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Representing:

Defenders of Wildlife – Jason Rylander, 202-772-3245

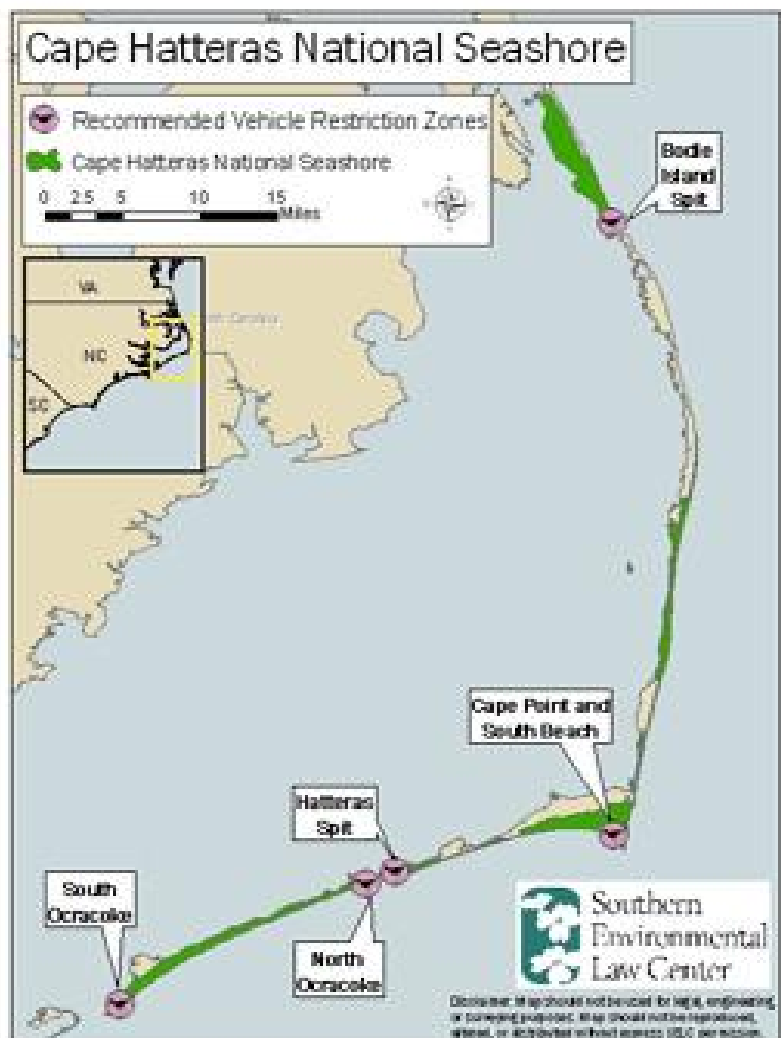
National Audubon Society – Chris Canfield, 919-929-3899

Federal judge asked to restrict driving to save 2008 breeding season on Cape Hatteras National Seashore

Raleigh– Conservationists are asking a federal judge to suspend beach driving on portions of the Cape Hatteras National Seashore that have been identified as being most critical to threatened and endangered shorebirds in order to protect them before the upcoming breeding season begins. The Southern Environmental Law Center, representing Defenders of Wildlife and the National Audubon Society, filed for a preliminary injunction in U.S. District Court requesting that beach driving be halted along approximately 12 percent of the shoreline to allow birds to nest and raise chicks. The requested closures were recommended by the Park Service’s own scientists and are vital to a successful breeding season in 2008.

“At this point, every breeding season is critically important to the shorebirds that nest on Hatteras. Fortunately, by limiting driving on even this small area would help protect them during this season, giving the Park Service time to develop and implement a reasonable long-term plan to manage driving on the beach,” said SELC attorney Derb Carter. “Each year we see fewer and fewer of these species on Hatteras. Waiting any longer for the Park Service to properly manage beach driving could very well mean we have nothing left to protect.”

The organizations seek to restrict driving along those portions of the Seashore identified by scientists for the Park Service as being the most critical to nesting shorebirds. The proposed region represents approximately 12 percent of the available shoreline (see map). Importantly, the areas would still be open to pedestrian access, allowing Park visitors to continue using these areas.



The National Park Service, which is charged with developing and implementing a plan to manage beach driving to protect and preserve the region's natural resources, is currently undertaking a process to develop future rules for driving at Hatteras. However, NPS admits the process will take at least three years to complete. Scientists agree that several species could be eliminated from the Seashore in that time.

“Waiting three more years for National Park Service to figure this out is simply not an option. We can't risk repeating the unfortunate events of last year by losing even more of Cape Hatteras' wildlife,” said Defenders of Wildlife staff attorney Jason Rylander. “The Park Service's actions are not only negligent, but also illegal.”

Cape Hatteras National Seashore is home to nesting shorebirds, such as the threatened piping plover, the common tern, and the American oystercatcher. The number of colonial waterbirds nesting on Seashore beaches declined from a high of 1,508 nests in 1997 to 212 nests in 2007 - an 86 percent decline in 10 years. Last year, two of the imperiled shorebird species, gull-billed terns and black skimmers, disappeared entirely from the Seashore. Since 1995, common terns have been all but eliminated at the Seashore while American Oystercatchers have seen their numbers decline by almost one half since 1999.

Cape Hatteras National Seashore is currently operating under an interim management plan that doesn't adequately protect the area's wildlife and consistently favors ORV access over protection for threatened and endangered species. In fact, according to materials provided by the Park Service at recent public hearings, less than one percent of Cape Hatteras National Seashore is permanently closed to vehicular use for the protection of natural resources. Under the Park Service's interim management plan, this year is expected to be another extremely poor one for nesting birds.

“The only way to safeguard everyone's access to Cape Hatteras is to put a responsible, science-based vehicle management plan in place now. That the Park Service has failed to do so imperils not only the birds and natural areas, but also the safety of all visitors,” said Chris Canfield, executive director of Audubon North Carolina.

The Park Service has failed to develop a permanent beach driving management plan for decades despite being legally required to do so. In addition to federal regulation requiring such protection, in 1973, President Nixon ordered all federal agencies, including the National Park Service, to regulate beach driving to protect natural resources. Most recently, U.S. District Court Judge Terrence Boyle issued an order concluding that driving on the Seashore is illegal as the Park Service has failed to adopt beach driving regulations.