

Wildlife Animal Trafficking Act

Annual Report to the Legislature



Washington
Department of
**FISH &
WILDLIFE**

December 2024



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

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December 19, 2024

The Honorable Sharon Shewmake
Chair, Senate Agriculture, Water,
Natural Resources, and Parks
213 John A. Cherberg Building
Post Office Box 40442
Olympia, WA 98504-0442

The Honorable Kristine Reeves
Chair, House Agriculture and
Natural Resources
132E Legislative Building
Post Office Box 40600
Olympia, WA 98504-0600

Dear Chairs,

I am writing to provide you with the Washington Department of Fish & Wildlife's annual report to the legislature regarding enforcement of Initiative 1401, the Washington Animal Trafficking Act (WATA). 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 (WATA), 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 Department is required to submit an annual report (RCW 77.15.135) outlining current enforcement activities and strategies related to the WATA. The following report includes background on the WATA, describes the Department's current activities, wildlife trafficking trends, and updates on the Department's partnerships in wildlife trafficking.

If you have any questions regarding this report, please contact our Legislative Director Melena Thompson at (564) 791-2755.

Sincerely,

Kelly Susewind
Director

Washington Animal Trafficking Act

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Author

Captain Brad Rhoden, WDFW Enforcement

Cover photo by WDFW Enforcement.

Request this information in an alternative format or language at wdfw.wa.gov/accessibility/requests-accommodation, 833-885-1012, TTY (711), or CivilRightsTeam@dfw.wa.gov.

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Overview

Initiative 1401 was approved by Washington voters in 2015 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 defined as any species of elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine turtle, shark, or ray either: (a) Listed in appendix I or appendix II of the convention on international trade in endangered species of wild flora and fauna; or (b) listed as critically endangered, endangered, or vulnerable on the international union for conservation of nature and natural resources red list of threatened. A covered animal species part or product is defined as any item that contains, or is wholly or partially made from, any covered animal species (RCW 77.08.010 (11)(12)).

The goal of the initiative was to discourage illegal trafficking in animal species threatened with extinction by eliminating the markets and profits associated with such activity. The people find that it is in the public interest to protect animal species threatened with extinction by prohibiting within the state of Washington, with certain limited exceptions, the sale, offer for sale, purchase, trade, barter for, and distribution of any part or product of any species of elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine turtle, shark, or ray identified as threatened with extinction by specified international conservation organizations. These animals represent some of the most trafficked species threatened with extinction according to illegal wildlife product seizure data gathered by the world wildlife fund-TRAFFIC, international union for conservation of nature, and other international conservation organizations.

Implementation of the Washington Animal Trafficking Act

Washington Department of Fish and Wildlife (WDFW or Department) Police is the primary 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 having officer presence at border crossings, marine ports, and airports.

WDFW efforts to address wildlife trafficking support the act's intention by 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 partnership with national and 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) highlights of WDFW Enforcement's WATA coordination and partnership efforts with the public, other regulatory agencies, and non-governmental organizations; 2) a description of investigative activities generated by WDFW Enforcement officers and detectives; and 3) a summary of observed WATA trends and other related issues of potential concern.

Current Activities

Outreach and Education

Following the passage of Initiative 1401, WDFW and partnering non-governmental organizations (NGOs) such as the Woodland Park Zoo and Point Defiance Zoo and Aquarium provided public notices and media releases to bring attention to the public about the new law. Displays like the one at the Seattle-Tacoma International Airport continue to inform the public about the requirements concerning protected species.

When a WATA related case is successfully prosecuted, WDFW and the prosecuting attorney's office may bring attention to the case by doing news releases. With the elimination of direct WATA funding, WDFW has not been able to maintain the outreach and education commitment provided for in the past and is currently only able to reach out to individuals engaged in the selling of these protected species.

This year, WDFW was able to partner with staff from the School for the Blind in Vancouver, WA to donate a variety of wildlife parts, which were either donated or seized by WDFW Police, as the items are illegal to sell in Washington. In June, several detectives delivered two truckloads of wildlife mounts and parts, which included a full mount lion, an elephant foot stool, and four elephant tusks. These items were donated to the school for use in their sensory safari exhibit. Once the exhibit is up and fully on display, the Department will highlight this education opportunity. This will address not only the students' ability to experience these wildlife treasures, but to also draw attention to the negative impacts that unlawful trafficking has on these sensitive wildlife species.

WDFW staff continue the highly crucial job of keeping important issues in front of the public. Issues like invasive species (e.g., European Green Crab), endangered species (e.g., Southern Resident Killer Whales or Columbia River Spring Chinook), as well as updates regarding in-season fishing regulations keep the public informed on important issues facing Washington fish and wildlife. Because there are ongoing notifications regarding topics addressing sensitive Washington wildlife topics, issues such as WATA do not get overshadowed, but refreshed as Washingtonians have a strong connection to their public resources and have consistently shown a desire to protect it.

It is apparent the efforts over the past 9 years have worked as WDFW Enforcement staff regularly field calls from the public with regards to how to legally transfer or dispose of a wide variety of animal species.

In 2024, WDFW Police received an increase in the number of requests concerning what wildlife parts can and cannot be sold in Washington. Not only do WDFW Detectives review the covered wildlife within the WATA law, but they also must know the federal regulations concerning wildlife trafficking. Two primary federal acts that tie in with WATA are the Marine Mammal Protection Act (MMPA) and the Lacey Act.

For example, in July 2024 WDFW received a call from an individual who had inherited three “tusks” and was not sure of what she could do with them, as she did not have any documentation regarding how they were originally acquired. After the tusks were examined, they were determined to be walrus tusks and did not fall under the WATA regulations, however, were included in the Marine Mammal Protection Act. The sale of these tusks is prohibited under this act since no paperwork was associated with the tusks. The individual did not want these tusks and since the sale was prohibited, she wished to donate them to WDFW.

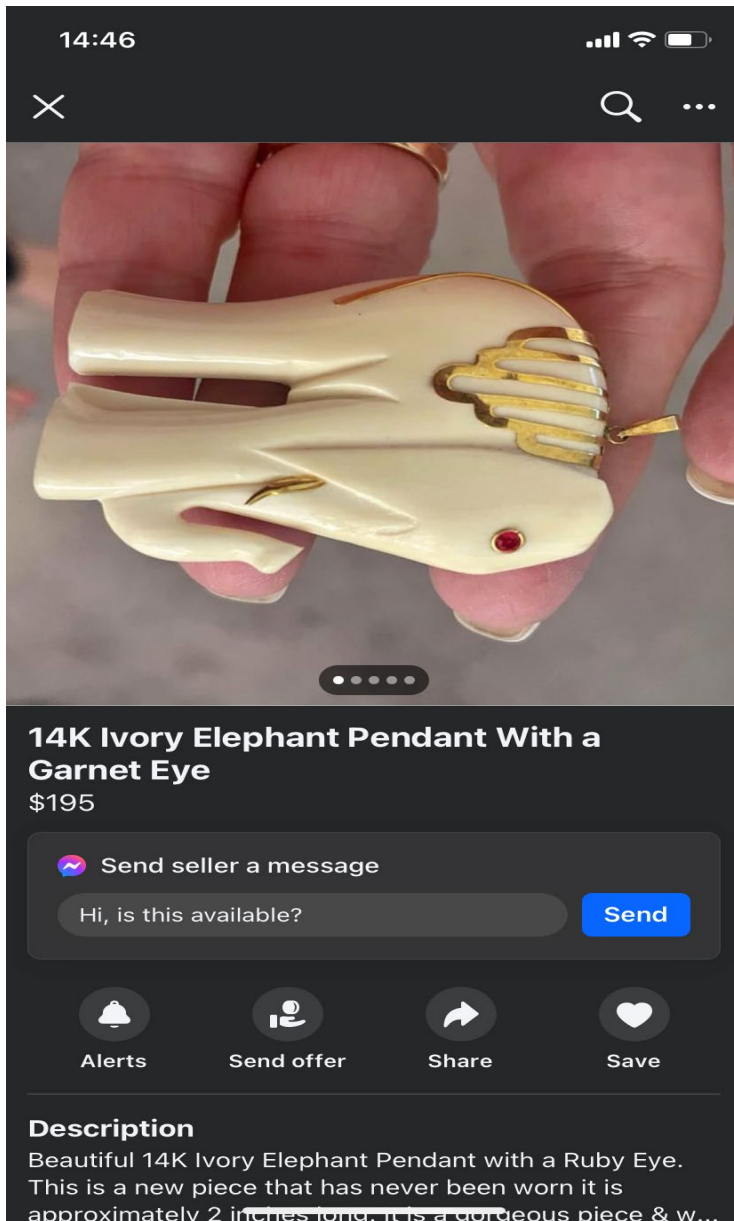
Ongoing Investigations

The public is generally our greatest source of information concerning the illegal sale of wildlife, to include items made from wildlife parts. Most cases come from concerned individuals who come across online sales of prohibited items, such as ivory.

Ivory

Typically, an individual will see a wildlife item, believed to be illegal to sell, posted on a social media site such as Facebook Marketplace or Craigslist. This information is then relayed to WDFW Enforcement and is assigned to a detective from the Statewide Investigation Unit (SIU). The detective will look at the posting to determine if in fact the item(s) is illegal to sell and if the individual who posted the item appears to have knowledge regarding trafficking in wildlife. Detectives look for key words used to describe the item. An item carved from ivory might be described as “bone” in an attempt to conceal the fact it is actually ivory. Individuals with knowledge of the ivory trade can see in fact the item is made of ivory and may bid on it. The opposite is true as well. An individual may post an item as ivory, unaware of the law, when in fact the item is made of bone. It is for these reasons that the detectives will visit sites reported to have postings of prohibited wildlife for sale in an attempt to determine knowledge of the individuals posting the item for sale. Based on what is seen in the posting, detectives may call the individual to educate them about the item and the laws prohibiting such items from being sold. Most of these calls are well received and the item is quickly removed from the online posting. However, this is not always the case. If a detective determines that the individual posting a prohibited item for sale does in fact show some level of knowledge, such as calling an item bone or other descriptive words yet posting asking price reflecting an ivory item versus bone, an investigation will begin.

Earlier this year, WDFW received a report of a Bothell resident selling an elephant ivory pendant on Facebook Marketplace for \$195. Detectives located the listing, contacted the seller, and warned her for her possible violation.

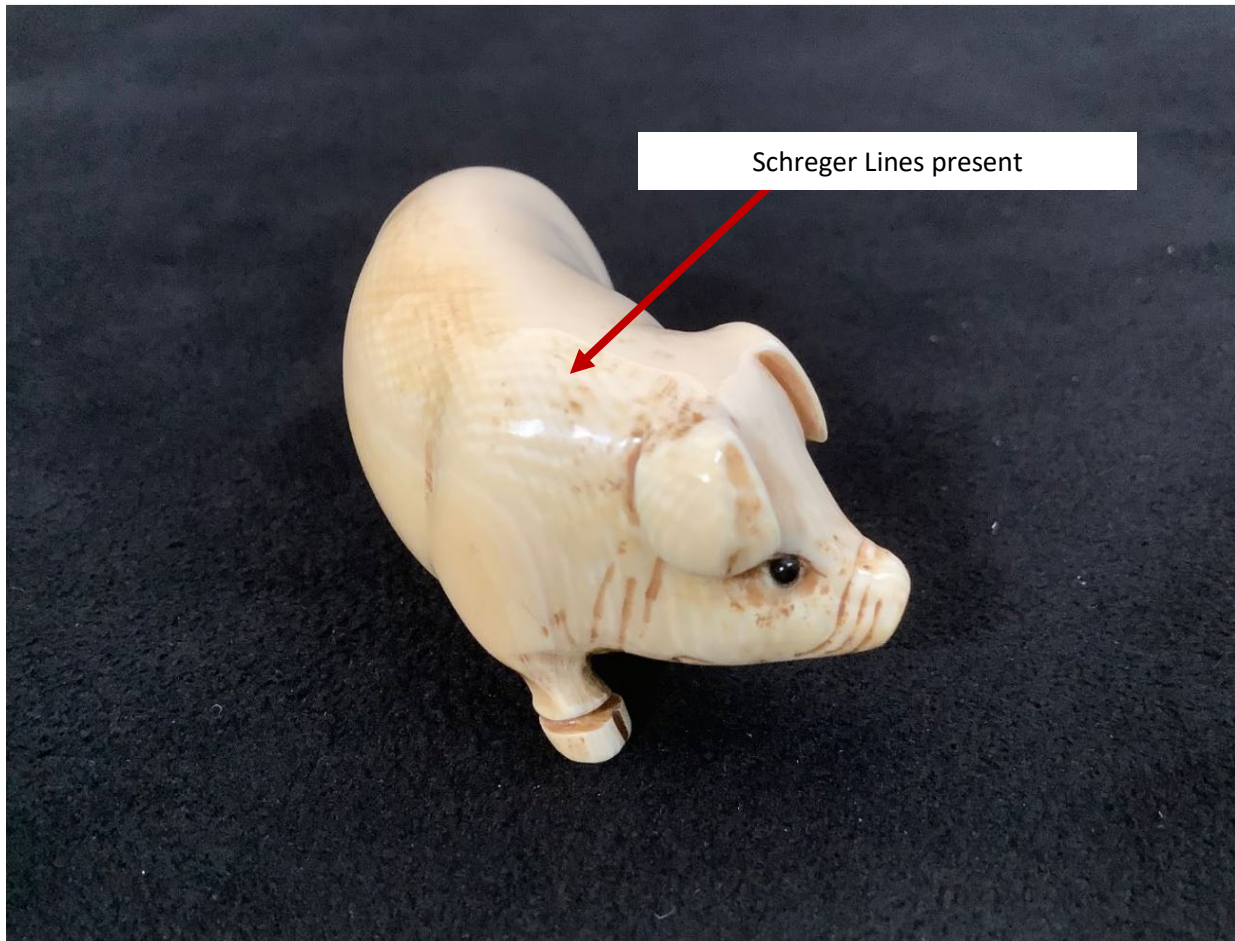


Elephant ivory pendant being sold on Facebook Marketplace. Photo by WDFW Enforcement.

To further some investigations, WDFW detectives will go online and bid against others to acquire the items. The Department was able to covertly purchase a couple of items that had obvious Schreger lines present. Schreger lines are unique to and observable on cross-sections of ivory and may appear as cross-hatchings or chevron patterns. The angle of the Schreger lines in a piece of ivory can help determine what species the ivory is from. If the angle is greater than 115 degrees, then it is elephant ivory. If the average angle is less than or equal to 90 degrees, then it is mammoth or mastodon (ancient) ivory. Mammoth or mastodon ivory are not illegal to sell under the WATA guidelines.

Once the bids were awarded to WDFW detectives, the company shared a location to pick up the items. A search warrant was secured in order to search this location for all ivory items that were posted for sale

on the auction site. In addition to items secured by WDFW, an additional 11 ivory carved figurines were seized based on the field examination and presence of Schreger lines.



Carved ivory figurine with Schreger lines present. Photo by WDFW Enforcement.

The items were sent to a National Oceanic and Atmospheric Administration (NOAA) lab for further testing, and it was determined that seven of the items were in fact mammoth ivory and legal to sell. These items were returned. The remaining items could not be fully determined without destroying them to get to the required DNA layer. Because of the uncertainty and requirement that the items would have to be destroyed for testing, detectives opted not to conduct the DNA testing. The auction house was advised of the uncertainty of the items. They opted to forfeit the items since they could not sell them based on the uncertainty of the test results. No charges were filed in this case.

WDFW detectives investigated another subject offering ivory bangles for sale on OfferUp. An undercover buy-walk was conducted, and the items were sent to the U.S. Fish and Wildlife Service (USFWS) lab for analysis. The genetic results were inconclusive, so no charges were filed. The subject was contacted and advised of the restrictions of selling protected items under the WATA regulations.

In another case, detectives purchased several items from an online auction site. The items purchased had visible Schreger lines and once the items could be field examined, they were believed to be from

current African Elephants. The items were sent to the USFWS lab for further examination. All three samples came back as being confirmed for African Elephant. Follow up will be done with the seller to determine their understanding of the restrictions under WATA so the proper charges can be referred.

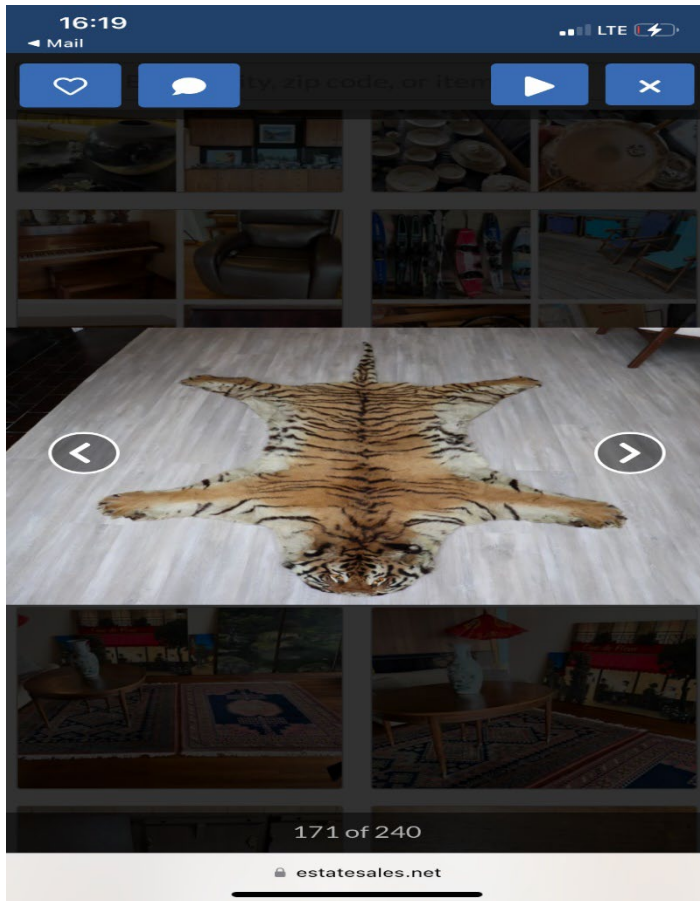
Detectives made several trips to visit a southwest Washington business because an anonymous source claimed that the shop was selling elephant ivory. Multiple visits to the shop have been made. The suspected RP is of interest in this case due to their apparent complicity in the sales. Detectives continue to monitor the business working with the local detachment officers since it appears the restricted items show up randomly. This is not the first time this business has been the focus of a WATA related investigation.

A brokerage company specializing in the movement of fine art and antiques called WDFW asking if it was legal for them to ship a painting done on some type of ivory from the National Portrait Gallery in Washington DC to a resident in Walla Walla. A detective provided the brokerage company with the WATA laws along with the federal regulations. The brokerage company was going to get more details on the ivory and explain the laws to both parties to ensure compliance. This investigation is still in progress.

An individual called WDFW to report several elephant ivory items for sale on Etsy. Detectives contacted the caller, who advised she had also reported the violations to someone else but could not remember who she had called. When the detectives were able to finally locate the listing, the items had already been removed. No further action was taken as it was unclear exactly what was being sold.

Mounts and other animal parts

WDFW received a report of a Bellevue estate sale offering a tiger rug for sale. Officers investigated the report and requested SIU's assistance. Detectives called to set up a time to review the items available for purchase, unfortunately the only open time was several days after the event started and the detectives could only receive the location of the estate sale hours prior to their scheduled visit. During their visit it was learned that the tiger skin rug had already been sold for \$1,000. In order to get the purchaser's information, WDFW officers wrote a search warrant for the estate sale business' records and identified the buyer. Officers contacted the buyer and interviewed her to determine her knowledge of the WATA laws. It was apparent to the investigating officers that neither the business nor the purchaser knew anything about the restrictions under the WATA laws. Ultimately, they seized the tiger skin rug and warned both the company and individual for trafficking in WATA species.



Tiger rug being sold on Facebook Marketplace. Photo by WDFW Enforcement.

A detective responded to an individual wanting to find out more on what she could legally sell in Washington with regards to certain WATA species she recently inherited from her father who had passed away. Some of the items included lion, leopard, and elephant mounts as well as a rhino mount that was a replica with no part of the mount containing real rhino parts. The majority of the mounts were not illegal to sell under Washington law, however, depending on the buyer's location it could violate federal laws. The detective provided the caller with all the information regarding the animal mounts observed in the numerous photographs.

Detectives received information from one of the NOAA agents regarding the possible unlawful sale of elephant tusks at a fruit store outside Ellensburg Washington. On closer inspection of the pictures provided, detectives could see clear squares which resembled pieces of bone placed together to form the shape of a tusk, which does not constitute a violation under WATA.

Detectives received a tip from the USFWS regarding a subject selling a possible turtle shell online. The seller had taken the post down after some people mentioned it was illegal to sell. Detectives made contact with the subject who had no idea the item was unlawful to sell. Education was provided to the seller on the WATA regulations.

WDFW received a report of a Bellevue restaurant offering shark fin soup and other prohibited dishes for sale. Officers contacted the restaurant, observed the dishes offered on their menus, and warned the manager. Detectives then followed up in an undercover capacity. When the detectives tried to order the shark fin dishes, they observed the dishes were whited out and were informed the dishes were illegal to sell.

A Vancouver resident called WDFW worried about unlawfully possessing lion and leopard mounts he had purchased for \$6,500 from an auction house. Since the caller had purchased the mounts two and a half years ago and was unable to identify the auction house, the detective informed the caller that the lion and leopard mounts were unlawful to try and resell.



Various animal mounts inherited by a Washington woman. Photo by WDFW Enforcement.

Citizen concern regarding individuals selling non-WATA related wildlife parts

WDFW received a call of someone selling a walrus tusk at a flea market in Dayton, WA. Detectives forwarded the information to the local officers and updated them on the WATA laws in case they also received similar information. The information was sent to NOAA as a possible federal violation.

WDFW received a report of a Facebook group selling turtles and tortoises possibly against Washington state law. Detectives located the listings and identified the turtle as a Pig-Nosed Turtle, aka Fly River

Turtle, and the tortoise as an African Spurred Tortoise, aka Sulcata Tortoise. The sale of these animals did not appear to be against state law, under WATA, endangered species, and deleterious exotic wildlife. However, according to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the International Union for Conservation of Nature (IUCN) Red List respectively, the turtle was listed in Appendix II and as Endangered and the tortoise was listed in the Appendices and as Endangered. Therefore, the report was forwarded to USFWS for possible federal violations.

In August of 2024, officers in the Spokane area received information about hippo teeth being sold in the area. Since hippos are not listed as a protected species under WATA, the information was sent over to the USFWS for follow up.

Donations continue to come into WDFW Enforcement

Under the WATA laws, the prohibited species listed may not be sold or given away except to a small, noted group of organizations, such as scientific or educational institutes. With many of these organizations already in possession of such wildlife parts, WDFW has been the main organization to receive these donations. WDFW has taken the approach that it is better to collect and try to then donate to specialized groups versus not accepting the items which will ultimately be sold because of the high value. WDFW is currently running out of storage space as it is becoming increasingly difficult to find suitable locations for many of these items.

Detectives collected a large quantity of possible WATA items from Sergeant Willette, which had been set aside and stored by the Seattle Goodwill for the past five years. The items will be inventoried. On Mar. 25, 2024, detectives also followed up with a person wanting to donate some WATA items to the department. Five skulls were donated comprising a mix of leopard, lion, and tiger.

A Whidbey Island resident called WDFW to donate a possible elephant tusk and sawfish rostrum. Detective Siess contacted the caller and analyzed the items. The possible elephant tusk actually was identified as a walrus tusk based on its oval cross-section, lack of Schreger lines, secondary dentine, longitudinal cracking, and tusk curving. The caller still wished to donate the walrus tusk and sawfish rostrum to WDFW.

A Kent resident called WDFW about an elephant tusk she inherited from her father. A detective contacted the caller. After analyzing the item, the detective believed the ivory tusk to be more likely than not from an elephant based on the size, weight, and circular cross-section. Since the tusk had very little damage where the inner dentine could be analyzed, no Schreger lines were observed. The detective informed the caller of her options, and she asked to donate the elephant ivory tusk to WDFW.

Resolved 2023 criminal investigation

In 2023, WDFW detectives conducted an investigation into an individual who was trying to sell a variety of sharks and rays, which she had acquired from her husband. During the investigation the seller told our detectives that it was legal to sell these sharks as long as they don't go out of state. This clearly showed their knowledge related to selling such species. Since the price per shark was so high—some

where listed at more than \$1,000—only one shark was purchased. A second purchase was arranged after the individual showed the detectives multiple other sharks and rays she had for sale as well as other animal parts. Instead of buying the items on this second contact, a warrant was served and the individual agreed to an interview. The seller was ultimately charged and referred to the Environmental Protection Division of the Attorney General Office. In 2024, the individual agreed to a deferred sentence, court fines and restitution, along with forfeiting the items seized which were the protected items she offered to sell to the detectives. The seized items will be donated to the same agency which assisted with doing the identification for WDFW. This way the sharks and rays will provide both education and scientific benefits to others.

Trends

With the passage of I-1401 the general public appears to understand that certain wildlife parts cannot be sold in Washington. For some, there is a belief that no wildlife parts can be sold and because of this WDFW Police do receive an increasing number of calls each year regarding such activity. Not all calls are related to WATA species. The public is still the best source of information concerning illegal trafficking as detectives and officers are unable to monitor all the various locations where such activity occurs.

There is also a noticeable change from local antique businesses selling such items to a more online presence. Unlike a store, where officers or detectives could closely examine the item, online sales almost always require detectives to buy an item to examine them and identify the seller. With more sales occurring online, this means money must be transferred to accounts using PayPal or Venmo. Typically, this is done prior to picking up the item. With this becoming the norm, there are additional budgetary concerns when conducting such investigations. Almost every case WDFW Police looked into this year was related to online sales, with several of the sellers hiding their identity.

Along with the online concerns, there is also a growing concern on how to best deal with the influx of items individuals are wanting to forfeit or donate to WDFW. This past year WDFW Police was contacted by several individuals wanting to donate items they did not want to try and sell or could not sell legally. As WDFW receives more items, since other non-government organizations designated to accept such donations are not willing to, storage has become a concern.

In some instances, WDFW will retain and display seized wildlife parts for education purposes. In most WDFW Regional offices there are seized taxidermy mounts of Washington wildlife. These taxidermy mounts provide the public with a visual sense of what some of our state's wildlife looks like. Cougars, bears, mountain goats and elk are great examples of such displays. However, carved ivory, large elephant tusks, and sharks do not have the same impact within a state fish and wildlife agency so displaying WATA-related species is not always a viable option.

WDFW needs a better process to deal with these items, other than just destroying them in a landfill. Some of the animals were illegally harvested for the value of a particular part. Others were lawfully harvested and through such harvest, license fees help pay antipoaching operations. The Department

needs to show respect for these animals in a way that is fitting for what we are trying to accomplish through such laws like the Washington Animal Trafficking Act.

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 with the USFWS. As of this report, the USFWS forensic lab in Ashland, OR has become accessible to detectives for testing purposes. The two agencies are also involved in several joint, long-term investigations involving the trafficking of a variety of fish and wildlife. As part of our ongoing working relationship, USFWS has requested WDFW to assign a designated detective to be part of a large federal task force to focus on large investigations occurring in the Pacific Northwest. The assigned detective will continue to focus on Washington related crimes but lend their expertise and knowledge of Washington regulations. USFWS remains an active, productive partner to WDFW in WATA and other investigative activities.

National Oceanic and Atmospheric Administration (NOAA)

WDFW's strongest partner based on the large fishing industry in Washington. NOAA has provided access to their lab and staff who are able to identify types of ivory.

Woodland Park Zoo

Woodland Park Zoo representatives continue to be a great asset for WDFW WATA enforcement efforts. Whether hosting or 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 and 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 NGO addresses a wide variety of environmental concerns, one of its divisions deals almost exclusively with shark conservation. The Pacific Ocean Initiative's Director, 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 and 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.

Center for Conservation Biology Laboratory

Contacts between WDFW and the University of Washington's (UW) genetic lab were greatly increased from previous years. Dr. Wasser and his assistants provided several hands-on training events for WDFW detectives. They also assisted with attempting to properly identify suspected ivory items. This was beneficial to the detectives as well as providing a glimpse into the difficulties of enforcing trafficking laws in the field and not in a lab environment.

Universities

Detectives have begun to work with various state universities in order to identify types of fish species. Universities have staff who are recognized as experts when it comes to identifying species not found in the waters of the state. This partnership has been beneficial when detectives need a quick examination to obtain search warrants.

Conferences

One of the best to partnership in wildlife trafficking trends is to attend such conferences Association of Fish and Wildlife Agencies (AFWA) Enforcement group and the Western Wildlife Investigator Conference (WWIC) or their regional counterparts. These conferences allow for wildlife investigators to come together and discuss national trends in the trafficking of wildlife as well as identify techniques used to counter this activity. Once this networking occurs investigators can learn from one another and get steps ahead of a situation based on another's experience.