



**Sen. Thomas Ada**  
Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Liheslaturan Guåhan* • 33<sup>rd</sup> Guam Legislature

November 18, 2016

**The Honorable Judith T. Won Pat, Ed.D.**

Speaker

*I Mina Trentai Tres Na Liheslaturan Guåhan*

155 Hesler Place

Hagåtña, Guam 96910

*Rory J. Respicio*

**VIA: The Honorable Rory J. Respicio**

Chairperson, Committee on Rules

**RE: Committee Report on Bill No. 374-33 (COR) as amended**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 374-33 (COR) as amended, **“AN ACT TO RESERVE A PORTION OF LOT 5173-1-R2-NEW-R6, MUNICIPALITY OF TAMUNING, CONTAINING AN AREA OF UP TO FIVE (5) ACRES MORE OR LESS, FOR USE AS A CHAMORRO SHRINE AND THE REINTERMENT OF ANCESTRAL REMAINS.”**

Committee votes are as follows:

- 4 TO DO PASS
- \_\_\_\_\_ TO NOT PASS
- 2 TO REPORT OUT ONLY
- \_\_\_\_\_ TO ABSTAIN
- \_\_\_\_\_ TO PLACE IN INACTIVE FILE

2016 NOV 21 PM 1:45

*Si Yu'os ma'åse',*

Thomas C. Ada



**Sen. Thomas Ada**

**Chairman**

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement

*I Mina Trentai Tres Na Libeslaturan Guåhan • 33<sup>rd</sup> Guam Legislature*

**COMMITTEE REPORT  
ON**

**Bill No. 374-33 (COR)  
As Amended**

**“AN ACT TO RESERVE A PORTION OF LOT  
5173-1-R2-NEW-R6, MUNICIPALITY OF  
TAMUNING, CONTAINING AN AREA OF UP  
TO FIVE (5) ACRES MORE OR LESS, FOR  
USE AS A CHAMORRO SHRINE AND THE  
REINTERMENT OF ANCESTRAL  
REMAINS.”**



## Sen. Thomas Ada

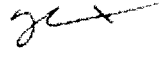
Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Libeslaturan Guåhan • 33<sup>rd</sup> Guam Legislature*

November 18, 2016

### MEMORANDUM

To: **All Members**  
Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement

From: **Senator Thomas C. Ada**, Committee Chairperson 

Subject: **Committee Report on Bill No. 374-33 (COR), As Amended**

Transmitted herewith for your consideration is the Committee Report on Bill No. 374-33 (COR) as amended, **“AN ACT TO RESERVE A PORTION OF LOT 5173-1-R2-NEW-R6, MUNICIPALITY OF TAMUNING, CONTAINING AN AREA OF UP TO FIVE (5) ACRES MORE OR LESS, FOR USE AS A CHAMORRO SHRINE AND THE REINTERMENT OF ANCESTRAL REMAINS.”**

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 374-33 (COR), As Introduced
- Copy of Bill No. 374-33 (COR), As Amended
- Public Hearing Sign-in Sheet
- Written testimonies from: Catherine McCollum (*Tamuning Municipal Planning Council*), Hope Cristobal (*Former Senator, 23<sup>rd</sup> Guam Legislature*), Margarita Perez (*Board of Directors, Perez Properties*), Michael Borja (*Director, Department of Land Management*), Johnny Sablan (*President, Department of Chamorro Affairs*)
- Copy of Fiscal Note Request
- Copy of Fiscal Note
- COR Referral of Bill No. 374-33 (COR)
- Notices of Public Hearing
- Public Hearing Agenda

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.



**Sen. Thomas Ada**  
**Chairman**

Committee on Transportation, Infrastructure, Lands,  
 Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Libeslaturan Guahan* • 33<sup>rd</sup> Guam Legislature

**COMMITTEE VOTE SHEET**

**Bill No. 374-33 (COR) as amended, "AN ACT TO RESERVE A PORTION OF LOT 5173-1-R2-NEW-R6, MUNICIPALITY OF TAMUNING, CONTAINING AN AREA OF UP TO FIVE (5) ACRES MORE OR LESS, FOR USE AS A CHAMORRO SHRINE AND THE REINTERMENT OF ANCESTRAL REMAINS."**

COMMITTEE MEMBERS	SIGNATURE AND DATE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
<b>SENATOR THOMAS C. ADA</b> Chairperson		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SENATOR RORY J. RESPICIO</b> Vice Chairperson	<i>Rory Respicio</i> 11-15-16	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>VICE SPEAKER BENJAMIN J.F. CRUZ</b> Member		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SENATOR FRANK B. AGUON, JR.</b> Member	<i>Frank B. Aguon, Jr.</i> 4/18/16	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SENATOR DENNIS RODRIGUEZ, JR.</b> Member	<i>Dennis Rodriguez, Jr.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SENATOR NERISSA UNDERWOOD</b> Member	<i>Nerissa Underwood</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SENATOR FRANK BLAS, JR.</b> Member		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SENATOR MARY TORRES</b> Member	<i>Mary Torres</i> 11/18/16	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SENATOR JAMES V. ESPALDON</b> Member		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>





## Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Libeslaturan Guåhan* • 33<sup>rd</sup> Guam Legislature

### COMMITTEE REPORT DIGEST

#### **I. OVERVIEW**

Bill No. 374-33 (COR) was introduced on September 22, 2016 by Senator Thomas C. Ada and was subsequently referred on September 26, 2016 by the Committee on Rules to the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement.

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement convened a public hearing on October 06, 2016 at 6:00 pm in *I Liheslaturan's* Public Hearing Room to receive public testimony on Bill No. 374-33 (COR).

#### **Public Notice Requirements**

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on September 29, 2016 (5-Day Notice) and again on October 04, 2016 (48-Hour Notice), fulfilling the 5-Day Notice and 48-Hour Notice of the Open Government Law requirement.

#### **Senators Present**

Senator Thomas C. Ada	<i>Committee Chairperson</i>
Vice Speaker Benjamin Cruz	<i>Committee Member</i>
Senator Mary Camacho Torres	<i>Committee Member</i>
Senator James V. Espaldon	<i>Committee Member</i>
Speaker Judith T. Won Pat	<i>Ex-Officio Member</i>

The public hearing was Called-to-Order at 6:00pm.

#### **II. SUMMARY OF TESTIMONY AND DISCUSSION**

Chairperson Ada calls the Public Hearing to order, reads the title of Bill No. 374-33 (COR) and gave an orientation of where the bill will place the Chamorro shrine and the re-interment of ancestral remains. Based on the task force report submitted in 2000, a recommendation was made that *Nañtan Mañaina-ta* should be positioned in the orientation displayed (an east-west orientation that parallels the cliff line and will occupy an area of about 8 acres. It will not only be a shrine but also an area where the public can meditate and enjoy the serenity of the area. The task force has given this location as its recommendation in 2000.

There is an alternative that may be considered; an area of approximately 5 acres, having a north-south orientation contiguous to the *Sågan Kotturan Chamoru*, cultural center .

The Chairperson went on to say that it has been an effort that goes back to 1992 (24 years ago) with a bill introduced by Senator Madeleine Bordallo. The bill, enacted into Public Law 21-104, did several things; it directed the Department of Parks and Recreation to establish the shrine and

burial ground, the planning, design, construction and maintenance of the shrine and to submit an appropriation request. Chairperson Ada displays the renditions of the shrine.

He then calls those who have signed up to give testimony.

**Jose Ulloa Garrido, Free Association Task Force: (Mr. Garrido spoke in Chamorro.)** He then stated he is grateful to be at the public hearing discussing the bill. He first wanted to bring the idea that the Chamorro Land Trust was established not to own the property in its inventory. It is to take to care of the property and hold it in trust for the benefit of the Chamorro people. There is no other benefit more paramount than what is being discussed. He went on to say in the documents submitted, there are 2000 remains waiting to be reburied and another 1000 that can be accounted for to include some from the military base. The *Nāftan Mañaina-ta* can be considered to be the national monument of the Chamorro people, which deserves the utmost respect that can be given.

He went on to say, the people that come before are waiting for an obligation to be filled by finding them a resting place. This has been an ongoing issue since 2000, there were people prior that began the work and recognized that something had to be done. The people buried 1000 years before and from the Chamorro Spanish war, were as a result of development and now languish at the DNA building, the Guam Museum and the military curator.

He stated he is there to testify as the Chairperson for the Task Force of Free Association, the issue has a lot to do with the right to express the right of self-determination. He wants to express the right to self-determination and build a final resting place for the ancestors that have been waiting. There is no other higher obligation, the culture is not only to respect ourselves but to respect the family, people, and our ancestors. He states there has been some perspective that this property is not being used to its best use, if the shrine will be put there. His prospective is that when the land is held in trust, the great duty is that the land in trust is used for the burial of the remains. There is no other higher use, regardless.

He thinks the people will understand even if the location is of high value in *Tumon*. The bill is creating dignified work ahead and that work must be completed. The strength and spirit must be there to move forward and do the work. He ended by stating he works for the State Historic Preservation Office, Department of Parks and Recreation, he has the knowledge and background of this issue.

**Michael J.B. Borja, Director, Department of Land Management:** Director Borja reads his testimony. In summary, Mr. Borja's testimony points out that the CLTC has not deliberated on Bill 374. Nevertheless, the CLTC has made the following determinations:

- (1) The area being proposed has an estimated value of \$5.4M.
- (2) Concerned about the geodetic survey markers at the proposed site.
- (3) P.L. 25-179, enacted on Jan 2001, authorized the CLTC to lease out Oka Point for commercial development. CLTC interprets P.L. 25-179 as designating best and highest use of Oka Point is commercial activities.
- (4) Recommends locating the shrine along the cliffline at Route 15, in the vicinity of Hawaiian Rock quarry.

- (5) Select various locations in the respective municipalities where the remains were discovered.
- (6) Bill 374 circumvents the authorities of the Tamuning MPC and the CLTC.

**Hope Cristobal, Former Senator, 23<sup>rd</sup> Guam Legislature:** Mrs. Cristobal reads her testimony. Her testimony is summarized as follows:

- (1) In terms of public policy, the Government of Guam “has not yet attained a level of preservation that that is respectful and honors our ancient ones with the highest level of dignity.
- (2) Mrs Cristobal gave a chronology of ancient remains during the Tumon development in the ‘80s and the disposition of these finds.
- (3) Gave a summary of the various laws and Executive Orders enacted but were not fully carried out.
- (4) Objects to Section 2 of the bill pertaining to reservation of land, Line 13 in particular “... and the interment or re-interment of any other ancestral remains discovered...”. This language will relieve the developers of the responsibility to re-inter remains at the general location they were found.

**Pamela Duvall:** She started her testimony by stating she is Chamorro and reflects what Ms. Cristobal and Mr. Garrido have said. Being Chamorro is about respect and how they take care of the dead. She has stated that what has been done in the area is beautiful and the site itself is important. She is there to support her family and friends that support the same. There is hope that the bill will get passed.

**Vice Speaker Cruz:** Stated that although he agrees with Former Senator Cristobal that compliance should be with initial laws that require that re-interment be done at the site. Right now there is a number of remains and if those remains are unable to go back to the original site, asked if she would have any opposition to it being interned in a central *nāfia*? Or should individual *nāffas* be built wherever they have been taken?

**Mrs. Cristobal:** Responded that the highest standard that has been set by Executive Order 89-24, is to try to keep the burials and gave Nikko Hotel as an example of what has done. She went on to say that with the military and Hornbostel collection, all with original indications of burials and those burials should be reinterred closest to its location it has been disinterred from. She went on to say that these things need to be tracked and people need to be made aware of the locations and respects can be made. In regards to the military, the preference is that the monuments be put on the location found, that way it is known that was Chamorro land. We need to be cognizant of it being military control land, they don’t own the land. It is where the ancestors once lived, that would be a great honor for them to have a monument there.

She went on to say, with the influx of people there will be an increase of construction and the highest and best way to show respect and honor is to have the interment close to where the original location. For those that can’t be identified Public Law 21-104, is specific to what was held by the Guam Museum at the time. As the Chairperson of the board then, her testimony was in-favor but nothing came of it after 90-days. But as was stated by the Chairperson Ada it has been over a couple of decades, today is the right time to reinter those burials and give the respect and dignity they deserve. She gave an example of *Mata’ pang*, how the remains were removed

and the sand was mined for landscaping purposes. In order to prevent the disinterment, people need to know that protocol needs to be followed and so on down the line.

**Vice Speaker Cruz:** Stated if the committee accepts the amendments recommended, remain faithful to the earlier executive order, laws as it refers to the reburials, might she have some suggestions as to a proper *nāfta*? He went on to say it was her description of the 500 at the Hyatt. The law will have to be amended to not only require the reburial but shouldn't there be parameters of what would be a proper monument and what would be around it, therefore it is not lost in the surroundings.

**Mrs. Cristobal:** Responded that every time she goes to the Hyatt she pays her respects to the little monument. What happen at the Nikko has become a standard, when she gives tours she takes them to the Nikko. The original request of the area of reinternment was in perpetuity to the Chamorro people but it was a compromise. She gave a description of the location of the monument. In the entire story of the 161 people that have been reinterred there, half them are 15 years and below, half of that half is 6 years old and below. It is a cemetery of young people, the home *Maga'lahi Mata'pang* and resonated with her the importance and significance of the burial. She goes on to say that she doesn't want to use that as a standard but hopes that with the big developers an area can be dedicated in perpetuity. If that can't be done, then having Chamorro NGO's in the design can satisfy most members of the community as to what the monument should look like.

Another important aspect is the words that go onto the plaque. The burials were reinterred with the associated funerary objects. She went on to say that the Chamorro history has yet to be written and all this information is coming up.

**Senator Espaldon:** Stated that without understanding what the *nāfta* will be, he asked the question of how number of 8 acres came about? Should the amount of land be more or less than 8 acres?

**Chairperson Ada:** Responded that the report published by the task force in 2000 had asked for 5 acres more or less. Stated that he could only guess that the acreage is based on the idea for what the shrine might look like. He then showed visual examples of the different renditions of the shrine. In the task force report it was mentioned that physical structure and the open space for meditation.

**Senator Espaldon:** Stated that the next bill on the agenda, reserved a portion of the land in the same area for a cultural center. He asked if the footprint of 8 acres of the *nāfta*, is part of the property that is being looked at in the next bill?

**Chairperson Ada:** Responded that the 5 acres came from the task force report. The options presented in the visual show 8 acres as presented and another option of 5 acres adjacent to the cultural center, as in the next bill on the agenda. He stated that the bill will have to be amended in a way that gives the flexibility of up to 5 acres.

**Mrs. Cristobal:** Responded that she is confused by section 2 of the bill, there are many things going on in the section and fears that the interpretation of that section will mean that the monument will become a bank depository. She stated that is her main concern and the law needs to be made clear and be specific to the Hornbostel collection and whatever listing historic resources division has and that it is not open to future construction. She ended by saying she fears the final desecration and disrespect to leave that *nāfta* open to all burials. That will nullify the previous protocols and will prove very disastrous.

**Mr. Garrido:** Stated that he would like to put some clarity on the dates specific of the bill. Public Law 21-204's paper trail of the documents that come out of the Legislature and the Executive Order by Governor Ada 89-24, specifically mentioned that the *Nāftan Mañaina-ta* are to be reserved for all burials that were disinterred in 1989. Those after 1989 are the responsibility of the developer, to create a reburial monument in the location where they were disinterred or as close as possible to it. The Guam Historic Resources Division took it upon itself, the legal responsibility to make sure that every development occurred thereafter are to require.

He then asked to be treated as having the knowledge of analyzing the law and documentation that came out of the time when people were talking of how to treat the ancestral remains. Governor Ada's Executive Order specifically mentioned the particulars in the archeological treatment of the human remains and believes that the Executive Order created a movement that caused the law to be passed for the *Nāftan Mañaina-ta*. All those burials that are languishing before 1989 are going to be re-interred in the *Nāftan Mañaina-ta*, it is not a shrine or a reburial monument for future developments, the law is very specific thereafter. The Department of Parks and Recreation created the guidelines in the archeological treatment of human remains that every developer and every government agency as said before, in the law are responsible in making sure that the reburying of these remains be their responsibility to design a monument and to bury it as close as possible to the property where it was disinterred.

He continued to mention that the Department of Parks and Recreation, Historic Preservation Office is the enforcement agency to make sure that it is carried out. He stated that it is not always pretty and explained there is too much politics involved and is difficult for the department to follow the specifics of the law, which is created for them to enforce. He went on to say that he tries to be diplomatic but there should not be any ancestral remains disinterred and laid languishing. There are remains that have been disinterred after 1989 that have been languishing for over 15 years. He stated he knows the reason but will not say but as *Chamorro* people it is the paramount responsibility. He stated it doesn't matter if you are the director or sit on a commission, they hold the land in trust for the *Chamorro* people not the Chinese or Japanese, therefore they should get the outside perspective about disuse. The best use of the property is to use a reburial site for the remains and doesn't care of the cost. He went on to ask how much dignity and respect cost, there can be no figure placed. The respect of the people is paramount and knows that all can get together to place this monument. **(Speaks in Chamorro)**

He went on to say that you can't get people that live in *Tumon* and bury them in *Mangilao*. There are *Chamorro*'s that lived in the states for 50 years and when they died wanted to be buried in Guam. It is the same concept, ancient remain found in *Yona* should be buried in *Yona*. This is the opinion founded on ethnicity and blood, that is the people that are be talked about. He stated the remain should be buried at *Ypao* Point at the rock, the rock would be part of the monument

landscape. Because they are willing to compromise, they will just use 2 acres. The serenity of the traditional landscape is embodied in the memorial place. He gave an example of the national monuments in the States, no one told them no. It is something that is not to be commercialized, he went to say that it was fitting because there is cultural center nearby. The center expresses the culture that has been there for 4,000 years to embrace the national monument. He stated he envisions a cultural national monument that even the tourists would enjoy.

Money is not everything, spiritual enjoyment cost more than the value of the land. He stated the reason for *Ypao* point is the most valuable, most respectful and the highest point where the monument can see the beacon of its lights over Guam. He went on to say they have been trying to do this thing since 1987 and know that Senator was involved to simulate a situation of the establishment of all these things. Without the Nikko situation there would not be a *Nāftan Mañaina-ta*. The Governor is not going to issue out an Executive Order because during that time there was nothing to guide. But before 1989 they were disinterred and not one was thinking about reburying them, don't put it in a Budweiser case and store them. He went on to say that he has seen all the boxes in DNA building and had re-boxed the remains because they were boxed disrespectfully. They had made themselves loud and from now on the archeologist is going to use an archival box. There doesn't have to be challenges, if they can see the value of the place and the spiritual value. This will be good for Guam and good for the people.

**Senator Espaldon:** Stated that Mr. Garrido's passion is a good thing and just wanted clarification on the number of acres being requested, as to understand the footprint and what it was going through. He went on to say that he is familiar with the area, that when he first came to Guam he had lived in that area. Stated for the record he has always believed that a place like that should be for that purpose. His perspective is that sometimes the best piece should be left for the family. He was trying to understand if that footprint is the same what is to be addressed in the next bill, to understand the scope of what is happening. He understood the reference that was made in the Executive Order and this is those that were disinterred prior to 1989. This should be dedicated to a certain collection and not just anything that is found in a certain point in time. This raised an issue in his mind because there are property owners that may not be in the hotel development but a house lot and if remains are found on that property, the question would be is this a respectable place for the remains?

**Mr. Garrido:** Responded that the law has answered that, it has included that it may be impossible to construct a reburial monument in that small lot for the residents. Residents can make a request to rebury the remains in the *Nāftan Mañaina-ta*. However, they would have to pay for the cost including the charge from the museum. They are not encouraging that that should be the prevailing attitude of everyone.

**Senator Espaldon:** Stated that he understood but that there will be those prevailing situations. That may have to be looked at again and gave an example of a family building a home and finding remains. There has to be a clause if the family can't afford to build a shrine and will not be able to rebury the remains. He stated there is still a lot of discussion that needs to be had on the bill and the concept.

**Mr. Garrido:** Stated that no one is exempt and there is to be discussion about the residential areas, as to reburying. But restated that they are not encouraging it.

**Mrs. Cristobal:** Stated that there is something can be added and gave an example that real estate people inform byers that there is a possibility that remains will be found. And if remains are found there is a process that needs to be followed. We know where there are remains are and we know how far into the ground they are. There are planning stages where Historic Preservation Office tries to protect the remains. She stressed again that the *Nåftan Mañaina-ta* doesn't become a mass depository in the future.

**Mr. Garrido:** Stated he wants the Legislature to know that up until 2008 the military bases were not required to comply with the reburial requirement. Language was forced into the programmatic agreement that states they are also to comply.

**Senator Torres:** Stated that when the museum was being planned, there was plans for the *Nåftan Mañaina-ta* to be built adjacent, so that it became part of the respect and observance of the culture.

**Mrs. Cristobal:** Responded that she is unaware. But the volumes of burials that need to be reinterred is over 2000. They deserve to be in the ground, the way we bury our dead. It is the community respect about the dead.

**Mr. Garrido:** Responded that initially there was a plan for the reburial monument with the museum but it became inappropriate and land space was limited. *Nåftan Mañaina-ta* remains are of people who are from that village and surrounding areas. They should be buried in or close to where they were found.

**Senator Espaldon:** Stated in that line of thinking, if this is built and it is just for these remains then there is a possibility for other sites to be built around the island?

**Mr. Garrido:** Stated that the law is specific that the remains are to be buried as close as possible, where they were disinterred. So he gave an example, if the remains were disinterred in *Agat* then they should be buried in *Agat* with a monument. The burials for the *Nåftan Mañaina-ta* are impossible to have reburied where they were found. After 1989, every developer, Government of Guam included is required to rebury and remains found. He gave an example of the Lotte Hotel remains and is still be discussed because the change in ownership. At some point people have to come together and redesign.

Chairperson Ada adjourns the Public Hearing for Bill No. 374-33 (COR).

**Written Testimony Received:**

Catherine McCollum, *Tamuning Municipal Planning Council*

Hope Cristobal, *Former Senator, 23<sup>rd</sup> Guam Legislature*

Margarita Perez, *Board of Directors, Perez Properties*

Michael Borja, *Director, Department of Land Management*

Johnny Sablan, *President, Department of Chamorro Affairs*

### **III. Findings and Recommendation**

1. The Committee finds that despite the objection of the CLTC to using Oka Point to locate the shrine for the entombment of ancestral remains, honoring our ancestors is imperative and priceless.

2. The recommendation by Mrs. Cristobal to ensure that language makes clear that the shrine is for the entombment of ancestral remains found prior to 1989. An amendment to the bill has been made to reflect this recommendation.

3. The recommendation by Mrs. Cristobal to remove language about making the design and planning of the shrine be under consultation of non-government cultural NGOs is noted. An amendment to the bill has been made to reflect this recommendation.

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement, hereby reports out **Bill No. 374-33 (COR) as amended**, with the recommendation to pass.



**I MINA'TRENTAI TRES NA LIHESLATURAN GUÁHAN**  
**2016 (SECOND) Regular Session**

Bill No. 374-33(Ord)

Introduced by:

T. C. Ada  
B. J. F. Cruz  
J. T. Won Pat, Ed. D.  
R. J. Respicio

2016 SEP 22 PM 1:50  
C. M. M.

**AN ACT TO RESERVE A PORTION OF LOT 5173-1-R2-NEW-R6,  
MUNICIPALITY OF TAMUNING, CONTAINING AN AREA OF  
EIGHT (8) ACRES MORE OR LESS, FOR USE AS A  
CHAMORRO SHRINE AND THE REINTERMENT OF  
ANCESTRAL REMAINS.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that ancestral remains have been discovered over time from sites throughout the island. Public Law 21-104 directed the Department of Parks and Recreation (DPR) to establish a Chamorro Shrine to be called “*Nāftan Mañaina-ta*” for the entombment of ancestral remains, but it did not designate a parcel of land for the establishment of the shrine. According to DPR, there are at least two thousand (2,000) remains, including the *Hornbostel Collection* repatriated from the Bishop Museum in Hawaii, that have been found, collected, and stored at the DNA Building and the Guam Museum that need to be reinterred. There is only one burial site for disinterred ancestral remains.

*I Liheslaturan Guahan* further finds that Ypao Point in Tamuning is the most suitable location for the shrine because of its importance in Chamorro cultural landscape and Chamorro history as the site of the only Chamorro victory in the Spanish-Chamorro

1 Wars. Public Law 25-179 placed the property under the administrative jurisdiction of  
2 the Chamorro Land Trust Commission.

3 It is the intent of *I Liheslaturan Guahan* to reserve an eight (8) acre portion, more  
4 or less, to include “The Rock” and an appropriate buffer zone of land in Ypao Point to  
5 DPR for the establishment of the Chamorro Shrine in order to pay homage to our  
6 ancestors and provide them a final resting place on Chamorro Lands.

7 **Section 2. Reservation of Land.** Notwithstanding any other provision of law,  
8 rule or regulation, eight (8) acres, more or less, including “The Rock” and an appropriate  
9 buffer zone, of Lot No. 5173-1-R2NEW-R2, Municipality of Tamuning attached as  
10 “Exhibit A”, identified on Map No. 470FY92 and further referenced as Lot No. 5173-1-  
11 R2-NEW-R6, Municipality of Tamuning on Map No. 076FY2013 and attached as  
12 “Exhibit B”, shall be reserved for use as a Chamorro Shrine to be called “*Nåftan*  
13 *Mañaina-ta*” and the interment or re-interment of any other ancestral remains discovered  
14 at any other site island wide pursuant to Public Law 21-104 and Title 21, Article 5,  
15 Chapter 76 of the Guam Code Annotated. The *Nåftan Mañaina-ta* Shrine shall be  
16 contiguous to Lot No. 5173-1-R2NEW-4, Municipality of Tamuning (*Sågan Kotturan*  
17 *Chamoru* lot). A digital aerial view of the area is also attached as “Exhibit C”.

18 **Section 3. Development and Funding of National Shrine.** The Department of  
19 Parks and Recreation, through the State Historic Preservation Office, shall develop and  
20 submit plans for *Nåftan Mañaina-ta*. DPR shall also provide preliminary estimates for  
21 cost of construction and funding suggestions to include recommendations to reconcile  
22 developer liability for the reburial of remains found or disinterred in their specific  
23 construction site.

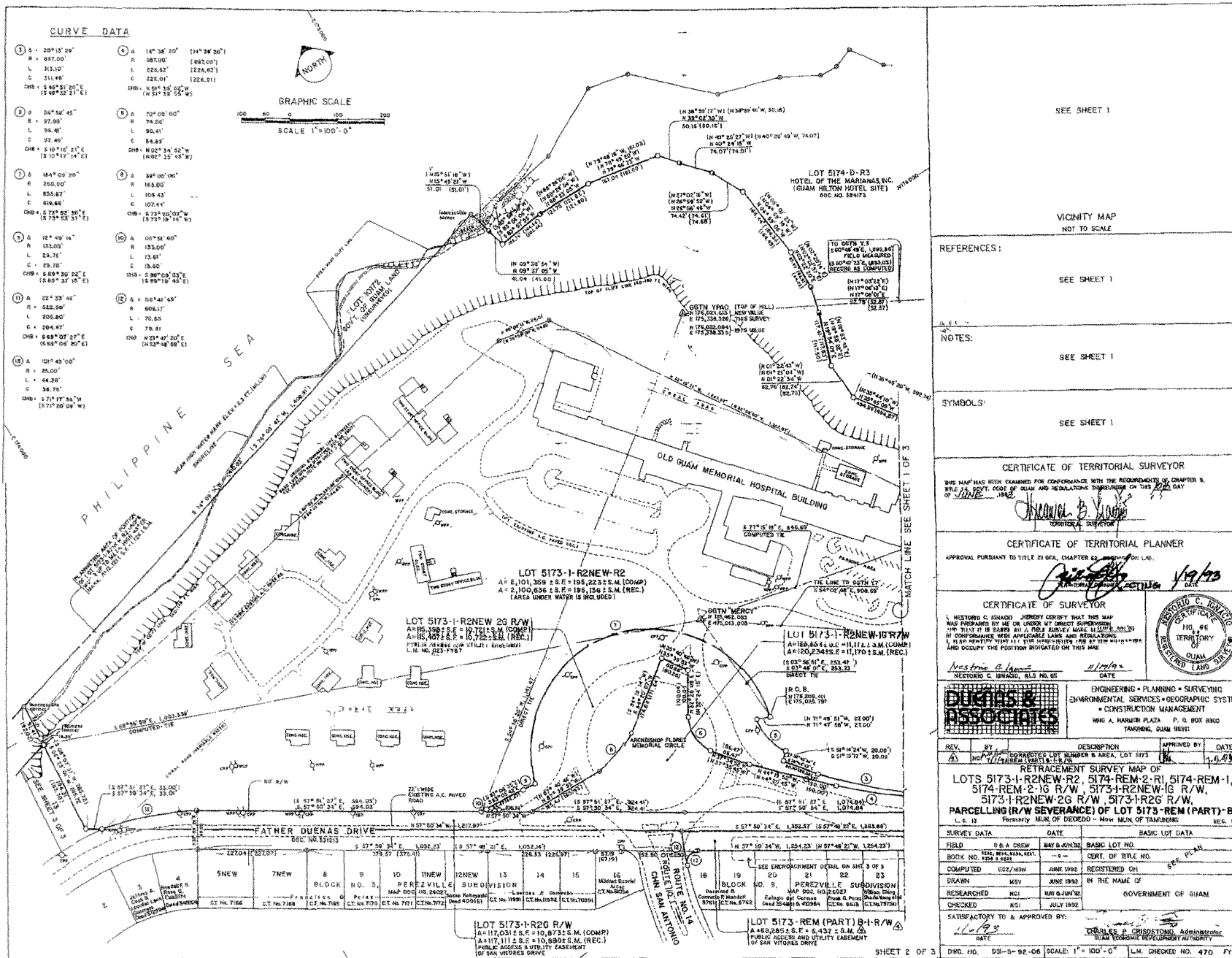
24 **Section 4. Survey and Severance of Property.** The Department of Land  
25 Management shall survey and sever the subject property in Section 2 of this Act.

26 **Section 5. Severability.** If any provision of this law or its application to any  
27 person or circumstance is found to be invalid or contrary to law, such invalidity *shall not*

- 1 affect other provisions or applications of this law that can be given effect without the
- 2 invalid provisions or applications and to this end the provisions of this Act are severable.



# Exhibit A of Bill No. 374-33 (COR)



**CURVE DATA**

① A = 208°13'29" R = 697.00' L = 312.10' C = 311.48' CHS = 548°51'20"E (15 48'52" 21' E)	② A = 06°56'45" R = 97.00' L = 96.41' C = 95.40' CHS = 538°16'17"E (15 10'17" 14' E)	③ A = 084°09'20" R = 250.00' L = 255.27' C = 251.70' CHS = 278°23'38"E (15 73'53" 37' E)	④ A = 12°49'14" R = 333.00' L = 29.73' C = 29.70' CHS = 88°30'22"E (15 85'21" 10' E)	⑤ A = 101°43'00" R = 35.00' L = 44.20' C = 38.76' CHS = 171°17'55"W (17 17'20" 09' W)	⑥ A = 14°36'20" R = 087.00' (087.00') L = 256.62' (228.62') C = 225.00' (226.01') CHS = 181°15'00"W (15 11' 55' W)	⑦ A = 70°02'00" R = 76.00' L = 90.41' C = 84.85' CHS = 102°34'52"W (10 21' 55' W)	⑧ A = 394°00'00" R = 165.00' L = 109.43' C = 102.44' CHS = 273°20'07"W (15 24' 19' 14' W)	⑨ A = 05°58'40" R = 133.00' L = 13.61' C = 13.40' CHS = 280°09'03"E (15 89'10' 49' E)	⑩ A = 105°41'48" R = 608.13' L = 70.85' C = 75.91' CHS = 123°46'20"E (12 32' 48' E)
---	---	---	---	--	---	--	--	--	--

SEE SHEET 1

VICINITY MAP  
NOT TO SCALE

REFERENCES:  
SEE SHEET 1

NOTES:  
SEE SHEET 1

SYMBOLS:  
SEE SHEET 1

**CERTIFICATE OF TERRITORIAL SURVEYOR**  
THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 5, TITLE 19, PART 2 OF THE GUAM AND REGULATIONS THEREUNDER ON THE 14th DAY OF 19/93.

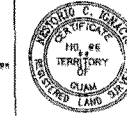
*Manuel B. Lopez*  
TERRITORIAL SURVEYOR

**CERTIFICATE OF TERRITORIAL PLANNER**  
APPROVAL PURSUANT TO TITLE 21, CHAP. 12, SUBCHAP. 1, PAR. 1.1(a), R.C.M. OF GUAM.

*Christina Lopez*  
TERRITORIAL PLANNER

**CERTIFICATE OF SURVEYOR**  
I, RESTORIO C. UNAGA, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED SURVEYOR IN THE TERRITORY OF GUAM AND IN CONFORMANCE WITH APPLICABLE LAWS AND REGULATIONS. I, AS AN INSTRUMENTAL SURVEYOR, HAVE PERSONALLY OCCUPIED AND OCCUPY THE POSITION INDICATED ON THIS MAP.

*Restorio C. Unaga*  
RESTORIO C. UNAGA, RLS NO. 65  
DATE: 11/19/93



**Duenas & Associates**  
ENGINEERING • PLANNING • SURVEYING  
ENVIRONMENTAL SERVICES • GEOGRAPHIC SYSTEMS  
• CONSTRUCTION MANAGEMENT  
WING A, HANBURN PLAZA P. O. BOX 8800  
TAMUNING, GUAM 96911

REV.	BY	DESCRIPTION	APPROVED BY	DATE
A	11/19/93	COMPLETED LOT NUMBER & AREA. LOT 5173-1-R2NEW-R2	[Signature]	11-19-93

**RETRACEMENT SURVEY MAP OF LOTS 5173-1-R2NEW-R2, 5174-REM-2, 5174-REM-1, 5174-REM-2-16 R/W, 5173+R2NEW-16 R/W, 5173-1-R2NEW-26 R/W, 5173-R26 R/W, PARCELLING (R/W SEVERANCE) OF LOT 5173-REM (PART)-B L.C. 12**  
Formerly MUN. OF DEDEDO - Now MUN. OF TAMUNING SEC. 1

SURVEY DATA		DATE		BASIC LOT DATA	
FIELD	B & A CREW	MAP & PLAN	BASIC LOT NO.	16	16
BOOK NO.	168	CERT. OF TITLE NO.	REGISTERED ON	16	16
COMPUTED	02/2/93M	DRAWN	IN THE NAME OF	16	16
RESEARCHED	NCE	CHECKED	GOVERNMENT OF GUAM	16	16
SATISFACTORY TO & APPROVED BY	[Signature]	DATE		16	16

TERMINAL SURVEYOR  
GUAM ECONOMIC DEVELOPMENT AUTHORITY





# Exhibit B of Bill No. 374-33 (COR)

LOT 5173-1-R2NEW-R4 (RECORD DATA)		
COURSE	BEARING	DIST (m)
1-2	(N 74° 08' 14" E)	(429.778)
2-3	(S 15° 49' 21" E)	(15.548)
3-4	(S 08° 37' 06" E)	(12.509)
4-5	(N 83° 57' 56" E)	(31.321)
5-6	(S 82° 23' 05" E)	(37.198)
6-7	(S 72° 42' 21" E)	(49.055)
7-8	(S 38° 02' 03" E)	(15.286)
8-9	(S 40° 24' 15" E)	(22.577)
9-10	(S 28° 56' 46" E)	(22.893)
10-11	(S 04° 58' 06" E)	(50.121)
11-12	(S 02° 22' 20" W)	(25.962)
12-13	(S 17° 08' 01" W)	(16.067)
13-14	(S 19° 54' 06" W)	(35.787)
14-15	(S 01° 22' 34" E)	(35.207)
15-16	(S 35° 49' 09" E)	(131.191)
16-17	(S 52° 25' 31" W)	(219.425)
17-18	(Δ = 15° 09' 53" ) (R = 270.358 ) (L = 71.557 ) (C = 71.348 ) (CHB = N 46° 19' 40" W)	
18-19	(N 36° 44' 43" W)	(24.475)
19-20	(N 51° 15' 17" E)	(6.006)
20-21	(Δ = 06° 25' 45" ) (R = 29.595 ) (L = 29.395 ) (C = 28.191 ) (CHB = N 10° 18' 21" W)	
21-22	(S 71° 47' 58" E)	(8.230)
22-23	(Δ = 164° 09' 20" ) (R = 79.248 ) (L = 254.715 ) (C = 158.393 ) (CHB = N 73° 52' 38" W)	
23-24	(Δ = 12° 49' 14" ) (R = 43.538 ) (L = 9.071 ) (C = 9.051 ) (CHB = N 89° 30' 22" W)	
24-25	(N 83° 08' 42" W)	(25.747)
25-26	(Δ = 06° 51' 40" ) (R = 40.538 ) (L = 4.148 ) (C = 4.145 ) (CHB = N 80° 08' 53" W)	
26-27	(N 57° 50' 34" W)	(181.061)
27-28	(Δ = 111° 09' 08" ) (R = 159.289 ) (L = 31.004 ) (C = 30.996 ) (CHB = N 63° 29' 29" W)	
28-29	(N 20° 59' 57" E)	(43.927)
29-30	(N 74° 42' 22" W)	(52.064)
30-31	(N 06° 22' 50" E)	(17.936)
31-32	(N 06° 23' 01" W)	(4.633)
32-33	(N 08° 23' 01" W)	(23.229)
(AREA = 158,804 ± SQ. M.)		

LOT 5173-1-R2NEW-5 R/W		
COURSE	BEARING	DIST (m)
1-2	N 20° 56' 27" E	21.177
2-3	N 49° 07' 43" E	76.535
3-4	N 80° 50' 30" E	6.928
4-5	S 08° 09' 30" E	12.182
5-6	Δ = 31° 42' 47" ) R = 12.192 ) L = 5.748 ) C = 6.662 ) CHB = S 04° 59' 06" W	
6-7	S 49° 07' 43" W	68.793
7-8	Δ = 108° 58' 38" ) R = 13.777 ) L = 25.724 ) C = 22.147 ) CHB = S 04° 21' 36" E	
8-9	S 57° 50' 55" E	6.858
9-10	Δ = 117° 08' 56" ) R = 156.219 ) L = 30.995 ) C = 30.846 ) CHB = N 63° 31' 44" W	
(AREA = 1,212 ± SQ. M.)		

LOT 5173-1-R2NEW-6		
COURSE	BEARING	DIST (m)
1-2	N 71° 29' 10" E	54.544
2-3	N 61° 05' 05" E	28.631
3-4	N 74° 40' 19" E	30.509
4-5	S 18° 18' 24" E	37.178
5-6	S 49° 07' 43" W	76.536
6-7	N 20° 56' 27" E	22.750
7-8	N 74° 45' 10" W	52.044
8-9	N 06° 23' 07" E	17.973
(AREA = 4,129 ± SQ. M.)		

SEE SHEET 1 OF 2

VICINITY MAP (NOT DRAWN TO SCALE)

**NOTES:**

1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN.
2. ALL DISTANCES ARE IN METERS UNLESS OTHERWISE NOTED.
3. BEARINGS AND DISTANCES WITHIN PARENTHESIS ARE RECORD, IN PARENTHESIS ARE RECORD DATA. ALL OTHERS ARE 1983 VALUES.
4. SUBJECT LOT (S) IS ARE ZONED "R2" MULTI-DWELLING AS PER 1967 OFFICIAL ZONING MAP. F307S36.
5. SUBJECT LOT (S) IS (ARE) WITHIN THE NORTHERN AQUIFER.
6. AS-BUILTS EXIST ON THE PROPERTY AS OF APPROVAL OF THIS MAP.
7. CONCRETE HOUSES AS PER AS-BUILTS ARE ONE STORY, SINGLE FAMILY UNITS.

**REFERENCES:**

1. RETRACEMENT SURVEY MAP OF LOTS 5173-1-R2NEW-R2, 5174-REM-2, R1, 5174-REM-1, 5174-REM-2, 1G RW, 5173-1-R2NEW-1G RW, 5173-1-R2NEW-2G RW, 5173-1-R2G RW, PARCELING (RW) (REFERENCE) OF LOT 5173-REM-PARTS-B, BY PLS # 68 DWG. NO. 14-081701, L.M. NO. 104 FY 2006, DOC. NO. 723046.
2. RETRACEMENT SURVEY MAP OF LOTS 5173-1-R2NEW-R2, BY PLS # 68 DWG. NO. 14-081701, L.M. NO. 104 FY 2011, DOC. NO. 814430.
3. LOT PARCELING SURVEY MAP OF LOTS 5173-1-R2NEW-R3, BY PLS # 68 DWG. NO. 14-081704, L.M. NO. 004 FY 2011, DOC. NO. 814430.
4. CONSOLIDATION & RE-SUBDIVISION OF BLOCK 8 L1 NEW, 1-1, LOT 5173-1-2 INTO BLOCK 8 LOT 11, 12, 13, FERREZVILLE, PREPARED BY JUAN R. MESA R.E. NO. 20, DWG. NO. M203-353, L.M. NO. 433 FY 72, DOC. NO. 304356.

**CERTIFICATION AND APPROVALS:**

SATISFACTORY TO AND APPROVED BY:

*David V. Camacho*  
DAVID V. CAMACHO  
ACTING DIRECTOR, DEPARTMENT OF LAND MANAGEMENT  
ACTING ADMINISTRATIVE DIRECTOR, CHAMORRO LAND TRUST COMMISSION

5/9/13  
DATE

**CERTIFICATION OF GUAM CHIEF PLANNER**

APPROVED PURSUANT TO TITLE 21, GUAM CODE ANNOTATED, CHAPTER 82, SUBDIVISION LAW

*Marian G. Aguilar*  
MARIAN G. AGUILAR  
ACTING GUAM CHIEF PLANNER

5/13/2013  
DATE

CERTIFICATION OF GUAM CHIEF SURVEYOR/CHIEF OF CADASTRE  
THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH TITLE 21, GUAM CODE ANNOTATED, CHAPTER 82, ARTICLE 1, UNIFORM TRIANGULATION SYSTEM AND REGULATIONS THEREUNDER. THIS SURVEY WAS MADE ON MAY 13, 2013.

*Paul L. Santos*  
PAUL L. SANTOS, PLS # 68  
GUAM CHIEF SURVEYOR / CHIEF OF CADASTRE

REVISIONS	DESCRIPTION	APPROVED BY	DATE

**LOT PARCELING SURVEY MAP  
OF  
LOT 5173-1-R2NEW-R4  
MUNICIPALITY OF TAMUNING**

LAND SQUARE NO. 13 SECTION NO. 1

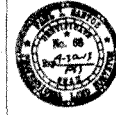
SURVEY DATA		LOT DATA	
JOB NO.	2138-01-13	DATE	LOT 5173-1
COMPUTED BY	EDGAR T. FEB 2013	CERTIFICATE OF TITLE NO.	5597
DRAWN BY	EDGAR T. FEB 2013	REGISTERED ON	NOV 20 1952
RESEARCHED BY	EDGAR T. FEB 2013	IN THE NAME OF:	
FIELD BY	DAVID CREW FEB 2013		
CHECKED BY	PLS # 68 MAR 2013		
SCALE IS METRIC SYSTEM AS SHOWN			
SHEET 2 OF 2	GOVERNMENT OF GUAM		
DWG. NO. 14-013772			
L.M. CHECK NO. 078 FY 2013			

**CERTIFICATION OF PROFESSIONAL LAND SURVEYOR**

I, PAUL L. SANTOS, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT IS BASED ON A FIELD SURVEY MADE ON FEBRUARY 2013 IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS, AND THAT I AM RESPONSIBLE FOR THE ACCURACY OF THE DATA AND INFORMATION SHOWN HEREON. I ALSO CERTIFY THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED ON THIS MAP.

*Paul L. Santos*  
PAUL L. SANTOS  
PROFESSIONAL LAND SURVEYOR NO. 68

5-2-13  
DATE



**GOVERNMENT OF GUAM  
GOBETNAMENTON GUAHAN**  
DEPARTMENT OF LAND MANAGEMENT  
DIPATAMENTON MANMANEHAN TANO'  
LAND SURVEY DIVISION  
DIBISION AGRAMENSIA TANO'

Department of Land Management Office of the Recorder

File for Record in Instrument No. **851244**

On the Year 13 Month 05 Day 23 Time 1:24

Recording Fee Receipt No.

Deputy Recorder *Risa O. Mangano*

*Frank P. Taitano*  
FRANK P. TAITANO, PLANNER, DLM  
DATE 5-2-2013

*Jumey E. Camacho*  
JUMEY E. CAMACHO, ENGINEERING TECHNICIAN, DLM  
DATE 5-1-13



Exhibit C of Bill No. 374-33 (COR)



Yellow area is Lot 5173-1-R2-NEW-R6

Portion for Năftan Mañaina-ta

Ypao Point  
Lot 5173-1-R2-NEW-R6, Oka, Tamuning

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN*  
**2016 (SECOND) Regular Session**

**Bill No. 374-33 (COR)**

As amended by the Committee on Transportation,  
Infrastructure, Lands, Border Protection,  
Veterans' Affairs and Procurement.

Introduced by:

T. C. Ada  
B. J.F. Cruz  
Judith T. Won Pat, Ed.D.  
R. J. Respicio

**AN ACT TO RESERVE A PORTION OF LOT 5173-1-R2-  
NEW-R6, MUNICIPALITY OF TAMUNING,  
CONTAINING AN AREA OF UP TO FIVE (5) ACRES  
MORE OR LESS, FOR USE AS A CHAMORRO  
NATIONAL SHRINE AND THE REINTERMENT OF  
ANCESTRAL REMAINS.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that

ancestral remains have been discovered over time from sites throughout the island. Public Law 21-104 directed the Department of Parks and Recreation (DPR) to establish a Chamorro Shrine to be called "*Nåftan Mañaina-ta*" for the entombment of ancestral remains, but P.L. 21-104 did not designate a parcel of land for the establishment of the shrine. According to DPR, there are at least two thousand (2,000) remains, including the *Hornbostel Collection* repatriated from the Bishop Museum in Hawaii, that have been found, collected, and stored at the DNA Building and the Guam Museum that need to be reinterred. Pursuant to Executive Order 89-24, there are four burial sites for disinterred ancestral remains; within the Hyatt Hotel grounds, within the Nikko Hotel grounds,

1 across the street from the Aurora Hotel (formerly known as the Okura Hotel) and related  
2 to the Layon landfill. These sites are for post-1989 remains.

3 *I Liheslaturan Guahan* further finds that Ypao Point (also known as Oka Point or  
4 Old Hospital Point) in Tamuning is the most suitable location for the shrine because of  
5 its importance in the Chamorro cultural landscape and Chamorro history as the site of  
6 the only Chamorro victory in the Spanish-Chamorro Wars. Public Law 25-179 placed  
7 the property under the administrative jurisdiction of the Chamorro Land Trust  
8 Commission.

9 *I Liheslaturan Guahan* further finds that there are no existing commercial leases  
10 on this portion of the basic lot and intends to prohibit the Chamorro Land Trust  
11 Commission from commercially leasing this portion.

12 It is the intent of *I Liheslaturan Guahan* to reserve a portion of up to five (5) acres  
13 but not less than two (2) acres, to include the coral outcropping known as “The Rock”  
14 and an appropriate buffer zone of land in Ypao Point for the Department of Park and  
15 Recreation to establish the Chamorro Shrine in order to pay homage to our ancestors and  
16 provide them a final resting place on Chamorro Lands. This Chamorro Shrine will be for  
17 pre-1989 disinterred ancestral remains.

18 **Section 2. Reservation of Land for a Chamorro National Shrine.**

19 Notwithstanding any other provision of law, rule or regulation, up to five (5) acres but  
20 not less than two (2) acres, including any geodetic triangulation survey monuments and  
21 an appropriate buffer zone, of Lot No. 5173-1-R2-NEW-R6, Municipality of Tamuning  
22 on Map No. 076FY2013 and attached as “Exhibit B”, shall be reserved for use as a  
23 Chamorro Shrine to be called “*Nåftan Mañaina-ta*” and for the re-interment of all  
24 ancestral remains disinterred prior to September 25, 1989. The *Nåftan Mañaina-ta*  
25 Shrine shall be contiguous to Lot No. 5173-1-R2NEW-4, Municipality of Tamuning  
26 (*Sågan Kotturan Chamoru* lot). A digital aerial view of the area is also attached as  
27 “Exhibit C”. The Chamorro Land Trust Commission is further prohibited from

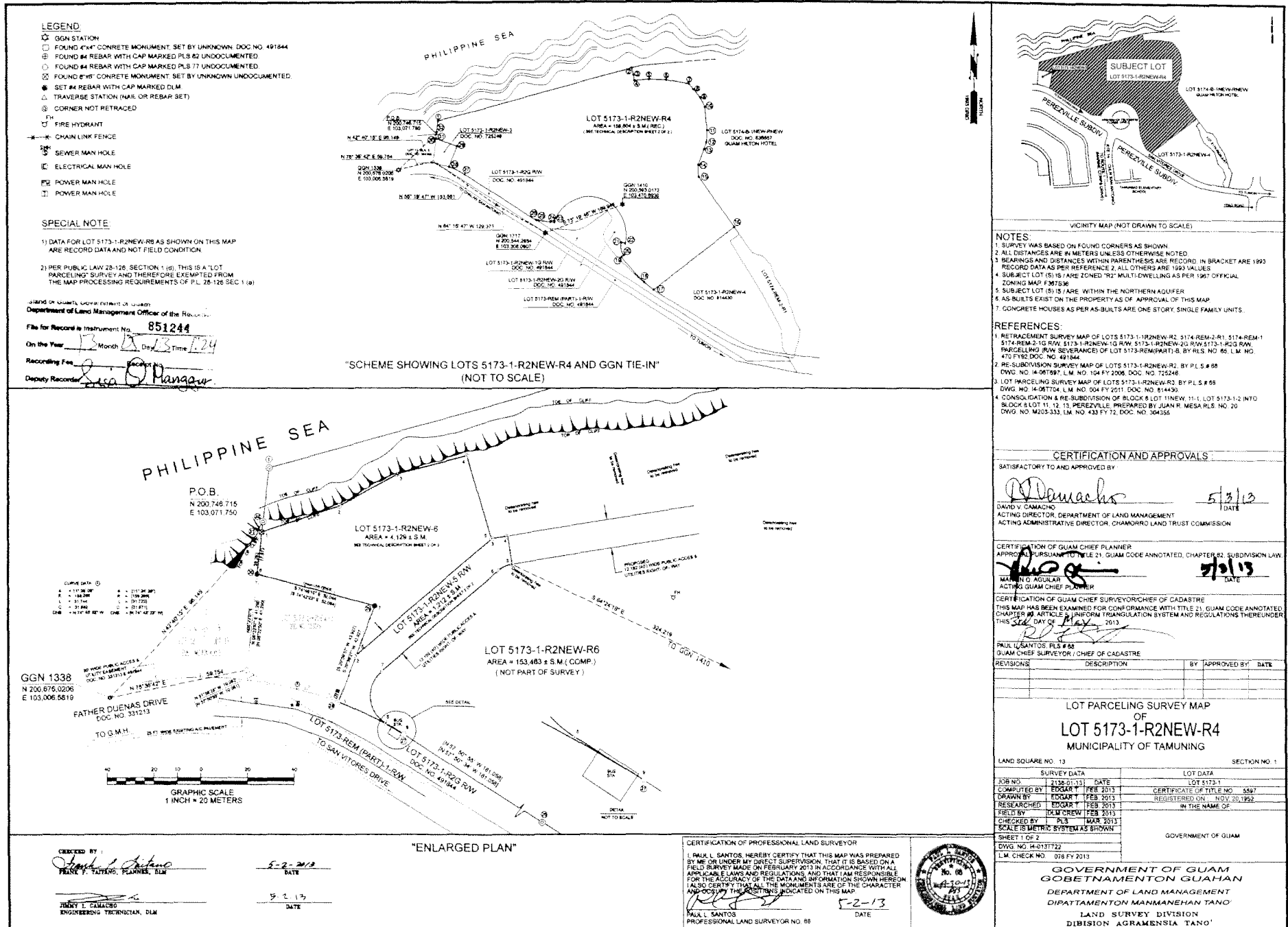
1 commercially leasing this portion. Access and utility easements to the reserved portion  
2 shall be provided.

3 **Section 3. Development and Funding of Chamorro National Shrine.** Within  
4 180-days from enactment, the Department of Parks and Recreation, through the State  
5 Historic Preservation Office, shall develop and submit plans for *Nåftan Mañaina-ta* to  
6 the Legislature for information and concurrence by Legislative Resolution.

7 **Section 4. Survey and Severance of Property.** The Department of Land  
8 Management shall survey, sever and map the subject property in Section 2 of this Act.

9 **Section 5. Severability.** If any provision of this law or its application to any  
10 person or circumstance is found to be invalid or contrary to law, such invalidity *shall not*  
11 affect other provisions or applications of this law that can be given effect without the  
12 invalid provisions or applications and to this end the provisions of this Act are severable.

# Exhibit B of Bill No. 374-33 (COR)



**LEGEND**

- ⊙ GGN STATION
- FOUND 4"x4" CONCRETE MONUMENT, SET BY UNKNOWN, DOC NO. 491844
- ⊠ FOUND #4 REBAR WITH CAP MARKED PLS #2 UNDOCUMENTED
- FOUND #4 REBAR WITH CAP MARKED PLS #7 UNDOCUMENTED
- ⊗ FOUND #4" CONCRETE MONUMENT, SET BY UNKNOWN UNDOCUMENTED
- ⊙ SET #4 REBAR WITH CAP MARKED DLM
- △ TRAVERSE STATION (NAIL OR REBAR SET)
- ⊙ CORNER NOT RETRACED
- ⊕ FIRE HYDRANT
- CHAIN LINK FENCE
- ⊕ SEWER MAN HOLE
- ⊕ ELECTRICAL MAN HOLE
- ⊕ POWER MAN HOLE
- ⊕ POWER MAN HOLE

**SPECIAL NOTE**

- 1) DATA FOR LOT 5173-1-R2NEW-R8 AS SHOWN ON THIS MAP ARE RECORD DATA AND NOT FIELD CONDITION.
- 2) PER PUBLIC LAW 28-126, SECTION 1 (b), THIS IS A "LOT PARCELING" SURVEY AND THEREFORE EXEMPTED FROM THE MAP PROCESSING REQUIREMENTS OF P.L. 28-126 SEC. 1 (a)

CHIEF OF GUAMTA, GUAM PRESENTS TO YOU:  
 Department of Land Management Officer of the Republic

File for Record Instrument No. **851244**  
 On the Year **13** Month **02** Day **13** Time **1:24**  
 Recording Fee **200.00**  
 Deputy Recorder **Juan P. Mangaw**

"SCHEME SHOWING LOTS 5173-1-R2NEW-R4 AND GGN TIE-IN"  
 (NOT TO SCALE)

"ENLARGED PLAN"

- NOTES**
1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN.
  2. ALL DISTANCES ARE IN METERS UNLESS OTHERWISE NOTED.
  3. BEARINGS AND DISTANCES WITHIN PARENTHESES ARE RECORD IN BRACKET ARE 1993 RECORD DATA AS PER REFERENCE 2, ALL OTHERS ARE 1993 VALUES.
  4. SUBJECT LOT (S) IS ARE ZONED "R2" MULTI-FAMILY UNITS AS PER 1997 OFFICIAL ZONING MAP F-367536.
  5. SUBJECT LOT (S) IS ARE WITHIN THE NORTHERN ADJUFER.
  6. AS-BUILTS EXIST ON THE PROPERTY AS OF APPROVAL OF THIS MAP.
  7. CONCRETE HOUSES AS PER AS-BUILTS ARE ONE STORY, SINGLE FAMILY UNITS.
- REFERENCES:**
1. RETRACEMENT SURVEY MAP OF LOTS 5173-1-R2NEW-R2, 5174-REM-2-R1, 5174-REM-1-5174-REM-2-10 ROW, 5173-1-R2NEW-10 ROW, 5173-1-R2NEW-20 ROW, 5173-1-R20 ROW, PARCELLING (ROW SEVERANCE) OF LOT 5173-REM(PART)-B, BY PLS # 85, L.M. NO. 470 FY 92, DOC. NO. 491844.
  2. RE-SUBDIVISION SURVEY MAP OF LOTS 5173-1-R2NEW-R2, BY PLS # 88, DWG. NO. 14-087897, L.M. NO. 104 FY 2006, DOC. NO. 725246.
  3. LOT PARCELING SURVEY MAP OF LOTS 5173-1-R2NEW-R3, BY PLS # 88, DWG. NO. 14-087704, L.M. NO. 104 FY 2011, DOC. NO. 814430.
  4. CONSOLIDATION & RE-SUBDIVISION OF BLOCK 8 LOT 11 NEW, 11.1, LOT 5173-1-2 INTO BLOCK 8 LOT 11, 12, 13, PEREZVILLE, PREPARED BY JUAN H. MESA, PLS. NO. 20, DWG. NO. M203-333, L.M. NO. 433 FY 72, DOC. NO. 304355.

**CERTIFICATION AND APPROVALS:**

SATISFACTORY TO AND APPROVED BY:

*J. Camacho* 5/2/13  
 DAVID Y. CAMACHO, ACTING DIRECTOR, DEPARTMENT OF LAND MANAGEMENT  
 ACTING ADMINISTRATIVE DIRECTOR, CHAMORRO LAND TRUST COMMISSION

CERTIFICATION OF GUAM CHIEF PLANNER APPROVED PURSUANT TO TITLE 21, GUAM CODE ANNOTATED, CHAPTER 62, SUBDIVISION LAW

*Paul L. Santos* 5/2/13  
 PAUL L. SANTOS, PLS # 88, GUAM CHIEF PLANNER

CERTIFICATION OF GUAM CHIEF SURVEYOR/CHIEF OF CADASTRE THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH TITLE 21, GUAM CODE ANNOTATED, CHAPTER 60, ARTICLE 3, UNIFORM TRIANGULATION SYSTEM AND REGULATIONS THEREUNDER THIS 5th DAY OF May, 2013

*Paul L. Santos*  
 PAUL L. SANTOS, PLS # 88, GUAM CHIEF SURVEYOR/CHIEF OF CADASTRE

REVISIONS	DESCRIPTION	BY	APPROVED BY	DATE

LOT PARCELING SURVEY MAP OF LOT 5173-1-R2NEW-R4 MUNICIPALITY OF TAMUNING

LAND SQUARE NO. 13 SECTION NO. 1

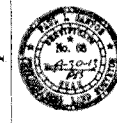
SURVEY DATA		LOT DATA
JOB NO.	1128-01131	LOT 5173-1
COMPUTED BY	EDGARY FEB 2013	CERTIFICATE OF TITLE NO. 5597
DRAWN BY	EDGARY FEB 2013	REGISTERED ON NOV 30, 1992
RESEARCHED BY	EDGARY FEB 2013	IN THE NAME OF
FIELD BY	DLM CREW FEB 2013	
CHECKED BY	PLS MAR 2013	
SCALE	IS METRIC SYSTEM AS SHOWN	
SHEET	1 OF 2	
DWG. NO.	H-013722	
L.M. CHECK NO.	078 FY 2013	

GOVERNMENT OF GUAM  
 GOBETNAMENON GUAHAN  
 DEPARTMENT OF LAND MANAGEMENT  
 DIRAPATAMENON MAMMAMENHAN TANO  
 LAND SURVEY DIVISION  
 DIBISION AGRAMENSIA TANO

CERTIFICATION OF PROFESSIONAL LAND SURVEYOR

I, PAUL L. SANTOS, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION THAT IT IS BASED ON A FIELD SURVEY MADE ON FEBRUARY 2013 IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS, AND THAT I AM RESPONSIBLE FOR THE ACCURACY OF THE DATA AND INFORMATION SHOWN HEREON. I ALSO CERTIFY THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED ON THIS MAP.

*Paul L. Santos*  
 PAUL L. SANTOS, PROFESSIONAL LAND SURVEYOR NO. 88  
 DATE: 5-2-13



# Exhibit B of Bill No. 374-33 (COR)

LOT 5173-1-R2NEW-R4 (RECORD DATA)		
COURSE	BEARING	DIST (m)
1-2	(N 74° 09' 14" E)	(429.778)
2-3	(S 19° 49' 21" E)	(15.548)
3-4	(S 09° 37' 05" E)	(12.559)
4-5	(N 83° 57' 55" E)	(31.321)
5-6	(S 88° 22' 05" E)	(37.106)
6-7	(S 79° 48' 23" E)	(49.086)
7-8	(S 39° 02' 03" E)	(15.288)
8-9	(S 40° 24' 15" E)	(22.577)
9-10	(S 25° 58' 48" E)	(22.663)
10-11	(S 04° 59' 08" E)	(30.121)
11-12	(S 02° 22' 20" W)	(25.582)
12-13	(S 17° 08' 01" W)	(18.087)
13-14	(S 19° 56' 09" W)	(38.787)
14-15	(S 01° 22' 34" E)	(35.207)
15-16	(S 32° 42' 09" E)	(101.191)
16-17	(S 52° 22' 31" W)	(219.426)
17-18	Δ = 15° 09' 53" ) (R = 270.358 ) (L = 71.557 ) (C = 71.548 ) (CHB = N 48° 19' 40" W)	
18-19	(N 38° 44' 43" W)	(24.475)
19-20	(N 51° 15' 17" E)	(8.096)
20-21	Δ = 58° 58' 45" ) (R = 29.566 ) (L = 29.386 ) (C = 28.191 ) (CHB = N 10° 18' 21" W)	
21-22	(S 71° 47' 58" E)	(8.230)
22-23	Δ = 184° 09' 20" ) (R = 79.248 ) (L = 254.713 ) (C = 158.363 ) (CHB = N 73° 52' 38" W)	
23-24	Δ = 12° 49' 14" ) (R = 40.538 ) (L = 9.071 ) (C = 8.953 ) (CHB = N 89° 30' 22" W)	
24-25	(N 83° 05' 42" W)	(25.747)
25-26	Δ = 05° 51' 40" ) (R = 40.538 ) (L = 4.148 ) (C = 4.145 ) (CHB = N 80° 09' 53" W)	
26-27	(N 51° 50' 34" W)	(181.061)
27-28	Δ = 11° 09' 06" ) (R = 159.269 ) (L = 31.004 ) (C = 30.956 ) (CHB = N 83° 25' 29" W)	
28-29	(N 20° 58' 57" E)	(43.827)
29-30	(N 74° 42' 22" W)	(52.064)
30-31	(N 06° 22' 50" E)	(17.808)
31-32	(N 06° 23' 01" W)	(4.833)
32-1	(N 06° 23' 01" W)	(23.229)
(AREA = 158,804 ± SQ.M)		

LOT 5173-1-R2NEW-5 R/W		
COURSE	BEARING	DIST (m)
1-2	N 20° 56' 27" E	21.177
2-3	N 49° 07' 43" E	76.535
3-4	N 60° 50' 30" E	6.928
4-5	S 09° 09' 30" E	12.192
5-6	Δ = 31° 47' 47" ) (R = 12.192 ) (L = 6.748 ) (C = 6.662 ) (CHB = S 04° 59' 06" W)	
6-7	S 49° 07' 43" W	85.793
7-8	Δ = 106° 58' 38" ) (R = 12.777 ) (L = 25.724 ) (C = 22.147 ) (CHB = S 04° 21' 38" E)	
8-9	S 57° 50' 50" E	8.959
9-1	Δ = 111° 08' 38" ) (R = 159.239 ) (L = 30.955 ) (C = 30.946 ) (CHB = N 83° 31' 44" W)	
AREA = 1,212 ± SQ.M		

LOT 5173-1-R2NEW-6		
COURSE	BEARING	DIST (m)
1-2	N 71° 28' 15" E	34.844
2-3	N 81° 05' 05" E	28.631
3-4	N 74° 40' 19" E	30.509
4-5	S 18° 16' 24" E	37.176
5-6	S 49° 07' 43" W	76.536
6-7	N 20° 56' 27" E	22.750
7-8	N 74° 46' 10" W	52.044
8-1	N 06° 23' 01" E	17.973
AREA = 4,129 ± SQ.M		

SEE SHEET 1 OF 2

VICINITY MAP (NOT DRAWN TO SCALE)

**NOTES:**

- SURVEY WAS BASED ON FOUND CORNERS AS SHOWN
- ALL DISTANCES ARE IN METERS UNLESS OTHERWISE NOTED
- BEARINGS AND DISTANCES WITHIN PARENTHESIS ARE RECORD, IN PARENTHESIS ARE RECORD DATA, ALL OTHERS ARE 1993 VALUES
- SUBJECT LOT (S) IS /ARE ZONED "R2" MULTI-DWELLING AS PER 1987 OFFICIAL ZONING MAP, F.367536
- SUBJECT LOT (S) IS /ARE WITHIN THE NORTHERN AQUIFER
- AS BUILTS EXIST ON THE PROPERTY AS OF APPROVAL OF THIS MAP
- CONCRETE HOUSES AS PER AS-BUILTS ARE ONE STORY, SINGLE FAMILY UNITS.

**REFERENCES:**

- RETRACEMENT SURVEY MAP OF LOTS 5173-1-R2NEW-R2, 5174-REM-2-R1, 5174-REM-1, 5174-REM-2-RIG ROW, 5173-1-R2NEW-10 ROW, 5173-1-R2NEW-25 ROW, 5173-1-R2G ROW, PARCELLING (ROW SEVERANCE) OF LOT 5173-REM-PART-B, BY PLS # 68, L.M. NO. 470 FY92 DOC. NO. 491544.
- RE-SUBDIVISION SURVEY MAP OF LOTS 5173-1-R2NEW-R2, BY PLS # 68, DWG. NO. 14-061897, L.M. NO. 154 FY 2006, DOC. NO. 125246.
- LOT PARCELLING SURVEY MAP OF LOTS 5173-1-R2NEW-R3, BY PLS # 68, DWG. NO. 14-067704, L.M. NO. 004 FY 2011, DOC. NO. 814430.
- CONSOLIDATION & RE-SUBDIVISION OF BLOCK 9 L11NEW, 1-1, LOT 5173-1-2 INTO BLOCK 8 LOT 11, 12, 13, PEREZVILLE, PREPARED BY JUAN R. MESA-RLS, NO. 20, DWG. NO. M203-333, L.M. NO. 433 FY 72, DOC. NO. 304355.

**CERTIFICATION AND APPROVALS:**

SATISFACTORY TO AND APPROVED BY:


5/9/13  
DATE  
 DAVID V. CAMACHO  
 ACTING DIRECTOR, DEPARTMENT OF LAND MANAGEMENT  
 ACTING ADMINISTRATIVE DIRECTOR, CHAMORRO LAND TRUST COMMISSION

CERTIFICATION OF GUAM CHIEF PLANNER  
 PURSUANT TO TITLE 21, GUAM CODE ANNOTATED, CHAPTER 22, SUBDIVISION LAW


5/9/2013  
DATE  
 MARY O. AGUILAR  
 ACTING GUAM CHIEF PLANNER

CERTIFICATION OF GUAM CHIEF SURVEYOR/CHIEF OF CADASTRE  
 THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH TITLE 21, GUAM CODE ANNOTATED, CHAPTER 22, ARTICLES 2, UNIFORM TRIANGULATION SYSTEM AND REGULATIONS THEREUNDER, THIS 5/9/2013, DATE OF EXAMINATION.


  
 PAUL L. SANTOS, PLS # 68  
 GUAM CHIEF SURVEYOR / CHIEF OF CADASTRE

REVISIONS	DESCRIPTION	BY	APPROVED BY	DATE

**LOT PARCELLING SURVEY MAP  
 OF  
 LOT 5173-1-R2NEW-R4  
 MUNICIPALITY OF TAMUNING**

LAND SQUARE NO. 13 SECTION NO. 1

SURVEY DATA		LOT DATA	
JOB NO.	17186-D-151	DATE	LOT 5173-1
COMPUTED BY	EDGAR T. FEB 2013	CERTIFICATE OF TITLE NO.	5597
DRAWN BY	EDGAR T. FEB 2013	REGISTERED ON	NOV. 20, 1982
RESEARCHED	EDGAR T. FEB 2013	IN THE NAME OF	
FIELD BY	DEW DREW FEB 2013		
CHECKED BY	PLS MAR 2013		
SCALE IS METRIC SYSTEM AS SHOWN			
SHEET 2 OF 2	GOVERNMENT OF GUAM		
DWG. NO. 14-0131722			
L.M. CHECK NO. 876 FY 2013			

CERTIFICATION OF PROFESSIONAL LAND SURVEYOR  
 I, PAUL L. SANTOS, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT IS BASED ON A FIELD SURVEY MADE ON FEBRUARY 2013 IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS, AND THAT I AM RESPONSIBLE FOR THE ACCURACY OF THE DATA AND INFORMATION SHOWN HEREON. I ALSO CERTIFY THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND LOCATION AS INDICATED ON THIS MAP.  
  
 PAUL L. SANTOS  
 PROFESSIONAL LAND SURVEYOR NO. 68  
 DATE 5-2-13



GOVERNMENT OF GUAM  
 GOBETNAMENTON GUAHAN  
 DEPARTMENT OF LAND MANAGEMENT  
 DIPARTAMENTON MANMANEHAHAN TANO'  
 LAND SURVEY DIVISION  
 DIBISION AGRAMENSIA TANO'

U.S. DEPARTMENT OF THE INTERIOR  
 Department of Land Management Officer of the Recorder


File for Record Instrument No. **851244**

On the Year 13 Month 05 Day 09 Time 1:24

Recording Fee Receipt No.

Deputy Recorder Risa O. Mangar

CHECKED BY Risa O. Mangar

  
 FRANK P. TAITANO, PLANNER, DLM 5-2-2013 DATE

  
 DAVID V. CAMACHO, ENGINEERING TECHNICIAN, DLM 5-2-13 DATE



Exhibit C of Bill No. 374-33 (COR)



Yellow area is Lot 5173-1-R2-NEW-R6

Portion for Năftan Mañaina-ta

Ypao Point

Lot 5173-1-R2-NEW-R6, Oka, Tamuning





October 19, 2016

To: Pacific Daily News – Editor

Re: GMH Point land use paradox

Dear Editor:

As a happy Haole guest of 45 years in Guam, I've always been impressed by the local resident's desire of sustaining its cultural imperative. Recent discussion related to Senators Ada, Won Pat, Cruz and Respicio of bills 374-33 & 375-33 supporting the setting aside of land at the old GMH point for a burial shrine and cultural center was enlightening. But, not that the bill was introduced, but the objection by the likes of DLM director and the TaTuHa MPC. What is wrong with this picture? The declaration by both Mr. Borja and Mayor Rivera that the "valuable land" should only be utilized for the "highest and best use," (read \$\$\$\$) I find a blatant slap in the face to the residents of Guam and all those who visit for its culture. What could be more fitting than to utilize a portion of the property as the bills propose to honor ancestral Chamoru remains and further the culture by helping the Sagan Kutturan Chamoru by giving it a lifeline in which to exist. Culture is priceless. We are but stewards of the land and with the limited land that exists here, being a good steward is paramount.

As a recent visitor to the SKC at the invite of Ray Leon Guerrero right after the passing of Ed Benavente, Ray was asking for a white man's perspective on the cultural center. He related the burdening issues with the short term lease, the difficulty of operating without power, no budget to speak of and the loss untimely loss of Mr. Benavente. What I was notably impressed with was the organized efforts by all those at the site that early Saturday afternoon. Lots of locals hard at work bushcutting, cleaning, planting and planning. All sweat equity. No pay for the privilege of what they were doing as a labor of love. Even more impressive, everyone spoke the vernacular except when addressing me, respectfully in English. After discussing the immediate plight of the SKC with Ray, I stated that I could not see a more perfect place to honor the Chamoru culture, the memory of Ed and present the culture of Guam to the world from that great location overlooking Tumon Bay. I could easily envision Guam's ancestors standing in the same spot smiling at their paradise. My suggestion to Ray was contact Senators Ada and Cruz and the Governor's office. Good move Ray.

To any detractors of bills 374-33 & 375-33, shame on you. There is no amount of money that can buy the true, heartfelt experience of the local culture as I have witnessed. There's plenty of land at the old GMH site to develop "responsibly" and provide Guam with the ancestral shrine and cultural center it deserves. Yes, the government through the DLM & TaTuHa MPC should commission a master land use study, paid for by private funds as we all know how well government master plans seem to end up. A "properly managed" private development is an enormous win-win for the local culture, the CTLC, and the TaTuHa MPC. It's commonly called sharing! Support the culture, there is nothing more vital.

Thank you,  
Clayton Duvall  
Tamuning, Guam  
888-2842  
claytonduvall@hotmail.com

cc: Ray Leon Guerrero  
Senators Tom Ada, Judith Won Pat, BJ Cruz and Rory Respicio  
Mayor Rivera  
Director Borja  
Office of the Governor



**DIPATTAMENTON MINANEHAN TANO'**  
 (Department of Land Management)  
**GUBETNAMENTON GUAHAN**  
 (Government of Guahan)



EDDIE BAZA CALVO  
 Governor of Guahan

MICHAEL JB BORJA  
 Director

RAY TENORIO  
 Lieutenant Governor of Guahan

DAVID V. CAMACHO  
 Deputy Director

Street Address:  
 590 S. Marine Corps Drive  
 Suite 733 ITC Building  
 Tamuning, GU 96913

Mailing Address:  
 P.O. Box 2950  
 Hagåtña, GU 96932

Website:  
<http://land.guam.gov>

E-mail Address:  
[dlmdir@land.guam.gov](mailto:dlmdir@land.guam.gov)

Telephone:  
 671-649-LAND (5263)

Facsimile:  
 671-649-5383

October 6, 2016

Senator Thomas C. Ada  
 33rd Guam Legislature  
 Chairman, Committee on Transportation,  
 Infrastructure, Lands, Border Protection,  
 Veteran's Affairs and Procurement  
 173 Aspinall Ave, Ste 207  
 Hagatna, Guam 96910

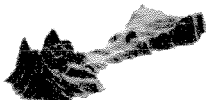
**SUBJECT: Bill No. 374-33– AN ACT TO RESERVE A PORTION OF LOT 5173-1-R2-NEW-R6, MUNICIPALITY OF TAMUNING, CONTAINING AN AREA OF EIGHT (8) ACRES MORE OR LESS, FOR USE AS A CHAMORRO SHRINE AND THE REINTERMENT OF ANCESTRAL REMAINS.**

***Buenas Yan Hafa Adai!***

This bill proposes the removal of the most valuable eight acres of Chamorro Land Trust Commission (CLTC) land from its inventory for the purpose of the reinterment of ancient Chamorro remains that callously were not properly reinterred in the first place. Additionally, this bill was introduced after the last scheduled CLTC board meeting and this public hearing is being held before its next scheduled board meeting. Logistically, this does not give the CLTC board of commissioners the time to publicly meet to officially discuss the bill. Lacking, in addition, was the necessary time to digest decades old reports especially when there was no prior coordination with the CLTC on this bill prior to its introduction.

Nevertheless, based on the bill and its exhibits, the following was determined:

1. Department of Land Management has determined the area depicted in the bill's exhibit is approximately 10.6 acres with an estimated value of \$5,437,630.
2. The bill proposes using an area for the shrine known as "the Rock." Embedded into this mound is one of Guam's first geodetic triangulation survey monuments identified as "GGN002." This survey monument is the basis point for almost all surveys done in this portion of Guam and links to other geodetic triangulation



survey monuments. This survey monument is considered a National Geodetic Survey Permanent Identifier and is classified as a primary marker for Guam.

3. A secondary geodetic triangulation survey monument identified as "GGN1767" is also on this proposed area.
  
4. Ypao Point (Lot 5173), also known as "Oka Point," in this bill's finding, was determined to be the most suitable location for the shrine. However, an August 22, 2002, Department of Parks and Recreation letter to the Governor noted other locations. Interestingly, the site favored most was land that DPR had no jurisdiction but realized the need to "officially request the Chamorro Land Trust Commission designate five acres of Ypao Point land for the purpose of establishing a 'Chamorro Shrine.'" The request was never formally heard by the CLTC board due to a lack of quorum for over a year and a half. When the CLTC board next met on a matter dealing with Ypao Point, it was in November 18, 2004, to discuss Public Law 25-179, "An act authorizing the Chamorro Land Trust Commission to enter into a general lease for the commercial development of Oka Point; and for other purposes."

As Public Law 25-179 had codified, it declared the highest and best use of the CLTC's most valuable property was for commercial development for the purpose of generating revenues to conduct infrastructure improvements on CLTC lands. Since the enactment of this law, the CLTC has been moving in the direction to engage a commercial lease for this property commonly known as both Oka Point and Ypao point. However, hurdles have had to be overcome and now we face yet another hurdle with this bill.

This legislature has recently passed new laws to spend moneys collected for infrastructure development and have heard many constituents with CLTC leases who plead for the basic infrastructure to be put into place so they can obtain the best use of their agricultural or residential leased lands. Oka Point gives great promise in this regard of generating revenue from commercial leasing. With the CLTC commercial rules and regulations also in place, there should no longer be obstacles to overcome. The taking of the suggested area for a cemetery does not appear to be the highest and best use of the land.

While the CLTC is very respectful to the need to reinter the remains of our uncovered ancestors, an act so woefully unaccomplished already, we respectfully recommend this body look at alternatives.

1. The geodetic triangulation survey monuments must be preserved. An area currently under review by this body is the proposed biodiversity conservation easement in Mangilao, portion of Tract 1722, Block 3. This site would be more serene as a final resting place, set in the limestone forests under the shade of its indigenous trees.

2. A more modestly sized location on the western edge of Ypao Point identified as Lot 5173-1-R2NEW-4 could be just as ideal if the perceived need to locate the shrine is this area.
3. Repatriating remains to their rightful village seems a suitable approach particularly as a means to engrain the notion of importance of memorializing the burial site and its surrounding areas as opposed to being lost in history. By dedicating a single area of interment would take from the historical value of each site of discovery.

Whichever location the Guam Legislature designates to sever from the CLTC land inventory, funding authorization should be included to survey the area designated for this use.

Finally, this legislative body has taken up the issue of land use as it pertains to the communities it will affect. The fast-tracking of this bill completely eliminates the formalities necessary to obtain resolutions from a village's municipal planning council, any noticed public hearings for this land use change, and reasonable time to digest the ramifications this bill can pose. Furthermore, it also undermines the Chamorro Land Trust Commission's board of commissioners, persons appointed by the Governor and confirmed by the Legislature, from fulfilling their role in this matter. As stated above, we recommend the Legislature consider alternative sites or allow a pause in this bill to ensure a more practical review of the matter.

Thank you very much for permitting me to provide this testimony.

*Senseramente,*

A handwritten signature in black ink, appearing to read 'Michael J.B. Borja', with a stylized flourish at the end.

**MICHAEL J.B. BORJA**

Director

My Name is Catherine Flores McCollum. I am a Tamuning Municipal Planning Council (TMPC) member but also I am the Maga'haga of the Nasion Chamoru. My comments are my own personal opinions and not that of either TMPC or the Nasion Chamoru.

**Bill 374-33 (COR) AN ACT TO RESERVE A PORTION OF LOT 5173-1-R2-NEW-R6, MUNICIPALITY OF TAMUNING, CONTAINING AN AREA OF EIGHT (8) ACRES MORE OR LESS, FOR USE AS A CHAMORRO SHRINE AND THE REINTERMENT OF ANCESTRAL REMAINS.**

I understand fully that Ancestral Bones need to have an interment but I have several concerns:

- a. Why couldn't the choice burial site be at an existing cemetery site that may be a part of ceremonies such as, "All Souls Day" or November 2<sup>nd</sup> each year? Regardless of how old these remains are, they were at one time alive and human and deserve to be on hallowed ground with all the ceremonies celebrated on hallowed ground.
- b. The land chosen in this Bill form is actually at one time private property of Frank Perez, who from the goodness of his heart, had given permission to support construction for a hospital for the People of Guam. The family filed a claim of interest with the Ancestral Lands Commission on this particular parcel of land, noting then that they want their land returned to them. I fully support land return to the Original Landowner or their heirs. No one had ever considered what the Original Landowner's intentions were for this land if the hospital was not in need this property anymore. No one is aware of his story and how he was unjustly compensated. We should honor Mr. Frank Perez for his contribution in the medical care of our People. But, the Government of Guam gave no consideration at all, another stolen property, another land taking. I feel that the Legislature, Governor or Land Management or any Government entity should always involve the Perez family in their ideas and plans on moving ahead with the usage of this property. This is not your property, it is theirs. Either that, fully compensate at a Just Compensation rate of today's rate to the family. I would hate for a lawsuit to arise which would cost the Island of Guam a huge amount of money for the battle that may come. I beg all of you to stop trying to exploit this property!

In conclusion, I do not support having the Ancestral Bones buried at this at Lot 5173-1-R2-New - R2. I do believe, however, that the Ancestral Bones need a place to rest, on hallowed ground.





6 October 2016

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
I Mina'trentia Tres Na Liheslaturan Guåhan  
155 Hesler Street  
Hagåtña, Guam 96910

Håfa Adai Madame Speaker,

Perez Properties, Inc. would like to express our opposition to both Bill No. 374-33 and Bill No. 375-33. Both Bills involve portions of Oka Point, formerly the old Guam Memorial Hospital, property. It is unfortunate that the Legislature did not seek advise from the Department of Land Management and Chamorro Land Trust prior to presenting these Bills. Chamorro Land Trust is in need of dire funds and this piece should be able to provide a good sum provided it also is used for the people of Guam.

Oka Point was sold by the late Frank D Perez in 1951 as Lot 5173-1 to the Government of Guam for cash & equipment. The intent of the Government of Guam was to build a hospital for the people of Guam, specifically non-military people. Our father received the cash payment but not the equipment promised, therefore he filed a Claim of Interest in 1996 on this lot. Since then, a Claim of Interest was filed by our late brother, Frank D Perez, Jr. The late Frank D. Perez hoped the Government on Guam would do good on their promise, per Affidavit of Governor Carlton Skinner. We do not understand how the Legislature can give away land at Oka Point before addressing the Claim filed and payment due to our father.

We believe this Oka land is extremely valuable and should continue to be used by the people of Guam. We oppose the Legislature for giving away 8 acres of this gem of a property for a Chamorro Shrine and the reinterment of ancestral remains (Bill 374-33). Eight (8) acres is far too large of a piece! Mr. Borja of Sen Tom Ada's Office stated there is no alternative site! In addition, he shared there are NO PLANS for this Chamorro Shrine. The Legislature should not be giving land away unless it is understood what will be put in place such as Shrine in Rock, parking, etc.

Perez Properties, Inc. also opposes Bill No. 375-33 because the Chamorro Land Trust will make **ZERO** money from the valuable 34,419 square meters currently being used by Sagan Kotturan Chamoru. In the previous License Agreement of 2006, Sagan Kotturan Chamoru, had: a 20 year License (3 options to renew at 5 years each) that would end in 2011; would pay the CLT five percent (5%) of entrance fees collected (no more than 10%); and pay CLT "forty percent (40%) of any rental payments, fees or assessments of any sort received". Agan Kotturan Chamoru is asking for a 99 year LEASE (as opposed to a License Agreement) at a cost of one dollar (\$1) per year. We ask that the **Legislature be responsible to the CLT** and the people of Guam by allowing the terms of the previous License to stay in effect. We only agree to the Legislature allowing more Options under the License Agreement. We greatly oppose long term leases.

A handwritten signature in black ink, appearing to read "Margarita D. Perez", is written over a large, circular scribble or stamp.

Margarita D. Perez, Board of Director

October 6, 2016

Testimony on Bill 374-33(COR)

*Hafa adai, Senot Presidente Tom Ada, Segundo Speaker B.J. Cruz, Speaker Judi WonPat yan Senadot Rory Respicio yan todu miembros gi kumite.*

*Si Yu'os ma'ase' put este na Hiningok Publiku ni' priniponen 374-33, An Act to reserve a portion of Lot 5173-1-R2-New-R6, Municipality of Tamuning, Containing an Area of Eight (8) Acres More or Less, for Use As a Chamorro Shrine and the Re-interment of Ancestral Remains.*

*Dangkulu este na asunto para hita taotao-tano'yan hamyo lokkue'sa' bula na hinasso debi en konsidera put este, maskeseha tres ha' na pahina i Bill! Ya hu gagagao pasensian-miyu adilanto sa' gof serio-su este para i dignidad-ta yan todou I manmamamaila' na manChamoru.*

My name is Hope Alvarez Cristobal. I am a resident of Tamuning. I am here to present testimony on Bill 374-33.

My dear Senators,

For over 3 decades now, I've appeared at this Guam Legislature in my capacity as a citizen on this beautiful homeland of ours to respect, protect and preserve Chamorro burials. But, I have not been alone in this struggle. Many others have expressed concern about our people's burials. In terms of public policy that is of utmost public interest and concern, it appears that we have not yet attained a level of preservation that is respectful and honors our ancient ones with the highest level of dignity.

*Brief historical overview...*

Upon the discovery of the desecration of Chamorro burials at Mata'pang Beach in the mid-80s, some 100 Chamorro elders from our community converged there out of grave concern and distress, to pay our respects and to ask for *inasi'i* from the *anti* (spirits) of our ancient ones for the disturbance of their sacred burial grounds. It was our expressed desire then after the re-consecration ceremony, that our *manaina's remains* and any associated funerary objects be preserved *in situ* (in their original place). To our outrage, the burials were dug up and removed to make way for a percolation basin. The sand was then mined for landscaping purposes at Adelup!

Shortly thereafter, we sought redress in court for the backhoe archaeology and desecrations at the Nikko Hotel construction site. We received a 10-day injunction on that construction and requested that the 161 burials of mostly young children be re-interred at the same site. Today, the Nikko Hotel maintains the burial re-interment site

where our people are allowed to visit and to pay our respects at the hotel premises. In cooperation with Historic Resources Division at the Dept. of Parks and Recreation, the hotel erected a monument with a plaque that tells the story of the Chamorros of Gok-ña.

Gok-ña was the hometown of Maga'lahi Mata'pang and his clan. Mata'pang's heroic defense of our once-free people who were thriving in our sovereign land at the time, is a story yet to be told within the context of Chamorro history, a history yearning to be written.

The Hyatt Regency Guam hotel desecrated over 500 human remains! The hallowed grounds of our ancestors were defiled behind solid barriers with access guarded and controlled. Once the hotel was built, the management reinterred our ancestors' remains with a Buddhist ceremony. At the entrance of the hotel today, an 18-inch tall (5" x 5") obscure pedestal marks the re-interment site. For over 25 years, this hotel has ignored building a respectful *naftan manaina-ta* shrine of our ancestral human remains.

During the renovation and development of the Okura Hotel, over 400 ancestral remains were desecrated and removed. Those were both Pre-Latte and Latte period burials. These ancestral remains have yet to be re-interred near their original burial place as required, with a *naftan manaina-ta* shrine.

My dear Senators, Tumhom is considered one of the largest known Chamorro settlements during the 17<sup>th</sup> C. There is no doubt that the whole bay is a major burial ground for our ancient ones. There is no doubt that any coastal area on Guam is a burial ground. The early *Naftan Manaina-ta*, PL21-104 not only sought to locate government property but it also gave the power to the Guam Public Library (Guam Museum) to designate the ancestral remains that will be entombed in the shrine with a provision to do so in 90-days. Of course that did not happen; and this responsibility was later transferred to the Dept. of Parks and Recreation.

In Executive Order 89-24, policy was created in the treatment of human remains found in construction projects. Prior to this policy, ancestral burials were being removed and stored as artifacts. EO 89-24 declares the following:

- 1) That burials be left in place undisturbed to the extent practical.
- 2) That all government agencies, bureaus, departments and commissions and private developers who need licenses, permits or other assistance from the government make reasonable and good faith efforts in consultation with the Guam Historic Preservation



Officer to locate such burials that may be affected by their actions or developments early in the planning process.

3) That if such burials cannot practically be left undisturbed, removal shall be done with proper archaeological methods and documentation.

4) Scientific, medical or other study shall be restricted to the minimum necessary to ascertain cultural or ethnic associations and to address significant research questions.

All research proposals regarding such remains must be adequately justified in terms of standards used by the Dept of Parks and Recreation for archaeologically data recovery projects.

5) In the absence of expressed preferences otherwise by persons with ascertainable relationships to the specific remains involved or other justifying circumstances, re-interment in an appropriate and respectful manner is to be considered the normal treatment of human remains removed from their original burial locations.

6) Such re-interment shall normally be in sealed containers with information regarding the original location and circumstances marked on the outside of the container and included within the container.

7) The Director of the Department of Parks and Recreation shall designate a location within the Territorial Park System as a location for re-interments of such removed remains and shall cause an appropriate memorial to be erected at the location.

8) Removal, examination and re-interment shall be at the expense at the government agencies whose project necessitates the removal, or the developer whose project requires governmental licenses, permits or assistance.

9) The Dept of Parks and Recreation may issue rules and regulations to further implement these policies in an orderly and consistent manner. (Please see the Department's General Guidelines for Archaeological Burials prepared after the Executive Order.)

E.O. 89-24 established protocols in the treatment of human remains found at both government and private properties during earth moving activities. Item 8 of this EO 89-24 places the onus of financial responsibility/liability with the government agencies whose project necessitates the removal, or, with the developer whose project requires governmental licenses, permits or assistance. Furthermore, this E.O. required that *naftan manaina-tas* (shrines) be placed at or near the original place where burials are unearthed at these project sites.

In March 1992, the Legislative Committee on Education's Bill 760 addressed the ancestral human remains stored by the Guam Museum since 1986 during which no plans had been formulated to properly entomb them. Clearly, the legislative intent was to create a *Naftan Manaina-ta* specific to those burials in the custody of the Guam Museum (under the Guam Public Library). This Bill became P.L. 21-104.

Because of existing policy and law as I've indicated above, I recommend that a part of Section 2. Reservation of Land, Line 13 of Bill 374-33 that reads,

**“and the interment or re-interment of any other ancestral remains discovered at any other site islandwide pursuant to Public Law 21-104 (GCA Title 21, Article 5, Ch. 76)**

be deleted because in my opinion,

(1) It removes the financial responsibility/liability of developers in the treatment of human remains during construction or earth moving projects as set forth in E.O. 89-24, Section 8. Additionally, the requirement to erect *naftan manaina-tas* where burials are found during such projects will be nullified. The portion of Section 2 of Bill 374-33 quoted above, contradicts the protocols already established in the treatment of human remains.

(2) Moreover, in my opinion, this section will be used by developers, perhaps on newly acquired properties, and other entities to justify the desecration, the disrespect and the removal of our Chamorro ancestors at their original burial grounds without regard to established protocols presented above.

(3) Finally, it facilitates and enables the desecrations of our ancestral burials and repurposes the *Naftan Manaina-ta* as a mass depository of any and all burials found islandwide forever and ever without limitations. As a Chamorro, I consider this the ultimate in *tairespetu yan tinaimamahlaho*. I respectfully implore you to please remove this Section of the Bill.

The Guam Historic Resources Division, Department of Parks and Recreation shall continue to administer compliance to existing policies in the treatment of human remains as I've indicated in Item (1) above.

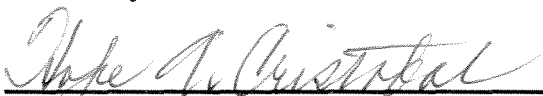
I also highly recommend that Section 3. Development and Funding of National Shrine be revised to read,

**Section 3. Funding of Naftan Manaina-ta on Lot No. 5173-1-R2-NEW-R6, Municipality of Tamuning.** *Funding for the Naftan Manaina-ta shall be allocated from the Tourist Attraction Fund and developed by GEDA in cooperation with the Historic Resources Division, Department of Parks and Recreation. Chamorro non-governmental cultural organizations shall be consulting parties in the approval of the design and construction plans.*

Note that Line 21 of Section 3 that reads, “to include recommendations to reconcile developer liability for the reburial of remains found or disinterred in their specific construction site” is not necessary.

In closing, I am available to assist in the redrafting and completion of this Bill. Thank you for the introduction of this Bill and the opportunity to comment in support of it with recommendations.

Sincerely,



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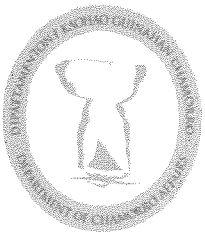
HOPE A. CRISTOBAL

Former Senator

23<sup>rd</sup> Guam Legislature



Date



DIPATTAMENTON I KAOHAO GUINAHAN CHAMORRO  
**DEPARTMENT OF CHAMORRO AFFAIRS**



Honorable Edward J.B. Calvo  
 Governor of Guam

Johnny G. Sablan  
 President, DCA

Raymond S. Tenorio  
 Lieutenant Governor of Guam

October 6, 2016

GUAM LEGISLATURE  
 CENTRAL FILES



The Honorable Senator Thomas C. Ada  
 Chairperson, Committee on Transportation, Infrastructure,  
 Border Protection, Veterans' Affairs, and Procurement  
 33<sup>RD</sup> I Liheslaturan Guahan  
 155 Hessler Street  
 Hagåtña, Guam 96910

**ACKNOWLEDGEMENT RECEIPT**

Observed by: YMS  
 Time: 4:08  
 Date: 9-10-16



**Subject: Testimony on Bill 374-33 (COR) "An Act To Reserve A Portion Of Lot 5173-L-R2-New-R6, Municipality Of Tamuning, Containing An Area Of Eight (8) Acres More Or Less, For Use As A Chamorro Shrine And The Reinterment Of Ancestral Remains".**



*Buenas yan Håfa Adai* Chairman Ada and Members of the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement. The Department of Chamorro Affairs (DCA) supports the intent of Bill 374-33 (COR) to satisfy the requirement of Public Law 21-104 passed in 1992, "An Act To Establish a Chamorro Shrine to be called "Nåftan Mañaina-ta" for the Entombment of Ancestral Remains..." relative to the reservation of land for a National Shrine honoring our Chamorro heritage.



Part of DCA' role is to provide an integrated program for the preservation, development, and promotion of the Chamorro heritage of Guam; serve as an advocate in the preservation, development, and promotion of language, arts, humanities, and serve as stewards of historic preservation and culture. Moreover, DCA serves as caretaker for museum activities, as well as, support programs significant to Guam's history and culture. Currently, the Guam Museum maintains 3000 boxes of artifacts in which seventy percent (70%) is ancestral remains.



This reservation of land is a long time coming and should have been identified and executed in 1992. As a matter of record, hotels within the Tumon area are required to maintain a burial monument shrine honoring ancestral remains found within the premises in accordance with Guam's historic resources laws (Ch76, 21GCA). Moreover, as Guam continues to develop more and more land will be necessary to accommodate and consolidate ancestral remains now and in the future. Tamuning is a highly densified location and continues to be sought after for high intensity development, especially in the Oka-Tumon area, and will continue to be in demand for the foreseeable future thereby overwhelming this designated shrine area and may require other properties to be identified in a more accommodating and suitable location.

"Department of Chamorro Affairs is an Equal Opportunity Provider and Employer"

Terlaje Professional Building • 1st Floor 194 Hernan Cortez Avenue Hagåtña, Guam 96910

P.O. Box 2950 Hagåtña, Guam 96932 • Phone: (671) 475-4278/9 • Fax: (671) 475-4227

October 6, 2016

Memo to the Honorable Senator Thomas C. Ada, Chairperson, Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs, and Procurement  
33<sup>RD</sup> I Liheslaturan Guahan

Subject: Testimony on Bill 374-33 (COR) "*An Act To Reserve A Portion Of Lot 5173-L-R2-New-R6, Municipality Of Tamuning, Containing An Area Of Eight (8) Acres More Or Less, For Use As A Chamorro Shrine And The Reinterment Of Ancestral Remains*".

Page 2

Therefore, DCA recommends dual use of land already identified as a park, such as Fort Santa Agueda in Apugan (Lot 2062-PART-1-R1), which allows a full view of the City of Hagåtña, as well as, the full panoramic view of northern Guam including the Tumon area, to be reconsidered as the site location for the *Nāftan Mañaina-ta*. In addition, Public Law 22-18 reserved this lot for a Guam Museum Repository and would blend well cohesively with the *Nāftan Mañaina-ta*. Lot 2016-PART-1-R1, Apugan, Hagåtña satisfies the legislative intent of Public Laws 21-104 and 24-110, as well as, recognizes restoration and redevelopment efforts of our capital city of Hagåtña. Bringing this National Shrine to our capital will further reinforce Guam's policy efforts to restore the heart and soul of the Chamorro people and provide a cultural destination for our people and visitors alike.

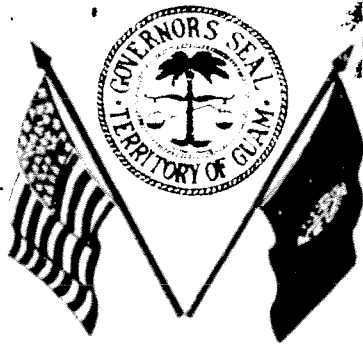
*Si Yu'os Ma'åse'* for your consideration. Should you require further information or have concerns, please contact me at 475-4278.

*Senseramente,*



JOHNNY G. SABLAN  
President  
Department of Chamorro Affairs





Territory of Guam  
Agaña, Guam

MAY 29 1992

The Honorable Joe T. San Agustin  
Speaker, Twenty-First Guam Legislature  
155 Hesler Street  
Agaña, Guam 96910

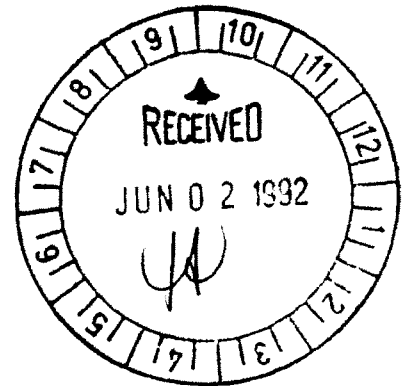
Dear Mr. Speaker:

Transmitted herewith is Bill No. 760, which I have signed into law  
this date as Public Law 21-104.

Sincerely yours,

*Joseph F. Ada*  
JOSEPH F. ADA  
Governor  
210826

Attachment



Commonwealth Now!



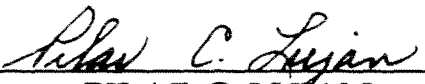
TWENTY-FIRST GUAM LEGISLATURE  
1992 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

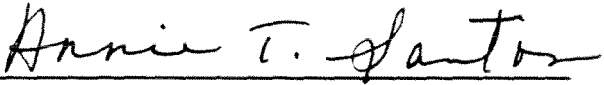
This is to certify that Substitute Bill No. 760 (LS), "AN ACT TO ESTABLISH A CHAMORRO SHRINE TO BE CALLED "NĀFTAN MAÑAINA-TA" FOR THE ENTOMBMENT OF ANCESTRAL REMAINS ACCUMULATED BY THE GUAM PUBLIC LIBRARY AND ANY GOVERNMENT OF GUAM AGENCY," was on the 15th day of May, 1992, duly and regularly passed.

  
\_\_\_\_\_  
JOE T. SAN AGUSTIN  
Speaker

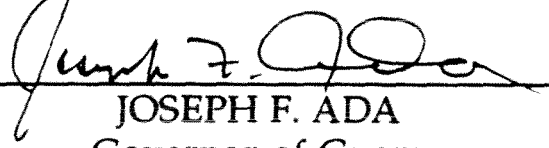
Attested:

  
\_\_\_\_\_  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 20<sup>th</sup> day of May, 1992,  
at 3:00 o'clock P.M.

  
\_\_\_\_\_  
Annie T. Santos  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
JOSEPH F. ADA  
Governor of Guam

Date: MAY 29 1992

Public Law No. 21-104



TWENTY-FIRST GUAM LEGISLATURE  
1992 (SECOND) Regular Session

Bill No. 760 (LS)

As substituted by the Committee on  
Education and as further substituted  
by the Committee on Rules

Introduced by:

M. Z. Bordallo  
D. L. G. Shimizu  
C. T. C. Gutierrez  
M. D. A. Manibusan  
E. P. Arriola  
J. P. Aguon  
H. D. Dierking  
P. C. Lujan  
G. Mailloux  
D. Parkinson  
J. T. San Agustin  
F. R. Santos  
J. G. Bamba  
A. C. Blaz  
D. F. Brooks  
E. R. Dueñas  
E. M. Espaldon  
M. J. Reidy  
M. C. Ruth  
T. V. C. Tanaka  
A. R. Unpingco

AN ACT TO ESTABLISH A CHAMORRO SHRINE TO  
BE CALLED "NÁFTAN MAÑAINA-TA" FOR THE  
ENTOMBMENT OF ANCESTRAL REMAINS  
ACCUMULATED BY THE GUAM PUBLIC LIBRARY  
AND ANY GOVERNMENT OF GUAM AGENCY.

- 1        **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**  
2        **Section 1. Legislative intent.** It has been brought to the attention of the

1 Legislature that the Guam Public Library over the years has collected a  
2 significant amount of human remains and artifacts from different areas  
3 throughout the island. These remains and artifacts have been contributed by  
4 local people and businesses that have discovered these valuable objects.  
5 Recently, the construction of several large development resorts and golf  
6 courses has unearthed valuable human remains which need to be treated with  
7 solemnity. If these remains are not reburied in their original sites, they are at  
8 times given to the Guam Public Library or the Guam Museum for storage.  
9 Disturbance of burials shall be avoided when possible, but when necessary  
10 shall be at the expense of the developer unless otherwise exempted, using  
11 procedures and standards acceptable to the Guam Historic Preservation  
12 Officer. Presently, the Guam Public Library and the Guam Museum are  
13 finding it difficult to continue to store these items due to the lack of adequate  
14 storage space. Many human remains which have been collected and stored in  
15 these facilities for several years have yet to be properly and respectfully  
16 buried. There presently does not exist a proper burial ground for these  
17 human remains which should be laid to rest as soon after they are discovered  
18 as possible. Therefore, this Act will locate a parcel of land to be designated  
19 for the establishment of the Chamorro Shrine where the ancestral human  
20 remains collected and presently being stored by the Guam Public Library and  
21 the Guam Museum will be properly entombed.

22 **Section 2. Delivery to Historic Preservation Officer.** The Guam Public  
23 Library and any other government agency which currently has or in the future  
24 comes into possession of human remains which are not held for historical,  
25 archaeological, scientific or other valid purposes, within forty-five (45) days  
26 of enactment of this Act or, upon receipt of such remains obtained after such  
27 period, shall deliver to the Guam Historic Preservation Officer, Department

1 of Parks and Recreation, all such human remains for proper reburial.

2       **Section 3. Establishment of the "NÁFTAN MAÑAINA-TA".** The  
3 Department of Parks and Recreation is hereby directed to establish a  
4 Chamorro Shrine to be called "NÁFTAN MAÑAINA-TA" for the entombment  
5 of ancestral remains collected from sites throughout the island. The  
6 establishment of the Chamorro Shrine, "NÁFTAN MAÑAINA-TA", shall  
7 include the planning, design, construction and maintenance of the facility.  
8 The shrine shall include a Chamorro tombstone reflecting information on the  
9 ancient villages where the human remains originated, death rites, burial  
10 practices, and life around the immediate area. The shrine shall be designed so  
11 as to recognize and respect the ancestry and lineage of the Chamorro people,  
12 and shall be the burial ground for ancestral remains designated by the  
13 Department of Parks and Recreation.

14       **Section 4. Appropriation.** The Department of Parks and Recreation is  
15 hereby instructed to submit an appropriation request for the design and  
16 construction of the Chamorro shrine, "NÁFTAN MAÑAINA-TA", to the  
17 Governor of Guam and the Legislature no later than ninety (90) days  
18 following the enactment of this Act.

SEVENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) Regular Session

6  
Date: 5/15/92

VOTING SHEET

Bill No. 760

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

	AYE	NO	NOT VOTING	ABSENT/ OUT DURING ROLL CALL
<u>AGUON, John P.</u>	✓			
<u>ARRIOLA, Elizabeth P.</u>	✓			
<u>BAMBA, J. George</u>	✓			
<u>BLAZ, Anthony C.</u>	✓			
<u>BORDALLO, Madeleine Z.</u>	✓			
<u>BROOKS, Doris F.</u>	✓			
<u>DIERKING, Herminia D.</u>	✓			
<u>DUENAS, Edward R.</u>				✓
<u>ESPALDON, Ernesto M.</u>	✓			
<u>GUTIERREZ, Carl T.C.</u>	✓			
<u>LUJAN, Pilar C.</u>	✓			
<u>MAILLOUX, Gordon</u>	✓			
<u>MANIBUSAN, Marilyn D.A.</u>	✓			
<u>PARKINSON, Don</u>	✓			
<u>REIDY, Michael J.</u>	✓			
<u>RUTH, Martha C.</u>	✓			
<u>SAN AGUSTIN, Joe T.</u>	✓			
<u>SANTOS, Francisco R.</u>	✓			
<u>SHIMIZU, David L.G.</u>	✓			
<u>TANAKA, Thomas V.C.</u>	✓			
<u>UNPINGCO, Antonio R.</u>	✓			



# COMMITTEE ON EDUCATION

TWENTY-FIRST GUAM LEGISLATURE

155 Hesler Street

Agaña, Guam 96910

Tel: (671) 472-3581-2-3 • Fax: (671) 472-3585

May 11, 1992

*Senador*  
*Madeleine Z. Bordallo*

CHAIRPERSON

COMMITTEE ON  
EDUCATION

SEN DAVID L.G. SHIMIZU  
Vice-Chairperson

### MEMBERS

Vice Speaker John P. Aguon  
Sen. Elizabeth P. Arriola  
Sen. Herminia D. Dierking  
Sen. Carl T.C. Gutierrez  
Sen. J. George Bamba  
Sen. Anthony C. Blaz  
Sen. Doris F. Brooks  
Sen. Edward R. Duenas  
Sen. Marilyn D.A. Manibusan  
Sen. Michael Reidy  
Sen. Thomas V.C. Tanaka

Speaker Joe T. San Agustin  
Ex Officio

The Honorable Joe T. San Agustin  
Speaker  
21st Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Dear Speaker San Agustin:

The Committee on Education, to which was referred Bill No. 760: "AN ACT RELATIVE TO ESTABLISHING A CHAMORRO SHRINE TO BE CALLED "NÅFTAN MAÑAINA-TA" FOR THE ENTOMBMENT OF ANCESTRAL REMAINS ACCUMULATED BY THE GUAM PUBLIC LIBRARY AND THE GUAM MUSEUM", does recommend that Bill No. 760 be passed by the Twenty-First Guam Legislature.

Votes of the Committee members are as follows:

To Pass	<u>11</u>
To Not Pass	<u>0</u>
Abstain	<u>0</u>
To Place in Inactive File	<u>0</u>
Off-Island	<u>0</u>
Not Available	<u>5</u>

Respectfully Submitted,

*Madeleine Z. Bordallo*  
MADELEINE Z. BORDALLO

Enclosures



# COMMITTEE ON EDUCATION

TWENTY-FIRST GUAM LEGISLATURE

155 Hesler Street

Agaña, Guam 96910

Tel: (671) 472-3581-2-3 • Fax: (671) 472-3585

*Senador*

*Madeleine Z. Bordallo*

CHAIRPERSON

COMMITTEE ON  
EDUCATION

## VOTING SHEET ON BILL NO. 760

SEN DAVID L.G. SHIMIZU  
Vice-Chairperson

**"AN ACT RELATIVE TO ESTABLISHING A CHAMORRO SHRINE TO BE CALLED "NĀFTAN MAÑAINA-TA" FOR THE ENTOMBMENT OF ANCESTRAL REMAINS ACCUMULATED BY THE GUAM PUBLIC LIBRARY AND THE GUAM MUSEUM."**

MEMBERS

- Vice Speaker John P. Aguon
- Sen Elizabeth P. Arriola
- Sen Herminia D. Dierking
- Sen Carl T.C. Gutierrez
- Sen J. George Bamba
- Sen Anthony C. Blaz
- Sen Doris F. Brooks
- Sen Edward R. Duenas
- Sen Marilyn D.A. Manibusan
- Sen Michael Reidy
- Sen Thomas V.C. Tanaka

Speaker Joe T. San Agustin  
Ex Officio

<u>COMMITTEE MEMBER</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
<i>Madeleine Z. Bordallo</i> MADELEINE Z. BORDALLO Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>David L.G. Shimizu</i> DAVID L.G. SHIMIZU Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Joe T. San Agustin</i> Speaker Joe T. San Agustin (Ex-Officio Member)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>John P. Aguon</i> JOHN P. AGUON Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Elizabeth P. Arriola</i> ELIZABETH P. ARRIOLA Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Herminia D. Dierking</i> HERMINIA D. DIERKING Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Carl T.C. Gutierrez</i> CARL T.C. GUTIERREZ Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**COMMITTEE ON EDUCATION  
21ST GUAM LEGISLATURE**

**CHAIRPERSON  
SENATOR M. Z. BORDALLO**

**COMMITTEE REPORT  
ON  
BILL NO. 760**

**"AN ACT RELATIVE TO ESTABLISHING A CHAMORRO  
SHRINE TO BE CALLED "NĀFTAN MAÑAINA-TA" FOR  
THE ENTOMBMENT OF ANCESTRAL REMAINS  
ACCUMULATED BY THE GUAM PUBLIC LIBRARY  
AND THE GUAM MUSEUM."**

A Public Hearing on Bill No. 760 was conducted by the Committee on Education, 21st Guam Legislature, on Friday, March 27, 1992, in the Public Hearing Room, Legislative Building, Agana.

**MEMBERS PRESENT:** Chairperson Madeleine Z. Bordallo; Vice-Chairman David Shimizu; Committee members, Senators Herminia Dierking, Eddie Duenas, Tony Blaz, Tommy Tanaka, Marilyn Manibusan, and Speaker Joe San Agustin.

**WITNESSES PRESENT:** Mrs. Hope Cristobal, Chairperson, Guam Public Library Board; Peter Onedera, Executive Director, Chamorro Language Commission; Bernadita Aguon-Hernandez, concerned citizen; Rita Franquez, concerned citizen; Tony Mariano, Director, Department of Parks and Recreation; and Peter Ada, concerned citizen.

**SUMMARY OF TESTIMONY**

Mr. Peter Onedera, Executive Director of the Chamorro Language Commission, appeared before the Committee and presented both oral and written testimony in support of Bill No. 760; his testimony was presented in the Chamorro vernacular. He stated that Chamorro ancestral remains being stored at the Guam Public Library deserve a higher degree of respect than what they have received in recent years, the remains should be entombed immediately. These remains have been stored for too long; the Chamorro people should be embarrassed for the lack of action on the part of the Government of



Guam in respect to rightfully burying our ancestors' bones. Mr. Onedera suggested that the remains be entombed in close proximity to the seashore. Ms. Bernadita Aguon-Hernandez, a concerned citizen, also presented oral and written testimony in support of Bill No. 760. Ms. Aguon-Hernandez was shocked by the type of burial accorded the human remains found on the Hotel Nikko property. She suggested that if ancestral remains are to be buried, they should be buried properly and with due respect. She requested that the Guam Legislature look into the possibility of overseeing the excavation and reburial of ancestral remains discovered by developers in the future, to insure that future remains are given the respect and proper burial they should receive.

Mr. Tony Mariano, Director of the Department of Parks and Recreation, presented both oral and written testimony on Bill No. 760. He stated that although he agrees with the intent of the bill, he believes that existing mandates, particularly Executive Order 89-24, addresses this situation. The Department of Parks and Recreation has been working toward implementing the mandates of the executive order. If Bill No. 760 were to be passed into law, then the work of the department would be duplicated. Mr. Mariano also suggested that if the bill were to be passed, he believes that a public hearing should be conducted on several issues including the location of the shrine, the type of ceremony that will be conducted at the sight, and the design of the containers for the remains.

Mrs. Rita Franquez, the Assistant Territorial Librarian, appeared before the committee as a concerned citizen. She stated that she believed in the intent of the bill, but she does not see the necessity of it. She expounded on several mandates (P.L. 20-151, P.L. 15-96, and Ex. Order 89-24) which tend to address the proper entombment of ancestral human remains. P.L. 20-151 addresses the treatment of human remains by mandating that any ancestral remains discovered should be reburied in the original sight if possible; P.L. 15-96 addresses the establishment of a cemetery and mortuary; and Executive Order 89-24 deals with policies for the disposition of archeologically recovered human remains. Although these mandates exist, many of the ancestral human remains presently at the Guam Public Library under the jurisdiction of the Guam Museum have been in storage since 1986 and have not been entombed. Mr. Peter Ada, a concerned citizen, made a brief comment to the Committee stating that the human remains should not be stored at the Guam Public Library and if the remains should continue to be stored in the same area a request was made that the remains be respectfully placed in a casket until its proper entombment.

Mrs. Hope R. Cristobal, Chairperson of the Guam Public Library Board, presented both oral and written testimony in support of Bill No. 760. Mrs. Cristobal stated that the human remains need to be properly laid to rest and the idea of a shrine to "recognize and respect the ancestry and lineage of the chamorro people" is very exciting. Mrs. Cristobal presented several recommendations: 1. The location of the public property be located in Tumon because a

majority of the ancestral remains have originated from around the area and that the manner of burial should be close to or the same as when they were found; 2. That the appropriation measure include a conservation and storage facility for the Guam Museum, to allow for the proper care for the remains; 3. That the names of the burial shrines reflect the ancient villages where they come from and information about death rites and burial practices. 4. And that section 5 of Bill No. 760 be deleted.

Upon the completion of testimonies from witnesses, questions were asked by members of the Committee. A few of the major concerns which were presented during the discussions included a provision for ancestral human remains discovered in the future to be placed in the original sight of discovery, and that a system be created whereby any future ancestral human remains discovered be recorded with the proper agencies to insure that the information is readily available to both government agencies and the general public.

#### **COMMITTEE FINDINGS/RECOMMENDATIONS**

The Committee on Education finds that a substantial number of ancestral human remains have been stored by the Guam Museum in the Guam Public Library facility since 1986. Presently, the Guam Museum does not have a conservation and storage facility to properly care for the ancestral remains it possesses. Although few mandates exist regarding the appropriate treatment of ancestral human remains upon discovery, Bill No. 760 primarily addresses the collection of ancestral remains presently being stored by the Guam Museum. Insufficient action has been taken over the past years to insure that these human remains are immediately entombed. Bill No. 760 has been amended by the Committee on Education to reflect several of the recommendations received during the public hearing. Because the ancestral human remains have been stored by the Guam Museum for a number of years during which no plans have been formulated to properly entomb the remains and because the Guam Legislature recognizes that our ancestors should be granted the proper respect and dignity by according the remains a proper burial immediate; **THEREFORE, THE COMMITTEE ON EDUCATION RECOMMENDS THAT BILL NO. 760, AS SUBSTITUTED, "AN ACT RELATIVE TO ESTABLISHING A CHAMORRO SHRINE TO BE CALLED "NĀFTAN MAÑAINA-TA" FOR THE ENTOMBMENT OF ANCESTRAL REMAINS ACCUMULATED BY THE GUAM PUBLIC LIBRARY AND THE GUAM MUSEUM", BE FAVORABLY CONSIDERED AND PASSED BY THE 21ST GUAM LEGISLATURE.**

#### **ATTACHMENTS**

1. Bill No. 760, as substituted by the Committee on Education.
2. Bill No. 760, as introduced.
3. Written testimony by Mrs. Hope Cristobal, Chairperson, Guam Public Library Board.
4. Written testimony by Mrs. Bernadita Aguon-Hernandez.

5. Written testimony by Mr. Peter Onedera, Executive Director, Chamorro Language Commission.
6. Written testimony by Mr. Tony Mariano, Director, Department of Parks and Recreation.
7. Copies of P. L. 20-151, P. L. 15-96 (Subchapter K), and Executive Order 89-24.
8. Witness attendance sheet.

**TWENTY FIRST GUAM LEGISLATURE  
1992 (SECOND) REGULAR SESSION**

**BILL NO. 760**  
**(AS SUBST. BY COMM. ON EDUCATION)**

**INTRODUCED BY:**

**M. Z. BORDALLO  
D. L. G. SHIMIZU  
C. T. C. GUTIERREZ**

*M. Mambusan  
E. P. P. P.*

**"AN ACT RELATIVE TO ESTABLISHING A CHAMORRO  
SHRINE TO BE CALLED "NĀFTAN MAÑAINA-TA" FOR  
THE ENTOMBMENT OF ANCESTRAL REMAINS  
ACCUMULATED BY THE GUAM PUBLIC LIBRARY AND  
THE GUAM MUSEUM."**

1     **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2             **Section 1. Legislative Intent.**

3                     It has recently been brought to the attention of the  
4     Guam Legislature that the Guam Public Library over the years  
5     has collected a significant amount of human remains and  
6     artifacts from different areas throughout the island. These  
7     remains and artifacts have been contributed by local people  
8     and businesses who have discovered these valuable objects.  
9     Just in the past few years, the entrance of several large  
10    development resorts and golf courses into the Guam business  
11    market have unearthed valuable human remains which need to be  
12    treated with solemnity. If these remains are not reburied in  
13    their original site, they are at times given to the Guam  
14    Public Library or the Guam Museum for storage within its

1 facilities. Presently, the Guam Public Library and the Guam  
2 Museum are finding it difficult to continue to store these  
3 items due to the lack of adequate storage space. Many human  
4 remains which have been collected and stored in the facility  
5 for several years have yet to be properly and respectfully  
6 buried. There presently does not exist a proper burial ground  
7 for these human remains which need to be laid to rest soon  
8 after they are discovered and collected. Therefore, this  
9 provision would locate a piece of property to be designated  
10 for the establishment of the Chamorro Shrine whereby the  
11 ancestral human remains collected and presently being stored  
12 by the Guam Public Library and the Guam Museum will be  
13 properly entombed.

14 **Section 2. Location of Chamorro Shrine.**

15 The Department of Land Management is hereby  
16 instructed to coordinate its efforts with the Guam Public  
17 Library in locating government property for the specific  
18 purpose of carrying out the intent in Section 1 of this  
19 provision. The site designated for these purposes are to be  
20 located in an area accessible to the general community,  
21 preferably within or near the municipality of Agana or Tumon.  
22 A recommendation by witnesses at a recent public hearing,  
23 suggest that the property be located along the seashore. This  
24 recommendation should be taken into consideration upon the  
25 final selection of the government property. The property for  
26 the Chamorro Shrine is to be designated no later than 45 days  
27 following the enactment of this legislation.

1           **Section 3. Establishment of the Chamorro Shrine to be**  
2           **called "NĀFTAN MAÑAINA-TA".**

3           The Guam Public Library is hereby instructed to  
4           establish a Chamorro Shrine to be called "NĀFTAN MAÑAINA-TA"  
5           for the entombment of ancestral remains collected from  
6           communities and businesses throughout the island. The  
7           establishment of the Chamorro Shrine, "NĀFTAN MAÑAINA-TA",  
8           shall include the planning, design, construction and  
9           maintenance of the facility. The shrine shall include a  
10          chamorro tombstone reflecting information on the ancient  
11          villages where the human remains have originated, death rites,  
12          burial practices, and life around the immediate area. The  
13          shrine shall be designed so as to recognize and respect the  
14          ancestry and lineage of the chamorro people. The Chamorro  
15          shrine shall be the burial ground for ancestral remains  
16          designated by the Guam Public Library.

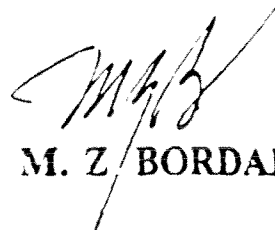
17           **Section 4. Appropriation Measure.**

18          The Guam Public Library is hereby instructed to  
19          submit an appropriation request for the design and  
20          construction of the chamorro shrine, "NĀFTAN MAÑAINA-TA", to  
21          the Governor of Guam and the Guam Legislature no later than 90  
22          days following the enactment of this provision.

TWENTY FIRST GUAM LEGISLATURE  
1992 (SECOND) REGULAR SESSION

BILL NO. 260

INTRODUCED BY:

  
M. Z. BORDALLO

3-1-92  
"AN ACT RELATIVE TO ESTABLISHING A CHAMORRO  
SHRINE TO BE CALLED "NĀFTAN MAÑAINA-TA" FOR  
THE ENTOMBMENT OF ANCESTRAL REMAINS  
ACCUMULATED BY THE GUAM PUBLIC LIBRARY AND  
THE GUAM MUSEUM."

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. Legislative Intent.

3 It has recently been brought to the attention of the  
4 Guam Legislature that the Guam Public Library over the years  
5 has collected a significant amount of human remains and  
6 artifacts from different areas throughout the island. These  
7 remains and artifacts have been contributed by local people  
8 and businesses who have discovered these valuable objects.  
9 Just in the past few years, the entrance of several large  
10 development resorts and golf courses into the Guam business  
11 market have unearthed valuable human remains which need to be  
12 treated with solemnity. If these remains are not reburied in  
13 their original site, they are at times given to the Guam  
14 Public Library or the Guam Museum for storage within its  
15 facilities. Presently, the Guam Public Library and the Guam

1 Museum are finding it difficult to continue to store t  
2 items due to the lack of adequate storage space. Many  
3 remains which have been collected and stored in the fac  
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9 for the establishment of the Chamorro Shrine whereby th  
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11 and the Guam Museum will be properly entombed.

12 **Section 2. Location of Chamorro Shrine.**

13 The Department of Land Management is hereby  
14 instructed to coordinate its efforts with the Guam Publ  
15 Library in locating government property for the specific  
16 purpose of carrying out the intent in Section 1 of this  
17 provision. The site designated for these purposes are to  
18 located in an area accessible to the general community,  
19 preferably within or near the municipality of Agana. Th  
20 property for the Chamorro Shrine is to be designated no la  
21 than 30 days following the enactment of this legislation

22 **Section 3. Establishment of the Chamorro Shrine to**  
23 **called "NÁFTAN MAÑAINA-TA".**

24 The Guam Public Library is hereby instructed t  
25 establish a Chamorro Shrine to be called "NÁFTAN MAÑAINA-  
26 for the entombment of ancestral remains collected from



1 communities and businesses throughout the island. The  
2 establishment of the Chamorro Shrine, "NÁFTAN MAÑAINA-TA  
3 shall include the planning, design, construction and  
4 maintenance of the facility. The shrine shall be designed  
5 as to recognize and respect the ancestry and lineage of  
6 chamorro people.

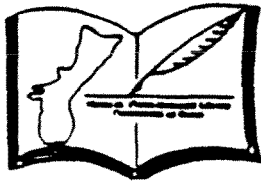
7 The Chamorro shrine shall be the burial ground for  
8 ancestral remains designated by the Guam Public Library.

9 **Section 4. Appropriation Measure.**

10 The Guam Public Library is hereby instructed to  
11 submit an appropriation request for the design and  
12 construction of the chamorro shrine, "NÁFTAN MAÑAINA-TA",  
13 the Governor of Guam and the Guam Legislature no later than  
14 days following the enactment of this provision.

15 **Section 5. Annual Ceremony Commemorating the Burial o**  
16 **Additional Ancestral Remains.**

17 The Guam Public Library is hereby instructed to  
18 coordinate an annual burial ceremony for additional ancestr  
19 remains to be entombed. The ceremony to commemorate the  
20 burial of the ancestral remains shall be conducted at the sit  
21 of the chamorro shrine.



**Nieves M. Flores Memorial Library**  
**Government of Guam**

March 27, 1992

Honorable Madeleine Bordallo  
Chairwoman, Committee on Education  
Twenty First Guam Legislature  
1992 (Second) Regular Session  
Agana, Guam 96910

Hafa Adai Madam Chairman and Members of the Committee:

Buenas Dias! My name is Hope A. Cristobal, Chairperson of the Guam Public Library Board whose jurisdiction is the Guam Public Library and its division, the Guam Museum. I am here to testify on behalf of the Board in favor of Bill 760 with amendments.

Thank you for the opportunity to comment on Bill 760. The issues for discussion in this Bill, issues relating to the role of the Guam Museum in the care and respect of archaeologically recovered human remains under its possession or control, are rightfully under your Committee's jurisdiction. We are sure that you were inspired by the spirits of our Chamorro ancestors, as we have, to treat their remains with solemnity and respect as intended in your Bill.

We also want to thank you, Madam Chairman for conducting an on-site review of the Guam Public Library just recently. We are sure that you observed the crowded conditions of our storage materials, most of them boxes of the remains of former living human beings, our Chamorro ancestors excavated from their sacred burial grounds and deposited to the Guam Museum. Bill 760 mentions the lack of adequate storage facility to collect, repatriate and store burial remains in the Guam Museum and from other off-island institutions.

The idea of a shrine to "recognize and respect the ancestry and lineage of the Chamorro people" is exciting in view of this period of cultural rebirth. By this shrine, we are honoring our over 3,000 years old civilization and at the same time, it constitutes an end to the desecration of our people's burial grounds. Your "Naftan Manaina-ta" Bill addresses a solution to an old concern of the Guam Public Library Board and the Museum staff regarding proper and respectful treatment and reburial of ancestral remains now in its possession or control.

**COMMONWEALTH NOW!**

We recommend the following:

1. That since the burial remains currently in the possession or control of the Guam Museum, a majority of which are originally from the ancient villages of Tumhom and Y-Pao, the public properties in these areas be designated as the locations for the "naftans". The manner of burial should also be as close to or the same as when they were found. These would be in keeping with historical accounts of Chamorro funerary rites and burial practices and beliefs of the afterlife by 17th century Jesuit missionaries.
2. That Section 4 appropriations measure include a conservation and storage facility for the Guam Museum immediately. This will address a much needed facility to allow us to properly care for the associated and unassociated funerary artifacts and burials entrusted to us.
3. That the naming of the "naftans" or burial shrines reflect the ancient villages where they come from and information about death rites, burial practices, and life generally around the area that they were found.
4. That Section 5 be deleted. It would appear that an annual ceremony for additional ancestral remains at the site of the Chamorro shrine to be located within or near the Municipality of Agana invites and encourages future desecrations, sloppiness and continued removal of ancient Chamorro people from their original burial grounds. Certain parties, public or private may deem it justified to plan or carry out excavations due to the ready availability of a modern burial shrine.
5. That language in a new Section 5 reflect that this is a one time legislation to address the burial remains in the possession or control of the Guam Public Library and the Guam Museum.

Si Yu'os ma'ase. The Guam Public Library Board and its Committee for the Expansion and Accreditation of the Guam Museum stands ready to assist your Committee further with Bill 760 and other pending or future legislation affecting its jurisdiction.



HOPE A. CRISTOBAL  
Chairperson, Guam Public Library  
Board

After viewing the Pacific Daily News photo and watching Cable News and KUAM'S coverage on the Chamoru burials at Nikko Hotel, my heart was sickened by the method of burial used by the people involved.

It seemed so sterile and unfeeling. To be placed in a cardboard box, then piled one on another in a concrete crypt does not in my heart and conscience seem to be the proper and correct homage due my ancestors. Who came up with that method of burial? Was it a matter of expedience on the part of those involved to get this problem out of the way so that they could declare that they had fulfilled their end of the bargain?

Sure, Nikko reburv our dead but my gosh, do it with reverence and propriety that you would with those of your own past. With forethought and sensitivity rather than in a sterile cardboard box, piled on on another.

Who came up with this seemingly insensitive decision? If Nikko was advised that this was the proper way of disposition. I say as a lay person, it stinks. Those professionals involved are very unprofessional providing such advice.

Do it right, now!!!! Place my ancestors back on their burial ground with all due respect. Let their bones feel the earth as they were intended!!! Let their bones go the way that hundreds of thousands of other Chamorus have gone...to dust.....

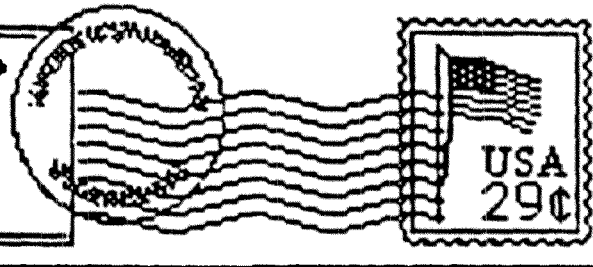
Senator Bordallo and members of the Committee on Education. This sentiment I express is one of respect and concern. I come before you today to applaud your bill. I believe that this bill will rectify a wrong. But I wish to voice a concern and that being does this bill solve our problem???? The bones of our ancestors are being exposed it seems each time a new project begins construction. This bill calls for the return of burials that are now housed in the Guam Museum. I hope that future legislation will address the problem of present and future burial grounds uncovered. I know that the Guam Museum given the task of reburial will do so with utmost consideration and reverence. But can we be assured of the same thing from others who will uncover new burial grounds. In my letter I believe that the Nikko burial was a good gesture but not a well thought out one. So today I hope that some consideration will be afforded to present and future burial grounds and the disposition of the burials.

BERNADITA AGUDON-HERNANDEZ



## Letters to the Editor

P. O. Box EG  
Agana, Guam 96910



# Heart sickened by method used to bury Chamorus at Nikko Hotel

After viewing the Pacific Daily News photo and watching Cable News and KUAM's coverage on the Chamoru burials at Nikko Hotel, my heart was sickened by the method of burial used by the people involved.

It seemed so sterile and unfeeling. To be placed in a cardboard box, then piled one on another in a concrete crypt does not in my heart and conscience seem to be the proper and correct homage due my ancestors. Who came up with that

method of burial? Was it a matter of expedience on the part of those involved to get this problem out of the way so that they could declare that they had fulfilled their end of the bargain?

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B. AGUON-HERNANDEZ

*Letters policy*

**KUMISION I FINO' CHAMORRO  
TESTIMONIU PARA PRINIPONEN 760**

Prinisenta as Peter R. Onedera, Direktot Prugrãma gi diha 27 gi Måtso '92

Buenas yan Saludu membro siha gi kumite:

Manmagof i Kumision na guaha priniponi para u kubri este na asunto i "Naftan i Manmofo'na na Mañaina-ta". Ápmam esta maloffan na tiempo na mañátanges i espiritun i mañaina sa' manmaleffa i taotao tãno' pãgo put siha sa' put i kinalamten inadilãnto. Mentras ha' ma hãhatsa guma' kometsio yan hotet siha sigi ha' i naftan manma desmurona yan manma destilãdu i sopblan tataotao guatu gi aparadot pat hãfakao siha na lugãt ni' ti propiu para u fanma pega. Dãngkolo este na disatension para i irensia-ta ya måtto gi na'mamahlaos na este uttemo-ña i tetehnan na hãle' i kottura-ta para hita ni' ManCHamorro.

Kao nãya u huyong priniponi para este na asunto? Lãstima di manma tungo' hit na rãsan taotao na manrespetao yan akseptao para i sanhiyong na kostumbre yan irensia siha. Na'piniti na hagas manlailai i te'lang, i sinedda' guinaha, yan ebidensian i manmofo'na na sibilisasion ya i trãtamento ni' ta nãna'i poddong guatu gi Laibirihan Pubblekon Guãhan yan i Faninadahen Kosas Guãhan. Kao buente ya-ta hita ni' ManCHamorro na agupa' osino nagupã'ña ya manmãtai hit ta fanmaguaddok dinuebu sa' guaha para u fanhãtsa inadilãnto

pues ta fanma entrega guatu gi aparadot sin i attahut. Hâfa mäs para ta gâgao?

Put fabot nâ'i tâtte i espiritun mañaina-ta i deknidât yan respetu ya u guaha kapiya ni' sahngé para siha ya u famâra mampenas gi mañâtatte na tiempo. Ilek-ña i priniponi na para u ma espiha lugât gi ya Hagâtña ya in rikumemenda na ayu na lugât u ma pega gi kanton unai sa' meggai siha sinedda' na i naftan mañaina-ta manggaige guini na klâsen lugât. Nihi fan ya ta pâra humoñu' i kotturâ-ta sa' nahong ha' i ma cho'guegue-ña i lengguâhi esta na tiempo. Put fabot pâra lokkue' i kuentos ya en na'setbe i aksion.

In agradesi este na priniponi ya in alâra mohon na u fâtto chiña na u ma fa'lai ya ti u ma sommok hâlom gi aparadot taiguihi i ma bidâdaña pâ'go i manmofo'na na mañaina-ta.



JOSEPH F. ADA  
Governor

FRANK F. BLAS  
Lt. Governor

ANTHONY C. MARIANO  
Director

DENNIS M. ZERMENO  
Deputy Director

## DEPARTMENT OF PARKS AND RECREATION

GOVERNMENT OF GUAM  
490 CHALAN PALASYO ROAD  
Agana Heights, Guam 96919  
Telephone: (671) 477-9620/1



MAR 27 1992

Honorable Madeleine Z. Bordallo  
Chairperson, Committee on Education  
Twenty-First Guam Legislature  
163 Chalan Santo Papa  
Agana, GU 96910

Dear Senator Bordallo:

Unmarked human remains of many ages have been found, and will continue to be found for as long as this island is used by continuing generations of people. There are unmarked World War II dead, still to be found. There are cemeteries from centuries ago, lost or abandoned.

As the living go on to other uses of this island, places where skeletal remains exist will be discovered, at all stages of project planning and implementation, and by projects of all sizes and kinds. Even the building of a small single-family dwelling can result in unanticipated discoveries.

Current law declares that disturbance to these remains will be avoided when possible. In many discoveries, the remains discovered can be left intact where they are found. Their location can be recorded so that future disturbance can also be avoided.

We must also face the realization that in many of these discoveries, it will not be possible to leave the remains intact where they are found.

It is right and proper that we provide a fitting location and remembrance to those remains which must be relocated.

With many projects, it is possible to provide re-burial memorial locations close to the original locations of the discovered burials. Commitments to such memorials have been made by numerous projects.

We believe that it would be a better approach to address the reburial of human remains from archaeological deposits as comprehensively as possible, as is envisioned in the current executive order 89-24, which requires the Department of Parks and



Commonwealth Now!

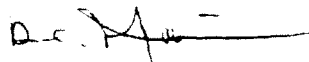


Recreation to develop just such a reburial area as this bill envisions, but which would be open to all of the situations which may arise, whether from the actions of private individuals, companies, or government agencies.

The Department of Parks and Recreation has already invested considerable effort to searching for suitable locations as prescribed in Executive Order 89-24. The Department has had conceptual plans drawn up for one possible location, which was discussed at length with the Guam Historic Preservation Review Board. Alternate locations have been discussed with representatives of the Governor's office, and new conceptual drawings are being compiled for one of these areas even now.

Even with Departmental experience in managing public cemeteries, we have found that this project is one which exposes deeply felt differences of opinion regarding appropriate actions. With this finding, we have sought to incorporate in our planning input from a wide range of sources. Many people feel that it is most appropriate to provide reburial memorials as close to the original site of discovery as possible. There will be many reburial memorials in locations all over the island in addition to this one for those situations where appropriate locations cannot be provided near original locations. If allowed to continue its efforts under existing mandates, the Department of Parks and Recreation is in a position to enforce consistent procedures and standards for all of these areas.

Sincerely,



ANTHONY C. MARIANO  
Director



§9590.9. Reinspection.

Whenever a public swimming pool is closed by the Director, the pool owner shall notify the Director when the pool is ready for reinspection. The Director shall inspect the pool within twenty-four (24) hours after the request for inspection, excluding weekends and legal holidays.

§9590.10. Closure To Be Posted.

When a public swimming pool is closed by the Director, he shall post a notice easily visible to the public stating that the pool is closed by order of the Director and that swimming is prohibited.

§9590.11. Removal Prohibited.

Any person who removes a notice of closure posted by the Director, except with the express written consent of the Director, is guilty of a misdemeanor.

§9590.12. Operation Records.

The owner or operator of any public swimming pool shall keep a daily log of pool operations including disinfection residuals, PH, maintenance and any other operation and maintenance procedures required in the rules and regulations.

Subchapter K

Cemetery and Mortuary

Article I

Cemetery

§9601. Approval. Cemetery.

It shall be unlawful to establish a cemetery, crypt, mausoleum, vault or crematory without the prior written approval of the Director of the location, plans and specifications.

§9601.1. Application.

Any person desiring to establish or purchase a cemetery, crypt, mausoleum, vault or crematory shall make application for approval to the Director, submitting a complete set of plans with full description of the grounds, plots, buildings, roads, water supply and sewage disposal. No changes, alterations or additions shall be made in the original plans and other stated matters without the approval of the Director.

§9601.2. Records.

Every person in charge of any crypt, cemetery, mausoleum, vault or crematory shall keep a complete record of all dead human bodies interred, disinterred, removed or cremated. He shall keep an adequate map or plot record of all locations in which bodies have been buried, which will, at all times, be kept current and available to the Director for examination.

§9601.3. Exhuming or Disinterment.

Exhuming or disinterment shall be prohibited except with approval of the Director.

§9601.4. Same: Hours of Closing.

All cemeteries shall be closed and locked at the hour designated by the Director.

§9601.5. One Body Per Grave

Only one (1) body shall be buried in each grave, except that with the approval of the Director, family members may be interred and companion concrete or steel lawn crypts, as defined by the Director, may be used for the burial of more than one (1) body in each grave.

§9601.6. Grave Standards.

Graves shall be not less than six (6) feet in depth below the surface level of the adjoining ground and shall be not less than one (1) foot larger in width and length than the coffin; provided, however, that where concrete or steel vaults are used to contain the body, the grave shall be not less than eighteen (18) inches in depth below the surface level of the adjoining ground.

§9601.7. Public Cemetery.

The Governor is authorized to set aside from public lands such amount thereof as he may deem necessary for the establishment of a public cemetery. Any such cemetery so established shall be under the cognizance of the Department of Parks and Recreation.

Article II

Mortuary

§9602. Definitions.

As used in this Subchapter:

(a) 'mortuary' means any place used for such activities as are incident, convenient or related to the preparation and arrangements for the funeral, transportation, burial, cremation or other disposition of dead human bodies;

(b) 'mortician' means any person engaged in or conducting or holding himself out as engaged in or conducting any of the following:

(1) preparing for the burial or disposal and directing and supervising the burial or disposal of dead human bodies;

(2) maintaining a mortuary as defined in this Section; or

(3) using, in connection with his name or the name of a mortuary the words 'funeral director', 'undertaker' or 'mortician' or any other title implying that he is engaged as a mortician; and

(c) 'embalming' means the preservation and disinfection or attempted preservation and disinfection of a dead human body by injection, both arterially and into the body cavities of an amount of approved embalming fluid at least the equivalent of ten percent (10%) of the body weight. An approved embalming fluid shall have disinfecting capacities at least equivalent of five percent (5%) of formaldehyde gas when diluted in accordance with manufacturers specifications and shall contain no alcohol.

§9602.1. Communicable Disease.

A mortician or embalmer shall immediately report to the Director a case on which such mortician or embalmer may be called where the deceased person died from or while having any communicable disease.

§9602.2. Disposition of Unembalmed Dead Human Bodies.

All unembalmed dead human bodies shall be buried or cremated within twenty-four (24) hours after death unless kept under refrigeration in the custody of the Director or as may be authorized by the Director.

§9602.3. Transportation of Infected Body Within the Territory of Guam.

No person shall transport any dead human body of any person who died from or while having any communicable disease as specified in Chapter V, Title X, within Guam, including from one (1) house, building or other structure to another house, without a permit from the Director which shall specify the conditions under which such move may be made.

§9602.4. Transportation Into or From the Territory of Guam.

No dead human body shall be transported into or from the territory of Guam without a permit unless it has been embalmed and is in a sound casket.

§9602.5. Limitation on Transportation.

Notwithstanding the provisions of §§9602.4 and 9602.5, the transportation into, from or within Guam of bodies of persons who have died from plague, smallpox, Asiatic cholera, yellow fever, typhus fever, typhoid fever or anthrax is prohibited without a permit from the Director and unless all activities, preparation and transportation in connection therewith occurring within Guam and under his supervision.

§9602.6. When any mortuary is constructed or extensively remodeled or when an existing structure is converted for use as a mortuary, then the owner or person in charge or control should comply with the provisions of §9510.1 of this Chapter and regulations promulgated thereunder.

P.L. NO. 20-151

pursuant to Subsection (d) of this Section. If work has already begun where items of cultural or historical significance have been disturbed, the developer shall be responsible for the restoration of the property to its original form and the burden of expense shall be on the developer.

(d) The problems of projects with potential impact on cultural or historic features may be resolved by the Guam Historic Preservation Officer through agreement or mitigation. Such resolution may include, but need not be limited to, project redesign, relocation, curation and display of cultural resources, and land dedication to the Guam Preservation Trust. The Guam Historic Preservation Review Board shall develop the criteria for resolution of any controversial finding in accordance with the Administrative Adjudication Law."

Section 17. §13985.62 is hereby added to Chapter XIII, Title XIV, Government Code, to read:

"§13985.62. Historic district zones. The Territorial Planning Commission and the Guam Historic Preservation Review Board shall jointly establish zoning controls for all registered historic properties, including but not limited to the Agana Historic District and the Inarajan Architectural Historic District. Nothing in this Section shall affect the powers given the Guam Historic Preservation Review Board in subsection (c) of §13985.19 of this Code."

Section 18. §13985.43 is hereby added to Chapter XIII, Title XIV, Government Code, to read:

"§13985.43. Treatment of human remains. Human remains shall receive respect and consideration when discovered. Disturbance of burials shall be avoided when possible, but when necessary shall be at the expense of the developers, using procedures and standards acceptable to the Guam Historic Preservation Officer. Anthropological review of human remains shall be at a minimal level and only for the time authorized by the Guam Historic Preservation Officer prior to reburial."

Section 19. New position. Upon the effective date of this Act, the full-time equivalency positions of the Department of Parks and Recreation shall be increased by one (1) to include the position of Guam Historic Preservation Officer. The Department of Parks and Recreation is authorized to use available lapses within its current 1990 fiscal year budget to fund the position of Guam Historic Preservation Officer.

Section 20. Abolishment of previous board. The Guam Review Board for Historic Preservation established by Executive Order 78-46 shall be terminated ninety (90) days from the effective date of this

E.O. NO. 89-23

er subject to the statutory control of the Governor as the Commander-in-Chief.

5. The Director, Bureau of Budget and Management Research is authorized to expend the total amount of not more than Two Hundred and Fifty Thousand Dollars (\$250,000.00) from outstanding appropriations within the General Fund for use by the Guam National Guard, Guam Police Department and Guam Fire Department for the cost of personnel, equipment and supplies needed to search for and rescue the two men.

6. Funds may be used for all expenses incurred on or after September 18, 1989.

7. The authorization for the certification, approval and expenditure of necessary funds shall be this Executive Order, subject only to the exhaustion of identified funds.

8. Emergency procurement may be resorted to for the purposes of this Order.

SIGNED AND PROMULGATED at Agana, Guam, this 19th day of September, in the Year of Our Lord, Nineteen Hundred and Eighty-Nine.

/s/ Frank F. Blas  
FRANK F. BLAS  
Governor of Guam,  
Acting

COUNTERSIGNED:

/s/ Joe T. San Agustin  
JOE T. SAN AGUSTIN  
Lieutenant Governor of Guam,  
Acting

EXECUTIVE ORDER NO. 39-24

REGARDING POLICIES FOR DISPOSITION OF  
ARCHAEOLOGICALLY RECOVERED HUMAN REMAINS

WHEREAS, unmarked human remains are from time to time discovered and salvaged in the course of archaeological activities; and

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E.O. NO. 89-24

WHEREAS, such remains may be of persons with different cultural associations; and

WHEREAS, study of these remains is desirable for the purposes of ascertaining actual cultural associations as well as to gain knowledge of past cultures and events; and

WHEREAS, all human remains should be treated with dignity and respect consistent with the cultures of which they were members; and

WHEREAS, the Territory of Guam stands in need of a consistent policy regarding the disposition of such remains which are discovered in the course of both government projects and private developments with governmental approvals or licenses.

NOW, THEREFORE, I, JOSEPH F. ADA, Governor of the Territory of Guam, by the authority vested in me by the Organic Act of Guam, do hereby order:

The declared policy of this Territory regarding unmarked human remains found in archaeological context is:

1. That burials be left in place undisturbed to the extent practical.
2. That all government agencies, bureaus, departments and commissions and private developers who need licenses, permits or other assistance from the government make reasonable and good faith efforts in consultation with the Guam Historic Preservation Officer to locate such burials that may be affected by their actions or developments early in the planning process.
3. That if such burials cannot practically be left undisturbed, removal shall be done with proper archaeological methods and documentation.
4. Scientific, medical or other study shall be restricted to the minimum necessary to ascertain cultural or ethnic associations, and to address significant research questions.

All research proposals regarding such remains must be adequately justified in terms of standards used by the Department of Parks and Recreation for archaeological data recovery projects.

5. In the absence of expressed preferences otherwise by persons with ascertainable relationships to the specific remains involved or other justifying circumstances, re-interment in an appropriate and respectful manner is to be considered the normal treatment of human remains removed from their original burial locations.

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6. Such re-interment shall normally be in sealed containers with information regarding the original location and circumstances marked on the outside of the container and included within the container.

7. The Director of the Department of Parks and Recreation shall designate a location within the Territorial Park System as a location for re-interments of such removed human remains, and shall cause an appropriate memorial to be erected at the location.

8. Removal, examination and re-interment shall be at the expense of the government agency whose project necessitates the removal, or of the developer whose project requires governmental licenses, permits or assistance.

9. The Department of Parks and Recreation may issue rules and regulations to further implement these policies in an orderly and consistent manner.

Signed and promulgated at Agana, Guam this 25th day of September, 1989.

/s/ Joseph F. Ada  
JOSEPH F. ADA  
Governor of Guam

COUNTERSIGNED:

/s/ Frank F. Blas  
FRANK F. BLAS  
Lieutenant Governor of Guam

EXECUTIVE ORDER NO. 89-25

DEPARTMENT OF LABOR,  
WAGE AND HOUR TRUST FUND

WHEREAS, the Department of Labor, Wage and Hour Division, has been charged with the duties and responsibilities to administer and enforce the Fair Labor Standards Act, Title XLII of the Government of Guam Code; and

WHEREAS, the Department of Labor, Wage and Hour Division, conducts routine, lead, and complaint investigations to ascertain compliance and conformance of the Fair Labor Standards Act, Title XLII of the Government of Guam Code; and

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**TWENTY FIRST GUAM LEGISLATURE  
1992 (SECOND) REGULAR SESSION**

**BILL NO.** 760 (LS)

**INTRODUCED BY:**

  
**M. Z. BORDALLO**

**"AN ACT RELATIVE TO ESTABLISHING A CHAMORRO  
SHRINE TO BE CALLED "NĀFTAN MAÑAINA-TA" FOR  
THE ENTOMBMENT OF ANCESTRAL REMAINS  
ACCUMULATED BY THE GUAM PUBLIC LIBRARY AND  
THE GUAM MUSEUM."**

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2 **Section 1. Legislative Intent.**

3 It has recently been brought to the attention of the  
4 Guam Legislature that the Guam Public Library over the years  
5 has collected a significant amount of human remains and  
6 artifacts from different areas throughout the island. These  
7 remains and artifacts have been contributed by local people  
8 and businesses who have discovered these valuable objects.  
9 Just in the past few years, the entrance of several large  
10 development resorts and golf courses into the Guam business  
11 market have unearthed valuable human remains which need to be  
12 treated with solemnity. If these remains are not reburied in  
13 their original site, they are at times given to the Guam  
14 Public Library or the Guam Museum for storage within its  
15 facilities. Presently, the Guam Public Library and the Guam

1 Museum are finding it difficult to continue to store these  
2 items due to the lack of adequate storage space. Many human  
3 remains which have been collected and stored in the facility  
4 for several years have yet to be properly and respectfully  
5 buried. There presently does not exist a proper burial ground  
6 for these human remains which need to be laid to rest soon  
7 after they are discovered and collected. Therefore, this  
8 provision would locate a piece of property to be designated  
9 for the establishment of the Chamorro Shrine whereby the  
10 ancestral human remains collected by the Guam Public Library  
11 and the Guam Museum will be properly entombed.

12 **Section 2. Location of Chamorro Shrine.**

13 The Department of Land Management is hereby  
14 instructed to coordinate its efforts with the Guam Public  
15 Library in locating government property for the specific  
16 purpose of carrying out the intent in Section 1 of this  
17 provision. The site designated for these purposes are to be  
18 located in an area accessible to the general community,  
19 preferably within or near the municipality of Agana. The  
20 property for the Chamorro Shrine is to be designated no later  
21 than 30 days following the enactment of this legislation.

22 **Section 3. Establishment of the Chamorro Shrine to be**  
23 **called "NĀFTAN MAÑAINA-TA".**

24 The Guam Public Library is hereby instructed to  
25 establish a Chamorro Shrine to be called "NĀFTAN MAÑAINA-TA"  
26 for the entombment of ancestral remains collected from

1 communities and businesses throughout the island. The  
2 establishment of the Chamorro Shrine, "NĀFTAN MAÑAINA-TA",  
3 shall include the planning, design, construction and  
4 maintenance of the facility. The shrine shall be designed so  
5 as to recognize and respect the ancestry and lineage of the  
6 chamorro people.

7 The Chamorro shrine shall be the burial ground for  
8 ancestral remains designated by the Guam Public Library.

9 **Section 4. Appropriation Measure.**

10 The Guam Public Library is hereby instructed to  
11 submit an appropriation request for the design and  
12 construction of the chamorro shrine, "NĀFTAN MAÑAINA-TA", to  
13 the Governor of Guam and the Guam Legislature no later than 45  
14 days following the enactment of this provision.

15 **Section 5. Annual Ceremony Commemorating the Burial of**  
16 **Additional Ancestral Remains.**

17 The Guam Public Library is hereby instructed to  
18 coordinate an annual burial ceremony for additional ancestral  
19 remains to be entombed. The ceremony to commemorate the  
20 burial of the ancestral remains shall be conducted at the site  
21 of the chamorro shrine.

**21 GCA REAL PROPERTY**  
**CH. 76 HISTORICAL OBJECTS AND SITES**

**CHAPTER 76**  
**HISTORICAL OBJECTS AND SITES**

**NOTE:** This Chapter was repealed by P.L. 25-69 when it was transferred to the Department of Chamorro Affairs. After the Legislature discovered that such a transfer would cause the loss of federal funds, P.L. 25-72 undid all of the changes to this Chapter caused by P.L. 25-69. This Chapter was never recodified after its revival, so the Legislature again clarified matters in P.L. 27-89, which also repealed and reenacted Article 6 of this Chapter.

- Article 1. General Provisions.
- Article 2. Conservation of Archaeological Resources.
- Article 3. Protection and Recovery of Underwater Historic Property and Sites.
- Article 4. Guam Institute of Spanish-Chamorro Culture. [Repealed]
- Article 5. Preservation Procedures to Guide Territorial Agencies.
- Article 6. Guam Preservation Trust.

**ARTICLE 1**  
**GENERAL PROVISIONS**

- § 76101. Purpose.
- § 76102. Definitions.
- § 76103. Historic Preservation and Restoration.
- § 76104. Administration.
- § 76105. Acquisitions and Gifts.
- § 76106. Condemnation.
- § 76107. Interest Acquired.
- § 76108. Operation of Parties.
- § 76109. Conveyance of Properties.
- § 76110. Contracts.
- § 76111. Entry Upon Private Land.
- § 76112. Excavation and Removal of Prehistoric and Historic Remains or Objects on Private Lands.
- § 76113. Court Actions.
- § 76114. Guam Museum as a Depository for Certain Specimens and Objects.
- § 76115. Designation of Historic Sites.

**§ 76101. Purpose.**

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**CH. 76 HISTORICAL OBJECTS AND SITES**

Whereas the Legislature has determined that the historic, archaeological, architectural, and cultural heritage of Guam is among her most important environmental assets and furthermore that the rapid social and economic development of contemporary society threatens to destroy the remaining vestiges of this Spanish-Chamorro heritage, it is declared to be the public policy and in the public interest of this territory to engage in a comprehensive program of historic preservation, undertaken at all levels of the government of this territory, and to promote the use and conservation of such property for education, inspiration, pleasure, and enrichment of the residents of this territory.

**SOURCE:** GC § 13985 enacted by P.L. 10-68. Repealed and reenacted by P.L. 12-126.

**§ 76102. Definitions.**

When used in this Chapter *department* means the *Department of Parks and Recreation*.

(a) *Historic preservation* means the research, protection, restoration, and rehabilitation of sites, buildings, structures, and objects significant in the history, architecture, archaeology, or culture of Guam.

(b) *Historic property* means any building, structure, object, area, or site that is significant in the history, architecture, archaeology, or culture of Guam or the nation.

**SOURCE:** GC § 13985.1 enacted by P.L. 10-68 repealed and reenacted by P.L. 12-126 and amended by P.L. 12-209.

**§ 76103. Historic Preservation and Restoration.**

The Department in cooperation with the Territorial Land Use Commission and the Territorial Seashore Protection Commission shall establish a comprehensive program for historic preservation, restoration, and presentation, which shall include but not be limited to the following:

- (1) Plans to acquire, restore, and preserve historic areas, buildings, and site significant to Guam's past;
- (2) Establish and maintain the Guam Register of Historic Places;
- (3) Establish regulations on the uses of such areas;

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**CH. 76 HISTORICAL OBJECTS AND SITES**

(4) Develop a territory wide survey of historic areas, buildings, and sites with a phased preservation and restoration development plan and accompanying budget and land use recommendations;

(5) Provide for matching grants-in-aid to private agencies for projects which will fulfill the purposes of this Chapter;

(6) Seek assistance for the territorial historic preservation and restoration program by applying for technical assistance and funds from the federal government and private agencies and foundations for the purposes of this Chapter;

(7) Employ sufficient professional and technical staff for the purposes of this Chapter;

(8) Advise and cooperate with other public and private agencies engaged in similar work;

(9) Submit an annual report and budget to the Governor and the Legislature by February 1st of each year, with recommendations for programs of historic preservation and restoration.

**SOURCE:** GC § 13985.2 enacted by P.L. 10-68 and repealed and reenacted by P.L. 12-126; amended by P.L. 20-151:6. Public Law 25-69:9 repealed P.L. 20-151:6. However, P.L. 25-69:9 was itself repealed by P.L. 25-72:VI:13(c), which reverted the amendment of P.L. 20-151:6.

**§ 76104. Administration.**

All territorial projects and programs relating to historic preservation and restoration shall come under the authority of the Department.

**SOURCE:** GC § 13985.3 enacted by P.L. 10-68 and repealed and reenacted by P.L. 12-126.

**§ 76105. Acquisitions and Gifts.**

For the purpose of protecting or preserving any historic property, the Department may acquire, preserve, restore, hold, maintain, operate, or dispose of such properties, together with such adjacent or associated lands as may be necessary for their protection, preservation, maintenance, or operation. Such property may be real or personal in nature, and in the case of real property, the acquisition may include the fee or any lesser interest therein. Property may be acquired by gift, grant, bequest, devise, lease, purchase, condemnation, or otherwise. Property may be acquired by the Department, using such funds as may be appropriated for such purpose.

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**CH. 76 HISTORICAL OBJECTS AND SITES**

The Department may receive gifts and grants from public and private sources to be used for the purposes of this Chapter.

**SOURCE:** GC § 13985.4 enacted by P.L. 12-126.

**§ 76106. Condemnation.**

In the event that a property which has been found by the Department to be important for public ownership or assistance is in danger of being sold, used, or neglected to such an extent that its historical or cultural importance will be destroyed or seriously impaired, or that the property is otherwise in danger of destruction or serious impairment, the Department in cooperation with the Department of Land Management may acquire the historical property or any interest therein by condemnation under the laws of this territory. All condemnation proceedings shall be instituted and prosecuted in the name of the territory.

**SOURCE:** GC § 13985.5 enacted by P.L. 12-126.

**§ 76107. Interest Acquired.**

In the case of real property, the interest acquired shall be limited to that estate, agency, interest, or term deemed by the Department to be reasonably necessary for the continued protection or preservation of the property. The Department may acquire the fee simple title, but where it finds that a lesser interest, including any development right, negative or affirmative easement in gross or appurtenant covenant, lease, or other contractual right of or to any real property, to be the most practical and economical method of protecting and preserving historical property, the lesser interest may be acquired.

**SOURCE:** GC § 13985.6 enacted by P.L. 12-126.

**§ 76108. Operation of Properties.**

Any historic property acquired, whether in fee or otherwise, may be used, maintained, improved, restored, or operated by the Department for any public purpose within its powers and not inconsistent with the purpose of the continued preservation of the property. Such historic property shall not be subject to condemnation unless such method of acquisition is first approved by the Governor.

**SOURCE:** GC § 13985.7 enacted by P.L. 12-126.

**§ 76109. Conveyance of Properties.**

**21 GCA REAL PROPERTY**  
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In appropriate cases, the Department of Land Management with the concurrence of the Department may acquire or dispose of the fee or lesser interests to any historic property, including adjacent and associated lands, for the specific purpose of conveying or leasing the property back to its original owner or to any such other person, firm, association, corporation, or other organization under such covenants, deed restrictions, lease, or other contractual arrangements as will limit the future use of the property in such a way as to insure its preservation. In all cases where property is conveyed, it shall be subjected by covenant or otherwise to such rights of access, public visitation, and other conditions or restrictions of operation, maintenance, restoration, and repair as the Department may prescribe, or to such conditions as may be agreed upon between the Department and the grantee or lessee or accomplish the purposes of this section.

**SOURCE:** GC § 13985.8 enacted by P.L. 12-126.

**§ 76110. Contracts.**

The Department may enter into and carry out contracts with the Federal government or any agency thereof under which the Federal government or agency grants financial or other assistance to the Department to further the purposes of this Chapter. The Department may agree to and comply with any reasonable conditions not inconsistent with territorial law which are imposed on such grants. Such grant funds or other assistance may be accepted from the Federal government or agency and expended whether or not pursuant to a contract. The Department may further enter into and carry out contracts with any private party to further the purpose of this Chapter.

**SOURCE:** GC § 13985.9 enacted by P.L. 12-126.

**§ 76111. Entry Upon Private Land.**

The Department is authorized to enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof; provided that no member, employee or agent of the Department may enter any private building or structure without the express consent of the owner or occupant thereof.

**SOURCE:** GC § 13985.10 enacted by P.L. 12-126.

**§ 76112. Excavation and Removal of Prehistoric and Historic Remains or Objects on Private Lands.**



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**CH. 76 HISTORICAL OBJECTS AND SITES**

(a) Before any prehistoric remains or objects are excavated or removed from private lands by the Department, the Department or its designated representatives may, for the purpose of examining the remains or objects, enter upon the land and make investigations. The entry shall not constitute a cause of action in favor of the owner of the land, except for damages resulting from willful acts or negligence on the part of the Department or its designated representatives.

(b) Removal of any prehistoric or historic remains or objects from private lands shall be made in the presence of the owner as witness. Whenever any prehistoric or historic remains or objects are excavated or removed from private lands by the Department or its designated representatives, the owner of such lands shall be compensated for the loss of such remains or objects at a sum mutually agreed upon by the Department and the owner, or if no agreement is reached, the amount of compensation shall be determined by trial in the Superior Court and measured by the fair market value of such remains, assessed as of the date of its removal by the Department or its designated representatives, and established by the testimony of experts qualified in the appraisal of such remains or objects.

**SOURCE:** GC § 13985.11 enacted by P.L. 12-126.

**§ 76113. Court Actions.**

Where any violation of this Chapter occurs, or is likely to occur, which will result in unauthorized or improper demolition, alteration, or transfer or historic property, the Attorney General, any agency of the territory, any person, partnership, corporation, association, organization, or other legal entity may maintain an action in the Superior Court for declaratory and equitable relief against the territory, any person, partnership, corporation, association, organization, or other legal entity for the protection of a historic property and the public trust therein. Any party who prevails in an action brought under the provisions of this section shall be awarded his costs, including reasonable attorney fees.

**SOURCE:** GC § 13985.12 enacted by P.L. 12-126.

**§ 76114. Guam Museum as a Depository for Certain Specimens and Objects.**

Any specimen and object of natural history and of botanical, ethnological, or archaeological value or interest, and any book, treatise, or pamphlet relating to natural history, botany, ethnology, or archaeology now

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in the possession of the University of Guam, or any territorial department, bureau, or board, or which may hereafter come into the possession of the university or the department, bureau, or board, if and when the same is no longer needed for scientific investigation, for study, or for any other purpose by the university or the department, bureau, or board may, at the request of the museum be transferred and delivered by and with the consent of such department, bureau, or board having possession of to the museum or exchanged with the museum, and whereupon, in any such case, the title thereto shall become vested in the museum, provided, that the specimens and objects so transferred to the museum are made available at all reasonable times by the museum for study and examination by the officials of the university or such department, bureau, or board.

**SOURCE:** GC § 13985.13 enacted by P.L. 12-126.

**§ 76115. Designation of Historic Sites.**

The Department shall designate particular places as places of historic interest, and take such action, including the erection of signs or markers, as may be appropriate for public recognition and appreciation of such sites.

**SOURCE:** GC § 13985.14 enacted by P.L. 12-126.

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**ARTICLE 2**  
**CONSERVATION OF ARCHAEOLOGICAL RESOURCES**

- § 76201. Declaration of Legislative Intent.
- § 76202. Definitions.
- § 76203. Archaeological Resources on Government Land.
- § 76204. Archaeological Investigation, Recording, and Salvage; Appropriations.
- § 76205. Prehistoric and Historic Sites and Remains.
- § 76206. Permits to Examine Ruins, Excavate, and Gather Objects on Public Lands.
- § 76207. Monuments: Reservation of Land; Relinquishment of Private Claims.
- § 76208. Excavation and Removal of Prehistoric and Historic Remains on Private Lands.
- § 76209. Cooperation of Other Governmental Units.
- § 76210. Field Investigations on Private Lands.

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- § 76211. Penalties.
- § 76212. Prehistoric or Historic Objects; Public Property.
- § 75213. Reproductions of Prehistorical or Historical Objects; Representation as Originals; Penalties.
- § 76214. Removal and Trespass.

**§ 76201. Declaration of Legislative Intent.**

The Legislature declares that the public has an interest in the preservation and protection of the territory's archaeological resources; that the public has a right to the knowledge to be derived and gained from a scientific study of these resources, and that therefore it is the purpose of this article to provide that activities for the preservation, excavation, study, and exhibition of the territory's archaeological resources be undertaken in a coordinated and organized manner for the general welfare of the public as a whole.

**SOURCE:** GC § 13985.15 enacted by P.L. 12-126.

**§ 76202. Definitions.**

As used in this article:

(a) *Field investigation* means the study of the traces of human culture at any land or water site by means of surveying, digging, sampling, excavating, or removing surface or subsurface objects, or going on a site with that intent.

(b) *Site* means any aboriginal mound, homesite, earthwork, village location, burial ground, historic or prehistoric ruin, quarry, cave, or other location which is or may be the source of important archaeological data.

(c) *Specimens* means all relics, artifacts, remains, objects, or any other evidence of a historical, prehistoric, archaeological, or anthropological nature, which may be found on or below the surface of the earth, and which have scientific or historic value as objects of antiquity, as aboriginal relics or as archaeological samples.

**SOURCE:** GC § 13985.16 enacted by P.L. 12-126.

**§ 76203. Archaeological Resources on Government Land.**

The territory reserves to itself the exclusive right and privilege of field investigation on sites owned or controlled by the territory, its agencies,

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departments, or institutions in order to protect and preserve archaeological and scientific information and objects. All new information and objects deriving from government lands shall remain the property of the territory and be utilized for scientific or public educational purposes.

**SOURCE:** GC § 13985.17 enacted by P.L. 12-126.

**§ 76204. Archaeological Investigation, Recording, and Salvage; Appropriations.**

Whenever any public construction or improvement of any nature whatsoever is undertaken by any government agency on lands which are controlled or owned by the territory and which are sites of historic or prehistoric interest and value, or locations of prehistoric or historic remains, one percent of the appropriation for such public construction or improvement, or so much thereof as may be necessary, shall be expended by the department for the archaeological investigation, recording, and salvage of such sites or remains when it is deemed necessary by the department.

**SOURCE:** GC § 13985.18 enacted by P.L. 12-126.

**§ 76205. Prehistoric and Historic Sites and Remains.**

(a) The Department shall locate, identify, and preserve in the Guam Register of Historic Places information regarding prehistoric and historic sites, locations, and remains. The Department of Land Management shall clearly designate on its records and cadastral maps of the territory, the location of all prehistoric and historic sites, or locations and remains.

(b) Before any public construction or improvement of any nature whatsoever is undertaken by the territory, or any governmental agency or officer, the head of such agency or such officer shall first examine the Department's records and cadastral map of the area to be affected by such public construction or improvement to determine whether any site listed upon the Guam Register of Historic Places is present. If so designated, the proposed public construction or improvement shall not be commenced, or, in the event it has already begun, continued, until the head of such agency or such other officer shall have advised the Department of the proposed public construction or improvement and shall have secured the concurrence of the Department or, as hereafter provided, shall have secured the written approval of the Governor.

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If the concurrence of the Department is not obtained within ninety days after the filing of a request therefor with the Department or after the filing of a notice of objections by the Department with the agency or officer seeking to proceed with any project, such agency or officer may apply to the Governor for permission to proceed notwithstanding the nonconcurrence of the Department and the Governor may take such action as he deems best in overruling or sustaining the Department.

(c) Before any construction, alteration, or improvement of any nature whatsoever is undertaken or commenced on a designated private prehistoric or historic site listed on the Guam Register of Historic Places by any person, he shall give to the Department three (3) months notice of intention to construct, alter, or improve the site.

After the expiration of the three-month notification period, the Department shall either commence condemnation proceedings for the purchase of the site or remains, permits the owner to proceed with his construction, alteration, or improvement, or undertake or permit the recording and salvaging of any historical information deemed necessary to preserve Spanish-Chamorro history, by any qualified agency for this purpose.

Any person who violates the provisions of the first paragraph of this subsection shall be guilty of a petty misdemeanor.

(d) Inclusion of any historic site structure, building or object on the Guam Register of Historic Places shall be by the majority affirmative vote of the Guam Historic Preservation Review Board.

**SOURCE:** GC § 13985.19 enacted by P.L. 12-126. Subsection (c) as amended by P.L. 13-187:114. Subsection (d) amended by P.L. 20-151:27. Public Law 25-69:9 repealed P.L. 20-151:27. However, P.L. 25-69:9 was itself repealed by P.L. 25-72:VI:13(c), which reverted the amendment of P.L. 20-151:27.

**§ 76206. Permits to Examine Ruins, Excavate, and Gather Objects on Public Lands.**

Permits for the examination of ruins, excavation of archaeological sites, and the gathering of objects of antiquity upon lands owned or controlled by the territory may be granted by the Department to persons or institutions which they deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as the Department may prescribe; provided, that the examinations,

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excavations, and gatherings are undertaken for the benefit of public museums, universities, colleges, or other recognized public scientific or educational institutions, with a view to increasing the knowledge of such objects and that the gatherings may be made for permanent preservation in public museums if so deemed by the Department.

**SOURCE:** GC § 13985.20 enacted by P.L. 12-126.

**§ 76207. Territorial monuments.**

Upon recommendation of the Historic Preservation Review Board, the Governor may declare by executive order historic landmarks, structures or objects located on lands owned or controlled by the government to be territorial monuments.

**SOURCE:** GC § 13985.21 enacted by P.L. 12-126; R/R by P.L. 20-151:11. Public Law 25-69:9 repealed P.L. 20-151:11. However, P.L. 25-69:9 was itself repealed by P.L. 25-72:VI:13(c), which reverted the repeal and reenactment of P.L. 20-151:11.

**§ 76208. Excavation and Removal of Prehistoric and Historic Remains on Private Lands.**

Before any prehistoric or historic remains are excavated or removed from private lands by the Department, the department or its designated investigators shall first secure the written approval of the owner of such lands. Whenever the value of the private prehistoric or historic site is diminished by the excavation or removal of prehistoric or historic remains by the Department, the owner of the site, shall be compensated for the loss, at a monetary sum mutually agreed upon by the Department and the owner or at a monetary sum set by the court.

**SOURCE:** GC § 13985.22 enacted by P.L. 12-126.

**§ 76209. Cooperation of Other Governmental Units.**

All agencies, departments, institutions, and commissions, shall cooperate fully with the Department in the preservation, protection, excavation, and evaluation of specimens and sites and to that end:

(a) When any agency finds or is made aware by an appropriate historical or archaeological authority that is operation in connection with any territory, territory assisted, territory licensed, or contracted project, activity, or program adversely affects or may adversely affect scientific, historical, or archaeological data, such agency shall notify the Department and shall provide the Department with appropriate

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information concerning the project, program, or activity. The provisions of this section shall be made known to contractors by the territorial agencies doing the contracting.

**SOURCE:** GC § 13985.23 enacted by P.L. 12-126. Subsections (b) and (c) repealed by P.L. 20-151:25.

**§ 76210. Field Investigations on Privately Owned Lands.**

It is the declared intention of the Legislature that field investigations on privately owned lands should be discouraged except in accordance with both the provisions and spirit of this Chapter; and persons having knowledge of the location of archaeological sites are encouraged to communicate such information to the Department.

**SOURCE:** GC § 13985.24 enacted by P.L. 12-126.

**§ 76211. Vandalism and Unlawful Taking of Historic Properties and Sites.**

It shall be unlawful for any person to take, appropriate, evacuate, injure, or destroy any prehistoric or historic ruin or monument or object of antiquity situated on lands owned or controlled by the territory without the permission of the Department. Any person, firm or contractor who violates this Section shall be guilty of a petty misdemeanor and shall be fined not more than Five Thousand Dollars (\$5,000) or imprisoned not more than sixty (60) days or both. Any prehistorical and historical objects and remains which have been taken without a permit shall be seized, deposited, and preserved in public museums by the Department.

**SOURCE:** GC § 13985.25 enacted by P.L. 12-126 amended by P.L. 13-187:115. Amended by P.L. 20-151:14. Public Law 25-69:9 repealed P.L. 20-151:14. However, P.L. 25-69:9 was itself repealed by P.L. 25-72:VI:13(c), which reverted the amendment of P.L. 20-151:14.

**§ 76212. Prehistoric or Historic Objects; Public Property.**

The Department shall, subject to the provisions of this Chapter, determine the disposition of such prehistoric *or* historic properties wheresoever located within the territorial limits of the Island of Guam. Any person who disturbs properties of prehistoric or historic significance *or* removes such properties from their sites without approval or concurrence from the Historic Preservation Office *shall* be guilty of a felony of the third degree.

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When a private landowner *or* lessee in the territory discovers properties which may be of historic significance on his property, he *shall* report the location of such objects, without disturbing the properties, to the Department. All prehistoric and historic properties *shall* be returned to the people of Guam, with the Guam Museum serving as the depository for said properties.

(a) The transfer of prehistoric and historic properties, antiquities, and objects returned to and in the inventory of the government of Guam to entities, governments, *or* organizations outside of the territorial limits of the Island of Guam *shall not* be effectuated without legislative concurrence.

(b) The Department *shall* assist the legislative committee with oversight over the Department's State Historic Preservation Office, in drafting a Legislative Resolution for legislative concurrence. Such Resolution *shall* be considered a substantive Resolution and require a public hearing, committee report, and *shall* be included on the Session agenda for debate or discussion during Legislative Session.

(c) The Resolution *shall* request specifically, to transfer historical objects to entities, governments, or organizations outside of the territorial limits of the Island of Guam. The Resolution *shall* indicate the complete inventory of historical object(s) to be transferred, the location the historical object(s) is/are proposed to be transferred to, and the length of time the affected historical object(s) *shall* remain outside the territorial limits of the Island of Guam.

**SOURCE:** GC § 13985.26 enacted by P.L. 12-126. Amended by P.L. 13-187:116, P.L. 29-147:2 (Jan. 30, 2009). Subsections (a), (b), (c) added by P.L. 30-180:1 (Aug. 16, 2010).

**§ 76213. Reproduction of Prehistorical or Historical Objects, Representation as Originals; Penalties.**

If shall be unlawful to reproduce or forge a prehistorical or historical object with the intent to represent it as an original. Any person who violates this section shall be guilty of a petty misdemeanor.

**SOURCE:** GC § 13985.27 enacted by P.L. 12-126 amended by P.L. 13-187:117.

**§ 76214. Removal and Trespass.**



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It shall be deemed an act of trespass for any person, natural or corporate, to remove artifacts and antiquities of the kind described herein from the private land of any owner thereof without his permission being first obtained, and any person so doing shall be guilty of a petty misdemeanor.

**SOURCE:** GC § 13985.28 enacted by P.L. 12-126 amended by P.L. 13-187:118.

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**ARTICLE 3  
PROTECTION AND RECOVERY OF UNDERWATER HISTORIC  
PROPERTY AND SITES**

- § 76301. Declaration of Legislative Intent.
- § 76302. Definitions.
- § 76303. Title to Underwater Historic Property.
- § 76304. Custody of Underwater Historic Property.
- § 76305. Salvage Research.
- § 76306. Permits.
- § 76307. Penalties.

**§ 76301. Declaration of Legislative Intent.**

The Legislature declares that the public has an interest in the protection and salvage of underwater historic properties situated under the navigable waters and territorial seas of the territory; that the public has a right to the knowledge to be derived and gained from a scientific study of these materials; and that therefore it is the purpose of this article to provide that activities for the protection, recovery, study, and exhibition of underwater historic properties be undertaken in a coordinated and organized manner for the general welfare of the public as a whole.

**SOURCE:** GC § 13985.29 enacted by P.L. 12-126.

**§ 76302. Definitions.**

As used in this article, *underwater historic property* means any shipwreck, vessel, cargo, tackle, or underwater archaeological specimen, including any found at refuse sites or submerged sites of former habitation, that has remained unclaimed for more than ten (10) years on the bottoms of any waters.

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**SOURCE:** GC § 13985.30 enacted by P.L. 12-126.

**§ 76303. Title to Underwater Historic Property.**

Subject to any statute of the United States and any vested riparian rights, the title to all bottoms of navigable water within Guam's boundaries and the title to any underwater historic property living on or under such bottoms is declared to be in the territory, and such bottoms and underwater historic properties shall be subject to the exclusive dominion and control of the territory.

**SOURCE:** GC § 13985.31 enacted by P.L. 12-126.

**§ 76304. Custody of Underwater Historic Property.**

The custodian of underwater historic properties as defined in § 76301 and § 76302 shall be the Department which shall administer the preservation and protection of these properties as hereinafter directed by this article. The Department is empowered to prescribe such rules and regulations as may be necessary to preserve, protect, and recover any or all underwater historic properties.

**SOURCE:** GC § 13985.32 enacted by P.L. 12-126.

**§ 76305. Salvage Research.**

The Department shall establish a center responsible for salvage research in areas designated by the Department as endangered by the lease, sale, or use of public or private lands.

**SOURCE:** GC § 13985.33 enacted by P.L. 12-126.

**§ 76306. Permits.**

Any qualified persons, firm, or corporation desiring to conduct any type of exploration or recovery operations, in the course of which any underwater historic property or part thereof may be removed, displaced, or destroyed, shall first make application to the Department for a permit to conduct such operations. If the Department finds that the granting of such permit is in the best interest of the territory, it may grant such applicant a permit for such a period of time and under such conditions as the Department deems to be in the best interest of the territory. Such permit may provide for the fair compensation to the permittee in terms of a percentage of the reasonable cash value of the objects recovered or a fair share of the objects recovered, such fair compensation or share to be

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determined by the Department. Superior title to all objects recovered shall be retained by the territory unless or until they are released to the permittee by the Department. All exploration and recovery operations undertaken pursuant to a permit issued under this section shall be carried out under the general supervision of the Department and in accordance with the rules and regulations prescribed under § 76304 and in such manner that the maximum amount of historic, scientific, archaeological, and educational information may be recovered and preserved in addition to the physical recovery of items. Permits may be renewed upon or prior to expiration upon such terms as the Department may specify. Holders of permits shall be responsible for obtaining permission of any federal agencies having jurisdiction prior to conducting any salvaging operations.

**SOURCE:** GC § 13985.34 enacted by P.L. 12-126.

**§ 76307. Penalties.**

Any person violating the provision of this article or any rules and regulations duly established thereunder shall be guilty of a petty misdemeanor and in addition, shall forfeit to the territory any artifacts or objects collected.

**SOURCE:** GC § 13985.35 enacted by P.L. 12-126 amended by P.L. 13-187:119.

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**2008 COMPILER NOTE ON ARTICLE 4:** Public Law 27-89:3 directed that Articles 1-5 of this chapter be restored pursuant to P.L. 25-72:IV:13. However, Article 4 was not part of the reenactments of P.L. 25-72:IV:13. The specific repeal of Article 4 was done by P.L. 20-151:24, which repeal was never undone by subsequent legislation.

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**ARTICLE 5**  
**PRESERVATION PROCEDURES TO GUIDE TERRITORIAL AGENCIES**

- § 76501. Declaration of Legislative Intent.
- § 76502. Responsibilities of Territorial Agencies.
- § 76503. Severability.
- § 76504. Treatment of Human Remains.
- § 76505. Enforcement and Power of Arrest.
- § 76506. Guam Register of Historic Places.

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- § 76507. Guam Historic Preservation Review Board Established.
- § 76508. Guam Historic Preservation Review Board: Duties.
- § 76509. Historic Preservation Review Board.
- § 76510. Historic District Zones.
- § 76511. Certificate of Approval.
- § 76512. Historic Preservation Archaeological Mitigation Fund, Established.

**§ 76501. Declaration of Legislative Intent.**

The Legislature declares it to be the public policy of this territory to provide leadership in preserving, restoring, and maintaining the historic, architectural, archaeological, and cultural environment of this territory and that therefore it is the purpose of this article to provide that the instrumentalities of the territory administer the historic properties under their control in a spirit of stewardship and trusteeship for future generations and conduct their activities, plans, and programs in a manner consistent with preservation and enhancement of historic properties and sites.

**SOURCE:** GC § 13985.41 enacted by P.L. 12-126.

**§ 76502. Responsibilities of Territorial Agencies.**

All agencies, departments, bureaus, and commissions of the territory shall:

(a) Consult the Guam Historic Preservation Officer before demolishing, altering, or transferring any property under the jurisdiction that is potentially of historical, architectural, archaeological, or cultural significance, including, but not limited to, any property listed on the territorial register.

(b) Initiate measures and procedures to provide for the maintenance, through preservation, rehabilitation, or restoration, of properties under their ownership that are listed on the territorial or national register; such measures and procedures shall comply with applicable standards prescribed by the Department.

(c) Develop plans for the maintenance, through preservation, rehabilitation, or restoration, of historic properties under their ownership in a manner compatible with preservation objectives and which do not result in an unreasonable economic burden to public interest.

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(d) institute procedures to assure that their plans, programs, codes, and regulations contribute to the preservation and enhancement of sites, structures, and objects of historical, architectural, archaeological, or cultural significance.

(e) Submit annually procedures required pursuant to Paragraphs (b), (c) and (d) to the Department and the Institute for review and comment.

(f) Determine whether their existence is no longer necessary in view of the Institute's responsibilities and if so, to report same to the Institute, the Governor, and the Legislature within ninety (90) days of the effective date of this Act.

**SOURCE:** GC § 13985.42 enacted by P.L. 12-126. Subsection (a) amended by P.L. 20-151:26. Public Law 25-69:9 repealed P.L. 20-151:26. However, P.L. 25-69:9 was itself repealed by P.L. 25-72:VI:13(c), which reverted the amendment of P.L. 20-151:26.

**§ 76503. Severability.**

If any provision of this Law or the application thereof to any person is held invalid, the invalidity does not affect other provisions or applications of the Law which can be given effect without the invalid provisions or application; and to this end the provisions of this law are severable.

**SOURCE:** Enacted by P.L. 12-126:22. Numbered and codified by Compiler.

**§ 76504. Treatment of human remains.**

Human remains shall receive respect and consideration when discovered. Disturbance of burials shall be avoided when possible, but when necessary shall be at the expense of the developers, using procedures and standards acceptable to the Guam Historic Preservation Officer. Anthropological review of human remains shall be at a minimal level and only for the time authorized by the Guam Historic Preservation Officer prior to reburial

**SOURCE:** Added as GC § 13985.43 by P.L. 20-151:18. Public Law 25-69:9 repealed P.L. 20-151:18. However, P.L. 25-69:9 was itself repealed by P.L. 25-72:VI:13(c), which reverted the enactment of P.L. 20-151:27.

**§ 76505. Enforcement and power of arrest.**

The Director, the Guam Historic Preservation Officer and other designated employees of the Department shall have arresting and citation

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powers over persons, firms and contractors who are in violation of any of the provisions of this Chapter.

**SOURCE:** Added as GC § 13985.51 by P.L. 20-151:15. Public Law 25-69:9 repealed P.L. 20-151:15. However, P.L. 25-69:9 was itself repealed by P.L. 25-72:VI:13(c), which reverted the enactment of P.L. 20-151:15.

**§ 76506. Guam Register of Historic Places.**

The Department's Historic Resources Division shall maintain a register of places found to be significant in the history, prehistory and culture of Guam. The Department with the advice and consent of the Guam Historic Preservation Review Board shall issue rules, regulations and guidelines to implement the Guam Register of Historic Places in an orderly and effective manner.

**SOURCE:** Added as GC§13985.52 by P.L. 20-151:10. Public Law 25-69:9 repealed P.L. 20-151:10. However, P.L. 25-69:9 was itself repealed by P.L. 25-72:VI:13(c), which reverted the enactment of P.L. 20-151:10.

**§ 76507. Guam Historic Preservation Review Board established.**

There is hereby created a Guam Historic Preservation Review Board (the *Board*), which Board shall consist of five (5) members, and five (5) alternates appointed by the Governor with the consent of the Legislature. At least one (1) member of the Board shall be knowledgeable in historic preservation and a majority shall be recognized professionals in the disciplines of history, prehistoric and historic archeology, or architecture. At least one (1) member must be knowledgeable of traditional Chamorro society and culture.

**SOURCE:** Added as GC 13985.60 by P.L. 20-151:7.

**§ 76508. Guam Historic Preservation Review Board: Duties.**

It shall be the duty of the Board to:

- (1) Enter historic properties into the Guam Register of Historic Places;
- (2) Evaluate applications for nominating properties to the National Register of Historic Places;
- (3) Review the Guam survey of the Guam Historic Properties;
- (4) Review the content of the comprehensive preservation plan established pursuant to § 76103 of this Code;

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(5) Serve as the Board of Directors of the Guam Preservation Trust Fund;

(6) Serve as the State Historic Review Board for purposes related to the National Historic Preservation Act, Public Law 89-665.

**SOURCE:** Added as GC 13985.61 by P.L. 20-151:8.

**§ 76509. Historic Preservation Review Board.**

(a) **Tenure.** The members of the Board shall serve for four (4) years; provided, that of the members first appointed, two (2) shall serve for four (4) years, one (1) shall serve for three (3) years, one (1) shall serve for two (2) years, and one (1) shall serve for one (1) year. Replacement terms shall expire at the end of the four (4) years.

(b) **Compensation.** Members shall be compensated Fifty Dollars (\$50) for each Board meeting they attend, not to exceed One Hundred Dollars (\$100) per month. Members traveling on official business shall receive per diem at the established government of Guam rates.

(c) **Quorum.** Four (4) members of the Board shall constitute a quorum for the transaction of official business.

**SOURCE:** Added as GC 13985.62 by P.L. 20-151:9.

**§ 76510. Historic district zones.**

The Territorial Land Use Commission and the Guam Historic Preservation Review Board shall jointly establish zoning controls for all registered historic properties, including but not limited to the Agana Historic District and the Inarajan Architectural Historic District. Nothing in this Section shall affect the powers given the Guam Historic Preservation Review Board in subsection (c) of 13985.19 of this Code.

**SOURCE:** Added as GC 13985.62 by P.L. 20-151:17. This is the same GC section number as was added in § 76509, above. Public Law 25-69:9 repealed P.L. 20-151:17. However, P.L. 25-69:9 was itself repealed by P.L. 25-72:VI:13(c), which reverted the enactment of P.L. 20-151:17.

**§ 76511. Certificate of approval.**

(a) A certificate of approval must be issued by the Guam Historic Preservation Officer before any action affecting potential historic sites or objects is undertaken, including, but not limited to:

(1) Building permits;

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- (2) Grading permits;
- (3) Clearing permits;
- (4) Foundation permits;
- (5) Leases and lease renewals of government land;
- (6) Application for surplus federal real estate;
- (7) Government infrastructure improvement projects;
- (8) Government construction, including clearing and grading;
- (9) Submittal of federal grant applications for construction, land use or improvements; and
- (10) Applications to Territorial Land Use Commission and Territorial Seashore Protection Commission.

(b) The Guam Historic Preservation Officer shall have the authority to prohibit activities listed in subsection (a) and may issue cease work orders on projects when there is evidence of adverse impact or potential destruction of cultural or historical features on the property. In the event that there is no alternate recourse in protecting or salvaging the cultural or historical significance of the property, the decision of the Guam Historic Preservation Officer to deny issuance of a permit or to cease work on projects shall prevail.

(c) Higher authority shall not override the decision of the Guam Historic Preservation Officer, except through procedures adopted pursuant to Subsection (d) of this Section. If work has already begun where items of cultural or historical significance have been disturbed, the developer shall be responsible for the restoration of the property to its original form and the burden of expense shall be on the developer.

(d) The problems of projects with potential impact on cultural or historic features may be resolved by the Guam Historic Preservation Officer through agreement or mitigation. Such resolution may include, but need not be limited to, project redesign, relocation, curation and display of cultural resources, and land dedication to the Guam Preservation Trust. The Guam Historic Preservation Review Board shall develop the criteria for resolution of any controversial finding in accordance with the Administrative Adjudication Law.

(e) After a Certificate of Approval *or* permitting approval has been



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issued for a requested action as enumerated in subsection (a), any unauthorized disturbances of prehistoric *or* historic properties *shall* be subject to fines of up to Fifty Thousand Dollars (\$50,000.00) and/or imprisonment of up to three (3) years for each violation.

**SOURCE:** Added as GC § 13985.70 by P.L. 20-151:16. Public Law 25-69:9 repealed P.L. 20-151:16. However, P.L. 25-69:9 was itself repealed by P.L. 25-72:VI:13(c), which reverted the enactment of P.L. 20-151:16. Subsection (e) added by P.L. 29-147:3 (Jan. 30, 2009).

**§ 76512. Historic Preservation Archaeological Mitigation Fund, Established.**

(a) Notwithstanding any other provision of law, there is hereby created, within the Department of Parks and Recreation, the “*Historic Preservation Archaeological Mitigation Fun*”, which *shall* be a fund separate and apart from the General Fund and from any other special funds of the government of Guam. Any and all funds generated through fines imposed by the Historic Preservation Office of the Department of Parks and Recreation *shall* be deposited into the Historic Preservation Archaeological Mitigation Fund. The Director of the Department *shall* administer said funds independently from the General Fund, with a minimum requirement of dual signatures for the expenditure of any funds within the authorized guidelines.

(b) Expenditures of the Fund *shall* be restricted to the following areas, and for the following purposes:

(1) the contracting of archaeological services as determined by the Historic Preservation Office;

(2) public education and awareness activities; and

(3) the purchase of supplies, materials and equipment to support the activities outlined in Subsections (1) and (2) above.

Funds from the Historic Preservation Archaeological Mitigation Fund shall *not* be expended for personnel services, but used *solely* for operations as highlighted above. The Director of the Department of Parks and Recreation *shall* provide to *I Liheslaturan Guåhan* a monthly financial report on the funds generated each month, within ten (10) days following the preceding month.

**SOURCE:** Added by P.L. 29-147:4 (Jan. 30, 2009).

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**ARTICLE 6**  
**GUAM PRESERVATION TRUST**

- § 76601. Guam Preservation Trust.
- § 76602. Guam Preservation Trust Income.
- § 76603. Limitation to Purposes of Trust.
- § 76604. Power of the Trust.
- § 76605. Exemption from Executive Budget Act and Government Procurement Law.
- § 76606. Responsibilities of the Trust.
- § 76607. Line of Credit Authorized.
- § 76608. *I Liheslatura* [Legislative] Appropriations.
- § 76609. Abatement of Taxes.

**SOURCE:** This entire Article 6 was reenacted by P.L. 27-89:2.

**§ 76601. Guam Preservation Trust.**

There is hereby established as a public, non-profit corporation, the Guam Preservation Trust (the 'Trust'). The Trust shall have the following purposes, which are within its powers:

- (a) To seek grants and donations;
- (b) To acquire title to threatened Guam properties for the preservation of their historical value, whether in fee simple, by leasehold, or by easement, and whether through donation, transfer, dedication, or purchase;
- (c) To award grants for the following:
  - (1) Historic property documentation and historic register nomination;
  - (2) Architectural and archeological history and documentation of historic structures and sites;
  - (3) Protection of historic structures and sites through stabilization, rehabilitation, reconstruction, or restoration, including adequate lighting when appropriate on such sites being utilized for non-profit and non-commercial purposes, such as private homes, schools, churches, public buildings and facilities, except that commercial activity is allowable on such sites

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pursuant to a signed covenant between the Guam Preservation Trust and the registered owners when part of the proceeds of such commercial activity is used for the general maintenance of such sites;

(4) Ethnography and oral history of Guam; and

(5) Archival and archaeological research and investigations for locating, recording and protecting sites of historic or prehistoric interest and value.

(d) To prepare a Guam Preservation Trust Master Plan identifying, by order of priority, the buildings, structures and sites which in the opinion of the Trust are deserving of preservation and which shall be preserved. The Trust shall hold a public hearing on the proposed plan and shall transmit the plan to I Liheslaturan Guåhan sixty (60) days prior to its implementation; and

(e) To support other activities directly related to increasing the public appreciation of and benefit from historical places including public interpretation and presentation.

**SOURCE:** Added as GC § 13985.80 by P.L. 20-151; R/R by P.L. 21-7:1. Reenacted by P.L. 27-89:2.

**§ 76602. Guam Preservation Trust Income.**

Fees collected pursuant to §66408 of Division 2 of Title 21 of the Guam Code Annotated, shall be deposited in the Guam Preservation Trust Fund. Fines collected under § 76211 of Division 2 of Title 21 of the Guam Code Annotated, shall be deposited into the Guam Preservation Trust Fund.

Guam Preservation Trust funds shall be maintained separate and apart from all other government funds. The Department of Administration, as custodian for the fees and fines collected pursuant to this Section, shall transfer all such funds to the Trust no less than on a quarterly basis. Any and all interest accrued on such funds shall also be transferred to the Trust. The amounts within the Guam Preservation Trust Fund shall be used by the Trust only for the purposes expressed in this Article 6 and shall not be subject to any transfer authority of I Maga'lahaen Guåhan [the Governor].

**SOURCE:** Added as GC § 13985.82 by P.L. 20-151:13. Reenacted by P.L. 27-89:2.

**§ 76603. Limitation to Purposes of Trust.**

**21 GCA REAL PROPERTY**  
**CH. 76 HISTORICAL OBJECTS AND SITES**

Expenditures by the Trust shall be limited to purposes of the Trust and may not be used for any operation of the Department of Parks and Recreation or any other agency, department, bureau, division, office, instrumentality or branch of the government of Guam.

**SOURCE:** Added as GC § 13985.83 by P.L. 21-7:2. Repealed by P.L. 25-72:13(b) and reenacted by P.L. 27-89:2.

**§ 76604. Power of the Trust.**

The Trust shall have the following powers in coordination with its purposes:

- (a) To sue and be sued in its own name;
- (b) To hire its own legal counsel;
- (c) To hire or contract for the management of Trust assets and the conduct of Trust business;
- (d) To enter into and execute contracts and instruments of every kind and nature, necessary or convenient to the exercise of its powers and functions;
- (e) To have all corporate powers provided by law.

**SOURCE:** Added as GC § 13985.84 by P.L. 21-7:3. Repealed by P.L. 25-72:13(b) and reenacted by P.L. 27-89:2.

**§ 76605. Exemption from Executive Budget Act and Government Procurement Law.**

The Trust is exempt from the provisions of the Executive Budget Act (5 GCA Chapter 4).

**SOURCE:** Added as GC § 13985.85 by P.L. 21-7:4. Repealed by P.L. 25-72:13(b) and reenacted by P.L. 27-89:2.

**§ 76606. Responsibilities of the Trust.**

The Trust is subject to the following responsibilities:

- (a) A fiduciary duty toward the funds and purposes of the Trust;
- (b) The preparation of an annual audit report which is to be submitted to I Maga'láhen Guåhan [the Governor] and I Liheslaturan Guåhan [the Legislature] within sixty (60) days after the end of each fiscal year; and

**21 GCA REAL PROPERTY**  
**CH. 76 HISTORICAL OBJECTS AND SITES**

(c) Establish guidelines relative to the Abatement of Taxes as provided in Section 21 of Public Law 20-151.

**SOURCE:** Added as GC § 13985.86 by P.L. 21:07:5. Repealed by P.L. 25-72:13(b) and reenacted by P.L. 27-89:2

**§ 76607. Line of Credit Authorized.**

The Guam Preservation Trust Fund may be encumbered as collateral for a loan or line of credit to advance its grant programs pursuant to a Guam Historic Preservation Master Plan as described in § 76601(d) of this Article. The Trust is authorized to enter into such agreements necessary for the acquisition of the loan or line of credit, with any lending institution chosen under its procurement regulations and/or policies. Neither the Board of Directors nor the employees of the Trust shall incur any personal liability for any loan agreement lawfully entered into.

**SOURCE:** Added by P.L. 27-89:2.

**§ 76608. *I Liheslatura* [Legislative] Appropriations.**

*I Liheslatura* [The Legislature] may, from time to time, appropriate funds from the General Fund for deposit in the Guam Preservation Trust Fund. Such funds, when appropriated, shall be paid directly to the Trust.

**SOURCE:** Added by P.L. 27-89:2.

**§ 76609. Abatement of Taxes.**

The Director of Revenue and Taxation shall grant an abatement of property taxes on private property which is included within a historic preservation easement executed by the private owner and approved by the Guam Preservation Trust's Board of Directors.

**SOURCE:** Added by P.L. 20-151:21; repealed and transferred to Department of Chamorro Affairs as 5 GCA §87150 by P.L. 25-69; However, P.L. 25-69:9 was itself repealed by P.L. 25-72:VI:13(c) and returned to this Article by Compiler by direction of P.L. 27-89:3.

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# COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

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Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

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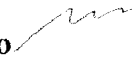
V. Anthony Ada  
MINORITY LEADER

Mary C. Torres  
MINORITY MEMBER

October 19, 2016

## Memorandum

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**From:** **Senator Rory J. Respicio**   
*Chairperson of the Committee on Rules*

**Subject:** **Fiscal Notes**

*Hafa Adai!*

Attached please find the fiscal notes for the bill numbers listed below.  
Please note that the fiscal notes are issued on the bills as introduced.

### **FISCAL NOTES:**

- Bill No. 363-33(COR)
- Bill No. 373-33(COR)
- Bill No. 374-33(COR)
- Bill No. 375-33(COR)
- Bill No. 378-33(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

2016 OCT 19 PM 11:11

*Handwritten signature*

**Bureau of Budget & Management Research**  
**Fiscal Note of Bill No. 374-33 (COR)**

**AN ACT TO RESERVE A PORTION OF LOT 5173-1-R2-NEW-R6, MUNICIPALITY OF TAMUNING, CONTAINING AN AREA OF EIGHT (8) ACRES MORE OR LESS, FOR USE AS A CHAMORRO SHRINE AND THE REINTERMENT OF ANCESTRAL REMAINS.**

**Department/Agency Appropriation Information**

Dept./Agency Affected: Chamorro Land Trust Commission	Dept./Agency Head: Michael J. B. Borja, Director
Department's General Fund (GF) appropriation(s) to date:	-
Department's Other Fund (Specify) appropriation(s) to date: Chamorro Land Trust Operations Fund	1,002,694
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$1,002,694</b>

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
FY 2015 Unreserved Fund Balance		\$0	\$0
FY 2016 Adopted Revenues	\$0	\$0	\$0
FY 2016 Appo. (P.L. 33-66 thru )	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2016 (if applicable)	FY 2017	FY 2018	FY 2019	FY 2020
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Chamorro Land Trust Operations Fund	1/	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>1/</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No  
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No  
If no, what is the additional amount required? \$ \_\_\_\_\_ /X/ N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No  
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No  
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No  
/ / Requested agency comments not received by due date / / Other:

Analyst: <u>Jason Baza</u> Jason Baza, BMA II	Date: <u>10/11/16</u>	Director: <u>Jose S. Calvo</u> Jose S. Calvo, Director	Date: <u>OCT 14 2016</u>
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Notes:  
 1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH  
COMMENTS ON BILL NO. 374-33 (COR)

The intent of the proposed legislation is to designate and reserve approximately eight (8) acres of Lot No. 5173-1-R2-NEW-R6 in the municipality of Tamuning for use as a Chamorro shrine and the reinterment of ancestral remains. P.L. 21-104 authorized and directed the Department of Parks and Recreation to establish the shrine. However, the public law never designated a specific parcel of land to fulfill its intent.

Per testimony provided by the Department of Land Mangement (DLM), the subject property cited in the proposed legislation actually depicts an approximate amount of 10.6± acres with an estimated value of \$5,437,630. DLM's testimony also states that P.L. 25-179 declared the highest and best use of the subject property was for commercial development for the purpose of generating revenues for conducting infrastructure improvements on the Chamorro Land Trust Commission's (CLTC) land inventory.

In addition, Section 4 of the proposed legislation states that the DLM shall survey the subject property. DLM's testimony requests for funding authorization to be included to cover the costs of said survey. It should be noted that the cost to survey the subject property was not factored in the DLM/CLTC's current FY17 budget level. DLM's testimony did not include an estimated cost impact to survey the subject property.

By reserving the subject property for the shrine, the CLTC in effect loses acres of land from a valuable asset of its land inventory that has already been planned to be used for commercial leases. Thus, the subject legislation would result in an adverse fiscal impact upon the DLM and the CLTC.





# COMMITTEE ON RULES

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Member

V. Anthony Ada  
MINORITY LEADER

Mary C. Torres  
MINORITY MEMBER

September 27, 2016

VIA E-MAIL

[joey.calvo@bbmr.guam.gov](mailto:joey.calvo@bbmr.guam.gov)

Jose S. Calvo  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

RE: Request for Fiscal Notes – Bill Nos. 372-33(COR) through 376-33(COR)

*Hafa Adai* Mr. Calvo:

Transmitted herewith is a listing of *I Mina'trentai Tres Na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio  
*Chairperson of the Committee on Rules*

Attachments (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
372-33 (COR)	Tommy Morrison	AN ACT TO AMEND § 54102 OF ARTICLE 1, CHAPTER 54, DIVISION 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING IMPROVEMENTS TO GUAM'S ROADWAYS.
373-33 (COR)	B. J.F. Cruz	AN ACT TO ADD A NEW SUBSECTION 19.80 TO CHAPTER 19 AND A NEW SUBSECTION 30.10 (a)(3) TO CHAPTER 30, BOTH OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE DEFINITION AND INCLUSION OF STRANGULATION IN GUAM'S ASSAULT AND FAMILY VIOLENCE STATUTES.
374-33 (COR)	T. C. Ada B. J. F. Cruz Judith T. Won Pat, Ed.D R. J. Respicio	AN ACT TO RESERVE A PORTION OF LOT 5173-1-R2-NEW-R6, MUNICIPALITY OF TAMUNING, CONTAINING AN AREA OF EIGHT (8) ACRES MORE OR LESS, FOR USE AS A CHAMORRO SHRINE AND THE REINTERMENT OF ANCESTRAL REMAINS.
375-33 (COR)	T. C. Ada B. J. F. Cruz Judith T. Won Pat, Ed.D R. J. Respicio	AN ACT TO AUTHORIZE A LEASE BETWEEN THE CHAMORRO LAND TRUST COMMISSION AND INADAHEN I LINA'LA' KOTTURAN CHAMORU, INC. ON LOT 5173-1-R2NEW-4, MUNICIPALITY OF TAMUNING, FOR USE AS A CULTURAL CENTER.
376-33 (COR)	N. B. Underwood, Ph.D.	AN ACT TO AMEND SECTION 10 OF CHAPTER 11 OF PUBLIC LAW 33-185, RELATIVE TO AUTHORIZING SENATORIAL OFFICES TO DE-APPROPRIATE THEIR LAPSED FUNDS AND TO RE-APPROPRIATE SAID FUNDS TO THE GUAM DEPARTMENT OF EDUCATION.



## COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd Guam Legislature

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Nerissa Bretania Underwood  
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V. Anthony Ada

MINORITY LEADER

Mary C. Torres

MINORITY MEMBER

September 26, 2016

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Julian Aguon**  
*Legislative Legal Counsel*

**From:** **Senator Rory J. Respicio**  
*Chairperson of the Committee on Rules*

**Subject:** **Referral of Bill No. 374-33(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 374-33(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Tres Na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

*I Mina'Trentai Tres Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
374-33 (COR)	T. C. Ada B. J. F. Cruz Judith T. Won Pat, Ed.D R. J. Respicio	AN ACT TO RESERVE A PORTION OF LOT 5173-1-R2-NEW-R6, MUNICIPALITY OF TAMUNING, CONTAINING AN AREA OF EIGHT (8) ACRES MORE OR LESS, FOR USE AS A CHAMORRO SHRINE AND THE REINTERMENT OF ANCESTRAL REMAINS.	09/22/16 1:50 p.m.	09/26/16	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement			



Senator Tom Ada

[charlene.flores@senatorada.org](mailto:charlene.flores@senatorada.org)

## 1st Notice of Public Hearing: Thursday, October 6, 2016 at 6:00 p.m.

Charlene Flores &lt;flores@senatorada.org&gt;

Thu, Sep 29, 2016 at 10:56 AM

To: Media <media@senatorada.org>, phnotice@guamlegislature.org, DLMDIR <dlmdir@land.guam.gov>, Michael Borja <michael.borja@land.guam.gov>, teresa.topasna@land.guam.gov, jqpreservation@guam.net, lynda.aguon@dpr.guam.gov, jose.garrido@dpr.guam.gov, robert.lizama@dpr.guam.gov, william.reyes@dpr.guam.gov, raunderwood@uguam.uog.edu, pangelinanp@triton.uog.edu, hurao1@gmail.com, pink.guam@gmail.com, frankschacher01@gmail.com, mflores.guam@gmail.com, ecris64@teleguam.net, Ken Leon-Guerrero <kenleonguerrero@yahoo.com>, A Gogue <magahet4@gmail.com>, rlsablan@yahoo.com, Jason Biggs <biggs.js@gmail.com>, tomdiego\_guam@yahoo.com, asiasison@hotmail.com, Joni Kerr <jonikerr@gmail.com>, Linda Tatreau <lindian@teleguam.net>, bcruz253@msn.com, lasia@me.com, malamasly@gmail.com, Rodney Webb <webb.rodney@gmail.com>, iqperedo@hotmail.com, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, Agat <agatmayoroffice@hotmail.com>, ksusuico@yahoo.com, Asan Maina <hamiasanmaina@gmail.com>, Cayetano Blas <bmomayor@gmail.com>, Jessie Bautista <jessie.bautista007@gmail.com>, Jessy Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter\_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, inarajan municipality <inarajanmayoroffice@gmail.com>, nblas\_mangilaomayor@yahoo.com, vicemayor\_allan.ungacta@yahoo.com, mayorernestc@yahoo.com, mtmmayoroffice1@yahoo.com, pitimayor@yahoo.com, Dale Alvarez <daleealvarez@gmail.com>, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, talofofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, vicemayorsantos.tatuha@gmail.com, Umatac Mayor <umatacmo@gmail.com>, Mayor Rudy <yigomayoroffice@gmail.com>, Anthony Sanchez <yigovice@gmail.com>, kenjoeada@yahoo.com, mcogadmin@teleguam.net, Strongdiver44 <strongdiver44@gmail.com>, strong@guam.net, Zita Pangelinan <zpangelinan@gmail.com>, mendiola.ruth@gmail.com, gjecle@gdoe.net, jillq.benavente@gmail.com, patti.hernandez@dca.guam.gov, lziriate@gmail.com

September 29, 2016

### MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*Subject: **1<sup>st</sup> Notice of Public Hearing: Thursday, October 6, 2016 at 6:00 p.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affair, and Procurement will be conducting a public hearing on **Thursday, October 06, 2016 at 6:00 p.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guahan*. The agenda is as follows:

**6:00 PM**

**Bill No. 374-33 (COR) – T. C. Ada / B. J. F. Cruz / J. T. Won Pat, Ed. D./ R. J. Respicio**

An act to reserve a portion of Lot 5173-1-R2-NEW-R6, Municipality of *Tamuning*, containing an area of eight (8) acres more or less, for use as a Chamorro shrine and the reinterment of ancestral remains.

**Bill No. 375-33 (COR) – T. C. Ada / B. J. F. Cruz / J. T. Won Pat, Ed. D. / R. J. Respicio**




An act to authorize a lease between the Chamorro Land Trust Commission and *Inadahen / Lina'la' Kotturan Chamoru*, Inc. on Lot 5173-1-R2NEW-4, Municipality of *Tamuning*, for use as a cultural center.

Testimony on **Bill No. 374-33 (COR) and Bill No. 375-33 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until **4:00pm, Thursday, October 13, 2016**. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.

--  
Charlene Flores  
Policy Analyst  
Office of Senator Thomas C. Ada  
*I Mina'trentai Tres na Libeslaturan Guåhan* - 33rd Guam Legislature  
671-473-3301

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**3 attachments**

-  **1st Notice.pdf**  
335K
-  **Bill No. 374-33 (COR).pdf**  
2486K
-  **Bill No. 375-33 (COR).pdf**  
2348K



## Sen. Thomas Ada

Chairman


Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement

*I Mina Trentai Tres Na Liheslaturan Guahan* • 33<sup>rd</sup> Guam Legislature

September 29, 2016

### MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson* 

Subject: **1<sup>st</sup> Notice of Public Hearing: Thursday, October 6, 2016 at 6:00 p.m.**

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#### Bill No. 375-33 (COR) – T. C. Ada / B. J. F. Cruz / J. T. Won Pat, Ed. D. / R. J. Respicio

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Testimony on **Bill No. 374-33 (COR) and Bill No. 375-33 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until **4:00pm, Thursday, October 13, 2016**. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.



Senator Tom Ada

mailto:M Flores flores@senatorada.org

## 2nd Notice of Public Hearing: Thursday October 6, 2016

Blaine Dydasco <bdydasco@senatorada.org>

Tue, Oct 4, 2016 at 8:51 AM

To: Media <media@senatorada.org>, phnotice@guamlegislature.org, DLMDIR <dlmdir@land.guam.gov>, Michael Borja <michael.borja@land.guam.gov>, Teresa Topasna <teresa.topasna@land.guam.gov>, jqpreservation@guam.net, "Lynda B. Aguon" <lynda.aguon@dpr.guam.gov>, jose.garrido@dpr.guam.gov, robert.lizama@dpr.guam.gov, william.reyes@dpr.guam.gov, raunderwood@uguam.uog.edu, pangelinanp@triton.uog.edu, hurao1@gmail.com, Catherine McCollum <pink.guam@gmail.com>, Frank Schacher <frankschacher01@gmail.com>, M Flores <mflores.guam@gmail.com>, EAC/HAC <ecris64@teleguam.net>, Ken Leon-Guerrero <kenleonguerrero@yahoo.com>, A Gogue <magahet4@gmail.com>, rlsablan@yahoo.com, Jason Biggs <biggs.js@gmail.com>, tomdiego\_guam@yahoo.com, asiasison@hotmail.com, Joni Kerr <jonikerr@gmail.com>, Linda Tatreau <lindian@teleguam.net>, bcruz253@msn.com, lasia@me.com, malamasly@gmail.com, Rodney Webb <webb.rodney@gmail.com>, iqperedo@hotmail.com, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, Agat <agatmayorsoffice@hotmail.com>, ksusuico@yahoo.com, Asan Maina <hamiasanmaina@gmail.com>, Cayetano Blas <bmomayor@gmail.com>, Jessie Bautista <jessie.bautista007@gmail.com>, Jessy Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter\_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, inarajan municipality <inarajanmayorsoffice@gmail.com>, nblas\_mangilaomayor@yahoo.com, vicemayor\_allan.ungacta@yahoo.com, mayorernestc@yahoo.com, mtmmayorsoffice1@yahoo.com, pitimayor@yahoo.com, Dale Alvarez <daleealvarez@gmail.com>, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, talofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, vicemayorsantos.tatuha@gmail.com, Umatac Mayor <umatacmo@gmail.com>, Mayor Rudy <yigomayorsoffice@gmail.com>, Anthony Sanchez <yigovice@gmail.com>, kenjoeada@yahoo.com, mcogadmin@teleguam.net, Strongdiver44 <strongdiver44@gmail.com>, strong@guam.net, Zita Pangelinan <zpangelinan@gmail.com>, mendiola.ruth@gmail.com, gjecl@goe.net, jillq.benavente@gmail.com, patti.hernandez@dca.guam.gov, lzirate@gmail.com

October 04, 2016

### MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **2<sup>nd</sup> Notice of Public Hearing: Thursday, October 6, 2016 at 6:00 p.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affair, and Procurement will be conducting a public hearing on **Thursday, October 06, 2016 at 6:00 p.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guahan*. The agenda is as follows:



**6:00 PM****Bill No. 374-33 (COR) – T. C. Ada / B. J. F. Cruz / J. T. Won Pat, Ed. D. / R. J. Respicio**

An act to reserve a portion of Lot 5173-1-R2-NEW-R6, Municipality of *Tamuning*, containing an area of eight (8) acres more or less, for use as a Chamorro shrine and the reinterment of ancestral remains.

**Bill No. 375-33 (COR) – T. C. Ada / B. J. F. Cruz / J. T. Won Pat, Ed. D. / R. J. Respicio**


An act to authorize a lease between the Chamorro Land Trust Commission and *Inadahen I Lina'la' Kotturan Chamoru, Inc.* on Lot 5173-1-R2NEW-4, Municipality of *Tamuning*, for use as a cultural center.


Testimony on **Bill No. 374-33 (COR)** and **Bill No. 375-33 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until **4:00pm, Thursday, October 13, 2016**. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.


--  
Blaine Dydasco  
Policy Analyst  
Office of Senator Tom C. Ada  
*I Mina' Trentai Tres Na Liheslaturan Guahan-33rd Legislature*  
Office (671) 473-3301

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**3 attachments**

 **2nd notice.pdf**  
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 **Bill No. 374-33 (COR).pdf**  
2599K

 **Bill No. 375-33 (COR).pdf**  
8725K



## Sen. Thomas Ada


Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Liheslaturan Guahan* • 33<sup>rd</sup> Guam Legislature

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Updated: June 30, 2016

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Updated: June 30, 2016

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## Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Liheslaturan Guåhan* • 33<sup>rd</sup> Guam Legislature

### AGENDA

#### PUBLIC HEARING

Thursday, October 6, 2016

Public Hearing Room, *I Liheslaturan Guåhan*

The agenda is as follows:

**6:00pm**

**Bill No. 374-33 (COR) – T. C. Ada / B. J. F. Cruz / J. T. Won  
Pat, Ed. D./ R. J. Respicio**

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## Prime property could be used for Chamorro shrine

Posted: Oct 06, 2016 4:52 PM

Updated: Oct 06, 2016 5:55 PM

By Ken Quintanilla [CONNECT](#)

This evening, a public hearing has been scheduled on a bill to take one of the Government of Guam's prime real estate and use it for a Chamorro shrine to rest thousands of ancestral remains. The preservation of our island is a passion for Lynda Aguon.

She told KUAM News, "I have been in this program historic preservation since 1983 and it's disturbing when I go out and help out in some excavations during public utilities project. It's so terrible to find a skull sticking out in a trench, I don't like finding burials." And with decades of experience, the Guam State Historic Preservation officer says it's about time our ancestors are given some respect and part of that is through Bill 374.

"Because we have a lot of ancestral remains and other remains that aren't ancestral that need to be reinterred and a final resting place," she explained. "They need - we need - to put them where they need to rest forever."

Bill 374 would provide a final resting place for approximately 2,000 remains that were unearthed during the course of construction throughout the island and have been stored in boxes for the last 16 years. Bill 374 would give administrative control of up to 8 acres of land that belongs to the Chamorro Land Trust Commission and turn it over to the Department of Parks & Recreation and reserve it for a Chamorro Shrine.

Department of Land Management director Michael Borja, however, believes this isn't the best use of the property saying the property at Ypao Point was designated for commercial use for the purpose of generating revenue for infrastructure. "And taking away a whole section of that, dilutes the overall price, value of the property, makes it's more difficult to use," he said. Borja estimates the value of the designated 8 acres to be around \$5 million. The total Oka Point is estimated at around 36 acres of property with a total value of \$19 million.

"And basically to put a cemetery of sorts in an area that straddles between the hotels and a residential area," he added. "This bill was introduced without taking into account what the residents of this area also might feel about this activity done in their backyard."

Aguon meanwhile says the Ypao Point property was once considered for the shrine back in the Carl Gutierrez administration. "So where is the best use, somewhere secluded, isolated, where no one can go in and pay their respects. What's the problem?" she said.

As for alternatives site, Borja is suggesting a more serene area along the Northeast Limestone Forest area or a small site at the end of the proposed lot.

We should add the Tamuning Municipal Planning Council is also meeting tonight to discuss the proposal.

[http://www.postguam.com/news/local/ypao-point-eyed-for-reburial-shrine/article\\_9f737846-8dfe-11e6-b7b8-7f63badc2eab.html](http://www.postguam.com/news/local/ypao-point-eyed-for-reburial-shrine/article_9f737846-8dfe-11e6-b7b8-7f63badc2eab.html)

## Ypao Point eyed for reburial shrine

DLM director suggests other sites

Neil Pang | Post News Staff 5 hrs ago

The Guam Legislature's committee on lands, chaired by Sen. Tom Ada, held a public hearing Thursday, Oct. 6, to allow for testimony to be heard regarding legislation that would reserve land for the use of an entombment facility for the reburial of ancestral Chamorro remains that were disinterred as a result of development projects from various sites around the island. Another bill regarding the use of a Tamuning property as a cultural center was also discussed.

Bills 374-33 and 375-33 were introduced Sept. 22 by Ada, Speaker Judith Won Pat, Sen. Rory Respicio and Vice Speaker Benjamin Cruz. Bill 374 would designate an 8-acre plot in Tamuning located at Ypao Point near the Archbishop Flores traffic circle, for the construction of "Nåftan Mañaina-ta," a structure described as a Chamorro shrine to be used exclusively as an entombment facility for ancestral remains disturbed prior to 1989. In accordance with Guam Law, the reburial of remains disturbed thereafter are the responsibility of the developer or government agency involved.

Ada's committee heard oral testimony from citizens and government agency representatives for and against the bill as well as potential amendments that could be made.

Joe Garrido, who works for the Department of Parks and Recreation's Guam Historic Preservation Office and is the chairman of the decolonization commission's Task Force on Free Association (TFFA), focused much of his testimony on the importance of such a monument to Guam and to Chamorro people.

"I'm here to testify as the chairperson of (TFFA) because this has a lot to do with our right to exercise our right of (political) self-determination," he said.

Garrido spoke about the right of the Chamorro people to express their respect for their ancestors.

constructing the Nãftan Mañaina-ta for the roughly 2,000 remains that have been in storage for than 15 years. He added that, in his capacity with the Guam Historic Preservation Office, he was aware of an additional 1,000 remains awaiting reburial, some of which came from sites on militarily controlled land.

"Nãftan Mañaina-ta can also be considered to be a national monument of the Chamorro people and deserves the utmost respect and dignity that we can give for the people who lived before us," Garrido said. "There is no higher use for this property."

### **Chamorro Land Trust Commission**

Mike Borja, director of the Department of Land Management and the administrative director of the Chamorro Land Trust Commission, also testified but raised concerns about the use of the specific plot of land in question.

"Bill 374 proposes the removal of the most valuable 8 acres of land from the Chamorro Land Trust Commission's inventory for the reburial of ancestral remains," he said.

Borja reported that evaluation done by the Department of Land Management found the lot proposed in Bill 374 to comprise approximately 10.6 acres of land, rather than the stated 8 acres, and estimated the value of the land at \$5.4 million.

He said the pace at which the legislation was introduced made it difficult for the CLTC board of commissioners to meet and officially discuss the ramifications of the bill because it was introduced after the board's regular monthly meeting and the public hearing on it was scheduled before the next scheduled meeting.

Garrido noted an August 2002 report from Parks and Recreation which identified alternative locations for the reburial facility in compliance with the law that called for the establishment of Nãftan Mañaina-ta. He added that CLTC had had plans for the Ypao Point property for a number of years.

"When the CLTC board next met on the matter (of the Ypao Point property) in November of 2002 to discuss Public Law 25-179, it declared the highest and best use of CLTC's most valuable property was for commercial development for the purpose of generating revenues to conduct infrastructure improvements on CLTC lands," he said. "Since the enactment of this law, CLTC has been moving



forward in a direction to engage a commercial lease for this property commonly known as both and Ypao Point. However, hurdles have had to be overcome and we now face yet another hurdle with this bill."

### **Highest and best use**

Borja had previously told the Post that the agency is tasked with providing native Chamorro people with land held in their inventory for residential and agricultural purposes. However, much of the land in their inventory lacks any kind of infrastructure development such as power, water and sewage connections. To that end, Borja said that commercial leases are necessary for revenue generation because CLTC does not have a budget allocated from the general fund.

The use of the Ypao Point land that Borja described as the "crown jewel" of CLTC's inventory in a commercial lease agreement could potentially generate money to develop basic infrastructure on other lands in the CLTC inventory for the agricultural and residential use of Chamorro people, he said.

"The taking of the suggested area for a cemetery does not appear to be the highest and best use of the land," he said. "While CLTC is very respectful to the need to reinter the remains of our uncles and ancestors, an act so woefully unaccomplished already, we respectfully recommend that this board look at alternatives."

Borja then suggested alternative sites in Mangilao and a different lot on the western edge of Ypao Point as options for the Chamorro shrine.

After initial testimony was given, Garrido gave an impassioned response to the statements in opposition.

"The best use for that property is to bury our ancestors," he said. "I don't care if it costs \$10 million, I don't care about that. You know how much dignity and respect costs? You can't even put (a) figure on it. The respect of our people is paramount."

[http://www.postguam.com/news/local/land-use-bills-fail-to-garner-support-of-planning-council/article\\_def77670-951f-11e6-a308-2f60edb97183.html](http://www.postguam.com/news/local/land-use-bills-fail-to-garner-support-of-planning-council/article_def77670-951f-11e6-a308-2f60edb97183.html)

## Land-use bills fail to garner support of planning council

By Neil Pang | Post News Staff 5 hrs ago



This 2007 image shows what one of the houses looked like prior to improvement efforts by Săgan Kotturan Chamoru (SKC). Photo courtesy of SKC

The Tamuning-Tumon-Harmon Municipal Planning Council (TaTuHa MPC) approved a resolution indicating their inability to support legislative proposals that would reserve land for the construction of a reburial facility for disinterred ancestral remains and create a legislative lease agreement for a Chamorro cultural center that would last for a 99-year period.

According to a resolution passed on Oct. 6, the TaHuHa MPC stated that they could not support legislative bills 374-33 or 375-33.

Bills 374 and 375 were introduced on Sept. 22 by Sens. Thomas Ada, Benjamin J.F. Cruz, Judith T. Won Pat and Rory J. Respicio.

Bill 374 calls for the reservation of approximately 8 acres of land for the construction of "Nåftan Mañaina-ta," an entombment facility for ancestral remains disinterred by development projects before 1989 including the Hornbostel Collection, a collection of more than 500 ancestral Chamorro remains unearthed in the 1920s by amateur anthropologist Hans Hornbostel for the Bernice B. Bishop Museum of Honolulu and repatriated to Guam in 2000.

Bill 375 proposes a legislative lease agreement for the use of another plot of land adjacent to the Ypao Point property proposed for the Chamorro Shrine. Currently, the land is used by Sâgan Kotturan Chamoru (SKC) under provisions of a license provided by the Chamorro Land Trust Commission (CLTC). The lease agreement proposed by the legislation would last for 99 years and provides no provision for termination.

### **Council: Where's the master plan?**

The resolution passed by the TaTuHa MPC stated that while they recognize and support the spirit and purpose of the bills, they cannot support them for a number of reasons including the lack of a comprehensive master plan or feasibility study for Ypao Point, the fact that the bills were drafted without any input or participation of the Municipal Planning Council and Tamuning residents and that the bills "do not take into account the best use of the property."

"The Municipal Planning Council requests that a comprehensive master plan for the best use and development of Ypao Point be developed before pledging any support or opposition to any future plans or legislation related to Yapao Point," the resolution stated.

Tamuning-Tumon-Harmon Mayor Louise Rivera said that the Municipal Planning Council heard presentations from representatives of CLTC and others that indicated that there were a number of organizations that had expressed interest in developing the land proposed for reservation in the bills.

According to Department of Land Management Director Mike Borja, the potential revenue generation from commercial lease agreements on the properties in question could be used for various capital improvement projects on other lands within its land inventory.

Borja reported during the initial public hearings that the plots of land proposed by Bills 374 and 375 are worth approximately \$19 million and \$4.3 million respectively.

While the bills are still awaiting legislative action, the fact that they have been proposed and fast-tracked has raised concerns for some who feel the timing of the bills' introductions in an election year calls into question the intentions behind their proposal.

"The lack of a comprehensive master plan or feasibility study for Ypao Point calls to question the true legislative intent of Bill 374-33 and Bill 375-33," the TaHuHa MPC resolution stated.

Other issues raised during the initial public hearing on the bills included SKC's failure to comply with the provisions of the current license that grants them use of the Ypao Point property.

### **Public hearing**

During a public hearing held on Oct. 6, Borja reported that the organization currently licensed to use the property, the nonprofit known as Inadahen I Lina'la' Kotturan Chamoru Inc., failed to comply with the terms of the license in regard to its renewal and have been behind on their taxes since 2014.

The current license, which was established in 2006, granted SKC use of the property for five years with provisions to renew the license for three additional five-year terms. According to Borja, the non-profit had failed to submit the requisite request for renewal.

The Post had previously spoken to representatives of SKC, who said plans to submit the request were underway and would be completed before the deadline of expiration.

According to Ray Leon Guerrero, the newly elected treasurer of SKC, the organization is now up to date on its taxes and is set to keep its current license for the next five years. Under the license provisions, the cultural center has up to 10 more years to use the property after which, unless other arrangements are made, they will no longer be able to use the property.

Leon Guerrero told the Post that while they got the license to use the land in 2006, the cultural center did not become open to the public until 2014 because of the immense work involved in developing the property.

"Everything was overgrown and there was jungle everywhere," he said. "All the work was done by volunteers who committed time and sweat to making the land usable for the cultural center."

### **Cultural importance**

Leon Guerrero said he felt the cultural center served a unique and necessary purpose for the Chamorro people. SKC currently provides a venue for education of locals and visitors who can come to the center and witness traditional crafts being done by longtime practitioners.

Julie Benavente, a body ornamentation specialist, said she had recently apprenticed five individuals under her tutelage in body ornamentation. She said the products created by SKC's artisans not only perpetuate Chamorro culture and tradition, but they also attract the attention of visitors and tourists who want to see and purchase handmade crafts created using traditional techniques.

The Ypao Point site also houses the Håya Foundation, which serves as a venue for traditional healing practices and currently has nine apprentices learning the traditional healing arts.

Leon Guerrero said SKC's current focus is going forward and ensuring DLM officials and others that the center provides invaluable services not found elsewhere. To that end, he reported they had recently submitted a list of events that SKC had conducted over the past eight years. According to Leon Guerrero, the center hosts field trips for schools, various cultural festivals and a number of craft workshops open to the public.

### **Neil Pang**

English teacher turned reporter covering GHURA, military affairs, church/religion, mass transit, parks and rec and more.

[http://www.postguam.com/news/local/cultural-center-license-threatened/article\\_7cf4b022-8edb-11e6-91c8-672f9ed9f8f3.html](http://www.postguam.com/news/local/cultural-center-license-threatened/article_7cf4b022-8edb-11e6-91c8-672f9ed9f8f3.html)

## Cultural center license threatened

Neil Pang | Post News Staff Oct 11, 2016



Neil Pang

TRADITIONAL MEDICINE: The entrance to the Haya Foundation's clinic located at the Sagan Kotturan Chamoru site near Ypao Point in Tamuning. The Haya Foundation practices traditional Chamorro medicine on their patients. Neil Pang/Post

In addition to the testimony regarding the reservation of land for a Chamorro shrine, the Nãftan Mañaina-ta, proposed by Bill 374-33, senators also received testimony on Bill 375-33 last Thursday which proposes a legislative lease agreement for the use of Lot No. 5173-1-R2NEW-4 by Sagan Kotturan Chamoru (SKC) for use as a Chamorro cultural center.

The lot in question is located above the Hilton Guam Resort and Spa in the vicinity of Ypao Point in Tamuning, near the proposed site of the Nãftan Mañaina-ta.

Currently, the lot is occupied by SKC – one of two cultural centers on Guam, including Gef Pa'go in Inarajan – under the terms of a temporary license issued by the Chamorro Land Trust Commission. Bill 375 proposes the authorization of a legislative lease in place of the license under which no provision for termination would be stated.

Mike Borja, director of the Department of Land Management and the administrative director of the Chamorro Land Trust Commission, testified in opposition to the bill during Thursday's public hearing.

Borja explained that Bill 375 proposed the perpetual use, without provisions for termination, of a property estimated at approximately 8.5 acres and valued at \$4.3 million.

According to Borja, the organization currently licensed to use the property, the nonprofit known as Inadahen I Lina'la' Kotturan Chamoru Inc., failed to comply with the terms of the license in regard to its renewal and have been behind on their taxes since 2014.

In a case similar to that surrounding Bill 374, Borja testified that CLTC had been in the process of engaging a commercial lease for the property in an effort to generate funds for the development of infrastructure on other lands in their inventory for use by native Chamorros for residential and agricultural purposes.

### **Revamping the board**

Julie Benavente, a resident specialist in body ornamentation at SKC, told the Post that Inadahen I Lina'la' Kotturan Chamoru Inc. was in the process of revamping their administrative board because the previous board had failed to attend to their duties in regards to the license renewal and the filing of taxes.

"We're revamping the administrative board of our organization so that we can put reliable people on to take care of and rectify the matter," she said.

She further stated that the new administrative board would be comprised by a majority of women.

"Only our women can take care of the culture," Benavente said.

Benavente explained that the board had held a work session following Thursday's hearing to address concerns.

"It actually was a shock for us," she said. "We are going to make sure everything is up to date before the week is out."

Under the provisions of the current license that became effective in 2006, SKC had use of the property for five years, after which they had the opportunity to file for three additional five-year terms for a total of twenty years. According to Borja, the nonprofit failed to submit the requisite written request for a renewal.

Benavente told the Post that she was not worried about the license expiring and said that they had until this Wednesday to submit the request for renewal with CLTC.

### **SKC's mission**

Benavente explained that even though they got the license to use the land in 2006, the cultural center was not opened until 2014 because of difficulty in developing the land for use. She described their efforts as a "labor of love" that required long hours of work and contributions from the community.

Benavente said that though they are now facing new challenges, their mission has not changed.

"The mission of the center is apprenticing the next generation of artisans in all the traditional and contemporary skills that we have available here," she stated.

According to Benavente, the center recently apprenticed five individuals under her tutelage in body ornamentation. She said the products created by SKC's artisans not only perpetuate Chamorro culture and tradition, but they also attract the attention of visitors and tourists who want to see and purchase handmade crafts created using traditional techniques.

Another group that resides on the property, the Håya Foundation, focuses on traditional healing practices.

Frances Meno and Rosie Mateo, who between them have more than a hundred years of experience in traditional Chamorro medicine, spoke to the Post about their mission.

"We want to help the children," Mateo repeatedly said. She told the Post that, earlier yesterday, they had treated some cases of congestion in infants that were brought to them.



Meno explained that they instruct apprentices in the skills of plant identification, collection and the processes involved in using those plants for medicinal purposes. Additionally, she explained the importance of their location as being beneficial for residents who want to find them. Meno said that before they had their facility, they operated out of their homes and that people had difficulty in locating them.

According to Meno and Mateo, they currently have about nine apprentices under their instruction in traditional medicine.

### **More Information**

Under the provisions of the current license that became effective in 2006, SKC had use of the property for five years, after which they had the opportunity to file for three additional five-year terms for a total of 20 years. According to Borja, the nonprofit failed to submit the requisite written request for a renewal.

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## Municipal Planning Council concerned about Oka Point legislation



Posted: Oct 21, 2016 4:53 PM

Updated: Oct 23, 2016 12:00 AM

By Ken Quintanilla [CONNECT](#)

Following a meeting earlier this month, the Municipal Planning Council for Tamuning-Tumon-Harmon passed a resolution expressing concern over a pair of bills regarding Oka Point. Bill 374 would use up to eight acres of land at Oka Point for a Chamorro shrine for at least 2,000 ancestral remains that have been found.

Meanwhile, Bill 375 would authorize a legislative lease for a cultural center.

While the MPC supports the intent, they cannot support both bills until a feasibility study and comprehensive master plan is completed. As part of the concern, the MPC writes without this plan, both bills would result in a "hodgepodge of development in the area and may prohibit a development that may be of better use to the people of Guam."

The MPC also notes these bills were drafted without any input or participation from the MPC and residents of Tamuning. Department of Land Management director Michael Borja raised similar concerns, saying the CLTC was not consulted nor did he believe it was the best use of the property.

[http://www.postguam.com/news/local/location-for-chamorro-shrine-proposed-since/article\\_a40f6c38-9aac-11e6-80aa-c365aa4266b2.html](http://www.postguam.com/news/local/location-for-chamorro-shrine-proposed-since/article_a40f6c38-9aac-11e6-80aa-c365aa4266b2.html)

## Location for Chamorro shrine proposed since 2002

By Neil Pang | Post News Staff 10 hrs ago

Documents provided by the Guam Historic Preservation Office (GHPO) reveal that the highly contentious Ypao Point location for the proposed Chamorro shrine, or "Náftan Mañaina-ta," has been on the books since at least 2002.

Bill 374-33, introduced Sept. 22 by Sens. Tom Ada, Rory Respicio, Speaker Judith Won Pat and Vice Speaker Benjamin Cruz, proposes the reservation of approximately 8 acres of land located on Ypao Point – the site of the old hospital overlooking Tumon Bay above the Hilton Hotel in Tumon – for the construction of the shrine.

Since the introduction of the bill, a number of groups and government agencies have weighed in on the pros and cons of the proposed Ypao Point location including the Tamuning-Tumon-Harmon Municipal Planning Council and Mike Borja, in his capacity as director of the Department of Land Management and the administrative director of the Chamorro Land Trust Commission, which have both expressed their inability to support the legislation on the grounds that it does not take into consideration, among other things, the "highest and best use" of the property, which is valued at \$5.4 million and considered to be the most valuable tract of land in CLTC's land inventory.

Additionally, Borja's Oct. 6 testimony referenced a November 2004 meeting of CLTC in which the board of commissioners declared "the highest and best use of CLTC's most valuable property was for commercial development for the purpose of generating revenues to conduct infrastructure improvement on CLTC lands." Borja reported that, since then, CLTC had been moving toward a direction to engage in a commercial lease for the Ypao Point property.

### **Náftan Mañaina-ta**

Efforts to establish the "Náftan Mañaina-ta," an entombment facility for Chamorro ancestral remains disinterred before 1989, have been underway since the signing of Bill 760-21 into Public Law 21-104 by Gov. Joseph F. Ada on May 29, 1992.

The law stipulated that a shrine called "Náftan Mañaina-ta" be erected for the purpose of reburying ancestral remains disturbed as a result of development projects around the island, but did not specifically designate a plot of land for the shrine's location.

"There presently does not exist a proper burial ground for these human remains which should be laid to rest as soon after they are discovered as possible," stated the 1992 law. "Therefore, this Act will locate a parcel of land to be designated for the establishment of the Chamorro Shrine where the ancestral human remains collected and presently being stored by the Guam Public Library and the Guam Museum will be properly entombed."

Early versions of the bill submitted as substitutions by the Committee on Education suggested that the shrine be "located in an area accessible to the general community, preferably within or near the villages of Agana or Tumon" and further recommended that witness testimony suggesting that the property be located along the seashore be taken into consideration.

In the end, P.L. 21-104 instructed the Department of Parks and Recreation to submit an appropriation request for the design and construction of the Chamorro shrine to the governor of Guam and the legislature "no later than ninety days following the enactment of this Act (being May 29, 1992)."

### **2002 email**

While the Post was unable to locate any documentation stipulating that an appropriation request was submitted within the 90-day period, email communication between Guam Historic Preservation Officer Lynda Aguon and Gov. Carl Gutierrez dated Aug. 22, 2002, provided the earliest available explanation behind the selection of the Ypao Point property.

According to the 2002 email, the Ypao Point location had actually been advocated as early as April 2001 by a group of individuals comprising members of "the Ancestral Remains Task Force, Department of Chamorro Affairs, Guam Preservation Trust, Guam Historic preservation Office, and most especially by staff of the Guam Ancestral Lands Commission – who were instrumental in providing the impetus to move forward on this issue."

Aguon explained in the email that the above group had initially met to discuss sites for the reburial of the "Hornbostel" collection. After research into historical records for events of significance that occurred in the area, the group settled on Ypao Point as "the most practical and logical for the shrine."

Points presented in favor of the Ypao Point location were summarized as: its stature as an important natural landmark befitting of the national monument that the Náftan Mañaina-ta could very well be, that it provides "a cultural and physical counter-balance to Puntan Dos Amantes – the most prominent point in Tumon Bay," the fact that it is visible from all air flights into Guam, that it is the closest point to Ypao Beach which is "the actual site where most of the ancestral remains were collected by Hans Hornbostel in the late 1920s," and that it is the site of a major historical battle between Spanish soldiers and Chamorro warriors.

Aguon's email concluded that the group of subject-matter experts had settled on Ypao Point as the best option and suggested to the governor that he officially request CLTC to designate five acres of Ypao Point land for the purpose of constructing the Chamorro shrine.

Since the 2002 email, several other communications were documented between officials with the Guam Historic Resources Division and the Department of Parks and Recreation and sitting governors, CLTC and the Ypao Development Task Force in the years between 2002 to 2004 prior to the November 2004 meeting of CLTC referenced by Borja in the initial public hearing held on Oct. 6, 2016.

The documents provided by the GHPO to the Post, and to the authors of Bill 374-33, reveal a long and drawn-out exchange between officials and agencies tasked with reburying the more than 2,000 remains that have awaited reburial for decades.

### **'Best use' of Ypao Point**

Jose Ulloa Garrido, with GHPO and who has been a part of reburial talks since at least 2002, expressed to the Post that he felt that reburial efforts for Chamorro ancestral remains have been treated as secondary to the completion of developmental projects, and that that is why they are still looking for a suitable final resting place.

"Since most of the burials are from the vicinity of Tumon Bay, the shrine must be as close as possible to where they were excavated from," Garrido explained in an email. "In our traditional history, we bury our dead as close as possible to our houses, to our land, to our coastal areas, so that we will always have access to express our respect to our ancestors. These are pre-contact Chamorros and it will be our obligation to make sure that they are buried as close as possible to where they excavated from."

In response to the line of argumentation posited by opponents of Bill 374 that questions the best use of the property and suggests that a commercial lease on the Ypao Point property could offer financial gains to CLTC that would potentially benefit all Chamorros, Garrido was adamant in his position of what constitutes the "best use" of Ypao Point.

"I understand the development concept of 'best use of property,' which [seems] to be an idea out of capitalism, but we are not building a hotel – we are building a National Monument on land the Chamorro Land Trust is holding in trust for the Chamorro people," he explained. "Our Chamorro ancestral remains were Chamorros that held Guam in trust for us for over 4,000 years. To me, building the Chamorro Shrine, our National Monument, fits the 'best use' of Ypao Point."

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