

## **NEWS RELEASE**

### **U.S. FISH AND WILDLIFE SERVICE**

**Mountain-Prairie Region**

**134 Union Boulevard**

**Lakewood, Colorado 80228**

09-47

For Immediate Release

July 10, 2009

Contact: Steve Oberholtzer, (303) 236-7540

Dominic Domenici, (307) 261-6365

### **Utility Giant to Pay Millions for Eagle Protection**

PacifiCorp – one of the largest electric utilities in the West – pleaded guilty today in Federal court in Casper, Wyoming, to unlawfully killing golden eagles and other migratory birds in the State. The company, which does business in Wyoming as Rocky Mountain Power, was ordered to pay over \$10.5 million for killing eagles and other protected birds.

The plea agreement responded to an information charging PacifiCorp with 34 counts of unlawfully taking golden eagles, hawks, and ravens in violation of the Migratory Bird Treaty Act. PacifiCorp has killed 232 eagles in Wyoming from January 2007 to the present. The company, which pleaded guilty to all 34 counts, has been sentenced to pay a \$510,000 criminal fine and an additional \$900,000 in restitution and will spend the next five years on probation. During this period, PacifiCorp has been ordered to spend \$9.1 million to repair or replace its equipment to protect migratory birds from electrocution in Wyoming.

A U.S. Fish and Wildlife Service investigation, which began in 2007, linked excessive eagle mortalities to PacifiCorp's electrical distribution and transmission facilities in six Wyoming counties (Sweetwater, Washakie, Hot Springs, Park, Converse, and Natrona). The United States Attorney's Office for the District of Wyoming filed Federal charges against the company based on this probe. The Migratory Bird Treaty Act makes it illegal for anyone to kill a protected bird (including eagles and other raptors) by any means without first obtaining a permit.

Until this past year, PacifiCorp had failed to use readily available measures to address avian electrocutions in Wyoming – measures that could have saved numerous eagles and other birds. Under the terms of its plea agreement, the company must implement an Avian Protection Plan for the State that will include retrofitting and modernizing its electrical distribution and transmission system to reduce eagle mortalities.

Restitution paid by the company will support research and projects to conserve golden eagles and other birds of prey in Wyoming, Utah, Idaho, and Montana. Conservation organizations slated to receive funding include the National Fish and Wildlife Foundation, Hawk Watch International, the Wildlife Heritage Foundation of Wyoming, the Native American Fish and Wildlife Society, and the Murie Audubon Society of Casper, Wyoming.

This recent Wyoming investigation represents a continuation of the Service's longstanding efforts to reduce avian electrocutions caused by electric power infrastructure. For decades, the agency has worked cooperatively with industry, conservation groups, and tribes to eliminate or minimize electrocution risks to eagles and other birds throughout their range. While these efforts have emphasized partnership and problem solving, the Service has also taken enforcement action to protect these birds.

“When companies refuse to be proactive, and don't undertake readily available measures to prevent the deaths of eagles and other migratory birds, we'll seek criminal charges,” said Resident Agent in Charge Dominic Domenici, who oversees the Service's enforcement operations in Wyoming and Montana. “With mounting pressures on these species and their habitat, we simply cannot allow industry to kill birds when proven measures exist that can greatly reduce powerline electrocutions.”

Electrocution of eagles or other large birds can occur when a bird perches on the cross arm of a power pole and completes an electrical circuit by touching two energized wires or an energized wire and a ground. Eagles collected by Federal and State officials are sent to the Service's National Eagle Repository, where they are distributed to Native Americans for religious and cultural use.

Avian electrocution and collision problems are not new: the first documented collision of a bird with a telegraph line occurred in 1876, and the first reported eagle electrocution on a transmission line was in 1922. Problems persist in many parts of the United States, including Wyoming, where Service special agents documented at least 1,031 eagles killed by electrocution since 1991.

The Service and the electric power industry have worked together for years on a national level to reduce the impact of powerlines on eagles and other birds. This partnership, which was formalized in 1989 when the Service and the National Audubon Society teamed with investor-owned utilities and universities to establish the Avian Power Line Interaction Committee (APLIC), resulted in the 1996 publication and 2006 update of state-of-the-art technical guidelines for the industry titled *Suggested Practices for Raptor Protection on Power Lines*.

The Service and APLIC have also taught numerous “short courses” to train utility employees, resource agencies, and others on how to prevent bird electrocutions. Both actively encourage utility companies to develop and implement voluntary avian protection plans that include commitments to building bird-friendly power lines, conducting surveys to identify dangerous lines already in use, and making the changes needed to protect eagles, hawks, and owls.

“Measures taken under Avian Protection Plans can make a tremendous difference for raptor populations,” said Emily Jo Williams, who oversees management of the Migratory Bird Program for the U.S. Fish and Wildlife Service's Mountain-Prairie Region. “Electrocutions drop when companies step up and meet their responsibilities for protecting eagles and other birds.”

PacifiCorp's Avian Protection Plan promises significant new safeguards for raptors in Wyoming. “While the criminal prosecution is significant, the company's commitment to preventing further

electrocutions is what makes this case so important,” explained Service Special Agent Tim Eicher, who conducted the investigation. “The standards in the plan for new construction and retrofitting of existing power lines and substations meet or exceed current suggested practices, plus the financial commitments to conducting risk assessment surveys and retrofitting dangerous lines are substantial,” said Eicher. “This plan is the yardstick by which the efforts of other companies will be judged.”

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. We are both a leader and trusted partner in fish and wildlife conservation, known for our scientific excellence, stewardship of lands and natural resources, dedicated professionals and commitment to public service. For more information on our work and the people who make it happen, visit [www.fws.gov](http://www.fws.gov).

-fws-