



Department of Justice

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District of Massachusetts

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PAIR GUILTY OF KILLING FEDERALLY PROTECTED BIRDS

Bald Eagle and Hundreds of Great Blue Herons and Ospreys Killed by Owner of Trout Farm

SPRINGFIELD, MA - Two men residing in Western Massachusetts have been convicted in connection with the killing of federally protected bird species, including a bald eagle, ospreys, and great blue herons, announced United States Attorney Michael J. Sullivan; Thomas Healy, Special Agent in Charge of the U.S. Fish and Wildlife Service's Northeast Region Office of Law Enforcement; and James Hanlon, Director of the Massachusetts Environmental Police.

After a six-day bench trial, today Judge Michael Ponsor found **MICHAEL ZAK**, 59, of 467 Amherst Road, Sunderland, Massachusetts, guilty of one count of shooting and killing a bald eagle, commonly referred to as an American eagle, in violation of the Bald and Golden Eagle Protection Act, and one count of violating the Migratory Bird Treaty Act (for the killing of the bald eagle).

Prior to the start of the bench trial, on Monday, March 26, 2007, **ZAK** had pleaded guilty to the three remaining counts in the Information filed against him: one count of conspiring to violate the Migratory Bird Treaty Act, and two counts of violating the Migratory Bird Treaty Act (for the killing of great blue herons and ospreys). **ZAK's** co-defendant, **TIMOTHY LLOYD**, 30, of 115 Park Street, Easthampton, Massachusetts, pleaded guilty on Friday, March 23, 2007, to all three counts in the Information filed against him: one count of conspiring to violate the Migratory Bird Treaty Act, and two counts of violating the Migratory Bird Treaty Act (for the killing of a great blue heron and an osprey).

"The killing of hundreds of protected bird species by the defendants revealed their disdain for our laws and their wanton disregard for our nation's wildlife heritage," commented U.S. Attorney Sullivan. "The laws that protect our wildlife were created to ensure that the American Eagle and other migratory birds exist for generations of Americans to enjoy. I want to commend the Massachusetts Environmental Police for referring the matter to federal authorities and the Fish and Wildlife Service Agents for their thorough investigation."

According to filed documents, and statements and evidence presented in court, **ZAK** owns and operates Mohawk Trout Hatchery in Sunderland, Massachusetts. In September of 2005, U.S. Fish and Wildlife Service (FWS) Special Agents received information from the

Massachusetts Environmental Police that **ZAK** was suspected of unlawfully killing protected great blue herons and other federally protected migratory birds that are natural predators of trout. An investigation by the FWS documented the remains of approximately 279 great blue herons, 6 ospreys, 1 bald eagle, 1 red tailed hawk, and 3 unidentified raptors, all in various states of decay along the edge of the hatchery property. Forensic examinations conducted on ten of the great blue heron carcasses collected by FWS revealed that all ten had been killed by rifle shot.

“The individuals involved with the wanton killing of migratory birds at the hatchery showed no respect for wildlife, nor the federal and state laws protecting those birds,” said U.S. Fish and Wildlife Service Special Agent in Charge Thomas Healy. “Our laws protect this nation’s natural resources to ensure their survival for future generations to enjoy. The people who committed these crimes made no effort to follow the legal and responsible procedures for dealing with the situation.”

On three occasions during the course of the investigation, while conducting surveillance of the fish hatchery property, FWS agents observed **ZAK** fire a rifle in an attempt to kill great blue herons and ospreys that had been in the area of his fish hatchery. On one occasion agents also observed **LLOYD**, who worked at the fish hatchery, fire a rifle killing an osprey. The FWS agents also recovered the carcass of a freshly killed immature bald eagle from the hatchery during one of their surveillances. Leg bands on the dead eagle, which wildlife biologists had placed on the bird when it was a nestling in Connecticut, indicated the bird was a three-year old female. A forensic examination of the eagle determined the bird had also been shot by a high-power rifle.

The Migratory Bird Treaty Act (MBTA) allows for the hunting of certain migratory birds, including ducks and geese, within certain seasons and under specific regulations. The MBTA prohibits the capturing or killing of any non-game migratory birds unless authorized by permit. The great blue heron, osprey and bald eagle are among such protected non-game migratory birds. The Bald and Golden Eagle Protection Act prohibits the capture or killing of bald and golden eagles.

Judge Ponsor scheduled sentencing for both defendants for June 27, 2007 at 2:00 p.m. They each face a maximum sentence of 6 months in prison and a \$15,000 fine on each of the misdemeanor Migratory Bird Treaty Act and conspiracy counts to which they pleaded guilty. Additionally, **ZAK** faces a maximum sentence of 1 year in prison and a \$5,000 fine on the Bald and Golden Eagle Protection Act charge.

The government is also seeking the forfeiture of the .204 caliber Ruger 77 bolt action rifle with attached 6-24x50 Swarovski scope used in the killing of the protected birds.

The case was investigated by the U.S. Fish and Wildlife Service with assistance from the Massachusetts Environmental Police. It is being prosecuted by Assistant U.S. Attorney Kimberly West in Sullivan’s Criminal Division and Assistant U.S. Attorney Kevin O’Regan in Sullivan’s Springfield Office.

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