

**IMINA TRENTAI TRES NA LIHESLATURAN GUÅHAN**  
**2016 (SECOND) Regular Session**

Bill No. 287-33 (COR)

Introduced by:

R.J. Respicio   
Mary Camacho Torres 

**AN ACT TO ESTABLISH THE SOUTHERN RIVER  
EROSION COUNCIL AND TO MANDATE THE CREATION  
OF MULTI-YEAR MASTERPLANS TO ADDRESS THE  
EROSION ISSUES RELATED TO RIVERS IN SOUTHERN  
GUAM.**

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

2 **SECTION 1. Legislative Findings and Intent.** *I Liheslatura Guahan*

3 finds that there is a serious problem regarding the erosion along the banks of the  
4 Talofofu and Ugum Rivers, the Namu River, and other rivers in southern Guam. *I*  
5 *Liheslatura* further finds that a recent site visit of the Talofofu and Ugum Rivers  
6 was organized by the Committee on Rules, Federal, Foreign & Micronesian  
7 Affairs, Human & Natural Resources, Election Reform and Capitol District and the  
8 Soil and Water Conservation District; and involving various stakeholders including  
9 federal and local government agencies, the private sector, and elected leaders and  
10 that this brought to the forefront this concern and the need for action to address  
11 this concern. *I Liheslatura Guahan* further finds that the continuing erosion along  
12 these rivers is having impacts far beyond the loss of acreage on both publicly and  
13 privately owned land. The continuing erosion threatens important heritage sites  
14 and the jobs produced by agriculture and tourism related activities along the river.

1 The ongoing erosion is also adversely affecting the water quality of both rivers and  
2 increasingly making these rivers less navigable. *I Liheslatura* further finds that at  
3 a series of roundtable discussions of stakeholders conducted by the Committee on  
4 Rules, Federal, Foreign & Micronesian Affairs, Human & Natural Resources,  
5 Election Reform and Capitol District earlier this year, there was a consensus that to  
6 mitigate this erosion would require a sustained, multi-year effort centered on  
7 dealing with the watershed issues of the Bolanos Conservation Area the waters  
8 from which are causing the erosion problems along both rivers. It was also the  
9 consensus of these roundtable discussions that a similar erosion problem was  
10 occurring along the Namu River which is threatening residences and infrastructure  
11 adjoining the Namu River. *I Liheslatura* further finds that in order to commence  
12 the process of taking substantial, long term, action to mitigate the erosion along the  
13 Talofofo and Ugum Rivers, the Namu River, and other rivers in southern Guam  
14 with similar erosion concerns, the involvement of the public and private  
15 stakeholders should be provided with a statutory basis in order to sustain a multi-  
16 year community-wide effort. *I Liheslatura* further finds that specific masterplans  
17 should be mandated to address the erosion concerns related to specific rivers in  
18 southern Guam.

19 **SECTION 2. Southern River Erosion Council.**

1 a) There is hereby created the Southern River Erosion Council, hereinafter  
2 referred to as “the Council”, with the mission of identifying and monitoring  
3 measures to mitigate the ongoing erosion of the banks of the following rivers in  
4 southern Guam:

- 5 1) Talofofu and Ugum Rivers
- 6 2) Namo River including Namo Falls
- 7 3) Any other rivers in southern Guam with serious erosion concerns  
8 as identified by the Southern River Erosion Council

9 b) In the case of each of the aforementioned rivers, the Council shall  
10 recommend a specific mitigation strategy for the ongoing erosion along these  
11 rivers in order to address the attendant adverse impacts of public concerns  
12 including but not limited to: economic activity, infrastructure, water quality, the  
13 environment, navigable waterways, infrastructure, public and private landowners,  
14 and heritage sites. The Council shall report its findings and recommendations to  
15 the Southern Development Master Plan Task Force established by Article 6 of  
16 Title 21 of the Guam Code Annotated.

17 **SECTION 3. Composition of the Southern River Erosion Council.** The  
18 Council shall be made up of the following members who shall elect the Chair of  
19 the Council:

20 The Guam Department of Agriculture,

1 The University of Guam,  
2 The Bureau of Plans and Statistics,  
3 Guam Waterworks Authority,  
4 Guam Environmental Protection Agency,  
5 Department of Public Works,  
6 Southern Guam Soil and Water Conservation District,  
7 U.S. Department of Agriculture,  
8 The Mayor of Agat,  
9 The Mayor of Umatac,  
10 The Mayor of Inarajan,  
11 The Mayor of Santa Rita,  
12 The Mayor of Talofofo,  
13 The Mayor of Merizo,  
14 The Mayor of Yona,  
15 Representatives of the U.S. Department of Agriculture, the Army Corps of  
16 Engineers or any other relevant federal agency invited by the Chair of the Council  
17 to participate in work of the Southern River Erosion Council.  
18 And three (3) representatives of private landowners along the Talofofo River, the  
19 Ugum River, the Namu River, or any other river in southern Guam experiencing  
20 serious erosion problems.

1           **SECTION 4. Comprehensive Master Plans to address the erosion**  
2 **problems of the Talofofu and Ugum Rivers, the Namu River, and other rivers**  
3 **in southern Guam as identified by the Southern River Erosion Council. §**

4 68601 of Article 6 of Title 21 of the Guam Code Annotated is amended to read:

5 “§ 68601. Geographical Definition.

6 The task force created by this Law (hereinafter Task Force) is hereby charged with  
7 the duty, as specified by this law, to develop a comprehensive Master plan  
8 (hereinafter Southern Master plan or Master plan) for the following villages: Agat,

9 Santa Rita, Umatac, Merizo, Inarajan, Malojloj, Talofofu and Yona, and such

10 areas adjacent to or located in between said villages, including, but not limited to,

11 any offshore areas such as Cocos Island and any body of water as to which the

12 government of Guam has jurisdiction to develop; and since some of the plans or

13 projects to be advanced by the Task Force may have incidental effect, residue

14 application or extension related to other geographical areas under the jurisdiction

15 of the government of Guam, the Task Force may, when necessary and proper,

16 extend the application of the Southern Master plan to such affected areas. The Task

17 Force shall also develop and incorporate into the Southern Master plan, specific

18 masterplans for the mitigation of the erosion problems along the Talofofu and

19 Ugum Rivers; the Namu River; and other rivers in southern Guam based on the

20 recommendations from the Southern River Erosion Council.”