

18 GAR LAND MANAGEMENT
CH. 7 GUAM SEASHORE PROTECTION COMMISSION

CHAPTER 7
GUAM SEASHORE PROTECTION COMMISSION

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NOTE: Rule-making authority cited for formulation of regulations by the Guam Seashore Protection Commission, 21 GCA § 63106.

2022 NOTE: References to Territorial removed and/or with Guam pursuant to 1 GCA 420.

§ 7101. Authority.

These Rules and Regulations are promulgated under the authority of 21 GCA § 63106.

§ 7102. Purpose.

The purpose of these Rules and Regulations is to govern the meetings and proceedings of the Guam Seashore Protection

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Commission, acting pursuant to the legislative authority mentioned above.

§ 7103. Official Name.

The official name of the Commission shall be the Guam Seashore Protection Commission.

§ 7104. Official Address.

The official address of the Guam Seashore Protection Commission shall be c/o Government of Guam, Hagåtña, Guam.

2022 NOTE: Reference to Agana replaced with Hagåtña pursuant to P.L. 24-152:3 (Apr. 8, 1998).

§ 7105. Place of Meeting.

The Commission will hold its regular meeting at a location to be determined by a majority vote at any regular meeting.

§ 7106. Commission Creation, Membership and Compensation.

The Commission shall consist of the seven (7) members of the Guam Planning Commission and the members shall hold office so long as they remain members of the Guam Planning Commission. Commission members shall serve without compensation except that each member shall be paid a per diem of Fifty Dollars (\$50.00) for each day's attendance at a meeting of the Commission. Such remuneration shall not exceed One Hundred Dollars (\$100.00) per month.

NOTE: The per diem to be received by each member of each day's attendance at a meeting of the

Seashore Protection Commission was increased to Fifty Dollars (\$50.00) by Public Law 15-148, Section 11 (effective 1/18/81). Such remuneration, however, shall not exceed One Hundred Dollars (\$100.00) per month. As there was no mention in this amendment to the reimbursement of actual expenses, the last sentence of this Regulation 182 GAR § 7106) has been deleted.

§ 7107. Powers and Duties.

The Commission may:

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(a) Accept grants, contributions and appropriations;

(b) Employ and fix the compensation, in accordance with law, of such professional, clerical and other assistants as may be necessary;

(c)(1) Through coordination and assistance with other government agencies, acquire lands, waters, interests therein with the boundaries of the Seashore Reserve, by donation, purchase with donated or appropriated funds, by exchange for government land or transfer;

(2) Grant land use permits;

(3) Terminate a right of use and occupancy retained pursuant to this Subsection upon a determination that such use and occupancy is being exercised in a manner not consistent with the purpose of this Chapter, and upon tender to the holder of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination;

(d) Contract for any professional services if such work or services cannot satisfactorily be performed by its employees;

(e) Be sued and sue to obtain any remedy to restrain violations of this Act; upon the request of the Commission, the Attorney General shall provide necessary legal representation;

(f) Adopt any regulations or take any action it deems reasonable and necessary to carry out the provisions of 21 GCA § 63106, but not regulations shall be adopted without prior public hearing;

(g) Elect a Chairman;

(h) Appoint an Administrator who shall not be a member of the Commission.

§ 7108. Regular Officers.

Regular officers of the Commission shall be Chairman, Vice-Chairman and Administrator.

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§ 7109. Additional Officers and Assistant Officers.

The Commission may, by Resolution, appoint such additional officer or officers, or assistant officer or officers, establish the terms of office of such officers, and define the duties of such officers as the Commission may by such Resolution determine necessary or desirable.

§ 7110. Terms of Office.

The terms of office for the Chairman and Vice-Chairman shall be concurrent with their terms of office as members of the Guam Planning Commission. The term of office of the Administrator shall serve at the pleasure of the Commission.

§ 7111. Vacancies.

Should the office of Chairman and Vice-Chairman be vacant, the Commission shall fill the vacancy by election.

§ 7112. Duties of Officers.

The Chairman shall preside at all meetings of the Commission. At such meetings, he shall submit such proper information and recommendations to the Commission as he may deem proper concerning the policies, administration and other affairs of the Commission. The Chairman shall sign all contracts and other important documents and letters of the Commission upon approval of the Commission in accordance with 8 GAR § 7119.

The Vice-Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman.

The Administrator shall serve as administrative officer of the Commission, shall be directly responsible to it, and subject thereto shall have complete control and responsibility for the execution of the Commission policies, the administration of its affairs and the furnishing of such technical and clerical personnel and office facilities as may be reasonably necessary.

§ 7113. Other Duties.

The officers of the Commission shall perform such other duties and functions as may from time to time be appropriately required by the Commission or the Rules and Regulations.

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§ 7114. General Provisions.

The Commission shall adopt a permit application form which shall conform to the general provisions as enumerated in 21 GCA § 63105, as amended, Seashore Reserve Act, and all other applicable laws governing the area defined as the Seashore Reserve.

§ 7115. Permit Procedure.

(a) Acceptance of Application. Applications for the Seashore Protection Commission shall meet all current requirements of the Guam Planning Commission and Public Law 12-108, as amended. Completed applications, with seven (7) additional copies, shall be submitted to the Administrator of the Commission in accordance with the Guam Planning Commission and Public Law 12-108 requirements, as amended.

(b) Filing Fee. The Commission shall require a reasonable filing fee which shall be determined by the estimated cost of the project.

(c) After their acceptance by the Administrator, applications shall be transmitted to the Seashore Protection Commission. The Commission shall then hold at least one (1) hearing thereon in the municipal district where the project is located, such districts are described in 21 GCA Chapter 60 Article, notice of time and place of which shall be given by at least one (1) publication in a newspaper of general circulation, at least ten (10) days before the day of said hearing, and by mail to the Commissioner of the municipal district concerned. The hearing shall be no less than twenty-one (21) nor more than ninety (90) days after the date on which application is filed. All applications should be submitted and reviewed by the Subdivision and Development Review Committee prior to public hearing. All comments and evaluations of the Subdivision and Development Review Committee should be presented during the public hearing.

(d) The Commission shall act upon the application for permit within sixty (60) days after the conclusion of the hearing.

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§ 7116. Regular Meetings.

Meetings shall be held on the second and fourth Thursdays of the month. If such meeting falls on a legal holiday, the meeting shall be on the subsequent Tuesday.

§ 7117. Special Meetings.

Special meetings shall be held at such time and places as the Commission may determine, or may be called by the Chairman at such time and place as he may determine, and must be called by him upon the written request of three (3) or more members of the Commission filed with the Administrator. Notice of such special meetings must be given at least twenty- four (24) hours prior to the time of said meeting, and is to be given in writing, or in such form as the Chairman may direct. Any and all business of the Commission may be transacted at such a special meeting.

§ 7118. Quorum.

Four (4) members of the Commission shall constitute a quorum for the purpose of conducting its business, exercising its powers and for all other purposes.

§ 7119. Voting.

Every official act taken by the Commission shall be adopted by four (4) affirmative votes. Only positive motions will be entertained.

§ 7120. Order of Business.

At the regular meetings of the Commission, the following shall be the order of business:

- (a) Notation of attendance;
- (b) Consideration of Seashore Protection Commission applications, governed under the general provisions, 18 GAR § 7114.
- (c) Miscellaneous matters;
- (d) Approval of minutes not previously approved;
- (e) Adjournment.

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§ 7121. Parliamentary Procedure.

The Rules. Parliamentary procedure set forth in Robert's Rules of Order shall govern all meetings of the Commission except as otherwise provided.

§ 7122. Amendments.

These Rules and Regulations may be amended by the Commission at any regular or special meeting by a majority vote, provided that ten (10) days public notice is provided.

NOTE: Rules adopted August 14, 1975.