



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

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January 8, 2021

The Honorable Christine Rolfes
Chair, Senate Ways and Means
303 John A. Cherberg Building
Post Office Box 40466
Olympia, WA 98504-0466

The Honorable Timm Ormsby
Chair, House Appropriations
315 John L. O'Brien Building
Post Office Box 40600
Olympia, WA 98504-0600

The Honorable Kevin Van De Wege
Chair, Senate Agriculture, Water
Natural Resources, and Parks
212 John A. Cherberg Building
Post Office Box 40424
Olympia, WA 98504

The Honorable Mike Chapman
Chair, House Rural Development,
Natural Resources, and Parks
132B Legislative Building
Post Office Box 40600
Olympia, WA 98504

Dear Chairs Rolfes, Ormsby, Van De Wege, and Chapman:

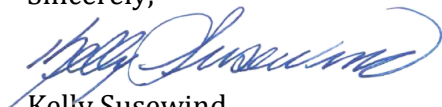
I am writing to provide you with the Washington Department of Fish & Wildlife's fourth annual report to the legislature regarding enforcement of Initiative 1401 - the Washington Animal Trafficking Act. The Department is required to submit an annual report (per RCW 77.15.135) outlining current and future enforcement activities and strategies related to the Washington Animal Trafficking Act.

In 2015, Washington State residents passed Initiative Measure No. 1401, which concerns the trafficking of animal species threatened with extinction. Later known as the Washington Animal Trafficking Act, this measure makes the selling, purchasing, trading, or distribution of certain animal species threatened with extinction, and products containing such species, a gross misdemeanor, or class-C felony.

The following report includes background on the Washington Animal Trafficking Act, describes the Department's current activities, catalogues the Department's funding and expenditures, and lays out the Department's plans for addressing wildlife trafficking in the future.

If you have any questions or concerns about this report or the Department's enforcement of wildlife trafficking activities, please feel free to contact Tom McBride, WDFW's Legislative Director, at (360) 480-1472.

Sincerely,



Kelly Susewind
Director

Implementing Initiative 1401

The Washington Animal Trafficking Act

Report to the Legislature



January 5, 2021

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Executive Summary

Global Wildlife Trafficking

Effective December 3, 2015, Initiative 1401 amended and created a new section of the Revised Code of Washington (RCW) to make it a crime to sell, offer to sell, purchase, trade, barter for, or distribute any covered animal species part or product. Covered animal species are any species of elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine turtle, shark or ray. Covered animal species are defined, in RCW 77.08.010, as any of the previously listed species that are: 1) listed in Appendix I or II of Convention on International Trade in Endangered Species of wild flora and fauna; or 2) listed as critically endangered, endangered, or vulnerable on the IUCN “Red List” of threatened species.

WDFW Implementation of the Washington Animal Trafficking Act

Washington Department of Fish and Wildlife (WDFW) Police is the law enforcement agency tasked with the authority to enforce the Washington Animal Trafficking Act (WATA), representing a significant responsibility for the agency. The work is a natural fit for the Department, with detectives specializing in investigating illegal trade in local natural resources, as well as a presence at border crossings, marine ports, and airports.

Department efforts to address wildlife trafficking support the act’s emphasis on eliminating markets for illegal goods and reducing the profits of those who procure, traffic, and sell them by engaging in outreach and education among the public. WDFW continues enforcement of the act through the authority the WATA grants, in partnership with international enforcement bodies to protect remaining animals currently at risk.

Ongoing success protecting endangered and threatened species, both globally and locally, depends upon bolstering cross-border partnerships, outreach and education, strong relationships with state and local prosecuting attorneys, and continued resources to investigate and eliminate markets for wildlife trafficking.

The report summary will provide 1) a description of investigative activities generated by WDFW Enforcement officers and detectives; 2) highlights of WDFW Enforcement’s WATA coordination and partnership efforts with the public, other regulatory agencies, and non-governmental organizations ; and 3) a summary of observed WATA trends and other related issues of potential concern.



Current Activities: 2020 - present

Outreach and Education

Department outreach and education regarding wildlife trafficking in 2020 focused on partnering with community members and zoos. The Department partnered with the Woodland Park Zoo, Northwest Trek, and the Point Defiance Zoo and Aquarium in order to increase public awareness and create opportunities for the public to appropriately leave items made from endangered animal parts in a secure and legal way. Examples of these efforts are provided below.

The Woodland Park Zoo sponsored/produced the One Wide World series; live-streaming and later available on You-Tube. The series consisted of three episodes: 1) One Care – Animals in Human Care and Role of Zoos (1 Oct 2020); 2) One Northwest – Species and Spaces in the Pacific Northwest (8 Oct 2020); and 3) One World – How a Human and an Animal Changed Global Health (15 Oct 2020). Detective Wendy Willette participated in Episode 2 of the series as a live panelist, sharing her insight and experience as it relates to animal trafficking, her investigative experience, industry trends, and how to combat those illegal activities.

Detective Clementson presented a hands-on Field Identification of Ivory for investigators from multiple Puget Sound enforcement agencies, to include the members of the Department of Homeland Security, US Army Criminal Investigation Division, and Tacoma/Lakewood/Seattle/Fife/Auburn police departments.

Using WDFW's inventory of donated WATA items, Detective Clementson prepared and disseminated kits to Enforcement's Regional Captains, for use as needed by their officers in educational outreach efforts. Per the request of South Puget Sound Homeland Security agents, Detective Clementson also put together and transferred a WATA kit to Homeland Security Investigations for training of their agents.

COVID-19

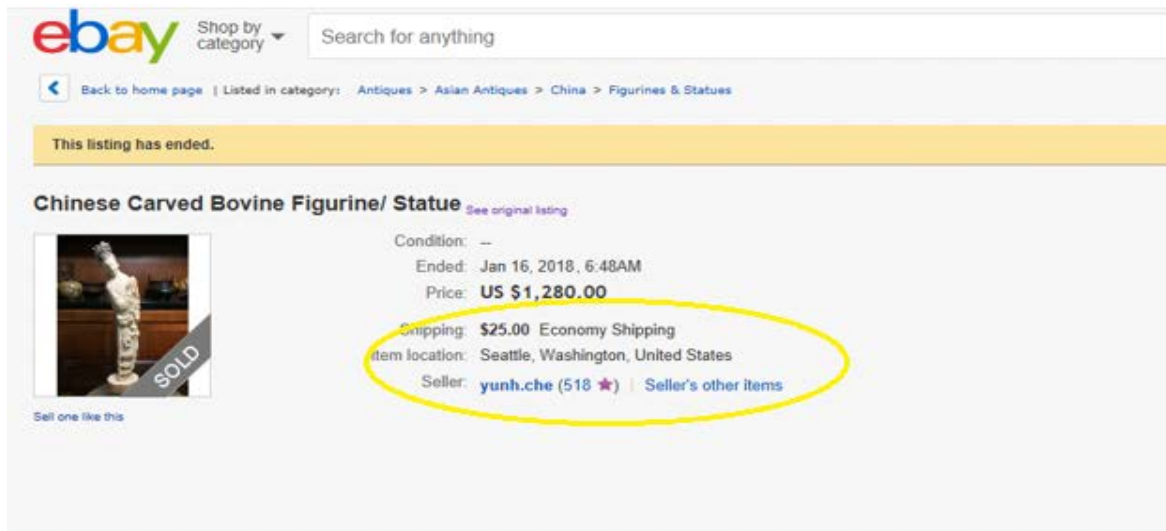
Charged with balancing protection of both public health and public safety, WDFW enforcement has been significantly impacted by COVID-19. For the majority of 2020, program priorities have shifted from previous enforcement activities. Recreational harvest opportunities, as well as commercial operations (harvest, process, shipping) throughout the state were dramatically reduced at the onset of COVID-19. As we move toward previous activity levels, WDFW enforcement is now doing its part in making whole recreational and commercial opportunities for the state's citizens. As we undergo our "phased planning," efforts directed to WATA enforcement are likewise on the rise.



Investigations – Covered Animal Species

In the early part of 2018, WDFW Detective Willette identified a Seattle-resident, Yunhua Chen, offering possible proboscidean origin items for sale using eBay. While a covert purchase wasn't successfully completed in Washington, Detective Willette identified a sale of a suspected proboscidean item by Chen to a buyer in Louisiana. Willette coordinated with USFWS Agents to interview the buyer, secure the item, and to have it tested at the USFWS forensic laboratory.

At the request of the King County Prosecutor, the Washington State Attorney General's Office (ATG) prosecuted the Chen case. On 16 September 2020, Chen pled to Unlawful Trafficking of a Covered Animal Species; a Gross Misdemeanor. A King County judge suspended the incarceration sentence, but imposed an un-supervised, 24-month probation, a \$250.00 Victim Assessment, and a \$2,000.00 Criminal Wildlife Penalty payment. The charges against Chen were the first brought in King County under WATA, which was created by voter-approved Initiative 1401 in the latter part of 2015.



A pair of

Figure 1. Chen's eBay sale of statue to a buyer in Louisiana

WDFW Statewide Investigative Unit's 2018 WATA investigations were anticipated to reach plea deals in 2020 (elephant ivory), but both suspects opted to utilize jury trials; likely taking place in 2021. A second pair of 2020 WATA investigations (sawfish and marine turtle) have been referred to the ATG for charging. The Department will provide an update on this case in the 2021 report.

Throughout the year, WDFW officers and detectives identified continued use of online marketplace sale platforms whereby persons offer items of likely proboscidean origin for sale. Several people and



marketplace platform managers were contacted to remove the item listings. Most sales identified involved single-occurrence incidents, or failure of marketplace screening measures.

Inspections

Detachments from Regions 4 (North Puget Sound) and 5 (Columbia River) completed 167 inspections of Restaurants and Commercial Markets during the 2020 year. While most of the inspections were completed in King County (125), businesses in Snohomish, Pierce, Island, Whatcom, San Juan, Clark, and Skagit Counties were also inspected.

These inspections served multiple purposes; promoting public health, ensuring tracking measures were in place from harvest to consumer, and confirming no illegal, unreported, or unregulated practices, or WATA practices were being utilized.

Voluntary Donations

Detective Clementson received nearly 6,000 donated WATA items in 2020. The bulk of those donations came from one Pierce County resident, who donated roughly 5,600 elephant ivory jewelry items in early December. The party reached out to Detective Clementson following an earlier 2018 “educational contact” by the detective and Officer Prater.



Figure 2. A donation of roughly 5,600 individually boxed jewelry pieces



Partnerships

United States Fish and Wildlife Service (USFWS) – WDFW continues to maintain a healthy investigative relationship with both Pacific Region uniformed inspectors and Special Agents. Throughout the year, WDFW and USFWS conduct joint inspections of imports/exports at SeaTac airport and throughout the state, and routinely share investigative information. Despite recent personnel losses at its King County offices, USFWS remains an active, productive partner to WDFW in WATA and other investigative activities.

Food and Drug Administration (FDA) – While joint WDFW-FDA investigative collaborations were minimal in 2020, the relationship is vital to effective, proactive activities involving import/export and inspections/investigations associated with in-bond areas.

United States Department of Agriculture (USDA) – Since 2019, joint activities between WDFW and USDA have been on the rise. Whether partnering in Traditional Chinese Medicine inspections, or of wholesale/retail markets, USDA Special Agents have been openly supportive of WDFW enforcement activities. COVID-19 was responsible for the cancellation of several joint WDFW/USDA/USFWS 2020 cargo inspections at SeaTac seaport and airports. USDA remains a critical partner to WDFW WATA efforts as they are able to facilitate more real-time access and planning related to the Automated Commercial Environment (international) and domestic shippers (United Parcel Service, Federal Express, etc.) used for import/export and transportation.

National Oceanic and Atmospheric Administration (NOAA) – Joint WATA-related collaborations between WDFW and NOAA enforcement personnel were further hampered in 2020 by: 1) retirement of an Intelligence Analyst; 2) retirement of two Special Agents out of the Seattle office; 3) transfer of one Special Agent from the Seattle office to the east coast; and 4) a pending retirement of a fourth Special Agent. Communications between WDFW and NOAA Seafood Inspection Program and Seafood Monitoring Import Program personnel were minimal at best. NOAA's personnel resource challenges are likely to continue into 2021.

Woodland Park Zoo – Woodland Park Zoo representatives continue to be a great asset for WDFW WATA enforcement efforts. Whether hosting/sponsoring WATA-related events, or routinely sharing their Subject Matter Experts as part of WDFW investigations, the Zoo has proven to be a reliable, active ally in WDFW WATA activities.

Point Defiance Zoo & Northwest Trek - Like the Woodland Park Zoo, both Point Defiance Zoo and Northwest Trek maintain an active dialogue with WDFW officers and readily assist as needed.

Natural Resource Defense Council – While this east coast-based non-governmental organization (NGO) addresses a wide variety of environmental concerns, one of its divisions deals almost exclusively with shark conservation. That division's Director (Pacific Ocean Initiative), Elizabeth Murdock, routinely communicates with WDFW's Statewide Investigative Unit's detectives and provides updates on bigger-



picture trafficking trends and serves as a great conduit for gathering from/disseminating information to places outside of state borders.

Animal Welfare Institute (AWI) – Similar to the Natural Resources Defense Council, this Washington D.C.-based NGO conducts an annual assessment of potential entities across the country suspected of selling shark fin product. Since 2019, AWI has provided WDFW Enforcement with its assessment reports and works with WDFW officers and detectives to vet its information. AWI has committed to continue providing updated information to WDFW each year. Based on its assessments this year, officers and detectives identified numerous previously unknown suppliers of imitation shark fin to Washington State.



Figure 3 Example of imitation shark fin shipment

Center for Conservation Biology Laboratory – Contacts between WDFW and the University of Washington’s (UW) genetic lab were minimal during 2020. Coupled with its funding and personnel resource issues, and WDFW’s lack of elephant ivory testing needs, contact with Dr. Wasser’s lab was minimal. Given its re-funding, and expansion of services, contacts between WDFW and the lab is expected to increase in 2021.



Trends

Overt online sales platforms (like eBay/Offerup/Craigslist etc.) continue to be venues for illicit WATA trading. More tight-knit community-based platforms such as WeChat/WePay, present bigger investigative challenges. These platforms utilize: 1) foreign language; 2) transitory chat maintained/stored on servers in foreign countries; 3) third-party financing entities which sever direct linkages between supplier and buyer; and 4) unique item/services access to users based on race/ethnic origin. While open source applications, their use is on the rise. Fully covert trading sites, as those found on the dark web, are largely unassessed.

In addition to its digital forensic challenges, WDFW Enforcement is seeing an increased level of activity in several related areas. While not WATA issues specifically, enforcement is involved in a growing number of investigations related to State Protected Species, Deleterious Exotic Species, and Aquatic Invasive Species.

Washington Animal Trafficking Act Funding and Expenditures

WDFW received \$300,000 in ongoing funding in FY19 which biennialized to \$600,000 in the 19-21 biennium. In the 19-21 biennium WDFW also received an additional \$298,000 in ongoing funding for a total of \$898,00. The FY20 authority amount was \$449,000, 33% of which is in the Fish and Wildlife Enforcement Reward Account and 67% in General Fund State. The purpose of the additional funding was to increase enforcement actions inhibiting wildlife trafficking related to the Washington Animal Trafficking Act. WDFW utilized that authority to engage in outreach and education, coordination with federal and other state enforcement agencies, inspections and investigations, and staff training. Table 1 outlines how that authority was exercised in fiscal year 2020.

Table 1.



FY20 Expenditures

WATA Expenditures : Fund 001:011 (67%) & 07V:973 (33%)		
Staffing	\$ 125,505	66%
Officer Standard Costs	\$ 1,535	1%
Training	\$ 1,370	1%
Administrative Costs	\$ 63,200	32%
Total Expenses	\$ 191,610	100%

In 2020, WDFW Police had multiple Statewide Investigative Unit positions unfilled due to promotions and personnel leaving the Department. Due to the projected budgetary shortfall the positions remained vacant until such time that the projected budget shortfall presented would not negatively impact detective positions. With the current outcome in the recent Governor’s budget, WDFW Police plan to actively hire for these necessary positions so that there is an increase in our ability to monitor for the trafficking of international and local fish and wildlife species. WDFW has a responsibility to preserve and protect the State’s fish and wildlife to include covered animal species under WATA. Assuming these positions are not eliminated, WDFW Police can continue to work to stop the illegal trade in both local and international wildlife, ensuring that species populations continue to grow and thrive for generations to come.

Table 2.

WATA Funding Projections

17-19 Biennium		19-21 Biennium		21-23 Biennium Projection	
FUND:EAI	17-19BN Authority	FUND:EAI	19-21BN Authority	FUND:EAI	23-25BN Authority
001:392	\$300,000	001:01*	\$600,000	001:01*	\$898,000
		07V:973	\$298,000		
Total	\$300,000	Total	\$898,000	Total	\$898,000

Table 2 details the WATA related spending authority by fund type and illustrates how it has and will change over the bienniums.



Anti-Trafficking Activities Beyond 2020

The Washington Department of Fish and Wildlife continues to fight wildlife trafficking in support of Initiative 1401, which identified eliminating associated markets and profits as the most effective way to discourage wildlife trafficking. To directly address wildlife trafficking profits, the Department has conducted inspections, investigations, and provided support for prosecutions. To limit the market Washington state presents for illegal trafficking, the Department has partnered with community members to offer public outreach and education opportunities to spread awareness of wildlife trafficking and its impacts. In recognition of the national and international elements of wildlife trafficking, as well as the expertise and experience of Department officers, Department staff have provided training and expertise for federal and international enforcement partners.

The \$298,000 spending authority noted in Table 2 will remain an important part of those efforts, and is funded through a pre-existing balance in the Enforcement Reward Account. This account will be exhausted by the end of 2021. In order to maintain the enforcement activities supported by that spending authority, additional fund sources will need to be identified.

These Department enforcement activities and related strategies will continue through the 2019-2021 biennium and beyond. The Department acknowledges the serious and urgent threat wildlife trafficking presents to many iconic species that face extinction and will continue to lead Washington's contribution to the national and international fight to preserve and protect these species.

