

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
Informational Briefing/Hearing/ Oversight Hearing / Roundtable Hearing

STANDING COMMITTEE / SENATOR	HEARING	COMMITTEE REPORT	HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
Committee on Health, Land, Justice, and Culture	Oversight Hearing	Guam Land Use Commission; Workforce Housing	1/21/21 9:00 a.m.	2/19/21 10:39 a.m.	



Office of the Speaker
THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan 36th Guam Legislature
Committee on Health, Land, Justice and Culture

February 8, 2021

The Honorable Tina Rose Muña Barnes
Chairperson, Committee on Rules
I Mina'trentai Sais na Liheslaturan Guåhan
163 Chalan Santo Papa
Hagåtña, Guam 96910

**RE: Committee Report on Virtual Oversight Hearing on the Guam Land Use Commission;
Workforce Housing**

Håfa Adai Chairperson Muña Barnes:

Transmitted herewith is the Committee Report on the Oversight Hearing on the Guam
Land Use Commission; Workforce Housing.

Sincerely,

Speaker Therese M. Terlaje

**COMMITTEE ON RULES
RECEIVED:**

FEBRUARY 8, 2021
8:00 A.M.

Revisions Rec'd:
February 18, 2021 @ 5:25 P.M.



Office of the Speaker

THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan 36th Guam Legislature

Committee on Health, Land, Justice and Culture

COMMITTEE REPORT

VIRTUAL OVERSIGHT HEARING on the Guam Land Use Commission; Workforce Housing

by Speaker Therese M. Terlaje

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

**For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators,
please send to: speaker@guamlegislature.org*



Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

First Notice of Virtual Public Hearing: Thursday, January 21, 2021 beginning at 9:00 a.m.

1 message

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Tue, Jan 12, 2021 at 7:30 PM

To: phnotice@guamlegislature.org

Cc: Guam MIS <mis@guamlegislature.org>, Audio / Video <av@guamlegislature.org>, Tom Unsiog <sgtarms@guamlegislature.org>

Bcc: Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Senator Telena Cruz Nelson <senatorcnelson@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Sabina Perez <office@senatorperez.org>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Telo Taitague <senatortelot@gmail.com>, Office of Senator Moylan Guam Legislature <officeofsenatormoylan@guamlegislature.org>, "Mary C. Torres" <senatormary@guamlegislature.org>, vanthonyada@gmail.com, vince@senatorfrankblas.com, senatorchrisduenas@gmail.com, j.msbrown@yahoo.com, Desk Editor <deskeditor@postguam.com>, mindy@postguam.com, The Post Editor in Chief <editor@postguam.com>, Oyaol Ngirairikl <managingeditor@postguam.com>, haidee@postguam.com, John Oconnor <john@postguam.com>, reporters@postguam.com, rlimtiaco@guampdn.com, Rindraty Limtiaco <slimtiaco@guampdn.com>, Guam PDN <news@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, akaur@gannett.com, dcrisost@guam.gannett.com, life@guampdn.com, dmgeorge@guampdn.com, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, Pacific Island Times <pacificislandtimes@gmail.com>, Maureen Maratita <publisher@glimpsesofofguam.com>, bryan@mvariety.com, emmanuel@mvariety.com, junhan@mvariety.com, guam@pstripes.osd.mil, carlsonc@pstripes.osd.mil, mabuhaynews@yahoo.com, editor@saipantribune.com, Bruce Hill <pacificjournalist@gmail.com>, Jason Salas <jason@kuam.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Chris Malafunkshun Barnett <chris@kuam.com>, Nestor Licanto <nestor@kuam.com>, reporters@kuam.com, K57 <news@k57.com>, Patti Rodriguez <parroyo@spbgum.com>, pattiontheradio@yahoo.com, Sorensen Pacific Broadcasting <news@spbgum.com>, Kevin Kerrigan <kevin@spbgum.com>, jolene@spbgum.com, Mai Habib <mai.habib@spbgum.com>, raygibsonshow@gmail.com, manasilva626@yahoo.com, KISH <kstokish@gmail.com>, KPRG <admin.kprg@gmail.com>, KPRG Guam <pdkprg@gmail.com>, Manuel Cruz <[REDACTED]>, Troy Torres <troy@kanditnews.com>, Maria Louella Losinio <[REDACTED]>, "Dr. Anita Enriquez" <abe@triton.uog.edu>, "Leilani R. Flores" <[REDACTED]>, brian <[REDACTED]>, "Joseph M. Borja" <joseph.borja@land.guam.gov>, Cristina Gutierrez <cristina.gutierrez@land.guam.gov>, Nicolas Toft <Nicolas.Toft@land.guam.gov>, Celine Cruz <Celine.Cruz@land.guam.gov>, [REDACTED]

January 15, 2021

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson
Committee on Health, Land, Justice and Culture

Subject: **FIRST NOTICE of Virtual Public Hearing - Thursday, January 21, 2021 at 9:00 a.m.**

Håfa Adai,

Please be advised that the Committee on Health, Land, Justice and Culture will convene a virtual public hearing on **Thursday, January 21, 2021 beginning at 9:00 a.m.** utilizing the Zoom meeting virtual platform, for the following agenda items:

Oversight Hearing-

- the Guam Land Use Commission;
- Workforce Housing

In compliance with the Americans with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Senator Therese M. Terlaje by phone or via email. The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via *I Liheslaturan Guåhan's* live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation! *Si Yu'os Ma'åse'!*

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com

website: www.senatorterlaje.com

Electronic Privacy Notice: This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.



First Notice of Virtual Public Hearing_ Thursday, January 21, 2021 at 9AM.pdf

333K



Office of the Speaker
THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan 36th Guam Legislature
Committee on Health, Land, Justice and Culture

January 13, 2021

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson *TMT*
Committee on Health, Land, Justice and Culture

Subject: **FIRST NOTICE of Virtual Public Hearing** - Thursday, January 21, 2021 at 9:00 a.m.

Håfa Adai,

Please be advised that the Committee on Health, Land, Justice and Culture will convene a virtual public hearing on **Thursday, January 21, 2021 beginning at 9:00 a.m.** utilizing the Zoom meeting virtual platform, for the following agenda items:

Oversight Hearing-

- the Guam Land Use Commission;
- Workforce Housing

In compliance with the Americans with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Senator Therese M. Terlaje by phone or via email.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via *I Liheslaturan Guåhan's* live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

We look forward to your participation! *Si Yu'os Ma'åse'!*



Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Second Notice of Virtual Public Hearing- Thursday, January 21, 2021 at 9:00 a.m.

1 message

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Tue, Jan 19, 2021 at 7:20 AM

To: phnotice@guamlegislature.org

Cc: Guam MIS <mis@guamlegislature.org>, Audio / Video <av@guamlegislature.org>, Tom Unsiog

<sgtarms@guamlegislature.org>

Bcc: Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, Office of Senator Shelton Guam

Legislature <officeofsenatorshelton@guamlegislature.org>, Senator Telena Cruz Nelson

<senatortcnelson@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Clynt Ridgell

<clyntridgell@guamlegislature.org>, Senator Sabina Perez <office@senatorperez.org>, Senator Jose Pedro Terlaje

<senatorpedo@senatorjpterlaje.com>, Senator Telo Taitague <senatortelot@gmail.com>, Office of Senator Moylan Guam

Legislature <officeofsenatormoylan@guamlegislature.org>, "Mary C. Torres" <senatormary@guamlegislature.org>,

vanthonyada@gmail.com, vince@senatorfrankblas.com, Chris Duenas <senatorchrisduenas@gmail.com>,

j.msbrown@yahoo.com, Desk Editor <deskeditor@postguam.com>, mindy@postguam.com, The Post Editor in Chief

<editor@postguam.com>, Oyaol Ngirairiki <managingeditor@postguam.com>, haidee@postguam.com, John Oconnor

<john@postguam.com>, reporters@postguam.com, rlimtiaco@guampdn.com, Rindraty Limtiaco <slimtiaco@guampdn.com>,

Guam PDN <news@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, akaur@gannett.com,

dcrisost@guam.gannett.com, life@guampdn.com, dmgeorge@guampdn.com, Mar-Vic Cagurangan

<publisher@pacificislandtimes.com>, Pacific Island Times <pacificislandtimes@gmail.com>, Maureen Maratita

<publisher@glimpsesofguam.com>, bryan@mvariety.com, emmanuel@mvariety.com, junhan@mvariety.com,

guam@pstripes.osd.mil, carlsonc@pstripes.osd.mil, mabuhaynews@yahoo.com, editor@saipantribune.com, Bruce Hill

<pacificjournalist@gmail.com>, Jason Salas <jason@kuam.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Chris

Malafunkshun Barnett <chris@kuam.com>, Nestor Licanto <nestor@kuam.com>, reporters@kuam.com, K57

<news@k57.com>, Patti Rodriguez <parroyo@spbgum.com>, pattiontheradio@yahoo.com, Sorensen Pacific Broadcasting

<news@spbgum.com>, Kevin Kerrigan <kevin@spbgum.com>, jolene@spbgum.com, Mai Habib

<mai.habib@spbgum.com>, raygibsonshow@gmail.com, manasilva626@yahoo.com, KISH <kstokish@gmail.com>, KPRG

<admin.kprg@gmail.com>, KPRG Guam <[REDACTED]>, Manuel Cruz <[REDACTED]>, Troy Torres

<troy@kanditnews.com>, Maria Louella Losinio <[REDACTED]>, "Dr. Anita Enriquez" <abe@triton.uog.edu>,

"Leilani R. Flores" <[REDACTED]>, brian <[REDACTED]>, "Joseph M. Borja"

<joseph.borja@land.guam.gov>, Cristina Gutierrez <cristina.gutierrez@land.guam.gov>, Nicolas Toft

<Nicolas.Toft@land.guam.gov>, Celine Cruz <Celine.Cruz@land.guam.gov>, [REDACTED]

January 19, 2021

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson
Committee on Health, Land, Justice and Culture

Subject: **SECOND NOTICE of Virtual Public Hearing - Thursday, January 21, 2021 at 9:00 a.m.**

Håfa Adai,

Please be advised that the Committee on Health, Land, Justice and Culture will convene a virtual public hearing on **Thursday, January 21, 2021 beginning at 9:00 a.m.** utilizing the Zoom meeting virtual platform, for the following agenda items:

Oversight Hearing-

- the Guam Land Use Commission;
- Workforce Housing

In compliance with the Americans with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Senator Therese M. Terlaje by phone or via email.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via *I Liheslaturan Guåhan*'s live feed on YouTube: <https://www.youtube.com/c/GuamLegislatureMedia/featured>.

A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation! *Si Yu'os Ma'åse'!*

Office of Speaker Therese M. Terlaje**Committee on Health, Land, Justice and Culture**

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Office Location/ Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com

website: www.senatorterlaje.com

Electronic Privacy Notice: This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.



Second Notice of Virtual Public Hearing_ Thursday, January 21, 2021 at 9AM.pdf

334K



Office of the Speaker
THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan 36th Guam Legislature
Committee on Health, Land, Justice and Culture

January 19, 2021

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson ^{Tmt}
Committee on Health, Land, Justice and Culture

Subject: **SECOND NOTICE of Virtual Public Hearing - Thursday, January 21, 2021 at 9:00 a.m.**

Håfa Adai,

Please be advised that the Committee on Health, Land, Justice and Culture will convene a virtual public hearing on **Thursday, January 21, 2021 beginning at 9:00 a.m.** utilizing the Zoom meeting virtual platform, for the following agenda items:

Oversight Hearing-

- the Guam Land Use Commission;
- Workforce Housing

In compliance with the Americans with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Senator Therese M. Terlaje by phone or via email.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via *I Liheslaturan Guåhan's* live feed on YouTube:

<https://www.youtube.com/c/GuamLegislatureMedia/featured>.

A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

We look forward to your participation! *Si Yu'os Ma'åse'!*

Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

**For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators, please send to: speaker@guamlegislature.org*

Rev and Tax still closed for walk-ins

Don't head over to the Department of Revenue and Taxation office in Barrigada unless you have an appointment. And if you do have an appointment, you might get a call canceling it.

Three COVID-19 cases at Rev and Tax over the past two weeks have

resulted in the department closing its doors to walk-ins.

"Due to the identification of three positive cases over the last two weeks, the Guam Department of Revenue and Taxation ... will continue operating by appointment only at this time," the department

stated on Monday.

Rev and Tax offices were decontaminated over the weekend and employees were tested on Saturday. Additional testing of employees will continue this week.

"Although DRT will be operating by appointment, certain branches will be

closed as DRT continues to work with the Department of Public Health and Social Services on contact tracing," according to the department. "Those individuals who have appointments with branches that will be closed will be contacted to reschedule their appointments." **(Daily Post Staff)**

GDOL continued from page 1

telling me they cut them off instantly when they refuse to work and there are those who say they just call other employees to work instead. And the refusing employees to get PUA. That's not supposed to be."

The public notices on newspapers and radio will have specific instructions for employers.

Helping those on reduced hours

Dell'Isola, Gov. Lou Leon Guerrero and Del. Michael San Nicolas have come together to find a way to help those still on extremely reduced work hours.

"All three of us are in agreement," he said, "Trying to look for a solution, and to fix this as quickly as possible."

On Wednesday, the three of them will have a phone conference with a key regional USDOL official and a USDOL expert on unemployment insurance to see whether something can be done administratively to allow those on reduced work hours to still be eligible for PUA.

The unemployment insurance expert with USDOL is the same official, according to Dell'Isola, who previously lauded GDOL for establishing the equivalent of an unemployment insurance program in three months, which normally takes two to five years to do.

Guam officials are also looking to address the concern with the incoming Biden administration.

Under the extended unemployment programs through March 13, those on reduced work hours are not eligible to receive \$345 in PUA and \$300 in Federal Pandemic Unemployment Compensation following U.S. Department of Labor guidelines.

Thousands are cut off from getting PUA as a result.

Many are still working 20 hours a week or getting pay of \$200 or less a week, compared to those getting \$645 in total PUA and FPUC weekly until March.

Suggestion to employers

In 2020, those on reduced work hours were eligible to apply for and get PUA.

As COVID-19 restrictions started easing, many employers started calling back workers but allowed them to work reduced work hours so they can still qualify for PUA, Dell'Isola said.

With PUA no longer an option for those on reduced work hours, Dell'Isola said he can only make suggestions for employers to make the decision to save their business and help as many workers as possible by:

- allowing some of the most reliable employees to get back to 40 hours a week so they can survive without PUA.
- letting go of other employees who can continue to receive PUA, until the business can re-employ them.

It's a suggestion that other officials have brought up in recent days, and senators would also have the opportunity to direct questions to Labor about the PUA program, including its eligibility requirements.

Sen. Sabina Perez, the new chairwoman of the legislative committee with oversight of labor, on Monday said her committee will hold either an oversight or an informational hearing on Labor's PUA program depending on the outcome of initial communication with Dell'Isola.

Just like other GovGuam officials, Perez is looking forward to a solution to bring those on reduced work hours back on the PUA program.



TEXTBOOKS: Seventh- and eighth-grade Astumbo Middle School reading teacher Valerie Kaipat puts away her textbooks as many of her students will be learning online, on Tuesday, Jan. 12. Parents are still hesitant on having their kids return to school, despite extra safety precautions put in place. Haruo Simion/The Guam Daily Post

CLASSROOMS continued from page 1

COVID-19 cases in the last quarter of 2020 resulted in extended school closures, at the discretion of the governor.

Guam finally saw some relief from rocketing case tallies at the tail end of 2020, and GDOE and other education institutions once again prepared to receive students in their classrooms. The governor, at the end of December, conditionally authorized schools to open by Jan. 18.

But in the time between the school closures and today, COVID-19 vaccines were approved and distributed to Guam. Access is prioritized to certain groups, front-line workers at first and those age 60 and older. Some teachers have been vaccinated because they fit into the priority age group.

While vaccinating educators in general had been an ongoing discussion, GDOE developed opening plans before the vaccines were available, and only around 34% of teachers surveyed in December said they wanted to get vaccinated. It also hadn't been clear when educators might get access to vaccines,

Models of learning breakdown for GDOE

In person: About 7,000

Online: About 13,500

Hard copy: About 9,500

From Guam Department of Education survey results in December, only about 34% of teachers said they want to get vaccinated.

All GDOE schools, with the exception of Vicente Benavente Middle School, F.B. Leon Guerrero Middle School and Simon Sanchez High School will have in-person classes on Wednesday and Thursday, one day for each of two cohorts.

BMS, FBGL and SSHS will have in-person classes on Tuesday, Wednesday and Thursday, one day for each of three cohorts.

although prior discussions indicated it could start this week.

Cef Duarosan, a Gifted and Talented Education teacher at Adacao Elementary School, said teachers should have been afforded vaccinations before the return to in-person instruction.

"I think they should have prioritized — the first responders, yes — but I think the second batch should have been the teachers. ... Some of us were talking about it. It should have been us," Duarosan said.

He plans on getting vaccinated when available and said other teachers should too, if they're comfortable.

Regardless, Duarosan said Adacao Elementary is ready to open to students on Wednesday — the first day it will hold in-person classes.

"We're prepared, we have our plan in place. We've had training with our principal. I think we're ready," he said.

SPEAKER THERESE M. TERLAJE

I Minutrenal Sals na Liheslaturan Guahan

36th Guam Legislature

VIRTUAL PUBLIC HEARING • THURSDAY, JANUARY 21, 2021 • 9:00 AM



Committee on Health, Land, Justice and Culture

AGENDA:

Oversight Hearing: The Guam Land Use Commission; Workforce Housing

In compliance with the Americans with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Speaker Therese M. Terlaje at 472-3586 or email senatorterlaje@guam.gov. The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via I Liheslaturan Guahan's live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. This ad is paid with government funds.

GUAM ETHICS COMMISSION PUBLIC NOTICE

Kumision Dinisiplina I Guahan

The Guam Ethics Commission would like to announce a regular Board Meeting is scheduled for **Tuesday, January 26, 2021 at 12:30 p.m.** via zoom. Please use the following to log on:

Join Zoom Meeting:
<https://us04web.zoom.us/j/78740219047?pwd=dk5mN1oyb21DWkR0NHdCQ2VQWkF3dz09>
Meeting ID: 787 4021 9047
Passcode: Ethics

For individuals requiring special accommodations, auxiliary aids or services, please contact Shannon Murphy at shannonjm@gmail.com.



Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Notice of GLUC Virtual Oversight Hearing- Thursday, January 21, 2021

1 message

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Tue, Jan 12, 2021 at 7:29 PM

To: "Dr. Anita Enriquez" <abe@triton.uog.edu>

Cc: brian@cravegroup.net, "Leilani R. Flores [REDACTED]@gmail.com)" [REDACTED]@gmail.com, "Joseph M. Borja" <joseph.borja@land.guam.gov>, Nicolas Toft <Nicolas.Toft@land.guam.gov>, Cristina Gutierrez <Cristina.gutierrez@land.guam.gov>, [REDACTED]@gmail.com

January 12, 2021

Transmitted via Electronic Mail:**Dr. Anita Enriquez, Chairperson**

Guam Land Use Commission

abe@triton.uog.edu**All Members, GLUC****SUBJECT: Legislative Oversight Hearing scheduled for Thursday, January 21, 2021 at 9:00 a.m.***Hafa Adai* Chairperson Enriquez and GLUC members:

Happy New Year! The 36th Guam Legislative Committee on Health, Land, Justice and Culture will convene a virtual oversight hearing on **Thursday, January 21, 2021 beginning at 9:00 a.m.**, to receive information/updates on the following:

- GLUC review of applications, issues causing delays, or impediments; enforcement of conditions of approval.
- Workforce housing application review, monitoring and enforcement of conditions and regulations.

We kindly request your attendance and ask for verification of those who will be in attendance. A Zoom meeting link will be sent to all GLUC attendees once received from our Legislature MIS Division.

Please contact me with any questions at 472-3586 or email senatorterlajeguam@gmail.com. We look forward to your participation.

Si Yu'os Ma'åse',

Speaker Therese M. Terlaje

Chairperson

Office of Speaker Therese M. Terlaje**Committee on Health, Land, Justice and Culture***I Mina'trentai Sais na Liheslaturan Guåhan*

36th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com

website: www.senatorterlaje.com

Electronic Privacy Notice: This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.



Notice of GLUC Oversight Hearing-01.21.2021_TMT.pdf

399K



Office of the Speaker **THERESE M. TERLAJE**

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

January 12, 2021

Transmitted via Electronic Mail:

Dr. Anita Enriquez, Chairperson

Guam Land Use Commission

abe@triton.uog.edu

All Members, GLUC

SUBJECT: Legislative Oversight Hearing scheduled for Thursday, January 21, 2021 at 9:00 a.m.

Hafa Adai Chairperson Enriquez and GLUC members:

Happy New Year! The 36th Guam Legislative Committee on Health, Land, Justice and Culture will convene a virtual oversight hearing on **Thursday, January 21, 2021 beginning at 9:00 a.m.**, to receive information/updates on the following:

- GLUC review of applications, issues causing delays, or impediments; enforcement of conditions of approval.
- Workforce housing application review, monitoring and enforcement of conditions and regulations.

We kindly request your attendance and ask for verification of those who will be in attendance. A Zoom meeting link will be sent to all GLUC attendees once received from our Legislature MIS Division.

Please contact me with any questions at 472-3586 or email senatorterlajeguam@gmail.com. We look forward to your participation.

Si Yu'os Ma'åse',

Speaker Therese M. Terlaje

Chairperson

Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

**For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators, please send to: speaker@guamlegislature.org*



Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Invitation to GLUC Virtual Oversight Hearing on Thursday, January 21, 2021 at 9:00 a.m.

1 message

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Fri, Jan 15, 2021 at 12:34 PM

To: roque.alcantara@dpr.guam.gov, "Carlotta A. Leon-Guerrero" <carlotta.leonguerrero@guam.gov>

Cc: "Jose U. Garrido" <jose.garrido@dpr.guam.gov>, al.masga@dpr.guam.gov, russell.kanai@dpr.guam.gov

Hafa Adai Director Alcantara and Acting SHPO Leon Guerrero:

Please see the attached invitation from Speaker Therese M. Terlaje to a virtual oversight hearing scheduled for Thursday, January 21, 2020 at 9:00 a.m. on the following agenda items: the Guam Land Use Commission; Workforce Housing.

Please contact our office via email with confirmation of attendance and for any questions.

Si Yu'os Ma'åse',
Charissa L. Manibusan
Committee Director

Office of Speaker Therese M. Terlaje
Committee on Health, Land, Justice and Culture*I Mina'trentai Sais na Liheslaturan Guåhan*

36th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.comwebsite: www.senatorterlaje.com

Electronic Privacy Notice: This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.

**DPR-HPO Invitation to 01.21.21 GLUC Oversight Hearing_TMT.pdf**

398K



Office of the Speaker **THERESE M. TERLAJE**

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

January 15, 2021

Transmitted via Electronic Mail:

Roque A. Alcantara, Director
Department of Parks and Recreation
roque.alcantara@dpr.guam.gov

Carlotta Leon Guerrero, Acting SHPO

State Historic Preservation Office
Department of Parks and Recreation
carlotta.leonguerrero@guam.gov

SUBJECT: Invitation to Legislative Oversight Hearing scheduled for Thursday, January 21, 2021 at 9:00 a.m.

Hafa Adai Director Alcantara and Acting SHPO Leon Guerrero:

Happy New Year! The 36th Guam Legislative Committee on Health, Land, Justice and Culture will convene a virtual oversight hearing on **Thursday, January 21, 2021 beginning at 9:00 a.m.**, to receive information/updates on the following:

- Guam Land Use Commission review of housing applications, issues causing delays, or impediments; enforcement of conditions of approval.
- Workforce housing application review, monitoring and enforcement of conditions and regulations.

The role of the DPR and Historic Preservation Office members of the Application Review Committee (ARC) is critical to the review of applications pending before the Guam Land Use Commission, so therefore we would like to cordially invite the DPW and Historic Preservation ARC members to attend this hearing.

A Zoom meeting link will be sent upon email confirmation of attendance at senatorterlajeguam@gmail.com. Please contact me with any questions at 472-3586 We look forward to your participation.

Si Yu'os Ma'åse',

Speaker Therese M. Terlaje
Chairperson

CC: Joe U. Garrido Historic Preservation Office ARC Member/AI Masga, DPR ARC Member/ Russel Kanai, DPR ARC Member

Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

**For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators,
please send to: speaker@guamlegislature.org*



Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Invitation to Virtual Oversight Hearing on Thursday, January 21, 2021 at 9:00 a.m.

1 message

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Fri, Jan 15, 2021 at 11:39 AM

To: Tyrone Taitano <tyrone.taitano@bsp.guam.gov>, Edwin Reyes <edwin.reyes@bsp.guam.gov>

Hafa Adai Director Taitano,

Please see the attached invitation from Speaker Therese M. Terlaje to a virtual oversight hearing scheduled for Thursday, January 21, 2020 at 9:00 a.m. on the following agenda items: the Guam Land Use Commission; Workforce Housing.

Please contact our office via email with confirmation of attendance and for any questions.

Si Yu'os Ma'åse',
Charissa L. Manibusan
Committee Director

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.comwebsite: www.senatorterlaje.com

Electronic Privacy Notice: This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.

**BSP Invitation to 01.21.21 GLUC Oversight Hearing_TMT.pdf**

396K



Office of the Speaker **THERESE M. TERLAJE**

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

January 15, 2021

Transmitted via Electronic Mail:

Tyrone J. Taitano, Director
Bureau of Statistics and Plans
tyrone.taitano@bsp.guam.gov

SUBJECT: Invitation to Legislative Oversight Hearing scheduled for Thursday, January 21, 2021 at 9:00 a.m.

Hafa Adai Director Taitano:

Happy New Year! The 36th Guam Legislative Committee on Health, Land, Justice and Culture will convene a virtual oversight hearing on **Thursday, January 21, 2021 beginning at 9:00 a.m.**, to receive information/updates on the following:

- Guam Land Use Commission review of housing applications, issues causing delays, or impediments; enforcement of conditions of approval.
- Workforce housing application review, monitoring and enforcement of conditions and regulations.

The role of the BSP member of the Application Review Committee (ARC) is critical to the review of applications pending before the Guam Land Use Commission, so therefore we would like to cordially invite the BSP ARC member to attend this hearing.

A Zoom meeting link will be sent upon email confirmation of attendance at senatorterlajeguam@gmail.com. Please contact me with any questions at 472-3586 We look forward to your participation.

Si Yu'os Ma'åse',

Speaker Therese M. Terlaje
Chairperson

CC: Edwin Reyes, BSP ARC Member

Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

**For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators,
please send to: speaker@guamlegislature.org*



Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Invitation to Virtual Oversight Hearing on GLUC and workforce housing

1 message

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Fri, Jan 15, 2021 at 10:32 AM

To: "Joseph M. Borja" <joseph.borja@land.guam.gov>, Celine Cruz <celine.cruz@land.guam.gov>

Hafa Adai Director Borja and Chief Planner Cruz,

Please see the attached invitation from Speaker Therese M. Terlaje to a virtual oversight hearing scheduled for Thursday, January 21, 2020 at 9:00 a.m. on the following agenda items: the Guam Land Use Commission; Workforce Housing. Please contact our office via email with confirmation of attendance and for any questions.

Si Yu'os Ma'åse',
Charissa L. Manibusan
Committee Director

Office of Speaker Therese M. Terlaje
Committee on Health, Land, Justice and Culture*I Mina'trentai Sais na Liheslaturan Guåhan*


36th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.comwebsite: www.senatorterlaje.com

Electronic Privacy Notice: This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.

 **Invitation to 01.21.21 GLUC Oversight Hearing_TMT.pdf**
397K



Office of the Speaker **THERESE M. TERLAJE**

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

January 15, 2021

Transmitted via Electronic Mail:

Joseph Borja, Director
Department of Land Management
joseph.borja@land.guam.gov

Celine L. Cruz, DLM Chief Planner
Chairperson, Application Review Board
celine.cruz@land.guam.gov

SUBJECT: Invitation to Legislative Oversight Hearing scheduled for Thursday, January 21, 2021 at 9:00 a.m.

Hafa Adai Director Borja and Chairperson Cruz:

Happy New Year! The 36th Guam Legislative Committee on Health, Land, Justice and Culture will convene a virtual oversight hearing on **Thursday, January 21, 2021 beginning at 9:00 a.m.**, to receive information/updates on the following:

- Guam Land Use Commission review of housing applications, issues causing delays, or impediments; enforcement of conditions of approval.
- Workforce housing application review, monitoring and enforcement of conditions and regulations.

The role of the DLM member of the Application Review Committee (ARC) is critical to the review of applications pending before the Guam Land Use Commission, so therefore we would like to cordially invite Chairperson Cruz and other agency ARC members to attend this hearing.

An email invitation will also be sent to other agency members and their respective Directors. We also appreciate your assistance with informing other ARC members. A Zoom meeting link will be sent upon email confirmation of attendance at senatorterlajeguam@gmail.com. Please contact me with any questions at 472-3586 We look forward to your participation.

Si Yu'os Ma'åse',

Speaker Therese M. Terlaje
Chairperson

Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

**For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators,
please send to: speaker@guamlegislature.org*



Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Invitation to Virtual Oversight Hearing on Thursday, January 21, 2021 at 9:00 a.m.

1 message

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>
To: Chelsa Muna-Brecht <chelsa.munabrecht@agriculture.guam.gov>
Cc: jeffrey.quitugua@doag.guam.gov

Fri, Jan 15, 2021 at 11:41 AM

Hafa Adai Director Muña-Brecht:

Please see the attached invitation from Speaker Therese M. Terlaje to a virtual oversight hearing scheduled for Thursday, January 21, 2020 at 9:00 a.m. on the following agenda items: the Guam Land Use Commission; Workforce Housing.

Please contact our office via email with confirmation of attendance and for any questions.

Si Yu'os Ma'åse',
Charissa L. Manibusan
Committee Director

Office of Speaker Therese M. Terlaje
Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com

website: www.senatorterlaje.com

Electronic Privacy Notice: This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.

 **DoAG Invitation to 01.21.21 GLUC Oversight Hearing_TMT.pdf**
406K



Office of the Speaker
THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

January 15, 2021

Transmitted via Electronic Mail:

Chelsa Muña-Brecht, Director
Guam Department of Agriculture
chelsa.munabrecht@agriculture.guam.gov

SUBJECT: Invitation to Legislative Oversight Hearing scheduled for Thursday, January 21, 2021 at 9:00 a.m.

Hafa Adai Director Muña-Brecht:

Happy New Year! The 36th Guam Legislative Committee on Health, Land, Justice and Culture will convene a virtual oversight hearing on **Thursday, January 21, 2021 beginning at 9:00 a.m.**, to receive information/updates on the following:

- Guam Land Use Commission review of housing applications, issues causing delays, or impediments; enforcement of conditions of approval.
- Workforce housing application review, monitoring and enforcement of conditions and regulations.

The role of the Department of Agriculture's member of the Application Review Committee (ARC) is critical to the review of applications pending before the Guam Land Use Commission, so therefore we would like to cordially invite the DoAG ARC member to attend this hearing.

A Zoom meeting link will be sent upon email confirmation of attendance at senatorterlajeguam@gmail.com. Please contact me with any questions at 472-3586 We look forward to your participation.

Si Yu'os Ma'åse',

Speaker Therese M. Terlaje
Chairperson

CC: Jeffrey Quitugua, DoAG ARC Member

Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

**For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators,
please send to: speaker@guamlegislature.org*



Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Invitation to Virtual Oversight Hearing on GLUC and workforce housing

1 message

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Fri, Jan 15, 2021 at 11:03 AM

To: Walter Leon Guerrero <walter.leonguerrero@epa.guam.gov>

Cc: brian.bearden@epa.guam.gov, noni.amar@epa.guam.gov

Hafa Adai Administrator Leon Guerrero

Please see the attached invitation from Speaker Therese M. Terlaje to a virtual oversight hearing scheduled for Thursday, January 21, 2020 at 9:00 a.m. on the following agenda items: the Guam Land Use Commission; Workforce Housing.

Please contact our office via email with confirmation of attendance and for any questions.

Si Yu'os Ma'åse',
Charissa L. Manibusan
Committee Director

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.comwebsite: www.senatorterlaje.com

Electronic Privacy Notice: This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.

**GEPA Invitation to 01.21.21 GLUC Oversight Hearing_TMT.pdf**

396K



Office of the Speaker **THERESE M. TERLAJE**

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

January 15, 2021

Transmitted via Electronic Mail:

Walter Leon Guerrero, Administrator
Guam Environmental Protection Agency
walter.leonguerrero@epa.guam.gov

SUBJECT: Invitation to Legislative Oversight Hearing scheduled for Thursday, January 21, 2021 at 9:00 a.m.

Hafa Adai Administrator Leon Guerrero:

Happy New Year! The 36th Guam Legislative Committee on Health, Land, Justice and Culture will convene a virtual oversight hearing on **Thursday, January 21, 2021 beginning at 9:00 a.m.**, to receive information/updates on the following:

- Guam Land Use Commission review of housing applications, issues causing delays, or impediments; enforcement of conditions of approval.
- Workforce housing application review, monitoring and enforcement of conditions and regulations.

The role of the GEPA member of the Application Review Committee (ARC) is critical to the review of applications pending before the Guam Land Use Commission, so therefore we would like to cordially invite GEPA ARC members to attend this hearing.

A Zoom meeting link will be sent upon email confirmation of attendance at senatorterlajeguam@gmail.com. Please contact me with any questions at 472-3586. We look forward to your participation.

Si Yu'os Ma'åse',

Speaker Therese M. Terlaje
Chairperson

CC: Commander Brian Bearden, GEPA ARC Member
Noni Amar, GEPA ARC Member

Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

**For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators,
please send to: speaker@guamlegislature.org*



Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Invitation to Virtual Oversight Hearing on Thursday, January 21, 2021 at 9:00 a.m.

1 message

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Fri, Jan 15, 2021 at 11:49 AM

To: John M Benavente <jbenavente@gpagwa.com>

Cc: agumataotao@gpagwa.com

Hafa Adai General Manager Benavente:

Please see the attached invitation from Speaker Therese M. Terlaje to a virtual oversight hearing scheduled for Thursday, January 21, 2020 at 9:00 a.m. on the following agenda items: the Guam Land Use Commission; Workforce Housing.

Please contact our office via email with confirmation of attendance and for any questions.

Si Yu'os Ma'åse',
Charissa L. Manibusan
Committee Director

Office of Speaker Therese M. Terlaje**Committee on Health, Land, Justice and Culture***I Mina'trentai Sais na Liheslaturan Guåhan*

36th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.comwebsite: www.senatorterlaje.com

Electronic Privacy Notice: This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.

**GPA Invitation to 01.21.21 GLUC Oversight Hearing_TMT.pdf**

396K



Office of the Speaker **THERESE M. TERLAJE**

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

January 15, 2021

Transmitted via Electronic Mail:

John M. Benavente, General Manager
Guam Power Authority (GPA)
jbenavente@gpagwa.com

SUBJECT: Invitation to Legislative Oversight Hearing scheduled for Thursday, January 21, 2021 at 9:00 a.m.

Hafa Adai General Manager Benavente:

Happy New Year! The 36th Guam Legislative Committee on Health, Land, Justice and Culture will convene a virtual oversight hearing on **Thursday, January 21, 2021 beginning at 9:00 a.m.**, to receive information/updates on the following:

- Guam Land Use Commission review of housing applications, issues causing delays, or impediments; enforcement of conditions of approval.
- Workforce housing application review, monitoring and enforcement of conditions and regulations.

The role of the GPA's member of the Application Review Committee (ARC) is critical to the review of applications pending before the Guam Land Use Commission, so therefore we would like to cordially invite the GPA ARC member to attend this hearing.

A Zoom meeting link will be sent upon email confirmation of attendance at senatorterlajeguam@gmail.com. Please contact me with any questions at 472-3586 We look forward to your participation.

Si Yu'os Ma'åse',

Speaker Therese M. Terlaje
Chairperson

CC: Antonio Gumataotao, GPA ARC Member

Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

**For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators,
please send to: speaker@guamlegislature.org*



Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Invitation to Virtual Oversight Hearing on Thursday, January 21, 2021 at 9:00 a.m.

1 message

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Fri, Jan 15, 2021 at 12:03 PM

To: Miguel Bordallo <mcbordallo@guamwaterworks.org>

Cc: bhess@guamwaterworks.org, vlaguana@guamwaterworks.org, jtadeo@guamwaterworks.org

Hafa Adai GM Bordallo:

Please see the attached invitation from Speaker Therese M. Terlaje to a virtual oversight hearing scheduled for Thursday, January 21, 2020 at 9:00 a.m. on the following agenda items: the Guam Land Use Commission; Workforce Housing.

Please contact our office via email with confirmation of attendance and for any questions.

Si Yu'os Ma'åse',
Charissa L. Manibusan
Committee Director

Office of Speaker Therese M. Terlaje**Committee on Health, Land, Justice and Culture***I Mina'trentai Sais na Liheslaturan Guåhan*

36th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.comwebsite: www.senatorterlaje.com

Electronic Privacy Notice: This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.

**GWA Invitation to 01.21.21 GLUC Oversight Hearing_TMT.pdf**

397K



Office of the Speaker **THERESE M. TERLAJE**

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

January 15, 2021

Transmitted via Electronic Mail:

Miguel C. Bordallo, General Manager
Guam Waterworks Authority (GWA)
mcbordallo@guamwaterworks.org

SUBJECT: Invitation to Legislative Oversight Hearing scheduled for Thursday, January 21, 2021 at 9:00 a.m.

Hafa Adai General Manager Bordallo:

Happy New Year! The 36th Guam Legislative Committee on Health, Land, Justice and Culture will convene a virtual oversight hearing on **Thursday, January 21, 2021 beginning at 9:00 a.m.**, to receive information/updates on the following:

- Guam Land Use Commission review of housing applications, issues causing delays, or impediments; enforcement of conditions of approval.
- Workforce housing application review, monitoring and enforcement of conditions and regulations.

The role of the GWA's members of the Application Review Committee (ARC) is critical to the review of applications pending before the Guam Land Use Commission, so therefore we would like to cordially invite the GWA ARC members to attend this hearing.

A Zoom meeting link will be sent upon email confirmation of attendance at senatorterlajeguam@gmail.com. Please contact me with any questions at 472-3586 We look forward to your participation.

Si Yu'os Ma'åse',

Speaker Therese M. Terlaje
Chairperson

CC: Brian Hess, GWA ARC Member
Vincent Lagaña, GWA ARC Member
Joseph Tadeo, GWA ARC Member

Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

**For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators,
please send to: speaker@guamlegislature.org*



Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Invitation to Virtual Oversight Hearing on Thursday, January 21, 2021 at 9:00 a.m.

1 message

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Fri, Jan 15, 2021 at 11:20 AM

To: Vince Arriola <vince.arriola@dpw.guam.gov>

Cc: maryrose.wilson@dpw.guam.gov

Hafa Adai Director Arriola,

Please see the attached invitation from Speaker Therese M. Terlaje to a virtual oversight hearing scheduled for Thursday, January 21, 2020 at 9:00 a.m. on the following agenda items: the Guam Land Use Commission; Workforce Housing.

Please contact our office via email with confirmation of attendance and for any questions.

Si Yu'os Ma'åse',
Charissa L. Manibusan
Committee Director

Office of Speaker Therese M. Terlaje
Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.comwebsite: www.senatorterlaje.com

Electronic Privacy Notice: This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.

**DPW Invitation to 01.21.21 GLUC Oversight Hearing_TMT.pdf**

400K



Office of the Speaker
THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

January 15, 2021

Transmitted via Electronic Mail:

Vincent P. Arriola, Director
Department of Public Works
Vince.arriola@dpw.guam.gov

SUBJECT: Invitation to Legislative Oversight Hearing scheduled for Thursday, January 21, 2021 at 9:00 a.m.

Hafa Adai Director Arriola:

Happy New Year! The 36th Guam Legislative Committee on Health, Land, Justice and Culture will convene a virtual oversight hearing on **Thursday, January 21, 2021 beginning at 9:00 a.m.**, to receive information/updates on the following:

- Guam Land Use Commission review of housing applications, issues causing delays, or impediments; enforcement of conditions of approval.
- Workforce housing application review, monitoring and enforcement of conditions and regulations.

The role of the DPW member of the Application Review Committee (ARC) is critical to the review of applications pending before the Guam Land Use Commission, so therefore we would like to cordially invite the DPW ARC member to attend this hearing.

A Zoom meeting link will be sent upon email confirmation of attendance at senatorterlajeguam@gmail.com. Please contact me with any questions at 472-3586 We look forward to your participation.

Si Yu'os Ma'åse',

Speaker Therese M. Terlaje
Chairperson

CC: Mary Rose Wilson, DPW ARC Member

Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

**For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators,
please send to: speaker@guamlegislature.org*



Office of the Speaker
THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

VIRTUAL OVERSIGHT HEARING

THURSDAY, JANUARY 21, 2021

9:00 AM

AGENDA:

- Oversight Hearing on the Guam Land Use Commission;
Workforce Housing

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via *I Liheslaturan Guåhan's* live feed on YouTube: <https://www.youtube.com/c/GuamLegislatureMedia/featured>.

A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

In compliance with the Americans with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Senator Therese M. Terlaje by phone or via email.

We look forward to your participation! *Si Yu'os Ma'åse'!*

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

**For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators,
please send to: speaker@guamlegislature.org*



I Mina'trentai Sais na Liheslaturan Guåhan

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

Date:

Thursday, January 21, 2021

Time:

9:00 AM

VIRTUAL OVERSIGHT HEARING ON THE GUAM LAND USE COMMISSION;WORKFORCE HOUSING

	NAME	ADDRESS	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	Dr. Anita Enriquez, Guam Land Use Commission (GLUC) Chairperson					X		
2	Arthur Chan, GLUC Member					X		
3	Leilani Flores, GLUC Member					X		
4	Director Joe Borja, Director, Department of Land Management (DLM); Executive Secretary to the GLUC					X		
5	Chief Planner Celine Cruz, Department of Land Management					X		
6	Edwin Reyes, Bureau of Statistics and Plans, ARC Member					X		
7	Antonio Gumataotao, Guam Power Authority, ARC Member					X		
8	Jeffrey S. Quitugua, Guam Department of Agriculture					X		
9	Administrator Roque Alcantara, Department of Parks and Recreation					X		
10	Director Vincent Arriola, Department of Public Works					X		



I Mina'trentai Sais na Liheslaturan Guåhan

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

Date:

Thursday, January 21, 2021

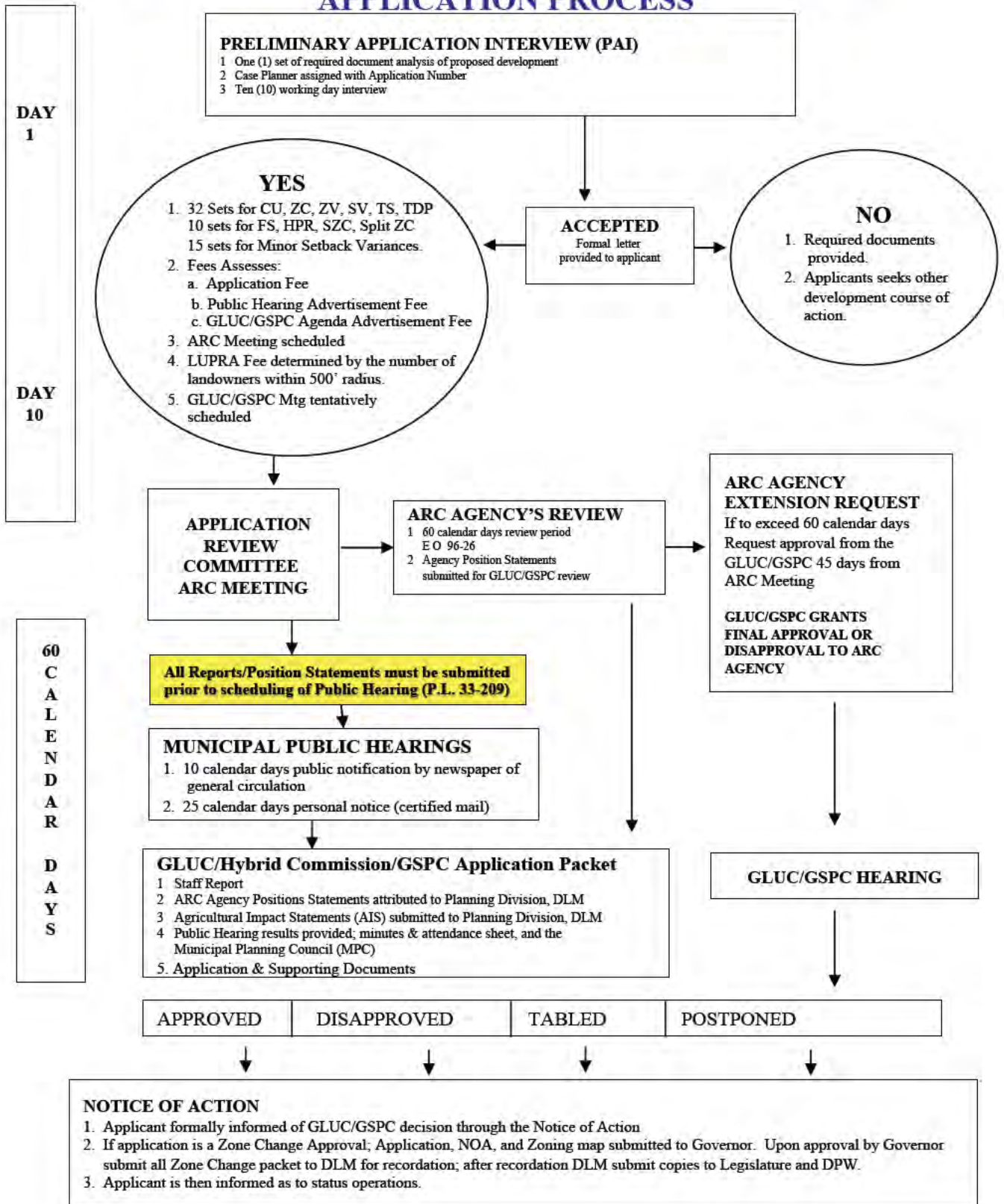
Time:

9:00 AM

VIRTUAL OVERSIGHT HEARING ON THE GUAM LAND USE COMMISSION;WORKFORCE HOUSING

	NAME	ADDRESS	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	Miguel C. Bordallo, P.E., General Manager, Guam Waterworks Authority					X		
2	Brett Railey, P.E. - Acting Chief Engineer. Guam Waterworks Authority					X		
3	Mauryn McDonald, P.E. – Senior Engineer Supervisor, Guam Waterworks Authority					X		
4	Prudencio Aguon - Grants Administrator, Planning and Permit, Guam Waterworks Authority					X		
5	Marylou Scroggs, Public Health Officer Administrator, Division of Environmental Health, Department of Public Health and Social Services					X		
6								
7								
8								
9								
10								

GUAM LAND USE COMMISSION HYBRID COMMISSION GUAM SEASHORE PROTECTION COMMISSION APPLICATION PROCESS



Application Review Committee Standard Operating Procedure GCMP#600

Administrative Setting Guam Coastal Management Program (GCMP)

The Guam Coastal Management Program (GCMP) was established in 1979 through a cooperative agreement between the National Oceanic and Atmospheric Administration and the Bureau of Planning, Office of the Governor and draws its authorities from the Coastal Zone Management Act (CZMA) of 1972 and 5 GCA Ch.1, Article 2, Centralized Planning under the Bureau of Statistics and Plans, Office of the Governor. The GCMP is responsible for the Land Use Planning duties of the Bureau, in which, participation in the Application Review Committee, is an integral component in achieving our planning objectives.

Pursuant to 5GCA Ch.1 Article 2 Section 1200, the Bureau's goal and objectives is to

- a) To upgrade the quality of life for Guam's people;
- b) To create conditions and opportunities whereby people fully participate and benefit at every level of social and economic activity;
- c) To maintain balance and equity between development and the environment in order to preserve the unique culture, traditions and beauty of the island;
- d) To optimize the use of resources to meet present and future infrastructure and supra structure requirements of the people of Guam;
- e) To develop and maintain infrastructure capacity at a level that could sustain future population, socio-economic and physical growth.

The common interests and function of GCMP is to integrate its policymaking efforts with public and private interests engaged in physical, social and economic development planning for the island through a process and mechanisms in which duly adopted policies of Guam are linked with all elements of governmental and non-governmental development planning and implementation activity, in order to avoid the ill-effects of fragmented and disjointed development which ultimately results from the absence of both an integrated planning process and a Comprehensive Development Plan that contain rational parameters for Guam's growth.

Application Review Committee

The Application Review Committee (ARC) was established by Executive Order 96-26 (effective October 28, 1996) and formulated for the purpose of providing the Guam Land Use Commission (GLUC) and Guam Seashore Protection Commission (GSPC) with technical and professional review, analysis, and advice through individual agency positions on development activities that do not meet zoning codes. Within its mandated area of authority, each ARC agency per E.O. 96-26 § 300 is required to:

- Ensure compliance with applicable law, regulatory standards, procedures, policies, and rules within its mandated area of concern;
- Evaluate alternative development strategies with the applicant to provide the best development plan for the developer and the community; and
- Develop and provide official position statements on applications submitted to the GLUC and GSPC.

ARC meetings are conducted on the first and third Thursday of each month in which applicants or their representatives/consultants present the project scope to ARC members at each scheduled meeting. This meeting is an opportunity to allow for face to face discussion on the project as well as vet any initial concerns. Dialogue with the applicant may continue as needed outside of the ARC official meeting.

Elements of the Review Part I. – IV.

Part I. Project overview/Screening.

Assess for complexness If not complete, GCMP's position may be to object based on incompleteness cite EO No 96-26 1. (C), Appendix A § 700 (c)

Per Appendix A § 700 (f) (2) –GCMP may notify DLM planner or applicant within 45 review timeline if the applicant is lacking information.

Appendix A § 700 (f) (4) GCMP has 60 Days to submit position a final position statement – however 21GCA, Ch 61, Section 61106 shortens the deadline to 30 days

Part 2. Planning considerations and or constraints

- a) Surrounding zone and use characterization – Planner is to describe surrounding zones and types of uses and determine if there are potential conflicts. While the law requires a assessment of a 100' and 500' radius, this characterization planning area is expanded to consider elements of connectivity and or Areas of Particular Concern.
- b) Geographical landscape assessment based on watershed. Planner is to reference C-CAP data.

Part 3. Effects Test and Conditions

- a) Effect on the integration on Guam Comprehensive Plans
- b) Effect on the Coastal Zone Management Program Enforceable Policies

The GCMP Planner conducts analysis on the proposed project by cross referencing the project's compatibility and potential immediate, near, and long-term impacts/effects. Conditions are stated implicitly or explicitly based on standards within the land use plan

Comprehensive Planning: Article 2, Ch 1, 5 GCA

- 1978 Kabales na Planu na Para Guahan
- 2009 North and Central Guam Land Use Plan (NCGLUP) PL 30-244, approved as an element of the Guam Comprehensive Development Plan. The NCGLUP identifies a vision, and goals and policies to achieve the vision. The goals and policies are applied in reviewing land use projects.

Is there a negative impact to

Section 1210. Content of the Plan. Subsection a-q? see gca

- GCMP's Development and Resources policies as established by the Coastal Zone Management Act Of 1972 as amended through U.S. P.L. 104-150 (The Coastal Zone Protection Act of 1996) and enforceable by Executive Order 78-37 and 5 GCA Ch. 1 Article 2.

A. Government Process Policy

More effective administration of natural resource related laws, programs, and policies shall be achieved through: revision of unclear and outdated laws and regulations,

- Improved coordination among local agencies,
- Improved coordination between territorial and federal agencies,
- Educational and training programs for local government

B. Development Policy

- *Is the project compatible with the Land Use District Map and or Future Land Use Map?*
- *What is the condition of the landscape and potential impact to the landscape (C-CAP)?*
- *What Goals and Objectives of the NGLUP or Kabales na Planu Para Guahan can be advanced?*

1. **Shore Area Development:** *Only those uses shall be located within the Seashore Reserve which: (1) enhance, are compatible with or do not generally detract from the surrounding coastal area's aesthetic and environmental quality and beach accessibility; or (2) can demonstrate dependence on such a location and the lack of feasible alternative sites;*

- *Is the project site within 35 feet from the mean high tide line?*
- *Is the proposed project dependent upon a coastal site?*
- *Are other feasible alternative sites available?*
- *Is the proposal a compatible seashore use?*
- *Will the project eliminate or hinder beach accessibility?*
- *Will the project detract from coastal quality?*

- *Is the project consistent with the recreation Ocean Use Master Plan?*
2. **Urban Development:** *Uses permitted only within Commercial, Multi-Family, Industrial, and Hotel-Resort zones; and uses requiring high levels of support facilities shall be concentrated within urban districts as outlined on the Land-Use Districting Map;*
 - *Will the project conform with current land-use plans?*
 - *Is the project in compliance with existing zoning, Districting Map, and or Future Land Use map?*
 - *Will the project require a higher level of support facilities and infrastructure than is presently available?*
 - *Does the project have features of smart and sustainable growth?*
 3. **Rural Development:** *Rural districts shall be designated in which only low density residential and agricultural uses will be acceptable. Minimum lot size for these uses should be one-half acre until adequate infrastructure, including functional sewerage, is provided;*
 - *Is the proposed use low-density residential or agricultural?*
 - *Is the proposal within a rural or agricultural area?*
 - *Is the lot size smaller than half an acre?*
 - *If smaller than half an acre, are adequate infrastructure and functional sewerage in place?*
 - *Is the project encouraging urban sprawl?*
 4. **Major Facility Siting:** *In evaluating the consistency of proposed major facilities with the goals, policies, and standards of the Comprehensive Development and Coastal Management Plans, the Territory shall recognize the national interest in the siting of such facilities including those associated with electric power production and transmission, petroleum refining and trans-mission, port and air installations, solid waste disposal, sewage treatment, and major reservoir sites.;*
 - *Does the project involve a national interest or national security?*
 - *Is the siting of the proposed major facility consistent with coastal management policy?*
 5. **Hazardous Areas:** *Identified hazardous lands including floodplains, erosion prone areas, air installation crash and sound zones and major fault lines shall be developed only to the extent that such development does not pose unreasonable risks to the health, safety, or welfare of the people of Guam, and complies with land-use regulations.*
 - *Is the proposal within a hazardous area (floodplain, Tsunami Inundation Zone)?*

- *Will the project pose unreasonable risk?*
 - *Does the project comply with land-use regulations?*
6. **Housing:** *The government shall encourage efficient design of residential areas, restrict such development in areas highly susceptible to natural and manmade hazards, and recognize the limitations of the island's resources to support historical patterns of residential development.*
- *Is the proposed residential area within any of the following: flood hazard area, wetlands, erosion prone area?*
 - *Is the proposed residential area located in or near a manmade hazard area such as an oil refinery or quarry?*
7. **Transportation:** *The Territory shall develop an efficient and safe transportation system while limiting adverse environmental impacts on primary aquifers, beaches, estuaries, and other coastal resources.*
8. **Erosion and Siltation:** *Development shall be limited in areas of 15% or greater slope by requiring strict compliance with erosion, sedimentation, and land-use district guidelines, as well as other related land-use standards for such areas. .*
- *Will the project be located in an area of 15% or greater slope?*
 - *Will the project be likely to contribute to soil erosion?*
 - *Will the project involve dredging, filling, or other such activity that would result in the sedimentation of Guam's waters?*

C. Resource Policies

1. **Conservation of Natural Resources - Overall Policy**
The value of Guam's natural resources as recreational areas, critical marine and wildlife habitats, the major source of drinking water, and the foundation of the island's economy, shall be protected through policies and programs affecting such resources.
2. **Air Quality:** *All activities and uses shall comply with all local air pollution regulations and all appropriate federal air quality standards in order to ensure the maintenance of Guam's relatively high air quality.*
- *Will there be significant harmful emissions as a result of construction and operation of the project?*
 - *Will emissions created by this project be within the range allowed by local and federal air quality standards?*

3. Water Quality: *to control activities that may degrade Guam's drinking, recreational, and ecologically sensitive waters;*

Safe drinking water shall be assured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuarine, reef and aquifer areas.

- *Will the project involve significant discharges in designated aquifer areas?*
- *Does the proposal involve activities such as the following, which would affect the quality of runoff: livestock raising, the use of pesticides, fertilizer thermal discharge, etc.?*
- *Will the proposed action involve dredging, filling, or any other activity that would adversely affect the quality of any river, stream, or other receiving water?*
- *Will the project impede or change the natural flow of a river, stream, or other water system?*
- *Will the project impact water sources?*

4. Fragile Areas: *Development in the following types of fragile areas shall be regulated to protect their unique character: historic and archaeological sites, wildlife habitats, pristine marine and terrestrial communities, limestone forests, and mangrove stands and other wetlands.*

- *Does the project area contain an archaeological or historic site listed or recommended for inclusion on the Guam Register or National Register of Historic Places?*
- *Will the project involve clearing, grading or altering limestone forests, wetlands, mangrove strands, or pristine marine communities?*
- *Will habitats, especially of those species listed on the Guam Endangered Species list, be adversely affected?*

5. Living Marine Resources: *All living resources within the territorial waters of Guam, particularly corals and fish, shall be protected from over harvesting and, in the case of marine mammals, from any taking whatsoever.*

- *Will the activity involve the destructive harvesting of fish, coral, or other marine resources?*
- *Will the activity involve the removal or sea turtles or marine mammals?*

- 6. Visual Quality:** *Preservation and enhancement of, and respect for the island's scenic resources shall be encouraged through increased enforcement of and compliance with sign, litter, zoning, subdivision, building and related land-use laws; visually objectionable uses shall be located to the maximum extent practicable, so as not to degrade significantly views from scenic overlooks, highways, and trails.*

 - *Have appropriate setbacks and landscape buffers been provided?*
 - *Does the proposal impact a view site, scenic overlook, or degrade the island's natural charm significantly?*
- 7. Recreation Areas:** *The Government of Guam shall encourage development of varied types of recreation facilities located and maintained so as to be compatible with the surrounding environment and land uses; adequately serve community centers and urban areas, and protect beaches and such passive recreational areas as wildlife and marine conservation areas, scenic overlooks, parks, and historic sites.*

 - *What is the recreational use options*
 - *Will the project impact access to recreational use*
- 8. Public Access:** *The public's right of unrestricted access shall be ensured to all non-federally owned beach areas and all Territorial recreation areas, parks, scenic overlooks, designated conservation areas and other public lands; and agreements shall be encouraged with the owners of private and federal property for the provision of reasonable access to, and use of, resources of public nature located on such land*

 - *Will the proposal involve the placement of construction of any facility which would restrict access to a park, beach, scenic overlook, or other public land?*
 - *If so, has an agreement been made to ensure public access across the site?*
- 9. Agricultural Lands:** *Critical agricultural lands shall be preserved and maintained for agricultural use.*

 - *Does the proposed use require siting on agricultural lands?*
 - *Is the slope greater than 15%?*
 - *What is the impact to agriculture?*

Part 4.Determination.

Per Appendix A § 700 (g) The position statements shall contain a clear and unambiguous statement indicating whether the agency concurs, or concurs with conditions or objects to the application. If an Approval with Conditions is given, specific conditions for the approval must be clearly stated.

The assessment conducted in Part 3, will provide the basis for determining if the applicant meets the criteria stated in the zoning law.

- Does the applicant address practical difficulties or unnecessary hardship; exceptional circumstances; and that the granting of the variance will not be detrimental to the public welfare or injurious to the property etc?
- Does the applicant address public necessity, convenience and general welfare for the requested zone?
- Does the applicant address special circumstances or conditions affecting said property; if the variance is necessary for the preservation and enjoyment of a substantial property right of the subdivider; and if the granting of such variance will not be detrimental to the public welfare etc.?

Tools

- NOAA's Coastal Change Analysis Program (C-CAP) for landscape data on a watershed scale such as loss of vegetation and forests and/or increase in impervious cover in which the project may have an impact on.
- NOAA's Tsunami Evacuation Zone map for potential storm surge inundation hazards.
- GIS Viewers such as the Guam Resource Environment Assessment Tools (GREAT) for potential hazards within the project area.
- Conduct site visits.

Key in-progress initiatives that will impact ARC

- Guam 2065
- Southern Guam Development Master Plan
- Seashore Reserve Plan
- Forests System Plan

References

- Executive Order 96-26 - Creates the Application Review Committee
- Executive Order 78-37 - Guam Land Use Policies
- 21 GCA Real Property Chapter 61 Zoning Law
- ARC Guidance, Flow Chart and Agency Mandates
- CNMI and Guam Stormwater Management Manual
- Island Stormwater Practice Design Specifications
- Stormwater Management in Pacific and Caribbean Islands: A Practitioner's Guide to Implementing LID
- Guam Soil Erosion and Sediment Control Regulation
- 22 GAR – GEPA Division II – Water Control Chapter 10, Guam Soil Erosion and Sediment Control Regulations
- Guam Safe Drinking Water Act, 10 GCA Chapter 53.
- 21 GCA, Chapter 76 Historical and Archaeological Resources
- EPA pesticide control program
- Kabales na Planu na Para Guahan
- Public Law 30-224 NCGLUP

Bureau of Statistics and Plans

Guam Coastal Management
Program



Central Planning

- § 1203. Bureau of Statistics and Plans: Responsibilities and Authority
 - (b) Assist Planning. To harmonize, improve and assist in implementing comprehensive planning activities at all levels of government.
 - (b) Ensure Consistency. To ensure that the current planning programs and projects are consistent with the Plan and the comprehensive program and financial plan, as set out in the Executive Budget Acts.
- § 1204. Support and Coordination
 - All agencies, departments, boards, commissions and other instrumentalities of the government.

December 31, 2020

**Land Use and Natural
Resource Planning**

**Information to management
solutions**

**Kabales Na Planu Para Guahan
NCGLUP Guam 2065 SGDMP**

EO 78-37

Federal Consistency

AG Legal Reviews

Section 309 Enhancement Areas

**Application Review Committee
(GLUC & GSPC) Clearing House**

Silverjackets

USACE/FEMA Technical Services

**Grants
Administration
Cooperatives
Cost Share
agreements**

Outreach Engagement

Leadership Forums

Training

Assembly of Planners

Publications and Ads

Man Land Sea

Int. Coastal Cleanup

**Network
Coordination**

Mapping

Form and Function 5GCA Ch1 Article 2, Sec 1203B



Comprehensive Land-use Natural Resource Planning Focus Areas

Sec 309 Enhancement Areas

Lead Planner: Esther

Ridge to Reef

Federal Activities

Lead Planner: Julian

- **Federal Consistency**
- **Program Change**
- **Clearinghouse**

Coastal Nonpoint Pollution

Lead Planner John/Audrey

- **Application Review Committee**
- **Silver Jackets (Storm Drainage Planning)**
- **Watershed Planning Committee**
- **USACE Civil**

Conservation Districts

Lead Planner Christian

- **Application Review Committee**
- **Forest System Plan**
- **South and North WCD**

Seashore Reserve*

Lead Planner: Chelsey Audrey

- **RWUMP**
- **Seashore Reserve Commission**
- **USACE Regulatory**
- **Mariana Islands Area Contingency Plan Committee**

* In progress

Authorized but not started
Kabales Na Planu
Southern Develop MP
Guam 2065 Land and Capital Infrastructure



General Contractors

A Tutor Perini Company

January 20, 2021

Speaker Therese M. Terlaje, Chairperson

Committee on Land

36th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagatna, Guam 96910

Subject: Oversight Hearing regarding Temporary Workers Housing

Hafa Adai Speaker Terlaje,

Thank you for giving me this opportunity to testify about the experience of Black Construction Corporation ("Black") in applying for Temporary Workers Housing Facilities.

As a brief background, Black now employs approximately 500 local workers. In order to meet its current and likely future workforce requirements, Black also requires approximately 860 H-2B workers for current projects and as many as 550 H-2B workers for future projects, for a total of at least 1,410 H-2B workers requiring Temporary Workers Housing Facility ("TWHF") accommodations. Of course, we constantly and aggressively recruit local workers at all times.

Knowing the GLUC requirements and typical timelines, Black submitted a TWHF conditional use application for 500 workers on November 14, 2019 and a supplemental application to increase the worker census to 750 on January 22, 2020. Note that our Facility was previously approved for 400 occupants; so both the initial and supplemental applications technically requested capacity for another 350 workers. The ARC meeting occurred on December 05, 2019, but the last agency position statement was not received until March 16, 2020, more than 90 days after the ARC meeting. By then, we were in COVID conditions, and Land Management did not proceed with arranging for the municipal public hearing in Tamuning. This, despite our offer to pay for all costs associated with security and enforcement of mask-wearing and social distancing, sanitizing chairs and restrooms, an audio system in the event an outside overflow area was needed, and any other costs associated with a DPHSS-approved protocol. That application's status has not changed since last March.

On July 13, 2020, Black submitted a second TWHF application, this time for accommodating 672 workers. That application has never left Planning Division's review at the Preliminary Applicant Interview stage.

TWHF regulations have been well established laws since 2011, and we relied on that process when bidding on military build-up projects requiring temporary labor. We allowed ample time for the GLUC application process to roll-out, based on prior years' experience, and followed all the rules. But now we find ourselves in this precarious situation where our TWHF applications have been idle for 10 months and 6 months, respectively; although our workers are still on-schedule to arrive.

P.O. Box 24667, GMF, Guam 96921 • **Phone:** (671) 646-4861 • **Fax:** (671) 646-9086 • **Website:** www.blackconstructionguam.com





We understand that a Bill has been introduced to fast-track those TWHF applications stuck in the process due to COVID restrictions by eliminating the GLUC processing steps following PAI review by Land Management, after which we can apply for a building permit. That PAI review assures that TWHFs are in the proper, M-1 Light Industrial zone, and the project complies with all other aspects of the zoning code. The DPW building permit assures that TWHFs are designed and constructed to all relevant building codes; and the DPHSS dormitory permit assures that TWHF's comply with all relevant public health codes.

This is an excellent compromise, considering the only alternative is for Black and other contractors in the same predicament to place our workers throughout northern and central Guam into hundreds of apartments and single-family dwellings. In addition to the operational nightmare of feeding, caring for, entertaining and transporting to and from worksites those hundreds of dislocated workers, placing them anywhere other than TWHFs would create community disruption and unfair living conditions to families now residing in those neighborhoods. However, that Bill must pass very soon, or else we will have lost the window to build-out TWHFs in time for their availability when our workers will arrive.

We trust that you and this Committee will do the right thing and resolve this backlog of TWHF applications in the interest of Guam's construction industry, the health and safety of our workers and, particularly, the welfare of our neighborhoods.

Respectfully,
Black Construction Corporation

A blue ink signature of Leonard K. Kaae, consisting of a large, stylized 'L' followed by several horizontal strokes.

Leonard K. Kaae
Senior Vice President & General Manager

January 20, 2021

To: Senator Therese Terlaje

**Subject: Bill for Temporary Workers Housing Facilities Fast-Track for GLUC Processing
due to COVID restrictions.**

Testimony from Nan Inc.

Due to the COVID-19 pandemic, Nan Inc's application for workers housing from March 2020 has yet to be reviewed and approved. We have planned for over a year and are scheduled to bring in 400+ workers in 2021. Though the processing of H2-B workers has been slowed due to the pandemic, the US Embassy and Philippines POEA offices have re-opened in the Philippines. We are on track to bring in 200 workers by the 1st week of April 2021.

Without the GLUC approved TWHF, we will not be able to house the 200 workers when they arrive on Guam. Costs of housing the H2-B workers in private housing will be costly, and will not only impact Nan Inc, but will also be a great burden on the local community, as there is a shortage of housing for local residents. An important factor to consider in the deliberation of this bill is that it has also been pointed out in previous public hearings and land use application hearings that housing temporary workers in designated facilities would be preferable to housing them in scattered locations throughout the island.

If this bill to fast-track the Temporary Workers Housing Facilities for GLUC Processing is does not pass, the economic impact for the island of Guam will be catastrophic. Guam's tourism industry is dead; data provided by the Guam Visitor's Bureau shows that tourism industry will not recover for at least the next 4 to 5 years. The largest source of income for the local economy is through the current military build-up; without it, there is no alternative source of income for tens of thousands of local workers that have been displaced and laid off from the tourism industry.

The passing of this bill to approve the TWHF will create a positive domino effect for Guam's economy and its community. Skilled workers from broad must be brought into Guam as scheduled, to work on the contracts for the military build-up. This in turn will allow Nan Inc to hire local workers in a supporting role, on the jobsites, offices, and other facilities. The 2500

H2-B visa workers scheduled to arrive in 2021 will also create opportunities for the local small business that have been affected by the hardships of the current pandemic. Federal contractors such as Nan Inc rely on small business vendors to provide food, medical support, and amenities for our workforce.

In August 2020, Nan Inc. submitted an application to the Guam Land Use Commission for conditional use to construct and operate a Temporary Workforce Housing Facility in an M-1 zone. That still has not been processed so time has now become a critical issue for us, as well as other contractors with similar pending applications. In conclusion, the Bill for Temporary Workers Housing Facilities Fast-Track for GLUC Processing due to COVID restrictions is vital to Guam's local community and economy during these times of hardships due to the COVID19 pandemic.

Sincerely,



Philsan Kim
Nan, Inc.

Daniel D. Swavely Consulting Services, Inc.

January 20, 2021

Speaker Therese M. Terlaje, Chairperson
Committee on Land
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96910

Subject: Oversight Hearing regarding Temporary Workers Housing

Hafa Adai Speaker Terlaje,

Thank you for this giving me this opportunity to testify about the urgent need to intervene in the process for obtaining a GLUC conditional use permit for Temporary Workers Housing Facilities.

In 2011, Public Law 31-72 established Temporary Workers Housing Facilities (“TWHF”) and recognized the merits of separating residential quarters for H-2B visa, temporary workers from the Guam community at-large “for both the well-being of the workers as well as the general welfare of Guam neighborhoods”. Additionally, that law requires GLUC to “liberally interpret the term *temporary workforce housing* in order to ensure the protection of the public's interests, safety and welfare.” That process has worked relatively well for the past 10 years; however, today we have a very different set of circumstances.

With the onset of COVID restrictions and the near-complete suspension of all GLUC application processing, at least 6 TWHF applications have not progressed a single step in the 5-stage GLUC process since last March. While each of those applications was timely submitted based on the timeline experience of the past decade, we now find ourselves 10 months behind, with over 2,000 temporary workers arriving in groups between later this month and the 3rd quarter of 2021. This leaves us with insufficient time to permit, build and get beneficial occupancy permits and dormitory permits for housing the incoming workers, if we are to comply with the conventional processing schedule. Note: the only option offered by P.L. 31-72 to housing temporary workers in TWHFs is placing them in private apartments and single-family houses.

Seeing this train wreck in-the-making, last September I penned a draft Bill to fast-track the THWF application process by retaining all of the substantive requirements imposed by P.L. 31-72 but fast-track the GLUC timeline by requiring only the Land Management “Preliminary Applicant Interview” review stage, which assures conformity with zoning and other land use controls. Of course, the requirements for a DPW building and occupancy permit as well as a DPH&SS dormitory permit are still in place. This fast-track process would allow contractors to regain at least a portion of the 10 months (to date) lost due to Land Management inactivity. All this has been wrapped into Bill 14-36.

*301 Frank H Cushing Way #1201
Tumon, Guam 96913
Cell: (671) [REDACTED]
Email: dds@guam.net*

Daniel D. Swavely Consulting Services, Inc.

I have previously submitted justifications to the Committee for this fast-track approach, citing the disruption to neighborhoods if hundreds of apartments are suddenly occupied by young, unaccompanied, well-paid males without transportation; the absorption of all those housing units for temporary workers, rather than our local populace; the added traffic congestion if contractors must shuttle workers to and from worksites because they are residing in scattered locations throughout northern and central municipalities; and the economic burdens of feeding, health care, free-time recreation opportunities and routine health inspections at hundreds of apartments and single-family residences in Yigo, Dededo, Mangilao, Barrigada and Tamuning. Clearly, the option of enacting a fast-track approach to processing TWHF applications during COVID conditions is a superior choice. However, that fast-track Bill must pass very soon, so our TWHFs can be ready when the temporary workers arrive.

It is my understanding that Bill 14-36 is scheduled for a public hearing on February 04 and for deliberation at the next Legislative Session on February 12. While I was hoping for corrective action two months ago, I acknowledge that a February 04 through February 12 timeline is pretty close to the speed of light for such matters; and for that I am grateful.

Don't hesitate to call on me and members of the construction industry for additional information and clarification as you deliberate and, hopefully, pass Bill 14-36.

Respectfully,
Dan Swavely
Daniel D. Swavely

*301 Frank H Cushing Way #1201
Tumon, Guam 96913
Cell: (671) [REDACTED]
Email: dds@guam.net*

21 GCA REAL PROPERTY
CH. 61 ZONING LAW

2020 NOTE: Past publications of the GCA erroneously designated subsection (ff) for the definitions of both *Use* and *Yard*; and the numbering error continued to subsequent provisions. The numbering error has been corrected in this publication, and corrections have been made to the Source annotation.

NOTE: The definition for standard-size automobile in subsection (d)(1) and the definition for compact automobile in subsection (g) are identical: “An automobile whose gross area for parking purposes is one hundred sixty (160) square feet or less.”

§ 61104. Interpretation.

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the protection and promotion of the public health, safety and general welfare, and shall be liberally construed in furtherance of these objectives.

SOURCE: GC § 17003.

§ 61105. Vote Requirements for the Commission.

[Repealed.]

SOURCE: Added by P.L. 21-129:10. Repealed by P.L. 33-219:3 (Dec. 17, 2016).

2017 NOTE: P.L. 33-219:2 amended 21 GCA § 60401, which established the composition of the Guam Land Use Commission, and created in its place a Hybrid Commission.

§ 61106. Requirements Before Municipal Public Hearings.

(a) Upon receipt by the Department of Land Management of a land use application, a copy *shall* be transmitted to the Mayor of the affected municipality.

(b) In any land use action that requires the review and decision by the Guam Land Use Commission, no municipal public hearing shall be scheduled and conducted in the affected municipality until any and all available reports and position statements have been received from the Department of Land Management. To the maximum extent possible, said reports and position statements *shall* be provided by the Application Review Committee within thirty (30) days from the filing of the application. Upon receipt of any report or position statement submitted by the Application Review Committee, the

21 GCA REAL PROPERTY
CH. 61 ZONING LAW

Department of Land Management *shall* transmit said documents to the Mayor of the affected municipality.

(c) At the request of the Mayor, permanent voting members of the Application Review Committee, who have submitted position statements, *shall*, to the maximum extent possible, be present at the municipal public hearing to provide information relative to their findings.

SOURCE: Added by P.L. 33-209:1 (Dec. 15, 2016).

2017 NOTE: This section was originally added by P.L. 33-165:5 (June 30, 2016), entitled, "Purpose and Intent." Renumbered to § 61120 by the Compiler pursuant to 1 GCA § 1606.

SUBARTICLE 1
BED AND BREAKFASTS

SOURCE: Subarticle 1, §§ 61106-61112, added to Article 1 of this chapter by P.L. 33-165:5 (June 30, 2016).

2017 NOTE: To accommodate future enactments and amendments, Subarticle 1 was renumbered by the Compiler pursuant to the authority of 1 GCA § 1606. Internal references were altered to reflect the change.

- § 61115. Purpose and Intent.
- § 61116. Restrictions and Standards.
- § 61117. Reduced Tax Rates for Senior Citizens Eligibility Retained.
- § 61118. Rules and Regulations.
- § 61119. Imposition.
- § 61120. Exemption from Hotel Sanitation Law.
- § 61121. Sub-Article Not Applicable.

§ 61115. Purpose and Intent.

The purpose of this Sub-Article is to establish a licensing process and appropriate restrictions and standards for Bed and Breakfast homes; to allow small, local businesses an opportunity to participate and benefit from tourism; to provide a visitor experience and accommodation as an alternative to the resort and hotel accommodations currently existing on Guam; and to retain

**21 GCA REAL PROPERTY
CH. 61 ZONING LAW**

- (c) Loading and unloading of automobiles or trucks, but not to use portions of required parking space.
- (d) Service vehicle storage after commercial hours.
- (e) Utilities and public facilities.
- (f) Accessory uses and structures for the above.

SOURCE: GC § 17107.

2017 NOTE: Subsection/subitem designations deleted/alterd pursuant to the authority of 1 GCA § 1606.

§ 61309. *MI* Light Industrial Zone.

- (a) Use Permitted.
 - (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 sheet metal 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 Commissions, as evidence by a resolution in writing, are similar to those listed herein.

21 GCA REAL PROPERTY
CH. 61 ZONING LAW

(12) Uses customarily accessory to any of the above listed uses, and accessory buildings.

(b) Conditional Use.

(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.

(c) Policy For Workforce Housing Facilities For Temporary Workers. The policy for the development of temporary workforce housing shall be as follows:

(1) The term temporary workforce housing shall be consistent with § 26A101 (b) of Chapter 26A, Title 10, Guam Code Annotated.

(2) The Guam Land Use Commission (GLUC) shall liberally interpret the term temporary workforce housing in order to ensure the protection of the public's interests, safety and welfare.

(3) Temporary workforce housing is hereby established as an approved conditional use under the M1 Light Industrial Zone pursuant to § 61309, and the GLUC shall not approve any workforce housing development in any zoning area other than an M1 Zone.

(4) (A) Applications for the development of temporary workforce housing shall come before the GLUC as a "Conditional Use" subject to the review process of the Agency Review Committee, and shall be subject to specific conditions of approval as established by the GLUC.

(B) In addition to other conditions imposed by the GLUC, all temporary workforce housing conditions for approvals shall include the following minimum conditions:

21 GCA REAL PROPERTY
CH. 61 ZONING LAW

(i) Unless specifically limited, approvals shall be for an initial term of twenty-four (24) months, and thereafter shall be renewed annually. Renewals shall be on forms issued by the Chief Planner, and subject to inspection by the Chief Planner and a public hearing before the GLUC.

(ii) The project must be served by an adequate sanitary sewer system.

(iii) The project must have adequate fire flow indicated by a minimum six (6) inch diameter water line or other minimum water service conditions imposed by the Guam Waterworks Authority.

(iv) The project must comply with all health and safety regulations of the government of Guam and the OSHA regulations, as applicable.

(v) Each approved project shall include a substantial perimeter fence which shall be at least of “chain link” quality and a minimum six (6) feet in height, and be subject to a complete landscape plan.

(vi) The project must include a development plan indicating specific design parameters for sleeping, toilet and shower facilities, laundry services, food services, security, medical care, transportation services and recreation areas.

SOURCE: GC § 17108. Subsection (c) added by P.L. 31-072:2 (May 25, 2011).

2017 NOTE: Subitem designations added/altered in subsection (c)(4) pursuant to the authority of 1 GCA § 1606.

NOTE: As added by P.L. 31-072:2, subsection (c)(1) included the definition of “temporary workforce housing” in brackets as follows:

[“(b) Temporary workforce housing means any enclosures of living spaces, reasonably contiguous, together with the land appertaining thereto, established, operated or used as living quarters and, at a minimum, fifty-one percent (51%) of the residents are temporary workers, including, but not limited to,

21 GCA REAL PROPERTY
CH. 61 ZONING LAW

facilities known by varying nomenclatures or designations as dormitories, hotels, motels, travel lodges, or tourist homes.”].

As subsection (c)(1) already refers to the definition as found in 10 GCA § 26A101(b), the bracketed portion is redundant and has not been codified.

§ 61310. M2 Heavy Industrial Zone.

(a) Use Permitted.

(1) Any uses permitted in the M1 zone, excepting residential use.

(2) Junk Yards. Under the special provisions set forth in Subarticle 6, Article 5 of this Chapter.

(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, vibration, or water-carried waste.

(4) Uses customarily accessory to any of the uses herein permitted, and accessory buildings and structures.

(b) Conditional use.

(1) all residential uses.

(2) Accessory uses and structures for the above.

SOURCE: GC § 17109.

§ 61311. H Resort-Hotel Zone.

Notwithstanding any other provision of law, rule or regulation to the contrary, there is hereby created a H Resort-Hotel Zone for the purpose of being applied to areas to accommodate the needs and desires of visitors, tourists and transient guests.

(a) Purpose.

(1) It applies to specific areas where public roads and public utilities are available or where suitable alternative private facilities are assured. It may apply to a single isolated hotel or resort with or without a commercial mall or shopping section.

10 GCA – HEALTH & SAFETY
CH. 26A - TEMPORARY WORKFORCE HOUSING

CHAPTER 26A
TEMPORARY WORKFORCE HOUSING

SOURCE: Chapter added as §§ 26301-26308 by P.L. 30-064:2 (Nov. 27, 2009), effective Jan. 26, 2010, pursuant to P.L. 30-064:4. Renumbered by Compiler pursuant to 1 GCA § 1606(a).

- § 26A101. Definitions.
- § 26A102. Powers and Duties.
- § 26A102.1. Untitled.
- § 26A102.2. Untitled.
- § 26A103. Sanitary and Workers' Dormitory Permit for Temporary Workforce Housing, Required:
- § 26A104. Sanitary Inspections, Phases:
- § 26A105. Fees.
- § 26A106. DPHSS Sanitary Inspection Revolving Fund.
- § 26A107. Receiving and Giving Bribes.
- § 26A108. Effective Date.

§ 26A101. Definitions.

(a) *Temporary worker* means:

(1) a worker from a point of origin outside of Guam who is sponsored by an employer, or has come to Guam on his own to seek employment for a specific project; and

(2) is on Guam for the purpose of being employed for a specific work project expected to be completed in a specific period of time; and

(3) will exit Guam upon completion of their work contract on this specific project.

(b) *Temporary workforce housing* means any enclosures of living spaces, reasonably contiguous, together with the land appertaining thereto, established, operated or used as living quarters and, at a minimum, fifty-one percent (51%) of the residents are temporary workers, including, but *not* limited to, facilities known by varying nomenclatures or designations as dormitories, hotels, motels, travel lodges, or tourist homes.

(c) *Change of Temporary Workforce Housing Status* means any significant variances to temporary workforce housing in relation to the most recent prior inspection. Such variances *shall* be determined or defined by the Department of Public Health and Social Services (DPHSS) and include,

10 GCA – HEALTH & SAFETY
CH. 26A – TEMPORARY WORKFORCE HOUSING

but *not* be limited to, significant change in the number of occupants, structural change, or change of ownership.

(d) *Sanitary Permit* means the official document issued by the DPHSS authorizing the establishment to operate its business.

(e) *Workers' Dormitory Permit* means the official sanitary permit issued by the DPHSS for temporary workforce housing.

(f) *Environmental Health Specialist* means an individual who has been hired to perform inspections in accordance with established DPHSS environmental health inspection procedures.

(g) *Independent Environmental Health Inspection Company* means an association, a corporation, individual, other legal entity or agency that is duly licensed to do business on Guam and has been certified by the DPHSS as being competent and capable to conduct sanitary inspections in accordance with established DPHSS environmental health inspection procedures.

(h) *Temporary Workforce Housing Operator* means a person, or business entity, who owns, leases *or* manages, *or* proposes to own, lease *or* manage, a temporary workforce housing, and herein *shall* be referred to as an *operator*.

§ 26A102. Powers and Duties.

The Department of Public Health and Social Services (DPHSS) is hereby authorized to establish and hire *up to* a total of fifteen (15) personnel to fill positions in the DPHSS Division of Environmental Health (DEH) to include: one (1) Environmental Health Supervisor, ten (10) Environmental Health Specialists, two (2) Environmental Health Engineers, one (1) Administrative Assistant, and one (1) Customer Service Representative, and to certify and contract an independent environmental health inspection company(s) to conduct sanitary inspections at temporary workforce housing, and other required inspections related to temporary workforce housing, as deemed necessary by DPHSS.

§ 26A102.1. Untitled.

The recruitment and hiring of personnel to fill positions in the DPHSS Division of Environmental Health (DEH), to include: one (1) Environmental Health Supervisor, ten (10) Environmental Health Specialists, two (2) Environmental Health Engineers, one (1) Administrative Assistant, and one

10 GCA – HEALTH & SAFETY
CH. 26A - TEMPORARY WORKFORCE HOUSING

(1) Customer Service Representative, *shall* be in accordance with established Government of Guam Personnel regulations.

§ 26A102.2. Untitled.

Contracting for the services of an independent environmental health inspection company(s) *shall* be in accordance with Government of Guam Procurement procedures, and in accordance with duly approved Rules and Regulations that establish the certification and operating parameters of a contracted independent environmental health inspection company. Said parameters *shall* include, but *not* be limited to, the following:

(a) The DPHSS shall determine certification requirements for the independent environmental health inspection company(s) and shall periodically review and evaluate the performance and eligibility of the company.

(b) Independent environmental health inspection company(s) under certification by DPHSS shall conduct sanitary inspections only on behalf of and at the direction of DPHSS.

(c) The company does not perform work for an operator of a temporary workforce housing or related company, which may require the sanitary inspection that may come under its inspection review,

(d) The company has no conflict of interest as determined by the DPHSS.

(e) The DPHSS reserves the right to terminate its contract with the company in the event that the company conducts negligent work.

(f) The DPHSS shall retain sole authority to grant sanitary permits.

(g) independent environmental health inspection company(s) certified by DPHSS may act as agents of DPHSS, provided that they meet the following criteria:

(1) The inspection company, or the organization of which it forms a part, shall be legally identifiable.

(2) An inspection body that is part of an organization involved in functions other than inspection shall be identifiable within that organization.

10 GCA – HEALTH & SAFETY
CH. 26A - TEMPORARY WORKFORCE HOUSING

(h) The Director of DPHSS shall contract with an independent environmental health inspection company only as a last resort, after attempting to hire environmental health personnel pursuant to the merit system, and only if unable to fill the positions after utilizing all local potential sources of recruitment, including GCC, UOG and other entities.

§ 26A103. Sanitary and Workers' Dormitory Permit for Temporary Workforce Housing, Required:

(a) The operator of a temporary workforce housing must possess a valid sanitary and workers' dormitory permit issued by DPHSS, and be made available for inspection by DPHSS or its agent(s).

(b) The operator shall be responsible for applying for a sanitary and workers' dormitory permit with DPHSS and maintaining such valid sanitary and workers' dormitory permit as a condition for operating a temporary workforce housing.

(c) The operator shall apply for renewal of its workers' dormitory permit from DPHSS prior to the June 30 expiration date and the payment thereof shall be deposited into the Environmental Health Fund.

(d) The operator shall apply for the renewal of a sanitary permit from DPHSS in accordance with § 26A104 and the payment thereof shall be deposited into the Environmental Health Fund.

§ 26A104. Sanitary Inspections, Phases:

For the purposes of sanitary regulation, permitting of temporary workforce housing shall be required during each of the following phases:

(a) Primary Inspection Phase:

(1) During the Primary Inspection Phase, sanitary inspections shall be conducted quarterly following the issuance of the initial sanitary permit.

(2) The Primary Inspection Phase shall apply to all temporary workforce housing, new or currently existing, and shall endure until four (4) consecutive quarters of satisfactory inspections have been achieved.

(3) Inspection during the Primary Inspection Phase shall be performed no sooner than forty-five (45) days of the previous

10 GCA – HEALTH & SAFETY
CH. 26A - TEMPORARY WORKFORCE HOUSING

inspection conducted. If an inspection occurs sooner than forty-five (45) days of the previous inspection conducted, the inspection shall not qualify as one of the quarterly inspections required.

(b) Secondary Inspection Phase:

(1) Secondary Inspection Phase shall be applied following successful completion of the Primary Inspection Phase, as defined in § 26A104(a).

(2) During the Secondary Inspection Phase, inspections shall be conducted on a semiannual basis.

(3) Inspection during the Secondary Inspection Phase shall be performed no sooner than ninety (90) days from the previous inspection conducted. If an inspection occurs sooner than ninety (90) days of the previous inspection conducted, the inspection shall not qualify as one of the semiannual inspections required.

(4) Successful completion of the Secondary Inspection Phase shall consist of two (2) consecutive semiannual inspections that were rated satisfactory.

(5) Following a failed inspection or Change of Temporary Workforce Housing Status, the temporary workforce housing in question shall return to the Primary Inspection Phase.

(c) Tertiary Inspection Phase:

(1) During the Tertiary Inspection Phase, inspections will be conducted on an annual basis.

(2) Inspection during the Tertiary Phase shall be performed no sooner than one hundred eighty (180) days from the previous inspection conducted. If an inspection occurs sooner than one hundred eighty (180) days of the previous inspection conducted, the inspection will not qualify as one of the annual inspections required.

(3) Following a failed inspection or Change of Temporary Workforce Housing Status, the temporary workforce housing in question shall return to the Primary Inspection Phase.

10 GCA – HEALTH & SAFETY
CH. 26A – TEMPORARY WORKFORCE HOUSING

§ 26A105. Fees.

(a) When any re-inspection is required pursuant to § 26A104 of this Chapter, the operator shall pay a fee, established by rules and regulations promulgated by DPHSS, for each re-inspection.

(b) All fees due must be paid before a valid sanitary and workers' dormitory permit will be issued or renewed.

(c) Permit is not transferable.

(d) There will be no charges for the following types of inspections, provided a current permit has been issued:

(1) Validation inspections; and

(2) Complaint verification inspections.

(e) All sanitary and workers' dormitory permit fees collected under this Chapter shall be deposited in the Environmental Health Fund created in 10 GCA Chapter 22, § 22107.

2012 NOTE: Subsections (d)(1) through (d)(2) numbered by Compiler to harmoniously fit this section.

§ 26A106. DPHSS Sanitary Inspection Revolving Fund.

(a) There is hereby created the DPHSS Sanitary Inspection Revolving Fund, which shall be accounted for separately from the General Fund and shall not lapse at the end of a fiscal year but shall roll-over until used by the DPHSS for the overall cost of conducting sanitary inspections of temporary workforce housing and other required inspections that it deems necessary, including, but not limited to, hiring employees authorized to be hired under this Act, the purchase of vehicles, conducting or attending training, or the purchase of related equipment.

(b) Payment to contracted independent environmental health inspection company(s) for services rendered shall be paid from the DPHSS Sanitary Inspection Revolving Fund.

(c) Notwithstanding the Central Accounting Act, fees collected and deposited into a special fund known as the DPHSS Sanitary Inspection Revolving Fund shall be kept in a bank licensed to do business on Guam and funds shall be paid out only upon a request for payment or requisition submitted by the Director of DPHSS. All monies in this Fund shall be

10 GCA – HEALTH & SAFETY
CH. 26A - TEMPORARY WORKFORCE HOUSING

subject to legislative appropriation, and are hereby specifically appropriated only for the use of the Division of Environmental Health in the pursuit of its authority.

§ 26A107. Receiving and Giving Bribes.

The sanitary inspection agent from DEH, or the independent environmental health inspection company(s), *shall* be guilty of a felony if he or she solicits, accepts or agrees to accept any benefit from another person as consideration for his or her performance of an official function. A person is guilty of a felony if he or she offers, or agrees to offer, any benefit to the sanitary inspection agent as consideration for such sanitary inspection agent's performance of an official function.

§ 26A108. Effective Date.

(a) Upon passage of this Act, the DPHSS shall develop rules and regulations and shall submit same to I Liheslatura no later than ninety (90) days following the passage of this Act.

(b) The rules and regulations shall become effective upon adoption by I Liheslaturan Guåhan.

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

- (a) The individual's name; and
- (b) The individual's identification number.

§ 41652. Acquisition of Signature.

Prior to the actual dispensing of a controlled substance, a pharmacist must obtain a signature of the individual submitting a prescription for controlled substances listed in Schedules II, III, and IV. The signature shall be written on the back of the prescription.

§ 41653. Effective Date.

These rules shall be effective after ninety (90) calendar days have elapsed from the dated of filing with the Legislative Secretary. At that time, all other rules and regulations or parts of other rules and regulations that conflict with these rules are repealed.

§ 41654. Separability.

If any provision or application of any provision of these rules are held invalid, that invalidity shall not affect the other provisions or applications of these rules.

ARTICLE 17
TEMPORARY WORKFORCE HOUSING REGULATIONS

SOURCE: Added by PL 33-021:2 (May 7, 2015).

- § 41701. Short Title.
- § 41702. Authority.
- § 41703. Purpose.
- § 41704. Definitions.
- § 41705. Requirements to Obtain and Apply for a Workers' Dormitory Permit.
- § 41706. Requirements to Obtain and Maintain a Sanitary Permit.
- § 41707. Maximum Occupancy.
- § 41708. Location and Premises.
- § 41709. Shelter.

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

- § 41710. Water Supply.
- § 41711. Toilet Facilities.
- § 41712. Sewage Disposal.
- § 41713. Laundry, Hand-Washing, Bathing and Cleaning Facilities.
- § 41714. Lighting.
- § 41715. Refuse Disposal.
- § 41716. Construction and Operation of Kitchen, Dining Halls, and Feeding Facilities.
- § 41717. Insect and Rodent Control.
- § 41718. Safety and First Aid.
- § 41719. Animals and Poultry.
- § 41720. Reporting of Communicable Disease.
- § 41721. Compliance.
- § 41722. Inspections.
- § 41723. Fees.
- § 41724. Posting of Documents.
- § 41725. Miscellaneous.
- § 41726. Exemptions.

§ 41701. Short Title.

These rules and regulations may also be known and cited as the “Temporary Workforce Housing Regulations.”

§ 41702. Authority.

Title 10, Guam Code Annotated, Chapter 26A, § 26A108 authorizes the Director to establish rules and regulations to conduct inspections of temporary workforce housing and carry out other provisions of Chapter 26.

§ 41703. Purpose.

The purpose of these rules and regulations is to protect and promote the health and safety of occupants in a temporary workforce housing and those who may reside in the immediate vicinity of such premises.

§ 41704. Definitions.

- (a) *Change of temporary workforce housing status* shall

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

mean any significant variances to temporary workforce housing in relation to the most recent prior inspection.

(b) *Division of Environmental Health* or *DEH* shall mean the Division of the DPHSS established through Title 10 GCA, Chapter 20, § 20103.

(c) *Department* shall mean the Guam Department of Public Health and Social Services (DPHSS).

(d) *Dining Hall* shall mean a cafeteria-type eating place with food furnished by and prepared under the direction of the operator for consumption, with or without charge.

(e) *Director* shall mean the Director of Public Health and Social Services or his/her designated representative.

(f) *Failed inspection* (also known as *unsatisfactory inspection*) shall mean an inspection resulting in a demerit score of 11 or more.

(g) *Habitable room* shall mean a room or space in a structure with a minimum seven foot ceiling used for living, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

(h) *Occupant* shall mean any person who uses a temporary workforce housing for lodging purposes.

(i) *Operator* or *Temporary Workforce Housing Operator* shall mean a person, or business entity, who owns, leases or manages, or proposes to own, lease or manage, a temporary workforce housing, and includes any person designated in the application for a Sanitary Permit to operate a temporary workforce housing or having an authority to administer the day-to-day operations of the facility, and to respond to complaints, orders, and other matters as set forth in these rules and regulations.

(j) *Person* shall mean any owner, firm, corporation or governmental agency operating a dormitory.

(k) *Sanitary Permit* shall mean the official document issued

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

by the DPHSS authorizing the establishment to operate its business.

(l) *Satisfactory* shall mean achieving a letter grade “A” at the conclusion of a compliance inspection of temporary workforce housing.

(m) *Superficial floor area* shall mean the net area within the enclosing walls of the room in which the ceiling height is not less than seven feet (7’), excluding built-in equipment such as wardrobes, cabinets, kitchen units, bathrooms, toilet rooms, or fixtures.

(n) *Temporary worker* shall mean:

(1) A worker from a point of origin outside of Guam, who is sponsored by an employer, or has come to Guam on his own to seek employment for a specific work project; and

(2) is on Guam for the purpose of being employed for a specific project expected to be completed in a specific period of time; and

(3) will exit Guam upon completion of their work contract on this specific project.

(o) *Temporary workforce housing*, also known as *dormitory*, shall mean any enclosures of living spaces, reasonably contiguous, together with the land appertaining thereto, established, operated or used as living quarters and, at a minimum, fifty-one percent (51%) of the residents are temporary workers, including, but not limited to, facilities known by varying nomenclatures or designations as dormitories, hotels, motels, travel lodges, or tourist homes.

(p) *Variance*, as used in the reference to *Change of Temporary Workforce Housing* of these rules and regulations, shall include changes to the number of occupants, structure, ownership, and any other changes or deficiencies that impact the operation of the facility, safety or welfare of the occupants, or otherwise contradicts the purpose of these rules and regulations and other Department regulations that govern temporary workforce housing.

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

(q) *Workers' dormitory permit* shall mean the official document issued by the Department of Public Health and Social Services authorizing a person or business entity to operate a temporary workers' dormitory.

§ 41705. Requirements to Obtain and Apply for a Workers' Dormitory Permit.

(a) No person shall directly or indirectly in any manner conduct, control, manage, maintain, or operate a dormitory unless a valid Workers' Dormitory Permit issued by the Department to operate such a facility has been obtained and properly posted.

(b) An application for a Workers' Dormitory Permit to operate any new or existing dormitory shall be made in writing on a form prescribed by the Director, signed by the applicant or his/her authorized agent, and shall contain such information that will determine that the facility and its operation are in compliance with the applicable provisions of these rules and regulations.

(c) Before the application for a Workers' Dormitory Permit shall be approved, the Director shall verify that the establishment meets the minimum requirements and standards of these rules and regulations. This shall include the right of entry, inspection, and investigation.

(d) Before a pre-operation inspection is conducted, plans and specifications shall be submitted to the Director in accordance with the requirements established in these regulations which shall include the following:

(1) the location of the proposed temporary workforce housing (vicinity map) on a sheet of paper measuring 8½ inches by 11 inches, including the street names, building numbers, and easily identifiable landmarks; and

(2) a floor plan on a sheet of paper measuring, at a minimum, 8½ inches by 11 inches, showing:

(A) the dimensions of the proposed establishment;

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

(B) the location, number and type of plumbing fixtures, including all water supply fixtures and toilet fixtures, and other fixtures and equipment; and

(C) if a newly-constructed building, the general layout of water supply lines, wastewater lines or methods of wastewater disposal.

(e) If pre-operation inspection indicates that the establishment does not meet the minimum requirements, the Workers' Dormitory Permit shall not be issued until such time as the requirements are met.

(f) All Workers' Dormitory Permits shall be issued for a maximum period of no more than twelve (12) months and renewed on June 30 of each year. An application for a new or the renewal of a Workers' Dormitory Permit shall be filed at least fifteen (15) days before a new establishment intends to open, or before the current Workers' Dormitory Permit expires.

(g) Any person or establishment denied a Workers' Dormitory Permit, or whose Workers' Dormitory Permit has been suspended or revoked, may appeal the Director's action in accordance with the provisions of the Administrative Adjudication Law.

§ 41706. Requirements to Obtain and Maintain a Sanitary Permit.

(a) If upon inspection the Director is satisfied that the establishment meets the minimum requirements of these rules and regulations as the Director may prescribe and a Workers' Dormitory Permit is issued, a non-transferable Sanitary Permit designating the type and location by physical address and lot number of establishment shall also be issued.

(b) Failure to comply with any of the requirements listed below shall be a reason to deny the issuance of a Sanitary Permit:

(1) locking of doors during the presence of the Department when conducting compliance inspections;

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

- (2) unapproved or inadequate water supply or plumbing;
- (3) denying access to inspectors;
- (4) receiving demerit points of more than 40; or
- (5) repeating a violation assigned 2, 4 or 6 demerit points.

§ 41707. Maximum Occupancy.

The maximum capacity for Temporary Workforce Housing shall be based on:

- (a) the square footage of the housing facility; and
- (b) the number of bathing, hand washing, laundry, and toilet facilities.

§ 41708. Location and Premises.

(a) Facility sites used for a dormitory shall be adequately drained. They shall not be subject for periodic flooding, nor located within two hundred (200) feet of swamps, pools, sink-holes or other surface collections of water, unless such quiescent water surfaces can be subjected to mosquito control measures. The facility shall be located so the drainage from and through the facility will not endanger any domestic or public water supply.

(b) Grounds within the facility site shall be maintained so as to be free from debris, noxious plants, uncontrolled weeds, or brush.

(c) Facility sites shall be graded, ditched and rendered free from depressions in which water may become a nuisance.

(d) Facility sites shall be adequate in size to prevent overcrowding of necessary structures. The facility in which food is prepared and served and where sleeping quarters are located must be at least five hundred (500) feet from any area in which livestock is kept.

(e) Grounds within the facility shall be maintained in a clean and sanitary condition free from rubbish, debris, waste

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

paper, garbage, or other refuse.

§ 41709. Shelter.

(a) Every shelter in the dormitory shall be constructed in a manner which will provide protection against the elements.

(b) Each room used for sleeping purposes shall contain at least fifty (50) square feet of superficial floor area for each occupant. At least a seven (7)-foot ceiling shall be provided.

(c) Sleeping arrangements (beds, metal frame cots, or bunks complete with springs, mattresses, and mattress covers) in good repair shall be provided for facility occupants. Sleeping arrangements shall be cleaned and maintained in a sanitary condition. No bed shall be used by more than two (2) occupants.

(d) Beds, cots, or bunks, and suitable storage facilities such as wall lockers for clothing and personal articles shall be provided in every room used for sleeping purposes. Such beds or similar facilities shall be spaced not closer than thirty-six (36) inches both laterally and end to end, and shall be elevated at least twelve (12) inches from the floor. If double-deck bunks are used, they shall be spaced not less than forty-eight (48) inches laterally and end to end. The minimum clear space between the lower and upper bunk shall not be less than twenty-seven (27) inches. Triple-deck bunks are prohibited.

(e) The floors of each shelter shall be constructed of wood, concrete or other materials approved by the Department. Wooden floors shall be smooth and of tight construction. The floor shall be of such construction as to be easily cleanable, and shall be kept clean and in good repair.

(f) All wooden floors shall be elevated not less than one (1) foot above the ground level at all points to prevent dampness and to permit free circulation of air beneath.

(g) All living quarters shall be provided with windows in which the total area shall not be less than one-tenth of the total floor area. At least one-half of each window shall be so constructed that it can be opened for purposes of ventilation.

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

(h) All exterior openings shall be effectively screened with sixteen (16)-mesh to the inch material. All screen doors shall be equipped with self-closing devices.

(i) In a room where occupants cook, live, and sleep a minimum of one hundred (100) square feet of superficial floor area per person shall be provided. Adequate facilities and proper methods for the preparation, refrigeration, and storage of food shall be provided.

(j) In a dormitory where cooking facilities are used in common, stoves (in a ratio of one (1) stove to ten (10) persons) shall be provided in an enclosed and screened shelter, and shall be equipped with an electric exhaust fan connected to the outside air. Adequate facilities and proper methods for the preparation, refrigeration, and storage of food shall be provided.

(k) All communal kitchens shall have a floor area of at least one hundred (100) square feet (10 ft. x10 ft. rooms).

(l) All heating, cooking, and water heating equipment shall be installed in accordance with applicable laws of Guam and rules and regulations governing such installations.

(m) All rooms shall have sufficient ventilation to keep them free of excessive heat, carbon dioxide, steam, condensation, vapors, obnoxious odors, smoke, and fumes. A ventilation system shall be installed and operated according to applicable laws of Guam, and when vented to the outside, shall not create an unsightly, harmful, or unlawful discharge.

§ 41710. Water Supply.

(a) An adequate supply of potable water from an approved source and under pressure shall be provided at all times in each dormitory for drinking, cooking, bathing and laundry purposes.

(b) Drinking water dispensed by means of drinking fountains, cups, and water coolers shall conform to the following:

(1) Drinking fountains shall be kept clean and in good repair and conform to the latest editions of the International

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

Plumbing Code and the International Building Code adopted on Guam.

(2) Single service cups shall be used for water dispensed from bottled water or water coolers. Single service cups shall be stored, handled, and dispensed in a sanitary manner.

(3) Water coolers used for dispensing drinking water shall be provided with a cover, and shall be kept clean. Dipping the cups into the water cooler is prohibited. Water coolers shall be adequately protected to prevent any contamination.

(4) Other cups, such as individually owned cups, shall be used by only one owner.

(c) All water outlets shall be protected from backflow either by air gap or backflow prevention devices. There shall be no existing or potential cross-connection or back-siphonage problems anywhere in the building or its premises.

(d) Any water outlets with a threaded, serrated, or quick coupling nozzle shall be provided with a vacuum breaker.

§ 41711. Toilet Facilities.

(a) Toilet facilities shall be of adequate capacity based on latest applicable codes.

(b) Each toilet shall be located so as to be accessible without any individual passing through any sleeping room. Toilet rooms shall have windows not less than six (6) square feet in area opening directly to the outside area or otherwise be satisfactorily ventilated. All outside openings shall be screened with sixteen (16)-mesh to the inch material. No toilet fixtures shall be located in a room used for other than toilet purposes.

(c) A toilet room shall be located not more than two hundred (200) feet of travel distance from the door of each sleeping room.

(d) Where the toilet rooms are shared, such as in barracks type facilities, separate toilet rooms shall be provided for each

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

sex. These rooms shall be distinctly marked for “Men” and “Women” by signs printed in English and in the language of the persons occupying the camp, or marked with easily understood pictures or symbols. If the facilities for each sex are in the same building, they shall be separated by solid walls or partitions extending from the floor to the roof or ceiling.

(e) Where toilets facilities are shared, the number of water closets provided for each sex shall be based on the maximum number of persons of that sex which camp is designed to house at any one time, in the ratio of one (1) such unit to each ten (10) persons, with a minimum of two (2) units for any shared facility.

(f) Each toilet facility shall be completely enclosed and shall have a tight fitting, self-closing door. Toilet partitions shall begin not more than one (1) foot from the floor and extend to a height of not less than five (5) feet.

(g) Urinals shall be provided on the basis of one (1) unit to each ten (10) men. The floor, from the wall and for a distance of not less than fifteen (15) inches measured from the outward edge of the urinals, shall be constructed of materials impervious to moisture. Where water under pressure is available, urinals shall be provided with adequate water flush.

(h) Each toilet room shall be lighted naturally or artificially by a safe lighting at all hours of the day and night.

(i) Floors shall be of impervious material, and floor drains shall be provided.

(j) Walls, ceilings, and floors shall be impervious to moisture and have smooth surfaces.

(k) Walls and ceilings shall be light colored as determined by the Department to aid in the distribution of light to facilitate thorough cleaning, and the observation of general sanitary procedures.

(l) Each toilet facility shall be completely enclosed and shall have a tight-fitting, self-closing door.

(m) An adequate supply of toilet paper in a dispenser shall

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

be provided in each water closet.

(n) All toilet rooms shall be provided with an approved trash container.

(o) Toilet rooms shall be kept in a sanitary condition. They shall be cleaned at least daily.

§ 41712. Sewage Disposal.

An approved sewage disposal system which is located, constructed, and operated in conformance with the standards established for such systems by the Guam Environmental Protection Agency and the Guam Waterworks Authority.

§ 41713. Laundry, Hand-Washing, Bathing and Cleaning Facilities.

(a) Laundry, hand-washing, bathing, and cleaning facilities shall be provided in the following ratio:

(1) one (1) lavatory to each ten (10) persons in shared facilities;

(2) one (1) shower head to each eight (8) persons;

(3) a laundry tray or tub for every thirty (30) persons if a centralized laundry facility is not provided; and

(4) a utility sink (also known as mop sink) in each building used; the number and placement of utility sinks shall be determined by DPHSS.

(b) Floors shall be of a smooth finish but not of slippery materials; they shall be impervious to moisture. Floor drains shall be provided in all shower baths, shower rooms, or laundry rooms to remove wastewater and facilitate cleaning. All junctions of the curbing and the floor shall be coved.

(c) The walls and partitions of shower rooms shall be smooth and impervious to the height of the splash.

(d) An adequate supply of hot and cold running water shall be provided for bathing and laundry purposes.

§ 41714. Lighting.

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

(a) Each habitable room in a dormitory shall be provided with at least one (1) ceiling-type light fixture and at least one (1) separate floor - or wall-type convenience outlet.

(b) Laundry and toilet rooms and rooms where people congregate shall contain at least one (1) ceiling - or wall-type fixture.

(c) Light levels in toilet and storage rooms shall be at least 20 foot-candles at thirty (30) inches from the floor.

(d) Other rooms, including kitchens and living quarters, shall be at least thirty (30) foot-candles at thirty (30) inches from the floor.

§ 41715. Refuse Disposal.

(a) All refuse shall be disposed of as often as necessary and in such a manner as to prevent a public health nuisance.

(b) Fly-tight, rodent-tight, impervious and easily cleanable containers shall be provided for the storage of garbage and rubbish.

(c) Refuse containers shall be elevated to at least twelve (12) inches from the ground surface and the area around the containers shall be kept clean so as not serve as harborage for vermin. Bulk refuse containers shall be located on impervious asphalt or concrete. At least one (1) such refuse container shall be provided for each shelter and shall be located within one hundred (100) feet of each shelter on a metal or concrete surface.

(d) Refuse containers shall be emptied when full, and no less than once a week.

§ 41716. Construction and Operation of Kitchen, Dining Halls, and Feeding Facilities.

(a) In a dormitory where central dining or feeding operations are permitted and provided, adequate facilities and proper methods for the preparation, serving, refrigeration, and storage of food shall be provided in conformance with applicable Department rules and regulations governing food facilities.

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

(b) A properly constructed kitchen and dining hall adequate in size, and separate from the sleeping quarters, shall be provided in connection with all food handling facilities. There shall be no direct opening from living or sleeping quarters into a kitchen or dining hall.

(c) No person with any communicable disease may be employed or permitted to work in the preparation, cooking, serving or other handling of food, foodstuffs or materials used in any kitchen or dining room operated in connection with a camp or regularly used by persons living in a camp.

§ 41717. Insect and Rodent Control.

(a) Effective measures shall be taken to prevent infestation by and harborage of animal or insect vectors or pests.

(b) Every door opening directly to outdoor space shall be equipped with a self-closing device for protection against mosquitoes, flies, and other insects. If a screen door is provided it must have a self-closing device, and screening shall not be less than sixteen (16)-mesh to the inch material.

(c) Every window or other device with openings to outdoor space, used or intended to be used for ventilation shall likewise be equipped with screening not less than sixteen (16)-mesh to the inch material.

§ 41718. Safety and First Aid.

(a) Approved first aid supplies shall be provided and be accessible at all times. The supplies shall be equivalent to the sixteen (16) unit first aid kit recommended by the American Red Cross, and shall be provided in the ratio of one (1) to each fifty (50) persons. First aid kits shall be distributed and placed conspicuously throughout the temporary workforce housing.

(b) Flammable or volatile liquids or materials, except those needed for household use other than use as fuel, shall not be stored in or adjacent to rooms used for living purposes.

(c) Pesticides and toxic chemicals other than those commonly regarded as being used for household use, such as

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

cleaning agents, shall not be stored within the temporary workforce housing site. Any pesticide or other toxic materials, and any potentially hazardous materials or equipment kept within five hundred (500) feet of the facility site shall be stored in a secure, locked enclosure.

§ 41719. Animals and Poultry.

No cats, dogs, livestock, or poultry shall be permitted in the dormitory, kitchen, dining or other buildings used for housing purposes.

§ 41720. Reporting of Communicable Disease.

(a) It is the duty of the owner or operator to report immediately to the Department the name and address of any individual in the facility known to have or suspected of having a communicable disease.

(b) Whenever there occurs in any temporary workforce housing a case of suspected food poisoning or an unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, it will be the duty of the operator to report immediately the existence of the outbreak to the Department by telephone, electronic mail or any method that is equally fast.

§ 41721. Compliance.

(a) All new temporary workforce housing shall be in compliance with these rules and regulations. The owner shall designate a responsible employee to manage the daily operations of the establishment.

(b) All temporary workforce housing shall comply with these rules and regulations upon renovation, extension or remodeling of an existing building. Temporary workforce housing in existence at the time these rules and regulations take effect shall be deemed acceptable if it is determined by the Director that no serious health hazard or discomfort will occur that would affect the occupants of such facility.

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

§ 41722. Inspections.

(a) Sanitary Inspections, Phases: For the purposes of sanitary regulation, and pursuant to Title 10 GCA, Chapter 26A, permitting of temporary workforce housing shall be required during each of the following phases:

(1) Primary Inspection Phase

(A) During the Primary Inspection Phase, sanitary inspections shall be conducted quarterly following the issuance of the initial Sanitary Permit.

(B) The Primary Inspection shall apply to all temporary workforce housing, new or currently existing, and shall endure and achieve four (4) consecutive quarters of satisfactory inspections.

(C) Inspection during the Primary Inspection Phase shall be performed no sooner than forty-five (45) days of the previous inspection conducted. If an inspection occurs sooner than forty-five (45) days of the previous inspection conducted, the inspection shall not qualify as one of the quarterly inspections required.

(D) A Secondary Inspection Phase shall be applied following successful completion of the Primary Inspection Phase.

(E) During the Secondary Inspection Phase, inspections shall be conducted on a semiannual basis.

(F) Inspection during the Secondary Inspection Phase shall be performed no sooner than ninety (90) days from the previous inspection conducted. If an inspection occurs sooner than ninety (90) days of the previous inspection conducted, the inspection shall not qualify as one of the semiannual inspections required.

(G) Successful completion of the Secondary Inspection Phase shall consist of two (2) consecutive semiannual inspections that were rated satisfactory.

(H) Following a failed inspection or Change of

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

Temporary Workforce Housing Status, the temporary workforce housing in question shall return to the Primary Inspection Phase.

(2) Tertiary Inspection Phase

(A) During the Tertiary Inspection Phase, inspections will be conducted on an annual basis.

(B) Inspection during the Tertiary Phase shall be performed no sooner than one hundred eighty (180) days of the previous inspection conducted. If an inspection occurs sooner than one hundred eighty (180) days from the previous inspection conducted, the inspection will not qualify as one of the annual inspections required.

(C) Following a failed inspection or Change of Temporary Workforce Housing Status, the temporary workforce housing in question shall return to the Primary Inspection Phase.

(b) Access.

An employee or representative of the Department shall, after proper presentation of credentials, have access to any temporary workforce housing at any reasonable time for the purpose of making inspections to determine compliance with these rules and regulations. Denial of access shall be cause for suspension of the Sanitary Permit.

(c) Report of Inspections.

Whenever an inspection of a temporary workforce housing is conducted, the findings shall be recorded on a form authorized by the Director, and shall summarize the requirements of these rules and regulations, and shall set forth a demerit value for each requirement. Inspection remarks shall be written to reference, by section number, the Section violated and shall state the correction to be made. The rating score of the establishment shall be the total of the demerit values for all violations. A copy of the completed inspection report form shall be issued to the operator of the establishment at the conclusion of the inspection.

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

The completed form is a public document that shall be made available for public disclosure to any person who requests it according to law.

(d) Appeal.

The report of inspection of a temporary workforce housing shall state that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Director within the period of time established in the notice for correction.

(e) Grading.

(1) Grades of temporary workforce housing shall be determined using the demerit point system referenced in § 21106 of Title 10 GCA, Chapter 21, which shall be as follows:

(A) Grade A: An establishment having a demerit score of not more than ten (10);

(B) Grade B: An establishment having a demerit score of more than ten (10) but not more than twenty (20);

(C) Grade C: An establishment having a demerit score of more than twenty (20) but not more than forty (40); and

(D) Grade D: An establishment having a demerit score of more than forty (40).

(2) Notwithstanding the grade criteria established above, whenever a second consecutive (“repeat”) violation of the same item is discovered, the Workers’ Dormitory Permit may be suspended or the establishment shall be downgraded to the next lower grade.

(3) DPHSS shall issue a placard reflecting the letter grade of the most recent inspection.

(f) The temporary workforce housing operator shall ensure that he/she, or a designee, be present during inspections

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

of temporary workforce housing by the Department.

§ 41723. Fees.

(a) Pursuant to § 26A105 of Title 10 GCA, Chapter 26A, an operator shall pay a fee for a new and the renewal of Workers' Dormitory Permits, which are separate and apart from the fees for the issuance of a Sanitary Permit.

(1) A new Workers' Dormitory Permit shall be Seven Dollars and Fifty Cents (\$7.50) for each; and

(2) Renewal of a Workers' Dormitory Permit shall be Seven Dollars and Fifty Cents (\$7.50) for each.

(b) Pursuant to §26A105 of Title 10 GCA, Chapter 26A, an operator shall pay a fee for a new and the renewal of Sanitary Permits.

(1) The cost for the issuance of a new Sanitary Permit shall be the current fee established in the "Sanitary Permit Rules and Regulations" (Title 26 GARR, Chapter 4, Article 5) at the time of application.

(2) Renewal of a Sanitary Permit for temporary workforce housing shall be based on sanitary inspection phases pursuant to § 26A104 of Title 10 GCA Chapter 26A.

(3) The cost of the renewal fee shall be Thirty-eight Dollars (\$38.00)

(4) Upon the completion of an inspection, the Department shall provide an invoice to the temporary workforce housing operator or his/her representative.

(5) Within seven (7) calendar days of receipt of the invoice from the Department, the operator or his/her representative shall make the appropriate payment to the Department so as to be issued its renewal of a Sanitary Permit. Failure to make such payment within the required allotted time shall cause the Sanitary Permit to become suspended, at which time the operator must cease the operation of the temporary workforce housing immediately.

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

(6) In addition to all other required fees, and before the initial Sanitary Permit is issued, the operator shall provide to DPHSS an “inspection security deposit” which shall be equal to that of the facility’s applicable Sanitary Permit renewal fee cited in § 41723(b)(3) of these rules and regulations. This non-refundable inspection security deposit shall be used as payment to DPHSS in the event the temporary workforce housing operator fails to timely make a payment for an inspection conducted by the Department. The use of the inspection security deposit for payment to DPHSS shall not relieve the same operator from resubmitting another inspection security deposit before the suspension of its Sanitary Permit is withdrawn.

(7) The inspection security deposit may be used by the temporary workforce housing operator as payment for the last inspection required of the operator prior to the closing of its business, provided the operator submits a written notification to the Department. Such written notification shall include the name and signature of the operator; the official date of the temporary workforce housing’s close of business, which shall be no later than the next required inspection date had the operator remained in operation; and a request for the use of the inspection safety deposit to make such payment. The written notification shall be submitted concurrently with the applicable invoice to the Department.

(c) There will be no charges for the following types of inspections, provided a current permit has been issued:

- (1) Validation inspections; and
- (2) Complaint verification inspections.

§ 41724. Posting of Documents.

The Sanitary Permit, Workers’ Dormitory Permit, grade placard, and a copy of the most recent inspection report shall be posted in a conspicuous location designated by the Director. No person other than the Director shall remove, deface, conceal, or destroy such permit or report.

26 GAR – PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES
CH. 4 PUBLIC HEALTH AND SANITATION

§ 41725. Miscellaneous.

(a) Effective Date. These rules and regulations are effective upon its adoption pursuant to the Administrative Adjudication Law.

(b) Severability. If any provision or application of any provision of those rules and regulations is held invalid, that invalidity shall not affect the other provision or applications of these rules and regulations.

§ 41726. Exemptions.

In the event that an establishment or person is unable to comply with certain requirements of these regulations, the Director may authorize and exempt that particular Section, but shall be augmented by increased requirements in other Sections in order to provide adequate protection for the workers. These requirements will be determined by the representatives of the DEH, and the establishment on a case by case basis.

ARTICLE 18
THE GUAM PRESCRIPTION DRUG MONITORING PROGRAM

SOURCE: Added by P.L. 31-272:2 (Dec. 26, 2012).

- § 41801. Purpose
- § 41802. Authority
- § 41803. Title
- § 41804. Definitions
- § 41805. Guam Prescription Drug Monitoring Program
Advisory Committee
- § 41806. Reporting Requirements for Dispensers
- § 41807. Electronic Submission Requirement Waiver
- § 41808. Access to Prescription Monitoring Information by
Patients
- § 41809. Access to Prescription Monitoring Information by
Dispensers
- § 41810. Access to Prescription Monitoring Information by
Prescribers

**5 GCA GOVERNMENT OPERATIONS
CH. 40 MAYORS OF GUAM**

addition, the Mayor may appoint one (1) additional member to the Municipal Planning Council for every one thousand (1,000) residents of the district in excess of ten thousand (10,000); provided, that the total membership shall not exceed twenty (20) members.

A Mayor and a Vice-Mayor shall be ex officio members of their respective Municipal Planning Councils, may participate in all proceedings, and shall be eligible to vote thereat. The Mayor shall be chairman of the Municipal Planning Council.

SOURCE: GC § 15018 added by P.L. 14-27:9. Amended by P.L. 20-33:1; amended by P.L. 21-69:2.

§ 40126. Municipal Planning Council: Term of Office.

Each member of the Municipal Planning Council shall hold office for a period of two (2) years, said term to begin on the first Monday in January following his or her appointment.

SOURCE: GC § 15019 added by P.L. 14-27:9.

§ 40127. Municipal Planning Council: Vacancy.

In case of a vacancy on the Municipal Planning Council by reason of death, resignation or incapacity, said vacancy shall be filled by appointment of the Mayor.

SOURCE: GC § 15020 added by P.L. 14-27:9 and amended by P.L. 20-33:1.

§ 40128. Municipal Planning Council: Powers, Duties and Responsibilities.

The Municipal Planning Council in each district shall work closely with the district Mayor and shall perform the following duties and responsibilities:

- (a) Advise the Mayor on all matters affecting the well-being of the community.
- (b) Review and approve the Mayors' requests for expenditures of money from the Municipal Fund as established by § 40118 of this Chapter.
- (c) Hold joint public hearings with the Mayor and Vice Mayor, if applicable, on matters affecting the community.

5 GCA GOVERNMENT OPERATIONS
CH. 40 MAYORS OF GUAM

(d) Cooperate with the Mayor and Vice Mayor, if applicable, in whatever manner appropriate to ensure the well-being of the residents of the community.

(e) Promulgate such rules and regulations as necessary for the proper operation of the programs under the jurisdiction of the Mayor, provided however, that said rules and regulations do not infringe on the authority of the Mayor as provided in § 40115 of this Chapter.

(f) (1) Review and express its support or opposition on all variance applications, zone changes, and government leases involving land within their districts, pursuant to §§ 61623, 61638, and 60115 of Title 21, Guam Code Annotated. The Municipal Planning Council of each municipal district to be affected by other proposed projects reviewed by the Guam Land Use Commission shall review the request and express its support or opposition thereon by resolution adopted by a majority of its members, and such resolutions shall be forwarded to the Guam Land Use Commission.

(2) For each variance application, zone change, government lease, conditional use application, and other proposed project reviewed by the Guam Land Use Commission involving land in Guam, the relevant Municipal Planning Council of Guam's respective villages shall conduct a minimum of two (2) separate public meetings, pursuant to the requirements of Chapter 8, Division 1, Title 5, Guam Code Annotated.

(g) The Guam Environmental Agency (GEPA) and all other government entities authorized to issue citations for violations of litter and defacement laws may deputize persons, after training from the Guam Community College Pro-Tech Institute, to fine violators of litter and defacement laws in the same manner that Mayors and Vice-Mayors are empowered in 5 GCA § 40115.

(h) The Municipal Planning Council shall act as the body politic with the power to make its own rules, establish



Office of the Speaker **THERESE M. TERLAJE**

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

COMMITTEE REPORT DIGEST

I. OVERVIEW

The Committee on Health, Land, Justice and Culture convened a virtual oversight hearing on The Guam Land Use Commission; Workforce Housing on Thursday, January 21, 2021 at 9:00AM in *I Liheslatura's* Virtual Public Hearing Platform.

Public Notice Requirements

Public Hearing Notices for this oversight hearing, we're sent out via email to all Senators and all main media broadcasting outlets on Tuesday, January 12, 2021 (5-Day Notice) and again on Tuesday, January 19, 2021 (48-Hour Notice). The notice is also published in the Guam Daily Post on Tuesday, January 19, 2021.

Senators Present

Speaker Therese M. Terlaje, Chairperson
Senator Sabina F. Perez Vice-Chairperson of Health, Land and Culture
Senator Telenia C. Nelson, Vice-Chairperson of Justice
Vice Speaker Tina Muña Barnes, Committee Member
Senator Amanda L. Shelton, Committee Member
Senator Joanne Brown, Committee Member
Senator Christopher Dueñas, Committee Member
Senator Telo T. Taitague, Committee Member
Senator James C. Moylan
Senator V. Tony Ada

Appearing before the Committee

Dr. Anita Enriquez, Guam Land Use Commission (GLUC) Chairperson
Arthur Chan, GLUC Member
Leilani Flores, GLUC Member
Director Joe Borja, Director, Department of Land Management (DLM); Executive Secretary to the GLUC
Chief Planner Celine Cruz, Department of Land Management; GLUC Application Review Committee (ARC) Chairperson
Edwin Reyes, Bureau of Statistics and Plans, ARC Member

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

**For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators, please send to: speaker@guamlegislature.org*

Antonio Gumataotao, Guam Power Authority, ARC Member
Jeffrey S. Quitugua, Guam Department of Agriculture, ARC Member
Administrator Walter Leon Guerrero, Guam Environmental Protection Agency
Administrator Roque Alcantara, Department of Parks and Recreation
Director Vincent Arriola, Department of Public Works
Miguel C. Bordallo, P.E., General Manager, Guam Waterworks Authority
Brett Railey, P.E. Acting Chief Engineer. Guam Waterworks Authority
Mauryn McDonald, P.E. Senior Engineer Supervisor, Guam Waterworks Authority
Prudencio Aguon Grants Administrator, Planning and Permit, Guam Waterworks Authority
Marylou Scroggs, Public Health Officer Administrator, Division of Environmental Health, Department of Public Health and Social Services

II. SUMMARY OF TESTIMONY & DISCUSSION

The oversight hearing was Called to Order at 9:10 AM. Speaker Therese M. Terlaje informed participants of the Guam Legislature virtual hearing protocol, acknowledged Senator's, Guam Land Use Commissioners and agency personnel present.

Speaker Therese M. Terlaje: *Hafa Adai* and welcome everyone.

Today's oversight hearing will be to receive information on the Guam Land Use Commission's review of land use applications issues, causing delays or impediments to this review of these applications. We will briefly describe the same process for workforce housing applications; the review monitoring of workforce housing regulations and I will guide this hearing by posing questions to the Guam Land Commission first, then, to the Department of Land Management, then to members of the ARC Administrative Review Committee, and then we will discuss workforce housing in particular with questions at that point to the Division of Environmental Health and Department of Public Health Social Services. That will be followed by questions from Senators to any member of the panel. Beginning with the Guam Land Use Commission.

The Guam Land Use Commission is a Board of the Department of Land Management; it oversees land issues that pertain to zone changes, zoning law, conditional use and variance

applications and I want to note that the Guam Land Use Commission members are not Gov Guam employees, they are private citizens who volunteer and have been appointed by the Governor with consent of the legislature and administrative support for the commission is provided by the Department of Land Management Planning Division.

We call this oversight hearing because of reports and complaints of delays in processing of land use applications. We know that there have been similar complaints throughout the years and that the legislators in the past have tried to tweak these laws to ensure community input and also to ensure timely review, but we are still hearing these types of complaints so we've called this oversight hearing to hopefully get to the real issues of what might be, slowing down the process or impeding the process. We're hoping to receive recommendations from the parties involved and from the public as well. Pursuant to Section 60401 of Title 21 Guam code annotated The Guam Land Use Commission is composed of five members appointed by the Governor with the consent of the legislature for a period of five years; quorum consists of three members, there are currently four members of the GLUC and one vacancy, just for the record we the legislature received on January 8, 2021 and an appointment packet for Nonito Blas to fill the seat of Conchinta Bathan, whose term has expired and appointment is waiting referral. So, the current members of the board are Chairperson Dr. Anita Enriquez, GLUC, who is the Chairperson, she's present with us today, Arthur Chan, who's a member of the commission and he's also present with us today, and Leilani Flores, who is a member and is also present with us today, and Mr. Brian Artero, who is a member. So, we will begin with the Guam Land Commission and I've asked the Chairperson Dr. Enriquez, if they could just very briefly so we're all on the same page here explain the land use application process, in other words GLUC's process for reviewing these applications. Dr. Enriquez you're recognized.

Chairperson Dr. Anita Enriquez, GLUC: Hafa Adai, Madam Speaker and Chairperson member of your committee, Honorable Senators of the 36 Guam Legislature. My name is Anita Borja Enriquez. I am the Chair of the Guam Land Use Commission, thank you for this opportunity to be able to provide a briefing on the process of the Application Review Committee. The commission had met for the first time since it's last meeting of March 2020, prior to the pandemic emergency on November 12th of 2020. We have had three meetings thus far. Our next meeting is scheduled next week January 28 by Public Law our regular meetings are every 2nd and 4th Thursday of the Month and by mandate, the Application Review Committee meets every 1st and 3rd Thursday as needed. So, I do have two representatives of the Department of Land Management who are very much informed and

familiar with the Application Review Committee process and the application process itself. I will turn it over to Chief Planner Celine Cruz to elaborate on that, thank you.

Celine Cruz, Chief Planner, DLM: Thank you Chairperson Enriquez and Good Morning everyone. I am Celine Cruz. I am the Chief Planner at the Department of Land Management and I'm going to explain the application, the application process for the Guam Land Use Commission, the Hybrid Guam Land Use Commission and the Guam Seashore Protection Commission, as they all go through the same steps in their processing to get to each of those designated commissions; there are five steps and the first step is the preliminary application process or the PAI, during the PAI there's a review of the submission as to form in context. A PAI response letter is noting acceptance with corrections or additional information, if necessary and then once accepted the first public notice requirement falls into place and that's the appropriate sign at the project location, the second step is the meeting with the Application Review Committee. This meeting is a technical review with the applicant of the application, and this begins the timeline for the submission of official position statements from each of our Application Review Committee members. The third step is the Municipal Public Hearing, in this step there is a public notice requirement again, that includes advertisement in the newspaper of general circulation, certified mail sent to property owners within 500 radius of the project site, and an update to the project location site with the Municipal Public Hearing date, time, location, and proof is provided by the applicant and verified by the case planner. The fourth step is the Guam Land Use Commission, the Hybrid Guam Use Commission or the Guam Pre short Protection Commission and in that meeting again, there's some public notes requirements that must be met, there it has to be advertised in a newspaper of general circulation and the meeting has to be up, the meeting notice must be updated on the project sign with the GLUC meeting date, time, and location, and again, proof provided by the applicant and verified by the case planner; and after that meeting the administrative staff put together a notice of action for signatures by the Chief Planner and the Chairperson of the Guam Land Use Commission.

Chairperson Therese M. Terlaje: Thank you Miss. Cruz. So, the question we have in general is whether any steps have been taken by the Guam Land Use Commission to improve or find ways to expedite any of these steps?

Chairperson Dr. Anita Enriquez, GLUC: Thank you Madam Speaker. I know that there was an amendment to the law that streamlined the review under the Application Review

Committee to 30 days and if there was a need to extend that timeline then, that had that notification had to be provided at least 45 days prior to them. Then, there are some suggestions that were identified by Director Mr. Joseph Borja of Land Management Division, and along with the members of his Case Planners and Chief Planner, and so that was presented at the November 12th meeting, but we are certainly a very receptive to whatever recommendations are presented in order to streamline this. We understand that there are two wait 30 days for meetings to take place that have been streamlined, so the committees can meet twice a month instead of once a month, so that was progressed. We are certainly very mindful of the lag in terms of parts of the process. We understand there are 40 applications pending in various stages of this process and we also have 8 applications that have already received all positions before the Application Review Committee and are now just attending the Municipal Planning Council Public Hearings, any delays within that process is contingent upon, when the position statements have been completed by each of the members of the Application Review Committee. If there are missing documents, missing position statements they are not entertained by the ARC, and therefore, do not move forward through that five steps process that Chef Planner Cruz had just explained to us. We certainly are receptive to looking for ways to streamline and be more efficient, thank you.

Chairperson Therese M. Terlaje: How many applications are in front of the board, that you were not able to act on at your last meeting in front of the commission?

Chairperson Dr. Anita Enriquez, GLUC: All right, our meeting is scheduled next week. I am going to turn it to our Chief Planner. The ARC drives the agenda of the GLUC and depending on what has already been completed within the process, that is when we see it on our agenda and with the corresponding documents for our review. So, Chief Planner Cruz, could you please elaborate on that? Thank you.

Celine Cruz, Chief Planner, DLM: Thank you Madam Chair. We have 2 applications for review and our meeting on January 28. Again, we do have 8 applications that once the Public Hearing has been conducted and in Public Hearing Minutes are compiled by the Case Planner, it would be ready for GLUC review. We have not been able to have any of those Municipal Public Hearings, due to the pandemic and we've just been on hold but, we actually are in the process of coordinating our First Public Hearing. We have a tentative date with the Dededo Mayor's Office for February 25th and I just got back information confirmed to me this morning, but we are ready to go. We've been ready, we have also an

additional 10 applications that the research has been completed for the 500 foot radius notification but, we're waiting for those final position statements from our Application Review Committee.

Chairperson Therese M. Terlaje: All right and so are there any applications pending that were in front of the board in the last couple months, that had already completed the rest of the process, that the board were not able to act on?

Celine Cruz, Chief Planner, DLM: We have brought all applications that have been ready for the Guam Land Use Commission to them, as soon as we were able to. We did have one in one of our meetings. It was brought to our attention that there was a continuance of a previous application with our last sitting Guam Land Use Commission and there was one member, it was Vice Chairman Art Chan that brought to our attention and so at the following meeting we were able to continue the discussion on that application and an action was taken by the Guam Land Use Commission.

Chairperson Therese M. Terlaje: All right, so it's my understanding and just that we could confirm that all applications that have actually got to the Guam Land Use Commission, agenda have been acted on and then you've got a couple that will be acted on in your next meeting because they are ready, and all other pending applications have simply not been put on the Guam Land Use Commission agenda?

Celine Cruz, Chief Planner, DLM: That is correct.

Chairperson Therese M. Terlaje: Because they're waiting for other steps in the process. Okay, I just wanted to clarify that and for the benefit of the new commission members, I know that they have been trying to clear these applications. All right, so the commission stopped processing, well we heard about the commission meetings and then you were telling us that the public hearings were put on hold since March. Is it your understanding that under the PCOR2, the Public Hearings will proceed?

Celine Cruz, Chief Planner, DLM: So, it's my understanding that the number of individuals able to attend a public gathering has been lifted to 50, and even with that lifting there aren't too many applications that we see that many attendees. However, we have put into place some guidelines for how we are going to be conducting public hearings under the PCOR2; and it includes sanitizing the areas of having some ushers so that we meet all

Covid protocols and we're just preparing the best we can to have our first public hearing, hopefully next month.

Chairperson Therese M. Terlaje: All right and these are the municipal public hearings that you coordinate with the mayors to hold in their municipalities, correct?

Celine Cruz, Chief Planner, DLM: Correct.

Chairperson Therese M. Terlaje: Mr. Borja, the Director of Land Management. I just wanted to ask if you wanted to add anything to that discussion or if you could explain any reasons for applications delay at the Department of Land Management phase of the review process?

DLM Director Joseph Borja: Thank you very much Madam Chair. This is Joseph Borja, Director of Land Management, who also serves as the Executive Secretary of the Guam Land Use Commission. I'd like to give a brief background of actions of the Land Use Commission from January 2019 to September 2019, which is the end of the fiscal year. We process applications, numbering them in the fiscal year that they were submitted. Since, January 2019 to September 2019 and again this overlaps in the two boards; the previous board whose terms expired and the new board the GLUC has had six meetings approving seven applications, thirteen meetings were cancelled due to no quorum, one was cancelled due to technical difficulties. One was a special meeting of the six meetings, held all of them started 30 minutes or later. I came into the Department of Land Management February 8, 2019 the next meeting, the Chief Planner retired. The Chief Planner plays an important part because the Chief Planner is basically the Administrative Officer of the Application Review Committee; just to correct an earlier statement it's not the Administrative Review Committee, it's the Application Review Committee.

Chairperson Therese M. Terlaje: (Inaudible)

DLM Director Joseph Borja: Yeah, so the Chief Planner retired about a week after I came in. We recruited for a Chief Planner and after three two recruitment processes, a Chief Planner was hired in February of 2020 that would be Ms. Celine Cruz. On March 20 was the last meeting of the GLUC before the COVID declaration, from October 2019 to September

20 there have been five meetings held, two hybrid meetings, one council meeting due to no quorum, the last meeting before the Covid declaration was March 12, 2020 and the declaration was March 14, there were no meetings since then. After much justified delay the Guam Land Use Commission is now at quorum level since October 2020 and a few weeks after the members were confirmed, the first meeting of this new commissioners was held on November 12th of a possible six meetings since October 2020 to today; three were held of the three not held, one was on Thanksgiving which was rescheduled to the following Tuesday, one was on Christmas Eve and there two that had no agenda items ready. So, your question to the Madam Speaker as to how many applications before at the commission, did the commission not act on. Every application put on the agenda of this new commission has been addressed by the new commission.

So, there's no pending and I just want to clarify a little situation here, when you hear the term "The commission is delaying in approving my application" it's really not the commission there are several players in this process, one of them of course is the Application Review Committee. Every application that has gone before the board, the board takes immediate action except the one that the Chief Planner said there was a pull over from the previous commission, which the commission has already taken care of. The delay is usually at the point where you are ready to have a municipal public hearing, but not all of the precision of statements are in. The Planning Division will not hold a municipal public hearing until all the precision statements in. Now, I believe the sequential process observed in or put in Public Law 23 209, there is wording in there that a hearing can be held when any and no application position statements are in.

The Application Review Committee has interpreted that to say that you don't have the public municipal hearing until you get all the precision statements in, that public law was driven actually by a concern from the mayors and to general public that municipal public hearings were being held on applications without the benefit of the precision statement or the presence of one or any of the ARC members, the Application Review Committee members. So that when an application comes before the municipal public hearing, some of the questions are will this project affect my water pressure? Will this project affect the power supply coming to my home? If the precision statement is not in that question it wouldn't be able to be answered at the municipal public hearing, so that's why it's very important to have that. Now you could interpret Public Law 33 209 to say that when any precision statement comes in, you could take a look at that and say okay we'll have the public hearing then because we already have a precision statement and get the process

going. We have decided to error on the side of caution and wait for all the precision statements to be in, now once you accept the application under the PAI and it goes to the Application Review Committee, it triggers that 60 day time period where they come in, previously, there have been requests for public hearing, but if you don't have the precision statements in, you know we won't be able to answer the questions from the general public at that particular municipal public hearing. The public hearing knows this so we're talking about two things here, we have the public hearing, but we also have the notice factor.

The notice factor for these meetings are actually tighter than the requirements for public hearings at the Legislature in the sense that in statute; the process for public notice is in there and it requires personal notices in the form of a certified letter out to the surrounding owners within a 500 foot radius of the hearing coming up. The delay like I said it's really not with the commission, the delay is with the Application Review Committee to hold that municipal public hearing with the benefit of the precision that is in there.

DLM Director Joseph Borja: If you look at the flow chart and I'm sorry we don't have that on the screen, but in the flowchart, you see the flowchart of the track that the application takes and the first stop for that application is in the application review...

Chairperson Therese M. Terlaje: Director Borja, Director Borja, if you could just hold on we'll put that up on the screen...

DLM Director Joseph Borja: Yes...

Chairperson Therese M. Terlaje: A minute well put that up on the screen...

DLM Director Joseph Borja: Okay...

Chairperson Therese M. Terlaje: But yeah I got you've talked about several different items and if we could just, you know, distinguish them because you as you described they're different parts of the process, so for now can we concentrate on the Department of Land Management's initial part and that would be preliminary application interview or when they receive these applications this is the Department of Land Management's work and if you could describe if there are any impediments to this phase of processing land applications.

DLM Director Joseph Borja: No, I don't see up to the point where that yellow boxing on the screen, Madam Speaker, I don't see any in there. The Application Review Committee is held, actually, to make sure that the eyes are dotted the keys are crossed on the application because once land management accepts that application it triggers that 60 day period under public law 33 209, so when we accept the application we would have already gone through the preliminary application interview to make sure that all the documents, all the information, is in that application so that when it gets referred to the Application Review Committee, it doesn't get delayed because that 60 days is running already (inaudible) so, in that particular part before the yellow, I don't see any part there where we can, where we can speed up the process, other than trying to convert to a online submission of the application. As you can see in the big yellow a big circle one of the items there is that you have to make 32 sets for conditional use zone chains and zone variants, you know 32 sets of applications quite a lot. If we could convert to online submission, the applicant won't have to make those, you know 32 sets, you know, 32 sets of documents.

Chairperson Therese M. Terlaje: Director, if I can go back to the preliminary application interview, are there any pending applications? In that, I mean how long does this phase take before formally accepting these applications?

DLM Director Joseph Borja: About ten days. There are about three applications that I know that are pending a preliminary application review, interview and I think the chief planner has already scheduled some of those so I believe there's three.

Chairperson Therese M. Terlaje: Do you believe that 10 days is reasonable, or could it be shortened, or should it be shortened?

DLM Director Joseph Borja: It's 10 working days. I think that's reasonable, Madam Chair. Some of these applications are quite complex. They're not, you know, they're not cut and dry. Some of them are pretty complex and that is usually made by the case planner. I think 10 days is an adequate time.

Chairperson Therese M. Terlaje: Alright and so 10 days until an application is accepted and then sent according to the big circle on the left to the after the administrative, no sorry, the Application Review Committee and you're saying 10 days till it gets to the Application Review Committee and some and dispersed to the individual members of that committee

now when you say position statements earlier, can you just clarify you're talking about individual position statements from the individual members of the Application Review Committee, not from the company itself?

DLM Director Joseph Borja: That's correct, from the Application Review Committee members of the various agencies.

Chairperson Therese M. Terlaje: Alright if all agencies submit their responses to the Application Review Committee, how long does it take the committee to act?

DLM Director Joseph Borja: At their next meeting, and one of the items that you, you know the legislators would like should review is that the agenda of the GLUC is actually driven by the ARC so in a way the GLUC doesn't really have any control of their agenda or what agenda items are placed on there.

Chairperson Therese M. Terlaje: Alright. So the staffing at the Department of Land Management to review these applications and this initial step you feel is adequate and that's not the cause of any delay here and the, during COVID, when the public hearings, well sorry let me let me go back...so...after...after the Application Review Committee, after the big square we go down to this, I mean big circle we go down the square Application Review Committee meeting, after that's completed and then your agency Department of Land Management helps to set these public municipal public hearings and so we've heard that the public hearings were put on hold since March and is it your understanding that these public hearings are going to proceed safely as the chief planner described now and that there's no impediment to holding public hearings beginning today?

DLM Director Joseph Borja: That that is correct. We, of course, checked with the host committee, a host community to see whether they can hold the hearings safely. There are two of the eight pending applications pending public hearing, five from Dededo, one Tamuning, one Barrigada, and one Talofofo. The one in Talofofo, the facility we use for municipal public hearings, is not adequate to meet protocol COVID protocols. It's two smaller buildings. It's the Jeremy newbie center in Talofofo. It's too small. Of course we don't know how many people would come to a public hearing. It varies you know for a simple application sometimes you can get 20 and for the more controversial ones you could get up to 50.

Chairperson Therese M. Terlaje: Are you able to work out these facilities issues with the mayors at this point, or are you saying you need assistance with that?

DLM Director Joseph Borja: Dededo, Tamuning, and Barrigada have adjusted. The one that kind of hard to adjust because there's not too many public facilities down in Talofofo. That one we might have to hold outside, but Barrigada has adapted, they used to have their meetings municipal hearing in a small room that could only hold probably about 12 people and maybe four safely under the protocol but the other two, Tamuning and Dededo, yes we can hold them safely from now on.

Chairperson Therese M. Terlaje: Alright, first so for those that you are feeling there's some type of impediment, it's my understanding that sometimes that the developers have offered to assist with finding venues or making those available in the municipalities to facilitate prompt hearings. Are you able to work with them in that regard?

DLM Director Joseph Borja: These municipal public hearings actually should be held in a public facility. The developers, the consultants have offered during the times when the congregation levels were really low. They offered to provide security, to make sure that people were following the COVID protocols and they were also, providing that if there was anything else needed like to rent a facility that they would go ahead and do that and we have not taken them up on those two offers. The other issue in holding a public hearing, Madam Chair, is that if you were to have a hearings and we gave thought to having a video conferencing at these public hearings but we had a problem with ensuring that everybody who wanted to attend these video meetings had access to you know video programs and computers to be able to attend these hearings online and that was taken off the table.

Chairperson Therese M. Terlaje: Alright. Well, it's unfortunate we can't to go back and make up you know for that time that we've lost not having hearings, but yeah, I hope you can double your efforts to make these hearings possible, regardless and can you tell me is it a legal impediment to allowing the developers to provide a venue in the municipality, or you just feel it's a just a matter of proper procedures?

DLM Director Joseph Borja: I don't think it's a legal impediment, I mean they pay for the mailing you know as it is now, you could make him pay for the venue, it's actually the making sure that adequate unfettered access is available to the public at any particular site.

Chairperson Therese M. Terlaje: Alright. And is there any delay by the Department of Land Management in being able to research and do the mailing for the adjacent landowners that you're required to give notice to, for these public?

DLM Director Joseph Borja: On the pending applications and finding the protocol, the process for that mailing is the loopier section of the planning division, does the research on the land owners within that 500 foot radius. We get the owner's name of the lots, around that, and then we find their address, you sleep through the tax roll the tax roll we find their address, and then if there's 50 land owners in that 500 square feet radius, we develop 50 letters and we mail these letters out certified mail.

Now, that part may be a delay because a land management staffer actually has to make those 50 certified mailing forms and then take all of that up to the post office physically, stand in line and then get to the counter and process those 50 certified mailing forms out. That can be tedious, that usually takes staff member about two hours, two and a half hours sometimes and then with this COVID protocol, it might take longer and be opening up the employee for possible you know contamination on that, now there is an offer by the consultants to be able to do that themselves, engage a title company, get all that information, and then mail it out. Knowing this factor in this processing of this application and in the public hearing are very important.

There was a real serious notice problem with those four condo units up there by Guam Memorial Hospital and that project actually crashed in the beginning because of that notice factor, which was subsequently a reverse, but it delayed that project long enough to be able to you know to crash... So that is one thing that maybe the legislature can look up because that thing is set in statute. It's not an administrative rule of regulation, you know those mailing things and at least one consultant, one developer is willing to undertake that there could be a delay in that if there's a... if a project, for example, is near a condo unit or next to a large apartment complex, you could have literally up to 100 certified letters to prepare and mail out.

Chairperson Therese M. Terlaje: Alright, but you're saying Director, that there's no delay in the research part of it, that your agency has been able to accommodate those and that the developers who are paying for the mailing? And are you able to take them up to take their offers to do the mailing?

DLM Director Joseph Borja: I believe the mailing is set in statute by land management.

Chairperson Therese M. Terlaje: Alright, so you think that the mailing by DLM versus the developers requires legislative action?

DLM Director Joseph Borja: That I I believe yes it does, Madam Chair.

Chairperson Therese M. Terlaje: Alright. And what about the research part of it, do you charge a fee for that type of research?

DLM Director Joseph Borja: The fee is actually comes when the letters are being prepared, you know, that's where the employee cost factor comes in there, but they're not charged for the specific research they are charged for the mailing and that check is made payable directly actually to the post office not to land management.

Chairperson Therese M. Terlaje: Alright, so you don't think it would be faster to have these developers hire a title company to do the research or take that upon themselves? That would not...

DLM Director Joseph Borja: I think yes, I I think it would be faster because you know each developers, each consultant, they would be just working on that one list, whereas, here at land management we do have a senior employee, senior level employee but he's only one person, so he's working I believe we have about 40 30 applications that are (inaudible) research landowner research I believe 10 of them are done so that when we go back to....(inaudible)

Chairperson Therese M. Terlaje: Okay, so you believe you can do this on your own at this point with the current law that you need a change in statute in order to authorize that?

DLM Director Joseph Borja: That could be a point, Madam Chair, of delay. I agree with you, that, yes, that could be late. We only have one person doing that at land management.

Chairperson Therese M. Terlaje: Are you able to authorize that without a change in law, like right now, can you just authorize that on your own that the title research will be done in the adjacent landowners list will be compiled by the developers, presented to the Department of Land Management for approval and then you know used for the mailing?

DLM Director Joseph Borja: I don't think so. I think you do need a statute change. Chief planner?

Celine Cruz, Chief Planner, DLM: Yes, I agree. It requires a lot to be changed in order for us to have now the applicants do the research.

Chairperson Therese M. Terlaje: Okay, thank you. Ok, so the next step is that the ARC positions so it's your position, Director, that the municipal public hearing cannot be held until every agency in the Application Review Committee has submitted its individual statements and the committee has taken action. And so, if you could tell me are these position statements from the Application Review Committee members delayed? They're supposed to be done in 30 days. Could you give us an analysis of what you've seen? Are there delays in that process?

DLM Director Joseph Borja: I believe it's 60 days, but Madam Chair, the you know fairness to the other agencies and I was previously also a land use consultant applying you know to the Land Use Commission several years ago and my experience and with my conversation in the developers and the consultants, there are three agencies that I wouldn't say are habitually delayed, but submit precision statements late 30 and some of them are too comprehensive at least in the in the eyes of the consultant. There was one agency I think where the "delay" is justified and that would be Guam EPA. Review by Guam EPA is not only one review, there are three different programs and three different divisions of EPA that need to review that application. At least three soil, water, and air quality. Other agencies like the Department of Agriculture, their basic review involves making sure or at least identifying agricultural lands being taken out of agricultural use for example to build something else other than agriculture, that would be one of their concerns and then the other concern they usually have which is a template is just plant indigenous trees.

Chairperson Therese M. Terlaje: Okay, okay Director we're going to hear from each of these individuals.

DLM Director Joseph Borja: Okay.

Chairperson Therese M. Terlaje: ARC members, in general, so you think most of the members submit within the 60 days and there are only about three agencies that you think take longer than 60 days is this almost always or how often?

DLM Director Joseph Borja: The three agencies are pretty frequent but like I said you know, depending on their mandate, that's how complicated their response would be.

Chairperson Therese M. Terlaje: And what are the three agencies besides Guam EPA?

DLM Director Joseph Borja: Guam EPA, Agriculture, and the Bureau Statistics and Plans. Bureau Statistics and Plans has an overall comprehensive mandate you know to respond to these requests of precision statements. Department of Agriculture is almost always basically a template response and the Guam EPA, their response you know there they have such a technical review of these applications because of their, because of their discipline they're being environmental (inaudible)

Chairperson Therese M. Terlaje: (inaudible) from each of those I'm very grateful that they are all present. So, the 60 days in general, do you find that in your position there as director and do you find it a reasonable time frame or can it be shortened?

DLM Director Joseph Borja: 60 days is reasonable and I would think it can be shortened.

Chairperson Therese M. Terlaje: To 30 days? What is your recommendation?

DLM Director Joseph Borja: I would say 45.

Chairperson Therese M. Terlaje: Alright.

DLM Director Joseph Borja: 45 working days.

Chairperson Therese M. Terlaje: And is there any legal have you received advice from the Attorney General, or is there any legal opinion out there, interpreting whether and the law that says any and all available reports and position statements have been received from the Department of Land Management that any and all available reports and position statements prevents you from holding a public hearing, if one of the members of the ARC has not submitted its report?

DLM Director Joseph Borja: No, I have not received anything from the Attorney General's Office. However, I did review the committee report for the bill that became Public Law 33 209. In that, there were several instances and that bill was our public law, actually, was the result of five public hearings around the island where we took input from the public concern and that was one of the biggest concerns and most frequent concerns that the Land Use Commission, Land Management is having these public hearings out there and waterworks is not there, there's no precision statement from DPW concerning access and like that.

Chairperson Therese M. Terlaje: Okay. And do you believe that all agencies then should be able to comply with the 45 days? If it was changed to 45 days?

DLM Director Joseph Borja: I believe with the exception of EPA because they have such a detailed review of the three different programs at least those three different programs. I think EPA should be allowed to go up to 45 days or even 60 depending on the complexity of that project application.

Chairperson Therese M. Terlaje: Alright. Thank you, Director and thank you Chief Planner Cruz, and of course, thank you GLUC chair and members who again are here and have answered these questions. I'm going to now have to shift the screens just a little bit so that we can show the ARC members who are here and for this portion of the hearing.

So, the ARC, the Application Review Committee members who are here today are: Mr. Edwin Reyes from Bureau Statistics and Plans, Antonio Gumataotao from the Guam Power Authority, Jeffrey Quitugua from the Department of Agriculture, Administrator Walter Leon Guerrero from the Guam Environmental Protection Agency, Administrator Roque Alcantara from the Department of Parks and Recreation. We've got four members from our, four representatives from the Guam Waterworks Authority including the General Manager Miguel Bordallo, the Chief Engineer Brett Raleigh, Senior Engineer Supervisor Mauryn Mcdonald, and the Grants Administrator Planning and Permit Credential Organ.

So, we could start with the Bureau of Statistics and Plans and they have provided information that has been provided to the senators as well. They have summaries of their process in house and what they do. So my questions for you Mr. Reyes are, what do you believe is a reasonable time frame for your agency to review these applications?

Edwin Reyes, BSP, ARC: Thank you Madam Chair for the opportunity to testify in this hearing. I also want to acknowledge the, also my thanks to the honorable members of the 36th Guam Legislature and members of the Land Use Commission, as well as the Directors and fellow members of the ARC. To answer your question, very simply, I think up to 45 days would be reasonable and I can certainly go in depth in terms of justifying that number if you would like me to.

Chairperson Therese M. Terlaje: Currently, is the time frame that you follow, 60 days?

Edwin Reyes, BSP, ARC: I believe we follow the 30 days. We try to follow the 30 days given all the different constraints and challenges.

Chairperson Therese M. Terlaje: But the Director of Land Management has said that you are actually allowed 60 days. What can you tell us is your interpretation of your submissions? Have they been on time? Generally? Or have they been delayed as indicated.

Edwin Reyes, BSP, ARC: So, depending on the complexities of the position statements, I think some of them make it in on time. So, some of the easier ones, some of the minor setback variances. Some of the larger ones require a much more in depth analysis and they have to kind of meet certain standards within our SOP. So those sometimes slip in meeting the schedule. But we ensure that before we issue a position statement it does represent the plan, the comprehensive planning elements and the various regulations and policies and manuals that speak to good coastal resource use.

Chairperson Therese M. Terlaje: Well, when you say slip in meeting the schedule, can you tell me how often that happens?

Edwin Reyes, BSP, ARC: To give you a percentage, I'd say it's maybe in the low 10 to 15 percent of applications that would be delayed.

Chairperson Therese M. Terlaje: Alright. Is there an impediment to the review or is there any way that your agency could ensure that they are all done within 45 days? That there are no delays?

Edwin Reyes, BSP, ARC: I think some of the improvements that can be made is the ability to access GIS data. So, if we were able to go to this maybe an online system or some kind of digital system that gives us geospatial data in ARCGIS format, we'll be able to map those areas and it'll save certain amounts of time to recreate the different polygons and shape piles that we used to overlay on other land use constraints such as FEMA firm maps, topography, land cover change and those types.

Chairperson Therese M. Terlaje: And who would be able to produce that? Is that the developer or are you saying that's something land management needs?

Edwin Reyes, BSP, ARC: So, from what I can tell from the actual hard copy documents, these images and these maps were likely produced in ARCGIS PRO. So at some point they did exist in an electronic form and so we can have that data and then migrate to our system. It'll save us the time of having to recreate the maps. So, as you can imagine, they come in as a print form. We would have to geo rectify the maps and try to make sure that they are projecting correctly. We do the polygons and then we start our modeling. So, if we can bypass that by having data that's already produced by the developer then that would improve the process. It helps speed up the process.

Chairperson Therese M. Terlaje: Alright, has the COVID affected your ability to review these applications?

Edwin Reyes, BSP, ARC: They have and that we don't have the ability to retrieve the documents. We don't have the ability to scan these really large documents. Some of them are awkward in size. They have the basic text in the applications which is 8 ½ X 11, but then there are some maps that are extending into the 14 and 17 inch range. So, when you try to take these unbound documents and have the staff rescan everything and then try to send it virtually, it makes it very difficult for those early times that we were on lockdown. But since the lockdown we haven't put anything in place systematically within the bureau to work towards scanning those documents, whether they be standard size or those awkward sizes.

Chairperson Therese M. Terlaje: Do you see any impediments going forward to review of the documents and then your agency meeting with the entire review committee to complete these applications?

Edwin Reyes, BSP, ARC: So, it looks like there's enough energy being created through the leadership of Director Borja to convene these meetings and so we look forward to that and I don't anticipate any problems with getting back to the swing of things in terms of turning out our reviews on these projects.

Chairperson Therese M. Terlaje: Alright. So, when you said that about 10 to 15 percent of applications that you review at the Bureau of Statistics and Plans may require 60 days or 30 days that you were referring to...

Edwin Reyes, BSP, ARC: I was referring to the 45 day mark, so I'm confident that we can get done within 60 days, regardless of the complexity of the project. You never know what could come our way.

Chairperson Therese M. Terlaje: Alright, if we...and what about 30 days? How often do you exceed 30 days?

Edwin Reyes, BSP, ARC: So, I would say that the applications there probably turned around. More than half of them are produced within that time frame of 30 40 days. I like to get it out well within the due date and so it just all depends on the work schedule that we have is in front of us, our day to day duties that we are committed to outside from the Application Review Committee and how those applications work through the review processes within, here at the bureau. So, there are some internal schedules and that all can kind of have an effect on when that signed document is submitted to DLM.

Chairperson Therese M. Terlaje: Alright. What is it that is prioritized above these application reviews for the Bureau of Statistics and Plans?

Edwin Reyes, BSP, ARC: So we have three planning, four main planning functions that we are working on now. This is through our conference of development plan. We have the federal consistency. So, we have one planner dedicated to that. We have the non point source pollution planner and of course the conservation district planner. They are the two members assigned to the ARC. But those two staffers have other duties that make up a full schedule. So, one is working on trying to advance the non point source pollution program, working with DPW to engage and support projects. The other planner is starting to work on the four system plan as well as staffing various committees such as the solar and water conservation district. And, we work with these agencies to advance various projects and

initiatives that work towards good coastal stewardship. So, the commitment of time could range from anything from technical assistance, to providing mapping services, to providing analytical work, scheming of projects, and so they can be quite entrenched in terms of their commitment. But on overall staffing, I broke up their time between one staff 50 percent dedicated to ARC, so as the other staff, and then 50 percent of their time is focused on the other priorities of the office.

Chairperson Therese M. Terlaje: And do you believe that's adequate?

Edwin Reyes, BSP, ARC: I think for now. I think for now it's adequate. There is a list of things that the bureau does need to start working on, but until such time that we are fully all in on those other initiatives, this staffing is holding, but at the expense again of those other things just piling up.

Chairperson Therese M. Terlaje: Alright. So, you suggested several things today, thank you, and including the transmission to your agency of the GIS documents. Is there anything else that you can do in house that might streamline your review of these applications? For example, the report that you write. It has been suggested that it doesn't need to be as detailed as they are sometimes and how do you feel about that?

Edwin Reyes, BSP, ARC: So, I feel that I have to disagree with that statement. I think zoning is our only form of land use controls and that there are goals, good and negative examples of development impacts and depending on how you view things. I feel that they are more examples of the latter. You can see this in terms of areas that never flood before and have no geological reason to flood, that are now flooding. There are roads that used to be free flowing and are now congested and there are views from highways that we once had that we don't have anymore. So, these are all the impacts from development that really occur cumulatively and they start with what's allowable in that zone. So, when we're talking about protecting the natural term of the island, protecting public welfare, and reducing conflicts, we take that role very seriously. And the more that we can justify that through text, through good practices, through language to ensure that the folks are following the code, we want to be sure that at this one moment of influence that we give it all we got because once this moment passes, you can never turn back the hands of time unless you reinvest in some kind of redevelopment strategy which is very expensive.

So, I ask the committee to think just about where we are headed in terms of long term progress for the island. Are the communities here more walkable, are homes safer at becoming more affordable, our ecosystem thriving? So, this is what long term planning kind of forces us to act upon and so in terms of us discharging our due processes within our offices, we feel that we try to get as much information in there as useful so that the ARC can make a decision that hopefully is in the best interest of the people and for our future.

Chairperson Therese M. Terlaje: Alright. Thank you, Mr. Reyes. I would like to call now on the Guam Environmental Protection Agency. As you can see, I am calling on these agencies first because they have been noted to be some of the agencies requiring additional time for their reviews. So, Mr. Leon Guerrero, Walter, Director.

GEPA Administrator Walter Leon Guerrero: Yes, Thank you.

Chairperson Therese M. Terlaje: If you see any impediments or delays at your agency and what is causing this?

GEPA Administrator Walter Leon Guerrero: We often do have and I would like to thank Director Borja for trying to elaborate on all the different programs that have to be reviewed. So, just referring to your questions that you asked Mr. Reyes; we probably are about 25 percent late and that might be a conservative figure in its own.

But if you look at the infrastructure of our agency, most of the funding that we get is through federal grants and those come with direct mandates that we have to meet.

Something like the ARC and the Guam land Use Commission reviews that's something we have to try to mix our time into the reviews of those. So, for instance, just the regular permit process for actual buildings has been taken as a priority over the ARC and GLUC, only because of the actual building designs that we have specific comments on that can affect what the construction is. In short, we are short staffed. We used to have a planning division which we were looking to try to implement. Maybe not the division but maybe try to get some people in that would assist on this program. Much in the same effect that BSP has planners to do. We are working on accelerating our reviews on our permit process so that our team has more time to work on the ARC and Guam Land Use Commission side. Internally, as far as again, like Mr. Reyes had said, we are doing things electronically in

Guam EPA that will help us increase our review time, decrease our review time so that they get processed faster.

Chairperson Therese M. Terlaje: Do you agree with the statement that your reviews are taking more than 60 days?

GEPA Administrator Walter Leon Guerrero: Unfortunately, for some of the bigger projects that is a very true statement, madam chair.

Chairperson Therese M. Terlaje: Do you think there is any way we could cut that to 45 days?

GEPA Administrator Walter Leon Guerrero: Again, ma'am what I was trying to say and I apologize for interrupting, is that it would take us to increase our structure and increase our employment and probably the best way to hire some planners. If not one or two which we would have to fit into our current budget. Again, and I don't think it's by any fault anybody's. The majority of our funds are federal which comes with federal mandates that we have to meet. I know the local economy is not thriving as it used to be. We just need to figure out the appropriate budget that would give the team ample time to review it and that would increase our staffing pattern so that someone is dedicated. Again, our engineers and our chief engineers we have 2 chief engineers and they have their own federal mandates they have to meet. So, we shuffle our time. Unfortunately, it's not like 50/50 percent because we just can't afford to do that with this. We have to meet our own mandates as well. Again, we've looked to the permit process as the main ability for us to provide comments and direction in the buildup.

Chairperson Therese M. Terlaje: Do you believe that the public hearing should go on without the reports from the Guam EPA?

GEPA Administrator Walter Leon Guerrero: We are very active in the ARC process. Where we come up a little short is actually the submittal of the letters for the GLUC. Again, working with them, at our division meetings where we are reassessing our structure as far as employment here and one of the things that've come up is that we do need a planning division again. We do need to get planners on board so that we can alleviate some of the review by our engineering division, our water division that has the engineers.

Chairperson Therese M. Terlaje: Alright. Okay thank you and in the interest of time, thank you director, I would like to recognize the other ARC members who are here and present and available for questions. My only question to them would be whether 45 days is reasonable for you. But we've heard testimony already that your agencies are getting the reviews in and generally on time and I don't see the Department of Agriculture here.

So, with the exception of the Department of Agriculture and these other's we talked about, I would also like to recognize the presence of the Director of the Department of Public Works who is also an ARC committee member. Alright and so I'm going to allow the rest of the panel to ask questions in this regard.

We do have one more item stated on our agenda and that is a specific discussion regarding workforce housing which is a conditional use allowed under M1 zone but currently developers for workforce housing have to submit applications and go through this same process for those applications.

So, before we get started, I'm going to allow the senators to ask questions in regards to this GULC process. Now the impediments that are delaying review or delaying completion of the review of the applications throughout the process.

Oh, I'm sorry, my apologies, Mr. Jeffrey Quitugua is here from the Department of Agriculture. My apologies! Mr. Quitugua, can I ask you to please answer the questions we talked about earlier. Is there an impediment to review by your agency, it's been cited as one of the agencies that does not meet the deadline? Thank you.

Jeffrey S. Quitugua, DoAG, ARC: Sure. At least for the Department of Agriculture we have made some changes with the process within our department with the position statements and even with the reviews. So, the issue that we have ongoing now is just the turn around after I do the reviews and draft the position statement. It's just getting it to the administrators to review and sign off from it. There is, that is where some of the delays are only because they have so much on their plates to do as well. But when we do the process you know the 60 days is reasonable. Sometimes depending on the project, itself it might need an extension only because the review process may take much longer. What we're seeing these days now with the increased development on the island is that a lot of species have shifted to areas or to habitats that have never been occupied.

So, it's just now a matter of going back to those sites and doing surveys in those areas for ourselves to know whether or not these protected species are present or they may occur, but you know for instance like what is happening down in Camp Blas up at NCTMS with all that development for the marine relocation. You know that used to be a feeding as well as a roosting site for many of our native fruit bats. They dispersed from that area and we're finding them in areas that we never expect to see and some of these areas are subjected for review. For instance, the Okkodo area. I have seen several reviews that come in and submitted for position statements for some zone changes and we're now seeing things that are protected species in those areas that we have to be cautious with and really understand if they are just there as a refuge or are they there temporarily? Things that we need to know. So, you know it takes a lot more time than just a week to do these reviews or even within 60 days to even come up with a comfortable statement that we can go ahead with the process and move forward. So, it's a day to day basis when it comes to areas.

Chairperson Therese M. Terlaje: Has your agency considered any ways to streamline or expedite that?

Jeffrey S. Quitugua, DoAG, ARC: We are, we do have a lot of our wildlife staff that are out there doing numerous surveys. We have reached out to our agency partners like the University and nonprofits that are out there. Even doing some studies and surveys. It really focuses on the locally and federally listed species and just getting a new map out knowing a better understanding and knowing where these protective species are found and that will help at least minimize, or reduce, improve the process when it comes to these reviews. But again because of all the high demand development on the island, we're going back into day one again within some of these areas that we are not aware of that have or had species that are protected present.

Chairperson Therese M. Terlaje: Alright. Thank you, Mr. Quitugua. I'm going to know open for questions, beginning with Senator Telena Nelson.

Senator Telena C. Nelson: Thank you, madam speaker and good morning, to everyone. It was mentioned several times on whether ARC is able to shorten the timeline for processing certain applications for development. And so, Mr. Reyes, you said 45 days was doable? Is that correct? Okay. But really my question is are we, with asking, with asking the timeline to be shortened for application for you to speed productivity for applications to be reviewed, is it possible that you are over tasked and we need to find another way or

another angle at looking at who are the members of the ARC could be or how we support the agencies better with the money that we receive from perhaps development that we need to earmark to improve the processing system?

I mean, it seems like Mr. Jeffrey from the Department of Agriculture, they have to go out and they have to survey the different wildlife species that are being dispersed. They are not in the same locus. They have to go to different areas and find new areas and review them. Mr. Reyes, you stated that you're unable to scan large documents. Do you need to contract that out? I'm just thinking, what can we do, other than request that you approve the process and expedite it, what do we need at the legislature to help you make that happen? And I see all of you guys are working in agencies and performing your own functions on top of ARC. Is that correct?

Edwin Reyes, BSP, ARC: Yes, we are and that's, that's really a deep question. If I was just to proper some brainstorming concepts that what the legislative kind of potentially could be through a policy or through some kind appropriate action it may be worthwhile to kind of convene some kind of strategic session to get a sense of what it would take to automate and optimize the review process by using, you know, some kind of automated system. In the past we've kind of jumped into technology, where you know, one agency wants to automate things and we say yes, we want to do it but usually falls short when it comes to the actually specific integration of the processes, every agency has its processes. So, I think by having a focused and strategic approach that it stays into the agency's operations as a specific kind of accountable, fundable line item task, could warrant some long term change to this, to convert to a more automated system.

Senator Telenia C. Nelson: Okay. What type of programs or software would you feel that all the agencies should have access to be compatible with one another to perform this function that all of you guys do on top of your everyday jobs?

Edwin Reyes, BSP, ARC: I certainly totally respect the agencies processes so I won't proper this response as speaking for them, but I will say that in other coastal states what we have seen work is platforms that are built under the ARC GES pro platform and these are the ESRI format.

Senator Telenia C. Nelson: Okay thank you. And so, Mr. Arriola, it says that the department, are you the director here or are you just the director for DPW because it says ARC director.

DPW Director Vincent Arriola: Yes, ma'am I am the Director at DPW but we have a representative, Mary Rose Wilson, who's our representative on the ARC. She just stepped out to pick up something from her office. If I made add, the Chief Administrator of the ARC.

Senator Telenia C. Nelson: Okay. Where's our chief planner at? Oh okay. Is that you Mr. Borja? Is that you?

DLM Director Joseph Borja: No. No. That's not me. The chief planner is Celine Cruz but I wanted to address your question.

Senator Telenia C. Nelson: Oh, there she is. Okay hi Celine. Good morning.

Celine Cruz, Chief Planner, DLM: Hi! Good Morning.

Senator Telenia C. Nelson: is there a way that the ARC could come together and discuss something that they can propose to the legislature to assist with this process and do you feel that automation is a step forward into helping the agencies process or ARC members process applications in a more efficient manner.

Celine Cruz, Chief Planner, DLM: Certainly, I do thing automation would help with distributing information, having the same information across the board to all of our members so that, not only are they considering their mandates when they are preparing their position statements but there maybe some of the other comments they have are triggered by some other information requested by partner agencies and then they can provide even more input to development and the impacts to their mandates. But yes, certainly automation is definitely something that we've been looking into. I think it has always been an issue of funding. We have a lot of opportunities to create some programs that address the sharing of this information across to our partner agencies. But the continuity of that I mean there is always start up money but finding money every year to support whatever platform that we are considering is always an issue.

Senator Telenia C. Nelson: Okay. Thank you, speaker... Really, my concern is that we are talking about the automation thing and nothing gets done, right, and that seems to be some of the challenges that we have within our government where we need to come together and agree on how we are going to move forward with these processes because you know COVID greatly impacted how we process things today. Especially with our development moving forward, I know you guys need a lot of support I mean you are overtasked and it's a heavy load that you have to carry so speaker if I can request this dialogue and really see what we need to provide for ARC members and the agencies within it to mainstream these kinds of processes through automation and if that's even possible and bring in office of technology.

Chairperson Therese M. Terlaje: Thank you. Thank you very much Senator. Mr. Director Borja.

DLM Director Joseph Borja: Madam Chair to continue that line. Take a look at this example. The Department of Land Management provides about maybe close to 80,000 dollars in staff support to the business licensees permit section by stationing a senior planner up there to clear these business license applications and building permit applications. That's just the work that these senior planners do up there. Stationed up there 8 5. It's just a little bit above the level, level of clerical work. An application comes in, we need to verify the zoning, look in the computer. If it's a zone for what they are applying for. Clear it and they're gone, but in the meantime land management has to station a senior planner up there 8 5, 5 days a week, that's the cost of the Department of Land Management for about \$80,000 dollars a year. Land management is self sustaining. We do not get any money from the general fund. We only spend money that we get. The planning division presently has four planners. Two of them are eligible for retirement with 30 years or more of service. I have nine vacancies, but those are not funded. I need two more.

During the study of this military build up, we were done with the military build up office and indicated that land management will need 1.42 planners because of the military build up. Why? For example, these temporary housing applications that are coming in. There basically at least at this point for projects inside the fence, but land management, GovGuam, has to do their review of those issues also. For the temporary workers housing. That's an expense of the local government because of the military build up. So that's kind of like an example of where now originally like I said it was estimated that we will need 1.42 planners in addition to what we have now because of the military build up and again

just to say that you know land management is self sustained. We don't spend money from the general fund. So we're kind of limited in being able to recruit people and again of the seven people in the planning division, four are actually eligible for retirement. Two of the senior admin people and two of the senior planners.

Chairperson Theresa M. Terlaje: Thank you Director. We are very well aware and I thank you for bringing that up to the public's information as well the shortcomings of the staffing. Not the shortcomings but just the shortage of staff at the Department of Land Management. But, we look to you to ask for employees. If we need to, other agencies, for the additional support from the Office of Technology, and as we consider these other technologies that we can bring in.

However, just to bring us back on point here, we've got multi million dollar applications that are development projects that are pending and we need to find a way to balance these and to get the reviews done if possible. So, we will take all your recommendations and consider them very seriously. I'd like to recognize Senator Chris Dueñas who has been waiting very patiently, Senator.

Senator Christopher Dueñas: Thank you Madam Chair. Madam Speaker. And thank you to all the members who are present this morning. It sounds as though the regulatory agencies are working as hard as they can to get this process moving. So, I'd like to redirect my question now to the Chairwoman of the GLUC, Dr. Enriquez. My understanding as the opening of this meeting took place was that you currently have four members, with one additional member that is currently that is being processed to be heard by the Legislature. Is that correct?

Chairperson Dr. Anita Enriquez, GLUC: That's correct.

Senator Christopher Dueñas: Okay. During the time I was the Secretary of Guam's Land Use Commissions as well, it was a seven member board for requiring quorum, is that still correct?

Chairperson Dr. Anita Enriquez, GLUC: It is now five with three required for a quorum.

Senator Christopher Dueñas: Five with three required for a quorum. Okay. So that means that with your four now that wouldn't require a unanimous decision by the Board in order to be able to approve an application because it's three now?

Chairperson Dr. Anita Enriquez, GLUC: That's correct.

Senator Christopher Dueñas: Okay great cause that was the problem in the past. So, I have to direct this question simply because I know that the Speaker is going to bring up the next issue with regard to workforce housing and the obviously well publicized in the media issue with regard to that. Currently there is a piece of Legislation before the Legislature requesting workforce housing to be approved by the Legislature. I was....Yes?

Chairperson Theresa M. Terlaje: We have scheduled that bill for public hearing. That bill was received by our committee after we set this oversight hearing for GLUC. But it has been set for public hearing and we are going to announce that it's been set for February 4th, yes.

Senator Christopher Dueñas: I understand. The only reason why I'm asking the question Madam Speaker is I wanted, while we have everyone here in the same place, I don't want to discuss the Legislation, but I want to get on record, is there any regulatory agency present that believes the Legislature should be approving any applications or moving through the process, sidestepping and bypassing the regulatory process.

While we have everybody here, Madam Speaker, I wanted any particular agency to come forward to say, that you would be receptive or accept the Legislature doing this but through Legislation.

Chairperson Theresa M. Terlaje: Okay. I'm going to read the members' names down to see if we could begin with BSP, Bureau of Statistics and Plans.

Edwin Reyes, BSP, ARC: Madam Speaker, I would object to the Legislature taking such action.

Chairperson Theresa M. Terlaje: Guam Power Authority?

Antonio Gumataotao, GPA, ARC: Ma'am we do not object.

Chairperson Theresa M. Terlaje: Department of Agriculture?

Jeffery S. Quitugua, DoAG, ARC: We object.

Chairperson Theresa M. Terlaje: The Guam EPA?

GEPA Administrator Walter Leon Guerrero: We object.

Chairperson Theresa M. Terlaje: Department of Parks and Recreation?

DPR Director Roque Alcantara: We object.

Chairperson Theresa M. Terlaje: GWA?

Miguel C. Bordallo, GWA, ARC: We would object Madam Speaker.

Chairperson Theresa M. Terlaje: Alright. Mr., Senator Duenas, you have the floor.

Senator Christopher Dueñas: Thank you very much Madam Speaker. I think this is very important information as we go into the public hearing on such an application. And I look forward to hearing representatives discuss their thoughts on workforce housing when you bring that matter up. Thank you, Madam Speaker and members of this distinguished body.

Chairperson Theresa M. Terlaje: Thank you very much Senator Duenas. Senator Joann Brown?

Senator Joanne Brown: Thank you very much Madam Speaker and certainly thank you to our participants particularly from their respective government agencies that are here to provide us an overview of certainly issues related to the process of going through Land Use Commission. Certainly, as a private citizen a couple of years ago, I had the opportunity to work with the process with the Land Use Commission. I did want to note some of the frustrations because I still am currently a member of Save Southern Guam and a founding member. One of the things that I had some concern with was the public notice process. You know our family has had property within the 500 foot zone requirement from

the notice and we did receive it but our village mayor had not been formally notified with regards to the proposed project. And I think that's something that if it's not a requirement, we probably should look at adding it as a requirement. So that village mayors and the municipal planning councils that ultimately can have input through resolution. With regards to these types of projects, should all be aware so that there is more, more understanding in the community and anticipation of what's being proposed so that the community in itself has some say so. I'm very much an advocate of having the people that live in their respective villages, have as much input as possible and I don't believe the current process allows for that. We are allowed a public hearing within the village, one public hearing. And the one we attended in Yona, at the time that probably had over a hundred plus residents from both Chalan Pago and Yona, and some from Talofofo. There was not a single member of the Land Use Commission, visibly there to have the community relay their concerns or hear back from them.

We did have one member, but he chooses not to be in any official capacity for any questions or comments directly from the community. And I think that's an issue because the Land Use Commission itself removed itself directly from the process appearing a public input. And then when we had to attend the meetings there at the Department of Land Management, we were very limited as a community, as individuals wanting to testify before the Commission because we were already supposedly given the opportunity. So, any changes that were proposed by the developer, the community was not given the opportunity to have input. In addition to that and I don't know if the process has changed with regards to the GLUC meetings, even though I understand because of the pandemic, there's been limited activity as far as formal meetings. But the actual meeting itself is barely auditable for the audience that's there. While I understand that they're recording the meeting for record purposes. Being able to have the members of the communities that are there, that want to hear what is going on if that issue has not been addressed, certainly that's something that needs to be done. I do know we're looking at addressing Legislation to expand the public notice and engagement requirements which I know will apply to the Guam Land Use Commission as well as every you know department and agency. But I think that's something that needs to be noted. And then also Madam Speaker, I did want to comment on that question with regards to these notices being given out to residents that are within 500 feet of the respective project.

I would have some concern because of what happens in the event and I'd like to ask our Director of Land Management. What happens in the event if we did have the developers

send out these notices and they don't fulfill that obligation? What if they miss a resident or two because as you know and it was raised, and we're well aware of the situation that I believe ended up in a legal case with residents from Perrysville that challenged that project because they never received any formal notice and they live well within the area... identified as 500 feet with regards to that project.

So, I wanted to ask the Director of Land Management if he could elaborate on that. What if they skip somebody? What does that mean to the project? Does it nullify the application at that point because as I mention, community engagement to me is critical? Residents that live in a home that might be their single largest investment that they have and own. And I know many of our people want a quality of life and of course we want to look at development as enhancing our quality of life. So, if the Director of Land Management could respond to that question.

DLM Director Joseph Borja: Well, you know during the discussion of letting or allowing the developer, the consultant, to do the mass mailing. That was brought up that said, "Well what if the developer already knows that that house, that person over there is against the project, wouldn't it be in the best interest of the developer to not send that letter to that person?" I say, 'No, because if they don't provide notice to that person, whatever action the commission takes could be negated.' Now that happened in the condos up there near GMH, but it was shown that the party complaining had attended a previous meeting and that had known about the hearing. But did not actually get that certified mailing. So, if you make it that if they miss somebody in that 500 foot radius, then any action taken by the commission could be negated. That would stir them along to make sure that they cover everybody. When, I believe that when consultants do this, they should be mindful that the person that they really have to invite and notice, are the ones against the project. Because you noted if you notice anybody that's you know for the project, of course they're going to come there and say yes. But the very important, the most important people that you have to notice for those projects, are actually the ones that may be against the project.

Senator Joanne Brown: I also wanted to further ask with regards to, and I appreciate your point. But I wanted to ask, do you think the 500 foot radius after all these years is adequate considering some of these projects are significantly significant in magnitude, that could affect residences in terms of as you know those of you from the utilities could be infrastructure, could be water? It could be access to the highway and you know having cluttered highways, because there's not enough space to accommodate a facility for

example that can accommodate let's say a thousand people that might be able to, you know if it's a high rise building be it a condo or a hotel or something of that nature. Do you think at this stage after all these years as these projects are getting and could be getting bigger, that the 500 radiuses should be expanded to a large area? Because 500 feet really is not that large when you think about it.

DLM Director Joseph Borja: With the 500 feet radius notice applies to the mailing of certified mail out there. There are other notices, you know to the residents of Guam. I, if you must say so. You know that is given, of course, that is the newspaper notice and sometimes in the tv when the project is either controversial or large. But if you are 500 feet and not 501? I don't know. I think that may be an arbitrary amount. But just imagine though that if you expand that 500 foot radius, to say a 1000 feet radius. You know your mailing list for that certified mail, you know, grows exponentially. So, I don't really have an answer to that whether it's adequate. 500 feet in Tamuning, a radius of 500 feet in Tamuning has x number of land owners. 500 feet, say in Malesso, might have a smaller number of owners. So, you know you might want to say 500 feet in an urban setting and maybe in a suburban setting, maybe a 1000 feet. So, those are some of the issues that you have to think about when you declare 500 feet.

Senator Joanne Brown: I appreciate that you know Director Borja, to tell you you're probably one of the most experience people in terms of historical knowledge land on Guam. And I really commend you, I appreciate the fact that you are the Director because of your background. Madam Chair I do want to just have one more question for Agriculture because I think a very important point was brought up and concerned with regarding protecting our endangered species on Guam. And I just wanted to ask further with regards to are we doing an overlay with what potential options are available for our wildlife and endangered species, particularly as you mentioned we could be doing this hodgepodge type of development and we chip away a little at a time. But then we don't have a bigger picture. I mean, are we just assuming you know these species are going to find their own little niche somewhere as Guam continues to develop? Or are we seriously looking at how we can ensure that habitat areas are protected? I mean I do know there are designated properties around the island that were created by law that are supposed to be protected. But as development happens, I don't know what efforts the Government of Guam itself is putting into regulating these properties and protecting them from development. It's very familiar with the issue up there on the back road to Anderson with regards to the quarry and its desired expansion, and their desire to just kind of work

around the protected areas up there without really taking into consideration the impact to natural habitat. So, I don't know how aggressive we have been with that. But I just wanted to ask Agriculture that question if they could respond on what efforts they're looking to address the bigger picture?

Jeffery S. Quitugua, DoAG, ARC: Thank you. Thank you, Senator Brown, for that question. And you know right now we are working on putting together. I mean we do have recovery plans set at the side for a lot of these protected species. You know we understand the... of our... ownership of some of the conservation areas that we do have on the island. In fact, there are five that we do have, and we have plans for all five. The challenges we have are that, there are several... we have you people who have high interest in encroaching those conservation areas. So that's one of the challenges that we are facing today. And it's just being able to really manage that area and our Guam forestry is doing a great, wonderful job with the Coastal Conservation Area. With you know, re establishing native forest in that area.

We have partners working at Onow. They've done a lot of great work out there. Identifying many of our endangered plant species, floral species that you can find in that area. And right now, as to speak, we are putting together a habitat conservation HCP Program is what it is, and it really benefits. And it helps comes hand in hand with development. It's like a mitigation bank for when there is development. So, like for instance, if a developer has a has you know the Guam native snails in that location, we can actually now go in there and pull out those snails and put them into these habitat conservation areas. That is being processed right now. It. It really will eliminate the delays when it comes to mitigation with these activities when we just, you know, go out there and approve a development. It's you know because right now, currently what we have, is asking the developer to downsize a lot of their projects because you know they have snails in that property, or they have the host plant for the Mariana 8 spot butterfly you know.

So, we apply buffer areas just so that colony. Those species can remain in that area. And it becomes a... you know... it becomes a burden for the developers because now they have to go back and either make changes, make adjustments to address that issue. In the past, when these species were and many of these species are also now listed federally with the Endangered Species Act and that was in 2015 in October. So, you know it now becomes more I guess in a way different because we even as local agencies, we would need to get as

a local agency, we need to get permission through fish and wildlife to be able to you know to do those actions when we want to mitigate. It's not like back in the day and an example is like the Iliq Bridge Project. There were snails in there. They had to go on trees now that were located in the area. It was not listed [muted in live feed. inaudible.]

Senator Joanne Brown: Sorry. We just lost his audio.

Chairperson Theresa M. Terlaje: Yeah. Sorry Mr. Quitugua I think you ended up.

Jeffery S. Quitugua, DoAG, ARC: Oh sorry.

Chairperson Theresa M. Terlaje: Yeah.

Chairperson Theresa M. Terlaje & Jeffery S. Quitugua, DoAG, ARC: There you/we go.

Jeffery S. Quitugua, DoAG, ARC: So, going back to the Iliq Bridge Project. You know we were able to because it was not federally listed. We went ahead and took the authority to go ahead and relocate those... those snails out of the area. Out of sight. So that the development can go ahead and proceed. And then we also, you know, then brought it back in place. And that's what we've done in the past. But now because a lot are listed, our species are becoming federally listed. The more that is coming, now it's kind of a delay with us not ust working with Fish and Wildlife but with the HCP and, and Fish and Wildlife being very supportive and helping us, guiding us to get that approved. It will eliminate that process and make things much easier.

But with our agency, we are developing several master plans with native species that we have. And it's not only native species that we're really concerned about. We're now even addressing more challenges with invasive species like feral pigs. You know, we're getting calls every day that feral pigs are coming in, destroying people's backyards, their outside kitchens, their trash cans. And there are [inaudible]. And then we got elefe, the little fire ant. There's brightly being spread around the island. In. I think it was like less than five years.

There was like only nine known locations of the little fire ant. Today, we have like over 20 25 maybe it is. And the numbers are grown. You know, we're already [inaudible] fire... Little fire ants are finding... are... are being found. So, there's... there's just a lot of

things that we need to look into and. And we are trying to work very hard with the... with even the different partners that we have here in the office to... to address that to just so that we have a... that so we're read... we're ready to take action rather than sit and try to figure out how to proceed.

Senator Joanne Brown: Madam Chair. Thank you and thank you Mr. Quitugua for your... for your response but... I thank you for the extended time to ask questions. And I know we could ask a lot of other questions. But maybe hopefully in the future, we can schedule a visit with the Department of Agriculture. And actually, get more familiar with these conservation areas, and see what work is being done or what needs are there. With that, again thank you very much Madam Speaker for the opportunity to ask questions of the panel.

Chairperson Therese M. Terlaje: Thank you Senator. And now I would like to recognize Senator Telo Taitague.

Senator Telo T. Taitague: Si Yu'os Ma'åse' Madam Speaker. And thank you everyone who's here today to provide your information and testimony. And I thank you Madam Speaker for holding this public hearing because I too have received a complaint from constituents on the delay of... you the process that's going on when, when trying to get permits. Moving forward, and we all know that with businesses, time is money. And many of these companies are individuals who want to start a company or utilize property. It. The longer you wait it, it, it really sets them back financially. And I think... I address this actually at the beginning of the 35th Guam Legislature. At the very beginning when I introduced Legislation regarding the ARC, and its responsibility. I'm not mistaken, Public Law 33 209, that was stated. Director Borja, I, I believe you're still here?

Oh, there you are. And too, I share the same sentiments as my colleagues, Senator Brown, with regards to your position at... at... Department of Land Management. As you know, my father worked there for many years and respects the work that you do. So, greatly appreciate you as well being there. Director Borja, when I introduced the Legislation, it basically tried to... you know... piggyback onto Public Law 33 209 because the problem was there was no teeth to that. And today we're talking about timelines. We're talking about individuals trying to put their applications through and finding out what... you know... the... how soon it can be put through or the delay that's happening. That quite frankly a lot of them don't know and, and that will lead me to the next question coming

up. But I'm looking at the law, and the law states that it's 30 days. You keep talking about 60 days. But Public Law 33 209 talks about a 30 day period.

So, can you... well... basically, tell me you know for the record... what... with the 30 day time period established by... by law for petition statements and reports to be provided to the ARC. Prior to the municipal public hearing. Can you confirm, for the record, when does the clock start for the 30 day time period?

DLM Director Joseph Borja: I'll let the Chief Planner add that, but the... Senator Taitague, you are exactly right in that public law may not have teeth because prior to that 30 day sentence. It says something like "to the maximum extent possible." So. So that may be where the missing teeth. But you may... you may say on there. And then also the... the... it. It does have that... may be a lack of teeth on it. You know the 30 days. And I must say, as a disclosure, that I had a hand in drafting that bill. [LAUGHS] When I was... at the Senator Tom Ada's Office.... on that bill. And then the other part of that bill... the... which is something I believe that... Senator Brown brought up that at the public hearing in Yona, there were no GLUC Members.

That bill also... has... may be some weak teeth about the attendance of the ARC Members of those public hearings. And I myself as well as the ARC Members, are very cognizant of the bill that you introduced. Which the Governor subsequently vetoed, concerning trying to move ARC position statement along by allowing the Director of Land Management [LAUGHS] to fine other directors that don't turn it in. The only problem I had was that the bill seems to be more on the punitive side. And maybe that's the course that the Legislature wants to take. But you know for government employees, we really kind of like to try [inaudible] to stay away from the punitive. Maybe that's what it needs, but, I did not want to be in a position to be fining fellow directors for something that their employee didn't do. But you are right, that it may need some teeth because of that language. The any and all part of it... the... to the maximum extent possible and the... I think it was the last sentence there but ARC Members, you know may attend those things. So, I fully understand your concern and your points Senator.

Senator Telo T. Taitague: Thank you for that Mr. Borja, Director Borja, because that was also a comment too on that particular legislation by Senator Tom Ada, that mayors must be informed as well. You know if you look at the beginning of the law that you helped draft as

well. So, my perspective was to provide the teeth that's needed ... put what they say, "put the fire to the feet" you know, and get these individuals to provide a timeline that is sufficient and I know everyone keeps talking about 40 days because my plan now is to reintroduce the legislation with regard to the ARC even though it was vetoed. And I did still maintain the 30 days on that legislation. So, by reintroducing it, would you instead of 30 days put 45 days? Would that be sufficient with no extension? Because, it does say in there before the ten ... on the ten days prior to the 30 day, that they must provide a written statement requesting for an extension. So, that almost makes it to 40 days if you think about that to allow that extension. So, to reintroduce this legislation from 30 to 45 would probably be more supported by the Department of Land Management.

As far as penalties though, you know Director Borja, I still plan on putting the penalties. Because there are penalties placed on other agencies and departments who don't fulfill their obligations and are moving forward, so just the day(s) is what I'm looking at.

Director Joseph Borja: Well, I would...you know we have the new commission and I think as Administrator Reyes said, I would ask for a 60 day a period from now to see how the ARC replies to all this interest at the legislature to do... I believe there are new people on the ARC from the various departments.

I know for example that the Department of Agriculture is making renewed efforts to maintain their mandate as well as a reply to these position statements within the allotted time. The Bureau of Statistics and Plans have a renewed energy I believe to make sure that these position statement comes in. But having said that, I'm still concerned about EPA because EPA's review is such a broad review of the three programs they have and it's such a technical review, being involved in the environment issue there. That one for EPA, the time that it takes for them to review a project, I think it's basically worthwhile for that time. And with Commander Bearden on that and hopefully EPA gets at least a planner to dedicate to these position statements, they could hopefully shorten the time.

I would ask that they keep the bill on the floor. But I would like to ask for at least a 90 day trial period to see how this new ARC responds to it. I understand time for private businesses, as well as the department is money, but once we put things in statute, you know the saying, "it takes an act of Congress to (LAUGH) to change that." So, that would be my only comment on that Senator Taitague.

Senator Telo T. Taitague: Okay. *Si Yu'os Ma'åse'* Mr. Borja. And I do realize that you're following the executive order 96 26 on 60 day calendar but, you know that law always trumps any kind of executive order. So, actually the the right time is not 60 days, it's actually 30 days if I'm not mistaken. With the extension, okay. Because everyone keeps saying 60. But the law says 30. The other Also, Mr. Borja, you mentioned the dates and times and that was some of my questions. I thank the speaker for all the questions she asked. Quite a bit of them were answered. However, when you were mentioning providing the list of meetings that were held earlier and post, I guess even post COVID and prior COVID, can you please send that listing date? Because you read it off by date, you know on what was canceled and stuff because that was one of the questions. If you could just post that, either on this chat, if you were reading it from something you wrote. I appreciate it, if not, then just send it to the speaker's office. And I ask Speaker if you can forward that to. To the senators as well? And I don't want to keep too much more, I just want to ask, has there been any developer, developers canceled their projects due to COVID? Or because action has yet to be taken by the Guam Land Use Commission... I guess that could go to the Chief Planner, Miss Cruz.

Chief Planner, Celine Cruz: Thank you, Senator. To answer your question, no. No applications have been withdrawn due to COVID.

Senator Telo T. Taitague: Okay. And just one more prior to COVID, in the event....okay. How many applications has been submitted after March 16, 2020?

Chief Planner, Celine Cruz: If you give me just a moment, I can pull that information up.

Senator Telo T. Taitague: After 2020 and and if you could add to that how many applications still pending prior to COVID... And that's my last (INAUDIBLE) speaker.

Chief Planner, Celine Cruz: Just a moment. I'm pulling it up right now.

Senator Telo T. Taitague: No problem, thank you.

Chairperson Therese M. Terlaje: (INAUDIBLE) Borja, do you have that information available?

Director Joseph Borja: You know I'll leave it the Chief Planner; I believe it's 48. Now, 48 pending after March 20 and I'm not sure how many were submitted after the beginning of the COVID. And again, we go by fiscal years, but the planner has that information.

Chief Planner Celine Cruz: Since March of 2020 to date we've received 25 new applications.

Senator Telo T. Taitague: Prior though, the the question was how many pending prior to COVID, prior to March 16, 2020. How many applications were pending? Right now, you have 25 new from March 20... 20 until today there are two 20...25 new ones, but prior to that to COVID. How many are still pending?

Chief Planner Celine Cruz: That would be roughly 40 applications.

Senator Telo T. Taitague: 40 applications. Okay and and Mr. ... Mrs. Cruz that 40 that is prior will have priority over the 25 new ones that were submitted correct?

Chief Planner Celine Cruz: Yes certainly. And just to add to that of the 40, eight are ready to have public hearings. We just need to set up the venues for those particular applications. We have another ten that have been thoroughly researched, but we are just waiting for all of the position statements and then another... another ten applications that are still pending... pending research.

Senator Telo T. Taitague: That's that's 28 only.

Chief Planner Celine Cruz: So, there are some others that have not gone through the application review committee. So, what triggers the start of research is that the initial review by the application review committee. And I...

Senator Telo T. Taitague: Oh. That's 78 and there was 40 that are pending.

Chief Planner Celine Cruz: It's just under 40. It was a, it was an estimate on my part sorry. I could get that exact information to you.

Senator Telo T. Taitague: Okay, thank you. I appreciate it. I won't hold up any more time. (INAUDIBLE) Speaker, I appreciate those numbers I mean just to tell us the pending and where they are today. And hopefully, the department is also notifying these companies or these individuals submitting their applications, what's holding it up. Where they are, where in this whole process that they're waiting for. Thank you, manager our speaker. Thank you.

Chairperson Therese M. Terlaje: Thank you very much, senator. Ms. Cruz, is there a reason that they have not gone through the initial review of the ARC?

Chief Planner Celine Cruz: Some of it is staffing issue. So...

Chairperson Therese M. Terlaje: Where?

Chief Planner Celine Cruz: Here in the land planning division. So, we do have four planners available, including myself. And, at the beginning of 2019 we were asked to staff,

or have staff, physically located at the DPW permit center to process building permit applications, business license applications, and other applications that go through the government. And so that...with that we had to shift our manpower to having two planners spend a little more than half the day each up there and that left myself and another senior planner back here at the main office to process any new applications that we received. So, that review mainly was put more on our senior planner, Mr. Frank Taitano and he does a very thorough review. He identifies you know during this initial review of the application, any additional information that might support the application or any other information that is required by that process. So, you know, we have had a backlog in the review... in the initial review for the more complex applications and a lot of these applications that came in are complex. They are those workforce housing applications. There are zone changes or subdivisions of, you know, a considerable size. So, you know, we take the time to ensure that the applications as submitted initially are complete and then we get all the information so that when it moves through the process there aren't additional questions by the application review committee or even the Guam Menus Commission.

Chairperson Therese M. Terlaje: All right. Do you agree with the Director's earlier statement that it these are processed by the Department of Land Management within ten days?

Chief Planner Celine Cruz: For the... the simple applications we can process those within the ten days. For the more complex applications, we do go beyond the ten days just giving our current staffing levels.

Director Joseph Borja: To assist with the...to assist with the staffing issue, Madame Chair Speaker and the Senator Taitague, Land Management has recently recruited a planner who will be starting I believe February 1st. So, we will have one additional planner to help us with our workload.

Chairperson Therese M. Terlaje: All right, okay. I'd like to recognize our (INAUDIBLE) leader Senator James Moylan. Thank you, Senator, for patient.

Senator James Moylan: Thank you Madam Speaker and thank you to the folks here today. Question for the Director Land Management, please. Okay, so I understand from our Chief Planner that we have 40, roughly 40 applications pending. Do we have a money amount in these total projects? Revenue to generate. What is the cost of these projects of the approximately 40. How much money are we, are we having on the table pending?

Director Joseph Borja: You know Senator, we haven't had a we don't actually categorize the totals. What we can do is when a project costs more than three million dollars it is referred to the Hybrid Commission. And from there we can total. From one consultant, I believe he may have 500 million dollars in projects. About half a billion dollars from one consultant. That's one of the most prolific consultants out there processing these applications. He's estimated that it might be from the other consultants. His estimate was about one and a half billion dollars for from development.

Senator James Moylan: Yeah, no, okay I appreciate that. I'm understanding from the calls I'm getting up also it's in the billions actually and some of those those higher ones that could actually be it. So, I understand that you're giving us some good ideas, some good things that we can look at for public laws to make adjustments to and the importance from every ARC of why their reports are necessary. So, I appreciate that input.

Also, on the municipal planning hearings, you mentioned, Director, that Zoom wasn't an option and I just like to ask if you can kind of reconsider that as the legislature, we we we adjusted to that Zoom, we passed public laws, we made public hearings and we made some big decisions through those public hearings and passing our laws. But, hopefully, these you know this pandemic will will go through but I think that's going to take a while and we just have to be prepared for possibly the next pandemic as well. But it through this technology, using these different forms of what we're doing right now as well we're able to hold this conference and I I think it's... it will be really important if we can do that. I understand you know maybe not a lot of constituents may have access to electronic media but that's... we can have multiples, right? And we've had public hearings on certain bills that we've had multiple Zoom meetings as well. And this is where things are, are going to.

So, I really hope you can reconsider having these having these public hearings on Zoom with the Municipal Planning Council and possibly that can also save up some of the ARC Committee times too. And they can be able to come and report electronically, as well. So...and and I think when we do this, and it's recorded and then that can be shared to other people that weren't able to make it because they can go back onto a Youtube broadcast too as one of the Senators has mentioned. You know that sometimes getting the notice out is difficult but, however if you have these public hearings recorded then they can. They can come up and. And listen to it at their own convenient time and maybe another public hearing can be arranged because more people are now interested, because they heard something about it. So, I'm just highly encouraging you to kind of reconsider that as well. Because we know as the quicker, we can get these projects correctly approved and having ARC address their issues, the quicker we can gain "BPT" you know business privilege tax, that we can get people employed and eventually all this money goes into the general fund and. And then the quicker we can address staffing issues for each of your departments as well. You know for, for the support of our community. But I thank you Director for that.

I do have a question for the Chief Planner as well, regarding the notices. You mentioned the print media and another, I'm not sure on your website? Do you also, is this also put out as well and how is this shared electronically too, for the notice of public hearings?

Chief Planner Celine Cruz: So, for the Municipal Public hearings, we do not post those on our website. But, the Guam Menus Commission meetings, which are public meetings, we do post that on our website.

Senator James Moylan: Okay. Would it be helpful that it's also posted on your website? Or do you feel it's not something necessary and, you know I probably get your notices too but now I'm going to even take a more important look at it too. Because if I get this on soft copy, there are so many neighborhood groups on these different chat groups that will most likely be in interested , as the Senator has also, also mentioned, is just getting the word out and then we can probably increase attendance in these hearings, electronically hopefully, but but also by sharing this message much more quicker with social media. And so, I'm hoping that that can be done. Is that a possibility?

Chief Planner Celine Cruz: It is a possibility Senator? Yes.

Director Joseph Borja: Senator?

Senator James Moylan: You let me know? Yes Mr. Director. Yes sir...

Director Joseph Borja: Senator, thank you very much for those comments. You know when we were considering having a meeting, GLUC as well as ARC and some of the other groups here at Land Management... when we saw that the legislature was able to hold Zoom meetings, these public hearings to these video conferences and the information that they get, they used to develop laws, I said let's go. Because if the legislature can use that level standard of notice to develop laws, then I certainly, I think that the Land Use Commission can hold that. The Land Use Commission so far, all of the meetings have been by video conferencing and the, the thing that you might have to look through the statute is like when I said, when you have a public hearing there's two facets to it. The public hearing itself, the facility, but also the notice process. And in the law, I believe for notices of public hearing, it is specified how notice is to be given. And you might change the law you know the technology is developing faster than the law, on this. And one of the reasons why we held back on having a video conferencing, video meetings, is that... does that allow everybody that wants to partake in the public hearing to do so? You know if they are lacking the IT stuff, the computer and the access to the...to the meeting electronically you know. But certainly, I believe staff prefers that it be, that it be a video conferencing rather than a face to face. Setting up a meeting with the mayor's office is..can be quite daunting scheduling matters. It's not really a matter of money, they're always willing to provide us the space but if course according to their schedule. And thank you for those comments. We do intend to utilize video conferencing as much as possible but, within the limits of the existing law concerning the know this process.

Senator James Moylan: Okay, Mr. Director, I guess you're referring to 33 209?
(INAUDIBLE)

Director Joseph Borja: Actually, I'm referring actually to Public Notice Requirements like for conditional use permits where they have to be by certified mail and things like that.

Senator James Moylan: Okay. Thank you, thank you. My final question, Madame Chair is for the Land Use Commission Chair. With the, with our current conditions and I'm just hoping your the attendance is still okay but of course we know with COVID and the responsibilities of the Land Use Commissioners there, I'm wondering if. If. If everybody still wants to remain on that commission or do you need. a Do you need more volunteers? Do you need any replacements because of the COVID situation? Or are you find with the number of members that you have in attendance regularly?

Chairperson Dr. Anita Enriquez: Mr. Senator, we we've had a 100 percent attendance thus far since early November. And we are awaiting our fifth Commissioner to onboard. The fact that three makes a quorum of five gives me confidence that every meeting will be held. I don't anticipate at being absent at any meetings unless there's an emergency. And I find that our commissioners are very passionate about their role and their responsibility on this commission.

Senator James Moylan: I appreciate that. Thank you very much. It's good to know. Thank you so much. Thank you to the panel. Thank you, Madame Speaker.

Chairperson Therese M. Terlaje: Thank you very much Senator Moylan. Before I move onto the next agenda item, which is specifically regarding temporary workforce housing, I would just like to give an opportunity for GWA, GPA, and, DPW...if you have any additional comments that you'd like to add to this discussion? So, Mr. Bordallo?

Miguel C. Bordallo: Thank you Madam Speaker. We just wanted to state that our performance so far since we've been tracking it since 2015, on average we are meeting the 60 day time frame... we think. If. If it changes to 45 that's certainly reasonable for. Even for larger projects. But the 30 day time frame for some of the more complex projects will be difficult for us to meet. And it's simply because of the analysis that needs to be done and some of the verification in the field might also need to be done in order to provide the proper review and developing the position statements. We do have some suggestions with regard to enforcement of conditions and regulations that were referenced in your letter. We can provide that given the time that's already passed. We can provide that in writing to the committee. I have nothing further to add, but I would ask if there are any specific comments from Mauryn McDonald or Prudential Aguon from our planning department. So that they'd be allowed to come in as well.

Chairperson Therese M. Terlaje: Yes, please.

Mauryn McDonald: Okay, good afternoon Madam Speaker, Senators, everyone on the committee and on the hearing. Just want to reiterate some of the other ARC members comments about resources and how many of the ARC members are also working with building permit reviews, and, and how that really is the bulk of a lot of our, our efforts when we are in the workplace. So, in 2019, there was a Governor's task force to improve efficiency with the permitting procedures, and I believe that task force has some recommendations. But in looking at what could improve ARC review time frames, and looking at everything holistically, it's looking at what the members deal with on a day to day basis and how to improve all of...improve and streamline all of the work that we do. So that we can improve in all areas, all aspects of our work. Because ultimately an applicant with a GLUC application, will hopefully get to the building permit stage. So, we want to streamline that whole process. Not just at the beginning with the ARC, but through the building permit stage and the inspections and the occupancy permit. We do want to improve that whole process in its entirety.

Chairperson Therese M. Terlaje: Thank you. The other representative from GWA, did you want to add?

Prudential Aguon: No comment.

Chairperson Therese M. Terlaje: All right, thank you. GPA?

Antonio Gumataotao: Hafa Adai Speaker. Thank you for the opportunity to speak today. So, yeah, we. We look at internal processes. Earlier we talked about GIS. That's one of our main tools that we used to help look at the site and determine if we can support this facility. We also help, we have ask help from the engineers to go out and do the site inspections. But I do want to say that DLM has been very very supportive. One of things that we've asked for early on and they included in their DLM Form 01 is to ask for the power demand. And a lot times for the most part big development developers, they provide that, an electrical engineer will provide that document in there. We've also asked them to put in their form, a preliminary title report which helps us determine who the owner is for that particular property. That's how, that helps out and speeds up a lot of the

processes. In addition to that we also, we also have a service where developers can come and meet with engineers right, and they can look at their projects early and help with looking at what their demand would be and try to plan way ahead, so that way we have we have the necessary electrical equipment to support that that facility. Some of that is written in our service rules, or even the application process. And not only do we look at in this process through the ARC, we look at the whether or not we can support that facility or that development, but also the maintenance piece right? So, a lot of the data from other agencies is quite important. And we appreciate Land Management sharing some of their GIS data, Bureau Stats and Plans, Guam Waterworks. We know that it's a tool to help us, but we also trust and verify out in the field. That's all I have to add Ma'am.

Chairperson Therese M. Terlaje: Alright. Thank you very much Mr. Guzman you said? No Gumataotao, yes. So, for the Director DPW, Mr. Arriola? Please unmute. All right. Looks like...thank you.

Mary Rose Wilson: Good morning Madam Chair. My name is Mary Rose Wilson.

Chairperson Therese M. Terlaje: Okay, can you pick up a little louder? Or get closer? Yes.

Director of DPW Vincent Arriola: My name is Mary Rose Wilson, I represent the ARC in the department. Okay My director kind a is have an emergency meeting right now so if there is any questions that you need to ask. Then I maybe can answer some if not then I will inform him, so go in.

Chairperson Therese Terlaje: No questions right at this time. Just wanted to know if you you had a additional input right now. So, we will send any questions that we have to the director? Thank you, alright. And finally, so, the Department of Parks and Rec. Mr. Alcantara are you here? All right, The, I know that the State Historic Preservation officer is off Island right now or he was not available today.

Okay, alright so we are going to move on the final segment of our agenda and Mr. Bordallo, I did put it on the agenda. It is very important to me that we hear whether the conditions that are being set by the GLUC are able to be enforced by the GLUC by DPW or by the agencies that have suggested those conditions. And so I very much look forward to

your input on that and thank you for considering the time constraints we have right now. We'll forgo that discussion right now. All right so as we said earlier this this part of the agenda is to discuss specifically the temporary workforce housing.

So, pursuant to the statute, applications for the development of temporary workforce housing shall come before the GLUC as a conditional use. Subject to the review process of the agency review committees. Shall be subject to specific conditions of approval as established by GLUC. And so, we went through the whole process and I just want to note that there are some outstanding applications for temporary workforce housing that has seemed to be taking a while and that we did receive written testimony from... there are many in the community that are interested so we've received comments in different media.

But we did receive written testimony from Mr. Daniel Swavely, and from Black Construction, from Phils and Kim and, from Nan Inc. And these testimonies have been provided to all Senators and I want to thank these companies and entities and persons for submitting such testimonies with some very concrete suggestions moving forward for the department of land management, especially and for processing these temporary applications. These workforce applications.

Right now, I'd like to focus on just for the Guam Land Use Commission can you please provide a status on applications pending for workforce housing in particular? What are, how many are pending and what are the reasons for the delays?

Director of DLM Joseph Borja: Madam Chair, if I could allow the chief planner to present that information. She does have the list as I do of the eight pending applications pending public hearings, and in it I believe our three or four workers housing, and she will be able to explain why there is a delay on that.

Chairperson Therese Terlaje: All right, but could you please clarify then that there are no applications in front of the Guam Land Use Commission at this time or set to be presented to them at the next meeting in fact exactly.

Director of DLM Joseph Borja: Not temporary workers housing but there are two applications I believe - on the agenda for the next meeting. But I don't believe that those are temporary workers housing.

Chairperson Therese Terlaje: Okay, Thank you, Director.

Director of DLM Joseph Borja: Celine, unmute. There you go.

Chief Planner of DLM Celine Cruz: -Sorry. There are three applications in the PAI process that's the preliminary application interview process, there are there is one that is pending with the ARC. That means it's been accepted and were just waiting to have our next ARC meeting. And then there are two applications that are pending public hearings.

Chairperson Therese Terlaje: So, you've got six total?

Chief Planner of DLM Celine Cruz: Yes.

Chairperson Therese Terlaje: Okay and all right. Okay, can you give us a time frame for example, of the public hearings? How soon will those be held?

Chief Planner of DLM Celine Cruz: - So, we in particular, we have decided to begin the public hearing for A zone change which has a related zone variance for height. And, that's for a construction company. That would be our first but - we're just in the process of calling all of the Municipal the Mayors offices to coordinate those meetings since we do have the research done for a few of those applications.

Chairperson Therese Terlaje: All Right (INAUDIBLE).

Director of DLM Joseph Borja: Madam Chair for the workers housing application in Tamuning and actually Harmon, that will probably be set in about three to three to four weeks, and these hearings are have to be given 25 days certified mail notice. So, it's at least going to be 25 days. And, what we do is we set a date with the Mayor's office and then we work backwards to get that mailing list out or mailings out for the 25 day notice, certified mail notice.

Chairperson Therese Terlaje: All right thank you. And you described earlier that review of workforce housing applications are complex and might take a little longer. Could you just explain why and what makes them complex? And how much longer do they take normally?

Chief Planner of DLM Celine Cruz:

Chairperson Therese Terlaje: For the Department of Land Management's review of these applications.

Chief Planner of DLM Celine Cruz: So, generally it would take about a month to review those types of applications. Again, it would be our senior planner doing that type of review. As conditional uses are required to identify placement of buildings addressing "egress ingress". And, there are specific requirements for conditional uses. But, then further for workforce housing, there are other requirements that must be in place as part of the conditional use application, and that includes medical facilities within the within the premises, food preparation areas, recreational areas, and we just need to ensure that those... the plan as presented by the applicant is complete, and that they've included all of those requirements of a conditional use application.

Chairperson Therese Terlaje: There is a statute that lists out some additional requirements for temporary workforce housing under the zoning law. Is there anything on DLM's checklist in addition to those items that are required by statute?

Chief Planner of DLM Celine Cruz: Not that I can think of at this moment.

Chairperson Therese Terlaje: Alright and so back to the GLUC. When the GLUC considers these types of applications, sometimes the GLUC sets conditions on these. And, I want to know, does the GLUC ever consider after the approval is given whether the housing continues - to be consistent with the requirement in the law?

Chief Planner of DLM Celine Cruz: As a matter of practice there is one general condition that staff do recommend?

Director of DLM Joseph Borja: Annual inspection.

Chief Planner of DLM Celine Cruz: An Annual Inspection and also a time limitation for conditional use for renewal.

Chairperson Therese Terlaje: All right, and I see that the DPW representative nodding in agreement. So that are these inspections by DPW?

Chief Planner of DLM Celine Cruz: I believe they're done by all the various agencies. And, and for here at Land Management it, will be the responsibility of the case planner when we do receive their annual report to verify the information on that report.

Chairperson Therese Terlaje: All right, and so I've also asked the Department of Public Health Division of Environmental Health representative to be here. Thank you for being here. And, because it doesn't look like you there is a role for The Department of Public Health in the application review process. However, there is a statute that requires that standards for workforce housing are enforced by the department of public health. And I just wanted to ask you if I understand this correctly or how do you understand your role in the workforce housing requirements?

DPHSS-DEH Officer Administrator Marilou Scroggs: Thank you Madam, Madam Chair and Speaker. Okay, the role of Department of Public Health is to issue the sanitary permit and dormitory permit for all this temporary work workforce housing facility. Before they bring in there H2 workers they need to clear from all the other agency and one of them is Department of Public Health. So, we gave them conditional approval when they bring in their temp temple ah their temporary alien workers, they have to turn in the applications 30 days prior to the arrival of the H2 workers, so that there's already a ready facility for them to occupy or move in as soon as they arrive on the Island.

Chairperson Therese Terlaje: All right, and so do you review the facilities?

DPHSS-DEH Officer Administrator Marilou Scroggs: Yes, madam chair, we review also, the construction plan if this is a new construction of temporary workforce housing facility. Public health is involved in the plan review or in the building permit process. Then we are also involved on the occupant's occupancy permit process. Then after getting the occupancy permit occupancy permit then that's the time that we can issued the sanitary permit and the workers dormitory permit. And, we inspect temporary - workforce housing facility regularly; every three months for the first year. As long as they meet the letter grade A for four consecutive inspections. Then they will move on to the secondary phase, which is semi annual inspection and if they pass, they get a letter grade A for the two consecutive inspection. Then they will move on to the annual or only once a year inspection. We have a

dedicated staff that is funded by the fees that's coming from the importation H2 workers. So, where we've where been on top of that and we we've been regularly inspecting all the temporary workforce housing.

Chairperson Therese Terlaje: All right, thank you. I just wanted to put that on the record too, so everyone has an idea that yeah so - there are other agencies that are also reviewing this type of development or these workforce housings. But, they're not involved in the you know the application review process for the conditional use. They're evolved in other you know in others phases I guess and so I just wanted to clarify that and but that you feel that you are sufficiently able to enforce the standards at this point in the process.

Officer Administrator Marilou Scroggs, DEH, DPHSS: Yes, Madam Chair.

Chairperson Therese Terlaje: All right, I just want to state for the record, so, this is Marilou Scroggs, Environmental Public Health Officer Administrator

Officer Administrator Marilou Scroggs, DEH, DPHSS: Okay, thank you.

Chairperson Therese Terlaje: Thank you Miss Scroggs. All right. Senators, if you have any brief questions, I will entertain those right now, otherwise I would like to conclude this hearing because of the time. Are there any questions? Yes, Senator Moylan.

Senator James C. Moylan: Thank you madam speaker. Questions for the Directors, so again going back to because of the current law, this is something I should be looking at because it's for the temporary housing to get approved. It's going to take three to four weeks for this public hearing, 25 days for the certified mail notice and that's adding to the delay of getting these processes approved right? You are stressing to me, other words the importance of this is where we are at, and this is what we got to deal with, but if we can adjust that it would be more helpful for you. Is that correct.

Director Joseph Borja, DLM: Well, it would be you know more helpful for the a, for the a consultant to move his application along but you know, public notice is always a very high - tenant in processing these things and that is one of the most important facet for processing this application is public notice.

Senator James C. Moylan: Okay, I appreciate it and when we're discussing the temporary workforce housing, so right now we have 1500 rooms available right? We have another, we've got 2500 coming on in in the year of 2021, and they're coming. We need a thousand more rooms. This is for the purpose of military buildup. It's also for private buildup and the government projects too. And the law is requiring us that they're supposed to be put in this temporary workforce housing in M 1 light industrial areas. But, if they can't you know I guess they're just going to be, they're still coming and so we got a situation that were we don't want to look at alternatives, where they're moving into our neighborhoods they're there renting homes they're renting apartment buildings next to our friends and families as well. Not that there is nothing wrong but all of a sudden all of our available residents for rents may be occupied with a thousand more people coming. And, with the limited amount space that were supposed to have them separated from. So, it could limit the housing for everybody else and it could also drive up cost.

So, I am hoping that somehow, we can do something on the fast track version and maybe if these things are built and then public health comes in and then certifies. If it's an M1 industrial zone, then you know we the progress still needs to continue and then still get inspected. And, if they don't do it right, then close them down. I'm just throwing out some suggestions there because if we can't stop them from arriving at our ports, right, and they're going to come. They're going to build and if they're already locked in to a contract in an apartment building or somebody's house that could be my neighbor, they're locked in to that for a year. Maybe they rent it for two years for better rate also, so, something for further discussions and I appreciate all the information that were gathering on that. So, thank you very much. Thank you, Madam Speaker.

Chairperson Therese Terlaje: Thank you again Senator.

Director Joseph Borja, DLM: Senator Moylan, if I could just provide the information, and Chief Planner please correct me if I am wrong on this, I believe there is about 22,000 workers housing units approved, but only about maybe 2200 built. Remember I believe Core Tech have that big spread out there in Okkodu? So, the number of applications for workers housing the number of units, workers housing rooms if I might say approved through the GLUC, I believe is at 22,000. So, that's approve. But, how many has been built is about 22 maybe 2200, Madam the last figure that I had was about 2200. Because the Department of Labor has to know this when they're bringing in these applicants are

bringing in these contractors bringing in. I believe they have to certify that there is a housing available before they bring them in.

So, there is 20 thousand 22 thousand units that were approved I believe less than 3,000 could be a safe figure have been built. These new applications that are coming in are from contractors that you know have these projects waiting for these workers to come in. So, number of units approved to be built 22,000. Actually built, about 3,000 but these applications that are pending for the commission or that are being submitted or these commissions are from specific contractors that probably already have their projects online and they need these workers and in order to get these workers in they need the housing, you know the certified housing. So that's just some information for you Senator.

Senator James Moylan: Thank you very much Director.

Officer Administrator Marilou Scroggs, DEH, DPHSS: Director Borja, I just have one question. The 3,000 units, are these 3,000 rooms or 3,000 buildings.

Director Joseph Borja, DLM: They are 3,000 rooms. And that's a liberal figure. The last time that I was in a meeting that discussed the availability of temporary housing workers I believe the number given to me was 2,200 and that was about maybe a year a year ago. So, no not 22,000 buildings, 22,000 housing units, I would venture to say 20 to 22,000 rooms.

Chairperson Therese M. Terlaje: Thank you Director, thank you, Senator. Again, I just wanted to make sure so there's no confusion that, there is another public hearing scheduled from February 4th at 2 p.m. on bill 14 36. Which seeks to expedite the GLUC process for temporary workforce housing permitting during a pandemic and by foregoing the public hearing and other parts of the process. So but, Senator Duenas you said you want to ask.

Senator Chris Duenas: Yeah, just real quick Madam Chair, so in the polling of the membership that's here. I didn't get answer, or you didn't ask the Director of Land Management. And, I'd like to ask him directly. Do you approve of bypassing any regulatory processes for a workforce housing approval?

Director Joseph Borja, DLM: You know the bill addresses a pandemic situation and approval of those workers housing is limited to like 24 months I think to come back. I'd have to see actually what develops on the floor. As you well know, sometimes a bill coming

in is not the same version coming out. And again I know I spoke earlier about the importance of a public notice because throughout the legislation or the statute from the Guam Land Use Commission, there's specific language that the Guam Land Use Commission shall not approve any application that has not gone through public hearing. So, if you are going to introduce or enact something like that you are going to have to back track, to some of the other statute in the a in the - zoning law that may be affected by doing that. And again, I recognize that it's a pandemic situation. It's limited. The property is already end zone but, the chief planner you know has indicated to me that in some of the applications there are certain conditions that were put on these workers housing locations and a lot of those that came in from public notice public input.

Senator Chris Duenas: Director Borja, just real quickly a follow up on that great information that you gave us. That is that is really kind of even astounding to me, so you say that there is capacity up to 22,000 approved already by the GLUC yet we have applications pending?

Director Joseph Borja, DLM: That is correct and again these you know these 22,000 are specific. It's not you know, it's not all available in there. So, if an application got approved for a workers housing, for example, 2000 workers housing units that doesn't necessarily mean, that it's been built, and that does not necessarily mean that those 2,000 units are available.

Senator Chris Duenas: So, we look forward to your testimony on the bill. Thank you, Director.

Chairperson Therese Terlaje: Thank You Senators, thank you. So, just to conclude you know there's been a delay in processing of applications in part due to the pandemic and the inability to hold municipal public hearings, which is one step in the GLUC process. However, there also have been delays in the application review committee step of the process. Which varies from agency to agency we've heard some of the background reasons for this today. Statutes say positions statements must be submitted within 30 days of the application. It seems that certain agencies are not able to meet that mark. And, there are some staff shortages, staffing shortages and delays when the review requires technical review or more complex review. So, we currently have about 40 to 50 applications pending dating from the last year and moving through the process. And, of course the Chief Planner will confirm the most accurate numbers for us as we go forward. And we know that these

projects represent millions, maybe billions of dollars in investment. And so, we will take all the suggestions today. Continue to look at ways to address delays or impediments. And, of course I want to thank all of you members of the Guam Land Use Commission, especially Chairperson member Enriquez, Member Chan, Mr. Chan and Ms. Flores for your time here today and for your attention to these matters and having the commission keep current at this time for pending applications and review of those applications. You know we know that all of you from the application review committees have been adapting, you know, to the COVID environment and the working conditions and still trying to keep up with the deadlines for these projects, for these reviews and I want to thank you for all your diligent work in that regard. And, for the recommendations that you brought up today.

Of course, I want to thank The Department of Public Health and Social Services for also being here and all of you have committed very valuable time to this I know it's very important to you and I think that's a good thing. It shows that the Government Agencies are very much dedicated to getting these things done and were having some issues and that private sector public sector we're going to have to work very hard together to resolve these.

I thank the Senators for their time of course and for their excellent questions and follow up which I know will happen relative to these issues. So, there appears to be some progress. We will find more ways to assist the commission and agencies tied into this process to make it a more timely and precise process that nurtures development and investment while not compromising the safety of the community and our resources. So, again I thank you for your work and please do not hesitate to contact this committee for any additional recommendations that can be done at the legislative level to achieve this goal.

Thank you again to Chief Planner and congratulations on your new position. And, to the Director of Land Management thank you again for the details that you've provided prior to the hearing and to help us facilitate this hearing. *Si Yu'os Ma'åse'* to everyone. It's now 11:55 am, this hearing is now hereby adjourned.

The public hearing was adjourned at **11:55 am**

III. FINDINGS & RECOMMENDATIONS

The Committee finds that systemic delays in the land use application process pose significant difficulties to the completion of various projects that range from the approval for conditional use, variances, zoning, and subdivisions among others, which presents great potential for a loss in investments estimated at over a million dollars.

There are generally five steps in the GLUC process beginning with the Preliminary Application Interview (PAI), then the Application Review Committee position statements, the Municipal Public Hearing, the Municipal Planning Council public hearing if necessary, followed by the GLUC public meeting and action (approval or disapproval).

Pursuant to Public Law 33 209, ARC members are required to submit position statements that provide information regarding surrounding infrastructure and the potential impacts of the project within thirty (30) days of receipt of the application. However, as discussed during the hearing, certain agencies, despite diligent efforts, have not been able to meet that deadline due to other agency priorities, staffing shortages or the need for complex and technical reviews for certain projects. Additionally, COVID 19 restrictions have prohibited the public hearing process for most of 2020. Despite these challenges, a majority of ARC members present at the hearing stated their opposition to bypassing the agency review process through the ARC to expedite review.

Chief Planner Celine Cruz advised that protocols are being put in place to address sanitation and safety in order to resume public hearings by next month for eight applications that are at this step of the process.

Dr. Anita Enriquez, Chair for the Guam Land Use Commission, advised that GLUC meetings have resumed twice monthly since November. She reported that action was taken on all items on the GLUC agenda, the fifth and final step of the process, and was mindful of delays occurring at earlier phases of the five step process.

Land Management Director Joe Borja recognized that most agencies have timely submissions of their position statements, however, he noted that the Bureau of Statistics and Plans, Guam EPA and Department of Agriculture have submitted statements after 60 days. Responses on delays from stakeholder agencies ranged from funding issues, onerous workflow, manual processes, and shortage of staffing in specific planning departments.

With particular concerns raised about housing for temporary workers for construction projects in the near future, Chief Planner Cruz advised that there are three temporary workforce housing conditional use applications in the first stage of the process requiring review by DLM, one that is pending ARC action, and two that are pending a municipal public hearing. There were none that were ready to be placed on the GLUC agenda for action. Director Borja added that there were 22,000 previously approved temporary workers housing units but less than 3000 have been built.

The Committee finds that agencies are adapting to public health mandates and that there appears to be some progress. However, it is the intent of the Committee to assist the Commission and all agencies tied to the process, to make it a more timely and precise process, that nurtures development and investment while not compromising the safety of the community and our resources.

There are currently between 40 to 50 applications of different types pending from 2020 and moving through the process. These projects represent millions of dollars in investment. The Committee urges the executive branch agencies and the Commission to continue to work with developers and the Legislature to promptly address the delays and impediments.