



OFFICE OF THE GOVERNOR  
TERRITORY OF GUAM

MAY 30 1995

The Honorable Don Parkinson  
Speaker  
Twenty-Third Guam Legislature  
424 West O'Brien Drive  
Julale Center - Suite 222  
Agana, Guam 96910

OFFICE OF THE SECRETARY	
Date:	5.31.95
Time:	4:24 P
Received By:	Alicia Guzman
Initials:	

Dear Speaker Parkinson:

Enclosed please find a copy of Substitute Bill No. 150 (LS), "AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 68, TITLE 21, GUAM CODE ANNOTATED, TO PROHIBIT THE GOVERNMENT OF GUAM FROM ENTERING INTO COOPERATIVE AGREEMENTS WITH RESPECT TO THE SO-CALLED WILDLIFE REFUGE ADMINISTERED BY THE U.S. DEPARTMENT OF THE INTERIOR AT THE PROPERTY IN THE NORTHERN AREA OF GUAM THAT WAS FORMERLY THE U.S. NAVAL FACILITY AND TO PROHIBIT THE USE OF GOVERNMENT OF GUAM RESOURCES AND PERSONNEL IN ANY MANNER THAT COULD BE CONSTRUED AS SUPPORTING CONTINUOUS FEDERAL HOLDING OF SUCH PROPERTIES", which I have signed into law today as **Public Law No. 23-24**.

Very truly yours,

*Madeleine Z. Bordallo*  
Madeleine Z. Bordallo  
Acting Governor of Guam

Attachment

230478

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By:	<u>ACU</u>
Time:	<u>2:51 P.M.</u>
Date:	<u>6-1-95</u>

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 150 (LS), "AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 68, TITLE 21, GUAM CODE ANNOTATED, TO PROHIBIT THE GOVERNMENT OF GUAM FROM ENTERING INTO COOPERATIVE AGREEMENTS WITH RESPECT TO THE SO-CALLED WILDLIFE REFUGE ADMINISTERED BY THE U.S. DEPARTMENT OF THE INTERIOR AT THE PROPERTY IN THE NORTHERN AREA OF GUAM THAT WAS FORMERLY THE U.S. NAVAL FACILITY AND TO PROHIBIT THE USE OF GOVERNMENT OF GUAM RESOURCES AND PERSONNEL IN ANY MANNER THAT COULD BE CONSTRUED AS SUPPORTING CONTINUOUS FEDERAL HOLDING OF SUCH PROPERTIES," was on the 13th day of May, 1995, duly and regularly passed.



TED S. NELSON  
Acting Speaker

Attested:



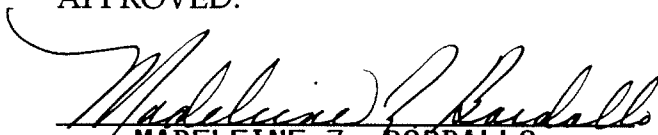
JUDITH WON PAT-BORJA  
Senator and Legislative Secretary

This Act was received by the Governor this 19th day of May, 1995, at  
9:25 o'clock 9 .M.



Assistant Staff Officer  
Governor's Office

APPROVED:



MADELEINE Z. BORDALLO  
Acting Governor of Guam

Date: May 30, 1995

Public Law No. 23-24

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 150 (LS)  
As substituted on the floor

Introduced by

M. Forbes  
D. Parkinson  
A. L. G. Santos  
E. Barrett-Anderson  
A. C. Blaz  
F. P. Camacho  
M. C. Charfauros  
C. A. Leon Guerrero  
S. L. Orsini  
J. T. San Agustin  
A. C. Lamorena V  
T. C. Ada  
J. P. Aguon  
J. S. Brown  
H. A. Cristobal  
L. Leon Guerrero  
T. S. Nelson  
V. C. Pangelinan  
F. E. Santos  
A. R. Unpingco  
J. Won Pat-Borja

AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 68, TITLE 21, GUAM CODE ANNOTATED, TO PROHIBIT THE GOVERNMENT OF GUAM FROM ENTERING INTO COOPERATIVE AGREEMENTS WITH RESPECT TO THE SO-CALLED WILDLIFE REFUGE ADMINISTERED BY THE U.S. DEPARTMENT OF THE INTERIOR AT THE PROPERTY IN THE NORTHERN AREA OF GUAM THAT WAS FORMERLY THE U.S. NAVAL FACILITY AND TO PROHIBIT THE USE OF GOVERNMENT OF GUAM RESOURCES AND PERSONNEL



1 United States federal government, which in any manner can be construed  
2 as providing tacit or expressed support of continued existence of the so-  
3 called Wildlife Refuge under federal jurisdiction at Ritidian. The use of any  
4 government of Guam resource, personnel, equipment, or funds to enforce  
5 any limitation of public access to the so-called Wildlife Refuge at Ritidian is  
6 prohibited. Nothing in this section shall be construed as prohibiting the  
7 government of Guam from enforcement of local laws with respect to  
8 protection and management of fish, wildlife, and flora.

9 (c) The government of Guam hereby disestablishes all federal  
10 designations of critical habitat or wildlife refuge as an act of sovereignty."

6

# TWENTY-THIRD GUAM LEGISLATURE

1995 (FIRST) Regular Session

Date: 5/13/95

## VOTING SHEET

Bill No. 150  
 Resolution No. \_\_\_\_\_  
 Question: \_\_\_\_\_

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth <sup>1</sup>	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith	✓			

TOTAL

21    0    \_\_\_\_\_

put

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 150 (LS)

Introduced by

- M. Forbes
- D. Parkinson
- A. L. G. Santos
- E. Barrett-Anderson
- A. C. Blaz
- F. P. Camacho
- M. C. Charfauros
- C. A. Leon Guerrero
- S. L. Orsini
- J. T. San Agustin
- A. C. Lamorena V

AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 68, TITLE 21, GUAM CODE ANNOTATED TO PROHIBIT THE GOVERNMENT OF GUAM FROM ENTERING INTO COOPERATIVE AGREEMENTS WITH RESPECT TO THE SO-CALLED WILDLIFE REFUGE ADMINISTERED BY THE U.S. DEPARTMENT OF THE INTERIOR AT THE PROPERTY IN THE NORTHERN AREA OF GUAM THAT WAS FORMERLY THE U.S. NAVAL FACILITY AND TO PROHIBIT THE USE OF GOVERNMENT OF GUAM RESOURCES AND PERSONNEL IN ANY MANNER THAT COULD BE CONSTRUED AS SUPPORTING CONTINUOUS FEDERAL HOLDING OF SUCH PROPERTIES.

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

2 Section 1. A new Article 10 is added to Chapter 68, Title 21, Guam  
3 Code Annotated, to read:

4 "ARTICLE 10  
5 RITIDIAN

1           §68950 (a) **Legislative statement.** It is the policy of the government  
2 of Guam to seek the termination of federal ownership of real property in  
3 Northern Guam commonly known as the "Wildlife Refuge" and to seek the  
4 transfer of those lands form the control of the U.S. Department of the  
5 Interior's Fish and Wildlife Service to local authority for whatever  
6 purposes deemed appropriate by local authority, including possible return  
7 to original landowners. In as much as this is public policy, it is  
8 inappropriate for any government of Guam instrumentality to act in a  
9 manner inconsistent with this policy. While Guam has its own legitimate  
10 concerns and programs with respect to the conservation of local fauna,  
11 flora and habitat, it is the position of the government of Guam and that  
12 federal jurisdiction in these matters is to be opposed. Consequently, in the  
13 carrying out of local conservation initiatives and programs, it is vital that  
14 neither the government of Guam nor any of its instrumentalities implicitly  
15 or explicitly convey tacit or expressed approval of the continuous existence  
16 of the Wildlife Refuge under federal jurisdiction.

17           (b) Neither the government of Guam, nor any of its  
18 instrumentalities, shall enter into any cooperative agreement or  
19 memorandum of understanding, with any department, agency or  
20 instrumentality of the United States federal government, which in any  
21 manner can be construed as providing tacit or expressed support of  
22 continued existence of the so-called Wildlife Refuge under federal  
23 jurisdiction at Ritidian. The use of any government of Guam resource,  
24 personnel, equipment or funds to enforce any limitation of public access to  
25 the so-called Wildlife Refuge at Ritidian is prohibited. Nothing in this  
26 section shall be construed as prohibiting the government of Guam from  
27 normal wildlife conservation and research functions as might be conducted



1 on any piece of public land in the Territory of Guam by the government of  
2 Guam, of from enforcement of local laws with respect to protection and  
3 management of fish, wildlife and flora."



# Senator Hope Alvarez Cristobal

Committee on Federal and Foreign Affairs  
23RD GUAM LEGISLATURE

May 05, 1995

Speaker Don Parkinson  
Twenty-Third Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Dear Mr. Speaker,

The Committee on Federal & Foreign Affairs which was referred Bill 150:

AN ACT TO PROHIBIT THE GOVERNMENT OF GUAM FROM ENTERING INTO COOPERATIVE AGREEMENTS WITH RESPECT TO THE SO-CALLED WILDLIFE REFUGE ADMINISTERED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR AT THE NAVAL FACILITY AND TO PROHIBIT THE USE OF THE GOVERNMENT OF GUAM RESOURCES AND PERSONNEL IN ANY MANNER THAT COULD BE CONSTRUED AS SUPPORTING CONTINUOUS FEDERAL HOLDING OF SUCH PROPERTIES.

submits its Committee Report to the Legislature with the recommendation TO PASS.

The voting record is as follows:

To Pass	10
Not To Pass	0
To Abstain	1
To place in Inactive File	0

Your immediate attention to this matter is greatly appreciated.

Si Yu'os ma'ase,

**HOPE ALVAREZ CRISTOBAL**  
Senator

attachments/clq

\*Please note: One member off-island and not available for signature.



# Senator Hope Alvarez Cristobal

Committee on Federal and Foreign Affairs  
23RD GUAM LEGISLATURE

May 01, 1995

## MEMORANDUM

To: All Members  
Fr: Senator Hope A. Cristobal, Chair  
Re: Committee Report on Bill No. 150.

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In reference to the Public Hearing conducted on March 27, 1995, the attached voting sheet is accompanied by the following supplements:

- 1) a digest of testimonies,
- 2) Committee members' dialogue,
- 3) the Committee Report (Overview, Findings & Recommendations), and
- 4) Bill #150.

Please contact my office if you should have any additional comments or concerns.

Si Yu'os ma'ase,

  
**HOPE ALVAREZ CRISTOBAL**  
Senator

attachments/clq

# COMMITTEE ON FEDERAL & FOREIGN AFFAIRS

## VOTING SHEET

**BILL 150:** AN ACT TO PROHIBIT THE GOVERNMENT OF GUAM FROM ENTERING INTO COOPERATIVE AGREEMENTS WITH RESPECT TO THE SO-CALLED WILDLIFE REFUGE ADMINISTERED BY THE U.S. DEPARTMENT OF THE INTERIOR AT THE PROPERTY IN THE NORTHERN AREA OF GUAM THAT WAS FORMERLY THE U.S. NAVAL FACILITY AND TO PROHIBIT THE USE OF GOVERNMENT OF GUAM RESOURCES AND PERSONNEL IN ANY MANNER THAT COULD BE CONSTRUED AS SUPPORTING CONTINUOUS FEDERAL HOLDING OF SUCH PROPERTIES.

Committee Members	TO PASS	NOT to PASS	TO ABSTAIN	TO PLACE IN INACTIVE FILE	SIGNATURE
Sen. Hope A. CRISTOBAL Chairperson	✓				<i>Hope A. Cristobal</i>
Sen. Angel SANTOS Vice-Chairperson	✓				<i>AS</i>
Sen. Tom ADA					
Sen. J. WON-PAT BORJA	✓				<i>J. Won-Pat Borja</i>
Sen. M. CHARFAUROS	✓				<i>Mark C. Charfauros</i>
Sen. L. LEON GUERRERO	✓				<i>Leon Guerrero</i>
Sen. V. PANGELINAN	✓				<i>V. Pangelinan</i>
Sen. Francis SANTOS	✓				<i>Francis Santos</i>
Sen. E. BARRETT-ANDERSON			✓		<i>E. Barrett-Anderson</i>
Sen. Anthony BLAZ	✓				<i>Anthony Blaz</i>
Sen. Mark FORBES	✓				<i>Mark Forbes</i>
Sen. C. LEON GUERRERO	✓				<i>C. Leon Guerrero</i>

# **Committee on Federal & Foreign Affairs**

## **Committee Report on Bill # 150**

### **OVERVIEW**

The Committee on Federal & Foreign Affairs having purview over all United States treaties, compacts, and agreements affecting Guam, publicly heard Bill 150 on March 27, 1995.

Present at the hearing were: Senator Hope Cristobal, Senator M. Charfauros, Senator T. Nelson, Senator T. Ada, Senator M. Forbes, Senator L. Leon Guerrero, Senator B. Pangelinan, Senator C. Leon Guerrero

Bill 150 was introduced by Senator Mark Forbes and co-sponsored by Senators D. Parkinson and A. L.G. Santos.

Citizens presenting testimony before the Committee were:  
Ms. Katherine McCullum, Mr. Kelly Wolcott, Mr. Peter Sgro, Mr. Ed Lynch, Mrs. Olympia Cruz, Mr. Alphonso Pangelinan, Mrs. Marianne Rios, Mr. Tony Artero, and Mr. Jose Garrido

The intent of Bill 150, with its passage, is to prohibit the government of Guam from entering into any cooperative agreement with any department or agency of the U.S. federal government in regards to the "Wildlife Refuge" at Ritidian. It also prohibits the use of government of Guam personnel, resources or funds which may be seen to be in support of the federal holdings of such propeties.

### **FINDINGS & RECOMMENDATIONS**


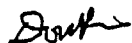
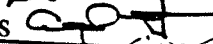








The Committee finds that:

- 1) A cooperative agreement between the U.S. Air Force, U.S. Navy and the U.S. Fish & Wildlife exists, and that the government of Guam are not actual participants, except on an informal basis.
- 2) The government should emphasize matters on access problems instead of private dealings.
- 3) Landowners want more control of their land and that decisions for the use of the land should be left to them.

**THE COMMITTEE ON FEDERAL & FOREIGN AFFAIRS  
SUBMITS THE ATTACHED BILL NO. 150 AND STRONGLY  
SUPPORTS ITS PASSAGE.**

TWENTY - THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 150  
Introduced by

M. Forbes   
D. Parkinson   
A. L.G. Santos   
E. Barrett-Anderson   
A.C. Blaz   
F.P. Camacho   
M.C. Charfauros   
C.A. Leon Guerrero   
S.L. Orsini   
J.T. San Agustin   
A. LAMORENA 

**AN ACT TO PROHIBIT THE GOVERNMENT OF GUAM FROM ENTERING INTO COOPERATIVE AGREEMENTS WITH RESPECT TO THE SO-CALLED WILDLIFE REFUGE ADMINISTERED BY THE U.S. DEPARTMENT OF THE INTERIOR AT THE PROPERTY IN THE NORTHERN AREA OF GUAM THAT WAS FORMERLY THE U.S. NAVAL FACILITY AND TO PROHIBIT THE USE OF GOVERNMENT OF GUAM RESOURCES AND PERSONNEL IN ANY MANNER THAT COULD BE CONSTRUED AS SUPPORTING CONTINUOUS FEDERAL HOLDING OF SUCH PROPERTIES.**

1                   BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2

3           Section 1. Legislative statement. It is the policy of the government of  
4 Guam to seek the termination of federal ownership of real property in  
5 Northern Guam commonly known as the "Wildlife Refuge" and to seek the  
6 transfer of those lands from the control of the U.S. Department of the  
7 Interior's Fish and Wildlife Service to local authority for whatever purposes  
8 deemed appropriate by local authority, including possible return to original  
9 landowners. In as much as this is public policy, it is inappropriate for any

1 government of Guam instrumentality to act in a manner inconsistent with this  
2 policy. While Guam has its own legitimate concerns and programs with  
3 respect to the conservation of local fauna, flora and habitat, it is the position  
4 of the government of Guam that jurisdiction for these matters rests solely  
5 with the people of Guam and that federal jurisdiction in these matters is to be  
6 opposed. Consequently, in the carrying out of local conservation initiatives  
7 and programs, it is vital that neither the government of Guam nor any of its  
8 instrumentalities implicitly or explicitly convey tacit or expressed approval of  
9 the continuous existence of the Wildlife Refuge under federal jurisdiction.

10  
11 Section 2. Neither the government of Guam, nor any of its  
12 instrumentalities, shall enter into any cooperative agreement or  
13 memorandum of understanding, with any department, agency or  
14 instrumentality of the United States federal government, which in any  
15 manner can be construed as providing tacit or expressed support of continued  
16 existence of the so-called Wildlife Refuge at Ritidian. The use of any  
17 government of Guam resources, personnel, equipment or funds to enforce any  
18 limitation of public access to the so-called Wildlife Refuge at Ritidian is  
19 prohibited. Nothing in this section shall be construed as prohibiting the  
20 government of Guam from normal wildlife conservation and research  
21 functions as might be conducted on any piece of public land in the Territory  
22 of Guam by the government of Guam, or from enforcement of local laws with  
23 respect to protection and management of fish, wildlife and flora.

PUBLIC HEARING  
March 27, 1995  
DIGEST OF TESTIMONY  
Bill 150

**Katherine McCullum**

Not in favor of Bill 150. She had witnessed many atrocities by the federal government and felt that this is just one big farce. As a result, she feels that the federal government has no business at Ritidian. According to her, they show such disrespect for the land by disrupting the area foilage and wildlife.

**Peter Sgro**

Stated that the family he represents supports bill. He provided some historical background on the issue referring to government documents and especially to the treatment of the original landowners. He made reference to the Northwest Territory Act and accordances already in place. He felt that with these laws already in place that this bill is just a waste of time. He also questioned certain tactics of government agencies and pointed out some violations in respect to the landowners. Such violations included continuing negotiations without the presence of the landowners. He commented on the differences of the federal government regarding this issue and also clarified the definition of an "overlay refuge" an suggested that it was a way to assure property rights to the military. He felt that the clarification was needed because there was little or no disclosure of important information and that everyone was kept in the dark. He felt that the bill would do nothing and has requested the assistance of the legislators in the matter. He also stated that this is a "big mess" and it is no one's job to rescue the government from this mess. He wanted to make an issue of "clean-up costs" referring to the waste sites in which has contaminated the area. He felt that the government should emphasize matters on access problems instead of private dealings. "All they're asking for is access to their own lands."

**Kelly Wolcott**

In support of bill 150. He stated that he has been working extensively with the land owners in a cooperative effort regarding the management of the land. He is interested in what Guam wants and feels that there should be more of a cooperative relationship with the government of Guam. He feels that it is the right of the people of Guam to have access to their own resources. He commented about an educational program of heritage in the area and suggested a cooperative community conservation program which would help restore the area to it's full potential. He strongly recommends that the public and government work cooperatively. He also stated that the overlay would not change matters as far as "ownership" is concerned. It's just a consulting function to U.S. Fish & Wildlife and it's up to



the Dept. of Defense and GovGuam to improve the management of resources in the area.

**Ed Lynch**

He expressed political realities of the situation and wanted a cooperative agreement in place. He feels the public should have clear and open access to the area and also recommended a "cooperative effort" with different entities to better the situation for everyone.

**Peter Sgro**

Wanted to clarify that the issue of "ownership" was never never an issue. It was always clear who the owners were. There was never any litigation regarding that matter.

**Olympia Cruz**

Showed respect to Mr. Walcott and his efforts in the matter, however, according to her, this does not justify the true feelings and emotions of the landowners. These true feelings are that of anger and frustration. She feels that they have no control of the situation. With this in mind, the concept of a wildlife refuge shows greater importance to animals rather than human beings. She also referred to the violations mentioned earlier and commented that by the time they return our lands, there would be nothing left. In Cruz's opinion, they preserve resources for the wildlife but at the same time destroy these resources in the process. All we want is more control over our lands and to do what we think is best with them.

**Alphonso Pangelinan**

Supports bill 150. He basically provides a wonderful and beautiful description of the area, it's wildlife and it's resources and suggested to people to see for themselves the beauty of the area. He also suggests a cooperative effort with officials to keep the area as clean as possible.

**Maryann Rios**

As a spokesperson for Guahan Landowners United she suggested some revisions to the bill. She feels that GovGuam should stand up and stress the importance of ownership which would allow total control of their lands. She is not against preservation and feels that only untouched lands should be used for preservations. She also feels that there are economic benefits involved and that this is just an underhanded attempt by the federal government to keep land available for further military use, if needed, for defense purposes.

**Tony Artero**

He echoed sentiments of the people stating it should be what the people want rather than what the government wants. He identified land-lock issues facing the island today and stated that what the people want is more "private property rights."

These rights should be the supreme law of the land, according to Artero, it's the official engine of democracy and the government should restore, respect and protect these rights. He also questioned actions of government officials and also blamed these actions to the ongoing problems of this issue.

Public Hearing March 27, 1995  
Bill 150  
Digest of Testimony

**JOSE GARRIDO**

Mr. Garrido expounded on his duty and obligation as a Guam citizen and as a U.S. citizen pronouncing that it is our (citizens) "duty to settle our debt of injustice to the original landowners." He goes further to say, " As I stand to fight for freedom & rights, I am ready to fight in any war the U.S. is involved in..." I am not anti-american. I believe "an american is somebody who fights for rights...and as americans I think we were really forgotten. I don't believe and it's really painful to look towards Washington D.C. and look for even a glimmer of light that somebody over there knows that there are people here whose rights are being violated." In closing, "there are alot of things to be said but...you gave me more minutes than the BRACC closure would give the entire people of Guam. I would like to give you my heartfelt, "si Yu'os ma'ase."

Committee members dialogue

**Vice-Speaker Nelson**

Prefaced his questioning with statements recognizing that privatized property owners are most capable of taking care of the property. He mentions that these property owners are being denied, mistreated and accused of trespassing.

directed to Mr. Wolcott (U.S. Fish and Wildlife Service)

"You mention that there is no cooperative agreement?"

**Mr. Wolcott**

"There is a cooperative agreement between the U.S. Air Force, U.S. Navy and U.S. Fish & Wildlife.

It was originally written up to include GovGuam. GovGuam, for whatever reasons, did not want to sign so they are not actual participants except on an informal basis. I consider, in my actions, that DAWR who are my primary contacts as the territorial officials in charge of Wildlife to be full participants. I consult with them on a constant basis on issues, but they are not formal signators to it.

Explains the difference between the "Memorandum of Understanding" and the "Cooperative Agreement". The former is a memorandum trying to set up the cooperative agreement, the later establishes the actual framework of conduct.

**VS-Nelson**

(Reads from a letter/memo) Dated 27th, May 1989, The Navy is pleased to forward herewith a fully endorsed copy of the cooperative agreement for the protection, development, and management of wildlife resources -blank-blank-blank-....signed 10 May 1988 by Cooper, Commander Naval Facility; 27 May 1988, Commander Pacific Naval Facilities Engineer

Command; Dept. of Interior by....Acting Regional Director Fish & Wildlife; Dept. of Commerce, Director;...and the Territory of Guam, December 1987, Frank F. Blas, approved by Attorney-General Elizabeth Barrett-Anderson.

**Wolcott**

Those documents, if you have what I think you have, were agreements between the U.S. Air Force and the Navy. Similar, they allow for a cooperative relationship between GovGuam and DOD.

...There are two agreements that govern the refuge.

**Peter Sgro**

Explains that page 8 which contains the single-signature line of GovGuam, while being circulated page 8 is miraculously missing; however, when requested under the Freedom of Information Act, page 8 is included.

**Wolcott**

The document is a separate agreement which did NOT establish the refuge, but discussing a cooperative relationship prior to the establishment of a refuge. Apologized for any misunderstandings construed.

**VS-Nelson**

What is the real purpose (of the refuge)? What is your major role?

**Wolcott**

One of the primary missions of the Fish & Wildlife Service is "education" and that's the cultural use of resources. I am absolutely committed to public use.

Jessie Fejerang, a volunteer who has taken leave of absence from his job because he believes in committing full-time to the establishment of an educational center.

**VS Nelson**

When can you (Fish & Wildlife) extend the same privileges to the families (Private property owners) that you've given to Mr. Fejeran (caretaker)?

**Wolcott**

When they (the families) make a commitment to full public-use down in that area. To honoring and hosting the entire public in a program down there, -that is when.

**Peter Sgro**

What are Mr. Fejerang's credentials and qualifications?

**Senator Cristobal**

You alluded to a commitment that if the family made a commitment to public use, then they could have a key to the property?

**Wolcott**

That is a possibility.

**Senator Cristobal**

Who determines this?

**Wolcott**

That would be my determination.

**Senator Cristobal**

So you solely can determine if the family can have access or not?

**Wolcott**

Only in consultation. If there is current litigation, then that has to be taken into consideration.

**Peter Sgro**

There is no litigation with respect to the access to Ritidian.

Wolcott basically explains that due to past litigation, access keys cannot be made available to the families involved in the litigation.

**Senator Nelson**

Asks if the speaker of the legislator can get an access key.

**Wolcott**

Responds by saying that they can be passed out to proven volunteers who have commitments or contributions to projects in the area, and if this applied to the speaker or anyone else, for that matter, then they would be given access.

**Marianne Rios**

Comments on a hypothetical situation dealing with access to the lands. States she does not understand how this system can possibly work.

**Wolcott**

Tries to clarify the situation by saying that compensation was made with records on file in regards to this frustrating situation.

**Senator Forbes**

Agrees with the statement that GovGuam has more land than it needs and that they should not acquire any excess lands at the expense of the people. He believes that any land transferred from military to government should go to the original landowners. He makes a suggestion to amend the bill so there would be better clarification on control of the land. He believes that the inconsistency of the governments policies and actions play a big part in all the anger and frustration regarding these issues.

**Peter Sgro**

He comments again on the actions of the government and agrees with the idea of a cooperative agreement among the government

**TESTIMONY OF THE U.S. FISH AND WILDLIFE SERVICE'S  
GUAM NATIONAL WILDLIFE REFUGE MANAGER  
BEFORE THE TWENTY-THIRD GUAM LEGISLATURE'S  
COMMITTEE ON FEDERAL AND FOREIGN AFFAIRS  
REGARDING BILL NO. 150  
MARCH 27, 1995**

---

Thank you for the opportunity to address this Committee today regarding Guam Bill No. 150. Obviously, the bill is of particular importance to us as it deals exclusively with the Ritidian Point Unit of the Guam National Wildlife Refuge. But I'm here to tell you and the others in this hearing room that this bill affects far more than just the refuge . . . it affects the people of Guam.

The outstanding scenic, wildlife, and cultural qualities of Ritidian Point provide a unique opportunity to the people of Guam. As *public land*, everyone has an interest in the management and maintenance of the area. Together, the Fish and Wildlife Service and the Government of Guam can guarantee the public access to a uniquely beautiful site free of the distractions of private developments and rich in the cultural heritage of Guam.

We have been able to guarantee open hours on the Refuge between 7:30 a.m. and 4:00 p.m., Monday through Friday. We have welcomed the public and solicited their cooperation and ideas in the management of the area. During the past few months, volunteers and cultural workers have contributed their time to keep the area clean, safe, and open. Fishermen, picnickers, and school groups have both enjoyed the area and contributed to its care and upkeep.

My staff and I are committed to providing and supporting recreational and educational facilities that highlight the natural resource management practices, beliefs, and traditions of the Chamorro people. Staff and cultural workers in the Refuge's Chamorro Cultural Education Area have offered a cooperative educational program highlighting the cultural and natural resources of the area to school groups and organizations.

Relying entirely on the contribution of volunteers and staff volunteered time, we have frequently extended public hours to weekends and past 4:00 p.m. during the week. These extended hours cannot be guaranteed without the support of the Government of Guam and the public. The willingness of Guam Police Department and Fire Department Search and Rescue personnel, as well as Conservation Officers, to provide public safety patrols and services has been essential to protecting the public in this isolated area.

Our ability to accommodate higher visitation, or even to continue at our present level, is dependent on the joint contributions of the federal government, the Government of Guam, and the public. With such a cooperative effort, we can establish the long-awaited Ritidian Point Territorial Park and provide park security, visitor information, restroom and picnic facilities, park maintenance, and cultural and natural heritage education. Without this cooperative effort, we may be forced to close the Refuge again — a solution that would make none of us happy.

In essence, what this bill would do is severely limit, if not eliminate, the people of Guam's access to *their* public lands. We must remember that by working together, we have a chance to develop and maintain the outstanding scenic, wildlife, and cultural qualities of Ritidian Point for the people of Guam, and for their children's children. This beautiful and unspoiled corner of Guam is indeed valuable property . . . valuable not only in monetary terms, but in the cultural and recreational riches that it offers the island's people. Ritidian Point is a rugged and undeveloped spot, a place where one may still see a small portion of the Guam that once was. Few opportunities still exist for the residents of Guam to enjoy such riches.

We regret the introduction of Guam Bill No. 150, and hope the Legislature will not enact it. Thank you for your time.

Presented by Kelly Wolcott,  
Guam National Wildlife Refuge Manager

My name is Catherine Flores McCollum, daughter of Jose M. Flores, granddaughter of Benigno L. G. Flores. My grandfather is the only living person at this time who had actually owned land in Ritidian. The rest of us are descendants of the Original Owners.

I would like you all to know that this "Wild Life Refuge" designation at Ritidian is one big farce, a disguise, the federal government is using to hold what apparently they do not intend to release. I myself have witnessed atrocities that have occurred in Ritidian and what I have seen, there is no reason for the federal Fish and Wildlife to be at Ritidian. How can a "Wildlife Refuge" exist when their own people are riding on the sand and it is turtle egg hatching season? Why is it that they allow people to come and use the area displaying a 12 gauge shotgun? Why is it that there is a sign that says "no camping allowed", they tell everyone to leave at about 4pm and as you are leaving the area you pass their campsite and someone is carrying a can of beer and watching us leave and you can come back to the area at 11pm, the gate is locked, but there are still people partying in their campsite? Why is it that they tell you that no dogs are allowed and in their own area, there is a german shepherd running around? Since when did Fish and Wildlife ever engage in Cultural Affairs? Apparently, they have a display at Ritidian where they bring people in to look at their so called "Ancestral Artifacts". By doing this though, it disrupts the area, foliage and wildlife. Also, their techniques of getting rid of dead trees, I witnessed the federal 4x4 vehicle hauling a big load of wood and tied to the vehicle is a huge log and on top of this log are two heavy stateside men riding on the log. They left a deep indentation in the ground uprooting foliage as they drag the extra loads. Where is the logic? I don't see the wildlife being preserved. All I see is destruction and disrespect for the land. Lets finally take a stand against the federal government and their hold on our Island.





*Territory of Guam  
Territorio Guam*

OFFICE OF THE GOVERNOR  
LIESANANT MAGALANI  
AGANA, GUAM 96910 U.S.A.

MAR 05 1993

Mr. Ray Rauch  
Refuge Complex Manager,  
Hawaiian/Pacific Islands  
National Wildlife Refuge Complex  
U.S. Fish and Wildlife Service  
P.O. Box 50167  
Honolulu, Hawaii 96850

Hafa Adai Mr. Rauch:

On behalf of the people of the Territory of Guam, I am submitting my comments on the revised draft Environmental Assessment (EA) for the Proposed Guam National Wildlife Refuge. I commend you and your staff for your continued concern, interest and efforts for the protection and restoration of Guam's threatened and endangered species. I assure you that I, too, remain committed in my interest to protect and restore such species and continue to support a comprehensive approach to the resolution of problems that have resulted in the decline and possible extinction of many of these species and their habitats.

Therefore, we support the concept of a National Wildlife Refuge for Guam, as the refuge on Guam would be a proactive measure for the recovery and preservation of endangered species and other wildlife and their habitat. In addition, it would increase the opportunities for public recreational use of some areas that heretofore have been off-limits to civilians, provided that the recreational activities are compatible with the goals of the refuge.

We acknowledge that the review process currently underway is a decision-making process that will decide whether the U.S. Fish and Wildlife Service (FWS) will continue to pursue the development of a Guam National Wildlife Refuge, and that issuance of a Final Environmental Assessment that includes a positive recommendation for one of the alternatives will not, in itself, create the refuge. This will be an overlay refuge with the prospect of a successful collaboration between the Government of Guam and the federal government, but much has yet to be done in defining the implementing mechanisms for a jointly-managed overlay refuge. The Government of Guam must necessarily be party to all these implementing mechanisms



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by virtue of the fact that 1) there are existing "Cooperative Agreements for the Protection, Development and Management of Fish and Wildlife Resources" on each of the military installations on Guam, 2) Guam enjoys concurrent jurisdiction over all federal lands on Guam, and 3) the fish and wildlife on these federal lands are Guam's resources to be managed in accordance with Guam's laws and regulations.

I am pleased that the revised draft Environmental Assessment has deleted significant areas previously identified as excess to military needs, such as the Harmon Annex area, as these lands have little significant habitat value but hold great potential for Guam's future growth and development. However, upon review of the draft EA for the wildlife refuge proposal, I found that some of my concerns which were expressed in prior letters were still not adequately addressed in this draft EA. Therefore, I feel that I must be straightforward in re-expressing my concerns and have presented them in the following questions:

- Will access to private and public lands be restricted by the Wildlife Refuge proposal? The proposal states that access will be reviewed from the standpoint of its resulting impact on species and habitat. We believe that sufficient information is now available within FWS to provide us with an answer to this question before Wildlife Refuge is designated.
- Will development of private and public lands (the Artero property in particular) be prevented or required to be reviewed more rigorously than is currently required with the approval of the Wildlife Refuge proposal? Again, the proposal only states that development would be reviewed for compatibility with refuge objectives.
- Will the Guam Division of Aquatic and Wildlife Resources (DAWR) be a co-equal partner with the FWS in the management of the Wildlife Refuge? The proposal states that there will be increased cooperation among FWS, DAWR and the Department of Defense (DOD). Additionally, the proposal states that roles and responsibilities between FWS and DAWR within the proposed Refuge would be formalized through a separate inter-agency agreement.
- Will FWS support the land transfer of the U.S. Naval Facility property at Ritidian and any other federal property proposed for inclusion in the wildlife refuge that may be excessed in the future to the Government of Guam? The proposal states that FWS would seek the transfer of the NAVFAC property for its use.

The proposal also states that essential habitats at South Finegayan and Harmon Annex for endangered forest birds and fruit bat were excluded from certain alternatives pending the outcome of the Guam Excess Lands Act (H.R. 4164).

- Will FWS commit to a certain level of appropriation requests to Congress? The proposal states that funding for the development and operation of the Refuge would be dependent upon being included in an approved budget or being specifically funded through other mechanisms and that such funds could come from various sources including direct congressional appropriations.
- Will the Navy be allowed to relocate its activities from Naval Air Station (NAS), Agana to Andersen Air Force Base? The proposal states that any uses of the Refuge would be subject to a Refuge compatibility determination and approved through issuance of Special Use Permits. Furthermore, the proposal states that FWS discussions with DOD planners regarding potential future uses of lands identified as having important habitats for endangered and threatened species indicate a low likelihood of significant development projects on lands targeted for inclusion in the proposed Refuge.
- Will Critical Habitat be dropped if Wildlife Refuge is designated? The proposal states that the final decision for critical habitat designation hinges upon whether there is a continuing need for special management on those lands identified in the proposed rule and, that a final decision on critical habitat designation will be made only after the decision is made on the refuge proposal. We believe that FWS has sufficient information available to answer this question.

I believe that if these questions are answered either in a separate letter to or in the final EA that is consistent with the Government of Guam's position on these issues, then we can wholeheartedly support the establishment of the refuge. However, to fully support the refuge proposal, as written, would be unwise.

Assuming that the above answers are favorable to the Government of Guam, we then would support a refuge of the size that would satisfy refuge objectives. I had previously stated that I would support the establishment of a refuge that contains approximately 17,500 acres, of which 5,000 are in southern Guam at the Naval Magazine and 12,500 are in northern Guam in the NCS Finegayan area, Northwest Field area, and Andersen Air Force Base area. As you may recall, this proposed acreage is predicated on the habitat requirements of the Marianas Crow, which the FWS has indicated requires the most habitat. Each individual crow, according to FWS, requires 25 acres of habitat. According to the Recovery Plan, 700 crows (200 in the south) is the objective to reach in order to downlist the species.

**Mr. Ray Rauch**

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I would support a small increase to the 17,500 acre refuge if DAWR and FWS can satisfactorily demonstrate the need for a slightly larger refuge from the species protection and restoration standpoint and not from a refuge management standpoint. Furthermore, I would support some expansion of the boundaries if the expansion allows for the creation of a buffer between private lands and refuge lands which I hope will allow FWS to legally exempt private developers from the Section 7 consultation process.

Regarding the alternatives specified in the draft, I tend to support Alternative 2 with the condition that the Guam Legislature, which is the entity responsible for the designation of public land use, approves of the inclusion of the 4,174 acres of GovGuam land as part of the refuge. Alternative 2 includes 24,146 acres of DOD land, consisting of 13,853 acres in the north and 10,293 acres in the south. In northern Guam, I recommend that FWS consider the exclusion of certain areas from the designation as follows:

- Exclude the area set aside for relocation of NAS to AAFB to accommodate naval activities at AAFB;
- Exclude the area bordered by Route 1 and Route 15 within AAFB as this area already contains AAFB housing and operational facilities; and
- Exclude the area that was proposed for exchange with the Guam Urunao Resort Corp. as this area does not now possess essential habitat.

Alternative 2 also includes twice as much land in the south than is actually needed. I therefore suggest that the Naval Supply Depot (Sasa Valley) and the area within Naval Station and Apra Harbor be deleted from the alternative. These areas are wetlands that are already managed under federal and local statutes. Finally, I recommend that FWS consider exclusion of a larger area within Naval Magazine to accommodate expansion of its operational areas.

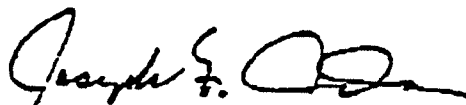
With regards to submerged lands, it is the Government of Guam's belief that all submerged lands surrounding Guam belong to the Government of Guam by virtue of the Organic Act of 1950. As I had stated in our conditional concurrence with the Air Force's Marine Resources Preserve, we do not object to federal monies being expended in these areas, but they must be managed either by the Government of Guam agencies of responsibility, or through a joint/equal partner management regime with federal government level of participation based on their contribution. Because of this point, I suggest that submerged lands be deleted from consideration, at least until such time as a satisfactory management MOU is developed and approved.

Mr. Ray Rauch  
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To reiterate, my full support of the proposed wildlife refuge is hinged on favorable answers to the questions that have been raised.

Si Yu'os Ma'ase' for the opportunity to provide comments. Should you have any questions or need further elaboration on the concerns raised, I would be glad to accommodate your request.

Sincerely,

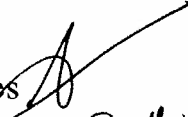
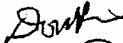



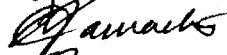

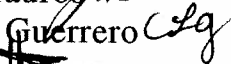





JOSEPH F. ADA  
Governor of Guam

MAR 13 1995

TWENTY - THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 150 (LS)  
Introduced by

M. Forbes   
D. Parkinson   
A. L.G. Santos   
E. Barrett-Anderson   
A.C. Blaz   
F.P. Camacho   
M.C. Charfauros   
C.A. Leon Guerrero   
S.L. Orsini   
J.T. San Agustin   
A. LAMORENA 

AN ACT TO PROHIBIT THE GOVERNMENT OF GUAM FROM ENTERING INTO COOPERATIVE AGREEMENTS WITH RESPECT TO THE SO-CALLED WILDLIFE REFUGE ADMINISTERED BY THE U.S. DEPARTMENT OF THE INTERIOR AT THE PROPERTY IN THE NORTHERN AREA OF GUAM THAT WAS FORMERLY THE U.S. NAVAL FACILITY AND TO PROHIBIT THE USE OF GOVERNMENT OF GUAM RESOURCES AND PERSONNEL IN ANY MANNER THAT COULD BE CONSTRUED AS SUPPORTING CONTINUOUS FEDERAL HOLDING OF SUCH PROPERTIES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2

3 Section 1. Legislative statement. It is the policy of the government of  
4 Guam to seek the termination of federal ownership of real property in  
5 Northern Guam commonly known as the "Wildlife Refuge" and to seek the  
6 transfer of those lands from the control of the U.S. Department of the  
7 Interior's Fish and Wildlife Service to local authority for whatever purposes  
8 deemed appropriate by local authority, including possible return to original  
9 landowners. In as much as this is public policy, it is inappropriate for any

1 government of Guam instrumentality to act in a manner inconsistent with this  
2 policy. While Guam has its own legitimate concerns and programs with  
3 respect to the conservation of local fauna, flora and habitat, it is the position  
4 of the government of Guam that jurisdiction for these matters rests solely  
5 with the people of Guam and that federal jurisdiction in these matters is to be  
6 opposed. Consequently, in the carrying out of local conservation initiatives  
7 and programs, it is vital that neither the government of Guam nor any of its  
8 instrumentalities implicitly or explicitly convey tacit or expressed approval of  
9 the continuous existence of the Wildlife Refuge under federal jurisdiction.

10

11 Section 2. Neither the government of Guam, nor any of its  
12 instrumentalities, shall enter into any cooperative agreement or  
13 memorandum of understanding, with any department, agency or  
14 instrumentality of the United States federal government, which in any  
15 manner can be construed as providing tacit or expressed support of continued  
16 existence of the so-called Wildlife Refuge at Ritidian. The use of any  
17 government of Guam resources, personnel, equipment or funds to enforce any  
18 limitation of public access to the so-called Wildlife Refuge at Ritidian is  
19 prohibited. Nothing in this section shall be construed as prohibiting the  
20 government of Guam from normal wildlife conservation and research  
21 functions as might be conducted on any piece of public land in the Territory  
22 of Guam by the government of Guam, or from enforcement of local laws with  
23 respect to protection and management of fish, wildlife and flora.