

## **EXHIBIT 2**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

ELIZABETH E. MORRIS; and  
ALAN C. BAKER,

Plaintiffs,

v.

U.S. ARMY CORPS OF ENGINEERS,  
et al.,

Defendants.

Case No.

**DECLARATION OF ALAN C. BAKER**

I, Alan C. Baker, declare as follows:

1. I am over 18 years of age and I am competent to testify from my first-hand knowledge as to the matters set forth in this Declaration.
2. I am a citizen of the United States and have resided in Latah County, Idaho, for six years.
3. I am a NRA-Certified Home Firearm Safety, Personal Protection In The Home, Rifle, Pistol, and Shotgun Instructor, as well as a Utah-certified Concealed Firearms Instructor. I am licensed to carry a concealed handgun pursuant to the laws of the States of Idaho, Utah, Oregon, and Arizona. True and accurate copies of these credentials are attached hereto as Exhibit Baker-1.
4. I am over 21 years old, have no history of substance abuse, have no criminal record, am not subject to a protection order, have demonstrated competency with a handgun, and have been approved by the Latah County Sheriff to carry a concealed handgun almost everywhere in the State.
5. I regularly carry a handgun for self-defense.

6. I am a life-long outdoorsman. I regularly camp and hunt in Idaho and have concrete plans to camp on Corps-administered public lands in the future.

7. I fear arrest, prosecution, incarceration, and/or fine if I were to possess a functional firearm while recreating on lands administered by Defendants.

8. On March 22, 2013, I secured a reservation for a campsite at Dent Acres for May 31, 2013, to June 2, 2013. A true and accurate copy of that reservation is attached hereto as Exhibit Baker-2.

9. On April 22, 2013, my counsel contacted District Commander Andrew D. Kelley by letter to request that he recognize my right to bear arms pursuant to 36 C.F.R. § 327.13(a)(4). A true and accurate copy of that letter is attached hereto as Exhibit Baker-3.

10. To date, I have received no response from District Commander Kelley.

11. On May 31, 2013, I camped at Dent Acres as planned, but I could not exercise my right to keep and bear arms due to Defendants' active enforcement of 36 C.F.R. § 327.13.

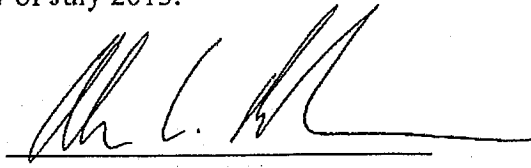
12. I have reservations to camp at the Corps-administered campground at Macks Creek Park at Lucky Peak Lake from September 27, 2013, to September 29, 2013. A true and accurate copy of that reservation is attached hereto as Exhibit Baker-4.

13. Macks Creek Park is in the Walla Walla District.

14. But for Defendants' active enforcement of 36 C.F.R. § 327.13, I would possess a functional firearm while recreating on Corps-administered public lands.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED this 29<sup>th</sup> day of July 2013.

A handwritten signature in black ink, appearing to read "Alan C. Baker", written over a horizontal line.

Alan C. Baker


## **Exhibit Baker-1**

**IDAHO**  
The Gem State

**DRIVER'S LICENSE**


DL NO. [REDACTED]  
Class: [REDACTED]  
Exp: [REDACTED]  
DOB: [REDACTED] 1986

BAKER  
ALAN CHRISTOPHER  
[REDACTED]  
MOSCOW, ID 83843  
Sex: [REDACTED] Height: 6'04" Weight: 240 Eyes: BLU Hair: RED




**IDAHO**  
CONCEALED WEAPONS LICENSE

DRIVER'S LICENSE ID NUMBER: [REDACTED]  
BAKER, ALAN CHRISTOPHER  
[REDACTED]  
MOSCOW, ID 83843  
Sex: [REDACTED] Height: 6'04" Weight: 240 Eyes: RED Hair: RED  
DATE OF BIRTH: [REDACTED] 1986 ISSUED: [REDACTED] 2011 EXPIRES: 10/22/2016




**UTAH**  
DEPARTMENT OF PUBLIC SAFETY  
Concealed Firearm Permit

NAME: ALAN CHRISTOPHER BAKER  
D.O.B. [REDACTED] 1986 SEX: M  
ADDRESS: [REDACTED]  
CITY: MOSCOW ST: ID ZIP: 83843  
DATE OF ISSUE: 01/02/2008 DATE OF EXPIRATION: 01/02/2018  
HT: 6'04" WT: 240 EYES: BLU HAIR: RED  
Commissioner of Public Safety: [Signature]



**UTAH**  
DEPARTMENT OF PUBLIC SAFETY  
Concealed Firearm Instructor


NAME: ALAN CHRISTOPHER BAKER  
D.O.B. [REDACTED] 1986 SEX: M  
ADDRESS: [REDACTED]  
CITY: MOSCOW ST: ID ZIP: 83843  
DATE OF ISSUE: 12/22/2008 DATE OF EXPIRATION: 12/22/2014  
HT: 6'04" WT: 240 EYES: BLU HAIR: RED  
Commissioner of Public Safety: [Signature]




**STATE OF ARIZONA**  
DEPARTMENT OF PUBLIC SAFETY  
Concealed Weapons Permit

**CONCEALED WEAPONS PERMIT**  
BAKER, ALAN CHRISTOPHER

Permit #: [REDACTED] Issue Date: 7/23/2011 Expiration Date: 7/23/2016  
Race: W Sex: M Height: 6'04" Weight: 230 Eyes: RED Hair: BLU DOB: [REDACTED] 1986  
I HEREBY CERTIFY THAT THE PERSON DESCRIBED HEREON HAS BEEN GRANTED THE PRIVILEGE OF CARRYING A CONCEALED WEAPON IN COMPLIANCE WITH ARIZONA REVISED STATUTE 33-3112.  
DIRECTOR, ARIZONA DEPARTMENT OF PUBLIC SAFETY: [Signature]

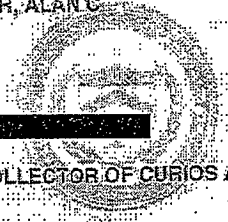


**Umatilla County, Oregon**  
Concealed Handgun License  
Alan Christopher Baker  
[REDACTED]  
Moscow, ID 83843  
DOB: [REDACTED] 1986  
HGT: 6'04" WGT: 240 Eyes: BLU Hair: RED  
Expires: 08/09/2016




**Federal Firearms License (FFL) Information Card**

License Name: BAKER, ALAN C  
Business Name: [REDACTED]  
License Number: [REDACTED]  
License Type: 03-COLLECTOR OF CURIOS AND RELICS  
Expiration: November 1, 2015  
Please Note: Not Valid for the Sale or Other Disposition of Firearms.



**National Rifle Association Credentials**  
ALAN CHRISTOPHER BAKER  
Range Safety Officer  
Instructor  
Certified Home Firearm Safety \* Metallic Cartridge Reloading \* Shotgun Shell Reloading \* Certified Pistol \* Personal Protection In The Home \* Certified Rifle \* Certified Shotgun  
NRA # [REDACTED]  
Expires: 11/30/2014  
Edward J. Land, Jr., Secretary  
Not valid for conducting NRA Law Enforcement or NRA Security Officer Training Courses.





IDAHO



Temporary

License or ID Number: [REDACTED]

Name: ALAN BAKER

Card Mailed To: [REDACTED]

MOSCOW, ID 83843

This is a temporary document. Your card will arrive in the mail within approximately 3 weeks. If you do not receive your card within 3 weeks, please call 208-334-8735, option 3. If this temporary document is for a concealed weapons permit, and you have not received your permit within 3 weeks, contact the SHERIFF'S OFFICE in the county where you applied for your permit.

If you said "Yes" to organ, eye, and tissue donation, congratulations! You've made a decision to save lives. "Donor" confirms your enrollment in the Yes Idaho Donor Registry. We urge you to share your decision to donate with those closest to you.

If you don't have "Donor" on your driver license or ID card, we hope you'll consider getting more information and joining the Yes Idaho Donor Registry by going to [www.yesidaho.org](http://www.yesidaho.org). If you want to make limitations, change or update your donor status, please go to [www.yesidaho.org](http://www.yesidaho.org) or call 1-866-YES-IDAHO.

Punch out gently along perforations. Fold in middle.

ENHANCED CONCEALED WEAPONS LICENSE		IDAHO	
COUNTY/ID NUMBER	DRIVER'S LICENSE/ID NUMBER		
BAKER, ALAN CHRISTOPHER			
MOSCOW, ID 83843			
SEX M	HEIGHT 6'04"	WEIGHT 220 LB	HAIR/EYES RED/BLU
DATE OF BIRTH 1986	ISSUED 07/28/2013	EXPIRES 09/27/2013	

Failure to carry license when you carry a concealed weapon may result in your arrest.

A county sheriff shall have the power to revoke this license, subsequent to a hearing, for violation of IC 18-3302.

↑  
Fold

## **Exhibit Baker-2**



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## All Completed!

Thank you for using Recreation.gov

This page may not be used as proof of payment upon arrival.  
A separate confirmation email will be sent for each completed reservation.

**National Recreation Reservation Service (NRRS)**

#2-25733916	STANDARD ELECTRIC	Arriving: Fri May 31 2013	Camping Fee:	\$36.00
Confirmed:	DENT ACRES, DWORSHAK	Leaving: Sun Jun 02 2013		
	DAM & RES, ID	Length of Stay 2 (nights)		
	015, Sites 8 to 15, 31 to 36	Primary Alan Baker		

**National Recreation Reservation Service (NRRS) Total:**

Payment Method: Visa xxxxxxxxxxxx0501

This payment will appear on your statement as: Recreation Gov  
888-4481474 NY

Subtotal:	\$36.00
Total:	\$36.00
Amount Paid:	\$(36.00)
Balance:	\$0.00

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Best before: 7 Minutes (Items will become reservable by others)

[My Account: Alan Log-Out](#)

[Permit General Rules](#)

## General Rules for use of Federal Recreation Lands

### Camping

- If you are staying at a campground, you must camp only in those places specifically provided or marked.
- All vehicles, RVs, and trailers must be parked on your campsite or driveway. Driving or parking off road is not permitted.
- Quiet hours are between 10:00 p.m. and 6:00 a.m. Please be considerate of others.
- Camping longer than 14 consecutive days is generally not allowed. At Corps of Engineers campsites only, camping at one or more campsites at any one water resource project (lake) for a period longer than 14 days during any 30-consecutive day period is prohibited.
- The number of camping units per campsite varies and is set locally.

### Sanitation

- Help prevent pollution by keeping garbage, litter, and foreign substances out of lakes, streams, and other waters.
- All garbage and litter must either be deposited in containers provided, or taken with you when you leave.

### Campfires

- Obey any restrictions on fires. Fires may be limited or prohibited at certain times.
- Within campgrounds and other recreation areas, fires may only be built in fire rings, stoves, grills, or fireplaces provided for that purpose.
- Be sure your fire is completely extinguished before leaving. Do not leave your fire unattended. You are responsible for keeping fires under control.

### Vehicle Operation

- Drivers must obey all traffic signs and operate their vehicles in accordance with posted regulations, and applicable Federal, State and local laws.
- Vehicles must be parked in designated areas only.
- Use of vehicles within campgrounds and other recreation areas is limited to entering or leaving those areas.

### Pets and Animals

- Pets must be restrained or on a leash at all times while in developed recreation areas.
- Pets (except guide dogs) are not allowed in swimming areas or sanitary facilities.
- Saddle or pack animals are only allowed where authorized by posted instructions.

### Fireworks

- Use of fireworks or other explosives within campgrounds and other recreation areas is prohibited.

### Public Property

- Preserve and protect your National Forests, National Parks, and Corps of Engineers Lake areas. Leave natural areas the way you find them.
- Do not carve, chop, cut and damage any live trees.

### General Notice

All visitors and users of Federal Recreation Lands are subject to Federal Regulations. The points of conduct listed here are included and enforceable through Federal Regulations.

#### USDA Forest Service

CFR Title 36, Part 261 - Prohibitions, are applicable to the National Forests. Copies of Title 36 are on file at all Forest Supervisor and District Ranger offices.

#### USDOI National Park Service

CFR Title 36, Chapter 1 - National Park Service, Department Of The Interior. Copies of Title 36 are on file at all National Park offices.

#### US Army Corps of Engineers

CFR Title 36, Part 327 - Rules and Regulations Governing Public Use of Corps of Engineers Water Resource Development Projects, contains additional information and requirements. Copies of Title 36 are posted on most bulletin boards and are available from Rangers, Park Attendants, and Lake offices.

### Specific Regulations for Federal Agencies

#### Bureau of Reclamation

Rules and Regulations Governing Camping at [New Melones Lake](#)

Bureau of Land Management

CFR Title 43, Chapter II, Part 2933 - Rules and Regulations Governing Recreation Use Permits



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My Account: Alan Log-Out

## NRRS™ Reservation Policies

[Ticketing Policies](#)  
[Permit Policies](#)

As the NRRS™ changes, several Policies have been updated / modified to serve all of our customers better! Please see the following sections for changes to current policies for agencies currently participating in the NRRS™.

### Making a Reservation

You can reserve the following types of facilities through the NRRS™:

#### Individual Campsites

Up to 6 Months (rolling window) in Advance for all agencies under the NRRS™  
5 Months (block window) for Yosemite National Park - Inventory goes on-sale on the 15th of each Month

#### Cabins & Lookouts

Up to 6 Months (rolling window) in Advance for all agencies under the NRRS™

#### Group Facilities

Up to 12 months (rolling window) in Advance all agencies under the NRRS™

- Please Note! Reserved campsites and group overnight facilities will be held until check-out time on the day following your scheduled arrival. Group day use facilities will be held until check-in time on your scheduled arrival date.

### Call Center Hours of Operation

March 1 - October 31 - 10:00 AM EST - Midnight EST  
November 1 - February 28 - 10:00 AM EST - 10:00 PM EST

\*Please note our offices are closed on Thanksgiving, Christmas and New Years Day.

Reservations	1-877-444-6777
TDD	1-877-833-6777
Customer Service	1-888-448-1474

### Method of Payment

See below listing of accepted methods of payments for reservations:

Method of Payment	Sales Channels		
	Call Center	Internet	Field
Bankcard	Yes	Yes	Yes
Certified Checks	No	No	Yes*
Bank Checks	No	No	Yes*
Money Orders	No	No	Yes*
Personal Checks	No	No	Yes*
Travelers Checks	No	No	Yes*
Cash	No	No	Yes*
Foreign Currency	No	No	No

\*These types of payments are accepted in the field only.

Recreation.gov Billing Information: Customer's monthly credit card statements will reflect "Recreation.gov 888-448-1474" for reservation transactions.

Remember! Reserved campsites and group overnight facilities will be held until check-out time on the day following your scheduled arrival.  
Group day use facilities will be held until check-in time on your scheduled arrival date.

**Refunds:** Refunds must be requested no later than 14 days after your scheduled departure date.

**Reservation Fee:** If a reservation fee is charged, it is NON-REFUNDABLE. This fee, for some facilities, is \$10.00 for call center reservations and \$9.00 for web ([www.Recreation.gov](http://www.Recreation.gov)) reservations.

**Service Fee:** This \$10.00 cancellation fee will be deducted from the amount of the refund given to the customer.

**Bankcard Purchases:** Refunds for bankcard payments will be issued as a credit to the original bankcard. Please note the charge on your bankcard statement will read "Recreation.gov 888-448-1474".

**Check or Cash Purchases:** Refunds for NRRS™ payments made by check or money order, and cash payments at selected campgrounds will be issued a check refund. A refund will be processed within 30 days of receipt and approval. Please Note! Refund requests made during or after departure can only be processed when approved by the facility management staff based upon local policy.

**Emergency Closures:** In the event of an emergency closure, the NRRS™ will attempt to notify users and offer alternate dates and sites (as appropriate). If this is not possible, reservations will be cancelled and all fees paid will be refunded.

**Golden Age or Golden Access Passports have been Replaced with the Interagency Senior or Interagency Access Pass:** Owners of the Interagency Senior and Access Passes (and the Golden Age and Access Passes) may receive a fifty-percent discount on the basic recreation use fee for individual campsites. This discount does not apply to fees for cabins, lookouts, or group facilities and it may not apply for specific facility amenities such as electricity, water, sewer, or extra fees charged for prime or premium sites.

- **Making Reservations:** Customers having one of these discounts are required to provide the discount number at the time the reservation is made to receive the discount. If the customer makes more than one reservation for the same location and date(s), the discount will only apply to the site the discount owner occupies.
- **Upon Arrival:** Customers using one of these discounts are required to present the Pass and one form of identification to confirm the discount. If you do not provide proper documentation, you must pay the full recreation use fee prior to using the facility.

**Changes to the Policies and Procedures:** The NRRS™ reserves the right when necessary to modify reservation policies.



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## **Exhibit Baker-3**





MOUNTAIN  
STATES  
LEGAL  
FOUNDATION

2596 South Lewis Way  
Lakewood, Colorado 80227  
303-292-2021 • FAX 303-292-1980  
www.mountainstateslegal.org

April 22, 2013

**CERTIFIED MAIL**  
**RETURN RECEIPT # 7004 2510 0006 1985 7096**

Lieutenant Colonel Andrew D. Kelly  
Walla Walla District Commander and District Engineer  
U.S. Army Corps of Engineers  
201 North 3rd Avenue  
Walla Walla, Washington 99362

Re: Army Corps Firearms Ban, 36 C.F.R. § 327.13

Dear Lieutenant Colonel Kelly:

I write on behalf of my client, Alan Baker. Mr. Baker is a NRA-Certified Home Firearm Safety, Personal Protection In The Home, Rifle, Pistol, and Shotgun Instructor, as well as a Utah Certified Concealed Firearms Instructor. He is licensed in Idaho, Utah, Oregon, and Arizona to carry a concealed handgun. He is also an avid outdoorsmen and he regularly camps throughout Idaho, Nevada, Washington, and Montana. Mr. Baker is also a board member of the Idaho Sport Shooters Alliance, a statewide group dedicated to defending the constitutional rights to keep and bear arms in Idaho.

Mr. Baker plans to camp on Army Corps of Engineers ("Corps") property in the Walla Walla District. Specifically, Mr. Baker has a reservation to camp at Dworshak Dam and Reservoir from May 31, 2013, to June 2, 2013. He also has plans to return to Dworshak and/or other Corps property to camp later this summer. Mr. Baker regularly carries a handgun for self-defense, and when Mr. Baker camps he carries a firearm for personal protection.

Mr. Baker intends to exercise his right to bear arms on Corps property, but is prevented from doing so by the Corps's regulatory firearms ban, 36 C.F.R. § 327.13 (The possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited . . ."). Mr. Baker fears prosecution under 36 C.F.R. § 327.13 if he carries a firearm on Corps property or possesses a firearm in his tent. Moreover, the threat of prosecution remains even if he stores a firearm in his car while camping, boating, or otherwise recreating, because he normally must park on Corps property.

The Corps's total ban on firearms possession violates "the individual right to possess and carry weapons in case of confrontation" protected by the Second Amendment. *District of Columbia v. Heller*, 554 U.S. 570, 592 (2008); *McDonald v. Chicago*, 561 U.S. \_\_\_, 130 S.Ct.

Lieutenant Colonel Andrew D. Kelly  
April 22, 2013  
Page 2

3020, 3042 (2010). This regulatory prohibition is broader than the federal statute governing firearms on federal land, which recognizes the right of individuals to possess firearms in most federal facilities "incident to hunting or other lawful purposes." 18 U.S.C. § 930(d)(3).

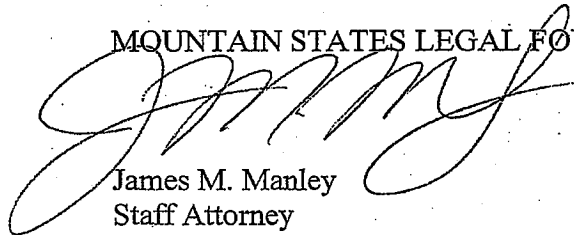
The broad reach of 36 C.F.R. § 327.13 "makes it impossible for citizens to use [firearms] for the core lawful purpose of self-defense and is hence unconstitutional." *Heller*, 554 U.S. at 630. My client's right to bear arms is violated by 36 C.F.R. § 327.13 when he is traveling to, from, or through publicly-accessible Corps property because the regulatory ban does not even allow individuals to safely store a firearm in their vehicles. An individual who has a functional firearm in his glove compartment for self-defense would violate the Corps ban simply by driving onto Corps property. The Corps's regulatory ban effectively denies the right to keep and bear arms not just on Corps property, but everywhere a law-abiding gun owner travels before and after visiting Corps property.

Mr. Baker respectfully requests that you recognize his right to bear arms pursuant to your authority under 36 C.F.R. § 327.13(a)(4). Given Mr. Baker's upcoming May 31 camping trip and his future camping plans, I will treat this request as denied if I do not receive a response within 30 calendar days of your receipt of this letter. If you decide not to recognize his right to bear arms, my client will avail himself of other legal remedies available to him.

Thank you for your consideration in this matter.

Sincerely,

MOUNTAIN STATES LEGAL FOUNDATION

A large, stylized handwritten signature in black ink, appearing to read 'JMM', is written over the printed name and title of the signatory.

James M. Manley  
Staff Attorney

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input checked="" type="checkbox"/> <i>Leanne Stuebe</i> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><b>Lt Col Andrew D. Kelley</b>  <b>Walla Walla District Commander</b>  <b>And District Engineer</b>  <b>U.S. Army Corps of Engineers</b>  <b>201 North 3<sup>rd</sup> Avenue</b>  <b>Walla Walla, Washington 99362</b></p>		<p>B. Received by (Printed Name) <i>Leanne Stuebe</i> C. Date of Delivery <i>4/29/13</i></p>	
<p>2. Article Number  (Transfer from service label) <b>7004 2510 0006 1985 7096</b></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>PS Form 3811, February 2004</p>		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>Domestic Return Receipt</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>102595-02-M-1540</p>			

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For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
<p>Postage <i>2.92</i></p> <p>Certified Fee <i>3.16</i></p> <p>Return Receipt Fee (Endorsement Required) <i>2.55</i></p> <p>Restricted Delivery Fee (Endorsement Required)</p> <p>Total Postage &amp; Fees <i>\$ 6.57</i></p>	<p>Postmark Here</p>
<p>Sent To <b>Lt Col Andrew D. Kelley</b></p> <p>Street, Apt. No., or PO Box No. <b>Walla Walla District Commander</b></p> <p>City, State, ZIP+4 <b>And District Engineer</b></p> <p><b>U.S. Army Corps of Engineers</b></p> <p><b>201 North 3<sup>rd</sup> Avenue</b></p> <p><b>Walla Walla, Washington 99362</b></p>	<p><i>USACE</i></p>
PS Form 3800, July	or Instructions

## **Exhibit Baker-4**

Like 16k

## Reservation Details

Share this reservation with friends now! 

### Change Reservation

#### Site Details

- Reservation #: 2-27671166
- Arrival Date: Fri Sep 27 2013
- Check-in: 2:00 pm
- State: Idaho
- Site, Loop: 005, RV Area  
[Site Details](#)
- Reservation Type: Overnight
- Departure Date: Sun Sep 29 2013
- Check-out: 12:00 pm
- Facility: MACKS CREEK PARK, LUCKY PEAK LAKE, ID  
[Facility Details](#)
- Site Type: STANDARD NONELECTRIC

### Change Reservation

#### Reservation Detail

- # of Occupants: 1(min: 1, max: 8)
- # of Vehicles: 1(max: 2)
- Primary Equipment: Tent

#### Payment Details

- Camping Fee:\$20.00
- Reservation Fee:\$0.00
- Taxes:\$0.00
- Total:\$20.00
- Total Payment:\$(20.00)
- Balance : \$0.00

\* The billing company that will appear on your credit card will be Recreation Gov 888-4481474 NY

#### Important Information

Please read the NRRS [Reservation Policies](#) and [General Rules](#) to review the regulations and fees that apply to your transaction(s). Additionally, for Yosemite National Park Half Dome Hike, please read the following [Safety Information](#).

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