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News Release



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Berry Farmer Fined in Songbird Deaths

A Woodland, Washington, man has agreed to pay a \$5,000 fine for the killing of songbirds protected under the Migratory Bird Treaty Act.

Jerry Dobbins, 65, admitted he hired two college students in July 2005 to shoot robins, cedar waxwings and other songbirds at his berry farm near Gresham, Oregon. The students acknowledged that they shot more than 100 birds. Agents from the U.S. Fish and Wildlife Service and Oregon State Police, who investigated the incident, recovered 40 carcasses.

Dobbins paid the fine February 8, 2006, in association with a pre-trial diversion agreement that resulted in the dismissal of a misdemeanor charge of violating the Migratory Bird Treaty Act. The payment was made directly to the Audubon Society of Portland.

The Migratory Bird Treaty Act makes it unlawful to pursue, hunt, capture, possess, buy, sell, purchase or barter any migratory bird, including feathers or other parts, nests, eggs or migratory bird products. A felony conviction carries a maximum penalty of two years in prison and a \$250,000 fine per individual or \$500,000 per organization. A misdemeanor conviction carries a maximum penalty of six months in prison and a \$15,000 fine per individual or organization. All birds native to the United States, with the exception of native resident game birds, are protected under the Migratory Bird Treaty Act.

Chris Brong, Resident Agent in Charge of Law Enforcement for the Oregon geographic area under the U.S. Fish and Wildlife Service, said his agency is concerned whenever federal wildlife laws have been broken.

“While most farms understand the laws and handle crop depredation issues without harming birds, unfortunately we continue to find exceptions,” Brong said. “Our job is to protect fish and wildlife species, ensuring that conservation laws are being followed.”

Farmers who are having depredation problems with birds have legal options, Brong said.

Brong advises that farmers should first contact the Wildlife Services division of the U.S. Department of Agriculture. Wildlife Services will instruct the farmer on the best possible methods for keeping birds off of their crops; often these methods involve noise-making devices, such as cannons and/or pyrotechnics. If simple harassment of the birds does not work, Wildlife Services may help the farmer to complete U.S. Fish and Wildlife Form 37, which will allow for take (kill) of a portion (usually a very small amount) of the depredating birds. This is meant to enhance, not replace, the harassment efforts of the farmer. It is important to note that depredation permits will only be issued after a farmer has consulted with Wildlife Services and has documented that all other harassment efforts have been exhausted.

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 95-million-acre National Wildlife Refuge System, which encompasses 545 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resources offices and 81 ecological services field stations. The agency enforces federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign and Native American tribal governments with their conservation efforts. It also oversees the Federal Assistance program, which distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.

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