

21 GCA REAL PROPERTY
CH. 63 TERRITORIAL SEASHORE PROTECTION ACT OF 1974

§ 63108. Interim Permit Control.

(a) General provisions.

- (1) On or after June 1, 1974 any person wishing to perform any development within the seashore reserve shall obtain a permit authorizing such development from the Commission, and, if required by law, from any other governmental department or agency. No permit shall be issued without the affirmative votes of a majority of the Board members.
- (2) No permit shall be issued unless the Board has first found:
 - (A) That the development will not have any substantial adverse environmental or ecological effect, and
 - (B) That the development is consistent with the purpose and objectives of this Chapter. The applicant shall have the burden of proof on all issues.
- (3) All permits shall be subject to reasonable terms and conditions in order to ensure that:
 - (A) Access to beaches, recreation and historical areas, and natural reserves is increased to the maximum extent possible by appropriate dedication.
 - (B) There is no substantial interference with or detracton from the line of sight toward the sea from the territorial highway nearest the coast.
 - (C) Adequate and properly located public recreation areas and wildlife preserves are reserved.
 - (D) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon coastal reserve resources.
 - (E) Alterations to existing land forms and vegetation, and construction of structures shall cause minimum danger of floods, landslides, erosion or siltation.
- (4) If prior to the effective date of this Chapter, a building permit has been issued, no person who has obtained a vested right thereunder shall be required to secure a permit under this section, provided that no substantial changes may be made in any such development, except in accordance with the provisions of his Chapter. Any such person shall be deemed to have such vested rights if, prior to April 1, 1973 he has in good faith and in reliance upon the building permit diligently commenced construction and performed substantial work and materials necessary thereof.
- (5) Notwithstanding any provision in this section to the contrary, no permit shall be required for the following types of development:
 - (A) Repairs and improvements not in excess of Seven Thousand Five Hundred Dollars (\$7,500) to existing singlefamily residences; provided that the Agency shall specify by regulation those classes

of development which involve a risk of adverse environmental effect and may require that a permit be obtained.

- (B) Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the coastal reserve, pursuant to a permit from the United States Army Corps of Engineers.

(b) Permit procedure.

- (1) The Board shall prescribe the procedures for permit applications and may require a reasonable filing fee and the reimbursement of expenses.
- (2) The Board shall give written public hearing. Such hearing shall be set no less than twenty-one (21) nor more than ninety (90) days after the date on which the application is filed.
- (3) The Board shall act upon an application for permit within sixty (60) days after the conclusion of the hearing.
- (4) Any person including an applicant for a permit, aggrieved by the decision or action of the Board shall have a right to judicial review of such decision or action by filing a petition for a writ of mandamus, pursuant to '1084 et. seq. of Civil Procedure Code of Guam within sixty (60) days after such decision is made.
- (5) Any person may maintain an action for declaratory and equitable relief to restrain violations of this Chapter. No bond shall be required for an action under this subsection.
- (6) Any person may maintain an action for the recovery of civil penalties provided in § 63109.
- (7) The provision of this Section shall be in addition to anyother remedies available at law.
- (8) Any person who prevails in a civil action brought to enjoin a violation of this Chapter or to recover civil penalties shall be awarded his costs, including reasonable attorney fees.

SOURCE: GC '13417 enacted by P.L. 12-108; subsection (a)(1) as amended by P.L. 12-210.

NOTE: P.L. 12-210 purported to amend '13416 (F)(1). The Editor, GC 1974 Suppl., reflected the amendment in '13417(a)(1) as he determined that to be the legislative intent.