



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

10 SEP 2007

Vertical stamp: 01:11:14 01 09 2007

The Honorable Mark Forbes
Speaker
Mina' Bente Nuebi Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 112(EC), "AN ACT TO AUTHORIZE I MAGA'LAHEN GUAHAN TO ISSUE A TEMPORARY EASEMENT FOR A PERIOD NOT TO EXCEED THREE (3) YEARS TO FACILITATE THE ONGOING EFFORTS TO CREATE THE MASSO RESERVOIR FRESH WATER FISHING GROUNDS AND TO GRANT A SIMILAR EASEMENT IN LOT 275, AGAT" which I signed into law on September 7, 2007 as Public Law 29-06.

Sinseru yan Magåhet,

Handwritten signature of Felix P. Camacho

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy of Bill

cc: The Honorable Ray Tenorio
Senator and Legislative Secretary



29-07-0831
Office of the Speaker
MARK FORBES
Date: 9.10.07
Time: 4:48 pm
Rec'd by: SJS
Print Name: Eugene Santos

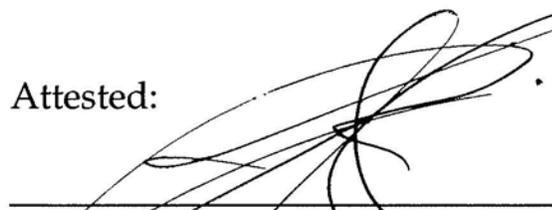
0831

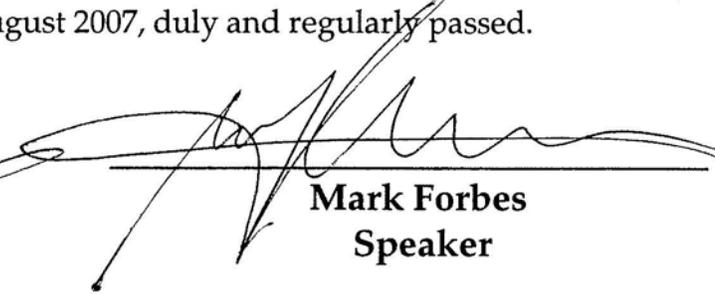
I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN  
2007 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 112 (EC), "AN ACT TO AUTHORIZE I MAGA'LAHEN GUAHAN TO ISSUE A TEMPORARY EASEMENT FOR A PERIOD NOT TO EXCEED THREE (3) YEARS TO FACILITATE THE ONGOING EFFORTS TO CREATE THE MASSO RESERVOIR FRESH WATER FISHING GROUNDS AND TO GRANT A SIMILAR EASEMENT IN LOT 275, AGAT," was on the 23<sup>rd</sup> day of August 2007, duly and regularly passed.

Attested:

  
\_\_\_\_\_  
**Ray Tendrio**  
Senator and Secretary of the Legislature

  
\_\_\_\_\_  
**Mark Forbes**  
Speaker

-----  
This Act was received by *I Maga'lahaen Guåhan* this 27<sup>th</sup> day of Aug., 2007, at  
2:25 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

  
\_\_\_\_\_  
**FELIX P. CAMACHO**  
*I Maga'lahaen Guåhan*

Date: 9/7/07

Public Law No. 89-06

***I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN***  
**2007 (FIRST) Regular Session**

**Bill No. 112(EC)**

As substituted by the Committee on  
Education, General & Omnibus Affairs  
and amended on the Floor.

Introduced by:

James V. Espaldon  
A. R. Unpingco  
Frank F. Blas, Jr.  
Edward J.B. Calvo  
Mark Forbes  
Judith Paulette Guthertz  
Frank T. Ishizaki  
J. A. Lujan  
Tina Rose Muña Barnes  
A. B. Palacios, Sr.  
v. c. pangelinan  
R. J. Respicio  
David L.G. Shimizu  
Ray Tenorio  
J. T. Won Pat

**AN ACT TO AUTHORIZE *I MAGA'LAHEN GUAHAN* TO  
ISSUE A TEMPORARY EASEMENT FOR A PERIOD NOT TO  
EXCEED THREE YEARS TO FACILITATE THE ONGOING  
EFFORTS TO CREATE THE MASSO RESERVOIR FRESH  
WATER FISHING GROUNDS AND TO GRANT A SIMILAR  
EASEMENT IN LOT 275, AGAT.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the U.S. Navy is required to mitigate environmental damage caused by its  
4 ongoing maintenance dredging near Alpha and Bravo wharfs in Apra Harbor. As  
5 mitigation for the loss of coral caused by this excavation, the government of Guam,  
6 specifically the Department of Agriculture, the U.S. Navy and the U.S. Army

1 Corps of Engineers have designed a reforestation project for Apra Harbor  
2 Reservation “B”-R7, also known as Apra Harbor Parcel 2, which is approximately  
3 29.5947 acres. This reforestation project will be conducted by the Guam  
4 Department of Agriculture, Forestry and Soil Resources Division, and will be  
5 funded by the U.S. Navy in the amount of Two Hundred Fifty Thousand Dollars  
6 (\$250,000).

7 The project calls for the erection of an eight inch (8') perimeter fence around  
8 the entire parcel and the reforestation of approximately thirteen (13) acres of  
9 grasslands and badlands around the reservoir. The goal of the project is to reduce  
10 sediment eroding into the river that feeds into the Piti Marine Preserve in order to  
11 enhance the coral reef ecosystem in the preserve.

12 This mitigation plan is consistent with ongoing efforts by the Department of  
13 Agriculture to create the *Masso* Reservoir Fresh Water Fishing Grounds, a project  
14 currently in the design phase, that will create a recreational area for local families  
15 for hiking and fishing. A three (3) year easement is needed to give the Navy  
16 temporary access to the area during the mitigation process.

17 The U.S. Navy will also perform mitigation work arising from the expansion  
18 of Kilo Wharf that will disturb existing coral reefs, in an amount quantified as \$7.2  
19 Million Dollars. The parties of interest have identified the reforestation of the  
20 *Cetti* Bay Watershed, specifically *Cetti* Bay Lot 275 in the Municipality of  
21 Agat/Umatac, as an appropriate mitigation project that will help reduce  
22 sedimentation within *Cetti* Bay and promote reef restoration. *I Liheslaturan*  
23 *Guåhan* intends to grant temporary access to the U.S. Navy to said property so that  
24 it may collaborate with the government of Guam in this reforestation effort.

25 **Section 2. Authorization to Grant a Temporary Access Easement for**  
26 **Masso Reservoir Reforestation Project.**

1           a) Pursuant to §60112 of Chapter 60, Title 21 Guam Code Annotated, *I*  
2 *Maga'Lahen Guåhan* is authorized to grant an easement to provide temporary  
3 access to the U.S. Navy to the lot known as Apra Harbor Parcel 2, located at  
4 *Masso* Reservoir, as delineated in Department of Land Management Instrument  
5 No. 623931 in the Municipality of Piti, for the purposes of constructing fencing  
6 and reforestation of the *Masso* Reservoir watershed as part of the U.S. Navy's  
7 compensatory mitigation project related to the construction of and dredging near  
8 Alpha and Bravo Wharfs.

9           b) **Terms and Conditions.** *I Maga'lahen Guåhan* shall execute a  
10 temporary access easement agreement *or* lease with the United States Navy to  
11 provide the Navy with temporary access to the lot known as Apra Harbor  
12 Reservation "B"-R7, also known as Apra Parcel 2, as delineated in Department of  
13 Land Management Instrument No. 623931, in the Municipality of Piti, for the *sole*  
14 purpose of conducting and facilitating mitigation work in the reforestation of the  
15 *Masso* Reservoir. The Director of Agriculture shall create the terms and conditions  
16 of the easement *or* lease. Such easement *or* lease shall be for a term *not* to exceed  
17 three (3) years, shall be approved as to form by the Attorney General of Guam, and  
18 shall be submitted to *I Liheslaturan Guåhan*, together with documentation  
19 demonstrating compliance with this Act. The easement *or* lease shall require the  
20 U.S. Navy to indemnify the government of Guam for any liability arising from its  
21 authorized use of the property. Any use of the property by the U.S. Navy other  
22 than for this specified purpose shall render the easement *or* lease null and void.

23           **Section 3. Authorization to Grant a Temporary Access Easement for**  
24 ***Cetti* Bay Reforestation Project.**

25           a) Pursuant to §60112 of Chapter 60, Title 21 Guam Code Annotated, *I*  
26 *Maga'lahen Guåhan* is authorized to grant an easement *or* lease with the United  
27 States Navy to provide temporary access to the U.S. Navy to *Cetti* Bay Lot 275 in

1 the Municipality of Agat/Umatac, Land Management Registration Document No.  
2 567559, for the purpose of reforestation of the Cetti Bay watershed as part of the  
3 U.S. Navy's compensatory mitigation project arising from construction of and  
4 dredging near Kilo Wharf.

5       **b) Terms and Conditions.** *I Maga'lahaen Guåhan shall execute a*  
6 *temporary access easement or lease with the United States Navy to provide the*  
7 *Navy with temporary access to Cetti Bay Lot 275 in the Municipality of*  
8 *Agat/Umatac, Land Management Registration Document No. 567559, to conduct*  
9 *and facilitate mitigation work in the reforestation of the Cetti Bay Watershed. The*  
10 *Director of Agriculture shall create the terms and conditions of the easement or*  
11 *lease. Said easement or lease shall be for a term not to exceed ten (10) years, shall*  
12 *be approved as to form by the Attorney General of Guam and shall be submitted to*  
13 *I Liheslaturan Guåhan, together with documentation demonstrating compliance*  
14 *with this Act. The easement or lease shall require the U.S. Navy to indemnify the*  
15 *government of Guam for any liability arising from its authorized use of the*  
16 *property. Any use of the property by the U.S. Navy other than for this specified*  
17 *purpose shall render the easement or lease null and void.*