

How Politics And Lobbying Have Shaped Federal Fisheries Policies In The Pacific

A Civil Beat investigation into the Western Pacific Regional Fishery Management Council shows its longtime director and loyal council members have for decades used questionable strategies to help commercial fishermen.

BY NATHAN EAGLE / NOVEMBER 3, 2021

Late on a Saturday afternoon in November 2010, a small group of Native Hawaiians gathered around Charles Ka'ai'ai near the end of a two-day conference at the Hawaii Convention Center.

The Indigenous coordinator of the [Western Pacific Regional Fishery Management Council](#), a federal body with jurisdiction over 1.5 million square miles of ocean, coached them through the process of writing what would soon become a foundational piece of state legislation.



A Civil Beat Investigation

This Civil Beat special report documents the political activism of the Western Pacific Regional Fishery Management Council, a federal panel that sets fisheries policies that govern 1.5 million square miles of the Western Pacific Ocean. Federal law generally prohibits using taxpayer dollars to lobby on state and federal issues but Wespac has for decades pushed those rules to the limit, angering environmentalists and Native Hawaiians. Now, with climate change creating a new urgency, Congress may be about to crack down on Wespac.

Part 1: Records show how Wespac has used its political power to influence state and federal policy for the benefit of the fishing industry.

Part 2: [Council leaders spent heavily to set up a traditional Hawaiian system of resource management even though it infringed on state jurisdiction.](#)

Part 3: [Fighting for the interests of the commercial tuna fleet, Wespac has pressured presidents and orchestrated public opposition to marine monuments.](#)

Part 4: [Who is Kitty Simonds? A profile of the council's longtime executive director.](#)

Part 5: [Wespac has long been controlled by fishing interests but this year was forced to accept a conservation-minded member.](#)

Part 6: [A reporting trip to Alaska reveals major differences between Wespac and other regional councils.](#)

Part 7: [A major update of the Magnuson-Stevens Act under consideration by Congress would prohibit lobbying by Wespac.](#)

Wespac had spent more than \$1 million over the previous four years convening a series of meetings, called puwalu, that in many ways culminated in this moment — the drafting of a resolution to create [a system for the state to manage its natural resources](#) based on traditional Hawaiian practices.

The council paid thousands of dollars for its staff, select members of the Hawaiian community and others to meet on six different islands, the council's general ledger shows. Tax dollars went toward travel costs, renting out conference rooms and hiring contractors who networked with the public,

edited a textbook, illustrated promotional materials and mapped nearly four dozen moku, or districts, in Hawaii.

But the general public was largely left out. Some meetings were held without notice. Decisions were made without broader input. And Wespac's spending decisions happened behind closed doors.

Federal regulations generally prohibit the use of federal funds for lobbying the executive or legislative branches of government. The [Code of Federal Regulations for Wildlife and Fisheries](#) specifically bars the regional councils from "any attempts to influence the introduction of federal or state legislation."

Dylan Hedtler-Gaudette, government affairs manager of the national nonprofit [Project On Government Oversight](#), said the councils are an "unorthodox entity" in that they are federally funded through grants from the National Oceanic and Atmospheric Administration but not fully independent. Despite the "ethical gray zone" this creates, he said they should clearly not operate as political bodies that stray beyond their core mission by serving as an extension of commercial or other interests.

"That's when you start talking about cronyism and that's not something we as taxpayers ought to be paying for," he said.



A group photo of the November 2010 puwalu at the Hawaii Convention Center, including Wespac Executive Director Kitty Simonds (bottom row, second from right) and Wespac Indigenous coordinator Charles Ka'ai'ai (top right corner). The council paid for at least 90 people to attend the two-day conference.

A Civil Beat investigation into Wespac's operations over the past decade shows Executive Director Kitty Simonds and the council have not been hesitant to use their political power and their federal budget to benefit the commercial fishing industry to the detriment of other interests.

The [Magnuson-Stevens Fishery Conservation and Management Act](#) intends for these regional bodies to balance the health of an ecosystem against the economic benefits of extracting marine animals.

Simonds and the council have a [long history](#) of straddling legal and ethical lines, skirting federal investigations and wielding their authority to promote their own agenda. [Comprehensive audits](#) have uncovered serious shortfalls and made numerous recommendations. In 2009, the U.S. Government Accountability Office warned Simonds and the council against lobbying for fishing interests. The council is currently [under investigation again](#), this time by the Inspector General's office, over how it has managed a secretive fisheries fund and whether it used the money inappropriately, among other things.



Kitty Simonds

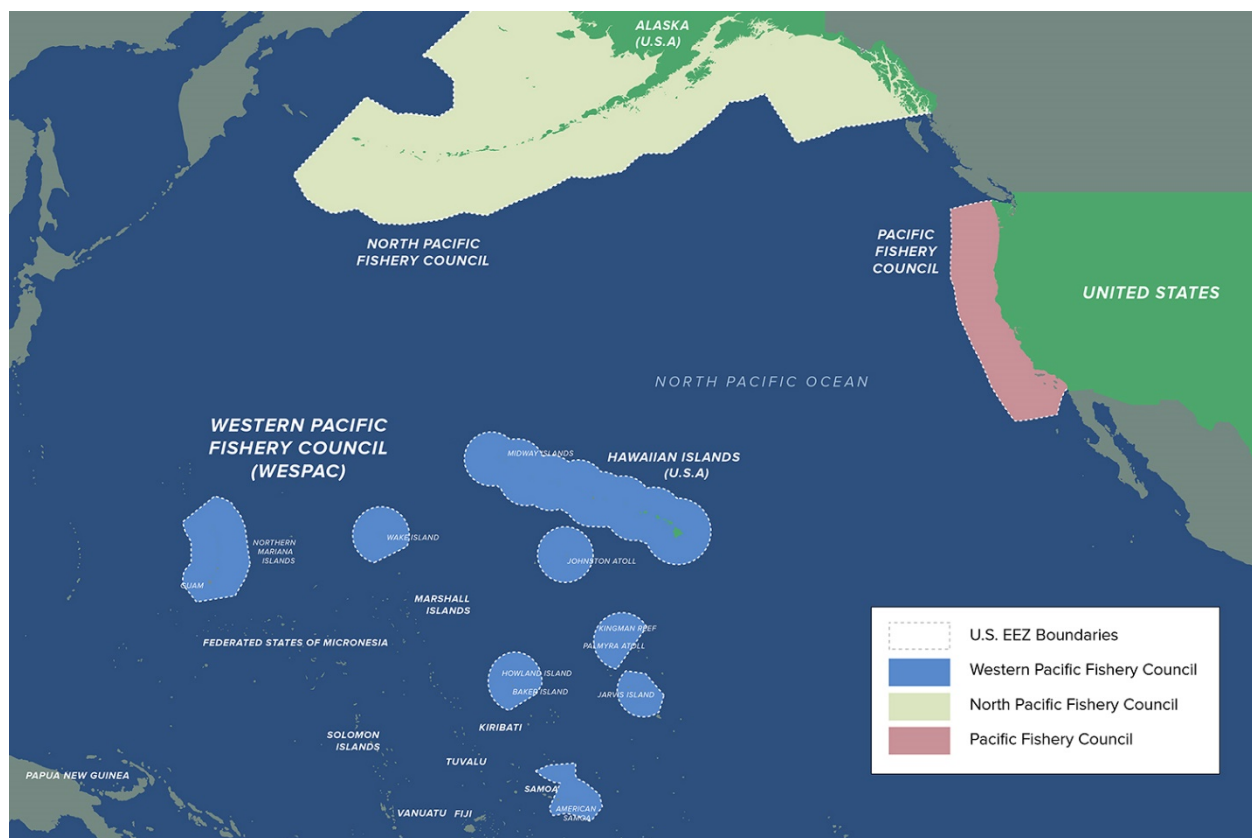
Wespac Executive Director

A Civil Beat review of Wespac records shows the fishery council has, in the decade since the last audit, continued to be active in its efforts to influence public policy, including wading into high-profile issues. Despite the warning, Wespac officials have used their positions to deter government leaders from establishing national marine refuges that ban commercial fishing. And they are rallying now to fend off any effort by Congress to weaken their power as the Magnuson-Stevens Act is being debated for its first major update since 2006.

For this project, Civil Beat interviewed dozens of policymakers, attorneys, environmentalists, fishers and government officials and reviewed thousands of pages of Wespac correspondence, internal emails, lawsuits, draft regulations and historical documents. Using the Freedom of Information Act, we obtained and analyzed the past 10 years of expenses in Wespac's general ledger to track how the agency has spent millions of dollars in public money.

Nepotism and favoritism have pervaded Wespac's operations since its inception in 1976 and can be seen in documents and the public record over the past 10 years. Simonds has paid to send her sister to aha moku meetings, given no-bid [contracts to people who are loyal to her](#) and facilitated policy development that extends beyond the scope of what the councils are legally prescribed to do.

Wespac has flexed the limits of the conflict of interest provisions that [the regional councils](#) must follow. A former council chair hosted meetings at hotels he partly owned and members have benefited from funds directed to their own businesses.



The Western Pacific region includes federal waters — generally 3 miles offshore to 200 miles out —

around the Hawaiian Islands, Guam, American Samoa, the Northern Marianas and remote U.S. islands.

Elaborate campaigns have been constructed by Simonds and other council staff and members to challenge and [defeat proposals deemed anti-fishing](#), especially the creation and expansion of marine monuments, from Papahānaumokuākea to the Pacific Remote Islands, Rose Atoll and Marianas Trench.

Wespac's political connections run deep.

Before joining the council, Simonds was an aide for 11 years to Republican U.S. Sen. Hiram Fong, co-founder of Finance Factors, a consumer and industrial loan company that grew into a major financial services institution. The company is Wespac's landlord and has collected more than \$2.4 million over the past decade alone in lease payments. The council now pays about \$30,000 a month for its 14th floor digs in the Finance Factors Center, a 17-story, 185,000-square-foot office building.

Wespac's first council chair was Wadsworth Yee, a longtime state senator and relative of Fong's who took advantage of his connections in ways that drew the ire of auditors and eventually ended his four-term reign on the council.

Since the 1980s, Wespac has routinely resisted calls to better consider the conservation implications of the policies it develops as required under the MSA, which in 1976 created the eight regional councils that manage the nation's fisheries. Wespac has defended shark finning, maneuvered to remove green sea turtles from the endangered species list and overseen the collapse of multiple fisheries — some of which have never recovered.



Associated Press

Shark fins await transport after being unloaded in Honolulu Harbor in this Jan. 19, 1999, file photo.

Wespac defended shark finning, a lucrative side hustle for Hawaii's longliners, for years until federal law banned it.

Environmental groups have occasionally forced better management of fish stocks by pursuing litigation and changes in legislation. More often, the council ignores their calls for reform.

Now, several efforts are in the works that could substantially change the way Wespac does business. Council members are wary and have begun strategizing even in public sessions how best to block certain reforms.

The Democrat-controlled administration in Washington, D.C., plans to take up [proposed changes](#) to the Magnuson-Stevens Act, changes that were recently introduced by U.S. Reps. Ed Case of Hawaii and Jared Huffman of California. Their bill would significantly update the law, with promises of greater public transparency, better accountability, more lobbying restrictions and new mandates for the councils to consider as they confront the implications of a changing climate in their resource management decisions.



Ed Case

U.S. Representative

The Commerce Department has its Office of Inspector General probing Wespac's handling of the Sustainable Fisheries Fund, a major source of money for the council. The congressionally mandated investigation followed a Civil Beat special report on the fund in 2019. NOAA, an agency under the Commerce Department that approves the policies created by the regional councils, has long faced criticism for providing insufficient oversight of Wespac in particular, and is [almost entirely hands off](#) after it passes this money to the council.

And in September, Matt Ramsey, [Conservation International's Hawaii program](#) director, became the first conservation-minded voice to serve on Wespac in years. Gov. David Ige, who submits nominees to the commerce secretary who makes the selection, did not include a fishing industry voice among his list of nominees this time, forcing the secretary to choose someone with more of an environmental background.



Wespac's offices are located on the 14th floor of the Finance Factors Center in downtown Honolulu.

Wespac staff and Simonds, who has served as executive director since 1983, did not respond to a request to be interviewed for this story. She has routinely denied any wrongdoing or politicking, insisting that she is merely carrying out the goals of the Magnuson-Stevens Act while attempting to build and maintain a thriving commercial fishing industry that adheres to some of the strongest environmental safeguards in the world.



Archie Soliai
Wespac Chair

Simonds and Wespac Chair Archie Soliai have maintained that the council is effective and transparent, calling any claims to the contrary baseless. The pair detailed some of their views [in a response to Civil Beat's 2019 series](#) but more recently have declined to talk directly with reporters about concerns that have been raised.

In that written commentary, they said the federal 2009 audit vindicated the council against prior allegations of improper lobbying, conflicts of interest, its

use of federal funds and overall operations. The chair and director said the GAO's recommendations to improve transparency have been incorporated.

A History Of Questionable Management Decisions

Since it was established 45 years ago, Wespac has faced continual criticism for questionable spending, including on travel, meetings and staff resources to influence federal and state policy. The council has also been taken to task for using taxpayer funds to benefit its own members and those close to them. Such complaints have come from the public, through lawsuits and in federal audits.



The council is particularly involved with Hawaii's longline fishing fleet, based out of Honolulu Harbor.

In 1985, an audit by the Commerce Department's Inspector General recommended abolishing Wespac or consolidating it with one of the other seven regional councils after finding it to be largely ineffective in its first decade of existence despite major expenditures.

The council spent \$3.8 million from 1977 to 1985, the audit says, "but had done little to manage the fishery resources within its jurisdiction."

A NOAA task force later advised keeping Wespac despite the Inspector General's recommendation, and Congress has continued funding it.

Wespac has always spent heavily on travel for meetings, its general ledger shows. In June 2018, the council decided to host its regular meeting on Maui instead of Honolulu, costing taxpayers almost \$300,000, as the newsletter [Environment Hawaii](#) first reported after obtaining records through FOIA.

The council chose the Valley Isle in part because bottomfishing was a big agenda item and many of those fishermen live on Maui. Wespac had been trying for years to get the state to reopen the bottomfish areas that had been closed due to overfishing.

Simonds used federal money to pay for roughly 40 staff, council and advisory committee members to stay at the Wailea Beach Resort Marriott for two weeks and conducted business from there. In public meetings last year, Simonds lamented how the pandemic has forced the council to meet online and how she is anxious to get back to certain hotels.

Project Funding

This project is supported by the Fund for Investigative Journalism. Despite concerns raised as recently as last month about Wespac's lobbying, Duenas told leaders of the eight regional councils that he was surprised that his comments were taken as lobbying, noting that since he is from Guam he does not have a voting delegate to Congress and can't vote for president.

"I'm just wondering how I can be misconstrued as being able to influence any member of the congressional group," he said. "I don't know why it's illegal especially for people who are disenfranchised from the government's work."

Coming Thursday: *Wespac's role in the state's *aha moku* system, an effort that blurred the line between state and federal authority to manage Hawaii's nearshore fisheries.*