



FILE COPY

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
THIRTY THIRD GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

May 5, 2016

The Honorable Edward J.B. Calvo
I Maga'låhen Guåhan
Ufisinan I Maga'låhi
Hagåtña, Guam

Dear *Maga'låhi* Calvo:

Transmitted herewith are Bill Nos. 232-33 (LS), 263-33 (LS), 268-33 (LS), 284-33 (COR), 287-33 (COR), and 290-33 (COR); and Substitute Bill Nos. 2-33 (LS), 161-33 (COR), 190-33 (COR), 276-33 (COR) and 295-33 (COR), which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on May 3, 2016.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosure (11)

OFFICE OF THE GOVERNOR
CENTRAL FILES
RECEIVED BY _____
TIME 4:46 DATE 5.5.16

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

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN

This is to certify that Substitute Bill No. 276-33 (COR), "AN ACT TO ADD A NEW § 75125 TO CHAPTER 75 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING A PORTION OF LOT 5133-1-2, MUNICIPALITY OF TAMUNING, CONSISTING OF 1,024± SQUARE METERS, AS A BIODIVERSITY CONSERVATION EASEMENT FOR THE PURPOSE OF PROVIDING AN AREA FOR THE PROMOTION OF BIODIVERSITY," was on the 3rd day of May 2016, duly and regularly passed.



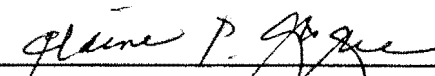
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 5 day of May,
2016, at 4:46 o'clock P.M.



Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: _____

Public Law No. _____

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY _____
TIME 4:46 DATE 5.5.16

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

Bill No. 276-33 (COR)

As substituted and amended on the Floor.

Introduced by:

T. R. Muña Barnes
T. C. Ada
Judith T. Won Pat, Ed.D.
V. Anthony Ada
FRANK B. AGUON, JR.
Frank F. Blas, Jr.
B. J.F. Cruz
James V. Espaldon
Brant T. McCreadie
Tommy Morrison
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Mary Camacho Torres
N. B. Underwood, Ph.D.

AN ACT TO ADD A NEW § 75125 TO CHAPTER 75 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING A PORTION OF LOT 5133-1-2, MUNICIPALITY OF TAMUNING, CONSISTING OF 1,024± SQUARE METERS, AS A BIODIVERSITY CONSERVATION EASEMENT FOR THE PURPOSE OF PROVIDING AN AREA FOR THE PROMOTION OF BIODIVERSITY.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the 19th Guam Legislature recognized the need for a Guam zoological, botanical
4 and marine garden through the passage and enactment of Section 14 of Public Law

1 19-34 in 1988. Recognizing that a portion of Lot 5133-1-2, municipality of
2 *Tamuning*, consisting of 1,024± square meters, as shown on L.M. Checked No.
3 258FY89, was uniquely zoned for this purpose, *I Maga'låhen Guåhan*, subject to the
4 terms and conditions of Public Law 19-34, entered into a twenty (20) year lease with
5 Mr. James W. Cushing, who founded the “Guam Zoological, Botanical, and Marine
6 Garden” (Cushing Zoo).

7 In the Cushing Zoo’s nearly twenty (20) years of operation, they have
8 successfully bred the Marianas fruit bat, protected nearly twenty-seven (27) separate
9 flora and fauna, and exhibited eighteen (18) other species that brought awareness
10 and appreciation of animals of all kinds to the public. The Cushing Zoo has become
11 an invaluable tool for conservation efforts, housing the many indigenous species of
12 flora and fauna of the island and sheltering many more endangered species. The
13 Cushing Zoo has performed an invaluable service to the people of Guam and Guam’s
14 natural biodiversity.

15 It is, therefore, the intent of *I Liheslaturan Guåhan* to allow the Cushing Zoo
16 to remain in operation on a portion of Lot 5133-1-2, municipality of *Tamuning*,
17 consisting of 1,024± square meters, as shown on L.M. Checked No. 258FY89;
18 *provided*, that they continue conservation practices of endemic species of flora and
19 fauna, they educate the public on conservation efforts, and they continue to bring
20 awareness and appreciation of flora and fauna.

21 **Section 2.** A new § 75125 is hereby *added* to Chapter 75 of Title 21, Guam
22 Code Annotated, to read:

23 **“§ 75125. Designation of Biodiversity Conservation Easement.**

24 (a) Notwithstanding any law, provision, rule, or regulation, the
25 Chamorro Land Trust Commission (CLTC) is hereby authorized to designate
26 Lot 5133-1-2, municipality of *Tamuning*, consisting of 1,024± square meters,
27 as shown on L.M. Checked No. 258FY89, as a Biodiversity Conservation

1 Easement (Easement) for the purposes of promoting awareness, conservation,
2 and preservation of species survival by providing refuge, sanctuary, and
3 habitat restoration for wildlife.

4 (b) The Chamorro Land Trust Commission is authorized to execute
5 a lease for the Easement with James Walter Cushing and Barbara Benavente
6 Cushing—as joint tenants in common with rights of survivorship—and their
7 successors, as provided in 21 GCA § 75109, (hereinafter Cushings), for thirty
8 (30) years at an annual rental rate of One Dollar (\$1.00) per year; *provided*,
9 that they continue to support and advocate for greater awareness through
10 biological study and education of animal care; encourage and promote
11 awareness, conservation, and preservation of species survival by providing
12 refuge, sanctuary, and habitat restoration for wildlife; engage in conservation
13 practices of endemic species of flora and fauna; educate the public on
14 conservation efforts; and, promote awareness and appreciation of flora and
15 fauna through live exhibitions. The Cushings may elect to renew the lease for
16 a second term of ten (10) years subject to express legislative concurrence.
17 Upon completion of the second term lease, the Cushing Zoo may elect to
18 renew the lease for one (1) subsequent ten (10) year term, subject to express
19 legislative concurrence.

20 (c) The Cushings are additionally authorized to operate a for-profit
21 zoo, botanical garden, or marine display on the property, consistent with other
22 requirements of this Section, and may partner with one (1) or more non-profit
23 organizations in the pursuit of their goals for the Easement. The Cushings
24 must maintain compliance with the United States Department of Agriculture
25 and federal and local environmental laws.

1 (d) If the Cushings are no longer lessees of this property, the
2 Easement *shall* be declared null and void and the property *shall* be
3 consolidated with Lot 5133-1-R2 (*Matapang* Beach Park).

4 (e) The Cushings may partner with a non-profit organization in the
5 operations and management of the Biodiversity Conservation Easement and
6 activities on the premises, but the lease *shall not* be sold, transferred, assigned,
7 or subleased.”

8 **Section 3.** The Cushings are hereby authorized to install or erect signs–
9 electronic, flashing lights, or otherwise, on Lot 5133-1-2; on Lot 5133-1-R2; on the
10 one hundred (100) feet right of way known as San Vitores Road; and on Route 1 -
11 Marine Corps Drive, pursuant to 21 GCA, Chapter 61 (Zoning Law).

12 **Section 4. Exemption.** § 2107 of Title 2, Guam Code Annotated and the
13 Standing Rules of *I Mina'Trentai Tres Na Liheslaturan Guåhan* relative to the
14 appraisals of land *shall not* apply to this Act.

15 **Section 5. Severability.** If any of the provisions of this Act or the
16 application thereof to any person or circumstance is held invalid, such invalidity
17 *shall not* affect any other provision or application of this Act that can be given effect
18 without the invalid provision or application, and to this end the provisions of this
19 Act are severable.