



January 22, 2016

The Honorable John Malcolm Bales  
United States Attorney, Eastern District of Texas

**RE: United States vs. Trey Joseph Frederick**

Dear United States Attorney Bales,

The illegal shooting of two Endangered Whooping Cranes in Jefferson County on January 11, 2016 represents an enormous loss on multiple fronts. These birds were part of the reintroduced non-migratory flock of Whooping Cranes in Louisiana that previously numbered just 46. The shooter did not just kill two birds. The shooter stole the deep monetary investment of governments and nonprofit organizations in Canada and the United States. The shooter endangered the very existence of this struggling species. The shooter stripped hope from the thousands upon thousands of individuals who have poured time, money, and energy into the recovery of these magnificent birds who are an intrinsic piece of our shared natural heritage.

The tumultuous history of the Whooping Crane illustrates the magnitude of this loss. A fixture in North American skies and wetlands for millions of years, unregulated hunting and habitat loss sent Whooping Cranes to the edge of extinction in the 1940s, with less than 20 left in existence. With significant investments of time and resources, Whooping Crane recovery efforts have slowly increased their numbers. Today, the Whooping Crane remains one of the rarest birds in North America, currently numbering about 450 in the wild.

Shootings contributed to the historic decline of Whooping Cranes, and remain one of the most significant threats to Whooping Cranes today. Since 1967, when the Whooping Crane was listed as a federally endangered species, there have been 26 confirmed shooting cases of Whooping Cranes in the United States and Canada:

- Illegal shootings represent 19% of the known mortalities from the eastern migratory population of Whooping Cranes, which is the population that has reintroduced into the eastern United States.
- The Aransas-Wood Buffalo population, the last remaining wild flock that winters on the Gulf Coast of Texas, also often experiences losses through illegal shootings.
- The non-migratory, reintroduced population of Whooping Cranes that lives in Louisiana has had the highest shooting rate of any of the populations, with 8 Whooping Cranes being poached since the reintroduction began in 2011. That number includes the two Whooping Cranes illegally shot on January 10 of this year. At the end of 2015, there were just 46 birds in the Louisiana flock, with

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3 considered “long term missing,” but not yet declared dead. In any case, the recent shooting of the 2 Whooping Cranes represents a loss of more than 4% of the entire flock.

In recent years, shooting incidents have increased at an alarming rate. Whooping Cranes typically live 20-30 years in the wild and do not begin reproducing until 4 or 5 years of age. Therefore, the loss of every individual has a devastating impact on the future of this species. We simply cannot guarantee the recovery of this species if poaching continues at the current rate. **In order to deter future perpetrators of this crime it is imperative that the shooter is prosecuted vigorously.**

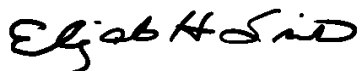
Future perpetrators will be deterred by higher fines, jail time and community service than what has typically been levied for past cases. A history of past prosecutions demonstrates the latitude held by the court in issuing punishments for the crime of shooting a Whooping Crane. In South Dakota in 2012, the Whooping Crane shooter was levied a just fine of \$85,000, sentenced to 30 days in jail, given two years of probation, had his hunting privileges revoked for two years, and was also give an unknown number of hours of community service.

The figure of \$85,000 was arrived at when a judge consulted with the International Crane Foundation, asking us for the cost of raising a Whooping Crane chick in captivity and releasing it into the wild. The fine in this case went towards Whooping Crane conservation, allowing us in some small way to make up for the loss of a Whooping Crane from the wild population. It also served as a significant deterrent, in combination with the other punishments the man had to serve in this case. In most cases a perpetrator is never identified, which contributes to the unfortunate message that this is not a serious crime. The swift identification of a perpetrator in this case gives us the opportunity to send a much needed message, that shooting a Whooping Crane, similar to shooting a Bald Eagle, is not only a loss to the local community, it is a crime that has significant personal consequences. For your reference, I have attached a document that highlight the costs of Whooping Crane recovery, including costs of the Louisiana Program.

The American public is watching the outcome of this case closely because for them, like us, this case represents how our nation values our natural heritage. My colleagues and I do this work each day because we are fighting for future generations. We want them to be able to experience the joy of seeing a five foot tall, snow white bird – an ancient symbol of hope – foraging in a wetland or soaring overhead. It’s their right. The shooter who put that future, and their rights, in jeopardy must be prosecuted vigorously.

Thank you for your serious consideration of this grave matter.

Sincerely,



Dr. Elizabeth Smith  
Texas Program Director

Enc: Addendum I: Charts and Figures & Addendum II: Summary of costs for producing a Whooping Crane in 2011

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