



**Ken Leon Guerrero**

**Q1: Reinterment of Ancestral Remains:**

Case Example: The Guam Land Use Commission conditionally approved the Pago Bay Resort project in March 2008. Ancestral remains were unearthed during the archaeological survey conducted for the project. The construction of a memorial and reinterment of our ancestral remains were conditions in the Notice of Action. However, it has now been 12 years and neither have been completed. What specific recommendations would you provide, or actions would you take to enforce the reinterment of our ancestral remains that are unearthed on projects the Guam Land Use Commission approved in its Land Use Application process? If legislation is needed to enforce the reinterment, what specific recommendations would you provide?

**A: First I would hold oversights into the problems with GLUC. There are so many problems that most property is rezoned in the Legislature. From there I would look into what types of legislative fixes will be required to address all the problems with GLUC including the handling of ancestral artifacts and remains.**

**Q2: Enforcement of Conditions on Notice of Actions:**

What specific recommendations would you provide, or actions you would take to enforce the conditions specified in the Guam Land Use Commission's Notice of Action for approved land use applications?

**A: One of the recommendations I would make would be to require publication of NOTICES of VIOLATIONS, and post them on the GLUC web site, and allow public comments to be received up to ten working days after publication, allowing the public to provide additional information for consideration by the GLUC.**

**Q3: Southern Development Master Plan and Task Force:**

The Southern Development Master Plan is Guam Public Law 19-38. What specific actions would you take to support the Task Force "charged with the duty, as specified by this law, to develop a comprehensive development Master plan (hereinafter Southern Master plan or Master plan) for the following villages: Agat, Santa Rita, Umatac, Merizo, Inarajan, Malojloj, Talofofo and Yona" (GCA 21, Chapter 68)

**A: I would have an oversight hearing to learn what is happening with the Southern Master Plan because beyond the enabling legislation in 1988 and a few newspaper articles, I am not finding a lot of information.**

**Q4: Guam Land Use Commission Land Use Application Process:**

What specific recommendations, or actions would you take, to improve the Guam Land Use Application process to ensure the concerns of affected village residents, including adjacent village residents are heard and are factored in the land use application process.

**A: I would require that the GLUC be the only organization capable of re-zoning land, taking out the Legislature. I would require that all rezoning requests be posted on line as well as published in the media and letters of notice sent to all property owners within 1,000 feet of the subject property.**

**Q5: GLUC Board Member Qualifications:**

Do you support requiring Guam Land Use Commission member qualifications, and what specific qualifications would you recommend?

**A: I would introduce a requirement would be detailed disclosure of properties owned by prospective member, family members, and any businesses the member may own or have financial interests in. The second requirement five years of residency on Guam.**

**Q6: GLUC Board Meeting Policy Reform:**

Save Southern Guam's 2-year saga dealing with the GLUC's handling of the Pago Bay Resort project highlighted the need to reform the GLUC land use approval application process. Currently, GLUC policy does not allow public input at GLUC meetings. Would you support policy change that would allow public comments accepted, orally and written, for the duration that a project is being considered or addressed?

**A: I would introduce legislation include a provision in the approval process that would allow and require recording public testimony. I would also amend the Legislation creating GLUC to require that the last item of an agenda will be to open the floor to public comment to allow the public to comment on the actions of the GLUC. I would make this a requirement for all boards and commissions, as opposed to the current practice of soliciting public comment at the beginning of a meeting.**



**Ken Leon Guerrero**



## **2020 Senatorial Candidate Survey**

### **Q7: GLUC Term Limits for Development Projects:**

Currently, GLUC policy does not provide a time limit on projects that have been approved by GLUC and Dept. of Land Management. A project can sit around for decades without breaking ground and/or having to reevaluate the impact on the changing needs of the community and environment. Would you support setting a time limit on permitting for projects that have been approved and have not commenced within a certain time frame? If so, what do you consider a reasonable time frame?

**A: I would put time limits on projects requiring them to break ground and begin active construction 36 months after permits issued. After the 36 month time frame has passed, Applicant will be required to re-apply and pay a new application fee for review of the plans to make sure the plans are compliant with current building codes, infrastructure, and zoning requirements at the time of reapplication.**



**Clynt Ridgell**



## 2020 Senatorial Candidate Survey

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Case Example: The Guam Land Use Commission conditionally approved the Pago Bay Resort project in March 2008. Ancestral remains were unearthed during the archaeological survey conducted for the project. The construction of a memorial and reinterment of our ancestral remains were conditions in the Notice of Action. However, it has now been 12 years and neither have been completed. What specific recommendations would you provide, or actions would you take to enforce the reinterment of our ancestral remains that are unearthed on projects the Guam Land Use Commission approved in its Land Use Application process? If legislation is needed to enforce the reinterment, what specific recommendations would you provide?

**A: Approvals should be revoked if conditions aren't met. Especially if remains are reinterred as required. Perhaps legislation is needed to implement fines or other penalties.**

### **Q2: Enforcement of Conditions on Notice of Actions:**

What specific recommendations would you provide, or actions you would take to enforce the conditions specified in the Guam Land Use Commission's Notice of Action for approved land use applications?

**A: I would recommend fines and the revocation of approval.**

### **Q3: Southern Development Master Plan and Task Force:**

The Southern Development Master Plan is Guam Public Law 19-38. What specific actions would you take to support the Task Force "charged with the duty, as specified by this law, to develop a comprehensive development Master plan (hereinafter Southern Master plan or Master plan) for the following villages: Agat, Santa Rita, Umatac, Merizo, Inarajan, Malojloj, Talofofo and Yona" (GCA 21, Chapter 68)

**A: I will work with whoever has oversight to hold legislative hearings on the status of this master plan to ensure it gets done and gets done correctly.**

### **Q4: Guam Land Use Commission Land Use Application Process:**

What specific recommendations, or actions would you take, to improve the Guam Land Use Application process to ensure the concerns of affected village residents, including adjacent village residents are heard and are factored in the land use application process.

**A: No answer was provided for this question.**

### **Q5: GLUC Board Member Qualifications:**

Do you support requiring Guam Land Use Commission member qualifications, and what specific qualifications would you recommend?

**A: I think the GLUC should include a representative from the Mayors Council of Guam to represent the interests of the affected village, Guam EPA to address environmental concerns, Department of Land Management for knowledge of land and zoning requirements, Bureau of Statistics and Plans for knowledge of the master plans for land use on Guam, a licensed realtor for knowledge of real estate and development, a licensed attorney for knowledge of the various land laws on Guam, and a resident of Guam to represent the average member of the community.**

### **Q6: GLUC Board Meeting Policy Reform:**

Save Southern Guam's 2-year saga dealing with the GLUC's handling of the Pago Bay Resort project highlighted the need to reform the GLUC land use approval application process. Currently, GLUC policy does not allow public input at GLUC meetings. Would you support policy change that would allow public comments accepted, orally and written, for the duration that a project is being considered or addressed?

**A: Absolutely. Most boards and commissions allow for public input at a designated time on their meeting agenda. This should apply to the GLUC as well.**



**Clynt Ridgell**

**Q7: GLUC Term Limits for Development Projects:**

Currently, GLUC policy does not provide a time limit on projects that have been approved by GLUC and Dept. of Land Management. A project can sit around for decades without breaking ground and/or having to reevaluate the impact on the changing needs of the community and environment. Would you support setting a time limit on permitting for projects that have been approved and have not commenced within a certain time frame? If so, what do you consider a reasonable time frame?

**A: I do think there needs to be some sort of time limit. I would need to do more research but off the top of my head perhaps 2 years to break ground once the project is approved and a re-examination of the status of the project every 3 years. If it is not completed in 10 years then a re-evaluation and reconsideration of the entire project. This process would also allow the developer the opportunity to explain to the GLUC any unforeseen setbacks that occurred and allow the GLUC to determine if the project is just sitting completely idle for too long or not.**



**Frank Blas Jr.**

**Q1: Reinterment of Ancestral Remains:**

Case Example: The Guam Land Use Commission conditionally approved the Pago Bay Resort project in March 2008. Ancestral remains were unearthed during the archaeological survey conducted for the project. The construction of a memorial and reinterment of our ancestral remains were conditions in the Notice of Action. However, it has now been 12 years and neither have been completed. What specific recommendations would you provide, or actions would you take to enforce the reinterment of our ancestral remains that are unearthed on projects the Guam Land Use Commission approved in its Land Use Application process? If legislation is needed to enforce the reinterment, what specific recommendations would you provide?

**A: This issue has to be examined further to ascertain the developer's responsibility in light of what has happened with the initial approval.**

**Q2: Enforcement of Conditions on Notice of Actions:**

What specific recommendations would you provide, or actions you would take to enforce the conditions specified in the Guam Land Use Commission's Notice of Action for approved land use applications?

**A: I would support a phased approval process.**

**Q3: Southern Development Master Plan and Task Force:**

The Southern Development Master Plan is Guam Public Law 19-38. What specific actions would you take to support the Task Force "charged with the duty, as specified by this law, to develop a comprehensive development Master plan (hereinafter Southern Master plan or Master plan) for the following villages: Agat, Santa Rita, Umatac, Merizo, Inarajan, Malojloj, Talofofo and Yona" (GCA 21, Chapter 68)

**A: This is an Executive Branch function and would defer to their authority and responsibility to enforce.**

**Q4: Guam Land Use Commission Land Use Application Process:**

What specific recommendations, or actions would you take, to improve the Guam Land Use Application process to ensure the concerns of affected village residents, including adjacent village residents are heard and are factored in the land use application process.

**A: Again, this is an Executive Branch function and would defer to their recommendations for improvement.**

**Q5: GLUC Board Member Qualifications:**

Do you support requiring Guam Land Use Commission member qualifications, and what specific qualifications would you recommend?

**A: No I do not at this time.**

**Q6: GLUC Board Meeting Policy Reform:**

Save Southern Guam's 2-year saga dealing with the GLUC's handling of the Pago Bay Resort project highlighted the need to reform the GLUC land use approval application process. Currently, GLUC policy does not allow public input at GLUC meetings. Would you support policy change that would allow public comments accepted, orally and written, for the duration that a project is being considered or addressed?

**A: Yes**

**Q7: GLUC Term Limits for Development Projects:**

Currently, GLUC policy does not provide a time limit on projects that have been approved by GLUC and Dept. of Land Management. A project can sit around for decades without breaking ground and/or having to reevaluate the impact on the changing needs of the community and environment. Would you support setting a time limit on permitting for projects that have been approved and have not commenced within a certain time frame? If so, what do you consider a reasonable time frame?

**A: Yes. Again, I would support a phased approval process that would hold the developer to milestones before continuing the development process.**



**Telo Taitague**

**Q1: Reinterment of Ancestral Remains:**

Case Example: The Guam Land Use Commission conditionally approved the Pago Bay Resort project in March 2008. Ancestral remains were unearthed during the archaeological survey conducted for the project. The construction of a memorial and reinterment of our ancestral remains were conditions in the Notice of Action. However, it has now been 12 years and neither have been completed. What specific recommendations would you provide, or actions would you take to enforce the reinterment of our ancestral remains that are unearthed on projects the Guam Land Use Commission approved in its Land Use Application process? If legislation is needed to enforce the reinterment, what specific recommendations would you provide?

**A: If the reinterment of our ancestral remains is a condition in a Notice of Action, the developer must comply with this requirement; if not, then the Notice of Action should be revoked. Developers should be held accountable for committing to any conditions that are established in order for their project to proceed. Absent extraordinary circumstances warranting non-termination of the Notice of Action, which would be considered through a fair and timely adjudication process, my recommendation on this matter is for the Guam Land Use Commission to terminate the Notice of Action.**

**Q2: Enforcement of Conditions on Notice of Actions:**

What specific recommendations would you provide, or actions you would take to enforce the conditions specified in the Guam Land Use Commission's Notice of Action for approved land use applications?

**A: Similar to my response for Question 1, I would support the establishment of a fair and timely adjudication process to consider extraordinary circumstances that may warrant non-termination of a Notice of Action. It is the responsibility of a developer to comply with any conditions they committed to prior to receiving approval by the Guam Land Use Commission.**

**Q3: Southern Development Master Plan and Task Force:**

The Southern Development Master Plan is Guam Public Law 19-38. What specific actions would you take to support the Task Force "charged with the duty, as specified by this law, to develop a comprehensive development Master plan (hereinafter Southern Master plan or Master plan) for the following villages: Agat, Santa Rita, Umatac, Merizo, Inarajan, Malojloj, Talofofo and Yona" (GCA 21, Chapter 68)

**A: I would assist the task force in securing a venue at the Guam Legislature so that regular meetings could be held and for discussions to be aired through the legislative channel to encourage greater public participation. Moreover, and as I've done to help fund planning efforts for improved GMHA facilities, I would work with task force members and GEDA to determine whether studies and other actions requiring funding could be supported through the Comprehensive Economic Development Strategy.**

**Q4: Guam Land Use Commission Land Use Application Process:**

What specific recommendations, or actions would you take, to improve the Guam Land Use Application process to ensure the concerns of affected village residents, including adjacent village residents are heard and are factored in the land use application process.

**A: Public Law 33-129 requires a variance application, zone change, government lease, conditional use application, and other proposed project reviewed by the Guam Land Use Commission, to receive two village public hearings. Municipal Planning Councils are required to express their support or opposition on proposed land use applications. I believe the current process provides residents with opportunities to express their concerns or support regarding proposed development in their village; however, I'm open to considering improvements to the current process including additional village public hearings if necessary.**

**Q5: GLUC Board Member Qualifications:**

Do you support requiring Guam Land Use Commission member qualifications, and what specific qualifications would you recommend?

**A: The Guam Land Use Commission is supported by subject area experts from various regulatory agencies. While I'm not settled at this time on whether appointees should have specific qualifications in order to be considered for the GLUC – as we don't require the same for government boards such as the UOG Board of Regents and GMHA Board of Trustees – I believe that the governor and senators should consider education and work experiences in a variety of fields pertinent to land use, as advantages in their consideration of potential board members.**



**Telo Taitague**

**Q6: GLUC Board Meeting Policy Reform:**

Save Southern Guam's 2-year saga dealing with the GLUC's handling of the Pago Bay Resort project highlighted the need to reform the GLUC land use approval application process. Currently, GLUC policy does not allow public input at GLUC meetings. Would you support policy change that would allow public comments accepted, orally and written, for the duration that a project is being considered or addressed?

**A: I would support the Guam Land Use Commission designating a public comment period during their meetings to accept verbal and written testimony. A few of my colleagues and I have attempted to ensure that all bills – including proposals considered during emergency sessions - receive a public hearing. Members of the Guam Land Use Commission shouldn't be held to a different standard when it comes to receiving support or opposition on land use applications. Regardless of the outcome of an application, commissioners will know they heard from all concerned if a public comment period is added to their meetings.**

**Q7: GLUC Term Limits for Development Projects:**

Currently, GLUC policy does not provide a time limit on projects that have been approved by GLUC and Dept. of Land Management. A project can sit around for decades without breaking ground and/or having to reevaluate the impact on the changing needs of the community and environment. Would you support setting a time limit on permitting for projects that have been approved and have not commenced within a certain time frame? If so, what do you consider a reasonable time frame?

**A: Although I believe that landowners should have the freedom to maximize use of their property within the parameters of the law, a Notice of Action issued by the Guam Land Use Commission shouldn't be open-ended. Thus, I would be open to establishing a time limit on permitting for projects which would be consistent with the effective term of applicable government land use/master plans.**





**Frank Leon Guerrero**

**Q1: Reinterment of Ancestral Remains:**

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**A: I understand that neither the Pago Bay Resort project nor the reinternment was completed based on your information. I vaguely remember the project, but if I am correct, the residents of Pago rallied against the development and the project apparently stopped. I will recommend that any ancestral remains, or archaeological finds of significant value be immediately protected, recorded, and collected before further disturbance of the site continue. These findings should be preserved until an acceptable reinternment or disposition is determined. As a requirement to being granted a "conditional permit", the developer must agree to complete a reinternment process regardless of the completion or non-completion of the project. Perhaps a minimum amount of money by the developer be held in trust as a form of guarantee should the developer abscond from the project. This is part of my recommendations if legislation is required.**

**Q2: Enforcement of Conditions on Notice of Actions:**

What specific recommendations would you provide, or actions you would take to enforce the conditions specified in the Guam Land Use Commission's Notice of Action for approved land use applications?

**A: I am not sure what minimum requirements should be imposed, but I feel certain that developers and investors all have a standardized agreement before a project gets underway. If the Government of Guam, through the Land Use Commission have the authority to stop a project, then this should be the action taken. Since it could be challenged in a court of law, Guam must be prepared to defend its action and further subject the developer to absorb the cost of any and all legal actions against the developer. In this conditions, the Land Use Commission will not have to worry about legal fees being incurred and may deter the developer from violating any land use conditions.**

**Q3: Southern Development Master Plan and Task Force:**

The Southern Development Master Plan is Guam Public Law 19-38. What specific actions would you take to support the Task Force "charged with the duty, as specified by this law, to develop a comprehensive development Master plan (hereinafter Southern Master plan or Master plan) for the following villages: Agat, Santa Rita, Umatac, Merizo, Inarajan, Malojloj, Talofofo and Yona" (GCA 21, Chapter 68)

**A: If there is a Master Plan and a Task Force, I will support all measures, required by legislation, to continue the development of this law. The Task Force, must of course be an active group and must be able to present its course of actions(s).**

**Q4:Guam Land Use Commission Land Use Application Process:**

What specific recommendations, or actions would you take, to improve the Guam Land Use Application process to ensure the concerns of affected village residents, including adjacent village residents are heard and are factored in the land use application process.

**A: I am not familiar with the current requirements, but I would expect that there be at least a Public notice for the proposed development and a townhall meeting for residents or concerned citizens of the area. The cost of these notices and meeting should be borne by the developer. Furthermore, any and all studies required, regarding the environmental and social impacts affecting the proposed site be absorbed by the developer. In addition, any unforeseen cost, such as the discovery and disposition of ancestral remains and artifacts, be additionally absorbed by the developer.**

**Q5: GLUC Board Member Qualifications:**

Do you support requiring Guam Land Use Commission member qualifications, and what specific qualifications would you recommend?

**A: Of course I will support this requirement. The members must have experience in areas of land management, property values, environmental studies, and other experiences regarding land use and impacts.**





**Frank Leon Guerrero**

**Q6: GLUC Board Meeting Policy Reform:**

Save Southern Guam's 2-year saga dealing with the GLUC's handling of the Pago Bay Resort project highlighted the need to reform the GLUC land use approval application process. Currently, GLUC policy does not allow public input at GLUC meetings. Would you support policy change that would allow public comments accepted, orally and written, for the duration that a project is being considered or addressed?

**A: I believe I touched on that requirement on question #4. I do not see why public input should not be permitted in parts of the meetings. It becomes suspicious if meetings do not include public inputs. The Commission must have an established transparency policy with the people of Guam.**

**Q7: GLUC Term Limits for Development Projects:**

Currently, GLUC policy does not provide a time limit on projects that have been approved by GLUC and Dept. of Land Management. A project can sit around for decades without breaking ground and/or having to reevaluate the impact on the changing needs of the community and environment. Would you support setting a time limit on permitting for projects that have been approved and have not commenced within a certain time frame? If so, what do you consider a reasonable time frame?

**A: Yes, I will support a time-limit for pending projects that have been given conditional approval. As part of the many conditions, this must have one of the greatest conditional use violation enforcement. Notwithstanding any known delays, pending projects must have an annual evaluation review to determine the cause of any project delays or inactions. Perhaps as part of the conditional use, the Government could cease all projects and require the developer to reapply for the use again if no logical explanation is provided. If no further response is obtained by the developer after a two year period of legal request to respond, the Government of Guam should cancel and void all permits and projects already undertaken. The government should then seize all physical properties at the construction site and perhaps forbid the developer from applying for other future projects on our island.**



**J.I. Cruz**

**Q1: Reinterment of Ancestral Remains:**

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**A: I would mandate that such conditions require an applicant to construct a memorial and reinterment of ancient remains and artifacts be held enforceable by the Guam Land Use Commission via the Office of the Attorney General. Such conditions should be specifically stated in the initial application. Such enforcement would include fines and/or penalties punishable under Guam law. I see the failure of the developers of the Pago Bay Resort to erect a memorial and reinterment due to the lack of enforcement. I would introduce legislation that enforces the fines/penalties by the Guam Land Use Commission via the Office of the Attorney General.**

**Q2: Enforcement of Conditions on Notice of Actions:**

What specific recommendations would you provide, or actions you would take to enforce the conditions specified in the Guam Land Use Commission's Notice of Action for approved land use applications?

**A: I would introduce legislation that specifically outlines the penalties for violating the conditions on the initial application. Such legislation enforces those fines/penalties by the Guam Land Use Commission via the Office of the Attorney General.**

**Q3: Southern Development Master Plan and Task Force:**

The Southern Development Master Plan is Guam Public Law 19-38. What specific actions would you take to support the Task Force "charged with the duty, as specified by this law, to develop a comprehensive development Master plan (hereinafter Southern Master plan or Master plan) for the following villages: Agat, Santa Rita, Umatac, Merizo, Inarajan, Malojloj, Talofofo and Yona" (GCA 21, Chapter 68)

**A: I would look to meet with the Task Force to see what if quorums have been conducted and to see the results of such quorums. Based on the Master Plan, I would look to empower the Task Force by ensuring that all government agencies are in regulatory compliance of the plan. I would also look to enhance the collaboration, via meetings and public notices, between the Task Force and other stakeholders in the community. By including stakeholders such as the residents, the respective Mayors, developers, the military, and the respective GOVGUAM agencies, the development of Southern Guam then becomes a 'community issue' rather than just a Task Force issue.**

**Q4:Guam Land Use Commission Land Use Application Process:**

What specific recommendations, or actions would you take, to improve the Guam Land Use Application process to ensure the concerns of affected village residents, including adjacent village residents are heard and are factored in the land use application process.

**A: In addition to the bi-weekly meetings held by the Application Review Committee (ARC) which is submitted to the GLUC, all applications should be put before the respective village(s) via scheduled "Town Hall" meetings coordinated by the Village Mayor. I believe that this will allow the residents of the village to listen to the potential changes in their village and provide input that the ARC and the GLUC would consider in the land use application process.**

**Q5: GLUC Board Member Qualifications:**

Do you support requiring Guam Land Use Commission member qualifications, and what specific qualifications would you recommend?

**A: I support the requirement of GLUC member requirements. I believe that members should display qualifications or experience in areas that involve environmental, zoning, real property, construction, engineering, or other related fields that may impact the environment and the community as it relates to the land matters.**



**J.I. Cruz**

**Q6: GLUC Board Meeting Policy Reform:**

Save Southern Guam's 2-year saga dealing with the GLUC's handling of the Pago Bay Resort project highlighted the need to reform the GLUC land use approval application process. Currently, GLUC policy does not allow public input at GLUC meetings. Would you support policy change that would allow public comments accepted, orally and written, for the duration that a project is being considered or addressed?

**A: Absolutely! As indicated above, Town Hall Meetings should be held for all applications/projects that impacts the environment and the community as it relates to land. The input (verbal and/or written) from the community should be part of the application process and should be made available for the public's review.**

**Q7: GLUC Term Limits for Development Projects:**

Currently, GLUC policy does not provide a time limit on projects that have been approved by GLUC and Dept. of Land Management. A project can sit around for decades without breaking ground and/or having to reevaluate the impact on the changing needs of the community and environment. Would you support setting a time limit on permitting for projects that have been approved and have not commenced within a certain time frame? If so, what do you consider a reasonable time frame?

**A: I would support a time limit on the on the projects that have been approved by the GLUC. I think that a Two (2) Year time limit to start the construction of a project appears to be reasonable for construction to start, otherwise the application would need to be resubmitted to the ARC for reconsideration by the GLUC.**



**Joanne Brown**

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**A: From experiences over the years, I have come to the conclusion that the enforcement of GLUC's conditions on development projects are very weak such as in the case of the Pago Bay Resort project. Historically, GLUC sets a number of conditions that appear tailor made to get a project approved. However, once a project is approved, there is little followup effort on the part of the government to verify if conditions have been met or if enforcement penalties have been issued if project conditions have not been met. As is the case of Pago Bay Resort where the developer has yet to provide public verification that ancestral remains unearth by the project over 12 years ago have been respectfully reinterred. If elected, I will review this issue and introduce legislation to strengthen the enforcement of conditions and increase penalties for noncompliance with required conditions. In addition, I will include requirements that Land Management provide online the status of project compliance for public reference and review.**

**Q2: Enforcement of Conditions on Notice of Actions:**

What specific recommendations would you provide, or actions you would take to enforce the conditions specified in the Guam Land Use Commission's Notice of Action for approved land use applications?

**A: I referenced in the previous question what actions I would take with regards to legislation that I would introduce to address this matter. I will also include financial penalties for noncompliance with GLUC conditions. In addition, I will also review the option of the government disapproving building occupancy for a project if GLUC conditions are not addressed and completed.**

**Q3: Southern Development Master Plan and Task Force:**

The Southern Development Master Plan is Guam Public Law 19-38. What specific actions would you take to support the Task Force "charged with the duty, as specified by this law, to develop a comprehensive development Master plan (hereinafter Southern Master plan or Master plan) for the following villages: Agat, Santa Rita, Umatac, Merizo, Inarajan, Malojloj, Talofofo and Yona" (GCA 21, Chapter 68)

**A: First, it will be important to determine why the Southern Development Master Plan has not moved forward under the authorized Task Force. While the legislature by design creates policy through legislation, it is not the operational or implementation arm of the government. If elected, I will support appropriate oversight to determine if policy changes need to be made to fully implement a Southern Development Master Plan.**

**Q4:Guam Land Use Commission Land Use Application Process:**

What specific recommendations, or actions would you take, to improve the Guam Land Use Application process to ensure the concerns of affected village residents, including adjacent village residents are heard and are factored in the land use application process.

**A: The GLUC has not had the best record with regards to providing adequate public notices to affected communities with regards to proposed developments that may exceed existing land zones. In most cases formal notices are only sent to adjacent land owners with a 500 foot radius. This is not adequate when possible impacts to water, sewer, roads, density and quality of life issues are village wide. In addition, the GLUC inclusion of public engagement is limited to one public hearing with almost no opportunity for the public to engage further if a redesign or other plan changes are proposed by a developer to the GLUC. The setup of the GLUC meetings and venue are not citizen friendly to include the lack of audible discussion by a coherent speaker system or efforts by the GLUC to review information provided by a developer, as in the case of the Pago Bay project that were not factual but glossed over by both the developer and GLUC. I would definitely review and expand public engagement requirements to insure that public concerns are included in the review and approval of any project requiring GLUC consideration.**



**Joanne Brown**

**Q5: GLUC Board Member Qualifications:**

Do you support requiring Guam Land Use Commission member qualifications, and what specific qualifications would you recommend?

**A: I would support re-evaluating GLUC member qualifications to include potential conflict of interest requirements in relation to being appointed and serving as a GLUC member. Qualifications could include planning credentials, engineering expertise, and environmental advocacy.**

**Q6: GLUC Board Meeting Policy Reform:**

Save Southern Guam's 2-year saga dealing with the GLUC's handling of the Pago Bay Resort project highlighted the need to reform the GLUC land use approval application process. Currently, GLUC policy does not allow public input at GLUC meetings. Would you support policy change that would allow public comments accepted, orally and written, for the duration that a project is being considered or addressed?

**A: YES! Most definitely!**

**Q7: GLUC Term Limits for Development Projects:**

Currently, GLUC policy does not provide a time limit on projects that have been approved by GLUC and Dept. of Land Management. A project can sit around for decades without breaking ground and/or having to reevaluate the impact on the changing needs of the community and environment. Would you support setting a time limit on permitting for projects that have been approved and have not commenced within a certain time frame? If so, what do you consider a reasonable time frame?

**A: Yes, I would support a time limit on projects that have received approval from the GLUC but not commenced within a reasonable time. I'm open for recommendations on what a reasonable timeline could be but my initial thought is five years. A project approved 30 years ago may very well have a different if not adverse impact to a surrounding community that has grown with changing conditions that have occurred over time.**



**Fred Bordallo Jr.**

**Q1: Reinterment of Ancestral Remains:**

Case Example: The Guam Land Use Commission conditionally approved the Pago Bay Resort project in March 2008. Ancestral remains were unearthed during the archaeological survey conducted for the project. The construction of a memorial and reinterment of our ancestral remains were conditions in the Notice of Action. However, it has now been 12 years and neither have been completed. What specific recommendations would you provide, or actions would you take to enforce the reinterment of our ancestral remains that are unearthed on projects the Guam Land Use Commission approved in its Land Use Application process? If legislation is needed to enforce the reinterment, what specific recommendations would you provide?

**A: It is important that agreements made by a private developer involved in a project that was conditionally approved by the Guam Land Use Commission with a stipulated notice of action to be followed upon with a discovery of ancestral remains, be complied with. The reinterment of ancestral remains is a social responsibility of the private developer. When elected for the 36th Guam Legislature, I will explore for familiarity purposes the Guam historic preservation office's mandates because it would be an entity with an important role with the reinterment process of sites where ancestral remains are found. I will facilitate communications and discussions with the Guam Land Use Commission, Historic preservation office, and private land developers to ensure that any proposed legislation that centers on the issues surrounding notice of actions and agreements that involves provisions for enforcement will first be heard from all stakeholders. I will seek out other successful models in and around our region keeping best practices. The proper treatment and of ancestral remains is of utmost importance to our community**

**Q2: Enforcement of Conditions on Notice of Actions:**

What specific recommendations would you provide, or actions you would take to enforce the conditions specified in the Guam Land Use Commission's Notice of Action for approved land use applications?

**A: When elected to the 36th Guam legislature, I place my trust that the Guam Land Use Commission would consider a third party mediation process rather than the legal process with representation of the Office of Attorney Generals as a first step in actions to enforce their Notice of actions with a private developer. I believe my role as legislature is to protect the greater good of the community. Whatever means necessary should be taken to ensure that the notice of action for approved land use applications are applied.**

**Q3: Southern Development Master Plan and Task Force:**

The Southern Development Master Plan is Guam Public Law 19-38. What specific actions would you take to support the Task Force "charged with the duty, as specified by this law, to develop a comprehensive development Master plan (hereinafter Southern Master plan or Master plan) for the following villages: Agat, Santa Rita, Umatac, Merizo, Inarajan, Malojloj, Talofofo and Yona" (GCA 21, Chapter 68)

**A: When elected to the 36th Guam Legislature, as a southern resident from Santa Rita village, I'm committed to review the master plan and its development, and staying informed of its progress. There are always social and economic, uncertainties that requires upgrading the plan for its effectiveness, and purpose.**

**Q4: Guam Land Use Commission Land Use Application Process:**

What specific recommendations, or actions would you take, to improve the Guam Land Use Application process to ensure the concerns of affected village residents, including adjacent village residents are heard and are factored in the land use application process.

**A: I've been involved in both operational and strategic planning processes. There is an importance with communications and transparency of information for the public. In order to accomplish this every effort should be made for the plans development and provisions to be accessible for the public's review. As a senator, I would support mandates to ensure that transparent communication about proposed projects were required to come to the community before the project is even considered by the Guam Land Use Commission. This could be in the form of village meetings supported by the Mayors to ensure transparency.**



**Fred Bordallo Jr.**

**Q5: GLUC Board Member Qualifications:**

Do you support requiring Guam Land Use Commission member qualifications, and what specific qualifications would you recommend?

**A: The GLUC member qualifications should include no prior relationships to proposed developers. Of course members should have the knowledge and skills necessary to deliberate on projects involving private land and even public land development, this should be at the discretion of the office of the Governor that would have a first responsibility to screen the member for appointment. As a senator, I believe that confirmation hearings that are open to the public provide ample opportunity to review the credentials of the GLUC subjected for for a confirmation vote.**

**Q6: GLUC Board Meeting Policy Reform:**

Save Southern Guam's 2-year saga dealing with the GLUC's handling of the Pago Bay Resort project highlighted the need to reform the GLUC land use approval application process. Currently, GLUC policy does not allow public input at GLUC meetings. Would you support policy change that would allow public comments accepted, orally and written, for the duration that a project is being considered or addressed?

**A: I believe that the stakeholders in a land development project private or public at the GLUC, includes members of the public who should have the opportunity for comments to be placed on the record and again should occur before the project is even proposed.**

**Q7: GLUC Term Limits for Development Projects:**

Currently, GLUC policy does not provide a time limit on projects that have been approved by GLUC and Dept. of Land Management. A project can sit around for decades without breaking ground and/or having to reevaluate the impact on the changing needs of the community and environment. Would you support setting a time limit on permitting for projects that have been approved and have not commenced within a certain time frame? If so, what do you consider a reasonable time frame?

**A: I absolutely support time limit on projects.**





**Sabina Perez**

**Q1: Reinterment of Ancestral Remains:**

Case Example: The Guam Land Use Commission conditionally approved the Pago Bay Resort project in March 2008. Ancestral remains were unearthed during the archaeological survey conducted for the project. The construction of a memorial and reinterment of our ancestral remains were conditions in the Notice of Action. However, it has now been 12 years and neither have been completed. What specific recommendations would you provide, or actions would you take to enforce the reinterment of our ancestral remains that are unearthed on projects the Guam Land Use Commission approved in its Land Use Application process? If legislation is needed to enforce the reinterment, what specific recommendations would you provide?

**A: It is unacceptable for developers to desecrate the remains of our ancestors and deny them the proper respect and treatment they deserve. I believe businesses that breach the conditions of their application, to the detriment of our cultural, historical and environmental resources, should be held accountable to the people of Guam. We should establish, in law, stricter fines that are automatic, and suspend business permits. Businesses must also demonstrate sufficient financial resources needed to complete the project, inclusive of potential mitigation costs. I further advocate for empowering GLUC and relevant agencies with stronger authority to enforce the conditions of a developer's application following approval. This would take the form of an amendment to 21 GCA Ch. 76 to empower the Dept. of Parks and Recreation to enforce laws protecting ancestral sites and remains.**

**Q2: Enforcement of Conditions on Notice of Actions:**

What specific recommendations would you provide, or actions you would take to enforce the conditions specified in the Guam Land Use Commission's Notice of Action for approved land use applications?

**A: I would recommend greater transparency by requiring NOAs be published and easily accessible to the public in a timely manner, improving the public comment period at the GLUC, and requiring reporting of NOAs to the legislature and oversight chairperson. Public oversight is essential to enforcement of conditional permits. Prior to issuing the NOA, the Application Review Committee responses must be complete and available to the Municipal Planning Councils and to the general public. Additionally, GLUC should have the authority and resources to enforce the conditions in an application's NOA. Financial resources of the developer must be sufficient for the project, inclusive of potential mitigation costs. Rules and regulations and standard operating procedures need to be developed to address noncompliance, including steps for corrective action and/or fines.**

**Q3: Southern Development Master Plan and Task Force:**

The Southern Development Master Plan is Guam Public Law 19-38. What specific actions would you take to support the Task Force "charged with the duty, as specified by this law, to develop a comprehensive development Master plan (hereinafter Southern Master plan or Master plan) for the following villages: Agat, Santa Rita, Umatac, Merizo, Inarajan, Malojloj, Talofofo and Yona" (GCA 21, Chapter 68)

**A: We must ensure completion of the Southern Development Master Plan. I recognize the complicated and deeply unfair history of land taking and restrictions that have been imposed on our people in past decades. As such, we must ensure that every master plan should be built upon a foundation of transparency, accountability, and adaptability with long-term sustainability of our environment and our people. We must relentlessly focus on ensuring we hear the voices and desires of all residents impacted, both directly and indirectly, and that we honor their wishes. Our land is our wealth and we must take great care by developing the needed structures for long-term sustainable development. We can build upon the progress already made by community organizations successfully opposing improper and poorly planned developments by institutionalizing better formal approval processes (such as including Mayors of impacted villages a say in the approval of developments). We can also initiate the Land Use Master Plan process, hold a series of community meetings, collect input, and develop a proposed plan. Once a draft is complete, we must ensure a widespread public awareness and education campaign is conducted, followed by more village meetings, input, and edits to the document. It will be a long and time-consuming process for the government, but it is an essential tool that will help develop and protect our Southern villages for generations to come. We must ensure that future developments do not compromise our watersheds and our ability to live within our ecological means.**



**Sabina Perez**

**Q4:Guam Land Use Commission Land Use Application Process:**

What specific recommendations, or actions would you take, to improve the Guam Land Use Application process to ensure the concerns of affected village residents, including adjacent village residents are heard and are factored in the land use application process.

**A: I believe the island needs a holistic, environmentally-conscious approach to future development. For instance, I support urban development as a means of reducing the pressures of developing in pristine and native habitats and ecosystems. If these concerns of environmental and cultural preservation and other development issues are addressed prior to the application it can facilitate development because the main issues are addressed directly, rather than cropping up during the development process. Municipal planning councils should be empowered in the application process to ensure considerations are made with regard to the needs of their community and the natural environments in their jurisdiction. Further, amendments should be made to the GLUC Hybrid law to ensure that mayors of villages affected by the proposed development have a place on the Hybrid commission. Lastly, community members must be empowered throughout the entirety of the application process and be enabled to submit written and oral comments to ensure their concerns are met.**

**Q5: GLUC Board Member Qualifications:**

Do you support requiring Guam Land Use Commission member qualifications, and what specific qualifications would you recommend?

**A: As a prerequisite, commission members should have a proven record of professional integrity, fairness, objectivity, critical thinking, and commitment to serving the public interest. Regarding specific expertise, the commission should be composed of one or more members with knowledge of natural and cultural resource management and protection. The commission should also include a mix of expertise such as those pertaining to land and regulatory knowledge and experience specific to Guam. Conflicts of interest of nominees must be vetted. Additionally, I believe we should amend PL 33-219 to allow for better input and guidance from Mayors of villages impacted by any proposed development.**

**Q6: GLUC Board Meeting Policy Reform:**

Save Southern Guam's 2-year saga dealing with the GLUC's handling of the Pago Bay Resort project highlighted the need to reform the GLUC land use approval application process. Currently, GLUC policy does not allow public input at GLUC meetings. Would you support policy change that would allow public comments accepted, orally and written, for the duration that a project is being considered or addressed?

**A: Absolutely. I am a staunch supporter of transparency and accountability in our government. I would support amendments to laws relating to GLUC which make it more open and accountable to the public, and we should ensure that the consent of community members is a prerequisite to any actions which would affect them. Relevant local laws should be amended to allow for "all interested persons an opportunity to submit data, views, arguments or present oral testimony on any agenda item in an open meeting." A further proposition would be to better empower village municipal planning councils in the approval/disapproval process.**

**Q7: GLUC Term Limits for Development Projects:**

Currently, GLUC policy does not provide a time limit on projects that have been approved by GLUC and Dept. of Land Management. A project can sit around for decades without breaking ground and/or having to reevaluate the impact on the changing needs of the community and environment. Would you support setting a time limit on permitting for projects that have been approved and have not commenced within a certain time frame? If so, what do you consider a reasonable time frame?

**A: Yes, I agree that a time period should be specified for permits. It is important to ensure that financial resources are sufficient for the project and that adjustments are made to projects, should environmental and/or societal conditions change with time. I would propose that projects commence within three years from date of approval, and shall be completed within six years, with a possible 2-year extension should extenuating circumstances exist (such as we've experienced in recent years with the pandemic and H2B visa worker shortage). A Commission vote on such an extension shall require proper justification and only be done after proper public hearings in which the community may provide input. Determination shall be based on predefined variables such as the size of the project, availability of resources, and prior terms set by the GLUC following public input.**



**Kelly Marsh Taitano**

**Q1: Reinterment of Ancestral Remains:**

Case Example: The Guam Land Use Commission conditionally approved the Pago Bay Resort project in March 2008. Ancestral remains were unearthed during the archaeological survey conducted for the project. The construction of a memorial and reinterment of our ancestral remains were conditions in the Notice of Action. However, it has now been 12 years and neither have been completed. What specific recommendations would you provide, or actions would you take to enforce the reinterment of our ancestral remains that are unearthed on projects the Guam Land Use Commission approved in its Land Use Application process? If legislation is needed to enforce the reinterment, what specific recommendations would you provide?

**A: I have thought about issues such as this quite a bit. In a variety of ways, CHamorus as a people do not have enough participation or voice in development projects, especially those related to activities that fall under the 2009 Programmatic Agreement where certain public input are curtailed. I have discussed some of these possibilities with I Kumision I Fino CHamoru yan I Fina'nå'guen I Historia yan I Lina'la' I Taotao Tåno. Two possibilities are for I Kumision to serve as an ancestral and cultural advisory board to the Historic Preservation Office so that their input is inherently part of every major development, or they or others could serve as a burial council. The advisory board or burial council would have the responsibility and/or authority to ensure that ancestral remains are given the respectful consideration and treatment they deserve as well as ensure that reinternments occur in a timely manner. Legislation would need to occur for either of these options or a variation thereof.**

**Q2: Enforcement of Conditions on Notice of Actions:**

What specific recommendations would you provide, or actions you would take to enforce the conditions specified in the Guam Land Use Commission's Notice of Action for approved land use applications?

**A: The enforcement usually stands with the building official or the using agency affected. Enforcement of compliance, and not to fall between the cracks, could occur by requiring that statutorily, DLM create a matrix spreadsheet of approved GLUC notice of actions for which the ARC agency and representative would report regularly either progress or whether a non-compliance has occurred. Warnings and fines could be then enforced by the building official and within a period of time. Should the non-compliance persist, their occupancy or business license could be pulled. This, of course, would happen after all fines and penalties have been levied. Should a matrix be created, non-compliance or non-consistency could then be caught at the one stop center at DPW when an applicant processes their permits, makes changes to an existing/proposed development, renews a business license, carries out a license transfer, undergoes review for new business licenses, or carries out like activities there.**

**Q3: Southern Development Master Plan and Task Force:**

The Southern Development Master Plan is Guam Public Law 19-38. What specific actions would you take to support the Task Force "charged with the duty, as specified by this law, to develop a comprehensive development Master plan (hereinafter Southern Master plan or Master plan) for the following villages: Agat, Santa Rita, Umatac, Merizo, Inarajan, Malojloj, Talofoto and Yona" (GCA 21, Chapter 68)

**A: The northern master plan was created by the Bureau of Statistics and Plans and is now an approved plan circa late 2018 or early 2019. This was created and funded by grant. I would work to require BSP to head this task force and request the governor to provide Technical Assistance program (TAP) funds. BSP is geared to do such technical work effectively and efficiently. They also will assure that the Southern Master Plan is aligned with other Master Plans and studies of the Territory.**

**Q4:Guam Land Use Commission Land Use Application Process:**

What specific recommendations, or actions would you take, to improve the Guam Land Use Application process to ensure the concerns of affected village residents, including adjacent village residents are heard and are factored in the land use application process.

**A: Like other development processes, such as those for federal developments, and along the lines of what occurs in at least some of the states, I support the development of processes for providing both oral and written comments to be part of the consideration of a project as well as part of the permanent record of a project. It would be important to hear from the CLUC itself as to what procedures might best work for gaining meaningful community input and how to factor them in, but held against standards that exist in states. The development of such processes may need to written in legislation to ensure that it occurs.**



**Kelly Marsh Taitano**

**Q5: GLUC Board Member Qualifications:**

Do you support requiring Guam Land Use Commission member qualifications, and what specific qualifications would you recommend?

**A:** Having served on the Historic Preservation Review board, I appreciated and see the value in having a mix of qualifications to represent different community interests and assure that a wide range of considerations are part of a review process. I support some flexibility of membership, it is also important to provide a measured mix of board members to ensure that certain qualifications and types of expertise are part of the board and thus part of the review of development applications after the technical review. I think are that two different types of perspectives need to be ensured to be present such as that the CHamoru and local culture, history, and community traditions are represented as well as environmental/conservation considerations. Following to a degree, the model that has been successful for the Historic Preservation Review Board, could be to have a range of types of expertise: • Three (3) board members who are a: Planner, Engineer, Architect, Archaeologist, Developer, or expert from other such relevant professional field, • One (1) board member from a formal or traditional field like Guam History, CHamoru culture, community expert [this could be respected elder, Yo Åmte, Anthropologist, Archaeologist, Sociologist, or other relevant formal or informal field], and • One (1) board member who is an Environmentalist or Conservationist.

**Q6: GLUC Board Meeting Policy Reform:**

Save Southern Guam's 2-year saga dealing with the GLUC's handling of the Pago Bay Resort project highlighted the need to reform the GLUC land use approval application process. Currently, GLUC policy does not allow public input at GLUC meetings. Would you support policy change that would allow public comments accepted, orally and written, for the duration that a project is being considered or addressed?

**A:** I support that a process for public comments exist for GLUC approvals. I think that could be processes for providing both oral and written comments to be part of the consideration of a project as well as to be part of the permanent record of a project. Hawai'i's Land Use Commission accepts both oral and written public testimony. They have outlined processes for when and how this occurs as well as developed some tips as to how to provide effective public testimony. I think that written testimony regarding a project for the duration of a project should be part of the permanent record of a project.

**Q7: GLUC Term Limits for Development Projects:**

Currently, GLUC policy does not provide a time limit on projects that have been approved by GLUC and Dept. of Land Management. A project can sit around for decades without breaking ground and/or having to reevaluate the impact on the changing needs of the community and environment. Would you support setting a time limit on permitting for projects that have been approved and have not commenced within a certain time frame? If so, what do you consider a reasonable time frame?

**A:** I support time limits. There are a multitude of reasons why time limits are important. Some that come to mind are that environmental conditions, laws, and best practices change over time as do many other elements such as the island's goals in their comprehensive development plan or other such relevant long-term development plans. I would defer to expert planners as to what a reasonable time is. In developing legislation to establish time limits, it would be important to either be informed by expert planners to establish the critical and timeline(s) in the bill or, to provide within the bill for the experts to, within a timeframe such as within 30-90 days, develop a scale for project permit time limits according to different development categories and situations that they identify.



**Tina Muna Barnes**

**Q1: Reinterment of Ancestral Remains:**

Case Example: The Guam Land Use Commission conditionally approved the Pago Bay Resort project in March 2008. Ancestral remains were unearthed during the archaeological survey conducted for the project. The construction of a memorial and reinterment of our ancestral remains were conditions in the Notice of Action. However, it has now been 12 years and neither have been completed. What specific recommendations would you provide, or actions would you take to enforce the reinterment of our ancestral remains that are unearthed on projects the Guam Land Use Commission approved in its Land Use Application process? If legislation is needed to enforce the reinterment, what specific recommendations would you provide?

**A: I agree, our ancestors and history should not be placed in boxes. There are 2,000 remains scattered in various government of Guam offices and facilities. They deserve to be memorialized with dignity. Public Law 21-104 and Public Law 33-204 created, funded, and provided property for the Chamorro Shrine called the Naftan Mafiaina-ta. From our understanding, further funding is being considered by the administration.**

**Q2: Enforcement of Conditions on Notice of Actions:**

What specific recommendations would you provide, or actions you would take to enforce the conditions specified in the Guam Land Use Commission's Notice of Action for approved land use applications?

**A: Right now, the GLUC does not have a quorum. Before we begin recommending changes, we need to make sure that at the very least the Commission is seated and there is a quorum for decisions to be made and followed through. We cannot just rely on the ARC, we need to make sure that there are commissioners to push forward the mission mandate of the GLUC.**

**Q3: Southern Development Master Plan and Task Force:**

The Southern Development Master Plan is Guam Public Law 19-38. What specific actions would you take to support the Task Force "charged with the duty, as specified by this law, to develop a comprehensive development Master plan (hereinafter Southern Master plan or Master plan) for the following villages: Agat, Santa Rita, Umatac, Merizo, Inarajan, Malojloj, Talofofo and Yona" (GCA 21, Chapter 68)

**A: I believe in working TOGETHER for the better of our islands health, environment, and culture. Discussions are currently pending, but are essential to the next move. It's important that all the plans relating to the use of our lands be coordinated together including the Guam Forestry Master Plan. It is the legislature that creates the policy and it is the executive branch that implements and executes.**

**Q4: Guam Land Use Commission Land Use Application Process:**

What specific recommendations, or actions would you take, to improve the Guam Land Use Application process to ensure the concerns of affected village residents, including adjacent village residents are heard and are factored in the land use application process.

**A: Public comment is always valuable and important to every process. I believe that with the expertise provided to the GLUC they are able to weigh the pros and cons to make an informed decision that will benefit the people of Guam as well as our environment. The Guam Land Use Application process is effective and we should follow the guidelines of what's in place today.**

**Q5: GLUC Board Member Qualifications:**

Do you support requiring Guam Land Use Commission member qualifications, and what specific qualifications would you recommend?

**A: Sitting on a board is a labor of love for many willing to volunteer their time. As you know, appointees qualifications are vetted by the Administration as well as the Legislature which includes the public hearing process. It's our duty, especially in the legislature, to do our due diligence to make sure appointees confirmed are the most qualified to sit on the board and represent our community.**



**Tina Muna Barnes**



## **2020 Senatorial Candidate Survey**

### **Q6: GLUC Board Meeting Policy Reform:**

Save Southern Guam's 2-year saga dealing with the GLUC's handling of the Pago Bay Resort project highlighted the need to reform the GLUC land use approval application process. Currently, GLUC policy does not allow public input at GLUC meetings. Would you support policy change that would allow public comments accepted, orally and written, for the duration that a project is being considered or addressed?

**A: Yes, allowing public comments is always beneficial for decision makers and if I'm not mistaken there needs to be a check and balance.**

### **Q7: GLUC Term Limits for Development Projects:**

Currently, GLUC policy does not provide a time limit on projects that have been approved by GLUC and Dept. of Land Management. A project can sit around for decades without breaking ground and/or having to reevaluate the impact on the changing needs of the community and environment. Would you support setting a time limit on permitting for projects that have been approved and have not commenced within a certain time frame? If so, what do you consider a reasonable time frame?

**A: Definitely. What was good in the past may not be good today. This is why it is important to push and follow through with plans like the Southern Development Master Plan and the Forestry master plan that outlines how our lands are to be used in perpetuity. Those documents can always evolve and we have to be ready to make necessary changes as we progress**





**Therese Terlaje**

**Q1: Reinterment of Ancestral Remains:**

Case Example: The Guam Land Use Commission conditionally approved the Pago Bay Resort project in March 2008. Ancestral remains were unearthed during the archaeological survey conducted for the project. The construction of a memorial and reinterment of our ancestral remains were conditions in the Notice of Action. However, it has now been 12 years and neither have been completed. What specific recommendations would you provide, or actions would you take to enforce the reinterment of our ancestral remains that are unearthed on projects the Guam Land Use Commission approved in its Land Use Application process? If legislation is needed to enforce the reinterment, what specific recommendations would you provide?

**A: I have sent letters to the AG, DPW and SHPO as to enforcement of the conditions of the particular project in Pago Bay. Penalties already exist for violation pursuant to: § 61670. Penalty. Any person, firm, corporation or officer thereof, violating any of the provisions of this Chapter shall be guilty of a petty misdemeanor. Such person, firm or corporation shall be deemed guilty for each day during any portion of which any violation is committed, continued, or permitted and shall be punishable as herein provided.**

**Q2: Enforcement of Conditions on Notice of Actions:**

What specific recommendations would you provide, or actions you would take to enforce the conditions specified in the Guam Land Use Commission's Notice of Action for approved land use applications?

**A: DPW already has the ability to revoke permits for violations of zoning. GLUC should implement a calendar system to review compliance with conditions and send prompt notice to the AG, DPW or other permitting agency. A bill I have submitted for legal review will require stricter compliance with conditions set prior to issuance of building or occupancy permit and allow for revocation of occupancy permit for violation of continuing conditions.**

**Q3: Southern Development Master Plan and Task Force:**

The Southern Development Master Plan is Guam Public Law 19-38. What specific actions would you take to support the Task Force "charged with the duty, as specified by this law, to develop a comprehensive development Master plan (hereinafter Southern Master plan or Master plan) for the following villages: Agat, Santa Rita, Umatac, Merizo, Inarajan, Malojloj, Talofofo and Yona" (GCA 21, Chapter 68)

**A: To move this process along in a focused manner, I would urge that the director of BSP and the director of DLM assign one classified employee each to work together to compile maps, known land use recommendations, and their extensive data including flood zones, topography, ecosystems for the south. These agencies together should prepare and lead a presentation with their findings and recommendations for the community, and be very clear as to which properties require restricted use. The key to any successful master plan is ensuring intensive public outreach and involvement from residents and community members in the south, as well as providing access to information and public documents from government agencies detailing any proposals or projects in the south. A comprehensive master plan that is in the best interests of the residents of the south and the island's sustainability will require community input and vision, and active oversight from government leaders to prevent special interest attempts to hijack the process.**

**Q4:Guam Land Use Commission Land Use Application Process:**

What specific recommendations, or actions would you take, to improve the Guam Land Use Application process to ensure the concerns of affected village residents, including adjacent village residents are heard and are factored in the land use application process.

**A: I am drafting legislation to ensure that any variances, not just zone changes, require at least one hearing in the municipal district affected and require a resolution from the municipal planning council of the village indicating its support or opposition to the project. I would also like to mandate the GLUC to allow for oral or written public input at its meeting prior to a vote to approve a rezoning, variance, conditional use application, or other proposed project application if said application has been amended subsequent to the public hearing. These added provisions will increase opportunities for village residents to voice any concerns or feedback.**





**Therese Terlaje**

**Q5: GLUC Board Member Qualifications:**

Do you support requiring Guam Land Use Commission member qualifications, and what specific qualifications would you recommend?

**A: The Guam Land Use Commission is a critical board that is required to make important determinations that will impact the economic, social and environmental health of our community. Ensuring a balance between the efficient use of land and resources and preventing any negative effects of land use is critical and requires integrity and a strong ethic. Member qualifications can be useful because of the technical nature of issues brought before the GLUC, but it is important that we do not shut out members of the community who may bring different perspectives to the table. I believe it is more important to ensure potential members will not be swayed by special interests, have the fortitude and courage to ask tough questions, are willing to do extra research to fully understand all sides of an issue and are committed to protecting our precious resources rather than just having certain educational or business qualifications. These are the qualities that I examine and look for as GLUC nominees come before my Committee on Land for confirmation hearings.**

**Q6: GLUC Board Meeting Policy Reform:**

Save Southern Guam's 2-year saga dealing with the GLUC's handling of the Pago Bay Resort project highlighted the need to reform the GLUC land use approval application process. Currently, GLUC policy does not allow public input at GLUC meetings. Would you support policy change that would allow public comments accepted, orally and written, for the duration that a project is being considered or addressed?

**A: Yes, I support allowing public comments throughout every step of the process. GLUC is already required to have a public hearing within the municipality for rezoning. This should be further applied to variance applications. I have always been a firm believer that more community input regarding a project that will have lasting effects must be properly vetted in order to build consensus and produce solutions for the best interests of the community.**

**Q7: GLUC Term Limits for Development Projects:**

Currently, GLUC policy does not provide a time limit on projects that have been approved by GLUC and Dept. of Land Management. A project can sit around for decades without breaking ground and/or having to reevaluate the impact on the changing needs of the community and environment. Would you support setting a time limit on permitting for projects that have been approved and have not commenced within a certain time frame? If so, what do you consider a reasonable time frame?

**A: Yes. I believe developers should be held accountable for the projects that have been approved which is why I have urged the Department of Public Works to follow up and ensure developers have complied with any special conditions that were placed upon the project when it was originally approved. I do not think it is unreasonable if a project has been dormant to require the developer to provide an update to the GLUC and community and empower the GLUC to withdraw its approval under certain circumstances. GLUC has this ability and has included a deadline in a Certificate of Understanding. Executive Order 96-25 requires an applicant to apply for and receive a building and grading for the approved GLUC project within one year of the Recordation of the Notice of Action, otherwise the approval of the project granted by the GLUC shall expire. Codifying this executive order for enhancement should be considered.**