



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam.

DEC 15 2016

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

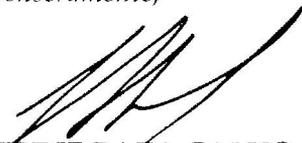
33-16-2269
Office of the Speaker
Judith T. Won Pat, Ed.D.

Date: 12-19-16
Time: 9:14
Received By: [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 393-33 (COR), "AN ACT TO TRANSFER WITH COMPENSATION A PORTION OF THE LOT IDENTIFIED AS "ANDERSEN COMMUNICATION ANNEX NO. 1 (AJKD)" IN THE MUNICIPALITY OF DEDEDO, CONTAINING AN AREA OF 70,000 ± SQUARE METERS, FROM THE GUAM ANCESTRAL LANDS COMMISSION INVENTORY OF SPANISH CROWN LANDS TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTION OF THE UPGRADE AND EXPANSION OF THE NORTHERN DISTRICT WASTEWATER TREATMENT PLANT; AND TO REZONE THE TRANSFERRED PORTION FROM THE CURRENT HOTEL ZONE (H) TO PUBLIC FACILITY ZONE (PF)," which was signed into law on December 15, 2016, as Public Law 33-198.

Senseramente,


EDDIE BAZA CALVO

2016 DEC 19 AM 10:49
[Handwritten mark]

2269

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

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN

This is to certify that **Bill No. 393-33 (COR), "AN ACT TO TRANSFER WITH COMPENSATION A PORTION OF THE LOT IDENTIFIED AS "ANDERSEN COMMUNICATION ANNEX NO. 1 (AJKD)" IN THE MUNICIPALITY OF DEDEDO, CONTAINING AN AREA OF 70,000 ± SQUARE METERS, FROM THE GUAM ANCESTRAL LANDS COMMISSION INVENTORY OF SPANISH CROWN LANDS TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTION OF THE UPGRADE AND EXPANSION OF THE NORTHERN DISTRICT WASTEWATER TREATMENT PLANT; AND TO REZONE THE TRANSFERRED PORTION FROM THE CURRENT HOTEL ZONE (H) TO PUBLIC FACILITY ZONE (PF),"** was on the 2nd day of December 2016, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 5th day of Dec,
2016, at 4:30 o'clock P.M.


Assistant Staff Officer
Maga'låhi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: DEC 15 2016

Public Law No. 33-198

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY
TIME 1:50 PM DATE 12-15-16

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

Bill No. 393-33 (COR)

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

Introduced by:

T. C. Ada
Judith T. Won Pat, Ed.D.
V. Anthony Ada
FRANK B. AGUON, JR.
Frank F. Blas, Jr.
B. J.F. Cruz
James V. Espaldon
Brant T. McCreddie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Mary Camacho Torres
N. B. Underwood, Ph.D.

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

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Guam’s existing Northern District Wastewater Treatment Plant (NDWWTP)
4 presently provides only the court-ordered chemically enhanced primary treatment
5 (CEPT) without disinfection. The Guam Waterworks Authority (GWA) has
6 determined that an upgrade of the NDWWTP will ensure that permit requirements
7 of the National Pollution Discharge Elimination System (NPDES) are met for all
8 discharges of current and future increases in wastewater flows from the population,
9 civilian and military, in northern and central Guam. Additionally, the upgrade is
10 necessary to mitigate the impact to marine resources resulting from increased ocean
11 discharges, and to protect the northern Guam lens aquifer.

12 *I Liheslaturan Guåhan* finds that the U.S. Department of Defense supports the
13 construction of the NDWWTP upgrade and expansion to ensure that the military
14 wastewater requirements can be met, and that the Federal Clean Water Act (CWA)
15 and Guam’s water quality standards are met.

16 *I Liheslaturan Guåhan* further finds that an Implementation Plan was
17 developed in 2015 by the Economic Adjustment Committee that supports the
18 preferred alternative for upgrades to the civilian water and wastewater infrastructure,
19 and that in conjunction with that plan, the U.S. Department of Defense, Office of
20 Economic Adjustment has been authorized to provide the necessary funds to GWA
21 to expand and upgrade the NDWWTP.

22 *I Liheslaturan Guåhan* finds that GWA has identified Spanish Crown Lands,
23 located adjacent to the existing NDWWTP, that is held in trust by the Guam
24 Ancestral Lands Commission (GALC). The property of interest would be suited for
25 the purpose of expanding and upgrading the NDWWTP. *I Liheslaturan Guåhan*

1 further finds that GWA's interest in obtaining the property for public benefit with
2 the appropriate compensation agreement is consistent with 21 GCA § 80104(e).

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

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

12 (a) Notwithstanding any other provision of law, rule or regulation, *I*
13 *Liheslaturan Guåhan* authorizes the Guam Ancestral Lands Commission
14 (GALC) to transfer from its Spanish Crown Lands inventory a portion of the
15 lot identified as "*Andersen Communication Annex No. 1 (AJKD)*" in the
16 municipality of *Dededo*, with an area of approximately 70,000 ± square
17 meters, as shown in the Department of Land Management sketch identified as
18 Northern District Wastewater Treatment Plant (Exhibit A), to the Guam
19 Waterworks Authority for the construction of the upgrade and expansion of
20 the existing wastewater treatment plant, to include, but not be limited to, the
21 oxidation ditches, odor control, enhanced headworks, secondary clarifiers,
22 digesters, pumps and associated piping, and storm water basins.

23 (b) The administrative transfer of said property *shall* become
24 effective upon the enactment of this Act. GALC grants right of entry
25 immediately to enable GWA to initiate the required geotechnical survey,
26 topographic survey, and other required testing and studies pertinent to the

1 construction design of the expansion of the NDWWTP while both parties are
2 finalizing compensation and the deed is recorded.

3 (c) Appraisal. GWA *shall* pay for the appraisal of the property by
4 two (2) different appraisers, one (1) of which *shall* be selected by the
5 Executive Director of GALC. The appraisal *shall* be based on the Hotel Zone
6 (H).

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

10 (e) Purchase Price and Transfer Agreement. The purchase price
11 *shall* be based on the average of two (2) appraisals. A compensation and
12 transfer agreement *shall* be finalized within one hundred twenty (120) days
13 of enactment of this Act. Failure to achieve an agreement may result in the
14 reversion of the property to GALC.

15 (f) Proceeds from the land sale *shall* be deposited in the land bank
16 account established in 21 GCA § 80104(e).

17 **Section 3. Zoning Designation.** The portion of the lot identified as
18 “*Andersen Communication Annex No. 1 (AJKD)*” in the municipality of
19 *Dededo*, as shown in the Department of Land Management sketch identified
20 as NDWWTP (Exhibit A), that will be utilized for the upgrade and expansion
21 of the Northern District Wastewater Treatment Plant (NDWWTP), *shall* be
22 rezoned from Hotel Zone (H) in accordance with the Official Zoning Map
23 covering the municipality of *Dededo*, “*Dos Amantes*” Planning Area,
24 Instrument No. 817995, to Public Facility Zone (PF) pursuant to 21 GCA §
25 61313.

26 **Section 4. Severability.** If any provision of this law or its application
27 to any person or circumstance is found to be invalid or contrary to law, such

1 invalidity *shall not* affect other provisions or applications of this law that can
2 be given effect without the invalid provisions or applications and to this end
3 the provisions of this law are severable.

