

**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 AUTHOR REPORT FILED	NOTES
210-36 (COR)	Sabina Flores Perez Therese M. Terlaje Telo T. Taitague Joanne Brown	Relative to reaffirming Guam's right to safeguard cultural resources and to protect ocean ecosystems from environmental harm and exploitive industry interests through a moratorium on seabed mining to ensure the health of Guam's people.	11/15/21 9:39 a.m.		12/6/21	11/16/21 4:08 p.m.	Author	11/24/21 9:00 a.m.	11/24/21 4:45 p.m.	12/3/21 5:27 p.m.  Supplement Document to the Author's Report on Resolution No. 210-36 (COR).

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

**Resolution No. 210-36 (COR)**

Introduced by:

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

**Relative to reaffirming Guam's right to safeguard cultural resources and to protect ocean ecosystems from environmental harm and exploitive industry interests through a moratorium on seabed mining to ensure the health of Guam's people.**

- 1        **BE IT RESOLVED BY *I MINA'TRENTAI SAIS NA LIHESLATURAN***  
2 ***GUÅHAN*:**  
3        **WHEREAS,** the *CHamoru* people have developed a unique oceanic  
4 civilization for over three thousand (3,000) years, and this sacred relationship to the

1 ocean is such that the health of the ocean is essential for the health of the *CHamoru*  
2 people and the island of Guam; and

3 **WHEREAS**, climate change threatens the survival and sovereignty of Guam  
4 with steady rises in sea level, acidification of surrounding ocean waters, greater  
5 intensity of typhoons, and changing weather patterns, which jeopardize Guam's water  
6 and food supplies; and

7 **WHEREAS**, the protection and conservation of marine ecosystems is vital to  
8 mitigating the impacts of climate change on Guam's environment, peoples, and future;  
9 and

10 **WHEREAS**, Pacific island governments have been promised wealth and have  
11 instead been saddled with the harmful effects of exploitative activities; and

12 **WHEREAS**, technologies for extracting minerals from the ocean floor remain  
13 untested in terms of environmental safety and yet continue to be deceptively and  
14 dangerously pushed upon Pacific island governments as the key to better livelihoods  
15 and futures. Indigenous communities in the Pacific now stand on the frontline of the  
16 biggest attempted land grab in the history of humankind as their ancestral homelands  
17 are at risk from deep-sea mining; and

18 **WHEREAS**, U.S. federal agencies often supersede the Government of Guam's  
19 control over management and protection of Guam's own resources, and on multiple  
20 occasions, the U.S. has authorized agency activities that negatively impact Guam's  
21 ecosystems and populace; and

22 **WHEREAS**, President Joseph R. Biden issued a Memorandum on Tribal  
23 Consultation and Strengthening Nation-to-Nation Relationships, thereby recognizing  
24 the importance of honoring commitments to Tribal Nations and Indigenous Peoples.  
25 86 Fed. Reg. 7491 (Jan. 26, 2021); and

1           **WHEREAS**, the United States has committed to securing a sustainable supply  
2 chain to meet the critical mineral demands necessary to transition to clean energy,  
3 which requires sourcing materials from only mining conducted under the strictest  
4 standards for environment, health, and justice; and

5           **WHEREAS**, the United States has joined the High-Level Panel for a  
6 Sustainable Ocean Economy and is working with the Pacific island nation of Palau on  
7 the Our Ocean Conference 2022, committing in both international fora; and

8           **WHEREAS**, the United States, as the only maritime power that has not ratified  
9 the United Nations Convention on the Law of the Sea (UNCLOS), bears a  
10 responsibility to fully utilize its power to safeguard its own waters from the  
11 exploitive national security interests from foreign entities; and

12           **WHEREAS**, the UNCLOS established the International Seabed Authority  
13 (ISA), in part, to ensure the effective protection of the marine environment from the  
14 harmful effects of seabed mining activities in areas beyond national jurisdiction  
15 (ABNJ), and the ISA has issued thirty (30) licenses and is actively pursuing the  
16 adoption of commercial mining regulations to enable commercial exploitation of  
17 seabed resources; and

18           **WHEREAS**, on June 30, 2021, the country of Nauru employed a clause of the  
19 UNCLOS called the “two (2)-year rule,” and notified the ISA of its intent to begin  
20 mining the *Clarion Clipperton Zone* by June 2023; and

21           **WHEREAS**, UNCLOS requires members to protect the marine environment  
22 by implementing the precautionary principle to prevent harm to the high seas, and  
23 Nauru’s use of the two (2)-year trigger asks the ISA to violate UNCLOS by finalizing  
24 insufficiently protective regulations and/or approving mining in their absence; and

25           **WHEREAS**, deep-sea ecosystems remain among the least-understood places  
26 on earth, and they are known to support vital ocean ecosystem elements such as fish

1 stocks, coral reefs, and multiple ocean ecosystem functions, including water  
2 temperature regulation and nutrient cycling; and

3 **WHEREAS**, protection of deep-sea ecosystems is essential to mitigating the  
4 impacts of climate change and preventing further rises in atmospheric CO<sub>2</sub>, as the  
5 deep ocean below one thousand (1,000) meters contains eighty percent (80%) of the  
6 carbon stored in the ocean; and

7 **WHEREAS**, science and policy experts from over forty-four (44) countries  
8 have declared seabed mining to be a major stressor to marine ecosystems, resulting in  
9 the loss of biodiversity and ecosystem functioning, which would be irreversible on  
10 multi-generational timescales, to include the following impacts: direct loss of unique  
11 and ecologically-important species and populations as a result of the degradation,  
12 destruction or elimination of seafloor habitat, many before they have been discovered  
13 and understood; production of large, persistent sediment plumes that would affect  
14 seafloor and midwater species and ecosystems well beyond the actual mining sites;  
15 interruption of important ecological processes connecting midwater and benthic  
16 ecosystems; the resuspension and release of sediment, metals, and toxins into the  
17 water column, both from mining the seafloor and the discharge of mining wastewater  
18 from ships, which are detrimental to marine life, including the potential for  
19 contamination of commercially important species of food fish such as tuna; disruption  
20 of sequestered carbon that could reduce the buffering capacity of the ocean and  
21 increase atmospheric CO<sub>2</sub>; noise pollution arising from industrial machine activity on  
22 the ocean floor and the transport of ore slurries in pipes to the sea surface, that could  
23 cause physiological and behavioral stress to marine mammals and other marine  
24 species; and uncertain impacts on carbon sequestration dynamics and deep-ocean  
25 carbon storage; and

1           **WHEREAS**, advances in scientific knowledge since 2012 regarding deep-sea  
2 mining and concerns have been expressed by scientists that biodiversity loss will be  
3 inevitable if deep-sea mining is permitted to occur, and this loss is likely to be  
4 permanent on human timescales, by which the consequences for ocean ecosystem  
5 function are unknown; and

6           **WHEREAS**, if mining were to occur at industry scale in the *Clarion*  
7 *Clipperton Zone*, where it is most immediately pending, there would be irreversible  
8 impacts to our coral reefs, tuna and billfish fisheries, sharks, and overall ocean health;  
9 and

10          **WHEREAS**, there is insufficient scientific information and technological  
11 development to understand the full scope of potential impacts of seabed mining; and  
12 thus, it is vital to regulate it in accordance with the precautionary principle enshrined  
13 in the “Law of the Sea”; now therefore, be it

14          **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on  
15 behalf of the people of Guam, call on the United States to support and implement a  
16 moratorium on deep seabed mining in the U.S. Exclusive Economic Zone (EEZ); and  
17 be it further

18          **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on  
19 behalf of the people of Guam, call on the International Seabed Authority and its  
20 individual member states to support and implement a moratorium on deep seabed  
21 mining, on the issuing of new exploitation and new exploration contracts, and on the  
22 adoption of seabed mining regulations for exploitation, including “exploitation”  
23 regulations by the International Seabed Authority (ISA), unless and until:

24           I.       rigorous and transparent impact assessments have been conducted,  
25       the environmental, social, cultural and economic risks of deep seabed mining

1 are comprehensively understood, and the effective protection of the marine  
2 environment can be ensured;

3 II. the precautionary principle, ecosystem approach, and the polluter  
4 pays principle have been implemented;

5 III. policies to ensure the responsible production and use of metals,  
6 such as the reduction of demand for primary metals, a transformation to a  
7 resource-efficient circular economy, and responsible terrestrial mining  
8 practices, have been developed and implemented;

9 IV. public consultation mechanisms have been incorporated into all  
10 decision-making processes related to deep-sea mining ensuring effective  
11 engagement allowing for independent review, and, where relevant, that the free,  
12 prior and informed consent of Indigenous Peoples is respected and consent from  
13 potentially affected communities is achieved; and

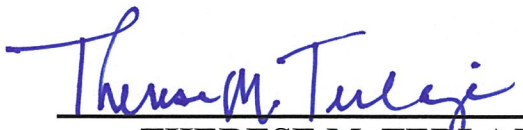
14 V. promote the reform of the ISA to ensure transparent, accountable, inclusive,  
15 effective and environmentally responsible decision-making and regulation;  
16 and be it further


17 **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on  
18 behalf of the people of Guam, call on all Pacific leaders to join the growing ranks of  
19 governments, scientific authorities, civil society organizations, global leaders and  
20 indigenous groups, the world over, in opposing the rush to mine the ocean floor and,  
21 in doing so, destroy our common heritage; and be it further

22 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to,  
23 the adoption hereof, and that copies of the same be thereafter transmitted to the  
24 Honorable Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*; to the Honorable  
25 Michael F.Q. San Nicolas, Guam Delegate to the United States Congress; to the  
26 Honorable Deb Haaland, Secretary of the United States Department of the Interior; to

1 the Honorable Joseph R. Biden, Jr., President of the United States of America; to the  
2 Honorable Michael W. Lodge, Secretary-General of the International Seabed  
3 Authority; and to the Honorable Francisco Calí Tzay, United Nations Special  
4 Rapporteur on the Rights of Indigenous Peoples.

**DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN* ON THE 6<sup>TH</sup> DAY OF DECEMBER 2021.**

  
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**THERESE M. TERLAJE**  
Speaker

  
\_\_\_\_\_  
**AMANDA L. SHELTON**  
Legislative Secretary



# I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

## 2021 (FIRST) Regular Session

### VOTING RECORD

Resolution No. 210-36 (COR)		Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building December 6, 2021				
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	✓					
Senator Frank Blas Jr.					✓	✓
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan	✓					
Vice Speaker Tina Rose Muña Barnes					✓	✓
Senator Telena Cruz Nelson	✓					
Senator Sabina Flores Perez	✓					
Senator Clynton E. Ridgell	✓					
Senator Joe S. San Agustin	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Senator Jose "Pedo" Terlaje	✓					
Speaker Therese M. Terlaje	✓					
Senator Mary Camacho Torres					✓	✓

**TOTAL**

**12**

**0**

**3**

**3**

**Aye**

**Nay**

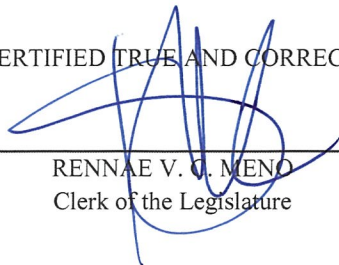
**Not  
Voting/  
Abstained**

**Out  
During  
Roll Call**

**Absent**

**Excused**

CERTIFIED TRUE AND CORRECT:



RENNAE V. C. MENO  
Clerk of the Legislature

I = Pass