



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAR 24 2000

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Suite 200
130 Aspal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By <u><i>J. Brown</i></u>
Time <u>10:33 am</u>
Date <u>3 27 00</u>

Dear Legislative Secretary Brown:

Enclosed please find Bill No. 358 (COR), "AN ACT TO APPROVE THE TRANSFER OF ADMINISTRATIVE CONTROL OF UNDEVELOPED GOVERNMENT OF GUAM-OWNED LANDS WITHIN THE BOUNDARIES OF THE WAR-IN-THE-PACIFIC NATIONAL HISTORICAL PARK TO THE SECRETARY OF THE INTERIOR", which I have signed into law today as Public Law No. 25-107.


This legislation was prepared by the BRAC GovGuam Steering Committee in conjunction with the Attorney General of Guam and other government of Guam agencies to effectuate the transfer of excess federal lands to the government of Guam and then to the original landowners.

As a condition of this return, federal law states that the War-in-the-Pacific National Park shall be under the administration of the federal government. At the present time, certain parcels within the War-in-the-Pacific National Park are under the jurisdiction of the Chamorro Land Trust. In order to transfer these parcels to the administrative jurisdiction of the Park, the Chamorro Land Trust agrees to transfer these specific parcels to the government of Guam, to subsequently transfer them to the Park. In exchange, the Chamorro Land Trust will receive an equal amount of government land of equivalent value, for the use of the trust.

00834

Since administrative control of all areas within the Park is a prerequisite to the return of 3,200 acres of excess federal lands, this legislation will make it possible for the federal government to expeditiously return these federal lands. The exchange shall take place in a mutual fashion, with the administrative transfer effective at the time that federal excess lands are returned.

Very truly yours,



Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachment: copy attached for signed bill or overridden bill
 original attached for vetoed bill

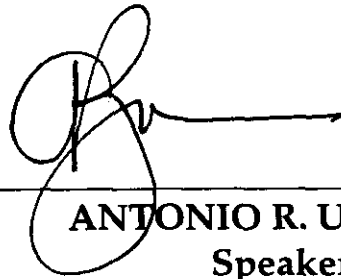
cc: The Honorable A.R. Unpingco
 Speaker

834

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Bill No. 358 (COR) "AN ACT TO APPROVE THE TRANSFER OF ADMINISTRATIVE CONTROL OF UNDEVELOPED GOVERNMENT OF GUAM-OWNED LANDS WITHIN THE BOUNDARIES OF THE WAR-IN-THE-PACIFIC NATIONAL HISTORICAL PARK TO THE SECRETARY OF THE INTERIOR," was on the 9th day of March 2000, duly and regularly passed.



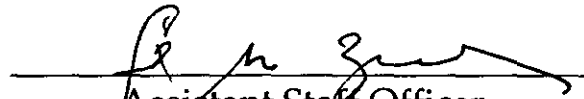
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guahan this 9th day of March, 2000,
at 4:21 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: 3-24-00

Public Law No. 25-107

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session**

Bill No. 358 (COR)

Introduced by:

Chairman, Committee on
Rules, Government Reform,
Reorganization and Federal
Affairs

by request of *I Maga'lahen*
Guåhan, the Governor, in
accordance with the Organic
Act of Guam

Mark Forbes

F. B. Aguon, Jr.

E. C. Bermudes

A. C. Blaz

J. M.S. Brown

E. B. Calvo

M. G. Camacho

L. F. Kasperbauer

A. C. Lamorena, V

C. A. Leon Guerrero

K. S. Moylan

V. C. Pangelinan

J. C. Salas

S. A. Sanchez, II

A. R. Unpingco

**AN ACT TO APPROVE THE TRANSFER OF
ADMINISTRATIVE CONTROL OF
UNDEVELOPED GOVERNMENT OF GUAM-
OWNED LANDS WITHIN THE BOUNDARIES OF
THE WAR-IN-THE-PACIFIC NATIONAL
HISTORICAL PARK TO THE SECRETARY OF THE
INTERIOR.**

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

2 **Section 1. Legislative Findings and Intent.** United States Public Law
3 Number 103-339, known as the "Guam Excess Lands Act" of October 6, 1994,
4 provides for the transfer of approximately three thousand two hundred
5 (3,200) acres of excess Federal lands identified in the Act to the government of
6 Guam, *subject* to the government of Guam and the Secretary of the Interior, as
7 represented by the Director of the National Park Service, entering into a
8 cooperative agreement for the transfer of administrative control of all
9 undeveloped government of Guam-owned lands within the boundaries of the
10 War-in-the-Pacific National Historical Park.

11 Shortly thereafter on December 29, 1994, Guam Public Law Number 22-
12 145 established a government policy to return to those original landowners or
13 their heirs certain surplus Federal properties which once belonged to such
14 original landowners or their heirs, and which the government of Guam might
15 acquire from the Federal government, citing that private landowners are
16 generally a more responsible guardian of lands than the government, and that
17 the community is best served by growth-oriented management of properties *if*
18 those who are the original landowners or their heirs are given the
19 responsibility for lands which may be returned by the Federal government to
20 the government of Guam.

21 Subsequently, the government of Guam expressed its official policy with
22 the passage of Public Law Number 23-23, which enacted a new §2004 to Title
23 20 of the Guam Code Annotated. Section 2004 provides that "land returned
24 by the Federal Government to Guam be returned to the estates that held such

1 property prior to the condemnation of said lands by the Federal
2 Government," with certain exceptions.

3 More recently, Public Law Number 25-45 was enacted setting up the
4 Guam Ancestral Lands Commission to oversee the return of excess Federal
5 lands to their original landowners.

6 Since the passage of the first of these laws, many original landowners
7 and their heirs have anxiously awaited the return of Federal excess lands,
8 especially in light of recent revelations that most of the Federal land takings
9 were negotiated by the Federal government in a manner wholly unfair to the
10 original landowners.

11 *I Liheslaturan Guåhan* intends that Federal lands on Guam which have
12 been, or will be declared, to be excess, shall be returned to the government of
13 Guam as soon as practicable. *I Liheslaturan Guåhan* therefore supports the
14 government of Guam entering into the cooperative agreement with the
15 National Park Service to pave the way for the return.

16 Approximately ten (10) acres of land to be transferred to the National
17 Park Service under the proposed cooperative agreement has been identified as
18 belonging to the Chamorro Land Trust Commission. The Commission is
19 willing to give the government of Guam the approximately ten (10) acres of
20 Chamorro Homelands so identified in order for the government of Guam to
21 use such ten (10) acres for purposes of the proposed cooperative agreement.
22 In exchange the Commission would like an equal amount of government land
23 of equivalent value. *I Liheslaturan Guåhan* believes the proposed exchange to
24 be just and necessary in order for the proposed cooperative agreement to

1 LM3909FY96, and recorded as Document Number 54895. The Department of
2 Land Management represents that the lands to be exchanged are of equivalent
3 value. A deed or deeds of exchange shall be prepared, executed and recorded
4 by the appropriate parties and in accordance with law.

5 **Section 4. Authorization to Transfer Administrative Jurisdiction.**

6 The cooperative agreement, attached as **Exhibit B**, between the
7 Department of Land Management on behalf of the government of Guam with
8 *I Maga'lahaen Guåhan's* approval, and the Secretary of the Interior, as
9 represented by the Director of the National Park Service, to transfer the
10 administrative control of those undeveloped government of Guam-owned
11 lands identified in **Exhibit A**, including any which may be classified as
12 Chamorro Homelands, for purposes of the War-in-the-Pacific National
13 Historical Park, is hereby approved subject to the conditions in §5 below of
14 this legislation. The fully approved and executed cooperative agreement shall
15 *not* be recorded until the deed, or deeds of exchange, contemplated by §3 of
16 this legislation are recorded.

17 **Section 5. Conditions of Transfer.** The Department of Land
18 Management shall ensure that the transfer of administrative jurisdiction of
19 those undeveloped lands owned by the government of Guam or Chamorro
20 Land Trust Commission identified in **Exhibit A** does *not* become effective
21 until the Federal Administrator of General Services executes a quitclaim deed
22 to the government of Guam for all, or a portion of the excess Federal lands,
23 identified in the Guam Excess Lands Act and pursuant to the terms of such
24 Act, and until such time that the quitclaim deed is recorded with the Records
25 Division of the Department of Land Management.

1 The Department shall also ensure that the National Park Service's
2 administrative jurisdiction over any or all of the undeveloped government of
3 Guam-owned lands identified in Exhibit A, including any which may be
4 classified as Chamorro Homelands, *automatically* terminates when such lands,
5 or any portion thereof, are no longer used for purposes of the War-in-the-
6 Pacific National Historical Park.

**COOPERATIVE AGREEMENT
BETWEEN
THE GOVERNMENT OF GUAM
AND
THE SECRETARY OF THE INTERIOR**

APPENDIX A

National Park Service (NPS)
Government of Guam (GovGuam)

<u>NPS</u>	<u>GovGuam</u>	
101-01	Seashore Reserve	1.67 acres fast land
101-02	Submerged Seashore Reserve	26.00 acres submerged land
101-05	Submerged Seashore Reserve	268.41 acres submerged land
101-23	Lot 451, within Lot 501	2.59 acres fast land
101-44	Lot 287-1 Lot 287-1-PTN Lot 502	1.28 acres fast land
102-22	Lot 317-1	.22 acres fast land
102-23	Lot 331-1 Lot 331-REM	.39 acres fast land
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106-04	Submerged	525.95 acres submerged land
107-03	Seashore Reserve	1.36 acres fast land
TOTAL – 10 Parcels; 829.18 acres		

Exhibit A

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6

**COOPERATIVE AGREEMENT
BETWEEN
THE GOVERNMENT OF GUAM
AND
THE SECRETARY OF THE INTERIOR**

7 This Cooperative Agreement is entered by and between the Government of Guam,
8 acting through the Governor of Guam, and the Secretary of the Interior, acting through the
9 Director of the National Park Service.

10
11 **ARTICLE I – AUTHORITY, BACKGROUND AND OBJECTIVES**
12

13 WHEREAS, the Guam Excess Lands Act, Public Law 103-339, October 6, 1994
14 (hereafter “the Act”), provides that the Administrator of General Services shall, subject to
15 Section 3 of the Act, transfer certain parcels of land described in Section 2 of the Act to the
16 Government of Guam for public benefit use, after a determination by the head of the
17 Federal agency controlling a parcel that the parcel is excess to the needs of such agency;
18

19 WHEREAS, Section 3 (f) of the Act provides that parcels of land may not be
20 transferred under the Act until after the Government of Guam enters into a cooperative
21 agreement with the Secretary of the Interior acting through the Director of the National
22 Park Service, which grants to the Secretary, at no cost, the administrative jurisdiction over
23 all undeveloped lands within the boundary of War in the Pacific National Historic Park
24 (the Park), except those lands at Adelup Point, which are owned by the Government of
25 Guam;
26

27 WHEREAS, Section 3 (f) of the Act further provides that the lands covered by the
28 cooperative agreement shall be managed in accordance with the general management plan
29 of the Park and in the same manner as lands within the Park that are owned by the United
30 States;
31

32 WHEREAS, the Park, as established by its Organic Act, 16 U.S.C. §410dd, is situated
33 on the Island of Guam and on submerged lands immediately adjacent to Guam;
34

35 WHEREAS, Subsection (e) of the Park’s Organic Act provides that the Secretary
36 shall administer the property acquired as part of the Park in accordance with the laws
37 generally applicable to the management of units of the National Park Service system;
38

39 WHEREAS, the Government of Guam desires a prompt transfer to it of the federal
40 lands on Guam identified in Section 2 of the Act, and both parties desire to enter into a
41 cooperative agreement as provided for by Section 3 (f) of the Act; and

Exhibit B

1 which immediate repair is required, the Government of Guam shall retain the right to
2 access the site immediately, but the Government of Guam shall give immediate notification
3 to the superintendent of the Park of the scope of the emergency repair.
4

5 **C. The Government of Guam and the National Park Service agree:**
6

7 1. That no document other than this Agreement shall be required to transfer
8 administrative control of the lands covered by this Agreement. Administration of these
9 lands by NPS shall commence on the date of the first transfer from GSA to Government of
10 Guam of any of the lands described in Section 2 of the Act.
11

12 2. That as used in this Agreement, the term "undeveloped" shall mean any lands,
13 whether fastlands or submerged, which do not have any paved roads, paved parking areas,
14 or any other structure, building or facility.
15

16 3. That they will cooperate to the fullest extent in all activities related to this
17 Agreement in order to assure the effectiveness of each party's obligations under this
18 Agreement.
19

20 4. That they will meet periodically to evaluate the effectiveness of this Agreement.
21

22 5. That a copy of the legislation enacted by the Legislature of Guam approving this
23 Agreement shall be attached to this Agreement as Appendix B and made a part hereof.
24

25 **ARTICLE III – TERM OF AGREEMENT**
26

27 The term of this Agreement shall commence upon signature by the Director of the National
28 Park Service and the Government of Guam, and approval by the Legislature of Guam, and
29 shall continue so long as the Park is operated in accordance with its Organic Act, unless
30 this Agreement is first terminated pursuant to Article VI of this Agreement.
31

32 **ARTICLE IV – FUNDING**
33

34 Both parties shall bear their own costs stemming from this Agreement, and
35 neither party shall pay to the other party any sum of money for the acts to be
36 performed by each party in accordance with this Agreement.
37

38 **ARTICLE V – MODIFICATION**
39

40 This Agreement may be modified by the mutual written agreement of the parties.

ARTICLE VI – TERMINATION

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A. This Agreement may be terminated by the mutual written agreement of the parties.

B. Prior to such time as the Administrator of General Services transfers to the Government of Guam any parcel of land or portion thereof identified in Section 2 (b) of the Act, the Governor of Guam may terminate this Agreement by giving written notice to the Director of the National Park Service and the Administrator of General Services.

C. The Secretary of the Interior may cease administrative control over lands owned by the Government of Guam which are the subject of this Agreement, or any portion of such lands, if the Secretary determines that such lands or portions of lands are no longer needed for the purposes of the Park as authorized by the Park's Organic Act, or if such lands or portions of lands are removed from within the boundaries of the park as provided for by law.

ARTICLE VII – SIGNATURES

1
2
3
4 _____ date
5 Robert G. Stanton
6 Director, National Park Service
7
8
9 _____ date
10 F. Randall Cunliffe
11 Legal Counsel
12 Chamorro Land Trust Commission
13
14
15 _____ date
16 Joseph M. Borja
17 Administrative Director
18 Chamorro Land Trust Commission
19
20
21 _____ date
22 Carl J. C. Aguon
23 Director
24 Department of Land Management
25
26
27 _____ date
28 John F. Tarantino
29 Attorney General
30 Government of Guam
31
32
33 _____ date
34 Carl T. C. Gutierrez
35 *I Maga'lahaen Guåhan*
(Governor of Guam)

NOV 17 1999

I MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
1999 (FIRST) Regular Session

Bill No. 358(cor)

Introduced by:

Chairman, Committee on Rules,
Government Reform, Reorganization
and Federal Affairs.

by request of I Maga'Lahen Guåhan,
the Governor, in accordance with
the Organic Act of Guam.

AN ACT TO APPROVE THE TRANSFER OF ADMINISTRATIVE CONTROL OF UNDEVELOPED GOVERNMENT OF GUAM-OWNED LANDS WITHIN THE BOUNDARIES OF THE WAR-IN-THE-PACIFIC NATIONAL HISTORICAL PARK TO THE SECRETARY OF THE INTERIOR AS REPRESENTED BY THE DIRECTOR OF THE NATIONAL PARK SERVICE, THE TRANSFER PURSUANT TO A COOPERATIVE AGREEMENT OF WHICH IS REQUIRED BY FEDERAL LAW PRIOR TO THE RETURN OF EXCESS FEDERAL LANDS ON GUAM TO THE GOVERNMENT OF GUAM, AND TO AUTHORIZE THE TRANSFER OF CERTAIN CHAMORRO HOMELANDS TO THE DEPARTMENT OF LAND MANAGEMENT FOR PURPOSES OF THE COOPERATIVE AGREEMENT IN EXCHANGE FOR AN EQUIVALENT AMOUNT OF THE GOVERNMENT'S LOT NO. 10120-R19 IN THE MUNICIPALITY OF DEDEDO

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative findings and intent. United
3 States Public Law 103-339, known as the "Guam Excess Lands Act" of
4 October 6, 1994 provides for the transfer of approximately 3,200 acres of
5 excess federal lands identified in the Act to the government of Guam,
6 subject to the government of Guam and the Secretary of the Interior, as
7 represented by the Director of the National Park Service, entering into a
8 cooperative agreement for the transfer of administrative control of all

1 undeveloped government of Guam-owned lands within the boundaries of
2 the War-in-the-Pacific National Historical Park.

3 Shortly thereafter on December 29, 1994, Guam Public Law No.
4 22-145 established a government policy to return to those original
5 landowners or their heirs certain surplus federal properties which once
6 belonged to such original landowners or their heirs and which the
7 government of Guam might acquire from the federal government, citing
8 that private landowners are generally a more responsible guardian of
9 lands than the government, and that the community is best served by
10 growth-oriented management of properties if those who are the original
11 landowners or their heirs are given the responsibility for lands which may
12 be returned by the federal government to the government of Guam.

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14 with the passage of Public Law No. 23-23 which enacted a new §2004 to
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16 returned by the Federal Government to Guam be returned to the estates
17 that held such property prior to the condemnation of said lands by the
18 Federal Government," with certain exceptions.

19 More recently, Public Law No. 25-45 was enacted setting up the
20 Guam Ancestral Lands Commission to oversee the return of excess federal
21 lands to their original landowners.

22 Since the passage of the first of these laws, many original landowners
23 and their heirs have anxiously awaited the return of federal excess lands,
24 especially in light of recent revelations that most of the federal land
25 takings were negotiated by the federal government in a manner wholly
26 unfair to the original landowners.

1 I Liheslaturan Guåhan, the Guam Legislature, intends that federal
2 lands on Guam which have been or will be declared to be excess, shall be
3 returned to the government of Guam as soon as practicable. I Liheslaturan
4 Guåhan, the Guam Legislature, therefore, supports the government of
5 Guam entering into the cooperative agreement with the National Park
6 Service to pave the way for the return.

7 Approximately Ten (10) acres of land to be transferred to the
8 National Park Service under the proposed cooperative agreement has been
9 identified as belonging to the Chamorro Land Trust Commission. The
10 Commission is willing to give the government of Guam the approximately
11 Ten (10) acres of Chamorro Homelands so identified in order for the
12 government of Guam to use such Ten (10) acres for purposes of the
13 proposed cooperative agreement. In exchange, the Commission would like
14 an equal amount of government land of equivalent value. I Liheslaturan
15 Guåhan, the Guam Legislature, believes the proposed exchange to be just
16 and necessary in order for the proposed cooperative agreement to become
17 a reality, and in order to pave the way for the full return of the 3,200
18 acres of excess federal lands.

19 **Section 2. Adoption of the list identifying government**
20 **land within boundaries of the park.** The Department of Land
21 Management has identified in a list which is attached hereto as Exhibit A
22 829.18 acres currently owned and administered by the Department of
23 Land Management or by the Chamorro Land Trust Commission, which
24 parcels are within the boundaries of the War-in-the-Pacific National
25 Historical Park. Of the 829.18 acres to be transferred to the National Park
26 Service, the vast majority are government submerged lands or submerged

COOPERATIVE AGREEMENT
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AND
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APPENDIX A

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THE SECRETARY OF THE INTERIOR

This Cooperative Agreement is entered by and between the Government of Guam, acting through the Governor of Guam, and the Secretary of the Interior, acting through the Director of the National Park Service.

ARTICLE I - AUTHORITY, BACKGROUND AND OBJECTIVES

WHEREAS, the Guam Excess Lands Act, Public Law 103-339, October 6, 1994 (hereafter "the Act"), provides that the Administrator of General Services shall, subject to Section 3 of the Act, transfer certain parcels of land described in Section 2 of the Act to the Government of Guam for public benefit use, after a determination by the head of the Federal agency controlling a parcel that the parcel is excess to the needs of such agency;

WHEREAS, Section 3(f) of the Act provides that parcels of land may not be transferred under the Act until after the Government of Guam enters into a cooperative agreement with the Secretary of the Interior, acting through the Director of the National Park Service, which grants to the Secretary, at no cost, the administrative jurisdiction over all undeveloped lands within the boundary of War in the Pacific National Historic Park (the Park), except those lands at Adelup Point, which are owned by the Government of Guam;

WHEREAS, Section 3(f) of the Act further provides that the lands covered by the cooperative agreement shall be managed in accordance with the general management plan of the Park and in the same manner as lands within the Park that are owned by the United States;

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WHEREAS, Subsection (e) of the Park's Organic Act provides that the Secretary shall administer the property acquired as part of the Park in accordance with the laws generally applicable to the management of units of the National Park Service system;

EXHIBIT B

ARTICLE VII - SIGNATURES

Robert G. Stanton
Director, National Park Service

date

F. Randall Cunliffe
Legal Counsel
Chamorro Land Trust Commission

date

Joseph M. Borja
Administrative Director
Chamorro Land Trust Commission

date

Carl J. C. Aguon
Director
Department of Land Management

date

John F. Tarantino
Attorney General
Government of Guam

date

Carl T.C. Gutierrez
Governor of Guam

date

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910



COPY

March 15, 2000

The Honorable Carl T.C. Gutierrez
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Gutierrez:

Transmitted herewith is Bill No. 358(COR) which was passed by *I Mina'Bente Singko Na Liheslaturan Guåhan* on March 9, 2000.

Sincerely,


JOANNE M.S. BROWN
Senator and Legislative Secretary

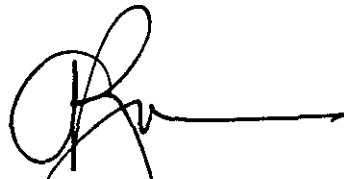
Enclosure (1)

COPY

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

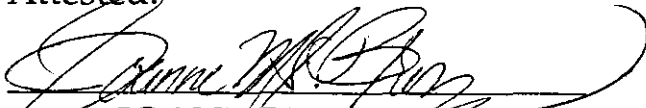
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ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guahan this 15th day of March, 2000,
at 7:25 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: _____

Public Law No. _____

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

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Chairman, Committee on
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16 generally a more responsible guardian of lands than the government, and that
17 the community is best served by growth-oriented management of properties *if*
18 those who are the original landowners or their heirs are given the
19 responsibility for lands which may be returned by the Federal government to
20 the government of Guam.

21 Subsequently, the government of Guam expressed its official policy with
22 the passage of Public Law Number 23-23, which enacted a new §2004 to Title
23 20 of the Guam Code Annotated. Section 2004 provides that "land returned
24 by the Federal Government to Guam be returned to the estates that held such

1 property prior to the condemnation of said lands by the Federal
2 Government," with certain exceptions.

3 More recently, Public Law Number 25-45 was enacted setting up the
4 Guam Ancestral Lands Commission to oversee the return of excess Federal
5 lands to their original landowners.

6 Since the passage of the first of these laws, many original landowners
7 and their heirs have anxiously awaited the return of Federal excess lands,
8 especially in light of recent revelations that most of the Federal land takings
9 were negotiated by the Federal government in a manner wholly unfair to the
10 original landowners.

11 *I Liheslaturan Guåhan* intends that Federal lands on Guam which have
12 been, or will be declared, to be excess, shall be returned to the government of
13 Guam as soon as practicable. *I Liheslaturan Guåhan* therefore supports the
14 government of Guam entering into the cooperative agreement with the
15 National Park Service to pave the way for the return.

16 Approximately ten (10) acres of land to be transferred to the National
17 Park Service under the proposed cooperative agreement has been identified as
18 belonging to the Chamorro Land Trust Commission. The Commission is
19 willing to give the government of Guam the approximately ten (10) acres of
20 Chamorro Homelands so identified in order for the government of Guam to
21 use such ten (10) acres for purposes of the proposed cooperative agreement.
22 In exchange the Commission would like an equal amount of government land
23 of equivalent value. *I Liheslaturan Guåhan* believes the proposed exchange to
24 be just and necessary in order for the proposed cooperative agreement to

1 become a reality, and in order to pave the way for the full return of the three
2 thousand two hundred (3,200) acres of excess Federal lands.

3 **Section 2. Identification of Real Property.** The Department of Land
4 Management has identified in a list which is attached hereto as **Exhibit A**
5 829.18 acres currently owned and administered by the Department of Land
6 Management or by the Chamorro Land Trust Commission, which parcels are
7 within the boundaries of the War-in-the-Pacific National Historical Park. Of
8 the 829.18 acres to be transferred to the National Park Service, the vast
9 majority are government submerged lands or submerged lands within the
10 Seashore Reserve. Only ten (10) acres, more or less, of the total to be
11 transferred, are actually fast lands.

12 The list attached as **Exhibit A** is hereby adopted, pursuant to the
13 conditions established in this legislation, as those submerged and fast lands
14 which are to be transferred only for administrative jurisdiction purposes to
15 the National Park Service.

16 **Section 3. Authorization for Land Exchange.** Of the land listed in
17 **Exhibit A** annexed to this legislation, approximately ten (10) acres are
18 Chamorro Homelands. To facilitate the administrative transfer contemplated
19 by the proposed cooperative agreement between the government of Guam
20 and the National Park Service, the Department of Land Management is
21 authorized to transfer to the Chamorro Land Trust Commission
22 approximately ten (10) acres of Lot Number 10120-R19 in the Municipality of
23 Dededo, Guam in exchange for the Chamorro Land Trust Commission's ten
24 (10) acres, more or less. Lot Number 10120-R19 contains a total of five
25 hundred thirty-three (533) acres, more or less, as shown on Drawing Number

1 LM3909FY96, and recorded as Document Number 54895. The Department of
2 Land Management represents that the lands to be exchanged are of equivalent
3 value. A deed or deeds of exchange shall be prepared, executed and recorded
4 by the appropriate parties and in accordance with law.

5 **Section 4. Authorization to Transfer Administrative Jurisdiction.**

6 The cooperative agreement, attached as **Exhibit B**, between the
7 Department of Land Management on behalf of the government of Guam with
8 *I Maga'lahren Guâhan's* approval, and the Secretary of the Interior, as
9 represented by the Director of the National Park Service, to transfer the
10 administrative control of those undeveloped government of Guam-owned
11 lands identified in **Exhibit A**, including any which may be classified as
12 Chamorro Homelands, for purposes of the War-in-the-Pacific National
13 Historical Park, is hereby approved subject to the conditions in §5 below of
14 this legislation. The fully approved and executed cooperative agreement shall
15 *not* be recorded until the deed, or deeds of exchange, contemplated by §3 of
16 this legislation are recorded.

17 **Section 5. Conditions of Transfer.** The Department of Land
18 Management shall ensure that the transfer of administrative jurisdiction of
19 those undeveloped lands owned by the government of Guam or Chamorro
20 Land Trust Commission identified in **Exhibit A** does *not* become effective
21 until the Federal Administrator of General Services executes a quitclaim deed
22 to the government of Guam for all, or a portion of the excess Federal lands,
23 identified in the Guam Excess Lands Act and pursuant to the terms of such
24 Act, and until such time that the quitclaim deed is recorded with the Records
25 Division of the Department of Land Management.

**COOPERATIVE AGREEMENT
BETWEEN
THE GOVERNMENT OF GUAM
AND
THE SECRETARY OF THE INTERIOR**

APPENDIX A

National Park Service (NPS)
Government of Guam (GovGuam)

<u>NPS</u>	<u>GovGuam</u>	
101-01	Seashore Reserve	1.67 acres fast land
101-02	Submerged Seashore Reserve	26.00 acres submerged land
101-05	Submerged Seashore Reserve	268.41 acres submerged land
101-23	Lot 451, within Lot 501	2.59 acres fast land
101-44	Lot 287-1 Lot 287-1-PTN Lot 502	1.28 acres fast land
102-22	Lot 317-1	.22 acres fast land
102-23	Lot 331-1 Lot 331-REM	.39 acres fast land
103-12	Lot 291 (portion) Lot 289 (portion)	1.31 acres fast land
106-04	Submerged	525.95 acres submerged land
107-03	Seashore Reserve	1.36 acres fast land
TOTAL – 10 Parcels; 829.18 acres		

Exhibit A

1
2
3
4
5
6

**COOPERATIVE AGREEMENT
BETWEEN
THE GOVERNMENT OF GUAM
AND
THE SECRETARY OF THE INTERIOR**

7 This Cooperative Agreement is entered by and between the Government of Guam,
8 acting through the Governor of Guam, and the Secretary of the Interior, acting through the
9 Director of the National Park Service.

10
11 **ARTICLE I – AUTHORITY, BACKGROUND AND OBJECTIVES**

12
13 WHEREAS, the Guam Excess Lands Act, Public Law 103-339, October 6, 1994
14 (hereafter “the Act”), provides that the Administrator of General Services shall, subject to
15 Section 3 of the Act, transfer certain parcels of land described in Section 2 of the Act to the
16 Government of Guam for public benefit use, after a determination by the head of the
17 Federal agency controlling a parcel that the parcel is excess to the needs of such agency;
18

19 WHEREAS, Section 3 (f) of the Act provides that parcels of land may not be
20 transferred under the Act until after the Government of Guam enters into a cooperative
21 agreement with the Secretary of the Interior acting through the Director of the National
22 Park Service, which grants to the Secretary, at no cost, the administrative jurisdiction over
23 all undeveloped lands within the boundary of War in the Pacific National Historic Park
24 (the Park), except those lands at Adelup Point, which are owned by the Government of
25 Guam;
26

27 WHEREAS, Section 3 (f) of the Act further provides that the lands covered by the
28 cooperative agreement shall be managed in accordance with the general management plan
29 of the Park and in the same manner as lands within the Park that are owned by the United
30 States;
31

32 WHEREAS, the Park, as established by its Organic Act, 16 U.S.C. §410dd, is situated
33 on the Island of Guam and on submerged lands immediately adjacent to Guam;
34

35 WHEREAS, Subsection (e) of the Park’s Organic Act provides that the Secretary
36 shall administer the property acquired as part of the Park in accordance with the laws
37 generally applicable to the management of units of the National Park Service system;
38

39 WHEREAS, the Government of Guam desires a prompt transfer to it of the federal
40 lands on Guam identified in Section 2 of the Act, and both parties desire to enter into a
41 cooperative agreement as provided for by Section 3 (f) of the Act; and

Exhibit B

1 which immediate repair is required, the Government of Guam shall retain the right to
2 access the site immediately, but the Government of Guam shall give immediate notification
3 to the superintendent of the Park of the scope of the emergency repair.
4

5 **C. The Government of Guam and the National Park Service agree:**
6

7 1. That no document other than this Agreement shall be required to transfer
8 administrative control of the lands covered by this Agreement. Administration of these
9 lands by NPS shall commence on the date of the first transfer from GSA to Government of
10 Guam of any of the lands described in Section 2 of the Act.
11

12 2. That as used in this Agreement, the term "undeveloped" shall mean any lands,
13 whether fastlands or submerged, which do not have any paved roads, paved parking areas,
14 or any other structure, building or facility.
15

16 3. That they will cooperate to the fullest extent in all activities related to this
17 Agreement in order to assure the effectiveness of each party's obligations under this
18 Agreement.
19

20 4. That they will meet periodically to evaluate the effectiveness of this Agreement.
21

22 5. That a copy of the legislation enacted by the Legislature of Guam approving this
23 Agreement shall be attached to this Agreement as Appendix B and made a part hereof.
24

25 **ARTICLE III – TERM OF AGREEMENT**
26

27 The term of this Agreement shall commence upon signature by the Director of the National
28 Park Service and the Government of Guam, and approval by the Legislature of Guam, and
29 shall continue so long as the Park is operated in accordance with its Organic Act, unless
30 this Agreement is first terminated pursuant to Article VI of this Agreement.
31

32 **ARTICLE IV – FUNDING**
33

34 Both parties shall bear their own costs stemming from this Agreement, and
35 neither party shall pay to the other party any sum of money for the acts to be
36 performed by each party in accordance with this Agreement.
37

38 **ARTICLE V – MODIFICATION**
39

40 This Agreement may be modified by the mutual written agreement of the parties.

CLERK OF THE LEGISLATURE
TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN

(Included in File w/ All Bills Transmitted)

BILL NO. *358 (ca)*

FINAL PROOF-READING OF BLUEBACK COPY

Initialed by:

and Date:

- EXHIBITS ATTACHED *6 Pages*
- CONFIRM NUMBER OF PAGES *6*
- CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ENGROSSED SIGN "*" REMOVED FROM BILL
- 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
- CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- EMERGENCY DECLARATION, if any *None*

Confirmed By: _____

[Signature]

Dated: _____

- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)
TO THE GOVERNOR. (DANNY, ROBERT OR OTHERS)
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK
PLACED ON CLERK'S DESK. (Same copy given to Susan)
- FILED by: Danny, Robert or others

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Bill No. 358 (COR) "AN ACT TO APPROVE THE TRANSFER OF ADMINISTRATIVE CONTROL OF UNDEVELOPED GOVERNMENT OF GUAM-OWNED LANDS WITHIN THE BOUNDARIES OF THE WAR-IN-THE-PACIFIC NATIONAL HISTORICAL PARK TO THE SECRETARY OF THE INTERIOR," was on the 9th day of March 2000, duly and regularly passed.

ANTONIO R. UNPINGCO
Speaker

Attested:

JOANNE M.S. BROWN
Senator and Legislative Secretary

.....
This Act was received by *I Maga'lahen Guahan* this _____ day of _____, 2000,
at _____ o'clock _____M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: _____

Public Law No. _____

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 5/5-00
Time: 1145 am.
Rec'd by: ERL
Print Name: Laurie

6

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

2000 (SECOND) Regular Session

Date: 3/9/00

VOTING SHEET

Bill No. 358 (COR)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				
BERMUDES, Eulogio C.	✓				
BLAZ, Anthony C.					✓
BROWN, Joanne M.S.		✓			
CALVO, Eduardo B.	✓				
CAMACHO, Marcel G.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V	✓				
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.	✓				
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL

13 1 _____ _____ 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

February 11, 2000

(DATE)

Memorandum

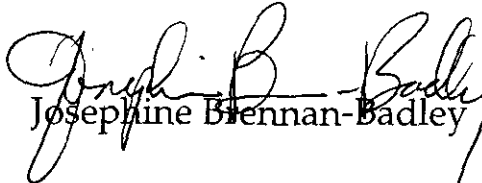
To: Senator MARK FORBES.

From: Clerk of the Legislature

Subject: Report on Bill No. 358(COR)

Pursuant to §7.04 of Rule VII of the 25th Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 358(COR), for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.


Josephine Brennan-Badley

Attachment

Man...
4:54 PM
02-11-00



The Office of

Senator Marcel G. Camacho

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Twenty-Fifth Guam Legislature

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

173 Aspinall Avenue, Hagåtña, Guam 96910
Suite 108A • Ada Plaza Center
Phones (671) **479 8261 / 62 / 63 / 64**
Facsimile (671) **472 8223**

January 7, 2000

The Honorable Antonio Unpingco, Speaker
I Mina' Bente Singko na Liheslaturan Guahan
155 Hesler St.
Hagåtña, Guam 96910

Via: Committee on Rules

Dear Mr. Speaker:

The Committee on Land, Agriculture, Military Affairs and the Arts, to which was referred the following:
BILL NO. 358(COR): "AN ACT TO APPROVE THE TRANSFER OF ADMINISTRATIVE CONTROL OF UNDEVELOPED GOVERNMENT OF GUAM-OWNED LANDS WITHIN THE BOUNDARIES OF THE WAR-IN-THE-PACIFIC NATIONAL HISTORICAL PARK TO THE SECRETARY OF THE INTERIOR AS REPRESENTED BY THE DIRECTOR OF THE NATIONAL PARK SERVICE, THE TRANSFER PURSUANT TO A COOPERATIVE AGREEMENT OF WHICH IS REQUIRED BY FEDERAL LAW PRIOR TO THE RETURN OF EXCESS FEDERAL LANDS ON GUAM TO THE GOVERNMENT OF GUAM, AND TO AUTHORIZE THE TRANSFER OF CERTAIN CHAMORRO HOMELANDS TO THE DEPARTMENT OF LAND MANAGEMENT FOR PURPOSES OF THE COOPERATIVE AGREEMENT IN EXCHANGE FOR AN EQUIVALENT AMOUNT OF THE GOVERNMENT'S LOT NO. 10120-R-19 IN THE MUNICIPALITY OF DEDEDO", wishes to report back to the Legislature its recommendation **TO DO PASS**.

Committee Voting Record:


To do pass: 5

Not to pass:

Abstain:

A copy of the Committee Report is attached for your consideration.

Sincerely yours,


MARCEL G. CAMACHO
Chairman



The Office of

Senator Marcel G. Camacho

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Twenty-Fifth Guam Legislature

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

173 Aspinall Avenue, Hagåtña, Guam 96910
Suite 108A • Ada Plaza Center
Phones (671) **479 8261 / 62 / 63 / 64**
Facsimile (671) **472 8223**

September 28, 1999

MEMORANDUM

**TO: Members,
Committee on Land, Agriculture, Military Affairs and the Arts**

FR: Chairman

RE: BILL NO. 358 (COR): "AN ACT TO APPROVE THE TRANSFER OF ADMINISTRATIVE CONTROL OF UNDEVELOPED GOVERNMENT OF GUAM-OWNED LANDS WITHIN THE BOUNDARIES OF THE WAR-IN-THE-PACIFIC NATIONAL HISTORICAL PARK TO THE SECRETARY OF THE INTERIOR AS REPRESENTED BY THE DIRECTOR OF THE NATIONAL PARK SERVICE, THE TRANSFER PURSUANT TO A COOPERATIVE AGREEMENT OF WHICH IS REQUIRED BY FEDERAL LAW PRIOR TO THE RETURN OF EXCESS FEDERAL LANDS ON GUAM TO THE GOVERNMENT OF GUAM, AND TO AUTHORIZE THE TRANSFER OF CERTAIN CHAMORRO HOMELANDS TO THE DEPARTMENT OF LAND MANAGEMNET FOR PURPOSES OF THE COOPERATIVE AGREEMENT IN EXCHANGE FOR AN EQUIVALENT AMOUNT OF THE GOVERNMENT'S LOT NO. 10120-R-19 IN THE MUNICIPALITY OF DEDEDO.

Transmitted herewith for your consideration is the Committee on Land, Agriculture, Military Affairs, and the Arts' Report of **Bill No. 358(COR)**.
(see attached)

Should you have any questions please contact me or my Chief-of-Staff, Alfred Duenas.

Sincerely,

MARCEL G. CAMACHO

Attachments







**COMMITTEE ON LAND, AGRICULTURE, MILITARY AFFAIRS
and the ARTS**

**I Mina'Benta Singko Na Liheslaturan Guåhan
Twenty-Fifth Guam Legisture**

VOTING SHEET

December 28, 1999

RE: BILL NO. 358(COR): "AN ACT TO APPROVE THE TRANSFER OF ADMINISTRATIVE CONTROL OF UNDEVELOPED GOVERNMENT OF GUAM-OWNED LANDS WITHIN THE BOUNDARIES OF THE WAR-IN-THE-PACIFIC NATIONAL HISTORICAL PARK TO THE SECRETARY OF THE INTERIOR AS REPRESENTED BY THE DIRECTOR OF THE NATIONAL PARK SERVICE, THE TRANSFER PURSUANT TO A COOPERATIVE AGREEMENT OF WHICH IS REQUIRED BY FEDERAL LAW PRIOR TO THE RETURN OF EXCESS FEDERAL LANDS ON GUAM TO THE GOVERNMENT OF GUAM, AND TO AUTHORIZE THE TRANSFER OF CERTAIN CHAMORRO HOMELANDS TO THE DEPARTMENT OF LAND MANAGEMENT FOR PURPOSES OF THE COOPERATIVE AGREEMENT IN EXCHANGE FOR AN EQUIVALENT AMOUNT OF THE GOVERNMENT'S LOT NO. 10120-R19 IN THE MUNICIPALITY OF DEDEDO."

COMMITTEE MEMBERS:	SIGNATURE	TO DO PASS	NOT TO PASS	ABSTAIN	TO PLACE IN INACTIVE FILE
Sen. Marcel G. Camacho Chairman		✓			
Senator Lawrence F. Kaperbauer, Vice-Chair					
Senator Joanne M.S. Brown					
Senator Eduardo B. Calvo		✓			
Senator Kaleo S. Moylan		✓			
Senator Simon A. Sanchez, II		✓			
Senator Frank B. Aguon, Jr.		✓			
Speaker Antonio "Tony" R. Unpingco, ex. officio		✓			

**Committee on Land, Agriculture, Military Affairs and the Arts
Marcel G. Camacho, Chairman**

**PUBLIC HEARING
December 07, 1999**

Committee Report

The hearing for the Committee on Land, Agriculture, Military Affairs and the Arts was called to order at 9:00 am, by the Chairman, Senator Marcel G. Camacho.

BILL NO. 358(COR): AN ACT TO APPROVE THE TRANSFER OF ADMINISTRATIVE CONTROL OF UNDEVELOPED GOVERNMENT OF GUAM-OWNED LANDS WITHIN THE BOUNDARIES OF THE WAR-IN-THE-PACIFIC NATIONAL HISTORICAL PARK TO THE SECRETARY OF THE INTERIOR AS REPRESENTED BY THE DIRECTOR OF THE NATIONAL PARK SERVICE, THE TRANSFER PURSUANT TO A COOPERATIVE AGREEMENT OF WHICH IS REQUIRED BY FEDERAL LAW PRIOR TO THE RETURN OF EXCESS FEDERAL LANDS ON GUAM TO THE GOVERNMENT OF GUAM, AND TO AUTHORIZE THE TRANSFER OF CERTAIN CHAMORRO HOMELANDS TO THE DEPARTMENT OF LAND MANAGEMENT FOR PURPOSES OF THE COOPERATIVE AGREEMENT IN EXCHANGE FOR AN EQUIVALENT AMOUNT OF THE GOVERNMENT'S LOT NO. 10120-R19 IN THE MUNICIPALITY OF DEDEDO.

Senators present: Marcel G. Camacho, Ben. C. Pangelinan

Testimony Provided by:

Mr. Joe T. San Agustin, BRAC	(Written)
Ms. Karen Gustin, U.S. Dept. of the Interior	(Written/Oral)
Mr. Mike Cruz, BRAC	(Oral)
Mr. Ron Teehan, CLTC	(Oral)
Mr. John Camacho, Ancestral Lands Commission	(Written/Oral)
Mr. Carl J. C. Aguon, DLM	(Written/Oral)
Mr. Joe Santos, DLM	(Oral)

Summary of Testimony:

Sen. Camacho: I understand the title of the properties within the boundaries will not be transferred out of Government of Guam control but the cooperative agreement will allow them to administer control and utilize the property and the Government of Guam will not hinder the accessto these properties. In exchange for the cooperative agreement that this hopefully will expedite the return of other federal excess lands to the local government and eventually to return them to the original land owners.

Ms. Gustin: Good morning, I have not had the pleasure of meeting either of you gentlemen. I am Karen Gustin, I am the superintendent at the War in the Pacific

National Historical Park, National Parks Service. I have been on Guam for about a year and I have had the pleasure of working on this agreement. It has been a very interesting process, very engaging, very educational for the National Parks Service as well as for other members of the committee that former Sen. Joe T. San Agustin is the chairman of. (See attached written testimony)

Sen. Pangelinan: Is the only additional property we are talking about is the ten acres?

Ms. Gustin: In the final list of parcels, I believe it is a little less than 15 acres.

Sen. Pangelinan: But, are we concerned about the original 800 and some acres that comprise the park itself.

Ms. Gustin: Well, the land that is part of the appendix to this agreement totaled a little over 800 acres. A large portion of that is submerged lands and fast land is a little under 15 acres.

Sen. Pangelinan: Where is this?

Ms. Gustin: It is pretty spread out, starting with a parcel that it is close to our offices in Asan and along the seashore there and it goes down into the Agat area.

Sen. Pangelinan: The other concern I have in terms of trying to resolve these issues is with regards to the park itself there are still some unresolved issues with regards to properties that are within or adjacent to the Park's boundaries in which have not been condemned, the current private landowners have restrictions placed on the development of these properties given the Park's ultimate plan and so forth is that issue still before the Parks and was it dicussed through this whole process? Or has the Park acquired all the properties it wants?

Ms. Gustin: There are many private parcels within the boundaries of the War in the Pacific Park that are privately owned by individuals not DLM or GovGuam. The perspective of the National Parks Service is that we would be willing to entertain the thought of acquiring parcels from willing sellers at this point. In fact, I've had at least three different people in my office during the last year who want to sell. We get our funding to acquire land from Land and Water Conservation Fund Acquisition Program, and with all government programs there is never enough money to do what you want and you have to compete for that money, so we never get as much money as we'd like to purchase all the parcels that I have been talked to about. Our perspective at this point is, if someone is willing to sell we are certainly willing to entertain the idea but we are not interested in actively condeming property in order to acquire it.

Sen. Camacho: Are you putting restrictions though on the ability to develop the property?

Mr. Santos: I am Joe Santos, I am currently the Acting Chief Planner for the Department of Land Management. The properties located within the War in the

Pacific Park, currently there are no restrictions on it. The only thing would be the zone, if the individual has a commercial or M1 zone they have to stay within the confines of what those zoning laws call for.

Sen Pangelinan: I still get concerns from private land owners that are restricted from doing certain things within their because the park hasn't made it's decision whether or not it wants to buy my property or not. So I think we need to revive and education campaign with regards to these private land owners to make sure they understand that their rights are not infringed on in any manner.

Ms. Gustin: That's correct, Joe was right in the confines of their property there are no restrictions. What you just said might be confusing to some people because we don't have funds to acquire parcels as people are interested in selling them. I wish we did, sometimes this next fiscal year our Chief of Lands will be out here and I have kept a list of folks that have contacted me because I'd like her to talk to them and listen to them and understand why they want to sell. Hopefully with this information she will be in a better position to get funds from Washington to support those acquisitions. As an example we had a proposal for 2 million dollars for land acquisition funds for this fiscal year in this current budget and we got .5 million. Unfortunately, we can't do a lot with that, but we will do what we can.

Mr. Cruz: I am Mike Cruz and I am the BRAC Project Director, I am here representing former Speaker and BRAC Administrator, Joe T. San Agustin, who is currently off-island. His written testimony was provided to you. Mr. Cruz then read the testimony. (See attached)

Sen. Camacho: Mike, are you the one to address to proposed amendment to the cooperative agreement?

Mr. Cruz: As proposed by the National Park Service we did receive a letter from the Attorney General's office this morning in support of the amendment being suggested.

Sen. Camacho: If this bill does not go through what implications would it have on the release on the 3200 acres?

Mr. Cruz: I would like to defer that to the Chairman of the Ancestral Lands Commission. My understanding is it is a requirement PL 103339 does require that there be a cooperative agreement with the National Parks Service before those properties are transferred.

Sen. Camacho: What is the status of the release of the 3200 acres other than the cooperative agreement? It sounds like we are getting very close and Joe T. San Agustin had asked that this be expedited. From your prospective in dealing with this issue what is your feeling? Are we close?

Mr. Cruz: On the status of the lands and their proceedings through the GSA process, Mr. John Camacho is in a better position to address this than I am.

Mr. Teehan: Good morning Mr. Chairman, I am Ron Teehan, Acting Administrator for the CLTC. At the outset I would say the Commission is in full support of this Bill. It has been a cooperative effort by a number of parties and a good faith effort and I am pleased that we are here today to move this piece of legislation forward. However, I must add for the record this comment: we are all aware of the land takings on Guam. It is a very contentious issue and it is a matter of public policy that we the people of Guam do object in principal and fact that it was an unfair taking and now we are in a situation where in order to reobtain lands that we improperly taken from us, we must once again give up lands. Notwithstanding, in the interest of moving this process forward and it must be moved forward we nonetheless stand in support of passage.

Sen. Pangelinan: Would you please state for the record whether these are your personal feelings or are you echoing the sentiments of the Commission.

Mr. Teehan: This issue came up before the Commission that why do we have to give up lands when they should be just releasing them to us? The Commission has however left it to me as to the wording but this was in fact on the record and brought up at a Commission.

Sen. Pangelinan: Don't get me wrong, I'd rather it be the official statement of the Commission rather than your personal feelings.

Sen. Camacho: But the bill does not propose that the federal government take title to any additional lands. The Bill proposes an exchange of property between local government entity and another in hopes of expediting the 3200 acre release. So why is it that you are making a statement that you would be giving up additional lands?

Mr. Teehan: The policy of the people of Guam through legislation the effort should reobtain lands without surrendering additional lands be it administratively or otherwise. My position is consistent with public policy in that regard. The CLTC and the Ancestral Lands Commission have one very significant thing in common, we both represent the interest of the indigenous land owners.

Sen. Camacho: Thank you Ron. Mr. Camacho it is finally your turn.

Mr. Camacho: Chairman Marcel and Senator ben, thanks for giving me this opportunity to testify. You asked earlier about the status of the 3200 acres as to where they are in the GSA process. Right now the committees of Congress have given back the properties in silence to the GSA. So Region 9, which is the GSA in San Francisco is holding the properties at bay waiting for this National Parks Service issue to be consumated. Now, there are 10 parcels out of 19 parcels that are basically the total picture of the 3200 acres. The 10 parcels however are not representative of the largest chunks of property but this is already in the pipeline, they are probably going through the appraisal process at this time. So there are those 10 parcels ready to be given back to the people of Guam as we sign this Agreement with NPS. So we beg that you act favorably in this regard.

Sen. Camacho: Mr. Cruz I asked you earlier if you would be responsible for making the amendment to the agreement and maybe transmitting it to the legislature rather than the legislature making the amendment. I am just curious as to what the best way to approach this is. So I'd like to ask maybe that the Administration transmit the official copy to us to ratify and make it part of the Bill. Is DLM going to take an official position on this at all, I know you have been involved in this also Mr. Aguon.

Mr. Aguon: Thank you Mr. Chairman and Sen. Pangelinan, I think we submitted written testimony. We are in full support of the approval of the Agreement. Our only concern is the 70 acres that was expressed in my written testimony (See attached). But whatever the position is that the Committee takes we fully support.

Sen. Camacho: So your official position is that the 70 acres that you have for land exchanges should not be used.

Mr. Aguon: Yes, that is our official position.

Sen. Pangelinan: In order to bolster I think Director Aguon's position is that this legislature has a habit of passing land exchanges and then we can't affectuate them for 1 reason or another. I think that if we facilitate the return of these lands you also facilitate the return of the lands into the hands of Chamorros and the original land owners, which could then take them off the CLTC register.

Sen. Camacho: I have to disagree with your opening statement though, this legislature is responsible for approving land exchanges. Lands have been reserved by prior legislators and of course we are rehashing some of the land exchanges that have been languishing, case in point some of the bills we heard today. Anything else Ron.

Mr. Teehan: I would simply say, and this is a personal comment, many of us have been involved with the land issues. Bottom line is it is for the benefit of Chamorros and I would like to see this bill go through regardless. I can't see us getting wrapped around the axel over an issue of 15 acres when we have 3200 acres at stake and thousands of Chamorro families who will all benefit. This Bill must go through.

Sen. Camacho: Thank you Ron. Is there any other testimony, if not, for the record I'll state the Bill has been publically heard and the hearing is adjourned at 12:25 p.m.

COMMITTEE RECOMMENDATIONS:

The Committee recommends, TO DO PASS , Bill No. 358 (COR), as reported out by the committee.



The Office of

Senator Marcel G. Camacho

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Twenty-Fifth Guam Legislature

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

COPY

173 Aspinall Avenue, Hagåtña, Guam 96910
Suite 108A • Ada Plaza Center
Phones (671) 479 8261 / 62 / 63 / 64
Facsimile (671) 472 8223

November 15, 1999

Senator Mark Forbes
Chairman
Committee on Rules, Government Reform, Reorganization,
and Federal Affairs
Mina' Bente Singko Na Liheslaturan Guahan
155 Hesler St.
Hagatna, Guam 96910

Dear Senator Forbes:

As a follow-up to our previous conversations, I would like to inquire about the status of a bill that was sent to the Speaker on October 7, 1999. The bill was sent to us by the Governor, and former Speaker Joe T. San Agustin has been pushing for its introduction.

Please advise me as to the status, and whether or not you intend to refer the bill to my committee. The draft bill is attached for your reference.

Sincerely,

Marcel G. Camacho
Senator

Attachment

rec'd 11/16/99 at 10:00am



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senator Mark Forbes, Chairman
Kabisiyon Mayuråt*

NOV 17 1999

MEMORANDUM

TO: Chairman
Committee on Land, Agriculture, Military Affairs and Arts

FROM: Chairman *[Signature]*
~~Committee on Rules, Government Reform, Reorganization
and Federal Affairs~~

SUBJECT: Principal Referral – Bill No. 358

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment

OFFICE OF
Marcel G. Camacho
SENATOR
Date: 11/17/99 Time: 2:10p
Received By: *[Signature]*

I MINA'BENTE SINGKO NA LIHESLATURAN GUÁHAN
TWENTY-FIFTH GUAM LEGISLATURE
1999 (FIRST) Regular Session

Bill No. 358 (60)

Introduced by:

Chairman, Committee on Rules,
Government Reform, Reorganization
and Federal Affairs.

by request of I Maga'Lahen Guáhan,
the Governor, in accordance with
the Organic Act of Guam.

AN ACT TO APPROVE THE TRANSFER OF
ADMINISTRATIVE CONTROL OF UNDEVELOPED
GOVERNMENT OF GUAM-OWNED LANDS WITHIN THE
BOUNDARIES OF THE WAR-IN-THE-PACIFIC NATIONAL
HISTORICAL PARK TO THE SECRETARY OF THE INTERIOR
AS REPRESENTED BY THE DIRECTOR OF THE NATIONAL
PARK SERVICE, THE TRANSFER PURSUANT TO A
COOPERATIVE AGREEMENT OF WHICH IS REQUIRED BY
FEDERAL LAW PRIOR TO THE RETURN OF EXCESS
FEDERAL LANDS ON GUAM TO THE GOVERNMENT OF
GUAM, AND TO AUTHORIZE THE TRANSFER OF CERTAIN
CHAMORRO HOMELANDS TO THE DEPARTMENT OF LAND
MANAGEMENT FOR PURPOSES OF THE COOPERATIVE
AGREEMENT IN EXCHANGE FOR AN EQUIVALENT
AMOUNT OF THE GOVERNMENT'S LOT NO. 10120-R19 IN
THE MUNICIPALITY OF DEDEDO

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative findings and intent. United
3 States Public Law 103-339, known as the "Guam Excess Lands Act" of
4 October 6, 1994 provides for the transfer of approximately 3,200 acres of
5 excess federal lands identified in the Act to the government of Guam
6 subject to the government of Guam and the Secretary of the Interior, as
7 represented by the Director of the National Park Service, entering into
8 cooperative agreement for the transfer of administrative control of all

1 undeveloped government of Guam-owned lands within the boundaries of
2 the War-in-the-Pacific National Historical Park.

3 Shortly thereafter on December 29, 1994, Guam Public Law No.
4 22-145 established a government policy to return to those original
5 landowners or their heirs certain surplus federal properties which once
6 belonged to such original landowners or their heirs and which the
7 government of Guam might acquire from the federal government, citing
8 that private landowners are generally a more responsible guardian of
9 lands than the government, and that the community is best served by
10 growth-oriented management of properties if those who are the original
11 landowners or their heirs are given the responsibility for lands which may
12 be returned by the federal government to the government of Guam.

13 Subsequently, the government of Guam expressed its official policy
14 with the passage of Public Law No. 23-23 which enacted a new §2004 to
15 Title 20 of the Guam Code Annotated. Section 2004 provides that "land
16 returned by the Federal Government to Guam be returned to the estates
17 that held such property prior to the condemnation of said lands by the
18 Federal Government," with certain exceptions.

19 More recently, Public Law No. 25-45 was enacted setting up the
20 Guam Ancestral Lands Commission to oversee the return of excess federal
21 lands to their original landowners.

22 Since the passage of the first of these laws, many original landowners
23 and their heirs have anxiously awaited the return of federal excess land
24 especially in light of recent revelations that most of the federal land
25 takings were negotiated by the federal government in a manner wholly
26 unfair to the original landowners.

1 I Liheslaturan Guåhan, the Guam Legislature, intends that federal
2 lands on Guam which have been or will be declared to be excess, shall be
3 returned to the government of Guam as soon as practicable. I Liheslaturan
4 Guåhan, the Guam Legislature, therefore, supports the government of
5 Guam entering into the cooperative agreement with the National Park
6 Service to pave the way for the return.

7 Approximately Ten (10) acres of land to be transferred to the
8 National Park Service under the proposed cooperative agreement has been
9 identified as belonging to the Chamorro Land Trust Commission. The
10 Commission is willing to give the government of Guam the approximately
11 Ten (10) acres of Chamorro Homelands so identified in order for the
12 government of Guam to use such Ten (10) acres for purposes of the
13 proposed cooperative agreement. In exchange, the Commission would like
14 an equal amount of government land of equivalent value. I Liheslaturan
15 Guåhan, the Guam Legislature, believes the proposed exchange to be just
16 and necessary in order for the proposed cooperative agreement to become
17 a reality, and in order to pave the way for the full return of the 3,200
18 acres of excess federal lands.

19 **Section 2. Adoption of the list identifying government**
20 **land within boundaries of the park.** The Department of Land
21 Management has identified in a list which is attached hereto as Exhibit A
22 829.18 acres currently owned and administered by the Department of
23 Land Management or by the Chamorro Land Trust Commission, which
24 parcels are within the boundaries of the War-in-the-Pacific National
25 Historical Park. Of the 829.18 acres to be transferred to the National Park
26 Service, the vast majority are government submerged lands or submerged

1 lands within the Seashore Reserve. Only Ten (10) acres, more or less, of
2 the total to be transferred, are actually fast lands.

3 The list attached as Exhibit A is hereby adopted, pursuant to the
4 conditions established in this legislation, as those submerged and fast
5 lands which are to be transferred only for administrative jurisdiction
6 purposes to the National Park Service.

7 **Section 3. Authorization for land exchange.** Of the land
8 listed in Exhibit A annexed to this legislation, approximately Ten (10)
9 acres are Chamorro Homelands. To facilitate the administrative transfer
10 contemplated by the proposed cooperative agreement between the
11 government of Guam and the National Park Service, the Department of
12 Land Management is authorized to transfer to the Chamorro Land Trust
13 Commission approximately Ten (10) acres of Lot No. 10120-R19 in the
14 Municipality of Dededo in exchange for the Chamorro Land Trust
15 Commission's Ten (10) acres, more or less. Lot No. 10120-R19 contains a
16 total of 533 acres, more or less, as shown on Drawing No. LM3909FY96
17 and recorded as Document No. 54895. The Department of Land
18 Management represents that the lands to be exchanged are of equivalent
19 value. A deed or deeds of exchange shall be prepared, executed and
20 recorded by the appropriate parties and in accordance with law.

21 **Section 4. Authorization to transfer administrative**
22 **jurisdiction.** The cooperative agreement, attached as Exhibit B
23 between the Department of Land Management on behalf of the
24 government of Guam with the Governor's approval and the Secretary of
25 the Interior as represented by the Director of the National Park Service to
26 transfer the administrative control of those undeveloped government
27 Guam-owned lands identified in Exhibit A, including any which may be

1 classified as Chamorro Homelands, for purposes of the War-in-the-Pacific
2 National Historical Park is hereby approved subject to the conditions in
3 Section 5 below of this legislation. The fully approved and executed
4 cooperative agreement shall not be recorded until the deed or deeds of
5 exchange contemplated by Section 3 of this legislation are recorded.

6 **Section 5. Conditions of transfer.** The Department of
7 Land Management shall ensure that the transfer of administrative
8 jurisdiction of those undeveloped lands owned by the government of
9 Guam or Chamorro Land Trust Commission identified in Exhibit A does not
10 become effective until the federal Administrator of General Services
11 executes a quitclaim deed to the government of Guam for all or a portion
12 of the excess federal lands identified in the Guam Excess Lands Act and
13 pursuant to the terms of such Act, and until such time that the quitclaim
14 deed is recorded with the Records Division of the Department of Land
15 Management. The Department shall also ensure that the National Park
16 Service's administrative jurisdiction over any or all of the undeveloped
17 government of Guam-owned lands identified in Exhibit A, including any
18 which may be classified as Chamorro Homelands, automatically terminates
19 when such lands, or any portion thereof, are no longer used for purposes
20 of the War-in-the-Pacific National Historical Park.

COOPERATIVE AGREEMENT
BETWEEN
THE GOVERNMENT OF GUAM
AND
THE SECRETARY OF THE INTERIOR

APPENDIX A

National Park Service (NPS)
Government of Guam (GovGuam)

<u>NPS</u>	<u>GovGuam</u>	
101-01	Seashore Reserve	1.67 acres fast land
101-02	Submerged Seashore Reserve	26.00 acres submerged land
101-05	Submerged Seashore Reserve	268.41 acres submerged land
101-23	Lot 451, within Lot 501	2.59 acres fast land
101-44	Lot 287-1 Lot 287-1-PTN Lot 502	1.28 acres fast land
102-22	Lot 317-1	.22 acres fast land
102-23	Lot 331-1 Lot 331-REM	.39 acres fast land
103-12	Lot 291 (portion) Lot 289 (portion)	1.31 acres fast land
106-04	Submerged	525.95 acres submerged land
107-03	Seashore Reserve	1.36 acres fast land
TOTAL - 10 Parcels; 829.18 acres		

EXHIBIT A

COOPERATIVE AGREEMENT

BETWEEN

THE GOVERNMENT OF GUAM

AND

THE SECRETARY OF THE INTERIOR

This Cooperative Agreement is entered by and between the Government of Guam, acting through the Governor of Guam, and the Secretary of the Interior, acting through the Director of the National Park Service.

ARTICLE I - AUTHORITY, BACKGROUND AND OBJECTIVES

WHEREAS, the Guam Excess Lands Act, Public Law 103-339, October 6, 1994 (hereafter "the Act"), provides that the Administrator of General Services shall, subject to Section 3 of the Act, transfer certain parcels of land described in Section 2 of the Act to the Government of Guam for public benefit use, after a determination by the head of the Federal agency controlling a parcel that the parcel is excess to the needs of such agency;

WHEREAS, Section 3(f) of the Act provides that parcels of land may not be transferred under the Act until after the Government of Guam enters into a cooperative agreement with the Secretary of the Interior, acting through the Director of the National Park Service, which grants to the Secretary, at no cost, the administrative jurisdiction over all undeveloped lands within the boundary of War in the Pacific National Historic Park (the Park), except those lands at Adelup Point, which are owned by the Government of Guam;

WHEREAS, Section 3(f) of the Act further provides that the lands covered by the cooperative agreement shall be managed in accordance with the general management plan of the Park and in the same manner as lands within the Park that are owned by the United States;

WHEREAS, the Park, as established by its Organic Act, 16 U.S.C. § 410dd, is situated on the Island of Guam and on submerged lands immediately adjacent to Guam;

WHEREAS, Subsection (e) of the Park's Organic Act provides that the Secretary shall administer the property acquired as part of the Park in accordance with the laws generally applicable to the management of units of the National Park Service system;

EXHIBIT B

WHEREAS, the Government of Guam desires a prompt transfer to it of the federal lands on Guam identified in Section 2 of the Act, and both parties desire to enter into a cooperative agreement as provided for by Section 3(f) of the Act; and

WHEREAS, Title 21, Section 60112 of the Guam Annotated Code provides that real property owned by the Government of Guam shall not be transferred without the prior approval of the Legislature of Guam by duly enacted legislation.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

ARTICLE II - STATEMENT OF AGREEMENT

A. The Government of Guam shall:

1. Grant to the Secretary of the Interior, at no cost, the administrative jurisdiction over all undeveloped lands within the boundary of the Park, except those lands at Adelup Point, which are owned by the Government of Guam. The lands which are the subject of this grant are more particularly described in Appendix A, which is attached to and made a part of this Agreement. If there are other undeveloped lands owned by the Government of Guam discovered after the execution of this Agreement to be within the boundaries of the Park, they will be added to Appendix A.

2. Cause this Agreement to be recorded at the Records Division of the Department of Land Management, Government of Guam, upon execution by the Director of the National Park Service and the Governor of Guam and approval by the Legislature of Guam.

B. The National Park Service shall:

1. Manage the lands covered by this Agreement in accordance with the general management plan of the Park, in the same manner as lands within the Park that are owned by the United States, and in accordance with the laws generally applicable to the management of units of the National Park Service system.

2. Provide public access to the lands covered by this Agreement in accordance with the general management plan of the Park and the laws and regulations of the United States. Such public access shall include noncommercial fishing by traditional means in accordance with the laws of the Government of Guam.

3. Recognize that the Government of Guam retains the right to maintain and repair existing utilities, to which the National Park Service shall provide necessary access. For maintenance and repairs that involve major ground disturbance, the Government of Guam will notify the superintendent of the Park at least twenty-four hours in advance. Major ground disturbance is defined as including, but not limited to, excavation or digging, road alteration or rerouting, and removal of utility lines. For any improvements or installation of new utilities, the National Park Service will accept and process applications in accordance with Title 36, Code of Federal Regulations, Part 14. In case of emergencies in which immediate repair is required, the Government of Guam shall retain the right to access the site immediately, but the Government of Guam shall give immediate notification to the superintendent of the Park of the scope of the emergency repair.

C. the Government of Guam and the National Park Service agree:

1. That no document other than this Agreement shall be required to transfer administrative control of the lands covered by this Agreement. Administration of these lands by NPS shall commence on the date of the first transfer from GSA to Government of Guam of any of the lands described in Section 2 of the Act.

2. That as used in this Agreement, the term "undeveloped" shall mean any lands, whether fastlands or submerged, which do not have any paved roads, paved parking areas, or any other structure, building or facility.

3. That they will cooperate to the fullest extent in all activities related to this Agreement in order to assure the effectiveness of each party's obligations under this Agreement.

4. That they will meet periodically to evaluate the effectiveness of this Agreement.

5. That a copy of the legislation enacted by the Legislature of Guam approving this Agreement shall be attached to this Agreement as Appendix B and made a part hereof.

ARTICLE III - TERM OF AGREEMENT

The term of this Agreement shall commence upon signature by the Director of the National Park Service and the Government of Guam, and approval by the Legislature of Guam, and shall continue so long

as the Park is operated in accordance with its Organic Act, unless this Agreement is first terminated pursuant to Article VI of this Agreement.

ARTICLE IV - FUNDING

Both parties shall bear their own costs stemming from this Agreement, and neither party shall pay to the other party any sum of money for the acts to be performed by each party in accordance with this Agreement.

ARTICLE V - MODIFICATION

This Agreement may be modified by the mutual written agreement of the parties.

ARTICLE VI - TERMINATION

A. This Agreement may be terminated by the mutual written agreement of the parties.

B. Prior to such time as the Administrator of General Services transfers to the Government of Guam any parcel of land or portion thereof identified in Section 2(b) of the Act, the Governor of Guam may terminate this Agreement by giving written notice to the Director of the National Park Service and the Administrator of General Services.

C. The Secretary of the Interior may cease administrative control over lands owned by the Government of Guam which are the subject of this Agreement, or any portion of such lands, if the Secretary determines that such lands or portions of lands are no longer needed for the purposes of the Park [as authorized by the Park's Organic Act], or if such lands or portions of lands are removed from within the boundaries of the Park as provided for by law.

ARTICLE VII - SIGNATURES

Robert G. Stanton
Director, National Park Service

date

F. Randall Cunliffe
Legal Counsel
Chamorro Land Trust Commission

date

Joseph M. Borja
Administrative Director
Chamorro Land Trust Commission

date

Carl J. C. Aguon
Director
Department of Land Management

date

John F. Tarantino
Attorney General
Government of Guam

date

Carl T.C. Gutierrez
Governor of Guam

date

TESTIMONY OF FORMER SPEAKER JOE T. SAN AGUSTIN
ADMINISTRATOR, BRAC GOVGUAM STEERING COMMITTEE

BEFORE THE
COMMITTEE ON LAND, AGRICULTURE, MILITARY AFFAIRS, AND THE ARTS
ON BILL 358 (COR)

DECEMBER 7, 1999

Hafa Adai Mr. Chairman and honorable members of the committee. Thank you for providing this opportunity to testify in support of Bill 358 an act to approve the GovGuam/NPS Cooperative Agreement mandated by USPL 103-339 (Guam Excess Lands Act) for the return of 3200 acres of federal excess properties to the people of Guam. In general, the cooperative agreement allows for the transfer of administrative jurisdiction over undeveloped GovGuam lands within the boundaries of the War in the Pacific National Historical Park to the National Park Service. However, GovGuam will retain title over these lands.

Some of these undeveloped lands were actually under the Chamorro Land Trust Commission (CLTC) jurisdiction and it was necessary to initiate a fair exchange of GovGuam properties for the parcels that CLTC was asked to give to NPS. Therefore, the second provision of Bill 358 authorizes a land exchange between GovGuam and the Chamorro Land Trust Commission for the purposes of the cooperative agreement.

By way of background, in July of 1997, I was asked by Governor Gutierrez to lead negotiations with the Superintendent of the War in the Pacific National Historical Park (NPS) on the terms and conditions of the cooperative agreement. Essential to this task was to create an internal GovGuam committee that would develop the cooperative agreement throughout the negotiating process with NPS. This committee was formed in September 1997 and included: the Attorney General's Office, the Department of Land Management, the Chamorro Land Trust Commission, and the Ancestral Lands Commission.

My sincere thanks to the committee for their participation and cooperation. I would like to extend my thanks to my NPS counterpart, Superintendent Karen Gustin who was very cooperative throughout the negotiating process.

As you may know, in July 1993, I was one of several elected officials that testified before the 103rd U.S. Congress in support of the "Guam Excess Lands Act" (House Resolution 2144) before it became public law. It would be a pleasure to finally see the conclusion of USPL 103-339 and resolve one of GovGuam's most contentious issues, the return of federal lands to their original land owners.

Thank you and Si Yu'os Ma'ase.



JOE T. SAN AGUSTIN



United States Department of the Interior

NATIONAL PARK SERVICE
War in the Pacific National Historical Park
115 Marine Drive, Haloda Bldg.
Asan, Guam 96922

IN REPLY REFER TO:

L1431 (WAPA)

December 7, 1999

Memorandum

To: Senator Marcel G. Camacho, Chairman, Committee on Land,
Agriculture, Military Affairs and the Arts

From: Karen Gustin, Superintendent, and War in the Pacific National
Historical Park

Subject: Testimony on Bill No. 358

The passage of the Guam Excess Lands Act in 1994 directed the Secretary of Interior and the Government of Guam to enter into a cooperative agreement which would grant administrative jurisdiction of undeveloped Government of Guam owned lands within the boundaries of War in the Pacific National Historical Park.

Over the last year, work has intensified between the National Park Service and the Government of Guam in finalizing this cooperative agreement. Due to the schedules of the agencies, the cooperative agreement that you have in your hands has since been revised with one small change made by our Solicitor's Office in Washington:

Under Article VI titled Termination, Section C, and 5th line: the words "as authorized by the Park's Organic Act" are deleted.

In addition to the Chamorro Land Trust, the Ancestral Lands Commission, the Attorney General's office, I would like to recognize the Department of Land Management and their assistance in the identification of the individual parcels of land, and with the entire committee on the text of the agreement.

The essence of the cooperative agreement is just that, a cooperation between government agencies in the management of our island's precious resources. The work has been an interesting, engaging process; the agreement is one that we all worked hard on, and one that I think, we can all be proud of.

Thank you for giving me the opportunity to comment.


Karen Gustin



DEPARTMENT OF THE NAVY

PACIFIC DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
(MAK... HI)
PEARL HARBOR, HAWAII 96860-7300

To: John Cancho
Ch., Unrested to Com
Ry J

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DEC 20 1999
GOVERNOR'S
OFFICE
CENTRAL FILES

Office of Real Estate Sales
General Services Administration Region 9
Attn: Mr. Alfonso Mendez
Phillip Burton Federal Building and U.S. Courthouse
450 Golden Gate Avenue
San Francisco, CA 94102-3400

Gentlemen:

Public Law 103-339, the Guam Excess Lands Act, authorizes the General Services Administration (GSA) to convey certain federally owned lands in the Territory of Guam to the Government of Guam when certain conditions are met.

Our letter dated February 2, 1998, forwarded documentation required to convey six parcels of Navy land designated for release and advised that action on the remaining seven parcels would have to be deferred until environmental clean-up actions are completed.

We have recently received environmental clearances to report four additional parcels for disposal processing (Apra Harbor Parcel 1, Apra Harbor Parcel 6, Apra Harbor Parcel 9 and Agat Parcel 3). Updated Finding of Suitability to Transfer (FOST) documents have been prepared for the new parcels.

Enclosures (1) through (4) contain updated Reports of Excess, Attorney's Reports on Title, contamination certificates and FOST documents for these properties being reported. The contamination data included in the original Attorney's Report on Title and contamination certificates is updated by the information in the FOST documents. The deeds of conveyance for these properties should include the terms and conditions set forth in the FOST documents.

It is our understanding that GSA will be responsible for screening the properties with the Department of Defense and other federal agencies, for preparing any environmental documentation to comply with the National Environmental Policy Act, and for complying with other terms and conditions contained in the special legislation. It is requested that conveyance of the four new parcels to GOVGUAM be expedited.

The remaining Navy parcels have not been cleared for disposal at this time because they contain significant contamination, which will require further study and clean-up actions. These include: Maui Well, NCTAMS Beach and the remainder of Apra Harbor Parcel 7. It is not known when these parcels will be cleared for disposal; however, they will be reported when FOST documents are received.

11011
Ser RE2412/ 4369

Our point of contact on this matter is Mr. Ken Alexanderson at (808) 474-5926.

Sincerely,

J. M. KILIAN
Head
Real Estate Department

Encl:

- (1) Updated Report of Excess, Attorney's Report on Title, Contamination Certificate and FOST Document for Apra Harbor Parcel 1
- (2) Updated Report of Excess, Attorney's Report on Title, Contamination Certificate and FOST Document for Apra Harbor Parcel 6
- (3) Updated Report of Excess, Attorney's Report on Title, Contamination Certificate and FOST Document for Apra Harbor Parcel 9
- (4) Updated Report of Excess, Attorney's Report on Title, Contamination Certificate and FOST Document for Agat Parcel 3

Copy to: (w/o encls)
The Honorable Robert A. Underwood
Member of Congress
House of Representatives
Washington, DC 20515-5301

The Honorable Carl T. C. Gutierrez
Governor of Guam
Office of the Governor
P.O. Box 2950
Agana, GU 96910





The Office of

Senator Marcel G. Camacho

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Twenty-Fifth Guam Legislature

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

173 Aspinall Avenue, Hagåtña, Guam 96910
Suite 108A • Ado Plaza Center
Phones (671) 479 8261 / 62 / 63 / 64
Facsimile (671) 472 8223

Tuesday, December 7, 1999
9:00 am
Legislature's Public Hearing Room

AGENDA

- I. **Opening Remarks**
- II. **Confirmation: Mr. Ronald S. DeGuzman, Member, Guam Land Use Commission**
- III. **Confirmation: Mr. Antonio S. Quitugua, Director, Department of Agriculture**
- IV. **Bill No. 280 (COR): AN ACT TO DELETE A PORTION OF A BULL-CART TRAIL ALONG THE SOUTHERN BOUNDARY OF PRIVATE LOT NO. 7079-R7, LOCATED IN THE MUNICIPALITY OF YIGO, GUAM.**
- V. **BILL NO. 283 (COR): AN ACT TO AMEND SUBSECTION (d) OF §5408 ADD NEW §§5412, 5413, 5414 AND 5415 TO TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING PURCHASERS OF LOTS IN THE ASTUMBO SUBDIVISION TO SELL, CONVEY, LEASE OR TRANSFER THEIR LOTS TO FAMILY MEMBERS AND TO AUTHORIZING GUAM HOUSING AND URBAN RENEWAL AUTHORITY TO DEVELOP AND SELL THEIR REMAINING LOTS OF ASTUMBO SUBDIVISION FOR THE PURPOSE OF PROVIDING AFFORDABLE HOUSING TO LOW AND MEDIUM INCOME RESIDENTS OF GUAM.**
- VI. **Bill No. 346 (COR): AN ACT TO AMEND SECTION 3 OF PUBLIC LAW NO. 24-07.**
- VII. **Bill No. 350 (COR): AN ACT TO AMEND PUBLIC LAW 21-14, SECTION 7 (b) RELATIVE TO LAND EXCHANGE.**
- VIII. **Bill No. 358 (COR): AN ACT TO APPROVE THE TRANSFER OF ADMINISTRATIVE CONTROL OF UNDEVELOPED GOVERNMENT OF GUAM-OWNED LANDS WITHIN THE BOUNDARIES OF THE WAR-IN-THE-PACIFIC NATIONAL HISTORICAL PARK TO THE SECRETARY OF THE INTERIOR AS REPRESENTED BY THE DIRECTOR OF THE NATIONAL PARK SERVICE, THE TRANSFER PURSUANT TO A COOPERATIVE AGREEMENT OF WHICH IS REQUIRED BY FEDERAL LAW PRIOR THE RETURN OF EXCESS FEDERAL LANDS ON GUAM TO THE GOVERNMENT OF GUAM, AND TO AUTHORIZE THE TRANSFER OF CERTAIN CHAMORRO HOMELANDS TO THE DEPARTMENT OF LAND MANAGEMENT FOR PURPOSES OF THE COOPERATIVE AGREEMENT IN EXCHANGE FOR AN EQUIVALENT AMOUNT OF THE GOVERNMENT'S LOT NO. 10120-R19 IN THE MUNICIPALITY OF DEDEDO.**
- IX. **Adjournment**



**COMMITTEE ON
LAND, AGRICULTURE, MILITARY AFFAIRS AND THE ARTS**

TESTIMONY SIGN IN SHEET

Tuesday, December 7, 1999

LEGISLATURE'S PUBLIC HEARING ROOM

Bill Number 358

Title AN ACT TO APPROVE THE TRANSFER OF ADMINISTRATIVE CONTROL OF UNDEVELOPED GOVERNMENT OF GUAM - OWNED LANDS WITHIN THE BOUNDARIES OF THE WAR-IN-THE-PACIFIC NATIONAL HISTORICAL PARK TO THE SECRETARY OF THE INTERIOR AS REPRESENTED BY THE DIRECTOR OF THE NATIONAL PARK SERVICE, THE TRANSFER PURSUANT TO A COOPERATIVE AGREEMENT OF WHICH IS REQUIRED BY FEDERAL LAW PRIOR TO THE RETURN OF EXCESS FEDERAL LANDS ON GUAM TO THE GOVERNMENT OF GUAM, AND TO AUTHORIZE THE TRANSFER OF CERTAIN CHAMORRO HOMELANDS TO THE DEPARTMENT OF LAND MANAGEMENT FOR PURPOSES OF THE COOPERATIVE AGREEMENT IN EXCHANGE FOR AN EQUIVALENT AMOUNT OF THE GOVERNMENT'S LOT NO. 10120-R19 IN THE MUNICIPALITY OF DEDEDO.

MIKE CRUZ	<input checked="" type="checkbox"/> FOR	<input checked="" type="checkbox"/> WRITTEN
	<input type="checkbox"/> AGAINST	<input checked="" type="checkbox"/> ORAL
Karen Gustin, Superintendent, War in the Pacific Nat'l Historical Park, NPS	<input checked="" type="checkbox"/> FOR	<input checked="" type="checkbox"/> WRITTEN
	<input type="checkbox"/> AGAINST	<input checked="" type="checkbox"/> ORAL
Ronald Techar Chamorro Land Trust Comm.	<input checked="" type="checkbox"/> FOR	<input type="checkbox"/> WRITTEN
	<input type="checkbox"/> AGAINST	<input checked="" type="checkbox"/> ORAL
John Amatho Ancestral Lands	<input checked="" type="checkbox"/> FOR	<input type="checkbox"/> WRITTEN
	<input type="checkbox"/> AGAINST	<input type="checkbox"/> ORAL
	<input type="checkbox"/> FOR	<input type="checkbox"/> WRITTEN
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	<input type="checkbox"/> AGAINST	<input type="checkbox"/> ORAL

Pacific Daily News, Thursday, December 2, 1999

States cautious on paid family leave

WASHINGTON (AP) — Few states are expected to pay new parents' unemployment benefits any time soon under an experimental program that President Clinton outlined Tuesday.

"I believe giving states the flexibility to experiment with paid employment leave is one of the best things we can do to strengthen our families and help new mothers and fathers meet their responsibilities, both at home and at work," said Clinton, joined by three families at an Oval Office announcement.

A maximum cost estimate of \$68 million annually for the pilot project, provided by the administration, assumes at most 71,000 parents in four states will participate in the short term.

Experts say state governments, which are under no obligation to offer the paid child-care leave, are likely to be wary of spending money on it that they collect for unemployment benefits.

"This is that crossover line that I think would be looked at very cautiously by every state," said Emily DeRocco, director of the Interstate Conference of Employment Security Agencies, an association of state employment officials.

Some state unemployment insurance programs are flush with cash because the booming economy has more people working than at any time in 30 years. In the past, however, the federal government often has had to bail out states

"I believe giving states the flexibility to experiment with paid employment leave is one of the best things we can do to strengthen our families and help new mothers and fathers meet their responsibilities, both at home and at work."

President Clinton

as they ran short of money to pay benefits.

Employers who pay the taxes that fund unemployment coffers oppose spending that money on other things. They are finding some sympathy among Republicans in Congress.

"It's just a backdoor way to get employers to pay for a program that the administration wants but can't figure out how to pay for," said Randy Johnson, a vice president at the U.S. Chamber of Commerce.

Promising scrutiny, Rep. Bill Goodling, R-Pa., chairman of the House Education and Workforce Committee, questioned the proposal's legality. In a written statement, he said: "We believe this effort raises serious questions concerning the Department of Labor's legal authority to undertake such a fundamental change in the nature and purpose of unemployment compensation funds without

congressional approval."

Clinton announced in May that he had directed Labor to allow states to provide unemployment benefits to parents of newborn or newly adopted children who choose to take leave guaranteed under the 1993 Family and Medical Leave Act. Proposed regulations the agency released Tuesday would implement that executive order.

The 1993 family leave law has eased the strain on workers who must care for new babies by guaranteeing up to 12 weeks' unpaid leave.

"But the current law meets just a fraction of the need, and the number one reason families give for not taking advantage of family and medical leave is that they simply can't afford to take time off without a paycheck," Clinton said.

States would have flexibility to set up the proposed paid leave programs. But federal guidelines envision full

unemployment benefits for parents who take leave for up to 12 weeks any time during the first year after a baby is born or an adopted child is brought home.

Any payment received from employers during this time likely would be deducted from the government checks, but both mothers and fathers would be eligible and could receive benefits either at the same time or consecutively.

Unemployment benefits, which vary from state to state, average about \$200 a week.

The regulations cannot become final until a public com-

ment period ends Jan. 17. Then state legislatures would have to vote to set up paid parental leave programs.

Advocates of adding new parents to unemployment rolls in Maryland, Massachusetts, Vermont and Washington requested the federal clearance. Legislators in those and other states have yet to consider the idea formally.

Any paid leave programs eventually enacted would be authorized only experimentally, until at least four states operate them for three years. At that point, federal regulators would reassess the idea.

IN THE SUPERIOR COURT OF GUAM
CITIBANK, N.A., Plaintiff,
vs.
TODD J. TAISAGUE, Defendant.
CIVIL CASE NO. CV1961-98
AMENDED SUMMONS TO THE WITHIN NAMED DEFENDANT GREETINGS: TODD J. TAISAGUE
ADDRESS: #231 Gladiale Street, Swamp Road Dededo (637-3484)
EMPLOYER: Kautz & Sons Glass Company, Barrigada (632-0311)
YOU ARE HEREBY summoned and required to serve upon:
MCULLY and BEGGS, P.C. Attorneys for Plaintiff Suite 200, 139 Murray Boulevard Agaña, Guam 96910
on answer to the complaint which is herewith served upon you within 30 days after service of this summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.
Dated: AUG 20, 1999
ALFREDO M. BORLAS CLERK, Superior Court of Guam
By: Pats C. Miyasaki Deputy Clerk

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92-CARPENTER - \$11.25/Hr. Constructs, erects, installs & repairs structures and fixtures of wood, plywood and wallboard. Studies blueprints, sketches to decide type of lumber or other materials. Prepares layout. Marks cutting and assembly lines on materials. Assembles cut and shaped materials and fastens together. Twines trusses of structure. Erects framework, lays wallboard, holds stairs and layout and installs partitions and cabinet. Covers ceiling with building paper. Applies shock-absorbing, sound-proofing and decorative paneling. Fits and installs prefabricated window frames, doors, door-trams, weather stripping, interior and exterior trim and finish hardware. Constructs laves and shutters by joining concrete. Erects scaffolding and ladders.
92-CEMENT MAJOR - \$10.83/Hr. Smooths and finishes surfaces of poured concrete floors, walls, sidewalks, or curbs to specified finishes. Spreads concrete surfaces. Removes rough or defective spots from concrete surfaces. Applies expansion joints and signs. Lays concrete or cement blocks. Mixes cement using shovel or cement mixing machine.
92-CAMP COOK - \$8.80/Hr. Prepares and cooks family style meals in city acc to menu & number of persons to be served. Plans meals for day, week, & month in consideration of calorie, availability of food stuffs & variety of dishes. Keep inventory of stock & orders & purchases supplies. Washes dishes, pots & pans. Keep kitchen in clean & sanitary condition acc to health regulations.
Benefits: Free round trip air ticket from point of hire. Barracks available at \$20.00/Wk. Local transportation is job acc.
Interested applicants, please apply at Guam Employment Service with the One Stop Career Center, 125 Tom Jones Christman St. Suite 101, Tamuning, Guam 96911 (Suway Plaza) (Ref. No.: 991112)

Senator Marcel G. Camacho
Chairman, Committee on Land, Agriculture, Military Affairs and the Arts
75 Baker St., Hagåtña, GU 96910 - Phone: 675-2214 - Fax: 675-2223
PUBLIC HEARING
Tuesday, December 7, 1999 at 9:00A.M.
Legislative Public Hearing Room
AGENDA
CONFIRMATION: Mr. Ronald B. De Guzman, Member, Guam Land Use Commission
CONFIRMATION: Mr. Antonio S. Otaguiza, Director, Department of Agriculture
BILL NO. 289(COPIE): AN ACT TO DELETE A PORTION OF A BILL-CART YRAB, ALONG THE SOUTHERN BOUNDARY OF PRIVATE LOT NO. 7079-97, LOCATED IN THE MUNICIPALITY OF YIGO, GUAM.
BILL NO. 290(COPIE): AN ACT TO AMEND SUBSECTION (4) OF PARAG 400 NEW RESALE 3473, 3474 AND 3485 TO TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING PURCHASERS OF LOTS IN THE ESTERD SUBDIVISION TO SELL, CONVEY, LEASE OR OTHERWISE THEIR LOTS TO FAMILY MEMBERS AND TO AUTHORIZING GUAM HOUSING AND URBAN REVENUE AUTHORITY TO DEVELOP AND BILL THE REMAINING LOTS OF ESTERD SUBDIVISION FOR THE PURPOSE OF PROVIDING AFFORDABLE HOUSING TO LOW AND MEDIUM INCOME RESIDENTS OF GUAM.
BILL NO. 291(COPIE): AN ACT TO AMEND SECTION 3 OF PUBLIC LAW NO. 24-97.
BILL NO. 292(COPIE): AN ACT TO AMEND PUBLIC LAW 21-14, SECTION 7 (b) RELATIVE TO LAND EXCHANGE.
BILL NO. 293(COPIE): AN ACT TO APPROVE THE TRANSFER OF ADMINISTRATIVE CONTROL OF UNDEVELOPED GOVERNMENT OF GUAM-OWNED LANDS WITHIN THE BOUNDARIES OF THE WAR-IN-THE-PACIFIC NATIONAL HISTORICAL PARK TO THE DEPARTMENT OF THE INTERIOR, REPRESENTED BY THE DIRECTOR OF THE NATIONAL PARK SERVICE, THE TRANSFER PURSUANT TO A COOPERATIVE AGREEMENT OF WHICH IS REQUIRED BY FEDERAL LAW PRIOR TO THE RETURN OF EXCESS FEDERAL LANDS ON GUAM TO THE GOVERNMENT OF GUAM, AND TO AUTHORIZE THE TRANSFER OF CERTAIN CHAMPORRO HOMELANDS TO THE DEPARTMENT OF LAND MANAGEMENT FOR PURPOSES OF THE COOPERATIVE AGREEMENT IN EXCHANGE FOR AN EQUIVALENT AMOUNT OF THE GOVERNMENT'S LOT NO. 10128-919 IN THE MUNICIPALITY OF SERENO.
The public is encouraged to attend.

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EXECUTIVE CHEF
• 4-5 yrs. Culinary Mgmt. experience
• Knowledge of Food cost control
• Knowledge of Recipes/Stewarding Operations
• Excellent Oral and Written Communications Skills
EXECUTIVE SOUS CHEF
• 3-4 yrs. Culinary Mgmt. experience
• Knowledge of Menu costing and procurement
• Excellent Oral and Written Communications Skills
SOUS CHEF
• 3 yrs. min. Culinary Supervisory experience
• Excellent Oral and Written Communications Skills
COOKS
• 1 yr. min. in culinary field hot/cold
CHEF STEWARD
• 2-3 yrs. Steward experience
• 1 yr. minimum in Supervisory related field
• Excellent Oral and Written Communications Skills
ROOM MECHANIC
• 1 yr. minimum experience of general maintenance in a hotel.
GENERAL SECRETARY
• Excellent Clerical and Organizational Skills
• Excellent Oral and Written Communications Skills
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