

A large and growing coalition has formed to work to Save the Birds at the Hampton Roads Bridge Tunnel. We cannot let this unprecedented eradication of a seabird colony supporting 25,000 birds be the new normal in Virginia or anywhere else in the United States. I am writing to ask you to join me in this battle and urge Governor Northam to direct VDOT to allow the birds to continue their nesting at HRBT until an alternate island habitat is created.

If you haven't seen the national press on this story, I have copied the links below. The Royal Tern colony nesting at the HRBT South Island makes 84% of the Royal Tern population in Virginia – the loss of the HRBT colony is worst case scenario for this species. All the species of gulls, terns and skimmers that nest on the island have experienced severe declines in the past 25 years. The gull-billed tern is a state-listed threatened species that will also be eradicated under VDOT's plans, with no mitigation efforts.

Please help us by following Save the Birds at Hampton Road Bridge Tunnel @SavetheBirdsatHRBT, Cape Henry Audubon Society and the American Bird Conservancy on Facebook. If you don't use Facebook, please send your email address to me (Roberta Kellam) at sophieandfolly@yahoo.com and Terri Cuthriell at SaveBirdsHRBT@gmail.com for periodic updates. Also please sign up for alerts and sign the petition at the American Bird Conservancy website – www.abcbirds.org (Petition Link is <https://abcbirds.org/action/petition-save-the-terns>)

Also - and this is time sensitive - PLEASE make your views known to Governor Ralph Northam, Secretary of Natural Resources Matt Strickler, and Secretary of Transportation Shannon Valentine:

Email addresses:

<https://www.governor.virginia.gov/constituent-services/communicating-with-the-governors-office/>
Matt.Strickler@governor.virginia.gov
Shannon.Valentine@ctb.virginia.gov

Message:

1. The birds will be returning in just a couple of months - VDOT must restore their nesting area at the HRBT immediately so that the 2020 nesting season is not lost! Gravel and sand can be applied on top of the new asphalt as a quick fix. The idea of floating a barge or two for Royal terns could also be explored but the primary solution is to let the birds continue to utilize their traditional area of the HRBT South island for the 2020 nesting season.
2. Creation of a new island habitat should be commenced immediately to be ready for the 2021 nesting season. All hands on deck to expedite this island!
3. The removal of chicks and eggs proposed by VDOT is an intentional taking of migratory birds protected by the Migratory Bird Treaty Act. It is not on firm legal ground even under the new Trump policy, in spite of a low-level US FWS staff letter allowing VDOT's hazing plan. Furthermore, the removal of the entire nesting habitat is not required as part of the HRBT expansion, so this colony eradication should not be considered to be an incidental take.
4. Any activities at the HRBT relating to the nesting colony should have full transparency. To date, no information has been provided by VDOT on the HRBT website to indicate that the birds would be eradicated from the South Island. The Environmental Impact Statement says that the birds would be protected and more habitat for the birds would be created by the HRBT expansion project. Had VDOT been transparent about their plans, there would have been ample time to create a new island before the November 2019 paving activities. Furthermore, VDOT has not been forthcoming about its "hazing plan" to remove all habitat, eggs and chicks. Once the birds return, the HRBT south island should be

monitored via video camera throughout the nesting season to ensure that birds are not harmed. DGIF staff should be onsite at all times to ensure that the colony is protected during this nesting season.

Please attend two important meetings in the Richmond area:

January 23rd - Board of Dept. Of Game and Inland Fisheries
Meet at 8:45 am, 7870 Villa Park Dr., Suite 400, Henrico

February 19 - Commonwealth Transportation Board
Meet at 8:30 am, 1221 E. Broad Street, Richmond

Show your support for Saving the Birds at the Hampton Roads Bridge Tunnel. Wear bird shirts. Speak out if you would like or just show support for the speakers. We must speak out now to save not only these birds, but to let our state agencies know that Virginia needs to step up to protect its wildlife resources in light of the Trump administrations environmental rollbacks. We cannot let this happen. We cannot let this be the precedent going forward in Virginia!

Links to articles:

Washington Post – Opinion | No excuses, Virginia — it’s up to you to save these birds

<https://www.washingtonpost.com/opinions/2020/01/10/no-excuses-virginia-its-up-you-save-these-birds/>

Virginian Pilot Editorial Board.

<https://www.pilotonline.com/opinion/vp-ed-editorial-migratory-birds-0116-20200115-vhgtlkajtfckhdv6kq2cwkgiba-story.html>

New York Times – A Trump Policy ‘Clarification’ All but Ends Punishment for Bird Deaths

<https://www.nytimes.com/2019/12/24/climate/trump-bird-deaths.html>

Richmond Times Dispatch

https://www.richmond.com/opinion/columnists/william-h-leighty-column-a-virginia-solution-for-protecting-migratory/article_31da0d78-ec54-58d1-a352-369225f8beac.html