

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

District of Wyoming

Civil Division

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

JUL 28 2023
12:46 PM
Margaret Botkins, Clerk
Cheyenne

Case No.

23-CV-133-J

(to be filled in by the Clerk's Office)

Walter D. Clapp

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

United States of America, Department of Interior,
National Park Service, Superintendent of Yellowstone
National Park, and Does 1-10

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) Yes No

REQUEST FOR EMERGENCY PRELIMINARY INJUNCTION & COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Walter D. Clapp		
Address	301 Platt Ave N P2043		
	Red Lodge	MT	59068
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	USA		
Telephone Number	406-224-5339		
E-Mail Address	walter@clapp24.us		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	United States of America		
Job or Title <i>(if known)</i>	Attorney General		
Address	950 Pennsylvania Ave, N.W.		
	Washington	D.C.	20530-0001
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			
E-Mail Address <i>(if known)</i>			

Individual capacity Official capacity

Defendant No. 2

Name	Department of Interior		
Job or Title <i>(if known)</i>			
Address	1849 C Street N.W.		
	Washington	D.C.	20240
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			

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E-Mail Address *(if known)* Individual capacity Official capacity

Defendant No. 3

Name

National Park Service

Job or Title *(if known)*

Address

1849 C Street NW

Washington

D.C.

20240

City

State

Zip Code

County

Telephone Number

E-Mail Address *(if known)* Individual capacity Official capacity

Defendant No. 4

Name

Superintendent of Yellowstone National Park

Job or Title *(if known)*

Address

PO Box 168

YNP

WY

82190-0168

City

State

Zip Code

County

Telephone Number

E-Mail Address *(if known)* Individual capacity Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

N/A

- C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

1st Amendment Rights to Speak in Presidential Campaign. SEEKING PRELIMINARY INJUNCTION.

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

On information and belief, the Yellowstone Park Superintendent and his subordinates have used CFR, and the Superintendents "Compendium" to directly restrict the content of my campaign and speech - namely - they are prohibiting the participation of my horses in my Campaign Across America.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Over the internet, mostly. Also Mammoth Backcountry Office in Yellowstone National Park ("YNP"). Also Eagle Creek Campground.

I am running for President and driving a team of Horses and a wagon across America to raise awareness of my campaign - which focuses on the 1st proposed Amendment to the Constitution - which was championed by George Washington. This requires people slow down and look to our founding - they all drove horses.

I applied for a permit electronically on July 6 for 1st Amendment activity to begin in YNP on July 16. See Exhibit 1. A decision was made July 12. My permit activity was denied, however, on Friday July 14 at 5:04 p.m. See Exhibit 2. In person verbal overtures were made that accommodations might be made. Instead, nothing has changed and another denial letter was issued July 18, 2023 - forcing this action. See Exhibit 3.

Horses (and dogs to protect the horses from natural predators) are part of the content of my speech.

- B. What date and approximate time did the events giving rise to your claim(s) occur?

July 6-18, 2023

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- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

Yellowstone National Park ("YNP") has 11 Designated 1st Amendment Areas. They are all in the front country, where horses are not allowed outside of a trailer. I am driving a Team of Horses across America to raise awareness of the 1st Proposed Amendment to the Constitution.

I asked for my dog and two horses to be present for my speeches over the course of ~10 days at various 1st Amendment Areas in YNP. See email request enclosed as Exhibit 1, and incorporated herein above my signature.

According to YNP, I am allowed to have a dog in the front country, but cannot camp with horses in the front country - so I am forced to camp in the backcountry - but cannot bring my dog into the backcountry. Catch 22. YNP wants me to leave my horses at home to use my 1st Amendment rights in YNP. This restricts the content of my speech. And it does so while YNP allows concession rides in horse drawn carriages in the front country and on "old stagecoach" roads in YNP.

I am also not allowed to have the horses outside of the horse trailer on these hot summer days, and cannot pull them out temporarily to move my rig around to put my wagon in the 1st amendment zones. In practice, I am not allowed to have the horses anywhere near the 1st amendment zones or really in the Park at all. I cannot leave them in the backcountry, or in the frontcountry corrals that are used by the concessionaires.

I was notified after 5pm on the Friday before the Sunday I was to arrive that I would not be able to (1) drive my team of horses in the park, (2) have my team of horses outside of a trailer in any developed area (where every 1st amendment site exists), or camp in the backcountry with my dog. I left my dog and was camping at Eagle's Creek until this can be sorted out.

Today, there are for-profit entities housing and driving teams of horses in the front country of the YNP. They are exercising no 1st amendment rights.

The YNP Superintendent's Compendium's restriction of Horses in Developed Areas on the basis of Resource Protection and Public Safety. The restrictions are not rational. Horses do not threaten resources in developed areas which cannot easily be replenished, and dogs biting humans is more frequent than horses kicking people beyond an electric fence. Worse still, cars remain one of the top killers of humans in America and in YNP.

The first 1st Amendment site I was to visit is adjacent to Roosevelt Arch - it is a dirt patch.

Even if the prohibition of horses on roads and in the front country were rational, it violates the 1st Amendment as content based prior restraint, as applied to me - it is regulating the content of my speech - which is about looking to our nation's beginnings (of which horses were foundational).

More irrationality: Dogs are allowed on trails - but only service dogs. Horses are allowed in developed areas - but only service horses. When did the rights of the disabled supersede the rights under the 1st Amendment?

Although 36 CFR 2.16 may be facially content neutral (it was passed when cars first arrived I have been told) - it is not content neutral as applied to me. I know permits have been issued allowing horse drawn vehicle travel in the park in the past.

Again, today, a concession vendor has the right to house and drive horse drawn carriages in the front country of the Park - but I am prohibited.

Horses, and human connection to this animal, and the slowness that requires interaction with a prey animal, is part of my speech. So too are the dogs which so many connect to - and which protect my horses.

My travel on roadways is necessary between areas - as it was for me between Toston, MT and Three Forks, MT, where I began this journey. I must drive my horses and wagon between 1st Amendment areas - or near a specially designated 1st Amendment Area. This is facially allowed under the CFR, but the park is not so interpreting the regulation. It is as if slow moving traffic is something new to the park....

On my way out of YNP - with my horses in my trailer, we waited for over an hour while traffic gawked at Bison. On my brief expedition into the Backcountry to see if that was a feasible option (it is not) my horses ran into three Bison (so the park cannot claim horse/wildlife interaction is the concern.)

YNP argues that front country camping is generally not a protected 1st Amendment activity. But, in my case, where I can only travel with my Horses 15-25 miles a day while exercising my 1st Amendment rights in a large park, camping in the park's front country is necessary to get to the 1st Amendment zones in a timely manner. It would have been impossible for me to arrive and set up each day by 8am if I am forced to camp miles into the backcountry, with unlimited July mosquitos en force.

The content of my speech is curtailed by the prohibition of my travel by horse and wagon through the park. Front country camping, with horses, is necessary for that speech.

I could use my truck and horse trailer and pull my wagon between sites, but, again, YNP will not allow me to remove my horses from my trailer so that I can move my wagon into position. I am hamstrung. So I plead to the Judiciary for prompt relief.

The first Republican Debate is scheduled for August 23. Every day I am prohibited from exercising my right to free speech in our Nation's 1st Park, which was founded at a time of horse drawn vehicle, causes me and our national irreparable harm.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

No physical injuries. My campaign has been injured - and by it, our Country.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

PRELIMINARY INJUNCTION. I am seeking nominal damages, and a preliminary injunction. The first Republican debate is August 23, 2023. I must have 40,000 individual contributions to get on the debate stage. YNP is the First national Park - and I want to discuss the 1st Proposed Amendment, while being the first modern Presidential Candidate to drive a team of horses across the U.S. If the Park continues to withhold my right to speak with my animals present, and drive my team between 1st Amendment sites, I will be irreparably damaged.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 7/25/2023

Signature of Plaintiff

Printed Name of Plaintiff Walter D. Clapp [attorney in MT (bar #49397109) - not in WY]

B. For Attorneys

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

Date of signing: 7/25/2023

Signature of Attorney

Printed Name of Attorney Walter D. Clapp

Bar Number MT #49397109Not licensed in WY or admitted to this Court

Name of Law Firm Honor Coin Law, PLLC

Address 5 Pepsi Drive

Red Lodge

City

MT

State

59068

Zip Code

Telephone Number 406-224-5339

E-mail Address walter@clapp24.us



Walter Clapp <walter@clapp24.us>

Clapp 2024 1st Amendment SUP

Walter Clapp <walter@clapp24.us>

Thu, Jul 6, 2023 at 8:58 PM

To: Robyn Jacks <robyn@clapp24.us>, "walter@honorcoinlaw.com" <walter@honorcoinlaw.com>, yell_sup@nps.gov

Hi Rachel and SUP Team,

Thanks for the call Rachel. I hope you enjoy your time away.

For those who do not yet know me. I am Walter D. Clapp - I live in Red Lodge, MT, and I am an attorney running to be the next Republican President of the United States. Principally, to drastically increase Representation in our House of Representatives.

To this end, I am personally driving a team of two horses with a wagon to Iowa - and then New Hampshire, South Carolina, and Nevada. I aim to hit as many public speaking spaces as possible.

GENERAL PLAN NARRATIVE: I begin my trip in Toston, MT early next week and drive south under horse power, to the Gardiner entrance. Then east, through YNP to Cody, with a stop at the appropriate YNP 1st amendment zones along the way. I plan to be out of the park by July 25.

I do not plan to use amplified sound equipment. I plan to speak with force from the tailgate of my wagon - around which people and horses and corral. I aim to minimize my disturbance to wildlife. I will have smaller, or indoor (if so permitted), conversations, if wildlife are closer or natural crowd size growth becomes a concern. This trip is about me connecting in person with other humans. And those humans connecting with me, animals, and nature. Small gatherings that are capped in size but turning over frequently is my ideal.

My following is still quite small, but growing. My human team in the park will be me and one other person - a driver for the follow vehicle. We will have a follow truck and horse trailer. If that other human is my mom, she will be bringing her 8 pound dog. I would like to have my 100 lb akbash goldendoodle mix riding next to me. He is quite the charmer. I am well versed on the Park's dog restrictions. I need people to connect, energetically, with me, and my animals. The speech is words, it is also "body language."

I am flexible in my movements, the slowness of my planned travel allows this. My animals, and their slowness and level of domestication surely brings your team traffic concerns. I promise I aim to impede traffic as little as possible, as I do not want tourists angry at me, either. I can travel at daybreak each morning. And trailer the horses if me or the horses have a bad day. I will have the health check, Coggins, water, and weed free hay. Let me know if I am missing anything.

I would also be happy to take a backcountry trail for a portion of the trip from one 1st amendment site to another (or can we find a 1st amendment backcountry site?) and pull the wagon to the other end of the trail with a vehicle - if this might lessen your concerns. If it increases your concerns, I am happy to stick to the roads - or listen to whatever you may propose.

CONNECTION TO 1ST AMENDMENT: My 1st Amendment Message is all about the 1st PROPOSED Amendment. And its relationship to social media, and now, suddenly, AI. I turned 35 last 1st of November, I could not stand to sit on the couch for 2024's embarrassing reruns. What better place to talk about 1sts than in our 1st National Park.

I clerked for the Senate Judiciary Subcommittee on the Constitution in my last year at Georgetown Law in 2016. There I was paid to dig into the first ever proposed amendment to the United States. I have sat with this knowledge for 7 years. Other respected institutions have made note of this as of late: <https://www.amacad.org/ourcommonpurpose/recommendation-1-1>

This is a bipartisan issue. It will allow me to draw the Republican primary back to the middle. Representation=Republican.

EXHIBIT 1

You see, George Washington thought representation was more important than the freedom to speak - without representation, what purpose does speech serve?

He also thought representation was more important than the right to bear arms.

That is the reason the first proposed amendment was the only amendment George publicly defended in the debates.

That is why the representation amendment was proposed first. .

And it was defeated because of a hasty amendment - a bug in the code. Today, our representation is dismal - a citizen of the UK has 8x better representation. Yet we fought a war to defeat taxation without REPRESENTATION. Today, only a simple law is needed to fix this. But how, with a broken Congress? Only the President can really force the Legislature to pass better legislation - with her Veto power.

I campaign to ask our country to SLOW DOWN. And find TRUTH through REPRESENTATION and CONNECTION with other humans, and importantly to me, nature - which includes domesticated and wild animals.

CONCLUSION: I am seeking your permission, and your grace, to help me with reasonable accommodations for this unique 1st Amendment endeavor. Another 1st for YNP, I hope. I realize you only want to set good precedent. Our interests are aligned there.

If you want to know more about why I am taking these great pains, please feel free to visit the website www.clapp2024.us and onto the social sites linked therein.

In this moment of spiraling post truth AI, the U.S. needs me and my message. So. To that end.....

Please feel free to call me anytime at 406-224-5339 to discuss. You can also email me here, but it is difficult to email and drive horses at the same time (I will however have Starlink on board).

Again, the horses and I depart for Yellowstone early next week. The exact date of arrival is dependent on provisions and rate of travel as we get ourselves in order - aiming for July 16th.

Thank you.

Walter



United States Department of the Interior

NATIONAL PARK SERVICE

PO Box 168
Yellowstone National Park
Wyoming 82190

IN REPLY REFER TO:

A9029b/1.D.(YELL)

VIA EMAIL – HARD COPY TO FOLLOW

July 14, 2023

Mr. Walter Clapp
301 Platt Avenue North
Red Lodge, Montana 59068
walter@clapp24.us

Dear Mr. Clapp:

Thank you for submitting a Special Use Permit application for a First Amendment event at Yellowstone National Park and a follow up email for your proposed activities occurring July 16 through July 26, 2023. The park completed review of your request on July 12, 2023.

Your proposed application and email requests the following:

- Drive a wagon drawn by two draft horses from Gardiner, Montana, through Yellowstone on park roads to the East Entrance from July 16-26, 2023, followed by a truck and horse trailer
- Speak from the tailgate of the wagon to visitors and possibly have smaller gatherings to talk to visitors
- Campsites for overnight stay with your horses, wagon, and driver of the vehicle
- Ride a backcountry trail for a portion of the trip from one 1st Amendment site to another and pull the wagon to the other end of the trail with a vehicle

Upon initial review, the following items you requested will not be permitted as a First Amendment activity as they are prohibited by the Code Federal Regulation (CFR), the Superintendent's Compendium in Yellowstone National Park, or they are not considered to be a protected First Amendment activity (see 36 CFR § 2.51(a)).

[36 CFR § 2.16](#), Horses and pack animals, prohibits the following:

(b) The use of horses or pack animals outside of trails, routes or areas designated for their use.

(c) The use of horses or pack animals on a park road, except:

- (1) Where such travel is necessary to cross to or from designated trails, or areas, or privately owned property, and no alternative trails or routes have been designated; or
- (2) when the road has been closed to motor vehicles.

You are welcome to bring your horses through the park, but they will need to remain trailered in front country areas per the Yellowstone [Superintendent's Compendium](#) under 36 CFR § 2.16, SC2 subsection

(d). Horse and pack animal travel is prohibited in the following locations:

- (1) Developed areas
- (2) Boiling River Swimming Area
- (3) Firehole Swimming Area

EXHIBIT 2

- (4) Clear Lake
- (5) Lava Creek
- (6) Lost Lake
- (7) Monument Geyser Basin
- (8) Point Sublime
- (9) Riverside
- (10) Shoshone Geyser Basin
- (11) Upper Terraces
- (12) Washburn Hot Springs
- (13) West Thumb Overlook

As stated above, there are certain areas of the park where horse and stock use are prohibited. However, the park is open to trail riding either as a private individual or as a part of a guided trip. Trail riding requires a day or overnight permit which is available on the park website under horse ride information. This activity is not considered a First Amendment activity and the park does not have any designated First Amendment locations on or adjacent to trails or in the back country.

36 CFR § 2.10 camping and food storage, (a) The Superintendent may require permits, designate sites or areas, and establish conditions for camping. Yellowstone National Park does not have front country camping areas for stock use. Horses and pack animals are prohibited in class A and B campgrounds (all front country campgrounds in Yellowstone). Stock use is permitted in designated backcountry areas which require an additional permit, per the Superintendent's Compendium (page 39; SC1.) Camping is not a First Amendment activity, and the park does not have any designated First Amendment areas in the campgrounds; the park could potentially approve additional requests to use the campground amphitheaters for First Amendment activities.

Yellowstone National Park has [11 designated locations](#) that may be utilized for First Amendment activities. All First Amendment locations are in developed, front country areas so are not accessible to horses or pack animals, but you are allowed to have pets, including dogs. You can find more information on the park's website about pet specific requirements such as leashes and waste removal. As designated areas, these are available without further permits unless you intend to use amplification, solicit donations, or use structures. If you intend to engage in these activities, you will need to specifically tell the park which designated areas you intend to use, and when. If you would like to use your wagon in any of the designated areas, please let us know as that is considered a structure and we will want to work with you to ensure it can safely fit, be secured, and have minimal impacts to resources.

If you would like to move forward with any First Amendment activity that requires a permit in Yellowstone, please contact us with your specific dates and locations request so that a permit may be issued to you in a timely manner.

Sincerely,



Ken Watson
Fee and Business Revenue Manager



United States Department of the Interior

NATIONAL PARK SERVICE
PO Box 168
Yellowstone National Park
Wyoming 82190

IN REPLY REFER TO,

A9029b/I .D.(YELL)

July 18, 2023

Mr. Walter Clapp
301 Platt Avenue North
Red Lodge, Montana 59068

Dear Mr. Clapp:

Thank you for discussing your additional questions and requests for reconsideration with me yesterday evening, July 17, 2023, when I met with you in person at 6:00 p.m., at the US Forest Service Eagle Creek Campground regarding the Special Use Permit for a First Amendment event at Yellowstone National Park (YNP) occurring July 17 through July 25, 2023. The park reviewed your questions and requests this morning.

You requested that the park review its decisions including the following:

- Use of two horses to assist in conveying your message either in the designated First Amendment sites or in the parking lot near the designated sites.
- Clarification on tethering horses to trailer during setup of the wagon and activities.
- Using horses to travel between designated areas.
- Change of dates and times for some locations.
- Use of amphitheaters for your First Amendment activities.

As stated in earlier correspondence, 36 CFR § 2.16 prohibits the use of horses and pack animals in many locations in YNP. This CFR is content neutral and is there for the benefit of public safety and protection of park resources, including staff who may have to assist in rounding up loose stock. We do not consider use of horses in developed areas a protected First Amendment right.

36 CFR § 2.16, Horses and pack animals, prohibits the following:

- (b) The use of horses or pack animals outside of trails, routes or areas designated for their use.
- (c) The use of horses or pack animals on a park road, except:
 - (1) Where such travel is necessary to cross to or from designated trails, or areas, or privately owned property, and no alternative trails or routes have been designated; or
 - (2) when the road has been closed to motor vehicles.

Designated areas referred to in 36 CFR § 2.16 are areas designated for horse or stock use. The areas designated under 36 CFR § 2.12 are for horse and stock use only and do not carry forward to other provisions of the CFR unless specifically designated that way in the Superintendent's Compendium. As discussed in previous correspondence and below, horse and pack animal travel are prohibited in developed areas of YNP. Areas designated for First Amendment demonstrations (36 CFR § 2.51) and Distribution and Sale of Printed Matter (36 CFR § 2.52) are all in developed areas at YNP, you are not permitted to have horses or stock animals un-trailerred in these areas, including short periods of time while you set up your wagon and prepare for your demonstration activities. You are welcome to bring your

horses through the park. They will need to remain trailered in front country areas and may not be tethered at any time except at stock trailheads per the Yellowstone Superintendent's Compendium under 36 CFR § 2.16, SC2 subsection (d). Horse and pack animal travel is prohibited in the following locations:

- (1) Developed areas
- (2) Boiling River Swimming Area
- (3) Firehole Swimming Area
- (4) Clear Lake
- (5) Lava Creek
- (6) Lost Lake
- (7) Monument Geyser Basin
- (8) Point Sublime
- (9) Riverside
- (10) Shoshone Geyser Basin
- (11) Upper Terraces
- (12) Washburn Hot Springs
- (13) West Thumb Overlook

The prohibitions of horses on roadways, in campgrounds, and in developed areas are long-standing regulations unrelated to the content of any speech or expression. The prohibition of stock on roads and in campgrounds can be traced back to some of the earliest National Park Service (NPS) regulations. These regulations do not limit or interfere with the content of First Amendment activities.

The requested date and time modifications are approved and will be reflected in the permit. Specifically, the additional time at the Roosevelt Arch site, Arch Park, managed by Park County, Montana, is immediately adjacent to Yellowstone and the Roosevelt Arch. Arch Park may offer an alternative venue for some of your activities. Park County Parks phone number is (406) 222-4100.

The use of park amphitheaters may be permitted for some of your activities. Yellowstone has amphitheaters associated with most campgrounds and they are considered developed areas. The restrictions for the horses would remain the same as in the First Amendment sites. The Fishing Bridge Amphitheater is located next to the Fishing Bridge Visitor Center and is visible from the parking area and visitor center access path. Other amphitheaters are generally located out of sight of most visitors' view. If you would like to look at these locations a bit more in depth, we can do so.

All 11 designated First Amendment locations are in developed, front country areas, so are not accessible to horses or pack animals. As designated areas, these are available without further permits unless you intend to use amplification, solicit donations, or use structures.

If you would like to amend your requests, please let me know as soon as possible so that any permits may be issued or amended in a timely manner.

Sincerely,



Ken Watson
Fee Business and Revenue Manager

EXHIBIT 3