EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

MAY 19 2016

33-16-1657
Office of the Speaker
Judith T. Won Pat, Ed.D
Date: 05-19-16
Time: 3:22pm
Received By:

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Tres Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Bill No. 287-33 (COR), "**AN ACT TO ESTABLISH THE SOUTHERN RIVER EROSION COUNCIL; AND TO *AMEND* § 68601 OF ARTICLE 6 OF CHAPTER 68, TITLE 21, GUAM CODE ANNOTATED, TO MANDATE THE CREATION OF MULTI-YEAR MASTER PLANS TO ADDRESS THE EROSION ISSUES RELATED TO RIVERS IN SOUTHERN GUAM,**" which was signed into law on May 17, 2016, as **Public Law 33-159.**

Senseramente,

EDDIE BAZA CALVO

2016 MAY 19 PM 4:13

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I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN*

This is to certify that **Bill No. 287-33 (COR), "AN ACT TO ESTABLISH THE SOUTHERN RIVER EROSION COUNCIL; AND TO *AMEND* § 68601 OF ARTICLE 6 OF CHAPTER 68, TITLE 21, GUAM CODE ANNOTATED, TO MANDATE THE CREATION OF MULTI-YEAR MASTER PLANS TO ADDRESS THE EROSION ISSUES RELATED TO RIVERS IN SOUTHERN GUAM,"** was on the 3rd day of May 2016, 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'låhen Guåhan* this 5 day of May, 2016, at 4:46 o'clock P.M.

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: MAY 17 2016

Public Law No. 33-159

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. 287-33 (COR)
As amended on the Floor.

Introduced by:

R. J. Respicio
Mary Camacho Torres
T. C. Ada
Frank F. Blas, Jr.
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
James V. Espaldon
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO ESTABLISH THE SOUTHERN RIVER EROSION COUNCIL; AND TO *AMEND* § 68601 OF ARTICLE 6 OF CHAPTER 68, TITLE 21, GUAM CODE ANNOTATED, TO MANDATE THE CREATION OF MULTI-YEAR MASTER PLANS TO ADDRESS THE EROSION ISSUES RELATED TO RIVERS IN SOUTHERN GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that there is a serious problem regarding the erosion along the banks of the *Talofofo* and *Ugum* Rivers, the *Namo* River, the *Manenggon* River, and other

rivers in southern Guam. *I Liheslatura* further finds that a recent site visit to the *Talofofo* and *Ugum* Rivers was organized by the legislative Committee on Rules, Federal, Foreign & Micronesian Affairs, Human & Natural Resources, Election Reform and Capitol District, and the Soil and Water Conservation District; and it involved various stakeholders, including federal and local government agencies, the private sector, and elected leaders. The site visit brought to the forefront this concern of the erosion and the need for action to address this concern. *I Liheslaturan Guåhan* further finds that the continuing erosion along these rivers is having impacts far beyond the loss of acreage on both publicly and privately owned lands. The continuing erosion also threatens important heritage sites and the jobs produced by the agricultural and tourism-related activities along the rivers. The ongoing erosion is also adversely affecting the water quality of both rivers and increasingly making these rivers less navigable and causing destruction to near shore benthic habitats. *I Liheslatura* further finds that at a series of roundtable discussions with stakeholders conducted by the legislative Committee on Rules, Federal, Foreign & Micronesian Affairs, Human & Natural Resources, Election Reform and Capitol District earlier this year, there was a consensus that to mitigate this erosion would require a sustained, multi-year effort centered on dealing with the watershed issues of the *Bolanos* Conservation Area, the waters from which are causing the erosion problems along both rivers. It was also the consensus of these roundtable discussions that a similar erosion problem was occurring along the *Namo* River and is threatening residences and infrastructure adjoining the *Namo* River. *I Liheslatura* further finds that in order to commence the process of taking substantial, long term action to mitigate the erosion along the *Talofofo* and *Ugum* Rivers, the *Namo* River, the *Manenggon* River, and other rivers in southern Guam with similar erosion concerns, the involvement of the public and private stakeholders should be provided with a statutory basis in order to sustain a multi-

year community-wide effort. *I Liheslatura* further finds that specific master plans should be mandated to address the erosion concerns related to specific rivers in southern Guam.

Section 2. Southern River Erosion Council.

(a) There is hereby created the Southern River Erosion Council (Council) with the mission of identifying and monitoring measures to mitigate the ongoing erosion of the banks of the following rivers in southern Guam:

(1) the *Talofofo* and *Ugum* Rivers;

(2) the *Namo* River, including *Namo* Falls;

(3) the *Manenggon* River; and

(4) any other rivers in southern Guam with serious erosion concerns as identified by the Southern River Erosion Council.

(b) In the case of each of the aforementioned rivers, the Council *shall* recommend a specific mitigation strategy for the ongoing erosion along these rivers in order to address the attendant adverse impacts of public concerns, including, but not limited to: economic activity, infrastructure, water quality, the environment, navigable waterways, public and private landowners, and heritage sites. The Council *shall* report its findings and recommendations to the Southern Development Master Plan Task Force established by Article 6 of Chapter 68, Title 21, Guam Code Annotated.

Section 3. Composition of the Southern River Erosion Council. The Council *shall* be made up of the following members, who *shall* elect the Chairperson of the Council:

(a) the Guam Department of Agriculture;

(b) the University of Guam;

(c) the Bureau of Statistics and Plans;

(d) the Guam Waterworks Authority;

(e) the Guam Environmental Protection Agency;

(f) the Department of Public Works;

(g) Department of Land Management;

(h) the Southern Guam Soil and Water Conservation District;

(i) the U.S. Department of Agriculture;

(j) the Mayor of *Agat*;

(k) the Mayor of *Umatac*;

(l) the Mayor of *Inarajan*;

(m) the Mayor of *Santa Rita*;

(n) the Mayor of *Talofofo*;

(o) the Mayor of *Merizo*;

(p) the Mayor of *Yona*;

(q) representatives of the U.S. Department of Agriculture, the U.S. Army Corps of Engineers, or any other relevant federal agency invited by the Chairperson of the Council to participate in the work of the Southern River Erosion Council; and

(r) three (3) representatives of private landowners along the *Talofofo* River, the *Ugum* River, the *Namo* River, the *Manenggon* River, or any other river in southern Guam experiencing serious erosion problems.

Section 4. Comprehensive Master Plans to Address the Erosion Problems of the *Talofofo* and *Ugum* Rivers, the *Namo* River, the *Manenggon* River, and Other Rivers in Southern Guam as Identified by the Southern River Erosion Council. § 68601 of Article 6 of Chapter 68, Title 21, Guam Code Annotated, is *amended* to read:

"**§ 68601. Geographical Definition.**

The Task Force created by this law (hereinafter Task Force) is hereby charged with the duty, as specified by this law, to develop a comprehensive

Master Plan (hereinafter Southern Master Plan or Master Plan) for the following villages: *Agat*, *Santa Rita*, *Umatac*, *Merizo*, *Inarajan*, *Malojloj*, *Talofofo* and *Yona*, and such areas adjacent to or located in between said villages, including, but not limited to, any offshore areas such as *Cocos* Island and any body of water as to which the government of Guam has jurisdiction to develop; and since some of the plans or projects to be advanced by the Task Force may have incidental effect, residue application or extension related to other geographical areas under the jurisdiction of the government of Guam, the Task Force may, when necessary and proper, extend the application of the Southern Master Plan to such affected areas. The Task Force *shall* also develop and incorporate into the Southern Master Plan, specific master plans for the mitigation of the erosion problems along the *Talofofo* and *Ugum* Rivers, the *Namo* River, the *Manenggon* River, and other rivers in southern Guam, based on the recommendations of the Southern River Erosion Council."