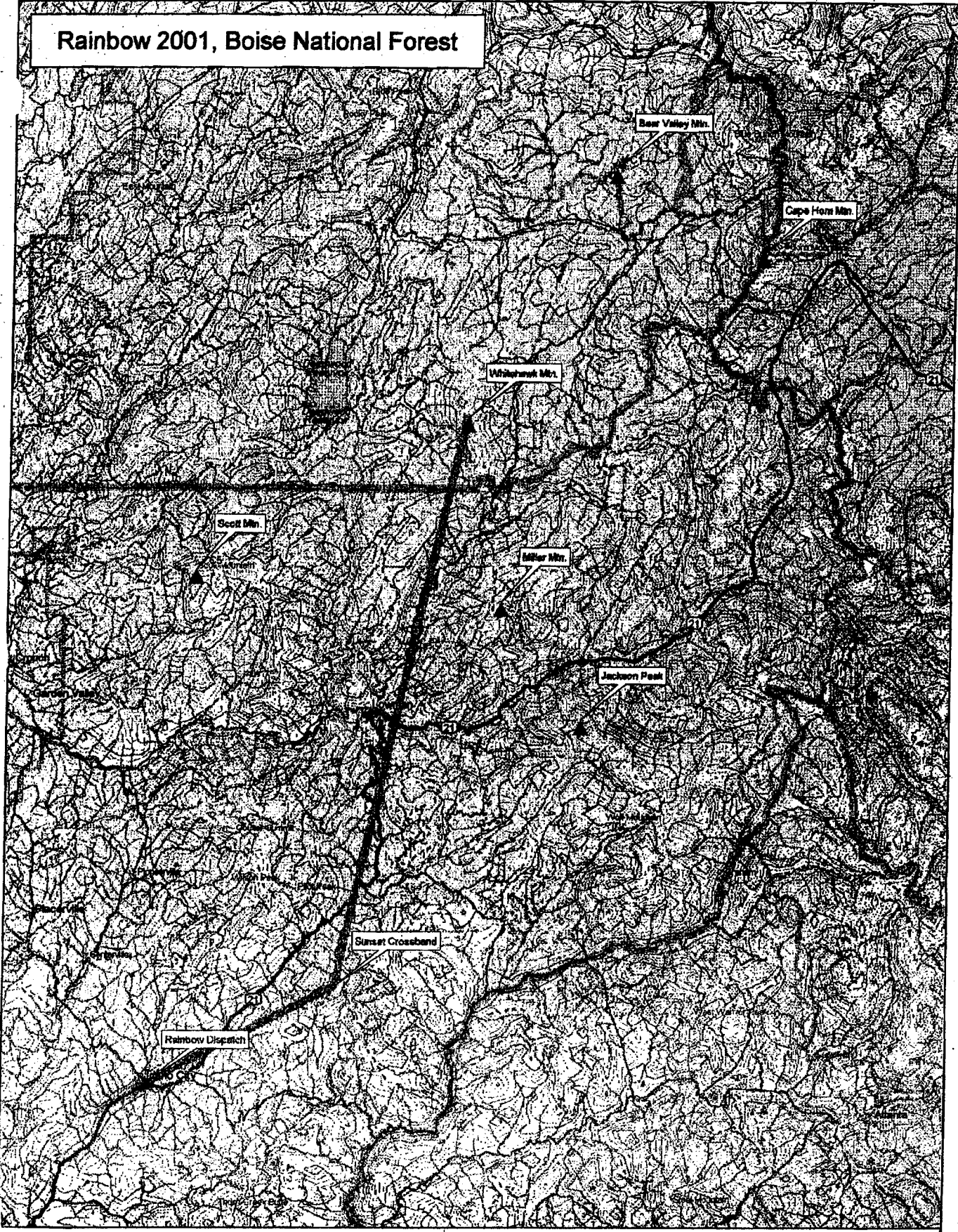


Rainbow 2001, Boise National Forest



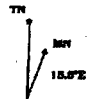
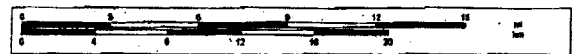
DELORME

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Zoom Level: 3-0 Datum: WGS84

Scale 1 : 400,000

1" = 6.31 mi



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

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. LeTempt, 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 Linick case. On August 4, 1999, the magistrate judge issued a decision upholding the constitutionality of the

ATTACHMENT C
NATIONAL INCIDENT MANAGEMENT TEAM
As of April 23, 2001

██████████
Incident Commander
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Asheville, NC
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Information Officer
Public Affairs, R6
John Day, OR
Office: (541) 575-3000

Pete Mourtsen
Safety Officer
Realty Specialist, R3
Flagstaff, AZ
Office: (520) 527-3414

██████████
Law Enforcement Operations Section Chief
██████████
Law Enforcement and Investigations, R9
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John MacIvor
Logistics Section Chief
District Ranger, R3
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Diane Taylor
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Support Services Supervisor, R8
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Royce Shearing
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BLM, Region 4
National Interagency Fire Center
Boise, ID
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Michael Herth
Planning Section Chief
Director of Resources, R2
White River NF
Glenwood Springs, Colorado
Office: (970) 945-3207

ATTACHMENT B
NATIONAL NONCOMMERCIAL GROUP USE OVERSIGHT COMMITTEE
April 15, 2001

██████████
(Current NIMT Incident Commander and
national NCGU coordinator)

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Forest Supervisor
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Custer, SD 57730
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Fax: (703) 673-9350

Dennis Neill
Public Affairs Officer
Black Hills National Forest, R2
(contact information same as for Twiss)

Ellen Hornstein
Attorney,
USDA-FS Office of the General Counsel
Natural Resources Division
Stop 1412
1400 Independence Avenue, S.W.
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Advisors:

██████████
(former NIMT Incident Commander)

██████████
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Cindy Chojnacky
Office of Communications
USDA Forest Service, Washington Office
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Note to paragraph (a)(1)(ii)(G): The Department is making explicit its preexisting understanding of Sec. 251.56(a)(1)(ii)(G) of this subpart in the context of authorizing noncommercial group uses of National Forest System lands. Section 251.56(a)(1)(ii)(G) provides that each special use authorization shall contain such terms and conditions as the authorized officer deems necessary to otherwise protect the public interest. In the context of noncommercial group uses, the Forest Service interprets the term "public interest" found in Sec. 251.56(a)(1)(ii)(G) to refer to the three public interests identified by the Forest Service on August 30, 1995. These public interests include the protection of resources and improvements on National Forest System lands, the allocation of space among potential or existing uses and activities, and public health and safety concerns. Under this construction, Sec. 251.56(a)(1)(ii)(G) allows the Forest Service to impose terms and conditions that are not specifically addressed in Sec. 251.56(a)(1)(ii)(A)-(F) but only those that further these public interests. The Forest Service shall implement and enforce Sec. 251.56(a)(1)(ii)(G) in accordance with this interpretation.

Dated: September 2, 1999

Dennis E. Bschor, Acting Deputy Under Secretary, Natural Resources and the Environment.
[FR Doc. 99-23339 Filed 9-8-99; 8:45 am]

Despite the clarity of the existing regulation, some confusion has persisted with respect to the amount of discretion allowed an authorized officer by 36 CFR 251.56(a)(1)(ii)(G) with regard to placing terms and conditions on noncommercial group uses. Under paragraph (a)(1)(ii) of Sec. 251.56, the authorized officer may place into a special use authorization such terms and conditions as the officer deems necessary for seven purposes. Paragraph (a)(1)(ii)(G) authorizes terms and conditions deemed necessary by the authorized officer that "otherwise protect the public interest." Out of an abundance of caution, the Department is issuing this interpretive rule to make explicit preexisting law and the agency's intent regarding Sec. 251.56(a)(1)(ii)(G) as applied to noncommercial group uses. Therefore, in the context of noncommercial group uses, the reference to "public interest" in Sec. 251.56(a)(1)(ii)(G) will be interpreted and applied as allowing only those terms and conditions furthering the three public interests served by the noncommercial group use rule.

This rule qualifies as an interpretive rule under the Administrative Procedure Act because it is a rule or statement issued by an agency to advise the public of the agency's preexisting construction of one of the rules it administers, i.e., 36 CFR 251.56(a)(1)(ii)(G) in the context of noncommercial group uses. See, e.g., *Shalala, Secretary of Health and Human Services v. Guernsey Memorial Hosp.*, 514 U.S. 87, 99 (1995). Under 5 U.S.C. 553(b)(A), this interpretive rule is exempt from the notice and comment requirements in the Administrative Procedure Act. Under 5 U.S.C. 553(d)(2), this interpretive rule is effective immediately upon publication in the Federal Register.

(portions excerpted for brevity)

Therefore, for the reasons set forth in the preamble, part 251, of Title 36 of the Code of Federal Regulations is amended as follows:

PART 251--LAND USES

Subpart B--Special Uses

1. The authority citation for subpart B continues to read as follows:

Authority: 16 U.S.C. 472, 497b, 551, 1134, 3210; 30 U.S.C. 185; 43 U.S.C. 1740, 1761-1771.

2. In Sec. 251.56, add a note following paragraph (a)(1)(ii)(G) to read as follows:

Sec. 251.56 Terms and conditions

(a) * * *

(1) * * *

(ii) * * *

(G) * * *

ATTACHMENT A – INTERPRETIVE RULE
(excerpted as to relevant content)

Federal Register: September 9, 1999 (Volume 64, Number 174)]
[Rules and Regulations]
[Page 48959-48960]

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 251

Land Uses; Noncommercial Group Use Permit Approval

AGENCY: Forest Service, USDA.

ACTION: Interpretive rule.

SUMMARY: The Department is adopting this interpretive rule to make explicit the intended interpretation and application of the term "public interest" in 36 CFR Sec. 251.56 as it relates to noncommercial group uses of National Forest System lands.

EFFECTIVE DATE: This interpretive rule is effective September 9, 1999.

SUPPLEMENTARY INFORMATION:

In August 1995, the Secretary of Agriculture adopted a final rule at 36 CFR part 251, subpart B, governing issuance and administration of permits for groups of 75 or more people who wish to use National Forest System lands for noncommercial activities (60 FR 45258; August 30, 1995). The intent in promulgating the rule was to ensure that authorization procedures for these activities comply with First Amendment requirements of freedom of speech, assembly, and religion, while simultaneously providing a reasonable administrative system for allocating space among scheduled and existing uses of National Forests and Grasslands, for addressing concerns for public health and safety, and for controlling or preventing adverse impacts on forest resources.

The regulation as written is constitutional. It is a content-neutral, narrowly tailored time, place, and manner restriction. In particular, the rule sufficiently limits the discretion of authorized officers to place terms and conditions in noncommercial group use permits. The imposition of term and conditions in noncommercial group use permits is limited to those designed to further the three public interests identified by the Forest Service in promulgating the noncommercial group use rule, i.e., the need to address concerns of public health and safety, to minimize damage to National Forest System resources, and to allocate space among actual or potential uses and activities.

Lastly, regardless of whether an NCGU is permitted or unpermitted, the FS will fulfill its responsibility for resource protection and compliance with the law. Applications and permits must be processed in full compliance with the regulations, and permits and operating plans must specifically cover anticipated event activities so that the purposes of the regulations are met. Participants and spectators at both permitted and unpermitted NCGU events will be expected to comply with the law, and enforcement action will be taken for violations.

Revisions to NCGU Management Strategy

To address these concerns, I am directing that the following enforcement actions be taken for future NCGU's that are not in compliance with permit requirements:

- (1) When an NCGU that may exceed 74 persons is learned of or located, notify participants and spectators of the regulations and provide them with an application and agency contact information. Identify notified persons and document contacts. Notify the group that the application for a permit must be received by the agency at least 72 hours before the event (or 72 hours before 75 persons are on site).
- (2) As the group size approaches 75, inform as many on-site and incoming participants and spectators as possible of the permit requirements and 75-person limit, the impending noncompliance, and the fact that by entering an unauthorized NCGU, all participants and spectators are subject to prosecution if they do not leave. Continue providing application materials.
- (3) When the possibility of an unauthorized NCGU is known, immediately notify the appropriate line officer and Special Agent in Charge.
- (4) If a permit is issued, use only the FS-2700-3b form. Issue the permit to the group, with the group listed as the holder, not to an individual.

Any noncommercial gathering of 75 or more persons without an NCGU permit is in violation of the regulations. The final decision to undertake the following actions will be made by the Incident Commander (or if none, area line officer and LEI officer in charge jointly). Employee and public safety and the availability of adequate resources will be key considerations. Before these actions are taken, consultation must occur with individuals listed in item 3 above and prior approval must be obtained from the Office of the General Counsel and local U.S. Attorney's Office.

- (1) Advise any participants and spectators that the event is unauthorized, and that the site must be vacated or the group reduced to under 75 persons immediately.
- (2) If practicable, post notices of the noncompliance and applicable penalties in conspicuous places and access points. Control further entry into the event area, and allow access only to participants who need to retrieve equipment or clean up the area. Issue citations to all participants on site. Notify all persons present of a date and time by which the site must be vacated or the number in the group reduced to 74 persons. Ensure that the site is cleaned up and that resource damage is rectified by participants.
- (3) If the group still exceeds 74 persons at the close of the designated period, evict all remaining persons to terminate the unauthorized occupancy. If eviction is not feasible, continue to control access to the event and to patrol throughout the event area to inform participants of the unlawful event and request that they leave.

Management Strategy

The NIMT and NCGU Oversight Committees have worked closely to develop and refine an agency management strategy for large group events that:

- addresses health and safety risks to the public, area residents, agency employees, and event participants;
- ensures maximum participation of and coordination with affected federal, state, and local agencies and elected officials;
- minimizes the impacts of the events on natural and community resources and ensures restoration of impacted lands and resources;
- provides for full enforcement of all applicable laws and regulations throughout event areas in a manner that is fair, consistent and constitutional;
- ensures 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;
- provides information to all interested agencies and the public, responds to concerns of elected officials and the community, and manages media relations in coordination with all cooperating organizations;
- meets First Amendment requirements of free speech, assembly, and religion;
- controls the public costs of managing the events; and
- Anticipates and minimizes impacts of conflicting land uses.

Administration of the Regulation

When the revised regulations were implemented, a series of materials, including a videotape and questions and answers, were issued to provide guidance to the field. These materials are largely still applicable, and the Oversight Committee will be updating these materials and posting them on the Website. Enforcement of the regulations has resulted in many federal court cases. The courts have consistently upheld the constitutionality of the NCGU regulations, including decisions in four federal courts of appeals and nine federal district courts. Attachment D contains a summary of the court cases. Nearly all of these cases have arisen from regional or national gatherings of the RFL. The RFL has raised a number of issues to the courts regarding the nature of its organization, gatherings, and beliefs. The courts have repeatedly found that RFL gatherings are group uses under the regulations, and that the group is required to comply with the regulations' permitting requirements.

Despite a nationally consistent approach to management of all NCGU's including RFL gatherings, concerted efforts to inform non-complying group users of the permit requirements, and a clear mandate from federal courts upholding the regulations, unpermitted events are continuing. This noncompliance is largely confined to the RFL - its national gathering has exceeded 15,000 people and thousands of vehicles for over four years with costs to the Forest Service exceeding \$750,000 annually. Although NCGU permits have been issued for one national and a few regional and local RFL gatherings, all other RFL gatherings have been unpermitted. Besides violating criminal law, unauthorized gatherings undermine the agency's management goals. The FS must now take more assertive action to bring these events into compliance.

NONCOMMERCIAL GROUP USES NATIONAL MANAGEMENT DIRECTION

April 23, 2001

Background

In 1995, a revision of regulations at 36 CFR Parts 251 and 261 requiring noncommercial groups of 75 or more persons to have a permit to gather on National Forest System lands (NFS) was implemented following extensive public comment. The new regulation and permits have served their objectives well, and hundreds of groups conducting a variety of activities have applied for and received permits. These include family, club, religious, public agency, tribal, wedding, organizational, and other groups. The application and permit process has allowed the Forest Service (FS) to work with groups successfully to help plan for possible impacts and to protect forest resources and improvements, address public health and safety problems, and avoid conflicting land uses. A combined application and permit form (FS-2700-3b) for noncommercial group use (NCGU) was developed and posted on the Internet to facilitate implementation of the regulation. An interpretive rule has also been implemented to make explicit the agency's preexisting understanding regarding permit administration objectives (see Attachment A).

Oversight Committee

In 1997, the National Leadership Team established the Noncommercial Group Use Oversight Committee. This Committee was delegated authority to coordinate national implementation of the regulation and management of NCGU's. Attachment B contains a list of the current members of the Oversight Committee. Please contact them for information regarding this program or ongoing activities.

National Incident Management Team

In 1997, the National Leadership Team concurred with the recommendation of the Oversight Committee and established a national cadre to manage large group events (over approximately 10,000 people), currently known as the National Incident Management Team (NIMT). The NIMT provides a consistent, integrated, and professional national approach using targeted team composition and skills specific to group uses. Members of the NIMT serve for two to three years and manage assigned incidents under delegated authority from the affected line officer. Washington Office funding is provided to help defray the cost of these events. The NIMT has been highly successful in managing the last three national gatherings of the Rainbow Family of Living Light (RFL). For 2001 and 2002, the Incident Commander for the NIMT will be [REDACTED], LEI-R8 (see Attachment C). In addition, the Deputy Chief for the National Forest System approved the hiring of a national NCGU coordinator to fulfill a number of project missions for all affected staffs regarding this program. NIMT Incident Commander [REDACTED] is currently on detail into this position.

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Deputy Chiefs, Regional Foresters, and WO Staff Directors

2

FS:NFS:RHWR:KenKarkula:sbs:05-04-2001

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United States
Department of
Agriculture

Forest
Service

Washington Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

File Code: 2300/5300

Date: [REDACTED]

Route To:

Subject: Management of Noncommercial Group Uses

To: Deputy Chiefs, Regional Foresters, WO Staff Directors

In 1995, a revision of regulations at 36 CFR Parts 251 and 261 requiring noncommercial groups of 75 or more persons to have a permit to gather on National Forest System land was implemented following extensive public comment. The new regulation and permits have served their objectives well, and hundreds of groups conducting a variety of activities have applied for and received permits. The application and permit process has allowed the Forest Service to work with groups successfully to help plan for possible impacts and to protect forest resources and improvements, address public health and safety problems, and avoid conflicting land uses. A combined application and permit form (FS-2700-3b) for noncommercial group use (NCGU) was developed and posted on the internet to facilitate implementation of the regulation. An interpretive rule has also been implemented to make explicit the agency's pre-existing understanding regarding permit administration objectives.

The rule has repeatedly been challenged in federal court by the Rainbow Family of Living Light under the First Amendment. To date the courts have upheld the rule.

Enclosed is updated information and direction on implementation and administration of the rule, and the incident management team for large gatherings that was set up to reduce the burden on units who host large group uses. These measures have proven to be very effective in managing these uses in the past and are needed to continue to do so in the future.

Please ensure this letter is forwarded to all affected employees. This strategy was reviewed and accepted by the National Leadership Team in 1997 and by representatives of the Management Committee in January 2001.

If you have any questions or need further information, please contact Ken Karkula, Washington Office NCGU program manager, (202-205-1426) or any other member of the NCGU Oversight Committee.

/s/ Dale N. Bosworth

DALE N. BOSWORTH
Chief

Enclosures: Direction Package dated 4/23/01 with Attachments A-D

cc: Ellen Horstein, OGC-NRD
Benjamin Cooper, Department of Justice Civil Division Branch
Oversight Committee

