

I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 90 (EC)

Introduced By:

R.J. Respicio
J.T. WonPat
B.J.F. Cruz
L. Leon Guerrero
A. B. Palacios

AN ACT TO DIRECT THE ATTORNEY GENERAL OF GUAM TO CONDEMN CERTAIN PARCELS OF LAND FOR THE PURPOSE OF PROTECTING AND RESERVING SAID PARCELS FOR FUTURE WATER RESOURCE DEVELOPMENT; AND TO DIRECT THE GUAM WATERWORKS AUTHORITY TO IDENTIFY OTHER AREAS OF GUAM THAT SHOULD BE PROTECTED AND RESERVED FOR SUCH PURPOSES AND REPORT ITS FINDINGS TO *I LIHESLATURAN GUÅHAN*.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*
3 finds that the population of Guam has increased rapidly through the years,
4 our island having one of the fastest growth rates in the United States.
5 Current U.S. Census estimates are that Guam's population is increasing at
6 about 2% per year, which means that the island population will double
7 every 35 years. As our population grows, so does our consumption of
8 resources.

9 Guam is blessed to have fresh water in amounts that could support a
10 population much larger than exists today. Much of this water lies

1 underground, most notably in Guam's northern aquifer, which is estimated
2 to be able to sustain a draw of up to 75 million gallons per day (mgd). In
3 southern Guam, a sizeable lake, several rivers and a few springs now
4 provide about 14 mgd of Guam's fresh water needs and could provide
5 several million more gallons per day. This is a potential of over 90 mgd for
6 civilian and military use. A number of other water resources exist in
7 southern Guam that have not been developed, and in the future could
8 provide half again as much drinking water for our island.

9 At present, the consumption of clean, fresh water in Guam is
10 approximately 60 mgd. This includes waste and loss of water far above
11 acceptable levels. Even with the losses, this volume remains well within the
12 means of our tremendous and sustainable water resources.

13 Our island's current population growth rate, however, could mean
14 that more than 340,000 people will live here by the year 2040, and a
15 population of that size would need twice as much clean, fresh water as we
16 presently consume, or about 120 mgd. This is more than we can presently
17 provide. If water loss can be reduced from present-day levels to acceptable
18 industry standards of about 15%, we would need to supply 70 mgd.

19 Looking further into the future, specifically within 70 years, Guam
20 could be home to 700,000 residents, using four times the amount of fresh

1 water that we use today. Even with leaks and losses under control, this
2 means over 140 million gallons per day.

3 *I Liheslaturan Guåhan* finds that these population figures do not
4 include visitors to Guam, whose current numbers swell the population of
5 our island on an average day by between 9,000 and 10,000 individuals, and
6 visitor numbers are likely to increase as our tourism industry grows,
7 increasing even further the need for additional fresh water sources.

8 *I Liheslaturan Guåhan* further finds that based on our current level of
9 growth, it is unlikely that our island's developed water resources will be
10 able to comfortably support the needs of our population, our military and
11 our visitor industry beyond the middle of this century, and that additional
12 water resources will need to be researched, planned and developed.

13 *I Liheslaturan Guåhan* finds that these sources must be protected from
14 contamination so that they can be available for our future. This is in line
15 with President Bush's nomination of Stephen Johnson as head of the
16 Environmental Protection Agency, calling him the first professional
17 scientist to lead the EPA and saying that one of Mr. Johnson's top jobs
18 would be to "lead federal efforts to ensure the safety of our drinking water
19 supply."

20 It is therefore the intent of *I Liheslaturan Guåhan* that significant
21 known and unknown undeveloped and underdeveloped sources of fresh

1 water be identified by the Guam Waterworks Authority (GWA) and
2 reported to *I Liheslatura* and *I Maga'Lahen*.

3 *I Liheslaturan Guåhan* intends that those resources not within the
4 government of Guam land inventory be obtained through the process of
5 eminent domain so they can be protected and reserved for future
6 development as water resources for the long term health and safety of the
7 people of Guam, beginning with those areas already identified by GWA
8 within the municipality of Inarajan in the "Assessment of Viability of
9 Groundwater and Surface Water Resources for the Guam Waterworks
10 Authority Water Resources Master Plan" report.

11 **Section 2. Land condemnation.** Within sixty (60) days from the
12 effective date of this Act, the Attorney General of Guam is directed to file
13 suit to condemn the property identified as Lot B-3-REM, municipality of
14 Inarajan, approximately 3,000+ acres, for the purpose of protecting water
15 resources valuable to the people of Guam for future development. Upon
16 acquisition, said property shall be for the exclusive use of the Guam
17 Waterworks Authority (GWA) or its successors, and no use of the property
18 shall be authorized by GWA or any other entity for any purpose that could
19 pose a threat to, or harm the fresh water resources contained therein.

20 **Section 3. Identification of additional fresh water resources.**

1 **a. Potential Resources Report.** Within 180 days of the effective
2 date of this Act, GWA shall transmit to the Speaker of *I Liheslaturan*
3 *Guåhan*, the chairperson of the legislative committee with oversight of
4 GWA, and to *I Maga'lahen Guåhan*, a report listing each of the areas in
5 Guam containing significant undeveloped or underdeveloped fresh
6 water resources that should be reserved for the future development
7 of additional fresh water needs of the people of Guam.

8 **b. Significant Sources Only.** For the purposes of this Act, areas
9 capable of producing a sustainable amount of less than 100,000
10 gallons of water per day shall be considered "not significant."

11 **c. Contents of report.** Said report shall include:

- 12 i. Maps, property descriptions and size of each affected
13 parcel;
- 14 ii. Identities of each property owner or owners;
- 15 iii. Current usage of each parcel;
- 16 iv. Estimated sustainable yield of each site; and
- 17 v. Estimated cost to develop each site.

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Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

07 FEB 2006

Office of the Speaker

MARK FORBES

Date: 2/07/06

Time: 4:45

Rec'd by: [Signature]

Print Name: [Signature]

28-06-0686

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

Dear Mr. Speaker:

Transmitted herewith is Bill No. 90 (EC), "AN ACT TO DIRECT THE ATTORNEY GENERAL OF GUAM TO CONDEMN CERTAIN PARCELS OF LAND FOR THE PURPOSE OF PROTECTING AND RESERVING SAID PARCELS FOR FUTURE WATER RESOURCE DEVELOPMENT; AND TO DIRECT THE GUAM WATERWORKS AUTHORITY TO IDENTIFY OTHER AREAS OF GUAM THAT SHOULD BE PROTECTED AND RESERVED FOR SUCH PURPOSES AND REPORT ITS FINDINGS TO LIHESLATURAN GUÅHAN," which I have vetoed.

While I support the need to protect our water resources, opposition from Guam Environmental Protection Agency and the Office of the Attorney General ("OAG") because of the ramifications that will result if Bill No. 90 were to become law has compelled me to veto Bill No. 90.

Bill No. 90 violates the District Court Civil Case No. 02-00022 Consent Decree. The bill would acquire Lot B-3-REM located in Inarajan for the exclusive use of Guam Waterworks Authority to protect against any threat to the fresh water resources contained therein. One of the effects would be to prevent any future landfill development on the property. The property has been selected by the government of Guam and approved by the United States Environmental Protection Agency ("USEPA") as the site for the new landfill that the government of Guam is required by court order to develop and operate. USEPA has threatened court action if this measure and others that would derail landfill development are passed into law.

The bill cannot be implemented because it is also defective. Bill No. 90 would require the OAG to condemn Lot B-3-REM in Inarajan. However, the bill does not contain an appropriation for the condemnation action. Nor is there property to be exchanged for the 3000+ acres in Inarajan in lieu of funds.

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT

Rec'd by: [Signature]
Print Name & Initial


Time: 4:04 Date: 2-8-06

576

A cost benefit analysis would not likely support Bill No. 90. The property's roughly estimated value is \$20 million. The level of priority of any water resource contained in Lot B-3-REM is below other water resource properties such as Ugum watershed and similar tracts of land in Northern Guam that already involve the production of substantial volumes of fresh water. Therefore, expending \$20 million to protect the water resource contained in Lot B-3-REM would not be prudent environmental and fiscal policy.

Protecting our water resources is very important. However, there are other ways to protect our water resources that are more practical than what Bill No. 90 proposes to do. For these reasons, I have vetoed Bill No. 90.

Sinseru yan Magåhet,



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


Attachment: original vetoed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary


I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

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

This is to certify that Bill No. 90 (EC), "AN ACT TO DIRECT THE ATTORNEY GENERAL OF GUAM TO CONDEMN CERTAIN PARCELS OF LAND FOR THE PURPOSE OF PROTECTING AND RESERVING SAID PARCELS FOR FUTURE WATER RESOURCE DEVELOPMENT; AND TO DIRECT THE GUAM WATERWORKS AUTHORITY TO IDENTIFY OTHER AREAS OF GUAM THAT SHOULD BE PROTECTED AND RESERVED FOR SUCH PURPOSES AND REPORT ITS FINDINGS TO I LIHESLATURAN GUÅHAN" was on the 25th day of January, 2006, duly and regularly passed.


Mark Forbes
Speaker

Attested:

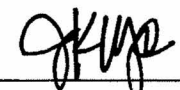

Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 25th day of January,
2006, at 4:10 o'clock P.M.

VETO

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan


Assistant Staff Officer
Maga'lahaen's Office

Date: _____

Public Law No. _____

I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
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As amended.

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2 year, which means that the island population will double every thirty-five (35)
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23 acceptable industry standards of about fifteen percent (15%), we would need to
24 supply seventy (70) mgd.

25 Looking further into the future, specifically within seventy (70) years, Guam
26 could be home to seven hundred thousand (700,000) residents, using four (4) times

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2 control, this means over one hundred forty million (140,000,000) gallons per day.

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16 Protection Agency, calling him the first professional scientist to lead the EPA and
17 saying that one of Mr. Johnson's top jobs would be to "lead federal efforts to
18 ensure the safety of our drinking water supply."

19 It is therefore the intent of *I Liheslaturan Guåhan* that significant known and
20 unknown undeveloped and underdeveloped sources of fresh water be identified by
21 the Guam Waterworks Authority (GWA) and reported to *I Liheslatura* and *I*
22 *Maga'lahaen Guåhan*.

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24 government of Guam land inventory be obtained through the process of eminent
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26 resources for the long-term health and safety of the people of Guam, beginning
27 with those areas already identified by GWA within the municipality of *Inarajan* in

1 the “Assessment of Viability of Groundwater and Surface Water Resources for the
2 Guam Waterworks Authority Water Resources Master Plan” report.

3 **Section 2. Land Condemnation.** Within sixty (60) days from the effective
4 date of this Act, the Attorney General of Guam is directed to file suit to condemn
5 the property identified as Lot B-3-REM, municipality of *Inarajan*, consisting of
6 approximately 3,000+ acres, for the purpose of protecting water resources valuable
7 to the people of Guam for future development. Upon acquisition, said property
8 shall be for the exclusive use of the Guam Waterworks Authority (GWA) or its
9 successors, and no use of the property shall be authorized by GWA or any other
10 entity for any purpose that could pose a threat to or harm the fresh water resources
11 contained therein.

12 **Section 3. Identification of Additional Fresh Water Resources.**

13 (a) **Potential Resources Report.** Within one hundred eighty (180)
14 days of the effective date of this Act, GWA shall transmit to the Speaker of *I*
15 *Liheslaturan Guåhan*, to the chairperson of the legislative committee with
16 oversight of GWA, and to *I Maga’lahen Guåhan*, a report listing each of the
17 areas in Guam containing significant undeveloped or underdeveloped fresh
18 water resources that should be reserved for the future development of
19 additional fresh water needs of the people of Guam.

20 (b) **Significant Sources Only.** For the purposes of this Act, areas
21 capable of producing a sustainable amount of less than one hundred
22 thousand (100,000) gallons of water per day shall be considered “not
23 significant.”

24 (c) **Contents of Report.** Said report shall include:

25 (1) maps, property descriptions and the size of each affected
26 parcel;

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I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2006 (SECOND) Regular Session

Date: 1/25/06

VOTING SHEET

Bill No. 90 (EC)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M.S.		✓			
CALVO, Edward J.B.			✓		
CRUZ, Benjamin J.F.	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark		* ✓			
KASPERBAUER, Lawrence F.		✓			
KLITZKIE, Robert		✓			
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray		✓			
UNPINGCO, Antonio R.		* ✓			
WON PAT, Judith T.	✓				

TOTAL

8 6 1 0 0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

Voted 2/7/06

6/1/25/06

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~~J. M.S. Brown~~ *removed*

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21 the Guam Waterworks Authority (GWA) and reported to *I Liheslatura* and *I*
22 *Maga'lahaen Guåhan*.

23 *I Liheslaturan Guåhan* intends that those resources not within the
24 government of Guam land inventory be obtained through the process of eminent
25 domain so they can be protected and reserved for future development as water
26 resources for the long-term health and safety of the people of Guam, beginning
27 with those areas already identified by GWA within the municipality of *Inarajan* in

1 the “Assessment of Viability of Groundwater and Surface Water Resources for the
2 Guam Waterworks Authority Water Resources Master Plan” report.

3 **Section 2. Land Condemnation.** Within sixty (60) days from the effective
4 date of this Act, the Attorney General of Guam is directed to file suit to condemn
5 the property identified as Lot B-3-REM, municipality of *Inarajan*, consisting of
6 approximately 3,000+ acres, for the purpose of protecting water resources valuable
7 to the people of Guam for future development. Upon acquisition, said property
8 shall be for the exclusive use of the Guam Waterworks Authority (GWA) or its
9 successors, and no use of the property shall be authorized by GWA or any other
10 entity for any purpose that could pose a threat to or harm the fresh water resources
11 contained therein.

12 **Section 3. Identification of Additional Fresh Water Resources.**

13 (a) **Potential Resources Report.** Within one hundred eighty (180)
14 days of the effective date of this Act, GWA shall transmit to the Speaker of *I*
15 *Liheslaturan Guåhan*, to the chairperson of the legislative committee with
16 oversight of GWA, and to *I Maga’lahen Guåhan*, a report listing each of the
17 areas in Guam containing significant undeveloped or underdeveloped fresh
18 water resources that should be reserved for the future development of
19 additional fresh water needs of the people of Guam.

20 (b) **Significant Sources Only.** For the purposes of this Act, areas
21 capable of producing a sustainable amount of less than one hundred
22 thousand (100,000) gallons of water per day shall be considered “not
23 significant.”

24 (c) **Contents of Report.** Said report shall include:

25 (1) maps, property descriptions and the size of each affected
26 parcel;

27 (2) identities of each property owner or owners;

- 1 (3) current usage of each parcel;
- 2 (4) estimated sustainable yield of each site; and
- 3 (5) estimated cost to develop each site.



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

November 7, 2005

Speaker Mark Forbes
I Mina' Bente Ocho Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

The Committee on General & Omnibus Matters to which Bill No. 90 was referred, wishes to report its findings and recommendations **TO DO PASS BILL No. 90 (EC): "An Act To Direct The Attorney General Of Guam To Condemn Certain Parcels Of Land For The Purpose Of Protecting And Reserving Said Parcels For Future Water Resource Development; And To Direct The Guam Waterworks Authority To Identify Other Areas Of Guam That Should Be Protected And Reserved For Such Purposes And Report Its Findings To I Liheslaturan Guahan"**.

Transmitted herewith for your consideration and action is our committee report on the above subject matter.

The voting record is as follows:

 5 TO PASS
 0 NOT TO PASS
 2 TO REPORT OUT ONLY
 0 ABSTAIN
 0 INACTIVE FILE

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.


MARK FORBES

Attachments

MEMORANDUM

TO: Committee Members

FROM: Chairman

SUBJECT: Committee Report- BILL No. 90 (EC): "An Act To Direct The Attorney General Of Guam To Condemn Certain Parcels Of Land For The Purpose Of Protecting And Reserving Said Parcels For Future Water Resource Development; And To Direct The Guam Waterworks Authority To Identify Other Areas Of Guam That Should Be Protected And Reserved For Such Purposes And Report Its Findings To I Liheslaturan Guåhan".

Transmitted herewith for your information and action is the report on BILL No. 90 (EC) from the Committee on General and Omnibus Matters.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. BILL No. 90 (EC)
4. Public Hearing Sign-In Sheet
5. Fiscal Note/ Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

MARK FORBES


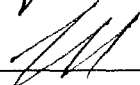

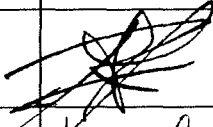
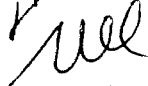
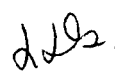

Attachments

COMMITTEE ON GENERAL AND OMNIBUS MATTERS

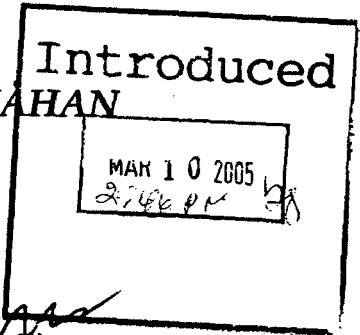
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
155 HESLER PLACE, HAGÅTNA, GUAM 96910

An Act To Direct The Attorney General Of Guam To Condemn Certain Parcels Of Land For The Purpose Of Protecting And Reserving Said Parcels For Future Water Resource Development; And To Direct The Guam Waterworks Authority To Identify Other Areas Of Guam That Should Be Protected And Reserved For Such Purposes And Report Its Findings To I Liheslaturan Guåhan.

VOTING SHEET

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE	ABSTAIN	INACTIVE FILE
Mark Forbes, Chairman		✓				
Edward J.B. Calvo		✓ FB		✓		
Lawrence F. Kasperbauer, Ph.D.				X		
Jesse A. Lujan						
Ray Tenorio		✓				
Michael Cruz, M.D.		✓				
Lou A. Leon Guerrero		✓				
Judith T. Won Pat		✓				
Benjamin J.F. Cruz						

I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session



Bill No. 90 (EC)

Introduced By:

R.J. Respicio
J.T. WonPat
B.J.F. Cruz
L. Leon Guerrero
A. B. Palacios

AN ACT TO DIRECT THE ATTORNEY GENERAL OF GUAM TO CONDEMN CERTAIN PARCELS OF LAND FOR THE PURPOSE OF PROTECTING AND RESERVING SAID PARCELS FOR FUTURE WATER RESOURCE DEVELOPMENT; AND TO DIRECT THE GUAM WATERWORKS AUTHORITY TO IDENTIFY OTHER AREAS OF GUAM THAT SHOULD BE PROTECTED AND RESERVED FOR SUCH PURPOSES AND REPORT ITS FINDINGS TO I LIHESLATURAN GUÅHAN.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*
3 finds that the population of Guam has increased rapidly through the years,
4 our island having one of the fastest growth rates in the United States.
5 Current U.S. Census estimates are that Guam's population is increasing at
6 about 2% per year, which means that the island population will double
7 every 35 years. As our population grows, so does our consumption of
8 resources.

9 Guam is blessed to have fresh water in amounts that could support a
10 population much larger than exists today. Much of this water lies

1 underground, most notably in Guam's northern aquifer, which is estimated
2 to be able to sustain a draw of up to 75 million gallons per day (mgd). In
3 southern Guam, a sizeable lake, several rivers and a few springs now
4 provide about 14 mgd of Guam's fresh water needs and could provide
5 several million more gallons per day. This is a potential of over 90 mgd for
6 civilian and military use. A number of other water resources exist in
7 southern Guam that have not been developed, and in the future could
8 provide half again as much drinking water for our island.

9 At present, the consumption of clean, fresh water in Guam is
10 approximately 60 mgd. This includes waste and loss of water far above
11 acceptable levels. Even with the losses, this volume remains well within the
12 means of our tremendous and sustainable water resources.

13 Our island's current population growth rate, however, could mean
14 that more than 340,000 people will live here by the year 2040, and a
15 population of that size would need twice as much clean, fresh water as we
16 presently consume, or about 120 mgd. This is more than we can presently
17 provide. If water loss can be reduced from present-day levels to acceptable
18 industry standards of about 15%, we would need to supply 70 mgd.

19 Looking further into the future, specifically within 70 years, Guam
20 could be home to 700,000 residents, using four times the amount of fresh

1 water that we use today. Even with leaks and losses under control, this
2 means over 140 million gallons per day.

3 *I Liheslaturan Guåhan* finds that these population figures do not
4 include visitors to Guam, whose current numbers swell the population of
5 our island on an average day by between 9,000 and 10,000 individuals, and
6 visitor numbers are likely to increase as our tourism industry grows,
7 increasing even further the need for additional fresh water sources.

8 *I Liheslaturan Guåhan* further finds that based on our current level of
9 growth, it is unlikely that our island's developed water resources will be
10 able to comfortably support the needs of our population, our military and
11 our visitor industry beyond the middle of this century, and that additional
12 water resources will need to be researched, planned and developed.

13 *I Liheslaturan Guåhan* finds that these sources must be protected from
14 contamination so that they can be available for our future. This is in line
15 with President Bush's nomination of Stephen Johnson as head of the
16 Environmental Protection Agency, calling him the first professional
17 scientist to lead the EPA and saying that one of Mr. Johnson's top jobs
18 would be to "lead federal efforts to ensure the safety of our drinking water
19 supply."

20 It is therefore the intent of *I Liheslaturan Guåhan* that significant
21 known and unknown undeveloped and underdeveloped sources of fresh

1 water be identified by the Guam Waterworks Authority (GWA) and
2 reported to *I Liheslatura* and *I Maga'Lahen*.

3 *I Liheslaturan Guåhan* intends that those resources not within the
4 government of Guam land inventory be obtained through the process of
5 eminent domain so they can be protected and reserved for future
6 development as water resources for the long term health and safety of the
7 people of Guam, beginning with those areas already identified by GWA
8 within the municipality of Inarajan in the "Assessment of Viability of
9 Groundwater and Surface Water Resources for the Guam Waterworks
10 Authority Water Resources Master Plan" report.

11 **Section 2. Land condemnation.** Within sixty (60) days from the
12 effective date of this Act, the Attorney General of Guam is directed to file
13 suit to condemn the property identified as Lot B-3-REM, municipality of
14 Inarajan, approximately 3,000+ acres, for the purpose of protecting water
15 resources valuable to the people of Guam for future development. Upon
16 acquisition, said property shall be for the exclusive use of the Guam
17 Waterworks Authority (GWA) or its successors, and no use of the property
18 shall be authorized by GWA or any other entity for any purpose that could
19 pose a threat to, or harm the fresh water resources contained therein.

20 **Section 3. Identification of additional fresh water resources.**

1 **a. Potential Resources Report.** Within 180 days of the effective
2 date of this Act, GWA shall transmit to the Speaker of *I Liheslaturan*
3 *Guåhan*, the chairperson of the legislative committee with oversight of
4 GWA, and to *I Maga'lahaen Guåhan*, a report listing each of the areas in
5 Guam containing significant undeveloped or underdeveloped fresh
6 water resources that should be reserved for the future development
7 of additional fresh water needs of the people of Guam.

8 **b. Significant Sources Only.** For the purposes of this Act, areas
9 capable of producing a sustainable amount of less than 100,000
10 gallons of water per day shall be considered "not significant."

11 **c. Contents of report.** Said report shall include:

- 12 i. Maps, property descriptions and size of each affected
13 parcel;
- 14 ii. Identities of each property owner or owners;
- 15 iii. Current usage of each parcel;
- 16 iv. Estimated sustainable yield of each site; and
- 17 v. Estimated cost to develop each site.

**I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
COMMITTEE ON GENERAL & OMNIBUS MATTERS
SPEAKER MARK FORBES, CHAIRMAN**

COMMITTEE REPORT

ON

BILL NO. 90 (EC)

**AN ACT TO DIRECT THE ATTORNEY GENERAL OF GUAM TO
CONDEMN CERTAIN PARCELS OF LAND FOR THE PURPOSE
OF PROTECTING AND RESERVING SAID PARCELS FOR
FUTURE WATER RESOURCE DEVELOPMENT; AND TO DIRECT
THE GUAM WATERWORKS AUTHORITY TO IDENTIFY OTHER
AREAS OF GUAM THAT SHOULD BE PROTECTED AND
RESERVED FOR SUCH PURPOSES AND REPORT ITS FINDINGS
TO I LIHESLATURAN GUÅHAN.**

I. OVERVIEW

The Committee on General and Omnibus Matters held a public hearing at 9:00 a.m. on April 28, 2005 in the Session Hall, I Liheslaturan Guåhan. Public notice was given to all media (see facsimile confirmation page) on April 21 and 25, 2005.

Senators present at the public hearing were:

Speaker Mark Forbes, Chairman
Senator Robert Klitzkie
Senator Adolpho B. Palacios, Sr.
Senator Rory J. Respicio

II. SUMMARY OF TESTIMONY

Individuals that appeared before the Committee to present oral and written testimony on the bill were as follows:

David Craddick, General Manager , Guam Water Works Authority, oral testimony in support of Bill No. 90. Mr. Craddick presented to the audience with several topographical maps that identified water sheds, rivers, tributaries, lakes and other lands areas that permeates and reservoirs fresh water. In his presentation he stated that much of the southern island has rivers and water reservoirs that have not been tapped into for consumption and said the areas need to be protected from development and contamination.

III. FINDINGS AND RECOMMENDATION

The Committee on General and Omnibus Matters finds that the intent of Bill No. 90 is to protect the islands limited resources of fresh water. The committee finds that Guam's population will increase over the years and the consumption of water demand will rise. Currently GWA has several protected sites, the northern aquafier, the Fena Lake, UGUM Water Reservoir to name a few, but as the need for water is increased the limited resources from these identified site might not be able to sustain the growth rate of the population, therefore the need for GWA to start identifying areas that contain fresh water should be implemented to avoid contamination of this vital natural resource.

Accordingly, the Committee on General and Omnibus Matters to which BILL No. 90 (EC) was referred does hereby submit its findings and recommendations to I Mina' Bente Ocho Na Liheslaturan Guåhan **TO DO PASS BILL No. 90 (EC)**, "An Act To Direct The Attorney General Of Guam To Condemn Certain Parcels Of Land For The Purpose Of Protecting And Reserving Said Parcels For Future Water Resource Development; And To Direct The Guam Waterworks Authority To Identify Other Areas Of Guam That Should Be Protected And Reserved For Such Purposes And Report Its Findings To I Liheslaturan Guåhan."

AGENDA

COMMITTEE ON GENERAL & OMNIBUS MATTERS, and EXECUTIVE COMMITTEE

Public Hearing
Thursday, April 28, 2005, 9:00 a.m.

Bill No. 24 (EC) - by Mark Forbes

An Act To Amend Section 17301 And Section 17309 Of Title 3, GCA To Reduce The Signature Thresholds For Placing A Referendum Before The People of Guam And To Extend The Period During Which Signatures May Be Collected.

Bill No. 26 (EC), As Substituted - by Mark Forbes

An Act To Repeal And Reenact 3 GCA §17204 To Repeal The "Santos Amendment."

Bill No. 59 (EC) - by L. F. Kasperbauer

An Act To Add New §§ 8123 14117 To Title 12, Guam Code Annotated Relative To Requiring GPA And GWA To Accept Payments, Installation Applications And Service/Repair Requests Via The Internet.

Bill No. 60 (EC) - by Ray Tenorio

An Act To Preclude Any Government Agency Occupying Government Land Or Government Buildings And Who Receive Funding From The General Fund From Charging Rent To Any Other Government Agency Who Is Allowed To Occupy The Same Building Or Land.

Bill No. 66 (EC) - by F. B. Aguon Jr.

An Act Relative To Requiring The Proper Restoration Of Roadways And Highways That Are Partially Damaged Due To Construction Work To Their Pre-Construction Condition By The Contractor Prior To The Full Disbursement Of Public Construction Funds For Such Projects, And Empowering Guam's Village Mayors To Certify The Completion And Proper Re-Surfacing Of The Roadway Or Highway To Its Previous Condition.

Bill No. 90 (EC) - by R.J. Respicio

An Act To Direct The Attorney General Of Guam To Condemn Certain Parcels Of Land For The Purpose Of Protecting And Reserving Said Parcels For Future Water Resource Development; And To Direct The Guam Waterworks Authority To Identify Other Areas Of Guam That Should Be Protected And Reserved For Such Purposes And Report Its Findings To I Liheslaturan Guåhan.

Bill No. 119 (EC) - B. J.F. Cruz

An Act To Add A New Section 75108.50 To Chapter 75, Division 2, Of Title 21 Of The Guam Code Annotated To Allow Cottage Industry Activities On Residential Leased Land By Chamorro Land Trust Residential Leaseholders.

Bill No. 120 (EC) - Mark Forbes

An Act To Rezone Lot No. 2149-3-19 From Multi-Family- Residential ("R-2") To Commercial ("C") Zone.



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

WAIVER OF FISCAL NOTE

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 90 is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 90.

MARK FORBES
Speaker and Chairman,
Committee on General and Omnibus Matters

Transmission Report

Date/Time
Local ID
Local Name
Company Logo

4-21-05; 5:03PM
4723510
Guam Legislature

This document was confirmed.
(reduced sample and details below)
Document Size Letter-S



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Hester Place
Hagatna, Guam 96910
Office (871) 472-3409 • Fax (871) 472-3510

Speaker Mark Forbes

FACSIMILE

Date: April 21, 2005 Time:
Fax No.: 477-3079 No. of Pages:
To: PDN Government Meetings
From: The Office of Speaker Mark Forbes
Re: Public Hearing Notice- April 28, 2005
Note: We would like to reserve space in the government meeting notice section of the Pacific Daily News for Friday, April 22, 2005, Saturday, April 23, 2005, Monday, April 25, 2005 and Wednesday, April 27, 2005 to read:
"Committee on General and Omnibus Matters & Executive Committee:
Public Hearing, Thursday, April 28, 2005, 9:00 a.m., Session Hall,
Temporary Legislative Building, Hagatna, Guam. To be heard;
Bill No. 24 (EC) - by Mark Forbes
An Act To Amend Section 17301 And Section 17309 Of Title 3, GCA To Reduce The Signature Thresholds For Placing A Referendum Before The People Of Guam And To Extend The Period During Which Signatures May Be Collected.
Bill No. 26 (EC), As Substituted - by Mark Forbes
An Act To Repeal And Reenact 3 GCA §17204 To Repeal The "Santos Amendment."
Bill No. 59 (EC) - by L. F. Kasperbauer
An Act To Add New §§ 8123 14117 To Title 12, Guam Code Annotated Relative To Requiring GPA And GWA To Accept Payments, Installation Applications And Service/Repair Requests Via The Internet.

Total Pages Scanned : 2 Total Pages Confirmed : 2

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	669	94773079	4-21-05; 5:01PM	1'42"	2 / 2	EC		CP 14.4

Notes :

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BC: Broadcast Send MP: Multi-Poll PG: Polling a Remote PI: Power Interruption
CP: Completed RM: Receive to Memory DR: Document Removed TM: Terminated by user
HS: Host Scan HP: Host Print FO: Forced Output WT: Waiting Transfer
HF: Host Fax HR: Host Receive FM: Forward Mailbox Doc. WS: Waiting Send

Transmission Report

Date/Time
Local ID
Local Name
Company Logo

4-25-05;10:54AM
4723510
Guam Legislature

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I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Heeler Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

FACSIMILE

Date: April 25, 2005 Time:
Fax No.: 477-3079 No. of Pages:
To: PDN Government Meetings
From: The Office of Speaker Mark Forbes
Re: Public Hearing Notice- April 28, 2005
Note: We would like to reserve space in the government meeting notice section of the Pacific Daily News for Tuesday, April 26, Wednesday, April 27 and Thursday, April 28, 2005 to read:

"Committee on General and Omnibus Matters & Executive Committee:
Public Hearing, Thursday, April 28, 2005, 9:00 a.m., Session Hall,
Temporary Legislative Building, Hagatna, Guam. To be heard;

Bill No. 24 (EC) - by Mark Forbes
An Act To Amend Section 17301 And Section 17309 Of Title 3, GCA To Reduce The Signature Thresholds For Placing A Referendum Before The People Of Guam And To Extend The Period During Which Signatures May Be Collected.

Bill No. 26 (EC), As Substituted - by Mark Forbes
An Act To Repeal And Reenact 3 GCA §17204 To Repeal The "Santos Amendment."

Bill No. 39 (EC) - by L. F. Kasperbauer
An Act To Add New §§ 8123 14117 To Title 12, Guam Code Annotated Relative To Requiring GPA And GWA To Accept Payments, Installation Applications And Service/Repair Requests Via The Internet.

Total Pages Scanned : 2 Total Pages Confirmed : 2

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
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Notes :

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!CP: Completed	RM: Receive to Memory	DR: Document Removed	TM: Terminated by user
!HS: Host Scan	HP: Host Print	FO: Forced Output	WT: Waiting Transfer
!HF: Host Fax	HR: Host Receive	FM: Forward Mailbox Doc.	WS: Waiting Send

Broadcast Report

Date/Time
Local ID
Local Name
Company Logo

4-21-05; 5:38PM
4723510
Guam Legislature

Document Size Letter-S



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (871) 472-3408 • Fax (871) 472-3510

Speaker Mark Forbes

Facsimile

Date: April 21, 2005 **Time:**

To: ALL MEDIA:

Fax No.:

Pacific Daily News;	477-3079	KUAM;	637-9870
Marianas Variety;	648-2007	K-57/Power 98;	477-3982
K-Stereo;	477-6411	Hit Radio 100;	472-7663
Glompas;	649-8883	Adventist World Radio	565-2983
Harvest Family Radio	477-7136	KPRO	734-2958
KISH	477-6411	Rene Live	477-7845

From: The Office of Speaker Mark Forbes

Re: Public Hearing Notice- April 28, 2005

Note: Attached is a public hearing notice for April 28, 2005 and for your perusal.

Should there be a problem with the transmittal of this fax please contact our office at 472-3409.

Sender:

No. of Pages:

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
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3	671	kuam	5:06PM	1'30"	3/ 3	EC	BC	CP 14.4
4	671	hit radio	5:08PM	50"	3/ 3	EC	BC	CP 28.8
5	671	power ninety eight	5:33PM	0"	-/ 3		BC	056B
6	671	guam business	5:34PM	0"	-/ 3		BC	056B
7	671	k stereo/kish	5:35PM	0"	-/ 3		BC	056B

Broadcast Report

Date/Time
 Local ID
 Local Name
 Company Logo

4-21-05; 5:38PM
 4723510
 Guam Legislature

Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
8 671	world radio	5:35PM	0"	- / 3		BC	056B
9 671	family radio	5:36PM	0"	- / 3		BC	056B
10 671	kprg	5:36PM	0"	- / 3		BC	056B
11 671	father eric	5:37PM	0"	- / 3		BC	056B
12 671	riene steffy	5:37PM	0"	- / 3		BC	056B

tes :

: Error Correct	RE: Resend	PD: Polled by Remote	MB: Receive to Mailbox
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Broadcast Report

Date/Time
Local ID
Local Name
Company Logo

4-25-05;11:24AM
4723510
Guam Legislature

Document Size Letter-S



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Healer Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

Facsimile

Date: April 25, 2005 **Time:**

To: ALL MEDIA:

Fax No.:

Pacific Daily News,	477-3079	KUAM,	637-9870
Marianas Variety,	644-2007	K-57/Power 98,	477-3982
K-Stereo,	477-6411	HR Radio 100,	472-7663
Glimpses,	649-8883	Adventist World Radio	565-2983
Harvest Family Radio	477-7136	KPRG	734-2958
KJSH	477-6411	Rene Live	477-7845

From: The Office of Speaker Mark Forbes

Re: Public Hearing Notice- April 28, 2005

Note: Attached is a public hearing notice for April 28, 2005 and for your perusal.

Should there be a problem with the transmittal of this fax please contact our office at 472-3409.

Sender:

No. of Pages:

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
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2	775	marianan variety	10:56AM	1'52"	3/ 3	EC	BC	CP 12.0
3	775	kuam	10:58AM	0"	-/ 3		BC	056D
4	775	hit radio	10:59AM	54"	3/ 3	EC	BC	CP 26.4
5	775	kprg	11:20AM	0"	-/ 3		BC	0545
6	775	power ninety eight	11:20AM	0"	-/ 3		BC	056B
7	775	guam business	11:21AM	0"	-/ 3		BC	056B

Broadcast Report

Date/Time
 Local ID
 Local Name
 Company Logo

4-25-05;11:24AM
 4723510
 Guam Legislature

lo.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
8	775	k stereo/kish	11:22AM	0"	-/ 3		BC	056B
9	775	world radio	11:22AM	0"	-/ 3		BC	056B
10	775	family radio	11:23AM	0"	-/ 3		BC	056B
11	775	riene steffy	11:23AM	0"	-/ 3		BC	056B

Notes :

0: Error Correct	RE: Resend	PD: Polled by Remote	MB: Receive to Mailbox
1: Broadcast Send	MP: Multi-Poll	PG: Polling a Remote	PI: Power Interruption
2: Completed	RM: Receive to Memory	DR: Document Removed	TM: Terminated by user
3: Host Scan	HP: Host Print	FO: Forced Output	WT: Waiting Transfer
4: Host Fax	HR: Host Receive	FM: Forward Mailbox Doc.	WS: Waiting Send