



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

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December 28, 2023

The Honorable June Robinson
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 98504-0424

The Honorable Mike Chapman
Chair, House Rural Development,
Agriculture, and Natural Resources
132B 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 and 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 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

The Washington Animal Trafficking Act Report to the Legislature



Washington
Department of
**FISH &
WILDLIFE**

Dec. 31, 2023

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Cover photo provided by WDFW Police

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Executive Summary

Global Wildlife Trafficking

Effective Dec. 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 [International Union for Conservation of Nature's \(IUCN\) "Red List"](#) of threatened species.



Figure 1. Endangered animal items recovered by WDFW Police. Photo provided by WDFW Police.

Implementation of the Washington Animal Trafficking Act

The Washington Department of Fish and Wildlife (WDFW) Police is the law enforcement agency tasked 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.

This report 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

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 Seattle-Tacoma International Airport continue to inform the public about the requirements concerning protected species. After passage, a WATA-related case was successfully prosecuted. Efforts by WDFW regarding the impacts of illegal wildlife trafficking have continued over the years but to a lesser degree.

WDFW staff have done an excellent job of keeping important issues in front of the public. Issues like invasive species (i.e., European Green Crab), shellfish closures, as well as updates to in-season fishing regulations keeps the public informed on important issues facing Washington fish and wildlife. Because of these efforts, 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 them.

It is apparent the efforts over the past eight 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 July 2023, 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 \(MMPA\)](#). The sale of these tusks is prohibited under this act. The individual did not want these tusks and since the sale was prohibited, she wished to donate them to WDFW.

Most of the cases referred to WDFW come from concerned individuals who come across online sales of prohibited items, such as ivory. The public is the Department’s greatest source of information concerning the illegal sale of wildlife, including items made from wildlife parts.

Typically, an individual will see a wildlife item, believed to be illegal to sell, posted on a social media site such as Facebook 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” to conceal the fact it is ivory. Individuals with knowledge of the ivory trade can see in fact the item is made of ivory and will 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. For these reasons, the detective will visit these sites to determine the knowledge level of the individuals posting the item for sale. Based on what they see 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 when in fact it is ivory, and the asking price reflects an ivory item versus bone, an investigation will begin.

Ongoing Investigations

Detectives received numerous tips regarding the online sale of illegal wildlife parts in 2023. Late in 2022, Detectives received a tip regarding an online auction for an estate sale in the Tri-Cities. Once the online site was viewed, detectives observed many carvings which were labeled as bone, but upon close examination of the photos appeared to contain Schreger lines which are indicative of elephant ivory. 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. The company running the online auction had previously been warned for selling elephant ivory. Now the company was listing ivory as “bone” and although they posted photos of the items, there was no onsite viewing, and items were noted as being held off site.



Figure 2. Photo of "bone" carving listed by seller in estate sale in the Tri-Cities area of Washington in late 2022. The seller had previously been warned against selling ivory under the WATA. Photo provided by WDFW Police.

To further our investigation, WDFW detectives went online and bid against others to acquire the items. Detectives were able to covertly purchase a couple of the items that had obvious Schreger lines present. Once the bids were awarded to WDFW detectives, the company advised a location to pick up the items. A search warrant was secured 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. The presence of Schreger lines does not in fact guarantee that the item is made from modern day elephant ivory.

Mammoth and mastodon ivory also contain Schreger lines, however, they are not illegal to sell under the WATA guidelines. The items received from the company were sent to a 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 to identify their origins. Because of the uncertainty, detectives opted not to conduct the DNA testing. The auction house was advised of the uncertainty of the items, and they opted to forfeit the items since they could not sell them based on the uncertainty due to the lack of test results. No charges were filed in this case.

In fall 2023, another company which had also been previously warned for selling elephant ivory, engaged in the selling of items carved from elephant ivory. Ideally, the detectives would have been able to visit the business and complete an inspection of the item for sale to determine if it was in fact from a modern-day elephant or from an extinct species of elephant, such as the mammoth. However, the

detectives were unable to locate where the company was housing the items and would need to win a bid for the items instead. A total of six items were awarded to the detectives through the bidding process. The items included a pig netsuke, a carved opium bottle, a broken netsuke figurine with mice, a netsuke figurine with fish, a chicken netsuke, and a netsuke figurine with a monkey. The items were first examined under UV light to determine if they were carved from animal or plastic. All items were shown to be made from animal parts, most likely ivory.



Figure 3. This carved opium bottle was received via a bidding process by WDFW detectives. The bottle was scanned under a UV light, and it was determined that the bottle was made from ivory/bone. Photo provided by WDFW Police.

Schreger lines were present in most of the items purchased. When a full examination of the Schreger lines was conducted, the line angles were greater than 90 degrees but less than 115 degrees and were therefore from a mammoth or mastodon, which are not covered under the WATA.

A third online auction occurred in which there were items posted that also showed Schreger lines. However, this time the auction location was listed. WDFW detectives reached out to the auction house to discuss the potential issues concerning the selling of protected species. The staff of the auction house appeared to be very knowledgeable about how to identify Schreger lines and did not list several items where Schreger lines were present. Our detectives showed staff members that by shining a light on the item, the Schreger lines could become more prominent. Using this technique several other carvings showed the presence of Schreger lines. These items were removed from the online bidding and returned to the family.

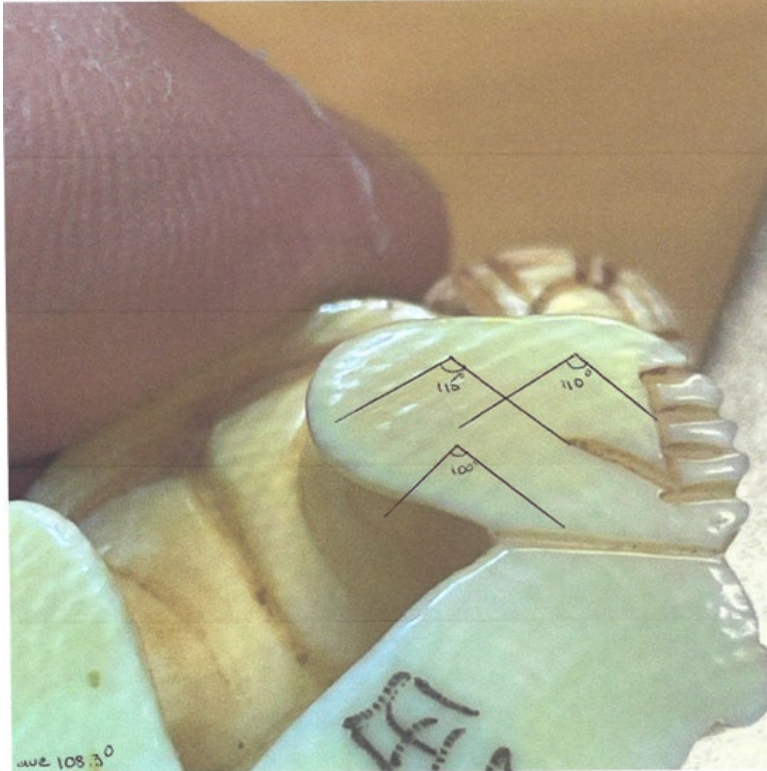


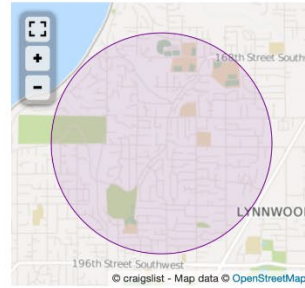
Figure 4. Item from online auction that showed apparent Schreger lines. Shining a light on the item allows the Schreger lines to become more prominent. Photo provided by WDFW Police.

Often, individuals listen to the detectives and will remove items from bidding if they are warned against selling ivory covered under the WATA. One WDFW detective was able to detect Schreger lines on the item listed, indicating the item was likely made from elephant ivory. A full examination would have to be completed to determine if the item was mammoth, mastodon, or a modern elephant. Through discussion with the seller, detectives questioned if they would get into trouble for buying ivory. The individual responded that he had looked up the laws and he decided it was best not to sell the item. He advised that since he could not provide the documentation as to when the item was originally purchased, it was better to not sell the item.

original Oriental carving - \$125 (Edmonds)



It appears to be a pre-ban Ivory carving very expertly skillfully done I believe it retailed for over \$300 somewhere around \$125 would be fine for me in cheers



condition: **excellent**
make / manufacturer: **ivory**
size / dimensions: **12 inches height by 3 width**

Figure 5. A seller in Edmonds indicated that the item was made prior to the passage of the WATA, however, the seller did not have proper documentation of the item's history and ended up removing the item from the site. Photo provided by WDFW Police.

As noted earlier, detectives review the history of an individual or a business, as well as how an item is being described before pursuing a criminal investigation. Items labeled as “bone,” when in fact they are made of ivory, indicate the seller has some knowledge and intent to try working around the law. Sometimes an individual will tell detectives that the item is okay to sell here in Washington, but it cannot be taken across state lines. This was the case in which WDFW detectives investigated a King County resident who was selling a variety of shark and ray species.

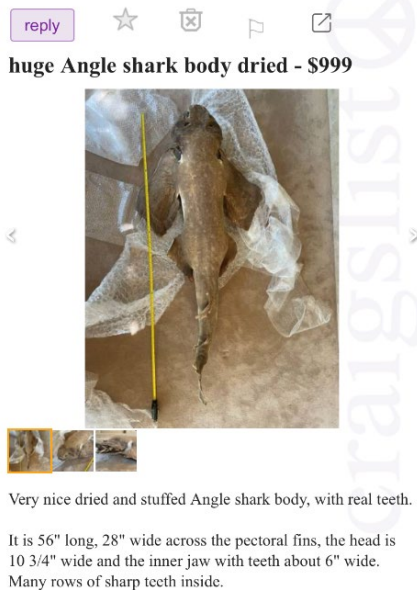


Figure 6. A seller on Craigslist attempted to circuit the WATA by stating the item could be sold in Washington but could not cross state lines. The sale of certain protected and endangered shark and ray species is illegal under the WATA. Photo provided by WDFW Police.

Most of the species this individual was attempting to sell were on the IUCN Red List. Species on the Red List are considered “covered animal species” per definition and are prohibited from being sold in Washington state per the WATA.

Detectives posing as potential buyers met with the suspect and during the meeting the suspect advised it was legal to sell the item here in Washington, but the item could not be taken across state lines and into another state. The suspect then advised she had other sharks for sale as well. For some of the shark mounts, the suspect was asking upwards of \$2,000. The detectives purchased one shark and had it examined for species identification. The shark purchased was in fact a listed species on the Red List.

Another purchase was arranged with the suspect, but this time the detectives did not buy any more sharks, because of the high prices being asked by the suspect. Rather, the detectives arrived with a search warrant to secure all the sharks and rays that the suspect advertised or had offered to the detectives. The sharks and rays were examined for species identification and the case was forwarded to the Attorney General, Environmental Protection Division for consideration. This case has been approved for charging and should be filed by the end of January 2024.

WDFW detectives are currently working on another online ivory case that involves an elephant tusk with a scene carved into it. The tusk, by weight alone, is worth \$9,000 considering the current market value for ivory. The detectives were unable to secure the item before it was sold and are trying to identify the seller to follow up on the sale. Unfortunately, some online sellers can hide their identities. This case is still active, and no other details are available currently.

Trends

With the passage of I-1401, the 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 (i.e., Facebook Marketplace or Craigslist). Unlike a store, where detectives could closely examine the item, online sales almost always require detectives to buy an item to examine them and identify the seller. With most 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. Every case WDFW Police investigated in 2023 was related to online sales, with several of the sellers hiding their identity.

Along with increasing online concerns, there is also a growing concern on how to best handle the influx of items individuals are wanting to forfeit or donate to WDFW. This past year, WDFW Police were contacted by several individuals wanting to donate items they did not want to try to sell or could not legally sell.

Recently, WDFW Police were contacted by individuals who were dealing with their parents' estate. Through lawful hunting trips, their parents had acquired a variety of African big game animals. Yet, the children had no interest in keeping these "trophies" and so they reached out to WDFW for assistance. To ensure that these items did not end up on the black market, WDFW Police accepted the donations. One item from the estate, a rare African big game animal, has been estimated to be worth \$150,000 on the black market. Some of these items are large, while some are very small. As WDFW receives more items, since other non-governmental organizations designated to accept such donations are not willing to, storage has become a concern.



Figure 7. A pair of 4 ½ foot tusks were donated to WDFW Police. The tusks are worth tens of thousands of dollars on the black market. Photo provided by WDFW Police.

In some instances, WDFW will retain and display seized wildlife parts for educational 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 look 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 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 for antipoaching operations. The Department recognizes that it needs to show respect for these animals, fitting for what the WATA is trying to accomplish.

Partnerships

United States Fish and Wildlife Service (USFWS)

WDFW continues to maintain a healthy investigative relationship with both the Pacific Region uniformed inspectors and Special Agents with the USFWS. A change in USFWS leadership in early 2022 has strengthened the partnership between WDFW and USFWS. As of this report, the USFWS forensic lab in Ashland 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 the Department's ongoing working relationship, USFWS has requested WDFW 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 also lend their expertise and knowledge of Washington regulations. 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 2023, this relationship is vital to effective, proactive activities involving import, export, inspections, and investigations associated with in-bond areas. In-bond areas are areas where products or commodities are moving within U.S. boundaries.

United States Department of Agriculture (USDA)

There was no significant activity to report concerning the ongoing cooperation between WDFW and the USDA. The working relationship between WDFW-USDA remains strong, and the USDA continues to support WDFW Police as they can.

National Oceanic and Atmospheric Administration (NOAA)

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

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 & 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 (Pacific Ocean Initiative) deals almost exclusively with shark conservation. That division'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)

Like 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 and provided 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 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.

Association of Fish and Wildlife Agencies (AFWA)

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