



Office of

The People

Mina' Bente Nuebi Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

October 26, 2008

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

Majority Whip (D)

Dear Council Members,

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

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 Mariana 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

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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,

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

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 Bon C. Pangelinan
29th Guam Legislature

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