

**I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN  
RESOLUTIONS**

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE AUTHORS REPORT FILED	NOTES
325-37 (LS)	Sabina Flores Perez	Relative to preserving one of the most valuable cultural sites in the Marianas Archipelago by identifying an alternative location for the Ritidian Wildlife Refuge Visitor Center and its associated facilities pursuant to the planned relocation prescribed in the May 2020 Memorandum Of Agreement (MOA) between the Department of the Interior (DOI) and the Department of the Navy (DON), in order to prevent further unnecessary environmental and cultural destruction.	2/21/24 12:46 p.m.							

***I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN***  
**2024 (SECOND) Regular Session**

**Resolution No. 325-37 (LS)**

Introduced by:

Sabina Flores Perez *SFP*

**Relative to preserving one of the most valuable cultural sites in the Marianas Archipelago by identifying an alternative location for the Ritidian Wildlife Refuge Visitor Center and its associated facilities pursuant to the planned relocation prescribed in the May 2020 Memorandum Of Agreement (MOA) between the Department of the Interior (DOI) and the Department of the Navy (DON), in order to prevent further unnecessary environmental and cultural destruction.**

1        **BE IT RESOLVED BY *I MINA'TRENTAI SIETTE NA LIHESLATURAN***  
2 ***GUÅHAN*:**

3        **WHEREAS**, Ritidian Point (or *Litekyan* in the *CHamoru* language, which means  
4 a place of stirring) is one of the most valuable archeological sites of the Marianas  
5 Archipelago. *Litekyan* contains a plethora of *Latte* sets, water wells, limestone mortars,  
6 cave drawings, pottery, shell artifacts, and other cultural resources signifying the rich  
7 cultural history of *Guåhan*. *Litekyan*'s (Ritidian's) geographic, cultural, and historical  
8 significance remains mostly intact, and archaeological evidence reveals that the  
9 *CHamoru* people's habitation of *Litekyan* predated Spanish arrival in 1521 by over six  
10 hundred (600) years - with settlement at *Litekyan* dating over three thousand five  
11 hundred (3,500) years. *Litekyan* provides invaluable information on *CHamoru* ancestral

1 history, and contributes to the understanding of the unique heritage and culture of the  
2 Indigenous people of *Guåhan*; and

3 **WHEREAS**, *Litekyan*, including its site of *Tailålo'*, is a critical habitat for many  
4 of *Guåhan*'s endangered and endemic species, in addition to medicinal plants vital to  
5 traditional *CHamoru* healing practices. The environmental habitat of *Tailålo'* and the  
6 greater *Litekyan* area are essential to the survival of endangered and endemic species  
7 such as Guam's sole reproductive *Håyun Lågu* (*Serianthes nelsonii*), and the Mariana  
8 eight spot butterfly (*Hypolimnas octocula marianensis*). The primary limestone forest  
9 critically sustains endemic host species necessary to the existence of endangered and  
10 threatened species, such as the endemic host species *tupun ayuyu* (*Elatostema*  
11 *calcareum*); and the *Procris pedunculata* is solely relied upon by the Mariana eight spot  
12 butterfly throughout its entire life cycle; and

13 **WHEREAS**, the original landowners of *Litekyan*, Juan San Nicolas Agüero;  
14 Dolores Martinez Flores and Benigno Leon Guerrero Flores; Juan Mendiola Castro;  
15 Juan Rivera Castro; Ana Matanane Pangelinan; and Engracia Castro Perez, Tomas L.G.  
16 Castro, Gregorio L.G. Castro, Maria Castro Ada, Margarita Castro Camacho, Julia  
17 Castro Stephens, Francisco L.G. Castro, Concepcion Castro Camacho, and Santiago  
18 L.G. Castro; Juan S.N. Agüero and Maria T. Agüero; and their descendants, have  
19 historically or contemporarily been stewards of *Litekyan* through agriculture, cultural  
20 and traditional practices, and *CHamoru* rights advocacy inseparable from their  
21 Indigenous ties with their ancestral lands; and

22 **WHEREAS**, *Litekyan* was seized from the original landowners by the U.S.  
23 federal government in 1963 under eminent domain. In 1993, *Litekyan* was designated  
24 as a Guam National Wildlife Refuge in its transfer from the U.S. Department of Defense  
25 (DOD) to the U.S. Fish and Wildlife Service (USFWS); and as of 2023, *Litekyan*  
26 remains expropriated from the original landowners; and

27 **WHEREAS**, *Tarague*, *Urunao*, *Pahon*, and *Jinapsan* comprise northern sites of  
28 *CHamoru* ancestral landowners whose custodianship and Indigenous identity are  
29 directly tied to their native lands; and DOD and USFWS operations have directly or  
30 indirectly disenfranchised the cultural, environmental, and historical preservation of

1 these sites by denying original landowners from fully accessing and/or maintaining their  
2 lands in varying capacities, and/or through other means. The 2020 reactivation and  
3 further development of Marine Corps Base Camp Blaz, the U.S. Air Force's open  
4 burning and open detonation (OB/OD) of munitions at *Tarague* since the 1980s, and  
5 other military acts, infringe upon the holistic welfare and Indigenous rights of the  
6 original landowners concerned and their ancestral lands; and

7 **WHEREAS**, Guam and the entire Mariana Islands are undergoing the  
8 construction and operation of a series of live-fire training ranges, with the relocation of  
9 approximately five thousand (5,000) Marines and their one thousand three hundred  
10 (1,300) dependents from Okinawa to Guam, as implemented by the U.S. Department of  
11 Defense (DOD) pursuant to the U.S. Department of the Navy's (DON) 2010 and 2015  
12 Records of Decision; the 2015 Supplemental Environmental Impact Statement (SEIS);  
13 and the 2015 U.S. Fish and Wildlife Services (USFWS) Biological Opinion (BO) for  
14 the U.S. Navy's relocation of the U.S. Marine Corps from Okinawa to Guam and  
15 Associated Activities on Guam (Biological Opinion), and its subsequent re-initiations.  
16 *Tailålo'* (Andersen Air Force Base-Northwest Field) in *Litekyan* was identified by the  
17 DON as a site to construct and operate the Live-Fire Training Range Complex  
18 (LFTRC); and

19 **WHEREAS**, the LFTRC encroaches upon the primary limestone forest at  
20 *Tailålo'* (Andersen Air Force Base-Northwest Field), with the Multipurpose Machine  
21 Gun (MPMG), the LFTRC's largest range, set a mere one hundred (100) feet away from  
22 Guam's sole reproducing, endemic and endangered *Håyun Lågu* (*Serianthes nelsonii*);  
23 and

24 **WHEREAS**, the LFTRC is scheduled to operate for nine (9) of the twelve (12)  
25 months of the year, resulting in the expenditure of 6.7 million bullets annually  
26 throughout the three thousand six hundred sixty-eight (3,668) square miles comprising  
27 the designated surface danger zones (SDZs). The consequences of live-fire training,  
28 including environmental contamination and destruction, detrimental health impacts  
29 from exposure to lead and other toxins, and interrelated exacerbation of the island's  
30 healthcare capacity pose substantial risks to the island's lands, waters, and people. On

1 September 25, 2023, the first live fire testing was conducted at the LFTRC, with full  
2 range operations proposed to begin in 2025; and

3 **WHEREAS**, in May 2020, the Department of the Interior (DOI) and the  
4 Department of the Navy (DON) jointly entered into a Memorandum of Agreement  
5 (MOA) delineating their commitments to providing for the establishment and operation  
6 of SDZs, of which are superimposed upon a portion of the Ritidian Unit of the Guam  
7 National Wildlife Refuge (GNWR) and the U.S. Geological Survey (USGS) Brown  
8 Tree Snake Research and Rapid Response (BTS RRR) facilities; and

9 **WHEREAS**, the May 2020 MOA states that USFWS and USGS expressed their  
10 inability to meet the purposes of the GNWR Ritidian Unit and conduct the USGS BTS  
11 RRR, without the relocation of facilities and necessary resources to a location within  
12 the Refuge outside the SDZ; and

13 **WHEREAS**, per the May 2020 MOA, the DON will “build a permanent  
14 replacement office, visitors’ area, maintenance, research facilities, and any other  
15 facilities DON and DOI agree are commensurate with those impacted by the SDZs,”  
16 with the DON and DOI in joint agreement that the construction of new permanent DOI  
17 facilities will be within the Refuge. As to “minimize adverse effects to designated  
18 critical habitat on the Refuge from construction of the new permanent facilities,” the  
19 DON is responsible for the demolition of existing DOI facilities, the removal of  
20 demolition debris, and the preparation of the site for “restoration and regeneration,”  
21 including clearing and grading, delineation of habitat area, and the initial planting and  
22 translocation of native vegetation from the construction area or from the DON nursery  
23 stock “if available”; and

24 **WHEREAS**, *I Liheslaturan Guåhan* finds that the 2015 and 2017 Biological  
25 Opinion’s mitigation measures concerning the protection of *Hayun Lågu* (*Serianthes*  
26 *nelsonii*) are insufficient given new and emerging information demonstrating the  
27 species to be at risk of extinction. A 2021 phylogenomic study confirmed the  
28 conspecificity of the Guam and Rota *Håyun Lågu* (*Serianthes nelsonii*) populations, but  
29 also revealed that the sole reproductive *Håyun Lågu* (*Serianthes nelsonii*) located  
30 nearest to the LFTRC’s MPMG footprint has a unique genotype and is distinct from the

1 extant Rota population. To increase the genetic diversity amongst the Guam and Rota  
2 populations, the preservation of Guam’s sole reproductive *Håyun Lågu* (*Serianthes*  
3 *nelsonii*) is crucial for the survival of the entire species. Thus, the *Håyun Lågu* most  
4 approximate to the MPMG footprint, including the habitat in which it is located, must  
5 be preserved in place. The genetic study finds that the level of genetic diversity that this  
6 mother tree provides would prevent the bottleneck effect that can lead to species  
7 extinction; and

8       **WHEREAS**, in February 2019 and November 2021, Senator Sabina Flores Perez  
9 corresponded with the USFWS Pacific Regional Director Robyn Thorson, requesting  
10 that the USFWS fulfill its duty under Title 50 of the Code of Federal Regulations (CFR)  
11 § 402.16 and ask the Department of the Navy (DON) to re-initiate the Biological  
12 Opinion for the endangered *Håyun Lågu* (*Serianthes nelsonii*) and the Mariana eight  
13 spot butterfly (*Hypolimnas octocula marianensis*); and

14       **WHEREAS**, in March 2019, USFWS Pacific Regional Acting Director Mary  
15 Abrams responded to Senator Perez’s February 2019 request, noting that “while the  
16 USFWS can recommend reinitiation of consultation, it is the responsibility of the DON  
17 to ultimately request reinitiation of consultation” if conditions are triggered regarding  
18 the extent of taking, new and emerging information, and modifications to an identified  
19 action concerning new/listed species or critical habitats. In response to Senator Perez’s  
20 November 2021 request, Regional Director Robyn Thorson stated in his January 2022  
21 letter that “if any new scientific data becomes available, including information related  
22 to the population status of *Serianthes nelsonii* or the impacts of climate change, USFWS  
23 will analyze the data and recommend the DON reinitiate consultation if triggers are  
24 met”; and

25       **WHEREAS**, the Endangered Species Act lacks the necessary oversight, if not  
26 regulations, for mitigating environmental and cultural destruction resulting from the  
27 LFTRC construction and related operations. It has been reported that of the two  
28 thousand (2,000) threatened *Cycas micronesica* trees, flora which are culturally  
29 significant to the *CHamoru* people surveyed on the LFTRC footprint, only fifty (50)  
30 were successfully transplanted. The significant contrast between *Cycas micronesica*

1 trees surveyed and those successfully transplanted constitutes new information pursuant  
2 to the 2015 BO, and intrinsically demonstrates the noncompliance of mitigation  
3 measures required by the 2015 BO; and

4       **WHEREAS**, the effects of climate change will increase drought frequency,  
5 which can be exacerbated by a strong El Niño Southern Oscillation (ENSO) (2020  
6 PIRCA Climate Change on Guam), and consequently threaten the preservation of the  
7 *Håyun Lågu* (*Serianthes nelsonii*) and its surrounding forest. Hotter conditions are  
8 expected, which will also increase water demand; and with the increasing drying and  
9 drought conditions and the tenable state of Forest Enhancement Area mitigation, it is  
10 even more critical to preserve the forest surrounding the *Håyun Lågu* (*Serianthes*  
11 *nelsonii*), and where the highest concentration of host plants for the endemic endangered  
12 and endemic Mariana eight spot butterfly (*Hypolimnas octocula marianensis*) exist.  
13 Thus, the construction of the LFTRC, including its MPMG, must be immediately  
14 halted; and

15       **WHEREAS**, the “January 2021 Mandates of United Nations Special  
16 Rapporteurs” to the United States expressed that “the demolishing and military  
17 expansion by the Department of Defense of the several sites of great historical and  
18 cultural significance to the Chamorro people risks irreversibly damaging and further  
19 disturbing of ancestral burial grounds,” and that “the Chamorro people have not  
20 provided their free, prior and informed consent in connection with the ongoing  
21 expansion of U.S. military bases and its accompanying increase in personnel on Guam.  
22 The military escalation risks increased contamination to the drinking water, loss of  
23 wildlife and biodiversity, irreversible damage of their traditional lands, territories, and  
24 resources; loss of traditional livelihoods, cultural sites and heritage and threatens the  
25 physical and cultural survival of the Chamorro”; and

26       **WHEREAS**, the 2007 United Nations Declaration on the Rights of Indigenous  
27 Peoples (UNDRIP) establishes “a universal framework of minimum standards for the  
28 survival, dignity and well-being of the Indigenous Peoples of the world and it elaborates  
29 on existing human rights standards and fundamental freedoms as they apply to the  
30 specific situation of Indigenous Peoples,” and “confirms the right of Indigenous Peoples

1 to self-determination and recognizes subsistence rights and rights to lands, territories  
2 and resources”; and

3 **WHEREAS**, in 2010, the U.S. federal government announced its support of the  
4 UNDRIP at the Second (2<sup>nd</sup>) White House Tribal Nations Conference, stating that the  
5 UNDRIP “performs the invaluable functions of gathering together in one document the  
6 basic rights of Indigenous Peoples, educating the public, and providing clear direction  
7 for those nation states endorsing the Declaration,” and “expresses aspirations of the  
8 United States, aspirations that this country seeks to achieve within the structure of the  
9 U.S. Constitution, laws, and international obligations”; and

10 **WHEREAS**, in 2013, the Advisory Council on Historic Preservation (ACHP)  
11 adopted a plan to support the United Nations Declaration on the Rights of Indigenous  
12 Peoples (UNDRIP), through which the ACHP “commits to raising awareness about the  
13 Declaration in the historic preservation community and incorporating the principles and  
14 aspirations of the Declaration into ACHP initiatives and programs.” The ACHP  
15 identified UNDRIP Articles 8, 11, 12, 15, 16, 18, 25, 31, and 38 that “fairly closely  
16 intersect with the mission and work of the ACHP and with the Section 106 review”;  
17 and

18 **WHEREAS**, the ACHP notes the National Historic Preservation Act’s (NHPA) Section  
19 106 review “seems consistent with the thrust of Article 18 of the Declaration in various  
20 respects,” in which Article 18 states “Indigenous peoples have the right to participate  
21 in decision-making in matters which would affect their rights, through representatives  
22 chosen by themselves in accordance with their own procedures, as well as to maintain  
23 and develop their own indigenous decision-making institutions.” The ACHP confirms  
24 that “the NHPA requires federal agencies to invite Indigenous communities to  
25 participate in the consultation process to identify, evaluate, and resolve effects to  
26 historic properties of religious and cultural importance to them”; now therefore, be it

27 **RESOLVED**, that *I Mina'trentai Siette Na Liheslaturan Guåhan* does hereby,  
28 on behalf of the people of Guam, urge the Honorable Lourdes A. Leon Guerrero, *I*  
29 *Maga'hågan Guåhan*, and the Honorable James Moylan, Guam Delegate to the United  
30 States Congress, to join with *I Liheslaturan Guåhan* in this call for the relocation of the



1 Ritidian Wildlife Refuge Visitor Center and its associated facilities, for the reasons  
2 stated herein; and be it further

3 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to, the  
4 adoption hereof, and that copies of the same be thereafter transmitted to the U.S.  
5 Department of the Interior (DOI); to the U.S. Department of the Navy (DON); to the  
6 U.S. Fish and Wildlife Services (USFWS); to the U.S. Geological Survey (USGS); to  
7 the U.S. House of Representatives Natural Resources Committee Members and the U.S.  
8 Senate’s counterparts; to DOI Secretary Deb Haaland; to Deputy Assistant Secretary of  
9 the Navy (Environment) Karnig H. Ohannessian; to USFWS Director Martha Williams;  
10 to USGS Director David Applegate; to the Honorable James Moylan, Guam Delegate  
11 to the United States Congress; and to the Honorable Lourdes A. Leon Guerrero, *I*  
12 *Maga'hågan Guåhan*.

**DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN* ON THE DAY OF MONTH 2024.**

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**THERESE M. TERLAJE**  
**Speaker**

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**AMANDA L. SHELTON**  
**Legislative Secretary**