

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 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.	12/10/25 3:36 p.m.						

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.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the conservation of land is critical for the protection of Guam's overall
4 environment, including native habitats, watersheds and water resources, historic,
5 scenic, archeological, and cultural sites, so that they may remain available for future
6 generations to appreciate and enjoy.

7 *I Liheslatura* finds that the consistent prioritization of rapid development,
8 urbanization, and the military-buildup has placed immense pressure on Guam's
9 limited land resources and the government's ability to sustain ecologically and
10 culturally significant land. The inability to conserve native habitats, watersheds
11 and water resources, and historic, archeological, scenic, and cultural sites have
12 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,

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

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

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

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

20 **“CHAPTER 72**

21 **UNIFORM CONSERVATION EASEMENT ACT**

22 § 72101. Purpose.

23 § 72102. Definitions.

24 § 72103. Creation, Conveyance, Acceptance and Duration.

25 § 72104. Judicial Actions.

26 § 72105. Validity.

27 § 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

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

5 **§ 72102. Definitions.**

6 For the purposes of this Act:

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

18 (b) "Holder" means:

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

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

24 (c) "Third-party right of enforcement" means a right provided in a
25 conservation easement to enforce any of its terms granted to a local
26 government entity or nonprofit organization, which, although eligible to be a
27 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.