

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

No. 02:07-CV-00045-BO

DEFENDERS OF WILDLIFE and
THE NATIONAL AUDUBON SOCIETY,
Plaintiffs,
v.
NATIONAL PARK SERVICE; UNITED
STATES DEPARTMENT OF THE
INTERIOR; DIRK KEMPTHORNE,
SECRETARY OF THE INTERIOR; MARY
A. BOMAR, DIRECTOR OF THE
NATIONAL PARK SERVICE; and
MICHAEL B. MURRAY,
SUPERINTENDENT OF THE CAPE
HATTERAS NATIONAL SEASHORE,
Defendants,
and
DARE COUNTY, NORTH CAROLINA;
HYDE COUNTY, NORTH CAROLINA; and
THE CAPE HATTERAS ACCESS
PRESERVATION ALLIANCE,
Defendant- Intervenors.

Affidavit of
Christopher James Canfield

I, Christopher James Canfield, being first duly sworn, depose and say:

1. I am Executive Director of Audubon North Carolina, the state chapter of the National Audubon Society ("Audubon"). In that capacity, I am responsible for all Audubon operations in North Carolina, including sanctuary management, education, public policy initiatives, publications, and litigation. I have served in this capacity since 2000.

2. The National Audubon Society ("Audubon") is a not-for-profit corporation organized under the laws of the State of New York, with its principal office at 700 Broadway, New York, New York 10003. Audubon has more than one million members and supporters, offices in 23

states, and a presence in all 50 states through more than 450 certified chapters and through its nature centers, sanctuaries, and education and science programs. Locally, Audubon maintains a North Carolina state office, which works on behalf of Audubon's nine chapters and 10,000 members and supporters in the state. Audubon's mission is to conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity. It carries out that mission nationally through a variety of activities including education, habitat conservation and public policy advocacy.

3. Audubon has members and staff who live in the general vicinity of the Seashore, as well as members from across the country, who visit, recreate, conduct research, work, observe birds and other wildlife, conduct educational activities, photograph and otherwise use and enjoy the public lands, wetlands, and other lands and waters of the Seashore. They also observe, study, photograph, and enjoy the natural resources and wildlife on the Seashore. The North Carolina office of Audubon also organizes periodic wildlife viewing trips to the Seashore and other such educational events.

4. In furtherance of Audubon's mission, it maintains a national network of community-based nature centers and chapters, engaging millions of people of all ages and backgrounds in positive conservation experiences and educating them about important natural resources.

5. In addition to chapter meetings and programs at its nature centers, Audubon communicates with its members and supporters through a magazine and newsletters that are used to inform and educate them about their interests and matters of importance to the organization's mission. Its magazine, Audubon, is published six times per year with a readership of approximately 1.6 million people. In addition, the North Carolina office distributes a newsletter

(Audubon North Carolina) at least semi-annually. The magazine and newsletters are distributed to public libraries and schools, and reach millions of people.

6. Two issues of Audubon magazine have included stories on ORV use on National Seashores. The January 2005 issue included a story, “A Beachhead for Birds,” by Frank Graham, Jr., concerning the harm to the birds and other wildlife of Cape Hatteras National Seashore caused by ORVs. The January-February 2007 issue included an article entitled “Beach Bums,” by Ted Williams, that specifically discussed the failings of the interim plan. The same issue’s web-based version contained another article, “Where the Birds Are,” by Sidney Horton, which discussed the much different outcome in Cape Cod National Seashore, where ORV usage is more appropriately controlled for the benefit of birds and other wildlife.

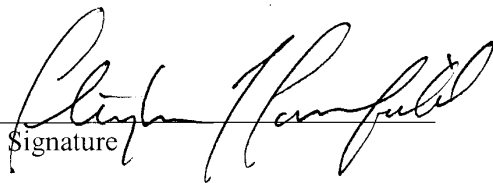
7. Audubon has extensive expertise in identifying important bird habitat, assessing threats to that habitat, and analyzing trends in bird populations. Audubon also conducts numerous scientific and educational programs, and advocates for the protection and conservation of areas that sustain important bird populations.

8. Audubon scientists work with state offices and chapters to organize and implement an annual Christmas Bird Count (CBC) around the country. The CBC, which is in its 104th year, is the oldest continuous bird survey in the entire country. Audubon scientists collect and analyze the data from the CBC and make that data available to other scientists for use in their own studies. Audubon scientists also participate in regular, coastwide surveys for nesting waterbirds and shorebirds; collect data on migrating and wintering shorebirds; participate in state, regional, and national working groups and conservation initiatives; and work closely with state and federal agencies to develop and implement conservation plans for selected bird species. Audubon North Carolina staff monitor bird populations at the Seashore and surrounding areas.

9. Within North Carolina, the CBC is conducted at many locations in and around the Cape Hatteras National Seashore, including Ocracoke Island, Cape Point, Bodie Island, Pea Island National Wildlife Refuge, Alligator River National Wildlife Refuge, and parts of Cape Lookout National Seashore.

10. Audubon scientists' data and expertise are also used to manage biologically sensitive lands around the country, including in North Carolina. Audubon owns and manages the 6,000-acre Pine Island Sanctuary, and either owns or manages 19 coastal island sanctuaries between the mouth of the Cape Fear River and Ocracoke Island. In addition, the National Audubon Society is the U.S. Partner for Birdlife International, which administers the International Important Bird Areas Program, for which it identifies the most important remaining habitat areas for birds. The Cape Hatteras National Seashore, Pea Island National Wildlife Refuge, Alligator River National Wildlife Refuge, and several islands in northeastern Pamlico Sound are among those that have been officially designated as Global Important Bird Areas pursuant to this program.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.


Signature

1/17/08
Date