



**Sen. Thomas Ada**  
**Chairman**

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina'Trentai Tres Na Liheslaturan Guåhan* • 33<sup>rd</sup> Guam Legislature

April 19, 2016

**The Honorable Judith T. Won Pat, Ed.D.**  
Speaker  
I Mina'Trentai Tres Na Liheslaturan Guåhan  
155 Hesler Place  
Hagåtña, Guam 96910

**VIA: The Honorable Rory J. Respicio**  
Chairperson, Committee on Rules

**RE: Committee Report on Bill No. 276-33 (COR) As Amended**

2016 APR 20 PM 3:34

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 276-33 (COR) As Amended, **“An act to add a new §75125 to Title 21, Guam Code Annotated, Relative to designating a portion of Lot 5133-1-2, Tumon, Dededo, Guam as a biodiversity conservation easement for the purpose of providing an area for the preservation of indigenous biodiversity.”**

Committee votes are as follows:

- 2   TO DO PASS
- TO NOT PASS
- 4   TO REPORT OUT ONLY
- TO ABSTAIN
- TO PLACE IN INACTIVE FILE

*Si Yu'os ma'åse',*

Thomas C. Ada



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*I Mina'Trentai Tres Na Liheslaturan Guåhan* • 33<sup>rd</sup> Guam Legislature

**COMMITTEE REPORT**  
**ON**  
**Bill No. 276-33 (COR)**  
**As Amended**

**“AN ACT TO ADD A NEW §75125  
TO TITLE 21, GUAM CODE  
ANNOTATED, RELATIVE TO  
DESIGNATING A PORTION OF  
LOT 5133-1-2, TUMON, DEDEDO,  
GUAM AS A BIODIVERSITY  
CONSERVATION EASEMENT FOR  
THE PURPOSE OF PROVIDING AN  
AREA FOR THE PRESERVATION  
OF INDIGENOUS BIODIVERSITY.”**




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April 19, 2016

MEMORANDUM

To: **All Members**  
Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans'  
Affairs and Procurement

From: **Senator Thomas C. Ada**   
Committee Chairperson

Subject: **Committee Report on Bill No. 276-33 (COR) As Amended**

Transmitted herewith for your consideration is the Committee Report on Bill No. 276-33 (COR) As Amended, **“An act to add a new §75125 to Title 21, Guam Code Annotated, Relative to designating a portion of Lot 5133-1-2, Tumon, Dededo, Guam as a biodiversity conservation easement for the purpose of providing an area for the preservation of indigenous biodiversity.”**

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 276-33 (COR), As Introduced
- Copy of Bill No. 276-33 (COR), As Amended
- Public Hearing Sign-in Sheet
- Copy of Fiscal Note Request
- Copy of Fiscal Note
- COR Referral of Bill No. 276-33 (COR)
- Notices of Public Hearing
- Public Hearing Agenda

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



**Sen. Thomas Ada**  
**Chairman**

Committee on Transportation, Infrastructure, Lands,  
 Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Libeslaturan Guahan • 33<sup>rd</sup> Guam Legislature*

**COMMITTEE VOTE SHEET**

**Bill No. 276-33 (COR) As Amended, "An act to add a new §75125 to Title 21, Guam Code Annotated, Relative to designating a portion of Lot 5133-1-2, Tumon, Dededo, Guam as a biodiversity conservation easement for the purpose of providing an area for the preservation of indigenous biodiversity."**

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
<b>SENATOR THOMAS C. ADA</b> Chairperson				✓		
<b>SENATOR RORY J. RESPICIO</b> Vice Chairperson				<i>m</i> 4/19/16		
<b>VICE SPEAKER BENJAMIN J.F. CRUZ</b> Member		✓				
<b>SENATOR FRANK B. AGUON, JR.</b> Member	 4/19/16	✓				
<b>SENATOR DENNIS RODRIGUEZ, JR.</b> Member				✓ 4/19		
<b>SENATOR NERISSA UNDERWOOD</b> Member				✓		
<b>SENATOR FRANK BLAS, JR.</b> Member						
<b>SENATOR MARY TORRES</b> Member						
<b>SENATOR JAMES V. ESPALDON</b> Member						



## Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement

*I Mina Trentai Tres Na Libeslaturan Guåhan* • 33<sup>rd</sup> Guam Legislature

### COMMITTEE REPORT DIGEST

#### I. OVERVIEW

Bill 276-33 (COR) was introduced on March 9, 2016 by Senator Tina Rose Muña-Barnes and was subsequently referred on March 9, 2016 to the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement.

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement convened a public hearing on April 14, 2016 at 9:00am in *I Liheslaturan Guahan* Public Hearing Room to receive public testimony on Bill No. 276-33 (COR).

#### Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on April 7, 2016 (5-Day Notice) and again on April 11, 2016 (48-Hour Notice).

#### Senators Present

Sen. Thomas C. Ada,	<i>Committee Chairperson</i>
Speaker Judith T. Won Pat	<i>Legislative Member</i>
Sen. Rory J. Respicio	<i>Committee Vice-Chairperson</i>
Sen. Frank Aguon Jr.	<i>Committee Member</i>
Sen. Frank F. Blas Jr.	<i>Committee Member</i>
Sen. V. Anthony Ada	<i>Legislative Member</i>

The public hearing was Called-to-Order at 9:00am.

#### II. SUMMARY OF TESTIMONY AND DISCUSSION

**Chairperson Tom Ada:** He explains Bill number 276-33 was introduced by Senator Tina Muña Barnes and Speaker Judi Won Pat and turns it over to the co-sponsor of the bill to present it.

**Speaker Won Pat:** Reads a statement from the sponsor of the bill.

*"I am certain that many of my colleagues would agree that seeing a bill through our legislative processes can be long, tedious and, at times, a bit heart-wrenching. The bill's outcome will be the deciding factor between whether or not we are able to save a piece of our community.*

*I'm sure many animal lovers, students, teachers, parents and visitors, hope we will keep the doors of the Cushing Zoo open for many more decades. It has been an honor and privilege to work with Mrs. Barbara Cushing on this measure and wish that I could be here in person to show my support for the Cushing Zoo.*

*We have had many meetings, communications and correspondences during this time... and I'm truly grateful to Chairman Ada for helping us get Bill 276 - 33 one step closer to the*

*session floor with this public hearing. He's gone above and beyond to make accommodations for this hearing.*

*The Cushing Family has done more than live, work and raise a family on Guam for decades and have been great supporters of our community over the years. The Cushing Zoo is a place of memories for those of us parents and grandparents. In the Cushing Zoo's nearly twenty (20) years in operation, they have successfully bred the Marianas Fruit Bat, protected nearly twenty-seven (27) separate flora and fauna, and exhibited eighteen (18) other species that brought awareness and appreciation to animals of all kinds to the public.*

*The Cushing Zoo has become an invaluable tool for conservation efforts such as housing the many indigenous plants and animals which would otherwise be lost to us. Without the Cushing Zoo's unique permitting regime, zoning, qualifications, and expertise, they would lose more than a zoo. They would lose a part of themselves. Perhaps an even better question for our community should be: "what can we do to make the Cushing Zoo better"?*

*The zoo is perfectly situated in the heart of the Tumon which for tourists is a walk through the park and would find themselves on one of the most beautiful beaches in the world. Maybe they can find ways to help the Cushing Zoo evolve and take steps forward with new attractions or even research capabilities. I believe the possibilities remain limitless and hope that they are able to drum up even more support so they can do more than keep the doors to the Cushing Zoo open. I thank everyone for showing their support for the Cushing Zoo".*

**Chairperson Tom Ada:** Explains the orientation of the Cushing Zoo in reference to the surrounding area. Sixty-six years on Guam it's the first time he has been to a zoo on Guam. He says half of the democrats on Guam have probably never seen a real life donkey. Chairperson Ada noticed how the zoo was very clean and the animals look very healthy. The zoo also displays a lot of plants that is hard to find on the island. He most certainly will make it a point to bring his grandkids to the zoo more often. He then calls up on people who have signed up to provide their testimony.

**Director Michael Borja, Director of Land Management and Administrator of Chamorro Land Trust Commission:** He is in support of Bill 276-33 and offers some suggested technical changes to the Bill (reads from written testimony).

**Barbara Cushing, Owner of Cushing Zoo:** (see attached written testimony). She is in support of Bill 276-33 and explains the hardship she has endured in providing the community and children with a chance to experience the zoo.

The hardship of a berm or a hill by her entrance, which is intended to block the zoo from being seen out on the road. The sign along the San Vitores Road has two ficus trees which is padded in between the sign to block the sign. Evidently the Hotel does not want them there. She had requested parks and rec to remove the trees because people are complaining it is difficult to find the zoo. She was told that everything that was permitted during the past administration was all illegal and she had to take her sign down. Mrs. Cushing was threatened to be arrested and was ordered to pay for the park ranger to take the sign to Ordot Dump. There is so many things going on and does not know why all these things are happening to them. She explains they are very quiet and don't stir trouble and do what they are told to do. She can't seem to go on anymore and is here today to seek support from the legislature.

**Barbara S.N. Benavente** (see attached testimony): She supports this bill and she is grateful for the opportunity to testify in support of it. The zoo and what it has done for her family, children, and grandchildren for over the past 40 years have been really wonderful. Barbara and Jimmy have worked so hard to maintain and keep the zoo operating for the children and community of Guam. She explains it is the right thing to do to support the passage of this bill.

Ms. Benavente is so pleased that Chairman Ada went yesterday and experienced the feeling of what it is like to visit the zoo. It is never too late to experience new things especially when it's in your back yard. She then suggests only a 5% increase in the rent every three years instead of what is proposed in the bill. She explains that a number of big businesses that get a lot of support from tax breaks and she wonders why, why not make it so that the Cushing Zoo survives and thrives for many more generations to come. She also has two others letters that were given to and would like to submit it.

**Manny Duenas, Guam Fisherman Co-op Association:** He is thankful for the opportunity to speak in support of the bill pending before you. Mr. Duenas has seen a lot more effort helping private companies and not with small companies such as the Cushing Zoo who are passionate about what they do. You have the Cushings who have been doing this for forty years without any help because it is their passion. The thing is people like the Cushings and him get burned out and don't get enough support for these types of legislation right away sometimes.

He is a farmer who spends about \$300 a week raising animals he does not even eat. The government of Guam have been raising fanihi for 30 years and all they managed to do was castrate the only male, while the Cushings manage to produce and care for about 30 fanihis'. He believes the legislature should give the Cushings a \$500 a month rental fee for the next twenty years and after that it goes consolidated with their property and shall remain in perpetuity as the Cushing Zoo.

He loves the Cushings and the passion they have shown for the animals and zoo. Mr. Duenas says the Cushings are not in it to make money and don't have fancy things in life, but are passionate about what they do for the children and the community. He is asking the senators to really reconsider this legislation and forget about the biodiversity part of the bill. He loves the term, but interpretation by different companies whoever has the money will develop and expand on that. Mr. Duenas asking that we consolidate the lots and the long-term lease purchase agreement of \$500 a month is very reasonable.

He is always happy when they call him once in a while at the coop asking does he have any leftover fish in the freezer. He knows it will help the Cushings it cut their cost down so they can continue to serve the island. God Bless that Jimmy and Barbara are healthy and they got healthy children and grandchildren but at the end if they can not pay their rent then the zoo will be shut down. He explains the Cushings right now operate by living hand to mouth.

This is a local entity and the Cushings are is our own people and believes they have not done anything to betray that trust to the people of Guam. That whatever the Cushing's do is for the benefit of the community. He is impressed how well the Cushings handle everything in that little space, but imagine how much more can they do with a little more land.

One of his pet peeve in fishing and hunting and everything else in life is that our culture is slowly being destroyed and everybody professes on how we have to protect our culture. Imagine if you got a bunch of farmers on Guam to raise 22 fanihi's, then we will have thousands of fanihi and then we can revisit the cultural aspect of what fanihi is about for example.

The federal government has protected all these species for forty years and they have failed. The Cushing family has succeeded and have shown the way on how to raise ko'ko' and fruit bat. He would like to see the Cushing family and Zoo continue to perpetuate and preserve the Chamorro Culture.

He applauds the Cushing family for the passion they have and urges the senators to support the Cushings. So I think the assistance of giving a long-term lease purchase on the property is the perfect assistance that no one can ever complain about and is thankful for the opportunity to support the Cushing Zoo.

**Chairperson Tom Ada:** He asks Administrative Director of CLTC Borja in his testimony that he talked about in order for the Zoo to survive financially, the rental structure established in this bill will be more amenable than the rental structure set forth in the CLTC. Chairperson Ada pointed out when the Cushing Zoo was initially authorized by Public Law 19-34 in 1988, it was given a 20 year lease at \$1,000 a month rent for this quarter acre lot. In 2002 more than a couple a similar animal shelter was authorized by Public Law and was given a thirty-year lease passed by public law 26-98. They were given a thirty-year lease with additional extensions of 10 years for a maximum of two ten year extension the rent was a \$1 per year and on top of that the government helped to pay for the utilities.

So, when we take a look at the Cushing Zoo, there's many similarities between the Cushing zoo and that other animal institute that was authorized in 2002. He asked Mr. Borja if he can give his thoughts if the bill was to be amended so that the rent is a \$1 a year.

**Director Borja:** The reason he finds it difficult to engage in contract with the Cushing Zoo under the current Chamorro Land Trust Rules and Regulations is because the rental structure that the rules established for them to create would have made their rental pretty cost prohibitive. It would have made it quite high, but he has no discretionary authority to adjust that in any way and only legislation can do that. If the legislature would like to give them a lease of a dollar per year for the term of the year, he would not have any objections.

**Chairperson Ada:** He asked if there is precedence for that already, because the other organization which is GAIN also provide an excellent service to the community and the purpose of that organization is very much similar to what the Cushing zoo does. He had asked the Cushings yesterday if they are breaking even or are they in the black or what. The Cushings indicated they were spending something like \$8000 a month for food and utilities and the amount they bring in from visitors is hardly close to that.

**Senator Aguon:** He appreciates Mr. Duenas testimony about having passion, but he also relayed the comments on how our government entices big business to establish themselves on the island and not businesses like the Cushing family who has provided services for the last 40 plus years. He is very appreciative of the Chairman looking forward and bringing the issue as a concern or as a question. He ask this because we tout almost two million visitors or 1.3 or 1.4 million visitors to our island community and right now in the heart of our tourist district you have a wonderful facility that many of our visitors would appreciate.

**Barbara Cushing:** She explains they have been members of GVB for many years and have gotten no support from them. Mrs. Cushing was able to set aside some funds in order to have



some pamphlets made for the zoo. In any case, they wanted to go to the hotels and distribute it out but found out they were not able to do that. They had to go through tour companies and get a contract. She was not able to afford to have them charge a lower amount for the zoo than what they had provided for the residents. So, the thousands of dollars she put in for the pamphlet have been disposed of because she was not able to put it in the hotel.

**Senator Aguon:** He says they will provide some form of support to encourage the visitors to visit the zoo as well as additional support. He appreciates the perspective that she brings to the table because it's like a hidden jewel in the midst of our tourism industry and we need to be able to share that jewel with the rest of the community here on Guam as well as our visitors. He looks forward to continuing this dialogue. This piece of legislation, whatever the chairman has offered and perhaps working with my colleagues and the chair of the tourism to see if some resources can be directed in your direction so that you can keep the entrance fee at a nominal fee so that at the least this service can be continued to be provided to our island and to our people so thank you very much.

**Barbara Cushing:** Thank You.

**Chairman Ada:** Mr. Duenas.

**Manny Duenas:** He just wanted to add on to what Senator Aguon was talking about how GVB should be encouraged to develop a local section for their promotion and also encourage hotels that they have to set up a little display for local businesses.

**Senator Aguon:** He would like to consider providing authorization for Cushing to erect a sign adjacent to the police koban, so that way our school students and the buses will be able to see their sign.

**Speaker Won Pat:** She feels saddened that all these years the Cushing's have endured to keep the zoo alive and they never really brought it to the legislature because this could have been addressed years ago. She knows the chairperson of Tourism has been very supportive of a lot of local activities and have actually supported it by appropriating money that are available. This will definitely have to be discussed especially knowing that you have spent \$8,000 in food and utilities and barely making ends meet. She will sit with the chairperson to make additional amendments to provide and protect the zoo. She supports the Cushing's and is thankful for all that you have endured, burdened, and still managed to have the passion.

**Senator Respicio:** He feels the zoo also provides an opportunity for grade school students both public and private school kids to see what kind of animals they have. Senator Respicio asks Mrs. Cushing does she still have those arrangements with the public schools to do school tours?

**Barbara Cushing:** She replies yes and would like to have a booklet for the students to take back to school as an extended educational studies of what is here on Guam.

**Senator Respicio:** He asked if she would be open to having some formal relationship with the Department of Education through an MOU, to require school tours and that would be the exchange for a reduced um monthly rental, whatever that rental amount ends up being.

**Barbara Cushing:** She will be more than gladly to work with the Department of Education on this. Their biggest problem is providing transportation for the children. They have to take private buses and they charge up to \$10 per child. So, if you have two children going to a field trip to the Zoo that's \$20 plus the admission to come in the zoo is \$5 and then an additional \$5 and then lets says oh lets get a Big Mac or whatever, Happy Meal. I don't think a parent will be happy to fork our what \$30 \$40. This has been the cause for the decline of students to the zoo. So it's not working very well because they end up having to rent buses.

**Senator Respicio:** Asked if there is a student rate?

**Barbara Cushing:** She responds by saying yes but has not raised their prices in ten years. They try to keep it as minimal as possible and feel for the parents.

**Senator Respicio:** He points out that the legislature gives out annual appropriations, in addition to the lease for GAIN. Senator Respicio thinks this hearing will open up is parity and so that what is happening for some NGO should happen for others. So there needs to be some really good discussion and recognizes Dir. Borja for his willingness to resolve this favorably for the Cushing Zoo. He then asks Mr. Borja what the current rent is because he mentioned the bill proposes a higher rent that's part of the current rent.

**Director Borja:** He responds by saying the Cushings can better answer that question because it was one of the things that they were unable to have the Cushings paying for your rent while their lease was expired. He felt it was not right to shut them down either because it was something they were trying to correct.

**Senator Respicio:** He asked Mrs. Cushing how much was she paying for rent.

**Barbara Cushing:** She says \$512 dollars.

**Senator Respicio:** He says there is some work the senators have to do so they can lower that price down due to all the work they have done over the years. As well as to figure out a way to work with GVB to find out how to tap those tourists.

**Director Borja:** Senators, If I may add, she had mentioned that there was this problem on the property of Matapang Beach, the berm that was created by the Hotel, and that's an issue that probably we can help to address as well because it is it was created to exclude and having spoken with the owner of the hotel he just did not seem to be favorable to having a zoo in his back yard although it was something that I thought would have been something that he would support and the thing that we have on him is that really he has to use the Matapang beach parking lot as his access entry and exit point. Otherwise if you look at the lots design of that hotel, he's pretty much confined and has no beach access, so the agreement that was created with the original creator of that hotel was that they also had to maintain Matapang Beach that has since expired a

long time ago. So, we began discussions with this company again to find out what elements they need to have because even that parking lot that many of us cannot find parking on and has spaces reserved out for buses, is no the hotels parking lot.

**Senator Respicio:** And not only that out of those parking stalls are flooded, yeah, and so...

**Director Borja:** They're what...

**Senator Respicio:** They're flooded

**Director Borja:** Right, on the back side, but in the front side, where you can't, that they blocked off for buses is not even the hotels parking.

**Senator Respicio:** And they are not paying the government for any uses of those?

**Director Borja:** Well the idea was they were supposed to maintain Matapang Park.

**Senator Respicio:** But you do have enforcement authority?

**Director Borja:** Not the Land Management, we have to go through parks and rec.

**Senator Respicio:** You're just wondering why you're going through this when other people are not going same, but you're the director, talk about those other areas. I just want to quickly recognize Mr. Chairman, Senator Klitzkie. I know he is fascinated by this mad rush of wanting to get help and that's what the legislature is always here for right Bob? Thank you.

**Chairperson Tom Ada:** Alright, Senator Ada? Senator Blas?

**Senator Blas:** Question, Mr. Borja. That property that we're talking about is about a quarter acre?

**Director Borja:** Correct.

**Senator Blas:** Other than this use, what else can it be used for?

**Director Borja:** Well I think it was severed out from Matapang Beach Park, which it still holds in line the desired use or the covenant that were laid down on the return of all those lands back to the government that it be maintained as a park.

**Senator Blas:** Right.

**Director Borja:** ...and this is just one element of that park.

**Senator Blas:** and so this can be, this whole discussion here fits within that parameters of what it was...

**Director Borja:** Yes.

**Senator Blas:** So, that's the best use for it isn't it? Right now that we can figure.

**Director Borja:** Right, that's why we have no objections to the use of this area at all.

**Senator Blas:** Great.

**Director Borja:** This Public Law was created well before the Chamorro Land Trust, so it was just one of these inherited items that we had to ...

**Senator Blas:** Ok, just one question for Mrs. Cushing, You still can't fit an elephant there?

**Barbara Cushing:** Oh no, I'm sorry.

**Senator Blas:** a small one? Just checking. Ok. Thank you.

**Chairperson Tom Ada:** Thank you very much, before I excuse this panel, I just want to reiterate the fact that I was certainly impressed by the zoo when I visited it yesterday. Hour and a half that I was there, I think it was because I was hungry more than anything else that I decided to end it. Very impressed, and I think it's so ironic that it's right in the back yard of, you know, the heart of the tourist district, that families can bring their children to. You know it's not a San Diego zoo but I'm proud we have the zoo there. So I congratulate you on that.

**Barbara Cushing:** Thank you and I was really, really happy you cannot imagine how happy Jim and I are when you showed up at our door. It meant a lot to us and I'm glad you were able to come down and see for yourself what is it we have been doing for our community and Speaker Won Pat's son and his family been down and they were fascinated, the children were fascinated they'll be able to interact, feed the animals, feed the fish, feed the turtles and the goats and stuff, just little things like that you see the twinkle in their eye.

**Chairperson Tom Ada:** And you know, for the younger senators, many of you don't realize but the Cushings have given more to this community than we realize because they brought the carnival to Guam, I never saw a Ferris wheel until they brought it in and so is the Gombars, they were part of that... alright...ok. So I'm going to call up the next group of folks to, Thank you very much. I have Mr. Peter Plumber... Peter Plumber, I have Ms. Flora Duenas, um I have Joann Kauffman, ok, alright, I have Mr. Art de Oro, and Crystal Gingress... Alright, please precede.

**Crystal Gingress, Guam Travel Agency:** Hafa Adai Senators, my name is Crystal Gingress, I signed up under Guam Massage Travel Agency with Joanna because we first went to the zoo last year and I hadn't hear about it for years and had never went and we did fundraiser Art Auction benefit, So I called Barbara and she said that in 40 years they never had anybody from the community help and I was really shocked because like our massage clients attend there, we have teachers, and actually many of them would be here today if they weren't at school and a lot of our clients, massage clients, are children and so I learned about Sadie the panther that used to be there, all the animals probably when you were younger that were rescued and, there hard work, I

just wanted to cry listening because we volunteered there last week. I could not walk for days. So, and I will come back and help again.

Some of the things more importantly that you guys haven't hear about besides repeating about the indigenous plants and there's also historical sites there as well. I don't know if you saw them that were there but, also some of the things that are a little negative that I noticed is the mound that is there and they have the Ko'ko' bird sign. I try to send tourists there too my clients, I try to explain and it's hard for them to find the place and you can see the big mound that kind of blocks it.

And another thing too with the easement is that right out front is the zoo sign and then you see the tropical thig and then Jenny the Donkey is right there to the left and the deer, you know it's already hard to find them, you know, and so, I know somebody asked well what will happen to the land? You know, and to me I can see it overtaken by more commercial, you know, commercialized things which would have negative adversity.

All the indigenous plants are right on the other side of the peacocks and deers and everything. So, and then the turtles also and so even when we were there the other day just visiting, A new turtle came in and found its home with the other baby turtle. And also, the birds and the indigenous birds that are there they attract other birds to Guam, which is nice. Also another thing with the hotel that I notice is the sound and I asked Jimmy about it, it's been going on for years. You might have to ask him more about that with the hotel. Anyways, those are the three things I wanted to mention: the sign, the mound, and the sound. I feel that those are all a part of the hotel in the front and asked him the same thing. You would think that they would want the zoo there because they have families come in, they have children come in, so I'm not sure, I'm not sure why they are not wanted there.

From a holistic and natural point of view, I do support the underwater world and the zoo for the turtles the sea turtles the endangered animals. They also have people in the community that come with sick animals that are hurt and even though they are not veterinarians, they do those jobs to for the animals. I work with people with PTSD and anxiety, trauma, and things like that on a spiritual level and our zoo is one of the places where they can actually go and relax and take the kids. So it's not just for the children. I think it's good for the elders and the parents and veterans. It's important that they have a place and some of them are not even aware to go to underwater world or even the zoo and those are some of the places I tell them you need to go, you need to relax to see the plants the trees and they tell you the names of the plants and the medicine that it's good for to, so. But I can go on and on about the fanihi and everything they have so much character, the macaca, he's getting up there in age.

I just want to thank you guys. It's honor for us to be here and speak for them on their behalf. And also I was sad when we did the benefit for the zoo, we got a lot of support from the newspaper community, artists they donated artwork, donated some artwork to the zoo, but also we weren't supported by the Guam Visitors Bureau and by the people of Guam, which I was shocked. The local community we wanted to sell tickets and they were in support of that. I was really shocked by that. Thank you.

**Chairperson Ada:** Thank you very much. Mr. Plumber.

**Mr. Plumber:** Buenas yan Hafa Adai, Good Senators. Senator Nelson, Senator Klitzkie. Thank you for the opportunity to say a few positive things about the zoo and to support this bill, which I hope gets amended to a dollar a month or a dollar a year would be even better.

My nephew Manet, Manny pretty much covered. I'm really that old, he pretty much covered everything I wanted to say about the zoo and passion. I have been taking my children, my grandchildren, and my two great grandsons to the zoo for the past forty years. My oldest grandson now is twenty-seven and my youngest is three.

I know some of you were saying well I went to the zoo twice, I went to the zoo, good senator, for the first time. I probably been going to the zoo three or four times a month for the past forty years. I used to be a sixth grade teacher so I think it will be a while to figure out how many times, it's in the hundreds. When I asked my younger grandchildren now what do you want to do today? Always the same thing, tata, I own a fishing boat, I own a charter business for forty years plus. Do you want to go on the boat today? No, tata lets go to the zoo. We want to go see Auntie Barbara and Uncle Jimmy. And that's where we go, I probably owe Jimmy thousands of dollars. My kids come up and give them a hug, whats Jimmy going to do. I tried to give him money and Jimmy and Barbara will never take it.

So we've been there hundreds and hundreds of times and it's my favorite place for my grandkids to go. They learn so much about the culture, the fauna, the flora of Guam. Just through the zoo, my sixteen year old wants to be a marine biologist, he can tell you more about the birds and the bees and the fauna and many people work at agriculture and he got that start by going to the zoo. I know Barbara can remember as soon as he walks in, he wants food. Auntie Barbara where's the food, I got to feed the turtles first and I got to feed the goats and I got to feed the fish and I got to feed the pigs. And Barbara is always there. And this is a dollar tray for a little food and Barbara brings the bag out and so it starts they feed all the animals, they've learned so much.

Just an example what some of the kids learned. I mean you know, we lost all our birds on this island. The kingfisher is gone. The Ko'ko' bird is gone. They have a few ko'ko's there you can go see. If you walk 10 feet to the left when you're facing the ocean they got a cage with fifteen brown tree snakes. There's a lesson right there, ten feet apart. Kids in the school they don't learn, adults don't learn.

It's amazing what they've what they done over the years and just a... aside from all the fun my grandkids, my kids. My daughter owns Tamuning Day Care and they make it a point several times a year to take all their kids to the zoo and there's usually not a single one that does not get a favorable reaction or a parent that says no I don't want my kids to go to the zoo. So that's the most popular field trip from my daughter day care center.

I used to have a zoo at the day care center, speaking of zoos, but public health shut me down about twenty years ago. I used to have snakes, iguanas, rabbits, fish, public health inspector came by one by and there was a couple rabbit turds close to the fence where they were enclosed and they shut it down. He said, oh the kids are going to pick up rabbit poop and eat it. So that was the end of the Plumber Zoo, the Tamuning Day Care Zoo.

A few comments on the Holiday Inn. I know they want that zoo out ever since it was built first by using hundreds of truckloads of dirt to pile up and make this huge berm there. It's grass covered now and if we had snow on Guam, It will probably make a nice sleigh ride. How does hide the entrance to the zoo, if they were, if we were to open up this quarter acre pathway to a, I'm not a legal mind, I know that hotel will be the first one that will try to get that property.

What will they use it for? A walkway. And were talking about big words like biodiversity. They probably plant a few flowers on either side of the walkway and the most important thing is, they would probably force Jimmy and Barbara to shut down the zoo. It's going to take a large portion, it's going to take the whole entrance way away. I think it would be, better hope that that's what it's going to do.

I've talked to people in the hotel, I won't mention names, but you can check the flyers that they give their tourists. Of all the activities to do on Guam, the Cushing Zoo is not on there. It's right there. Families can walk out the side doors. They don't need a special pathway, walk down Matapang. Most of them don't even know the zoo is there. The hotel doesn't even advertise that. You go to the Hilton you can go there, you can go to the reef, but if you go to Holiday Inn, no mention of the zoo.

So, I also mention briefly last year there was a tourist from Asia who wrote a letter to the PDN complaining about the condition of the Zoo and the poor animals and this and that. I think she was a member of PETA. You all know what PETA is, right? It's people that eat dead animals. So, but anyway she was put up to that by the director of public relations at the hotel, I got this from very reliable sources that helped her write the letter. And the answer to that, that particular letter that she wrote, they've tried several tactics to get the zoo closed down.

So, I'll cut off now. I've talked too much already. If you can please consider this bill and do whatever we can do to help Jimmy and Barbara.

**Chairperson Tom Ada:** Thank you very much. Ms. Duenas.

**Flora Duenas:** Hafa Adai Senators, Chairman. I was actually asked to read a letter that Dr. Poole wrote but I believe you guys have it unless you guys want me to do it now.

**Chairperson Ada:** We did receive a letter of support from Dr. Poole.

**Flora Duenas:** Ok, also, I do have a short personal statement of my own on working with Barbara and Jimmy and the Zoo as um as a partner with Department of Agriculture Division of Aquatics, which I have worked for for the past five years and um, they offer a valuable resource for us as far as um, rehabilitating our wildlife species that we can't keep with us unfortunately because we do house the ko'ko and the seahicks at the Department of Agriculture.

They allow us to bring in and they're gracious and they're awesome at bringing in and housing these animals that would need a little bit more time to recuperate or are just unable to go back out into the wild and they also do a great job as another counterpart for our outreach. We try to send as many people if they want to see a ko'ko bird they come in and contact us if they want to see a ko'ko bird or seahick we automatically tell them the Cushing Zoo is the best place to go to see that it's on Guam you don't have to fly an airplane or get into a boat to see anything else, to see the ko'ko bird. And hopefully by the end of this year it will go for the same thing for the seahick and chichikarica and other birds we did have on island.

They offer such a great resource for our schoolchildren. We try as much as we can to get out and get the word across about our native species and how important it is to keep that on the forefront of everyone's mind because the beginning of conservation is knowing that there is a problem and unfortunately I am from the generation that forgot about the birds, never saw the birds. And so having a resource as the Cushing Zoo there to teach not only my generation but the... all the other generations about these birds offers such a great resource that you know, I go out to schools now and when I tell students about the ko'ko bird or about these birds they tell me they saw them already in the zoo. So it kind of brings back that um, that lesson and it kind of compounds it to where it becomes something that our future generations can be more active than we were in the past or we are now. So I just, I'm here in support of the bill and hopefully we can find something that works for them so much more than where they are now in terms of support.

**Chairperson Tom Ada:** Thank you very much. Mr. De Oro

**Mr. Plumber:** Can I just add one thing, excuse me for my sunglasses, I just had cataract surgery. I'm not being cool.

**Art De Oro:** Hafa Adai Senators. I have a prepared statement but I just want to point out some of the things that uh, that do need your assistance with in helping with the zoo and the first is that berm that is artificially exaggerated by the hotel to block the view. That, it's just, you can tell it was very blatant and the way it was constructed especially if the exit from the hotel there's a patio and a stairwell to go down to access the beach. And then it was even further built out to such a height that it does block the height of the zoo. Along with the signage and the problems that they brought up about the signage.

And the other thing that really affected their business is the fieldtrip that you know with the bussing situation so um, lastly on that issue with, by providing the same kind of deal that other nonprofits have had it really would alleviate a lot of their worries, their concerns as far as operational costs by having such a great... my earlier recommendation would have been to just lease, not lease the land, but to sign it over to them. Um, for the work that they continue to do and have done in the pass with little or no compensation.

And, obstruction from the government and their neighbor as payment for the service that they have provided. One thing that I did learn from Barbara and Jimmy this past week, I have visited the zoo, is their goals and aspirations what they would like to do in the future and it is very encouraging because they have a piece of property right next to the University of Guam Marine Lab, which would be, will be able to see the fanihi in flight if there vision comes to fruition.

Right now, they would need access by public works for a strip of road, an easement between the University of Guam and their property to be able to make that goal happens. So that is another area we can help them by having the access they need to that property.

As a bird lover myself, who did see and hear the koko and the cries and the birds in the wild, um that's something I would love to see. I've never seen fanihi in flight but when I went to Rota, saw them flying in the afternoon as I was driving around the island.

But to sit there and listen to the calls of the birds down at the Cushing Zoo, um, it's something that reminded me that brought me back to when I was a young boy. To experience that, a lot of people did not, have not ever experienced that and to bring those birds that Barbara is talking about back to Guam and to have a safe place for them to roam and fly freely that is the future that we can see if we continue to help the Cushings with their goals and their dreams.

So, let us do what we can and um I am full support of Bill 276-33 and would like to see that same kind of deal where, I like that idea a dollar a year for the next 99 years for Cushing. Thank you.

**Chairperson Tom Ada:** Thank you very much, Mr. De Oro. Do any of the senators have any questions of the panel? None. Yes sir.

**Senator Tony Ada:** Thank you, Mr. Chair. Mam I know you spoke about the Department is bringing animals over to the Cushing Zoo for those that the department can't care for. Does the department pay for any of that care that is provided by the Cushing Zoo?



**Flora Duenas:** Um, We, no, they actually have been gracious enough. Most of our funding is for endangered birds. It's all federal, we have no local support as far as our wildlife is concerned. So everything that we can't take care of within what's covered by our Department, we ask them if they can. They've been gracious enough to take over the care.

**Senator Tony Ada:** So took over the care of the animals with no compensation from the government.

**Flora Duenas:** Mhm.

**Senator Tony Ada:** Thank you, Thank you Mr. Chairman.

**Chairperson Tom Ada:** Thank you very much Senator. Ok, if there is no other questions for this panel you are dismissed. The last panel would be Ms. Juanita Blas, I signed up to give oral testimony and Ms. Susanne Medina, Susanne. Senator, did you want to make some remarks? Well I will always welcome..., oh and I'm sorry and Senator Ted Nelson also you did sign up. No you can go ahead step up to, but we'll start with Ms. Blas.

**Juanita Blas, Guam Zoo:** Ok, is this on, ok, Hafa Adai, um. I am here of course in support of the awareness of more acknowledgment and more support going to the Cushing Zoo. Um, I think this law has brought attention to something that I have, I guess my family we have known but we not done anything about um, my name is Juanita Blas. I am mother of six children and the director of Island Girl Power, that's the capacity most people know me. I'm also Rory's classmate. But my purpose here today is really just to say as a family member of the Cushing's as a granddaughter Majorie and Frank Cushing. I can honestly say that the Cushing motto the Cushing seal their coat of arms, researching it with my daughter recently for school and its valor, divine aid is the meaning of the Cushing coat of arms. That's the motto of the Cushing family. And it really just affected me greatly because I always wondered why I had to be so different but the Cushing family just stands for more and if you're looking for a family to entrust this family to, if you're looking for a family that will hold true to the intent of what they are doing to the zoo. This is the family that will honor the agreement that is made to keep the zoo in perpetuity and to pass it along to the rest of the family. In researching about the Cushing family, myself, we have a long history of giving and helping and fighting for just causes. And living on Guam, kind of separated from the rest of the Cushing heir, you know the rest of the Cushing families. It was only be doing this research with my daughter recently that I found what a true heritage that I have in being a Cushing. And, uh, my grandmother had passed that along to me. And I totally feel that everything that I am and the person that I am and who, what I stand for comes from so many teachings from my grandmother and taking those walks through the Zoo and as a child growing up and being a part of something bigger than myself, being a part of the history of the Ferris wheels and the history of the old grand opening of the town house shopping center and grandma doing the sway pole act. I always thought I was born in the wrong the generation. The zoo and the work that I do in the community helps me to connect and makes me feel like I'm doing my grandparents justice so let me start this next half by saying the Cushing family has endured. In living in Tumon for eighteen years of my life, we have been flooded out by sewer

water. Every time Tumon floods, the zoo floods. But we have also fought against the culvert because we want to protect the Tumon bay. We fight for what is right. And we have endured the construction of the Holiday Resort with buckets of concrete, rebar, hammer, everything falling on us on our side of the property because the powers that be at the time allowed them to build right on the property line. Now, normally I focus on the positive and bringing light of all the wonderful things of the island. But so many injustices have happened to our family in Tumon. We have been rich in land but, what I was told growing up, but poor in pocket. And it wasn't enough to know that we were doing the right things sometimes because it hurt so much knowing that people were encroaching in on the property line not allowing us an easement. And until when the hotel has clients or customers that drink their bottles go overboard and come onto our property. When somebody from the pool lets go of their floating device, it comes into our property. And I'm sure Uncle Jimmy has to deal with items that fall into the carabao cages and worry that the carabou might eat something and hurt it. You know so, there's so many things that we have had to endure, the beachside entrance. We can't even use that because how many regulations have come in, just stopped them in some way. Uncle Jimmy has always been a one man show. Him and his family have taken this on and promoted themselves. In very small ways on their own. Because they have never had the support of the community. Trying to pass fliers to groups as a child as a young adult, trying to help them have always been met with resistance, because once we give over the power to someone else to help us, a lot of the times we end up getting hurt. So, you know, I just want to say I hope that this hearing is a chance to make right on so many things that have gone wrong for our family and for the zoo. I remember the zoo being a lot larger, but the easements have been built up on and there's no more easements and no more access besides what the small entrance ways that you see. The entrance way, the original beginning entrance way that is on Frank H. Cushing Way, we had to build mound over the parking area because of the sewer water. We had so much property cut into by the road that was built to get to the condominiums and with all the struggles and adversity they persevere. And I just want to say, you know it's not easy to keep a group and an organization going. Mine is reaching fifteen years, the work that I do. Uncle Jimmy and Auntie Bobby have been at this for forty years. I can only hope that I can keep up the momentum to have our organizations last as long as the zoo has and so that you would help us to support them better and find ways, creative ways to give them what they need to make their operations more successful for the community, thank you.

**Chairperson Tom Ada:** Thank you very much. Uh Ms. Medina.

**Susanne Medina, Dept. of Aquatic and Wildlife Resources:** Can you hear me? Hafa Adai, thanks for having me, I'm Susanne Medina. I've been on Guam for nineteen years and I came down here to specifically work with the Ko'ko bird. I work with Guam Department of Agriculture but I'm here today as a private citizen. I heard a lot of great things today and I feel I don't need to read anything that I've written. It's very encouraging to hear everyone support the zoo and to support our wildlife. When I first started on Guam, nineteen years ago, I remember one year I think it was like '99, we decided to put the Ko'ko' bird in the Liberation Day Parade. And so I was there behind the truck holding the bird and people were just, people didn't know what it was. I mean, the crowds were like what's that, what are you doing with that, what is that. And I told them it was the koko bird and people were saying I've never seen one before. When I first started working here, that's what it was all about. No one has seen the Ko'ko bird. And now,

my colleague Flora was just up here talking about how school kids are telling us now they're seeing the Ko'ko bird because of Cushing Zoo. There's a lot more that needs to go on in terms of outreach for our birds and don't suppose any of you guys can tell me the, what's happening with the Marianas crow right now, does anyone know? The Aga, it's this big beautiful black bird and it's actually went extinct three years ago, there was no public outcry, there was nobody, it didn't even make the news. And our office, we did receive so phone calls but they were like from New Zealand Radio or other places like that. But no one on Guam just batted an eye that we lost our Crow. The egigi I heard that brought up a couple times today. A beautiful bird, but I don't know how many here can say what it looks like what color it is. Does anyone what ... black and red. It's a black and red bird about this big with a little curved beak, it drinks nectar. We just have such amazing birds here but nobody is talking about it. Flora's generation, my colleague that was just up here, I'm turning fifty this year and depending on where you lived on the island for those of my generation it's whether or not you remembered the birds. Anybody who came after me, they are not going to have the birds or the bats in their mind anymore. So having Cushing Zoo, seeing their role as a zoo change, and the roles of Zoos are changing in the mainland too. They're not just, put it in a cage to look at. They are actually moving towards conservation and Cushing Zoo the way they're beefing up their birds and their bats, especially their bat colony, it would be ashamed, it would be the wrong thing to do to let the Zoo go. I have also been hearing about the funding that's been brought in. How much they're going to be charged, I think \$1,000 a month I think that's outrageous. If you look at endangered species recovery program all over the nation, like Hawaii. IF they, they received federal funds, you know \$100,000 from the endangered species to recover their alala, which is their Hawaiian Crow, they also have to put in \$100,000. So there states support the recovery of their birds of their native wildlife. On Guam, we don't have that. There's no support from the territory in recovering of our endangered species. So, this is a way for us to step up to the plate and do something really positive to help our endangered species. So I'm thrilled to hear all these propositions that are coming out. Maybe a dollar a year type of thing if that's possible, way to go Guam, I think that that's phenomenal. If we also lost the zoo, we brought up what happens you were mentioning, asked if the Cushings get reimbursed for any of the wildlife that we call them up to. We got a tropical bird to, we got a dalili with a broken leg. Our veterinaries do a wonderful job healing these animals but they need a place to recover and unfortunately we can't take them at Agriculture because we have the Koko and the seahick so without the Cushing Zoo these migrants, these seabirds, it gives them a place to rest before they can go back to the wild again. I think that's pretty much about it, what I wanted to cover. If you haven't been to the zoo you should go. Bring your grandkids brings your neighbors and uh, yeah, Lets Save the Zoo.

**Chairperson Tom Ada:** Thank you very much, Thank you, Vice Speaker Nelson.

**Vice Speaker Nelson:** Notwithstanding, notwithstanding provision of law, the lease of one dollar. Mr. Chairman, Senators, twenty years ago Speaker Dierking and myself signed a lease, James W. Cushing for the lease down in Tumon. ... Hanom, water, local water and you can see the benefit of the action that we took twenty years ago and today I am proud that we are part of this movement and there is several things that I'd like to bring to your attention. One is, one is the lease. At the time it was a thousand a month. I believe that we should drop it down to at least a dollar. The other issues, I will like to bring to the attention of this, Mr. Chairman and this committee, to restore the area that was originally leased by the senators back then in 1988. Ok,

1988. Perhaps we can have some research done on what happened to the original lease. The mention of Mangilao land locked there's a law that again ... and I passed that. If you're landlocked by the government, you shall be granted easement access to your property. I am very, dispensa, I am very proud of Barbara and the Cushing family. I think that they played a major role in Guam and I believe that by giving them all the available Chamorro land property land trust property down in Tumon for them to expand the zoo. I think they should be given that opportunity, it should be given that privilege so that Tumon can be known also as a place for not only the tourists but also the place for children, it's a place where is recognized and not hidden by the hotel. It is very important and I ask you, Senators, to please provide all the legislation provision necessary for the expansion of a zoo. Rental shall be reduced and perhaps can provide additional assistance in the development for expansion of the Cushing Zoo. I applaud the family and again on behalf of Speaker San Agustin and Senator Dierking who passed. We saw this twenty years ago and we're still looking at it for another one hundred years. So therefore I suggest that perhaps reduce the lease to one dollar and allow the people of Guam, the children of Guam to benefit with such wonderful effort and dedication and passion by the Cushing Family. Mr. Chairman, I want to also thank the sponsor of the bill, Senator Barnes. It's timely and I believe that we should give them the complete support, every support that we can and I hope that ... and the community should be with the family, with Barbara and see what else can be added, what else can be developed in order to make this zoo. It's fun for Guam, for anybody coming over our island, for our children to be part of because I've been ... We want schoolchildren perhaps all of them, elementary school be able to participate to see the zoo while they're in school. Mr. Chairman, I want to thank you for allowing me this opportunity, I want to thank you, the senators, thank you sir.

**Chairperson Tom Ada:** ...Senator Klitzkie

**Senator Bob Klitzkie:** Thank you, Mr. Chairman, you already spoken for the younger senators, obviating the necessity for my doing that this morning. Thank you. Mr. Chairman I would submit that the policy advanced by the bill is salutary, so salutary that the absence of my sarcasm app on my iPad I'm not even going to comment on section three of the bill. But I just once again say that the bill is once again the policy of the bill is salutary. Admitting my own, admitting my own self-interest this morning, Mr. Chairman, because I've been, I've gone through the zoo, unlike some of the members this morning, I've gone through zoo with a couple of generations of children. Working on the great granddaughter level right now and I think it would be in my self-interest if we can stick around for one more generation. So, uh, I see this bill, although I am self-interested, I see it as salutary. Going beyond the policy of this, by the bill, I also like to speak...

**Chairman Tom Ada:** Excuse me, I, can you explain more of salutary.

**Senator Bob Klitzkie:** Helpful, good, beneficial, good, right, maolek, you know.

**Chairman Tom Ada:** Ok, got it.

**Senator Bob Klitzkie:** I'd also like to go beyond the policy of the bill and just talk about Jimmy and Bobby Cushing. They're wonderful people, those generations of children love them and I think they did is because they knew that Jimmy and Bobby loved them. So they're fine people

and certainly if anybody would be deserving of a break, I think, perhaps it would be Jimmy and Bobbie Cushing, and so for those reasons I can support this bill, Mr. Chairman. And, I can also make a commitment to this august body if it indeed does enact this bill into law, and that is, if that happens, I will work with Jimmy and Bobby to try to procure an elephant for the zoo, to keep the donkey company. Thank you very much, Mr. Chairman.

**Chairman Tom Ada:** I'm glad that you bring the humor side to the public hearing room. Yes ma'am.

**Susanne Medina:** I'd like to say one more thing; I think I like to think that we all agree that we want our birds back, right? We want our birds and our bats back flying out in the wild, no longer in cages. We come a long way in twenty years in snake control, Imagine where we're going to be in twenty years from now. The first step in recovery, though, is having our children, having the public want recovery. They want their birds back in the wild again. That's where the Cushing Zoo's role comes in. They are the platform, they are the base of the pyramid for recovery right now and getting our birds back out in the wild right now, keeping the public support, keeping them in the public's presence, in the public's mind. Thank you.

**Chairperson Tom Ada:** Thank you, very much. Senators any...

**Senator Tony Ada:** Thank you Mr. Chair. Probably not for the panel. It's just that, you know, I was just, when we were discussing earlier on the property and I think it was land management that said that there was an agreement way back when, the hotel will take care of Matapang Beach Park in exchange for use of the property there for parking. And, that has since expired and no longer in effect. So, Mrs. Cushing, I'm not sure, was it the hotel that built the berm that I keep hearing about?...It was...Maybe Mr. Chairman, something we can also look into including in this bill is probably requiring the hotel to remove the berm.

**Chairperson Tom Ada:** I, that's a good point that you make Senator and I think it's really, um, time to send a request to the public auditor to really audit who all is involved in here because, for example, you know, we got, we've got the property line of this hotel is right up, the hotel is built right up to the property line, but then that hill that was put in here is really on Government land. You've got this Bull Cart trail here, um, you know, the, somebody has got to take a look at what's going on. Then in here, actually, there, we have another map that shows that there are burials underneath and they, it was left in place under here is kind of a leaching field but there was actually some remains that was actually left in place here that was actually supposed to be eventually exhumed and consolidated in a another burial site, so I think it's about time that we really need to take a close look at the Matapang Beach area. It's utilized quite heavily by the public, but also what's important is the zoo in here. And, the service it provides to the community and, um, and we've got to take a look at that closely.

**Senator Tony Ada:** Thank you, Mr. Chair and I really appreciate that then. Not only does the service that the zoo provide to the community but also to the wildlife that is there in trying to help bring back what we've, what we hope we don't lose and have extinct any longer and that being that this is the only zoo on the island, I think it's in the best interest of not only this government in helping with the Cushing Family but also the people of Guam in helping the zoo actually is able to go on for generations to come. Thank you, Mr. Chairman.

**Chairperson Tom Ada:** Senator Blas, did you have any final comments? Senator Aguon? Ok, fine, um, with that then, um, there will be no final questions, thank you very much for taking the time, um. I want to thank very much the Cushings for the work that you have done. I will again say without any reservations, I'm very proud of the zoo that you have there. Um, and there's, going into there is a lot more than just looking at animals. I mean how you have set it up with the, you know, with some of the local vegetation that we have. Um, wow you could spend hours in there just, um, you know. Kind of like, Oh I remember that when I was a little boy. So I really want to thank you for the work that you've done and we have to preserve it. So with that, uh, there be no further questions, uh we'll consider uh, Bill 276-33 as having been duly heard and, um, we will adjourn this public hearing. Thank you.

### **I. Findings and Recommendation**

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement finds, based on the Public Hearing, on April 14, 2016, finds the bill shall be amended to reflect some technical changes. These changes include the lot description number and the mentions of Frank H. Cushing to be changed to James W. Cushing.

The Committee also finds that based on favorable written and oral testimonies the bill shall be amended to reflect the sentiments that Cushing Zoo be given a 99-year lease and a lower rent payment.

All revisions to Bill No. 276-33 were made by *Author, Senator Muna Barnes*, and facilitated by discussions at the Public Hearing.

After considering the findings and testimonies given at the public hearing, the Committee hereby reports out **Bill 276-33 (COR) As Amended**, with the recommendation

to REPORT out.

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN*  
2015 (FIRST) Regular Session

Bill No. <sup>216-33</sup> (COR)

Introduced by:

T. R. Muña Barnes



2016 MAR 9 AM 1:51  
Jesse M. ...

**AN ACT TO ADD A NEW §75125 TO TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING A PORTION OF LOT 5133-1, TUMON, DEDEDO, GUAM AS A BIODIVERSITY CONSERVATION EASEMENT FOR THE PURPOSE OF PROVIDING AN AREA FOR THE PRESERVATION OF INDIGENOUS BIODIVERSITY.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the 19th Guam Legislature recognized the need for a Guam zoological, botanical and marine garden through the passage of Public Law 19-34, in 1988. Recognizing a portion of Lot 5133-1, Tumon, Dededo, Guam, was uniquely zoned for this purpose, *I Maga' Lahen Guåhan*, subject to the terms and conditions of P.L. 19-34 entered into a twenty-year lease with Mr. Frank H. Cushing who founded the "Guam Zoological, Biological, and Marine Garden" (Cushing Zoo).

In the Cushing Zoo's nearly twenty (20) years in operation, they have successfully bred the Marianas Fruit Bat, protected nearly twenty-seven (27) separate flora and fauna, and exhibited eighteen (18) other species that brought awareness and appreciation to animals of all kinds to the public. The Cushing Zoo has become an invaluable tool for conservation efforts, housing the many indigenous

1 species of flora and fauna on island and sheltering many more endangered species.  
2 The Cushing Zoo has performed an invaluable service to the people of Guam and  
3 Guam's natural biodiversity.

4 It is, therefore, the intent of *I Liheslaturan Guahan* to allow the Cushing Zoo  
5 to remain in operation on a portion of Lot 5133-1, Tumon, Dededo, Guam provided  
6 they continue conservation practices of endemic species of flora and fauna, educate  
7 the public on conservation efforts, and continue to bring awareness and appreciation  
8 of flora and fauna.

9 **Section 2.** A new §75125 of Chapter 75, Title 21, Guam Code Annotated,  
10 is hereby *added* to read:

11 **“§75125. Designation of Biodiversity Conservation Easement: (a)**  
12 Notwithstanding any law, provision, rule, or regulation, the *Chamorro* Land Trust  
13 Commission (CLTC) is hereby directed to designate the current site of the Guam  
14 Zoological, Botanical and Marine Garden described as a portion of Lot 5133-1,  
15 Tumon, Dededo, Guam as a Biodiversity Conservation Easement for the purposes  
16 of preservation efforts of native biodiversity.

17 (b) The Biodiversity Conservation Easement *shall* be managed by the  
18 owner(s) of the Guam Zoological, Botanical and Marine Garden (Cushing Zoo) as  
19 the caretakers of a portion of Lot 5133-1, Tumon, Dededo, Guam provided they  
20 continue conservation practices of endemic species of flora and fauna, educate the  
21 public on conservation efforts, continue to bring awareness and appreciation of flora  
22 and fauna through live exhibitions. The Guam Zoological, Botanical and Marine  
23 Garden (Cushing Zoo) must maintain compliance with the United States Department  
24 of Agriculture and environmental laws.

25 (c) The owner(s) of the Guam Zoological, Botanical and Marine Garden  
26 (Cushing Zoo) *shall* continue to operate as a business on a portion of Lot 5133-1,  
27 Tumon, Dededo, Guam and *shall* pay rent to the CLTC in the amount of One



1 Thousand dollars (\$1000) per month to be made payable on or before the first day  
2 of the month. The rental amount shall be reviewed and revisited every three years  
3 by the CLTC and any increases on the rent made by the CLTC *shall* not exceed more  
4 than ten percent (10%) of the current rental amount.

5 (d) This lot *shall* revert back into the Chamorro Land Trust Inventory but  
6 remain a Biodiversity Conservation Easement, if:

7 (1) The Guam Zoological, Botanical and Marine Garden terminates  
8 their business services or ceases to exist; *or*

9 (2) Rental payments have not been paid; *or*

10 (2) Conservation efforts are not being fulfilled; *or*

11 (3) Noncompliance with the United States Department of Agriculture  
12 and Environmental Laws.

13 (e) If the Guam Zoological, Botanical and Marine Garden (Cushing Zoo) no  
14 longer serves as a caretaker to this property, the land *shall* remain a Biodiversity  
15 Conservation Easement and *may* be available to be managed by another organization  
16 provided they follow subsection (b), (c), and (d) of this Section.

17 **Section 3. Severability.** If any of the provisions of this Act or the  
18 application thereof to any person or circumstance is held invalid, such invalidity  
19 shall not affect any other provision or application of this Act which can be given  
20 effect without the invalid provision or application, and to this end the provisions of  
21 this Act are severable.

22 **Section 4. Effective Date.** This Act *shall* be effective immediately upon  
23 enactment.

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

**Bill No. 276-33 (COR)**

As Amended by the Author

Introduced by:

T. R. Muña Barnes  
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW § 75125 TO CHAPTER 75 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING A PORTION OF LOT 5133-1-2, MUNICIPALITY OF *TAMUNING*, ±1,024 SQUARE METERS, AS A BIODIVERSITY CONSERVATION EASEMENT FOR THE PURPOSE OF PROVIDING AN AREA FOR THE PRESERVATION OF NATIVE BIODIVERSITY.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the 19th Guam Legislature recognized the need for a Guam zoological, botanical and marine garden through the passage and enactment of Section 14 of Public Law 19-34 in 1988. Recognizing a portion of Lot 5133-1-2, Municipality of *Tamuning*, ±1,024 square meters, as shown on L.M. Checked No. 258FY89 was uniquely zoned for this purpose, *I Maga'låhen Guåhan*, subject to the terms and conditions of Public Law 19-34, entered into a twenty (20)-year lease with Mr. James W. Cushing, who the "Guam Zoological, Botanical, and Marine Garden" (Cushing Zoo).

In the Cushing Zoo's nearly twenty (20) years of operation, they have successfully bred the Marianas fruit bat, protected nearly twenty-seven (27) separate flora and fauna, and exhibited eighteen (18) other species that brought awareness and appreciation of animals of all kinds to the public. The Cushing Zoo has become

1 an invaluable tool for conservation efforts, housing the many indigenous species of  
2 flora and fauna of the island and sheltering many more endangered species. The  
3 Cushing Zoo has performed an invaluable service to the people of Guam and Guam's  
4 natural biodiversity.

5 It is, therefore, the intent of *I Liheslaturan Guåhan* to allow the Cushing Zoo  
6 to remain in operation on a portion of Lot 5133-1-2, Municipality of *Tamuning*,  
7 ±1,024 square meters, as shown on L.M. Checked No. 258FY89; provided, they  
8 continue conservation practices of endemic species of flora and fauna, they educate  
9 the public on conservation efforts, and they continue to bring awareness and  
10 appreciation of flora and fauna.

11 **Section 2.** A new § 75125 is hereby *added* to Chapter 75 of Title 21, Guam  
12 Code Annotated, to read:

13 **“§ 75125. Designation of Biodiversity Conservation Easement.**

14 (a) Notwithstanding any law, provision, rule, or regulation, the  
15 *Chamorro* Land Trust Commission (CLTC) is hereby directed to designate  
16 the current site of the Guam Zoological, Botanical and Marine Garden,  
17 described as Lot 5133-1-2, Municipality of Tamuning, ±1,024 square meters,  
18 as shown on L.M. Checked No. 258FY89 as a Biodiversity Conservation  
19 Easement for the purposes of promoting preservation of native biodiversity.

20 (b) The Biodiversity Conservation Easement on Lot 5133-1-2,  
21 Municipality of Tamuning, ±1,024 square meters, as shown on L.M. Checked  
22 No. 258FY89 shall be managed by the owner(s) of the Guam Zoological,  
23 Botanical and Marine Garden/ Wildlife Micronesia (Cushing Zoo) as the  
24 caretakers of Lot 5133-1-2, Municipality of Tamuning, ±1,024 square meters,  
25 as shown on L.M. Checked No. 258FY89; *provided*, they continue  
26 conservation practices of endemic species of flora and fauna, they educate the  
27 public on conservation efforts, and they continue to bring awareness and

1 appreciation of flora and fauna through live exhibitions. The Guam  
2 Zoological, Botanical and Marine Garden/ Wildlife Micronesia (Cushing  
3 Zoo) must maintain compliance with the United States Department of  
4 Agriculture and federal and local environmental laws.

5 (c) The owner(s) of the Guam Zoological, Botanical and Marine  
6 Garden/ Wildlife Micronesia (Cushing Zoo) *shall* continue to operate as a not-  
7 for-profit organization on that portion of Lot 5133-1-2, Municipality of  
8 Tamuning, ±1,024 square meters, as shown on L.M. Checked No. 258FY89.  
9 The Guam Zoological, Botanical and Marine Garden/ Wildlife Micronesia  
10 (Cushing Zoo) shall have exclusive right to a ninety-nine year lease. The terms  
11 and conditions of the lease shall be agreed to between the Chamorro Land  
12 Trust Commission and the Guam Zoological, Botanical and Marine Garden/  
13 Wildlife Micronesia (Cushing Zoo).

14 (d) The lot *shall* revert to the Chamorro Land Trust Commission lands  
15 inventory, but remain a Biodiversity Conservation Easement, if the Guam  
16 Zoological, Botanical and Marine Garden/Wildlife Micronesia (Cushing  
17 Zoo). :

18 (1) terminates its business services or ceases to exist;

19 (2) fails to fulfill conservation and education efforts pursuant to  
20 Subsection (b) of this Section; or

21 (3) fails to comply with the United States Department of  
22 Agriculture and federal and local environmental Laws.

23 (e) If the Guam Zoological, Botanical and Marine Garden/Wildlife  
24 Micronesia (Cushing Zoo) no longer serves as the caretaker of this property,  
25 the land *shall* remain a Biodiversity Conservation Easement and may be  
26 available to be managed by another organization. At which point, the new  
27 organization *shall* be subject to legislative approval prior to the *Chamorro*

1 Land Trust Commission entering into a new agreement with the new  
2 organization. The new organization must comply with Subsections (b), (c) and  
3 (d) of this Section, subject to the approval of *I Liheslaturan Guåhan*.”

4 **Section 3. Exemption.** Pursuant to §2107 of Title 2, Guam Code Annotated,  
5 and the Standing Rules of *I Mina'Trentai Tres Na Liheslaturan Guahan* relative to  
6 the appraisals of land *shall not* apply to this Act.

7 **Section 4. Severability.** If any of the provisions of this Act or the  
8 application thereof to any person or circumstance is held invalid, such invalidity  
9 *shall not* affect any other provision or application of this Act that can be given effect  
10 without the invalid provision or application, and to this end the provisions of this  
11 Act are severable.

Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement  
 Public Hearing  
 April 14, 2016  
 9:00am  
 I Liheslaturan Guåhan, Hagåtña

**Bill No. 276-33 (LS) – T.R. Muña Barnes/J.T. Won Pat, Ed.D.**

An act to add a new §75125 to Title 21, Guam Code Annotated, relative to designating a portion of lot 5133-1, Tumon, Dededo, Guam as a biodiversity conservation easement for the purpose of providing an area for the preservation of indigenous biodiversity.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER	EMAIL ADDRESS
LEE MCKAY				✓		686-7445	
MARY MCKAY				✓		687-1343	
Barbara S.N. Benavente		✓	✓	✓		488-6258	bbenae@teleguam.net
Barbara Cushing	Guam Zoo	✓	✓	✓		646-1477	guamzoo@ite.net
Peter Plummer		✓		✓		734-1325	
Patti Malakooti				✓		686-3255	
MANLY DUEÑAS	GREA	✓		✓			
Laura B. Duenas	DANR	✓				735-3997	
Jeanne Kauffman		✓	✓	✓			
SIMONA CUSHING	Self			✓		789-4200	js_cushing@hotmail.com
MICHAEL BORTA	DLM	✓	✓	✓			
Art Deoro		✓	✓	✓		688-4262	artdeoro@yahoo.com

Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement  
 Public Hearing  
 April 14, 2016  
 9:00am

*I Liheslaturan Guåhan, Hagåtña*

**Bill No. 276-33 (LS) – T.R. Muña Barnes/J.T. Won Pat, Ed.D.**

An act to add a new §75125 to Title 21, Guam Code Annotated, relative to designating a portion of lot 5133-1, *Tumon, Dededo, Guam* as a biodiversity conservation easement for the purpose of providing an area for the preservation of indigenous biodiversity.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER	EMAIL ADDRESS
JOANNA INDALECIO	GUAM MASSAGE TRAVEL AGENCY			✓		472-8252	lucid_trance@live.com
9 Crystal D. Gingras	Guam Massage Travel Agency	✓		✓		788 1980	crystal-gingras@yahoo.com
9 Juanita Blaz	Guam Zoo	✓				688 4752	islandgirlpower@yahoo.com
M. GRACE L. ROSADINO			✓	✓		971-1419	LAPIDG@YAHOO.COM
10 Suzanne Medina	PAWR	✓				735-390	
<i>Ted de Jesus</i>	<i>PAWR</i>	✓		✓			727 0315



**DIPATTAMENTON MINANEHAN TĀNO'**  
 (Department of Land Management)  
**GUBETNAMENTON GUĀHAN**  
 (Government of Guahan)



EDDIE BAZA CALVO  
 Governor of Guahan

MICHAEL JB BORJA  
 Director

RAY TENORIO  
 Lieutenant Governor of Guahan

DAVID V. CAMACHO  
 Deputy Director

Street Address:  
 590 S. Marine Corps Drive  
 Suite 733 ITC Building  
 Tamuning, GU 96913

Mailing Address:  
 P.O. Box 2950  
 Hagåtña, GU 96932

Website:  
<http://land.guam.gov>

E-mail Address:  
[dmdir@land.guam.gov](mailto:dmdir@land.guam.gov)

Telephone:  
 671-649-LAND (5263)

Facsimile:  
 671-649-5383

April 12, 2016

Senator Thomas C. Ada  
 33<sup>rd</sup> Guam Legislature  
 Chairman, Committee on Transportation,  
 Infrastructure, Lands, Border Protection,  
 Veteran's Affairs and Procurement  
 173 Aspinall Ave, Ste 207  
 Hagatna, Guam 96910

4/13/16 3:15 PM  
 COY TORRES  
 RECEIVED by the  
 Office of Senator  
 Thomas C. Ada

**SUBJECT: Bill No. 276-33 – AN ACT TO ADD A NEW §75125 TO TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING A PORTION OF LOT 5133-1, TUMON, DEDEDO, GUAM AS A BIODIVERSITY CONSERVATION EASEMENT FOR THE PURPOSE OF PROVIDING AN AREA FOR THE PRESERVATION OF INDIGENOUS BIODIVERSITY.**

***Buenas Yan Hafa Adai!***

The Department of Land Management has reviewed Bill No. 276-33 and recommends the following technical changes to the bill:

- a. The lot should be described as "Lot 5133-1-2, Municipality of Tamuning, ±1,024 square meters, as shown on L.M. Checked No. 258FY89." A copy of the survey map is attached.
- b. Section 2. §75125(b) "The Biodiversity Conservation Easement on Lot 5133-1-2, Municipality of Tamuning, shall be ..."
- c. Change all references to Lot 5133-1 to Lot 5133-1-2.
- d. Include a revisionary clause that if the land shall no longer be used for this intended purpose, it shall be returned to the Chamorro Land Trust Commission.

The original use of this lot by Cushing Zoo was authorized by Public Law 19-34 in 1988. During the contract period, control of the contract transferred to the Chamorro Land Trust Commission (CLTC). The term of the lease expired a few years ago, however, the CLTC did not have any commercial rules and regulations in place to provide a method to address a new contract. In the course of creating the CLTC commercial rules and regulations, provisions were included to address unique circumstances such as this lease



which permitted a zoo with a botanical and marine garden. The enacted commercial rules and regulations did not provide a clear path for such a unique lease.

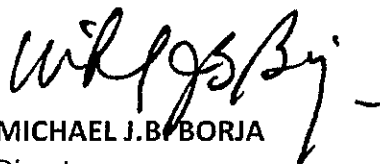
This bill works to address the necessities of entering into another lease for this small quarter acre lot that serves as part of the zoo. But more than just a zoo, the custodians also provide conservation efforts for indigenous plants as well as sheltering endangered species. The creation of the Biodiversity Conservation Easement will help in this effort of keeping what was once a natural habitat for Guam's natural species in an area where they once flourished.

For this zoo to survive financially, the rental structure established in this bill would be more amenable than the conditions set forth in the CLTC commercial rules and regulation. Additionally, the rent will be greater than that established in P.L. 19-34.

Lastly, we recommend the current facility be assessed by pertinent government agencies such as the Department of Agriculture (i.e. Divisions of Aquatic & Wildlife Resource and Forestry) and/or resources available through the University of Guam (i.e. UOG Marine Laboratory) to ensure the facility complies with acceptable educational and outreach programs and/or initiatives.

The custodians of the Cushing Zoo are passionate and dedicated to this facility. They have been good stewards of the land and protectors of our natural species. Passage of Bill No. 276-33 will allow them to continue in this endeavor.

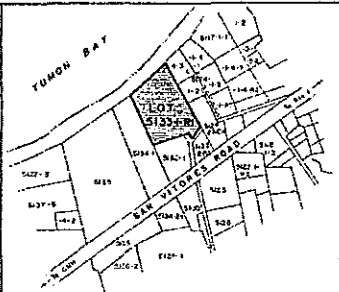
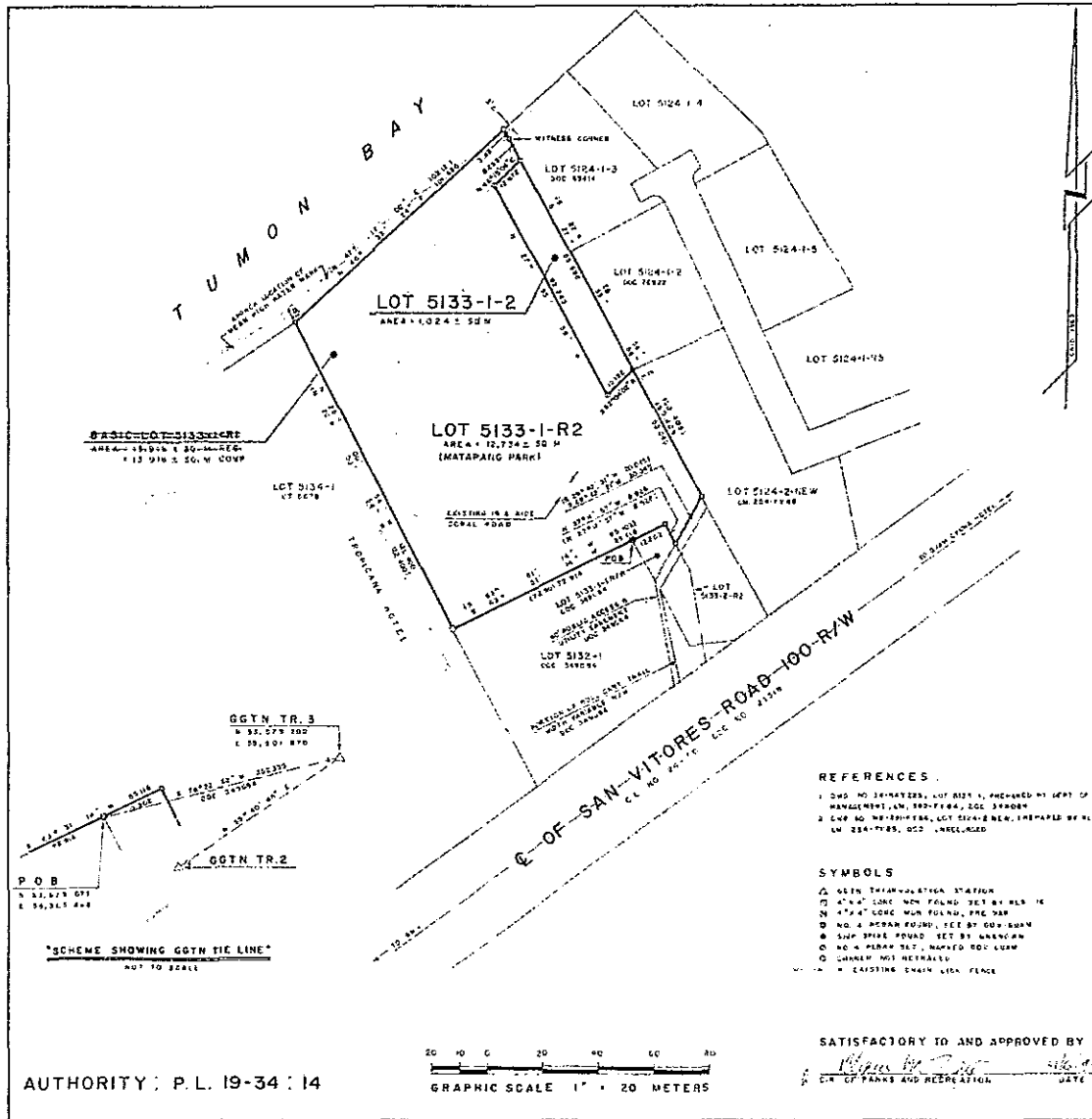
*Senseramente,*



MICHAEL J.B. BORJA  
Director

Attachment: Survey Map L.M. Checked No. 258FY89

I-332



NOTES:  
 1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN  
 2. ALL DISTANCES ARE IN METERS, UNLESS OTHERWISE NOTED.  
 3. BEARINGS AND DISTANCES IN PARENTHESES ARE RECORD DATA ALL OTHERS ARE 1983.

CERTIFICATION:  
 I, MICHAEL B. CASHING, HEREBY CERTIFY THAT THIS MAP WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS BASED UPON A FIELD SURVEY MADE IN MARCH 1983, AND THAT IT MEETS ALL THE REQUIREMENTS OF CHAPTER 5, TITLE 47, OF THE GOVERNMENT CODE OF GUAM AND REGULATIONS THEREUNDER.  
 TERRITORIAL SURVEYOR DATE  
 APPROVAL PURSUANT TO PUBLIC LAW 5-174 TITLE 8 GOVERNMENT CODE OF GUAM  
 TERRITORIAL PLANNER DATE

APPROVED  
 DIR. OF LAND MANAGEMENT DATE

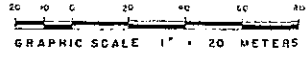
SURVEY DATA		ABSTRACT OF TITLE	
SUBJECT	BY / DATES		
LOT 5133-1	BY: M. B. CASHING DATE: MAR 1983	SUBJECT	LOT 5133-1
FIELD SURVY	M. B. CASHING MAR 1983	REGISTERED	59-20
COMPUTED	M. B. CASHING MAR 1983	REGISTERED ON	5/22/1974
CHECKED	M. B. CASHING MAR 1983	IN NAME OF	GOVERNMENT OF GUAM

REFERENCES:  
 1. DED 80-1814283, LOT 5131-1, PREPARED BY DEPT OF LAND MANAGEMENT, LN 802-FY84, ZONE 33RDON  
 2. LOT 50, 50-1814283, LOT 5134-NEW, PREPARED BY DEPT. LN 284-FY85, ZONE 33RDON

SYMBOLS:  
 ▲ GREEN TRIANGULATION STATION  
 □ 4"x4" CONC WOOD PILING SET BY BLS 16  
 □ 4"x4" CONC WOOD PILING, PRE 589  
 ○ NO. 4 BRASS PILING, SET BY GOV-GUAM  
 ● SHIP SPIRE FOUND SET BY GUAMCAN  
 ○ NO. 4 PIPER SET, MARKED ROD GUAM  
 ○ CORNER NOT RECOVERED  
 --- EXISTING CHAIN LINK FENCE

SATISFACTORY TO AND APPROVED BY:  
 DIR. OF PARKS AND RECREATION DATE

AUTHORITY: P.L. 19-34:14



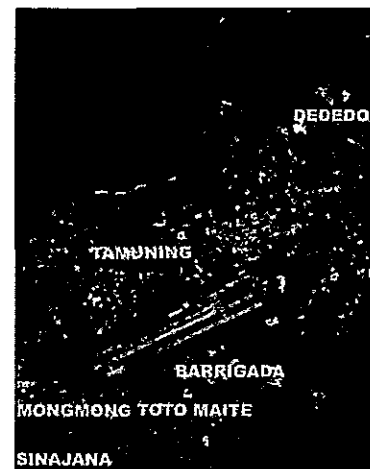

REAL ESTATE REQUIREMENTS FOR COMMERCIAL LEASE ON LOT 5133-1-2 (CUSHING ZONE) MUNICIPALITY OF DEDEDO LS. 14 SEC. 2 GOVERNMENT OF GUAM DEPARTMENT OF LAND MANAGEMENT LAND SURVEY DIVISION SCALE 1" = 20 METERS DRAWING NUMBER 258-FY89 I4-89T 332 SHEET 1 OF 1

LOT 5133-1-2, TAMUNING, PID 10000550630000, ZONE H



REFERENCES:  
LM258FY89, 1332, DOC#430342

PROPERTY VALUE: NA



GOVERNMENT OF GUAM  
GUBERNAMENTON GUAHAN  
DEPARTMENT OF LAND MANAGEMENT  
DIPARTAMENTON MINAHENA TANO  
SURVEY DIVISION  
DIBISION AGRAMENSIAH TANO

PREPARED BY PIERCE CASTRO  
THOMAS TORRES

DISCLAIMER: This map is for planning purposes only. Not for use in litigation or for as a legal surveying level accuracy. Though efforts have been made to obtain and accurately display data, the Department does not assume any liability for any inaccuracies in the map.



Senator Tom Ada

Tom Ada <tom@senatorada.org>

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## Bill 276-33 Letter of Support

1 message

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**Territorial Veterinarian** <guamvet@gmail.com>  
To: Tom Ada <tom@senatorada.org>, Ada Ada <office@senatorada.org>  
Cc: Matthew Sablan <matt.sablan12@yahoo.com>

Fri, Apr 8, 2016 at 1:41 AM

Dear Senator Ada,

First, I want to thank you again for speaking at the Rotary Club of Guam and apprising us of the issue regarding the future of the Cushing Zoo. This issue is of great importance to me personally and to the people and fauna of Guam. For the eleven years that I have held this job, the Cushing Zoo has served as the last resort for birds and animals that cannot be rehabilitated to live again in the wild. Last month Barbara and James took from me a large, very beautiful and uncommon Red-Tailed Tropic Bird that was otherwise healthy but had a bad wing joint that could not be repaired. That lovely bird would have been euthanized without the Cushing Zoo. Instead the bird serves the school children and tourists who visit the zoo as an example of the local beauty and elegance that surrounds us but remains otherwise invisible to most.

The sparing of this beautiful bird by James and Barbara Cushing is not an uncommon event. They have done the same for uncounted birds, animals, and even fish. Without fail, from fish to panthers, whenever our department has a wild creature that cannot be released, the Cushing Zoo has been there to offer refuge. Moreover, the animals receive superb care and husbandry. The creatures are the extended family of James and Barbara, and that is evident to anyone who visits the zoo.

Sir, it is my fondest hope that you will support Bill 276-33 and ensure that the Cushing Zoo continues to support the fauna of Guam and continues to educate the school children and tourists about the beauty that surrounds us. I remain your servant on this and all issues. Thank you for your attention.

Very respectfully, Tom Poole

Thomas Poole, MPH, DVM  
Diplomate, American College Veterinary Preventive Medicine  
Colonel, US Army (ret.)  
Guam Territorial Veterinarian  
1-671-300-7966

Hafa Adai. My name is Art De Oro from the village of Mangilao. I am here to testify in support of Bill 276-33, with recommendations for some corrections and improvements to the bill. Amid the concrete jungle of Tumon, a mom-and-pop operation for the last ~~40~~ years has quietly and privately hand-built a conservation oasis that preserves indigenous biodiversity. That is the Cushing Zoo.

The Cushing's history with conservation and preservation goes further back to the time their parents Frank and Marjorie moved to Tumon Bay, at a time when only a few families lived there. Both parents ~~and the two-oldest children~~ worked to pay off the lot they now own. There, they simultaneously built a house – and a huge shark tank, and moved their animal collection to Tumon.

In 1977, Cushing Zoo was granted a lease for 3,000 sq meters of Lot 5133-1. In 1990, that lease was reduced to 2,000 sq meters, but ended up being the 1,000 sq mtrs today in what is being called a biodiversity conservation easement. It is nothing more than a strip of land, approximately 40ft wide, by ~~60~~ <sup>260</sup> ft. long, that is adjacent to the Cushing family property in which they operate their zoo.

The Cushings are a model for ethical business practice. They pay their taxes and licenses are current, keep their animals well-fed and cared for, and maintain their facilities. They are active partners with conservation and wildlife organizations, and are often sought by the territorial Veterinarian for the care of injured or sick animals from Guam and throughout the Marianas.

The operation of their zoo has come with many obstacles by both government and their surrounding neighbor. The strip they have leased for the past 20 years is supposed to have access for zoo patrons. That access was blocked for the first 3 years because of hotel construction. A berm or hill was then over-constructed so that it blocks the zoo's view from road.

The zoo's main sign faces the condominiums to the south and Matapang Beach to the ~~east~~ <sup>west</sup>, and can't be seen from the main road. Out on San Vitores Drive, The zoo's signs were covered by ficus trees to block signs from road traffic in both directions. Throughout the years, government officials have consistently made it difficult for the Cushing Zoo to operate.

One of the biggest blows to the sustainability of the zoo was the elimination of using school buses for field trips. Their biggest patronage came from school children, and over the years as the cost of paying for private busing for field trips to the zoo increased the zoo's revenues and patronage decreased. Meanwhile, the overhead costs have driven the operating costs to such a level that the Cushing's have not paid themselves in many years.

I can personally attest to the little marvel of biodiversity that is the Cushing Zoo. If you view the zoo's facilities on ~~a deeper level than that of costs~~ <sup>the</sup>, you will find it lacking. However, I can see the ingenuity and resourcefulness of Jimmy Cushing in his ability collect and construct repurposed items to build the zoo's enclosures, pens and facilities.

The zoo is clean, the animals, <sup>plants</sup> trees and artifacts are well cared-for. Today, the zoo is an oasis as the sounds of song birds of the Marianas and introduced species chirp away during all hours of the day. As you well know, this is a rare sound on Guam as most of our endemic birds have been devastated due to invasive species and the use of pesticides and other harmful practices.

Perhaps, the largest contribution the zoo has made is to preserve our indigenous fruit bat ~~species~~ <sup>or fanih.</sup>. Their colony of now ~~12 bats~~ <sup>20 fanih</sup> is perhaps larger than what is out there in the wilds of Guam. The Cushing's have successfully bred fruit bat in captivity, and they have also accepted sick and injured animals ~~from Rota~~. Sadly, out in the wild, the last few years of ~~fruit bat~~ <sup>fanih</sup> census, has led to fewer and fewer sightings in the nature conservation areas.

The Cushing Zoo strikes a balance between development and ecological stewardship.

They have operated their zoo with little help from the government, with sometimes obstructionist detriment by that same government and developers. My recommendation for improving Bill 276-33, would be for that strip of land in Lot 5133-1 ~~be~~ <sup>to</sup> be deeded to the Cushing Zoo ~~or exchanged~~, for the contributions they have made to the preservation and stewardship of our biodiversity, and that it remain a conservation zone in perpetuity. This price is but a drop in the bucket to one day see ~~fruit bat~~ <sup>fanih</sup> flying in the early evening and the sounds of ~~chichirika, Sali, sihek and tottot~~ <sup>koko,</sup> calls in the wild.



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122  
Honolulu, Hawaii 96850

Date: March 25, 2016

Subject: Letter of Support for the Guam Zoo

To the 33<sup>rd</sup> Guam Legislature:

This letter provides me the opportunity to recognize Barbara and Jimmy Cushing, the Directors of the Guam Zoo, for their leadership and dedication to the conservation of our native species. For three decades, the Guam Zoo has supported our community by hosting field trips for school groups of all ages and visits from the local community, the military, and tourists from various countries.

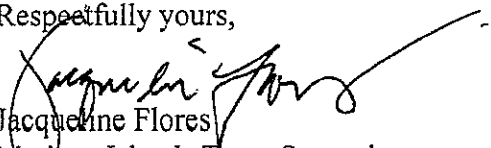
Because of their ability to effectively reach out to the public through outreach and education regarding the cultural and scientific benefits gained by protecting and caring for our native species, the Cushings have furthered the conservation and appreciation of native species by residents and visitors to the island of Guam.

My office has had the privilege to closely work with the Cushings on the care of eight Mariana fruit bats (fanihi). The fanihi is listed as endangered under the federal Endangered Species Act (ESA). Although the fanihi still occurs on a few of the northern Mariana Islands, there are very few individuals in the wild on Guam. The eight fanihi were not releasable back into the wild for various reasons, and at least two individuals needed rehabilitation. The Cushings provided the needed care for these individuals. Since March 2015, the eight fanihi have been housed at the Zoo and this provides an opportunity for the public to learn about this rare and unique native species.

In addition to the fanihi, the Guam Zoo also provides care for a Guam rail or ko'ko. The ko'ko is a flightless bird, endemic to Guam. The ko'ko was extirpated from the entire island by the late 1980s, and is listed as endangered under the ESA. We have been working with the Guam Division of Aquatic and Wildlife Resources to maintain a small population on Cocos Island, an islet off of Guam. With the exception of Cocos Island, the Guam Zoo is the only place where the ko'ko can be viewed by the public. We appreciate the education on the plight of the ko'ko that the Cushings provide to the public.

I fully support their efforts and encourage others to support the Guam Zoo's service to the community. I look forward to continuing my agency's partnership, including working on habitat restoration opportunities, with the Cushings and the Guam Zoo.

Respectfully yours,

  
Jacqueline Flores  
Mariana Islands Team Supervisor

M. Grace Lapid Rosadino  
P.O. Box 22546  
Barrigada, GU 96921  
671-734-1855 (h) 671-971-1419 (c)

April 13, 2016

Honorable Tom Ada

**Committee on Transportation, Infrastructure, Lands, Border Protection,  
Veterans' Affairs and Procurement**

33<sup>rd</sup> Guam Legislature  
Ada Plaza Center, Suite 207  
173 Aspinall Avenue  
Hagatna, GU 96910

**RE: Letter of Support of Bill 276-33 (An act to add a new §75125 to Title 21, Guam Code Annotated, relative to designating a portion of Lot 5133-1, Tumon, Dededo, Guam as a biodiversity conservation easement for the purpose of providing an area for the preservation of indigenous biodiversity.)**

Dear Senator Ada,

**Hafa Adai!** As a mother of two toddler boys and resident of Guam, I strongly support Bill 276-33 (An act to add a new §75125 to Title 21, Guam Code Annotated, relative to designating a portion of Lot 5133-1, Tumon, Dededo, Guam as a biodiversity conservation easement for the purpose of providing an area for the preservation of indigenous biodiversity.).

As a child growing up, I remember visiting the Guam Zoological, Botanical and Marine Garden (also known to me as the Cushing Zoo) numerous times to learn of Guam's rich and diverse flora and fauna. At every visit, I was amazed at the animals and learned many things that I would not have had the opportunity to learn in the classroom. The zoo, historically and presently, promotes and perpetuates cultural and educational opportunities for Guam's children and families about animal, marine and plant species that are indigenous to Guam and the Pacific Region.

Now, as a mother of two toddler boys, I would like my children to avail of the learning opportunities present at the Cushing Zoo. In today's technological world, where much of a child's learning occurs through watching some form of screen or hand held device, it is that much more imperative that we fight to preserve learning experiences that occur face to face utilizing all our senses of sight, hearing, smell, touch, and taste. These learning experiences that occur when my sons taste new fruit that they've never tasted or touch and pet animals that they've only seen on television are experiences that will stay with them forever. It is these hands on experiences that open doors of wonder and imagination – I see their interests begin to grow. They begin to ask more questions and yearn to learn more.

As such, I fully support Bill 276-33 and the continued leasing of this property to James and Barbara Cushing for the purposes of maintaining the Guam Zoological, Botanical and Marine Garden.

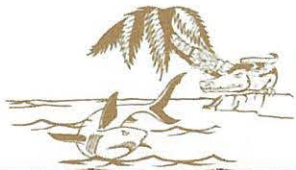
Please act now and pass Bill 276-33.

Thank you,



Grace Lapid Rosadino

Mommy of: Noah John (4 years old) and Caleb Rain (3 years old)



# Guam Zoological Botanical and Marine Garden

Phone/Fax: (671) 646-1477  
E-mail: [guamzoo@ite.net](mailto:guamzoo@ite.net)

P.O. Box 7474  
Tamuning, Guam 96913

Senator Thomas Ada, Chairperson  
155 Hesler Place  
Hagatna, GU 96910

April 10, 2016

Re: Bill 276-33

Hafa Adai Senator Tom Ada,

I am writing to you for your support of Bill 276-33 that was introduced by Senator Muna-Barnes and Senator Judi Won Pat on March 9, 2016. Lot Number 5133-1-2 is of the greatest significance to us to continue the conservation effort of our native wildlife. Since the inception of the Guam Zoological, Botanical & Marine Garden in 1976, we have worked diligently to provide a unique service for the Guam community and the entire Mariana Islands archipelago.

We promote conservation and are stewards of indigenous and endemic species. We are the wildlife repository for the local and federal government. Wildlife species that would have otherwise been euthanized because they were illegally brought to the island or needed rehabilitation have made our zoo their home and are considered our extended family. For forty years, we have dedicated our lives to this cause, without local and federal funding or assistance for animal care.

One of our greatest achievements these past few years has been the exponential growth of the endangered Marianas fruit bat community in our zoo. We are caring for seven fanihi from the Guam National Wildlife Refuge, including the newly retired fanihi "Mutong" from DAWR, outreach program. In March of this year, U.S. Fish & Wildlife authorized the transfer of one juvenile fruit bat from Rota for our care. The fanihi was shot from an illegal hunter. His left wing could not be saved and had to be amputated. We participate in the annual fanihi count each summer, and anticipate Partner Project with U.S. Fish & Wildlife for Habitat Restoration. We started with a group of four fruit bats and have grown to a colony of twenty.

We initiated our bird project, bringing home native Mariana bird species that were once established in our island prior to the introduction of the invasive Brown Tree Snake. On exhibit are the Ko'ko, Egi'gi, Paluman Senesa, and the Sali. Our bird aviary is expanding and this month; Chichirikas and Nosa will soon be displayed. We are anticipating the transfer authorization for Paluman Fache and the Paluman Apaka from US breeding facilities. Currently we are collaborating with the San Diego Zoo for "Totot". We worked closely with the CNMI Fish & Wildlife, Pacific bird Conservation Group, bird curators from the Houston Zoo, Sedgwick County Zoo in Wichita, Kansas, Disney Animal Kingdom in Florida, New Orleans Zoo, St. Louis Zoo and the Guam Department of Agriculture.

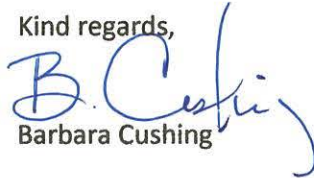




Our facility is licensed under the Government of Guam and the United States Department of Agriculture. (USDA) In addition, permits from Department of Agriculture, U.S. Fish & Wildlife and the Convention of International Trade in Endangered Species of Wild fauna and Flora/Convention (CITES). We get unannounced inspection once or twice a year from USDA based in California, Guam Territorial Veterinarian, and semi annual inspection from the zoo veterinarian.

In closing, we have dedicated our lives and have given our all to the preservation and conservation of wildlife, our environment, and providing an enriching experience unlike any other available in Guam. It is vital to continue to educate and promote conservation, most importantly of our fragile wildlife. We work long hours seven days a week, and have endured tremendous hardships because of our passion for providing a safe haven for endangered species, animals that might otherwise be euthanized, and sharing with our people and people from all over the world, our love and dedication to an important part of our culture. We humbly ask for your support and the support of your colleagues, for Bill 276-33, so we can continue to provide the community, our children and for the future generations a service highlighting the importance of wildlife and their impact in our world.

Kind regards,

  
Barbara Cushing



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122  
Honolulu, Hawaii 96850

Date: March 25, 2016

Subject: Letter of Support for the Guam Zoo

To the 33<sup>rd</sup> Guam Legislature:

This letter provides me the opportunity to recognize Barbara and Jimmy Cushing, the Directors of the Guam Zoo, for their leadership and dedication to the conservation of our native species. For three decades, the Guam Zoo has supported our community by hosting field trips for school groups of all ages and visits from the local community, the military, and tourists from various countries.

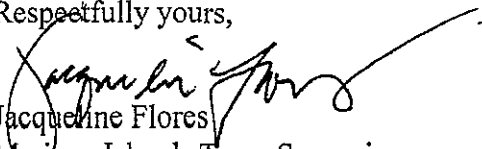
Because of their ability to effectively reach out to the public through outreach and education regarding the cultural and scientific benefits gained by protecting and caring for our native species, the Cushings have furthered the conservation and appreciation of native species by residents and visitors to the island of Guam.

My office has had the privilege to closely work with the Cushings on the care of eight Mariana fruit bats (fanihi). The fanihi is listed as endangered under the federal Endangered Species Act (ESA). Although the fanihi still occurs on a few of the northern Mariana Islands, there are very few individuals in the wild on Guam. The eight fanihi were not releasable back into the wild for various reasons, and at least two individuals needed rehabilitation. The Cushings provided the needed care for these individuals. Since March 2015, the eight fanihi have been housed at the Zoo and this provides an opportunity for the public to learn about this rare and unique native species.

In addition to the fanihi, the Guam Zoo also provides care for a Guam rail or ko'ko. The ko'ko is a flightless bird, endemic to Guam. The ko'ko was extirpated from the entire island by the late 1980s, and is listed as endangered under the ESA. We have been working with the Guam Division of Aquatic and Wildlife Resources to maintain a small population on Cocos Island, an islet off of Guam. With the exception of Cocos Island, the Guam Zoo is the only place where the ko'ko can be viewed by the public. We appreciate the education on the plight of the ko'ko that the Cushings provide to the public.

I fully support their efforts and encourage others to support the Guam Zoo's service to the community. I look forward to continuing my agency's partnership, including working on habitat restoration opportunities, with the Cushings and the Guam Zoo.

Respectfully yours,

  
Jacqueline Flores  
Mariana Islands Team Supervisor



**UNIVERSITY OF GUAM**

**UNIBETSĀT GUAHAN**  
33<sup>rd</sup> Guam Legislature

College of Natural and Applied Sciences

March 21, 2016 *Biology/Chemistry/Physical Sciences*

Dear Senators:

On behalf of myself as well as my biology students here at the University of Guam, I wish to record my very strong support for Bill 276-33, which grants a renewal of the GovGuam lease for the Guam Zoological, Botanical & Marine Garden (Cushing Zoo). The renewal of this lease under a Biodiversity Conservation Easement is, I believe, especially appropriate because of the ongoing efforts of Mr. Jimmy Cushing and Mrs. Barbara Cushing to offer the people of Guam the opportunity to see and appreciate endangered and indigenous species.

Unfortunately, many of the native species that are displayed at the Cushing Zoo are no longer present here on Guam in the wild. Species that are currently displayed, such as the Guam rail (koko), the Micronesian starling (sali), and the Mariana fruitbat (fanihi) are very rare in the wild here or are only present in captive breeding centers with limited access for our students. As one of my students once commented: "What makes Guam and the Chamoru culture different from other islands, if we do not have our native wildlife?" Students have not seen many of native species that still exist on the other Mariana Islands, so the Cushings are now actively working to bring several new bird species [the bridled white-eyes (nosa) and the fantail (chichirika)] to their zoo to expand their native species collection.

I have taken my students in the animal behavior class that I taught here at the University of Guam for active learning laboratories, as has my colleague, Dr. G. Curt Fiedler, who also teaches this animal behavior class. In addition, I, along with my fellow environmental biology instructors, have visited the Cushing Zoo to allow our students to observe and appreciate a number of animals that they and their parents have not even seen in their lifetimes. I find it very sad to know that most of my students mistake the introduced drongo for the Mariana crow (aga) as well as believing that the introduced Asian tree sparrow is the native flycatcher (chichirika).

My students and I have also been very impressed by the dedication of Mr. and Mrs. Cushing to the welfare of all the animals under their care. Their work at the Guam Zoo is clearly a labor of love with the reward being the opportunity to show our students, parents, and tourists animals that are very well-cared for, especially given the practical limitations of maintaining animals in captivity. The care that the Cushings take to offer animals the best environment they can and to offer a refuge for abandoned or mistreated pets (such as the parrots) is also a good example of the humane treatment of animals that is appreciated by our students.

Therefore, I truly hope that you will give your strongest support to Bill 276-33 for the long-term educational benefit of our students.

Sincerely,

Katharine L. Lofdahl

Associate Professor of Biology

Annabel Lyman  
Box 4097, Koror  
Palau PW96940

March 24, 2016

To Whom It May Concern,

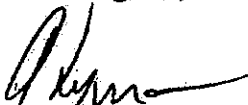
This letter is in support of the Guam Zoo that has been operated by the Cushing family for over 20 years on land within the Chamorro Land Trust Property. Although I am not Chamorro and don't reside in Guam, I am a frequent visitor from Palau and concerned with the protection of indigenous peoples rights, the ecological health of our planet and the well being of future generations.

On a recent visit to Guam, my grandson enjoyed a wonderful excursion to the Guam Zoological, Botanical and Marine Gardens with our local friends. He was overjoyed at the experience and still talks about the animals and birds that he saw as we don't have anything like it in Palau. The protection of plants, animals and marine life that are indigenous to the Pacific Islands is critical in a world fast losing its delicate ecological balance with the rapid extinction of many animal species.

The Cushing family and their Zoo provide a vital service to the people of Guam and the Pacific to help restore and maintain an ecological balance for the island.

Please continue to support their work by enacting proposed legislation to protect this important and wonderful facility. I certainly plan to visit the Zoo with my grandson on our next visit.

Kind regards,



Annabel Lyman

William J. FitzGerald  
1810 Ulloa St.  
San Francisco, CA 94116  
March 21, 2016

33rd Guam Legislature  
155 Hesler Street  
Hagatna, GU 96910

Re: Bill No 276.33

Dear Senators:

This letter is in support of the Guam Zoological, Botanical, and Marine Garden and Mr. and Mrs. James Cushing regarding Bill No. 276.33 that designate a portion of Lot 5133-1, Tumon, Dededo, Guam in the preservation of indigenous biodiversity.

Mr. and Mrs. Cushing have been operating the Zoo since 1976. They have successfully operated the Zoo that includes numerous aquatic (marine and freshwater), and mammal species. Avian species at the Zoo include the Guam Rail (*Gallirztus owston*) (Chamorro name: Ko'ko'), Micronesian Honeyeater (*Mysomela rubrata saffordi*), which are all indigenous species that are now rare (impact of the introduction of the brown tree snake post World War II in military cargo shipments to Guam).

The Zoo is transitioning to an emphasis on indigenous species of Guam/Mariana Islands. They have been very successful in maintaining the endangered Marianas Fruit Bat (*Pteropus marianus marianus*) for over ten years. They have successfully implemented a breeding program for the bat bringing the original four bats held to a current population of twenty. This illustrates their ability to maintain and in addition implement a breeding program of this endangered species native to the Marianas.


During my 30 years of living on Guam I became a close friend of the Cushing family. This was initially while I was at the University of Guam Marine Laboratory. I assisted with part of the construction of the saltwater holding facility at the Zoo. At a later date Mr. James Cushing was under my supervision, while employed at the Guam Department of Commerce's Guam Aquaculture Development and Training Center (GADTC). This was a 5-acre regional aquaculture research and production center. GADTC supplied seedstock of a number of marine and freshwater species to commercial aquaculture farms in Guam, Micronesia, Asia, and Central America. In addition, research and development of culture methods for aquatic species was conducted at the facility. Mr. Cushing was in-charge of the overall facility's life support systems and infrastructure. This required maintaining the life. Water quality was critical to the maintenance of short-term operations in the spawning and juvenile production as well as to the long-term maintenance and maturation of species for broodstock. During that period, Mr.

Cushing served as the Marine Technician Supervisor from 1988 until 1997. During that period until my retirement in 1995, Mr. Cushing was a major asset to the facility and responsible for many of its successes. He was employee of the year on numerous occasions during his employment with the Department of Commerce. In addition, he received recognition as employee of the year for the entire Government of Guam.

Mr. and Mrs. Cushing possess the rare combination of technical skills in animal care, support systems and animal husbandry. This uniquely rare combination of skills makes them most suitable to the care for species held at the Zoo. They have operated the Zoo for a period of 40 years, which includes maintaining a wide range of terrestrial and marine animals. They are outstanding citizens of Guam that have the deep care and concern for the indigenous animals and plants of Guam and would be the most exceptional conservators of Lot 5133-1 toward the preservation of Guam's indigenous biodiversity.

The placement of the Lot 5133-1, Tumon, Dededo under the lease outlined in Bill No. 276.33 at the Guam Zoological, Botanical, Marine Garden will provide educational opportunities to the residence of Guam and all visitors to the Zoo, while promoting the conservation of indigenous species.

Sincerely,



William J. FitzGerald



Kauffman  
& Associates  
INCORPORATED

March 17, 2016

RE: Letter of Support for the Guam Zoological, Biological and Marine Gardens

This letter is in support of the Guam Zoo that has been operated by the Cushing family for over 20 years on land within the Chamorro Land Trust Property. I am not Chamorro and I do not reside in Guam. But I am a frequent visitor from the mainland U.S. involved in protecting indigenous peoples rights and wellbeing for future generations.

In my work I had the opportunity to work with the Guam Division of Behavioral Health to develop strategic plan for the improved health and welfare of Guam. In the course of this work, I was invited to tour the Guam Zoological, Biological and Marine Gardens. I was amazed at the wonderful work that is accomplished by the Cushings with their limited resources. The protection of plants, animals and marine life that are indigenous to the Pacific Islands is very important for the survival of not only these species, but humans as well. The delicate species of this world, are in fact, the 'miner's canary', telling us when our environment has taken a turn for the worse. Working together with all people of Guam, the Cushing family and their Zoo will help restore a healthy balance for Guam.

Please continue to support their work by enacting proposed legislation to protect this important work. I hope on my next visit to Guam, I will again have the opportunity to visit this wonderful celebration of biodiversity.

Sincerely,

Jo Ann Kauffman, President  
Kauffman and Associates, Inc.

From: "Michelle Untalan" <muntalan@stjohnsguam.com>  
Subject: Sen. Ada Letter.  
Date: Sat, April 2, 2016 7:07 am  
To: "guamzoo" <guamzoo@ite.net>

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Dear Senator Ada,

Cushing Zoo has been an educational attraction in our community for decades. For many years I have taken my classes there for a number of reasons.

First, it is a welcome activity that is a different experience from what the children encounter everyday. Second, because of the nature of their work, the Cushings provide the children with a means of encountering and learning about animals and wildlife that they would otherwise not have the chance to do. Third, the Cushing Zoo exemplifies stewardship of injured and neglected animals. This teaches children the importance of being responsible and caring for creatures unable to fend for themselves.

For these reasons and more, we would like to offer our support for the continued operation of Cushing Zoo. We believe it is important to our community and to our school children. It offers unique opportunities to learn about and interact with species not normally encountered in everyday life or on island. The Cushing family always extends a warm welcome to all teachers and students with a genuine desire to teach and expand our thinking about the world we share with these amazing creatures.

We ask that you please continue your support for the Cushing Zoo, and for the opportunity for expanded education that it represents.

Sincerely,  
The Second Grade Class  
St. John's School

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**Attachments:**

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**BARBARA S.N. BENAVENTE  
287 W. SAN ANTONIO AVENUE  
DEDEDO, GUAM 96929-5209**

March 15, 2015

Senators, I Mina' Trentai Tres Na Liheslaturan Guahan  
155 Hesler Place  
Hagatna, Guam 96910

Dear Senators:

I submit this letter **in support of Bill No. 276-33** relative to designating a portion of Lot 5133-1 in Tumon, Guam, as a Biodiversity Conservation Easement; for the purpose of providing an area for the preservation of indigenous biodiversity and the continued lease of this property to James and Barbara Cushing.

Known as the Cushing Zoo, the Guam Zoological, Botanical and Marine Garden is a valuable and unique place in our island that historically and presently, promotes and perpetuates cultural and educational opportunities for Guam's children and families about animal, marine and plant species that are indigenous to Guam and the Pacific Region.

Over the past twenty years, my children and grandchildren have consistently visited the Cushing Zoo and each time delight in their adventures to see and learn about all the animals that are being cared for. Each visit is like a whole new experience and they are always excited to walk through the Zoo to discover (or rediscover) the Marianas fruit bat, the carabao, deer, sharks, moray eel, manta ray, turtles, monitor lizard, and other species.

We have many reasons to be proud of the "Guam Zoo" and to be thankful to James and Barbara Cushing for their hard work and dedication in keeping the only zoo in Guam open for our island's residents and off-island visitors to enjoy. In spite of hardships and great challenges they have faced and continue to face as a result of tropical storms and typhoons that wreak havoc on our island. They relentlessly provide the best care possible, and love for their animals and marine life.

We must support them with the passing of Bill 276-33 and consider their status as a **long-time, locally-owned, small business operated by two individuals**. It would be fitting to do all that is

legislatively and fiscally possible to help them continue to provide a much needed service in our community and to ensure that increases of rental amounts be established to no greater than 5% every three years, as payment to the Chamorro Land Trust Commission.

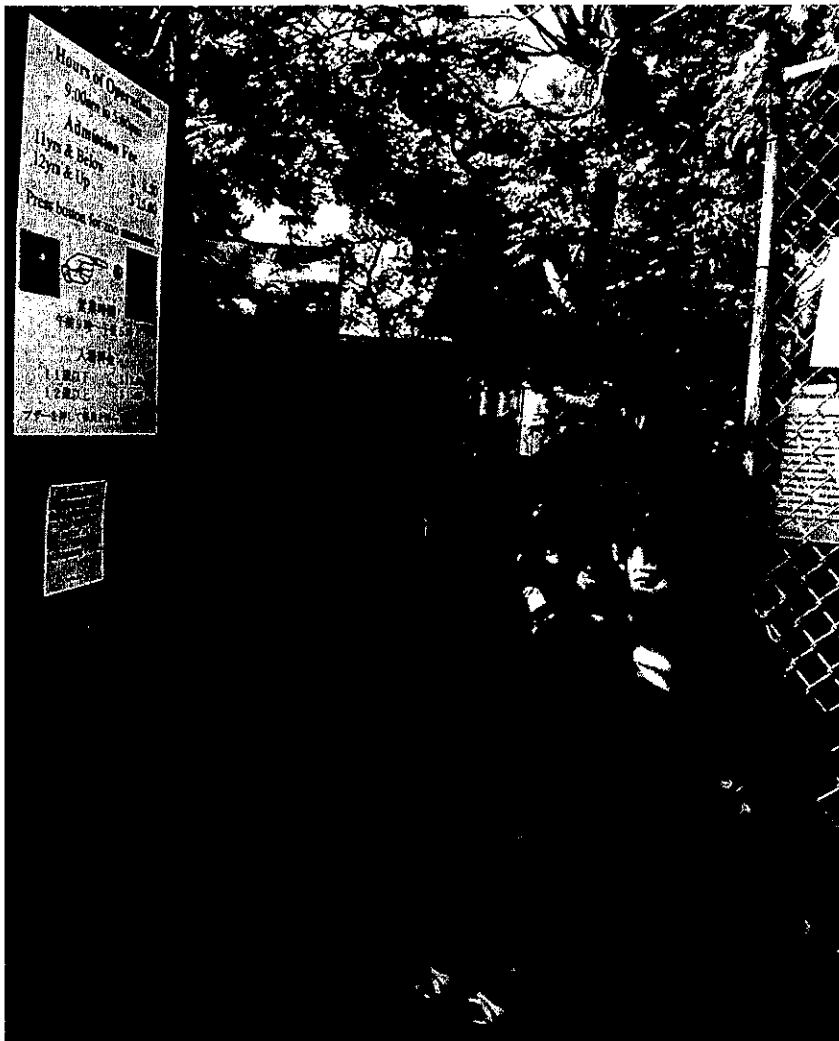
Thank you for your time and consideration of my personal testimony and for this opportunity to share these pictured moments.

Sincerely,

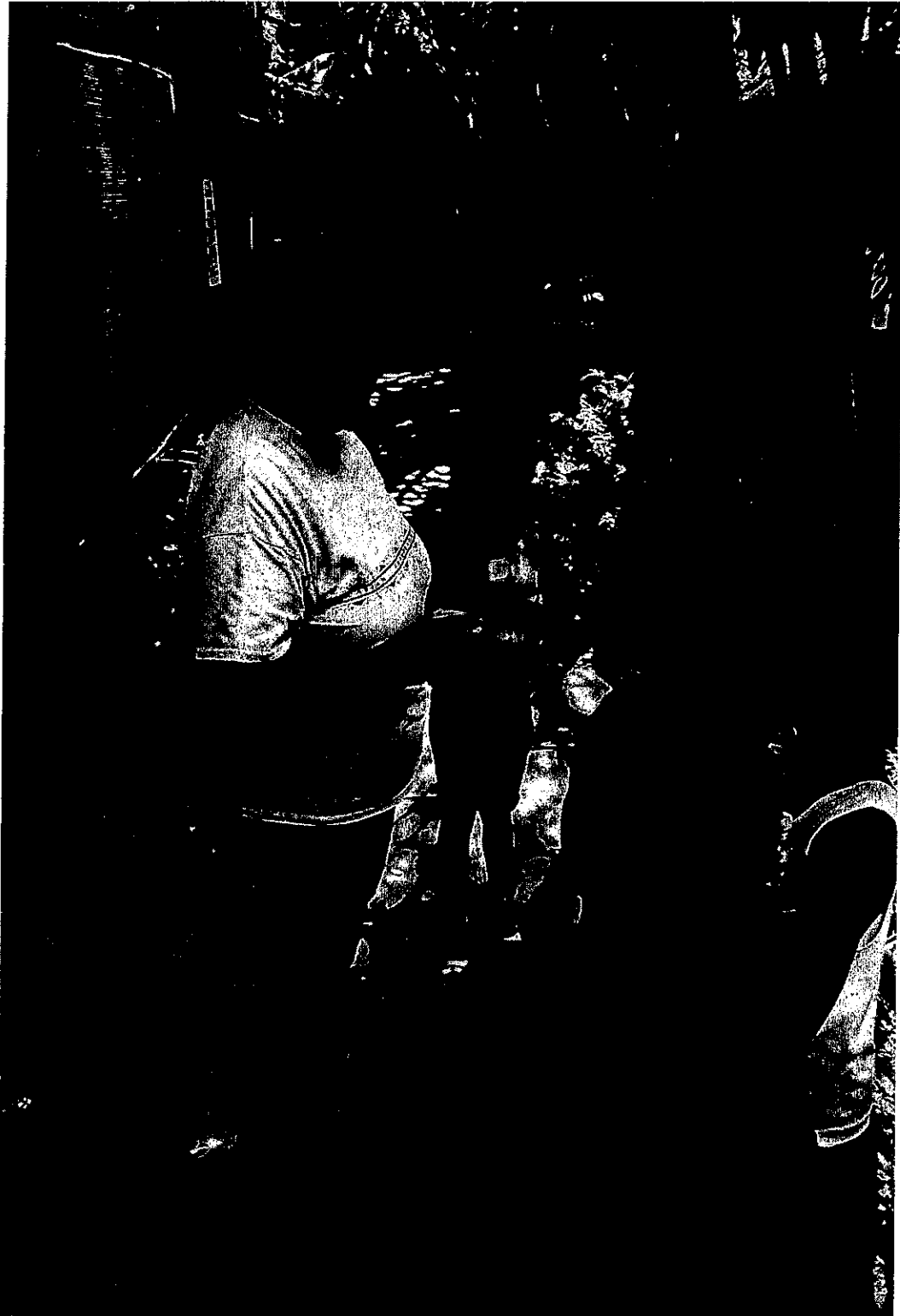


BARBARA "Bobbie" S.N. BENAVENTE

[bbena@teleguam.net](mailto:bbena@teleguam.net)



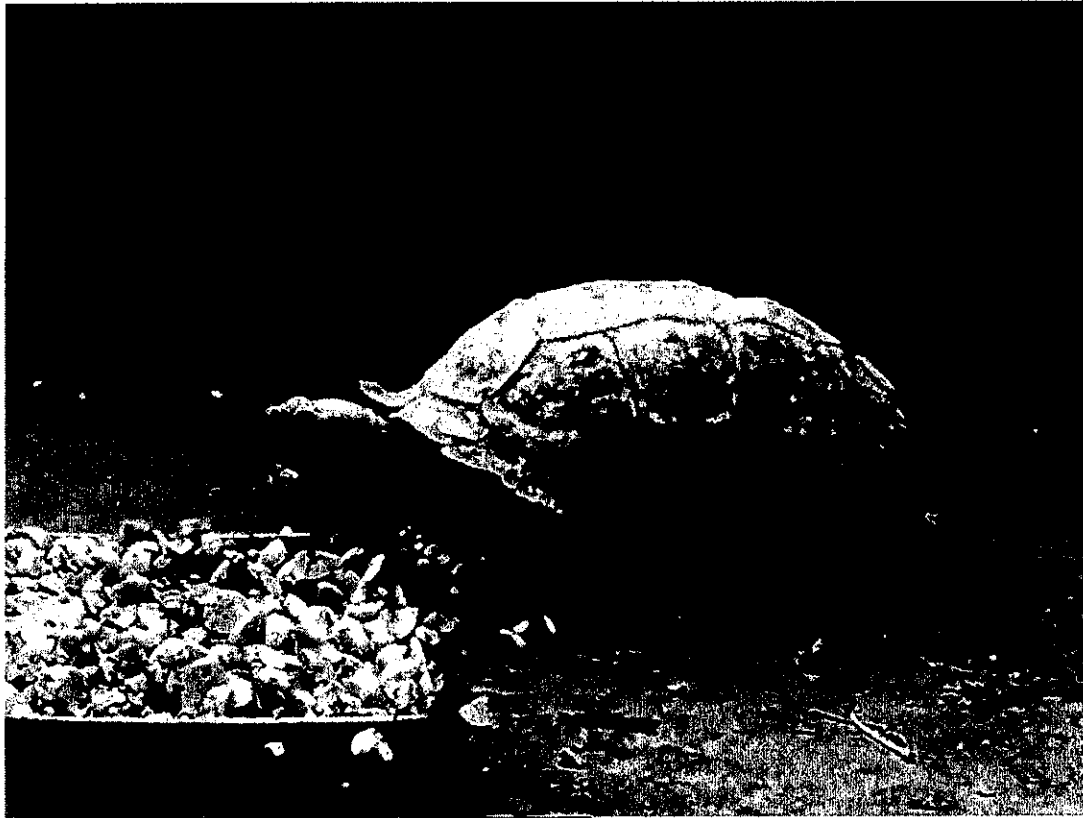
**WELCOME TO THE GUAM ZOOLOGICAL, BOTANICAL & MARINE GARDEN**



**CHILDREN LEARN ABOUT CARING AND FEEDING THE ANIMALS**

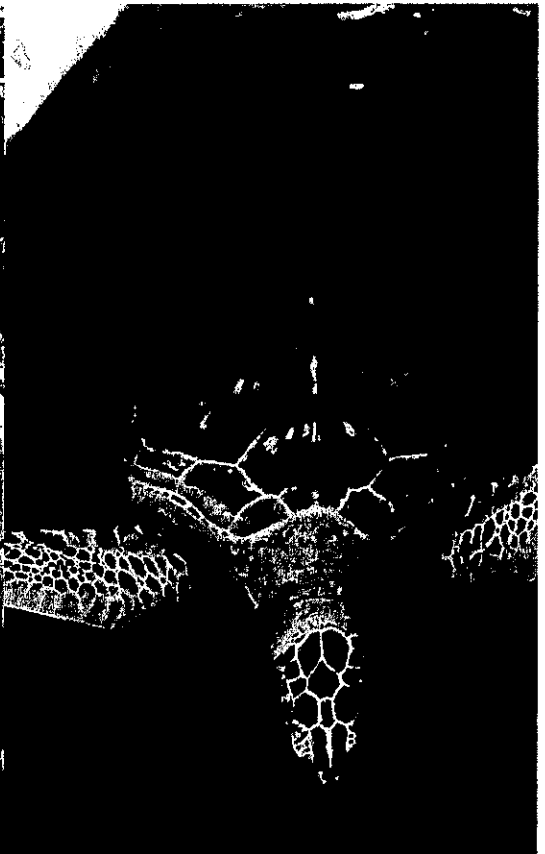
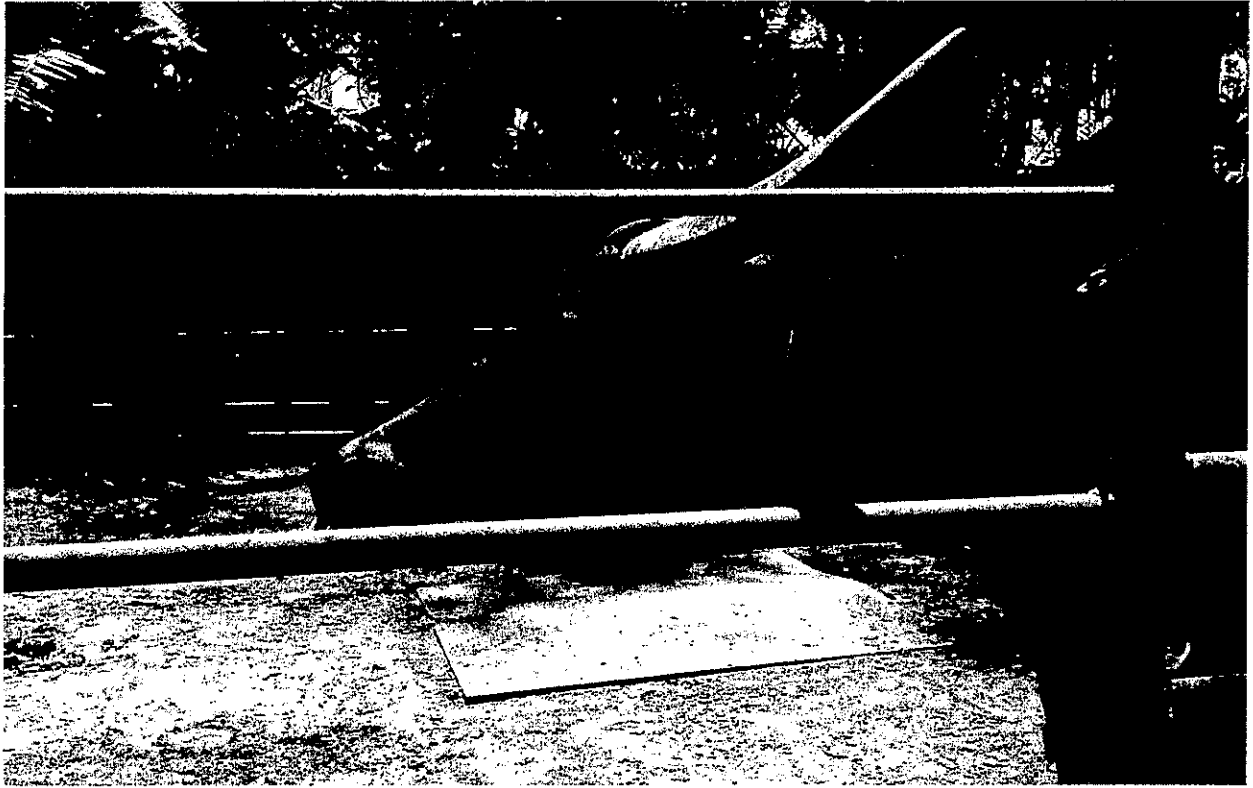




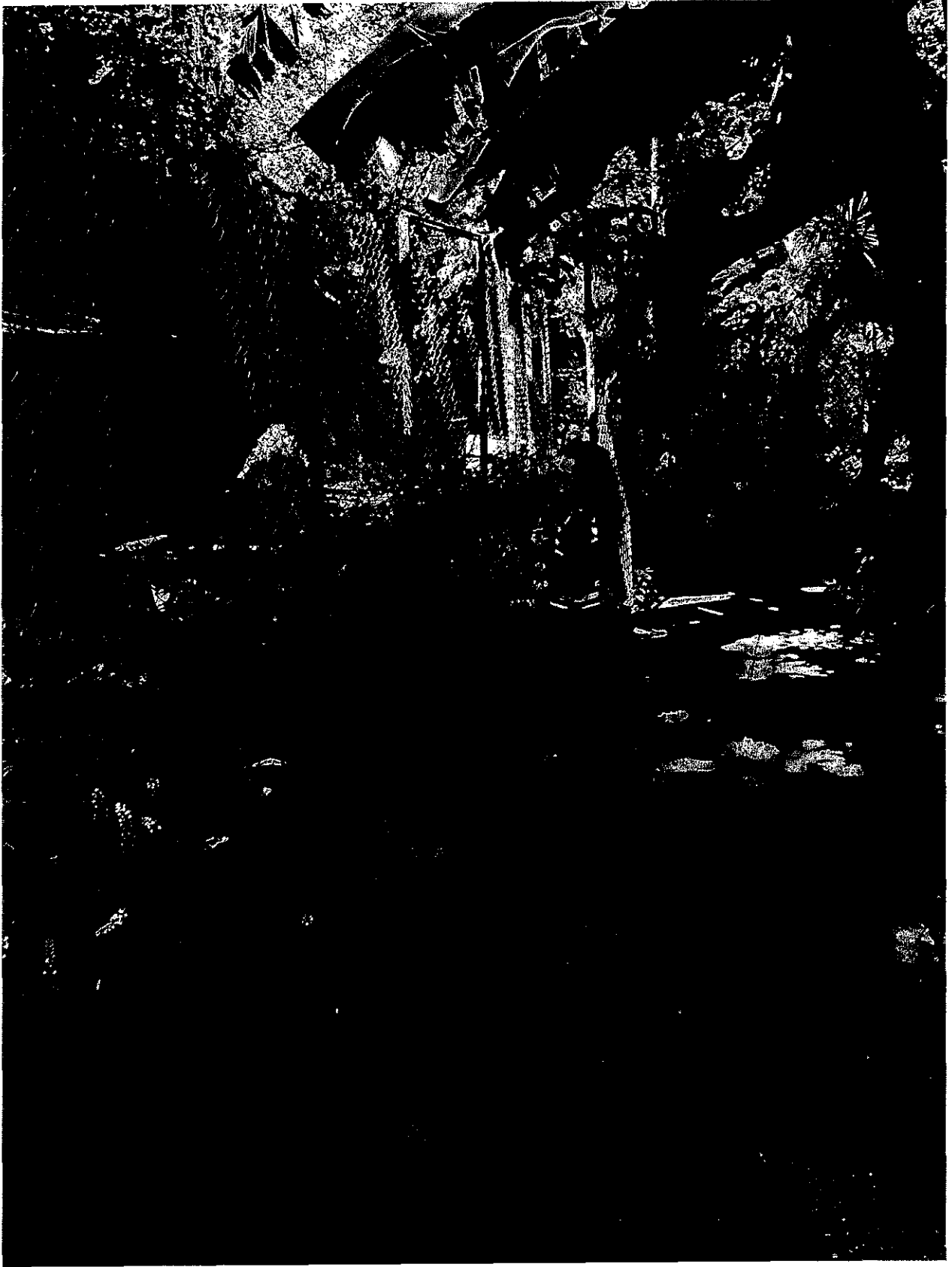


**SHARING IS CARING!**









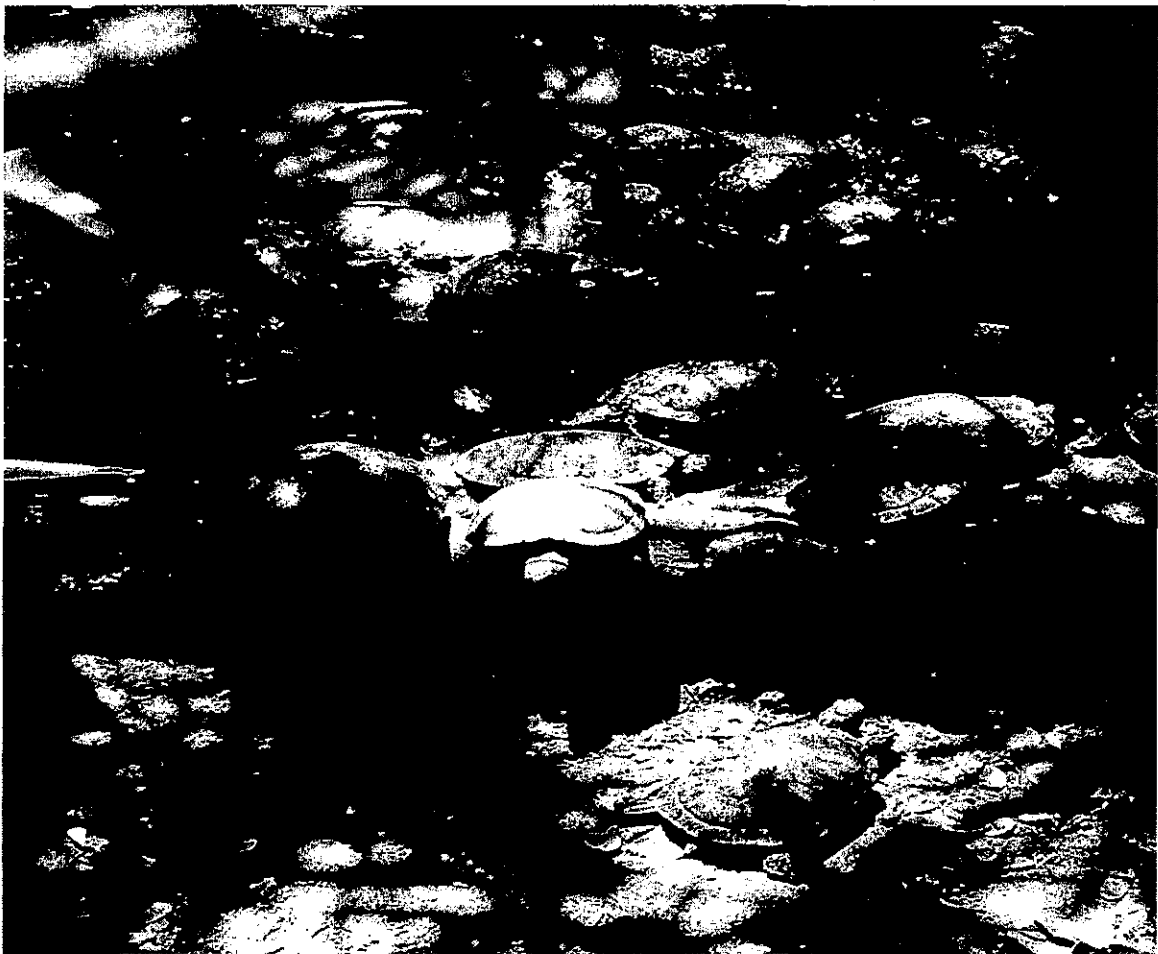
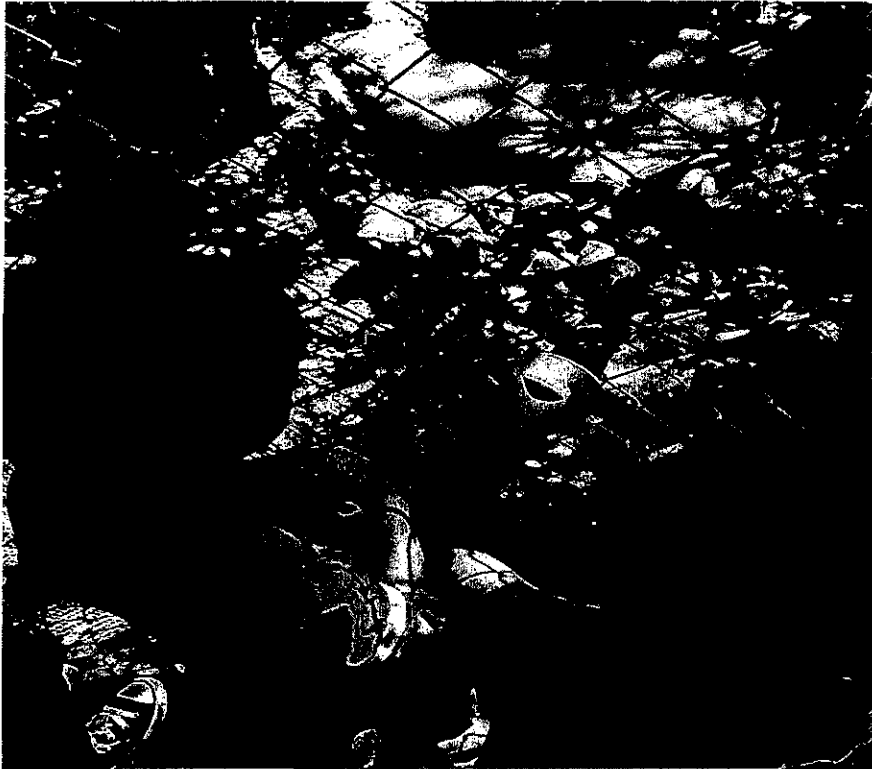


**SERENE PATHWAYS**











INTERESTING SHELLS AND ARTIFACTS



**WORLD WAR II BUNKER**



**LATTE**



From: "Territorial Veterinarian" <guamvet@gmail.com>  
Subject: Bill 276-33 Letter of Support  
Date: Fri, April 8, 2016 1:41 am  
To: "Tom Ada" <tom@senatorada.org>, "Ada Ada" <office@senatorada.org>  
Cc: "Matthew Sablan" <matt.sablan12@yahoo.com>

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Dear Senator Ada,

First, I want to thank you again for speaking at the Rotary Club of Guam and apprising us of the issue regarding the future of the Cushing Zoo. This issue is of great importance to me personally and to the people and fauna of Guam. For the eleven years that I have held this job, the Cushing Zoo has served as the last resort for birds and animals that cannot be rehabilitated to live again in the wild. Last month Barbara and James took from me a large, very beautiful and uncommon Red-Tailed Tropic Bird that was otherwise healthy but had a bad wing joint that could not be repaired. That lovely bird would have been euthanized without the Cushing Zoo. Instead the bird serves the school children and tourists who visit the zoo as an example of the local beauty and elegance that surrounds us but remains otherwise invisible to most.

The sparing of this beautiful bird by James and Barbara Cushing is not an uncommon event. They have done the same for uncounted birds, animals, and even fish. Without fail, from fish to panthers, whenever our department has a wild creature that cannot be released, the Cushing Zoo has been there to offer refuge. Moreover, the animals receive superb care and husbandry. The creatures are the extended family of James and Barbara, and that is evident to anyone who visits the zoo.

Sir, it is my fondest hope that you will support Bill 276-33 and ensure that the Cushing Zoo continues to support the fauna of Guam and continues to educate the school children and tourists about the beauty that surrounds us. I remain your servant on this and all issues. Thank you for your attention.

Very respectfully, Tom Poole

Thomas Poole, MPH, DVM  
Diplomate, American College Veterinary Preventive Medicine  
Colonel, US Army (ret.)  
Guam Territorial Veterinarian  
1-671-300-79  
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**Attachments:**

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Dear Senator Aday

I heard the Cushing Zoo might have to move. I would like to ask if it stays where it is. When moving animals it can create stress and harm. We want to make sure our only zoo stays.

Every time I spend the weekend with my dad I go to the zoo. I've been going to that zoo for five years. Please keep the zoo for everybody. I love the animals there. The Cushing kept the zoo since my teacher was a student.

from, Xander Carter

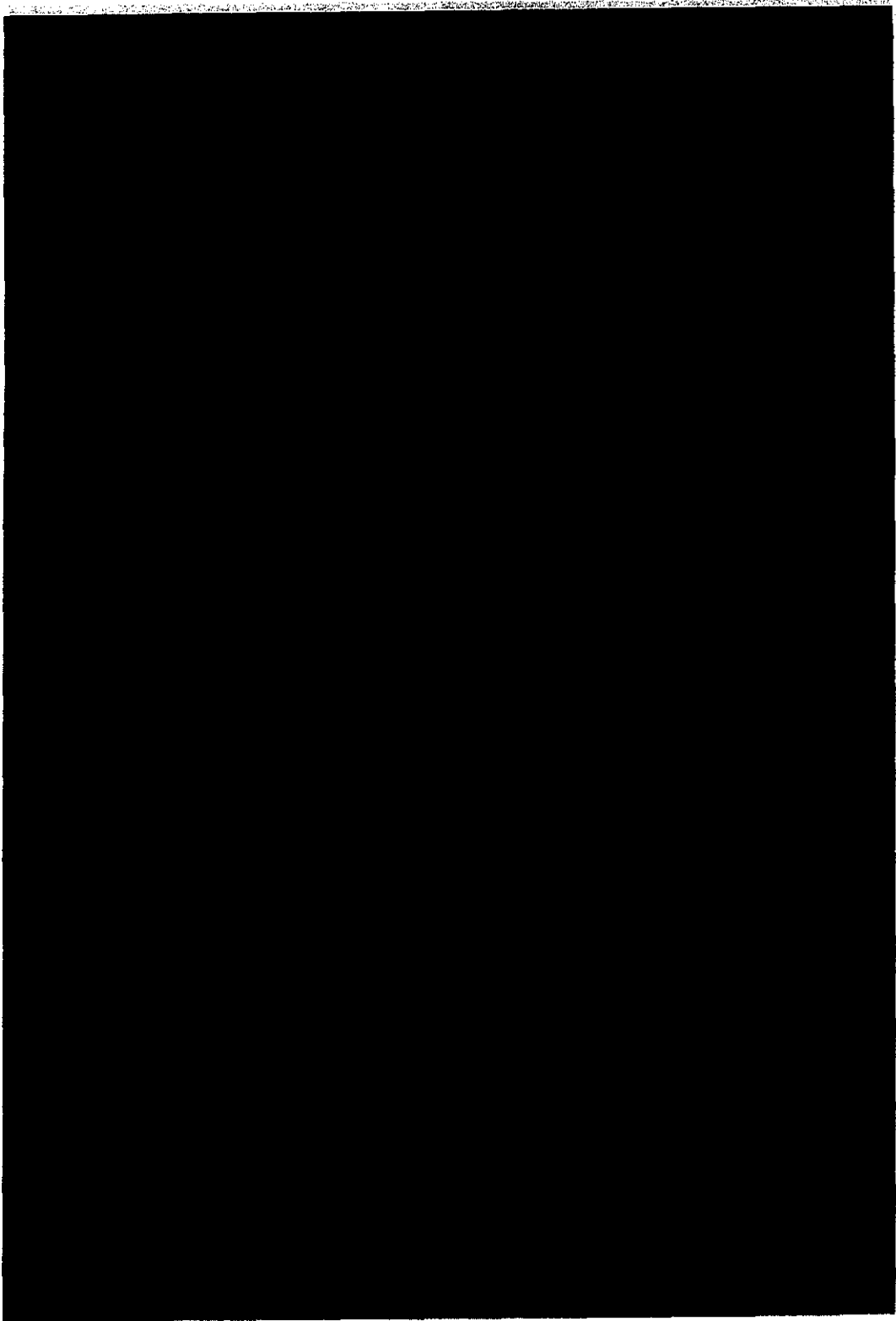


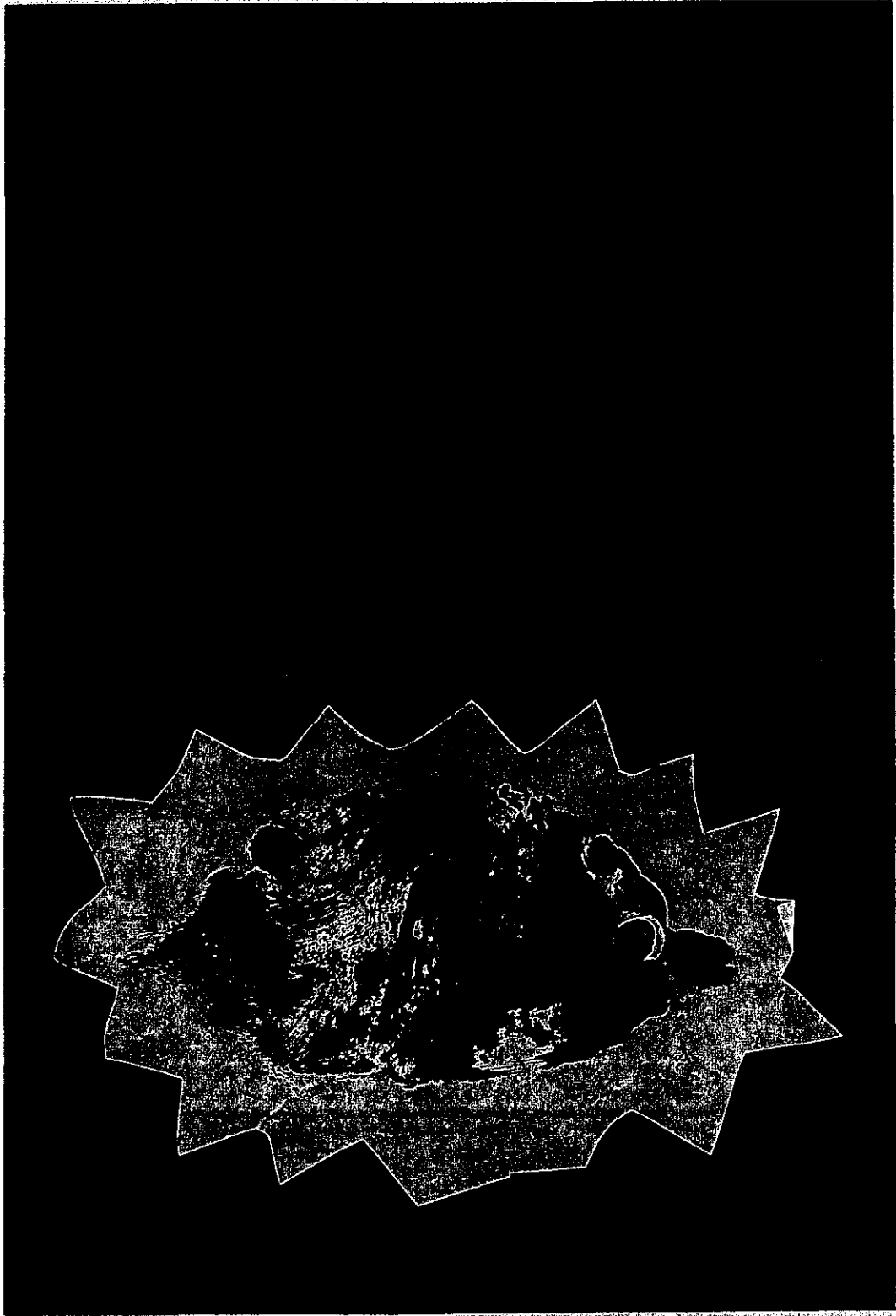
Dear Ms. Barbara

We enjoyed each day to the zoo  
the best animals I liked was the tulk  
and the sharks. Thank you for guiding  
us around the zoo. I hope the zoo  
could stay there for a long time and  
you out of all the zoos I've been  
to I like this one. Thank you for letting  
us see you feed the animals.

Yours truly,  
Alyssa Peterson







March 18, '91

Dear Ms. Barbara,

My students and I thank you for hosting our visit to "The Zoo" on Feb. 27 this year. As you will read in their letters and reports, they enjoyed their trip. Several children have said they've been to the zoo since our field trip. That's great!

Especially thank you for taking time to talk with us, for showing some of the feedings, for sharing your interests and teaching us about the personalities there!

"The Zoo" is one of our favorite destinations! We certainly hope you and your family can maintain your property and your enterprise for yourselves and for all of Guam to enjoy!

Many thanks and best wishes!

Nancy Eballo

Sinegayan Elem. Sch.  
(gr. 4)

UNIVERSITY OF GUAM  
MARINE LABORATORY

September 18, 1987

Memorandum

To: Director, Department of Parks &  
Recreation

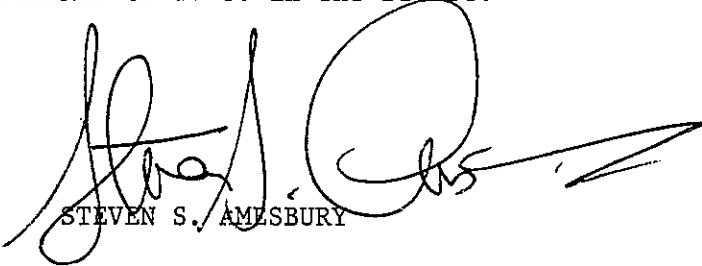
From: Director

Subject: Cushing Zoo

I am writing in support of Mr. James Cushing's continued use of leased property in Tumon for the Cushing Zoo.

The Marine Laboratory has been considerably benefitted by help received from the Cushing Zoo in the past. We have been provided with valuable marine specimens, have borrowed collecting equipment, and have benefitted from Mr. Cushing's years of experience with Guam's marine habitats.

Besides being an attraction for tourists, the Cushing Zoo has long been a worthwhile educational experience for Guam's school children. The Zoo serves an important role on our island and should continue to do so in the future.



STEVEN S. AMSBURY



# MONTESSORI HOUSE OF CHILDREN

P.O. Box 7838, Tamuning, Guam 96911 Tel: 646-5511

September 15, 1987

Mr. Tony Mariano  
Director, Department of Parks  
and Recreation  
490 Naval Hospital Road  
Agana Heights, Guam 96919

Dear Mr. Mariano:

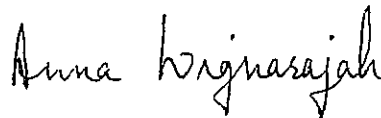
As a licensed child care provider on Guam I wish to submit this letter in support of Mr. James Cushing's proposal to lease Government of Guam land adjacent to the Guam Zoological, Botanical and Marine Gardens in Tumon.

The staff of Montessori House of Children have taken many field trips with pre-schoolers to the Zoo and have gained valuable, enriching experiences in learning about Guam's land and Marine animals. I know of no other establishment on Guam that currently offers this culturally unique resource for children to learn and take pride in.

Please provide the support needed by Mr. Cushing in his efforts to develop the Guam Zoological, Botanical and Marine Gardens. I'm sure you will agree that it will be an asset to our children, as well as the rest of the community.

Thank you for your consideration.

Sincerely,



ANNA WIGNARAJAH  
Director



GOVERNMENT OF GUAM  
DEPARTMENT OF EDUCATION  
HEAD START  
TALOFOFO CENTER

February 4, 1980

Mr. and Mrs. Cushing  
Cushing Zoo  
Box 6443 Tamuning 96911

Dear Mr. and Mrs. Cushing:

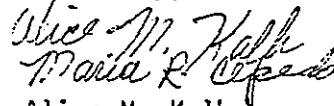
You are to be commended for the wonderful work you are doing for our community. Each year we bring our classes there and we find more animals and more colorful surroundings. The constant improvements you accomplish can only attract the public's support of Community Zoo.

On behalf of the children, parents, and staff of Talofofu Head Start Center, let me extend a big "Si Yuus Maase" to you for once again doing a superb job of touring us through your facilities. The children learned much and are now more aware of just what is involved in proper care of animals. They now know what a real monkey, llama, leopard, etc., looks like and don't have to rely on a picture book of animals.

You are playing a very important role in helping to educate the children of Guam, and that is another accomplishment of which you can be extremely proud of.

Again, thank you very much for your caring and patience.

Sincerely,



Alice M. Kalb  
Head Start Teacher  
Talofofu Head Start



HEAD START DIRECTOR  
GUAM HEADSTART PROGRAM



DEPARTMENT OF PARKS AND RECREATION  
GOVERNMENT OF GUAM  
AGANA, GUAM 96910

September 12, 1977

Mrs. Marjorie Cushing  
Post Office Box 6443  
Tamuning, Guam 96911

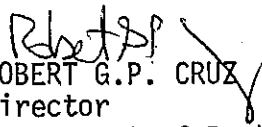
Dear Mrs. Cushing:

With regard to my recent conversation with your son, Mr. James Cushing, the following information is provided.

The Department of Parks and Recreation is in favor of your family's long attempt to establish a zoo on Guam. It was obvious when the Park and Recreation Commission visited your development on your property that the Commission was impressed with your progress and ambitions in this area. Be assured that you have this department's support in your attempt to establish a zoo on your property in Tumon.

I do not feel that your proposed project is in conflict with the future plans of the Government to develop a park on Lot No. 5133-1, Tumon. Rather, it would be seen that the projects entirely complement each other. It may be possible that the Government might assist in a joint venture or mutual effort in developing your property and the Government's. While I cannot give you a firm decision on a land use permit at this time until my Commission has had the opportunity to discuss this matter, I am confident a year-to-year arrangement for your use of the property would be acceptable until the Government is able to implement its plans.

Sincerely yours,

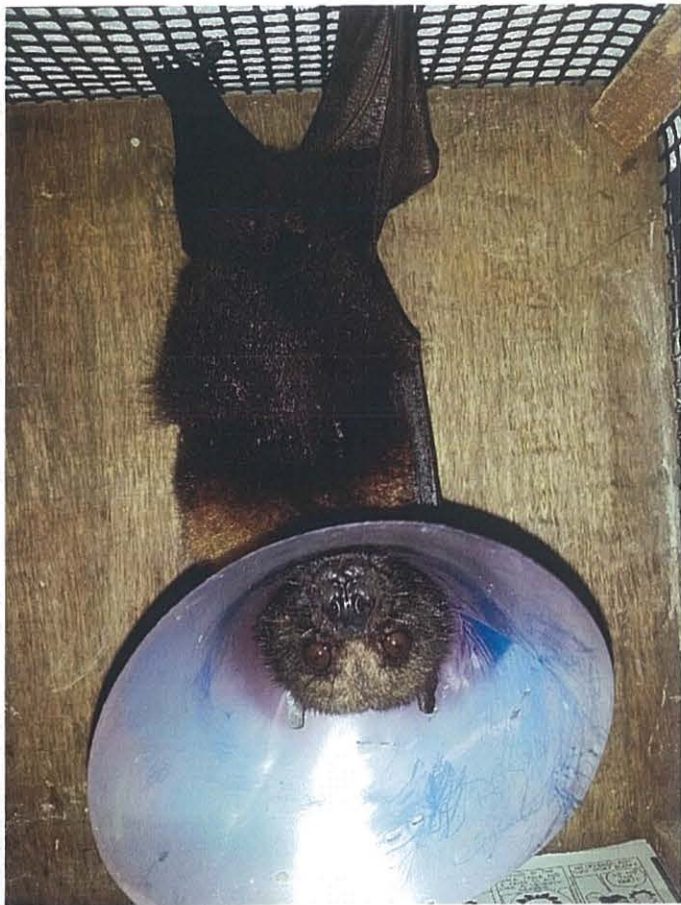
  
ROBERT G.P. CRUZ  
Director  
Department of Parks and  
Recreation



**Tree Snail  
Akaleha'**

**International Union for  
Conservation of Nature  
IUCN RED LIST  
Critically endangered**

**Found refuge at the Guam Zoo.**



**Juvenile Mariana Fruit Bat  
"Fanihi"  
Endangered  
Shot March 2016  
Wing amputated**



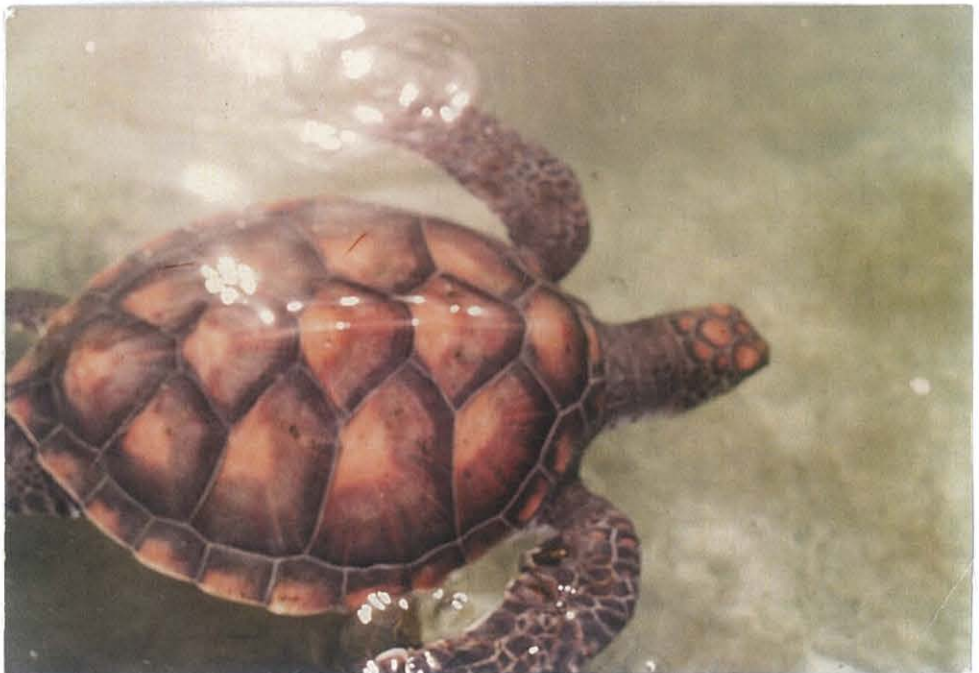
**Micronesian Honeyeater  
"Egigi"  
Extinct  
Last seen 30 years ago.**

**Mariana Fruit Bat  
"Fanihi"**  
Pup born March 9, 2016  
during the solar eclipse.  
You can see pup is on the left.



**Macaque Monkey  
"Yo-Yo"**  
Refugee from Vietnam

**Green Sea Turtle  
"Haggan"**  
14 sea turtle eggs were illegally  
brought to Guam. All 14 eggs were hatched  
tagged, and released.

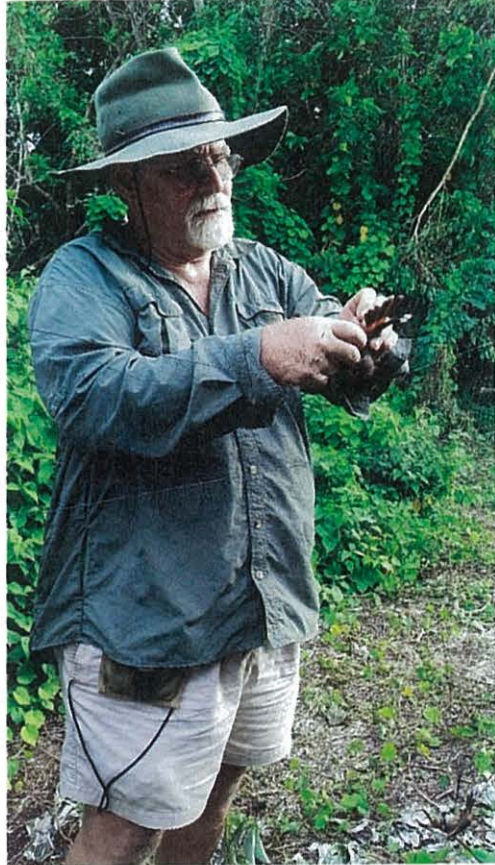


PACIFIC BIRD CONSERVATION GROUP  
June 2015



Bridled White-eye

"Nosa"



Peter Luscomb, Founder  
Pacific Bird Conservation Group



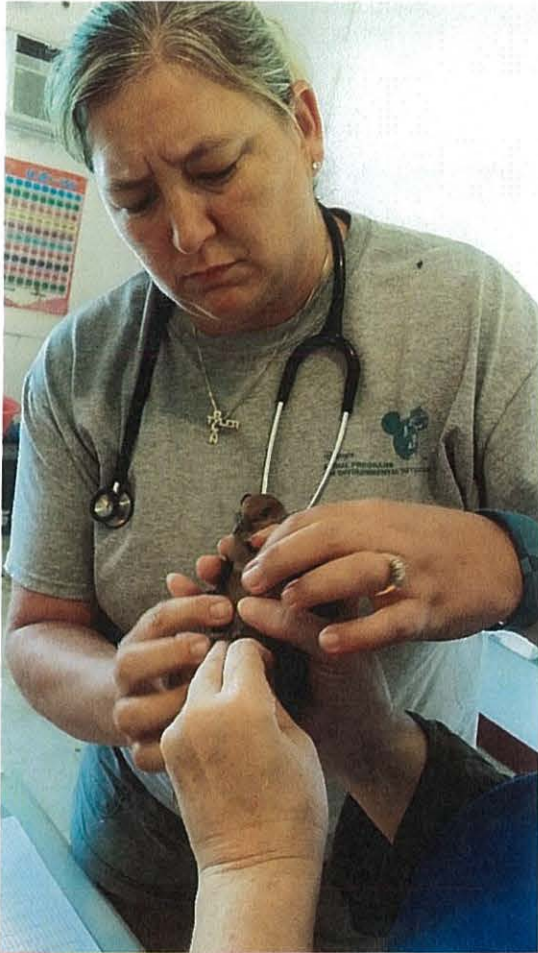
Campsite



Captured Fruit Dove

"Totot"

**PACIFIC BIRD CONSERVATION GROUP**  
**June 2015**



**Dr. Deidre Fontenot**  
**Disney Animal Kingdom**



**Bird Conservation Group**

Lot 5133-1-2

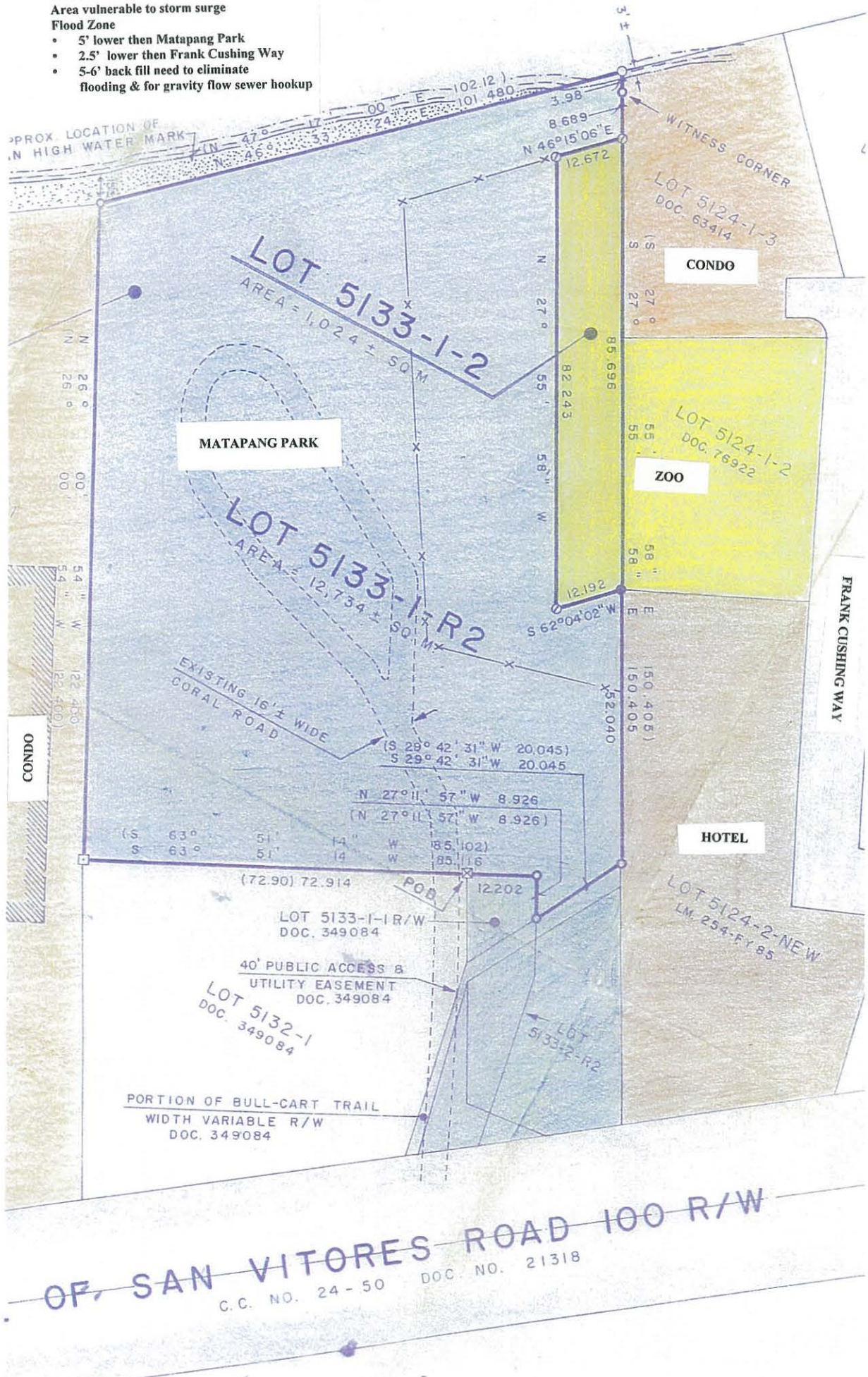
**Landlocked**

Area vulnerable to storm surge

**Flood Zone**

- 5' lower than Matapang Park
- 2.5' lower than Frank Cushing Way
- 5-6' back fill need to eliminate flooding & for gravity flow sewer hookup

BAY







# COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muna Barnes  
Member

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Dennis G. Rodriguez, Jr.  
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Frank Blas Aguon, Jr.  
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Senator  
Michael F.Q. San Nicolas  
Member

Senator  
Nerissa Bretania Underwood  
Member

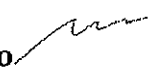
V. Anthony Ada  
MINORITY LEADER

Mary C. Torres  
MINORITY MEMBER

March 23, 2016

## Memorandum

**To:** Rennae Meno  
Clerk of the Legislature

**From:** Senator Rory J. Respicio   
Chairperson of the Committee on Rules

**Subject:** Fiscal Notes

*Hafa Adai!*

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

### FISCAL NOTES:

Bill No. 275-33(COR)

Bill No. 276-33(COR)

Bill No. 277-33(COR)

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

*Si Yu'os ma'åse'!*

2016 MAR 23 PM 4:58

**Bureau of Budget & Management Research**  
**Fiscal Note of Bill Nos. 276-33 (COR)**

**AN ACT TO ADD A NEW §75125 TO TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING A PORTION OF LOT 5133-1, TUMON, DEDEDO, GUAM AS A BIODIVERSITY CONSERVATION EASEMENT FOR THE PURPOSE OF PROVIDING AN AREA FOR THE PRESERVATION OF INDIGENOUS BIODIVERSITY.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Chamorro Land Trust Commission	Dept./Agency Head: Michael J. B. Borja, Director
Department's General Fund (GF) appropriation(s) to date:	-
Department's Other Fund (Specify) appropriation(s) to date: Chamorro Land Trust Operations Fund	1,424,311
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$1,424,311</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2015 Unreserved Fund Balance		\$0	\$0
FY 2016 Adopted Revenues	\$0	\$0	\$0
FY 2016 Appr. (P.L. 33-66 thru _____)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2016 (if applicable)	FY 2017	FY 2018	FY 2019	FY 2020
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Chamorro Land Trust Operations Fund	\$12,000	\$12,000	\$12,000	\$12,000	\$13,200	\$13,200
<b>Total</b>	<b>\$12,000</b>	<b>\$12,000</b>	<b>\$12,000</b>	<b>\$12,000</b>	<b>\$13,200</b>	<b>\$13,200</b>

- Does the bill contain "revenue generating" provisions? /X/ Yes / / 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? /X/ N/A / / Yes / / 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: / / Yes /X/ No  
/X/ Requested agency comments not received by due date / / Other:

Analyst: <u>Jason Baza</u> Date: <u>3/17/16</u> Director: <u>Jose S. Calvo</u> Date: <u>MAR 22 2016</u>
---

Notes:  
 1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH  
COMMENTS ON BILL NO. 276-33 (COR)

The proposed legislation intends to keep the Cushing Zoo operational for its continued conservation practices of endemic species of flora and fauna, education of the public on conservation efforts, and steadfast awareness and appreciation of flora and fauna. Cushing Zoo first became operational through the passage of P.L. 19-34, which authorized the Governor of Guam to execute a lease to James W. Cushing on a portion of Lot 5133-1, Tumon, Dededo, for use as a zoo, botanical garden, and marine exhibit under the conditions that Mr. Cushing pays One Thousand Dollars (\$1,000) a month for a twenty (20) year period.

Section 2 of the proposed legislation adds a new §75125 to Chapter 75, Title 21 Guam Code Annotated which designates the current site known as Cushing Zoo as a Biodiversity Conservation Easement. The new §75125 includes a provision to pay rent expenses to the Chamorro Land Trust Commission (CLTC) in the amount of \$1,000/month. Also included in the new §75125 is a clause to revisit the monthly rent payment amount every three years, in which any increases shall not be more than 10% of the current payment amount. Unlike P.L. 19-34, the new §75125 makes the agreement permanent instead of the former 20 year lease term.

In addition, the new §75125 outlines reversion clauses that would place the subject property back into the Chamorro Land Trust land inventory as a Biodiversity Conservation Easement. The clauses include Cushing Zoo terminating its business or ceasing to exist, rent payments not being made, conservation efforts not being fulfilled, and noncompliance with the United States Department of Agriculture and Environmental Laws.

Although minimal, there is potential for additional revenues to be received by the CLTC in the form of increased rental payments. This is due to the new §75125 authorizing the CLTC to increase the rent payment amount after every three years at no more than 10% of the original amount. If the proposed legislation becomes law in FY 2016, the yearly rent payment to be received by the CLTC increases to \$13.2 K in FY 2019, \$14.5 K in FY 2022, \$15.9 K in FY 2025, and can continue until any of the reversion clauses becomes applicable.



## COMMITTEE ON RULES

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Michael F.Q. San Nicolas  
Member

Senator  
Nerissa Bretania Underwood  
Member

V. Anthony Ada  
MINORITY LEADER


Mary C. Torres  
MINORITY MEMBER

March 9, 2016

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** **Senator Rory J. Respicio**   
*Chairperson of the Committee on Rules*

**Subject:** **Referral of Bill No. 276-33(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 276-33(COR)**.

Please ensure that the subject bill is 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 Tres Na Liheslaturan Guåhan*.

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

*Si Yu'os Ma'åse!*

Attachment

*I Mina'Trentai Tres Na Liheslaturan Received*  
 Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
276-33 (COR)	T. R. Muña Barnes Judith T. Won Pat, Ed.D.	AN ACT TO ADD A NEW §75125 TO TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING A PORTION OF LOT 5133-1, TUMON, DEDEDO, GUAM AS A BIODIVERSITY CONSERVATION EASEMENT FOR THE PURPOSE OF PROVIDING AN AREA FOR THE PRESERVATION OF INDIGENOUS BIODIVERSITY.	03/09/16 1:51 p.m.	03/09/16	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement			



Blaine Dydasco &lt;bdydasco@senatorada.org&gt;

## 1st Notice of Public Hearing and Roundtable: Thursday, April 14, 2016 at 9:00 a.m. and 2:00p.m.

2 messages

Charlene Flores &lt;flores@senatorada.org&gt;

Thu, Apr 7, 2016 at 8:36 AM

To: Media <media@senatorada.org>, phnotice@guamlegislature.org, DLMDIR <dlmdir@land.guam.gov>, Michael Borja <michael.borja@land.guam.gov>, Michael Duenas <mjduenas@ghura.org>, james.gillan@dphss.guam.gov, joey.sannicolas@gfd.guam.gov, chief@gpd.guam.gov, pio@gpd.guam.gov, doagridir@yahoo.com, matt.sablan12@yahoo.com, raunderwood@ugam.uog.edu, lorilee.crisostoo@bsp.guam.gov, Yvette.cruz@epa.guam.gov, gpagn@ite.net, jocelyn.bamba@pb.usda.gov, Sam.Taylor@pb.usda.gov, mcbordallo@guamwaterworks.org, agatmayorsoffice@hotmail.com, Umatac Mayor <umatacmo@gmail.com>, Doris Lujan <mayordorisfloreslujan@gmail.com>, inarajan municipality <inarajanmayorsoffice@gmail.com>, Dale Alvarez <daleealvarez@gmail.com>, talofofomayor@gmail.com, kenjoeada@yahoo.com, mayorernest@yahoo.com, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, bvalencia@matson.com, mblaw@guam.net, duncan@mccullybeggs.com, gperez@matson.com, "John Thos. Brown" <jngo@ozemail.com.au>, sandra.miller@guam.gov, dfbrooks@guamopa.org, admin@guamopa.org, arcesq@hotmail.com, Jessica Toft <jtoft@guamag.org>, law@guamag.org, claudia.acfalle@gsa.guam.gov, robert.kono@gsa.guam.gov, jpangelinan@gpagwa.com, afduenas@portguam.com, vincentg@guamwaterworks.org, arleen.pierce@dpw.guam.gov, vborja@triton.uog.edu, frankpt@guamairport.net, mcogadmin@teleguam.net

April 07, 2016

### MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **1<sup>st</sup> Notice of Public Hearing and Roundtable: Thursday, April 14, 2016 at 9:00 a.m. and 2:00p.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affair, and Procurement will be conducting a public hearing and roundtable on **Thursday, April 14, 2016 at 9:00 a.m. and 2:00 p.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guahan*. The agenda is as follows:

**9:00 a.m.**

**Bill No. 290-33 (COR) – T.C. Ada**

An act to place tract 3620 (formerly lot 381-2, Municipality of *Inarajan*) under the administrative jurisdiction of the Office of the Mayor of *Inarajan* and the *Inarajan* Municipal Planning Council.

**Bill No. 287-33 (COR) – R.J. Respicio/M.C. Torres**

An act to establish the Southern River Erosion Council and to mandate the creation of multi-year masterplans to address the erosion issues related to rivers in southern Guam.

**Bill No. 284-33 (COR) – R.J. Respicio**

An act to amend Section 3219 (c) of Chapter 3 of Title 16 of the Guam Code Annotated to amend the notice requirement for the sale of used tires.

**Bill No. 276 -33 (COR) – T.R. Muña Barnes/J.T. Won Pat, Ed.D.**

An act to add a new §75125 to Title 21, Guam Code Annotated, relative to designating a portion of lot 5133-1, *Tumon, Dededo, Guam* as a biodiversity conservation easement for the purpose of providing an area for the preservation of indigenous biodiversity.

**2:00 p.m. - Roundtable****Bill No. 162-33 (COR) – T.C. Ada**

An act to amend articles 3, 9, and 12 of Chapter 5, Title 5 Guam Code Annotated by amending § 5201, 5210, 5211, 5214, 5215, 5216, 5217, 5219, 5220, 5230, 5231, 5232, 5233, 5235, 5237, 5240, 5245, 5248, 5249, 5251, 5252, and to add a new § 5212, § 5221, and 5254 relative to source selection and contract formation and to amend §§ 5425, 5426, 5427, 5450, 5452, 5480, 5481 and 5485(a) and (b) of article 9; and amend §§ 5703, 5705, 5706(b), 5707(a) and 5708, and add a new § 5710 relative to legal and contractual remedies in Guam Procurement Law.

Testimony on **Bill No. 290-33 (COR)**, **Bill No. 287-33 (COR)**, **Bill No. 284-33 (COR)**, and **Bill No. 276-33 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until **Friday, April 15, 2016 at 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Charlene Flores at 473-3301. Please feel free to contact my office should you have any questions or concerns.

--

Charlene Flores  
Policy Analyst

Office of Senator Thomas C. Ada

*I Mina'trentai Tres na Liheslaturan Guåhan - 33rd Guam Legislature*



... the Office of ...  
Senator Tom Ada

Blaine Dydasco <bdydasco@senatorada.org>

## 2nd Notice of Public Hearing and Roundtable: Thursday, April 14, 2016 at 9:00 a.m. and 2:00p.m.

1 message

Charlene Flores <flores@senatorada.org>

Mon, Apr 11, 2016 at 8:23 AM

To: Media <media@senatorada.org>, phnotice@guamlegislature.org, DLMDIR <dlmdir@land.guam.gov>, Michael Borja <michael.borja@land.guam.gov>, Michael Duenas <mjduenas@ghura.org>, james.gillan@dphss.guam.gov, joey.sannicolas@gfd.guam.gov, chief@gpd.guam.gov, pio@gpd.guam.gov, doagridir@yahoo.com, matt.sablan12@yahoo.com, raunderwood@uguam.uog.edu, lorilee.crisostoo@bsp.guam.gov, Yvette.cruz@epa.guam.gov, gpagm@ite.net, jocelyn.bamba@pb.usda.gov, Sam.Taylor@pb.usda.gov, mcbordallo@guamwaterworks.org, agatmayoroffice@hotmail.com, Umatac Mayor <umatacmo@gmail.com>, Doris Lujan <mayordorisfloreslujan@gmail.com>, inarajan municipality <inarajanmayoroffice@gmail.com>, Dale Alvarez <daleealvarez@gmail.com>, talofofomayor@gmail.com, kenjoeada@yahoo.com, mayore Ernest@yahoo.com, "Mayor Louise C. Rivera" <mayorlrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, bvalencia@matson.com, mblaw@guam.net, duncan@mccullybeggs.com, gperez@matson.com, "John Thos. Brown" <jngo@ozemail.com.au>, sandra.miller@guam.gov, dfbrooks@guamopa.com, admin@guamopa.com, arcesq@hotmail.com, Jessica Toft <jtoft@guamag.org>, law@guamag.org, claudia.acfalle@gsa.guam.gov, robert.kono@gsa.guam.gov, jpangelinan@gpagwa.com, afduenas@portguam.com, vincentg@guamwaterworks.org, arleen.pierce@dpw.guam.gov, vborja@triton.uog.edu, frankpt@guamairport.net, mcogadmin@teleguam.net, Glenn LG <glenn.leonguerrero@dpw.guam.gov>, felix.benavente@dpw.guam.gov, MELISSA SAVARES <melissa.savares@gmail.com>

April 11, 2016

### MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **2<sup>nd</sup> Notice of Public Hearing and Roundtable: Thursday, April 14, 2016 at 9:00 a.m. and 2:00p.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affair, and Procurement will be conducting a public hearing and roundtable on **Thursday, April 14, 2016 at 9:00 a.m. and 2:00 p.m.** This meeting will take place in the public hearing room of *Liheslaturan Guahan*. The agenda is as follows:

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An act to add a new §75125 to Title 21, Guam Code Annotated, relative to designating a portion of lot 5133-1, *Tumon, Dededo, Guam* as a biodiversity conservation easement for the purpose of providing an area for the preservation of indigenous biodiversity.

**2:00 p.m. - Roundtable****Bill No. 162-33 (COR) – T.C. Ada**

An act to amend articles 3, 9, and 12 of Chapter 5, Title 5 Guam Code Annotated by amending § 5201, 5210, 5211, 5214, 5215, 5216, 5217, 5219, 5220, 5230, 5231, 5232, 5233, 5235, 5237, 5240, 5245, 5248, 5249, 5251, 5252, and to add a new § 5212, § 5221, and 5254 relative to source selection and contract formation and to amend §§ 5425, 5426, 5427, 5450, 5452, 5480, 5481 and 5485(a) and (b) of article 9; and amend §§ 5703, 5705, 5706(b), 5707(a) and 5708, and add a new § 5710 relative to legal and contractual remedies in Guam Procurement Law.

Testimony on **Bill No. 290-33 (COR)**, **Bill No. 287-33 (COR)**, **Bill No. 284-33 (COR)**, and **Bill No. 276-33 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until **Friday, April 15, 2016 at 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Charlene Flores at 473-3301. Please feel free to contact my office should you have any questions or concerns.

--

Charlene Flores  
Policy Analyst  
Office of Senator Thomas C. Ada  
*I Mina'trentai Tres na Liheslaturan Guåhan* - 33rd Guam Legislature  
671-473-3301

Public Hearing Notice Listserv  
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Updated: March 1, 2016

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Updated: March 1, 2016

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## Sen. Thomas Ada

### Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Liheslaturan Guåhan* • 33<sup>rd</sup> Guam Legislature

### AGENDA

### PUBLIC HEARING

Thursday April 14, 2016

Public Hearing Room, *I Liheslaturan Guåhan*

The agenda is as follows:

#### 9:00am

#### Bill No. 290-33 (COR) – T.C. Ada

An act to place tract 3620 (formerly lot 381-2, Municipality of *Inarajan*) under the administrative jurisdiction of the Office of the Mayor of *Inarajan* and the *Inarajan* Municipal Planning Council.

#### Bill No. 287-33 (COR) – R.J. Respicio/M.C. Torres

An act to establish the Southern River Erosion Council and to mandate the creation of multi-year masterplans to address the erosion issues related to rivers in southern Guam.

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[http://www.postguam.com/news/local/community-rallies-behind-cushing-zoo/article\\_30835c8a-0226-11e6-ae92-b7ec3ab0135a.html](http://www.postguam.com/news/local/community-rallies-behind-cushing-zoo/article_30835c8a-0226-11e6-ae92-b7ec3ab0135a.html)

## Community rallies behind Cushing Zoo

Robert Q. Tupaz | Post News Staff 9 hrs ago



Matt Weiss

ZOO: The Guam Zoological Botanical and Marine Garden, also known as the Cushing Zoo, in Tumon was the topic of a public hearing by the Guam Legislature on legislation intended to keep the zoo open. Matt Weiss/Post

Soft-spoken and humble, Barbara Cushing appeared before lawmakers yesterday to testify on a measure that would allow the family legacy that she and her husband continue to operate, to carry on just shy of beachfront real estate in the heart of Tumon, Guam's tourist district.

Dwarfed by a Tumon hotel and a couple of condominiums, the island's only zoo, the Guam Zoological Botanical and Marine Garden, commonly known as the Cushing Zoo, is nestled in the midst of native flora and fauna that serve as natural shelter to the animals that live there.

The zoo is known to virtually every elementary school child in Guam. And during the public hearing on a measure that intends to make available the quarter acre sliver of property, it was apparent that a couple of generations of island residents have, at one time or another, visited the zoo as children and thereafter. Many recalled some of its 40 years existence with fond memories.

Barbara Cushing briefly touched on the daily struggles of operating the zoo yesterday, noting that despite the expenses, it was a passion and labor of love to continue to operate the facility which started on adjacent family property in 1976. In 1988, the family successfully negotiated the leasing of the neighboring public land through legislation at a cost of \$1,000 per month.

The lease expired after 20 years and eventually, through a succession of laws, fell into the inventory and administrative control of the Chamorro Land Trust Commission. However, the CLTC could not address a new contract without rules governing commercial leases of its properties. The recent adoption of rules governing the leases pushed the issue to the forefront and the Cushing family in an uncomfortable position.

"We have worked diligently to provide a unique service for the community and for the entire Mariana Islands Archipelago. We promote conservation and are stewards of indigenous and endemic species," Barbara Cushing said. "For 40 years, we have dedicated our lives to this cause without local or federal funding or assistance for animal care."

Barbara Cushing told lawmakers of their successes with rehabilitating animals left in their care as they've been designated as the wildlife repository for the local and the federal governments. The zoo houses some 18 species of animals and a collection of more than two dozen flora and fauna

"One of our greatest achievements these past few years have been the exponential growth of the endangered Mariana fruit bat (fanihi) community in our zoo," Barbara Cushing said. She said the zoo currently has a colony of 20 fanihi, including the retired fruit bat "Mutung" a former mascot of the U.S. Fish and Wildlife Ritiidian Refuge center. As well, a bat confiscated in Rota with one wing amputated is in the zoo's care.

## **Recognized**

Sen. Tina Muna Barnes and Speaker Judith Won Pat recognized the value of the Cushing Zoo. In Bill 276-33, the pair noted the zoo "has become an invaluable tool for conservation efforts, housing the many indigenous species of flora and fauna on island and sheltering many more endangered species. The Cushing Zoo has performed an invaluable service to the people of Guam and Guam's natural biodiversity."

A public hearing was held on the bill yesterday by the committee on lands which has oversight over CLTC. It was widely supported by those providing testimony, both oral and in writing, with many essays by school children echoing support and fondness.

During the hearing, committee chairman Tom Ada admitted that at 66 years of age, he paid his first visit to the zoo earlier this week. Ada said he was impressed with the effort undertaken by the Cushing family, namely Jimmy and Barbara Cushing. Ada, a member of the Democratic Party, jokingly took special pride in the fact that the zoo was home to a donkey, the party's mascot.

### **'Not far enough'**

Manny Duenas, a noted fisherman and farmer, testified that the measure did not "go far enough." Duenas suggested that the rent amount be lowered to \$500 monthly if not lower and the Cushings be assured of continued use of the property as they deem useful.

CLTC Administrative Director Michael Borja said the commission was amendable to terms that lawmakers see fit for the rental of the property provided that it continues to be used for the same conservation purposes.

Dr. Thomas Poole, the island's territorial veterinarian said the zoo served an important purpose for not only the animals being housed and cared for, but for the education and enjoyment of island children and visitors. "For the 11 years that I have held this job, the Cushing Zoo has served as the last resort for birds and animals that cannot be rehabilitated to live again in the wild," Poole said.

Grace Lapid Rosadino submitted written testimony in support of the land lease.

"The zoo historically and presently, promotes and perpetuates cultural and educational opportunities for Guam's children and families about animal, marine and plant species that are indigenous to Guam and the Pacific region," Rosadino said. "Now, as a mother of two toddler boys, I would like my children to avail of the learning opportunities present at the Cushing Zoo."

### **Lower lease**

During the hearing, lawmakers discussed perhaps lowering the lease to \$1 a year and providing broader support in light of the revelations by the Cushing family so that they may continue the service to the island community.

Won Pat read a statement from Muna Barnes who was not able to attend the hearing. "Maybe we can find ways to help the Cushing Zoo evolve and take a step forward with new attractions or even research capabilities," Muna Barnes wrote.

**Robert Tupaz**

Working for you!





**Sen. Thomas Ada**  
**Committee on Lands and Transportation**

**Public Hearing and Roundtable Notice**  
Thursday, April 14, 2016, 9am and 2pm  
*I Liheslaturan Guahan*, Public Hearing Room

**AGENDA FOR PUBLIC HEARING**

**9:00 AM:**

**Bill No. 290-33 (COR) - T.C. Ada**

An act to place tract 3620 (formerly lot 381-2, Municipality of *Inarajan*) under the administrative jurisdiction of the Office of the Mayor of *Inarajan* and the *Inarajan* Municipal Planning Council.

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**2:00 PM**

**ROUNDTABLE AGENDA**

**Bill No. 162-33 (COR) - T.C. Ada**

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**Sen. Thomas Ada**  
**Committee on Lands and Transportation**

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*I Mina'Trentai Tres Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
276-33 (COR)	T. R. Muña Barnes Judith T. Won Pat, Ed.D.	AN ACT TO ADD A NEW §75125 TO TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING A PORTION OF LOT 5133-1, TUMON, DEDEDO, GUAM AS A BIODIVERSITY CONSERVATION EASEMENT FOR THE PURPOSE OF PROVIDING AN AREA FOR THE PRESERVATION OF INDIGENOUS BIODIVERSITY.	03/09/16 1:51 p.m.	03/09/16	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement			Fiscal Note Request 03/10/16  Fiscal Note 03/23/16



# COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd Guam Legislature

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CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

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Judith T.P. Won Pat, Ed.D.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muna Barnes  
Member

Senator  
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Senator  
Frank Blas Aguon, Jr.  
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Michael F.Q. San Nicolas  
Member

Senator  
Nerissa Bretania Underwood  
Member

V. Anthony Ada  
MINORITY LEADER

Mary C. Torres  
MINORITY MEMBER

March 23, 2016

## Memorandum

**To:** Rennae Meno  
Clerk of the Legislature

**From:** Senator Rory J. Respicio  
Chairperson of the Committee on Rules

**Subject:** Fiscal Notes

*Hafa Adai!*

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

### FISCAL NOTES:

- Bill No. 275-33(COR)
- Bill No. 276-33(COR)
- Bill No. 277-33(COR)

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

*Si Yu'os ma'åse'!*

2016 MAR 23 PM 4:58

**Bureau of Budget & Management Research**  
**Fiscal Note of Bill Nos. 276-33 (COR)**

**AN ACT TO ADD A NEW §75125 TO TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING A PORTION OF LOT 5133-1, TUMON, DEDEDO, GUAM AS A BIODIVERSITY CONSERVATION EASEMENT FOR THE PURPOSE OF PROVIDING AN AREA FOR THE PRESERVATION OF INDIGENOUS BIODIVERSITY.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Chamorro Land Trust Commission	Dept./Agency Head: Michael J. B. Borja, Director
Department's General Fund (GF) appropriation(s) to date:	-
Department's Other Fund (Specify) appropriation(s) to date: Chamorro Land Trust Operations Fund	1,424,311
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$1,424,311</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2015 Unreserved Fund Balance		\$0	\$0
FY 2016 Adopted Revenues	\$0	\$0	\$0
FY 2016 Appro. (P.L. 33-66 thru _____)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2016 (if applicable)	FY 2017	FY 2018	FY 2019	FY 2020
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Chamorro Land Trust Operations Fund	\$12,000	\$12,000	\$12,000	\$12,000	\$13,200	\$13,200
<b>Total</b>	<b>\$12,000</b>	<b>\$12,000</b>	<b>\$12,000</b>	<b>\$12,000</b>	<b>\$13,200</b>	<b>\$13,200</b>

- Does the bill contain "revenue generating" provisions? / X / Yes / / 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? / X / N/A / / Yes / / 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: / / Yes / X / No  
 / X / Requested agency comments not received by due date / / Other:

Analyst: <u>Jason Baza</u>	Date: <u>3/17/16</u>	Director: <u>Jose S. Calvo</u>	Date: <u>MAR 22 2016</u>
Jason Baza, BMA II		Jose S. Calvo, Director	

Notes:  
 1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH  
COMMENTS ON BILL NO. 276-33 (COR)

The proposed legislation intends to keep the Cushing Zoo operational for its continued conservation practices of endemic species of flora and fauna, education of the public on conservation efforts, and steadfast awareness and appreciation of flora and fauna. Cushing Zoo first became operational through the passage of P.L. 19-34, which authorized the Governor of Guam to execute a lease to James W. Cushing on a portion of Lot 5133-1, Tumon, Dededo, for use as a zoo, botanical garden, and marine exhibit under the conditions that Mr. Cushing pays One Thousand Dollars (\$1,000) a month for a twenty (20) year period.

Section 2 of the proposed legislation adds a new §75125 to Chapter 75, Title 21 Guam Code Annotated which designates the current site known as Cushing Zoo as a Biodiversity Conservation Easement. The new §75125 includes a provision to pay rent expenses to the Chamorro Land Trust Commission (CLTC) in the amount of \$1,000/month. Also included in the new §75125 is a clause to revisit the monthly rent payment amount every three years, in which any increases shall not be more than 10% of the current payment amount. Unlike P.L. 19-34, the new §75125 makes the agreement permanent instead of the former 20 year lease term.

In addition, the new §75125 outlines reversion clauses that would place the subject property back into the Chamorro Land Trust land inventory as a Biodiversity Conservation Easement. The clauses include Cushing Zoo terminating its business or ceasing to exist, rent payments not being made, conservation efforts not being fulfilled, and noncompliance with the United States Department of Agriculture and Environmental Laws.

Although minimal, there is potential for additional revenues to be received by the CLTC in the form of increased rental payments. This is due to the new §75125 authorizing the CLTC to increase the rent payment amount after every three years at no more than 10% of the original amount. If the proposed legislation becomes law in FY 2016, the yearly rent payment to be received by the CLTC increases to \$13.2 K in FY 2019, \$14.5 K in FY 2022, \$15.9 K in FY 2025, and can continue until any of the reversion clauses becomes applicable.

*I Mina'Trentai Tres Na Liheslaturan Received*  
**Bill Log Sheet**

<b>BILL NO.</b>	<b>SPONSOR</b>	<b>TITLE</b>	<b>DATE INTRODUCED</b>	<b>DATE REFERRED</b>	<b>CMTE REFERRED</b>	<b>PUBLIC HEARING DATE</b>	<b>DATE COMMITTEE REPORT FILED</b>	<b>FISCAL NOTES</b>
<b>276-33 (COR)</b>	T. R. Muña Barnes Judith T. Won Pat, Ed.D.	AN ACT TO ADD A NEW §75125 TO TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING A PORTION OF LOT 5133-1, TUMON, DEDEDO, GUAM AS A BIODIVERSITY CONSERVATION EASEMENT FOR THE PURPOSE OF PROVIDING AN AREA FOR THE PRESERVATION OF INDIGENOUS BIODIVERSITY.	03/09/16 1:51 p.m.	03/09/16	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement			<b>Fiscal Note Request</b> 03/10/16



## COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

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Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Speaker  
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Dennis G. Rodriguez, Jr.  
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Frank Blas Aguon, Jr.  
Member

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Michael F.Q. San Nicolas  
Member

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Nerissa Bretania Underwood  
Member

V. Anthony Ada  
MINORITY LEADER

Mary C. Torres  
MINORITY MEMBER

March 10, 2016

VIA E-MAIL

[joey.calvo@bbmr.guam.gov](mailto:joey.calvo@bbmr.guam.gov)

Jose S. Calvo  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

**RE: Request for Fiscal Notes – Bill Nos. 275-33(COR) through 277-33(COR)**

*Hafa Adai* Mr. Calvo:

Transmitted herewith is a listing of *I Mina'trentai Tres Na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

**Senator Rory J. Respicio**  
*Chairperson of the Committee on Rules*

Attachment (1)

Cc: Clerk of the Legislature



Bill Nos.	Sponsor	Title
<p><b>275-33 (COR)</b></p>	<p>Dennis G. Rodriguez, Jr V. Anthony Ada R.J. Respicio Judith T. Won Pat, Ed.D. T. R. Muña Barnes</p>	<p>AN ACT AMEND § 1515(i)(2)(G) AND TO ADD A NEW ITEM (v) TO SUBPARAGRAPH (B) OF PARAGRAPH (2) § 1515 OF ARTICLE 5, CHAPTER 1 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE DOCK AND SHORELINE REINFORCEMENT ECONOMIC ENHANCEMENT PROJECT AND THE COMPLETION OF CONSTRUCTION, REPAIR AND IMPROVEMENTS OF THE GUAM FISHERMEN'S COOPERATIVE ASSOCIATION FACILITY.</p>
<p><b>276-33 (COR)</b></p>	<p>T. R. Muña Barnes Judith T. Won Pat, Ed.D.</p>	<p>AN ACT TO ADD A NEW §75125 TO TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING A PORTION OF LOT 5133-1, TUMON, DEDEDO, GUAM AS A BIODIVERSITY CONSERVATION EASEMENT FOR THE PURPOSE OF PROVIDING AN AREA FOR THE PRESERVATION OF INDIGENOUS BIODIVERSITY.</p>
<p><b>277-33 (COR)</b></p>	<p>Dennis G. Rodriguez, Jr. T. C. Ada R.J. Respicio V. Anthony Ada Tommy Morrison N. B. Underwood, Ph.D.</p>	<p>AN ACT TO DIRECT THE GUAM ECONOMIC DEVELOPMENT AUTHORITY TO DEVELOP AND PUBLISH A REQUEST FOR INFORMATION (RFI) RELATIVE TO HOW AN INTERESTED CONTRACTOR, HOSPITAL MANAGEMENT TEAM, OR OPERATOR WOULD TRANSITION GOVERNMENT OPERATION OF THE GUAM MEMORIAL HOSPITAL TO A PUBLIC-PRIVATE PARTNERSHIP WHILE CONTINUING TO PROVIDE QUALITY HOSPITAL SERVICES WHICH ARE ACCESSIBLE TO ALL THE PEOPLE OF GUAM AND THE OVERALL ASSESSMENT OF GUAM'S DELIVERY OF HEALTHCARE SERVICES.</p>



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MINORITY MEMBER

March 9, 2016

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** **Senator Rory J. Respicio**   
*Chairperson of the Committee on Rules*

**Subject:** **Referral of Bill No. 276-33(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 276-33(COR)**.

Please ensure that the subject bill is 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 Tres Na Liheslaturan Guåhan*.

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

*Si Yu'os Ma'åse!*

Attachment

**I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN**  
**2015 (FIRST) Regular Session**

**Bill No.** <sup>276-33</sup> (Ord)

Introduced by:

T. R. Muña Barnes  
Judith T. Waples, Ed.D.

2016 JUN 9 PM 1:51  
Jen M...

**AN ACT TO ADD A NEW §75125 TO TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING A PORTION OF LOT 5133-1, TUMON, DEDEDO, GUAM AS A BIODIVERSITY CONSERVATION EASEMENT FOR THE PURPOSE OF PROVIDING AN AREA FOR THE PRESERVATION OF INDIGENOUS BIODIVERSITY.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the 19th Guam Legislature recognized the need for a Guam zoological, botanical  
4 and marine garden through the passage of Public Law 19-34, in 1988. Recognizing  
5 a portion of Lot 5133-1, Tumon, Dededo, Guam, was uniquely zoned for this  
6 purpose , *I Maga' Lahen Guåhan*, subject to the terms and conditions of P.L. 19-  
7 34 entered into a twenty-year lease with Mr. Frank H. Cushing who founded the  
8 "Guam Zoological, Biological, and Marine Garden" (Cushing Zoo).

9           In the Cushing Zoo's nearly twenty (20) years in operation, they have  
10 successfully bred the Marianas Fruit Bat, protected nearly twenty-seven (27)  
11 separate flora and fauna, and exhibited eighteen (18) other species that brought  
12 awareness and appreciation to animals of all kinds to the public. The Cushing Zoo  
13 has become an invaluable tool for conservation efforts, housing the many indigenous

1 species of flora and fauna on island and sheltering many more endangered species.  
2 The Cushing Zoo has performed an invaluable service to the people of Guam and  
3 Guam's natural biodiversity.

4 It is, therefore, the intent of *I Liheslaturan Guahan* to allow the Cushing Zoo  
5 to remain in operation on a portion of Lot 5133-1, Tumon, Dededo, Guam provided  
6 they continue conservation practices of endemic species of flora and fauna, educate  
7 the public on conservation efforts, and continue to bring awareness and appreciation  
8 of flora and fauna.

9 **Section 2.** A new §75125 of Chapter 75, Title 21, Guam Code Annotated,  
10 is hereby *added* to read:

11 **“§75125. Designation of Biodiversity Conservation Easement:** (a)  
12 Notwithstanding any law, provision, rule, or regulation, the *Chamorro* Land Trust  
13 Commission (CLTC) is hereby directed to designate the current site of the Guam  
14 Zoological, Botanical and Marine Garden described as a portion of Lot 5133-1,  
15 Tumon, Dededo, Guam as a Biodiversity Conservation Easement for the purposes  
16 of preservation efforts of native biodiversity.

17 (b) The Biodiversity Conservation Easement *shall* be managed by the  
18 owner(s) of the Guam Zoological, Botanical and Marine Garden (Cushing Zoo) as  
19 the caretakers of a portion of Lot 5133-1, Tumon, Dededo, Guam provided they  
20 continue conservation practices of endemic species of flora and fauna, educate the  
21 public on conservation efforts, continue to bring awareness and appreciation of flora  
22 and fauna through live exhibitions. The Guam Zoological, Botanical and Marine  
23 Garden (Cushing Zoo) must maintain compliance with the United States Department  
24 of Agriculture and environmental laws.

25 (c) The owner(s) of the Guam Zoological, Botanical and Marine Garden  
26 (Cushing Zoo) *shall* continue to operate as a business on a portion of Lot 5133-1,  
27 Tumon, Dededo, Guam and *shall* pay rent to the CLTC in the amount of One

1 Thousand dollars (\$1000) per month to be made payable on or before the first day  
2 of the month. The rental amount shall be reviewed and revisited every three years  
3 by the CLTC and any increases on the rent made by the CLTC *shall* not exceed more  
4 than ten percent (10%) of the current rental amount.

5 (d) This lot *shall* revert back into the Chamorro Land Trust Inventory but  
6 remain a Biodiversity Conservation Easement, if:

7 (1) The Guam Zoological, Botanical and Marine Garden terminates  
8 their business services or ceases to exist; *or*

9 (2) Rental payments have not been paid; *or*

10 (2) Conservation efforts are not being fulfilled; *or*

11 (3) Noncompliance with the United States Department of Agriculture  
12 and Environmental Laws.

13 (e) If the Guam Zoological, Botanical and Marine Garden (Cushing Zoo) no  
14 longer serves as a caretaker to this property, the land *shall* remain a Biodiversity  
15 Conservation Easement and *may* be available to be managed by another organization  
16 provided they follow subsection (b), (c), and (d) of this Section.

17 **Section 3. Severability.** If any of the provisions of this Act or the  
18 application thereof to any person or circumstance is held invalid, such invalidity  
19 shall not affect any other provision or application of this Act which can be given  
20 effect without the invalid provision or application, and to this end the provisions of  
21 this Act are severable.

22 **Section 4. Effective Date.** This Act *shall* be effective immediately upon  
23 enactment.