



Illegal Trafficking of Wildlife and Other Natural Resources

March 25, 2022

Fiscal Year 2021 Report to Congress



**Homeland
Security**

U.S. Immigration and Customs Enforcement

Message from the Acting Director

March 25, 2022

I am pleased to present the following report, “Illegal Trafficking of Wildlife and Other Natural Resources,” which has been prepared by U.S. Immigration and Customs Enforcement (ICE).



This report was compiled pursuant to the Joint Explanatory Statement accompanying the Fiscal Year 2021 Department of Homeland Security (DHS) Appropriations Act (P.L. 116-260).

Pursuant to congressional guidelines, this report is being provided to the following Members of Congress:

The Honorable Lucille Roybal-Allard
Chairwoman, House Appropriations Subcommittee on Homeland Security

The Honorable Chuck Fleischmann
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Chris Murphy
Chair, Senate Appropriations Subcommittee on Homeland Security

The Honorable Shelley Moore Capito
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

Inquiries related to this report may be directed to the ICE Office of Congressional Relations at (202) 732-4200.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tae D. Johnson', written over a faint blue line.

Tae D. Johnson
Acting Director
U.S. Immigration and Customs Enforcement

Executive Summary

This report highlights recent activities and initiatives that DHS has put forth to address wildlife and natural resources trafficking—illegal activities that pose both a conservation and a national security threat to the United States.

Through its engagement with the Presidential Task Force on Wildlife Trafficking, DHS has taken steps to coordinate further with the U.S. Fish and Wildlife Service’s Office of Law Enforcement and has worked to implement the National Strategy for Combating Wildlife Trafficking. Further, DHS has aligned its resources to meaningful activities designed to address and eliminate the threat from these unlawful activities.

DHS remains strongly committed to combating wildlife trafficking, to assisting foreign nations in building capacity to combat wildlife trafficking, and to working with its partners to combat transnational organized crime.



Illegal Trafficking of Wildlife and Other Natural Resources

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I. Legislative Requirement

This report was compiled in response to direction in the Joint Explanatory Statement accompanying the Fiscal Year (FY) 2021 Department of Homeland Security (DHS) Appropriations Act (P.L. 116-260).

The Joint Explanatory Statement states:

Wildlife Trafficking.—The Secretary is directed to provide an updated report, not later than 45 days after the end of fiscal year 2021, describing the department’s efforts to address wildlife trafficking and the illegal natural resources trade, including an accounting of the resources the Department has dedicated to such activities and steps taken to improve coordination with the U.S. Fish and Wildlife Service, Office of Law Enforcement. The report shall include options for making this information publicly and routinely available on an annual basis.

II. Background

Wildlife trafficking has become an international crisis that threatens security and public health, hinders sustainable economic development, promotes biodiversity loss, and undermines our laws. Moreover, the connections between trafficking in illegal wildlife and natural resources with the financing of groups involved in transnational organized crime pose additional threats to the United States.

Executive Order (EO) 13648, *Combating Wildlife Trafficking*, issued on July 1, 2013, addressed the significant effects of wildlife trafficking on the national interests of the United States. The EO established the Presidential Task Force on Wildlife Trafficking (Presidential Task Force), led by the Department of State (DOS), the Department of Justice (DOJ), and the Department of the Interior, and included DHS and 13 other federal agencies and offices. The Presidential Task Force created a National Strategy for Combating Wildlife Trafficking (Strategy) that included a consideration of issues related to combating trafficking and to curbing consumer demand.

On February 11, 2015, the Presidential Task Force issued the Strategy's implementation plan, which reaffirmed our Nation's commitment to work in partnership with governments, local communities, nongovernmental organizations (NGO), and the private sector to stem the illegal trade in wildlife. DHS continues to work in concert with other agencies to help implement the key objectives of the Strategy: strengthening enforcement, reducing demand for illegally traded wildlife, and expanding international cooperation.

Effective July 6, 2016, the Rule for the African Elephant, promulgated under section 4(d) of the Endangered Species Act (ESA) of 1973, was revised to increase protection for African elephants in response to the rise in poaching driven by the illegal trade in ivory. The African elephant was listed as "threatened" under the ESA effective on June 11, 1978, and, at the same time, a rule was promulgated under section 4(d) of the ESA to regulate import and use of specimens of the species in the United States. This final rule allows U.S. authorities to regulate trade in African elephant ivory and to ensure better that the U.S. ivory market is not contributing to the poaching of elephants in Africa, while still allowing activities that do not contribute to poaching and illegal trade, such as well-managed sport hunting.

On February 9, 2017, EO 13773, *Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking*, was issued. The order addressed the substantial threat to the safety of the United States and its citizens posed by transnational criminal organizations (TCO). The EO seeks to strengthen federal law enforcement efforts to combat TCOs and subsidiary organizations engaged in illicit activities, such as "the illegal smuggling and trafficking of humans, drugs or other substances, wildlife and weapons," which threaten public safety and national security. It was significant that the EO specifically recognized wildlife trafficking, which includes timber trafficking, as one of the illicit activities by TCOs that the United States must work to combat.

III. U.S. Immigration and Customs Enforcement

U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) has led DHS participation on the Presidential Task Force. ICE HSI was involved actively in building the Strategy's implementation plan and identified existing resources and expertise capable of executing the plan's enforcement and investigative fundamentals. ICE HSI works to disrupt and dismantle TCOs involved in wildlife trafficking using its domestic and international resources, expertise, and authorities. ICE HSI personnel are engaged actively with other U.S. Government agencies and NGOs to promote ICE HSI's role both domestically and abroad, including capacity-building as it relates to illegal trafficking of wildlife and natural resources. These entities include, but are not limited to, U.S. Customs and Border Protection (CBP), U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS), Fish and Wildlife Service (FWS), National Oceanic and Atmospheric Administration (NOAA), DOS Bureau of Oceans and International Environmental and Scientific Affairs (OES), World Customs Organization, International Police Organization (INTERPOL), and various NGOs and academic institutions.

HSI is the principal investigative arm of DHS, responsible for investigating transnational crime and threats, specifically those criminal organizations that exploit the global infrastructure through which international trade, travel, and finance move. ICE HSI's workforce includes special agents, analysts, auditors, and support staff. Men and women of ICE HSI are assigned to cities throughout the United States and to offices around the world. ICE HSI's international force is DHS's largest investigative presence abroad, with 86 foreign offices, and 9 Department of Defense liaison offices, in 55 countries giving ICE HSI one of the largest footprints for U.S. law enforcement abroad.

ICE HSI, CBP, APHIS, FWS, NOAA, and other agencies have joined forces by way of CBP's Import Safety Commercial Targeting and Analysis Center (CTAC) and CBP's National Targeting Center (NTC) to enhance mutual U.S. Government efforts to combat illegal imports of endangered wildlife, including timber, or imports of illicit products of illegal, unreported, and unregulated (IUU) fishing and seafood fraud. CTAC brings together key federal agencies with safety regulation oversight of imports into the United States, as well as law enforcement agencies like ICE HSI, with authority to enforce import violations. CBP provides systems and targeting training, along with operational targeting support, through NTC. ICE HSI has assigned personnel to both CTAC and NTC. Furthermore, since December 2013, ICE HSI has maintained NTC – Investigations, which is situated within CBP's NTC, to enhance its shared border security mission. ICE HSI's collaborative presence at NTC supports the border security continuum, from CBP interdictions and ICE HSI investigations, to the joint exploitation of intelligence.

Wildlife trafficking is a serious transnational crime threatening security, economic prosperity, the rule of law, longstanding conservation efforts, and human health. In FY 2021, ICE HSI continued taking decisive action to dismantle organized crime syndicates, while specifically recognizing the increasing connection between the trafficking of wildlife and other natural resources and TCOs. Effectual criminal investigations, capacity building, and training have been essential to ICE HSI success in thwarting natural resource crime.

On October 8, 2020, the owner of a Japanese fishing vessel pleaded guilty to unlawful trafficking of shark fins and was sentenced to the largest criminal monetary penalty ever imposed in a federal shark finning case in the United States. This case was investigated by ICE HSI, FWS, and NOAA, and involved notable assistance from CBP, the U.S. Postal Inspection Service (USPIS), and the U.S. Coast Guard. The prosecution team, consisting of the U.S. Attorney's Office for the District of Hawaii and the DOJ Environmental Crimes Section (ECS), also coordinated with DOS to communicate with foreign counterparts to facilitate the cooperation necessary to prosecute this case successfully and to achieve justice. On or about November 6, 2018, the vessel traveled near Hawaii, and its Indonesian crew members were attempting to board return flights departing from Honolulu International Airport. During routine screening, Transportation Security Administration officers discovered the shark fins in the checked luggage of 10 of the fishermen. In an exemplary display of DHS unity of effort, CBP and ICE HSI were notified. Ultimately, the U.S. District Court in Honolulu ordered the vessel owner to: pay a \$126,000 fine, comply with a robust compliance plan, relinquish the fishing license in Japan previously associated with its fishing vessel, forfeit \$119,000 representing the value of the vessel, and complete a 3-year term of probation.

On October 19, 2020, a federal judge sentenced an El Paso man to serve a 3-year term of probation, and to pay a \$5,500 fine and \$7,200 in restitution. The defendant also was ordered to forfeit 41 protected living rock cacti that he intended to sell to buyers in Europe and Asia. This defendant was the sixth and final defendant sentenced in this investigation involving violations of the Lacey Act. In 2012, ICE HSI, FWS, and USPIS had initiated a criminal investigation into this ring engaged in smuggling thousands of protected living rock cacti from Western Texas to customers around the globe. Cooperative investigative work, by these and other agencies, led to agents executing search warrants and arresting several people after intercepting multiple falsely labeled international mail parcels. Thousands of cacti seized during this investigation were cared for and donated to nonprofit entities through assistance from the Sul Ross State University.

On November 13, 2020, following a joint ICE HSI and FWS criminal investigation, a federal judge sentenced a defendant to time served and 2 years' supervised release. He further was ordered to pay \$1,500 in restitution to the Government of Mexico. This defendant pleaded guilty to both Lacey Act and customs violations for smuggling *Totoaba macdonaldi* (Totoaba) into the United States from Mexico. Previously, in October 2019, the court had sentenced his co-defendant to time served and a year of supervised release, and ordered him to pay \$1,000 in restitution to the Government of Mexico. In June 2019, the pair attempted to enter the United States and told a CBP Officer (CBPO) that they had nothing to declare. A secondary inspection revealed approximately 14 Totoaba swim bladders concealed beneath their seats and in the trunk. *Totoaba macdonaldi* is an endangered species found only in Mexico in the Sea of Cortez. Buyers paid the pair \$300 to deliver the bladders, with an estimated fair market value of \$215,000.

On December 14, 2020, a federal court sentenced a smuggler to 6 months' incarceration for smuggling protected sea cucumbers, valued at more than \$60,000, into the United States from Mexico in violation of the Lacey Act and U.S. customs law. In November 2019, ICE HSI and FWS conducted a joint investigation stemming from a CBP inspection of the defendant's vehicle. CBP discovered 100 undeclared packages of sea cucumbers, totaling 145 kilograms,

concealed inside the truck. The defendant also had four cell phones and \$1,600 cash in his possession at the time of apprehension. A lawful search of these phones by ICE HSI and FWS revealed that this defendant previously had smuggled 20 bags of sea cucumbers in July 2019. The defendant also was found to have engaged in other smuggling activities, such as bringing illegal or undeclared food products, alcohol, medications, and cigarettes across the border.

On January 25, 2021, a federal judge sentenced a Dallas business owner to pay a \$2,000 fine and to complete a 1-year term of probation. The owner pleaded guilty to violating the Migratory Bird Treaty Act (MBTA). A joint investigation by ICE HSI, FWS, and the Internal Revenue Service Criminal Investigation Division found that between June 2017 and April 2019, the defendant, who owned a Dallas mystic shop, sold dried hummingbird carcasses known as “chuparosas,” without a valid permit. Some believe that “chuparosas” impart mystical benefits and use them as amulets or charms. However, all hummingbirds are regulated under the Convention on International Trade in Endangered Species of Wild Fauna and Flora and many are protected under the MBTA. The MBTA prohibits the taking, killing, capturing, selling, trading, transport, and possession of migratory bird species without a permit. Mexico also has strict laws prohibiting the taking of these birds. Notwithstanding these protections, the owner had acquired hummingbird carcasses illegally imported into the United States from Mexico. Illicit trade in hummingbirds continues to take place between South Texas and Mexico, though the trade may be found in other parts the United States.

In March, July, September, and November 2021, the ICE HSI Global Trade Division coordinated and conducted four trade enforcement unity of effort-focused week-long training events for both ICE HSI and CBP personnel. In each of these virtually presented workshops, ICE HSI subject matter experts provided training and best practices for successful investigations and prosecutions of cases involving wildlife trafficking; IUU fishing and seafood fraud; and illegal timber trafficking. Approximately 600 ICE HSI and CBP personnel participated in these four trade enforcement workshops.

On April 22, 2021, ICE HSI provided illegal timber investigations training and shared best practices for 37 ICE Office of the Principal Legal Advisor (OPLA) attorneys from various ICE HSI offices nationwide. This training was requested by OPLA to familiarize ICE OPLA attorneys better with the increasing importance of illegal timber trafficking. According to a March 2017 report from Global Financial Integrity, “Transnational Crime and the Developing World,” illegal logging has become the most profitable natural resource crime.¹ Worth almost \$152 billion a year, the illegal timber trade attracts the world's biggest organized crime groups and not only lines the pockets of the perpetrators, but also finances violence, corruption, and other abuses. Illegal timber harvesting and trafficking undermines local and national economies, destroys the environment, and jeopardizes the health and wellbeing of the public.

On May 19, 2021, an ICE HSI subject matter expert instructor supported DOJ ECS, U.S. Forest Service (USFS), and DOS officials who sponsored a virtual illegal logging training workshop for Colombian customs officials. The “Illegal Logging - Role of Customs in the Fight Against Forest Crime” workshop was hosted virtually from Bogota, Colombia. ICE HSI shared a course

¹ Channing Mavrellis, Global Financial Integrity, “Transnational Crime and the Developing World,” March 27, 2017, page 15.

of instruction on best practices for initiating investigations into illegal logging and investigative techniques for gathering sufficient admissible evidence for successful criminal prosecutions.

From June 22-25, 2021, an interagency team of U.S. Government instructors delivered 4 days of virtual training on illegal logging and trade for sub-Saharan professionals. These interagency trainings reflect a strong partnership between USFS, ICE HSI, DOJ ECS, and DOS OES to reduce illegal logging globally and to work cooperatively with source countries to prevent illegal wood from entering the United States. This workshop was funded by OES and included support for extensive course re-design to accommodate virtual delivery. This virtual workshop was coordinated by the International Law Enforcement Academy in Gaborone, Botswana. The 44 participants attending the course hailed from the countries of Benin, Botswana, Cameroon, Gabon, Ghana, Madagascar, Namibia, and Republic of Congo. The cadre of U.S. Government instructors and participants was both interagency and interdisciplinary, to reflect the complexity of forest crime issues.

On June 24, 2021, ICE HSI hosted the first-ever ICE HSI Wildlife Crime Roundtable. This half-day forum was a collegial, but candid, platform for collaboration and discourse on combating wildlife trafficking and other natural resource crimes. The event brought together government, academic, and NGO subject matter experts who are actively engaged in defining the challenges of and formulating workable solutions for the ever-increasing threats posed by wildlife and timber trafficking. The ICE HSI-hosted roundtable included the signing of two memoranda of understanding (MOU) between ICE HSI and the NGOs Grace Farms Foundation and Liberty Shared. These MOUs enhance future collaborations between the signatories on wildlife trafficking and other natural resource crimes. The event also featured briefings from DOJ ECS, DOS OES, CBP's Civil Enforcement Division, FWS, INTERPOL's Illicit Markets sub-Directorate, and the University of Washington's Center for Conservation Biology.

On July 26, 2021, a husband and wife pleaded guilty to violating the Lacey Act for illegally selling Louisiana box turtles. Federal investigators initiated an undercover investigation after receiving information from a confidential informant that the defendants illegally captured and sold common box turtles, a protected species, exporting them to New Jersey. In July 2017, an undercover agent arranged to purchase turtles from the defendants for approximately \$700 in a retail shopping plaza parking lot. After making the exchange, other agents arrested the couple. On October 26, 2021, a federal court sentenced the defendants to serve 1 year of probation. This joint criminal investigation was conducted by ICE HSI, FWS, and USPIS.

IV. U.S. Customs and Border Protection

DHS strengthens CBP's targeting programs and detection capabilities through extensive partnerships and collaborations with other Federal agencies and industry stakeholders. CBP enforces laws on behalf of numerous Federal agencies and works closely with DHS partners, as well as with other federal agencies such as APHIS, USDA's Food Safety and Inspection Service, and the Food and Drug Administration. CBP also collaborates with the Centers for Disease Control and Prevention, Department of Interior, and FWS.

The CBPO and the CBP Agriculture Specialist (CBPAS) are two distinct positions in CBP's Office of Field Operations. The CBPAS is a series 0401 position that enforces APHIS regulations at ports of entry.

CBPASs have the authority to enforce a wide range of USDA regulations and policies. Specifically, they enforce numerous regulations under the Code of Federal Regulations with the regulatory authority contained in the Animal Health Protection Act, ESA, the Homeland Security Act of 2002, and the Plant Protection Act. CBPASs are involved in inspection, intelligence, targeting, analysis, examination, and law enforcement activities related to imported agricultural commodities and all types of conveyances at ports of entry. As part of their authority, CBPASs are authorized to inspect and clear passengers, baggage, cargo, mail, foreign regulated garbage, and conveyances for agriculture-related articles.

CBPAS are trained to take action based on the guidance and policies outlined in 10 different APHIS manuals, as well as in other documents and job aides. The authority of a CBPAS derives from the memorandum of agreement between DHS and USDA.

Following the creation of DHS under the Homeland Security Act of 2002, Congress passed legislation to transfer the agriculture import and entry functions from USDA to DHS (6 United States Code [U.S.C.] § 231). The transfer includes the functions related to agricultural import and entry inspection activities under the animal and plant protection laws specified below; however, the transfer does not include any quarantine activities carried out under these laws.

- The act commonly known as the Virus-Serum-Toxin Act (the eighth paragraph under the heading "Bureau of Animal Industry" in the Act of March 4, 1913; 21 U.S.C. § 151 et seq.).
- Section 1 of the Act of August 31, 1922 (commonly known as the Honeybee Act; 7 U.S.C. § 281).
- Title III of the Federal Seed Act (7 U.S.C. § 1581 et seq.).
- The Plant Protection Act (7 U.S.C. § 7701 et seq.).
- The Animal Health Protection Act (subtitle E of title X of P.L. 107-171; 7 U.S.C. § 8301 et seq.).
- The Lacey Act Amendments of 1981 (authorities related to plant-based articles, not animal; 16 U.S.C. § 3371 et seq.).
- Section 11 of the ESA (16 U.S.C. § 1540).

When encountering regulated and/or prohibited FWS products during CBP inspections, CBP personnel typically hold and detain these items for further FWS review and regulatory decision. On occasion, CBP staff may opt to perform joint operations with FWS. For example, from September 21, 2020 – January 31, 2021, Agriculture Programs and Trade Liaison’s National Agriculture Cargo Targeting Unit in collaboration with FWS conducted Trade Special Operation Mitten Catcher. Trade Special Operation Mitten Catcher was designed to intercept international shipments of undeclared live mitten crabs (*Eriocheir sinensis*) in the express courier environment. Importation of live mitten crabs is illegal by the Lacey Act and it is also illegal to transport or possess them in the states of California, Washington, and Oregon. The operation successfully resulted in the interception of 35 shipments of live mitten crabs across various ports of entry.

On May 5, 2021, CBP’s Office of Trade hosted a CBP internal informational briefing related to the environmental obligations under Chapter 24 of the United States-Mexico-Canada Agreement (USMCA) and on efforts to implement the USMCA’s environmental provisions. The USMCA incorporates provisions into CBP’s trade enforcement mission to address threats such as illegal logging, wildlife trafficking, and IUU fishing.

On June 15, 2021, CTAC targeted an in-bond shipment manifested as dried fish fillets in the Port of Otay Mesa, destined for Vietnam. The examination revealed 45 totoaba fish bladders comingled with the fillets. Totoaba is a large species of fish native to the Gulf of California in Mexico. Like the vaquita porpoise, it is listed on the International Union for Conservation of Nature’s Red List of Threatened Species as “critically endangered.” The totoaba is sought after for its swim bladder, which is considered a delicacy in China. The totoaba are protected as an endangered species under the ESA, the Lacey Act, and the Convention on International Trade in Endangered Species of Wild Fauna and Flora. With ICE HSI support, the bladders were turned over to FWS, which estimated their street value to be \$450,000. FWS will be turning the seized goods over to NOAA.

On October 5, 2021, Los Angeles International Airport (LAX) CBPOs and FWS seized two boxes of Totoaba fish bladders weighing 10.24 kilograms, valued at \$491,520. Days prior, CTAC reviewed the Mexican in-bond shipment that was headed to Otay Mesa, in transit through LAX for its final destination of Bangkok, Thailand. The consignee was linked to previous Totoaba shipments from a known Totoaba smuggler. The shipment made it through to LAX and went on its way to the destination. CTAC contacted LAX to recall the shipment back to the United States. Throughout the weekend, CTAC, CBP’s Office of International Affairs, LAX, and HSI diligently worked to monitor this shipment to enable CBP’s interception of the shipment.

V. Conclusion

DHS remains steadfast in its commitment to combat wildlife trafficking and the illegal trading of natural resources. Through its collaboration with interagency partners, DHS will continue to work and build on the Strategy's three objectives: strengthening enforcement; reducing demand for illegally traded wildlife; and building international cooperation, commitment, and public-private partnerships.

Appendix: List of Abbreviations

Abbreviation	Definition
APHIS	Animal and Plant Health Inspection Service
CBP	U.S. Customs and Border Protection
CBPAS	U.S. Customs and Border Protection Agriculture Specialist
CBPO	U.S. Customs and Border Protection Officer
CTAC	Commercial Targeting and Analysis Center
DHS	U.S. Department of Homeland Security
DOJ	U.S. Department of Justice
DOS	U.S. Department of State
ECS	Environmental Crimes Section
EO	Executive Order
ESA	Endangered Species Act of 1973
FWS	U.S. Fish and Wildlife Service
FY	Fiscal Year
HSI	Homeland Security Investigations
ICE	U.S. Immigration and Customs Enforcement
INTERPOL	International Police Organization
IUU	Illegal, Unreported, and Unregulated
LAX	Los Angeles International Airport
MBTA	Migratory Bird Treaty Act
MOU	Memorandum of Understanding
NOAA	National Oceanic and Atmospheric Administration
NGO	Nongovernmental Organization
NTC	National Targeting Center
OES	Bureau of Oceans and International Environmental and Scientific Affairs
OPLA	ICE Office of the Principal Legal Advisor
Presidential Task Force Strategy	Presidential Task Force on Wildlife Trafficking National Strategy for Combating Wildlife Trafficking
TCO	Transnational Criminal Organization
U.S.C.	United States Code
USDA	U.S. Department of Agriculture
USPIS	United States Postal Inspection Service
USFS	U.S. Forest Service
USMCA	United States-Mexico-Canada Agreement