



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, GU 96932
Tel: (671) 472-8931 • Fax: (671) 477-4826 • Email: governor@guam.gov

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' Trenta Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

Handwritten notes: 30-10-0218, MAR 12 2010, and a signature with date 10-3/16/10.

Dear Speaker Won Pat:

Hafa Adai! Transmitted herewith please find Bill 218-30,(LS) "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE PORT AUTHORITY OF GUAM TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION, BY ADDING A NEW § 80105 (A) TO TITLE 21, GUAM CODE ANNOTATED" which was signed into law on March 12, 2010 as Public Law 30-96.

Though I wholeheartedly support the intent of this measure, I feel I must state for the record that this act is merely the first step in what must become a two-step process. As you know, the presence of the "reversionary clause" within the quitclaim deed attached to these properties, would allow the Secretary of the Navy to reassert ownership of these lands at his discretion and in spite of local law.

As was discussed in detail at the public hearing for this matter, and given the circumstances under which these lands were taken in the first place, the 30th Guam Legislature, and Guam's Delegate to Congress must take all necessary and proper steps to insure that this clause is either never executed or removed entirely by the US Congress. Once returned, these lands must remain within the control of their original landowners, and there should be no question as to their long-term ownership.

As was also noted in this matter's committee report, the parcels designated for return by this act may be "wetlands" or a part of an environmental reserve. Though either status may make the development of these lands extremely difficult, I agree that all original landowners have a lasting claim to properties which were taken by the military and returned in subsequent years.

It is my sincere hope that the return of these lands will provide some measure of closure to the effected families. And I thank the Legislature for their continuing work on this matter.

Sinseru yan Magåhet,

Handwritten signature of Michael W. Cruz

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guåhan para pa'go
Acting Governor of Guam

Attachment: copy of Bill

1688

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

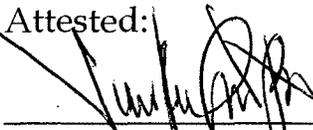
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 218-30 (LS), "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE PORT AUTHORITY OF GUAM TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION, BY ADDING A NEW §80105 (b) TO CHAPTER 80 OF TITLE 21, GUAM CODE ANNOTATED," was on the 26th day of February, 2010, duly and regularly passed.



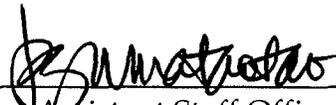
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 1 day of March, 2010, at
5:40 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date: 3-12-10

Public Law No. 30-96

I MINA'TRENTA NA LIHESLATURAN GUAHAN
2009 (FIRST) Regular Session

Bill No. 218-30 (LS)

As amended by the Committee on Appropriations,
Taxation, Banking, Insurance, Retirement, and Land,
and further amended on the Floor.

Introduced by:

T. R. Muña Barnes
E. J.B. Calvo
Judith T. Won Pat, Ed.D.
T. C. Ada
F. B. Aguon, Jr.
B. J.F. Cruz
F. F. Blas, Jr.
J. V. Espaldon
Judith P. Guthertz, DPA
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Telo Taitague
Ray Tenorio

**AN ACT TO TRANSFER PROPERTIES UNDER THE
JURISDICTION OF THE PORT AUTHORITY OF
GUAM TO THE JURISDICTION OF THE GUAM
ANCESTRAL LANDS COMMISSION, BY *ADDING A*
NEW §80105 (b) TO CHAPTER 80 OF TITLE 21, GUAM
CODE ANNOTATED.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslatura* finds that
3 certain ancestral lands in the municipalities of *Piti, Sumay* and *Agat* were
4 condemned under Civil Action No. 5-49 by the Naval Government of Guam
5 creating the Apra Harbor Reservation Boundary. Eventually, the United States

1 Quitclaimed portions of the Apra Harbor Reservation to the Government of Guam
2 in December 1984 containing certain parcels, with eventual transfer to the
3 Commercial Port of Guam, and eventually to the Port Authority of Guam (PAG)
4 for development. In formal conferences and legislative session meetings between
5 the PAG and *I Liheslatura* (the Legislature), it has been stated by the PAG board,
6 management, and personnel that the PAG *does not* have any future plans for the
7 development or use of certain portions of the parcels under their jurisdiction.

8 Therefore, *I Liheslatura* intends to transfer such land parcels and properties
9 to the Guam Ancestral Lands Commission so that the Guam Ancestral Lands
10 Commission *shall* proceed with the return of such land parcels and properties to
11 the original landowners or their estates, pursuant to the Commission’s enabling
12 legislation and mandates.

13 **Section 2.** The existing §80105 is hereby renumbered to §80105(a) and a
14 new (b) is hereby *added* to §80105 of Chapter 80, Title 21, Guam Code Annotated,
15 to read as follows:

16 “(b) Portions of Parcel 1 South of Route 18 and contiguous to the
17 North of Apra Harbor Parcel 6, also abutting Marine Corps Drive on the
18 east, specifically original Lots 159 and 159-1, all in the municipality of *Piti*.
19 The property *shall* be transferred and *shall* be deeded to the Guam Ancestral
20 Lands Commission within thirty (30) days of the effective date of this Act.
21 The Guam Ancestral Lands Commission *shall* within one hundred eighty
22 (180) days dispose of the land parcels and lots transferred by this Act in a
23 manner consistent with and pursuant to its enabling legislation and its
24 mandates. All pre-condemnation roads, easements and bull cart trails *shall*
25 remain as easements for public access and utilities. The transferred property
26 *shall* be zoned “A” – Agricultural zone.”

1 **Section 3.** The Department of Land Management *shall* plot, plan, design,
2 and provide within sixty (60) days of enactment an aerial overlay map delineating
3 all road easements, bull-cart trails, and public access as to determine such access or
4 easements location in relation to the return subject lot that *no* lot is landlocked.
5 The overlay *shall* show all original lot lines generally.

6 **Section 4. Severability.** *If* any of the provisions of this Act or the
7 application thereof to any person or circumstance is held invalid, such invalidity
8 *shall* not affect any other provision or application of this Act which can be given
9 effect without the invalid provision or application, and to this end the provisions of
10 this Act are severable.