

**TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE**

IN THE HOUSE OF REPRESENTATIVES

_____ Session, 2021

H. J. R. 22-2

A HOUSE JOINT RESOLUTION

Strongly supports a delay in the proposed coral critical habitat designation process by National Marine Fisheries Service (NMFS) until such time as the 5-year coral status review and coral recovery plan can be completed, and have the Department of Lands and Natural Resources work in coordination with NMFS in identifying appropriate coral critical habitat for the Commonwealth of the Northern Mariana Islands (CNMI) using Best Scientific Information Available.

1 **WHEREAS**, coral reefs are unique ecosystems that dominate the seascape
2 in the near-shore marine environments of the CNMI that sustain our local island
3 communities through livelihood, fishing, tourism and a foundation for customary
4 exchange and cultural activities; and

5 **WHEREAS**, coral reefs face various threats such as climate change, land-
6 based source of pollution, and over-exploitation and as such, they need protection;
7 and

8 **WHEREAS**, the National Marine Fisheries Service (NMFS) listed 15
9 species of Indo-Pacific corals as threatened under the Endangered Species Act on
10 10 September 2014 and seven species occur in the shallow waters of American

1 Samoa, Guam, the Commonwealth of the Northern Mariana Islands (CNMI), and
2 the Pacific Remote Island Area; and

3 **WHEREAS**, NMFS determined that three of the 20 Threatened coral
4 species listed in 2014 are known to occur in shallow nearshore CNMI waters;
5 *Acropora globiceps*, *Acropora retusa*, and *Seriatopora aculeata*; and

6 **WHEREAS**, on 27 November 2020, six years after the coral species were
7 listed, the NMFS gave notice through a Proposed Rule that critical habitat would
8 be designated in the shallow nearshore waters of the CNMI, Guam, and American
9 Samoa; and

10 **WHEREAS**, NMFS did not consult with the CNMI, Guam, or American
11 Samoan governments prior to publication of the Proposed Rule; and

12 **WHEREAS**, CNMI Governor Ralph DLG. Torres, Guam Governor
13 Lourdes A. Leon Guerrero, and American Samoa Governor Lemanu P.S. Mauga
14 sent a letter dated 19 January 2021 to the NMFS requesting a 90-day time extension
15 to the public comment period in order to review the rule and associated supporting
16 documents; and

17 **WHEREAS**, NMFS rejected the three Territorial Governor's request for a
18 90-day extension of the public comment period and instead, provided only a 30-
19 day time extension; and

20 **WHEREAS**, NMFS is also simultaneously conducting a 5-Year Coral
21 Status Review on the same species of corals where critical habitat is being
22 designated; and

1 **WHEREAS**, NMFS has stated that their 5-Year Coral Status Review will
2 be completed in February 2022 and will contain additional information, including
3 previously unknown data, on the listed corals; and

4 **WHEREAS**, NMFS is also simultaneously developing a Recovery Plan for
5 the ESA-listed Indo-Pacific corals, and will be convening a Recovery Planning
6 Workshop with experts and stakeholders in May 2021 to gather additional
7 information for the recovery status review and input on potential recovery actions
8 and priorities; and

9 **WHEREAS**, due to the ill-timing of (1) coral critical habitat designation,
10 (2) 5-Year Coral Status Review, and (3) Recovery Plan development, critical
11 habitat designation would be completed prior to the CNMI being able to examine
12 the additional data and information contained in the 5-Year Coral Status Review
13 and recovery plan; and

14 **WHEREAS**, the ESA-listed 15 Indo-Pacific corals occur across a broad
15 range spanning many nations, with US waters comprising less than 1 percent of
16 their collective ranges; and

17 **WHEREAS**, the CNMI Government promotes and encourages the use of
18 Best Scientific Information Available (BSIA) as the gold standard in resource
19 management; and

20 **WHEREAS**, the NMFS is proceeding with the designation of coral critical
21 habitat despite not having completed the 5-Year Coral Status Review and Recovery
22 Plan and therefore, violates the intent and purposes of BSIA; and

1 **WHEREAS**, the current NMFS approach on designating coral critical
2 habitat will not allow the CNMI the opportunity to properly identify critical habitat
3 for those ESA-listed coral species found in their waters as a significant amount of
4 relevant data and information is held by NMFS and not being made available for
5 review;

6 **NOW, THEREFORE, BE IT RESOLVED**, by the House of
7 Representatives of the Twenty-Second Northern Marianas Commonwealth
8 Legislature, the Senate concurring, that the House and Senate for itself and on
9 behalf of the people of the Commonwealth of the Northern Mariana Islands,
10 extends its full support of the request by the Department of Lands and Natural
11 Resources:


12 (1) to delay the current proposed coral critical habitat designation process
13 until such time as the 5-Year Coral Status Review and Recovery Plan has been
14 completed; and

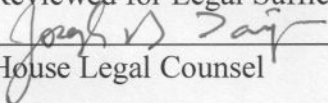
15 (2) to have the Department of Lands and Natural Resources work in
16 coordination with the NMFS in identifying coral critical habitat in the CNMI.; and


17 **BE IT FURTHER RESOLVED** that the Speaker of the House of
18 Representatives and the President of the Senate shall certify and the House Clerk
19 and the Senate Legislative Secretary shall attest to the adoption of this joint
20 resolution and thereafter the House Clerk shall transmit a certified copy to the Mr.
21 Samuel D. Rauch III, Deputy Assistant Administrator for Regulatory Programs,
22 National Oceanic and Atmospheric Administration; Mr. Michael Tosatto, Regional

1 Administrator, Pacific Islands Regional Office, National Oceanic and Atmospheric
2 Administration; Honorable Ralph DLG. Torres, Governor, Commonwealth of the
3 Northern Mariana Islands; Honorable Gregorio "Kilili" C. Sablan, U.S. Delegate
4 to the United States Congress, 117th United States Congress; Honorable David M.
5 Apatang, Mayor of Saipan; Honorable Edwin P. Aldan, Mayor of Tinian and
6 Aguiguan; Honorable Efraim Atalig, Mayor of Rota; Honorable Vicente C. Santos,
7 Jr., Mayor of the Northern Islands; and Anthony T. Benavente, Secretary,
8 Department of Lands and Natural Resources.

Prefiled: 3/12/2021

Date: 3/12/2021 Introduced by: 
Rep. Blas Jonathan "BJ" T. Attao

Reviewed for Legal Sufficiency by:

House Legal Counsel


R. - [unclear]
Jonathan