

Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932 TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho Governor

Kaleo Scott Moylan Lieutenant Governor

0 2 MAR 2005

The Honorable Mark Forbes Speaker *Mina' Bente Ocho Na Liheslaturan Guåhan* 155 Hessler Street Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 47 (EC), "AN ACT TO *ADD* A NEW ARTICLE 12 TO CHAPTER 68, TITLE 21 GUAM CODE ANNOTATED, TO ESTABLISH THE "GUAM FLOOD SURVEY AND MITIGATION PLAN," now designated as **Public Law 28-05**.

Sinseru yan Magåhet,

KALEOS MOYLAN

I Maga'låhen Guåhan Para Pago Governor of Guam, Acting

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo Senator and Legislative Secretary



MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN TWENTY-EIGHTH GUAM LEGISLATURE

155 Hessler Place, Hagåtña, Guam 96910

February 28, 2005



The Honorable Felix P. Camacho I Maga'lahen Guåhan Ufisinan I Maga'lahi Hag**i**tña, Guam 96910

Dear Maga'lahi Camacho:

Transmitted herewith are Bill Nos. 15(LS), 17(LS), 35(EC), 36(EC), 37(EC), 47(EC), 48(EC); and Substitute Bill Nos. 7(LS), 10(LS), 20(EC) and 29(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on February 25, 2005.

Sincerely,

EDWARD J.B. CALVO Senator and Secretary of the Legislature

Enclosures (11)

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN 2005 (FIRST) Regular Session

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

This is to certify that **Bill No. 47 (EC), "AN ACT TO** *ADD* **A NEW ARTICLE 12 TO CHAPTER 68, TITLE 21 GUAM CODE ANNOTATED, TO ESTABLISH THE 'GUAM FLOOD SURVEY AND MITIGATION PLAN',"** was on the 25th day of February, 2005, duly and regularly passed.

ark Forbes Attested: Speaker

Edward J.B. Calvo Senator and Secretary of the Legislature

This Act was received by *I Maga'lahen Guåhan* this 2 day of February, 2005,

at 16:17 o'clock P.M.

Assistant Staff Officer *Maga'lahi's* Office

APPRONED: 🕻 Maga'lahen Guåhan, Para Pago

fingu unen Guunun, fala fag

Date: <u>March 3, 2005</u>

Public Law No. _____ 28–05

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN 2005 (FIRST) Regular Session

Bill No. 47 (EC) As amended.

Introduced by:

Mark Forbes F. B. Aguon, Jr. <u>J. M.S. Brown</u> Edward J.B. Calvo B. J.F. Cruz Mike Cruz L. F. Kasperbauer R. Klitzkie L. A. Leon Guerrero J. A. Lujan A. B. Palacios R. J. Respicio Ray Tenorio A. R. Unpingco J. T. Won Pat

AN ACT TO *ADD* A NEW ARTICLE 12 TO CHAPTER 68, TITLE 21 GUAM CODE ANNOTATED, TO ESTABLISH THE "GUAM FLOOD SURVEY AND MITIGATION PLAN".

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings. As Guam develops, the impact of 3 new road construction, new grading and backfilling, new construction and a 4 host of environmental changes have all led to an apparent increase in flood 5 risk to residential and commercial areas of Guam. *I Liheslaturan Guåhan* finds 6 that no comprehensive survey, mapping or mitigation plan exists to 7 comprehensively deal with the several and sundry areas of Guam prone to flooding, and that such flooding results frequently in major damages to the homes, businesses and properties of many island residents. This Act will require the Department of Public Works to undertake a comprehensive, island-wide survey of flood prone areas, to map such areas and to make specific recommendations to ameliorate flood prone conditions in these areas or to otherwise make recommendations for methods of alleviating human suffering and loss associated with flood prone areas.

8 Section 2. A new Article 12 is *added* to Chapter 68 of Title 21 Guam
9 Code Annotated to read:

- 10
- 11

"Article 12

Guam Flood Survey and Mitigation Plan

Section 68980. Guam Flood Survey and Mitigation Plan. (a) The 12 Director of Public Works shall conduct a comprehensive, island-wide 13 14survey of all residential and commercial areas of Guam, or areas 15 otherwise subject to human occupancy, that are prone to flooding during storms, typhoons, heavy rains or general inclement weather. 16 17 Such survey shall be conducted using existing manpower and budgetary resources as exist within the Department. Such survey shall 18 be completed within ninety (90) days of the effective date of this Act, 19 20 except that failure to meet such deadline shall not be construed as relieving the Department of its mandate to complete the survey required 21 22 herein. (b) Upon conclusion of the survey, the Director of Public Works shall submit a report to I Maga'lahen Guåhan and the Speaker of I 23 24 Liheslaturan Guåhan. Such report shall contain, at a minimum, a comprehensive and detailed map of all areas in Guam surveyed, a 25

· · . ,

1 detailed description of each area included in the survey, causal and 2 contributory factors that lead to or otherwise exacerbate flooding in 3 areas surveyed, mitigating measures that are recommended to eliminate or severely reduce the threat of flooding in areas surveyed, in the 4 5 absence of plausible mitigating efforts, recommendations for relocation 6 inclusive of recommendations for land exchanges or purchases, and all estimated costs associated with mitigating efforts or ameliorative 7 solutions. Such report shall be submitted no later than ninety (90) days 8 after the conclusion of the survey, except that failure to meet such 9 10deadline shall not be construed as relieving the Department of its 11 mandate to complete the report required herein."





2005 (FIRST) Regular Session

Date: 2-25-05

VOTING SHEET

Bill No. <u>47(EC)</u>

Resolution No. _____

Question:

NAME	<u>YEAS</u>	NAYS	NOT VOTING <u>/</u> <u>ABSTAINED</u>	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.					GA
BROWN, Joanne M.S.	V				
CALVO, Edward J.B.	V				
CRUZ, Benjamin J.F,	V				· · · · · · · · · · · · · · · · · · ·
CRUZ, Michael (Dr.)	V				
FORBES, Mark	//				
KASPERBAUER, Lawrence F.	V				
KLITZKIE, Robert	V				
LEON GUERRERO, Lourdes A.	V				
LUJAN, Jesse A.	VZ				
PALACIOS, Adolpho B.					
RESPICIO, Rory J.	V				
TENORIO, Ray	V				
UNPINGCO, Antonio R.	V/				
WON PAT, Judith T.	V				

TOTAL

HOO

CERTIFIED TRUE AND CORRECT:

Daturio (

Clerk of the Legislature

RL. 28-05

* 3 Passes = No vote EA = Excused Absence



I Mina' Bente Ocho Na Liheslaturan Guahan The 28th Guam Legislature

155 Hesler Place Hagatna, Guam 96910 Office (671) 472-3409 ● Fax (671) 472-3510

Speaker Mark Forbes

February 14, 2005

Speaker Mark Forbes I Mina' Bente Ocho Na Liheslaturan Guahan 155 Hesler Place Hagatna, Guam 96910

The Committee on General & Omnibus Matters to which Bill No. 47 was referred, wishes to report its findings and recommendations **TO DO PASS BILL No. 47 (EC):** "An act to add a new Article 12 to Chapter 68, 21GCA to establish the "Guam Flood Survey and Mitigation Plan".

Transmitted herewith for your consideration and action is our committee report on the above subject matter.

The voting record is as follows:

<u> </u>	TO PASS
0	NOT TO PASS
\circ	TO REPORT OUT ONLY
0	ABSTAIN
\mathcal{O}	INACTIVE FILE

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.

RK FORBES

Attachments

MEMORANDUM

,

TO:Committee MembersFROM:Chairman

SUBJECT: Committee Report- Bill No. 47 (EC): "An act to add a new Article 12 to Chapter 68, 21GCA to establish the "Guam Flood Survey and Mitigation Plan."

Transmitted herewith for your information and action is the report on Bill No. 47 (EC) from the Committee on General and Omnibus Matters.

This memorandum is accompanied by the following:

- 1. Committee Voting Sheet
- 2. Committee Report
- 3. Bill No. 47 (EC)
- 4. Public Hearing Sign-In Sheet
- 5. Fiscal Note/ Fiscal Note Waiver
- 6. Notice of Public Hearing

Please take the appropriate action on the voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

MARK FORBES

Attachments

COMMITTEE ON GENERAL AND OMNIBUS MATTERS

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

155 HESLER PLACE, HAGÅTNA, GUAM 96910

An act to add a new Article 12 to Chapter 68, 21GCA to establish the "Guam Flood Survey and Mitigation Plan".

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE	ABSTAIN	INACTIVE FILE
Mark Forbes, Chairman	A	~				
Edward J.B. Calvo	Che	V				
Lawrence F. Kasperbauer, Ph.D.	JA	+				
Jesse A. Lujan	Y					
Ray Tenorio						
Michael Cruz, M.D.	ul	V				
Judith T. Won Pat						
Benjamin J.F. Cruz						

VOTING SHEET

Ind 3rd 3rd 0 2-25-05

1

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN 2005 (FIRST) Regular Session

Bill No. 47 (EC)

Introduced by:

Mark Forbes

AN ACT TO ADD A NEW ARTICLE 12 TO CHAPTER 68, 21GCA TO ESTABLISH THE "GUAM FLOOD SURVEY AND MITIGATION PLAN".

BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Findings. As Guam develops, the impact of new road construction, new grading and backfilling, new construction and a host of 3 environmental changes have all lead to an apparent increase in flood risk to 4 residential and commercial areas of Guam. I Liheslaturan Guåhan finds that no 5 comprehensive survey, mapping or mitigation plan exists to comprehensively 6 deal with the several and sundry areas of Guam prone to flooding, and that 7 such flooding results frequently in major damages to the homes, businesses 8 and properties of many island residents. This act will require the Department 9 of Public Works to undertake a comprehensive, island-wide survey of flood 10 prone areas, to map such areas and to make specific recommendations to 11 ameliorate flood prone conditions in these areas or to otherwise make 12 recommendations for methods of alleviating human suffering and loss 13 associated with flood prone areas. 14

15 Section 2. A new Article 12 is added to Chapter 68 of 21GCA to read:

1	"Article 12"				
2	Flood Survey and Mitigation Plan				
3	"Section 68980. Flood Survey and Mitigation Plan. (a) The				
4	Director of Public Works shall conduct a comprehensive, island-wide survey				
5	of all residential and commercial areas of Guam, or areas otherwise subject to				
6	human occupancy, that are prone to flooding during storms, typhoons, heavy				
7	rains or general inclement weather. Such survey shall be conducted using				
8	existing manpower and budgetary resources as exist within the Department.				
9	Such survey shall be completed within ninety (90) days of the effective date of				
10	this act, except that failure to meet such deadline shall not be construed as				
11	relieving the Department of its mandate to complete the survey required				
12	herein. (b) Upon conclusion of the survey, the Director of Public Works shall				
13	submit a report to I Maga'lahen Guåhan and the Speaker of I Liheslaturan				
14	Guåhan. Such report shall contain, at a minimum, a comprehensive and				
15	detailed map of all areas in Guam surveyed, a detailed description of each				
16	area included in the survey, causal and contributory factors that lead to or				
17	otherwise exacerbate flooding in areas surveyed, mitigating measures that are				
18	recommended to eliminate or severely reduce the threat of flooding in areas				
19	surveyed, in the absence of plausible mitigating efforts, recommendations for				
20	relocation inclusive of recommendations for land exchanges or purchases, and				
21	all estimated costs associated with mitigating efforts or ameliorative solutions.				
22	Such report shall be submitted no later than ninety (90) days after the				
23	conclusion of the survey, except that failure to meet such deadline shall not be				





- construed as relieving the Department of its mandate to complete the report
- 2 required herein."

•

-

I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN COMMITTEE ON GENERAL & OMNIBUS MATTERS SPEAKER MARK FORBES, CHAIRMAN

COMMITTEE REPORT ON BILL NO. 47 (EC)

AN ACT TO ADD A NEW ARTICLE 12 TO CHAPTER 68, 21GCA TO ESTABLISH THE "GUAM FLOOD SURVEY AND MITIGATION PLAN.

I. OVERVIEW

The Committee on General and Omnibus Matters held a public hearing at 9 a.m. on February 14, 2005 in the Public Hearing Room, I Liheslaturan Guåhan. Public notice advertisement was given in the February 7, 2005, edition of the Pacific Daily News (PDN), posted in the Government Meetings Section in the February 10 and 11, 2005 editions of the PDN. A live broadcast of the public hearing appeared on Channel 61 that day (February 14, 2005).

Senators present at the public hearing were:

Speaker Mark Forbes, Chairman Senator Frank B. Aguon, Jr. Senator Robert Klitzkie Senator Lou A. Leon Guerrero Senator Adolpho B. Palacios, Sr.

II. SUMMARY OF TESTIMONY

Individuals that appeared before the Committee to present oral and written testimony on the bill were as follows:

Mr. Eddie A. Borja, Chief Building Inspector for the Department of Public Works – In Favor Dr. Leroy Heitz, the Director of Water and Environmental Research Institute of the University of Guam –In Favor

Mr. Eddie A. Borja, Chief Building Inspector for the Department of Public Works presented oral testimony in favor of Bill 47, although he wanted to see funding made available for the hiring of consultants.

Dr. Leroy Heitz, the Director of Water and Environmental Research Institute of the University of Guam, provided oral testimony in favor of Bill 47 and said he was present to support Mr. Ed Borja's testimony. He said he had been involved with Flood Plain studies for the past 20 years with FEMA. He said that many flooding problems are associated with construction. He said that the flood maps are at least 20-25 years old and contain with hydrologic data that is 20-25 years old. He said the maps need updating.. He said WERI has the manpower and expertise to work with Public Works to conduct the study, that they do not need consultants, but that the study needs to be funded.

Questions

Speaker Forbes asked Mr. Borja if DPW could meet the timelines in the bill. Mr. Borja responded that the Department would need more time. Asking more specifically, Speaker Forbes asked how much more time would be needed to catalogue all the flood prone areas throughout the island. Mr. Borja said a period of 90 days should be sufficient to meet this requirement. Mr. Borja was unable to answer Speaker Forbes' question regarding when the Legislature might receive a report from DPW.

Sen Lou Leon Guerrero asked if there is any federal funding available to do the work required by DPW. Mr. Borja stated that recently FEMA had provided funding for the flooding problem in Agana, but that there wasn't a steady flow of funding available. The senator asked Mr. Borja if there is any funding from other entities, such as GEDCA or GVB, that might assist. Mr. Borja said that he could not verify what money is

available, but that they would approach other agencies to see what money is available.

Senator Frank Aguon asked Dr. Heitz, how long it would take for DPW to make full recommendations about mitigation of flood problems. Dr. Heitz noted that many problems are due to local issues, and that DPW should be able to provide recommendations expeditiously. Dr. Heitz recommended that in addition to the mandates of the bill, old flood zone maps must be updated.

III. FINDINGS AND RECOMMENDATION

The Committee on General and Omnibus Matters finds that the intent of Bill No. 47 is to mandate DPW to complete a comprehensive survey, mapping and cataloging of areas on Guam prone to floods. The committee further finds that the delay of such studies and requirements will pose a hazardous condition to people occupying these flood prone areas.

Accordingly, the Committee on General and Omnibus Matters to which Bill No. 47 (EC) was referred does hereby submit its findings and recommendations to I Mina' Bente Ocho Na Liheslaturan Guåhan **TO DO PASS BILL NO. 47 (EC),** "An act to add a new Article 12 to Chapter 68, 21GCA to establish the "Guam Flood Survey and Mitigation Plan."

IV. PUBLIC HEARING AGENDA

AGENDA

COMMITTEE ON GENERAL & OMNIBUS MATTERS, and EXECUTIVE COMMITTEE

Public Hearing

Monday, February 14, 2005, 9:00 a.m.

Bill No. 47 (EC)

AN ACT TO ADD A NEW ARTICLE 12 TO CHAPTER 68, 21GCA TO ESTABLISH THE "GUAM FLOOD SURVEY AND MITIGATION PLAN".

Bill No. 48 (EC)

AN ACT TO ADD A NEW SUBSECTION 2108(b) TO 2GCA TO PROHIBIT ANY MEASURE INTENDED TO RAISE TAXES IN GUAM, OR ESTABLISH A NEW TAX, FROM BEING PASSED BY I LIHESLATURAN GUÅHAN AS A "RIDER" AND WITHOUT RECEIVING THE INPUT AND TESTIMONY OF THE PUBLIC THROUGH THE PUBLIC HEARING PROCESS.

Bill No. 49 (EC)

AN ACT TO ADD A NEW SECTION 834.1.TO 1GCA TO DESIGNATE ROUTE 16 AS "ARMY DRIVE" TO HONOR THE MEN AND WOMEN WHO HAVE SERVED AND CONTINUE TO SERVE IN THE UNITED STATES ARMY, THOSE ARMY UNITS THAT PARTICIPATED IN THE LIBERATION OF GUAM IN WW II, AND THE THOUSANDS OF OUR PEOPLE WHO ARE ARMY VETERANS.

Committee on General & Omnibus Matters, and Executive Committee Public Hearing February 14, 2005 9:00 a.m.. I Liheslaturan Guahan, Hagåtña

Bill No. 47 (EC) AN ACT TO ADD A NEW ARTICLE 12 TO CHAPTER 68, 21GCA TO ESTABLISH THE "GUAM FLOOD SURVEY AND MITIGATION PLAN".

1	NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
D	Levay Heitz	Rucar of Sholst Mars WENI			1/		725. 2/01
		NOG					735-2691
ŀ							

Committee on General & Omnibus Matters, and Executive Committee Public Hearing February 14, 2005 9:00 a.m.

l Liheslaturan Guahan, Hagåtña

Bill No. 47 (EC) AN ACT TO ADD A NEW ARTICLE 12 TO CHAPTER 68, 21GCA TO ESTABLISH THE "GUAM FLOOD SURVEY AND MITIGATION PLAN".

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
Eddie A. BORA	tpw	\checkmark		\checkmark		482-6026



I Mina' Bente Ocho Na Liheslaturan Guahan The 28th Guam Legislature

155 Hesler Place Hagatna, Guam 96910 Office (671) 472-3409 ● Fax (671) 472-3510

Speaker Mark Forbes

WAIVER OF FISCAL NOTE

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 47 is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 47.

MARK FORBES Speaker/and Chairman, Committee on General and Omnibus Matters

VI. PUBLIC HEARING NOTICES

.

Pacific Daily News; Pg. 37, Monday, February 7, 2005.

	90.000 m
 Maximum Schmatz Barris, Barris, Barris, J. Barris, B. Barris, B.	
NOTER OF BEBERRY.	
Committee on General 2nd Generalises Matters Executive Committee	
The following bids will be hears on Munnlay, february 14,2005 at 6:02 AM at the Public Meaning Ruper, 155 Hester P - Hegalite	1
Bill 47 (bl., An Ari to Add a hew Antick 10 in Chepter 68, 31 GEA to Establish the "Guiser Food And Survey Magation Plan	-
Bit 48 (EC) An Act To Add New Subtertion 2008(b) To 25CA To Problem 3-ty Messure Interded To Paise Taxes In Guard, Or Standish A New Tax, from Being Paises By Hofted-Sturon Guardan As A Rider And Michaul Receiving The Input And Tectmony Of The Public Through The Public Hearing Protect	
Bit 14 (FC) An Act To Add A New Section 374.1 To 150.4 To Designate Boute 16 As "Army Drive" To lean ar The Man area Weather White New Serves A set Continue for Serve in The United States Army, Department of Units That Participated in The Siberation Of Quarties With Area The Thousands of Our People's Who Are Spreams	4 4 4 4
SECOND HOTICE	÷
Parific Meeting on Ender: 211-05 (205-4 Hearing Room, 165 Report P., Committee in General and Omnibus Matters and Executive Committee.	
RILL FRIGT STE 24 (62), BILL 26 (62), BILL 26 (63), C 25 (64), BILL 26 (62), BILL 17 (72), AND THE APROPHEMENT OF 16 (64), IN MATCHING 10 (44), CHAMORRO (AND TRUST COMMISSION	
(4) M. SARA, NAMES TANK, C. CHARL, C. M. TANG, C. M. S. SHUE, M. SARA, S. S. SHUE, M. SARA, S. SHUE, M. SARA, S. SHUE, M. SARA, S. SHUE, M. SARA, S. SHUE, SHUE	 And And And And And And And And And And

Pacific Daily News, Gov't Mtgs., Pgs 10-11, February 10, 2005.

IUNS, Uan Lendin Daza, 410-1033. Feb. 14 ▲ COMMITTEE ON GENERAL AND OMNIBUS MATTERS AND EXECUTIVE COMMITTEE: Public hearing 9 a.m. Feb. 14, Legislature's public hearing room,

▲ See Meetings. Page 11

COMERNMENDARS

▲ Continued from Page 10 C ŀ

Hagåtña. Bill 47, establishing the ti Guam Flood Survey and Mitigation F Plan; Bill 48, prohibiting any measures intended to raise taxes in 4 E Guam, or establish a new tax from being passed by the Guam legislaf 7 ture as a rider and without receiv-٦ ing input and testimony of the pub-Ε lic through the public hearing process; Bill 49, designating Route ٨ 16 as Army Drive, honoring the men ٢ and women who have served and ٤ continue to serve in the U.S. Army, C and those army units that partici-4 pated in the Liberation of Guam in ħ £ World War II, and army veterans. Call 472-3409. F Í

▲ COMMITTEE ON HEALTH AND

Pacific Daily News, Gov't Mtgs., Pg. 9, February 11, 2005.

*

Feb. 14

COMMITTEE ON GENERAL AND OM-NIBUS MATTERS AND EXECUTIVE COM-MITTEE: Public hearing 9 a.m. Feb. 14, Legislature's public hearing room, Hagåtña. Bill 47, establishing the Guam Flood Survey and Mitigation Plan; Bill 48, prohibiting any measures intended to raise taxes in Guam, or establish a new tax from being passed by the Guam legislature as a rider and without receiving input and testimony of the public through the public hearing process; Bill 49, designating Route 16 as Army Drive, honoring the men and women who have served and continue to serve in the U.S. Army, and those army units that participated in the Liberation of Guam in World War II, and army veterans. Call 472-3409, COMMITTEE ON HEALTH AND HUMAN

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN 2005 (FIRST) Regular Session

Bill No. <u>47</u>(EC)

Introduced by:

Mark Forbes

AN ACT TO ADD A NEW ARTICLE 12 TO CHAPTER 68, 21GCA TO ESTABLISH THE "GUAM FLOOD SURVEY AND MITIGATION PLAN".

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Findings. As Guam develops, the impact of new road 2 construction, new grading and backfilling, new construction and a host of 3 environmental changes have all lead to an apparent increase in flood risk to 4 residential and commercial areas of Guam. I Liheslaturan Guåhan finds that no 5 comprehensive survey, mapping or mitigation plan exists to comprehensively 6 deal with the several and sundry areas of Guam prone to flooding, and that 7 such flooding results frequently in major damages to the homes, businesses 8 and properties of many island residents. This act will require the Department 9 of Public Works to undertake a comprehensive, island-wide survey of flood 10 prone areas, to map such areas and to make specific recommendations to 11 ameliorate flood prone conditions in these areas or to otherwise make 12 recommendations for methods of alleviating human suffering and loss 13 associated with flood prone areas. 14

15

Section 2. A new Article 12 is added to Chapter 68 of 21GCA to read:

1 2

"Article 12"

Flood Survey and Mitigation Plan

"Section 68980. Flood Survey and Mitigation Plan. (a) The 3 Director of Public Works shall conduct a comprehensive, island-wide survey 4 of all residential and commercial areas of Guam, or areas otherwise subject to 5 human occupancy, that are prone to flooding during storms, typhoons, heavy 6 rains or general inclement weather. Such survey shall be conducted using 7 existing manpower and budgetary resources as exist within the Department. 8 Such survey shall be completed within ninety (90) days of the effective date of 9 this act, except that failure to meet such deadline shall not be construed as 10 relieving the Department of its mandate to complete the survey required 11 herein. (b) Upon conclusion of the survey, the Director of Public Works shall 12 submit a report to I Maga'lahen Guåhan and the Speaker of I Liheslaturan 13 Such report shall contain, at a minimum, a comprehensive and Guåhan. 14 detailed map of all areas in Guam surveyed, a detailed description of each 15 area included in the survey, causal and contributory factors that lead to or 16 otherwise exacerbate flooding in areas surveyed, mitigating measures that are 17 recommended to eliminate or severely reduce the threat of flooding in areas 18 surveyed, in the absence of plausible mitigating efforts, recommendations for 19 relocation inclusive of recommendations for land exchanges or purchases, and 20 all estimated costs associated with mitigating efforts or ameliorative solutions. 21 Such report shall be submitted no later than ninety (90) days after the 22 conclusion of the survey, except that failure to meet such deadline shall not be 23 construed as relieving the Department of its mandate to complete the report 24 required herein." 25