

CHAPTER 70  
GUAM INVASIVE SPECIES COUNCIL

**SOURCE:** Added by P.L. 31-043:2 (Apr. 18, 2011).

**2015 NOTE:** P.L. 26-076:33 (Mar. 12, 2002) repealed this chapter formerly entitled "Department of Commerce." Section 31(c) of P.L. 26-076 stated:

(c) Abolition of Department of Commerce. The Guam Eco-nomic Development and Commerce Authority ("Authority") succeeds to, and is vested with, all the powers, duties, responsibilities and jurisdiction of the former Department of Commerce ("DOC").

See 12 GCA Chapter 50 - Guam Economic Development Authority.

- § 70101. Short Title.
- § 70102. Guam Invasive Species Council, Established.
- § 70103. Duties of Council.
- § 70104. Composition of Council.
- § 70105. Government of Guam Agency Duties.
- § 70106. Conduct of Meetings.
- § 70107. Guam Invasive Species Management Plan (GISMP).

**§ 70101. Short Title.**

This Chapter *shall* be known as the *Guam Invasive Species Council Act of 2011*.

**§ 70102. Guam Invasive Species Council, Established.**

The Guam Invasive Species Council (GISC) will be established for the special purposes of protecting Guam from alien species that threaten our economy, culture, ecosystem and human health; and providing policy direction, coordination, and planning among government of Guam departments and federal agencies to prevent the introduction of invasive species and the monitoring, control and eradication of invasive species throughout the island of Guam. The Council *shall* convene within thirty (30) days of enactment and *shall* elect its Chairperson and Vice Chairperson.

**§ 70103. Duties of Council.**

The Council *shall*:

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- (a) create a mission statement on invasive species for Guam;
- (b) develop a Guam Invasive Species Management Plan (GISMP);
- (c) act as the lead entity for Guam to include local regional, national and international invasive species efforts;
- (d) provide annual reports on the progress made in achieving the objectives of the GISMP to *I Maga'lahaen Guåhan* and *I Liheslaturan Guåhan*;
- (e) coordinate and promote Guam's position with respect to federal issues concerning invasive species in Guam;
- (f) identify and record all invasive species present in Guam;
- (g) identify all needed resources for the purpose of working on invasive species prevention, suppression and eradication;
- (h) advise *I Maga'lahaen Guåhan* and *I Liheslaturan Guåhan* on budgetary and other issues concerning invasive species;
- (i) review the structure of fines and penalties to ensure maximum deterrence for invasive species-related crimes;
- (j) make appropriate recommendations for legislation to improve the management of invasive species programs and policies;
- (k) the Council, in coordination with *I Maga'lahaen Guahan*, shall review the Interagency Biosecurity Task Force Work Plan adopted in 2009 (*see* Appendix A), and in accordance with the framework and recommendation detailed in the 2009 Plan, the Council shall formulate an updated version of such a plan, to include replacing the mentions of the USDA APHIS PPQ, with the "Guam Invasive Species Council" or the "Invasive Species Coordinator", as appropriate. Such plan shall be submitted to *I Liheslaturan Guahan* in accordance with the Administration Adjudication Law process *no later than* ninety (90) calendar days from the date of enactment of this Act, and shall be subject to legislative approval; and
- (l) perform all functions necessary to effectuate the mission of the Council.

**§ 70104. Composition of Council.**

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(a) The Council *shall* be composed of the organizational heads, or their designees, from the Guam Department of Agriculture (GDOA), the Customs and Quarantine Agency (CQA), the A.B. Won Pat International Airport Authority, Guam; the Jose D. Leon Guerrero Port Authority of Guam; the University of Guam; the Department of Parks and Recreation; the Mayors Council of Guam; and the Northern and Southern Soil and Water Conservation Districts; and to include as non-voting members, representatives from the Bureau of Statistics & Plans, Homeland Security and the U.S. Department of Agriculture.

(b) The Council may invite additional public and private sector members to serve on sub-committees with significant responsibilities concerning invasive species, and may prescribe special procedures for their participation.

**§ 70105. 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 the Administration's budget limits, use relevant programs and authorities to: (A) prevent the introduction of invasive species; (B) detect and respond rapidly to mitigate the population of such species in a cost-effective and environmentally sound manner; (C) monitor invasive species populations accurately and reliably; (D) provide for restoration of native species and habitat conditions in ecosystems that have been affected; (E) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (F) 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 Guam, the United States, or elsewhere, *unless*, pursuant to guidelines that it has prescribed and that have been approved by the Council, 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 as detailed in § 70107(c) of this Chapter.

**§ 70106. Conduct of Meetings.**

The Council *shall* meet *no less than* once quarterly to discuss and assess progress, and to recommend changes to the invasive species programs based on the results of current risk assessments, performance standards, and other relevant data. A simple majority of voting members of the Council *shall* constitute a quorum to do business; and any action taken by the Council *shall* be by a simple majority of the voting members. The Open Government Law *shall* apply to meetings of this Council.

**§ 70107. Guam Invasive Species Management Plan (GISMP).**

(a) The Council *shall* prepare and issue the Guam Invasive Species Management 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 § 70105 of this Chapter, and *shall* set forth steps to be taken by the Council to carry out duties assigned to it under § 70103. The Plan *shall* be developed through a public process and in consultation with government of Guam agencies and stakeholders, and is subject to Legislative approval.

(b) The Plan *shall* include a review of rapid response protocols, existing and prospective approaches and authorities for preventing the introduction and spread of invasive species in Guam, including those for identifying pathways by which invasive species are introduced and for minimizing the risk of introduction 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 coordinate a systematic risk-based process to interdict, identify, and monitor pathways that may be involved in the introduction of invasive species.

(c) The Council *shall* update the Plan biennially in accordance with the Administrative Adjudication Law and *shall* concurrently

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evaluate and report on the success in achieving the goals and objectives set forth. The Plan *shall* identify the personnel, other resources, and additional levels of cooperation 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) and *I Liheslatura*. Additionally, progress reports *shall* be submitted annually to the Office of the Governor and *I Liheslatura*. Within eighteen (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 as to why the action is *not* feasible. The Council *shall* assess the effectiveness of this Plan *no less than* once every three (3) years after the Plan is issued, and *shall* report to the BBMR and *I Liheslatura* on whether the Plan should be revised.

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