



*The President*  
*Palikir, Pohnpei*  
*Federated States of Micronesia*

September 8, 2020

The Honorable Reed B. Oliver  
Governor  
State of Pohnpei  
Kolonia, Pohnpei FM 96941

Dear Governor Oliver:

Over the years, so much effort has been put into the protection of our environment. The FSM National Government adopted the policy framework on the Protected Areas Network throughout the FSM, and through the Micronesia Challenge we have successfully protected 30% of our near-shore ocean resources and 20% of our terrestrial areas. As far back as when I was working with Pohnpei State as the Director of Resource Development, I experienced firsthand efforts recommending the full closure of Kehpara (Black Coral) Sanctuary through evidence that the groupers and red snappers there spawn throughout the entire year rather than specific months. The FSM Congress has expanded the No Commercial Fishing Zone from 12 miles to 24 miles in a real effort to conserve our natural resources, and I recently signed into law legislation banning the importation of Styrofoam and one-time-use plastics. Pohnpei's protected areas are amongst the strongest in the FSM, and could be considered to be a model for both our Nation as well as the World in terms of its advocacy and action towards environmental protection.

Thus, it is with sadness that I wish to bring to your attention disturbing information that has circulated among our concerned citizens in Pohnpei involving dredging activities and quarrying of large amounts of landfill materials, including one that had taken place recently in Awak. While this information had been circulating through online social media, I had not seen an official reaction from the State Government addressing this matter. I raise this directly to your office, in the hope that the Pohnpei State Administration will take the opportunity to investigate and take expeditious action on this matter.

Having personally investigated and witnessed such dredging activities in Lukop, Kitti, and in U, I join our citizens in expressing serious concern over the destructive effects of these new dredging and earthmoving activities into our rich, biodiverse mangrove. These include at least two new sites in Kitti and one in Awak. These are dangerous and unsustainable practices that create long-term damage to our pristine shores if allowed to persist without any credible regulation. As public officials and concerned citizens of this Nation alike, we are joint trustees of the environment and natural resources of our islands. I am sure that you agree our duty is to preserve and conserve them for the benefit of the future generations of Micronesians. I have no doubt about the enormous task it entails, but it is something that none of us can afford to ignore. It must be emphasized that the great bulk of our citizens rely on subsistence farming and fishing, and—while I am proud of the work that Pohnpei has put in place regarding protected areas—this dredging defeats the purpose of our efforts.





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Our national law sets out a continuing policy of maintaining conditions under which man and nature can exist in productive harmony (Title 25 of the FSM Code). I understand Pohnpei State is equipped with state laws that protect the environment. I would urge that both National and State Government work together to ensure that our laws and regulations are enforced to achieve the common goal of preserving the environment. I offer the Department of Environment, Climate Change, and Emergency Management (DECCEM) and the Pohnpei State Environmental Protection Agency (EPA) collaborate and investigate this matter as soon as possible, and explore alternatives to coral for development projects. The FSM National Government stands ready to provide funding and expertise to explore these alternatives to coral, and enforcement of existing laws.

I am sympathetic to the necessities of economic progress but, when we embark on a view to Pave the Nation, surely, we do not mean to unsustainably and irresponsibly damage the environment. We can develop our economy at the same time we are protecting the environment. I had spoken to the Director of Pohnpei State EPA, having witnessed dredging activities snuffing out marine life in several locations, and I find it very sad that our private citizens are the ones advocating in isolation rather than the Government offices that are required to accomplish their mandate. Our duty as leaders is to ensure that this balance is not only expressed in our laws, but also translates into real action. The exploitation and destructive environmental practices will never sustain the richness of our environment. They will only create further detriment and degradation to our natural resources.

I have been advised that not only local businesses, but also foreign grant projects such as the Chinese-built secondary roads in Lukop, have large demand for construction materials including corals and landfills. These projects are to be beneficial, but they should not be implemented at the expense of the environment. Even grant projects should be subject to strict environmental standards, and our foreign donor partners are obligated to follow our laws and regulations—but the onus is on us to promote those laws and enforce them. Any development must be tempered by the continuing moral duty to protect and sustain nature, and our natural resources, as a matter of top priority.

I express further alarm over the lack of thorough environmental impact assessment (EIA) conducted prior to giving approvals to dredging, quarrying, and earthmoving activities around Pohnpei. EIA is a legal requirement in our national and state laws; and it is a mandatory legal tool that had gained global acceptance among nations. As such, world experts consider EIA as a state practice forming part of the general principles international law in the area of environmental protection. When I visited a dredging site in U, the water was murky due to being filled with runoff; this manages to both kill ocean-based water-life and waste precious soil. The purpose of EIA is to prevent this sort of outcome with stringent enforcement and oversight. It is my understanding that in Awak, there was a petition in opposition to the three dredging sites by the community that was ignored by Pohnpei State. It is further my understanding that there were no public hearings, which I am advised is mandated under Pohnpei State law.



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A thorough EIA is one that is credible and independent. The responsible EPA offices should not accept without diligently probing the assessment made by the developers themselves. Our EPA should exercise due diligence in re-reviewing the assessment, determining the assumptions, projections, and the validity of the EIA, and disclose them to the public. EIA is an area where the National Government and State authorities can share their expertise and mutually assist and guide one another. Conserving the natural environment and its resources is our joint responsibility as a Nation.

An informed consent and consultation is key to the EIA process. Any human activities, including those mentioned above, having significant adverse impact upon the environment must be premised upon a meaningful public consultation. Based upon the idea of justice and due process, our citizens deserve to be consulted as a matter of legal right. Being entitled to a healthy ecology and clean environment, our citizens and the communities need to be aware of the risks involved and the environmental effects that dredging and other activities are causing them and to their livelihood.

Once again, Honorable Governor Oliver, I thank you for this opportunity to share my views as expressed above. Collaboration between the National and State Government presents an opportunity for us to demonstrate "Enginkehlap" while taking actions today for our Nation's prosperity tomorrow. I sincerely hope that the National Government and Pohnpei State work together and address this issue jointly and more effectively.

Sincerely,

A handwritten signature in blue ink, appearing to read "David W. Panuelo". The signature is stylized and somewhat illegible due to the cursive and overlapping strokes.

David W. Panuelo  
President

xc: Chair of Mwoalen Wahu Pohnpei  
Speaker, Pohnpei State Legislature  
Members of Pohnpei State Legislature  
Secretary of the DECEM  
Secretary of the Department of Justice