



Department of Fish and Wildlife

2016 Supplemental Operating Budget Request

I-1401 Trafficking Endangered Species

Recommendation Summary

Initiative 1401, passed in the November 2015 general election, requires the Department of Fish and Wildlife to enforce new prohibitions against trafficking in non-native, endangered species parts and products. With limited examples of similar state programs, a lack of forensic tools, and unfamiliarity with such trafficking in the region, the Department recommends convening a task force of stakeholders and experts to research, develop, and present implementation options to the 2017 Legislature. The planning and cooperation by the task force will help ensure that the Department implements I-1401 effectively and cost-efficiently.

Expenditure Detail

Fund Code/EAI	Fund Title	FY 2016	FY 2017	Total
001-01*	General Fund State	\$84,000	\$334,000	\$418,000
Total Cost		\$84,000	\$334,000	\$418,000
Total FTEs		0.3	2.0	1.2

Package Description

Nation-wide, the U.S. Fish and Wildlife Service (USFWS) and National Oceanic Atmospheric Administration (NOAA) enforce endangered species laws across state lines and internationally. In addition, at least four states have programs regarding non-native endangered species, such as California who prohibits trafficking in elephant ivory and rhinoceros horn.

In November 2015, Washington State voters approved Initiative 1401 (I-1401) which prohibits the selling, offering to sell, purchasing, trading, bartering for, or distributing a part or product of 10 listed endangered animals' species that are not native to the state but are threatened with extinction. Certain antiques, educational or scientific specimens, legally bequeathed specimens, musical instruments, and all federally-approved transactions are exempted. I-1401 assigns the new regulatory responsibilities to the Washington State Department of Fish and Wildlife (WDFW).

Currently, the WDFW Police mission is "to protect our natural resources and the public we serve", with statutes outlining the majority of the natural resources as existing in Washington in a wild state. I-1401 expands the agency's scope of enforcement to include parts and products from identified, non-native animals, and whose uses are broader than uses of Washington State's animals.

While the intent of I-1401 is clear, WDFW faces several significant hurdles to implementing the initiative, including:

- no statutory authority to conduct an inspection without a warrant (only to seize property);
- limited knowledge of both illegal activity and legal possession of I-1401's species parts and products in Washington;
- limited knowledge of USFWS and NOAA operations and how WDFW can complement and share in those efforts;
- lack of best practices for effective non-native, threatened species trafficking programs at the state level;
- no ability to determine volume percentage of illegal material that is in an end item; and
- no ability to determine age of objects containing illegal material.

WDFW proposes convening a task force to research, coordinate, advise, facilitate, and publish findings to support implementation options for the 2017 legislative session. The task force will bring stakeholders in as partners to review the challenges, communicate with possible partner organizations, and determine the most effective and efficient way for WDFW to fulfill this new law.

WDFW anticipates that WDFW personnel, other government agency representatives, citizen initiative backers, legislative members and staff, and subject matter experts will comprise the task force. Between May 1, 2016, and January 1, 2017, the task force will convene to develop one or more implementation options which will address:

- statutory and agency rule requirements
- WDFW staffing levels and deployment structure (i.e. stand-alone unit vs integrated)
- how best to integrate with other state, federal, and international entities
- laboratory needs
- training needs and strategy
- certification requirements
- cost estimates
- performance goals and measures
- cost estimates and funding options

WDFW will coordinate the task force from initial solicitation of participants through publishing the final report, which will satisfy the initiative's reporting requirement for 2017. The Department will conduct research on how other states have implemented similar programs, the current size and breadth of the illegal market place in Washington, and other preliminary topics to help inform the task force. WDFW will facilitate meetings and advise on enforcement aspects of task force discussions.

Subject Matter Expert:

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What specific outcomes are expected?

Tangible outcomes of this proposal are the Trafficking in Global Endangered Species task force and its proposals for implementing enforcement in Washington State. These will lead to a more effective and cost-efficient enforcement program that fulfills the intent of I-401 and suppresses both the market for and transportation of global endangered species parts and products through Washington State.

Narrative Justification and Impact Statement

1. Does this decision package impact significant regional or statewide plans (such as the Puget Sound Action Agenda)? If so, please describe.

While there is no regional plan in Washington that addresses trafficking in non-native endangered species, support for this is demonstrably statewide. At the time of writing, I-1401 has garnered 71% of the vote statewide and is leading in all 39 counties, showing that the public has a vested interest in protecting global natural resources as well as their own.

2. What are the other important connections or impacts related to this proposal?

National Strategy for Combating Wildlife Trafficking:

The National Strategy for Combating Wildlife Trafficking establishes guiding principles and strategic priorities for U.S. efforts to stem illegal trade in wildlife. Aligning with the federal strategy for combating wildlife trafficking, WDFW Police can assist federal authorities, along with the foreign governments, international organizations, and nongovernmental organizations that they cooperate with. The United States is advancing three strategic priorities to combat wildlife trafficking; Strengthen Enforcement, Reduce Demand for Illegally Traded Wildlife, and Expand International Cooperation and Commitment. By supporting the national strategy, WDFW can identify the best place and practices to utilize a state's natural resource enforcement authority to supplement the global effort.

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES):

CITES is an international agreement between governments. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. CITES works by subjecting international trade in specimens of selected species to certain controls. All import, export, re-export and introduction from the sea of species covered by the Convention has to be authorized through a licensing system. USFWS is the United States management authority in charge of administering the licensing system and is one of the agencies WDFW has identified as a close working partner and will have representation on the task force.

Illegal, Unregulated, and Undocumented Seafood (IUU):

The federal government recognized that the States occupy a role in the fight against IUU, the seafood equivalent to global wildlife trafficking. WDFW Police are already engaged in complimenting NOAA with the national IUU strategy to stem the flow of illegal seafood into its markets, which involves some of the species listed under the initiative.

3. What alternatives were explored by the agency, and why was this alternative chosen?

WDFW began this decision package assuming immediate implementation, without a task force planning phase, anticipating a need for officer, detective, and program manager positions and an allowance for specialized training and equipment. The more we tried to envision implementing this program, though, the more we realized its shortcomings: the high number of unknowns associated with the problem including the current statutory limitations, scope of issue within Washington borders, and current measures being taken by USFWS and NOAA. In order to have

the most effective and efficient program to combat illegal non-native wildlife trafficking, WDFW decided that the best alternative is to take several months to study, solicit input, and develop options based on more knowledge and expertise than we have now.

4. What are the consequences of not funding this package?

If this request is not funded, the consequences will be three-fold. First, WDFW will have a difficult time implementing the law, given that the Enforcement program is already understaffed, according to a 2008 International Association of Chiefs of Police study. Our force could not devote the resources necessary to make a substantial impact on enforcing rules related to selling endangered species products and parts. Second, what work we could do would be a diversion from our core mission of protecting natural resources that occur in the wild in Washington State. And third is the potential for wasted resources if we implement without sufficient planning.

5. What is the relationship, if any, to the state's capital budget?

None.

6. What changes would be required to existing statutes, rules, or contracts, in order to implement the change?

No changes are required to implement the proposed task force, though multiple statutes, rules, and contracts would be reviewed and subject to change upon the task force analysis.

Expenditure and revenue calculations and assumptions:

Revenue Narrative

There is no revenue associated with this package's task force proposal. I-1401 established penalties for illegal trafficking which may result in future revenues.

Expenditures Narrative

WDFW requires 1.0 FTE Enforcement Lieutenant (WMS Band 2) and 1.0 FTE Management Analyst 3 (MA3) starting as soon after the budget is adopted as possible. The MA3 and half of the Lieutenant's time will coordinate and facilitate the task force meetings, conduct research, record meetings, and consolidate information for the task force. They will serve as the primary point of contact for all task force members and outside organizations. They will also write the final report produced by the task force. While these responsibilities are limited to the duration of the task force, the knowledge and experience that the two people develop will be very important when the time comes to start the program. For this consistency, WDFW requests these two positions ongoing.

The other half of the Lieutenant's time will be for public outreach and education. There is significant confusion and rumoring about what I-401 prohibits and what WDFW's enforcement practices will be. The Department needs dedicated attention to respond to questions and reach out with communications to dispel incorrect rumors.

WDFW will require significant attorney general assistance statutes, rules, and contracts, as well as advising on cross-border issues. Costs for an estimated 500 hours of an AAG are include in object E, goods and services. Object E also includes \$5,000 per FTE, per year, for WDFW

standard costs, which cover an average employee's supplies, communications, training, and subscription costs per year, as well as central agency costs. Lastly, it includes an infrastructure and program support rate of 29.21%.

Task force costs will include travel reimbursement for members. The amount is calculated assuming that the task force will meet six times between May and January, and on average seven members will be required to travel an average of 250 miles for each meeting.

Which costs are one-time; which are ongoing? What are impacts in future biennia?

Staff costs will be ongoing at \$273,000 per fiscal year starting in 2018, in order to provide continuity into program implementation. Task force staffing, attorney general time, and travel costs are one-time in the 2015-17 biennium and total \$281,000.

Object Detail		FY 2016	FY 2017	Total
A	Salaries and Wages	\$24,600	\$150,400	\$175,000
B	Employee Benefits	\$8,300	\$51,500	\$59,800
E	Goods and Services	\$49,600	\$127,600	\$177,200
G	Travel	\$1,500	\$4,500	\$6,000
Total Objects		\$84,000	\$334,000	\$418,000