



TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.

EXECUTIVE ORDER NO. 90-10

REQUIREMENTS FOR ENVIRONMENTAL IMPACT ASSESSMENTS
FOR ALL TERRITORIAL LAND USE COMMISSION ACTIONS

- WHEREAS, Public Law 1-89 (as amended) established the Territorial Land Use Commission (TLUC) under the Department of Land Management and charged the TLUC with the review of all matters pertaining to the zoning of public and private land and development thereon; and
- WHEREAS, there was established a Development Review Committee (DRC), charged with the responsibility of evaluating applications for zone changes and variances and reporting the DRC findings and recommendations to the TLUC prior to any action being taken on such applications; and
- WHEREAS, commercial and residential development on Guam is presently occurring at an unprecedented rate; and
- WHEREAS, many aspects of such development activities create impacts upon the environment of the Island of Guam; and
- WHEREAS, the environmental impact of such development activities vary widely depending upon the nature, location and other factors unique to each case; and
- WHEREAS, the Guam Environmental Protection Agency (GEPA), was created by the Guam Environmental Protection Agency Act (PL 11-191:10 GCA Chapter 45) and charged with the responsibility "... to provide a united, integrated and comprehensive territory-wide program of environmental protection and to provide a framework to fulfill that task."; and
- WHEREAS, GEPA has the technical, legal and administrative capabilities to implement such a program; and
- WHEREAS, such a program includes evaluation of the environmental impacts of any and all development activities in Guam.
- NOW, THEREFORE, I, JOSEPH F. ADA, Governor of the Territory of Guam, by virtue of the authority vested in me by the Organic Act of Guam, do hereby order that:

1. The Territorial Land Use Commission (TLUC) shall not act upon any application for zone change or variance without an Environmental Impact Assessment (EIA) being submitted to the Guam Environmental Protection Agency (GEPA) and approved by the GEPA Administrator and the submission of a complete Environmental Impact Statement (EIS) if determined to be necessary as a result of the EIA.



2. To be considered valid, an Environmental Impact Assessment shall, at a minimum, follow the following outline and contain full information as described herein;
 - A. Describe the project and the setting
 1. Description of the project
 - a. Purpose and justification of the project
 - b. Location within the region
 - i. maps
 - c. What types of actions will the project entail
 - i. construction
 - ii. grading/filling
 - iii. infrastructure development
 - d. Necessary permits needed
 - i. grading
 - ii. air and water pollution
 - iii. building
 2. Description of existing environment
 - a. Physical condition
 - i. soil
 - ii. weather/wind
 - iii. topography
 - b. Existing infrastructure
 - i. sewers
 - ii. roads
 - iii. water
 - iv. electricity
 - c. Biological
 - i. plants
 - ii. animals
 - d. Land use
 - i. urban/rural
 - ii. existing surrounding uses
 - e. Unique features
 - i. archaeological/cultural
 - B. Alternatives compared and rationale for their selection
 1. Alternative sites including proposed action where the project could be located
 - a. Site description including information required in A2 above
 - b. Reasons for elimination
 2. No action
 - a. Reasons for elimination
 - C. Estimate the nature and magnitude of environmental changes caused by the activities of the project
 1. Description of impacts
 - a. Description of impacts caused by construction activities during the development
 - b. Description of long term impacts directly caused by the project or through secondary effects such as income distribution, population growth or shifts, additional stress on services
 - c. Description of cumulative impacts, those that come about due to multiple development in the area
 2. Estimates of the magnitude of the impacts
 - a. Estimate rate of change caused by the impact
 - b. Estimate what irreversible or irretrievable commitments of resources will take place
 - D. Define criteria to be used in measuring significance
 1. Statutory criteria
 - a. Relevant goals and objectives set out in environmental laws
 - b. Standards set forth in statute or regulation
 - i. noise pollution
 - ii. air
 - iii. water



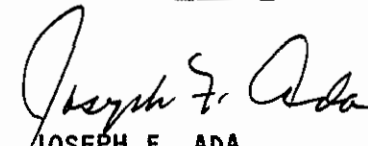
2. Derived criteria
 - a. Technically derived measurements such as statistical measures
 3. Cultural/Social/Political criteria
 - a. Judgement of significance based on:
 - i. criteria agreed on through political process
 - ii. criteria based on input from affected groups
 - iii. criteria based on local customs
 - iv. criteria based on agreement through mediation
 - E. Evaluation of impacts relevant to site sensitivity
 1. Impacts estimated compared to measurement criteria
 2. Description of avoidable and unavoidable impacts
 - F. Mitigative measures - measures taken to ameliorate the impacts of the project on the environment
 1. Short-term impact mitigation
 - a. Listing of short-term impacts
 - b. Proposed mitigative measures
 - c. Utility of proposed measures
 2. Long-term impact mitigation
 - a. Listing of long-term impact
 - b. Proposed mitigative measures
 - c. Utility of proposed measures
3. The GEPA Administrator shall advise the TLUC, through the GEPA representative on the Development Review Committee (DRC), of the time period required for thorough review of such EIA documents, upon initial presentation of the application for rezoning or zone variance to the TLUC.
 4. In the event that the Administrator of GEPA determines, during his review of any EIA submitted pursuant to the provisions of this Executive Order, that the proposed action of the applicant will result in a significant or adverse impact on the environment, the Administrator of GEPA shall require that an Environmental Impact Statement (EIS) be submitted by the applicant.
 5. In the event that an EIS is required pursuant to the requirements of this Executive Order, the TLUC shall not act upon any requested zone change or variance until such EIS has been submitted to GEPA and approved by the Administrator of that Agency.
 6. The Administrator of GEPA shall specify the content, format and method of submission of such EIS documents as are necessary to fulfill the purposes of this Executive Order, providing that such content, format and method are in accordance with commonly accepted professional standards with respect to Environmental Impact Statements.
 7. The Administrator of GEPA shall not approve any EIS unless it contains satisfactory remediation provisions for any and all adverse environmental impacts, as determined in the EIA.
 8. In the event that there is a change in ownership, management or direction of any development project, before, during or after construction on the project takes place, which project required an EIA or EIS under provisions of this Executive Order, the new owner, manager or director of such development project shall be subject to all provisions of such EIA or EIS in the same manner as the original owner, manager or director of such development project.
 9. In the event that construction on any development project does not commence within one year of approval of an EIA or EIS, which project required and EIA or EIS under provisions



of this Executive Order, the TLUC shall suspend its approval of any zone change or variance granted the applicant for such project until the Administrator of GEPA has reviewed the EIA or EIS required and advised the TLUC of the results of such determination.

10. The TLUC shall revoke, suspend or nullify any zone change or variance granted to an applicant if the application for such action contains false, misleading or improper representation of information required pursuant to this Executive Order.
11. The TLUC shall revoke, suspend or nullify any zone change or variance granted to an applicant if such applicant fails to comply with all remediation provisions of an approved EIS.
12. The TLUC shall revoke, suspend or nullify any zone change or variance granted to an applicant if such applicant fails to implement remedial action specified in an EIS promulgated in accordance with the requirements of this Executive Order in an appropriate and timely manner.
13. The TLUC shall revoke, suspend or nullify any zone change or variance granted to an applicant if such applicant initiates or conducts activities not specified in any EIA or EIS promulgated in accordance with the requirements of this Executive Order.
14. No act prohibited or restricted by any statute, regulation, law or existing Executive Order shall be permitted by reason of compliance with this Executive Order.
15. No permit, license or requirement under any statute, regulations or law, Federal or Territorial, shall be waived by reason of compliance with this Executive Order.
16. Any provisions of Executive Orders, heretofore, issued in conflict with this Order are hereby repealed insofar as they conflict.
17. The Administrator of GEPA may waive requirements for an EIA in such cases where a single family residence is being constructed or where the zone variance being requested constitutes less than a 10% variance from zone requirements, except in such cases where the proposal impacts an environmentally sensitive area. Environmentally sensitive areas shall include, but not necessarily be limited to areas that effect seashores, rivers and streams, wetlands, critical fauna and/or flora habitats and aquifer recharge areas. Special emphasis shall be placed upon areas where run-off may have adverse impact.

SIGNED AND PROMULGATED at Agana, Guam this 25TH day of MAY, 1990.


JOSEPH F. ADA
Governor of Guam

COUNTERSIGNED:


FRANK F. BLAS
Lieutenant Governor of Guam