

MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN
2015 (FIRST) Regular Session

Bill No. 220 -33 (*CON*)

Introduced by:

D.G. RODRIGUEZ, JR. *DR*

Juanita
2015 DEC 11 AM 10:42

AN ACT TO THE PROHIBIT THE PROPOSED STORM-WATER GRAVITY BAY OUTLET AS AN OPTION FOR THE MITIGATION OF FLOODING ALONG THE SAN VITORES ROAD, TO REQUIRE THE FURTHER CONSIDERATION OF ALTERNATIVE OPTIONS THAT PROTECTS THE INTEGRITY OF THE ENVIRONMENT AND TUMON BAY, AND TO MANDATE THE SUBMISSION OF FINANCING OPTIONS FOR ADDITIONAL FUNDS THAT MAY BE NEEDED TO COMPLETE THE SAN VITORES FLOOD MITIGATION PROJECT WITHIN 90 DAYS OF ENACTMENT.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Finding and Intent. *I Liheslaturan Guåhan* finds

that there is a critical need to mitigate the serious flooding issues along San Vitores road. However, the methodology ultimately selected should not have any potential negative impact to the environment and Tumon Bay's essential fish habitat, reef flat, margin and slopes. Due note is taken that there are, as well, the potential for violations of federal and local statutes and regulations such as the Magnuson-Stevens Fishery Management and Conservation Act. This was clearly pointed out in the April 17, 2015, letter from the National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration. The April 17th NMFS letter concludes, ". . . NMFS determines that the adverse effect to EFH will occur as a result of this project. We strongly encourage GEDA to consider other options

1 to address the stormwater impacts discussed in the DEIA [Draft Environmental
2 Impact Assessment]. . . .The information provided in the DEIA suggests that there
3 will be significant impacts to marine resources, particularly EFH, associated with
4 this action as currently described.”

5 Although six (6) options were considered, *I Liheslaturan Guåhan* finds that
6 the preferred selection is essentially based on cost, and has less to do with an
7 environmentally sound solution with achievable mitigation measures. This
8 notwithstanding, the degradation of Tumon Bay’s sensitive ecosystem and beauty
9 is too high a price to pay for a mitigation measure which, if pursued, could impact
10 our irreplaceable marine resources which attracts tourists.

11 *I Liheslaturan Guåhan* further finds that the Guam Economic and
12 Development Authority has acted in a responsible and responsive manner in the
13 perusal of the San Vitores Flood mitigation project. Among the six (6) options
14 presented, GEDA pursued the option that took into consideration the amount
15 allocated by a previous legislature.

16 It is therefore the intent of *I Liheslaturan Guåhan* to prohibit the
17 development of a storm-water gravity outlet overflow system into Tumon Bay and
18 to mandate GEDA to immediately review alternative options to address the
19 flooding in the San Vitores Road, taking into consideration the integrity of the
20 environment and Tumon Bay. It is further the intent of *I Liheslaturan Guåhan* to
21 require GEDA to submit a list of viable financing options to address the potential
22 need for additional funds to complete the San Vitores Road flood mitigation
23 project.

24 **Section 2.** The development of a storm-water gravity outlet overflow
25 system into Tumon Bay along the shoreline as an option for the mitigation of
26 flooding along the San Vitores Road *shall* be prohibited.

1 **Section 3.** The Guam Economic Development Authority *shall* further
2 consider other alternative options that protect the integrity of the environment and
3 Tumon Bay for the mitigation of flooding along the San Vitores Road.

4 The alternative options shall, within ninety (90) days of the enactment of this
5 Act, be submitted *to I Maga'lahen Guåhan* and *I Liheslaturan Guåhan* and *shall*
6 duly consider and include environmental protection factors which *shall* seek to
7 prevent and *shall* not negatively compromise the sustainable environmental
8 integrity of Tumon Bay. The alternative options shall, to the extent practicable,
9 additionally take into account possible treatment/mitigation methodology's to
10 reduce pollutants at discharge point(s), potential utilization as an alternative water
11 resource and any additional funding requirements to accomplish this objective.
12 GEDA's submission shall include a list of viable financing options to address the
13 potential need for additional funding to complete and sustain the San Vitores Road
14 flood mitigation project.

15 **Section 4. Severability.** If any provision of this Act or its application to
16 any person or circumstance is found to be invalid or contrary to law, such
17 invalidity shall not affect other provisions or applications of this Act which can be
18 given effect without the invalid provisions or application, and to this end the
19 provisions of this Act are severable.