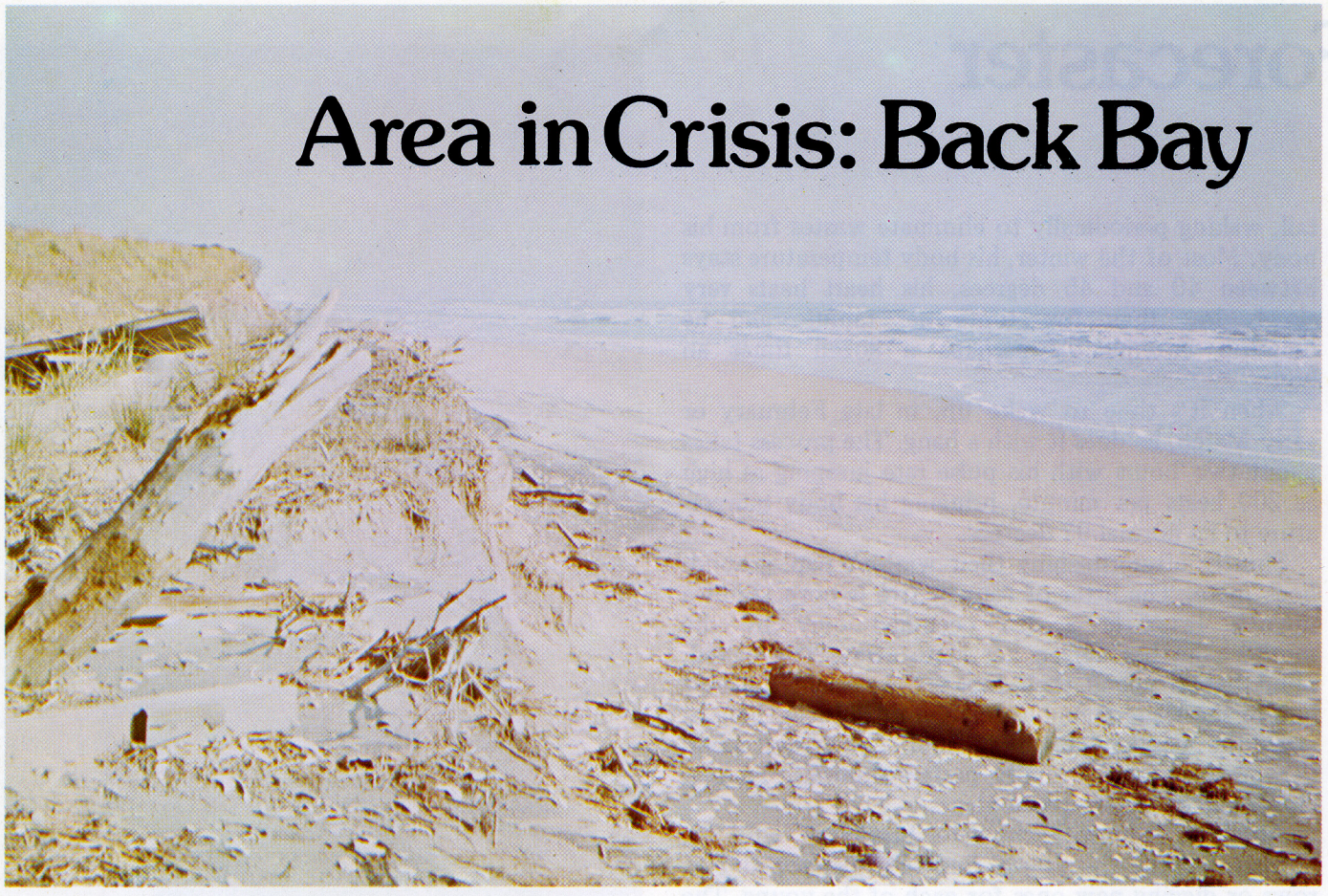
Area in Crisis: Back Bay



The dunes of Back Bay

By ELIZABETH MURRAY

The Virginia Society of Ornithology had a good field trip to the Back Bay National Wildlife Refuge during the first weekend in December last year. Not quite everybody saw their fill of the short-billed marsh wrens and most of the whistling swans were a long way away for those without spotting scopes, but this did not detract from the success of the trip. Extra bonuses included, for some, a good look at a large king rail, another at an American bittern, quite close, a flock of greater snow geese right overhead and a group of shoveler ducks shoveling busily very near to the shore. And the weather was a pleasant surprise for all. Prepared for the piercing winds, sleet, fog and sub-freezing temperatures with which Back Bay normally greets its December visitors, everybody had muffled up to the eyebrows only to be greeted by cloudless skies, brilliant warm sunlight and almost no wind. At noon everyone picnicked at the dock in their shirtsleeves, and in the afternoon my children played barefoot on the beach. The combined bird list for the ornithologists included over 80 species before most of the group left to go to Lynnhaven Inlet for the rest of the day.

The Back Bay National Wildlife Refuge was established in 1938 primarily to provide sanctuary and habitat for migratory birds. The refuge comprises a little over four and a half thousand acres which includes 4.2 miles of ocean beach, as well as sand dunes, marsh, woodland and cultivated fields. The Bay itself roughly doubles this acreage. The refuge has a spectacularly rich and diverse bird life. In addition to the huge flocks of whistling swans and snow and Canada geese, there are wintering duck populations of mostly American wigeon and gadwall but many other species in smaller numbers. The principal nesting species are black ducks and mallards, but gadwall and blue-winged teal also breed in the refuge. Shore birds include sandpipers, plovers, terns, gulls and loons. Often large flocks of gannets can be seen on the ocean. The refuge is a stopping place during migration for many birds including the endangered peregrine falcon and the snow bunting, and is a wintering place for the rare Ipswich race of the Savannah sparrow and many other songbirds.

The most abundant mammal on the refuge is the nutria and there are also muskrat, raccoon, opossum, mink, otter, deer, and cottontail and marsh rabbits.

The barrier dunes effectively block the ocean from the bay. Because of the dunes, fresh water can be kept behind earthen dikes to permit control of water levels and provide greater diversity of wildlife habitats. On Long Island in the bay, 59 acres of perma-

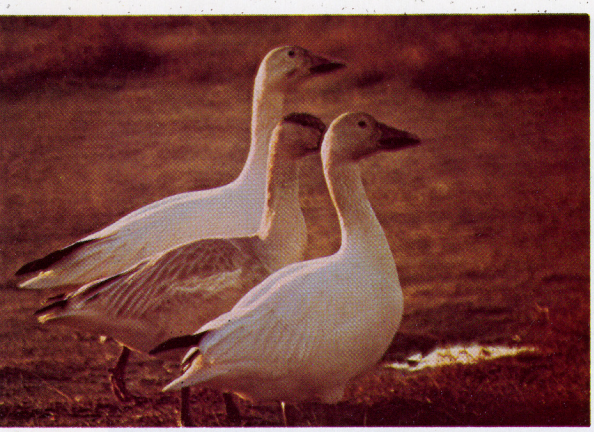
The least bittern is a bird typical of those found in the Back Bay marshes.

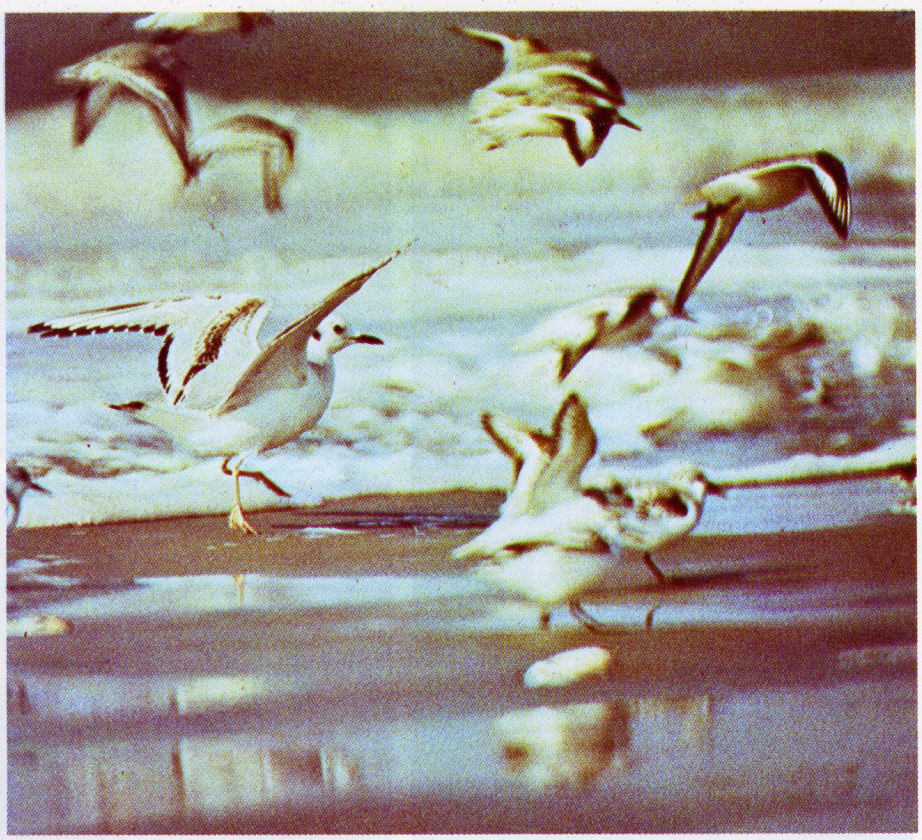
Boating on Back Bay is made difficult due to the heavy growth of Eurasian milfoil. Turtle on beach at the Back Bay National Wildlife Reserve.

nent fescue pasture is maintained to supplement the food supplies for the geese. An estimated 40,000 snow geese frequently use the refuge as a winter home.

The staff at the refuge have been working for the last five years to re-establish the loggerhead turtle, *Curetta curetta*, as a routine nesting species. This turtle is now found nesting all along the Florida, Georgia, South Carolina and many of the North Carolina beaches, and years ago it did use the Virginia coastline although never as much as the beaches of the deeper south. The present program involves transplanting naturally laid 45-day-old eggs from South Carolina to the beaches of Back Bay. The eggs are re-buried in the sand and when all goes well, young loggerheads climb through the sand 10-15 days later and make their way down to the sea where they will grow to maturity over the next seven years. Mr. Holland, the former Refuge Manager, told me that if just one percent survive, then we may hope to see the first half dozen huge female loggerheads laboriously crawling out of the surf some dark night in the summer of 1979 and making their way up the beach to lay their eggs.

The future of the Back Bay refuge is in jeopardy because of the use of the beach as vehicular access to North Carolina. Immediately south of the refuge and extending seven miles to the North Carolina border is land owned and being developed by the state as False Cape State Park. For 25 miles south of this from the state line to Caffey's Inlet is a strip of land which was uninhabited except for the small community of Corolla. However, in recent years most of this land has been bought by speculative developers who are trying hard to sell lots for beach houses with access via the refuge beach. This increased beach traffic so astronomically that in 1973 the beach was closed to all traffic except a few permit holders. When the legality of limited access was questioned, the courts ruled that the arrangement was both reasonable and legal and if it should be found to be discriminatory, the remedy would be total closure of the beach rather than more access. Unfortunately, business interests did not let the matter rest there. Political pressure was brought to bear in Washington causing the Department of the Interior to propose new regulations allowing more cars to have permits to use the beach. This was immediately challenged and twenty-four conservationist groups joined in a civil suit against the Department of the Interior to stop the implementation of these regulations. Actually the regulations never were put into practice before they expired at





Snow geese (top left) frequently winter on Back Bay and nearby Currituck Sound.

The Back Bay area (bottom left) is unique in that it is a large fresh water marsh located near the Atlantic Ocean. (above) Bonapartes and sanderlings feeding in the surf.

the end of last year. In early April of this year the courts dismissed the conservationists' suit declaring that the issue was moot because of this expiry. In the meantime a new set of regulations have been drawn up and will probably be put into effect issuing permits to anyone who established a permanent residency in the area before 1975. The previous cut-off date for residency had been 1972 which made more sense, since before that date there was no suggestion of beach closure, whereas those who bought property between 1972 and 1975 did so in full knowledge of the possibility of there being no access via Virginia. The new regulations will increase beach traffic although not as much as if all property owners were included. However, it is very much to be hoped that this does not represent the "thin end of the wedge" gradually to be widened until the volume of traffic reaches a level which is totally incompatible with all the original functions of the refuge. During this new administration the matter has to be resolved permanently, which ought to mean exclusion of all traffic, so that the refuge need no longer be continually fighting for its life, and refuge staff can get back to maintaining the refuge instead of directing cars.

Anyone who has been in our state for the last 30 years can drive along the east coast and notice how rapidly it has become almost homogeneously built up. There are very few natural areas left and the desirability of protecting this one for all of us from any kind of local encroachment which serves the business interests of only a very few, ought to be obvious to everyone.

And anyone with a turn for pathos should listen to Mr. Romie Waterfield. Mr. Waterfield and his wife are the only people who live actually on the refuge, looking after the goose pasture and all the other biological maintenance. His description of a newly hatched loggerhead turtle on its precarious way back to the sea trying to climb out of a deep tire track ought to dissuade any car from ever going near the beach again!

Since this article was written, the U.S. Department of the Interior has announced that it will prohibit all vehicular traffic on the beach of the Back Bay National Wildlife Refuge but that the full ban will not go into effect until 1980. Until then, permanent residents of the Outer Banks communities will be permitted more frequent use of the beach as a highway. Permanent residents are considered to be property owners and vacationers owning improved property prior to October 1975. They are to be allowed two trips a day across the beach between 5:00 a.m. and 11:00 p.m.

The ruling will, of course, mean that there will still be considerable traffic down the beach for the next three years. One can only trust that no irreversible damage to the refuge will be done during this time. And the greatest hope of all is that nothing will occur to prevent the full ban on traffic coming into effect on time.