

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
366-33 (COR)	T. C. Ada Tommy Morrison	AN ACT TO IMPOSE A MORATORIA ON SELECTED SECTIONS OF 21 GCA CHAPTER 61 FOR SOUTHERN GUAM FOR TWO (2) YEARS OR UNTIL A SOUTHERN DEVELOPMENT MASTER PLAN HAS BEEN APPROVED AND ADOPTED BY THE LEGISLATURE, WHICHEVER COMES FIRST.	08/16/16 4:08 p.m.	08/16/16	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement	09/23/16 1:00 p.m.	11/21/16 9:58 p.m.	Fiscal Note Request 08/18/16 Fiscal Note 09/07/16



Sen. Thomas Ada

Chairman

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

November 21, 2016

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'Trentai Tres Na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

Rory J. Respcio

VIA: The Honorable Rory J. Respcio

Chairperson, Committee on Rules

RE: Committee Report on Bill No. 366-33 (COR) as amended

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 366-33 (COR) as amended, **“AN ACT TO IMPOSE A MORATORIA ON SELECTED SECTIONS OF 21 GCA CHAPTER 61 FOR SOUTHERN GUAM FOR TWO (2) YEARS OR UNTIL A SOUTHERN DEVELOPMENT MASTER PLAN HAS BEEN APPROVED AND ADOPTED BY THE LEGISLATURE, WHICHEVER COMES FIRST.”**

NOV 21 11 09:58 AM '16

Committee votes are as follows:

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

[Handwritten signature]

Si Yu'os ma'åse',

[Handwritten signature of Thomas C. Ada]

Thomas C. Ada



Sen. Thomas Ada

Chairman

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

I Mina Trentai Tres Na Libeslaturan Guåban • 33rd Guam Legislature

COMMITTEE REPORT ON

Bill No. 366-33 (COR)

As Amended

**AN ACT TO IMPOSE A MORATORIA ON
SELECTED SECTIONS OF 21 GCA CHAPTER
61 FOR SOUTHERN GUAM FOR TWO (2)
YEARS OR UNTIL A SOUTHERN
DEVELOPMENT MASTER PLAN HAS BEEN
APPROVED AND ADOPTED BY THE
LEGISLATURE, WHICHEVER COMES
FIRST.**




Sen. Thomas Ada
Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
I Mina Trentai Tres Na Libeslaturan Guåban • 33rd Guam Legislature

November 21, 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. 366-33 (COR) as amended**

Transmitted herewith for your consideration is the Committee Report on Bill No. 366-33 (COR) as amended, **“AN ACT TO IMPOSE A MORATORIA ON SELECTED SECTIONS OF 21 GCA CHAPTER 61 FOR SOUTHERN GUAM FOR TWO (2) YEARS OR UNTIL A SOUTHEN DEVELOPMENT MASTER PLAN HAS BEEN APPROVED AND ADOPTED BY THE LEGISLATURE, WHICHEVER COMES FIRST.**

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 366-33 (COR), As Introduced
- Copy of Bill No. 366-33 (COR), As Amended
- Public Hearing Sign-in Sheet
- Written testimonies
- Copy of Fiscal Note Request
- Copy of Fiscal Note
- COR Referral of Bill No. 366-33 (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 Guåhan • 33rd Guam Legislature

COMMITTEE VOTE SHEET

Bill No. 366-33 (COR) as amended, "AN ACT TO IMPOSE A MORATORIA ON SELECTED SECTIONS OF 21 GCA CHAPTER 61 FOR SOUTHERN GUAM FOR TWO (2) YEARS OR UNTIL A SOUTHERN DEVELOPMENT MASTER PLAN HAS BEEN APPROVED AND ADOPTED BY THE LEGISLATURE, WHICHEVER COMES FIRST."

COMMITTEE MEMBERS	SIGNATURE AND DATE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
SENATOR THOMAS C. ADA Chairperson		<i>TT</i>				
SENATOR RORY J. RESPICIO Vice Chairperson	<i>Rory Respicio</i>			<i>RR</i> 11-21-16		
VICE SPEAKER BENJAMIN J.F. CRUZ Member	<i>B. Cruz</i>			<i>BJC</i> 11-21-16		
SENATOR FRANK B. AGUON, JR. Member	<i>F. Agumon</i> 11/21/16	<input checked="" type="checkbox"/>				
SENATOR DENNIS RODRIGUEZ, JR. Member						
SENATOR NERISSA UNDERWOOD Member	<i>N Underwood</i> 11-21-16			<i>NU</i> 11-21-16		
SENATOR FRANK BLAS, JR. Member						
SENATOR MARY TORRES Member	<i>M Torres</i> 11/21/16			<input checked="" type="checkbox"/>		
SENATOR JAMES V. ESPALDON Member						



Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
I Mina Trentai Tres Na Libeslaturan Guåban • 33rd Guam Legislature

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 366-33 (COR) was introduced on August 1, 2016 by Senator Tom Ada and was subsequently referred on August 1, 2016 by the Committee on Rules 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 September 23, 2016 at 1:00 pm in *I Liheslaturan's* Public Hearing Room to receive public testimony on Bill No. 366-33 (COR). Furthermore, village public hearing was also held on the following:

- Agat/Santa Rita on 9/14/16
- Merizo on 9/15/16
- Inarajan on 9/19/16
- Talofofo on 9/20/16
- Yona on 9/21/16
- Umatac on 10/27/16

Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on September 16, 2016 (5-Day Notice) and again on September 21, 2016 (48-Hour Notice). Publication was conducted in the September 21, 2016 issue of the *POST*, a newspaper of general circulation, fulfilling the 48-Hour Notice of the Open Government Law requirement.

Senators Present

Senator Thomas C. Ada	<i>Committee Chairperson</i>
Vice Speaker Benjamin Cruz	<i>Committee Member</i>
Senator Tommy Morrison	<i>Legislative Member</i>

The public hearing was Called-to-Order at 1:00pm.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Chairperson Ada calls the public hearing to order.

Chairperson Ada: The major points on Bill 365 is when a land use application is received by the Department of Land Management, we want to ensure that a copy of that land use application is provided to the municipalities of interest. The next major point is we want the Municipal Planning Councils to be informed by the findings of the ARC. As I understand, it doesn't always

work that way. Sometimes the Application Review Committee do their expert analysis and come up with their findings and conclusion but that information doesn't always get to the Municipal Planning Councils. Sometimes the Municipal Planning Council conducts their meetings before the ARC is finished and it'll probably be ideal if the council meeting is held and at the same time informed by the findings of the ARC. That way, the people who are in attendance will be able to listen to the expert findings and express themselves. Finally, the bill requires that representatives from the ARC be present at the MPC meeting to respond to questions regarding their findings and recommendations.

For Bill 366, it calls for a moratorium on development. This bill is complementary to Public Law 33-145 which was introduced by Senator Tommy Morrison and that bill calls for the development of the Southern Development Master Plan. Bill 366 will impose a land use moratorium for a period of two years or until the master plan is completed, whichever comes first. The applicability of this moratorium will apply to all the seven southern villages: Santa Rita, Agat, Umatac, Merizo, Inarajan, Talofofo and Yona. The moratorium will be placed on the issuance of building permits. However, based on the previous public hearings that we've had, it was suggested that instead of a moratorium on building permits, there should be a moratorium on any zone changes. Also, a moratorium is to be placed on licenses for use of land or buildings, variances, and creation of planned developments. In the event that a development needs to be considered and cannot wait for the two years to pass then the application can be submitted to the land use commission for review but will require concurrence from the Legislature. There will be two exemptions to the moratorium: one will be for applications already approved and the construction of single family homes or minor additions to them.

Chairperson Ada then calls those who have signed up to provide testimony.

Michael Borja, Director, *Department of Land Management* (written testimony): He reads his testimony on Bill 365-33 in verbatim with one suggestion to modify the attendance of the ARC member at the municipal public hearing. (see attached testimony). He then reads his testimony on Bill 366-33 in verbatim with a suggestion to implement a sunset provision on a Notice of Action for a land use application (see attached testimony).

Adrian Gogue, *Save Southern Guam, Inc.* (written testimony): We are in favor of Bills 365 and 366 with some recommendations. In Bill 365, we would like the Municipal Planning Council to be a part of the approval process and not just be a participant in the hearings. We're asking if you could incorporate language very similar to Bill 318-33 that was proposed by Senator Frank Aguon, Jr. and Senator Tommy Morrison. For Bill 366, we're in favor of removing the variance from the moratorium. We believe that will create a loophole and will put the Guam Land Use Commission and the Legislature in the approval process and that loophole is contrary to the Southern Master Plan. I look forward to participating in this process as we move forward with Bills 365, 366, 318 as well as 335.

Chairperson Ada: Thank you very much Mr. Gogue. On your recommendation to incorporate Bill 318 into the bill here, we'll look at that. However, I think that in the hopes of trying to put more input by the municipality itself, Bill 335 was introduced. But we'll take a look at that.

Chairperson Ada adjourns the public hearing for Bill 365-33 and Bill 366-33

Written Testimonies Received:

Michael Borja, *Director of Land Management*
Adrian Gogue, *Save Southern Guam*
Jo Nita Quenga Kerr, *Save Southern Guam*
Lasia Casil, *Save Southern Guam*
Bill Cundiff
Bobby Shringi
Joe Quinata, *Guam Preservation Trust*
Randel L. Sablan
Rodney Webb, *Save Southern Guam*
Wayne Ulloa, *Talofofu Resident*
Zita Pangelinan, *Yona Resident*
John P. Duenas, *President, Duenas, Camacho & Associates, Inc.*
Rodney C. Webb, *Pago Bay Resident*
Steffen Niu, *Agat Resident and GCIC President*
Tim Rohr
Tim Roberts, Esq., *Dooley Roberts Fowler & Visosky, LLP*
Wayne Ulloa, *Talofofu Resident*

**Agat/Santa Rita Village Public Hearing held on September 14, 2016 at 6:30pm. –
AGAT/SANTA RITA COMMUNITY CENTER**

Senators Present

Senator Thomas C. Ada	<i>Committee Chairperson</i>
Vice-Speaker Benjamin Cruz	<i>Committee Member</i>
Senator Frank Blas	<i>Committee Member</i>
Senator Mary Torres	<i>Committee Member</i>
Senator Nerissa Underwood	<i>Committee Member</i>
Senator James Espaldon	<i>Committee Member</i>
Senator Tommy Morrison	<i>Legislative Member</i>
Speaker Judith Won Pat	<i>Legislative Member</i>

Chairperson Ada calls the public hearing to order.

Chairperson Ada: For Bill 365, the law requires that when a land use application gets submitted to Land Management for review and disposition by the Guam Land Use Commission, the application is given to a body called the Application Review Committee. That committee is comprised of representatives from Guam Waterworks, Guam Power, Guam EPA, etc. and they basically provide their technical expertise, review and findings as to how this land use application might affect the particular area in the vicinity. The law also requires that a public hearing be held in that municipality. What happens in reality is that the residents of the village hearing are not informed by the findings of the Application Review Committee experts. Bill 365 simply says before that village meeting occurs, the findings of the Application Review

Committee must first be provided to the Municipal Planning Council so that they can make an informed decision as to whether they want to support the project or not.

The other bill is Bill 366 which proposes to impose a two-year moratorium on any development in the South with the exception of construction for residential activities. If there was going to be a commercial development, Bill 366 imposes a two-year moratorium or until a Southern Development Master Plan is completed, whichever comes first. The Southern Development Master Plan was a bill authored by Senator Tommy Morrison.

Chairperson Ada calls those who have signed up to provide testimony.

Kevin Susuico, Vice-Mayor of Agat (oral testimony): I'm here tonight as the Vice-Mayor of this beautiful village of Agat and also as a resident to testify in favor of Bill 365-33 and Bill 366-33. Now is the time that we step back and create a voice for the southern villages as we now have an entity called the Southern Development Task Force. This task force has been organized and created to oversee, compose, review, research, recommend and partake in the economic development of the most pristine and untouched land areas of Southern Guam. We must allow this task force time and support to create a reasonable master plan for the southern development. We can all agree that we want growth and expansion for our villages. However, we must coincide with the needs of our residents and visitors. The growth and expansion must not be below standards or hit or miss types of developments. It has to be a development that is fully vetted and reviewed by constituents of the impacted villages and all concerned entities and agencies. The expectation of the development must be clear, concise, and beneficial for generations to come. Therefore, placing a moratorium on big developments until a master plan has been developed and accepted is the right thing to do. Bill 366-33 puts the brakes on future developments before it crashes head on with our true desires for our villages. Bill 365-33 is another important step in the process of being transparent allowing our villagers to be true stakeholders in the development of our villages. After all, who knows their villages better than those that live in them? We need to make the Mayors, Vice-Mayors and Municipal Planning Council members be an important part of the Application Review Committee of the Guam Land Use Commission. It's time that we all listen and respect the voices of the villages that may be affected as well as the voices of our Mayors, Vice-Mayors and Municipal Planning Council members of every village. We've almost seen a fifteen story building erected here and without too many concerns or any type of public input. The Mayor and myself, we are in total support of these bills and we applaud Senator Tom Ada and Senator Tommy Morrison for introducing and co-sponsoring these proposals which finally recognizes that developments in Southern Guam need to be done in a way that is most beneficial for its residents. Also, for recognizing that the Mayors, Vice-Mayors and its MPC members should have a say of what happens in their respective villages. Once again, on behalf of Mayor Carol Tayama and myself, our entire village of Agat and our MPC, we thank you for holding this meeting down here and allowing us to hear and listen to what the bill has more to entail.

Lasia Casil, *Save Southern Guam, Inc.* (written testimony): She reads her testimony in verbatim. and is in support of the bills (see attached testimony). In her testimony, she made several recommendations to include project approval by the relevant Municipal Planning Council, adding the municipality of Chalan-Pago as a part of Southern Guam, deletion of Section 3 and Section 4(a) and to add a new Section 6 to Bill 366-33.

Chairperson Ada: Are you recommending that Section 4 of the exemptions to the moratorium be deleted in its entirety? So that means then for the next two years, no resident will be able to build a home.

Ms. Casil: I recommended to delete Section 4 and add the following language.

Bill Cundiff, *Save Southern Guam, Inc.* (written testimony): I support both Bills 365 and 366 so my testimony will go to the other one at the same time. For the longest time, we have been defending ourselves, culture, heritage, oceans and everything after the fact. This should never happen. We should work together as the process goes forward. It is less confrontational and I believe that the developer will see where we're coming from and what is it that concerns us. He then goes on to read his testimony in verbatim (see attached testimony).

Antonio Babauta (oral testimony): Before we do any type of development in the South, I think we should be able to try or look into the infrastructure to make sure that we sustain the population of Agat and whatever will be built in the Southern Master Plan. Agat has been known to be a sleepy town and I think it's time for us to wake up and be able to have some sort of development here. I think we need some Southern improvements to benefit the people here in Agat who are looking for jobs.

Chairperson Ada: I'd like to have my staff, Mr. Joe Borja, to give a brief overview using an aerial map with respect to Santa Rita and Agat as to where development might be taking place.

Joseph Borja, *Chief of Staff, Office of Senator Tom Ada:* What you have here is an aerial photo of the Santa Rita area and Agat area. This is the Agat Catholic Cemetery right by the ocean and then you have the Bordallo subdivision then Southern High and Naval Magazine area. This is the road that runs right through the village of Santa Rita. You have a lot of vacant area up here in the hills. There is one single large landowner in the South that owns about one third or one fourth of the land. The areas that are mostly open for development would be these vacant areas up in the hills. Agat and Santa Rita are different in their types of communities. Where Santa Rita is a residential community, Agat has a commercial strip and the road around the island passes through Agat so there is potential for development along that route.

This is the Pagachao subdivision. There are three potential areas for development. This is Agat Marina. This is the site of the proposed Sirena Hotel. It's not zoned as commercial but a lot of the uses are migrating down south. This is the Pagachao subdivision, local housing by GHURA and these lots here is one of the three major developments in Agat that hasn't taken place yet. This is the former Umang Land for the Landless. There are problems in the area with some gaps because there are streams going in the area. This subdivision doesn't have infrastructure so if it does get infrastructure, then you have the potential for 60 homes and families in that area.

Also, further down south is the water tank as you're going up the solid waste transfer station. This is an area open for development and also the site for the proposed southern sports complex. This area up here is West Santa Ana. It's a loop where the Legislature passed a bill appropriating \$30,000 for that area. Power line goes in half way here, goes in the other loop half way there so the middle part of the loop doesn't have power. With the installation of power in that area, you

could open up the area for 30-50 more homes. Chamorro Land Trust does have a master plan for that area. GPA is following that master plan and will be installing certain amounts of infrastructure in that area. Agat has a cable landing over by International Road of Tata Communications and Tycom Communications. So Agat is the host community for internet services coming here and the pacific wide hub for cable. These are some of the projects that GWA has planned for Southern Guam. The ones in the green boxes are sewer line improvements in the area, the Agat-Santa Rita wastewater treatment plant and the sanitary evaluation survey for the area.

This is the municipality of Agat. The properties in green are owned by the Land Trust. Developable with infrastructure but not as much as you would see here because these are up in the hills but you have problems with the erosion, access roads and no infrastructure.

Gerard Terlaje (oral testimony): I'm also with the Agat Municipal Planning Council. I'm in support of both bills 365 and 366 with a couple of recommendations. With the moratorium of a two-year effect, I would propose thereafter the moratorium be applicable to a general election by the precincts respectively. Since there is no master plan, we need this moratorium. But the plan might take more than two years so the effect of the continuance of the moratorium by general election. I don't know how to put that in place but it's something for consideration.

For Bill 365, the municipal planning hearing can't be conducted until the respective MPCs and Mayors office receives the completed report. Why don't the respective municipality that's affected be a participant and not necessarily hinder any process but if we had some forefront of information then we may have better opportunities to respond accordingly. Those are the two recommendations that I have for the bills.

Dianne Strong, *Save Southern Guam, Inc.* (oral testimony): I am a resident of Yona and a forty four-year resident of Guam and thank you for this opportunity. I want to address the case study for the Pago Bay Towers to explain about a process that didn't work really well. It began with the ARC meeting. The Mayors Council has no representative on the ARC. So we're talking about employees of those agencies working for their directors.

In October 2015, the Pago Bay proposal went to the ARC. Then the position statements are issued and eight pages of conditions are generated. The position statements are not timely. The emails go out and we need those position statements. The deadline is very difficult to meet. Then it goes to a public notice for the village that is most affected. Unfortunately, it's in the municipality of Yona, but it affects Chalan-Pago more than Yona. There was no second public notice two days before the January 7th public hearing in Yona. The public hearing was not as beautifully organized as this public hearing. There were more than a hundred people there. We're not sure who controlled the meeting; it was not orderly like this.

Finally, the GLUC entertained the application for three public hearings. The decision was made in May. Shouldn't a project as big as two towers require the same Environmental Impact Statement as the military? We think so. We think there's a problem with the Executive Order from 1999 because the developer fills it out and that's a legal document under perjury and force of law that the statements are correct. In August, a permit was issued by GEPA as required by the GLUC. However, the drilling permit which was issued by the Water Resource Management

at EPA had three pages of conditions. *Save Southern Guam* from the very beginning has said that they need the government agencies to enforce these conditions. So on the first day of the drilling, somebody went to EPA saying that there was no hydrologist on site from Water Energy Research Institute and filed a complaint for a notice of violation. EPA then changed the permit language and reissued an amended permit. End of enforcement.

These bills, once polished, will offer residents a stronger voice at the village level and southern level. These bills will improve the transparency of our agencies because if it's here in our village, we can see that they're in the wetlands or right next to the wetlands. Where is the Army Corps permit? You're right next to a navigable river so this is a very short case study on a project which we think went horribly wrong. And the only redress is to go to court. *Save Southern Guam* really thank you for caring about these problems and we really need a Master Plan. Who are we developing Guam for? *Save Southern Guam* is not anti-development; we are here for responsible development.

Roy Gamboa (oral testimony): I am in support of Bills 365 and 366 with one suggestion. In regards to extending the moratorium beyond twenty-four months; I think if we add those extensions, we're just kicking the bucket down the road and allow the task force to drag their feet. The people that have been appointed to this task force are highly educated and I feel that twenty-four months is more than enough time for them to develop a southern master plan. I suggest the task force be opened up to the municipal planning councils of each village. That they take part and have open forums so the input is not coming from individuals appointed and also include the municipal planning councils. On emergency government projects, should that arise in the next 24 months, is there anything in there that allows for drastic erosion such as down here in Nimitz Beach? We lose about a foot of shoreline every year. I'd like to see grants or any other means to help similar to what was down at Inarajan. Gef Pago with the border to protect the shoreline. If those types of projects are brought up, can that also be allowed to proceed during the moratorium? That's it, thank you very much.

Senator Thomas Morrison: First off, to answer the question in regarding the expansion of the task force within the statute, the Governor has the authority to expand that task force at every village meeting in the south. That provision is within the statute and we'll definitely look at that. I don't want to take the credit in the Southern Development Master Plan; there were a lot of forward thinkers within the southern community, specifically in Agat. Senator Rivera in 1988 and Governor Ada who understood that the southern communities needed to be addressed as proposed large scale projects were being discussed. Those issues are being addressed now as you look back into the statements being made at that time. For some reason, the momentum died in moving the plan, but working closely with the Chairman and Committee, we wanted to revive the Southern Development Master Plan Task Force.

The change that we made that I believe was very significant to include our village Mayors and Vice-Mayors and to ensure that as we go through the villages and address these measures, we'll be doing the same thing in the southern master plan. To educate and bring awareness to how we want to grow our southern communities. If you look at Public Law 19-38, there's a list of guidelines as to how that plan is to be developed and I want to ensure that everyone be educated on that as we move along with that process. As this legislation passes, we have the timeline to incentivize the process and move forward with the plan and to ensure that those guidelines are

followed. If you look at what's defined in the guidelines, it talks about agricultural, tourism, capacity upgrades, infrastructure, etc. The list is there to ensure that we guide this plan and with the input of our southern communities. Please look out for a schedule of events to take place with respect to the Southern Development Master Plan and get educated on Public Law 19-38 and ensure that when you come to the table, your input is in this plan. I want to thank the Chairman; we've been working very closely to ensure that the moratoria are a measure that would help move the process along quicker. This measure is very critical and works hand in hand.

With the ARC, I've been instrumental in the process as a former Director of the Bureau of Statistics and Plans so I've worked closely with the Chairman to see where the disconnects could be. With our village communities and how certain issues that were brought up in testimony and how soon they get into the hands of our Mayors so they can develop their resolutions in support of the measure. Sometimes they don't have all position statements before them before they proceed to develop their resolutions with their MPCs.

Senator James Espaldon: I didn't catch Ms. Casil's recommendation with the deletion and addition of something else. Just that portion, Mr. Chairman.

Ms. Casil: I did read over my notes and I misread. The third recommendation is to delete Section 4(a). So keep 4(b) which is the exemption for the homes.

Mr. Cundiff: Since this is a very important process, can we have a webpage to put all of the resources to review them as time goes by. It's a lengthy process and we need to educate ourselves and it's difficult to go down to the Legislature to look at all of this.

Chairperson Ada: Okay, good recommendation. Thank you. We'll be adjourning this Public Hearing tonight and tomorrow we go to Merizo.

Chairperson Ada adjourns the Public Hearing in Agat for Bill No. 365-33 and Bill No. 366-33.

Merizo Village Public Hearing held on September 15, 2016 at 6:30pm, Merizo Community Center

Senators Present:

Sen. Thomas C. Ada	<i>Committee Chairperson</i>
Sen. Tommy Morrison	<i>Legislative Member</i>
Sen. Nerissa Underwood	<i>Committee Member</i>

Chairperson Ada calls this meeting to order at 6:30pm

Chairman Ada: He convened this public hearing at 6:37 p.m. and extended his appreciation to Mayor Ernest Chargualaf and his staff for their assistance in preparing for the meeting. He then recognized Senator Tommy Morrison, co-sponsor of Bill Nos. 365 and 366, for his attendance and participation. Chairman Ada acknowledged the presence of Senator Mary Torres who had to excuse herself before the hearing began, as she was feeling under the weather.

Chairman Ada: He informed those in attendance that this public hearing is the 2nd of 7 public meetings on both measures that are scheduled for each southern village. He encouraged those who intend to submit written testimony to provide his office with their input no later than September 26, 2016.

Chairman Ada: He proceeded by providing an overview on Bill 365 and explained that the measure was introduced to ensure that Municipal Planning Councils (MPC) are provided copies of all comments and recommendations of the Guam Land Use Commission's (GLUC) Application Review Committee (ARC). He cited the Pago Bay Resort project as an example of where developers, instead of government regulatory agencies, provided information to the public. Chairman Ada emphasized the importance of having government agencies provide all pertinent information to mayors and MPC members prior to village public hearings on proposed development is scheduled.

Chairman Ada: He continued with a brief introduction of Bill 366 commenting that the measure reflects efforts made recently with a bill from Senator Tommy Morrison relative to the establishment of the Southern Development Master Plan. He informed those in attendance that Bill 366 proposes to impose a moratorium on development in those villages covered by the Southern Development Master Plan law which would be in effect for 2 years or until the master plan is completed, whichever comes first. Chairman Ada also provided an overview of the exemptions proposed in Bill 366 including the construction of single-family homes.

Before inviting Mayor Ernest Chargualaf to present testimony, Chairman Ada recognized the presence of Senator Underwood.

Mayor Chargualaf: He thanked senators for introducing both measures and for conducting public hearings at the village level. He offered his support for these and similar efforts aimed at protecting the way of life in southern Guam against unwanted development. Mayor Chargualaf extended his appreciation to the legislature for take real steps forward that empower communities and that encourage greater participation by residents, mayors, and MPC's relative to land use proposals.

Chairman Ada: He thanked Mayor Chargualaf for offering his perspective and support for both measures. He then recognized his Chief of Staff, Mr. Joe Borja, to provide a summary of land development in the village of Merizo. Mr. Borja proceeded by highlighting various issues and areas of interest including municipal boundaries, Chamorro Land Trust properties, Umatac/Merizo Sewage Treatment Plant, Piga Subdivision, Cocos Island, and the potential for additional housing development.

Daniel Quinata: He followed by thanking the senators for their efforts in controlling development throughout Guam's southern communities. He shared that 18-story development projects do not make southern villages beautiful. Mr. Quinata requested that residents be encouraged to engage in future planning activities so that all stakeholders can discuss their vision of community growth. Mr. Quinata concluded his comments by sharing his concern on how the proposed moratorium would affect his ability to develop his commercial-zoned property.

Chairman Ada: He informed Mr. Quinata that the bill includes a provision, which would allow property owners to seek relief from the GLUC.

Senator Morrison: He commented briefly on the requirements set forth in P.L. 19-38 which includes a number of key areas including utilities, roads, environment, etc. that the southern master plan must address. He informed those in attendance that the master plan would have to be completed within one year following the initial meeting of the SDMP Task Force.

Daniel Quinata: He spoke briefly on the cost of connecting to the island's utilities network and the challenges many families face in wanting to develop their properties.

Chairman Ada: He informed Mr. Quinata of a law recently passed that allows landowners who pay for all utilities in previously undeveloped areas to recover their investments from neighbors who decide to build on their land within 15 years from the time utilities were initially installed.

Mr. Guy Paradis: He said he is a 17-year resident of southern Guam, followed by sharing his concerns regarding how the proposed moratorium would affect his plans to build a home on one of his other properties. He hopes to move forward with construction plans, which will require utility connections - and would like to know if permitting processes would be affected by the proposed moratorium. Mr. Paradis ended by urging senators to remove any future plans to construct a 4-lane highway across Guam's southern villages.

Mrs. Catherine Reyes: He thanked senators for conducting this public hearing on both measures and asked that similar meetings be held as the Southern Development Master Plan initiative moves forward.

Mr. John Healy: He stated he is a resident of Merizo for past 10 years, briefly shared his concerns about how the proposed moratorium would affect his plans to extend his home with additional rooms and other improvements. Mr. Healy intends to develop his other properties in southern Guam is concerned about how the proposed moratorium would impact his plans.

Mr. Adrian Gogue from the Save Southern Guam organization thanked senators for conducting this public hearing at the village level. He and other members of his organization favor responsible development and are against projects that are not compatible with the permitted uses, zoning laws, etc. Mr. Gogue recited the *Inifresi* and reminded senators that residents support development proposals that are carried out in accordance to the requirements of Guam law.

Chairman Ada: He thanked Mr. Gogue and other members of Save Southern Guam for their active involvement in discussions concerning future development. He also shared that the legislature recently passed a law that prohibits a developer from obtaining an occupancy permit if conditions they are required to comply with aren't met.

Mr. Gogue: He informed Senators and those in attendance that developers for the proposed large-scale projects in Agat and Yona don't have ties to Guam. He further argued that projects need to be compatible with the desires of our community. Mr. Gogue also shared his concerns about how local regulatory agencies haven't properly enforced the conditions they issue to developers. In the case of the Pago Bay Resort project, Mr. Gogue expressed his frustration after

learning that the Guam Environmental Protection Agency (GEPA) amended a permit it issued which initially required the involvement of Water and Energy Resource Institute (WERI) experts during soil testing. Mr. Gogue commented that it was wrong for GEPA to change the conditions of a permit and allow for drilling to occur without the involvement of environmental experts – a condition the agency imposed but later rescinded.

Chairman Ada: He thanked Mr. Gogue for his comments and concerns. He then offered his colleagues to offer some concluding remarks.

Senator Morrison thanked Mayor Chargualaf and residents for offering their input regarding both measures and said that looked forward to their involvement as efforts to establish the southern development master plan move forward. He reiterated the requirements of P.L. 19-38, which provide guidelines as to those areas of concern that should be covered in the plan. Senator Morrison highlighted one of those areas, population enhancement, and the importance of creating responsible development so that our families will have the option of raising their families in our southern villages.

Senator Underwood thanked those in attendance for providing testimony on both bills. She shared that their presentations were enlightening and that although only a small group at residents were able to attend the hearing – each resident represent the voices of many others who aren't able to participate but support responsible development across our southern villages. Senator Underwood recognized the ongoing work of Save Southern Guam and extended her appreciation for grassroots involvement.

Chairman Ada: He concluded this public hearing by briefly sharing his experience driving down to Merizo for this public hearing and the beautiful, peaceful landscape and appreciation residents have living in our southern villages. Chairman Ada adjourned this public hearing.

Inarajan Village Public Hearing held on September 19, 2016 at 6:30pm
INARAJAN COMMUNITY CENTER

Senators Present:

Sen. Thomas Ada	<i>Committee Chairperson</i>
Sen. Tommy Morrison	<i>Legislative Member</i>
Vice Speaker Benjamin Cruz	<i>Committee Member</i>
Sen. Nerissa Underwood	<i>Committee Member</i>
Speaker Judith Won Pat	<i>Legislative Member</i>

Chairperson Ada calls the public hearing to order.

Doris Lujan, Mayor of Inarajan: Buenas yan Håfa Adai senators and ladies and gentlemen. I would like to thank you and the community of Inarajan for coming out to our village and hearing the testimonies in reference to Bills 365 and 366.

Chairperson Ada: The two bills that we will discuss tonight is Bill 365 which is a bill that would basically set some procedures in place regarding the findings of the Application Review

Committee. A developer would turn in their packet to the Department of Land Management and they provide copies to a permanent committee called the Application Review Committee which is made up of representatives from GWA, GPA, DPW and various other agencies. They use their expertise to analyze this application packet and put their findings together and send it to the Guam Land Use Commission. The law also requires the municipalities to conduct public hearings to get input from the residents of that municipality. Unfortunately, when the municipal village hearings are being held, it doesn't have the information that has been done by the Application Review Committee. It's an uninformed village meeting. You'll only hear from the developer who's there. In the case of Yona, there was no representative from the Application Review Committee there. Then the Guam Land Use Commission will either approve the application or not. Bill 365 will require that the Application Review Committee must first finish their analysis of the packet and provide that information to the Municipal Planning Council for when they conduct their hearing, they can have that input from the ARC. Then we can say that that's an informed meeting.

Bill 366 is complementary to a bill that Senator Morrison had introduced earlier this year and that was a bill to require the development of the Southern Development Master Plan. Bill 366 will put a pause on any kind of development for a period of two years or until the master plan is completed, whichever comes first. There will be no building permits issued during those two years. One exception is if anybody wants to build a home, that can still happen. The other exception is if there's a project that was already approved, we can't stop that. Other than that, everything else gets put on hold and the status quo is maintained. I'm going to ask my Chief of Staff to give a brief overview of the municipality of Inarajan and of what might be impacted in terms of development.

Joseph Borja: This shows the southern half of Guam. The northern borders of Inarajan have jagged lines and the reason for that it's usually a river. The green areas that you see are Chamorro Land Trust properties. There are some large tracts of land in Inarajan as well as the other southern villages. As you know, Inarajan is the host community for the landfill and there's a recent law that was passed that takes some money from solid waste and divided between Inarajan and the host community of Ordot. There's a solar farm that's being hosted by Inarajan and provides power to the island. Power gets transmitted up to Talofofu substation and distributes it to the northern part of the island. Inarajan is also the host community of Gef Pago and a lot of historic sites. Most of the people live near the coastline and you have that big subdivision up in Ija. There are two properties that belong to the Government of Guam. This is one lot immediately south of the landfill and it's a weird shaped lot but this is the lot that is reserved for the Inarajan Elementary School that's about thirty-five acres. This is another lot that's reserved by Public Law for affordable housing. This is Lot 382 and the housing to the left of it is the Malojloj. This is the southern half of that subdivision. The two recent laws passed for Inarajan; one is the host community fund set up for Inarajan to receive some money for hosting the landfill. There was property transferred to the Municipal Planning Council and the Mayor's Office for a gym or whatever the village wants to build. The bill was passed and the Governor signed it into law. Inarajan also has the only water well in Southern Guam. Every village in southern Guam has a land for the landless subdivision except for Santa Rita and Yona.

Chairperson Ada then calls those who have signed up to provide testimony.

Mayor Lujan: On Bill 365, we would like the following be added to Section 1: The Mayor or Vice-Mayor should be included in the initial application process of any proposed development in his or her municipality. If you recall during one of the public hearings, Mayor Carol Tayama stated in her testimony that she was never informed of a proposal to build a fifteen story high end residential hotel in Agat. We want our constituents to be aware of what's going on in our community.

For Bill 366, we feel that the southern master plan is not going to be finalized in two years. Is there something in place to mitigate this situation? I would like to find out if this is going to affect our plans to build a multi-purpose facility?

Chairperson Ada: In Bill 366 section 3 of the bill, if you're this close to getting started on the facility, then you can go through the land use commission and apply for the permit to be able to begin construction. In section 4 of the bill, we can make further amendments to include public facilities.

Speaker Judith Won Pat: Mayor, in section 1 of the bill, you wanted to include language to make sure that the Mayor and Vice-Mayor are notified. However, section 1 are findings and intent and doesn't have the force of law.

Mayor Lujan: We just want to make sure that our community is aware of what's going on in our village before a development occurs.

Chairperson Ada: Sure and I think that concern would be addressed in another bill which is Bill 335, the Hybrid Guam Land Use Commission, where a project of a certain size will require the empanelment of a Hybrid Council which will put on four elected Mayors from the surrounding municipalities. The concern that you've raised is noted.

Rick Meno (oral testimony): We've known for a fact that the southern master plan will not come in two years. What's going to happen after the two years is up is our concern. Does it go back to the status quo?

Chairperson Ada: When we get close to that two-year mark, we can sit down and see whether this bill, if it becomes Public Law, needs to be amended to extend it for another two years. The legal advice that I got from legal counsel is you can't do the moratorium until the master plan is done because that could take a long time. You have to have a reasonable time limit because we'll be denying property owners the right to develop their properties. This will get us out the gate and as we get close, we'll take a look at what adjustments we need to make. It's a valid concern.

Mr. Meno: The way this bill is written now, we know that the southern master plan is very comprehensive and two years is not enough time.

Chairperson Ada: We can put language in here to the effect that says: On the 21st month, either the Legislature will sit down and review the moratorium to determine whether it needs to be extended or not.

Mr. Meno: That can be workable for the community. Bill 365 and 366 are pretty much inter-related to the bill that you have and Bill 318 that Senator Aguon is pushing forward. We just

want to be ensured that we are part of the playing field. We shouldn't have to wait for the ARC review to be done. We want to be part of it from the very beginning and know the general scope of work so we can be aware of the project and perhaps the Mayor and MPC input can help get some of the information with the ARC so they can be aware of our concerns also. If everybody from the beginning can know the scope of work and magnitude of the project.

Chairperson Ada: That's a very valid point that you've raised. I don't know if a copy of the land use application is also submitted to the municipality. If not, we'll take a look at language that requires that.

Mr. Meno: We should be involved from the very beginning and not have to wait for the finish their review and we're not going to be brought into the situation or part of the review. That's our concern.

Senator Thomas Morrison: Thank you Mr. Chair. I understand where you're coming from regarding the timelines of the Southern Development Master Plan. Public Law 19-38 states that once the task force is convened, a master plan shall be completed within a year. I know we had preliminary meetings with the southern Mayors and regulatory agencies. I've had experience with the Northern and Central Master Plan and it took a reasonable time frame to complete that plan. If you have time to review Public Law 19-38, it sets out the guidelines and timelines separate from Bill 366.

Mr. Meno: Thank you for that. It would be nice if we have an initial brainstorming with the southern Mayors and have them share what they think is good for the communities prior to setting some plans in place.

Mayor Lujan: On Bill 365, page 2, lines 5 and 6, what does it mean where the municipality *may not have review access to the agency statements?*

Chairperson Ada: That paragraph explains what is happening today. The municipality conducts their MPC meeting and the ARC has 45 days to complete their analysis. Sometimes the municipality conducts their meeting before that so we don't have the information from the ARC. Otherwise, the ARC finishes and they just send it over to the Land Use Commission and don't really share that information with the MPC. Let the ARC do their analysis and then make that available at the Municipal Council meeting. We need to know the pros and cons of a project.

Joseph Borja: This is the way that the process is now when you have the hearing. They have the ARC meeting while the public hearing is being held. While that hearing is held, the ARC can transfer their information to the GLUC. An application is submitted and accepted, then it goes to the Application Review Committee. And then, depending on the timing, sometimes the public hearing is held with information from the ARC but it doesn't happen like that. Sometimes the position statements go right to the GLUC without going to the municipal hearing. And the Application Review Committee is not required to come to the village hearing. Bill 365 will set a sequential process.

David Chargualaf (oral testimony): I'm in favor of both bills. With respect to Bill 365, it's great that we're able to allow for more information to be provided to the MPC so we can make an

educated decision. We have several agencies who are under the review committee. My suggestion would be to include a representative from the Mayor's Council if we need any information or concerns. I agree that we need to be able to be on the table with what's happening but have a representative there to see all the information through. That's my only concern with Bill 365.

With Bill 366, I'm also in favor. It's a check and balance and ultimately the Legislature can approve our project.

Chairperson Ada: For the moratorium, you would go through the GLUC.

Mr. Chargualaf: There's also a clause in Section 3?

Chairperson Ada: For a variance to be accepted in the moratorium, the application would have to go through the Guam Land Use Commission and then approved by the Legislature.

Mr. Chargualaf: So let's say funding is going to be lost, or an opportunity is going to be lost, then we can use that as a justification to ensure that a certain project is completed. That ends my testimony.

Adrian Gogue, Save Southern Guam, Inc. (written testimony): He reads a letter from Rodney Webb. That is a very iconic bay. What developers want to do is trade money for that around our island. Big money and special interest groups have no consideration for developing on Guam except the bottom line. Save Southern Guam is in support of Bills 365 and 366. We attended the public hearing in Yona and attended the hearings of the Guam Land Use Commission. There was overwhelming opposition to this project. We were concerned about the infrastructure and they initially wanted to build fourteen to fifteen story monstrosities in Pago Bay. Then the Guam Land Use Commission reduced it to eleven and twelve stories. That upset the developer but further frustrated us. Barring a judicial review filed by Save Southern Guam, the project has the green light to move forward. Imagine that, the Guam Land Use Commission approved a project against the Zoning Law of Guam. The Guam Land Use Commission didn't follow statute. These laws were passed so that everyone of us has equal say and access to the land. They ignored my FOIA request; that's the kind of response I get from our land use commission. Now that they've approved this monstrosity for the project, there are no improvements to the infrastructure, they're going to desecrate the environment and our ancient Chamorro remains. The Guam Land Use Commission in March of 2008 approved phases one and two with conditions submitted by the Guam EPA, Department of Parks and Recreation, GWA, GPA and I'm trying to find which condition they've met. To this day, our ancestor remains are sitting on some shelf at the University of Guam. There's no enforcement of Guam laws. Guam EPA re-issued a permit that was less restrictive. They will set conditions upon conditions on development but there's no enforcement. They will favor money from a foreign investor instead of us islanders. I expect our government to look out for the welfare of our islanders.

Every developer files for a qualifying certificate issued by the Guam Economic Development Authority. They can get a tax break for twenty-five years. If I'm supposed to pay corporate tax every year and I have this qualifying certificate, I'm only going to pay ten percent. Instead of getting more from their income, the Government of Guam is only getting ten percent. We're in

favor of investors who want to make money on Guam because it's so easy to do so. Enough is enough and I'm pleading with you elected leaders to hear us out for the remaining public hearings. We're glad that this is being brought to the people. Thank you very much for your time.

Senator Thomas Morrison: The Southern Master Plan was actually proposed in the 1990s and with the help of Bill 366, we can move this along. I do ask that you familiarize yourself with Public Law 19-38. I hope this bill is signed into law, so we can start moving along with the timeline. Thank you Mr. Chair.

Arthur Taimanglo (oral testimony): Will you be doing oversight hearings on these agencies who are not following the law?

Chairperson Ada: That would be up to the respective committee chair. That's a possibility.

Mr. Taimanglo: If you're passing all of these bills then an oversight hearing is very important to make sure these agencies are enforcing the laws that you pass. I can see Mr. Gogue being frustrated and can answer a lot of questions down in Chalan-Pago.

Chairperson Ada recesses the public hearing for Bill 365 and Bill 366

Talofofo Village Public Hearing held on September 20, 2016 at 6:30pm
JEROME NEWBY COMMUNITY CENTER IN TALOFOFO

Senators Present

Sen. Thomas C. Ada	<i>Committee Chairperson</i>
Sen. Thomas Morrison	<i>Legislative Member</i>
Sen. James Espaldon	<i>Committee Member</i>
Speaker Judith Won Pat	<i>Legislative Member</i>
Sen. Nerissa Underwood	<i>Committee Member</i>

Chairperson Ada calls the Public Hearing to order.

Chairperson Ada: It is Tuesday, September 20, 2016. I want to ask the Mayor to open up this meeting and then we'll proceed with the discussions.

Vicente Taitague, Mayor of Talofofo: Thank you for coming down this evening to the Public Hearing.

Chairperson Ada: Tonight is the fourth of a planned series of seven public hearings to be held in the southern villages. We've held one in Agat, Merizo, Inarajan and tonight in Talofofo. Tomorrow, it will be in Yona and then we go to Umatac and on Friday we wrap it up with a hearing down at the Guam Legislature. I'm going to ask my Chief of Staff to give a quick overview of Talofofo as to the areas that might be affected by development.

Joseph Borja: This is a map of Guam with the municipal lines shown on the map. Talofofu is one of the six largest municipalities. The village itself occupies maybe a quarter of the total municipality as it goes all the way down to Umatac. If you see a lot of these jagged lines as opposed to these straight lines, that usually means the boundaries are rivers. You've got Ipan and the green markings belong to Chamorro Land Trust. This one is right across Ipan Beach and these are areas near the Fire Station and back entrance to Talofofu. This is a Google Earth view of it. These are developments, then Ipan and the golf course. Jeff's Pirate Cove here and then you have Ylig River. And as you can see, a great piece of the municipality is undeveloped. Then you have Fena Lake here, but it's right on the border of Talofofu. You almost have a commercial strip in front of Jeff's Pirate Cove and the golf course going down to the gas station.

Mayor Taitague (oral testimony): I support the intent of both bills. In the past, many decisions have been made that have impacted our village that need the approval of the district MPC. The creation of the Southern Development Master Plan will ensure that the mechanism will be in place before any major development is approved. The intent of Bills 366-33 and 365-33 is to control future major developments in the South until the master plan is fully implemented.

Chairperson Ada: The major points on Bill 365 is when a land use application is received by the Department of Land Management, we want to ensure that a copy of that land use application is provided to the municipalities of interest. If the development is going to be here in Talofofu then the Mayor of Talofofu should get a copy of that. In addition to the members of the Application Review Committee getting copies of it.

The next major point is we want the Municipal Planning Councils to be informed by the findings of the ARC. As I understand, it doesn't always work that way. Sometimes the Application Review Committee do their expert analysis and come up with their findings and conclusion but that information doesn't always get to the Municipal Planning Councils. Sometimes the Municipal Planning Council conducts their meetings before the ARC is finished and it'll probably be ideal if the council meeting is held and at the same time informed by the findings of the ARC. That way, the people who are in attendance will be able to listen to the expert findings and express themselves. Finally, the bill requires that representatives from the ARC be present at the MPC meeting to respond to questions regarding their findings and recommendations.

For Bill 366, it calls for a moratorium on development. This bill is complementary to Public Law 33-145 which was introduced by Senator Tommy Morrison and that bill calls for the development of the Southern Development Master Plan. Bill 366 will impose a land use moratorium for a period of two years or until the master plan is completed, whichever comes first. The applicability of this moratorium will apply to all the seven southern villages: Santa Rita, Agat, Umatac, Merizo, Inarajan, Talofofu and Yona. The moratorium will put a halt to the issuance of building permits, licenses for use of land or buildings, variances and creation of planned unit developments. There is a section in the bill which provides for variances from the moratorium so if there's a development that really needs to get under way and the developer cannot wait until the two years is up for the master plan, then the option is to go to the Guam Land Use Commission and ask for a review. The only difference is that it's going to require the concurrence of the Legislature. We don't want to put a stop to everything so there are exemptions to the moratorium. We will not put a halt on the construction of single family homes or minor additions to them and if an application has already been approved then that project is allowed to go through. That's basically the overview of the two bills.

Rufo Lujan (oral testimony): I agree with the concept of both bills. It's good that you're holding this hearing because it awakens the interest of the southern villagers. Senator Morrison should be commended for stopping that development in Agat because it was proposed to be constructed on wetlands. That whole seashore across from the Agat boat basin is all wetlands. When the *I Tano Ta* land use plan was abandoned, that created a big problem for proper development on Guam. Since then, we've had maleficence and dereliction of government agencies in complying with the laws. I go around the island and I see all sorts of violations. I see construction being done on wetlands. I see ponding basins being backfilled so that a contractor can increase his profit margin. This is happening in Talofoto. Government agencies should be held accountable for their actions. I can take the government agencies and show them all of these violations around the island. It concerns me that you have ignorance or ignoring of the subdivision laws. I really support this and I hope that the development of the master plan will be rushed because two years is too long. My other concern is the requirement for this master plan is the need to protect the northern water lens. What happens up North also affects us down here. About 80% of the island depends on that northern water lens for its water source. It's incumbent on agencies and policymakers to pass a law to protect that northern water lens. Something has to be done to curtail development up there. You cannot continue to have development occurring up north without affecting the entire island.

Senator Thomas Morrison: I agree with Mr. Lujan that two years may be too long. Within Public Law 19-38, it does require at the commencement of the task force that they have a year to submit a master plan before the Legislature. I'm hoping that we can convene as soon as possible.

Mr. Lujan: The Application Review Committee was established by an Executive Order. Prior to the Executive Order it was by statute and then in 1996, the Executive Order was promulgated which mandated that. I don't like Executive Orders and I hope that you will pass a law to reinstate the Application Review Committee by statute.

Senator James Espaldon: Mr. Lujan, is a two-year time frame realistic in terms of developing a southern master plan?

Mr. Lujan: I think it can be realistic if you work with the different municipal planning councils because the input of the councils is going to be very important. You can also have an interim master plan pending the development of the final master plan.

Mayor Taitague: Senator, after the inauguration, all the Mayors will get together and the Chairman for the southern development commission will get it going. We will charter our course of action as soon as possible and look forward to that event.

Chairperson Ada: I also want to say that the bill as introduced is constantly evolving based on the information that we get from the public hearings. Ultimately, by the time we finish the public hearings and before we report it out, we will be making more changes. And we'll make sure if we have your email, we'll send out copies of the amended versions of the bill.

Wayne Ulloa (written testimony): I am in support of both Bills 365 and 366 to a certain degree. He reads his testimony in verbatim with several suggestions (see attached testimony). If we are

going to proceed with this moratorium, if any developer violates our local laws, there should be some sort of clause in there to apply the moratorium to them.

Since 2007, I wrote a letter to Mr. Kloppenburg about the jungle river boat cruise. On the side of my dad's ranch, there's a tin wall that faces the river. We've put signs all along the bank. I was gone since 2001 and came back in 2007 and was astonished by how wide the river was. And it's only where the boat travels. We didn't know that the boats are supposed to travel at a certain number of knots and have a certain engine. The boats create a wave that erodes the land by feet. I've seen that land fall into the river by four feet. Our landmark is in the river; we've lost 12 feet of land since I've been back in 2007. Right now, we're trying to figure out how to come up with \$10,000 to have a survey conducted to figure out how much land we've lost. I'm not against development; I want to be part of it and turn that place into some sort of tourist attraction. I thank you for taking the time to hear me and the residents of Talofofo and keep up the good work senators.

Sen. Espaldon: Mr. Ulloa, we have no authority to mandate the federal government to do anything. We can ask and request but to put it in law, we can't do that. It really amounts to nothing.

Mr. Ulloa: Correct, but it's never what you say but how you say it. With the right approach, I'm sure the military would be willing to work with us.

Sen. Espaldon: You're right. There may be opportunities if we ask properly and we use the right channels, they might be very interested in how we move forward with the development of our land.

Adrian Gogue, Save Southern Guam, Inc. (oral testimony): I'm a resident of Chalan-Pago. Save Southern Guam is in support of Bills 365 and 366. Bill 365 puts the municipal planning councils right in the hornet's nest. Bill 366 puts a halt on the development until the master plan is finished. Is it going to create a mad dash for developers to submit their applications before these two bills become law? Remains to be seen. Pago Bay bridge is the gateway to the South and you know that they're going to erect two monstrosities over there that is not compatible with the communities. Mr. Lujan talks about enforcement and I gave my personal experiences. The public hearings here in the villages is where it needs to happen because any other setting is going to fall on deaf ears. In the law, in an R2 area, you can build three stories not to exceed thirty feet. It further states that if you want to have an exemption to the height and build a hotel, you're allowed seven stories not to exceed seventy-five feet. Eleven and twelve stories are way outside of the law and it's that kind of actions by our government is really telling of what could happen to the remainder of Guam in the South.

Going back to 2008, they unearthed eleven of our ancestral remains. That was a condition in the notice of action that they must have a proper reburial. They said the remains are probably on some shelf at the University of Guam, maybe even Parks and Rec. Where is the enforcement of these conditions? Our only recourse for the residents of Guam is through judicial review which should've been protected according to Chapter 61. If our government can't take care of us then who are we going to turn to? In closing, thank you and you'll see me tomorrow in Yona, Umatac and Friday at the public hearing. Save Southern Guam is for responsible development and

advocate the adherence of Guam laws and not circumventing the law and bringing a bunch of conditions that aren't enforced.

Jo Nita Kerr, Save Southern Guam, Inc. (written testimony): She reads her testimony in support of Bills 365 and 366 (see attached testimony). Other exemptions to Bill 366 might be a reason for a developer to hurry up and start moving on a project. The only things I can think of are emergencies to the safety of southern residents or protection of their lands. I know a resident who wants to donate land to the people of Guam and he wants to build development in the marina. I hope the moratorium wouldn't affect something like that. He doesn't plan to build huge buildings but he wants to plant trees. Exemptions of those types can be put into the bill.

Sen. Espaldon: Ms. Kerr, I appreciate your testimony. For Bill 366, Section 4(a), I'll have to look at the legal issue for this because of the ex post facto issue of passing a law that affects something that has already been approved. There would have to be a fine line look at whether we can do that or not. In terms of the enforcement of the conditions, we need to figure out how to enforce the enforcement because our role as policymakers is to set the policy and it's on the executive branch to administer it. Sometimes the Legislature get attacked for things that are not within our jurisdiction to do and I need to make that clear.

Mr. Lujan: There's a law in 5 GCA Section 7107 or 7108 that was amended. Before it was amended, any citizen can take any agency to court. That was amended so only a lawyer now can represent the citizen. I wish you could revisit that.

Sen. Espaldon: I appreciate that Mr. Lujan. I believe you still have standing to sue. You just won't have the availability to use the Attorney General because the AG's role is to defend the government of Guam.

Mr. Lujan: You should review the statute because I wanted to sue a government agency but when I went back to review the statute, it was amended. Now, it requires a lawyer, but I want to be able to do it myself. Why do we need a lawyer to take action?

Sen. Espaldon: I'm going to look at that Mr. Lujan. I believe that anybody can go and represent yourself. I think it's inadvisable to go down that road because of the various nuances of the law and the requirements that it takes to make the right argument in the best interest of your case.

Sen. Morrison: As we go through our southern communities, some of the guidelines to develop our master plan calls for sub-committees on infrastructure, tourism, preservation, etc. There's a list that goes on so I ask folks to be familiarized with the southern master plan task force and the guidelines in Public Law 19-38. I'm sure after this measure is signed into law, we'll have to move to convene the task force and it'll be good to see people share their passion as we go through each village as to how they would like to see their communities grow. One item talks about population enhancement as you see in Merizo, Inarajan and Umatac there is a huge loss of population migrating to Central and North. If we look at what we value most in the South and how those areas can turn into economic benefits to address population enhancement and keeping our families in our homes in the South. I've learned a lot about your communities and what's important to you.

Chairperson Ada recesses the Talofofu Public Hearing for Bill 365 and Bill 366.

Yona Village Public Hearing held on September 21, 2016 at 6:30pm
YONA COMMUNITY CENTER

Senators Present:

Sen. Thomas C. Ada	<i>Committee Chairperson</i>
Vice-Speaker Benjamin Cruz	<i>Committee Member</i>
Sen. Thomas Morrison	<i>Legislative Member</i>
Sen. James Espaldon	<i>Committee Member</i>

Chairperson Ada calls the public hearing to order.

Chairperson Ada: My Chief of Staff, Joe Borja, will give a brief overview of the municipality of Yona.

Joseph Borja: This is a map of Guam with municipalities outlined and we have Yona here which is one of the bigger municipalities. Some of the municipal lines are straight and some are jagged. Jagged lines usually mean the boundary is a river. This is the Ordot landfill and you have the village here. Over here, you have the big development in Yona, the Leo Palace Resort. The other areas in Yona have red clay soil and in the South there's about four thousand acres that belong to Chamorro Land Trust but Yona only has about ninety-four acres of Land Trust property mostly in the Pulantat area.

Chairperson Ada: On Bill 365, it deals with making sure when the Municipal Planning Councils conduct their public hearings regarding land use applications, they are informed by the findings and recommendations from the Application Review Committee. What was introduced has been evolving as we have these public hearings. So a copy of the land use application will be given to the MPC of interest as well. The Application Review Committee is comprised of various agencies such as water, power, EPA, etc. A representative from the ARC will also be required to be at that meeting.

Bill 366 will declare a moratorium on development in the southern area. This bill was introduced as a response to Public Law 33-145 introduced by Senator Tommy Morrison. Bill 366 will impose a moratorium for the next two years or when a master plan is completed, whichever comes first. Completion of the master plan includes holding public hearings, coming down to the Legislature, then it has to be approved. This moratorium will be applicable to seven southern villages: Santa Rita, Agat, Umatac, Merizo, Inarajan, Talofofu and Yona. The moratorium will place a hold on the issuance of building permits, licenses, variances, and planned unit developments. Now if a developer feels that their project cannot wait the two years, then he can go to the land use commission and put the application through the normal process. If the commission approves the project, they have to come down to the Legislature for a final approval. There will be exemptions to the moratorium. It will not affect projects already approved prior to the enactment of this bill. The construction of single family homes and minor additions will go on unimpeded.

Chairperson Ada then calls those who have signed up to provide testimony.

Zita Pangelinan (written testimony): She reads her testimony in support of both Bills 365 and 366 (see attached testimony). We're calling for accountability. From what we've been experiencing is the lack of accountability and the decisions made that fall on deaf ears. We end up as a people who try to rectify the issues. It takes a lot of resources, time and energy to protect and defend the communities we live in.

Adrian Gogue, Save Southern Guam (oral testimony): Save Southern Guam is in favor of Bills 365 and 366 which we have repeated at every public hearing. In January 26, 2016, the developer had its public hearing here in Yona. At that hearing, they talked about the impacts to the infrastructure, environment, culture and in general. When they approved phases one and two, they unearthed eleven remains for the sake of development. One of the conditions in the Notice of Action was the proper reburial of our ancestors. If no one is going to enforce these conditions, it's a developer's haven out there. Where's that mutual community benefit that we expect our government to look out for us? We need this moratorium because developers are exceeding the height limit in Chapter 61. They're proposing a hotel in an R2 zone. We need the municipal planning council's involvement with regards to Bill 365. What is the community going to benefit from and who's enforcing these conditions? Thank you senator.

Chairperson Ada recessed the public hearing in Yona for Bill 365 and Bill 366.

Umatac Village Public Hearing held on October 27, 2016 at 6:00pm
UMATAC COMMUNITY CENTER

Senators Present:

Sen. Thomas C. Ada

Sen. Thomas Morrison

Sen. Frank Blas Jr.

Committee Chairperson

Legislative Member

Committee Member

Chairperson Ada: He calls the public hearing to order. He said this public hearing is the last meeting. He said Mr. Gofigan is representing the Mayor who is sick. He explains Bill 365 and 366.

Sen. Morrison: He thanked the Chairman, Senator Blas, the Mayor's Office, and Staff for all efforts to put the public hearing together. He said Bill 366 is assisting the southern development master plan to allow for time period of two years to place a moratorium on large-scale projects. He said there has been issue with the residents in our southern communities with respect to some proposed projects, which lead to introducing measures to get the southern master plan done. He said Bill 366's moratorium allows the task force time to address the southern master plan. He said Bill 366 complements to need to have a southern master plan. He thanked all people who have been participating in the southern public hearings. He said he looks forward to the testimonies.

Chairperson Ada: He called Mr. Gofigan and Mr. Tajalle to testify.

Mr. Gofigan: He said why was the southern master plan not completed after the northern and central master plans were completed.

Sen. Morrison: He said thank you Uncle Jessie. He said the northern and central master plans were put into place in 2011. He said the Bureau of Stats and Plans did it. He said he does not know why it was not completed. He said public law 19-38 proposed to do the southern master plan in the early 90s. He said we are here now and we are seeing the results of not having a southern development master plan. He said my colleges and me looked in the statues to see what had been done before. He said we found public law 19-38. He said we are trying to revive that effort knowing there is opportunity to grow the south. He said that development needs to be conducted in a responsible manner.

Mr. Gofigan: He said another thing he is concerned with is the infrastructure. He said he is concerned about the people who have keep their land. He said the Mayor is going around and putting gravel for people to access their property so they can try and build their house. He said we do not have a sewer line, and he said the sewer line stops at the end of the village. He said if there is no sewer, people have to put in a septic tank. He said the problem up here is everyone has to be involved. He said Public Works, and Land Management need to be here to address the situations we have. He said people are hurting down here because of the lack of infrastructure. He said when we do the southern master plan we get everyone down here to try and solve the problem.

Chairperson Ada: He said with the development of the master plan, it will involve the residents. He said the residents will be able to provide input. He said for example if there were to be high-rise buildings, it would be on the mountainside and not the beach side. He said that is where the residents and the task force will bring in the utility agencies. He said what the moratorium intends to do is keep everything status quote until the residents can input there ideas in the master plan. He said most of the residents throughout each village were supportive of the Bills. He said there are also individuals in the real estate business who have expressed their concerns that the moratorium will have significant impacts on property values.

Sen. Morrison: He said Bill 366 is an effort to allow time to get the master plan done. He said there are land owners who are working with developers for residential housing subdivisions and other development project, but there needs to be a balance. He said the Mayors are heading the taskforce, and other agencies need time to address everyone's concerns. He said the master plan will clarify the infrastructure capacity.

Mr. Tajalle: He said he is 62 years old and the master plan has come and gone. He said he does not have that much time left in the village. He said he is speaking on behalf of the children growing up in the village. He said what impact will the master plan will have on the children. He said on Friday night there are many kids playing basketball. He said the majority of the people in

Umatac are not rich. He said they barely make it on a month to month basis. He said he hopes development in Umatac will be restricted to preserve the culture and integrity. He said once we start to develop, Umatac is a very good opportunity. He said people are buying homes in Umatac because the village people cannot afford to pay a mortgage. He said we need to look at the future of our kids. He said we need to develop so the kids will understand. He said we should let the kid decide what they want in their village. He said he retired from the military and came home to the same thing, which was good for him.

Chairperson Ada: He calls Save Southern Guam to testify. He said the individuals from Save Southern Guam have been at every public hearing for these Bills in the south.

Adrian Gogue (Save Southern Guam): He said Save Southern Guam is a grassroots organization that advocates responsible development, in accordance with the Guam Code Annotated. He said the Administration, and GVB wanted to increase the amounts of hotel rooms on island. He said Tumon is at capacity and the only places to move are the scenic areas of the South. He said Mr. Tajalle indicated that if they take this scenic view away from us, what do we have to look forward to. He said our culture is the history of this island. He said if we don't pass these two Bill to provide technical folks to provide an assessment to the Municipal Planning Councils before a public hearing is done then they are developing blindly. He said because the village of Umatac cannot understand the adverse impacts a development can bring without the proper assessment by the professionals. He said Save Southern Guam is in support of Bill 365 and 366 because it gives a pause to plan for the next 50, 60, 70 years. He said for example the Pago Bay development called the Pago Bay Resort Laguna. He said there were stipulations applied to the development, but the permits have been approved and there is no knowing if the stipulations have been meet. He said we are not doing good at enforcing development stipulations. He said a village like Umatac cannot sustain a development if the infrastructure is not adequate for the development. He said if a developer comes out to Umatac and a development is approved, it will drain the infrastructure and take away from the livelihood of the Umatac residents.

Dianne Strong (Save Southern Guam): She said at the first public hearing in Agat she gave a case study about how the Pago Bay Resort came to be. She said there is Archeologist in the public tonight who knows about ancestral remains. She said the ancestral remains from the Pago Bay Project have not been repatriated as promised by the developer. She said beach access has also have not been meet. She said a drilling rig was onsite drilling for core samples close to wetlands. She said we have given a questionnaire to Senators regarding the moratorium and fishing with scuba. She said it is very clear of who is for development and the right to a view. She said Guam has loose language about view corridors. She said thank you for these Bills, we are waiting to see these Bills on the Legislative floor and voted on. She said people come to Guam to see the scenic South and unpolluted beached. She said we are for responsible development.

Chairperson Ada: He said Bill 365 is a procedures Bill. He describes the Bill 365.

Sen. Blas: He said thank you to the individuals who provided testimony. He said when he was at the Agat hearing he thought that the moratorium seemed too stringent. He said the value of public hearing is that when a perspective is brought to the table it changes. He said now he is a

proponent of both Bills. He said the value to the moratorium is that we take a pause. He said we can enhance development of the South and take into account the minute details such as having view corridors. He said the Southern Villages have value the land more so than money. He said he struggle to come down here tonight but it was worth the trip. He said he is in support of the two Bills.

Sen. Morrison: He thanked all who participated and staff setup of the series of public hearings. He hopes we all stay engaged in developing the task force and the Southern Master Plan.

Chairperson Ada: He adjourns the public hearing.

III. Findings and Recommendations

The Committee on Lands finds that the proponents of Bill 366 such as members of *Save Southern Guam* and southern residents support the pause of development in Southern Guam until a Southern Development Master Plan is carefully crafted and approved by the Legislature.

The opponents of Bill 366 such as members of the private sector, *Guam Association of Realtors'*, *Guam Chamber of Commerce* and the *Guam Preservation Trust* oppose the bill because it impacts the revenue source of the Trust and discourages foreign investment and economic development in Southern Guam.

Bill 366 has been amended by the Committee to include zone changes and summary zone changes in the moratoria, removing the approval authority of the Legislature, requiring the publication of the Southern Development Master Plan Task Force progress reports on websites, and the addition of a sunset clause for zone changes.

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement, hereby reports out **Bill 366-33 (COR) as amended**, with the recommendation to report out only.

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

Bill No. 366.33 (COR)

Introduced by:

T. C. Ada 
Tommy Morrison 

2016 FEB 18 02:14:08

AN ACT TO IMPOSE A MORATORIA ON SELECTED SECTIONS OF 21 GCA CHAPTER 61 FOR SOUTHERN GUAM FOR TWO (2) YEARS OR UNTIL A SOUTHERN DEVELOPMENT MASTER PLAN HAS BEEN APPROVED AND ADOPTED BY THE LEGISLATURE, WHICHEVER COMES FIRST.



BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Findings and Intent.

I Liheslaturan Guåhan recognizes that community planning values are generally expressed in a land use master plan, and land use controls, i.e. zoning laws, are established to promote these values. On March 2011 the Northern and Central Guam Land Use Master Plan (LUMP) were adopted.

I Liheslaturan Guåhan finds that in 1988, P.L. 19-38 was enacted directing the creation of a land use master plan for Southern Guam. To date, that objective has not yet been achieved. Absent an approved master plan for Southern Guam, there does not exist an approved/accepted vision to guide the development and growth of Southern Guam. The enactment of P.L. 33-145 on April 2016 is a catalyst to renewal of this effort for Southern Guam.

I Liheslaturan Guåhan finds that putting together a good community plan takes time. If the community allows development during that time, the ultimate

1 worth of the eventual plan may be undermined.

2 *I Liheslaturan Guåhan* intends to place in effect temporary land use
3 moratoria for the next two (2) years or until a Southern Development Master Plan
4 has been developed and approved, whichever comes first. In essence, land use
5 moratoria is intended to preserve the status quo for Southern Guam during this
6 interim period.

7 **Section 2. Land-Use Moratoria in Southern Guam.**

8 (a) Within the Municipalities of *Santa Rita, Agat, Umatac,*
9 *Merizo, Inarajan, Talofofo* and *Yona* land-use moratoria is in effect
10 for a period of two (2) years or when a Southern Development Master
11 Plan has been developed and approved, whichever comes first.

12 (b) There shall be moratoria on the issuance of:

13 (1) Building Permits pursuant to 21GCA Ch 61
14 §61602,

15 (2) License pertaining to the use of land or buildings
16 pursuant to 21GCA Ch 61 §61604,

17 (3) Variances pursuant to 21GCA Ch 61 §61616,
18 except 21GCA Ch 61 §61616(l),

19 (4) Creation of Planned Development (PD) Districts,
20 pursuant to 21GCA Ch 61 §61635.

21 **Section 3. Variances from The Moratoria.** A landowner may file for
22 relief from the moratoria by submitting a land use application to the Guam Land
23 Use Commission (GLUC) pursuant to 21 GCA. A decision by the GLUC to
24 approve the filing shall require Legislative approval. The action shall default to
25 approval if the Legislature fails to take action within sixty (60) days.

26 **Section 4. Exemptions to Moratoria.** The moratoria shall not apply to:

1 (a) Land use applications that have already been approved
2 and are within the timelines allowed by law to commence construction
3 or obtain required building/grading permits.

4 (b) Construction of single-family homes and minor additions
5 to them.

6 **Section 5. Severability.** If any provision of this law or its application to any
7 person or circumstance is found to be invalid or contrary to law, such invalidity
8 *shall not* affect other provisions or applications of this law that can be given effect
9 without the invalid provisions or applications and to this end the provisions of this
10 Act are severable.

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

Bill No. 366-33 (COR)

As amended by the Committee on Transportation,
Infrastructure, Lands, Border Protection,
Veterans' Affairs and Procurement.

Introduced by:

T. C. Ada
Tommy Morrison

**AN ACT TO IMPOSE A MORATORIA ON SELECTED
SECTIONS OF 21 GCA CHAPTER 61 FOR SOUTHERN
GUAM FOR TWO (2) YEARS OR UNTIL A
SOUTHERN DEVELOPMENT MASTER PLAN HAS
BEEN APPROVED AND ADOPTED BY THE
LEGISLATURE, WHICHEVER COMES FIRST.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Findings and Intent.

I Liheslaturan Guåhan recognizes that community planning values are generally expressed in a land use master plan, and land use controls, i.e. zoning laws, are established to promote these values. On March 2011 the Northern and Central Guam Land Use Master Plan (LUMP) were adopted.

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1 takes time. If the community allows development during that time, the ultimate
2 worth of the eventual plan may be undermined.

3 *I Liheslaturan Guåhan* intends to place in effect temporary land use
4 moratoria for the next two (2) years or until a Southern Development Master Plan
5 has been developed and approved, whichever comes first. In essence, land use
6 moratoria are intended to preserve the status quo for Southern Guam during this
7 interim period.

8 **Section 2. Land-Use Moratoria in Southern Guam.**

9 (a) Within the Municipalities of *Santa Rita, Agat, Umatac,*
10 *Merizo, Inarajan, Talofofo* and *Yona*, land-use moratoria are in effect
11 for a period of two (2) years or when a Southern Development Master
12 Plan has been developed and approved, whichever comes first.

13 (b) There shall be moratoria on the issuance of:

14 (1) Building Permits pursuant to 21GCA Ch. 61
15 §61602,

16 (2) Licenses pertaining to the use of land or buildings
17 pursuant to 21GCA Ch. 61 §61604,

18 (3) Zone Changes and Summary Zone Changes
19 pursuant to 21GCA Ch. 61, Article 6, Sub-article 3, except as
20 provided in Section 4(b) of this Act,

21 (4) Variances pursuant to 21GCA Ch. 61 §61616,
22 except 21GCA Ch. 61 §61616(l),

23 (5) Creation of Planned Unit Development (PUD)
24 Districts, pursuant to 21GCA Ch. 61 §61635.

25 **Section 3. Relief from The Moratoria.** A landowner may file for relief
26 from the moratoria in Section 2 by submitting an application to the Guam Land
27 Use Commission (GLUC) pursuant to 21 GCA. A copy of all approved GLUC

1 Notice of Actions shall be transmitted to the Legislature for information within
2 fifteen (15) days of the GLUC decision.

3 **Section 4. Exemptions to Moratoria.** The moratoria shall not apply to:

4 (a) Land use applications or building permits that have
5 already been approved and issued.

6 (b) Construction and renovation of single-family homes.

7 (c) Government of Guam facilities to include, but not
8 be limited to, schools and institutions of higher learning, fire
9 and police stations and ancillary buildings, and public
10 infrastructure improvements.

11 **Section 5. Requirement for Website on Task Force Activities and
12 Progress Reports.** The Southern Development Master Plan (SDMP) Task Force

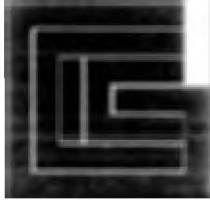
13 shall make available to the public copies of all status reports submitted to *I*

14 *Liheslaturan Guahan* and *I Maga'lahaen Guahan*, as required by P.L. 33-145.

15 Status reports shall be published, at a minimum, on websites maintained by
16 Mayors, the Legislature's website and other websites by member-agencies of the
17 SDMP Task Force.

18 **Section 6. Expiration of Zone Changes.** Any approved zone or summary
19 zone change shall expire five (5) years from the date of recordation if no building
20 permit is applied for or granted and shall revert to pre-application zone, land use
21 and conditions.

22 **Section 7. Severability.** If any provision of this law or its application to
23 any person or circumstance is found to be invalid or contrary to law, such
24 invalidity *shall not* affect other provisions or applications of this law that can be
25 given effect without the invalid provisions or applications and to this end the
26 provisions of this Act are severable.



Guam Capital Investment Corporation

Suite 500 GCIC Building
414 West Soledad Avenue, Hagatna, Guam U.S.A 96910
Tel: (671) 477-1389 Fax: (671) 477-1077
E-mail: gcic@lte.net Website: http://www.gcic.net

October 27th, 2016

Senator Thomas Ada, Chairman
Committee on Transportation, Infrastructure, Lands, Border Protection,
Veteran's Affairs and Procurement
33rd Guam Legislature
Ada Plaza Center, Suite 207
173 Aspinal Avenue, Hagatna, Guam 96910

RECEIVED
Office of Senator
Thomas C. Ada
10/27

Subject: Bill No. 366-33 (COR)

Dear Senator Ada:

I would like to provide input on the Bill No 366-33 (COR) for which your committee is currently holding Village Hearings.

I am a resident of the south for over 10 years, owning land and a home in Agat. I also work for a company with developed and undeveloped land in Talafofo and Agat, including commercial land, M-1 land, residential, and agricultural land.

It is my belief that a proposed moratorium would be a severe blow to the south, deflating property values, hindering development of legitimate projects, and halting investment and ability to realize a reasonable price on properties.

A moratorium in name and structure adds barriers to development and will further drive away the much needed development money and residential desirability of the South of Guam which has already seen a drop in its population, and cannot afford an additional artificially imposed barrier to land values and legitimate development.

It is interesting to note that the two projects which caused public outcry, the Pago Bay and the Agat Hotel project, would not have been halted by this type of legislation, as they were pre-approved projects. I do not think this legislation is effective in accomplishing the intent of providing a managed growth accommodating the needs of the landowner and the neighboring residents.

I would propose that Bill 366-33 be abandoned, and instead of the moratorium, a bill be introduced to do the following:

1. Include Mayors and/or MPC in the ARC as members to provide neighborhood input from the early development stages of projects, and;
2. Provide a sunset clause for approved projects, say, 5 -7 years

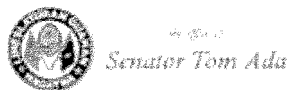
I believe these requirements would provide for the neighborhood and municipal planning input and consideration that would avoid concerns about improper growth and use. The sunset clause for projects would protect against situations again where an approved project, when it moves forward, has been forgotten and all the players changed, and the public caught unnoticed.

I understand the need for managed planned growth and the import of the input of the populace in their neighborhoods and environments. **I live in the affected area, vote in affected area, own property in the affected area, and work in the affected area. My input is that we do not need a moratorium to impose greater restriction** on the region.

Sincerely,

A handwritten signature in black ink, appearing to be 'Steffen Niu', written over a horizontal line.

Steffen Niu
Agat Resident, and GCIC President



Tom Ada <tom@senatorada.org>

Legislative two year moratorium on construction in Southern Guam

Tom Ada <tom@senatorada.org>
To: Tim Roberts <Roberts@guamlawoffice.com>
Cc: Tom Ada <office@senatorada.org>

Sat, Oct 15, 2016 at 6:24 PM

Tim,
You raise good points. A new section which provides definitions will clarify concerns. I'll keep you posted on how the bill progresses. FYI, the Legislature's next session will be Nov 28-Dec 9. I'm hope Bill 366 gets on that session agenda.

Sen. Tom Ada
Chairman, Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs, and Procurement
33rd Guam Legislature
Tel: (671) 473-3301

On Sat, Oct 15, 2016 at 2:13 PM, Tim Roberts <Roberts@guamlawoffice.com> wrote:

Senator Ada:

In Bill 366-33, does "single-family homes" include a duplex consisting of two separate living areas connected by a single wall? I can see the answer being yes, because a single family will live in each duplex unit. I can see the answer as no, because two families will live in the structure itself.

As you know, I've lived on Guam for 32 years, and I do understand the sentiment behind the bill, coming on the heels of several recent efforts to build hotels on the southern shorelines, where they really don't belong. But there is also a relative lack of available residential housing in the south. And, when houses are built in the south, they are generally built by different small construction companies with different designs and quality control. It seems to me that single-design duplex units should be encouraged, especially when they are not planned to be built on the southern shorelines, since a duplex's "footprint" is generally smaller than a single family home. Would you consider amending the bill to exclude "single family homes, minor additions to them, and duplex units." Or, "single family homes, minor additions to them, and duplex units which are not located on property abutting the territorial mean high-water mark"?

Tim Roberts, Esq.

Dooley Roberts Fowler & Viskosky LLP

865 South Marine Corps Drive Suite 201

Tamuning, Guam 96913

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Web: www.guamlawoffice.com

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23 September 2016

To: Senator Thomas C. Ada, Chairperson, Committee on
Transportation, Infrastructure, Lands, Border
Protection, Veterans' Affairs, and Procurement
From: Adrian Gogue, Vice Chairperson, Save Southern Guam,
Inc.

SUBJ: BILLS 365-33 AND 366-33 (COR)

1. Buenas Dias Chairman Ada and Senator Tommy Morrison. I
am Adrian Gogue, resident of Ordot-Chalan Pago, and a
member of Save Southern Guam, Inc.

2. Save Southern Guam, Inc. (SSG, Inc.) has provided
testimony in previous months to bills 318-33 and 335-33.
Thus you're familiar with our positions:

- YES to Saving Our Island
- YES to Responsible Development
- YES to The People and Village Voices
- YES to Government Accountability
- NO to Overdevelopment
- NO to Special Interest Groups that promote their
financial gain contrary to the permanent protection of
the natural, scenic, and historical resources of the
seashore reserve.

3. Our grass roots movement advocates the protection of the
seashore and coastal beauty of southern Guam. Our group
further advocates responsible development along the
seashore and coastal areas in accordance with Guam Code
Annotated (GCA), Title 21 (Real Property) that include but
not limited to Chapters:

- 61(Zoning Law),
- 63(Guam Territorial Seashore Protection Act of
1974),
- 64(Ocean Shores: Territory Beach Areas), and

- 65(Public Access to the Ocean Shore).

4. SSG, Inc. supports Bills 365-33 and 366-33. SSG, Inc. further appreciates your legislation to saving southern Guam and offers these recommendations to Bills 365-33 and 366-33:

Bill 365-33:

- a) We ask that you incorporate a new section with language proposed in Bill 318-33 by Senator Frank Aguon, Jr. and Senator Morrison. Submitting Application Review Committee official statements to the affected Municipal Planning Council before any public hearings are conducted does not guarantee the Guam Land Use Commission will abide by the MPC's recommendation.
- b) The recommended language is:

"For each variance application, zone change, government lease, conditional use application and other proposed project reviewed by the Guam Land Use Commission involving Land in Guam, the relevant Municipal Planning Council of Guam's respective villages shall register its approval or disapproval with the Commission. No project shall be approved by the Guam Land Use Commission unless it has received the approval of the relevant Municipal Planning Council."

Bill 366-33:

- a) Add the Municipality of Chalan Pago to Section 2(a).
- b) Delete 2-year timeline for moratoria in effect in Section 2(a). Retain when a Southern Development Master Plan has been developed and approved.
- c) Delete Section 3, Variances from The Moratoria, in its entirety because this will be a loophole around the moratoria and the Southern Development Master Plan.
- d) Add Government projects/facilities to Section 4, Exemptions to Moratoria.

5. These bills and recommended changes are important to us because the Guam Land Use Commission's approval of the Pago Bay Marina Resort Hotel, despite overwhelming objections and testimony against this project, plants the seed that can wildly grow out of control. This approval sets the

precedence for outside investors to target our southern pristine and iconic bays for development. Already on the horizon is another hotel outside investors are considering, as reported by local media on 2 December 2015:

"A multinational group of investors has acquired 22,500 square meters of land across from the Agat Marina as part of a plan to build a five-star hotel in southern Guam. The proposed 144-room, 15-story Sirena Grand Hotel will be developed across from the Agat Marina, a spokesman for the group said. The group is led by Pacific Asian Developments Ltd., or PADL, a hotel and resort development corporation registered in the Bahamas."

The time has come to save what remains of our southern seashores and coastal beauty. The stakes are too high for us to just sit idle and remain silent. Instead, we need to stand up against big money and special interest groups. Groups, for example, which are operating 8,556 miles away in the Bahamas or 2,323 miles in Asia. Groups that want to impose their way and decide the future of our island with little to no regard to the people of Guam and the protection of our island's beautiful seashores and iconic scenic bays. Our beautiful seashores will become concrete jungles, as developers will turn their sights toward Ylig, Talofoyo, Inarajan, Merizo, Umatac, Cetti, Sella, and Agat.

We also advocate government accountability and enforcement. The Guam Land Use Commission Notice of Actions for the Pago Bay Resort, approved in March 2008 and April 2016, are full of conditions that to this day have not been met. These conditions pertain to the infrastructure, traffic, environment, public access to the beaches and ancestral remains. What confidence do we have these will be enforced?

We need 318, 335, 365, and 366 to prevent overdevelopment; otherwise big money and special interests groups will have their way. Future generations will only remember Guam in digital images, stored somewhere in the virtual cloud, of what was once a beautiful southern Guam.

7. In closing, let us remind ourselves of the Inifresi Pledge:

Ginen i mās takhilo' gi hinasso-ku
I mās takhalom gi kurason-hu,
Yan i mas figo' na nina'siña-hu,
Hu ufresen maisa yu'

Para bai prutehi yan hu difende
I Hinengge,
I Kottura,
I Lengguahi,
I Aire,
I Hanom yan I Tano' Chamorro
Ni' irensiã-ku direchu ginen as Yu'os Tãta,
Este hu afitma gi hilo' I Bipblia yan I Banderã-hu,
I Banderan Guãhan.

9. Senators, Un Dang'ka'lu Na Si Yu'us Ma'ase para un Satba y Haya Guahan para fan gosa y generasion agupa. Thank you Senators for wanting to Save Southern Guam for generations to enjoy.

Senseramente,
/S/ Adrian Gogue

**Testimony submitted by Jo Nita Quenga Kerr
Talofof Village Hearing on Bills 365-33 and 366-33
September 20, 2016**

Good evening Senators and Residents of Talofof and Guam. My name is Jo Nita Quenga Kerr and I am a member of the Executive Board of Save Southern Guam, Inc. (SSG). I am an Associate Professor at the Guam Community College and a Faculty Advisor for the GCC Ecowarriors. I have taught science courses at GCC for the past 10 years, including Environmental and Marine Biology, and Chemistry. I am also a Co-Chair of the Tano Group of the Guam Nature Alliance, and have been actively involved with the organization since 2010 when it used to be called the Environmental Education Committee.

I do not reside in the South, I grew up in the village of Piti, and now live in Dededo. I am here because of my abiding interest in the welfare of Guam's natural resources, as well as the decision by the Guam Land Use Commission to approve the Pago Bay Hotel towers. By ignoring the testimonies of hundreds of residents, the GLUC flouted democracy. SSG is concerned that if the Pago Bay Hotel project is constructed with the variance it acquired from the GLUC, this sets a dangerous precedent for similar tall structures to spring up along the southern coastline.

In my capacity as an educator, environmental enthusiast and nature lover, I have led students and the public into our limestone forests, mangroves, badlands, coastlines and reefs to raise awareness of the special environments and natural resources of our island. In fact, our Ecowarrior motto, 'Learn, Lead, Protect' refers to education as the first step to protecting our natural resources. In our outreach events, the Guam Nature Alliance (GNA) uses the 'ridge to reef' concept that explains the connection between the land and the ocean. The next GNA R2R (ridge to reef) adventure takes place on October 22nd, during Fiestan Tãsi in Maless. I invite the panel to explore and appreciate the relatively pristine beauty of southern Guam with a walking tour of a river, exploring the mangroves by kayak, and snorkeling in the lagoon. That same day, you can also participate in a tree-planting project in the Manell-Geus watershed.

Guam has been described as the land of the 'orthogonal rivers'. This phrase describes how the rivers flow at an angle produced by fault lines or cracks that developed during the geological formation of Guam. The watersheds that generate these rivers are adversely affected by human activities such as fires, off-roading, and development. During the rainy season, rivers carry soil and sediment loosened by those activities into the ocean where they are deposited on fringing reefs. Southern coral reefs have been devastated by sedimentation, but in the past ten years or so, efforts by groups, including the Forestry and Soil Resource Division of the Department of Agriculture, NOAA, the Humãtac Project, Guam Nature Alliance, and Southern Guam Soil and Water Conservation District, to mediate damage to the land and reefs include tree planting, erosion control and educational outreach. I am concerned that if these efforts are negated by uncontrolled development, what hope do we have of ever healing the reefs and lands in the south?

The southern scenic vistas with their unspoiled rolling hills and ocean views have remained that way due to the wisdom and foresight of those who developed the Territorial Seashore Protection Act of 1974 (21 GCA § 63102). Let's keep that foresight in mind as the process to develop a Southern Development Master Plan proceeds.

Bills 365-33 and 366-33 are a step in the right direction, however, 366 falls short in that it provides loopholes that developers can, and will likely, take advantage of, specifically Sections 3 and 4a of Bill 366. Save Southern Guam recommends removing those loopholes, and replacing them with language that provides residents not just a voice in what happens in their villages, but also

meaningful influence in the form of village municipal planning councils. Some have questioned the availability of expertise for village MPCs, but our population has more informed, trained and educated individuals than 25 years ago. The MPCs can be the vehicle through which villagers' concerns and desires are communicated, and members will decide and act on the general consensus of the community. The language of Bill 318-33, introduced by Senators Frank Aguon Jr. and Tommy Morrison, would ensure that the people, through their village MPCs, have equitable participation in reviewing and approving development.

I agree with Mr. Wayne Ulloa's remark that the moratorium be extended until the Southern Development Master Plan is completed and approved. Defaulting to a situation without moratoria, just because the plan is not finished, repeats the undesirable status quo of legislating by variance. To incentivize progress on the Master Plan, the Task Force should develop a timeline, with the option to extend as needed, to move beyond the moratorium.

As other members of Save Southern Guam have stated, we are not against development, but we are against irresponsible, hasty development that has the potential to harm our natural resources and ruin our scenic vistas for generations to come.

Saina Ma'åse,

Jo Nita Quenga Kerr

JOHN P. & ELIZABETH C. DUENAS
238 E. Marine Corps Drive, Suite 201, Hagatna, GU 96910

October 5, 2016

Honorable Thomas C. Ada, Senator
Chairman, Committee on Transportation, Infrastructure, Land, Border Protection,
Veterans' Affairs and Procurement
33rd Guam Legislature
173 Aspinall Avenue
Hagatna, GU 96910

Reference: Bill 366-53

Hafa Adai Senator Ada,

Let me preface my remarks by stating unequivocally that I along with many of my associates and family members admire your work in the Guam Legislature and the dedication you and your good staff bring to bear on legislative matters. However, my views on certain matters currently being entertained by the current legislature such as Bill 366-53 may not be in consonance with your views and those of some of your fellow Senators.

I first heard of Bill 366-53 from Liz who had heard about it from some members of the Guam Association of Realtors. I was skeptical of the idea of a moratorium on development being declared for any area on Guam and had no idea that you had something to do with its introduction.

The idea of declaring a moratorium on development reminded me of the CCU's (actually, GWA's) declaration of a moratorium on development in central Guam in 2008 (by denying connections to sewer) claiming that the central Guam and Tumon basin wastewater systems were overloaded and that more development would only exacerbate the then overtaxed sewer system. The conditions precedent to the lifting of that moratorium as cited by GWA were primarily centered around receiving authority from the legislature under PL 29-130 to "enter into long and short-term financing agreements, credit facilities and other construction and procurement models which are necessary to rapidly alleviate the moratorium in order to promote economic growth on Guam for the betterment of all..." Besides the double speak featured in that clause, the moratorium was imposed for over a year, then lifted without any significant improvements being made to the central Guam sewer system. In fact, no improvements have been made to the Tumon basin sewer system since the moratorium was imposed then lifted. Meanwhile, the Dusit Thani Hotel with its 421 rooms, banquet rooms and convention center, has connected to the Tumon sewer system without much fanfare and with no apparent adverse effects. The significant adverse impacts of that moratorium fell squarely on the private sector in terms of halting private development, delaying investments, curbing private property sales, and severely limiting construction of commercial and residential buildings, etc. Whatever impacts were beneficial to the government sector (I cannot recall any other than reducing the number of construction permits issued) would have been an unintended consequence.

The reason I bring this up is that the proposed moratorium on development in Southern Guam will likely yield the same results, i.e. mostly causing significant adverse impacts on the private sector. I have read the Northern and Central Guam Land Use Plan and, besides the pretty pictures and lofty rhetoric it contains, my opinion is that it is of no consequence and has little if any impact on any commercial or resort developments that have been proposed and/or approved since its adoption. I don't know how much GovGuam paid to bring in an off-island consultant (ICF International) to prepare the plan, but, in my opinion, it was an expensive exercise

amounting to very little. If the bill's objective is to produce a similar plan for Southern Guam before any more development is approved, I believe the results will be similar. I have spoken to others who seem to think this bill was proposed as kind of a "knee jerk" reaction to the GLUC approvals for a development project in Chalan Pago and Agat. Perhaps these development project approvals by the GLUC in spite of community opposition were politically motivated. Nonetheless, the Northern and Central Guam Land Use Plan did nothing to change the course of the Chalan Pago project.

With this as backdrop, I will list my opposition to Bill 366-53:

1. It is extreme government overreach resulting in interference with private property rights. There is already a process for dealing with property development as defined by existing law and regulations. Let the process work. Please resist any efforts to add more obstacles to the process.
2. Enactment of this law will tend to freeze private property transactions in the affected municipalities; put a chill on subdivisions, development plans and land use improvements (other than single family dwellings); negate investments that fund and implement development projects; adversely affect the delivery of goods and services in affected municipalities; drive development away from Southern Guam and disproportionately into Northern and Central Guam; and trample on the wants and dreams of honest property owners in such municipalities.
3. Recovery from the adverse impacts of such a moratorium may take years and will affect future generations. The unintended adverse consequences of a moratorium will play out over many years.
4. If there is a consensus among the sitting Senators that a Southern Guam Land Use Plan is an extreme necessity, then establish practical goals for such a plan, fund it and amend the zoning law to guarantee its implementation. But, for heaven's sake, do not declare a moratorium pending the preparation and implementation of such a plan. The Northern and Central Guam Land Use Plan is a poor example to follow.

There are many other reasons for opposing Bill 366-53, and you will hear them from other individuals and organizations, especially from the Guam Association of Realtors. Please think twice about your support of this bill and abort any further action to move it forward in the legislative process.

Thank you.

Sincerely,

/s/

John P. Duenas, P.E.
President, Duenas, Camacho & Associates, Inc.
Principal Broker, RE/MAX Diamond Realty and Realtor

Good evening Senators and fellow Islanders,

My name is Lasia Casil and I am the Founder and Chairwoman of Save Southern Guam. We are a grass-roots movement advocating the protection of the seashore and coastal beauty of southern Guam. I am here to testify in support of Bill 365-33 and Bill 366-33.

First, I would like to thank you for the attention you have given to the issue of responsible development in our southern villages. We appreciate your effort to engage the people in our villages on a matter that affect our lives and our families lives forever.

We believe that setting this 2 year Moratoria on all development until a Southern Master Plan is a step in the right direction to guiding our growth and development. The most precious resource we have in the South is our unique and beautiful landscape - the hills, the mountains, the beaches, the bays and coastline, If we allow unrestricted development it will open the floodgates for giant monstrosities such as the Pago Bay Hotel and the Sirena Hotel in Agat.

Just to clarify, Save Southern Guam is not anti-development, we are for responsible development. However, we feel that it is important to question these projects and exactly who they will benefit and if they will add any true value to our beautiful villages?

We can not allow government agencies like the the Guam Land Use Commission to continue granting random variance after variance without any guidance whatsoever. This is irresponsible behavior and not how communities are built. As you are aware, we are currently in the middle of a lawsuit because the GLUC did not engage with the communities dismissed everything that the people had to say about the Pago Bay Hotel.

We hope that you will truly hear the voices of our people and take what we have to say into consideration.

We have reviewed your proposed Bills 365-33 and 366-33.

The following are recommended changes to Bill No. 365-33:

We ask that you incorporate language proposed in Bill 318-33 by Senator Frank Aguon Jr and Senator Morrison.

Section 1. Line 11 - For each variance application, zone change, government lease, conditional use application and other proposed project reviewed by the Guam Land Use Commission involving Land in Guam, the relevant Municipal Planning Council of Guam's respective villages shall register its approval or disapproval with the Commission. **No project shall be approved by the Guam Land Use Commission**

Rodney C. Webb
141 Chalan Tasi, Pago Bay
Ordot Chalan-Pago, Guam 96910

September 19, 2016

The Honorable Senator Thomas C. Ada
Chairperson, Committee on Transportation, Infrastructure, Lands, Border Protection,
Veterans' Affairs and Procurement
I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN / 33rd GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

RE: Testimony on Bill 365-33 - An Act to set a sequential process for Guam Land Use Commission applications; and Bill 366-33 - An act to impose moratoria on selected sections of 21 GCA Chapter 61 until adoption of a southern development master plan.

Hafa Adai Chairman Ada:

Thank you for the opportunity to comment on the above-referenced bills. I am here to testify as a member of the Save Southern Guam (SSG) organization. We are in full support of the intent of both bills.

I believe that these Bills will strengthen the overall planning framework for Guam, and would not necessarily lead to additional bureaucracy and red tape as others have claimed.

What we are seeking is proper enforcement of Guam laws. No shortcuts. The history of development in Guam is littered with abuse of proper planning processes and lax enforcement. More often than not, this regime has resulted in financial losses for the developer, and poor outcomes for the community. The Pago Bay Towers project is a classic example of this.

I further wish to place on the public record that SSG is not anti-development. We support responsible development.

We can see that Guam is currently experiencing a shortage of hotel room inventory, which is limiting the growth of our tourism industry. But we also believe that planning for the future of the Guam tourism industry has been piecemeal and shortsighted. Tumon has been successful because it was originally designated a hotel zone. Under this designation, all new hotel development projects are favorably considered. But, as everyone knows, we are running out of room to develop new hotels in Tumon. In addition, the prices on the remaining, available pieces of real estate have been bid up to uncompetitive levels. A true

catch-22 situation. We need more hotels, but it is currently too expensive to build in Tumon.

Guam does not need a single new hotel – it needs many new hotels. And hotel developments are likely to be more successful when there is already tourism infrastructure available in the surrounding area.

For these reasons, we call on the Government of Guam, The Guam Visitor's Bureau, and all other interested parties, to get together and DESIGNATE A NEW HOTEL ZONE for Guam.

A NEW HOTEL ZONE that can accommodate the construction of a minimum of 10 new hotels, and also allow for the development of supporting hotel infrastructure – such as restaurants, activities and attractions.

This NEW HOTEL ZONE should be positioned and located in proximity to Tumon, to take advantage of more than 40 years of tourism infrastructure development in that area.

An ideal location for A NEW HOTEL ZONE for Guam would be the cliff-line area between Guam Regional Medical City and Two Lovers Point.

As for stand-alone hotel developments in pristine areas of Guam, we believe that they should only proceed with the full support of the village community. For example, here are two fantastic locations for stand-alone hotels in pristine locations that are likely to have the full support of both the village residents in the area where the hotel is located and the greater Guam community:

- Tanguisson Power Plant. Replace this mothballed and inefficient power station with a first class hotel, and ask the hotel to adopt Tanguisson Beach to improve security for everyone visiting the area.
- Agana Waste Treatment Plant. Relocate this smelly eyesore that is holding back the development of our capital city, build a first class hotel, and make this location the docking station for cruise ships visiting Guam.

Senator, I support Bills No. 365 and 366 because they pause the rush to develop the South, give the community some time to plan and prepare for the future, and give village communities greater control over future development proposals that will directly impact their quality of life.

We applaud these initiatives, and thank you for your support.

Senseramente,

A handwritten signature in black ink, appearing to read "R. Webb". The signature is written in a cursive style with a large initial "R" and a distinct "W".

Rodney C. Webb
Resident of Pago Bay

Testimony
Bill 365-33 (COR) and Bill 366-33

By
Randel L. Sablan
September 22, 2016

Sept 27, 2016 - 11:35 am
RECEIVED BY THE
HON. SENATOR
JWS
Final Version
RSJ

Dear Honorable Senators Thomas C. Ada and Thomas A. Morrison,

Thank you for the opportunity to provide testimony on Bills 365-33 and 366-33.

I am supportive of Bill 365-33 but urge you to add language from Bill 318-33 that proposes to amend §61105 of the Zoning Law (Chapter 61, Title 21, GCA). I believe this language is best merged with Bill 365-33 as new Section 2. The following is how §61105 would read as proposed in Bill 318-33.

"§ 61105. Vote Requirements for the Commission; Approval of Municipal Planning Councils Required.

In any action by the Commission under this Title, including but not limited to approvals of zone, changes in zones, variances, appeals, and all other actions, four (4) affirmative votes of the members of the Commission shall be required. The Chairperson of the Commission shall vote on all matters before it.

For each variance application, zone change, government lease, conditional use application, and other proposed project reviewed by the Guam Land Use Commission involving land in Guam, the relevant Municipal Planning Council of Guam's respective villages shall register its approval or disapproval with the Commission. No project application shall be approved by the Guam Land Use Commission unless it has received the approval of the relevant Municipal Planning Council through a resolution adopted pursuant to § 40128(f) of Article 1, Chapter 40, Division 4, Title 5, Guam Code Annotated."

The objective of this recommended addition is simple and two-fold. First, it brings together two needed changes in the Zoning Law relative to the proper sequential process for gathering government and public input on proposed land use actions in each municipality. Second, it resolves the outdated and unresponsive authority of the Guam Land Use Commission (GLUC) over and knowledge of neighborhoods. The Zoning Law is very clear that the welfare of the neighborhood is important, so important that if that welfare (good) is not preserved or possibly even enhanced in some way a zone variance cannot be granted (§61617(c)). The experts and most qualified stakeholders to determine neighborhood welfare are the people who live in the neighborhood.

Community-level analysis and subsequent decision making on all applications should not be advisory or expressing an opinion to a higher authority. Community-based analysis and review resulting in information must be married with community-based decision making and ultimately accountability to the greatest extent possible. The Municipal Planning Council (MPCs) level of government can function in this role. It's tempting to try second guess or postulate how an MPC would perform or handle reviewing and analyzing variances and other land use actions but to my mind it cannot be argued that community or municipal-level leadership would not know or act responsively regarding "neighborhood" change and growth. I can't think of any good reason or compelling greater good to maintain that central government appointed Commissioners from outside of a given municipality have absolute authority to decide the future growth and development of our villages.

The fact that you feel it necessary (as I do) to introduce legislation stipulating an improved sequential process to ensure municipal leadership receives all government agency input before municipal hearings is telling. It indicates that the GLUC, which can promulgate rules for the conduct of its business (§60405) or request the Governor to issue executive orders to do the same, does not highly value municipal input. That being said, I don't think the GLUC administers its zoning (Chapter 61) responsibilities with the intent to harm or to impose incompatible development on neighborhoods. I do think, after many years of observation and participation at GLUC meetings, that the GLUC is generally apathetic toward MPCs and residents not because they are opposed to MPC and resident input but because they are guided and compelled by what they must feel are higher interests such as the welfare of the entire island. It's easy pretty easy to understand how this largely informal and often unspoken policy is disconnected from neighborhood values. We need to connect neighborhood values with general welfare of the island in a way that first preserves "neighborhood" because the law requires such and it's the right thing to do. Island-wide growth policy should substantially be informed by neighborhood and village vision.

It's time for change. We have seen more than enough conflict since the mid-1980s between the GLUC and various communities and neighborhoods especially when the stakes were high. Please allow mayors and MPCs with direct input to decide how their villages develop.

I also strongly support Bill 366-33 with recommended modifications. I believe, based on solid historical evidence that a land use plan for southern Guam will not materialize without a moratorium to serve as an incentive. My recommendations follow.

1. Add a moratorium on **zone changes** and summary zone changes pursuant to Title 21, Chapter 61, Article 6, Subarticle 3. Excluding zone changes significantly weakens the intent of the Bill 366-33.
2. The inter-play between a moratorium on building permits and a waiver for approved land uses involving (presumably) GLUC approved development is confusing. It could be interpreted that favorable consideration (an exemption) is given to developers that have processed their development plans through the GLUC (again, presumably garnering zone changes, variances, PUDs, and conditional uses), while developers that complied with zoning requirements (did not request exceptions to the law) are barred for constructing.

The only conceivable purpose of a moratorium on building permits would be to hold development in abeyance while master planning is underway because the plan and any standards to be formulated might either result in up zoning or down zoning or associated uses or standards. This is a legitimate objective of planning. I don't understand why GLUC approved land uses would have preference over other development (single-family and variances via the provisions of this Bill aside).

On a related point, re-zoning approvals to any zone other than PUD cannot be legally saddled with conditions including the imposition of time limits. This means there's no difference between construction commencing after a GLUC zone change and construction that did not require GLUC approval. The only zone changes that might have time limits would be those legislatively authorized.

I recommend that if a moratoria other than single family home or variance approved building permit is desired it should include GLUC approved development as well as legislatively approved development (zone change or other). This approach would be far more equitable and would preserve the opportunity to re-zone land in the planning area with any modified or new standards. This recommendation if taken would necessitate the deletion of the proposed exemption at Section 4.(a) of Bill 366-33.

Sincerely,



Randy Sablan

CC: Mayors Council of Guam

Buenas yan Hafa Adai Senators, mane'luhu yan manai'naiho,

My name is Zita Pangelinan, a resident of Yo'na.

Dangkulo na Si Yu'os Ma'ase for reaching out and bringing Bills 365 -33 and 366-33 for public hearing before our communities here in Yona! Dangkulo na Si Yu'os Ma'ase for listening and hearing our concerns over our latest experience with Pago Bay and thus introducing bills to avoid a repeat of that experience. These bills give us hope as it aligns with our desire to ensure that we are given the time to develop a Master Plan for our Southern Guam and more importantly to ensure that our people will have a voice in the process.

Absent many hearings that I have attended at the Guam Land Use Commission is the discussion the value given to our residents, our people's concerns over development in their community.

You have heard it consistently from our community members Senators... **who and what are we planning our development for?**

And as we have experienced with the conditional approval of Pago Bay, when we emphatically cried out, NO, must we always be required to cough up monies that we do not have, or spend our precious time away from our families to attend meetings and public hearings to protect and defend our land, our community and the way we wish to live?

Ma inkatga hit para ta protehi yan defendi, I aire, I hanom yan I tano, para I man'ma'maila nsa mas presi'su sa enao mafanaguetta! We have been charged to protecting and defending our air, water and land for generations to come, as we have been taught.

Hunggan, pot fabot...set this 2 year Moratoria on all development until a Southern Master Plan by our people for our people and to guide us in our growth and development. The great valuable lessons we have is our past experience. We can no longer focus on economics and the investments of non-residents to adversely affect our livelihood as a people as we have experienced in past developments that has left our people to deal with the burdens of those numerous costly mistakes, adversely affecting our people, our sacred lands, our environment. It is for this reason, that I testify in support of 365 -33 and 366-33 with the recommended changes as follows:

My recommended change to Bill No. 365-33 is as follows:

Please incorporate language proposed in Bill 318-33 by Senator Frank Aguon Jr and Senator Morrison.

Section 1. Line 11 - For each variance application, zone change, government lease, conditional use application and other proposed project reviewed by the Guam Land Use Commission involving Land in Guam, the relevant Municipal Planning Council of Guam's respective villages shall register its approval or disapproval with the Commission. **No project shall be approved by the Guam Land Use Commission unless it has received the approval of the relevant Municipal Planning Council.....**

The following are my recommended changes to Bill No. 366-33:

- 1.) ADD the Municipality of Chalan Pago to Section 2(a);
- 2.) Delete Section 3 in its entirety. What is the purpose of filing for approval or disapproval if the Legislature fails to take action within sixty (60) days and the application automatically defaults to approval? This is just a loophole that defeats the purpose of the bill.
- 3.) ADD the following language in a new Section 3 - **Temporary Moratorium on the issuance of permits by the Department of Land Management (DLM), Department of Public Works (DPW), Guam Environmental Protection Agency (GEPA), Guam Water Works Authority (GWA), and Department of Parks & Recreation (DPR).**

There *shall be* a temporary moratorium placed on the issuance of all permits to the municipalities of *Santa Rita, Agat, Umatac, Merizo, Inarajan, Talofofo, Yona and Chalan Pago* by the following agencies: Department of Land Management (DLM), Department of Public Works (DPW), Guam Environmental Protection Agency (GEPA), Guam Power Authority (GPA), Guam Water Works Authority (GWA), and Department of Parks & Recreation (DPR) for the next two (2) years *or* until such time a Southern Development Masterplan has been developed and approved, whichever comes first.

- 4.) Delete Section 4(a).
- 5.) ADD the following language to new Section 6 - Any further actions by any Board, Administrative Director, or employees of the Department of Land Management (DLM), Department of Public Works (DPW), Guam Environmental Protection Agency (GEPA), Guam Water Works Authority (GWA), Guam Power Authority (GPA) and Department of Parks & Recreation (DPR) that conflict with the

provisions of this Act shall make them collectively and/or individually subject to the civil and criminal penalties prescribed by the laws of the government of Guam.

Dangkulo na Si Yu'us Ma'ase Senators for your time and efforts to include our input on these bills and coming down to speak to our villages.

Sincerely,


ZITA D. PANGELINAN,

TAOTAO YO'NA



DIPĀTTAMENTON 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

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Facsimile:
 671-649-5383

September 6, 2016

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

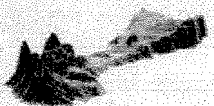
SUBJECT: Bill No. 366-33 – AN ACT TO IMPOSE A MORATORIA ON SELECTED SECTIONS OF 21 GCA CHAPTER 61 FOR SOUTHERN GUAM FOR TWO (2) YEARS OR UNTIL A SOUTHERN DEVELOPMENT MASTER PLAN HAS BEEN APPROVED AND ADOPTED BY THE LEGISLATURE, WHICHEVER COMES FIRST.

Buenas Yan Hafa Adai!

This bill proposes a two-year moratorium on development in Guam's southern villages or until the Southern Development Master Plan is approved. The Department of Land Management submits no comments on the bill's intent and purpose but must note the requirement to create a Southern Development Master Plan has been in the books since 1988. The only accomplishment on this plan was the April 2016 enactment of another law putting the responsibility of creating the plan under the village mayors of southern Guam.

It appears that one of the actions that precipitated this bill is a developer announcing the execution of a Territorial Land Use Commission Notice of Action for a Planned Development District, Case No. 90-067, in the Municipality of Agat. The NOA approving this project was approved on August 8, 1991. Because this project had remained dormant for all these years, the announcement by a developer created a stir that new action was taken.

Rather than placing a moratorium on the use of land by private land owners, as this bill proposes, the bill should instead suggest or implement a sunset provision on a Notice of Action for a land use application. In this way, the bill places a mandate on the government and not a direct restriction to private land owners who have a right to also determine the



best and highest use of their land. A sunset provision would also prevent the type of surprise announcement on a community for an approved activity twenty-five years later, as is this case.

Thank you very much for permitting me to provide this testimony.

Senseramente,

A handwritten signature in black ink, appearing to read "Michael J.B. Borja", with a horizontal line extending to the right from the end of the signature.

MICHAEL J.B. BORJA

Director

Bill 365-33 COR

Page 1, Section 1, line 8- 10 where it reads “The ARC is a critical component of the Guam Land Use Commission (GLUC) application process because it provides the professional review, analysis and advice of development activities in Guam.”

Question/suggestion: why aren't the federal counter parts to the local Gov't agencies listed in section 1 included in the ARC process by conducting their own studies and analysis then providing documentation and testimonies of their findings.

Page 2, line 11 reads “I Liheslaturan Guahan intends to ensure that no municipal public hearing shall be scheduled until such time that all ARC position statements are received by the Department of Land Management Planning division and transmitted together with the land us application to the Mayor's Office.”

I strongly suggest that it be entered into the body of this bill that the surrounding land owners who are affected by the development in the given municipality must be identified and notified in writing prior to the public hearing and that all ARC position statements along with the land use application also be transmitted and received by the surrounding land owners as well as the Mayor's office of that given Municipality 30 to 60 days prior to the municipal public hearing.

Bill 366-33 COR

I am in support of a moratorium hence forth until a Southern Development Master Plan has been developed and approved I will again mention here that the Federal counter parts to our local Gov't regulatory agencies be included into the Southern Development Master Plan.

Page 2, Section 2, Line 7-20

I am not in favor of a temporary moratorium of 2 years. I prefer until the Southern Development Master Plan has been developed and approved.

Page2, Section 3, Line 21-25

I am not in favor of that part that reads The action shall default to approval if the Legislature fails to take action within 60 days.

In addition to that based on my families on going experiences with regards to development surrounding our land the negative impact of serious erosion on the embankment and flooding damage to our inland property. None of these issues has ever been a problem prior to the surrounding developments, oh not to forget the continuing trespassing of private property and the stealing of private property by employees of the surrounding development several time caught in the process of harvesting our fruits


and resources like palm leaves or wood and stealing our bounty from our traps. A great disrespect to my family, myself and our culture.

For these reasons I add that it Bill 366 be inclusive of a post study analysis of 5 year increments of up to 25 years.

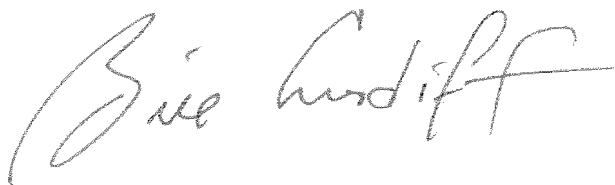
Thank You sincerely

Wayne Ulloa and Family

Talofofu Resident

 **Sustainable development** is a process for meeting human development goals while sustaining the ability of natural systems to continue to provide the natural resources and ecosystem services upon which the economy and society depends. While the modern concept of sustainable development is derived most strongly from the 1987 Brundtland Report, it is rooted in earlier ideas about sustainable forest management and twentieth century environmental concerns. As the concept developed, it has shifted to focus more on economic development, social development and environmental protection.

Sustainable development is the organizing principle for sustaining finite resources necessary to provide for the needs of future generations of life on the planet. It is a process that envisions a desirable future state for human societies in which living conditions and resource-use continue to meet human needs without undermining the "integrity, stability and beauty" of natural biotic systems



A/RES/69/313 UN Report envisaged this concept

A/RES/69/313- Addis Ababa Action Agenda of the Third International Conference on Financing for Development (Addis Ababa Action Agenda)

30. Recognizing that sustainable tourism represents an important driver of sustainable economic growth and decent job creation, we strongly support small island developing States in taking the following actions:

(a) Developing and implementing policies that promote responsive, responsible, resilient and sustainable tourism, inclusive of all peoples;

(b) Diversifying sustainable tourism through products and services, including large-scale tourism projects with positive economic, social and environmental impacts and the development of ecotourism, agritourism and cultural tourism;

A (c) Promoting policies that allow local communities to gain optimum benefits from tourism while allowing them to determine the extent and nature of their participation;

(d) Designing and implementing participatory measures to enhance employment opportunities, in particular of women, youth and persons with disabilities, including through partnerships and capacity development, while conserving their natural, built and cultural heritage, especially ecosystems and biodiversity;

Sustainable development is a process for meeting human development goals while sustaining the ability of natural systems to continue to provide the natural resources and ecosystem services upon which the economy and society depends. While the modern concept of sustainable development is derived most strongly from the 1987 Brundtland Report, it is rooted in earlier ideas about sustainable forest management and twentieth century environmental concerns. As the concept developed, it has shifted to focus more on economic development, social development and environmental protection.

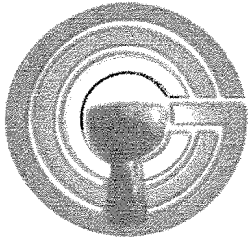
Sustainable development is the organizing principle for sustaining finite resources necessary to provide for the needs of future generations of life on the planet. It is a process that envisions a desirable future state for human societies in which living conditions and resource-use continue to meet human needs without undermining the "integrity, stability and beauty" of natural biotic systems

IT IS HIGH TIME THAT OUR PEOPLE BECOME A PART OF THE ECONOMIC DEVELOPMENT PROCESS WHEN HOTELS AND OTHER LARGE DEVELOPMENTS ARE BEING PROPOSED IN THEIR BACKYARD.

THE ANTIQUATED SYSTEM OF DEFENDING OUR VALUES, CULTURE, HERITAGE, AND ENVIRONMENT EVERYTIME A DEVELOPMENT IS TO HAPPEN MUST COME TO AN END. ~~THIS IS THE CART BEFORE THE HORSE~~

COOPERATION BY ALL FROM THE ONSET IS MUCH MORE PRODUCTIVE AND LESS CONFRONTATIONAL.

Featherstone
Must
STOP!



GUAM CHAMBER OF COMMERCE
PARTNERS IN PROGRESS

September 15, 2016

RECEIVED by the
Office of Senator
Thomas C. Ada
9/15

THE HONORABLE TOM C. ADA
Chairperson, Committee on Transportation, Infrastructure,
Lands, Border Protection, Veterans' Affairs and Procurement
I Mina' Trentai Tres Liheslaturan Guahan
Suite 301, 155 Hessler St.
Hagåtña, Guam 96910

RE: Bill 366-33. An act to impose moratoria on selected sections of 21 GCA chapter 61 for southern Guam for two (2) years or until a southern development master plan has been approved and adopted by the legislature, whichever comes first.

Dear Mr. Chairman,

Thank you for the opportunity to present our comments and position on Bill 366-33. While we recognize the objectives of the legislation, The Guam Chamber of Commerce opposes Bill 366-33 as drafted.

Our organization represents over 400 businesses on Guam, including a great number of entities who have expanded their businesses to develop their presence throughout the island, including the southern region. We do recognize and support a careful and thorough process in development, specifically with the pristine historic significance of the seven (7) municipalities that exist between Inarajan and Agat. However placing a moratorium on land use in the south for a period of two (2) years or until a Southern Development Master Plan has been developed and approved, is not a healthy means of pursuing economic activity.

There have been discussions on the development of this Master Plan since 1988, and we will soon be on a third decade without an actual plan. The priority of the Guam Legislature needs to be creating more stringent timelines on achieving this goal, including addressing any funding mechanisms for its attainment. In recent months we have seen legislation to amend the composition of the committee designated to develop this plan, and additional "veto" authority for the municipal council on plans finalized for the southern region, but there hasn't been any collective effort in actually moving this plan along.

A major concern of Bill 366-33 is that it doesn't truly recognize a solution on addressing the reality that there are investors who have spent money on purchasing or leasing property, developing plans, identifying funding sources, and in attaining required variances and licenses. This legislation, if adopted, would place a two year hold for them to pursue their investment. This is not healthy from an investment perspective for Guam, and not a great practice for the government to engage in, as investors have made these ventures in good faith.

While Section 3 of this legislation does allow a landowner to file for relief from the moratoria by submitting a land use application to the Guam Land Use Commission (GLUC), the insuing red tape bureaucracy of required approvals from both the GLUC and the Guam Legislature is another step that this government needs to avoid. Just as the Guam Chamber opposed earlier legislation introduced by Senator Tommy Morrison, where a "veto" authority would exist for the municipal council on approvals by GLUC (Bill 318-33), once again the concern is that the additional political interference created by the Guam Legislature would affect economic development.

Page 2

Letter to Senator Tom Ada

Bill No. 366-33

In closing, the Guam Chamber of Commerce opposes Bill 366-33 as drafted. We support the development and adoption of a Southern Development Master Plan; however we encourage the legislature to prioritize the fruition of that plan, instead of creating a number of red tape mandates which ultimately hinders development and economic growth. Yes, we stand with the communities in the southern municipalities in respecting and understanding the importance of sustaining the pristine significance of this region, and yet we stand with them in reminding the government that waiting almost three (3) decades for a plan is not good governance. We appreciate this opportunity to submit testimony, and look forward to additional dialogue on this legislation.

Senseramente,

A handwritten signature in black ink, consisting of a stylized letter 'B' enclosed within an oval shape.

BOBBY SHRINGI
Vice Chairman of the Board



GUAM PRESERVATION TRUST

INANGOKKON INADAHI GUAHAN

P.O. Box 3036 • Agaña, Guam 96932
Tel: (671) 472-9439/40 • Fax: (671) 477-2047

RECEIVED by the
Office of Senator
Thomas C. Ada 8/22

August 19, 2016

The Honorable Tommy Morrison
Senator, I Mina Trentai Tres Na
Liheslaturan Guahan
155 Hessler Street
Hagatna, GU 96910

The Honorable Tom Ada
Senator, I Mina Trentai Tres Na
Liheslaturan Guahan
155 Hessler Street
Hagatna, GU 96910

Dear Senator Morrison and Senator Ada,

On behalf of the Guam Preservation Trust (Trust), I write to express our reservations to Bill 366-33 (COR). Bill 366-33 proposes a temporary land use moratoria in southern village municipalities for two years or until adoption of a Southern Development Master Plan.

As you are aware, 21 GCA Ch 76 § 76602 details Guam Preservation Trust Income which are building permit fees collected in pursuant to 21 GCA Ch 66 § 61408 and by extension Ch 61 § 61602 which the latter is listed in the language of this bill. These fees allow the Trust to conduct programs and projects that further preserve and protect our island's cultural heritage. The placement of the moratoria will adversely affect our organization from fulfilling our mission especially on projects in the historic districts of Inarajan and other historic sites in Southern Guam, many of them also listed in our strategic plan as in need of preservation support by our community and preservation stakeholders.

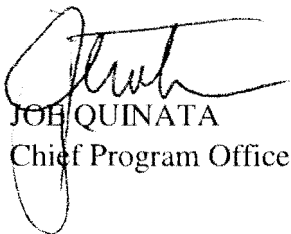
Additionally, even though the Northern and Central Guam Land Use Master Plan were adopted in 2011, our island has seen much development since the initial intent to establish a Southern Guam land use plan in 1988. With an increase of economic development and foreign investment in the late 1980s, our island community then also raised concerns on how to address the impact of increased development without compromising a loss on our history and heritage. These concerns then became the initial impetus to create the Guam Preservation Trust, the vision of then Senator Elizabeth Arriola and her colleagues in the Twentieth Guam Legislature who understood that any new and future development must protect what we cherish and deem important in our past. Hence twenty five years ago, the Guam Preservation Trust was created under Public Law 20-151 on March 9, 1990.

Senator Tommy Morrison & Senator Tom Ada
August 19, 2016
Page 2

Since this enabling legislation, much of the resources received from the building permits fees were naturally used in Southern Guam, as that is where many of our historic and cultural heritage sites are located. Island residents need not go far to see the many historic homes, churches, community centers, monuments, bridges, and other threatened historic sites that were saved by the Trust from further decay and neglect. However, there remains much more work that the Trust has plans for during and after the two years that the proposed moratoria is to be in effect and we request your consideration of this bill to allow us to accomplish and ensure that historic sites remain protected for our island community and future generations.

It is in this regard that the Trust expresses strong reservations against the current language of this bill as it has the potential to impact the revenue source of our organization and threaten our capability to continue working on historic sites in Southern Guam. We hope that you and your colleagues of *I Liheslaturan Guahan* will reconsider the language as to not adversely affect preservation work needed on all our heritage sites throughout Guam.

Sincerely,



JOE QUINATA
Chief Program Officer

GUAM PRESERVATION TRUST

INANGOKKON INADAHI GUA'HAN

Tim Rohr

PO Box 9001
Agat, GU 96928
671-483-0467
timrohr.guam@gmail.com

November 6, 2016

Honorable Thomas C. Ada
Assistant Majority Leader
Ste. 207 Ada Plaza Ctr.
173 Aspinall Ave.
Hagåtña, Guam 96910
Chairman: Committee on Transportation, Infrastructure, Lands, Border Protection,
Veterans' Affairs and Procurement

RE: TESTIMONY ON BILL 366-33

Greetings Senator Ada:

I believe I missed the November 3, 2016 deadline for the submission of testimony regarding Bill 366-33. Nevertheless, I would like to inform you that I oppose the bill.

I live in "the South," Agat, specifically. I have lived here for TWENTY years. Due to a lack of economic opportunity, my children, as they became of age to work, were forced to drive a minimum of FORTY miles each day to a job.

As you might imagine, especially for an entry level worker, the cost of so much driving consumed a significant portion of their pay. Eventually, the time and cost of travel caused them to move to the central area, which even further increased their cost of living.

On a personal note, I find it humorous that so much is made about how beautiful the south is while everyday I drive past junked cars on the side of the road, trashed out public parks and beaches, broken down, dilapidated buildings, and failed businesses.

I can think of nothing better for southern Guam and for those of us who live here and have children we do not want to see spend half of their day on the road than some decent development.



Tim Rohr



COMMITTEE ON RULES

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

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: 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

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Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
Nerissa Bretania Underwood
Member


V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

September 7, 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. 346-33(COR)
- Bill No. 354-33(COR)
- Bill No. 366-33(COR)
- Bill No. 368-33(LS)

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 SEP - 7 PM 3:58

Bureau of Budget & Management Research
Fiscal Note of Bill No. 366-33 (COR)

AN ACT TO IMPOSE A MORATORIA ON SELECTED SECTIONS OF 21 GCA CHAPTER 61 FOR SOUTHERN GUAM FOR TWO (2) YEARS OR UNTIL A SOUTHERN DEVELOPMENT MASTER PLAN HAS BEEN APPROVED AND ADOPTED BY THE LEGISLATURE, WHICHEVER COMES FIRST.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Land Management	Dept./Agency Head: Michael J. B. Borja, Director
Department's General Fund (GF) appropriation(s) to date:	413,674
Department's Other Fund (Specify) appropriation(s) to date: Land Survey Revolving Fund	3,111,311
Total Department/Agency Appropriation(s) to date:	\$3,524,985

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
Total:	\$0	\$0	\$0

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
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

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

Analyst: <u>Jason Baza</u> Jason Baza, BMA II	Date: <u>8/25/16</u>	Director: <u>Jose S. Calvo</u> Jose S. Calvo, Director	Date: <u>AUG 30 2016</u>
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Notes:
 The intent of the proposed legislation is to preserve the status quo for land in Southern Guam while the Southern Development Master Plan (SDMP) is being developed by placing a temporary land use moratoria for the next two years or until the SDMP has been finalized and approved, whichever comes first. The moratoria would restrict the issuance of building permits, licenses pertaining to the use of land or buildings, land variances, and the creation of Planned Development Districts over the next two year period. The moratoria, in effect, will prolong receipt of any additional revenues anticipated from building permits, land and building licenses, construction, and taxes from changed land zone variances that are correlated to the SDMP for the two year period.



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

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V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

August 16, 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. 366-33(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 366-33(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
366-33 (COR)	T. C. Ada Tommy Morrison	AN ACT TO IMPOSE A MORATORIA ON SELECTED SECTIONS OF 21 GCA CHAPTER 61 FOR SOUTHERN GUAM FOR TWO (2) YEARS OR UNTIL A SOUTHERN DEVELOPMENT MASTER PLAN HAS BEEN APPROVED AND ADOPTED BY THE LEGISLATURE, WHICHEVER COMES FIRST.	08/16/16 4:08 p.m.	08/16/16	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement			



1st Notice of Public Hearing - Bill No. 366 and Bill No. 356

2 messages

Charlene Flores <flores@senatorada.org>

Mon, Aug 29, 2016 at 11:09 AM

To: Media <media@senatorada.org>, phnotice@guamlegislature.org, DLMDIR <dlmdir@land.guam.gov>, Michael Borja <michael.borja@land.guam.gov>, John Arroyo <jarroyo@tgguam.net>, A Gogue <magahet4@gmail.com>, strong@guam.net, Zita Pangelinan <zpangelinan@gmail.com>, Joni Kerr <jonikerr@gmail.com>, Ken Leon-Guerrero <kenleonguerrero@yahoo.com>, rlsablan@yahoo.com, Jason Biggs <biggs.js@gmail.com>, tomdiego_guam@yahoo.com, asiasison@hotmail.com, jose@compadres.com, Linda Tatreau <lindian@teleguam.net>, bcruz253@msn.com, lasia@me.com, j-msbrown@gmail.com, malamasly@gmail.com, Rodney Webb <webb.rodney@gmail.com>, iqperedo@hotmail.com, eddelapenaja@yahoo.com, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, Agat <agatmayorsoffice@hotmail.com>, ksusuico@yahoo.com, Asan Maina <hamiasanmaina@gmail.com>, Barrigada <bmomayor@gmail.com>, Jessie Bautista <jessie.bautista007@gmail.com>, Jessy Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, inarajan municipality <inarajanmayorsoffice@gmail.com>, nblas_mangilaomayor@yahoo.com, vicemayor_allan.ungacta@yahoo.com, mayoremestc@yhao.com, mtmmayorsoffice1@yahoo.com, pitimayor@yahoo.com, Dale Alvarez <daleealvarez@gmail.com>, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, talofofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, Mayor Rudy <yigomayorsoffice@gmail.com>, Anthony Sanchez <yigovice@gmail.com>, kenjoeada@yahoo.com, mcogadmin@teleguam.net

August 29, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **1st Notice of Public Hearing**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs, and Procurement will be conducting a public hearing on:

Bill No. 366 (COR) – T.C. Ada / T.A. Morrison

An act to impose a moratoria on selected sections of 21 GCA Chapter 61 for southern Guam for two (2) years or until a southern development master plan has been approved and adopted by the legislature,

whichever comes first.

Bill No. 365-33 (COR) – T.C. Ada / T.A. Morrison

An act to add a new § 61106 to Chapter 61, Title 21 of the Guam Code Annotated, relative to setting a sequential process for the Application Review Committee (ARC) and the Municipal Public Hearing in the Guam Land Use Commission application process

The hearings will take place at 6:30pm on the following dates and locations:


September 7	Wed.	Santa Rita	Senior Citizens Center
14	Wed.	Agat	Community Center
15	Thu.	Merizo	Senior Citizens Center
19	Mon.	Inarajan	Community Center
20	Tue.	Talofofo	Jeremy Newby Center
21	Wed.	Yona	Community Center
22	Thu.	Umatac	Community Center

Testimony on the **Bill No. 366-33 (COR)** and **Bill No. 365-33 (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, or via facsimile to (671) 473-3303 until **4:00pm Monday, September 26, 2016**. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.

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

3 attachments

 **1st Notice.pdf**
362K

 **Bill No. 366-33 (COR).pdf**
262K



2nd Notice of Public Hearing - Bill No. 366 (COR) and Bill No. 365-33 (COR)

2 messages

Charlene Flores <flores@senatorada.org>

Fri, Sep 2, 2016 at 8:33 AM

To: Media <media@senatorada.org>, phnotice@guamlegislature.org, DLMDIR <dlmdir@land.guam.gov>, Michael Borja <michael.borja@land.guam.gov>, John Arroyo <jarroyo@tgguam.net>, A Gogue <magahet4@gmail.com>, strong@guam.net, Zita Pangelinan <zpangelinan@gmail.com>, Joni Kerr <jonikerr@gmail.com>, Ken Leon-Guerrero <kenleonguerrero@yahoo.com>, rlsablan@yahoo.com, Jason Biggs <biggs.js@gmail.com>, tomdiego_guam@yahoo.com, asiasison@hotmail.com, Linda Tatreau <lindian@teleguam.net>, bcruz253@msn.com, lasia@me.com, malamasly@gmail.com, Rodney Webb <webb.rodney@gmail.com>, iqperedo@hotmail.com, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, Agat <agatmayorsoffice@hotmail.com>, ksusuico@yahoo.com, Asan Maina <hamiasanmaina@gmail.com>, Barrigada <bmomayor@gmail.com>, Jessie Bautista <jessie.bautista007@gmail.com>, Jessy Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, inarajan municipality <inarajanmayorsoffice@gmail.com>, nblas_mangilaomayor@yahoo.com, vicemayor_allan.ungacta@yahoo.com, mayorernestc@yhaco.com, mtmmayorsoffice1@yahoo.com, pitimayor@yahoo.com, Dale Alvarez <daleealvarez@gmail.com>, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, talofofomayor@gmail.com, "Mayor Louise C. Rivera" <mayoricrivera.fatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.fatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, Mayor Rudy <yigomayorsoffice@gmail.com>, Anthony Sanchez <yigovoice@gmail.com>, kenjoeada@yahoo.com, mccgadmin@teleguam.net, Vera Wu <ms.verawu@gmail.com>, ceo@guamrealtors.com, Joseph Claveria <jpclaveria@hotmail.com>

September 02, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders
Fr: Senator Thomas C. Ada, *Chairperson*
Subject: **2nd Notice of Public Hearing**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs, and Procurement will be conducting a public hearing on:

Bill No. 366 (COR) – T.C. Ada / T.A. Morrison

An act to impose a moratoria on selected sections of 21 GCA Chapter 61 for southern Guam for two (2) years or until a southern development master plan has been approved and adopted by the legislature, whichever comes first.

Bill No. 365-33 (COR) – T.C. Ada / T.A. Morrison

An act to add a new § 61106 to Chapter 61, Title 21 of the Guam Code Annotated, relative to setting a sequential process for the Application Review Committee (ARC) and the Municipal Public Hearing in the Guam Land Use Commission application process


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	19 Mon.	Inarajan	Community Center
	20 Tue.	Talofof	Jeremy Newby Center
	21 Wed.	Yona	Community Center
	22 Thu.	Umatac	Community Center

Testimony on the **Bill No. 366-33 (COR)** and **Bill No. 365-33 (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, or via facsimile to (671) 473-3303 until **4:00pm Monday, September 26, 2016**. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.

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

3 attachments

 **2nd Notice.pdf**
358K



1st Notice of Public Hearing

3 messages

Blaine Dydasco <bdydasco@senatorada.org>

Fri, Sep 16, 2016 at 9:38 AM

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September 16, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **1st Notice of Public Hearing: Friday, September 23, 2016 at 1:00 p.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs, and Procurement will be conducting a public hearing on **Friday, September 23, 2016 at 1:00 p.m.** This meeting will take place in the public hearing room of *Liheslaturan Guahan*. The agenda is as follows:

1:00 PM

-

Bill No. 365-33 (COR) – T. C. Ada / T.A. Morrison

An act to add a new § 61106 to chapter 61, title 21 of the Guam Code Annotated, relative to setting a sequential process for the Application Review Committee (ARC) and the Municipal Public Hearing in the Guam Land Use Commission application process.

Bill No. 366-33 (COR) – T. C. Ada / T.A. Morrison

An act to impose a moratoria on selected sections of 21 GCA chapter 61 for Southern Guam for two (2) years or until a southern development master plan has been approved and adopted by the legislature, whichever comes first.

Bill No. 367-33 (COR) – T. C. Ada

An act to update the international fire code and international building code, as adopted by public law 30-199, relative to means of egress sizing, automatic sprinkler systems, and tiki torches.

Testimony on **Bill No. 365-33 (COR)**, **Bill No. 366-33 (COR)**, and **Bill No. 367-33 (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, or via facsimile to (671) 473-3303 until **4:00pm, Monday, September 26, 2016**. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.

--

Blaine Dydasco
Policy Analyst
Office of Senator Tom C. Ada
I Mina' Trentai Tres Na Liheslaturan Guahan-33rd Legislature



2nd Notice of Public Hearing: Friday, September 23, 2016 at 1:00 p.m.

3 messages

Blaine Dydasco <bdydasco@senatorada.org>

Wed, Sep 21, 2016 at 2:58 PM

To: phnotice@guamlegislature.org, phmaterials@guamlegislature.org, Media <media@senatorada.org>, Conchita San Nicolas Taitano <conchita.taitano@epa.guam.gov>, vincent.pereira@epa.guam.gov, jbenavente@gpagwa.com, mcamacho@gpagwa.com, Antonio S Gumataotao <agumataotao@gpagwa.com>, gbotha@gpagwa.com, jpangelinan@gpagwa.com, mcbordallo@guamwaterworks.org, annborja@guamwaterworks.org, koclark@guamwaterworks.org, heidi@guamwaterworks.org, glenn.leonguerrero@dpw.guam.gov, eleanor.borja@dpw.guam.gov, felix.benavente@dpw.guam.gov, Brent Wiese <wiese@guambcc.org>, John Arroyo <jarroyo@tgguam.net>, Cristina Gutierrez <Cristina.Gutierrez@land.guam.gov>, Michael Borja <michael.borja@land.guam.gov>, DLMDIR <dlmdir@land.guam.gov>, david.camacho@land.guam.gov, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, Agat <agatmayorsoffice@hotmail.com>, ksusuico@yahoo.com, Asan Maina <hamiasanmaina@gmail.com>, Barrigada <bmomayor@gmail.com>, Barrigada <jessie.bautista007@gmail.com>, Jessy Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, inarajan municipality <inarajanmayorsoffice@gmail.com>, nblas_mangilaomayor@yahoo.com, vicemayor_allan.ungacta@yahoo.com, mayorernestc@yahoo.com, mtmmayorsoffice1@yahoo.com, pitimayor@yahoo.com, Dale Alvarez <daleealvarez@gmail.com>, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, talofofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, Mayor Rudy <yigomayorsoffice@gmail.com>, Anthony Sanchez <yigovice@gmail.com>, kenjoeadada@yahoo.com, joey.sannicolas@gfd.guam.gov, mcogadmin@teleguam.net, rsablan@yahoo.com, Ken Leon-Guerrero <kenleonguerrero@yahoo.com>, A Gogue <magahet4@gmail.com>, lasia@me.com, j.msbrown@yahoo.com, eduardo.ordonez@clb.guam.gov, resiah.malaga@clb.guam.gov, reilly.ridgell@gmail.com, Committee members <committee@senatorada.org>, info@guamchamber.com.gu, preservation@teleguam.net, Guy@guam.net, johnh@calpacguam.com, Zita Pangelinan <zpangelinan@gmail.com>, Joni Kerr <jonikerr@gmail.com>, risablan@yahoo.com, Jason Biggs <biggs.js@gmail.com>, tomdiego_guam@yahoo.com, asiason@hotmail.com, jose@compadres.com, Linda Tatreau <lindian@teleguam.net>, bcruz253@msn.com, j-msbrown@gmail.com, malamasy@gmail.com, Rodney Webb <webb.rodney@gmail.com>, iqperedo@hotmail.com, eddelapenaja@yahoo.com, strong@guam.net, gca@teleguam.net, marie@guam-peals.org, ray@guam-peals.org, info@ghra.org, michael@tanota.com, alfredy@tanota.com, cundiffb175@gmail.com, maria.flores@revtax.guam.gov, john.camacho@revtax.guam.gov
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September 21, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **2nd Notice of Public Hearing: Friday, September 23, 2016 at 1:00 p.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs, and Procurement will be conducting a public hearing on **Friday, September 23, 2016 at 1:00 p.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guahan*. The agenda is as follows:

1:00 PM

-

Bill No. 365-33 (COR) – T. C. Ada / T.A. Morrison

An act to add a new § 61106 to chapter 61, title 21 of the Guam Code Annotated, relative to setting a sequential process for the Application Review Committee (ARC) and the Municipal Public Hearing in the Guam Land Use Commission application process.

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Testimony on **Bill No. 365-33 (COR)**, **Bill No. 366-33 (COR)**, and **Bill No. 367-33 (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, or via facsimile to (671) 473-3303 until 4:00pm, **Monday, September 26, 2016**. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.

Blaine Dydasco
Policy Analyst
Office of Senator Tom C. Ada
I Mina' Trentai Tres Na Liheslaturan Guahan-33rd Legislature

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Updated: June 30, 2016

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Updated: June 30, 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 Libeslaturan Guåhan • 33rd Guam Legislature

AGENDA

PUBLIC HEARING

Friday, September 23, 2016

Public Hearing Room, *I Liheslaturan Guåhan*

The agenda is as follows:

1:00pm

Bill No. 365-33 (COR) – T. C. Ada / T.A. Morrison

An act to add a new § 61106 to chapter 61, title 21 of the Guam Code Annotated, relative to setting a sequential process for the Application Review Committee (ARC) and the Municipal Public Hearing in the Guam Land Use Commission application process.

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An act to impose a moratoria on selected sections of 21 GCA chapter 61 for southern Guam for two (2) years or until a southern development master plan has been approved and adopted by the legislature, whichever comes first.

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Sen. Thomas Ada

**Committee on Lands and Infrastructure
Public Hearing Notice**

Friday, September 23, 2016, 1PM
I Liheslaturan Guahan, Public Hearing Room

AGENDA

At 1:00 PM:

Bill No. 365-33 (COR) – T. C. Ada / T.A. Morrison

An act to add a new § 61106 to chapter 61, title 21 of the Guam Code Annotated, relative to set a sequential process for the Application Review Committee (ARC) and the Municipal Public Hearing in the Guam Land Use Commission application process.

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Individuals requiring special accommodations should submit request to Blaine Dydasco at 473-3301.

Paid for by funds of the Committee on Lands and Infrastructure

www.senatorada.org

Guam Daily Post - 21 September 2016



Sen. Thomas Ada
Committee on Lands

Public Hearing Notice **AGENDA**

Bill No. 366 by T.C. Ada and T. A. Morrison

An act to impose a moratorium on land development in Southern Guam

Bill No. 365 by T. C. Ada and T. A. Morrison

An act to require that technical findings & recommendations of ARC be made a part of information provided at Village Public Hearings in the GLUC process

DATES AND LOCATIONS

All Village Hearings begin at 6:30pm.

Sept 14 Wed. **Agat and Santa Rita** at the Agat Community Center

15 Thu. **Merizo** Senior Citizens Center

19 Mon. **Inarajan** Community Center

20 Tue. **Talofof** Jeremy Newby Center

21 Wed. **Yona** Community Center

22 Thu. **Umatac** Community Center

1pm 23 Fri. **Guam Legislature Public Hearing Room**

Individuals requiring special accommodations please submit request to Charlene Flores at 473-3301.

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Moratorium proposed for southern development



Posted: Aug 17, 2016 8:18 AM
Updated: Aug 17, 2016 8:18 AM

By Ken Quintanilla [CONNECT](#)

Legislation has been introduced to put a moratorium on proposed developments in southern Guam.

Senators Tom Ada and Tommy Morrison introduced Bill 366 that would suspend proposed developments in southern Guam for two years or until the Southern Development Master Plan has been approved and adopted by the Guam Legislature.

This moratoria would apply to projects in the municipalities of Santa Rita, Agat, Umatac, Merizo, Inarajan, Talofoto and Yona. Bill 366 would suspend the issuance of building permits, licenses pertaining to the use of land or buildings, zoning variances and the creation of planned development districts.

Senator Ada says the land use moratoria is intended to preserve the status quo for Southern Guam during this interim period. Senator Morrison adds "with so much interest and concern expressed by residents over the last several months regarding economic expansion in southern Guam, we have a unique opportunity to ensure through Bill 366 that development in these villages is carried out according

to a responsible plan.”

The bill’s introduction comes just as the Southern Development Task Force met last week to discuss funding and future plans.



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Pago Bay protests continue

SSG members express support for land-use moratorium bill

Louella Losinio | Post News Staff 8 hrs ago



Matt Weiss

WAVE: Linda Tatreau, marine environment activist, takes part in a wave meant to raise awareness and opposition to the construction of the high-rise Pago Bay Marine Resort at Pago Bay on Wednesday, Aug 17. Matt Weiss/Post

Save Southern Guam (SSG) held the "Wave to Save Pago Bay" yesterday, its members buoyed by the introduction of Bill 366 which sets a temporary land-use moratorium in the southern villages.

SSG representatives, along with concerned members of the community, converged along the same spot near the proposed site of the contested Pago Bay Marina Resort, flashing signs amid honks of support from commuters heading south.

Members of the group expressed support for the introduction of the bill. The measure, introduced by Sens. Tom Ada and Tommy Morrison, seeks to place in effect a temporary land-use moratorium for the next two years or until a Southern Master Development Plan has been developed and approved, or whichever comes first.

Linda Tatreau, SSG charter member, said: "With all of the development in the south, the variances are getting approved because there is no standard. For the development in Southern Guam, we have to slow down and make a plan and adhere to the plan. This should have been done before the Pago Bay project became an issue."

Dianne Strong, SSG secretary, said she is 100 percent supportive of the proposed bill. "Many people on Guam are being wise now with development. Now that we've got the people's attention."

According to bill, the moratorium is intended to preserve the status quo for Southern Guam during the interim period. As proposed by the measure, the moratorium will suspend issuance of building permits, license pertaining to the use of land or buildings, variances and creation of planned development districts in Southern Guam.

Bill 366 was the current measure introduced which proposes changes to land-use decisions and processes. Just recently Sen. Frank Aguon Jr. introduced Bill No. 318, which seeks to amend statutes to require the approval of municipal planning councils for projects under review of the Guam Land Use Commission. Aguon was seen at the wave yesterday.

Community support

Jonita O. Kerr, another SSG member, said she has seen new faces participating in the wave.

"When I see new people, that is very encouraging," she said. "We get

people asking when is the next wave.”

Kerr added that they have received supportive and positive comments from the community via social media.

Tatreau said that yesterday’s wave was the fourth organized by the group, with interest increasing from the community.

“We have been averaging around 45 to 50 participants per wave. We decided to hold this wave, rain or shine. This is going to continue until we get these towers stopped.”

The GLUC's decision to approve a height variance for the construction of the Pago Bay Marina Resort has been met by protests from concerned members of the community. Petitions for judicial review of the decision and injunctive relief have been filed in court stating that the commission had exceeded its authority when it approved the variance.

Points of concern

Some of the points of concern raised include potential impact to the system’s aged and inadequate infrastructures – including water, sewer and stormwater management systems – within the area and neighboring community.

These include potential sewer connection issues and low water pressure in neighboring areas located at lower elevations. The Guam Power Authority also determined the need for significant upgrades that include completion of voltage regulators, load transfers and capacitor banks in order to support the project.

The Department of Parks and Recreation also noted in a study the potential adverse effects of the project to cultural properties. According to DPR, there are 11 sets of human remains found on the site which have yet to be reburied.

Louella Losinio



http://www.postguam.com/news/local/southern-roadshow-seeks-public-comment-on-gluc-bills/article_56c1260a-6f51-11e6-8116-8b379911595a.html

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Southern roadshow seeks public comment on GLUC bills

Robert Q. Tupaz | Post News Staff Updated 9 hrs ago

Public hearings on Bills 365-33 and 366-33

- Wednesday, Sept. 7, at Santa Rita Senior Citizens Center
- Wednesday, Sept. 14, at Agat Community Center
- Thursday, Sept. 15, at Merizo Senior Citizens Center
- Monday, Sept. 19, at Inarajan Community Center
- Tuesday, Sept. 20, at Talofofo Jeremy Newby Center
- Wednesday, Sept. 21, Yona Community Center
- Thursday, Sept. 22, at Umatac Community Center

Source Sen. Tom Ada's Office

Sen. Tom Ada announced on Monday that he is taking a couple of pieces of legislation that he introduced on the road in an attempt to gather broader input from those affected. The measures introduced in Bills 365-33 and 366-33 resulted from processes under review that the Guam Land Use Commission exercises in approving developments under its purview.

According to the senator's announcement, the schedule is focused on the southern villages and is to begin on Wednesday, Sept. 7, and will continue through the next two weeks in September.

One of the measures, Bill 366, sets a moratorium on future developments in southern Guam for a period of up to two years or until a Southern Master Development Plan has been developed and approved, or whichever comes first. Ada said that Bill 366 was introduced to preserve the status quo for southern Guam during the interim period as GovGuam adopts plans for development.

As proposed in the measure, the moratorium will suspend issuance of building permits, licenses pertaining to the use of land or buildings, variances and creation of planned development districts in southern Guam.

However, projects already approved by the GLUC will not be affected.

Meanwhile, Bill 365 sets a sequential process in GLUC's application review process. According to Bill 365, the Application Review Committee (ARC) comprises permanent voting members from a host of government of Guam agencies, many with oversight over regulatory aspects of proposed developments or projects.

According to the legislative findings in Bill 365, the ARC process is a critical component utilized by the GLUC in approving projects. However, the public often has no knowledge of findings and recommendations put forward by the ARC.

Bill 365 proposes that the municipal planning council public hearing process in the GLUC approval process shall come after and with the benefit and authority to review reports of the ARC. The intent of Bill 365 is to require that municipal public hearings be scheduled only after all ARC official position statements are made part of the project application.

The ARC comprises the Guam Environmental Protection Agency, the Department of Agriculture, Guam Waterworks Authority, Guam Power Authority, Department of Parks and Recreation, Department of Public Works, and the Bureau of Statistics and Plans.

Hearings begin Sept. 7 in Santa Rita

According to the schedule released by Ada's office the hearings begin Sept. 7 at the Santa Rita Community Center and continues on six separate dates throughout southern Guam through

Wednesday, Sept. 22.

After Santa Rita, Ada will take his committee - which has oversight of infrastructure and lands - to the Agat Community Center on Sept. 14, the Merizo Senior Citizens Center on Sept. 15, the Inarajan Community Center on Sept. 19, Jeremy Newby Center in Talofofo on Sept. 20, the Yona Community Center on Sept. 21 and the Umatac Community Center on Sept. 22

Ada and Sen. Tommy Morrison co-sponsored both pieces of legislation, which add to a couple of other proposals spawned from large-scale projects proposed or construction in southern villages, before the GLUC - of which one was approved.

Earlier this year, the GLUC approved the Pago Bay Marina Resort project and entertained a proposal for a resort in Agat.

Pago Bay Marina Resort

In Pago Bay, Yona, GLUC commissioners approved a height variance for the construction of the Pago Bay Marina Resort. The project and approval met with protests from concerned members of the respective communities and spawned the creation of the "Save Southern Guam" organization, which was organized as a nonprofit community action group.

Petitions for judicial review of the decision and injunctive relief have been filed in court, stating that the commission exceeded its authority when it approved the variance for the Pago Bay development.

Some of the points of concern raised include potential impact to the system's aged and inadequate infrastructure - including water, sewer and stormwater management systems - within the area and neighboring community. These include potential sewer connection issues and low water pressure in neighboring areas located at lower elevations. The Guam Power Authority also determined the need for significant upgrades that would include

completion of voltage regulators, load transfers and capacitor banks in order to support the project.

Agat development

A proposed development in Agat – a 15-story, 144-unit, high-end residential hotel – is opposed by southern residents who contend that the proposal did not have input from the affected communities, specifically the residents of Agat.

In August, Gov. Eddie Calvo convened the Southern Development Master Plan Task Force, which will address topics ranging from immediate needs to long-term strategic planning up to and beyond the year 2065 in southern Guam.

The task force was also created through public law by Morrison to address the GLUC planning and approval process.

Save Southern Guam (SSG) lauded the introduction of Bill 366 for its temporary land-use moratorium in the southern villages. Members said the interest in island development needs to be paced and planned properly to offset any impact on the serenity of certain areas in Guam, especially in the south.

Robert Tupaz

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http://www.postguam.com/news/local/moratorium-measure-has-partner-legislation/article_04aa9f6c-6773-11e6-b971-df9c842b6b51.html

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Moratorium measure has partner legislation

Robert Q. Tupaz | Post News Staff 11 hrs ago

A couple of pieces of legislation proffered last week by Sens. Tom Ada and Tommy Morrison continue the attempt to provide community input into proposed and approved developments before the Guam Land Use Commission, not just in southern Guam, but islandwide.

Bill 365-33 sponsored by the two lawmakers sets a sequential process in the application review process. The Application Review Committee (ARC) comprises permanent voting members from a host of government of Guam agencies, many with oversight over regulatory aspects of proposed developments or projects.

According to the legislative findings by Ada and Morrison, the ARC process is a critical component utilized by the GLUC in approving projects. However, the public often has no knowledge of findings and recommendation put forward by the ARC.

“Public hearings conducted in the affected municipal planning councils are often conducted without the benefit of the findings and recommendations of the ARC,” states Bill 365.

The lawmakers stated that the current process “deprives” the municipal planning council (MPC) and the community an “opportunity to review” ARC recommendations or concerns as listed in its respective reports.

Bill 365 proposes that the MPC public hearing process in the GLUC approval process shall come after and with the benefit and authority to review reports of the ARC.

The intent of Bill 365 is to require that municipal public hearings be scheduled only after all ARC official position statements are made part of the project application.

The ARC comprises the Guam Environmental Protection Agency, the Department of Agriculture, Guam Waterworks Authority, Guam Power Authority, Department of Parks and Recreation, Department of Public Works and the Bureau of Statistics and Plans.

Moratorium on southern developments

Meanwhile, another measure that could impact GLUC decisions is Bill 366-33, also introduced by Ada and Morrison. The measure sets a moratorium on future proposed developments in southern Guam for a period of up to two years.

The proposed temporary land-use moratorium in Bill 366 is set for the next two years or until a Southern Master Development Plan has been developed and approved, or whichever comes first. Current projects approved by the GLUC will not be affected.

The community action group Save Southern Guam (SSG) last Wednesday held a "Wave to Save Pago Bay" roadside wave. The group lauded the introduction of Bill 366 for its temporary land-use moratorium in the southern villages.

Members said the interest in island development needs to be paced and planned properly to offset any impact on the serenity of certain areas in Guam, especially in southern Guam. Moreover, a comprehensive and proper planning process needs to be developed and adhered to for all of Guam.

Bill 366 was introduced to preserve the status quo for southern Guam during the interim period as GovGuam adopts plans for development.

As proposed in the measure, the moratorium will suspend issuance of building permits, license pertaining to the use of land or buildings, variances and creation of planned development districts in southern Guam.

Measures target land use

Bill 366 and Bill 365 are among a couple of other measures introduced to change land-use decisions and processes. Bill 318-33 introduced by Sen. Frank Aguon Jr. seeks to amend statutes to require the approval of municipal planning councils for projects under review by the GLUC.

The measures all are results of the GLUC decision to approve the Pago Bay project and a proposal for a resort in Agat.

GLUC commissioners approved a height variance for the construction of the Pago Bay Marina Resort has been met by protests from concerned members of the community. Petitions for judicial review of the decision and injunctive relief have been filed in court stating that the commission exceeded its authority when it approved the variance.

Some of the points of concern raised include potential impact to the system's aged and inadequate infrastructure – including water, sewer and stormwater management systems – within the area and neighboring community.

These include potential sewer connection issues and low water pressure in neighboring areas located at lower elevations. The Guam Power Authority also determined the need for significant upgrades that would include completion of voltage regulators, load transfers and capacitor banks in order to support the project.

Proposed Agat development

As well, a proposed development in Agat, a 15-story, 144-unit, high-end residential hotel, is opposed by southern residents who contend that the proposal did not have input from the affected communities, specifically the residents of Agat.

Earlier this month, Gov. Eddie Calvo convened the Southern Development Master Plan Task Force, which will address topics ranging from immediate needs to long-term strategic planning up to and beyond the year 2065 in southern Guam.

The task force was also created through public law by Morrison to address the GLUC planning and approval process.

Robert Tupaz

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http://www.postguam.com/news/local/southern-residents-voice-support-for-development-bills/article_a4b4ed54-7b33-11e6-85b6-7f4f4bf746b5.html



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Southern residents voice support for development bills

Louella Losinio | Post News Staff Updated Sep 16, 2016

During the first week of the public hearing on Bills 365-33 and 366-33, southern residents have started providing generally positive input to the measures which resulted from scrutiny of the G Land Use Commission's processes in approving developments under its purview.

Bill 366 sets a moratorium on future developments in southern Guam for a period of up to two or until a Southern Master Development Plan has been developed and approved, or whichever comes first. Sen. Tom Ada, who introduced the bill with co-sponsor Sen. Tommy Morrison, said the measure would preserve the status quo for southern Guam during the interim period as the government adopts plans for development.

As proposed in the measure, the moratorium will suspend issuance of building permits, license pertaining to the use of land or buildings, variances and creation of planned development districts in southern Guam. Projects already approved by the GLUC will not be affected.

GLUC application process

Meanwhile, Bill 365 proposes a sequential process for the Application Review Committee (ARC) and the municipal public hearing in the GLUC application process. The ARC comprises the Guam Environmental Protection Agency, the Department of Agriculture, Guam Waterworks Authority,

Power Authority, the Department of Parks and Recreation, the Department of Public Works and Bureau of Statistics and Plans.

The intent of the bill is to require that municipal public hearings be scheduled only after all ARC official position statements are made part of the project application.

Agat resident Roy Gamboa said he supports both bills as written but suggests an extension of moratorium set in Bill 366 beyond two years.

"The moratorium should have some type of verbage that indicates that there is a two-year time on this," he said.

Save Southern Guam

Save Southern Guam Inc. representatives were at the public hearing voicing their support for the measures. Lasia Casil, SSG chairwoman, also presented generally supportive testimony.

"We support the direction that they are going, they just need to polish the bills a bit," she said.

SSG member Dianne Strong presented testimony, saying that she wants to present the case study of the Pago Bay Resort Development project for people to get a feeling of the process that did well.

"These bills, when polished, will give villagers a stronger voice, improve transparency of agencies," she said.

In a release, Strong emphasized that the group supports intelligent development whether it be south, north or in central Guam.

"We will be present at all six public hearings in the southern villages conducted by Senator Ton Ada's Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs," she said.

Louella Losinio