

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 167-35 (COR)

As amended on the Floor.

Introduced by:

Kelly Marsh (Taitano), PhD
Tina Rose Muña Barnes
Sabina Flores Perez
William M. Castro
Régine Biscoe Lee
James C. Moylan
Louise B. Muña
Telen Cruz Nelson
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Jose “Pedo” Terlaje
Therese M. Terlaje
Mary Camacho Torres

**AN ACT TO *AMEND* §§ 1203, 1206, 1209(h), 1210, 1211,
AND 1214 OF ARTICLE 2, CHAPTER 1, TITLE 5, GUAM
CODE ANNOTATED, RELATIVE TO RENEWING THE
GUAM COMPREHENSIVE DEVELOPMENT PLAN TO
ENCOMPASS THE PRINCIPLES OF SUSTAINABILITY.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Title. This Act *shall* be known as “*Åkto Para i 2050
Maga'planun Mina'ok Lina'la' Guåhan.*”

Section 2. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
that Guam’s comprehensive development plan law is in need of being modernized
to reflect the extraordinary changes in best practice approaches to development that

1 have emerged from modern science, research, and technology. Due to adverse
2 impacts and changes to our environment and those across the globe, we need a more
3 sustainable and integrated strategy that encompasses the principles of sustainability
4 and responsible uses of our finite island resources. It is imperative that we better
5 meet the needs of the present without compromising the ability of future generations
6 to meet their needs.

7 *I Liheslaturan Guåhan* finds that sustainability and climate change are some
8 of the defining issues of our time; thus, we are at a pivotal moment in history. It is
9 clear that our stewardship of Guam's resources is not just a responsibility for the
10 future, and we must act now to protect our economy, our island way of life, and our
11 culture.

12 *I Liheslatura* also finds that, while *Guåhan* is rich in natural beauty and the
13 warmth and hospitality of her people, there are many challenges to life on *Guåhan*.
14 Our public infrastructure is in constant need of structural repair. Our economy
15 remains reliant on too few industries. We are isolated from Pacific Rim trading
16 partners because of the Jones Act and cabotage laws while vulnerable to a costly
17 volatile global energy market. We are heavily dependent upon imported food. We
18 are subject to the increasing intensity and frequency of typhoons and tropical storms;
19 dangerously uncontrollable fires that burn across our watersheds, destroying some
20 three percent (3%) of our island each year; adverse impacts on our water supplies;
21 erosion of coastline infrastructure throughout our villages; warmer surface
22 temperatures affecting our agricultural production; warmer seas affecting our
23 fisheries and the life of our coral reefs which suffer an unparalleled high rate of
24 bleaching; and, our ecosystem is degrading at a rapid rate as it is all too often under
25 attack by forces such as habitat loss and invasive species that set off a wide range of
26 cascading impacts. Collectively, all of these conditions negatively impact the food

1 security of our people as well as a range of industries that are reliant on our Guam
2 brand as a tourist destination.

3 Further, our current approaches to development and daily living means that
4 our landfill continues to require prohibitively expensive actions such as building new
5 cells for tens of millions of dollars apiece, each of which will then require tens of
6 millions of dollars to close. These conditions and more all raise questions about the
7 direction of our island, our long-term limits of types of economic and other growth,
8 and the need to plan and act now to ensure that we are on a path for an optimal future
9 for the people of *Guåhan*. Our economy, land, community health, individual well-
10 being, and the *CHamoru* culture are deeply intertwined, each of which has the
11 potential to be dangerously impacted if we do not take immediate actions toward
12 being better stewards of our island. Closing our eyes will not make these realities go
13 away. To ignore the challenge before us would be irresponsible and reckless. Action
14 must be taken.

15 *I Liheslatura* further finds that it is imperative for our community to work
16 toward a balance between economic, cultural, and environmental concerns because
17 of the interdependency of these three (3) parts of our society. In a sustainable society,
18 systems replenish themselves. By ensuring that we are not overly reliant upon the
19 consumption of our economic, social, and environmental assets and that our systems
20 replenish themselves, we are more responsibly assuring the survival of the *Guåhan*
21 that we grew up with, if not a better one, for ourselves, our children, and our
22 grandchildren. We must work to meet our present needs without compromising the
23 needs and rights of future generations.

24 It is, therefore, the intent of *I Liheslaturan Guåhan* to address these concerns
25 in a proactive rather than reactive way and to determine the best direction of our
26 island, understand our long-term limits of types of growth, and work for an optimal
27 future for the people of *Guåhan*. To meet our monumental economic, cultural, and

1 environmental challenges we must develop and implement a sustainable
2 development plan. This will require an unprecedented level of a coordinated effort
3 by the community, the private sector, academic research organizations, and
4 institutions of the government of Guam to reach across their divides and work
5 together to develop long-term integrated approaches.

6 **Section 3.** § 1203 of Article 2, Chapter 1, Title 5, Guam Code Annotated,
7 is hereby *amended* to read:

8 **“§ 1203. Bureau of Statistics and Plans: Responsibilities and**
9 **Authority.**

10 The responsibilities and authority of the Bureau of Statistics and Plans
11 shall be:

12 (a) Prepare Plan. To cause to be prepared, through the services
13 of a consortium of both public and private experts possessing diverse
14 planning experience and expertise, a *Guåhan* 2050 Sustainability Plan
15 (Plan), which shall provide short and long-range guidance (between
16 2020 and 2050) for the social, economic, infrastructure, supra structure,
17 and physical sustainable development of Guam, and which shall
18 contain a statement of sustainable development objectives, standards
19 and principles with respect to the most responsible use of land and
20 resources within Guam for residential, recreational, agricultural,
21 commercial, industrial, and other uses completely serviced by an access
22 and circulation network and infrastructure consistent with proper
23 protection and accountability to enhance the quality of the environment
24 and preserve Guam’s natural beauty and historical heritage.

25 (b) Assist Planning. To harmonize, improve and assist in
26 implementing comprehensive planning activities at all levels of
27 government.

1 (c) Ensure Consistency. To ensure that the current planning
2 programs and projects are consistent with the Plan and the
3 comprehensive program and financial plan, as set out in the Executive
4 Budget Acts, and the policies enumerated in this Chapter.

5 (d) Rules. To adopt any necessary rules or regulations in
6 accordance with the Administrative Adjudication Law and to exercise
7 all other powers necessary and proper for the discharge of its
8 responsibilities.

9 (e) Recommendations. To develop all elements of the Plan, as
10 described in § 1210 of this Article, and to make detailed written
11 recommendations to the Governor for approval, disapproval, revision,
12 amendment or referral to specific agencies or groups for further study
13 and review.

14 (f) Agreements. To enter into and carry out any agreement or
15 agreements in connection with the provisions of this Article and to
16 solicit assistance from public, private or federal sources as required in
17 the development planning process and which are not inconsistent with
18 or contrary to the laws of Guam.

19 (g) Quarterly Report. To deliver to the Legislature, no later
20 than fifteen (15) days following the end of every quarter, a written
21 report of the planning program and progress; and

22 (h) Annual Report. To deliver to the Governor no later than
23 January 30 of each year a written report of the planning program and
24 progress.”

25 **Section 4.** § 1206 of Article 2, Chapter 1, Title 5, Guam Code Annotated,
26 is hereby *amended* to read:

27 “§ 1206. **Plan Adoption.**

1 Within ten (10) calendar days of approval by the Governor, the Plan or
2 any of its elements shall be submitted to the Legislature for adoption. The
3 Legislature shall review and approve or disapprove the Plan or any of its
4 elements within one hundred eighty (180) calendar days of its receipt. In the
5 event of failure by the Legislature to act within such one hundred eighty (180)
6 calendar day period, the Plan or any of its elements so submitted shall be
7 deemed approved.”

8 **Section 5.** § 1209(h) of Article 2, Chapter 1, Title 5, Guam Code Annotated,
9 is hereby *amended* to read:

10 “(h) Annual Report. To report to the Governor and the Legislature of
11 its annual progress and of its fiscal year activities *no later than* January 30 of
12 each year.”

13 **Section 6.** § 1210 of Article 2, Chapter 1, Title 5, Guam Code Annotated,
14 is hereby *amended* to read:

15 **“§ 1210. Content of the Plan.**

16 The Plan shall be guided by, but not limited to, the United Nations (UN)
17 Global Programme of Action for the Sustainable Development of Small Island
18 Developing States (A/CONF.167/9) and the UN’s Sustainable Development
19 goals, each as determined applicable to *Guåhan*. It shall contain specific
20 elements as follows:

21 (a) Land Use. A land-use element together with the
22 appropriate zoning recommendations supporting distribution, location
23 and the extent of uses of land for housing, business, industry,
24 agriculture, recreation, education, public buildings, open space,
25 conservation and other categories of public and private uses of land,
26 which include islands, reef and lagoon areas, and the sea within the
27 territorial waters, inclusive of a statement of the standards of population

1 and building density and building intensity for the various districts and
2 other areas covered by the Plan, and regulatory criteria governing the
3 use, development and subdivision of land.

4 (b) Community Design. A community design element
5 consisting of standards and principles governing the subdivision and
6 development of land and showing recommended designs for
7 community and neighborhood development and redevelopment,
8 including sites for schools, parks, playgrounds, and other community
9 uses.

10 (c) Transportation. A transportation element which would
11 provide a comprehensive transportation and circulation system
12 consisting of existing and proposed major routes, thoroughfares,
13 highways, and collector streets; locations of rights-of-way, terminals,
14 viaducts, and grade separation, port, harbor, aviation and mass transit
15 lines, and related facilities, all of which are correlated with the land use
16 element of the Plan. This element shall include necessary investments
17 in improving and expanding public transportation, which directly affect
18 overall employment and economic efficiency and productivity.

19 (d) Regulations. A regulatory element concerning parking
20 facilities and building setback lines and the delineations of such
21 systems on the land, a system of street naming, housing and building
22 numbering, and such other matters as may be related to the
23 improvement of circulation of traffic.

24 (e) Public Facilities. A public services and facilities element
25 showing general plans for sewage, refuse disposal, drainage, and local
26 utilities, and rights-of-way, easements, and facilities for them.

1 (f) Public Lands. A public lands element that provides an
2 inventory of all government of Guam and federal lands, and plans for
3 their maintenance, improvements, conservations, and potential uses for
4 the benefit of the community.

5 (g) Public Buildings. A public buildings element identifying
6 locations and arrangement of civic and community centers, public
7 schools, libraries, police and fire stations, and other public buildings,
8 including their architecture and the landscape treatment of their
9 grounds.

10 (h) Housing. A housing element consisting of standards and
11 plans for elimination of substandard dwelling conditions and
12 homelessness, the improvement of housing, and the provision of
13 adequate sites for housing.

14 (i) Redevelopment. A redevelopment element for the
15 elimination of unsafe or blighted areas, community redevelopment and
16 the revitalization of housing sites, business and industrial sites, public
17 building sites, and for other purposes authorized by law.

18 (j) Conservation. A conservation element to guide the
19 conservation, development, and utilization of natural resources,
20 including forests, soils, rivers and other waters, harbors, fisheries, coral
21 reefs, wildlife, threatened and endangered species, minerals, and other
22 natural resources which, as sub-elements, may also incorporate the
23 following:

- 24 (1) reclamation or restoration of land and waters;
25 (2) floodplain management and flood control;
26 (3) prevention and control of pollution of streams and
27 other waters;

1 (4) regulations of the use of land in stream channels and
2 conservation areas;

3 (5) prevention, control, and correction of the erosion of
4 soils, beaches, and shores;

5 (6) protection of watersheds, rare natural communities,
6 and habitats for threatened and endangered species; and

7 (7) protection of coral reefs and productive seas in
8 marine protected areas.

9 (k) Recreation. A recreation element establishing a
10 comprehensive system of areas and public sites for recreation,
11 including the following and, when appropriate, their locations and
12 proposed development:

13 (1) natural reservations;

14 (2) parks;

15 (3) parkways;

16 (4) beaches;

17 (5) reefs and lagoons;

18 (6) playgrounds;

19 (7) historic and archaeological sites;

20 (8) scenic and historic trails; and

21 (9) other recreation areas.

22 (l) Safety. A safety element for the protection of the
23 community from natural and human-made hazards, including features
24 necessary for such protection such as evacuation routes, peak load
25 water supply requirements, minimum road widths, clearances around
26 structures, and geologic hazard mapping in areas of known geologic
27 hazards.

1 (m) Tourism. A visitor industry element which will establish
2 cooperation and coordination between the public and private sectors to
3 provide for a shared vision and steady and regulated growth within the
4 visitor industry, while developing the industry in a manner that will
5 continue to provide new business and job opportunities and steady
6 employment for the people of Guam, and which will enable Guam's
7 people to obtain job training and education geared for upward job
8 mobility within the industry; and this element shall support the
9 *CHamoru* culture and cultural programs, as well as other community
10 programs which contribute to enhancing Guam as a visitor destination.

11 (n) Sustainable Development Policy. A short and long-range
12 socioeconomic development strategy to include policy, opportunities,
13 and programs to address or alleviate problems concerning disparities
14 based on socio-economic status, affordable and accessible health
15 services, communicable and non-communicable diseases and health-
16 related issues, labor planning, employment opportunity, education,
17 elimination of poverty, law enforcement, welfare, substandard housing
18 and homelessness, consumer protection, public revenue and
19 expenditures, cultural heritage preservation, visitor industry, and the
20 like, to include population characteristics and economic analysis with
21 projections for each region and sub-region of the island. The policy
22 shall also provide for renewable energy, zero waste and sustainable
23 materials management, and a comprehensive approach to combating
24 climate change through reduction of greenhouse emissions and our
25 carbon footprint.

26 (o) Capital Improvements. A short and long-range capital
27 improvements program and projects to be derived from public and

1 private input and compiled from schedules of proposed capital
2 improvements submitted to the Bureau of Statistics and Plans by each
3 department, agency, division, board, commission, branch, and
4 instrumentality of the government of Guam; and which shall provide
5 recommendations and identify programs for the sustainable
6 development of the island's port, highway, communication, and public
7 transportation facilities, including, but not limited to, institutions of
8 higher learning, health and welfare facilities, correctional institutions,
9 elementary and secondary schools, electric power, water,
10 telecommunications, sewer, solid waste, and other utility facilities.

11 (p) Preservation. A preservation element that has both short
12 and long-range programs to ensure the maintenance, preservation,
13 safeguarding, promotion, and continued identification of cultural and
14 historical sites, to include natural resources and resource areas.

15 (q) Indigenous Connections and Rights. This element shall
16 reflect indigenous *CHamoru* concepts of cultural and ancestral
17 connections to Guam's heritage, land, sea, air, the environment, and all
18 that is native and endemic within it. The continuation of the *CHamoru*
19 culture and cultural identity are predicated on the recognition and
20 protection of indigenous connections and rights to their homeland
21 throughout the government of Guam.

22 (r) Community Mental Health, Physical Health and Well-
23 being. An element that takes into consideration the many types of
24 impacts that different developments and government actions can have
25 on the mental and physical health and well-being of our community,
26 especially, but not limited to, that of the indigenous *CHamoru* people.

1 (s) Policy Statements. A statement of specific policies for at
2 least each of the following general areas: socioeconomic and human
3 resource development, natural resource development, environmental
4 protection, historical and cultural preservation, public safety, housing
5 and community development, education, land-use and population
6 growth, the visitor industry, and other areas deemed appropriate by the
7 Bureau of Statistics and Plans.

8 (t) Other Elements. Such additional elements dealing with
9 other subjects, which in the judgment of the Bureau of Statistics and
10 Plans relate to the physical development of Guam.”

11 **Section 7.** § 1211 of Article 2, Chapter 1, Title 5, Guam Code Annotated,
12 is hereby *amended* to read:

13 **“§ 1211. Plan Implementation and Financing.**

14 (a) The Plan shall contain a schedule of programs and projects to be
15 implemented annually. Funding for such programs and projects shall be
16 identified in the Plan by the project’s or program’s principal or administering
17 government agency or instrumentality.

18 (b) Funding for programs or projects contained in the Plan which do
19 not fall under the authority or responsibility of any particular instrumentality
20 of the government of Guam may be met by annual appropriation of the
21 Legislature.

22 (c) Upon approval by action or inaction of *I Liheslatura*, each
23 governmental entity shall submit an annual report, inclusive of an executive
24 summary, to the Office of Public Accountability (OPA) no later than January
25 30 of each year on its progress in achieving the objectives and goals as set out
26 in the Plan. The OPA shall submit a compilation of the reports to *I Liheslatura*

1 and publish the compiled report on its website no later than March 30 of each
2 year.”

3 **Section 8.** § 1214 of Article 2, Chapter 1, Title 5, Guam Code Annotated,
4 is hereby *amended* to read:

5 **“§ 1214. Coordination of Effort.**

6 Any existing committee, commission, task force or body mandated to
7 engage in planning for Guam, or for particular areas or jurisdictions within
8 Guam, shall seek to ensure that such planning efforts are provided the
9 appropriate financial, human, technical and support resources necessary to
10 accomplish any mandates or requirements of law relative to development
11 planning; provided, however, that such planning efforts are compliant and in
12 accordance with the *Guåhan* 2050 Sustainability Plan.

13 For purposes of this Chapter, all plans prepared by any agency or
14 instrumentality of the government of Guam shall be circulated to other
15 agencies or instrumentalities affected by such plan and to the Bureau for
16 review and finalization no later than sixty (60) days prior to submission of the
17 plan to the Bureau.”

18 **Section 9.** Unless otherwise indicated in this Act, “Council” shall be
19 changed to “Bureau”; “Chairman” shall be changed to “Director”; “Comprehensive
20 Development Plan,” “Guam Comprehensive Development Plan,” “Guam’s
21 Comprehensive Development Plan,” and “Comprehensive Development Plan for
22 Guam” shall be changed to “*Guåhan* 2050 Sustainability Plan” in Article 2 of
23 Chapter 1, Title 5, Guam Code Annotated.

24 **Section 10. Submission of Strategic Plan.** *I Maga'hågan Guåhan* shall
25 submit to *I Liheslaturan Guåhan* a strategic plan for the development and
26 implementation of the *Guåhan* 2050 Sustainability Plan, as provided for in Section
27 3 of this Act, no later than sixty (60) calendar days from the enactment of this Act.