

*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
55-36 (COR)	Sabina Flores Perez Therese M. Terlaje Telena Cruz Nelson Clynton E. Ridgell Jose "Pedo" Terlaje Tina Rose Muña Barnes Telo T. Taitague	Relative to reaffirming our human right to safe drinking and clean water in observance of World Water Day 2021, and recognizing the importance of protecting our Northern Guam Lens Aquifer and precious water resource in ensuring the health of our people.	3/31/21 4:20 p.m.		4/30/21	4/1/2021 4:37 p.m.	Author	4/15/21 3:00 p.m.	4/23/21 3:08 p.m.	

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

**Resolution No. 55-36 (COR)**

As amended on the Floor.

Introduced by:

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

**Relative to reaffirming Guam’s human right to safe and clean drinking water in observance of “World Water Day 2021” and recognizing the importance of protecting the Northern Guam Lens Aquifer and its precious water resources and ensuring the health of Guam’s people.**

1           **BE IT RESOLVED BY *I MINA'TRENTAI SAIS NA LIHESLATURAN***

2           ***GUÁHAN:***

3           **WHEREAS,** the United Nations General Assembly, through Resolution  
4           A/RES/64/292, declared safe and clean drinking water and sanitation as a human right  
5           essential to the full enjoyment of life and all other human rights; and, the United Nations

1 General Assembly, through Resolution A/RES/47/193, declared March 22 of every year  
2 to be observed as “World Water Day”; and

3 **WHEREAS**, the theme of “World Water Day 2021” is *Valuing Water*; and its  
4 observance provides an opportunity to reaffirm our human right to clean and safe  
5 drinking water and to renew our responsibility to protect our precious water resources;  
6 and

7 **WHEREAS**, water is of vital cultural importance to the *CHamoru* people who  
8 have developed a unique Oceanic civilization for over three thousand (3,000) years; and  
9 the *CHamoru* peoples’ relationship to water is sacred, as water is the source of all life  
10 on Guam; and

11 **WHEREAS**, Guam has a unique and abundant supply of freshwater from both  
12 groundwater and surface water sources that is replenished through precipitation; and  
13 the northern aquifer or Northern Guam Lens Aquifer (NGLA) that is composed  
14 primarily of limestone bedrock is a natural wonder that took millennia to develop  
15 through various processes including the deposits of millions upon millions of  
16 foraminifera; and

17 **WHEREAS**, the NGLA is designated as a sole source aquifer that provides  
18 approximately eighty percent (80%) of Guam’s drinking water; and, the NGLA is  
19 susceptible to contamination from human activities and development due to the  
20 pervious nature of limestone; and

21 **WHEREAS**, the limestone forests are an integral part of the cultural landscape  
22 of the *CHamoru* people and archaeological research states that Ritidian (*Litekyan*)  
23 consists of several natural and cultural heritage components, each with a deep history  
24 and often interrelated; and

25 **WHEREAS**, the protection and conservation of limestone and ravine forests and  
26 other habitats are particularly important for the protection of Guam’s watersheds and  
27 water resources, the protection of aquatic and wildlife habitat, endangered species

1 conservation and recovery, and the protection of historical and cultural sites and  
2 artifacts; and

3 **WHEREAS**, the protection and conservation of limestone forests, ravine forests,  
4 coastal strand, and other natural resources, habitats, and ecosystems are vital to the  
5 mitigation of adverse climate change impacts, and is of critical importance to the present  
6 and future inhabitants of the island; and

7 **WHEREAS**, the U.S. Department of Defense (DoD) is constructing a Live Fire  
8 Training Range Complex (LFTRC) consisting of five (5) separate firing ranges above  
9 the NGLA; and

10 **WHEREAS**, the fifth (5<sup>th</sup>) and largest of the firing ranges has not yet been  
11 constructed and is in close proximity to the lone reproductive *Serianthes nelsonii*, or  
12 *hayon lågu* tree, which is a critically endangered plant species on Guam; and

13 **WHEREAS**, the United States Environmental Protection Agency (EPA) has  
14 determined that the main cantonment and the LFTRC would result in substantial  
15 deforestation and significant impacts to terrestrial biological resources, which have  
16 already experienced a serious decline in health on Guam; and

17 **WHEREAS**, Andersen Air Force Base (AAFB) Guam, which has been in  
18 operation since as early as 1940 and occupies approximately twenty thousand (20,000)  
19 acres of land situated above the NGLA, was added to EPA's National Priorities List  
20 (NPL) of sites where there are known releases or threatened releases of hazardous  
21 substances, pollutants, or contaminants throughout the United States and its territories  
22 in October of 1992; and

23 **WHEREAS**, hazardous substances found within AAFB include trichloroethane  
24 (TCE) and paint thinners, dry cleaning fluids and laundry products, fuels such as JP-4  
25 (Jet Fuel) and gasoline, pesticides, antifreeze, aircraft cleaning compounds,  
26 polychlorinated biphenyls (PCBs), metals, and military munitions; and

1           **WHEREAS**, these substances were found in unlined landfills, drum storage and  
2 disposal areas, chemical storage areas, fire training areas, waste storage areas, laundry  
3 facilities, and industrial and flight line operations; and

4           **WHEREAS**, in April 2019, AAFB was fined by Guam EPA for using pool  
5 chlorination tablets that were classified as pesticides to sanitize drinking water, and  
6 AAFB was reported to have sanitized the water in a half-million gallon storage tank  
7 which provides water to facilities on Northwest Field, and Guam EPA discovered that  
8 the chlorination tablets contained the ingredient of trichloro-s-triazinetriene, which is  
9 an environmental hazard deadly to fish and other aquatic organisms, and can be  
10 potentially deadly for human consumption and exposure; and

11           **WHEREAS**, the authority of U.S. federal agencies often supersedes Guam's  
12 territorial authority, and Government of Guam entities often lack the power, resources,  
13 and means to effectively hold the DoD responsible due to federal exemptions from  
14 environmental agency regulations; and that, specifically for the proposed Live Fire  
15 Training Ranges (LFTRs), the DoD Supplemental Environmental Impact Statement,  
16 2012 Roadmap Adjustments, provides that range operations have the potential to leach  
17 MCs (munitions constituents) to the groundwater and that the ranges will likely increase  
18 the amount of petroleum, oil, and lubricants (POLs), hazardous waste, herbicides,  
19 pesticides, and fertilizers being stored, transported, and utilized on the proposed  
20 facilities; and

21           **WHEREAS**, the DoD has disclosed that 6.7 million rounds of lead ammunition  
22 would be expended annually, and that lead and other heavy metals, including nickel,  
23 chromium, cadmium, and copper, are known to accumulate in soils at training ranges,  
24 thus risking contamination of the aquifers on Guam; and

25           **WHEREAS**, lead, which was banned from the U.S. and Guam in 1986 and 1999,  
26 respectively, is a toxic metal that can be harmful to human health even at low exposure  
27 levels, and lead is persistent and can bioaccumulate in the body over time; and further,

1 children, infants, and fetuses are particularly vulnerable to lead because the physical  
2 and behavioral effects of lead occur at lower exposure levels in children than in adults;  
3 and the firing ranges across the U.S. are known to be contaminated for many years  
4 despite remediation efforts; and

5 **WHEREAS**, Guam is challenged by a legacy of contamination issues including  
6 those resulting from the Formerly Used Defense Sites (FUDS) and the Comprehensive  
7 Environmental Response, Compensation and Liability Act (CERCLA) sites that are still  
8 in need of remediation; and

9 **WHEREAS**, the aftermath of World War II generated a tremendous increase in  
10 military activity in Micronesia, such as nuclear testing in the Marshall Islands, which  
11 resulted in the spread of radioactive fallout that reached as far as Guam, exposing tens  
12 of thousands of its people to radioactive materials; and the cancer rates on Guam  
13 continue to remain a leading cause of death for the island community due to military  
14 activity in and around the Pacific; and

15 **WHEREAS**, the over-extraction of water from the NGLA can result in saltwater  
16 intrusion that can irreparably harm Guam's aquifer, and Guam has over one hundred  
17 (100) water wells continually monitored for saltwater concentration; and there is an  
18 increasing trend of salinity in Guam's water wells; and

19 **WHEREAS**, the DoD Supplemental Environmental Impact Statement (SEIS)  
20 states that the people of Guam will experience an increased annual withdrawal of  
21 groundwater of 1.7 million gallons each day, an increase in the rate of sewage spills  
22 impacting groundwater quality from potential exposure to additional raw sewage, and  
23 higher levels of chloride concentrations in the aquifer; and

24 **WHEREAS**, the impact of climate change on Guam's freshwater resource is  
25 predicted to cause a severe increase in demand for water and a decrease in supply that  
26 requires more study and adaptation; and

1           **WHEREAS**, President Joe Biden issued Memorandum 86 FR 7491 on Tribal  
2 Consultation and Strengthening Nation-to-Nation Relationships, which recognizes the  
3 vital need for the United States to honor commitments to Tribal Nations; and

4           **WHEREAS**, Native Americans and other Indigenous Peoples suffer  
5 disproportionately from crises related to health, the economy, racial injustice, and  
6 climate change; and

7           **WHEREAS**, EPA’s Policy on Environmental Justice for Working with  
8 Federally Recognized Tribes and Indigenous Peoples defines Indigenous Peoples as  
9 including state-recognized tribes, indigenous and tribal community-based  
10 organizations, individual members of federally recognized tribes, including those living  
11 on a different reservation or living outside Indian country, individual members of state-  
12 recognized tribes, Native Hawaiians, Native Pacific Islanders, and individual Native  
13 Americans; and

14           **WHEREAS**, the *CHamoru* people are the Indigenous Peoples of the Mariana  
15 Islands, and are recognized as Native Pacific Islanders; and

16           **WHEREAS**, EPA defines “environmental justice” as the fair treatment and  
17 meaningful involvement of all people regardless of race, color, national origin, or  
18 income with respect to the development, implementation, and enforcement of  
19 environmental laws, regulations, and policies; and

20           **WHEREAS**, EPA chairs and works with the Federal Interagency Working  
21 Group on Environmental Justice, established by Executive Order 12898, to facilitate  
22 federal collaboration on environmental justice issues facing federally recognized tribes  
23 and Indigenous Peoples; and

24           **WHEREAS**, the EPA recognizes the importance of the United Nations  
25 Declaration on the Rights of Indigenous Peoples (UNDRIP); Article 19 of UNDRIP  
26 affirms that States shall consult and cooperate in good faith with the indigenous peoples  
27 concerned, through their own representative institutions, in order to obtain their free,

1 prior, and informed consent before adopting and implementing legislative or  
2 administrative measures that may affect them; and

3 **WHEREAS**, Article 25 of UNDRIP states that, “Indigenous peoples have the  
4 right to maintain and strengthen their distinctive spiritual relationship with their  
5 traditionally owned or otherwise occupied and used lands, territories, waters and coastal  
6 seas, and other resources, and to uphold their responsibilities to future generations in  
7 this regard”; and

8 **WHEREAS**, Article 26, Section 1, of UNDRIP states that, “Indigenous peoples  
9 have the right to the lands, territories and resources which they have traditionally  
10 owned, occupied or otherwise used or acquired.” Article 26, Section 2, of UNDRIP  
11 states that, “Indigenous peoples have the right to own, use, develop and control the  
12 lands, territories and resources that they possess by reason of traditional ownership or  
13 other traditional occupation or use, as well as those which they have otherwise  
14 acquired.” Article 26, Section 3, of UNDRIP affirms that, “States shall give legal  
15 recognition and protection to these lands, territories and resources,” and “such  
16 recognition shall be conducted with due respect to the customs, traditions and land  
17 tenure systems of the Indigenous peoples concerned”; and

18 **WHEREAS**, Article 32, Section 1, of UNDRIP states that, “Indigenous peoples  
19 have the right to determine and develop priorities and strategies for the development or  
20 use of their lands or territories and other resources.” Article 32, Section 2, of UNDRIP  
21 asserts that, “States shall consult and cooperate in good faith with the indigenous  
22 peoples concerned through their own representative institutions in order to obtain their  
23 free and informed consent prior to the approval of any project affecting their lands or  
24 territories and other resources, particularly in connection with the development,  
25 utilization or exploitation of mineral, water or other resources.” Article 32, Section 3,  
26 of UNDRIP asserts that, “States shall provide effective mechanisms for just and fair



1 redress for any such activities, and appropriate measures shall be taken to mitigate  
2 adverse environmental, economic, social, cultural or spiritual impact”; and

3 **WHEREAS**, associated Surface Danger Zone of the Live Fire Training Range  
4 Complex on Guam will restrict access to the *Litekyan* coastline and waters for up to  
5 two hundred seventy-three (273) days a year, or a maximum of seventy-five percent  
6 (75%) of the year; and

7 **WHEREAS**, *I Liheslaturan Guåhan* has adopted Resolution No. 228-34 (COR),  
8 relative to addressing the protection of the environmental and cultural resources of the  
9 northern coastline of Guam, and pausing the construction of the Live Fire Training  
10 Range Complex at Northwest Field; and

11 **WHEREAS**, *I Liheslaturan Guåhan* has adopted Resolution No. 164-35 (COR),  
12 relative to urging Governor Lourdes Leon Guerrero to call for a pause to clearing, pre-  
13 construction, data recovery and construction activities related to the U.S. Department  
14 of the Navy’s proposed Live Fire Training Range Complex at Northwest Field, or  
15 *Tailålo’*, adjacent to *Litekyan* in order to ensure the protection of the environment and  
16 historic and cultural resources of the northern coastline of Guam; and

17 **WHEREAS**, *I Liheslaturan Guåhan* has adopted Resolution No. 365-35 (LS),  
18 relative to *Prutehi i Mambayena Siha* and urging the U.S. Navy to cease its use of active  
19 sonar, torpedo counter measures, and in-water explosives in identified habitats, that  
20 take, or harm, marine mammals, and to use passive sonar to detect the presence of  
21 marine mammals, and to provide all information as declared necessary by the  
22 Government of Guam in order to determine the boundaries of the habitat areas of beaked  
23 whales and other cetaceans; and

24 **WHEREAS**, community support for these Legislative Resolutions has been  
25 overwhelming and long standing, and community opposition to the destruction of  
26 Guam’s natural resources and cultural heritage sites is well-documented; and

1           **WHEREAS**, Title 10, Chapter 46, Guam Code Annotated, the Water Resources  
2 Conservation Act, affirms it is the policy of the government of Guam, in recognition of  
3 its duty to conserve and control its water resources for the benefit of the inhabitants of  
4 Guam, that all of the water resources of Guam are the property of the people of Guam,  
5 and it is further declared that an emergency condition exists with respect to the  
6 availability of surface and groundwater on Guam and that restrictions are necessary to  
7 prevent over pumping of water, the intrusion of saltwater, sewage, and other  
8 contaminants and the resulting permanent destruction of the utility of underground  
9 water reservoirs and sources of potable water supply; and

10           **WHEREAS**, the people of Guam have the basic and fundamental human right  
11 to access safe drinking water, as well as the right to advocate for the protection of the  
12 waters surrounding and pertaining to Guam and the Marianas, now and for future  
13 generations; now therefore, be it

14           **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on  
15 behalf of the people of Guam, urge the United Nations Special Rapporteur on the  
16 Human Rights to Safe Drinking Water and Sanitation, and the United Nations Special  
17 Rapporteur on the Rights of Indigenous Peoples to undertake an official visit to Guam;  
18 and be it further

19           **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on  
20 behalf of the people of Guam, call upon the Guam Environmental Protection Agency to  
21 uphold its mandate, established in Title 10, Chapter 45, Guam Code Annotated, to  
22 ensure that a high quality environment be maintained at all times to guarantee an  
23 enjoyable life for all people at present and in the future, and that environmental  
24 degradation of the quality of land, water and air by any pollutant, including all physical,  
25 chemical, and biological agents, should not be allowed; and be it further

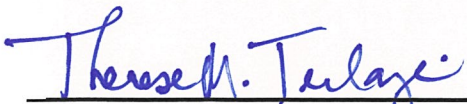
26           **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on  
27 behalf of the people of Guam, call on the local, national, and international communities


1 to stand in solidarity for the human right to safe drinking water and sanitation for the  
2 *CHamoru* people and the people of Guam, and to prevent the contamination of the  
3 Northern Guam Lens Aquifer from the Live Fire Training Range Complex; and be it  
4 further

5 **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on  
6 behalf of the people of Guam, call upon DoD to prevent further damage and desecration  
7 activities related to the Live Fire Training Range Complex at *Tailålo* ' in order to protect  
8 against irreparable harm to Guam's drinking water supply and the Northern Guam Lens  
9 Aquifer; and be it further

10 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to, the  
11 adoption hereof, and that copies of the same be thereafter transmitted to the Honorable  
12 Michael F.Q. San Nicolas, Guam Delegate to the United States Congress; to the  
13 Honorable Joseph R. Biden Jr., President of the United States of America; to Secretary  
14 Deb Haaland, U.S. Department of the Interior; to Alan Bacock, Environmental Justice  
15 Coordinator, U.S. Environmental Protection Agency; to Pedro Arrojo-Agudo, United  
16 Nations Special Rapporteur on the Human Rights to Safe Drinking Water and  
17 Sanitation; to Francisco Calí Tzay, United Nations Special Rapporteur on the Rights of  
18 Indigenous Peoples; and to the Honorable Lourdes A. Leon Guerrero, *I Maga'hågan*  
19 *Guåhan*.

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

  
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**THERESE M. TERLAJE**  
Speaker

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