

HRBT Colonial Waterbird Colony Update

You may have read the February 14, 2020, [press release](#) by Governor Northam that announced his plans to protect Virginia's migratory birds. The Governor and Secretary of Natural Resources, Matt Strickler, are to be commended for taking this first step to protect the seabirds of Virginia. One of the chief points in the announcement is the encouraging news that the Department of Game and Inland Fisheries will be initiating a new regulation to define and permit "incidental take" of birds, nests, and eggs, in the Commonwealth. The new regulation will make Virginia a leader, with California, to ensure that state law provides the same protections for migratory birds as was ensured by the historic federal Migratory Bird Treaty Act. Virginia's example is one that we hope will be followed by other states. DGIF will release a draft of the new regulation for comment by the end of March.

Caught in the gap between federal and state protection are 25,000 of Virginia's terns and gulls whose 38-year nesting habitat, the HRBT South Island, was paved over fall 2019 by VDOT for the Hampton Roads Bridge Tunnel Expansion Project. In the press release, the Northam administration also announced that Virginia would provide an alternate nesting habitat for the birds this season. The announcement is late coming, however, as the colony will return in a few weeks to the Hampton Roads Bridge Tunnel South Island. Accomplishing the goal of sustaining the colony this season in such a short timeframe will be challenging and will require coordination by a number of state agencies.

The Governor announced that Rip Rap Island, a tiny artificially created island adjacent to the South Island will be prepared for seabird nesting by spreading sandy substrate and removing vegetation in some areas of the 5-acre island. The area will also require predator (rat) control and sealing of old buildings on the island to create attractive habitat.

This plan is by no means ideal, explained Dr. James Fraser, a Virginia Tech scientist who has studied the colony. In addition to the issues on Rip Rap Island, its small size compared with South Island will require barges to be staged as additional habitat. In order to accommodate all of the birds, up to 59 barges may be required. We don't really know how the birds will respond to the new habitat, Fraser said. We are still hoping that parts of the South Island will be offered by VDOT to the birds for the 2020 season, as a temporary solution, before creation of a permanent island residence that will hopefully be available to the birds for the 2021 season.

Creation of a new island habitat is probably the best long-term scenario for the seabird colony, especially for the Royal Terns and Sandwich Terns that nest in Hampton Roads. Island creation will likely be a necessary action in the future if we are to protect these fragile species. Almost all of the Royal Terns in the state nest on the South Island HRBT; and all of the Sandwich Terns in Virginia nest here. These statistics are reflected by a similar situation for these two species in North Carolina. As in Virginia, naturally formed historic nesting areas have been abandoned by Royal Terns and Sandwich Terns (probably due to development, mammalian predation and sea level rise), such that in recent years, the birds have nested solely on dredge spoil islands in North Carolina.

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In order to provide long-term nesting habitat for the colony, DGIF will accelerate its work with the U.S. Army Corps of Engineers to study the feasibility of creating an artificial island. But the new island for the Hampton Roads colony is not a sure thing yet. VDOT is resistant to including the island as part of the HRBT Expansion Project. So how an island creation project would be funded (\$10 million) is not yet established. And any new project requires extensive evaluation and permitting. The island would be created using plentiful dredge spoils, but under the best circumstances, the island may not be ready for the nesting colony when it returns in 2021.

So, as you can see, there's plenty of work left to do. Those of us who have been collaborating on the HRBT Seabird Team will continue our engagement with the community and all involved state and federal agencies until we have accomplished the best solution possible for the Hampton Roads seabird colony. We invite you to join us by continuing to write letters and by attending Board meetings to ensure that Virginia's seabirds are protected and receive the permanent home they deserve.

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