

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

Bill No. 112 (FC)
(15)

Introduced by:

J. V. Espaldon
A. R. Unpingco

2007 MAY 22 PM 5:01

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

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds

that the US Navy is required to conduct environmental mitigation as a result of its ongoing maintenance dredging within Apra Harbor in the vicinity of Alpha and Bravo wharfs. As mitigation for the loss of coral during the excavation process, the Government of Guam, specifically the Department of Agriculture, the US Navy and the US Army Corps of Engineers have designed a reforestation project for Apra Harbor Reservation "B"-R7, also known as Apra Harbor Parcel 2. This parcel is approximately 119,765.97 square meters, or about 29.5947 acres. This reforestation project will be conducted by the Guam Department of Agriculture, Forestry and Soil Resources Division, and will be funded by the US Navy. The project calls for the erection of an 8' perimeter fence around the entire parcel, and reforestation of approximately 13 acres of grasslands and badlands around the

1 reservoir. The goal of the project is to reduce sediment eroding into the river that
2 feeds into the Piti Marine Preserve in order to improve and enhance the coral reef
3 ecosystem in the preserve. The Navy has obligated \$250,000 for this project. *I*
4 *Liheslatura* finds that this mitigation plan is in concert with ongoing efforts by the
5 Department of Agriculture to create the Masso Reservoir Fresh Water Fishing
6 Grounds. This environmental project is currently in the design phase and the
7 mitigation work of reforesting the Masso Reservoir watershed will create a
8 valuable recreational area for local families for hiking and fishing. The three-year
9 easement is needed to give the Navy temporary access during the mitigation
10 process.

11 **Section 2. Authorization to Grant A Temporary Access Easement.**

12 Pursuant to §60112 of Chapter 60, Title 21 Guam Code Annotated, *I Maga'lahen*
13 *Guahan* is authorized to grant a temporary access easement with the United States
14 Navy to provide temporary access to the lot known as Apra Harbor Parcel 2
15 located at Masso Reservoir as delineated in Department of Land Management
16 Instrument No. 623931 in the municipality of Piti for the purposes of constructing
17 fencing and reforestation of the Masso Reservoir watershed as part of the US
18 Navy's compensatory mitigation project in relation to ongoing construction and
19 dredging of Alpha and Bravo Wharfs.

20 **Section 3. Terms and Conditions.** *I Maga'lahen Guahan* shall execute a
21 temporary access easement agreement with the United States Navy to provide
22 temporary access to the lot known as Apra Harbor Reservation "B"-R7, also
23 known as Apra Parcel #2 as delineated in Department of Land Management
24 Instrument No. 623931 in the municipality of Piti. The applicable terms and
25 conditions to govern the temporary access easement shall be formulated by the
26 Director of the Department of Agriculture. Such temporary access easement shall
27 be for a term not to exceed three (3) years. Said temporary access easement shall

1 be executed by *I Maga'lahi*, approved as to form by the Attorney General of
2 Guam, and submitted to *I Liheslaturan Guåhan* upon execution together with
3 documentation substantiating compliance with this Act. The terms and conditions
4 of the temporary access easement shall require the Navy to indemnify the
5 Government of Guam for any liability arising from the use of the property as
6 defined by the access easement. Any use of the property other than for its
7 specified purposes shall render the lease null and void.