



**Western
Pacific
Regional
Fishery
Management
Council**

Roby

November 10, 2008

President George W. Bush
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

On behalf of the Western Pacific Fishery Management Council ("Council"), I would like to convey our recent deliberations on your Potential Marine Conservation Management Areas or "Blue Legacy" initiative that could establish a national marine monument for the three northernmost islands of the Commonwealth of the Northern Marianas ("CNMI"). The Council met recently in Honolulu for its 143rd Meeting and recommended that you be informed by letter of the following request:

The removal of all areas in the CNMI and the Marianas Trench to be considered and/or designated as any federal marine conservation area as described in President Bush's August 25, 2008 memorandum.

The Council also had a broader recommendation expressing its concern with the scale of the marine conservation areas being considered in the Western Pacific Region. This recommendation provided as follows:

The Council appreciated that NOAA sent a representative to the Council meeting to provide an overview of the assessment process; however, without any defined proposal the Council is unable to provide substantive comments regarding the impact of new Marine Conservation Areas. The Council was concerned about the magnitude of areas being assessed and the potential impact on the residents of CNMI, American Samoa, Guam and Hawaii for whom the likely Marine Conservation Areas represent important cultural and natural resources which they have sustainably managed for millennia. The Council requests that your Administration provide a meaningful opportunity for the residents of these areas to formally review and comment upon any specific Marine Conservation Areas and their associated proposed regulations prior to their final designation, either via the NEPA process or through a public comment period. The Council directed its staff to forward the comments of the Council and the SSC on this issue to NOAA by October 26, 2008.



We have also attached an edited summary of the extensive discussions from the 143rd Council Meeting which provides more specifics on the Council's views on the implementation of a national marine monument in the CNMI.

In particular, the Council remains deeply concerned that the impetus for a national marine monument in the Marianas appears to be solely driven by an environmental non-government organization, The Pew Environmental Group, with little indigenous support for this initiative (see attached). The supporters of a national conservation area have tried to associate the top three islands of the CNMI (Uracus, Maug, Asuncion) with the Marianas Trench, which is over 500 miles to the south off the coast of Guam and has little relevance to these islands. Moreover, while the biomass of fish and other marine organisms is higher at these three islands due to lower fishing pressure, they are not biodiversity hotspots and indeed have less reef fish and coral species than the southern islands of the CNMI. Further, there is no pressing need to provide additional measures of federal protection for these islands since their distance from the southern CNMI makes them accessible only to large ocean going vessels. The Marianas Trench itself needs no protection, given its massive depth, which has only been explored once in the last half century, in 1960.

The CNMI, like many Pacific Island nations and territories, has a narrow economic base, primarily tourism and fishing. Mainland US labor laws were imposed on the CNMI, which has virtually destroyed a once thriving garment manufacturing sector, leaving only tourism and fishing as viable economic alternatives. Tourism in the CNMI has also been much reduced due to the economic downturn of the past year and is likely to decline even more sharply due to the global collapse of confidence in the financial sector and credit squeeze.

The relatively large segment of the US EEZ around the CNMI has proven pelagic (tuna and billfish) and bottomfish resources. The three northern islands are fishing grounds for bottomfish vessels from Saipan, which target snappers and groupers on the rocky slope beyond the coral reefs. Moreover, the CNMI is developing its longline fleet and an attractive feature for this fishery is the extensive north-south range of the US EEZ around the islands. This means that the fishery can adjust its targeting seasonally to take advantage of shifts in abundance between summer months fishing for tuna closer to Saipan, and winter fishing in the north for swordfish and other cooler water species such as albacore. The implementation of a monument will limit the fishing grounds available to both pelagic and bottomfish fisheries.

Perhaps the most egregious aspect of this whole initiative is that it plainly ignores the wishes of the indigenous people of the CNMI. All levels of government, from the mayors of Saipan, Tinian, Rota and the Northern Islands, to the Legislature and the Governor, as well as the representatives of the Carolinian Islanders on Saipan, have uniformly rejected the establishment of any federal monument or sanctuary for Uracus, Maug and Asuncion. Further, Guam Congresswoman Madeline Bordallo, Chair of the House Subcommittee on Fisheries Oceans and Wildlife, and Guam Governor Felix



Camacho have both expressed opposition to the establishment of a marine monument or other federal marine conservation designation. Ignoring their wishes and unilaterally imposing a national marine monument on CNMI through the Antiquities Act would make a mockery of our democratic constitutional process. If there was popular support by the indigenous people of the CNMI for a monument, then the Council would respect the wishes of the local people. However, it is clear that there is no popular groundswell support for the monument and the Council is compelled to bring this to your attention.

Federal dollars would be better spent on improving enforcement of the US EEZ around Guam and the CNMI, which has abundant pelagic resources and extensive reef and shallow seamount habitat. Being located on the margins of Southeast Asia, with its huge growing populations, these US waters provide a tempting target to unscrupulous foreign fishing vessels, and a stronger US Coast Guard presence with more patrol assets is needed to safeguard these resources for the people of Guam and CNMI. The Council respectfully requests that you carefully consider the long term future of the CNMI, its economy, and its people before taking away from them forever valuable and treasured resources.

Sincerely

Sean Martin
Council Chair

cc: President Elect, Honorable Barack H. Obama
Vice President, Honorable Richard B. Cheney



Attachment	Document	Date
1	WPRFMC Council member comments sent to CEQ website	24-Oct-08
2	Letter from, Aha Kiole Advisory Committee to President Bush attached to Council comments opposing the moinument	13-Oct-08
3	Letter from Representative Madeline Bordallo to James Connaughton opposing monument	24-Oct-08
4	Letter from Governor of CNMI Benigno R. Fitial to President Bush opposing monument	29-Apr-08
5	Letter and joint resolution opposing monument from CNMI Legislature to Governor Fitial	29-Apr-08
6	Letter from Governor of CNMI Benigno R. Fitial to Jay Nelson, Pew Charitable Trusts opposing monument	19-Mar-08
7	Letter from Jay Nelson, Pew Charitable Trusts to Governor of CNMI Benigno R. Fitial, proposing monument	20-Dec-07
8	Letter from Guam Governor, Felix P. Camacho to James Connaughton, CEQ, opposing monument	27-Oct-08
9	Letter from Guam Senator Judith P. Guthertz to CEQ opposing monument	Undated
10	Letter from Guam Senator Ben C. Pangelinan to CEQ opposing monument	26-Oct-08
11	Letter from Valentine I. Taisakan, Mayor of the Northern Islands to President Bush opposing monument	6-Jun-08
12	Letter from Juan Borja Tudela, Mayor of Saipan to President Bush, opposing monument	9-Jun-08
13	Letter from Jose P. San Nicholas, Mayor of Tinian & Aguiguan to President Bush opposing monument	12-Jun-08
14	Letter from Joseph S. Inos, Mayor of Rota opposing monument	15-Jul-08



Attachment	Document	Date
15	Letter from CNMI Senate President Pete P. Reyes to President Bush	6-Aug-08
16	Letter from Concerned Citizens of CNMI to President Bush opposing monument	15-Sep-08
17	Letter from Carolinian Affairs Office, Saipan, to President Bush opposing monument	17-Sep-08
18	Resolution opposing monument from Carolinian Affairs Office	20-Oct-08
19	Resolution opposing monument from Man Amko Council (Council of Chamorro and Carolinian Elders)	20-Oct-08
20	Editorial in New York Times urging President Bush to create Mariana Trench Monument	3-Sep-08
21	Op.ed piece submitted to New York Times responding to September 3, 2008 editorial	15-Sep-08



October 24, 2008

To whom it may concern:

The following are specific comments made by members of the Western Pacific Regional Fishery Management Council.

1. A meaningful public comment period is necessary to truly ascertain public opinions – the recent public “assessments” with no specific proposals made it impossible to give meaningful comments on actions that are likely to have significant impacts on the residents of American Samoa, CNMI, Guam and Hawaii. Island residents should be provided the opportunity to comment on a fully developed proposal and implementing regulations prior to any decision making.
2. “Misstatements” by the Pew Foundation and others must be publicly corrected to allow meaningful comments- numerous Pew documents, fliers, letters to the editor, university studies and other media have been distributed throughout the Mariana Archipelago and elsewhere claiming to assess the benefits of implementing President Bush’s “legacy”. These include the economic contribution of 8,000 new tourists to CNMI each year, \$330 million in assorted revenues, 25 local hires for federal positions, 3 new Coast Guard cutters, a spillover of increased biomass into open areas, significant research investments, continued and unrestricted access by indigenous islanders, a new university education program, protection of the world’s most diverse marine ecosystem, worldwide acclaim, and the identification of new methods to save the world’s coral reefs. The public has also been told that CNMI would regain authority over its submerged lands, would own and be able to sell or lease marine drilling and oil rights, would have legal authority to make management decisions regarding closed areas, and would be given a chance to review and approve the final proposal prior to its implementation. Given the administration’s repeated public avowals that no specific closed areas or management scenarios have been formulated to date, these statements can only be oral hyperbole designed to gain public acceptance with no foundation or fact. Unless the administration can document their veracity, it must clearly and publicly refute them so as to allow the public to comment on the proposal (or lack of proposal) actually at hand. To fail to do so means that decision-makers will rely on uninformed comments which have been heavily influenced by NGOs and special interest groups.
3. The federal government’s role in and support for the Pew Foundation’s publication entitled “The Deepest Ocean on Earth” (attached) claiming to provide the scientific basis for creating marine conservation areas must be publicly clarified - because this publication includes numerous NOAA photos and relies heavily on apparently personal statements by NOAA scientists it appears to be (and has been cited as) a federal publication in support of the closures. In fact it misrepresents much of the current scientific knowledge about these areas and contains numerous factual errors as well as subjective opinions by scientists who were unlikely to have been authorized to represent NOAA or the administration.
4. The existing comment timeline is too short and should be extended– providing only six days for the public to comment after the public meetings in the Marianas is highly



- restrictive and clearly not designed to allow full consideration of the conditions and desires of the island residents most likely to be directly affected.
5. The existing decision timeline is too short and should be extended – the administration’s commitment to making a decision prior to the end of its term is again indicative of a process that is not designed to allow full consideration of the impacts on the island residents most likely to be directly affected.
 6. The Antiquities Act should not be used as it circumvents the NEPA process – the administration acknowledged using the Antiquities Act to establish the NWHI monument because the NEPA process was taking “too long”. NEPA requires agencies to gather and consider all available information on the human environment and to consider a range of alternatives and their likely impacts on the environment prior to making a final decision. It also mandates opportunities for meaningful public comments on any proposed action (and its analyses) and provides a public record of responses to those comments.
 7. Ocean resources are especially important to Pacific islanders and their practices, needs and comments should be given paramount importance – closing off or restricting fishing in up to one third of the CNMI as well as an unspecified area around Rose Atoll will deprive the residents of the Mariana and American Samoa archipelagos of marine resources upon which they have depended for millennia. Given the limited land areas available ocean resources are especially important to Pacific islanders, and they are carefully utilized so as to ensure that they are there for future generations.
 8. Areas under discussion represent important cultural resources and compelling reasons for their federalization should be provided prior to any final decision – Rose Atoll is the location of the signing of the Deed of Cession and is very culturally important to the people of American Samoa. Similarly the northernmost islands of the Mariana Archipelago are considered to be held in trust for future generations of Chamorros and Carolinians.
 9. The autonomy of the indigenous residents should be given paramount importance by decision-makers. These islands are the ancestral homes of Samoans, Chamorros, Carolinians and Hawaiians and it is their knowledge and care that have kept their marine areas in pristine condition. To unnecessarily remove them from any substantive role in the management of these marine resources, or to restrict their access to those resources, would deny them their heritage and the continued expression of their traditional practices and cultural values.
 10. The negative experiences of Native Hawaiians regarding the establishment, implementation and management of the NWHI monument should be considered and avoided – although much has been made of the role of Native Hawaiians in establishing and managing the NWHI, with the exception of a few favored individuals, their participation has been non-substantive. Even the widely touted “cultural access” to the NWHI is available to anyone using “Native Hawaiian practices”. There is no preferential



access for Native Hawaiians and few have been able to obtain permits or visit these important ancestral islands (see attached letter).

11. Due to conflicting objectives and jurisdictions, multi-agency management has proven difficult and any such approach should either be avoided or be explicit in the designation of the objectives, jurisdictions and roles of each agency – Rose Atoll is already managed by the Departments of Interior and Commerce, and the American Samoa Department of Marine and Wildlife Resources and the PRIA are managed by both Interior and Commerce. Similarly the NWHI monument is managed by Interior, Commerce and the State of Hawaii. In no case has the management been smooth and wholly satisfactory to the agencies or the public (including fishermen and NGOs).
12. The current perception that the Mariana archipelago, American Samoa and the PRIA are being considered largely because of their lack of voting representation in the Congress must be addressed – island residents are well aware that similar closures in the Atlantic and Gulf of Mexico were dropped from consideration following vocal input from U.S. senators for these areas and believe that their lack of representation has left them most vulnerable to ongoing unilateral initiatives from Washington D.C. . As a result there is a feeling that these areas continue to be regarded as colonies of the United States which are attended to only when they have something to offer, but whose needs and desires for equal treatment are ignored.
13. New funds for the effective enforcement of closed areas around inhabited islands is essential to any meaningful proposal which would restrict access – island residents have an excellent record of voluntary compliance with existing local and federal fishing regulations and are expected to respect any new restrictions. However foreign fishing vessels are already known to fish illegally in U.S. waters around the Mariana Archipelago. To restrict access by local residents without ensuring that foreign fishing vessels are also kept out would only harm local communities while making a mockery of any claims to the conservation or protection of these areas.
14. The administration must acknowledge that the Mariana Trench is at its shallowest in the northernmost part of CNMI – “protecting” the deepest part of the ocean has been widely touted as a benefit of creating a marine conservation area in the CNMI but this is not the case. This perception must be corrected in order to allow meaningful public comments.
15. The administration must acknowledge and respect the well-documented and wide opposition to marine conservation areas around CNMI that has been expressed by village mayors, the legislature, and the governor – in its first presentation the administration’s representatives assured the public that no new initiatives would take place without the agreement of the local government, however despite clear statements against new measures the administration continues to send emissaries to CNMI and Guam to plead its case and to hear from “the people”. If CNMI’s government is not to be seen as representing its people, a local referendum should be held to accurately gauge where the majority opinion lies.

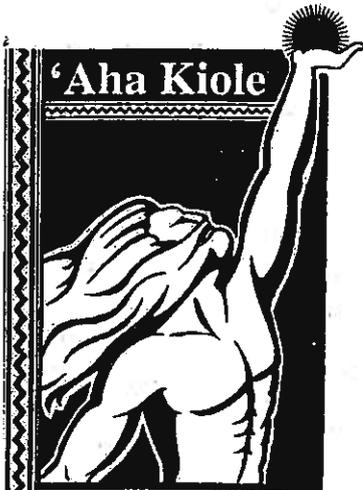


16. The factual and scientific basis of the necessity of marine conservation areas to conserve or protect any specific areas must be well-documented and provided to the public and decision-makers - The northern islands of the CNMI are already designated and managed by CNMI as sanctuary and fishing in the waters around CNMI is already monitored and managed by the federal government using science-based and precautionary regulations approved by the Secretary of Commerce as follows: No-take marine protected areas around Rose Atoll in American Samoa as well as around Kingman Reef, Jarvis Island, Howland Island, and Baker Island; case-by-case reviews and permits for all fishing of coral reef associated species for which there is little available information; a limit on the number and size of longline fishing vessels permitted to fish around American Samoa; requirements for all longline and small-boat pelagic fishermen to carry and use gear to safely release sea turtles should they be accidentally hooked or entangled; a mandatory protected species workshop that all longline vessel owners and operators must attend annually; a moratorium on the harvest of gold coral; prohibitions on fishing for bottomfish using vessels large than 40 feet in length around Guam; and federal permitting and reporting requirements for pelagic, bottomfish and crustacean fishing around the PRIA. In addition, proposed rules have been published by NOAA that would: close areas to bottomfish fishing around CNMI by vessels greater than 40 feet in length; implement federal permitting and reporting requirements for all CNMI-based commercial bottomfishing vessels; and implement federal permitting and reporting requirements for all vessels targeting deep-water shrimp or pelagic squid in U.S. EEZ waters of the Western Pacific Region. Additional recommendations that have being processed by NOAA would prohibit longline fishing within 30 miles of CNMI (it is already prohibited within 20 miles of Guam) and prohibit pelagic purse seine fishing in all U.S. EEZ waters around the Marianas Archipelago and within 75 miles of American Samoa. In addition, the region managed by the WPRFMC has had fewer stocks determined to be overfished (one) or subject to overfishing (two) than any other region in the country.
17. There is no evidence of overfishing, degradation of marine habitat or threats to protected species or seabirds in these areas so this is cannot be a basis for further limiting fishing within them. The Pew foundation and others have also expressed concern over potential threats from global climate change and ocean acidification but the idea that closing these areas would protect them from such impacts is bizarre and needs to be rethought.
18. The anticipated costs of implementing new marine conservation areas must be provided to decision makers and the public – at a minimum effective implementation will require significant new outlays for monitoring and enforcement and a fully implemented program is likely to include many other costs. Both the public and decision makers must be informed as to these costs before any meaningful comments or well reasoned decisions can be made. This is especially important in our current gloomy economic environment which requires that any potential new expenditure be carefully examined before being undertaken.
19. The existing Council process and associated federal fishing regulations must be described to the public and decision makers – much of the public discussion by the Pew foundation as well as the administration fails to acknowledge or describe the existing management



process under the Magnuson-Stevens Fishery Conservation and Management Act, leaving the impression that these areas are unmanaged and unmonitored. As described in the act, this is a highly transparent and science-based process that explicitly includes Pacific islanders in the decision making process, that provides multiple opportunities for public review and comment, and that provides the final authority for the approval of recommended fishing regulations to the Secretary of Commerce.

20. The Western Pacific Regional Fishery Management Council (which has authority over the offshore resources around the Marianas Archipelago, American Samoa and the PRIA) has a policy for the establishment and management of MPAs which should be acknowledged and respected – this policy includes the Council in development and consideration of new marine protected areas and requires explicit consideration of the requirements, rights and privileges of the region’s native peoples and their traditional fishing practices.
21. The extent and impact of domestic fishing that occurs in potential marine conservation areas, as well as anticipated restrictions to this fishing, must be described in public and to decision makers – existing regulations allow limited fishing around the Mariana Archipelago, American Samoa and the PRIA. This fishing has been well documented by NOAA and provides much needed jobs, local economic production, tax revenues and, perhaps most importantly, sustainable fishery products that have been harvested using environmentally friendly fishing technology. The loss of these benefits must be quantified and described to the public and decision makers in order to allow informed comments and decision making.
22. A complete and objective analysis of the specific environmental, social and economic impacts (both positive and negative) for directly affected communities should be conducted and made available prior to any decision making – to fail to assess both the costs and benefits before committing to such a major initiative would be irresponsible and indicative of political decision making that seeks to project a positive portrayal without regard to the actual results.
23. If areas around CNMI are to be closed to fishing, the residents and fishing community in particular should be compensated – although people in the continental U.S. may find pleasure in the thought that these areas are being “protected”, the cost of losing access to these marine resources would largely be borne by the residents and fishermen of CNMI. These groups have little access to alternative resources and should be justly compensated for this permanent loss on an ongoing basis.
24. No new closed areas or area restrictions should be implemented in the Western Pacific Region – existing management measures and processes are effectively protecting and conserving the marine environment and the implementation of costly (or underfunded) new initiatives is unnecessary. If any funds are available to protect this area, they should be immediately applied to improving the enforcement of the U.S. EEZ boundaries against incursions by illegal foreign fishing vessels.

**'Aha Kiolo Advisory Committee Members:**

Ilei Beniamina
Niihau
Phone: 808 245-8269
jeanilei@yahoo.com

Sharon Pomroy
Kauai
Phone: 808 346 6725
pomroys001@hawaii.rr.com

Charles Kapua
Oahu
Lcca030@hawaii.rr.com
Phone: 808 479-3263

Vanda Hanakahi (Chair)
Molokai
Phone: 808 560-6203
hanakahi@sandwiches.net

Winifred "Winnie" Basques
Lanai
Phone: 808 565-6871
winnie@aloha.net

Leslie Kuloloio
Kahoolawe
Phone: 808 871-4001
Kulolo@clearwire.net

Timothy Bailey
Maui
Phone: 808 357-2934
paulokealeioku@hawaiiantel.net

Hugh Lovell
Hawaii
Phone: 808 885 5569
Pihl52@yahoo.com

For more information:
www.ahakiolo.com
ahakiolo@gmail.com

October 13, 2008

President George Bush
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear President Bush,

On behalf of the Aha Kiolo Advisory Committee, of the State of Hawaii, we strongly oppose the establishment of a national marine monument in the three islands north of Saipan in the Commonwealth of the Northern Mariana Islands (CNMI).

The Aha Kiolo Advisory Committee was created when the Hawaii State Legislature unanimously passed Senate Bill 1853, a Bill that created the Aha Moku System – a natural resource ecosystem management process in Hawai'i that integrates empirical knowledge into current land and ocean use policies. This Act was written by almost 100 Native Hawaiian ocean and land resource practitioners representing the forty (40) traditional land districts in the State of Hawaii. It encompasses all of the main Hawaiian Islands. Governor Lingle signed this Bill into law in June 2007, thus creating Act 212.

The Native Hawaiian communities have followed the progress of the Pew Foundation's attempts to establish another national marine monument in CNMI with anger, trepidation, and despair. These strong and passionate emotions are universally felt by Hawaiians whenever the word "Papahānaumokuākea" is mentioned. This is the name your administration picked for our islands. When you created the national marine monument of the Northwest Hawaiian Islands, it was done without the participation of the Native Hawaiian people. Except for a handful of people, Hawaiians did not know that the Pew Foundation was planning to take three-fourths of Hawaiian lands and make it into a monument. Hawaiians found out by reading the newspaper after the fact – just like everyone else. But, Hawaiians are not "everyone else" – they are the indigenous people of Hawaii and this monument was considered a "taking" by the Bush Administration.

We ask that you not compound your grave mistake with Hawaii by creating another monument in CNMI against the wishes of their people. The indigenous people of the Northern Marianas need protection for their heritage. All of the elected officials of the Mariana's, including Governor Ben Fitial, Senate President Peter Reyes, Speaker of the House Arnold Palacios and all four mayors of the CNMI emphatically said "NO" to the establishment of this monument. As leaders elected by the people to represent them, why will you not listen to them?

The Aha Ki'ole is an Advisory Committee established by Act 212 of the 2007 Hawaii State Legislature
Leimana DaMate, Community Coordinator – Ph: 808-497-0800, Email: Leimana@fastnethi.com



Aha Kiolo Advisory Committee
Page Two

The actions of the Pew Foundation reflected by the actions of your Administration show that there is no consideration for the indigenous people of CNMI – any more than there was any consideration for the Native Hawaiians. Native people do not have a voice with you or your administration.

Have you even realized that your actions have taken away a huge part of the Hawaiian culture and heritage, and now will take an integral part of the CNMI culture away from the native people – with no hope of ever getting this part of their heritage back? Another pacific island culture forever changed by the actions of a different culture too far away to even understand the ramifications of their actions.

The trust of the Hawaiian people in you and your administration, as well in the Republican Party has been irrevocably broken by the taking of the Northwest Hawaiian Islands. You are breaking the trust of the native people of the Northern Marianas.

We urge you, President Bush, to please listen to the people of CNMI – as you never listened to the Native Hawaiians. We will forever mourn the loss of our north western islands. Please do not inflict this heartbreak and rage on another pacific culture.

Respectfully yours,

Vanda Hanakahi, Chair
Kiolo, Moloka'i

Leslie Kulolio

Les Kulolio, Vice-Chair
Kiolo, Kahoolawe

Timothy Bailey
Kiolo, Maui

Winifred K. Basques

Winifred Basques
Kiolo, Lana'i

Hugh Lovell
Kiolo, Hawai'i

Charles Kapua
Kiolo, O'ahu

Sharon Pomroy
Kiolo, Kaua'i

Ilei Beniamina
Kiolo, Ni'ihau



MADELEINE Z. BORDALLO
GUAM

427 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20516-5301
(202) 225-1188
FAX: (202) 226-0341

DISTRICT OFFICE:
120 FATHER DUEÑAS AVENUE
SUITE 107
MAGADFA, GUAM 96910
(671) 477-4272
FAX: (671) 477-2887

<http://www.house.gov/bordallo>



Congress of the United States
House of Representatives

NATURAL RESOURCES COMMITTEE
CHAIRWOMAN, SUBCOMMITTEE ON FISHERIES,
WILDLIFE AND OCEANS

SUBCOMMITTEE ON INSULAR AFFAIRS

ARMED SERVICES COMMITTEE

SUBCOMMITTEE ON READINESS

SUBCOMMITTEE ON SEAPOWER
AND EXPEDITIONARY FORCES

October 24, 2008

The Honorable James L. Connaughton
Chairman
Council on Environmental Quality
722 Jackson Place, NW
Washington, D.C. 20503

Dear Chairman Connaughton,

I appreciated the opportunity to meet with you in Guam to discuss the proposed marine monument sites, including the Northern Mariana Islands and the Mariana Trench. Fishing and marine recreation are an important part of the culture and economy in Guam and many of my constituents depend upon the ocean waters to make a living. Tourism related to fishing and ocean recreation is one the main attractions that brings thousands of visitors to Guam each month.

Because of that fact, Guam is dedicated to careful stewardship of our marine resources. We have taken many steps to preserve the aquatic resources in and around Guam and to ensure that fishing industries comply with rules and regulations that are in place to sustain a healthy marine resource. I view retention of local flexibility to manage our marine resources in a way that balances the protections needed for sustainable marine resources with a thriving economy as an important sovereignty issue.

As such, I am opposed to the use of the Antiquities Act to create one or more marine national monuments in the CNMI and the Mariana Trench in an expedited fashion that involves little input from stakeholders and local communities. Moreover, the lack of detail regarding the President's proposals is even more reason for requiring additional input from stakeholders. I believe the process in place under the National Marine Sanctuaries Act, which involves formal public consultation of stakeholders, is a far better process that could be used to assess the merits of these proposals. This process would help affected individuals better understand the details of the proposal and develop alternatives that would meet Administration and community goals. I also believe that fisheries should be managed through the Magnuson-Stevens Act process and the regional fishery management councils. At this time, it is not clear that the proposals being considered by the Administration would ensure utilization of the fishery management councils.



The Honorable James L. Connaughton
Chairman
Council on Environmental Quality
October 24, 2008
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In short, where local conservation efforts have proven to be successful, I believe we should employ existing administrative processes that provide a proper role for ongoing local involvement in the management of our precious marine resources. I am extremely concerned that the process that is being employed now, in the last weeks of the Bush Administration, does not provide for adequate public input, let alone adequate Congressional oversight.

We must work together to protect our ocean resources. I urge your support and leadership with the federal agencies to work closer in partnership with the local communities to develop proposals that satisfy more stakeholders concerns.

Sincerely,


MADELEINE Z. BORDALLO
Member of Congress

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS****Benigno R. Fitial**
Governor**Timothy P. Villagomez**
Lieutenant Governor

VIA CERTIFIED MAIL

APR 29 2008

President George W. Bush
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500RE: Designation of a Marine National Monument in the Commonwealth of the
Northern Mariana Islands

Dear President Bush:

The purpose of this letter is to apprise you and those within your Administration regarding recent inquiries made by national environmental organizations concerning the designation of a Marine National Monument in the Commonwealth of the Northern Mariana Islands ("CNMI").

In December, 2007, I received a letter from the Pew Charitable Trusts ("Pew") requesting my support for the designation of a National Monument sector around the northernmost three of the Northern Mariana Islands (Uracas, Maug, and Asuncion Islands), an area already designated by our founders as a Nature Preserve under the CNMI Constitution. A copy of that letter is enclosed for your reference. In its letter, Pew noted that it had modeled its thinking concerning the proposed National Monument on the recent designation of the Northwest Hawaiian Islands ("NWHI") as a Marine National Monument.

On March 19, 2008, I responded to Pew's letter of request for my endorsement. A copy of my response is also enclosed for your reference. As outlined in my response, I do not support Pew's proposed creation of a Marine National Monument in the Northern Mariana Islands. Such a designation would, in my view, greatly reduce or eliminate the ability of the CNMI government to carefully balance cultural, environmental, and economic considerations in the region in an open and inclusive manner.

In view of your Administration's recent designation of the NWHI as a National Monument, I felt it important to convey to you my concerns about this PEW proposal, and the rationale underlying these concerns. My hope is that representatives from your Administration will coordinate with me and the CNMI Administration before taking any further action on any proposal advanced by Pew in this regard.



First, a long history exists regarding ownership and management of submerged lands around the Northern Mariana Islands. Article IX of the CNMI Constitution declares that all submerged lands in and around the Northern Mariana Islands belong to the people of the CNMI, and that management and disposition of submerged lands shall be governed by the laws of the CNMI. For over 20 years, since the establishment of a Covenant between the CNMI and the U.S., the Federal government and the CNMI have engaged in discussions regarding ownership and management of these areas, and the CNMI remains resolute that submerged lands rightfully belong to the indigenous peoples of this area.

Second, notwithstanding assurances contained in Pew's December, 2007, letter, I am concerned with the potential impact of such a designation on ocean areas of critical importance to the people of the CNMI. As an island community and traditional native culture, the CNMI's very existence is tied to the sea. Fishing and related activities are intrinsically intertwined with our culture and economy---present and future. We rely on fishing as a source of food and jobs. Those who live in the CNMI have no interest in ceding their cultural heritage to the Federal government under the auspices of environmental protectionism.

Third, as the process surrounding the designation of the NWHI National Monument makes clear, monument designation under the Antiquities Act of 1906 lacks procedural safeguards to insure public involvement and environmental review during the designation process. Given the importance of a decision such as this to the people of the CNMI, any consideration regarding the designation of a National Monument must include a full and complete analysis of its cultural, economic, and environmental impacts.

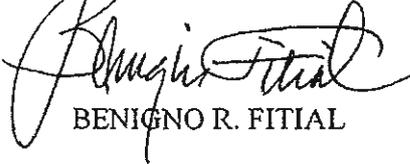
Fourth, the CNMI has actively supported the development of a commercial longline fishery in areas around the Northern Mariana Islands. The CNMI is working to expand its fishing fleet to fill the vacuum in its narrow economic base due to the recent closure of the garment industry and the contraction of tourism. Increasingly-stringent Federal immigration controls will further impact tourism from emerging markets like Russia and China. The loss of about 115,000 square miles of ocean area due to inclusion in a National Monument would significantly impact this developing fishery and the economy of the CNMI.

Finally, the views contained in this letter are shared by the majority of the representatives in the CNMI legislature, and their constituents. As the enclosed Senate Resolution makes clear, the CNMI Constitution has already designated the islands of Uracas, Maug, and Asuncion as wildlife conservation areas, with the waters surrounding these islands already constituting marine protected areas. Given this consideration, and given our desire to retain control over such areas for the benefit of indigenous peoples, the Senate and House of Representatives of the CNMI recently enacted a joint resolution opposing the establishment, creation, or designation of a Marine Monument, Marine Sanctuary, or National Park in the vicinity of the Northern Islands of the CNMI.



In view of these considerations, I respectfully request that you refrain from designating any portion of the CNMI as a Marine Monument, Marine Sanctuary, or National Park, as requested by the people of the CNMI and evidenced in the enclosed resolution and this letter.

Sincerely,



BENIGNO R. FITIAL

Cc: CNMI Delegation
James L. Connaughton, Chairman, Council on Environmental Quality
Dirk Kempthorne, Secretary of Interior
Carlos M. Gutierrez, Secretary of Commerce



The Senate
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. Box 500129
Saipan, MP 96950

April 29, 2008

The Honorable Benigno R. Fitial
Governor
Commonwealth of the Northern Mariana
Islands
Capital Hill
Saipan, MP 96950

Dear Governor Fitial:

I have the honor of transmitting herewith a certified copy of Senate Joint Resolution No. 16-04, entitled, "A Senate Joint Resolution to respectfully request that the President of the United States refrain from unilaterally creating a Northern Islands National Monument and imposing the regulatory burdens appurtenant thereto upon the People of the Commonwealth of the Northern Mariana Islands without the consent of the local government." S.J.R. No. 16-04 was adopted by the Senate on April 22, 2008 and by the House of Representatives on April 24, 2008, Sixteenth Northern Marianas Commonwealth Legislature.

Sincerely,

Dolores S. Bermudes
Senate Clerk

Attachment



THE SENATE
SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE JOINT RESOLUTION NO. 16-04

Introduced by: Sen. Paul A. Manglona; Sen. Felix T. Mendiola; Sen. Paterno S. Hocog; Sen. Pete P. Reyes; Sen. Maria Frisca T. Pangelinan; Sen. Luis P. Cirsostimo; Sen. Jude U. Hofschneider; Sen. Joseph M. Mendiola; Sen. Henry H. San Nicolas

A SENATE JOINT RESOLUTION

TO RESPECTFULLY REQUEST THAT THE PRESIDENT OF THE UNITED STATES REFRAIN FROM UNILATERALLY CREATING A NORTHERN ISLANDS NATIONAL MONUMENT AND IMPOSING THE REGULATORY BURDENS APPURTENANT THERETO UPON THE PEOPLE OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS WITHOUT THE CONSENT OF THE LOCAL GOVERNMENT.

1 WHEREAS, The Papahānaumokuākea Marine National Monument (formerly the Northwestern
2 Hawaiian Islands Marine National Monument) was created by President George W. Bush on June 15, 2006
3 under the 1906 Antiquities Act, after years of research; and

4 WHEREAS, a similar monument is being considered which would include the waters adjacent to the
5 islands which comprise the Northern Mariana Islands; and

6 WHEREAS, The Pew Charitable Trusts (Pew) wrote to the Governor of the Commonwealth of the
7 Northern Mariana Islands (CNMI) on December 20, 2007 and suggested that the CNMI concur that the 200-
8 mile EEZ surrounding Uracas, Maug and Asuncion Islands be designated by U.S. President George W. Bush as a
9 marine sanctuary or monument; and

10 WHEREAS, the Governor of the CNMI responded to the Pew in a letter dated March 19, 2008
11 expressing his appreciation of Pew's interest in the environs of the Northern Islands of the CNMI, while
12 respectfully declining the suggestion of designating any marine sanctuary or monument in the Northern Mariana
13 Islands; and

14 WHEREAS, the CNMI Senate and the House of Representatives did attentively listen to a presentation
15 given by Pew representatives Mr. Jay Nelson and Mr. Angelo Villagomez about the suggested marine sanctuary
16 on March 26, 2008; and

17 WHEREAS, the Legislature has been made aware of many concerns raised by citizens of the CNMI and
18 has begun to conduct investigations into the possible repercussions that would accrue to the People of the CNMI
19 were the President to unilaterally designate the proposed monument; and

SENATE JOINT RESOLUTION NO. 16-04

1 WHEREAS, it is the sense of the Senate that the majority of the citizens of the CNMI have not and
2 would not formally endorse such a proposal, until such time that more information is gathered and considered,
3 and until the People of the CNMI have been offered meaningful opportunities to comment and influence any
4 regulations which will govern access to and conduct within any monument that might be established; and

5 WHEREAS, no such opportunities have occurred, as there has been little to no dialogue between the
6 governments of the Commonwealth of the Northern Mariana Islands and the United States of America on this
7 issue; and

8 WHEREAS, designation of the said CNMI marine monument would result in the complete and total
9 closure of all types of extractive fishing and mining activities within a 115,000 square-mile area of the CNMI
10 EEZ; and

11 WHEREAS, the establishment of any proposed marine monument, marine sanctuary, or national park
12 may conflict with the Commonwealth's efforts in establishing its own fishery industry, mining activities and
13 other potential extractive uses throughout the CNMI, which is substantive justification warranting further study;
14 and

15 WHEREAS, designation of the CNMI marine monument by President Bush would be a permanent and
16 nearly irrevocable federal action that rightfully should require consideration of the needs and opinions of the
17 People of the CNMI and the potential of lost opportunities for economic benefit to the CNMI; and

18 WHEREAS, the CNMI is committed to continue with the existing marine resource management system
19 established by the Magnuson-Stevens Act that involves partnership with the National Marine Fisheries Service
20 and the Western Pacific Regional Fisheries Management Council; and

21 WHEREAS, the CNMI fervently opposes the transfer of any form of marine resource management
22 authority over CNMI waters to the National Oceanic and Atmospheric Administration, National Marine
23 Sanctuary Program, or any other Federal Agency; and

24 WHEREAS, the CNMI Constitution has already specifically identified the islands of Uracas, Maug and
25 Asuncion as wildlife conservation areas with the waters surrounding them already acting as *de-facto* Marine
26 Protected Areas, accessible only upon satisfaction of conditions determined by the People of the CNMI; and

27 WHEREAS, the establishment of the proposed monument seems likely to wrest control of access to
28 these islands from the People of the CNMI, and transfer that control to those with little familiarity with the
29 resources in question, the history of the islands, and the culture and traditions of their people; and

30 WHEREAS, the People of the CNMI have a strong affinity for the ocean, even going so far as to require
31 in our Constitution a clean environment, such that propriety should require the consultation with and

SENATE JOINT RESOLUTION NO. 16-04

1 consideration of the needs and wishes of the People of the CNMI occur before any monument is established;
2 now, therefore,

3 BE IT RESOLVED, by the Senate of the Sixteenth Northern Marianas Commonwealth Legislature, the
4 House concurring, that the Senate respectfully requests that the President of the United States refrain from
5 unilaterally creating a Northern Islands National Monument and imposing the regulatory burdens appurtenant
6 thereto upon the People of the Commonwealth of the Northern Mariana Islands without the consent of the
7 People, through their local government; and

8 BE IT FURTHER RESOLVED, that the Senate on behalf of the People of the CNMI, the House
9 concurring, does not support the establishment, creation, or designation of a marine monument, marine
10 sanctuary, or national park in the vicinity of any of the Northern Islands of the CNMI at this time and feels that
11 study, discussion, and deliberation is necessary before any further action is taken; and

12 BE IT FURTHER RESOLVED, that the Senate, the House concurring, hereby requests that the CNMI
13 Washington Representative join with the People of the CNMI in officially conveying this sentiment to the White
14 House, the United States Congress and the federal agencies mentioned herein, in a unified effort to prevent any
15 designation of a marine monument, marine sanctuary, or national park in the CNMI until such time as the People
16 of the CNMI have had adequate opportunity to consider and give input on the issue; and

17 BE IT FURTHER RESOLVED, that the President of the Senate and the Speaker of the House of the
18 Sixteenth Northern Marianas Commonwealth Legislature shall certify and the Senate Legislative Secretary and
19 the House Clerk shall attest to the adoption of this joint resolution and thereafter transmit certified copies to the
20 Honorable George W. Bush, President of the United States of America; the Honorable Dirk Kempthorne,
21 Secretary of the United States Department of Interior; the Honorable Nick J. Rahall II, Chairman of the
22 Committee on Natural Resources, United States House of Representatives; the Honorable Jeff Bingaman,
23 Chairman of the United States Senate Committee on Energy and Natural Resources; Bill Robinson, Regional
24 Administrator, NMFS Pacific Islands Regional Office; Kitty Simonds, Executive Director, Western Pacific
25 Regional Fishery Management Council; the Honorable Benigno R. Fitial, Governor of the Commonwealth of the
26 Northern Mariana Islands; the Honorable Pete A. Tenorio, CNMI Washington Representative; Dr. Ignacio Dela
27 Cruz, Secretary, Department of Lands and Natural Resources; Mr. Angelo Villagomez, Pew Charitable Trust
28 Representative; and Mr. Jay Nelson, Pew Charitable Trust Representative.



SENATE JOINT RESOLUTION NO. 16-04

ADOPTED BY THE SENATE ON APRIL 22, 2008
AND BY THE HOUSE OF REPRESENTATIVES ON APRIL 24, 2008.

CERTIFIED BY:

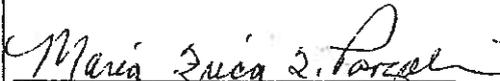


PETE P. REYES
PRESIDENT OF THE SENATE

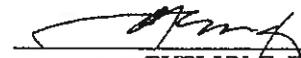


ARNOLD I. PALACIOS
SPEAKER
HOUSE OF REPRESENTATIVES

ATTESTED BY:



MARIA FRISCA T. PANGELINAN
SENATE LEGISLATIVE SECRETARY



EVELYN C. FLEMING
HOUSE CLERK



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

COPY

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

MAR 19 2008

Mr. Jay Nelson
Director
Global Ocean Legacy
The PEW Charitable Trusts
2005 Market Street, Suite 1700
Philadelphia, PA 19103-7077

03/19/08

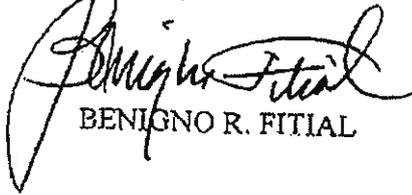
Dear Mr. Nelson:

Thank you for your letter regarding the establishment of a marine sanctuary in the Commonwealth of the Northern Mariana Islands.

Although we appreciate PEW's interest in the CNMI, my administration is not prepared to embrace the proposal to establish such a national monument in the CNMI at this time. Given our valuable natural resources and their potential uses, the CNMI government must fully consider all options and decide carefully, prudently and strategically balancing economic, environmental, social, cultural, and other considerations, in deference to our local constituents and stakeholders.

Again, thank you for your constructive suggestions and interest in our Commonwealth.

Sincerely,


BENIGNO R. FITIAL

- cc: Mr. Ramond Mafnas, Senior Policy Advisor
- Dr. Ignacio dela Cruz, Secretary, DLNR
- Mr. Sylvan O. Igisomar, Director, DFW
- Dr. John Joyner, Director, CRMO
- Mr. Frank Rabauliman, Director, DEQ
- Mr. Angelo Villagomez



2005 Market Street, Suite 1700
Philadelphia, PA 19103-7077

215-575-1000 Phone
215-575-1009 Fax

1025 F Street NW, 9th Floor
Washington, DC 20004-1409
www.pewtrusts.org

202-556-1000 Phone
202-556-1009 Fax

December 20, 2007

The Honorable Benigno Repeki Fitial
Governor
Commonwealth of the Northern Mariana Islands
Caller Box 10007, Capital Hill
Saipan, MP 96950

Dear Governor Fitial,

I work in Juneau, Alaska for the Pew Environment Group on a project called Ocean Legacy. Although you and I have not yet had the opportunity to meet, Angelo Villagomez and I had coffee on August 16, 2007 to discuss our Ocean Legacy idea with your Senior Policy Advisor, Ramon Mafnas and Secretary Ignacio Dela Cruz. Representative Cinta M. Kaipat helped set up and also participated in this meeting. I have been in contact with Mr. Villagomez and Ms. Kaipat concerning our idea since January 2007.

As the leader of an island nation, you are well aware that the world's oceans face a difficult future for a number of reasons including pollution, overfishing and climate change. Worldwide, many of the most valuable fisheries and ecosystems have been degraded with little hope of improvement or reversal in the near term. Foreign fishing fleets are scouring the globe to find and exploit the last outposts of healthy fish populations. Clearly, humankind has not fully valued our marine environment nor offered protection to the cultural, biological and geological resources of the world's great seascapes as we have done on land. With few exceptions, there are no Grand Canyon National Parks of the sea. This is a tragedy because ours is likely the last generation with an opportunity to protect important remnants of this rich oceanic heritage.

The Pew Environment Group is an international non-profit committed to working with communities around the globe to educate the public and policy makers about the causes, consequences and possible solutions to environmental problems. One of the areas on which we focus is ameliorating the loss of the world's great marine ecosystems.

Ocean Legacy is an initiative of the Pew Environment Group in collaboration with the Oak Foundation, the Sandler Family Supporting Foundation and the Robertson Foundation. It is an outgrowth of our work in the northwestern Hawaiian Islands which led to the creation of the Papahānaumokuākea Marine National Monument. The goal of the project is to identify suitable large marine ecosystems and work with local governments to see if a handful of these "parks of the sea" can be protected for future generations.

To initiate the Ocean Legacy work, we commissioned an exhaustive look at marine systems worldwide to identify high-value cultural, biological and geological features worthy of protection. We were particularly interested in relatively healthy ocean ecosystems where the long-term economic and cultural benefits of protection would



outweigh the value of potential short-term extractive uses. We also needed to find political jurisdictions with a capacity and a history of professional management and enforcement.

To date, we identified only four areas of the world that meet these criteria: Australia's Coral Sea, New Zealand's Kermadec Trench, the British Indian Ocean Territory of the Chagos Islands, and the Exclusive Economic Zone around the northernmost three of the Northern Mariana Islands.

Several features attracted our interest in this region of the Northern Mariana Islands. First, it sits along the Marianas Trench, the deepest place on the globe and demonstrably one of the wonders of the natural world. Second, there has to date been only a minor amount of legal fishing in the area; it is healthy and relatively free from pollution and other direct human impacts. Third, this area is important enough that the residents of the Mariana Islands have already recognized the special nature of the three northern islands and designated them as nature reserves in the Commonwealth Constitution. Fourth, we understand from discussions with a number of individuals in Saipan that local use of the area is limited and intermittent. Fifth, we understand that it is a dream for all Chamorros and Carolinians to someday visit the northern waters and there is local interest in protecting them for future generations as part of your cultural heritage.

As I know you are aware, we have modeled our thinking on the recent designation of the northwest Hawaiian Islands (NWHI) as a Marine National Monument - essentially a National Park in the sea. Protection of the NWHI was widely supported by Native Hawaiians, business leaders, the Governor and community leaders from across the political spectrum. Hawaiians recognized the unique nature of the NWHI and the region's importance to the culture and history of Hawai'i. Ultimately there was widespread understanding that extractive uses were less important than restoring, protecting and maintaining a part of Hawaii's marine legacy for future generations.

As a consequence of the Monument designation, the State of Hawai'i received an additional bonus. Although state jurisdiction legally extends only to three miles from the islands of the NWHI, the Monument designation expressly provides for the state to be a co-manager throughout the monument effectively extending the area of state authority by almost 20 times, well into what were formerly exclusively federal waters. Furthermore, the state previously had little capacity and few resources to manage the remote waters of the NWHI but under the Monument agreement, an opportunity now exists for the state to receive additional federal support as co-manager.

To be clear, our concept of a monument surrounding the constitutionally protected CNMI Nature Reserve is a private initiative. We will be successful only if the local residents and their elected leaders are supportive. We also need the support of the federal government. Ultimately it is the governments that are capable of protecting and providing research, monitoring and enforcement for these icons of the sea.

The rules by which monuments are created and managed are not fixed. The NW Hawaiian Islands model suited the circumstances and interests of the Governor and people of



Hawai'i. If a Marine Monument were to be designated in the CNMI the resource management undoubtedly would differ to reflect local wishes.

The restrictions adopted for the NW Hawaiian Islands were put in place largely at the request of state Office of Hawaiian Affairs and Native Hawaiian elders who honor and revere the NW Hawaiian Islands and wanted access restricted. It was not something that was imposed by the federal government. As part of that agreement, a working group of 15 Native Hawaiian cultural practitioners was established to help Monument staff review and approve access and fishing permits.

The NWHI currently has a small bottomfish fishery of eight vessels. Under the monument designation, those boats have five additional years to fish (until June 15, 2011) before commercial fishing in the area is ended. In addition, subsistence fishing is allowed in the Monument by Native Hawaiians. Lately, this opportunity has only been exercised once or twice a year, mostly by traveling in traditional canoes. The 200 mile distance from the nearest inhabited islands, Kauai, makes greater use of the area difficult just as it does for the northern islands which are over 300 miles from Saipan.

The economic opportunities created through designation of a large Marianas Trench Marine Monument are real. As the principle federal agency involved, the National Marine Sanctuary Program would undertake a management plan in conjunction with the CNMI government. Every monument/sanctuary that the Sanctuary Program manages has a visitor center which, in the case of the Mariana Islands could potentially include information on the region's biology, volcanism and features of the world's deepest trench. It could offer a dramatic and informative new visitor venue for Saipan in addition to providing educational programs for residents.

The Sanctuary Program also promotes, research, monitoring and enforcement within its monuments. This would require the chartering of local vessels and/or the acquisition of new vessels capable of traveling more than 300 miles to the northern islands. In Hawai'i they are looking at acquiring a plane to help in the management of the monument. All of this requires staff, for example the NW Hawaiian Islands monument now has about 40 full-time employees, most of whom are local including several Native Hawaiians.

Finally, Hawai'i received widespread publicity and recognition during and after the creation of the National Monument. Some of that press is still appearing. This one action established Hawai'i as a leader in ocean protection and a leader in Pacific conservation. A monument within CNMI waters could become the second largest protected area in the world, effectively putting CNMI on the map globally. Given its distance from Saipan, a new CNMI monument would be unlikely to attract a large numbers of on-site visitors but its designation would be a magnet for attracting high end "adventure" tourists. For example this spring, a new tourism operation is opening up in the NW Hawaiian Islands with regular charter flights to Midway Island. This is a direct result of the attention, publicity and increased public interest surrounding the designation of the new National Monument. International attention on a large undersea park would focus welcome attention on CNMI, the kind of attention that attracts independent tourists now being sought by the ecotourism industry. These are the kind of visitors who may not have



noticed CNMI to date but would notice that one of the 14 U.S. marine "parks" was located there.

I have visited your beautiful islands three times this year to talk with people and determine local interest in the idea of a creating a "national park of the sea" in the northern islands. After our initial discussions with Senior Policy Advisor Ramond Mafnas and Secretary Dela Cruz, we decided it was important to spend more time assessing local interest in the concept and resolving any concerns before we took your time discussing this opportunity.

While there remain many questions about the concept, which we are happy to address, the reaction of many community members with whom we have spoken about this idea has been generally favorable. Angelo and I look forward to continuing this dialog and would be pleased to brief you at your convenience. We believe that a fair look at the facts and consideration of the potential economic benefits for Saipan and the Commonwealth will continue to generate broad support locally.

We look forward to talking with you and providing you with any information you might need.

Sincerely,

Jay Nelson

Director - Global Ocean Legacy

cc: The Honorable Cinta Kaipat
Mr. Ramond Mafnas, Senior Policy Advisor to the Governor
Dr. Ignacio Dela Cruz, Secretary, Department of Lands and Natural Resources
Dr. John Joyner, Director, Coastal Resources Management
Mr. Frank Rabauliman, Director, Division of Environmental Quality
Mr. Sylvan Igisomar, Director, Division of Fish and Wildlife
Mr. Angelo Villagomez

*Office of the Governor of Guam*

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

27 OCT 2008

James L. Connaughton
Chairman
Council of Environmental Quality
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. Connaughton:

Hafa Adai! Marine resources within the Marianas Trench are extremely valuable and the Government of Guam has several concerns regarding the designation of a marine conservation management area in this region. We are not in support of a sudden declaration of a monument or conservation status within the Marianas Trench by Executive Order of the President because such a process would not allow for an appropriate consideration of cultural, environmental, economic and multiple use implications which require a considerable amount of time. The creation of such a monument entails detailed planning and should include, at minimum, an assessment of resource values and potential uses, an assessment of impacts to the local communities, meaningful stakeholder input, a comprehensive cost-benefit analysis, and long term management and monitoring strategy. None of these analyses have been conducted.

While the mission of the Department of Defense is crucial for national security and the Marianas Trench has high strategic military value, the designation of a monument without a complete assessment of Department of Defense operations and procedures would compromise the ultimate intent and purpose of a monument—the protection and conservation of marine resources. Furthermore, if a monument should be established, it is crucial that the interests of the Government of Guam and Commonwealth of the Northern Mariana Islands be incorporated into preliminary designs and studies. For example, the southern islands of the Marianas Trench have higher biodiversity and greater habitat diversity as compared to the northern islands. It is imperative that facts such as these are considered in a site selection process. In addition to involvement of the local governments, meaningful stakeholder input from the general public is crucial especially with regard to marine conservation actions. Also, the Government of Guam was assured by National Oceanic and Atmospheric Administration representatives during their recent visit that the current management of potentially affected fisheries would not be modified. Finally, joint responsibility for management of the proposed area of conservation should be shared by the local jurisdiction and the federal government.



I believe that the management of cultural, economic, and environmental resources should be conducted in an open and inclusive manner for all the residents of the Mariana Islands.

Sinseru yan Magáhet,

FELIX P. CAMACHO
I Maga' lähen Gudhan
Governor of Guam



Assessment c/o Council on Environmental Quality
722 Jackson Place
Washington, D.C., 20503
oceans@ceq.eop.gov

Name: Dr. Judith P. Guthertz, Assistant Majority Leader, Guam Legislature

Comments: As a former member (1998-2001) and Chair (2001-2003) of the Western Pacific Fisheries Management Council, I am very familiar with the area being considered for designation as a Marine Conservation Management Area. I am strongly opposed to such designation.

Guam is a non-self governing territory and is on the list of the remaining 16 such areas under the United Nations. Each year our State Department reports to the United Nations on what the United States is doing to bring Guam to self-government.

With this status, it would be unethical and imperialistic for the United States to place Guam's waters under a conservation regime without the approval of the people it is entrusted with leading to self-determination and self-government. The United States should be in the process of transferring authority and governance to the people of Guam, not taking authority away from the local government.

The Indigenous People of Guam have been fishing in those waters for about 4,000 years and have not damaged the natural resources. If anyone is over-fishing the area, it would be foreign fishing interests.

It is an insult to all residents of Guam and the CNMI to take an action assuming that they cannot govern themselves.

If President Bush sincerely wants a legacy, he should have taken steps to further the development of self-determination and self-government for Guam. He has done absolutely nothing for the past eight years. He should be ashamed of himself. His father made a grand statement near the end of his term in favor of statehood for Puerto Rico if that is what the people of Puerto Rico desired.

President Bush still has time to make a similar contribution and establish a legacy in this regard. He could announce that the United States Government will accept whichever political status option is desired by the Chamorro people as expressed in a United Nations observed plebiscite.

Just looking at a map in an office inside the beltway and dreaming of a "Blue Legacy" is a ridiculous exercise in imperialism. If the people of Guam and the CNMI desire such



a designation, they will be sure to let you know. Until then, please resist the temptation to interfere in our business.

Sincerely,

Signed

Judith P. Guthertz

Senator



The People

Majority Whip (D)

Member
Committee on
Tourism
Maritime, Military,
Veteran and Foreign
Affair

Member
Committee on
Judiciary,
National Resources,
Infrastructure and
Cultural Affairs

Member
Committee on Health
Human Services and
Homeland Security

Member
Committee on
Education, General
and Omnibus Affairs

Mina' Bente Nuebi Na Liheslaturan Guåhån

Senator vicente (ben) e. pangeltuan (D)

October 26, 2008

Assessment
c/o Council on Environmental Quality
722 Jackson Place
Washington, D.C. 20503

Dear Council Members,

As a resident of Guam, one of the indigenous Chamorus of Guam and the Marianas Islands and an elected representative of the people of Guam serving in the Guam legislature, I strongly oppose any efforts by the President or federal entities to establish Marine Protected Areas, Marine Conservation Areas, Marine Conservation Management Areas, or a Marine National Monument in the U.S. Exclusive Economic Zone of Guam and the Marianas Islands, to include the Marianas Trench and islands under the Commonwealth of the Northern Marianas Islands government protection, as may be recommended in response to the President's memorandum of August 25, 2008, to be established pursuant to Executive Order of the President of the United States or pursuant to the Antiquities Act.

The President issued a memorandum on August 25, 2008, directing the Secretary of Defense, the Secretary of the Interior, the Secretary of Commerce, and the Chairman of the Council On Environmental Quality to assess the views of territorial governments, local governments on the advisability of increased action by the United States or the federal government over specific areas of the Pacific.

In response to that directive, this is an official statement, expressing my official position on behalf of the people of Guam to such action in the scope and manner being proposed by the President.

A. Establishment of a Marine Conservation Management Area while allowing military activity on the scale currently being conducted has no preservation or conservation benefit to the people of the Marianas, the United States, or the world, and will only further subject these rare resources to exploitation by the military and impedes the conservation efforts of residents and governments of the region.

Development of a Preserve or Conservation Management Area will restrict the indigenous people of the Marianas access to the natural, cultural, and economic resources surrounding their islands, yet the President in his memorandum states that the establishment of these areas will not restrict in any way the U.S. military in its operations in the same area, which currently

324 W. Soledad Ave. Suite 101, Hagåtña, Guam 96910

Tel: (671) 473-4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net



Letter to Council on Environmental Quality
October 26, 2008
Page 2

includes an unprecedented military buildup of personnel, docking of nuclear ships and submarines, active firing ranges, training exercises, and supporting equipment and personnel on the island and waters of Guam and potentially on other islands of the Marianas. This massive buildup of military activity, personnel, and dependents during peacetime is the largest ever in the history of the United States and is slated to be in full force by 2012. (The Environmental Impact Statement is currently being conducted on this buildup of military and support activities, and is scheduled to be completed in Spring of 2009.)

In addition to current and proposed massive military activity, Guam and the Marianas Islands continue to be subjected to contaminated military dump sites which have not been cleaned since WWII, continue to suffer as downwinders the higher incidences of cancer and other effects of radiation from nuclear bombing of the Marshall Islands, and continue to be subject to environmental damage and illness as a result of the washing of nuclear-contaminated ships on Guam. Environmental policy for this region should include prohibiting damage from current and planned military activities and remedying the effects of past military activity.

I truly believe the establishment of this marine monument will give greater latitude to the military to expand the scope of allowed activities in waters immediately surrounding the island of Guam. It will make the case that the degradation of the marine environment immediately surrounding Guam is being mitigated by the establishment, while doing nothing to ensure the environmental integrity of the environmental regulation processes during the military expansion.

B. The Establishment of a Monument or Conservation by Executive Order denies the government and people of Guam from meaningful input in the further taking of their lands and waters by the United States.

The President in his memorandum of August 2008 directed all agencies to consider cultural, environmental, economic, and multiple use implications of any measures, and to assess the views of the territorial and local governments and other interested parties, of the advisability of providing additional protection and management of historic or scientific interest at these islands, coral reefs, geologic features and surrounding marine waters. However, although the Marianas Trench lies within 60 miles from Guam and the northern Marianas Islands lie within the same archipelago as Guam, none of the agencies directed to respond -- including the Secretary of Defense, Secretary of Interior, Secretary of Commerce, and Chairman of the Council of Environmental Quality-- have solicited the input of the people of Guam or the government of Guam. Only the head of the Guam Fisherman's Co-op has called a meeting on the proposed actions and invited a representative of the Council of Environmental Quality to attend. This representative expressed to those in attendance that there was no project to explain, but that he was only there to make a list of interests or existing activities that the people in attendance thought should be excluded from or made an exception for in the establishment of a preserve in the area,



Letter to Council on Environmental Quality
October 26, 2008
Page 3

for example, local fishing activities. The process denies the opportunity of the people of Guam and the Marianas Islands to adequately comment or to even be notified of the proposed conservation areas, and in effect robs them on the eve of a presidential election from having input into this matter.

C. In addition to the negative impact on fishing and access to other natural resources by the people living on Guam and the other Marianas Islands, restriction of these waters and islands would be a clear violation of the rights of the indigenous inhabitants of Guam, the Chamorros, as outlined in the United Nations Declaration of the Rights of Indigenous Peoples.

While the President and federal agencies tout the importance of the objects of historic and scientific interest in the areas "under the jurisdiction of the United States", including the exceptional and diverse collection of marine life and habitat in the marine waters around the northern Mariana Islands and the Marianas Trench, the proposed action will prevent *increased or new* access by the people of Guam and the Marianas to these energy and mineral resources, and prevent new or increased scientific study of the area except with permission of the United States. This will also restrict energy, fishing, tourism and other economic benefits for the island economies from access to these areas.

Aside from a blanket exception to U.S. military activity, the President's memo directs that the agencies make a recommendation on the compatibility of a conservation area with *sustaining* access to (1) recreational and commercial fishing; (2) energy and mineral resources; and (3) opportunities for scientific study. Thus, the representative from Council on Environmental Quality only solicited a list of the current interests in the area from the people at the Fisherman's Co-op meeting.

Chamorros have a right to use and benefit of the natural resources of the region and in order to sustain their unique and indigenous culture must have continued stewardship of any commercial, scientific, or other exploration or use of the resources in this region.

D. Further taking of land and waters of Guam without consent is directly contrary to the right of the people of Guam to self determination and to be assisted in this regard by the colonial government of the United States.

I object to the establishment of any restrictive area on this water or land by the United States government as an impediment to and a violation of the right to self determination of the Chamorros, who remain on the United Nations list of 16 remaining non-self governing territories in the world. This further taking of the resources of Guam mirrors the taking of the land on Guam by the military and requires consent of the people of Guam. Guam has not yet had the opportunity, resources, or political status to study or develop the resources in the region, and this further restriction of the energy, fishing, tourism and other economic benefits for the



Letter to Council on Environmental Quality
October 26, 2008
Page 4

island economies from access to these areas directly interferes with their ability to be self governing.

E. The Marianas Fishing Community *is not responsible* for over-fishing and should not be penalized for the acts in other jurisdictions that utilize gear and practices that do not support sustainable use, or responsible conservation and management regimes.

The fishing constituency and the people of the Marianas are comprised of a number of Pacific Islander cultures living side by side with other mainstream Americans who collectively practice sustainable fishing.

The Marianas Fishing Community is not the cause of the degradation of high seas fish stocks or the destruction of critical marine habitat.

The Marianas Fishing Community has historically (nearly 4,000 years) proven to be excellent stewards of the ocean whereby the harvest is primarily consumed by the community;

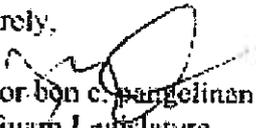
The Marianas Fishing Community continues to provide sustenance to residents of our islands without the need to implement industrialized harvesting methods.

The Marianas Fishing Community should be allowed to continue fish in the waters of the Marianas with traditional or modern effective fisheries management tools.

The Marianas Fishing Community wholeheartedly supports the existing management regime as established by the U.S. Congress under the Magnuson-Stevens Fishery Conservation and Management Act.

The Marianas Fishing Community recognizes that the Western Pacific Regional Fishery Management Council for several decades has banned the use of the Trawl Nets, Gill Nets and most recently Purse Seine. The WPRFMC also established large closed areas whereby larger (50') scale fishing vessels are prohibited from entering; thus protecting seamounts from industrialize resource extraction to include anchoring which adversely impacts the marine habitat.

Sincerely,


Senator Don C. Pangelinan
29th Guam Legislature

Cc: Congresswoman Madeleine Z. Bordallo
Governor Felix Camacho
Speaker, 29th Guam Legislature



Commonwealth of the Northern Mariana Islands

Office of the Mayor

The Northern Islands Municipality

P.O. Box 502859 CK

Saipan, MP 96950

Tel. (670) 234-7392 or 6720

Fax: (670) 233-6466

E-mail: mayor@northernislands.net

Website: www.northernislands.net

VALENTIN I. TAISAKAN
Mayor of the Northern Islands

June 6, 2008

President George W. Bush
The White House
1600 Pennsylvania Avenue N W
Washington, D. C. 20500

RE: Designation of a Marine National Monument
in the Commonwealth of the Northern Mariana Islands.

Dear President Bush:

I am Valentin I. Taisakan, Mayor of the islands north of Saipan (Northern Islands). I am writing to convey my concern over the proposed National Marine Monument that the Pew Charitable Trust (PEW) is actively promoting for its establishment in the waters of the Commonwealth of the Northern Mariana Islands (CNMI).

It is my understanding through PEW's presentation that you, Mr. President, by the power and authority given to you by the American Antiquities Act of 1909, can designate the waters surrounding the islands of Uracus, Muag and Asuncion as a National Marine Monument (NMM); and without the need of consultation with the people of the CNMI. The propose site of the NMM covers an area over 115,000 square miles of our northern-most part of the islands north of Saipan. It is expected that by the end of your term in office, you will declare and designate these waters as a National Marine Monument.

Mr. President, it took the Northwestern Hawaiian Islands Marine National Monument about six (6) years for it to be declared a Marine National Monument; and that was the time period given the people of the State of Hawaii and the native Hawaiians to be educated about that project. As I understand it, a referendum was not conducted to show whether the majority of the people of the State of Hawaii and/or the native Hawaiians supported the establishment of the Northwestern Hawaiian Islands Marine National Monument. However, the fact of the matter is that the people of the State of Hawaii and the native Hawaiians were given six (6) years to be educated and the opportunity to know and understand more about the project.



Mr. President, it is only fair that you allow and give the people of the Northern Mariana Islands the same time period given the people of the State of Hawaii to study the negative and positive effect of having to designate a permanent National Marine Monument within the CNMI waters. It is very important for us to clearly understand how this project will affect our fisheries and ocean resources, tourism and other economic opportunities; and the culture values and tradition of person of Northern Marianas Descent.

Mr. President, the economy, needs and priority of the people of the State of Hawaii and the native Hawaiian are different from that of the CNMI. Their economy and livelihood are much better; and their standard of living meets that of the U.S. mainland. We are not. The CNMI's economy has for the longest time at its worst; and has yet to hit the bottom floor of our Marianas' Trench – the deepest ocean in the world. Unlike the State of Hawaii, the U. S. mainland and other territories, the CNMI have a long way in meeting the U.S. standard of living. The proposed site representing an area of about 115,000 square miles of CNMI's waters can provides the revenue resources the CNMI needs to support and enhance the livelihood of our people, and hopefully, we may be able to meet the U. S. standard of living.

Mr. President, we respect the power and authority given to you by the American Antiquities Act of 1906, however, to declare and designate a National Marine Monument, which covers an area over 115,000 square miles of waters surrounding the islands of Uracus, Maug and Asuncion in the northern-most part of the islands north of Saipan, without consultation with the people of the Commonwealth of the Northern Mariana Islands is not in good standing and spirit of the Covenant.

The Covenant to establish a Commonwealth of the Northern Mariana Islands in political union with the United States of America has provisions that govern that relationship. For example, under the Article I, Section 105 of the Covenant, it reads in part as follow: "In order to respect the right of self-government guaranteed by this Covenant the United States agrees to limit the exercise of that authority so that the fundamental provisions of this Covenant, namely Article I, II and III and Sections 501 and 805, may be modified only with the consent of the Government of the United States and the Government of the Northern Mariana Islands." The American Antiquities Act of 1909 is not known to us but only recently through "PEW." It is only fair that the United States honored that provision (Section 105) and allow for consultation on this important issue through Section 902 of Article IX of the Covenant.

Mr. President, on behalf of the people of the Northern Islands and the Commonwealth, I humbly ask and beg for your understanding and consideration to allow us, the people of the Commonwealth of the Northern Islands, ample time to seriously study the possible effect of the propose National Marine Monument with hope that you call for consultation with the CNMI through the Covenant Section 902 Talk.

Thank you, Si Yuus Maase and Olomwaay Mr. President.

Sincerely,


VALENTIN I. TAISAKAN
Mayor of Northern Islands



cc: Carlos M. Gutierrez, Secretary of Commerce
Dirk Kempthorne, Secretary of Interior
Benigno R. Fitial, Governor, CNMI
Pete P. Reyes, President, CNMI Senate
Arnold I. Palacios, Speaker, CNMI House of Representative
Juan B. Tudela, Mayor of Saipan
Joseph S. Inos, Mayor of Rota
Jose San Nicolas, Mayor of Tinian
Ramon I. Tebuteb, Chairman, Saipan & Northern Islands Legislative Delegation
Antonia E. Tudela, Chairperson, Saipan & Northern Islands Municipal Council
Joshua Reichart, Pew Charitable Trusts



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE MAYOR
Municipality of Saipan
Afetna Square, San Antonio

JUAN BORJA TUDELA
Mayor of Saipan

VIA CERTIFIED MAIL

President George W. Bush
The White House
1600 Pennsylvania Avenue N W
Washington, D.C. 20500

9 June 2008

RE: Designation of a Marine National Monument in the Commonwealth of the Northern Mariana Islands

Dear President Bush:

I am writing to convey my serious concern regarding the proposed National Marine Monument that is being promoted by the Pew Charitable Trusts ("Pew") in the Commonwealth of the Northern Mariana Islands ("CNMI"). If designated, the National Marine Monument would convert over one third of the entire Commonwealth's 200-mile Exclusive Economic Zone into a marine preserve managed by the National Marine Sanctuary Program under NOAA/NOS.

Based on many comments I have received from my constituents on Saipan, I feel that the loss of extractive privileges of natural resources in over 115,000 square miles of water surrounding our northern-most Islands of Uracus, Maug and Asuncion far outweigh any benefits being touted by Pew. Pacific Island traditions are based on a long history of cultural use of natural resources and I find the Monument proposal to be contrary to our basic way of life.

As Mayor of the Municipality of Saipan, I do not support having a National Marine Monument designated in the Northern Mariana Islands. Additionally, I respectfully request that you maintain the existing resource management authorities, the Western Pacific Fishery Regional Fishery Management Council and the National Marine Fisheries Service. It is my belief that these agencies are much more sensitive to the Pacific islanders' way of life and our traditional and sustainable approach in the use of our natural resources.



Therefore, on behalf of the people of the island of Saipan, I respectfully request that you do not designate any portion of the CNMI as a National Marine Monument.

Sincerely,


JUAN BORJA TUDELA
Mayor

Cc: James L. Connaughton, Chairman, Council on Environmental Quality
Dirk Kempthorne, Secretary of Interior
Carlos M. Gutierrez, Secretary of Commerce
Benigno R. Fitial, CNMI Governor
Arnold I. Palacios, Speaker CNMI House of Representatives
Pete P. Reyes, President CNMI Senate
Ignacio Dela Cruz, Secretary natural Resources
Kitty Simonds, Executive Director, Western Pacific Regional Fishery
Management Council
Bill Robinson, NMFS Regional Administrator, Pacific Regional Office
Joshua Reichart, Pew Charitable Trusts



Office of the Mayor
MUNICIPALITY OF TINIAN AND AGUIGUAN
Post Office Box 59
San Jose Village, Tinian, MP 96952

Jose P. San Nicolas
Mayor

Phone: (670) 433-1800
(670) 433-1802
Fax: (670) 433-1819

June 12, 2008

President George W. Bush
The White House
1600 Pennsylvania Avenue N W
Washington, D C. 20500

RE: Designation of a Marine National Monument in the Commonwealth of the Northern Mariana Islands

Dear President Bush:

I am writing to convey my concern over the proposed National Marine Monument that is being promoted by the Pew Charitable Trusts ("Pew") in the Commonwealth of the Northern Mariana Island ("CNMI"). If designated, the National Marine Monument would convert over one third of the entire CNMI Exclusive Economic Zone into a marine preserve managed by the National Marine Sanctuary Program under NOAA/NOS.

Based on many comments I have received from my constituents, I have reached the conclusion that the loss of extracted privileges of natural resources in over 115,000 square miles of water surrounding our northern-most Islands of Uracus, Maug and Asuncion far outweigh any benefits being touted by Pew. Pacific Islands traditions are based on a long history of cultural use of natural resources and I find the Monument proposal to be contrary to our basic way of life.

As Mayor of Tinian & Aguiguan, I am not in support of having a National Marine Monument designated in the Northern Marianas Islands. Additionally, I respectfully request that you maintain the existing resource management authorities, the Western Pacific Fishery Regional Fishery Management Council and the National Marine Fisheries Service, as these agencies are much more sensitive to the Pacific Islanders' way of life and our traditional and sustainable approach in the use of our natural resources.

Therefore, on behalf of the people of Tinian, I respectfully request that you not designate any portion of the CNMI as a National Marine Monument.

Sincerely,

- cc: James L. Connaughton, Chairman, Council of Environmental Quality
- Dirk Kempthorne, Secretary of Interior
- Carlos M. Gutierrez, Secretary of Commerce
- Benigno R. Fitial, CNMI Governor
- Arnold I. Palacios, Speaker CNMI House of Representative
- Pete P. Reyes, President CNMI Senate
- Ignacio Dela Cruz, Secretary DLNR
- Kilty Simonds, Executive Director, Western Pacific Regional Fishery Management Council
- Bill Robinson, NMFS Regional Administrator, Pacific Islands Regional Office
- Joshua Reichart, Pew Charitable Trusts



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ROTA MAYOR'S OFFICE

PAGE 01



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

OFFICE OF THE MAYOR

P.O. Box 537 Rota, MP 96951

*Joseph S. Inos*
*Mayor of Rota**Tel No. 532-9451/3*
Fax No. 532-9454
Email: mohita@gmail.com

July 15, 2008

President George W. Bush
The White House
1600 Pennsylvania Avenue N W
Washington, D.C. 20500**RE: The Charitable Trusts' Proposal to Designate a National Marine Monument in the Commonwealth of the Northern Mariana Islands.****Dear Mr. President Bush:**

I wish to express my concern over the ever increasing efforts by the Pew Charitable Trusts to have a National Marine Monument designated in the Commonwealth of the Northern Mariana Islands (CNMI). The proposal Pew is advocating on your behalf involves the designation of over one third of the entire Exclusive Economic Zone (EEZ), approximately 115,000 square miles, as a "no-take" marine protected area. I am also troubled that the Antiquities Act of 1906 would be used to accomplish this endeavor. It is my understanding that this significant Federal action requires no public or stakeholder involvement and does not require compliance with the National Environmental Policy Act or any other laws that protect public interest.

My discussion with community members lead me to believe that the people of the CNMI prefer the current resource management approach being utilized by the Western Pacific Regional Fishery Management Council and the National Marine Fisheries Service. This management system promotes active participation by many of our island citizens as CNMI representatives in various Advisory Panels, Plan Teams, Science and Statistics Committee, and as Council Members working under guidance of the Magnuson-Stevens Act and other Federal Laws. I believe our present resource management approach is more in-line with our belief in the sustainable use of natural resources.



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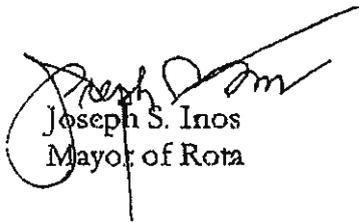
ROTA MAYOR'S OFFICE

PAGE 02

Despite the non-partisan opposition by the CNMI elected leaders against the proposed National Monument, I am disappointed that we continue to be hard-pressed to the point where the issue has now become controversial within our communities. Because of this situation, I do not support the designation of a National Marine Monument in the Mariana Islands as it conflicts with our traditional and sustainable use of marine resources and completely bypasses public and stakeholder involvement.

Therefore, on behalf of the people of Rota, I respectfully request that you not designate a National Marine Monument in the CNMI.

Sincerely,



Joseph S. Inos
Mayor of Rota

Cc: Dirk Kempthorne, Secretary of Interior
Benigno R. Fitial, CNMI Governor

"Nature's Treasure Island"



Commonwealth of the Northern Mariana Islands
Sixteenth Northern Marianas Commonwealth Legislature

Pete P. Reyes
Senate President

Arnold I. Palacios
Speaker of the House

August 6, 2008

President George W. Bush
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Re: Proposed Marianas Trench National Marine Monument

Dear President Bush:

We, the presiding officers of the Sixteenth Northern Marianas Commonwealth Legislature, write in opposition to the proposed Marianas Trench National Marine Monument. A plan now being proposed and circulated by the Pew Charitable Trusts would create a marine monument in the area of the three northernmost islands of the Commonwealth of the Northern Mariana Islands. We join Governor Benigno R. Fitial, many fellow legislators, and mayors of island municipalities in expressing our opposition.

As policy-makers and representatives of the people of the Commonwealth, we must take issue with some of the publicity generated by Pew and other groups and individuals in support of the proposed monument. We feel that the very media savvy and internet capable Pew campaign and its supporters may have created an impression that most residents of the Commonwealth are in support of the monument. In point of fact, a substantial number of local residents, many of whom are not equipped to disseminate their views through websites, blogs, or other mass media, oppose the creation of a monument. Particularly for indigenous residents of the Marianas, the loss of local control over such a vast area of land and water is an assault on the traditions and culture of the islands and on the concept of local self-government enshrined in the 'Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America' (48 U.S.C. §1801). We feel obliged to report the sentiment of this important, if often overlooked, group.

A monument, if modeled after the Papahānaumokuākea Marine National Monument in Hawaii, would severely restrict fishing and mineral exploration in the protected area. In light of the continuing economic crisis in the Commonwealth, we would like to have the ability, if feasible, to develop sustainable local economic activity



and not rely on assistance from the federal government. The creation of a monument takes at least one development possibility off the table. Furthermore, the islands at the center of the Pew proposal are remote and already protected under the Constitution of the Northern Mariana Islands. Anecdotal evidence in the form of eyewitness reports and underwater photography suggests that the area remains a pristine marine environment. Based on this evidence, we suggest that current preservation measures are adequate and federal involvement is unnecessary.

We hope that you, through the chairman of the Council on Environmental Quality, will share our concerns with those involved in any decision to create a Marianas Trench National Marine Monument. We fear that the creation of a marine monument is not only unnecessary, but also conflicts with both traditional and potentially beneficial uses of the waters surrounding our islands, and interferes with the principle of self-government so precious to our island community.

Sincerely,

Pete P. Reyes, Senate President

Arnold I. Palacios, Speaker
of the House

Cc: James L. Connaughton, Chairman, Council on Environmental Quality



Commonwealth of the Northern Marianas Islands
Caller Box I0007, Saipan, MP 96950

September 15, 2008

Honorable George W. Bush, President
United States of America
1600 Pennsylvania Ave., NW
Washington, DC 20500

Attn: James L. Connaughton
Chairman, Council on Environmental Quality

Dear President Bush:

You may have received reports that only 1/3 of 1% of oceans are under marine protection, a combined area about the size of Africa. Ignored in these reports are the vast marine areas protected by American Pacific islanders through the use of traditional means and an historical understanding of responsible stewardship, areas such as in the Northern Mariana Islands (NMI), including the Mariana Trench. An example is the unprecedented international multi-government cooperative protection areas realized under the Micronesia Challenge, an area the size of the United States of America. NMI strategy for ocean protection and survival coincides with the U.S. strategy for responsible and sustainable management of the resources and values of the Nation's oceans.

We are baffled that consideration is being given by the White House to designate a national marine monument in the Marianas; a designation would deny and take away from us the management responsibility of hundreds of years of successful stewardship. The degree of this bafflement was addressed to you in correspondence from our Governor, mayors and legislators, and was communicated directly to your staff, Mr. James Connaughton, at the Coral Reef Task Force conference in Kona, Hawaii last month. The NMI situation is analogous to U.S. relations with countries such as Russia, China and North Korea. Those relationships are influenced to a large extent by the issue of the protection of rights and rights violations in those countries. How can the White House denounce Russia for its "illegitimate, unilateral attempt" to redraw borders by force against Georgia, and chide China's actions against Tibet, while proposing through the unilateral designation of a monument in the Marianas to trammel similarly the NMI's rights to continue to manage our own marine



resources? You have said repeatedly that it is the role of government to protect the rights of the minority, not to abuse them just because the government may have the power to do so. You and Vice-President Cheney have intimated that America has the duty to work with the NMI to protect our common interest with the U.S. and to uphold our common democratic values.

Rights guaranteed to each American through the Bill of Rights are both civil and political. Since the U.N. Trust Territory of the Pacific (TTPI), these guaranteed rights extend further to include social and economic rights. The right to responsible management of our marine resources, in concert with federal environmental laws, is an example of a social and economic right and is a reflection of our expectation of protection from you, our President.

Island heritage teaches us how vital and how precious oceans are and how, for mutual coexistence, we Pacific islanders must remain committed to assisting the ways oceans self-maintain. The pristine nature of the water world of the Marianas is directly proximate to the stewardship and successful indigenous strategies and cultural practices of our people in concert with our federal partners. We islanders honor the grace, form, beauty, vitality and sustenance of Mother Ocean. We have the expertise to hear the sounds of the ocean's habitats, to honor its sense of order, and determine how ocean things are supposed to be. This is the magic of an American Pacific Islander's life-purpose, a living and breathing awareness of the co-evolutionary reciprocal connection between us humans and marine life.

The proposal to designate a monument in the Marianas has influenced one of the biggest political conflagrations since the NMI entered into its occasionally contentious political union with the U.S. It is one of the few occasions directing our people to again reread the U.N. agreement in which the U.S. was named Trust Territory administrator. The U.N. mandate to America under that agreement requires the U.S. to ensure economic security and a clean environment with us and it prevents America from taking away from us that which we already have. You need to know that the proposal has stoked considerable anger and opposition, which the PEW group fuels even today. Monument proponents are using quickie cost-benefit analysis trick-mirrors to recruit our people with "funny-money" and fantasy jobs to accept the notion of a monument in the Marianas.

The myth of the advantage of designating the monument can easily overtake the reality of its actual resulting impact. When one questions the virtue of a marine monument in the Marianas, the logic for not having it seems so compelling and self-evident. In the Marianas it would strip control from American Pacific islanders who have demonstrated and are demonstrating they are worthy stewards of the resources, and it would redound to immeasurable emotional heartache for us and a tide of political negativity for you. Realistically, your environment protection legacy would be the blues of a President who would be reputed as having acted cavalierly, arbitrarily and capriciously; possibly as a President who cared little that the area is



already amply protected and is neither stressed, endangered, polluted, nor in need of fixing. We hope you do not wish to take the risk of leaving such a disastrous politico-historic vilification as the “blue legacy.” You do not wish to have to again, and again, respond to the promise of ongoing resolute rejection of, and opposition and resistance to the notion of a monument in the Marianas.

We islanders know that we own the waters, perhaps not by political title, but by birth and birthright and the unalienable natural right to life, liberty and property. These are proclaimed universal standards of basic rights in the U.N. Universal Declaration of Human Rights, because these are considered essential to the dignity of each human being, despite the “strategic categorization” of the Marianas. These are those rights recognized in the Declaration of Independence as being based on natural law, a law higher than the authorities cited in your August 25th instructions to your Cabinet. Their existence is “self-evident,” given by God, and is “unalienable”; government is to preserve and protect these natural rights.

In CNMI testimony at the 20th U.S. Coral Reef Initiative Task Force meeting three weeks ago in Kona, Hawai’i, we said:

A monument is counter to the successful indigenous cultural strategies historically demonstrated by the CNMI in concert with its federal partners of responsible, sustainable use of CNMI natural resources. The said designation would be an affront to the Pacific islands’ traditional manner of protecting and giving respect to individual rights when determining matters of importance to the common good.

We remember being disposed of the area waters first by Spain, then Germany, followed by Japan, and now America? We beg your consideration so we Pacific Island Americans might avoid the never forgiven property plight of the Native Americans and the property infamy of the Japanese Americans. We and they are braided together in a reappearing common threat. Through your sovereign prerogative, please make the outcome different this time. We deserve to keep control of these home-waters and to have our cultures and values protected by the great democratic country with which we are proudly in political union.

Clear our bafflement. Rather than designating a national marine monument in the Marianas, recognize the foresight and genius of the CNMI in having included in our Constitution specific conservation protection of the area you have wished to designate as a monument. Recognize the perfected paradigm of the Micronesia Challenge for further conserving and protecting the Marianas marine and terrestrial resources. Recognize the five thriving Marine Protected Areas already existing throughout the NMI. Recognize the success we islanders are demonstrating in ocean conservation as truly being a praiseworthy asset and of value to the international image of the U.S. in ocean protection. Being the honorable statesman that you are, please leave these recognitions as your “blue legacy”.

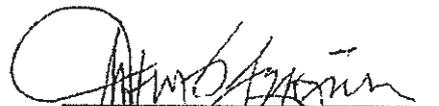


While you weigh the varied recommendations about a monument designation in the Marianas, we ask you to honor the people of the NMI by fighting for our rights through advantageously recognizing and considering the success of our demonstrated marine resources stewardship and protection. Discontinue your quest to designate a monument in the Marianas; allow us to remain in control. Commit ample federal resources to enhance further the conservation practices and strategies we espouse in the goal of saving the planet. Help us to establish a United States Coast Guard base in the NMI, and provide assistance to us for increased enforcement, research and monitoring activity.

These presidential actions can arise only from a position truly representative of the island, national and international mindset. Make this possible, and in the process produce one of the world's largest, most compassionate examples of democracy in action for this and future generations while protecting the national interest of effectively managing the marine resources and environmental values of the Nation's oceans. Give monumental prestige and honor to the people of the NMI and reject the proposal to designate a national marine monument in the NMI.

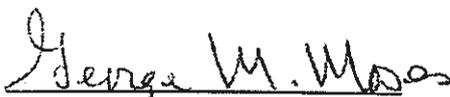
Respectfully yours,

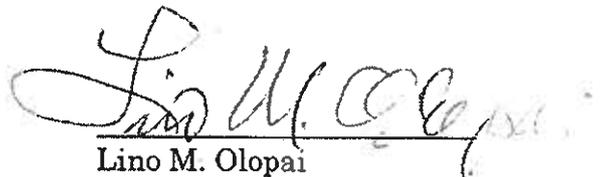

John B. Joyner, Ph.D., Director
Coastal Resources Management Office


Sylvan O. Iqisomar, Director
Division of Fish & Wildlife


Frank M. Rabauliman, Director
Division of Environmental Quality


Joaquin B. Villagomez, President
Latte Environmental
Consulting Company


George M. Moses


Lino M. Olopai



Kodep Uludong

Ray Mafnas
Senior Policy Advisor to the Governor

Felicidad T. Ogomuro

Elizabeth Rechebei

Benigno M. Sablan

Melvin L.O. Faisao

Cc: Governor
President, Senate
Speaker, House of Representative
Mayors

**CAROLINIAN AFFAIRS OFFICE**

Office of the Governor

Caller Box 10007, Saipan, MP 96950

Tel. 234-6385 * Fax. 235-5088

Email Address: admincao@saipan.com

The Carolinian Affairs Office (CAO) is constitutionally mandated to advocate matters that benefit persons of CNMI Carolinian descent. It is charged to uphold the constitutional rights of persons of CNMI Carolinian descent in matters relating to government services or areas affecting them.

September 17, 2008

Honorable George W. Bush, President
United States of America
1600 Pennsylvania Ave., NW
Washington, DC 20500

Attention: James L. Connaughton
Chairman, Council on Environmental Quality

Dear President Bush:

The Carolinian and Chamorro people or more refer to as CNMI Descents have recognized among themselves as holding native title rights to Lands situated in the Commonwealth of the Northern Mariana Islands, including rights over the sea, which co-exist alongside the rights for commercial and recreational fishers. These determinations' of traditional rights have been handed down from generations to generations.

The CNMI Descents, represented through their own effort in local sovereignty to diligently scheme enactment of the Marine Sovereignty Act of 1980 or CNMI Public Law 2-7, first lodged their claim on Marine boundaries in December 11, 1980. These include the rights to hunt, fish, gather and use resources within the area for personal, domestic or non-commercial exchange or communal consumption for the purposes allowed by and under their traditional beliefs and customs.

Furthermore, the CNMI Descent have been enjoying their traditional fishing conservation practices in co-existence of the MAGNUSON-STEVEN'S FISHERY CONSERVATION AND MANAGEMENT ACT which became ideally a stepping stone as an inclusion of recognizing the traditional CNMI Descents claims that all Pacific Insular Areas contain unique historical, cultural, legal, political, and geographical circumstances which make fisheries resources important in sustaining their economic growth and the Informal Composite Negotiating Text of the United Nations Conference on the Law of the Sea (ICNT).



The ICNT provides that the rights recognized or established therein to the resources of a territory such as the Commonwealth shall be vested in the inhabitants of that territory, to be exercised for their own benefit and in accordance with their own needs and requirements. Moreover, these mandates do not encroach on nor violates the CNMI Descent rights but allow provisions such as to preserve and protect the traditional rights and interests of the people of the Northern Mariana Islands in the surrounding sea and the resources thereof; In addition, it ensures the continued availability of such resources for future generations by establishing jurisdiction over such resources.

With that said the CNMI Descents practices' traditional values of the surrounding water, lands, and each variety of living species. These values are of significant traditional respect for protection and preservation of the marine and land environment, including prevention of pollution from outside the zone which threatens or risk to harm these resources.

The CNMI Descents have relied heavily on traditional seasonal hunting of fishes and other native species, which have passed down from our forefathers as way of conservation practices and curbing exploitation on the ecological surroundings.

In essence we, the Undersigned members of the Carolinian Affairs Office Advisory Committee invite you to have a round table discussion with our Paramount High Chief Governor Benigno R. Fitial on the issues surrounding our traditional rights to the resources found in our oceans and lands through a mutual consent as stipulated in the Covenant ([ref: 48 U.S.C. § 1801] To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America) **that the Covenant is not a unilateral enactment by the U.S. Congress. It is not an organic act, which Congress may unilaterally change at its pleasure. Because the Covenant is a binding bilateral agreement between the U.S. and the people of the NMI, neither party may unilaterally amend Covenant's fundamentals' provisions without the consent of the other. To do so would constitute a material breach of the Covenant.**

Angelica Ignoef-Mangarero, CAO Executive Assistant

Concurred By Melvin Faisao, Chairman CAO Advisory Committee

David R. Omar, Member

Frank M. Rabauliman, Member

Felicidad T. Oguro, Member

Jesus M. Elameto, Member

Isidro K. Seman, Member

Carmelita Rabauliman Faisao, Member



Vincent R.M. Rabauliman, Member

Patricia O. Rabauliman, Member

Vivian W. Odoshi, Member

Rosa L. Ayuyú, Member

Victoria S. Magofna, Member

Henry K. Magofna, Member

Rosa T. Castro, Member

Catherine P. Anderson, Member

Felix R. Fitial, Member

cc: **Hon. Benigno R. Fitial, Governor, CNMI**
Mr. Allen T. Tom, Director Pacific Islands Region Program
Attachments (Petitioners Against any monument establishment)



CAROLINIAN AFFAIRS ADVISORY COMMITTEE RESOLUTION NO. 1008

A RESOLUTION

To assert that we (CNMI Descent) are the rightful owner of lands and ocean resources established throughout this great Commonwealth as provided in any CNMI laws and recognized and guaranteed in creation of the Covenant as codified in 48 U.S.C. § 1801 and that the issues on traditional rights and belief should not be viewed as a comprehensive list, but rather as points to facilitate further discussion and identification of any other issues that may be of concerns to native indigenous (CNMI Descent).

1 **WHEREAS**, RECALLING that CNMI people have owned the lands and ocean
2 on which conservation and monument designation are to be located on since time
3 immemorial and continue to so own; and

4 **WHEREAS**, RECOGNIZING that since the federal government is pursuing its
5 intent on creation of monument designation without recognition of the native indigenous
6 title (CNMI Descent) is an un-remedied appropriation of NMI Descent traditional land
7 and ocean ownership rights; and

8 **WHEREAS**, NOTING that the Honorable President George Bush desires to
9 reform existing arrangements for accommodating conservation and to leave an
10 environmental legacy in the White House with limited consultative discussion on just
11 compensation and access for the CNMI Descent rights and ownership of land including
12 the ocean is a breach on the Covenant, which is an agreement entered into between the
13 United States government and the government and people of the Northern Marian
14 Islands. The parties entered into agreement as two separate but equal sovereign entities
15 and

16 **WHEREAS**, the Federal Government has proposed the Marianas Trench
17 Monument encompassing 115,000 square miles of surrounding waters of the three
18 northernmost-islands, [Asuncion (Songschool), Maug (Longeiraw), Uracas (Schughppul)];
19 and

20 **WHEREAS**, CALLING on the US Federal Government to recognize, in
21 negotiation, the position of CNMI Descent traditional rights as land and ocean owners and

CAROLINIAN AFFAIR ADVISORY COMMITTEE RESOLUTION NO. 2008-01

1 parties of equal status rather than relegating Commonwealth people (CNMI Descent) to
2 the position of 'stakeholders' or 'interest groups' and the imperative for a lasting
3 commitment by Honorable President George Bush or the US Federal Government to
4 engaging CNM Descent or Commonwealth people on this basis; and

5 **WHEREAS**, we (CNMI Carolinian Descents) call on the US Federal Government
6 to implement a fair and equitable process including a mutually reasonable timetable to
7 enable adequate CNMI Descent wide approval of new policy for Indigenous (CNMI
8 Descent) rights in, and ownership of, land and ocean and to provide adequate resources
9 for the process; and

10 **WHEREAS**, in negotiating a fair process the CNMI Descent calls' on the US
11 Federal Government to recognize and fulfill obligations on the traditional rights of
12 indigenous (CNMI Descent) people and the environment; and

13 **WHEREAS**, the US Federal Government must recognize and accept CNMI
14 Descent ownership of lands and ocean including all cultural and intellectual properties
15 throughout CNMI lands and ocean boundaries established in CNMI Public Law 2-7, to
16 enable the development of a CNMI Descent conservation management control of lands
17 and ocean; and

18 **WHEREAS**, those identified areas by the US Federal Government in the
19 Commonwealth for the sole purpose of monument designation, protected conservation
20 areas, and for others purposes that the CNMI Government and the US Federal
21 Government may establish agreement on in the future will not diminish or extinguish any
22 rights of CNMI Descent ownership, nor prevent the exercise of such rights; and

23 **WHEREAS**, that where identified indigenous (CNMI Descent) negotiations have
24 determined that Commonwealth land and or ocean is to be used for conservation areas and
25 or monument designation purposes or for other purposes, the US Federal Government will
26 compensate CNMI Descent owners for the loss of full use and enjoyment of indigenous
27 (CNMI Descent) ownership and stewardship on land and ocean in the form of a
28 negotiated annual rental payment or package in the amount not less than its fair market
29 value but not in form of grant assistance or technical assistance agreements; and

30 **WHEREAS**, the people of the Mariana Islands currently have total and free

CAROLINIAN AFFAIR ADVISORY COMMITTEE RESOLUTION NO. ZOOB-003

1 access to the entire Northern Mariana Islands Exclusive Economic Zone and should the
2 Federal Government implements the designation of a national marine monument such
3 action would greatly restrict the people of the Marianas Islands from entering the ancestral
4 waters that have been culturally accessible without restriction for thousand of years; and

5 **WHEREAS**, the local and traditional care of Mother-Ocean in the NMI, as
6 provided in the Covenant, was officially transferred from the Government of the Trust
7 Territory of the Pacific Islands and returned to Northern Mariana Island people; and

8 **WHEREAS**, we the people of this great Commonwealth have proven and
9 continue to demonstrate as worthy stewards and owners of NMI land, water and cultural
10 resources; and

11 **WHEREAS**, the Carolinian Affairs Advisory Committee strongly opposes any
12 form of transfer of resource management authority over Northern Mariana Islands
13 Ocean/Sea (water) to the National Marine Sanctuary Program or other federal agencies
14 than the present arrangement governed by the Magnuson -Stevenson Act involving the
15 National Marine Fisheries Service and the Western Pacific Regional Fisheries Management
16 Council; and

17 **WHEREAS**, It is the intention of this resolution to support the Paramount High
18 Chief Governor Benigno R. Fitial and the residents of the Commonwealth in their strong
19 objection to the designation of any national marine monument within the Northern
20 Mariana Islands water; and

21 **NOW, THEREFORE BE IT RESOLVED**, by the Carolinian Advisory
22 Committee, that the Carolinian Affairs Advisory Committee presents a unitary strong
23 opposition of monument designation, identified protected or conservation areas and other
24 purposes on lands and in the ocean within the Commonwealth without consultation
25 process between the CNMI Government and the US Federal Government for mutual
26 consent is a breached on the Covenant; and

27 **BE IT RESOLVED**, that our ocean provides greatest opportunities for economic
28 development and such the CNMI Descent as Pacific Island communities immemorial to
29 time have recognized that we inhabit the islands scattered throughout this ocean in the
30 Commonwealth which some of the most inspiring migration in human history have taken



CAROLINIAN AFFAIR ADVISORY COMMITTEE RESOLUTION NO. 2008-001

1 place, over thousands of years; and

2 **BE IT FURTHER RESOLVED**, that the ocean/sea has been the major influence
3 in the history of Pacific Island communities which includes the CNMI Descents
4 (Carolinian and Chamorro) throughout this CNMI region on customary association with
5 the sea forms the basis of present day social structures, livelihoods and tenure systems and
6 traditional systems of stewardship and ownership rights on governing its use; and

7 **BE IT FURTHER RESOLVED**, that it is the position of the Carolinian Affairs
8 Advisory Committee Members that every national marine proposal for the Mariana Islands
9 (Commonwealth) be rejected in its entirety; and

10 **BE IT FURTHER RESOLVED**, that the Chairman shall certify, and the
11 Executive Assistant of the Carolinian Affairs Office shall attest to the adoption of this
12 Resolution and thereafter transmit certified copies to, the Honorable Benigno R. Fitial,
13 Governor of the Commonwealth of the Northern Mariana Islands; the Honorable James L.
14 Connaughton, Chairman Council on Environmental Quality; the Honorable Juan B.
15 Tudela, Mayor of Saipan; the Honorable Arnold I. Palacios, Speaker of the House; the
16 Honorable Pete P. Reyes, Senate President;

17 **AND NOW, BE IT FURTHER RESOLVED**, We (the undersigned parties),
18 acknowledges the affirmation of this resolution and its contents and exercises to effectuate
19 adoption and passage of this resolution.

Date: 10-20-2008

Malvin LO Faisao

David R. Omar

Frank M. Rabauliman

Jesus M. Elameto

Carmelita M. Rabauliman Faisao

Isidro K. Sentan

Vivian W. Odoshi

Vincent M. Rabauliman

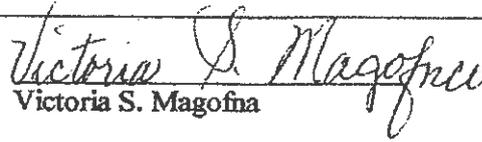
Patricia O. Rabauliman

Rosa L. Ayllyu



CAROLINIAN AFFAIR ADVISORY COMMITTEE RESOLUTION NO. 2008-001


Enrique K. Magofna (Henry)

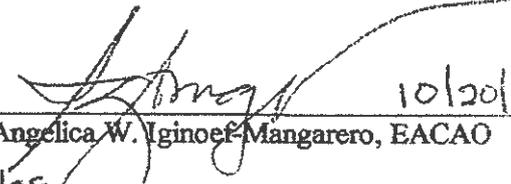

Victoria S. Magofna

Rosa T. Castro

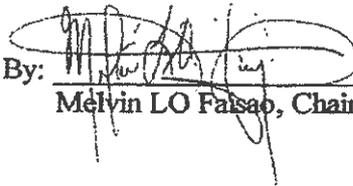
Catherine P. Anderson

Felix R. Fitial

Attest for the Adoption of this resolution by:

 10/20/2008
Angelica W. Iginio Mangarero, EACAO

Certified By:

 10/20/08
Melvin LO Falsao, Chairman CAO Advisory Committee



Saipan Man Amko Council Resolution

WHEREAS, on 15 June 2006, President George W. Bush under the authority of the Antiquities Act of 1906, unilaterally made the decision to designate the North west Hawaiian Island National Marine Monument, a decision that bypassed the fair and equitable approach required by the National Marine Sanctuaries Act; and

WHEREAS, President George W. Bush is now proposing to create an additional large oceanic marine protected monument in the Northern Mariana Islands prior to his leaving office in January 2009; and

WHEREAS, determination of the proposed marine monument boundaries and the “no-take” management approach being advocated might neither be based on the scientific method nor on the traditional sustainable use approach of conserving natural resources practiced by Pacific Islanders; and

WHEREAS, the Antiquities Act grants unilateral authority to the President of the United States to designate any federal lands as a National Monument; and

WHEREAS, the concerns raised by the indigenous people of the Northern Mariana Islands include but are not limited to: permanent federal prohibitions associated with the Antiquities Act, additional resource use restrictions associated with the new management authority – the National Marine Sanctuary Program; a complete ban on commercial and recreational fishing within monument waters, a complete ban on all forms of oil, gas and mineral extraction activities within monument waters; and

WHEREAS, the people of the Mariana Islands presently have total and free access to the entire Northern Marianas Exclusive Economic Zone, and designation of a national marine monument would greatly restrict anyone who wishes to enter the ancestral waters that have been culturally accessible without restriction for thousands of years; and

WHEREAS, numerous correspondence from NMI elected representatives opposing a national marine monument for the Marianas Islands have been sent to the Pew Environment Group and President George W. Bush including:

1. Letter from CNMI Governor Benigno Fitial to Mr. Jay Nelson (Pew Charitable Trusts), dated 19 March 2008;
2. Letter from Governor Benigno Fitial to President George W. Bush, dated 29 April 2008;
3. Joint CNMI Senate/House Resolution No. 16-04, dated April 2008 (*included in Governor Benigno Fitial's letter to President George W. Bush*);
4. Letter from Tinian Mayor Jose P. San Nicolas to President George W. Bush, dated 12 June 2008;



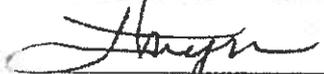
5. Letter from Saipan Mayor Juan B. Tudela to President George W. Bush, dated 9 June 2008;
6. Letter from Rota Mayor Joseph S. Inos to President George W. Bush, dated 15 July 2008;
7. Letter from Northern Islands Mayor Valentin I. Taisakan to President George W. Bush, dated 6 June 2008;
8. Letter from CNMI House Speaker Arnold I. Palacios and Senate President Pete P. Reyes to President George W. Bush, dated 6 August 2008;
9. Joint CNMI House/Senate Resolution No.16-13, dated 10 September 2008; and

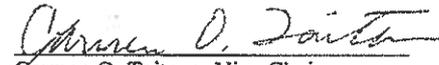
WHEREAS, the Manamko Council supports Governor Benigno R. Fitial, Mayor Valentin I. Taisakan, Mayor Juan B. Tudela, Mayor Jose P. San Nicolas, Mayor Joseph S. Inos, the 16th CNMI Legislature, and residents of the Northern Mariana Islands in their strong opposition to the designation of any national marine monument within CNMI waters; and

WHEREAS, the manamko Council strongly opposes any form of transfer of resource management authority over Northern Mariana waters to the National Marine Sanctuary Program or federal agencies other than the present arrangement governed by the Magnuson-Stevens Act involving the National Marine Fisheries Service and the Western Pacific Regional Fisheries Management Council;

THEREFORE, BE IT RESOLVED that it is the position of the Northern Mariana Islands Manamko Council that every national marine monument proposal for the Mariana Islands be rejected in their entirety.

Date: October 20, 2008


Francisco Reyes, Chairman


Carmen O. Taitano, Vice Chairperson


Ana T. Nakatsukasa, Treasurer

Teresita Sorroza, Secretary

Mary Allan Conrad, Member


Siyau Muna, Member

Mila Garin, Member

Christy Michael, Member



Editorial - Mr. Bush's Blue Legacy - Editorial - NYTimes.com

Subject: Editorial - Mr. Bush's Blue Legacy - Editorial - NYTimes.com

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The New York Times
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September 3, 2008

Editorial

Mr. Bush's Blue Legacy

President Bush may be on the brink of doing something stunningly at odds with his record as one of the worst environmental stewards ever to inhabit the White House. He is considering setting aside three vast, remote corners of the Pacific Ocean for protection, an area larger than Alaska and Texas combined.

In a memo last month, Mr. Bush directed his administration to develop a plan for creating sanctuaries in the waters around the Northern Mariana Islands, including the Mariana Trench, the world's deepest; Rose Atoll in American Samoa; and parts of a long, sprawling collection of reefs and atolls known as the Line Islands.

The waters are as isolated and pristine as any part of the globe can be these days, home to countless species of fish and plants, rare turtles and seabirds and glorious reefs. The Mariana Trench is a staggering place; it could swallow Everest. The islands are mostly coral flyspecks, but if the waters around them are protected to the fullest extent possible — to the 200-mile territorial limit — the sanctuaries would total nearly 900,000 square miles. That is bigger than all of Mexico.

Mr. Bush has done something nearly as spectacular once before. In June 2006, he created the Papahānaumokuākea Marine National Monument in the Northwest Hawaiian Islands. Over the strident objections of some commercial-fishing interests, Mr. Bush created a no-fishing sanctuary covering 140,000 square miles, an area larger than all of the country's national parks combined.

Mr. Bush used the Antiquities Act of 1906, a little-known statute that allows presidents, by executive order, to protect public lands by designating them as national monuments.

His decision won wide praise, except from the Western Pacific Regional Fishery Management Council, known as Wespac, one of eight federal agencies assigned to protect fish and fishing in United States waters. Wespac is notorious among environmental groups as a chronic enabler of reckless commercial fishing.

Wespac's executive director, Kitty Simonds, is condemning this new idea as punishment of the "brown and yellow people" of American Samoa and the Northern Marianas. In fact, her agency's customary attitude — fish here, fish now — ignores the strong local support across the Pacific for farsighted stewardship of imperiled oceans, a resource that belongs to future generations as much as it does to all of us.



Editorial - Mr. Bush's Blue Legacy - Editorial - NYTimes.com

Mr. Bush's proposal could shrink in scale as details are hammered out and compromises made. He has the power to make the sanctuaries absolute no-fishing, no-mining zones — the best option. His memo also left open the possibility of allowing some fishing and mineral extraction in the sanctuaries. We hope he resists the forces of exploitation, and closes as much as possible of those stretches of the vast blue Pacific to human meddling.

That would be an achievement for the ages. All we can say is: Go for it, Mr. President.

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Part 1.3.1.6

Part 1.3.1.7



Op-Ed Piece for the New York Times

By Kitty M. Simonds

Executive Director

Western Pacific Regional Fishery Management Council

The Western Pacific Regional Fishery Management Council is not alone in questioning the wisdom of a proposed marine national monument for the Commonwealth of the Northern Mariana Islands (CNMI). However, non-profit environmental groups and news media framing the dialog on this issue choose to focus on the Council and ignore the opposition clearly voiced by the CNMI governor, legislature and mayors for each of the commonwealth's four island municipalities along with other elected leaders and residents—as well as growing community skepticism toward other monument schemes in the Pacific.

What may be considered a “blue legacy” for a retiring President could result in fatal hardships for remote Pacific island residents who have depended on the ocean's resources for thousands of years. It threatens to close off large areas of the Pacific to indigenous islanders who rely on the ocean for their food, economic survival and cultural identity. It also raises questions about the continuing invasion on these remote people and their right to self-determination.

The New York Times (*NYT*) in its September 3 editorial “Mr. Bush's Blue Legacy” portrayed the Council and its executive director as nay-saying irritants to the President's marine monument plans in the Pacific islands past and present. The Council, one of eight federally-constituted regional ocean policy-making agencies, is painted as standing alone in questioning Bush's plan for the CNMI and as the lone resister to his action in unilaterally designating the Northwestern Hawaiian Islands (NWHI) Monument.

In fact, the Council does not oppose the NWHI Monument. In its congratulatory letter to the President on the monument, the Council said it was pleased that he recognized the importance of the NWHI to the people of Hawaii and the United States and reiterated that environmental protection and responsible fisheries management activities can co-exist. The Council continues to believe that fishing by native Hawaiians for sustenance and by the few existing federal and state licensed fishermen in the NWHI is compatible with the monument goals and should be allowed.

Outside the fishing community, publicly vocal resistance to the NWHI Monument has arisen from Hawaiian groups and environmentalists who have found that military and other federal activities are allowed with little to no restrictions.

The Council does not deserve the environmental tarring of being labeled as “a chronic enabler of reckless commercial fishing” as characterized in the *NYT* editorial. Quite the opposite, it has played a lead role for more than 30 years in regulating fishing and other extractive activities that threaten ocean resources. It enacted seasonal closures for certain



species and area closures for others. It developed the first no-take marine reserves in the NWHI in 1980s. It pioneered the satellite tracking system for fisheries known as VMS that enables fishery managers throughout the world to enforce closures. It was among the first to eliminate drift gill nets, bottom trawling and other destructive and non-selective fishing practices and to establish quota-based fisheries. It has also implemented successful measures to minimize fishery interactions with seabirds and sea turtles and has exported these technologies globally.

Only two of the Council's 16 members are connected with commercial fishing. The other members represent recreational and subsistence fishers, the environmental community, a variety of water-related occupations, and several federal and local marine and wildlife management agencies. Decision-making is by consensus and based upon science, includes public input from well-advertised public hearings and is reviewed by federal government lawyers. As mandated by the Magnuson-Stevens Fishery Conservation and Management Act, the Council works within the Commerce Department and alongside NOAA Fisheries. It does not operate as some kind of free-floating rogue agency isolated from federal accountability.

On the other hand, the Pew Charitable Trusts, a global non-profit, is internet-active and conspicuous in its aggressive public relations campaigns to mobilize support for the monument movement. The Pew also has been open in its criticism of the Regional Fishery Management Council system, urging others to work against or around the Councils. It has focused especially on the Western Pacific Council and its executive director, spending millions of dollars on its disinformation campaign. The relationship between the Pew Charitable Trusts and the Pew Oceans Commission, which is a part of the President's ocean management advisory team, is not clear. But the weight of Pew as a major player in Pacific Ocean policy is beyond doubt.

The Western Pacific Regional Fishery Management Council is mandated by the Magnuson-Stevens Act to consider the consequences of ocean policy decisions on the indigenous populations in Hawaii, Guam, CNMI or American Samoa. The threatened loss of fishing rights through the closing of an ocean area zoned for monument designation is a legitimate Council concern. It also ought to concern others with more power, resources and influence to ensure that federal policy is used to help, not hurt, these indigenous populations.