

Guidebook to
Development Requirements
on Guam

Bureau of Planning

Guam Coastal Management Program
Bureau of Planning
Government of Guam
1986

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PURPOSE

The purpose of this GUIDE is to acquaint the public with laws, regulations, permits, clearances and established guidelines for development on Guam. The term "development" is employed here in its broadest sense, encompassing all categories of construction, earthmoving, and agriculture, as well as other types of land use and water-oriented construction.

This GUIDE delineates each type of requirement for development by summarizing its purpose and nature, citing the Government agency with authority for approval, describing the application review process, presenting facsimiles of appropriate applications, and suggesting additional references for more detailed information.

Developers are advised to consult with the appropriate government agencies as early as possible in the project planning stage. Staff at the Department of Public Works, the Department of Land Management, the Guam Environmental Protection Agency and the Bureau of Planning are helpful in determining which laws, regulations, permits and clearances are required for a particular project. Also, the matrix on pages iv and v lists requirements for some of the more common types of development.

GUIDEBOOK MATRIX

This matrix lists common types of developments as well as general location where such developments typically occur. If your proposed development or your proposed location is not listed in the matrix, and you are unsure of which requirements apply, consult the Bureau of Planning for advice.

WHERE IS THE DEVELOPMENT?

(EA = See same requirements as for "Every Area")
(NA = Not considered as a likely location for proposed development)

WHAT IS THE DEVELOPMENT?	Every Area	A Zone	R1 Zone	R2 Zone	Commercial Zone	M1 Zone	M2 Zone	H Zone
Single-family residence	21	3	3	3	3	3	7	7
Multi-family residence	21,68	10	10	3	7	3	7	7
Subdivision	21,68,43	10,46	3	3	3	3	7	7
Commercial building	21,68	7	10	10	3	3	3	7
Hotel/Resort	21,31,68,62	10	10	3	7	10	10	3
Condominium	21,68,61	10	10	3	7	3	7	7
Manufacturing	21,68	10	10	10	10	3	3	10
Industrial	21,68	10	10	10	10	7	3	10
Clearing/grading land	26,69	EA	EA	EA	EA	EA	EA	EA
Eating/drinking establishment	21,31,68	7	10	10	3	3	3	7
Institutional facility	21,31,68	7	10	10	7	3	3	7
Stormwater disposal	21,68,71,74	EA	EA	EA	EA	EA		7
Boat ramps, seawalls, piers	21,68,64,17,39	7	10	10	7	3	3	7
Dredging or filling of wetland and bodies of water	21,68,33,39,64,17	EA	EA	EA	EA	EA	EA	EA

USING THIS MATRIX

In the left column, WHAT IS THE DEVELOPMENT?, identify your proposed development. Along the top row, WHERE IS THE DEVELOPMENT?, determine the location of your proposed development. The intersecting box lists page numbers of the specific laws, regulations, permits and guidelines applicable to your proposed development.

Additionally, those pages listed under the first intersecting box, designated as "Every Area", are also likely to be applicable to your development, regardless of its location.

WHERE IS THE DEVELOPMENT?

(EA = See same requirements as for "Every Area")
(NA = Not considered as a likely location for proposed development)

Wetland	Non-Tidal Waters	Flood Hazard Area	AICUZ Zone	Environmentally Sensitive Area	Territorial Seashore Reserve	Aquifer Recharge Area
33,39	NA	37	67	64	17	66
33,39	NA	37	67	64	17	66
33,39	NA	37	67	64	17	66
33,39	NA	37	67	64	17	66
33,39	NA	37	67	64	17	66
33,39	NA	37	67	64	17	66
33,39	39	37	67	64	17	66
33,39	39	37	67	64	17	66
33,39	NA	37	EA	64	17	EA
33,39	NA	37	67	64	17	66
33,39	NA	37	67	64	17	66
33,39	64	37	EA	64	17	66
33,39	EA	37	67	EA	EA	NA
EA	EA	37	67	EA	EA	NA

DIRECTORY OF GOVERNMENT AGENCIES

Administrator
Guam Environmental Protection Agency
Government of Guam
Harmon Plaza, Tamuning
Telephone: 646-8864/5

P.O. Box 2999
Agana, Guam 96910

Area Supervisor, Farmers Home Administration
Suite 407, PDN Building, Agana
Telephone: 472-7483
472-7361, and 472-7251

238 O'Hara Street
Agana, Guam 96910

Building Official, Department of Public Works
Building Permits and Inspections
Building "B", Tumon
Telephone: 646-5831,
Ext. 222-224 or
646-7951

P.O. Box 2950
Agana, Guam 96910

Director, Bureau of Planning
Government of Guam
159-C West Hospital Road, Tamuning
Telephone: 646-9136 thru 8

P.O. Box 2950
Agana, Guam 96910

Director, Department of Land Management
Government of Guam
Administration Building, Agana
Telephone: 472-8851 thru 4

P.O. Box 2950
Agana, Guam 96910

Executive Secretary, Territorial Planning Commission
Department of Land Management
Administration Building, Agana
Telephone: 472-8851 thru 4

P.O. Box 2950
Agana, Guam 96910

Guam Operations Office, US ACOE
Suite 950, PDN Building, Agana
Telephone: 344-5303

238 O'Hara Street
Agana, Guam 96910

Director, Public Health & Social Services
Division of Environmental Health
Compliance and Training Section
Route 10, Mangilao
Telephone: 734-2671,
734-2931 thru 9
734-2951 thru 9, ext. 301, 315,
or 225

P.O. Box 2816
Agana, Guam 96910

TERRITORIAL PLANNING COMMISSION and SUBDIVISION AND DEVELOPMENT REVIEW COMMITTEE

The Territorial Planning Commission (TPC) is a decision-making body empowered to grant zone changes, conditional uses and variances from land use laws and regulations.

The actual administration of local land use laws and regulations, however, rests primarily with the Department of Land Management; and its Director serves as the Executive Secretary of the TPC. The Territorial Planner and staff of the Planning Division, Department of Land Management, perform the research, administration and enforcement functions on behalf of TPC.

The TPC's technical review process is performed by the Subdivision and Development Review Committee (SDRC) which is composed of representatives from each of the following agencies: Department of Land Management (as Chairperson), Bureau of Planning, Department of Public Works (two representatives), Guam Environmental Protection Agency, Department of Agriculture, Public Utility Agency of Guam, Department of Parks and Recreation, Fire Department, and the Chamorro Language Commission. The SDRC provides technical recommendations to the Territorial Planning Commission for final consideration in deciding on an applicant's request. This review process usually requires three to four week's time, unless complexities of a project or inadequacies of a submittal require additional reviews.

The TPC considers comments and recommendations from the SDRC in deciding on matters brought before the Commission. TPC and SDRC meetings are open to the public. It is necessary for an applicant or his representative to appear before the TPC and/or the SDRC as scheduled, to present the request along with the necessary supporting data and documents. TPC usually meets on the second and fourth Thursday of each month, in the afternoon. The SDRC usually meets on the first and third Thursday of each month, in the morning. All meetings are held in the conference room, Department of Land Management. Applications must be submitted at least two weeks in advance of a scheduled review meeting. In general, all but minor requests (as determined by the Territorial Planner) must be reviewed by the SDRC before consideration by the TPC.

After obtaining TPC approval and prior to construction, the applicant must obtain a Building Permit from the Department of Public Works. After construction, a field inspection is conducted by Land Management staff to certify compliance with any TPC stipulated condition. If TPC conditions and construction standards have been met, an occupancy permit may then be issued by the Building Official.

If a request is denied by TPC, the applicant may submit an appeal to the Superior Court of Guam within 15 days following the TPC decision.

Reference: "Guam Coastal Management Program and Draft Environmental Impact Statement," U.S. Department of Commerce, NOAA, Office of Coastal Zone Management, 1978.

Authority: Executive Order No. 78-2.

Application forms and further information about either the TPC or the SDRC may be obtained from the Executive Secretary, Territorial Planning Commission.

LAND USE ZONING

Guam's Zoning Law establishes regulations in order to: encourage the most appropriate uses of land; provide adequate open spaces around buildings; prevent undue concentration of population; assure adequate provisions for schools, parks, recreation and other infrastructure; and control the types of development which would create a nuisance and/or a health and safety hazard.

Private properties on Guam are divided into eight zones:

- "A" - Rural Zone
- "R1" - One-Family Dwelling Zone
- "R2" - Multiple-Family Dwelling Zone
- "C" - Commercial Zone
- "P" - Automobile Parking Zone
- "M1" - Light Industrial Zone
- "M2" - Heavy Industrial Zone
- "H" - Resort Hotel Zone

These zones are depicted on Official Zoning Maps, available at the Planning Division of the Department of Land Management. Each zone has permitted uses and conditional uses as well as height limitations and yard setback restrictions. If a proposed development is a permitted use and complies with the zone's regulations, Government review and approval is not necessary by either the SDRC or the TPC.

The permitted uses for Guam's land use zones are as follows.

"A" - Rural Zone Permitted Uses

1. One-family dwellings and duplexes.
2. Farming and fisheries, including all types of activities and pursuits customarily carried on in the field of agriculture and fisheries, including the raising of crops and fruits, poultry and livestock, grazing and dairying, and tree and other vegetative production, whether for commercial or personal uses.
3. Uses customarily accessory to any of the above uses, including home occupations and private automobile parking areas as well as accessory buildings and structures such as private garages, warehouses, barns, corrals, or other similar structures.

"R1" - One-Family Dwelling Zone Permitted Uses

1. One-family dwellings.
2. Gardening and the keeping of pets for non-commercial purposes.
3. Uses customarily accessory to any of the above uses, including home occupations and private parking areas with accessory buildings and structures.

"R2" - Multiple-Family Dwelling Zone Permitted Uses

1. One-family dwellings.
2. Duplexes.
3. Multi-family dwellings.
4. Hotels, private groups and institutions.
5. Accessory uses and structures for the above.

"C" - Commercial Zone Permitted Uses

1. One-family dwellings.
2. Duplexes.
3. Wholesale and retail stores, shops and businesses.
4. Amusement enterprises.
5. Automobile service stations, including minor repairs.
6. Bakeries.
7. Mortuaries.
8. Offices, business or professional, and banks.
9. Personal service shops, including barber shops, beauty parlors, laundromats, and the like.
10. Repair shops and service shops, including shoe repair shops, plumbing shops, dressmaking shops, and the like, but not including automobile repair shops for major work.
11. Restaurants and cafes.
12. Studios.
13. Other uses which, in the judgment of the Commission as evidenced by resolution in writing, are similar to those listed herein.
14. Uses customarily accessory to any of the above-listed uses, including only those accessory to manufacturing, storage, compounding, or processing activities which are necessary for the ordinary conduct of said listed uses and which are an integral part thereof.
15. Accessory structures for the above.

"P" - Automobile Parking Zone Permitted Uses

1. Public or commercial parking areas and garages.
2. Public access to adjoining parking areas.

3. Loading and unloading of automobiles or trucks, but not to preclude the use of portions of required parking spaces.
4. Service vehicle storage, after commercial business hours.
5. Utilities and public facilities.
6. Accessory uses and structures for the above.

"M1" - Light Industrial Zone Permitted Uses

1. Any use permitted with or without condition in the commercial zone.
2. The manufacturing, compounding, processing or treating of such products as drugs, cosmetics, and food products (not including fish and meat products nor the rendering of fats and oils).
3. The manufacturing, compounding, assembling or treating of articles or merchandise from previously prepared materials.
4. Automobile repair shops including painting, body and fender work, and rebuilding; truck and tractor repairing; and tire retreading.
5. Bottling and packaging plants.
6. Ceramic products manufacturing.
7. Laundries and cleaning and dyeing establishments.
8. Machine shops and sheetmetal shops.
9. Warehouses and cold storage plants.
10. Lumber yards, building material salesyards, contractor's equipment storage yards, and the like.
11. Other uses which, in the judgment of the Commission as evidenced by resolution in writing, are similar to those listed herein.
12. Uses customarily accessory to any of the above-listed uses and accessory buildings.

"M2" - Heavy Industrial Zone Permitted Uses

1. Any uses permitted in the "M1" zone, excepting residential use.
2. Junk yards, under the special provisions set forth in Chapter X of Title XVIII, Government Code of Guam.
3. Any other uses not specifically prohibited by law, including those which are or may be objectionable, obnoxious, or offensive by reason of odor, dust, smoke, noise, gas fumes, cinders, vibrations, or water-carried waste.
4. Uses customarily accessory to any of the uses herein permitted, and accessory buildings and structures.

"H" - Resort Hotel Zone Permitted Uses

(All uses in this Zone are considered as Conditional Uses).

Authority: Chapter III, Title XVIII, Government Code of Guam

For additional information, contact the Executive Secretary, Territorial Planning Commission.

CONDITIONAL USE

In addition to permitted uses in each of the eight land use zones, conditional uses may be allowed by the IPC. An application for a proposed conditional use (see Exhibit CU-1) must be submitted in 20 copies and requires a description of the subject property; a description of the nature of the proposed conditional use; a map depicting all existing structures and uses on the subject property; a map depicting all significant buildings and uses within 750 feet of the subject property's boundary; and a written statement explaining the compatibility of the proposed conditional use with neighboring developments. The permit application fee is \$10 and must be filed at the Department of Land Management.

The conditional uses for each zone are as follows.

"A" - Rural Zone Conditional Uses

1. Parks, playgrounds and community centers.
2. Biological gardens
3. Schools and churches.
4. Hospitals, sanitariums, and institutional uses.
5. Cemeteries.
6. Recreational uses including golf courses, cockpits, marinas, beaches, swimming pools, and accessory residential and commercial uses.
7. Extractive industry.
8. Utilities and public facilities.
9. Wholesale and retail stores, shops and businesses.
10. Automobile service stations, including service shops.
11. Accessory uses and structures for the above.

"R1" - One-Family Dwelling Zone Conditional Uses

1. Duplexes.
2. Schools and churches.
3. Parks, playgrounds, and community centers.
4. Health service office, outpatient with laboratory.
5. Utilities and public facilities.

"R2" - Multiple-Family Dwelling Zone Conditional Uses

1. Any conditional uses permitted in the "R1" zone.
2. Health clinics.

3. Utilities and public facilities.
4. Air, bus, taxi, auto, rental terminals.
5. Accessory uses and structures for the above.

"C" - Commercial Zone Conditional Uses

1. Hospital and clinics.
2. Public utility and other public buildings.
3. Shopping center.
4. Recreation, including cockpits, marinas, amusement centers, drive-in theatres.
5. Multi-family residences.
6. Hotels, motels, tourist accommodations..
7. Air, bus, taxi, auto rental terminals.
8. Auto sales and car wash.
9. Parking garage and lots.
10. Service vehicle storage.
11. Laundries and cleaning and dyeing establishments.
12. Schools and churches.
13. Parks, playgrounds, community centers.
14. Utilities and public facilities.
15. Accessory uses and structures for the above.

"P" - Parking Zone Conditional Uses

(There are no conditional uses in this zone).

"M1" - Light Industrial Zone Conditional Uses

1. Other industrial uses not objectionable, obnoxious or offensive by reason of odor, dust, smoke, noise, gas fumes, cinders, vibration, flashing lights, or water-carried waste.
2. Utilities and public facilities.
3. Accessory uses and buildings for the above.

"M2" - Heavy Industrial Zone Conditional Uses

1. All residential uses.
2. Accessory uses and structures for the above.

"H" - Resort Hotel Zone Conditional Uses

1. All tourist related activities.

Authority: Chapter III, Title XVIII, Government Code of Guam

For more information, contact the Executive Secretary, Territorial Planning Commission.

EXHIBIT CU-1
Application for
CONDITIONAL USE
(for example only)

1. Name of Applicant
Mailing Address
Phone Number: Home Business or Work
2. Location, Description and Ownership
Subdivision Name Lot No.
Block Tract Village
Municipality Register Owner
Certificate of Title No. Recorded Document No.
Lot Area Square Meters Square Feet
3. Land Use and Proposed Use
Existing Use Present Zoning
Proposed Use
Master Plan
4. Justification of Conditional Use
5. It is understood that only the particular use described in this application and condition said forth by the Territorial Planning Commission shall be authorized.
6. Supporting Information:
 - (a) 20 copies of a plan showing: a vicinity map, lot lines and area of subject lot, location of all existing structures, proposed structures, parking and loading areas, access and traffic circulation, open space, landscaping, signs and setback distances.
 - (b) A written statement explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist.
 - (c) 20 sets of a map showing all significant buildings or uses within 750' of subject lot.
7. Additional information as may be required by the Chief Planner.

I hereby certify that all information contained in this application and its supplements are true and correct. I also understand that any misrepresentation in this application will void the entire submission.

Date

Applicant

Date

Representative for the
Applicant

CHANGE OF ZONE

If a proposed development or land use is not permitted as either a variance or a conditional use, application may be made for a zone change. The Territorial Planning Commission may grant a change in the zoning of property, with the subsequent approval of the Governor, if it finds that the action will serve public necessity, public convenience and general welfare.

The zone change application (see Exhibits ZC-1 and ZC-2) must be submitted in 20 copies and requires a description of the subject property; a master plan of the subject property's proposed development; a letter of justification demonstrating how the request meets the conditions, as established by law, for a zone change; as well as:

- a) A map depicting existing zoning within 1000 feet of the subject property's boundary;
- b) A map depicting existing land use of all parcels within 750 feet of the subject property's boundary; and
- c) A map depicting the lot number of all lots within 500 feet of the subject property's boundary, including a notarized list of the name and mailing address of each lot owner.

Each application must first be reviewed by the SDRC and at a public hearing before being heard by the TPC. In addition to the application processing fee of \$10, the applicant must pay the expenses for a newspaper notice regarding the public hearing.

Review time for a change of zone, including SDRC, a public hearing and TPC, is approximately 12 weeks.

Authority: Chapter XIII, Table XVIII, Government Code of Guam.

For more information, contact the Executive Secretary, Territorial Planning Commission.

EXHIBIT ZC-1 Application for ZONE CHANGE (for example only)

1. **Name of Applicant**
Mailing Address
Phone Number: **Home** **Business or Work**
2. **Location, Description and Ownership**
Subdivision Name **Lot No.**
Block **Tract** **Village**
Municipality **Registered Owner**
Certificate of Title No. **Registered Owner**
Lot Area **Square Meters** **Square Feet**
3. **Land Use and Proposed Use**
Existing Use
Proposed Use
Present Zoning
4. **Brief summary of intentions and purpose of the zone change.**
5. **Supporting Information.**
 - (a) 20 sets of map showing the existing zoning within 1,000 feet around the outer border of the parcels requested for change.
 - (b) 20 sets of map showing all parcels within 750 feet of the outer property lines of the subject lot.
 - (1) Lot number on every parcel.
 - (2) Identify all existing land uses on all parcels, by name as well as by use.
 - (3) Show all easements and roads within and adjacent to the property, their widths, plus condition of surfaces.
 - (4) The nearest location of all public utilities to the subject lot.
 - (5) The document number of the most recent survey map, recorded at Land Management, showing the subject property.

EXHIBIT ZC-2
LIST OF PROPERTY OWNERS
(for example only)

- (c) 20 sets of map showing all parcels within 500 feet of the outer property line of the subject lot. Each parcel shall be identified with property lot number. Also see property owner list, Exhibit ZC-2.
- (d) In letter from to Territorial Planning Commission (to be attached), the applicant must demonstrate to the Commission (in detail) that this request is of public necessity, for general convenience, and for the general welfare of the public.
6. A detailed Master Plan of the proposed development to include the following: layouts of utilities, drainage, and waste disposal systems; topography; existing faults; sink holes; water courses; reservations; conservation and historic places, if any.
7. Additional information as may be required by the Chief Planner.
8. Application fee is \$10.

I hereby certify that all information contained in this application and its supplements are true and correct. I also understand that any misrepresentation in this application will void the entire submission.

Date	Applicant(s)	Owner or Lessor
		Representative

NOTE: All approvals by the Commission, with conditions, must be completed prior to the issuance of an occupancy permit.

A list of all property owners within 500 feet radius is required by law. This list must contain the name and mailing address with the tract, lot, and block number for every parcel within 500 feet of the exterior boundary of the requested change. All government records as well as Village Commissioners must be consulted for the most current information.

LOT_____BLOCK_____	LOT_____BLOCK_____
TRACT_____MUN._____	TRACT_____MUN._____
OWNER_____	OWNER_____
ADDRESS_____	ADDRESS_____
_____	_____
LOT_____BLOCK_____	LOT_____BLOCK_____
TRACT_____MUN._____	TRACT_____MUN._____
OWNER_____	OWNER_____
ADDRESS_____	ADDRESS_____
_____	_____
LOT_____BLOCK_____	LOT_____BLOCK_____
TRACT_____MUN._____	TRACT_____MUN._____
OWNER_____	OWNER_____
ADDRESS_____	ADDRESS_____
_____	_____

This Form Must Be Signed And Notarized

NOTICE!!

If all property owners within 500 feet are not included, this entire application is subject to rejection at any time.

ZONE VARIANCE

The TPC is authorized to grant zoning variances on a case-by-case basis where it finds that the following conditions, as established by law, are met.

- a) Strict application of the Zoning Law (without the requested variance) would create practical difficulties and unnecessary hardships.
- b) Exceptional circumstances prevail at the subject property.
- c) Such variance would not be materially detrimental to the public welfare or to the neighboring properties.

Such authorizations by TPC may include the following, among other, variances.

- a) Extension of a conforming building or use into an adjoining zone.
- b) Addition to a non-conforming structure.
- c) Modification of height, yard, density and parking regulations.
- d) Other variances which are consistent with the intent of the Zoning, Subdivision and other land-use laws.

The application for a Subdivision and Waiver of Improvements Variance (see Exhibit ZV-1) must be submitted in 20 copies and requires a description of the property; a map depicting topographical, rights-of-way, and infrastructure data; a map depicting the lot number of all lots within 500 feet of the subject property, including a notarized list of the name and mailing address of each lot owner, if the subject property is not served by public utilities; and a letter of justification demonstrating how the request meets the conditions, established by law, for a variance.

Every application for a variance must be reviewed by the Subdivision and Development Review Committee and by the Territorial Planning Commission. Certain variance requests may be required to be presented at a public hearing, as well. The application processing fee is \$15 and must be filed with the Department of Land Management.

Authority: Chapter XIII, Title XVIII, Government Code of Guam.

For additional information and guidance, contact the Executive Secretary, Territorial Planning Commission.

EXHIBIT ZV-1 Application for ZONE VARIANCE (for example only)

1. *Name of Applicant*
Mailing Address
Phone Number: *Home* *Business or Work*
2. *Location, Description and Ownership*
Subdivision Name *Lot No.*
Block *Tract* *Village*
Municipality *Registered Owner*
Certificate of Title No. *Recorded Document No.*
Lot Area *Square Meters* *Square Feet*
3. *Land Use and Proposed Use*
Existing Use
Proposed Use *Present Zoning*
Master Plan
4. *Nature of Variance (Describe specifically the nature of the variance)*
5. *The following information must be attached to this application:*
 - (a) *20 sets of plans, drawn to scale, showing dimensions and shape of lot; lot sizes; size and locations of existing buildings; location and dimensions of proposed buildings or alterations.*
 - (b) *20 sets of map showing all significant land uses within 1000 feet radius of subject lot (8-1/2"x14").*
 - (c) *20 sets of map showing all significant buildings or uses within 750 feet of subject lot. On the same map, also show any natural or topographic peculiarities of said lot (8-1/2"x14").*
 - (d) *20 sets of map showing all parcels with correct lot number within 500 feet of subject lot (8-1/2"x14"). If this request requires public hearing, provide names of property owners and addresses within 500 feet radius.*
 - (e) *Document number of the most recent survey map, recorded in Land Management, showing the subject property.*
 - (f) *Other additional information as may be required by the Territorial Planner.*

6. *Justification of Variance. Demonstrate to the Commission (on attached letter) that:*

- (a) *The provision of this Title would not result in practical difficulties or unnecessary hardships inconsistent with the intent of the law;*
- (b) *Special conditions are peculiar to the land or building in question that do not apply generally to other property in the same zone; and*
- (c) *The granting of such variance will not be contrary to the objectives of the master plan, and will not be detrimental to the public welfare or injurious to the properties or improvements in the neighborhood in which the property is located.*

7. *Application fee is \$15.*

I hereby certify that all information contained in this application and its supplements are true and correct. I also understand that any misrepresentation in this application will void the entire submission.

Date

Applicant(s)

Owner or Lessor

Representative

(THIS FORM MAY NOT BE MAILED. APPLICANT, OR REPRESENTATIVE, MUST SUBMIT IN PERSON TO THE PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT)

SEASHORE RESERVE PERMIT and GUAM TERRITORIAL SEASHORE PROTECTION COMMISSION

The Territorial Seashore Reserve is public property on Guam. The Reserve includes that land and water extending seaward to the ten fathom contour (including all islands within the Government's jurisdiction, except Cabras Island and those villages where residences have been constructed before 1974) and extending inland to the nearest point of either:

- a) a distance on the horizontal plane of 10 meters (32.8 feet) from the mean high water mark; or
- b) from the mean high water mark to the inland edge of the nearest public right-of-way.

The Guam Territorial Seashore Protection Commission (TSPC) has jurisdiction over the seashore reserve and any proposed development within the reserve must first be granted a permit from the TSPC.

Applicants for such a permit (see Exhibit TSPC-1) shall demonstrate that the development will not have any substantial adverse environmental effect; that the development is consistent with the objectives of the Territorial Seashore Protection Act; and that the following conditions are assured.

- a) Access to beaches and recreation areas is increased through dedication.
- b) Visual clearance is maintained between the nearest coastal highway and the sea.
- c) Public recreation areas and wildlife preserves are reserved.
- d) Solid and liquid waste management will minimize or eliminate adverse environmental effects.
- e) The potential dangers of flooding, landslides, erosion, and siltation are minimized or eliminated.

The Seashore Clearance Application (see Exhibit TSPC-1) must be submitted in 20 copies and include applicant and lot identification data; existing and proposed uses and zones; a description of the proposed development; as well as the following two maps.

- a) One map depicting vicinity and lot lines; existing and proposed structures; pedestrian and vehicular access; landscaping, open spaces; and setbacks.
- b) One map depicting the following activities within 750 feet of the subject property's boundary:

- * land uses and zoning
- * wastewater facilities
- * water courses
- * coastline
- * stormwater drainage
- * vegetation
- * flooding areas
- * historical sites

Upon filing of a permit application and supporting documents with the Department of Land Management, the SDRC will review the material and a public hearing will be conducted. Then the TSPC will meet to review the application, SDRC recommendations, public hearing results and other comments and render a final decision.

The cost for filing is \$15, and the applicant must also pay for the newspaper expense of publishing the notice for a public hearing. The review process will take approximately 7 weeks for the applicant's proposal to be formally reviewed by the SDRC, at the public hearing, and by the TSPC.

Reference: "Territorial Seashore Protection Act," Department of Land Management, 1980.

Authority: Chapter V-A, Title XIV, Seashore Protection Act (as amended), Government Code of Guam.

Contact the Director, Department of Land Management for further information.

EXHIBIT TSPC-1
Application for
SEASHORE CLEARANCE
(for example only)

The undersigned owner(s)/lessor(s), of the following legally described properties, situated within 10 meters inland from the mean high water mark, or seaward to the 10 fathom contour, do hereby request your consideration for:

Zone Change	Conditional Use	Variance
Subdivision Improvement		Parceling
Waiver of Subdivision Improvement		
Building Construction		
Renovation	Demolition	Dredging
Excavation	Miscellaneous	

1. Name of Applicant
Mailing Address
Phone Number: Home Work
2. Location, Description & Ownership
Lot No. Block Tract
Village Municipality
Registered Owner
Certificate of Title
Recorded Document No.
Lot Area Square Meters Square Feet
3. Land Use
Existing Use
Present Zoning
Master Plan
4. Nature of this request
5. Supporting Information. Attach 20 sets of plan or map for review. Complete only those applicable to this application.

a. Commercial Activities

- (1) 20 sets of drawing plans showing: A vicinity map, lot lines and area of subject lot; location of all existing structures, proposed structures, parking and loading areas, access and traffic circulation, open space, landscaping, sign and setback distances.

(2) 20 sets of maps showing within 750' of the subject property's boundaries, the following.

- (a) land use and zoning.
- (b) existing sewer line and septic tanks/leaching fields.
- (c) existing water courses on property (river, streams, marshes, etc.)
- (d) existing coastline along properties (will be verified by Territorial Surveyor).
- (e) existing stormwater drainage (if any) showing direction of flow or method of disposal.
- (f) existing vegetation, by type.
- (g) areas subject to flooding (will be verified by Land Management).
- (h) existing historical sites or unique features of the site.

b. Additional information, when required by the Chief Planner.

- (1) What is the proposed method of solid waste storage and collection?
- (2) Does proposed project provide additional public access to the coast? If yes, please indicate on map.
- (3) Impact statement resulting from the land use change or the proposed project.

Date

Applicant

Owner or Lessor

Representative

BUILDING PERMIT

A building permit is required for government agencies and the general public to do any of the following activities.

- a) Constructing, installing, erecting or replacing a building or part of a building such as a patio, porch, garage, outside kitchen, storage shed, fence, wall, floor, roof, door, or window, etc.
- b) Adding, repairing, or replacing plumbing, electrical, and ventilation systems or structural foundations.
- c) Constructing utility systems.
- d) Demolishing any part of a building.
- e) Any other development activity that may affect the structure on a property.
- f) The erection of signs, either free-standing or attached to a structure.

In effect, a building permit is required for ALL construction.

Building permits are issued by the Building Permits and Inspections Division within the Department of Public Works. Upon submittal of an application, DPW will identify those agencies from which other clearances/permits must be obtained.

Agencies involved with clearances and permits may include the following.

- a) Guam Environmental Protection Agency
- b) Department of Land Management
- c) Department of Agriculture
- d) Public Utility Agency of Guam
- e) Guam Power Authority
- f) Guam Fire Department
- g) Department of Public Health and Social Services
- h) Guam Housing and Urban Renewal Authority
- i) U.S. Army Corps of Engineers
- j) Contractor's Licensing Board

Although clearances from these agencies may be usually obtained within one day (not including permit application transmittal time), review time varies with the complexity of the project.

It takes approximately 5 days for applications to undergo plan-checking at Public Works for applicable structural, architectural, mechanical, plumbing, electrical and hydraulic review before the issuance of a permit.

The following schedule of building permit fees is assessed according to the total valuation of construction. The fees pertain to all construction except for single-family and duplex residential structures; for these structures, the total valuation fee is reduced by 50%.

Building Permit Fees

Total Valuation	Fee
\$1 to \$500	\$15
\$501 to \$2,000	\$15 for the first \$500 valuation plus \$2 for each additional \$100 valuation or fraction thereof to and including \$2,000.
\$2,001 to \$25,000	\$45 for the first \$2,000 valuation plus \$9 for each additional \$1,000 valuation or fraction thereof, to and including \$25,000.
\$25,001 to \$100,000	\$414.50 for the first \$50,000 valuation plus \$4.50 for each additional \$1,000 valuation or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000	\$639.50 for the first \$100,000 valuation plus \$3.50 for each additional \$1,000 valuation or fraction thereof, to and including \$500,000.
\$500,001 to \$1,000,000	\$2039.50 for the first \$500,000 valuation plus \$3 for each additional \$1,000 valuation or fraction thereof, to and including \$1,000,000.
\$1,000,001 and up	\$3539.50 for the first \$1,000,000 valuation plus \$2 for each additional \$1,000 valuation or fraction thereof.

Other Inspections and Fees:

1. Inspections outside normal business hours \$30 / hour
(minimum charge is two hours)
2. Reinspection fees assessed under provisions of Section 305 (g), Uniform Building Code \$30 / hour
3. Inspections for which no fee is specifically indicated \$30 / hour
(minimum charge is one-half hour)
4. Additional plan review required by changes, additions or revisions to approved plans \$30 / hour
(minimum charge is one-half hour)

A sample Building Permit is reproduced as Exhibit BP-1.

In addition to Building Permit fees, applicants are assessed fees for plan-checking. Plan-checking fees, which must be paid in advance, are 50% of the cost of a Building Permit for single-family dwelling construction and 65% of the cost of a Building Permit for all other construction. A plan-check is considered expired if a Building Permit is not issued within 180 days after submittal of an application. Unless a written request is made to the Department of Public Works and approved, applicants must resubmit plans and pay a new plan-check fee after 180 days.

All permitted construction, or work for which a Building Permit is required, is subject to inspection. A fee is assessed for each reinspection that is necessary when a portion of the work for which inspection has been conducted is either incomplete or not in compliance with plans.

If the required permits are not secured before commencing work, the Building Official may require construction to be stopped and assess double the fees for required DPW permits. Payment of this double fee, however, does not exempt the applicant from other legal requirements and fees.

References: Uniform Building Code, Uniform Plumbing Code, Uniform Mechanical Code, National Electrical Code, and Safety Code for Elevators and Escalators.

Authority: Title XXXII, Government Code of Guam.

For further information, contact the Building Official,
Department of Public Works.

EXHIBIT BP-1
Application for
BUILDING PERMIT AND PLAN REVIEW
(for example only)

TO BE FILLED OUT BY BUILDING PERMIT STAFF ONLY

PLAN REVIEW RECORD

Architectural
Structural
Mechanical/Plumbing
Electrical
Hydraulics

ZONING PLAN EXAMINATION RECORD

District
Use
Front Yard
Side Yard
Rear Yard
Notes

APPROVAL BY OTHER AGENCIES

Land Management
Zone (use district)
Public Health
G.E.P.A.
Public Works
Engineering
Highways
Drainage
P.U.A.G.
Guam Power Authority
Fire Department
Public Safety

Permission is hereby given to the above work according to
conditions hereon and according to approved plans and speci-
fications pertaining thereto, subject to compliance with the
Uniform Building Code of Guam.

VALIDATION

Building Permit Number
Building Permit Issued
Approved By
Title

Date

Approved Valuation
Plan Checking fee
Building Permit fee
Total

CLEARING AND GRADING PERMITS

Permits for clearing trees and vegetation or for changing the elevation of land through filling or grading are issued by the Department of Public Works. All such permit applications are first referred to the Guam Environmental Protection Agency for review of the applicant's erosion control measures and Erosion Control Plan, as required by promulgated regulations for soil erosion and sedimentation control. Unless specifically exempted by such regulations, an Erosion Control Plan is required by Grading and Clearing Permits for all grading, filling, excavating or other earth-moving operations. Such permit requirements apply to both private as well as governmental (Territorial and Federal) projects.

Clearing permits may be usually obtained within two days. There is no charge for clearing permits.

Grading permits take about 5 days for review, not including transmittal time for the permit application. Plan-checking and application fees for grading permits are assessed according to the volume of material graded or used for fill. Generally, a permit for grading involving less than 100 cubic yards of material is assessed a \$15 plan-checking fee and a \$15 permit fee.

Plan-checking Fees

100 cubic yards or less	\$ 15.00
101 to 1000 cubic yards	\$ 22.50
1001 to 10,000 cubic yards	\$ 30.00

10,001 to 100,000 cubic yards - \$30 for the first 10,000 cubic yards, plus \$15 for each additional 10,000 cubic yards or fraction thereof.

100,001 to 200,000 cubic yards - \$165 for the first 100,000 cubic yards, plus \$9 for each additional 10,000 cubic yards or fraction thereof.

200,001 cubic yards or more - \$255 for the first 200,000 cubic yards, plus \$4.50 for each additional 10,000 cubic yards or fraction thereof.

Other Fees:

Additional plan reviews required by changes, additions or revisions to approved plans cost \$30 / hour (minimum charge is one-half hour)

Grading Permit Fees

50 cubic yards or less	\$ 15.00
51 to 100 cubic yards	\$ 22.50

101 to 1000 cubic yards - \$22.50 for the first 100 cubic yards plus \$10.50 for each additional 100 cubic yards or fraction thereof.

1001 to 10,000 cubic yards - \$117 for the first 1,000 cubic yards, plus \$9 for each additional 1,000 cubic yards or fraction thereof.

10,001 to 100,000 cubic yards - \$198 for the first 10,000 cubic yards, plus \$40.50 for each additional 10,000 cubic yards or fraction thereof.

100,001 cubic yards or more - \$562.50 for the first 100,000 cubic yards, plus \$22.50 for each additional 10,000 cubic yards or fraction thereof.

Other Inspections and Fees:

1. Inspections outside of normal business hours \$30 / hour (minimum charge is one-half hour)
2. Reinspection fees \$30 / hour

Note:

The fee for a grading permit authorizing additional work to that approved under another valid permit shall be the difference between the fee paid for the original permit and the fee assessed for the entire project.

A sample clearing and grading permit follows as Exhibit & G-1.

Reference: Uniform Building Code.

Authority: Title XXXII, Government Code of Guam.

Further information may be obtained from the Building Official, Department of Public Works.

EXHIBIT C & G-1
Application for
CLEARING AND GRADING PERMIT
(for example only)

Permit Number	Eng. Soils Report	Est. Quantity	Permit Fee
Location		Excav.	Cu. Yd.
		Fill	Cu. Yd.
Located at			
Lot Area	Sq. Ft.	Acres	Overall Dimensions
	Fill Material		
Description of Soil:	Existing Ground		
Estimated Starting Date		Estimated Completion Date	
Remarks			
Owner	Address	Phone	
Engineer	Address	Phone	
Contractor	Address	Phone	
Date of Application		Applicant	
Application Revised By		Date	

To the Applicant:

Permission is hereby given to do the above work according to the conditions hereon and according to the approval plans and specifications pertaining thereto, subject to compliance with Chapter 70 of the U.B.C. No burning allowed on site unless a burning permit has been issued by the Fire Department.

Remarks

Date

Issued by

NOTE: Contractor shall notify this office two working days before commencing any work and arrange for necessary inspection.

Building Official
Department of Public Works

THIS PERMIT WILL EXPIRE ONE YEAR FROM DATE OF ISSUE

I hereby certify that all work as required above has been completed in conformity with Chapter 70 of the U.B.C. and in accordance with approved plans and specifications.

Date

Final Soils Report

Approved By
Government of Guam Inspector
Date Filed

SIGN PERMIT

In general, all signs for outdoor advertising and identification purposes are regulated as to their number, size, lighting and location. In single-family dwelling zones, multi-family dwelling zones and agricultural zones the following types of signs are permitted, in accordance with regulations.

Name of residence or name of permitted occupation.
Directional signs.
For Sale signs.
Building names and permitted uses.

In commercial zones, signs are permitted in accordance with regulations for name of person, type of business and name of building. Also, free-standing, double-faced identification signs for shopping centers are permitted.

In industrial zones, signs are permitted for name of a person or type of industry occupying the premises or the name of the building.

Sign permits are issued by the Building Official, Department of Public Works.

Reference: "Signs and You!" Planning Division, Department of Land Management.

Authority: Chapter IX, Title XVIII, Government Code of Guam.

Further information may be obtained from the Building Official, Department of Public Works.

CONSTRUCTION AND SANITARY PERMIT

In addition to a Department of Public Works Building Permit, a Construction Permit from the Department of Public Health and Social Services is required for constructing, reconstructing, or converting an existing structure to be used as a "regulated establishment". Regulated establishments include the following.

- a) Eating and drinking establishments: restaurant, cafeteria, mobile food service, bar, etc.
- b) Food establishments: bakery, market, grocery, food warehouse, cannery, ice plant, etc.
- c) Institutional facilities: child care center, penal institution, school, hospital, clinic, laboratory, etc.
- d) Hotel establishments: dormitory, hotel, lodge, contract housing, private club, etc.
- e) Cosmetic establishments: barber shop, beauty salon, health spa, tattoo shop, etc.
- f) Swimming pools: public pool, swimming or wading pool used by any business, etc.
- g) Laundries and dry cleaning establishments.
- h) Cemeteries and mortuaries.

Complete, detailed plans of the regulated establishment must be submitted to the Division of Environmental Health of the Department of Public Health and Social Services. (Applicants are advised to have applications for Construction Permits and DPW Building Permits reviewed concurrently to reduce processing time). Applications will undergo applicable civil, architectural, plumbing, mechanical and electrical reviews. Five working days are required for plan review and recommendations. The fee for this Construction Permit is \$25. Upon completion of the project, the Department must be informed at least 3 working days in advance of the intended opening date in order to schedule the final inspection.

Before operating any regulated establishment, a Sanitary Permit must be secured from the Department of Public Health and Social Services. Processing time for this permit is 5 working days. Permit fees are assessed according to the number of employees in the regulated establishment.

Specific application forms are not available.

Authority: Section 9510.1, D, Public Law 15-96.

Further information on Construction and Sanitary Permits may be obtained from the Director, Department of Public Health and Social Services.

WETLANDS PERMIT

Wetlands are one type of Area of Particular Concern. Wetlands are defined as those areas inundated by surface or groundwater with a frequency sufficient to support, and under normal conditions do or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonably saturated conditions for growth or reproduction. Wetlands generally include swamps, marshes, mangroves, natural ponds, surface springs, estuaries and similar such areas. These areas are designated on official Wetland Areas Maps at the Bureau of Planning, the Department of Land Management and the Department of Agriculture, among other agencies. Those areas which qualify as wetlands but are too small in size to be depicted on the official maps are listed at the Department of Agriculture and can be field verified by Agriculture staff. The Director of Agriculture shall have the final determination whether an area is subject to permit requirements governing development in wetlands.

Before a permit is issued for development in a wetland a tentative plan must be approved by the Territorial Planning Commission. Such plan of proposed development shall include the following information in sufficient detail for analyses by the Territorial Planning Commission. A specific application form is not available.

- a) The name and address of the owner or owners of record, the developer, and the person preparing the map.
- b) Date, north arrow and scale.
- c) A key map locating the development in relation to surrounding areas.
- d) The exact length and bearing of the exterior boundaries of the development, with data referenced to the "Guam Geodetic Triangulation Control Network" or such alternative system of triangulation control as the Territorial Surveyor may direct.
- e) The accurate placement and outline of structures existing on the site.
- f) The location, names, and existing widths of adjacent street rights-of-way.
- g) Topography with contour intervals of two feet.
- h) The location and dimensions of all known existing easements and reservations.
- i) The location of existing utilities and drainage facilities located within or adjacent to the proposed development.
- j) The approximate layout and approximate dimensions of each structure, facility or use proposed within the development.
- k) Areas intended to be reserved for public use.

Additionally, an environmental impact assessment may be required; and a performance bond is required in the amount of 110% of the infrastructure costs.

All Wetland Permit applications are reviewed by the Sub-division and Development Review Committee and by the Territorial Planning Commission. Upon approval by the TPC, the applicant should apply for the applicable US Army Corps of Engineers permit for wetlands development and, thereafter, for the applicable Building Permit. Construction must comply with the standards for development and conservation of wetland areas, as stated in the rules and regulations.

Reference: "Flood Hazard and Wetland Areas" Rules and Regulations. Planning Division, Department of Land Management. April 1981.

Authority: Titles XVIII and XIV of the Government Code of Guam and Executive Order No. 78-21.

For more information, contact the Director, Department of Land Management.

EXHIBIT W-1
Application for
WETLANDS PERMIT
(for example only)

1. *Name of Applicant*
Mailing Address
Phone Number: *Home* *Business or Work*
2. *Location, Description and Ownership*
Subdivision Name *Lot No.*
Block *Tract* *Village*
Municipality *Register Owner*
Certificate of Title No. *Recorded Document No.*
Lot Area *Square Meters* *Square Feet*
3. *Land Use and Proposed Use*
Existing use
Proposed Use *Present Zoning*
Master Plan
4. *Submit 20 sets of plans of the proposed development depicting the following specific information.*
 - (a) *The name and address of the owner or owners of record, of the developer, and of the person preparing the map.*
 - (b) *Date, north arrow, and scale.*
 - (c) *A key map locating the development in relation to surrounding areas.*
 - (d) *The exact length and bearing of the exterior boundaries of the development, which data shall be referenced to the "Guam Geodetic Triangulation Control Network" or such alternative system of triangulation control as the Territorial Surveyor may direct.*
 - (e) *The accurate placement and outline of structures existing on the site.*
 - (f) *The location, names, and existing widths of adjacent street rights-of-way.*
 - (g) *Topography with contour intervals of two feet.*
 - (h) *The location and dimensions of all known existing easements and reservations.*

(i) The location of existing utilities and drainage facilities located within or adjacent to the proposed development.

(j) The approximate layout and approximate dimensions of each structure, facility, or use proposed within the development.

(k) Areas intended to be reserved for public use.

5. Additional information as may be required by the Chief Planner.

I hereby certify that all information contained in this application and its supplements are true and correct. I also understand that any misrepresentation in this application will void the entire submission.

Date

Applicant

Owner or Lessor

Representative

NOTE: All approvals by the Commission, with conditions, must be completed prior to the issuance of an occupancy permit.

FLOOD HAZARD AREA PERMIT

A flood hazard area is one type of Area of Particular Concern. Flood hazard areas are defined as any land subject to flooding conditions or susceptible to inundation (including wetlands) and areas subject to a one percent or greater chance of flooding in any given year. These areas are designated on official Flood Hazard Area Maps at the Bureau of Planning, the Department of Land Management and the Office of Civil Defense.

Before a permit is issued for development in a flood hazard area, a tentative plan must be approved by the Building Official, Department of Public Works. Such a plan of the proposed development shall indicate the following information in sufficient detail for engineering analysis. A specific application form is not available.

- a) The name and address of the owner or owners of record, the developer, and the person preparing the map.
- b) Date, north arrow and scale.
- c) A key map locating the development's relation to surrounding areas.
- d) The exact length and bearing of the exterior boundaries of the development, referenced to the Guam Geodetic Triangulation Control Network or such alternative system or triangulation control as the Territorial Surveyor may direct.
- e) The accurate placement and outline of structures existing on the site.
- f) The location, names, and existing widths of adjacent street rights-of-way.
- g) Topography with contour intervals of two feet.
- h) The location and dimensions of all known existing easements and reservations.
- i) The location of existing utilities and drainage facilities located within or adjacent to the proposed development.
- j) The approximate layout and approximate dimensions of each structure, facility or use proposed within the development.
- k) Areas intended to be reserved for public use.
- l) A description of all floodproofing measures to be utilized in the proposed development.
- m) An indication of the water surface elevation of the 100-year flood if the development involves a land area greater than 50 lots or 5 acres.

Additionally, an environmental impact analysis may be required. Before construction may proceed in compliance with an approved Flood Hazard Area Permit and standards for flood

hazard area management, as stated in the rules and regulations, a performance bond in the amount of 110% of the infrastructure costs and other necessary permits must be secured.

Reference: "Flood Hazard and Wetland Areas" Rules and Regulations. Planning Division, Department of Land Management. April 1981.

Authority: Titles XVIII and XIX of the Government Code of Guam and Executive Order No. 78-20.

For further information, contact the Director, Department of Land Management.

ARMY CORPS OF ENGINEERS PERMIT

The U.S. Army Corps of Engineers (ACOE) is responsible for, among other things, protecting the nation's navigable waters from obstructions and for maintaining the environmental quality of water resources. A Corps permit is required to perform work in, on, over or under all tidal waters. Permits are required for dredging in all tidal waters and in some wetlands. Also, the permanent or temporary placement or discharge of dredged or fill materials into all tidal and nontidal waters and adjacent wetlands requires a permit.

Activities which require permits include, but are not limited to, the following.

- a) Construction of boat ramps, seawalls or other similar structures and artificial reefs.
- b) Placement of floats, piers or mooring buoys in tide waters.
- c) Discharging sand, gravel or other fill materials into all waters and wetlands.
- d) Filling of wetlands, rivers or other nontidal bodies of water and filling of tidal waters.
- e) Laying of underwater cables, tunnels or outfall pipes in tide waters.

Applicants are expected to provide the following information.

- a) A detailed description of the proposed activity, including the purpose, use, type of structure, facilities for handling waste, and the composition and quantity of dredged or filled materials.
- b) Names and addresses of adjoining property owners and others who may be affected by the proposed activity.
- c) Complete information on the project location in enough detail so that a field visit may be conducted.
- d) A list of the status of all other federal or local government permits and clearances required for the project.
- e) A simple environmental impact assessment. A more detailed EIA may be required for projects having large, potential impacts.

The Corp's permit review process includes reviews by interested local agencies and organizations and may involve a public hearing. The ACOE will not issue a permit until all applicable Territorial regulations have been satisfied. Review time may be reduced by simultaneous processing. If there are no objections to the proposed activity, a permit may be issued within 3 months after a completed application is submitted.

The permit fee is \$10 for non-commercial uses and \$100 for commercial uses. Maps of all on-tidal areas over which the ACOE exercises permit jurisdiction are available for review at the local ACOE office.

Copies of permit application forms are reproduced as Exhibit ACOE-1. Permit fees are \$100 for commercial and industrial uses and \$10 for non-commercial uses.

Violation of pertinent laws may result in the following penalties: removal of materials followed by restoration; fines from \$500 to \$5,000 per day; and/or imprisonment for up to one year.

Reference: "U.S. Army Corps of Engineers Permit Program - A Guide for Applicants," U.S. ACOE, November 1977 (with supplements).

Authority: Section 10, River and Harbor Act of 1899; Section 404, Clean Water Act; and Section 103, Marine, Protection, Research and Sanctuaries Act.

More information about these permit regulations may be obtained from the Guam Operations Office, U.S. Army Corps of Engineers.

EXHIBIT US ACOE-1
Application for
DEPARTMENT OF THE ARMY PERMIT
CORPS OF ENGINEERS
(for example only)

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

1. Application Number (To be assigned by Corps)
2. Name and Address of Applicant
3. Name, Address, and Title of Authorized Agent
Telephone no. during business hours

A/C () (Residence)
A/C () (Office)

Statement of Authorization: I hereby designate and authorize to act in my behalf as my agent in the processing of this permit application and to furnish, upon request, supplemental information in support of the application.

Signature of Applicant

Date

4. Detailed Description of Proposed Activity
 - 4a. Activity
 - 4b. Purpose
 - 4c. Discharge of dredged or fill material
5. Names and addresses of adjoining property owners, lessees, etc., whose property also adjoins the waterway
6. Waterbody and location on waterbody where activity exists or is proposed
7. Location on land where activity exists or is proposed
Address
Street, road, route or other descriptive location

County

State

Zip Code

Local governing body with jurisdiction over site

8. Is any portion of the activity for which authorization is sought now complete? Yes No
If answer is "Yes" give reasons, month and year the activity was completed. Indicate the existing work on the drawings.
9. List all approvals or certifications and denials received from other federal or local agencies for any structures, construction, discharges or other activities described in this application.

ISSUING AGENCY

TYPE APPROVAL

IDENTIFICATION NO.

DATE OF APPLICATION

DATE OF APPROVAL

DATE OF DENIAL

Signature of Applicant

Date

Signature of Agent

Date

SUBDIVISION OF PROPERTY

The subdivision of land on Guam is regulated in order to provide for the orderly growth and development of the Territory; to ensure adequate traffic circulation through a well planned street and highway system; to achieve maximum utilization of property; to provide for water supply, storm-water drainage, wastewater disposal and other public health requirements; and to permit the conveyance of land by accurate, legal descriptions.

The Subdivision Law provides that all properties parceled or subdivided must obtain the approval of the Territorial Planner and the Territorial Planning Commission to ensure that the action is in compliance with legal requirements and the master plan for Guam. Lot parcelling or subdivision maps must be recorded at the Department of Land Management within a period of one year after approval.

If a proposed subdivision of property is not in conformance with legal requirements, a variance must be petitioned from the Territorial Planning Commission.

Authority: Subdivision Law (P.L. 6-134), Title XIX, Government Code of Guam.

The Director of Land Management should be consulted for additional information about subdividing of property.

PARENTAL SUBDIVISION OF PROPERTY

In the subdivision of land which is an asset of the estate of a decedent, requirements for utility improvements, as are otherwise required by Chapter V of the Subdivision Law, do not apply. However, before the distribution of any such land by the Court. The Territorial Planner or the Territorial Planning commission may require street and utility easements to be provided in order to ensure that the lot divisions are consistent with both the area's general plan and with the requirements for utility improvements, as required at non-parental subdivisions.

1. The application requirements are presented in Exhibit PS-

Authority: Section 18001.5, Government Code of Guam.

For further information, contact the Executive Secretary, Territorial Planning Commission.

EXHIBIT PS-1 Application for PARENTAL SUBDIVISION OF PROPERTY (for example only)

1. UPON SUBMISSION

- a) All lot Sizes must conform with Zoning Law. (Minimum Lot Size).
- b) A Certified Copy of a Deed for the basic lot indication ownership by the applicant in fee simple for at least 5 years prior to the application.
- c) A notarized statement by the applicant listing all his living children or their descendants.
- d) A map drawn in accordance with all applicable provisions of the Government Code of Guam, indicating a number of lots not to exceed the number of living children and their descendants listed in the notarized statement above.

2. BEFORE SIGNATURE OF THE TERRITORIAL PLANNER

- a) Deeds for each lot shown on the above map. Such lots shall be deeded in Fee Simple, and each Deed must contain alienation clauses to the effect that the children or descendants shall not sell, lease or otherwise alienate said lots for a period of 5 years.
- b) Upon Final Approval by the Territorial Planner. All such Deeds and Maps must be filed for recording within 5 days of said approval. If Deeds and maps are not filed within this period, the Territorial Planner's approval shall become Null and Void.

"NOTES"

APPROVAL PURSUANT TO PUBLIC LAW 11-125 AND 13-153, SECTION 18001.5, THIS MAP MUST BE RECORDED PRIOR TO ----- IF NOT RECORDED, THE APPROVAL HEREIN IS NULL AND VOID. UPON APPROVAL, THESE LOTS SHALL NOT BE SOLD OR LEASED WITHIN FIVE (5) YEARS.

TERRITORIAL PLANNER

DATE

HOUSING SUBDIVISION

Planning, surveying, and engineering design of housing subdivisions must conform to regulations and standards established by the Government of Guam. The format and requirements of housing subdivision plans are delineated by Guam's Subdivision Law. A Tentative Subdivision Map and a Final Subdivision Map are required for review and approval by the Subdivision and Development Review Committee and by the Territorial Planning Commission.

The Tentative Subdivision Map application (see Exhibit TS-1) requires 20 sets of the following information.

- a) Applicant and property identification data.
- b) Existing and proposed land uses and zoning.
- c) Subdivision lot plan depicting sizes and locations of all lots and rights-of-way; location of existing infrastructure; and topography.
- d) Plans for infrastructure improvements, including grading, roads, water, sewer, stormwater drainage, power and telecommunications.
- e) Additional information which may be required by the Territorial Planner.

The application fee is \$10 plus \$1 for each lot. Processing time is approximately five weeks for review and approval of a Tentative Subdivision Map, provided all submittals are complete and comply with the established requirements and regulations.

A Final Subdivision Map also requires approval by the Territorial Planning Commission, and such a Map's requirements are also specified by the Subdivision Law. The Final Subdivision Map application (see Exhibits FS-1 and FS-2) requires applicant and property description data and must be accompanied by the following information.

- a) Original and 2 prints of the Final Subdivision Map.
- b) Print of the Tentative Subdivision Map, as approved by the TPC.
- c) One set of all improvement plans, with approval signatures by appropriate Government agency directors responsible for utilities.
- d) Either a certification by the Director of Public Works that all improvements have been constructed in accordance with the plans or a posted bond in the amount of the cost of constructing the improvements.

- e) Where applicable, an original and 2 copies of the following documents:

e) Where applicable, an original and 2 copies of the following documents:

- * deed restrictions and covenants;
- * homeowner's association by-laws; and
- * instruments of dedication for, easements and rights-of-way to the Government.

In the event that an applicant finds that subdivision and improvement requirements cannot be met, a request for waiver may be made to the Territorial Planning Commission through a Subdivision and Waiver Improvement Variance application, see Exhibit SV-1. The application fee is \$10, and the application must be reviewed by both the Subdivision and Development Review Committee as well as the Territorial Planning Commission. Such applications may be submitted and reviewed simultaneously with a Tentative Subdivision application.

Authority: Title XIX, Government Code of Guam, as amended by P.L. 12-90 and P.L. 13-69.

For further information and guidance, contact the Executive Secretary, Territorial Planning Commission.

EXHIBIT TS-1
Application for
TENTATIVE SUBDIVISION APPROVAL
(for example only)

1. Name of Applicant
Mailing Address
Phone Number: Home Work
2. Location, Description & Ownership
Subdivision Name Block Tract Lot No.
Municipality Village
Certificate of Title Registered Owner
Lot Area Square Meters Recorded Document No. Square Feet
3. Land Use and Proposed Use
Existing Use
Proposed Use
Present Zoning
4. Submit 20 sets of Tentative Subdivision Map and subdivision improvements plans, prepared by a registered engineer or surveyor, and statement of intent. All maps and plans shall be clearly drafted, to scale, and 22" x 29" in size. Data to be presented.
 - a. The tract number as issued by the Territorial Planner.
 - b. The name and address of the owner or owners of record, of the subdivider and of the person preparing the map.
 - c. Date, north arrow and scale.
 - d. A key map locating the subdivision in relation to surrounding area.
 - e. The exact lengths and bearings of the exterior boundaries of the subdivision, referenced to the "Guam Geodetic Triangulation Control Network" or such alternative system of triangulation control as the Territorial Surveyor may direct.
 - f. The accurate placement and outline of structures existing on the site.
 - g. The location, names and existing widths of adjacent street rights-of-way.
 - h. The location and dimensions of all known existing easements and reservations.
 - i. The location of existing utilities, sewers, drainage ditches and other drainage facilities located in, or adjacent to, the proposed subdivision.

- j. The lot numbers and boundary lines of all adjacent parcels of land.
 - k. The location, width and direction of flow of all water courses within the subdivision area.
 - l. Topography with contour intervals of two feet where the ground slope is five percent or less or contour intervals of five feet where the ground slope is more than five percent.
 - m. The locations and widths of all existing or proposed streets in the subdivision.
 - n. The approximate layout and dimensions of each lot.
 - o. Areas intended for public use.
5. The subdivider shall include a summary of proposed improvements to be constructed in the subdivision, the existing zone of the property, proposed lot uses and, in the absence of zoning, the proposed setback requirements, for individual lots.
 6. Improvement plans shall include.
 - a. Street construction plans including, but not limited to, grading, street centerline gradients, and typical road cross-sections, specifying materials and thickness.
 - b. Plans showing water, sewer, pipe sizes, routings, gradients, pressures and regulators, and point-of-origin of utilities.
 - c. Drainage plan in full detail showing the methods and facilities for collection and disposal of stormwater, to include capacity of channels for accepting additional runoff.
 7. Additional information as may be required by the Chief Planner.
 8. Initially, the subdivider may be required to submit construction drawings or subdivision work to permit detailed analysis of construction in conformity to law and rules and regulations of the Commission and to facilitate inspection of the improvements.
 9. Application fee is \$10 plus \$1 for each lot of the subdivision.

(THIS FORM AND ACCOMPANYING MATERIAL MAY ONLY BE SUBMITTED BY APPOINTMENT. CONTACT PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT)

I certify that all information contained in this application and its supplements are true and correct. I also understand that any misrepresentation in this application will void the entire submission.

Date

Applicant

Date

Representative for the
Applicant

EXHIBIT FS-1
Checklist for
FINAL SUBDIVISION APPROVAL
(for example only)

All final tract maps shall include the following.

1. Application Form for Final Subdivision Approval.
2. Original tracing and two prints of Final Subdivision Map.
3. One print of the Tentative Map, as approved by the Territorial Planning Commission.
4. One set of all Improvement Plans for the Subdivision showing approval signature of:
 - a. Public Utility Agency of Guam
 - b. Guam Power Authority
 - c. Guam Environmental Protection Agency
 - d. Department of Public Works
 - e. If the map includes any areas to be dedicated to the Government for "parks" or "open spaces," a letter from the Director of Parks and Recreation stating that agency's willingness to accept maintenance responsibility for all such areas.
5. One of the following concerning Subdivision Improvements.
 - a. If the required improvements have been completed and accepted by Public Works, this must be stated in a letter signed by the Director of Public Works.
 - b. If a bond has been posted to cover the costs of improvements, the appropriate forms signed by the Director of Public Works and the Attorney General shall be submitted.
6. Wherever applicable, the original and two copies of the following written documents for recording with the map.
 - a. Any deed restrictions or covenants.
 - b. Homeowner's Association By Laws.
 - c. Appropriate instruments for the dedication of any and all lands and improvements within the subdivision to the Government of Guam.
 - d. Appropriate instruments for the designation of any and all easements for utilities, or other purposes, within the subdivision.

Appropriate recording fees, to include costs of recording the map and supporting documents at the Department of Land Management.

No application for Territorial Planning Commission approval of a final subdivision map will be accepted by the Department of Land Management unless it includes all the applicable maps, documents, bonds and fees as listed above.

EXHIBIT FS-2
Application for
FINAL SUBDIVISION APPROVAL
(for example only)

Name of Applicant (Owner)

Mailing Address

Phone Number:

Home

Business or Work
Subdivision Name

Location Description

Name of Registered Surveyor

New Lot No.

Block

Village

Former Basic Lot No.

C.T.

Registration Date

Existing Use

Area

Proposed Use(s) on Property

Tract

Municipality

Document No.

Existing Zoning

Average Lot Size

Number of Lots

List of Supporting information and instructions for form of Final Subdivision Map.

All documents indicated on Final Subdivision Maps Circular No. FY76-01, Final Map Form (see Exhibit FS-1).

(THIS FORM AND ACCOMPANYING MATERIAL MAY ONLY BE SUBMITTED BY APPOINTMENT. CONTACT PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT)

I certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation within this application will void the entire submission.

Date

Applicant

Owner or Lessor

Date

Representative

EXHIBIT SV-1
Application for
SUBDIVISION AND WAIVER IMPROVEMENT VARIANCE
(for example only)

1. Name
Mailing Address
Phone Number: Home Work
2. Location, Description & Ownership
Subdivision Name Tract Lot No.
Block Village
Municipality Registered Owner
Certificate of Title Recorded Document No.
Lot Area Square Meters Square Feet
3. Land Use
Existing Use
Present Zoning
Master Plan
4. Nature of Variance. Describe briefly, the nature of variance.
5. Justification of Variance. Sections 18500 through 18501, Chapter VI, requires that in order for a variance to be granted, the application or subdivider must demonstrate to the Commission (in a letter form to be attached) that:
 - (a) There are special circumstances or conditions affecting said property.
 - (b) The variance is necessary for the preservation and enjoyment of a substantial property right.
 - (c) The granting of the variance will not be detrimental to the public welfare or injurious to other properties surrounding it.
 - (d) The variance, if granted, will conform to the general plan.
6. Supporting Information.
 - (a) 20 sets of map containing the following information.
 1. Vicinity map showing relation of project to major streets or other popular landmarks.

2. Name, address and phone number of Registered Civil Engineer or Surveyor.
3. The basic lot and requested divisions with boundary line distances showing all easements and lot areas.
4. All parcels, including easements and document numbers of adjacent properties.
5. Location, names and widths of adjacent streets and easements.
6. Sufficient contours to determine topography of proposed lots and roads.
7. Location and outlines of all existing buildings and their uses.
8. Identify all existing utilities (water, power, sewer and telephone).
9. Statement of water availability and method of wastewater disposal.
10. Location, width and direction of flow of all water courses and the location of downstream disposal of stormwater.
7. Non-existing Public Utilities. In the event public utilities are non-existing within the subject lot or the surrounding area, the applicant or subdivider shall disclose the following.
 - (a) Method of Sewage Disposal
 - (b) The applicant must demonstrate to the Commission, in detail, that this request is a public necessity, for general public convenience, and for the general welfare of the public.
 - (c) 20 sets of map showing all parcels within 500 feet of the outer property line of the subject lot. Each parcel shall be identified by proper lot numbers (also see Property Owner List).
8. Additional information as may be required by the Chief Planner.
9. Initially, the applicant may be required to submit a master plan on the proposed use to permit detailed analysis for compatibility of the surrounding uses.

10. Application fee is \$10.

I certify that the above statements are true and correct to the best of my knowledge.

Signature of Applicant

NOTE:

All approvals by the Commission, with conditions, must be completed prior to the issuance of an occupancy permit.

FARMERS HOME ADMINISTRATION SUBDIVISION

The Farmers Home Administration (FmHA) makes a variety of loans and grants for housing on Guam.

Programs fall into two broad categories: assistance for persons of low and moderate income to own or improve their single-family dwellings; and assistance to both owners and tenants in multi-family housing facilities. The basic programs are supplemented by special authorities for homesite development, farm labor housing and technical assistance.

FmHA sponsors the development of subdivisions for low and moderate income families. The houses and site improvements at these subdivisions must meet Guam applicable FmHA planning and design standards. Generally, the standards follow the established HUD Minimum Property Standards with certain adjustments by FmHA. Government of Guam subdivision development standards must be met also.

FmHA subdivisions are developed in accordance with four phases: Feasibility; Preliminary; Final Design; and Construction. The respective Submittal check lists are reproduced as Exhibits FmHA -1, -2 and -3.

Developers interested in constructing an FmHA subdivision are advised to first contact the local Area Supervisor, Farmers Home Administration.

EXHIBIT FmHA-1
NEW OR UNIMPROVED EXISTING SUBDIVISION
FEASIBILITY SUBMITTAL
(for example only)

FmHA County Office
Loan Applicant's Name
Loan Applicant's Address
Project Name
Project Location

Date
Phone

No. of Lots

TMK

CHECKLIST OF TECHNICAL DOCUMENTS REQUIRED

1. General Information Form
2. Topographic Map
3. Soils Report
4. Property Survey Map
5. Location Map
6. Preliminary Subdivision Plan
7. House plans and specifications (Schematic)
8. Minimum Room Areas and Interior Storage Requirements for Single Family Projects
9. Evidence of Clearinghouse application
10. Applicant to fill in Form FmHA 1940-20, Request for Environmental Information
11. County Supervisor to complete
12. Flood Plain Investigation
13. Market Survey
14. Affirmative Fair Housing Marketing Plan
15. Provide written statement by applicant that the following services will be provided as noted.

- A. Water
- B. Sewage
- C. Electricity
- D. NA
- E. Street Lighting
- F. Telephone
- G. Trash and Garbage Collection

EXHIBIT FmHA-2
Application for
FmHA NEW OR UNIMPROVED EXISTING SUBDIVISION
PRELIMINARY SUBMITTAL
(for example only)

Date
Phone

FmHA County Office
Loan Applicant's Name
Loan Applicant's Address
Project Name
Project Location

No. of Lots

TMK

CHECKLIST OF TECHNICAL DOCUMENTS REQUIRED

(Provide two copies for State Office. Documents from the previous submittal which were omitted or needing corrections must be resubmitted with this submittal.)

1. Open Common Areas
Statement by public body (or homeowner's association) of maintenance of open common areas.
2. Engineering Exhibits
 - A. Subdivision Plan showing streets and lot layouts with dimensions
 - B. Grading Plan
 - C. Drainage Plan and Details. Show connections to public dedicated and maintained drainage systems, extending to public dedicated easements.
 - D. Water Distribution Systems
 - E. Sewage Collection Systems
 - F. Letters of commitment from Utility Companies to provide the follow services.
 - 1) Water
 - 2) Sewage
 - 3) Electricity
 - 4) Telephone
3. House plans and specifications (Final)
4. Subdivision Site Plan showing model variation
5. Letter of Intent from local authorities that they will accept and maintain all public facilities including sewage, water and streets

EXHIBIT FmHA-3
Application for
FmHA NEW OR UNIMPROVED EXISTING SUBDIVISION
FINAL SUBMITTAL
(for example only)

FmHA County Office
Loan Applicant's Name
Loan Applicant's Address
Project Name
Project Location

Date
Phone

No. of Lots

TMK

CHECKLIST OF TECHNICAL DOCUMENTS REQUIRED
(Provide two copies, one each for State and County Offices.
Documents from the previous submittal which were omitted or
needing corrections must be resubmitted with this submittal.)

1. Final copy of recorded covenants and restrictions, if any
2. Final copy of recorded subdivision plat
3. A certification from local governing authority that the following items have been dedicated and accepted for continuous maintenance.
 - A. Street and Drainage Systems
 - B. Sanitary Sewage Systems
 - C. Water systems
4. All items requiring revision or more detailed information, as determined by the State Office review of the feasibility and preliminary submissions, will be completed and included in this final submission.
5. As-built plans

CONDOMINIUM

Before a condominium project is offered for sale on Guam, the developer must submit a notice of intent, an executed declaration, by-laws and escrow agreements, a recorded certificate of title, and a \$50 filing fee to the Department of Land Management. The Territorial Planning Commission will then issue a Preliminary Public Report regarding the proposed condominium if the developer provides all information that should be considered to protect a prospective buyer's funds.

Before a Final Public Report is issued, a site inspection will be conducted by Land Management. Any unfinished construction must be supported by a bond. If, after the issuance of a Final Public Report, any changes in the project occur, the project must be resubmitted to Territorial Planning Commission with required information for the issuance of a Supplementary Public Report.

There is no specific application form. The review and processing of the required information takes approximately 8 weeks.

Authority: P.L. 10-165, Horizontal Property Regime Act.

For additional guidance, contact the Executive Secretary, Territorial Planning Commission.

RESORT/HOTEL ZONE DEVELOPMENT

All development within the "H" Resort Hotel Zones is considered as a Conditional Use and must comply with regulations promulgated specifically for those zoned areas. Both the SDRC and the TPC must review a tentative plan for development, which shall include the following information.

- a) Applicant and property identification data
- b) Location of all structures and utilities
- c) Topography
- d) All proposed structures and utilities

Additionally, a performance bond in the amount of 110% of the infrastructure costs must be posted.

Certain standards for development are also established for Resort Hotel Zones pertaining to access to public resources; preservation and interpretation of ecological, historical and archaeological resources; and yard, area and height restrictions.

An application form for development proposals in a Resort Hotel Zone is not available. The appropriate materials and \$15 for review fees shall be filed with the Department of Land Management.

Review time will take 5 weeks; more complex projects may require longer.

Reference: "H" Resort Hotel Zone, Rules and Regulations," Department of Land Management, April 1981.

Authority: P.L. 14-41, as amended by P.L 14-72 and 14-82.

For further guidance, contact the Executive Secretary, Territorial Planning Commission.

GUAM COASTAL MANAGEMENT PROGRAM and FEDERAL CONSISTENCY

The Government of Guam has adopted 16 policies regarding use, protection and development of the Territory's land and water resources. All proposed development must conform to these policies. Such compliance is reviewed by the Guam Coastal Management Program (GCMP) as part of the Government's permitting process.

Every proposed project which involves a federal authority, requires a federal government license or permit, or relies on federal grants or funds must be approved by GCMP for consistency with the 16 policies.

Reference: "Procedures Guide for Achieving Federal Consistency with the Guam Coastal Management Program," Bureau of Planning.

Authority: Executive Order No. 78-37.

Further information with regard to GCMP policies and federal consistency may be obtained from the Director, Bureau of Planning.

ENVIRONMENTAL IMPACT ASSESSMENT and ENVIRONMENTAL IMPACT STATEMENT

An Environmental Impact Assessment (EIA) and/or an Environmental Impact Statement (EIS) are a routine requirement for certain types of development on Guam. All federal and local government projects and some private projects require an EIA/EIS if they incorporate at least one of the following elements.

- a) Federal funds
- b) Built on federal property
- c) Require a federal permit

Additionally, some privately developed projects require an EIA/EIS if they have other specific conditions, such as the following.

- a) Built near or in the ocean or any body of water
- b) Built in or near an environmentally sensitive area (i.e., wetland or marsh)
- c) Are considered an environmentally sensitive project

An EIA or EIS document is the responsibility of the developer and should be prepared early in the feasibility stage of a project's planning process. The document must present information regarding impacts to the environment at the project site and in the vicinity of a proposed project.

Information contained in this document should cover a broad range of environmental protection topics, including the following.

- a) Existing land use
- b) Population
- c) Natural resources
- d) Air and water quality
- e) Traffic
- f) Historic and archaeological resources
- g) General climatic conditions

The document must also present specific information regarding both the anticipated positive and negative impacts of the project for each of the environmental protection topics as well as the relationship between the overall positive and negative environmental impacts for the total project.

The difference between an EIA and an EIS document is the level of data and analyses, since the same elements are discussed in each document. Normally, the complexity of the project determines whether an EIA is sufficient to adequately cover the impacts or if an EIS is needed.

Proposed projects are defined as having small, medium or large environmental impacts depending on preliminary screening criteria. These criteria take into account the critical environmental issues identified in an "EIA/EIS Guidebook" available at GEPA. Economics also plays a large part in evaluating the criteria. Quite often, positive economic aspects are weighed against environmental losses in the overall evaluation of a proposed project.

Although GEPA may be the most informed contact for guidance regarding EIA/EIS documents, it is not usually the lead agency for review. Review of these documents is handled by the agency where the permit application is being processed.

Reference: "A Guide to Environmental Impact Assessments and Environmental Impact Statements," Guam Environmental Protection Agency, 1980.

Authority: National Environmental Policy Act, 1970.

For additional information, contact the Administrator, Guam Environmental Protection Agency.

AQUIFER PROTECTION REVIEW

Any project (federal government, Government of Guam or private) which is located in northern Guam, over the principal source aquifer, must be reviewed by GEPA. There is no application or permit required; however, such reviews are essential in order to protect the aquifer (Guam's prime drinking water source) from potential pollution resulting from any development.

Reference: "Northern Guam Lens Study," Guam Environmental Protection Agency, 1982.

Authority: "Federal Safe Drinking Water Act," Section 1424 (c) and "Guam Safe Drinking Water Act," Title 10, Chapter 53, Guam Code Annotated.

For further information, contact the Administrator, Guam Environmental Protection Agency.

AIR INSTALLATION COMPATIBLE USE ZONES

On Guam, air installation compatible use zoning (AICUZ) is a guide for determining appropriate land uses around the Guam International Air Terminal/NAS Brewer Field and for land uses south of Andersen Air Force Base. AICUZ is a composite of 5 noise zones and 3 aircraft accident-potential zones based on an analyses of noise, accident records and operational activities of Guam's two airfields. The 5 noise zones and 3 accident-potential zones are further categorized into 16 "AICUZ zones" which represent various combinations of noise (from totally acceptable to intolerably loud) and accident-potential severity (from a clear zone with the highest risks to an APZ II with decreased accident potential). The footprints of these AICUZ zones, as they extend from both airfields, are mapped for planning reference by developers and land owners.

Each of the 16 AICUZ zones has been rated for its acceptability to general land use categories, such as low density residential, commercial, agricultural, etc. A matrix of 16 AICUZ zones and 12 land use categories is used in conjunction with AICUZ maps for both the GIAT/NAS Brewer Field and for the AAFB.

AICUZ zones are neither enacted by law nor promulgated by regulations. However, they are valuable guides for establishing compatible land uses within proximity to aircraft operations.

The Bureau Planning should be consulted during the planning stage for any proposed project which is incompatible with the recommended guidelines of AICUZ.

For further information, contact the Director, Bureau of Planning.

ENVIRONMENTAL PROTECTION PLAN

Prior to the final approval of a Building Permit for projects involving substantial alteration to the environment, an Environmental Protection Plan (EPP) must be prepared. This document is the responsibility of the contractor. The EPP is intended to describe elements of the project which may pose serious environmental consequences unless remedial measures are implemented to mitigate such problems.

The details of any EPP are directly related to the complexity of the project and the environmental sensitivity of the site. For example, a water-oriented project which involves dredging and filling would require more detailed plans regarding silt control than would a land-based project regarding soil erosion control, although both types of construction must be addressed by an EPP.

The EPP especially requires detailed attention to those specific aspects of the project that are described in the EIA/EIS, if such an Assessment or Statement was prepared. The EPP must expand upon and mitigate the effects of those identified, adverse impacts on the environment. Elements to be addressed in the EPP include the following.

- a) Natural resources protection
- b) Erosion and sediment control
- c) Control and disposal of solid, chemical and sanitary wastes
- d) Archaeological and/or historical sites

The Guam Environmental Protection Agency (GEPA) is the lead agency for approval of an EPP. At least 2 copies of the EPP and 3 sets of the project plans must be submitted to GEPA for review. A formal letter of approval will be issued by GEPA once the EPP is acceptable.

Reference: "A Guide to Environmental Impact Assessments and Environmental Impact Statements," Guam Environmental Protection Agency, 1980.

Authority: "Water Pollution Control Act," Title 10, Part 2, Chapter 47, Guam Code Annotated.

The Administrator, Guam Environmental Protection Agency should be consulted for more information.

EROSION CONTROL PLAN

Erosion Control Plans are a requirement of most land grading and clearing permits issued by the Building Official, Department of Public Works. Such a plan must accompany the permit application and must be prepared in compliance with the promulgated Soil Erosion and Sedimentation Control Regulations.

Preparing and implementing an Erosion Control Plan is generally the responsibility of the contractor, who must use accepted erosion control methods to hold soil on-site during the construction period. In some cases, especially during the wet season, special erosion control and sedimentation control measures must be taken to prevent environmental problems.

An Erosion Control Plan is usually prepared as an integral part of the Environmental Protection Plan (EPP). However, it may be developed as a separate or supporting document. With large projects, like subdivisions or projects on a sloping terrain, the Erosion Control Plan becomes the focal point of the EPP.

Review and approval of an Erosion Control Plan by GEPA can take one week or longer, depending on the complexity of the project and completeness of the Plan upon submittal.

Reference: "Soil Erosion and Sedimentation Control Technical Manual," Guam Environmental Protection Agency, 1986.

Authority: "Water Pollution Control Act," Title 10, Chapter 47, Guam Code Annotated and "Soil Erosion and Sedimentation Control" Regulations, 1985.

For further information, contact the Administrator, Guam Environmental Protection Agency.

WELL DRILLING AND OPERATING PERMIT

Well Drilling and Operating Permits are two separate permits, issued when a freshwater well is to be drilled and operated. The first permit authorizes development of a well, and the second permit authorizes operation once a well is complete and tested.

Separate application forms for drilling and operating permits are available from GEPA. The Drilling Application requires specific information concerning the proposed site, construction methods, and desired operation conditions. The Operating Permit Application requires actual construction plans and operating details.

The well drilling permit fee is \$250 per well and is to be submitted with the application.

The operating permit fees are established in accordance with the following schedule.

- a) Upon initial application and payable every 5 years, a fee of \$250. This fee includes the costs of the water quality analysis.
- b) In addition to the initial application fee, an annual operating fee shall be assessed, based on the maximum pumping rate authorized, as stipulated in the operating permit. The annual operating fees are:

PUMPING RATE	ANNUAL FEE
0 - 150	\$ 100
151 - 225	\$ 125
226 - 325	\$ 200
326 - 525	\$ 300
over 526	\$ 400

Government of Guam agencies are exempted from these fees.

Authority: "Water Resources Conservation Act," Title 10, Chapter 46, Guam Code Annotated and "Well Development and Operating" Regulations, 1985.

For further information, contact the Administrator, Guam Environmental Protection Agency.

POLLUTION DISCHARGE PERMIT

The Pollution Discharge Permit is a Government of Guam permit, administered by the Guam Environmental Protection Agency and fashioned after the US EPA National Pollutant Discharge Elimination System (NPDES) permit. The permit is issued for the disposal of gaseous, liquid, solid or thermal pollutants into the waters of the Territory.

The processing period may take 6 months or more, depending on the complexity of the project and location of disposal site. The permit application is processed without charge.

Authority: "Water Pollution Control Act," Title 10, Chapter 47, Guam Code Annotated.

For additional information, contact the Administrator, Guam Environmental Protection Agency.

AIR POLLUTION SOURCE CONSTRUCTION and OPERATING PERMIT

Any facility which may emit pollutants into the atmosphere is required to have an Air Pollution Source Construction Permit, issued by GEPA. This Permit assures that facilities are built in a manner which keeps airborne emissions at a reduced level and within permissible limits, as established by Guam's Air Quality Standards. Types of facilities which need a construction permit include: laundries, incinerators and other, similar, facilities as well as any facilities that burn petroleum products such as stand-by generators, boilers and compressors. Permits are in force for a one year period. There is no permit fee.

Once an air pollution source facility is constructed, it must have an Air Pollution Source Operating Permit before start-up of operations. These permit applications must be submitted to GEPA at least 30 days prior to start-up, in order to allow timely review and approval. There is no permit fee.

Applications for minor air pollution source permits must be submitted to GEPA at least 60 days prior to commencing construction. Major source permits require US EPA approval and may take 2 years for review and approval. There is no fee.

Authority: "Air Pollution Control Act," Title 10, Chapter 49, Guam Code Annotated, and "Air Pollution Control Standards and Regulations."

For more information, contact the Administrator, Guam Environmental Protection Agency.

OPEN-BURNING PERMIT

Open-Burning Permits are issued by the Guam Environmental Protection Agency for agricultural purposes, such as fumigation of pests. Burning wood products or charcoal in preparation of food does not require a permit. All other burning is considered illegal, unless otherwise specifically exempted.

Authority: "Air Pollution Control Act," Title 10, Chapter 49, Guam Code Annotated, and "Air Pollution Control Standards and Regulations."

For more information, contact the Administrator, Guam Environmental Protection Agency.

UNDERGROUND INJECTION CONTROL PERMIT

Underground injection is one method for disposing of stormwater runoff from land and other non-hazardous liquid wastes. The GEPA application requires detailed engineering plans, including information regarding soil composition, depth of well, and location of the well in regard to coastal waters or aquifer recharge points.

GEPA does not charge a fee for this permit, and the review period varies with the complexity of the project. A public hearing may be required. Processing time is approximately 2 weeks without a public hearing and 4 weeks with a public hearing.

Reference: "Guam Storm Drainage Manual," Department of Public Works, 1982.

Authority: "Guam Safe Drinking Water Act," Title 10, Chapter 53, Guam Code Annotated and "Underground Injection Control" Regulations, 1981.

For additional information, contact the Administrator, Guam Environmental Protection Agency.

SPILL PREVENTION CONTROL and COUNTERMEASURE PLAN CLEARANCE

Any person or any business storing more than 1,320 gallons above ground of petroleum products is required to have a Spill Prevention Control and Countermeasure Plan approved by GEPA.

An application form is available; however, no fee is required.

Authority: "Water Pollution Control Act," Title 10, Chapter 47, Guam Code Annotated and 40, Code of Federal Regulations, Part 112.

For more information, contact the Administrator, Guam Environmental Protection Agency.

SEWER CONNECTION/SEPTIC TANK PERMIT

Two permits are required for disposal of wastewater by either connection to a public sewer system or by a septic tank and leaching field. The first is a construction permit and the second an occupancy permit. GEPA reviews construction plans, at no fee. The GEPA permit is issued in conjunction with the Department of Public Works, Building Permit application process. Review and approval is normally quick for simple projects (i.e., house sewer connections and septic tanks) but can take more time depending on the complexity of the project.

Reference: "Individual Wastewater System Regulations," Guam Environmental Protection Agency, 1984.

Authority: "Toilet Facilities and Sewage Disposal," Chapter 48, Title 10, Guam Code Annotated, and "Individual Wastewater System" Regulations, 1984.

The Administrator, Guam Environmental Protection Agency should be consulted for more information.

SEWER CONSTRUCTION PERMIT CLEARANCE

Community-wide or subdivision sewer systems require clearance from GEPA prior to construction. Such review is normally an integral part of the Government's approval of subdivision improvement plans or Capital Improvements Project plans subsequent to the Building Permit application process. GEPA review time for wastewater systems varies with a project's complexity. Normally, less than one week is sufficient.

Authority: "Water Pollution Control Act," Title 10, Chapter 48, Guam Code Annotated.

For more information, contact the Administrator, Guam Environmental Protection Agency.

SOLID WASTE COLLECTION AND DISPOSAL PERMIT

A Solid Waste Collection and Disposal Permit is required by the Guam Environmental Protection Agency for any person who provides a regular, solid waste collection service to a business, place, residence or establishment. A permit is also required for any operator or group of operators that store collect and transport solid waste as an activity of business. Issued permits are valid for 3 years. All such permits issued by GEPA are not transferable without prior written approval of the Administrator.

All applications are reviewed within 30 days of receipt of the application.

No fee is required for these permits.

Reference: "Solid Waste Collection Regulations" and "Solid Waste Disposal Rules and Regulations," Guam Environmental Protection Agency.

Authority: "Solid Waste Management and Litter Control Act" Title 10, Chapter 5, Guam Code Annotated.

For further information, contact the Administrator, Guam Environmental Protection Agency.

HAZARDOUS WASTE MANAGEMENT PERMIT

Any person or business who generates 100 kilograms (120 pounds) of hazardous wastes in one calendar month is subject to the Guam Environmental Protection Agency Hazardous Waste Management Regulations and is responsible for assuring that the hazardous wastes are delivered to a treatment, storage or disposal facility that has been permitted by the Administrator of GEPA.

Presently, hazardous waste facilities are issued hazardous waste permits by the US EPA. Applications are available at GEPA, where they must be processed. Processing of permit applications can take as long as 90 days.

Small quantity generators (less than 100 kilograms), not subject to the permit requirements, are covered by the GEPA Hazardous Waste Management Regulations with respect to reporting treatment, storage, transportation, disposal or management of hazardous wastes.

No application fee is now required; however, a \$250 fee will be applied when GEPA receives full delegation for hazardous waste management, sometime in 1986.

Reference: "GEPA Hazardous Waste Management Regulations," Guam Environmental Protection Agency.

Authority: "Solid Waste Management and Litter Control Act" Title 10, Chapter 51, Guam Code Annotated and "Resource Conservation and Recovery Act," P.L. 94-580.

For further information, contact the Administrator, Guam Environmental Protection Agency.

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PESTICIDE DEALER AND APPLICATOR LICENSE

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A license is required for any person who sells or applies pesticides. The dealer license fee is \$25 and may take 10 working days for review and approval. There is no fee for an applicator's license, and issuance can be given within 1 day, after successful completion of a training workshop administered through the University of Guam, College of Agriculture and Life Sciences. A \$10 fee is charged for this workshop.

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There are two types of certifications for an applicator license. The first is for a Private Applicator (farmer, rancher) who applies or supervises the application on property he or his employer owns, leases, or for an exchange of services on another private applicator's property. The second is a Commercial Applicator who applies or supervises the application for any purpose or on any property other than provided for in the previous definition of a "Private Applicator".

Envir

The importation of foreign pesticides requires the submittal of a "Notice of Arrival Form" to GEPA for review and approval. Notice of Arrival Forms are available at GEPA.

Authority:

For more information, contact the Administrator, Guam Environmental Protection Agency.