

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

Bill No. ²⁷⁶⁻³³ (Ord)

Introduced by:

T. R. Muña Barnes
Judith T. Waples, Ed.D.

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J. M. A.

AN ACT TO ADD A NEW §75125 TO TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING A PORTION OF LOT 5133-1, TUMON, DEDEDO, GUAM AS A BIODIVERSITY CONSERVATION EASEMENT FOR THE PURPOSE OF PROVIDING AN AREA FOR THE PRESERVATION OF INDIGENOUS BIODIVERSITY.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the 19th Guam Legislature recognized the need for a Guam zoological, botanical
4 and marine garden through the passage of Public Law 19-34, in 1988. Recognizing
5 a portion of Lot 5133-1, Tumon, Dededo, Guam, was uniquely zoned for this
6 purpose , *I Maga' Lahen Guåhan*, subject to the terms and conditions of P.L. 19-
7 34 entered into a twenty-year lease with Mr. Frank H. Cushing who founded the
8 "Guam Zoological, Biological, and Marine Garden" (Cushing Zoo).

9 In the Cushing Zoo's nearly twenty (20) years in operation, they have
10 successfully bred the Marianas Fruit Bat, protected nearly twenty-seven (27)
11 separate flora and fauna, and exhibited eighteen (18) other species that brought
12 awareness and appreciation to animals of all kinds to the public. The Cushing Zoo
13 has become an invaluable tool for conservation efforts, housing the many indigenous

1 species of flora and fauna on island and sheltering many more endangered species.
2 The Cushing Zoo has performed an invaluable service to the people of Guam and
3 Guam's natural biodiversity.

4 It is, therefore, the intent of *I Liheslaturan Guahan* to allow the Cushing Zoo
5 to remain in operation on a portion of Lot 5133-1, Tumon, Dededo, Guam provided
6 they continue conservation practices of endemic species of flora and fauna, educate
7 the public on conservation efforts, and continue to bring awareness and appreciation
8 of flora and fauna.

9 **Section 2.** A new §75125 of Chapter 75, Title 21, Guam Code Annotated,
10 is hereby *added* to read:

11 **“§75125. Designation of Biodiversity Conservation Easement:** (a)
12 Notwithstanding any law, provision, rule, or regulation, the *Chamorro* Land Trust
13 Commission (CLTC) is hereby directed to designate the current site of the Guam
14 Zoological, Botanical and Marine Garden described as a portion of Lot 5133-1,
15 Tumon, Dededo, Guam as a Biodiversity Conservation Easement for the purposes
16 of preservation efforts of native biodiversity.

17 (b) The Biodiversity Conservation Easement *shall* be managed by the
18 owner(s) of the Guam Zoological, Botanical and Marine Garden (Cushing Zoo) as
19 the caretakers of a portion of Lot 5133-1, Tumon, Dededo, Guam provided they
20 continue conservation practices of endemic species of flora and fauna, educate the
21 public on conservation efforts, continue to bring awareness and appreciation of flora
22 and fauna through live exhibitions. The Guam Zoological, Botanical and Marine
23 Garden (Cushing Zoo) must maintain compliance with the United States Department
24 of Agriculture and environmental laws.

25 (c) The owner(s) of the Guam Zoological, Botanical and Marine Garden
26 (Cushing Zoo) *shall* continue to operate as a business on a portion of Lot 5133-1,
27 Tumon, Dededo, Guam and *shall* pay rent to the CLTC in the amount of One

1 Thousand dollars (\$1000) per month to be made payable on or before the first day
2 of the month. The rental amount shall be reviewed and revisited every three years
3 by the CLTC and any increases on the rent made by the CLTC *shall* not exceed more
4 than ten percent (10%) of the current rental amount.

5 (d) This lot *shall* revert back into the Chamorro Land Trust Inventory but
6 remain a Biodiversity Conservation Easement, if:

7 (1) The Guam Zoological, Botanical and Marine Garden terminates
8 their business services or ceases to exist; *or*

9 (2) Rental payments have not been paid; *or*

10 (2) Conservation efforts are not being fulfilled; *or*

11 (3) Noncompliance with the United States Department of Agriculture
12 and Environmental Laws.

13 (e) If the Guam Zoological, Botanical and Marine Garden (Cushing Zoo) no
14 longer serves as a caretaker to this property, the land *shall* remain a Biodiversity
15 Conservation Easement and *may* be available to be managed by another organization
16 provided they follow subsection (b), (c), and (d) of this Section.

17 **Section 3. Severability.** If any of the provisions of this Act or the
18 application thereof to any person or circumstance is held invalid, such invalidity
19 shall not affect any other provision or application of this Act which can be given
20 effect without the invalid provision or application, and to this end the provisions of
21 this Act are severable.

22 **Section 4. Effective Date.** This Act *shall* be effective immediately upon
23 enactment.