

Wespac's Fight Against Marine Monuments Is All About Protecting The Fishing Industry

The council's leaders have done everything they can to stop presidents from creating monuments in the Pacific. Members of Congress have put forward a way to curb the lobbying.

BY [NATHAN EAGLE](#) / NOVEMBER 5, 2021

Since 2006, Kitty Simonds has used her position and the resources available to her as executive director of the Western Pacific Regional Fishery Management Council to organize and facilitate a fierce resistance to the establishment or expansion of marine monuments.

While the monuments are aimed at protecting a number of fish and wildlife species, Hawaii's commercial fishing industry says being shut out of large areas is affecting its ability to make a living.



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.](#)

Simonds and Wespac leaders have routinely opposed proposals to set aside large swaths of the Pacific in the name of conservation, whether it was when Republican President George W. Bush used his executive authority to create monuments or when Democratic President Barack Obama greatly expanded two of those. In 2016, an executive action by Obama made

Papahānaumokuākea Marine National Monument the world's largest protected area at the time.

But a Civil Beat review of Wespac records, emails and other material shows that Simonds and council leaders have employed a number of different strategies to oppose the environmental protections even though federal rules generally prohibit the use of taxpayer money to lobby for or against federal policy.

A 2009 federal audit of Wespac stopped short of finding legal violations but made clear that when it comes to Congress the council is only allowed to provide technical and factual information and only when asked. The council has more flexibility to advocate when it comes to the president or the administration.

Still, Simonds has continued to work against federal environmental policy and the opposition to Papahānaumokuākea is arguably Wespac's most visible campaign in recent years.



U.S. Sen. Brian Schatz, left, submitted the proposal to President Barack Obama in 2016 to expand Papahānaumokuākea Marine National Monument.

In 2016 Simonds sent several letters to Obama and high-ranking officials trying to convince them to stop the expansion of the marine protected area.

She worked behind the scenes to drum up public opposition, leaning on her connections with former governors and the fishing industry. And she supported a Wespac contractor's bid to unseat U.S. Sen. Brian Schatz, a supporter of the monument expansion, when he ran for reelection in 2016.

Environmental groups complained that her actions amounted to improper lobbying to influence a presidential decision. But federal officials declined to launch a formal investigation in part because of the gray area around lobbying a president.

Five years later, Simonds and the council are still angling for ways to reopen Papahānaumokuākea to commercial fishing and regain control over how those 583,000 square miles of ocean are managed.

In September, Wespac formed a special committee to analyze the science behind the expansion area and the effect it has had on the handful of commercial fishermen who targeted tuna and swordfish there. Before Bush created it in 2006, it was also a fairly lucrative bottomfish area and commercial lobster fishery until the stocks plummeted.

“If you allow commercial fishing in them then what’s the point? It’s like saying here’s a national park but let’s go log and mine it.” — Earthjustice attorney David Henkin

Members of the council and the scientific committee that advises Wespac say there are conflicting studies — one shows no effect from the monument and one found a multimillion-dollar impact. But Wespac is concerned that the study showing no impact is biased because it was paid for by a nonprofit that supports marine monuments.

Citing Wespac’s conduct in particular, members of Congress recently introduced legislation that would place new restrictions on lobbying the executive branch.

A History Of Opposition

Stephanie Fried, senior scientist with the Environmental Defense Fund, has described Wespac’s opposition to federal efforts to protect the Northwestern Hawaiian Islands as tobacco industry-type campaigns, and that it boils down to the council’s fear of losing its power.

Simonds first opposed Papahānaumokuākea Marine National Monument when President George W. Bush created it in 2006 and fought his designations of the Pacific Remote Islands, Rose Atoll and the Mariana Trench monuments in 2009. She has said that bottomfishing in particular around the Northwestern Hawaiian Islands should have been allowed to continue.

She pushed back again in 2014 with Obama’s expansion of the Pacific Remote Islands, and had some success after Wespac sent a delegation to D.C. to meet with John Podesta, who was the acting head of the Council on Environmental Quality and counselor to the president.

Simonds insisted on meeting in person after the White House solicited comment. She spent \$33,000 in taxpayer money to send staff there plus \$1,000 for some glossy brochures that backed their arguments against the monument, according to an Environment Hawaii story.

In a Wespac [release](#) about the meeting, Simonds described the monument restrictions as unnecessary. “Our current management systems are a global guide and a living legacy for responsible resource management. Our regulations are the strictest in the world,” she said.

The trip paid off. The Obama administration had initially planned to expand the monument to 200 miles around seven groups of remote Pacific islands and atolls. That was reduced to three islands: Johnston, Jarvis and Wake. Obama kept the monument’s existing 50-mile boundary around Kingman reef, Palmyra atoll, and Howland and Baker islands.



Representatives from the Western Pacific Regional Fishery Management Council and the Hawaii Longline Association (HLA) leave the West Wing after their Sept. 9, 2014, meeting with John Podesta, Counselor to the President, and the Council on Environmental Quality. The Council had repeatedly requested the meeting following the President's June 17 announcement. (l-r) Council Chair Arnold Palacios, HLA President Sean Martin, Council Member Claire Poumele (American Samoa), Council International Fishery Coordinator Eric Kingma, Council Senior Scientist Paul Dalzell, Council Executive Director Kitty Simonds, HLA Consultant Svein Fougner and Council Vice Chair Ed Ebisui Jr. (Hawai'i). Photo by Sylvia Spalding, Council communications officer.

In a release, Simonds called it a “compromise” that prevented devastating consequences for the region’s fisheries and communities.

Wespac “spent the summer trying to convince Obama not to expand the PRIA monument,” she told the council at its next meeting. “We were partially successful,” she said, as reported by [Environment Hawaii](#).

Two years later, the battle to prevent the expansion of Papahānaumokuākea began in earnest.

“We’re on several tracks,” Simonds wrote in a July 2016 email to 10 people, including Wespac staff and the family members of a former Hawaii governor and United States senator.

Her to-do list included sending a “letter to prez,” meeting with Gov. David Ige, who had yet to weigh in on the matter, and holding an anti-monument press conference with former governors and state legislators at the Capitol.

Simonds sent several letters to Obama and other officials about the monument, which she described as a “paper park” that was really about presidential legacies and giveaways to environmentalists, according to records Civil Beat obtained through a Freedom of Information Act request.

Dismayed that Schatz had rebuffed her repeated requests to meet, she asked him in a letter what “protecting” those waters meant beyond “further layers of federal bureaucracy.”

Rallies organized by Simonds to oppose the expansion drew large crowds.

In July 2016 Simonds watched from the sidelines during a large rally at the pier in Honolulu where Hawaii’s longline fleet of roughly 140 vessels unloads upwards of \$100 million in premium tuna and swordfish each year.

The crowd included numerous people wearing shirts sporting the logo of the nearby fishing and marine supply store, Pacific Ocean Producers. The business is owned by Sean Martin and Jim Cook, who also own a fleet of longline vessels and have served multiple terms on Wespac, including stints as chair.



Protesters rallied as Hawaii Longline Association leader and former Wespac Chair Jim Cook spoke against expanding the Papahānaumokuākea Marine National Monument in 2016 at Honolulu's Pier 38.

Two weeks later, state lawmakers who'd signed a resolution opposing the expansion gathered for a solidarity rally at the State Capitol. Former Hawaii Gov. George Ariyoshi, whose son Donn was on Wespac's email list, and former U.S. Sen. Daniel Akaka, whose daughter Millannie was copied on correspondence from Wespac, addressed the crowd.

Internal Wespac emails show Simonds helped develop a database of people and organizations who could be counted on to oppose the monument. She identified potential support using an existing database of people who had participated in the state's *aha moku* system of natural resource management, a group that Wespac helped form and fund over the prior decade.

Among the *aha moku* names was Makani Christensen, a periodic Wespac contractor whom the council had paid to fly to the Big Island and Maui in 2013 and 2014 for meetings and events as the *aha moku* program struggled to take root.

He ran for U.S. Senate against Schatz in the 2016 Democratic primary that August. Simonds donated \$1,500 to his campaign — her single biggest campaign contribution ever. Others connected to Wespac pitched in too, campaign finance reports show.



Makani Christensen, seen here in his 2016 campaign headquarters, has long been an ally of Hawaii's fishing community.

Christensen, an Oahu-based tour operator and fisherman, strongly opposed the monument, and he used his campaign platform to amplify that position on his website and in speeches. Few expected him to even have a chance at winning — he lost after securing just 6% of the vote — but the race gave him a soapbox.

"This comes down to a legacy project that benefits a couple guys," Christensen said about the monument during a special presentation of the community TV show ThinkTech Hawaii.

Instead of the show's regular host, the episode was hosted by Dean Sensui, who had donated to Christensen's campaign and had worked with him on [Wespac-funded](#) fishing studies. Sensui had been appointed that June to a three-year seat on the council.

Simonds also rallied her counterparts in the seven other regional fishery councils around the country to write a joint letter against the monument, records show. Wespac member McGrew Rice, a Big Island charter boat fisherman, joined her at a meeting of the leaders of the eight councils in Washington, D.C., to speak against the monuments.

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“If this happens, you will lose at least half of that fleet, and it may destroy the whole thing, and so it’s really something for all of us to think about, because you’re next,” Rice told the group.

Simonds’ intense activity both in Hawaii and in the nation’s capital prompted the Conservation Council for Hawaii to file a [formal complaint](#) with federal investigators over what the group viewed as improper lobbying by Simonds.

The late Marjorie Ziegler, who led the group at the time of the complaint in 2016, said the leadership and advice Simonds provided the opposition campaign was inappropriate and her lobbying activities appeared to violate specific guidance on the use of federal funds.



Former Wespac communications officer Sylvia Spalding stands next to the signatures, which included Wespac Executive Director Kitty Simonds, of those who supported allowing fishing to continue in Papahānaumokuākea in 2016.

Nothing came of her complaint to the U.S. Department of Commerce’s Office of Inspector General and the National Oceanic and Atmospheric Administration’s general counsel.

And Wespac said at the time that Simonds' actions were consistent with federal financial requirements and its Magnuson-Stevens Act mandates. The council insisted that its actions regarding the monument expansion were in response to letters from private citizens and a senator — not legislation.

After a tumultuous six months in 2016, Obama [signed the proclamation to expand Papahānaumokuākea](#). Simonds vowed to support it despite her opposition.

Little if any harm came to Hawaii's longline industry. The fleet remained at about the same number of boats and the fishermen had no trouble catching their 3,500-ton quota for the industry's prized bigeye tuna. In fact, year after year, they reached their quota early.

Then in 2017, a new window opened to roll back the monument. Republican President Donald Trump took office with a pro-business platform and a publicly stated disdain for monuments on land or at sea.

A New Republican Administration

Simonds delivered a [presentation to her counterparts](#) in the other seven regional councils that played into Trump's "Make America Great Again" motto, after which the group decided to send a letter to the new president. This time, her angle was to promote opening the monument back up to fishing as a way to stimulate the economy and reduce the seafood trade deficit with China.

After a U.S. House hearing in April 2017, Hawaii U.S. Sen. Brian Schatz pointed out that Hawaii's longliners had a record year in 2016 and were on track to do even better the year after the monument was established, since the relatively few vessels that fished in the area were able to [make up their catch elsewhere](#).



President Trump signed an executive order in 2017 to have his administration review national monuments that had been closed off to fishing, logging, mining and other commercial activities.

The Trump administration undertook a [review of national monuments](#) that had closed off lands and waters to commercial activity. Four Pacific monuments made the list, including Papahānaumokuākea, but the federal restrictions [remained in place](#).

Simonds made one [final appeal to Trump](#) in 2020, his last year in office, using Covid-19 as the reason to relax restrictions on fishing in the monuments. She and Wespac Chair Archie Soliai, an executive at the StarKist tuna cannery in American Samoa at the time, asked the administration to consider “allowing America’s fishermen to fish again” inside the Pacific monuments as a way to promote economic growth of the seafood industry during the pandemic.

Their May 2020 letter to Trump was written “on behalf of the Western Pacific Regional Fishery Management Council.” They did so without asking the other members if they agreed, or letting them know of their plans to continue lobbying the executive branch, according to Suzanne Case, who sits on the Wespac council as head of the Hawaii Department of Land and Natural Resources.

Make America Great Again Return US fishermen to US waters



This slide from a Wespac presentation to the other regional fishery councils preceded their letter in support of asking Trump to reopen certain monuments to commercial activity.

Case sent her [own letter](#) to Trump that took the opposite position. She supported maintaining restrictions in the Pacific monuments. “Weakening protections by allowing commercial extraction would run counter to the carefully considered outcome of an extensive public process,” she said.

Opening up the monuments wouldn’t help Hawaii’s longline fleet anyway, Case wrote. The pandemic had shut down Hawaii’s tourism industry and demand was drastically reduced for fresh ahi, making it too expensive to fish at all.

Simonds’ continued effort to bolster commercial fishing in the monuments isn’t lost on the environmental community, which remains concerned about the overall health of fishing stocks especially in the face of climate change.

“Her latest antics with the Pacific monuments are very illustrative in both how she operates and how well connected she is,” Earthjustice attorney David Henkin said. “If you allow commercial fishing in them then what’s the point? It’s like saying here’s a national park but let’s go log and mine it.”

Arguing Over The Science

Now, Wespac is putting together a task force to review the science around Papahānaumokuākea to determine if the federal protections have been good or bad for the commercial fishermen.

The move immediately put environmental groups on alert, who see it as nothing more than Wespac laying the groundwork for a future argument to reopen the monuments to fishing.

As far back as 2016, as the debate over Papahānaumokuākea heated up, Wespac argued that the expansion would cost the longliners \$10 million annually in lost catch. The fleet caught up to 10% of its fish in the expansion area each year.

But critics pointed out the fishermen could make up that shortfall by moving to other waters and still meet its quota, and that in the years leading up to the expansion it was catching closer to 5%.



Wespac Executive Director Kitty Simonds, left, meets with the council's Scientific and Statistical Committee in 2016, in Honolulu. The committee has formed a task force to examine Papahānaumokuākea's effect on commercial fishing.

Two studies came out in the years that followed the expansion, with seemingly opposite conclusions. [One by John Lynham](#), a University of Hawaii economics professor and research fellow at UH Manoa, found the expansion has had no effect on the industry as a whole, and possibly even benefited it. The other [study, by Hing Ling Chan](#), a senior fisheries economic project manager with the University of Hawaii's Joint Institute for Marine and Atmospheric Research, found \$3.5 million in losses to the fishermen who most often fished in the area in the 16 months following the closure.

Lynham's study was funded by Pew Charitable Trusts, which supported the monument expansion. And while even he has said in a [quest viewpoint for Civil Beat](#) last year that people should be skeptical because of that connection, he said the same skepticism should be applied to claims by the fishing industry and those who support it.

Lynham did not find his results surprising for a simple reason that neither side disputes — only a few Hawaii longliners were fishing in the area the year before the monument was expanded.

Wespac's special working group hasn't started its review yet, but some members of Wespac and its Scientific and Statistical Committee are outspoken about their distrust of Lynham's work.

"How can we even believe this stuff?" Wespac member William Sword said at the council's September meeting, referring to the Lynham study and its connection to Pew. "It's not science. It's idiocy."

Wespac also wants to get ahead of any new proposals for monuments or other restricted areas that could arise out of Democratic President Joe Biden's initiative to protect 30% of the country's lands and waters by 2030. The council's position is that the Western Pacific already carries more than its fair share, so the administration should look somewhere else. It's unclear whether the Western Pacific is under consideration.

Roughly 52% of U.S. waters in the Pacific fall within a protected zone, according to NOAA. Nationally, 26% of the country's exclusive economic zone is protected — leaving the Biden administration 4% shy of its goal as far as the water component goes.

The new lobbying section is 'aimed at us.' — Wespac Executive Director Kitty Simonds

Wespac leaders are concerned that proposed revisions to the Magnuson-Stevens Act will limit their ability to resist future monuments.

U.S. Reps. Ed Case of Hawaii and Jared Huffman of California have introduced a bill that would specifically prohibit the regional fishery councils from using federal funds to attempt to influence federal or state legislation. And they add a new section to cover the executive branch — specifically, the “issuance, advancement, modification or overturning of an executive order, proclamation, or Presidential directive.” That would cover monuments.

In an Oct. 5 letter to Huffman and Case, Simonds, Wespac Chair Archie Soliai and the council’s four vice chairs raised concerns with the bill. They argue, among other things, that the councils need to maintain their ability to communicate with the executive branch to provide input as intended by the MSA, but that tracking such communication would be too burdensome and costly.

At Wespac’s most recent meeting, Simonds said the new lobbying section is “aimed at us” since the Western Pacific has the most marine monuments of any region and the council has written to presidents about why fishing should still be allowed.

“We are an executive agency of the Department of Commerce,” she said, adding that if the council can’t tell them what works and doesn’t work, “it’s pretty stupid.”