



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

FEB 14 2001

Honorable Gail Norton
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240


Dear Secretary Norton,

I am writing to request your review of the Department of the Interior's position regarding a proposed settlement of the lawsuit, Marianas Audubon Society, et al., v. Babbitt, et al., Civil No. 00-00060 (D. Guam). This settlement, which has been filed in the District Court of Guam, is opposed by the Government of Guam.

We believe that the settlement was negotiated in bad faith in the waning days of the previous administration and as such may not be consistent with the policies and philosophies of the new administration. The settlement would allow the U.S. Fish and Wildlife Service to re-open the process to designate critical habitats on certain lands in Guam – over 20% of our island was so identified under the Service's critical habitat option in 1991. We believe that the original decision by the Fish and Wildlife Service in 1993 to not designate critical habitats was the correct decision. Rather than defend this position, former officials of the Interior and Justice Departments negotiated terms favorable to the Earth Justice lawyers. We object to the timing of the settlement, the way the negotiations were rushed to avoid scrutiny by the incoming administration, and the terms that are generous to the Earth Justice lawyers.

Madame Secretary, our nation needs the leadership you promised to restore the balance between environmental policy and local concerns. The people of Guam object strongly to the outside interests that are trying to impose their will on our lands. We hope that you will review this settlement and that you will take action if you find the terms of the settlement and the timing of it as troubling as we do. Thank you for your attention to this urgent matter.

Sincerely,


CARL T.C. GUTIERREZ
Governor of Guam

cc: Attorney General Ashcroft