



OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM 96910
U.S.A.

EXECUTIVE ORDER NO. 2005-13

**RELATIVE TO INVASIVE SPECIES
CONTROL AND INTERDICTION**

WHEREAS, invasive species are a leading cause of ecological and economic losses worldwide; and

WHEREAS, Guam and its surrounding waters are fragile ecosystems; and

WHEREAS, the island of Guam is a transportation hub for the Pacific region, and is therefore a conduit for invasive species introductions; and

WHEREAS, prevention is the most efficient and cost-effective method to control the spread of invasive species; and

WHEREAS, many of the government of Guam departments and agencies are in a position to prevent invasive species establishment; and

WHEREAS, inter-agency cooperation is necessary for invasive species control and interdiction.

NOW, THEREFORE, I, FELIX P. CAMACHO, *I Maga'låhen Guåhan*, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, the laws of Guam, and the laws of the United States of America, including the Endangered Species Act of Guam (Chapter 63 of 5 GCA), Plant and Animal Pest Control and Plant and Animal Quarantine (Chapter 61 of 5 GCA), Lacey Act, as amended (18 U.S.C. 42), Federal Plant Pest Act (7 U.S.C. 150aa et seq.), Federal Noxious Weed Act of 1974, as amended (7 U.S.C. 2801 et seq.), and other pertinent statutes, to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause, it is ordered as follows:

Section 1. Definitions.

(a) "Alien species" means, with respect to a particular ecosystem, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem.

(b) "Control" means, as appropriate, eradicating, suppressing, reducing, or managing invasive species populations, preventing spread of invasive species from areas where they are present, and taking steps such as restoration of native species and habitats to reduce the effects of invasive species and to prevent further invasions.

(c) "Ecosystem" means the complex of a community of organisms and its environment.

(d) "Government of Guam agency" means the executive branch, including departments, line or autonomous agencies of the government of Guam.



(e) "Introduction" means the intentional or unintentional escape, release, dissemination, or placement of a species into an ecosystem as a result of human activity.

(f) "Invasive species" means an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.

(g) "Native species" means, with respect to a particular ecosystem, a species that, other than as a result of an introduction, historically occurred or currently occurs in that ecosystem.

(h) "Species" means a group of organisms all of which have a high degree of physical and genetic similarity, generally interbreed only among themselves, and show persistent differences from members of allied groups of organisms.

(i) "Stakeholders" means, but is not limited to, Federal, State, Territorial, tribal, and local government agencies, academic institutions, the scientific community, non-governmental entities including environmental, agricultural, and conservation organizations, trade groups, commercial interests, and private landowners.

(j) "United States" means the 50 States, the District of Columbia, Puerto Rico, Guam, and all possessions, territories, and the territorial sea of the United States.

Section 2. Government of Guam Agency Duties.

(a) Each Government of Guam agency whose actions may affect the status of invasive species shall, to the extent practicable and permitted by law,

(1) identify such actions;

(2) subject to the availability of appropriations, and within Administration budgetary limits, use relevant programs and authorities to: (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; (v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them; and

(3) not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

(b) Government of Guam agencies shall pursue the duties set forth in this section in consultation with the Guam Invasive Species Council, consistent with the Guam Invasive Species Management Plan and in cooperation with stakeholders, as appropriate. The agencies shall report on their participation a detailed in Section 5(c) of this order.

Section 3. Guam Invasive Species Council.

(a) The Guam Invasive Species Council (Council) is hereby established whose members shall include the Directors of the Department of Administration, Agriculture, Economic Development and Commerce, Education, Homeland Security and Military Affairs, the Administrator of the



Guam Environmental Protection Agency, the Director of Customs and Quarantine, the Executive Manager of the Guam International Airport Authority, the General Manager of the Port Authority of Guam, the President of the University of Guam, and the Treasurer of Guam. The Council shall be co-chaired by the Director of the Department of Agriculture, the Director of Customs and Quarantine, the Executive Manager of the Guam International Airport Authority, the General Manager of the Port Authority of Guam, and the President of the University of Guam. The Council may invite additional government of Guam agency representatives to be members from sub-cabinet bureaus or offices with significant responsibilities concerning invasive species, and may prescribe special procedures for their participation. The Director of the Department of Agriculture shall with the concurrence of the co-chairs, appoint an Executive Director of the Council and shall provide the staff and administrative support for the Council.

(b) The Director of the Department of Agriculture shall establish an advisory committee to provide information and advice for consideration by the Council, and shall, after consultation with other members of the Council, appoint members of the advisory committee representing stakeholders. Among other things, the advisory committee shall recommend plans and actions at local, tribal, territorial, regional, and ecosystem-based levels to achieve the goals and objectives of the Plan in section 5 of this order. The advisory committee shall act in cooperation with stakeholders and existing organizations addressing invasive species. The Department of Agriculture shall provide the administrative support for the advisory committee.

Section 4. Duties of the Guam Invasive Species Council.

The Council shall provide territorial leadership regarding invasive species, and shall:

(a) oversee the implementation of this order and see that the government of Guam agency activities concerning invasive species are coordinated, complementary, cost-efficient, and effective, relying to the extent feasible and appropriate on existing local, Federal, and non-governmental organizations addressing invasive species, such as Environmental Education Outreach, the Aquatic Nuisance Species Task Force, the National Invasive Species Council (NISC), and the Federal Interagency Committee for the Management of Noxious and Exotic Weeds;

(b) encourage planning and action at local, tribal, territorial, regional, and ecosystem-based levels to achieve the goals and objectives of the Plan in Section 5 of this order, in cooperation with stakeholders and existing organizations addressing invasive species;

(c) develop recommendations for international cooperation in addressing invasive species;

(d) develop, in consultation with its advisory committee, guidance to the government of Guam agencies pursuant to the National Environmental Policy Act (NEPA) on prevention and control of invasive species, including the procurement, use, and maintenance of native species as they affect invasive species;

(e) facilitate establishment of a coordinated, up-to-date information-sharing system that utilizes, to the greatest extent practicable, the Internet; this system shall facilitate access to and exchange of information concerning invasive species, including, but not limited to, information on distribution and abundance of invasive species on Guam; life histories of such species and invasive characteristics; economic, environmental, and human health impacts; management techniques, and laws and programs for management, research, and public education; and

(f) prepare and issue the Guam Invasive Species Management Plan as set forth in section 5 of this order.

Section 5. Invasive Species Management Plan.



(a) Within 18 months after issuance of this order, the Council shall prepare and issue the first edition of the Guam Invasive Species Management Plan (Plan), which shall detail and recommend performance-oriented goals and objectives and specific measures of success for government of Guam agency efforts concerning invasive species. The Plan shall recommend specific objectives and measures for carrying out each of the government of Guam agency duties established in section 2(a) of this order and shall set forth steps to be taken by the Council to carry out the duties assigned to it under section 4 of this order. The Plan shall be developed through a public process and in consultation with government of Guam agencies and stakeholders.

(b) The first edition of the Plan shall include a review of existing and prospective approaches and authorities for preventing the introduction and spread of invasive species on Guam, including those for identifying pathways by which invasive species are introduced and for minimizing the risk of introductions via those pathways, and shall identify research needs and recommend measures to minimize the risk that introductions will occur. Such recommended measures shall provide for a science-based process to evaluate risks associated with introduction and spread of invasive species and a coordinated and systematic risk-based process to identify, monitor, and interdict pathways that may be involved in the introduction of invasive species. If recommended measures are not authorized by current law, the Council shall develop and recommend to the Governor through its Co-Chairs legislative proposals for necessary changes in authority.

(c) The Council shall update the Plan biennially and shall concurrently evaluate and report on success in achieving the goals and objectives set forth. The Plan shall identify the personnel, other resources, and additional levels of coordination needed to achieve the Plan's identified goals and objectives, and the Council shall provide each edition of the Plan and each report on it to the Bureau of Budget and Management Research (BBMR). Additionally, progress reports shall be submitted annually to the Office of the Governor. Within 18 months after measures have been recommended by the Council in any edition of the Plan, each government of Guam agency whose action is required to implement such measures shall either take the action recommended or shall provide the Council with an explanation of why the action is not feasible. The Council shall assess the effectiveness of this order no less than once each 3 years after the order is issued and shall report to the BBMR on whether the order should be revised.

Section. 6. Judicial Review and Administration.

(a) This order is intended only to improve the internal management of the executive branch and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against Guam, the United States, its agencies, its officers, or any other person.

(b) The requirements of section 2(a)(3) of this order shall not apply to any action of the Department of Military Affairs or the Guam Homeland Security if the Directors of those departments find that exemption from such requirements is necessary for territorial or national security reasons.

SIGNED AND PROMULGATED at Hagåtña, Guam this 21st day of April 2005.

A handwritten signature in cursive script, reading "Felix P. Camacho".

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam