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**Subject:** DCN: EST-00003212 - Antiquities Act  
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TASKED TO OCL.

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

June 9, 2017

The Honorable Ryan Zinke  
Secretary  
U.S. Department of Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Secretary Zinke:

Thank you for your letter of May 12, 2017, inviting me, as a Member of Congress with a Marine National Monument within my district, to provide comments to assist you in your consultations with the Department of Commerce in its review of Executive Order 13795, "Implementing an America-First Offshore Energy Strategy." You have requested comments specifically related to the application of factors (i) through (vii) set forth in Executive Order 13792.

President George W. Bush, established the Marianas Trench Marine National Monument by Presidential Proclamation 8335 on January 6, 2009, citing the authority of section 2 of the Act of June 8, 1906 (the "Antiquities Act").

President Bush made the determination that the areas incorporated in the Monument met the standards of the Antiquities Act, principally because of their scientific interest and consistent with the requirement that the Monument boundaries be confined to the smallest area compatible with proper care and management of these resources. He particularly noted:

- the presence of the largest active mud volcanoes on Earth along the Mariana Volcanic Arc,
- the Champagne vent, located at the Eifuku submarine volcano, which produces almost pure liquid carbon dioxide, a phenomenon observed at only one other site in the world,
- the Sulfur Cauldron, a pool of liquid sulfur found at the Daikoku submarine volcano and known elsewhere only on Io, one of the moons of Jupiter.
- the northernmost Mariana reefs, which unlike other Pacific reefs, support marine biological communities requiring basalt, and
- Maug Crater, one of only a handful of places on Earth where photosynthetic and chemosynthetic communities of life are known to come together.

In addition, President Bush recognized the biological diversity of the northern islands of the Marianas archipelago. This includes the greatest diversity of seamount and

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hydrothermal vent life yet discovered, high concentrations of sharks and other apex predators, and one of the most diverse collections of stony corals in the Western Pacific. All of these attributes, too, make the area of scientific interest, consistent with the requirements of the Antiquities Act.

These determinations were not made in isolation. The Bush administration consulted with the Government of the Commonwealth of the Northern Mariana Islands during the time a Marianas Trench Marine National Monument was under consideration. And a groundswell of local support for the designation of a Monument is well recorded in the public press of the time.

Much of this local support, however, was predicated on promises made to the community by Bush administration officials that the Monument would be a benefit to economic development and environmental tourism. Eight years later these promises remain unfulfilled. Furthermore, Proclamation 8335 gave specific management responsibilities to federal agencies to accomplish within set time periods. To date federal agencies have yet to fulfill these responsibilities. Therefore, while it is reasonable to assume that the Bush administration had sufficient technical expertise to set aside the smallest area compatible with proper care (factor (i)) and that the designated seafloor and other areas protected within the Monument are of scientific interest (factor (ii)), the remaining factors listed in your request for comment cannot be assessed.

Proclamation 8335 gave management responsibilities for the Monument to the Secretary of the Interior, except for the fishery-related activities regulated pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, for which the Secretary of Commerce is primarily responsible. The Secretaries were directed to prepare management plans and promulgate implementing regulations within two years—by January 6, 2011—to provide for scientific exploration and research, public education and outreach, and sustainable fisheries, especially sustenance, recreational, and traditional indigenous fishing.

Eight years later there is no management plan. And, of course, without this core guidance document no further development can take place. There is no Visitors Center and no plans for one. The only public education and outreach programs have been the product of my own earmark of \$220,000 in FY11. Otherwise, none of the anticipated scientific exploration and research, tourism and recreational activities have materialized.

To speed the process further in 2011 I introduced H.R. 3511, authorizing the Secretary of Interior to establish a Monument Visitors Center “in the Commonwealth of the Northern Mariana Islands for the interpretation and public education and enjoyment of the marine environment within the boundaries” of the Monument. But the Department, indicating this would be premature in the absence of a plan outlining the goals, objectives, and management strategies for the Monument, testified that “in the near

future, the Service and NOAA will jointly publish a Notice of Intent to prepare a Monument Management Plan and Environmental Assessment in the Federal Register.”<sup>1</sup> That statement came more than a year after the Proclamation had been issued and just eleven months prior to the date the management plan was due.

Fifteen months later—now, four months after the management plan deadline—the Fish and Wildlife Service and NOAA issued Marianas Trench National Monument Planning Update Number 1. The document states that the “Service (FWS) and NOAA are beginning development of the Monument Management Plan (MMP) working cooperatively under the Service’s lead in the process.” The Update said that over the coming year, the agencies would be seeking input from the public, interested agencies, and organizations regarding concerns, interests, and viewpoints about monument management issues.

It was not until the next year, however, that Public Scoping Meetings were held in on Saipan, Tinian, Rota, and Guam. Following that public input, in the May 2012 Marianas Trench National Monument Planning Update Number 2, the managing agencies announced a Tentative Planning Schedule with a Final Monument Plan, Rules and Regulations scheduled for Winter 2013-Spring 2014—fully three years past the due date set by Proclamation 8335.

Even the agencies’ self-imposed deadline was missed. A year after the Final Monument Plan was expected, a September 2014 Marianas Trench National Monument Planning Update Number 4 stated a “draft” Management Plan and Environmental Assessment was now the goal and would be available for public comment in Winter 2014-2015.<sup>2</sup> Today, almost three years later, the people of the Northern Marianas are still waiting.

This continued failure of the federal government to establish a Management Plan and otherwise fulfill the promises to the people of the Marianas in relation to the Monument, prompted Governor Ralph DLG. Torres and myself to write then-President Obama on September 28, 2016, requesting that he initiate the designation of the Marianas Trench National Monument as a National Marine Sanctuary. In our letter Governor Torres and I stated that “Overlaying a Sanctuary Designation ... would advance the goals of both the National Marine Sanctuary Act and the original objectives of the Monument proclamation” and would support the conservation values, practices and aspirations of the people of the Marianas and our nation.

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<sup>1</sup> Department of Interior Deputy Assistant Secretary for Fish and Wildlife and Parks, Eileen Sobeck. February 25, 2010 Natural Resources Committee hearing on H.R. 3511.

<sup>2</sup> A Marianas Trench National Monument Planning Update Number 3 was issued in March 2013 thanking the public for its participation.

In March 2017, the National Oceanic Atmospheric Administration Office of Sanctuaries did list the Marianas Trench National Monument on its Inventory of Sites to be considered for designation as a National Sanctuary. Governor Torres called NOAA's decision "an important step toward realizing the benefits promised to the people of the CNMI during the formation of the Marianas Trench National Monument" and I concur.

This action by NOAA Sanctuaries does not absolve the departments of Interior and Commerce of their responsibilities in the Monument, however. The departments need to fulfill the mandate set forth in Proclamation 8335 and provide appropriate resources to develop the untapped potential of the Monument. Until they do, the promise of a Visitors Center, of public education and outreach, scientific exploration and the economic benefits brought about by increased tourism and interest cannot come to fruition. Until such time as Interior and Commerce fulfill their responsibilities it is premature, if not impossible, to comment on factors (iii) through (vii), all of which have to do the interaction of the Monument designation and activities therein with the lands, waters, and people proximate to this resource.

Thank you very much for your willingness to work with Members of Congress, who have Antiquities Act-designated Monuments in the districts they represent. I greatly appreciate the opportunity to provide these comments for your consideration. I look forward to working with you on this matter.

Sincerely,



GREGORIO KILILI CAMACHO SABLÁN  
Member of Congress