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<th>Resolution No.</th>
<th>Sponsor</th>
<th>Title</th>
<th>Date Intro</th>
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<tr>
<td>46-36 (LS)</td>
<td>Clynton E. Ridgell</td>
<td>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.”</td>
<td>3/23/21</td>
<td>9:04 a.m.</td>
<td>4/30/21</td>
<td>3/21/21</td>
<td>Author</td>
<td>3/31/21 2:00 p.m.</td>
<td>4/15/21 8:00 a.m.</td>
<td>As amended by the Author</td>
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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.”

BE IT RESOLVED BY I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN:

WHEREAS, coral reefs are unique ecosystems that dominate the seascape in the near-shore marine environments of Guam that sustain our local island community
livelelihood by providing fishing areas, tourism, and a foundation for customary
exchanges and cultural activities; and

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

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

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

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

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

WHEREAS, the Governor of Guam, Lourdes A. Leon Guerrero, the Governor
of the CNMI, Ralph DLG. Torres, and the Governor of American Samoa, Lemanu P.
S. Mauga, sent a letter dated January 19, 2021, to the NMFS requesting a ninety (90)
day extension to the public comment period in order to review the rule and associated
supporting documents; and
WHEREAS, NMFS rejected the three (3) Territorial Governors’ request for a ninety (90) day extension of the public comment period and instead, provided only a thirty (30) day extension; and

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

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

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

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

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

WHEREAS, it would be in the best interest of the Government of Guam to promote and encourage the use of the Best Scientific Information Available in order to make these types of important policy decisions; and
WHEREAS, the current NMFS approach on designating coral critical habitat will not allow the Government of Guam the opportunity to properly identify critical habitat for those ESA-listed coral species found in their waters as a significant amount of relevant data and information is held by NMFS and not being made available for review; and

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

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

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

RESOLVED, that the Speaker certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of the same be thereafter transmitted to the Honorable
Michael F.Q. San Nicolas, Guam Delegate to the 117th United States Congress; to Chelsa Muñia-Brecht, Director, Guam Department of Agriculture; Paul Doremus, Ph.D., Director of NOAA Fisheries (National Marine Fisheries Service); and to the Honorable Lourdes A. Leon Guerrero, I Maga’hågan Guåhan.

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

Signature:

Theresa M. Terlaje
Speaker

AMANDA L. SHELTON
Legislative Secretary