FOR IMMEDIATE RELEASE

Spokane, WA – Michael C. Ormsby, United States Attorney for the Eastern District of Washington announced today that Battelle Memorial Institute (Battelle) has entered into an agreement with the United States Attorney’s Office for the Eastern District of Washington resolving criminal allegations that Battelle violated the Migratory Bird Treaty Act for causing the destruction of over four hundred bank swallow nests and over three thousand bank swallow eggs during the 2010 nesting season. Battelle has accepted responsibility for its violation and has agreed to pay $96,800 to the National Fish and Wildlife Foundation for the preservation, restoration, and/or acquisition of shrub-steppe habitats in the Mid-Columbia Region of Washington.

As part of this resolution Battelle has agreed to a statement of facts outlining its violation. According to the agreed statement of facts:

• In 2007 Battelle, through various subcontractors, began stockpiling topsoil as part of the Physical Sciences Facility (PSF) construction efforts near the Hanford Nuclear Site. Later, in 2009, Battelle, through its subcontractors, caused the removal of some of the stockpiled topsoil thereby creating a vertical face favored as a habitat by bank swallows.
• On June 21, 2010, while conducting an ecological survey, four interns employed by Battelle’s Ecology Group noticed a bank swallow nesting colony in the vertical face of the topsoil stockpile at the PSF site. The following day, one of the interns emailed an electronic link to pictures of the bank swallow colony to a Senior Research Scientist in Battelle’s Ecology Group who was also the Project Manager for Hanford Site Ecological Compliance Project for DOE-RL. The email did not specify the location of the colony or indicate an imminent threat.
• Between June 30 and July 8, 2010, Battelle, through its various subcontractors, caused the removal of topsoil from the PSF site. On July 7, 2010, during the topsoil removal, one of the interns employed by Battelle passed by the bank swallow colony and noticed a backhoe near the PSF topsoil stockpile. That intern was unable to contact the Senior Research Scientist, who had been sent the link to the pictures on June 21st, to report his observations. The following day, the intern was able to notify an Ecology Group biologist and Battelle in turn directed its subcontractors to stop all hauling activities near the topsoil stockpile.
• The removal of topsoil from the PSF site, resulted in the destruction of 484 bank swallow nests and 3,388 bank swallow eggs.

Michael C. Ormsby stated: “Where corporations, especially those which depend largely on tax payer dollars, commit criminal violations they must accept responsibility for their actions and attempt to make things right. We are pleased that Battelle has chosen to do just that in this case.”

The investigation was conducted by the United States Fish and Wildlife Service. This matter was handled by Assistant United States Attorney Tyler H.L. Tornabene and contract attorney Bradley Fjeldheim.

A copy of the agreement between Battelle and the United States Attorney’s Office for the Eastern District of Washington can be made available upon request.