

# **2005 NATIONAL RAINBOW FAMILY GATHERING**

## **SPECIAL USE ADMINISTRATION SECTION**

**JULY 6, 2005**

**NOTE: A DETAILED CHRONOLOGY OF EVENTS IS ENCLOSED WITH SUMMARY. OTHER SPECIAL USE ADMINISTRATION DOCUMENTS, INCLUDING FORMAL CORRESPONDENCE, IS INCLUDED AS SECTION G IN THE IN THE INCIDENT FINAL PACKAGE BINDER.**

### **Introduction**

In 1995, a revision of regulations at 36 CFR 251 and 261 requiring noncommercial groups of 75 or more persons to have a special use permit to gather on National Forest System land was implemented. The first permit for a national Rainbow Family of Living Light (RFL) gathering was issued in 2003. In 2004 the permit was signed by a “ghost signer” that was not available on site so that the permit administrators could meet with them and convey any noncompliance issues to them. This caused major problems in administering the NCGU permit.

Prior to the 2005 event, the noncommercial group use permit application was changed to require that the contact signing the permit was available from the date the application is signed until it is accepted, rejected, or denied; and the noncommercial group use permit was changed to require that at least one of the persons signing the permit on behalf of the holder is available to the Forest Service from the date the permit is executed until the use authorized by the permit has concluded.

### **2005 Special Use Permit Application**

An application was received on June 14<sup>th</sup> for a site adjacent to the Otter Creek Wilderness Area near Glady Fork, just east of Elkins, West Virginia. This application was not submitted prior to 75 people being on site and the application was incomplete. On June 15<sup>th</sup>, the Forest Supervisor responded in writing to the applicant formally denying the application. Besides the fact that it was submitted after 75 people were on site and the application was incomplete, the permit was denied because of the presence and potential effect on 5 federally listed threatened and endangered species.

The Forest as well as the Special Uses Section Chief, worked daily with the Family to show them a total of 5 additional sites that the Forest felt would not only meet the criteria in the CFR, but also meet the needs of the Family. On June 19<sup>th</sup>, the Family held a council and decided to leave the present site and hold the gathering at a site on the Gauley Ranger District at a site just across from the Cranberry Nature Center. An application was submitted by Patrick Thompson on June 19<sup>th</sup> and a permit was executed that day for the site. Patrick was also the lone signer of the permit. The start date of the permit was June 19<sup>th</sup> with an expiration date of July 30<sup>th</sup> to allow for cleanup and rehabilitation of the authorized site.

**NOTE: It is important to note that the Forest Service was told in advance (June 18<sup>th</sup>) that the Family would be submitting an application for the Cranberry site after they held council and that holding the council was just a formality. Because of that assurance, the Special Uses Section Chief, with the assistance of the District Ranger, already had a Decision Memo drafted, as well as the permit and Operations and Maintenance Plan, for the Cranberry site. Once the application was submitted, the DM was executed and the permit signed by both parties immediately since there were several people that had already left the Gladly Fork site heading down to the Cranberry site. The Forest would have preferred to execute the permit the following day in order to allow them to get the site prepared (i.e. sign sensitive areas, closure areas, and no parking areas) before people were already on site, but decided to execute it immediately to avoid another unauthorized gathering situation.**

Because the noncommercial group use regulations require that the authorized officer respond to an application within 48 hours or the use is deemed granted, this often times does not give adequate time to complete the appropriate level of environmental analysis. In the case of the Gladly Fork site, there was existing documentation needed to deny the application based on the criteria for denial in the CFR, however at the Cranberry site we had to scramble to get a decision document drafted.

**RECOMMENDATION:** The regulations need to change to give the Forest Service adequate time to analyze the proposal. That means changing the regulations to remove the 72 hour time limit in which the holder must submit an application, as well as the 48 hour time limit in which to respond to a proposal, to timeframes that will give the Forest Service adequate notification as well as time to analyze the effects. It would also be beneficial if Forests that are on the Family's radar screen

**for the next year's gathering be proactive to identify sites well in advance that would meet the needs of both the Forest Service and the Family and convey that information to the Family so that they are steered towards sites that can be approved within existing time limits if the regulations do not change.**

### **Forest Special Orders**

Three Forest Special Orders were issued to manage the area affected by the gathering. Those orders are listed in Section K of the Incident Final Package binder. One Order was rescinded and reissued as a separate order to make it more fitting to on the ground situations. It is important that close coordination between the Special Uses Section Chief, the District Ranger, and the IC needs to occur in order to address all the necessary issues in the closure orders.

**RECOMMENDATION: Closure orders should be immediately prepared and implemented prior to gathering participants being on site.** These should be prepared regardless of whether or not a special use permit application is submitted. The NIMT can prepare standard closure orders regarding dogs on leash, public nudity, parking, blocking an open road, etc.

## **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 up to the plate to try and identify sites that would meet both the needs of the RFL and the Forest Service prior to site selection by the RFL 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 Forest did a great job of offering up folks to serve as permit administrators, but only after the Forest was actually identified on the RFL 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 and the special uses “team” needs to be a more fully integrated component of the NIMT. 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.

### **Permit Noncompliance**

Two "Notices of Noncompliance" were issued for the 2005 event. The first notice was issued on July 2<sup>nd</sup> and documented the erection of a communications tower without prior approval. This will continue to be an issue at future gatherings if they choose to erect a tower on NFS lands rather than keep the system in a mobile state. It would be a benefit to make sure that any tower is included as an improvement in the application and addressed in the initial permit. Assure that the proper information necessary to approve the use is submitted, including a copy of the FCC license and a Technical Data Sheet at the time the application is submitted.

The second Notice was signed on July 5<sup>th</sup> and hand delivered on the 6<sup>th</sup>. This documented the total number of incident reports, warnings, and citations issued and also documented an occurrence of intimidation and harassment toward the permit administrators. It went on to document the need to remove garbage; and addresses the dogs of leash, camping within streamside protection zones, and nudity noncompliance issues.

**RECOMMENDATION: Make sure that the issue of communications is addressed from the start and that the needed information is included in the permit application.**

### **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.

**Respectfully submitted 7/6/05 by Naomi Johnson, Special Uses Section Chief**