

2005 NATIONAL RAINBOW FAMILY

OF LIVING LIGHT GATHERING

EXECUTIVE SUMMARY

JULY 6, 2005

The 2005 National Rainbow Family of Living Light (RFL) Gathering was held in the Cranberry Glades Area area, just north of the Cranberry Mountain Nature Center on the Gauley Ranger District, Monongahela National Forest.

The National Incident Management Team (NIMT), led by Tim Lynn, Incident Commander, managed the incident. Operations were based from an Incident Command Post (ICP) at the Inn at Snowshoe in Snowshoe, West Virginia. The ICP site was chosen because of its and the availability motel rooms, office space, and proximity to potential gathering sites which a non-commercial group use application could be approved and a permit issued. A command trailer was also positioned at the Cranberry Mountain Nature Center to support daily operations.

The NIMT was formed in late 1997. The Team consists of nine core members structured after an Incident Command System "short" team. The team consists of an incident commander, lead investigator, deputy incident commander/operations, administration, information, safety, planning, special uses, and communication chiefs. Reports from each section are included in this document. The 2005 RFL National Gathering was the team's eighth formal assignment as the Forest Service's response to large group events with social issues differing from wildland fire incidents.

At the end of the 2004 gathering, held on the Modoc National Forest in California, the Rainbow Family held their "vision council" to discuss the location of the 2005 gathering.

They voted to gather in the Greater Mid-Atlantic Bio-Region .In May 2005 Rainbow Family Scouts were primarily seen in Pennsylvania, Virginia, and West Virginia.

Specific sites for the national gathering are traditionally selected during Spring Council (late May or Early June) after scouts visit sites around the area. This year's Spring Council was held at a dispersed camping area adjacent to Rattlesnake Run approximately 5 air miles northeast of Elkins, West Virginia in Randolph County.

Historically, gathering sites have good access; parking on site; are forested with large, open meadows and have an adequate supply of water and firewood. The initial site selected by the Rainbow Family is known as the Lower Glady Area met these criteria.

The Rainbow Family submitted an Application for a Non-Commercial Group Use Permit for the Lower Glady area and the permit application was denied based on a variety of factors including T&E species, existing research plots, and not submitting an application 72 hours to occupying the site with a group larger than 74 people.

Rainbow family members were notified that their application was denied and were told that their gathering was illegal and that individuals would receive notices of violation if the group size remained greater than 74. A checkpoint was established at the entrance road (FR-162) and additional individuals were not permitted to enter the gathering area.

The Forest Service worked with the Rainbow Family and identified 5 areas where a permit could be authorized based on the 8 criteria for a non –commercial group use permit. The Family selected the Cranberry Glades area site and their application was accepted and a permit signed on June 19, 2005. On June 20 Rainbow Family members began arriving at the Cranberry Glades area site.

Since the noncommercial group use regulations have been in place, this is the third year that the group has applied for, and received, a noncommercial group use permit for their national gathering.

Because a special use permit was issued, this event was a legal gathering and was administered as such. Permit administrators conducted on-the-ground permit and operating plan compliance inspections with support from Law Enforcement Officers as requested. The gathering culminated with a prayer circle around noon, July 4th. We estimated 9,000 people participated in the gathering this year which was significantly less than the 2003 and 2004 gatherings which occurred in the west.

The gathering was managed under a unified command system. Over the course of the gathering, numerous agencies and organizations collaborated to ensure the efficient use of available resources. Participants included federal, state, county and local law enforcement agencies, emergency service and social service organizations.

Even though a special use permit was issued for this year's event, many issues remain to be mitigated when managing a group that is as culturally and socially diverse as the Rainbow Family of Living Light. Illegal drug use was again rampant, with the Family by and large condoning this activity. Crowd mentality and mob dynamics were less this year and were primarily associated with drug and alcohol use. This decrease is most likely a combination of factors including; the small gathering size, and law enforcement actions taken at the Lower Glady area this year, and the enforcement efforts of the NIMT and Unified Command partners. The NIMT team believes that the current number of law enforcement officers is needed for future gatherings to maintain this trend and to continue to respond to displays of civil disobedience by the Family, which always places officers at high risk of injury and personal safety. The issue of officer safety was commonly stated among the law enforcement officers.

As of July 4, 2004, there were 8 individuals either arrested or detained, 313 written Violation Notices, and 631 incident reports and warning notices issued by Forest Service law enforcement and forest protection officers to gathering participants. This is a decrease from previous years and is probably associated with the much smaller size of the gathering approximately 20,000 participants in 2004 and under 10,000 this year). Several violators were turned over to local law enforcement for violations of state laws ranging from interference and assault to some drug violations. The cumulative state, county, and local law enforcement statistics are not available as of July 6, 2005 but will be provided to the Incident Commander and added to this report at a later date.

In addition, two formal Notices of Noncompliance letters were issued outlining the permit and operating plan items that permit administrators were having difficulty in obtaining compliance. The emphasis for these notices was public safety and resource protection issues.

Total statistics for the event are attached.

The Rainbow Family has been sensitive to the bad press generated when Family members use local emergency room facilities and do not pay, leaving the county EMS system holding the bag. The CALM unit at the Rainbow Gathering was actively working

to treat as many people as possible, rather than have them seek medical care at local emergency rooms. However, as of July 5, 2004, there had been 47 visits by Rainbow Family members to local Hospitals. The estimated bill as of July 5 for indigent care at Pocahontas Memorial Hospital and Davis Memorial Medical Center including ground ambulance is \$82,800. There were no air ambulance calls.

As we continue to work with the Rainbow Family on a legally permitted event each year, we must be mindful that the job is not complete. In regards to the non-commercial group use regulations and permit, we believe that two questions still need to be answered.

- Can we manage the incident better when it is a “permitted event?”
- Can we as an agency be proud that a permit is issued to a group that seems determined to undermine federal and state law, thus violating one of the criteria identified in the noncommercial group use regulations found in 36 CFR 251.10k.

The Forest Service is committed to work with all groups to ensure that first amendment rights to gather are protected and preserved. However, the issuance of a permit does not give license to any group or permit holder to commit crimes. The Rainbow Family currently condones the widespread use of illegal drugs throughout the gathering. It is not difficult to find minors using illegal drugs and making themselves targets for sexual abuse at the hands of older individuals.

As original members of the Rainbow Family progress in age, the message once of a peaceful demonstration has not been effectively passed down to the younger generation of gathering participants. Law enforcement has encountered a youthful generation of Rainbows who look to confront any representatives of authority.

The Rainbow Family must come to terms with the fact they will be policed and regulated during the event, just as any other citizen or group seeking to use public lands to meet and gather. When that occurs, they will have no reason to harass and intimidate officers attempting to do their jobs. I see the next step in our progression to fully managing this event is to help the Family understand that, in order to use public lands as a meeting place, laws currently in place must be obeyed. Only then will we be able to significantly reduce the amount of money spent on managing the Rainbow Family National Gathering each year.

On July 7th the National Incident Management Team will transition management of this incident back to the Ranger District.

SUCSESSES

1. **Unified Command**. The NIMT succeeded in strengthening relationships within the community including, but not limited to, local law enforcement departments, public health and safety services, local residents, government officials, and local Forest managers.
2. **Safety**. Incident was completed without any major medical injuries or vehicle accidents to Forest Service employees as well as other supporting agencies within the Unified Command.
3. **Support from Forest**. The Forest Supervisor and his staff provided excellent support to NIMT, including GIS, contracting, resource specialists, and public affairs.
4. **Resource Support**. NIMT received excellent resource and support in special use administration from the Monongahela National Forest
5. **Communications/Dispatch**. The communications system, as well as support from the West Virginia State Police dispatch was invaluable. The support provided in this area was a unified effort with the State and County EMS and Law Enforcement agencies.
6. **Coordination with DOJ, US Attorney's Office, and Office of General Counsel**
Early coordination with these departments enabled the NIMT to process judicial issues as well as administrative issues in a timely and efficient manner.

TOPICS NEEDING DISSUSSION

1. **NIMT Deployment**. The early deployment of the NIMT and assigned officers was instrumental in dispersing the initial gathering site picked by the

Rainbow Family. This site could not be authorized/ permitted due to on-site T&E species, experimental plots and other resource concerns. The team strongly recommends that unless the Rainbow Family begins working early with the Forest Service for the 2006 gathering location that this early deployment occur again next year to assure that the gathering does not occur at a location that can not be permitted based on the 8 criteria.

2. **Noncommercial Group Use Regulations.** The noncommercial group use regulations, as written, do not allow consistent and adequate special use administration to occur. For example the requirement for an application to be submitted at least 72 hours in advance does not provide for adequate time to complete the appropriate NEPA analysis, including required consultations with various Federal and state entities, e.g., SHPO, other affected forest users and permittees.

3. **Special Use Permit.** The terms and conditions of the special use permit do not adequately allow for proper permit administration. Generally, the holder of the permit is the party responsible for compliance with the terms and conditions of the permit.

4. Permit Administration & Resource Protection. Permit administration and resource protection does not get adequate support at the National or Regional level. The fund code set up for the NIMT only covers the cost of the Special Uses Section Chief, but does not cover the cost of the permit administration team. In 2005, this led to a total lack of support at the Regional level. Because we were unsure whether the event would be held in Region 8 or 9, neither Region stepped the Forest Service prior to site selection by the RFLI so that we could try and direct them to a site that could be permitted; nor did they make any effort to assist in identifying people that would be good candidates as permit administrators. The the Forest was actually identified on the RFLI website as the location. The Region offered support days after the permit had been signed and the permit administration team had already been identified. That support was too late to be of any help.

Because no funding was available to pay for the permit administrators, Forest employees were utilized as permit administrators. Most of them were not identified until the last minute; however law enforcement had their team identified well in advance of the event. None of the employees making up the permit administration

team had experience in administering a special use permit, however I was fortunate that those that were utilized either had COR experience or they were already Forest Protection Officers so they were comfortable making the necessary contacts on the ground, talking to people about the terms and conditions of the permit, and requiring compliance even in situations that were adverse.

The team did a great job considering they had no idea what to expect, no idea what kind of improvements were involved, and that they started out already behind schedule because they had to spend much of their time posting sensitive areas, no parking areas, and closure areas; time that could have been better spent administering the terms and conditions of the permit. We can't continue assume that the situation will be similar in the future.

In addition, I could have used an additional 4-6 people on the permit administration team in order to really be effective.

Recommendation: Funding needs to be allocated at the National level to cover the full cost of permit administration. This would make it possible to identify people well in advance that would make good permit administrators so that the terms and conditions of the permit would be adequately enforced and the resources would be protected. It would also allow the use of people that have previous experience with a National RFLG Gathering because you wouldn't have to be concerned with utilizing only Forest employees or employees within the Region in which the gathering is held. The importance of having special use administrators that have experience with previous RFLG events must not be underestimated.

5. Special Uses Section Chief Position. Because I was selected as the Special Uses Section Chief at such a late date, I did not have time to adequately prepare for the assignment. Although I did talk over the phone with Lynn Bidlack, the previous Special Uses team member, I did not get a realistic idea of the magnitude of the event and the impacts to the resources. In addition, she did not convey the qualities that would be preferable for those making up the permit administration team. I had minimal time to review the previous year's package and did not get to adequately review the documents or pictures of previous events. I didn't get a copy of the final package for the previous year and the associated CD until the IC came to Roanoke after the assignment had already started.

Recommendation: The Special Uses Section Chief needs to be selected several months prior to the beginning of the assignment and a transition meeting between the outgoing Section Chief (along with the IC) and the new Section Chief needs to take place. That is the only way I feel that someone that is filling that position can be adequately prepared.

6. **Forest Service Employee Involvement.** National guidelines should be established and communicated to employees (while on official duty) participating in gathering events and activities.
5. **Fiscal.** Establish a system to accurately tract and reflect total incident costs, including base and overtime salaries, Forest costs, and other federal, state, and local agencies' costs, resource mitigation and rehabilitation costs, etc.
 - a. "Emergency" incident – Although the National Rainbow Gathering is an emergency in terms of mobilizing personnel and utilizing the incident command system to manage the impact of the large group gathering, this is not an unexpected event. For 30 years, the Rainbow Family has gathered on national forest lands. The financial and resource impacts to the forest are significant. Currently, funding has been established for the NIMT to pay for the core team, law enforcement officers and related expenses. This funding does not cover the base pay of LE&I personnel, salary for special use administrators, and only allows \$25,000 to the forest to offset the support costs they incur to assist the NIMT. A special fund needs to be established at the Washington level to "set aside" the appropriate amount of money to fully fund the team and provide the "hosting" forest with the funding required to pay for all support and rehabilitation work they incur.
 - b. The current "protocol" for fiscal activity associated with the gathering, requires the hosting forest to establish a "dummy" code to capture the costs incurred to manage the gathering. This is not a fiscally sound method to operate within and puts the hosting forest in a situation of shifting their appropriated dollars from other areas to offset the expenses if funds are not provided from the WO emergency fund to cover the expenses or deficit spending that directly affects the next fiscal year's funds.

