

SUMMARY

Georgia DNR's Wildlife Resources Division is proposing needed changes to what's called Georgia's "Bird Island Rule" (O.C.G.A. 391-4-7.03) to provide greater protection for seabirds and shorebirds. The proposed changes are needed to include islands and other sites accreted or created since the rule was passed in 1998 and to help better protect sites when they are being used for nesting, foraging and roosting. The division is undergoing a public scoping process seeking input on developing amendments to the rule.

History: In 1998, the Georgia Board of Natural Resources passed what was called the "Bird Island Rule" (O.C.G.A. 391-4-7.03). The rule protected three sand bar/spit islands from public access – Egg Island Bar, Satilla River Marsh Island and St. Catherines Island Bar – and restricted parts of two others: Williamson Island and Pelican Spit. All five sites were closed to dogs and other pets year-round.

However, due to the constant changing nature of Georgia's coastal and estuarine systems, several sites important to nesting birds in 1998 are less significant today and additional natural and human-made sites have since become important.

Proposed changes to the Bird Island Rule would include several known locations that were not included in the original rule, provide DNR flexibility to protect new sites and clarify that closures extend to the low-water line (thus including the intertidal zone between low and high tide waterlines). Sites added through the proposed changes would be open to the public when they are not posted as closed. The exact dates of those seasonal closings may vary, but sites would generally be posted by DNR between April 1 and Aug. 31. However, pets would be prohibited year-round at all sites covered under the Bird Island Rule.

Additional sites that need protection:

- **Brunswick Bird Island:** Using dredge spoil from the deepening of Brunswick Harbor, the U.S. Army Corps of Engineers created this island in 2007 as dedicated habitat for birds. By 2009, species nesting there included state-threatened gull-billed terns and Wilson's plovers; state-rare least terns, black skimmers and American oystercatchers; and, brown pelicans and royal and sandwich terns. Although the intention was that the island be off-limits to the public, enforcement efforts have been hindered because the site is not covered in the Bird Island Rule. The ability to close the island seasonally and prohibit pets year-round is critical.
- **Ogeechee Bar:** This oft-changing sandbar near Raccoon Key and Ossabaw Island supports extensive horseshoe crab spawning in the spring and because of that spawning is rated one of Georgia's most important sites for federally threatened red knots and other shorebirds. More than 4,000 red knots have been seen at Ogeechee Bar in May. While small, the bar can also be one of the more productive nesting sites for least and gull-billed terns, black skimmers, and American oystercatchers. Being able to close this site during spring migration and breeding season, and prohibit dogs and other pets year-round, is key. Although the nesting colony was roped and

signed, on Memorial Day weekend last year people and dogs using Ogeechee Bar led to the depredation of at least seven black skimmer nests, the death of two least tern chicks and likely many more eggs over-heated and lost when adults were scared off nests and unable to incubate the eggs.

- **Cumberland Dividings:** This bird island on the Intracoastal Waterway near Cumberland Island was created in 2024 by the Army Corps of Engineers, in collaboration with DNR's Wildlife Resources and Coastal Resources divisions. This project is considered "beneficial use" of spoil because it was explicitly designed to benefit nesting seabirds and shorebirds. Least terns, black skimmers and gull-billed terns have nested there and the expectation is the new dredge spoil island will become an important nesting site for a mix of species. Adding Cumberland Dividings to the Bird Island Rule will allow for closures needed during breeding season and the prohibition of pets year-round.
- **Little Tybee Cabbage Island Natural Area:** The natural area includes several beaches, of which Williamson Island was listed in the 1998 Bird Island Rule. The proposed change would support the seasonal closure of that portion of beach most important to nesting seabirds and shorebirds. As stipulated in the Little Tybee and Cabbage Island 50-year Strategic Plan, dogs are prohibited on the area year-round.
- **New dredge spoil islands and naturally emerging sand bars:** Given the Army Corps' goal of using spoil for more beneficial use projects, there will likely be new islands, some of them created specifically for bird nesting habitat and requiring the protections provided by the Bird Island Rule. The dynamic nature of Georgia's coast also points toward the formation of new shoals and bars that become important to migrating or nesting birds. One example is the recent emergence of a bar in Gould's Inlet between Sea Island and St. Simons Island. The bar has attracted nesting seabirds and shorebirds in some recent years. Protecting it under the rule will support effective closures.

Coastal bird sites lost or degraded:

- Pelican Spit has merged with Sea Island and is no longer used by nesting seabirds.
- St. Catherine's Island Bar also has been seriously degraded. Although birds still try to nest there, in recent years flooding has destroyed their nests and eggs.
- Little Egg Island Bar has almost merged with Egg Island, allowing easy access by raccoons and making the bar unusable for colonial seabirds (although American oystercatchers still use it).
- Satilla River Marsh Island hosted a nesting colony of brown pelicans and egrets until Hurricane Matthew removed all suitable nesting vegetation in 2016. The site has reverted to a marsh island that hosts nesting American oystercatchers but no colonial waterbirds.

Public comment

Interested citizens are invited to provide input on the proposed changes to Georgia's Bird Island Rule (O.C.G.A. 391-4-7.03) in any of the following ways:

- Attend a scheduled meeting.

| DATE | TIME | LOCATION |
|-----------|---------|---|
| 7/16/2025 | 6:00 PM | Susan Shipman Environmental Learning Center: DNR Coastal Regional Headquarters, One Conservation Way, Brunswick, GA 31520 |
| 7/29/2025 | 6:00 PM | Group Shelter 2: Crooked River State Park, 6222 Charlie Smith Senior Highway, St. Marys, GA 31558 |
| 8/6/2025 | 6:00 PM | Group Shelter: Skidaway Island State Park, 52 Diamond Causeway, Savannah, GA 31411 |

- Email: wcscomments@dnr.ga.gov
- Telephone: (912) 264-7355

Written statement: Address mailed statements to: ATTN: Tim Keyes, Georgia Department of Natural Resources Wildlife Resources Division, Wildlife Conservation Section, One Conservation Way, Suite 310, Brunswick, GA 31520.

The deadline for comments is 4:30 p.m. Aug. 22, 2025. Written statements sent by mail must be postmarked by Aug. 22. Comments should be legible, concise and limited to the proposed rule changes.

What's next: The state Board of Natural Resources is scheduled to consider proposed amendments to the Bird Island Rule (O.C.G.A. 391-4-7.03) during the board's 9 a.m. meeting Sept. 23, 2025, at DNR Coastal Regional Headquarters, One Conservation Way, Brunswick, GA 31520.