



**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**

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DATE: March 9, 2026

**MEMORANDUM**

**TO:** William Sword, Chair  
Western Pacific Fishery Management Council

**FROM:** Elena J. Onaga  
Acting Chief, Pacific Islands Section, NOAA Office of General Counsel

**SUBJECT:** NOAA OFFICE OF GENERAL COUNSEL, PACIFIC ISLANDS  
SECTION REPORT TO THE 206<sup>TH</sup> COUNCIL MEETING

NOAA Office of General Counsel Pacific Islands Section's Report to the 206<sup>th</sup> Meeting of the Western Pacific Fishery Management Council is as follows:

**Litigation Matters:**

1. ***Kāpa'a, et al., v. Trump, et al., No. 1:25-cv-00209 (D. Haw.)***: As previously reported, Plaintiffs filed suit on May 22, 2025 challenging President Trump's Proclamation 10918 regarding the Pacific Islands Heritage Marine National Monument Expansion Area. Last August, the court granted Plaintiffs' motion for partial summary judgment, vacating the NMFS letter informing permit holders that NMFS regulations implementing the commercial fishing prohibition are no longer effective. The remaining claims allege that the President exceeded his authority under the Antiquities Act and Constitution in issuing the Proclamation; that the agencies failed to comply with the prior Proclamation; and that NMFS failed to comply with NEPA and the ESA. In January 2026, the parties stipulated to an administrative stay, which effectively closes the case without impacting any party's rights or obligations. A joint status report is due on July 28, 2026.



2. ***Wille v. Raimondo*, No. 822-cv-689 (D. Md.); No. 24-1734 (4th Cir.)**: As previously reported, Plaintiffs argued that the Approach Rule for spinner dolphins violated the Appointments Clause because it was signed and promulgated by the Deputy Assistant Administrator, who is not a principal officer. After Plaintiffs filed suit, a principal officer – the NOAA Administrator – ratified the regulation. In June 2024, a federal district court granted summary judgment to Federal Defendants, holding that the ratification cured any constitutional defects that may have existed when the rule was published. Plaintiffs appealed to the Fourth Circuit Court of Appeals, and, in October 2025, the Fourth Circuit affirmed the district court’s decision. Plaintiffs did not appeal to the U.S. Supreme Court and the case is thus deemed closed.