

*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 AUTHOR REPORT FILED	NOTES
210-36 (COR)	Sabina Flores Perez Therese M. Terlaje Telo T. Taitague Joanne Brown	RELATIVE TO REAFFIRMING GUAM'S RIGHT TO SAFEGUARD CULTURAL RESOURCES AND TO PROTECT OCEAN ECOSYSTEMS FROM ENVIRONMENTAL HARM AND EXPLOITIVE INDUSTRY INTERESTS THROUGH A MORATORIUM ON SEABED MINING, TO ENSURE THE HEALTH OF GUAM'S PEOPLE.	11/15/21 9:39 a.m.			11/16/21 4:08 p.m.	Author	11/24/21 9:00 a.m.	11/24/21 4:45 p.m.	



**THE HONORABLE  
SENATOR SABINA FLORES PEREZ**

*I Mina'trentai Sais Na Liheslaturan Guåhan • 36<sup>th</sup> Guam Legislature*

November 24, 2021

**The Honorable Therese M. Terlaje**

Speaker

*I Mina'trentai Sais Na Liheslaturan Guåhan*

163 Chalan Santo Papa

Hagåtña, Guam 96910

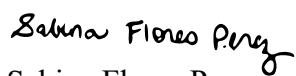
**VIA: The Honorable Amanda L. Shelton**   
Acting Chairperson, Committee on Rules

**RE: Author's Report on Resolution No. 210-36 (COR)**

*Håfa adai* Speaker Terlaje,

Transmitted herewith is the Author's Report on **Resolution No. 210-36 (COR)** – Sabina Flores Perez, Therese M. Terlaje, Telo T. Taitague, and Joanne Brown – “Relative to reaffirming Guam’s right to safeguard cultural resources and to protect ocean ecosystems from environmental harm and exploitive industry interests through a moratorium on seabed mining, to ensure the health of Guam’s people.”

*Si Yu'os ma'åse',*



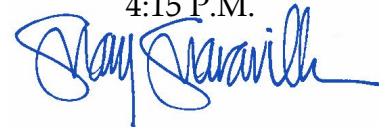
Sabina Flores Perez

*Senator, I Mina'trentai Sais Na Liheslaturan Guåhan*

**COMMITTEE ON RULES  
RECEIVED:**

November 24, 2021

4:15 P.M.





**THE HONORABLE  
SENATOR SABINA FLORES PEREZ**

*I Mina'trentai Sais Na Lihselaturan Guåhan • 36<sup>th</sup> Guam Legislature*

**AUTHOR'S REPORT**

**Resolution No. 210-36 (COR)**

**Introduced by: Sabina Flores Perez,  
Therese M. Terlaje, Telo T. Taitague, and  
Joanne Brown**

**“Relative to reaffirming Guam’s right to  
safeguard cultural resources and to protect  
ocean ecosystems from environmental harm  
and exploitive industry interests through a  
moratorium on seabed mining, to ensure the  
health of Guam’s people.”**



Vice Speaker

**TINA ROSE MUÑA BARNES**

**CHAIRPERSON, COMMITTEE ON RULES**

*I Mina'trentai Sais Na Liheslaturan Guåhan*

GUAM CONGRESS BUILDING  
163 CHALAN SANTO PAPA  
HAGÅTÑA, GUAM 96910  
TEL 671-472-2461  
COR@GUAMLEGISLATURE.ORG

November 16, 2021

# MEMO

**To:** **Rennae Meno**  
Clerk of the Legislature

**Attorney Ana Won Pat-Borja**  
Legislative Legal Counsel

**From:** **Senator Clynton E. Ridgell**  
Acting Chairperson, Committee on Rules

**Re:** **Referral of Resolution No. 210-36 (COR)**

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*Håfa adai,*

As per my authority as Acting Chairperson of the Committee on Rules, I am forwarding the referral of **Resolution No. 210-36 (COR)** – Sabina Flores Perez, Therese M. Terlaje, Telo T. Taitague, Joanne Brown – “RELATIVE TO REAFFIRMING GUAM’S RIGHT TO SAFEGUARD CULTURAL RESOURCES AND TO PROTECT OCEAN ECOSYSTEMS FROM ENVIRONMENTAL HARM AND EXPLOITIVE INDUSTRY INTERESTS THROUGH A MORATORIUM ON SEABED MINING, TO ENSURE THE HEALTH OF GUAM’S PEOPLE.”

Please ensure that the subject resolution is referred to **Senator Sabina Flores Perez, Author of Resolution No. 210-36 (COR)**.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this matter.

Respectfully,

**Senator Clynton E. Ridgell**  
Acting Chairperson, Committee on Rules





Charlene Flores &lt;charlene@senatorperez.org&gt;

## 1st Notice of Virtual Public Hearing: Wednesday, November 24, 2021, at 9:00 a.m. and 2:00 p.m.

Office of Senator Sabina Perez &lt;office@senatorperez.org&gt;

Wed, Nov 17, 2021 at 8:00 AM

To: reporters@kuam.com, Sabrina Salas Matanane <sabrina@kuam.com>, nestor@kuam.com, Chris Barnett <malafunkshun@kuam.com>, joan@kuam.com, mindy@postguam.com, editor@postguam.com, John O'Connor <john@postguam.com>, Nick Delgado <nick@postguam.com>, reporters@postguam.com, news@sorensenmediagroup.com, news@guampdn.com, news@k57.com, rlimtiaco@guampdn.com, haidee@postguam.com, kstokish@gmail.com, Maureen Maratita <publisher@glimpsesofofguam.com>, reporter2@glimpsesofofguam.com, Guam Progress <guamprogress@yahoo.com>, colinperez@gmail.com, Gabejereza@gmail.com, "Alexandra Elizabeth T. Benavente" <aebenavente@gdoe.net>, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, editor@pacificislandtimes.com, mar\_vic\_cagurangan@yahoo.com, Jason Salas <jason@kuam.com>, Sabrina Salas Matanane <newsdirector@kuam.com>, slimtiaco@guampdn.com, raygibsonshow@gmail.com, pattiontheradio@yahoo.com, news@kanditnews.com

Cc: phnotice@guamlegislature.org, "Leevin Camacho (ag@oagguam.org)" <ag@oagguam.org>, Guam MIS <mis@guamlegislature.org>, Geri Leon Guerrero <geri@senatorperez.org>, Ibarra Hernandez <ihernandez@guamlegislature.org>

September 17, 2021

### MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, Chairperson  
Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning

Subject: **1<sup>st</sup> Notice of Virtual Public Hearing: Wednesday, November 24, 2021, at 9:00 a.m. and 2:00 p.m.**

The Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research and Planning will be conducting a virtual public hearing on **Wednesday, November 24, 2021, at 9:00 a.m. and 2:00 p.m.** This virtual public hearing will take place via Zoom Video Conference platform. The agenda is as follows:

#### 9:00 a.m.

**Resolution No. 210-36 (COR) – Sabina Flores Perez, Therese M. Terlaje, Telo T. Taitague, and Joanne Brown** - RELATIVE TO REAFFIRMING GUAM'S RIGHT TO SAFEGUARD CULTURAL RESOURCES AND TO PROTECT OCEAN ECOSYSTEMS FROM ENVIRONMENTAL HARM AND EXPLOITATIVE INDUSTRY INTERESTS THROUGH A MORATORIUM ON SEABED MINING, TO ENSURE THE HEALTH OF GUAM'S PEOPLE.

#### 2:00 p.m.

**Executive Appointment of Mr. Jose U. Munoz to serve as a Member of the Northern Guam Soil and Water Conservation District Board.**

**Executive Appointment of Ms. Rosalina M. San Nicolas to serve as a Member of the Northern Guam Soil and Water Conservation District Board.**

interested in participating, please confirm your attendance by contacting the Office of Senator Sabina Flores Perez via email at [office@senatorperez.org](mailto:office@senatorperez.org) or via phone at 989-2968, no later than November 22, 2021, for further guidance.

Testimonies should be addressed to Senator Sabina Flores Perez, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at **163 Chalan Santo Papa, Hagåtña, Guam 96910**, or via email to [office@senatorperez.org](mailto:office@senatorperez.org), no later than 4pm December 1, 2021. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Sabina Flores Perez at 989-2968. The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 112-4, and stream online via *I Liheslaturan Guåhan*'s live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation!

**Office of Senator Sabina Flores Perez**

Committee on the Environment, Revenue & Taxation, Labor, Procurement, and Statistics, Research, and Planning  
*I Mina'trentai Sais na Liheslaturan Guåhan*

36th Guam Legislature

O: 194 Hernan Cortez Avenue, First Floor, Terlaje Professional Building, Hagåtña, Guam 96910

M: Guam Congress Building, **163 Chalan Santo Papa, Hagåtña, Guam 96910**

T: (671) 989-2968

E: [office@senatorperez.org](mailto:office@senatorperez.org)

[www.senatorperez.org](http://www.senatorperez.org)

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**4 attachments**



**1st Notice Memo (2).pdf**  
257K



**Res. No. 210-36 (COR).pdf**  
2169K



**Referral of Appointment- Munoz, Jose U..pdf**  
539K



**Referral of Appointment- San Nicolas, Rosalina M..pdf**  
538K



## OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor,  
Procurement, and Statistics, Research, and Planning

*I Mina'trentai Sais Na Liheslaturan Guåhan* • 36<sup>th</sup> Guam Legislature

September 17, 2021

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# GovGuam seeks new cemetery sites and impound lot for abandoned cars

By Haidee Eugenio Gilbert  
haidee@postguam.com

The government is working to identify possible locations for new public cemeteries and an impound lot for abandoned vehicles.

Mayors Council of Guam Vice President Robert Hofmann said the designation and use of an impound lot would allow government agencies to remove abandoned vehicles from public easements and roadways, among other things.

"The law is very clear. The government can do it if there's an impound lot but there's none right now, so designating a space that meets the criteria of the drainage...safety and security. We can see a huge improvement in helping to push the citations out," Hofmann, mayor of Sinajana, said at the Island Beautification Task Force meeting on Tuesday.

MCOG Executive Director Angel Sablan also wrote to the Office of the Attorney General, seeking guidance on the mayors and vice mayors' legal authority to request removal of vehicles on public easements and narrow roadways.



**CANNIBALIZED:** Several abandoned vehicles sit by the jungle along Niyok Street in Yigo on April 7. Post file photo

Acting Gov. Josh Tenorio tapped Bureau of Statistics and Plans Director Tyrone Taitano to work with other agencies in identifying possible sites for an impound lot for vehicles.

Tenorio said Taitano is also working on identifying potential sites for new public cemeteries.

The Vicente A. Limtiaco Memorial Cemetery, more commonly known as the Tiguac Cemetery, in Piti, is nearly filled to capacity, he said.

## Community service for littering

Sen. Sabina Perez also addressed the task force about a new law that she sponsored, which seeks to strengthen

the enforcement of laws against littering by, among other things, increasing the number of enforcement officers from about four to potentially more than 200.

The senator said Public Law 36-61 authorizes and compensates various government agencies to enforce the anti-litter laws, and giving 50% of the fines collected to the apprehending agency and the rest are divided among three other agencies or programs.

What also makes the law more impactful is its ability to hold the offender accountable by not only imposing a fine but also requiring hours of community service.

In the past, many of the offenders would rather pay the fine than do the service.

The acting governor said a training will help for government agency representatives on the law and how to properly issue citations, among other things.

The task force covered other topics, including the Department of Public Works' issuance of 42 notices of violation for derelict buildings, 14 of which have been resolved while 28 still pending resolution, based on data from DPW Chief Planner Jose Quinata.

Members of the public can also directly report derelict structures to DPW by contacting Rudy Cabana at rudy.cabana@dpw.guam.gov or Marcie Bamba at Marcie.bamba@dpw.guam.gov, or by dialing 671-649-3121.

Guam Environmental Protection Agency's Michelle Lastimoza also updated the task force about mayors' removal of abandoned vehicles using the Recycling Revolving Fund and the removal of vessels out of Guam waters.

## Ex-mayor seeks compassionate release, earlier court date

By Nick Delgado  
nick@postguam.com

Jesse Mendiola Blas is hoping to have a federal judge hear his request to get out of prison sooner than the court has scheduled.

Blas, who is serving a 37-month sentence for extortion, is set to be released from prison on May 10, 2022.

He is set to appear in court on Dec. 7.

But, the former Yona Mayor's attorney Laura Paul told the court that she has a longstanding appointment at that time which cannot be rescheduled.

Defense filed a motion to advance Blas' hearing for compassionate release, noting that the government does not oppose.

Blas has asked the court to reduce his sentence due to his health issues and his risk to COVID-19 infection.

He is being held at the Federal Correctional Institution in Victorville, California where he is placed on lockdown and in a cell for an average of 20 to 22 hours a day.

"With the new delta variant ... the fact that I am being held in a transit facility is even more unsafe than normal prison conditions. I am subjected to the mass numbers of prisoners being moved in and out of this facility, while I have stayed stagnant," he stated in his request.

Blas pleaded guilty to a single count of extortion under color of official right for taking bribes in exchange for the use of cluster mailboxes under the jurisdiction of the Yona Mayor's Office.

The bribes were from a woman posing as a drug trafficker and was working with federal agents.

## AK PARTS STORE WILL BE CLOSED FOR INVENTORY

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## SENATOR SABINA FLORES PEREZ

Committee on Environment, Revenue and Taxation, Labor,  
Procurement, and Statistics, Research, and Planning

Virtual Public Hearing (Zoom Video Conference)  
Wednesday, November 24, 2021, at 9:00 a.m. and 2:00 p.m.

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**Resolution No. 210-36 (COR) - Sabina Flores Perez, Therese M. Terlaje, Telo T. Taitague, and Joanne Brown** - RELATIVE TO REAFFIRMING GUAM'S RIGHT TO SAFEGUARD CULTURAL RESOURCES AND TO PROTECT OCEAN ECOSYSTEMS FROM ENVIRONMENTAL HARM AND EXPLOITIVE INDUSTRY INTERESTS THROUGH A MORATORIUM ON SEABED MINING, TO ENSURE THE HEALTH OF GUAM'S PEOPLE.

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Charlene Flores &lt;charlene@senatorperez.org&gt;

## 2nd Notice of Virtual Public Hearing: Wednesday, November 24, 2021, at 9:00 a.m. and 2:00 p.m.

Office of Senator Sabina Perez &lt;office@senatorperez.org&gt;

Mon, Nov 22, 2021 at 8:00 AM

To: reporters@kuam.com, Sabrina Salas Matanane <sabrina@kuam.com>, nestor@kuam.com, Chris Barnett <malafunkshun@kuam.com>, joan@kuam.com, mindy@postguam.com, editor@postguam.com, John O'Connor <john@postguam.com>, Nick Delgado <nick@postguam.com>, reporters@postguam.com, news@sorensenmediagroup.com, news@guampdn.com, news@k57.com, rlimtiaco@guampdn.com, haidee@postguam.com, kstokish@gmail.com, Maureen Maratita <publisher@glimpsesofofguam.com>, reporter2@glimpsesofofguam.com, Guam Progress <guamprogress@yahoo.com>, colinperez@gmail.com, Gabejereza@gmail.com, "Alexandra Elizabeth T. Benavente" <aebenavente@gdoe.net>, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, mar\_vic\_cagurangan@yahoo.com, Jason Salas <jason@kuam.com>, Sabrina Salas Matanane <newsdirector@kuam.com>, slimtiaco@guampdn.com, raygibsonshow@gmail.com, pattiontheradio@yahoo.com, news@kanditnews.com

Cc: phnotice@guamlegislature.org, "Leevin Camacho (ag@oagguam.org)" <ag@oagguam.org>, Guam MIS <mis@guamlegislature.org>, Geri Leon Guerrero <geri@senatorperez.org>

November 22, 2021

### MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, Chairperson  
Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning

Subject: **2<sup>nd</sup> Notice of Virtual Public Hearing: Wednesday, November 24, 2021, at 9:00 a.m. and 2:00 p.m.**

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**Office of Senator Sabina Flores Perez**

Committee on the Environment, Revenue & Taxation, Labor, Procurement, and Statistics, Research, and Planning  
*I Mina'trentai Sais na Liheslaturan Guåhan*

36th Guam Legislature

O: 194 Hernan Cortez Avenue, First Floor, Terlaje Professional Building, Hagåtña, Guam 96910

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**4 attachments**

 **2nd Notice.pdf**  
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 **Res. No. 210-36 (COR) (1).pdf**  
2169K

 **Doc. No. 36GL-21-1316.pdf**  
1949K

 **Doc. No. 36GL-21-1317.pdf**  
4391K



## OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor,  
Procurement, and Statistics, Research, and Planning

*I Mina'trentai Sais Na Liheslaturan Guåhan* • 36<sup>th</sup> Guam Legislature

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## INVITATION FOR BID JANITORIAL AND MAINTENANCE SERVICES (CONCOURSE LEVEL)

IFB NO.: GIAA-001-FY22

**DEADLINE FOR REGISTRATION OF  
PRE-BID CONFERENCE & SITE VISIT:** Nov. 16, 2021 - 2 PM (ChST) Single Point of Contact

**PRE-BID CONFERENCE & SITE VISIT:** Nov. 18, 2021 - 10 AM (ChST) GIAA Conf. Rms.

**DEADLINE FOR RECEIPT OF**

**WRITTEN QUESTIONS:** Nov. 19, 2021 - 2 PM (ChST) Single Point of Contact

**IFB SUBMISSION DEADLINE:** Nov. 29, 2021 - 2 PM (ChST) GIAAAdmin.Office

**IFB OPENING:** Nov. 29, 2021 - 2:15 PM (ChST) GIAAConf.Rms.

The A.B. Won Pat Int'l. Airport Authority, Guam (GIAA), will receive sealed bids for the project listed above. The IFB packet is available for public inspection between 8a.m.-5p.m., Monday through Friday, excluding holidays, at the GIAA Administration Office. However, in light of the COVID-19 public health emergency and the related Executive Orders issued by the Governor of Guam, public inspection of the IFB is by appointment only. Persons desiring to inspect the IFB or obtain an electronic file on a USB flash drive shall submit a request to the single point of contact. A non-refundable payment of Ten Dollars (\$10.00) in cash, or certified check, or cashier's check is required for an electronic file. The IFB can also be emailed upon request to the email address below and is available for download from GIAA's website at [www.guamairport.com](http://www.guamairport.com). All bids must be accompanied by a bid security in the amount of 15% of the total bid price in the form of a bid bond or certified/cashier's check made payable to the GIAA. All prospective bidders must register by submitting to GIAA the Acknowledgement of Receipt Form included as part of the IFB. GIAA shall not be liable for failure to provide notice(s) or addenda to any bidders who do not submit an Acknowledgement of Receipt Form. GIAA reserves the right to reject any and all bids and to waive any and all informalities, and to disregard all nonconforming or conditional bids or counter proposals when in GIAA's opinion, such rejection or waiver will be in GIAA's best interest. For additional information, contact Mr. Henry M. Cruz, the Single Point of Contact, via email at [giaaifb122@guamairport.net](mailto:giaaifb122@guamairport.net).

JOHN "JO" M. QUINATA  
Executive Manager

ARTEMIO "RICKY" HERNANDEZ, Ph.D.  
Deputy Executive Manager

AD PAID FOR BY: ATURIDAT PUETTON  
BATKON AIREN ENTENASIONAT GUAHAN

**WE CARE**

P.O. Box 8770 Tamuning, GU 96931  
Tel: (671) 646-0300 Fax: (671) 646-8823

## PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

**Son, Kun IL**  
**DBA: Kay Store**

has applied for a Class: 5 General Off Sale Alcoholic Beverage License said premises being marked as Lot: 3060-2-5-6 175 Paasan Dr. Agana Heights



**SENATOR SABINA FLORES PEREZ**

Committee on Environment, Revenue and Taxation, Labor,  
Procurement, and Statistics, Research, and Planning

**Virtual Public Hearing (Zoom Video Conference)**  
**Wednesday, November 24, 2021, at 9:00 a.m. and 2:00 p.m.**

**9:00 A.M.**

**Resolution No. 210-36 (COR) - Sabina Flores Perez, Therese M. Terlaje, Telo T. Taitague, and Joanne Brown** - RELATIVE TO REAFFIRMING GUAM'S RIGHT TO SAFEGUARD CULTURAL RESOURCES AND TO PROTECT OCEAN ECOSYSTEMS FROM ENVIRONMENTAL HARM AND EXPLOITIVE INDUSTRY INTERESTS THROUGH A MORATORIUM ON SEABED MINING, TO ENSURE THE HEALTH OF GUAM'S PEOPLE.

**2:00 P.M.**

**Executive Appointment of Mr. Jose U. Munoz** to serve as a **Member of the Northern Guam Soil and Water Conservation District Board.**

**Executive Appointment of Ms. Rosalina M. San Nicolas** to serve as a **Member of the Northern Guam Soil and Water Conservation District Board.**

Those interested in participating, please confirm your attendance by contacting the Office of Senator Sabina Flores Perez via email at [office@senatorperez.org](mailto:office@senatorperez.org) or via phone at 989-2968, no later than November 22, 2021, for further guidance.

Testimonies should be addressed to Senator Sabina Flores Perez, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at 163 Chalan Santo Papa, Hagåtña, Guam 96910, or via email to [office@senatorperez.org](mailto:office@senatorperez.org), no later than 4pm December 1, 2021. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Sabina Flores Perez at 989-2968. The hearing will broadcast on local television, G1A Channel 21, Docomo Channel 112-4, and stream online via i Liheslaturan Guahan's live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation!

## ANNOUNCEMENT FOR SELECTCARE MEMBERS

Effective 12/24/2021

**Guam ENT Clinic will no longer be participating in the Calvo's SelectCare Network.** Therefore, all services at Guam ENT and the Emergency Room will be charged directly to the SelectCare member at discharge. SelectCare members may request reimbursements directly with Calvo's SelectCare.

You can also contact SelectCare to learn more about Out-of-Network provider coverage.

Dr. Castro is available to see ALL patients for emergencies at GMH and GRMC.

## WE CONTINUE TO ACCEPT THE FOLLOWING



341 S. Marine Corps Dr. Tamuning, Guam 96913 email: [clinicadmin@guament.com](mailto:clinicadmin@guament.com) Facebook @guament







**THE HONORABLE  
SENATOR SABINA FLORES PEREZ**

*I Mina'trentai Sais Na Liheslaturan Guåhan • 36<sup>th</sup> Guam Legislature*

**AGENDA  
VIRTUAL PUBLIC HEARING  
Wednesday, November 24, 2021  
*Zoom Video Conference***

The agenda is as follows:

**9:00 a.m.**

**Resolution No. 210-36 (COR) – Sabina Flores Perez, Therese M. Terlaje, Telo T. Taitague, and Joanne Brown -** RELATIVE TO REAFFIRMING GUAM'S RIGHT TO SAFEGUARD CULTURAL RESOURCES AND TO PROTECT OCEAN ECOSYSTEMS FROM ENVIRONMENTAL HARM AND EXPLOITIVE INDUSTRY INTERESTS THROUGH A MORATORIUM ON SEABED MINING, TO ENSURE THE HEALTH OF GUAM'S PEOPLE.





**THE HONORABLE  
SENATOR SABINA FLORES PEREZ**

*I Mina'trentai Sais Na Liheslaturan Guåhan • 36<sup>th</sup> Guam Legislature*

Public Hearing  
Wednesday, November 24, 2021, 9:00am  
*Zoom Video Conference*

**Resolution No. 210-36 (COR) - Sabina Flores Perez, Therese M. Terlaje, Telo T. Taitague, and Joanne Brown** – “Relative to reaffirming Guam’s right to safeguard cultural resources and to protect ocean ecosystems from environmental harm and exploitive industry interests.”

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT INFORMATION
Joni Quenga Kerr	<i>Prutehi Litekyan: Save Ritidian and Guam Community College Ecowarriors</i>	✓	✓	✓		
Andrea Folds	Earthjustice	✓	✓	✓		
Hope Cristobal		✓	✓	✓		
Monaeka Flores	<i>Prutehi Litekyan: Save Ritidian</i>	✓		✓		
Maria Hernandez	<i>Prutehi Litekyan: Save Ritidian</i>	✓		✓		

To: Office of Senator Sabina Flores Perez, Chairperson  
Committee on Environment, Revenue and Taxation, Labor, Procurement, and  
Statistics, Research, and Planning  
194 Hernan Cortes Avenue, Terlaje Professional Building, 1<sup>st</sup> floor, Hagatna, GU  
96910

From: Joni Quenga Kerr, [jonikerr@gmail.com](mailto:jonikerr@gmail.com), Prutehi Litekyan:Save Ritidian, and Guam  
Community College Ecowarriors

Re: Resolution 210-36 (COR)

This testimony is submitted on behalf of Prutehi Litekyan:Save Ritidian, and the Guam Community College Ecowarriors. Both are organizations deeply committed to the protection of Guåhan's natural resources and support of Resolution 210-36 that calls for a moratorium on deep-sea mining. Rather than repeat the points of this eloquent and detailed resolution, I submit another story about the deep sea. A story that hits close to home and illustrates the need to consider the importance of the ocean to the survival and well-being of all life on earth.

When the first humans, Swiss oceanographer Jacques Piccard and US Navy Lieutenant, Don Walsh, landed on the bottom of the Mariana Trench in 1960, they saw a fish. The significance of that sighting was that it provided evidence that life existed at those extreme depths, but more specifically, that enough oxygen gas was available to support fish in the deep sea. Years later, the mechanism by which oxygen is delivered was discovered to be ocean currents that run both cold and deep, and warm and shallow throughout all the earth's ocean basins. These thermohaline currents sink to great depths by being cold and dense in areas called 'downwellings', and, as the currents mix with warmer water, they rise to the surface in areas called 'upwellings' and run warm and shallow. Called the Global or Great Ocean Conveyor Belt, these currents circulate around the globe and are responsible for delivering oxygen to the deep, carrying nutrients to the surface to support phytoplankton and upper trophic levels, and regulating global temperatures.

When Piccard and Walsh saw that fish, they understood that the deep sea, atmosphere and land were not static, separate entities, but were absolutely connected. At that time, nuclear weapons testing and energy were demanding a waste disposal plan, and one option was to sink the waste into the deepest part of the ocean, the Mariana Trench. Seeing that one fish made it clear that disposing nuclear waste into the Trench was not an option. Considering the worst case scenario - containers leaking dangerous radioactive substances that get transported throughout the ocean, contaminating marine life all the way up and through the food web to humans - no, this was definitely not an option.

Enter deep-sea mining - a process that has neither been proven safe nor harmless to the environment. But, if we examine terrestrial or land-based mining practices, deep-sea mining takes on a much dimmer prospect. Deep sea mining for elements like manganese, cobalt, and nickel, like land mining, promises to be just as messy, destructive, and toxic, if not more so, due to transport of these heavy metals via thermohaline currents. In Madang Province,

Papua New Guinea, waste tailings from the nickel and cobalt extraction plant, Ramu NiCo, has been dumped into the surrounding ocean. This practice, called deep-sea tailings disposal (DSTD), had been going on for years, but gained international attention in August of 2019 when a 200,000 ton crimson spill of mine tailings occurred and resulted in dead fish washing ashore, and the deaths of a baby dolphin and possibly a man who may have succumbed to a deadly cocktail of the mining waste (Morse, 2020). A 2019 article from the *Journal of Sustainable Mining* describes how extraction of cobalt releases “radioactive emissions, cancer-causing particles, and particles which may cause vision problems, vomiting and nausea, heart problems, and Thyroid damage...and, once in the environment, cobalt particles stay there forever.” According to a Washington Post article and photo essay (Mucha, et al., 2018), the Congo produces about 60% of the world’s supply of cobalt. The poorest people are hired to work in the mines, often without using protective gear like gloves or masks. Mining waste contaminates streams and rivers, and miscarriages, premature births, and infants with deformities have been linked to mothers and fathers who work in the mines. Clearly these examples provide evidence that deep sea mining would entail a multitude of dangerous outcomes for the ocean, marine life, and humans.

Pacific island nations must unite to stop deep-sea mining before it happens. As the resolution states, the precautionary principle must be employed to avoid what would certainly amount to a ‘worst-case scenario’ that would be difficult, if not impossible to reverse. This is not just a NIMBY (not in my backyard) issue - the ocean is our front, side, and backyard that we rely on for food, cultural practices, and economies of fishing, recreation and tourism. Finally, if we truly understand Piccard’s and Walsh’s story, deep-sea mining poses a real threat to all life on earth.

  
Si Yu'os Ma'ase

#### Sources:

Jacques Piccard, 1960. *Man's Deepest Dive*, National Geographic.

<http://www.deepseachallenge.com/the-expedition/1960-dive/>

Morse, Ian, 2020. *Locals stage latest fight against PNG mine dumping waste into sea*. Mongabay. <https://news.mongabay.com/2020/05/locals-stage-latest-fight-against-png-mine-dumping-waste-into-sea/>

Farjana, S.H., N. Huda, and M.A. Parvez Mahnud. 2019. *Life cycle assessment of cobalt extraction process*, in *Journal of Sustainable Mining*, 18:3, pp 150-161  
<https://reader.elsevier.com/reader/sd/pii/S2300396018301836?token=21E10588008D6ABC22912BB9FCD4396367B502FF986916CE1C8B8985E23102EC529E5077B1FC9E88765F00965BBF368A&originRegion=us-east-1&originCreation=20211123034723>

Mucha L., T.C. Frankel, and K.D. Sadof, 2018. *The hidden costs of cobalt mining* The Washington Post. Feb 28, 2018.

<https://www.washingtonpost.com/news/in-sight/wp/2018/02/28/the-cost-of-cobalt/>

**Testimony of Andrea Folds on behalf of Earthjustice  
before the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics,  
Research, and Planning  
in Support of Senate Resolution No. 210-36**

To: The Honorable Senator Sabina Flores Perez, Speaker Therese Terlaje, Senator Telo Taitague, and Senator Joanne Brown and members of the Guam Legislature

Fr: Andrea Folds, Oceans Legislative Counsel for Earthjustice

**I. Earthjustice strongly supports Resolution 210-36 and its call for a moratorium on deep seabed mining**

Thank you for the opportunity to address this esteemed body. I am here on behalf of Earthjustice - an environmental law firm committed to protecting biodiversity, climate systems, and human rights. We recognize deep seabed mining (DSM) as a growing threat on which the U.S. government must act, joining its partners who support a moratorium on this high-risk activity unless and until we have enough information to safely conduct it. We support the resolution offered today in light of the severe risks associated with DSM for ocean health, essential climate functions, and human rights.

**II. Deep seabed mining poses significant risks, and its impacts may be irreversible**  
**A. Overview of deep seabed mining and potential environmental impacts**

Deep seabed mining refers to extracting mineral deposits from the seafloor using a range of methods, including drilling, stripping, or cutting the substrate. Commonly targeted resources include 1) seafloor massive sulfides; 2) polymetallic nodules of manganese, iron, nickel, copper, and other valuable metals; and 3) cobalt-rich crusts. No commercial-scale DSM has occurred on the high seas, but limited exploratory mining has been conducted in the national waters of Japan and Papua New Guinea. Obstacles to commercial-scale DSM include lack of technical capability, lack of understanding of deep-sea ecosystems, and lack of authority from the International Seabed Authority (ISA) - the autonomous body charged with implementing the U.N. Convention on the Law of the Sea and governing DSM in areas beyond national jurisdiction. The ISA is developing a Mining Code to regulate high seas exploitation of minerals, but the Code is far from finished, and significant questions remain around liability, environmental risk, sharing costs and benefits, and more. The country of Nauru has demanded the ISA finalize exploitation regulations by June 2023, but it remains unclear how the ISA will answer Nauru's request while fulfilling its duties of ensuring that DSM benefits all of humankind and preventing serious harm to deep-sea ecosystems. Considering the risks of DSM, the lack of transparency and accountability of contractors and sponsoring states under current regulations, and the existence of sustainable alternatives for sourcing minerals, Earthjustice supports a moratorium on DSM to safeguard the most valuable public resources on our planet - our ocean and climate.

**B. Permanent loss of habitat, biodiversity, and ecosystem services**

Studies have identified a range of potential DSM impacts to both the area mined and to distant areas reached by ocean currents.<sup>1</sup> Impacts to mined areas could include permanent or long-term loss of biodiversity from removal of important habitat- the mined polymetallic nodules themselves - and damage to the seafloor. Polymetallic nodules grow extremely slowly at an estimated rate of several millimeters

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<sup>1</sup> P. Howard et al., *An Assessment of the Risks and Impacts of Seabed Mining on Marine Ecosystems*, Fauna & Flora International (2020), [cms.fauna-flora.org/wp-content/uploads/2020/03/FFI\\_2020\\_The-risks-impacts-deep-seabed-mining\\_Report.pdf](https://cms.fauna-flora.org/wp-content/uploads/2020/03/FFI_2020_The-risks-impacts-deep-seabed-mining_Report.pdf).

every million years.<sup>2</sup> Mining nodules would thus impact deep-sea ecosystems for millennia by removing the habitat they provide and the immobile organisms that grow on them, such as sponges and corals. These organisms provide habitat for mobile species that serve as a food source for an even larger group. Many of these species have not been studied, and scientists warn their loss would be unavoidable were DSM to proceed.<sup>3</sup>

### **C. Permanent contamination of water columns, ocean food webs, and fisheries**

Impacts of DSM beyond the area mined could include sediment plumes generated by mining vehicles and larger plumes from discharge of unwanted material after sorting.<sup>4</sup> With these plumes come tailings of toxic chemicals and heavy metals that can bioaccumulate through food chains and contaminate entire water columns, as vertical migration and nutrient cycling bring material from the deep sea to surface.<sup>5</sup>

Deep-sea ecosystems in the Pacific provide essential services for highly migratory species, including whales, turtles, tuna, and swordfish.<sup>6</sup> Given the far depths and distances they travel, contamination anywhere in the water column would likely impact them. Plumes could also impact deep-sea and pelagic species that use seamounts for habitat, navigation, and foraging, such as whales, sharks, tunas and billfishes, and deepwater snappers. A recent study on the potential impacts of plumes on deep sea fisheries warned it would be extremely important to closely monitor the effects of mining on fisheries as soon as extraction begins and well before it reaches industrial scale.<sup>7</sup> It is uncertain how rigorous this monitoring requirement would be under ISA regulations and how it would be enforced to effectively prevent harm to important deep-sea fisheries.

Discharged metals can remain in water columns even longer than sediment, creating the risk of metals and toxins entering the human food chain through the mesopelagic ecosystems that form an important layer of ocean food webs.<sup>8</sup> No public information exists on the potential human health impacts of metal bioaccumulation from seabed mining plumes.<sup>9</sup> Given the importance of seafood to Pacific islanders for consumption, culture, and commerce, this significant knowledge gap makes it impossible to regulate DSM in a way that protects human rights and livelihood.

### **D. Potential loss of important climate services**

Finally, DSM poses grave climate risks, including the release of sequestered carbon and methane and decreased capacity to store these two greenhouse gases. The deep sea plays an important role in the global carbon cycle by burying organic carbon and regulating atmospheric CO<sub>2</sub> levels.<sup>10</sup> The deep sea also plays an important role in sequestering methane - a greenhouse gas 25 times more potent than CO<sub>2</sub>. It is unclear

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<sup>2</sup> Deep Sea Conservation Coalition, *Deep-sea mining: the science and potential impacts* (DSCC Fact Sheet 2, June 2020), [www.savethehighseas.org/wp-content/uploads/2020/06/DSCC\\_FactSheet2\\_DSM\\_science\\_4pp\\_web.pdf](http://www.savethehighseas.org/wp-content/uploads/2020/06/DSCC_FactSheet2_DSM_science_4pp_web.pdf).

<sup>3</sup> A. Vanreusel et al., *Threatened by mining, polymetallic nodules are required to preserve abyssal epifauna*, 6 Scientific reports (2016).

<sup>4</sup> J. Drazen et al., *Opinion: Midwater ecosystems must be considered when evaluating environmental risks of deep-sea mining*, 8 PNAS (2020).

<sup>5</sup> Howard, *supra* note 1.

<sup>6</sup> K.A. Miller, et al., *An Overview of Seabed Mining Including the Current State of Development, Environmental Impacts, and Knowledge Gaps*, 4 Frontiers Mar. Sci. (2018).

<sup>7</sup> *Id.*

<sup>8</sup> Drazen, *supra* note 4.

<sup>9</sup> Andrew Chin & Kately Hari, *Predicting the impacts of mining of deep sea polymetallic nodules in the Pacific Ocean: A review of Scientific literature*, Deep Sea Mining Campaign and MiningWatch Canada (2020).

<sup>10</sup> B. Orcutt et al., *Impacts of deep-sea mining on microbial ecosystem services*, 65 Limnology and Oceanography (2020).



how mining will impact these essential functions, but it is estimated there will be at least some reduction in carbon and methane uptake. As countries around the world work to reduce greenhouse gas emissions and prevent the worst effects of climate change, it is unjustifiable to risk impairing one of the most important mechanisms we have for regulating greenhouse gases.

#### **E. The full scope of risks is unforeseeable, net loss unavoidable, and remediation impossible**

Scientists generally consider it impossible to fully avoid the impacts of nodule mining, given the expense, the unique services of deep-sea ecosystems, and the limited information on deep-sea ecology.<sup>11</sup> For those same reasons, scientists warn that DSM would likely produce a net loss of biodiversity, even if limited offsets were feasible.<sup>12</sup> Impacts on human communities are also likely inevitable, despite contrary claims by mining corporations. In 2009, Nautilus Minerals contracted with Papua New Guinea to begin exploratory mining and declared that its operations would benefit the country and have no negative human impacts. The result was a “total failure” in the words of Prime Minister James Marape, leaving Papua New Guinea with \$157 million in debt and harm to its environment, culture, and economy, including the disappearance of sharks, a decrease in dolphins, dead fish, and strange marine creatures washing up on shore.<sup>13</sup>

### **III. The U.S. must join the growing global support for a moratorium on deep seabed mining**

Worldwide support is growing for a moratorium on mining until, among other things, its risks are comprehensible and preventable.<sup>14</sup> Since 2011, the Deep Sea Mining Campaign has worked to oppose DSM with partners across the Pacific and around the world.<sup>15</sup> Leading marine scientists have issued a statement calling for a pause on DSM, “until sufficient and robust scientific information has been obtained to make informed decisions as to whether deep-sea mining can be authorized without significant damage to the marine environment and, if so, under what conditions.”<sup>16</sup> Governments have also voiced concern; the European Parliament has called on European states to support a moratorium on DSM, and the Prime Ministers of Fiji, Vanuatu, and Papua New Guinea have all called for a moratorium at least until the conclusion of the U.N. Decade of Ocean Science in 2030. This September, the IUCN World Conservation Congress called for a moratorium until important criteria are met for environmental assessments, public consultation, adherence to legal principles, and transparent and accountable governance by the ISA.<sup>17</sup>

Fortunately, we do not need to mine the deep seabed. There is no reason to take on the attendant risks, of which I have only mentioned a few today. We can meet the demand for important minerals sustainably by recycling, reusing, and extending the life of materials and products we already have. We can enact market policies that facilitate local and sustainable sourcing and invest in a circular economy that reduces the

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<sup>11</sup> C. Van Dover et al., *Biodiversity loss from deep-sea mining*, 7 Nature Geoscience (2017).

<sup>12</sup> HJ Niner et al., *Deep-sea mining with no net loss of biodiversity— an impossible aim*, 5 Frontiers in Marine Science (2018).

<sup>13</sup> Kalolaine Fainu, ‘Shark calling’: locals claim ancient custom threatened by seabed mining, The Guardian (Sept. 30, 2021), [www.theguardian.com/world/2021/sep/30/sharks-hiding-locals-claim-deep-sea-mining-off-papua-new-guinea-has-stirred-up-trouble](http://www.theguardian.com/world/2021/sep/30/sharks-hiding-locals-claim-deep-sea-mining-off-papua-new-guinea-has-stirred-up-trouble).

<sup>14</sup> Deep Sea Conservation Coalition, *Deep-sea mining: growing support for a moratorium*, (DSCC Factsheet 3, June 2020), [www.savethehighseas.org/wp-content/uploads/2020/06/DSCC\\_FactSheet3\\_DSM\\_moratorium\\_4pp\\_web.pdf](http://www.savethehighseas.org/wp-content/uploads/2020/06/DSCC_FactSheet3_DSM_moratorium_4pp_web.pdf)

<sup>15</sup> Deep Sea Mining Campaign, [www.deepseaminingoutofourdepth.org/about/](http://www.deepseaminingoutofourdepth.org/about/) (2013).

<sup>16</sup> Marine Expert Statement Calling for a Pause to Deep-Sea Mining, [www.seabedminingsciencstatement.org/](http://www.seabedminingsciencstatement.org/) (2021).

<sup>17</sup> Protection of deep-ocean ecosystems and biodiversity through a moratorium on seabed mining, IUCN Motion 069 (Sept. 2021), [www.iucncongress2020.org/motion/069](http://www.iucncongress2020.org/motion/069).

need for raw materials and creates clean energy jobs in the recycling sector. As of 2021, public commitments have been made by major technology, electronics, and car companies to not source any of their materials from DSM.<sup>18</sup> Commitments by corporations such as Google, Samsung, BMW, and the Volvo Group, and Microsoft underscore the environmental and financial feasibility of non-seabed mining alternatives for sourcing metals.

#### **IV. Earthjustice supports a moratorium on deep seabed mining in light of the threats it poses to Pacific Island nations, states, and territories and to the common heritage of humankind**

Mining anywhere in the Pacific would jeopardize all Pacific communities, as the impacts would be transboundary, with migratory species and interconnected oceans transporting the effects far and wide. It is also important to consider the existing environmental and climate stressors bearing upon Pacific Island states that could amplify the impacts of DSM, including extreme weather events, sea level rise, and ocean acidification and coral bleaching.<sup>19</sup> DSM would likely produce a net loss for both the Pacific Island region and our entire planet under current conditions. The scale of loss could be enormous, and its duration permanent. We cannot justify gambling with the fate of our ocean and climate and the infinite services they provide when less risky means exist for supplying the materials we need. Earthjustice strongly supports Resolution 210-36, and we thank you for your time and consideration.

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<sup>18</sup> David Shukman, *Companies back moratorium on deep sea mining*, BBC (Apr. 3, 2021), [www.bbc.com/news/science-environment-56607700](https://www.bbc.com/news/science-environment-56607700).

<sup>19</sup> H.-O. Pörtner et al., *IPCC Special Report on the Ocean and Cryosphere in a Changing Climate*, IPCC (2019).

November 24, 2021

**Testimony on Resolution 210-36 (COR)**

Manana si Yu'os,

Sinadora Sabina Flores Perez, Ge'hilo' I Kumiteha  
Hagu Sinadora Kikuentos I Mina' Trentai-Sais na Liheslatura  
Hagu Sinadora Joanne Brown yan  
Hagu Sinadora Telo Taitague  
Todu Hamyu Nu I Membro Guini na Liheslaturan Guahan Pá'gu

Biba todú hamyu!  
Na' magof na ha'ani!

Guahu si Hope Alvarez Cristobal. Taotao Tamuning-Tomhom yu'! Ge'hilo' yu' Matto yu' pá'gu guini na Inekungok Publeku put I Risulasion Numeru 210-36(COR). Hu supopotte este na Risulasion! Hu abiba hamyu na en rikoknisa yan en afifitma I direchon I taotao-tano' Guahan para ta prutehi I ekusisteman I tasi kontra i finakkai, nina'lamen, daño, yan dinestrosan i uriyan-tasi nu I siempre ayu siha na interes bisnes patsino i man puñeta nu i para man yamak gi fondon I tasi, para ma mina, para uma chule' para inaprubechan-ñiha I industria in lugat di uma rispeta yan uma aligao I minaolek salud I taotao Guam.

En na' hassu yu' tatte gi Bente-Tres na Liheslaturan Guahan annai hu intrudusi I Bill 66(LS) which became P.L. 23-17 in 1995 para u ma adopta i

“An Act adopting the regime of the United Nations Convention on the law of the sea (UNCLOS) with respect to Guam’s exclusive economic zone (EEZ) and other rights and responsibilities contained therein, by amending subsection (a) of 1 GCA Section 402, repealing and reenacting subsections (b) and (c) of 1 GCA Section 402, and adding a new 5 GCA Section 9107.1.”

Because Guam continues to remain on the UN List of Non-Self-Governing Territories and remains an unincorporated territory under U.S. law; both statutes inherently are not self-governing and, in this regard, as a territory, Guam has a particular personality under international law—concomitant to this personality are certain rights, including the protection of natural resources from external exploitation and the development of natural resources for the benefit, well-being and development of the people of the territory. We recognized then when in 1983, the U.S. inappropriately attempted to lay claim to Guam’s EEZ. However, in July 1994 the U.S. signed the UNCLOS without reservation. The UNCLOS governs all aspects of ocean space, including delimitations on environmental control, scientific research, economic and commercial activities, technology and the settlement of disputes relating to ocean matters.

With respect to territories that are not self-governing, the UNCLOS declares that:

“In the case of a territory whose people have not attained full independence or other self-governing status recognized by the United Nations, or a territory under colonial domination, provisions concerning rights and interests under the Convention shall be implemented for the benefit of the people of the territory with a view to promoting their well-being and development.”

(Final Act of the UNCLOS, Annex I, Resolution III, 1(a), emphasis added.)

Madam Chair, Honorable Senators, and Speaker Terlaje, it is this body, the Guam Legislature representing the people of Guam that is best suited, and is vested with the right, to implement the necessary ocean policies which will promote the well-being and development of the people of Guam.

I highly encourage your colleagues to support Resolution 210-36(COR); moreover, I appeal to all 36<sup>th</sup> Guam Legislature senators to consider adopting this Resolution as a **Legislative** Resolution to affirm the desire and the will of the people of Guam to protect our resources that today is viewed as resources to be diverted and co-opted by war industries, mining industries, representing powerful, rich nations.

Dangkulo na si Yu'os ma'åse' honorable senators, for your foresight and dedication to the people of Guam.

Might I add, that I have just received the UN Office of the High Commissioner for Human Rights' report on their visit to the United States (Guam) dated November 22, 2021.

Fernand deVannes and Christel Mobeck, UN Delegation that visited Guam last week have just completed their mission! The End of Mission statement is available here:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27843&LangID=E>

In ending this testimony, I highly suggest that the UN C-24 and the UN 4<sup>th</sup> Committee be included to receive a copy of all work/pieces of legislation pertaining to and related to ensuring the rights of the people of Guam to their resources.

/S/ HOPE A. CRISTOBAL  
671 483-0097 Cellphone  
c/o 339 Chalan San Antonio, Suite 200  
Tamuning-Tomhom, Guam 96913



Charlene Flores &lt;charlene@senatorperez.org&gt;

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**Fwd: Bill 210-36**

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**Office of Senator Sabina Perez** <office@senatorperez.org>  
To: Charlene Flores <charlene@senatorperez.org>

Wed, Nov 24, 2021 at 12:59 PM

----- Forwarded message -----

From: **CRIS DIONISIO**

Date: Wed, Nov 24, 2021 at 10:53 AM

Subject: Bill 210-36

To: &lt;office@senatorperez.org&gt;, Melanie M. Blas

Dear Senator Sabina Perez,

I am a marine biology student at GDOE and I support this Bill 210-36 because the ocean is important to our way of living. I watched the live stream earlier and I concluded that Deep Sea Mining is bad for the marine ecosystem. A lot of marine species will be greatly affected if Deep Sea Mining continues. With how Climate change is affecting the planet in a bad way. Deep sea mining causes pollution to the ocean, changing the wildlife's way of life. With Deep Sea Mining, It will be hard to combat Climate Change as the ocean helps us slow down climate change.

I believe this bill should go into law

sincerely,

Cris Dionisio

George Washington High School

Guam Department of Education

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**Office of Senator Sabina Flores Perez**

Committee on the Environment, Revenue &amp; Taxation, Labor, Procurement, and Statistics, Research, and Planning

*I Mina'trentai Sais na Liheslaturan Guåhan*

36th Guam Legislature

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# THE HONORABLE SENATOR SABINA FLORES PEREZ

*I Mina'trentai Sais Na Liheslaturan Guåhan • 36<sup>th</sup> Guam Legislature*

## **AUTHOR'S REPORT DIGEST**

### **I. OVERVIEW**

Resolution No. 210-36 (COR) was introduced on November 15, 2021, by Senators Sabina Flores Perez, Therese M. Terlaje, Telo T. Taitague, and Joanne Brown and was subsequently referred by the Committee on Rules to Senator Sabina Flores Perez, Author, on November 16, 2021.

The Author convened a virtual public hearing on Resolution No. 210-36 (COR) on Wednesday, November 24, 2021, at 9:00 AM via Zoom Video Conference Platform.

#### **Public Notice Requirements**

Virtual Public Hearing notices were disseminated via email to all Senators and all main media broadcasting outlets on November 17, 2021, and again on November 22, 2021, fulfilling the 5-Day Notice and 48 Hour Notice of the Open Government Law requirements respectively.

#### **Senators Present**

Senator Sabina Flores Perez  
Senator Telo T. Taitague  
Senator Joanne M. Brown

Author  
Legislative Member  
Legislative Member

### **II. SUMMARY OF TESTIMONY AND DISCUSSION**

The public hearing was Called-to-Order at 9:02 a.m.

**Author Senator Perez:** Good afternoon. As the author of Resolution No. 210-36(COR), I'm calling this virtual public hearing to order. The purpose of this virtual hearing is to receive testimony on Resolution 210-36 (COR), sponsored by myself, Senator Sabina Flores Perez, co-sponsored by Speaker Therese M. Terlaje, Senator Telo T. Taitague and Senator Joanne Brown. It's relative to reaffirming Guam's right to safeguard cultural resources and to protect ocean ecosystems from environmental harm and exploitive industry interests through a moratorium on seabed mining, to ensure the health of Guam's people."

The rules of conduct for this virtual hearing are as follows: the host of this hearing will mute all participants until called upon by the chair. Virtual background should not be utilized during the public hearing, and participant's face must be visible at all times. When called to speak, please ensure that you're unmuted, and that you're speaking into your microphone. Members of the committee wishing to speak may indicate their desire to the Chair through their in-app chat feature. The order of questioning will begin with the Chairperson, followed by Senators. Each Senator will be allowed to pose questions to individuals testifying. Individuals testifying shall first be recognized by the Chair, before speaking and shall state their name for record-keeping purposes.

Questions and testimony shall be confined to the substance or nature of the agenda. Personal inference as to the character or motive of any Senator or any individual testifying is not permitted.

Now to begin our agenda Resolution 210-36, sponsored by myself Senator Sabina Flores Perez, co-sponsored by Speaker Therese M. Terlaje, Senator Telo T. Taitague, and Senator Joanne Brown relative to reaffirming Guam's right to safeguard cultural resources and to protect ocean ecosystems from environmental harm and exploitative industry interest through a moratorium on seabed mining to ensure the health of Guam's people.

Resolution 210-36 was created to raise awareness of the large-scale impacts of deep seabed mining to our oceans that has sustained and nurtured our people and culture throughout the centuries. As Oceanic people, it is part of our shared responsibility to protect this precious and sacred resource.

Resolution 210 is also a call to action for the international community to support the common goal of protecting our oceans, because the threat of deep-sea mining is imminent with the push to fast-track regulations that would open the door to granting commercial licenses as soon as 2023.

The passage of this resolution is of utmost priority and urgency, because the International Seabed Authority, the governing body of the open seas under the UN Convention on the Law of the Sea (UNCLOS), convenes on December 6th to potentially decide on opening a Pandora's box of environmental impacts, which may include the following: 1) species extinction and loss of biodiversity; 2) sediment plumes and tailings having the potential to pollute the entire water column; 3) the uptake of heavy metals and toxins by marine animals, including commercial fisheries; 4) the disturbance of marine mammals from constant noise and light in the water; 5) the risk of oil spills and accidents from increased vessel and surface traffic; 6) the destruction of coral reefs through increased acidity of water; 7) the potential for induced seismic activity; and 8) increased carbon emissions.

Our oceans store 50 times as much total CO<sub>2</sub> as the atmosphere. It is foreseeable that the increased level of activity and disturbance could impair the ability of our oceans to store carbon dioxide, thus exacerbating global climate change, and potentially counteracting/negating the current international efforts to stem any further increase in surface temperatures.

Exploratory mining has already impacted Pacific Island Nations. In the case of Tonga, the existing DSM exploration licenses cover traditional fishing grounds, and have already disturbed both commercial and local fishing operations simply from the effects of increased numbers of large vessels in the water; these vessels have reportedly changed fish patterns, forcing fishermen to make large detours to find new fishing grounds, creating additional burdens on an already stressed industry.

In Papua New Guinea, islanders in New Ireland and East New Britain have already experienced negative impacts from the exploratory mining and drilling occurring 30 to 50 kilometers from their communities, including reported effects on shark calling and on other fisheries and cultural customs, with resultant impacts on tourism.

Additionally, the PNG government is not only unlikely to profit from the corporation that was granted the exploratory license, but the government has taken out a loan and further increased its substantial debt in order to pay Nautilus, the corporation granted the exploratory rights, \$118 million for PNG's 15% equity stake in the project.

Deep seabed mining, which is driven by increasing demand of metals used in technological products, could be averted by increasing investment in circular economy to include better design of products to facilitate recycling and reuse. Large corporations, Google, Samsung SDI, BMW Group and Volvo Group, have pledged to sustainable sourcing of the metals and the prohibition of use of metals obtained from deep seabed mining.

Resolution 210 calls for moratorium on deep sea mining by the International Seabed Authority unless and until:

1. rigorous and transparent impact assessments have been conducted, the environmental, social, cultural and economic risks of deep seabed mining are comprehensively understood, and the effective protection of the marine environment can be ensured;
2. the precautionary principle, ecosystem approach, and the polluter pays principle have been implemented;
3. policies to ensure the responsible production and use of metals, such as the reduction of demand for primary metals, a transformation to a resource-efficient circular economy, and responsible terrestrial mining practices, have been developed and implemented; and
4. public consultation mechanisms have been incorporated into all decision-making processes related to deep-sea mining ensuring effective engagement allowing for independent review, and, where relevant, that the free, prior and informed consent of indigenous peoples is respected and consent from potentially affected communities is achieved; and
5. promote the reform of the ISA to ensure transparent, accountable, inclusive, effective and environmentally responsible decision making and regulation; and be it further.

I'd like to invite those that have come here to testify. I would like to recognize Joni Kerr from Guam Community College. Welcome Joni.

**Joni Quenga Kerr, *Prutehi Litekyan: Save Ritidian, and Guam Community College Ecowarriors: Buenas yan háfa adai.*** Thank you so much for alerting us to this issue, Senator Perez, and I commend the other Senators for supporting and bringing forth this resolution. I am a professor, sorry an associate professor at Guam Community College, and I do teach introductory to marine biology. This issue kind of fits close to the heart. I'm also representing the Guam Community College Ecowarriors and the organization for *Prutehi Litekyan: Save Ritidian*. Both organizations are deeply committed to the protection of *Guåhan*'s natural resources and support Resolution 210-36 that calls for a moratorium on deep-sea mining. Rather than repeat the points of your very eloquent and detailed resolution, I submit another story about the deep sea, a story that hits very close to home and illustrates the need to consider the importance of the ocean to the survival and well-being of all life on earth.

When the first humans, Swiss oceanographer Jacques Piccard and US Navy Lieutenant Don Walsh landed on the bottom of the Mariana Trench in 1960, they saw a fish. The significance of that sighting was that it provided evidence that life existed at those extreme depths, but more

specifically, that enough oxygen gas was available to support fish in the deep sea. Years later, the mechanism by which oxygen is delivered was discovered to be ocean currents that run both cold and deep, and warm and shallow throughout all the earth's ocean basins. These thermohaline currents sink to great depths by being cold and dense in areas called 'downwellings', and, as the currents mix with warmer water, they rise to the surface in areas called 'upwellings' and run warm and shallow. Called the Global or Great Ocean Conveyor Belt, these currents circulate around the globe and are responsible for delivering oxygen to the deep, carrying nutrients to the surface to support phytoplankton and upper trophic levels, and regulating global temperatures.

When Piccard and Walsh saw that fish, they understood that the deep sea, atmosphere and land were not static, separate entities, but were absolutely connected. At that time, nuclear weapons testing and energy were demanding a waste disposal plan, and one option was to sink the waste into the deepest part of the ocean, the Mariana Trench. Seeing that one fish made it clear that disposing nuclear waste into the Trench was not an option. Considering the worst-case scenario - containers leaking dangerous radioactive substances that get transported throughout the ocean, contaminating marine life all the way up and through the food web to humans - no, this was definitely not an option.

Enter deep-sea mining - a process that has neither been proven safe nor harmless to the environment. But, if we examine terrestrial or land-based mining practices, deep-sea mining takes on a much dimmer prospect. Deep sea mining for elements like manganese, cobalt, and nickel, like land mining, promises to be just as messy, destructive, and toxic, if not more so, due to transport of these heavy metals via thermohaline currents. In Madang Province, Papua New Guinea, waste tailings from the nickel and cobalt extraction plant, Ramu NiCo, has been dumped into the surrounding ocean. This practice, called deep-sea tailings disposal (DSTD), had been going on for years, but gained international attention in August of 2019 when a 200,000 ton crimson spill of mine tailings occurred and resulted in dead fish washing ashore, and the deaths of a baby dolphin and possibly a man who may have succumbed to a deadly cocktail of the mining waste (Morse, 2020). A 2019 article from the Journal of Sustainable Mining describes how extraction of cobalt releases "radioactive emissions, cancer-causing particles, and particles which may cause vision problems, vomiting and nausea, heart problems, and thyroid damage, and, once in the environment, cobalt particles stay there forever." According to a Washington Post article and photo essay (Mucha, et al., 2018), the Congo produces about 60% of the world's supply of cobalt. The poorest people are hired to work in the mines, often without using protective gear like gloves or masks. Mining waste contaminates streams and rivers, and miscarriages, premature births, and infants with deformities have been linked to mothers and fathers who work in the mines. Clearly these examples provide evidence that deep sea mining would entail a multitude of dangerous outcomes for the ocean, marine life, and humans.

Pacific island nations must unite to stop deep-sea mining before it happens. As the resolution states, the precautionary principle must be employed to avoid what would certainly amount to a 'worst-case scenario' that would be difficult, if not impossible to reverse. This is not just a NIMBY (not in my backyard) issue - the ocean is our front, side, and backyard that we rely on for food, cultural practices, and economies of fishing, recreation and tourism. Finally, if we truly understand Piccard's and Walsh's story, deep-sea mining poses a real threat to all life on earth. *Si Yu'os ma'âse*.

**Author Senator Perez:** *Si Yu'os ma'âse'*, Joni for that beautiful testimony and insight. I like now to recognize Danny Folds from Earthjustice Legal Counsel. Welcome Danny.

**Andrea “Danny” Folds,** *Oceans Legislative Counsel, Earthjustice:* I am here on behalf of Earthjustice - an environmental law firm committed to protecting biodiversity, climate systems, and human rights. We recognize deep seabed mining (DSM) as a growing threat on which the U.S. government must act, joining its partners who support a moratorium on this high-risk activity unless and until we have enough information to safely conduct it. We support the resolution offered today in light of the severe risks associated with DSM for ocean health, essential climate functions, and human rights.

Deep seabed mining refers to extracting mineral deposits from the seafloor using a range of methods, including drilling, stripping, or cutting the substrate. Commonly targeted resources include 1) seafloor massive sulfides; 2) polymetallic nodules of manganese, iron, nickel, copper, and other valuable metals; and 3) cobalt-rich crusts. No commercial-scale DSM has occurred on the high seas, but limited exploratory mining has been conducted in the national waters of Japan and Papua New Guinea. Obstacles to commercial-scale DSM include lack of technical capability, lack of understanding of deep-sea ecosystems, and lack of authority from the International Seabed Authority (ISA) - the autonomous body charged with implementing the U.N. Convention on the Law of the Sea and governing DSM in areas beyond national jurisdiction. The ISA is developing a Mining Code to regulate high seas exploitation of minerals, but the Code is far from finished, and significant questions remain around liability, environmental risk, sharing costs and benefits, and more. The country of Nauru has demanded the ISA finalize exploitation regulations by June 2023, but it remains unclear how the ISA will answer Nauru's request while fulfilling its duties of ensuring that DSM benefits all of humankind and preventing serious harm to deep-sea ecosystems. Considering the risks of DSM, the lack of transparency and accountability of contractors and sponsoring states under current regulations, and the existence of sustainable alternatives for sourcing minerals, Earthjustice supports a moratorium on DSM to safeguard the most valuable public resources on our planet - our ocean and climate.

Studies have identified a range of potential DSM impacts to both the area mined and to distant areas reached by ocean currents. Impacts to mined areas could include permanent or long-term loss of biodiversity from removal of important habitat- the mined polymetallic nodules themselves - and damage to the seafloor. Polymetallic nodules grow extremely slowly at an estimated rate of several millimeters every million years. Mining nodules would thus impact deep-sea ecosystems for millennia by removing the habitat they provide and the immobile organisms that grow on them, such as sponges and corals. These organisms provide habitat for mobile species that serve as a food source for an even larger group. Many of these species have not been studied, and scientists warn their loss would be unavoidable were DSM to proceed.

Impacts of DSM beyond the area mined could include sediment plumes generated by mining vehicles and larger plumes from discharge of unwanted material after sorting. With these plumes come tailings of toxic chemicals and heavy metals that can bioaccumulate through food chains and contaminate entire water columns, as vertical migration and nutrient cycling bring material from the deep sea to surface.



Deep-sea ecosystems in the Pacific provide essential services for highly migratory species, including whales, turtles, tuna, and swordfish. Given the far depths and distances they travel, contamination anywhere in the water column would likely impact them. Plumes could also impact deep-sea and pelagic species that use seamounts for habitat, navigation, and foraging, such as whales, sharks, tunas and billfishes, and deepwater snappers. A recent study on the potential impacts of plumes on deep sea fisheries warned it would be extremely important to closely monitor the effects of mining on fisheries as soon as extraction begins and well before it reaches industrial scale. It is uncertain how rigorous this monitoring requirement would be under ISA regulations and how it would be enforced to effectively prevent harm to important deep-sea fisheries.

Discharged metals can remain in water columns even longer than sediment, creating the risk of metals and toxins entering the human food chain through the mesopelagic ecosystems that form an important layer of ocean food webs. No public information exists on the potential human health impacts of metal bioaccumulation from seabed mining plumes. Given the importance of seafood to Pacific islanders for consumption, culture, and commerce, this significant knowledge gap makes it impossible to regulate DSM in a way that protects human rights and livelihood.

Finally, DSM poses grave climate risks, including the release of sequestered carbon and methane and decreased capacity to store these two greenhouse gases. The deep sea plays an important role in the global carbon cycle by burying organic carbon and regulating atmospheric CO<sub>2</sub> levels. The deep sea also plays an important role in sequestering methane - a greenhouse gas 25 times more potent than CO<sub>2</sub>. It is unclear how mining will impact these essential functions, but it is estimated there will be at least some reduction in carbon and methane uptake. As countries around the world work to reduce greenhouse gas emissions and prevent the worst effects of climate change, it is unjustifiable to risk impairing one of the most important mechanisms we have for regulating greenhouse gases.

Scientists generally consider it impossible to fully avoid the impacts of nodule mining, given the expense, the unique services of deep-sea ecosystems, and the limited information on deep-sea ecology. For those same reasons, scientists warn that DSM would likely produce a net loss of biodiversity, even if limited offsets were feasible. Impacts on human communities are also likely inevitable, despite contrary claims by mining corporations. In 2009, Nautilus Minerals contracted with Papua New Guinea to begin exploratory mining and declared that its operations would benefit the country and have no negative human impacts. The result was a “total failure” in the words of Prime Minister James Marape, leaving Papua New Guinea with \$157 million in debt and harm to its environment, culture, and economy, including the disappearance of sharks, a decrease in dolphins, dead fish, and strange marine creatures washing up on shore.

Worldwide support is growing for a moratorium on mining until, among other things, its risks are comprehensible and preventable. Since 2011, the Deep Sea Mining Campaign has worked to oppose DSM with partners across the Pacific and around the world. Leading marine scientists have issued a statement calling for a pause on DSM, “until sufficient and robust scientific information has been obtained to make informed decisions as to whether deep-sea mining can be authorized without significant damage to the marine environment and, if so, under what conditions.” Governments have also voiced concern; the European Parliament has called on European states to

support a moratorium on DSM, and the Prime Ministers of Fiji, Vanuatu, and Papua New Guinea have all called for a moratorium at least until the conclusion of the U.N. Decade of Ocean Science in 2030. This September, the IUCN World Conservation Congress called for a moratorium until important criteria are met for environmental assessments, public consultation, adherence to legal principles, and transparent and accountable governance by the ISA.

Fortunately, we do not need to mine the deep seabed. There is no reason to take on the attendant risks, of which I have only mentioned a few today. We can meet the demand for important minerals sustainably by recycling, reusing, and extending the life of materials and products we already have. We can enact market policies that facilitate local and sustainable sourcing and invest in a circular economy that reduces the need for raw materials and creates clean energy jobs in the recycling sector. As of 2021, public commitments have been made by major technology, electronics, and car companies to not source any of their materials from DSM. Commitments by corporations such as Google, Samsung, BMW, and the Volvo Group, and Microsoft underscore the environmental and financial feasibility of non-seabed mining alternatives for sourcing metals.

Mining anywhere in the Pacific would jeopardize all Pacific communities, as the impacts would be transboundary, with migratory species and interconnected oceans transporting the effects far and wide. It is also important to consider the existing environmental and climate stressors bearing upon Pacific Island states that could amplify the impacts of DSM, including extreme weather events, sea level rise, and ocean acidification and coral bleaching. DSM would likely produce a net loss for both the Pacific Island region and our entire planet under current conditions. The scale of loss could be enormous, and its duration permanent. We cannot justify gambling with the fate of our ocean and climate and the infinite services they provide when less risky means exist for supplying the materials we need. Earthjustice strongly supports Resolution 210-36, and we thank you for your time and consideration.

**Author Senator Perez:** *Si Yu'os ma'åse*, Danny for all your work. There's a lot of movement happening nationally that Earthjustice is working towards. Thank you for all your hard work in that realm, and for participating today and providing the testimony. I would like to now recognize former Senator Hope Cristobal to provide testimony on Resolution 210.

**Hope Cristobal:** *Biba todū hamyu! Na' magof na ha'ani! Guahu si Hope Alvarez Cristobal. Taotao Tamuning-Tomhom yu'! Ge'hilo' yu' Matto yu' pā'gu guini na Inekungok Publeku put I Risulasion Numeru 210-36(COR). Hu supopotte este na Risulasion! Hu abiba hamyu na en rikoknisa yan en afifitma I direchon I taotao-tano' Guahan para ta prutehi I ekusisteman I tasi kontra i finakkai, nina'lamen, dañao, yan dinestrosan i uriyan-tasi nu I siempre ayu siha na interes bisnes patsino i man puñeta nu i para man yamak gi fondon I tasi, para ma mina, para uma chule' para inaprubechan-ñiha I industria in lugat di uma rispeta yan uma aligao I minaolek salud I taotao Guam.*

*En na' hassu yu' tatte gi Bente-Tres na Liheslaturan Guahan annai hu intrudusi I Bill 66(LS) which became P.L. 23-17 in 1995 para u ma adopta i "An Act adopting the regime of the United Nations Convention on the law of the sea (UNCLOS) with respect to Guam's exclusive economic zone (EEZ) and other rights and responsibilities contained therein, by amending subsection (a) of*

1 GCA Section 402, repealing and reenacting subsections (b) and (c) of 1 GCA Section 402, and adding a new 5 GCA Section 9107.1.”

Because Guam continues to remain on the UN List of Non-Self-Governing Territories and remains an unincorporated territory under U.S. law; both statutes inherently are not self-governing and, in this regard, as a territory, Guam has a particular personality under international law—concomitant to this personality are certain rights, including the protection of natural resources from external exploitation and the development of natural resources for the benefit, well-being and development of the people of the territory.

We recognized then when in 1983, the U.S. inappropriately attempted to lay claim to Guam’s EEZ. However, in July 1994 the U.S. signed the UNCLOS without reservation. The UNCLOS governs all aspects of ocean space, including delimitations on environmental control, scientific research, economic and commercial activities, technology, and the settlement of disputes relating to ocean matters.

With respect to territories that are not self-governing, the UNCLOS declares that: “In the case of a territory whose people have not attained full independence or other self-governing status recognized by the United Nations, or a territory under colonial domination, provisions concerning rights and interests under the Convention shall be implemented for the benefit of the people of the territory with a view to promoting their well-being and development.”(Final Act of the UNCLOS, Annex I, Resolution III, 1(a), emphasis added.)

Madam Chair, Honorable Senators, and Speaker Terlaje, it is this body, the Guam Legislature representing the people of Guam that is best suited, and is vested with the right, to implement the necessary ocean policies which will promote the well-being and development of the people of Guam. I highly encourage your colleagues to support Resolution 210-36(COR); moreover, I appeal to all 36th Guam Legislature senators to consider adopting this Resolution as a Legislative Resolution to affirm the desire and the will of the people of Guam to protect our resources that today is viewed as resources to be diverted and co-opted by war industries, mining industries, representing powerful, rich nations.

*Dangkulo na si Yu’os ma’åse’* honorable Senators, for your foresight and dedication to the people of Guam. Might I add, that I have just received the UN Office of the High Commissioner for Human Rights’ report on their visit to the United States (Guam) dated November 22, 2021. Fernand deVannes and Christel Mobeck, UN Delegation that visited Guam last week have just completed their mission! In ending this testimony, I highly suggest that the UN C-24 and the UN 4th Committee be included to receive a copy of all work/pieces of legislation pertaining to and related to ensuring the rights of the people of Guam to their resources. *Dangkulo na si Yu’os ma’åse’* *Senadot Flores Perez* for your forward thinking and your support for the people’s rights. *Si Yu’os ma’åse’*.

**Author Senator Perez:** *Dangkulo na si Yu’os ma’åse’*, Senator Hope Cristobal. That was very informative, and thank you for reaffirming our human rights to self-determination.

**Ms. Cristobal:** That was over 25 years ago that Guam adopted our own 200-mile EEZ.

**Author Senator Perez:** Thank you. Definitely reaffirm that too as well. I'd like to now recognize Monaeka Flores from *Prutehi Litekyan: Save Ritidian*.

**Monaeka Flores, *Prutehi Litekyan: Save Ritidian: Håfa adai*,** Senator Flores Perez, Senator Taitague, Senator Brown. I just really want to say something very brief. First, I really want to thank you know *Saina* Auntie Hope Cristobal for all of her incredible work, and we really can't say enough about how much she's dedicated her whole life really to protecting our resources. I also just want to thank Joni Kerr, one of our board members, who presented the official testimony for *Prutehi Litekyan* earlier. I don't want to be too repetitive to the testimony that's been provided but I also want to thank Danny Folds from Earthjustice for being here. Such compelling testimony from all three really underscoring the harm and the many kinds of harm, the many impacts on future generations not just here in *Guåhan*, but all over the world, all over the Pacific. I don't really want to be too repetitive, and I don't really have much to add to the very incredible, the incredible testimony, but I just need to say that I'm a member of *Prutehi Litekyan: Save Ritidian*, and I'm also a member of the *I Hagan Famalao'an Guåhan*, which is an indigenous women's organization. I just feel compelled to be here today, because of the gravity of the situation regarding the seabed mining and the catastrophic impacts it will have to the very survival of humanity on this planet and to our mother, to our creator. We come from a... we all feel... we're all here because we love *Guåhan*. We're all here because we feel so connected to this place and to the ocean that surrounds us and gives us life-sustaining resources every single day. It's hard to imagine that such destructive technologies these industries, these extractive industries, which just exacerbate all of our challenges for climate change, all the existing damage that's been done but also just really make us so vulnerable to climate change, to survival, to our life ways, our everything depends on this. I just feel so compelled to be here today just to support the testimonies that have been stated today but also and to stand in support of Senator Sabina Flores Perez and Resolution 210-36. *Si Yu'os ma'åse'*.

**Author Senator Perez:** *Si Yu'os ma'åse'* thank you so much Monaeka for being here today and for your support. It means a lot. I believe we have another member from *Prutehi Litekyan* Maria Hernandez, if you would like to provide any testimony at this time.

**Maria Hernandez, *Prutehi Litekyan: Save Ritidian: Buenas todus hamyu*.** I'm just out and about but yes... I read through Joni's testimony, and I do not want again to be repetitive. I am just here to provide support and wanted to listen in. I'm just so grateful for everybody coming forward today to talk about this very important issue. I think it's something that we need to be vehemently against. I just want to come on to... again I'm compelled like Monaeka to say that we're against anything that would harm our land, our environment considering all of the toxicity and all of the environmental issues we're already dealing with. We do not want to add to that. Thank you so much, Senator Perez. Thank you so much to all of our lawmakers who are standing behind this very important legislation. Thank you.

**Author Senator Perez:** *Si Yu'os ma'åse'* Maria for your testimony and for being here today and your support. It's greatly appreciated. I'd like to open the floor to my colleagues if they have any comments or questions to those that have testified. Senator Telo Taitague.

**Senator Taitague:** *Si Yu'os ma'åse'*, Madam Chair for the opportunity and most especially for the opportunity to be a co-sponsor of this Resolution. I remember a while ago in the 30<sup>th</sup> Guam Legislature when they even had a moratorium on an area up in the northern part of the CNMI, sparked a lot of interest especially to our fishermen and the inability to go up in that area like a park in the ocean but it was found out later the intention really was to save that area from mining and that the resources underneath the ocean was what was most important than anything else in protecting our environment. I want to continue this effort on ensuring that our oceans are protected. I mean the information that was provided today, thank you so much to everyone who is here, Danny and Joni, as well as Hope, especially Hope for that information on Public Law 23-17, in which she did mention Senator Joanne Brown, I think when she first came into the Legislature, this was something that they worked on. I put it up on my screen to start looking at it and I intend to read the entire public law to get an understanding of what was trying to be done in the past, but I think what's more important is what we're going to do in the future and how we're going to stand up and speak out about this issue and bring awareness to our community. This is a great start, what we're doing here today but we need to keep forward and keep moving forward with regards to outreach programs awareness. One of the things I'd like to congratulate with Maria Hernandez and the *Prutehi Litekyan* group on their ability to provide scholarships to individuals to teach them on the environment and the importance of fighting for equal rights and justice for our environment. I'd like to thank them for all they're doing as well, but again Madam Chair, the work and extent that you did on this resolution and the research, I commend you. Again, thank you for the honor of being a co-sponsor and know that I will continue the fight. Thank you so much and thank you everyone who came to testify.

**Author Senator Perez:** *Si Yu'os ma'åse'*, Senator Taitague, for your support and for co-sponsoring this Resolution. I'd like to now recognize Senator Joanne Brown, who's also a co-sponsor.

**Senator Brown:** Thank you very much, Madam Chair and certainly the opportunity to listen to the testimony that's been provided by members of our community with regards to Resolution 210. I have no questions at all for anyone who has provided their testimony. I think we all share other concerns that they've raised and certainly concerns we've had for quite some time and for many years, gosh 25 years that's a long time ago. Hopefully we're not dating ourselves too much, but I think we realize as time goes on we do have to live in the world that we have. We have to manage the resources that we have. Obviously, we need resources to live and to grow and to build but at the same time we need to balance that with protecting our resources and particularly our ocean resources. I mean that's been a dumping ground for so many years. I think we need to be mindful of what impacts we have and how much and to what degree are we going to harm our earth. I'm definitely an advocate and supporter of your initiative with regards to this resolution and will continue to be so. Thank you everyone who's come to relay their feelings, their thoughts, their convictions with regards to this issue. Certainly, wish everyone a happy thanksgiving. With that Madam Chair I have no further comments. Thank you.

**Author Senator Perez:** Thank you, Senator Joanne Brown. Senator Taitague you have a question?



**Senator Taitague:** I just wanted to make a correction. I've been up early this morning, it was not moratorium, but it's a memorial, national marine monument that they were putting together in that area, in the northern part of the northern Marianas. Just wanted to make that correction. Thank you.

**Author Senator Perez:** Thank you so much. I want to thank everybody for coming today to testify. It was very rich testimony, and it takes, what is it that the saying, it takes a small community to make change in the world, and I'm paraphrasing that but we're really thankful for everybody here who has testified. We do intend to get this resolution sent and then passed or sent to the body for a vote as soon as possible because December 6th is the time when the International Seabed Authority could potentially make a ruling. It is of utmost urgency and priority that this resolution be supported and passed by the Guam Legislature. I want to thank Danny for all your support and the hard work that Earthjustice has done in providing information on this resolution, as well as organizing nationally and internationally. We wish all the success behind that. Being that we are on the front lines, Pacific Islanders are on the front lines of global climate change and now we're in the front lines of this very damaging industry, seabed mining, it's so important to get ahead of this right now, because we don't know the full effects of the environmental impacts, but we already see the impacts that are occurring with just the exploratory licenses. It's so important to prevent damage, irreparable damage, to a very delicate ecosystems and in our deep oceans. We don't have to rely on these resources, we just need to make sure that we are reusing what we have. We only have one earth but we're exploiting it. We're exploiting six earths at the rate that we're going, so it's not sustainable. I think as indigenous peoples we have practiced sustainability for over 3000 years. We need to correct this imbalance that is occurring, and it's going to take each one of us to make these small changes that can have greater collective positive effects. I want to thank everyone here today. I know there are some students listening in, so I do hope that we have inspired our new generation of stewards. Thank you for all your support and for your presence here today. *Si Yu'os ma'åse'*. Being that there are no other testimonies at this time, I'd like to now adjourn this virtual public hearing. Thank you and have a great Thanksgiving.

Author Senator Perez adjourned the public hearing for Resolution No. 210-36 (COR) at 9:43 a.m.

**Written Testimonies:**

- Joni Quenga Kerr, *Prutehi Litekyan: Save Ritidian, and Guam Community College Ecowarriors*
- Andrea Folds, *Ocean Legislative Counsel, Earthjustice*
- Hope Cristobal
- Cris Dionisio, *Student, George Washington High School*

**III. FINDINGS AND RECOMMENDATION**

Senator Perez hereby reports out Resolution No. 210-36 (COR), with the recommendation: **To Do Adopt.**



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

**Resolution No. 210-36 (COR)**

Introduced by:

Sabina Flores Perez *SFP*  
Therese M. Terlaje *TMT*  
Telo T. Taitgue *TTT*  
Joanne Brown *JOB*

**RELATIVE TO REAFFIRMING GUAM'S RIGHT TO  
SAFEGUARD CULTURAL RESOURCES AND TO PROTECT  
OCEAN ECOSYSTEMS FROM ENVIRONMENTAL HARM  
AND EXPLOITIVE INDUSTRY INTERESTS THROUGH A  
MORATORIUM ON SEABED MINING, TO ENSURE THE  
HEALTH OF GUAM'S PEOPLE.**

1        **BE IT RESOLVED BY THE COMMITTEE ON RULES OF *I***  
2        ***MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN:***

3        **WHEREAS,** The CHamoru people have developed a unique oceanic civilization  
4        for over 3,000 years, and this sacred relationship to the ocean is such that the health of  
5        the ocean is essential for the health of the CHamoru people and the island of Guam; and

6        **WHEREAS,** climate change threatens the survival and sovereignty of Guam  
7        with steady rises in sea level, acidification of surrounding ocean water, greater intensity  
8        of typhoons and changing weather patterns, which jeopardize Guam's water and food  
9        supplies; and

10       **WHEREAS,** protection and conservation of marine ecosystems is vital to  
11       mitigating the impacts of climate change on Guam's environment, peoples, and future;  
12       and

1       **WHEREAS**, Pacific Island governments have been promised wealth and have  
2 instead been saddled with the harmful effects of exploitative activities; and

3       **WHEREAS**, technologies for extracting minerals from the ocean floor remain  
4 untested in terms of environmental safety and yet continue to be deceptively and  
5 dangerously pushed upon Pacific Island governments as the key to better livelihoods  
6 and futures. Indigenous communities in the Pacific now stand on the frontline of the  
7 “biggest attempted land grab in the history of humankind” as their ancestral homelands  
8 are at risk from deep sea mining; and

9       **WHEREAS**, U.S. federal agencies often supersede the Government of Guam’s  
10 control over management and protection of Guam’s own resources, and the U.S. has  
11 authorized on multiple occasions agency activities that negatively impact Guam’s  
12 ecosystems and populace; and

13       **WHEREAS**, President Biden issued Memorandum 86 FR 7491 on Tribal  
14 Consultation and Strengthening Nation-to-Nation Relationships, thereby recognizing  
15 the importance of honoring commitments to Tribal Nations and Indigenous Peoples;  
16 and

17       **WHEREAS**, the United States has committed to securing a sustainable supply  
18 chain to meet the critical mineral demands necessary to transition to clean energy, which  
19 requires sourcing materials from only mining conducted under the strictest standards  
20 for environment, health, and justice; and

21       **WHEREAS**, the United States has joined the High-Level Panel for a Sustainable  
22 Ocean Economy and is working with the Pacific Island nation of Palau on the *Our*  
23 *Ocean Conference* of 2022, committing in both international fora to; and

24       **WHEREAS**, the United States, as the only maritime power that has not ratified  
25 United Nations Convention on the Law of the Sea (UNCLOS), bears a responsibility  
26 to fully utilize its power to safeguard its own waters from the exploitive national  
27 security interests from foreign entities; and



1       **WHEREAS**, the United Nations Convention on the Law of the Sea (UNCLOS)  
2       established the International Seabed Authority (ISA) to, in part, to ensure the effective  
3       protection of the marine environment from the harmful effects of seabed mining  
4       activities in areas beyond national jurisdiction (ABNJ), the ISA has issued 30 licenses  
5       and is actively pursuing the adoption of commercial mining regulations to enable  
6       commercial exploitation of seabed resources; and

7       **WHEREAS**, June 30th, 2021, the country of Nauru employed a clause of the  
8       United Nations Convention on the Law of the Sea (UNCLOS) called the “two-year  
9       rule” and notified the ISA of its intent to begin mining the *Clarion Clipperton Zone* by  
10      June 2023; and

11      **WHEREAS**, UNCLOS requires members to protect the marine environment by  
12      implementing the precautionary principle to prevent harm to the high seas, and Nauru’s  
13      use of the two-year trigger asks the ISA to violate UNCLOS by finalizing insufficiently  
14      protective regulations and/or approving mining in their absence; and

15      **WHEREAS**, deep-sea ecosystems remain among the least-understood places on  
16      earth, and they are known to support vital ocean ecosystem elements such as fish stocks,  
17      coral reefs, and multiple ocean ecosystem functions, including water temperature  
18      regulation and nutrient cycling; and

19      **WHEREAS**, protection of deep-sea ecosystems is essential to mitigating the  
20      impacts of climate change and preventing further rises in atmospheric CO<sub>2</sub>, as the deep  
21      ocean below 1000 meters contains 80% of the carbon stored in the ocean; and

22      **WHEREAS**, science and policy experts from over 44 countries have declared  
23      seabed mining to be a major stressor to marine ecosystems, resulting in the loss of  
24      biodiversity and ecosystem functioning which would be irreversible on multi-  
25      generational timescales, to include the following impacts: direct loss of unique and  
26      ecologically-important species and populations as a result of the degradation,  
27      destruction or elimination of seafloor habitat, many before they have been discovered

1 and understood; production of large, persistent sediment plumes that would affect  
2 seafloor and midwater species and ecosystems well beyond the actual mining sites;  
3 interruption of important ecological processes connecting midwater and benthic  
4 ecosystems; the resuspension and release of sediment, metals and toxins into the water  
5 column, both from mining the seafloor and the discharge of mining wastewater from  
6 ships, detrimental to marine life including the potential for contamination of  
7 commercially important species of food fish such as tunas; disruption of sequestered  
8 carbon could reduce the buffering capacity of the ocean and increase atmospheric CO<sub>2</sub>;  
9 noise pollution arising from industrial machine activity on the ocean floor and the  
10 transport of ore slurries in pipes to the sea surface, that could cause physiological and  
11 behavioral stress to marine mammals and other marine species; uncertain impacts on  
12 carbon sequestration dynamics and deep-ocean carbon storage; and

13 **WHEREAS**, advances in scientific knowledge since 2012 regarding deep-sea  
14 mining and concerns expressed by scientists that biodiversity loss will be inevitable if  
15 deep-sea mining is permitted to occur, and this loss is likely to be permanent on human  
16 timescales, by which the consequences for ocean ecosystem function are unknown; and

17 **WHEREAS**, if mining were to occur at industry scale in the *Clarion Clipperton*  
18 *Zone*, where it is most immediately pending, there would be irreversible impacts to our  
19 coral reefs, tuna and billfish fisheries, sharks, and overall ocean health; and

20 **WHEREAS**, there is insufficient scientific information and technological  
21 development to understand the full scope of potential impacts of seabed mining and  
22 thus to regulate it in accord with the precautionary principle enshrined the Law of the  
23 Sea; now, therefore be it

24 **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on  
25 behalf of the people of Guam, call on the United States to support and implement a  
26 moratorium on deep seabed mining in the U.S. Exclusive Economic Zone (EEZ); and  
27 be it further



1       **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on  
2       behalf of the people of Guam, call on the International Seabed Authority and its  
3       individual member States to support and implement a moratorium on deep seabed  
4       mining, on issuing of new exploitation and new exploration contracts, and on the  
5       adoption of seabed mining regulations for exploitation, including 'exploitation'  
6       regulations by the International Seabed Authority (ISA), unless and until:

7           I.       rigorous and transparent impact assessments have been conducted,  
8       the environmental, social, cultural and economic risks of deep seabed mining are  
9       comprehensively understood, and the effective protection of the marine  
10      environment can be ensured;

11          II.      the precautionary principle, ecosystem approach, and the polluter  
12      pays principle have been implemented;

13          III.     policies to ensure the responsible production and use of metals, such  
14      as the reduction of demand for primary metals, a transformation to a resource-  
15      efficient circular economy, and responsible terrestrial mining practices, have  
16      been developed and implemented; and

17          IV.     public consultation mechanisms have been incorporated into all  
18      decision-making processes related to deep-sea mining ensuring effective  
19      engagement allowing for independent review, and, where relevant, that the free,  
20      prior and informed consent of indigenous peoples is respected and consent from  
21      potentially affected communities is achieved; and

22          V.       promote the reform of the ISA to ensure transparent, accountable,  
23      inclusive, effective and environmentally responsible decision making and  
24      regulation; and be it further

25      **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on  
26      behalf of the people of Guam, call on all Pacific leaders to join the growing ranks of  
27      governments, scientific authorities, civil society organizations, global leaders and

1 indigenous groups the world over opposing the rush to mine the ocean floor and, in  
2 doing so, destroy our common heritage; and be it further

3 **RESOLVED**, that the Speaker and the Chairperson of the Committee on Rules  
4 certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of  
5 the same be thereafter transmitted to the Honorable Lourdes A. Leon Guerrero, *I*  
6 *Maga'hågan Guåhan*; to the Honorable Michael F. Q. San Nicolas, Guam Delegate to  
7 the United States Congress; to the Honorable Deb Haaland, Secretary of the United  
8 States Department of Interior; to the Honorable Joseph R. Biden, Jr., President of the  
9 United States of America; to the Honorable Michael W. Lodge, Secretary-General of  
10 the International Seabed Authority; and to the Honorable Francisco Calí Tzay, United  
11 Nations Special Rapporteur on the Rights of Indigenous Peoples.

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES OF I**  
**MINA'TRENTAISAI NA LIHESLATURAN GUÅHAN ON THE DAY**  
**OF MONTH YYYY.**

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**THERESE M. TERLAJE**  
Speaker

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**TINA ROSE MUÑA BARNES**  
Chairperson, Committee on Rules

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**AMANDA L. SHELTON**  
Legislative Secretary