, some even violently with one another.

A "Rainbow-style" Gathering, where All are Welcome, come in Peace: to a common ground, a public forum, and for these peoples, individuals, and groups to share a Site with one another is in itself an amazing feat, let alone "claim" in any way shape or form that this is a "group".

This is a Peaceable Assembly. No one person or persons can act as legal agent or legal representative for such an assembly.

I have volunteered, as one of the attendees, to be a "contact" person. The Forest Service has used me as a 'contact', in the past, mailing me documents meant for the Assembly. Addressed to "Rainbow Family" - a mythical people. These documents nevertheless should have been more rightly addressed to the Peaceable Assembly of Peoples.

If my Application is granted, "whether it is legal or otherwise" as Magistrate CeBull said in Court; I would, as a "contact", guide you District Ranger Rogers to the Circle of the Assembly, and there for you to make your Peace with them; and speak to the Assembly, all the groups and individuals assembled, why they must designate someone to sign a "permit".

And to work out the environmental, health, safety concerns surrounding the Gathering with this Assembly of People. Developing cooperation and communications with the Assembled is of paramount importance.

Functionally, as I pointed out in my phone conversations with you and I.C. Jowers, a 'contact' person who can receive mail, etc.. performs the same functions as someone who signs a name on a "permit"... part II, of the same document.

AND a "contact" signature makes the Application Legal. I have signed on.

Please consult the "higher-ups" in this matter.

There have been "permits" signed, for such Gatherings, like the one recently signed by Silent Thunder, for the "Ithaca Rainbow Family", Fingerlakes National Forest, New York. Signed under T.,D.,C. - Threat, Duress, Coercion.

Silent Thunder signed for the Ithaca Rainbow Family but he did so through self-designation, and in effect, violated 18 U.S.C. 1001.

Special Use Administrator Dave Bosch informed me that "Silent Thunder approached the Forest Service, NO application was filled out, and Forest Service unilaterally issued a "permit" and had Silent Thunder sign it, all the while knowing Silent Thunder was not/is not a "designated signer".

Forest Service, in different areas of the Country, have used differing discretionary policies in these matters. In fact, last year, I submitted just such an Application for Montana Gathering 2000, and rcvd no response, and was informed my Application could not be accepted because I was an individual.

This year, same style of application, a "reservation desk" style application, has been accepted for processing. Differing policies, differing times, differing years. All at the "discretion" of whatever Forest Service "authorized officer" or "higher-ups" decide, at the time.

This is inequity of justice, lack of due process, and if my Application is denied, (as you have said, on the phone, that it will be,) I will move for Judicial Review per the Regulation.

I once again urge you, to overcome this bureaucratic, discriminatory requirement, one that is wholly adverse to my "viewpoint and beliefs", one akin to Jehovah's Witness not being forced to Salute a Flag.

Additionally, On F.S. Order number 0402-0&4-01-3, Titled: Occupancy and use, June 17, 2001, signed by Anne Archie, acting Forest Supervisor, it seems to me to give the parameters of the Gathering, and discusses elements of what could be considered an Operating Plan. It is under Title 16, U.S.C 551 and Title 36 CFR 261.50, and 36 cfr 261.50, components of Special Use.

It appears as if this Order defines a "Special use", just like a "permit".

Please respond favorable to this Application, use your "discretion", use the "shall offer an alternative" as in the regulation. Please.

One other thing, Information Officer Joe Hart, Incident Command Team, office of Sharon Sweeney called me about faxing, which I had already rcvd. it brought to mind my alarm and concern over a Press Release which I rcvd., concerning I.C. Jowers.

It would seem to me, such "charges" levied at I.C. Jowers, could be affecting this process of Application. I certainly would hope not. Please reply concerning this matter.

And if such "charges" are true, is there likelihood of such behavior and conduct being leveled at the Gathering Peoples at this Annual?

Please reassure me.

Thank you for your reply,

Praying for Peace Resolution

Barry Adams, plunker, montana

note: Press Release to follow

INCIDENT COMMANDER JOWERS UNDER INVESTIGATION FOR HARASSMENT FOR IMMEDIATE RELEASE

CONTACT:

BARRY SACHAROW,

President, FARF

Phone: (954) 929-4108

Email: barry@festivaltribe.com

ARJAY SUTTON,

EXECUTIVE DIRECTOR, FARF

Phone: (877) 278-7110

Email: pronoid@bellsouth.net

ATTENTION: Assignment Editors, National Editors, Law Editor, Travel & Recreation Editors and Reporters and Editors working on the following stories: Rainbow Family, Counter-Culture, Constitutional Law, Camping & Destinations, Hippie's, Drug War.

INCIDENT COMMANDER JOWERS TARGETED BY FARF

GAINESVILLE, FL--Newly Appointed National Incident Commander Malcolm Jowers, in Idaho for the 2001 Annual Rainbow Gathering, is under investigation by

the Free Assembly Resource Fund (FARF) for intentionally endangering participants at a similar smaller event in

Florida this past February.

In a report released today by the Not for Profit agency Free Assembly Resource Fund (www.freeassembly.org), documentation establishes that Malcolm Jowers, a new Bush administration appointee, personally gave orders that created a hazardous situation, and did so, along with other actions, for the purpose of the creation of an climate of fear and harrasment. The full text of the report is available at <http://freeassembly.org/news/ocalaarch.htm>.

After learning that Jowers had been appointed Incident Commander for the 2001 Gathering of the Tribes in Boise National Forest in Idaho, FARF special investigator and Executive Director Arjay Sutton stated: "Given his actions in Florida last February, we're really concerned that he may once again place his personal agenda over public health and safety, but this time with the blessing of the new administration, and with ten times more people in harm's way."

Among the other charges being leveled at Mr. Jowers, are the use of hooded, armed, black clothed para-military troops using night vision to frighten recreational campers in tents. Even more serious for this government official was the false creation of an Archeological Preserve in order to disrupt water and sanitation of the 13 year old event in central's Florida's largest National Forest. According to sources close to the report's preparation, proof of these actions are well documented on www.freeassembly.org.

"We would have waited until later this year to deal with this problem," states FARF President Barry Sacharow. "Then we found out that Jowers was in charge of all law enforcement activities at the gathering in Idaho, [July 1 through 7, 2001]. His willingness to put people at risk to achieve his political aims precluded any choice but the ones we are making. The man [Jowers] has proven himself to have a willful disregard for the safety of the citizens of our great nation and the recreational users of our National Forests."

The alarm bells sounded and the flurry of charges and counter-charges come as a result of a longstanding disagreement between the Forest Service and the loosely knit "Rainbow Family", now preparing for the annual gathering, which draws upwards of 25,000 to 30,000 counter-culturists from around the globe, in the Boise National Forest in Idaho. For more information: www.welcomehome.org.

William J. Trappen, Attorney for FARF, has made a career challenging government agencies attempting to infringe upon citizens rights. "I have fought for the constitutional rights of street performers in St. Augustine, protestors in Orlando, and the naturists on the National Seashore. Never before, however, have I been witness to so many violations of constitutional rights of so many innocent citizens. The National Forests have gone from a haven of recreation and solitude to a place where law-abiding citizens are getting their rights stomped upon by power-hungry and virtually unsupervised Department of Agriculture Law Enforcement Personnel," Mr. Trappen remarked Monday from his office in Gainesville.

The Free Assembly Resource Fund is a 501(c)3 based in Gainesville Florida operating in the public interest. FARF is a legal defense fund dedicated to the preservation of free assembly rights and is also involved in educating the public, investigating civil rights claims relating to free assembly practice, and collecting and distributing information. For more information: (www.freeassembly.org)

peaceway

Subject: FW: Howdy re Adams application

From: peaceway
Sent: 18 June 2001 04:06
To: 'District Ranger Walter Rogers'; 'Boise N.F., Forest Supervisor'
Subject: Howdy re Adams application

District Ranger Rogers
Incident Commander Malcom Jowers

Howdy,

As i just said on the phone, approx 3:10pm, Montana time, June 18th, 2001, to you, District Ranger Rogers and Incident Commander Malcolm Jowers (on speaker phone in District office):

(1) please send me via Fax, immediately a letter of denial for my application sent via Fax from 406 825 004 at 8:17am, June 16th, 2001 to your office, which you received.

My application was a Letter of Application and joined in application with Electric Ed Tunis, whose application was sent later in the day..

(2) I also have a second application, under Special use for Recreation, sent June 17 1:17pm, 2001 via Fax.. along with a "form" application, for "Special Use - non-commercial use.

I have as yet not received any communiques concerning my application.

(3) marken and Electric Ed, orally applied on June 12, 2001, and application process began then.

(4) consider what the 9th circuit said in Black vs. Arthur.. which is "application and operating plan"

And consider the 9th circuit has written in Black vs. Arthur, that how the Forest Service has applied this regulation has not been brought before the Courts.

With your Denial this issue can and should be brought forth..

(5) you have offered no "alternative" whatsoever..

(6) consider the fact, as i said on the phone, that functionally the 'contact' person does the same job as a 'designated signer' IF ALL a "designated permit signer" is for is to be a contact for communications, concerning resource and health, safety issues..

I ask you to pelase reconsider this...

As I indicated to you in My letter dated June 17, 2001 (faxed)... in case of Denial, I will move to Federal Court and ask for immediate Judicial Review, as I have repeated on the phone.

As Malcom said, on the phone, it is out of the hands of the Local District... this is from higher-ups..

please reconsider all this and send via fax today, if possible your answer to my application... filed prior to Ed"s... if you give Ed the prior processing, it must date from his Oral Application on Tuesday June 12, 2001.

if at all possible, going to Federal Court can be avoided if you act now, in a non-discriminatory way...

Malcom stated this was "negotiations"... well, in 'negotiations' each side must give a little... in my case (and Ed and marken) we have Applied, and these applications have been taken seriously.

With no other option, no "alternative" presented, you have ended "negotiations" and now, it seems it must go to Federal court... sad.

Please change your minds... remember Forest Service has used different policies for different Gatherings... and last year, would not consider an application from an individual, whereas this year these applications have been from individuals.

please let me know today..

thank you,
respectfully,

Barry Adams, plunker, montana

peaceway

Subject: FW: Howdy re "Gathering" LEO's illegal actions

From: peaceway
Sent: 19 June 2001 01:10
To: 'Regional Forester, Region 4'
Subject: Howdy re "Gathering" LEO's illegal actions

Barry Adams, plunker
District Ranger Rogers et al

Howdy,

I received another alarming message concerning this year's Annual Gathering. Message follows this note. According to Joe Hart, F.S. Information officer, who just called me and referred me to FOIA, upon my requesting a list of I.C. team members, Joe said, he is not aware of the incidents contained in this message; therefore I request clarification.

My Application is in process, and part of my application involves "operating plan" for the "Gathering", to be worked out mutually between "Gatherers" and Forest Service.

I have not been to Site, however, it is apparent people are reporting harassment etc... This seems to be very like the Press Release from Florida, concerning I.C. Jowers and company; mentioned in my previous fax this day.

These warning tickets mentioned in message, are for "unauthorized use etc.". I.C. Jowers specifically used the word "negotiations", in our phone conversation. "Negotiations" at the point of a gun?

Please cease harassment and violations of civil rights and liberties of these Peaceably Assembled peoples. On behalf of the Assembled peoples, under seige, right now, and for all the thousands of folks on their Way in their Annual Pilgrimage of Peace; Cease these "war-like" actions against this "spiritual gathering".

I volunteered to be a 'contact'; self-designated, as an individual, similar to a person who sees a 'shitter" needs to be dug, for health purposes, and as a 'contact", for health and safety of the people, for the physical well-being of these gathered Peoples; end this oppression.

There are people of all ages already at this Gathering. By depriving them of shelter i.e. tearing down structures; and by denying them the ability to deal with human waste, gray water etc... or build fires or cook food, you are engaging in inhuman and illegal practices condemned by Peoples and Nations all over the Earth.

In your Order, dated June 17th, 2001, by Anne Archie, you clearly indicate there is camping etc., beyond 50 ft of this area etc... You have allowed camping, permitted camping, in this Order, beyond 50ft of the waters, and latrines and waste water is permitted beyond 300ft.

SO, you have permitted these Peoples camping and Gathering beyond 50 ft of the described waters and streams; have presented a map of not-permitted arera and permitted areas.

These Incident Command martial law actions are in violation of your own Order.

My Application is still being processed, and you are harassing people away from the area, prior restraint to the maximum. Please cease and desist lawless activity upon the part of Incident Command.

Operations Chief Mike Hearth, Incident Commander Jowers, and all of the Incident Command appear, from afar, to have lost all control and reason, have turned to destructive methods; literally endangering the health, safety and well being of thousands of citizens and peoples from around the Earth, who likely will be Gathering in Idaho and are even now gathering in Idaho, in nationa Forest.

This can not bode well, with thousands of people on their way to this Gathering area.

Please come back to Reason, and work With the Gathered and Gathering Peoples.

'contact',

Barry Adams, plunker, montana

message:

"Word from the site is that the Incident Command Team, under the leadership of the newly appointed Malcom

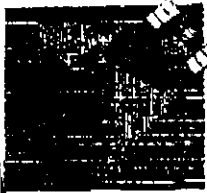
Jowers, is passing out warning tickets like candy, and physically tearing down all structures every day. (they get set back up every night). You can see that Ocala was a practice run for this year, and that the ICT has lost all sense of balance... They are harrasing and citing anyone digging holes, bringing in kitchen gear, and other "criminal" activities. Why they think this heavy handed approach will "cancel" the gathering is beyond me...

I think it's obvious the ICT prefers confrontation, to co-operation. If they are truly committed to protecting the resources, they would have proposed an operating plan, like the District Ranger tried to do, to achieve common goals. Instead, they'd rather try to intimidante, harrass, and threaten the folks on the land."

Mar 11 01 01:35p

Self Reliance Foundation 202-547-2976

p.1

HISPANIC RADIO NETWORK, INC.**LA RED HISPANA**

National Press Building
Suite 740
Washington, DC 20045
(202) 637-8800
Business Fax: (202) 547-2976
Editorial Fax: (202) 637-8801

Mr Walter Rogers
District Ranger
Lowman Ranger District
Bolsa National Forest

VIA FAX (208) 259-3368

June 18, 2001

Dear Mr. Rogers:

Enclosed please find a fully executed and signed "application and permit for non-commercial group uses" signed by myself dated today. The originals are being sent overnight to you via USPS Red Label.

Also enclosed please find Part II, Permit, filled out, signed and dated by myself. (Please feel free to amend the Permit to list any Exhibits referenced in Sections 2 & 4 that you may develop with various Individuals who plan to attend the 2001 Rainbow Gathering- and then simply forward those Exhibits to me).

I am pleased to submit this application and to sign both the application and the permit as the "contact person" for the 2001 Rainbow Gathering. I am doing so as an individual who is capable of communicating USFS concerns to others who will be attending, and of communicating concerns of the attendees to USFS personnel.

Although I am signing as the "contact person" and agree to hold the permit, etc., I do encourage you and other USFS personnel to continue to develop the specifics of the site plan and all other logistical concerns directly with the other individuals who are already at the site or who have prior experience working with the USFS for the purposes of insuring the health and safety of the attendees, and protection of the environmental and natural resources. It is my experience and opinion that generally those individuals who have volunteered to work closely with the USFS are responsible.

If there are any problems please contact me immediately.

Respectfully,

Jeff Kline
An individual signing as "contact person" for the
2001 Rainbow Gathering in Bolsa NF

ATTACHMENT 9 (4 pgs)

Mar 11 01 01:35p

Self Reliance Foundation 202-547-2876

P.2

Authorization ID _____
Contact ID _____
Use Code _____

FS-2700-2700-36 (02/01)

OMB No 0596-0007

USDA Forest Service SPECIAL-USE APPLICATION & PERMIT FOR NONCOMMERCIAL GROUP USES (Ref.: 36 CFR 251.54) Authority: Organic Act of 1897, 18 U.S.C. 551	DATE RECEIVED _____ <small>(mm/dd/yyyy)</small>	FOREST SERVICE USE TYPE 311	
	TIME _____ APPLICATION GRANTED <input type="checkbox"/> DENIED <input type="checkbox"/>	CONTACT ID _____ EXPIRATION DATE _____ DATE _____ TIME _____	

1. APPLICANT INFORMATION:

PART I - APPLICATION

Name of Group: INDIVIDUALS ATTENDING 2001 RAINBOW GATHERING
Name of Contact: JEFF KLINE

Address of Group or Contact: (whichever is applicable)

742 NATIONAL PRESS BLDG. WASHINGTON, DC 20045

Day Phone: (202) 637-8800

Evening Phone: _____

2. DESCRIPTION OF PROPOSED ACTIVITY:

RAINBOW GATHERING - CAMPING, COOKING, ENVIRONMENTAL EDUCATION, PLAYING AND OTHER ACTIVITIES FREE AND OPEN TO ANYONE

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

BOISE NATIONAL FOREST, LOWMAN R. DISTRICT, CACHE CREEK MEADOWS, MACE CREEK MEADOWS, JACK CREEK AREA

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

Participants: 20,000

Spectators: _____

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

Start Date: 6/16/01

End Date: 7/31/01

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

Name: JEFF KLINE

Address: 740 NATIONAL PRESS BLDG WASH, DC 20045

Day & Evening Phone: () ()
(202) 637-8800

Name: _____

Address: _____

Day & Evening Phone: () ()

Signature: _____

Date: 6/18/01

Signature: _____

Date: _____

APPLICATION NOT VALID UNLESS SIGNED BY CONTACT

Signature of Contact: _____

Date: 6/18/01

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 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.

Mar 11 01 01:35P

Self Reliance Foundation 202-547-2976

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PART II - PERMIT

1. Use under this permit shall begin on 6/16/01 (date) and end on 7/31/01 (date). The permit shall not be extended INDIVIDUALS ATTENDING 2001 RAINBOW GATHERING TO JEFF KEINE - MOUNTAIN
2. (Holder Name) (the holder) is hereby authorized to use, subject to the terms of this permit, National Forest System lands described as _____ as shown in attached Exhibit(s) _____. This permit covers approximately 2000 acres and/or _____ miles.
3. The holder is authorized to conduct the following activities and install the following improvements in the permitted area: _____
TEMPORARY KITCHENS
TEMPORARY FIRST AID CENTERS
TEMPORARY SANITARY FACILITIES
TEMPORARY ADMINISTRATIVE + INFORMATION CENTERS
4. The holder shall conduct the authorized activities according to the attached approved plans and specifications. Exhibit(s) _____. The holder shall not install any improvements not specifically identified and approved above or in exhibits _____.
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 person who signs this permit is not subject to any individual liability under this permit as a result of that signature. The person who signs this permit signs as an agent of the holder and provides his or her name solely to allow notice of actions pertaining to the permit to be communicated to the holder and to give the permit legal effect.
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 38 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 (number) 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.

Mar 11 01 01 37p

Self Reliance Foundation 202-547-2976

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- 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.
- 18. The above clauses shall control if they conflict with additional clauses or provisions.

-Add clauses here to address local conditions. Delete instructions prior to printing.-

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

U.S. DEPARTMENT OF AGRICULTURE
Forest Service

Authorization is granted:

HOLDER:

By: [Signature]
 By: JEFF KLING
SELF RELIANCE FOUNDATION
APRES BLDG
WASH, DC 20045
 Date: 6/18/01

By: _____
 Name: _____
 Title: _____
 Date: _____

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

According to the Paperwork Reduction Act of 1995, no person is 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 0520-0047.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage these lands to protect natural resources, administer the land, and ensure public health and safety. This information is required to obtain or renew a permit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorized the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest System Permit Act, Organized Travel Act, National Forest System Land Use Planning Act, Alaska Term Permit Act, Act of September 3, 1964, Wilderness Act, National Forest Roads and Trails Act, Act of November 18, 1973, Antiquities Resource Protection Act, and the Alaska National Interim Land Conveyance Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupation of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 261, Subpart G, establish procedures for these authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the administration of this information collection. It is requested that you provide the following information: (1) a copy of this information collection, (2) a copy of the instructions for respondents, including the rules for reviewing instructions, searching existing data sources, gathering or maintaining the data needed, and completing and reviewing the collection of information.

EST
Z

PART II - PERMIT

1. Use under this permit shall begin on May 25, 2001 and end on May 29, 2001. The permit shall not be extended.
2. The Ithaca Rainbow Family (the holder) is hereby authorized to use, subject to the terms of this permit, National Forest System lands described as portions of Military Lots 7 and 8, Town of Hector, Schuyler County, as shown attached Exhibit A. This permit covers approximately 300 acres and/or miles.
3. The holder is authorized to conduct the following activities and install the following improvements in the permit area: a Council Meeting of the Rainbow Family together with the usual latrines, kitchen(s), Council Circle, water systems, and parking areas as designated by appropriate authorities.
4. The holder shall conduct the authorized activities according to the attached approved plans and specifications, I B. The holder shall not install any improvements not specifically identified and approved above or in exhibits.
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 damage suffered by the United States resulting from or related to use of this permit, including damages to National Forest resources and costs of fire suppression.
10. The holder shall hold harmless the United States from any liability from damage to life or property arising from the holder's occupancy or use of National Forest System lands under this permit.
11. 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.
12. This permit is subject to all valid existing rights and claims outstanding in third parties.
13. 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 2 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.
14. 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.
15. 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.
16. This permit is accepted subject to the conditions set forth herein, including any conditions in any exhibits attached and made a part of this permit.
17. The above clauses shall control if they conflict with additional clauses or provisions.

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

U.S. DEPARTMENT OF AGRICULTURE
Forest Service

HOLDER: Ithaca Rainbow Family

Authorization is granted:

AKA
T.D.C.
By: Marvin Merkel
MARVIN MERKEL
By: [Signature]
Date: May 22, 2001

By: David A. Bosch
for
Name: MARTHA TWARKINS
Title: District Ranger
Date: May 23, 2001

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

To whom it may concern

I, "Delent Thunder, Dancing Years" make ^{this} ~~at~~ statement on June 18th 2001

Monday. As to make clear on

without any doubt, Spiritually

or Mentally and that I am

of sound mind. I freely give

up the following information

that is I.

THAT ON May 22, 2001 I that I, "meaning myself," Delent Thunder Dancing Years, from Ithaca New York, who lives at 104, Grandview apt. Ithaca New York, 14850 phone 279 1434, did in fact sign a permit from the, U.S. Department of Agriculture, Forest Service for the Town of Hector, New York in "Schuyler County, one permit for the purpose of holding a spring Council for an up coming, Rainbow Gathering, for the Aug. 17th thru the 27th of 2001,

I'm signing this permit, which is against every principle I hold dear to my heart

gone too, these question and
other question I linger on inside
of me.

As I was a soldier in
Viet Nam, as served for seventeen
months station at DAN NANG
with the 53rd ~~Command~~ ~~Company~~ &
question why it seem I have
No rights at all,

in conclusion
American the land of the
free is dead.

hello unite snake S]

Silent Thunder

Dancing year S

P.S and yes I

I myself on my own!

without any outside influence's
edging me on, but in fate

By my self TAKE on the signing
the permit By the Forest people I

I did it By my self!

Silent Thunder Dancing year S
June 18th, 2007

as to signing the permit

as you can see how I signed the permit

T] = ~~that~~ Threats
Threats

D] = Duress

C] = Coercion

This is very important
Bery to understand]

as the forest people will
question it, sure?

as I myself said too
them as they swear
this permit will never
come to a court of any kind
I couldn't believe them?
So I said? If this permit never
appear in court what does it
matter that I sign the permit
with the T. D. C. under North my
name?

So the Forest people
didn't have a answer to it!
So I said if this permit
come back [FIVE YEARS LATE THAT
I WOULD SWEAR AN A STACK OF BITE

And against the spirit of which
I personally believe in?
Which is this

I truly am a Brother that
hold the Church of the living
light of the main part bible to
be the [Hopie] NATIVE AMERICAN]
prophecy]

[This is NOT]
TO BE USED AS A RESSCUABLE
debate]

there is NO DEBATE
there is my Church]

And these ARE my
WAYS TO pray to the
ALL MITY [The Great spirit]
[God]

AND my prayers to God]
Are personal]

I do NOT Need ANY [Government
personality] to decide FOR me
how I should pray THATS
Between my SELF AND [God]

there fore I must
state that signing that permitte
I had TO secc out my own
peace OF mind my own peace OF
heart and turn my BACK ON
my own soul!

Americans the Land of
The Free and the home of the
BRAVE! ~~Basic~~ ABOVE THE
Land of RELIGAN] freedom I
must ASK where my RIGHTS IN
expressing my spiritual freedoms

THAT I WAS ~~THREATENED~~ THREATENED
THAT I WAS UNDER DURESS
THAT I WAS COERCION I

These three letters
T, D, C,

are very important to me
if in fact these permits are
never to be used against the
family then it doesn't MATTER
BUT KNOW HOW

LOW OF HONOR ARE FASTEST GOVERNMENT
REALLY IS AND WE ALL KNOW
WE'LL ARE BIG BROTHER GOVERNMENT
ARE WELL KNOWN AS BEING
[YES] AND WE CAN'T
BELIEVE ANY THINGS THEY
SAY.

Do in covering my own
ASS! This T, D, C, will be questioned
By the judges in any court of
law and that fact it should
Be KICK OUT OF COURT!

BUT ONLY TIME WILL TELL!
THIS IS SOMETHING THAT HAS
NEVER BE CHALLENGED BEFORE!

the Vietnam for peace
group [Vietnam vets]

Believe this to be our
answer I to use the
T, D, C, on signing these
stupid permits.

hopefully that give you
a little information

June 20, 2001

Contact: Sharon Sweeney, Information Officer,
208-259-3371 Valid Application Received, Permit Denied

LOWMAN, ID—

For the first time in the 30-year history of Rainbow Family gatherings, a member of the group submitted a valid application for a Noncommercial Group Use Permit.

On June 18th, the Lowman District Ranger, Walt Rogers, received a faxed application for a permit from Jeff Kline. Although the Forest Service has received a handful of applications from the Rainbow Family since 1982, Kline's application was the first which was complete and valid.

"We are pleased to see a member of the Rainbow Family making an effort to meet the requirements of the Noncommercial Group Use Regulations," said Rogers. "We have used this process successfully for years in order to minimize the impacts of group events on the Boise National Forest. Unfortunately, the Rainbow Family applied for the permit after the gathering began in an area of particular concern to the forest."

On June 20th, Rogers denied the permit because of two primary concerns.

First, the Boise National Forest is required to consult with the Shoshone Bannock and Shoshone Paiute Tribes on any action that may affect off-reservation Tribal treaty rights, cultural resources, or the ability of the agency to meet trust responsibilities. The Tribes have expressed significant concerns about the potential for adverse effects in the Bear Valley watershed, as this area is considered sacred, traditional fishing grounds. Consultation on these issues cannot be concluded in the timeframe required for this permit application. At the time the permit application was received, there were more than 300 members of the Rainbow Family already gathered in the Bear Valley. When the decision was made to deny the permit—48-hours later—the gathering population had increased to approximately 1100.

Second, the permit was denied because under the Endangered Species Act, the Forest Service is required to consult with the National Marine Fisheries Service, and the Fish and Wildlife Service on any permitted activity that may effect listed species in the Bear Valley. This area provides habitat for a host of threatened species such as chinook salmon, Canada lynx, bald eagles, steelhead, bull trout, Ute Ladies' Tresses, gray wolves, and a number of other sensitive species.

"The Rainbow Family has taken an important step, but it is entirely unrealistic for a gathering with the potential to reach 25,000 people to move into one of the most ecologically and culturally sensitive areas in the state, begin setting up an infrastructure, and then fax an application for a permit, knowing full well that I only have two days to respond," said Rogers.

"If they had come forth much earlier, we may have been able to locate a suitable site. However, in this instance, they didn't ask us about the site. At the time I received the application, there were upwards of 300 people already on site, by the time I made my decision, over 1100 had arrived, and thousands more are on the way.

National Incident Management Team News Release

ATTACHMENT 11