

**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) As amended by the Author.	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, and relative to urging DOI and DON to fully recognize the Indigenous rights of the original landowners of the lands concerned, per their Indigenous rights inextricable from the genuine protection of such lands.	2/21/24 12:46 p.m.		10/7/24	2/23/24	Author	4/9/24 2:00 p.m.	4/12/24 12:42 p.m. As amended by the Author	

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

Resolution No. 325-37 (LS)

As amended by the Author.

Introduced by:

Sabina Flores Perez
Chris Barnett
Frank Blas, Jr.
Joanne M. Brown
Christopher M. Dueñas
Thomas J. Fisher
Jesse A. Lujan
Tina Rose Muña Barnes
William A. Parkinson
Roy A. B. Quinata
Joe S. San Agustin
Dwayne T.D. San Nicolas
Amanda L. Shelton
Telo T. Taitague
Therese M. Terlaje

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, and relative to urging DOI and DON to fully recognize the Indigenous rights of the original landowners of the lands concerned, per their Indigenous rights inextricable from the genuine protection of such lands.

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

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

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

22 **WHEREAS**, the original landowners of *Litekyan*, Juan San Nicolas Aguero;
23 Dolores Martinez Flores and Benigno Leon Guerrero Flores; Juan Mendiola Castro;
24 Juan Rivera Castro; Ana Matanane Pangelinan; and Engracia Castro Perez, Tomas L.G.
25 Castro, Gregorio L.G. Castro, Maria Castro Ada, Margarita Castro Camacho, Julia
26 Castro Stephens, Francisco L.G. Castro, Concepcion Castro Camacho, and Santiago

1 L.G. Castro; Juan S.N. Agüero and María T. Agüero; and their descendants, have
2 historically or contemporarily been stewards of *Litekyan* through agriculture, cultural
3 and traditional practices, and *CHamoru* rights advocacy inseparable from their
4 *CHamoru* (Indigenous) ties with their ancestral lands; and

5 **WHEREAS**, *Litekyan* was seized from the original landowners by the U.S.
6 federal government in 1963 under eminent domain. In 1993, *Litekyan* was designated
7 as the Guam National Wildlife Refuge in its transfer from the U.S. Department of
8 Defense (DOD) to the U.S. Fish and Wildlife Service (USFWS); and

9 **WHEREAS**, *Tarague*, *Urunao*, *Pahon*, and *Jinapsan* comprise additional
10 northern sites of *CHamoru* ancestral landowners whose custodianship and *CHamoru*
11 (Indigenous) identity are directly tied to their native lands; and DOD and USFWS
12 operations have directly or indirectly disenfranchised the cultural, environmental, and
13 historical preservation of these sites by denying original landowners from fully
14 accessing and/or maintaining their lands in varying capacities, and/or through other
15 means; and

16 **WHEREAS**, the USFWS's July 1993 Final Environmental Assessment (EA) for
17 the Proposed Guam National Wildlife Refuge determined a "Finding of No Significant
18 Impact" regarding the federal designation of the Refuge, as USFWS found this
19 designation to not constitute "a major Federal action significantly affecting the quality
20 of the human environment." In the USFWS's "Finding of No Significant Impact," the
21 Service provided reasons alleging their determination, including: "natural processes
22 under which much of the area has evolved will be permitted to continue, with the
23 exception of the control of alien species"; "no private lands are included within the
24 proposed Refuge"; "the proposed action will not have adverse impacts to the local
25 economy, cultural resources, or the social environment because the current land uses
26 will be essentially unchanged"; "the proposed action will not have an adverse impact

1 upon threatened or endangered species”; “the proposed action is consistent with the
2 goals of the recovery plans for several endangered species on Guam”; “the
3 archaeological and historical resources will be protected”; and “prior to the
4 implementation of any management activities may affect these sites, the Service shall
5 undertake the necessary surveys and planning to avoid and conserve the archaeological
6 and historical sites”; and

7 **WHEREAS**, based on the information collected in the EA and “numerous and
8 similar acquisitions that have preceded this action,” the USFWS determined to not
9 prepare an Environmental Impact Statement (EIS) concerning the establishment of the
10 Refuge; and

11 **WHEREAS**, the Service ultimately determined a “Finding of No Significant
12 Impact” and to not prepare an EIS despite the numerous testimony of original
13 landowners reaffirming their Indigenous rights, stewardship, and cultural and
14 environmental concerns over *Litekyan* preceding and during the USFWS’s 1993 EA
15 process. As of April 2024, *Litekyan* remains expropriated from the original landowners,
16 who continue to advocate for the return and protection of their ancestral lands; and

17 **WHEREAS**, per Article 10 of Chapter 68, Title 21 Guam Code Annotated
18 (GCA) the government of Guam seeks the termination of federal ownership of real
19 property in Northern Guam (i.e. *Litekyan* or the federally designated Guam National
20 Wildlife Refuge). Per Section 681001 of Article 10 of Chapter 68, Title 21, Guam Code
21 Annotated, the government of Guam seeks the transfer of Ritidian Point lands “from
22 the control of the U.S. Department of the Interior’s Fish and Wildlife Service to local
23 authority for whatever purposes deemed appropriate by local authority, including
24 possible return to original landowners”; and

25 **WHEREAS**, per Section 681002 of Article 10 of Chapter 68, Title 21 GCA, the
26 government of Guam stipulates that the lands possessed by the former Naval Facility at

1 Ritidian Point are “hereby designated as the lands of the government of Guam, to be
2 held in trust by the government of Guam for the benefit of the original owners, and to
3 be held in trust for the shortest time possible until the land can be returned to the original
4 owners or their heirs” as an act of self-determination; and

5 **WHEREAS**, per Article 10 of Chapter 68, Title 21 GCA, the government of
6 Guam repudiates the federal seizure and designation of the Ritidian Point lands,
7 including the transfer of seized lands from DOD to USFWS, and asserts these federal
8 acts to constitute theft from the original landowners; and

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

21 **WHEREAS**, the LFTRC construction has resulted in irrevocable destruction of
22 the primary limestone forest at *Tailålo’* (Andersen Air Force Base-Northwest Field),
23 with the Multipurpose Machine Gun (MPMG), the LFTRC’s largest range, set a mere
24 one hundred (100) feet away from Guam’s sole reproducing, endemic and endangered
25 *Håyun Lågu* (*Serianthes nelsonii*); and

1 **WHEREAS**, the LFTRC is scheduled to operate for nine (9) of the twelve (12)
2 months of the year, resulting in the expenditure of 6.7 million bullets annually
3 throughout the three thousand six hundred sixty-eight (3,668) square miles comprising
4 the designated surface danger zones (SDZs). The consequences of live-fire training,
5 including environmental contamination and destruction, detrimental health impacts
6 from exposure to lead and other toxins, and interrelated exacerbation of the island’s
7 healthcare capacity pose substantial risks to the island’s lands, waters, and people. On
8 September 25, 2023, the first live fire testing was conducted at the LFTRC, with full
9 range operations proposed to begin in 2025; and

10 **WHEREAS**, in addition to the construction and operation of the LFTRC, the
11 2020 reactivation and further development of Marine Corps Base Camp Blaz, the U.S.
12 Air Force’s open burning and open detonation (OB/OD) of munitions at *Tarague* since
13 the 1980s, and other military acts, infringe upon the holistic welfare and Indigenous
14 rights of the original landowners concerned and their ancestral lands; and

15 **WHEREAS**, in relation to the development of the LFTRC and overall military
16 buildup of Guam, the Department of the Interior (DOI) and the Department of the Navy
17 (DON) jointly entered into a Memorandum of Agreement (MOA) in May 2020. Per the
18 May 2020 MOA, DOI and DON delineated their commitments to providing for the
19 establishment and operation of SDZs, of which are superimposed upon a portion of the
20 Ritidian Unit of the Guam National Wildlife Refuge (GNWR) and the U.S. Geological
21 Survey (USGS) Brown Tree Snake Research and Rapid Response (BTS RRR) facilities;
22 and

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

1 **WHEREAS**, per the May 2020 MOA, the DON will “build a permanent
2 replacement office, visitors’ area, maintenance, research facilities, and any other
3 facilities DON and DOI agree are commensurate with those impacted by the SDZs,”
4 with the DON and DOI in joint agreement that the construction of new permanent DOI
5 facilities will be within the Refuge. As to “minimize adverse effects to designated
6 critical habitat on the Refuge from construction of the new permanent facilities,” the
7 DON is responsible for the demolition of existing DOI facilities, the removal of
8 demolition debris, and the preparation of the site for “restoration and regeneration,”
9 including clearing and grading, delineation of habitat area, and the initial planting and
10 translocation of native vegetation from the construction area or from the DON nursery
11 stock “if available”; and

12 **WHEREAS**, *I Liheslaturan Guåhan* finds that the 2015 and 2017 Biological
13 Opinion’s mitigation measures concerning the protection of *Hayun Lågu* (*Serianthes*
14 *nelsonii*) are insufficient given new and emerging information demonstrating the
15 species to be at risk of extinction. A 2021 phylogenomic study confirmed the
16 conspecificity of the Guam and Rota *Håyun Lågu* (*Serianthes nelsonii*) populations, but
17 also revealed that the sole reproductive *Håyun Lågu* (*Serianthes nelsonii*) located
18 nearest to the LFTRC’s MPMG footprint has a unique genotype and is distinct from the
19 extant Rota population. To increase the genetic diversity amongst the Guam and Rota
20 populations, the preservation of Guam’s sole reproductive *Håyun Lågu* (*Serianthes*
21 *nelsonii*) is crucial for the survival of the entire species. The genetic study finds that the
22 level of genetic diversity that this mother tree provides would prevent the bottleneck
23 effect that can lead to species extinction; and

24 **WHEREAS**, in February 2019 and November 2021, Senator Sabina Flores Perez
25 corresponded with the USFWS Pacific Regional Director Robyn Thorson, requesting
26 that the USFWS fulfill its duty under Title 50 of the Code of Federal Regulations (CFR)

1 § 402.16 and ask the Department of the Navy (DON) to re-initiate the Biological
2 Opinion for the endangered *Håyun Lågu* (*Serianthes nelsonii*) and the Mariana eight
3 spot butterfly (*Hypolimnas octocula marianensis*); and

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

15 **WHEREAS**, the Endangered Species Act lacks the necessary oversight, if not
16 regulations, for mitigating environmental and cultural destruction resulting from the
17 LFTRC construction and related operations. It has been reported that of the two
18 thousand (2,000) threatened *Cycas micronesica* trees, flora which are culturally
19 significant to the *CHamoru* people surveyed on the LFTRC footprint, only fifty (50)
20 were successfully transplanted. The significant contrast between *Cycas micronesica*
21 trees surveyed and those successfully transplanted constitutes new information pursuant
22 to the 2015 BO, and intrinsically demonstrates the noncompliance of mitigation
23 measures required by the 2015 BO; and

24 **WHEREAS**, the construction of the live fire training range complex required the
25 destruction of the surrounding forest and habitat of the *Håyun Lågu* (*Serianthes*
26 *nelsonii*), which is in opposition to its recovery plan. The surrounding limestone forest

1 was essential for its seedlings to germinate and repopulate the forest and for buffering
2 the sole mother tree from drying or damaging effects of wind. Because of the loss of
3 the forest, the lone mother tree suffered extensive damage from the recent Typhoon
4 Mawar in 2023, thus jeopardizing the species; and

5 **WHEREAS**, the effects of climate change will increase drought frequency,
6 which can be exacerbated by a strong El Niño Southern Oscillation (ENSO) (2020
7 PIRCA Climate Change on Guam), and consequently threaten the preservation of the
8 *Håyun Lågu* (*Serianthes nelsonii*). Hotter conditions are expected, which will also
9 increase water demand; and the increasing drying and drought conditions will further
10 weaken the lone mother *Håyun Lågu* tree, which has previously withstood Super
11 typhoons Karen, Pamela, Chataan, and Pongsona and other damaging windstorms while
12 its habitat was intact; and

13 **WHEREAS**, *I Liheslaturan Guåhan* finds the destruction caused by the
14 militarization of *Litekyan*, and federal accommodations pertinent to this process, to be
15 in gross violation of the Indigenous rights of the original landowners to their lands,
16 territories, and resources. Inseparably, the ongoing federal acts substantiate the US
17 federal government to be in blatant disregard of the people of Guam, and disingenuous
18 and in their determinations per the USFWS 1993 Final Environmental Assessment for
19 the Proposed Guam National Wildlife Refuge and neglect to pursue an Environmental
20 Impact Statement; and

21 **WHEREAS**, the “January 2021 Mandates of United Nations Special
22 Rapporteurs” to the United States expressed that “the demolishing and military
23 expansion by the Department of Defense of the several sites of great historical and
24 cultural significance to the Chamorro people risks irreversibly damaging and further
25 disturbing of ancestral burial grounds,” and that “the Chamorro people have not
26 provided their free, prior and informed consent in connection with the ongoing

1 expansion of U.S. military bases and its accompanying increase in personnel on Guam.
2 The military escalation risks increased contamination to the drinking water, loss of
3 wildlife and biodiversity, irreversible damage of their traditional lands, territories, and
4 resources; loss of traditional livelihoods, cultural sites and heritage and threatens the
5 physical and cultural survival of the Chamorro”; and

6 **WHEREAS**, the 2007 United Nations Declaration on the Rights of Indigenous
7 Peoples (UNDRIP) establishes “a universal framework of minimum standards for the
8 survival, dignity and well-being of the Indigenous Peoples of the world and it elaborates
9 on existing human rights standards and fundamental freedoms as they apply to the
10 specific situation of Indigenous Peoples,” and “confirms the right of Indigenous Peoples
11 to self-determination and recognizes subsistence rights and rights to lands, territories
12 and resources”; and

13 **WHEREAS**, UNDRIP articles such as Articles 4, 11, 19, 25, 26, 28, 29, 30, 31,
14 and 32 reaffirm the CHamoru people’s right, including the original landowners’ right,
15 to their lands, territories, and resources; their right to self-determination, including Free,
16 Prior and Informed Consent (FPIC); and their cultural rights regarding *Litekyan* and
17 other ancestral lands. The US federal government’s continued occupation of *Litekyan*,
18 and resulting cultural and environmental devastation, violate these fundamental
19 Indigenous rights inherent to the original landowners of *Litekyan*. The US federal
20 government’s denial of self-determination and FPIC especially constitute grave
21 violations of the most fundamental Indigenous rights protected by the UNDRIP; and

22 **WHEREAS**, in 2010, the U.S. federal government announced its support of the
23 UNDRIP at the Second (2nd) White House Tribal Nations Conference, stating that the
24 UNDRIP “performs the invaluable functions of gathering together in one document the
25 basic rights of Indigenous Peoples, educating the public, and providing clear direction
26 for those nation states endorsing the Declaration,” and “expresses aspirations of the

1 United States, aspirations that this country seeks to achieve within the structure of the
2 U.S. Constitution, laws, and international obligations”; and

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

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

20 **WHEREAS**, *I Liheslaturan Guåhan* finds that the true remediation and
21 preservation of *Litekyan* is contingent on the full recognition of the original landowners’
22 Indigenous rights to their ancestral lands, and of all CHamoru People’s Indigenous
23 rights to their lands, territories, and resources enshrined in the right to self-
24 determination and Free, Prior and Informed Consent; now therefore, be it

25 **RESOLVED**, that *I Mina'trentai Siette na Liheslaturan Guåhan* does hereby, on
26 behalf of the people of Guam, urge the DON and DOI to identify and utilize an

1 alternative location for the Ritidian Wildlife Refuge Visitor Center and its associated
2 facilities corresponding to plots that are federally-held, disturbed, and outside the SDZs
3 as to protect *Litekyan* from further cultural and environmental destruction; and be it
4 further

5 **RESOLVED**, that *I Mina'trentai Siette na Liheslaturan Guåhan* does hereby, on
6 behalf of the people of Guam, urge the DON and DOI to engage in meaningful
7 collaboration with the original landowners and the government of Guam, pursuant to
8 the return of federally-occupied lands at *Litekyan* to the original landowners per their
9 Indigenous rights and for the genuine protection of *Litekyan*; and be it further

10 **RESOLVED**, that *I Mina'trentai Siette na Liheslaturan Guåhan* does hereby, on
11 behalf of the people of Guam, reaffirm the position of the government of Guam
12 stipulated in Article 10, Chapter 68 of Title 21, Guam Code Annotated, relative to the
13 termination of the federal government's seizure of *Litekyan* (i.e. the Guam National
14 Wildlife Refuge). Reference made to the Refuge and its associated facilities by *I*
15 *Liheslaturan Guåhan* does not assume agreement with the US federal government's
16 occupation, and is made with the express purpose to call for the protection and return
17 of designated lands to the original landowners in concurrence with Article 10, Chapter
18 68 of Title 21, Guam Code Annotated; and be it further

19 **RESOLVED**, that *I Mina'trentai Siette na Liheslaturan Guåhan* does hereby, on
20 behalf of the people of Guam, urge the Honorable Lourdes A. Leon Guerrero, *I*
21 *Maga'hågan Guåhan*, and the Honorable James Moylan, Guam Delegate to the United
22 States Congress, to join with *I Liheslaturan Guåhan* in this call for the relocation of the
23 Ritidian Wildlife Refuge Visitor Center and its associated facilities, and for the ultimate
24 return of *Litekyan* to the original landowners for the reasons stated herein; and be it
25 further

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

DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN* ON THE 7TH DAY OF OCTOBER 2024.



THERESE M. TERLAJE
Speaker



AMANDA L. SHELTON
Legislative Secretary