

1 **Local Participation and Large Marine Protected Areas: Lessons from a U.S. Marine National**  
2 **Monument**

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15 **Highlights**

- 16 • Analysis explores the designation of a U.S. Marine National Monument  
17 • Local supporters and opponents had serious criticisms of the designation process  
18 • Local opposition was primarily to designation process, not conservation  
19 • Lessons from conventional MPAs about participation and transparency can apply to LMPAs  
20 • New guidance is also needed to account for the unique features of LMPAs

21 **Key Words**

22 Ocean; marine protected areas; community engagement; governance; western Pacific; fisheries

23 **Abstract**

24 This paper addresses the question: to what extent do insights from smaller, nearshore marine protected  
25 areas (MPAs) regarding the importance of participatory processes apply to large and remote MPAs  
26 (LMPAs)? To date there has been little empirical research about stakeholder participation in LMPA  
27 designation processes outside of the Great Barrier Reef Marine Park context. Through an analysis of  
28 documents and 90 interviews collected by two independent research projects, this paper examines the  
29 designation process of a U.S. LMPA, the Marianas Trench Marine National Monument (MTMNM), which  
30 was established in the waters of the U.S. territories of the Commonwealth of the Northern Mariana  
31 Islands (CNMI) and Guam through a presidential proclamation under the U.S. Antiquities Act in 2009.  
32 Results indicate that overall the designation process for the Monument did not cohere with  
33 recommendations from nearshore MPA research about the importance of participation and  
34 transparency. Stakeholders on all sides of the issue – advocates and opponents alike – expressed  
35 criticisms of the designation process. Concerns were related to the speed and perceived top-down  
36 nature of the process, the involvement of external entities, and the appropriateness of the process  
37 design for the local CNMI context. Data collected showed that much of the opposition to the Monument  
38 stemmed from how the process was conducted, rather than opposition to conservation. These findings  
39 suggest that a more participatory, collaborative, transparent, and culturally appropriate designation  
40 process might have achieved a similar conservation outcome while reducing conflict and enduring

41 resentment. We derive six lessons learned from the MTMNM designation process that may be useful for  
42 LMPAs globally. Results suggests that key lessons from conventional MPAs about effective consultation  
43 and participation processes can apply to LMPAs, but also that new guidance is needed to account for the  
44 unique features of LMPAs.

45

## 46 **1.0 INTRODUCTION**

47 Large marine protected areas (LMPAs) have emerged as a significant trend in ocean conservation.  
48 LMPAs have been defined as MPAs that span an area greater than 100,000 km<sup>2</sup>. Typically, they have  
49 been designated in more remote and offshore portions of the ocean where less human activity is  
50 believed to occur (Devillers et al., 2015). Between 2006 and 2016, 18 LMPAs were established  
51 worldwide and additional sites are under development (Christie et al., 2017). LMPAs have played an  
52 important role in meeting the spatial element of global targets for ocean protection, with the largest 20  
53 MPAs in the world by some estimates accounting for 70% of the global MPA coverage (Christie et al.,  
54 2017; Spalding et al., 2013). In the wake of the expansion of LMPAs worldwide, a growing community of  
55 practitioners and scholars have called for increased research and attention to the human dimensions of  
56 LMPAs (Christie et al., 2017; Gray et al., 2017; Gruby et al., 2017, 2016; Lewis et al., 2017). Several of  
57 these scholars highlight the importance of understanding the ways in which the human dimensions of  
58 LMPAs may be similar to as well as differ from those of smaller, nearshore MPAs (hereafter:  
59 conventional MPAs) (Gruby et al., 2017).

60 Research related to the governance and success of smaller, nearshore MPAs (hereafter: conventional  
61 MPAs) consistently highlights the importance of incorporating stakeholder engagement and/or public  
62 participation into MPA planning processes (Dalton et al., 2012; Fox et al., 2013; Sayce et al., 2013; Scholz  
63 et al., 2004). Researchers have found that incorporating stakeholder participation in conventional MPA  
64 planning can increase both the ecological and social success of MPA networks (Dalton et al., 2012;  
65 Jentoft et al., 2007; Lundquist and Granek, 2005; Pollnac et al., 2001). Alternatively, attempting to  
66 implement conventional MPAs through top-down processes with little stakeholder involvement can  
67 contribute to equity concerns, negative local perceptions of MPAs, derailed planning processes, and in  
68 some cases lower ecological effectiveness resulting from lack of compliance (Campbell et al., 2012;  
69 Christie, 2004; McClanahan et al., 2006; Murray, 2005; Suman et al., 1999). As a result of these findings,  
70 many recent guidelines related to the implementation and management of conventional MPAs  
71 recommend incorporating public and stakeholder input throughout the designation and management  
72 processes (Christie and White, 2007; IUCN World Commission on Protected Areas, 2008; Pomeroy et al.,  
73 2005).

74 The designation processes for some LMPAs, however, appear to have gone in a different direction. In  
75 contrast to the extensive public participation processes used for the Great Barrier Reef Marine Park  
76 (Day, 2017), the Chagos Marine Protected Area, Phoenix Islands Protected Area, and Motu Motiro Hiva  
77 Marine Park, as examples, were all designated through top-down processes, with limited local and  
78 stakeholder engagement (De Santo, 2013; De Santo et al., 2011; Gaymer et al., 2014; Gruby et al., 2016;  
79 Mitchell, 2017). Some early proponents of LMPAs argued that public participation may not be as  
80 important in LMPA designation processes because LMPAs are so remote with few human uses (Balmford  
81 et al., 2004; McCrea-Strub et al., 2011). More recently, management guidelines for LMPAs have  
82 emphasized the importance of stakeholder engagement and participation (Lewis et al., 2017), while

83 recognizing that sustained stakeholder engagement may be more difficult for large sites because of their  
84 complexity and remoteness from human populations (Wilhelm et al., 2014). With the exception of the  
85 Great Barrier Reef Marine Park (Day, 2017), however, there are very few in-depth studies that have  
86 empirically documented designation processes for LMPAs and explored local perceptions thereof. This is  
87 particularly problematic in the context of U.S. Marine National Monuments, where questions around  
88 public engagement and participation have been at the center of national debate and scrutiny (Zinke,  
89 2017). Rigorous, empirical research is needed to better inform contemporary debates and to better  
90 understand the extent to which insights from conventional MPAs regarding the importance of  
91 participatory processes do or do not apply to large and remote MPAs.

92 This manuscript provides an assessment of the designation process for the Marianas Trench Marine  
93 National Monument (MTMNM or the Monument), a LMPA offshore of the United States territories of  
94 the Commonwealth of the Northern Mariana Islands (CNMI) and Guam (Figure 1). The LMPA was  
95 established by George W. Bush in 2009 through U.S. presidential proclamation 8335. It encompasses  
96 95,216 square miles<sup>1</sup> (246,610 km<sup>2</sup>) of submerged lands and waters (U.S. Fish & Wildlife Service, 2017).  
97 This is a high-profile LMPA that has been discussed in several publications (Gruby et al., 2017; Kotowicz  
98 et al., 2017; Richmond and Kotowicz, 2015); however, there has not yet been a study of the process  
99 through which the Monument was designated. This paper brings together data from two separate  
100 studies spanning the years 2011-2016, including 90 interviews with individuals connected to the  
101 designation process. The authors draw from the collected data to address two key question about the  
102 MTMNM:

- 103 (1) What was the process through which the Monument was designated and how were local  
104 governments, local communities, and stakeholders involved?
- 105 (2) What were local (CNMI) perceptions of and responses to the designation process?

106 Combining data gathered in two separate studies has allowed for the generation of a more  
107 comprehensive portrait of how the designation process unfolded and how the local community has  
108 reacted and responded to the designation over time. Findings from this research can help inform future  
109 designation and management of LMPAs in the U.S. and around the world.

## 110 **2.0 METHODS**

111 This manuscript brings together data collected from two independent social science studies conducted 2  
112 to 7 years after the MTMNM was designated. First, a team led by co-authors Kotowicz & Richmond  
113 collected qualitative data in the CNMI and Guam between 2011-2012 (Study A). Second, a team led by  
114 co-author Gruby collected qualitative data in the CNMI and Guam in 2015, and in Honolulu, Hawai'i in  
115 2016 (Study B). While the research projects were conceptualized and conducted independently, the  
116 designation process was a focal point for both. Both these studies used an interpretive qualitative case  
117 study approach focused on in-depth understanding of the ways in which the MTMNM was experienced  
118 and perceived by key stakeholders, particularly in the CNMI. Both teams focused data collection most  
119 heavily in the CNMI because the large majority of the Monument is located within the CNMI waters and  
120 it was there that lobbying and opposition activities were most intensively focused. The project teams  
121 conducted data analysis separately and report results collectively.

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<sup>1</sup> In this manuscript, miles (mi) are U.S. miles, unless they are nautical miles in which case they are marked nmi.

122 **2.1 Semi-structured Interviews**

123 Combined, the research teams conducted 90 semi-structured interviews with stakeholders connected to  
124 the designation of the Monument. Details on study methodologies, sampling approach, interview  
125 questions, and analysis methods can be found in Kotowicz & Richmond (2013), Richmond & Kotowicz  
126 (2015), Gruby et al (2017), and in the Supplemental Materials. Table 1 shows a breakdown of the types  
127 of individuals interviewed in each study.

128 Table 1. Number and types of individuals interviewed in the two qualitative studies.

Primary roles	Description of roles	Interviewees Study A	Interviewees Study B
Local government [-LGOV]	Elected officials, government agency staff, advisors	12	22
Federal government [-FGOV]	US federal agency staff and managers	2	14
NGO [-NGO]	Local and global environmental NGO staff	3	6
Private sector [-PS]	Fishers, tourism operators	17	3
Researchers, contractors [-RC]	University researchers and consultants	1	3
Community orgs. [-CO]	Leaders, staff of local orgs. (non-environment)	0	1
Informed citizens [-IC]	Local individuals involved with MTMNM	5	1
Total		40	50

129

130 In combination, the two datasets capture the knowledge and perspectives of people who were closely  
131 connected to the processes that led to Monument designation, people who were closely connected to  
132 the Monument waters, and people who had the potential to be directly affected by Monument  
133 regulations or restrictions. The two teams discussed the Monument designation process with individuals  
134 who strongly supported the Monument designation, with individuals who strongly opposed it, and with  
135 a large number of individuals whose opinion fell somewhere in between. Interviewees sometimes gave  
136 conflicting accounts about aspects of the designation process and the authors did their best to  
137 triangulate against multiple sources (e.g. multiple interviewees and/or documents) to describe the  
138 timeline and process as accurately as possible.

139 **2.2 Document Analysis**

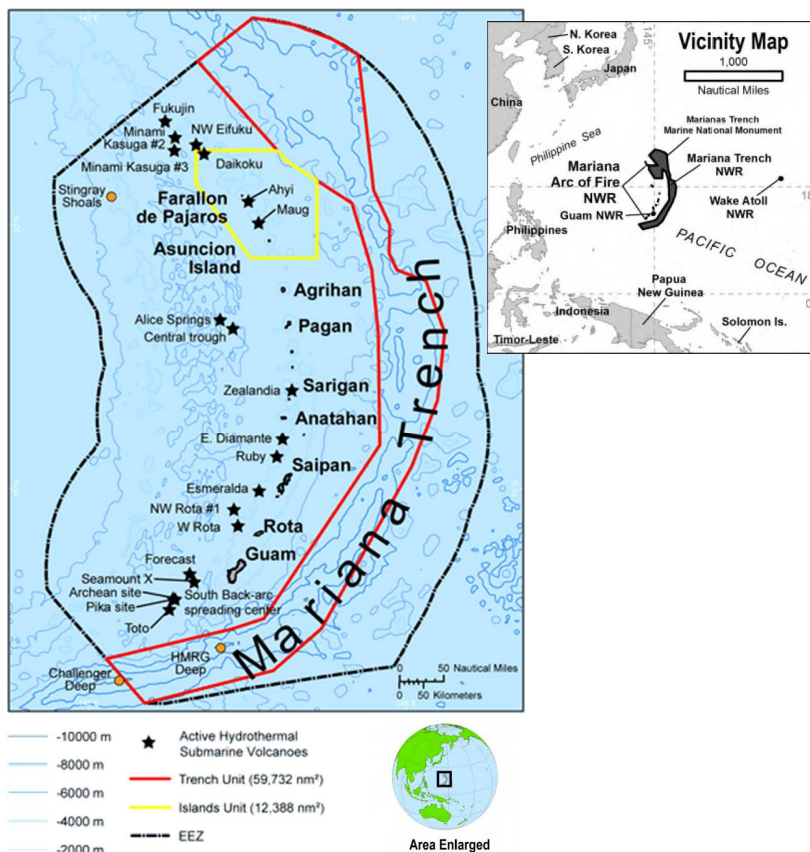
140 In addition to interviews, both teams collected an extensive and diverse array of documents to gain  
141 insight into the events, representations, and perceptions of the initiation and designation of the  
142 Monument. For this paper, the project teams analyzed federal and CNMI government documents and  
143 letters, local and national news media coverage of the Monument, and websites and blog posts from  
144 actors involved in the Monument designation. The Supplemental Materials (SM) section contains a more  
145 detailed description of the interview and document analysis methods along with many of the original  
146 documents used in the analysis.

147 **2.3 Case Study Background**

148 In 2009, U.S. President George W. Bush issued a presidential proclamation that established the Marianas  
149 Trench Marine National Monument. The Monument includes three distinct spatial areas referred to as  
150 'units' – the *Islands Unit* which includes the submerged lands and water column 20-30 nautical miles

151 offshore of the three northern Islands in the Marianas chain; the *Trench Unit* which provides protections  
 152 only to the submerged lands (ocean floor) surrounding the deep water trench that parallels the island  
 153 chain; and the *Volcanic Unit* which provides protections to submerged lands surrounding underwater  
 154 volcanoes in the Marianas chain (Figure 1). The Islands Unit is the only portion of the Monument that  
 155 includes the water column and has fishing restrictions. The proclamation stated that the “Secretary of  
 156 Commerce shall prohibit commercial fishing” in the Islands Unit but that “sustenance, recreational, and  
 157 traditional indigenous fishing shall be managed as a sustainable activity” (Bush, 2009). Because the  
 158 other two units were not introduced to the public until after the Monument designation, the Islands  
 159 Unit was the most controversial and discussed portion of the designation, and most of the discussion  
 160 around designation took place in the CNMI. The Islands Unit portion of the Monument is more than 200  
 161 nmi from Saipan, the nearest currently inhabited island in the Marianas chain (Figure 1). However, in  
 162 recent history populations from the CNMI have resided on more northern islands in the chain, including  
 163 on Asuncion, an island within the Islands Unit, and residents continue to travel to the Islands Unit waters  
 164 for commercial, cultural, and research purposes (Kotowicz and Richmond, 2013).  
 165

166 Figure 1. Map of the final Monument boundaries. The black line represents the Economic Exclusive  
 167 Zones of Guam and the CNMI combined; Islands Unit (in yellow) is about 16,405 mi<sup>2</sup>. The Trench Unit is  
 168 in red and the Volcanic Units are represented with stars; size of the Monument in total is 95,216 mi<sup>2</sup>.  
 169 Source: MTMNM map (Gibbons, 2009); inset maps (USFWS 2016).



170 **3.0 RESULTS**

171 **3.1 Process of Monument Designation**

172 *3.1.1 Historical and Political Context*

173 The CNMI is spread across 14 islands and covers 183.5 mi<sup>2</sup> of dry land of which a significant portion is  
174 under the control of the U.S. Military (Allen and Amesbury, 2012; Blades, 2016). It has officially been a  
175 part of the United States since 1976 through an agreement called The Covenant to Establish a  
176 Commonwealth of the Northern Mariana Islands, which is referred to by locals as “the Covenant” (U.S.  
177 Congress, 1976). Commonwealth status grants the CNMI more autonomy than that of U.S. territories. In  
178 practice, however, the territorial status of the CNMI and Guam limits their ability to influence U.S.  
179 decisions. In 1977, the CNMI adopted their own constitution, which included specific provisions related  
180 to conservation: article XIV stated that four islands in the chain including Maug, Uracas, and Asuncion  
181 (which later became surrounded by the waters of the Islands Unit) “shall be maintained as uninhabited  
182 places and used only for the preservation and protection of natural resources” (Northern Marianas  
183 Constitutional Convention, 1976).

184 Ownership of the submerged lands and waters in the exclusive economic zone (EEZ) surrounding the  
185 CNMI has been long contested. At the time of designation, the U.S. asserted authority over all the  
186 waters in the EEZ surrounding the CNMI including waters 0-3 nautical miles off the coast, which are  
187 typically under state or territory jurisdiction in the U.S. (Gruby et al., 2017). Since the designation the  
188 U.S. government has conveyed submerged lands in the three-mile zone to the CNMI through two  
189 transfers in 2013 and 2016 (Gruby et al., 2017). Several other controversial federal actions took place in  
190 the years before the Monument was proposed including the U.S. Congress passing a law that required  
191 the CNMI to raise its minimum wage to federal levels (a decision that decimated the CNMI’s textile-  
192 dependent economy), a shift in immigration policy that replaced the CNMI’s immigration policies with  
193 federal ones, and a substantial U.S. military build-up in the region (Allen and Amesbury, 2012). This  
194 history affected local CNMI perceptions of interactions with the federal government’s Monument  
195 initiative.

196 *3.1.2 Initial Plans*

197 According to interview accounts and document records, the idea for a Marine National Monument near  
198 the CNMI came from an international non-governmental organization (NGO), the Pew Charitable Trusts  
199 (Pew), as a part of their Global Ocean Legacy Project. Pew first communicated their vision for a federal  
200 marine monument in the waters surrounding the CNMI to Benigno Fitial, the CNMI governor at the time,  
201 in a letter dated December 20, 2007. In the letter, Jay Nelson, then-director of Pew’s Global Ocean  
202 Legacy Project, presents the case for the establishment of a Monument in “the Economic Exclusive Zone  
203 around the northernmost three of the Northern Mariana Islands” (Nelson, 2007, p.2). He highlights  
204 potential benefits the Monument could bring and seeks local government support for the idea, stating,  
205 “to be clear, our concept of a monument surrounding the constitutionally protected CNMI Nature  
206 Reserve is a private initiative. We will be successful only if local residents and their elected leaders are  
207 supportive. We also need the support of the federal government” (Nelson, 2007, p.2). The letter  
208 describes Pew’s prior outreach efforts in the CNMI beginning in January 2007, where Pew visited three  
209 times to meet with local people (Nelson, 2007, p.4).

210 Pew’s vision and the concept of a Monument in the Marianas aligned with the George W. Bush  
211 administration’s documented effort to create an ocean or “blue legacy” before leaving office on January

212 20, 2009 (New York Times, 2008). Many interviewees believed this influenced the timeline of the  
213 process. Ultimately, prior to leaving office, President Bush had designated four LMPAs in the U.S. waters  
214 of the Western Pacific.

215 Campaign materials reveal that Pew’s vision was for a much larger and more restricted protected area  
216 for the Islands Unit. In Monument discussions, Pew advocated for a “no take” LMPA in an area  
217 comprising the entire EEZ from a point between Agrihan and Asuncion islands and reaching up to the  
218 EEZ’s northern limits – a space estimated to be 115,000 mi<sup>2</sup> (Iverson, 2008). Originally, Pew had  
219 considered advocating for a no-take LMPA that encompassed the waters in the CNMI EEZ surrounding  
220 all of the islands north of Saipan, but this idea was abandoned due to lack of political feasibility; even  
221 the most ardent local advocates for the Monument concept pushed against that design (Friends of the  
222 Mariana Trench Monument, 2010).

### 223 3.1.3 CNMI Government Response

224 After Governor Fitial received the letter from Pew about the Monument concept, several officials within  
225 the CNMI government publicly expressed opposition to or concerns about the Monument concept. In  
226 March of 2008, Governor Fitial asked for Pew to remove the CNMI from any plans they had for a marine  
227 monument (Fitial, 2008). Shortly thereafter in April 2008, the Senate of the CNMI passed Senate Joint  
228 Resolution No. 16-04 “To respectfully request that the President of the United States refrain from  
229 unilaterally creating a Northern Islands National Monument and imposing the regulatory burdens  
230 appurtenant thereto upon the People of the Commonwealth of the Northern Mariana Islands without  
231 the consent of the government.” During the summer and fall of 2008, the Governor of the CNMI, every  
232 island mayor, both the CNMI Senate and House of Representatives, and several government  
233 representatives from Guam wrote communications to Bush or his Council on Environmental Quality  
234 (CEQ) that either opposed the Monument designation or expressed concerns about the designation  
235 process (SM: Docs 4, 7, 8, 9, 10, 12, 14, 22, 24, 25, 26). Two members of the House of Representatives  
236 who voted against the Senate Joint Resolution, wrote a letter to Bush in May 14, 2008 asking the Bush  
237 administration to “send more detailed and accurate information” about the Monument proposal; they  
238 expressed concerns that “misinformation and confusion have begun to cloud the local discourse” (Salas  
239 and Sablan, 2008).

240 One high-level CNMI official reflected that the CNMI government opposition was part of a strategy to  
241 bring the U.S. federal government to the table for a negotiation so that the CNMI could have some  
242 influence on the decision: “the [CNMI] administration’s strategy was really to bring the federal  
243 government to the table and that’s when we went out, we meaning the [CNMI] administration, were  
244 out there voicing our opposition to this idea specifically to bring the federal government to the table,  
245 instead of just unilaterally just signing the proclamation” (LGOV - B12; 2015).

246 While the dominant public position of the CNMI government was opposition, there were supporters  
247 within the government as well. One of the most vocal advocates of the MTMNM was Cinta Kaipat who  
248 was a legislator in the CNMI House of Representatives at the time, but she was in the minority amongst  
249 her colleagues. Several interviewees who were working within CNMI government agencies during these  
250 discussions suggested that while some government employees personally supported the idea, there was  
251 a fear of publicly expressing this perspective in opposition to the CNMI administration’s position on the  
252 issue (NGO - B27; 2015).

253 *3.1.4 Organizing Support and Opposition*

254 In the year and a half leading up to the designation of the Monument, Pew began working with groups  
255 to help organize local support for the Monument. Pew helped to organize and finance a CNMI-based  
256 advocacy group called Friends of the Monument (FOM) which later became Friends of the Mariana  
257 Trench Monument (FOM). In written testimony to Congress in 2010, FOM describe their efforts as a  
258 “campaign,” stating: “with the Governor taking the position he did, it fell to the supporters of the  
259 Monument to show the level of support the idea had in the community and in order to do so, we had to  
260 wage a ‘campaign’ educating the public on the Antiquities Act, the science behind marine protected  
261 areas, and the economic, social, and environmental benefits a monument would bring.” (Friends of the  
262 Mariana Trench Monument, 2010). As a part of their campaign, FOM organized presentations at schools  
263 and local organizations, held open houses, placed advertisements on the radio and in newspapers,  
264 spearheaded a student letter-writing campaign, distributed promotional materials, and organized  
265 various petitions in support of the Monument. According to representatives of FOM, approximately  
266 6,000 residents of CNMI signed the petition in support of the Monument (SM: Doc 17) and 206 business  
267 owners and managers signed a separate business petition (SM: Doc 18) and “over 100 current and  
268 former community leaders sent letters to then-President Bush in support of the Monument”  
269 (Micronesians in Island Conservation, 2009).

270 Pew was also involved in the local campaign directly. Pew representatives met with CNMI legislators  
271 individually and also gave at least one presentation to a group of them (LGOV - B47; 2015). In June of  
272 2008, Pew sponsored two reports outlining economic and scientific arguments for establishing the  
273 monument (Iverson, 2008; Kelsey, 2008).

274 While Pew helped to organize support for the Monument concept, local and non-local entities mobilized  
275 opposition to the Monument in the CNMI. The proposed Monument was resisted by the Western Pacific  
276 Regional Fishery Management Council (commonly referred to as Wespac), the Federal body charged  
277 with developing fishing regulations in the Western Pacific region. The 13-member Council has strong  
278 local and Indigenous representation with at least two representatives appointed from Guam and CNMI  
279 respectively. Wespac publicly opposed the creation of the Monument (Martin, 2008); individuals  
280 connected to Wespac wrote op-eds in local CNMI newspapers expressing opposition to the Monument  
281 (e.g. (Gourley, 2009)), sent a letter and comments to G.W. Bush (SM: Doc 27), and helped organize a  
282 counter petition in opposition to the Monument which is said to have received approximately 300  
283 signatures (SM: Doc 19). An interviewee who was part of the effort to oppose the Monument described  
284 the operation thusly, “we did the banners, I had banners made up, had buttons made up. And then we  
285 started becoming...We got on TV, I even paid for that. We started becoming more vocal, probably  
286 around maybe June or July. We kept up the letters to the editor. So, we kept pressure on them [Pew and  
287 the Monument advocates], but they were far more experienced than we were, far more savvy” (RC-B20;  
288 2015). Monument proponents did not think Wespac should have been involved in CNMI politics while  
289 opponents saw them as critical support. Wespac’s opposition stirred controversy with the organization  
290 being accused of breaking federal lobbying laws in the media (Saipan Tribune, 2008a) and others  
291 questioning the motivations for Wespac’s involvement in the issue (Kramer, 2008).

292 *3.1.5 Federal Involvement and Final Negotiations*

293 In August of 2008, President Bush sent a memorandum to the Secretary of Defense, the Secretary of the  
294 Interior, the Secretary of Commerce, and the Chairman of the CEQ asking them to assess the viability of



295 potential marine conservation management areas in the western Pacific (Bush, 2008). James  
296 Connaughton, the Chairman of Bush’s CEQ, made one visit to CNMI during the designation process. The  
297 visit was a four-day trip in October 2008 (about three months before the proclamation was signed)  
298 during which he met with government officials and hosted a public meeting. Of his visit, Connaughton  
299 said: “It is our first time to visit Saipan. It’s a beautiful place. This is the first time that we stayed for a  
300 longer time, four days, which is unusual for us. Usually it would take only a day for us to stay in a place.  
301 The President told us to make sure we talk to all the people here” (Saipan Tribune, 2008b).

302 During this visit, the CEQ hosted one formal public meeting to seek public input on the proposed  
303 MTMNM. This was the only public meeting about the Monument hosted by the federal government.  
304 While we do not have a formal record of participants, the Saipan Tribune reports there were about 350  
305 “community members” in attendance (Saipan Tribune, 2008b), and interviewees recalled a large and  
306 diverse group including both anti-monument demonstrators and pro-monument advocates, and  
307 representatives from NOAA, the U.S. Fish and Wildlife Service, the National Marine Sanctuary Program,  
308 and the CNMI local government. There was a consensus among interviewees on all sides of the issue  
309 that the White House wanted approval from the CNMI government even if they did not require it to  
310 move forward with the designation under the Antiquities Act. One respondent stated: “He  
311 [Connaughton] has to come home with community support. That’s what they were waiting for. They  
312 didn’t want this to be controversial.” (LGOV - B2; 2015).

313 In the weeks leading up to the designation, there was a private negotiation between Connaughton and a  
314 small number of the CNMI’s top government officials to determine the final form of the Monument.  
315 Interviews with those involved indicate that during these negotiations the final boundaries of the  
316 Monument were decided – the size of the Islands Unit was reduced (final Islands Unit was 16,405 mi<sup>2</sup>  
317 compared to the 115,000 mi<sup>2</sup> proposed by Pew) and the Trench and Volcano Units were added – and  
318 that provisions for the allowance of recreational, sustenance, and traditional indigenous fishing in the  
319 Islands Unit were added to the proposal. An interviewee involved said that the CNMI officials  
320 successfully lobbied to ensure the Volcanic and Trench units did not include fishing restrictions (LGOV -  
321 B2; 2015). Referring to the negotiations as a “gentlemen’s agreement,” one interviewee reflected “I  
322 think they [the CNMI officials] felt like enough concessions had been made, so that they could be more  
323 comfortable endorsing this thing” (LGOV - B47; 2015). The content of the negotiations was not made  
324 public. One interviewee recounted that “general community” was not able to “see the understanding,  
325 the communication between the CEQ and the governor” (FGOV - B41; 2015). The final text of the  
326 declaration was not publicized before it was released by the media. As one interviewee recalled, “We  
327 hadn’t read the declaration before the media came out. You know, they didn’t release it, and we didn’t  
328 get to peruse it” (NGO - B4; 2015). Another interviewee described the reaction to the Volcanic and  
329 Trench units being included in Proclamation 8335 as such: “We didn’t know anything about it. [ . . . ]  
330 That was as much a shock to us as it was to anybody” (NGO - B27; 2015).

331 CNMI officials and interviewees who were involved in the negotiations stated that during these private  
332 discussions, the U.S. government made a series of promises to CNMI in exchange for local government  
333 support, including: co-management authority, a visitor center on the CNMI, conveyance of submerged  
334 lands to the CNMI, and federal support for enforcement and monitoring. However, some interviewees  
335 expressed doubt as to whether Connaughton actually promised to meet these conditions, or just stated  
336 that he would communicate them to President Bush. There is no written record of these conditions.  
337 After the negotiations, key CNMI government officials, including Governor Fitial, switched to a position

338 of support for the Monument. Governor Fitial then attended the proclamation signing ceremony in  
339 Washington D.C. (LGOV-B2; 2015). On January 6, 2009 President Bush invoked his powers under the  
340 Antiquities Act to make a proclamation creating the Marianas Trench Marine National Monument (Bush,  
341 2009).

### 342 **3.2 Local Perceptions of the Designation Process**

#### 343 *3.2.1 Level of Public Involvement and Speed of Designation*

344 Interviewees on all sides of the issue expressed criticisms of the designation process, although the  
345 nature of the criticisms tended to differ depending on whether they supported or opposed the  
346 Monument. A common concern related to perceptions of top-down and non-inclusive elements of the  
347 designation process. Many respondents felt that using a Presidential Proclamation, through the U.S.  
348 Antiquities Act, did not allow for proper consultation with the local government and the local people.  
349 One stakeholder said, “there’s no consultation and public education, no negotiation” (LGOV-A9; 2011);  
350 and another that the process was “not transparent” (RC-A1; 2011). One stakeholder expressed  
351 incredulity that the Monument could be designated even though the local governments were against it,  
352 “The majority of us says no, but blue legacy has to be done. George Bush just went ahead and signed it -  
353 - with municipal government, the legislature, and the [CNMI] administration saying no” (IC-A6; 2011).  
354 Another said, “they just come down here and they just say, ‘okay, we’re gonna do this’ instead of have  
355 us a voice -- hearing about our concern” (PS-A9; 2011). Other interviewees expressed concerns that the  
356 local CNMI government also did not do enough to encourage public engagement and debate about the  
357 Monument concept – particularly given the grassroots support leveraged through local advocacy  
358 campaigns – before they took actions in the form of legislation and letters expressing CNMI opposition  
359 to the Monument. One interviewee reported, “the sad fact of it is that we really tried to get a public  
360 dialogue going. [ . . . ] so part of that was trying to get our officials to at least sit down and in good faith  
361 have the dialogue with Pew about this” (NGO-B27; 2015). Advocates in support of the Monument felt  
362 that the CNMI government was “purposely trying to prevent discussion within the community” (LGOV-  
363 B25; 2015).

364 Many respondents worried that the relatively fast pace of the designation did not allow for proper  
365 consultation with the local people and government and did not provide the federal government enough  
366 time to explain their reasoning for developing the protected area. One former government official said,  
367 “I think that the United States betrayed the people here by not giving the people an opportunity to fully  
368 understand, the concept of why they’re establishing the Monument” (LGOV-A9; 2011). Many of the  
369 letters from CNMI government officials to Bush and the CEQ included concerns about the fast pace of  
370 the timeline and what they perceived as top-down or unilateral elements of the process (SM Docs: 4, 10,  
371 14, 15, 22, 24, 25, 26). Not everyone shared the view that the timeline for the implementation of the  
372 Monument was too fast. One supporter of the Monument said,

373 I would say that what I saw was a window of opportunity [ . . . ] to take advantage of a situation  
374 that might provide something beneficial. And so was it rushed? In that sense it’s possible that I  
375 could see how people would see that, depending on what kind of view you’re looking at. But to  
376 me ‘rushed’ would have been two months, not eighteen months, and rushed would have been  
377 nobody sitting down at a table trying to explain some of these things and instead cramming it  
378 down somebody’s throat.” (NGO-B27; 2015).

379 It is important to note that the meetings referred to in this quote were those sponsored by advocacy  
380 groups in support of the Monument rather than the CNMI or Federal government. This is a distinction –  
381 and a limitation – members of the groups recognized: “When you say ‘public consultations’, please keep  
382 in mind that we were an uncharted, loose association of like-minded people, who had no obligation to  
383 any kind of rules, other than we were trying to do our best to give the public a chance to participate,  
384 right?” (NGO-B27; 2015).

385 Interviews indicated that much of the opposition to the Monument stemmed from how the process was  
386 conducted, not from opposition to conservation. One CNMI government official stated, “We were never  
387 against conservation. That has to be understood. And opposition was not to the Monument, it’s to the  
388 process.” (LGOV-B22; 2015). A representative from a local environmental NGO said, “I was certainly part  
389 of the opposition to the designation of the marine monument. No one is per se against conservation but  
390 it really is about how you go about it, yeah?” (NGO-B24; 2015). A local charter boat captain said, “I was  
391 kind of heartbroken about the way they took the Monument area. I think that the people should have  
392 been advised longer and gotten involved in it. They weren’t, it was shoved down their throat. [ . . . ]  
393 there’s so many people for that [marine conservation in the Northern Islands] and I’m for that too but I  
394 was against it, the way they did it” (PS-A8, 2011).

395 Most interviewees on both sides of the issue suggested that designating the LMPA through NOAA’s  
396 Marine Sanctuary Act would have been preferable, as the Sanctuary processes moves more slowly and  
397 requires more public engagement. As one vocal monument opponent stated, “The sanctuaries process is  
398 much more fair. It’s still – it would still be controversial, but the fact of the matter is, is that it allows  
399 opposing parties to come to the table [ . . . ] the sanctuaries process takes several years” (RC-B20; 2015).  
400 Several respondents expressed a belief that the Bush administration used the Antiquities Act specifically  
401 so they could avoid the public participation and environmental review required in the Sanctuary  
402 process, “Why else would you designate something by executive order under your tenuous, in my  
403 opinion, use of the Antiquities Act? If not to get around all of those pesky public engagement comments  
404 and review processes both biophysically, socially, and economically? Why else would you do it?” (FGOV-  
405 B7; 2016).

### 406 *3.2.2 Involvement of External Actors*

407 Both those supportive and opposed to the Monument concept expressed concerns about the way in  
408 which external actors became involved in the debate about whether to designate the Monument. Some  
409 were concerned about the prominent role they saw Pew, an international NGO, taking in the  
410 designation process – as an advocate for the Monument. One stakeholder said, “It was just the thought  
411 that the discussion really didn’t come from our federal government initially. It was a non-government  
412 organization that brought this up [ . . . ] Pew was a very, very powerful organization” (LGOV – B2; 2015).  
413 As another interviewee said, “the [CNMI] administration back then sort of felt like something was going  
414 on that they weren’t even sort of consulted. So, like I said earlier had the federal government come in  
415 and asked the local government I’m sure that things would be a little more smooth. But no it went the  
416 other way through Pew” (LGOV-B12; 2015). Another said, “the involvement of the Pew environment  
417 group just completely went overboard and irritated everybody” (RC-A1; 2011).

418 Interviewees did note that despite the strong role they felt Pew played in the process, the final  
419 composition of the Monument differed in important ways from Pew’s original proposal. One  
420 stakeholder said, “What we got was something that was more in line with the culture and traditions of

421 the Marianas. Pew wanted no take. [ . . . ] The Presidential Proclamation incorporated the concerns of  
422 the local indigenous community by allowing them to continue taking seafood and resources in a  
423 sustainable manner. It did not follow the extreme ideological views of Pew environment group. What  
424 we got I thought was pretty good. End product better than what Pew proposed” (RC A1-2011).

425 Interviewees also expressed concerns surrounding their perceptions that Wespac played a strong role in  
426 organizing opposition to the Monument. In 2015, one interviewee stated, “Wespac also funded the  
427 opposite side, and they continue to. [ . . . ] That's actually hilarious to think about all the money that  
428 Wespac has given to advocate against it. I mean, they've run anti-Monument PSAs for years” (NGO-B4;  
429 2015). In their testimony to Congress in 2010, representatives from FOM said that Wespac, in their  
430 “campaign against the monument [ . . . ] used everything in their arsenal to make the monument seem  
431 controversial” (Friends of the Mariana Trench Monument, 2010). One respondent expressed a belief  
432 that individuals connected to Wespac “misled the Governor that we [Monument supporters from the  
433 CNMI] were the agents of the Feds and Pew” (NGO - B8; 2015). Others minimized the role of Wespac in  
434 fomenting opposition within the CNMI: “They [monument advocates] hate Wespac. [ . . . ] Wespac didn't  
435 have to stoke any fires, those fires were stoked here” (RC-B20; 2015).

436 Some who were involved expressed a belief that the strong involvement of external entities combined  
437 with the limited involvement of the federal government may have fueled confusion and controversy  
438 surrounding the issue. In their letter of support for the Monument, the Saipan Chamber of Commerce  
439 wrote, “We believe that so much debate has occurred because until recently, information [ . . . ] was  
440 disseminated primarily through private sources and not through the federal government” (Arenovski,  
441 2008). Several letters from local government officials to Bush and the CEQ explicitly asked the federal  
442 government to provide more information and become more involved (SM: Docs 4, 6, 11, 15, 23).

### 443 3.2.3 CNMI Political Context and Federalization

444 Stakeholder concerns about the process were embedded within a context of perceived federalization  
445 within the CNMI. For many Monument opponents, perceptions of the Monument designation process  
446 were connected to more long-standing concerns about the role that the U.S. government has played in  
447 the CNMI – a general sense that the U.S. government has overreached on many occasions and failed to  
448 meet historical commitments. In interviews, many opponents brought up the Covenant, evoking a  
449 sentiment that the Covenant includes a commitment from the U.S. not to act unilaterally in the CNMI  
450 and instead to consult properly with the CNMI government on key decisions. They felt that the decision  
451 to designate the Monument through presidential proclamation and without proper consultation with  
452 the CNMI government was a “betrayal” of the spirit of that fundamental agreement. One stakeholder  
453 said of the Monument:

454           It was never negotiated under the Covenant. The Covenant is very clearly stated that anything  
455           that has to do with acquiring properties and so forth, has to be done through consultation. [ . . .  
456           ] That doesn't mean that you have to use the executive authority against the Covenant. The  
457           Covenant is the bible – [it] establishes the relationship between the United States and the  
458           people here so that is a total betrayal of the U.S. exercising their rights under the Covenant  
459           (LGOV-A9; 2011).

460 At the same time, interviewees highlighted the lack of political power in the Pacific Islands as a key  
461 reason why so many LMPAs had been designated there instead of other parts of the country: “the

462 concentration is in the Pacific islands because we didn't really have a lot of political clout push back"  
463 (LGOV-B2; 2015).

464 Some stakeholders describe the Federal government actions in designating the Monument around the  
465 three northern most islands of their territory using strong language such as "robbed" (IC-A3; 2011),  
466 "criminal" (LGOV-B22;2015), "takeover" (IC-A6; 2011), "an insult" (PS-A3; 2011) or "take the islands  
467 away from the people" (PS-A2; 2011). As one interviewee put it, the "take" was more than territorial, it  
468 was personal: "it was not only a taking of our property, but a rejecting of who we are, our person... It  
469 keeps coming out like this...the little brown people don't know, so let's manage it this way." (LGOV-  
470 B22;2015). Others expressed a sentiment that they believed the CNMI was capable of establishing and  
471 managing such an LMPA on their own (PS-A7;2011). Suspicions about the designation were heightened  
472 because of other recent federal activities in CNMI. As one stakeholder said, "And at the time also there  
473 was a lot of consternation about federalization of immigration. So there was this general feeling of  
474 suspicion and resentment that I remember being a factor. [ . . . ] And that contributed to the resistance  
475 that people had early on" (LGOV-B47; 2015). Some expressed more conspiratorial concerns that the  
476 Federal government may be using the Monument designation as a screen to gain control for other  
477 activities such as military activity or mineral extraction (PS-A8, 2011).

#### 478 **4.0 DISCUSSION AND CONCLUSION**

479 A vast literature on the governance of nearshore MPAs (Christie and White, 2007; IUCN World  
480 Commission on Protected Areas, 2008; Pomeroy et al., 2005) as well as emerging research and guidance  
481 on LMPAs (Day, 2017; Lewis et al., 2017) emphasize the importance of public participation and  
482 transparency in designation, design, and management processes. Our findings suggests that the  
483 MTMNM designation process did not conform to these recommendations (see discussion in Table 2).  
484 Conducting the designation process in a way that did not comply with consultation, participation, and  
485 transparency recommendations had important implications. For example, negative perceptions of the  
486 process for being top-down or rushed played a role in triggering strong local opposition to the  
487 Monument among key stakeholders, many of whom said they opposed the process rather than  
488 conservation. Additionally, there is evidence that the fall-out from this process could have implications  
489 for future marine conservation work in the region. Pacific Islands' leaders including the governor of the  
490 CNMI and other CNMI stakeholders sent letters to President Obama expressing opposition to his  
491 proposed expansion of the Pacific Remote Islands Marine National Monument in 2014, in part based on  
492 their experiences with designation of the MTMNM. One letter said, "What you may not know is that  
493 there is a growing resentment in island communities throughout the Western Pacific with the  
494 Antiquities Act and the unilateral approach used by a sitting president in designating [Marine National  
495 Monuments]" (Agpoon-Cabang, 2014).

496 Ultimately, the final design of the MTMNM represented a negotiated compromise between the visions  
497 of advocates and opponents that was arguably more contextually appropriate than the initial proposal.  
498 The Islands Unit was reduced in size and allowed for certain local and "Indigenous" types of fishing to  
499 take place. Surveys of residents (Kotowicz et al., 2017) and language within the CNMI constitution all  
500 show that the CNMI community and government had and continues to have a strong orientation  
501 towards conservation, particularly in the Northern Islands, suggesting that a better designation process  
502 could have produced less controversy and engendered more local support. We speculate that had the  
503 designation process been approached as an open and creative dialogue from the beginning – between

504 the CNMI government, the U.S. federal government, Pew, FOM, and the local public and stakeholders –  
 505 a similar outcome could have been achieved while reducing the conflict which has left lasting divisions  
 506 and resentment in the CNMI community, and which has had a legacy effect on implementation (Wilson,  
 507 2018). This is echoed in the words of a CNMI government official who said, “if it was going through the  
 508 right process, I think it wouldn’t have been as turbulent” (LGOV-B12; 2015).

509 Table 2. Key lessons to take away from the MTMNM designation process.

Lessons Learned	Detailed Explanation
1. Incorporate genuine avenues for local participation, collaboration, and control in designation processes.	Many involved in the MTMNM designation process expressed concerns that not enough was done by the Federal or CNMI governments to understand and incorporate diverse views of local people from the CNMI in the designation decision. The lack of a structured process for incorporating local participation appeared to sour would-be supporters and fuel controversy surrounding the proposal. Many stakeholders commented that using the sanctuaries process through NOAA – which includes protocols for public engagement, environmental review, and management structure following implementation – would have led to better results. Even within the framework of the Antiquities Act, it would have been possible to design a better process with participation. Nothing in the Act itself requires this – but it also does not prevent it.
2. Do not rush the designation process.	Many perceived the designation process as rushed. Only 13 months elapsed between Pew sending the CNMI governor a letter proposing the Monument concept and the Monument being designated. In contrast, processes to designate conventional MPAs in the U.S. states of Oregon and California both took over 10 years and the designation of the most recent Marine Sanctuary in the U.S. – Greater Farallones – took over two years and three months. Many expressed concerns that the quick timeline for MTMNM designation did not give the CNMI community enough time to consider the issue and it did not allow the federal government enough time to educate the public about their proposal. While fast processes help to achieve conservation outcomes quickly, they may not be conducive to building trust and gaining stakeholder input, both of which could be crucial to the long-term success of marine conservation initiatives (Dalton et al., 2012).
3. Ensure transparent decision-making.	Many of the key decisions about the Monument, including its location, size, and types of fishing restrictions, were finalized in private conversations among a few representatives of the CNMI government and the Bush administration not captured in the public record. Throughout the process, locals from the CNMI asked the federal government to provide more details about the LMPA proposal. Most stakeholders involved in the process said they were completely surprised by aspects of the Proclamation, including the addition of two Units. The lack of transparency fueled resentment and gave rise to perceptions among some residents that there was a hidden agenda behind the LMPA initiative.

<p>4. Responsible government entity should take control of public engagement process and be aware of the potential power of external actors in framing narratives of support and opposition.</p>	<p>Representatives from the White House only visited the CNMI once late in the designation process and held one public workshop. Meanwhile, two external entities, Pew and Wespac, launched campaigns in support of or opposition to the Monument respectively. Their efforts appeared to affect public and government sentiments on the issue, confuse some local residents, and lead to concerns that external agendas were driving the process. This case highlights the importance of the responsible, implementing entity(s) taking visible control of the designation process to diminish perceptions of undue outside influence. Advocacy groups hosting informational meetings cannot replace a government-led consultation process where diverse perspectives are considered. In this case, U.S. federal officials should have conducted a more extensive formal public consultation process in partnership with the CNMI government.</p>
<p>5. Designation process should consider and adapt to the local context; special consideration needed in the case of designation in waters of overseas territories.</p>	<p>In the CNMI there is strong belief in the importance of the Covenant agreement with the U.S. and that the U.S. should not act unilaterally in the region. The Monument designation occurred on the heels of several federal actions that the region did not view favorably. Establishing the LMPA through a top-down, federal process using the Antiquities Act played into existing concerns about federal overreach. A more bottom-up approach to designation that included the CNMI government as a driver in the process may have been better received given the Commonwealth's historical and political context and the strong local orientation towards conservation. Many recent LMPAs have been designated in the waters of overseas territories which often have reduced geopolitical power; process design should consider this history and incorporate bottom-up or collaborative elements so as not to reproduce power inequalities or perpetuate colonial practices.</p>
<p>6. Recognize that there will be stakeholders with strongly held views regarding LMPA designation and management, even in areas with limited direct use.</p>	<p>Like other LMPAs, the waters for the Monument were remote and rarely used for human activity. One study documented an average of just four trips per year to the Monument waters (Richmond and Kotowicz, 2015). However, the relatively low levels of use did not minimize stakeholder interest or passionate involvement in the designation process. Designation of the Monument became a high-profile, contentious, and well-publicized issue in the CNMI community.</p>

510

511 Table 2 outlines key lessons that can be gleaned from this case. Lessons 1-3 are insights that are well  
512 supported in scholarship and reporting surrounding the designation of conventional MPAs. This case  
513 suggests that conventional MPA lessons about process design, participation, and transparency can also  
514 be applicable to LMPAs. Lessons 4-6 may be more relevant to LMPA processes specifically. These lessons  
515 align with the work of scholars who have highlighted unique features of LMPAs, including the heavy  
516 involvement of external actors in LMPA designation processes (Leenhardt et al., 2013), the importance  
517 of the territorial context for many LMPAs (De Santo, 2013; De Santo et al., 2011), and the tendency to

518 overlook human dimensions in LMPAs due to their remoteness (Gruby et al., 2016). While key lessons  
519 from conventional MPAs about effective consultation and participation processes can apply to LMPAs,  
520 the MTMNM case also suggests that new guidance is also needed to account for the unique features of  
521 LMPAs.

## 522 **ACKNOWLEDGEMENTS**

523  
524 The authors would like to thank the numerous individuals from the CNMI, Guam, and beyond who  
525 donated their time to share their perspectives over the course of several years of research across the  
526 two studies.

### 527 **Study A:**

528 Funding for Study A came from the National Marine Fisheries Service (NMFS) Pacific Islands Fisheries  
529 Science Center (PIFSC) and NMFS Pacific Islands Regional Office. Co-authors Richmond and Kotowicz  
530 collected interviews while contractors with PIFSC; however, the views and analysis expressed in this  
531 article are solely those of the authors and do not reflect those of NMFS. We would like to thank the staff  
532 of the CNMI Department of Lands and Natural Resources and Jack Ogumoro for providing assistance in  
533 specifically identifying individuals from the CNMI who had traveled to the Islands Unit waters. Judy  
534 Amesbury, Risa Oram, and Stewart Allen assisted with interview collection and data analysis. Human  
535 subjects research activities were approved under University of Hawaii Committee on Human Studies  
536 #18268.  
537

### 538 **Study B:**

539 Robbie Greene assisted with data collection for Study B, and Katie Wilson assisted with data analysis for  
540 Study B. The Oak Foundation (Grant number: ORIO-14-045), the Waitt Foundation, The Tiffany & Co.  
541 Foundation (Grant number: 11927), Lyda Hill Philanthropies, and Colorado State University provided  
542 funding for this work. The funders played no role in the study design; collection, analysis and  
543 interpretation of data; writing of the manuscript; or decision to submit the article for publication. The  
544 authors assume sole responsibility for all aspects of the research. This research has been approved by  
545 the Colorado State University Institutional Review Board for the protection of human subjects (protocol  
546 number: 14-55508 H).  
547

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