

Timber Management Company Owner Sentenced to Prison for Cutting Down Eagle Nesting Tree

Local News

Posted by: David Haviland

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TIMOTHY ALLEN, 52, of Elma, Washington was sentenced today to two months in prison, four months of home electronic monitoring and one year of probation in connection with the taking of a bald eagle nest in violation of the Bald and Golden Eagle Protection Act. At the time Allen committed the violation, the bald eagle was listed as threatened under the Endangered Species Act. ALLEN is the owner of Allen's Forestry Services, a timber management company. At sentencing Magistrate Judge Karen L. Stromborn said she had no choice but to send ALLEN to prison due to his efforts to obstruct the law enforcement investigation. "... what you did to avoid detection.... you signed an affidavit under oath, and still would not tell the truth," the Judge said.

In early 2004, while preparing a client's property in Clallam County for development, ALLEN discovered an eagle nest in a tree. ALLEN now admits he paid \$500 to a subcontractor to cut the tree down. The site of the felled tree contained bones, feathers, egg shells and sticks which, according to wildlife biologists, substantiated their conclusion that the nest was actively being used by bald eagles. When interviewed by agents from U.S. Fish and Wildlife, ALLEN repeatedly denied any involvement in the tree removal. In fact, immediately after he was initially contacted by law enforcement, ALLEN drove two hours to Sequim to meet with the logger who had removed the tree, to work on the story they would tell investigators. "Nesting trees such as this one represent a keystone to our nation's symbol, the eagle, and destroying even one shows a lack of caring for these majestic birds and what they represent," said Paul Chang, Special Agent in Charge of Law Enforcement for the Pacific Region of the U.S. Fish and Wildlife Service. "A society that can't or won't preserve its native wildlife can't or won't preserve itself." In December 2008, ALLEN entered a plea of guilty to knowingly taking, or causing others to take, a bald eagle nest in Clallam County, Washington. In asking for ALLEN to get time behind bars, Assistant United States Attorney James Oesterle wrote to the court that as a forestry consultant, ALLEN was well aware of state and federal law requiring special protections for eagle nesting sites. "Despite this knowledge, or more likely because of this knowledge, he undertook a concerted effort to rid the site of the tree in an effort to avoid imposition of a Bald Eagle Management Plan and the associated use restrictions. This heightened knowledge underscores the need to hold professionals, such as Mr. Allen, accountable for their choices and impose sentences that reflect those decisions," Mr. Oesterle wrote to the court. Bald eagles are protected by both state and federal law. In July 2007, the bald eagle was removed from protection under the federal Endangered Species Act. However, two other federal laws still provide protection for the bald eagle, the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. State management for bald eagle nests require a permit for activity occurring within 800 feet of a nest in forest land and within 250 feet of shoreline if also within a ½ mile of a nest. It is estimated that in the early 1800s the bald eagle population in Washington was 8800 birds. By 1980, the numbers had dropped to 104 known breeding pairs. This decline is attributed to loss of wetlands, contamination of estuaries and the use of the chemical DDT. After DDT was banned in 1972, eagle numbers increased significantly, most dramatically in the past 27 years when the population grew about 9% per year. The case was investigated

by the U.S. Fish and Wildlife Service. The case was prosecuted by Assistant United States Attorney James Oesterle, who heads the U.S. Attorney's Office working group on environmental crimes.