Sen. Thomas Ada
Chairman
Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
I Mina'Trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

NOV 22 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. 393-33 (COR) as amended

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 393-33 (COR) as amended **"An act to transfer with compensation a portion of the lot identified as "Anderson Communication Annex No.1 (AJKD), Municipality of Dededo" an area of ± 70,000 square meters or 17.297 acres from the Guam Ancestral Lands Commission inventory of Spanish Crown Lands to the Guam Waterworks Authority for the purpose of construction of the expansion of the Northern Wastewater District Plant (NDWWTP); and to rezone the transferred portion from the current Hotel (H) Zone to Public Facility (PF) Zone."**

Committee votes are as follows:

1 TO DO PASS

_____ TO NOT PASS

6 TO REPORT OUT ONLY

_____ TO ABSTAIN

_____ TO PLACE IN INACTIVE FILE

Si Yu'os ma'åse',

Thomas C. Ada

Ada Plaza Center, Suite 207 • 173 Aspinall Ave. • Hagåtña, Guam 96910
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Chairman
Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
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COMMITTEE REPORT
ON

Bill No. 393-33 (COR)
as amended

"An act to transfer with compensation a portion of the lot identified as "Anderson Communication Annex No.1 (AJKD), Municipality of Dededo" an area of ± 70,000 square meters or 17.297 acres from the Guam Ancestral Lands Commission inventory of Spanish Crown Lands to the Guam Waterworks Authority for the purpose of construction of the expansion of the Northern Wastewater District Plant (NDWWTP); and to rezone the transferred portion from the current Hotel (H) Zone to Public Facility (PF) Zone."

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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. 393-33 (COR) as amended**

Transmitted herewith for your consideration is the Committee Report on Bill No. 393-33 (COR) as amended **"An act to transfer with compensation a portion of the lot identified as "Anderson Communication Annex No.1 (AJKD), Municipality of Dededo" an area of + 70,000 square meters or 17.297 acres from the Guam Ancestral Lands Commission inventory of Spanish Crown Lands to the Guam Waterworks Authority for the purpose of construction of the expansion of the Northern Wastewater District Plant (NDWWTP); and to rezone the transferred portion from the current Hotel (H) Zone to Public Facility (PF) Zone."**

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 393-33 (COR), As Introduced
- Copy of Bill No. 393-33 (COR), As amended
- Public Hearing Sign-in Sheet
- Written testimonies
- Copy of Fiscal Note Request
- Copy of Fiscal Note
- COR Referral of Bill No. 393-33 (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.

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COMMITTEE VOTE SHEET

Bill No. 393-33 (COR) as amended **"An act to transfer with compensation a portion of the lot identified as "Anderson Communication Annex No.1 (AJKD), Municipality of Dededo" an area of ± 70,000 square meters or 17.297 acres from the Guam Ancestral Lands Commission inventory of Spanish Crown Lands to the Guam Waterworks Authority for the purpose of construction of the expansion of the Northern Wastewater District Plant (NDWWTP); and to rezone the transferred portion from the current Hotel (H) Zone to Public Facility (PF) Zone."**

COMMITTEE MEMBERS	SIGNATURE AND DATE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
SENATOR THOMAS C. ADA Chairperson						
SENATOR RORY J. RESPICIO Vice Chairperson	11/21/16			11.22.16		
VICE SPEAKER BENJAMIN J.F. CRUZ Member						
SENATOR FRANK B. AGUON, JR. Member						
SENATOR DENNIS RODRIQUEZ, JR. Member				11/17		
SENATOR NERISSA UNDERWOOD Member	11/17/16					
SENATOR FRANK BLAS, JR. Member						
SENATOR MARY TORRES Member	11/17/16					
SENATOR JAMES V. ESPALDON Member	11/17/16					

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COMMITTEE REPORT DIGEST

I. Overview

Bill No. 393-33 (COR) was introduced on October 27, 2016 by Senator Thomas C. Ada and was subsequently referred on October 27, 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 November 10, 2016 at 2:00pm in *I Liheslaturan's* Public Hearing Room to receive public testimony on Bill No. 393-33 (COR).

Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on November 3, 2016 (5-Day Notice) and again on November 7, 2016 (48-Hour Notice).

Senators Present

Senator Thomas C. Ada *Committee Chairperson*

The public hearing was Called-to-Order at 2:00pm.

II. Summary of Testimony and Discussion

Chairperson Ada: He presents the synopsis of Bill 393-33 as well as an orientation of the lot where the wastewater treatment plant will be built. Chairperson Ada explains that all costs shall be born by GWA and proceeds of the land sale will be used for preparing Spanish Crowns Land in Barrigada. He then calls on the people who have signed up to provide their testimony.

Evangeline Lujan, *GWA*: She explains that GWA is in support of Bill 393-33 and reads from her written testimony. (see attached)

Joey Duenas, *CCU Chairman*: They are in support of Bill 393-33 and are on a time constraint to get the bill passed in anticipation of the military buildup. He explains it comes with the rehabilitation of an existing sewer collection from Anderson to the new treatment plant as well as four monitor wells. They have agreed with GALC to survey the whole lot, which will provide a map delineating the property lines for the remaining portion of the lot to include top and bottom. He suggests the GWA portion be rezoned to Public Facility.

Chairperson Ada: He asks GWA, what is the requirement that is driving the need to expand the facility? Is it to provide capacity or is it an EPA requirement.

Joey Duenas: He explains it is a combination of things. One is to provide capacity to address the marine buildup, but more importantly is to comply with EPA regulations for a secondary treatment plant. They have talked with EPA to have 2 secondary treatment plant. One in the north and second in Agana. There is an opportunity to upgrade the treatment plant to secondary and have it all payed for by the military.

Chairperson Ada: He asked if the federal grant will cover all the cost.

Joey Duenas: It does include all the cost such as the acquisition of the land and monitoring wells. They have only applied for the first batch of money in regards to this particular project. The first batch is about 50 million dollars that will include the acquisition of the land and the engineering of the plant. Once that is done, they will apply for the second batch of funding. The total estimated cost of the project ranges from 155-165 million dollars.

Chairperson Ada: He asked if the projects would result in a rate increase to customers.

Joey Duenas: No, it will not increase the rates.

Michael Borja, *Dir. of DLM*: He explains the GALC support for Bill 393 is conditional dependent upon the recommendations provided in DLM's testimony. (see attached)

Chairperson Ada: He asked to clarify DLM's conditional support of the bill.

Michael Borja: He believes that section 2(f) in the bill, which directs the money received to be used a certain a way violates the intent of what the land bank trust was created for.

Chairperson Ada: He asked if their recommendation is to delete section f from the bill.

Michael Borja: correct.

Chairperson Ada: He asked how about the recommendation of the zoning going through the GLUC.

Michael Borja: He explains the planning division from DLM has requested because the whole place has gone through a master plan. This must be done in order to keep the master plan in tact especially when the use of the land has that kind of intensity and not to surprise the adjacent land owners. He says there are a lot of areas in there that are zoned hotel.

Chairperson Ada: He asked what would have to happen in order for the money to be distributed when it is in the Land Bank.

Michael Borja: The rules and regulations have to be completed, which already is being reviewed by the A.G.'s office. They have not received any feed back from them.

Chairperson Ada: He asked how long ago has the rules and regs been submitted.

Michael Borja: Since about May or June of 2016.

Chairperson Ada: He asked does the money in the land bank need legislation to be appropriated or does the commission have that authority.

Michael Borja: He explains that is what the rules and regs were suppose to dictate. He says there will always be some amount in the account and when it reaches a certain point it will then be distributed. The rules and regs were to determine who and how the money will be distributed.

Chairperson Ada: He asked if it is possible for the committee to get a draft copy of the rule and regs.

Michael Borja: Yes, he will send him a draft that was sent to the AG's office.

Anthony Ada, *GALC Member:* He explains the bill that GWA brought to their meeting is what they have been looking at is different then what has been introduced.

Chairperson Ada: He explains that section f is not in the version that GALC and GWA were looking at.

Anthony Ada: GALC agrees that public use complies with land being taken for the benefit of the community and that GWA would cover all costs of the land. He explains that GWA would take care of surveying the property by 2 surveyors. He says the property is in the land bank inventory list and the funds should be in the land bank trust fund. The GALC wanted the money to be flexible in order to alleviate the shrinking of the land bank properties by purchasing of more property to generate revenue for GALC. Mr. Ada went through the bill and noticed 8 out of 12 lots that were cited in the bill as Spanish Crown lands in Barrigada and concerned with the favoring of one small group of land owners.

Chairperson Ada: He asked if there are any other crown lands out there other than Barrigada.

Anthony Ada: He responds by saying yes.

Chairperson Ada: His point that drives section f of the bill is there is a large piece of property that has not been surveyed. There are concerns with encroachment issues and want to survey that tract of property. He explains that if GALC wants to use the proceed of the sale to purchase land somewhere else is up to them. The bottom line is that GWA needs that ancestral land at Dos Amåntes.

Anthony Ada: He would like the appraiser to appraise the lot as a hotel zone, so the GALC can get the most out of the property. He explains the commission acts like trustees in the Land Bank trust fund and then it establishes a land owners' recovery fund. The land owner recovery fund in 12 GCA, Ch. 74, section 74101 is for those who's land was taken and may never get it returned. The land owner's recovery fund loans money to those who got their land back can

borrow from the fund to survey their property and open up the property. He then refers to the improvement district law in 21 GCA Ch. 69, which talks about property owners who want to provide access to develop their land. It describes the process for properties that are not zoned or lack zoning, which may lead to chaotic development. The improvement district law creates a platform for land owners who are landlocked to come together to talk about it and getting access to their properties. Mr. Ada furthermore found in 12 GCA, Ch74, section 74110 titled source of funds references section 22202 of 11 GCA, which imposes a license fee for the following amusement devices. The rationale is to give the land back to the land owner for the highest and best use of the land according to Mr. Ada. In bill 393 section f can be achieved from the land owners recovery fund and does not need to be included in the bill.

Chairperson Ada: He explains through Mr. Ada's research there are other funding avenues that address the radio Barrigada issue. Chairperson Ada would like to move the bill forward to get it into the session agenda and is willing to take section f out of the bill. He does not want to hold back GWA from moving forward with their project. He asked Director Borja, if the rezoning through the GLUC going to take 120 days.

Michael Borja: He hopes not and this is something they would want to expedite.

Chairperson Ada: He wanted to make clear of Director Borja's reason for going through the GLUC. It is for the surrounding neighbors to be notified.

Michael Borja: He would like to add resolution 2016-01, which was passed by the GALC. (see attached)

Chairperson Ada: He asked if GALC legal counsel has given an opinion in regards to legislative action being required to sell or buy land.

Michael Borja: They have never saw or came across it. He knows they need legislative action, if they are to spend money outside of what is stipulated.

Chairperson Ada: He does not know, if that will get through the legislature of purchasing land not knowing where it is going to be. The simplest way is to deposit the money into the land bank. He asked does anyone have the estimated sell value of the 17 acres.

Michael Borja: He does not have that value at the top of his head.

Joey Duenas: He explains that the current treatment plant has been there since 1970 and US EPA came and said there will be no other treatment plant going to be built over the aquifer. So, there is no other place for GWA to build a secondary treatment plant. In reality people should consider the fact that the treatment plant is not going anywhere.

Chairperson Ada: He asked if re-zoning through the GLUC would delay GWA's process. Section 2 of the bill would allow GWA to go into the property and do its assessments.

Joey Duenas: The only concern is if the community comes out and says they do not want it.

Chairperson Ada: He says there is nothing from stopping the public from getting through other senators to not support it. He believes GWA should be satisfied with having cite control over the property for them to do their assessments.

Michael Borja: The price of the property is $19.39 per square meters. This is the assessed value.

Chairperson Ada: He wanted to make note that this is not bringing in 50 million dollars to the GALC.

Anthony Ada: He explains they wanted to take that money from the sell of land to turn it into purchasing of other properties.

Chairperson Ada: He responds by saying ok and deems bill 393-33 being dully heard.

Written Testimony Received:
Michael Borja, Director of Land Management
Miguel Bordallo, GM for GWA
Edwin Ching, attorney

Findings and Recommendations:

The committee finds that section 2 (f) of Bill 393-33 may violate the intent and purpose of the GALC Land Bank Trust by allocating the proceeds of the sale to preparing Spanish Crown Lands. It would be best to delete the proposed subsection.

Although the Executive Director of the GALC recommends that the rezoning of the Lot from "H" to "PF" be processed through the GLUC, the Committee determines that rezoning through legislative action is justified.

Written testimony was submitted by Mr. Ed Ching; he opposes the bill. In his testimony, he poses many questions. Many of these questions were answered during the public hearing. He does bring up a valid concern about the inverse condemnation effect of the presence of the NDWWTP.

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement, hereby reports out **Bill 393-33 (COR) as amended,** with the recommendation to report out only.

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

Bill No. 393-33(COR)

Introduced by: T.C. Ada

AN ACT TO TRANSFER WITH COMPENSATION A PORTION OF THE LOT IDENTIFIED AS "*ANDERSEN COMMUNICATION ANNEX NO. 1 (AJKD), MUNICIPALITY OF DEDEDO*" AN AREA OF ±70,000 SQUARE METERS OR 17.297 ACRES FROM THE GUAM ANCESTRAL LANDS COMMISSION INVENTORY OF *SPANISH CROWN LANDS* TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTION OF THE EXPANSION OF THE NORTHERN DISTRICT WASTEWATER TREATMENT PLANT (NDWWTP); AND TO REZONE THE TRANSFERRED PORTION FROM THE CURRENT HOTEL ("H") ZONE TO PUBLIC FACILITY ("PF") ZONE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent.

I Liheslaturan Guåhan finds that Guam's existing Northern District Wastewater Treatment Plant (NDWWTP) presently provides only Court Ordered chemically enhanced primary treatment (CEPT) without disinfection. The Guam Waterworks Authority (GWA) has determined that upgrade of the NDWWTP will ensure that permit requirements of the National Pollution Discharge Elimination System (NPDES) are met for all discharges of current and future increases in wastewater flows from the population, civilian and military, in Northern and Central Guam. Additionally, the upgrade is necessary to mitigate the impact to

marine resources resulting from increased ocean discharges and to protect the Northern Guam Lens Aquifer.

I Liheslaturan Guåhan finds that the Department of Defense supports the construction of the NDWWTP upgrade and expansion to ensure that the military wastewater requirements can be met and that the Federal Clean Water Act (CWA) and Guam 's water quality standards are met.

I Liheslaturan Guåhan further finds that an Implementation Plan was developed in 2015 by the Economic Adjustment Committee that supports the preferred alternative for upgrades to the civilian water and wastewater infrastructure, and that in conjunction with that plan, the Department of Defense, Office of Economic Adjustment has been authorized to provide the necessary funds to GWA to expand and upgrade the Northern District Wastewater Treatment Plant.

I Liheslaturan Guåhan finds that GWA has identified *Spanish Crown Lands*, located adjacent to the existing NDWWTP, held in Trust by the Guam Ancestral Lands Commission (GALC). The property of interest would be suited for the purpose of expanding and upgrading the NDWWTP. *I Liheslaturan Guåhan* further finds that GWA's interest in obtaining the property for public benefit with the appropriate compensation agreement is consistent with 21GCA §80104(e).

I Liheslaturan Guåhan finds that this NDWWTP project is necessary and will benefit the people of Guam and therefore intends to authorize the Ancestral Lands Commission to transfer approximately ±**70,000** square meters (17.3 acres) to the Guam Waterworks Authority to accomplish the necessary improvements described above. GWA and GALC have discussed the basic terms of the transfer to meet the needs and mandates of both parties, and are committed to finalize compensation to the Guam Ancestral Lands Commission within one hundred twenty days (120) of the enactment of this Act.

Section 2. Authorization to Transfer Land to Guam Waterworks Authority (GWA).

(a) Notwithstanding any other provision of law, rule or regulation, *I Liheslaturan Guåhan* authorizes the Guam Ancestral Lands Commission (GALC) to transfer from its *Spanish Crown Lands* inventory approximately $\pm 70{,}000 m^2$, a portion of Andersen Communication Annex No. 1 (AJKD), Municipality of Dededo, as shown in the Department of Land Management sketch identified as Northern District Wastewater Treatment Plant (see Exhibit A), to GWA for the construction of the upgrade and expansion of the existing wastewater treatment plant to include, but not limited to the oxidation ditches, odor control, enhanced headworks, secondary clarifiers, digesters, pumps and associated piping, and storm water basins, to the GWA.

(b) The administrative transfer of property shall become effective upon the enactment of this Act. GALC grants right of entry immediately to enable GWA to initiate required geotechnical survey, topographic survey, other required testing and studies pertinent to the construction design of the expansion of the NDWWTP while both parties are finalizing compensation and the deed is recorded.

(c) Appraisal. GWA shall pay for the appraisal of the property by two different appraisers, one of which shall be selected by the Director of the Department of Land Management.

(d) Survey. GWA shall have the property surveyed at its own expense and the survey map shall be approved and recorded by the Department of Land Management.

(e) Purchase Price and Transfer Agreement. GWA shall work with GALC to determine an appropriate compensation for the property purchase.

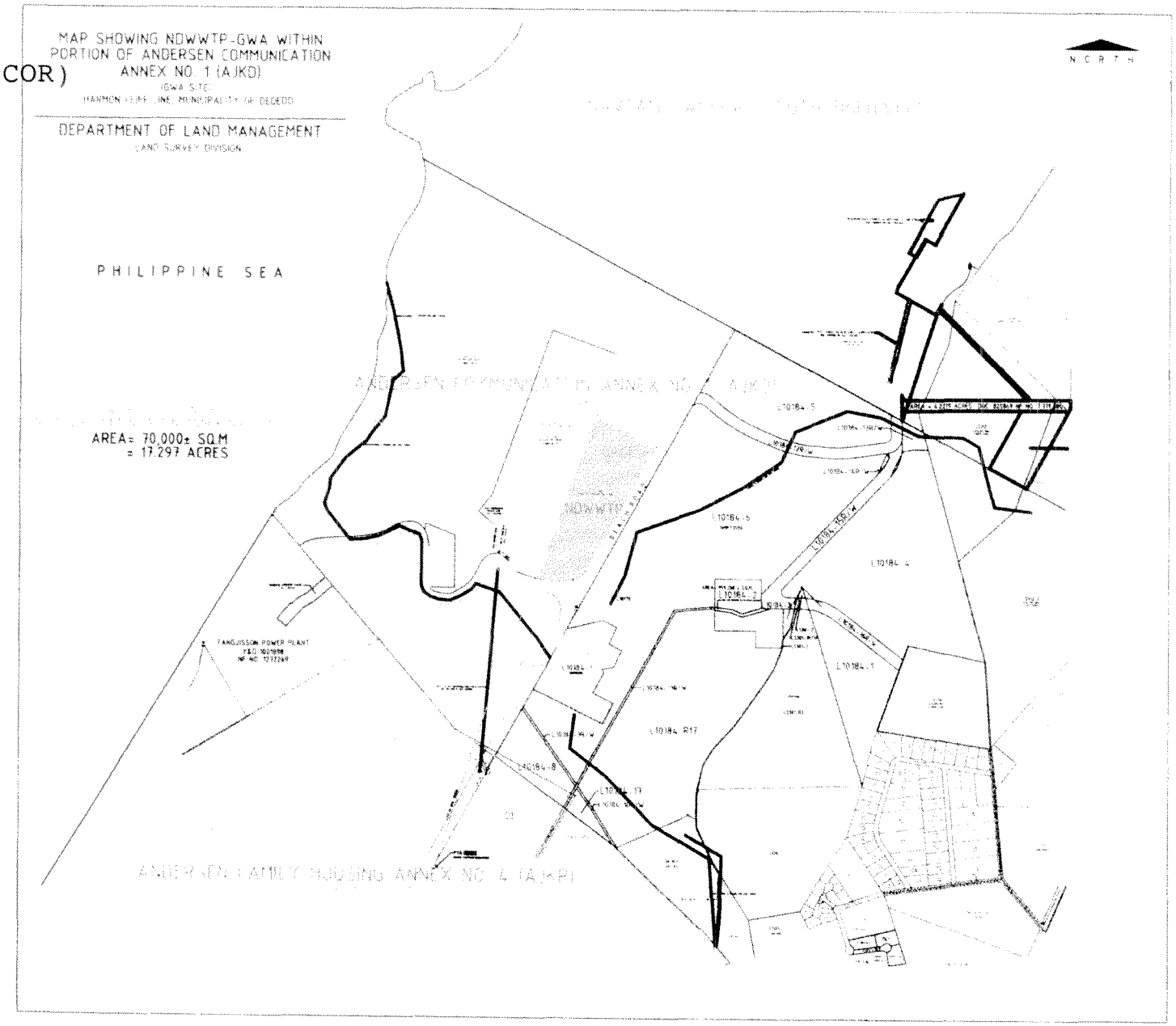
A compensation and transfer agreement shall be finalized within one hundred twenty (120) days. Failure to achieve an agreement may result in the reversion of the property to the GALC.

(f) Use of Proceeds from Land Sale. The proceeds from the sale shall be used for the purpose of preparing *Spanish Crown Lands* Lot Nos. 2205, 2205-1, 2208, 2215-R2, 2453, 2453-1, 2454, 2455, 2457, 2457-1, 2463, and 2481, all in the Municipality of Barrigada (see Exhibit B) for development. Any excess funds shall be used for a similar purpose at other *Spanish Crown Lands* not identified in this Act. Said preparations shall include surveying of access roads and utility easements, recordation of grants of easement and accompanying maps, and actual construction of the access and utility easements. Any excess funds from these preparations for development of Spanish Crown Lands shall be deposited in the Land Bank account established in 21GCA §80104(e).

Section 3. Zoning Designation. The portion of Andersen Communication Annex No.1 (AJKD), Municipality of *Dededo*, as shown in the Department of Land Management sketch identified as NDWWTP (see Exhibit A), that will be utilized for the expansion of the Northern District Wastewater Treatment Plant (NDWWTP), shall be rezoned from Hotel Zone (H) in accordance with the Official Zoning Map covering the Municipality of *Dededo, "Dos Amantes"* Planning Area, Instrument No. 817995 to Public Facility Zone (PF) pursuant to 21 GCA, Chapter 61, §61313.

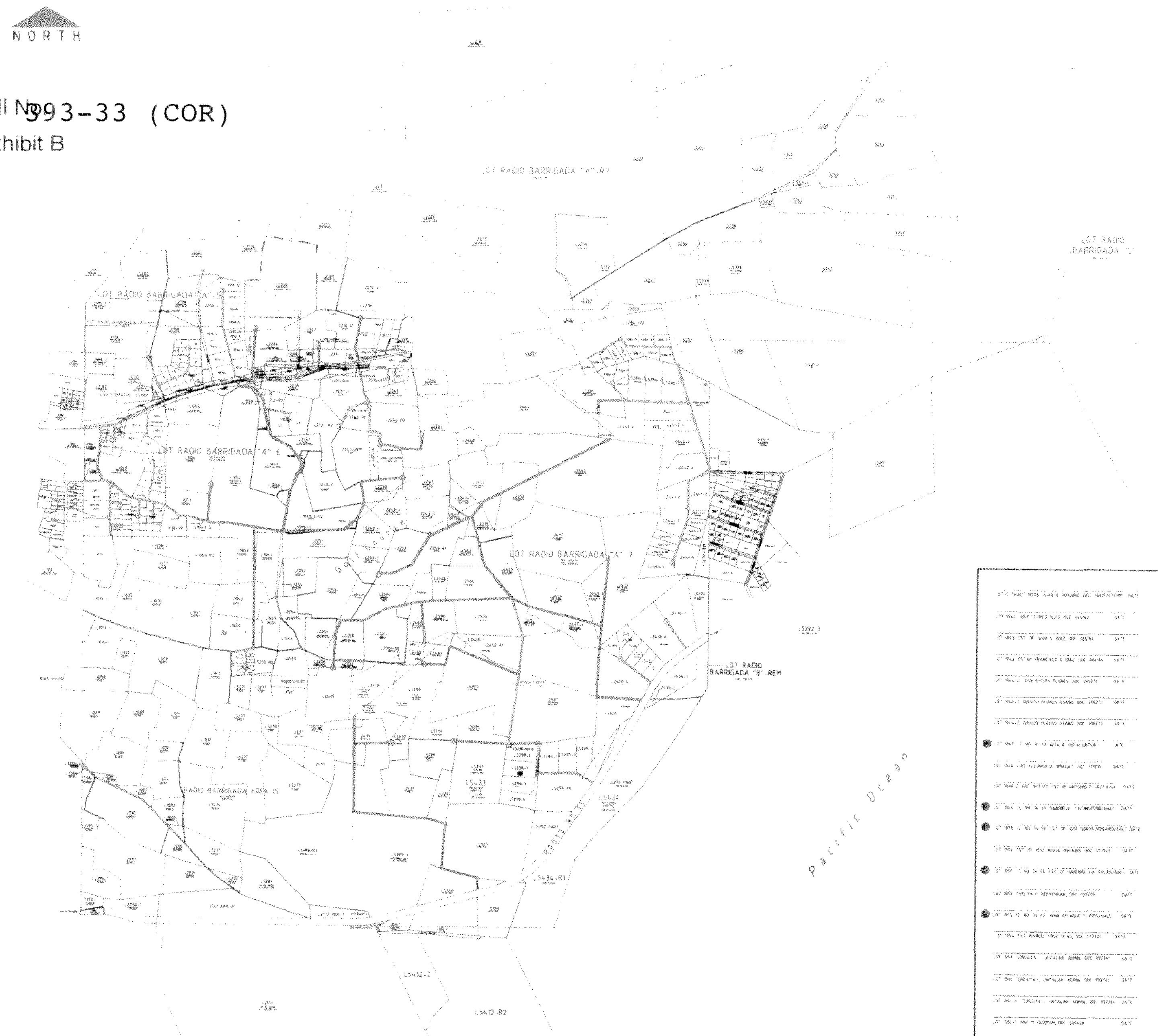
Section 4. Severability. If any provision of this law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this law, which can be given effect without the invalid provisions or applications and to this end the provisions of this act are severable.

Bill No. 393-33 (COR)
Exhibit A



Bill No. 393-33 (COR)

Exhibit B



GRANT OF ACCESS EASEMENT

LEGEND

DOCUMENTED RIGHTS OF WAY

FOR 40 FT. WIDE RIGHTS OF WAY

GALC (CROWN LAND)

UNRETURNED LAND

"RADIO BARRIGADA GALC R/W MAP"

GRANT OF ACCESS EASEMENT 40 FT. WIDE RIGHTS OF WAY

MUNICIPALITIES OF BARRIGADA AND MANGILAO

DEPARTMENT OF LAND MANAGEMENT

LAND SURVEY DIVISION

CERTIFICATION

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

Bill No. 393-33 (COR)
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Introduced by: T.C. Ada

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I Liheslaturan Guåhan further finds that an Implementation Plan was developed in 2015 by the Economic Adjustment Committee that supports the preferred alternative for upgrades to the civilian water and wastewater infrastructure, and that in conjunction with that plan, the Department of Defense, Office of Economic Adjustment has been authorized to provide the necessary funds to GWA to expand and upgrade the Northern District Wastewater Treatment Plant.

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(b) The administrative transfer of property shall become effective upon the enactment of this Act. GALC grants right of entry immediately to enable GWA to initiate required geotechnical survey, topographic survey, other required testing and studies pertinent to the construction design of the expansion of the NDWWTP while both parties are finalizing compensation and the deed is recorded.

(c) Appraisal. GWA shall pay for the appraisal of the property by two different appraisers, one of which shall be selected by the Director of the Department of Land Management. Property is currently zoned "H"; appraisal shall be based on the current zoning "H".

(d) Survey. GWA shall have the property surveyed at its own expense and the survey map shall be approved and recorded by the Department of Land Management.

(e) Purchase Price and Transfer Agreement. GWA shall work with GALC to determine an appropriate compensation for the property purchase. A compensation and transfer agreement shall be finalized within one hundred twenty (120) days of the enactment of this law. Failure to achieve an agreement may result in the reversion of the property to the GALC.

Section 3. Zoning Designation. The portion of Andersen Communication Annex No.1 (AJKD), Municipality of *Dededo*, as shown in the Department of Land Management sketch identified as NDWWTP (see Exhibit A), that will be utilized for the expansion of the Northern District Wastewater Treatment Plant (NDWWTP), shall be rezoned from Hotel Zone (H) in accordance with the Official Zoning Map covering the Municipality of *Dededo, "Dos Amantes"* Planning Area, Instrument No. 817995 to Public Facility Zone (PF) pursuant to 21 GCA, Chapter 61, §61313.

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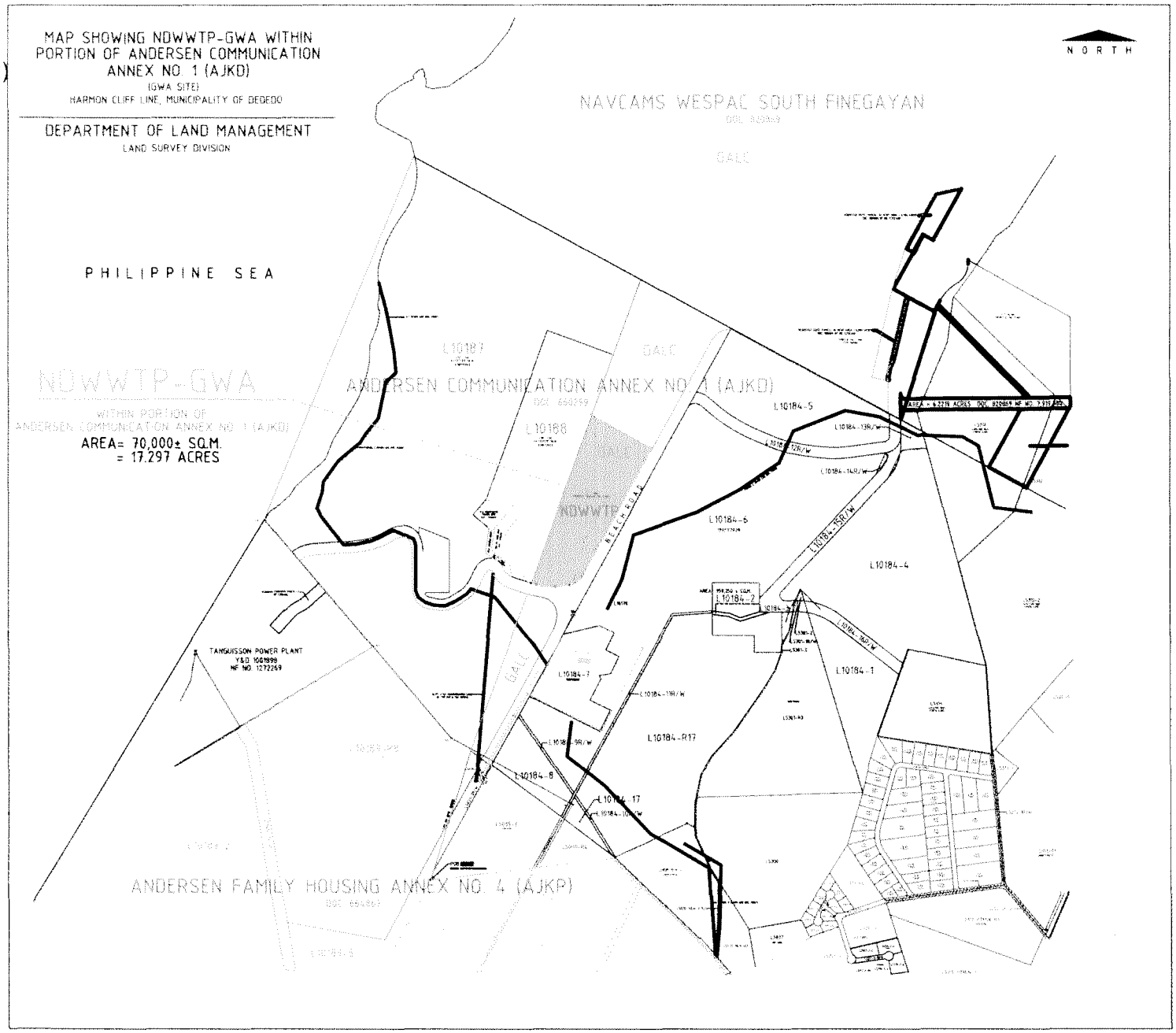


SHEET NO. (1)

Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement
Public Hearing
November 10, 2016
2:00pm
I Liheslaturan Guåhan, Hagåtña

Bill No. 393-33 (COR) – T. C. Ada
An act to *transfer with compensation* a portion of the lot identified as "Andersen Communication Annex No. 1 (AJKD), Municipality of *Dededo*" an area of ±70,000 square meters or 17.297 acres from the Guam Ancestral Lands Commission Inventory of Spanish Crown Lands to the Guam Waterworks Authority for the purpose of construction of the expansion of the Northern District Wastewater Treatment Plant (NDWWTP); and to rezone the transferred portion from the current Hotel ("H") Zone to Public Facility ("PF") Zone.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER	EMAIL ADDRRESS
Evangeline Lujan	GWA	X	X			300-6887	vangie@guamwaterworks.or
Bobbie Cruz	GWA			X		300.6071	
MICHAEL BORJA	DLM	✓	✓				

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guahan)

EDDIE BAZA CALVO
Governor of Guahan

RAY TENORIO
Lieutenant Governor of Guahan

MICHAEL JB BORJA
Director

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

November 10, 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. 393-33** – AN ACT TO TRANSFER WITH COMPENSATION A PORTION OF THE LOT IDENTIFIED AS "ANDERSEN COMMUNICATION ANNEX NO. 1 (AJKD), MUNICIPALITY OF DEDEDO" AN AREA OF ±70,000 SQUARE METERS OR 17.297 ACRES FROM THE GUAM ANCESTRAL LANDS COMMISSION INVENTORY OF SPANISH CROWN LANDS TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTION OF THE EXPANSION OF THE NORTHERN DISTRICT WASTEWATER TREATMENT PLANT (NDWWTP); AND TO REZONE THE TRANSFERRED PORTION FROM THE CURRENT HOTEL ("H") ZONE TO PUBLIC FACILTY ("PF") ZONE.

Buenas Yan Hafa Adai!

Bill No. 393-33 intends to do several things:

1. Transfer land from the Guam Ancestral Lands Commission (GALC) Land Bank Trust to the Guam Waterworks Authority (GWA) for compensation;

2. Allocate the proceeds of the land sale for improving other lots in Barrigada; and

3. Rezone the transferred property.

Based on the intent of this bill and its exhibits, the Department of Land Management has the following comments:

1. On the land transfer, the Guam Ancestral Lands Commission board of commissioners met and discussed the transfer of lands with the Guam Waterworks Authority and have tentatively agreed to the following:

    a. The land transfer shall be compensated by GWA for the fair market value;

    b. GWA shall bear all costs of land appraisals, land surveys, and land registration;

    c. Payment of the land shall be placed in the Land Bank Trust;

    d. GALC request legislative authorization to reinvest the compensation for purchase of other property for the continued benefit of the Land Bank Trust beneficiaries.

2. Concerning the use of the proceeds of the land sale to conduct land improvements in Barrigada, the Department of Land Management has serious reservations with Section 2(f) of Bill No. 393-33. This section identifies lots that have already been returned to ancestral owners to benefit from land improvements and infrastructure development and to improve easements not directly adjacent to Crown Lands but for other returned properties.

    On August 16, 2013, the Superior Court of Guam issued a Decision and Order for Civil Case No. CV 1461-10, *Gange, et al vs Government of Guam, Guam Ancestral Lands Commission*. The court struck down elements of Public Law 30-158 which granted GALC Land Bank Trust properties to dispossessed ancestral land owners to extinguish their land taking claims. It held that the "beneficiaries of the land trust do indeed have private property rights in the lots and the stream of revenues generated by the lots sufficient to trigger the protections of the Takings Clause."

    Fundamentally, the Guam Ancestral Lands Commission and the Land Bank Trust were created to return excess government lands or compensate dispossessed ancestral land owners with revenue generated from Crown Lands and other non-ancestral lands. By directing the use of funds from the land purchase to improve the properties of ancestral land owners who had their lands returned would violate the intent and purpose of the GALC and the Land Bank Trust since these land owners of returned lands are no longer beneficiaries of the Land Bank Trust. Inclusion of this section of the bill would be contrary to the *Gange* case and we highly recommend its removal. In fact, because of Public Law 30-158 and the resulting *Gange* case, GALC is potentially liable for legal costs of the plaintiff in a situation created by the Legislature, greatly jeopardizing the Land Bank Trust.

3. Additionally, the bill intends to legislatively rezone the identified lot from Hotel ("H") Zone to Public Facility ("PF") Zone. The original creation of all the zoning in

this particular area was the result of the approval of a master plan adopted by the Guam Land Use Commission. Due to the intense and significant nature of the proposed use of this identified lot and its direct impact to the surrounding land owners, the Department of Land Management highly recommends the rezoning of this land be processed as an application to rezone with the Guam Land Use Commission. Through the zone change application process, surrounding land owner notification activities will be engaged, vetting by the Application Review Committee will commence, and municipal public hearings will be scheduled. In this way, the overall integrity of the master plan that rezoned the region will remain intact.

Finally, the Department of Land Management finds the intent and purpose of this bill to be necessary for the public interest and respects the will and intent of the Guam Ancestral Lands Commission to protect the interest of the Land Bank Trust beneficiaries. Our support for this bill is conditional on the application of our recommendations.

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

Senseramente,

MICHAEL J.B. BORJA
Director

GUAM ANCESTRAL LANDS COMMISSION
RESOLUTION NO. 2016-01

Declaration and Designation of Land for Guam Waterworks Authority Infrastructure Development

WHEREAS, the Guam Ancestral Lands Commission ***(hereafter GALC)***, in accordance with Guam Code Annotated Title 21, Chapter 80 and Public Law 25-45, has the responsibility for the return of excess government lands to its original land owners except in circumstances when land is clearly under existing public use or lands were Spanish Crown Land; and

WHEREAS, the Spanish Crown Lands exist in an area known as Andersen Communication Annex No. 1 (AJKD), Municipality of Dededo; and

WHEREAS, the Guam Waterworks Authority ***(hereafter GWA)***, has determined an essential public need to expand their existing Northern District Waste Water Treatment Plant (NDWWTP) located adjacent to the Spanish Crown Lands in AJKD by acquiring the use of approximately seventy thousand square meters of a portion of Andersen Communication Annex No. 1 (AJKD), Municipality of Dededo; and

WHEREAS, the GALC, with the Department of Land Management, have determined the Spanish Crown Lands located in Andersen Communication Annex No. 1 (AJKD), Municipality of Dededo, are unregistered lands that must be surveyed and registered in the Superior Court of Guam prior to it being formally portioned and assigned; and

WHEREAS, the GWA seeks to acquire approximately seventy thousand square meters of a portion of Andersen Communication Annex No. 1 (AJKD), Municipality of Dededo, GALC has determined the acquisition must be authorized by the Guam Legislature and appropriately compensated for the land being taken for the public necessity as outlined in Guam Code Annotated Title 21, Chapter 15; and

WHEREAS, the GALC, in accordance with Guam Code Annotated Title 21, Chapter 80, must ensure all moneys earned from the Spanish Crown Lands must be placed into Land Bank Trust on behalf of ancestral landowners who, by virtue of continued government or public benefit use cannot regain possession or title to their ancestral lands; and

WHEREAS, on October 26, 2016, the GALC board of commissioners at their regularly scheduled meeting, Tamuning, Guam, reviewed a DRAFT bill presented by GWA at this same meeting (Exhibit A), and approved by a motion to designate as available approximately seventy thousand square meters of a portion of Andersen Communication Annex No. 1 (AJKD), Municipality of Dededo, as necessary for the public good to be assigned, with compensation, to the Guam Waterworks Authority by legislative action and that compensation be deposited into the Land Bank Trust for future use to acquire other fee simple real property (real or income producing).

NOW THEREFORE BE IT RESOLVED,

1. The Guam Ancestral Lands Commission Board of Commissioners approves and declares, as designated property, **approximately seventy thousand square meters of a portion of Andersen Communication Annex No. 1 (AJKD), Municipality of Dededo**, be available and

designated property for the Guam Waterworks Authority infrastructure development who will be fully responsible for any and all land surveys, land registration, and land appraisals, as necessary;

2. The Guam Ancestral Lands Commission authorizes the execution of a **"RIGHT OF ENTRY"** for the designated property identified above to the Guam Waterworks Authority; and

3. The Guam Waterworks Authority shall compensate to the Guam Ancestral Lands Commission Land Bank Trust the fair market value of the designated property identified above; and

4. The Guam Ancestral Lands Commission, as Trustees, shall reinvest the compensation by purchase of other property (real or income producing) for the continued benefit of the Land Bank Trust and beneficiaries; and

5. The Guam Ancestral Lands Commission Board of Commissioners transmits this Resolution to *I Liheslaturan Guahan* with its recommendation to include the designated property in legislation to assign it to the Guam Waterworks Authority with compensation to be determined within a specified period listed in the enacted law.

DULY AND REGULARLY ADOPTED BY THE GUAM ANCESTRAL LANDS COMMISSION THIS 26 TH DAY OF OCTOBER 2016.

Anita D. Orlino — Date: 11/9/16
ANITA ORLINO, Chairperson

Ronald T. Laguana — Date: 11/9/2016
RONALD LAGUANA, Vice Chairman

Maria J. Cruz — Date: 11/9/2016
MARIA CRUZ, Secretary & Treasurer

R. Eclavea — Date: 11/9/2016
RONALD ECLAVEA, Commissioner

Anthony V. P. Ada 09 NOV 2016 — Date: 11/9/2016
ANTHONY ADA, Commissioner

_____ — Date: _____
ANTONIO SABLAN, Commissioner

Louisa Wessling — Date: 11/9/2016
LOUISA WESSLING, Commissioner

ORIGINAL

Re: Bill 393-33

Comments on Bill 393-33

November 11, 2016

To: Senator Thomas C. Ada
Chairperson
Commission on Lands
Guam Legislator

I am submitting these comments on my personal behalf, and as an attorney with substantial experience in real estate. I am opposed to Bill 393-33 (" this Bill") for many reasons, but basically because there is not enough study done to consider all aspects of building another sewage treatment plant in Ukudu. Once a complete and comprehensive study is done, they full disclosure should and must be given to the public.

In any event, the following are my concerns, thoughts, questions, and/or comments:

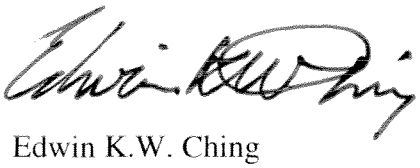
1. Will this replace the existing treatment plant or will the new treatment plant be in addition to the existing treatment plant, so in the end, we would have 2 plants in the same area?
2. Has an environmental study been done for 2 plants in the same area?
3. The proposed new treatment plant would be located on crown property, which is presently zoned "H", for hotels. Is this correct?
4. If H-zoned land is used for a sewage treatment plant, this would not be the "highest and best" use of the property.
5. Use of H-zoned land for other than its intended use, namely, hotel, would diminish values for the property and all surrounding properties.
6. GWA would pay the market value of the property for hotel zone for use of a sewage treatment plant. How much will that cost?
7. The properties surrounding the proposed property for a sewage treatment plant are also zoned for hotel use. The end result is that you would have a sewage treatment plant, regardless if were a primary, secondary or tertiary, would have a substantial negative value on the surrounding properties that are zoned for hotel, residential and apartment use. This negative affect on values will result in "inverse condemnation" cases against the government.
8. GWA may argue that a secondary treatment plant is good for the surrounding area because it may or will lessen the "smell" normally created by a primary treatment plant. Regardless of the fact that a secondary treatment plant will or may eliminate the "smell" (which is not guaranteed), a sewage treatment plant is being built on, and or within hotel zoned property, and near other properties zoned for residential and apartment use. The

effect on the surrounding properties shall be to lower the values of surrounding properties. For example: would you build a sewage treatment plant in the middle of Tumon Bay, next to all the hotels? Would you build a sewage treatment plant in the middle of Waikiki, or New York city?

9. Rezoning land to a lower zone also affects values by lowering the values. Hence, the act of rezoning to a lower value to accommodate the sewage treatment plant will trigger affect all surrounding properties, and creates "inverse condemnation".
10. If the military needs must be met, then building a sewage treatment plant in Ukudu instead of on a location near Andersen Airforce Base may not be the better idea.
11. What about the cost of all new pipes and sewer lines needed to connect from consumers to the treatment plant. What is the plan? Where will they be located. At what cost?
12. What about existing master plans for the area as previously filed by the government, private developers, etc.? This is probably contrary to all master plans.
13. My understanding is that GPA also wanted to build a generator and other facilities next to a sewage treatment plant to take advantage of the water used by the treatment plant. The GWA water would be used to cool down the GPA generators. I am wondering once a sewage treatment plant is installed in this new area, such will be followed by a GPA plant? All being created in properties zoned for hotel, apartment and residential use? More devaluation of property values?
14. Maybe the federal government will pay for the direct cost of the secondary treatment plant, but what about other costs and damages incurred by government of Guam? The inverse condemnation damages, the new pipes, more condemnation proceedings for other additional lands needed for the pipes, and related facilities.

I hope you and your committee will give some deep consideration about my comments as stated above. Thank you for allowing me to submit my thoughts in writing.

Senseramente



Edwin K.W. Ching

Phone: cell: 988-1084
office: 473-5000
Email: personal: ekwching@gmail.com
Office: ed.ching@coretechintl.com

GUAM WATERWORKS AUTHORITY
Gloria B. Nelson Public Service Building
688 Route 15, Mangilao, Guam 96913
Phone: (671) 300-6885 Fax: (671) 648-3290

November 7, 2016

The Honorable Senator Thomas Ada, Chairman,
Committee on Transportation, Infrastructure,
Lands, Border Protection, Veterans' Affairs and Procurement,
Ste. 207 Ada Plaza Center, 173 Aspinall Ave.,
Hagatna, Guam 96910

Hafa Adai Senator Ada,

Thank you for the opportunity to provide comments for ***BILL NO. 393-33 (COR), AN ACT TO TRANSFER WITH COMPENSATION A PORTION OF THE LOT IDENTIFIED AS "ANDERSEN COMMUNICATION ANNEX NO.1 (AJKD), MUNICIPALITY OF DEDEDO" WITH AN AREA OF +/- 70,000 SQUARE METERS OR 17.297 ACRES FROM THE GUAM ANCESTRAL LANDS COMMISSION INVERTORY OF SPANISH CROWN LANDS TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTION OF TH EXPANSION OF THE NORTHERN DISTRICT WASTEWATER TREATMENT PLANT (NDWWTP); AND TO REZONE THE TRANSFERRED PORTION FROM THE CURRENT HOTEL ("H") ZONE TO PUBLIC FACILITY ("PF") ZONE.***

The Guam Waterworks Authority (GWA), in accordance with policy established by the Consolidated Commission on Utilities has been working over the past six years to insure that Authority's infrastructure is prepared to accommodate the growth anticipated with the realignment of Department of Defense facilities and activities on Guam. As a result of these efforts and GWA's coordination with the Office of Economic Adjustment, Department of Defense, GWA has been able to secure grant funding to allow for the execution of several water and wastewater infrastructure projects which will improve and expand our infrastructure and enhance our ability to protect our marine resources, and more importantly, the Northern Guam Lens Aquifer (NGLA). The largest and most important of these projects is the upgrade of the NDWWTP to a secondary treatment facility capable of meeting the permit requirements of the National Pollution Discharge Elimination System (NPDES) for all current and anticipated future wastewater flows from both military and civilian populations in the Northern and Central areas of Guam.

The land identified in this bill was selected to provide sufficient land area for the needed upgrades and treatment process structures, and because of its proximity to the existing GWA sewer interceptors and trunk lines, the NDWWTP, and effluent pipe/deep ocean outfall. The property will enable GWA to upgrade existing treatment headworks, and solids handling process equipment, install new primary treatment oxidation ditch structures, secondary clarifiers, sludge digesters, and UV disinfection process equipment, as well as construct required stormwater detention basins to address United States Environmental Protection Agency (USEPA) Clean Water Act (CWA) requirements. The upgrade to secondary treatment is critical to GWA's continuing

program of infrastructure improvements to enhance system performance, ratepayer service and protection of the public health and safety.

Over the last several months, the CCU leadership and GWA's staff have been working with the Ancestral Lands Commission to identify and address the concerns of the ALC regarding this proposed legislation, as well as discussing possible options for insuring the ALC receives the appropriate value of such lands so as not to adversely affect, and assist in the enhancement of their programs. Bill 393-33(COR) would enable and require GWA to work closely with the ALC in developing an appropriate compensation package over the next 120 days. Further, GWA is prepared to fund required property assessments and surveys to ensure the contemplated property transfers are beneficial to both the Ancestral Lands Commission and to the people of Guam.

Grant funding for this acquisition, and the management and design of the NDWWTP improvements projects is in place and GWA is in the process of securing consultants to execute these projects immediately to insure the upgrades are in place at the time the Department of Defense facilities re-alignment occur.

With this realignment, Guam will see an increase in population, as well as increased commercial and construction activity. These projects will support anticipated development, and contribute significantly to the sustainability of the island's economy by meeting future demands on our water and wastewater infrastructure, and improving treatment performance for the protection of our precious water and marine resources.

In addition, the upgrades to the NDWWTP that begin with the acquisition of the property identified in Bill 393-33(COR) will also enable GWA to support future power generation facilities with tertiary treatment for effluent re-use as plant cooling water, further enhancing the protection of marine resources.

Based on the foregoing, GWA expresses its full support of the bill as presented and respectfully requests your vote in favor of these bills.

Thank you to Senator Ada and his staff for moving this critical legislation forward. We look forward to working with the Ancestral Lands Commission and their Administrator to come to an agreement for appropriate compensation for this property. Thank you for the opportunity to comment on this bill. Please feel free to contact me at 300-6846 or email at mcbordallo@guamwaterworks.org if you have any questions.

Si' Yu'us Ma'ase'

MIGUEL C. BORDALLO, P.E.
General Manager

TERANGUE "TIGER" GILLHAM

PO Box 3207 Hagatña, Guam, 96932
1.671.477.9224
tiger@gk2pacific.com

November 17, 2016

Honorable Senator Thomas C. Ada

Chairman, Committee on Transportation, Infrastructure, Lands, Border Protection, Veteran's Affairs and Procurement

33rd Guam Legislature

RE: Testimony of Terangue Gillham in Opposition to Bill No. 393-33

Hafa Adai Senator Ada,

My name is Terangue Gillham, and I am submitting this written testimony in opposition to Bill 393-33 in its current form.

I am the general partner of a partnership that owns Lot 10188, which lies west of and abuts the 70,000 square meter portion of Guam Ancestral Lands Commission property, known as Andersen Communication Annex No. 1 (AJKD), that is the subject of Bill 393-33.

Based on my reading of Bill 393-33 I understand that it proposes to

1. Authorize the Guam Ancestral Lands Commission (GALC) to transfer the subject property to the Guam Waterworks Authority (GWA) for the purpose of constructing the upgrade and expansion of the existing Northern District Wastewater Treatment Plant (NDWTP).
2. Change the zoning of this 70,000 square meter parcel from the present "H" Resort Hotel to "PF" .

RECEIVED by the
Office of Senator
Thomas C. Ada
of 17NOV16

I recognize that GWA's NDWTP facility needs to be upgraded and expanded in order to meet future wastewater treatment needs as well as Federally mandated water quality standards. However, the proposed findings in Bill 393-33 fail to mention or address the adverse impacts that the proposed change of authorized use for the subject property would have on adjoining landowners, such as the partnership that I represent, and also violates basic principles of land use planning as set forth in the Guam Code Annotated.

As the representative of the owner of adjacent Lot 10188, which abuts and is downwind of the GALC property, I have serious concerns about the inevitable negative impact that the proposed use contemplated by Bill 393-33 would have on the value of Lot 10188 and our ability to enjoy the benefits of our ownership.

Prior to my becoming aware of GWA's intent to procure the GALC parcel I had already been in discussions with multiple parties regarding the development of Lot 10188, but these discussions have been tabled until GWA's formal plans for the NDWTP expansion become clear. Given that the Guam Legislature is located in Agana, you are no doubt aware of the obnoxious odors that permeate our area from time to time when west winds bring the smell of the Agana wastewater treatment facility our way. Unfortunately, the prevailing northeast winds on Guam will bring the odor from the expanded NDWTP on the GALC land directly to Lot 10188 for most of the year. Aside from the very real effects of this predictable future nuisance, it is entirely foreseeable that the mere prospect of a sewage treatment facility being constructed on the adjacent GALC parcel will cause an immediate and irreparable diminution in value and decrease in marketability of Lot 10188, with resulting financial losses to us as the owner.

Bill 393-33 proposes that GWA will provide appropriate compensation to GALC for the property purchase, based on two appraisals that presumably will consider the highest and best use of the GALC parcel as "H" Resort Hotel zoned land. This will allow the GALC to fulfill its mandate under 21 GCA § 80104(e) to manage and develop the lands it administers "to the highest and best use". There is no language, however, addressing compensation for the losses that we, as the owner of adjacent Lot 10188, which is also zoned "H" Resort Hotel, will certainly sustain as the result of the proposed purchase by GWA and construction of the NDWTP expansion. We, the members of the partnership which owns Lot 10188, are tax paying residents of Guam and as such believe we are entitled to consideration in this process as well.

The GALC parcel is currently zoned "H" Resort Hotel, and so any development of this property would be a conditional use subject to the approval and requirements of the Guam Land Use Commission (GLUC). Bill 393-33 proposes to change the zoning of this parcel to "PF", which is subject to the requirements of 21 GCA § 61313. There are no statutory development standards for zone "PF" regarding setbacks, height or density limits, parking requirements, or any other aspects of development. Bill 393-33 as currently written gives GWA carte blanche to build anything they wish without limitation and without regard to the impact on surrounding

landowners, residents or neighborhoods. This seems to be in direct contradiction to the legislative statements set forth in section 1 of Public Law 28-134, which created the "PF" zone designation, which expressly state that "The new zoning will not adversely affect the surrounding neighborhood..." This echoes the findings and recommendations set forth in the Committee Report on Bill 278, which became P.L. 28-134, which state that the proposed rezoning would have "minimal impact to the surrounding communities".

Given the above it would seem that Bill 393-33 proposes to change the zoning for the GALC parcel from "H" Resort Hotel to "PF" and remove any constraints on GWA regarding their development plans, creating a situation whereby the proposed NDWTP expansion will have a very real adverse effect on surrounding landowners in direct contradiction to the law that created the "PF" zone designation in the first place.

In summary, it is clear that GWA needs to improve and expand the NDWTP. However, Bill 393-33 should consider and adequately address the negative impacts that the proposed zoning change from "H" to "PF" as well as the construction and operation of GWA's new expanded NDWTP facilities will have on the adjacent Lot 10188. The negative impacts of Bill 393-33 have already affected us as the owner of Lot 10188 by derailing our on-going discussions regarding the development of this land. Should Bill 393-33 be passed in its present form it will without a doubt result in the diminution of the value of our land and decrease in its marketability, curtailing our right to enjoyment of our property, and result in financial losses to us as the owner. As residents of Guam we believe the Guam Legislature should account for our concerns, not just those of the GALC, when deliberating Bill 393-33 and respectfully request that you and your committee do so.

Regards,

Terangue Gillham

COMMITTEE ON RULES

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

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muna Barnes
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
Nerissa Bretania Underwood
Member

V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

November 15, 2016

Memorandum

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

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

Subject: **Fiscal Note and Fiscal Note Waiver**

Hafa Adai!

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

FISCAL NOTE:
Bill No. 393-33(COR)

FISCAL NOTE WAIVER:
Bill No. 394-33(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 NOV 15 PM 3:16

Bureau of Budget & Management Research
Fiscal Note of Bill No. 393-33 (COR)

AN ACT TO TRANSFER WITH COMPENSATION A PORTION OF THE LOT IDENTIFIED AS *"ANDERSEN COMMUNICATION ANNEX NO. 1 (AJKD), MUNICIPALITY OF DEDEDO"* AN AREA OF ±70,000 SQUARE METERS OR 17.297 ACRES FROM THE GUAM ANCESTRAL LANDS COMMISSION INVENTORY OF *SPANISH CROWN LANDS* TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTION OF THE EXPANSION OF THE NORTHERN DISTRICT WASTEWATER TREATMENT PLANT (NDWWTP); AND TO REZONE THE TRANSFERRED PORTION FROM THE CURRENT HOTEL ("H") ZONE TO THE PUBLIC FACILITY ("PF") ZONE.

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Ancestral Lands Commission	Dept./Agency Head: Michael J. B. Borja, Director
Department's General Fund (GF) appropriation(s) to date:	91,093
Department's Other Fund (Specify) appropriation(s) to date:	-
Total Department/Agency Appropriation(s) to date:	$91,093

Fund Source Information of Proposed Appropriation	General Fund:	(Specify Special Fund):	Total:
FY 2016 Unreserved Fund Balance		$0	$0
FY 2017 Adopted Revenues	$0	$0	$0
FY 2017 Appro. (P.L. 33-185 thru)	$0	$0	$0
Sub-total:	$0	$0	$0
Less appropriation in Bill	$0	$0	$0
Total:	$0	$0	$0

Estimated Fiscal Impact of Bill	One Full Fiscal Year	For Remainder of FY 2017 (if applicable)	FY 2018	FY 2019	FY 2020	FY 2021
General Fund	1/	$0	$0	$0	$0	$0
Special Fund	$0	$0	$0	$0	$0	$0
Total	1/	$0	$0	$0	$0	$0

1. Does the bill contain "revenue generating" provisions? / X / Yes / / No
If Yes, see attachment
2. 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
3. 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
4. Will the enactment of this Bill require new physical facilities? / / Yes / X / No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / X / Yes / / No
/ X / Requested agency comments not received by due date / / Other:

Analyst: Jason Baza Date: 11/10/16 Director: Jose S. Calvo, Director Date: NOV 14 2016
Jason Baza, BMA II

Notes:
1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 393-33 (COR)

The proposed legislation intends to transfer, with compensation, a portion of the lot identified as "Andersen Communication Annex No. 1" (AJKD) in the municipality of Dededo from the Guam Ancestral Lands Commission (GALC) to the Guam Waterworks Authority (GWA) for the purpose of construction of the expansion of the northern district wastewater treatment plant (NDWWTP). In addition, the proposed legislation intends to rezone the property from a Hotel ("H") Zone to a Public Facility ("PF") Zone. The AJKD property contains an area of 70,000± square meters, or 17.3± acres.

Sections 2(c) and 2(d) stipulate that the GWA will be responsible for covering the cost of the appraisal of the property by two different appraisers as well as the cost of the property survey. Compensation for the transfer of GALC property to the GWA is not specifically outlined in the proposed legislation. However, Section 2(e) stipulates that the two parties shall determine an appropriate compensation and transfer agreement within one hundred twenty (120) days of the legislation's enactment.

The GWA's Capital Improvement Plan for the years 2015-2020, approved by the Guam Consolidated Commission on Utilities Resolution No. 23-FY2016, contains a list of projects and their estimated costs. The GWA Capital Improvement Plan includes the NDWWTP upgrade project, which the total estimated project cost amounts to $1.68 M.

In addition to the project cost outlined in the GWA Capital Improvement Plan, a local media outlet reported that the U.S. Department of Defense (USDOD) has agreed to spend $55.6 M in grants for civilian water and wastewater projects linked to the military buildup. The article states that the USDOD is allocating $21 M for the GWA to improve the NDWWTP.

The Bureau does not anticipate any additional revenues in the form of increased land taxes from the rezoning because government entities are not required to pay such tax. However, the Bureau does anticipate the net tax effect from commencing construction as part of the NDWWTP upgrade. Because the estimated total project cost for NDWWTP upgrade amounts to $1.68 M from local sources and $21 M from federal sources, the Bureau anticipates the net tax effect to be approximately $168 K from local economic activity and $2.1 M from military economic activity over the project's construction lifetime.

COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • *www.guamlegislature.com*
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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 27, 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. 393-33(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 393-33(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
393-33 (COR)	T. C. Ada	AN ACT TO TRANSFER WITH COMPENSATION A PORTION OF THE LOT IDENTIFIED AS "ANDERSEN COMMUNICATION ANNEX NO. 1 (AJKD), MUNICIPALITY OF DEDEDO" AN AREA OF ±70,000 SQUARE METERS OR 17.297 ACRES FROM THE GUAM ANCESTRAL LANDS COMMISSION INVENTORY OF SPANISH CROWN LANDS TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTION OF THE EXPANSION OF THE NORTHERN DISTRICT WASTEWATER TREATMENT PLANT (NDWWTP); AND TO REZONE THE TRANSFERRED PORTION FROM THE CURRENT HOTEL ("H") ZONE TO PUBLIC FACILITY ("PF") ZONE.	10/27/16 10:13 a.m.	10/27/16	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement			

Senator Tom Ada

Blaine Dydasco <bdydasco@senatorada.org>

1st Notice of Public Hearing: Thursday, November 10, 2016 at 2:00 p.m.

1 message

Charlene Flores <flores@senatorada.org> Thu, Nov 3, 2016 at 9:02 AM
To: Media <media@senatorada.org>, Michael Borja <michael.borja@land.guam.gov>, DLMDIR <dlmdir@land.guam.gov>, david.camacho@land.guam.gov, Jhoana.Casem@land.guam.gov, danor50@yahoo.com, ronbo.laguana@gmail.com, freeguam@gmail.com, louisa.wessling@gmail.com, Ron E <reclavea@yahoo.com>, "Anthony J.P. Ada" <adaclan@gmail.com>, karen.charfauros@land.guam.gov, marcruzkt@msn.com, mcbordallo@guamwaterworks.org, vangie@guamwaterworks.org, Lou Sablan <lsablan@gpagwa.com>, jtduenas@hotmail.com, Simon Sanchez <gdcmgr@ite.net>, jeffcharjohnson@hotmail.com, Lou Palomo <lpalomo@guampuc.com>, phmaterials@guamlegislature.org

November 03, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **1st Notice of Public Hearing: Thursday, November 10, 2016 at 2:00 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, November 10, 2016 at 2:00 p.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guahan.* The agenda is as follows:

2:00 P.M.

Bill No. 393-33 (COR) – T. C. Ada

An act to *transfer with compensation* a portion of the lot identified as "Andersen Communication Annex No. 1 (AJKD), Municipality of *Dededo*" an area of ±70,000 square meters or 17.297 acres from the Guam Ancestral Lands Commission Inventory of Spanish Crown Lands to the Guam Waterworks Authority for the purpose of construction of the expansion of the Northern District Wastewater Treatment Plant (NDWWTP); and to rezone the transferred portion from the current Hotel ("H") Zone to Public Facility ("PF") Zone.

Bill No. 394-33 (COR) – T. C. Ada

An act to amend § 80103 of Chapter 80, of Title 21, Guam Code Annotated, relative to the confirmation of Guam Ancestral Lands Commissioners.

Testimony on **Bill No. 393-33 (COR)** and **Bill No. 394-33 (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, or via facsimile to (671) 473-3303 until **4:00 p.m., Thursday, November 17, 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 Liheslaturan Guåhan - 33rd Guam Legislature
671-473-3301

3 attachments

1st Notice.pdf
359K

Bill No. 393-33 (COR).pdf
965K

Bill No. 394-33 (COR).pdf
389K

Senator Tom Ada

Blaine Dydasco <bdydasco@senatorada.org>

2nd Notice of Public Hearing: Thursday, November 10, 2016 at 2:00 p.m.

1 message

Charlene Flores <flores@senatorada.org> Mon, Nov 7, 2016 at 8:53 AM
To: Media <media@senatorada.org>, Michael Borja <michael.borja@land.guam.gov>, DLMDIR <dlmdir@land.guam.gov>, david.camacho@land.guam.gov, Jhoana.Casem@land.guam.gov, danor50@yahoo.com, ronbo.laguana@gmail.com, Antonio Sablan <freeguam@gmail.com>, louisa.wessling@gmail.com, Ron E <reclavea@yahoo.com>, "Anthony J.P. Ada" <adaclan@gmail.com>, karen.charfauros@land.guam.gov, Maria Cruz <marcruzkt@msn.com>, mcbordallo@guamwaterworks.org, vangie@guamwaterworks.org, Lou Sablan <lsablan@gpagwa.com>, jtduenas@hotmail.com, Simon Sanchez <gdcmgr@ite.net>, jeffcharjohnson@hotmail.com, Lou Palomo <lpalomo@guampuc.com>, phmaterials@guamlegislature.org

November 07, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **2nd Notice of Public Hearing: Thursday, November 10, 2016 at 2:00 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, November 10, 2016 at 2:00 p.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guahan.* The agenda is as follows:

2:00 P.M.

Bill No. 393-33 (COR) – T. C. Ada

An act to *transfer with compensation* a portion of the lot identified as "Andersen Communication Annex No. 1 (AJKD), Municipality of *Dededo*" an area of ±70,000 square meters or 17.297 acres from the Guam Ancestral Lands Commission Inventory of Spanish Crown Lands to the Guam Waterworks Authority for the purpose of construction of the expansion of the Northern District Wastewater Treatment Plant (NDWWTP); and to rezone the transferred portion from the current Hotel ("H") Zone to Public Facility ("PF") Zone.

Bill No. 394-33 (COR) – T. C. Ada

An act to amend § 80103 of Chapter 80, of Title 21, Guam Code Annotated, relative to the confirmation of Guam Ancestral Lands Commissioners.

Testimony on **Bill No. 393-33 (COR)** and **Bill No. 394-33 (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, or via facsimile to (671) 473-3303 until **4:00 p.m., Thursday, November 17, 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 Liheslaturan Guåhan - 33rd Guam Legislature
671-473-3301

3 attachments

2nd Notice.pdf
361K

Bill No. 393-33 (COR).pdf
965K

Bill No. 394-33 (COR).pdf
389K

Public Hearing Notice Listserv

phnotice@guamlegislature.org (Media, All Senators, and Staff)

Updated: October 27, 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 • 33rd Guam Legislature

AGENDA
PUBLIC HEARING
Thursday, November 10, 2016
Public Hearing Room, *I Liheslaturan Guåhan*

The agenda is as follows:

2:00pm

Bill No. 393-33 (COR) – T. C. Ada
An act to *transfer with compensation* a portion of the lot identified as "Andersen Communication Annex No. 1 (AJKD), Municipality of *Dededo*" an area of ±70,000 square meters or 17.297 acres from the Guam Ancestral Lands Commission Inventory of Spanish Crown Lands to the Guam Waterworks Authority for the purpose of construction of the expansion of the Northern District Wastewater Treatment Plant (NDWWTP); and to rezone the transferred portion from the current Hotel ("H") Zone to Public Facility ("PF") Zone.

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