

Man charged with destroying protected eagle nest to plead guilty

By Kate Spinner

Thursday, March 16, 2006

A Fort Myers development supervisor could face up to a year in prison and a \$5,000 fine for destroying an eagle nest between Colonial Boulevard and Winkler Avenue, just north of Heritage Palms in Fort Myers.

Federal prosecutors on Monday charged William Martin Murphy, 62, on one misdemeanor count of intentionally destroying a bald eagle's nest on Nov. 2. Bald eagles are protected as threatened species under the Federal Endangered Species Act.

According to court documents made public Wednesday, Murphy has agreed to plead guilty at his first court appearance. His attorney, **David Seitles** of Miami, said his client, a Florida resident for the past 27 years, admits and regrets his mistake.

"Murphy is pleading guilty for making an error in judgment that he deeply regrets. He has never been arrested or convicted of another crime in his life, but he accepts full responsibility for what he has done here," **Seitles** said.

A court date had not been set by Wednesday evening.

During the investigation, Murphy told U.S. Fish and Wildlife Service agents that he plowed down two slash pine trees on the property, owned by Levitt and Sons, a Boca Raton development firm that has several projects under way in Lee County.

At the time, Murphy was employed by the firm as a land development supervisor. **Seitles** said he believes Murphy is still employed part time with Levitt and Sons. A secretary at the development firm's Estero construction office said her manager knew nothing about the case.

After witnesses complained about Murphy's actions, wildlife officials inspected the Levitt and Sons property. While officials took note of the leveled trees and pieces of bird nest on the ground, the two displaced eagles circled above and landed on a nearby tree, according to court documents.

When inspectors confronted Murphy about the damage, he admitted fault.

He said he borrowed a trackhoe, a type of excavator, from a neighboring property and dug a few test holes on the property. After completing his work, he took a look at

the eagle's nest and went home.

"The defendant said that he then went home and drank a few beers before driving back to the location of the nest tree," the court docket reads. "The defendant admitted to agents that he started the machine, drove the machine to the nest tree and knocked the nest tree to the ground using the machine."

After the nest fell to the ground, Murphy loaded the nest into the back of his pickup, drove it to another construction site on State Road 80 in Fort Myers and placed it where he knew construction machines would bury it the next morning.

Murphy told wildlife officials that he destroyed the nest because the nesting eagles would have halted development on the job site, according to court records.

Tom MacKenzie, a spokesman for the U.S. Fish and Wildlife Service's Southeast Region office, said he could not comment on the case.

"We don't want to do anything that might interfere in the case," MacKenzie said. "We have to always be careful at what stage we provide information. The case has to be pretty well wrapped up."

He deferred questions to Chief Assistant U.S. Attorney Doug Malloy.

Malloy said it was "inappropriate to comment" on a case where a defendant has not yet entered a plea.

John McIltrout, a member of the Lee County Eagle Technical Advisory Committee, said he works about two miles from the destroyed nest. He learned about the downed tree from a friend about a week after it fell.

"I was terribly disappointed that people would put greed ahead of their conscience like that, but unfortunately things like that happen every day," McIltrout said. "Selfishness isn't hard to come by."

McIltrout, 36, has spent his life in Lee County and remembers when Heritage Palms didn't exist.

"That used to be pasture land and U-pick tomato fields. Of course that's all changed now," McIltrout said.

He said active eagle nests have been in that area for years, but development is pushing them out. Now, he said, the bald eagle pair that used to nest on the Levitt and Sons site might have moved closer to Interstate-75.

"Nothing surprises me now to tell you the truth," McIltrout said. "Land has become extremely valuable ... for a developer or seller to work around an eagle issue, it can become inconvenient to say the least."

Terry Dolan, director of environmental services for developer WCI Communities' southwest Florida office, said protecting eagles can cost developers millions. WCI is

developing land within Pelican Landing where more than one eagle nest is located. Working around a nest is both time-consuming and expensive, Dolan said.

To protect bald eagles, developers cannot built within a few hundred feet of an active nest. Depending on the community's zoning codes, the buffer zone changes. Abiding by 750-foot buffer zones in Bonita Springs, Dolan said WCI has given up millions of dollars worth of property to follow endangered species regulations.

Despite the cost of protection far outweighing the potential \$5,000 fine, Dolan said, good developers follow the law or else they stand to lose their reputations.

"You've got to really respect what the law is," Dolan said. "Reputable companies would not even consider it (destroying a nest)."



© 2013 Scripps New spaper Group — Online