

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

<b>Defenders of Wildlife and</b>	)	
<b>National Audubon Society</b>	)	
	)	
Plaintiffs	)	
v.	)	
	)	No. 207 CV 45 (J. Boyle)
<b>United States Park Service and the United States</b>	)	
<b>Department of the Interior, et al.</b>	)	
	)	
Defendants	)	

**DECLARATION OF JOHN COUCH**

John Couch, being duly sworn, deposes and says:

1. I am over 18 years of age and have personal knowledge of the facts set forth herein and, if asked, could competently testify to same.

2. I have prepared this Declaration in support of proposed Intervenor-Defendants Dare and Hyde Counties and the Cape Hatteras Access Preservation Alliance Motion to Intervene in the above-captioned litigation.

3. I understand that Plaintiffs Defenders of Wildlife and the National Audubon Society in the above captioned case are seeking an injunction ordering Defendant National Park Service to restrict ORV use at the Cape Hatteras National Seashore ( CHNS) until a long term plan to manage ORV use at the CHNS is implemented. In my opinion, such an order would have a devastating effect on the County's tourist based economy.

4. I am the President of the Outer Banks Preservation Association ("OBPA"), and the President of the Cape Hatteras Access Preservation Alliance

("CHAPA") (a project of OBPA), which are dedicated to preserving and protecting a lifestyle and way of life historically prevalent on the Outer Banks of North Carolina, specifically, Cape Hatteras National Seashore. OBPA's goal is to work with the National Park Service ("NPS") to develop a comprehensive Off-Road Vehicle ("ORV") use and management plan that will meet the concerns of protecting the Seashore's resources without compromising the Islands' distinctive lifestyle and economic health. With over 10,000 active members (representing over 28 states and Canada), the OBPA and CHAPA work to protect and preserve local beaches within a framework of free and open beach access for all users, including properly licensed drivers and vehicles. OBPA and CHAPA strongly believe that free and open access to the sound and ocean beaches is fundamental to the continued growth and economic vitality of the Outer Banks.

5. I have lived in the Outer Banks of North Carolina for 44 years and routinely access the beaches of the Cape Hatteras National Seashore ("CHNS") via ORV for recreational activities. In addition, as a small businessman, my livelihood is directly linked to the tourist economy that revolves around the CHNS.

6. Among other recreational activities, I have engaged in – and intend to enjoy in the future – are surfcasting (fishing from the beach), flounder gigging (fishing for flounder in the shallows near the beach in a flat hulled boat), scalloping, clamming, oystering, gathering seashells, as well as family picnics within the CHNS. Other OBPA members regularly engage in similar activities at the CHNS.

7. Due to geography and the historic protection of the beaches from development, use of off road vehicle ("ORV") is a prerequisite to accessing most of the beaches at the CHNS and engaging in many of the recreational activities described in the previous paragraph. Unlike other beaches of the Outer Banks, at the CHNS, there are no parking facilities or paved roads granting access to the beach. Therefore, to access the beaches, an ORV driver typically takes a dirt road that leads to a ramp. The vehicular beach access ramp system, which is unique to the Outer Banks, provides controlled entry and exit to beach areas while eliminating random access and impact on the dune line. These ramps include planks on the dune crossing site to assure that the sand is not moved nor is the dune additionally breached in any way. The protection afforded by the natural dune line is, therefore, virtually untouched.

8. Recreational ORV users of the CHNS are the heart of OBPA's membership. These individuals regularly travel hundreds, and even thousands of miles, to enjoy the resources of the Seashore. ORV use renders more beach areas accessible and lessens the impact of beach use overall. Additionally, ORV access provides senior citizens, the disabled and others with limited personal mobility with the opportunity to enjoy many of the same activities as the fully abled. Vehicular beach access also extends the tourist season, which forms the backbone of the Islands' economies.

9. OBPA's membership includes many recreational surf fishermen. In order to engage in surf fishing, anglers must be able to access the beaches of the


CHNS by ORV in order to both carry fishing tackle and related gear and to find suitable spots for fishing. ORV access restrictions within the CHNS would all but eliminate surf fishing in the remote areas of the CHNS and significantly reduce surf fishing elsewhere within the CHNS.

10. In order to better understand the impact that restrictions on ORV use within the CHNS would have on the local economy, OBPA commissioned a survey that was conducted by William D. Neal.

11. Neal's survey found that a ban on ORV use within the CHNS would have a significant detrimental impact upon the local tourist industry. Specifically, Neal's survey found that 24% of visitors would not return to the Outer Banks of North Carolina if an ORV ban were implemented, and an additional 18% of visitors would visit less often.

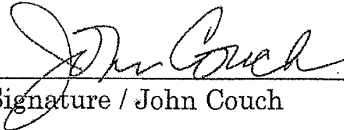
12. The impact of this decrease in tourist activity will be directly felt by local businesses and local governments, who obtain a significant portion of their revenues from tourism-related economic activity. For example, I operate the Lighthouse Service Center and estimate that 85% of our revenue is derived from tourists visiting the Outer Banks. Any significant decrease in the number of tourists visiting the Outer Banks would have an immediate and damaging impact on my business.

Further the declarant sayeth not.

  
Signature / John Couch

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

Executed on 11/27/07  
Date

  
Signature / John Couch

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