

Written Testimony of  
Friends of the Mariana Trench Monument  
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Before the  
Subcommittee on Insular Affairs, Oceans, and Wildlife  
Committee on Natural Resources

Hearing on the  
Mariana Trench Marine National Monument Visitor Facility  
Authorization Act of 2009 (H.R. 3511)  
and the  
Marine National Monument Management Enhancement Act of 2010/Bonitan Tasi  
(H.R. 4493)

February 25, 2010

## **INTRODUCTION**

We are the Friends of the Marianas Trench Marine National Monument, an incorporated non-profit organization based on Saipan in the Commonwealth of the Northern Mariana Islands (CNMI). Our organization formed in 2008 to express the voice of the local community and consists of a cross-section of indigenous and resident people of the CNMI who are dedicated to the conservation, preservation and protection of marine flora, fauna and geological features of the oceans; and the proper management of the Marianas Trench Marine National Monument.

Our members and our directors have been involved with the issues surrounding the Marianas Trench Marine National Monument since January 2007 when the idea for a monument was first proposed by the Pew Environment Group. Pew had been involved in the successful creation of the Papahānaumokuākea Marine National Monument in 2006 and they were scouting other areas on the globe where large no-take marine protected areas could be created. They selected the Northern Mariana Islands as an area of interest because of our large swaths of remote, unspoiled ocean, and our history of environmental protection, which is enshrined in our Constitution and practiced in our indigenous cultures.

It was our members who first proposed the name Marianas Trench Marine National Monument and it was our members who put forth the proposal in the CNMI community to protect as a no-take monument the entire United States EEZ surrounding the islands of Uracas, Maug, and Asuncion. We are some of the most well-versed and well-informed people concerning monument issues and have kept a careful record of all letters, correspondence, and news concerning the monument.

The Bush Administration recognized us as local leaders on this important issue and on the day the monument was declared invited us to the White House. Three of our Directors, Ignacio Cabrera, Angelo Villagomez, and Agnes McPhetres attended on behalf of all our members. The honor was made even more special seeing as the only other people from the CNMI in the room that day were Governor and Mrs. Benigno Fitial. McPhetres presented First Lady Laura Bush with an orange Mariana Trench t-shirt right after the ceremony and later received a personal thank you letter and a photograph commemorating the day.

Since the declaration, when issues concerning the monument arise, as they have with the introduction of HB 3511 and HB 4493, we contact 1000-plus members who subscribe to our email list. We publish to our blogs, appear on local television, and issue press releases to the Saipan newspapers to keep the public informed. Many of the letters that have been presented as testimony to this Subcommittee were written as a result of our community organizing.

As part of our testimony on the pending bills, we will not only comment on them, but also share with you a short history of how the monument came to be, describe how the monument signed into law by President George W. Bush differs from the monument promised to us by the Bush Administration, and make recommendations for improving upon the existing monument and bringing to fruition the potential social, economic, and environmental benefits of the Mariana Trench Marine National Monument.

## **MONUMENT HISTORY**

Jay Nelson, the Director of Pew's Global Ocean Legacy, first traveled to Saipan in January 2007 and met with CNMI Representative Cinta M. Kaipat and environmentalist Angelo Villagomez, who at the time were leaders of the environmental community on Saipan. Kaipat, born on the island of Agrigan and raised on Pagan, is the first female attorney of Carolinian descent produced in the CNMI and was serving as the first attorney ever elected to the local CNMI Legislature. Villagomez was the Director of the Mariana Islands Nature Alliance (MINA).

Nelson pitched the idea of a large, remote no-take marine protected area to Villagomez and Kaipat, at first suggesting that all the waters north of Saipan be protected. Although scientifically sound, Villagomez and Kaipat scoffed at this idea because of their understanding of local politics. After some discussion Villagomez and Kaipat suggested that a marine protected area surrounding the three northernmost islands in the CNMI would be palatable for the public because the islands were hundreds of miles away and were already designated as conservation areas in the CNMI Constitution. The Mariana Trench runs parallel to the Marianas Archipelago and because several hundred miles of this deep ocean occurred within the United States EEZ surrounding those three islands, Villagomez suggested the name Marianas Trench Marine National Monument.

Villagomez and Kaipat helped move this idea and this name along by setting up some meetings between the CNMI Executive Branch and Pew Environment Group. In August 2007, Nelson met with the Governor's Senior Policy Advisor, Ray Mafnas,

and the CNMI Secretary of the Department of Lands and Natural Resources, Ignacio Dela Cruz. Dela Cruz raised some concerns about a monument conflicting with the potential revenues received from future seabed mining ventures, but Mafnas expressed optimism that the Fitial administration could work with Pew and asked Nelson for a proposal. Mafnas also suggested to Nelson that he hire Villagomez to promote the idea in the community.

Villagomez, Kaipat and several other individuals including Ken Kramer, the then-Coordinator of Marianas Resource Conservation & Development Council (RC&D), and Mike Tripp, an underwater videographer and President of Marianas Dive, informally promoted the idea of a monument throughout the fall of 2007. Villagomez arranged for Nelson to try to interest MINA, the local non-profit for which he worked, in taking the local lead. In November 2007 Nelson pitched the idea to the members of MINA and proposed that MINA could be the lead local organization in support of a monument.

MINA ultimately declined to take the lead on the monument after a single board member protested (it turned out he was being fed false information from the Western Pacific Regional Fishery Management Council). Villagomez resigned from MINA shortly after and was hired by Pew to take on the project.

In December 2007 a letter was sent by Nelson to Governor Fitial outlining the monument process and comparing a monument in the CNMI to the creation of Papahānaumokuākea in 2006. The governor did not immediately respond to the letter.

For the first several months of 2008 Villagomez, now acting as the Saipan Coordinator of Global Ocean Legacy, worked with local citizens, environmentalists, divers, business owners and fishermen alike, to put together a proposal of what a potential Marianas Trench Marine National Monument would look like. He brought our current treasurer, Laurie Peterka, on board to help research and put together a proposal. Together they gathered people's concerns and researched ways to address them.

The first meeting Villagomez had as the Saipan Coordinator of Global Ocean Legacy was with the directors of the CNMI resource agencies to ascertain some of their concerns. John Joyner of Coastal Resource Management Office, Frank Rabauliman of Division of Environmental Quality, and Sylvan Igisomar of Division of Fish and Wildlife met with Villagomez, Kaipat, and Ken Kramer who was then the Coordinator of RC&D. Villagomez explained the idea of a monument and how it was modeled after Papahānaumokuākea and shared with the directors information from NOAA, including information fliers and handouts from NOAA Office of Marine National Sanctuaries, as well as co-management agreements between the federal government and the State of Hawaii.

Villagomez had worked closely with all three directors and their offices when he was the Director of MINA and Coordinator of Beautiful CNMI and shared with them everything he knew about how a potential monument would function, be managed, and how it was likely to be created by Bush invoking the Antiquities Act.

Villagomez continued to pitch the idea in the community and to address stakeholder concerns up until March 2008 when Nelson and Matt Rand of Pew Environment Group traveled to CNMI to make a presentation to the governor in his office on Capital Hill. Tan Holdings Vice President Lynn Knight arranged the presentation. Also invited to the presentation were the governor's Military Task Force, the governor's Strategic Economic Development Council, and the CNMI's Comprehensive Economic Development Strategic Plan Committee. In total about 40 high-ranking government officials and local leaders filled the governor's conference room on March 20, 2008.

The governor was oddly not in attendance. We found out why when moments before the presentation was to start, Mafnas handed Villagomez a letter signed by the governor letting him know that the government was not interested in discussing any monument or conservation area "at this time." The presentation still went on as planned without the governor.

After the presentation, Mafnas very rudely challenged Nelson in the Governor's Conference Room, which caused many of the attendees to back Nelson and galvanize around the monument idea. The idea for a monument was now out there and it wasn't going to go away even though the Executive Branch was not interested. The community at large and several members of the Legislature were already openly showing signs of support.

One of the first organizations to throw support behind the monument was Beautify CNMI, a volunteer environmental coalition founded by Kaipat and Villagomez consisting of government agencies, local businesses, community groups, and concerned citizens. Marianas RC&D was also an early supporter. The members and volunteers of these two organizations were actively promoting the idea throughout the community in the Spring of 2008.

Members of the CNMI Legislature, Representatives Tina Sablan, an Independent firebrand known for her support of Open Government and Immigration Reform, and Ed Salas, a Republican representing the largest village on Saipan, were supportive of a monument from the first time they met with Pew Environment Group and would prove to be two of our most important allies.

The business community was also beginning to take on the monument as a cause. Lynn Knight at the time was a Vice President of Tan Holdings, President of the Hotel Association of the Northern Mariana Islands, and Chair of the CNMI's Comprehensive Economic Development Strategic Plan Committee, and co-chair of the Governor's Strategic Economic Development Council. She used her considerable influence to promote the idea as something that would help improve tourism in the islands and many businesses followed her lead.

The idea had also spread to the Rotary Club of Saipan. Although the club is non-political and never took a stance on the issue, members of the club, all of whom are prominent community leaders, took leading rolls in supporting the monument. Four of our current board members belong to the Rotary Club of Saipan.

The supporters of the monument never intended on waging a “campaign,” but with the Governor taking the position he did, it fell to the supporters of the monument to show the level of support the idea had in the community and in order to do so, we had to wage a “campaign” educating the public on the Antiquities Act, the science behind marine protected areas, and the economic, social, and environmental benefits a monument would bring.

We did not yet call ourselves the Friends of the Marianas Trench Monument, but the people who would ultimately become our founders did what many people do when they find themselves at odds with their elected leaders: they invoked their First Amendment rights and started a petition.

A local retired librarian named Ruth Tighe penned the petition. Ruth’s petition read:

***Understanding** that the quality of the world's oceans are deteriorating, and that its marine life in all forms are also under stress; and*  
***Observing** that designation of marine sanctuaries does restore fisheries and marine life to an earlier plenitude; and*  
***Welcoming** the opportunity to support the Micronesia Challenge and contribute towards and support the restoration of the world's seas and underwater ecosystems; and*  
***Recognizing** that the CNMI's economy is failing and its people suffering accordingly; and*  
***Believing** that an increase in visitors to the CNMI would significantly refuel the economy; and*  
***Being aware** that declaration of a Marianas Marine Monument would bring such an increase of visitors, scientists, explorers, tourists and the media to the CNMI; and further*  
***Keeping in mind** the historical and cultural significance of all the islands in the Marianas archipelago; and*  
***Wishing** to assure their preservation and protection,*  
***We, the undersigned, do hereby petition the President of the United States, George W. Bush, to designate the waters surrounding the Marianas' islands of Maug, Uracas and Asuncion a National Monument, to be regulated and administered jointly and cooperatively by the people of the CNMI and the relevant agencies of the federal government.***

We started collecting signatures by going to the farmer’s market on Saturday mornings and by standing in front of grocery stores in the afternoons. We had grandmother’s taking the petition door to door in their neighborhoods and college students passing the petition around in their classes. The petition was even seen being passed around at weddings.

It was around this time that we started calling ourselves Friends of the Monument. We asked people to sign the “Friends of the Monument’s petition” and promoted ourselves on blogs, YouTube, Myspace, and Facebook. We purchased advertising in local newspapers and magazines and put together a 30 second public service announcement and aired it on local television. Our members also kept up a steady

stream of letters to the editor, most of which were written to address concerns raised by the community.

We initially set out to collect 1000 signatures, but as momentum built we approached 2000. When Ike Cabrera and Agnes McPhetres flew to Washington DC to meet with federal officials in August 2008, Cabrera promised Chairman for the Council of Environmental Quality James Connaughton that he would collect 5000 signatures.

We ultimately collected over 6000 signatures from residents living on Saipan, Tinian, and Rota. During this time our members also made presentations to schools, which resulted in over 500 letters of support written by local school children. We also created a separate “business petition” which was signed by 206 business owners, presidents, and general managers.

All of these face-to-face, one-on-one conversations and the 115 presentations made by Pew Environment Group resulted in a community heavily engaged in discussions on marine related issues. The innumerable letters to the editor and newspaper articles also helped the White House have an understanding of pretty much all the issues and concerns about the monument long before they even announced that they were interested in exploring the possibility of a monument.

And when the White House officials finally arrived in Saipan for the public hearing, they were greeted with a sea of orange t-shirts in support of the monument.

It is important to note that while we were waging our campaign in support of the monument, the Western Pacific Regional Fishery Management Council (WESPAC) was waging a separate campaign against the monument. They tried to make the monument appear controversial, but all you had to do was compare the names at the bottom of the letters they were writing to the names listed in the local WESPAC directory to see that they were nothing more than a very vocal minority.

The local coordinator for WESPAC, Jack Ogomoro, circulated a petition in opposition to the monument, but was only able to generate 300 signatures in the time we gathered 6000. It was later exposed in the local newspapers that the promoters of that petition had been exchanging hot dogs for signatures with one young indigenous man apologizing for selling his signature for something as insignificant as a hotdog.

WESPAC used everything in their arsenal to make the monument seem controversial, when in fact it was supported by a majority of the people living in the CNMI. Governor Fitial also negotiated for less US government power and protection, but in the end, when all was said and done and after the monument issue had been examined, digested, dissected, and looked at from every possible angle, President George W. Bush put his pen to paper and created the Marianas Trench Marine National Monument.

Our work in the community during that time was unprecedented for the CNMI. Between March and October 2008 the Friends of the Mariana Trench Monument and the Pew Environment Group had engaged the community to an extraordinary level, which resulted in:

- 66% of CNMI registered voters were found by two independent polls to be in support of the monument when it was signed.
- 6000+ Commonwealth residents signed petitions in support of a no-take monument.
- 206 business owners, presidents and general managers signed on in support of the monument.
- 115 public meetings were held and presentations made to over 3300 attendees – including 400 who attending the official White House meeting in October 2008.
- 500 letters in support of the monument were written by local students.
- Almost 150 letters to the editor – with a 3:1 pro/con ratio – were published in the local papers over 18 months.
- Innumerable news stories and four separate one-hour panel discussions appeared on local television.
- Editorials were printed in both papers and too many newspaper articles to count appeared over the 18 month process.
- Almost a dozen radio interviews took place concerning the monument on local talk radio programs.

All of this hard work paid off. On the day the monument was signed into law by President George W. Bush, most of our detractors had succumbed to public pressure and we counted among our supporters:

- CNMI Governor Benigno Fitial
- CNMI Senate President Pete P. Reyes
- CNMI House Speaker Arnold I. Palacios
- Saipan Tribune Editorial Board
- Saipan Chamber of Commerce
- Hotel Association of the Northern Mariana Islands
- Northern Marianas Insurance Association
- Marianas Dive Association
- Kagman Community Association
- Japan Saipan Travel Association
- Taotao Tano Indigenous Rights Association
- Northern Marianas College Alumni Association
- Former elected leaders: Governor Juan Babauta, Rep. Cinta Kaipat, Rep. Andrew Salas, Rep. Karl Reyes, Senator Thomas Villagomez, Mayor Vic Cepeda, Mayor George Sablan, and Lt. Governor Jesus Borja.
- Beautify CNMI
- Friends of the Marianas
- Mariana Islands Nature Alliance
- Marianas Resource Conservation & Development Council

If you compare this to Guam where there was a single public meeting hosted by the White House and no public outreach it becomes clear that the Marianas Trench Marine National Monument belongs to the people of the Commonwealth of the Northern Mariana Islands.

It was the people of the Northern Mariana Islands who asked for the monument and we are deserving of the economic, social, and environmental benefits of a monument.

## **THE MONUMENT WE GOT**

We have described how the idea for a Marianas Trench Marine National Monument was born in Saipan and developed in Saipan, but the actual monument that developed from that idea, the monument that was signed by President George W. Bush, differs from our original proposal, which was to invoke the Antiquities Act to create a no-take monument encompassing the entire United States EEZ surrounding the islands of Uracas, Maug, and Asuncion.

The monument that we have today is a result of many hours of discussion and negotiation between the elected leaders of the Commonwealth and the Bush Administration. Governor Fitial, House Speaker Arnold Palacios, and Senate President Pete Reyes sat down with James Connaughton and together they worked out a monument they could all support publicly.

One of the mistruths spread by the WESPAC was that the monument would be a “Pew Monument” although Pew Environment Group and Friends of the Mariana Trench Monument never represented themselves as taking part in any formal discussions. We always told the community that all formal discussions would take place between the Bush Administration and the elected leaders of the CNMI.

The position of the Friends is that the declaration was a great start, but the work is far from over. The no-take monument envisioned by the Friends of the Monument was composed of the entire United States EEZ surrounding the islands of Uracas, Maug, and Asuncion. Connaughton started hinting close to the day of the declaration that the White House was thinking of reducing this area and allowing more extractive activities within this area due to pressure they were getting from the recreational fishing lobby and Governor Fitial, who falsely believed the CNMI had nascent commercial fishing and seabed mining industries.

Connaughton also hinted that they were looking at the entire Mariana Trench, not so much as a protected area, but as an area worthy of special recognition with no protections for the marine resources associated with the Mariana Trench.

When we finally saw the declaration language, we realized that the monument we envisioned when we lobbied President Bush to invoke the Antiquities Act is not the monument we got. We envisioned that NOAA Office of Marine National Sanctuaries would manage the monument, similar to Papahānaumokuākea, but management authority was given to the Department of Interior (and ultimately to United States Fish & Wildlife Service) because of Department of Justice attorneys citing an Executive Order issued in 1933.

The monument was also much smaller and had far fewer restrictions than the 6000 people who had signed our petition had asked for.



The Marianas Trench Marine National Monument consists of three “units” to be managed by the US Fish & Wildlife Service (USFWS); There is a Trench Unit, a Volcanic Unit, and an Islands Unit. Each has varying levels of protections.

The Islands Unit comprises the United States EEZ surrounding the islands of Uracas, Maug, and Asuncion out to about 50 miles. This is similar to our original proposal, except that it is exponentially smaller and the only extractive activity restricted is commercial fishing. All other types of fishing are allowed and loopholes exist that will likely allow commercial fishing.

The Trench Unit, comprised of the substrate of the entire Mariana Trench within the United States EEZ, and the Volcano Unit, a collection of 21 incongruous active hydrothermal submarine volcanoes, are meaningless boundaries on a map that do not protect any marine life. They are simply a recognition of unique geological features and do not necessarily require any management. Modern technology barely allows us to visit these places, so management will be difficult at best. Needless to say, the monument did not meet our expectations.

Additionally, the White House made repeated promises that a monument would bring positive worldwide attention, infrastructure, including a visitors center to be built in the CNMI, an enforcement boat, and federal support in the form of jobs and programs. While there have been copious amounts of positive worldwide attention, the other promises have not been kept.

A monument advisory council was supposed to have been created three months after the designation of the monument., yet more than one year since the designation this advisory panel has yet to be created.

The monument declaration also calls for a management plan to be in place within two years of the declaration, yet more than halfway to the deadline no public meetings have taken place and no stakeholders have been engaged.

## **RECOMMENDATIONS**

We are concerned with and oppose H.R. 4493. A true enhancement to the monument would be for the federal government to deliver to the people of the Marianas the promises they made in the run up to the designation of the monument, beginning with the passage of H.R. 3511 and the construction of a Marianas Trench Visitor’s Center in the CNMI.

Furthermore, the Friends ask the Subcommittee to explore improving upon the monument declaration by (1) increasing the scope and scale of the protections, (2) closing some loopholes that allow harmful extractive activities within the monument, and (3) transferring managerial authority to NOAA Office of Marine National Sanctuaries.

The original vision for the monument was for the entire United States EEZ surrounding the islands of Uracas, Maug, and Asuncion to be set aside as a no-take marine protected area reserved for education, culture, research, and the environment.

The only extractive activity that should be allowed within the Islands Unit is fishing for indigenous cultural practices.

Jurisdiction for the monument should be handed over from USFWS to NOAA Office of National Marine National Sanctuaries (ONMSP). WESPAC should also be removed from management for the Islands Unit and replaced with ONMSP, whose mission is more in line with conservation and the Friends vision for the monument. ONMSP is also more sensitive to local concerns and needs than WESPAC.

Part of our reasoning for requesting the inclusion of NOAA ONMSP is that they have more experience managing blue water regularly. USFWS does not typically manage blue water and except for ocean connected to significant land-based features they do not manage water anywhere that we are aware of; all of their ocean managed areas are tied to important land resources such as seabirds, turtles, and seals. In the CNMI the monument doesn't include any land at all so this is a very unusual situation for them. Also, USFWS usually focus on land-based vertebrates such as mentioned above, not so much fish – though the Friends recognize that they have some terrific coral reef ecologists.

Staffing at the ONMS is also more appropriate to the needs of the CNMI. They have more outreach and education staff that focus on bringing sanctuaries to the people. USFWS is more of a research-oriented agency where the education and outreach are not so central to their mission.