

\$372,750 fine for destruction of swallow nests, eggs

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Hundreds of cliff swallows nest under a bridge similar to one on the Otter Creek Bridge on highway US-270 in Harper County, Okla., where a Kansas company was contracted for bridge repairs. The company was fined nearly \$373,000 for destroying the nests and eggs during the repairs. Courtesy photo

- U.S. Attorney, Western Okla., District

Oklahoma City, Okla. – Wildcat Concrete Services, Inc. (“Wildcat”), a Kansas corporation, has paid \$372,750 to the North American Wetlands Conservation Fund as part of a non-prosecution agreement with the United States arising from the destruction of cliff swallow nests during a bridge repair project, announced Sanford C. Coats, United States Attorney for the Western District of Oklahoma. In addition, Richard Lee Pool, 54, of Osage City, Kansas, an employee of Wildcat, pled guilty yesterday to one misdemeanor count of violating the Migratory Bird Treaty Act.

“Protecting and preserving our country’s natural resources, including wildlife, is an important responsibility that we take very seriously,” said U.S. Attorney Coats. “We are committed to working with our investigative partners to reach common-sense resolutions when there are

violations of our nation's environmental laws.”

“One of our highest priorities is to protect the nation's fish, wildlife, and plants from unlawful exploitation and industrial hazards,” said Special Agent in Charge of the Southwest Region Nicholas E. Chavez. “The successful outcome of this investigation is also the result of coordinating with the U. S. Attorney's Office to ensure the protection of a federally protected species.”

The Migratory Bird Treaty Act, enacted in 1918, implements this country's commitments under avian protection treaties with Great Britain (for Canada), Mexico, Japan and Russia. The Act, established for the conservation of migratory birds, creates a misdemeanor criminal sanction for the unpermitted taking of protected species by any means and in any manner regardless of fault. The Cliff swallows (*Petrochelidon pyrrhonota*) are one of 1,026 species of birds protected by the federal Migratory Bird Treaty Act.

According to Court records and the non-prosecution agreement, on May 25, 2012, Wildcat was under contract with the Oklahoma Department of Transportation to perform joint expansion repair work on the Otter Creek Bridge on highway US-270 in Harper County, Okla.

At that time, cliff swallows were actively nesting under that bridge. Wildcat and the United States stipulated that 818 eggs were destroyed and approximately 1,491 nests had been removed from the bridge.

As part of the non-prosecution agreement, Wildcat paid \$372,750 to the North American Wetlands Conservation Fund. Mr. Pool pled guilty to one count of scraping down a nest containing an egg of a migratory cliff swallow. Mr. Pool was sentenced to serve three months of probation and 10 hours of community service.

This case is the result of an investigation by the U.S. Fish and Wildlife Service and was prosecuted by Assistant U.S. Attorney Amanda Maxfield Green.