



Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
UFISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

RECEIVED
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P.L. 22-145

DEC 29 1994

LEGISLATIVE Secy

The Honorable Joe T. San Agustin
Speaker
Guam 22nd Legislature
155 Hessler St.,
Agaña, Guam 96910

Dear Speaker San Agustin:

I am signing into law Bill No. 1231 with this accompanying substitute measure which I believe must be enacted if we are to ever see any of the lands identified in U.S. Public Law 103-339 returned to Guam.

In its current state Bill 1231 puts in jeopardy the return of the 3,200 acres which we have awaited for over 17 years. This position has been concurred with by the Acting Attorney General. In failing to provide a "detailed plan for the public benefit use" as required in Section 3(c) of U.S. P.L. 103-339, Bill 1231 falls short of one of the conditions for the return of the property. While we may not agree with, and could debate forever, the inappropriateness of such requirements, the fact is that this is a U.S. condition for the return of the 3,200 acres of property the U.S. has now designated for return to Guam. I cannot, therefore, in good faith agree with the Legislature's statement in Section 9 of Bill 1231 that the measure "complies and fulfills the requirements of U.S. Public Law 103-339 on the plan for, and use of excess federal lands for public purposes"; it simply does not. It is instructive to note that the Senate report on H.R. 2144 explicitly stated:

The Committee's intent is that "public benefit use" does not include the transfer of lands to the original landowners. (Senate Committee on Energy and Natural Resources, Report 103-293, at p.4)

I would agree that we should attempt to push the limits of "public benefit use" in the use of lands identified in U.S. Public Law 103-339. While clearly, there are some parcels of property in U.S. P.L. 103-339 which are already designated -- and others that may in the future be required -- for uses as



Commonwealth Now!

schools, power substations, utility easements, public access et cetera -- the bulk of this property should be put to use by the people whom the injustices of land-takings after WWII were perpetrated against. I am identifying, in my proposed substitute measure, those lands which are already designated for specific public uses as well as some of the appropriate uses identified for these same lands in the Legislature's 1981 adoption of the "Local Use of Federal Lands Plan" (16th Guam Legislature, Resolution No. 151, approved on Dec. 7, 1981). I would also note that reasonable public access not already in place should be extended to private property holders who were landlocked by federal condemnations.

Like the Legislature, I too find that the bulk of the property identified in U.S. P.L. 103-339 should benefit the Chamorro people. Land taken from Chamorro families by the U.S. government after WWII was done so in a manner which was unjust; even the U.S. government has acknowledged this. The question before us is how do we, as government officials equitably resolve the morass created by past federal actions. What we can do is to create collective equity from the proceeds of land returned by the U.S. government to benefit, to the maximum extent possible, all former land holders and the Chamorro people collectively.

To be sure this is a complex task, but not beyond the scope of our abilities. First we must recognize the limitations, which as the Acting Attorney General has pointed out are legal in nature, and then we must attempt to maximize the possibilities.

The limitations begin with the fact that the U.S. government is probably never going to approve of a process which would return the title of lands to original landowners. I would bring to your attention the 1987 U.S. Supreme Court case, First English Lutheran Church of Glendale v. County of Los Angeles, California which has long been cited by the U.S. Justice Department as incurring a potential liability on the part of the U.S. government if title of lands were returned to original landowners. This U.S. Justice Department position was the primary basis of the Reagan Administration's rejection of Congressman Blaz's earlier version of an excess lands bill (H.R. 2601) which would have returned the land to the original landowners and heirs.

While we might all believe that it would be just for the U.S. government to pay rent for the period in which lands have been held since the 1940's and 1950's, the U.S. government is obviously not going to set themselves up for such litigation. Therefore, I would suggest, that a plan be approved which would allow the return of lands to Guam.

Notwithstanding the limitations, the possibilities are great. We can address the issue of "public benefit use" as required in the U.S. law by transferring lands not required for schools, public safety, easements, et cetera, to another public institution -- the Chamorro Land Trust. While my proposal calls for use-preference to be given to original landowners and their heirs we should not forget that before Spain's illegitimate claim to Guam, our island's land resources were the property of "I Taotao Tano." That is why my proposal would allow other former landowners and their heirs, who have no immediate hope of seeing their original lands returned, receive some benefit from the lands identified in U.S. Public Law 103-339.

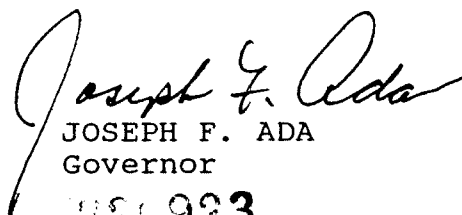
I am submitting, for the Legislature's consideration, a substitute measure which I urge action on. Just as land was collectively utilized for centuries in Guam, our government must find a solution for collective equity in property being returned by the U.S. government. The lands in U.S. Public Law 103-339 are hopefully just the beginning of lands which are to be returned. As we continue to push for the return of additional lands, we must demonstrate that we are capable of dealing progressively with the internal complexities of land use and the beneficiaries of such use.

In the end, we, as leaders of our community, must be prepared to establish mechanisms which: (1) provide for homes for Chamorros; (2) create economic opportunities and benefits for the former titleholders and the Chamorro people; and (3) ultimately establish a base for the just distribution of land and its economic, environmental and social value to the Chamorro people for their future.

With these thoughts in mind, I have signed Bill 1231 into law but offer the attached measure as a substitute for the Legislature's immediate action. Again, it is my belief that the Legislature's failure to deal with the deficiencies of Bill 1231 could result in no lands being returned and will halt the transfer of additional lands in the future.

I remain, Sir,

Sincerely Yours,


JOSEPH F. ADA
Governor
220923

TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

Bill No. _____
At the Request of the Governor

AN ACT TO REPEAL AND REENACT PUBLIC LAW 22-145
(BILL 1231) TO DEVELOP A LAND-USE POLICY AND
PLANS FOR CERTAIN PARCELS OF LAND BELONGING TO
THE GOVERNMENT OF GUAM.

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

2 **Section 1. Legislative Statement.** The Legislature finds that
3 there is a need to develop a land-use policy with respect to
4 properties returned to Guam by the U.S. government and plans for
5 certain properties identified for return in U.S. Public Law 103-
6 339.

7 The Legislature recognizes that the return of properties
8 identified in U.S. Public Law 103-339 are mandated for release for
9 public benefit use. In concert with present arrangements between
10 the Government of Guam and the U.S. Government with respect to
11 certain parcels of property to be released under U.S. Public Law
12 103-339 and certain parcels identified in the Legislature's
13 adoption of the 1981 Local Use of Federal Lands Plan (16th Guam
14 Legislature, Resolution 151), approximately 14% of the property to
15 be returned is identified in Section 7 for general public benefit.
16 The majority of the property, however, would best be put to use for
17 housing, economic development, and other uses consistent with
18 Guam's zoning laws and statutes to be administered by the Chamorro
19 Land Trust Commission.

20 The Legislature finds that the Chamorro Land Trust is a
21 publicly administered program intended to benefit the Chamorro
22 people who collectively were dramatically affected by property
23 confiscations of the U.S. government in Guam following World War

1 confiscations of the U.S. government in Guam following World War
2 II. While all property taken from Chamorros after WWII is not
3 being returned to Guam under U.S. Public Law 103-339, it is the
4 Legislature's intent to establish a mechanism for collective equity
5 for all whose lands were taken after WWII as well as the Chamorro
6 people collectively from the proceeds of land returned in U.S.
7 Public Law 103-339. Such lands, being placed in a public
8 institution which holds such lands in trust, would limit future
9 alienation of such properties and allow for mixed uses which
10 advance social and economic benefits to Members of the Trust as
11 well as to the community as a whole.

12 **Section 2. Identified Lands.** The Director of Land Management
13 is hereby required to identify the exact portions of the land
14 identified in U.S. Public Law 103-339 by location, acreage and
15 former ownership in preparation for their eventual use. The
16 Director of Land Management shall transfer such information on the
17 lands listed in this section which the government of Guam acquired
18 through U.S. Public Law 103-339 excluding lands for direct public
19 use to the Chamorro Land Trust Commission. The parcels of excess
20 federal land subject to the scope and intent of this Act either in
21 its entirety or in part are as follows:

<u>Navy parcels:</u>	<u>Acres:</u>
22 South Finegayan	445
23 Nimitz Hill parcels 1 and 2B	208
24 NAVMAG Parcel 1	144
25 Apra Harbor Parcel 7	73
26 Apra Harbor parcel 8	6
27 Apra Harbor parcel 6	47
28 Apra Harbor Parcel 9	41
29 Apra Harbor parcel 2	30
30 Apra Harbor Parcel 1	6
31 Asan Annex	17
32 NAVCAMS Beach	14
33 ACEORP Maui Tunnel	4
34 Agat Parcel 3	5

<u>Air Force parcels:</u>	<u>Acres:</u>
Andersen South (portion of Andersen Admin. Annex)	395
Camp Edusa (Family Housing Annex 1)	103
Harmon Communication Annex No. 1	862
Harmon Housing Annex No. 4	396
Harmon POL Storage Annex No. 2	35
Harmon VOR Annex	226
Harmon POL Storage Annex No. 1	14
Andersen Radio Beacon Annex	23
Harmon Annex VOR	82
<u>Federal Aviation Administration Parcel:</u>	<u>Acres:</u>
Talofofa "HH" Homer Facility	37

TOTAL ACREAGE: 3,213

Section 3. Policy stated. It is the intent of this Act to insure that the lands condemned by the federal government and returned to the Government of Guam pursuant to U.S. Public Law 103-339, are rightfully used in a fashion that benefits all original owners, their heirs and others defined in 21GCA Chapter 75, §75107 and §75108. The use of such lands shall be governed by the conditions established in this Act, and the administration, facilitation and coordination of the land used shall be the responsibility of the Chamorro Land Trust Commission (CLTC).

Section 4. Land transferred. The lands identified in Section 2 of this Act are hereby transferred to the CLTC. The CLTC shall implement a program that will give priority in the use of such federal excess properties to their original owners and their heirs. The CLTC shall provide a reasonable amount of land to be available for use by other original owners, their heirs whose former property is not being returned in U.S. Public Law 103-339, and others defined in 21GCA Chapter 75, §75107 and §75108.

Section 5. Role of the Commission. The Commission shall administer lands listed in Section 2 of this Act and is empowered to take or conduct all necessary actions or procedures to ensure

1 that such lands not used by the government of Guam are utilized for
2 the benefit of all original landowners their heirs and others
3 defined in 21GCA Chapter 75, §75107 and §75108. The Commission
4 shall adopt rules and regulations pursuant to the Administrative
5 Adjudication Act that shall give priority to original landowners
6 and their heirs to lease their former landholdings appropriate to
7 their proposed use. Other former landowners, their heirs and
8 others defined in 21GCA Chapter 75, §75107 and §75108 whose former
9 properties are not being returned by U.S. Public Law 103-339 shall
10 also be eligible for the lease of land returned by the federal
11 government as established in Section 4 of this Act. Proceeds from
12 such leases shall be deposited in the funds created under and
13 governed by the Chamorro Land Trust Act.

14 **Section 6. Terms and conditions of transfer.** The terms and
15 conditions governing the transfer of property from the government
16 of Guam to the CLTC are as follows:

17 (a) Surveying of property. The survey costs of the land
18 identified in Section 2 of this Act shall be borne by the CLTC.
19 The CLTC is hereby authorized to expend funds contained in the Land
20 Survey Revolving Fund not to exceed Two Hundred Fifty Thousand
21 Dollars (\$250,000) to assist leasees in surveying the property
22 approved by the CLTC for lease, with the condition that CLTC shall
23 be fully reimbursed by such leasees for the cost of such surveys
24 within two (2) years from the date a lease agreement is
25 effectuated. A contract must be entered into between the leasee
26 and the CLTC on the repayment date and other terms and conditions
27 governing the reimbursement of survey costs.

28 (b) Exemption from Public Law 22-73. The lands set out
29 in Section 2 of this Act are exempt from the provisions of Public
30 Law 22-73.

31 **Section 7. Lands exempted from this Act.** Any land that is
32 presently utilized for direct public purposes such schools, power
33 substations, easements, roadways, and essential to the public's
34 safety, welfare, health and protection, and some areas proposed to
35 be utilized in the Legislatures adoption of the 1981 "Local Use of

1 Federal Lands Plan (16th Guam Legislature, Resolution 151) as
 2 listed below is exempt from the provisions of this Act and shall
 3 not be released by the Government of Guam to the CLTC.

4	PARCEL	PUBLIC USE	ACREAGE REQUIRED
5	South Finegayan	-	0
6	Nimitz Hill Parcels 1 and	proposed public	
7	2B	easements	
8	NAVMAG Parcel 1	-	0
9	Apra Harbor Parcel 7	Agat-Santa Rita sewage treatment facility (under design)	73
10	Apra Harbor Parcel 8	Proposed roadway realignment for Southern High School	1
11	Apra Harbor Parcel 6	-	0
12	Apra Harbor Parcel 9	-	0
13	Apra Harbor Parcel 2	licensed to DoAg	30
14	Apra Harbor Parcel 1	proposed DOE warehouse expansion and proposed Piti Community Center	6
15	Asan Annex	DOE elementary school (under design)	17
16	NAVCAMS Beach	public beach park (licensed to DPR)	14
17	ACEORP Maui Tunnel	-	0
18	Agat Parcel 3	-	0
19	Andersen South	proposed GPA substation	2

1	Camp Edusa	existing public easements; proposed Northern fire station compound (portion)	7
2	Andersen Harmon Annex	existing public easements; Hilaan	230
3	including Harmon	Prehistoric Site (63	
4	Communication Annex No. 1,	acres); proposed	
5	Harmon Housing Annex No. 4;	elementary school (25	
6	Harmon	acres); proposed high	
7	POL Storage Annex No. 2;	school (50 acres);	
8	and Harmon VOR Annex	existing sewage treatment plant (16 acres); proposed GPA Administration and Operations site (20 acres); and proposed industrial park (56 acres)	
9	Harmon POL Storage Annex	-	0
10	No. 1		
11	Andersen Radio Beacon Annex	proposed DOE elementary school	23

1 Talofofa "HH" Homer licensed to US SCS and 37
2 Facility DoAg for
agricultural/soil
development; (other
uses identified within
the area under license
to US SCS and DoAg
include proposed GPA
electric substation, 5
acres and proposed
soccer fields, 5-7
acres)

3 TOTAL:440 Acres

4 (excluding easements)

5 **Section 8. Declaration of compliance with U.S. Public Law**
6 **103-339.** The government of Guam hereby declares that this Act
7 complies with and fulfills the requirements of U.S. Public Law 103-
8 339 on the plan for and use of excess federal lands for public
9 benefit purposes. The Governor shall transmit a copy of this Act
10 to the committees of the U.S. Congress specified in subsection (b)
11 of P.L. 103-339, to the Secretary of the Interior and the Secretary
12 of Defense.

13 **Section 9. Severability.** If any of the provisions of this
14 Act or the application thereof to any person or circumstance is
15 held invalid, such invalidity shall not affect any other provision
16 or application of this Act which can be given effect without the
17 invalid provision or application, and to this end the provisions of
18 this Act are severable.

19 **Section 10. Amendment to 21GCA, Chapter 75, §75107(a).**

20 §75107. Leases to Chamorro, Licenses.(a)The Commission is
21 authorize to lease to native Chamorros or others who were
22 titleholders or heirs of former titleholders who became naturalized
23 U.S. citizens prior to August 1, 1950, whose properties were taken
24 by the U.S. government in the land condemnation process following

1 WWII, the right to the use and occupancy of a tract or tracts of
2 Chamorro homelands within the following acreage limits per each
3 leasee: (1) not less than one nor more than twenty (20) acres for
4 agricultural use; or (2) not less than one nor more than fifty (50)
5 acres for grazing use, and (3) not more than one acre or any class
6 of land to be used as a residence lot.

7 **Section 11. Amendment to 21GCA, Chapter 75, §75108(a)**

8 (a) The original leasee shall be a native Chamorros or others
9 who were titleholders or heirs of former titleholders who became
10 naturalized U.S. citizens prior to August 1, 1950, whose properties
11 were taken by the U.S. government in the land condemnation process
12 following WWII, not less than eighteen (18) years of age. In case
13 two leasees either original or in succession marry, they shall
14 choose the lease to be retained, and the remaining lease shall be
15 transferred or cancelled in accordance with the provisions of
16 succeeding sections.


TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

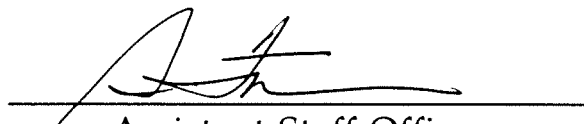
This is to certify that Substitute Bill No. 1231 (LS), "AN ACT TO DEVELOP LAND-USE POLICY AND PLANS FOR CERTAIN PARCELS OF LAND BELONGING TO THE GOVERNMENT OF GUAM," was on the 9th day of December, 1994, duly and regularly passed.


JOE T. SAN AGUSTIN
Speaker

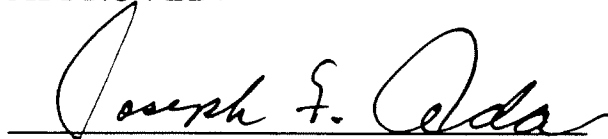
Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 21st day of December,
1994, at 3:56 o'clock P.M.


Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam

Date: December 29, 1994

Public Law No. 22-145

TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

Bill No. 1231 (LS)

As amended by the Committee on
Housing and Community Development
and as substituted on the floor

Introduced by:

E. D. Reyes
T. S. Nelson
T. C. Ada
J. P. Aguon
E. P. Arriola
M. Z. Bordallo
H. D. Dierking
C. T. C. Gutierrez
P. C. Lujan
V. C. Pangelinan
D. Parkinson
J. T. San Agustin
F. E. Santos
D. L. G. Shimizu
J. G. Bamba
A. C. Blaz
D. F. Brooks
F. P. Camacho
M. D. A. Manibusan
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO DEVELOP LAND-USE POLICY AND PLANS
FOR CERTAIN PARCELS OF LAND BELONGING TO
THE GOVERNMENT OF GUAM.

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**
2 **Section 1. Legislative statement.** The Legislature finds that there is a
3 need to develop certain land-use policies and plans for properties that the
4 government of Guam has received from their rightful original landowners

1 through the federal government, land that the government wishes to declare
2 surplus to or beyond its purpose and needs. The Legislature also recognizes
3 that the government is unable to fully survey, manage, plan, and develop
4 property currently under its jurisdiction and domain and so has elected to
5 relieve if not assist the government from further expanding control over
6 other land throughout the island without the mandate of the people,
7 particularly those who hold interests in properties listed in Section 2 of this
8 Act. Thus, the Legislature through this measure, is attempting to establish
9 plans and mandate policy relative to properties beyond the government of
10 Guam's justifiable needs so that proper disposition of such lands can occur.

11 The Legislature recognizes the mandate under which the properties
12 listed in this Act were released, namely, for public purpose and use. Upon an
13 historical review, however, the Legislature has concluded that the
14 government of Guam is not the best nor most responsible guardian of lands.
15 For surplus federal properties to best serve the community, they must be
16 placed under progressive and responsible growth-oriented management. It
17 is genuinely felt that it is the original landowners and their heirs who possess
18 the drive, the know-how, the motivation and the capacity to develop these
19 lands to their highest and best uses. It is the entrepreneurial spirit that will
20 generate greater returns for the community as a whole and not government
21 or political brokerage. For instance, placing thirty-two hundred acres in the
22 hands of landowners who would subsequently pursue their development in
23 the forms of tourism, agriculture and aquaculture, wholesale and retail trade,
24 housing, recreation and other forms of economically stimulating activity can
25 increase the standard of living, jobs, income and productivity of all, thereby
26 enhancing Guam's economic and social standing in this region of the Pacific.
27 Furthermore, the Legislature senses that the expansion of the government's

1 real property, gross receipts and corporate tax bases, as would be caused by
2 the return of excess lands to their original landowners or their heirs, and such
3 expansion is directly related to and essential in achieving the objective of
4 public purpose and benefit. Increasing tax revenues in the long-term yields
5 greater public benefits that would benefit all sectors of the island's economy.
6 When compared to the option of placing excess lands under strict
7 conservation or preservation use, or in public buildings and facilities, or
8 under standard government practices in property management, the policy of
9 allowing the private landowners as members of the private sector to manage
10 and facilitate the development of the returned lands is found to be less
11 speculative and far more beneficial to the people of Guam as a whole.

12 **Section 2. Land use plan.** The Director of Land Management is hereby
13 required to identify the exact portions of the land identified in U.S. Public Law
14 103-339 by location, acreage and ownership in preparation for their eventual
15 return to their original landowners or the heirs, administrators, executors or
16 other legal representatives of the landowners' original estates. Allocation of
17 such land shall be based on the documentation of private ownership as set out
18 in the U.S. District Court Land Claims Cases Nos. 77-0072 and 81-0112.

19 The Director of Land Management shall transfer to the original
20 rightful landowners and their heirs those lands which the government of
21 Guam acquired through U.S. Public Law 103-339. The terms and conditions
22 that shall govern the temporary use, transfer and return of land are set out in
23 Section 7 of this Act. The parcels of excess federal land subject to the scope
24 and intent of this Act either in its entirety or in part are as follows:

<u>Navy parcels:</u>	<u>Acres:</u>
26 South Finegayan.....	445
27 Nimitz Hill parcels 1 and 2B.....	208

1	NAVMAG Parcel 1	144
2	Apra Harbor Parcel 7	73
3	Apra Harbor Parcel 8	6
4	Apra Harbor Parcel 6	47
5	Apra Harbor Parcel 9	41
6	Apra Harbor Parcel 2	30
7	Apra Harbor Parcel 1	6
8	Asan Annex	17
9	NAVCAMS Beach.....	14
10	ACEORP Maui Tunnel.....	4
11	Agat Parcel 3.....	5
12	<u>Air Force parcels:</u>	<u>Acres:</u>
13	Andersen South (portion of Andersen	
14	Admin. Annex).....	395
15	Camp Edusa (Family Housing Annex 1).....	103
16	Harmon Communication Annex No. 1.....	862
17	Harmon Housing Annex No. 4.....	396
18	Harmon POL Storage Annex No. 2.....	35
19	Harmon VOR Annex.....	226
20	Harmon POL Storage Annex No. 1.....	14
21	Andersen Radio Beacon Annex.....	23
22	Harmon Annex VOR.....	82
23	<u>Federal Aviation Administration Parcel</u>	
24	Talofofo "HH" Homer Facility.....	<u>37</u>
25	TOTAL ACREAGE:	3,213

26 **Section 3. Policy stated.** It is the intent of this Act to insure that the
27 lands condemned by the federal government and deemed excess to the federal

1 government's needs, pursuant to U.S. Public Law 103-339, are rightfully
2 returned to their original owners or their heirs. The disposition of such lands
3 shall be governed by the conditions established in this Act, and the
4 administration, facilitation and coordination of the land transfer shall be the
5 responsibility of the Department of Land Management ("DLM"), with the
6 assistance and collaboration of the Chamorro Land Trust Commission (the
7 "Commission").

8 **Section 4. Land transferred.** The lands identified in Section 2 of this
9 Act are hereby transferred to their original owners or their heirs. The
10 Director of DLM is authorized to implement a program that will facilitate
11 the return of such federal excess properties to their original owners or their
12 heirs. While under the DLM, such lands shall not be treated or categorized as
13 "available lands" for purposes of §75104 of the Chamorro Land Trust Act
14 (Chapter 75, Title 21, Guam Code Annotated), but instead as lands under the
15 administrative control of DLM until the government of Guam is prepared to
16 formally transfer such properties to their original owners, heirs,
17 administrators, executors or other legal representatives of the owners'
18 estates. "Formal transfer" refers to the issuance by the government of Guam
19 of a recorded Certificate of Title bearing the respective landowner's name.
20 Lands identified in Section 2 of this Act which are unclaimed or have no
21 ownership or interest attached to them shall be subject to the criteria set forth
22 in subsection (b) of §75104, Title 21, Guam Code Annotated, on the
23 reservation of land by the government of Guam for public use within sixty
24 (60) days of the passage of this Act.

25 **Section 5. Role of the Commission.** The Commission shall administer
26 any unclaimed lands listed in Section 2 of this Act and is empowered to take or
27 conduct all necessary coordinating actions or procedures in collaboration

1 with DLM to ensure that such unclaimed lands not reserved by the
2 government of Guam are incorporated in the land trust inventory for
3 disposition or use in accordance with the Chamorro Land Trust Act.

4 **Section 6. Temporary use of vacant lands.** DLM is authorized to
5 permit the original landowners or their heirs to temporarily use vacant lands
6 transferred in Section 4 of this Act for farming, resettlement, recreational,
7 tourism, aquaculture, mariculture as well as for other forms of economic or
8 business development deemed productive and socially and economically
9 beneficial to Guam and its residents. Such temporary use of said lands shall
10 cease when formal transfer (issuance of a Certificate of Title) of the property
11 to the original landowner or his heirs occurs.

12 **Section 7. Terms and conditions of transfer.** The terms and conditions
13 governing the transfer of property from the government of Guam to the
14 original landowner, heir, administrator, executor or any legal representative
15 of the landowner's estate are as follows:

16 (a) **Surveying of property.** The survey costs of the land identified
17 in Section 2 of this Act shall be borne by the original landowner or his
18 heirs. DLM is hereby authorized to expend funds contained in the Land
19 Survey Revolving Fund not to exceed Two Hundred Fifty Thousand
20 Dollars (\$250,000) to assist landowners in surveying their property or
21 properties, with the condition that DLM shall be fully reimbursed by
22 such landowners for the cost of such surveys within ninety (90) days
23 from the date a land survey is completed. A contract must be entered
24 into between the landowner and DLM on the repayment date and other
25 terms and conditions governing the reimbursement of survey costs. The
26 time to complete any survey authorized under this section shall not
27 exceed six (6) months.

1 (b) **Protection of property.** During the period of temporary use,
2 there shall be no removal of limestone or other rock deposits, soil,
3 plants and vegetation, surface structures, or infrastructure contained
4 on or in the property. Any activity that is environmentally adverse to
5 the condition of the land is hereby prohibited. Any use of the property
6 shall be in compliance with Guam's laws, rules, regulations and
7 requirements concerning land or the development thereof.

8 (c) **Lease of property authorized.** Lands conveyed under this Act
9 to their original owners or heirs may be leased for farming, commercial,
10 recreational, tourism, aquaculture, mariculture, or other forms of
11 business or economic ventures; **provided**, that no less than fifty-one
12 percent (51%) of the ownership in the venture undertaking the lease
13 remains under the control of the landowner or his heirs.

14 (d) **Exemption from Public Law 22-73.** The lands set out in
15 Section 2 of this Act are exempt from the provisions of Public Law 22-73.

16 **Section 8. Lands exempted from this Act.** Any land that is presently
17 utilized for public easements such as roadways, water, power, sewer or
18 underground telephone or communication lines or other such government
19 utility use or infrastructure uses essential to the public's safety, welfare,
20 health and protection is exempt from the provisions of this Act and shall not
21 be released by the government of Guam to their former owners or heirs.
22 Lands that have been released or set aside by the federal government and the
23 government of Guam for the construction of schools or for the
24 implementation of the Highway Masterplan of the territory of Guam shall be
25 likewise excluded from transfer to their original landowners or heirs, and are
26 exempt from the provisions of this Act.

1 **Section 9. Declaration of compliance with U.S. Public Law 103-**
2 **339.** The government of Guam hereby declares that this Act complies with
3 and fulfills the requirements of U.S. Public Law 103-339 on the plan for, and
4 use of excess federal lands for public purposes. The Governor shall transmit
5 a copy of this Act to the committees of the U.S. Congress specified in
6 subsection (c) of Section 3 of P.L. 103-339, to the Secretary of Interior, and to
7 the Secretary of Defense.

8 **Section 10. Severability.** If any of the provisions of this Act or the
9 application thereof to any person or circumstance is held invalid, such
10 invalidity shall not affect any other provision or application of this Act which
11 can be given effect without the invalid provision or application, and to this
12 end the provisions of this Act are severable."

13

VOTING SHEET
(as revised)

Bill No. 1231

12/9/94

Resolution No. _____

(Date)

Question: _____

Senators	Aye	No	Declined to Vote	Required to vote	Excused from voting	ABSENT/OUT DURING ROLL CALL
Ada, Thomas C.	✓					
AGUON, John P.	✓					
ARRIOLA, Elizabeth P.	✓					
BAMBA, George J.	✓					
BLAZ, Anthony C.	✓					
BORDALLO, Madeleine Z.						✓
BROOKS, Doris F.	✓					
CAMACHO, Felix P.	✓					
DIERKING, Hermina D.	✓					
GUTIERREZ, Carl T. C.	✓					
LUJAN, Pilar C.	✓					
MANIBUSAN, M. D. A.	✓					
NELSON, Ted S.	✓					
PANGELINAN, Vicente C.	✓					
PARKINSON, Don	✓					
REYES, Edward D.	✓					
SAN AGUSTIN, Joe T.	✓					
SANTOS, Francis E.	✓					
SHIMIZU, David L. G.	✓					
TANAKA, Thomas V. C.	✓					
UNPINGCO, Antonio R.	✓					

TOTAL

20				1
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Senator Edward D. Reyes
Chairman
Committee on Housing and Community Development
Twenty-Second Guam Legislature

228 Archbishop Flores St.
Agana, Guam 96910

Tel: (671) 472-3453 ~4
Fax: (671) 477-6338

November 28, 1994

SPEAKER JOE T. SAN AGUSTIN
Twenty-Second Guam Legislature
155 Hesler St.
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Housing and Community Development, to which was referred **Bill No. 1231** - An Act to Develop Land-Use Policy and Plans for Certain Parcels of Land Belonging to the Government of Guam, wishes to report back to the Legislature with its recommendation to pass Bill No. 1231, as amended by the Committee.

The voting record is as follows:

TO PASS	<u>7</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.


EDWARD D. REYES

Attachments

Senator Edward D. Reyes

Chairman

Committee on Housing and Community Development Twenty-Second Guam Legislature

228 Archbishop Flores St.
Agana, Guam 96910

Tel: (671) 472-3453 ~ 4
Fax: (671) 477-6338

November 28, 1994

MEMORANDUM

TO: Members
FROM: Chairman
SUBJECT: Committee Report

Transmitted herewith for your information and action is the Committee on Housing and Community Development's Report on the subject Bill.

The narrative report is accompanied by the following:

1. Original and amended Bill No. 1231;
2. Committee on Housing and Community Development Voting Sheet;
3. Written Testimony and Sign-in Sheet;
4. Public Hearing Notice.

Should you have any questions on the narrative report or the accompanying documents, I would be most happy to answer any of them.

Please take the appropriate action on the attached voting sheet and return the documents to my office for transmittal to the other members.

Your attention and cooperation in this matter is greatly appreciated.



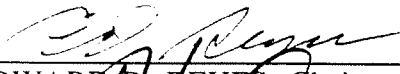
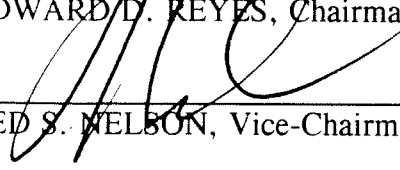

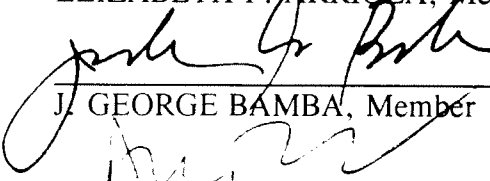
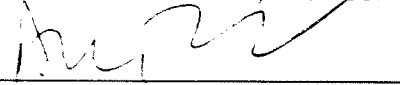
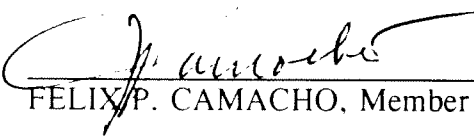
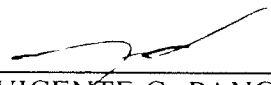
EDWARD D. REYES

Attachments.

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
 22nd Guam Legislature

VOTING RECORD

Bill No. 1231, as amended by the Committee - An Act to Develop Land-Use Policy and Plans for Certain Parcels of Land Belonging to the Government of Guam.

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 EDWARD D. REYES, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 TED S. MELTON, Vice-Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
THOMAS C. ADA, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 ELIZABETH P. ARRIOLA, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 J. GEORGE BAMBA, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 ANTHONY C. BLAZ, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 FELIX P. CAMACHO, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARILYN D.A. MANIBUSAN, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 VICENTE C. PANGELINAN, Member	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
JOE T. SAN AGUSTIN, Ex-officio Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Senator Edward D. Reyes
Chairman
Committee on Housing and Community Development
Twenty-Second Guam Legislature

228 Archbishop Flores St.
Agana, Guam 96910

Tel: (671) 472-3453 ~4
Fax: (671) 477-6338

November 28, 1994

SPEAKER JOE T. SAN AGUSTIN
Twenty-Second Guam Legislature
155 Hesler St.
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Housing and Community Development, to which was referred Bill No. 1231 - An Act to Develop Land-Use Policy and Plans for Certain Parcels of Land Belonging to the Government of Guam, wishes to report back to the Legislature with its recommendation to pass Bill No. 1231, as amended by the Committee.

The voting record is as follows:

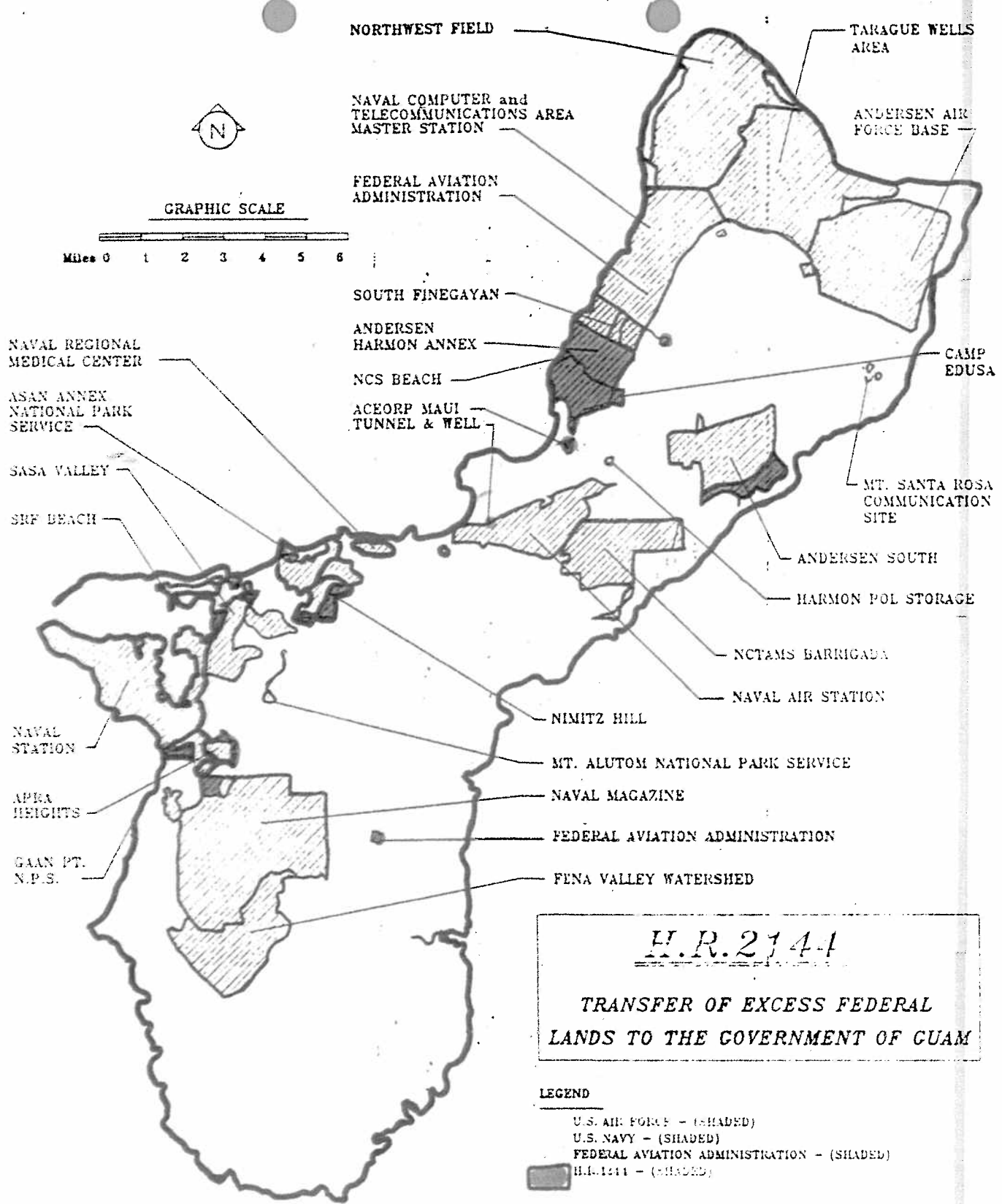
TO PASS	_____
NOT TO PASS	_____
ABSTAIN	_____
TO PLACE IN INACTIVE FILE	_____

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.

EDWARD D. REYES

Attachments



H.R. 2144

TRANSFER OF EXCESS FEDERAL LANDS TO THE GOVERNMENT OF GUAM

- LEGEND**
- U.S. AIR FORCE - (SHADED)
 - U.S. NAVY - (SHADED)
 - FEDERAL AVIATION ADMINISTRATION - (SHADED)
 - H.R. 2144 - (SHADED)

MAP PREPARED BY: CIS/LIS DIVISION, DEPARTMENT OF LAND MANAGEMENT

Twenty-Second Guam Legislature
Committee on Housing and Community Development
Senator Edward D. Reyes, Chairperson

Committee Report: Bill No. 1231

“An Act to Develop Land-Use Policy and Plans for Certain
Parcels of Land Belonging to the Government of Guam”

November 25, 1994

Twenty-Second Guam Legislature
Committee on Housing and Community Development
Senator Edward D. Reyes, Chairperson

Committee Report: Bill No. 1231

“An Act to Develop Land-Use Policy and Plans for Certain
Parcels of Land Belonging to the Government of Guam”

I. Introduction

The Committee on Housing and Community Development of the 22nd Guam Legislature conducted a Public Hearing on Bill No. 1231 on 25 November 1994 (6:30 P.M.) in the Public Hearing Room of the Temporary Legislature Building in Agana, 155 Hesler St., to receive the public's input and testimony on Bill No. 1231: “An Act to Develop Land-Use Policy and Plans for Certain Parcels of Land Belonging to the Government of Guam”.

Committee members in attendance were:

Senator Edward D. Reyes,	Chairperson
Senator Vicente C. Pangelinan	Member
Senator Tom C. Ada	Member
Senator J. George Bamba	Member

Appearing before the Committee to testify on Bill No. 1231 were:

Rita Cruz	Danny Jackson (Pagat)
Robert Benevente	Vicente Garrido
Tony Artero	Edward Eclavea
Antonio Eclavera	Marianne Rios

David J. Munoz
Roke B. Santos
Mr. Joe Borja,

Al Lizama
Francisco Guerrero
(Chamorro Land Trust Commission)

The Public Hearing was called to order by Chairperson Senator Reyes at 6:40 P.M.

II. Summary of Testimony

Senator Reyes asked that the people appearing to testify on Bill No. 1231 to focus their input and comments on the measure. To ascertain each individuals position on Bill No. 1231, Senator Reyes questioned all those testifying if they were for or against provisions in the Bill or any aspect of its intent. None of the individuals listed above were opposed to the scope and intent of Bill.

Highlights/Summary of the oral testimony provided follows;

Vicente Garrido: (in Chamorro) Spoke in favor of Bill No. 1231 stating that such a measure was long overdue. Cited cases of the Chamorro people's struggle and quest to obtain and reoccupy their lands and the historic injustice prevailing on those taking part in the effort. Mr. Garrido referenced his personal experiences with the military (USAF) when he and members of his family engaged in a peaceful protest in support of the movement to return military and federally lands back to the families who once owned them. Mr. Garrido supports the premise that these lands were literally "stolen" from the people and that this wrong must be corrected. He added that he and members of his family will continue to fight on this issue until satisfactory resolution is achieved. Mr. Vicente Garrido is one of several heirs to his parents land situated in the Harmon Annex area contiguous to Marine Drive (Route 1).

Danny (Pagat) Jackson: Essentially, Mr. Jackson supported the sentiments voiced by Mr. Vicente Garrido and went further to add that our leaders must stand up and help the families involved in the plight to have their ancestral land returned to them. This is one of the reason the political leaders were supported by the people and particularly the Chamorru Nation organization.

He asked that Bill No. 1231 be passed into law thereby establishing a foundation and paving the way for other families to pursue their land rights.

Robert Benevente: Came to the hearing to support the members of the Chamorro Nation, family and friends who would be greatly helped by Bill No. 1231. Registered his agreement with the comments of the preceding speakers and asked that the Senators present hold firm on their promise to the thousands of landowners affected namely, to return the surplus federal lands back to their owners and heirs. Mr. Benevente stated that they, the members of the Chamorro Nation, will not let this issue rest so long as families continue to be hurt by the past actions of the federal government with respect to ancestral lands.

Mr. Al Lizama : Provided the Committee with a brief historical perspective on the struggle of the Chamorros to get their land back. Lizama stated that for the most part, the decline of Chamorro cultural practices, the indigenous language and the heritage of the people of Guam will be lost if the thousands of Chamorro families who once owned and occupied the lands identified in Bill No. 1231 are denied the right to return to their properties to pursue their livelihood and survival.

Mr. Rita Cruz: Asked the Chairperson whether the Federal Aviation Property in Talofofu is part of the lands contained in Bill No. 1231. The Chair responded affirmatively. Mrs. Cruz stated that she had been seeking the government's approval to farm this property and whether it would be viable to look into her request which she claims had been lost or ignored by the Governor's Office. The request was first submitted in 1990 and of this date, no action on the matter has been taken by the Governor. Mrs. Cruz also asked the Senators present to look into the land-taking and condemnation cases connected with the construction of the Superior Court. Mr. Cruz stated that her husband was not rightfully compensated in this land case and that there is a need to review the actions surrounding his case as well as the situation of others who own or hold interest in the said properties.

Roke Santos: Supports the provisions in 1231 but asked that the Legislature go a step further and remove unauthorized and unlawful occupation and activities at the Harmon Cliffline. Mr. Santos spoke of his father's

experience during the federal land taking era in which he cited his father's refusal to leave the family property and home in Sumay. Mr. Santos recommended greater intervention by the United Nations in Guam's land matters but was advised by the Committee that this would require a formal invitation by the United States and as such, would obviously have little chance of occurring.

Mr. David Munoz: Asked the Committee to act swiftly in the passage of Bill 1231 thereby giving our people hope for the future. Mr. Munoz expressed the need for the Legislature particularly the newly elected members, to stand up and support this Bill because its finally time to show where everyone stands on this issue.

Mr. Francisco Herrero: Asked the Committee's help with a land problem pertaining to easements to his private property. The Chair advised that this matter be dealt with by the staff since it did not directly relate to the scope or intent of Bill No. 1231.

Edward and Antonio Eclavea: Appeared to show unconditional support for the Bill and thanked the Committee for aggressively pursuing the federal land-taking issue. The two gentlemen and their family wish to return to their property at the Harmon Cliffline and Bill 1231 would be a major step toward the family's goal.

Mr. Tony Artero: Informed the Committee that his family has been paying taxes on federally held properties for many years without the benefit of free and clear access to the property or any opportunity to develop the property in the manner that his family saw fit. Artero sees Bill 1231 as a step in the right direction and stressed further that our leaders should be making the effort to resolve the federal land issue as soon as possible. Artero cited the problem and hindereance caused by the military's AVGAS pipeline which the community has tolerated for many years now. It is time to find alternatives to this line today. Mr. Artero agreed that by opening up the lands identified in 1231, a multiplicity of positive economic forces are bound to prevail. More property taxes, GRT, economic ventures, jobs, income, and higher standards of living for our people can be realized. With respect to the NITCAMS MacDonald's, Mr. Artero stated many reasons why such a development

should not have occurred. No government permits, zoning approval, tax generation, community input, etc., was sought by the military. This is clearly the wrong way to do business here in the territory.

Mr. Joseph Borja: Advised the Committee that he supports the scope and intent of Bill 1231 but that certain technical amendments and refinement of the measure was needed. Mr. Borja stated his concern about the resources needed to implement such a mandate if passed into law, resources that the Commission does not now possess. The Committee was informed that some adjustment to the land disposition mechanism in the Bill has to be structured because the Commission is not empowered to issue, transfer or assign title to any land under its domain. This is the role of Land Management and so collaboration has to occur if the provisions of Bill 1231 are to be successfully implemented. Mr. Borja advised the Chair that written technical input from the Commission would be forthcoming and that he would gladly work with the Committee or any other agency to refine or make improvements to the measure. A mark-up meeting was suggested and approved by Mr. Borja.

III. Legislative Findings and Conclusions

The Legislature subsequent to conducting its public hearing on Bill No. 1231 finds that there is substantial community support for the Act particularly from the Chamorro Nation, affected landowners and heirs and those members of the public that appeared to testify in favor of the measure. As such, it is the desire of the Committee to proceed in reporting out Bill No. 1231 accordingly so that the policy-making body of our government can act in favor of implementing the provisions contained in the Bill.

Bill No. 1231 proposes to establish a plan and mandate territorial policy for the lands contained in the measure. These lands have been authorized for release to the territory of Guam under U.S. Public Law 103-339. It is the desire of the Committee to present this plan and policy mandate to respective local and federal entities so that there is no confusion, misinterpretation or ambiguity concerning the people's position on the disposition of lands contained in this Act.

IV. Recommendations

The Committee on Housing and Community Development to which was referred Bill No. 1231, "An Act to Develop Land-Use Policy and Plans for Certain Parcels of Land Belonging to the Government of Guam" does hereby submit its recommendation to the Twenty-Second Guam Legislature "TO DO PASS" Bill No 1231.

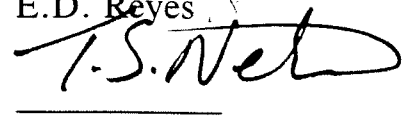
V. Attachment

Bill No. 1231

As amended by the Committee on Housing
and Community Development

Introduced by:

E.D. Reyes



**AN ACT TO DEVELOP LAND-USE POLICY AND PLANS FOR
CERTAIN PARCELS OF LAND BELONGING TO THE
GOVERNMENT OF GUAM.**

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

1 **Section 1. Legislative Statement.** The Guam Legislature finds that there is a
2 need to develop certain land-use policies and plans for properties that the Government
3 of Guam has received from rightful original landowners through the federal
4 government, land that the government wishes to declare surplus to or beyond its
5 purpose and needs. The Legislature also recognizes the fact that the government is
6 unable to fully survey, manage, plan, and develop property currently under its
7 jurisdiction and domain and as such has elected to relieve if not assist the government
8 from further expanding control over other land throughout the island without the
9 mandate of the people, particularly those who hold interest in properties listed in
10 Section 2 of this Act. As such, the Legislature through this measure, is attempting to
11 establish plans and mandate policy relative to properties beyond the Government of
12 Guam's justifiable needs so that proper disposition of such lands can occur.

13 The Legislature recognizes the mandate under which the properties listed in this
14 Act were released namely, for public purpose and use. Upon historical review
15 however, the Legislature has formulated the sentiment that the government of Guam is
16 not the best nor most responsible guardian of lands. For surplus federal properties to
17 best serve the community, it must be placed under progressive and responsible growth

1 oriented management. It is genuinely felt that it is the original land owners and their
2 heirs possess the drive, know-how, motivation and capacity to develop these land to
3 their highest and best use. It is entrepreneurial spirit that will generate greater returns
4 for the community as a whole and not government or political brokerage. For
5 instance, placing thirty-two hundred acres in the hands of land owners who would
6 subsequently pursue development in the form of tourism, agriculture and aquaculture,
7 wholesale and retail trade, housing, recreation and other forms of economically
8 stimulating activity can increase the standard of living, jobs, income and productivity
9 thereby enhancing Guam's economic and social standing in this region of the Pacific.
10 Furthermore, the Legislature senses that the expansion of the government's real
11 property, gross receipts and corporate tax base spurred by the return of excess lands to
12 original land owners or heirs is directly related to and essential in achieving the
13 objective of public purpose and benefit. Increasing tax revenues in the long-term
14 yields greater public benefit that would insurmountably benefit all sectors of the
15 island's economy. When compared to the option of placing excess lands under strict
16 conservation or preservation use, public building and facilities or standard government
17 practices in property management, the alternative and policy of allowing the private
18 land owners as members of the private sector to manage and facilitate the development
19 of the returned lands is deemed to be less speculative and far more beneficial to the
20 people of Guam as a whole.

21 **Section 2. Land-Use Plan.** The Director of the Department of Land
22 Management, government of Guam, is hereby required to identify the exact portions
23 of the land identified in U.S. Public Law 103-339 by location, acreage and ownership
24 in preparation for eventual return to original land owners and or their heirs,
25 administrators, executrix or other legal representative or trustee of the land owner's
26 estate. Allocation of excess land shall be based on documentation of private
27 ownership as reflected in the U.S. District Court Land Claims Case Nos. 77-0072
28 and 81-0112.

The Director of the Department of Land Management shall transfer to original rightful land owner and or their heirs lands which the government of Guam acquired through U.S. Public Law 103-339. Specific terms and conditions that shall govern temporary use, transfer and return of land is prescribed in Section 7 of this Act. Parcels of excess federal land subject to the scope and intent of this Act either in its entirety or in part are as follows:

Navy Parcels **Acres**

South Finegayan.....	445
Nimitz Hill Parcels 1 and 2B.....	208
NAVMAG Parcel 1.....	144
Apra Harbor Parcel 7.....	73
Apra Harbor Parcel 8.....	6
Apra Harbor Parcel 6.....	47
Apra Harbor Parcel 9.....	41
Apra Harbor Parcel 2.....	30
Apra Harbor Parcel 1.....	6
Asan Annex.....	17
NAVCAMS Beach.....	14
ACEORP Maui Tunnel.....	4
Agat Parcel 3.....	5

Air Force Parcels **Acres**

Andersen South (portion of Andersen Admin. Annex).....	395
Camp Edusa (Family Housing Annex 1).....	103
Harmon Communication Annex No. 1.....	862
Harmon Housing Annex No. 4.....	396
Harmon POL Storage Annex No. 2.....	35
Harmon VOR Annex.....	226

1 Harmon POL Storage Annex No. 1.....14
 2 Andersen Radio Beacon Annex.....23
 3 Harmon Annex VOR.....82

4
 5 **Federal Aviation Administration Parcel**

6 Talofofu "HH" Homer Facility..... 37

7 TOTAL ACREAGE: 3213

8 **Section 3. Policy Stated.** It is the intent of this measure to insure that the
 9 lands condemned by the federal government and deemed excess to the federal
 10 government's needs pursuant to U.S. Public Law 103-339 are rightfully returned to
 11 their original owners and or heirs. The disposition of such lands shall be governed by
 12 the conditions established herein and the administration, facilitation and coordination
 13 of the land transfer shall be the responsibility of the Department of Land Management
 14 (DLM), government of Guam, with the assistance and collaboration of the Chamorro
 15 Land Trust Commission.

16 **Section 4. Land Transferred.** Land identified in Section 2 of this Act is
 17 hereby transferred to their original owners and or heirs. The Director of DLM is
 18 authorized to implement a program that will facilitate the return of said federal excess
 19 properties to its original owner and or heirs. While under the DLM, such lands shall
 20 not be treated or categorized as "available lands" for purposes of the Chamorro Land
 21 Trust Act pursuant to Subsection 75104, 21 GCA, but instead as lands under the
 22 administrative purview of the DLM until the government is prepared to formally
 23 transfer such properties to their original owner, heirs, administrator, executrix or other
 24 legal representative or trustee of the land owner's estate occurs. Formal transfer refers
 25 to the government of Guam's issuance of a recorded Certificate of Title bearing the
 26 respective land owner's name. Lands identified in Section 2 above which are
 27 unclaimed or have no ownership or interest attached to it shall be subject to the criteria

1 set forth in Subsection 75104 (b), 21 GCA relative to the reservation of land by the
2 government of Guam for public use within sixty (60) days of the passage of this Act.

3 **Section 5. Role of the Chamorro Land Trust Commission.** The Chamorro
4 Land Trust Commission shall administer unclaimed lands listed in Section 2 and is
5 empowered to take or conduct all necessary coordinating actions or procedures in
6 collaboration with the Department of Land Management, government of Guam to
7 ensure that such unclaimed lands not reserved by the government of Guam are
8 incorporated in the land trust inventory for disposition or use in accordance with P.L.
9 12-226.

10 **Section 6. Temporary Use of Vacant Lands.** The Department of Land
11 Management is hereby authorized to permit original land owners or heirs to
12 temporarily use vacant lands transferred in Section 4 of this Act for farming,
13 resettlement, recreational, tourism, aquaculture, mariculture as well as other forms of
14 economic or business development deemed productive and socially and economically
15 beneficial to the territory of Guam and her residents. Temporary use of said lands
16 shall cease to exist when formal transfer (issuance of a Certificate of Title) of the
17 property to the original land owner or heirs occurs.

18 **Section 7. Terms and Conditions of Transfer.** The terms and conditions
19 governing the transfer of property from the government of Guam to the original land
20 owner, heir, administrator, executrix or any legal representative or trustee of the land
21 owner's estate are as follows:

22 (a) **Surveying of Property.** Surveying costs of land identified in Section 2 of
23 this Act shall be borne by the original land owner or heirs. The Department of Land
24 Management is hereby authorized to expend funds contained in the Land Survey
25 Revolving Fund not to exceed Two-Hundred and Fifty Thousand Dollars (\$250,000)
26 to assist land owners in surveying their property or properties, with the condition that
27 the department shall be fully reimbursed by land owners for the cost of such survey
28 within ninety (90) days or three (3) months from the date land survey is completed. A

1 contractual agreement must be consummated between the landowner and the
2 Department of Land Management to reflect the repayment date or other terms and
3 conditions governing the reimbursement of survey costs. The time complete any
4 survey project authorized under this provision of law shall not exceed six (6) months.

5 **(b) Protection of Property.** During the period of temporary use, there shall
6 be no removal of limestone or other rock deposits, soil, plant and vegetation, surface
7 structures and infrastructure contained on or in the property. Any activity that is
8 deemed environmentally adverse to the condition of the land is hereby prohibited.
9 Any use of the property shall be in conformance to or in compliance with Guam's
10 laws, rules, regulations and requirements concerning land and or the development
11 thereof.

12 **(c) Sale of Land Prohibited.** The sale, transfer, conveyance and or
13 assignment of excess federal land returned to original owners or heirs through the
14 passage of this Act is prohibited. Ownership of said lands shall remain with the owner
15 or their legal heir or heirs.

16 **(d) Lease of Property Authorized.** Lands hereby conveyed to their
17 original owner or heir may be leased for the purpose of engaging in farming,
18 commercial, recreational, tourism, aquaculture, mariculture other forms of business or
19 economic ventures provided that no less than fifty-one (51%) percent of ownership or
20 share in the venture remain under the control of the land owner or their heirs.

21 **(e) Exemption from Public Law 22-73.** Lands identified in Section 2 of
22 this Act are exempted from the provisions of Public Law 22-73.

23 **Section 8. Lands Exempted from the Scope of this Act.** Any land that is
24 presently utilized for public easements such as roadways, water, power, sewer or
25 underground telephone or communication lines or other such government utility and or
26 infrastructure uses essential to the public's safety, welfare, health and protection are
27 hereby exempt from the provision of this Act and shall not be released by the
28 government of Guam to owners or heirs. Lands that have been released or set aside

1 by the federal government and the government of Guam for the construction of schools.
2 or the implementation of the Highway Masterplan of the territory of Guam shall be
3 excluded from transfer to original land owners and or heirs and exempted from the
4 provisions of this Act.

5 **Section 9. Declaration of Compliance with U.S. Public Law 103-339.**

6 The government of Guam hereby declares that this Act complies with and fulfills the
7 requirements of U.S. Public Law 103-339 relative to the plan for and use of excess
8 federal lands for public purpose. The Governor shall transmit a copy of this Act to the
9 committees of the U.S. Congress specified in subsection (b) of P.L. 103-339, the
10 Secretary of the U.S. Department of Interior and the Secretary of Defense.