

NEWS RELEASE



OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA

San Diego, California

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For Immediate Release

WILDLIFE RESEARCHER PLEADS GUILTY TO UNLAWFUL TAKING OF GOLDEN EAGLE

NEWS RELEASE SUMMARY - April 18, 2013

United States Attorney Laura E. Duffy announced that a Julian resident pled guilty today to the unlawful taking of a Golden Eagle, in violation of the Bald and Golden Eagle Protection Act, before the Honorable David H. Bartick, United States Magistrate Judge.

At the time of the plea, wildlife researcher John David Bittner acknowledged that he makes his living conducting studies of birds and wildlife. His work includes the capture and banding of eagles and other migratory birds, and the tracking of their movements. Bittner had possessed a federal bird banding permit, which expired on January 31, 2010. Two weeks later, Bittner emailed the permit section of the federal Bird Banding Lab, noting that his permit had expired, and requesting that his permit be renewed as soon as possible. The Bird Banding Lab advised Bittner that since he had not reported any data for the birds he had banded since

October 31, 2006, his permit would not be renewed until he submitted the delinquent data. The lack of data is particularly troubling because it is just this sort of data from permit holders that permits the Fish and Wildlife Service to monitor the health of the eagle populations within the United States.

For the period from January 31, 2010, through August 12, 2010, Bittner possessed no permit to capture and band eagles or any other migratory bird. In pleading guilty, Bittner admitted that during this period, he captured and banded 144 migratory birds in the Southern District of California, including at least one female Golden Eagle, knowing that he had no permit to do so.

The Bald Eagle population severely declined in the lower 48 states beginning in the 1870's because of hunting, habitat loss, and contamination of its food source. During the 1950's, an estimated 20,000 eagles were destroyed by ranchers, particularly sheep farmers who perceived them to be a threat. DDT, a powerful insecticide, made bald eagle eggshells so weak they couldn't produce viable offspring. As a result of all these factors, by 1963, there were only 417 breeding pairs in the lower 48 states. According to Paul Schmidt, the Fish and Wildlife Service's Assistant Director for Migratory Birds in 2009, "The bald eagle population has rebounded in the past decades, and its recovery poses the challenge of managing a healthy population still protected under the Bald and Golden Eagle Protection Act. But unlike the bald eagle, the golden eagle population is not expanding, and may be in decline."

Since the 1970s, the government has worked hard to save eagles. Due to this hard work the status of the Golden Eagle – which was first listed as endangered – was downgraded to threatened and then taken entirely off the endangered list. The Bald and Golden Eagle Protection Act continues to protect these birds by prohibiting anyone without a permit from "taking" bald or golden eagles, including their parts, nests and eggs. Its definition of "take" includes pursuit, shooting, shooting at, poisoning, wounding, killing, capturing, trapping, collecting, molesting and disturbing.

The Fish and Wildlife Service defines what it actually means to "disturb" an eagle under the Bald and

Golden Eagle Protection Act: "To agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity by substantially interfering with normal breeding, feeding or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding or sheltering behavior." According to the National Wildlife Federation this provides a "solid framework" that will keep eagles around for generations to come. Dr. Greg Butcher, director of bird conservation for the National Audubon Society, has stated that he is confident that "good things will happen for the bald eagle" as a result of the government's actions.

United States Attorney Laura E. Duffy said, "It is a sacred trust to preserve our natural heritage for future generations. This trust mandates that we observe both the spirit and letter of laws designed to protect the environment."

Bittner is scheduled to be sentenced on July 11, 2013 at 1:30 a.m. before Judge Bartick.

Case Number: 13cr1391-W

DEFENDANT

John David Bittner

SUMMARY OF CHARGES

Unlawful Taking of a Golden Eagle, in Violation of Title 16, United States Code, Section 668(a).
Maximum Penalties: 1 year in custody and/or \$100,000 fine, \$25 special assessment.

AGENCY

U.S. Fish and Wildlife Service