

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
RESOLUTIONS

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
46-36 (LS)	Clynton E. Ridgell	Relative to urging the National Marine Fisheries Service (NMFS) to delay the proposed coral critical habitat designation process until such time that the 5-Year Coral Status Review and Coral Recovery Plan can be completed, as well as urging the Department of Agriculture to work in coordination with NMFS to identify appropriate coral critical habitat for Guam using the "Best Scientific Information Available."	3/23/21 9:04 a.m.		4/30/21	3/23/21	Author	3/31/21 2:00 p.m.	4/13/21 8:00 a.m.	As amended by the Author

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN
2021 (FIRST) Regular Session

Resolution No. 46-36 (LS)

As amended by the Author; and further amended on the Floor.

Introduced by:

Clynton E. Ridgell
Frank Blas, Jr.
Telena Cruz Nelson
Sabina Flores Perez
Therese M. Terlaje
Telo T. Taitague
V. Anthony Ada
Joanne Brown
Christopher M. Dueñas
James C. Moylan
Tina Rose Muña Barnes
Joe S. San Agustin
Amanda L. Shelton
Jose “Pedo” Terlaje
Mary Camacho Torres

Relative to urging the National Marine Fisheries Service (NMFS) to delay the proposed coral critical habitat designation process until such time that the 5-Year Coral Status Review and Coral Recovery Plan can be completed, as well as urging the Department of Agriculture to work in coordination with NMFS to identify appropriate coral critical habitat for Guam using the “Best Scientific Information Available.”

- 1 **BE IT RESOLVED BY *I MINA'TRENTAI SAIS NA LIHESLATURAN***
2 ***GUÁHAN*:**
3 **WHEREAS**, coral reefs are unique ecosystems that dominate the seascape in the
4 near-shore marine environments of Guam that sustain our local island community

1 livelihood by providing fishing areas, tourism, and a foundation for customary
2 exchanges and cultural activities; and

3 **WHEREAS**, climate change, land-based sources of pollution, and over-
4 exploitation threaten our coral reefs, and as such, warrant their protection; and

5 **WHEREAS**, the National Marine Fisheries Service (NMFS), an office of the
6 National Oceanic and Atmospheric Administration (NOAA) within the Department of
7 Commerce, listed fifteen (15) species of Indo-Pacific corals as threatened under the
8 federal Endangered Species Act (ESA) on September 10, 2014, and seven (7) species
9 are located in shallow waters of Guam, the Commonwealth of the Northern Mariana
10 Islands (CNMI), American Samoa, and the Pacific Remote Island Area; and

11 **WHEREAS**, NMFS determined that four (4) of the twenty (20) threatened coral
12 species listed in 2014 are located in Guam’s shallow nearshore waters, including,
13 *Acropora globiceps*, *Acropora retusa*, *Acropora speciosa*, and *Seriatopora aculeata*; and

14 **WHEREAS**, on November 27, 2020, six (6) years after the coral species were
15 listed, the NMFS gave notice through a proposed rule that critical habitat would be
16 designated in the shallow nearshore waters of Guam, the CNMI, and American Samoa;

17 **WHEREAS**, NMFS did not consult with Guam, the CNMI, or American
18 Samoan governments prior to publication of the proposed rule; and

19 **WHEREAS**, the Governor of Guam, Lourdes A. Leon Guerrero, the Governor
20 of the CNMI, Ralph DLG. Torres, and the Governor of American Samoa, Lemanu P.
21 S. Mauga, sent a letter dated January 19, 2021, to the NMFS requesting a ninety (90)
22 day extension to the public comment period in order to review the rule and associated
23 supporting documents; and

1 **WHEREAS**, NMFS rejected the three (3) Territorial Governors’ request for a
2 ninety (90) day extension of the public comment period and instead, provided only a
3 thirty (30) day extension; and

4 **WHEREAS**, NMFS is also simultaneously conducting a 5-Year Coral Status
5 Review on the same species of corals where critical habitat is being designated; and

6 **WHEREAS**, NMFS has stated that its 5-Year Coral Status Review will be
7 completed in February 2022 and will contain additional information, including
8 previously unknown data, on the listed corals; and

9 **WHEREAS**, NMFS is also simultaneously developing a Coral Recovery Plan
10 for the ESA-listed Indo-Pacific corals, and will be convening a Coral Recovery
11 Planning Workshop with experts and stakeholders in May 2021 to gather additional
12 information for the recovery status review and input on potential recovery actions and
13 priorities; and

14 **WHEREAS**, due to the ill-timing of the proposed coral critical habitat
15 designation, Guam will not have an opportunity to examine the necessary information
16 gathered in the five 5-Year Coral Status Review and the Coral Recovery Plan before
17 such designation; and

18 **WHEREAS**, the ESA-listed fifteen (15) Indo-Pacific corals occur across a broad
19 range spanning many nations, with U.S. waters comprising less than one percent (1%)
20 of their collective ranges; and

21 **WHEREAS**, it would be in the best interest of the Government of Guam to
22 promote and encourage the use of the Best Scientific Information Available in order to
23 make these types of important policy decisions; and

1 **WHEREAS**, the current NMFS approach on designating coral critical habitat
2 will not allow the Government of Guam the opportunity to properly identify critical
3 habitat for those ESA-listed coral species found in their waters as a significant amount
4 of relevant data and information is held by NMFS and not being made available for
5 review; and

6 **WHEREAS**, there are existing local regulations limiting coral take, as well as
7 other regulations under the marine protected area programs, United States
8 Environmental Protection Agency (USEPA) water quality standards, and local
9 permitting and review system of proposed coastal development. These regulations
10 already provide protection of ESA-listed corals and the federal coral critical habitat
11 designation has the potential to stymie, through unnecessary and lengthy consultations,
12 Guam's economic development and aspirations, which are highly dependent on its
13 coastal resources; now therefore, be it

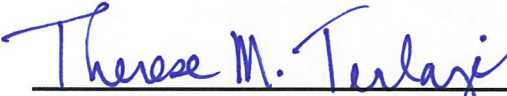
14 **RESOLVED**, that *I Mina'trentai Sais na Liheslaturan Guåhan* does hereby, on
15 behalf of the people of Guam, extend its full support of the request by the Guam
16 Department of Agriculture to delay the current proposed coral critical habitat
17 designation process until such time as the 5-Year Coral Status Review and Coral
18 Recovery Plan has been completed; and be it further

19 **RESOLVED**, that *I Liheslatura* supports the Guam Department of Agriculture's
20 efforts to continue working in coordination with the Guam Coastal Management
21 Program under the Bureau of Statistics and Plans, as well as NMFS, in identifying
22 critical coral habitat for Guam; and be it further


23 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to, the
24 adoption hereof, and that copies of the same be thereafter transmitted to the Honorable

- 1 Michael F.Q. San Nicolas, Guam Delegate to the 117th United States Congress; to
- 2 Chelsa Muña-Brecht, Director, Guam Department of Agriculture; Paul Doremus, Ph.D.,
- 3 Director of NOAA Fisheries (National Marine Fisheries Service); and to the Honorable
- 4 Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*.

DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN* ON THE 30TH DAY OF APRIL 2021.



THERESE M. TERLAJE
Speaker



AMANDA L. SHELTON
Legislative Secretary