

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 Patricia Moore

I, Patricia Moore, being first duly sworn, depose and say:

1. My name is Patricia Moore. I reside at P.O. Box 944, Buxton, NC 27920. I have lived in Buxton, NC since 1991.

2. I have been a member of the National Audubon Society since 1972. I have participated in the National Audubon Society sponsored Christmas Bird Count on Hatteras Island for many years. I have been the compiler of the Hatteras Christmas Bird Count since 2000. I have been a member of the Cape Hatteras Bird Club since 1990 and president of this organization since 1996. The Cape Hatteras Bird Club was founded to promote the observation and enjoyment of birds on Hatteras Island.

3. I first visited Cape Hatteras National Seashore on or about 1966 on a birding trip. I visited at least annually and often more than one time per year until we moved to Buxton in 1991. I have enjoyed birds and birding nearly my entire life and part of the reason my husband and I moved to Buxton is the opportunity to enjoy and observe the variety of birds present on the Cape Hatteras National Seashore and surrounding areas.

4. My husband, Neal, and I are official volunteers for the National Park Service and have led bird walks on the Cape Hatteras National Seashore since 1996. At the request of the National Park Service, we have also monitored nesting American Oystercatchers and Piping Plovers since 2005. In addition, we have also led weekly bird walks for the U.S. Fish and Wildlife Service at Pea Island National Wildlife Refuge since 1998. I have received the Volunteer of the Year award from Pea Island National Wildlife Refuge and the Southeast Region Volunteer of the Year award from the U.S. Fish and Wildlife Service.

5. I visit Cape Hatteras National Seashore approximately twice a week to observe birds. I derive a great deal of pleasure from observing birds and leading members of the public on trips to the National Seashore to observe birds. I am concerned that off road vehicle use of the Seashore if not properly regulated will be detrimental to shorebirds,

water birds and other species that use the Seashore. I believe that driving on the National Seashore is a privilege and should be conducted in a manner that insures birds and sea turtles and other wildlife habitat is adequately protected. I am aware that the National Park Service has developed an interim plan to manage driving on the National Seashore. I am concerned that this plan may not provide adequate protections to nesting shorebirds and water birds from the adverse effects of off road vehicle use.

6. We plan to continue to live in Buxton and want to continue to enjoy the National Seashore and its wildlife, particularly the birds. I am very concerned that the numbers of nesting birds have declined in recent years. I believe the dramatic increase in the number of vehicles on the Seashore and the failure to adequately manage off road vehicle use has contributed to the decline in nesting birds. The decline in the numbers of shorebirds and water birds that nest on Cape Hatteras National Seashore has diminished my enjoyment of the Seashore. A plan to manage off road vehicle use that provides adequate protections to allow shorebirds and water birds to breed and rest in undisturbed areas and restores the numbers of breeding birds to previous levels would increase my enjoyment of the Seashore.

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

Patricia J. Moore  
Signature

February 17, 2008  
Date