

2001 Rainbow Event

**INCIDENT ACTION
PLAN**

JUNE TO JULY, 2001

**Lowman Ranger District
Boise National Forest
Idaho**

For Official Use Only

EVENT OBJECTIVES

2001 RAINBOW GATHERING

Boise National Forest Lowman Ranger District

- Address the health and safety risks to the public, area residents, agency employees, and event participants.
- Ensure maximum participation of and coordination with affected federal, state, and local agencies and elected officials.
- Minimize the impacts of the event on natural and community resources and ensure restoration of impacted lands and resources.
- Provide for full enforcement of all applicable laws and regulations throughout event areas in a manner that is fair, consistent, and constitutional.
- Ensure that enforcement activities are commensurate with law enforcement capability to ensure safety and effectiveness, and that they are consistent with current standards set by affected judicial districts.
- Provide information to all interested agencies and the public, respond to concerns of elected officials and the community, and manage media relations in coordination with all cooperating organizations.
- Meet First Amendment requirements of free speech, assembly, and religion.
- Control the public costs of managing the event.
- Anticipate and minimize impacts of conflicting land uses.

Rainbow

INCOMING PERSONNEL INSTRUCTIONS

Enclosed is general information about the Rainbow Family National Gathering, which is anticipated to occur in the State of Washington, Region 6. In recent years, the National Gathering has been attended by 15,000 to 20,000 people. The Forest Service, in cooperation with other Federal, State, and local agencies and organizations, will be managing this event utilizing and Incident Command system organization. The Forest Service National Incident Management Team will be managing the event for the Forest Service. This is expected to be an unauthorized non-commercial large group event. As before, the Family has refused to notify the Forest Service of even possible locations for the event. However, the Family will choose the site at their June 10 Spring Council meeting in Washington, and we expect to know of the location at that time. As the Gathering location and ICP location and contact numbers are known, they will be immediately transmitted to all incoming personnel.

JOB CODE

The job code for all LE&I (LE Operations) personnel is RWOP18 with an override code of 1360 for all costs chargeable to the incident. See below for instructions on chargeable costs.

ASSIGNMENT DATES

Individual officer assignment dates are shown below. All officers should arrive and report to Check-In at the ICP no later than [REDACTED] the starting date shown, but [REDACTED] b7e
[REDACTED] Work will continue up until and including the last date shown. Demob and departure will occur the day after (with appropriate rest periods allowed for night shifts). Exact reporting time for the first day will be provided on check-in and officers are expected to be equipped and ready for duty (briefing and orientation) at that time. Motel room assignment will also be provided. After check-in, radio reprogramming (if not done prior to travel), obtaining of briefing materials, and obtaining of needed supplies will occur so the officer is prepared to begin work. If arrival will occur after [REDACTED] the b7e
officer should notify LSC [REDACTED] so that after-hours information can be provided, and should also notify their assigned Division Supervisor (Division Supervisor's [REDACTED] and [REDACTED] b7e
[REDACTED] will be arriving the day before their shift personnel).

The exception to the above are personnel starting on June 7 - arrival may occur any time on June 7 and check-in will occur with the staged overhead team at the motel the next morning.

LODGING

All lodging for officers traveling to and from the incident should be arranged and paid for by the officer on per diem using Government Visa - charged to the incident. However, all lodging on the incident, including the first night following ICP check-in the day before your scheduled start date, will be arranged, paid for and assigned by the Finance and Logistics Section Chiefs. Officers will receive their housing location at check-in at the ICP. For this reason, it is imperative that all officers notify the LSC [REDACTED] of their intended arrival date and time at the ICP as soon as it is known (520/333-[REDACTED]). Should these plans change enroute, the change should be transmitted to him. It is also critical that all officers plan to arrive and check-in before [REDACTED] on the day before their scheduled start day to ensure check-in personnel are available at the ICP. All officers will be housed in motel rooms, therefore bedding and camping equipment is not required. Should this change due to an extremely remote site or motel unavailability at the incident area, incoming officers will be notified.

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TRAVEL AND CHECK-IN

All LE&I personnel have been requested and confirmed through their SAC's for availability. However, all incident resources will also be requested through national dispatching procedures. All incident resource orders will be placed through the Southwest Region Coordination Center (SWCC), Albuquerque NM (505/842-3880). Therefore, before they travel, officers should receive from their local dispatch office an incident order with Order Number. A copy of this order and order number must be brought with the officer to the incident for check-in. In addition, all personnel should notify their home (ordering) dispatch center of their travel itinerary as soon as it is known, and update it if it changes.

The exact location and contact information of the gathering incident and ICP will probably not be known until after June 10. Therefore, officers should stay in touch with their assigned incident supervisor (shown below) for this information. All resources assigned to start June 7 will report to staging at the Fairchild AFB, Spokane, WA (509/247-2127) and will be notified by the LSC of details. Hotel reservations for June 7 reporting personnel should be made individually and immediately at the Double-Tree Inn on I-90, Exit 291B, Spokane, WA (509/924-9000). All later resources should schedule travel to and reporting at Spokane, WA. Just prior to travel, all personnel should confirm the ICP location and contact numbers for Logistics and their supervisor.

Officers who have not been ordered to bring a vehicle (who are shown as "fly" on the staffing lists herein) [REDACTED] Therefore, they should travel to the incident by the least expensive means - given the travel guidelines below. If air travel is the least expensive means, the officer should book a round trip flight on Govt. Visa into Spokane, WA as soon as possible. When the nearest commercial airport to the incident is known, it will also be provided to those flying, so that any needed flight changes can be made.

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Incoming personnel will be transported to the incident by Logistics - rental cars are not authorized. Those flying should fax a copy of their current flight itinerary to LSC (520/333-) so that airport pickup can be arranged.

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Meals will be at commercial facilities and paid for by each officer using the allotted government per diem rate for meals and incidentals. If the officer's normal Travel Authorization does not cover travel to the State of Washington, or cover the incident management code, an FS-6500-2 Request for Travel Authorization should be submitted at the home unit for a special authorization. Use Job Code RWOP18/1360 (a WO LE&I code) for all costs chargeable to the incident.

Personnel requested to drive LE GOV's to the incident by the OSC should charge mileage to the incident (RWOP18/1360). FOR is charged to the home unit. POV's are not authorized.

Housing arrangements for horses while traveling to and from the incident should be arranged for by the officers and any costs charged to Govt travel card (voucher as misc. expense). Officers should discuss individual housing and feed requirements for their horses with the LSC as soon as possible, so that suitable housing will be arranged by him and available upon arrival. About three days of feed should be brought on arrival for transition. Local veterinary services for the incident will be identified in conjunction with the LSC and any charges charged to the incident. Any officers bringing personal horses, trailers or other substantial equipment should advise OSC and provide a copy of any use agreements to OSC and LSC as soon as possible. Mounted officers should ensure that all interstate horse transport health and brand inspection requirements are met.

All LE&I employees (exempt and non-exempt) assigned to the incident will be paid for travel time as this is travel to an administratively uncontrollable incident/law enforcement assignment. However, the incident will not pay any salary costs for travel from home units to the incident and return because all travel is to be planned for base hours (01 time) of the employee or AUO/LEAP during 6am to 6pm. Exceptions must be approved in advance by the OSC or assigned Division Supervisor. The following travel requirements are mandatory, to ensure personnel arrive safely and rested to the incident:

- Do not drive more than 10 hours per shift per person. If two or more are riding together, this can be extended to 12 hours.
- All drivers will have at least 8 hours off duty per day for sleeping while enroute.
- Do not drive between the hours of 0200 and 0600.
- Limit continuous driving without a rest stop to two hours.
- Practice defensive driving: use your headlights, drive safely and within safe speeds.

All personnel traveling to and from the incident from June 3 through June 8 will check-in during travel with SKYTEL (1-800/759-8888 pin 1194704), a 24-hour answering service, to report safe progress, to obtain any change to incident information, and to obtain messages. For those personnel traveling from June 8 until the end of the incident, please call 520/380-5359. Check-in will occur on departure, at the end of each travel day en-route, and on arrival at the

ICP. Your name and Order Number from your resource order should be given. Report your status, location with lodging name and telephone number.

INCIDENT ASSIGNMENTS

Investigators will work directly for the Incident Commander. Patrol Officers will work directly for an assigned Patrol Division Supervisor. All Division Supervisors will work directly for the LE Operations Section Chief. [REDACTED]

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[REDACTED] All LE operations personnel will report for briefing and shift assignments each day at the start of their assigned shift. Underlined name denotes officers bringing LE GOV vehicle. Assignment dates (on-incident) and tentative supervisors are:

IC [REDACTED] R8 ([REDACTED])
Investigator [REDACTED] R8 ([REDACTED])
Asst. Investigator [REDACTED]
OSC [REDACTED] R9 ([REDACTED])
[REDACTED] Division Supervisor [REDACTED] R9 ([REDACTED])

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[REDACTED] R1 ([REDACTED])
[REDACTED] R1 ([REDACTED])
[REDACTED] R1 ([REDACTED])
[REDACTED] R1 ([REDACTED])
[REDACTED] R4 ([REDACTED])
[REDACTED] R5 ([REDACTED])
[REDACTED] R6 ([REDACTED])
[REDACTED] R6 ([REDACTED])
[REDACTED] R8 ([REDACTED]) fly
[REDACTED] R8 ([REDACTED]) fly
[REDACTED] R8 ([REDACTED])

[REDACTED] Strike Team Leader [REDACTED] R5 [REDACTED]

[REDACTED] R2 ([REDACTED])
[REDACTED] R4 ([REDACTED])
[REDACTED] R5 ([REDACTED])
[REDACTED] R5 ([REDACTED])
[REDACTED] R5 ([REDACTED])

[REDACTED] Division Supervisor [REDACTED] R8 [REDACTED]

[REDACTED] R6 ([REDACTED])
[REDACTED] R5 ([REDACTED])
[REDACTED] R4 ([REDACTED])
[REDACTED] R9 ([REDACTED]) fly

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[redacted] R9 [redacted] fly
[redacted] R8 [redacted] ride with [redacted]
[redacted] R9 [redacted] fly
[redacted] R8 [redacted]

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[redacted] Division Supervisor [redacted] R8 [redacted]
[redacted] R5 [redacted]

On the first assigned day of incident duty, personnel will be briefed on the incident, incident objectives and organization, operations and emergency plans, safety issues, communications protocols, applicable state laws/bail schedules/orders, and will be provided with patrol materials and maps.

All patrol operations will be conducted by marked vehicle, foot and horse. They will be overt, high profile patrols. **The preferred uniform will be the dark green uniform pants and either a short-sleeve or long-sleeve uniform shirt. The horse-mounted units may wear dark green wrangler-style pants for comfort and uniformity.** Full uniform components including body armor and defensive equipment are required (OC spray will be provided for those flying). Camouflage clothing and equipment is not needed.

Incident dispatchers will provide 24-hour dispatching services for law enforcement operations. NCIC and access to other agencies will be provided. The Communications Section Chief will manage all incident communication needs including radio, telephone and paging systems. For those LEO's driving vehicles, please notify CSC [redacted] (800/759-[redacted] or e-mail: [redacted] of the make and model of your mobile radios to ensure he will have the necessary equipment to reprogram your radio units.

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SHIFTS AND TEAM ASSIGNMENTS

The tentative shifts and partnering broken down by arrival and departure date segments is as follows. Officer providing vehicle is underlined:

[redacted]
IC - SA [redacted] R8
OSC - Patrol Captain [redacted] R9
Investigator SA [redacted] R8

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[redacted]
IC - SA [redacted] R8
OSC - Patrol Captain [redacted] R9
Investigator - SA [redacted] R8

Asst. Investigator – SA [REDACTED] JC

[REDACTED] (briefing at [REDACTED]):

[REDACTED] Supervisor – Patrol Captain [REDACTED] R9

K9 LEO [REDACTED] e/LEO [REDACTED]
LEO [REDACTED] /LEO [REDACTED]
LEO [REDACTED] /LEO [REDACTED]
LEO [REDACTED] R8
LEO [REDACTED] /LEO [REDACTED]
LEO [REDACTED] /LEO [REDACTED]

*Name
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[REDACTED]

IC – SA [REDACTED] R8
OSC – Patrol Captain [REDACTED] R9
Investigator – SA [REDACTED] R8
Asst. Investigator – SA [REDACTED] JC

[REDACTED] (briefing at [REDACTED]):

[REDACTED] Supervisor – Patrol Captain [REDACTED] R9

K9 LEO [REDACTED] /LEO [REDACTED]
LEO [REDACTED] /LEO [REDACTED]
LEO [REDACTED] /LEO [REDACTED]
LEO [REDACTED] R8
LEO [REDACTED] /LEO [REDACTED]

[REDACTED] (Strike Team Leader) / [REDACTED] (Mounted Unit)
[REDACTED] / [REDACTED] (Mounted Unit)
[REDACTED] / [REDACTED] (Mounted Unit)

[REDACTED] (briefing at [REDACTED]):

[REDACTED] Supervisor – Patrol Captain [REDACTED] R8

K9 LEO [REDACTED] /LEO [REDACTED]
LEO [REDACTED] /LEO [REDACTED]
LEO [REDACTED] /LEO [REDACTED]

LEO [redacted] /LEO [redacted]
LEO [redacted] /LEO [redacted]

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[redacted] g Shift (end of shift briefing at [redacted]):

[redacted] Supervisor - K9 [redacted] /LEO [redacted]
[redacted]

IC - SA [redacted] R8
OSC - Patrol Captain [redacted] R9
Investigator - SA [redacted] R8
Asst. Investigator - SA [redacted] JC

[redacted] (briefing at [redacted]):

Day Shift Supervisor - K9 [redacted] /LEO [redacted]
LEO [redacted] /LEO [redacted]

[redacted] - Final demob of NIMT resources

[redacted]

Asst. Investigator - SA [redacted] JC

[redacted] Shift [redacted]:

Day Shift Supervisor - K9 [redacted] /LEO [redacted]
LEO [redacted] /LEO [redacted]

In addition to the above staffing, LE&I will assign a local LEO or SLEO within whose duty area the incident occurs to be the LE&I Liaison Officer for the team. Additional patrol units needed before, during and after the NIMT assigned days will be provided and funded by R6 LE&I. If additional incident personnel are requested to stay beyond their assigned dates by R-6, volunteers will be sought with concurrence from the home region.

LAW ENFORCEMENT VEHICLES

All GOV's brought to the incident must be inspected and serviced prior to coming to the incident and be in full and good operating condition. Fresh air filters, topped off fluids, oil changes, and tire checks are highly recommended due to normally very rough and dusty incident conditions. Vehicles must contain a program manual [redacted] mobile radios. Efforts will be made by the Communications Section Chief to provide frequencies in advance of travel, and if so, radios should be reprogrammed before arrival on the incident if at all possible. [redacted]

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radios (with vehicle accessories) should also be brought if available. All vehicles brought to the incident must be equipped with a shotgun. Rifles are optional and may also be brought if they can be secured in a locking mount in the vehicle. **Marked law enforcement vehicles and unmarked vehicles, not being utilized, may need to be assigned to the incident for the patrol function or for emergencies.**

SAFETY

The potential for exposure to blood borne pathogens and communicable diseases is high at a large group gathering of this type. Head lice, hepatitis, HIV, tuberculosis, shigellosis and syringes have all been present at past National Rainbow Family Gatherings. Direction at FSH 6709, ID 6709.12-97-1 regarding the Blood borne Pathogen Program will be followed on the incident. Personnel should ensure they are familiar with this direction and have followed the procedures outlined in this direction prior to their arrival at the incident. Any currently available blood borne pathogen protective equipment should be brought to the incident, and replacements will be provided as needed.

K9 officers should ensure that all immunizations are up to date on K9's due to the high exposure to other dogs on this incident. Drug anti-dote kits should be brought. If expenditures are required for these purposes prior to travel, obtain the approval of OSC [REDACTED]. Veterinary services at the incident will be identified in conjunction with the LSC and any charges charged to the incident.

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Mounted officers should determine needed interstate transport requirements for their horses and obtain prior to travel. Any charges may be paid for on Govt. Visa and charged to the incident management code. Bring receipts for LSC [REDACTED].

Bottled drinking water, and fruit and other snacks will be provided daily on the incident due to high temperatures, unsafe water sources at the gathering area, and long working hours.

Briefings and informational materials will be provided by the Safety Officer on other tactical and health hazards during the incident.

PAYROLL

The Incident Command Team will provide a Time Unit Leader/Time Recorder. Timekeeping will be kept on Crew Time Reports turned in daily, and Incident Time Reports. All needed forms for incident time, AUO reporting, and Daily and Biweekly Activity Reporting will be available. Laptops and perhaps other computers are expected to be available at the ICP with modem access. Anyone who wishes to transmit their own time records back to home units, should get with IRM personnel to determine the steps you need to do to access Lotus and Payroll programs (available via the internet R4 Lotus web site). Otherwise, incident personnel will fax hard copies of time records to home units for officers. Home supervisors or time personnel should be provided access to your timesheet account or otherwise funds available to enter your time for you, and the fax number of this person should be brought to the incident.

For LE&I employees, all base time, AUO time, and LEAP time is charged to the home unit. Scheduled overtime, holiday, holiday worked, and night and Sunday differentials are charged to the incident. All salary costs to the incident should be charged to RWOP18/1360. Night differential and scheduled overtime with night differential is authorized for personnel scheduled to work [REDACTED] on the incident. b7e

All personnel will stay on their regular day off schedules as at home unit unless designated by the OSC to change. However, all personnel will switch to "First 8" tour of duty for the incident, accruing 8 hours base time each regular work day prior to any overtime. Any scheduled shift hours worked on a regular work day over 8 hours will be scheduled overtime for LEO's, and LEAP for agents (unless scheduled to work over 10 hours at which point any hours over 10 for agents will be scheduled OT). All scheduled hours worked on a regular day off will be scheduled overtime, scheduled hours on a holiday - holiday worked. All hours worked beyond scheduled incident shift hours will be AUO or LEAP, and must be approved in advance for patrol officers by the Division Supervisor.

Mandatory R&R days off will be provided for safety purposes by the OSC consistent with the national LE&I incident R&R policy. Days off will be a minimum of one day per 14 days worked, or two days per 21 days worked. The last full day off for each officer will be recorded at Check-in. Days worked prior to arrival on the incident, and in travel, will be considered. Therefore, officers should make all attempts to be rested and take at least one day off immediately prior to travel to the incident. R&R days will be scheduled on the employee's regular day off where possible, and if so will be taken at no pay. If incident needs require a day off to be taken on a regular workday, 8 hours of admin. leave will be paid. Where regular days off include Sunday, R&R day will be taken off on the Sunday where possible.

SUPPLIES AND EQUIPMENT

A supply and procurement unit will handle ALL incident procurements including vehicle repairs, arranging and reserving lodging, horse stabling and feed, and other supplies and facilities. A supply area with expendable incident supplies will be at the ICP. If any purchases are needed prior to arrival on the incident for law enforcement operations, they must be approved by the Operations Section Chief [REDACTED] and then coordinated with LSC [REDACTED] for acquisition. b2, b6, b7c (both)

All LE personnel need to arrive at the incident with the supplies and materials needed to go to work according with the following list - if the equipment/supplies are normally available to you on your home unit or can be borrowed. All should be in good working condition, batteries fresh or charged, etc. Supplies used on the incident will be replaced as needed. Note: if you bring equipment that needs special batteries other than AA, C or D, or you need to bring enough with you for at least three shifts

Officers that are flying may use discretion in bringing equipment normally carried in vehicles, as they will be partnered with an officer who has driven to the incident. Tentative partners are shown above so that you may coordinate in advance. In addition, should you wish to ship any equipment ahead, it may be shipped to arrive no later than [REDACTED] to: ASAC [REDACTED], USFS,

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Federal Building, 200 Broadway, Missoula, MT 59807 (indicate hold name on exterior). After this date, contact the ICP for location.

Items to bring if available:

- Extra uniforms (laundry facilities or services are expected to be available)
 - All leather gear and defensive equipment (no nylon duty belts)
 - Kevlar or riot helmet, riot baton (or full baton/PR-24 baton in addition to collapsible)
 - Video Camera with components (including TV or VCR hookup cables, batteries and charger)
 - GPS Unit
 - 35 mm and/or Polaroid camera (One Step, Spectra, and 200 ASA film will be provided, however a few rolls/packs should be brought to get started)
 - Programmable handheld radio (encrypted if available) with external mike, ear phone, and ear mike or headset. One clamshell, rechargeable batteries and charger.
 - Citation holder with one book each extra of Violation Notices and of Incident/Warning Notices
 - NIK test kit or refills
 - Flex cuffs and flex cuff cutter
 - Law enforcement yellow barrier tape
 - Blood borne Pathogen kits, individual components incl. CPR mask, dust mask (TB)
 - OC spray of any size and quantity available - will be provided on incident for those flying)
 - OC decontamination supplies
 - Anti-bacterial gel or wipes
 - High visibility orange traffic control vest
 - Mobile or handheld CB, FRS, and GMRS radio (with accessories)
 - Micro cassette recorder with some tapes
 - Cell phone (with extra batteries and/or rechargeable battery and charger)
 - Pager (if it will possibly work in incident area)
 - Sufficient batteries to power own equipment for 3 shifts, and any available chargers
 - Primary and backup flashlight with fresh bulb and batteries.
 - Clothing for all possible weather conditions, including snow.
 - Body armor
 - Sunscreen, bug spray, tick repellent if desired.
 - Day or fanny pack or tactical vest for foot patrols (no nylon or tactical duty belts)
 - Dog and horse units: bring necessary animal first aid and basic drug antidote kits. Horse units bring horseshoeing equipment or boots.
- Horse units – saddle bags and earphones, ear mikes or headsets.
Coolers, coffeepot, radio, etc to be comfortable in vehicle and motel room.
Binoculars
Night vision equipment
Laundry soap/laundry bag for laundromat.
Any emergency medical supplies normally carried (one trauma kit will be provided for each shift).
Breathalyzer (if normally carried, used and certified)
Dash mount camera (if normally carried and used)
Radar gun (if normally used and certified)

Name & numbers
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KEY PERSONNEL CONTACT INFORMATION

Name	Office	Pager	Cell
IC	828/667-		
OSC	573/323-		
LSC	520/333-		
CSC	208-387-		

BACKGROUND ON THE RAINBOW FAMILY

Officers who are not familiar with the Rainbow Family may want to read some background material from the Rainbow Family perspective. It can be seen at www.welcomehome.org. Especially relevant to gathering site management are publications like mini-manuals etc. that describe their vision of how the gathering is supposed to work.

A summary of the status of court cases relating to the non-commercial group use regulations as of March 27, 2001 follows. It is provided for your information, to bring you up to date on legal action the Forest Service has been pursuing since the regulations were issued, that has been very successful in supporting the constitutionality of the regulations and the need for the Rainbow Family to obtain permits for their gatherings. Any agency actions related to violation of the regulations by this gathering will be handled by the Forest Supervisor and Incident Commander.

ATTACHMENT D
SUMMARY OF COURT CASES INVOLVING THE
NONCOMMERCIAL GROUP USE REGULATION

As of March 27, 2001

A. Trial Court Actions

1. United States v. Johnson, Criminal Action No. F1469799, United States v. LeTemp, Criminal Action No. F1789813, United States v. Pike, Criminal Action No. F1790048, and United States v. Gallagher, Criminal Action No. F1469792 (W.D.N.C. Oct. 31, 1996) — criminal case before a magistrate judge involving citations issued to defendants for failure to obtain a noncommercial group use permit for a Rainbow Family gathering involving 75 or more in the National Forests of North Carolina. Defendants challenged the constitutionality of the noncommercial group use regulation (the regulation). The magistrate judge issued a ruling from the bench (without issuing an opinion) upholding the constitutionality of the regulation. Defendants appealed to the district court judge and the court of appeals and lost (see Section B below).

2. United States v. MacCrimmon, Criminal Action No. 96-30 ME, and United States v. Baxter, Criminal Action No. 96-29 ME (W.D. Pa. Oct. 23, 1997) — criminal case before a magistrate judge involving citations issued to defendants for failure to obtain a noncommercial group use permit for a Rainbow Family gathering involving 75 or more in the Allegheny National Forest. Defendants challenged the constitutionality of the regulation. The magistrate judge issued a ruling from the bench (without issuing an opinion) upholding the constitutionality of the regulation. No appeal was filed by the defendants.

3. Black v. Arthur, 18 F. Supp. 2d 1127 (D. Or. 1998) — plaintiffs challenged the constitutionality of the noncommercial group use rule and alleged violations of tort law in connection with issuance of citations for failure to obtain a noncommercial group use permit for an annual Rainbow Family gathering in the Ochoco National Forest. In a published opinion issued August 25, 1998, the district court rejected plaintiffs' argument that the regulation is an unconstitutional time, place, and manner restriction, and granted the government's motion to dismiss all counts of plaintiffs' complaint. Plaintiffs lost their appeal to the Ninth Circuit (see Section B below).

4. United States v. McFadden and United States v. Nenninger, 71 F. Supp. 2d 962 (W.D. Mo. 1999) — defendants were charged with violating 36 C.F.R. § 261.10(k) by using and occupying National Forest System lands without a special use authorization as part of a Rainbow Family gathering of 75 or more in the Mark Twain National Forest. Both defendants challenged the constitutionality of the regulation and filed motions to dismiss the criminal actions against them. In both cases, the magistrate judge denied the motions to dismiss. In its unpublished opinions denying the motions to dismiss, the magistrate judge cited both Black v. Arthur, and United States v. Johnson in finding that the regulation is a valid time, place, and manner restriction that does not violate the First Amendment right of assembly. Defendant Nenninger filed a supplemental motion to dismiss raising arguments from the Linjick case. On August 4, 1999, the magistrate judge issued a decision upholding the constitutionality of the

Unified Command Meeting

July 5, 2001

A checklist of unified critique topics was passed out in preparation for the team critique at the next meeting. The next meeting will be Tuesday, July 10 at 1:30.

Safety

There have been a total of twelve known ambulance runs associated with the gathering, and service was refused by the injured or sick parties on four of those. The gathering participants have not been using the dumpsters that were located at the site for fear of being charged for the costs. The gathering had three CALM units this year, and they seemed to be better staffed. There have been several vehicle accidents associated with the gathering but no injuries. Ten vehicles have been towed and impounded so far, more are expected to be found in the Cache Creek Meadow area where everyone parked. A question was raised as to what to do with overweight vehicles hauling trash from the area, this would be likely if the county used a trash compactor to reduce the number of trips needed. The DOT will look into this and see if a waiver can be granted. Remain ready with emergency services, in past years many injuries occurred after July 4.

Operations

Things are going smoothly and safely, don't let your guard down as we enter this phase of the gathering. The LE statistics were shared. Expect departing vehicles to be in a trickle, many will leave at night. The LE effort will be scaling down [REDACTED] b7e

Idaho State Police

Still busy. They will scale back operations commensurate with the reduction in gathering participants.

Bureau of Disaster Services

They are finalizing support issues with Valley County. The National Weather Service has issued a flash flood warning for our area through 9:00 PM tonight.

National Marine Fisheries Service

There appears to be minimal impact to the fisheries resource at this time, primarily due to the effective law enforcement effort with regard to implementing all of the resource protection measures. NMFS biologists will return after the gathering to evaluate impacts in cooperation with the Forest.

Idaho Department of Transportation

Have not seen much increased traffic yet. The emergency response truck has been keeping busy.

4. Michaels v. Arthur, No. 98-36044 (9th Cir. Feb. 9, 2000) — plaintiffs appealed the decision that was favorable to the Government in Section A, item 3, above. Oral argument was held September 15, 1999. On February 9, 2000, the Ninth Circuit affirmed the district court and upheld the constitutionality of the noncommercial group use rule.

5. United States v. Masel, No. 98-10014-X-01 (W.D. Wis. March 16, 2000) — defendant appealed the magistrate judge's decision that was favorable to the Government in Section A, item 8, above. On March 16, 2000, the district court ruled in favor of the Government and upheld the constitutionality of the noncommercial group use rule. On March 27, 2000, Masel filed a notice of appeal to the Seventh Circuit. On May 17, 2000, the Seventh Circuit dismissed the appeal.

6. United States v. Kalb, No. 00-1733, United States v. Sedlacko, No. 00-1746, United States v. Beck, No. 00-1734 (3d Cir.) — Notice of appeal was filed from favorable court ruling noted in section A, item 9, above. Oral argument was held on October 26, 2000. On December 12, 2000, the court ruled entirely in favor of the Government and upheld the constitutionality of the noncommercial group use rule. A petition for a writ of certiorari to the Supreme Court of the United States was filed February 12, 2001.

been published. Masel was tried and convicted and ordered to pay a \$100 fine. Masel filed a notice of appeal to the district court judge. On March 16, 2000, the district court ruled in favor of the federal government and upheld the constitutionality of the noncommercial group use rule. On March 27, 2000, Masel filed a notice of appeal to the Seventh Circuit. On May 17, 2000, the Seventh Circuit dismissed the appeal.

9. United States v. Kalb, 86 F. Supp. 2d 509 (W.D. Pa. 2000) — criminal case before a district court judge involving citations issued to the defendants on July 2 and July 5, 1999, for failure to obtain a noncommercial group use permit for a Rainbow Family gathering involving 75 or more in the Allegheny National Forest. The trial was conducted October 21, 1999. The defendants filed motions to dismiss challenging the constitutionality of the regulation. On March 16, 2000, the court ruled in favor of the Government and upheld the constitutionality of the noncommercial group use rule. Defendants have appealed the case to the Third Circuit.

10. United States v. Jenkins, No. MCR 00-5035-GF-RFC, United States v. DeMars, No. MCR 00-5036-GF-RFC, United States v. Adams, No. MCR 00-5037-GF-RFC (D. Mont.) — criminal cases before a magistrate judge and district court judge involving citations issued to the defendants on July 2, 3, and 5, 2000, for failure to obtain a noncommercial group use permit for a Rainbow Family gathering involving 75 or more in the Beaverhead-Deerlodge National Forest. One defendant filed a motion to dismiss challenging the constitutionality of the regulation. The motion to dismiss was denied on all counts on January 16, 2001. Defendants were convicted and sentenced on February 6, 2001.

B. Appellate Court Actions

1. United States v. Johnson, 988 F. Supp. 920 (W.D.N.C. 1997) — defendants appealed the magistrate judge's decision that was favorable to the Government in Section A, item 1, above. The two issues on appeal were the constitutionality of the regulation, which was upheld by the magistrate judge below, and whether the corresponding prohibition of engaging in an activity without a permit when a permit is required includes a mental element. In a published opinion, the district court ruled in favor of the government on both issues on December 11, 1997.

2. United States v. Johnson, 159 F.3d 892 (4th Cir. 1998) — defendants appealed the district court ruling above to the United States Court of Appeals for the Fourth Circuit. In a published opinion, the Fourth Circuit ruled in favor of the government on October 28, 1998.

3. United States v. Linick, 195 F.3d 538 (9th Cir. 1999) — the government appealed the one unfavorable decision in Section A, item 5, above. Oral argument was held October 6, 1999. Relying on an interpretive rule governing the agency's interpretation of the provision in question, on November 9, 1999, the Ninth Circuit upheld the constitutionality of the rule, but ordered dismissal of the cases before it, which were brought before the interpretive rule was promulgated.

noncommercial group use rule in its entirety. The decision has been published. Defendants have been tried, convicted of failing to obtain the required noncommercial group use permit, and fined \$50.00. They have appealed their convictions to the district court judge. This is the only pending noncommercial group use case.

5. United States v. Linick, Criminal Action No. CR-98-502 (D. Ariz. Oct. 15, 1998) — criminal case involving citations issued to defendant for failure to obtain a noncommercial group use permit for the annual Rainbow Family gathering in the Apache-Sitgreaves National Forest. On October 15, 1998, the district court ruled from the bench that the regulation that authorizes the Forest Service to impose upon special use permits “such terms and conditions as the authorized officer deems necessary to . . . (vii) otherwise protect the public interest” (36 C.F.R. § 251.56(a)(2)) affords the Forest Service too much discretion to impose onerous terms and conditions and violates the Rainbow Family’s first amendment right to gather on National Forests. The court, in a one-page, unpublished opinion, dismissed the criminal information against the defendant. The Government appealed to the United States Court of Appeals for the Ninth Circuit (see Section B below). Relying on an interpretive rule governing the agency’s interpretation of the provision in question, the Ninth Circuit upheld the constitutionality of the rule, but ordered dismissal of the cases before it on due process grounds, because they were brought before the interpretive rule was promulgated.

6. United States v. Johnson, Criminal Action No. F-076057, and United States v. Stubbs, Criminal Action No. F-076062 (E.D. Cal.) — criminal cases involving citations issued to defendants for failure to obtain a noncommercial group use permit for a Rainbow Family gathering involving 75 or more in the Inyo National Forest. Defendants’ motions to dismiss raising Linick arguments have been fully briefed. AUSA: Robin Taylor, 916-554-2722 (tel). These cases were dismissed because of the due process holding in the Linick appeal, which binds pending district court cases under the jurisdiction of the Ninth Circuit.

7. United States v. Flynn, Criminal Action No. F067952, and United States v. Reber, No. F067951 (D. Or.) — defendants were charged with violating 36 C.F.R. § 261.10(k) by using and occupying National Forest System lands without a special use authorization as part of an EarthFirst! event involving 75 or more in the Umpqua National Forest. Defendants moved to dismiss, raising Linick arguments. In an unpublished magistrate judge opinion, the court upheld the constitutionality of the noncommercial group use rule. Defendants appealed their convictions to the district court judge. These cases were dismissed because of the due process holding in Linick, which binds pending district court cases under the jurisdiction of the Ninth Circuit.

8. United States v. Masel, 54 F. Supp. 2d 903 (W.D. Wis. 1999) — defendants were charged with violating 36 C.F.R. § 261.10(k) by using and occupying National Forest System lands without a special use authorization as part of a Rainbow Family gathering of 75 or more in the Nicolet/Chequamegon National Forest. Defendant’s motion to dismiss raising Linick arguments was fully briefed. In a 39-page opinion issued on June 7, 1999, the magistrate judge held that the challenged provisions in the noncommercial group use rule are facially constitutional and were properly applied to the defendant. The magistrate judge’s decision has

Boise County Emergency Services

Their primary concern is the disposal of all the accumulated trash.

MHerrin
recorder

Unified Command Meeting

July 2, 2001

Incident Commander

Visited site this morning with the Boise Forest Supervisor. There are an estimated 13,000-14,000 participants at the gathering. The roads are very dusty and have a lot of traffic.

Safety & Health

All of the mitigation is in place. Has no information on number or types of cases treated due to the large number of medical facilities in the area. The 30 mph speed limit signs are in place in the vicinity of the gathering. Water trucks are watering the dirt roads.

Boise County Emergency Services

Valley County and Boise County ambulances are in place. The disposal of solid waste remains a concern. The Ranger District is ordering two dumpsters for placement at the site where a stockpile of trash has already accumulated. Valley County will provide ten 10-yard dumpsters to cover road intersections at 563/579, 582/563, 582/579. Communications are working well.

NW Paramedics

Available and standing by.

Idaho Bureau of Disaster Services

Coordination with the counties is going smoothly. Light sticks and flagging were delivered to the incident for flagging off the streams.

Department of Health & Welfare

They have received no site-specific requests for assistance.

Idaho State Police

They have issued 143 citations and 151 warnings, served 5 warrants, and made 2 arrests to date. An estimated 500 Harley Davidson HOG Group riders are expected to ride from Boise to Salmon during July 5-7.

Boise County Sheriff

Cooperation with other law enforcement agencies is going smoothly. Things look good overall.

Valley County Sheriff

Salmon fishing season will close tonight. Several Rainbow children (minors) are in protective custody. Expects next weekend to be the busiest.

Custer County Sheriff

Several Rainbow participants are in jail and little space remains.

Idaho EMS

Things are going smoothly.

National Marine Fisheries Service

They have an agent assigned to the incident all week. A bridge it will also be here for several days.

Idaho DOT

Traffic control devices are in place and working well. The emergency services truck is available from 10:00 AM to 2:00 AM each day.

Custer County Commission

Disposal of trash and the limited capacity of the jail in Stanley remain concerns.

Boise County Commission

Things appear to be going well overall.

The next meeting will be Thursday, July 5, at 1:30. Vicinity maps and maps of the Cache Creek and Sack Creek sites were provided to the participants.

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Unified Command Meeting

June 28, 2001

The next meeting will be Monday, July 2, at 1:30.

Idaho State Police

They have issued numerous citations for speeding, and some for nudity. There is an increase in traffic today. The Governor's visit yesterday was very good.

Idaho Bureau of Disaster Services

The Governor signed the emergency declaration yesterday. BDS is supporting the request from Boise County and is prepared to work with Valley and Custer counties. The forecast is for hotter weather, in the 90's at the site, which will mean increased demands for water, and increased likelihood of heat stress or related incidents.

Idaho Department of Health & Welfare

A mobile crisis unit is available and on-call to handle mental health and children's services/child protection services.

Central District Health Department

Available and on-call.

Boise County Sheriff

There is a significant increase in traffic.

Boise County Emergency Services

Northwest paramedics are on contract through July 10. BCES is coordinating with Lifeflight and Access Air and BDS, and coordinating backup ambulance service for the affected communities. The Idaho Department of Transportation will be installing mobile traffic lights at the intersection of highways 17/55 and 17/21, and will have an emergency response truck available. All emergency services should be communicating through the EMS Communications Center.

Idaho City Clinic

They have had 6-8 requests for free health care.

Public Affairs

The misinformation is increasing in the Rainbow websites and chat rooms, and in their media contacts.

Safety

Speed limits have now been posted on Forest Roads 579 & 582. Last night's rain really helped reduce the dust problem. The water truck will return tonight.

Unified Command Meeting June 26, 2001

The Unified Command Organization Chart dated June 21 was handed out.

Idaho State Police

Three shifts started today.

Boise County Emergency Services

Their declaration of emergency was completed yesterday and sent to the BDS.

Valley County Sheriff

Valley County will complete their declaration of emergency tomorrow. Daily shifts start tomorrow, 2 of 12 hours each. A jail van is available, arrested subjects will be transported via the Clear Creek road to Lowman.

Boise County Sheriff

Three 10-hour shifts start tomorrow, plus a roving deputy. They anticipate a large traffic load beginning this weekend. LEO's are reminded to use Rainbow Dispatch rather than Boise Dispatch unless there is a problem.

Fish & Game

Two officers will be patrolling the Bear Valley area starting today.

Safety

The Forest Supervisors for the Boise and Challis NF's have issued orders for a 30 mph speed limit on FR582 and FR579. Signs will be posted today. A yield sign will be posted at the Dagger Creek intersection. Dust abatement remains a concern, a water truck is working at night. Three medivacs have already been conducted, two for cardiac cases. The third one was refused at the site. Some gathering participants are drinking untreated water from the streams. Ambulances need to be staged near the gathering.

Public Affairs

The last of 7 public meetings was completed last night. Members of the Idaho Conservation League will be visiting the site today and handing out literature. The national media is interested in the gathering, particularly from the salmon fishery standpoint. The daily updates are much appreciated by the public. There are between 2,600 and 3,000 participants at the gathering. The vehicle count was slightly less than yesterday, but the use of shuttle services has increased.

District Ranger

The Shoshone Bannock and the Shoshone Paiute tribes will be holding a news conference in Boise tomorrow morning and will then travel to the site to address the Rainbows. A FOIA regarding the permitting process was received today.

District Ranger

The Governor expressed concern for resource impacts during his visit to the site. The District will now flag 50-foot no camping boundaries along live streams in Sack Creek. The District will also specify location for fire pits being provided by the Paiute. Personnel from the National Marine Fisheries Service will be monitoring on site. Walt expressed his appreciation for all the support from the participating agencies.

Incident Commander

The Unified Command system is working smoothly. The visit by the Shoshone Bannock and the Shoshone Paiute tribes went well yesterday.

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Incident Commander

██████████ expressed his thanks for the help and cooperation of all of the participating agencies.

East Boise County Ambulance

They have seen big influx of vehicles on the highway. Water bottles are starting to litter the roadways.

BDS

They have forwarded the Boise County declaration of emergency to the Governor's office. Custer County will develop an emergency declaration to cover waste removal, ambulance services, and increased staffing in the clinic. BDS reminded the counties that they need county input on their needs in a timely fashion.

NMFS

Their representative is working closely with the Boise NF and the Idaho Fish & Game.

Idaho DEQ

They are interested in being kept up to date with the gathering and offered the services of their scientists, particularly in dealing with hazardous materials or toxicology matters.

Boise County Commission

John expressed concern for the safety of local and regional recreationists using Deadwood Reservoir and other popular local areas. He also asked if there are plans for public notices, i.e. Treasure Valley, since many of the recreationists come from that area. We want to keep people informed but not create panic.

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Unified Command Meeting June 21, 2001

Objectives

- Finalize unified command participants
- Review/validate incident objectives
- Review/clarify concerns from June 19 meeting
- Address concerns/agency roles in breakout sessions

Incident objectives were validated.

The following concerns were shared:

- How to address normal use of the Bear Valley area by local recreationists during the event – health and safety concerns.
- Where will the Rainbows gather that honor the permit denial for the Bear Valley area?

Breakout Groups

Health & Safety:

- Boise County Emergency Services
- American Red Cross
- East Boise County Ambulance
- Stanley Ambulance
- Idaho City Medical Clinic
- Idaho City Chamber of Commerce
- Boise County Solid Waste and Weed
- Idaho State Disaster Services
- Idaho Department of Health & Welfare
- Idaho State Emergency Services

Law Enforcement:

- Boise County Sheriff
- Valley County Sheriff
- Idaho State Police
- Boise County Prosecutor
- Gem County Prosecutor
- Stanley Police Department
- Boise County Juvenile Probation
- Rainbow Dispatch
- USDA – FS
- Idaho Fish & Game

Health & Safety Notes:

- Considerable discussion centered on how EMS ambulance units could cover the gathering and get coverage at their home units during their absence, and how their expenses could be covered. The time period around the 4th of July is usually a very busy time for these units without the impact of the gathering.
- The Lowman ambulance unit will be the ground unit that will respond to gathering emergencies at this time. This is a volunteer ambulance group who has other, regular, jobs.
- Units need to review and finalize inter-county mutual aid agreements.
- Counties need to identify their needs, with justification and estimated costs and send to BDS right now – don't wait for emergency declaration.
- Air evacuation services are needed due to the long distance and travel time on the roads. Concerns about the security of the helicopters and EMS personnel were expressed.
- The National Guard may be able to provide a medical unit at Elk Creek Guard Station area. Other options include a private contractor or bring in an out of area EMS ambulance crew.
- Dehydration and intestinal disorders are expected in gathering participants due to the high elevation and exposure to the elements.
- Concerns that a representative from Valley County Emergency Services didn't participate in this meeting.
- Discussion & agreement on dispatch procedures, which included a follow-up visit by State EMS communications with the team communications chief.

Law Enforcement Notes:

- Supervision of officers rests with the individual agencies.
- Forest Service Law Enforcement (LE) does not supervisor any other LE agency.
- Common issues of concerns from all LE agencies of how to accomplish the protection of the general visitors and the Rainbows.
- How do all agencies prevent crime and protect public safety with LE presence.
- Enforce all rules that apply to all citizens.
- Towing Services are very questionable. No service wants to tow the Rainbow vehicles due to cost.
- The major citations for the 2000 gathering were issued for Drugs & Alcohol.
- Weapons are plentiful at every Rainbow gathering
- There is always aggressive behavior directed towards all LE
- Rainbow Gathering will impact all surrounding areas with theft, begging, etc.
- Fire Danger is a concern
- No action will be taken on juveniles with no legal paperwork on them. Legally held juveniles will be taken to the appropriate county.
- Out of State run-away parents must pay cost of lodging for run-aways.
- LE agencies are working to establish secure location to detain run-aways.

- o In the 2000 gathering A-camp was the worst area.
- o Large number of felony arrests would destroy Boise County.
- o Violent crimes in the counties are a major concern.
- o Local LE agencies do not have enough personnel to support the predicted crime level.
- o Funding issues. Cooperative Law Enforcement dollars to assist local LE agencies.

Recorders:

MHerth, TWatts

Multi-agency Meeting
Rainbow Gathering
June 19, 2001

Objective:

Bring affected agencies and elected leaders together to identify concerns and set the stage for a unified command system to manage the incident.

Concerns:

- Traffic on highway's 55/21/17, especially on holiday weekends. Also ambulance and other emergency traffic.
- Budgets: ISP, LE, Courts. Is supplemental funding available?
- Clean-up.
- Epidemics – livestock. Federal, state, and private lands.
- Fire suppression and emergency evacuation plans.
- Emergency access, parking areas for agency use, roads blocked by broken down vehicles.
- Health & safety – epidemics, strain on local ambulance and health services, should the USFS provide ambulance/EMT services, work with helicopter/medical services, locate helispots and determine responsibilities.
- Human waste, etc.
- Wrecker/towing strategy, who, where, availability.
- Juvenile runaways, need chaplain.
- Hazardous materials, i.e. meth & other types of toxic chemicals.
- Recent theft of explosives near Boise.
- Team needs to identify needs for emergency services in preparation for July 4th.
- Need LE stats on A-camp and elsewhere at gathering.
- Need to meld County ordinances with federal laws and regulations regarding group use.
- Why not arrest entire group once it exceeds 75 people?
- How much violent crime can be expected?
- It's a federal problem that the feds need to resolve, it's beyond the capabilities of counties, a legal fix is needed.

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Executive Department
State of Idaho

The Office of the Governor
Proclamation

State Capitol
Boise



WHEREAS, there is a potential imminent threat to life, property and the environment including listed species under the federal Endangered Species Act, as a result of a gathering of an estimated 20,000 people in a remote area, Bear Valley, Idaho; and

WHEREAS, the influx of a community of 20,000 people in a remote area in Bear Valley, if it were to occur, has the potential to overwhelm the existing public service infrastructure and

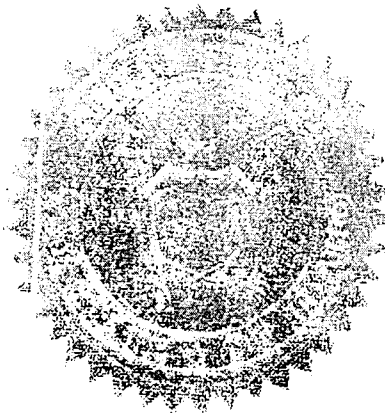
WHEREAS, there is the potential for extreme peril to public safety, health, property and the environment which could be beyond the control and capability of the law enforcement emergency services and health services in Boise County; and

WHEREAS, Boise County has signed an emergency declaration and requested assistance to protect and manage the public safety and health of Idaho citizens, visitors and incident personnel; and

WHEREAS, the State will consider and evaluate appropriate requests to supplement local efforts to avert or lessen the threat of a disaster.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me by Section 46-1008 of the Idaho Code do hereby find and therefore proclaim and declare:

1. That a state of disaster emergency described in Section 46-1008, Idaho Code, in Boise County in the State of Idaho because the occurrence or the threat of a disaster is imminent.
2. That the state of disaster emergency herein described shall exist for a period of 30 days unless sooner terminated or unless extended for thirty-day increments.
3. This Proclamation serves, pursuant to Section 46-1008, Idaho Code, as authority for the resources of state government to supplement local efforts to deal with the disaster emergency as described herein.
4. That the state of disaster emergency declaration No. ID2001-001 shall include Boise County.



IN WITNESS WHEREOF, I have hereunto set my
and caused to be affixed the Great Seal of the State
of Idaho at the Capitol in Boise on this twenty-seventh
of June in the year of our Lord two thousand one
and of the Independence of the United States of
the two hundred twenty-fourth and of the Statehood
Idaho the one hundred tenth.

DIRK KEMPTHORNE
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

(printable PDF file)

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RESOLUTION #2001-26

DECLARATION of LOCAL EMERGENCY
(Idaho Code section 46-1011)

WHEREAS, the 4th of July, 2001 is occurring on a Wednesday, with a weekend on either end of the holiday, and more than 10,000 people from Southwest Idaho will recreate in or transit through Boise County as part of the "normal" 4th of July celebration; and

WHEREAS, the "normal" 4th of July traffic saturates Boise County law enforcement, traffic control, and emergency services; and

WHEREAS, Boise County is primary transit route for the group called the RAINBOW FAMILY, or RAINBOW PEOPLE enroute to Bear Valley, Lowman Ranger District, Boise National Forest; and

WHEREAS, the US Forest Service estimates an influx of approximately 20-25,000 RAINBOW PEOPLE to transit Boise County during this same 4th of July period; and

WHEREAS, the increase in vehicle and pedestrian traffic on SR55, SR21, and the County Banks Lowman Road (Old Highway 17), will cause an immense impact on the ability of County and local resources to respond to emergency situations anywhere in Boise County; and

WHEREAS, this vast increase in population puts all Boise County residents, Southwest Idaho recreationists, and the RAINBOW PEOPLE at risk to life, property, and health risk; and

WHEREAS, Boise County is actively participating in and supporting the Unified Incident Command system for the RAINBOW GATHERING 2001 with the US Forest Service, Valley County, Custer County, and various State agencies; and

WHEREAS, the resources of Boise County are insufficient to provide adequate protection to life, property and environment within the affected and threatened areas of Boise County as required by the Unified Incident Command Team and by Idaho Code; and

WHEREAS, the Board of County Commissioners of Boise County has the authority to declare a local disaster emergency pursuant to and consistent with Title 46, Chapter 10, Idaho code; and

WHEREAS, The Board of Commissioners of Boise County find that it is necessary to declare that a local emergency now exists by reason of the population and traffic increases, for the purposes of implementing local and/or intergovernmental disaster emergency plans and to authorize the furnishing and receipt of aid and assistance thereunder and as may be available from state and other governmental agencies;

NOW THEREFORE BE IT RESOLVED and is DECLARED by the Board of Commissioners of BOISE COUNTY, Idaho as follows:

1. A local disaster emergency now exists in Boise County by reason of increased fire and for emergency services, and threat to life and property, far beyond the capabilities of Boise County and local resources to respond.

2. Boise County hereby requests the Governor of the State of Idaho, and all appropriate state agencies, to:

A. Provide all available aid and assistance to Boise County to respond and recover from said local disaster emergency; consisting of but not limited to the following requirements and or services:

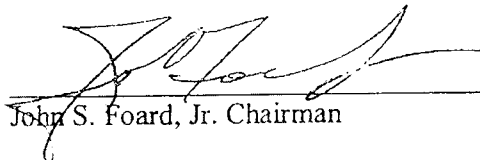
1. Full time, 24hour/7day, medical response capability in Lowman, Idaho, from June 28, 2001 to July 10, 2001 for medical emergencies caused by the RAINBOW PEOPLE; funding support for the Boise County volunteer ambulance calls associated with the RAINBOW PEOPLE.
 2. Emergency air medivac support in Lowman, Idaho, from June 28--July 10, 2001 for medical emergencies caused by the RAINBOW PEOPLE.
 3. Idaho State Police full time presence on Highway 21, Highway 55, and the Banks/Lowman Road for the duration of the event.
 4. Additional fuel for Boise County vehicles of approximately 5,000 gallons of gasoline and 2,000 gallons of diesel fuel.
 5. Additional resources for solid waste collection in Lowman, Idaho.
 6. The USFS is supplementing the Boise County Sheriff office for overtime hours for patrol and other duties required to manage this event, it is projected that there will be a need for additional funding to completely cover the requirements for the Boise County Sheriff Office.
 7. Additional burdens on Boise County services will include: Administration costs, supplies, Disaster Services, Boise County Clerks Office, Magistrate and District Court system, Adult and Juvenile Probation offices, Prisoner costs, Road and Bridge Dept., Search and Rescue services of the Boise County Sheriff Office.
 8. Wrecker service, 24 hour/7 day, standby in Lowman, ID, from June 28 to July 10, 2001 to help eliminate traffic congestion.
 9. Flaggers for Banks/Lowman Road and Highway 21 and Highway 55, intersections, the weekends of June 29 to July 6, 2001. Additional flaggers during daylight hours to respond to traffic accidents/incidents.
- B. Request and coordinate with all State and other governmental agencies for the provision and aid and assistance to Boise County to respond and recover from said emergency.

- B. Request and coordinate with all State and other governmental agencies for the provision and aid and assistance to Boise County to respond and recover from said emergency.

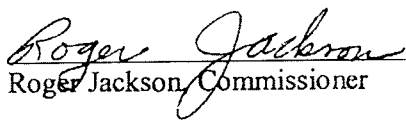
This declaration of local emergency, as declared on Friday June 22, 2001, shall remain in effect until revoked by the Board of Commissioners.

Dated this 25th day of June 2001.

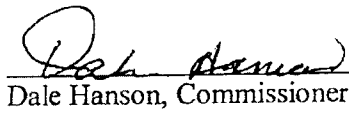
BOISE COUNTY BOARD of COUNTY COMMISSIONERS



John S. Foard, Jr. Chairman

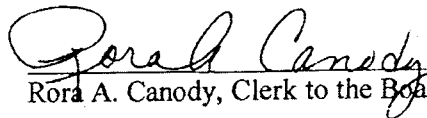


Roger Jackson, Commissioner



Dale Hanson, Commissioner

Attest:





Rora A. Canody, Clerk to the Board

June 13, 2001

Lowman Ranger District Office

Participants:

Boise National Forest

Milt Caufmann	BNF Fiscal Officer
Al McComby	BNF Administrative Officer
Linda Crowley	Lowman SSS
Ron Julien	Acting BNF Deputy FS (by phone)
Anne Archie	Acting BNF Forest Supervisor (by phone)
Ed Stocks	BNF Resource Staff Officer
	Patrol Captain
Walt Rogers	Lowman District Ranger
Barry Stern	BNF Veg Mgmt Specialist
Rex Miller	Lowman AFMO
	LEO - Lowman
	LEO - Cascade

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Sheriffs

Gary Brown	Boise County
Britt Durfee	Valley County

Incident Team



Topics:

- Resource specialist needs: botanists and archeologists to be provided by SO, District will provide fisheries and wildlife biologists and will arrange emergency consultation with NMFS and F&WS.
- Discussed need for pre-event site surveys and mitigation measures to include in operating plan for permit.
- Closure needed for Sheep Trail area?
- Traffic impacts, also in Stanley. Dusty conditions, washboard surface - District will have main road graded. Dust abatement during event?
- Float trip operations - impact?
- Coordination needed with Payette NF.
- Motorized use in wilderness - not likely.
- Need for temporary closures on Forest roads?

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- [REDACTED] work with District on fire suppression/evacuation plan.
- Protection of Elk Creek Guard Station.
- Noxious weed introduction, USFS horses must use certified weed-free hay.
- Limited funding for Forest, Forest will absorb most of their costs.
- Additional co-op funding or other emergency funding for sheriffs?
- EMT & other emergency services needed from counties?
- Welfare services impacts to counties?
- 6/21 group permit for a wedding.
- Grazing permittee end of June – impacts? Impacts to fences?
- Impacts to redds and streambanks?
- 300” camping setback from perennial streams.
- Watershed assessment completed.
- Need delegation of authority letter from FS once location is known.
- Photo and video needs for both media messages and resource documentation.
- Need letter from FS to employees.
- District will provide GIS support.
- Need for air medical evacuation coordination -- [REDACTED]
- Ranger [REDACTED] will be primary resource contact to team.

File Code: 2700/5300/1230

Date: June 16, 2001

Subject: Delegation of Authority, 2001 Rainbow Family Gathering, R4

To: [REDACTED], Incident Commander, National Incident Team

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You are delegated authority to manage the 2001 Rainbow Family National Gathering which will occur on the Boise National Forest during June and July of 2001. You have the authority and responsibility to prepare for and manage this event within the framework and guidelines of the law and Forest Service policy and direction set forth in this letter. Additional information will be made available as needed to further clarify your authority and responsibilities. You and your team are authorized to begin working on the event immediately.

Your primary performance objectives and guidelines are as follows:

Event management – Manage this event proactively as a noncommercial group use activity under special use authorities and the Noncommercial Group Use regulations. Mobilize the needed resources to manage the event effectively and efficiently. Pursue a Noncommercial Group Use Permit with an operating plan. Internal and external relationships and communications are extremely critical and will have to be established and maintained throughout the course of the event, including key Forest Service personnel, cooperating Federal, State, and local agencies, as well as members of the Rainbow Family. All actions must be well documented and final report will be required.

Human Resources – Ensure that the safety of employees, assigned personnel, the public, and event participants are considered throughout the course of the event. Incident personnel will follow established Department of Agriculture guidelines regarding Civil Rights.

Information – Provide for internal and external information exchange through the implementation of a communication plan. Ensure that agency cooperators, local officials and the public are kept informed on the progress of the event. Manage media contacts within the framework of established agency policy.

Community Relations – Establish and maintain strong community relations. Private landowners, permittees, businesses and the local community are of special concern due to their proximity to the Gathering and their potential for being impacted. I expect your team to work with the community and to identify their potential issues and concerns. You should work with leaders of the Gathering to minimize social impacts. This event is taking place in a sparsely populated area of Idaho. Long distances, limited law enforcement and emergency services pose special challenges. Consider these factors as you plan for the event. Avoid imposing agency red-tape on our neighbors and cooperators whenever possible. Consult with key contacts at the Ranger District and the Supervisor's Office; we have a long standing relationship with the community and may be able to help in many situations. It is also expected that the Team will cooperate with State, county and local agencies and organizations in managing the event.

Resource Protection- We will provide your team with the expertise of resource specialists and coordinate with representatives of the Rainbow Family to develop an operating plan and a rehabilitation plan that is intended to provide protection of sensitive sites during the Gathering, and the rehabilitation of the site when it is concluded.

I have a particular concern for the management of water quality for spawning and rearing of cold-water fish. Bear Valley Creek has been designated as Critical Habitat because it provides spawning and rearing habitat for chinook salmon and steelhead, which are listed as Threatened under the Endangered Species Act. Bear Valley is unique because it contains wild salmon (not hatchery) and is the most productive drainage in the Salmon River basin. Bull trout, also listed as Threatened, are found in Cache, Sack, Bear Valley, and other area streams. It is imperative that these fish be protected from harassment and their redds (nests) and habitat protected from disturbance. Westslope cutthroat and redband/rainbow trout, which are listed as Sensitive, are also found in area streams. Protect streambanks and riparian areas from trampling. Prevent loss of large woody debris recruitment along streams. The Forest will gather needed surface water quality samples taken pre, during, and post event.

Bear Valley is an important calving area for elk in June, so harassment of elk by dogs should be prevented. Wolves and lynx, which are listed under the Endangered Species Act, are found in this area. Disease transmission from dogs to wolves is a concern.

Spiranthes diluvialis, a Threatened plant, has not been found in Bear Valley, but potential habitat exists. *Botrychium lineare*, a Candidate plant, has been found in Bear Valley. If any populations are found in the area, they should be protected.

Cultural heritage sites are present in Bear Valley. If sites are found in the area of the gathering, they should be protected. Protection should also be provided for existing permitted structures, including cabins, fences, and water developments.

Bear Valley is essentially free of noxious weeds. The Forest can provide additional expertise in weed prevention and management and seeding protocols in support of the team.

For this area, the Forest Travel Map states that "Motorized vehicle travel off roads and off trails is prohibited." However, "Motorized access to camping or firewood gathering sites is permitted within 300 feet of designated roads and 100 feet of trails designated for motorized use."

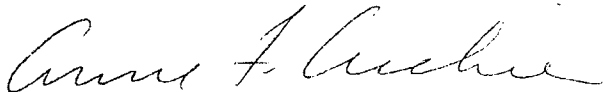
Costs- Manage the event within the established Program of Work. Any adjustments to the Program of Work will be agreed upon in advance. Ensure that all operations are cost effective, efficient, and justifiable. Forest personnel working in support of the incident will apply charged-as-worked principles and use the Incident-NFS job code. Forest personnel assigned to the Incident will require pre-approval by the Incident Commander or the Forest Supervisor before charging to the Incident job code.

The 2001 Rainbow Family Gathering will likely bring between 15,000 and 25,000 visitors to our general area. It is critical that the Team be proactive in working with the Rainbows, other local, State, and Federal Agencies, and local communities.

Checked by the Forest Supervisor
NA
col/kaf

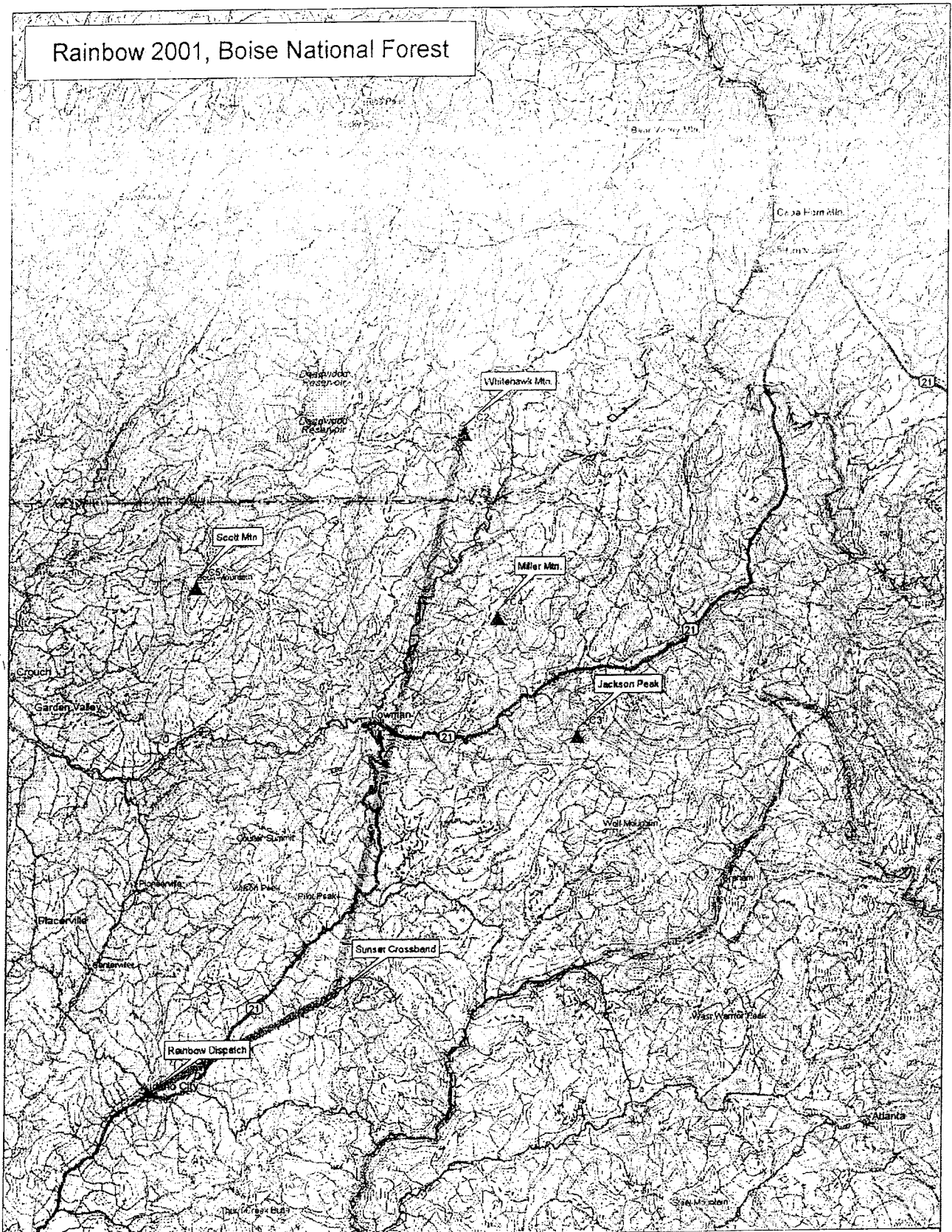
The Team's assignment will last until mid July 2001. during this time period, your Incident Management Team will be unavailable for other assignments. You are not responsible for initial attack fire incidents.

The location of the event at this time is at Sack and Cache Creek Meadows on the Lowman Ranger District. During the event, you will report directly to me. If I am unavailable, my normal acting schedule will be used for this event. Walter Rogers, District Ranger on the Lowman Ranger District will be the Forest liaison assigned to the Team. The Team's performance rating will be based on adherence to the accomplishment of the direction set forth in this delegation of authority.

A handwritten signature in cursive script, appearing to read "Anne Archie".

ANNE ARCHIE
Acting Forest Supervisor

Rainbow 2001, Boise National Forest



DELORME

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Zoom Level: 9-0 Datum: WGS84

Scale 1 : 400,000
1" = 6.31 mi

