

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

Resolution No. 55-36 (COR) As amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building April 30, 2021					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada		✓				
Senator Frank Blas Jr.		III ✓				
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**

**10**

**5**

Aye

Nay

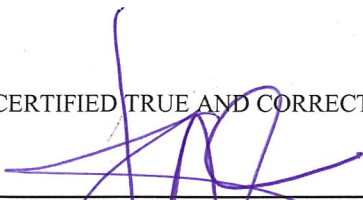
Not  
Voting/  
Abstained

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. 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

**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 ***GUÅHAN***:

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

8           **WHEREAS**, the theme of “World Water Day 2021” is *Valuing Water*; and its  
9 observance provides an opportunity to reaffirm our human right to clean and safe

1 drinking water and to renew our responsibility to protect our precious water resources;  
2 and

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

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

13 **WHEREAS**, the NGLA is designated as a sole source aquifer that provides  
14 approximately eighty percent (80%) of Guam's drinking water; and, the NGLA is  
15 susceptible to contamination from human activities and development due to the  
16 pervious nature of limestone; and

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

21 **WHEREAS**, the protection and conservation of limestone and ravine forests and  
22 other habitats are particularly important for the protection of Guam's watersheds and  
23 water resources, the protection of aquatic and wildlife habitat, endangered species  
24 conservation and recovery, and the protection of historical and cultural sites and  
25 artifacts; and

26 **WHEREAS**, the protection and conservation of limestone forests, ravine forests,  
27 coastal strand, and other natural resources, habitats, and ecosystems are vital to the

1 mitigation of adverse climate change impacts, and is of critical importance to the present  
2 and future inhabitants of the island; and

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

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

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

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

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

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

26       **WHEREAS**, in April 2019, AAFB was fined by Guam EPA for using pool  
27 chlorination tablets that were classified as pesticides to sanitize drinking water, and

1 AAFB was reported to have sanitized the water in a half-million gallon storage tank  
2 which provides water to facilities on Northwest Field, and Guam EPA discovered that  
3 the chlorination tablets contained the ingredient of trichloro-s-triazinetriene, which is  
4 an environmental hazard deadly to fish and other aquatic organisms, and can be  
5 potentially deadly for human consumption and exposure; and

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

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

20 **WHEREAS**, lead, which was banned from the U.S. and Guam in 1986 and 1999,  
21 respectively, is a toxic metal that can be harmful to human health even at low exposure  
22 levels, and lead is persistent and can bioaccumulate in the body over time; and further,  
23 children, infants, and fetuses are particularly vulnerable to lead because the physical  
24 and behavioral effects of lead occur at lower exposure levels in children than in adults;  
25 and the firing ranges across the U.S. are known to be contaminated for many years  
26 despite remediation efforts; and

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

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

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

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

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

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

1           **WHEREAS**, Native Americans and other Indigenous Peoples suffer  
2 disproportionately from crises related to health, the economy, racial injustice, and  
3 climate change; and

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

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

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

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

21           **WHEREAS**, the EPA recognizes the importance of the United Nations  
22 Declaration on the Rights of Indigenous Peoples (UNDRIP); Article 19 of UNDRIP  
23 affirms that States shall consult and cooperate in good faith with the indigenous peoples  
24 concerned, through their own representative institutions, in order to obtain their free,  
25 prior, and informed consent before adopting and implementing legislative or  
26 administrative measures that may affect them; and

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

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

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



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

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

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

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

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

25           **WHEREAS**, Title 10, Chapter 46, Guam Code Annotated, the Water Resources  
26 Conservation Act, affirms it is the policy of the government of Guam, in recognition of  
27 its duty to conserve and control its water resources for the benefit of the inhabitants of

1 Guam, that all of the water resources of Guam are the property of the people of Guam,  
2 and it is further declared that an emergency condition exists with respect to the  
3 availability of surface and groundwater on Guam and that restrictions are necessary to  
4 prevent over pumping of water, the intrusion of saltwater, sewage, and other  
5 contaminants and the resulting permanent destruction of the utility of underground  
6 water reservoirs and sources of potable water supply; and

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

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

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

23 **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on  
24 behalf of the people of Guam, call on the local, national, and international communities  
25 to stand in solidarity for the human right to safe drinking water and sanitation for the  
26 *CHamoru* people and the people of Guam, and to prevent the contamination of the

1 Northern Guam Lens Aquifer from the Live Fire Training Range Complex; and be it  
2 further

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

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