REFALUWASCH JOURNAL OF KNOWLEDGE AND CULTURE

RESEARCH • PRESERVATION • STORYTELLING • CONTINUITY

WHERE OCEAN, MEMORY, AND KNOWLEDGE CONVERGE

OFFICIAL POSITION STATEMENT | OCTOBER 30, 2026

Protecting Our Ocean, Indigenous Rights, and Environmental Accountability in Federal Permitting Reform

Regarding the Bipartisan American Affordability and Jobs Act (S. 5653)

Buenas, Hafa Adai yan Tirow,

The Refaluwasch Journal of Knowledge and Culture (RJKC) opposes provisions of the Bipartisan American Affordability and Jobs Act (BAAJA), S. 5653, that would weaken environmental safeguards, constrain public participation, diminish meaningful Indigenous consultation, or restrict judicial review. Responsible infrastructure and efficient permitting are important, but not at the expense of community rights, ecological integrity, and cultural heritage.

I. The Ocean Is More Than an Economic Resource

For the Refaluwasch people, the ocean is inseparable from cultural identity, traditional navigation, intergenerational knowledge, and community well-being. It is a living cultural landscape, not merely a prospective source of minerals or energy. Chamorro and other Indigenous Oceanic communities likewise depend on healthy waters for cultural continuity, food security, and ecological stewardship. Federal decisions must account for those enduring relationships.

II. Deep-Sea Mining and Environmental Review

RJKC is particularly concerned that proposed changes to the National Environmental Policy Act (NEPA), including the geographical scope of major federal actions, could diminish environmental review for certain federally authorized activities beyond U.S. jurisdictional boundaries. These questions are especially consequential for the CNMI and Guam as offshore mineral development advances. Scientific uncertainty about sediment disturbance, biodiversity loss, noise, and cumulative effects warrants greater scrutiny—not a presumption of safety. Congress should preserve rigorous review under applicable federal statutes, including protections relevant to deep-seabed mining.

III. Indigenous Consultation and Cultural Heritage

Proposed changes to National Historic Preservation Act (NHPA) Section 106 review risk reducing opportunities to identify cultural and archaeological impacts before approvals become irreversible. Indigenous cultural heritage includes navigation traditions, ancestral seascapes, customary marine relationships, and living knowledge

systems. Federal consultation mechanisms must meaningfully include the distinct legal and cultural circumstances of Indigenous peoples in U.S. territories, including Refaluwasch and Chamorro communities. Consultation must begin early enough to shape decisions.

IV. Access to Courts and Public Accountability

The toolkit identifies provisions that could shorten the period for certain permitting challenges to 150 days, impose additional participation requirements, and limit judicial remedies. Such restrictions may fall especially hard on geographically isolated Pacific communities with limited access to specialized legal resources. Effective judicial review is a safeguard for lawful decision-making, not an impediment to responsible development.

V. Project Certainty and Adaptive Oversight

Predictable permitting is valuable, but regulatory certainty must not become immunity from accountability. Federal agencies must retain lawful authority to revisit or modify permits when significant new scientific evidence, unforeseen environmental harm, or serious deficiencies in earlier review justify doing so. No authorization should foreclose proportionate correction of mistakes.

VI. Renewable Energy and Sustainable Development

RJKC supports responsible improvements to energy transmission and renewable infrastructure. The CNMI urgently needs affordable, sustainable energy systems and economic opportunity. Yet constructive clean-energy reforms should not be conditioned on weakening environmental safeguards for unrelated offshore fossil-fuel and mining projects. These objectives should be evaluated separately.

VII. Recommendations to Congress

RJKC urges Congress to: (1) preserve meaningful environmental review of federally authorized offshore and deep-sea activities; (2) protect NHPA consultation and provide meaningful territorial Indigenous participation; (3) retain practical access to courts and effective remedies; (4) preserve agencies' ability to respond to significant new evidence and environmental harm; (5) require transparent independent science and consideration of cumulative impacts and Indigenous knowledge; (6) expressly account for the CNMI, Guam, American Samoa, and other territories; and (7) advance renewable-energy permitting improvements without sacrificing ocean protections.

VIII. Continuing Commitment

RJKC has already joined the coalition letter opposing harmful ocean provisions of S. 5653 and submitted independent correspondence to congressional offices. We appreciate the Ocean Defense Initiative and America the Beautiful for All Coalition for coordinating this work. Our distinct contribution is an Indigenous Oceanic perspective: the surrounding waters of the Mariana Islands are inseparable from culture, livelihoods, and obligations to future generations. RJKC does not oppose responsible development. We oppose reforms that transfer environmental risks and diminished legal protections onto communities least equipped to bear them. Congress should remove or substantially revise harmful ocean, consultation, and judicial-review provisions while retaining sound infrastructure reforms. Our ocean must not become the price of administrative convenience.

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Respectfully submitted,

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Committed to serving God first and foremost, family and then our people.