

# I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

## 2021 (FIRST) Regular Session

### VOTING RECORD

NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
<b>Resolution No. 46-36 (LS)</b> <small>As amended by the Author; and further amended on the Floor.</small>	<b>Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building April 30, 2021</b>					
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 Telen 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**

**15**

**0**

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

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**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

**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 ***GUÅHAN*:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6           **RESOLVED**, that *I Liheslatura* supports the Guam Department of Agriculture's  
7 efforts to continue working in coordination with the Guam Coastal Management  
8 Program under the Bureau of Statistics and Plans, as well as NMFS, in identifying  
9 critical coral habitat for Guam; 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 117<sup>th</sup> United States Congress; to  
13 Chelsa Muña-Brecht, Director, Guam Department of Agriculture; Paul Doremus, Ph.D.,  
14 Director of NOAA Fisheries (National Marine Fisheries Service); and to the Honorable  
15 Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*.

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

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**THERESE M. TERLAJE**  
Speaker

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**AMANDA L. SHELTON**  
Legislative Secretary