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Hawaii News

Charges dropped against 2 women who buried dead whale

By [Associated Press](#) | Sunday, July 22, 2018, 11:42 a.m.

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HONOLULU — Two Native Hawaiian practitioners will no longer face charges for illegally taking the remains of a small, ailing whale the pair had watched over before it died and burying them at sea off Kawaihae.

The National Oceanic and Atmospheric Administration, or NOAA, last week dropped the charges filed against Roxanne Stewart and Kealoha Pisciotta, who said they were facing fines of up to \$27,000 stemming from a 2015 citation, the Honolulu Star-Advertiser reported .

“We feel like we’ve been dragged through the mud,” said Pisciotta, who runs Kai Palaoa, a Hawaii island group dedicated to marine mammals.

Pisciotta and Stewart escaped prosecution for violations of the Marine Mammal Protection Act after the pair engaged in failed mediation with NOAA officials, appeared in a hearing before an administrative law judge and appealed to the agency's administrator, who asked the judge to review the case again.

NOAA's Pacific Islands Fisheries Science Center spokeswoman Jolene Lau said the agency does not comment on reasons civil enforcement actions are dismissed.

The incident in question started June 10, 2014, after Pisciotta and Stewart were summoned by West Hawaii cultural practitioners to help respond to a stranded whale at Kawaihae Harbor. The small whale appeared to be suffering from bites from a shark.

The two women, along with a team of volunteers, watched over the animal they called Wananalua in the nearshore waters. On shore were members of Westside Monk Seal and Cetacean Rescue teams, who were in contact with the NOAA. Eventually the agency directed the team members to leave.

Stewart and Pisciotta said they were never told to leave and stayed with the whale through the night and even after it died at about 1 a.m. When the sun came up, they transported the carcass by canoe a couple of miles offshore and conducted a Hawaiian burial ritual meant to help the animal "transition into the realm of the deities."

The women didn't hear anything more about it, they said, until weeks after, when federal agents appeared at Stewart's workplace and she was informed of the violations in front of a classroom of children.

Christine Donelian Coughlin, an administrative law judge with the Environmental Protection Agency, came to Hawaii in August 2016 to hear testimony.

Coughlin, in her conclusion, said she was persuaded the pair's conduct was "motivated by their deeply held beliefs and with good intentions."

Pisciotta said Native Hawaiian practitioners should be exempted from the Marine Mammal Protection Act so they are free to honor their religious, traditional and spiritual relationships.

“As it stands, we are vulnerable to prosecution, as this case demonstrates,” she said. “We should not be adversaries with NOAA. We are trying to help, but how can we if NOAA continues to cite us?”

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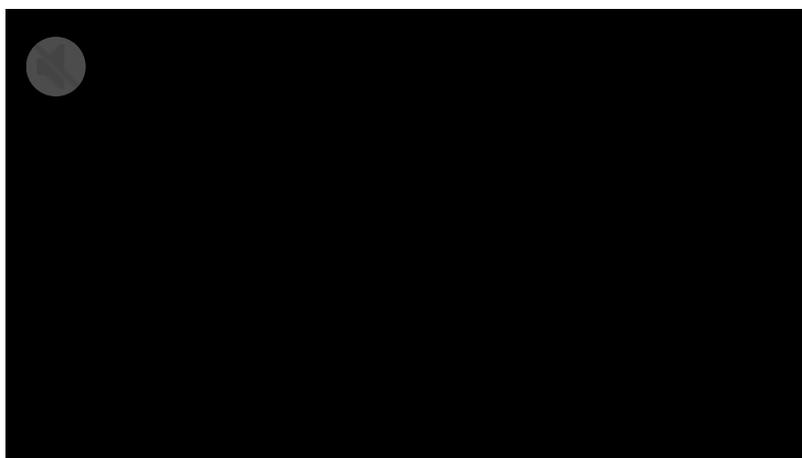


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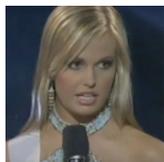
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