

Wespac's Aggressive Effort To Muscle In On State Control Of Fisheries

From paying people to attend meetings to pushing legislation and even publishing a book, the federal fisheries panel spent years trying to influence state policy.

BY [NATHAN EAGLE](#) / NOVEMBER 4, 2021

Over the past 15 years, the federal fishery panel that presides over more than a million square miles of the vast Western Pacific Ocean has invested considerable public resources much closer to home.

An underlying goal: to manipulate state resource management practices in a way that ultimately transfers more control to federal managers and commercial fishing interests that generally operate far offshore.



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.](#)

Since 2006, the Western Pacific Regional Fishery Management Council has spent more than \$1 million to put in place a system of local advisory groups that were touted as giving Native Hawaiians a voice in management of nearshore and onshore fish habitat and stocks based on traditional cultural practices.

The problem with that? Management of Hawaii's onshore resources is primarily the responsibility of the state Department of Land and Natural Resources, which was already developing its own program that encouraged input from Native Hawaiians through community-based subsistence fishing areas. Federal regulations governing Wespac also prohibit its federal budget from being used for lobbying or political influence.

“Wespac should not be spending money trying to influence state fisheries management,” says William Aila, a Hawaiian fisherman and former DLNR chair. “Their job is to manage federal fisheries. They should stay in their lane.”

But Wespac's aggressive push to develop the aha moku system — fueled by generous spending from its federal grants and support from its staff in crafting legislation — overshadowed the state effort.



William Aila, seen here in 2020 after his confirmation as director of the Department of Hawaiian Home Lands, was skeptical of Wespac's involvement in nearshore fisheries when he was the state land board chair.

In 2012, Gov. Neil Abercrombie signed Act 288 into law, formally recognizing the aha moku (district council) system — a centuries-old Hawaiian method of

resource management that relies on shared generational knowledge and the practices of moku boundaries. The bill, which unanimously cleared the Legislature, created the Aha Moku Advisory Committee within DLNR to serve as a centralized voice that could advise the state land board.

The advisory group, whose members were largely determined by Wespac contractors, soon became an influential voice and not just on state resource issues. Among other issues, its leaders opposed expansion of national marine monuments and advocated for the state to reopen closed offshore fisheries — issues that closely aligned with Wespac and the commercial fishermen.

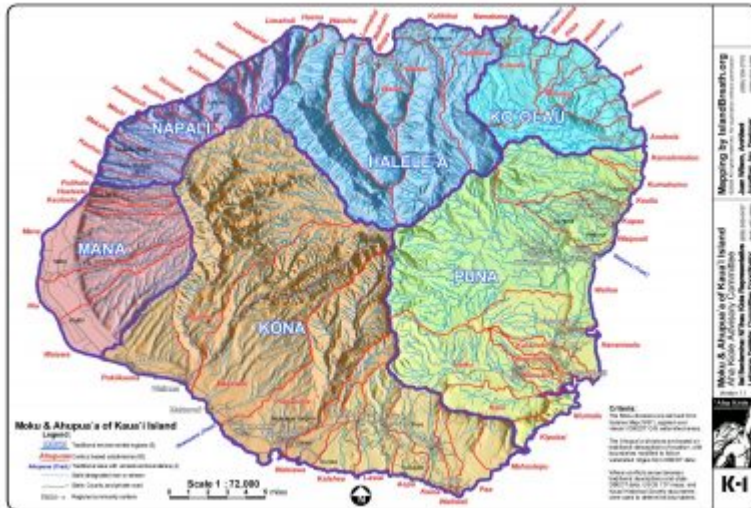
Maxx Phillips, a staff attorney and Hawaii director of the [Center for Biological Diversity](#), said the development of the aha moku system did more than give Wespac a foothold on state issues. It created a pathway to have the council's interests come from a place of Indigenous credibility.

“It shrouds them in a cloak of belongingness. So if it’s a Hawaiian issue, then they have say.” — Maxx Phillips, Center for Biological Diversity

“It shrouds them in a cloak of belongingness,” she said. “So if it’s a Hawaiian issue, then they have say.”

Fast forward 10 years, and the Aha Moku Advisory Committee is losing its clout. The state’s own community-based subsistence fishing areas are gaining traction. And more attention is being paid to critics who complained that the aha moku process was too often shutting out parts of the community and losing its effectiveness.

Since 2012, Wespac pumped another \$200,000 into the aha moku system to keep it going, according to the council’s financial records reviewed by Civil Beat. The council continued to pay for its allies to attend meetings and, critics say, speak for Wespac’s interests.



Wespac hired Kauai architect Juan Wilson to produce maps of the moku, or district, boundaries.

Earlier this year, the Legislature nearly eliminated the aha moku program but ended the session without taking action. Wespac staff testified against efforts to disband the advisory groups.

“The intent of this bill is tantamount to a father telling his kids ‘if neither of you can play nicely, I’m just going to throw the whole thing away,’” Wespac staffer Josh DeMello told lawmakers. He testified in his individual capacity but had worked on the council’s aha moku initiative.

“Let’s not get carried away and throw the baby out with the bathwater, instead let’s change the water or the entire tub so the baby can finally get clean and be nurtured to grow healthy and strong,” he said.

Stepping Up Or Meddling?

DLNR officials have long argued that Wespac’s involvement in establishing the local advisory groups went too far, crossing the line into political meddling in state business.

But the Magnuson-Stevens Act, the federal fishery law that governs the nation’s eight fishery management councils, allows the councils to take an ecosystem-based approach to management, and Wespac has insisted that it shares management authority over stocks found in both state and federal water.

A 1996 amendment to the MSA, which Wespac championed, requires the councils to consider the importance of fishery resources to fishing communities and “develop means by which local and traditional knowledge can enhance science-based management of fishery resources of the region.”



Western Pacific Regional Fishery Management Council Executive Director Kitty Simonds reviewed the MSA during Rep. Jared Huffman’s listening tour on reauthorizing the Magnuson-Stevens Act, Feb. 21, 2020, at Bishop Museum.

These provisions have given Wespac a foot in the door to assert itself on state turf. Wespac says the aha moku system supports the objectives of its Hawaii Archipelago Fishery Ecosystem Plan because the bigger tunas and swordfish that Hawaii’s commercial longline fleet targets in federal and international waters depend on healthy reefs and coastal ecosystems in state waters.

The National Oceanic and Atmospheric Administration, which oversees the regional fishery management councils, supported Wespac’s aha moku initiative.

In 2007, state officials established a committee to explore the possibility of creating an aha moku system. But it was Wespac that paid travel costs for

certain people to meet. The council's Indigenous coordinator, Charles Ka'ai'ai, was heavily involved, flying to different islands to meet with people.

During a public council event one evening in 2007, Ka'ai'ai said the result of the puwalu conferences "was three bills introduced in the Legislature for the aha moku councils," Environment Hawaii reported. He could not be reached for comment, and is no longer listed as Wespac staff.



Wespac Executive Director Kitty Simonds, left, hired Leimana DaMate, right, as a contractor to facilitate the aha moku system.

During one of the Wespac-funded conferences, the group voted to choose Leimana DaMate as its community coordinator. She later became the Aha Moku Advisory Committee's executive director, a position she's held for the past eight years.

Before she took that job, she was paid tens of thousands of dollars by Wespac as a contractor who would organize the meetings that created the aha moku system and pick which members of the Hawaiian community should participate, according to a 2008 Wespac report and public records. She did not return a message seeking comment for this story.

Maka'ala Ka'aumoana, executive director of the Hanalei Watershed Hui, called out the council's behind-the-scenes role in pushing bills through the Legislature by using the puwalu process.

She said a 2007 bill, promulgated by Wespac staff and its contractors like DaMate, was “the result of many years of work and intricate planning to grab control of our cultural resources on behalf of commercial interests.”

“The concept is simple: Gather the kupuna, listen to their stories, pay their way, and tell them you are on their side. They will smile and agree with your plan,” Ka’auomoana told lawmakers in her testimony on the bill. “This legislation is not about our kupuna. It is not about our ahupuaa (land division). And it has already caused hurt feelings and mistrust in many of our communities.”

DaMate has said her efforts to educate lawmakers on the aha moku system in 2007 did not constitute illegal lobbying, [Environment Hawaii reported](#).



Hawaii lawmakers, members of the Hawaiian community and Wespac staff gather around Gov. Neil Abercrombie after he signed the bill recognizing the aha moku system in 2012.

Wespac’s orchestration of the aha moku meetings — including paying for travel for select participants and its legislative involvement — drew complaints from several environmental groups. In 2008, the U.S. Government Accountability Office [investigated their allegations](#).

Auditors did crack down on the white envelopes of cash that Wespac was handing out to some of the meeting participants to cover their travel

expenses. But the GAO said it found no evidence that council staff had drafted legislation or that its contractors had lobbied lawmakers.

The auditors said in their 2009 report that they interviewed state legislators whom the council and the council contractor had allegedly lobbied. One legislator said that the council had not drafted the bill in question and no legislator could recall having been lobbied by the council regarding pending legislation. Another legislator told the auditors that “the contractor had lobbied him in support of legislation resulting from the Puwalu series, but identified herself as representing a group of native Hawaiian elders — not the council.”

“The contractor had lobbied him in support of legislation resulting from the Puwalu series, but identified herself as representing a group of native Hawaiian elders — not the council.” — 2009 federal audit

Keiko Bonk, a former Hawaii County Council member who was among those who filed the complaint, said the report did not go far enough given all the information the auditors had.

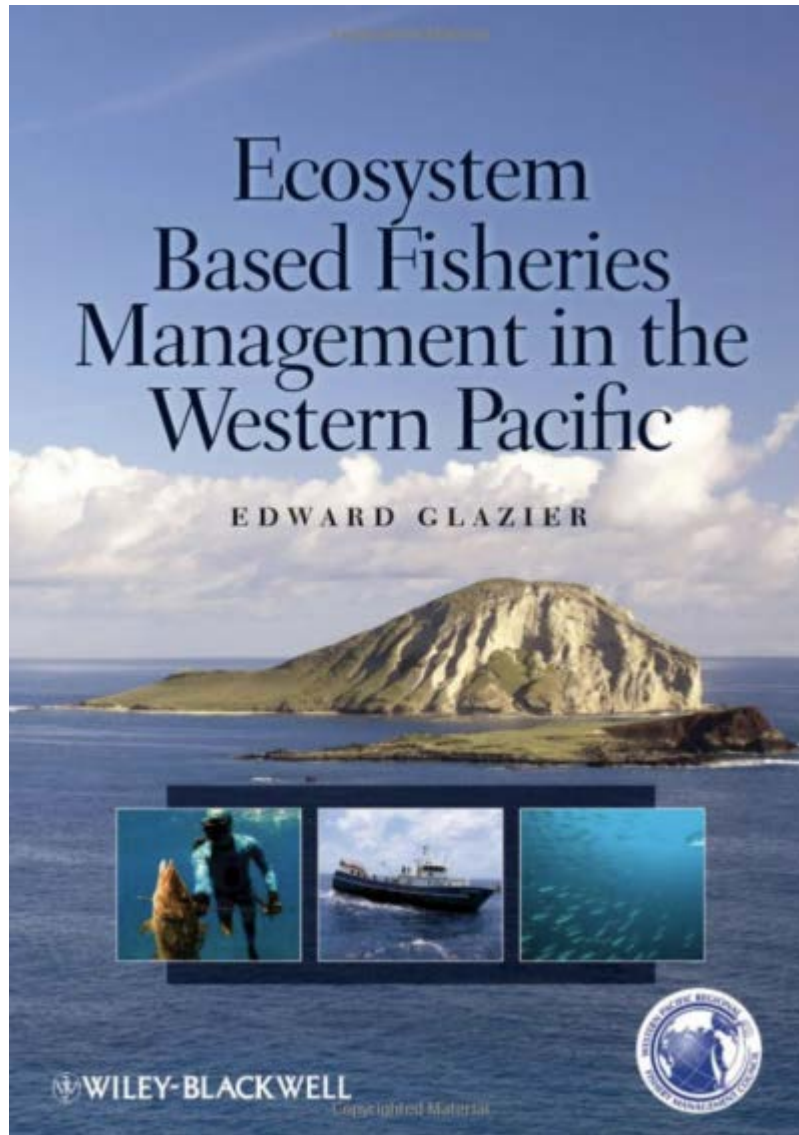
“They did slap them on the hand a little bit and scold them,” Bonk said, adding that somewhat improved the council’s transparency. “But one of the biggest reasons we started investigating them was it’s illegal to lobby as a federal entity.”

Gary Beal, a former Hawaii adviser to Wespac, said the aha moku method of managing the resources was advanced by the Hawaiian community, not the council. He said at some point Wespac agreed to assist “in developing a coherent plan to inform island areas of the aha moku method of management via a four-year series of public meetings to inform and gather information as to the community’s desires.”

The Push For Legislation

One of Wespac’s major expenditures to advocate for its vision of ecosystem-based management was to have a book written about it, a scholarly work that some who’d followed the process thought stretched scientific reality.

Wespac Executive Director Kitty Simonds hired Edward Glazier, vice president of a firm specializing in social-environmental research, to help the council publish a textbook on the subject as participants at the puwalu meetings were crafting the bill to introduce in the Legislature.



Wespac paid Edward Glazier almost \$100,000 to produce a book on ecosystem-based management.

He produced a 312-page book based on three Wespac-hosted workshops with scientists. "Ecosystem Based Fisheries Management in the Western Pacific" remains on sale on Wespac's website for \$209.95 or via Amazon, at one point as low as \$11.86. It was \$85 Thursday.

Pat Tummons, editor of Environment Hawaii who has covered Wespac for almost 30 years, stumbled on this 2-pound tome at a joint meeting of the regional fishery councils in 2012.

Tummons said the book broke no scientific ground and was a means to prop up Simonds' arguments for "a greater role for native peoples in managing resources," and the aha moku system that could facilitate this.

Wespac's financial records show that [the council paid at least \\$107,500 to publish the book](#). That included \$95,500 for Glazier's services, which involved organizing the workshops on which the book was based.

Impact Assessments, Glazier's company, produced a report for Wespac that says plainly, "The Council's efforts facilitated legislation enabling Native Hawaiians to advise natural resource management decisions across the islands."

Glazier has continued to receive periodic contract work with Wespac. The ledger shows several \$4,000 payments in 2018 and again in 2019. Civil Beat has requested the contracts under the Freedom of Information Act but they have not been provided yet.



Wespac Executive Director Kitty Simonds supported the aha moku system in a video the council funded in 2019.

In 2019, Wespac promoted a new book by Glazier, "Tradition-Based Natural Resource Management," that included a foreword by Simonds and featured the aha moku system.

"Ed delves into the history of colonization that threatened to obliterate indigenous communities in Hawai'i and other Pacific Islands along with the

natural resources that they had used and managed for millennia,” Simonds said in the foreword. “Fortunately, native people and their ties to the ocean and land are strong, so remnants of these native cultures have not only survived but are in a period of restoration and growth.”

Beyond the books, Wespac also funded a one-hour video in 2019 to support the aha moku system. In the video, Simonds describes the council as a “federal instrumentality” that has promoted ecosystem-based management since 2006. She says the work aligns with Wespac’s “bottoms-up approach.”

Pumping More Money In

State funding of the Aha Moku Advisory Committee was unstable from the beginning, but Wespac stepped in to back its work.

The Legislature budgeted \$220,000 when it passed the bill in 2007 to start the process of setting up an aha moku system, but Gov. Linda Lingle’s administration did not release the money.



Wespac Indigenous coordinator Charles Ka'ai'ai, right, gave presentations around Hawaii in support of the aha moku system, including here in Milolii on Hawaii island in 2013.

Simonds used federal funds to send Ka'ai'ai and other staff members, contractors and her own sister around the state to attend aha moku meetings, and Wespac hosted another big conference, part of its ongoing puwalu series, in 2014 on Maui. Ka'ai'ai remains the only person listed under the "contact us" section on the [aha moku website](#).

In September 2014, Wespac spent \$295 to send Simond's sister, Alice Worthy, to a puwalu meeting at the Westin Maui Resort and Spa, the council's general ledger shows. In all, the council covered travel expenses for 30 people to go to that event, including several staff members. And it paid the travel costs for a select few to attend an aha moku planning meeting two months earlier. Simonds and Worthy did not respond to requests for comment.

Like in earlier aha moku meetings that included political leaders like former Congresswoman Colleen Hanabusa, former House Speaker Calvin Say and former state Sen. Clayton Hee, the Maui event featured David Ige, then a state senator. He'd just [defeated Abercrombie](#) to win the August 2014 Democratic primary, and was virtually assured of becoming the next governor. He was indeed elected Hawaii governor in 2014 and continues to hold the position today.

Another key ally of the aha moku process was Makani Christensen, an Oahu-based tour operator and fisherman. Since at least 2012, he has been a vocal supporter of Wespac and Simonds' political initiatives, taking the lead on high-profile public policy issues like opposing national marine monuments.



Wespac flew Makani Christensen, second from left, to Maui in 2014 for an aha moku conference that featured then-Sen. David Ige, center, as a guest speaker.

Wespac paid him [tens of thousands of dollars in contracts](#) in 2013 and 2014 and covered his travel expenses to attend aha moku meetings over a few years. He served as chair of the Oahu Aha Moku Advisory Council from 2012 to 2017. Each island had attempted to set up its own group that would advise the statewide Aha Moku Advisory Committee. Christensen did not return a message seeking comment.

Christensen's style stood out. He disrupted other fisheries management meetings that weren't part of the aha moku system. State records show his "unruly behavior" forced a 2012 meeting on the Big Island to end an hour early. It was a public information session on a community-led effort to restore marine resources in Kaupulehu in north Kona, a culturally sensitive area that had been overfished and under pressure from a rapidly increasing population.

The administrative record of the meeting says he was “standing on a church table and shouting” at attendees and refused to stop, so the facility was vacated.

Fizzling Out

Despite Wespac’s financial help, the aha moku system floundered, in part due to a lack of a stable source of funding, infighting and turnover. Even Wespac quit spending money to keep it going after 2016, records show.

Some Wespac staff have even turned against DaMate, the former Wespac contractor who heads the Aha Moku Advisory Committee. Ka’ai’ai expressed his frustration with her to lawmakers last session. He advocated term limits for her position, saying she had “blocked participation of the island councils in the AMAC process.”

Public opinion started to turn as well. And the broader need for the aha moku system was diminished as the state moved forward with its community-based subsistence fishing areas, which incorporated Hawaiian voices and traditional management ideas.



State Sen. Maile Shimabukuro, center, met with artist Hanalei Hopfe, a Waianae aha moku representative, and Wespac Indigenous coordinator Charles Ka’ai’ai at the Capitol in 2016. She and some of her colleagues have since lost confidence in the Aha Moku Advisory Committee.

DaMate and her allies on the Aha Moku Advisory Committee have supported some of the state’s subsistence fishing area plans, including one for Haena, which Abercrombie approved in 2016. Christensen opposed it.

Earlier this year, state lawmakers again considered eliminating the advisory committee but the vote on a bill to repeal it was narrowly defeated in committee.

State Sen. Maile Shimabukuro, who voted in favor of repeal along with Sen. Jarrett Keohokalole when it came before the Hawaiian Affairs Committee, had come full circle on the issue. She went from happily hosting the Aha Moku Advisory Committee in her office at the start of the 2016 legislative session, extolling the virtues of natural resource management based on Hawaiian traditions, to voting to repeal the committee this year.

Shimabukuro, who chairs the committee, said she, like many others, believes in the potential of the aha moku system but the way it's been working under the current statute has become a "big mess."

"When the Legislature is put in a position of picking winners and losers, that wasn't the objective. And I have a real problem with that." — Sen. Jarrett Keohokalole

She knew the issue had taken a serious turn when then-Sen. Kalani English, who was involved in its creation, put forward the bill to repeal it. He retired in May, and did not return a message seeking comment.

"There was a lot of pilikia (trouble) and different factions or groups, with some who supported the existing leadership of the Aha Moku Advisory Committee and some who supported a coup," she said.

Keohokalole, the committee's vice chair, said the community was feeling that outsiders were manipulating the process. And that even if Wespac was involved in its creation, it clearly had its own legs under it by that point.

"It was meant to take the government out of this position of determining what's Hawaiian and not and what's appropriate or not as it relates to Hawaiian practices," he said. "When the Legislature is put in a position of picking winners and losers, that wasn't the objective. And I have a real problem with that."

Simonds has more or less moved on from the Wespac-led ecosystem management battle. The issue has taken a back seat to Wespac's efforts to prevent President Joe Biden's administration from seizing control of more

federal waters through marine reserves and to ward off efforts by the United Nations to do the same in international waters where the vast majority of commercial fishing occurs.

She's now directing the council's science committee to work on studies aimed at showing that commercial fishers have been harmed by not being able to fish in protected waters created by the Bush and Obama administrations, rather than on bolstering ecosystem-based management arguments.