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United States  
Department of  
Agriculture  
Rural Development

**US Army Corps  
of Engineers** ®  
Honolulu District

**public works**  
DEPARTMENT OF CHOCO PUPBLIC

**GUAM WATERWORKS AUTHORITY**

# GUIDE BOOK TO DEVELOPMENT REQUIREMENTS ON GUAM

Guam Coastal Management Program  
Bureau of Statistics and Plans  
Government of Guam



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## PURPOSE

The purpose of this GUIDE is to acquaint the public with laws, regulations, permits, clearances and established guidelines for development on Guam. The term "development" is employed here in its broadest sense, encompassing all categories of construction, earthmoving, and agriculture, as well as other types of land use and water oriented construction. This GUIDE focuses on requirements for environmental compliance which includes considerations for public health and safety and does not include comprehensive references to financial or business registration requirements.

This GUIDE outlines each type of requirement for development by summarizing its purpose and nature, citing the Government agency with authority for approval, describing the application review process, presenting facsimiles of appropriate applications, and suggesting additional references for more detailed information. It is a starting point in conducting research needed to execute environmentally compliant development projects in Guam.

This update is current as of March 2020, and aims to provide an overview of major permitting requirements on Guam. Because information provided here including laws and regulations and resulting requirements can change, developers are advised to consult with the appropriate government agencies as early as possible in the project planning stage. Staff at the Department of Public Works, the Department of Land Management, the Guam Environmental Protection Agency and the Bureau of Statistics and Plans are helpful in determining which laws, regulations, permits and clearances are required for a particular project.

The information provided in this GUIDE is aimed to be informative and is intended to be a starting point and does not replace consultation with the agencies and programs detailed here. No person should rely on the materials here without obtaining confirmation and advise from the relevant agency or institutions. The Government of Guam and the agencies providing information here do so without warranties of any kind, and no type of written information provided here shall create a warranty; nor shall users of this GUIDE rely on any such information or advice.

We hope this is a helpful starting point on your path towards executing development projects on Guam!

# DIRECTORY OF GOVERNMENT AGENCIES

**Administrator****Guam Environmental Protection Agency**

Government of Guam

17-3304 Mariner Avenue

Tiyan Barrigada, Guam 96913

Tel: (671) 300-4751

Fax: (671) 300-4530

epa.guam.gov

**U.S. Department of Agriculture****Rural Development**

770 E. Sunset Blvd., Suite 280

Tiyan, Guam 96913

Tel: (671) 472-7361

usda.gov

**Building Official****Department of Public Works****Building Permits and Inspections**

542 N. Marine Drive

Tamuning, Guam 96931

Tel: (671) 646-3108

Fax: (671) 649-6178

dpw.guam.gov

**Director****Bureau of Statistics and Plans**

Government of Guam

P.O. Box 2950

Hagatna, Guam 96932

Tel: (671) 472-4201/2/3

Fax: (671) 477-1812

bsp.guam.gov

**Director****Department of Agriculture**

142 Dairy Road

Mangilao, Guam 96913

Tel: (671) 300-7964

Fax: (671) 734-6569

doag.guam.gov

**Director****Department of Land Management**

Government of Guam

P.O. Box 2950

Hagatna, Guam 96932

Tel: (671) 649-5263

Fax: (671) 649-5383

dlm.guam.gov

**Executive Secretary****Guam Land Use Commission****Department of Land Management**

P.O. Box 2950

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**U.S. Army Corps of Engineers  
Regulatory Branch  
Guam Field Office  
Honolulu District  
PSC 455, Box 188  
FPO AP. 96540-1088**

Tel: (671) 339-2108  
or (808) 283-0549  
poh.usace.army.mil

**Director  
Department of Parks and Recreation  
490 Chalan Palasyo  
Agana Heights, GU 96910**

Tel: (671) 475-6296/7  
Fax: (671) 477-0997

**Guam State Historic Preservation Office  
The Guam Historic Resources Division  
Department of Parks and Recreation  
490 Chalan Palasyo  
Agana Heights, GU. 96910**

Tel: (671) 475-6295/7  
Fax: (671) 475-0997

**Director  
Department of Public Health & Social Services  
P.O. Box 2816  
Hagātiña, GU 96932**

Tel: (671) 735-7102  
Fax: (671) 735-5910  
dphss.guam.gov

**General Manager  
Guam Power Authority  
P.O. Box 2977  
Hagatna, GU 96932**

Tel: (671) 648-3000  
guampowerauthority.com

**General Manager  
Guam Waterworks Authority  
Gloria B. Nelson Public Service Building  
688 Route 15, Mangilao, Guam 96913  
P.O. Box 3010  
Hagatna, GU 96932**

Tel: (671) 300-6846/8  
Fax: (671) 648-3290  
guamwaterworks.org

**Fire Chief  
Guam Fire Department  
595 S. Marine Corps Drive  
Tamuning, 96913, Guam**

Tel: (671) 642-3321/646-8801  
gfd.guam.gov



## PERMITTING ON GUAM

Development requires permitting to ensure compliance with numerous health, safety, and environmental standards. The permitting discussions here focus on “major” and “minor” development processes in brief here. Financial requirements such as business licenses, bonding, and compliance with labor laws are not detailed in this guidance. Instead, this guide outlines applicable environmental considerations at local and federal levels to help streamline permitting and support compliance objectives. “Environment” in the coastal management context is broadly defined to include public health and safety as well as cultural and aesthetic resources.

Numerous agencies support development planning and project review on Guam. This guide update has been led by the Guam Bureau of Statistics and Plans, which serves a coordination and support role in review of major project applications that require zoning or use amendments or that are proposed in sensitive environmental areas known as “areas of particular concern.”

For historical context, in 1986, [Public Law 12-200](#) created the Bureau of Planning within the Office of the Governor to provide technical support to the Territorial Planning Council (TPC) and oversee the preparation of a comprehensive development plan for long range guidance for the social, economic and physical development of Guam. In 1990, Public Law 20-147 redefined the mission and mandates of the TPC. This amendment added subsection 1204 (Support and Coordination for Comprehensive Planning) and subsection 1214 (Coordination Efforts) and directed the TPC to establish policies to meet goals and objectives that include:

1. To upgrade the quality of life for Guam’s people;
2. To create conditions and opportunities whereby people fully participate and benefit at every level of social and economic activity;
3. To maintain balance and equity between development and the environment in order to preserve the unique culture, traditions, and beauty of the island;
4. To optimize the use of resources to meet present and future infrastructure and

superstructure requirements of the people of Guam;

5. To develop and maintain infrastructure capacity at a level that could sustain future population, socio-economic, and physical growth.

In 2000, Public Law 26-76 changed the Bureau name from Bureau of Planning to Bureau of Statistics and Plans. The Bureau absorbed duties and responsibilities from the abolished Department of Commerce and Guam Planning Council.

Today, coastal management considerations are incorporated into numerous agency mandates and regulations on Guam which are outlined and detailed in this guide as follows:

- Guam Land Use Commission (GLUC) & Permitting Special Uses – Department of Land Management (DLM)
- Permitting Development – Department of Public Works (DPW)
- Human Health and Safety – Department of Public Health and Social Services (DPHSS)
- Environmental Permitting – Guam Environmental Protection Agency (GEPA)
- Standards and Management Objectives for Land Uses and Areas of Particular Concern – Bureau of Statistics and Plans Coastal Zone Management Program (BSP-CZMP)
- Federal Coordination and Compliance for U.S. Navigable Waters, Listed Species, and Federally Funded Projects

Much of this guide focuses on review of “environmental health and safety” requirements for “major” developments which is overseen by the Guam Land Use Commission and supported by the Application Review Committee (formerly the Development Review Committee) which is comprised of representatives from each of the following agencies: Department of Land Management (as Chairperson), Bureau of Statistics and Plans (BSP), Department of Public Works (DPW), Guam Environmental Protection Agency (GEPA), Department of Agriculture (DoAg), Guam Waterworks Authority (GWA), Department of Parks and Recreation

(DPR), and the Guam Power Authority (GPA). The ARC provides technical recommendations to the Guam Land Use Commission for final consideration in deciding on an applicant’s request.

As empowered by EO 78-2, the ARC reviews and provides technical recommendations project applications that require variances or other special use permits reviewed by the GLUC for consistency with comprehensive planning principles and standards for areas of particular concern. Where applicable, this guide includes these standards to support their incorporation into development planning early in the scoping process. Through early issue identification, efficient and compliant projects can be designed, permitted, and built.

Maps provided in Appendix D offer basic environmental information and geospatial resource links to support further project scoping and planning. The matrix provided in Appendix E outlines general development requirements, followed by discussion of Major and Minor permitting process as outlined by the Department of Land Management, Department of Public Works, and Guam Environmental Protection Agency. Additional development requirements and policies are outlined further in discussion of the Guam Coastal Management Program’s “enforceable policies” as well as the Historic Preservation Office’s clearance requirements. Other relevant permitting requirements are included for consideration from Guam Power and Water Authority. Federal considerations and development grant programs are outlined in the final section of the Guide.

Although this is not a completely exhaustive summary of all potential permitting requirements, this guidance does cover the majority of permitting considerations for typical development projects on Guam. This guide includes supporting information and sample forms for the land use and environmental permitting considerations detailed in this overview. Additional permitting forms may be found at: [www.govguamdocs.com/dphss/index\\_dphss.htm](http://www.govguamdocs.com/dphss/index_dphss.htm)



## **GUAM LAND USE REVIEW FOR SPECIAL PROJECTS**

This section provides an overview of the primary land use review commissions and committees that are convened when an application requires additional review due to proposed changes in use or location in areas of particular concern. These include the Guam Land Use Commission, the Guam Hybrid Land Use Commission (Hybrid Commission), and the Guam Seashore Protection Commission (GSPC). Environmental regulatory agencies sit on the Application Review Committee (ARC) to ensure compliance with relevant laws and policies. These committees and the review processes they support are described in more detail below.

### **GUAM LAND USE COMMISSION (GLUC) / GUAM HYBRID LAND USE COMMISSION**

The Guam Land Use Commission (GLUC) is a decision-making body empowered to grant subdivision approvals, zone changes, conditional uses and variances from land use laws and regulations as well as Seashore Reserve & Wetland Permits.

In an effort to provide a more effective means by which the municipality's concerns are heard

and accommodated according to the laws and regulations of real property uses, a land use application must be assessed for the need to the empanelment of a Hybrid Commission pursuant to P.L. 33-219. A Hybrid Commission will be empaneled if an application represents a development cost of more than three million dollars (\$3,000,000.00), exclusive of the cost of the real property as described in this application.

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

The GLUC's technical review process is performed by the Application Review Committee (ARC) created by Executive Order 96-26. The ARC is composed of representatives from each of the following agencies: Department of Land Management (as Chairperson), Bureau of Statistics and Plans (BSP), Department of Public Works (DPW), Guam Environmental Protection Agency (GEPA), Department of Agriculture (DoAg), Department of Parks and Recreation (DPR), Guam Waterworks Authority (GWA), and the Guam Power Authority (GPA). The ARC



provides technical recommendations to the Guam Land Use Commission for final consideration in deciding on an applicant's request. This review process usually takes three to four months' time, unless complexities of a project or inadequacies of a submittal require additional reviews.

The GLUC considers comments and recommendations from the ARC in deciding on matters brought before the Commission. GLUC and ARC meetings are open to the public. It is necessary for an applicant or his representative to appear before the GLUC and/or the ARC as scheduled, to present the request along with the necessary supporting data and documents. GLUC meets on the second and fourth Thursday of each month, in the afternoon. The ARC meets on the first and third Thursday of each month, in the morning. All meetings are held in the conference room of the Department of Land Management. Applications must be submitted at least two weeks in advance of a scheduled review meeting. In general, all requests not in compliance with Guam's zoning and/or subdivision laws must be reviewed by the ARC before consideration by the GLUC.

After obtaining GLUC approval and prior to construction, the applicant must obtain a Building Permit from the Department of Public Works. After construction, a field inspection is conducted by Land Management staff to certify compliance

with any GLUC stipulated condition. If GLUC conditions and construction standards have been met, an occupancy permit may then be issued by the DPW Building Official.

If a request is denied by the GLUC, the applicant may submit an appeal to the Superior Court of Guam within 15 days after the filing of the Commission's decision with the Department of Land Management and Department of Public Works.

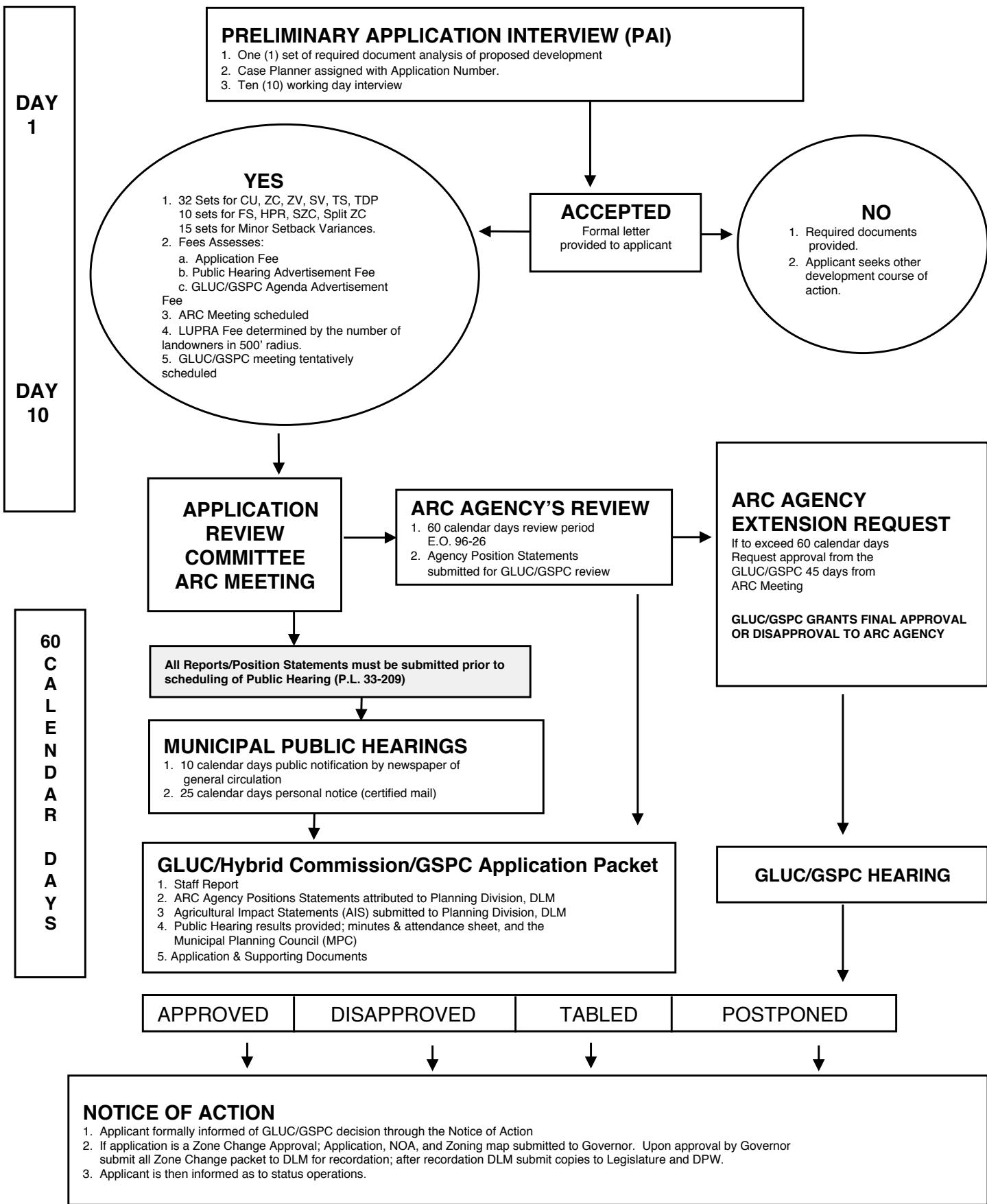
Reference: [Guam Coastal Management Program and Draft Environmental Impact Statement](#), U.S. Department of Commerce, NOAA, Office of Coastal Zone Management, 1978.

Authority:

- [Chapter 3, Title 18 of the Guam Administrative Rules and Regulations](#)
- [Chapter 63, Title 21 of the Guam Code Annotate \(GCA\)](#)
- [Executive Order No. 96-26](#)
- [P.L. 33-219 The Empanelment of a Hybrid Commission](#)

Application forms and further information about either the GLUC or the ARC may be obtained from the Planning Division, Department of Land Management.

# Guam Land Use Commission I Guam Hybrid Land Use Commission I Guam Seashore Protection Commission Application Process



# LAND USE ZONING

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

Private properties on Guam are divided into ten (10) zones:

"A"	Rural Zone
"R-1"	One-Family Dwelling
"R-2"	Multiple-Family Dwelling Zone
"C"	Commercial Zone
"P"	Automobile Parking Zone
"M-1"	Light Industrial Zone
"M-2"	Heavy Industrial Zone
"H"	Resort-Hotel Zone
"LC"	Limited Commercial Zone
"PF"	Public Facility Zone
"S"	School Zone

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

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

## "A" - Rural Zone Permitted Uses

1. One-family dwellings and duplexes.
2. Farming and fisheries, including all types of activities and pursuits customarily carried on in the field of agriculture and fisheries, including the raising of crops and fruits, poultry and livestock, grazing and dairying, and tree and other vegetative production, whether for commercial or personal uses.

3. Uses customarily accessory to any of the above uses, including home occupations and private automobile parking areas as well as accessory buildings and structures such as private garages, warehouses, barns, corrals, or other similar structures.

## "R-1" - One-Family Dwelling Zone Permitted Uses

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

## "R-2" - Multiple-Family Dwelling Zone Permitted Uses

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

## "C" - Commercial Zone Permitted Uses

1. One-family dwellings.
2. Duplexes
3. Wholesale and retail stores, shops and businesses.
4. Amusement enterprises.
5. Automobile service stations, including minor repairs.
6. Bakeries.
7. Mortuaries.
8. Offices, business or professional, inclusive of professional healing arts offices and clinics and banks.
9. Personal service shops, including barber shops, beauty parlors, laundromats, and the like.
10. Repair shops and service shops, including shoe repair shops, plumbing shops, dressmaking shops, and the like, but not including automobile repair shops for major work.

11. Restaurants and cafes.
12. Studios.
13. Other uses which, in the judgment of the Commission as evidenced by resolution in writing, are similar to those listed herein.
14. Uses customarily accessory to any of the above listed uses, including only those accessories to manufacturing, storage, compounding, or processing activities which are necessary for the ordinary conduct of said listed uses and which are an integral part thereof.
15. Accessory structures for the above.

#### **“P” - Automobile Parking Zone Permitted Uses**

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

#### **“M-1” - Light Industrial Zone Permitted Uses**

1. Any use permitted with or without condition in the commercial zone.
2. The manufacturing, compounding, processing or treating of such products as drugs, cosmetics, and food products (not including fish and meat products nor the rendering of fats and oils).
3. The manufacturing, compound, 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 sales yard, contractor's equipment storage yards, and

the like.

11. Other uses which, in the judgment of the Commission as evidenced by resolution in writing, are similar to those listed herein.
12. Uses customarily accessory to any of the above listed and accessory buildings.

#### **“M-2” - Heavy Industrial Zone Permitted Uses**

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

#### **“H” - Resort Hotel Zone Permitted Uses**

##### **Permitted Uses**

1. Cultural and recreational facilities, hotels, restaurants, tourism related shops, and offices, dwellings, parks marinas, zoos, amusement activities and supportive services.
2. Permitted Accessory uses and structures. Uses and structures which are customarily accessory and clearly complementary to permitted principle uses and structures shall be permitted. Service stations shall be permitted only within, and as accessory to parking garages containing two hundred fifty (250) or more parking spaces.

#### **“PF” - Public Facility Zone**

Schools, police stations, fire stations, community centers, recreation centers, senior citizen centers, public health centers, libraries, government buildings and other related facilities.

#### **“S” - School Zone**

Public schools and school related facilities.

And other uses as permitted by Resolution through the Guam Land Use Commission, in

each respective zone.

Authority: Chapter 61, Sect. 61311, Title 21, Government Code of Guam.

For more information, contact the Planning Division, Department of Land Management.

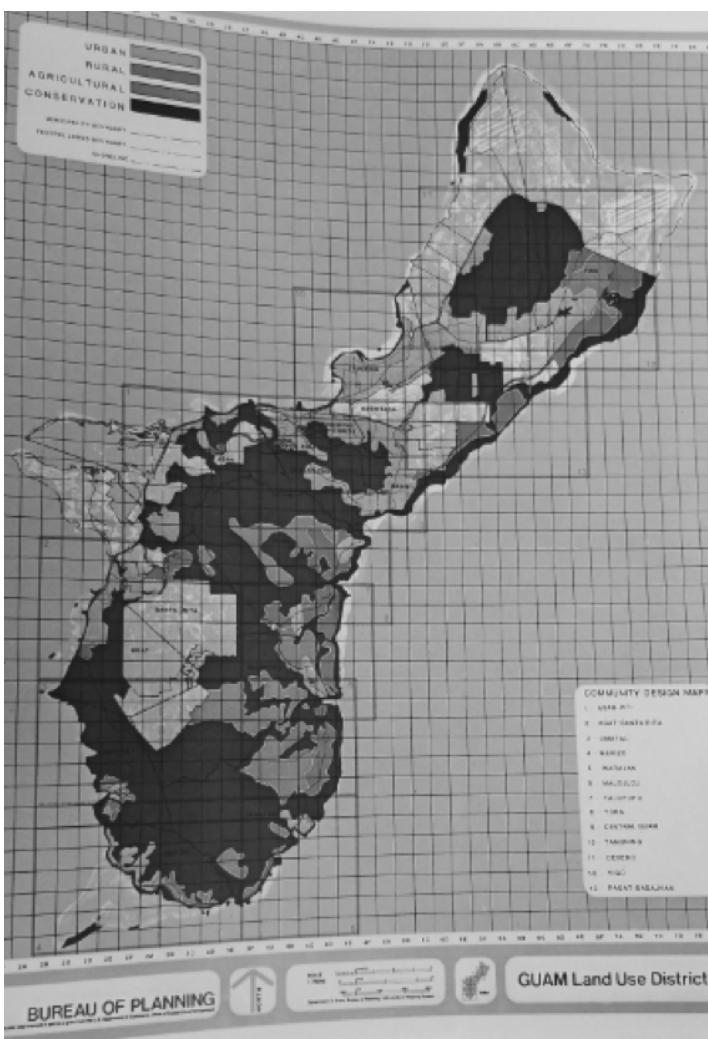


Figure 1 - The image above is the Land Use Plan from the I Tano'-Ta Final Land Use Plan. Public Law 22-139 adopted the Land Use Element of the Comprehensive Development Plan for Guam. Visit the Department of Land Management for current land use designations.

Source: 1989 | Tano'-Ta Final Land Use Plan

Applicant will submit one set of the Conditional Use Application (GLUC Form 01) which will require a description of the proposed conditional use; a map depicting all existing structures and uses on the subject property; a map depicting all significant building and uses within 750 feet of the subject property's boundary; a map showing all parcels with correct lot number within 500 feet radius from the subject lot's boundaries; and a written statement explaining the compatibility of the proposed conditional use with neighboring developments.

The conditional uses for each zone are as follows.

## **“A” - Rural Zone Conditional Uses**

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

## **“R-1” - Single-Family Dwelling Zone Conditional Uses**

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

## **“R-2” - Multiple-Family Dwelling Zone Conditional Uses**

## CONDITIONAL USE

In addition to permitted uses in each of the eleven land use zones, conditional uses may be allowed by the GLUC.

1. Any conditional uses permitted in the “R-1” zone.
2. Health clinics.
3. Utilities and public facilities.
4. Air, bus, taxi, auto, rental terminals.
5. Accessory uses and structures for the above.

#### **“C” - Commercial Zone Conditional Uses**

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

#### **“P” - Parking Zone Conditional Uses**

There are no conditional uses in this zone.

#### **“M-1” - Light Industrial Zone Conditional Uses**

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

#### **“M-2” - Heavy Industrial Zone Conditional Uses**

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

#### **“H” - Resort Hotel Zone**

There are no conditional uses in this zone.

#### **“S-1” – School Zone**

Public schools and school related facilities.

#### **“PF” – Public Facility Zone**

Schools, police stations, fire stations, community centers, recreation centers, senior citizen centers, public health centers, libraries, government buildings and other related facilities.

Once the Application is reviewed and accepted, Applicant must submit the required number of hard copies (32 sets) of the application and nine (9) copies of the Application in electronic format (example: in CD format, flash drives or thumb drives, etc.)

Each application must first be reviewed by the ARC and a municipal public hearing held before being heard by the GLUC. In addition, to the application processing fee of \$50.00 the applicant must also pay the expenses for a newspaper notice regarding the public hearing as well as the publication of the GLUC Agenda for which the meeting is scheduled.

In line with the public hearing, the Department shall determine the names and addresses and properly serve or mail all required notices to all persons within the 500' radius of the proposed project who will be affected. Notices shall be served not less than twenty-five (25) days before any public hearing is to be conducted. The 500' radius shall be measured from the exterior boundary lines of the project, and not from the center. The Department shall charge the applicant with all costs incurred in the certified mailing of the public hearing notices.

Authority: Chapter 61 (Zoning Law), Title 21, Government Code of Guam.

For more information, contact the Planning Division, Department of Land Management.

# CONDITIONAL USE

TO: Executive Secretary, Guam Land Use Commission  
c/o Land Planning Division, Department of Land Management  
Government of Guam, P.O. Box 2950, Hagatna, Guam 96932

The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a Conditional Use Permit.

**1. Information on Applicant:**

Name of Applicant: \_\_\_\_\_ U.S. Citizen: [ ] Yes [ ] No

Mailing Address: \_\_\_\_\_

Telephone No.: Business: \_\_\_\_\_ Home: \_\_\_\_\_

**2. Location, Description and Ownership:**

Subdivision Name: \_\_\_\_\_

Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Tract: \_\_\_\_\_

Lot Area: Acres \_\_\_\_\_ Square Meters \_\_\_\_\_ Square Feet \_\_\_\_\_

Village: \_\_\_\_\_ Municipality: \_\_\_\_\_

Registered Owner: \_\_\_\_\_

Certificate of Title No.: \_\_\_\_\_ Recorded Document No.: \_\_\_\_\_

**3. Current and Proposed Land Use:**

Current Use: \_\_\_\_\_ Zoned: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Site Plan: \_\_\_\_\_

**4. Attach a one page typed, brief and concise justification (letter format) explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist for proposed Conditional Use showing disposal of sewage, access, parking, structure location and accompanying covenants that may include performance standards in accordance with **Guam Code Annotated 21 GCA, Chapter 61, Section 61303**.**

**5. Supporting Information.** The following supporting information shall be attached to this application:

**Site Plan required:** Plans, drawn to scale, showing dimensions and shape of lot; lot size; size and location of existing structure(s); location and dimensions of proposed structure(s) or alterations; parking and loading areas; access and traffic circulation; open space; landscaping; signs; setback distances; and solid waste disposal area.

- a. 8 1/2" X 11" map, drawn to scale, showing all significant building or uses within 750 feet radius from the subject lot's boundaries. On the same map, applicant must also show any natural or topographic peculiarities of said lot.
- b. 8 1/2" X 11" map, drawn to scale, showing all parcels with correct lot number within 500 feet radius from the subject lot's boundaries.

## **CONDITIONAL USE**

**ATTACHMENT:** Section 61303 (Conditional Use) and Section 61303.1 (Departmental Responsibilities: Cost Allocated) is attached for your information and guidance in preparation of your Conditional Use application. For additional information, visit the Land Planning Division.

**5. Supporting Information. (Continuation)**

- c. The most recent survey map certified and recorded in the Department of Land Management, showing the subject property.
- d. Additional information as required by the Guam Chief Planner:
  - i. An initial comprehensive Environmental Impact Assessment (EIA) in accordance with Executive Order 90-10, or (Findings of No Significant Impact) if acceptable to GEPA in place of an EIA.
  - ii. In addition to providing the required number of hard copies of the Application; provide 9 copies of the Application File in Electronic Format (example: in CD format, flash drives or thumb drives, etc.)
- e. Provide a picture of the display sign. Section 61303(c) (1-3) requires the posting of a 4'x8' sign on the subject lot displaying the following information:
  - i. Statement of Notice for Rezone that an application for Conditional Use has been filed with the Guam Land Commission;
  - ii. The title of the application as filed, containing the name of the owner, the name of the development, the lot number and the proposed conditional use; and
  - iii. The date time and place of each public hearing and Commission meeting where public comments can be presented to the Commission. The sign shall be required to be erected and displayed with current information no less than ten (10) consecutive days prior to each scheduled public hearing or meeting.
- iv. **IMPORTANT NOTICE TO APPLICANT(S):** Failure to meet the notice requirements as provided herein renders any approval by the Commission null and void.

**6. Filing Fees - Fifty Dollars (\$50.00)** filing fee plus \$2.00 for the first five pages, and \$0.25 for any additional page, under Public Law 29-02, Chapter V, Part III (Fees and Charges Assessed by the Department of Land Management).

**Land Use Research Property Assessment (LURPA) Fee** – In accordance with P.L. 21-14, Section 11, states, in part, that the “Department of Land Management determine the names and addresses and properly serve or mail all required notices to all persons within a five hundred (500) ft. radius of the proposed project who will be affected thereby. In addition, the Department shall charge the applicant(s) with all costs incurred in carrying out the requirements...”

**7. It is understood that if the Conditional Use is APPROVED** by the Guam Land Use Commission described in this application, along with stipulations, it **SHALL** be adhered to without modification.

**8. Required Signatures:** All legal owner(s)/lessee(s) of designated parcels shall sign form with name(s) typed or handwritten, signed and dated:

***“I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that thirty-two (32) sets of the above listed required information is provided.”***

---

(Owner(s) or Lessee(s) and Date)

---

(Representative, if any, and Date)

## CONDITIONAL USE

9. In an effort to provide a more effective means by which the municipality's concerns are heard and accommodated according to the laws and regulations of real property uses, this land use application must be assessed for the need to the empanelment of a Hybrid Commission pursuant to P.L. 33-219. A Hybrid Commission will be empaneled if this application represents a development cost of more than three million dollars (\$3,000,000.00), exclusive of the cost of the real property as described in this application.

WILL THIS PROJECT COST MORE THAN \$3,000,000.00?       YES       NO

Please sign attesting to your answer: \_\_\_\_\_

(See attachment for more information on P.L. 33-219 and P.L. 33-209, as they affect the process of assessment of this application)

THIS FORM SHALL NOT BE MAILED.  
APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY,  
TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.

## FOR OFFICIAL USE ONLY

Date Accepted: \_\_\_\_\_ Accepted By: \_\_\_\_\_

Date of Notice in Newspaper(s): \_\_\_\_\_

Date of Notice to Adjacent Property Owners: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

Filing Fee(s) Paid: Yes  No  Check  Cash  Other  \_\_\_\_\_

Receipt No.: \_\_\_\_\_ Application Number: \_\_\_\_\_

Date of GLUC Action: \_\_\_\_\_ Conditions: Yes  No  (See Below)

Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GLUC Resolution No.: \_\_\_\_\_ Date of Notice of Action: \_\_\_\_\_

(No Smaller than 4 FT X 8 FT Sign Board)

## **PUBLIC NOTICE\***

- \*1. Shall Occupy Two (2') Feet x Eight (8') Feet of the Sign Area
- \*2. Letters are to be Twelve (12") Inches High Colored Red on a White Background
- 3. Sign shall be erected and displayed in a visible and prominent place on the subject site NO LESS than Ten (10) days after Application is filed with the Commission and shall be removed when the Commission renders a Final Decision or the Applicant officially withdraws the Application.

### **AN APPLICATION HAS BEEN FILED WITH THE GUAM LAND USE COMMISSION (GLUC) FOR A**

#### **Conditional Use Permit**

**APPLICATION DESCRIPTION:**

**OWNER:**

**DEVELOPER:**

**LOT, BLOCK, TRACT, MUNICIPALITY:**

**PROPOSED CONDITIONAL USE:**

**DATE:** \_\_\_\_\_

**PLACE:** \_\_\_\_\_

**TIME:** \_\_\_\_\_

**PUBLIC HEARING:** \_\_\_\_\_

**GLUC MEETING:** \_\_\_\_\_



## CHANGE OF ZONE

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

Applicant will submit one set of the Zone Change Application (GLUC Form 02) which will require a description of the subject property; a master plan of the subject property's proposed development; a letter of justification demonstrating how the request meets the conditions, as established by law, for a zone change; as well as:

- A map depicting existing zoning within 1000 feet of the subject property's boundary;
- A map depicting existing land use of all parcels within 750 feet of the subject property's boundary; and
- A map drawn to scale, showing all parcels within 500 feet radius of the subject lot's boundaries. Each parcel shall be identified with the property lot number.

Once the Application is reviewed and accepted, Applicant must submit the required number of hard copies (32 sets) of the application and nine (9) copies of the Application in electronic format (example: in CD format, flash drives or thumb

drives, etc.)

Each application must first be reviewed by the ARC and a public hearing held before being heard by the GLUC. In addition, to the application processing fee of \$50.00 the applicant must also pay the expenses for a newspaper notice regarding the public hearing as well as the publication of the GLUC Agenda for which the meeting is scheduled.

In line with the public hearing, the Department shall determine the names and addresses and properly serve or mail all required notices to all persons within the 500' radius of the proposed project who will be affected. Notices shall be served not less than ten (10) calendar days before any public hearing is to be conducted. The 500' radius shall be measured from the exterior boundary lines of the project, and not from the center. The Department shall charge the applicant with all costs incurred in the certified mailing of the public hearing notices.

Review time for a change of zone, including ARC, a public hearing and GLUC, is approximately 16 to 20 weeks.

Authority: [Chapter 61 \(Zoning Law\), Title 21, Government Code of Guam.](#)

For more information, contact the Planning Division, Department of Land Management.

# ZONE CHANGE

**TO:** Executive Secretary, Guam Land Use Commission  
c/o Land Planning Division, Department of Land Management  
Government of Guam, P.O. Box 2950, Hagatna, Guam 96932

The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a Zone Change.

**1. Information on Applicant:**

Name of Applicant: \_\_\_\_\_ U.S. Citizen: [ ] Yes [ ] No

Mailing Address: \_\_\_\_\_

Telephone No.: Business: \_\_\_\_\_ Home: \_\_\_\_\_

**2. Location, Description and Ownership:**

Subdivision Name: \_\_\_\_\_

Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Tract: \_\_\_\_\_

Lot Area: Acres \_\_\_\_\_ Square Meters \_\_\_\_\_ Square Feet \_\_\_\_\_

Village: \_\_\_\_\_ Municipality: \_\_\_\_\_

Registered Owner: \_\_\_\_\_

Certificate of Title No.: \_\_\_\_\_ Recorded Document No.: \_\_\_\_\_

**3. Current and Proposed Land Use:**

Current Use: \_\_\_\_\_ Zoned: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Master Plan Designation: \_\_\_\_\_

**4. Attach a one page typed, brief and concise justification (letter format explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist; your intentions and purpose of the Zone Change request justifying public necessity, public convenience and general welfare in accordance with Guam Code Annotated 21 GCA, Chapter 61, Section 61630.**

**5. Support Information.** The following supporting information shall be attached to this application:

- a. 8 1/2" X 11" map, drawn to scale, showing existing zoning within 1000 feet radius from the subject lot's boundaries.

**ATTACHMENT:** Section 61630 (Requirements for Changes) and Section 61638 (Review by Municipal Planning Council is attached for your information and guidance in preparation of your Zone Change Application. For additional requirements, visit the Zoning Section, Land Planning Division.

## ZONE CHANGE

### 5. Support Information. (Continuation):

- b. All parcels and their uses within 750 feet radius from the subject lot's boundaries. The map shall also contain:
  - i. Lot number for every parcel(s);
  - ii. Identify by name and use all existing activities on all parcel(s) through a legend/code reference;
  - iii. All adjacent inclusive and exclusive easements and roads to the property, their widths, and condition of surfaces;
  - iv. The nearest location of all public utilities to the subject lot;
  - v. All natural or topographic peculiarities.
- c. 8 1/2" X 11" map, drawn to scale, showing all parcels within 500 feet radius of the subject's property boundaries. Each parcel shall be identified with property a lot number.
- d. The most recent survey map, certified and recorded at the Department of Land Management, showing the subject property.
- e. A detailed As Built Plan of the lot shall include the following:
  - i. Total number and types of building;
  - ii. Parcel size in square meters/feet;
  - iii. Layouts of utilities and drainage;
  - iv. Proposed lot coverage of building(s) and accessories in square meters/feet;
  - v. Approximate gross and net densities allowed on parcel;
  - vi. Feasibility study;
  - vii. Topography;
  - viii. Existing earth faults and sinkholes;
  - ix. Water courses and lens;
  - x. Reservation, conservation and historic places;
  - xi. Total percentage of open spaces exclusive of parking stalls and other man made features;
  - xii. Percentage of building footprint for proposed development only; and
  - xiii. Compatibility to surrounding uses, Planned Development (PD) zone only.
- f. If leased, lease agreement (the assignment of lease and the covenant).
- g. An initial comprehensive Environmental Impact Assessment (EIA) in accordance to Executive Order 90 10, or (Findings of No Significant Impact) if acceptable to GEPA in place of an EIA.
- h. Additional information as required by the Guam Chief Planner

Submit one set of the Application with all the supporting information listed above. Once the Application is reviewed and accepted, applicant must submit the required number of hard copies (32 sets) of the Application and nine (9) copies of the Application in electronic format (example: in CD format, flash drives or thumb drives etc.)

- 6. **Filing Fee:** Fifty Dollars (\$50.00) filing fee plus \$2.00 for the first five pages, and \$0.25 for any additional page, under Public Law 29-02, Chapter V, Part III (Fees and Charges Assessed by the Department of Land Management).
- 7. In an effort to provide a more effective means by which the municipality's concerns are heard and accommodated according to the laws and regulations of real property uses, this land use application must be assessed for the need to an empanelment of a Hybrid Commission pursuant to **P.L. 33-219. A Hybrid Commission will be empaneled if this application represents a development cost of more than three million dollars (\$3,000,000.00), exclusive of the cost of the property as described in this application.**

**LESS THE VALUE OF THE PROPERTY, WILL THIS PROJECT COST MORE THAN \$3,000,000.00? [ ] Yes [ ] No**

Please sign attesting to your answer:

**NOT APPLICABLE FOR ZONE CHANGE APPLICATION**

*(See attachment for more information on P.L. 33-219 and 33-209, as the affect the process of assessment of this application)*

## ZONE CHANGE

8. **Required Signatures:** All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

**"I hereby certify that all information contained in this application and its supplements are true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that thirty-two (32) sets of the above listed required information is provided."**

\_\_\_\_\_  
(Owner(s) or Lessee(s) and Date)

\_\_\_\_\_  
(Representative, if any, and Date)

**THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.**

## FOR OFFICIAL USE ONLY

Date Accepted: \_\_\_\_\_ Accepted By: \_\_\_\_\_

Date of Notice in Newspaper(s): \_\_\_\_\_ Date of Notice to  
Adjacent Property Owners: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

Filing Fee(s) Paid (\$      ): Yes [ ] No [ ] Check [ ] Cash [ ] Other [ ] \_\_\_\_\_

Receipt No.: \_\_\_\_\_ Application Number: \_\_\_\_\_

Date of GLUC Action: \_\_\_\_\_ Conditions: Yes [ ] (See Below) No [ ]

Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_

GLUC Resolution No.: \_\_\_\_\_ Date of Notice of Action: \_\_\_\_\_

(No Smaller than 4 FT X 8 FT Sign Board)

## NOTICE TO REZONE\*

- \*1. Shall Occupy Two (2') Feet x Eight (8') Feet of the Sign Area
- \*2. Letters are to be Twelve (12") Inches High, Colored Red on a White Background
- 3. Sign shall be erected and displayed in a visible and prominent place on the subject site NO LESS than Ten (10) days after Application is filed with the Commission and shall be removed when the Commission renders a Final Decision or the Applicant officially withdraws the Application.

## PUBLIC NOTICE

### AN APPLICATION HAS BEEN FILED WITH THE GUAM LAND USE COMMISSION (GLUC) FOR A

#### Conditional Use Permit

##### APPLICATION DESCRIPTION:

OWNER:

DEVELOPER:

LOT, BLOCK, TRACT, MUNICIPALITY:

PROPOSED CONDITIONAL USE:

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

PLACE: \_\_\_\_\_

PUBLIC HEARING: \_\_\_\_\_

GLUC MEETING: \_\_\_\_\_

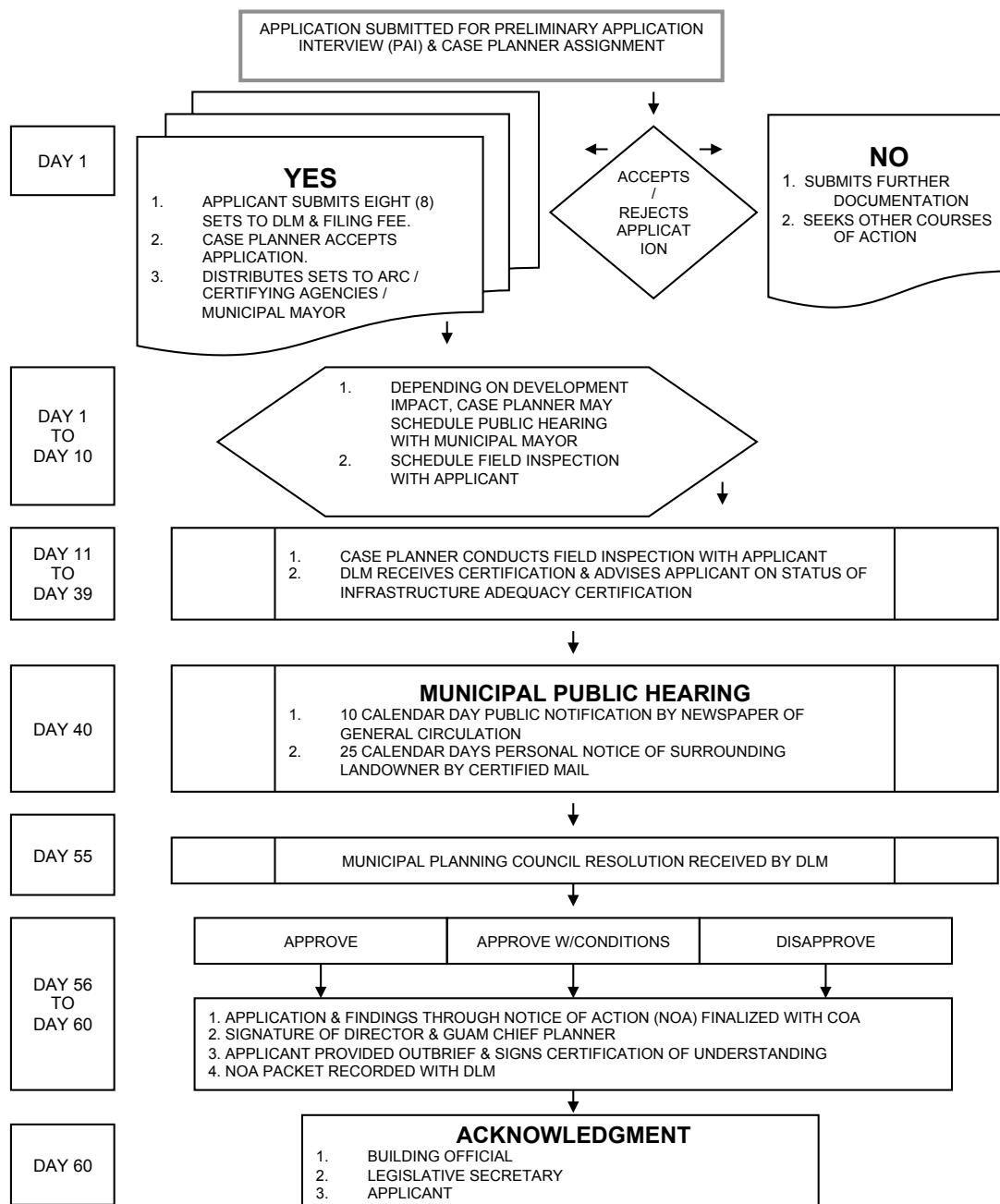
# SUMMARY ZONE CHANGE PROGRAM

Public Law 21-82 as amended by Public Law 21-144, Section 8, established a Zone Change process known as the “Summary Zone Change Program”, a rezoning process to allow private property owners of “A” (Rural) or “R-1” (Single-Family Dwelling) zones, to apply for a rezone to either “R-1” (Single-Family Dwelling) or “R-2” (Multi-Family Dwelling) zone.

This program is an expedited process and the Director of the Department of Land Management is the approving authority, who shall render a decision thereon within (60) days of submission. A complete application is to be submitted to the Planning Division, Department of Land Management.

Authority: P.L. 21-82, as amended by P.L. 21-144, Section 8.

## SUMMARY ZONE CHANGE PROGRAM (P.L. 21-82 AS AMENDED BY P.L. 21-144)



# SUMMARY ZONE CHANGE

(P. L. 21-82:4 Short Form as Amended by P.L. 21-144:8)

**TO: Director, Department of Land Management**  
c/o Division of Land Planning  
Government of Guam  
P.O. Box 2950, Hagatna, Guam 96932

**The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a Zone Change.**

**1. Information on Applicant:**

Name of Applicant: \_\_\_\_\_ U.S. Citizen: [ ] Yes [ ] No

Mailing Address: \_\_\_\_\_

Telephone No.: Business: \_\_\_\_\_ Home: \_\_\_\_\_

**2. Location, Description and Ownership:**

Subdivision Name: \_\_\_\_\_

Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Tract: \_\_\_\_\_

Lot Area: Acres: \_\_\_\_\_ Square Meters: \_\_\_\_\_ Square Feet: \_\_\_\_\_

Village: \_\_\_\_\_ Municipality: \_\_\_\_\_

Registered Owner(s): \_\_\_\_\_

Certificate of Title No.: \_\_\_\_\_ Recorded Document No.: \_\_\_\_\_

Deed (Gift, Warranty, etc.): \_\_\_\_\_ Deed Document No.: \_\_\_\_\_

**3. Current and Proposed Land Use:**

Current Use: \_\_\_\_\_ Current Zoned: \_\_\_\_\_

Proposed Use: \_\_\_\_\_ Proposed Zone: \_\_\_\_\_

**4. Justification Letter:** Attach a typed, brief and concise justification (letter format if possible) explaining your intentions and purpose of the Zone Change. Your letter should be addressed to the Director of Land Management.

## **SUMMARY ZONE CHANGE**

*(P. L. 21-82:4 Short Form as Amended by P.L. 21-144:8)*

**5. Support Information.** The following information shall be attached to this application:

- a. A map, drawn to scale, showing existing zoning within 1000 feet radius and all parcels and their uses within 750 feet radius from the subject lot boundaries. The map shall contain:
  - (1) Lot number for every parcel(s);
  - (2) Identify by name and use all existing activities on all parcel(s) through a legend/code reference;
  - (3) All adjacent easements and roads leading to, and serving property, their widths, and condition of surfaces;
  - (4) The nearest location of all public utilities to the subject lot; and
  - (5) Show any/all features of property such as flat/hilly terrain, flood hazard, etc.
- b. The most recent survey map certified and recorded at the Department of Land Management, of the subject property.
- c. For "R-1" Zone Change request: A proposed property map showing how many lots are to be subdivided.
- d. For "R-2" Zone Change request: Preliminary sketch plan shall be drawn to scale and show the following items:
  - (1) Density: Number of units and type. (i.e. Eight (8) units, three (3) bedroom, two baths, etc.)
  - (2) All setback or distances from proposed building to property boundary line.
  - (2) Parking Stalls must be numbered. Also, show one parking for persons with disabilities for every sixty (60) regular stalls (minimum).
  - (4) Recreational area or playground must be provided for children of tenants.
  - (5) Show nearest location of sewer, water, power connection or hook-up.
  - (6) Entrance and Exit of project area.
  - (7) Etc... Any other information you feel is necessary or pertinent to your request.
  - (8) In addition, the following information is required by the Agencies as follows:

**GUAM POWER AUTHORITY**

Include Ownership and Encumbrance  
Title Report.

Provide Proposed Power Demand in  
Kilovolt Amps (KVA).

**GUAM ENVIRONMENTAL PROTECTION AGENCY**

Copy of Site Layout showing the existing building structures and the outline of the septic tank and leaching field system, if not connected to public sewer.

Copy of building permits for any extensions (additional structures) to the existing dwelling unit.

**6. Filing Fee: Twenty-Five Dollars (\$25.00) filing fee under Public Law 29-02, Chapter V, Part III (Fees and Charges Assessed by the Department of Land Management).**

**SUMMARY ZONE CHANGE**  
(P. L. 21-82:4 Short Form as Amended by P.L. 21-144:8)

**7. Required Signatures:** All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

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

---

**Owner (Print/Sign)**

---

**Owner (Print/Sign)**

---

**Date**

---

**Date**

---

**Representative (If any)**

---

**Date**

**THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.**

## ZONE VARIANCE/SUBDIVISION VARIANCE

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

- Strict application of the Zoning Law (without the requested variance) would create practical difficulties and unnecessary hardships.
- Exceptional circumstances prevail at the subject property.
- Such variance would not be materially detrimental to the public welfare or to the neighboring properties.
- Such variance will not be contrary to the objectives of any part of the "Master Plan" adopted by the Commission or Legislature.

Such authorizations by the GLUC may include the following among other variances.

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

Applicant will submit one set of the Zone Variance (GLUC Form 03) or Subdivision and Waiver of Improvements Variance (GLUC Form 04) which requires a description of the property:

- A map depicting topographical, rights-of-way, and infrastructure;
- A map depicting existing zoning circled within a 1000 feet radius from the subject lot's boundaries;
- A map depicting all parcels and their uses within a 750 feet radius circled from the subject lot's boundaries;
- A map depicting the lot numbers of all lots within 500 feet of the subject property, including a notarized list of the name and mailing address of each lot owner, if the

- subject property is served by public utilities; and
- A letter of justification demonstrating how the request meets the conditions, established by law, for a variance.

Once the application is reviewed and accepted, Applicant must submit the required number of hard copies (32 sets) of the application and nine (9) copies of the Application in electronic format (example: in CD format, flash drives or thumb drives, etc.)

Every application for a variance must be reviewed by the Application Review Committee and by the Guam Land Use Commission. Applicants are required to be present at a scheduled public hearing in the municipal district where the property is located. In addition to the Variance application processing fee of \$75.00 and for a Subdivision Variance is \$50.00, applicant must pay the expenses for a newspaper notice regarding the public hearing as well as the publication of the GLUC Agenda for which it is scheduled.

In line with the public hearing, the Department shall determine the names and addresses and properly serve or mail all required notices to all persons within the 500' radius of the proposed project who will be affected. Notices shall be served not less than ten (10) calendar days before any public hearing is to be conducted. The 500' radius shall be measured from the exterior boundary lines of the project, and not from the center. The Department shall charge the applicant with all costs incurred in the certified mailing of the public hearing notices.

Authority: Chapter 61 and Chapter 62, Title 21, Government Code of Guam.

For more information, contact the Planning Division, Department of Land Management.

# ZONE VARIANCE

## TYPE OF VARIANCE REQUESTED:

<input type="checkbox"/> Use Variance	<input type="checkbox"/> Setback Variance	<u>Required</u>	<u>Current</u>
<input type="checkbox"/> Height Variance	<input type="checkbox"/> Right Side	8'-0' ft	_____ ft
<input type="checkbox"/> Density Variance	<input type="checkbox"/> Left Side	8'-0' ft	_____ ft
<input type="checkbox"/> Parking Variance	<input type="checkbox"/> Front	15'-0' ft	_____ ft
<input type="checkbox"/> Sign Variance	<input type="checkbox"/> Rear	10'-0' ft	_____ ft

TO: **Executive Secretary, Guam Land Use Commission**  
**c/o Land Planning Division, Department of Land Management**  
**Government of Guam, P.O. Box 2950, Hagatna, Guam 96932**

The Undersigned owner(s)/lessee(s) of the following described property hereby requests consideration for a Zone Variance, pursuant to Section 61616-61623, Article 6 (Administration & Enforcement), Division 2 (Regulations of Real Property Uses), Chapter 61 (Zoning Law), 21 GCA Real Property.

## 1. Information on Applicant:

Name of Applicant: \_\_\_\_\_ U.S. Citizen:  Yes  No

Mailing Address: \_\_\_\_\_

Telephone No.: Business: \_\_\_\_\_ Home: \_\_\_\_\_

## 2. Location, Description and Ownership:

Subdivision Name: \_\_\_\_\_

Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Tract: \_\_\_\_\_

Lot Area: Acres \_\_\_\_\_ Square Meters \_\_\_\_\_ Square Feet \_\_\_\_\_

Village: \_\_\_\_\_ Municipality: \_\_\_\_\_

Registered Owner: \_\_\_\_\_

Certificate of Title No.: \_\_\_\_\_ Recorded Document No.: \_\_\_\_\_

## 3. Current and Proposed Land Use:

Current Use: \_\_\_\_\_ Zoned: \_\_\_\_\_

Proposed Use: \_\_\_\_\_ Proposed Zone: \_\_\_\_\_

Master Plan Designation: \_\_\_\_\_

4. Attach a one page typed, brief and concise justification (letter format) explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist and the nature of variance request in accordance with **Guam Code Annotated 21 GCA, Chapter 61, Section 61617**.

a. That the strict application of the provisions of Section 61617, 21 GCA would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law;

**ATTACHMENT: Section 61616 (Variance) – 61623 (Review by Municipal Planning Council) is attached for your information and guidance in preparing of your application and justification. For additional requirements, visit the Zoning Section, Land Planning Division.**

## ZONE VARIANCE

### 4. (Continuation):

- b. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use thereof that do not apply generally to other property in the same zone;
- c. That the granting of Variance(s) will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located;
- d. That granting of such Variance(s) will not be contrary to the objectives of any part of the "Guam Master Plan" adopted by the Commission or Legislature; and,
- e. That, as to Variance(s) from the restrictions of Section 61617, 21 GCA, the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach area upon which the building is to be constructed and that such building shall not interfere with or adversely affect the surrounding property owners' or the public's right to an untrammeled use of the beach.

### 5. Supporting Information. The following supporting information shall be attached to this application:

- a. **Site Plan required:** Plans, drawn to scale, showing dimensions and shape of lot; lot size; size and location of buildings; locations and dimensions of proposed buildings or alterations;
- b. 8 1/2" X 11" map, drawn to scale, showing existing zoning circled within a 1000 feet radius from the subject lot's boundaries.
- c. 8 1/2" x 11" map, drawn to scale, showing all parcels and their uses within a 750 feet radius circled from the subject lot's boundaries. The map shall also contain:
  - (1) Lot number of every parcel(s);
  - (2) Identify by name and use all existing activities on all parcel(s);
  - (3) All adjacent inclusive and exclusive easements and roads to the property, their widths, and condition of surfaces;
  - (4) The nearest location of all public utilities to the subject lot;
  - (5) Any natural or topographic peculiarities.
- d. 8 1/2" X 11" map, drawn to scale, showing all parcels within a 500 feet radius of the subject lot's boundaries. Each parcel shall be identified with a property lot number.
- e. The most recent survey map, certified and recorded in the Department of Land Management, showing the subject property;
- f. An initial comprehensive *Environmental Impact Assessment (EIA)* in accordance with Executive Order 90 10, or *Findings of No Significant Impact* if acceptable to GEPA in place of an *EIA*;
- g. Additional information as required by the Guam Chief Planner.

**Submit one set of the Application with all the supporting information listed above. Once the Application is reviewed and accepted, applicant must submit the required number of hard copies (32 sets) of the application and nine (9) copies of the Application in electronic format (example: in CD format, flash drives or thumb drives, etc.)**

### 6. Filing Fee: Seventy-Five Dollars (\$75.00) filing fee plus \$2.00 for the first five pages, and \$0.25 for any additional page, under Public Law 29-02, Chapter V, Part III (*Fees and Charges Assessed by the Department of Land Management*).

## ZONE VARIANCE

7. In an effort to provide a more effective means by which the municipality's concerns are heard and accommodated according to the laws and regulations of real property uses, this land use application must be assessed for the need to the empanelment of a Hybrid Commission pursuant to **P.L. 33-219**. A Hybrid Commission will be empaneled if this application represents a development cost of **more than three million dollars (\$3,000,000.00)**, exclusive of the cost of the real property as described in this application.

**WILL THIS PROJECT COST MORE THAN \$3,000,000.00?** YES  NO

(See attachment for more information on PL 33-219 and PL 33-209, as they affect the process of assessment of this application.)

Please sign attesting to your answer ⇒ \_\_\_\_\_

8. **Required Signatures:** All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

*"I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that thirty-two (32) sets of the above listed required information is provided."*

\_\_\_\_\_  
(Owner(s) or Lessee(s) and Date)

\_\_\_\_\_  
(Representative, if any, and Date)

**THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.**

### FOR OFFICIAL USE ONLY

Date Accepted: \_\_\_\_\_ Accepted By: \_\_\_\_\_

Date of Notice in Newspaper(s): \_\_\_\_\_

Date of Notice to Adjacent Property Owners: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

Filing Fee(s) Paid (\$): Yes [ ] No [ ] Check [ ] Cash [ ] Other [ ] \_\_\_\_\_

Receipt No.: \_\_\_\_\_ Application Number: \_\_\_\_\_

Date of GLUC Action: \_\_\_\_\_ Conditions: Yes [ ] No [ ] (See Below)

Conditions of Approval: \_\_\_\_\_

GLUC Resolution No.: \_\_\_\_\_ Date of Notice of Action: \_\_\_\_\_

(No Smaller than 4 FT X 8 FT Sign Board)

## NOTICE TO REZONE\*

- \*1. Shall Occupy Two (2') Feet X Eight (8') Feet of the Sign Area
- \*2. Letters are to be Twelve (12") Inches High, Colored Red on a White Background
- 3. Sign Shall be Erected and Displayed in a Visible and Prominent Place on the Subject Site No Less than Five (5) Days after Application is filed with the Commission and Shall be Removed when the Commission renders a Final Decision or Applicant Officially Withdraws the Application.

### AN APPLICATION HAS BEEN FILED WITH THE GUAM LAND USE COMMISSION (GLUC) FOR A

#### ZONE VARIANCE

30

##### APPLICATION DESCRIPTION:

OWNER:

DEVELOPER:

LOT, BLOCK, TRACT, MUNICIPALITY:

PROPOSED ZONE VARIANCE:

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ PLACE: \_\_\_\_\_

PUBLIC HEARING: \_\_\_\_\_

GLUC MEETING: \_\_\_\_\_

## SUBDIVISION VARIANCE

**TO: Executive Secretary, Guam Land Use Commission  
c/o Land Planning Division, Department of Land Management  
Government of Guam, P.O. Box 2950, Hagatna, Guam 96932**

**The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a *Subdivision Variance*.**

**1. Information on Applicant:**

Name of Applicant: \_\_\_\_\_ U.S. Citizen: [ ] Yes [ ] No

Mailing Address: \_\_\_\_\_

Telephone No.: Business \_\_\_\_\_ Home: \_\_\_\_\_

**2. Location, Description and Ownership:**

Subdivision Name: \_\_\_\_\_

Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Tract: \_\_\_\_\_

Lot Area: Acres \_\_\_\_\_ Square Meters \_\_\_\_\_ Square Feet \_\_\_\_\_

Village: \_\_\_\_\_ Municipality: \_\_\_\_\_

Registered Owner: \_\_\_\_\_

Certificate of Title No.: \_\_\_\_\_ Recorded Document No. \_\_\_\_\_

**3. Current and Proposed Land Use:**

Current Use: \_\_\_\_\_ Zoned: \_\_\_\_\_

Proposed Use: \_\_\_\_\_ Proposed Zone: \_\_\_\_\_

Master Plan Designation: \_\_\_\_\_

**4. Attach a one page typed, brief and concise justification (letter format) explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist and the nature of variance request in accordance with **Guam Code Annotated 21 GCA, Chapter 62, Sections 62601 and 62602**.**

a. That there are special circumstances or conditions affecting said property.

**ATTACHMENT:** Sections 62601 & 62604, Article 6 (Variance & Appeals), Chapter 62, Title 21 GCA is attached for your information and guidance in the preparation of your application. For additional requirements, visit the Subdivision Section, Land Planning Division.

## SUBDIVISION VARIANCE

**4. Continuation:**

- b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the subdivider;
- c. That the granting of the variance shall not be materially detrimental to the public welfare or injurious to other property in the area in which said property is situated; and,
- d. That the variance, if granted, shall conform with the intent and purpose of the general or precise plans for the Territory and Title XIX.

**5. Support Information:** The following supporting information shall be attached to this application:

- a. Site Plan required: Plans, drawn to scale, showing dimensions and shape of lot; lot size;
- b. size and location of existing building(s); location and dimensions of proposed building(s) or alterations;
- c. 8 1/2" x 11" map, drawn to scale, showing all significant land uses within a 1000 feet radius of subject lot;
- d. 8 1/2" x 11" map, drawn to scale, showing all significant building(s) or uses within a 750 feet radius of the subject lot. On the same map, applicant must also show any natural or topographic peculiarities of subject lot.
- e. 8 1/2" x 11" map, drawn to scale, showing all parcels with correct lot number within a 500 feet radius of subject lot.
- f. The most recent survey map with document number, recorded in the Department of Land Management, showing the subject property.
- g. An initial comprehensive *Environmental Impact Assessment (EIA)* in accordance with Executive Order 9010, or *Findings of No Significant Impact* if acceptable to GEPA in place of an *EIA*.
- h. Additional information as required by the Guam Chief Planner.

**In addition to providing the required number of hard copies of the Application; provide 9-copies of the Application File in Electronic Format (example: in CD format, flash drives or thumb drives, etc.)**

**6. Filing Fee: Fifty Dollars (\$50.00) filing fee plus \$2.00 for the first five pages, and \$0.25 for any additional page, under Public Law 29-02, Chapter V, Part III (*Fees and Charges Assessed by the Department of Land Management*).**

## SUBDIVISION VARIANCE

7. **Required Signatures:** All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

***"I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that thirty-two (32) sets of the above listed required information is provided."***

---

***(Owner(s) or Lessee(s) and Date)***

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***(Representative, if any, and Date)***

**THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.**

### **FOR OFFICIAL USE ONLY**

Date Accepted: \_\_\_\_\_ Accepted By: \_\_\_\_\_

Date of Notice in Newspaper(s): \_\_\_\_\_

Date of Notice to Adjacent Property Owners: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

Filing Fee(s) Paid (\$      ): Yes [ ] No [ ] Check [ ] Cash [ ] Other [ ] \_\_\_\_\_

Receipt No.: \_\_\_\_\_ Application Number: \_\_\_\_\_

Date of GLUC Action: \_\_\_\_\_ Conditions: Yes [ ] No [ ] (See Below)

Conditions of Approval: \_\_\_\_\_

GLUC Resolution No.: \_\_\_\_\_ Date of Notice of Action: \_\_\_\_\_



*Figure 2 – Public notice of rezoning actions must be posted conspicuously. Contact DLM to learn more.*  
Source: Louella Losinio / The Guam Daily Post

## **SUBDIVISION OF PROPERTY**

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

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

If a proposed subdivision or property is not in conformance with legal requirements, a variance must be petitioned from the Guam Land Use Commission.

Authority: Subdivision Law [Chapter 62](#), Title 21, Government Code of Guam.

Planning Division, Department of Land Management should be consulted for additional information about subdividing of property.

# **TENTATIVE SUBDIVISION/FINAL SUBDIVISION**

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

Applicant will submit one set of the Tentative Subdivision application (GLUC Form 05) which will require the following information:

- Applicant and property identification data.
- Existing and proposed land uses and zoning.

- Subdivision and lot plan depicting sizes and locations of all lots and rights-of-way; location of existing infrastructure; and topography.
- Plans for infrastructure improvements, including grading, roads, water, sewer, storm water drainage, power and telecommunications.
- Additional information which may be required by the Guam Chief Planner.

Once the Tentative Subdivision application is reviewed and accepted, Applicant must submit the required number of hard copies (32 sets) of the application and nine (9) copies of the Application in electronic format (example: in CD format, flash drives or thumb drives, etc.)

The application fee is \$10.00 plus \$1.00 for each lot. Processing time is approximately five weeks for review and approval of a Tentative Subdivision Map, provided all submittals are complete and complies with the established requirements and regulations.

In line with the public hearing for the Tentative Subdivision, the Department shall determine the names and addresses and properly serve or mail all required notices to all persons within the 500' radius of the proposed project who will be affected. Notices shall be served not less than ten (10) calendar days before any public hearing is to be conducted. The 500' radius shall be measured from the exterior boundary lines of the project, and not from the center. The Department shall charge the applicant with all costs incurred in the certified mailing of the public hearing notices

A Final Subdivision Map also requires approval by the Guam Land Use Commission, and such a Map's requirements are also specified by the Subdivision Law. The Final Subdivision application (GLUC Form 06) requires applicant and property description data and must be accompanied by the following information.

- Original and 2 prints of the Final Subdivision map.

- Print of the Tentative Subdivision Map, as approved by the GLUC.
- One set of all improvement plans, with approval signatures by appropriate Government agency directors responsible for utilities.
- Either a certification by the Director of Public Works that all improvements have been constructed in accordance with the plans or posted bond in the amount of 115% of total work cost as verified by the Director of Public Works. On approval of the bond, the final plans may be filed.
- Where applicable, an original and 2 copies of the following documents:
  - Deed restrictions and covenants;
  - Homeowners' association by-laws; and
  - Instruments of dedication for easements and rights-of-way to the Government.

Applicant must submit the required number of hard copies (12 sets) of the application and nine (9) copies of the Application in electronic format (example: in CD format, flash drives or thumb drives, etc.)

In the event that an applicant finds that subdivision and improvements requirements cannot be met, a request for waiver may be made to the Guam Land Use Commission through a Subdivision and Waiver Improvement Variance application, (see GLUC Form 04).

The Final Subdivision application fee is \$10.00 and the application must be reviewed by the Guam Land Use Commission. Such applications may be submitted and reviewed simultaneously with a Tentative Subdivision application.

Authority: Chapter 62, Title 21, Government Code of Guam, as amended by P.L. 12-90 and P.L. 13-69.

For more information, contact the Planning Division, Department of Land Management.

## TENTATIVE SUBDIVISION

TO: Executive Secretary, Guam Land Use Commission  
c/o Land Planning Division, Department of Land Management  
Government of Guam, P.O. Box 2950, Hagatna, Guam 96932

**The undersigned owner(s)/lessee(s) of the following described property hereby requests consideration for a Tentative Subdivision Approval.**

**1. Information on Applicant:**

Name of Applicant: \_\_\_\_\_ U.S. Citizen:  Yes  No

Mailing Address: \_\_\_\_\_

Telephone No.: Business: \_\_\_\_\_ Home: \_\_\_\_\_

**2. Location, Description and Ownership:**

Subdivision Name: \_\_\_\_\_

New Lot Nos.: \_\_\_\_\_ Block: \_\_\_\_\_ Tract: \_\_\_\_\_

Lot Area: Acres \_\_\_\_\_ Square Meters \_\_\_\_\_ Square Feet \_\_\_\_\_

Village: \_\_\_\_\_ Municipality: \_\_\_\_\_

Registered Owner: \_\_\_\_\_

Certificate of Title Number: \_\_\_\_\_ Recorded Document No.: \_\_\_\_\_

**3. Current and Proposed Land Use:**

Current Use: \_\_\_\_\_ Zoned: \_\_\_\_\_

Proposed Use: \_\_\_\_\_ Proposed Zone: \_\_\_\_\_

Master Plan Designation: \_\_\_\_\_

**4. In accordance with Guam Code Annotated, 21GCA, Chapter 61, Section 62401, thirty-two (32) sets of Tentative Subdivision maps, subdivision improvement plans prepared by a registered engineer or surveyor and a statement of intent by subdivider shall be submitted to the Land Planning Division, Department of Land Management. All maps and plans shall be clearly and legibly drafted and to scale on 22" x 29" paper to include:**

- a. The tract number as issued by the Guam Chief Planner;
- b. The name and address of the owner(s) of record, the subdivider and the person preparing the map;
- c. Date, north arrow and scale;
- d. A Key map locating the subdivision in relation to surrounding areas;
- e. The exact length and bearing of the exterior boundaries of the subdivision which data shall be referenced to the "Guam Geodetic Triangulation Control Network" or such alternative system of triangulation control as the Guam Surveyor may direct;

## TENTATIVE SUBDIVISION

- f. The accurate placement and outline of structures existing on the site;
- g. The location and names and existing widths of adjacent street rights-of-way;
- h. The location and dimensions of all known existing easements and reservation;
- i. The location of existing utilities, sewers, drainage ditches and other drainage facilities location in or adjacent to the proposed subdivision;
- j. An Environmental Impact Statement (EIA) in accordance with Executive Order 90-10;
- k. The lot numbers and boundary lines of all adjacent parcels of land;
- l. The location, width and direction of flow of all water courses within the subdivision area;
- m. Topography with contour intervals of two-feet (2') where the ground slope is five percent (5%) or less or contour intervals of five-feet (5') where the ground slope is more than five percent (5%);
- n. The location and widths of all existing or proposed streets in the subdivision;
- o. The approximate lot layout and approximate lot dimensions of each lot; and,
- p. Areas intended for public use.

5. **The subdivider shall** include a summary of the proposed improvements to be made in the subdivision, the existing zone district applicable to the property, proposed lot uses and, in the absence of zoning, the proposed setback requirement for individual lots.

6. **Improvement plans shall include:**

- a. Street construction plans including, but not limited to grading, street centerline gradients and typical road cross-sections, specifying material and depths;
- b. Water, sewer, pipe size, routing, gradients, pressure regulation and point of origin; and,
- c. Drainage plan in full detail showing the methods and facilities for collection and disposal of stormwaters to include capacity of channel to accept additional water.

7. The subdivider may be required to submit construction drawings or subdivision work to permit detailed analysis of construction in conformity to Law and Rules and Regulations of the Commission and to facilitate improvement inspections.

8. Additional information required by the Guam Chief Planner: In addition to providing the required number of hard copies (32 sets) of the application, please provide nine (9) copies of the application in electronic format (i.e., in CD format, flash drives or thumb drives, etc.).

9. **Filing Fee:** Ten Dollars (\$10.00) plus one dollar (\$1.00) per lot, in accordance with the Guam Code Annotated, 21 GCA Chapter 62, Section 62202.

10. In an effort to provide a more effective means by which the municipality's concerns are heard and accommodated according to the laws and regulations of real property uses, this land use application must be assessed for the need to the empanelment of a Hybrid Commission pursuant to **P.L. 33-219**. **A Hybrid Commission will be empaneled if this application represents a development cost of more than three million dollars (\$3,000,000.00)**, exclusive of the cost of the real property as described in this application.

**WILL THIS PROJECT COST MORE THAN \$3,000,000.00**  **YES**  **NO**

Please sign attesting to your answer  \_\_\_\_\_

(See attachment for more information on Public Laws 33-209 and 33-219, as they affect the process of assessment of this application)

## TENTATIVE SUBDIVISION

**11. Required Signatures:** All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

***"I hereby certify that all information contained in this application and its supplements are true and correct. I also understand that any misrepresentation in this application shall be void the entire submission. Further, that thirty-two (32) sets of the above listed required information is provided."***

\_\_\_\_\_  
(Owner(s) and Date)

\_\_\_\_\_  
(Representative, if any, and Date)

**THIS FORM SHALL NOT BE MAILED. APPLICANT AND/OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT**

### FOR OFFICIAL USE ONLY

Date Accepted: \_\_\_\_\_

Accepted By: \_\_\_\_\_

Filing Fee(s): Paid: (\$ \_\_\_\_\_ plus \$ \_\_\_\_\_ per lot): YES  NO

Receipt No.: \_\_\_\_\_

Application No.: \_\_\_\_\_

# FINAL SUBDIVISION APPROVAL

TO: Executive Secretary, Guam Land Use Commission  
**c/o Land Planning Division, Department of Land Management**  
**Government of Guam, P.O. Box 2950, Hagatna, Guam 96932**

The undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a *Final Subdivision Approval*.

## 1. Information on Applicant:

Name of Applicant: \_\_\_\_\_ U.S. Citizen:  Yes  No

Mailing Address: \_\_\_\_\_

Telephone No.: Business: \_\_\_\_\_ Home: \_\_\_\_\_

## 2. Location, Description and Ownership:

Subdivision Name: \_\_\_\_\_

New Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Tract: \_\_\_\_\_

Name of Registered Surveyor: \_\_\_\_\_

Village: \_\_\_\_\_ Municipality: \_\_\_\_\_

Certificate of Title Number: \_\_\_\_\_

Recorded Document Number: \_\_\_\_\_

Existing Zoning: \_\_\_\_\_ Existing Use: \_\_\_\_\_

Average Lot Size: \_\_\_\_\_ Total Number of Lots: \_\_\_\_\_

Proposed Use(s) on Property: \_\_\_\_\_

## 3. Supporting Information: *Per Guam Code Annotated 21 GCA, Chapter 62, Section 62402.*

### a. Final Map Form:

- (1) The final 22" X 29" map shall be clearly and legibly drawn in opaque black ink or good quality tracing paper or cloth acceptable by the Planner. Signatures shall be in opaque black ink. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch (1").
- (2) If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
- (3) The number of the sheet and the total number of sheets comprising the map shall be stated on each sheet to include its pictorial relation to each adjoining sheet.

**ATTACHMENT: Sections 62401 & 62402, Article 4 (Requirements for Plans & Maps), Chapter 62, Title 21, GCA is attached for your information and guidance in the preparation of your application. For additional requirements, visit the Subdivision Section, Land Planning Division.**

## FINAL SUBDIVISION APPROVAL

### 3. (Continuation):

- (4) The exterior boundary of the land included within the subdivision shall be indicated by a blue-colored border. The map shall show the definite location of the subdivision and particularly its relation to surrounding surveys.
- (5) The boundaries of any areas within the proposed subdivision which are subject to usual inundation by water shall be shown.
- (6) The map shall contain the tract number in letters no less than one-half inch (1/2") in height, north directional point, map scale and date of final survey.
- (7) The map shall show all survey and mathematical information and data necessary to relocate and retrace any and all interior and exterior boundary lines appearing thereon including bearings and distances of straight lines, radii, arc and tangent lengths of all curves. The final map shall particularly define, designate and delineate all roads and alley rights of way and easements and other parcels offered for dedication for public use.

#### b. Required Information and Accompanying Data:

- (1) **The Tentative Subdivision Approval;**
- (2) **Original tracing and two (2) prints of Final Subdivision Map;**
- (3) **One (1) print of the Tentative Map approval by the Guam Land Use Commission;**
- (4) **One (1) set of all improvement plans for the subdivision.**
  - Provide Copy of the Final Inspection and Acceptance of Improvement Form (DPW Form)
  - If map includes any areas to be dedicated to the Government for "parks" or "open space," letter from the Director of the Department of Parks and Recreation must be included stating that agency's willingness to accept maintenance responsibility for all such area.
- (5) **Subdivision improvements;**
  - If a bond has been posted to cover the costs of improvements; A verified Statement from the Director of Public Works stating the bond meets the 115% total work cost must be included as part of the application.
- (6) **The original and two copies of the following documents for recording with the map;**
  - Deed restrictions or covenant;
  - Homeowners' Association By-Laws;
  - Appropriate instruments for the dedication of any and all lands and improvements within the subdivision to the Government of Guam.
  - Appropriate instruments for the designation of any and all easements, utilities or other purposes, within the subdivision.
- (7) **In addition to providing the required number of hard copies of the Application; provide 10 copies of the Application File in Electronic Format (example: in CD format, flash drives or thumb drives, etc.)**

***No application for Guam Land Use Commission approval of a Final Subdivision Map will be accepted by the Department of Land Management unless it includes all the applicable maps, documents, bonds and fees listed.***

### 4. **Filing Fee: Ten Dollars (\$10.00) filing fee, in accordance with *Guam Code Annotated, 21 GCA, Chapter 62, Section 62202.***

## FINAL SUBDIVISION APPROVAL

5. **Required Signatures:** All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

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

\_\_\_\_\_  
**(Owner(s) and Date)**

\_\_\_\_\_  
**(Lessee(s) and Date)**

\_\_\_\_\_  
**(Representative, if any, and Date)**

6. In an effort to provide a more effective means by which the municipality's concerns are heard and accommodated according to the land and regulations of real property uses, this land use application must be assessed for the need of the empanelment of a Hybrid Commission pursuant to **P.L. 33-219**. **A Hybrid Commission will be empaneled if this application represents a development cost of more than three million dollars (\$3,000,000.00)**, exclusive of the cost of the real property as described in this application.

**WILL THIS PROJECT COST MORE THAN \$3,000,000.00? YES  NO**

**Please sign attesting to your answer**  \_\_\_\_\_

*(Please see attachment for more information on Public Laws 33-209 and 33-219, as they affect the process of assessment of this application.)*

**THIS FORM SHALL NOT BE MAILED.  
APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY  
TO THE LAND PLANNING DIVISION  
DEPARTMENT OF LAND MANAGEMENT.**

**FOR OFFICIAL USE ONLY**

Date Accepted: \_\_\_\_\_ Accepted By: \_\_\_\_\_

Date of Notice to Adjacent Property Owners: \_\_\_\_\_

Date of Publication Notice: \_\_\_\_\_

Application Number: \_\_\_\_\_ Date of GLUC Action: \_\_\_\_\_

GLUC Resolution No.: \_\_\_\_\_

# **Tentative Development Plan / Resort – Hotel Zone Development**

All development within the “H” Resort Hotel Zone must comply with regulations promulgated specifically for those zoned areas. Both the ARC and the GLUC must review a Tentative Development Plan.

Applicant will submit one set of the Tentative Development Plan application (GLUC Form 07) which shall include the following information. (For a more detailed breakdown of information needed, see Procedures for Development within an “H” Zone outline)

- Applicant and property identification data
- Location of all structures and utilities
- Topography
- All proposed structures and utilities

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

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

Once the Application is reviewed and accepted, Applicant must submit the required number of hard copies (32 sets) of the application and nine (9) copies of the Application in electronic format (example: in CD format, etc.)

In addition to the application processing fee of \$50.00 the applicant must pay the expense for a newspaper notice of the publication of GLUC Agenda for which it is scheduled.

Review time will take 12 weeks; more complex projects may require longer review period.

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

Authority: P.L. 14-41, as amended by P.L. 14-72 and 14-82, Title 18 Guam Administrative Rules and Regulations

For further guidance, contact the Planning Division, Department of Land Management.

## **Tentative Development Plan**

### **Procedures for Development Within an “H” Zone**

Before issuance of any building permit for development proposed either in; 1) in conjunction with submittal of a requested zone change to “H” or 2) in a prior approved “H” Zone, a tentative plan for such development shall be submitted to the Guam Chief Planner containing the following information as deemed appropriate by the Guam Chief Planner:

1. The name and address of the owner or owners of record, of the developer and of the person preparing the map.
2. Date, north arrow and scale.
3. A key map locating the development relation to surrounding areas.
4. The exact length and bearing of the exterior boundaries of the development which data shall be referenced to the “Guam Geodetic Triangulation Control Network” or such alternative system of triangulation control as the Territorial Surveyor may direct.
5. The accurate placement and outline of structures existing on the site.
6. The location, names, and existing widths of adjacent street rights of way.
7. The location and dimensions of all known existing easements and reservations.
8. The location of existing utilities, sewers, drainage ditches, and other drainage facilities located in, or adjacent to, the proposed development.
9. The location, width and direction of flow of all water courses within the subdivision area.
10. Topography with contour intervals of two feet (2') where the ground slope is five percent (5%) or less or contour intervals of five feet (5') where the ground slope is more

than five percent (5%).

11. The location and widths of all existing or proposed streets in the development.
12. The approximate layout and approximate dimensions of each structure, facility, or use proposed within the development.
13. Areas intended to be reserved for public use.
14. A drainage plan showing methods and facilities for collection and disposal of storm waters. The storm drainage area or channel must have a demonstrated ability to accept additional water in view of capacity of area or channel and of capacity of existing improvements confining the channel.

The tentative plan shall be prepared in sufficient detail for analysis by the Commission as to sufficiency and most suitable location. The Commission may require the submission of detailed analysis of construction conformity to law and the rules and regulations of the Commission, and to facilitate inspections.

Upon certification by the Guam Chief Planner that such complete and accurate information as requested has been provided, such tentative plan shall be submitted to the Application Review Committee for review and recommendations.

The Guam Land Use Commission shall either approve, including approval with conditions, or disapprove in whole or in part the proposed tentative development plan. Upon approval, appropriate permits for initial construction may be issued.

Any proposed use or structure which has been included in an approved tentative plan must be approved by the Commission or at its discretion, the Guam Chief Planner, before issuance of any building permits.

A performance bond or undertaking shall be required for any development undertaken pursuant to an approved tentative plan within an "H" Zone as otherwise provided in the regulations. The amount of the bond shall be One Hundred and Ten Percent (110%) of the infrastructure costs of the project, and not less

than Two Thousand Dollars (\$2,000). The entire bond or any undertaking of any portion thereof shall be forfeited as determined by the Commission for failure to comply with any applicable land use, water quality, or zoning regulation except as allowed for under prior granting of a variance or other legal exception from such requirement: including, but not limited to, erosion and grading standards, landscaping, height and setback requirements, the tentative development plan as approved by the Commission and any applicable zone regulations. The entire bond or any portion thereof shall be forfeited as is required to complete the site preparation and infrastructure features of the project should these not be completed by the developer.

The Commission shall approve a maximum time period within which all of the improvements authorized in the tentative development plan shall be completed. The time period shall be no less than six months, and no more than four years. The time period shall be based on the size, character, and complexity of the authorized improvements. The Commission may, for good cause shown, grant any extension of time.

Upon completion or any portion of the project in accordance with the tentative plan, the Department of Public Works shall certify to the Commission that the project has been completed in accordance with the tentative plan.

Requirements for preparation of tentative development plans and posting of performance bonds as outlined in this section shall not apply to construction of single- family dwellings in that area in Tumon zoned "H" under Public Law 14-41, as amended.

# TENTATIVE DEVELOPMENT PLAN APPLICATION

*Pursuant to Title 18, 2GAR, Chapter 3, Article 3 – Interim “H” Resort-Hotel Zone*

TO: Executive Secretary, Guam Land Use Commission  
c/o Land Planning Division, Department of Land Management  
Government of Guam, P.O. Box 2950, Hagatna, Guam 96932

**Before issuance of any building permit for development proposed in, (1) conjunction with submittal of a requested Zone Change to “H,” or (2) in a prior approved “H” Zone, a Tentative Plan for such development shall be submitted to the Guam Chief Planner containing the following information as deemed appropriate by the Guam Chief Planner.**

## 1. Information on:

- a. Name of Legal Owner(s): \_\_\_\_\_
- b. Address: \_\_\_\_\_
- c. Contact No.: Work: \_\_\_\_\_ Cell: \_\_\_\_\_
- d. Certificate of Title No.: \_\_\_\_\_ Deed Document No.: \_\_\_\_\_
- e. Name of Lessee(s): \_\_\_\_\_
- f. Address: \_\_\_\_\_
- g. Contact No.: Work: \_\_\_\_\_ Cell: \_\_\_\_\_
- h. Lease Document No: \_\_\_\_\_

## 2. Information on:

- a. Name of Developer: \_\_\_\_\_
- b. Address: \_\_\_\_\_
- c. Contact No.: Work: \_\_\_\_\_ Cell: \_\_\_\_\_

## 3. Information on:

- a. Name of Person Preparing the Map: \_\_\_\_\_
- b. Address: \_\_\_\_\_
- c. Contact No.: Work: \_\_\_\_\_ Cell: \_\_\_\_\_

# TENTATIVE DEVELOPMENT PLAN APPLICATION

## 4. Lot Location and Description:

- a. Project Name: \_\_\_\_\_
- b. Lot (s): \_\_\_\_\_
- c. Lot Area: Acres: \_\_\_\_\_ Sq Meters: \_\_\_\_\_ Sq Feet: \_\_\_\_\_
- d. Municipality: \_\_\_\_\_

## 5. Current and Proposed Use(s):

- a. Current Use(s): \_\_\_\_\_ Zone: \_\_\_\_\_
- b. Proposed Use(s): \_\_\_\_\_ Zone: \_\_\_\_\_

## 6. Information required on the map:

- a. Date, North Arrow and scale.
- b. A key map locating the development in relation to the surrounding areas.
- c. The exact length and bearing of the exterior boundaries of the development which data shall be referenced to the "Guam Geodetic Triangulation Control Network".
- d. The accurate placement and outline of structures existing on site.
- e. The location, names, and existing widths of adjacent street rights-of-way.
- f. The location and dimensions of all known existing easements and reservations.
- g. The location of existing utilities, sewers, drainage ditches, and other drainage facilities located in, or adjacent to the proposed development.
- h. The location, width, and direction of flow of all water courses within the project area.
- i. Topography with contour intervals of two feet (2') where the ground slope is five percent (5%) or less or contour intervals of five feet (5') where the ground slope is more than five percent (5%).
- j. The location and widths of all existing or proposed streets in the development.
- k. The approximate lot layout and approximate dimensions of each structure, facility, or use proposed within the development.
- l. Areas intended to be reserved for public use.
- m. A drainage plan showing methods and facilities for collection and disposal of storm waters. The storm drainage disposal area or channel must have a demonstrated ability to accept additional water in view of capacity of area or channel and of capacity of existing improvements confining the channel.

The Tentative Development Plan shall be prepared in sufficient detail for analysis by the Commission as to sufficiency and most suitable location. The Commission may require the submission of "**detailed construction drawings**" as work is initiated to permit detailed analysis of construction conformity to law and the rules and regulations of the Commission and to facilitate inspections.

## TENTATIVE DEVELOPMENT PLAN APPLICATION

**7. Additional Supporting Information:** The information requested below shall be attached as part of the Application:

- a. Attach justification, in letter format, explaining the compatibility of the proposed project in relation to adjacent and neighborhood developments as they exist.
- b. Plans, drawn to scale, showing dimensions and shape of lot; lot size; size and location of existing and/or proposed structures or alterations; parking and loading areas; access and traffic circulation; open space; landscaping; signs; setback distances; and solid waste disposal area(s).
- c. 8 1/2" X 11" map, drawn to scale, showing all significant buildings or uses within a 750' (feet) radius from the subject lot's exterior boundaries (taken from the corners of the lot).
- d. 8 1/2" X 11" map, drawn to scale, showing all parcels with current lot numbers within a 500' (feet) radius from the subject lot's exterior boundaries (taken from the corners of the lot).
- e. Include the most current survey map for the subject property that has been approved and recorded in the Department of Land Management.
- f. An initial comprehensive *Environmental Impact Assessment (EIA)* in accordance with Executive Order 9010, or (*Findings of No Significant Impact*) if acceptable to GEPA in place of an *EIA*.

**8. Administrative Requirements:**

- a. **Required Number of Copies.** Submit **32-sets in Hard Copy; and 9 copies in Electronic Format** (e.g., CD format, flash drives or thumb drives, etc.).
- b. **Filing Fee. Fifty Dollar (\$50.00)** filing fee [Per PL 29-02, Chapter V, Part III (Fees and Charges Assessed by the Department of Land Management)].

**9.** In an effort to provide a more effective means by which the municipality's concerns are heard and accommodated according to the laws and regulations of real property uses, this land use application must be assessed for the need to the empanelment of a Hybrid Commission pursuant to **P.L. 33-219**. A Hybrid Commission will be empaneled if this application represents a development cost of **more than three million dollars (\$3,000,000.00)**, exclusive of the cost of the real property as described in this application.

**WILL THIS PROJECT COST MORE THAN \$3,000,000.00?**      YES       NO

Please sign attesting to your answer ⇒ \_\_\_\_\_

*(See attachment for more information on P.L. 33-219 and P.L. 33-209, as they affect the process of assessment of this application)*

## TENTATIVE DEVELOPMENT PLAN APPLICATION

**10. Required Signatures:** All legal owner(s) or Lessee(s) as shown on Page 1 of this Application shall sign (Type name or print) and date below. If Representation is authorized, the Representative shall also sign and date below.

***"I/We certify that all information contained in this application and its supplements is/ are true and correct. I/We also understand that any misrepresentation in this application shall void the entire submission."***

---

(Owner(s) or Lessee(s))

---

DATE

---

(Representative(s))

---

DATE

## Horizontal Property Regime Act (Condominium)

Before a condominium project is offered for sale on Guam, the developer must submit a notice of intent, an executed declaration, by-laws and escrow agreements, a certificate of title, and a \$100.00 filing fee to the Department of Land Management. The Guam Land Use Commission will then issue a Preliminary Public Report regarding the proposed condominium if the developer provides all information that should be considered to protect a prospective buyer's funds.

Before a Final Public Report is issued, a site inspection will be conducted by Land Management. An inspection fee of \$40.00 per day will be paid by the applicant/developer. Any unfinished construction must be supported by a bond. If, after the issuance of a Final Public Report, any changes in the project occur, the project must be resubmitted to the Guam Land Use Commission with the required information for the issuance of a Supplementary Public Report.

There is no specific application form, although, there is an HPR Questionnaire (GLUC Form 09) to guide the applicant thru the process.

The review and processing of the required information takes approximately 8 weeks.

Authority: P.L. 21-90, [Chapter 45, Title 21](#) GCA  
Horizontal Property Regime Act.

For more information, contact the Planning Division, Department of Land Management.



GUAM LAND USE COMMISSION  
Department of Land Management  
Government of Guam  
Hagatna, Guam 96910

**HORIZONTAL PROPERTY REGIME (CONDOMINIUM)  
QUESTIONNAIRE**

In accordance with Chapter 1, Title VI, Civil Code

**INSTRUCTIONS**

Filing of questionnaire is required where a condominium plan or project under which six or more apartments, rooms, office spaces, or other units in existing or proposed building(s) or structure(s) are offered or proposed to be offered for sale or lease in the Territory of Guam.

No unit in a condominium project shall be offered for sale or lease until the Commission has issued a Final or Supplementary Public Report thereon, nor shall reservations to purchase be taken until the Commission has issued a Preliminary, Final or Supplementary Public Report.

Any change in the project or amendment in document(s) made after registering the plan or project must be immediately reported to the Commission.

A \$100.00 filing fee and a \$40.00 inspection fee must accompany questionnaire. Inspection fee is per day. The fees are not refundable.

At the time of filing, an amount estimated by the Commission to be necessary to cover inspection expense of the project, including travel expenses, shall be deposited with the Commission.

Questionnaire must be either typed or printed legibly. The Commission will accept for examination only the original application (GLUC Form 09); reproductions or facsimiles of the Questionnaire and Notice of Intention are unacceptable.

Warning: Incomplete, illegible or otherwise insufficient Questionnaire, Notice of Intention, Documents, Exhibits and Printed Matter will be cause for rejection of the submission as well as delays in processing.

**REQUIRED DOCUMENTS**

The following documents must accompany this questionnaire and constitute a part of the Notice of Intention. For any document not submitted a letter of explanation must accompany the submission giving reasons of non-availability and a statement as to the approximate date they will be made available to the Commission. Check square to illustrate if submitted. Underscore the particular document forwarded with the questionnaire.

- Copy of Master Deed or Master Lease and Recording Data.
- Copy of Declaration in compliance with Section 1280, Civil Code.
- Copy of By-Laws of Association of Apartment Owners.
- Set of the floor plans of the building or buildings, showing the layout, location, apartment numbers and dimensions of the apartments.
- Copy of corporate papers (Articles of Incorporation and By-Laws and Affidavit of Officers) or Partnership Agreement or Joint Venture Agreement of the Developer. Proof of previous recording.
- Photostatic and certified or acknowledged copies of all options, contracts of purchase, mortgages and trust agreements, lease agreements on the property submitted to the regime. Proof of previous recording.
- A current copy of Policy of Title Insurance, Abstract of Title, Certificate of Title or Lien Letter.
- Copy of executed Escrow Agreement.
- Copy of Agency Contract(s) or Broker Listing Agreement(s).
- Copies of Reservation Agreement, Contract of Sale or Agreement of Sale and the Apartment Deed or Apartment

## **HORIZONTAL PROPERTY REGIME (CONDOMINIUM) QUESTIONNAIRE**

### **REQUIRED DOCUMENTS: Continuation**

- Lease to be used to convey property to purchaser. These forms to be completely filled in and identified by the word SPECIMEN.
- Statement of program of financing project, including any general or specific letter of loan commitment.
- Statement of all costs involved in completing the project.
- Building Plans, Drawings and Specification.
- Copy of Building Contract.
- Copy of Performance Bond and Mechanics or Material men's Lien.
- Copy of Property Management Contract.
- Copy of House Rules.

NOTE: Answer all questions, if not applicable, please so indicate. Failure to completely answer all questions and submit required documents will cause delay in the issuance of the Public Report by the Guam Land Use Commission.

### **NOTICE OF INTENTION**

**Name)**

**Date)**

To: The Guam Land Use Commission (GLUC)  
Territory of Guam

In accordance with the provisions of Chapter 1, Title VI Civil Code of the Territory of Guam, the undersigned given notice to the Commission of the Developer's intention to \_\_\_\_\_ the condominium units herein after described.

**BY:**

#### **1. DEVELOPER**

- (a) If corporation, name, title and address of officers:
  
  
  
  
- (b) If partnership or joint venture, name, title, address and telephone of members:
  
  
  
  
- (c) If individual, name, address and telephone:
  
  
  
  
- (d) Others:

## HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) QUESTIONNAIRE

### 2. NAME OF PROJECT.

### 3. STATUS OF PROJECT.

(a) Has construction of project begun? \_\_\_\_\_

(b) If not, when will it start? \_\_\_\_\_

(c) If work concerned:

(1) Give date work begun on project. \_\_\_\_\_

(2) What percentage has been completed to date? \_\_\_\_\_

(3) What is the estimated date of completion? \_\_\_\_\_

(d) If project completed:

(1) Give date of completion. \_\_\_\_\_

(2) What number or percentage of units sold to date, if any? \_\_\_\_\_

(3) When did sale commence? \_\_\_\_\_

### 4. LOCATION, LEGAL DESCRIPTION, BUILDING SETBACK, RECORDATION:

(a) Address \_\_\_\_\_

(b) Land area \_\_\_\_\_

(c) Lot, Block, Tract \_\_\_\_\_

(d) Zoning \_\_\_\_\_

(e) Building Setback \_\_\_\_\_

(f) Number parking stalls available \_\_\_\_\_

(g) Master Deed or Master Lease \_\_\_\_\_

(h) Date of Recording \_\_\_\_\_

(i) Recording Data \_\_\_\_\_

### 5. UNITS TO BE SOLD:

(a) Total Number \_\_\_\_\_

(b) Number of Floors \_\_\_\_\_

(c) Type \_\_\_\_\_

(d) Floor Area of each unit \_\_\_\_\_

(e) If furnished, name of appliances, equipment, etc. (attach schedule).  
\_\_\_\_\_

## **HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) QUESTIONNAIRE**

**6. ARCHITECT/ENGINEER: (Name, address and telephone)**

Guam Registration Number \_\_\_\_\_

**7. ATTORNEY REPRESENTING DEVELOPER: (Name, address and telephone)**

**8. ESCROW DEPOSITORY OR CLIENTS ACCOUNT:**

(a) Will the purchasers' funds be placed in a neutral escrow depository?

(b) What is the name of the depository?

(c) Will the purchasers' funds be placed in a client's trust fund?

(d) Give the proposed name of the designation of the account.

(a) If neither of the above is applicable, where will the purchasers' deposits be kept? *(Give details)*

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(f) Will the purchasers' money prior to consummation of unit sale and occupancy be expended for any other project without their knowledge?

(g) Will the purchasers' money be refunded?

(h) How soon?

(i) Will the purchasers receive interest on the money for the period it was held?

(j) What rate of interest?

## HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) QUESTIONNAIRE

**9. TITLE. (Title Insurance, Abstract, Certificate, others)**

(a) Type \_\_\_\_\_

(b) Date Issued \_\_\_\_\_

(c) Name of firm who issued certificate. \_\_\_\_\_

**10. OWNERSHIP OF TITLE OF LAND.**

(a) Individual: (Name, address, and telephone)

(b) If corporation: (Name, title and address of officers)

(c) Others:

**11. ENCUMBRANCES AGAINST LAND AND BUILDING: (Mortgages, leases, loans, etc.)**

Describe:

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**12. FINANCE.**

Do you have a program of financing project, including any financing commitment?

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## HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) QUESTIONNAIRE

### 13. CONSTRUCTION.

(a) If construction has not been completed, name of contractor. \_\_\_\_\_

\_\_\_\_\_

(b) Completion date. \_\_\_\_\_

\_\_\_\_\_

(c) Name of firm who issued certificate. \_\_\_\_\_

\_\_\_\_\_

(d) Is this contract for the full project as shown in your building plans and specification? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(e) Building Permit Number \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(g) What is contractor's obligation after building is completed? Is there a Building Warranty?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### 14. MANAGEMENT AND OPERATION.

(a) When is purchaser to assume maintenance costs?

\_\_\_\_\_

\_\_\_\_\_

(b) Who is to pay for monthly maintenance fees on unsold (initial sale) units?

\_\_\_\_\_

\_\_\_\_\_



## WETLAND PERMIT

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

Before a permit is issued for development in a wetland a tentative plan must be approved by the Guam Land Use Commission. Applicant will submit one set of the Wetland Permit application (GLUC Form 08) and such plan of proposed development shall include the following information in sufficient detail for analyses by the Guam Land Use Commission.

- The name and address of the owner or owners of record, the developer, and the person preparing the map.
- Date, north arrow and scale.
- A key map locating the development in relation to surrounding areas.

- The exact length and bearing of the exterior boundaries of the development, with data referenced to the “Guam Geodetic Triangulation Control Network” or such alternative system of triangulation control as the Guam Surveyor may direct.
- The accurate placement and outline of structures existing on the site.
- The location, names, and existing widths of adjacent street rights-of-way.
- Topography with contour intervals of two feet.
- The location and dimensions of all known existing easements and reservations.
- The location of existing utilities and drainage facilities located within or adjacent to the proposed development.
- The approximate layout and approximate dimensions of each structure, facility or use proposed within the development.
- Areas intended to be reserved for public use.

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

Once the Application is reviewed and accepted, Applicant must submit the required number of hard copies (32 sets) of the application and nine (9) copies of the Application in electronic format (example: in CD format, flash drives or thumb drives, etc.)

In addition to the application processing fee of \$75.00 the applicant must pay the expense for a newspaper notice of the publication of the GLUC

Agenda for the meeting which is scheduled.

All wetland permit applications are reviewed by the Application Review Committee and by the Guam Land Use Commission. Upon approval by the GLUC, the applicant shall apply for the applicable U.S. Army Corps of Engineers permit for wetlands development and, thereafter, for the applicable Building Permit. Construction must comply with the standards for development and conservation of wetland areas, as stated in the rules and regulations.

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

Authority: Chapters [61](#) & [62](#) of the Government Code of Guam and [Executive Order No. 91-27](#).

For more information, contact the Planning Division, Department of Land Management.

See more discussion of development policies for Wetlands and Flood Hazard APCs; see also Federal requirements from U.S. Army Corps of Engineers. The images below are representations of wetlands on Guam from the [U.S. Fish and Wildlife Services' National Wetlands Inventory Mapper](#), as well as detailed area maps from the [Digital Atlas of Southern Guam](#) and [Digital Atlas of Northern Guam](#).

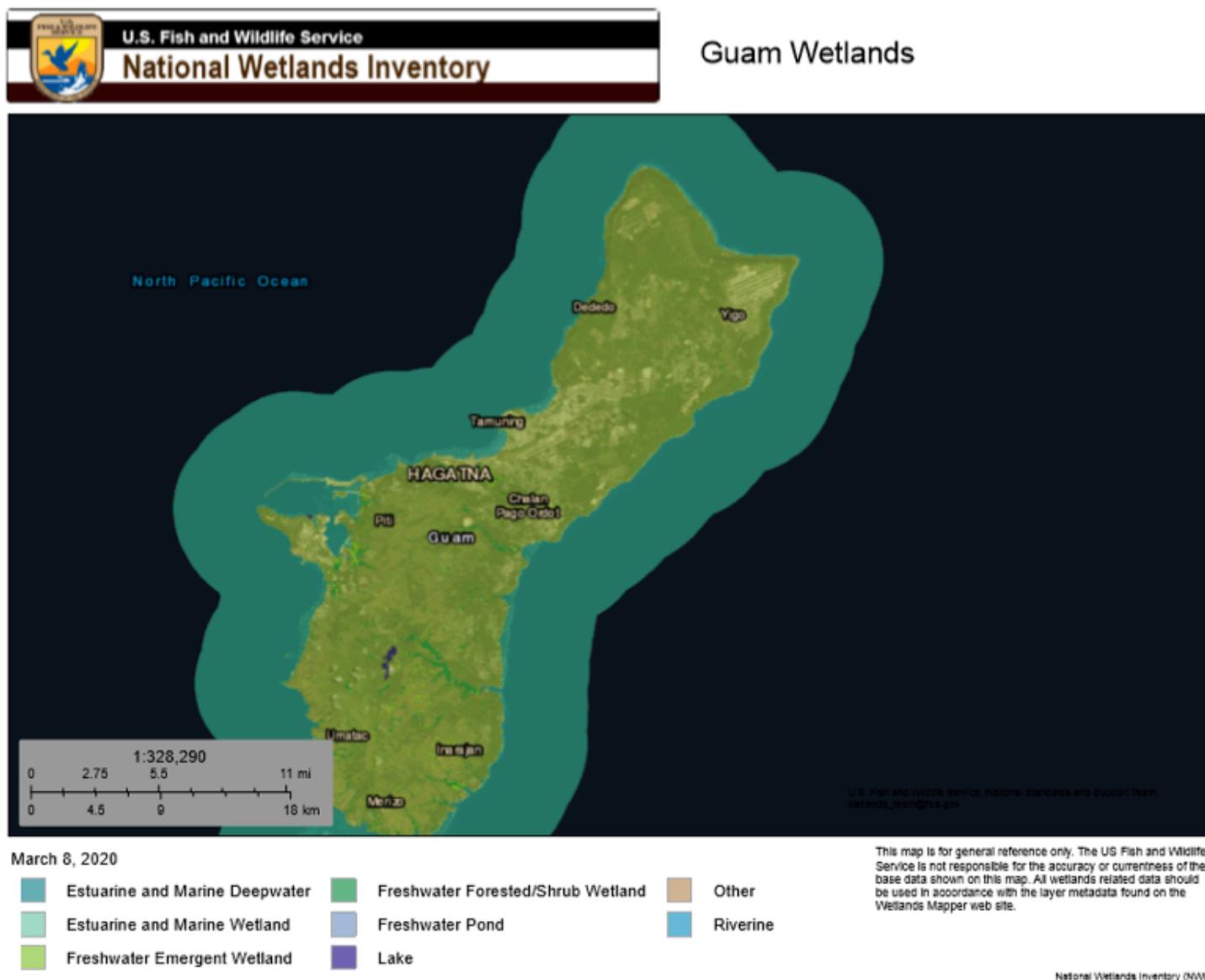
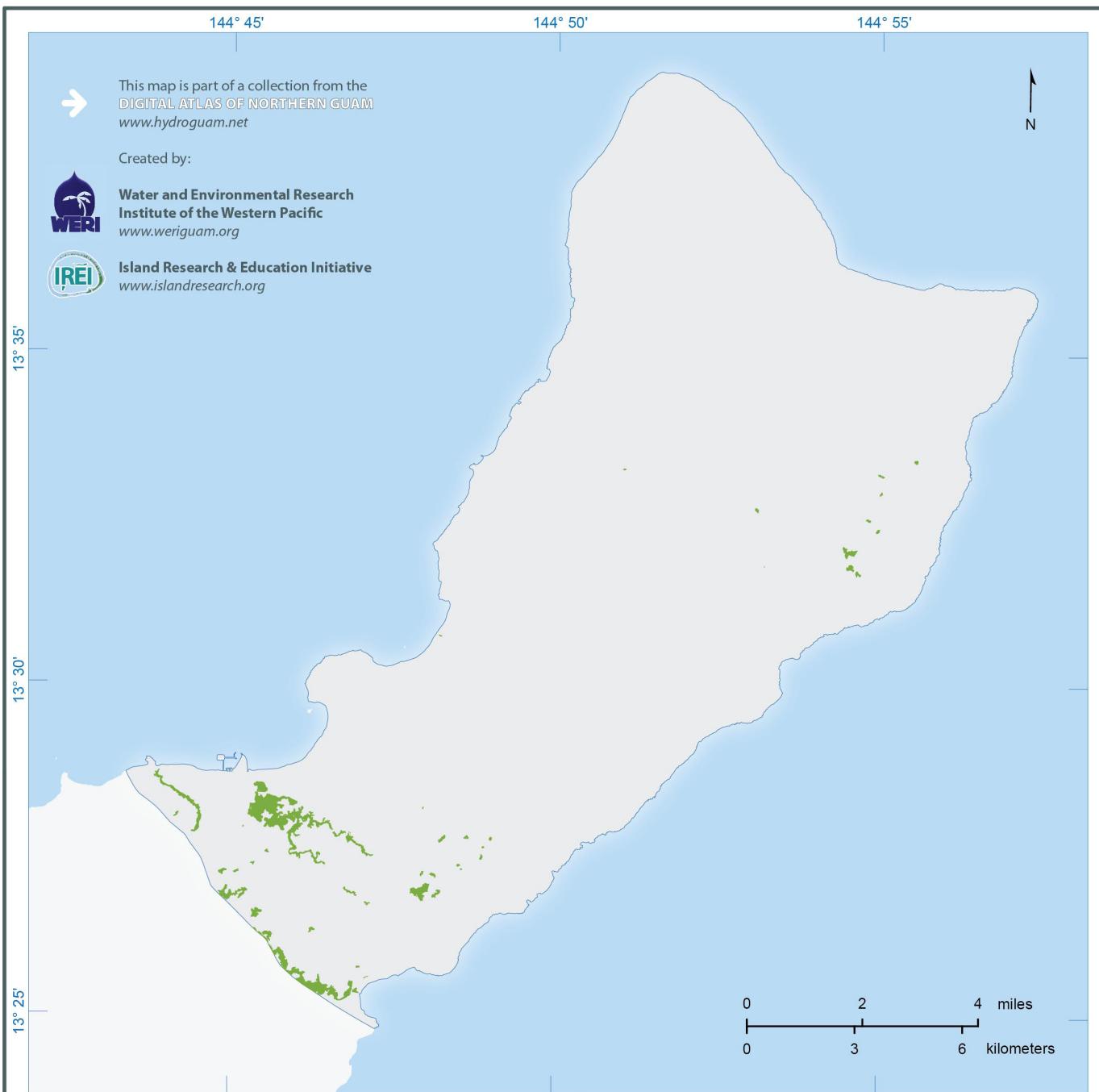


Figure 3 – General area map of Guam's Wetlands.  
Source: [U.S. Fish and Wildlife Services' National Wetlands Inventory Mapper](#).



## Wetlands (from detailed landcover map, 2011)



This map shows the extent of wetlands in northern Guam. It includes both palustrine and estuarine wetland areas, each of which is further classified by dominant vegetation type (scrub/shrub, forested, or aquatic bed). These distinctions are not shown on the map but are available in the original geospatial data derived from the land cover classification by NOAA Coastal Change Analysis Program (C-CAP) (2011).



Cartography and design  
 by Danko Iaborosi  
 and Maria Kottermaier,  
 2013.



This map is for awareness and educational purposes only. It contains no authoritative positional or other information. See the full disclaimer at [www.north.hydroguam.net/disclaimer.html](http://www.north.hydroguam.net/disclaimer.html)

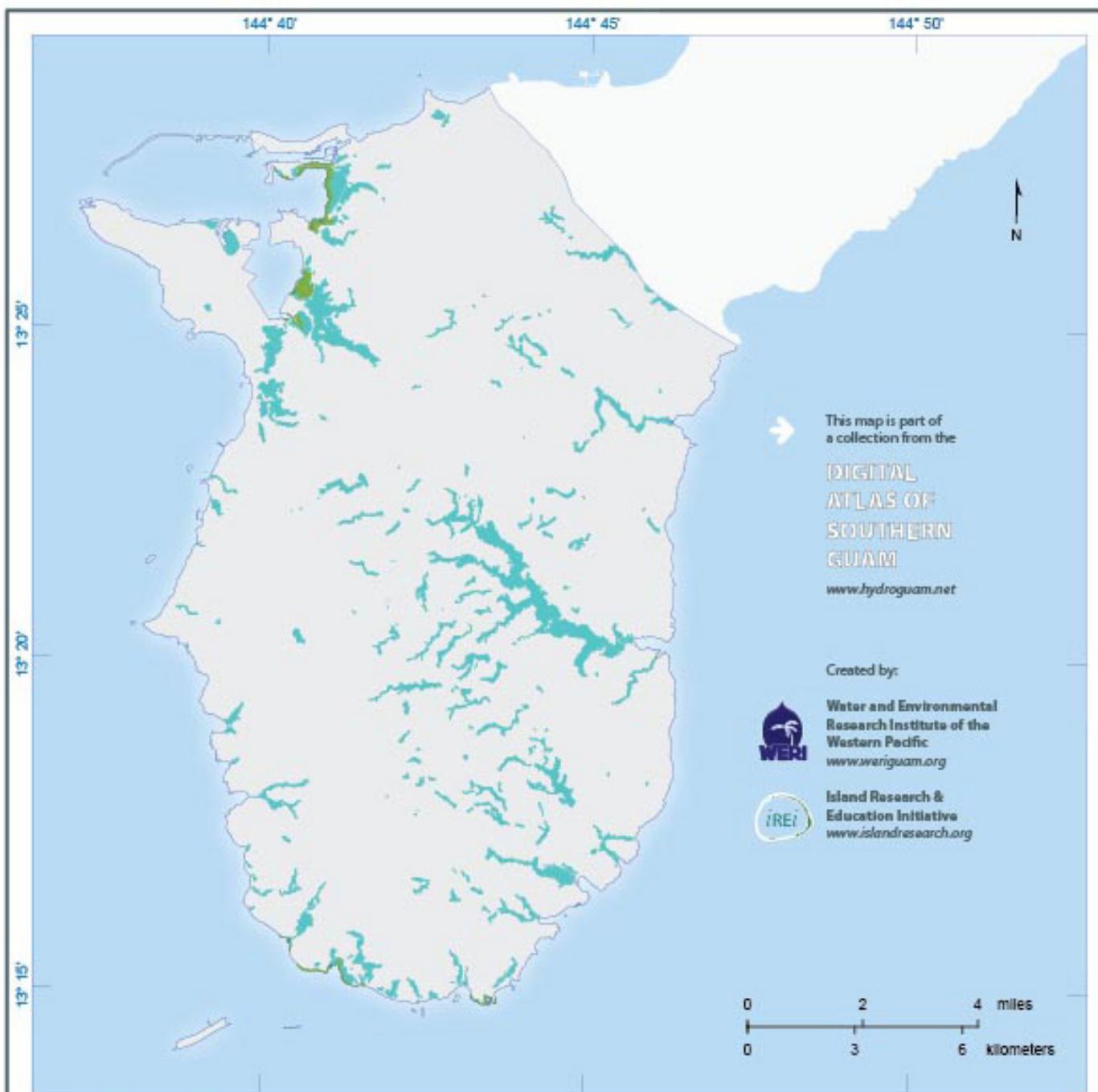


Work funded under award NA11NO54190115 from the National Oceanic and Atmospheric Administration (NOAA), office of Ocean and Coastal Resource Management and the Guam Coastal Management Program, Bureau of Statistics and Plans.



Contact us at:  
 WERI, University of Guam  
 Mangilao, GU 96923  
[www.weriguam.org](http://www.weriguam.org)

Figure 4 – Detail of wetlands in Northern Guam. Source: Digital Atlas of Northern Guam.



## Wetlands (from detailed land cover map, 2011)

  Palustrine wetlands  
  Estuarine wetlands

This map shows the extent of wetlands in southern Guam. It includes both palustrine and estuarine wetland areas, each of which is further classified by dominant vegetation type (scrub/shrub, forested, or aquatic bed). These distinctions are not shown on the map but are available in the raw data download package for this map. The geospatial data were derived from the land cover classification by NOAA Coastal Change Analysis Program (C-CAP) (2011) and available. For more information see C-CAP website (<http://www.csc.noaa.gov/digitalcoast/data/ccapregional/>).



Cartography and design  
by Darika Taborn  
and Maria Kotzenbach  
2011.



This map is for awareness and educational purposes only. It contains no authoritative positional or other information. See the full disclaimer at: [www.south-hydroguam.us/disclaimer.html](http://www.south-hydroguam.us/disclaimer.html)



Created by the Water and Environmental Research Institute of the Western Pacific (WENI) and Island Research & Education Initiative (IREI) with funding from the Guam Hydrological Survey (GHS) and the Bureau of Statistics and Plans (BSP), Government of Guam.



Contact us at:  
 WENI, University of Guam  
 Mangilao, GU 96923  
[www.weniguan.org](http://www.weniguan.org)

Figure 5 – Detail of wetlands in Southern Guam. Source: Digital Atlas of Southern Guam.

# WETLAND PERMIT

TO: Executive Secretary, Guam Land Use Commission  
c/o Land Planning Division, Department of Land Management  
Government of Guam, P.O. Box 2950, Hagatna, Guam 96932

**The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a *Wetland Permit*.**

**1. Information on Applicant:**

Name of Applicant: \_\_\_\_\_ U.S. Citizen:  Yes  No

Mailing Address: \_\_\_\_\_

Telephone No.: Business \_\_\_\_\_ Home: \_\_\_\_\_

**2. Location, Description and Ownership:**

Subdivision Name: \_\_\_\_\_

Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Tract: \_\_\_\_\_

Lot Area: Acres \_\_\_\_\_ Square Meters \_\_\_\_\_ Square Feet \_\_\_\_\_

Village: \_\_\_\_\_ Municipality: \_\_\_\_\_

Registered Owner: \_\_\_\_\_

Certificate of Title No.: \_\_\_\_\_ Recorded Document No. \_\_\_\_\_

**3. Current and Proposed Land Use:**

Current Use: \_\_\_\_\_ Zoned: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Master Plan: \_\_\_\_\_

**4. Attach a one page typed, brief and concise justification (letter format) explaining the compatibility of the proposed project.**

**5. Support Information.** The following supporting information shall be attached to this application:

- a. The name and address of the owner(s) of record, the developer and the person preparing the map.
- b. Date, north arrow and scale.

**ATTACHMENTS:** Article 5 (Wetland Areas), Chapter 3 (Guam Land Use Commission), Title 18 (Land Management) is attached for your information and guidance in the preparation of your application. For additional requirements, visit the Seashore Section, Land Planning Division.

# WETLAND PERMIT

## 5. Support Information. (Continuation)

- c. A key map locating the development in relation to surrounding areas.
- d. The exact length and bearing of the exterior boundaries of the development which data shall be referenced to the "Guam Geodetic Triangulation Control Network" or such alternative system or triangulation control as the Guam Surveyor may direct.
- e. The accurate placement and outline of structures existing on the site.
- f. The location, names and existing widths of adjacent street right-of-way.
- g. Topography with contour intervals of two (2) feet.
- h. The location and dimensions of all known existing easements and reservations.
- i. The location of existing utilities and drainage facilities located within or adjacent to the proposed development.
- j. The approximate layout and approximate dimensions of each structure, facility, or use proposed within the development.
- l. Areas intended to be reserved for public use.
- m. Additional information as required by the Guam Chief Planner.

**Submit one set of the Application with all the supporting information listed above. Once the Application is reviewed and accepted, applicant must submit the required number of hard copies (32 sets) of the Application and nine (9) copies of the Application in electronic format (example: in CD format, flash drives or thumb drives, etc.)**

## 6. Filing Fee: Seventy-Five Dollars (\$75.00) filing fee under Public Law 29-02, Chapter V, Part III (*Fees and Charges Assessed by the Department of Land Management*).

7. In an effort to provide a more effective means by which the municipality's concerns are heard and accommodated according to the laws and regulations of real property uses, this land use application must be assessed for the need of the empanelment of a Hybrid Commission pursuant to **P.L. 33-219**. A Hybrid Commission will be empaneled if this application represents a development cost of more than three million dollars (\$3,000,000.00), exclusive of the cost of the real property as described in this application.

**WILL THIS PROJECT COST MORE THAN \$3,000,000.00?** YES  NO

Please sign attesting to your answer  \_\_\_\_\_

(See attachment for more information on Public Laws 33-209 and 33-219, as they affect the assessment of this application).

## WETLAND PERMIT

**8. Required Signatures:** All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

***"I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that thirty-two (32) sets of the above listed required information is provided."***

---

**(Owner(s) or Lessee(s) and Date)**

---

**(Representative, if any, and Date)**

**THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.**

### FOR OFFICIAL USE ONLY

Date Accepted: \_\_\_\_\_ Accepted By: \_\_\_\_\_

Date of Notice in Newspaper(s): \_\_\_\_\_

Filing Fee(s) Paid ( ): Yes [ ] No [ ] Check [ ] Cash [ ] Other [ ] \_\_\_\_\_

Receipt No.: \_\_\_\_\_ Application Number: \_\_\_\_\_

Date of GLUC Action: \_\_\_\_\_ Conditions: Yes [ ] No [ ] (See Below)

Conditions of Approval: \_\_\_\_\_

GLUC Resolution No.: \_\_\_\_\_ Date of Notice of Action: \_\_\_\_\_

**NOTE: ALL APPROVALS BY THE COMMISSION, WITH CONDITIONS, MUST BE COMPLETED PRIOR TO THE ISSUANCE OF AN OCCUPANCY PERMIT.**

# GUAM SEASHORE CLEARANCE PERMIT/GUAM SEASHORE PROTECTION COMMISSION

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

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

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

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

1. Access to beaches and recreation areas is increased through dedication.
2. Visual clearance is maintained between the nearest coastal highway and the sea.
3. Public recreation areas and wildlife preserves are reserved.
4. Solid and liquid waste management will minimize or eliminate adverse environmental effects.
5. The potential dangers of flooding, landslides, erosion, and siltation are minimized or eliminated.

The Seashore Clearance Application (see Seashore Clearance form) must be submitted in 29 copies and include applicant and lot

identification data; existing and proposed uses and zones; a description of the proposed development; as well as the following two maps.

1. One map depicting vicinity and lot lines; existing and proposed structures; pedestrian and vehicular access; landscaping, open spaces; and setbacks.
2. One map depicting the following activities within 750 feet of the subject property's boundaries:
  - Land uses and zoning
  - Wastewater facilities
  - Water courses
  - Coastline
  - Stormwater drainage
  - Vegetation
  - Flooding areas
  - Historical sites

Upon filing of a permit application and supporting documents with the Department of Land Management, the Application Review Committee (ARC) will review the material and a public hearing will be conducted. Then the GSPC will meet to review the application, ARC recommendations, public hearing results and other comments and render a final decision.

The cost for filing is \$75.00 and the applicant must also pay for the newspaper expense of publishing the notice for a public hearing in addition to the cost for publishing the GSPC Agenda for which the meeting is scheduled. The review process will take approximately 12 weeks for the applicant's proposal to be formally reviewed by the ARC, at the public hearing, and by the GSPC.

Reference: "Territorial Seashore Protection Act," Department of Land Management, 1980.  
Authority: Chapter 63, Title 21, Seashore Act (as amended), Government Code of Guam.

For more information, contact the Planning Division, Department of Land Management. Reference the Permitting Matrix in Appendix E for other coordination considerations for development in floodzones and in-water activities.

# SEASHORE CLEARANCE

**TO: Executive Secretary, Guam Seashore Protection Commission  
c/o Land Planning Division, Department of Land Management  
Government of Guåhan, P.O. Box 2950, Hagatna, Guåhan 96932**

**The Undersigned owner(s)/lessee(s) of the following described property, situated with the ten (10) meters inland from the Mean High Water Mark (MHWM) or situated seaward to the ten (10) fathom contour, do hereby request consideration for a Seashore Clearance Permit.**

**1. Information on Applicant:**

Name of Applicant: \_\_\_\_\_ U.S. Citizen:  Yes  No

Mailing Address: \_\_\_\_\_

Telephone No.: Business \_\_\_\_\_ Home: \_\_\_\_\_

**2. Location, Description and Ownership:**

Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Tract: \_\_\_\_\_

Lot Area (*In Square Meters & Feet*): \_\_\_\_\_

Village: \_\_\_\_\_ Municipality: \_\_\_\_\_

Registered Owner: \_\_\_\_\_

Certificate of Title No.: \_\_\_\_\_ Recorded Document No.: \_\_\_\_\_

**3. Current and Proposed Land Use:**

Current Use: \_\_\_\_\_ Zoned: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Master Plan Designation: \_\_\_\_\_

**4. Attach a one page typed, brief and concise justification (letter format) explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist and the nature of request in accordance with *Guam Code Annotated 21 GCA, Chapter 63, Section 63108 (a) (2)*.**

- a. That the development will not have any substantial adverse environmental or ecological effect;
- b. That the development is consistent with the purpose and objectives of this Chapter. The applicant shall have the burden of proof on all issues;
- c. That access to beaches, recreation and historical areas, and natural reserves is increased to the maximum extent possible by appropriate dedication;

**ATTACHMENT: Section 63108 (Interim Permit Control), Chapter 63 (Territorial Seashore Protection Act of 1974), Title 21 GCA is attached for your information and guidance in the preparation of your application. For additional requirements, visit the Seashore Section, Land Planning Division.**

## SEASHORE CLEARANCE

### 4. Continuation:

- d. That there is no substantial interference with or detraction from the line of sight toward the sea from the territorial highway nearest the coast;
- e. That adequate and properly located public recreation areas and wildlife preserves are reserved;
- f. That provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon coastal reserve resources; and
- g. That alterations to existing land forms and vegetation, and construction of structures shall cause minimum danger of floods, landslides, erosion or siltation.

### 5. If applicant has submitted to the Guam Land Use Commission/Guam Seashore Protection Commission other request on subject property, applicant shall list them:

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### 6. Support Information: The following supporting information shall be attached to this application:

- a. Site plan required; Plans, drawn to scale, showing dimensions and shape of lot; lot size; size and location of existing building(s); location and dimensions of proposed building(s) or alterations;
- b. 8 1/2" X 11" map, drawn to scale, showing all land zones within 1000 feet radius of subject lot's boundaries;
- c. 8 1/2" X 11" map, drawn to scale, showing all building(s) or uses within 750 feet of the subject lot's boundaries. On the same map, applicant must also show any natural or topographic peculiarities of subject lot;
- d. 8 1/2" X 11" map, drawn to scale, showing all parcels with correct lot number within 500 feet of subject's property boundaries;
- e. The most recent recorded and certified Department of Land Management survey map showing the subject's property;
- f. An initial comprehensive **Environmental Impact Access (EIA)** as required by the Guam Chief Planner;
- g. An erosion control plan;
- h. If leased, lease assignment and covenant; and
- i. Additional information as required by the Guam Chief Planner:

In addition to providing the required number of hard copies of the Application; provide 9-copies of the Application File in Electronic Format (example: in CD format, flash drives or thumb drives, etc.)

### 7. Approval from the Commission does not constitute a waiver from permits required by other Government Agencies including the U.S. Army Corp of Engineers, nor does this approval imply that these permits will subsequently be granted.

### 8. Filing Fee: Seventy-Five Dollars (\$75.00) filing fee, under Public Law 29-02, Chapter V, Part III (*Fees and Charges Assessed by the Department of Land Management*).

## SEASHORE CLEARANCE

**9. Required Signatures:** All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

***"I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that thirty-two (32) sets of the above listed required information is provided."***

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(Owner(s) or Lessee(s) and Date)

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(Representative, if any, and Date)

**THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT  
IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION,  
DEPARTMENT OF LAND MANAGEMENT.**

### FOR OFFICIAL USE ONLY

Date Accepted: \_\_\_\_\_ Accepted By: \_\_\_\_\_

Date of Notice in Newspaper(s): \_\_\_\_\_

Date of Notice to Adjacent Property Owners: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

Filing Fee(s) Paid (\$): Yes [ ] No [ ] Check [ ] Cash [ ] Other [ ] \_\_\_\_\_

Receipt No.: \_\_\_\_\_ Application Number: \_\_\_\_\_

Date of GSPC Action: \_\_\_\_\_ Conditions: Yes [ ] No [ ] (See Below)

Conditions of Approval: \_\_\_\_\_

\_\_\_\_\_

GSPC Resolution No.: \_\_\_\_\_ Date of Notice of Action: \_\_\_\_\_

# DLM REVIEW OF OTHER PERMITS & LICENSE CLEARANCE POLICIES

This guideline provided by the Department of Land Management (DLM, also referred to as “Department” in this section) to assist applicants on the various development permits and licenses. These standards are provided for your information prior to DLM authorizing its clearances of the permits or licenses. This will ensure consistency and conformance with 21 GCA (Real Property), Chapter 1 (Ownership); Chapter 60 (Land Management); Chapter 61 (Zoning Law); Chapter 62 (Subdivision Law); Chapter 63 Territorial Seashore Protection Act of 1974); rules and regulations and Department/GLUC/GSPC policies.

## Business License

**Department's Role:** To identify and ensure the applicant's **business use** conforms with respective zoning standards and that proper ownership/authorization is secured.

### The applicant shall provide the following:

1. A completed Department of Revenue and Tax (DRT), Business License Application having the correct legal parcel designation;
2. Ownership (Certificate of Title (C.T.) or Deed) or authorization (rental/lease) document (if more than one owner, a notarized authorization from the remaining owners);
3. Guam Land Use Commission Notice of Action (NOA), if applicable;
4. Certificate of Occupancy, if not cleared by DPW; and
5. If a Notice of Action (if applicable) and Certificate of Occupancy cannot be provided then an on-site inspection shall be arranged for the next available inspection schedule.

The Zoning Law authorizes the secondary use of a private residence for business use under **Home Occupation**. 21 GCA, Chapter 61 (Zoning Law), Section 61103(q) defines **Home Occupation** (recently amended in P.L. 28-68) as “An occupation, carried on by occupants of

*a dwelling as a secondary use of such dwelling, in connection with which there is no display, no stock in trade nor commodity sold on the premises, and no other person employed.*”

## Contractors' License

**Department's Role:** To ensure the applicant's **proposed contractor classification, the parcel being used, and affiliate activities** complies and conforms with the standards and requirements of the respective zone and that proper ownership/authorization is secure.

### The applicant shall provide the following:

1. A **completed** Contractors' License Board (CLB), Contractors' License Application;
2. Ownership (C.T. or Deed) or authorization (rental/lease) document (if more than one owner, a notarized authorization from the remaining owners);
3. Guam Land Use Commission Notice of Action, if applicable;
4. Certificate of Occupancy, if not cleared by DPW;
5. A DLM Zoning Clearance Form having the correct legal parcel designation and other required information; and
6. If a Notice of Action (if applicable) and/or a Certificate of Occupancy cannot be provided then an on-site inspection shall be arranged for the next available inspection schedule.

## Clearing/Grading Permit

**Department's Role:** To identify and ensure the applicant's proposed land alteration (clearing or grading) **use activity** complies and conforms with the standards and requirements of the respective zone and that proper ownership/authorization is secured.

### The applicant shall provide the following:

1. A completed DPW Clearing/Grading Permit Application having the correct legal parcel

designation;

2. A letter stating the scope of the project to include the disposition of debris;
3. A plan showing the site, vicinity and contour plan showing cut and filled areas of project, if a contour map cannot be provided then a USGS map would suffice;
4. Ownership (C.T. or Deed) or authorization (rental/lease) document (if more than one owner, a notarized authorization from the remaining owners);
5. An approved DLM Guam Geodetic Network Clearance form must be obtain.

### **Building Construction Permit (includes Demolition & Renovation)**

**Department's Role:** To ensure the applicant's proposed **construction use** complies and conforms with the standards and requirements of the parcel's respective zone and that proper ownership/authorization is secured.

### **The applicant shall provide the following:**

1. A completed DPW Building Permit Plan and Review Application having the correct legal parcel designation;
2. A building construction plan showing site, floor, vicinity, and elevation;
3. Topographic map, if a topographic map cannot be provided then a USGA map would suffice;
4. Ownership (C.T. or Deed) or authorization (rental/lease) document (if more than one owner, a notarized authorization from the remaining owners);
5. GLUC/GSPC Notice of Action, if applicable;
6. A DLM recorded property map; and
7. Should the reviewing DLM Planner determine that an on-site inspection is necessary the inspection shall be arranged for the next available inspection schedule.

### **Building Occupancy Permit**

**Department's Role:** To ensure the applicant's request for **Occupancy use** complies and conforms with the standards and requirements of the parcel's respective zone and that proper

ownership/authorization is secured.

### **The applicant shall provide the following:**

1. A **completed** DPW Occupancy Permit Request having the correct legal parcel designation;
2. The approved building construction plan;
3. Ownership (C.T. or Deed) or authorization (rental/lease) document (if more than one owner, a notarized authorization from the remaining owners);
4. GLUC/GSPC Notice of Action, if applicable (if conditions were noted on the Notice of Action then clearances from those agencies having mandated concerns relative to the conditions would have to be garnered prior to permit clearance; and
5. Should the reviewing DLM Planner determine that an on-site inspection is necessary the inspection shall be arranged for the next available inspection schedule.

### **Other Permitting Considerations**

Additional permitting considerations that may be required upon DLM include "alien labor processing" for non-citizen workers, public health and child care certifications for facilities specializing in health and child services, and liquor license for facilities serving alcohol.

### **ALIEN LABOR PROCESSING**

**Department's Role:** To identify and ensure the applicant's **alien labor use** has Guam Land Use Commission authorization, conforms to regulatory standards and that proper ownership/authorization is secured.

### **The applicant shall provide the following:**

1. A completed Department of Labor (DOL), Alien Labor Processing Application;
2. A DLM Zoning Clearance Form having the correct legal parcel designation;
3. Ownership (C.T. or Deed) or authorization (rental/lease) document (if more than one owner, a notarized authorization from the remaining owners);

4. Guam Land Use Commission Notice of Action, if applicable;
5. If applicant is housing alien labor in an apartment complex, applicant shall provide lease agreement;
6. Certificate of Occupancy; and
7. If a Notice of Action (if applicable) and/or a Certificate of Occupancy cannot be provided then an on-site inspection shall be arranged for the next available inspection schedule.

## PUBLIC HEALTH CHILD CARE CERTIFICATION

**Department's Role:** To identify and ensure the applicant's proposed child-care use activities complies and conforms with the standards and requirements of the parcel's respective zone and that proper ownership/authorization is secured.

The applicant shall provide the following:

1. A completed Department of Public Health & Social Services (DPH&SS), Child Care Application having the correct legal parcel designation;
2. Ownership (C.T. or Deed) or authorization (rental/lease) document (if more than one owner, a notarized authorization from the remaining owners);
3. Guam Land Use Commission Notice of Action, if applicable;
4. A DLM recorded property map;
5. Certificate of Occupancy, if not cleared by

- DPW; and
6. If a Notice of Action (if applicable) and/or a Certificate of Occupancy cannot be provided then an on-site inspection shall be arranged for the next available inspection schedule.

## LIQUOR LICENSE

**Department's Role:** To ensure the applicant's **alcohol beverage use** complies and conforms with the standards and requirements of the respective zone and that proper ownership/authorization is secured.

**The applicant shall provide the following:**

1. A complete DRT Alcoholic Beverage Control, (ABC) Board Application having the correct legal parcel designation;
2. Ownership (C.T. or Deed) or authorization (rental/lease) document (if more than one owner, a notarized authorization from the remaining owners);
3. Guam Land Use Commission Notice of Action, if applicable;
4. Certificate of Occupancy, if not cleared by DPW; and
5. If a Notice of Action (if applicable) and/or a Certificate of Occupancy cannot be provided then an on-site inspection shall be arranged for the next available inspection schedule.

Note: Upon submission of the above documents, DLM will issue a letter authorizing the use.



Figure 6 – Early coordination with permitting agencies can help streamline the permitting process.  
Picture credit: Guam Association of Realtors

# PERMITTING DEVELOPMENT - DEPARTMENT OF PUBLIC WORKS

DEPARTMENT OF PUBLIC WORKS  
Division of Building Permits, Subdivision & Inspection  
542 North Marine Drive, Tamuning, Guam 96931  
Tel: (671) 646-3104 | Fax: (671) 646-3130

Guam Department of Public Works (DPW) oversees building construction and application of the requirements of the International Building Code. As described further in this section, DPW requires permits for numerous development activities. Activities detailed further here include permit requirements for clearing and grading, buildings, and construction. Because many of these permits require additional clearances and/or permits, DPW also oversees the “One-Stop” Business License and Permit Center. To confirm hours of operation and current contact information visit: [www.dpw.guam.gov/blpc/](http://www.dpw.guam.gov/blpc/)

This section provides information about the “One-Stop” Business License and Permit Center and outlines requirements for clearing and grading of land and construction of buildings and other structures (Part One) and procedures for obtaining a construction permit (Part Two). Because laws and regulations can change, DPW encourages developers to visit the “One-Stop” Business License and Permit Center early in their project scoping to help ensure early issue identification and resolution for a streamlined and expeditious permitting process.

## ONE STOP BUSINESS LICENSE AND PERMIT CENTER

Opened in 2014, the DPW “One Stop” Business License and Permit Center aims to support efficient permit intake and processing. The Business License and Permit Center (“BLPC”) is a multi-agency hub for either obtaining or renewing business licenses and for applying for building permits, which is located on the Department of Public Works compound in Upper Tumon. The BLPC was set up so that individuals/businesses would have a single place that they could go to for their business licensing and permitting needs. It is important to note, however, that there may be circumstances which require individuals/businesses to still have to go to an individual agency for assistance.

As of January 2020, this center is made up of the following agencies: Department of Health and Social Services (DPHSS), Department of Land Management (DLM), Department of Public Works (DPW), Department of Revenue and Taxation (DRT) (Business License, Collections, and Real Property Branches), Guam Environmental Protection Agency (GEPA), and Guam Fire Department (GFD). There is also a Treasurer of Guam (TOG) cashier located on-site.

Beginning April 2020, ALL AGENCIES (DPW, DRT, GEPA, TOG, DPHSS, DLM, GFD) will be available at the BLPC, open Monday through Friday 8 a.m. to 12 p.m. and 1 p.m. to 5 p.m.

By the end of 2020, BLPC will have an online application process which will be available for certain types of licenses.

## CLEARING AND GRADING PERMITS

Separate permits are required for land clearing and land grading. Additional details are provided in the following regulations.

## **PART ONE**

### **REGULATION AND PROCEDURES FOR THE CLEARING AND GRADING OF LAND AND CONSTRUCTION OF BUILDINGS AND OTHER STRUCTURES ON GUAM (PURSUANT TO SECTION 24200 AS AMENDED, 31014 AND 31015 OF THE GOVERNMENT CODE OF GUAM)**

#### **I. CODES - GENERAL CONSTRUCTION:**

All construction work within Guam and under the purview of the Department of Public Works shall be governed by the 2009 International Building Code and supplements thereto.

#### **II. GENERAL INFORMATION:**

Before applications are made for a building permit, the following information should be read and thoroughly understood. All questions should be directed to the Building Official.

#### **III. ZONE DESIGNATIONS:**

The Island of Guam is divided into nine zones known as:

- "A" Rural Zone
- "R1" One-Family Dwelling Zone
- "R2" Multiple Family Dwelling Zone
- "P" Automobile Parking Zone
- "C" Commercial Zone
- "MI" Limited Industrial Zone
- "M2" Industrial Zone
- "LC" Limited Commercial Zone
- "H" Resort Hotel Zone

#### **IV. SETBACKS AND LOT AREA REQUIREMENT:**

The required setbacks to the following zones are:

<b><u>Use</u></b>	<b><u>Front yard depth</u></b>	<b><u>Rear yard depth</u></b>	<b><u>Side yard depth</u></b>	<b><u>Lot width</u></b>	<b><u>Lot area</u></b>	<b><u>Lot area per dwelling unit</u></b>
"A" Rural	15ft.	10ft.	8ft.	100ft.	20,000 sq. ft.	10,000 sq. ft
"R1" Single Family	15ft.	10ft.	8ft.	50ft.	5,000 sq. ft.	5,000 sq. ft.
"R2" Multiple family	15ft.	10ft.	8ft.	50ft.	5,000 sq. ft.	1,250 sq. ft.

*1994 Uniform Building Code and 2009 International Building Code as applicable (see 21 GCA 67)*

**TABLE 1 - A - BUILDING PERMIT FEES**

<b>TOTAL VALUATION</b>	<b>FEES</b>
\$1.00 to \$500.00	\$22.00
\$501.00 to \$2,000.000	\$22.00 for the first \$500.00 plus \$2.75 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$63.00 for the first \$2,000.00 plus \$12.50 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$352 for the first \$25,000.00 plus \$9.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$580.00 for the first \$25,000.00 plus \$6.25 for each additional \$100,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$895.00 for the first \$100,000.00 plus \$5.00 for each additional \$100,000.00 or fraction thereof.
\$500,001 to \$1,000,000.00	\$2,855.00 for the first \$500,000.00 plus \$4.25 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$4,955.00 for the first \$1,000,000.00 plus \$2.75 for each additional \$1,000.00 or fraction thereof.
<b>Other Inspections and Fees:</b>	
1. Inspections outside of normal business hours (minimum charge- two hours)	\$42.00 per hour*
2. Reinspection fees assessed under provisions of Section 108.8	\$42.00 per hour*
3. Inspections for which no fee is specifically indicated (minimum charge - one half hour)	\$42.00 per hour*
4. Additional plan review required by changes, additions Or revisions to plans (minimum charge - one half hour)	\$42.00 per hour*
5. For use of outside consultants for plan checking and Inspections, or both	Actual costs**

\* Or the total hourly cost to the jurisdiction, whichever is the greatest. The cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

\*\*Actual costs include administrative and overhead costs.

## SECTION 3310 - GRADING FEES

**3310.1 General.** Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by the jurisdiction.

**3310.2 Plan Review Fees.** When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth in Table A-33-A. Separate plan review fees shall apply to retaining walls or major drainage structures are required elsewhere in this code. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.

**3310.3 Grading Permit Fees.** A fee for each grading shall be paid to the building official as set forth in Table A-33-B. Separate permits and fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. There shall be no separate charge for standard terrace drains and similar facilities.

**TABLE A-33-A - GRADING PLAN REVIEW FEES**

<b>TOTAL VALUATION</b>	<b>FEES</b>
50 cubic yards (38.2m <sup>3</sup> ) or less	No fee
51 to 100 cubic yards (40m <sup>3</sup> to 76.5 m <sup>3</sup> )	\$15.00
101 to 1,000 cubic yards (77.2m <sup>3</sup> to 764.6m <sup>3</sup> )	\$22.50
1,001 to 10,000 cubic yards (765.3m <sup>3</sup> to 7,645.5m <sup>3</sup> )	\$30.00
10,001 to 100,000 cubic yards (7,646.3m <sup>3</sup> to 76,455m <sup>3</sup> )	\$30.00 for the first 10,000 cubic yards, plus \$15.00 for each additional 10,000 cubic yards (7,645.5m <sup>3</sup> ) or fraction thereof
100,001 cubic yards (76,456m <sup>3</sup> ) to 200,000 cubic yards (76,456m <sup>3</sup> to 152,911m <sup>3</sup> )	\$165.00 for the first 100,000 cubic yards, plus \$9.00 for each additional 10,000 cubic yards or fraction thereof
200,001 cubic yards (152,912m <sup>3</sup> ) or more	\$255.00 for the first 200,000 cubic yards, plus \$4.50 for each additional 10,000 cubic yards or fraction thereof.
<b>Other Fees:</b> Additional plan review required by changes, additions or revisions to approved plans (minimum charge — one half hour)	\$30.00 per hour*

\* Or the total hourly cost to the jurisdiction, whichever is the greater. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**TABLE A-33-B - GRADING PERMIT FEES 1**

<b>TOTAL VALUATION</b>	<b>Fee</b>
50 cubic yards (38.2m <sup>3</sup> ) or less	\$15.00
51 to 100 cubic yards (40m <sup>3</sup> to 76.5 m <sup>3</sup> )	\$22.50
101 to 1,000 cubic yards (77.2m <sup>3</sup> to 764.6m <sup>3</sup> )	\$22.50 for the first 100 cubic yards, plus \$10.50 for each additional 100 cubic yards or fraction thereof
1,001 to 10,000 cubic yards (765.3m <sup>3</sup> to 7,645.5m <sup>3</sup> )	\$117.00 for the first 1,000 cubic yards, plus \$9.00 for each additional 1,000 cubic yards or fraction thereof
10,001 to 100,000 cubic yards (7,646.3m <sup>3</sup> to 76,455m <sup>3</sup> )	\$198.00 for the first 10,000 cubic yards, plus \$40.50 for each additional 10,000 yards, or fraction thereof
100,001 cubic yards (76,456m <sup>3</sup> ) or more	\$562.50 for the first 100,000 cubic yards, plus \$22.50 for each additional 10,000 cubic yards or fraction thereof
<b>Other Inspections and Fees:</b>	
1. Inspections outside of normal business hours (minimum charge- two hours)	\$30.00 per hour**
2. Reinspection fees assessed under provisions of Section 108.8	\$30.00 per hour**
3. Inspections for which no fee is specifically indicated (minimum charge - one half hour)	\$30.00 per hour**

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

\*\* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

## **BUILDING AND CONSTRUCTION PERMITS**

### **PART TWO**

#### **PROCEDURES AND REQUIREMENTS FOR OBTAINING A CONSTRUCTION PERMIT**

##### **I. BUILDING PERMIT APPLICATION PROCESS, PROCEDURES AND REQUIREMENTS:**

A permit application completely filled out on forms furnished by the Department Public Works shall be submitted by the contractor/owner. Application must be signed by the owner.

The permit application must be accompanied by at least two (2) complete sets of plans and specifications for the proposed work. Provide a copy of DLM recorded property map, ownership documents or lease agreement, Notice of Action (GLUC) if applicable.

Before specific plans and specifications are reviewed for compliance with the Building Code and other requirements, the plans and specifications shall contain the following as a minimum.

##### **II. PLAN AND SPECIFICATIONS – DRAWING STANDARDS:**

###### **A. PLAN SHEET SIZES, DRAWINGS AND SPECIFICATIONS REQUIREMENT**

1. Plan Sheet Size – All plan sheets must have a minimum of 18" x 24" and a maximum size of 30" x 42". A set of plans must have a uniform sheet size. Variations of sheet sizes will not be accepted. Exceptions to these size requirements will be permitted only upon sufficient justification and written approval by the Building Official.
2. Drawing shall be provided with borderlines leaving a one-half inch margin at the top, bottom and right side, and a one and a one-half inch margin at the left for binding. Drawings shall also contain a title block in the lower right-hand corner identifying the project and the names of the owner and the person or firm responsible for the preparation of the plans. All plan, specifications and calculations shall bear the stamp/seal and signature of a professional engineer or architect licensed to practice in Guam. Must include the word "Expiration Date" adjacent to the seal.
3. Specifications – (If not on plan sheets) must be on a standard 8 1/2" x 11" size sheet, typed and bound, indicating the exact description of the project.

###### **B. CIVIL REQUIREMENTS**

1. Plot Plan – Plans must include a plot plan drawn to scale, completely dimensioned, and must contain the following:
  - a. Delineation of property boundaries, lot number and zone designation;
  - b. Delineation of public rights-of-ways, easement access roads (if applicable);
  - c. Lot diagram indicating the size and location of the proposed construction, including setbacks.
  - d. Vicinity map and all existing structures on the side and their distances from lot and street lines, the established grade and existing elevations, and final grade elevations of the site shown by contours or spot grades at reasonable intervals.
  - e. Sewage Disposal Requirements: (Connection to public sewer) If sewage disposal is accomplished by connection to public sewer, the project plan must show the

following:

- i. Lower floor elevation depicted on the site plan.
- ii. Sewer construction profile to include tapping connection and sizes;
- iii. Location, depth and type of on-site existing sewage disposal facility;
- iv. Connection details.

f. Individual Sewage Disposal System: (Connection to septic tank and leaching field. If wastewater disposal is to be accomplished by an Individual Sewage Disposal System, the plan must indicate the following:

- i. Soil percolation test data based on an actual field percolation test performed by a geotechnical engineer at the depth of the leaching field bottom;
- ii. Septic tank detailed drawings

g. Disposal system construction detail shall also follow the Guam Environmental Protection Agency and Guam Waterworks Authority requirements

NOTE: Location of all property lines must be verified by the Department of Land Management.

## 2. Grading Plan

- a. Plans must include a topographic survey and finished grading including the top of slab on grade elevation for the final grading plan.
- b. All necessary drainage plan and profiles, drainage structures and details shall be included in civil drawings using engineering scale 1"=10', 1"=20', etc.
- c. Location of existing and proposed utilities, roads, paved areas on the site.
- d. Location of all existing and proposed drainage channels.
- e. Grade lines of all existing and proposed ground surfaces to include smooth transition from the site to the access road.
- f. Soil test data must be shown on the plans or in a separate bound soils report. Data must include a log of test holes showing all soil formations encountered and the depth of any ground water encountered. Soil erosion control plan when required by Guam EPA regulations or the Building Official.

Soil percolation test data must be submitted for projects involving individual wastewater disposal systems or ponding basin.

## C. ARCHITECTURAL PLANS - Shall contain at least the following data and information:

1. Floor Plan -All spaces must be designated according to use and properly dimensioned.
2. Exterior elevations
3. Interior elevations
4. Building sections
5. Wall sections
6. Roof drainage plan, number, location and size of roof drains to include several emergency drainage scuppers near the roof drains when short parapet walls are included along the roof parameter.
7. Detailed drawings necessary to show adequately all architectural elements of the building including doors, windows, & interior finishing schedules, and other details necessary to substantiate all required fire-protection characteristics.
8. Drawing scales should not be less than 3/16": 1'-0".

**D. STRUCTURAL PLANS** - Shall contain at least the following data and information:

1. Foundation plan
2. Wall and related reinforcement plan
3. Roof framing plan
4. Floor framing plan to include slab on grade, second or third floor framing plans.
5. Detailed drawings showing sizes, sections, and locations of members and such other information as may be required to indicate clearly all structural elements and structural engineering features
6. Design calculations and analysis.

**E. MECHANICAL AND PLUMBING PLANS** - Shall contain at least the following data and information:

1. Complete mechanical and plumbing plan (floors, isometric, elevations and details)
2. Legend of symbols
3. General notes specifying design criteria for all mechanical and plumbing systems
4. Fixture schedule specifying materials to be used (Required for multi-family dwelling, commercial, industrial and institutional buildings)
5. Buildings with air-conditioning:
  - a. Provide energy conservation with calculations utilize high efficiency air conditioning units.
  - b. Reflect the insulation required on the drawing.
6. Specifications (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
7. Design Calculations (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
8. Food service equipment (if applicable - must be approved by the Department of Public Health & Social Services)

**F. ELECTRICAL PLANS** - Shall contain at least the following data and information:

1. Lighting plan
2. Power plan
3. Communication plan (if commercial or industrial) including fire alarm system (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
4. Service line diagram and weather head details
5. Panel schedules
6. General notes specifying design criteria
7. Legend of Symbols
8. Design calculations (Required only for multi- family dwelling, commercial, industrial and institutional buildings)

NOTE: Mechanical and Electrical Plans must be separated and must not be superimposed on one plan.

**III. REVIEW PROCEDURE**

- A. The building permit application accompanied by a minimum of two (2) or five (5) complete sets of plans and specification must be submitted to the Building Inspection & Permits

Section, Department of Public Works, by the owner or his licensed contractor.

- B. The Building official shall review the plan and specifications to assure that all minimum requirements are met.
- C. The Plan checking fee must be paid prior to issuance of a Permit number. The plan checking fee assessment is based on the total project cost. As set forth by §66408. Fees., Chapter 66 Building Law, Title 21, Guam Code Annotated
- D. The review and approval of the following government agencies shall be required for what the project entails:
  - 1. Department of Land Management
  - 2. Contractor's License Board
  - 3. Public Health & Social Services
  - 4. Guam Environmental Protection Agency
  - 5. Guam Waterworks Authority
  - 6. Guam Power Authority
  - 7. Fire Prevention Bureau
  - 8. Professional Engineers, Architects and Land Surveyors (PEALS) Board
  - 9. Department of Parks & Recreation
  - 10. Department of Agriculture
- E. If plans and specifications meet the requirements, they shall be submitted to either the Highway Encroachment Division for review of encroachment onto government rights of way or Division of Design and Analysis for further review of the plans and specifications.
- F. If plans and specification are found to be adequate and conform to all building code, the Flood plain manager then will review for compliant flood elevations if found to be in a Flood zone.
- G. If all is in order and the plans and specifications are found to be in compliance with Zone use, building codes and Guam laws, the Building Official shall stamp and sign the minimum two (2) complete sets of plans.

Jobsite Copy plans shall be scanned onto a disk (CD) for a digital file.

File Copy and Jobsite copy to be returned to owner and contractor which must be made available for inspection at the job site any time work is in progress.

#### **IV. ISSUANCE OF PERMITS**

The Department of Public Works Building Official or his authorized representative shall then issue a building permit which must be posted on a conspicuous location at all times.

#### **V. VALIDITY**

Section 31030, Building Law, Title 32, Government Code of Guam

- 1. The issuance of a building permit or approval of plans and specifications shall not be construed to be a permit for, or approval of any violation or the provisions of this law. Any building permit presuming to cancel such provisions or condone such violations shall be entirely invalid and void.
- 2. The issuance of a building permit after approval of plans, specifications and attached data submitted requiring correction of any errors in said plans, specifications and data, nor from prohibiting building therewith, shall not prevent the Building Official from thereafter until said

correction is made.

Authority: §66212 (a) & (b). Permit, Chapter 66, Title 21, Guam Code Annotated

## **VI. EXPIRATION OF BUILDING PERMIT**

Section 31030 (c), Building Law, Title 32, Government Code of Guam:

"Any building permit shall lapse and be void if the work authorized by it is not commenced within three (3) months after its issuance; or is suspended or abandoned for a period of three (3) months at any time after the work has been commenced; provided, that, for cause, the Building Official may allow up to a maximum of three (3) months each. All such extensions shall be in writing and noted on the building permit and in the building records of the Department of Public Works". Permit application and fees may be applied as required for suspended construction.

Authority: § 66212 (c). Permit., Chapter 66 Building Law, Title 21, Guam Code Annotated

## **VII. APPROVED PLANS AND SPECIFICATIONS**

Section 31028, Building Law, Title 32, Government Code of Guam:

"Approved plans and specifications shall not be changed, modified or altered in any manner affected by the provisions of this or other applicable, laws, without express written authorization from the Building Official, and all work shall be done in accordance with the approved plans and specifications."

## **VIII. INSPECTIONS**

The project shall be inspected on regular basis by the inspectors from the Department of Public Works to assure compliance with the approved plans and specifications and in accordance with all Public Works building and safety regulations.

Section 31042, Building Law, Title 32, Government Code of Guam:

"The Building Official shall inspect or cause to be inspected from time to time during the progress of the work thereon, all building structures for work on which a building permit has been issued and is outstanding. A record shall be made of every inspection and of all violation of the provisions of this Title as discovered by such inspection, and other applicable laws, rules, and regulations".

As a minimum, inspections shall include but not limited to:

1. Grading drainage
2. Foundation / footing
3. Half wall
4. Full wall and roof or second floor and final inspection.

During final inspection, a certificate letter by a Guam Master Electrician must be present

NOTE: In accordance with Public Works regulations:

1. Schedule of inspection must be made 24 hours in advance as a minimum and all work must be completely finished.
2. All major construction work such as electrical, plumbing and steel reinforcement related work shall not be covered or concealed without first obtaining the approval of the Building Official.

Authority: §66403. Chapter 66 Building Law, Title 21, Guam Code Annotated

## **IX. STOP WORK ORDERS AND FEES**

In the event a project is commenced without a building permit or work performed is not in accordance with the approved plans and specifications on any disapproved changes or revision thereto, or unsafe construction practices are continued after sufficient warning by the Building Official or his authorized representatives, a STOP WORK ORDER shall be issued and takes effect until the conflict is resolved.

Where work for which a permit is required by this Chapter is started or proceeded with prior to obtaining said permit, the fees specified in Table 3A of the latest edition of the Uniform Building Code shall be doubled, but the payment of such doubled fee shall not relieve any persons from fully complying with the requirement of this Chapter in the execution of the work nor from any other penalties prescribed herein.

Authority: §66406, Stoppage of Work for Noncompliance., Chapter 66 Building Law, Title 21, Guam Code Annotated; §66408. Fees. Chapter 66 Building Law, Title 21, Guam Code Annotated

## **X. CERTIFICATE OF OCCUPANCY**

### **A. Final Inspection:**

After final inspection of the project indicates that the work performed was done in accordance with approved plans and specifications having full record of previous inspections and has met all Government of Guam requirements, the Building Official shall issue a Certificate of Occupancy.

### **B. Section 31033, Building Law, Title 32, Government Code of Guam**

No building or structure hereafter erected shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the building official and poster on the premises certifying that such building confirms to the provisions of this Chapter.

### **C. Change in Use:**

Changes in the character or use of a building shall not be authorized.

**D. Certificate Issued:**

After final inspection when it is found that the building or structure complies with the provision of the 2009 International Building Code, the Building Official shall issue a Certificate of Occupancy which shall contain the following:

1. The building permit number
2. The address of the building to include the legal description
3. The name and address of the owner
4. A description of that portion of the building complies with the requirements of this Code of group and division of occupancy and the use for which the proposed occupancy is classified.
5. Name of contractor, contractor license number.
6. Name of Building official

**E. Posting:**

The Certification of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

Authority: §66301. Certificate of Occupancy, Chapter 66 Building Law, Title 21, Guam Code Annotated; §66304. Certificate of Occupancy, Changes, Chapter 66 Building Law, Title 21, Guam Code Annotated

**SIGN PERMIT**

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

Name of residence or name permitted occupation.

Directional signs.

For sale signs.

Building names and permitted uses.

In commercial zones, signs are permitted in accordance with regulations for name of person, type of business and name of building. Also, ONE free-standing, double-faced identification sign is permitted for each building or premises according to Title 21 GCA Chapter 61, Zoning Law Subarticle 5 Sign Regulations §61541(b)(2)&(C).

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

In commercial zones, as per Title 21 GCA Chapter 61 §61541(b) (2)(A) such signs shall not exceed forty (40) square feet in area on each face nor twelve (12) feet in height.

In industrial zones, as per Title 21 GCA Chapter 61 §61541 (c)(2)(A) Such sign shall not exceed sixty (60) square feet in area nor twelve (12) feet in heights.

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

Reference: "Signs and You!" Planning Division, Department of Land Management. Authority: Chapter IX, Title XVIII, Government Code of Guam, Chapter 61 Title 21 Zoning Law, SUBARTICLE 5 Sign Regulations §61541

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

DPW Contact Information:

One Stop Center 671-646-3104/02  
Administrator 671-646-3134  
Chief Bldg. Inspector 671-646-3108  
Inspectors/Engineers 671-646-3141  
Fax: 671-646-3130

To learn more about the International Building Code visit [www.codes.iccsafe.org](http://www.codes.iccsafe.org).

Figure 7 - Guam currently uses IBC 2009. Image source: <https://archive.org/stream/gov.law.icc.ibc.2009#page/n1/mode/2up>



## **CONSTRUCTION AND POST CONSTRUCTION PHASES**

Additional permitting considerations for construction and post construction are outlined below. Also see the "Checklist for Plan Review" that follows.

# **PERMIT CLEARANCE POLICIES**

**Clearing/Grading Permit:** To identify the applicant's land alteration (clearing or grading) use activity is in compliance and conformity with the standards and requirements of the respective zone and that proper ownership/authorization is secured. (Applicant to submit required information prior to DLM clearance; note GEPA, GHPO clearances are also required.)

**Building Construction Permit:** To secure and promote the safety, health and general welfare of the people of the Territory of Guam; and to ensure the applicant's proposed construction use is in compliance and conformity with the standards and requirements of the parcel's respective zone and that proper ownership/authorization is secured. (Applicant to provide required information prior to DLM Clearance).

**Building Occupancy Permit:** To ensure applicant's request for Occupancy use in compliance and conformity with the standards and requirements of the parcel's respective zone and that proper ownership/authorization is secured. (Applicant to provide required information prior to DLM Clearance.) As per Chapter 66 Title 21 §66301. No building or structure hereafter erected shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the building official and posted on the premises certifying that such building confirms to the provisions of this chapter.

# LICENSE CLEARANCE POLICIES

**Business License:** To identify and ensure the applicant's business use is in conformance with respective zoning standards and that proper ownership/authorization are secured. (Applicant to provide required information prior to DLM Clearance). Inspections are conducted in order to ensure the maintenance and compliance of all existing buildings and structures.)

**Tobacco License:** To identify and ensure the applicant's business use is in conformance with respective zoning standards and that proper ownership / authorization are secured. (Applicant to provide required information prior to DLM Clearance.)

**Liquor License:** To ensure the applicant's alcohol beverage use is in compliance and conformity with the standards and requirements of the respective zone and that proper ownership/authorization are secured. (Applicant to provide required information prior to DLM clearance.)

**Contractors' License:** To ensure applicant's proposed contractor classification, the parcel being used and affiliate activities is in compliance and conformity with the standards and requirements of the respective zone and that proper ownership/authorization are secured. (Applicant to provide required information prior to DLM Clearance.)

**Public Health Child Care Certification:** To identify and ensure the applicant's proposed child care use activity is in compliance and conformity with the standards and requirements of the respective zone and that proper ownership/authorization are secured. (Applicant to provide required information prior to DML Clearance.)

**Alien Labor Processing:** To identify and ensure the applicant alien labor use has Guam Land Use Commission authorization, conforms to regulatory standards, and that proper ownership/authorization is secured. (Applicant to provide required information prior to DLM Clearance.)

**Consultation:** Provide consultation to the public and government sectors on the island's land use laws, rules and regulations, and permitting process.

**Information / Certification:** Provide information and certification land use matters to the public and government sectors.

**Summary Zone Change Application:** Rezoning process established by public law to allow private property owners of "A" (Rural) or "R-1" Single-Family Dwelling) zones that are two acres or less in size to apply for a rezone to either "R-1" (Single family dwelling) to ("R-2" (Multi-Family Dwelling) zone. A complete application is to be submitted to the Director of Land Management who shall render a decision thereon within sixty (60) days of submission.

**Split Zone Change Application:** Rezoning process established by public law to allow a property owner whose property has two (2) separate zone designations within its boundaries to choose one of the zones and have it apply to the entire lot without necessity of other procedures or approvals. Application is to be submitted to the Director of Land Management who shall approve the request, process all necessary documents to reflect the approval, and update all official maps of the island to indicate the zone which the property owner has chosen.

**NOTICE TO APPLICANTS  
CHECKLIST FOR PLAN REVIEW**

1. Two (2) complete sets of Standard Uniform Size of Plans (18" x 24" min, 30" x 42" max) with Seal/Stamp of Architect and/or Engineers licensed in Guam. Must include the words "Expiration date" adjacent to the seal, together with the signature.
2. Indicate applicable Lot No., Block No., and Tract No. on Vicinity Map and location map. Title block must be provided on all sheets. Drawing scales should not be less than 3/16" per 1'-0" except for Civil Drawings that is 1"=10', 1"=20'.
3. Structural computations shall be included. Square Footage Breakdown in Building plans for any proposed construction shall be provided.
4. On Site or Plot plan, show property boundaries, Public rights of way, Utility easements, zoning setbacks, Access/Egress to existing road, existing topographic & finished Grade elevations, finished Floor Elevation of the Proposed Structure, Existing pavements, Existing Structures, Utility connection. Show all exiting Utilities within 100 ft., e.g. GWA Water, sewer lines, GPA Power poles & Service Drops, GTA Pedestals and Service lines.
5. For new buildings requirement for investigative soils report shall be provided at the discretion of the building official or the plan reviewer. Access/Egress must maintain the cross slope of the existing roadway to the rights of way limits. The plot plan must show the topography of the existing roadway to the rights of way limits. The plot plan must show the topography of the existing roadway to the Access/Egress of the property being developed.
6. Provide percolation test results at the depth of the leaching field. Provide one (1) set of Electrical, Mechanical (A/C), and Parking Calculations for the proposed buildings. Provide two (2) sets of Drainage Design Calculations for Commercial and Multi-family units. For Non-Residential single family dwelling provide one (1) set of Water (and sewer, if applicable) demand calculations expressed in average and peak gallons per minute & per day.
7. Provide a copy of DLM recorded property Map, Ownership documents of Lease Agreement, Notice of Action (GLUC) if applicable. These documents will be held in file if needed.
8. Submit a copy of the Contract Agreement for the project. For renovations, provide Scope of Work and total square footage including all floors.
9. A notarized original copy of GWA standard document pursuant to Public Law 19-47. This document is required for any upgrade to GWA infrastructure.
10. Please complete all items on Building Permit application. Application must be signed by the Owner. If the application is made by a person other than the owner, it shall be accompanied by a duly verified affidavit from the owner that the applicant is authorized to make such application.
11. Submit application with Plan Checking Fee payment. Plan checking fee payment will be assessed upon submission of Building Permit Application. After approval from the Department of Public Works Review Section and applicable agencies, Building Permit shall be issued upon payment of the Building Permit Fee.

For inquiries, please contact the Department of Public Works, Building Permit & Inspection Section at 646-3104 or 649-3121.

# HEALTH AND SAFETY CLEARANCE – DPHSS

Department of Public Health and Social Services (DPHSS)  
Mailing Address:  
123 Chalan Karefa, Mangilao, Guam 96913-6304

Division of Environmental Health  
Location: 123 Chalan Karefa, Mangilao, GU  
Phone: (671) 735-7221 | Fax: (671) 734-5556  
[dphss-deh@dphss.guam.gov](mailto:dphss-deh@dphss.guam.gov)

Health clearance certificates may be required from DPHSS for activities that include but are not limited to eating/drinking establishments, massage, tattoo, cosmetology, laundry/dry cleaning, and institutions such as adult care, child care, nursing homes, and correctional facilities. DPHSS guidance advises:

1. To obtain a Health Certificate Clearance, applicants will need to submit an application to the Division of Environmental Health.
2. Complete applicable document(s) available at <https://dphss.guam.gov/division-of-environmental-health/>
3. Submit the completed form together with other required documents. (see list below)
4. Pay the application fee.

Requirements for the Sanitary Permit Clearance which is required for health-regulated establishments to operate are outlined below.

## Sanitary Permit Clearance

### DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES Division of Environmental Health Public Health Engineering Section Standard Operating Procedures Sanitary Permit Clearance

A Sanitary Permit is required to operate a health-regulated establishment, such as food facilities (ex: restaurants, bars); institutional facilities (ex: school buildings, childcare facilities); hotels, motels, or dormitories; cosmetic establishments (ex: beauty salons, barbers, and massage establishments); laundromats or dry-cleaners; public swimming pools found in a hotels, condominiums, and apartments; cemeteries; and chemical toilet businesses. To obtain a Sanitary Permit you must complete the Sanitary Permit application, which can be downloaded from the Department's website at [www.dphss.guam.gov](http://www.dphss.guam.gov), or you may visit the Division of Environmental Health's (DEH) Processing Center Section, temporarily located at the Northern Community Health Center (Dededo Public Health) from 8:00 am - 12:00 pm and 1:00 pm - 4:00 pm, except on observed Government of Guam holidays. Sanitary Permit applications may also be picked up at the One Stop Business License and Permit Center.

Applicable supporting documents must be attached to your Sanitary Permit application, such as Floor Plan, Vicinity Map, Smoking Policy, Personnel Information Listing, Health Certificate(s), Equipment Specifications Listing, Grease Trap Requirement, and Manager's Certification. These forms are available upon request at the One Stop. Upon submittal, your application will be reviewed, and if complete, a pre-operational inspection of your facility will be scheduled. The Sanitary Permit will be issued when your establishment passes the pre-operational inspection and the required fees are paid. Applicants are encouraged to visit One Stop and speak to the Division's representative if seeking a

Sanitary Permit so to obtain all necessary information and documents. Additional regulatory details are included for reference here.

### *Sanitary Permit Requirements*

#### **I. Definitions**

- A. Building Permit** - a permit issued by the Department of Public Works to erect, construct, enlarge, relocate or demolish any building or structure.
- B. Business License** - a license issued by Revenue and Taxation to engage in the following types of businesses:
  - Wholesale: sale of tangible property or items to be resold
  - Retail: sale of tangible property or items to ultimate consumer or user
  - Service: performing or providing service for others for consideration
- C. Occupancy Permit** - a permit issued by the Department of Public Works prior to a building being occupied.
- D. Sanitary Permit** – an official document issued by the Department of Public Health and Social Services authorizing a health-regulated establishment to operate its business.

#### **II. New Sanitary Permit Process (Building Permit Track)**

##### **A. Building Permit Clearance**

1. Submission of plans and specifications - Plans and specifications of health regulated establishments submitted at The Permit Center are presented to the DPW Building Inspector at the DPW counter. The inspector will Stamp one set "file copy" and another "job site copy". The application form for the Building permit and the plans and specifications will then be forwarded to the required agencies for review and approval.
2. Plan Review - Plan review will be conducted by an Environmental Public Health Officer (EPhO) of the Public Health Plans and Specifications Section, Division of Environmental Health. The plans will be reviewed for physical and structural requirements. Rules and regulations pertaining to the particular type of health regulated establishment will be referred to for guidance. Any deficiencies will be clearly noted on the " job site copy" and "file copy." The plans will then be approved, disapproved, conditionally approved, or left pending if review is not completed. The reviewer, date, and time will be documented. Approved plans will not require consultation with the contractor/owner. The plans will be stamped approved, signed off and routed to the next reviewing agency or to DPW.
3. Consultation and Acknowledgement by Owner/Contractor - Plans given a conditional approval indicate compliance with physical and structural requirements but require consultation with the EPhO for clarifications on design. The contractor/owner will be required to consult with the reviewer to obtain full approval. Plans given a disapproval indicate a deficiency in a physical or structural requirement on the plans and specifications. The contractor/owner will be required to consult with the reviewer and then submit an amended plan to obtain full approval.
4. Forwarding to Other Agencies - After an approval is given for a set of plans and specifications, the plans will be stamped approved, signed off and routed to the next reviewing agency or DPW.

## **B. Occupancy Permit Clearance**

DPHSS is first notified of the completion of a new construction through a request for occupancy permit inspection. Occupancy permit clearance will occur in the following steps:

1. Scheduling of Occupancy Permit Inspection - A schedule of the inspection can be obtained at the Permit Center on Wednesdays and Fridays from 8:00 a.m. to 12:00 p.m., and 1:00 p.m. to 5:00 p.m. A vicinity map will be required to be submitted so that the Public Health Official can locate the premises.
2. Inspection by EPHO - Environmental Public Health Officer (EPHO) will conduct an inspection to determine whether requirements given during plan review were complied with. If deficiencies exist, occupancy permit clearance will not be given until the deficiencies are corrected as specified in the remarks of the plan review. The deficiencies will be documented on a job site inspection report.
3. Clearance of the Occupancy Permit - Upon inspection and meeting all the necessary requirements, an approval for the occupancy permit is given. The EPHO will determine whether the occupancy permit inspection can suffice for an inspection for Sanitary Permit. If the inspection is sufficient, the job site inspection report will be kept on file until the owner of the new establishment applies for a business license and Sanitary Permit.

## **C. Sanitary Permit Application**

Sanitary Permit application packet can be obtained at the Permit Center Public Health service counter on Wednesdays and Fridays from 8:00 a.m. to 12:00 p.m., and 1:00 p.m. to 5:00 p.m. Sanitary Permit application form and other forms may be downloaded from the DEH webpage of the Department of Public Health and Social Services website: <http://www.dphss.guam.gov/>.

1. Submission of Sanitary Permit Application and Supporting Documents - All applications for sanitary permits shall be in a form prescribed by the Director and must be submitted at least 30 days prior to the planned opening of the establishment. The EPHO will review all documents to ensure they are completed properly.

The following documents must be submitted:

- “Form A” New Application for Sanitary Permit is to be completed by all applicants seeking a Sanitary Permit regardless of the type of business
- Floor Plan
- Vicinity Map
- Equipment Listing
- Personnel Information Listing
- Smoking Policy
- “Form B” Supplemental Application for “Food Establishment” is to be completed only by applicants that will be operating a “Food Establishment,” as defined in the Guam Food Code (GFC)

2. Review and Approval for the Application for Sanitary Permit and Supporting Documents - Upon receipt of application and its supporting documents, the EPHO will review all documents to ensure they are completed properly and date each document received in the Requirement Checklist. A non-refundable deposit fee of Twenty Dollars (\$20.00) must be made at the time the application for a Sanitary Permit is submitted to the Department.

#### **D. Clearance of Business License Application**

Upon submission of the Sanitary Permit application and once payment of the non-refundable deposit is made, the Business License application will be cleared by the EPHO.

#### **E. Sanitary Permit Issuance**

Once all required documents are received from the applicant, a “Sanitary Permit Application Folder” is created and is submitted for supervisory review. After the EPHO Administrator reviews and approves the application, the folder is forwarded to the Chief EPHO for final review and approval. After final review and approval, the Sanitary Permit application will be processed and the permit will be printed after payment of the required fees.

A two (2) to three (3) day period will be allowed for review and approval. An applicant may request for the permit to be expedited and processed on the same day the request is submitted. The Department may grant the request provided the applicant has met all the requirements to obtain a Sanitary Permit. The Department assess a fee of Seventy-Five Dollars (\$75.00) for expedited processing, in addition to the regular processing fee.

### **III. New Sanitary Permit Process (Business License Track)**

The Business License Track of new Sanitary Permit issuance is used for establishments undergoing a change of management, relocation, and amendment of business activity. It is also used for establishments that were not granted full approval during occupancy permit inspection.

#### **A. Review of Business License Application**

The EPHO reviews the application for Business License and determine the establishment type. The applicant must be able to describe the exact business activities so that a clarification can be established as to what set of Rules and Regulations will be applied to the particular business activity. At this time consultation may be given on the physical and structural requirements for the particular type of health regulated establishment.

#### **B. Sanitary Permit Application**

Sanitary Permit application packet can be obtained at the Permit Center Public Health service counter on Wednesdays and Fridays from 8:00 a.m. to 12:00 p.m., and 1:00 p.m. to 5:00 p.m. Sanitary Permit application form and other forms may be downloaded from the DEH webpage of the Department of Public Health and Social Services website: <http://www.dphss.guam.gov/>.

1. Submission of Sanitary Permit Application and Supporting Documents - All applications for sanitary permits shall be in a form prescribed by the Director and must be submitted at least 30 days prior to the planned opening of the establishment. The EPHO will review all documents to ensure they are completed properly. The following must be submitted:
  - “Form A” New Application for Sanitary Permit is to be completed by all applicants seeking a Sanitary Permit regardless of the type of business
  - Floor Plan
  - Vicinity Map
  - Equipment Listing
  - Personnel Information Listing

- Smoking Policy
- “Form B” Supplemental Application for “Food Establishment” is to be completed only by applicants that will be operating a “Food Establishment,” as defined in the Guam Food Code (GFC).

Upon receipt of application and its supporting documents, the EPHO will review all documents to ensure they are completed properly and date each document received in the Requirement Checklist. A non-refundable deposit fee of Twenty Dollars (\$20.00) must be made at the time the application for a Sanitary Permit is submitted to the Department.

### C. Pre-operational Inspection

To schedule an inspection, the owner is required to submit the Sanitary Permit application and its supporting documents and pay a non-refundable deposit of Twenty Dollars (\$20.00). Request for an expedited inspection maybe granted if such inspection does not cause the disruption of any pre-existing inspections schedule for other applicants. The fee for expedited inspection is One Hundred Fifty Dollars (\$150.00), in addition to all other required fees.

EPHO will conduct the pre-operational inspection to determine whether the establishment met the minimum structural requirements for its sanitary operation. If deficiencies exist, a follow-up inspection will be conducted to verify the deficiencies noted during the initial inspection are corrected. Clearance for Business License application will not be granted until all deficiencies are corrected.

### D. Sanitary Permit Issuance

Once all required documents are received from the applicant, a “Sanitary Permit Application Folder” is created and is submitted for supervisory review. After the EPHO Administrator reviews and approves the application, the folder is forwarded to the Chief EPHO for final review and approval. After final review and approval, the Sanitary Permit application will be processed and the permit will be printed after payment of the required fees.

A two- (2) to three- (3) day period will be allowed for review and approval. An applicant may request for the permit to be expedited and processed on the same day the request is submitted. The Department may grant the request provided the applicant has met all the requirements to obtain a Sanitary Permit. The Department assesses a fee of Seventy-Five Dollars (\$75.00) for expedited processing, in addition to the regular processing fee.

For more information, contact Guam Department of Public Health and Social Services (DPHSS) Division of Environmental Health or visit the DPHSS website <https://dphss.guam.gov>.

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPHSS)

*Dipattamenton Salut Pupbleko Yan Setbision Susiat*

<b>OUR MISSION</b>	<b>OUR VISION</b>	<b>OUR VALUES</b>
To assist the people of Guam in achieving and maintaining their highest levels of independence and self-sufficiency in health and social welfare.	Empowered people of healthy mind and body living in a safe environment throughout their lifetime.	Dedicated to eliminating health disparities for all, customer-service oriented, professional and efficient government agency, and responsive to health and social needs in the community.

Figure 8 - Screenshot of Guam DPHSS. Source: <https://dphss.guam.gov>/



**FORM A**  
**GOVERNMENT OF GUAM**  
**DIVISION OF ENVIRONMENTAL HEALTH**  
**DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES**  
**APPLICATION FOR SANITARY PERMIT**

**PART I: APPLICATION STATUS**

<input type="checkbox"/> New	<input type="checkbox"/> Renewal
<input type="checkbox"/> Duplicate	<input type="checkbox"/> Amendment

**PART II: CHANGE OF OWNER AND/OR NAME**

<input type="checkbox"/> Change of Owner/Management Previous Owner: _____
<input type="checkbox"/> Establishment Name Change Previous Name: _____

**PART III: GENERAL INFORMATION****1. Applicant**

Name:

Mailing Address:

Telephone No.:

Email:

**2. Establishment Information**

DBA Name:

Company Name:

Mailing Address:

Physical Address:

Telephone No.:

Fax No.:

Email:

Expected Number of Employees:

Projected Opening Date:

**3. Person-In-Charge (PIC) of Establishment**

Name:

Title:

Mailing Address:

Telephone No.:

Email:

**4. Immediate Supervisor of PIC**

Name:

Title:

Telephone No.:

Email:

**5. Type of Owner**

<input type="checkbox"/> Association	a. <input type="checkbox"/> Mobile
<input type="checkbox"/> Corporation	<input type="checkbox"/> Stationary
<input type="checkbox"/> Sole Proprietorship	
<input type="checkbox"/> Partnership	b. <input type="checkbox"/> Temporary
<input type="checkbox"/> Other	<input type="checkbox"/> Permanent

**6. Type of Establishment****7. Legal Owner(s) or Officers** (If more space needed, please attach additional paper)

## NAME

## TITLE

## MAILING ADDRESS

I attest that the information provided is accurate and I understand that the issuance of the Sanitary Permit is contingent upon compliance with Title 10 GCA, DIV. 2, Part I, and applicable rules and regulations, and after the permit is issued, it may be suspended or revoked for failure to comply with provisions of Title 10 GCA, applicable rules and regulations, and the restrictions given below. Payment may be made by cash or check payable to "Treasurer of Guam". Failure to pick-up and post your Sanitary Permit may cause your permit to be suspended.

**THE SUBMISSION OF THIS APPLICATION DOES NOT AUTHORIZE THE BUSINESS TO BEGIN ITS OPERATION.**

## SIGNATURE OF APPLICANT

## DATE

## NUMBER OF EMPLOYEES

DEH USE ONLY

Category: \_\_\_\_\_

Sub-Category: \_\_\_\_\_

Risk-based Category: \_\_\_\_\_

Area Number: \_\_\_\_\_

Restrictions: \_\_\_\_\_

Establishment ID No.: \_\_\_\_\_

Old S.P. No.: \_\_\_\_\_

New S.P. No.: \_\_\_\_\_

FEE: \$ \_\_\_\_\_

## SIGNATURES

## DATE

DEH OFFICIAL: \_\_\_\_\_

CHIEF EPHO, DEH: \_\_\_\_\_



# FORM B

GOVERNMENT OF GUAM  
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES  
DIVISION OF ENVIRONMENTAL HEALTH



## SUPPLEMENTAL APPLICATION FOR FOOD ESTABLISHMENT

*Please type or print legibly using black or blue ink.*

**Applications must be submitted at least 30 days prior to the planned opening. Please read the Instructions for completing this application. Failure to complete this application in its entirety may delay the processing of your Sanitary Permit application.**

### PART I. Establishment Information

Name of Owner: \_\_\_\_\_ Name of Establishment: \_\_\_\_\_

Establishment's Physical Address: \_\_\_\_\_

Tel. No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_

### PART II. Plan Review Type

- New Food Establishment
- Remodel
- Conversion

Projected Opening Date: \_\_\_\_\_

### PART III. Plan Review Components

#### 1. Establishment Information

a. Period of operation:

Days of Operation	Hours of Operation
Sunday	
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Saturday	

b. Number of dining seats: \_\_\_\_\_

c. Total number of staff: \_\_\_\_\_

d. Number of shifts: \_\_\_\_\_

e. Total square feet of facility: \_\_\_\_\_

**2. Intended Menu** (Use menu, if available. If more space is needed, attach another sheet.)

Check this box if actual menu is provided as an attachment instead.

No.	Item Name on Menu (Food and Drinks)	Primary Ingredient(s)
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

If additional list is included, please check this box:

**3. Anticipated Volume of Food: Stored, Prepared, and Sold/Served**

a. Approximate number of meals the establishment will be serving daily for:

Meat, poultry and seafood	
Dairy (milk, eggs, etc.)	
Vegetables and fruits	
<b>Total of all above</b>	

b. Estimated number of days between delivery of foods to the establishment:

Meat, poultry and seafood	
Dairy (milk, eggs, etc.)	
Vegetables and fruits	

**4. Proposed Layout** - Provide as attachments (a & b) to this form.

- a. Floor plan
- b. Vicinity map

c. Construction materials and interior finish schedule

Room/Area Name	Floor Finish	Wall Finish	Ceiling Finish	Comments
Bar				
Buffet Area				
Kitchen				
Dry Storage				
Walk-in Refrigerators and Freezers				
Warewashing Area				
Toilet Rooms				
Mop Service Area				

5. **Proposed Equipment** (If additional space is needed, attach another sheet.)

a. Cold Storage Equipment.

Item #	Quantity	Type	Dimension (inches)	Location
A1.				
A2.				
A3.				
A4.				
A5.				
A6.				
A7.				

If additional list is included, please check this box

b. Hot Holding Equipment.

Item #	Quantity	Type	Dimension (inches)	Location
B1.				
B2.				
B3.				
B4.				

If additional list is included, please check this box

c. Sinks.

Item #	Quantity	Type	Dimension (inches)	Location
C1.				
C2.				
C3				
C4.				
C5.				
C6.				

If additional list is included, please check this box

d. Other Equipment (not including furniture, kitchen equipment only).

Item #	Quantity	Type
D1.		
D2.		
D3.		
D4.		
D5.		
D6.		
D7.		
D8.		
D9.		
D10.		

If additional list is included, please check this box

#### **PART IV – VII: FOR DEH USE ONLY**

#### **PART IV. Type of Food Operation**

Bakery	Delicatessen	Sandwich Stand
Bar	Drink Stand	Short Order Establishment
Beverage Vending Machine	Food Vending Machine	Soda Fountain
Café	In-plant Employee Eating Establishment	Stall Stand
Cafeteria	Mobile Food Service Establishment	Tavern
Catering	Retail	Temporary Food Service Establishment
Coffee Shop	Restaurant	Others (Please Specify)

#### **PART V. Description of Activity**

- 1. *No food preparation; only offers for sale pre-packaged food that is not PHF/TCS*
- 2. *Prepares only non-PHF/non-TCS food*
- 3. *Prepares, offers for sale, or services PHF/TCS food: (Check all activities that the establishment will perform)*
  - a. *Only to order upon consumer's request*
  - b. *In advance in quantities based on projected consumer demand and discards food that is not sold/served at an approved frequency*
  - c. *In advance for on-site consumption (or take-out) using a food preparation method that involves two or more steps which may include combining PHF/TCS ingredients; cooking; cooling; reheating; hot or cold holding; freezing; or thawing*
  - d. *In advance for off-site consumption using a food preparation method that involves two or more steps which may include combining PHF/TCS ingredients; cooking; cooling; reheating; hot or cold holding; freezing; or thawing*

e. In advance for on-site consumption by highly susceptible population (HSP) using a food preparation method that involves two or more steps which may include combining PHF/TCS ingredients; cooking; cooling; reheating; hot or cold holding; freezing; or thawing

#### **PART VI. Activities Requiring a Variance and a HACCP Plan**

- 1. Serving raw, undercooked, or unprocessed animal products without providing a consumer advisory. [GFC 3-401.11(D)]
- 2. Smoking food as a method of food preservation rather than as a method of flavor enhancement. [GFC 3-502.11(A)]
- 3. Curing Food. [GFC 3-502.11(B)]
- 4. Adding vinegar or other food additives to preserve food (not to enhance flavor) or render food as non-potentially hazardous food. [GFC 3-502.11(C)]
- 5. Packaging food using reduced oxygen packaging (ROP) method with only one safety barrier to control *Clostridium botulinum*. [GFC 3-502.11(D)]
- 6. Custom processing animals that are for personal use and not for sale or service. [GFC 3-502.11(F)]h
- 7. Sprouting seeds or beans. [GFC 3-502.11(H)]
- 8. Operating a molluscan shellfish life-support system display tank used to store and display shellfish that are offered for human consumption. [GFC 3-502.11(E) and 4-204.110(B)]
- 9. Others. [GFC 3-502.22(G) and 8-103.10]
- 10. Using time only as a public health control. [2005 FDA Model Food Code 3-501.19]
- 11. Not applicable.

#### **PART VII. Activities Requiring only a HACCP Plan**

- 1. Juice packaged in the establishment [GFC 3-404.11]
- 2. Packaging food using a cook chill or *sous vide* process [GFC 3-502.12(D)]
- 3. Packaging food using ROP with refrigeration and two or more barriers against *Clostridium* and *Listeria* [GFC 3-502.12(A)]
- 4. Packaging cheese using ROP [GFC 3-502.12(E)]
- 5. Serving unpackaged juice prepared on-site to children age 9 or less [GFC 3-801.11(F)(3)]
- 6. Serving non-pasteurized combined eggs to highly susceptible population [GFC 3-801.11(F)(3)]
- 7. Not applicable.

Name of Establishment: \_\_\_\_\_

**DEH USE ONLY**

	<b>Contents</b>	<b>Date Completed</b>	<b>Received By</b>
1.	Sanitary Permit Application (Form A)		
2.	Business License		
3.	Pre-Operational Inspection Report		
4.	Floor Plan		
5.	Vicinity Map		
6.	Smoking Policy		
7.	Personnel Listing		
8.	Health Certificate		
9.	Manager's Certificate/Sign-up		
10.	Form B: Supplemental Application for Food Est.		
11.	Form C-1: Application for Variance		
12.	Other:		

Approved

Not Approved

Reason for denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SIGNATURES**

**DATES**

Environmental Public Health Officer: \_\_\_\_\_ \_\_\_\_\_

Environmental Public Health Officer Administrator: \_\_\_\_\_ \_\_\_\_\_

Chief Environmental Public Health Officer: \_\_\_\_\_ \_\_\_\_\_

# FIRE SAFETY - PERMITS AND CLEARANCES

## GUAM FIRE DEPARTMENT

Dipattamenton Guafi  
Office of the Fire Chief  
Tamuning Fire Station  
595 South Marine Corps Drive  
Tel: (671) 642-3321 / 646-8801  
Website: <https://gfd.guam.gov/>

In accordance with Title 10 GCA Health And Safety, Chapter 73 Fire Prevention, § 73111, International Fire Code Adopted, the Guam Fire Department enforces provisions of the International Fire Code, 2009 edition, including Appendices B, C, D, E, F, G, H, I, as published by the International Code Council. The Guam Fire Department (GFD) reviews development plans to ensure compliance with fire code requirements, and reviews various work processes including hot work and storage of potentially hazardous materials which require a permit according to the Guam Fire Code and the Uniform Fire Code.

All occupied buildings must comply with life safety requirements. Each occupancy is different. GFD permitting processes are outlined in brief below. For more advanced requirements, please schedule a consultation appointment with GFD.

### GFD Permits, Inspections, and Plan Checks

Guam Fire Department issues permits for the following uses, materials, and activities:

- Aerosol products
- Amusement building
- Aviation facility
- Carnivals & fairs
- Concession booth
- Cellulose nitrate film
- Christmas tree
- Combustible dust-producing operation
- Combustible fibers
- Compressed gases
- Covered mall buildings
- Cryogenic fluids
- Cutting and welding
- Dry cleaning plant
- Exhibits/trade show
- Explosives
- Fire hydrants and valves
- Flammable and combustible liquids
- Floor finishing
- Fruit/crop ripening
- Fumigation and thermal insecticidal fogging
- Hazardous materials
- HPM materials
- High-piled storage
- Hot work operations
- Industrial ovens
- Lumber yards and woodworking plants
- Liquid or gas-fueled vehicles (in group A occupancy)
- LP-Gas
- Magnesium
- Misc. combustible storage
- Open burning
- Open flames / torch
- Open flames and candles
- Organic coating
- Places of assembly
- Private fire hydrant
- Pyrotechnic special effects material
- Pyroxylin plastics
- Refrigeration equipment
- Repair garages and moto fuel-dispensing
- Rooftop heliports
- Spraying and dipping
- Storage of scrap tires and tire byproducts
- Temporary membrane structures / tents
- Tire rebuilding plants
- Waste handling
- Wood products

Permit fees vary by type and frequency. If you are unsure if your operation requires a GFD permit, please schedule an appointment for further consultation.

Construction/Fire Protection Plans Submittal is as follows

- Plans are submitted to GFD after DPW determines the need for fire code review
- Customer is advised if submittal is complete
- Customer will be given an estimated time for completion based on complexity of the submittal
- Approved plans are returned to customer. We sign off on DPW Construction application form. Upon completion of construction, customer applies for fire inspection and required permits such as LPG, hazmat, places of assembly, etc.

Fire Code Inspections are as follows:

- Customers apply for fire inspections to meet DPW Occupancy requirements, ORT requirements for business and fire code compliance for operations requiring permits listed in Chapter 1 of the Guam Fire Code.
- Customers are provided checklists to assist in preparation for the fire inspection.
- Customers are given a fire inspection report for all inspections conducted by GFD. Each report will have a unique GFD case number. The fire inspection report will indicate whether the building or process was approved or disapproved. Disapproved customers will have the fire code discrepancies, violations, or life safety hazards noted on the fire inspection report.
- Customers with approved inspections are signed off and/or stamped approved on the respective regulatory agency form requiring a fire inspection.
- Fire Code Permits are issued to customers with approved fire code inspections.
- Disapproved inspections may reschedule after correcting discrepancies on the fire inspection report.
- You may be required to clear federal or local law enforcement for certain processes such as explosives and fireworks

Please follow the link below for free online access to the 2009 International Fire Code, 2009 International Building Code, 2009 International Mechanical Code, as well as the other 2009 ICC Codes adopted into Guam Law.

Link: [https://codes.iccsafe.org/category/I-Codes?year\[\]>=2009&page=1](https://codes.iccsafe.org/category/I-Codes?year[]>=2009&page=1)

If you are unsure whether your activity requires a permit or clearance, contact the Guam Fire Department for more information and guidance.

Authority: Title 10 GCA Health And Safety, Chapter 73 Fire Prevention, § 73111

# ENVIRONMENTAL REGULATION - GUAM EPA

## GUAM ENVIRONMENTAL PROTECTION AGENCY

Ahensian Pruteksion Lina'La Guahan

17-3304 Mariner Ave., Tiyan Barrigada, Guam 96913-1617

Tel: (671) 300-4751/2; Fax: (671) 300-4531

Website: <http://epa.guam.gov/>

The Guam Environmental Protection Agency (GEPA) website describes administration, structure, and programs as follows on their website <http://epa.guam.gov/about-us/agency-structure/>. Additional permitting requirements, current as of December 2019, are also included here to support early engagement with GEPA to ensure compliance with all applicable environmental laws and policies. The forms and relevant laws are hyperlinked below and can be found at <http://epa.guam.gov/documents/>. Programs described in this guide section include air pollution, solid and hazardous waste, water resources permitting, pesticides, and other environmental land use permitting and regulatory requirements. Project applicants should coordinate with GEPA to confirm what environmental clearances may be necessary.

## Administration of the Agency

Guam EPA is a semi-autonomous agency of the Government of Guam. The Agency's Board of Directors are appointed by the Governor. The Board of Directors then serve three-year terms and establish policies for the Agency. The Board meets approximately once a month and meetings are open to the public. By law, the Guam EPA Board of Directors also serve as an appellate body. Any citizen who believes he or she has been aggrieved by an action or decision of the Guam EPA Administrator can request a hearing before the Board.

## Structure of the Agency

Guam EPA has five divisions that carry out the mission and vision of the Agency.

These divisions include:

- [Administration](#)
- [Air and Land Division](#)
- [Environmental Monitoring and Analytical](#)

### Division

- [Water Division](#)
- [DSMOA-CERCLA & Green Parcels \(Brownfields\)](#)

For a complete staffing pattern for the Agency please visit the [Government of Guam's staffing pattern](#).

## Programs within the Divisions

Each division includes separate programs. Each program has a specific area of expertise and focus. The programs include:

### Air and Land Division

- [Air Pollution Control Program](#)
- [Solid Waste Program](#)
- [Hazardous Waste Program](#)
- [Pesticide Control Program](#)

### Environmental Monitoring and Analytical Division

- [Monitoring Program](#)
- [Analytical \(Lab\) Program](#)

### Water Division

- [Water Pollution Control Program](#)
- [Water Resources Management Program](#)
- [Safe Drinking Water Program](#)

## **About Permitting and Compliance: Federal and Local Permits Working in Concert**

Permitting is very important for business owners, farmers, contractors, developers, investors and the military. Guam EPA enforces multiple, locally-mandated permits. These include permits to protect Guam's air, water and other valuable natural resources. As with Guam's environmental law, many of these permits were generated based on federal programs.

Guam EPA also works hard to ensure those

going through the permitting process are aware of all the permits they are required to get to be in compliance with the law. This includes making sure project planners are aware of federal processes through the U.S. Army Corps of Engineers, Federal Consistency Requirements locally carried out by the Bureau of Statistics and Plans Guam Coastal Management Program, and other federally-mandated planning processes.

## Do I Need a Permit?

Resource: Guam Industry Forum Presentation 2018 PDF – Overview of Guam EPA Permitting

Guam EPA provides a comprehensive environmental review of all building permits and occupancy permits associated with construction projects. Personnel will review your building permit application for completeness, and will work with all pertinent Agency programs to ensure that your project complies with the Clean Water Act, the Clean Air Act, the Safe Drinking Water Act, the Guam Soil Erosion and Sediment Control Regulations and the Guam Water Quality Standards. These programs typically include: Water Pollution Control, Safe Drinking Water, Solid Waste Management, Air Pollution Control and Environmental Monitoring. Once your project can be considered for occupancy, the Agency will schedule inspections for stormwater and solid waste management, and order water samples if plumbing fixtures are involved with the project.

All other permits that are not typically associated with building permit clearances are processed directly with the Agency at the Guam EPA administration building located at 17-3304 Mariner Avenue in Tiyau. These types of permits include well drilling, solid waste management for collection, processing and facilities and the underground and above-ground storage of regulated substances.

The type of permit you need to acquire depends on the type of activity and operations you are conducting. The following is a list of permits you may possibly need, depending the type of your activities. Remember, this is not an exhaustive list and it is subject to change. For more specific

information about your situation and how it relates to permitting, please contact Guam EPA.

In order to obtain building permit clearance for most common projects with GEPA, applicants must submit building plans, construction plans (inclusive of: erosion and sediment control, post-construction stormwater management, utilities, and building plans), site and/or topographical maps, proof of ownership/authorization, contract agreements and/or a notice to proceed along with a DPW building permit application.

Depending on the type of construction that you intend to perform, you may also be required to complete and submit the following forms, and provide additional information as follows:

- Guam EPA Solid Waste Disposal Plan Form and a certification letter from your waste hauler AND your disposal facility – if any waste will be generated at your project site
- Fugitive Dust Control Plan – “Fugitive dust” is the emission of solid airborne particulate matter from any source other than combustion which may occur on your project site.
- Notice of Intent for Pesticides Application – If termiticides will be applied during the preconstruction phase, a notice must be filed with Guam EPA

For larger projects that involve clearing, grading, or construction of commercial properties, you may be required to submit of the following:

- Environmental Protection Plan (EPP) and Erosion Control Plan (ECP) documentation
- Notice of Intent (NOI) and a Stormwater Pollution Prevention Plan (SWPPP) to be submitted to the US EPA as a FEDERAL requirement for projects impacting properties one (1) acre or greater in size
- Environmental Impact Assessments (EIA) for large projects and/or environmentally sensitive sites
- Wetland Delineation Maps and/or a Guam Wetland Development Permit and/or a US Army Corps of Engineers (ACOE) Section

- 404 Permit for properties with wetland areas
- Section 401 Certification for projects impacting Guam's navigable waters
- Standby Generator Permits are required for projects that involve installing generators serving commercial, industrial, AND even single-family or multi-family residential sites; operating less than 1,500 hours annually; and potentially emitting 2 tons or more per year of any criteria pollutants.
- Underground Storage Tank (UST) or Aboveground Storage Tank (AST) permits are required if you decide to install or operate a fuel storage system, or any other storage system that will contain a regulated substance.

## Businesses

- Air Permits:** Standby Generator Permit, Emission Unit Permit, Compliance Certification
- Solid Waste Permits:** Collection facility, Hardfill facility, Landfill facility, Processing facility, Storage facility, Transfer facility
- Hazardous Waste Permits:** Notification of Hazardous Waste Activity, RCRA Part A, Underground Storage Tank (UST)
- Pesticide Permits:** Notice of Arrival, Basic Training A, Experimental use Permits, Restricted Use Pesticide Dealer License, Restricted Use Pesticide Usage License Special Permits
- Water and Wastewater Permits:** Well Operating Permit, Underground Injection Control Permit, Well Drilling, Water Quality Certification (401 A, B and C), Waste Disposal System permits, Individual wastewater system, wastewater disposal systems, stormwater, sewer collection systems and discharge permits
- Land Use Permits:** Clearing, Grubbing, Grading and Stockpiling Permit, Soil Importation

Guam EPA is a regulatory authority charged with enforcing environmental statutes and regulations. The Agency does not officially have

any review on the business license process, but it is important for you to know that certain products or services that your licensed business intends to offer may require a permit, or authorization from the Agency. Examples can include, but not be limited to the following:

- The importation of pesticides and/or pesticide devices for sale, use and distribution on Guam requires authorization from the Agency and the submission of a Notice of Arrival of Pesticides and Devices Form PRIOR to importation. The form can be found [here](#):
- The use of a standby generator may require a permit to operate the generator
- The use of an underground or above-ground storage tank requires a permit to operate the tanks
- If your business has an underground injection control (UIC) well on premise, you are required to have a permit to operate the well
- If your business collects, stores or processes solid waste, you will need the proper permit to operate

While the items listed above are not required as part of your business license application, you should be mindful of possessing the proper permit and authorization from the Agency as it relates to your business practice. Failure to comply with permit and authorization requirements may lead to the issuance of a Notice of Violation (NOV), Orders of Compliance (OC) and/or an Administrative Penalty Order (APO).

## Developers, Contractors and Construction Operations

*Please note: Permits to construct anything in Guam must be submitted through the Department of Public Works Guam Business License and Permit Center in Upper Tumon. For more information about DPW's Permitting Process call (671) 646-3131.*

- Air Permits:** Air Pollution Source Construction Permit, Emission Unit Permit, Compliance Certification, Air Pollution

## Permit to Construct in Non-Attainment Areas

- **Solid Waste Permits:** Collection facility, Hardfill facility, Landfill facility, Processing facility, Storage facility, Transfer facility
- **Hazardous Waste Permits:** Notification of Hazardous Waste Activity, RCRA Part A, Underground Storage Tank (UST)
- **Pesticide Permits:** Special Use Permits
- **Water and Wastewater Permits:** Well Operating Permit, Underground Injection Control Permit, Well Drilling, Water Quality Certification (401 A, B and C)
- **Land Use Permits:** Clearing, Grubbing, Grading and Stockpiling Permit, Soil Importation

## Farms and Ranches

- **Air Permits:** Standby Generator Permit
- **Animal Care Permits:** Under Land Use Permits Feedlot Waste Permit
- **Land Use Permits:** Clearing, Grubbing, Grading and Stockpiling Permit

## General Public and Homeowners

- **Air Permits:** Standby Generator Permit
- **Pesticide Permits:** Special Use Permits
- **Other Permits:** Burial at Sea, Temporary Toilets for Public Events (permits for construction job-site, carnival, fair, sporting event, large public gathering required to have a temporary toilet facility) as required by Individual Wastewater Regulations, Section XVI

### Links to Guam EPA Laws



### Links to Guam EPA Regulations



### Links to Guam EPA Permits



## Air Pollution Source Construction and Source Operating Permits

### **A. Air Pollution Source Construction Permit.**

Any facility which may emit pollutants into the atmosphere is required to have an **Air Pollution Source Construction Permit**, issued by GEPA. This Permit assures that facilities are built in a manner which keeps airborne emissions at a reduced level and within permissible limits, as

established by Guam's Air Quality Standards. Types of facilities which need a construction permit include laundries, incinerators, foundries, sandblasting and spray-painting facilities, rock quarrying and processing facilities (batch plants) as well as any facilities that burn petroleum products such as stand-by generators, boilers and compressors. Permits are in force for a one-year period. There is no permit fee. For more information or assistance in determining

if an activity or facility requires an Operating Air Pollution Permit, contact the **GEPA Air Pollution Control Program** at Guam EPA.

### **B-C. Minor/Major Air Pollution Source**

**Operating Permits.** Once an air pollution facility is constructed, it must have an **Air Pollution Source Operating Permit** before start-up of operations.

Applications for **Minor Air Pollution Source Operating Permits must be submitted to GEPA** at least 60 days prior to commencing construction. **Major source permits require US EPA** approval and make take 2 years for review and approval. There is no fee for the U.S. EPA review, however, there is a fee associated with Guam EPA.

### **Major Stationary Sources**

The major source threshold for any air pollutant is 100 tons/year (this is the “default value”). Major source thresholds for “hazardous air pollutants” (HAP) are 10 tons/year for a single HAP or 25 tons/year for any combination of HAP.

Title V permits sources (regardless of size)

Affected sources under Acid Rain Rules

Solid Waste Incineration Units (Section 129)

Non-major sources subject to NESHAP (MACT or GACT standards)

Certain synthetic minor sources subject to NESHAP

Non-major source subject to NESHAP and NSPS

Certain sources located within a non-attainment area

100 - 250\* tons per year of Criteria Pollutants

10 - 25\* tons per year of Hazardous Air

Pollutants

\*requires review and approval by both Guam EPA and U.S. EPA

There are 189 listed Hazardous Air Pollutants (HAPs) published under **Section 112 of the 1990 Clean Air Act.**

### **Minor Stationary Sources**

All other facility source which falls below the

Major Source thresholds are considered minor sources.

There are six (6) criteria pollutants:

1. Carbon Monoxide (CO)
2. Particulate Matter (PM10)
3. Sulphur Dioxide (SO)
4. Nitrogen Oxides (NOx)
5. Ozone (volatile organic compounds, VOC)
6. Lead (Pb)

**D. Vehicle Emissions.** The Agency is authorized to conduct inspection and testing programs to identify vehicle emission problems, particularly emission from heavy equipment, buses and similar vehicles which use either gasoline or diesel fuel, to encourage proper vehicle maintenance or reduce excessive exhaust pollution. A regular inspection and testing program will soon be implemented.

**E. Radon Testing** of residential and government buildings is available through GEPA's Radon Lab under the Air Pollution Control Program. The Agency will assist individuals in developing a radon testing plan, provide test results and follow-up testing as well as recommend methods to reduce radon gas problems if detected in significant quantities. At present time, there is no fee for the test as it is provided as a public service. For more information on this testing service contact the **Air Program at GEPA**.

**F. Open-Burning Permits** are no longer issued by the GEPA. In October 1996, the Agency reorganized the burning permit procedure to transfer issuing authority to Village Mayors and the Guam Fire Department. For more information, contact the Village Mayors and the Guam Fire Department. While Open Burning permits are issued by the Village Mayors and Guam Fire Department, there are exceptions for which an application to GEPA must be made, i.e. fire prevention, fires for control of disease or pests, fires for agricultural operations, forest management, open burning of vegetation. GEPA retains enforcement over Open Burning activities under GARR Title 22 Division 1 Chapter 1.



Figure 9 – Guam EPA works to protect environmental health through air quality and solid waste management regulations as well as community education and outreach events such as the 2019 Earth Day cleanup pictured above. Photo credit: <http://epa.guam.gov/guam-epa-partnering-with-ordot-chalan-pago-mayors-office-for-earth-day-shoreline-cleanup/>

## Collection / Disposal / Storage of Solid Waste

**Solid Waste Management (SWM) Facility**  
Permits are required for all facilities conducting the different types of solid waste management activities. Solid waste management facilities means any facility, or any machinery, equipment, vehicles, structures or any part of accessories thereof installed or acquired for the primary purpose of: collection, transportation, storage, recycling, processing or disposal of solid waste, and shall include sanitary landfills, resource recovery facilities, or plasma torch.

Collection, or collect, means the act of removing solid waste from a generator. Transportation, or transport, means the act of transporting of solid waste from a generator to a storage, recycling, processing or disposal facility. Storage, or store, means the interim containment of solid waste. Recycling, or recycle, means the method by which recovered resources are converted for used as raw material or feedstock to make new products. Processing, or process, means any method, system or other treatment designed to change the physical, chemical or biological character or composition of any solid waste.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

Permit applications must specify the facility locations, facility layout, mode of operations, and detailed description illustrating compliance with applicable federal and local regulations, and permit applicable permit application fee. Furthermore, most permit applications, excluding collection permit applications, also require copies of business or SOLID contractor's license, plans for propose closure and post-closure activities of the facilities; certification of compliance with zoning requirements by Department of Land Management, a written consent from property owner if property is being leased, and proof of financial assurance.

Permitting review process for all SWM Facilities, except for Collection Permit applications, require a 120-day permit evaluation/processing review after receipt of application. If additional

information is required to clarify any part of the submitted application, the Administrator may request for such information. Then the permit evaluation period shall begin upon receipt of the additional requested information.

Before issuing a solid waste management permit to any person with respect to any facility for the processing, storage, or disposal of solid waste, the Administrator shall cause to publish in a major local newspaper or newspaper of general circulation, and broadcast over a local radio station or stations, notice of the Agency's intention to issue such permit. These draft permits require a forty-five (45) day public comment period. If the Agency receives written notice of opposition to the Agency's intention to issue permit and a request for a hearing is made, the Agency shall provide for a hearing in accordance with the Administrative Adjudication Law, if requested by the substantially affected party or an informal public meeting if requested by any other person.

Reference: Guam Environmental Protection Agency's **"Solid Waste Collection Regulations"** and the **"Solid Waste Disposal Rules and Regulations."**

Authority: **"Solid Waste Management and Litter Control Act,"** Title 10, Chapter 51 of the Guam Code Annotated.

#### **SWM Collection Permits:**

A collection permit is required for any person providing regular solid waste collection services to a business, place, residence or institutions. A collection permit is also required for any generator or group of generators that store, collect and transport as an activity of business operations. A permit is not required for the irregular and infrequent collection and transport of accumulated solid waste such as by a resident or homeowner, or by a business which is otherwise served by a collection service. All Guam EPA Solid Waste Management Collection Permits are valid for three (3) years and are not transferable without prior written approval of the Administrator.

All new applications or renewal applications for a

Guam EPA Solid Waste Management Collection Permit shall be accompanied by a nonrefundable application fee of \$25.00 by check or money order payable to the Treasurer of Guam. The Administrator shall evaluate the permit application and act upon it within thirty (30) calendar days after receipt of the application. If additional information is required to clarify any part of the submitted application, the Administrator may request for such information. Then the permit evaluation period shall begin upon receipt of the additional requested information.

#### **SWM Storage Facility Permits:**

A solid waste management processing permits is required for facilities processing solid waste. Types of processing facilities includes composting facilities, solid waste material resource recovery facilities, solid waste remediation facilities, incinerators, waste-to energy recovery facilities, and other processing facilities. Permit Applications Fees and Duration of Permits for Solid Waste Processing Facilities varies for the different types of processing facility. Please refer to Addendum A and Addendum B of the Solid Waste Disposal Rules and Regulations. Solid waste allowed, and excluded, in the different types of processing facilities varies. A compost facility is the processing of yard waste, paper waste, and vegetative wastes. A solid waste material resource recovery facility may be the processing of scrap metal, aluminum, and batteries; newspapers, paper, magazines, cardboard, glass, and plastics; tires, oil, and CFCs. A solid waste remediation facility includes bioremediation of petroleum contaminated waste and all other types of remediation of solid waste. A solid waste incinerator is allowed the incineration of residential and construction waste. A solid waste-to-energy recovery facility includes residential and construction waste. Other processing facility includes facilities processing vehicles and vehicle parts and appliances.

#### **Municipal Solid Waste Landfill Facility Permits:**

Solid waste management disposal facility includes Municipal Solid Waste Landfills. Municipal Solid Waste (MSW) Landfills are those permitted in accordance to Guam's Solid Waste

Disposal Rules and Regulations (SWDRR) and the Resource Conservation Recovery Act Subtitle D (RCRA D) requirements of 40 CFR Part 258. The Andersen Air Force Base (AAFB) and the Navy Public Works Center (PWC) MSW Landfills are currently operating in accordance to these requirements. The Ordot Dump is Guam's only non-RCRA D operating solid waste disposal facility that serves the disposal of the civilian population municipal solid waste. The Government of Guam is required to construct and operate a RCRA D Municipal Solid Waste Landfill by September 2007.

The Permit Application Fee for a Municipal Solid Waste Landfill is a non-refundable.

\$10,000. The duration of the Municipal Solid Waste Landfill Permit is for five (5) years. The Solid Waste Disposal Rules and Regulations defines the location restrictions, operating criteria, design criteria, ground-water monitoring and corrective action requirements, the closure and post-closure requires, and financial assurance criteria for municipal solid waste landfills.

#### **SWM Transfer Facility Permits:**

A solid waste transfer facility permit is required for a facility in which residential waste and yard waste are temporarily deposited and stored while awaiting transportation to another solid waste management facility. The three (3) SWM Transfer stations currently operated by the Department of Public Works include the Dededo Transfer Station, the Agat Transfer Station, and the Malojloj Transfer Stations. These facilities support intermediate collections for residential waste and final deposition of these wastes is to the Ordot Landfill.

#### **SWM Hardfill Facility Permits:**

A solid waste management hardfill facility is also considered a disposal facility. Hardfilling is the method of compaction and earth cover of solid waste, other than those containing garbage or other putrescible (putrescent) and combustible waste. There are several hardfill disposal facilities operating on Guam. These hardfill facilities are only allowed to accept demolition and construction debris and are also required

to obtain a backfilling permit from Guam EPA's Water Pollution Control Program.

The permit application fee for a SWM Hardfill Facility is a non-refundable \$500. The duration of the SWM Hardfill Facility is for two (2) years.

#### **Demolition Projects:**

All demolition projects requiring One Stop approval will be reviewed and approved by the Solid Waste Management Program. In addition to the Demolition Plan, a Solid Waste Disposal Plan must be included prior to approval by the Guam EPA. The Solid Waste Disposal Plan is a written plan for the separation and disposal of waste generated from the demolition activity. The plan shall include the type and amount of waste to be generated; separation plan of waste generated, list of disposal site of where waste will be disposed of at, and monitoring and record-keeping requirements. The company who will collect and transport the waste shall be a Guam EPA permitted facility. The disposal sites must be at Guam EPA Solid Waste Management Permitted Facilities.

#### **Hazardous Waste Management**

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

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

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

##### **A. Storage of Hazardous Waste**

- B. Treatment of Hazardous Waste
- C. Disposal of Hazardous Waste
- D. Notification of Hazardous Waste

#### **A-C. The Guam Hazardous Waste**

**Management Regulations (GHWMR)** were developed to guide individuals and organizations in the proper methods and procedures for handling, transporting, storing, disposing, and treating hazardous wastes; to establish a program which identifies hazardous wastes and provides for the regulation of the mentioned activities to include transport or transfer of wastes through program capabilities for inspection, permit review, and enforcement.

Individual permits may be issued for any of the activities listed under A. through C. above, government or privately-owned, facilities.

Larger integrated facilities such as the military may manage hazardous wastes through a combination of activities and therefore obtain composite permits to treat, store, and dispose (TSD) of certain hazardous wastes on-island. The permit is comprised of two parts. The Part A portion is a form that may be obtained from Guam EPA. The Part B portion is a narrative. For information on the Part B portion, please contact the **Hazardous Waste Management Program** or refer to **Part X [adopted by reference, 40 CFR 270] of the GHWMR**.

The transportation of hazardous wastes is regulated by the U.S. Department of Transportation through the Guam Department of Public Works, Highway Division. GEPA is involved from the standpoint of tracking waste types and quantities transported and accepted across state lines and internationally between facilities. The Notification process ensures accurate tracking and accountability of various waste streams through registration with Guam EPA.

#### **D. Notification of Hazardous Waste Activity**

The following activities require notification to Guam EPA and U.S. EPA, and receipt of an EPA identification number:

1. Facilities that generate at least 50 kg of

hazardous waste per calendar month; or 1 kg of acutely hazardous waste per calendar month

2. Transportation of hazardous waste
3. Treatment of hazardous waste
4. Storage of hazardous waste
5. Disposal of hazardous waste
6. Marketing of used oil
7. Hazardous Waste Fuel Marketers
8. Burners of used oil
9. Transportation of used oil
10. Processor/re-refiner of used oil

## **MANAGING YOUR HAZARDOUS WASTE: A Guide for Small Businesses**



October 2019  
EPA 530-K-19-001

*Figure 10 – Hazardous waste is waste that is dangerous or potentially harmful to our health or the environment. Hazardous wastes can be liquids, solids, gases, or sludges. They can be discarded commercial products, like cleaning fluids or pesticides, or the by-products of manufacturing processes. For more information, see US EPA's [Managing Your Hazardous Waste: A Guide for Small Businesses](#).*

Notification forms may be obtained from **Guam EPA's Solid/Hazardous Waste Management Program**. Original completed form must be submitted to Guam EPA for processing.

## Other Requirements and Programs – Waste

- A. Underground Storage Tanks (USTs)
- B. Hazardous Waste Importers
- C. Hasso Guam Household Hazardous Waste Cleanup Program

### A. Underground Storage Tanks (USTs)

Underground storage tanks must be registered through completion of a UST notification form with the Agency to ensure that outdated tank technology is replaced in accordance with the GEPA and federal regulations. USTs must be inspected annually and removed if found to be faulty or leaking. Above ground storage tanks are also regulated except that the primary concern for these tanks is a properly functional secondary containment system as opposed to double-walled tank designs. For information on above ground storage ground storage tanks and secondary containment requirements, refer to Section VII.H.

### B. Hazardous Waste Importers (into the Territory of Guam)

Hazardous waste importers must obtain an Administrator's intended from the point of embarkation. The importer may accept the hazardous waste only after receiving the Administrator's Consent. For more information on the notification requirements, please contact the Agency's **Solid and Hazardous Waste Management Staff**.

### C. Hasso Guam

Hasso Guam Program is the Collection of Household Hazardous Waste on an on-going basis. Since the signing of the Consent Decree on February 11, 2004, the collection of Household Hazardous Waste during the interim will be on-going with various days, times, and location until a permanent Household Hazardous Waste Collection Facility has been constructed and begins operation as required by February 11, 2007. Homeowners are encouraged to collect household hazardous wastes, used automobile engine and transmission oils, engine coolant, batteries, brake fluid, detergents, solvents, paints,

thinners, expired pesticides, fluorescent light bulbs, and other chemicals, for proper disposal to a registered participating Hasso Guam contractor free of charge.

Individuals with questions about potential household hazardous wastes and the interim and on-going collection dates and locations, may contact the Agency's Hazardous or Solid Waste Management Programs. For more information contact the Administrator, Guam Environmental Protection Agency.

## Pesticide Application and Storage

- A. Pesticide Dealer's License
- B. Pesticide Certification and Training
- C. Special Permits

The Agency's Pesticides Enforcement Program is responsible for regulating the importation, sale, use, storage and disposal of pesticides in Guam. The program has been delegated local and federal mandates under 10 Guam Code Annotated (GCA), Chapter 50, known as the Guam Pesticide Act and the Federal Insecticide, Fungicides, and Rodenticide Act (FIFRA). Implementation of the Guam Pesticide Rules and Regulations, patterned after FIFRA, provided the means for conducting all aspects of pesticide investigations in the Territory.

### A. Pesticide Dealer's License (PDL).

No person shall sell restricted use pesticides (RUPs) unless such person has obtained a pesticide certification and pesticides dealer's license from the Guam EPA. Application for the PDL is Twenty-five (\$25.00) dollars for each principal sales outlet and a fee of ten (\$10.00) dollars for each branch sales outlet. All sales outlets offering RUPs shall have a Certified Pesticides Sales Manager. Individuals seeking to be certified pesticide sales managers shall apply for examination at the Guam EPA or attend a Pesticide Certification Workshop at the University of Guam, College of Agriculture and Life Sciences. Successful completion of the examination will result in the issuance of a certification card.

Licensed pesticide dealers shall have joint responsibility with his or her pesticides sales manager in the solicitation, sales, handling and reporting of RUPs with the Guam EPA.

## **B. Pesticides Certification and Training.**

Certification and training programs are designed to ensure that users are competent to handle RUPs without causing danger to themselves, the public and the environment. These programs also allow the continued use of certain chemicals that might otherwise have to be withdrawn from the market because of potential danger to humans or the environment. The University of Guam, Cooperative Extension Service (CES), in cooperation with GEPA, offers training workshops and administers the tests for certification.

There are a number of different types of certification. The first type is a private applicator (farmer, rancher, etc.) who applies or supervises the application of RUPs for the production of agricultural commodities on property he or his employer owns or rents, or as an exchange of service with other private parties. The second type of certification is the commercial applicator who applies or supervises application of RUPs for any purpose or on any property other than as provided by the "private applicator" definition. The regulation established seven categories of commercial use based on occupation:

1. Regulatory Pest Control
2. Public Health Pest Control
3. Forest Pest Control
4. Ornamental/Turf Pest Control
5. Industrial, Institutional and Health Related Pest Control
6. Right-of-Way Pest Control
7. Agriculture Pest Control

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

A \$50 fee is charged for this workshop.

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

## **C. Special Permits**

**Experimental Use Permit.** Any person may apply to the Agency for an experimental use permit in order to accumulate information necessary to register a pesticide. An application for an experimental use permit may be filed at the time of, before or after application for registration is filed.

**Application of Restricted Use Pesticides by aircraft (RUPs)** - No person shall apply Restricted use pesticides by aircraft except by Special Permit issued by the Agency. A Special Permit application shall conform to all conditions and limitations required under the Guam Pesticides Regulation. Federal environmental permits, i.e., Experimental Use Permits, Special Local Needs Registration and Emergency Exemption Permits shall be Enforced in coordination with federal EPA.

For more information, please contact the GEPA Pesticides Program.

**Authority: 10 Guam Code Annotated (GCA), Chapter 50**, known as the Guam Pesticides Act and the Federal Insecticide, Fungicides, and Rodenticide Act (FIFRA).

### **Additional Resources:**

- National Pesticide Information Center <http://npic.orst.edu/>
- US EPA Pesticides Program <https://www.epa.gov/pesticides>
- 2019 Master List of Test Guidelines for Pesticides & Toxic Substances is available [here](#).

# Protect Your Health Read the Label

**MOSQUITO REPELLENT**

**SIGNAL WORDS**

How toxic is the product?  
**Caution** = mildly toxic  
**Warning** = moderately toxic  
**Danger** = highly toxic

**KEEP OUT OF REACH OF CHILDREN**  
**WARNING:** Read cautions on back.

Active Ingredient: DEET 7.0%  
 Other Ingredients 93.0%  
 NET 7.5 FL OZ (222 mL)

**ACTIVE INGREDIENTS**

What is in the product?

**STORAGE & DISPOSAL**

How does this product have to be stored? What should I do with the leftovers I don't need?

**EPA REGISTRATION NUMBER**

What is the unique product number showing that the EPA has approved it?

**SIGNAL WORDS**

How toxic is the product?  
**Caution** = mildly toxic  
**Warning** = moderately toxic  
**Danger** = highly toxic

**KEEP OUT OF REACH OF CHILDREN**  
**WARNING:** Read cautions on back.

Active Ingredient: DEET 7.0%  
 Other Ingredients 93.0%  
 NET 7.5 FL OZ (222 mL)

**Repels Mosquitoes, Ticks, Biting Flies, Gnats, No-see-ums, Chiggers & Fleas**

**STOP:** Read and Follow all directions and precautions on this product label.

**DIRECTIONS FOR USE**

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

**NOTICE:** To the extent consistent with applicable law, buyer assumes all responsibility for safety and use not in accordance with directions.

**STORAGE AND DISPOSAL**

Storage: Store in a cool, dry place, out of reach of children.  
 Container Disposal: If empty: \_\_\_\_\_  
 If partly filled: \_\_\_\_\_

**PRECAUTIONARY STATEMENTS**

Hazards to Humans and Domestic Animals.

First Aid. If in Eyes: \_\_\_\_\_

If Swallowed: Call a Poison Control Center or doctor immediately for treatment advice. Do not induce vomiting unless told to do so by a Poison Control Center or doctor.

IF YOU SUSPECT A REACTION TO THIS PRODUCT: Discontinue use. Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a Poison Control Center or doctor for treatment advice.

QUESTIONS: For non-emergency information concerning this product, call the National Pesticide Information Center (NPIC) at 1-800-858-7378. For emergencies, call the Poison Control Center 1-800-222-1222. Have the product container or label with you when calling a Poison Control Center or doctor, or going for treatment.

EPA Reg. No. XXX-XX-XX

**Top three pesticide safety tips:**

- 1) Read the entire label
- 2) Only apply where the label says it should be applied
- 3) Keep all pesticides in their original containers

**DIRECTIONS FOR USE**

How and where should I use the product? How much is okay?  
**Not following the product's instructions is not only dangerous, but it is illegal!**

**PRECAUTIONARY STATEMENTS**

How can the product be used safely?

**FIRST AID**

What should I do if it gets in my eyes, mouth, lungs, or on my skin?

**POISON Help**  
 1-800-222-1222

If someone breathes in, swallows, or gets pesticide in the eyes or on the skin, call a poison control center 24/7 at 1-800-222-1222.

Figure 11 – NPIC Infographic: Protection Your Health, Read the Label. Source: <http://npic.orst.edu/health/readlabel.html>

## Water Permits

- A. Section 401 Water Quality Certifications (401 WQC)
- B. National Pollution Discharge Elimination System (NPDES)
- C. Pollution Discharge Permit
- D. Sewer Construction
- E. Sewer Connection and Individual Wastewater Disposal
- F. Underground Injection
- G. Test Boring and Dewatering
- H. Well Drilling and Deep well Operating
- I. Erosion and Sedimentation Control Permits
- J. Feedlot Permit

**A. Section 401 Water Quality Certification (401 WQC).** A number of federal permits, most of which are identified in the Federal Clean Water Act, for construction, fill, dredging, and discharges to Waters of the United States and Territorial Waters require Territorial (GEPA) Section 401 Water Quality Certifications. 401 WQC issuance identifies that construction or operation of a proposed project or facility will be conducted in a manner consistent with the Guam Water Quality Standards. All federal permits for work in marine waters, rivers, streams, and wetlands require 401 WQC. Submission of a 401 WQC form is required and is available at the Agency.

**B. The National Pollution Discharge Elimination Systems (NPDES)** is a federal permit for all storm water and point source pollution discharges. GEPA reviews and certifies (401 WQC) the permit for compliance with all local regulations and policies and in accordance with the Guam Water Quality Standards. The United States Environmental Protection Agency coordinates drafts and issues the permit facilities that require wastewater discharges such as sewage treatment plants, electrical power generation plants, industrial processing facilities, storm water outfalls, aquaculture facilities, aquariums, and similar operations must be permitted under this permit system. Guidance as to requirements for this permit may be obtained at GEPA or from USEPA, Region 9. Individuals anticipating the need to discharge wastewater

to waters of the U.S. are encouraged to consult with either agency as early in the project planning schedule as possible. NPDES permit issuance may take anywhere from one to two years.

- For the development of one acre or more or part of the big development, are qualified under the USEPA NPDES Stormwater Construction General Permit. Developer is required to apply for a permit electronically at USEPA website: <https://www.epa.gov/npdes/2017-construction-general-permit-cgp>.
- Specific Guam requirements are found on page 57 under Section 9.6.3; of the 2017 NPDES Construction General Permit (CGP).

**C. Pollution Discharge Permit.** For discharges similar to those covered by the NPDES permit, GEPA may require a Government of Guam Pollution Discharge Permit for any number for liquid, gaseous, solid or thermal discharges into Territorial Waters that fall below the minimum criteria defined in the Federal Clean Water Act as Determined by the Administrator.

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

Authority: “**Water Pollution Control Act**” Title 10, Chapter 47, Guam Code Annotated.

**D. Sewer Construction Permit** is required for all sewer related projects to include systems lateral extensions, lift stations, force mains, wastewater holding facilities, treatment works, and new sewer systems, unless a private party is involved in constructing (financing) either an exclusive use system or a system for eventual transfer to the Public Utility of Guam or the military (Air Force or Navy) as the main purveyor of all sewer systems in Guam. Permit issuance involves the prior review and approval of engineering and design plans by GEPA for compliance with all environmental requirements. GEPA review time for wastewater systems varies with a project's complexity.

**E. Sewer Connection or Individual Wastewater Disposal Systems (IWDS) Permit.** Two permits

are required for disposal of wastewater by either connection to a public sewer system or by a septic tank and leaching field. The first is a construction permit and the second an occupancy permit. GEPA reviews construction plans, at no fee. The GEPA permit is issued in conjunction with the Department of Public Works Building Permit application process. Review and approval is normally quick for simple projects (i.e., house sewer connections and septic tanks) but can take more time depending on the complexity of the project. As part of the building construction process, GEPA issuance either a public Sewer Connection Permit through Guam Waterworks Authority or a separate permit for Individual Wastewater Disposal Systems (IWDS) and on-site septic tank/leaching systems. IWDS must be designed in accordance with the Individual Wastewater Disposal System Regulations which specify requirements for systems sizing, location, materials, testing, inspection, maintenance, and health considerations. Because this type of disposal system may contribute unacceptable levels of pollutants to surface or ground water, the Agency has developed policy standards in addition to the regulations which specify minimum lot sizes in order to control land use densities as appropriate.

Reference: "Individual Wastewater System Regulations," Guam Environmental Protection Agency, 1984, and Connection to Public Sewer Regulations, Title 22, Div. 5, Chapter 25, §21509

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

**F. Underground Injection Control Permit.** The Guam Underground injection Control program regulates discharges of storm water runoff and other non-hazardous fluids. The GEPA application requires detailed engineering plan, information regarding geological formation of the project site, depth of well, Topographic map of the area extending one (1) mile beyond the property boundaries of the source and location of the well in regard to coastal waters and any other information relevant in determining the impact of

the activity on the aquifer.

Currently, GEPA does not charge a fee for the operating permit. Once the application is complete, the Administrator will prepare a draft permit. The processing time of draft permit is approximately 2 weeks. The draft permit requires a Notice to the Public to be published in a daily newspaper for three consecutive days followed by a thirty-day period for public comment. If there's no public comment at the close of the comment period, the Administrator issues a final operating permit. For additional information and other requirements, contact Water Resources Management Program at GEPA.

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

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

#### **G. Test Boring and Dewatering Permits.**

The conduct of soil test boring and subsurface investigation/measurement activities may be required to obtain a GEPA Test Boring Permit. Test boring activities include drilling and excavations deeper than six (6) feet deep for soil and structural engineering analysis or investigative work. In addition, if the water table is encountered during any excavation work for building foundations and similar construction activities, a **Dewatering Permit** may be required to control and treat water pumped from an excavation prior to final discharge. Both the Test Boring Permit and Dewatering Permit approvals may be a subcomponent of a site clearing and grading and building permit request. The approval of these permits will be accomplished separately.

**H. Well Drilling and Operating Permits.** Well Drilling and Well Operating Permits are two separate permits, issued when a well is to be drilled and operated. The first permit authorizes the drilling and development of a well, and the second permit authorizes the operation of a well after its successful development for utilization as

an agricultural, irrigation, industrial, monitoring, grounding, public water supply, individual domestic water supply or an environmental remediation well.

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

The well drilling permit fee is \$250 per well and is to be submitted with the application. The operating permit fees are established in accordance with the following schedule.

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

PUMPING RATE 0-150	ANNUAL FEE
0-150	\$200
151-225	\$250
226-326	\$400
326-626	\$600
Over 625	\$800

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

**I. Erosion and Sedimentation Control Permits** are issued by the Agency while the Department of Public Works issues the Clearing and Grading Permit. Since Clearing and Grading Permits Require GEPA review for compliance with the Guam Soil and Sedimentation Control Regulations, the agency actually assumes the lead review and approval responsibility. For most Clearing and/or grading permits there must be an accompanying Erosion Control Plan (ECP) to protect water quality of the closest body of water,

fresh or marine.

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

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

An Erosion Control Plan is usually prepared an integral part of the Environmental Protection Plan (EPP). However, it may be developed as a separate or supporting document. With large projects, like subdivisions or projects on a sloping terrain, the Erosion Control Plan becomes the focal point of the EPP. Review and approval of an Erosion Control Plan by GEPA can take one week or longer, depending on the complexity of the project and completeness of the Plan upon submittal.

Additionally, in 2006, the Commonwealth of the Northern Mariana Islands (CNMI) and Guam Stormwater Management Manual (Stormwater Management Manual) was developed to assist the local engineering and development communities and local government agencies in developing and implementing stormwater and erosion control plans that adequately address nonpoint source pollution through the use of currently accepted best management practices (BMPs). Guam formally adopted the Stormwater Management Manual under Executive Order 2012-02 in January, 2012.

As the guide describes, that manual was generally intended to update and replace previous reference manuals in CNMI and Guam, most notably the Guam Storm Drainage Manual (U.S. Army Corps, 1980), Stormwater

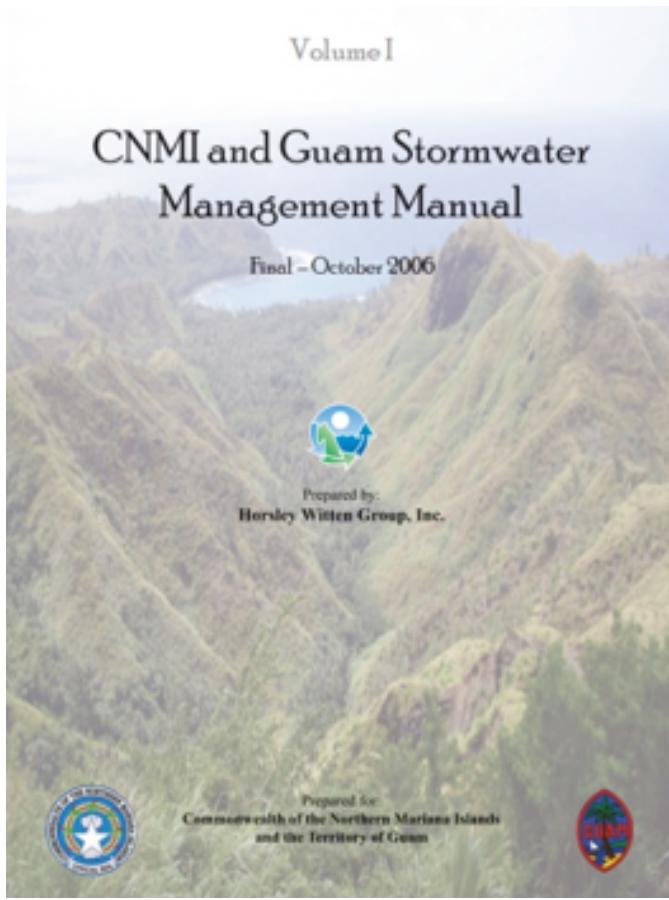


Figure 12 – Cover of Volume 1 of the CNMI and Guam Stormwater Management Manual. Available online [here](#).

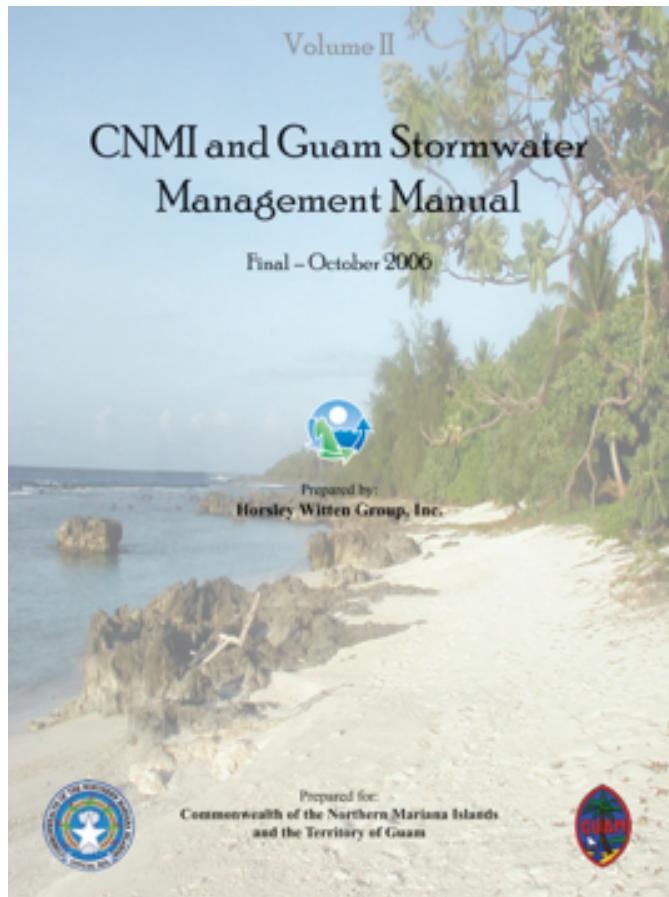


Figure 13 – Cover of Volume 2 of the CNMI and Guam Stormwater Management Manual. Available online [here](#).

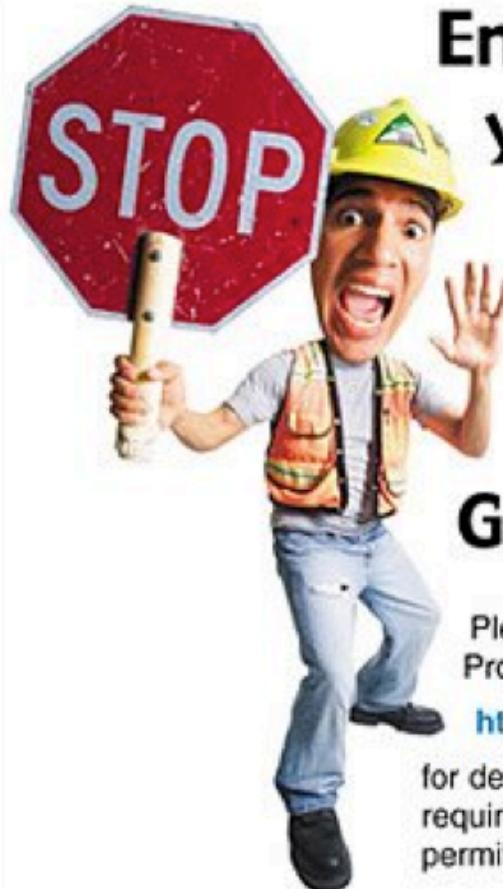
Control Handbook (Soil and Water Conservation Districts of CNMI, 1989), and the Erosion and Sediment Control Manual (GEPA, 2000). Unfortunately, the sheer volume of material and diversity of topics of the prior materials make it impossible to completely replace these reference materials. Designers, regulators and the regulated community will still need to rely on prior publications for reference to the following topics:

- General Hydrology
- Drainage Design/Pipe Sizing
- Floodplain Management
- Design Specifications for Erosion and Sediment Control Practices

As of this update in January 2020, BSP, GEPA, DPW, and the U.S. Army Corps are working together to discuss opportunities for further revision, so be sure to check with these agencies to confirm current standards and best practices for stormwater management and erosion control.

Reference: “Soil Erosion and Sedimentation Control Technical Manual”, Guam Environmental Protection Agency, 1986; CNMI and Guam Stormwater Management Manual, October, 2006. Executive Order 2012-02, Relating to Adopting Stormwater Management Criteria for Guam. See also “Guam Administrative Rules and Regulations” Title 22, Chapter 7 ([Guam Water Resource Development and Operating Regulations](#)), Chapter 8 ([Guam Sewer Connection Regulations](#)), Chapter 10 ([Guam Soil Erosion and Sediment Control Regulations](#)), Chapter 11 ([Guam Water and Wastewater Operator Certification Regulations](#)), and Chapter 12 ([Guam Individual Wastewater Disposal System Regulations](#))

Authority: [“Water Pollution Control Act” Title 10, Chapter 47, Guam Code Annotated](#) and [“Soil Erosion and Sedimentation Control” Regulations, 1985.](#)



# Environmental Laws protect your family and job.

**Breaking the law hurts everybody.**

**Follow the Law.  
Get the permits.**

Please call GEPA's Water Pollution Control Program at 475-1633/58/59 or visit

<http://guamepa.govguam.net/permits/>

for detailed information on permit requirements and to download permit applications.



Figure 14 - GEPA permitting resources and other information are available at <https://guamepa.govguam.net/permits/index.html>.

**J. Feedlot Permit.** Livestock operators and farmers who raise and produce swine, poultry, and other animals in commercial quantities may be required to obtain a Feedlot Permit to ensure the facility is in compliance with feedlot operations regulations for the control, treatment and proper disposal of animal wastes. Large quantities of animal waste, if not contained and treated properly may pose unacceptable risks to both surface and groundwater supplies. Feedlot regulations are part of the Water Pollution Control and Water Resources Management Programs.

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

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

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

## Other Requirements and Programs - Water

- A. Aquifer Protection
- B. Water / Wastewater Operators' Examinations
- C. Water Quality Monitoring Plans
- D. Spill Prevention Control and Countermeasures

**A. Aquifer Protection Review.** Any project (federal government, Government of

**B. Water/Wastewater Operators' Examinations** are required for individual work in water treatment and production of potable water systems. Satisfactory completion of the GEPA administered

examination by water system operators is required for both public and privately-owned community systems to ensure that operators possess the minimum knowledge and qualification necessary to operate and maintain clean water systems free of disease and chemical pollution in accordance with the Safe Drinking Water Act and Regulations.

**Wastewater Operators Examination.** Successful completion of the Wastewater Operators Examination is required for individuals who work in public or private sewage/wastewater treatment facilities. Operator must have the basic knowledge and qualification to properly operate plant equipment and in particular, the ability to identify problems in the treatment process and to implement appropriate remedies as well as conduct normal maintenance procedures. The certification is critically important in order to ensure that discharges meet federal and local permit requirements. Examinations are administered by GEPA.

**C. Water Quality Monitoring Plans (WQMPs)** may be required to evaluate the effectiveness of any number of different environment permits and/or performance standards. Monitoring plans are formulated to identify ambient or control conditions at a particular site and to capture deviations from those conditions resulting from a project or operations of a facility. WQMPs may range in complexity from simple water grab samples for sedimentation to more complex laboratory and/or field analyses of chemical and biological effects on water quality standards or organisms (acute/chronic bioassay). WQMP are dependent on a given water resource and scope of the project and include procedures for reporting results and observations to GEPA. These plans also include provisions for corrective actions and are submitted to GEPA for approval before the commencement of the project. Water quality monitoring is a standard

requirement for all industrial point source discharges, municipal wastewater treatment plant discharges, thermal discharges, marine and underwater construction activities, aquaculture effluent discharges, and mass clearing and grading projects.

**D. Spill Prevention Control and Countermeasure.** Public and private business organizations must comply with regulations requiring secondary containment areas if they store or use a minimum of 660 gallons of hazardous or petroleum products or wastes as a single above ground stored quantity or 1320 gallons if stored in multiple above ground containers. The Spill Prevention Control and Countermeasure (SPCC) requirements are designed to prevent all manner of spillage from contaminating surface and ground waters as well as soil in and around a storage area which may lead to future environmental contamination. Although the above regulated quantities are too specific to trigger management action, the Agency's Water Pollution Control Program will investigate and require remedial containment action in the event smaller quantity spills occur. Individual performance in the proper storage, use and disposal of hazardous and petroleum material is the best indication of the need for additional management measures. All facilities subject to SPCC requirements must develop a SPCC Plan identifying prevention procedures, methods, and equipment necessary to address operational spill prevention and countermeasures. The SPCC Plan and system must be approved by GEPA. The program is implemented through concurrent permit and plan reviews as well as periodic inspections of all known facilities. SPCC requirements may be identified and addressed concurrently through other permits issued or reviewed by the Agency. An application form is available; however, no fee is required.

Authority: "Water Pollution Control Act" Title 10, Chapter 47, Guam Code Annotated and 40, Code of Federal Regulations 112; see also 2015 Water Quality Standards

# GUAM ENVIRONMENTAL PROTECTION AGENCY

22 GAR GEPA  
DIV. II - WATER CONTROL

## DIVISION II WATER CONTROL

- Chapter 5. Water Quality Standards.
- 6. Guam Safe Drinking Water Regulations.
- 7. Rules for the Protection, Development and Conservation of Water Resources in the Island Territory of Guam.
- 8. Sewer Connection Regulation.
- 9. Underground Injection Control Regulations.
- 10. Guam Soil Erosion and Sediment Control Regulations.
- 11. Water and Wastewater Operator Certification Regulations.
- 12. Individual Wastewater Disposal Systems Regulations.



"ALL LIVING THINGS OF THE EARTH ARE ONE"

Figure 15 – Be sure to check with GEPA for the most current Water Quality Standards and permitting requirements. Image sources: GEPA

and marine related construction work. The EPP should be developed by a project contractor who will be primarily responsible for its implementation. EPPs describe the construction work to be undertaken including all methods of manual and mechanical work, the potential environmental impacts or problems that may be encountered and the environmental protection measures that will be employed to minimize, reduce or eliminate the impact or problem as described in the EIA/EIS, if such Assessment or Statement was prepared. EPPs may include erosion and sedimentation control, vegetation, wildlife, and coral/marine resource protection measures, fugitive dust control, solid and hazardous waste management and disposal procedures, personnel safety procedures, work site maintenance, and typhoon contingency plans. EPP guidance is available through the Agency's Water Program Division.

**B. Environmental Impact Assessment/Statement (EIA/EIS).** An EIA or EIS is required by executive order to be conducted for every zone change, variance, wetland, seashore, golf course, conditional use, use variance and related permit applications to the Guam Land Use Commission and Guam Seashore Protection Commission (GLUC/GSPC). Environmental Impact Statements (EIS) may be required as a final study proposal if anticipated impacts will cause the significant loss, damage or degradation of resources without comprehensive mitigation being identified and agreed upon. EIAs may be required for any other significant development proposal on a case by case basis by the Administrator, GEPA.

The federal government must conduct EIA/EIS documentation for certain federal actions including new construction, transfer or change in use of federal lands and for most federally financed programs

## Environmental Land Use Permits

- A. Environmental Protection Plan
- B. Environmental Impact Assessment / Statement (EIA/EIS)
- C. Minimum Lot Size Policy
- D. Sand, Soil, and Aggregate Importation
- E. Wetland Development / Identification

**A. Environmental Protection Plan (EPP's)**  
are required for most clearing, grading

and projects. The Agency has developed guidance material for the preparation of EIAs and EISs and a short form for small projects. In addition, copies of the federal National Environmental Policy Act, 1970 which mandates assessments for all federal programs and activities are available at the Agency's Planning and Review Division.

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

#### **C. The Minimum Lot Size Policy. P.L.**

24-51 had the Agency establish a land use policy setting lot size standards for areas where public sewer is not available, and the property is located over the Groundwater Protection Zone. The policy is applicable to all zone designations and all lot parcelling and subdivision proposals. Subdivision proposals which meet policy standards are automatically certified by the Agency through the Department of Land Management. Following is a brief summary of the three policy standards:

1. In "A" (Agricultural) Zones with no sewers, the minimum lot size permitted over Guam's Northern Aquifer is 19,200 square feet and lot density is one (1) dwelling unit per 19,200 square feet;
2. In "R1" (Residential), "R2" (Multi-Family), and "C" (Commercial) Zones with no sewers, the minimum lot size permitted over Guam's Northern Aquifer is 19,200 square feet with a maximum density of one (1) unit per 19,200 square feet;
3. In "A" (Agricultural), "R1" (Residential), "R2" (Multi-Family) and "C" (Commercial) Zones without sewers, the minimum lot size permitted in areas not over Guam's Northern Aquifer is

10,000 square feet with a maximum density of one (1) unit per 10,000 square feet.

GEPA will not support zone change proposals from "A" to a higher density without adequate public or private sewer facility.

Copies of the policy including a quick reference table for lot size standards and densities are available from the Agency's Planning and Review Division.

#### **D. Sand, Soil, and Aggregated Importation**

The importation of Sand, Gravel, Rock, Aggregate and other natural building materials or supplies to the Island of Guam from any other country, island or location not directly associated geologically with the Island of Guam are subject to the importation requirements as prescribed under the Guam Administrative Rules and Regulations, Title 8, Chapter 13, the Importation of Sand, Quarried, or Mined Products; 10 GCA Chapter 45, the Guam Environmental Protection Agency Act; 10 GCA Chapter 47, the Water Pollution Control Act; and in accordance with the Revised Water Quality Standards of the territory of Guam. The two primary clearance agencies are the Department of Agriculture, and Guam Environmental Protection Agency (GEPA).

All sand and aggregate material imported must be accompanied by official records indicating at a minimum, chemical composition, pest free certification, treatment certificate, and certificate of origin. Treatment for disinfecting or sterilization shall be prescribed by the GEPA and must be conducted at the point of origin, prior to importation. The Agency will deny clearance of any material to the Guam Customs and Quarantine if treatment cannot be authenticated or if any of the required documentation outlined above is not in order. The rules

require certain minimum standards for disinfection per quantity of material and may be subject to inspection, sampling and laboratory verification in Guam. Individuals who desire to import sand and aggregate material are advised to consult with Guam EPA and the Department of Agriculture before committing to off-island purchase and shipment. The cost for testing and inspections shall be borne by the individual importing the Sand, Gravel, Rock, Aggregate and other natural building materials. For more information and a copy of the regulations, interested individuals may contact Guam EPA's Environmental Monitoring and Analytical Services Division or the Department of Agriculture.

## **E. Wetland Development/identification**

Wetlands are protected resources areas and as such required special identification, delineation and permitting activities prior to development of the resource. The federal and local government plays important roles in wetland permitting and protection. All federal identification, protection, and permitting (enforcement) concerns should be referred to the U.S. Army Corps of Engineers, Guam Office. Guam EPA has a Wetlands Mapping Policy which defines

the process for obtaining approval of wetland boundaries and an "Approved Wetland Delineation Map". Unless otherwise waived, no permit shall be issued for properties containing wetlands without prior compliance with this policy.

The Department of Agriculture, DAWR; Department of Land Management, Bureau of Statistics and Plans and GEPA are involved in local wetland protection and permitting. Wetland delineation and mapping shall be required prior to applying for a TLUC Wetland Development Permit, CWA Section

401 Water Quality Certification, clearing and grading permit, or construction permit. Limited Field Wetland Identification services may be provided by the Department of Agriculture and GEPA for preliminary determination and guidance. GEPA will not make federal jurisdictional determinations or resources delineations. Farmers are encouraged to consult with the USDA Natural Resources Conservation Service for technical guidance and advice. The Official Wetland Inventory Map for Guam is available for review at most of the abovementioned agencies as well as local regulations on wetland protection.



# GUAM DEPARTMENT OF AGRICULTURE

Department of Agriculture  
Government of Guam  
163 Dairy Road  
Mangilao, Guam 9691  
Tel: (671) 300-7965/66  
Fax: (671) 734-6569  
Website: <https://doag.guam.gov/>

The Guam Department of Agriculture supports development and protection of the island's agriculture and natural resources. As part of this process, the Guam Department of Agriculture reviews proposed land clearing and building applications to ensure there are no environmental concerns. This process is detailed further in this section. The Guam Department of Agriculture may require additional permits or clearances for activities related to use of regulated natural resources. Additional details for agricultural uses, plant and animal quarantine, and biosecurity, as well as requirements of aquatic and forestry uses are included here. Contact the Guam Department of Agriculture for more information.

## **ENVIRONMENTAL REVIEW FOR LAND CLEARING AND BUILDING PERMITS**

### **LAND CLEARING/BUILDING PERMIT PROCESS**

-Guam Department of Agriculture-

#### **Step 1: SUBMISSION OF PERMIT REQUEST**

Admin. Intake (Permittee signs in and a copy of original permit is made and a \*street map attached and recorded.

Permit is reviewed by a field inspector and or section supervisor for location, purpose and completeness of form i.e. permit number assigned, owner's name, contractor's name, lot no., location, address and contact numbers.

Time Period: Minimum 2 weeks, however, dependent upon prior inspection schedules, weather, difficulty in assessing

site as well as personnel resources, the timeline may be later if not sooner.

#### **Step 2: PERMIT SCHEDULING**

Field Inspector schedules site inspection.

Exceptions – Upon review of the permit request, unless it requires a field inspection, the permit can be approved within the same day. This is based on information provided on the permit such as location known residential area, maintained lots without environmental concerns, industrial areas, improvements to existing structures or demolition ... to name a few, that is not a possible environmental concern noted below.

#### **Step 3: FIELD ASSESSMENT REPORT REVIEW**

No environmental concerns permit is forwarded for final approval.

If any environmental concerns such as wetlands, waterways flood plains, highly erodible areas, wildlife habitat and threatened and endangered plant species, mollusks, migrating birds cited, a "biological survey" will be requested of the permittee. An environmental consultant will be required to conduct the survey and a copy of the report submitted to the Department of Agriculture for review by the Division of Aquatic & Wildlife Resources (DAWR) either to conclude findings to be mitigated and or corrective measures in place prior to final approval "per conditions"

## Step 4: CONDITIONAL APPROVAL

The Department of Agriculture will issue a memorandum for “Conditional Approval” of the permit to address concerns noted in the Biological Survey Report to be either mitigated, and or requiring proper permits to reflect concerns identified are properly addressed.

The length of time for this process may take weeks or even months depending on the environmental consultants scheduling and the size of the property as well as other agencies may it be Federal or Local having to resolve the concerns.

Wetland Delineation Maps must be signed/approved by the Director of Agriculture.

**FEES:** None charged at this time; however, a fees schedule is being formulated at this time and will be processed through the “AAA” procedure.

\*Permittee completes street map and may be assisted by admin. personnel as needed.

A flow chart is provided for additional information on the following page.

For further information, please contact the Agricultural Development Services Division at 300-7973 or visit the office at 163 Dairy Road, Mangilao.

## **AGRICULTURE DEVELOPMENT, ANIMAL QUARANTINE & BIOSECURITY**

### *Agricultural Development*

The Guam Agricultural Law directs the Department of Agriculture to regulate quarantine, pest control fishing, slaughtering dairy cattle and experimental dairy cattle, egg labeling, and meat inspection. Department of Agriculture supports this mandate to protect and promote the agricultural resources and economy of the Territory of Guam by research, quarantine, control, conservation, and extension work.

**Authority:** GCA Title 5, Division 6, Ch 60 Dept. of Agriculture

### *Plant and Animal Quarantine*

Plant and animal import and quarantine restrictions are in place in order to protect Guam agriculture from new plant and animal diseases. It is unlawful and punishable upon conviction as a petty misdemeanor, for any person to violate any provisions of the Plant and Animal Quarantine law and supporting regulations, including but not limited to (a) concealment from an inspector of any regulated article or failure to present the same for inspection and (b) failure to safeguard, dispose of, or otherwise handle regulated articles in accordance with this Division and instructions from an inspector. If you aren't sure if might need to declare a plant or animal before you bring it to Guam, contact the Department of Agriculture.

Guam is considered a “Rabies Free” jurisdiction. Guam’s quarantine law is designed to protect residents and pets from the devastating problems associated with the spread of rabies. Success of the quarantine program is dependent on maintaining isolation of your pet from other animals during any required quarantine period. Title 10 Guam Code Annotated Chapter 34 Article 3 governs importation of dogs, cats and other carnivores into Guam. This law states that these animals are required to complete a 120-day confinement in an approved Commercial Quarantine Facility. Other carnivorous vertebrates are generally prohibited entry into Guam. View the Animal Rabies Quarantine brochure online at [https://amcguam.com/wp-content/uploads/2017/04/GDA\\_AnimalRabiesQuarantineProgram.pdf](https://amcguam.com/wp-content/uploads/2017/04/GDA_AnimalRabiesQuarantineProgram.pdf) or contact the Guam Department of Agriculture’s Animal Health Section for more details.

**Authority:** GCA Title 5, Division 6, Ch 61 Plants & Animals

### *Biosecurity*

The Biosecurity Division serves as the Department’s center for Biosecurity and Agricultural Quarantine at the Plant Inspection

Facility. As such, its primary focus is to assist stakeholders interested in imports and exports of food and agricultural items, to assist in food security and safety concerns, and to coordinate the Government of Guam's responses to new invasive species threats. These coordination and scientific regulatory services are accomplished through many local, national and international linkages. Cooperation is especially close with the United States Department of Agriculture, the Customs and Quarantine Agency and the University of Guam.

Biosecurity Division staff prepares and issues Import Permits for fruits and vegetables, live plants, seeds and related articles and fresh egg Import Permits. There are also export certification inspections conducted and appropriate certificates issued: Phytosanitary Certificates and Certificates of Origin. The Division fees collected from permit and certificate support operations. The Plant Inspection Facility inspects live plants with pest identification determinations performed and shipment dispositions ordered, to protect Guam from invasive pests and diseases.

Staff also conducts smuggling interdiction and trade compliance enforcement efforts by inspecting retail and wholesale establishments under federal agricultural regulations. Staff are also involved in limiting the destructive effects of the coconut rhinoceros beetle, little fire ants and other invasive species through targeted activities and training programs.

An import permit application is included at the close of this section. You can learn more about domestic import requirements online at <https://doag.guam.gov/biosecurity-division/> or contact the Biosecurity Division at (671) 475-1426/7. To report a sighting of an invasive species of concern please call (671) 475-PEST (7378).

Import Factsheets:

- [Domestic Import of Fruits and Vegetables to Guam](#)
- [Domestic Import of Propagative Materials to Guam](#)
- [Foreign Import of Fruits and Vegetables to](#)

## Guam

- [Foreign Import of Propagative Materials \(Plants for Planting\) to Guam](#)

## DIVISION OF AQUATIC & WILDLIFE RESOURCES

Guam Division of Aquatic and Wildlife Resources (GDAWR) is the equivalent of a State Fish & Game Agency. The Wildlife Section's mission to "manage Guam's wildlife resources for the benefit of present and future generations" and the vision "to recover endangered animal and plant species, manage sustainable populations of game species, and promote public awareness of natural resources". GDAWR regulations include fishing restrictions, protections on the use of wild birds and wild and feral animals, and licensing requirements for taking of protected species. It is unlawful to fish with explosives, to destroy coral growth for the purposes of flushing fish from their habitat or for clearing an area for a fishing net, and it is unlawful to possess, sell, purchase, trade, or distribute shark fins or ray parts in Guam. The Guam Department of Agriculture's Division of Aquatic and Wildlife Resources, Aquatic Section aims to protect Guam's varied aquatic resources including coral reefs, marine life and freshwater flora and fauna. If your project may affect federally or locally listed endangered or threatened species or their habitat, you will need to coordinate further consultation with GDAWR.

Authority: [GCA Title 5, Division 6, Ch 63 Fish, Game, Forestry & Conservation](#)

## FORESTRY

The mission of the Forestry & Soil Resources Division (Guam Forestry) is to conserve, protect and enhance Guam's vegetative environment and sustain the natural resources which are depended on healthy forests. The agency works with stakeholders to promote healthy productive forests in both rural and urban areas throughout the island in partnership with the USDA Forest Service and other key stakeholders. The State and Private Forestry organization of the USDA Forest Service provides technical and

financial assistance to landowners and resource managers through a variety of programs – Urban and Community Forestry, Forest Stewardship, Forest Health and Fire Management Programs. A cutting permit, included at the end of this section, is required for harvest of trees on public lands. Permits may be required for other tree clearing or planting. Some trees on Guam are protected

by local or federal laws. For example, in 1975, Public Law 12-201 was passed, prohibiting the willful destruction of betelnut (*Areca catechu*) and frederico (*Cycas micronesica*) trees. Contact Guam Forestry for more information.

Authority: Public Law 12-201, P.L. 16-62:4; GCA Title 5, Division 6, Ch 63 Fish, Game, Forestry & Conservation



Figure 16 - The Guam Department of Agriculture Division of Aquatic and Wildlife Resources has a hotline to report threats to Guam's fish and wildlife. Source: GDAWR

# Department of Agriculture Building Permit Process

## Step 1: Submission of Permit Request

- Admin. Intake (Permittee signs in and a copy of original permit is made and a \*street map attached and recorded.
- Permit is reviewed by a field inspector and or section supervisor for location, purpose and completeness of form i.e. permit number assigned, owner's name, contractor's name, lot no., location, address and contact numbers.
- Time Period: Minimum 2 weeks, however, dependent upon prior inspection schedules, weather, difficulty in assessing site as well as personnel resources, the timeline may be later if not sooner.

## Step 2: Permit Scheduling

- Field Inspector schedules site inspection.
- Exceptions – Upon review of the permit request, unless it requires a field inspection, the permit can be approved within the same day. This is based on information provided on the permit such as location known residential area, maintained lots without environmental concerns, industrial areas, improvements to existing structures or demolition...to name a few, that is not a possible environmental concern noted below.

## Step 3: Field Assessment Report Review

- No environmental concerns permit is forwarded for final approval.
- If any environmental concerns such as wetlands, waterways flood plains, highly erodible areas, wildlife habitat and threatened and endangered plant species, mollusks, migrating birds cited, a “biological survey” will be requested of the permittee. An environmental consultant will be required to conduct the survey and a copy of the report submitted to the Department of Agriculture for review by the Division of Aquatic & Wildlife Resources (DAWR) either to conclude findings to be mitigated and or corrective measures in place prior to final approval “per conditions”

## Step 4: Conditional Approval

- The Department of Agriculture will issue a memorandum for “Conditional Approval” of the permit to address concerns noted in the Biological Survey Report to be either mitigated, and or requiring proper permits to reflect concerns identified are properly addressed.
- The length of time for this process may take weeks or even months depending on the environmental consultants scheduling and the size of the property as well as other agencies may it be Federal or Local having to resolve the concerns.
- Wetland Delineation Maps must be signed/approved by the Director of Agriculture.

APPLICATION FOR IMPORT PERMIT  
DEPARTMENT OF AGRICULTURE-BIOSECURITY  
17-3306 NEPTUNE AVE. BARRIGADA, GU 96921  
TEL: 475-1427, FAX: 477-9487

Import permit request for plants, plant products, fruits & vegetables, animal feed, plant seeds, fertilizer, wood products, scientific samples, grass stolons, sand & quarried products. PERMITS CAN ONLY BE PICKED UP BETWEEN 8:30-11:30AM.

REQUEST MADE BY: \_\_\_\_\_ REQUEST DATE: \_\_\_\_\_  
Number of Permit(s) Requested: \_\_\_\_\_ x (\$10.00)/permit)

Importer's Name and Address:

Supplier's Name and Address:

Phone No(s):

Phone No(s):

**Description of commodity:**

Quantity	Type of container shipment
	Air Container
	Sea Container
	Box(es)
	Case(s)
	Pounds
	Pieces
	Sacks
	Other
	Air (Cargo)
	Ocean Freight /Sea (Ship)
	Air (Post Office)
	Air (Passenger Baggage)

Check one:

<input type="checkbox"/>	Live Plants
<input type="checkbox"/>	Cut Flowers
<input type="checkbox"/>	Fruits/ Veg.
<input type="checkbox"/>	Wood Product
<input type="checkbox"/>	Plant Product
<input type="checkbox"/>	Animal Feed/Fertilizer
<input type="checkbox"/>	Seeds
<input type="checkbox"/>	Grass stolons / seeds
<input type="checkbox"/>	Betel Nut/Piper Leaf
<input type="checkbox"/>	Kava
<input type="checkbox"/>	Other

For Office Use Only

Rec Date: Time:  
Completed Date: Time:  
Preparer:  
Notes:



**Department of Agriculture  
Government of Guam  
163 Dairy Road, Mangilao, Guam 96913  
300-7975/76/77**



Date Issued: \_\_\_\_\_

Village/Area: \_\_\_\_\_

Date of Expiration: \_\_\_\_\_

DLM Lot NO.:

**CUTTING PERMIT**

**APPLICATION:** In accordance with the law of the Territory of Guam, I request permission to cut/prune/trim on unassigned/assigned public lands to the following species and number of trees for fuel/timber/clearing/decoration purposes:

SPECIES	QUANTITY

Date of Cutting will be between \_\_\_\_\_ / \_\_\_\_\_ a.m.  
To: \_\_\_\_\_ / \_\_\_\_\_ p.m.

Applicant / Firm Address:

**Identification No.:** 12345678901234567890

Identification No.: \_\_\_\_\_

Applicant / Firm Signature: \_\_\_\_\_

**PERMIT**

Permission is hereby given to \_\_\_\_\_ to cut trees as requested  
above under the following conditions below.

- Only trees marked or designated will be cut
- Tree trunks will be cut flush to the ground
- All debris resulting from cutting will be disposed of by use on mulch or duly authorized burning.  
(Permit Required)
- Debris will be removed from water course, roads and trails, telephone and electrical lines.
- Other: \_\_\_\_\_

(SEE NOTE, INSTRUCTIONS AND SKETCHES ON THE REVERSE SIDE)

**NOTE:**

1. The Forestry and Soil Resources Division (F&SRD) will not be responsible for any damages or personal injury to any person or property as a result of cutting covered by this permit.
2. This permit does not include any burning, bulldozing or grading activity other than removal by the use of cutting implements.
3. This permit does not cover tree cutting on wetlands and privately owned areas or rights of way.
4. Non-compliance with any condition in this permit will result to revocation thereof.

**INSTRUCTIONS FOR ISSUANCE OFF PERMIT**

1. Two (2) outermost Nipa fronds only.
2. Must be from palms in the center part of the waterway.
3. No more than two (2) fronds per palm.
4. Remove debris from waterway.
5. Lowest two (2) Coconut fronds only.
6. No more than (2) fronds per coconut.
7. No other trees EXCEPT Tangan-tangan and Hibiscus (Pago)

APPROVED BY:

---

Forestry Division Chief

---

DATE

**(SKETCH OR MAP OF AREA)**

Updated Jan 24, 2019

# GUAM DEPARTMENT OF PARKS AND RECREATION REVIEW

Department of Parks and Recreation  
Dipattamenton Plaset Yan Dibuetson  
Government of Guam  
490 Chalan Palasyo Road  
Hagatna, Guam 96910  
Director's Office: (671) 475-6296/97  
Facsimile: (671) 477-0997  
Parks Division: (671) 475-6288/89  
Guam Historic Resources Division: (671) 475-6294/95/6272

Guam Department of Parks and Recreation – Guidelines and Standards for Subdivisions and Planned Unit Developments (PUD)

## I. GUIDELINES

While several guidelines exist on Guam for parks, recreation areas, and open space in new developments, it is felt that guidelines oriented from the park and recreation administrative viewpoint would have merit. These are thus oriented toward a supply and demand analysis of the community's recreation needs in addition to the viewpoints of maintenance and vandal prevention.

Choosing a park site should take into account the resources available in the area. Thus, consideration should be given toward, but not limited to utilizing beaches, forests, marshlands, ridges, unique ecological areas, and historical and archaeological sites for the park.

The park design should be flexible as possible to reflect changing patterns of recreation needs in its service area. Additionally, special efforts should be provided for easy access and facility use for the elderly, individuals with disabilities, and less mobile groups that have a need to utilize the park.

When a development is being considered, the park area should be developed considering certain factors. Each developer should demonstrate knowledge or consideration of the following factors when locating and designing the park:

1. Time-distance factor of the proposed development from existing or proposed parks.
2. Demographic profiles (age, sex, family, size, etc.).
3. Socio-economic factors (income, education, etc.).
4. Cultural and ethnic characteristics.
5. Climate.
6. Special urban conditions and sub-neighborhoods.
7. Local traditions and customs.
8. Quantify, quality, access to, and distance from existing recreation facilities or other private facilities.
9. Available natural resources on or close to the site.

## II. STANDARDS

All future parks in subdivisions or PUD's of 20 or more dwelling units will have to meet these standards and receive written approval of the Department of Parks and Recreation prior to the department accepting any responsibility for the parks or recreation areas.

In addition, all multi-family dwellings, subdivisions, and PUD's with private parks have certain requirements where applicable to be met when approval of the department is required.

**THE FOLLOWING PERTAINS TO TWENTY (20) OR MORE UNITS ONLY:**

**A. Size and Location**

The minimum amount of land to be reserved for park and recreation functions is one acre per 50 dwelling units (one acre = 43,560 sq. ft.) or any fraction thereof residing within the development. The park land should be properly distributed (generally centralized) to insure ease of access to the park for the residents of the development. The exception to this guideline would be where the park land would preserve a natural feature such as a beach. Location of the park adjacent to a public school is desirable although not necessary. The land to be designated as a park should be composite in layout and should have a minimum of 40 feet of continuous boundary on a public street.

**B. Legal Dedication**

The park, recreation area, or open space should be accurately documented on maps that meet Department of Land Management standards. The reserved area should be specifically deeded in fee simple to the government of Guam and accepted by the Director of Land Management for park, recreation, or open space use only. Inclusion of this protective covenant and a clause for usage for other purposes upon the approval of the department and all abutting landowners is necessary.

**C. Land Surface Status**

The park area should be partially cleared and developed to present some recreation opportunities for the nearby inhabitants of the area. Slope should be no more than 10% for 70% of the area. A reasonable amount of area whose slope exceeds 10% is allowable to preserve a natural or historical feature. Where slopes exceed 10% a low maintenance ground cover shall be established. The grounds shall have at least two inches of topsoil. If cuts and fills were utilized, two inches of topsoil shall be required over the disturbed area. Also, spoil remains of sand, gravel, construction materials or other items shall not be deposited on the area. Open space or green belts can be no less than 100 feet wide.

**D. Vegetation**

Adequate consideration shall be given to retaining the natural vegetation except where the construction of recreation facilities requires their removals. Retaining ornamental shrubs and mature trees will not only provide visual esthetics but will also attract users to the park since shade will be utilized. All new vegetation and landscape materials should be guaranteed for a period of at least six months after the area is legally dedicated to the government of Guam as a park.

**E. Fencing**

If the area is located immediately adjacent to a primary or secondary road, a fence should separate the road from the park. The fence should be from four to six feet high. However, gaps in the fence should exist to allow access for users. Under no circumstances should the area be

designed to be entirely closed or even presenting the appearance of preventing entrance.

## F. Parking

All areas should have provisions for parking, either along the abutting street or a small parking lot within the park area itself. Spaces will be provided at a ratio of at least 10 for every 50 dwelling units serviced by the park. However, any parking lot or roadway within the park cannot be considered as a portion of the minimum acreage required for the park. In a related matter, adequate design and construction must insure that vehicles cannot use areas in the park where they are not intended to traverse. Thus, curbing must be utilized along the street abutting the park with automobile barriers installed in parking lots and other areas within the park where necessary. Provisions should be made to install moveable barriers so maintenance access is guaranteed.

## G. Utilities

Minimum utilities will be required. This will consist of at least one water outlet with meter and one power outlet with meter in each area. These shall conform to the requirements of their respective government of Guam agencies. The park should be no further than 100 feet from a sewer line, unless specifically prohibitive, so a possible installation of a restroom facility would be feasible.

## H. Required Facilities

Each development should include at least some of the following numbered items in the park or related areas prior to formal turnover to the government of Guam and based on the sliding scale at the end of the list:

1. Baseball diamond little league\* with bike rack for 20 bikes.
2. Softball diamond\*.
3. Basketball court (high school)\* lighted.
4. Play apparatus (four pieces) and open play area of at least 8,000 sq. ft. (sand box, climbers, slide, parallel bars, mounds, rock pile, whilers, etc.), with benches and drinking fountain.
5. Tennis complex (minimum two courts)\* lighted.
6. Swimming pool (800 sq. ft. minimum) fenced.
7. Picnic area comprising at least five picnic tables located under trees or shelters, five fireplaces, and five trash cans with adjacent parking.
8. Community center shelter of at least 1,000 sq. ft.
9. Marina of at least one two-lane launching ramp with adjacent parking.
10. Natural area of at least three acres untouched by grading or clearing but with a 3' wide gravel trail of 1,000 ft., lighted.
11. Campground of at least five tent pads, five fireplaces, five picnic tables, and five trash cans with nearby parking.
12. Running track\* (1/4 mile).
13. Volleyball courts (min. two courts)\*, lighted.
14. Beach of at least 150 lineal feet.
15. Fishing pier at least 50 ft. long.
16. Football field (regular)\*.
17. Handball courts (minimum two courts)\*, lighted.

18. Hiking, jogging, and biking trails (minimum two miles).

\*International competition requirements (size).

Other items will be considered to compensate for these specific omissions if a reasonable alternative is presented.

Scale for recreation facilities:

<b>Mandatory Inclusion</b>	
<b>Occupation Units</b>	<b>of numbered items above</b>
20-50	1
50-100	2
100-200	3
200-300	4
300+	5

**I. Specific Required Facilities**

In addition to the above choice of recreation facilities, certain facilities will be mandatory when the number of dwelling units reaches certain levels. In these large developments, these mandatory facilities can be the same and compensate for the required items in the selection list in item I. The facilities and their required inclusion dwelling unit levels are:

<b>Facility</b>	<b>Of dwelling unit thereof and each additional total units thereof</b>
Baseball Diamond	1,000
Softball Diamond	500
Tennis Complex	330
Basketball Court	80
Swimming Pool	2,000
Community Center Shelter	1,670
Football Field	1,000

**J. School Park Concept**

If recreation facilities are at a school site they can be counted towards the requirements listed in Hand I with two specific requirements. The facilities at the school must not be fenced or locked to prevent use during weekends, after school, or during vacation periods.

**K. Time-Distance Factor**

An occupation unit shall be no more than 2,000 feet from a park, recreation area, or green space.

## L. Required Approval

The park layout plans and specification must be approved by the department prior to construction. In addition to meeting other applicable government of Guam approval, the finished park must pass a site inspection of a representative of the department, prior to formal maintenance acceptance.

## M. Park Size

The recreation facilities should be located in either a playlot, vest pocket park, neighborhood park, or district park. The rough standard for these parks are as follows:

Suggested Acres per Size/Population/Service				
Classification	1,000 People	Range	Served	Area
Play lots	*	2,500 sq.ft. to 1 acre	500-2,500	Sub-neighborhood
Vest pocket parks	*	2,500 sq.ft. to 1 acre	500-2,500	Sub-neighborhood
Neighborhood parks	*	2,500 sq.ft.	500-2,500	1/4 - 1/2 mile
District parks	*	2,500 sq.ft.	500-2,500	1/4 - 1/2 mile

Each development should include at least one of these types of parks. However, the minimum acceptable size for a park is 10,000 square feet. A smaller area would be acceptable if it met the criteria and provided an additional separate area of at least 10,000 square feet was included in the development. In addition, at least 30% of the total park area should be retained as open space. A brief description of the four classifications of parks follows:

### 1. Playlots

The playlot is a small area intended for children up to six or seven years of age. It is essentially a substitute for the backyard, and thus normally provided only in high-density areas such as apartment or condominium areas. Playlots are expensive to maintain and difficult to administer but serve an important function in urban areas. They range in size from 2,500 square feet up to 1 acre and usually feature play apparatus, a paved area for wheeled toys, benches, sand area, a small wading or spray pool, and landscape treatment. They should be located within a block or near the center of a housing development. Children should not be required to cross a major arterial street to reach the playlot.

### 2. Vest Pockets or Mini Parks

There has been great emphasis lately on the vest pocket parks, since such parks should be supportive to adequate open space for all needed facilities. Vest pocket parks may serve children only, senior citizens only, or all age groups, depending on the needs in the neighborhood. The size and location are determined more by the availability of the land than any other factor. Vest parks may feature children's play areas, quiet games areas, landscaping and some sports activities such as multi-purpose courts if space allows.

### 3. Neighborhood Parks

The neighborhood parks should, when possible, adjoin the public elementary school, which usually about a square mile of urban area and a total population ranging from 2,000 to 10,000. It is desirable to locate the areas for active recreation such as ball diamonds and play areas toward the interior of the site so the perimeter can be landscaped to buffer sound, provide a greater measure of safety, and prevent glare from night lighting.

Developers should give much more consideration to the inclusion of night lighting of outdoor facilities because it greatly extends use and tends to reduce vandalism.

Recreation facilities for adults should be provided in the park portion of the site, in accordance with the desires of the people. Such facilities as sitting areas, shuffleboard, and horseshoe courts should be located in the shade. Tables for games such as chess, checkers, and cards, and perhaps some picnic tables are desirable. The site and the school building should be designed to attract the people of the neighborhood and make it a center for education, recreation, and for cultural activities.

### 4. District Parks

The district parks supplement the neighborhood parks in providing the near-at-hand recreation facilities needed by the urban population. These larger sites should, when possible, adjoin the public junior and senior high schools. They also encompass the activities formerly included in the playfield. While the neighborhood sites should be designed to attract and serve the entire neighborhood populations, there are certain recreation facilities needed which require more space than the neighborhood sites should accommodate.

Thus, the need for the district park. Other facilities may include a tennis complex, swimming pool, multi-purpose courts, community center, and adequate off-street parking. Parks of this type are best located on or near thoroughfares, easily accessible and distributed so they are within about one to three miles of each home. The increased mobility of teenagers who heavily utilized the district parks tends to widen the radius of the service area.

#### THE FOLLOWING PERTAINS TO TWO (2) TO TWENTY (20) UNITS ONLY:

None of these areas are anticipated to generate parks that will become the responsibility of the government of Guam. Since the development proposals are reviewed by the department, the government of Guam is responsible for certain services to the ultimate residents and the recreation needs of the residents.

Landscaping immediately surrounding the future habitation structures and the parking areas is mandatory.

An area for outside living shall be provided, either for each separate unit or a community living area. If a community area, it must service no more than six units.

DEPARTMENT OF PARKS AND RECREATION

**STANDARDS EVALUATION FORM**  
**SUBDIVISIONS AND PLANNED UNIT DEVELOPMENT (PUD)**

**PROJECT NAME:**

**VILLAGE:**

**LEGAL DESCRIPTION:**

Number of dwelling units: \_\_\_\_\_

Park area/dwelling unit X 871.2 ft<sup>2</sup> = \_\_\_\_\_

Park area required: \_\_\_\_\_

Park area indicated: \_\_\_\_\_ ft<sup>2</sup>

Analysis: \_\_\_\_\_ %

**SCALE:**

<u>Dwelling</u> <u>units</u>	Required Facilities	<u>List of Facilities</u>
20-50	1	
51-100	2	
101-200	3	
201-300	4	
301+	5	

\_\_\_\_\_ **TOTAL**

Number of Dwelling Units

Required Facilities

\_\_\_\_\_

Facilities indicated: \_\_\_\_\_

Analysis: \_\_\_\_\_

Evaluated by: \_\_\_\_\_

Date: \_\_\_\_\_

# DEPARTMENT OF PARKS AND RECREATION

## OCEAN SHORE PUBLIC ACCESS ACT OF 1987

(Public Law 19-05 Ch.V-C Section 13470, pp.168, 21 GCA Real Property, Ch. 65 Public Access to the Ocean Shore)

### STANDARDS

Public Law 19-05, Ocean Shore Public Access Act of 1987, Chapter V-C Section 13470, pp.168 mandates that:

1. It shall be unlawful for the owner, lessee, or tenant of any land adjacent to or abutting the ocean shore to block, impede, or interfere with the public use of any traditional right-of-way (Section 13474(a)).
2. It shall be unlawful for the Guam Land Use Commission to approve or permit any development of land which will result in the blocking, impeding, or interfering with the public use of any traditional right-of-way which provides public access to the ocean shore (Section 13474(b)).
3. That all rights-of-way established under the provisions of this chapter shall be two (2) meters in width (Section 13476).

Now therefore, as the Department of Parks and Recreation is charged the responsibility for insuring development conditions of each access, the following designs standards shall apply to every applicable development:

1. The right-of-way, extending from the edge of the public highway to the end of the property line fronting the ocean shore, shall be a recorded public access easement (Section 13474(b)).
2. The width of the right-of-way shall be two (2) meters (6.50 feet). The right-of-way cannot be utilized for any other purpose (Section 13476).
3. Standards for a required developed public access:
  - a. Paved parking adjacent to the public highway for at least eight (8) vehicles; two (2) of which to be reserved for individuals with disabilities. Parking stall design must be also approved by the Department of Public Works.

A permanently developed, handicapped accessible walkway be developed on the right-of-way from the parking area and/or the public highway to the ocean shore. Should access be situated on a driveway, a separate walkway must be constructed along the side of the driveway for the safety of the public. The developed walkway must be no less than four (4) feet wide and four (4) inches high, constructed of concrete.

Walkways developed for the government of Guam intended for the use of the general public shall be designed and constructed in such a manner as to permit disabled who are confined to wheelchairs or otherwise limited mobility ready access to walkways and to all parts thereof open to the general public (PL 18-28, Section 10001.9).

- b. Sufficient signs shall be placed to notify the public about the right-of-way, parking, and handicapped parking. The Department of Parks and Recreation ocean shore access sign specification shall be utilized.



- c. The right-of-way should not be placed through or immediately adjacent to a service, utility, or solid waste disposal area as this could place users of the public access in an unsafe location. The right-of-way could be used for other purposes.

It is highly recommended that the ocean shore requirements be addressed and approved as early as possible to avoid any delays in the project. The responsibility for meeting the ocean shore requirements is vested in the project applicant:

1. The construction drawing of the walkway, the landscaping design, and survey map of the right-of-way and a draft copy of the Grant of Easement document **MUST** be submitted in a timely manner to the Department of Parks and Recreation for review/approval prior to commencement of construction of the initial phase of the project and the walkway. Once the walkway is 100% completed, the Department of Parks and Recreation must be notified for final inspection prior to signing off on the final Occupancy Permit for the project.
2. The final Grant of Easement document signed by the **GRANTOR**, along with the survey map of the rights-of-way as a part of this document should be submitted in a timely manner to this Department for signature routing and filing for record. Only after the document has been submitted for recording will this Department sign off on the final Occupancy Permit.

The **GRANTOR** of easement shall be responsible for maintenance and repair of walkway/right-of-way. Should the **GRANTOR** of easement find it necessary to close beach access for maintenance and repair, or for any reason, the **GRANTOR** must make available alternate access route to allow the public to include the handicapped to gain access to the ocean.

These guidelines are requirement pursuant to [Public Law 19-05 pp.168](#), passed on August 21, 1987 and [Public Law 18-28](#), passed on January 10, 1986. The Department has required the Guam Land Use Commission, to include these requirements for public access: to the ocean shore where applicable.

# GUAM HISTORIC PRESERVATION REVIEW – HISTORIC PRESERVATION OFFICE

Consultation with Guam's Historic Preservation Office (HPO) is required for any earthmoving activity and any activity which may impact a historic site or structure 25 years of age or older. As outlined by 21 GCA § 76511(A), compliance review form is used to certify whether or not a site inspection is required (example form included at page 149). A Certificate of Approval (COA) must be issued by the Guam Historic Preservation Officer before any action affecting potential historic sites or objects is undertaken (example form included at page 150). COA must be issued for projects that include but are not limited to building, grading, clearing, and foundation permits, public land leases and lease renewal, and other activities that require applications to the Guam Land Use Commission, the Guam Seashore Protection Commission, or that involve federal grants or permits or other land use or improvements. Due to these requirements, early consultation with HPO is encouraged.

Projects that are likely to have significant impacts to historic and cultural resources must identify appropriate mitigation measures with HPO in advance of project implementation. For federally funded or permitted projects, section 106 consultation with the State Historic Preservation Office is required. No in-lieu mitigation is permittable in Guam. Please contact Guam HPO at (671) 475-6288 if you have questions regarding these requirements. Updated shovel testing guidance to further help support development applications is pending publication.

## Historic Preservation Review

### WHAT IS HISTORIC PRESERVATION AND WHOSE RESPONSIBILITY IS IT TO PRESERVE?

Defined in both federal and local laws, historic preservation means the research, protection, restoration, and rehabilitation of historic properties; it includes identification, evaluation, recordation, documentation, curation, acquisition, management, stabilization, maintenance, interpretation, conservation, education, training, and presentation.

Preservation of historic properties has been a responsibility of the Department of Parks and Recreation since 1974 when Public Law 12-126 became law. Codified in Title 21, Chapter 76 of the Guam Code Annotated, the “Historical Objects and Sites” law, not only directs the Department to establish and implement a comprehensive historic preservation program, it also provides procedures for other agencies, departments, bureaus, and commissions to guide themselves by, when they conduct their activities, and develop plans, and programs. These entities must conduct their activities in a manner consistent with preservation and enhancement of historic properties and sites. This same

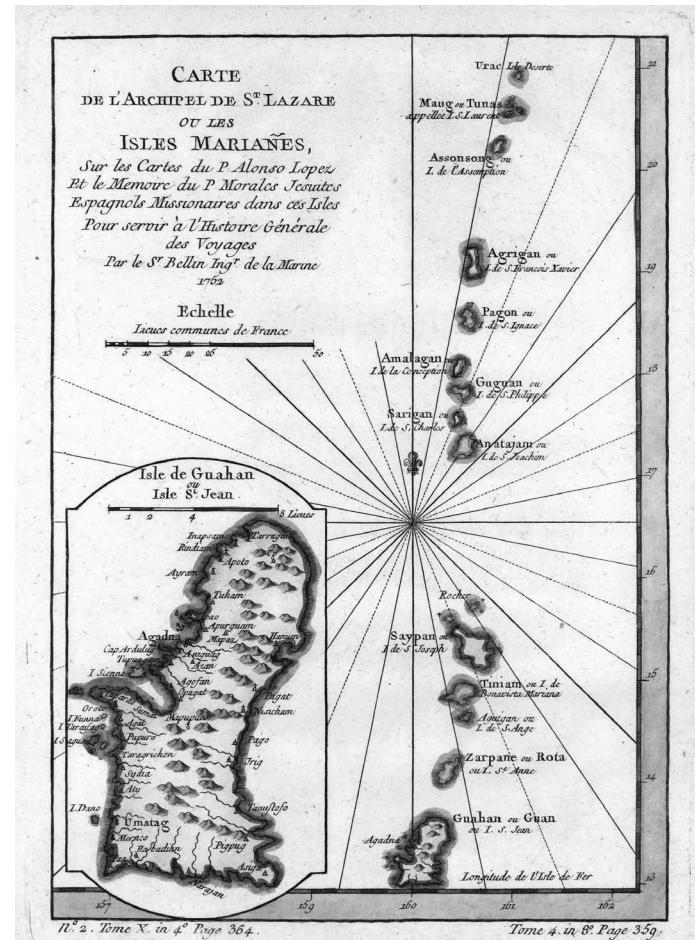


Figure 17 - Map of the St. Lazare archipelago of the Mariana Islands. 1756. Source: UOG MARC

law also places the responsibility on private developers, private landowners, researchers, and all others that make up the “public.”

## WHAT MAKES A PROPERTY HISTORIC?

A property must have at least three important qualities for it to be considered historic: adequate age, a high degree of integrity, and its importance - significance in history. The Department of Parks and Recreation maintains the Guam Historic Properties Inventory - a list of properties that have been identified and recorded throughout Guam. A property may be a place of burial; shell midden; a type of wall constructed during a period in history; a traditional cultural property; a latte quarry; or other cultural resources. There are over eighteen properties listed in the inventory that make up the “site” files. The Department also maintains a reference library of archaeological survey reports since 1968. These documents, the inventory and reports are important sources of information that are shared with developers, planners, agencies, and individuals.



Figure 18 – Iconic Latte period pictographs at Gadao’s Cave, Guam. Photo credit: E. Derrington

## HISTORIC PROPERTIES AND THEIR SIGNIFICANCE

In Guam, as in other parts of the world, there are properties that hold a greater than normal significance for the community, the region, and the nation itself. Historic properties become important when they contain or have the potential to contain significant information that contributes to the history, the architecture, archaeology, or culture of Guam or the nation. Historic property in this regard means any building, structure, object, area, or site; historic properties are also considered cultural resources because they have, in themselves, cultural character - such as an ancient Chamorro settlement site, or a structure built during the Spanish period, or buildings and structures built during the Naval Government Period such as the Guam Congress Building or the Government House.

## EVALUATING SIGNIFICANCE

Evaluation criteria are used to determine how and why a property is significant. Significant properties that have a high degree of integrity, and that are 25 - 50 years in age, are considered potentially eligible for listing in the Guam, and/or National Register of Historic Places. Properties eligible must also have at least one of four kinds of connection to the past.



Figure 19 – Pottery fragments. Source: GHPO

These are as follows:

- **Association with the lives of persons significant in our past.**

Properties with this kind of significance are those that gain their importance primarily through association with a famous or important person. Both registers give more weight to places directly associated with the important works of a person, rather than birthplaces and gravesites. Examples of this kind of property would be the site where Father Duenas was executed in Tai, the place where Father San Vitores was martyred, or the Guam Institute where Nieves Flores established a successful private school before World War II, and where a number of later island leaders were educated.

- **Association with events that have made a significant contribution to the broad patterns of our history.**

In this category fall properties such as the Merizo Massacre sites, Invasion Beaches of Agat and Asan, Spanish public works such as bridges and forts. Some of these places may be connected to a well-known historic event, others simply to a general pattern of events that characterized a certain time.

- **Distinctive characteristics of a type, period, or method of construction, characteristics that represent the works of a master, possess high artistic values, or significant and distinguishable entities whose components may lack individual distinction.**

In this category are places that show significant characteristics of a particular period, such as “Pacific Colonial Vernacular Architecture” - many of the houses in Inarajan, and a few in Hagatna, are significant in this way: they show the kind of architectural character of pre-World War II Guam, though generally not associated with specific important events or people.

- Have yielded, or may be likely to yield, information significant to our history or prehistory. This is the “scientific data” category. Most archeological sites such Ipao Beach, Fafai Beach, Ritidian and Urunao fall in this category. Limited archaeological studies were conducted on these sites. The information gathered from these sites confirmed existing records that there were thriving communities in these areas.

In addition to the four kinds of significance, historic properties must have another quality. Integrity. This means that the historic property must have a preservable element still intact and capable of manifesting the historic associations of information.

#### WHO SHOULD PLAN FOR PRESERVATION?

Through several public laws (see Appendix B), preservation responsibilities are placed on:

- Owners of registered historic places planning changes or alterations to the property;
- Applicants requiring approval from the Guam Land Use Commission or Territorial Seashore Protection Commission;
- Applicants for licenses, permits or other assistance from federal agencies or Government of Guam agencies;
- All government agencies.



Figure 20 - Lime-impressed pottery. Photo credit: Guampedia

The preservation laws applicable to specific projects can be quite complex, but a single basic planning process generally satisfies most of them. For advice tailored to a specific project, contact the Guam Historic Resources Division (Guam Historic Preservation Office).

#### THE BASIC PRESERVATION PLANNING PROCESS

For projects or “undertakings” that might have adverse effects on historic properties, or conversely, projects where there are no historic properties affected, there is an orderly process for satisfying any obligations with respect to historic properties.

Whether the obligations arise from the laws and regulations of the Federal government, or Government of Guam, the process is the same.

There are five basic steps needed to explain the process, though in practice, several of the steps are often completed together.

The steps are explained below:

- **Identify and evaluate** the property. Consultation should start in this first step.
- **Determine** the project's **effects** on the "historic" property.
- **Consult** with interested parties and oversight agencies.
- **Resolve adverse effects**; agree to **avoid, lessen, or mitigate** the adverse effects on the historic property.
- Implement the agreed measures.

**Identification.** In order to make good decisions for preservation, one must know what historic properties are in the area that may be affected by the proposed project. So, the first preservation task is to find out what historic properties are in the area of concern.

Identification activities may include, but are not limited to:

- A simple inquiry with the Guam Historic Preservation Office.
- A search of archival records at government agencies and libraries or other archives.
- Interviews with current or past residents of the area who have knowledge of the area and its history.
- A check of existing records of the Registers of Historic Places, and of professional searches of nearby areas for historic or archaeological sites.
- A small-scale reconnaissance survey for archaeological sites or a "windshield survey" for architecturally significant buildings.
- A detailed archaeological or architectural assessment, with subsurface testing at selected locations, measured drawings, or professional historical research in conjunction with the field study.



Figure 21 - "Triton's Trumpet" or "Kulu".  
Photo credit: Guam Museum Foundation

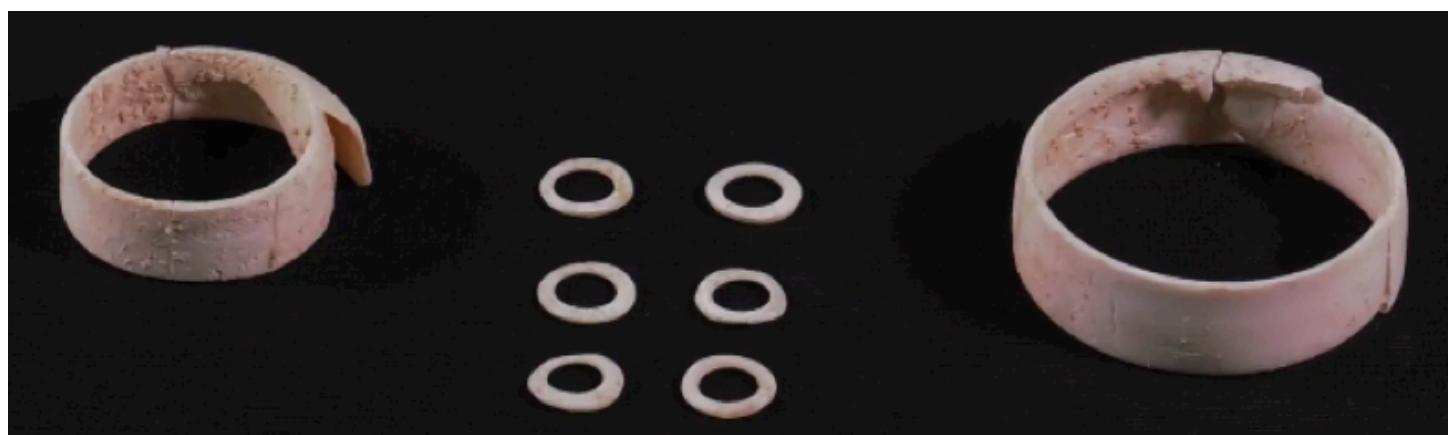


Figure 22 - Conus bracelets, pre-Latte period; Photo credit: Guam Museum Foundation

The guiding rule is that identification or “survey” work should be done as needed to make the preservation decision relevant to the project. The Guam HP Office (GHPO) can help you determine how much survey and what survey measures are needed. Any survey done without consulting the GHPO may be either too much or too little for your actual needs. The Office will review the proposed project, its area and surroundings, the records on file, and can advise you of your survey needs, or review proposed surveys prepared by independent qualified consultants.

**Evaluation.** Once an area has been surveyed, and a property identified, the property is then evaluated for register eligibility. The criterions are stated above. There are properties that may have been identified as historic, but may not be significant, or that lack integrity if they were once historic. It is also possible that there may be disagreements with the evaluations of the GHPO, or with independent consultants. Disagreements may be resolved by the Guam Historic Preservation Review Board for private projects, by the Governor for undertaking projects with no federal involvement, i.e., local funded projects, or the Advisory Council on Historic Preservation for federal undertakings.

**Assess Effects.** Effect on historic places is defined as any change in the character or use of a historic property, which is reasonably foreseeable as a consequence of the project. **Adverse Effect** is any change in the character or use of a historic property, which diminishes or damages the qualities that give the place its significance.

Once the historic properties have been identified and their significance established, the effect that a proposed project may have on them should be determined. One of three decisions should be made:

- **No Historic Properties Affected.** This finding is appropriate when the project is one that cannot or does not change the character or use of the historic property in and near the project area. An example would be a proposal to compile navigation charts at new scale using only existing information.
- **No Adverse Effect.** This finding is appropriate when the project is one that will have an effect on at least one historic property, but the effect will not diminish the significance of the property or properties in question. An example would be a proposal to repave an existing parking lot at Fort Santa Agueda, at a depth no greater than the existing lot.
- **Adverse Effect.** This finding is appropriate when the project in question may diminish the significance of one or more historic property. Please note that adverse effect on historic properties is not prohibited; however, there should be a balance of competing or complementary public interest, which is all that is required, that is decided publicly, and that full knowledge of the likely effects on the historic properties is conveyed.

**Consultation.** It is at this stage that negotiations take place regarding appropriate responses to the adverse effects a project is likely to have. The first goal is to find a way to avoid adverse effects if possible. Sometimes changes or amendments to the proposed project can avoid the potential adverse effects the project would normally have. If there is no reasonable way to avoid adverse effects, then the consulting parties seek ways to lessen the adverse effects, or to mitigate the adverse effects. Appropriate mitigation measures can be quite varied depending on the proposed project’s circumstances. A full section below is devoted to discussion of mitigation measures.

Participants in consultation should include the Guam Historic Preservation Office, other agencies that may be affected by the decisions, other parties involved with the project, and interested parties. In the case of federal undertakings or involvements, the Bureau of Statistics and Plans -Guam Coastal Zone Management program should be consulted.

## Avoid, Lessen, Mitigate Adverse Effect.

Resolving adverse effects will produce a written document of agreement. This written agreement, signed by all parties who have actions specified in the agreement, is incorporated in position statements, permit approvals, and periodic inspection reports of the project's progress. For federal undertakings, the federal agency and the ACHP (if they choose to), sign the agreement, along with other agencies affected.

**Agreement Implementation.** Once all the parties sign the agreement, the project may then proceed. Monitoring is usually the responsibility of the affected agency and the Guam State Historic Preservation Office.

## HISTORIC PRESERVATION PARTICIPANTS

In completing the historic preservation review process, you may interact with a number of parties. The main ones are:

**The Guam (State) Historic Preservation Officer.** This official supervises the Guam Historic Resources Division (GHPO). The position of the GHPO is to ensure that the review process is used correctly and appropriately, and that information on historic sites, surveys, the review process, and the historic preservation program itself, are available to all. The GHPO also has the responsibility to review determinations of effect and proposed mitigation plans.

**Territorial Archaeologist (Guam Historic Preservation Office).** The Territorial Archaeologist (TA) supervises the Review and Compliance program, and Survey and Inventory program. It is the TA that mainly advises the agency in the review process and in matters relating to the types of surveys or scopes of work that may be needed for a given project.

**Guam Historic Preservation Office.** Other than the administrative staff, the office is staffed with historic preservation specialists, technicians, and a historian. The specialists are primarily responsible for the initial project and permit reviews. They also, among other duties, provide advice and conduct site inspections. Specialists and technicians periodically attend training in review and compliance. Specialists may represent the Department in Application Review Committee meetings.

**Guam Historic Preservation Review Board.** This board has general oversight of the operations of the historic preservation program, and has the final authority to place a property on the Guam



Figure 23 – Preserved shelter at Senator Angel Leon Guerrero Santos Latte Stone Park, Hagatna, Guam.  
Photo credit: E. Derrington



Figure 24 - Latte stones at Senator Angel Leon Guerrero Santos Latte Stone Park, Hagatna, Guam.  
Photo credit: E. Derrington



Figure 25 - Historic Umatac Bay. Photo credit: E. Derrington

**Register of Historic Places.** The board members normally do not get involved in specific project reviews except for settling disputes over significance or mitigation measures.

**Guam Land Use Commission.** This commission approves the uses of land, which do not fall within already approved zoning designations. As a part of their review, historic preservation concerns are often addressed and incorporated into eventual requirements for approvals.

**Army Corps of Engineers.** This federal agency screens applications for a wide variety of actions that will take place in, or near water and wetlands. Review of impacts to historic properties is part of the application process. The Corps is a participant in many preservation reviews. Advisory Council on Historic Preservation (AChP). An independent federal agency that advises the President and Congress on historic preservation matters and oversees the review of projects under section 106 of the National Historic Preservation Act. Staff of this agency review determinations of effect and proposed mitigation measures for federal undertakings. The Council is made up of twenty members: President appointed members, agency heads, and people named in the NHPA.

**Interested Parties.** The review process is intended to allow any parties who may have a special interest in the historic place in question to voice their concerns and have these weighted in the decisions regarding the places. Interested parties may include other agencies, people whose personal, family or cultural history is connected to the historic place, and any member of the public who takes a special interest in the project or the historic place. Interested parties are often notified during the identification stage or “survey” for historic places. Sometimes public notices are filed and sometimes, public hearings are appropriate to solicit views from interested parties.

#### **Keeper of the National Register of Historic Places.**

The Keeper of the National Register will normally not be involved in a project unless there is a dispute regarding the significance of a place the project may affect. The Keeper has the authority to make the final determination whether a place is or is not eligible for listing on the Register. If a place is not eligible, then it does not need any further attention under federal regulations.

## **MITIGATION MEASURES**

Once it is determined that the project is likely to affect a significant historic property, and the potential effects cannot be avoided, you will be asked to consider mitigation measures. To mitigate means “to soften, to make less harsh.” Mitigation in historic preservation means ways to lessen the adverse effects, or to compensate for them in some way that provides some of the same benefit to the public

that the historic property would have. The following paragraphs explain some of the more common kinds of mitigation measures that are appropriate in many cases.

**Restoration of significant elements.** Often unavoidable damage can be repaired. In these cases, restoration can be agreed upon as a mitigation measure.

**Visual Screens.** Putting up new developments next to historic properties can cause visually distracting and intrusive effects. To minimize these effects, the new buildings can sometimes be hidden behind non-distracting hedges or other material.

**Detailed drawings, photographs or other records.** In many cases, destruction of a historic property is part of the best solution to the competing interests affecting a project. The historic property can usually be recorded in detail by measured drawings, maps, architectural renderings, photographs, and other documentation measures, before the historic property is destroyed. Sometimes archival research in connection with such records helps preserve the history, if not the historical property.

**Interpretive markers, signs and exhibits.** In many cases, the public benefits from a brief explanation of the history of the property, as well as from the preservation of the property itself. Good interpretive signs, markers or exhibits can help people understand the history and significance of the place, and the events that took place.

**Data Recovery.** For places that are significant primarily because of information (data) that can be gained from study, conducting that study to gain information is considered a way to make up for unavoidable destruction of the property. Most archaeological sites fall into this category, though it is generally preferable to leave these sites undisturbed if possible. The study of archeological sites can be very expensive. Data recovery includes background research, actual excavations in the field, sorting, weighing,

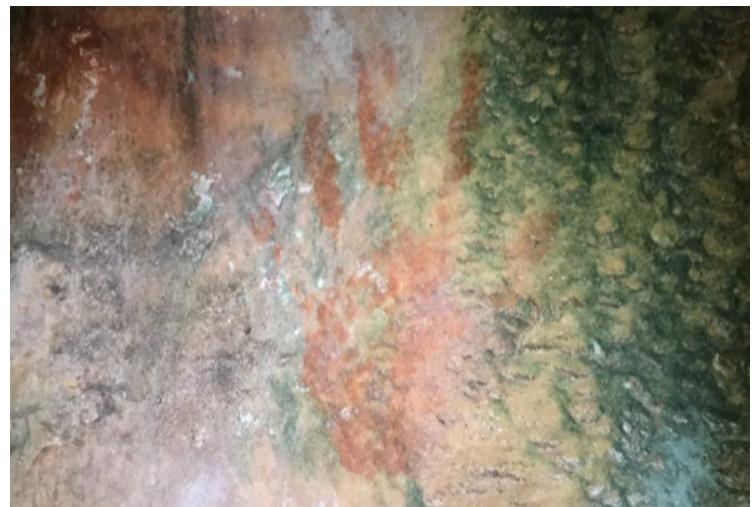


Figure 26 - Pictograph in Ritidian caves. Photo credit: A. Weston with thanks to NPS & GFWS.



Figure 27 - Inarajan cemetery. Photo credit: Pacific Worlds



Figure 28 - San Dionisio Parish Church, Umatac.. Photo credit: A Weston.

measuring and cataloguing the items recovered, specialized analysis of certain samples, compiling the reports of the excavations and analysis, publishing the report, and placing the collection of artifacts, notes and field records in a secure permanent storage facility such as a museum. Since data recovery can be such an expensive option, there must also be means to assure that the costs are well justified. A Data Recovery Plan is used to help keep the archaeological tasks focused tightly on doing what is needed to investigate **important** research questions rather than whatever interests a particular archaeologist.

The Data Recovery Plan should clearly state:

- What important research questions can be investigated at the site. These questions are usually set out in a “Historic Context” for archeology in the Comprehensive Historic Preservation Plan.
- What field and laboratory activities are needed to get reliable information concerning these questions.
- How much time and effort will be needed to perform these actions, the report compilation and disposition of the collection and field notes.
- The concurrences or reviews needed and when these are to happen. Please note that when data recovery is selected as a mitigation measure, it is not completed until the study collections are placed in appropriate permanent curatorial care.
- With a plan like this, consulting archeologists are able to generate fairly accurate cost estimates for the work. The Guam Historic Preservation Office reviews and accepts mitigation plans before any construction starts.
- In the case of federally permitted projects, the Advisory Council on Historic Preservation also needs the opportunity to comment on the plans.

**Monitoring.** Monitoring means having a trained person watch during the parts of a project that have some risk of damaging significant archeological deposits. Monitoring does not belong to the identification or survey part of the process. It is not a good way to search for something in order to plan around it. Monitoring is a discovery measure because it is a good way to deal with resources that cannot be reasonably searched for ahead of time (such as deposits under existing highways), but which can be expected to exist based on general conditions near the project area. A monitor must be able to watch, to record what is, and what is not found, and to trigger more detailed efforts when something significant is found. Whenever monitoring is used, you must be ready to call in the more extensive effort as needed. Monitors are only used when we expect a good chance of finding those more significant deposits as the project gets underway. Monitoring is often included along with other mitigation measures for portions of an overall project.



Figure 29 - Merlyn G. Cook School, Merizo, Guam, USA.

Listed on the National Register of Historic Places.

Photo credit: Daderot.

## GLOSSARY

**Adverse Effect.** Any change in the characteristics or use of a historic property, which diminishes the characters that give the property its historic significance.

**Advisory Council on Historic Preservation.** An independent federal agency, charged with review and comment on federal undertakings, which may affect historic properties listed or eligible for the National Register of Historic Places.

**Assess Effects.** To determine whether a project will have No Historic Properties Affected, No Adverse Effect, or Adverse Effect on significant historic properties.

**Certificate of Approval.** A Certificate of Approval must be issued by the Guam Historic Preservation Officer before any action affecting potential historic sites or objects is undertaken, including, but not limited to: building permits, grading permits, clearing permits, foundation permits, leases and lease renewals of government loan, application for surplus federal real estate, government infrastructure improvement projects; government construction, including clearing and grading, submittal of federal grant applications for construction, land use or improvements; and applications to Guam Land Use Commission and Guam Seashore Protection Commission. (2IGCA, Chapter 76, Section 76511) [E.O. 89-9](#). Requires the Territorial Planning Commission and the Seashore Protection Commission to impose conditions to protect registered sites and those potentially eligible for the Guam Register of Historic Places.

[E.O. 89-24](#). An Executive Order that declares reburial of human remains from archaeological contexts to be the general policy of the Territory.

**Eligible.** A property, which meets the criteria for inclusion on the historic registers but which, has not yet been formally listed for whatever reason.

**Guam Historic Preservation Review Board.** Advises the Guam HP Officer on program matters; makes the final decision to list a property on the Guam Register of Historic Places; hears appeals of GHPO decisions, and other functions pertinent to Guam's historic preservation program.



Figure 30 - Merizo Bell Tower.  
Photo credit: E. Derrington



Figure 31 - Canon at Fort Soledad.  
Photo credit: E. Derrington

**Guam Register of Historic Places.** A listing of historic properties, that have been formally reviewed and accepted for listing by the Guam Historic Preservation Review Board.

**Identification.** The process of determining what historic properties exist in the project area or its surroundings.

**Monitoring.** A discovery measure, used when a project is likely to uncover previously unidentified historic properties during parts of its implementation.

**National Register of Historic Places.** A list of properties, which have been formally determined to have historic significance, and which, have been accepted by the Keeper of the National Register.

**Section 106.** The specific portion of the National Historic Preservation Act (NHPA) that requires federal agencies to check for historic properties that may be affected by their undertakings. Implementing regulations for 106 is found at 36 CFR Part 800.

**State Historic Preservation Officer.** An official required by the NHPA in each state, territory or commonwealth who is designated to implement a comprehensive historic preservation program within that "state" and to consult with federal agencies on the effects of their undertakings on historic sites within that jurisdiction.

**Survey.** An organized search of an area, to find and document historic properties within the area. Survey, is usually done as a part of the identification stage, using existing information to help design the actual search in the field.



Figure 32 - Latte stone at Haputo. Photo credit: Guampedia

## A PARTIAL LISTING OF HISTORIC PRESERVATION LAWS AND REGULATIONS

### Federal Laws and Regulations

**National Historic Preservation Act of 1966.** This law sets up a comprehensive historic preservation program, including the "state" historic preservation offices. It provides for the National Register of Historic Places and for comment on federal undertakings by the Advisory Council on Historic Preservation. The major duties of most federal agencies are in Sections 106 and 110 of this act.

**National Environmental Policy Act of 1969.** This act provides for a review of impacts on a range of environmental resources, including cultural and historic resources. This law and the Historic Preservation Act can usually be satisfied in a single process regarding historic and cultural resources.

**Department of Transportation Act, Section 4(i), as created by the Amtrak Improvement Act of 1974.** For federally assisted highway projects, a higher standard of avoidance of impacts to historic and recreational sites is imposed. Archaeological and Historic Preservation Act, as Amended. This act, sometimes referred to as the Moss-Bennet Act, requires response to cultural resources discovered with projects in progress.

**Archaeological Resources Protection Act of 1979.** This law imposes criminal and civil penalties for removing archaeological items from federal lands without a permit.

**Abandoned Shipwreck Act of 1987.** This law establishes "state" ownership of abandoned shipwrecks on submerged land around Guam are still under federal ownership, so some submerged shipwrecks are under federal ownership.

**36 CFR 800.** Protection of Historic Properties (Advisory Council on Historic Preservation). Implements Section 106 of the National Historic Preservation Act.

**36 CFR 60.** National Register of Historic Places.

**36 CFR 61.** Procedures for State, Tribal, and Local Government Historic Preservation Programs.



Figure 33 - Historic image of Merizo Cobento.  
Photo credit: GHPO



Figure 34 - Cetti Bay Overlook. Photo credit: E. Derrington

[\*\*36 CFR 63.\*\*](#) Determinations of Eligibility for Inclusion in the National Register of Historic Places.

[\*\*36 CFR 68.\*\*](#) The Secretary of the Interior's Standards for the Treatment of Historic Properties.

### Government of Guam Laws and Regulations

[\*\*Public Law 12-126.\*\*](#) This law established Guam's historic preservation program in 1974.

It requires all Government of Guam agencies to identify and protect historic places, and it established the Guam Register of Historic Places.

[\*\*Public Law 20-151.\*\*](#) This law strengthens the historic preservation program, formally establishing authority for preservation review of all government permits or licenses, providing authority to stop projects in violation of the preservation requirements and setting up the Guam Preservation Trust.

[\*\*Title 21, Guam Code Annotated, Chapter 76 \(Historical Objects and Sites\).\*\*](#) A codification of public laws 12-126 and 20-151.

[\*\*Public Law 27-89.\*\*](#) This law repealed and reenacted Article 6, of Chapter 76 Relative to the Guam Preservation Trust.

[\*\*Executive Order 89-9.\*\*](#) This Executive Order firmly requires consideration of historic preservation needs for any action needing an approval from the Territorial Planning Commission (TLUC).

[\*\*Executive Order 89-24.\*\*](#) Established Policies for Disposition of Archaeologically Recovered Human Remains.



Figure 35 - Taleyfac Spanish Bridge (Tailafak Bridge), Agat, Guam, USA. Constructed in 1785 as a Spanish bridge built along El Camio Real. Now listed on the National Register of Historic Places. Photo credit: Daderot



**Lourdes A. Leon Guerrero**  
*Governor*  
**Joshua F. Tenorio**  
*Lt. Governor*

**Department of Parks and Recreation**  
*Dipattamenton Plaset yan Dibuetsion*

**Government of Guam**  
Director's Office, Parks and Recreation Divisions:  
#1 Paseo de Susana, Hagåtña, Guam 96910  
P.O. Box 2950, Hagåtña, Guam 96932  
(671) 475-6288; Facsimile (671) 477-0997  
Guam Historic Resources Division:  
490 Chalan Palasyo, Agana Heights, Guam 96910  
(671) 475-6294/6355; Facsimile (671) 477-2822



**Richard Y. Ybanez**  
*Acting Director*  
**Victor R. Villagomez**  
*Deputy Director*

**Department of Parks and Recreation**  
**Guam Historic Resources Division**  
**Compliance Review Form**

In addition to the regulations in Title 21 Guam Code Annotated chapter 76, Section 76511, clearance must be obtained from the Guam Historic Resources Division for the following activities, but not limited to: tree planting, moving artifacts, fencing, clearing, grading, filling, grubbing, drilling, boring, embankment, remodeling, stockpiling, excavation or other earth-moving activities.

1. Project Name: \_\_\_\_\_ Lot No. \_\_\_\_\_

2. Owner/Contractor: \_\_\_\_\_

3. Mailing Address: \_\_\_\_\_

4. Contact Person: \_\_\_\_\_

5. Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

6. Guam Historic Resources Division Staff: \_\_\_\_\_

7. Site Inspection Required: Y / N Date: \_\_\_\_\_

8. Results: \_\_\_\_\_  
\_\_\_\_\_

9. CWO: \_\_\_\_\_ COA: \_\_\_\_\_ NOV: \_\_\_\_\_ Approved to Proceed: \_\_\_\_\_

10. GHRD Inspector: \_\_\_\_\_  
Sign and Date

Use this form when a DPW permit is **not** required of the applicant. A brief scope of work describing the project along with a map must be attached to this Compliance Review form.

GUAM DEPARTMENT OF PARKS AND RECREATION  
GUAM HISTORIC RESOURCES DIVISION  
(State Historic Preservation Office)

490 CHALAN PALASYO  
AGANA HEIGHTS, GUAM 96910  
671-475-6296 / 6297 / 6288 / 6289  
Fax: 671-477-2822



### CERTIFICATE OF APPROVAL

COA No.: 0445

#### APPLICANT / OWNER INFORMATION

Name of Property Owner: \_\_\_\_\_

Contact Numbers: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Contact Numbers: \_\_\_\_\_

Agency Permit or Reference No.: \_\_\_\_\_

LOT NUMBER: \_\_\_\_\_ VILLAGE: \_\_\_\_\_

Pursuant 21 GCA §76511(A), "a Certificate of Approval must be issued by the Guam Historic Preservation Officer before any action affecting potential historic sites or objects is undertaken. A COA will be issued for, but is not limited to:

<input type="checkbox"/> Building Permit	<input type="checkbox"/> Govt. of Guam Land Lease Renewal	<input type="checkbox"/> Application to Guam Land Use Commission
<input type="checkbox"/> Grading Permit	<input type="checkbox"/> Application for Surplus Federal Real Estate	<input type="checkbox"/> Application to Guam Seashore Protection Commission
<input type="checkbox"/> Clearing Permit	<input type="checkbox"/> Govt. of Guam Infrastructure Improvement Project	<input type="checkbox"/> Other: Indicate: _____
<input type="checkbox"/> Foundation Permit	<input type="checkbox"/> Govt. of Guam Construction (includes clearing and grading)	
<input type="checkbox"/> Govt. of Guam Land Lease	<input type="checkbox"/> Submittal of Planning and Application for Construction	
	<input type="checkbox"/> Land Use/Improvements	

#### SITES LISTED ON LOT / IN AREA OF POTENTIAL EFFECT / IN VICINITY

NO

IF YES:

YES

GHRD GIS MAPPING (attached)

Potential to Adversely

Survey Report No.: \_\_\_\_\_

Affect Historic Properties

GHPI / Site No.: \_\_\_\_\_

Other Cross-Reference: \_\_\_\_\_

#### COMMENTS / REQUIREMENTS / SIGNATURES

COA RECEIVED BY APPLICANT: \_\_\_\_\_

DATE: \_\_\_\_\_

COA APPROVED BY  
GHRD/SHPOFFICE STAFF:

For: John M. Johnson, Guam State Historic Preservation Officer

DATE: \_\_\_\_\_

# Guam Historic Places Listing

## NATIONAL REGISTER OF HISTORIC PLACES

	NAME	DATE	NO.
INCLUDED:	Pagat Site, Yigo	Mar 13, 1974	66-04-0022
	Plaza de Espana, Agana	May 01, 1974	66-01-1070
	Fort San Jose, Umatac	May 01, 1974	66-02-1001
	Memorial Beach Park, Asan	Aug 07, 1974	66-01-1091
	Fort Santa Agueda, Agana	Aug 30, 1974	66-01-1068
	San Dionisio Church Ruins, Umatac	Aug 30, 1974	66-02-1024
	Fort Santo Angel, Umatac	Aug 30, 1974	66-02-1074
	Agana Spanish Bridge	Sep 06, 1974	.66-01-1069
	Taleyfac Spanish Bridge, Agat	Sep 10, 1974	66-02-1071
	Merizo Convento	Sep 17, 1974	66-06-1067
	Taelayag Spanish Bridge, Agat	Oct 10, 1974	66-02-1072
	Fort Soledad, Umatac	Oct 18, 1974	66-02-1073
	Sella Bay, Umatac	Nov 08, 1974	66-02-0125
	Spanish Dikes, Agana	Nov 19, 1974	66-01-1006
	Fafai Beach, Tumon	Nov 19, 1974	66-04-0002
	Gadao's Cave, Inarajan	Nov 19, 1974	66-05-0142
	Haputo Site, Dededo	Nov 20, 1974	66-08-0007
	Cetti Bay, Umatac	Nov 21, 1974	66-02-0127
	Fouha Bay, Umatac	Nov 21, 1974.	66-02-0128
	Mochom Site, Mangilao	Dec 04, 1974	66-04-0025
	Inarajan Ridge Site	Dec 04, 1974	66-05-0075
	West Atate Site, Inarajan	Dec 04, 1974	66-09-0109
	Nomna Bay, Inarajan	Dec 27, 1974	66-05-0092
	Urung Site, Dededo	Dec 27, 1974	66-08-0010
	Urung Beach Site, Dededo	Dec 27, 1974	66-08-0011
	Jinapsan Site, Yigo	Dec 27, 1974	66-08-0014
	Talofofo River Valley Site, Inarajan	Dec 27, 1974	66-09-0077
	North Inarajan Site	Feb 21, 1975	66-05-0107
	South Talofofo Site	Feb 24, 1975	66-09-0068
	Hill 40, Agat	Mar 04, 1975	66-02-1048
	Agat Invasion Beach	Mar 04, 1975	66-02-1054
	Matgue Valley, Asan-Piti	Apr 03, 1975	66-01-1050
	SMS Cormoran, Apra Harbor	Apr 04, 1975	66-03-1037
	Merizo Bell Tower	May 29, 1975	66-06-1013
	Piti Coastal Defense Guns	Dec 04, - 1975	66-03-1046
	Orote Air Field, Naval Station	Jun 18, 1975	66-03-1066
	Asan Ridge Battle Area	Jul 18, 1975	66-01-1056
	Achugao Bay, Umatac	Aug 19, 1975	66-2-0123
	South Finegayan Latte Stone Park	Sep 05, 1975	66-08-0141
	Padre- San Vitores Site, Tumon	Oct 31, 1975	66-04-1007
	Agaga Beach, Umatac	Jun 11, 1975	66-02-0124
	Mataguac Hill Command Post	Jun 10, 1975	66-08-1062
	Asquiroga Cave	May 06, 1976	66-09-0069
	Dungca's Beach Defense Guns, Tamuning	Ded 22, 1976	66-01-1105
	Jose P. Lujan House, Agana	Oct 06 1977	66-01-1115
	Inarajan, Village	Nov 06, 1977	66-05-2001
NOMINATED:	Asan Invasion Beach	Mar 10, 1975	66-01-1055
	Pan American Hotel, Naval Station	Apr 01, 1975	66-03-1042
	Cable Station, Naval Station	Apr 01, 1975	66-03-1043
	Hilaan Site, Dededo	Apr 01, 1975	66-08-0005
	Anao Site	May 04, 1977	66-07-0018
	South Pulantat Site	Aug 04, 1977	66-09-0037B
	Janum Site	Aug 04, 1977	66-07-0019
	Cueto Site	Aug 04, 1977	66-06-0140
	Asmaile Point Site	Sep 21, 1977	66-05-0112
	Machadgon Point Site	Sep 21, 1977	66-06-0130
	Japanese Submarine	Sep 21, 1977	66-03-1088
	Mt. Tenjo Fortifications	Sep 21, 1977	66-03-1086
	Malolos Site	Oct 05, 1977	66-09-0091
	Orote Historical Complex	Oct 05, 1977	66-02-1009.
	Bona Site (Naval Magazine)	Oct 05, 1977	66-02-0145
	Yokoi's Cave	Oct 05, 1977	66-09-1047
	Taogam Complex	Aug 03, 1977	66-06-0144

## GUAM REGISTER OF HISTORIC PLACES

	NAME	DATE	NO.
INCLUSION:	Lujuna Site, Yigo	Jun 05, 1974	66-04-0020
	Pagat Site, Yigo	Jun 05, 1974	66-04-0022
	Mochom Site, Mangilao	Jun 05, 1974	66-04-0025
	Maputo Site, Dededo	Jun 05, 1974	66-08-0007
	Uruno Beach Site, Dededo	Jun 05 1974	66-08-0011
	South Mochom Site, Mangilao	Jul 03, 1974	66-04-0030
	Nomna Bay Site, Inarajan	Jul 03, 1974	66-05-0092
	Falcona Beach Site, Dededo	Jul 03, 1974	66-08-0009
	Pajon Point Site, Yigo	Jul 03, 1974	66-8-0013
	Jinapsan Site, Yigo	Jul 03, 1974	66-08-0014
	Talofofo Site	Jul 03 1974	66-09-0053
	Cormoran Monument, Agana	Jul 24, 1974	66-01-1039
	Fort San Jose, Umatac	Jul 24, 1974	66-02-1001
	Sella Bay Spanish Bridge, Umatac	Jul 24, 1974	66-02-1002
	SMS Cormoran, Apra Harbor	Jul 24, 1974	66-03-1037
	Inarajan Falls Site	Jul 24, 1974	66-05-0105
	Pati Point Site, Yigo	Jul 24, 1974	66-07-0016
	Hilaan Site, Dededo	Jul 24, 1974	66-08-0005
	Uruno Site, Dededo	Jul 24, 1974	66-08-0010
	NCS Latte Site, Dededo	Jul 24, 1974	66-08-0141
	Talofofo River Valley Site	Jul 24, 1974	66-09-0077
	Abong Beach, Umatac	Aug 14, 1974	66-02-0126
	Padre San Vitores Shrine, Tumon	Aug 14, 1974	66-04-1007
	Tarague Beach Site, Yigo	Aug 14, 1974	66-07-0015
	Ritidian Site, Dededo	Aug 14, 1974	66-08-0012
	Jalaiha Point Site, Inarajan	Aug 14, 1974	66-09-0093
	West Atate Site, Inarajan	Aug 14, 1974	66-09-0109
	Asiga Beach, Inarajan	Aug 14, 1974	66-09-0110
	Ylig River Site, Yona	Aug 14, 1974	66-09-0139
	Inarajan Ridge Site	Aug 14, 1974	66-05-0075
	Spanish Dikes, Agana	Sep 04, 1974	66-01-1006
	Sumay Cemetery, Naval Station	Sep 04, 1974	66-03-1041
	Gadao's Cave, Inarajan	Sep 04, 1974	66-05-0142
	Sella Bay Spanish Oven, Umatac	Sep 24, 1974	66-02-1008
	Sella Bay, Umatac	Sep 24, 1974	66-02-0125
	Cetti Bay, Umatac	Sep 24, 1974	66-02-0127
	Fouha Bay, Umatac	Sep 24, 1974	66-02-0128
	Fafai Beach, Tumon	Sep 24, 1974	66-04-0002
	Matgue Valley, Asan-Piti	Oct 15, 1974	66-01-1050
	Hill 40, Agat	Oct 15, 1974	66-02-1048
	Agat Invasion Beach	Oct.15, 1974	66-02-1054
	Pan American Hotel, Naval Station	Oct 15, 1974	66-03-1042
	Cable Station, Naval Station	Oct 15, 1974	66-03-1043
	San Dionisio Catholic Church, Umatac	Nov 12, 1974	66-02-1024
	North Inarajan Site	Nov 12, 1974	66-05-0107

GUAM REGISTER OF HISTORIC PLACES  
(cont.)

	NAME	DATE	NO.
INCLUDED:	St. Joseph's Catholic Church, Inarajan	Nov 12, 1974	66-05-1021
	South Talofofo Site	Nov 12, 1974	66-09-0068
	Agana Spanish Bridge	Dec 03, 1974	66-01-1069
	Taleyfac Spanish Bridge, Agat	Dec 03, 1974	66-02-1071
	Taelayag Spanish Bridge, Agat	Dec 03, 1974	66-02-1072
	Inarajan Baptist Church	Dec 03, 1974	66-05-1034
	Fort Santa Agueda, Agana	Jan 21, 1975	66-01-1068
	Plaza de Espana, Agana	Jan 21, 1975	66-01-1070
	Memorial Beach Park, Asan	Jan 21, 1975	66-01-1091
	Fort Soledad, Umatac	Jan 21, 1975	66-02-1073
	Asan Invasion Beach	Feb 20, 1975	66-01-1055
	Mt. Al'ifan Battle Site	Feb 20, 1975	66-02-1049
	Orote Field	Feb 20, 1975	66-03-1066
	Merizo Bell Tower	Feb 20, 1975	66-06-1013
	Merizo Convento	Feb 20, 1975	66-06-1067
	Asan Ridge Battle Area	Apr 17, 1975	66-01-1056
	Achugao Bay	Apr 17, 1975	66-02-0123
	Agaga Beach	Apr 17, 1975	66-02-0124
	Mataguac Hill Command Post	Apr 17, 1975	66-08-1062
	Piti Coastal Defense Guns	Apr 17, 1975	66-03-1046
	Fort Santo Angel	May 08, 1975	66-02-1074
	San Dionisio Church	May 08, 1975	66-02-1024
	Toguan Bay Site	May 08, 1975	66-06-0131
	Fonte Plateau	Jun 05, 1975	66-01-1057
	Last Japanese High Command Post	Jun 05, 1975	66-01-1063
	Magellan Monument	Jun 05, 1975	66-02-1011
	Umatac Ridge	Jun 05, 1975	66-02-0133
	North Cetti Bay	Jun 05, 1975	66-02-0134
	Atantano Shrine	Jun 05, 1975	66-03-1012
	Asquiroga Cave	Jun 05, 1975	66-09-0069
	Dungca's Beach Guns	Oct 02, 1975	66-01-1105
	Inarajan Village	Mar 23, 1977	66-05-2001
	Jose P. Lujan House	May 4, 1977	66-01-1115
	Anao Site	May 4, 1977	66-07-0018
	South Pulantat Site	Aug 3, 1977	66-09-0037B
	Janum Site	Aug 3, 1977	66-07-0010
	Creto Site	Aug 3, 1977	66-06-0140
	Asmaile Point Site	Sep 21, 1977	66-05-0112
	Machadgon Point Site	Sep 21, 1977	66-06-0130
	Japanese Submarine	Sep 21, 1977	66-03-1088
	Mt. Tenjo Fortifications	Sep 21, 1977	66-03-1086
	Malolos Site	Oct 05, 1977	66-09-0091
	Orote Historical Complex	Oct 05, 1977	66-03-1009
	Bona Site (Naval Magazine)	Oct-05, 1977	66-02-0145
	Yokoi's Cave	Oct 05, 1977	66-09-1047
	Merlyn G. took School	Feb 21, 1978	'66-06-1123
	Taogam Complex	May 09, 1978	66-01-0148

## **Special Use Management Requirements - CZMP**

The Coastal Resources Management Program supports planning and development decision making in areas of particular concern and land use areas as enabled through key laws listed in Appendix C. As detailed further in this section, these areas include wetlands, floodplains, and air installations, as well as land uses in urban, rural, agricultural, and conservation land use districts.

### **Coastal Resources Management Policies and Procedures**

The Bureau of Statistics and Plans administers Guam's Coastal Zone Management Program. As a member of the ARC and GSPC, BSP plays a central role in coordinating with and building capacity of resource management partners to provide development guidance and project review functions. This section provides development guidance found in flood hazard, wetland areas of particular concern and noise mitigating zones in sensitive air installation areas. Additionally, all federal activities including issuance of permits and funding must be consistent with the eighteen (18) enforceable policies of the GCZMP. These policies are enshrined in Guam's Comprehensive Development Plan and apply to all agencies and instrumentalities of the Government of Guam pursuant to Executive Order 78-37. Enforceable policies are detailed further in the Federal Consistency section.

As outlined by the 1978 Guam Comprehensive Development Plan Kabalis Na Planu Para Guahan (Comprehensive Plan), Guam's areas of particular concern include:

- Mineral extraction
- Industrial and commercial support
- Resorts
- Marianas and boat service facilities
- Educational Institutions
- Sewage Disposal Sites
- Public Parks and Beaches
- Surfing Sites
- Airport Crash and Sound Zones
- Floodplains

- Slide and Erosion Zones
- Freshwater Resources
- Terrestrial Pristine Ecological Communities
- Wildlife Refuges
- Proposed Critical Habitats
- Limestone Forests
- Wetlands
- Karst Topography
- Caves and Waterfalls
- Marine Pristine Ecological Communities
- Coral Reefs
- Historic and Prehistoric Sites
- Village Recreational Areas
- Major Park Areas
- Scenic Vistas
- Subdivision Development Areas

The Comprehensive Plan outlines numerous controls including air quality standards, erosion control standards, as well as laws and regulations that support the wise use of these especially sensitive resources (see Comprehensive Plan pg. 139). This section outlines laws and regulations that specifically address floodplains, wetlands, and sound zones that are supported by planning and coordination functions of the BSP's Coastal Management Program. Additional area-specific guidance is available in watershed-specific management plans for the Northern Guam watershed (1992) and Ugum watershed (1995), and Piti-Asan (2012), as well as the Conservation Action Plan for the Piti Bomb Holes Marine Preserve and Adjacent Watershed. Contact BSP for current status of watershed, resource-, and village specific planning.

### **Guam Floodplain Management**

As noted in prior sections, DPW, GEPA, and BSP/GCMP co-manage floodplain development to ensure impact avoidance and compliance with environmental as well as public health and safety requirements. This framework is outlined in the Guam Floodplain Management Ordinance of 2007 and implementing regulations included that follows.

# GUAM FLOODPLAIN MANAGEMENT ORDINANCE, 2007

## SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

**1.1 STATUTORY AUTHORIZATION:** The Government of Guam, Department Of Public Works, under the authority of Subsection (a), Subsection 66116, Article 1, Chapter 66, Building Law, 21 GCA hereby adopts the following floodplain management rules and regulations.

### 1.2 FINDINGS OF FACT.

- A. The flood hazard areas of Guam are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effects of obstructions in areas of special flood hazards, which increases flood heights and velocities also, contribute to the flood loss.

**1.3 STATEMENT OF PURPOSE.** It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expenses of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges.

## SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory use" means a use which is incidental and subordinate to the principle use of the parcel of land on which it is located.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

"Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" - See "Special flood hazard area."

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in-any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

"Basement" means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

"Breakaway walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified

by a registered engineer shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and
2. The elevated portion of the building shall not incur any structural damage due to the effect of wind and water loads acting simultaneously in the event of the base flood.

"Building" - see "Structure."

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal done along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation of tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone VI-V30, VE, or V.

"Commission" means the Guam Land Use Commission/Guam Seashore Protection Commission.

"Department" means the Department of Public Works.

"Director" means the Director of the Department of Public Works.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing

the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding, or flood water" means: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows)-see "Mudslides"; and

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

"Flood Hazard Boundary Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any surface - see "Flooding."

"Floodplain Administrator" is the Department of Public Works, Building Permits and Inspection

Administrator is responsible to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such a grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to non-residential structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

"Floodway" means the channel of a river or river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

"Floodway encroachment lines" means the lines marking the limits of floodways on Federal, state and local floodplain maps.

"Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

"Fraud and victimization" as related to Section 6, Variances, of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Government of Guam will

consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" is the local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship" as related to Section 6, Variances, of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The Government of Guam requires that the variance is exceptional, unusual, and peculiar to the property involved. More economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be more expensive or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a

structure.

"Historic structure" means any structure that is:  
1. The building or structure that has been placed on the Guam Registered of Historical Places.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage in an area other than a basement area (see "Basement") is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. Below grade attached garages are not allowed as they are considered to be basements.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are

referenced.

"Mudslide" (i.e., mudflow) describes a condition where there is a river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain.

"New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

"Obstruction" includes, but is not limited to, any dam wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill structure, vegetation or other material in along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or collect debris carried by the flow of water or its likelihood of being carried downstream.

"One-hundred-year flood" or "100-year flood" - see "Base flood."

"Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

"Principal structure" means a structure used for the principal use of the property a distinguished from an accessory use.

"Public safety and nuisance" as related to Section 6, Variances; of this ordinance means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, or any navigable lake, or river, bay, stream, canal, or basin.

"Recreational Vehicle" means a vehicle, which is

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Riverine" means relating to, form by, or resembling a river (including tributaries), stream, brook, etc.

"Sand dunes" mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Sheet flow area" - see "Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area having special flood, hazards, and shown on an FHB or FIRM as Zone A, AO, AI-A30, AE, AH, VI-V30, VE or V.

"Start of construction" includes substantial improvement and other proposed new

development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however include either

1. Any project for improvement of a structure

to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"V zone" - see "Coastal high hazard area."

"Variance" means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

## SECTION 3.0 GENERAL PROVISIONS

**3.1 LANDS TO WHICH THIS ORDINANCE APPLIES.** This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the island of Guam.

**3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.** The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated September 1983, November 1985 & June 1998 and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated November 1985 & June 1998 and all subsequent amendments and/or revisions, are hereby

adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Government of Guam by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at Department of Public Works. Office of FloodPlain Management Government of Guam, 542 North Marine Drive, Tamuning, Guam 96911.

**3.3 COMPLIANCE.** No structure or land shall hereafter be constructed located extended, converted, or altered without full compliance with the term of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the Government of Guam from taking such lawful action as is necessary to prevent or remedy any violation.

**3.4 ABROGATION AND GREATER RESTRICTIONS.** This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**3.5 INTERPRETATION.** In the interpretation and application of this ordinance, all provisions shall be:

- Considered as minimum requirements;
- Liberally construed in favor of the governing body; and
- Deemed neither to limit nor repeal any other powers granted under Guam of Federal law.

**3.6 WARNING AND DISCLAIMER OF LIABILITY.** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land

outside the areas of special flood hazards or uses permitted within such areas will be free for flooding or flood damages. This ordinance shall not create liability on the part of the Government of Guam, any officer or employee thereof, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**3.7 SEVERABILITY.** This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

## **SECTION 4.0 ADMINISTRATION**

### **4.1 ESTABLISHMENT OF BUILDING PERMIT.**

A building permit shall be obtained before any construction or other development begins any area of special flood hazard area established in Section 3.2. Application for a building & development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required.

- A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures - in Zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or
- B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed, if required in Section 5.1 C.3; and
- C. All appropriate certifications listed in Section 4.3 D of this ordinance; and
- D. Description of the extent to which any watercourse will be altered or relocated as a

result of proposed development.

- E. See floodplain and floodway One Stop permit procedures on pg. 111.

### **4.2 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.**

The Department of Public Works, Building Permits and Inspection Administrator shall be responsible to administer, implement, and enforce this ordinance by granting or denying building permits or occupancy permits in accordance with its provisions.

### **4.3 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.**

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following.

- A. **Permit Review.** Review all building & grading permits to determine that
  1. Permit requirements of this ordinance have been satisfied,
  2. All other required permits have been obtained,
  3. The site is reasonably safe from flooding and
  4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this ordinance, "adversely affects" means that
  5. Existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.
- B. **Review and Use of Any Other Base Flood Data.** When base flood elevation data has not been provided in accordance with Section 3.2, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 5. Any such information shall be submitted to the (governing body) for adoption.
- C. **Notification of Other Agencies.** In alteration or relocation of a watercourse:
  1. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and

2. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

D. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available, as needed the following:

5. Certification required by Section 5.1 C.1 (floor elevations),
6. Certification required by Section 5.1 C.2 (elevation or floodproofing of nonresidential structures),
7. Certification required by Section 5.1 C.3 (engineered foundation openings),
8. Certification of elevation required by Section 5.3 B (subdivision standards),
9. Certification required by Section 5.6 (floodway encroachments),
10. Information required by Section 5.7 F (coastal construction standards), and
11. Reports required by Section 5.8 D (mudflow standards).

E. Map Determinations. Make interpretations where needed. As to the location of the boundaries of the areas of special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine boundaries of the SFHA. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 6.

Remedial Action. Take action to remedy violations of this ordinance as specified in Section 3.3, or other applicable law.

APPEALS. The Guam Land Use Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

## **FLOODPLAIN MANAGEMENT ORDINANCE**

### **SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS**

**1.1 STATUTORY AUTHORIZATION:** The Government of Guam, Department Of Public Works, under the authority of Subsection (a), Subsection 66116, Article 1, Chapter 66, Building Law, 21 GCA hereby adopts the following floodplain management rules and regulations.

### **1.2 FINDINGS OF FACT.**

- A. The flood hazard areas of Guam are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effects of obstructions in areas of special flood hazards, which increases flood heights and velocities also, contribute to the flood loss.

**1.3 STATEMENT OF PURPOSE.** It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expenses of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges.

## **SECTION 2.0 DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory use" means a use which is incidental and subordinate to the principle use of the parcel of land on which it is located.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

"Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" - See "Special flood hazard area."

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in-any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

"Basement" means any area of the building having its floor subgrade - i.e., below ground level- on all sides.

"Breakaway walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and
2. The elevated portion of the building shall not incur any structural damage due to the effect of wind and water loads acting

simultaneously in the event of the base flood.

"Building" - see "Structure".

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal done along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation of tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, VE, or V.

"Commission" means the Guam Land Use Commission/Guam Seashore Protection Commission.

"Department" means the Department of Public Works.

"Director" means the Director of the Department of Public Works.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding, or flood water" means: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows)-see "Mudslides"; and

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

"Flood Hazard Boundary Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any surface - see "Flooding."

"Floodplain Administrator" is the Department of Public Works, Building Permits and Inspection Administrator is responsible to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but

not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and non structural additions, changes, or adjustments to non-residential structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

"Floodway" means the channel of a river or river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway".

"Floodway encroachment lines" means the lines marking the limits of floodways on Federal, state and local floodplain maps.

"Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

"Fraud and victimization" as related to Section 6, Variances, of this ordinance, means that the variance granted must not cause fraud on or victimization of the Public. In examining this requirement, the Government of Guam will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are

subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

“Functionally dependent use” means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

“Governing body” is the local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

“Hardship” as related to Section 6, Variances, of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The Government of Guam requires that the variance is exceptional, unusual, and peculiar to the property involved. More economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is: The building or structure that has been placed on the Guam Registered of Historical Places.

“Levee” means a man-made structure, usually an earthen embankment, designed and constructed

in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

“Levee system” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage in an area other than a basement area (see “Basement”) is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. Below grade attached garages are not allowed as they are considered to be basements.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

“Mud slide” (i.e., mudflow) describes a condition where there is a river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or

sustained rain.

“New construction”, for floodplain management purposes, means structures for which the “start of construction” commenced on or after effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

“Obstruction” includes, but is not limited to, any dam wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill structure, vegetation or other material in along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or collect debris carried by the flow of water or its likelihood of being carried downstream.

“One-hundred-year flood” or “100-year flood” - see “Base flood.”

“Primary frontal dune” means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

“Principal structure” means a structure used for the principal use of the property a distinguished from an accessory use.

“Public safety and nuisance” as related to Section 6, Variances; of this ordinance means

that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, or any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle” means a vehicle, which is

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Regulatory floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Riverine” means relating to, form by, or resembling a river (including tributaries), stream, brook, etc.

“Sand dunes” mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

“Sheet flow area” - see “Area of shallow flooding”.

“Special flood hazard area (SFHA)” means an area having special flood, hazards, and shown on an FHB or FIRM as Zone A, AO, AI-A30, AE, AH, VI-V30, VE or V.

“Start of construction” includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement

of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling: nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however include either

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

2. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

“V zone” - see “Coastal high hazard area” .

“Variance” means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

## **SECTION 3.0 GENERAL PROVISIONS**

### **3.1 LANDS TO WHICH THIS ORDINANCE APPLIES.**

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the island of Guam.

### **3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.**

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated September 1983, November 1985 & June 1998 and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated November 1985 & June 1998 and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies

for other areas which allow implementation of this ordinance and which are recommended to the Government of Guam by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at Department of Public Works, Office of FloodPlain Management Government of Guam, 542 North Marine Drive, Tamuning, Guam 96911.

### 3.3 COMPLIANCE.

No structure or land shall hereafter be constructed located extended, converted, or altered without full compliance with the term of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the Government of Guam from taking such lawful action as is necessary to prevent or remedy any violation.

### 3.4 ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### 3.5 INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under Guam or
- D. Federal law.

### 3.6 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses

permitted within such areas will be free for flooding or flood damages. This ordinance shall not create liability on the part of the Government of Guam, any officer or employee thereof, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

### 3.7 SEVERABILITY.

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

## **SECTION 4.0 ADMINISTRATION**

### 4.1 ESTABLISHMENT OF BUILDING PERMIT.

A building permit shall be obtained before any construction or other development begins any area of special flood hazard area established in Section 3.2. Application for a building & development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required.

- A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures - in Zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or
- B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed, if required in Section 5.1 C.3; and
- C. All appropriate certifications listed in Section 4.3 D of this ordinance; and
- D. Description of the extent to which any watercourse will be altered or relocated as a

result of proposed development.

E. See floodplain and floodway One Stop permit procedures on pg. 111.

#### 4.2 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The Department of Public Works, Building Permits and Inspection Administrator shall be responsible to administer, implement, and enforce this ordinance by granting or denying building permits or occupancy permits in accordance with its provisions.

#### 4.3 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following.

A. Permit Review. Review all building & grading permits to determine that

1. Permit requirements of this ordinance have been satisfied,
2. All other required permits have been obtained,
3. The site is reasonably safe from flooding and
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this ordinance, "adversely affects" means that
5. Existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

B. Review and Use of Any Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 3.2, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 5. Any such information shall be submitted to the (governing body) for adoption.

C. Notification of Other Agencies. In alteration or relocation of a watercourse:

1. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and

2. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

D. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available, as needed the following:

1. Certification required by Section 5.1 C.1 (floor elevations),
2. Certification required by Section 5.1 C.2 (elevation or floodproofing of nonresidential structures),
3. Certification required by Section 5.1 C.3 (engineered foundation openings),
4. Certification of elevation required by Section 5.3 B (subdivision standards),
5. Certification required by Section 5.6 (floodway encroachments),
6. Information required by Section 5.7 F (coastal construction standards), and
7. Reports required by Section 5.8 D (mudflow standards).

E. Map Determinations. Make interpretations where needed. As to the location of the boundaries of the areas of special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine boundaries of the SFHA. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 6. Remedial Action. Take action to remedy violations of this ordinance as specified in Section 3.3, or other applicable law.

#### 4.4 APPEALS.

The Guam Land Use Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

### **SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION**

#### 5.1 STANDARDS OF CONSTRUCTION.

In all areas of special flood hazards the following standards are required:

A. Anchoring

1. All new construction and substantial improvements shall be adequately Anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All manufactured homes shall meet the anchoring standards of Section 5.4

B. Construction material and methods. All new construction and substantial improvement shall be constructed.

1. With materials and utility equipment resistant to flood damage;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if
4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and floodproofing. (See Section 2 definitions for “new construction,” “substantial damage” and “substantial improvement”.)

1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement,
  - a. In an AO zone, elevated above the highest adjacent grade to a Height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
  - b. In an A zone, elevated to or above the base flood elevation, as determined by this community.
  - c. In all other Zones, elevated to or above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered

professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction shall either be elevated to conform with Section 5.1 C.1 or together with attendant utility and sanitary facilities
  - a. Is flood proofed below the elevation specified in Section 5.1 C.1 so that the structure is watertight with walls substantially impermeable to the passage of water;
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - c. Be certified by a registered professional engineer or architect that the standards of this section (5.1 C.2) are satisfied. Such certification shall be provided to the Floodplain Administrator.
3. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:
  - a. Be certified by a registered professional engineer or architect to comply with the guidelines of engineered openings as specified in FEMA technical bulletin 1-93; or
  - b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration, Federal Emergency Management Agency, or
  - c. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade.

Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

4. Manufactured homes shall also meet the standards in Section 5.4.

## 5.2 STANDARDS FOR UTILITIES.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems, and
2. Discharge from the systems into floodwaters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

## 5.3 STANDARDS FOR SUBDIVISIONS.

A. All preliminary subdivision proposals of 5 acres or 50 lots, whichever is lesser shall identify the flood hazard area and the elevation of the base flood.

B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the final first floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

C. All subdivision proposals shall be consistent with the need to minimize flood damage.

D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

## 5.4 STANDARDS FOR MANUFACTURED HOMES.

A. All manufactured homes that are placed or substantially improved, within Zones AI-30, AH and AE on the community's Flood Insurance Rate Map, on sites located

1. Outside of a manufactured home park or subdivision.

2. In a new manufactured Home Park or subdivision.
3. In an expansion to an existing manufactured home park or subdivision, or
4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement.

B. All manufactured homes that are placed or substantially improved on sites located within Zones VI-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 5.4 A and Section 5.7.

C. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones AI-30, AH, AE, VI-30, V and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of paragraph 5.4 A will be elevated so that either the

1. Lowest floor of the manufactured home is at or above the base flood elevation
2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

## 5.5 STANDARDS FOR RECREATIONAL VEHICLES.

A. All recreational vehicles placed on sites within Zones AI-30, AH, and AE on the community's Flood Insurance Rate Map will either:

1. Be on the site for fewer than 180 consecutive days,
2. Be fully licensed and ready for highway use a recreational vehicle is ready for

highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or

3. Meet the permit requirements of Section 4 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 5.4 A.
- B. Recreational vehicles placed on sites within Zones VI-30, V, and VB on the community's Flood Insurance Rate Map will meet the requirements of Section 5.5 and Section 5.7.

**5.6 FLOODWAYS.** Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential, the following provisions apply.

- A. Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge.
- B. If Section 5.6 A is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all. Other applicable flood hazard reduction provisions of Section 5.

## **5.7 COASTAL HIGH HAZARD AREAS.**

Within coastal high hazard areas as established under Section 3.2, the following standards shall apply.

- A. All new construction and substantial improvement shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement

due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable Federal or local building standards.

- B. All new construction and other development shall be located on the landward side of the reach of mean high tide.
- C. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 2 of this ordinance. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.
- D. Fill shall not be used for structural support of buildings.
- E. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
- F. The Floodplain Administrator shall obtain and maintain the following records.
  1. Certification by a registered engineer or architect that a proposed structure complies with Section 5.7 A.
  2. The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

## **SECTION 6.0 VARIANCE PROCEDURE**

### **6.1 NATURE OF VARIANCES.**

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the

property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not the structure, its inhabitants, or the property owners.

It is the duty of Guam to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

## 6.2 APPEAL BOARD.

- A. In passing upon requests for variances, the Guam Land Use Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the:
  1. Danger those materials may be swept onto other lands to the injury of others;
  2. Danger of life and property due to flooding or erosion damage;
  3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
  4. Importance of the services provided by the proposed facility to the community;
  5. Necessity to the facility of a waterfront location, where applicable;
  6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damages;
  7. Compatibility of the proposed use with existing and anticipated development;
  8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  9. Safety of access to the property in time of flood for ordinary and emergency vehicles;
  10. Expected heights, velocity, duration, rate

of rise, and sediment transport of the flood waters expected at the site; and

11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
- B. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that
  1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
  2. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded at Department of Land Management and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- C. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

## 6.3 CONDITIONS FOR VARIANCES.

- A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 4 and 5 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increase.
- B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 2 of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic

structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the GLUC need not grant permission for the applicant to build at grade, or even to whatever elevation the application proposed, but only to that elevation which the GLUC believes will both provide relief and preserve the integrity of the local ordinance.

E. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;
2. Determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 2 of this ordinance) to the applicant; and
3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 2 - see "Public safety or nuisance"), cause fraud or victimization (as defined in Section 2) of the public, or conflict with existing local laws or ordinances.

F. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 6.2 A through 6.2 E are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

G. Upon consideration of the factors of Section 6.1 C and the purposes of this ordinance, the GLUC may attach such conditions to the

granting of variances as it deems necessary to further the purposes of this ordinance.

## 7.0 STANDARD OPERATING PROCEDURES FOR ONE STOP BUILDING PERMITS

### 7.1 BUILDING PERMITS APPLICATION PROCEDURES:

- A. All developments within the Special Flood Hazard Areas, (i.e., floodplains and floodways), in accordance with the current Flood Insurance Rate, must complete and submit a Department of Public Works, Building Permits Application. All building permit applications shall be accompanied by at least five (5) complete sets of plans and specifications. The owner of his licensed contractor must submit the plans and specs. To the OneStop Building Permits Section Center, Department of Public Works.
- B. Determination for the site-of-Development. The Flood Zone Determination included with the application will be reviewed by the Department of Public Works to verify the determination.
- C. If the Site-of-Development is located within a Special Flood Hazard Area in accordance with the current Flood Insurance Rate Map, the Floodplain and floodway building requirements of Guam's floodplain management ordinance shall be placed on the development application.
- D. In addition, if the Site-of-Development is located within regulatory floodway, in accordance with the current flood insurance rate map, the applicant shall conduct a hydrologic and hydraulic analysis, which meets current Federal Emergency Management Agency (FEMA) flood insurance study standards.
  1. If this analysis demonstrates that the proposed development will cause no rise, (i.e., 0.0), in the Base Flood Elevation Level, the floodway development can go forward in accordance with Guam's Floodplain Management Ordinance.
  2. If this analysis demonstrates that the proposed development will cause a rise in the Base Flood Elevation Level, no matter how small or insignificant, the application

must meet building requirements of Guam Floodplain Management Ordinance.

## **7.2 CHECKLIST FOR SUBMITTALS FOR PLAN REVIEW:**

1. Five complete sets of standard uniform size plans (18" x 24" min ... 30" x 42" max.) with seal/stamp by an Architect and/or Engineer license to practice of Guam.
2. Indicated applicable Lot No., Block No., and Tract No. on a Vicinity Map. Title Block must be provided on all sheets. Drawing scale should be not less than 3/16"= 1' 10" except on civil drawings.
3. The site or plot plans must show the property boundaries, public rights of ways, utility easements, zoning setbacks, existing roads, existing and finished grade elevations, finished floor elevation of the proposed structure. Show all existing buildings on the lot.
4. Provide elevation certificates for all new construction and substantial improvements. Elevation Certificates will be reviewed to ensure proper elevations.
5. Provide two sets of hydraulic calculations, backup data and certificates specially targeted to any rise in base flood elevations as part of documents submitted to obtain a building permit.
6. Provide a copy of Department of Land Management recorded property map, ownership documents or lease agreements.

## **7.3 ISSUANCE OF BUILDING OR GRADING PERMITS:**

If plans and specification meet all local codes and Federal Regulations #44, Section 65.12, the Flood Administrator must approve the development for issuance of a building permit which must be posted on a conspicuous location at all times.

## **7.4 CERTIFICATE OF OCCUPANCY FOR BUILDING WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA).**

A Certification of Occupancy shall not be issued for any building or structure in a Special Flood Hazard Area unless a Post-Construction

Elevation Certificate is submitted and approved by the floodplain Administrator.

## **7.5 APPROVED PLANS & SPECIFICATIONS:**

Approved plans & specifications shall not be changed, modified or altered in any manner affected by the provision of this other applicable laws, without express written authorization from the FloodPlain Administrator, and all work shall be done in accordance with the approved plans and specifications.

## **7.6 INSPECTIONS:**

The project shall be inspected on a regular basis by building inspectors from the Department of Public Works to assure compliance with the approved plans and elevation certificate and is in accordance with all local codes and Federal Regulations #44 Section 65.12.

## **7.7 STOP WORK ORDERS:**

In the events that a project is commenced without a building permit and work performed is not in compliance with all locals and Federal Regulations #44 Section 65.12. a Stop Work Order shall be issued and all work must stop. The stop work order will remain in effect until all requirements are met.

## **8.0 OPERATION AND MAINTENANCE MANUAL FOR REGULATED RIVERS AND STREAMS**

### **8.1 Responsible Agency and Positions:**

The Government of Guam, Department of Public Works, Chief of Operations is responsible to carry out the required maintenance and operation for regulated rivers and streams.

### **Inspection and Maintenance Requirements:**

The Department of Public Works shall make inspections and provide maintenance of the channels and floodways in accordance with the following requirements:

1. The channel or floodway is clear of debris, weeds, and wild growth;
2. The channel or floodway is not being restricted by the depositing of waste materials, building of unauthorized structures or other encroachments;

3. The capacity of the channel or floodway is not being reduced by the formation of shoals;
4. Banks are not damaged by rain or wave wash, and that no sloughing of banks has occurred;
5. Riprap sections and deflection dikes and walls are in good conditions;
6. Approach and egress channels adjacent to the improved channels or floodways are sufficiently clear of obstructions and debris to permit proper functioning; and
7. Other structures and/or facilities, which functions as a part of, or affect the efficient functioning of, the channels and floodways shall be periodically inspected, and appropriate maintenance measures taken.

Such inspections shall be made prior to the beginning of the flood season and otherwise at intervals not to exceed 90 days. Immediate steps will be taken to remedy any adverse conditions disclosed by such inspections. The Department of Public Works shall provide for periodic repair and cleaning of debris basin, check dams and related structures as may

be necessary.

In addition, both banks of the channel shall be patrolled during periods of high water and measures shall be taken to protect those reaches being impacted by the current and/or wave wash. Appropriate measures shall be taken to protect the formation for debris. Large objects, which become lodged against the bank, shall be removed. Any improved channel or floodway shall be thoroughly inspected immediately, following each major high water period. As soon as practicable thereafter, all snags and other debris shall be removed, and all damages to banks, riprap, deflection dikes and walls, drainage outlets, or other flood control structures repaired.

## 8.2 INSPECTION AND MAINTENANCE

### REPORTING REQUIREMENTS:

Reporting of the Inspection and Maintenance process shall be performed using the form entitled, Operation and Maintenance Inspection Report, attached hereto as Appendix A (below here).

## Appendix A

### Operation and Maintenance Inspection Semi-Annual Report

1. Date of Present Inspection\_\_\_\_\_
2. Date of Last Inspection\_\_\_\_\_
3. Have any unusual natural occurrences or damages to the regulated rivers and streams that has taken place since the last periodic inspection?
4. Has this inspection revealed any necessary maintenance and/or repairs?
5. Is an Outline, Status Report, and Schedule of Maintenance and/or Repairs, enclosed with this report?
6. Names and Work Addresses of present maintenance personnel:
7. Have any key maintenance personnel been changed?
8. Telephone numbers for location maintenance personnel:  
Day Number\_\_\_\_\_  
Night Number\_\_\_\_\_
9. Any additional Comments or Remarks:

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Inspector's Signature

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Inspector's Title

## Guam Wetland Management

Wetlands provide important public benefits including improving water quality, reducing flooding, and offering habitat for native species. Since 1978, legislation has been in place to protect these unique ecosystems on Guam.

### Protection of Wetlands – Executive Order 78-21

GOVERNMENT OF GUAM

OFFICE OF THE GOVERNOR

ss?

AGANA, GUAM

EXECUTIVE ORDER NO. 78-21

7

#### PROTECTION OF WETLANDS

WHEREAS, Guam's wetlands are those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction; and

WHEREAS, the wetlands of Guam, including swamps, marshes, mangroves, natural ponds, surface springs, and estuaries, are natural habitats of high biological productivity and significant resource value; and

WHEREAS, the wetlands of Guam are extremely fragile, limited in number and difficult to restore once damaged; and

WHEREAS, wetlands provide a critical habitat for maintenance of native plant and animal life, including endangered and threatened species, and are valuable as locations for scientific and educational investigation; and

WHEREAS, wetlands act as floodplains during periods of excessive water flow and a source of fresh water for domestic and agricultural purposes; and

WHEREAS, mangrove wetlands act as a shoreline stabilization mechanism and, prevent shoreline erosion and stormwave damage; and

WHEREAS, increased management attention to wetlands is essential in order to reflect the intent and effect of Presidential Executive Order 11990, regarding protection of wetlands, on non-federally owned property;

NOW THEREFORE, by virtue of the authority vested in me by the Organic Act of Guam, wetlands are declared to be an area of particular concern in the planning and management of Guam's land and water resources and the Territorial Planning Commission is hereby directed to officially designate, consistent with

Guam's Land Use Plan and Coastal Management Program, Guam's wetland areas, and promulgate such rules and regulations as are necessary for the balanced development, protection, and conservation of such wetlands, consistent with procedures of the Administrative Adjudication Act.

This Executive Order shall be effective thl date. Dated at

Agana, Guam, this It day of 1978.

RICARDO ALLO  
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COUNTERSIGNED:

TERRITORIAL PLANNING COMMISSION  
WETLANDS RULES AND REGULATIONS

Contents-

- Section I. Authority, Purpose, and Intent
- Section II. Definitions
- Section III. Procedures for Development and Conservation of Wetlands
- Section IV. Standards for Development and Conservation of Wetlands
- Section V. Designation of Wetland Areas of Particular Concern

**Section I. AUTHORITY, PURPOSE, INTENT**

**A. Authority**

These rules and regulations are promulgated by the Territorial Planning Commission under authority of Titles XVIII and XIV of the Government Code of Guam, and Executive Order No. 78-21 .

**B. Purpose**

The purpose of these rules and regulations is to establish procedural guidelines and performance standards for development and conservation of wetland areas pursuant to Executive Order No. 78-21

**C. Intent**

These rules and regulations apply to those land and water areas delineated as Wetland Areas of Particular Concern on an official map of wetlands as approved by the Territorial Planning Commission and retained by the Departments of Land Management, Parks and Recreation, Public Works, Agriculture, the Bureau of Planning, the Guam Environmental Protection Agency, and Public Utilities Agency of Guam, Government of Guam. Those wetland areas too small to be precisely delineated on the official map of wetlands shall

# Flood Hazards Areas – Executive Order 78-20

GOVERNMENT OF GUAM  
OFFICE OF THE GOVERNOR  
AGANA, GUAM

EXECUTIVE ORDER NO. 78-20

#### FLOOD HAZARD AREAS

WHEREAS, certain land areas of Guam are subject to flood conditions due to surface water drainage into sinkholes and low-lying basins, overflow of rivers and wetlands and stormwave inundation of coastal areas; and

WHEREAS, development within flood-prone areas in absence of adequate regulatory controls has historically resulted in recurring public expense\* for relief and repair of flood-damaged facilities; and

WHEREAS, uncontrolled development within flood-prone areas creates conditions which are hazardous to human safety, health and welfare; and

WHEREAS, open space use and low-intensity activities within flood-prone areas are necessary for water quality management, aesthetic quality and maintenance.

of natural wetland and shoreline ecosystems; and  
WHEREAS, ~~such~~ land has been identified as

WHEREAS, ample land has been identified, outside flood-prone areas, to accommodate needed urban residential, commercial, Industrial and other high-density or heavily

populated uses of land; and

WHEREAS, the high costs of flood-proofing structures and flood control engineering projects within flood-prone areas is an unnecessary financial constraint to economic development; and

WHEREAS, responsible flood hazard area management is a requirement of the federally-subsidized National Flood Insurance Program which is an essential source of disaster relief during times of flood damage; and

WHEREAS, local agency coordination is essential in recognizing the intent of Presidential Executive Order 11988 which directs all federal agencies to take actions which will reduce the risks of flood losses, minimize adverse impacts on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains:

NOW THEREFORE, by virtue of the authority vested in me by the Organic Act of Guam, flood hazard areas are declared to be an area of particular concern in the planning and management of Guam's land and water resources and the Territorial Planning Commission is directed to:

1. Promulgate such rules and regulations as are necessary to meet the requirements of the National Flood Insurance Program and Guam's Coastal Management Program in insuring that development in such floodplains does not endanger the public's health, safety and welfare.
2. Designate as floodplain areas of particular concern those areas of Guam delineated as floodplains under the National Flood Insurance Program and such other areas as recommended by the Subdivision and Development Review Committee.

This Executive Order shall be effective this date. d at Agana, Guam  
this 21st day of Anguni-

RDALLO  
Governor of Guam

**COUNTERSIGNED:**

Lieutenant Governor.

# Guam Floodplains Regulations

TERRITORIAL PLANNING COMMISSION  
FLOOD HAZARD AREAS  
RULES AND REGULATIONS

**Contents:**

- Section 1. Authority, Purpose, and Intent
- Section II,. Definitions
- Section III. Procedures for Flood Hazard Area Management
- Section IV. Standards for Flood Hazard Area Management
- Section V. Designation of Flood Hazard Areas of Particular Concern

**Section\*I. AUTHORITY, PURPOSE, INTENT**

**A. Authority**

These rules and regulations are promulgated by the Territorial Planning Commission under authority of Titles XVIII and XIX of the Government Code of Guam and Executive Order No. 78-20

**B. Purpose**

The purpose of these rules and regulations is to establish procedural guidelines and performance standards for management of flood hazard areas, pursuant to Executive Order No. 78-20 and the National Flood Insurance and Guam Coastal Management Programs.

**C. Intent**

These rules and regulations, apply to those land-areas delineated as Flood Hazard Areas of Particular Concern on an official map, as approved by the Territorial Planning Commission and retained for public inspection by the Department of Land Management, Public Works, Parks and Recreation, Agriculture, the Bureau of Planning, the Guam Environmental Protection Agency,

Section IV. STANDARDS FOR FLOOD HAZARD AREA MANAGEMENT

- A. All development within flood hazard areas shall comply with all water quality, erosion and sedimentation control standards and other applicable pollution standards as promulgated by the Guam Environmental Protection Agency and, if applicable, Wetland and Rules and Regulations as promulgated by the Territorial Planning Commission.
- B. Flood hazard areas shall not be graded, dredged or filled such that natural topographic drainways are altered unless issued a Flood Hazard Area Permit by the Department of Public Works.
- C. Approved developments shall be designed to the maximum extent practicable to maintain the natural flow during flood conditions, not create backwater effects or expand a flood hazard area into previously non-flood prone areas.
- D. All approved bridges and culverts shall have openings of sufficient width for adequate passage of flood discharge and debris during a 100-year flood.
- E. New septic tanks, leaching fields, outhouses or other on-site sewage disposal systems shall not be permitted within flood hazard areas. All approved sewage disposal shall be connected to government sewerage at the developer's expense. Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- G. No development shall be permitted, within sinkholes or low-lying basins, as designated on the Bureau of Planning's Community Design Plans, which would inhibit the recharge of water into the underground aquifer system or be subject to flood damage.

## Guam Special Area Management – Air Installation Compatible Zones

On Guam, air installation compatible use zoning (AICUZ) is a guide for determining appropriate land uses around the Guam International Air Terminal and for land uses south of Andersen Air Force Base and surrounding North West Field. AICUZ is a composite of 5 noise zones and 3 aircraft accident-potential zones based on an analysis of noise, accident records and operational activities. The 5 noise zones and 3 accidental-potential zones are further categorized into 16 "AICUZ zones" which represent various combinations of noise (from totally acceptable to intolerably loud) and accident-potential severity (from a clear zone with the highest risks to an APZ II with decreased accident potential).

The footprints of these AICUZ zones are mapped for planning reference by developers and land owners. Each of the 16 AICUZ zones has been rated for its acceptability to general land use categories, such as low density residential, commercial, agriculture, etc.

The Department of the Air Force has completed

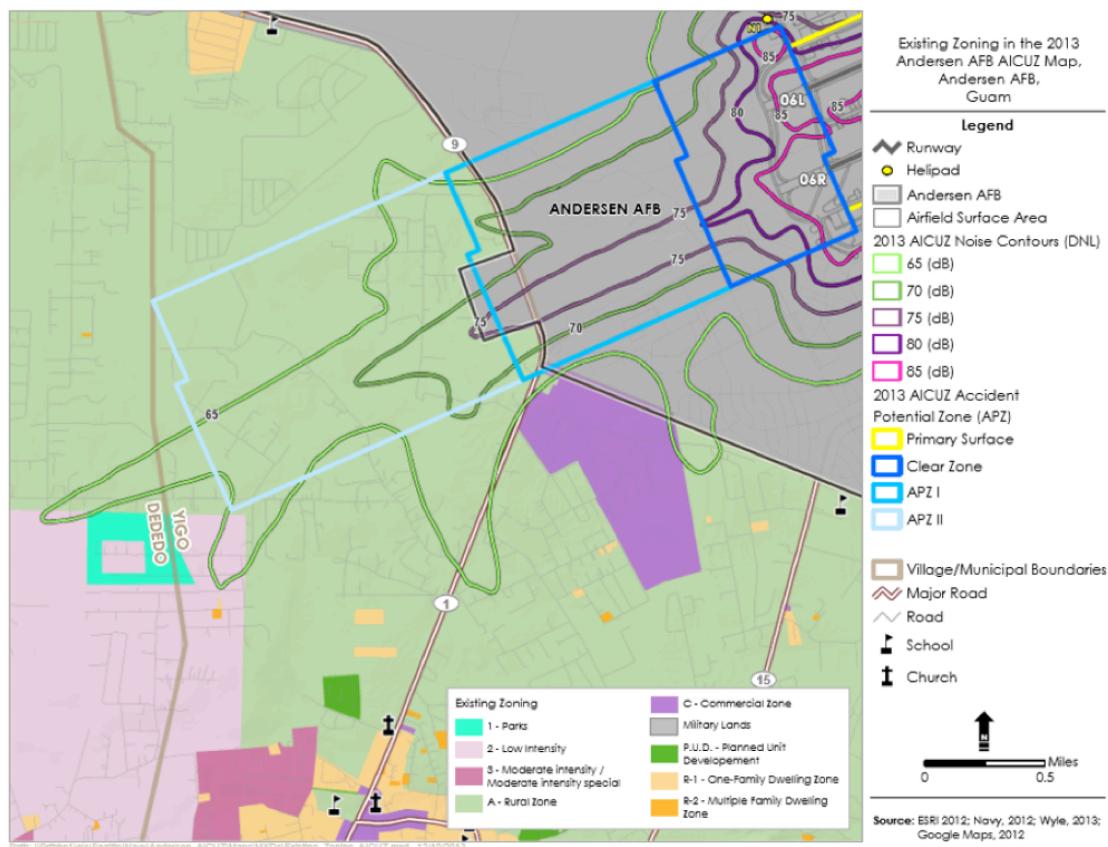
an AICUZ study in 2013 which is an update of the 1995 and to the original 1976 AICUZ Study which was amended in 1983 and updated in 1986 (see maps that follow).

The update study is a reevaluation of aircraft noise and accident potential related to flying operations and is designed to aid in the development of local planning mechanisms which will protect public safety and health as well as preserve the operational capabilities of Andersen AFB.

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

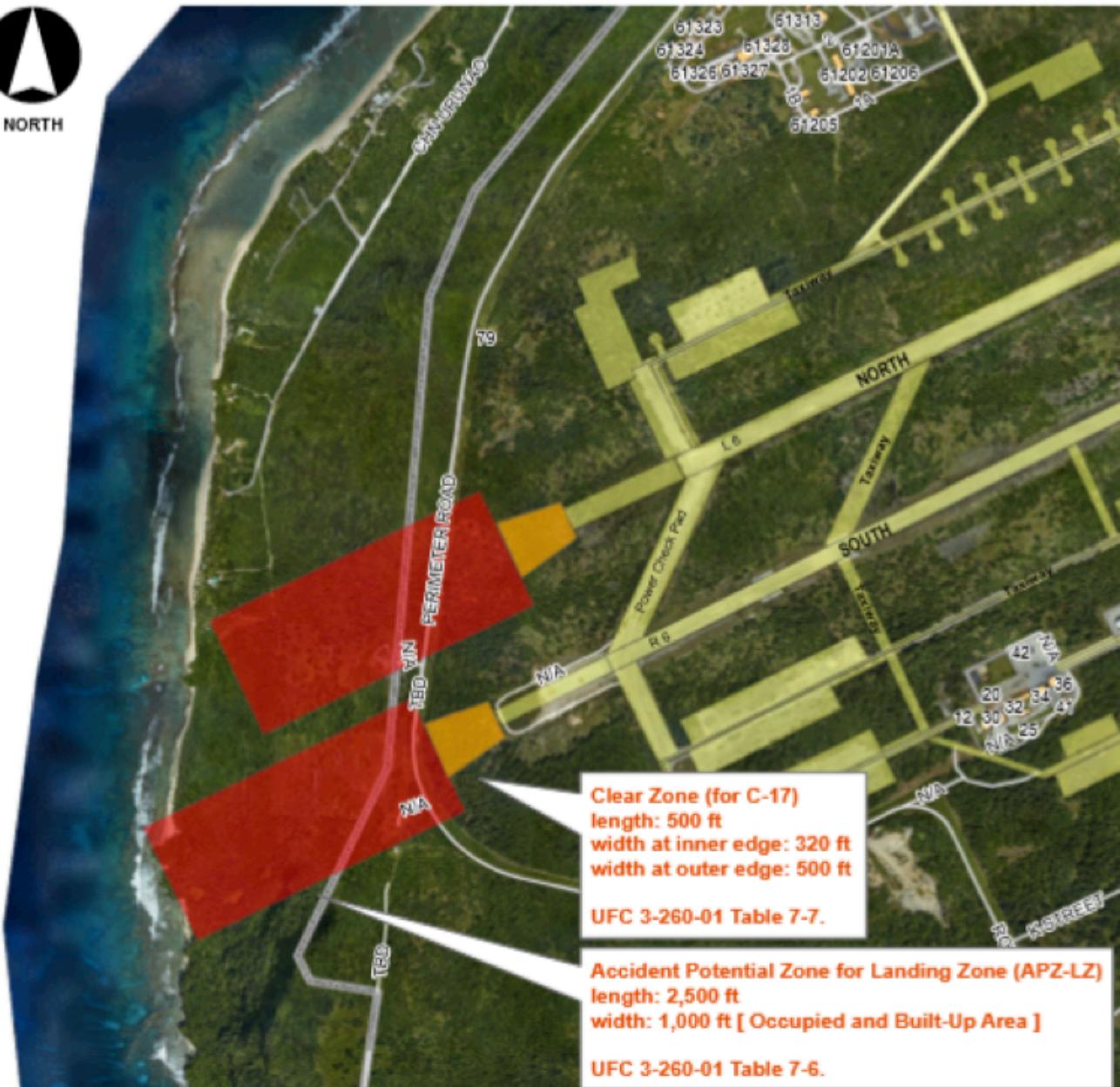
The Bureau of Statistics and Plans should be consulted during the planning stage for any proposed project which is incompatible with the recommended guidelines of AICUZ.

Reference: "AICUZ Study Volumes I and II" United States Air Force, AAFB, Guam, 1995. For further information, contact the Director, Bureau of Statistics and Plans.





NORTH



## Legend

- Airfield Surfaces
- Clear Zone
- Accident Potential Zone for Landing Zone (APZ-LZ)

**NORTHWEST FIELD AIRFIELD CRITERIA MAP**

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## Guam Land Use Districts

There are four land-use districts with distinct characterizations.

Urban districts include areas characterized by and designated for higher concentrations of people, structures and streets, proximity to basic services such as sewers, water, sanitation, police and fire protection, power, and other major facilities and areas of high intensity and use.

Rural districts include areas composed of small farms mixed with low-density residential lots where urban-like concentrations of people, structures, streets, and levels of services are absent. Rural districts may include those determined to be capable of adequately supporting services and population densities characteristic of urban districts in the future, but which are currently rural.

Agricultural districts include areas characterized by cultivation of crops, orchards, forage and forestry; farming activities or uses related to animal husbandry; services and uses clearly accessory to the above activities including, but not limited to, living quarters or dwellings, storage facilities, processing facilities, and roadside stands for the sale of products grown on the premises; and open recreational facilities.

Conservation districts include areas necessary for the protection of watershed and water sources, prevention of floods and soil erosion, and preservation of archaeological, historic, scenic, and other natural and cultural resources; parklands, wetlands, beach and wilderness areas; areas necessary for conservation of endemic plants and animals; open-space areas which, because of their present use, natural condition, or openness enhance the present or potential value of abutting or surrounding communities; areas of value for existing or future recreational purposes, agricultural preserves as defined under Section 12603 of the Government Code; and other permissible uses and related activities found not to be detrimental to conservation priorities and objectives.

Check with BSP to ensure consistency with use standards and management priorities as well as with DLM for the most current Zoning map for your proposed project site.

Authority: Public Law 12-200; Guam Comprehensive Development Plan.

## GCMP and Federal Consistency

Section 307 of the "Coastal Zone Management Act of 1972" (CZMA), called the "federal consistency" provision, gives states a strong voice, which they otherwise would not have, in federal agency decision-making for activities which affect a state's coastal uses or resources. The "coastal zone" of Guam includes all non-federal property on the island, including offshore islands and the submerged lands and waters extending seaward to a distance of three (3) nautical miles.

Generally, federal consistency requires that federal actions, within and outside the coastal zone, which have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally approved coastal management program. Federal actions include federal agency activities, projects or actions requiring a federal license or permit, and federal financial assistance activities, such as grants to states and territories. Federal agency activities must be consistent to the maximum extent practicable with the enforceable policies of a state coastal management program, and license and permit and financial assistance activities must be fully consistent.

The Government of Guam has adopted 18 enforceable policies regarding use, protection and development of Guam's land and water resources which are included in the Guam Coastal Management Program (GCMP), an approved Coastal Management Program under the CZMA.

Federal agencies must submit consistency determinations not later than 90 days before the final decision on a proposed action. Consistency

certifications for applicants for federal licenses or permits have a 6-month review period once certifications and required supporting documentation are received by GCMP.

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

Authority: Governor of Guam E.O. No. 78-37,

Guam Public Law Section 307 of the Coastal Zone Management Act of 1972, as amended, (16 U.S.C. §1456) and the Code of Federal Regulations Title 15 Part 930.

Further information with regard to compliance with federal consistency may be obtained from the Administrator or Federal Consistency Coordinator, Guam Coastal Management Program, Bureau of Statistics and Plans or the Director of Bureau of Statistics and Plans.

## **Enforceable Policies**

Effective as of the 1994 amendment to the original Guam Coastal Management Program, enforceable policies are:

### **A. Governmental Processes Policy (GPP):**

Policy: More effective administration of natural resources 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, and
- educational and training programs for local government personnel, and refinement of supporting technical data.

### **B. Development Policies (DP):**

#### **DP 1. Shore Area Development**

Intent: To ensure environmental and aesthetic compatibility of shore land uses.

Policy: Only those uses shall be located within the Seashore Reserve which:

- enhance, are compatible with or do not generally detract from the surrounding coastal area's aesthetic and environmental quality and beach accessibility; or
- can demonstrate dependence on such a location and the lack of feasible alternative sites.

#### **DP 2. Urban Development**

Intent: To cluster high impact uses such that coherent community design, function, infrastructure support and environmental compatibility are assured.

Policy: Commercial, multi-family, industrial and resort-hotel zone uses and uses requiring high levels of support facilities shall be concentrated within urban districts as outlined on the Land Use Districting Map.

#### **DP 3. Rural Development**

Intent: To provide a development pattern compatible with environmental and infrastructure support suitability and which can permit traditional lifestyle patterns to continue to the extent practicable.

Policy: 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.

#### **DP 4. Major Facility Siting**

Intent: To include the national interest in analyzing the siting proposals for major utilities, fuel and transport facilities.

Policy: 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 transmission, port and air installations, solid waste disposal, sewage treatment, and major reservoir sites.

#### **DP 5. Hazardous Areas**

Intent: Development in hazardous areas will be governed by the degree of hazard and the land use regulations.

Policy: Identified hazardous lands, including floodplains, erosion-prone areas, air installations, 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 the land use regulations.

#### **DP 6. Housing**

Intent: To promote efficient community design placed where the resources can support it.

Policy: 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.

#### **DP 7. Transportation**

Intent: To provide transportation systems while protecting potentially impacted resources.

Policy: The Territory shall develop an efficient and safe transportation system, while limiting adverse environmental impacts on primary aquifers, beaches, estuaries and other coastal resources.

#### **DP 8. Erosion and Siltation**

Intent: To control development where erosion and siltation damage is likely to occur.

Policy: Development shall be limited in areas of 15% or greater slope by requiring strict compliance with erosion, sedimentation, and land use districting guidelines, as well as other related land use standards for such areas.

### **C. Resource Policies:**

#### **RP 1. Conservation of Natural Resources—Overall Policy**

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.

#### **RP 2. Air Quality**

Intent: To control activities to ensure good air quality.

Policy: 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.

#### **RP 3. Water Quality**

Intent: To control activities that may degrade Guam's drinking, recreational, and ecologically sensitive waters.

Policy: 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.

#### **RP 4. Fragile Areas**

Intent: To protect significant cultural areas, and natural marine and terrestrial wildlife and plant habitats.

Policy: Development in the following types of fragile areas shall be regulated to protect their unique character:

- historical and archeological sites,
- wildlife habitats,
- pristine marine and terrestrial communities,
- limestone forests, and
- mangrove stands and other wetlands.

#### **RP 5. Living Marine Resources**

Intent: To protect marine resources in Guam's waters.

Policy: 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.

#### **RP 6. Visual Quality**

Intent: To protect the quality of Guam's natural scenic beauty.

Policy: 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 significant views from scenic overlooks, highways and trails.

#### **RP 7. Recreation Areas**

Intent: To encourage environmentally compatible recreational development.

Policy: The Government of Guam shall encourage development of varied types of recreational 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 historical sites.

#### **RP 8. Public Access**

Intent: To ensure the right of public access.

Policy: 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 their public lands; and agreements shall be encouraged with the owners of private and federal property for the provision of releasable access to and use of resources of public nature located on such land.

#### **RP 9. Agricultural Lands**

Intent: To stop urban types of development on agricultural land.

Policy: Critical agricultural land shall be preserved and maintained for agricultural use.

## **Guam Power Authority**

Guam Power Authority (GPA) reviews and issues permits for all electrical connections. This section contains GPA's guidance on permit checklists and guidelines. Additional information can be found at  
[http://guampowerauthority.com/home/home\\_plan\\_review.php](http://guampowerauthority.com/home/home_plan_review.php)

# **Applying For Electric Service?**

*(Prepared by Customer Services Division)*

## **GENERAL INFORMATION**

(Details to these and other questions can be addressed to GPA Customer Service Representatives located in Harmon and Agat).

### **□ APPLICATION FOR SERVICE**

Each applicant for electric service shall render a deposit, sign an application on a form provided by the Authority, and furnish the following information:

1. Name of applicant.
2. Date and place of application.
3. Service address and/or location of premises to be served.
4. Date applicant will be ready for service.
5. Whether the premises have been previously supplied.
6. Purpose for which service is to be used.
7. Applicant's mailing address.
8. Whether applicant is owner or tenant of, or agent for, the premises.
9. Rate schedule desired if optional rate is available.
10. Other information the Authority may reasonably require.

### **□ WHAT DOCUMENTS ARE REQUIRED TO APPLY FOR ELECTRIC SERVICE?**

Any building/property owner, landlord, lessee, or renter applying for electrical service to include Government Lease, CLTC, Ancestral Lands, must submit to the Authority a copy of documents substantiating ownership, leasing, or rental that references the location where electricity is to be provided. The documentation may include--but it is not limited to--building permit, certificate of ownership, title, deed, current lease or rental agreement, etc. For newly constructed homes, submit copies of property maps and DPW/GPA Approved Plans. Relocation of meter/ADIL meter/generator installation.

### **□ HOW MUCH WILL IT COST TO APPLY FOR ELECTRIC SERVICE?**

Upon applying for electric service, the following charges will be assessed:

- Application Fee.....\$10.00
- Security Deposit.....Minimum \$25.00 & not to exceed 2½ times the estimated monthly bill
- Installation Fees.....Customer will be notified after a field check is assessed by GPA Engineering Division

### **□ HOW LONG WILL IT TAKE BEFORE POWER IS INSTALLED?**

This will depend on the assessment done by our Engineering Division, and if inspection approval is granted by the Department of Public Works.

**WHEN DO I START APPLYING FOR ELECTRIC SERVICE?**

Upon completion of the flooring foundation in the issuance of a Bldg. permit.

**MUST I BE PRESENT AT THE INSTALLATION SITE THE SAME TIME GPA CREWS ARE ABOUT TO INSTALL POWER?**

Yes customers must be present at the installation site to ensure that the location's main breaker is in the "OFF" position before GPA crews energize the service line.

## **DEFINITIONS**

<b>Application</b>	A written request to the Authority for electric service.
<b>Customer</b>	Any person (partnership, firm, corporation, municipality, Cooperative, governmental agency, etc.) Who has made an application for service and is responsible for payment of the bills resulting from consumption of electric energy at the location identified in the application.
<b>Electric Service</b>	The availability of electric energy at the point of delivery for use by the customer, even if no electric energy is used.
<b>Line Extension</b>	All facilities, excluding transformer, service connection and meter required to extend electric service from the Authority's existing permanent facilities to the point of delivery to the customer.
<b>Point of Delivery</b>	The point where conductors of the Authority are connected to the conductors of the customer, regardless of the location of the Authority's meters or transformers.
<b>Temporary Service</b>	Service for enterprises or activities which are temporary in character or where it is known in advance that service will be of limited duration. Service, which in the opinion of the Authority, is for operations of a speculative character of the permanency of which has not been established, also is considered temporary service.

- **Moderate Design Path** – *Permanent power (Service/Meter/Transformer Installation/Relocation or additional meter/Generator Installation/Work Clearances/Electrical Upgrades/Downgrade)*
  1. Schedule site investigation/as built to determine scope of work and ensure compliance with GPA, NEC, and NESCO standards.
  2. Verify/Obtain DPW and GPA approved electrical plans from customer/contractor.
  3. Prepare work order, which includes bill of materials.
  4. Obtain Supervisor's approval.
  5. Release to the Transmission and Distribution (T&D) for scheduling. (DPW inspection report required.)

- **Intermediate Design Path** *(Secondary line extension – wire only)*

1. Schedule site investigation/as built to determine scope of work and ensure compliance with GPA, NEC, and NESCO standards.
2. Verify/Obtain DPW and GPA approved electrical plans from customer/contractor.
3. Formulate design.
4. Prepare cost estimate of charges.
5. Obtain Supervisor's approval of work order, which includes the cost estimate, bill of materials and design.
6. Release to Credit and Collection, Customer Services for payment (if required).
7. Release to T&D for scheduling.

*(Temporary Power/Relocation of meter)*

1. Schedule site investigation/as built to determine scope of work and ensure compliance with GPA, NEC, and NESC standards.
2. Formulate design.
3. Formulate design.
4. Obtain Supervisor's approval of work order, which includes the cost estimate, bill of materials and design.
5. Release to Credit and Collection, Customer Services for payment (if required).
6. Release to T&D for scheduling. (Note: DPW inspection report required for relocation of meter for permanent status.)

- **Complex Design Path**

*(Primary/Secondary pole/downguy installation, Relocation, and Underground installation)*

1. Schedule site investigation/as built to determine scope of work and ensure compliance with GPA, NEC, and NESC standards.
2. Obtain required Department of Land Management property maps and GPA approved electrical plans.
3. Conduct a proper as built with at least three (3) verified and clearly marked Registered Land Surveyor (RLS) boundary points.
4. Perform underground inspection of transformer pad, manhole/handhole as needed.
5. Formulate design and prepare cost estimate of charges.
6. Negotiate and obtain GPA Easement – if required, through GPA Real Estate Section.

7. Obtain Supervisor's approval of work order, which includes the cost estimate, bill of material and design.
8. Release to Credit and Collection, Customer Services for payment.
9. Release to Survey for "stake-out" of pole locations and underground clearance requirements.
10. Release to T&D for scheduling.

Note:

- 1) All work orders requiring easement(s) shall not be released until easement is secured.
- 2) All work orders requiring payment shall not be released to T&D without approval or verification of payment from Credit and Collection.

## **UNDERGROUND INSTALLATION**

*(Padmount and Hybrid)*

In addition to the procedures mentioned above, the Engineering Division must perform a step-by-step inspection for the construction of the manhole/handhole and transformer pad, prior to the pouring of concrete. *All GPA construction standards must be followed. Proper coordination must be made upon approval of electrical plans and application for service must be made eight (8) months prior to completion of building to ensure timely processing of service and availability of long lead padmounted transformers.*

### **Other Commonly Asked Questions....**

#### **WHAT GOVERNS MY RESPONSIBILITIES AS A GPA CUSTOMER?**

All account holders are required to comply with the GPA Service Rules/ Regulations and "Rate Schedules" governing electric service. Copies can be requested from a GPA Customer Services Office.

#### **WHAT HAPPENS IF I DON'T RECEIVE MY BILL STATEMENT?**

GPA is not responsible for bill statements not received. It will be your responsibility to obtain a copy of bill at a GPA customer service office, if the original bill is not received 15 days after "Date Billed." Failure to receive a bill does not prevent it from becoming due and payable. Electric service may be terminated for non-payment with no further notice.

#### **WHEN AM I REQUIRED TO PAY A RECONNECTION FEE FOR POWER?**

Your security deposit may be refunded for "good credit rating" only. A good credit rating occurs when bills are paid on-time during the first 12 months of service. The refund request can only be done by the account holder in person, by telephone or through

written request to a GPA Customer Services Office. Should an additional deposit be required for other services, you will be notified in writing.

Upon termination of service or cancellation of service (before rendered), your security deposit refund should take about 30 to 60 days to process from the date that the request was made.

**HOW DO I GO ABOUT TERMINATING ELECTRIC SERVICE?**

A request for termination of service must be made at least **two (2) working days** in advance. The request can only be made by the account holder and in person at any GPA Customer Service Office. To quicken the process, please have available your customer number, meter number, and forwarding address (if required).

**GPA  
CUSTOMER SERVICES**

**BUSINESS HOURS**

**HARMON BUSINESS OFFICE**  
**MONDAY – FRIDAY: 7:00 A.M. – 6:00 P.M.**

**AGAT SATELLITE OFFICE (Agat Community Center)**  
**MONDAY – FRIDAY: 8:00 A.M. – 5:00 P.M.**

**TELEPHONES**

Harmon: 647-5787/8 or 9  
Agat: 565-2909/15/25

**EMERGENCY 24 HOURS SERVICE**  
**DISPATCH: 475-1472/3 or 4**

**Written inquiries can be mailed to:**

**GUAM POWER AUTHORITY**  
**ATTN: Customer Services**  
**P.O. BOX 2977**  
**Hagatna, Guam 96910-2977**

## PERMITS | CHECKLIST & GUIDELINES

### PLAN REVIEW REQUIREMENTS CHECKLIST

All plans submitted to GPA for plan review must include the following:

1. Project Name
2. Vicinity Map showing the project location
3. General Electrical Notes (listed below)
4. Electrical Site Plan
5. Electrical One-Line Diagram
6. Load Calculations
7. Necessary GPA standard details
8. Professional Engineer Seal

### PLAN GUIDELINES FOR COMMERCIAL AND MULTIPLE RESIDENTIAL APPLICANTS

General Design Guidelines for commercial and multiple residential applicants Provide load calculations. Minimum service design for loads under 100 kVA, single phase or 225 kVA three phase is the hybrid system. All others require pad mounted transformers. The hybrid system consists of overhead primary distribution and pole mounted transformers that feed a secondary handhole system. General Notes The following electrical notes must be on the plan:

1. Coordinate with GPA Engineering 48 hours in advance for inspection of manhole, handhole, conduit installation, transformer pad, and conduit/duct mandrelling prior to concrete pouring.
2. Owner shall grant a utility easement to GPA for power line, handhole and transformer prior to final connection.
3. Application for power service must be Submitted 8 months in advance before final connection/energization to allow for delivery of GPA materials and equipment. For pad mounted transformer projects, application must be submitted 12 months in advance.
4. All conduits must be cleaned and mandrelled in the presence of a GPA Inspector. All conduits must be provided with nylon pull rope of 200 lbs. minimum pull strength.
5. GPA handhole, transformer and meter shall be accessible 24 hours a day for

maintenance and meter reading.

6. All above ground GPA conduits shall be rigid aluminum conduit. All below grade GPA conduit shall be concrete encased PVC schedule 40.
7. All electrical work shall be done in accordance with the latest National Electrical Code (NEC) and National Electrical Safety Code (NESC).
8. Contractor/Owner shall identify the Registered Land Surveyor (RLS) property markers/points to the GPA Inspector at the job site
9. Provide 3 feet min. clearance all around handholes, transformers, and metering equipment from fences, walls, and structures, etc.
10. Contractor/Owner shall obtain a Registered Land Surveyor to provide new pole stakeout and down-guy locations; to prepare easement exhibits for GPA poles, handholes, transformers, overhead/underground power lines and other associated power facilities. Coordinate with GPA Engineering for specific requirements.
11. All survey stakeouts, maps, and easement documents shall be field verified by GPA.
12. Any changes to the approved permitted drawings will require as-built drawings for approval.

#### Electrical Site Plan Guidelines:

1. Show ALL new/existing power facilities including poles, transformers, handholes and overhead/underground lines on the electrical site plan.
2. Place handholes and metering equipment within the private property. Fencing shall be routed around handholes and metering equipment to ensure 24-hour access.
3. Provide pipe guard protection for handholes and transformers. These shall be placed 1-foot diagonal from each corner.

#### One-Line Diagram Guidelines:

1. Provide load calculations showing existing and new loading. Show the total demand load. Show how the new load/electrical

work affects the existing GPA transformer, service, and meter. If the existing service is sufficient, please indicate on plan with the note: "Interior work only. No change to GPA service, wire or meter."

2. Show all existing/new power facilities including transformers, handholes and meters on one-line diagram.
3. Provide 6' slack in secondary handhole on customer side
4. Indicate transformer size on electrical layout.
5. Show how the new electrical work ties in with the existing GPA transformer.
6. Indicate on the one-line diagram if the meter and transformer are new or existing.
7. Service voltage, number of phases, number of wires, and type of system shall

be specified on the One-Line diagram near the metering unit. (Example: 208Y/120 V, 3-Phase, 4 Wires)

8. Meter socket type shall be specified on the One-Line diagram. (Example: 7 Terminal, 20 Class, NEMA 3R)
9. Meter sockets for CT metering systems shall be the combination type, which includes an enclosure for a test switch. GPA will provide the test switch.
10. For CT metering systems, owner will provide color-coded, # 12 copper, stranded CT wires as required and GPA will terminate wires.
11. For CT metering systems, GPA requires a non-fused main disconnect switch with sealing provision for GPA on line side of CT





**Better Water. Better Lives.**

[facebook.com/guamwaterworksauthority](http://facebook.com/guamwaterworksauthority)  
[guamwaterworks.org](http://guamwaterworks.org) | 647-7800

## Guam Waterworks Authority

On July 31, 1996, Public law 23-119 established the Guam Waterworks Authority (GWA) to be a semi-autonomous, self-supporting agency. GWA officially obtained its status on February 1, 1997. A GWA permit, clearance, or fee may be required if a project involves a new water or sewer connection. The permit information summarized here highlights key information from GWA's Guide to Water, Sewer, and Agriculture Applications, available at <http://guamwaterworks.org/faq/water-sewer-service-application/>. For additional information, contact the GWA Permits and Inspection Office at 300-6058 or email [permits@guamwaterworks.org](mailto:permits@guamwaterworks.org).

### *Before Applying for a DPW Building Permit*

Applications for new water and sewer service for houses, commercial buildings, and other structures that will produce wastewater must be accompanied with a Department of Public Works (DPW) building permit. However, in the planning stage before obtaining a building permit the applicant should first submit a Verification of Utilities (VOU) request to the GWA Permits Office to determine if water and/or sewer utility services are available at the proposed property site and if they have adequate capacity, or if the developer will need to make improvements to the system in order to obtain service. To save time you can download a VOU form from the GWA website at <http://guamwaterworks.org/faq/water-sewer-service-application/permits-and-inspection-forms/>. The completed form, a location map, and a current, registered, legible property map can be submitted via email to [permits@guamwaterworks.org](mailto:permits@guamwaterworks.org). A GWA inspector will be assigned to field verify if water and sewer utilities are available for your project and upon request, the inspector can be accessible to answer

questions from the applicant.

### *Applying for a DPW Building Permit*

#### **Building Permit Application Requirements and Information**

If the VOU results indicate water and sewer utilities are available with adequate capacity for a project, submit a building permit application for your project to the Department of Public Works. Submit building permit application, construction plans and a registered property map to the GWA Permits Office for review and approval. The GWA Permits Office is located on the second floor of the Gloria B. Nelson Public Service Building (GBNPSB), Route 15, Mangilao; Telephone: 300-6058, Email: [permits@guamwaterworks.org](mailto:permits@guamwaterworks.org). Note: Large electronic files of project plans can be "drop-boxed" to the GWA Permits Office, upon request. Please contact us via email or telephone for more information on electronic submissions.

Required documents for building permit reviews  
When you submit your project plans make sure you include all the following documents GWA will need to complete a review:

1. Department of Public Works building permit application.
2. Property map.
3. (Construction plans with the following information:
  - a. Subject lot location.
  - b. Water main connection location and detail.
  - c. Water meter location and detail.
  - d. Sewer main connection location, connection detail, and clean out detail (or septic tank/leaching field location if public sewer is not available within 200 feet of the subject lot).
  - e. A professional engineer's seal.

- f. Property and right of way/easement boundaries.
- g. For non-residential developments: reduced pressure backflow preventer location and detail.
- h. For dedicated fire suppression water lines: double- check detector backflow preventer location and detail.
- i. For private water tanks and pumps: water tank and pump locations and details, including the water tank air gap.
- j. For food service, car wash, and vehicle repair facilities: grease trap/interceptor location, detail, and capacity calculations.
- k. For water and sewer main extensions:
  - i. Plan and profile sheets with the location, length, size, and material of the proposed utility main,
  - ii. Connection locations to the existing utility systems, and
  - iii. Utility details.

4. For large developments: Submit water demand (in gallons per minute units) and sewer load calculations (in gallons per day). The calculations should be signed and sealed by a professional engineer. Include the number of units and a description of the occupancy type and onsite activities.

Draft construction details are available upon request. Submit requests to [permits@guamwaterworks.org](mailto:permits@guamwaterworks.org). GWA will retain a copy of the plan sheets associated with water and sewer connections.

### **Water and sewer lateral and main construction**

1. Construction must be covered under a valid Department of Public Works building permit and conducted by a licensed plumbing contractor.
2. All connections to GWA water and sewer utilities must be approved in writing, witnessed by a GWA inspector, and conducted by a licensed plumbing contractor. Illegal connections are subject to fines from \$2,500.00 to \$25,000.00.

- 3. Utility main construction must pass GWA inspections in order for GWA to accept ownership of the main extension. The applicant is responsible for notifying GWA of the construction schedule, so that inspections may be scheduled and performed. Other requirements may apply such as clearances for cable, power, comms must be completed prior to start of construction.
- 4. Deviations from the approved engineering plans (including water and sewer lateral components) must be submitted in writing to the Permits Office. It is the customer's responsibility to ensure that appropriate parts are ordered to meet the customer's construction schedule.

### **Applying for a Water Meter Connection**

#### **Water Meter Connection Checklist:**

1. Please apply for a water meter with GWA's Customer Service Unit in person at the Gloria B. Nelson Public Service Building (GBNPSB) in Fadian Mangilao or email Customer Service at [customers@guamwaterworks.org](mailto:customers@guamwaterworks.org) after your building permit has been issued and before your contractor begins work on your proposed project. Here is what you will need to complete your application for water and sewer line services if you come in person to GBNPSB:
  - a. Customer Information Form (available on [guamwaterworks.org](http://guamwaterworks.org) - Customer Service Division)
  - b. Certificate of Title or Deed of Gift of home/business/or a final lease/rental agreement.
  - c. The meter shall be installed on the utility easement in front of the subject lot.
  - d. The home owner is responsible for the installation of the connection to the GWA main water line. This connection needs to be conducted by a licensed plumbing contractor. The service lateral connection to the GWA water main and the piping must be witnessed by a GWA inspector.

- e. Costs for water meter installation varies depending on the size of the water meter. Sewer deposit and rates for sewer charges vary depending on use of the water meter.
- f. Building permit or a letter from Department of Agriculture if you are applying for an agriculture meter.
- g. Map to the site of the proposed service.
- h. Authorization from the owner that you can sign the application (if you are not property owner)
- i. Request For Tapping Permit Form (RFTP). This form is required before any connection to the GWA system can begin. This form will be provided by the permit/ inspection section of the Engineering department or to save time you can download the form from the GWA website at <http://guamwaterworks.org/faq/water-sewer-service-application/permits-and-inspection-forms/> fill out the form, scan it and send it for processing to [permits@guamwaterworks.org](mailto:permits@guamwaterworks.org).
- j. DPW's house numbering system.

2. The Customer Service (CS) Department will assign an account number and a work order number to applicant. A CS representative will accompany applicant to the Permits/ Inspection section of the Engineering Department (2nd Floor of GBNPSB).

3. Permits/Inspection personnel will verify all necessary and completed documents and provide any additional documents that might be needed. This includes the RFTP.

4. The applicant should be free from any outstanding bills with GWA.

5. Commercial account applicants should be under the business name.

6. All non residential account holders are required to complete a "Statement of Water Meter Intended Use" available with Customer Service Unit.

7. Contractors need to provide a business license with EIN.

8. GWA will conduct periodic inspections throughout the construction phase to ensure conformance with the approved building permit. Inspectors will focus on the infrastructure that will be turned over to GWA upon completion of construction. GWA will not accept any infrastructure without having the opportunity to inspect during construction. This also applies to the sewer connection request. GWA personnel will ensure applicant compliance with GWA's rules, regulations and standards.

9. The applicant or the applicant contractor is responsible for informing GWA permit/ inspection section at least 48 hours in advance of the scheduled dates for trenching, meter installation, and tapping into water lines. This applies to sewer connections as well.

10. Upon approval of installation the permits/ inspection personnel will prepare a job cost sheet for the applicant. This delineates the charges associated with the meter installation. This also applies to sewers. A sketch will be provided by GWA permit staff, identifying the exact location of the meter.

11. If agriculture service is requested SDC charges will be assessed based on size of meter. Agriculture connections (including CLTC agricultural leases) are required to include a backflow preventer, which will be provided at the customer's expense.

12. Upon the completion of number 10 above, the applicant returns to Customer Service Unit to continue processing the work order for water meter installation and payment must be made to the cashiers at Fadian. This applies to sewer connections as well.

13. After receipt of payment, a service order is forwarded to GWA's Disconnect Reconnect Unit from Customer Service Unit. Meters will be installed within 3-5 working days of receiving service order.

All wastewater applicants need to follow same guidelines and requirements as water applicants. For more information on water/ sewer lines/ or System Development Charge (SDC) contact customer service department at 647-7800/7803 or email [customers@guamwaterworks.org](mailto:customers@guamwaterworks.org).

## 24 HOUR EMERGENCY DISPATCH

**(671) 646-4211**



## CUSTOMER SERVICE **(671) 647-7800/3**

Inspection/permits can be contacted at: 300-6058 or email [permits@guamwaterworks.org](mailto:permits@guamwaterworks.org).

### GWA System Development Charge (SDC)

The SDC applies to properties with new connections to the GWA system or that will place an increased demand on the system. SDCs are based on water meter size. The water SDC for a 3/4-inch water meter is \$2,126.00. The wastewater SDC for a 3/4-inch meter is \$3,474.00. Residential water connections that qualify for amortization involves an initial payment of \$500.00, followed by monthly payments of \$22.58 for 96 months at an annual interest of 7.5%. Residential wastewater connections that qualify for amortization involve an initial payment of \$500.00 followed by monthly payments of \$41.29 for 96 months at an annual interest rate of 7.5%. To save time you can download the SDC form from the GWA website at <http://guamwaterworks.org/faq/water-sewer-service-application/permits-and-inspection-forms/>.

Qualifications for an amortized payment are:

- The connection must serve a primary residence for the applicant and/or immediate family members.
- A document showing proof of property ownership (such as a title or deed) or a finalized rental/lease agreement.
- If the property is under a Chamorro Land Trust Commission (CLTC) lease, a CLTC memo authorizing the applicant to apply for utilities and clearly authorizing the lessee to construct/continue to use the land as a residence is required.
- If the total cost of land and construction is no more than \$210,000.00, then an applicant might qualify for an Affordable Housing SDC.

A percentage of the total cost of construction and land purchase is used to calculate the Affordable Housing SDC. Documentation of the land purchase price and construction costs are required. See GWA for more information at [guamwaterworks.org/](http://guamwaterworks.org/)

## FEDERAL PERMITS AND PROGRAMS

In addition to local-level permitting, some activities may be subject to federal permitting requirements. This section summarizes considerations for activities that are proposed in wetlands and navigable waters which are regulated by the U.S. Army Corps of Engineers, activities that may require “Section 7 consultation” from the U.S. Fish and Wildlife Service due to presence of endangered or threatened species or listed critical habitat, and activities which require a federal permit or are using federal funding which are subject to coordination requirements of Section 106 of the National Historic Preservation Act.

Basic permitting considerations are outlined by the National Association of Home Builders in the infographic below.



## **U.S. Army Corps of Engineers – Wetlands and Navigable Waters**

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

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

- a. Construction of boat ramps, seawall or other similar structures and artificial reefs.
- b. Placement of floats, piers or mooring buoys in tide waters.
- c. Discharging sand, gravel or other fill materials into all waters and wetlands.
- d. Filling of wetlands, rivers or other non-tidal bodies of water and filling of tidal waters.
- e. Laying of underwater cables, tunnels or outfall pipes in tide waters.
- f. Creation of aquaculture ponds located in waters of the U.S. including wetlands.
- g. Excavations in wetlands if excavated material is side cast.
- h. Mechanized clearing of wetland vegetation.

**The ACOE advises that work in wetlands and other special aquatic sites must be avoided unless it can be shown that no other less environmentally damaging alternative exists.**

Applicants are expected to provide the following information:

1. A detailed description of the proposed activity, including the purpose, use, type of structure, facilities for handling waste, and composition and quantity of dredged or fill materials.
2. Names and addresses of adjoining property owners and others who may be

3. affected by proposed activity.
4. Complete information on the project location in enough detail so that a field visit may be conducted.
5. A list of the status of all other federal or local government permits and clearances required for the project.
5. A simple environmental impact assessment. A more detailed EIA may be required for projects having large, potential impacts.

The Corps' permit review process includes reviews by interested local agencies and organizations and may involve a public hearing. The ACOE will not issue a permit until all applicable Territorial regulations have been satisfied. In some cases, however, the ACOE may issue "provisional" permits before required local approvals such as the CZM consistency statement or Section 401 Water Quality Certification have been issued. These "provisional" permits make it clear that the permit is not valid until these approvals have been issued or waived. Review time may be reduced by simultaneous processing. If there are no objections to the proposed activity, a permit may be issued within 3 months after completed application is submitted unless the project meets the requirements of a nationwide permit in which case final action on processing normally takes two weeks.

The permit is \$10 for non-commercial uses and \$100 for commercial and industrial uses. Copies of Permit Application Forms are reproduced as ACOE-1. National Wetlands Inventory Maps of areas over which the ACOE exercises permit jurisdiction are available for review at the local ACOE office; however, these maps are only useful as general guide and are not a reliable way to ensure wetlands are not on a particular site. The only way to be sure if there are wetlands on site is for a qualified wetland delineator to inspect the entire site.

Violations of pertinent laws may result in the following penalties: removal of materials followed by restoration; **fines from \$500 to \$5,000 per day; fines for unpermitted work can be as**

**high as \$25,000 per day; and/or imprisonment for up to one year.**

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

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

Sanctuaries Act.

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

Learn more about the U.S.ACOE Regulatory Program online: <https://www.poh.usace.army.mil/Missions/Regulatory/Permits/>

## CONTACT INFORMATION

<p><b>Regulatory Office</b>            Building 230            Fort Shafter, HI 96858-5440            (808) 835-4303  <a href="mailto:CEPOH-RO@usace.army.mil">CEPOH-RO@usace.army.mil</a></p>	<p><b>Guam Field Office</b>            Apra Harbor Naval Complex            PSC 455 Box 188            FPO, AP 98540-1088, Guam            (671) 339-2108  <a href="mailto:CEPOH-RO@usace.army.mil">CEPOH-RO@usace.army.mil</a></p>
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**SOUTH PACIFIC DIVISION**

## FLOOD MANAGEMENT AND ECOSYSTEM RESTORATION

Hamilton City Project entails both.

BY J. PAUL BRUTON, Sacramento District

The Hamilton City Flood Damage Reduction and Ecosystem Restoration project is the first of its kind in the nation and earned the U.S. Army Corps of Engineers (USACE) Sacramento District an American Society of Civil Engineers award for Small Flood Management Project of the Year.

Approximately 90 miles north of Sacramento, Hamilton City sits in a low-lying area behind a bend in the Sacramento River. For years, the town's only defense has been the 1 levee – an un-engineered earthen levee built in 1904 – which provides such minimal benefit that there's about a 10 percent chance of flooding every year.

The town has long been at risk. There have been five recorded instances when flood-fighting prevented major flooding. The town was evacuated six times during a 15-year period between 1983 and 1998, and portions of the town did, in fact, flood in 1974.

For years, the small town of roughly 2,000 people pursued federal help, hoping to secure a USACE federal project to build a new levee system. However, the combination of the town's small size and the cost of a federal flood risk management project dwarfed the value of nearby property and structures made it nearly impossible to justify a project that warranted federal participation.

That didn't stop the community from continuing its pursuit to replace the aging 1 levee.

Approximately 30 years after beginning to look for opportunities to reduce Hamilton City's flood risk, the solution came about in a first-of-its-kind project that aligned flood risk management with ecosystem restoration.

The formation of strong partnerships led to a willingness to work together on a multi-purpose project: the community wanted to create flood relief for the people of Hamilton City; The Nature Conservancy wanted to find a way to restore native habitat; and area farmers wanted to reduce damage from flows that soured their property along the edge of the river. The Hamilton City Flood Damage Reduction and Ecosystem Restoration project was able to address these problems with one solution.

The Hamilton City Flood Damage Reduction and Ecosystem Restoration project focused on measures that provide both flood risk reduction and ecosystem restoration benefits, establishing a restored riparian corridor along the Sacramento River," said Bryan Lake, Hamilton City project manager.

The project, authorized in the Water Resources Development Act of 2007, will cost approximately \$91 million to build 6.8 miles of setback

levees and restore nearly 1,500 acres of riparian habitat, reconnecting the floodplain to the Sacramento River.

Rather than build up levees along the river, setback levees are placed farther from the river and have a better foundation, allowing the river to expand more naturally during times of increased water flows. Setback levees also create space to allow for more habitat within the floodway.

"The key feature is the setback levees. Building a new levee on sound foundation significantly reduces risk of flooding to the community," said Alicia Kirchner, the district's deputy engineer for Programs and Project Management. "Building that same new levee setback from the Sacramento River creates space to restore native floodplain habitat and more natural floodplain function. One feature yielding two types of benefits resulted in a project that had funding priority."

During any substantial increase in river flows, the river will now widen into the restored floodplain channel, rather than flow over or through the levee, spilling into the town.

Another benefit is that riparian habitat now has connectivity up and down the river, providing wildlife increased native riparian habitat. The first phase of the project was completed five months ahead of schedule, and area wildlife has already benefited from the restoration.

"This project is special. Everyone came together at the right time and place, and it is an example of the best that collaborative project planning has to offer," said Kirchner. ■

**SOUTH PACIFIC DIVISION**

## MOVING DIRT FOR THE SHORELINE

Agencies prepare for levee construction in the South San Francisco Bay.

BY BRANDON BEACH, San Francisco District

**G**round is moving in Alviso, California, and it's not an earthquake. The first fleet of delivery trucks arrived May 7 at the Don Edwards San Francisco Bay National Wildlife Refuge, home to the South San Francisco Bay Shoreline Project, to offload thousands of cubic yards of dirt, material that will be later used for future levee construction in the area.

More than a decade in the making, the \$177 million project aims to bolster dikes in a densely populated region of Silicon Valley, parts of which are below sea level, while also restoring habitat in what will be the largest wetland restoration project west of the Mississippi River.

When complete, the project will create 4 miles of levees, 2,800 acres of tidal marsh habitat, and a vast network of recreational trails. Partnering with the U.S. Army Corps of Engineers (USACE) on a project of this scale are a number of local, state, and national agencies including Santa Clara Valley Water District, Valley Water California State Coastal Conservancy, U.S. Fish and Wildlife Service, Santa Clara County Parks, and the city of San Jose.

Moving dirt at this early stage in the project timeline serves as the "foundation for success," said Lt. Col. Travis Rayfield, San Francisco District commander. "This is a critical step in the development of a project that will ultimately safeguard the local community and critical infrastructure [in the South Bay]."

Valley Water District 3 Director Richard Santos, a native of Alviso, echoed that sentiment, saying, "This [project] is needed to prevent devastating flooding from sea level rise and coastal flooding."

Next step for project managers is teeing up and awarding a construction contract to begin levee construction later this year. In the meantime, the daily comings and goings of delivery trucks are a visible sign of the path forward.

"This is one of the best days of the job. After many years of reviewing documents and having meetings and conference calls, we get out on site and see dirt moving," said Anne Morkill, U.S. Fish and Wildlife Service complex manager at the 30,000-acre Don Edwards Wildlife Refuge.

For more information on the project, visit [www.southbayshoreline.org](http://www.southbayshoreline.org). ■

A truck driver unloads material at the Alviso, California, site of the South San Francisco Bay Shoreline Project, while a safety specialist monitors the delivery, May 7, 2019.

**SOUTH PACIFIC DIVISION**

## MOVING DIRT FOR THE SHORELINE

Agencies prepare for levee construction in the South San Francisco Bay.

BY BRANDON BEACH, San Francisco District

**G**round is moving in Alviso, California, and it's not an earthquake. The first fleet of delivery trucks arrived May 7 at the Don Edwards San Francisco Bay National Wildlife Refuge, home to the South San Francisco Bay Shoreline Project, to offload thousands of cubic yards of dirt, material that will be later used for future levee construction in the area.

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Figure 36 - Article clippings from the U.S. Army Corps of Engineers' "Building Strong" Magazine, 2020 Edition  
 Photo credit: U.S. Army Corps of Engineers

## U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office (PIFWO)

As the principal federal partner responsible for administering the Endangered Species Act (ESA), we take the lead in recovering and conserving our nation's imperiled species by fostering partnerships, employing scientific excellence, and developing a workforce of conservation leaders.

For more than 40 years, the ESA has prevented the probable extinction of hundreds of species across the nation and contributed to the recovery of many others. Additionally, other efforts using the Service's ESA tools have contributed to improving the status of unlisted or candidate species. Landowners – including private citizens, tribes, conservation organizations, businesses, state and local agencies, other federal agencies – have all contributed to these efforts.

As we work in partnership with others, our two major goals are to:

1. Protect endangered and threatened species, and then pursue their recovery; and
2. Conserve candidate species and species-at-risk so that listing under the ESA is not necessary.

An endangered species is in danger of extinction throughout all or a significant portion of its range. A threatened species is likely to become endangered in the foreseeable future.

Section 9(a)(1) of ESA states that it unlawful to import or export; deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of a commercial activity; sell or offer for sale in interstate or foreign commerce; take (includes harm, harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect any wildlife within the United States); take on the high seas; possess, ship, deliver, carry, transport, sell, or receive unlawfully taken wildlife. Section 9(a)(1) applies to **all species of fish and wildlife listed as endangered**. If a fish or wildlife species is listed as threatened, specific prohibitions are

described in a 4(d) rule.

ESA Section 9(a)(2) makes it unlawful to remove and reduce to possession **any endangered plant** from areas under federal jurisdiction; maliciously damage or destroy an endangered plant on areas under federal jurisdiction; and remove, cut, dig up, or damage or destroy any endangered plant in knowing violation of any state law or regulation or in the course of a violation of a state criminal trespass law. It is also unlawful to violate any regulation pertaining to any threatened species of plant pursuant to section 4(d) of the ESA.

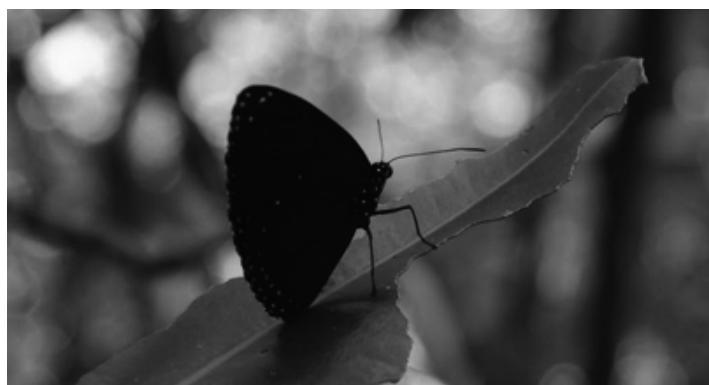


Figure 37 - Blue moon butterfly, *Hypolimnas bolina*, a common indigenous butterfly in Micronesia.

Photo credit: E. Derrington

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These prohibitions apply to live or dead animals or plants, their progeny (seeds in the case of plants), and parts or products derived from them.

There are a total 39 species in the Marianas that have protections under the ESA. Of the 39 species, 33 federally protected species occur on Guam. Of wildlife on Guam, 16 are federally endangered and 2 are federally threatened. There are also 8 federally endangered and 7 federally threatened plants.

### How do you make sure your project does not affect a listed species?

The U.S. Fish and Wildlife Service is committed to partnering with others to protect, conserve and enhance federally protected species and wants to work with you to identify important steps that you can take to not affect protected species. Please contact the PIFWO Mariana Islands Office: 671-989-6743/808-792-9400 or email [pifwo\\_admin@fws.gov](mailto:pifwo_admin@fws.gov) for assistance.

## U.S. Endangered and Threatened Species

The U.S. Endangered Species Act of 1973 (ESA) directs all Federal agencies to work to conserve endangered and threatened species and to use their authorities to further the purposes of the Act. Section 7 of the Act, called "Interagency Cooperation," is the mechanism by which Federal agencies ensure the actions they take, including those they fund or authorize, do not jeopardize the continued existence of any listed species.

Recently updated in 2015, the current list of endangered species for the Mariana Islands include:

- Five plants endemic to the island of Guam — *Eugenia bryanii*, *Hedyotis megalantha* (paucedo), *Phyllanthus saffordii*, *Psychotria malaspina* (aplokating-palaoan), and *Tinospora homosepala*;
- Eight plants from Guam and the CNMI — *Bulbophyllum guamense* (cebello halumtano), *Dendrobium guamense*, *Heritiera longipetiolata* (ufa-halumtano), *Maesa walkeri*, *Nervilia jacksoniae*, *Solanum guamense* (berenghenas halomtano), *Tabernaemontana rotensis*, and *Tuberolabium guamense*;
- One plant, *Cycas micronesica* (fadang), in Guam, the CNMI, Palau and Yap;
- The Guam tree snail, which is endemic to Guam;
- The Rota blue damselfly, which is endemic to Rota;
- Langford's tree snail, which is endemic to Aguijan; and
- Six animals from Guam and the CNMI — the Pacific sheath-tailed bat, Slevin's skink, the Mariana eight-spot butterfly, the Mariana wandering butterfly, the humped tree snail, and the fragile tree snail.

A full list of 33 endangered and threatened species believed to or known to occur in Guam are included following the section references below.

USFWS guidance recommends that consultation packages containing all of the following information will help ensure a timely response.

- A description of the proposed action. Include the type of Federal involvement (e.g. Federal permit or authorization, Federal funding, etc.)
- Project location including county, nearby town or city, and maps indicating precise location (e.g., USGS quadrangle map, soil survey map, National Wetlands Inventory map, PL 19-47plat, etc., with identification for each) and general location within the state (e.g. highway map, etc.). Indicate the limits of the project on the location map. Include acreage or other measure of the area(s) to be impacted.
- A description of the specific area that may be affected by the proposed action. Typical descriptions include, but are not limited to, habitat types (e.g., agricultural field, pine forest, bottomland hardwoods, scrub-shrub wetlands, upland hardwoods, open water, etc.), present condition of the habitat type (e.g. cutover, early successional, mature old growth, etc.), soils classification, and a photograph, if available, of each habitat type where impacts will occur.
- Summary of evaluation criteria used as a measurement of potential effects.
- Determination of effect based on evaluation criteria. Based on information available, your determination will be: (1) No effect to listed species, (2) May affect, but not likely to adversely affect listed species, (3) May affect, and likely to adversely affect listed species. The Federal action agency must make a determination of effect. Decisions must be well supported, logical and justified biologically. The responsibility for making the determination of effects falls on the Federal agency. It is the Service's responsibility to review the project and either concur with

the agency's determination or provide explanation why we do not concur with a determination.

Reference: "U.S. Fish and Wildlife Service Section 7 Consultation Requirements;"

"U.S. Fish and Wildlife Service, Listed Species Believed or Known to Occur in Guam" Feb. 2015,  
<https://ecos.fws.gov/ecp0/reports/species-listed-by-state-report?state=GU&status=listed>

Authority: Endangered Species Act of 1973, as amended, Guam Code Ann. § 63203



Figure 38 - Guam rail (*Gallirallus owstoni*) (Chamorro name: ko'ko') is a species of flightless bird, endemic to the United States territory of Guam. Photo Credit: Greg Hume



Figure 39 - Guam Kingfisher, *T. c. cinnamominus*, is restricted to a captive breeding program following its extinction in the wild due primarily to predation by the introduced brown tree snake. Photo credit: Eric Savage



Figure 40 – Marianas Skink / Slevin's Skink / *Emoia slevini* / Guallik halumtanu is an endangered species with a limited range in the Mariana Islands. Photo credit: USFWS

# THE ENDANGERED SPECIES ACT OF 1973

## Purpose of the ESA

Provide a means whereby ecosystems upon which endangered species and threatened species depend may be conserved. To provide a program for the conservation of such endangered species and threatened species - 16 U.S.C. § 1531(b)

## Definition of Endangered

The term "endangered species" means any species which is in danger of extinction throughout all or a significant portion of its range - 16 U.S.C. § 1532 (6)

## Definition of Threatened

The term "threatened species" means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range - 16 U.S.C. § 1532 (20)

## Regulatory Power

Whenever any species is listed as a threatened . . . the Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation of such species - 16 U.S.C. § 1533 (7) (d)

## Definition of Take

The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct - 16 U.S.C. § 1532 (19)

## Definition of Harm

An act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. - 50 C.F.R. § 17.3

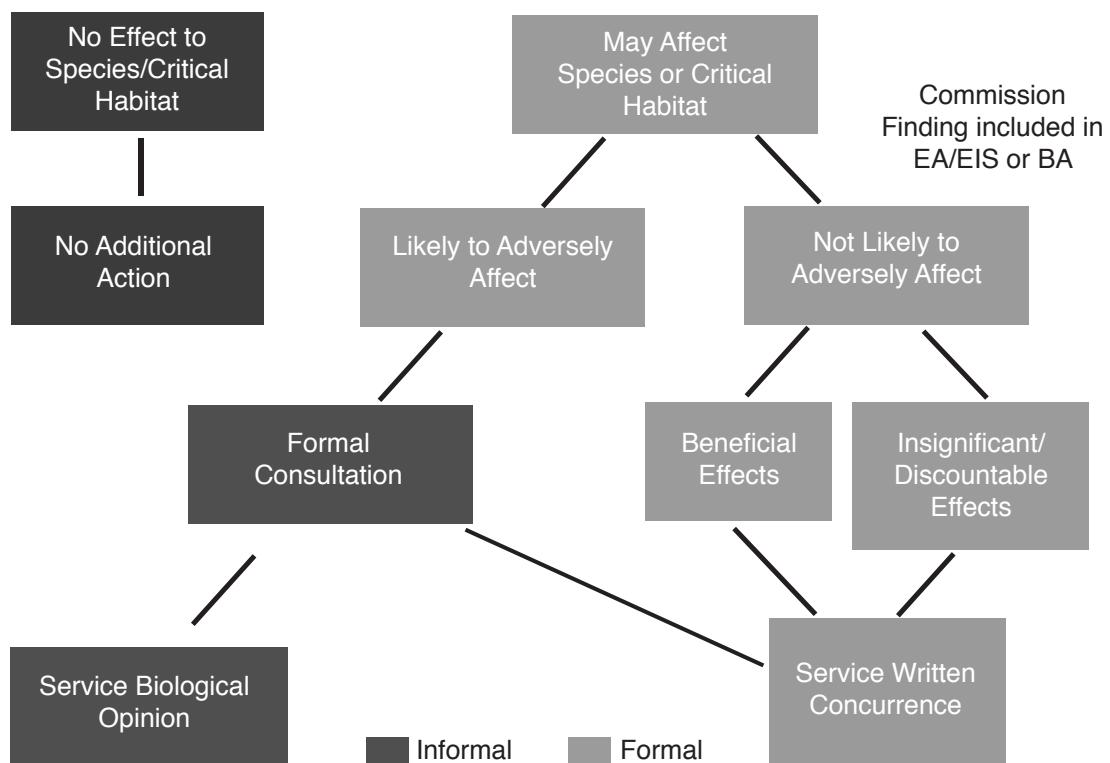
## Criteria for Listing

The Secretary shall make determinations . . . solely on the basis of the best scientific and commercial data available - 16 U.S.C. § 1535 (b)

## Designation of Critical Habitat

The Secretary shall designate critical habitat . . . on the basis of the best scientific data available and after taking into consideration the economic impact, the impact on national security and any other relevant impact - 16 U.S.C. § 1535 (2)

The flow chart below illustrates the inter-agency (federal and state-level) consultation process as defined by Section 7 of the Endangered Species Act (Mitchnik, 2014). The key differentiates between formal and informal consultation between agencies. "BA" stands for Biological Assessment. "EA/EIS" stands for Environmental Assessment / Environmental Impact Statement. Project developers are encouraged to consult with the U.S. Fish and Wildlife Service and the Guam Department of Agriculture's Division of Aquatic and Wildlife Resources to support early scoping and assessment at the proposed project site to avoid or minimize "effects" to species and habitat that may trigger a formal ESA Section 7 consultation.



#### Listed species believed to or known to occur in Guam, USFWS, Feb. 2015

- As of 02/13/2015 the data in this report has been updated to use a different set of information. Results are based on where the species is believed to or known to occur. The FWS feels utilizing this data set is a better representation of species occurrence. Note: there may be other federally listed species that are not currently known or expected to occur in this state but are covered by the ESA wherever they are found; Thus, if new surveys detected them in this state they are still covered by the ESA. The FWS is using the best information available on this date to generate this list.
- This report shows listed species or populations believed to or known to occur in Guam
- This list does not include experimental populations and similarity of appearance listings.
- This list includes species or populations under the sole jurisdiction of the National Marine Fisheries Service.
- Click on the highlighted scientific names below to view a Species Profile for each listing.

**Listed species -- 33 listings (E= Endangered; T=Threatened)**

<b>Status</b>	<b>Animal Species/Listing Name (18 listings)</b>
E	Bat, little Mariana fruit Wherever found ( <i>Pteropus tokudae</i> )
T	Bat, Mariana fruit (=Mariana flying fox) Wherever found ( <i>Pteropus mariannus mariannus</i> )
E	Butterfly, Mariana eight-spot Wherever found ( <i>Hypolimnas octocula marianensis</i> )
E	Butterfly, Mariana wandering Wherever found ( <i>Vagrans egistina</i> )
E	Crow, Mariana (=aga) Wherever found ( <i>Corvus kubaryi</i> )
E	Kingfisher, Guam Micronesian Wherever found ( <i>Halcyon cinnamomina cinnamomina</i> )
E	Megapode, Micronesian Wherever found ( <i>Megapodius laperouse</i> )
E	Moorhen, Mariana common Wherever found ( <i>Gallinula chloropus guami</i> )
E	Rail, Guam Wherever found, except where listed as an experimental population ( <i>Rallus owstoni</i> )
E	Sea turtle, green Central West Pacific DPS ( <i>Chelonia mydas</i> )
E	Sea turtle, hawksbill Wherever found ( <i>Eretmochelys imbricata</i> )
E	skink, Slevin's Wherever found ( <i>Emoia slevini</i> )
E	Snail, fragile tree Wherever found ( <i>Samoana fragilis</i> )
E	Snail, Guam tree Wherever found ( <i>Partula radiolata</i> )
E	Snail, Humped tree Wherever found ( <i>Partula gibba</i> )
E	Swiftlet, Mariana gray Wherever found ( <i>Aerodramus vanikorensis bartschi</i> )
E	Warbler, nightingale reed (old world warbler) Wherever found ( <i>Acrocephalus luscinia</i> )
E	White-eye, bridled Wherever found ( <i>Zosterops conspicillatus conspicillatus</i> )

<b>Status</b>	<b>Plant Species/Listing Name (15 listings)</b>
E	Aplokating-palaoan ( <i>Psychotria malaspinae</i> )
T	Fadang ( <i>Cycas micronesica</i> )
E	halomtano, Berenghenas ( <i>Solanum guamense</i> )
T	halumtano, Cebello ( <i>Bulbophyllum guamense</i> )
E	lagu, Hayun (=Guam), Tronkon guafi (Rota) ( <i>Serianthes nelsonii</i> )
T	No common name ( <i>Dendrobium guamense</i> )
E	No common name ( <i>Eugenia bryanii</i> )
T	No common name ( <i>Maesa walkeri</i> )
T	No common name ( <i>Nervilia jacksoniae</i> )
E	No common name ( <i>Phyllanthus saffordii</i> )
T	No common name ( <i>Tabernaemontana rotensis</i> )
E	No common name ( <i>Tinospora homosepala</i> )
T	No common name ( <i>Tuberolabium guamense</i> )
E	Paudedo ( <i>Hedyotis megalantha</i> )
E	Ufa-halomtano ( <i>Heritiera longipetiolata</i> )

## National Historic Preservation Act – Section 106 Compliance

As the U.S. Advisory Council on Historic Preservation (AChP) outlines on their webpage [Protecting Historic Properties](#), Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires federal agencies to consider the effects on historic properties of projects they carry out, assist, fund, permit, license, or approve throughout the country. If a federal or federally-assisted project has the potential to affect historic properties, a Section 106 review will take place. Section 106 gives the AChP, interested parties, and the public the chance to weigh in on these matters before a final decision is made. This process is an important tool for citizens to lend their voice in protecting and maintaining historic properties in their communities.

**Does a federal project with the potential to affect historic properties exist?**



YES

Section 106 applies.

The process begins when a federal or federally-assisted project has the potential to affect historic properties, if any are present.

NO

Section 106 does not apply.

No further review will occur.



A SECTION 106 REVIEW IS NOT REQUIRED.

*Read more in this Guide or contact Guam Historic Preservation Office for more information.*

## USDA AGRICULTURAL AND HOME PROGRAM RESOURCES

The United States Department of Agriculture (USDA) offers numerous incentive programs and loan opportunities to support rural development and resource conservation projects. Resources detailed in this section include the Environmental Quality Incentives Program, which provides funding to address environmental concerns associated with livestock and crop production, as well as the USDA loan programs. A FAQ on the Section 502 Rural Housing Loan is provided in this section for further reference. You can learn more about these and other USDA programs online through the following links:

### **Single Family Housing Guaranteed Loan Program**

<https://www.rd.usda.gov/programs-services/single-family-housing-guaranteed-loan-program/wp>

### **Single Family Housing Repair Loans & Grants**

<https://www.rd.usda.gov/programs-services/single-family-housing-repair-loans-grants>

## Get Started with NRCS

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Do you farm or ranch and want to make improvements to the land that you own or lease? NRCS offers technical and financial assistance to help farmers, ranchers and forest managers. Here's how you can get started with NRCS:

<https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/newsroom/features/?cid=stelprdb1193811>



## Environmental Quality Incentives Program (EQIP)

United States Department of Agriculture  
Natural Resources Conservation Service

### How do I apply for Technical and Financial Services from USDA Natural Resources Conservation Service?

The NRCS Guam Field Office is co-located with the USDA Farm Services Agency at: 770 East Sunset Blvd., Tiyana, Guam. Stop by Suite 270 and a NRCS conservationist will discuss your vision for your land. NRCS staff will walk you through the USDA conservation program application process.

To schedule an appointment, call the USDA NRCS' Guam Field Office at 735-2111.

For all USDA NRCS financial assistance programs, individuals must first register with the USDA Farm Services Agency in Suite 265. To schedule an appointment, call the USDA FSA Office at 300-8550. USDA staff will work with you to fill out required forms.

You may also apply for services on-line: Conservation Client Gateway OR <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/newsroom/features/?cid=stelprdb1193811>

Here are some basic criteria for applicants:

(i) In order to be eligible to receive financial assistance from USDA programs, business entities are required to obtain a DUNS number, and to register annually in the System for Award Management (SAM). There is NO charge to register or maintain your entity registration record in SAM.

(ii) A DUNS number is a unique nine-character identification number Dun & Bradstreet provides free of charge. <http://fedgov.dnb.com/webform>

If all submitted information is correct, the typical application review process takes between 3 and 8 work days.

### Can I get financial help for installing an irrigation system on my farm, ranch, or plant nursery?

Yes, in some cases. NRCS can assist you with conservation improvements of your existing irrigation system. An existing irrigation system can be as simple as a hose bib and garden hose you are using to water your crop plants or livestock (i.e. goats, pigs, chickens, carabao, bees, etc.). Each client situation and setting will be unique. NRCS staff will visit your site to determine the resource issues and opportunities to determine what resource issues for your setting that may be eligible for NRCS financial assistance.

### Can NRCS help me with the design of a micro-irrigation system?

Yes, call 735-2111 or visit the our office (as above). A trained NRCS conservationist or NRCS engineer will contact you to set an appointment to review your site's specific needs. The assigned NRCS conservationist or engineer will visit your site to begin review the process of developing a micro-irrigation design following NRCS Conservation Practice standards and specifications. There is no charge for NRCS technical assistance.

### Which is the best and most accurate method to determine irrigation timing and scheduling?

On Guam, soil moisture monitoring is best for our humid climate, but many methods work and the optimal method depends more on the user and what he or she is comfortable using.

### What are ways I can cut down on the amount of money I am spending to irrigate my crops?

Mulching is a good practice to cover the soil and reduce water loss and improve soil health. Mulch can be shredded paper, wood chips, gravel or plastic. Mulch is any material that is safe for food crops and that covers the soil to prevent water loss and weed growth.



The Housing Assistance Council (HAC)

is a national nonprofit organization that supports affordable housing efforts in rural areas of the United States. HAC provides technical housing services, seed money loans from a revolving fund, housing program and policy assistance, and research and information services. HAC is an equal opportunity lender.

For more information about rural housing, visit HAC online.



[www.ruralhome.org](http://www.ruralhome.org)

There are important differences between the Section 502 guaranteed and Section 502 direct programs. Guaranteed loans are made by private lenders such as banks, whereas direct loans are made by USDA. Borrowers with incomes up to 115% of U.S. median income can qualify for guaranteed loans, while direct borrowers have incomes not more than 80% of area median.

## USDA Guaranteed Rural Housing Loans (Section 502)

*Under the Section 502 Guaranteed Rural Housing Loan Program the government guarantees mortgage loans made by commercial lenders, enabling low- and moderate-income rural residents to purchase modestly priced homes.*

### Purpose

The Section 502 Guaranteed Rural Housing Loan Program is designed to serve rural residents who have a steady, low or modest income, and yet are unable to obtain adequate housing through conventional financing. These loans enable low- and moderate-income rural residents to acquire modestly priced homes. They can be used to purchase new or existing dwellings or new manufactured homes.

The U.S. Department of Agriculture's Rural Development Housing and Community Facilities Programs office (RD) administers the program. RD does not make guaranteed loans directly to eligible borrowers, but guarantees loans made by commercial lenders. This guarantee substantially reduces the risk for lenders, thus encouraging them to make loans to rural residents who have only modest incomes and little collateral.

### Eligibility

An eligible applicant must have an adequate and dependable income (up to 115 percent of adjusted U.S. median income and a decent credit history, and must be unable to qualify for conventional mortgage credit.

### Terms

Loans must be from lending institutions that have been approved by RD. Loans have 30-year terms and fixed market-level interest rates. Loans may be for up to 100 percent of market value or for acquisition cost, whichever is less. The maximum loan amount is based on what the homeowner can afford. Loans may include closing costs, legal fees, title services, the cost of establishing an escrow account, and other



Housing Assistance Council

prepaid items as long as the appraised value is higher than the sales price.

In addition, RD charges the lender a one-time guarantee fee of up to 3.5 percent of the loan amount, and an annual fee of up to 0.5 percent of the mortgage balance. These fees support the cost of administering the program – in other words, on balance this program does not cost the federal government money. The lending institution may choose to pass the charges along to the borrower and the fee may be added to the loan.

RD guarantees the loan at 100 percent of the loss for the first 35 percent of the original loan and the remaining 65 percent at 85 percent of loss. The maximum loss payable cannot exceed 90 percent of the original loan amount.

### Standards

The residence to be purchased must conform to the most recent International Energy Conservation Code (IECC) and to the structure, facility, and termite standards established by the U.S. Department of Housing and Urban Development. There are no restrictions on size or design. Typical amenities, except in-ground swimming pools, are allowed. Manufactured homes must be new and permanently installed.

### ADDITIONAL INFORMATION

Interested borrowers should contact their local Rural Development office for more information and a list of approved lenders. Borrowers make application to the approved lender. Approximately 30 percent of guaranteed 502 loans are made to families with incomes below 80 percent of AMI.

More details about Section 502 guaranteed loans and RD are available online at [http://www.rurdev.usda.gov/HAD-Guaranteed\\_Housing\\_Loans.html](http://www.rurdev.usda.gov/HAD-Guaranteed_Housing_Loans.html).

Interested borrowers, lenders, or others can also contact the National Office, 1400 Independence Avenue, S.W., Washington, D.C. 20250, 202-890-1533, or your Rural Development State Office, which can be identified at [http://www.rurdev.usda.gov/recc\\_map.html](http://www.rurdev.usda.gov/recc_map.html) or contacted by telephone through 202-720-4323.

RD regulations and handbooks are available online at <http://www.rurdev.usda.gov/RegulationsAndGuidance.html>. The Section 502 guarantee program is governed by regulations at 7 CFR part 1980, or RD's Instruction 1980. On September 1, 2014, the program regulations will be designated to 7 CFR 3555.

### Differences Between the Section 502 Guaranteed and Direct Loan Programs

In addition to the guaranteed program, USDA also provides Direct loans through the Section 502 Direct Loan Program. This program once accounted for almost all the Section 502 loans, but the number of guaranteed loans has greatly increased in the last few years. In Fiscal Year 2013, the guaranteed program obligated approximately \$22.4 billion for over 162,000 loans, while the direct program obligated approximately \$875 million for a total of about 7,100 loans.

The important differences between the Section 502 guaranteed and direct loan programs are:

- *The lender* for Section 502 guaranteed loans is a private savings and loan institution, bank, or mortgage company which also handles all the loan servicing. The lender and servicer for the direct program is USDA RD.
- *Income levels* for Section 502 guaranteed borrowers are capped at 115 percent of the area median income. Income levels for the direct program must be no more than 80 percent of the AMI. The most recent available data show that in FY 2013, the average income for borrowers with guaranteed loans was \$54,200, while those with direct loans averaged about \$28,600.
- *Payment assistance subsidy* is not available through the guaranteed program. Payment assistance, which can reduce the interest paid on the mortgage to as low as 1 percent, is available for borrowers in the direct program and is based on the borrower's income.
- *Borrower protections* differ between the programs. Applicants for guaranteed loans do not have the rights of moratorium or of appeal that accompany the direct program. Also, in the case of default, Section 502 guaranteed loans are liquidated by the commercial lender, while direct loans are liquidated by the government.

## Appendix A – Acronyms

"A" Zone - Agricultural Zone

ACOE - Army Corps of Engineers

AICUZ - Air Installation Compatible Use Zone

ARC - Application Review Committee

APC - Area of Particular Concern

BSP - Bureau of Statistics and Plans

"c" Zone - Commercial Zone

DLM - Department of Land Management

DoAg - Department of Agriculture

DPR - Department of Parks and Recreation

DPW - Department of Public Works

EIA - Environmental Impact Assessment

EIS - Environmental Impact Statement

EPP - Environmental Protection Plan

GCMP - Guam Coastal Management Program

GEP A - Guam Environmental Protection Agency

GLUC - Guam Land Use Commission

GPA - Guam Power Authority

GSPC - Guam Seashore Protection Commission

GWA - Guam Waterworks Authority

"H" Zone - Resort Hotel Zone

"M-1" Zone - Light Industrial Zone

"M-2" Zone - Heavy Industrial Zone

NOA - Notice of Action

"R-I" Zone - Single-Family Dwelling Zone

"R-2" Zone - Multi-Family Dwelling Zone

## Appendix B – Definitions of Key Terms

1. Application Review Committee: A committee comprised of the following permanent voting members:
  - a. Department of Land Management (DLM)
  - b. Bureau of Statistics and Plans (BSP)
  - c. Department of Agriculture (DoAg)
  - d. Guam Environmental Protection Agency (GEPA)
  - e. Department of Parks and Recreation (DPR)
  - f. Department of Public Works (DPW)
  - g. Guam Power Authority (GPA)
2. Area of Particular Concern (APC): A specifically designated geographic area where the presence of unique or significant natural resources, geologic constraints, hazards or other exceptional geographic characteristics warrants and requires the application of extraordinary regulatory or management measures in order to insure the retention of such exceptional qualities or to insure the health, safety and welfare of the general public. (Guam Administrative Rules and Regulations, 1997 Edition; Vol. 3, Titles 11-18)
3. Commission: Shall mean the "Guam Land Use Commission"
4. Development: Means the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading; removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision of land and any other division of land including lot parceling; change in the intensity of use of water, ecology related thereto or of access thereto; construction or reconstruction, demolition or alteration of the size of any structure, including any facility or any private, public or municipal utility, and the removal of significant vegetation.
5. Dwelling: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels.
6. Dwelling Unit: One or more rooms and a single kitchen in a dwelling, designed as a unit for occupancy by one family for living and sleeping purposes.
7. Dwelling, One-Family: A detached building containing only one dwelling unit.
8. Dwelling, Two-Family: A detached building containing two dwelling units.
9. Dwelling, Multiple: A building containing three or more dwelling units.
10. Environmental Impact Assessment (EIA): A detailed description of a proposed action including: Information and technical data adequate to permit a careful analysis of environmental, economic and social impacts; discussion of the probable impact on the environment and any direct or indirect consequences that may result from the action; any adverse effects that cannot be avoided; alternatives to the proposed action that might avoid some or all of the adverse environmental effects; assessment of the cumulative long-term effects of the proposed action including its relationship to short-term use of the environment in comparison with long-term productivity and irreversible or irretrievable commitments of resources. (Guam Administrative Rules and Regulations, 1997 Edition; Vol. 3, Titles 11-18)
11. Family: An individual, or two or more persons related by blood or marriage, or a group of not more than five persons who need not be related by blood or marriage living together as a single housekeeping unit.
12. Flood Hazard: A flood hazard is one type of Area of Particular Concern. Flood hazard

areas are defined as any land subject to flooding conditions or susceptible to inundation (including wetlands) and areas subject to a one percent or greater chance of flooding in any given year.

13. Hotel: A building containing six or more rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes.

14. Industrial, Commercial and Residential Development: Means such development as described under the Zoning Law, Title XVIII, Government Code of Guam as permissible uses under, respectively, the "MI" and "M2", "c" and "RI and R2" zones. (Guam Administrative Rules and Regulations, 1997 Edition; Vol. 3, Titles 11-18)

15. Lot: A parcel of land occupied or to be occupied by a use or building, and accessory buildings and uses, together with such yards, open spaces and lot area as are required by this Title, and having frontage on a street.

16. Lot Area: The total horizontal area within the lot lines of a lot.

17. Nonconforming Building: A building or structure which does not conform to the regulations of this Title and which lawfully existed at the time the regulations, with which it does not conform, became effective.

18. Nonconforming Use: A use of a building or land which does not conform to the regulations of this Title and which lawfully existed at the time the regulations, with which it does not conform, became effective.

19. Plan: means any public document that specifies long-range actions to be taken by the government and its agencies in pursuit of identified goals and objectives. Such plan shall have a duration of more than one (1) year but shall not include physical construction plans. (Guam Administrative Rules and Regulations, 1997 Edition; Vol. 3, Titles 11-18)

20. Planned Unit Development District: A substantial area in which development follows an approved plan integrating a combination of uses in an appropriate and unified manner. [Added by P.L. 9-232, effective August 10, 1968]

21. Story: That portion of a building between the surface of any floor and the surface of the floor or ceiling next above it.

22. Structure: Anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

23. Use: The purpose of which land or a building is arranged, designed or intended or for which either land or a building is or may be occupied or maintained.

24. Wetland: Those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, mangroves, natural ponds, surface springs, estuaries and similar such areas. (Guam Administrative Rules and Regulations, 1997 Edition; Vol. 3, Titles 11-18)

## Appendix C – Key Public Laws

The following is a list of key public laws that affect certain sections of the Zoning and Subdivision Law by either amending or adding to the existing code known as Title 21 GCA, (Guam Code Annotated) Chapters 61 & 62.

Please note that this list do not necessarily reflect a comprehensive listing of laws that may exist to date pertaining to the subject listed below.

P.L. 12-163, Sec. 2, (Amends P.L. 12-142) requires one (1) parking per dwelling unit instead of two (2) as reflected in 21 GCA. Note: the GCA renumbered Title XVIII, Section 17000 series of the Government Code to 21 GCA, Chapter 61, Sec 61101 thru 61670 (Zoning Code)

P.L. 12-177, Sec. 3, (Amends P.L. 12-163) requiring one (1) parking space for every 400 sq. ft. of floor area or portion thereof for Professional & Business Offices instead of one parking space for every 150 sq. ft. of floor area or portion thereof (formerly subparagraph (g) of Section 17350 of Title XVIII and renumbered under 21 GCA, Chapter 61. Sec. 61531 (g)

P.L. 14-41, Sec. 1, Adds permitted uses to the Hotel-Resort Zone under 17110 (a) G.C. now 21 GCA, Chapter 61, Section 61311 (b) Permitted Uses

P.L. 21-14, Sec. 2, Procedures for Conditional Use Applications, 21 GCA, Chapter 61 Section 61303

P.L. 21-14, Sec. 21, Amend Section 61401, Title 21, Guam Code Annotated, to change height limitations in certain zones

P.L. 21-40, Sec. 19, Adds professional healing arts, offices, business or professional, clinics and banks as permitted uses in the Commercial zone, 21 GCA, Chapter 61, Section 61307

P.L. 21-49, Sec. 1, Defines and adds compact automobile parking size and requirements of 160 sq. ft. for compact and 180 sq. ft. for standard. Also adds ratio of 60% for compact and 40% for standard or at any lesser percentage of compact automobiles

P.L. 21-72, Sec. 20, Changes setbacks in the “A” zone; Parental Subdivisions in an “A” zone; and includes Cockpits as a permitted use in an “A” Zone. This was amended by P.L. 22-163

P.L. 21-82, Sec. 4,	Establishes the “Fast Track Process” which permits landowners to rezone their property from “A” to “R-1”, “A” to “R-2” or “R-1” to “R-2” if property is 2 acres or less in size by applying through without having to go through the GLUC process
P.L. 21-129, Sec. 10, Voting requirements for GLUC members	
P.L. 21-130, Sec. 10,	Roadway width reduction in an “A” Zone from 50 foot wide to 40 foot wide or minimum of 20 foot width
P.L. 21-144, Sec. 8 (b)	Amendment to P.L. 21-82, i.e., four certifying agencies (GPA, GEPA, GWA, DPW); The provision of a rough sketch of the development; Authorizes the Director of DLM to determine if a public hearing is necessary
P.L. 22-16, Sec. 2 (b)	Amends Subparagraph (C) of P.L. 21-82, i.e., the 45 day review period by the Legislature has been increased to 60 days before rezoning takes effect
P.L. 22-72, Sec. 44,	Amends P.L. 21-40 and reinstates Conditional Uses back in the Commercial “C” Zone which was eliminated under P.L. 21-40
P.L. 22-123, Sec. 2 thru 4	Amends P.L. 21-49 reducing minimum parking stall requirements from 160 sq. ft. to 120 sq. ft. for compact cars and 180 sq. ft. to 160 sq. ft. for standard. Also changes ratio of compact to standard parking stalls from a 60% compact and 40% standard to 75% compact and 25% standard or at any greater percentage of compact automobiles
P.L. 22-153, Sec. 1 (b)	Removes the 5 year period from which the parent must own property before allowing for the creation of a Parental Subdivision
P.L. 22-153, Sec. 2 (a)	Removes the 5 year restriction period prohibiting the sell of property rezoned under the fast track process least it revert back to its previous zoning designation. However, if six or more lots are to be created then full improvements must be provided in compliance with Title 21, Chapter 62, Section 62501
P.L. 22-161, Sec. 6,	Amends minimum lot size in an Agricultural Zone “A” from 20,000 sq. ft. per lot to 10,000 sq. ft. per lot. Also changes setback requirements for front, rear and side yards from 15 ft., 10 ft. and 8 ft. respectively to 25 ft. for front, 15 ft. for rear and 8 ft. for side yards. (Amends P.L. 21-72)
P.L. 23-59, Sec. 2 thru 4	Amends Subsection (a) of Section 62105, and to Amend Section 62108.1, Relative to Agricultural Subdivision requirements, and to Amend Subsection (c) of Section 61501, Relative to Minimum Yards and Lot Areas, all in Title 21, Guam Code Annotated.
P.L. 24-51, Se. 2	Restores the Minimum Yard and Lot Area Table
P.L. 27-91, Sec. 3	Exception for restoration of minimum yard and lot area table and exception for nonconforming buildings and the nonconforming use of land

## Appendix D – Environmental Mapping on Guam

The following maps are provided to support permit scoping and planning and are not suitable for site-specific decision making at this resolution. Govt Guam and its agents and affiliates make no warranty of accuracy and shall not be held liable for any improper or incorrect use of this information. All maps provided here are sourced from the Naval Postgraduate School's Coastal and Marine Spatial Planning (CMSP) website, which provides data and interactive mapping applications for Guam at <https://www.oc.nps.edu/CMSP/Guam/>.

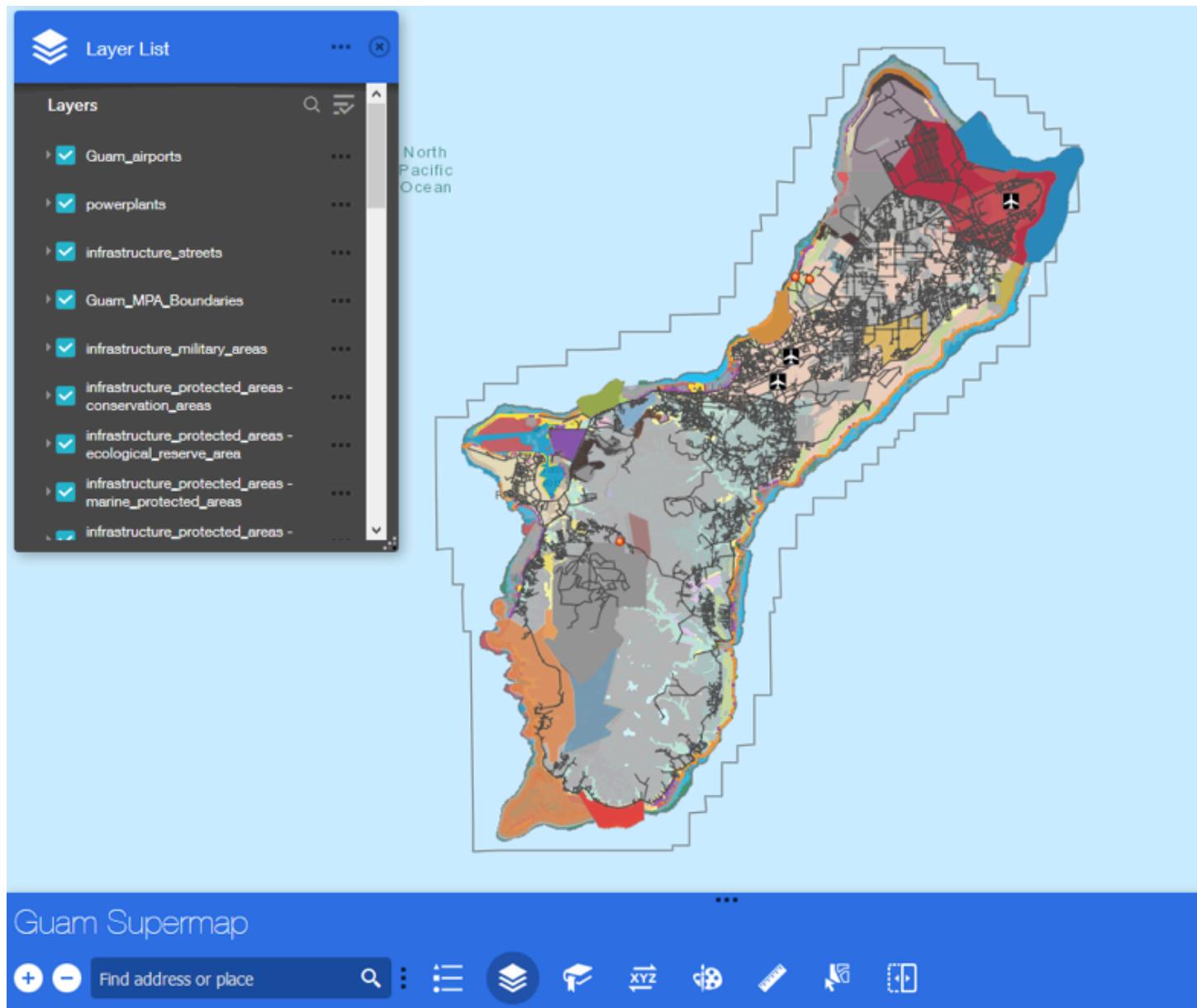


Figure 41 – Guam “Super Map App” supports more in-depth environmental analysis. To explore this interactive mapping tool, visit <https://npscmaps.maps.arcgis.com/apps/webappviewer/index.html?id=158536aeb48242f189b4212d8a367161>

## Parks, Protected Areas and Reserves

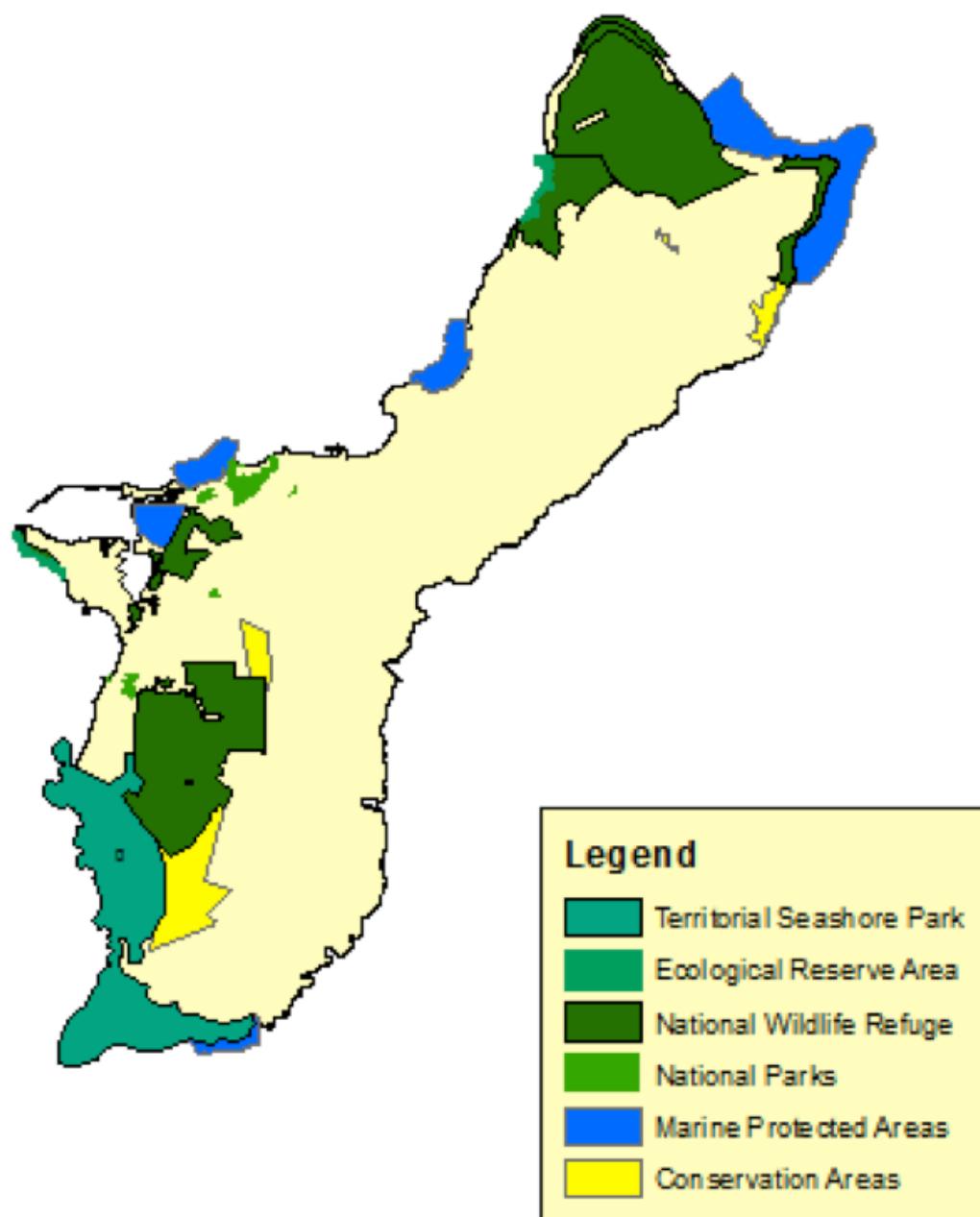


Figure 42 - Map of Guam Parks, Protected Areas, and Reserves. Source: [Guam CMSP Data Portal](#)

## Coastline Type

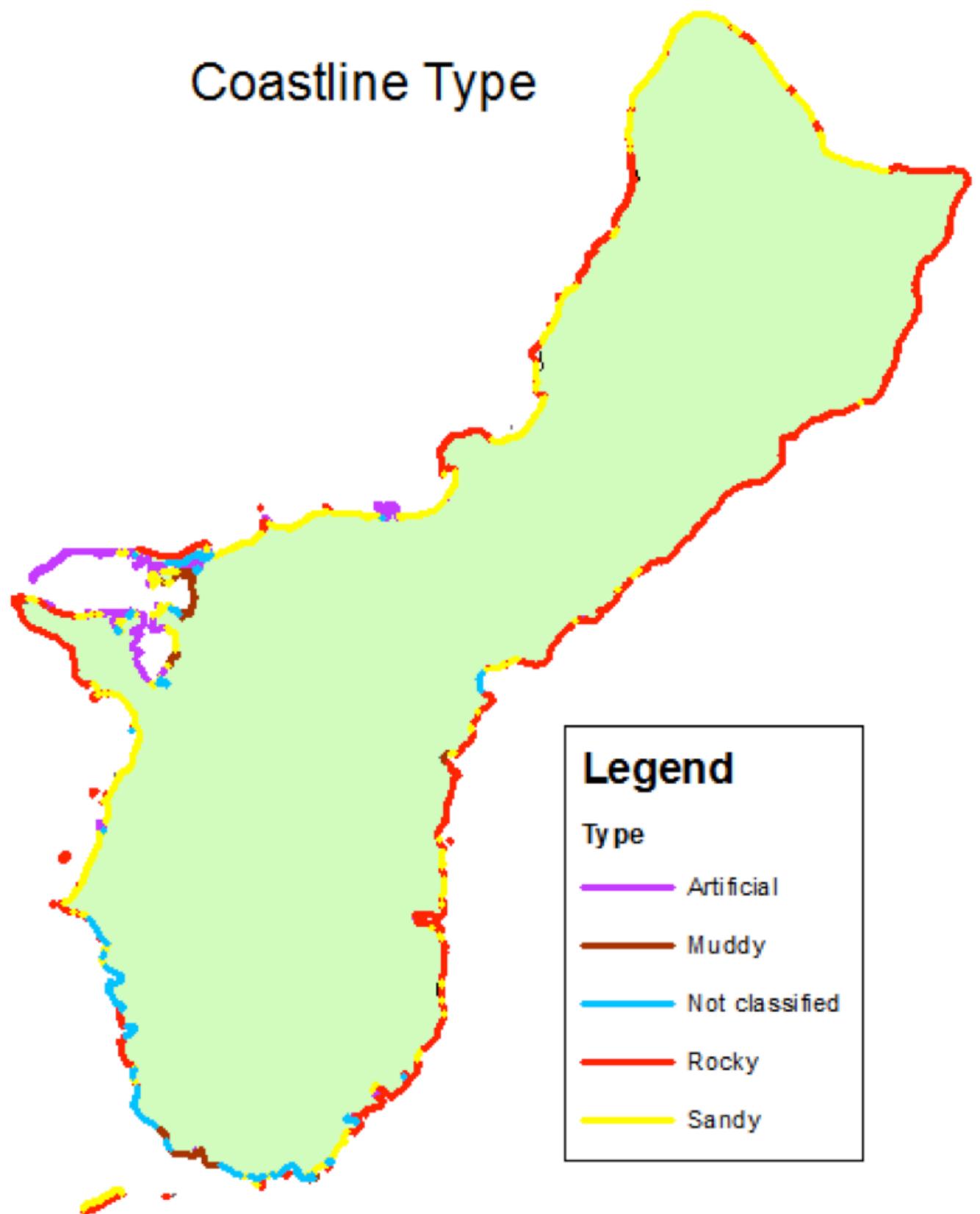
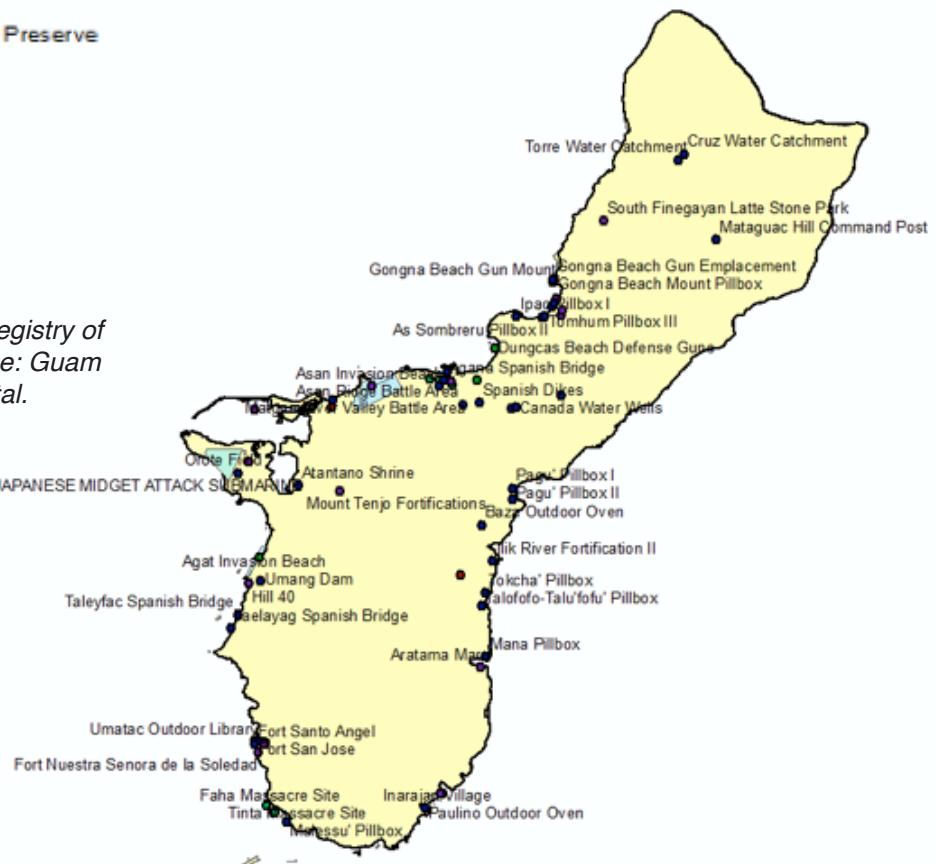


Figure 43 – Guam Coastline Types. Source: [Guam CMSP Data Portal](#)



Figure 44 – Guam Marine Protected Areas. Source: Guam CMSP Data Portal.

Figure 45 – National Registry of Historic Places.. Source: Guam CMSP Data Portal.



## Appendix E - Permitting Matrix

The Territory of Guam endeavors to provide timely, thorough, and professional plan reviews and permit approvals. An essential element of our success in achieving that goal is receiving complete, legible, and well-organized submittal documents and applications. To assist our clients in preparing permit submittals that are complete and ready for review, the Bureau of Statistics and Plans – Guam Coastal Management Program has developed the following matrix/checklist describing what materials and documents are required to provide a complete, review-ready application.

The matrix identifies general project types across the top, and lists the typical types of plans, specifications, calculations, reviews, approvals, or other agency permits required in the two left hand columns. To use the matrix, find the description that best corresponds with your proposed project in the top row (vertical cells). The shaded boxes in the column below your project type indicates what plans, specifications, calculations, and other associated permits and approvals are required for your project (as described in the two left hand columns). Numbers in the boxes refer to the Matrix Notes that clarify required submittals. If a shaded box has no number, it is a generally required element of the complete permit application and should be included in your submittals.

When a permit or approval is required by another agency, the general note referencing that line item provides the contact information for the agency responsible for that permit or approval. Please contact the agency directly to determine their permit processes, submittal requirements, or further information on the referenced approvals.

This matrix is provided as an aid to preparing your permit application package. No matrix can cover all types of projects and the many sub-permits that are often required to complete a project (i.e. plumbing, electrical, mechanical, fire systems, etc.). Complete application information for the sub-permits issued by the Building Safety Division is available to assist with preparing those submittal documents and can be obtained from the Permit Center Counter or the Community Planning and Building Safety Department web site.

In the Matrix that follows, “major” projects are defined as projects that require zoning variances or other clearance through the GLUC. Projects that exceed \$3 Million will require GHLC approval. Minor projects and projects within areas of particular concern, or any other earth moving and development activities that do not need GLUC approval may still require permitting. The chart that follows uses green shading to indicated when permits are likely required and yellow when further consideration is recommended. These agencies and permitting requirements are described in further detail in this guide on the pages listed in the “Matrix” that follows.

Columns to the right describe project types. Rows describe project-specific required application materials. Page numbers are included in the chart to reference the appropriate 2020 BSP Development Guidebook section. Green boxes under your project type indicate required materials for your application. Yellow boxes indicate additional coordination or approvals may be required that are referenced elsewhere in this Guidebook.

Project Type	Agency	Permit Type	MAJOR NEW DEVELOPMENT - REQUIREMENTS	MINOR - NO ZONING VARIANCE	WITHIN AREA OF PARTICULAR CONCERN - Shorelines; Wetlands; Flood zones	ALTERING EXISTING BUILDING / USE	EARTH MOVING	NEW UTILITY USE	SPECIAL USE - Environmental Compliance (see also Enforceable Policies)
Construction	DPW, GEPA	Grading / Clearing; Building Permit	Pg. 69, see also GEPA Buildings must meet current Guam Building Code (1994 UBC or 2009 IBC)						
Change in Use	DPW		Pg. 79						
Major Development/ Special Projects	GLUC / GHLC	Approval - Notice of Action	Pg. 4						
	GLUC / GHLC	Zoning - Conditional Use	Pg. 9						
	GLUC / GHLC	Zoning - Change of Zone	Pg. 17						
	GLUC / GHLC	Zoning - Variance / Subdivision	Pg. 26						
	GLUC / GHLC	Zoning - Resort Development	Pg. 42						
	GLUC / GHLC	Condominium	Pg. 48						
Wetland Development	GLUC / GHLC	Wetland Permit	Pg. 55						
	Section 401								
	GEPA	Certification	Pg. 110, 118						
	USACE	404 Authorization	Pg. 202						
Shoreline / In Water	GSPC	Guam Seashore Clearance Permit			Required if within Guam Seashore Reserve, see pg. 62				
	GEPA	Water Quality Certification				If in-water work is proposed see pg. 110, 118			
	USACE	Sec. 10 RHA Clearance / 404					If in-water work is proposed see pg. 202		
Commercial	DRT	Business License					Required if project is commercial, see pg. 66		
	DPW	Building Construction Permit							
	DPW	Building Occupancy Permit							Required for occupied development units, see pg. 67; see also Guam Fire Department requirements at pg. 97
	DPW	Grading Permit							Required for all grading activities, see pg. 66; see also GEPA, HPO, DoAg requirements

Project Type	Agency	Permit Type	Major	Minor	APC	Existing Use	Earth Moving	New Utility	Special Use – Environmental Compliance
Fire Safety Compliance	DPHSS	Health & Safety Clearance				Sanitary permits required for many commercial occupied structures, see pg. 84; see also pg. 90 for supplemental application for food establishments			
Environmental - Air Emissions	GPA GWA	Power / Water connection				Power (pg. 189) / Water (pg. 197) connections required for new and altered occupied structures			
Environmental - Hazardous Waste	GFD	Activities, materials, use				Certificates of occupancy for buildings includes fire inspection requirements, see pg. 96			
Environmental - Pesticides	GEPA	Certificate / Source				Certificates of occupancy for buildings includes fire inspection requirements, see pg. 96			
Environment - Waste Management	GEPA	Hazardous Waste Materials				New / Existing sources of air emissions, see pg. 101			
Environmental - Water Quality	GEPA	Pesticides Applicator / Storage				See pg. 107			
Environmental - Cultural Resources	GHPO	Collection / storage / disposal				See pg. 107			
Land Clearing / Building – Environmental Review	DoAg	Section 401 Certification				See pg. 103			
Forestry / Quarantine / Biosecurity	DoAg	Certificate of Approval				See pg. 110			
Land Clearing / Building – Environmental Review	DoAg	Land Clearing / Building Permit				Water discharge			
Forest / Quarantine / Biosecurity	DoAg	Clearance				See pg. 136			
Regulated Natural Resources –						Earthmoving / impacts to structures >25yo			
Regulated Uses / Quarantine –						Regulated Natural Resources –			

## **Appendix F - 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

- 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 mechanism 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 efforts resulting 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 complexity. 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

Planner then provides basic description of the project.

### Part 2. Landscape assessment

- a. Surrounding zone and use characterization – Planner is to describe surrounding zones and types of uses and determine if there are potential conflicts.
- b. Geographical 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 p

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.

- 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

transmission, 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 archaeologic 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. Transportation: 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 APPROVES, DISAPPROVES, or APPROVES WITH CONDITIONS the project application. If an Approval with Conditions is given, specific conditions for the approval must be clearly stated.

#### **Tools**

1. 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.
2. NOAA's Tsunami Evacuation Zone map for potential storm surge inundation hazards.
3. GIS Viewers such as the Guam Resource Environment Assessment Tools (GREAT) for potential hazards within the project area.
4. Conduct site visits.

#### ***Key in-progress initiatives that will impact Arc***

1. Guam 2065
2. Southern Guam Development Master Plan
3. Conduct site visits.

#### **References**

1. Executive Order 96-26 - Creates the Application Review Committee
2. Executive Order 78-37 - Guam Land Use Policies
3. 21 GCA Real Property Chapter 61 Zoning Law
4. Arc Guidance, Flow Chart and Agency Mandates
5. CNMI and Guam Stormwater Management Manual
6. Island Stormwater Practice Design Specifications
7. Guam Soil Erosion and Sediment Control Regulation/li>
8. 22 GAR – GEPA Division II – Water Control Chapter 10, Guam Soil Erosion and Sediment Control Regulations
9. Guam Safe Drinking Water Act, 10 GCA Chapter 53
10. 21 GCA, Chapter 76 Historical and Archaeological Resources
11. EPA pesticide control program
12. Kabales na Planu na Para Guahan
13. Public Law 30-224 NCGLUP