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<td>Kelly Marsh (Taitano), PhD Tina Rose Muña Barnes Sabina Flores Perez</td>
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I MINA'TRENTAI SINGKO NA LIHESLATUREAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 161-35 (COR)

Introduced by:
Kelly Marsh (Taitano), PhD
Tina Muña Barnes
Sabina Flores Perez

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

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

Section 2. Legislative Findings and Intent. I Liheslaturean Guåhan finds
that Guam’s comprehensive development plan law is in need of being modernized
to reflect the extraordinary changes in best practice approaches to development that
have emerged from modern science, research, and technology. Due to adverse
impacts and changes to our environment and those across the globe, we need a more
sustainable and integrated strategy that encompasses the principles of sustainability
and responsible uses of our finite island resources. It is imperative that we better
meet the needs of the present without compromising the ability of future generations
to meet their needs.

I Liheslaturean Guåhan finds that sustainability and climate change are some
of the defining issues of our time; thus, we are at a pivotal moment in history. It is
clear that our stewardship of Guam’s resources is not just a responsibility for the future; we have to act now to protect our economy, our Island way of life, and our culture.

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

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

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

It is, therefore, the intent of *I Liheslatura* to address these concerns in a proactive rather than reactive way and to determine the best direction of our island, understand our long-term limits of types of growth, and work for an optimal future for the people of Guåhan. To meet our monumental economic, cultural, and environmental challenges we must develop and implement a sustainable development plan. This will require an unprecedented level of a coordinated effort by the community, the private sector, academic research organizations, and institutions of the government of Guam to reach across their divides and work together to develop long-term integrated approaches.

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

“§ 1203. Council-Bureau of Statistics and Plans: Responsibilities and Authority.”
The responsibilities and authority of the Council Bureau of Statistics and Plans shall be:

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

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

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

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

(e) Recommendations. To develop all elements of the comprehensive development plan for Guam Plan, as described in § 1210 of
this Chapter, and to make detailed written recommendations to the Governor, including minority dissenting opinions, for approval, disapproval, revision, amendment or referral to specific agencies or groups for further study and review;

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

(g) Annual Report. To deliver to the Governor on the last Monday of January no later than January 30 of each year a written report of the planning program and progress.

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

“§ 1206. Plan Adoption.

The Plan or any of its elements received by the Governor from the Council shall be approved, disapproved or referred to the Council for further recommendation prior to approval. The Governor shall have sixty (60) calendar days to act on the Plan or any of its elements submitted; provided, however, that if no action is taken thereon within sixty (60) calendar days after submission, the Plan or any of its elements so submitted shall be deemed approved by the Governor. Within ten (10) calendar days of approval by the Governor, the Plan or any of its elements shall be submitted to the Legislature for adoption. The Legislature shall review and approve or disapprove the Plan or any of its elements within sixty (60) ninety (90) calendar days of its receipt. In the event of failure by the Legislature to act within such sixty (60) ninety (90) calendar day period, the Plan or any of its elements so submitted shall be deemed approved.”
Section 5. § 1209(h) of Chapter 1, Title 5, Guam Code Annotated is hereby amended to read:

"(h) Annual Report. To report to the CouncilGovernor and the Legislature of its annual progress and of its fiscal year activities no later than January 30 of each year."

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

"§ 1210. Content of the Plan.

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

(a) Land Use. A land-use element together with the appropriate zoning recommendations supporting distribution, location and the extent of uses of land for housing, business, industry, agriculture, recreation, education, public buildings, open space, conservation and other categories of public and private uses of land, which include islands, reef and lagoon areas, and the sea within the territorial waters, inclusive of a statement of the standards of population and building density and building intensity for the various districts and other areas covered by the Plan, and regulatory criteria governing the use, development and subdivision of land;

(b) Community Design. A community design element consisting of standards and principles governing the subdivision and development of land and showing recommended designs for community and neighborhood development and redevelopment, including sites for schools, parks, playgrounds and other community uses;
(c) Transportation. A transportation element which would provide a comprehensive transportation and circulation system consisting of existing and proposed major routes, thoroughfares, highways, and collector streets; locations of rights-of-way, terminals, viaducts, and grade separation, port, harbor, aviation and mass transit lines, and related facilities, all of which are correlated with the land use element of the Plan. This element shall include necessary investments in improving and expanding public transportation, which directly affect overall employment and economic efficiency and productivity;

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

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

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

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

(h) Housing. A housing element consisting of standards and plans for elimination of substandard dwelling conditions and homelessness, the improvement of housing, and the provision of adequate sites for housing;
(i) Redevelopment. A redevelopment element for the elimination of unsafe or blighted areas, community redevelopment and the revitalization of housing sites, business and industrial sites, public building sites, and for other purposes authorized by law;

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

(1) Reclamation or restoration of land and waters;

(2) Floodplain management and flood control;

(3) Prevention and control of pollution of streams and other waters;

(4) Regulations of the use of land in stream channels and conservation areas;

(5) Prevention, control, and correction of the erosion of soils, beaches, and shores; and

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

(7) Protection of coral reefs and productive seas in Marine Protected Areas.

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

(1) Natural reservations,

(2) Parks,

(3) Parkways,
(4) Beaches,
(5) Reef and lagoons,
(6) Playgrounds,
(7) Historic and archaeological sites, and
(8) Scenic and historic trails, and
(9) Other recreation areas.

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

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

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

(o) Capital Improvements. A short and long-range capital
improvements program and projects to be derived from public and private
input and compiled from schedules of proposed capital improvements
submitted to the Council Bureau of Statistics and Plans by each department,
agency, division, board, commission, branch, and instrumentality of the
government of Guam; and which shall provide recommendations and identify
programs for the balanced sustainable development of the island’s port,
highway, communication, and public transportation facilities including, but
not limited to, institutions of higher learning, health and welfare facilities,
correctional institutions, elementary and secondary schools, electric power,
water, telecommunications, sewer, solid waste, and other utility
facilities;

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

(q) Indigenous connections and rights. This element shall reflect
Indigenous CHamorou concepts of cultural and ancestral connections to
heritage, land, sea, and air, the environment and all that is native and endemic
within it. The continuation of the CHamorou culture and cultural identity are
predicated on the recognition, and protection of Indigenous connections and rights to their homeland throughout the Government of Guam:

(r) Community mental health, physical health and well-being. An element that takes into consideration the many types of impacts that different developments and government actions can have on the mental and physical health and well-being of our community, especially, but not limited to, that of the Indigenous CHamoru people;

(p)(s) Policy Statements. A statement of specific policies for at least each of the following general areas: Socioeconomic and human resource development, natural resource development, environmental protection, historical, and cultural preservation, public safety, housing and community development, education, land-use and population growth, visitor industry, or in other areas deemed appropriate by the Council Bureau of Statistics and Plans;

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

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


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

(b) Funding for programs or projects contained in the Plan which do not fall under the authority or responsibility of any particular instrumentality of the government of Guam shall be met by annual appropriation of the Legislature.
(c) Upon approval by action or inaction of I Liheslatura, each governmental entity shall submit an annual report, inclusive of an executive summary, to the Office of the Public Auditor no later than January 30 of each year, on its progress in achieving the objectives and goals as set out in the Plan. The OPA shall submit a compilation of the reports to I Liheslatura and publish the compiled report on its website no later than March 30 of each year.”

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

“Any existing Committee, Commission, Task Force or body mandated to engage in planning for Guam or for particular areas or jurisdictions within Guam, shall seek to ensure that such planning efforts are provided the appropriate financial, human, technical and support resources necessary to accomplish any mandates or requirements of law relative to development planning; provided, however, that such planning efforts are supportive of and consistent with and in accordance with the intent of this Chapter Guåhan 2050 Sustainability Plan.

For purposes of this Chapter, all plans prepared by any agency or instrumentality of the government of Guam shall be circulated to other agencies or instrumentalities affected by such plan and to the Bureau for review and finalization not later than sixty (60) days prior to submission of the plan to the Council.”

Section 9. Submission of Budget. I Maga'hågan Guahan shall submit to I Liheslaturan Guahan a budget for the development and implementation of the Guåhan 2050 Sustainability Plan as provided for in Section 2 no later than sixty (60) calendar days from the enactment of this Act.

Section 10. Unless otherwise indicated in this Act, “Council” shall be changed to “Bureau”; “Chairman” shall be changed to “Director”; “a Comprehensive Development Plan”, “Guam Comprehensive Development Plan”, “Guam’s Comprehensive Development Plan”, and “Comprehensive Development
Plan for Guam” shall be changed to “Guåhan 2050 Sustainability Plan” in Article 2, Chapter 1, of Title 5 Guam Code Annotated.