



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

**BILL NO. 382-31 (COR)**

Introduced by:

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**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."**

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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.”