

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
7-38 (COR) As amended by the Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure; and further amended on the Floor.	Joe S. San Agustin Tina Rose Muña Barnes Christopher M. Dueñas Frank F. Blas, Jr. V. Anthony Ada Shelly V. Calvo Jesse A. Lujan Vincent A.V. Borja Sabrina Salas Matanane Eulogio Shawn Gumataotao	AN ACT TO <i>REPEAL</i> AND <i>REENACT</i> A NEW § 75122(c)(2) AND <i>ADD</i> A NEW § 75122(d), § 75122(e), § 75122(f), and § 75122(g) TO CHAPTER 75 OF TITLE 21, GUAM CODE ANNOTATED RELATIVE TO REQUIRING THE CHAMORRO LAND TRUST TO SOLICIT COMPETITIVE BIDS FOR THE MASS GRADING AND MINERAL EXTRACTION OF A PORTION OF LOT 5412, <i>MANGILAO</i> .	1/13/25 8:00 a.m. ^ 1/22/25	1/29/25	Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure.	Request: 1/29/25 1/30/25	7/1/25 2:00 p.m.	9/9/25 As Amended.	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	VETOED	NOTES		
	9/29/25	AN ACT TO <i>REPEAL</i> AND <i>REENACT</i> A NEW § 75122(c)(2) AND <i>ADD</i> A NEW § 75122(d), § 75122(e), § 75122(f), AND § 75122(g) TO CHAPTER 75, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THE CHAMORRO LAND TRUST TO SOLICIT COMPETITIVE BIDS FOR THE MASS GRADING AND MINERAL EXTRACTION OF A PORTION OF LOT 5412, MANGILAO.	10/3/25	10/7/25	10/18/25	10/16/25	Received: 10/17/25 Mess and Comm. Doc. No. 38GL-25-1350		

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

38GL-25-1350
OFFICE OF THE SPEAKER
FRANK F. BLAS JR.

Transmitted via Email to: speakerblas@guamlegislature.org

OCT 17 2025

October 17, 2025

Time: 4:30 PM
Received: [Signature]

THE HON. FRANK BLAS, JR., Speaker
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Bill No. 7-38 (COR), "AN ACT TO REPEAL AND REENACT A NEW § 75122(c)(2) AND ADD A NEW § 75122(d), § 75122(e), § 75122(f), AND § 75122(g) TO CHAPTER 75, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THE CHAMORRO LAND TRUST TO SOLICIT COMPETITIVE BIDS FOR THE MASS GRADING AND MINERAL EXTRACTION OF A PORTION OF LOT 5412, MANGILAO."

Håfa Adai Mr. Speaker,

I have grave concerns about Bill No. 7-38. Using Lot 5412 for the purpose of a quarry would be counter to prior decisions made by the legislature to preserve Guam's limestone habitat. Lot 5412 was included in the Guam Forest Plan approved in PL 37-143 to meet requirements of the United States Fish and Wildlife Service (USFWS). The preservation of limestone forest land is necessary to meet the requirements of the Habitat Conservation Plan (HCP) that Guam has been negotiating with the USFWS. The purpose of the HCP, if approved, would allow landowners and developers to pursue projects with reduced delays and more predictable timelines by minimizing the project specific requirements for compliance with the Endangered Species Act (ESA). By establishing the Forest Plan, the protected habitat would be taken into account when determining what if any mitigation is needed for a new project. If Lot 5412 is removed from planned forest preservation an agreement establishing the HCP is unlikely so no streamlining of permits would be possible. I am further concerned that removing the limestone forest would also increase the sediment runoff into the water along the coastline.

Additionally, the author of the bill failed to note that as of January 1, 2021, Chapter 75 of Title 21 of the Guam Code Annotated no longer applied to the current operations of the Chamorro Land Trust Commission (CLTC). After that date, all operations of the CLTC are regulated by Chapter 75A of Title 21 of the Guam Code Annotated, which is codified at 21 GCA 75A101.1(b). Chapter 75A was enacted to formalize a settlement agreement between the United States of America and the Government of Guam, so any amendment to Chapter 75A should be done sparingly to prevent violating the terms of the settlement agreement that lead to its enactment.

To: The Hon. Frank Blas, Jr., *Speaker*
Fr: The Hon. Joshua F. Tenorio, *Acting Governor of Guam*
Date: October 17, 2025
Re: Bill No. 7-38 (COR)

Page 2 of 2

Since the enactment of Chapter 75A, the only leases that are impacted by amendments of Chapter 75 are old leases. Amending Chapter 75 would not provide the CLTC with any legal authority to take action on leases which went into effect after January 1, 2021, which means Bill No. 7-38 does not authorize the CLTC to take any action regarding Lot 5412 that it could not already take.

For these reasons, I VETO Bill No. 7-38 (COR).

Senseraamente,



JOSHUA F. TENORIO
I Ákto Maga'låhen Guåhan
Acting Governor of Guam

Enclosure(s): Bill No. 7-38 (COR) - VETO
cc via email: The *Honorable* Lourdes A. Leon Guerrero, *Maga'hågan Guåhan*, Governor of Guam
Compiler of Laws



38GL-25-1350
Messages and Communications

RECEIVED
COMMITTEE ON RULES
October 20, 2025

8:46 a.m.
Marie Crisostomo

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

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 7-38 (COR), "AN ACT TO REPEAL AND REENACT A NEW § 75122(c)(2) AND ADD A NEW § 75122(d), § 75122(e), § 75122(f), AND § 75122(g) TO CHAPTER 75, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THE CHAMORRO LAND TRUST TO SOLICIT COMPETITIVE BIDS FOR THE MASS GRADING AND MINERAL EXTRACTION OF A PORTION OF LOT 5412, MANGILAO,"** was on the 3rd day of October 2025, duly and regularly passed.




Frank F. Blas, Jr.
Speaker

Attested:



Sabrina Salas Matanane
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 7 day of Oct,
2025, at 4:40 o'clock pm M.



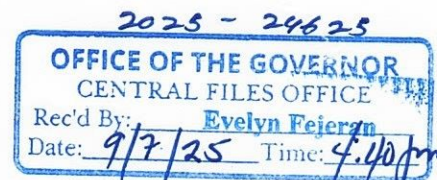
Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 10/16/2025

Public Law No. XXXXX



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

Bill No. 7-38 (COR)

As amended by the Committee on Land, Environment,
Housing, Agriculture, Parks, and Infrastructure;
and further amended on the Floor

Introduced by:

Joe S. San Agustin
Tina Rose Muña Barnes
Christopher M. Dueñas
Frank F. Blas, Jr.
V. Anthony Ada
Shelly V. Calvo
Jesse A. Lujan
Vincent A.V. Borja
Sabrina Salas Matanane
Eulogio Shawn Gumataotao
Chris Barnett
William A. Parkinson
Telo T. Taitague
Therese M. Terlaje

**AN ACT TO *REPEAL* AND *REENACT* A NEW §
75122(c)(2) AND *ADD* A NEW § 75122(d), § 75122(e), §
75122(f), AND § 75122(g) TO CHAPTER 75, TITLE 21,
GUAM CODE ANNOTATED, RELATIVE TO
REQUIRING THE CHAMORRO LAND TRUST TO
SOLICIT COMPETITIVE BIDS FOR THE MASS
GRADING AND MINERAL EXTRACTION OF A
PORTION OF LOT 5412, MANGILAO.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Chamorro Land Trust Commission (“CLTC”) is authorized pursuant to

1 Public Law 33-95 to, among other things, lease or license for commercial use certain
2 properties in its land inventory. Further, such commercial leases or licenses may
3 occur only on CLTC designated lands not to exceed nine percent (9%) of the total
4 remaining unassigned CLTC land area inventory.

5 *I Liheslaturan Guåhan* further finds that, such commercial leases and licenses
6 may include mineral extraction when specifically approved by the Chamorro Land
7 Trust and *I Liheslaturan Guahan*. Such commercial leases and licenses shall be
8 awarded through a competitive bid process to entities determined to be responsible
9 and responsive.

10 *I Liheslaturan Guåhan* further finds that the CLTC currently has a backlog of
11 applicants for homestead lots as well as a multi-million-dollar shortfall to survey
12 new homestead lots and improve them with access and utilities.

13 *I Liheslaturan Guåhan* further finds that a large portion of Lot 5412,
14 Mangilao, generally lying between the Gloria B. Nelson Public Service Building and
15 the coastline, is owned by the CLTC; however, the land is presently inaccessible and
16 undevelopable. This Lot contains quality limestone aggregate for construction
17 purposes, and a section was previously quarried for the construction of Route 15
18 during the 1960's. Inasmuch as Guam's construction industry now requires
19 approximately 1.5 million cubic yards of limestone aggregate per year, and the
20 current market rate for quality limestone is approximately Two Dollars (\$2.00) per
21 cubic yard, extraction operations at this Lot may potentially yield up to One Million
22 Dollars (\$1,000,000) per year for CLTC during the next 6 years. *I Liheslaturan*
23 *Guahan* further notes that this amount can vary and could potentially produce more
24 than originally estimated.

25 *I Liheslaturan Guahan* further finds that prudent extraction operations of Lot
26 5412 can result in a landform that accommodates new homestead lots, as well as a

1 large pad for another public service building, akin to the Gloria B. Nelson Public
2 Service Building.

3 It is, therefore, the intent of *I Liheslaturan Guåhan* to cause the CLTC to issue
4 an Invitation For Bid for the development of the CLTC Lot 5412, Mangilao, with an
5 extraction plan to assist the CLTC accomplish three objectives: first, ultimately
6 generate approximately Six Million Dollars (\$6,000,000) or more in revenues
7 through the sale of limestone aggregate; second, create a sustainable revenue source
8 by leasing a pad for a new public service building; and third, creating new homestead
9 lots.

10 **Section 2.** § 75122(c)(2) of Chapter 75, Title 21, Guam Code Annotated, is
11 hereby *repealed* and *reenacted*, to read as follows:

12 “(2) Award of Lease through Competitive Bid. The lease or license
13 for the commercial use of CLTC land designated as available for commercial
14 activity shall be awarded through a competitive bid process to entities
15 determined to be responsible and responsive, as defined in Guam’s
16 procurement law, to the requirements stipulated by the CLTC. However, in
17 the event that a designated available land has an existing commercial activity
18 by virtue of a previous authorization, this Act shall not be interpreted to
19 invalidate existing commercial leases or licenses where lessee or licensee has
20 not defaulted during the entire term of the lease or license, and lessee or
21 licensee has complied with the laws of Guam. At the expiration of a lease or
22 license, and all options to renew that lease or license, the CLTC shall
23 reconsider its designation as available land and comply with all other
24 provisions of this Act.

25 (2.1) Award of Lease Through Competitive Bids for CLTC Lot 5412,
26 Mangilao. The CLTC shall determine whether the undeveloped portion of Lot
27 5412 falls within 9% of its total remaining unassigned CLTC land area

1 inventory. If so, the CLTC may authorize a solicitation on such portion of Lot
2 5412 for mineral extraction, provided that a full Environmental Impact Study
3 (EIS) commissioned by the CLTC, has been completed, reviewed, and
4 accepted pursuant to Guam Environmental Protection Agency regulations.
5 This requirement shall be mandatory and non-waivable.

6 (A) Environmental Impact Study Required. The EIS shall
7 specifically evaluate (1) Potential impacts to the Northern Guam Lens
8 Aquifer, karst features, sinkholes, and ground water resources; (2)
9 Effects on limestone forest and wildlife habitats; (3) Impacts to cultural
10 and historic sites, coastal access, and scenic areas; (4) Dust, noise, and
11 traffic impacts on adjacent communities and landowners; and (5)
12 Proposed mitigation, preservation, and restoration measures, including
13 bonding requirements to ensure compliance. The EIS shall include
14 specific mitigation recommendations for each identified impact, which
15 shall be incorporated as binding conditions of any license agreement
16 issued under this Section. The CLTC shall not issue a solicitation or
17 execute a license agreement under this Section until the findings of the
18 EIS have been presented to *I Liheslaturan Guåhan*.

19 (B) Independent Appraisal of In-Situ Market Value Required.
20 Prior to issuing any solicitation under this Section, the CLTC shall
21 obtain at least one (1) independent appraisal of the *in-situ market value*
22 of limestone aggregate and related materials located within Lot 5412.
23 For purposes of this subsection, '*in-situ market value*' shall mean *the*
24 *fair value of the material while it remains in the ground, prior to*
25 *extraction, processing, or transportation*. The Commission shall
26 establish a minimum royalty rate based on such appraisal, adjusted by
27 current market conditions for aggregate on Guam, below which no bid

1 shall be deemed responsive. This ensures that the CLTC captures a fair
2 return to the Trust for each unit of material extracted, regardless of the
3 operator's subsequent costs or profits.

4 (C) Priority Allocation of Aggregate Required. Any license
5 agreement authorized under this Section shall require that not less than
6 fifty percent (50%) of all aggregate and construction materials
7 produced from Lot 5412 be reserved and made available for local
8 housing construction and Chamorro Land Trust Commission
9 homestead development projects, including:

10 (1) Beneficiaries constructing or expanding homes on
11 CLTC lots;

12 (2) Affordable housing developments certified by the
13 Guam Housing and Urban Renewal Authority or Guam Housing
14 Corporation; and

15 (3) Public infrastructure projects directly serving
16 CLTC subdivisions. The reserved portion shall be sold at the
17 mandatory Lifeline Rate established pursuant to this Act, and
18 shall be fulfilled prior to the sale or transfer of aggregate for
19 military, federal, or other off-island projects.

20 (D) Enforcement of Priority Allocation. Compliance with the
21 fifty percent (50%) allocation and application of the Lifeline Rate shall
22 be a condition of the license agreement.

23 (1) The licensee shall submit quarterly reports to the
24 Chamorro Land Trust Commission, verified by independent
25 third-party audit, documenting:

26 (a) the total volume of aggregate extracted;

27 (b) the portion sold under the priority allocation;

1 (c) the recipients of the reserved allocation; and

2 (d) the pricing applied.

3 (2) Failure to meet the required allocation or to apply
4 the Lifeline Rate for two (2) consecutive quarters shall constitute
5 a material breach of the license agreement and shall be grounds
6 for suspension or termination of the license, in addition to the
7 imposition of fines or penalties established by CLTC regulations.

8 (3) All such reports shall be transmitted to *I*
9 *Liheslaturan Guåhan* and made available to the public.

10 (E) Upon the fulfillment of requirements outlined in § 75122
11 (c)(2), § 75122 (c)(2.1)(A)(B)(C) and (D), the CLTC may announce a
12 competitive Request for Proposals for a license for mass grading and
13 mineral extraction of the undeveloped portion of Lot 5412 in a manner
14 that provides at least one large pad for a public service building and as
15 many homestead lots as can be accommodated under Guam's
16 subdivision 1 development rules and regulations.

17 (F) Such RFP for mass grading and mineral extraction shall
18 require each bidder to:

19 (i) Be responsible for all pre-grading tasks such as:
20 cadastral and topographic surveying; biological and
21 archaeological assessments; an EIA (if required by GEPA);
22 mitigation of environmental and/or cultural resources (should
23 any such mitigation be required); grading plans that yield the
24 final landform option selected by CLTC; grading permits;
25 clearing and disposal of over-burden, including topsoil; certified
26 weigh station; security station; and compliance with interim and
27 final inspections by CLTC. In the event that any property

1 survey/assessment discovers an endangered species or other
2 resource for which there is no economically viable mitigation,
3 the awardee may cease further work and shall be released from
4 all other obligations of the mineral extraction license, without
5 penalty.

6 (ii) Submit a single fixed-price per cubic yard of
7 aggregate removed from the site, but there shall be no revenue
8 due to CLTC resulting from the removal of other materials that
9 are unsuitable as aggregate. The awardee shall cover all
10 associated expenses incurred, including those described in §
11 75122(c)(2.1)(F), above.

12 (iii) Be bonded and licensed with the Guam Contractors
13 Licensing Board ("GCLB") and certified by the Mining Safety
14 and Health Administration ("MSHA") with a designated "mine
15 number" for mass grading and mineral extraction at Lot 5412.
16 Such GCLB license and MSHA certification shall be kept current
17 by the awardee for the duration of this work.

18 (iv) The awardee shall obtain a performance and
19 payment bond to ensure a financial guarantee that they will
20 perform and complete the project according to the contracted
21 terms.

22 (v) Comply with existing Guam and U.S.
23 environmental laws at all times.

24 (vi) Account for and pay to CLTC on a monthly basis
25 the fixed-price-per-ton of aggregate removed from the Lot, in
26 accordance with a system that is approved by CLTC.

1 (vii) Submit a conceptual plan of the final landform
2 which shall include a phased plan for the creation and delivery
3 of subdividable, infrastructure-ready homestead lots. The plan
4 shall specify the minimum number of homestead lots to be
5 delivered; establish projected completion deadlines for each
6 phase of delivery; and acknowledge that extractions under the
7 license agreement shall be conditioned not only upon
8 independently verified extraction volumes, but also upon the
9 timely completion and delivery of the required homestead lots.

10 (viii) Submit a topographical survey at the
11 commencement of the project, halfway through and after
12 completion.

13 (ix) The license agreement shall require:

14 (1) Installation of calibrated weigh-in/weigh-out
15 scales and automated reporting to CLTC.

16 (2) Quarterly independent third-party audits of
17 extraction volumes and royalty payments to the CLTC.

18 (3) Submission of quarterly public reports to *I*
19 *Liheslaturan Guåhan* detailing extraction quantities,
20 royalties paid, and compliance with homestead delivery
21 and environmental requirements.”

22 **Section 3.** A new § 75122(d) is hereby *added* to Chapter 75, Title 21, Guam
23 Code Annotated, to read as follows:

24 “(d) CLTC shall cancel the license for mass grading and mineral
25 extraction when the approved, final landform is attained, or in the event, the
26 awardee does not perform in accordance with milestones mutually established
27 between CLTC and the awardee, or in 6 years, whichever comes first.”

1 **Section 4.** A new § 75122(e) is hereby *added* to Chapter 75, Title 21, Guam
2 Code Annotated, to read as follows:

3 “(e) Notwithstanding § 75105(b) of Chapter 75 of Title 21, Guam
4 Code Annotated, all income arising out of any lease or license pursuant to this
5 Section shall be credited to and deposited in the Chamorro Land Trust Survey
6 and Infrastructure Fund.”

7 **Section 5.** A new § 75122(f) is hereby *added* to Chapter 75, Title 21, Guam
8 Code Annotated, to read as follows:

9 “(f) Notwithstanding § 75105(b) of Chapter 75 of Title 21, Guam
10 Code Annotated, the lease may be rescinded by mutual agreement of both the
11 CLTC and lessee. In the event that the lease is rescinded, the CLTC shall
12 ensure that the lessee returns the property in a condition that is suitable for
13 leasing for commercial, agricultural or commercial uses.”

14 **Section 6.** A new § 75122(g) is hereby *added* to Chapter 75, Title 21, Guam
15 Code Annotated, to read as follows:

16 “(g) Lifeline Rates Authorized. The CLTC shall establish lifeline
17 rates with three primary policy objectives:

18 (1) Guarantee that CLTC residential lessees building or
19 expanding homes can access below-market construction materials,
20 helping them succeed in their homesteading journey.

21 (2) Extend this benefit to low- and moderate-income families
22 building on private land—as long as a deed restriction ensures that
23 affordability is preserved for at least ten (10) years and meet the income
24 limits certified by GHC or GHURA

25 (3) Support developers who construct verified affordable
26 housing developments, especially rental and for-sale projects serving
27 the community’s housing needs.”

1 **Section 7. No Waivers of Required Approvals of Agencies.** No waivers
2 of approvals from permitting agencies that are required, by law, rule or regulation,
3 are allowed for the project authorized by this Act.

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

9 **Section 9. Effective Date.** This Act shall become effective immediately
10 upon enactment.