

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
244-38 (COR)	Sabina Flores Perez Chris Barnett Tina Rose Muña-Barnes	AN ACT TO <i>ADD</i> A NEW CHAPTER 72, DIVISION 2, TO TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE 'GUAM CONSERVATION EASEMENT ACT' TO PROVIDE AN ADDITIONAL OPTION FOR THE CONSERVATION OF ECOLOGICALLY AND CULTURALLY SIGNIFICANT LAND.	12/10/25 3:36 p.m.	12/19/25	Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure.	Request: 12/19/25 12/30/25	4/1/26 8:30 a.m.	7/29/26 As Amended.	



OFFICE OF THE VICE SPEAKER V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

July 27, 2026

Honorable Frank F. Blas, Jr

Speaker

Mina'trentai Ocho na Liheslaturan Guåhan

163 Chalan Santo Papa

Hagåtña, Guam 96910

VIA: Honorable V. Anthony Ada

Chairperson, Committee on Rules

Re: Committee Report on Bill No. 244-38 (COR) As amended

Håfa adai Speaker Blas:

Transmitted herewith is the Committee Report on the **Bill No. 244-38 (COR) as Amended by the Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure** – “AN ACT TO *ADD* A NEW CHAPTER 72, DIVISION 2, TO TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE ‘GUAM CONSERVATION EASEMENT ACT TO PROVIDE AN ADDITIONAL OPTION FOR THE CONSERVATION OF ECOLOGICALLY AND CULTURALLY SIGNIFICANT LAND.’” – Sabina Flores Perez, Chris Barnett and Tina Rose Muña Barnes.

Committee votes are as follows:

- 3 TO DO PASS
- 0 TO NOT PASS
- 3 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE



COMMITTEE ON RULES

RECEIVED:

July 27, 2026 4:19 p.m.

Marie Crisostomo

Si Yu'os ma'åse',

V. Anthony Ada



OFFICE OF THE VICE SPEAKER V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

COMMITTEE REPORT

Bill No. 244-38 (COR)

**As Amended by the Committee on Land, Environment, Housing,
Agriculture, Parks and Infrastructure**

Introduced by Sabina Flores Perez, Chris Barnett and Tina Rose Muña Barnes

“AN ACT TO *ADD* A NEW CHAPTER 72, DIVISION 2, TO TITLE 21
OF THE GUAM CODE ANNOTATED, RELATIVE TO
ESTABLISHING THE ‘GUAM CONSERVATION EASEMENT ACT TO
PROVIDE AN ADDITIONAL OPTION FOR THE
CONSERVATION OF ECOLOGICALLY AND CULTURALLY
SIGNIFICANT LAND.”

by Vice Speaker V. Anthony Ada



OFFICE OF THE VICE SPEAKER

V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

July 8, 2026

MEMORANDUM

To: All Members
Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure

From: Vice Speaker V. Anthony Ada 
Committee Chairperson

Subject: Committee Report on Bill No. 244-38 (COR) As amended

Transmitted herewith is the Committee Report on the **Bill No. 244-38 (COR) as Amended by the Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure** – “AN ACT TO ADD A NEW CHAPTER 72, DIVISION 2, TO TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE ‘GUAM CONSERVATION EASEMENT ACT TO PROVIDE AN ADDITIONAL OPTION FOR THE CONSERVATION OF ECOLOGICALLY AND CULTURALLY SIGNIFICANT LAND.’” – Sabina Flores Perez, Chris Barnett and Tina Rose Muña Barnes.

This report includes the following:

- Copy of COR Referral of Bill No. 244-38 (COR)
- Notices of Public Hearing & Other Correspondence
- Copy of the Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimonies & Supporting Documents
- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 244-38 (COR)
- Copy of Bill No. 244-38 (COR) As amended by the Committee
- Copy of Bill No. 244-38 (COR) Committee Markup
- Copy of Fiscal Note from Bureau of Budget and Management Research

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse'



COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson
I Mina'trentai Ocho Na Liheslaturan Guahan
38th Guam Legislature

December 19, 2025

To: **Rennae V. C. Meno**
Clerk of the Legislature

Attorney Darleen Hiton
Legislative Legal Counsel

From: **Vice Speaker V. Anthony Ada** 
Chairperson, Committee on Rules

Subject: **Referral of Bill No. 244-38 (COR)**

Håfa Adai,

As per my authority as Chairperson of the Committee on Rules and subject to §6.01(d)(1), Rule VI of our Standing Rules, I am forwarding the referral of **Bill No. 244-38 (COR)** – Sabina Flores Perez, Chris Barnett, Tina Rose Muña Barnes. – “AN ACT TO *ADD* A NEW CHAPTER 72, DIVISION 2, TO TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM CONSERVATION EASEMENT ACT TO PROVIDE AN ADDITIONAL OPTION FOR THE CONSERVATION OF ECOLOGICALLY AND CULTURALLY SIGNIFICANT LAND.”

Please ensure that the subject bill is referred to the Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure chaired by Vice Speaker V. Anthony Ada. I also request that the same be copied to the Prime Sponsor of the subject bill and to Management Information Services (MIS) for posting on our website.

A copy of the bill is available on our legislative website.

Should you have any questions or concerns, please feel free to contact Kamarin Nelson, Committee on Rules Director at 671-472-2461.



FIRST NOTICE of Public Hearing: April 1, 2026

Vice Speaker V. Anthony Ada <vicespeakertonyada@guamlegislature.gov>

Wed, Mar 25, 2026 at 8:25 AM

Bcc: phnotice@guamlegislature.gov, "Senator Therese M. Terlaje" <senatorterlajeguam@gmail.com>**FOR IMMEDIATE RELEASE**

March 25, 2026

MEMORANDUM**To: All Senators, Stakeholders, Media****From: Vice Speaker V. Anthony Ada****Re: FIRST NOTICE of Public Hearing: April 1, 2026**

The Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure will conduct a public hearing on **Wednesday, April 1, 2026 at 8:30 am** in the Public Hearing Room in the Guam Congress Building. The agenda is as follows:

- **Bill No. 244-38 (COR)** – Sabina Flores Perez - AN ACT TO *ADD* A NEW CHAPTER 72, DIVISION 2, TO TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM CONSERVATION EASEMENT ACT TO PROVIDE AN ADDITIONAL OPTION FOR THE CONSERVATION OF ECOLOGICALLY AND CULTURALLY SIGNIFICANT LAND.
- **Bill No. 253-38 (COR)** – Therese M. Terlaje - AN ACT TO *ADD* A NEW §47113 TO CHAPTER 47, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO PROHIBITING AND DETERRING SEABED MINING IN THE WATERS OF GUAM AND THE SURROUNDING SEA.

If you are interested in participating in the Public Hearing to provide testimony, please contact the Office of Vice Speaker V. Anthony Ada at (671) 989-0855 or via electronic mail at vicespeakertonyada@guamlegislature.gov for further guidance.

Submission of Presentation Media: Digital material and presentations must be emailed to vicespeakertonyada@guamlegislature.gov no later than two (2) days before the public hearing to allow timely submission to the Guam Legislature's MIS Division.

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The Public Hearing will broadcast LIVE on local television (GTA Channel 21, Docomo Channel 117) and stream online via i Liheslaturan Guåhan's live feed. Written testimonies may be sent via email at vicespeakertonyada@guamlegislature.gov.

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Office of Vice Speaker V. Anthony Ada
38th Guam Legislature
I Mina'trentai Ocho Na Liheslaturan Guåhan
Guam Congress Building, 2nd Floor
163 Chalan Santo Papa
Hagåtña, Guam 96910
Phone: (671) 989-0855
Email: vicespeakertonyada@guamlegislature.gov

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3 attachments



2026-03-25 FIRST Notice .pdf

829K



Bill No. 244-38 (COR).pdf

1063K



Bill No. 253-38 (COR) Referred Version.pdf

1856K



OFFICE OF THE VICE SPEAKER V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

FOR IMMEDIATE RELEASE

March 25, 2026

MEMORANDUM

To: All Senators, Stakeholders, Media

From: Vice Speaker V. Anthony Ada

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FIRST NOTICE of Public Hearing: April 1, 2026

FIRST NOTICE of Public Hearing: April 1, 2026

PUBLIC HEARING

 **Posted on:** 03/25/2026 01:42 PM

 **Posted by:** Erin Grajek

 **Public Hearing Date:** 04/01/2026 08:30 AM

 **Department(s):** GUAM LEGISLATURE (/notices?department_id=92)

 **Division(s):** OFFICE OF VICE SPEAKER V. ANTHONY ADA (/notices?division_id=261)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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FOR IMMEDIATE RELEASE

March 25, 2026

MEMORANDUM

To: All Senators, Stakeholders, Media
From: Vice Speaker V. Anthony Ada
Re: FIRST NOTICE of Public Hearing: April 1, 2026

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- **Bill No. 244-38 (COR)**
([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%20244-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%20244-38%20(COR).pdf)) – Sabina Flores Perez - AN ACT TO ADD A NEW CHAPTER 72, DIVISION 2, TO TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM CONSERVATION EASEMENT ACT TO PROVIDE AN ADDITIONAL OPTION FOR THE CONSERVATION OF ECOLOGICALLY AND CULTURALLY SIGNIFICANT LAND.
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([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%20253-38%20\(COR\)%20Referred%20Version.pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%20253-38%20(COR)%20Referred%20Version.pdf)) – Therese M. Terlaje - AN ACT TO ADD A NEW §47113 TO CHAPTER 47, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO PROHIBITING AND DETERRING SEABED MINING IN THE WATERS OF GUAM AND THE SURROUNDING SEA.

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GUAM LEGISLATURE
AUDIO VISUAL DEPARTMENT
PUBLIC ANNOUNCEMENT REQUEST FORM

Office Submitting Request: Office of Vice Speaker V. Anthony

Ada Date of Request: March 24, 2026

POINT OF CONTACT

Name: Erin M. Grajek

Contact #: 989-0855 (ex. 2400)

Email: erin.grajek@guamlegislature.gov

PUBLIC HEARING DETAILS

Notice Type: ☒ Public Hearing ☐ Informational Briefing ☐ Roundtable Discussion

☐ Oversight Hearing ☐ Committee Meeting ☐ Other: _____

Notice Title / Bill(s) / Resolution(s) / Appointment: Notice of Public Hearing: April 1, 2026 (FIRST NOTICE: 03/25/26 - SECOND NOTICE: 03/30/26)

Date of Event: April 1, 2026

Start Time: 8:30 am End Time: 12 pm (or until adjourned)

Location: Public Hearing Room, Guam Congress Building

MEDIA HANDLING

Recording Format: ☒ MP4 ☐ MP3 ☐ Other: _____

Delivery Method: ☒ Email ☐ USB Drive ☐ Cloud Link ☐ Other: _____

CERTIFIED BY AV:

Name: Ruby Perez

Signature: [Signature]

Posted on/Air Date: 3/25/26 - 3/30/26



Notice of Public Hearing

Wednesday, April 1, 2026 – 8:30 am

The Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure will conduct a public hearing on **Wednesday, April 1, 2026 at 8:30 am** in the Public Hearing Room in the Guam Congress Building. The agenda is as follows:

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VICE SPEAKER V. ANTHONY ADA

COMMITTEE ON LAND, ENVIRONMENT, HOUSING, AGRICULTURE, PARKS, AND INFRASTRUCTURE



If you are interested in participating in the Public Hearing to provide testimony, please contact the Office of Vice Speaker V. Anthony Ada at (671) 989-0855 or via electronic mail at vicespeakertonyada@guamlegislature.gov for further guidance.

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SECOND NOTICE of Public Hearing: April 1, 2026

Vice Speaker V. Anthony Ada <vicespeakertonyada@guamlegislature.gov>

Mon, Mar 30, 2026 at 8:03 AM

Bcc: phnotice@guamlegislature.gov**FOR IMMEDIATE RELEASE**

March 30, 2026

MEMORANDUM**To: All Senators, Stakeholders, Media****From: Vice Speaker V. Anthony Ada****Re: SECOND NOTICE of Public Hearing: April 1, 2026**

The Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure will conduct a public hearing on **Wednesday, April 1, 2026 at 8:30 am** in the Public Hearing Room in the Guam Congress Building. The agenda is as follows:

- **Bill No. 244-38 (COR)** – Sabina Flores Perez - AN ACT TO *ADD* A NEW CHAPTER 72, DIVISION 2, TO TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM CONSERVATION EASEMENT ACT TO PROVIDE AN ADDITIONAL OPTION FOR THE CONSERVATION OF ECOLOGICALLY AND CULTURALLY SIGNIFICANT LAND.
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Office of Vice Speaker V. Anthony Ada

38th Guam Legislature

I Mina'trentai Ocho Na Liheslaturan Guåhan

Guam Congress Building, 2nd Floor

163 Chalan Santo Papa

Hagåtña, Guam 96910

Phone: (671) 989-0855

Email: vicespeakertonyada@guamlegislature.gov

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3 attachments



2026-03-30 SECOND Notice .pdf

829K



Bill No. 244-38 (COR).pdf

1063K



Bill No. 253-38 (COR) Referred Version.pdf

1856K



OFFICE OF THE VICE SPEAKER V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

FOR IMMEDIATE RELEASE

March 30, 2026

MEMORANDUM

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SECOND NOTICE of Public Hearing: April 1, 2026

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PUBLIC HEARING

 **Posted on:** 03/30/2026 08:03 AM

 **Posted by:** Erin Grajek

 **Public Hearing Date:** 04/01/2026 08:30 AM

 **Department(s):** GUAM LEGISLATURE (/notices?department_id=92)

 **Division(s):** OFFICE OF VICE SPEAKER V. ANTHONY ADA (/notices?division_id=261)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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March 30, 2026

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OFFICE OF THE VICE SPEAKER V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

Public Hearing

Public Hearing Room · Guam Congress Building
Tuesday · April 1, 2026 · 8:30 am

Agenda

- **Bill No. 244-38 (COR)** – Sabina Flores Perez - AN ACT TO *ADD* A NEW CHAPTER 72, DIVISION 2, TO TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM CONSERVATION EASEMENT ACT TO PROVIDE AN ADDITIONAL OPTION FOR THE CONSERVATION OF ECOLOGICALLY AND CULTURALLY SIGNIFICANT LAND.
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OFFICE OF THE VICE SPEAKER V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

PUBLIC HEARING SIGN-IN SHEET

Wednesday, April 1, 2026 · 8:30 am · Public Hearing Room, Guam Congress Building

Bill No. 244-38 (COR)

AN ACT TO ADD A NEW CHAPTER 72, DIVISION 2, TO TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM CONSERVATION EASEMENT ACT TO PROVIDE AN ADDITIONAL OPTION FOR THE CONSERVATION OF ECOLOGICALLY AND CULTURALLY SIGNIFICANT LAND.

Sabina Flores Perez

NAME	AGENCY/ ORGANIZATION	POSITION	TESTIMONY	CONTACT INFO
1. Glenn Takai	DOAG	SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
2. Pat Kew	GSLP	SUPPORT ☒ OPPOSE ☐	WRITTEN ☒ ORAL ☐	
3. Elsa Bunculanen		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☒	
4. Chelsea Muna	DOAH	SUPPORT ☒ OPPOSE ☐	WRITTEN ☒ ORAL ☐	
5. MONATEKA FLORES		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☒	
6. Christine C. Fejron	DOAG - FSPD	SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
7.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
8.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	



DIPATTAMENTON MINANEHAN TANO'
(Department of Land Management)
GUBETNAMENTON GUAHAN
(Government of Guam)



LOURDES A. LEON GUERRERO
MAGA'HAGA · GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÄHI · LIEUTENANT GOVERNOR

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Website:

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E-mail Address:

dmdir@land.guam.gov

Telephone:

671-649-LAND (5263)

Facsimile:

671-649-5383

April 1, 2026

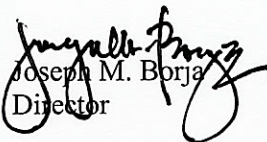
To: Vice-Speaker Anthony Ada
Chairperson
Committee on Land

Re: DLM Testimony on Bill 244-38

On the Bill itself:

1. Page 9, line 12. "a copy of the instrument creating the conservation easement"
What kind is this "instrument" ? DLM recommends that this instrument be drafted by the OAG.
2. Page 9, line 14. Add: after "recordation at the Records Division Department of Land Management."
3. Page 9, line 22. Add: after, **an approved recorded map.....**

What might be a test case is a DLM referral to this Committee of a farm in wetlands owned by Teresita Sablan Guerrero. Relevant information and contact are provided in the attachments.


Joseph M. Borja
Director

Attachment: Teresita Sablan Guerrero letter October 2025

Attachment: aerial overlay of Teresita's area prepared by DLM

October 23, 2025

To: US Army Corp of Engineer
Fort Shafer, Hawaii 96858-5440

Honorable Lourdes Leon Guerrero
Governor of Guam

Honorable James Moylan
Guam Congressman

Honorable Frank Blas Jr.
Speaker, 38th Guam Legislature

Honorable Rudy A. Paco
Mayor, Mongmong-Toto-Maite

Administrator, Guam Environmental Protection Agency

✓ Director, Department of Land Management

Director, Department of Agriculture

From: Teresita Sablan Aguon Guerrero

Subject: Wet Land ROH - 2019-00201

To whom it may concern:

Hafa Adai,

My name is Teresita Sablan Aguon Guerrero. I am a senior citizen and a longtime resident of 268 Casimiru Street in Mongmong. I have been reaching out year after year to government authorities (both local and federal) for decades asking for assistance regarding my property that sits on wetland. I have sought guidance and assistance from authorities, imploring to be heard on what appears to have become a very controversial issue: the protection of our wetland and other natural resources for our farmers, children and future generations.

A little about me... I was born and raised on this small farm area off of Casimiru Street in Mongmong, a special area I have always consider a small but precious "jewel." My family has spent more than a half century farming and subsisting off of and sharing with our community the fruits (and vegetables) of our labor on this land. Prior to and after the Japanese Occupation of our island during World War II, we embraced our farm, working tirelessly, cleaning, clearing, planting and harvesting while ALWAYS simultaneously respecting the incredible beauty, bounty and blessings of our environment. We loved the unique life we lived with values imparted to us by those who taught us to how to protect and maintain the integrity of the land while farming it. Although there were few written laws to install or enforce fines and permits all those years ago, the seasoned (older) farmers of the day employed and vigilantly adhered to painstaking measures to protect the farmland that they made their living on and through. Even as I enter my golden years, I remain forever grateful for the lessons they imparted: to work hard, respect, protect our

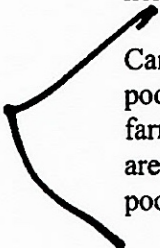


- river restoration

land (wetlands/farmland), to grow as much of our own food as possible and not to become overly dependent on imported food to survive.

Sadly, I and many other farmers feel actions and restrictions taken by the government have at the very least, negatively impacted or worse, severely crippled our ability to pursue our livelihood, thus also affecting our ability to grow and provide fresh produce for our sustenance as well as for others in our island community. I speak specifically on behalf of those of us affected by the barricading of the entrance to the bridge that was constructed several years ago that in the past was part of the natural path to the ocean for inland water that accumulates during the rainy season or occasional periods of heavy rain during the dry season. Blocking the entrance to the bridge has prevented the natural outflow of water inland to the ocean, resulting in unabated flooding and continuous pooling of stagnating, polluted water around my family farm and in surrounding areas hindering our ability to plant or grow crops of any kind and also posing potential health and safety hazards to our neighborhood.

Many of us who farm the land are continually beset with and burdened by federal and local laws or regulations that restrict land owners like us, with the government neither condemning nor offering land exchanges or other ways to remedy land use situations including equitable resolutions to afflicted families like mine, while still imposing property taxes on our lands that are now rendered unusable due in large part to these regulations and government actions (such as the bridge entrance blocking of the run off flow). Needless to say, my family continues to remain in limbo, helpless with no viable solution in the foreseeable future.



Can the government, federal and/or local, help to open the blocked entrance or re-route flooded/pooling water in our area to allow the excess water to flow out into the ocean as it used to so farmers like me can once again farm in this area? On behalf of myself and other farmers in our area, I implore you to please remove the blockage or find a way to create a means to divert the pooling water so we farmers may once again be able to farm on our land.

I am humbly seeking your help to remedy this extremely difficult, distressing and demoralizing situation. I am getting up there in age and don't know how much longer I will remain strong enough to farm on our family land, however, I am determined to resume and continue our farming tradition for as long as the Lord will allow.

Know that I genuinely and sincerely appreciate your time, attention and any guidance you can provide. Please feel free to contact me at 671-477-4246 to further discuss the matter or let me know what department/agency and specific individual(s) whom I can contact directly that can help me.

Thank you, again, for your time, understanding, and compassionate assistance.

Si Yu'os Ma'ase

TERESITA SABLON AGUON GUERRERO
TERESITA SABLON AGUON GUERRERO

P.S. I want to also share with you a little bit of history about farming families from pre- and post-war days on Guam... this "Our old way of life" to help you, others, our children & those of future generations to know how we lived and protected our land and nature. We led a very hard laborious

life trying to earn a living. We had no internet, DIY books, classes or webinars to guide us, give us updates or demonstrate how to make things happen in our farms and fields. There were few rules and even fewer written laws. We were poor, uneducated, with no motorized machines or heavy equipment. We just worked with our hands and a little help from some of our animals. We followed or were guided by the weather, moon and sun. We normally dealt with two seasons: a 3-6-month wet season and a 3-6-month dry season. During the dry season, the wetlands dried up and helped in the earth's natural water purification process. We cleaned and cleared the wetlands with man-made plows. Farmers would ride on a crude heavy plow pulled by a carabao they guided and directed. We cleaned the wetland and plant our crops like corn, taro watermelon, etc., that we were able to harvest within 3-6 months. Sometimes our harvests were very successful, sometimes a total loss. Either way, we took everything in stride and carried on because there was ALWAYS something to do on our farm... most of it was hard and yet very rewarding work. We loved and lived a unique life, though our way of live would change completely during and for a little while after the Japanese Occupation during WWII...

Children of today will probably never see or experience our old way of life and thus, may never understand or appreciate the stress, strain and sacrifices made enroute to the satisfaction and reward of harvest that was sometimes lost to the elements, pests and, or mother nature despite diligence.

After enduring all that we did years ago and still committed to working the land, I cannot comprehend why I and other farmers in my area are now caught up in this controversial, environmental mess when we ourselves have not doing anything hazardous or destructive on our wetland/farmlands. There are more houses and high-rise developments near and around our wetlands and still yet, we cannot farm on our land because the water in the wetlands can no longer dry as it used to. Our land has become useless, worthless and dangerous.

Life on my wetland farm has changed drastically. My farmland is always flooded and never dries. In addition to the blocking of what used to be the natural water run off path, perhaps the construction of high-rise developments and cement block houses on top of or around the wetlands have also contributed to the flooding and pooling of water in our area since we are low-lying. I know I personally have not done anything wrong or different to bring this situation about, and yet I am caught up and deeply affected by all that has transpired.

I am law-abiding and not against development, however, I am old, poor and cannot afford to fund or pay for ways to make my land farmable again. I feel helpless, useless and lost. And again I ask: Can the government - federal and/or local - PLEASE help to open up or create channels for the excess water from the wetlands to flow out into the ocean again? I am begging you... PLEASE remove the blockage at the bridge entrance or find a way to allow the excess inland water to flow back to the ocean as it used to so farmers like me can once again engage in our livelihood of farming in this area.



GUAM PRESERVATION TRUST
INANGOKKON INADAHÍ GUAHAN

P.O. Box 3036, Hagåtña, Guam 96932 • Tel: 671-472-9439/40 • Fax: 671-477-2047 • guampreservationtrust.org

April 6, 2026

The Honorable Anthony Ada
Vice Speaker
I Mina'trentai Ocho Na Liheslaturan Guahan
163 Chalan Santo Papa
Hagåtña, GU 96910

RECEIVED

APR 07 2026

Office of the Vice Speaker
V. Anthony Ada

Hafa Adai Vice Speaker Ada,

The Guam Preservation Trust hereby submit our support in principle for Bill 244-38, relative to establishing the uniform conservation easement act.

While GPT disagrees with the legislative's finding in Section 1 of the bill that there is an inability to conserve native habitats, watersheds and water resources, and historic, archaeological, scenic, and cultural sites that resulted in a loss of critical habitats, we agree that conservation of land is critical that they remain available for future generations.

GPT's enabling legislation allow us to have the ability to conserve some of Guam's lands as we are mandated to acquire property for their historical value. Our organization also understands that conservation and preservation values ultimately work to preserve Guam's heritage overall and it is in this regard we have for the past twelve (12) years been able to exercise this mandate to acquire property with the acquisition of our Atantano property. Currently at Atantano, we are working to propagate rare plants native to Guam and have them thrive once again.

Additionally, with the military buildup, several federal partners appreciate that we have this land acquisition ability and have engaged with us to determine if the Readiness and Environmental Protection Integration (REPI) Program funding can be used to preserve and conserve lands at Hila'an. GPT anticipates entering a preservation covenant with private property owners to protect not only the natural resources at Hila'an, but also the valuable historic and cultural resources as well.

Our overall goal and interest to conserve historically relevant property is aligned with the intentions of this bill to improve the conservation easement impact and we are working and will

The Honorable Anthony Ada

April 6, 2026

Page 2 of 2

continue to work with local government partners to increase and enhance critical habitats within our heritage preserve.

Currently, the conservation easement policy creates a disadvantaged land conveyance structure because it defaults to leasehold conveyance for conservation easements. This is problematic because of the undue risk it creates for parties interested in receiving easement conveyance since leasehold agreement does not guarantee a lease renewal, especially if there is a new owner by the time the lease period lapses. The option for fee-simple purchase agreement conveyance for conservation easement would provide an alternative to this risk so that negotiations for easements can occur on more equal terms.

In this regard we support in principle of this bill and look forward to understanding how the bill will change the manner in which our organization and other agencies who already have mechanisms to conserve property and to see how GPT's enabling legislation perhaps can serve as the vehicle to receive property for conservation purposes as well.

Thank you for this opportunity to provide testimony on this bill. Should you have any questions, please contact me at jqpreservation@guam.net.

Si Yu'os Ma'åse,



JOE QUINATA
Chief Program Officer

GUAM PRESERVATION TRUST

INANGOKKON INADAH! GUÅHAN

P.O. Box 3036, Hagåtña, Guam 96932 • Tel: 671-472-9439/40 • Fax: 671-477-2047 • guampreservationtrust.org

April 6, 2026

Vice Speaker V. Anthony Ada
Chairman, Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure
38th Guam Legislature
Hagatna, Guam

Vice Speaker Ada:

I am providing testimony on bill no. 244-38 (COR), an Act to Add a New Chapter 72, Division 2, to Title 21 of the Guam Code Annotated, Relative to Establishing the Uniform Conservation Easement Act to Provide an Additional Option for the Conservation of Ecological and Cultural Significant Land.

I am supportive this bill.

One recommended addition is to include the Guam Preservation Trust (GPT) in the Section 3 Promulgation of Regulations as GPT has experienced in managing historic, archaeological, and cultural sites on our island.

Respectively submitted,

A handwritten signature in dark ink, appearing to read 'Dave Lotz', is written over a light blue horizontal line.

Dave Lotz

LOT NO'S 112 AND 113, MONGMONG-TOTO-MAITE



DISCLAIMER: This map is for planning purpose only.
Not for use in litigation or mapping requiring survey
level accuracy. Some data may be in confirmation
process at the time this overlay was prepared.
The Department does not assume any liability for any
inaccuracies in the map.

PREPARED: STEPHANIE DUENAS
DEPARTMENT OF LAND MANAGEMENT
LAND AGENT I
September 13, 2024



Department of Agriculture Dipåttamenton Agrikottura

163 Dairy Road, Mangilao, Guam 96913

Lourdes A. Leon Guerrero

Governor

Joshua F. Tenorio

Lt. Governor



Chelsa Muña

Director

Glenn Takai

Deputy Director

March 31, 2026

Vice Speaker V. Anthony Ada
Chairperson,
Committee on Land, Environment,
Housing, Agriculture, Parks and Infrastructure
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

RE: Bill 244-38 (COR) - *An Act to Add a New Chapter 72, Division 2, to Title 21 of the Guam Code Annotated, Relative to Establishing the Uniform Conservation Easement Act to Provide an Additional Option for the Conservation of Ecologically and Culturally Significant Land*

Håfa Adai Vice Speaker Ada and members of the Committee,

Thank you for the opportunity to provide written testimony on Bill 244-38. The Guam Department of Agriculture (DOAG), inclusive of the Division of Aquatic and Wildlife Resources (DAWR) and the Forestry and Soil Resources Division (FSRD), respectfully submits this written testimony in support of Bill No. 244-38 (COR), with recommended amendments to strengthen implementation and ensure alignment with Guam's broader conservation framework.

DOAG commends Senator Sabina Flores Perez, Senator Chris Barnett, Senator Tina Rose Muña-Barnes and this committee for advancing this legislation. The conservation of Guam's ecologically and culturally significant lands is a matter of deep institutional and public concern. The bill accurately recognizes that the ongoing pressures of rapid development, urbanization, and the military expansion have placed extraordinary stress on our island's limited land resource, threatening native limestone forests, wetlands, coastal habitats, watersheds critical to our drinking water, and sites of irreplaceable cultural, historical, and ecosystem value.

DOAG supports the establishment of a flexible, voluntary conservation easement framework for Guam. Conservation easements are widely utilized across the United States as an effective, landowner-friendly tool that allows private individuals to protect their land in perpetuity while retaining title and access to compatible uses. This framework, once enacted, can serve as a vital complement to mechanisms such as Guam Forest System Plan (2022) and also play a critical role in supporting the forthcoming Guam Habitat Conservation Plan (HCP), which will establish an HCP Reserve Network. Under the HCP, permanent conservation easements or fee-title agreements be will obtained and actively managed to protect endangered

species and their habitats, while removing blockages for construction and economic development in a more efficient permitting process. By creating a clear legal framework for perpetual conservation easements, this bill provides the exact mechanism needed to secure and manage long-term conservation lands.

During review, DOAG has identified technical and policy concerns with the bill as currently drafted that we believe must be addressed to ensure the legislation is legally sound, operationally workable, and fully aligned with Guam's existing conservation framework. These concerns are drawn from DOAG's internal review, with comments and recommendations provided by FSRD and DAWR. Our recommended amendments are offered in a constructive spirit to strengthen the bill's effectiveness.

COORDINATION WITH THE GUAM FOREST LEGACY ACT AND FOREST SYSTEM PLAN

DOAG respectfully draws the Legislature's attention to a critical coordination gap in this bill: its relationship to the Guam Forest Legacy Act and the Guam Forest System Plan.

The Guam Forest Legacy Act mandated the development of a Forest System Plan, adopted in March 2022, which functions as the authoritative inventory of lands designated for conservation. Section 63504(k) of that Act specifically envisions procedures for identifying government or privately-owned lands for inclusion in the Forest System in accordance with USDA Forest Service program criteria. The Forest System Plan (Pages 14–15) further provides, under "Proposals for Collaboration and Future Additions to the Forest System," that DOAG may seek arrangements with willing private landowners — including through the securing of conservation easements or other applicable legal mechanisms — to include private lands in the Forest System, provided such lands carry legal designations ensuring long-term protection. The bill could provide such legal designation, but as currently written, it does not address this relationship. Specifically, the bill does not clarify:

1. Whether lands placed under a conservation easement under this Act will be incorporated into the Forest System Plan inventory, or whether a separate and potentially duplicative tracking system will be established;
2. How DOAG's Forestry Division, as the agency responsible for the Forest System Plan, will coordinate with the Department of Land Management (DLM) in administering and tracking conservation easements established under this Act; and
3. Whether conservation easements established under this Act will qualify as "legal designations" sufficient to support inclusion of private lands in the Forest System as contemplated by the Forest System Plan.

DOAG strongly recommends that the bill be amended to explicitly address these questions. At minimum, Section 3 (Promulgation of Regulations) should be amended to require that DLM, in consultation with DOAG, establish a unified tracking and mapping protocol that integrates conservation easements established under this Act into the Forest System Plan inventory maintained pursuant to the Guam Forest Legacy Act. This will prevent

the proliferation of separate, non-communicating land conservation registries and will ensure that all conserved lands are captured in a single, authoritative system of record.

TECHNICAL CONCERNS AND RECOMMENDED AMENDMENTS

The following concerns and recommended amendments are organized by section. They reflect DOAG's independent review as well as technical recommendations from ICF, our hired contractor developing the HCP.

A. Bill Title and Act Name — Sections 1 and 2

The bill's title and the Act name reference the "Uniform Conservation Easement Act." However, the bill as drafted does not identically replicate the National Conference of Commissioners on Uniform State Laws' Uniform Conservation Easement Act, as it has been modified to reflect Guam-specific conditions, habitats, and resources. Using the title "Uniform" implies a direct adoption of the uniform law when the bill is materially different.

Recommendation: Rename the Act the "Guam Conservation Easement Act" throughout, to accurately reflect its jurisdiction-specific character.

B. Limitation to "Private Property" — Sections 1 and 72101

The bill's legislative intent and purpose sections repeatedly reference conservation of "private property." This language would inadvertently preclude the Government of Guam from placing government-owned lands under a conservation easement, an option that may prove valuable in protecting certain government parcels from future development or disposition, such as those already identified within the Forest System Plan.

Recommendation: Remove the word "private" from references to "private property" in Sections 1 and 72101, so the Act applies to all real property regardless of whether it is privately or publicly owned.

C. "Specific" vs. "Qualified" Government Agency — Sections 1, 72101, and 72102(b)

The bill uses the term "specific" when referencing the government agency or non-profit organization that may hold a conservation easement. This term is ambiguous and could be interpreted to mean that any government entity — even one without real property authority — could serve as a holder.

Recommendation: Replace "specific" with "qualified" throughout. In § 72102(b)(1), replace "local government entity" with "Government of Guam entity" to clarify that Guam's agencies are eligible holders, consistent with the Guam's governmental structure.

D. Definitions Section — § 72102

Several definitional issues require attention:

4. **Conservation Easement Definition (§ 72102(a)):** The phrase "where consistent with conservation" in the definition of conservation easement is redundant with the remainder of the sentence and creates potential ambiguity. This phrase should be removed.

5. **Third-Party Right of Enforcement (§ 72102(c)):** The current definition is unclear regarding the hierarchy of enforcement rights and who may properly hold them. In a standard conservation easement framework, the first party is the landowner (grantor), the second party is the easement holder (with primary enforcement rights), and the third party is typically a permitting or regulatory agency. The bill should be revised to clarify: (i) that the easement holder itself has primary enforcement rights; (ii) that third-party enforcement rights may be granted to local government entities, or to agencies that issued a permit requiring establishment of the conservation easement; and (iii) that third-party enforcement rights may not be conferred upon the holder itself.
6. **Missing Definitions:** The bill should be amended to add a definition of “Real Property” cross-referencing the definition at 21 GCA Chapter 1, § 1104, and a definition of “Conservation Values” encompassing the natural resources, native ecosystems, critical habitats, surface water and groundwater resources, and historic, archaeological, scenic, and cultural resources identified in the bill’s purpose section. This will provide a consistent reference term for use throughout the Act.
7. **“Eco-Tourism” Definition:** The definition of “eco-tourism” is currently embedded in § 72103(f)(5) rather than in the definitions section. This definition should be moved to § 72102 for consistency and accessibility. Additionally, the current definition prohibits “any intrusive effect” on the property, a standard that may be unworkable in practice, as even responsible visitor activity may have some minor footprint. DOAG recommends amending the definition of eco-toursim to “nature-based, low-impact visitor activities conducted within or adjacent to a conservation easement area that: (a) are primarily motivated by the observation, appreciation, and education of natural environments, native ecosystems, or associated cultural heritage; (b) are managed to minimize adverse effects on the conservation values of the property; (c) generate economic benefits that support the conservation purposes of the easement and the well-being of the local community; and (d) do not result in subdivision, construction, or any use otherwise prohibited by the easement instrument.”

E. Creation, Characteristics, and Recordation — § 72103

8. **Recordation Requirement:** § 72103(a) should be amended to explicitly require that conservation easements be recorded to the deed of the property through the Guam Department of Land Management. This requirement is implied but not stated, creating potential ambiguity regarding the legal effect of easements that are executed but not formally recorded.
9. **Mandatory Identification of Conservation Values:** The instrument creating a conservation easement should be required to explicitly identify the conservation values being protected. This requirement, added as a new § 72103(f)(1) with subsequent provisions renumbered, will strengthen enforceability by establishing a clear baseline against which future compliance can be assessed.
10. **Inspection Frequency:** The bill requires the instrument to specify inspection frequency but sets no minimum standard. DOAG recommends establishing a minimum

inspection frequency of at least once per calendar year to ensure meaningful monitoring and early detection of violations.

11. **Scope of Prohibited Uses:** The list of uses inconsistent with easement purposes in § 72103(f)(2) should be expanded to include commercial, agricultural-industrial, and infrastructure development alongside the currently listed residential, industrial, and extractive uses - mining, grading, soil excavation. This ensures comprehensive coverage and prevents gaps that could be exploited to permit incompatible activities.
12. **Affirmative Obligations Language:** The phrase “restoration of real property to a healthy state” in § 72103(f)(3) is subjective and difficult to enforce. DOAG recommends replacing this phrase with “maintenance or restoration of the property’s conservation values” and amending “ongoing maintenance” to “ongoing management,” which better reflects the active stewardship obligations that conservation easements require.

F. Judicial Actions and Modification of Easements — § 72104

DOAG has significant concern regarding § 72104(b), which grants broad judicial authority to modify or terminate conservation easements based on changed conditions. This is particularly problematic for easements established as mitigation requirements under habitat conservation plans (HCPs), environmental impact authorizations, or other regulatory permits. Placing modification authority with courts, without meaningful scientific review, risks inadvertently undercutting the conservation and regulatory purposes for which the easement was created.

Recommendation: The bill should be amended to add the following protections: (1) modification or termination of easements established as a condition of a regulatory permit or license shall only occur through condemnation and must not result in violations of those permit conditions; (2) such modification or termination shall require replacement of the conservation values at an alternative location, and approval from the permitting agency; and (3) any endowment associated with a terminated easement shall be transferred to support any replacement easement area. The bill should also address non-substantive modifications that do not require full judicial review, such as administrative corrections or substitution of a qualified successor holder.

G. Missing Section: Transfer of Conservation Easements and Encumbered Properties

The bill does not address two important scenarios that commonly arise in easement administration: (1) transfer of the easement itself when a holder is dissolved or unable to continue; and (2) transfer of ownership of the underlying property while the easement remains in force.

Recommendation: A new section on transfer should be added providing: (a) conservation easements may be transferred to a substitute qualified holder, to be recorded with DLM, with the substitute holder assuming all obligations including those arising from any permit that required the easement; and (b) a grantor may transfer ownership of property subject to a conservation easement, provided the easement terms and conditions are incorporated into the

deed or transfer instrument, and the holder and any third-party enforcement rights holders receive at least sixty (60) days' prior notice.

H. Internal Consistency and Legal Review — § 72105 (Validity)

The Validity section (§ 72105 as currently numbered) lists conditions under which an easement is valid even if it lacks certain common law characteristics. DOAG notes that § 72105(a), which states that an easement is valid even if “not appurtenant to an interest in real property,” may be in conflict with § 72103(a), which characterizes the conservation easement as an “interest in real property.” This apparent inconsistency should be reviewed by legal counsel prior to enactment to ensure the provisions are aligned.

I. Public Access Provisions — § 72103(f)(4)

The bill lists “public access and compatible recreational uses” as a characteristic of a conservation easement. DOAG cautions that public access is not uniformly appropriate across all conservation easement areas. Easement areas established to protect sensitive habitats, recovery areas for endangered or threatened species, or groundwater recharge zones may be affirmatively harmed by unrestricted public access. The current language could be read to presume public access is a default feature of easements. DOAG recommends the provision be revised to make clear that public access, where provided, must be consistent with and not detrimental to the conservation values being protected, and that the instrument creating the easement must explicitly address whether and under what conditions public access is permitted.

OBSERVATION ON THE TAX ABATEMENT PROVISION

DOAG acknowledges that the property tax abatement provision in § 72106 is an important incentive for landowner participation. However, DOAG recommends that the Legislature and the Department of Revenue and Taxation (DRT) clarify the scope of the abatement — specifically, whether it applies to the full assessed value of the property, or only to the portion of value attributable to the rights restricted by the easement — to avoid unintended fiscal impacts. DOAG further recommends that the implementing regulations address the process for assessing the value of the conserved interest to ensure the abatement is proportionate and auditable.

CONCLUSION

The Guam Department of Agriculture strongly supports the passage of Bill No. 244-38 (COR) with the amendments described above. Conservation easements represent a meaningful and proven mechanism to protect the lands our community depends upon — for clean water, native biodiversity, cultural heritage, and the health of our ocean and terrestrial ecosystems. This legislation, if properly crafted and implemented, will give landowners a powerful new tool to be stewards of Guam’s natural and cultural legacy for generations to come.

DOAG stands ready to collaborate with the Legislature, the Department of Land Management, the Bureau of Statistics and Plans, and all relevant stakeholders in the promulgation of implementing regulations and the administration of this program. We are

Director's Office (671) 300-7965 | Agricultural Dev. Services (671) 300-7973 | Animal Health (671) 300-7964/6
 Aquatic & Wildlife Resources (DAWR) (671) 735-0294 | Forestry & Soil Resources (671) 300-7975/7
 Plant Nursery (671) 300-7974 | Biosecurity Division (671) 475-1427 | Pest Hotline (671) 475-7378
 Website: doag.guam.gov

REPORT THREATS TO GUAM'S NATURAL RESOURCES (671) 864-TOKA (8652)

committed to ensuring that Guam's conservation easement framework is technically sound, legally defensible, administratively coherent, and aligned with our obligations under the Guam Forest Legacy Act and our federal conservation partnerships.

We respectfully urge the Committee to consider our recommended amendments and to advance this legislation with the modifications necessary to ensure its long-term effectiveness. Si Yu'os Ma'åse'.

Respectfully submitted,

Chelsa Muña
Director



OFFICE OF THE VICE SPEAKER

V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

COMMITTEE VOTE SHEET

Bill No. 244-38 (COR) introduced by Sabina Flores Perez, Chris Barnett, Tina Rose Muña Barnes - “AN ACT TO *ADD* A NEW CHAPTER 72, DIVISION 2, TO TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE ‘GUAM CONSERVATION EASEMENT ACT’ TO PROVIDE AN ADDITIONAL OPTION FOR THE CONSERVATION OF ECOLOGICALLY AND CULTURALLY SIGNIFICANT LAND,” As amended by the Committee on Land, Environment, Agriculture, Parks and Infrastructure

	SIGNATURE/ DATE OF SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Vice Speaker V. Anthony Ada Chairperson	 07/08/26			X		
Senator Christopher M. Dueñas Vice Chairperson						
Speaker Frank F. Blas, Jr. Member						
Senator Sabrina Salas Matanane Member						
Senator Shelly V. Calvo Member	EVOTE 07/09/26	X				
Senator Vincent A.V. Borja Member	EVOTE 07/10/26			X		
Senator Sabina F. Perez Member	EVOTE 07/08/26	X				
Senator Chris Barnett Member	EVOTE 07/09/26			X		
Senator Tina Muña Barnes Member	EVOTE 07/09/26	X				
Senator Joe S. San Agustin Member						

REQUEST for Evote: Bill No. 244-38 (COR)

Senator Vince Borja <vince.borja@guamlegislature.gov>

Fri, Jul 10, 2026 at 9:22 AM

Reply-To: Senator Vince Borja <vince.borja@guamlegislature.gov>To: vicespeakertonyada@guamlegislature.govCc: senator.duenas@guamlegislature.gov, speakerblas@guamlegislature.gov, office.senatorbri@guamlegislature.gov, officeofsenatorshellycalvo@guamlegislature.gov, office.senatorperez@guamlegislature.gov, senator.munabarnes@guamlegislature.gov, malafunkshun@guamlegislature.gov, senatorjoessanagustin@gmail.com, vicespeakertonyada@guamlegislature.gov

Håfa Adai,

To Report Out Only.

Please contact our office if you have any questions.

Si Yu'os Ma'åse',*Office of Senator Vincent A.V. Borja*

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DNA Building Suite 502, Hagatna

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REQUEST for Evote: Bill No. 244-38 (COR)

Senator Tina Rose Muña-Barnes <senator.munabarnes@guamlegislature.gov>

Thu, Jul 9, 2026 at 7:51 AM

To: "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>

Cc: Chris Duenas <senator.duenas@guamlegislature.gov>, "Speaker Frank F. Blas Jr."

<speakerblas@guamlegislature.gov>, Office Senator Bri <office.senatorbri@guamlegislature.gov>, Office of Senator

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Christopher Barnett <malafunkshun@guamlegislature.gov>, "Senator Joe S. San Agustin"

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to do pass

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REQUEST for Evote: Bill No. 244-38 (COR)

Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>

Thu, Jul 9, 2026 at 8:27 AM

To: "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>

Cc: Chris Duenas <senator.duenas@guamlegislature.gov>, "Speaker Frank F. Blas Jr."

<speakerblas@guamlegislature.gov>, Office Senator Bri <office.senatorbri@guamlegislature.gov>, Senator Vince Borja

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<malafunkshun@guamlegislature.gov>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

Hafa adai,

To do pass

Respectfully,

Jacqueline Munoz

**Office of the People | Senator Shelly V. Calvo****Majority Whip & Chairwoman***Committee on Child Welfare, Youth Affairs, Senior
Citizens, Women's Affairs, Disability Services, the Arts,
Culture, Historic Preservation & Hagåtña Restoration***38th Guam Legislature**

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REQUEST for Evote: Bill No. 244-38 (COR)

Office Senator Perez <office.senatorperez@guamlegislature.gov>

Wed, Jul 8, 2026 at 4:24 PM

To: "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>

Cc: Chris Duenas <senator.duenas@guamlegislature.gov>, "Speaker Frank F. Blas Jr."

<speakerblas@guamlegislature.gov>, Office Senator Bri <office.senatorbri@guamlegislature.gov>, Office of Senator

Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Senator Vince Borja

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Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, "Senator Joe S. San Agustin"

<senatorjoessanagustin@gmail.com>

To do pass.

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REQUEST for Evote: Bill No. 244-38 (COR)

Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>

Thu, Jul 9, 2026 at 11:29 AM

To: Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>

Cc: "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, Chris Duenas

<senator.duenas@guamlegislature.gov>, "Speaker Frank F. Blas Jr." <speakerblas@guamlegislature.gov>, Office Senator

Bri <office.senatorbri@guamlegislature.gov>, Senator Vince Borja <vince.borja@guamlegislature.gov>, Office Senator

Perez <office.senatorperez@guamlegislature.gov>, Senator Tina Muna Barnes

<senator.munabarnes@guamlegislature.gov>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

Hafa Adai,

To Report Out Only.

Si Yu'us Ma'ase

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—

**The Office of Senator Chris Barnett***I Mina'trentai Ocho Na Liheslaturan Guåhan*

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OFFICE OF THE VICE SPEAKER

V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 244-38 (COR) was introduced on **December 10, 2025**, by **Sabina Flores Perez** and was subsequently referred to the Committee on Rules to the Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure on **December 19, 2025**.

The Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure convened a public hearing on **April 1, 2026**, at **8:30 am** at the Public Hearing Room of the Guam Congress Building.

Public Notice Requirements

Public Hearing notices were disseminated via **e-mail** to all senators and all main media broadcasting outlets on **March 25, 2026** (5-Day Notice), and again on **March 29, 2026** (48-Hour Notice).

Senators Present

Vice Speaker V. Anthony Ada – Committee Chairperson
Senator Sabina F. Perez – Committee Member, Primary Author
Senator Therese M. Terlaje
Senator Chris Barnett – Committee Member

Attendees

Chelsa Muña, Director – Department of Agriculture
Else Demeulenaere, Associate Director – Natural Resources Division, Center for Island Sustainability
Monaeka Flores
Patrick Keeler – Guahan Sentinel Landscape Program
Christine Camacho-Fejeran, Division Chief – Forestry and Soil Division, Guam Department of Agriculture

Written Testimony Provided by

Joseph M. Borja, Director – Department of Land Management
Teresita Guerrero
Joe Quinata, Chief Program Officer – Guam Preservation Trust
Dave Lotz
Chelsa Muña, Director – Department of Agriculture

II. SUMMARY OF TESTIMONY & DISCUSSION

V. Anthony Ada, Chairperson: Håfa Adai and good morning, everyone. This public hearing conducted by the Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure is

called to order. The time is now 8:35 a.m. Today's date is Wednesday, April 1st, 2026. Notice of this hearing was disseminated to all local media outlets on March 25th, 2026, with the second notice provided on March 30, 2026. Notice of the hearing was also made known on the Guam Legislature's website and the Government of Guam public notices portal. This morning, the Committee will hear testimony on the following bills: Bill No. 244-38 (COR) – Senator Sabina Flores Perez/Chris Barnett/Tina Rose Muña Barnes – AN ACT TO *ADD* A NEW CHAPTER 72, DIVISION 2, TO TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM CONSERVATION EASEMENT ACT TO PROVIDE AN ADDITIONAL OPTION FOR THE CONSERVATION OF ECOLOGICALLY AND CULTURALLY SIGNIFICANT LAND.

[See testimony proceedings on Bill No. 253-38 (COR)]

We will go ahead and proceed to the next bill, Bill No. 244-38 (COR). If any of you are here to testify on Bill 244, you can please just remain behind. Otherwise, I'm going to go ahead and call the Author for her opening remarks. Thank you all for being here. Senator Perez, you're recognized on bill 244-38 (COR).

Sabina Flores Perez, Senator: Si Yu'os ma'åse. I just want to thank you, Chairman Ada, for holding this public hearing for bill 244-38, especially as we enter the month of April, which is also Earth Month, a time dedicated to raising environmental awareness and deepening our collective responsibility to protect our planet. Earth Month is not simply symbolic. It is a global call to action. Each year, communities, leaders, and environmental advocates come together to advance sustainable development, reduce our carbon footprint, and confront the accelerating impacts of climate change. These impacts are no longer distant or theoretical. They are unfolding, including with deep sea mining, affecting ecosystems, livelihoods, and the future of all forms of life. The origins of Earth Month remind us that the environmental consciousness is often born from crisis. In 1962, Rachel Carson's book, *Silent Spring*, exposed the harmful effects of pollution on ecosystems and public health, transforming public awareness. A lot of it was due to pesticides, DDT. In 1969, a devastating oil spill in Santa Barbara, California, further catalyzed this action. These events inspired a movement that led to the first Earth Day in 1970 and eventually expanded into what we now observe as Earth Month. By 1990, this movement had grown into a global effort involving millions of people across more than 100 countries. This history matters because it shows us that change is possible when awareness is matched with action. For Guåhan, the responsibility is immediate and deeply rooted in who we are. Our relationship to land is cultural, historical, and ancestral. The land holds our stories, sustains our communities, and connects us across generations. At the same time, we are facing increasing pressure. As outlined in the bill, rapid development, urbanization, and military expansion have placed immense strain on Guam's limited land resources, contributing to environmental degradation and the loss of culturally significant sites. Bill 244-38 responds to this moment by establishing a framework for conservation easements. For the public, a conservation easement is a voluntary, legally binding agreement between a landowner and a qualified government agency or non-profit organization. And through this agreement, a landowner agrees to limit certain uses of their property in order to protect its ecological, cultural value while retaining land ownership. These agreements are flexible; they are tailored to the land and to the landowner. They may include provisions for environmental restoration, cultural preservation, public access, and compatible uses, which may include ecotourism and education. They are also enduring. Conservation easements provide long-term protection for the land that might otherwise be vulnerable to incompatible development while offering incentives such as property tax abatements. While Guam has existing conservation tools, they are often limited in duration, scope, or eligibility. The bill introduces a more flexible perpetual option that expands opportunities for landowners to participate in conservation. This measure is rooted in stewardship. It recognizes that landowners are not separate from conservation efforts, but central to them. It affirms that protecting our land can happen alongside ownership, livelihood, and community use. So, as we observe Earth Month, this bill asks us to move beyond awareness and toward action, grounded in our responsibility to care for the land and each other. And I look forward to the testimony on this bill. Si Yu'os ma'åse.

Chairperson Ada: Thank you Senator Perez. We'll go ahead and start with Director Muña for your testimony.

Chelsa Muña, Director, Guam Department of Agriculture: Håfa Adai. Thank you again, Vice Speaker and committee members for the opportunity to provide testimony on Bill 244-38. My name is Chelsa Muña from the Department of Agriculture. The Guam Department of Agriculture, inclusive of the Division of Aquatic and Wildlife Resources and the Forestry and Soil Resources Division, respectfully submits this testimony in support of Bill 244-38 with recommended amendments to strengthen implementation and assure alignment with Guam's broader conservation framework. Department of Ag commends Senator Sabina Flores Perez, Senator Chris Barnett, Senator Tina Rose Muña Barnes, and this Committee for advancing this legislation. The conservation of Guam's ecologically and culturally significant lands is a matter of deep institutional and public concern. The bill accurately recognizes that the ongoing pressures of rapid development, urbanization, and the military expansion have placed extraordinary stress on our island's limited land resource, threatening native limestone forests, wetlands, coastal habitats, and watersheds critical water and sites of irreplaceable cultural, historical and ecosystem value. Department of Ag supports the establishment of a flexible, voluntary conservation easement framework for Guam. Conservation easements are widely utilized across the United States as an effective landowner friendly tool that allows private individuals to protect their land in perpetuity while retaining title and access to compatible uses. This framework, once enacted, can serve as a vital complement to mechanisms such as the Guam Forest System Plan, adopted in 2022, and also plays a critical role in supporting the forthcoming Guam Habitat Conservation Plan, which will establish an HCP reserve network. Under the HCP, permanent conservation easements or free title agreements will be obtained and actively managed to protect endangered species and their habitats while simultaneously removing blockages for construction, economic development in a more efficient permitting process. By creating a clear legal framework for perpetual conservation easements, this bill provides the exact mechanism needed to secure and manage long-term conservation lands. During review, Department of Ag had identified technical and policy concerns with the bill as currently drafted that we believe must be addressed to ensure the legislation is legally sound, operationally workable, and fully aligned with Guam's existing conservation framework. These concerns are drawn from Ag's internal review with comments and recommendations provided by Forestry and DAWR. Our recommended amendments are offered in a constructive spirit to strengthen the bill's effectiveness. We respectfully request or draw the legislature's attention to a critical coordination gap in the bill, its relationship to the Guam Forest Legacy Act and the Guam Forest System Plan. The Guam Forest Legacy Act mandated the development of a forest system plan adopted in March 2022, which functions as the authoritative inventory of lands designated for conservation. Section 63504(k) of that act specifically envisions procedures for identifying government or privately owned lands for inclusion in the forest system in accordance with USDA Forest Service program criteria. The forest system plan further provides, under proposals for collaboration and future additions to the forest system, that Ag may seek arrangements with willing private landowners, including through the securing of conservation easements or other applicable legal mechanisms to include private lands in the forest system, provided such lands carry legal designations, ensuring long-term protection. This bill could provide such legal designation, but as currently written, it does not address this relationship. Specifically, it does not clarify number one, whether lands placed under conservation easement under this Act will be incorporated into the forest system plan inventory or whether its separate and potentially duplicative tracking system will be established. Number two, how the Forestry Division as the agency responsible for the forest system plan will coordinate with the Department of Land Management in administering and tracking conservation easements established under this act. And three, whether conservation easements established under this Act will qualify as legal designations sufficient to support inclusion of private lands in the forest system as contemplated by the forest system plan. Ag strongly recommends that the bill be amended to explicitly address those questions. At minimum, section three, promulgation of regulations should be amended to require that land management in consultation with Ag establish a unified tracking and mapping protocol that

integrates conservation easements established under this act into the forest system plan inventory, maintained pursuant to the Guam Forest Legacy Act. This will prevent the proliferation of separate non-communicating land conservation registries and will ensure that all conserved lands are captured in a single authoritative system of record. And the following concerns and recommended amendments are organized by section, and they reflect Ag's independent review as well as technical recommendations from ICF, which is our hired contractor we are working with in development of the Habitat Conservation Plan. The first is the bill title and act name sections one and two to remove the– I'm just going to summarize these technical recommendations for expediency sake and then you all have been provided with a written document– to revise the Uniform Conservation Easement Act as it does not identically replicate the National Conference of Commissioners on Uniform State Laws Uniform Conservation Easement Act, but rather to call it the Guam Conservation Easement Act throughout to accurately reflect the jurisdiction specific character. To remove the word private from references to private property in section one and 72101 so that the Act applies to all real property regardless of whether it's privately or publicly owned in the case of moving government of Guam lands into conservation easement as an option that may prove valuable in protecting certain parcels from future development or disposition such as those that are already identified in the forest system plan. Recommendation three would be to use the term... The bill uses the term specific when referencing the government agency or nonprofit organization that may hold conservation easement. We recommend changing that to 'qualified' so that you would have qualified government of Guam entities to clarify that not all agencies are eligible holders consistent with Guam's governmental structure. The fourth recommendation is with regard to definitions for terms such as conservation easement, to remove the phrase 'were consistent with conservation,' just as it's redundant and can create potential ambiguity. Clarify third-party rights of enforcement. This one gets a little bit more complex. The current definition is unclear regarding the hierarchy of enforcement rights and who may properly hold them. In a standard conservation easement framework, the first party is the landowner, also known as the grantor. The second party is the easement holder with primary enforcement rights. And the third party is typically a permitting or regulatory agency. And this bill should be revised to clarify that, number one, the easement holder itself has primary enforcement rights. And number two, the third-party enforcement rights may be granted to local government entities or other agencies that issued a permit requiring establishment of the conservation easement and that third-party enforcement rights may not be conferred upon the holder itself. That gets kind of convoluted a little bit. And I apologize to whoever has to transcribe all of this because I'm deviating from the written statement. And I've been there. I've done it. So, I know how much of a headache that can be. But basically, it's saying that the third-party would be the one granting the permit to get the easement so that the party that has the easement, let's say it's Department of Agriculture, were responsible for already enforcing the protections under that easement, like the qualified use, any habitat violations or conservation violations. So, we cannot also be the third-party that has authority to enforce under that specific permit. In the case that Department of Ag doesn't have the capacity or the funds to enforce, there's always a separate entity and that'll be clarified even in court so that we're not trying to double enforce something that we already can't enforce. There's a third-party that issues the permit and it could be another government agency like Coastal Zone Management, as an example, or it could be a federal agency like U.S. Fish and Wildlife Service under their acts or Forest Services. And then missing definitions that should be amended to add are the definition for real property, cross-referencing that definition with 21 GCA Chapter 1, Subsection 1104 and a definition of conservation values encompassing the natural resources, native ecosystems, critical habitat, surface water, groundwater resources, and historic, archaeological, scenic and cultural resources identified in the bill's purpose section. This would provide a consistent reference term for use throughout the act as conservation values. Eco-tourism definition is currently embedded in Subsection 72103(f)(5) rather than in the definition section. We recommend moving it to the definition section for consistency and accessibility. Also, the current definition prohibits any intrusive effect on the property, which is a standard that may be unworkable in practice as we consider that even a responsible visitor may have some point of minor footprint or the Department of Agriculture in engaging in some of the conservation work may have a minor footprint. So, we recommend amending the definition of eco-tourism to "nature-based, low-impact visitor activities conducted within or

adjacent to a conservation easement area that A, are primarily motivated by the observation, appreciation, and education of natural environments, native ecosystems, or associated cultural heritage. B are managed to minimize adverse effects on the conservation values of the property. C, generate economic benefits that support the conservation purposes of the easement and the well-being of the local community. And D, do not result in subdivision construction or any use otherwise prohibited by the easement instrument.” This will also restrict any exploitative intent of an entity that may say, oh, we're engaging in eco-tourism when it's not really eco-tourism so that they can participate in any tax abatements or any other benefits of putting their land in a conservation easement when that's not the true exhibition of or demonstration of the work that they're engaging in. Another recommendation is the recordation requirement. 72103 should be amended to explicitly require that easements are recorded with the Department of Land Management. It's implied already in the bill, but it's not specifically stated. It could create potential ambiguity regarding the legal effect of easements that are executed but not formally recorded. Mandatory identification of conservation values. The instrument creating a conservation easement should be required to explicitly identify the conservation values being protected. This requirement added as a new subsection 72103(f)(1) with subsequent provisions numbered will strengthen enforceability by establishing a clear baseline against which future compliance can be assessed. Inspection frequency. The bill requires the instrument to specify inspection frequency but does not set a minimum standard. We're recommending at least one year, one annual inspection per year. Scope of prohibited uses. The list of uses inconsistent with easement purposes in subsection 72103(f)(2) should be expanded to include commercial, agricultural, industrial, and infrastructure development alongside currently listed residential, industrial, and extractive uses such as mining, grading, and soil excavation. This ensures comprehensive coverage and prevents gaps that could be exploited to permit incompatible activities. Affirmative obligations language. The phrase restoration of real property to a healthy state in subsection 72103(f)(3) is subjective and difficult to enforce. We recommend replacing this phrase with maintenance or restoration of properties conservation values and amending ‘ongoing maintenance’ to ‘ongoing management,’ which better reflects the active stewardship obligations that conservation easements require. Judicial modification, judicial actions and modification of easements. Ag has significant concern regarding 72104(b), which grants broad judicial authority to modify or terminate conservation easements based on change conditions. This can be problematic for easements established as mitigation requirements under habitat conservation plans, environmental impact authorizations, or other regulatory permits. Placing modification authority with the courts without meaningful scientific review risks inadvertently undercutting the conservation and regulatory purposes for which this easement was created. So, we recommend amending the following protections. Number one, modification or termination of easements established as a condition of regulatory permit or license shall only occur through condemnation and must not result in violations of those permit conditions. Number two, such modification or termination shall require replacement of the conservation values at an alternative location and approval from the permitting agency. And number three, any endowment associated with the terminated easement shall be transferred to support any replacement easement area. This bill should also address non-substantive modifications that do not require full judicial review, such as administrative corrections or substitution of a qualified successor holder. I swear I'm almost done. A missing section, transfer of conservation easements and encumbered properties. The bill needs to address two important scenarios that commonly arise in easement administration. Transfer of the easement itself when a holder is dissolved or unable to continue. And number two, transfer of ownership of the underlying property while the easement remains in force. We recommend a new section on transfer holding be added, providing that conservation easements may be transferred to a substitute qualified holder to be recorded with DLM with the substitute holder assuming all obligations, including those arising from any permit that is required for the easement. And B, a grantor may transfer ownership of property subject to conservation easement, provided the easement terms and conditions are incorporated into the deed or transfer instrument and the holder and any third-party enforcement right holders receive at least 60 days prior notice. Internal consistency and legal review, the validity section, subsection 72105, currently numbered, but when adding in the other about transfer would become 72106, lists conditions under which an easement is valid, even if it lacks certain common law

characteristics. So, we noted that subsection 72105(a), which states that an easement is valid, even if it's not appurtenant to an interest in real property, may be in conflict with 72103(a), which characterizes conservation easements as an interest in real property. So, I had to look it up, but appurtenant means adjacent or alongside with this— because we have to sound smart sometimes. This apparent inconsistency should be reviewed by legal counsel to provide enactment to ensure provisions are aligned. And then the public access provision, just to summarize, we do want to grant the public access, but they don't necessarily need access to all conservation areas, especially if it's a delicate ecosystem or habitat. We recommend that the provision be revised to make clear that public access, where provided, must be consistent with and not detrimental to the conservation values being protected, and that the instrument creating the easement must explicitly address whether and under what conditions public access is permitted. Observation of tax abatement provision, we recommend that implementing regulations address the process for assessing the value of the concerned interest to ensure the abatement is proportionate and auditable. But in conclusion, we strongly support the passage of Bill 244-38 with consideration for the amendments described above. Conservation easements represent a meaningful and proven mechanism to protect the lands that our community depends on for clean water, native biodiversity, cultural heritage, and the health of our ocean and terrestrial ecosystems. And this legislation will give landowners a powerful new tool to be stewards of Guam's natural and cultural legacy for generations to come. We stand ready to collaborate with the legislature, DLM, the BSP, and all relevant stakeholders in the promulgation of implementing regulations and administering of this program. We are committed to ensuring that Guam's conservation easement framework is technically sound, legally defensible, administratively coherent, and aligned with our obligations under the Guam Forest Legacy Act and our federal conservation partnerships. We respectfully urge the committee to consider our recommended amendments and to advance this legislation necessary to ensure its long-term effectiveness. Si Yu'os ma'åse.

Chairperson Ada: Thank you, Director Muña for your testimony this morning. Dr. Else, you can go ahead and proceed with your testimony, ma'am. If you can turn on your microphone and then don't forget to introduce yourself.

Else N. Demeulenaere, Associate Director, Center for Island Sustainability, Natural Resources Division: Håfa Adai, Honorable Vice Speaker and Senators. My name is Else Demeulenaere, and I respectfully submit testimony in strong support of Bill No. 244-38, which seeks to establish a Guam-specific Conservation Easement Act. I'm the Associate Director for Natural Resources at the University of Guam Center for Island Sustainability. In this capacity, I assist with the development of the Guam Habitat Conservation Plan, together with the Department of Agriculture and the consultancy ICF. My testimony, however, reflects my views and the ones discussed with my partners I work with and are not necessarily ones of the university. This bill represents an important and timely step towards protecting Guam's limited and increasingly threatened natural and cultural resources. As outlined in the legislative findings, our island continues to experience intense pressure from development, land fragmentation, and competing land uses. At the same time, we are witnessing ongoing losses of native habitats, degradation of watersheds, and threats to endangered species and culturally significant landscapes. Conservation easements are a proven, flexible, and voluntary tool that allow landowners to protect our land in perpetuity while retaining ownership. This approach is especially appropriate for Guam, where land is deeply tied to identity, family, and cultural continuity. By empowering landowners rather than displacing them, this bill aligns conservation with community values. I strongly support the intent and structure of this bill. In particular, I commend the emphasis on voluntary participation and landowner flexibility, the inclusion of both ecological and cultural conservation values, the allowance for compatible economic uses such as eco-tourism, and the recognition of partnerships with qualified non-profit organizations and agencies. At the same time, I respectfully recommend several amendments to strengthen the bill clarity, implementation, and long-term effectiveness. First, clarify allowable and restrictive uses. Section 72103(f)(3) currently lists broad restrictions, including agriculture and infrastructure, which may unintentionally exclude sustainable or traditional practices that are often eligible for conservation easements in other jurisdictions. I

recommend clarifying that only incompatible or intensive forms of these uses are restricted while allowing traditional agroforestry and cultural land use, low-impact agriculture aligned with conservation goals, and restoration and stewardship activities. Then second, strengthen management and stewardship requirements. While the bill requires monitoring, it would benefit from requiring a baseline documentation report and management plan for that easement. This ensures a clear definition of conservation values at the time of establishment, accountability over time, and guidance for landowners and holders. Third, provide clear standards for qualified holders. The definition of an eligible non-profit organization should include minimum standards such as demonstrated conservation experience, long-term stewardship capacity, and financial and organizational stability. This helps ensure that easements are effectively monitored and enforced in perpetuity. Fourth, revisit property tax abatement structure. Section 72107 provides the full property tax abatement. While this is a strong incentive, I recommend establishing clear criteria of tiers based on conservation value or level of restriction and ensuring coordination with the Department of Revenue and Taxation to avoid unintended fiscal impacts. Fifth, clarify third-party enforcement provisions. This bill allows for third-party enforcement but could better define roles and responsibilities, conditions under which enforcement is triggered, and coordination among agencies and holders. This will reduce ambiguity and potential conflicts. Currently, the bill, as I mentioned, allows third-party enforcement rights broadly, including agencies that issue permits. To avoid confusion and better reflect standard practice, the first party should remain the landowner. The second party could be the conservation easement holder who must have primary enforcement rights. Then the third-party enforcement could be the actual independent third parties, not agencies, issuing permits unless explicitly intended. This ensures that the conservation easement holder retains clear authority to enforce the easement while third parties can only enforce the limited, clear, defined situations. This change will reduce ambiguity and reflect disputes over enforcement authority. Six, address long-term funding for monitoring. Conservation easements require perpetual oversight. I recommend including language that encourages or requires stewardship endowments or funding mechanisms and ensures holders have resources to conduct annual monitoring and enforcement. And then seven, strengthen provisions on modification or termination while section 72104 includes important safeguards. Additional clarity is needed to ensure that conservation values are fully replaced if easements tied to permits are modified. Decisions are transparent and science-based and public interest is clearly defined and documented. Eight, clarify recording procedures for conservation easements. While the bill requires conservation easements to be recorded, it would benefit from clearer guidance on the mechanism on how they will be recorded. I recommend specifying how and where easements are recorded within the Guam Department of Land Management requirement documentation, for instance, maps, baseline documents, management plans, and procedures to ensure records remain accessible and updated over time. It may be beneficial to have a process for transferring between easement holders as well. And then lastly, add the connection to the Forest System Plan and the Guam HEP to ensure that this bill can support these efforts through the Forest System Plan and the future Habitat Conservation Reserve Network, which aims to protect habitat in perpetuity. In closing, bill number 244-38 is a forward-thinking and much-needed policy tool for Guam. With thoughtful refinements, it can become a cornerstone of our island's conservation strategy, protecting ecosystems, supporting landowners, and preserving our cultural heritage for future generations. Si Yu'os ma'ase for the opportunity to provide testimony and for your leadership in advancing conservation solutions for Guam.

Chairperson Ada: Thank you, Dr. Else, for your testimony this morning on this bill as well. I'll go ahead and recognize Ms. Moñaeka for your testimony.

Moñaeka Flores, *Prutehi Guåhan*: Good morning, Vice Speaker, Senator Perez, author of the bill, Senator Terlaje, and Senator Barnett. Thank you for the opportunity to testify on bill 244-38. But before I begin my testimony, I've been asked by some of our supporters watching the hearing right now to mention that the live feed has gone out about three times on YouTube, specifically during closing remarks by Senator Terlaje and the introduction of this bill by Senator Perez. I've been asked to respectfully relay that to you so that when the upload is added to the legislative channel, that maybe

those can be made sure to be included. And also, I've been asked by another supporter, this is in regard to committee reports of this committee, that the full transcripts of comments be included and not just summaries in committee report. So those are two requests coming from our supporters that I've been asked to relay this morning. I'm Moñaeka Flores. I'm with Prutehi Guåhan. And we are in support of this bill. For generations, our people have understood that our lands and species are deeply connected. We feel that this bill reflects our values as CHamoru people to be the stewards of our land, especially considering that military lands, which comprises up to 30% of our island, have been, they've sort of been exempt from certain protections, right? And from things like critical habitat protections. And so, we appreciate this measure because we see it as, really, a framework for community stewardship. Oftentimes our folks see government encroachment as a problem, different from federal encroachment where we've seen many examples of where land has been taken for protections and that are federally occupied. A lot of that is thrown out of the window when there's a military or federal project that is the priority. So, we see this as totally separate from that. For instance, even protections in the ocean can easily be taken by the federal government to be occupied by the military to hide nuclear submarines. And so, we are very critical of any proposal that increases government authority or protections. However, we see this as something completely different. We see this as something that allows our community to work with the agencies, with nonprofit organizations, and something that's very community-based, community-based stewardship. We see this Guam conservation easement as something very different from a federal protection measure. We can think about some of the examples, right, where this would have been beneficial. There are so many examples where this could have been beneficial. And some of the ways we've seen this are like CLTC properties, for instance. If we had this easement for protection, perhaps we wouldn't have the Guam Power Authority at Fadi'an. Fadi'an could have been something that was considered protected by this easement as both a culturally significant site as well as a biologically significant site. So, I definitely want to encourage the inclusion of CLTC lands, all CHamoru land trust lands, as a part of this measure. Another one is the solar farm bill that just passed last year. There were a lot of endangered species that were identified on the golf course, including the Mariana's moorhen, the eight-spot butterfly and several other species. If this protection was applied to that landscape, we probably wouldn't see a solar farm being constructed there. Something that we also think about are private developments, such as the Vista del Mar development that's supposed to take place near Tanguisson. Tanguisson is a very well-known culturally significant site as well as a site for endangered tree snails, again, the eight-spot butterfly, sea turtle nesting, many other species are found in Tanguisson, as well as sacred evidence of the lives of our ancestors. And so, we've actually been trying to establish that area—we've been interested in establishing it as a cultural landscape to try to protect it. We see this as something that would support that. And finally, something to maybe just encourage to add is a stronger definition of culturally valuable, culturally sensitive sites. We appreciate the focus on natural resources. And of course, making it clear that natural resources are very much cultural resources as well. But if we could just include a better, stronger definition to include what that might mean. Sites that are recognized by our community members, sites that we know hold artifacts or burials or any of the species that are considered also cultural resources as well. Other than that, we thank the author and the co-sponsors for introducing this bill. It is a difficult thing when our community, sometimes community members, they're very defensive when it comes to more government oversight over private property. But this, we really need to see this as a partnership and how it aligns with our values of CHamoru people to protect and defend the things that we hold most sacred. Thank you.

Chairperson Ada: Thank you, Ms. Monaeka, for your testimony this morning. I'm going to go ahead and start with the author of the legislation for her questions or comments. Senator Perez?

Senator Perez: Yes, thank you, Chairman Ada. Thank you. I appreciate all the comments. I'm definitely going to do another rework of the bill. Prior to this public hearing, I was also concerned about the, of course, the impacts as far as tax abatements. That's what came to mind. Some of the things I was thinking of is maybe we need to sit down and identify which lands do you think really should qualify so it could help mitigate that loss. I do appreciate the comments about having tiers of,

perhaps, tax abatements to match what the conservation value is. I'm really open to all the suggestions. I think they were really great. It makes the bill a lot stronger, but also perhaps because we're a small island, maybe we need to limit the areas that can get these easements, to get the tax abatements. That's one thing I look forward to is working further with the bill and I hope we can meet in regard to either a markup or focus groups to discuss these really prime properties that need protection. The questions that I have, I think it's great to see that both Director Chelsa as well as Else, you kind of overlap in some of your concerns and suggestions. I'm sure you worked independently from each other, yeah. In regard to, the enforcement and then permitter, do you think it's wise to identify which agencies are the enforcers so that might provide more clarity?

Director Muña: I think that would vary depending on which properties go up for easement and the intent of the property owner. I'm sure on some level Ag would be included, but I think that would still be dependent on each unique easement as it's drawn up, because it wouldn't be a blanket easement for every property. I think the easements would vary.

Senator Perez: Okay, and then Else, you mentioned that the permitter, I think you stated the landowner is the primary party and then the easement holder is the enforcer and the third party is the permitter. Did I get that correct? Okay, so I guess there's a little conflict here with regards to testimony. Maybe you can help me, I guess resolve the differences.

Associate Director Demeulenaere: Yes, you want the comments you're saying?

Senator Perez: Yeah, I guess, perhaps, or are we just leaving it up to the agreement between that's drawn up by the landholder? Right. Okay, so just leave it, it's better to leave it flexible.

Associate Director Demeulenaere: Yes, I think so.

Senator Perez: Okay.

Associate Director Demeulenaere: Because it will really vary depending on the landowner and we really want maybe that flexibility there.

Director Muña: Sorry, Senator Perez, I was sent a note, and this did slip my mind that this framework will also allow for opportunities for monetary compensation for landowners depending on which program we utilize to establish a conservation easement. Before this bill, we'd have already, I think, at least two different opportunities for the Department of Agriculture to enter into a partnership with a private landowner for easement of their property, but we didn't have the framework. So, this sets that up for us. But what this also does is provides an opportunity for funding mechanisms to compensate the landowner for them putting their property into easement, in addition to the tax abatement. That can be a consideration for the value of the abatement, as well as how much compensation they're receiving for that easement.

Senator Perez: And so, you're saying that perhaps the tax abatement can be offset or the compensation can offset the tax abatement? Okay, gotcha.

Associate Director Demeulenaere: And potentially also the management of the area too, because that is oftentimes underestimated if you want to conserve the area and manage endangered species, for instance, and monitor them. That's also something we need to keep in mind.

Senator Perez: Okay, I know one of the things with conservation is habitat fragmentation. I'm hoping that that could be addressed in the regulations, or should that be included in the bill as one of the criteria for, I guess, conservation values or avoiding it, I should say.

Director Muña: For avoiding it, I should say. You're saying if the property reduces or avoids fragmentation? Sure, I think we could define the conservation values as whatever is significant or important to the community, and that would certainly be one of them.

Associate Director Demeulenaere: Yeah, I think it's really important these easements can function in different ways. It could be small islands where habitat is protected, which is surely needed, but it can also be a corridor to, like, for instance, the habitat conservation plan we're working on. We're planning on a reserve network for Guam that's also protected in perpetuity. So, we're talking about the same restrictions on those, right, in perpetuity, to protect it. So, I think those easements would be really key to potentially make the connections needed for that reserve network.

Senator Perez: I noticed also the difference in the testimony provided. One was like prohibited acts would be agriculture, but I know in, Else's testimony, is that, did I get that correct? Basically, if I can recall, your testimony, Director, that one of the prohibited acts— is it agriculture or commercial agriculture?

Director Muña: Industrial agriculture.

Senator Perez: Industrial agriculture. Any other types of agriculture or just specifically that?

Director Muña: It was essentially that.

Senator Perez: Okay, so then there's no conflict between what Dr. Else said.

Associate Director Demeulenaere: I specifically said traditional agroforestry and cultural land use, which could be healers taking medicine as well.

Director Muña: So, she wasn't saying prohibited.

Associate Director Demeulenaere: Yeah, and I said low impact agriculture aligned with conservation goals.

Director Muña: Specifically, the regenerative agriculture would be very different from industrial agriculture.

Associate Director Demeulenaere: Or the use of pesticides, intensive pesticides and things like that.

Senator Perez: Okay, thank you. Yeah, so those are, I think all those recommendations, I think we're going to include in the bill. So, I do appreciate the strengthening of it. I would look forward to having a hearing or at least working on the bill together further.

Director Muña: May I also add that when we look at the Forest System Plan and the Habitat Conservation Plan, the properties are not separate and apart. What is most likely to be the case is that forest properties identified within the Forest System Plan will be utilized for the Habitat Conservation Plan. So, we're not doing a conservation grab all around the island. This easement allows for private property owners to be engaged in that same process if that's so their choice, based on the fact that it's voluntary. I just want to assure any concerns or allay any concerns that this is like a huge conservation land grab by Agriculture and UOG, but it's really the properties that we're talking about, at least within the government inventory, are the same.

Senator Perez: Okay, yeah, actually that brought to mind another question because I know the bill is specifically for private properties, not government property.

Director Muña: Well, that was one of our recommendations that we remove the word private and just define it more so as real property so that if we do want to put a government parcel into conservation easement that that's available as an option.

Senator Perez: And then regards to, I'm always concerned about any kind of easements being used as Department of Defense mitigation projects. How can we strengthen the bill to make sure that we're not falling into that category?

Associate Director Demeulenaere: Maybe because it's non-federal, like just add that.

Director Muña: Yeah, that's so, Christine Fejeran and Patrick Keeler are both saying that it would be a separate agreement altogether if it was a federal mitigation or a DoD, and that would be on their part. I don't think a private landowner can— that's a complex question. I don't know if a private landowner can utilize their private property as mitigation for a federal action or DoD action. Unless they were somehow compensated by DoD for that. But then that would be under the scrutiny of the permitting body to review if that was the intention.

Senator Perez: Yeah, because I do recall when they had the boosters, right, for the missiles, they were asking landowners to sell their land or be compensated for potential debris falling. I'm cognizant of that and just want to make sure that we're not unintendedly falling into that trap.

Patrick Keeler, *Guåhan Sentinel Landscape Program*: So, one way you could address. Oh, hi, I'm Patrick Keeler. I'm with the Guåhan Sentinel Landscape Program. And then for you, Senator Perez, to allay one of your concerns for that, if you specifically list the agencies that you'll be working with, like, let's say USDA or U.S. Fish and Wildlife Service, etc., that may be one way that you can make it so that DoD is not a part of this easement program that you're talking about. However, I would suggest, because some of the money that we'll be working with may come through DoD, like their REPI program, maybe make sure to include them as well. But that's just one way that you could go about it. Just have a, or a measure that you write in where you're saying the DoD cannot use this as a mitigation. Yeah, that'd be the best way to do it. Just directly address it.

Senator Perez: Okay, I appreciate that. I think those are my questions for now. Thank you.

Chairperson Ada: Thank you Senator Perez. Senator Terlaje, you're recognized, ma'am.

Therese M. Terlaje, *Senator*: Yes, Si Yu'os ma'åse. Along those lines, yeah, I wanted to ask, so when it says holder means a local government entity empowered to hold an interest in real property under this Chapter, and you said to add the word qualified in there. So, a qualified local government entity. Who are we talking about exactly? Department of Ag's name's not in here. Is this you?

Director Muña: Entities within the Government of Guam that are qualified to hold property. Not all government of Guam agencies hold property or manage real property.

Senator Perez: But why would, what other agencies would do this? Like what would be interested in holding a conservation easement? I guess I'm trying to understand.

Patrick Keeler: There's concern that in the past there have been properties that have been moved from, let's say, agricultural use to like properties gifted to GovGuam. They've been used for, or they were intended to be used for agriculture, but then instead were used for GPA or GWA or not intended purposes. So, this would make it specific for the qualified, quote unquote, but I mean, also true, but that it would be the agencies that are in charge of or have the jurisdiction of the intended use. Yeah, so that's what they're trying to avoid with that, I believe.

Senator Terlaje: So, land that's already been designated in the Forest Plan as good for conservation easements might be owned by other agencies. Is that what you mean?

Director Muña: No, the properties within the Forest System Plan, we worked with the Department of Land Management to determine administrative ownership and authority. So, I think the properties within the Forest System Plan are specifically, as already designated, DPR, Department of Ag, and a couple of parcels from CLTC.

Senator Terlaje: So, what they, do you envision they?

Director Muña: I'm sorry, Senator.

Senator Terlaje: Go ahead.

Director Muña: Oh. No, I was suggesting to Christine to come up if she has something.

Senator Terlaje: Forest Chief? Please state your name.

Chairperson Ada: Please state your name.

Christine Camacho-Fejeran, *Division Chief, Forestry and Soil Division, Guam Department of Agriculture*: Håfa Adai. Christine Camacho-Fejeran, your Forestry and Soil Resources Division Chief for your Guam Department of Agriculture.

Senator Terlaje: Who are the holders that we envision? Which local government entities?

Division Chief Camacho-Fejeran: Oh, I got the big one. For the Forest System Plan, we have, so other landowners, like the properties that are included, are, let's say we have GWA. We do have lands that were designated under the Department of Parks and Recreation, like Octal Conservation Area is an example, with GWA had been listed under there at some point. And we've been managing those properties for years for reforestation projects to protect said water resources. Now, if we were to come up with or update our Forest Management Plan for Coastal Conservation Area, yes, we have administrative authority based off of the Forest System Plan, we would still have to confer with DPR and GWA in the management of those resources because they're still named. This has been a confusing factor that I think we still need to clarify. Although under the Forest System Plan, we have administrative authority, we're not the only authority.

Senator Terlaje: Okay. And who determines the conservation value? Like who's determining that this property should be entitled to fit under this program? Is that Department of Ag?

Director Muña: I think that's one of the recommendations we were making is that we establish what conservation values are in the bill so that it's clear from the beginning.

Senator Terlaje: Yes, I agree then with that or that we say that they will be established by the Department of Ag on an ongoing basis because that might change, right?

Director Muña: Correct. Things could change based on our reforestation projects for over 40, 50 years. We have altered a degraded landscape, and we've restored habitat and species are returning or increasing in number. And therefore, the monitoring protocols will need to be implemented for said species and those species' list will increase and management practices will adapt. So, your management plans are evolving, adaptive documents. They live with and alongside those resources. As best management practices are identified, we apply that to the landscape, and we need to have the flexibility to pivot as necessary because threats are constantly impacting our resources. Private sector, like private

lands, are about 50% of Guam. So, when we're talking about government lands, we're talking about a 20%, and I'm approximating here, 20% of land ownership is Government of Guam, which means the parcels we're working on are right up against all those federal lands and private lands. So, the easements are the absolute essential buffers that we need to be able to protect the people's work, the Government of Guam's work, which is for all of us. And those private landowners provide that potential expansion of stewardship.

Senator Terlaje: Thank you. Dr. Else, did you want to add to that?

Associate Director Demeulenaere: Yeah, there's also maps available for the whole of Guam on what, if it's a limestone forest, if it's a pinnacle limestone forest. So, the quality could be seen on a map, but then of course, when you go into the property, you can look more. And that's why I also said, like Christine is mentioning, we need management plans, we need monitoring plans to see how these properties evolve.

Senator Terlaje: Determined by who?

Associate Director Demeulenaere: I mean, the maps are, they're already available. But I think determined by who is probably what they recommended.

Senator Terlaje: No, I mean, like you said, management plans and all of those, determined by who, even the plans, not just the locations.

Associate Director Demeulenaere: I mean, with the management plans, it's really specific on, let's say they would support the Habitat Conservation Plan, right? Then I would be thinking it would be beneficial that the Department of Agriculture assists with that, because it's a holistic view of how to protect that reserve network, right? So that would make most sense to me, honestly. But if it's a separate small property.

Patrick Keeler: Was part of your question about the monetary value, or is this specifically just the-

Senator Terlaje: No. Why we're picking this property, like value— is my property, because it's a habitat versus its flood mitigation. I don't know, what are going to be the values and who's going to determine that, because it looks to me like, yeah, that's not clear here. Who's going to say that this has conservation value?

Director Muña: Oh, okay. And I think that's part of our recommendation is that we should establish that from the beginning. And that it could be something, like you said, if it's a flood zone or if it's an area to divert water, that's a separate value. And we would not determine that number, but we might, the body might need to determine that with Guam Waterworks Authority or with WERI instead, or Coastal Zone Management. It just depends on who would have an associated authority for whatever conservation value is being calculated.

Division Chief Camacho-Fejeran: May I add? And so, to augment that, if you have in your Forestry Office, every program between urban and community forestry, forest stewardship, cooperative forest health, and cooperative fire protection are steering committees and advisory councils. So, the forestry work, which is guided by the Guam Forest Action Plan, which helps us really direct and concentrate our funding, prioritize that funding. We have these committees and advisory councils that are in place to help us all make those informed decisions. And the makeup, the body of these committees and advisory councils are represented across the government to include our stewardship partners. So, you have private, non-profit, government. And we do have our federal partners at the table as well. And so, we have very frank and open discussions about project areas and parcels that should be considered for easement should an opportunity arise. Put the tool in the toolbox that we can offer.

Senator Terlaje: I agree with the program. I don't need to be convinced of that. I'm trying to be convinced of who's actually going to be making these decisions, because I think that's crucial. For example, you allow, right now it says local government entities. I want to know which ones are going to be determining conservation value. Is it going to be GEDA or is it going to be Department of Ag? And when we say the non-profit organizations, same thing for me. I want to know exactly what do we mean by that? Do they get to determine or do they have to work through the Department of Ag and Department of Ag determines the conservation value or something based on all these things that you've mentioned already. So, I just want it to be fair and kind of consistent and that there's real value, so I want to make sure we're abating taxes. We are, you're saying there might be some actual compensation programs, but yeah, I just want that to be applied fairly and so that everyone knows what the rules are. I know that we will allow the Department of Ag to change based on conservation needs, perhaps, or changing climate conditions and all of that. But yeah, just so that we have like a standard that we're using, that's kind of what I would. So, all your recommendations on that, I would appreciate. Thank you.

Moñaeka Flores: If I could add, we've also had incidents of the Guam Land Use Commission voting to permit certain developments without considering any of the environmental impacts or the impacts on endangered species. So, I agree that there should be, we should identify who the agencies are, especially when there are other agencies who have a different priority, which is to move forward certain kinds of development. Thank you.

Senator Terlaje: Thank you. And all right, yeah. So, and I was concerned that we are going to be abating taxes for military projects, but so I thank you for clarifying that. Yes, Dr. Else.

Associate Director Demeulenaere: Yes, I used to work for an NGO for Nature Conservancy back in Belgium, and how it worked there is that NGOs can buy land or manage land, but then they still need to submit a management plan and a monitoring plan before they can even acquire the land and manage it. So, I think the agencies are still in charge of reviewing those management plans, the government agencies. So, I think that makes the most sense to me that there is one agency in the Department of Ag, I think it's most suitable for that. And any other parties that want to be involved can still work through them. Thank you.

Senator Terlaje: And I think that's a great idea, Moñaeka, because it's true that GLUC says those are just suggestions. They're not really enforcement tools. I think it would be incumbent on Department of Ag to get to these property owners in advance and try to create these easements way in advance of them having their hearings, because otherwise, no way. All right. Si Yu'os ma'åse, thank you very much for all your testimony and your work on this.

Chairperson Ada: Thank you, Senator Terlaje. Senator Barnett.

Chris Barnett, Senator: Si Yu'os ma'åse, Mr. Chair, thank you to the panel and to my two colleagues to my right. I feel so informed now, and all of the great questions and concerns I think were asked. Chelsa, thank you for your suggestions to amend the bill, all 4,000 of them. No, I can appreciate it because, in its simplest form, to me, this bill represents such a great opportunity to incentivize stewardship, to incentivize conservation. And I just think it's very visionary. And I want to commend Senator Perez for this effort. I want to thank her for allowing me to be a co-sponsor. And I really hope that we get buy-in from the rest of the members of the body. Because just envisioning what this could be, I'm in absolute support of it. Green corridors, I think it also could go a long way towards increasing and improving our food security. And so, I absolutely stand in support of the bill. And Chelsa, I want to just thank you for your very thorough, hard, diligent work and all the suggestions.

Director Muña: Total team effort.

Senator Barnett: Right. Thank you very much. And Christine as well, just for your work over the years. And I also wanted to just recognize Deputy Glenn Takai who was in the building because an old friend, man, a farmer tried and true. And so, it's good to see him. And congratulations on your appointment, sir. And again, Naek, I absolutely agree with everything you said about the conservation angle. And so, I just stand in support of the bill. And again, I just want to thank you for your hard work and also for the Author for being open and amenable to including these changes in the bill so that we can hopefully get it passed across the hall. Si Yu'os ma'ase, Mr. Chair.

Chairperson Ada: Thank you, Senator Barnett. The Committee will work with the Author on the legislation with the committee report, so that we'd be able to get on to the next session agenda. And this will conclude today's public hearing. And the Committee will continue to accept written statements on today's hearing within seven days from today, which will be mailed to my office on the second floor of the Guam Congress Building at 163 Chalan Santo Papa in Hagåtña. And you may also send your statements to us at vicespeakertonyada@guamlegislature.gov. Thank you all for your participation this morning. And this public hearing is adjourned. And the time now is 11:20 a.m. Thank you so very much. Have a wonderful day and Happy Easter to everyone.

The public hearing was adjourned at **11:20 am.**

III. FINDINGS & RECOMMENDATIONS

The committee finds that Bill No. 244-38 (COR) aims to establish legally binding agreements that allow private landowners to protect natural, cultural, and agricultural resources on their land in partnership with government agencies or non-profit organizations, ensuring permanent conservation. The committee further finds that:

1. Guam's Ecologically and Culturally Significant Lands Face Increasing Pressure. Testimony and legislative findings indicate that Guam's limited land base is under sustained pressure from rapid development, urbanization, and the military buildup, resulting in the loss of native habitats, degradation of watersheds, and impacts to historic, scenic, archaeological, and cultural sites. These pressures have contributed to declining ecological health and the erosion of cultural heritage.

2. Conservation Easements Are a Proven Tool Used Across the United States. The Committee finds that conservation easements—legally binding agreements that voluntarily restrict development rights—are widely used in U.S. jurisdictions to preserve sensitive lands while allowing landowners to retain ownership. These tools provide mutual benefits to the public and private landowners, including long-term conservation and potential tax incentives.

3. Guam Currently Lacks a Statutory Framework for Conservation Easements. Testimony highlighted that Guam has no existing statutory mechanism enabling conservation easements. This gap limits the government's ability to partner with private landowners or nonprofit conservation organizations to protect ecologically or culturally important lands.

4. The Proposed Uniform Conservation Easement Act Provides a Flexible, Voluntary Mechanism. Bill No. 244-38 (COR) adopts a version of the Uniform Conservation Easement Act, creating a clear legal structure for establishing, enforcing, and maintaining conservation easements. The Committee finds that this framework is consistent with national best practices and provides flexibility for landowners to tailor easements to their needs.

5. Conservation Easements Support Broader Public Policy Goals. The Committee finds that conservation easements would support:

- Protection of endangered and threatened species
- Preservation of watersheds and drinking water resources
- Reduction of sedimentation and marine ecosystem impacts
- Preservation of cultural and historic sites
- Long-term land stewardship and intergenerational equity

These align with Guam’s environmental, cultural, and sustainability priorities.

6. Testimony Supports Providing Landowners with Additional Options. Stakeholders emphasized that conservation easements offer a voluntary, non-regulatory option for landowners who wish to preserve their land without relinquishing ownership. The Committee finds that this approach respects private property rights while enabling conservation partnerships.

Among the amendments included by the committee are:

- New or corrected definitions for “Conservation Value,” “Eco-Tourism” and “grantor;
- Broadening the scope of enforcement from specific government agencies to the Government of Guam as a whole;
- Perfecting the process of creating and recording the conservation easements;
- A requirement for “Holders shall inspect or monitor their conservation easement once per calendar year, at minimum;”
- Prohibitions on inconsistent uses that include mining, grading and excavation;
- Provisions that transfer the easement conditions with the transfer of the subject lots; and
- Technical, administrative and regulatory improvements.

The Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure hereby reports out **Bill No. 244–38 (COR)** – Sabina Flores Perez, Chris Barnett and Tina Rose Muña Barnes. - “AN ACT TO *ADD* A NEW CHAPTER 72, DIVISION 2, TO TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE ‘GUAM CONSERVATION EASEMENT ACT TO PROVIDE AN ADDITIONAL OPTION FOR THE CONSERVATION OF ECOLOGICALLY AND CULTURALLY SIGNIFICANT LAND.’” as **Amended by the Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure** with the recommendation
TO REPORT OUT ONLY

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 244-38 (COR)

Introduced by:

Sabina Flores Perez *SFP*
Chris Barnett *CB*
Tina Rose Muña Barnes *TRM*

**AN ACT TO *ADD* A NEW CHAPTER 72, DIVISION 2, TO
TITLE 21 OF THE GUAM CODE ANNOTATED,
RELATIVE TO ESTABLISHING THE UNIFORM
CONSERVATION EASEMENT ACT TO PROVIDE AN
ADDITIONAL OPTION FOR THE CONSERVATION OF
ECOLOGICALLY AND CULTURALLY SIGNIFICANT
LAND.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*

finds that the conservation of land is critical for the protection of Guam's overall environment, including native habitats, watersheds and water resources, historic, scenic, archeological, and cultural sites, so that they may remain available for future generations to appreciate and enjoy.

I Liheslatura finds that the consistent prioritization of rapid development, urbanization, and the military-buildup has placed immense pressure on Guam's limited land resources and the government's ability to sustain ecologically and culturally significant land. The inability to conserve native habitats, watersheds and water resources, and historic, archeological, scenic, and cultural sites have resulted in the loss of critical habitats for the recovery of native, endangered or

1 threatened species, contamination and sediment erosion that impacts drinking
2 water and marine ecosystems, and has led to a dangerous decline in ecological
3 health and our island's unique natural beauty, and loss to our deep cultural
4 connections and heritage.

5 *I Liheslatura* finds that conservation easements are one method used
6 throughout the U.S. to protect ecologically and culturally sensitive areas,
7 conserving tracts of land for purposes that are mutually beneficial to the general
8 public and to private landowners.

9 *I Liheslatura* finds that a conservation easement is a legally binding
10 agreement between a landowner and a government agency or non-profit
11 organization, in which the landowner voluntarily limits some development and
12 usage rights on their property in exchange for the ability to conserve the land in
13 perpetuity and for real property tax abatements. Under the easement, landowners
14 retain full title to their property and are generally provided with flexibility when
15 negotiating the specific characteristics of the conservation easement, with
16 objectives that can meet both the landowner's and the agency or non-profit's
17 interests, goals, and expectations.

18 *I Liheslatura* finds that there are several legal mechanisms that exist to
19 conserve property in Guam, including Biodiversity Conservation Easements
20 facilitated by the Chamorro Land Trust Commission, historic preservation
21 easements executed by private owners and approved by the Guam Preservation
22 Trust Board of Directors, Agricultural Preserves with contracts between the
23 landowners and the Department of Agriculture, and Conservation Reserves jointly
24 facilitated by the Department of Agriculture and the Department of Parks and
25 Recreation. These mechanisms are incredibly important to the goal of conserving
26 land, but they either require specific standards to be met (e.g. amount of acres,

specific uses of property), are not indefinite or perpetual, or are limited to government-owned properties.

I Liheslatura finds that more flexible and perpetual conservation easements may empower residents to conserve their land for generations without having to relinquish title to their property and with significant influence over how the land is protected or used.

Therefore, it is the intent of *I Liheslaturan Guåhan* to enact the Uniform Conservation Easement Act to empower landowners to conserve private property under the facilitation of a specific government agency or non-profit organization for the purpose of protecting natural resources, native ecosystems, including but not limited to limestone forests, savannas, wetlands, coastal areas; critical habitats for the protection and recovery of endangered or threatened species; surface water and groundwater, including parabasal, suprabasal, and well-head protection zones; historic sites, archaeological, scenic, and/or cultural resources in perpetuity, while providing landowners with the opportunity to utilize their conserved land for compatible uses, which may include revenue-generating activities that promote sustainability of our land, people, and culture.

Section 2. A new Chapter 72, Division 2, Title 21 Guam Code Annotated is hereby *added* to read:

“CHAPTER 72

UNIFORM CONSERVATION EASEMENT ACT

§ 72101. Purpose.

§ 72102. Definitions.

§ 72103. Creation, Conveyance, Acceptance and Duration.

§ 72104. Judicial Actions.

§ 72105. Validity.

§ 72106. Abatement of Property Taxes.

1 § 72107. Filing of Map; Keeping Current.

2 § 72108. Applicability.

3 **§ 72101. Purpose.**

4 *I Liheslaturan Guåhan* finds that land conservation is critical for the
5 protection of Guam’s overall environment including native habitats,
6 including but not limited to limestone forests, savannas, wetlands, coastal
7 areas; critical habitats for the protection and recovery of endangered or
8 threatened species; surface water and groundwater, including parabasal,
9 suprabasal, and well-head protection zones; historic sites, archaeological,
10 scenic, and/or cultural resources, so that they may remain available for
11 future generations to appreciate and enjoy.

12 *I Liheslatura* finds that the consistent prioritization of rapid
13 development, urbanization, and the military-buildup has placed immense
14 pressure on Guam’s limited land resources and the government’s ability to
15 sustain ecologically and culturally significant land.

16 *I Liheslatura* finds that conservation easements are one method used
17 throughout the United States to protect ecologically and culturally sensitive
18 areas. Conservation easements can be mutually beneficial to the owners of
19 private property and to the general public, as they provide a mechanism to
20 protect critically important space while protecting the landowner’s rights to
21 the property and offering them abatements in local property taxes.

22 Therefore, it is the intent of *I Liheslaturan Guåhan* to establish the
23 Uniform Conservation Easement Act to enable landowners to conserve
24 private property under the facilitation of a specific government agency or
25 non-profit organization for the purpose of supporting environmental
26 stewardship practices and, where consistent with conservation, protecting
27 natural resources, native habitats, including but not limited to limestone

forests, savannas, wetlands, coastal areas; critical habitats for the recovery of endangered and threatened species; surface water and groundwater, including parabasal, suprabasal, and well-head protection zones; historic sites, archaeological, scenic, and/or cultural resources in perpetuity.

§ 72102. Definitions.

For the purposes of this Act:

(a) "Conservation easement" means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include supporting environmental stewardship practices and, where consistent with conservation, retaining or protecting natural resources, native habitats, including but not limited to limestone forests, savannas, wetlands, coastal areas; critical habitats for the recovery of endangered and threatened species; surface water and groundwater, including parabasal, suprabasal, and well-head protection zones; historic sites, archaeological, scenic, and/or cultural resources in perpetuity, which is executed by or on behalf of the owner of such real property and is binding upon all successive landowners.

(b) "Holder" means:

(1) A local government entity empowered to hold an interest in real property under this Chapter; or

(2) A nonprofit organization, pursuant to § 16102 (d), Chapter 16, Title 7 of the Guam Code Annotated, whose work or mission aligns with the purposes of this Act.

(c) "Third-party right of enforcement" means a right provided in a conservation easement to enforce any of its terms granted to a local government entity or nonprofit organization, which, although eligible to be a holder, is not a holder.

1 **§ 72103. Creation, Conveyance, Acceptance and Duration.**

2 (a) A conservation easement shall be voluntarily created, freely
3 transferable, or donated in whole or in part to a holder for the purposes
4 outlined in § 72101 of this Chapter by any lawful method for the transfer of
5 interests in real property in accordance with Chapter 4, Title 21, Guam Code
6 Annotated.

7 (b) No right or duty in favor of or against a holder and no right in
8 favor of a person having a third-party right of enforcement arises under a
9 conservation easement before its acceptance by the holder and a recordation
10 of the acceptance.

11 (c) An interest in real property in existence at the time a
12 conservation easement is created is not impaired by it unless the owner of
13 the interest is a party to the conservation easement or consents to it.

14 (d) All interests in real property not transferred and conveyed by
15 the holder creating the easement shall remain in the grantor of the easement,
16 including the right to engage in all uses of the land not affected by the
17 easement nor prohibited by the easement or by law.

18 (e) Except as provided in § 72104(b), a conservation easement is
19 unlimited in duration.

20 (f) The particular characteristics of a conservation easement shall
21 remain in compliance with the purposes of this Act and shall be granted or
22 specified in the instrument creating or transferring the easement, to include
23 but not be limited to:

24 (1) Frequency of inspections or monitoring of the
25 conservation easement by the holder to ensure compliance with all
26 characteristics specified by the instrument creating the easement;

1 (2) Limitations and restrictions on uses within the
2 conservation easement that are inconsistent with the purposes of this
3 Act, including, but not limited to, mining or any other extractive
4 industry, residential and infrastructure development, soil excavation,
5 grading, and industrial use;

6 (3) Affirmative obligations and duties of the holder and
7 grantor of the easement including, but not limited to, restoration of
8 real property to a healthy state, removal of litter and abandoned or
9 junk vehicles, and ongoing maintenance necessary to preserve the
10 purpose of the easement;

11 (4) Public access and compatible recreational uses of the
12 property; and/or

13 (5) Economic or revenue generating activities geared
14 towards promoting eco-tourism, sustainability, and/or culture. For
15 purposes of this Section, “eco-tourism” means visitor-centered
16 recreational activities geared towards responsible use of an area or
17 property that aims to enhance conservation efforts, sustain the
18 wellbeing of the local community, and/or is educational, with no
19 intrusive effect on the property.

20 **§ 72104. Judicial Actions.**

21 (a) Actual or threatened injury to or impairment of a conservation
22 easement or actual or threatened violation of its terms may be prohibited or
23 restrained, or the interest intended for protection by such easement may be
24 enforced, by injunctive relief granted by any court of competent jurisdiction
25 in a proceeding initiated by:

26 (1) an owner of an interest in the real property burdened by
27 the easement;

1 (2) a holder of the easement;

2 (3) a person having a third-party right of enforcement; or

3 (4) a person authorized by other law.

4 (b) This Act does not affect the power of a court to modify or
5 terminate a conservation easement if such easement no longer substantially
6 achieves its purpose due to changed conditions that were not anticipated at
7 the time of its creation, or to appoint a substitute holder in cases where a
8 holder of a conservation easement is dissolved or is unable to effectuate the
9 easement. If a landowner requests to modify or terminate a conservation
10 easement, it must first be proven that:

11 (1) the modification or termination of the easement is not
12 inconsistent with the purposes of this Act; and

13 (2) the modification or termination is in the public's best
14 interest.

15 (c) The existence of an opportunity for another use of the property
16 on which the easement exists or the uneconomic character of the existing use
17 shall not be sufficient reasons for the modification or termination of the
18 easement.

19 (d) This section shall not preclude any other method of
20 enforcement by a holder or third party, in its discretion, to remedy any
21 violation of a conservation easement prior to seeking injunctive relief.

22 **§ 72105. Validity.**

23 A conservation easement is valid and shall be enforceable even
24 though:

25 (a) it is not appurtenant to an interest in real property;

26 (b) it can be or has been assigned to another holder;

1 (c) it is not of a character that has been recognized traditionally at
2 common law;

3 (d) it imposes a negative burden;

4 (e) it imposes affirmative obligations upon the owner of an interest
5 in the burdened property or upon the holder;

6 (f) the benefit does not touch or concern real property;

7 (g) there is no privity of estate or of contract;

8 (h) there is a lack of benefit tied to the property; or

9 (i) the instrument creating the easement does not express the
10 easement as running with the land.

11 **§ 72106. Abatement of Property Taxes.**

12 A copy of the instrument creating the conservation easement shall be
13 provided to the Department of Revenue and Taxation (DRT) within thirty
14 (30) days of recordation. The Director of DRT shall grant an abatement of
15 property taxes on all property included within a conservation easement,
16 executed by an instrument between the property owner and the holder of the
17 conservation easement and upon approval from the Board of Directors of the
18 relevant government agency or non-profit organization, if applicable, in
19 accordance with this Act.

20 **§ 72107. Filing of Map; Keeping Current.**

21 Whenever a conservation easement is established and so long as it
22 shall be in effect, a map of such conservation easement shall be filed and
23 kept current by the holder of the easement and the Department of Land
24 Management (DLM).

25 **§ 72108. Applicability.**

26 This Act does not invalidate any interest in real property, whether
27 designated as a conservation or preservation easement or as a covenant, or

1 otherwise, that is enforceable under any other law within the Guam Code
2 Annotated.”

3 **Section 3. Promulgation of Regulations.** The Department of Land
4 Management (DLM), in consultation with the Department of Agriculture (DOAG)
5 and the Bureau of Statistics and Plans (BSP), shall promulgate regulations in
6 accordance with this Act within one-hundred eighty (180) days after enactment.

7 **Section 4. Severability.** If any provision of this Act or its application
8 to any person or circumstance is found to be invalid or inorganic, such invalidity
9 shall not affect other provisions or applications of this Act that can be given effect
10 without the invalid provision or application, and to this end the provisions of this
11 Act are severable.

12 **Section 5. Effective Date.** This Act shall be effective upon enactment.

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 244-38 (COR)

As Amended by the Committee on Land,
Environment, Housing, Agriculture, Parks,
and Infrastructure

Introduced by:

Sabina Flores Perez

Chris Barnett

Tina Rose Muña Barnes

**AN ACT TO *ADD* A NEW CHAPTER 72, DIVISION 2, TO
TITLE 21 OF THE GUAM CODE ANNOTATED,
RELATIVE TO ESTABLISHING THE ‘GUAM
CONSERVATION EASEMENT ACT’ TO PROVIDE AN
ADDITIONAL OPTION FOR THE CONSERVATION OF
ECOLOGICALLY AND CULTURALLY SIGNIFICANT
LAND.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

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finds that the conservation of land is critical for the protection of Guam’s overall environment, including native habitats, watersheds and water resources, historic, scenic, archeological, and cultural sites, so that they may remain available for future generations to appreciate and enjoy.

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1 species, contamination and sediment erosion that impacts drinking water and marine
2 ecosystems, and has led to a dangerous decline in ecological health and our island's
3 unique natural beauty, and loss to our deep cultural connections and heritage.

4 *I Liheslatura* finds that conservation easements are one method used
5 throughout the U.S. to protect ecologically and culturally sensitive areas, conserving
6 tracts of land for purposes that are mutually beneficial to the general public and to
7 private landowners.

8 *I Liheslatura* finds that a conservation easement is a legally binding agreement
9 between a landowner and a government agency or non-profit organization, in which
10 the landowner voluntarily limits some development and usage rights on their
11 property in exchange for the ability to conserve the land in perpetuity and for real
12 property tax abatements. Under the easement, landowners retain full title to their
13 property and are generally provided with flexibility when negotiating the specific
14 characteristics of the conservation easement, with objectives that can meet both the
15 landowner's and the agency or non-profit's interests, goals, and expectations.

16 *I Liheslatura* finds that there are several legal mechanisms that exist to
17 conserve property in Guam, including Biodiversity Conservation Easements
18 facilitated by the Chamorro Land Trust Commission, historic preservation
19 easements executed by private owners and approved by the Guam Preservation Trust
20 Board of Directors, Agricultural Preserves with contracts between the landowners
21 and the Department of Agriculture, and Conservation Reserves jointly facilitated by
22 the Department of Agriculture and the Department of Parks and Recreation. These
23 mechanisms are incredibly important to the goal of conserving land, but they either
24 require specific standards to be met (e.g. amount of acres, specific uses of property),
25 are not indefinite or perpetual, or are limited to government-owned properties.

26 *I Liheslatura* finds that more flexible and perpetual conservation easements
27 may empower residents to conserve their land for generations without having to

1 relinquish title to their property and with significant influence over how the land is
2 protected or used.

3 Therefore, it is the intent of *I Liheslaturan Guåhan* to enact the Guam
4 Conservation Easement Act to empower landowners to conserve real property under
5 the facilitation of a qualified government agency or non-profit organization for the
6 purpose of protecting natural resources, native ecosystems, including but not limited
7 to limestone forests, savannas, wetlands, coastal areas; critical habitats for the
8 protection and recovery of endangered or threatened species; surface water and
9 groundwater, including parabasal, suprabasal, and well-head protection zones;
10 historic sites, archaeological, scenic, and/or cultural resources in perpetuity, while
11 providing landowners with the opportunity to utilize their conserved land for
12 compatible uses, which may include revenue-generating activities that promote
13 sustainability of our land, people, and culture.

14 **Section 2.** A new Chapter 72, Division 2, Title 21 Guam Code Annotated is
15 hereby *added* to read:

16 **“CHAPTER 72**

17 **GUAM CONSERVATION EASEMENT ACT**

18 § 72101. Purpose.

19 § 72102. Definitions.

20 § 72103. Creation, Conveyance, Acceptance and Duration.

21 § 72104. Recordation.

22 § 72105. Judicial Actions.

23 § 72106. Transfer of Conservation Easements and Encumbered Properties.

24 § 72107 . Validity.

25 § 72108 . Abatement of Property Taxes.

26 § 72109 . Filing of Map; Keeping Current.

27 § 72110 . Unified Tracking and Mapping.

1 § 72111. Compensatory Mitigation by Federal Entities and/or Partners
2 Prohibited.

3 § 72112. Applicability.

4 **§ 72110. Purpose.**

5 *I Liheslaturan Guåhan* finds that land conservation is critical for the
6 protection of Guam’s overall environment including native habitats, including but
7 not limited to limestone forests, savannas, wetlands, coastal areas; critical habitats
8 for the protection and recovery of endangered or threatened species; surface water
9 and groundwater, including parabasal, suprabasal, and well-head protection zones;
10 historic sites, archaeological, scenic, and/or cultural resources, so that they may
11 remain available for future generations to appreciate and enjoy.

12 *I Liheslatura* finds that the consistent prioritization of rapid development,
13 urbanization, and the military-buildup has placed immense pressure on Guam’s
14 limited land resources and the government’s ability to sustain ecologically and
15 culturally significant land.

16 *I Liheslatura* finds that conservation easements are one method used
17 throughout the United States to protect ecologically and culturally sensitive areas.
18 Conservation easements can be mutually beneficial to the owners of private property
19 and to the general public, as they provide a mechanism to protect critically important
20 space while protecting the landowner’s rights to the property and offering them
21 abatements in local property taxes.

22 Therefore, it is the intent of *I Liheslaturan Guåhan* to establish the Guam
23 Conservation Easement Act to enable landowners to conserve real property under
24 the facilitation of a qualified government agency or non-profit organization for the
25 purpose of implementing and upholding conservation values, including but not
26 limited to, retaining or protecting natural resources, native habitats, including but
27 not limited to limestone forests, savannas, wetlands, coastal areas; critical habitats

1 for the recovery of endangered and threatened species; surface water and
2 groundwater, including parabasal, suprabasal, and well-head protection zones;
3 historic sites, archaeological, scenic, and/or cultural resources in perpetuity.

4 **§ 72102. Definitions.**

5 For the purposes of this Act:

6 (a) "Conservation easement" means a nonpossessory interest of a holder
7 in real property imposing limitations or affirmative obligations on such
8 property, the purposes of which include implementing and upholding
9 conservation values defined in § 72102(b) of this Act, which is executed by
10 or on behalf of the owner of such real property and is binding upon all
11 successive landowners.

12 (b) "Conservation Values" means the ethical principles and standards
13 that guide decisions and actions aimed at preserving natural resources,
14 biodiversity, ecological and cultural integrity in perpetuity, including but not
15 limited to, retaining or protecting natural resources, native ecosystems ,
16 critical habitats, surface water and groundwater resources, historic sites,
17 archaeological, scenic, and cultural resources.

18 (c) "Eco-tourism" means nature-based, low-impact visitor activities
19 conducted within or adjacent to a conservation easement area that:

20 (1) are primarily motivated by the observation, appreciation, and
21 education of natural environments, native ecosystems, or associated
22 cultural heritage;

23 (2) are managed to minimize adverse effects on the conservation
24 values of the property;

25 (3) generate economic benefits that support the conservation
26 purposes of the easement and the well-being of the local community;
27 and

1 (4) do not result in subdivision, construction, or any use
2 otherwise prohibited by the easement instrument.

3 (d) “Grantor” means the first party and legal owner of the property on
4 which a conservation easement is recorded.

5 (e) “Holder” means the second party and:

6 (1) A Government of Guam entity empowered to hold an interest
7 in real property under this Chapter; or

8 (2) A nonprofit organization, pursuant to § 16102 (d), Chapter
9 16, Title 7 of the Guam Code Annotated, whose work or mission aligns
10 with the purposes of this Act and which has demonstrated conservation
11 experience and long-term financial stability.

12 (3) For the purposes of this Act, a holder shall have primary
13 enforcement rights over a conservation easement.

14 (f) “Real Property” means the definition pursuant to § 1104, Article 1,
15 Chapter 1, Title 21, Guam Code Annotated.

16 (g) "Third-party right of enforcement" means a right granted to a
17 qualified Government of Guam entity or agency that issued a permit requiring
18 establishment of the conservation easement to enforce any of the conservation
19 easement’s terms. Third-party enforcement rights shall not be conferred upon
20 the holder.

21 **§ 72103. Creation, Conveyance, Acceptance and Duration.**

22 (a) A conservation easement shall be voluntarily created, freely
23 transferable, or donated in whole or in part to a holder for the purposes
24 outlined in § 72101 of this Chapter by any lawful method for the transfer of
25 interests in real property in accordance with Chapter 4, Title 21, Guam Code
26 Annotated. The instrument creating the conservation easement shall be
27 binding upon successive landowners or explicitly expressed as running with

1 the land except as provided in § 72105. All conservation easements shall be
2 recorded to the deed of the property with the Guam Department of Land
3 Management (DLM). Copies of the instrument creating the conservation
4 easement shall be filed and kept current by the grantor, holder, and DLM so
5 long as it remains in effect.

6 (b) No right or duty in favor of or against a holder and no right in favor
7 of a person having a third-party right of enforcement arises under a
8 conservation easement before its acceptance by the holder and a recordation
9 of the acceptance.

10 (c) An interest in real property in existence at the time a conservation
11 easement is created is not impaired by it unless the owner of the interest is a
12 party to the conservation easement or consents to it.

13 (d) All interests in real property not transferred and conveyed by the
14 holder creating the easement shall remain in the grantor of the easement,
15 including the right to engage in all uses of the land not affected by the
16 easement nor prohibited by the easement or by law.

17 (e) Except as provided in § 72105(b), a conservation easement is
18 unlimited in duration.

19 (f) The particular characteristics of a conservation easement shall
20 remain in compliance with the purposes of this Act and shall be granted or
21 specified in the instrument creating or transferring the easement, to include,
22 at minimum, but not be limited to:

23 (1) Identification of the explicit conservation values being
24 protected established by the conservation easement and for which the
25 easement was created;

26 (2) Frequency of inspections or monitoring of the conservation
27 easement by the holder to ensure compliance with all characteristics

1 specified by the instrument creating the easement. Holders shall inspect
2 or monitor their conservation easement once per calendar year, at
3 minimum;

4 (3) Prohibition on uses inconsistent with the purposes of this Act
5 that include, but are not limited to, mining, grading, soil excavation, or
6 other extractive use; residential, industrial, commercial, agricultural-
7 industrial, or infrastructure development;

8 (4) Affirmative obligations and duties of the holder and grantor
9 of the easement including, but not limited to, maintenance or restoration
10 of the property's conservation values , removal of litter and abandoned
11 or junk vehicles, and ongoing management necessary to preserve the
12 purpose of the easement;

13 (5) The provision of public access, if applicable, shall be
14 consistent and not detrimental to conservation values being protected
15 and the instrument creating the easement must explicitly address
16 whether and under what conditions public access is permitted;

17 (6) A list of compatible agricultural, agroforestry, subsistence
18 farming and cultural stewardship practices, if applicable, consistent
19 with the purposes of this Act;

20 (7) Economic or revenue generating activities geared towards
21 promoting eco-tourism, sustainability, and/or culture, if applicable; and

22 (8) A long-term management plan agreed upon by the holder and
23 grantor of the conservation easement to ensure compliance and to meet
24 mutual goals.

25 **§ 72104. Recordation.**

26 The Attorney General shall draft a standardized instrument conveying
27 the creation or transfer of a conservation easement between a property owner

1 and a holder pursuant to this Act. This Section shall not be construed as
2 prohibiting an instrument from granting particular characteristics for a
3 conservation easement as provided in this Act.

4 **§ 72105. Judicial Actions.**

5 (a) Actual or threatened injury to or impairment of a conservation
6 easement or actual or threatened violation of its terms may be prohibited or
7 restrained, or the interest intended for protection by such easement may be
8 enforced, by injunctive relief granted by any court of competent jurisdiction
9 in a proceeding initiated by:

10 (1) an owner of an interest in the real property burdened by the
11 easement;

12 (2) a holder of the easement;

13 (3) a person having a third-party right of enforcement; or

14 (4) the Attorney General or the Department of Agriculture, if the
15 holder is no longer in existence and there is no third-party right of
16 enforcement.

17 (b) This Act does not affect the power of a court to modify or terminate
18 a conservation easement for the following purposes:

19 (1) appoint a substitute qualified holder in cases where a holder
20 of a conservation easement is dissolved or is unable to effectuate the
21 easement pursuant to this Act.

22 (2) If a landowner requests to modify or terminate a conservation
23 easement, it must first be proven that:

24 i. the modification or termination of the easement is not
25 inconsistent with the purposes of this Act; or

26 ii. the changed conditions of the real property were not
27 anticipated at the time of the creation of the conservation

1 easement and have resulted in an inability to uphold the
2 conservation values for which the easement was established; and.

3 iii. any modification or termination shall require approval
4 from the permitting agency, and replacement of conservation
5 values at an alternative location. Any endowment associated with
6 a terminated easement shall be transferred to support any
7 replacement easement area.

8 iv. the existence of an opportunity for another use of the
9 property on which the easement exists or the uneconomic
10 character of the existing use shall not be sufficient reasons for
11 the modification or termination of the easement.

12 (c) This Section shall not preclude any other method of enforcement by
13 a holder or third party, in its discretion, to remedy any violation of a
14 conservation easement prior to seeking injunctive relief.

15 (d) Non-substantive modifications, administrative corrections or
16 substitutions of a qualified successor holder are exempt from full judicial
17 review.

18 **§ 72106. Transfer of Conservation Easements and Encumbered**
19 **Properties.**

20 (a) In cases where a holder of a conservation easement is dissolved or
21 is unable to effectuate the easement, the conservation easement may be
22 transferred to a substitute qualified holder and recorded onto the deed or
23 instrument with the Department of Land Management. The substitute holder
24 shall assume all obligations including those arising from any permit that
25 required the easement.

26 (b) While a conservation easement remains in effect, a grantor may
27 transfer ownership of property subject to a conservation easement, provided

1 the easement terms and conditions are incorporated into the deed or transfer
2 instrument with the Department of Land Management, and the holder and
3 entity with third-party enforcement rights receive at least sixty (60) days' prior
4 notice before transfer of ownership.

5 **§ 72107. Validity.**

6 A conservation easement is valid and shall be enforceable even though:

7 (a) it has been assigned to another holder;

8 (b) it is not of a character that has been recognized traditionally at
9 common law;

10 (c) it imposes a negative burden;

11 (d) it imposes affirmative obligations upon the owner of an interest in
12 the real property or upon the holder;

13 (e) the benefit does not touch or concern real property;

14 (f) there is no privity of estate or of contract.

15 **§ 72108. Abatement of Property Taxes.**

16 The Guam Department of Agriculture, in consultation with the Department of
17 Revenue and Taxation, Department of Land Management, and other government
18 agencies, shall promulgate regulations for real property tax abatement that includes,
19 but not limited to the following:

20 (a) assesses the financial value of conservation values defined and
21 implemented by the conservation easement instrument;

22 (b) applies to a portion of the full assessed value of the property
23 attributable to the rights restricted by the easement;

24 (c) includes a reduction of abatement due to revenue generated, grants,
25 or donations received for the easement;

26 (d) develops a cap on total real property tax abatement within Guam.

27 **§ 72109. Filing of Map; Keeping Current.**

1 Whenever a conservation easement is established and so long as it shall be in
2 effect, an approved recorded map of such conservation easement shall be filed and
3 kept current by the holder of the easement and the Department of Land Management.
4 A copy of the instrument creating the conservation easement shall be provided to the
5 Department of Revenue and Taxation within thirty (30) days of recordation at the
6 Land Records Division of the Department of Land Management.

7 **§ 72110 . Unified Tracking and Mapping.**

8 The Department of Land Management, in consultation with the Department
9 of Agriculture, shall establish a unified tracking and mapping protocol that integrates
10 conservation easements created under this Act into the Forest System Plan inventory
11 maintained pursuant to the Guam Forestry Legacy Act of Article 5, Chapter 63, Title
12 5, Guam Code Annotated.

13 **§ 72111. Compensatory Mitigation by Federal Entities and/or Partners**
14 **Prohibited.**

15 Any federal entity and/or their partners are prohibited from utilizing this Act
16 to meet requirements for compensatory mitigation under the Endangered Species
17 Act (ESA), 16 U.S. Code, Chapter 35.

18 **§ 72112. Applicability.**This Act does not invalidate any interest in real
19 property, whether designated as a conservation or preservation easement or as a
20 covenant, or otherwise, that is enforceable under any other law within the Guam
21 Code Annotated.”

22 **Section 3. Promulgation of Regulations.** The Guam Department of
23 Agriculture, in consultation with the Department of Revenue and Taxation, the
24 Bureau of Statistics and Plans, the Guam State Historic Preservation Office, and the
25 Guam Preservation Trust, shall promulgate regulations in accordance with this Act
26 within one-hundred eighty (180) days after enactment.

1 **Section 4. Delayed Implementation.** Implementation of this Act may be
2 delayed until the regulations are promulgated.

3 **Section 5. Severability.** If any provision of this Act or its application to any
4 person or circumstance is found to be invalid or inorganic, such invalidity shall not
5 affect other provisions or applications of this Act that can be given effect without
6 the invalid provision or application, and to this end the provisions of this Act are
7 severable.

8 **Section 6. Effective Date.** This Act shall be effective upon enactment.

COMMITTEE MARKUP

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. **244-38 (COR/LS)**

As Amended by the Committee on Land,
Environment, Housing, Agriculture, Parks,
and Infrastructure

Introduced by:

Sabina Flores Perez

Chris Barnett

Tina Rose Muña Barnes

AN ACT TO *ADD* A NEW CHAPTER 72, DIVISION 2, TO
TITLE 21 OF THE GUAM CODE ANNOTATED,
RELATIVE TO ESTABLISHING THE ~~UNIFORM~~ 'GUAM
CONSERVATION EASEMENT ACT' TO PROVIDE AN
ADDITIONAL OPTION FOR THE CONSERVATION OF
ECOLOGICALLY AND CULTURALLY SIGNIFICANT
LAND.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*

finds that the conservation of land is critical for the protection of Guam's overall
environment, including native habitats, watersheds and water resources, historic,
scenic, archeological, and cultural sites, so that they may remain available for future
generations to appreciate and enjoy.

I Liheslatura finds that the consistent prioritization of rapid development,
urbanization, and the military-buildup has placed immense pressure on Guam's
limited land resources and the government's ability to sustain ecologically and
culturally significant land. The inability to conserve native habitats, watersheds and
water resources, and historic, archeological, scenic, and cultural sites have resulted
in the loss of critical habitats for the recovery of native, endangered or threatened

1 species, contamination and sediment erosion that impacts drinking water and marine
2 ecosystems, and has led to a dangerous decline in ecological health and our island's
3 unique natural beauty, and loss to our deep cultural connections and heritage.

4 *I Liheslatura* finds that conservation easements are one method used
5 throughout the U.S. to protect ecologically and culturally sensitive areas, conserving
6 tracts of land for purposes that are mutually beneficial to the general public and to
7 private landowners.

8 *I Liheslatura* finds that a conservation easement is a legally binding agreement
9 between a landowner and a government agency or non-profit organization, in which
10 the landowner voluntarily limits some development and usage rights on their
11 property in exchange for the ability to conserve the land in perpetuity and for real
12 property tax abatements. Under the easement, landowners retain full title to their
13 property and are generally provided with flexibility when negotiating the specific
14 characteristics of the conservation easement, with objectives that can meet both the
15 landowner's and the agency or non-profit's interests, goals, and expectations.

16 *I Liheslatura* finds that there are several legal mechanisms that exist to
17 conserve property in Guam, including Biodiversity Conservation Easements
18 facilitated by the Chamorro Land Trust Commission, historic preservation
19 easements executed by private owners and approved by the Guam Preservation Trust
20 Board of Directors, Agricultural Preserves with contracts between the landowners
21 and the Department of Agriculture, and Conservation Reserves jointly facilitated by
22 the Department of Agriculture and the Department of Parks and Recreation. These
23 mechanisms are incredibly important to the goal of conserving land, but they either
24 require specific standards to be met (e.g. amount of acres, specific uses of property),
25 are not indefinite or perpetual, or are limited to government-owned properties.

26 *I Liheslatura* finds that more flexible and perpetual conservation easements
27 may empower residents to conserve their land for generations without having to

1 relinquish title to their property and with significant influence over how the land is
2 protected or used.

3 Therefore, it is the intent of *I Liheslaturan Guåhan* to enact the Guam Uniform
4 Conservation Easement Act to empower landowners to conserve ~~private~~real
5 property under the facilitation of a ~~specific~~qualified government agency or non-
6 profit organization for the purpose of protecting natural resources, native
7 ecosystems, including but not limited to limestone forests, savannas, wetlands,
8 coastal areas; critical habitats for the protection and recovery of endangered or
9 threatened species; surface water and groundwater, including parabasal, suprabasal,
10 and well-head protection zones; historic sites, archaeological, scenic, and/or cultural
11 resources in perpetuity, while providing landowners with the opportunity to utilize
12 their conserved land for compatible uses, which may include revenue-generating
13 activities that promote sustainability of our land, people, and culture.

14 **Section 2.** A new Chapter 72, Division 2, Title 21 Guam Code Annotated is
15 hereby *added* to read:

16 **“CHAPTER 72**

17 **UNIFORM-GUAM CONSERVATION EASEMENT ACT**

18 § 72101. Purpose.

19 § 72102. Definitions.

20 § 72103. Creation, Conveyance, Acceptance and Duration.

21 § 72104. Recordation.

22 § 72105 4. Judicial Actions.

23 § 72106. Transfer of Conservation Easements and Encumbered
24 Properties.

25 § 72107 5. Validity.

26 § 72108 6. Abatement of Property Taxes.

27 § 72109 7. Filing of Map; Keeping Current.

1 ~~§ 72110 08. Applicability.~~ Unified Tracking and Mapping.

2 ~~§ 72111. Compensatory Mitigation by Federal Entities and/or Partners~~
3 ~~Prohibited.~~

4 ~~§ 72112. Applicability.~~

5 **§ 72101. Purpose.**

6 *I Liheslaturan Guåhan* finds that land conservation is critical for the
7 protection of Guam’s overall environment including native habitats, including
8 but not limited to limestone forests, savannas, wetlands, coastal areas; critical
9 habitats for the protection and recovery of endangered or threatened species;
10 surface water and groundwater, including parabasal, suprabasal, and well-
11 head protection zones; historic sites, archaeological, scenic, and/or cultural
12 resources, so that they may remain available for future generations to
13 appreciate and enjoy.

14 *I Liheslatura* finds that the consistent prioritization of rapid
15 development, urbanization, and the military-buildup has placed immense
16 pressure on Guam’s limited land resources and the government’s ability to
17 sustain ecologically and culturally significant land.

18 *I Liheslatura* finds that conservation easements are one method used
19 throughout the United States to protect ecologically and culturally sensitive
20 areas. Conservation easements can be mutually beneficial to the owners of
21 private property and to the general public, as they provide a mechanism to
22 protect critically important space while protecting the landowner’s rights to
23 the property and offering them abatements in local property taxes.

24 Therefore, it is the intent of *I Liheslaturan Guåhan* to establish the
25 ~~Uniform-Guam~~ Conservation Easement Act to enable landowners to conserve
26 ~~private-real~~ property under the facilitation of a ~~specific-qualified~~ government
27 agency or non-profit organization for the purpose of ~~supporting environmental~~

~~stewardship practices and, where consistent with conservation, implementing and upholding conservation values, including but not limited to, retaining or protecting natural resources, native habitats, including but not limited to limestone forests, savannas, wetlands, coastal areas; critical habitats for the recovery of endangered and threatened species; surface water and groundwater, including parabasal, suprabasal, and well-head protection zones; historic sites, archaeological, scenic, and/or cultural resources in perpetuity.~~

§ 72102. Definitions.

For the purposes of this Act:

(a) "Conservation easement" means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations on such property, the purposes of which include supporting environmental stewardship practices implementing and upholding conservation values defined in § 72102(b) of this Act, ~~–and, where consistent with conservation, retaining or protecting natural resources, native habitats, including but not limited to limestone forests, savannas, wetlands, coastal areas; critical habitats for the recovery of endangered and threatened species; surface water and groundwater, including parabasal, suprabasal, and well-head protection zones; historic sites, archaeological, scenic, and/or cultural resources in perpetuity,~~ which is executed by or on behalf of the owner of such real property and is binding upon all successive landowners.

(b) "Conservation Values" means the ethical principles and standards that guide decisions and actions aimed at preserving natural resources, biodiversity, ecological and cultural integrity

1 in perpetuity, including but not limited to, retaining or protecting
2 natural resources, native ecosystems , critical habitats, surface
3 water and groundwater resources, historic sites, archaeological,
4 scenic, and cultural resources.

5 (c) “Eco-tourism” means nature-based, low-impact visitor activities
6 conducted within or adjacent to a conservation easement area
7 that:

8 (1) are primarily motivated by the observation,
9 appreciation, and education of natural environments, native
10 ecosystems, or associated cultural heritage;

11 (2) are managed to minimize adverse effects on the
12 conservation values of the property;

13 (3) generate economic benefits that support the
14 conservation purposes of the easement and the well-being of the
15 local community; and

16 (4) do not result in subdivision, construction, or any use
17 otherwise prohibited by the easement instrument.

18 (d) “Grantor” means the first party and legal owner of the property
19 on which a conservation easement is recorded.

20 (eb) “Holder” means the second party and:

21 (1) A ~~local government~~ Government of Guam entity
22 empowered to hold an interest in real property under this Chapter; or

23 (2) A nonprofit organization, pursuant to § 16102 (d), Chapter
24 16, Title 7 of the Guam Code Annotated, whose work or mission aligns
25 with the purposes of this Act and which has demonstrated conservation
26 experience and long-term financial stability.

1 (3) For the purposes of this Act, a holder shall have primary
2 enforcement rights over a conservation easement.

3 (f) “Real Property” means the definition pursuant to § 1104, Article
4 1, Chapter 1, Title 21, Guam Code Annotated.

5 (ge) "Third-party right of enforcement" means a right ~~provided in a~~
6 ~~conservation easement to enforce any of its terms granted to a local~~
7 ~~government~~qualified Government of Guam entity or agency that issued a
8 permit requiring establishment of the conservation easement to enforce any of
9 the conservation easement’s terms. ~~nonprofit organization, which, although~~
10 ~~eligible to be a holder, is not a holder. Third-party enforcement rights shall~~
11 ~~not be conferred upon the holder.~~

12 ~~(1) Third party enforcement rights may be granted to qualified~~
13 ~~Government of Guam entities or to agencies that issued a permit~~
14 ~~requiring establishment of the conservation easement, when applicable.~~

15 ~~(2) Third party enforcement rights may not be conferred upon~~
16 ~~the holder.~~

17 **§ 72103. Creation, Conveyance, Acceptance and Duration.**

18 (a) A conservation easement shall be voluntarily created, freely
19 transferable, or donated in whole or in part to a holder for the purposes
20 outlined in § 72101 of this Chapter by any lawful method for the transfer of
21 interests in real property in accordance with Chapter 4, Title 21, Guam Code
22 Annotated. ~~The instrument creating the conservation easement shall be~~
23 ~~binding upon successive landowners or explicitly expressed as running with~~
24 ~~the land except as provided in § 72105. All conservation easements shall be~~
25 ~~recorded to the deed of the property with the Guam Department of Land~~
26 ~~Management (DLM). Copies of the instrument creating the conservation~~

easement shall be filed and kept current by the grantor, holder, and DLM so long as it remains in effect.

(b) No right or duty in favor of or against a holder and no right in favor of a person having a third-party right of enforcement arises under a conservation easement before its acceptance by the holder and a recordation of the acceptance.

(c) An interest in real property in existence at the time a conservation easement is created is not impaired by it unless the owner of the interest is a party to the conservation easement or consents to it.

(d) All interests in real property not transferred and conveyed by the holder creating the easement shall remain in the grantor of the easement, including the right to engage in all uses of the land not affected by the easement nor prohibited by the easement or by law.

(e) Except as provided in § 721054(b), a conservation easement is unlimited in duration.

(f) The particular characteristics of a conservation easement shall remain in compliance with the purposes of this Act and shall be granted or specified in the instrument creating or transferring the easement, to include, at minimum, but not be limited to:

(1) Identification of the explicit conservation values being protected established by the conservation easement and for which the easement was created;

(21) Frequency of inspections or monitoring of the conservation easement by the holder to ensure compliance with all characteristics specified by the instrument creating the easement. Holders shall inspect or monitor their conservation easement once per calendar year, at minimum;

1 ~~(32) Limitations and restrictions on uses within the~~
2 ~~conservation easement that are inconsistent with the purposes of this~~
3 ~~Act, including, but not limited to, mining or any other extractive~~
4 ~~industry, residential, commercial, intensive agricultural industrial and~~
5 ~~infrastructure development, soil excavation, grading, and any other~~
6 ~~industrial use;~~

7 ~~(3) Prohibition on uses inconsistent with the purposes of this~~
8 ~~Act that include, but are not limited to, mining, grading, soil excavation,~~
9 ~~or other extractive use; residential, industrial, commercial, agricultural-~~
10 ~~industrial, or infrastructure development;~~

11 ~~(43) Affirmative obligations and duties of the holder and~~
12 ~~grantor of the easement including, but not limited to, maintenance or~~
13 ~~restoration of the property's conservation values restoration of real~~
14 ~~property to a healthy state, removal of litter and abandoned or junk~~
15 ~~vehicles, and ongoing management maintenance necessary to preserve~~
16 ~~the purpose of the easement;~~

17 ~~(54) Public access and compatible recreational uses of the~~
18 ~~property; and/or The provision of public access, if applicable, shall be~~
19 ~~consistent and not detrimental to conservation values being protected~~
20 ~~and the instrument creating the easement must explicitly address~~
21 ~~whether and under what conditions public access is permitted;~~

22 ~~(6) A list of compatible agricultural, agroforestry, subsistence~~
23 ~~farming and cultural stewardship practices, if applicable, consistent~~
24 ~~with the purposes of this Act;~~

25 ~~(75) Economic or revenue generating activities geared towards~~
26 ~~promoting eco-tourism, sustainability, and/or culture, if applicable; and~~
27 ~~For purposes of this Section, "eco-tourism" means visitor-centered~~

1 recreational activities geared towards responsible use of an area or
2 property that aims to enhance conservation efforts, sustain the
3 wellbeing of the local community, and/or is educational, with no
4 intrusive effect on the property.

5 (8) A long-term management plan agreed upon by the holder
6 and grantor of the conservation easement to ensure compliance and to
7 meet mutual goals.

8 **§ 72104. Recordation.**

9 The Attorney General shall draft a standardized instrument conveying
10 the creation or transfer of a conservation easement between a property owner
11 and a holder pursuant to this Act. This Section shall not be construed as
12 prohibiting an instrument from granting particular characteristics for a
13 conservation easement as provided in this Act.

14 **§ 721054. Judicial Actions.**

15 (a) Actual or threatened injury to or impairment of a conservation
16 easement or actual or threatened violation of its terms may be prohibited or
17 restrained, or the interest intended for protection by such easement may be
18 enforced, by injunctive relief granted by any court of competent jurisdiction
19 in a proceeding initiated by:

20 (1) an owner of an interest in the real property burdened by
21 the easement;

22 (2) a holder of the easement;

23 (3) a person having a third-party right of enforcement; or

24 (4) ~~a person authorized by other law.~~ the Attorney General or
25 the Department of Agriculture, if the holder is no longer in existence
26 and there is no third-party right of enforcement.

1 (b) This Act does not affect the power of a court to modify or
2 terminate a conservation easement ~~if such easement no longer substantially~~
3 ~~achieves its purpose due to changed conditions that were not anticipated at the~~
4 ~~time of its creation, or to for the following purposes:~~

5 (1) to appoint a substitute ~~qualified~~ holder in cases where a holder of
6 a conservation easement is dissolved or is unable to effectuate the easement
7 pursuant to this Act.

8 (2) If a landowner requests to modify or terminate a conservation
9 easement, it must first be proven that:

10 ~~(1) i.~~ the modification or termination of the easement is not
11 inconsistent with the purposes of this Act; ~~or and~~

12 ~~(2) ii.~~ the changed conditions of the real property were not
13 anticipated at the time of the creation of the conservation easement and
14 have resulted in an inability to uphold the conservation values for which
15 the easement was established; and. ~~the modification of termination is in~~
16 ~~the public's best interest.~~

17 ~~(3) iii.~~ Any modification or termination shall require
18 approval from the permitting agency, and replacement of conservation
19 values at an alternative location. Any endowment associated with a
20 terminated easement shall be transferred to support any replacement
21 easement area.

22 ~~(e)-iv.~~ the existence of an opportunity for another use of
23 the property on which the easement exists or the uneconomic character
24 of the existing use shall not be sufficient reasons for the modification
25 or termination of the easement.

1 (c) This Section shall not preclude any other method of enforcement
2 by a holder or third party, in its discretion, to remedy any violation of a
3 conservation easement prior to seeking injunctive relief.

4 ~~(d) This section shall not preclude any other method of enforcement~~
5 ~~by a holder or third party, in its discretion, to remedy any violation of a~~
6 ~~conservation easement prior to seeking injunctive relief.~~ Non-substantive
7 modifications, administrative corrections or substitutions of a qualified
8 successor holder are exempt from full judicial review.

9 **§ 72106. Transfer of Conservation Easements and Encumbered**
10 **Properties.**

11 (a) In cases where a holder of a conservation easement is dissolved
12 or is unable to effectuate the easement, the conservation easement may be
13 transferred to a substitute qualified holder and recorded onto the deed or
14 instrument with the Department of Land Management. The substitute holder
15 shall assume all obligations including those arising from any permit that
16 required the easement.

17 (b) While a conservation easement remains in effect, a grantor may
18 transfer ownership of property subject to a conservation easement, provided
19 the easement terms and conditions are incorporated into the deed or transfer
20 instrument with the Department of Land Management, and the holder and
21 entity with third-party enforcement rights receive at least sixty (60) days' prior
22 notice before transfer of ownership.

23 **§ 721075. Validity.**

24 A conservation easement is valid and shall be enforceable even though:

25 ~~(a) it is not appurtenant to an interest in real property;~~

26 ~~(ab) it can be or~~ has been assigned to another holder;

1 ~~(be)~~ it is not of a character that has been recognized traditionally at
2 common law;

3 ~~(cd)~~ it imposes a negative burden;

4 ~~(de)~~ it imposes affirmative obligations upon the owner of an interest
5 in the ~~burdened real~~ property or upon the holder;

6 ~~(ef)~~ the benefit does not touch or concern real property;

7 ~~(fg)~~ there is no privity of estate or of contract.;

8 ~~(gh)~~ there is a lack of benefit tied to the property; or

9 ~~(hi)~~ the instrument creating the easement does not express the
10 easement as running with the land.

11 **§ 721086. Abatement of Property Taxes.**

12 ~~A copy of the instrument creating the conservation easement shall be~~
13 ~~provided to the Department of Revenue and Taxation (DRT) within thirty (30)~~
14 ~~days of recordation. The Director of DRT shall grant an abatement of property~~
15 ~~taxes on all property included within a conservation easement, executed by an~~
16 ~~instrument between the property owner and the holder of the conservation~~
17 ~~easement and upon approval from the Board of Directors of the relevant~~
18 ~~government agency or non-profit organization, if applicable, in accordance~~
19 ~~with this Act.~~

20 ~~The Guam Department of Agriculture, in consultation with the~~
21 ~~Department of Revenue and Taxation, Department of Land Management, and~~
22 ~~other government agencies, shall promulgate regulations for real property tax~~
23 ~~abatement that includes, but not limited to the following:~~

24 ~~(a) assesses the financial value of conservation values defined~~
25 ~~and implemented by the conservation easement instrument;~~

26 ~~(b) applies to a portion of the full assessed value of the property~~
27 ~~attributable to the rights restricted by the easement;~~

1 (c) includes a reduction of abatement due to revenue generated,
2 grants, or donations received for the easement;

3 (d) develops a cap on total real property tax abatement within
4 Guam.

5 **§ 7210~~97~~. Filing of Map; Keeping Current.**

6 Whenever a conservation easement is established and so long as it shall
7 be in effect, an approved recorded map of such conservation easement shall
8 be filed and kept current by the holder of the easement and the Department of
9 Land Management. A copy of the instrument creating the conservation
10 easement shall be provided to the Department of Revenue and Taxation within
11 thirty (30) days of recordation at the Land Records Division of the Department
12 of Land Management.

13 **§ 72110 ~~08~~. Unified Tracking and Mapping.**

14 The Department of Land Management, in consultation with the
15 Department of Agriculture, shall establish a unified tracking and mapping
16 protocol that integrates conservation easements created under this Act into the
17 Forest System Plan inventory maintained pursuant to the Guam Forestry
18 Legacy Act of Article 5, Chapter 63, Title 5, Guam Code Annotated.

19 **§ 72111. Compensatory Mitigation by Federal Entities and/or**
20 **Partners Prohibited.**

21 Any federal entity and/or their partners are prohibited from utilizing this Act
22 to meet requirements for compensatory mitigation under the Endangered Species
23 Act (ESA), 16 U.S. Code, Chapter 35.

24 **§ 72112. Applicability.**

25 This Act does not invalidate any interest in real property, whether
26 designated as a conservation or preservation easement or as a covenant, or

1 otherwise, that is enforceable under any other law within the Guam Code
2 Annotated.”

3 **Section 3. Promulgation of Regulations.** ~~The Department of Land~~
4 ~~Management (DLM), in consultation with t~~ The Guam Department of Agriculture,
5 in consultation with the Department of Revenue and Taxation, ~~and~~ the Bureau of
6 Statistics and Plans, the Guam State Historic Preservation Office, and the Guam
7 Preservation Trust, shall promulgate regulations in accordance with this Act within
8 one-hundred eighty (180) days after enactment.

9 **Section 4. Delayed Implementation.** Implementation of this Act may
10 be delayed until the regulations are promulgated.

11 **Section 5. Severability.** If any provision of this Act or its application
12 to any person or circumstance is found to be invalid or inorganic, such invalidity
13 shall not affect other provisions or applications of this Act that can be given effect
14 without the invalid provision or application, and to this end the provisions of this
15 Act are severable.

16 **Section 6. Effective Date.** This Act shall be effective upon enactment.



COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature

December 30, 2025

To: **Rennae V. C. Meno**
Clerk of the Legislature

From: **Senator Christopher M. Dueñas** 
Acting Chairperson, Committee on Rules

Subject: **Fiscal Note for Bill No. 244-38 (COR)**

Håfa Adai!

Find the attached, Fiscal Note for the following bill:

Bill No. 244-38 (COR).

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly copy the same to Management Information Services (MIS) for posting on our website.



Bureau of Budget & Management Research
Fiscal Note of Bill No. 244-38 (COR)

AN ACT TO ADD A NEW CHAPTER 72, DIVISION 2, TO TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM CONSERVATION EASEMENT ACT TO PROVIDE AN ADDITIONAL OPTION FOR THE CONSERVATION OF ECOLOGICALLY AND CULTURALLY SIGNIFICANT LAND.

Department/Agency Appropriation Information

Dept./Agency Affected: Department of Land Management	Dept./Agency Head: Joseph M. Borja, Director
Department's General Fund (GF) appropriation(s) to date:	\$963,078
Department's Other Fund appropriation(s) to date: Land Survey Revolving Fund	\$2,848,009
Total Department/Agency Appropriation(s) to date:	\$3,811,087

Fund Source Information of Proposed Appropriation:

	General Fund:	Special Fund:	Total:
FY 2025 Unreserved Fund Balance	\$0	\$0	\$0
FY 2026 Adopted Revenues	\$0	\$0	\$0
FY 2026 Appro. (P.L. 38-60)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2026 (if applicable)	FY 2027	FY 2028	FY 2029	FY 2030
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- | | | |
|---|-----------|----------|
| 1. Does the bill contain "revenue generating" provisions?
If Yes, see attachment | / X / Yes | / / No |
| 2. Is amount appropriated adequate to fund the intent of the appropriation?
If no, what is the additional amount required? \$ _____ | / X / N/A | / / Yes |
| 3. Does the Bill establish a new program/agency?
If yes, will the program duplicate existing programs/agencies?
Is there a federal mandate to establish the program/agency? | / / Yes | / X / No |
| 4. Will the enactment of this Bill require new physical facilities? | / / Yes | / X / No |
| 5. Was Fiscal Note coordinated with the affected dept/agency?
If no, indicate reason:
/ X / Requested agency comments not received by due date: Department of Land Management | / / Yes | / X / No |
| | / / Other | |

Analyst: <u>Michelle Pineda</u>	Date: <u>12/24/25</u>	Director: <u>Lester L. Carlson, Jr.</u>	Date: <u>DEC 30 2025</u>
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Notes:
 " See Additional Comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 244-38 (COR)

Bill No. 244-38 intends to add a new Chapter 72, Division 2, to Title 21 of the Guam Code Annotated, relative to establishing the Uniform Conservation Easement Act to provide an additional option for the conservation of ecologically and culturally significant land.

I Liheslaturan Guahan finds that conservation easements are one method used throughout the U.S. to protect ecologically and culturally sensitive areas. Under the easement, landowners retain full title to their property and are given flexibility to negotiate objectives that meet both the landowner's and the government agency or non-profit organization's interests, goals, and expectations, while offering the landowner abatements in real property taxes. In exchange for these abatements, the subject property must be utilized for compatible uses, which may include economic or revenue-generating activities that promote eco-tourism, sustainability, and culture.

Revenues from Real Property Tax collections are currently deposited into the Territorial Educational Facilities Fund (TEFF), which is to be used exclusively for public school needs. Should the proposed legislation be enacted, the Bureau anticipates a potential fiscal impact to the TEFF, resulting from the Real Property Tax abatements on all properties included within a conservation easement. However, absent comment from DLM and information relative to the number of properties that qualify for a conservation easement, the Bureau is unable to ascertain a specific fiscal impact at this time.