

SEASHORE CLEARANCE

**TO: Executive Secretary, Guam Seashore Protection Commission
c/o Land Planning Division, Department of Land Management
Government of Guåhan, P.O. Box 2950, Hagatna, Guåhan 96932**

The Undersigned owner(s)/lessee(s) of the following described property, situated with the ten (10) meters inland from the Mean High Water Mark (MHW) or situated seaward to the ten (10) fathom contour, do hereby request consideration for a *Seashore Clearance Permit*.

1. Information on Applicant:

Name of Applicant: _____ U.S. Citizen: [] Yes [] No

Mailing Address: _____

Telephone No.: Business _____ Home: _____

2. Location, Description and Ownership:

Lot(s): _____ Block: _____ Tract: _____

Lot Area (In Square Meters & Feet): _____

Village: _____ Municipality: _____

Registered Owner: _____

Certificate of Title No.: _____ Recorded Document No.: _____

3. Current and Proposed Land Use:

Current Use: _____ Zoned: _____

Proposed Use: _____

Master Plan Designation: _____

4. Attach a one page typed, brief and concise justification (letter format) explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist and the nature of request in accordance with **Guåhan Code Annotated 21 GCA, Chapter 63, Section 63108 (a) (2)**.

- a. That the development will not have any substantial adverse environmental or ecological effect;
- 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;
- c. That access to beaches, recreation and historical areas, and natural reserves is increased to the maximum extent possible by appropriate dedication;

ATTACHMENT: Section 63108 (Interim Permit Control), Chapter 63 (Territorial Seashore Protection Act of 1974), Title 21 GCA is attached for your information and guidance in the preparation of your application. For additional requirements, visit the Seashore Section, Land Planning Division.

SEASHORE CLEARANCE

4. Continuation:

- d. That there is no substantial interference with or detraction from the line of sight toward the sea from the territorial highway nearest the coast;
- e. That adequate and properly located public recreation areas and wildlife preserves are reserved;
- f. That provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon coastal reserve resources; and
- g. That alterations to existing land forms and vegetation, and construction of structures shall cause minimum danger of floods, landslides, erosion or siltation.

5. If applicant has submitted to the Guam Land Use Commission/Guam Seashore Protection Commission other request on subject property, applicant shall list them:

6. Support Information: The following supporting information shall be attached to this application:

- a. Site plan required; Plans, drawn to scale, showing dimensions and shape of lot; lot size; size and location of existing building(s); location and dimensions of proposed building(s) or alterations;
- b. 8 1/2" X 14" map, drawn to scale, showing all land zones within 1000 feet radius of subject lot's boundaries;
- c. 8 1/2" X 14" map, drawn to scale, showing all building(s) or uses within 750 feet of the subject lot's boundaries. On the same map, applicant must also show any natural or topographic peculiarities of subject lot;
- d. 8 1/2" map, drawn to scale, showing all parcels with correct lot number within 500 feet of subject lot's boundaries;
- e. The most recent recorded and certified Department of Land Management survey map showing the subject property;
- f. An initial comprehensive **Environmental Impact Access (EIA)** as required by the Guåhan Chief Planner;
- g. An erosion control plan;
- h. If leased, lease assignment and covenant; and
- i. Additional information as required by the Guåhan Chief Planner:

In addition to providing the required number of hard copies of the Application; provide 9-copies of the Application File in Electronic Format (example: in CD format, etc.)

7. Approval from the Commission does not constitute a waiver from permits required by other Government Agencies including the U.S. Army Corp of Engineer, nor does this approval imply that these permits will subsequently be granted.

8. Filing Fee: Seventy-Five Dollars (\$75.00) filing fee as per the passage of Bill 74, signed and approved by the Governor of Guåhan on May 18, 2007, under Public Law 29-02, Chapter V, Part III (*Fees and Charges Assessed by the Department of Land Management*).

SEASHORE CLEARANCE

9. **Required Signatures:** All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

"I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that thirty-two (32) sets of the above listed required information is provided."

(Owner(s) or Lessee(s) and Date)

(Representative, if any, and Date)

THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.

FOR OFFICIAL USE ONLY

Date Filed: _____ Accepted By: _____

Date of Notice in Newspaper(s): _____

Date of Notice to Adjacent Property Owners: _____

Date of Public Hearing: _____

Filing Fee(s) Paid (\$): Yes [] No [] Check [] Cash [] Other [] _____

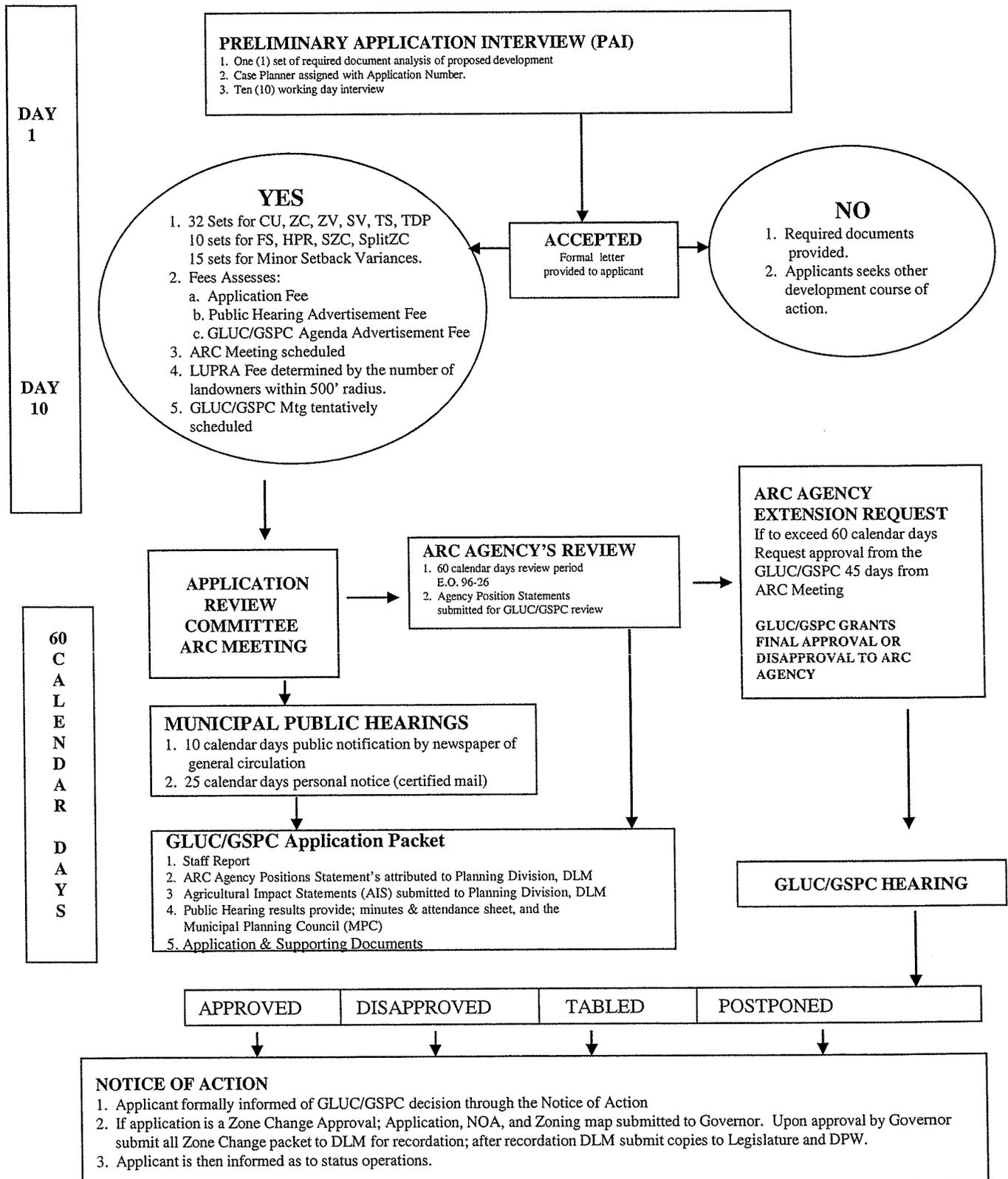
Receipt No.: _____ Application Number: _____

Date of GSPC Action: _____ Conditions: Yes [] No [] (See Below)

Conditions of Approval: _____

GSPC Resolution No.: _____ Date of Notice of Action: _____

GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION APPLICATION PROCESS



DAY 1

DAY 10

**60
C
A
L
E
N
D
A
R

D
A
Y
S**

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 any other 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.