Blued Trees SYMPHONY and Greek Chorus

An operatic symphony for installation at multiple sites by Aviva Rahmani
# Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>History</td>
<td>3</td>
</tr>
<tr>
<td>Legal and Funding</td>
<td>3</td>
</tr>
<tr>
<td>About The Artist</td>
<td>4</td>
</tr>
<tr>
<td>Aviva Rahmani</td>
<td>4</td>
</tr>
<tr>
<td><strong>Blued Trees Symphony and Greek Chorus</strong></td>
<td>5</td>
</tr>
<tr>
<td>Aesthetic Structure</td>
<td>5</td>
</tr>
<tr>
<td>How To Begin</td>
<td>5</td>
</tr>
<tr>
<td><strong>Greek Chorus: How to Create Blued Trees</strong></td>
<td>6</td>
</tr>
<tr>
<td>on Your Property Along a Fracked Gas Pipeline</td>
<td>6</td>
</tr>
<tr>
<td>Introduction</td>
<td>6</td>
</tr>
<tr>
<td>Musical Structure</td>
<td>7</td>
</tr>
<tr>
<td>Documentation For Legal Copyright Filing</td>
<td>7</td>
</tr>
<tr>
<td><strong>Blued Trees Symphony – Overture</strong></td>
<td>8</td>
</tr>
<tr>
<td><strong>How to Locate the Proper Trees</strong></td>
<td>9</td>
</tr>
<tr>
<td>How To Find the Proposed Row</td>
<td>9</td>
</tr>
<tr>
<td><strong>How to Paint a Tree</strong></td>
<td>10</td>
</tr>
<tr>
<td>One Note, One Tree</td>
<td>10</td>
</tr>
<tr>
<td>How to Acquire the Paint</td>
<td>10</td>
</tr>
<tr>
<td>How to Mix the Paint:</td>
<td>10</td>
</tr>
<tr>
<td><strong>How to Paint a Measure</strong></td>
<td>11</td>
</tr>
<tr>
<td>Identifying the Trees</td>
<td>11</td>
</tr>
<tr>
<td><strong>Submitting the Work for Copyright Protection</strong></td>
<td>12</td>
</tr>
<tr>
<td>Tree Photos and GPS Locations</td>
<td>12</td>
</tr>
<tr>
<td>Submitting the Work</td>
<td>12</td>
</tr>
<tr>
<td><strong>How to Organize</strong></td>
<td>13</td>
</tr>
<tr>
<td>The Painting Date</td>
<td>13</td>
</tr>
<tr>
<td><strong>How to Engage the Media</strong></td>
<td>14</td>
</tr>
<tr>
<td><strong>Frequently Asked Questions</strong></td>
<td>15</td>
</tr>
<tr>
<td>What Are We Asking For?</td>
<td>15</td>
</tr>
<tr>
<td>Why (Specifically) Are We Asking For It?</td>
<td>15</td>
</tr>
<tr>
<td>What Legal Steps Are We Taking?</td>
<td>15</td>
</tr>
<tr>
<td>What Order Are These Being Taken In?</td>
<td>15</td>
</tr>
<tr>
<td>What Are The Outcomes We Are Looking For?</td>
<td>15</td>
</tr>
<tr>
<td>What Do We Want An Attorney To Do For Us?</td>
<td>15</td>
</tr>
<tr>
<td>What To Do About Harassment</td>
<td>15</td>
</tr>
<tr>
<td><strong>Legal Terms</strong></td>
<td>16</td>
</tr>
<tr>
<td><strong>Blued Trees Entry Agreement</strong></td>
<td>18</td>
</tr>
</tbody>
</table>

*In the digital version of these pages, click the icon above to return to this Contents page.*
History

In early 2015, a group of New York State anti-fracking activists began work with Aviva Rahmani, an American eco-artist and PhD. Their mission is to stop natural gas corporations from abusing “eminent domain” to condemn private property under the false pretext of “public good.” Aviva created the Blued Trees Symphony, a copyrighted work of art that is site specific to proposed natural gas pipeline corridors for pipeline expansion. Blued Trees uses free speech and art law to challenge fossil fuel corporations. This is untested legal territory.

LEGAL AND FUNDING

This project will be legally defended on several levels. The copyright process is Federal. Local jurisdictions will require separate legal teams. Blued Trees has limited liability as an LLC. The copyright is held by Aviva Rahmani, because her work has the legal stature of international standing. Patrick Reilly, in California, is the attorney of record for the Federal copyright filing of all sites. Previous fundraising campaigns for Blued Trees have raised approximately $8000 cash and $13,000 in kind since August 2015 for legal expenses, documentation, and administration. Tax deductible donations can also be made through the New York Foundation for the Arts (NYFA), the fiscal sponsor for Blued Trees, as part of Rahmani’s project, Gulf to Gulf, about changing climate change policy with art. A new crowdfunding campaign has been launched (see link bottom left) to umbrella the forthcoming copyright litigation. Should the litigation reach the Supreme Court, it could cost millions of dollars and take several years. However, we hope to win this case in the court of public opinion, long before we reach a courtroom.

At the invitation of landowners, trees slated to be chopped down to install pipelines are marked with a vertical sine wave, representing musical notes, with a non-toxic paint. The sine wave symbol was chosen because the physics of sound, light, movement, and time are central to the symphony. The musical line, as an aerial map, would prevent the passage of heavy machinery. The tree “notes” form discreet 1/3 mile long “measures” in the symphony, which is copyrighted and afforded legal protection under the Visual Artists Rights Act (VARA). This creates the legal basis to contest condemnation and begin litigation.

Other geographic sites in the path of natural gas pipeline expansion can be incorporated into this artwork to add “measures” to the symphony or paint individual trees to become part of the Greek Chorus. Communities and threatened landowners, who could face with losing their land through eminent domain (“land taking”) by the corporations, are encouraged to join this project.

Support fundraising at: BLUED TREES DEFENSE 2

...we hope to win this case in the court of public opinion, long before we reach a courtroom.
About the artist
Aviva Rahmani

Ecological artist Aviva Rahmani’s artwork has reflected environmental and social concerns throughout her career.

Her projects range from complete landscape restorations to museum venues that reference painting, sound and photography. Early influences on her work include interdisciplinary classical studies, activism, city planning and the merging of science with aesthetics.

Aviva Rahmani is an affiliate at the Institute for Arctic and Alpine Research (INSTAAR) at the University of Colorado at Boulder, Colorado. She received her PhD from the University of Plymouth, UK. She has exhibited and published internationally and has been the recipient of numerous grants.

Her current work, Blued Trees launched June 21, 2015. It contests the definition of eminent domain with the moral rights of art. More information is available at www.ghostnets.com. A film of the overture and articles about the project can be accessed here:

- **BLUED TREES Video** (by Denise Petrizzo)
  https://vimeo.com/135290635

- **PIPELINE 19 Video** (by Lucid Media)
  http://tinyurl.com/o8twbej

- **USING ART TO STOP A PIPELINE** (Hyperallergic article)
  http://tinyurl.com/qj8wwaa

- **BLUED TREES ON THE FRONT LINES...** (Brooklyn Rail article)
  http://www.brooklynrail.org/2015/11/criticspage/blued-trees-on-the-front-lines-journal-excerpts

- **BLUED TREES DEFENSE 2** (Indiegogo crowdfunding)

ON THE WEB
https://en.m.wikipedia.org/wiki/Aviva_Rahmani
AVIVA RAHMANI
http://www.ghostnets.com/
FACEBOOK
https://www.facebook.com/aviava.rahmani?fref=ts
Blued Trees Symphony and Greek Chorus

AESTHETIC STRUCTURE

*Blued Trees* is a five part operatic symphonic installation. It began in the Summer solstice, June 21, 2015, with an overture in Peekskill, New York. The variations in each movement are based on an iterative score created for the overture. The overture was accompanied by an international Greek Chorus at a total of twenty sites internationally, sites where individual trees were painted, or musical variations on the score were performed to echo the theme of connectivity to all life. The score is simultaneously spatial and acoustic and will conclude with a coda, a final movement that recapitulates and resolves previous themes, during the American presidential Election in 2016. The painted trees are the soloists for this work, and due to the corruption of the legal process, should we fail, will also become martyrs to the cause of freedom. Peekskill was chosen for the overture because it is the site of a proposed natural gas pipeline expansion within 105 feet of the infrastructure for a failing nuclear facility, 30 miles from New York City. The first movement is taking place in six states in America so far, as individual 1/3 mile measures. The score corresponds to a pattern that prevents the movement of heavy machinery through corridors for proposed natural gas pipelines. The paint for each vertical sine wave is a non-toxic slurry of ultramarine blue and buttermilk that grows moss, based on a Japanese gardening technique.

The second movement, developing at the International Studio and Curatorial Program (ISCP), compares New York's Newtown Creek superfund site to what will happen to the entire state of New York, should proposed natural gas infrastructure continue to proliferate. It will culminate with a performance of the first three movements December 15, 2015 at the ISCP. The music of the symphony integrates ambient sound, legal text and classical bel canto with other conventional instrumentation.

HOW TO BEGIN

This project is more complicated than painting trees!

1. Start creating a fund for your local legal team. Choose your lawyers carefully for how smart and committed they will be.


3. Accept that there will be setbacks, and obstacles that may be very emotional and discouraging, but that is our fuel to unveil their ruthlessness and indifference to the pubic good.

4. Research and discuss the ideas so you understand the strategy and can articulate the issues to the media, based on the legal theory. We must win this in the court of pubic opinion before we get to court.

Success will depend on engaging the mainstream in a conversation about what is meant by the "public good."

Watch this video:

BLUED TREES

[https://vimeo.com/135290635](https://vimeo.com/135290635)
Greek Chorus: How to create *Blued Trees* on your property along a Fracked Gas Pipeline

**INTRODUCTION**

*Blued Trees* is a site-specific permanent artwork installed on private land in the path of the gas pipelines. The project was conceived of by ecological artist Aviva Rahmani at the invitation of New York residents-cum-activists faced with fossil fuel corporations expanding pipelines through upstate properties. The initial installation of *Blued Trees* was along the Algonquin pipeline, owned by the Spectra Corporation. It passes within 105 feet of the infrastructure for the failing Indian Point nuclear facility, in Peekskill, 30 miles from NYC.

The artwork consists of a number of trees in a formal distribution pattern, painted with a slurry of non-toxic ultramarine blue pigment and buttermilk, designed to grow moss, with a vertical sine wave. If perceived aerially, the trees designated for painting represent “notes” in a symphonic score, and can be accompanied by a “Greek Chorus” of painted trees and music at other sites. It is important to follow instructions for the painting so that each site can be umbrel-laed under the same copyright, and referenced to establish “standing” as recognized significant art in a courtroom. Protecting the integrity of the legal process for *Blued Trees* requires participants to formally agree to be part of this work as unpaid (volunteer) work-for-hire, and cede authorship to the artist.

Since the *Blued Trees* “Overture” launched June 21, 2015, in Peekskill, NY, the property owners on whose land *Blued Trees* was created, received notification that their land would be condemned. The site is now in limbo, because the legal process was enjoined AFTER the judge wrote her opinion. This is why it is important to have local legal teams in place who can enjoin BEFORE determinations are reached. However, should Blued Trees be destroyed on that site, the gas company may be liable for damages, because a cease and desist notification was sent, and the whole work includes that site with many others. This intended imminent excavation for the pipeline expansion is among many other pipeline projects that are planned and being permitted across the country. That is why we are reaching out to expand the scale of this symphonic installation, even as we research how to establish new case law.

*Blued Trees* endeavors to prevent the destruction of the habitat and artwork embedded into the habitat. The project is a bold, innovative strategy to redefine public good by protecting the integrity of art and nature. The legal basis for that protection is the Visual Artists Rights Act (VARA), which asserts the “moral rights of art” against destruction and first amendment rights of free speech.

The symphony will conclude Fall 2016. We encourage you to paint your trees this Fall, or before leaf-out in the Spring of 2016. Documenting takes time.
MUSICAL STRUCTURE
The original measure is a map for all the designated trees. However, the different terrains of each measure of the first movement modify the score, providing variations, inventions and improvisations on the original musical theme, which starts off in a major key, then changes to a minor and resolves in a major chord. Those terrain differences would be reflected in each map of a new measure that is submitted for copyright. The maps also become integrated into the final score for the first movement of the musical transposition from the painted trees. That transposition then becomes part of the composition that is performed as indoor music. The first performance will be Dec 15, 2015 at the ISCP.

OVERTURE
First full measure for Peekskill, NY with an international Greek Chorus

FIRST MOVEMENT
Full measures for New York continues with other US states added

SECOND MOVEMENT
Newtown Creek superfund comparison to New York State, overlapping with first movement, the USA, and will include more international outreach to paint full measures and Greek Choruses, as is planned for the UK, and the climate meeting in Paris

THE THIRD MOVEMENT
To be determined and will extend into next Fall

CODA
A resolution of all themes, to be performed on Election Day 2016

DOCUMENTATION FOR LEGAL COPYRIGHT FILING
To establish legal standing, when a measure has been completed, create a map that indicates the geographic locations of the painted trees. Take at least one photograph of a completed tree-note and indicate it on the map.
Blued Trees Symphony – Overture

An iterative measure for an improvisational operatic symphony to be performed for a forest.

by Aviva Rahmani

<table>
<thead>
<tr>
<th>NOTE</th>
<th>VALUE</th>
<th>REST</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEMIBREVE</td>
<td>Whole Note</td>
<td>4 Beats</td>
</tr>
<tr>
<td>MINIM</td>
<td>Half Note</td>
<td>2 Beats</td>
</tr>
<tr>
<td>CROTCHET</td>
<td>Quarter Note</td>
<td>1 Beat</td>
</tr>
<tr>
<td>QUAVER</td>
<td>Eighth Note</td>
<td>1⁄8 a Beat</td>
</tr>
<tr>
<td>SEMIQUAVER</td>
<td>Sixteenth Note</td>
<td>1⁄16 of a Beat</td>
</tr>
</tbody>
</table>
How to Locate the Proper Trees

Many pipeline projects are proposed to co-locate with an existing utility power line or some type of existing infrastructure that has already cleared land for itself. This cleared land is considered an easement, or Right of Way (ROW) that was granted for that use. The proposed natural gas pipelines run parallel to this existing ROW, with their own granted ROW, which significantly widens the cleared path through the land.

The intention of Blued Trees is to locate the trees to be painted in alignment with the utility Right Of Way, yet offset sufficient distance to be in the way of construction equipment of the proposed pipeline. The Blued Trees measures, combined with appropriate legal processes, could help halt construction in that area. Our hope is that this will result in a realignment/relocation of the pipeline.

**HOW TO FIND THE PROPOSED ROW**

From the edge of the “cleared” ROW under the existing utility lines, measure 65’-100’ into your property to establish the approximate alignment for selecting trees to be painted.

Property boundaries and existing easements are often in the property owner’s map of their property. Please check with the property owners to determine the correct placement of the easement. If you know exactly where the ROW boundary is on your property, you can set the painted tree alignments approximately 25’ inside the ROW line.

**TYPICAL ROW EASEMENTS FOR 100 FEET CONSTRUCTION**

Diagram based on Kinder Morgan NH Presentation 2015 PDF, ROW Layout page 29
How to Paint a Tree

ONE NOTE, ONE TREE
One Sine wave represents One note on One tree.

- Outline the sine wave (see link at left). We used blue sidewalk chalk.
- The sine shape on each tree should be tall, wide, wrap around the tree, be in proportion to the dimensions of the trunk, and be a recognizable sine wave.
- The wave should extend from the roots of the trunk of the tree to about 10 feet up the tree. You may need a short ladder.
- The depth of the highs and lows of the sine wave need to be proportionate to the width of the trunk so it is more than two-dimensional but doesn't look like a candy cane.
- The sine wave should wrap around the trunk. The viewer should perceive it as an undulating shape.
- A three or four inch brush works well.
- Have a rag handy to wipe off the drips (or don’t).
- One coat produces a translucent sine wave, a second, touch-up coat will make the color stand out more boldly.

HOW TO ACQUIRE THE PAINT
- Buttermilk or whole milk with lemon juice is the base for the paint. Purchase at your local grocer.
- Ultramarine Blue Dark from Kremer Pigments comes in 1kg (2 lb) bags for $22. It is an excellent price and color is great. Also $8 bottles of .11 kg (4 oz.) ultramarine blue pigment available at Blicks (see links at left to purchase online).

HOW TO MIX THE PAINT:
- 3 teaspoons ultramarine blue pigment.
- 12 oz full fat buttermilk (thick, spreads well), or mix 1 TBSP of lemon juice into 12 oz whole milk and wait a bit to thicken.
- Whisk or mix until uniform.
- You can also make the mixture more intense by using more pigment

Note: The paint doesn't hurt the tree. Try using a 5-gallon lidded bucket to mix up to 3 gallons at a time (if there is a large group) and then pour into a large recycled plastic yogurt containers for individuals to use and refill as necessary. Two week old paint can be used with great success. Keep in a cool dark place or refrigerate. Beware - this is a sulfur-based pigment so it will have a strong odor and smell like eggs. The buttermilk will also smell. This is to be expected and poses no actual danger.
How to Paint a Measure

IDENTIFYING THE TREES
Each note is represented by a sine wave on one particular tree. At least 10 trees (or groups of smaller trees) must be painted in a measure. One measure of the music piece is equal to 1/3 mile (approx. 1760').

Follow the musical pattern described below (this is one measure). There are 30 beats in each measure. Each beat is approximately 58 paces (or 176 feet). It may be helpful to be sure a musician is included in your painting group.

1. **FIRST TREE:** First note is a whole note that carries the most weight – 4 beats. So find a large tree to start, or an impressive cluster of tree that has the impact of a large tree; like a cluster of four conveys four beats, but generally look for a big tree. Paint the sine(s). The line should be about half the width of the trunk. (Avoid using evergreens as the paint is too acidic for them.)

2. **WALK 58 PACES** (about 176 feet) to the next tree within the borders which will correspond to a half note. That tree should be a good healthy size but not too big (8”–10” diameter) or two smaller trees together (not saplings). Paint the sine(s).

3. **WALK 58 PACES** (about 176 feet) to the next tree which will correspond to a whole chord (two whole notes played together on two keys). This could be treated as a regular whole note (see step 1), or two large trees are very close, or another large cluster. Should have really strong impact. Paint the sine(s).

4. **WALK 58 PACES** (about 176 feet) to the next trees which will correspond to 4 eighth notes. Look for 4 young trees close together (strong saplings). Paint sine(s).

5. **WALK 116 PACES** (about 352 feet) to find a tree the same size or impact of a whole note. (see step 1) Paint the sine(s).

6. **WALK 58 PACES** (about 176 feet) repeat search for half note (see step 2).

7. **WALK 58 PACES** (about 176 feet) repeat search for whole note (see step 1).

8. **WALK 116 PACES** (about 352 feet) to correspond to the end of your measure. Repeat 1–8 for additional measures.

NOTE: Think organically, follow the guidelines but try not to be too rigid. Fallen trees have been used if placed well. Allow the terrain to determine the variations in your measures.
1. You may need to find someone in your community with the knowledge of “land maps”, GPS and plotting on a map. Google Earth Pro may be helpful.

2. For the area being copyrighted you must include the name and address of the owner of the land. You also need to include the county and the tax map ID of the land.

3. Please obtain written consent of landowners and send to Artist. See Blued Trees Entry Agreement at the end of this publication.

4. It is best to record the GPS location at the base of the tree with a hand-held GPS unit. The individual GPS location can then be used accurately on a map of the area.

5. A good photo of the painted tree is also needed. This may be taken with a camera about 10 – 15 feet from the tree. Photos are best taken on a slightly overcast day or in the late afternoon.

The data will be used to plot the trees on a map and/or in a chart. Either way is acceptable. Examples below.

SUBMITTING THE WORK
Select a contact/point person to be in touch with artist Aviva Rahmani at ghostnets@ghostnets.com.
How to Organize the Painting Date

Emphasizing the positive experience of painting trees along a pipeline route empowers people who feel victimized by the project.

Talking about what we CAN do is important. Many people who I’ve worked with have expressed that the act of painting trees invigorated them and gave them hope.

- Ideally you need dry weather prior to, during, and ideally the day after painting. Planning too far in advance is not recommended, although painting HAS been done in the rain, it may require later touch up.

- Use email and social media (Facebook, Twitter, Instagram, etc.) to organize work dates by creating an Event Page. Each community will need to have its own way of communicating that works for them.

- Websites of local pipeline opposition groups can post the painting events on their event calendars.

- Connect with student environmental organizations (university level in my area) has brought in much needed assistance in painting and mapping.

- Word of mouth is also important because the nuance of this project cannot be shared through electronic media.
How To Engage The Media

This is an important aspect of the work. We hope to win in the court of public opinion before entering a courthouse.

Media attention, especially from the art press is a critical legal strategy to increase the legal standing for each site and protect the project as a whole.

As there is often a skeptical eye turned towards a project of this nature, I recommend that in conversations with the media, you bring up Peter Von Tiesenhausen, a Canadian artist who successfully defended his land - as a way to illustrate an idea that worked by defending his property as a copyrighted work-of-art.

It is important to know, however, that he won by prevailing in the court of public opinion. The case was never tested in Canadian courts. The Canadian copyright laws are not the same as the American legal system, and that means the laws have yet to be tested in the United States.

It is important to not be the “crazy artist” when presenting ourselves to the public on this project. I recommend that you work hard to engage many people of various backgrounds, ages, and experiences.

As the next generation is going to be most affected by the outcomes of these pipelines I am working to get them involved in our media campaign. The students we are working with are well educated, articulate, and believe in making the world a better place. This is the platform we are going to base our media exposure on.

Because the legal piece of this project will be very expensive, please mention the funding needs to the media when appropriate.

Read this interview with the artist about *Blued Trees*:

**USING ART TO STOP A PIPELINE**

http://hyperallergic.com/235429/using-art-to-stop-a-pipeline/
Frequently Asked Questions

**WHAT ARE WE ASKING FOR?**
We are asking to halt the pipelines in the name of redefining the “public good” to serve the public, not the fossil fuel corporations. Establishing aesthetic relationships with trees and their habitat represent an idea model for an alternative energy system that is more efficient, resilient and sustainable than the present extractive resource system.

**WHY (SPECIFICALLY) ARE WE ASKING FOR IT?**
We are asking because natural gas infrastructures add to climate change, and climate change is destroying the entire habitable planet for humans. That destruction, which is for the private profits of a very few at the expense of all life on earth, does not equate to “public good.” That is why the ultimate issue is Earth Rights and the venue goal is the Intergovernmental Panel on Climate Change (IPCC) at the UN.

**WHAT LEGAL STEPS ARE WE TAKING?**
Each site will be copyrighted and become part of a larger strategy, depending on local legal history and jurisdiction. We are raising funds now to design that legal strategy. This legal battle will be the responsibility of, and funded by, the artist Aviva Rahmani. She will need our support to accomplish this.

**WHAT ORDER ARE THESE BEING TAKEN IN?**
Copyright is the first step. Next is filing a Cease & Desist. Then an Injunction. However, because this is uncharted legal territory, many questions still remain.

**WHAT ARE THE OUTCOMES WE ARE LOOKING FOR?**
The outcomes at each stage will be opportunistic. This will be a push pull between available legal avenues, based on research, and responses in communities, the media, and in the courtroom. More importantly is the ultimate goal — which is, first, the Supreme Court and then, the United Nations.

**WHAT DO WE WANT AN ATTORNEY TO DO FOR US?**
Achieving the goal of stopping fossil fuel proliferation is a policy goal that depends on a legal process. It is not a game for amateurs.

**WHAT TO DO ABOUT HARASSMENT?**
Painting trees to make music with the forests can be a joyful experience affirming life rather than death, but not everyone sees things that way. Use basic wisdom and prudence and call on authorities when, and if, you think they can be helpful. Be sure to immediately contact EVERYONE, should the situation escalate, and you feel in personal danger. If the corporations decide that harassing people will serve their interests, they will. But their lawsuits would most likely be thrown out of court. That doesn't mean they can't be annoying. However, we still live in a country that respects law, and as a community of resistance, you will not be alone.
Legal terms

The following are a few legal terms we should be familiar with when discussing our needs with attorneys, the media, and our stakeholders?

Eminent Domain
Eminent domain is the power of a state or a national government to take private property for public use. However, it can be legislatively delegated by the state to private corporations when they are authorized to act in the public good. Property may be taken either for government use or by delegation to third parties, who will devote it to public or civic use or, in some cases, to economic development. The most common uses of property taken by eminent domain are for government buildings and other facilities, public utilities, highways, and railroads. However, it may also be taken for reasons of public safety.

Public Good (also called collective good)
When the use of one individual does not reduce availability (of resources) for others. In 1776 John Adams wrote, “There must be a positive passion for the public good, the public interest… and this public passion must be superior to all private passions.”

VARA
Passed in 1990, The Visual Artists Rights Act is a United States law granting certain rights to artists. Under VARA, works of art that meet certain requirements afford their authors additional rights in the works, regardless of any subsequent physical ownership of the work itself, or regardless of who holds the copyright to the work.

In addition, these terms may also be useful to research and discuss, particularly as they may relate to local jurisdictions:

- Cease and Desist
- Condemnation
- 14.02 Cultural Affairs Law
- Earth Rights
- Fifth amendment
- First amendment
- Free speech
- Injunction
- Second amendment
- Standing
- Takings
Note: VARA will not be the only legal position and the strategy is likely to be debated as we go forwards.

Carolyn Deck, team member painting trees in Virginia adds: “The legal minds that I have run this by say that the Constitutional issue will make the stronger case. The federal government embroils itself in a legal conflict when FERC issues the ‘certificate of convenience and public use’ that enables the gas company to begin construction; while at the same time that same government is legally bound through the Second Amendment to protect that art, particularly art of a political nature (those are the cases that have had the highest success rate in court). We are making a political statement with this art and that has stronger moral standing than the moral right of the art to exist (as stated under VARA). It is also a position that the vast majority of Americans can identify with - they have a lot of trouble understanding site specific art and the moral rights of art pieces. Thus a large media campaign can be more easily built around the Second Amendment stance. I don’t know the ins and outs of filing deadlines if we pursue the Second Amendment stance - but isn’t one free to make a political statement at any time and yes, the statement we are making is to stop the pipeline and if they complain that we are partially succeeding by slowing them down and costing them money - it is our right to do that under the Constitution. We are stopping them from pursuing their criminal activities based on greed and corruption while willfully ignoring the public good, just as ‘Boss Tweed’ and Tammany Hall was stopped in NY at the end of the 1800’s. (Tweed was prosecuted and died in prison.) EQT is committing gross negligence.”

Gusti Bogok, the activist who initially reached out to Rahmani also asked, “isn’t this a case of malfeasance on the part of FERC?”

“Gross negligence is a conscious and voluntary disregard of the need to use reasonable care, which is likely to cause foreseeable grave injury or harm to persons, property, or both.”
BLUED TREES ENTRY AGREEMENT

This Agreement is entered into this_______day of __________________, 201___ by and between
___________(hereinafter “the Owner[s]”) and the Participants executing this document whose
names are listed in Exhibit A, attached. The property owners and participants agree that all artistic work
done, including photographs thereof, and further that all copyright of said artistic work and photo-
graphs thereof are owned by Aviva Rahmani to the extent permissible by the Laws of the United States
of America.

WHEREAS, ____________ is/are the owner[s] of certain real property, Tax Map #_______, which
includes specific areas of interest to the Artists for installation and execution of an artwork by eco-artist
Aviva Rahmani entitled “Blued Trees Symphony”; and

WHEREAS, installation of such artwork is mutually advantageous to the Artists and to the Owner[s];
and

WHEREAS, the Parties wish to enter into this Agreement whereby the Owner[s] will allow the Artists
a Temporary Right of Entry to the Property for the purpose of installing and executing such artwork;

NOW, THEREFORE, for one dollar and other good and valuable consideration provided by the
Artists to the Owner[s], the receipt of which is acknowledged by the Owner[s], the Artists and the
Owner[s] do hereby agree as follows:

I. TEMPORARY RIGHT OF ENTRY

1. The Owner[s] hereby grant to the Artists the temporary right to enter onto the Property for the
purpose of installing and executing an artwork by eco-artist Aviva Rahmani entitled “Blued Trees
Symphony” and for no other purpose. Installation and execution of such artwork shall consist of the
selection and painting of certain trees to be selected by the Artists in an arrangement conforming to the
conceptual framework of “Blued Trees Symphony” by Aviva Rahmani. Such trees shall be painted with
a blue pigmented buttermilk paint in the form of a sine wave.

2. Term of Right of Entry. This Temporary Right of Entry shall automatically terminate 365 days from
the date first herein written above or upon the completion of painting on the property, whichever is
sooner. The term may be extended by mutual agreement.

3. Indemnification. The Artists hereby agree to indemnify, defend, assume all liability for and hold
harmless the Owner[s] from all actions, claims, suits, penalties, obligations, liabilities, damages to prop-
erty, environmental claims or injuries to persons, which may be caused by its activities pursuant to this
Temporary Right of Entry or arising out of or in connection with such activities, whether such damage
or claim shall accrue or be discovered before or after the termination of this Temporary Right of Entry.
The Artists specifically, and not by way of limitation, agrees that they shall be responsible for the repair,
maintenance and cleanup of any damage or debris. The indemnity and other rights afforded to the
Owner[s] by this section shall survive the revocation or termination of this Temporary Right of Entry.

4. Compliance with Laws/Permits. The Artists shall, in all activities undertaken pursuant to this Right
of Entry, comply with all federal, state and local laws, statutes, orders, ordinances, rules, regulations,
plans, policies and decrees.

5. Not Real Property Interest. It is expressly understood that this Temporary Right of Entry does not in
any way whatsoever grant or convey any permanent easement, lease, fee or other interest in the Property
to the Artists.

6. Restoration of the Property. Upon the termination of this Right of Entry, the Artists, at his or her
own cost and expense, and excepting only the application of a solution of pigmented buttermilk paint
to selected trees, shall restore the Property to the same condition in which it was prior to entry. In case
the Artists shall fail to restore the Property to its prior condition within thirty (30) business days after
the effective date of the termination, the Owner[s] may proceed with such work at the expense of the
Artists.
7. Continuing Liability. No termination of this Temporary Right of Entry shall release the Artists from any liability or obligation hereunder resulting from any acts, omissions or events happening prior the termination of this Right of Entry and restoration of the property to its prior condition.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date first written above.

Owner[s]

Participants

Exhibit A

Participants Addresses:
June 14, 2016

Dear Participant in *The Blued Trees Symphony*,

Welcome, and thank you!

We are now working with a team of litigation lawyers to develop a legal framework to protect all *Blued Trees* sites. As we progress, you will be kept informed.

What we have already identified, is that in addition to being a grand operatic symphony that you are part of, *The Blued Trees Symphony* is a permanent work of biogeographic sculpture. The trees are connected to the soil, are one with the geology, and serve to protect the water all life depends upon.

For that reason, to clarify the whole concept, we encourage you to identify rock escarpments that would integrate into the aerial melodies you are creating, and paint them with a horizontal blue sine wave. Apply the same aesthetic principles you are already implementing with your trees.

Enjoy, and don’t forget to GPS the locations and send them to my email address:

Aviva Rahmani
Ghostnets@ghostnets.com
Or
Aar.artist@gmail.com