



OFFICE OF THE VICE SPEAKER
THERESE M. TERLAJE
Chairperson of the Committee
On Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature

Transmitted via Electronic Mail
governor@guam.gov

September 5, 2017

Honorable Eddie Baza Calvo
Governor of Guam
Ricardo J. Bordallo Complex
Adelup, Guam

RE: Urgent issues requiring resolution prior to construction of the Live-Fire Training Range Complex at Northwest Field

Håfa adai Governor Calvo,

I write to you with great concern regarding the preservation of Guam's ancient villages and historic resources at Northwest Field, Ritidian, Litekyan Point, and adjacent properties that will be impacted by the military's plans to build a Live-Fire Training Range Complex.

Since the Programmatic Agreement (PA) as to historic properties was entered into, it has been pointed out that the military's promises for a museum and for a cultural repository have not been completed, yet the projects continue to be processed. Avoidance is spelled out as a priority in the PA, but in the case of the live-fire training range and many other projects, the military has declared itself unable to avoid the impacts to historic properties and the environment. Due to the foreseen impacts to the ancient village and to the limestone forest, Litekyan/Ritidian was deemed the least suitable and most harmful alternative at the time the PA was signed, and the ancient village at Pågat was removed from the list of alternatives. The Principal Deputy Assistant of Secretary of the Navy (Energy, Installations and Environment), alone, signed the August 2015 Record of Decision without consent of the government or people of Guam.

Since the Record of Decision for the Final SEIS regarding historic properties was announced, the SHPO has discovered historic properties that were not considered by the Department of Navy when the Record of Decision to locate the live-fire training range at Northwest Field was made and is in the process of asking for reconsideration.

In a lawsuit filed in the CNMI by the Tinian Women's Association and others, the District Court is considering whether the Record of Decision for the military buildup should have included the training ranges required throughout the Marianas, instead of dividing these "required" training ranges for the marines being relocated to Guam into a different CJMT EIS and ROD process. A decision on that case is still pending.

The Final SEIS, the Biological Opinion, and other documents outline the clearing of a total of 1,219 acres of limestone forest habitat, including the clearing of 187 acres of limestone forest habitat at Northwest Field, the clearing of 212 acres of limestone forest habitat for the hand grenade range, urban terrain training area and other activities at Andy South, the clearing of 12 acres of limestone forest habitat for well fields and water system at AAFB, and the further clearing of 683 acres of limestone forest for cantonment at Finegayan.

The Biological Opinion (BO) also discusses the significant adverse effects on endangered or threatened species from the proposed destruction of habitat, especially the limestone forest habitat. It states that of the 23 endangered or threatened species located in Micronesia, 13 were found to occur adjacent to or within the proposed project areas. In particular, the BO, regarding the Live-Fire Training Range at Ritidian Point and the effects on the Guam National Wildlife Refuge states:

"The largest effects on listed species habitat in terms of habitat fragmentation will be on AAFB near Ritidian Point from construction of the LFTRC. This area currently contains a large expanse (over 350 ac {142 ha}) of high-quality primary limestone forest that serves as occupied habitat for the Mariana fruit bat, Mariana eight spot butterfly, B. guamense, D. guamense, Tuberolabium guamense, C. micronesica, H. longipetiolata, and T. rotensis, and unoccupied habitat for the Guam tree snail, fragile tree snail, and humped tree snail (DON 2017a, p. 44). This primary limestone forest is also contiguous with GNWR, providing an even larger forested area serving as habitat for the above eleven listed species. In total, approximately 78 ac (32 ha) of primary limestone forest and 109 ac (44 ha) of secondary limestone forest would be permanently cleared for construction of the LFTRC.

In addition to LFTRC clearing activities, the proposed action will create a Surface Danger Zone (SDZ) over approximately 68 percent of the GNWR at Ritidian Point during operation of the LFTRC. The SDZ will cover the GNWR access road, visitor center, offices, and other facilities and thereby limit access to

the GNWR while firing occurs at the LFTRC. Any entry into GNWR will require scheduling with and approval by LFTRC Range Control personnel. The limited access that GNWR staff will have to the refuge property during the estimated 39 weeks per year the LFTRC is active will limit the amount of habitat management that can occur at the GNWR. This could have an adverse effect on listed species by: 1) limiting maintenance of the predator exclusion fence at the GNWR, 2) limiting maintenance of native out-plantings, 3) limiting invasive plant control, and 4) limiting effective ungulate control. Per Section 2822 (Establishment of surface danger zone, Ritidian Unit, GNWR) in the 2015 National Defense Authorization Act, the Service and the DON may enter into an agreement to establish and operate a SDZ over the GNWR. The agreement may include relocation and reconstruction of GNWR facilities, mitigation for impacts to wildlife species, and use of DoD personnel to complete GNWR conservation actions; however, this agreement is not yet in place. Therefore, in this analysis we assume that the operation of the LFTRC will have an adverse effect on listed species by preventing the management, research, and monitoring that would have otherwise occurred at GNWR.”

The government of Guam has made it a policy to defend Ritidian from federal control. The injustice felt by original landowners deserves to be heard and addressed by all of us, as leaders before us have done for other original landowners.

In light of the above, and on behalf of those on Guam who will be irreversibly harmed by the bulldozing of limestone forests and construction of the live-fire training range on Guam, and on behalf of the people of Guam who have not consented to their lands, waters, and resources being used for these purposes, I respectfully urge you as governor of Guam to pause the clearing and construction of the live-fire training range and the cantonment area until the decision of the CNMI court case is issued, and the irreversible damage of lands and historic properties is not merely mitigated for, but rather addressed with accountability and due diligence for the people of Guam. The relocation of the marines is not scheduled to take place until 2020, and the relocation has already been delayed due to many factors at the control of Congress or the military. Certainly the destruction of our limestone forest and wildlife refuge can be put on hold temporarily while the leaders of Guam work cohesively with government agency leaders and the people of Guam to ensure the preservation of our ancient villages and pristine resources.

For your convenience and reference, a fact sheet on historic properties at Ritidian/Litekyan and Finegayan, maps of the LFTRC and the Surface Danger Zone, CNMI Complaint, and public notice for September 7, 2017 Informational Briefing with Original Landowners are enclosed here.

Governor Calvo, it is my understanding that you are currently in Washington, D.C. and I expect that you will discuss the impacts of the denial of H-2B visas on our economy, and the impact to our economy from the payment of War Claims out of Section 30 funds owed to Guam. **I ask that these issues and those outlined above be addressed together on a broader scale with the United States, in order that parts of Guam are not pitted against or used as collateral for the other, as our Section 30 revenues were pitted against justice for our war survivors in the War Claims process. Settlement regarding the H-2B visa issue is not justice by itself, and should be part of cumulative justice for the original landowners, preservation of historic sites and protection of our limestone forests.**

As we insist on the cleanup or compensation for past injustices of federal economic restrictions, war claims, land takings, and exposure to nuclear testing radiation, Agent Orange, and other contaminants, we cannot be silent and leave the effects of this clearing of our forests and expansion of the military control of lands and waters for future generations to remedy. As we have experienced with our manâmkô' and War Claims, money, years later, in and of itself does not right the injustice done to our people and our lands.

I stand ready to discuss and assist in the best strategy for Guam that will bring justice to our history and that will naturally unite and not further divide our people.

Senseramente,



Therese M. Terlaje
Vice Speaker

CC: Honorable Madeleine Z. Bordallo, US House of Representatives

Attachments: Fact Sheet on Historic Properties at Ritidian/Litekyan and Finegayan
Maps of proposed Surface Danger Zone at Ritidian/Litekyan
Tinian Women's Association et al vs. US Department of Navy, CV 16-00022
Public Notice for September 7, 2017 Informational Briefing with Original Landowners