



# NEWSLETTER

## PORT AUTHORITY OF GUAM

February 2021

### Board of Directors

**Francisco G. Santos**  
*Chairman*

**Nathan T. Taimanglo**  
*Vice Chairman*

**Isa Marie C. Koki**  
*Board Secretary*

**Dorothy P. Harris**  
*Board Member*

### Port Management

**Rory J. Respicio**  
*General Manager*

**Dominic G. Muna**  
*Deputy General  
Manager, Operations*

**Luis R. Baza**  
*Deputy General Manager,  
Administration & Finance*



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### Notices

Governor Lou Leon Guerrero signed Executive Order No. 2021-04

EFFECTIVE February 22, 2021:

- \* Guam in PCOR 3
- \* Bars and taverns may operate at 50% capacity
- \* Competitive no-contact sports may resume
- \* Mandatory social distancing continues, frequent cleaning of surfaces, mandatory use of facial masks

### US Attorney and US Coast Guard thank Port Stevedores for assistance in federal case



Port Authority of Guam stevedores were crucial to a case involving a vessel operating company that was sentenced this month in federal court for illegally discharging oil into Apra Harbor, Guam, and for maintaining false and incomplete records relating to the discharges of oily bilge water from the vessel Kota Harum.

Pacific International Lines (Private) Limited (PIL), Chief Engineer Maung Maung Soe, and Second Engineer Peng Luo Hai admitted that oily bilge water was illegally dumped from the Kota Harum directly into the ocean and into Apra Harbor, Guam, without being properly processed through required pollution prevention equipment. Oily bilge water typically contains oil contamination from the operation and cleaning of machinery on the vessel. The defendants also admitted that these illegal discharges were not recorded in the vessel's oil record book as required by law.

"This case was particularly egregious as it not only involved oily waste discharges out at sea, but also in the Port of Guam itself," said Acting Assistant Attorney General Jean E. Williams of the Justice Department's Environment and Natural Resources Division. "I'd like to thank the stevedores at the Port of Guam who reported the oil discharge to authorities. The Department of Justice and our partner agencies will continue to ensure that polluters who threaten our natural resources are held fully accountable under the law."

"This case demonstrates our continued commitment to enforcing federal environmental

laws in our districts," said U.S. Attorney Shawn N. Anderson of the Districts of Guam and the Northern Mariana Islands. "We will not allow our waters to be dumping grounds for vessel owners and their crews. The substantial penalties imposed by the court are a strong measure of accountability for these unconscionable acts."

"This case is a strong example of how the U.S. Coast Guard environmental protection missions safeguard our shared natural resources," said Josh Empen, Deputy Commander, Coast Guard Sector Guam. "We are very thankful to have an expert team of pollution investigators, port state control examiners, and Coast Guard Investigative Service agents who are dedicated to the mission and allowed referral of the case to the U.S. Attorney. I would also like to thank the professional men and women of the Port Authority of Guam who reported the illegal discharge to the National Response Center."

Specifically, on Oct. 4, 2019, Hai, who was employed by PIL, used the Kota Harum's emergency fire/ballast pump to discharge oily bilge water directly overboard, leaving an oil sheen upon the water of Apra Harbor. Additionally, Soe, who was also employed by PIL, admitted that excessive leaks in the vessel caused oily bilge water to accumulate in the vessel's engine room bilge at a rate that exceeded the oil water separator's (required pollution prevention machinery) processing capacity.

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Rather than repairing these leaks before continuing to sail or storing the oily bilge water in holding tanks to be discharged to shore-side reception facilities, it was the routine practice onboard the Kota Harum to discharge the oily bilge water directly overboard into the ocean. Soe then failed to record these improper overboard discharges in the vessel's oil record book. Additionally, Soe admitted that he altered the vessel's sounding log so that it would appear as though oily bilge water was being stored in the vessel's holding tank instead of being pumped overboard.

PIL pleaded guilty to five felony violations of the Act to Prevent Pollution from Ships for failing to accurately maintain the Kota Harum's oil record book, and one felony violation of the Clean Water Act for knowingly discharging oil into a water of the United States in a quantity that may be harmful. The judge sentenced PIL to pay a total criminal penalty of \$3 million and serve a four-year term of probation, during which all vessels operated by the company and calling on U.S. ports will be required to implement a robust Environmental Compliance Plan.

Soe and Hai previously pleaded guilty and were sentenced to two years of probation and one year of probation, respectively. Additionally, both Soe and Hai are prohibited from serving as engineers onboard any commercial vessels bound for the United States during their respective terms of probation.

This case was investigated by the U.S. Coast Guard Sector Guam



and the U.S. Coast Guard Investigative Service. The case is being prosecuted by Trial Attorney Stephen Da Ponte of the Environment and Natural Resources Division's Environmental Crimes Section and Assistant U.S. Attorney Marivic P. David for the Districts of Guam and the Northern Mariana Islands.

## FEMA Projects Move Forward in Pre-Award Phase



The Port Authority of Guam recently made the initial public notice for two projects that FEMA intends to award to the agency. In this pre-award phase of the grant process, the initial notice allows the public to provide input or comment relative to the project which are normally environmental concerns. "We are very pleased to have reached this point of the grant process as we seek input from the public on these two projects," said General Manager Rory J. Respicio. "These are just two of the projects identified in our Port Modernization Program to extend the life and use of our facility." The two notices are:

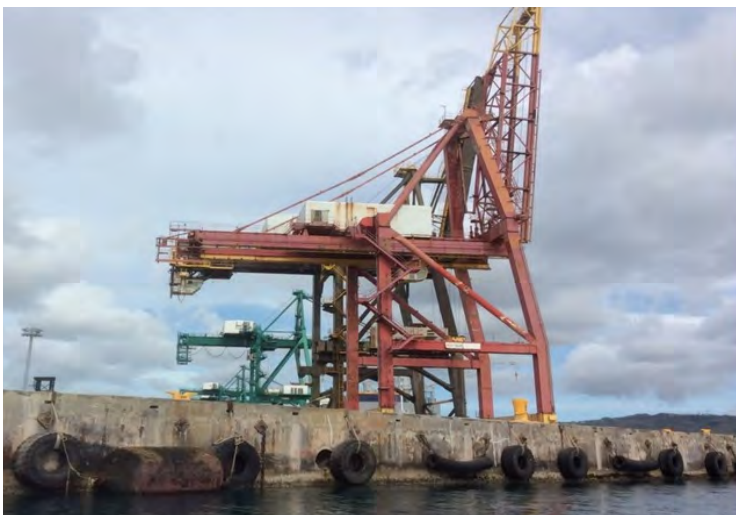
### 1. Initial Public Notice for FEMA Funded Projects - Hardening of Fendering System

The U.S. Department of Homeland Security's Federal Emergency

Management Agency (FEMA) intends to provide federal financial assistance under the Hazard Mitigation Grant Program to the Port Authority of Guam to upgrade the existing fendering system at the Jose D. Leon Guerrero Commercial Port of Guam on Cabras Island. The proposed action will mitigate impacts from wind and water inundation associated with typhoons, earthquakes, and storm surge events by replacing the deteriorated cylindrical and rubber arch leg fendering systems located at Piers F3 through F6. Pursuant to Executive Order 11988 (Floodplain Management) and FEMA's implementing regulations in Title 44 of the Code of Federal Regulations Part 9, FEMA hereby provides interested parties with a notice of its intent to carry out an action affecting a floodplain.

The purpose of the proposed action is to reduce typhoon and earthquake hazards at the Port. The proposed action consists of

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1) removal of the deteriorated cylindrical fendering system and installation of eleven 10-foot by 2-foot cylindrical fendering systems (including cylindrical rubber fender, open link chain, dee shackle bolt, and bolt and foot rod); 2) removal of the deteriorated rubber arch system components (rubber legs and galvanized bolts) and installation of 30 rubber arch fender legs (arch rubber fender legs, chain, and bolt) in 15 frontal fendering systems.

The project area is in the 100-year floodplain as depicted on the FEMA Flood Insurance Rate Map (FIRM) Numbers 6600010066D, effective date September 28, 2007. The FIRM shows that the project area lies within Zone A, an area that has a 1-percent probability of flooding every year and where predicted floodwater elevations have not been established.

Additional information about FEMA's proposed action, including maps showing the potential impacts on floodplains, may be obtained by writing the FEMA Region IX Environmental Officer at FEMA, 1111 Broadway, Suite 1200, Oakland, California 94607, or [fema-rix-ehp-documents@fema.dhs.gov](mailto:fema-rix-ehp-documents@fema.dhs.gov), or calling (510) 627-7027. This notice was published on the Port's website on February 15, 2021.

**2. Initial Public Notice for FEMA Funded Projects - Hardening of Warehouse 1**

The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) intends to provide federal financial assistance under the Hazard Mitigation Grant Program to the Port Authority of Guam to renovate and upgrade Warehouse 1 at the Jose D. Leon Guerrero Commercial Port of Guam on Cabras Island.

The proposed action will mitigate impacts from typhoon-related wind and rain damage to the interior of the structure by replacing one (1) security door and installing eleven (11) roll-up doors in several bays in Warehouse 1. Pursuant to Executive Order 11988 (Floodplain Management) and FEMA's implementing regulations in Title 44 of the Code of Federal Regulations Part 9, FEMA hereby provides interested parties with a notice of its intent to carry out an action affecting a floodplain.

The purpose of the proposed action is to reduce typhoon hazards at the Port. The proposed action consists of 1) demolition and disposal of 9 existing swing doors and 1 access door; 2) repairs to the spalled concrete jam area for the newly installed doors; 3) replacement of existing damaged doors with a security access door and 11 roll-up doors in several bays of Warehouse 1. The project area is in the 100-year floodplain as depicted on the FEMA Flood Insurance Rate Map (FIRM) Numbers 6600010066D, effective date September 28, 2007. The FIRM shows that the project area lies within Zone A, an area that has a 1-percent probability of flooding every year and where predicted floodwater elevations have not been established.

Additional information about FEMA's proposed action, including maps showing the potential impacts on floodplains, may be obtained by writing the FEMA Region IX Environmental Officer at FEMA, 1111 Broadway, Suite 1200, Oakland, California 94607, or [fema-rix-ehp-documents@fema.dhs.gov](mailto:fema-rix-ehp-documents@fema.dhs.gov), or calling (510) 627-7027. This notice was published on the Port's website on February 15, 2021.



**Farewell Beloved Rudy Sanchez**



The Port Authority of Guam mourns the loss of our beloved friend and co-worker Rudy Q. Sanchez who passed away on February 10, 2021. Rudy started his employment with the Port on July 3, 2006 as a Stevedore and since then has been a valued member of Team Operations and the Port Strong Family. He loved his job and he loved his Port family. Rudy will always be remembered for his dedication to his job. Thank you brother Rudy for your 14 years of service to the Port Authority of Guam and to the people of Guam. Deepest sympathies and prayers to his spouse, Ms. Claresa Cruz and his children Ryan & Sheena, Rouen, Heaven and Rudy II. Rest in Peace brother Rudy, we will miss you!





Port Authority of Guam General Manager Rory J. Respicio reassured Oversight Chair Telena Nelson that the agency was transparent during the process of the performance evaluations voted on by the Board of Directors.

During the January 28th, 2021 meeting, the Port Authority of Guam’s (PAG) Board of Directors voted unanimously to give General Manager Rory J. Respicio and Deputy General Managers Luis Baza Dominic Muna, an Exceptional Performance Evaluation. At Respicio’s request, these Performance Evaluations did not include any increment and that the matter be discussed in an open session. Senator Telena Cruz Nelson mentioned in a radio interview the following day, January 29, 2021 that she had some concerns about the ratings and the transparency regarding these Performance Evaluations. As such, the General Manager wrote to Senator Nelson to allay any concerns she may have with the Port’s commitment to transparency.

“Unlike in the past, my Performance Evaluation was conducted in a full and open discussion by the Board at my request and not done in Executive Session,” Respicio said. “Following the board meeting, we immediately sent out a news release announcing the results and attaching the actual performance evaluation to everyone. We also published the evaluation with the rating criteria (Performance and Development Evaluation Form) on two locations on our website.”

GM Respicio added that the hearing was broadcast live on the Port’s Facebook page and website. The agency’s efforts to make this as transparent as possible did not go unnoticed as Board Member Dorothy P. Harris said she was pleased to see how transparent the agency was with this process.

“We take transparency very seriously at the Port Authority of Guam, and we work very hard to be as transparent as possible,” the General Manager said. “Our work to be transparent won us national and local recognition, and we are very proud of our work.”

GM Respicio informed Senator Nelson that these are the steps the agency took to ensure the highest level of transparency could be reached.

- The board meeting in which discussions were made on Performance Evaluations was broadcast live on Facebook at [www.facebook.com/portauthorityofguam](http://www.facebook.com/portauthorityofguam);
- The board meeting in which discussions were made on our Performance Evaluations was broadcast live on our Port Authority of Guam website at [www.portofguam.com/live](http://www.portofguam.com/live);
- Unlike in the past, the entire discussion was conducted in full and open discussion by the Board and not done in closed Executive Session;
- Immediately following the hearing, the agency publicly released results and the actual evaluation via press release to the media and more than 100 others on our email distribution list;
- Immediately following the hearing, PAG sent a copy to every employee via email;
- Immediately following the hearing, PAG sent a copy to every employee via our Whats App Chat Group;
- Immediately following the hearing, PAG publicly released the press release with the performance evaluation on the PAG website at [www.portofguam.com/news/news-releases](http://www.portofguam.com/news/news-releases);
- Immediately following the hearing, the results of the performance evaluations were published on the PAG Facebook page located at [www.facebook.com/portauthorityofguam](http://www.facebook.com/portauthorityofguam);
- Immediately following the hearing, the results of the performance evaluations were published on the PAG Instagram page located at [www.instagram.com/portofguam/](http://www.instagram.com/portofguam/);
- Immediately following the hearing, the results of the performance evaluations were published on the PAG Twitter page located at [twitter.com/GuamPort](https://twitter.com/GuamPort);
- Shortly after the hearing PAG published a copy of the evaluation with the rating criteria (Performance and Development Evaluation Form) on the PAG website at [www.portofguam.com/performance-reviews](http://www.portofguam.com/performance-reviews);
- For anyone not able to view the live hearing and discussions in open session they can still watch it in the archived meeting which can be found on Facebook at [www.facebook.com/portauthorityofguam](http://www.facebook.com/portauthorityofguam); and
- For anyone not able to view the live hearing and discussions in

open session they can still watch it in the archived meeting which can be found at [www.portofguam.com/live](http://www.portofguam.com/live)

“The entire process for our performance evaluations was broadcast live on two social media platforms, telecasting this PAG held in an open public session,” Respicio said. “This is in stark contrast to immediate past practices where such matters were discussed in executive session if even discussed at all. Please also note that our performance evaluations and attachments thereof were immediately publicly announced following this board hearing. Moreover, these results were published on all of our social media platforms; emailed to all the media and all employees; sent to all employees via Whats App; and published at two different locations on our website. If you feel there is another way for us to make this process more transparent, we certainly welcome your input.”



### GM Respicio to Senator Nelson: Random Drug Testing must meet “Constitutional Muster”

Port Authority of Guam General Manager Rory J. Respicio told Port Oversight Chair Telena Nelson that he will continue to follow the Port’s Drug-Free Workplace Policy and will do so within the boundaries of the United States Constitution. GM Respicio cautioned Senator Nelson to refrain from ill-advising him and the public regarding this matter.

The Port was the center of Senators Nelson’s two days of hearings focusing on the Port’s Drug-Free Workplace Program and hiring. During the hearing, Respicio told lawmakers that the Port, under its Drug-Free Workplace Program (DFWPP) and Personnel Rules and Regulations, may conduct random drug testing on its employees only when a degree of reasonable suspicion arises. This also included employees in test designated positions. Despite this, Nelson suggested that the Port implement more frequent random drug testing instead of waiting for accidents to happen.

“It is your opinion that the Port’s DFWPP and Personnel Rules

and Regulations give the Port the authority to conduct random drug testing on all of its employees without reasonable suspicion,” GM Respicio wrote in a letter to Senator Nelson. “Respectfully, I disagree.”

“As employers, both in the public and private sectors, we are limited by constitutional considerations,” he wrote. “According to the well-established case law, even those employees holding ‘test designated positions’ or safety sensitive positions are still afforded reasonable expectations of privacy. Accordingly, courts have only upheld suspicionless drug testing in limited circumstances: employees who carry firearms; motor vehicle operators carrying passengers; aviation flight crew members and air traffic controllers; and railroad operating crews. Thus, subjecting those public employees whose job performance does not necessarily jeopardize public safety to suspicionless, random drug testing would likely be problematic as it infringes on employees’ privacy rights.”

### Port GM Asks Oversight Chair to Identify Alleged Criminals



Port Authority of Guam General Manager Rory J. Respicio has asked Oversight Chair Telena Nelson to identify what Port employees she has heard are criminals in order to avoid those statements casting such a dark cloud over the hardworking men and women of the Port Authority of Guam.

The Port was the focus for two weeks in a row of oversight hearings on the hiring practices of the Port as well as the Legislature’s inquiry of the Port Authority of Guam’s Drug-Free Workplace Program.

“You have made public statements that you are looking into ‘anyone hired at the Port with a criminal record,’” Respicio wrote to

Nelson. “You stated in your press release, ‘While I continue to have confidence in the Port’s merit system, we must listen to the concerns of our community and ensure that our government is hiring qualified workers deserving of the taxpayer’s dime.’ You further stated in this same press release that ‘An additional audit of the Port will help us understand the Port’s hiring process and the measures they take to provide our people the gold standard of public service.’”

Respicio told Senator Nelson that in order for the Port to uphold the new Platinum Standard to which the agency has achieved at the Port Authority of Guam, agency officials compiled a listing of all of the Port’s hires beginning in Fiscal Year 2010 to present. The General Manager assured the Senator that the Port will address her legislative concerns with this matter and any other matter she may have concerning the Port and that the agency is committed to doing so in the interest of maintaining the present high level of transparency and accountability.

GM Respicio asked Senator Nelson to identify any individual she has heard are criminals, noting that her identifying these Port employees who she has heard are criminals will permit the Port to focus all attention solely on those individuals.

Respicio said, “Anything short of pinpointing any specific individual who Sen. Nelson has heard is a criminal hired at the Port implies that ALL Port employees hired during this time frame have criminal records.”



The Port Authority of Guam sought review by the Attorney General on the Office of Public Accountability's Report No. 21-03 relative to the agency's issuance of back wages. The OPA's audit focused on employees who were wrongfully terminated as determined by the Civil Service Commission, Superior Court or

Supreme Court and reinstated in accordance to the law. Port General Manager Rory J. Respicio noted that the agency had extensive meetings with the OPA and presented a 37-page Management Response justifying the actions.

"Our management position remains firm in that we acted in accordance with the law, the PAG's Personnel Rules and Regulations, and with the PAG Board's authority, as well as Civil Service Commission, Superior Court or Supreme Court orders, whenever such orders are applicable to any of these personnel cases," Respicio wrote in his letter to the Attorney General. "Moreover, our management team acted under the advice and guidance by the Port's in-house counsel in the development of the settlement templates. We, therefore, maintain our disagreement with the OPA's findings."

The letter to the Attorney General requests for the AG's office to review the audit and to provide legal guidance on whether any post actions are required.

A copy of the letter to the Attorney General and the Management Response can be viewed on the Port's website at <https://portofguam.com/news/news-releases>.

## Port Authority of Guam Photo Contest

From now until March 31, 2021, employees are invited to enter your best photos of the Port Authority of Guam for a chance to win. Simply email your photos to [news@portofguam.com](mailto:news@portofguam.com) or WhatsApp to Marketing Pics at (671) 977-4346 and you are automatically entered. A panel of judges will select the winners and which photos will be included in the Port's FY2020 Annual Report. Photos taken anywhere on Port Authority of Guam property will be eligible. That includes Agana and Agat Marina, Port Beach and Family Beach. Photos can be abstract, scenic or action shots. Be creative! And have fun! We may share some of the contest photos on social media... maybe even one of yours! Get your cameras ready! And send your pictures in.

### Contest Rules

This contest ("Contest") is organized by the Port Authority of Guam (PAG) and will run from today to March 31, 2021.

**ELIGIBILITY:** This Contest is open to all employees of the Port Authority of Guam.

### HOW TO ENTER:

Participants must enter at least one (1) photo

1. The photo must be taken from the "properties" considered part of the Port Authority of Guam, inclusive of Agana and Agat Marina, Port Beach, Family Beach and Harbor of Refuge. Photos must have been taken between October 2019 to present.

2. Participants must identify the area where photo was taken, contest participants may enter as many photos as they wish, all photos are eligible and can be taken with any device (professional camera, smartphone, etc.), photos must be submitted in electronic/digital format, photos submitted after the deadline, for whatever reason, will not be eligible. Throughout the Contest period, Marketing Division may select and share a number of Contest photos on its social media accounts (Facebook, Instagram and Twitter), its website and in its newsletters for the purposes of promoting the Contest and showcasing entries from participants. All Contest participants grant the PAG permission to use their photo(s) as needed by the Port Authority of Guam.



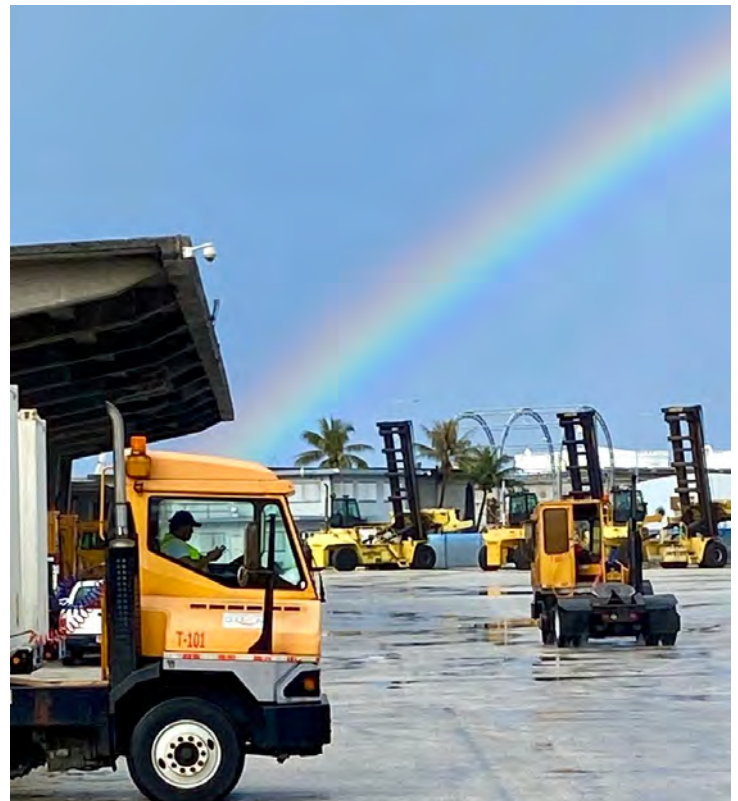
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3. All photos must be original work, taken by the entrants. No third party may own or control any materials the photo contains, and the photo must not infringe upon the trademark, copyright, moral rights, intellectual rights, or rights of privacy of any entity or person. The photo must be in its original state and cannot be altered in any way, including but not limited to removing, adding, reversing, or distorting subjects within the frame or adding a name onto the photo.

4. A selection panel, composed of four members, will select the winning photo based on the following criteria: Originality, Aesthetic Appeal, Creativity, Composition and Style. The winning photo will be chosen by the selection committee on March 31, 2021, at 3 p.m., at the PAG Board Room. Winner/s will be contacted via email or telephone.

5. Anyone participating in this Contest agrees to abide by the official Contest rules and to the decisions taken by authorized representatives which are in all circumstances irrevocable and enforceable. The organizers of this Contest reserve the right, at their entire discretion, to cancel, terminate, modify or suspend this Contest, in whole or in part. By entering this Contest, participants authorize the PAG and its representatives to use, as required, their name, photograph, image, in relation to the selection of winners for promotional purposes.

6. Prizes will be announced once finalized.



## Photo Highlights



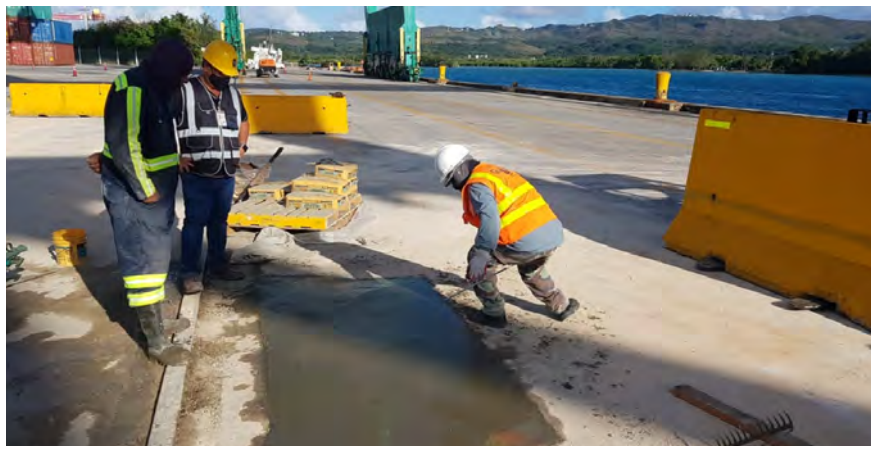
Above: David Taitano repairs the stairway at the west side of the Administration building.



Right Top: Facility Maintenance crew members water blast the seawall along Route 11 before applying a new coat of paint.



Right: Facility Maintenance crew members apply a new coat of paint and beautify the seawall along Route 11.



Left: Melchor Perez and Jesse Mendiola finish their work cleaning out the storm drains in our parking lot.

Above: Maintenance crew members finish repairs to F6 dock.




**March Birthdays**

Antoinette M. Mafnas  
Frankie C. Rosalin  
Anthony J. Evangelista  
John J. Leon Guerrero  
William G. Quidachay  
Rita B. Carbullido

Ernesto D. Madahan  
Melissa F. Aguero  
Alexander J. Aflague  
Curtis R. Ettleman  
Josette J. Javelosa  
Patrick E. Alvarez

Peter C. Lorenzo  
David C. Taitano  
Christine K. Claveria  
Eric J. Salas  
John L. Leon Guerrero  
Martin J. San Nicolas



## Facts about COVID-19 vaccines

**Vaccines (shots) are one of the tools we have to fight the COVID-19 pandemic.**



To stop this pandemic, we need to use all of our prevention tools. Vaccines are one of the most effective tools to protect your health and prevent disease. Vaccines work with your body's natural defenses so **your body will be ready to fight the virus**, if you are exposed (also called immunity). Other steps, like wearing a mask that covers your nose and mouth and staying at least 6 feet away from other people you don't live with, also help stop the spread of COVID-19.

Studies show that COVID-19 **vaccines are very effective** at keeping you from getting COVID-19. Experts also think that getting a COVID-19 vaccine may help keep you from getting seriously ill even if you do get COVID-19. These vaccines cannot give you the disease itself.