

**I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUAHAN
2017 (FIRST) Regular Session**

Resolution No. 103-34 (LS)

Introduced by:

2017 APR 27 PM 1:41
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Relative to ceasing any further Department of Defense training and testing activities involving detonation of explosives in Guam's land and waters.

BE IT RESOLVED BY I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUAHAN:

WHEREAS, the Record of Decision (ROD) for the Mariana Islands Training and Testing (MITT) Final Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) was signed on July 23, 2015, to implement Alternative 1, the option preferred by the Navy. Alternative 1 allows the Navy to continue training and testing activities to include the use of active sonar and explosives within the MITT Study Area; and

WHEREAS, the MITT study area includes sea-based ranges and land-based training areas in Guam and the Commonwealth of the Northern Mariana Islands

(CNMI), and operating areas and special use airspace in the regions of the Mariana Islands that are part of the Mariana Islands Range Complex (MIRC). The Study Area also includes a transit corridor that connects the MIRC and the Hawaiian Islands Range Complex (HRC) and pierside sonar maintenance and testing alongside Navy piers located in Inner Apra Harbor (See Exhibit A); and

WHEREAS, The ROD states that the MITT Final EIS/OEIS analyzes the potential environmental impacts of training and testing activities in additional areas not analyzed in previous environmental studies and documents where training and testing historically occur, including the Navy port at Apra Harbor and the transit corridor between the MIRC and HRC; and

WHEREAS, Upon application from the U.S. Navy (Navy), the National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration (NOAA), United States Department of Commerce, issued a five year Letter of Authorization (LOA) on July 31, 2015, with effective date August 3, 2015 through August 3, 2020, to the Commander, U.S. Fleet, under the Marine Mammal Protection Act to govern the taking of marine mammals incidental to the Navy's training and testing activities in the Mariana Islands Training and Testing Study Area (MITT). The National Marine Fisheries Service (NMFS) allowed the taking of 26 marine mammal species by Level B Harassment and two species by Level A Harassment; and

WHEREAS, the NMFS, cites the definition of Level A Harassment – “Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild”; and Level B Harassment – “Any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration,

surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered”; and

WHEREAS, the NOAA defines *incidental take* as “an unintentional, but not unexpected take.” Further, *take* under the Marine Mammal Protection Act (MMPA) is defined as “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal”; and

WHEREAS, the NMFS allowed “incidental take” of 26 marine mammal species by Level B Harassment including:

(1) Mysticetes:

(i) Blue whale (*Balaenoptera musculus*) - 140 (an average of 28 annually)

(ii) Bryde's whale (*Balaenoptera edeni*) - 1,990 (an average of 398 annually)

(iii) Fin whale (*Balaenoptera physalus*) - 140 (an average of 28 annually)

(iv) Humpback whale (*Megaptera novaeangliae*) - 4,300 (an average of 860 annually)

(v) Minke whale (*Balaenoptera acutorostrata*) - 505 (an average of 101 annually)

(vi) Sei whale (*Balaenoptera borealis*) - 1,595 (an average of 319 annually)

(vii) Omura's whale (*Balaenoptera omurai*) - 515 (an average of 103 annually)

(2) Odontocetes:

(i) Blainville's beaked whale (*Mesoplodon densirostris*) - 22,130 (an average of 4,426 annually)

(ii) Bottlenose dolphin (*Tursiops truncatus*) - 3,705 (an average of 741 annually)

(iii) Cuvier's beaked whale (*Ziphius cavirostris*)- 112,705 (an average of 22,541 annually)

(iv) Dwarf sperm whale (*Kogia sima*)- 71,085 (an average of 14,217 annually)

- (v) False killer whale (*Pseudorca crassidens*) - 2,775 (an average of 555 annually)
- (vi) Fraser's dolphin (*Lagenodelphis hosei*) - 12,860 (an average of 2,572 annually)
- (vii) Ginkgo-toothed beaked whale (*Mesoplodon ginkgodens*)- 19,485 (an average of 3,897 annually)
- (viii) Killer whale (*Orcinus orca*) -420 (an average of 84 annually)
- (ix) Longman's beaked whale (*Indopacetus pacificus*)- 9,620 (an average of 1,924 annually)
- (x) Melon-headed whale (*Peponocephala electra*) - 10,425 (an average of 2,085 annually)
- (xi) Pantropical spotted dolphin (*Stenella attenuata*)- 64,055 (an average of 12,811 annually)
- (xii) Pygmy killer whale (*Feresa attenuata*) - 525 (an average of 105 annually)
- (xiii) Pygmy sperm whale (*Kogia breviceps*)- 27,895 (an average of 5,579 annually)
- (xiv) Risso's dolphin (*Grampus griseus*) - 2,525 (an average of 505 annually)
- (xv) Rough-toothed dolphin (*Steno bredanensis*) - 9,095 (an average of 1,819 annually)
- (xvi) Short-finned pilot whale (*Globicephala macrorhynchus*) - 9,075 (an average of 1,815 annually)
- (xvii) Sperm whale (*Physeter macrocephalus*) - 2,530 (an average of 506 annually)
- (xviii) Spinner dolphin (*Stenella longirostris*) - 2,945 (an average of 589 annually)

(xix) Striped dolphin (*Stenella coerulealba*)- 16,490 (an average of 3,298 annually); and

WHEREAS, the NMFS allowed “incidental take” of two species by Level A Harassment including:

(1) Odonotocetes:

(i) Dwarf sperm whale (*Kogia sima*) - 205 (an average of 41 annually)

(ii) Pygmy sperm whale (*Kogia breviceps*)- 75 (an average of 15 annually); and

WHEREAS, the Letter of Authorization, identifies the use of the following impulsive source detonations during training and testing:

(i) E1 (0.1 lb to 0.25 lb NEW (Net Explosive Weight)) - an average of 10,140 detonations per year

(ii) E2 (0.26 lb to 0.5 lb NEW) - an average of 106 detonations per year

(iii) E3 (>0.5 lb to 2.5 lb NEW) - an average of 932 detonations per year

(iv) E4 (>2.5 lb to 5 lb NEW) - an average of 420 detonations per year

(v) E5 (>5 lb to 10 lb NEW) - an average of 684 detonations per year

(vi) E6 (>10 lb to 20 lb NEW) - an average of 76 detonations per year

(vii) E8 (>60 lb to 100 lb NEW) - an average of 16 detonations per year

(viii) E9 (>100 lb to 250 lb NEW)- an average of 4 detonations per year

(ix) E10 (>250 lb to 500 lb NEW) - an average of 12 detonations per year

(x) E11 (>500 lb to 650 lb NEW) - an average of 6 detonations per year

(xi) E12 (>650 lb to 2,000 lb NEW) - an average of 184 detonations per year;

and

WHEREAS, a map of the areas indicated for detonation (attached Exhibit B) show that these mine neutralization sites are offshore from the villages of Piti and Agat and in outer Apra Habor; and

WHEREAS, the Coast Guard generally recognizes its responsibility to set a safety zone needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the exercise, and that mariners and divers approaching too close to such exercises could potentially be exposed to flying debris or other hazardous conditions; and

WHEREAS, in the Federal Register on April 21, 2017, the Captain of the Port Guam (COTP) has determined that potential hazards associated with the U.S. Navy training exercise, which include detonation of underwater explosives, will be a safety concern for anyone within a 700-yard radius above and below the surface on April 27, 2017 and a 1400-yard radius above and below the surface on April 28, 2017; and that there was not enough time to obtain public comment; and

WHEREAS, on April 24, 2017, the Commander of Joint Region Marianas issued a press release stating that the Navy Explosive Ordnance Disposal Mobile Unit (EODMU) 5 will conduct underwater detonation training in Outer Apra Harbor on May 18, 2017; and

WHEREAS, Guam continues to deal with the adverse environmental and social impacts of previous detonation of explosives, and the continued detonations of explosives in the lands and waters of Guam has a substantial direct effect on the people of Guam, on the relationship between the U.S. and the people of Guam, and on the distribution of power and responsibilities between the U.S. Government and the Government of Guam; now, therefore, be it

RESOLVED, that *I Mina'trentai Kuåttro Na Liheslaturan Guåhan* does hereby, on behalf of *I Liheslaturan Guåhan* and the people of Guam, object to the detonation of any explosives on the island of Guam or in the territorial waters of Guam for training or testing purposes; and be it further

RESOLVED, that the 34th Guam Legislature, *I Mina'trentai Kuáttro Na Liheslaturan Guåhan*, does hereby call for the ceasing of any further Department of Defense training and testing activities involving detonation of explosives in Guam's land and waters pursuant to the Marianas Islands Training and Testing Record of Decision; and be it further

RESOLVED, that the Speaker certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of the same be thereafter transmitted to United States President Donald Trump; to Captain James B. Pruett, Commander US Coast Guard Sector Guam; to RDML Shoshana Chatfield, Commander, Joint Region Marianas; to Donna S. Wieting, Director, Office of Protected Resources, NMFS, NOAA, US Department of Commerce; to the Honorable Gregorio Kilili C. Sablan, CNMI Delegate to US House of Representatives; to the Honorable Madeleine Z. Bordallo, Guam Delegate to US House of Representatives; and to the Honorable Edward J.B. Calvo, *I Maga'lahaen Guåhan*.

DULY AND REGULARLY ADOPTED BY I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN ON THE ____ OF April 2017.

BENJAMIN J.F. CRUZ
Speaker

RÉGINE BISCOE LEE
Legislative Secretary

Exhibit A

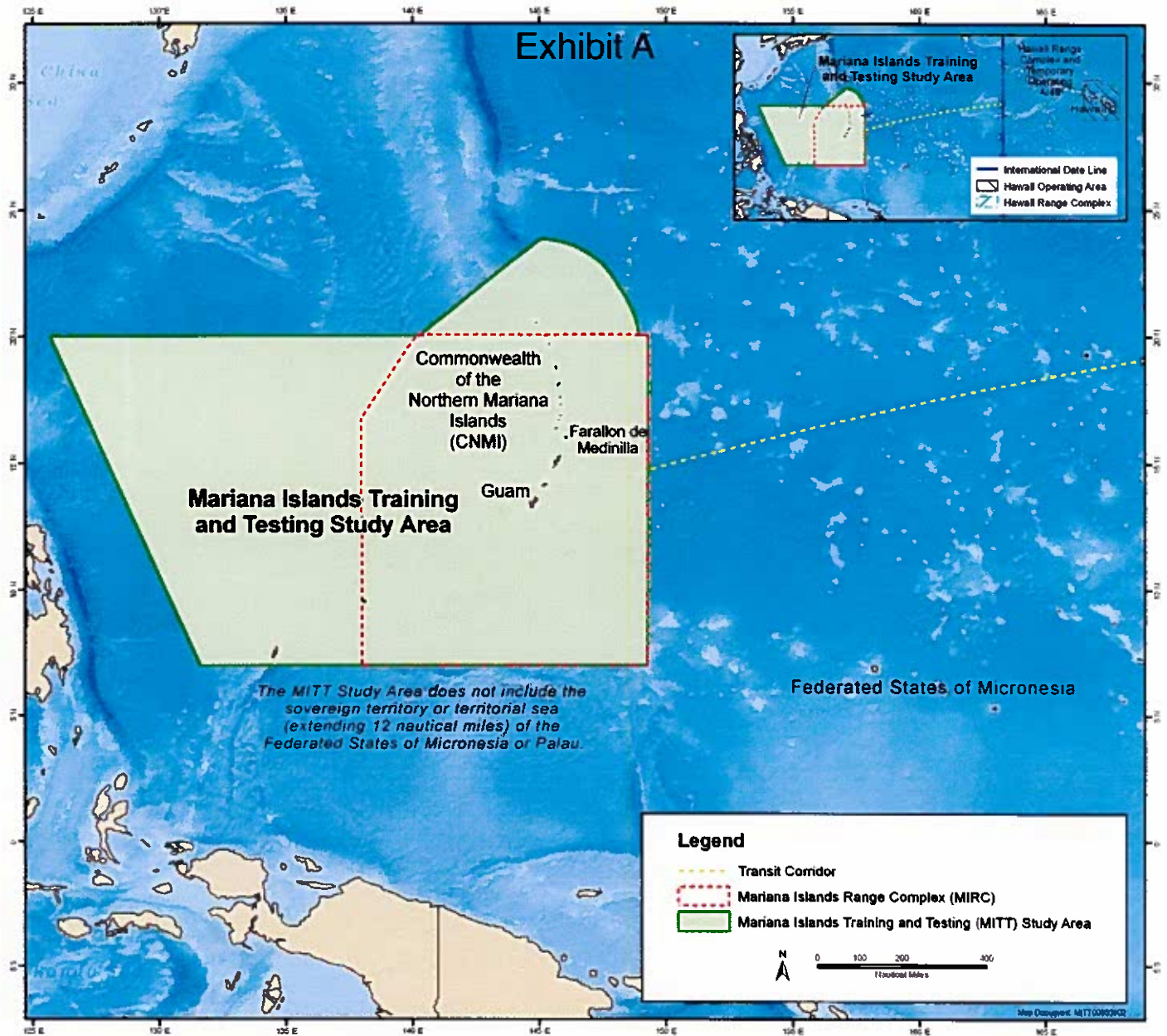


EXHIBIT B

