

**Subject:** A.G. Schneiderman and DEC Acting Commissioner Seggos Announces Felony Charges Against Sheep Farmer and Overseers for Unlawfully Using Hazardous Pesticide, Causing Death of Bald Eagles

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## **A.G. Schneiderman and DEC Acting Commissioner Seggos Announces Felony Charges Against Sheep Farmer and Overseers for Unlawfully Using Hazardous Pesticide, Causing Death of Bald Eagles**

**William Wentling, Eli Byler And Jonathan Byler Allegedly Used Illegal Substance Carbofuran to Control Predators, Thereby Killing Birds Protected by Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act**

**Schneiderman: My Office Will Continue Working With Law Enforcement Agencies to Protect Our Environment**

TUSCARORA - Attorney General Eric T. Schneiderman today announced charges filed against sheep farmer William Wentling, 67, and his overseers Eli Byler, 41, and Jonathan Byler, 19, for using an acutely hazardous pesticide which caused the death of bald eagles. Wentling and the Bylers are charged with Endangering Public Health, Safety or the Environment in the Second Degree, a class D felony, and the Unlawful Use of a Restricted Use Pesticide, an unclassified misdemeanor.

"The alleged actions show a blatant disregard for the environment and local wildlife," Attorney General Schneiderman said. "My office will continue to work cooperatively with other law enforcement agencies to ensure that the state's laws are enforced and its environment protected.

These charges are the result of an investigation conducted by the New York State Department of Environmental Conservation ("DEC") in conjunction with the United States Fish and Wildlife

Service.

"After the devastating impact to bald eagle populations from the use of pesticides like DDT in the 1960's and 70's, New York State has worked hard to reintroduce and restore this majestic bird to the New York landscape," DEC Acting Commissioner Basil Seggos said. "Using a pesticide that is known to be fatal in small quantities to wildlife and targeting protected birds like bald eagles for poisoning is unacceptable and a major setback to our restoration of this iconic bird. This is a crime against wildlife and the environment, and I applaud the multi-agency effort that brought these criminals to justice."

According to the felony complaint filed by the Attorney General's Office, Wentling operated a sheep farm located in Tuscarora, New York, at which the Bylers were the overseers. In the late winter and spring of 2015, the Wentling farm had been having problems with hawks killing lambs on the farm. Wentling allegedly instructed the Bylers to stay on top of the bird problems with the sheep, directing them to a jug marked "poison" with a drawing of a skull and cross bones on it. The Bylers allegedly poured the contents of the jug onto sheep carcasses located on the farm.

In March 2015, DEC investigators executed a search warrant at Wentling's Farm and recovered the jug. Laboratory analysis by DEC determined the jug allegedly contained carbofuran. Pursuant to the New York Code of Rules and Regulations and the Environmental Conservation Law, carbofuran is an acutely hazardous substance and a restricted use pesticide. It is illegal to knowingly release a substance acutely hazardous to public health, safety or the environment and to possess or use any restricted use pesticide without a permit.

Also according to the Attorney General's complaint, in March and May of 2015, two dead bald eagles were found on property adjacent to Wentling's sheep farm. Also in April of 2015, one dead red-tailed hawk was found on Wentling's sheep farm near a sheep carcass. Laboratory analysis by DEC determined that the cause of death for the bald eagles and the hawk was carbofuran poisoning. Also, laboratory analysis of soil under the sheep carcass demonstrated the presence of carbofuran.

Bald eagles and red-tailed hawks are protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

Yesterday, in Tuscarora Town Court, the Bylers were arraigned on a felony complaint charging the three with one count of violating Environmental Conservation Law Section 71-2713(2), Endangering Public Health, Safety or the Environment in the Second Degree, a Class D felony, and one count of violating Environmental Conservation Law Sections 33-1301(1)(a) and 71-2907(3), Use of an Unregistered Pesticide, an unclassified misdemeanor. The next court date on the matter is scheduled for July 26, 2016.

Attorney General Schneiderman thanked the New York State Department of Environmental Conservation and the United States Fish and Wildlife Service for their valuable work on this investigation.

The DEC investigation was conducted by Investigator Jeffrey Lamphier, Lieutenant Christopher Didion, former Lieutenant Richard Thomas and Environmental Conservation Officer Steven Farrand of the DEC's Division of Law Enforcement, under the supervision of Major Scott Florence, and Deputy Resident Agent-in-Charge/Special Agent Lee A. Schneckenberger of the U.S. Fish and Wildlife Service Office of Law Enforcement.

The OAG investigation was conducted by Senior Investigator Sandra Migaj. The Supervising Investigator is Richard Doyle and the Deputy Bureau Chief is Antoine Karam. The Investigations Division is led by Chief Investigator Dominick Zarrella.

The case is being prosecuted by Assistant Attorney General Cydney Kelly of the Attorney General's Criminal Enforcement and Financial Crimes Bureau. The Bureau is led by Bureau Chief Gary T. Fishman and Deputy Bureau Chief Stephanie Swenton. The Division of Criminal Justice is led by Executive Deputy Attorney General Kelly Donovan.

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