

## **ARTICLE 3 FORESTRY**

**NOTE:** The original Article 3, Forestry, was enacted by P.L. 3-103 and has never been formally repealed. The Legislature, however, in P.L. 16-62 (creating a new Territorial Park System), enacted a "new" Article VI of this Chapter in the Government Code, also dealing with forestry. Since the coverage of the new Article VI is identical to the coverage of old Article 3, but with inconsistent provisions, the Compiler views the new Article VI as repealing by implication the old Article 3. Both articles deal with and are titled "Forestry". Therefore, and to be consistent with the structure of this Chapter, the new Article VI, "Forestry", enacted by P.L. 16-62:4, will be the law found in this Article. See Sutherland, Statutory Construction, 4th Ed., §34.03.

- § 63301. Improving Resources; Responsibility.
- § 63302. Unlicensed Tree-Cutting on Public Lands; Prohibited.
- § 63303. Penalty.
- § 63304. Ifet, Ahgao, and Pahong; Forestry Program.

### **§ 63301. Improving Resources; Responsibility.**

The Department of Agriculture shall be responsible to protect, develop and manage the Territory's public lands in a manner that will conserve the basic soil resources, and at the same time produce continuous yields of water, wood fiber, forage, recreation and wildlife for the use and benefit of the greatest number of people of Guam. The Department shall also endeavor to encourage and assist private land owners to do the same with their land, and establish an urban and community forestry program with village commissioners and civil groups. At the discretion of the Director, tree seeds and seedlings may be made available by the Department for planting on private and public

**5 GCA GOVERNMENT OPERATIONS**  
**CH. 63 FISH, GAME, FORESTRY & CONSERVATION**

lands, either on a free distribution basis or at a price determined by the Director.

**SOURCE:** GC § 12325 enacted by P.L. 3-103; repealed by adoption of GC § 12390 (same section heading), added by P.L. 16-62:4.

**§ 63302. Unlicensed Tree-Cutting on Public Lands; Prohibited.**

The cutting, removal or mutilation of live trees (except tangantangan) on all government of Guam lands without a license is prohibited. All applicants for such license shall make a written request to the Director, designating the kind, size and number of trees to be cut and removed, and the use to be made thereof. When the Director is of the opinion that such cutting or removal will not materially injure the forest resources of Guam, he shall issue a license stating the conditions for cutting and planting of trees, and provisions for inspection of the operation.

**SOURCE:** GC § 12326 added by P.L. 3-103; repealed/ reenacted by P.L. 16-62:4 (GC § 12390.1 -- same section heading).

**§ 63303. Penalty.**

Any person who violates § 63302 of this Article shall be subject to penalties as described in § 63708.

**SOURCE:** GC § 12327 added by P.L. 3-103; repealed by P.L. 16-62:4 (GC § 12390.2 -- same subject heading).

**§ 63304. Ifet, Ahgao, and Pahong: Forestry Program.**

Legislative Intent.

(a) It is the intent of the Legislature to preserve Guam's traditions and culture in the arts. In order to revitalize the traditional arts of wood carving and weaving, it is necessary to develop a forestry program (the "Program") to plant Ifet (also known as Ifil), Ahgao, and Pahong (also known as Akgag) trees (the "trees"), which trees provide materials for carving and for weaving and which are needed to teach these arts to the future generations of Guam. Because of the slow growth rate of the trees, it is necessary that the program be implemented immediately to meet the objectives of this Section.

(b) Establishment of Program. The Department of Agriculture (the "Department") shall establish the Program to plant the trees on

**5 GCA GOVERNMENT OPERATIONS**  
**CH. 63 FISH, GAME, FORESTRY & CONSERVATION**

that land chosen by the Department that is best suitable for the purposes of the Program. The land area designated shall consist of at least eighty (80) acres, with fifty (50) acres for Ifet, twenty (20) acres for Ahgao, and ten (10) acres for Pahong.

(c) Assignment and rezoning of land. The Department of Land Management shall assist the Department in locating government land that is best suitable for the Program, such assistance to include assignment of such land to the Department and its rezoning if necessary. Seventy (70) acres in northern Guam in a limestone area shall be set aside for Ifet (fifty (50) acres) and Ahgao (twenty (20) acres); and ten (10) acres shall be set aside in central or southern Guam for Pahong.

(d) Forestry maintenance and issuance of permits. The Department shall be responsible for the maintenance and upkeep of the trees in the Program and shall hire two (2) full time employees for the maintenance of these forestry preserves. The Department shall be responsible for the issuance of permits for the harvesting of wood therefrom; provided, that such permits must have the approval of the Guam Council on the Arts and Humanities Agency ("CAHA").

(e) Monitoring and approval of requests for harvest. The Department shall be the custodial agency for the Program. CAHA shall approve the priority of permit recipients and the quantity of materials to be given them, and shall monitor usage of such materials. Materials obtained from the Program shall be used exclusively for arts and other cultural programs. For every one (1) tree harvested fifty (50) young trees of the same species shall be planted by the recipient(s) in the same area. Seedlings of such species will be provided by the Department which will also supervise their planting.

(f) Appropriation authorized. The Department is authorized to submit the necessary appropriation to the Legislature to carry out the Program within ninety (90) days of the enactment of this Section."

**SOURCE:** Enacted by P.L. 21-54.

-----