

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

Bill No. 393-33 (COR)

Introduced by:

T.C. Ada 

AN ACT TO TRANSFER WITH COMPENSATION A PORTION OF THE LOT IDENTIFIED AS “ANDERSEN COMMUNICATION ANNEX NO. 1 (AJKD), MUNICIPALITY OF DEDEDO” AN AREA OF ±70,000 SQUARE METERS OR 17.297 ACRES FROM THE GUAM ANCESTRAL LANDS COMMISSION INVENTORY OF SPANISH CROWN LANDS TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTION OF THE EXPANSION OF THE NORTHERN DISTRICT WASTEWATER TREATMENT PLANT (NDWWTP); AND TO REZONE THE TRANSFERRED PORTION FROM THE CURRENT HOTEL (“H”) ZONE TO PUBLIC FACILITY (“PF”) ZONE.

2016 06 17 / 10:13 AM
D. M. RAMOS

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

2 **Section 1. Legislative Findings and Intent.**

3 *I Liheslaturan Guåhan* finds that Guam’s existing Northern District
4 Wastewater Treatment Plant (NDWWTP) presently provides only Court Ordered
5 chemically enhanced primary treatment (CEPT) without disinfection. The Guam
6 Waterworks Authority (GWA) has determined that upgrade of the NDWWTP will
7 ensure that permit requirements of the National Pollution Discharge Elimination
8 System (NPDES) are met for all discharges of current and future increases in
9 wastewater flows from the population, civilian and military, in Northern and
10 Central Guam. Additionally, the upgrade is necessary to mitigate the impact to

1 marine resources resulting from increased ocean discharges and to protect the
2 Northern Guam Lens Aquifer.

3 *I Liheslaturan Guåhan* finds that the Department of Defense supports the
4 construction of the NDWWTP upgrade and expansion to ensure that the military
5 wastewater requirements can be met and that the Federal Clean Water Act (CWA)
6 and Guam 's water quality standards are met.

7 *I Liheslaturan Guåhan* further finds that an Implementation Plan was
8 developed in 2015 by the Economic Adjustment Committee that supports the
9 preferred alternative for upgrades to the civilian water and wastewater
10 infrastructure, and that in conjunction with that plan, the Department of Defense,
11 Office of Economic Adjustment has been authorized to provide the necessary
12 funds to GWA to expand and upgrade the Northern District Wastewater Treatment
13 Plant.

14 *I Liheslaturan Guåhan* finds that GWA has identified *Spanish Crown Lands*,
15 located adjacent to the existing NDWWTP, held in Trust by the Guam Ancestral
16 Lands Commission (GALC). The property of interest would be suited for the
17 purpose of expanding and upgrading the NDWWTP. *I Liheslaturan Guåhan*
18 further finds that GWA's interest in obtaining the property for public benefit with
19 the appropriate compensation agreement is consistent with 21GCA §80104(e).

20 *I Liheslaturan Guåhan* finds that this NDWWTP project is necessary and
21 will benefit the people of Guam and therefore intends to authorize the Ancestral
22 Lands Commission to transfer approximately **±70,000** square meters (17.3 acres)
23 to the Guam Waterworks Authority to accomplish the necessary improvements
24 described above. GWA and GALC have discussed the basic terms of the transfer to
25 meet the needs and mandates of both parties, and are committed to finalize
26 compensation to the Guam Ancestral Lands Commission within one hundred
27 twenty days (120) of the enactment of this Act.

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

3 (a) Notwithstanding any other provision of law, rule or regulation,
4 *I Liheslaturan Guåhan* authorizes the Guam Ancestral Lands Commission
5 (GALC) to transfer from its *Spanish Crown Lands* inventory approximately
6 $\pm 70,000\text{m}^2$, a portion of Andersen Communication Annex No. 1 (AJKD),
7 Municipality of Dededo, as shown in the Department of Land Management
8 sketch identified as Northern District Wastewater Treatment Plant (see
9 Exhibit A), to GWA for the construction of the upgrade and expansion of the
10 existing wastewater treatment plant to include, but not limited to the
11 oxidation ditches, odor control, enhanced headworks, secondary clarifiers,
12 digesters, pumps and associated piping, and storm water basins, to the
13 GWA.

14 (b) The administrative transfer of property shall become effective
15 upon the enactment of this Act. GALC grants right of entry immediately to
16 enable GWA to initiate required geotechnical survey, topographic survey,
17 other required testing and studies pertinent to the construction design of the
18 expansion of the NDWWTP while both parties are finalizing compensation
19 and the deed is recorded.

20 (c) Appraisal. GWA shall pay for the appraisal of the property by
21 two different appraisers, one of which shall be selected by the Director of
22 the Department of Land Management.

23 (d) Survey. GWA shall have the property surveyed at its own
24 expense and the survey map shall be approved and recorded by the
25 Department of Land Management.

26 (e) Purchase Price and Transfer Agreement. GWA shall work with
27 GALC to determine an appropriate compensation for the property purchase.

1 A compensation and transfer agreement shall be finalized within one
2 hundred twenty (120) days. Failure to achieve an agreement may result in
3 the reversion of the property to the GALC.

4 (f) Use of Proceeds from Land Sale. The proceeds from the sale
5 shall be used for the purpose of preparing *Spanish Crown Lands* Lot Nos.
6 2205, 2205-1, 2208, 2215-R2, 2453, 2453-1, 2454, 2455, 2457, 2457-1,
7 2463, and 2481, all in the Municipality of Barrigada (see Exhibit B) for
8 development. Any excess funds shall be used for a similar purpose at other
9 *Spanish Crown Lands* not identified in this Act. Said preparations shall
10 include surveying of access roads and utility easements, recordation of
11 grants of easement and accompanying maps, and actual construction of the
12 access and utility easements. Any excess funds from these preparations for
13 development of Spanish Crown Lands shall be deposited in the Land Bank
14 account established in 21GCA §80104(e).

15 **Section 3. Zoning Designation.** The portion of Andersen
16 Communication Annex No.1 (AJKD), Municipality of *Dededo*, as shown in
17 the Department of Land Management sketch identified as NDWWTP (see
18 Exhibit A), that will be utilized for the expansion of the Northern District
19 Wastewater Treatment Plant (NDWWTP), shall be rezoned from Hotel Zone
20 (H) in accordance with the Official Zoning Map covering the Municipality
21 of *Dededo*, “*Dos Amantes*” Planning Area, Instrument No. 817995 to Public
22 Facility Zone (PF) pursuant to 21 GCA, Chapter 61, §61313.

23 **Section 4. Severability.** If any provision of this law or its
24 application to any person or circumstance is found to be invalid or contrary
25 to law, such invalidity shall not affect other provisions or applications of this
26 law, which can be given effect without the invalid provisions or applications
27 and to this end the provisions of this act are severable.

