

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

February 6, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' Trentai Unu na Liheslaturan Guåhan
155 Hesler Place
Hagatna, Guam 96932

31-11-1323
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 2/7/12
Time 4:19 PM
Received by [Signature]

Dear Madam Speaker,

Transmitted herewith please find the following Bills, which I signed into law on February 3, 2012:

1. **SUBSTITUTE BILL NO. 99-31 (COR), "AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING CONVICTED SEX OFFENDERS, *INTER ALIOS*, TO SUBMIT TO DNA PROFILING,"** signed into law as **Public Law No. 31-171**;
2. **BILL NO. 296-31 (LS), "AN ACT TO ADD A NEW §90.16 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING MINIMUM QUALIFICATIONS FOR THE POSITION OF DEPARTMENT OF CORRECTIONS OFFICER,"** signed into law as **Public Law No. 31-172**; and
3. **BILL NO. 382-31 (COR), "AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 63 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM FOREST SYSTEM; AND TO CITE THIS ACT AS THE 'GUAM FORESTRY LEGACY ACT OF 2012'"**, signed into law as **Public Law No. 31-173**;

In signing these bills into law, I support the purpose and intent of each piece of legislation, which is designed to protect the health, safety and welfare of the residents of Guam by creating a minimum standard by law as to who may serve as a Department of Corrections officer, or making internet access to unwitting Guam residents more difficult for convicted sex offenders, or protecting the scarce resources of our environment. However, while each of these new laws requires additional output and resources from the implementing or enforcing agencies or departments, **no additional appropriations are included in the statute that would enable the agencies to carry out such enforcement or implementation.** For example, **Bill No. 99-31** recognizes that additional appropriations are needed in order for GPD to administer the program, but only provides that GPD's budgeting options "may include (1) federal grants; (2) appropriations by *I Liheslatura*; and (3) to the extent possible under public law and/or Parole Board practices, fees assessed to parolees and/or registered sex offenders." There is, however, no indication or support for the assumption that these "options" will be sufficient to cover the cost of administering the program.

Unfortunately, unfunded legislative mandates seem to be the rule and not the exception and this lends itself to a situation where, once again, I am forced to prioritize funding one aspect of health, safety and welfare to the detriment of another. In the worst case scenario, the result of such imbalance is a lawsuit like far too many lawsuits plaguing the government, such as the landfill receivership, the mental health federal management team fiasco, law enforcement personnel seeking incremental payments, and the recent individual taxpayer lawsuit in the federal court.

Because of the significance of the legislation proposed by *I Mina' Trentai Unu Na Liheslaturan Guåhan* in these Bills delivered for my action, I cannot, in good conscience, refuse to acknowledge their importance by refusing to sign them into law. However, because I also recognize that the goal of the new laws is to afford additional protections to our community, I am now tasked with trying to identify funding to carry out these programs – no easy feat given the carcass that is the General Fund.

I, therefore, beseech the good senators of *I Mina' Trentai Unu Na Liheslaturan Guåhan* to include an appropriation in all bills which call for the expenditure of funds for the effective implementation of the programs which are statutorily imposed upon the executive branch. You hold the purse strings of this government and, consequently, it is your obligation to ensure that I have the financial resources to carry out these mandates so our people are not saddled by yet another lawsuit to command this government to provide them with the programs or entitlements that this legislature determined was their statutory right.

Senseramente,



EDDIE BAZA CALVO

Attachment: copy of Bills

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

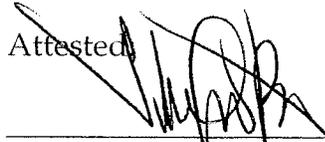
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 382-31 (COR), "AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 63 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM FOREST SYSTEM; AND TO CITE THIS ACT AS THE "GUAM FORESTRY LEGACY ACT OF 2012", was on the 20th day of January, 2012, duly and regularly passed.



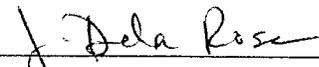
Judith T. Won Pat, Ed.D.
Speaker

Attested



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 23rd day of Jan., 2012, at 12:45 o'clock P..M.


Assistant Staff Officer
Maga'laha's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: FEB 03 2012

Public Law No. 31-173

- 1 § 63501. Title.
- 2 § 63502. Statement of Purpose; Establishment of the Guam Forest System.
- 3 § 63503. Definitions.
- 4 § 63504. Development of the Guam Forest System Plan.
- 5 § 63505. Promulgation of Rules and Regulations.
- 6 § 63506. Identification of Land.
- 7 § 63507. Leasing of Land Within the Guam Forest System.
- 8 § 63508. Collaboration and Partnership.
- 9 § 63509. Funding.
- 10 § 63510. Protection of the Guam Forest System.

11 **§ 63501. Title.** This Article *shall* be cited as the *Guam Forestry*
12 *Legacy Act of 2012.*

13 **§ 63502. Statement of Purpose; Establishment of the Guam**
14 **Forest System.** The protection and conservation of natural resources and
15 natural habitats or ecosystems, open spaces and historic artifacts, and land
16 for outdoor recreation and education is of critical importance to the people
17 of Guam, to whom the land belongs, and demands ever-increasing vigil and
18 continual effort.

19 The government of Guam realizes its responsibility to further allow
20 the Department of Agriculture to meet its mandated mission of developing
21 and protecting the agriculture, natural resources, and aquatic and wildlife
22 resources of Guam, and to further set into statute practices that allow for the
23 conservation and protection of these resources.

24 The purpose of this Act *shall* be to hereby establish the Guam Forest
25 System to augment the mandated responsibility of the Department of
26 Agriculture to carry out this mission. The System *shall* be under the

1 jurisdiction of the Department. The Director *shall* coordinate with the Guam
2 Department of Land Management to identify land belonging to the
3 government of Guam, and land reserved for use by the Department.
4 Government properties determined to have compatible use for the Guam
5 Forest System *shall* be included in an inventory.

6 **§ 63503. Definitions.** As used in this Article:

7 (a) *Department* means the Guam Department of Agriculture.

8 (b) *Director* means the Director of the Guam Department of
9 Agriculture.

10 (c) *System* means the Guam Forest System.

11 (d) *Inventory* means a list of lands, identified by the
12 Department of Agriculture with the assistance of the Guam
13 Department of Land Management, that can be included on a list for
14 potential Guam Forest System land use, which will be recorded and
15 updated on an annual basis and filed with the Department of Land
16 Management.

17 (e) *Recreational use* is the use of land by the public, with or
18 without charge, that is *not* detrimental to the environment, for any of
19 the following: hiking, picnicking, camping, boating, hunting, or other
20 outdoor games or sports. Any fee charged for the recreational use of
21 land *shall* be reasonable such that it *shall not* have the effect of
22 unduly limiting its use by the public.

23 (f) *Open space use* is the use or maintenance of land in such
24 a manner as to preserve its natural characteristics, beauty, or openness
25 for the benefit and enjoyment of the public, and to provide essential
26 habitat for wildlife, as well as the conservation and protection of

1 natural resources.

2 (g) *Compatible use* is any use determined by the
3 Department, in partnership with the Department of Parks and
4 Recreation, the Department of Land Management and the Guam
5 Environmental Protection Agency, or by this Article to be compatible
6 with the agricultural, recreational, or open space use of land within
7 the Guam Forest System. Determinations for *compatible use* must
8 account for scientific data available, which may be available through
9 various sources, including, but *not* limited to, the Department of
10 Agriculture's Division of Aquatic Fish and Wildlife Resources, the
11 University of Guam's Water and Environmental Research Institute of
12 the Western Pacific (WERI), the Bureau of Statistics and Plan's
13 Coastal Management Program, and the U.S. Department of Interior's
14 Fish and Wildlife Service.

15 **§ 63504. Development of the Guam Forest System Plan.**

16 The Department *shall* develop a "Guam Forest System Plan", which
17 *shall* be submitted to *I Maga'lahaen Guåhan*, and transmitted to *I*
18 *Liheslaturan Guåhan* for approval, in accordance with the Administrative
19 Adjudication Act. This plan *shall* contain, but *not* be limited to:

20 (a) an inventory of land, to include lot number, size and
21 location for proposed potential use in the System;

22 (b) a comprehensive and concise definition of the public
23 interest in the System;

24 (c) proposals for the maintenance and enhancement of the
25 overall quality of the System environment;

26 (d) stipulations for public access for recreational and

1 educational use;

2 (e) proposals for land use to include elements of, but *not*
3 limited to:

4 (1) education for the purpose of conservation,
5 preservation, environmental sciences, and other related
6 curriculum;

7 (2) scientific research;

8 (3) training for agriculture-related personnel or those
9 involved in natural resource fields and/or disciplines or relative
10 activities;

11 (4) recreation; and

12 (5) conservation and preservation;

13 (f) proposals for collaborations with entities within the
14 government of Guam, or non-governmental organizations for the
15 planning, enhancement and sustainability of the System;

16 (g) a list of allowable activities within the System and
17 penalties for violations;

18 (h) recommendations for the sustainability of the System,
19 including the extent to which development may be allowed;

20 (i) proposals for permits and fee schedules for the use of
21 properties of the Guam Forest System; and the collection of such fees
22 *shall* be dedicated to the operations and maintenance of the System;

23 (j) procedures and protocols for the discovery or presence
24 of historic artifacts on government of Guam lands included in the
25 Guam Forest System, pursuant Chapter 76, Article 1 of Title 21,
26 Guam Code Annotated;

1 (k) procedures and protocols for identifying government or
2 privately-owned land for inclusion in the System, in accordance with
3 U.S. Department of Agriculture Forest Service programs criteria; and

4 (l) procedures and protocols, which *shall* include a
5 component for public review, for leasing of land to be included in the
6 System to entities for purposes in accordance with § 63507, *infra*.

7 **§ 63505. Promulgation of Rules and Regulations.**

8 Within ninety (90) days of the approval of the “Guam Forest System
9 Plan,” the Department *shall* promulgate rules and regulations, in accordance
10 with the Administrative Adjudication Act, to support the Plan and the
11 operations of the Guam Forest System. Proposed rules and regulations *shall*
12 be submitted to *I Maga’lahi* (the Governor), and transmitted to *I*
13 *Liheslaturan Guåhan* (the Guam Legislature) for approval.

14 **§ 63506. Identification of Land.**

15 (a) **Inventory.** The Department, in coordination with the
16 Department of Land Management, *shall* inventory land that belongs to and
17 has been reserved for the Department that is suitable for use for the Guam
18 Forestry System.

19 The Department *shall* maintain a database of the inventoried land
20 available for public reference at the Department. A copy of the inventory
21 *shall* be provided to the Speaker of *I Liheslaturan Guåhan*, *I Maga’lahen*
22 *Guåhan*, the Guam Department of Land Management, and the Guam Bureau
23 of Statistics and Plans. The inventory *shall* also be published on the
24 Department website.

25 (b) **Compatible Use.** Through the identification and inventory
26 process, the Director, in consultation with the Department of Parks and

1 Recreation, Department of Land Management, and the Guam Environmental
2 Protection Agency, *shall* determine which government of Guam lands have
3 compatible uses for the Guam Forest System pursuant to §63503(g), *supra*.
4 Government land classified as *Conservation Reserves* pursuant to Article 4
5 of this Chapter may be included in this inventory to carry out the objectives
6 of the Guam Forest System. Government lands classified as part of the
7 Territorial Seashore Protection Act of 1974 pursuant to Chapter 63, Title 21,
8 Guam Code Annotated, may also be included in said inventory.

9 (1) **Challenges.** Challenges to any *Compatible Use*
10 determination *shall* be made in writing, addressed to the
11 Director of the Department, and *shall* list the specific reasons
12 for the challenge. All challenges *shall* be reviewed in
13 consultation with the partnership entities identified in
14 §63503(g), *supra*. Partnership entities *shall* review each
15 challenge and submit to the Director their recommendations to
16 reject or accept, in whole or in part, any *Compatible Use*
17 challenges, including recommended remedies to each
18 challenge. Findings to challenges *shall* be periodically
19 incorporated into the Guam Forest System Plan, as appropriate.

20 (c) **Memoranda of Agreement.** The Department may also
21 establish a *Memorandum of Agreement (MOA)* with the Department of
22 Parks and Recreation for land that is part of the Department of Parks and
23 Recreation inventory, including Guam Territorial Park System reserved
24 properties classified as *Natural Preserves* and *Conservation Reserves*
25 pursuant to § 77110 of Chapter 77, Title 21, Guam Code Annotated.

26 Additionally, the Guam Environmental Protection Agency and the

1 Department of Land Management may also be included in said MOA, or in
2 separate MOAs, for properties under the jurisdiction of the Territorial
3 Seashore Protection Act of 1974.

4 While the Department of Agriculture has the scientific and technical
5 resources necessary to establish natural resource conservation and
6 protection practices, any such MOAs should include components for the
7 planning and protocols of maintenance and operation of the System during
8 the planning and implementation stages, given that identified land for the
9 System may fall under the purview of the Department of Parks and
10 Recreation, the Department of Land Management, or the Guam
11 Environmental Protection Agency.

12 (d) **Reservation of Land.** The Department of Agriculture may
13 also reserve land in accordance with §60105 of Article 1, Division 2,
14 Chapter 60 of Title 21, Guam Code Annotated, for future use as part of the
15 System. The inventory of identified lands *shall* be published on the
16 Department's website.

17 **§ 63507. Leasing of Land Within the Guam Forest System.**

18 Land that is part of the Guam Forest System *shall not* be sold. Such
19 land, however, may be leased to other entities pursuant to §63504(l) *supra*,
20 provided that leased land *shall* be used *only* for the following purposes:

21 (a) recreation, excluding activities that are detrimental to the
22 environment, such as off-roading;

23 (b) education;

24 (c) training for the Department of Agriculture Forestry &
25 Soil Resources Division or other related activities; or

26 (d) protection and preservation of natural resources and

1 historic artifacts.

2 Any use inconsistent with this Act *shall* be considered a violation of
3 law, and offenders will be subject to penalties, as prescribed by the
4 Department.

5 **§ 63508. Collaboration and Partnership.**

6 The Department may establish *Memoranda of Agreement* with other
7 agencies and organizations, including, but *not* limited to:

- 8 (1) Department of Parks and Recreation;
- 9 (2) Guam Environmental Protection Agency;
- 10 (3) University of Guam (UOG) and relative departments or
11 programs, including the Water and Environmental Research Institute
12 of the Western Pacific, the UOG Sustainability Office, and the Soil
13 and Water Conservation Programs;
- 14 (4) Guam Community College;
- 15 (5) Guam Energy Office;
- 16 (6) Bureau of Statistics and Plans;
- 17 (7) Guam Fire Department;
- 18 (8) Department of Land Management; and
- 19 (9) Non-profit organizations.

20 Any such agreements *shall* be established based on the need to define
21 and enhance collaboration in order to reasonably carry out the creation and
22 objectives of the Plan; and to identify potential funding sources for the
23 sustainability and enhancement of the System.

24 **§ 63509. Funding.**

25 Funding for the planning and development of the Guam Forest
26 System may come from, but is *not* limited to, the following sources:

1 (a) Federal Assistance for Fire Control, Watershed
2 Protection and Reforestation pursuant to §1421o and §1421p of the
3 Organic Act of Guam; and

4 (b) USDA Forest Service Grants, including programs under
5 the Cooperative Forestry Assistance Act: Community Forest and
6 Open Space Conservation Program, Forest Legacy Program, Urban
7 and Community Forestry Program, and other related programs.

8 **§ 63510. Protection of the Guam Forest System.**

9 Department of Agriculture Conservation Officers *shall* use the
10 authority given to them as defined in §63103 and §63103.1 of Chapter 63,
11 Title 5, Guam Code Annotated, to serve as peace officers, to carry arms, to
12 make arrests, and to issue citations for violations, and *shall* be assisted by
13 law enforcement entities responsible for enforcing the laws of Guam and
14 federal mandates.”

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Date: 1/20/12

VOTING SHEET

SBill No. 382-31(COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera					EA
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Mina'trentai Unu na Liheslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

January 18, 2012

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

JAN 18 PM 2:45
E/S/M

RE: Committee Report on Bill No. 382-31 (COR) As Substituted

Hafa Adai Speaker Won Pat:

The Committee on Rules, Federal, Foreign & Micronesia Affairs, and Human and Natural Resources hereby reports out its findings and recommendations on **Substitute Bill No. 382-31 (COR) – "AN ACT RELATIVE TO ESTABLISHING THE GUAM FOREST SYSTEM BY ADDING A NEW ARTICLE 5 TO CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED; AND, CITING THIS ARTICLE AS THE "GUAM FORESTRY LEGACY ACT OF 2011."**

Committee votes are as follows:

- 7 TO DO PASS
- _____ TO NOT PASS
- 1 TO REPORT OUT ONLY
- _____ TO ABSTAIN
- _____ TO PLACE IN INACTIVE FILE

Very Truly Yours,


Rory J. Respicio

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Mina'trentai Unu na Libeslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

COMMITTEE REPORT ON **SUBSTITUTE BILL NO. 382-31 (COR)**

**"AN ACT RELATIVE TO ESTABLISHING
THE GUAM FOREST SYSTEM BY ADDING
A NEW ARTICLE 5 TO CHAPTER 63, TITLE
5, GUAM CODE ANNOTATED; AND,
CITING THIS ARTICLE AS THE "GUAM
FORESTRY LEGACY ACT OF 2011."**

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Mina'trentai Unu na Libeslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

January 17, 2012

MEMORANDUM

To: All Members
Committee on Rules, Federal, Foreign & Micronesia Affairs, and Human & Natural Resources

From: Senator Rory J. Respicio 

Subject: Committee Report on Bill No. 382-31 (COR) As Substituted

Transmitted herewith for your review and consideration is the **Committee Report on Substitute Bill No. 382-31 (COR) – “AN ACT RELATIVE TO ESTABLISHING THE GUAM FOREST SYSTEM BY ADDING A NEW ARTICLE 5 TO CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED; AND, CITING THIS ARTICLE AS THE “GUAM FORESTRY LEGACY ACT OF 2011.”**

This report includes the following supporting documents:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 382-31(COR) As Substituted
- Bill No. 382-31(COR) As Introduced
- Public Hearing Sign-in Sheet
- Copy of Submitted Testimony
- Referral of Bill No. 382-31(COR)
- Fiscal Note for Bill No. 382-31(COR)
- Public Hearing Notices
- Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse!

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
 COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
 AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Minã'trentai Unu na Libeslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

COMMITTEE VOTE SHEET

**Substitute Bill No. 382-31 (COR) – "AN ACT RELATIVE TO ESTABLISHING
 THE GUAM FOREST SYSTEM BY ADDING A NEW ARTICLE 5 TO
 CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED; AND, CITING THIS
 ARTICLE AS THE "GUAM FORESTRY LEGACY ACT OF 2011."**

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Rory J. Respicio Chairperson						
Senator Judith P. Guthertz Vice-Chairperson						
Speaker Judith T. Won Pat, Ed.D. Member						
Vice-Speaker Benjamin J.F. Cruz Member						
Legislative Secretary Tina Rose Muña Barnes Member						
Senator Thomas C. Ada Member						
Senator vicente c. pangelinan Member						
Senator Dennis G. Rodriguez, JR. Member						
Senator Adolpho B. Palacios Member						
Senator Aline A. Yamashita, Ph.D. Member						
Senator Christopher M. Duenas Member						

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Mina'trentai Unu na Liheslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 382-31 (COR) – “AN ACT RELATIVE TO ESTABLISHING THE GUAM FOREST SYSTEM BY ADDING A NEW ARTICLE 5 TO CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED; AND, CITING THIS ARTICLE AS THE “GUAM FORESTRY LEGACY ACT OF 2011” was introduced by Senator Aline A. Yamashita, Ph.D. on November 22, 2011; and was subsequently referred to the Committee on Natural Resources on November 28, 2011.

Senator Rory J. Respicio, Chairperson of the Committee on Rules; Federal, Foreign & Micronesia Affairs; and Human and Natural Resources convened a public hearing on Bill 382 on Thursday, December 15, 2011 at 2:00 P.M. in the Legislature’s Public Hearing Room to receive public testimony on the measure.

Public Notice Requirements

In accordance with the Open Government Law, notices were disseminated to all senators and to all main media broadcasting outlets, the first on December 7, 2011 and the second on December 13, 2011.

Senators Present

Senator Rory J. Respicio, Chairperson
Senator Aline A. Yamashita, Ph.D., Committee Member
Senator V. Anthony Ada
Senator Sam Mabini, Ph.D.

II. SUMMARY OF TESTIMONY & DISCUSSION

Chairperson Rory J. Respicio called the hearing to order at 2:15 PM.

Senator Respicio: The Human and Natural Resources Committee shall convene for the purposes of entertaining two items up for public consideration. First let me thank and welcome Senator Dr. Aline Yamashita and Senator Tony Ada and thank you for your participation. The first bill is Bill 382-31, sponsored by Dr. Yamashita, Senator Yamashita, relative to “An act relative to establishing the Guam Forest System by adding a new Article 5 to Chapter 63, Title 5 to Chapter 63, title 5, GCA, and citing this article as the Guam Forestry Legacy Act of 2011.”

It is customary to invite the sponsor to give a brief overview of the bill and while she is doing that, I would like to... before she does that I would like to call up on Manny Cruz. You will be providing oral and written testimony. And Pete Calvo...please come forward. So when Senator Yamashita gives her overview, she will have someone to talk to or she will have a panel that will recognize her (laughter). Michael Cruz, you just signed up in support of the bill. Joe Mafnas, Agriculture, you will be providing oral testimony, please come forward. Former Senator Carlotta Leon Guerrero from the Ayuda Foundation, please come forward. And Mr. Roland Quitagua, please come forward. I think we can fit all five of you. Okay, may we please give our undivided attention to Senator Yamashita, thank you Senator.

Senator Aline Yamashita: Thank you very much, Mr. Chair, and thank you all for being here and paying attention and for adding. I really look forward to the conversation. I have reviewed most of your testimony and appreciate the thought that's has gone in to it. Bill Number 382-31, the Guam Forestry Legacy Act, really is an enabling statute, to help all of us come to the table and work together. It's real clear to me, whether it's the Department of Agriculture, whether it's the Department of Land Management, Department of Parks and Rec, Bureau of Planning and Statistics, specifically Coastal Management – we have a variety of agencies whose mission and vision talks about our land, our very limited land, and taking care of our land. I think Guam has made great strides under previous leadership and in an ongoing leadership. But as we've gone on, I've listened a lot to a variety of stakeholders and it seems to me that if we had a concerted effort, particularly for our forestry and soil resources we might be able to do an even better job. This is not creating anything new but its really saying to everybody, we'll come to the table and develop a plan to put together a land inventory, to coordinate efforts to leverage our resources.

There have been some comments that it doesn't appropriate any monies, it does not. We think that there is already language in the existing statutes that might enable you to look at fees to use forests, to use lands and you would go through your own adjudication process to do that. What I also know is that we were accorded the opportunity to meet with the Western Forestry Leadership Coalition in December. I know Senator Respicio was with me in this room and we listened with interest to further opportunities to network, to collaborate, not only throughout our island but throughout the nation. And we are advised as well from USDA that there are many grant opportunities and we think that a forest system, a forestry system, as we collaborate and coordinate might better our chances at putting together proposals, at putting forth our efforts and saying this is what we can do, what we need to do, so that we can effectively address climate change on our island, effectively address wildfire, water, forest health and invasive species issues, which of course Department of Agriculture is already looking at but when we strengthen our efforts and we work together, not taking away from what people are already doing but clearly different department have different particular areas. Parks and Rec certainly talks about land but their component is really about recreation and about historic preservation, Bureau of planning talks a lot about coastal management, you put this all together with the forestry and the work the Department of Agriculture does, Guam would be in a much better position to protect its environment so that indeed our children, our grandchildren, and

our great-grandchildren and their grandchildren will be able to actually live and thrive on our island. So Mr. Speaker that is the intent of this and I look forward to hearing from the leaders who are currently at the table. Thank you, Mr. Chair.

Senator Respicio: Thank you very much. I will begin with... Although Mr. Cruz, you were the first person to sign up, do you mind if we defer to the only lady at the table? Not only is she a woman, but she is also a former senator of the legislature, so I'd like to give you the courtesies you continue to deserve from this body. Senator Carlotta?

Former Senator Carlotta Leon Guerrero, Ayuda Foundation: Thank you so much, Mr Chairman, it's very kind of you to recognize our being colleagues, thank you very much. I stand in full support of Senator Yamashita's efforts to protect Guam's forests and I apologize that I don't have written comments, but I did mark up the bill, I feel like I'm in a mark up meeting if that's okay with you. The comments I would have are on page two on line 26 where it says recreational use and then it lists recreational use and then it says other outdoor games or sports, I would add a phrase to that, "that are not detrimental to the environment."

I think that there is, and I'm specifically talking about off road racing and trucks that go in and tear up the environment, the badlands, and the forest and so there can be sports and there can be outdoor activities that are detrimental to the environment, so I would just put in a suggestion of that clause.

Senator Respicio: And who would make that determination?

Leon Guerrero: I think that would be on the next page, on page 3, under compatible use, line 8. I feel that compatible use should be determined by a scientific research survey, a broader group, if you will, or a broader consensus brought in there with some type of appeal process. An example would be where Island Girl Power is in Dededo, we're right adjacent to this urban jewel of a forest, an urban forest, that's like a five acre forest and we have our eyes on it we want to do hiking trails through it, we have so many things in our mind of what we think would be right for it but somebody might just say "no, that's not what we think is compatible, that's not what we want to do with it and then I'd want to have an appeal process. I'd want to have some way of jumping in and fighting for kids to be able to have walking trails in that urban forest. So I think that establishing compatible use should be broader than just the department and I think it should be based on some type of scientific research, some kind of survey of the neighborhood of what that could be.

And then, also on page 3, line 22, I think, this is just my opinion, it seems to jump out of sequence. We're talking about a plan and then rules and regs and back to the plan. It seems like the plan would come first and the rules and regs from the plan. So it's just a sequential point that I raise.

And then on page 4, line 19, again where it lists allowable activities and then later on, when we're talking about permits, I would really, really like to see some strong statements in there about, as an example, of off-road racing and I know this is something that there maybe be ten or twenty guys or gals that are tearing up the jungle with their trucks but they can do so much damage to the environment, soil erosion and causing so much soil to get down on to the coral and choking up the corals and the fun of just a few people with their trucks is just way more damaging and so... I know that this is like a structure, a skeleton structure, but at a public hearing I just wanted to, since I no longer need votes, I just wanted to be a brave enough person who comes forth and says off road trucks tearing up the mud in Guam's jungles is just too damaging and is something that should be considered. I would never permit it. You're going to call for rules and regulations on what is going to be permitted, I would just put that forth as something that should be never permitted.

And then on page 6, line 12, it says, "allows the department to enter in to MOUs with other agencies and organizations," I would just reiterate nonprofit organizations like you did on page 4 when you're, it's just one final thing.

And on page 7, under funding, my suggestion would be that you guys split the grading and permit fee from DPW. I know that this is probably another controversial issue that you have oversight and I can't believe I'm saying this with the Parks and Rec guy right next to me, but I think that if you did it by a percentage - every time there's grading and clearing, a 100% damage to the environment from grading and clearing permits but maybe its not 100% damage to historical artifacts. If there's ten permits that go out, maybe not even one of them is going to be damage to historical artifacts, but ten of them are going to be damaging to the environment in one way or another. Grading and clearing is damaging to the environment, its just to different degrees and so when we're looking at a funding source for this, I would suggest that you arm wrestle, Senator Yamashita, that you arm wrestle to get some of this fee readjusted. This is money that comes in from DPW and I think the split is with Historic Preservation and DPW. It used to all go to DPW and then some of it got split and maybe just take enough of it so that they could start up their plan, maybe \$50K or \$100K so they could get started. Some real funds diverted for a year and then you guys can arm wrestle over it. I could tell by this that you're looking for money and I know the department is struggling right now in their ability to even write for existing grants and so I think that with some help like that, real money, it could help them to realize this mandate.

And the final thing that I would suggest on this page, on line 12, I don't think that the land should be sold at all. You allow for land to be sold under these criteria but for all of these purposes, I think that a long term lease would be fine and once that's over, the people of Guam could reevaluate. But once its sold, well, it doesn't need to be sold. I don't think it needs to be sold. And those are my suggestions.

Senator Respicio: Thank you. Can you please stay, in case there's follow up questions?

Leon Guerrero: Yes

Senator Respicio: I'm sure the sponsor has some follow up questions. Mr. Cruz?

Mr. Manny Cruz, Deputy Director, Department of Agriculture: Mr. Chairman and members of the committee, good afternoon. The testimony that I'm providing, the written testimony, actually the director's testimony but I'll read the testimony and stand ready to respond to any questions in that respect. For the record, let me just read the written testimony of the director...

"Good afternoon, I am Mariquita F. Taitague, currently the director of the Guam Department of Agriculture. I come before the committee in favor of Bill Number 382-31 COR, "An act relative to establishing the Guam Forest System by adding a new Article 5 to Chapter 63, Title 5 to Chapter 63, title 5, the Guam Code Annotated, and citing this article as the Guam Forestry Legacy Act of 2011." We, at the department, understand that it is the intention of the bill's sponsor in introducing this bill, to strengthen and support the Guam Department of Agriculture's mission of developing and protecting the agriculture, natural resources and aquatic and wildlife resources. It is in light of this intent that we welcome and fully support the establishment of the Guam Forest System.

For too long we have been relying on the US Government to provide assistance through the US Department of Agriculture State and Private Cooperative Forestry Assistance Act of 1978, and, over the years, we have been granted technical and financial assistance in four forestry programs, namely, Forest Health Management, Forest Stewardship, Urban and Community Forestry, and Fire Protection. I believe that it is time for Guam to consider having its own State Forestry Service, similar to the US Forest Service in US Department of Agriculture.

Currently, the department only has a Division of Forestry and Soil Resources, whose main mission is to conserve, protect, and enhance Guam's vegetative environment and sustain its natural resources, specifically soil, water, and air quality, and soil quality. Under the proposed Guam Forest System, this division would be greatly impacted.

As provided in Section 63505 in the bill, the Guam Forest System Plan appears to be a well developed and well thought out plan. It will be a real challenge for the department to carry it out. But, again, without additional financial resources and personnel, it would not be that easy to implement. The bill does make reference to funding in Section 63508, but the funding sources seem limited to just federal grant in aid applications. The department may want to consider generating local revenues by charging user fees, such as for propagating seedlings and for land clearing permits.

The identification of land, as provided in section 63505 is going to be the key in the development of the Guam Forest System. In the past, there have been a few attempts to reserve

government real property for future use by the department, but unfortunately, they have not been as successful due to a lack of cooperation and collaboration among agencies. In this regard, it is noted in Section 63507, that the bill is offering a mechanism that would define and enhance collaboration through partnerships and organizational cooperation among several important agencies.

Based on the above, we offer our support of the bill and we urge the committee to consider passing the bill for consideration by the entire body of the Guam Legislature.

Thank you for providing me with the opportunity to offer testimony on Bill Number 382-31. Si Yu'os ma'åse'."

Senator Respicio: Thank you Deputy Director. Let me just quickly recognize Dr. Sam Mabini, thank you for being here. Let's just jump and here from Mr. Mafnas, if you have any follow up to the Deputy Director's comments. So we'll hear from Agriculture and then we'll focus on DPR and then the Soil and Water Conservation.

Mr. Joe Mafnas, Chief, Forestry & Soil Resources Division, Department of Agriculture: Senator, thank you very much for allowing me the opportunity to testify in support of this bill, Bill 382-31. Yes, I agree with the Deputy Director and the Director of Agriculture. I do fully support this legislation. I think it's very timely and I think it's very important that we take the time today to protect our natural resources so that we have these resources available for future generations like the sponsor, Senator Yamashita, has alluded to earlier.

Since assuming the position of the Forestry Chief in 2009, I have had the opportunity to meet a lot of people from off island, a lot of my counterparts in the US Forest Service and they do fully support this type of legislation. Again, having this type of system in place, this Guam Forest System, could allow us to leverage this asset with future federal funding. However, like the deputy director was saying, we do still need to take some ownership in our natural resources. This is our program and we need to show our federal counterparts that we are serious in the protection of these natural resources and this is a step in the right direction.

The nice thing about implementing this type of system here is that I know funding is always going to be an issue, however, we seem to think that if we implement something like this we have to go in there and invest a lot of money, time and money in these areas and that is true. But at the same token, even doing nothing, just keeping these areas intact is a management system in itself. So really, the pressure for us to go in and develop this forest system is not as much as if it were designated under a different type of program. So that's the nice thing about establishing this type of forest system, if we just keep it intact that's a management system in place that protects the natural resources there. But that's not to say that we will not be actively be seeking funding outside to further develop and enhance this program as well.

I just want to say thank you for considering this type of legislation, Senator Yamashita, and I know we've been working a long time on this legislation and I really appreciate your support in what we're trying to do and Senator Respicio for bringing it to committee for us to present this to you. Thank you very much.

Senator Respicio: Thank you, Mr. Mafnas. Director Calvo, we'll recognize you at this time.

Mr. Pete Calvo, Director, Department of Parks and Recreation: Thank you Mr. Chair. Senators Yamashita, Ada, Mabini. Thank you for this opportunity to speak on this very beneficial bill. Indeed, I am in full supportive of the intent of this bill and I will just jump around a bit on my testimony. To begin with, the Department of Parks and Recreation has received the above subject draft propose bill. DPR acknowledges your efforts to assist the department of Agriculture by the creation of this new Chapter 63 Article 5 GCA that will establish the Guam Forestry Legacy Act of 2011. We are encouraged that this draft propose bill through the creation of a Guam Forestry System plans for proposed collaborations with entities within the government of Guam for the planning, enhancement and sustainability of the system. While we support the concept, we are concerned of the notion of reestablishing properties and missions of our respective departments.

In this draft propose bill 63506 identifies Identification of Land and that's basically verbatim. I just want to clarify the director and the department as Agriculture in that paragraph.

After careful review of information contained in the draft propose bill in its entirety, DPR acknowledges that there will be collaboration between our agency and the department of Agriculture in the future development of the Guam Forestry System and we have been collaborating most recently with a lot of other activities as well. DPR would like to raise concern however and further discuss the subject of Recreational Use and Open Space use as it pertains to the subject bill. And in this what we're basically trying to do is not to duplicate the efforts in reference to this matter. Additionally, properties under DPR purview must remain in tact, so as our mission to provide a territorial park system may not be compromised.

While we welcome the collaboration with the department of Agriculture, as they do provide knowledgeable expertise, our missions are different. However there are considerable overlapping of property resources that we both protect for the public's benefit. Properties that are already reserved should remain so with the added designation as a Forest System. Many of our properties are also historic by nature and have a complete set of regulations for compliance. The memorandum of understanding should be a memorandum of agreement for greater collaboration and enforcement and would be key in defining and establishing a sound and workable relationship for the stewardship of public properties we protect for our watershed and for our people's quality of life. Furthermore it should include the Department of Land management and Guam Environmental Protection Agency, similar to the Guam Territorial Seashore Park as authorized in Executive Order 78-42 and the Guam Outdoor Recreation Plan

and the Guam Historic Preservation Plan. All these plans and authorizations are complimentary and should be considered in the final configuration of this bill. Each department is intricately tied and synergistically bound by their mandates to support this worthwhile intent of this bill.

In summary, we are in support of passage of the intended concept this bill provides, but request changes be made to secure and define our missions and objectives. We salute your efforts to make this come to fruition and again, I really believe that this is a very good bill. It does protect my sole thing, which has Joe has mentioned, which is even to do nothing with the property actually protects the property in the long term. I agree with former Senator Carlotta, no sale should happen with these properties. They should be set aside, further designation as a forest system further complicates any taking of the properties and I fully support that.

Senator Respicio: Thank you Director Calvo. Mr. Quitagua?

Mr. Roland Quitagua, Chairman, Northern Guam Soil and Water Conservation District Board: Thank you Chairman Respicio. Senators Yamashita, Ada, and Mabini, thank you very much for allowing me to testify. I come before you as the Chairman of the Northern Water Conservation Division District, but also as a practicing arborist and technical service provider to the department of Agriculture. I am in support of this bill and just have a couple of recommendations in which I feel will strengthen it.

The good thing is that a number of my concerns have already been echoed by former Senator Carlotta Leon Guerrero and by Director Calvo here, just to get that off the bat. Also, no sale of the land, we agree to that. And also the fact that there are some, although the department of Ag and the department of Parks and rec have different missions, there are some overlying similarities and its obvious in their current collaboration and for that reason, I'd like to go back to page 3 where it talks about establishing the Guam Forest System and how that should be done so by the director of Agriculture and the department of Land Management. I actually believe that what we should do is get a group of natural resource professionals because rather than have a director to do this, I believe that natural resource personnel need to do this because they will weigh the scientific components that are integral to a true forest system and by that, I mean habitat. I mean site selection based on the soil and on the quality of the existing forest.

I do have to disagree with one thing that was mentioned here and that was that leaving it alone is good. The reality is when you start talking about the funds and you start talking about management of a forest, management is not just conservation officers. But you have to go in there and actually manage the trees themselves so I need you to be cognizant of that and there is a price tag. Trees, believe me, trees need to be cared for as well, okay, and be managed so they can grow and they benefit us down the line.

So I want to see that a group gets together, because I have seen in the past if you just let it be exclusive and only one agency makes the rules and regulations, case in point Chamorro Land

Trust, I have seen where Chamorro Land Trust have taken farmers off of land, move them to an area because they wanted to shift and put housing. They've actually taken farmers off of productive land and put them on rocks because they want to make this one area a agricultural zone but based on what? They're on rocks. You pulled them off of good and productive land and put them on rocks and tell them to be farmers. That just does not make sense. So I highly recommend that a group of professionals be tasked in putting the rules and regulations as well as site selection.

And senators, when you go to the floor on this, probably the biggest reason why I support this is because there is an urgent need to protect green spaces. I currently live in northern Guam and I've seen where people anticipated this military buildup and we have green spaces that are being chopped up and the thing is, some people think "well, to protect green spaces, all I need to do is plant a tree" – it's not about planting a tree. It's about the totality of the area, it's about the habitat and one tree isn't good enough for a quality habitat. What's the use of the Department of Agriculture trying to bring back all these native birds, if when the birds are ready for release, there are no native trees in which the birds require for their habitat. So we're talking about areas that are big enough to support wildlife and this is once again going to have to be science based. Okay? And that's all I have.

Senator Yamashita: Thank you all very much. Some very good thoughts. Definitely some oversight, and I think we had always intended to include Department of Land Management so that's my oversight in this. They have certainly been at the table through this whole process. Mr. Mafnas is correct in that we have been working on this for a few months now, exactly since December... no, it can't be December. January. No? I mean we've been working on it for a few months. Tanya is trying to get me to understand what month, but I can't read that far.

But I do appreciate. Land Management, critical stakeholders, the science based, the based best practices would certainly be reflected. I think the fact that we have included UOG at this table might help us and with the department of Agriculture, they certainly know the best practices and so we will make sure that they are mindful we get the support for this and as you come together to the table you will know. I am heartened by the fact that people are working together. It just is a really good feeling. I have to say there has to have been progress because when I first started this I was hearing very different stakeholder groups saying very good things and mostly echoing what someone else was saying but they weren't talking with each other. So its really good to hear, Director Calvo, that you're working with Dept of Agriculture people and that gives us hope.

Then of course community partners, they keep us going and they will say what needs to be said. Senator Carlotta is right, she can say what needs to be said and she always had, even when she was an elected representative. So I can say that.

But we do appreciate that, we certainly will be going through the written testimony. The “not for sale” is an interesting aspect and I don’t think I’m going to have a problems getting support from my colleagues for that one and I think this legislature has been conservative in protecting the lands for our people and for our future. So I appreciate that very much and will continue to be in contact with you as we go through this process.

And now I’ll ask Senator Ada, do you have any questions?

Senator Tony Ada: No.

Senator Yamashita: Senator Mabini?

Senator Sam Mabini: Just a follow up question. Thank you. I’d like to thank the author of the bill, because this, I think, is a long time coming and I think we’ve discussed this several times, those on the panel. So thank you so much.

I’m just wondering, since we have Manny at the table, how is the department currently able to tackle on current legislation like the recent one, 381, regarding the clearing of land. So that that might be a precursor or an idea of how, the challenges the department might have in being able to tackle this so we as a legislature can understand the type of funding needs that you need, the support that you need. Again, 381 was the new public law regarding clearing and grading of existing land.

Cruz: You know when that bill was passed, the permitting bill, we were hoping that Agriculture would get a piece of the pie, okay, and it never happened. It was implemented and we have our name in the permitting paper and our people work very hard to review and to inspect the properties that are being asked for clearing and grading and so forth and we have been very responsive in the sense that if the land is not ready and so forth, we are not afraid to say we will not approve it and will turn it right back to the owner.

But we were hoping that we would get a piece of that pie and so forth, but right now in answer to your question as you know the division of Forestry and Social (?) Resources, actually it came about as a result of federal grants. We never really got any local funds for this division so we are relying mostly on federal grants under this particular one that we get allocated by the federal government. But we were hoping that with this bill and if this should ever be implemented that we would be able to leverage and work with state forest programs and hopefully get some assistance in that respect. But right now we do not have any money to work on this and like I said, we were hoping that maybe through some form of user fees that may be included in the bill that at least we would be able to use that.

And like I said, it’s quite difficult nowadays, and in my other areas like Invasive species we did provide a thing in there for user fees and we’re still struggling how to implement that and even

in the Invasive council, we cannot get off the ground to what we really anticipate in that council. So if anything, the legislature, I know that funding is very critical now and getting local funding through the general fund but maybe if we think outside the box and work with and collaborate with nonprofit organizations, like Carlotta's group, things like that and if we could work things out and even with Parks and Recs, if we could be sharing a lot of our resources, if this can be done. But we looking forward to this possibility that in the event that we establish this Forest System that we can then add on some funding mechanism so that we can then move on, start from there. Right now, we have to rely on federal grants and like I said, with what happened in Congress, it will be very difficult to even get federal grants nowadays. So we are now looking to other sources and think outside the box, so to speak, and see how we can do this. At least even with some of our, the businesses that are coming to Guam, even with the hotel and the visitors industry, as you know we're even collaborating with the Guam Visitors Bureau to assist us in some of those agri-business that they're working on and Joe and his division has been working closely with the Guam Visitors Bureau to provide plants and trees to help them along. They are all possibilities but right now, in answer to your question, we do not have any local funding at this time. Thank you very much.

Senator Yamashita: Thank you Senator. Thank you very much. Yes, Senator?

Leon Guerrero: Thank you very much, Senator. Just to go add to something to what Deputy Director Manny Cruz just said, one of the things that happens when I travel throughout the region, I get an idea of how other jurisdictions are dealing with the environment and a good friend of mine is the president of the Senate in Palau, and what he instituted is, it's not a departure tax, but it's a green fee that you have to pay at the airport in order to leave Palau and its locally generated and because when you go with the argument that they're coming there because they want to see Palau's natural beauty and so to connect that. And now they've got the first reliable funding source, dedicated and that's what's paying for their environmental projects and when you go over to Palau, you'll see in many areas they're ahead of us in the understanding and the nurturing of their environment. So I just offer to you as you look for funding, because what's going to happen to the department of agriculture and their mandates, with the grading and clearing, military buildup, etc, it just seems almost fitting that if the majority of the people are coming here from Japan for the natural beauty and part of the reason we have to deal with the buildup is because they're pushing something off on to us, that we do something aggressive like add on some kind of fee to them, just as a suggestion.

Senator Yamashita: Thank you very much, senator. Yes, Pete?

Calvo: Yes, senator, I just wanted to comment further on thing, leaving the land alone. Essentially I understand what Roland was saying, because Joe and I had talked about going in to certain areas, removing invasive species and things like that, and you do need to manage land but as Carlotta mentioned with all the buildup going on, protecting the land could be as simple as leaving it alone and one of the things that has been concerning us the most, of course

is, even green spaces that have been designated to protect the community from the hazards of the traffic or whatnot, have actually been eyed for development and that basically circumvents the intent of that green space. So we've got to try and be champions of protecting this green space and allow these green spaces to help improve our quality of life. The reason why I brought in EPA is because a lot of people don't realize that our quality of life is because we have a great watershed and we need to protect these properties for the long term, for the future generations. Thank you.

Senator Yamashita: Thank you, Mr. Director. Yes, Joe?

Mafnas: I just want to say just something in regards to what we're trying to do here, establishing this forest system. Right now we're experiencing something in our project that we've had our footprint on for the last 30 years. Again, just having the question of land ownership and I understand from Joe Santos of Land Management that all government lands are under the jurisdiction of Department of Land Management, however, the problem with what's happening right now is in the Cross Island Road area, the (Kotawa?) Conversation Area, in my research I found that the claimant to that property was under the Department of Parks and Recreation.

However, several months ago I was approached by the Guam Power Authority to provide them access, just to provide them access to an area where they wanted to set up their MET tower to monitor the wind speed up there because they wanted to propose windmill towers along the ridgeline in that area. And the thing about that is we were always under the impression that that land was under our jurisdiction for the past 30 years only to find it out it was under land claimant status with Parks and Recreation.

Now Waterworks has a role this area by giving them the lease to allow GPA to have their contractor go in there to study on the wind tower. So that's the thing, that's why this is very important, it's to clearly define the land ownership. Not the whole, this is not a land grab, this is not about us trying to secure land for our purposes but it's really about the protection of the natural resources. That's the focus and that's where we need to focus our efforts on here. If we don't clearly define the ownership of these lands and whoever has jurisdiction over that, then something like the scenario here is going to play out. It's already being playing out right now. Really that whole 500-800 acres of acacia stand that we've been managing for the last 30 years could eventually be under threat simply because of that land management issue, its not clearly defined. So something like this will be very helpful in delineating that land ownership. I just wanted to make that point because it is something that we need to address right now.

Yamashita: Thank you very much, Mr. Mafnas, we'll be sure to. All the senators will review the committee reports. We'll be sure to represent what you've said and again, I appreciate your concern and your care for our island's resources. So thank you for your time and Merry Christmas.

Senator Respicio: Thank you very much and I'd like to thank Senator Yamashita for conducting the last fifteen minutes of that public hearing. As chair of the committee, I saw that this is an issue that everyone is in support of and I was required to do a media interview regarding the upcoming Rules Meeting and Session Agenda, so thank you again, Senator and senators. The way that things get done is you just refer to people and something's bound to happen. (laughter)

There being no further discussion, **the hearing on Bill 382 was adjourned at 2:55 PM.**

III. FINDINGS & RECOMMENDATIONS

In consideration of the testimony provided during the public hearing and after consultation with the sponsor, changes were made to Bill 382 to address the concerns and recommendations presented. All changes are reflected in the substitute version of the bill included with this Committee Report.

The Committee on Rules; Federal, Foreign & Micronesian Affairs; and Human & Natural Resources hereby reports out **Substitute Bill No. 382-31 (COR)** with the recommendation **TO DO PASS.**

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

BILL NO. 382-31 (COR)

Introduced by:

Aline A. Yamashita, PhD 

**AN ACT RELATIVE TO ESTABLISHING THE GUAM
FOREST SYSTEM BY ADDING A NEW ARTICLE 5 TO
CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED;
AND, CITING THIS ARTICLE AS THE "GUAM
FORESTRY LEGACY ACT OF 2011."**

2011 NOV 22 AM 11:36


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

2 **Section 1. A new Article 5 is added to Chapter 63 of Title 5, Guam**
3 **Code Annotated to read:**

4 **"ARTICLE 5, CHAPTER 63**
5 **GUAM FORESTRY LEGACY ACT OF 2011**

- 6 §63501. Title.
- 7 §63502. Statement of Purpose.
- 8 §63503. Definitions.
- 9 §63504. Establishment of the Guam Forest System.
- 10 §63505. Guam Forest System Plan.
- 11 §63506. Identification of Land.
- 12 §63507. Collaboration and Partnership.
- 13 §63508. Funding.
- 14 §63509. Use of Lands.
- 15 §63510. Protection of the Guam Forest System.

16 **§63501. Title.** This Article *shall* be cited as the *Guam Forestry*

1 *Legacy Act of 2011.*

2 **§63502. Statement of Purpose.** The protection and conservation of
3 natural resources and natural habitats or ecosystems, open spaces and
4 historic artifacts, and land for outdoor recreation and education is of critical
5 importance to the people of Guam, to whom the land belongs, and demands
6 ever-increasing vigil and continual effort.

7 The government of Guam realizes its responsibility to further allow
8 the Department of Agriculture to meet its mandated mission of developing
9 and protecting the agriculture, natural resources, and aquatic and wildlife
10 resources of Guam, and to further set into statute practices that allow for the
11 conservation and protection of these resources.

12 **§63503. Definitions.** As used in this Article:

13 (a) *Department* means the government of Guam Department of
14 Agriculture.

15 (b) *Director* means the director of the government of Guam
16 Department of Agriculture.

17 (c) *System* means the Guam Forest System.

18 (d) *Inventory* means a list of lands, identified by the Department of
19 Agriculture with the assistance of government of Guam Department
20 of Land Management that can be included on a list for potential
21 Guam Forest System land use, which will be recorded and
22 continually updated on an annual basis and filed with the Department
23 of Land Management.

24 (e) *Recreational use* is the use of land by the public, with or
25 without charge, for any of the following: walking, hiking, picnicking,
26 camping, swimming, boating, hunting, or other outdoor games or
27 sports. Any fee charged, however, for the recreational use of land

1 will be in a reasonable amount and *shall* not have the effect of unduly
2 limiting its use by the public.

3 (f) *Open space use* is the use or maintenance of land in such a
4 manner as to preserve its natural characteristics, beauty, or openness
5 for the benefit and enjoyment of the public, and to provide essential
6 habitat for wildlife as well as the conservation and protection of
7 natural resources.

8 (e) *Compatible use* is any use determined by the Department
9 or by this Article to be compatible with the agricultural,
10 recreational, or open space use of land within the Guam Forest
11 System.

12 **§63504. Establishment of the Guam Forest System.**

13 There is hereby created the Guam Forest System to augment the
14 mandated responsibility of the government of Guam Department of
15 Agriculture. The System *shall* be under the jurisdiction of the Department
16 of Agriculture. The *Director* shall coordinate with the Guam Department of
17 Land Management to identify land belonging to the government of Guam
18 and land reserved for use by the *Department*. Government properties
19 determined to have compatible use for the Guam Forest System shall be
20 included in an inventory.

21 **§63505. Guam Forest System Plan.**

22 The Department *shall* prepare rules and regulations for the Guam
23 Forest System. Proposed rules and regulations *shall* be submitted to the
24 Governor and transmitted to the Guam Legislature for action, in accordance
25 with the Administrative Adjudication Act.

26 The plan *shall* contain, but is not limited to:

27 (a) An inventory of land to include lot number, size and location

- 1 for proposed potential use in the System;
- 2 (b) A comprehensive and concise definition of the public interest in
3 the System;
- 4 (c) Proposals for the maintenance and enhancement of the overall
5 quality of the System environment;
- 6 (d) Public access for recreational and educational use;
- 7 (e) Plans for the proposed land use to include elements of, but not
8 limited to:
- 9 (1) Education for the purpose of conservation, preservation,
10 environmental sciences, and other related curriculum;
- 11 (2) Scientific research;
- 12 (3) Training for agriculture-related personnel or those involved
13 in natural resource fields and/or disciplines or relative activities;
- 14 (4) Recreation; and;
- 15 (5) Conservation and preservation;
- 16 (f) Plan for proposed collaborations with entities within the
17 government of Guam or non-governmental organizations for the
18 planning, enhancement and sustainability of the System;
- 19 (g) List of allowable activities within the System and penalties for
20 violations;
- 21 (h) Recommendations for the sustainability and extent of allowable
22 development in the System;
- 23 (i) Proposals for permits and fee schedules for the use of properties
24 of the Guam Forest System, which will be dedicated to the
25 operations and maintenance of the System;
- 26 (j) Procedures and protocols for the discovery or presence of
27 historic artifacts on government of Guam lands included in the

1 Guam Forest System; pursuant Chapter 76, Article 1 of Title 21,
2 Guam Code Annotated; and,
3 (k) Procedures and protocols for identifying government- or
4 privately-owned land for inclusion in the System in accordance with
5 U.S. Department of Agriculture Forest Service programs criteria.

6 **§63506. Identification of Land.**

7 The *Department* in coordination with the Department of Land
8 Management shall inventory land that belongs to and has been reserved for
9 the Department that are suitable for use for the Guam Forestry System.

10 The Department shall maintain a database of the inventoried land
11 available for public reference at the Department. A copy of the inventory
12 shall be provided to the Speaker of the Guam Legislature and the Governor
13 of Guam, the Guam Department of Land Management and the Guam Bureau
14 of Planning, and published in an electronic format on the Department
15 website, if available.

16 Through the identification and inventory process, the Director *shall*
17 determine which government of Guam land properties have compatible uses
18 for the Guam Forest System pursuant to §63508 of this Article. Government
19 land classified as *Conservation Reserves* pursuant to Article 4 of this
20 Chapter may be included in this inventory to carry out the objectives of the
21 Guam Forest System. The Department may also establish a *Memorandum of*
22 *Understanding* (MOU) with the Department of Parks and Recreation for
23 land that is part of the Department of Parks and Recreation inventory,
24 including Guam Territorial Park System reserved properties classified as
25 *Natural Preserves* and *Conservation Reserves* pursuant to § 77110 of
26 Chapter 77, Title 21, Guam Code Annotated. The MOU will also include
27 components for the planning and protocols of maintenance and operation of

1 the System during the planning and implementation stages, given that
2 identified land for the System may fall under the purview of the Department
3 of Parks and Recreation, and that the Department has the scientific and
4 technical resources necessary to establish natural resource conservation and
5 protection practices. The Department may also reserve land in accordance
6 with §60105 of Article 1, Division 2, Chapter 60 of Title 21, Guam Code
7 Annotated, for future use as part of the *System*. Said inventory shall be
8 made available at the Department or electronically on the Department
9 website, if available.

10 **§63507. Collaboration and partnership.**

11 The Department will establish *Memoranda of Understanding* with
12 other agencies and organizations to define and enhance collaboration and to
13 reasonably carry out the creation and objectives of the plan, and for the
14 identification of potential funding sources for the sustainability and
15 enhancement of the System, including, but not limited to:

- 16 (1) Department of Parks and Recreation;
- 17 (2) Guam Environmental Protection Agency;
- 18 (3) University of Guam (UOG) and relative departments or
19 programs, including the Water and Environmental Research Institute of the
20 Western Pacific, the UOG Sustainability Office, and the Soil and Water
21 Conservation Programs;
- 22 (4) Guam Community College;
- 23 (5) Guam Energy Office;
- 24 (6) Bureau of Planning; and,
- 25 (7) Guam Fire Department.

26 The *Director* shall be responsible for the development and
27 implementation of organizational plans related to this Article and the Guam

1 Forest System.

2 **§63508. Funding.**

3 Funding for the planning and development of the Guam Forest System
4 may come from, but is not limited to, the following sources:

5 (1) Federal Assistance for Fire Control, Watershed Protection and
6 Reforestation pursuant to § 1421o and §1421p of the Organic Act.

7 (2) USDA Forest Service Grants, including programs under the
8 Cooperative Forestry Assistance Act: Community Forest and Open
9 Space Conservation Program, Forest Legacy Program, Urban and
10 Community Forestry Program, and other related programs.

11 **§63509. Use of the Guam Forest System.**

12 Land that is part of the of the Guam Forest System *shall* not be sold to
13 other entities for any purpose other than:

14 (a) Recreation;

15 (b) Education;

16 (c) Training for Department of Agriculture Forestry & Soil
17 Resources Division or other related activities; and,

18 (d) Protection and preservation of natural resources and historic
19 artifacts.

20 Other uses inconsistent with this Act will be considered a violation of
21 law and offenders will be subject to penalties and prosecution.

22 **§63510. Protection of the Guam Forest System.**

23 Department Conservation Officers *shall* use the authority given to
24 them as defined in §63103 and §63103.1 of Chapter 63, Title 5, Guam Code
25 Annotated, to serve as peace officers to carry arms, to make arrests and to
26 issue citations for violations, and *shall* be assisted by law enforcement
27 entities responsible for enforcing the laws of Guam and federal mandates.”

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

BILL NO. 382-31 (COR)

As Substituted by the Committee on Rules;
Federal, Foreign & Micronesian Affairs; and
Human & Natural Resources.

Introduced by:

A.A. YAMASHITA, PhD

**AN ACT RELATIVE TO ESTABLISHING THE GUAM
FOREST SYSTEM BY ADDING A NEW ARTICLE 5
TO CHAPTER 63, TITLE 5, GUAM CODE
ANNOTATED; AND, CITING THIS ARTICLE AS THE
"GUAM FORESTRY LEGACY ACT OF 2011."**

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

2 **Section 1. A new Article 5 is added to Chapter 63 of Title 5,**
3 **Guam Code Annotated to read:**

4 **"ARTICLE 5, CHAPTER 63**

5 **GUAM FORESTRY LEGACY ACT OF 2011**

6 **§ 63501. Title.**

7 **§ 63502. Statement of Purpose; Establishment of the Guam**
8 **Forest System.**

9 **§ 63503. Definitions.**

10 **§ 63504. ~~Establishment of the Guam Forest System.~~**

11 **Development of the Guam Forest System Plan.**

12 **§ 63505. ~~Guam Forest System Plan.~~ Promulgation of Rules**
13 **and Regulations.**

14 **§ 63506. Identification of Land.**

1 § 63507. ~~Collaboration and Partnership.~~ Leasing of Land
2 within the Guam Forest System.

3 § 63508. ~~Funding.~~ Collaboration and Partnership.

4 § 63509. ~~Use of Lands.~~ Funding.

5 § 63510. Protection of the Guam Forest System.

6 § 63501. **Title.** This Article *shall* be cited as the *Guam Forestry*
7 *Legacy Act of 2011.*

8 § 63502. **Statement of Purpose; Establishment of the Guam**
9 **Forest System.** The protection and conservation of natural resources
10 and natural habitats or ecosystems, open spaces and historic artifacts,
11 and land for outdoor recreation and education is of critical
12 importance to the people of Guam, to whom the land belongs, and
13 demands ever-increasing vigil and continual effort.

14 The government of Guam realizes its responsibility to further
15 allow the Department of Agriculture to meet its mandated mission of
16 developing and protecting the agriculture, natural resources, and
17 aquatic and wildlife resources of Guam, and to further set into statute
18 practices that allow for the conservation and protection of these
19 resources.

20 The purpose of this Act shall be to hereby establish the Guam
21 Forest System to augment the mandated responsibility of the
22 Department of Agriculture to carry out this mission. The System shall
23 be under the jurisdiction of the Department. The Director shall
24 coordinate with the Guam Department of Land Management to
25 identify land belonging to the government of Guam and land

1 reserved for use by the Department. Government properties
2 determined to have compatible use for the Guam Forest System shall
3 be included in an inventory.

4 **§ 63503. Definitions.** As used in this Article:

5 (a) *Department* means the government of Guam Department
6 of Agriculture.

7 (b) *Director* means the director of the government of Guam
8 Department of Agriculture.

9 (c) *System* means the Guam Forest System.

10 (d) *Inventory* means a list of lands, identified by the
11 Department of Agriculture with the assistance of government of
12 Guam Department of Land Management that can be included on a
13 list for potential Guam Forest System land use, which will be
14 recorded and ~~continually~~ updated on an annual basis and filed with
15 the Department of Land Management.

16 (e) *Recreational use* is the use of land that is not detrimental to
17 the environment, by the public, with or without charge, for any of the
18 following: ~~walking~~, hiking, picnicking, camping, ~~swimming~~, boating,
19 hunting, or other outdoor games or sports. Any fee charged,
20 ~~however~~, for the recreational use of land will shall be ~~in a~~ reasonable
21 ~~amount and~~ such that it shall not have the effect of unduly limiting its
22 use by the public.

23 (f) *Open space use* is the use or maintenance of land in such a
24 manner as to preserve its natural characteristics, beauty, or openness
25 for the benefit and enjoyment of the public, and to provide essential

1 habitat for wildlife as well as the conservation and protection of
2 natural resources.

3 (e)(g) *Compatible use* is any use determined by the
4 Department, in partnership with the Department of Parks and
5 Recreation, the Department of Land Management and the Guam
6 Environmental Protection Agency, or by this Article to be compatible
7 with the agricultural, recreational, or open space use of land within
8 the Guam Forest System. Determinations for *compatible use* must
9 account for scientific data available, which may be available through
10 various sources, including, but not limited to, the Department of
11 Agriculture's Division of Aquatic Fish and Wildlife Resources, the
12 University of Guam's Water and Environmental Research Institute of
13 the Western Pacific (WERI), the Bureau of Statistics and Plan's
14 Coastal Management Program, and the US Department of Interior's
15 Fish and Wildlife Service.

16 **§63504. — ~~Establishment of the Guam Forest System.~~**

17 ~~—There is hereby created the Guam Forest System to augment the~~
18 ~~mandated responsibility of the government of Guam Department of~~
19 ~~Agriculture. The System shall be under the jurisdiction of the~~
20 ~~Department of Agriculture. The Director shall coordinate with the~~
21 ~~Guam Department of Land Management to identify land belonging~~
22 ~~to the government of Guam and land reserved for use by the~~
23 ~~Department. Government properties determined to have compatible~~
24 ~~use for the Guam Forest System shall be included in an inventory.~~

25 **§ 63505. Development of the Guam Forest System Plan.**

1 ~~The Department shall prepare rules and regulations for the~~
2 ~~Guam Forest System. Proposed rules and regulations shall be~~
3 ~~submitted to the Governor and transmitted to the Guam Legislature~~
4 ~~for action, in accordance with the Administrative Adjudication Act.~~

5 The Department shall develop a “Guam Forest System Plan”,
6 which shall be submitted to I Maga’lahen Guahan and transmitted to I
7 Liheslaturan Guahan for approval, in accordance with the
8 Administrative Adjudication Act. This plan shall contain, but is shall
9 not be limited to:

10 (a) An inventory of land to include lot number, size and
11 location for proposed potential use in the System;

12 (b) A comprehensive and concise definition of the public
13 interest in the System;

14 (c) Proposals for the maintenance and enhancement of the
15 overall quality of the System environment;

16 (d) Stipulations for public access for recreational and
17 educational use;

18 (e) ~~Plans for the proposed~~ Proposals for land use to include
19 elements of, but not limited to:

20 (1) Education for the purpose of conservation,
21 preservation, environmental sciences, and other related
22 curriculum;

23 (2) Scientific research;

24 (3) Training for agriculture-related personnel or those
25 involved in natural resource fields and/or disciplines or

1 relative activities;

2 (4) Recreation; and

3 (5) Conservation and preservation.

4 (f) ~~Plan for proposed~~ Proposals for collaborations with
5 entities within the government of Guam or non-governmental
6 organizations for the planning, enhancement and
7 sustainability of the System;

8 (g) A list of allowable activities within the System and
9 penalties for violations;

10 (h) Recommendations for the sustainability ~~and extent of~~
11 ~~allowable development in the System,~~ including the extent to
12 which development may be allowed;

13 (i) Proposals for permits and fee schedules for the use of
14 properties of the Guam Forest System; the collection of such
15 fees shall ~~which will~~ be dedicated to the operations and
16 maintenance of the System;

17 (j) Procedures and protocols for the discovery or presence of
18 historic artifacts on government of Guam lands included in
19 the Guam Forest System; pursuant Chapter 76, Article 1 of
20 Title 21, Guam Code Annotated; and

21 (k) Procedures and protocols for identifying government or
22 privately-owned land for inclusion in the System in
23 accordance with U.S. Department of Agriculture Forest
24 Service programs criteria; and

25 (l) Procedures and protocols, which shall include a

1 component for public review, for leasing of land to be
2 included in the System to entities for purposes in accordance
3 with § 63509, *infra*.

4 **§ 63505. Promulgation of Rules and Regulations.**

5 Within ninety (90) days from the approval of the “Guam Forest
6 System Plan,” the Department shall promulgate rules and regulations,
7 in accordance with the Administrative Adjudication Act, to support
8 the Plan and the operations of the Guam Forest System. Proposed
9 rules and regulations shall be submitted to the Governor and
10 transmitted to the Guam Legislature for approval.

11 **§ 63506. Identification of Land.**

12 **(a) Inventory.** The *Department* in coordination with the
13 Department of Land Management *shall* inventory land that belongs to
14 and has been reserved for the Department that ~~are~~ is suitable for use
15 for the Guam Forestry System.

16 The Department *shall* maintain a database of the inventoried
17 land available for public reference at the Department. A copy of the
18 inventory *shall* be provided to the Speaker of *I Liheslaturan Guåhan* ~~the~~
19 ~~Guam Legislature~~ and *I Maga'lahaen Guåhan* ~~the Governor of Guam,~~
20 the Guam Department of Land Management and the Guam Bureau
21 of Planning. The inventory shall also be, and published in an
22 ~~electronic format on the Department website, if available.~~

23 **(b) Compatible Use.** Through the identification and
24 inventory process, the Director, in consultation with the Department
25 of Parks and Recreation, Department of Land Management and the

1 Guam Environmental Protection Agency, shall determine which
2 government of Guam lands properties have compatible uses for the
3 Guam Forest System pursuant to § 635083(g), supra of this Article.
4 Government land classified as Conservation Reserves pursuant to
5 Article 4 of this Chapter may be included in this inventory to carry
6 out the objectives of the Guam Forest System. Government lands
7 classified as part of the Territorial Seashore Protection Act of 1974
8 pursuant to Chapter 63, Title 21, Guam Code Annotated, may also be
9 included in said inventory.

10 (1) Challenges. Challenges to any Compatible Use
11 determination shall be made in writing, addressed to the
12 Director of the Department, and shall list the specific reasons for
13 the challenge. All challenges shall be reviewed in consultation
14 with the partnership entities identified in subsection (g), supra.
15 Partnership entities shall review each challenge and submit to
16 the Director their recommendations to reject or accept, in whole
17 or in part, any Compatible Use challenges, including
18 recommended remedies to each challenge. Findings to
19 challenges shall be periodically incorporated into the Guam
20 Forest System Plan, as appropriate.

21 (c) Memoranda of Agreement. The Department may also
22 establish a Memorandum of Understanding (MOU) Agreement (MOA)
23 with the Department of Parks and Recreation for land that is part of
24 the Department of Parks and Recreation inventory, including Guam
25 Territorial Park System reserved properties classified as *Natural*

1 *Preserves and Conservation Reserves* pursuant to § 77110 of Chapter 77,
2 Title 21, Guam Code Annotated.

3 Additionally, the Guam Environmental Protection Agency and
4 the Department of Land Management *may* also be included in said
5 MOA, or in separate MOAs, for properties under the jurisdiction of
6 the Territorial Seashore Protection Act of 1974.

7 While the Department of Agriculture has the scientific and
8 technical resources necessary to establish natural resource
9 conservation and protection practices, ~~The any such MOUAs will also~~
10 should include components for the planning and protocols of
11 maintenance and operation of the System during the planning and
12 implementation stages, given that identified land for the System may
13 fall under the purview of the Department of Parks and Recreation,
14 the Department of Land Management or the Guam Environmental
15 Protection Agency. ~~the Department has the scientific and technical~~
16 ~~resources necessary to establish natural resource conservation and~~
17 ~~protection practices.~~

18 **(d) Reservation of Land.** The Department of Agriculture
19 may also reserve land in accordance with §60105 of Article 1,
20 Division 2, Chapter 60 of Title 21, Guam Code Annotated, for future
21 use as part of the System. ~~Said~~ The inventory of identified lands shall
22 be made available at the Department or electronically published on
23 the Department website, if available.

24 **§ 635097. Leasing of Land within the Guam Forest**
25 **System.**

1 of the Western Pacific, the UOG Sustainability Office, and the Soil
2 and Water Conservation Programs;

3 (4) Guam Community College;

4 (5) Guam Energy Office;

5 (6) Bureau of Planning; ~~and,~~

6 (7) Guam Fire Department;

7 (8) Department of Land Management; and

8 (9) Non-profit organizations.

9 Any such agreements shall be established based on the need to

10 define and enhance collaboration in order to reasonably carry out the

11 creation and objectives of the Plan; and to identify potential funding

12 sources for the sustainability and enhancement of the System. The

13 ~~Director shall be responsible for the development and implementation~~

14 ~~of organizational plans related to this Article and the Guam Forest~~

15 ~~System.~~

16 **§635089. Funding.**

17 Funding for the planning and development of the Guam Forest

18 System may come from, but is not limited to, the following sources:

19 (1) Federal Assistance for Fire Control, Watershed
20 Protection and Reforestation pursuant to § 1421o and §1421p of
21 the Organic Act; and

22 (2) USDA Forest Service Grants, including programs
23 under the Cooperative Forestry Assistance Act: Community
24 Forest and Open Space Conservation Program, Forest Legacy
25 Program, Urban and Community Forestry Program, and other

1 related programs.

2 **§63509. Use of Land within the Guam Forest System.**

3 ~~Land that is part of the Guam Forest System shall not be sold,~~
4 ~~but may be leased to other entities pursuant to §63504 *supra*, for any~~
5 ~~purpose other than provided that leased land shall be used only for~~
6 ~~the following purposes:~~

7 (a) ~~Recreation, excluding activities that are detrimental to the~~
8 ~~environment, such as off-roading;~~

9 (b) ~~Education;~~

10 (c) ~~Training for Department of Agriculture Forestry & Soil~~
11 ~~Resources Division or other related activities; and,~~

12 (d) ~~Protection and preservation of natural resources and~~
13 ~~historic artifacts.~~

14 Any use inconsistent with this Act will be considered a
15 violation of law and offenders will be subject to penalties pursuant to
16 §63504(g) *supra* and prosecution.

17 **§63510. Protection of the Guam Forest System.**

18 Department of Agriculture Conservation Officers shall use the
19 authority given to them as defined in §63103 and §63103.1 of Chapter
20 63, Title 5, Guam Code Annotated, to serve as peace officers to carry
21 arms, to make arrests and to issue citations for violations, and shall be
22 assisted by law enforcement entities responsible for enforcing the
23 laws of Guam and federal mandates.”

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
 COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
 AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Minãtrentai Unu na Libeslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

PUBLIC HEARING SIGN-IN SHEET

Thursday, December 15, 2011 - 2:00 PM

I Libeslatura • Public Hearing Room • Hagåtña, Guam

Bill No. 382-31 (COR) - Aline Yamashita PhD - "AN ACT RELATIVE TO ESTABLISHING THE GUAM FOREST SYSTEM BY ADDING A NEW ARTICLE 5 TO CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED; AND, CITING THIS ARTICLE AS THE "GUAM FORESTRY LEGACY ACT OF 2011."

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Mary Cruz	Agriculture	Support	✓	✓	735-3962	camp@1640-030.com
PETER S. CACAO	DPR	Support	✓	✓	475-6296	peter.s.cacao@dpr.guam
MICHAEL CUM	DPR	Support	✓	✓	475-6288	Michael.Cum@dpr.guam
JOE MAPAS	Agriculture	Support	✓	✓	735-3949/51	jmapas@1120.khathail.com
Alicia Los Gueros	Ayuda Foundation	Support	✓	✓	688-4753	alicia@ayudafund.com
Romy Gutierrez	SUCD	Support	✓	✓	777-2595	romy@sucd.guam

**Written Public Testimony of Dr. Scott J. Josiah, State Forester and Director
Nebraska Forest Service**

**Submitted to the Thirty-First Guam Legislature
Hearing on Bill No. 382-31 (COR) Guam Forestry Legacy Act of 2011
December 14, 2011**

I am writing today to encourage the Guam Legislature to support Bill No. 382-31 to establish the Guam Forest System.

At the outset, I need to state my connection to Guam, as you are probably wondering why the State Forester from Nebraska is weighing in on this legislation. I served as Fire Protection Forester in the Guam Forestry Division from 1980-1984. I very much enjoyed my service and grew to greatly value the beauty of the island, as well as its people. Guam will always have a warm spot in my heart. As Fire Protection Forester I became very familiar with the islands natural resources, especially its forest resources.

At the time we were very involved in determining how to arrest the degradation of the interior soil and water resources of southern Guam through tree planting and forest restoration. That work has continued to the point where Cotal Reserve is now largely forested, a major achievement that will have long lasting positive impacts on the land and coastal resources of southern Guam.

I have been lucky enough to visit Guam several times over the years, most recently in May of 2011, and have observed the dramatic development and urbanization over much of the island. It is clear that should present trends continue over the next several decades, compounded by military expansion, there will be little open space left. Guam will have become a fully urbanized island. This would be a truly unfortunate, potentially unsustainable outcome. It would have severe and negative impacts on water quantity and quality, coastal fisheries, recreational and cultural opportunities for the people of Guam, aesthetics, tourism and would further disconnect future generations from the natural world that islanders in particular absolutely have to understand.

This is timely and important legislation. I believe it is clearly time to protect key forest lands from development, while they are still available. Such lands should be included in a Guam Forest System. Other island states like Hawaii and Palau have been successful in creating such reserves to protect critically important watersheds that generate multiple benefits over many generations. Their foresight in protecting these lands has created a flow of benefits (especially water) that is supporting additional development outside the reserves.

I encourage the Guam Legislature to find the foresight and wisdom to protect these lands islandwide to forever conserve these critically important resources so important to future sustainable development, and to protect and preserve the benefits that all islanders enjoy and indeed depend upon.

Thank you and Hafa Adai.



December 14, 2011

The Honorable Rory J. Respicio, Chairperson
Committee on Rules; Federal, Foreign, & Micronesian Affairs; and Human & Natural Resources
Thirty-First Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910

SUBMITTED VIA EMAIL TO cor@guamlegislature.org and FAX TO (671) 472-3547

Dear Senator Respicio:

I wish to submit the attached written testimony on behalf of the National Association of State Foresters (NASF) regarding the Hearing on Bill No. 382-31 (COR) Guam Forestry Legacy Act of 2011.

As a national non-profit and non-partisan organization, NASF respects the sovereign government of Guam and will not presume to comment on specific aspects of the bill. The purpose of our testimony is to express support for creating a Guam Forest System under the jurisdiction of the Guam Department of Agriculture as budgets, legal authorities, and public support allow.

I very much appreciate your leadership on natural resource issues. Thank you for the opportunity to comment.

Sincerely,

Jay Farrell
Executive Director

Attachment: Written Public Testimony (2 pages)

Executive Director
Jay Farrell

2012 Executive Committee

President John T. Shannon, Arkansas
Vice President C. Randy Dye, West Virginia
Treasurer Chris Maisch, Alaska
Past President Jeff Jahnke, Colorado

Northeastern Representative
Western Representative
Southern Representative

Christopher Martin, Connecticut
Scott Josiah, Nebraska
Linda Casey, Alabama

**Written Public Testimony of Jay Farrell, Executive Director
National Association of State Foresters**

Submitted to the Thirty-First Guam Legislature

Hearing on Bill No. 382-31 (COR) Guam Forestry Legacy Act of 2011

December 14, 2011

The National Association of State Foresters (NASF) appreciates the opportunity to submit written public testimony to the Thirty-First Guam Legislature on Bill No. 382-31 (COR) Guam Forestry Legacy Act of 2011. As a national organization, NASF respects the sovereign government of Guam and will not presume to comment on specific aspects of the bill. However, NASF wishes to express support for creating a Guam Forest System as budgets, legal authorities, and public support allow. States have provided many economic, environmental, and social benefits to their citizens by managing State Forests for multiple uses.

The National Association of State Foresters (NASF) is a non-profit and non-partisan organization based in Washington, DC representing forestry agencies from all 50 states, 8 U.S. territories and associated states, and the District of Columbia. NASF promotes programs and policies that advance the management, conservation, and protection of trees, forests, and associated resources in all environments including islands and urban areas.

At the federal level, President Theodore Roosevelt and Congress recognized the conservation value of government-owned forestland in meeting multiple public needs in the early 1900's. Responsibilities for managing the nation's forest reserves were placed under the United States Department of Agriculture (USDA) Forest Service in 1905. States share a similar history in establishing State Forest systems.

Many states have realized the economic, environmental, and social benefits that accrue from State Forest systems. Forty-five (45) states collectively own, control, and manage 70.5 million acres of state-owned forestland.¹ State Forest systems in six states (Alaska, Florida, Michigan, Minnesota, Pennsylvania, and Washington) exceed one million acres. The natural and political environments vary greatly among states and influence State Forest management priorities and opportunities. A key unifying principle is that State Forests are managed based on the multiple-use concept. Resource professionals apply the best mix of diverse uses to maximize public benefits and meet resource needs. This can include everything from forest products production to outdoor education and recreation.

¹ 2010 NASF State Forestry Statistics Survey

Benefits of the Guam Forest System to the government and citizens of Guam should be similar to the benefits provided by other State Forests. These could include:

- An economic asset stimulating the economies of adjacent communities and supporting jobs. Regulated commercial and non-commercial uses could provide opportunities to generate revenue to support the System;
- Controlled land and activities that could contribute to public-private partnerships and private sector investments in wood products, fruit, agriculture, and recreation industries;
- A tourist attraction bringing hikers, outdoor recreationists and eco-tourists to the island;
- Permanent protection for sensitive areas and watersheds that protect coral reefs;
- A stable land base conducive to long-term scientific research and partnerships with universities and conservation organizations. This could attract new research dollars and potentially help Guam address problems such as Rhinoceros beetles and rising sea levels;
- Demonstration areas for educating the public and showcasing best management practices for managing forests, fire, and invasive species;
- The Guam Forest System could serve as a center of excellence throughout the Pacific region to enhance training opportunities for forestry and agricultural workers and natural resource professionals.

In conclusion, the National Association of State Foresters (NASF) believes the government and people of Guam will realize many economic, environmental, and social benefits through the establishment of the proposed Guam Forest System. As budgets and public support allow, NASF encourages the government of Guam to establish the Guam Forest System under the jurisdiction of the Guam Department of Agriculture.

Thank you for the opportunity to comment.



Department of Agriculture Dipattamenton Agrikottura

163 Dairy Road, Mangilao, Guam 96913



Eddie Baza Calvo
Governor

Ray Tenorio
Lt. Governor

Director's Office	734-3942/43; Fax 734-6569
Agricultural Dev. Services	734-3946/735-3950
Animal Health	734-3943
Aquatic & Wildlife Resources	735-3955/56; Fax 734-6570
Forestry & Soil Resources	735-3949/51; Fax 734-0111
Plant Nursery	734-3949
Plant Inspection Facility	475-1426/27; Fax 477-9487
www.agriculture.guam.gov	

Mariquita F. Taitague
Director

Manuel Q. Cruz
Deputy Director

TESTIMONY
BEFORE THE
COMMITTEE ON RULES, FEDERAL, FOREIGN &
MICRONESIAN AFFAIRS, AND HUMAN & NATURAL RESOURCES
31ST GUAM LEGISLATURE
PUBLIC HEARING ROOM
THURSDAY, DECEMBER 15, 2011

Mr. Chairman and Members of the Committee:

Good afternoon! I am Mariquita F. Taitague, currently the Director of the Guam Department of Agriculture. I come before your Committee to testify in favor of Bill No. 382-31 (COR), an act relative to establishing the Guam Forest System by adding a new Article 5 to Chapter 63, Title 5, Guam Code Annotated; and citing this Article as the "Guam Forestry Legacy Act of 2011". We at the Department understand that it is the intention of the Bill's Sponsor in introducing the bill "to strengthen and support the Guam Department of Agriculture's mission of developing and protecting the agriculture, natural resources, and aquatic and wildlife resources. It is in light of this intent that we welcome and fully support the establishment of the Guam Forest System.

For too long, we have been relying on the U.S. Government to provide assistance through the U.S. Department of Agriculture (USDA) State and Private Cooperative Forestry Assistance Act of 1978, and, over the years, we have been granted technical and financial assistance in four (4) forestry programs, namely, Forest Health Management, Forest Stewardship, Urban & Community Forestry, and Fire Protection.. I believe that it is time for Guam to consider having its own State Forestry Service, similar to the U.S. Forest Service in USDA.

Currently, the Department only has a Division of Forestry & Soil Resources, whose main mission is to conserve, protect and enhance Guam's vegetative environment and sustain its natural resources, specifically soil, water, and air quality, soil quality. Under the proposed Guam Forest System, this Division will be greatly impacted.

As provided in Section 63505, the Guam Forest System Plan appears to be a well-developed and well-thought out plan. It will be a real challenge for the Department to carry it out. But, again, without additional financial resources and personnel, it would not be that easy to implement. The bill does make reference to funding in Section 63508, but the funding sources seem limited to just federal grant-in-aid applications. The Department may want to consider generating local revenues by charging user fees, such as for propagating seedlings and for land clearing permits.

The Identification of Land, as provided in Section 63506, is going to be the key in the development of the Guam Forest System. In the past, there have been a few attempts to reserve government real property for future use by the Department, but, unfortunately, they have not been successful due to a lack of cooperation and collaboration among agencies. In this regard, it is noted in Section 63507, that the bill is offering a mechanism that would define and enhance collaboration through partnerships and organizational cooperation among several important agencies.

Based on the above, we offer our support of the bill and we urge the Committee to consider passing the bill for consideration by the entire body of the Guam Legislature.

Thank you for providing me with the opportunity to offer testimony on Bill No. 382-31 (COR). Si Yu'us Ma'ase!


MARIQUITA F. TALTAGUE



Eddie Baza Calvo
Governor

Ray Tenorio
Lt. Governor

Department of Parks and Recreation

Government of Guam

490 Chalan Palasyo

Agana Heights, Guahan 96910

Director's Office: (671) 475-6296 / 6288 / 6289

Facsimile: (671) 477-0997

Guahan Historic Resources Division: (671) 475-6295

Facsimile: (671) 477-2822

Hagatna Tennis Court: (671) 472-6270



Peter S. Calvo
Acting Director

Senator Aline A. Yamashita, PhD
104 Orlean Plaza
Tamuning, Guam 96913

Department of Parks and Recreation
Testimony on Bill No. 382-31

Subject: ARTICLE 5, CHAPTER 63 GUAM FORESTRY LEGACY ACT OF 2011

Hafa Adai Honorable Senator Yamashita:

Buenas! Department of Parks and Recreation (DPR) has reviewed the above subject draft propose bill. DPR acknowledges your efforts to assist the Department of Agriculture by the creation of this new Chapter 63 Article 5 GCA that will establish the Guam Forestry Legacy Act of 2011. We are encouraged that this draft propose bill through the creation of a "Guam Forestry System" plans for proposed collaborations with entities within the government of Guam for the planning, enhancement and sustainability of the System. While we support the concept, we are concerned of the notion of reestablishing properties and missions of our respective departments.

In this draft propose bill §63506 Identification of Land, it states the following:

"Through the identification and inventory process, the Director **(of Agriculture)** shall determine which government of Guam land properties have compatible uses for the Guam Forest System pursuant to §63508 of this Article. Government land classified as *Conservation Reserves* pursuant to Article 4 of this Chapter may be included in this inventory to carry out the objectives of the Guam Forest System. The Department of Agriculture may also establish a *Memorandum of Understanding* (MOU) with the Department of Parks and Recreation for land that is part of the Department of Parks and Recreation inventory, including Guam Territorial Park System reserved properties classified as *Natural Preserves* and *Conservation Reserves* pursuant to § 77110 of Chapter 77, Title 21, Guam Code Annotated. The MOU will also include components for the planning and protocols of maintenance and operation of the System during the planning and implementation stages, given that identified land for the System may fall under the purview of the Department of Parks and Recreation, and that the Department of Agriculture has the scientific and technical resources necessary to establish natural resource conservation and

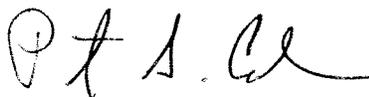
protection practices. The Department of Agriculture may also reserve land in accordance with §60105 of Article 1, Division 2, Chapter 60 of Title 21, Guam Code Annotated, for future use as part of the *System*. Said inventory shall be made available at the Department or electronically on the Department website, if available.”

After careful review of information contained in the draft propose bill in its entirety, DPR acknowledges that there will be collaboration between our agency and Department of Agriculture in the future development of the Guam Forestry System. DPR would like to raise concern however, and further discuss the subject of *Recreation use and Opens Space use* as it pertains to the subject bill. DPR would like to make certain that there is no duplication of efforts in reference to this matter. Additionally, properties under DPR purview must remain in tact, so as our mission to provide a Territorial Park system may not be compromised.

While we welcome the collaboration with the Department of Agriculture, as they do provide knowledgeable expertise, our missions are different. However, there is a considerable overlapping of property resources that we both protect for the public’s benefit. **Properties that are already reserved should remain so with the added designation as a Forrest System.** Many of our properties are also historic by nature and have a complete set of regulations for compliance. The memorandum of understanding **should be a MOA** for greater collaboration and enforcement, and would be key in defining and establishing a sound and workable relationship for the stewardship of public properties we protect for our watershed and our peoples quality of life. Furthermore it **should include the Department of Land Management and Guam EPA**, similar to the Guam Territorial Seashore Park as authorized by EO 78-42, and the Guam Outdoor Recreation Plan and the Guam Historical Preservation Plan. All these plans and authorizations are complementary and should be considered in the final configuration of this bill. Each department is intricately tied and synergistically bound by their mandates to support this worthwhile intent of this bill.

In summary, we are in support of passage of the intended concept this bill provides, but request changes be made to secure and define our missions and objectives. We salute your efforts to make this come to fruition. . Should you have any questions or concerns regarding this matter, please feel free to contact me at 475-6288. *Si Yu’os Ma’ase’*

Sincerely,



PETER S. CALVO
Acting Director



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

December 27, 2011

Memorandum

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

To: **Pat C. Santos**
Clerk of the Legislature

MAJORITY MEMBERS:

From: **Senator Judith P. Guthertz, DPA**
Acting Chairperson, COR

Speaker
Judith T. Won Pat

Subject: **Fiscal Notes**

Vice Speaker
Benjamin J. F. Cruz

Hafa Adai!

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Bill No.: 361-31 (COR) 384-31 (COR)
373-31 (COR) 344-31 (COR)
382-31 (COR)

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Si Yu'os ma'åse'!

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

7-11-11 9:54 AM

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

JOHN A. RIOS
DIRECTOR

STEPHEN J. GUERRERO
DEPUTY DIRECTOR

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is the Fiscal Note on the following Bill Nos.: **382-31(COR)**.

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.


JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 382-31 (COR)**

AN ACT RELATIVE TO ESTABLISHING THE GUAM FOREST SYSTEM BY ADDING A NEW ARTICLE 5 TO CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED; AND CITING THIS ARTICLE AS THE "GUAM FORESTRY LEGACY ACT OF 2011".

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Agriculture	Dept./Agency Head: Mariquita F. Taitague, Director
Department's General Fund (GF) appropriation(s) to date:	2,876,479
Department's Other Fund (Specify) appropriation(s) to date: Plant Inspection and Permit Fund	83,817
Total Department/Agency Appropriation(s) to date:	\$2,960,296

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2011 Unreserved Fund Balance ¹		\$0	\$0
FY 2012 Adopted Revenues	\$0	\$0	\$0
FY 2012 Appro. (P.L. 31-75 & 31-77)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2012 (if applicable)	FY 2013	FY 2014	FY 2015	FY 2016
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	1/	1/	1/	1/	1/	1/

- Does the bill contain "revenue generating" provisions? // Yes /X/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A // Yes // No
If no, what is the additional amount required? \$ _____ /X/ N/A
- Does the Bill establish a new program/agency? // Yes /X/ No
If yes, will the program duplicate existing programs/agencies? // N/A // Yes /X/ No
Is there a federal mandate to establish the program/agency? // Yes /X/ No
- Will the enactment of this Bill require new physical facilities? // Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes // No
// Requested agency comments not received by due date: _____ // Other: _____

Analyst: <u>Jean Mangona</u> Jean Mangona, BMA II	Date: <u>12/10/11</u>	Director: <u>John A. Rios</u> John A. Rios, Director	Date: <u>12/19/11</u>
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Footnotes:
1/ As noted under Bill 382-31 (COR) funding for the Guam Forest System would come primarily from Department of Agriculture's current federal sources, however, there is potential impact from local funds as these federal programs may require local matching funds. The Department of Agriculture recommends generating local revenues by charging user fees, such as for propagating seedling and for land clearing permits to provide the operational funding for the program.



COMMITTEE ON RULES

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

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Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

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Senator
Aline A. Yamashita
ASST. MINORITY LEADER

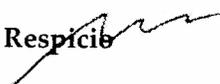
Senator
Christopher M. Duenas

November 28, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio 

Subject: Referral of Bill Nos. 382-31(COR) through 384-31 (COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 382-31 (COR) through 384-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(3) Attachment

Bill Nos.	Sponsor	Title	Date Introduced	Date Referred	120 Day Deadline	Cmte Referred	Public Hearing Date	Date Committee Report Filed	Status
382-31 (COR)	Aline A. Yamashita, Ph.D.	AN ACT RELATIVE TO ESTABLISHING THE GUAM FOREST SYSTEM BY ADDING A NEW ARTICLE 5 TO CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED, AND, CITING THIS ARTICLE AS THE "GUAM FORESTRY LEGACY ACT OF 2011."	11/22/11 11:36 a.m.	11/28/2011		Committee on Rules, Federal Foreign & Micronesian Affairs and Human & Natural Resources			

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Mina'trentai Unu na Liheslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

December 7, 2011

MEMORANDUM

To: All Members
Committee on Rules; Federal, Foreign & Micronesia Affairs; and Human & Natural Resources

From: Senator Rory J. Respicio 

Subject: First Notice of Public Hearing – Thursday, December 15, 2011, 2:00 P.M.

Håfa Adai! Please be advised that I will be conducting a **public hearing on Thursday, December 15, 2011, beginning at 2:00 P.M.**, in the Public Hearing Room to receive testimony on the following items (to be heard in the order indicated):

1. Bill No. 379-31 (COR) – B.J.F. Cruz – “AN ACT TO AMEND § 7118.1 OF TITLE 22 OF THE GUAM CODE ANNOTATED; RELATIVE TO CERTIFICATION AND EMPLOYMENT OF NON-IMMIGRANT ALIEN TEMPORARY WORKERS AND RELATED RULES AND FINES.”
2. Bill No. 382-31 (COR) – A.A. YAMASHITA – “AN ACT RELATIVE TO ESTABLISHING THE GUAM FOREST SYSTEM BY ADDING A NEW ARTICLE 5 TO CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED; AND, CITING THIS ARTICLE AS THE "GUAM FORESTRY LEGACY ACT OF 2011.”

Written testimony should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesia Affairs; and Human & Natural Resources, and may be submitted via email to cor@guamlegislature.org; fax to (671) 472-3547; or hand-delivery/mail to 155 Hesler Place, Hågatña, Guam 96910. Should special assistance or accommodations be required, please contact Elaine Tajalle at my office at (671) 472-7679 or by e-mail at etajalle@guamlegislature.org. *Si Yu'os ma'åse'!*

cc: All Senators
Clerk of the Legislature
Legal Counsel
Sergeant-at-Arms/AV
MIS



Rory Respicio <cor@guamlegislature.org>

1st Notice of Public Hearing: Thu, Dec 15, 2011, 2pm

Senator Rory J. Respicio <cor@guamlegislature.org>
To: phnotice@guamlegislature.org

Wed, Dec 7, 2011 at 10:59 AM

Hafa Adai,

Please see attached for the first notice of the public hearing scheduled for Thursday, December 15, 2011 at 2:00 pm in the PH Room on the following bills:

1. Bill No. 379-31 (COR) – B.J.F. Cruz – “AN ACT TO AMEND § 7118.1 OF TITLE 22 OF THE GUAM CODE ANNOTATED; RELATIVE TO CERTIFICATION AND EMPLOYMENT OF NON-IMMIGRANT ALIEN TEMPORARY WORKERS AND RELATED RULES AND FINES.”
2. Bill No. 382-31 (COR) – A.A. YAMASHITA – “AN ACT RELATIVE TO ESTABLISHING THE GUAM FOREST SYSTEM BY ADDING A NEW ARTICLE 5 TO CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED; AND, CITING THIS ARTICLE AS THE "GUAM FORESTRY LEGACY ACT OF 2011.”

Thank you,
Rory

--

Rory J. Respicio
Senator

Majority Leader and Chairperson
Committee on Rules;
Federal, Foreign & Micronesian Affairs;
and Human & Natural Resources
I Mina'Trentai Unu Na Liheslaturan Guåhan
155 Hesler Place, Ste. 302
Hagåtña, Guam 96910
Phone: (671) 472-7679
Fax: (671) 472-3547



2011.12.07_Memo to All Sens_RE-2011.12.15 PH Notice1.pdf

152K

Listserv: phnotice@guamlegislature.org

As of Nov. 23, 2011

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SENATOR RORY J. RESPICIO

MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Minã'trentai Unu na Libeslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

December 7, 2011

For Immediate Release

First Notice of Public Hearing

Thursday, December 15, 2011, 2:00 P.M.

(Hagåtña, Guam) Please be advised that Senator Rory Respicio, in his capacity as the Chairperson of the Committee on Rules; Federal, Foreign & Micronesian Affairs; and Human & Natural Resources, will be conducting a public hearing on **Thursday, December 15, 2011, beginning at 2:00 P.M.** in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on the following bills:

1. **Bill No. 379-31 (COR)** – B.J.F. CRUZ – “AN ACT TO AMEND § 7118.1 OF TITLE 22 OF THE GUAM CODE ANNOTATED; RELATIVE TO CERTIFICATION AND EMPLOYMENT OF NON-IMMIGRANT ALIEN TEMPORARY WORKERS AND RELATED RULES AND FINES.”
2. **Bill No. 382-31 (COR)** – A.A. YAMASHITA – “AN ACT RELATIVE TO ESTABLISHING THE GUAM FOREST SYSTEM BY ADDING A NEW ARTICLE 5 TO CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED; AND, CITING THIS ARTICLE AS THE "GUAM FORESTRY LEGACY ACT OF 2011.”

Copies of these bills are included with the notice and can also be accessed through the links above or by visiting the Guam Legislature's website at www.guamlegislature.com. Testimony should be addressed to Senator Rory J. Respicio, Chairperson, and may be submitted via hand-delivery/mail to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910; via e-mail to cor@guamlegislature.org; or via facsimile to (671) 472-3547. Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Elaine Tajalle at 472-7679.

###



Rory Respicio <cor@guamlegislature.org>

1st Notice of Public Hearing: Thu, Dec 15, 2011, 2pm

Senator Rory J. Respicio <cor@guamlegislature.org> Wed, Dec 7, 2011 at 11:00 AM

Bcc: hottips@kuam.com, mvariety@pticom.com, news@guampdn.com, news@k57.com, alerta.jermaine@gmail.com, sem@guamlegislature.org, carlo.branch@gmail.com, jmartinez@guamlegislature.org, edleonguerrero@gmail.com, oliviampalacios@gmail.com, jmesngon.senatorrodriguez@gmail.com, cherbert.senatorrodriguez@gmail.com, chechsantos@gmail.com, cdecret@gmail.com, Doreen.garcia80@gmail.com, val.g@senatormabini.com, steve@believeinguam.com, lou4families@gmail.com, tanya4families@gmail.com, leonguerrero.angela@gmail.com, jcamacho@senatorada.org, evelyn4families@gmail.com, louise_atalig@yahoo.com, tuasoned@gmail.com, elainemcdonald55@yahoo.com, coy@senatorada.org, markaflague@gmail.com, jane@guam.net, Audrey@judiwonpat.com, psantos@guamlegislature.org, maryfejeran@gmail.com, sayama01@yahoo.com, rtaitague@guamlegislature.org, jmanibusan.senatorrodriguez@gmail.com, tcastro@guam.net, chris.carillo@senatorbjcruz.com, smendiola@guamlegislature.org, aokada@guamlegislature.org, nsantos@senatorada.org, garrett.duenas@senatorbjcruz.com, herbie@judiwonpat.com, cyrus@senatorada.org, santos.duenas@gmail.com, mcarlson@guamlegislature.org, doc.wyppenbachsantos@gmail.com, juliette@senatorada.org, peterlg@gmail.com, rob.tupaz@gmail.com, cmunabrecht@guamlegislature.org, etajalle@guamlegislature.org, cipo@guamlegislature.org, lya.mesa@senatorbjcruz.com, mike.lidia@senatorbjcruz.com, carlos.pangelinan@senatorbjcruz.com, sonedera-salas@guamlegislature.org, rlikeke05@gmail.com, edpocaigue@judiwonpat.com, jamespcastro@gmail.com, bruce.lloyd.media@gmail.com, mtorres.senatorrodriguez@gmail.com, frankaguon23@gmail.com, office@senatorada.org, floterlaje@gmail.com, marymaravilla19@gmail.com, phillipsguam@gmail.com, mlwheeler2000@yahoo.com, hansonguam@gmail.com, mspeps@hotmail.com, eugenemarques@gmail.com, pris@senatorpalacios.com, Jason@senatorpalacios.com, Jennifer@senatorpalacios.com, Julian@senatorpalacios.com, teddytaz@ite.net, jean@tinamunabarnes.com, ben@senatorpalacios.com,acruz@guamlegislature.org, ccolbert@guamlegislature.org, foppus@guamlegislature.org, jtaisague@guamlegislature.org, tchargualaf@guamlegislature.org, scepeda@guamlegislature.org, dtaimanglo@guamlegislature.org, miracle.m@senatormabini.com, jeff.m@senatormabini.com, clerks@guamlegislature.org, tinaokada@gmail.com, uriah@tinamunabarnes.com, sarah.nededog@senatorbjcruz.com, colleen@judiwonpat.com, tterlaje@guam.net, vparriola1@gmail.com, "Benjamin JF Cruz" <senator@senatorbjcruz.com>, "Sam Mabini" <senatorsam@senatormabini.com>, "Adolpho B. Palacios, Sr." <senator@senatorpalacios.com>, "Aline A. Yamashita, Ph.D" <aline4families@gmail.com>, "Christopher M. Duenas" <duenasenator@gmail.com>, "Dennis G. Rodriguez" <senatorrodriguez@gmail.com>, "Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, "Judith T. Won Pat, Ed.D."

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Hafa Adai,

Please see attached for the first notice of the public hearing scheduled for Thursday, December 15, 2011 at 2:00 pm in the PH Room on the following bills:

1. Bill No. 379-31 (COR) – B.J.F. Cruz – “AN ACT TO AMEND § 7118.1 OF TITLE 22 OF THE GUAM CODE ANNOTATED; RELATIVE TO CERTIFICATION AND EMPLOYMENT OF NON-IMMIGRANT ALIEN TEMPORARY WORKERS AND RELATED RULES AND FINES.”
2. Bill No. 382-31 (COR) – A.A. YAMASHITA – “AN ACT RELATIVE TO ESTABLISHING THE GUAM FOREST SYSTEM BY ADDING A NEW ARTICLE 5 TO CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED; AND, CITING THIS ARTICLE AS THE "GUAM FORESTRY LEGACY ACT OF 2011.”

Thank you,
Rory

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Rory J. Respicio
Senator

Majority Leader and Chairperson

Committee on Rules;
Federal, Foreign & Micronesian Affairs;
and Human & Natural Resources
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SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Mina'trentai Unu na Libeslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

December 13, 2011

MEMORANDUM

To: All Members
Committee on Rules; Federal, Foreign & Micronesian Affairs; and Human & Natural Resources

From: Senator Rory J. Respicio

Subject: Second Notice of Public Hearing – Thursday, December 15, 2011, 2:00 P.M.

Håfa Adai! Please be reminded that I will be conducting a **public hearing on Thursday, December 15, 2011, beginning at 2:00 P.M.**, in the Public Hearing Room to receive testimony on the following items (to be heard in the order indicated):

1. Bill No. 379-31 (COR) – B.J.F. Cruz – “AN ACT TO AMEND § 7118.1 OF TITLE 22 OF THE GUAM CODE ANNOTATED; RELATIVE TO CERTIFICATION AND EMPLOYMENT OF NON-IMMIGRANT ALIEN TEMPORARY WORKERS AND RELATED RULES AND FINES.”
2. Bill No. 382-31 (COR) – A.A. YAMASHITA – “AN ACT RELATIVE TO ESTABLISHING THE GUAM FOREST SYSTEM BY ADDING A NEW ARTICLE 5 TO CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED; AND, CITING THIS ARTICLE AS THE "GUAM FORESTRY LEGACY ACT OF 2011.”

Written testimony should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesian Affairs; and Human & Natural Resources, and may be submitted via email to cor@guamlegislature.org; fax to (671) 472-3547; or hand-delivery/mail to 155 Hesler Place, Hågatña, Guam 96910. Should special assistance or accommodations be required, please contact Elaine Tajalle at my office at (671) 472-7679 or by e-mail at etajalle@guamlegislature.org. *Si Yu'os ma'åse'!*

cc: All Senators
Clerk of the Legislature
Legal Counsel
Sergeant-at-Arms/AV
MIS



Rory Respicio <cor@guamlegislature.org>

2nd Notice of Public Hearing: Thu, Dec 15, 2011, 2pm

Senator Rory J. Respicio <cor@guamlegislature.org>
To: phnotice@guamlegislature.org

Tue, Dec 13, 2011 at 3:24 PM

Hafa Adai,

Please see attached for the second notice of the public hearing scheduled for Thursday, December 15, 2011 at 2:00 pm in the PH Room on the following bills:

1. Bill No. 379-31 (COR) – B.J.F. Cruz – “AN ACT TO AMEND § 7118.1 OF TITLE 22 OF THE GUAM CODE ANNOTATED; RELATIVE TO CERTIFICATION AND EMPLOYMENT OF NON-IMMIGRANT ALIEN TEMPORARY WORKERS AND RELATED RULES AND FINES.”

2. Bill No. 382-31 (COR) – A.A. YAMASHITA – “AN ACT RELATIVE TO ESTABLISHING THE GUAM FOREST SYSTEM BY ADDING A NEW ARTICLE 5 TO CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED; AND, CITING THIS ARTICLE AS THE "GUAM FORESTRY LEGACY ACT OF 2011.”

Thank you,
Rory

--

Rory J. Respicio
Senator

Majority Leader and Chairperson
Committee on Rules;
Federal, Foreign & Micronesian Affairs;
and Human & Natural Resources
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SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Minã'trentai Unu na Libeslaturan Guãhan
THIRTY-FIRST GUAM LEGISLATURE

December 13, 2011
For Immediate Release

Second Notice of Public Hearing
Thursday, December 15, 2011, 2:00 P.M.

(Hagåtña, Guam) Please be reminder that Senator Rory Respicio, in his capacity as the Chairperson of the Committee on Rules; Federal, Foreign & Micronesia Affairs; and Human & Natural Resources, will be conducting a public hearing on **Thursday, December 15, 2011, beginning at 2:00 P.M.** in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on the following bills:

1. **Bill No. 379-31 (COR)** – B.J.F. CRUZ – “AN ACT TO AMEND § 7118.1 OF TITLE 22 OF THE GUAM CODE ANNOTATED; RELATIVE TO CERTIFICATION AND EMPLOYMENT OF NON-IMMIGRANT ALIEN TEMPORARY WORKERS AND RELATED RULES AND FINES.”
2. **Bill No. 382-31 (COR)** – A.A. YAMASHITA – “AN ACT RELATIVE TO ESTABLISHING THE GUAM FOREST SYSTEM BY ADDING A NEW ARTICLE 5 TO CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED; AND, CITING THIS ARTICLE AS THE “GUAM FORESTRY LEGACY ACT OF 2011.”

Copies of these bills are included with the notice and can also be accessed through the links above or by visiting the Guam Legislature's website at www.guamlegislature.com. Testimony should be addressed to Senator Rory J. Respicio, Chairperson, and may be submitted via hand-delivery/mail to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910; via e-mail to cor@guamlegislature.org; or via facsimile to (671) 472-3547. Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Elaine Tajalle at 472-7679.

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Rory Respicio <cor@guamlegislature.org>

2nd Notice of Public Hearing: Thu, Dec 15, 2011, 2pm

Senator Rory J. Respicio <cor@guamlegislature.org> Tue, Dec 13, 2011 at 3:28 PM

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Hafa Adai,

Please see attached for the second notice of the public hearing scheduled for Thursday, December 15, 2011 at 2:00 pm in the PH Room on the following bills:

1. Bill No. 379-31 (COR) – B.J.F. Cruz – “AN ACT TO AMEND § 7118.1 OF TITLE 22 OF THE GUAM CODE ANNOTATED; RELATIVE TO CERTIFICATION AND EMPLOYMENT OF NON-IMMIGRANT ALIEN TEMPORARY WORKERS AND RELATED RULES AND FINES.”
2. Bill No. 382-31 (COR) – A.A. YAMASHITA – “AN ACT RELATIVE TO ESTABLISHING THE GUAM FOREST SYSTEM BY ADDING A NEW ARTICLE 5 TO CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED; AND, CITING THIS ARTICLE AS THE "GUAM FORESTRY LEGACY ACT OF 2011.”

Thank you,
Rory

—
Rory J. Respicio
Senator

Majority Leader and Chairperson
Committee on Rules;

Federal, Foreign & Micronesia Affairs;
and Human & Natural Resources
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SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Mina'trentai Unu na Libeslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

PUBLIC HEARING
Thursday, December 15, 2011 • 2:00 PM
Legislature's Public Hearing Room • Hagåtña, Guam

AGENDA

- I. Call to Order**
- II. Announcements**
- III. Items for Public Consideration**
 - 1. Bill No. 382-31 (COR) – Aline Yamashita, PhD– “AN ACT RELATIVE TO ESTABLISHING THE GUAM FOREST SYSTEM BY ADDING A NEW ARTICLE 5 TO CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED; AND, CITING THIS ARTICLE AS THE "GUAM FORESTRY LEGACY ACT OF 2011.”**
 - 2. Bill No. 379-31 (COR) – B.J.F. Cruz – “AN ACT TO AMEND § 7118.1 OF TITLE 22 OF THE GUAM CODE ANNOTATED; RELATIVE TO CERTIFICATION AND EMPLOYMENT OF NON-IMMIGRANT ALIEN TEMPORARY WORKERS AND RELATED RULES AND FINES.”**
- IV. Closing Remarks**
- V. Adjournment**

For copies of the above mentioned bills, please visit the Guam Legislature's website at www.guamlegislature.com. Testimony should be addressed to Senator Rory J. Respicio, Chairperson, and may be submitted via hand-delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, via e-mail to cor@guamlegislature.com, or via facsimile to (671) 472-3547. Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Elaine Tajalle at our office. For more information, please call 472-7679. We look forward to your attendance and participation. *Si Yu'os ma'åse'!*

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

BILL NO. 382-31 (COR)

Introduced by:

Aline A. Yamashita, PhD 

**AN ACT RELATIVE TO ESTABLISHING THE GUAM
FOREST SYSTEM BY ADDING A NEW ARTICLE 5 TO
CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED;
AND, CITING THIS ARTICLE AS THE "GUAM
FORESTRY LEGACY ACT OF 2011."**

2011 NOV 22 AM 11:36


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

2 **Section 1. A new Article 5 is added to Chapter 63 of Title 5, Guam**
3 **Code Annotated to read:**

4 **"ARTICLE 5, CHAPTER 63**
5 **GUAM FORESTRY LEGACY ACT OF 2011**

- 6 §63501. Title.
- 7 §63502. Statement of Purpose.
- 8 §63503. Definitions.
- 9 §63504. Establishment of the Guam Forest System.
- 10 §63505. Guam Forest System Plan.
- 11 §63506. Identification of Land.
- 12 §63507. Collaboration and Partnership.
- 13 §63508. Funding.
- 14 §63509. Use of Lands.
- 15 §63510. Protection of the Guam Forest System.

16 **§63501. Title.** This Article *shall* be cited as the *Guam Forestry*

1 *Legacy Act of 2011.*

2 **§63502. Statement of Purpose.** The protection and conservation of
3 natural resources and natural habitats or ecosystems, open spaces and
4 historic artifacts, and land for outdoor recreation and education is of critical
5 importance to the people of Guam, to whom the land belongs, and demands
6 ever-increasing vigil and continual effort.

7 The government of Guam realizes its responsibility to further allow
8 the Department of Agriculture to meet its mandated mission of developing
9 and protecting the agriculture, natural resources, and aquatic and wildlife
10 resources of Guam, and to further set into statute practices that allow for the
11 conservation and protection of these resources.

12 **§63503. Definitions.** As used in this Article:

13 (a) *Department* means the government of Guam Department of
14 Agriculture.

15 (b) *Director* means the director of the government of Guam
16 Department of Agriculture.

17 (c) *System* means the Guam Forest System.

18 (d) *Inventory* means a list of lands, identified by the Department of
19 Agriculture with the assistance of government of Guam Department
20 of Land Management that can be included on a list for potential
21 Guam Forest System land use, which will be recorded and
22 continually updated on an annual basis and filed with the Department
23 of Land Management.

24 (e) *Recreational use* is the use of land by the public, with or
25 without charge, for any of the following: walking, hiking, picnicking,
26 camping, swimming, boating, hunting, or other outdoor games or
27 sports. Any fee charged, however, for the recreational use of land

1 will be in a reasonable amount and *shall* not have the effect of unduly
2 limiting its use by the public.

3 (f) *Open space use* is the use or maintenance of land in such a
4 manner as to preserve its natural characteristics, beauty, or openness
5 for the benefit and enjoyment of the public, and to provide essential
6 habitat for wildlife as well as the conservation and protection of
7 natural resources.

8 (e) *Compatible use* is any use determined by the Department
9 or by this Article to be compatible with the agricultural,
10 recreational, or open space use of land within the Guam Forest
11 System.

12 **§63504. Establishment of the Guam Forest System.**

13 There is hereby created the Guam Forest System to augment the
14 mandated responsibility of the government of Guam Department of
15 Agriculture. The System *shall* be under the jurisdiction of the Department
16 of Agriculture. The *Director* shall coordinate with the Guam Department of
17 Land Management to identify land belonging to the government of Guam
18 and land reserved for use by the *Department*. Government properties
19 determined to have compatible use for the Guam Forest System shall be
20 included in an inventory.

21 **§63505. Guam Forest System Plan.**

22 The Department *shall* prepare rules and regulations for the Guam
23 Forest System. Proposed rules and regulations *shall* be submitted to the
24 Governor and transmitted to the Guam Legislature for action, in accordance
25 with the Administrative Adjudication Act.

26 The plan *shall* contain, but is not limited to:

27 (a) An inventory of land to include lot number, size and location

- 1 for proposed potential use in the System;
- 2 (b) A comprehensive and concise definition of the public interest in
3 the System;
- 4 (c) Proposals for the maintenance and enhancement of the overall
5 quality of the System environment;
- 6 (d) Public access for recreational and educational use;
- 7 (e) Plans for the proposed land use to include elements of, but not
8 limited to:
- 9 (1) Education for the purpose of conservation, preservation,
10 environmental sciences, and other related curriculum;
- 11 (2) Scientific research;
- 12 (3) Training for agriculture-related personnel or those involved
13 in natural resource fields and/or disciplines or relative activities;
- 14 (4) Recreation; and;
- 15 (5) Conservation and preservation;
- 16 (f) Plan for proposed collaborations with entities within the
17 government of Guam or non-governmental organizations for the
18 planning, enhancement and sustainability of the System;
- 19 (g) List of allowable activities within the System and penalties for
20 violations;
- 21 (h) Recommendations for the sustainability and extent of allowable
22 development in the System;
- 23 (i) Proposals for permits and fee schedules for the use of properties
24 of the Guam Forest System, which will be dedicated to the
25 operations and maintenance of the System;
- 26 (j) Procedures and protocols for the discovery or presence of
27 historic artifacts on government of Guam lands included in the

1 Guam Forest System; pursuant Chapter 76, Article 1 of Title 21,
2 Guam Code Annotated; and,
3 (k) Procedures and protocols for identifying government- or
4 privately-owned land for inclusion in the System in accordance with
5 U.S. Department of Agriculture Forest Service programs criteria.

6 **§63506. Identification of Land.**

7 The *Department* in coordination with the Department of Land
8 Management shall inventory land that belongs to and has been reserved for
9 the Department that are suitable for use for the Guam Forestry System.

10 The Department shall maintain a database of the inventoried land
11 available for public reference at the Department. A copy of the inventory
12 shall be provided to the Speaker of the Guam Legislature and the Governor
13 of Guam, the Guam Department of Land Management and the Guam Bureau
14 of Planning, and published in an electronic format on the Department
15 website, if available.

16 Through the identification and inventory process, the Director *shall*
17 determine which government of Guam land properties have compatible uses
18 for the Guam Forest System pursuant to §63508 of this Article. Government
19 land classified as *Conservation Reserves* pursuant to Article 4 of this
20 Chapter may be included in this inventory to carry out the objectives of the
21 Guam Forest System. The Department may also establish a *Memorandum of*
22 *Understanding* (MOU) with the Department of Parks and Recreation for
23 land that is part of the Department of Parks and Recreation inventory,
24 including Guam Territorial Park System reserved properties classified as
25 *Natural Preserves* and *Conservation Reserves* pursuant to § 77110 of
26 Chapter 77, Title 21, Guam Code Annotated. The MOU will also include
27 components for the planning and protocols of maintenance and operation of

1 the System during the planning and implementation stages, given that
2 identified land for the System may fall under the purview of the Department
3 of Parks and Recreation, and that the Department has the scientific and
4 technical resources necessary to establish natural resource conservation and
5 protection practices. The Department may also reserve land in accordance
6 with §60105 of Article 1, Division 2, Chapter 60 of Title 21, Guam Code
7 Annotated, for future use as part of the *System*. Said inventory shall be
8 made available at the Department or electronically on the Department
9 website, if available.

10 **§63507. Collaboration and partnership.**

11 The Department will establish *Memoranda of Understanding* with
12 other agencies and organizations to define and enhance collaboration and to
13 reasonably carry out the creation and objectives of the plan, and for the
14 identification of potential funding sources for the sustainability and
15 enhancement of the System, including, but not limited to:

- 16 (1) Department of Parks and Recreation;
- 17 (2) Guam Environmental Protection Agency;
- 18 (3) University of Guam (UOG) and relative departments or
19 programs, including the Water and Environmental Research Institute of the
20 Western Pacific, the UOG Sustainability Office, and the Soil and Water
21 Conservation Programs;
- 22 (4) Guam Community College;
- 23 (5) Guam Energy Office;
- 24 (6) Bureau of Planning; and,
- 25 (7) Guam Fire Department.

26 The *Director* shall be responsible for the development and
27 implementation of organizational plans related to this Article and the Guam

1 Forest System.

2 **§63508. Funding.**

3 Funding for the planning and development of the Guam Forest System
4 may come from, but is not limited to, the following sources:

5 (1) Federal Assistance for Fire Control, Watershed Protection and
6 Reforestation pursuant to § 1421o and §1421p of the Organic Act.

7 (2) USDA Forest Service Grants, including programs under the
8 Cooperative Forestry Assistance Act: Community Forest and Open
9 Space Conservation Program, Forest Legacy Program, Urban and
10 Community Forestry Program, and other related programs.

11 **§63509. Use of the Guam Forest System.**

12 Land that is part of the of the Guam Forest System *shall* not be sold to
13 other entities for any purpose other than:

14 (a) Recreation;

15 (b) Education;

16 (c) Training for Department of Agriculture Forestry & Soil
17 Resources Division or other related activities; and,

18 (d) Protection and preservation of natural resources and historic
19 artifacts.

20 Other uses inconsistent with this Act will be considered a violation of
21 law and offenders will be subject to penalties and prosecution.

22 **§63510. Protection of the Guam Forest System.**

23 Department Conservation Officers *shall* use the authority given to
24 them as defined in §63103 and §63103.1 of Chapter 63, Title 5, Guam Code
25 Annotated, to serve as peace officers to carry arms, to make arrests and to
26 issue citations for violations, and *shall* be assisted by law enforcement
27 entities responsible for enforcing the laws of Guam and federal mandates.”