

I Mina'Trentai Kuáttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
74-34 (COR)	Thomas C. Ada	AN ACT TO PLACE THAT LAND KNOWN AS TIYAN PARCEL T-18 UNDER THE ADMINISTRATIVE JURISDICTION OF THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL; AND TO AUTHORIZE THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL TO ENTER A PARTNERSHIP WITH A NON-PROFIT ORGANIZATION.	4/11/17 2:12 p.m.	4/17/17	Committee on Environment, Land, Agriculture, and Procurement Reform	5/04/17 9:00 a.m.	7/17/17 9:55 a.m. As amended by the Committee on Environment, Land, Agriculture, and Procurement Reform	Fiscal Note Request 4/17/17 Fiscal Note Waiver 5/4/17	



Sen. Thomas Ada
Chairman

Committee on Environment, Land, Agriculture, and Procurement Reform
I Mina Trentai Kuattro Na Liheslaturan Guahan • 34th Guam Legislature

July 13, 2017

The Honorable Benjamin J.F. Cruz
Speaker
I Mina Trentai Kuattro Na Liheslaturan Guahan
163 Chalan Santo Papa
Hagåtña, Guam 96910

2017 JUL 17 AM 9:32
[Handwritten signature]

VIA: **The Honorable Regine Biscoe Lee** *[Handwritten initials RB]*
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 74-34 (COR) As Amended by the Committee.

Håfa Adai Speaker Cruz,

Transmitted herewith is the Committee Report on Bill No. 74-34 (COR), As Amended by the Committee on Environment, Land, Agriculture and Procurement Reform, “AN ACT TO PLACE THAT LAND KNOWN AS “TIYAN PARCEL LOT T-18” UNDER THE ADMINISTRATIVE JURISDICTION OF THE OFFICE OF THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL; AND TO AUTHORIZE THE OFFICE OF THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL TO ENTER INTO A PARTNERSHIP WITH A NON-PROFIT ORGANIZATION.”

Committee votes are as follows:

- 4 TO DO PASS
- 0 TO NOT PASS
- 0 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

Si Yu'os ma'åse',

[Handwritten signature of Thomas C. Ada]

Thomas C. Ada





Sen. Thomas Ada

Chairman

Committee on Environment, Land, Agriculture, and Procurement Reform

I Mina Trentai Kuåtro Na Liheslaturan Guåhan • 34th Guam Legislature

COMMITTEE REPORT ON

**Bill No. 74-34 (COR), As Amended by the
Committee on Environment, Land, Agriculture
and Procurement Reform**

**“AN ACT TO PLACE THAT LAND
KNOWN AS “TIYAN PARCEL LOT T-18”
UNDER THE ADMINISTRATIVE
JURISDICTION OF THE OFFICE OF THE
MAYOR OF *BARRIGADA* AND THE
BARRIGADA MUNICIPAL PLANNING
COUNCIL; AND TO AUTHORIZE THE
OFFICE OF THE MAYOR OF *BARRIGADA*
AND THE *BARRIGADA* MUNICIPAL
PLANNING COUNCIL TO ENTER INTO A
PARTNERSHIP WITH A NON-PROFIT
ORGANIZATION.”**



Sen. Thomas Ada

Chairman

Committee on Environment, Land, Agriculture, and Procurement Reform

I Mina Trentai Kuãtro Na Libeslaturan Guåhan • 34th Guam Legislature

July 13, 2017

MEMORANDUM

To: **All Members**
Committee on Environment, Land, Agriculture and Procurement Reform

From: **Senator Thomas C. Ada**, Committee Chairperson 

Subject: **Committee Report on Bill No. 74-34 (COR), As Amended by the Committee on Environment, Land, Agriculture and Procurement Reform**

Transmitted herewith for your consideration is the Committee Report on Bill No. 74-34 (COR), As Amended by the Committee on Environment, Land, Agriculture and Procurement Reform, **“AN ACT TO PLACE THAT LAND KNOWN AS “TIYAN PARCEL LOT T-18” UNDER THE ADMINISTRATIVE JURISDICTION OF THE OFFICE OF THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL; AND TO AUTHORIZE THE OFFICE OF THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL TO ENTER INTO A PARTNERSHIP WITH A NON-PROFIT ORGANIZATION.”**

This report includes the following:

- COR Referral Memorandum
- Notice of Public Hearing
- Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Written Testimonies
- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 74-34 (COR), As Introduced
- COR Pre-Referral Checklist
- Copy of Bill No. 74-34 (COR), As Amended by the Committee on Environment, Land, Agriculture and Procurement Reform
- Fiscal Note

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.



COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



MEMO

To: **Rennae Meno**
Clerk of the Legislature
Attorney Julian Aguon
Legislative Legal Counsel

From: **Senator Michael F.Q. San Nicolas**
Chairman of the Committee on Rules

Date: **April 17, 2017**

Re: **Referral of Bill No. 74-34 (COR)**

Buenas yan Håfa adai.

As per my authority as Chairman of the Committee on Rules, I am forwarding the referral of **Bill No. 74-34 (COR)**.

Please ensure that the subject bill is referred, in my name, to **Senator Thomas C. Ada, Chairperson of the Committee on Environment, Land, Agriculture, and Procurement Reform**. I also request that the same be forwarded to the prime sponsor of the subject bill.

Attached, please see the COR pre-referral checklist for your information, which shall be attached as a committee report item to the bill.

If you have any questions or concerns, please feel free to contact Christian Valencia, Committee on Rules Director, at 472-6453.

Thank you for your attention to this important matter.

Respectfully,


Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules



I Minu Trenai Kudro Nu Liheshinran
BILL STATUS

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Sen. Thomas Ada


Chairman

Committee on Environment, Land, Agriculture, and Procurement Reform
I Mina Trentai Kuätro Na Liheslaturan Guahan • 34th Guam Legislature

April 27, 2017

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Thomas C. Ada, *Chairperson* 

Subject: **1st Notice of Public Hearing: Thursday, May 4, 2017 at 9:00 a.m.**

Please be advised that the Committee on Environment, Lands, Agriculture, and Procurement Reform will be conducting a public hearing on **Thursday, May 4, 2017 at 9:00 a.m.** This hearing will take place in *I Liheslaturan Guahan*, Public Hearing Room. The agenda is as follows:

9:00 a.m.

Bill 54-34 (COR) – T.C. Ada - AN ACT TO ADD A NEW SUBSECTION (II) TO § 61103, NEW SUBSECTION (b)(13) TO § 61304, NEW SUBSECTIONS (b)(7) TO §§ 61305 AND 61306, NEW SUBSECTION (b)(17) TO § 61307, NEW SUBSECTION (a)(7) TO § 61308, NEW SUBSECTION (a)(13) TO § 61309, NEW SUBSECTION (b)(3) TO § 61311, NEW SUBSECTION (b)(1) TO §§ 61312 AND 61313, ALL OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO **PLACING VARIANCE APPLICATIONS FOR WIRELESS TELECOMMUNICATION STRUCTURES UNDER THE PURVIEW OF THE GUAM LAND USE COMMISSION REGULAR REVIEW PROCESS.**

Bill 56-34 (COR) – T.C. Ada - AN ACT TO AMEND PUBLIC LAW 22-18, RELATIVE TO THE **TRANSFER OF ADMINISTRATIVE JURISDICTION OF LOT NO. 7054-1 AND 7054-4, MUNICIPALITY OF YIGO, RESERVED FOR THE GUAM POLICE DEPARTMENT AND DEPARTMENT OF PUBLIC WORKS.**

Bill 62-34 (COR) – J.S. San Agustin / D.G. Rodriguez Jr. / W.M. Castro - AN ACT TO **TRANSFER LOT NAVAL AIR STATION AGANA 19 TO THE JURISDICTION AND RESPONSIBILITY OF THE MAYOR OF BARRIGADA FOR THE PURPOSE OF PROVIDING NEEDED RECREATIONAL FACILITIES.**

Bill 74-34 (COR) – T.C. Ada - AN ACT TO PLACE THAT LAND KNOWN AS TIYAN PARCEL T-18 UNDER THE ADMINISTRATIVE JURISDICTION OF THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL; AND TO AUTHORIZE THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL TO ENTER A PARTNERSHIP WITH A NON-PROFIT ORGANIZATION.

Bill 79-34 (COR) – B. J.F. Cruz - AN ACT TO ADD CHAPTER 15 TO TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM COUNCIL ON CLIMATE CHANGE PREPAREDNESS AND RESILIENCY (GUAM C3PR).

Testimony on **Bill No. 54-34 (COR), Bill No. 56-34 (COR), Bill No. 62-34 (COR) Bill No. 74-34 (COR) and Bill No. 79-34 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at 163 Chalan Santo Papa, *Hagåtña*, Guam 96910, via email to office@senatorada.org, or via facsimile to (671) 473-3303 no later than 3:00pm, May 10, 2017.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.



Office of
Senator Tom Ada

Charlene Flores <flores@senatorada.org>

1st Notice of Public Hearing: Thursday, May 4, 2017 at 9:00 a.m.

Richard Salas <rsalas@senatorada.org>

Thu, Apr 27, 2017 at 12:18 PM

To: phnotice@guamlegislature.org, Media <media@senatorada.org>

April 27, 2017

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **1st Notice of Public Hearing: Thursday, May 4, 2017 at 9:00 a.m.**

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Bill 79-34 (COR) – B. J.F. Cruz - AN ACT TO ADD CHAPTER 15 TO TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM COUNCIL ON CLIMATE CHANGE PREPAREDNESS AND RESILIENCY (GUAM C3PR).

Testimony on **Bill No. 54-34 (COR)**, **Bill No. 56-34 (COR)**, **Bill No. 62-34 (COR)**, **Bill No. 74-34 (COR)** and **Bill No. 79-34 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at 163 Chalan Santo Papa, *Hagåtña*, Guam 96910, via email to office@senatorada.org, or via facsimile to (671) 473-3303 no later than 3:00pm, May 10, 2017.


In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.


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Thank You,
Richard Salas
Policy Analyst
Office of Senator Thomas C. Ada
I Mina'trentai Kuàttro na Liheslaturan Guåhan - 34rd Guam Legislature
Office (671) 473-3301


6 attachments


 **1st Notice.pdf**
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 **Bill No. 54-34 (COR).pdf**
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 **Bill No. 62-34 (COR).pdf**
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 **Bill No. 74-34 (COR).pdf**
2213K

 **Bill No. 79-34 (COR).pdf**
808K



Sen. Thomas Ada
Committee on Environment, Land,
Agriculture, and Procurement Reform

Public Hearing Notice
Thursday, May 4, 2017

I Litesiaturnan Gudlham Public Hearing Room

9:00am

AGENDA

Bill 54-34 (COR) - TC, Ada

AN ACT TO ADD A NEW SUBSECTION (1) TO § 61103, NEW SUBSECTION (b)(13) TO § 61304, NEW SUBSECTIONS (b)(7) TO §§ 61305 AND 61306, NEW SUBSECTION (b)(17) TO § 61307, NEW SUBSECTION (a)(7) TO § 61308, NEW SUBSECTION (a)(13) TO § 61309, NEW SUBSECTION (b)(3) TO § 61311, NEW SUBSECTION (b)(1) TO §§ 61312 AND 61313, ALL OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PLACING VARIANCE APPLICATIONS FOR WIRELESS TELECOMMUNICATION STRUCTURES UNDER THE PURVIEW OF THE GUAM LAND USE COMMISSION REGULAR REVIEW PROCESS.

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Individuals requiring special accommodations should
submit request to Rick Salas at 473-3301.
Paid for by Community Funds.
www.senatorada.org

Guam Daily Post - 27 April 2017



Sen. Thomas Ada

Chairman

Committee on Environment, Land, Agriculture, and Procurement Reform
I Mina Trentai Kuãtro Na Libeslaturan Guahan • 34th Guam Legislature

May 2, 2017

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Thomas C. Ada, *Chairperson* 

Subject: **2nd Notice of Public Hearing: Thursday, May 4, 2017 at 9:00 a.m.**

Please be advised that the Committee on Environment, Lands, Agriculture, and Procurement Reform will be conducting a public hearing on **Thursday, May 4, 2017 at 9:00 a.m.** This hearing will take place in *I Liheslaturan Guahan*, Public Hearing Room. The agenda is as follows:

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Senator Tom Ada

Charlene Flores <flores@senatorada.org>

2nd Notice of Public Hearing: Thursday, May 4, 2017 at 9:00 a.m.

Richard Salas <rsalas@senatorada.org>

Tue, May 2, 2017 at 8:50 AM

To: Media <media@senatorada.org>, John Arroyo <jarroyo@tgguaam.net>, Cristina Gutierrez <Cristina.Gutierrez@land.guam.gov>, djtydingco@gta.net, jkriegel@docomopacific.com, jlai@docomopacific.com, richard.yu@choicephonellc.com, rene.lao@choicephonellc.com, john.compton@itehq.net, chief@gpd.guam.gov, joseph.i.cruz@gpd.guam.gov, walter.leonguerrero@epa.guam.gov, yvette.cruz@epa.guam.gov, Conchita San Nicolas Taitano <conchita.taitano@epa.guam.gov>, Maria.Duenas@epa.guam.gov, don.quinata@epa.guam.gov, michael.omallan@epa.guam.gov, vincent.pereira@epa.guam.gov, Glenn LG <glenn.leonguerrero@dpw.guam.gov>, eleanor.borja@dpw.guam.gov, felix.benavente@dpw.guam.gov, arleen.pierce@dpw.guam.gov, william.reyes@dpr.guam.gov, chuck.ada@guamairport.net, peterroy@guamairport.net, Ricardo Duenas <rcduenas@guam.net>, Ksgro@paylessmarkets.com, martinjgerber@gmail.com, arios@guamairport.net, frankpt@guamairport.net, Barrigada <bmomayor@gmail.com>, mcogadmin@teleguam.net, rkelley@guamtech.com, Michael Borja <michael.borja@land.guam.gov>, steven.carrara@itehq.net, A Gogue <magahet4@gmail.com>, strong@guam.net, strongdiver44@gmail.com, tony.ada@guam.gov, Ken Leon-Guerrero <kenleonguerrero@yahoo.com>, "Lynda B. Aguon" <lynda.aguon@dpr.guam.gov>, jose.garrido@dpr.guam.gov, jqpreservation@guam.net, david.camacho@land.guam.gov, matt.sablan@agriculture.guam.gov, jddsbase@hotmail.com, Daniel.Guerrero@fe.navy.mil, uriah.perez@fe.navy.mil, phnotice@guamlegislature.org

May 2, 2017

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **2nd Notice of Public Hearing: Thursday, May 4, 2017 at 9:00 a.m.**

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Thank You,
Richard Salas
Policy Analyst
Office of Senator Thomas C. Ada
I Mina'trentai Kuâttro na Liheslaturan Guåhan - 34rd Guam Legislature
Office (671) 473-3301


6 attachments


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Sen. Thomas Ada
**Committee on Environment, Land,
Agriculture, and Procurement Reform**

Public Hearing Notice
Thursday, May 4, 2017
I Liheslaturan Guahan Public Hearing Room

AGENDA

9:00am

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AN ACT TO TRANSFER LOT NAVAL AIR STATION AGANA 19 TO THE JURISDICTION AND RESPONSIBILITY OF THE MAYOR OF BARRIGADA FOR THE PURPOSE OF PROVIDING NEEDED RECREATIONAL FACILITIES.

Bill 74-34 (COR) – T.C. Ada

AN ACT TO PLACE THAT LAND KNOWN AS TIYAN PARCEL T-18 UNDER THE ADMINISTRATIVE JURISDICTION OF THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL; AND TO AUTHORIZE THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL TO ENTER A PARTNERSHIP WITH A NON-PROFIT ORGANIZATION.

Bill 79-34 (COR) – B. J.F. Cruz

AN ACT TO ADD CHAPTER 15 TO TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM COUNCIL ON CLIMATE CHANGE PREPAREDNESS AND RESILIENCY (GUAM C3PR).

Individuals requiring special accommodations should
submit request to Rick Salas at 473-3301.

Paid for by Community Funds.

www.senatorada.org

Guam Daily Post - 2 May 2017



Sen. Thomas Ada

Chairman

Committee on Environment, Land, Agriculture, and Procurement Reform

I Mina Trentai Kuatro Na Liheslaturan Guahan • 34th Guam Legislature

AGENDA

PUBLIC HEARING

Thursday, May 4, 2017

I Liheslaturan Guahan, Public Hearing Room

The agenda is as follows:

9:00am

Bill No. 54-34 (COR) – T.C. Ada - An act to add a new subsection (ll) to § 61103, new subsection (b)(13) to § 61304, new subsections (b)(7) to §§ 61305 and 61306, new subsection (b)(17) to § 61307, new subsection (a)(7) to § 61308, new subsection (a)(13) to § 61309, new subsection (b)(3) to § 61311, new subsection (b)(1) to §§ 61312 and 61313, all of Chapter 61, Title 21, Guam Code Annotated, relative to placing variance applications for wireless telecommunication structures under the purview of the Guam Land Use Commission regular review process.

Bill No. 56-34 (COR) – T.C. Ada - An act to amend Public Law 22-18, relative to the transfer of Administrative Jurisdiction of Lot No. 7054-1 and 7054-4, Municipality of *Yigo*, reserved for the Guam Police Department and Department of Public Works.

Bill No. 62-34 (COR) – J.S. San Agustin / D.G. Rodriguez Jr. / W.M. Castro - An act to transfer Lot Naval Air Station *Agana* 19 to the jurisdiction and responsibility of the Mayor of Barrigada for the purpose of providing needed recreational facilities.

Bill No. 74-34 (COR) – T.C. Ada - An act to place that land known as Tiyan parcel T-18 under the Administrative Jurisdiction of the Mayor of Barrigada and the Barrigada Municipal Planning Council; and to authorize the Mayor of Barrigada and the Barrigada Municipal Planning Council to enter a partnership with a non-profit organization.

Bill No. 79-34 (COR) – B. J.F. Cruz - An act to add Chapter 15 to Title 2 of the Guam Code Annotated, relative to establishing the Guam Council on Climate Change Preparedness and Resiliency (Guam C³PR).

Committee on Environment, Land, Agriculture and Procurement Reform
 Public Hearing
 May 4, 2017
 9:00am
 I Liheslaturan Guahan, Public Hearing Room

Bill No. 74-34 (COR) - T.C. Ada

An act to place that land known as Tiyau parcel T-18 under the Administrative Jurisdiction of the Mayor of Barrigada and the Barrigada Municipal Planning Council; and to authorize the Mayor of Barrigada and the Barrigada Municipal Planning Council to enter a partnership with a non-profit organization.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	EMAIL ADDRESS or CONTACT NUMBER
Danny H. Jackson				<input checked="" type="checkbox"/>		637-5894
Josephine C. Jackson				<input checked="" type="checkbox"/>		489-6616
<i>[Signature]</i>	<i>[Signature]</i>			<input checked="" type="checkbox"/>		977-1842
JAMES U. SADE	BARRIGADA	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
PERSONAL						
Charles H. ADA	GLAFA		<input checked="" type="checkbox"/>			
Joe Maryns	BPC			<input checked="" type="checkbox"/>		

May 4, 2017

Via Hand Delivery

The Honorable Thomas C. Ada
Majority Leader
I Mina'Trenta-Kuattro Na Liheslaturan Guåhan
Chairman
Committee on Environment, Land, Agriculture, and Procurement Reform
173 Aspinall Ave., Suite 207
Hågatña, GU 96910

Re: Bill 74-34, An Act to Place that Land Known as Tiyan Parcel T-18 Under the Administrative Jurisdiction of the Mayor of Barrigada and the Barrigada Municipal Planning Council; And to Authorize the Mayor of Barrigada and the Barrigada Municipal Planning Council to Enter Into a Partnership with a Non-Profit Organization

Hafa Adai Senator Ada:

I am writing to convey the Antonio B. Won Pat International Airport Authority, Guam's ("GIAA") support of the intent of Bill 74-34, which is to ensure that the property known as Site T-18 is used and developed in accordance with standards established by the Guam Historic Preservation Officer and the Historic Resources Division of the Department of Parks and Recreation. Included herewith as Attachment 1, is GIAA's suggested amendments to Bill 74-34. GIAA believes that the goals and objectives of Bill 74-34 are best achieved by the transfer in fee simple of Site T-18 by GIAA to the Government of Guam or Department of Parks and Recreation as determined by the Guam Historic Preservation Officer and with the approval of the Federal Aviation Administration ("FAA").

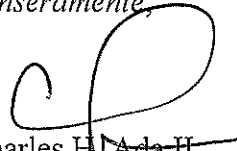
When GIAA received title to the real property formerly known as the U.S. Naval Air Station via Quitclaim Deed from the United States, acting by and through the Department of Navy (Department of Land Management Instrument No. 628020, attached herewith as Attachment 2), such transfer included the property known as Site T-18. The Quitclaim Deed includes a Historic Preservation Covenant (see Attachment 2, section K) recognizing that Site T-18 has been determined eligible for inclusion in the National Register of Historic Places. The Quitclaim Deed further recognizes that Site T-18 "is an archeological site that consists of prehistoric features (two small caves, latte elements and subsurface cultural deposits.)" In addition, because of the historical value of Site T-18, the Quitclaim Deed imposes covenants that GIAA and its successors and assigns are obliged to abide by in its use of Site T-18.

GIAA does not dispute the historical value of Site T-18 and applauds your efforts via Bill 74-34 to ensure that the historical value of Site T-18 is maintained and preserved. GIAA proposes that prior to transferring administrative jurisdiction over Site T-18 to the Office of the Mayor of Barrigada and the Barrigada Municipal Planning Council, GIAA first transfer fee simple title in Site T-18 to the Government of Guam or Department of Parks and Recreation, as determined by the Guam Historic Preservation Officer. Such transfer would be subject to the written approval of the Administrator of the FAA and/or the Secretary of Transportation (see Attachment 2, section A.4 and A.10(b)), which GIAA will endeavor to obtain with the assistance of and in consultation with the Guam Historic Preservation Officer. Such transfer would also be subject to the Government of Guam/Department of Parks and Recreation, its successors and assigns, complying with the Historic Preservation Covenant set forth in the Quitclaim Deed. Further, GIAA agrees, at its sole cost, to obtain a survey and map of Site T-18 for recordation at the Department of Land Management.

GIAA respectfully requests that you consider its proposed revisions to Bill 74-34. GIAA's proposal would place title in Site T-18 in the Government of Guam or Department of Parks and Recreation allowing for development of the parcel as a historical site as envisioned by Bill 74-34.

Thank you for giving GIAA the opportunity to comment on Bill 74-34. I urge you and your colleagues to pass the Bill with the revisions proposed by GIAA.

Senseramente,



Charles H. Ada II
Executive Manager

Enclosures:

Attachment 1 – Bill 74-34 with proposed revisions from GIAA
Attachment 2 – Quitclaim Deed, DLM Instrument No. 628020

cc: Honorable Frank Blas Aguon, Jr., Chairman, Committee on Guam-U.S. Military Buildup, Infrastructure, and Transportation

Attachment 1
PROPOSED REVISIONS FROM GIAA

I MINA'TRENTA-KUATTRO NA LIHESLATURAN GUAHAN
2017 (FIRST) Regular Session

Bill No. 74-34 (COR)

Introduced by:

Thomas C. Ada

AN ACT TO PLACE THAT LAND KNOWN AS *TIYAN PARCEL T-18* UNDER THE ADMINISTRATIVE JURISDICTION OF THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL; AND TO AUTHORIZE THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL TO ENTER A PARTNERSHIP WITH A NON-PROFIT ORGANIZATION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Deed Document No. 628020 returns Federal Excess Lands Parcel *Lot Naval Air Station 4 Agana R-10* and other parcels commonly known as the “Guam International Airport”. *And* within the returned airport Parcel was included land known as “Site T-18”.

I Liheslaturan Guåhan finds that “Site T-18” has historic significance relative to the pre-Latte period and that the caves in Site T-18 were found to have been used as a place of refuge and rest for the Chamorro Slave Laborers utilized by the Japanese Imperial Forces to construct an airfield in what is known today as the Guam International Airport.

I Liheslaturan Guåhan finds that most of the Chamorro Slave Laborers used to build this airfield under the yoke of the Japanese Imperial Forces were from the surrounding areas of *Barrigada*: Adacao, As-Machaute, As-Baraco, As-Boco, As-Caban, As-Capitan Regis, As-Conejo, As-Kusao, As-Nado, As-Pengao, Canada, Catan Sabana, Chalan Pinate, Chalan Sabanan Pagot, Corten Torres, Eda Agaga, Guae Jalaguag, Lagon Sabana, Lalo, Leyang, Luayao, Mafnas-Nete, Maite, Mangilao, Mapas, Mongmong, Muyao, Nalao, Paiguan, Pinate, San Antonio, Sasajyan, Songlago, Toto, Tujan (Tiyán), Uchunao, Ungaguan, and Y-Joya.

I Liheslaturan Guåhan further finds that the only war memorial existing in the Municipality of

1 *Barrigada* is a mediocre pile of rocks on a 20 feet by 20 feet parcel of land belonging to the
2 Archdiocese of Hagatña.

3 *I Liheslaturan Guåhan* further finds that the Guam International Airport Authority does not
4 need this land for airport operations. Furthermore, the development of this historic site has been
5 neglected.

6 *I Liheslaturan Guåhan* further finds that the present day United States Navy has from time to
7 time provided access to the People of Guam to pre-World War II historic and cultural sites, such as
8 the Sumay Cemetery (on Naval Base Guam) and the Fena Caves (at the Naval Magazine Base). *I*
9 *Liheslaturan Guåhan* further finds that the United States Navy presently has a program in place to
10 provide access to the People of Guam called the Public Access Program.

11 *I Liheslaturan Guåhan* intends to grant nothing less and requests that the Guam International
12 Airport Authority be sensitive and accommodating to the Community's cultural and historic
13 resources, by transferring that land known as Parcel-Site T-18 from the A.B. Won Pat Guam
14 International Airport Authority, Guam ("GIAA") to the Government of Guam or Department of
15 Parks and Recreation, as determined by the Guam Historic Preservation Officer. *I Liheslaturan*
16 *Guåhan* further intends that following such transfer to the Government of Guam or Department of
17 Parks and Recreation, ~~into the~~ administrative jurisdiction of Site T-18 shall be transferred to of the
18 Office of the Mayor of Barrigada and the Barrigada Municipal Planning Council.

19 *I Liheslaturan Guåhan* further intends to authorize the Office of the Mayor of Barrigada and the
20 Barrigada Municipal Planning Council to enter into a partnership with a non-profit organization
21 interested in the development of Site T-18.

22 **Section 2. Transfer of Site T-18. The Department of Parks and Recreation Guam Historic**
23 **Preservation Division and the Guam Historic Preservation Officer shall work with the A.B. Won**
24 **Pat International Airport Authority, Guam ("GIAA") to obtain the approval of the Administrator of**
25 **the Federal Aviation Administration and/or the Secretary of Transportation to transfer that property**
26 **known as Site T-18 from GIAA to the Government of Guam or Department of Revenue and**
27 **Taxation, as determined by the Guam Historic Preservation Officer. Such transfer shall allow for**
28 **the release of GIAA from liability for the Government of Guam's and/or Department of Parks and**
29 **Recreation's, their successors or assigns, failure to comply with the Historic Preservation Condition**
30 **contained in the Quitclaim Deed (DLM Instrument No. 628020).**

1 **Section 3. Administrative Jurisdiction.** Notwithstanding any other provision of law, rule
2 or regulation, following transfer of Site T-18 to the Government of Guam or Department of Parks
3 and Recreation, administrative jurisdiction of the *Tiyan Pareel*-parcel known as Site T-18 consisting
4 of approximately 2.43 acres shall be is hereby transferred to the Office of the Mayor of the
5 Municipality of Barrigada and the Barrigada Municipal Planning Council. With regard to its
6 administrative oversight over Site T-18, the Office of the Mayor of the Municipality of Barrigada
7 and the Barrigada Municipal Planning Council shall abide by the Historic Preservation Condition
8 contained in the Quitclaim Deed (DLM Instrument No. 628020) and all laws, rules and regulations,
9 policies, and directives of the Department of Parks and Recreation Guam Historic Preservation
10 Division and the Guam Historic Preservation Officer.

11 **Section 43. Authorization to Enter Partnership.** The Mayor of the Municipality of
12 Barrigada and the Barrigada Municipal Planning Council are hereby authorized to enter a
13 partnership with a non-profit organization interested in the development of Site T-18 as a historic
14 and cultural site. Such non-profit organization shall abide by the Historic Preservation Condition
15 contained in the Quitclaim Deed (DLM Instrument No. 628020) and all laws, rules and regulations,
16 policies, and directives of the Department of Parks and Recreation Guam Historic Preservation
17 Division and the Guam Historic Preservation Officer in its development of Site T-18

18 **Section 45. Technical Description and Location of the parcel known as T-18.** Exhibit A
19 is attached to this Bill as the Technical Description of the actual location of T-18. Exhibit B is
20 attached as the graphic representation of the general location of T-18. GIAA shall, at its sole cost,
21 to obtain a survey and map of Site T-18 for recordation at the Department of Land Management,
22 which map shall be used for the transfer of Site T-18 from GIAA to the Government of Guam or
23 Department of Parks and Recreation.

24 **Section 56. Exemption.** §2107 of Title 2, Guam Code Annotated, relative to appraisals of
25 land shall not apply to this Act.

26 **Section 67. Severability.** If any provision of this Law or its application to any person or
27 circumstance is found to be invalid or contrary to law, that invalidity shall not affect other
28 provisions or applications of this Law that can be given effect without the invalid provisions or
29 applications, and to this end the provisions of the Law are severable.

Island of Guam, Government of Guam
Department of Land Management, Office of The Recorder

628020

File for record is Instrument No. 628020
on the year 2000 Month 10 Day 04 Time 2:42
Recording Fee De-Officio Receipt No. _____

Deputy Recorder Jane Arisiga

Navy Identification
No. N6274200RP00036

QUITCLAIM DEED

THIS INDENTURE, made this 29th day of September, 2000, between the UNITED STATES OF AMERICA, acting by and through the Department of the Navy, herein called the UNITED STATES, pursuant to the powers and authority of the Defense Base Closure and Realignment Act of 1990 (Public Law No. 101-510), 10 U.S.C. § 2687 note, as amended, the Federal Property and Administrative Services Act of 1949 (40 U.S.C. § 484), as amended, 49 U.S.C. §§ 47151-47153, and regulations issued pursuant thereto, and the A. B. WON PAT GUAM INTERNATIONAL AIRPORT AUTHORITY, herein called the GRANTEE, a public corporation and autonomous instrumentality of the Government of Guam, acting through its Governing Board. The UNITED STATES, and GRANTEE may be referred to jointly as the "Parties".

In consideration of the assumption by the GRANTEE of all the obligations set forth herein and taking title subject to the restrictions and conditions set out hereinafter, the UNITED STATES by these presents does hereby forever quitclaim unto said GRANTEE, its successors and assigns, without warranty, express or implied, except as hereinafter specifically provided, UNDER AND SUBJECT TO THE RESERVATIONS, LIMITATIONS, REVERSIONS, RESTRICTIONS, CONDITIONS AND EXCEPTIONS as hereinafter expressed and set out, any and all right, title, interest, claim and demand which the UNITED STATES has in and to:

a. That certain real property lying and being in the Territory of Guam, formerly known as the U.S. Naval Air Station, Agana (portion), consisting of:

(i) "Lot Naval Air Station Agana R10", (Airport Parcel 1), consisting of an area of 58,721,833 square feet or 5,455,459 square meters or 1,348.068 acres, more or less, as described in Exhibit "A", attached hereto and made a part hereof, and as shown on Document Number 624410, recorded in the Department of Land Management of the Government of Guam, comprising NAVFAC Drawing Numbers 7942087 through 7942122, inclusive;

The following parcels of Land shown on Document Number 624410, recorded in the Department of Land Management of the Government of Guam, comprising NAVFAC Drawing Numbers 7942087 through 7942122, inclusive, are excluded from this Quitclaim Deed and fee simple title is being retained by the UNITED STATES:

- (1) "Lot Naval Air Station Agana-6 (FAA)", consisting of an area of 59,691 square feet or 5,546 square meters or 1.370 acres, more or less;
- (2) "Lot Naval Air Station Agana-7 (Radio Transmitter Site)", consisting of an area of 57,500 square feet or 5,342 square meters or 1.320 acre, more or less;
- (3) "Lot Naval Air Station Agana-10 (FAA)", consisting of an area of 33,535 square feet or 3,116 square meters or 0.770 acres, more or less;
- (4) "Lot Naval Air Station Agana-11 (National Weather Service)", consisting of an area of 125,398 square feet or 11,650 square meters or 2.879 acres, more or less; and
- (5) "Lot Naval Air Station Agana-11A (National Weather Service)", consisting of an area of 11,024 square feet or 1,024 square meters or 0.253 acres, more or less.
- (6) "Lot Naval Air Station Agana-8A (National Weather Service)", consisting of an area of 1,720 square feet or 160 square meters or 0.039 acres, more or less.

The net area of "Lot Naval Air Station Agana R10", (Airport Parcel 1) conveyed by this Quitclaim Deed is 58,432,965 square feet or 5,428,621 square meters or 1,341.437 acres, more or less.

(ii) "Lot Naval Air Station Agana 14", (Airport Parcel 2), consisting of an area of 817,611 square feet or 75,959 square meters or 18.770 acres, more or less, as described in Exhibit "A", attached hereto and made a part hereof, and as shown on Document Number 624410, recorded in the Department of Land Management of the Government of Guam, comprising NAVFAC Drawing Numbers 7942087 through 7942122, inclusive;

(iii) "Lot Naval Air Station Agana 22", (Airport Parcel 3), consisting of an area of 1,530,600 square feet or 142,198 square meters or 35.138 acres, more or less, as described in Exhibit "A", attached hereto and made a part hereof, and as shown on Document Number 624410, recorded in the Department of Land Management of the Government of Guam, comprising NAVFAC Drawing Numbers 7942087 through 7942122, inclusive;

(iv) "Lot Naval Air Station Agana 21", (Airport Parcel 4), consisting of an area of 200,294 square feet or 18,608 square meters or 4.598 acres, more or less, as described in Exhibit "A", attached hereto and made a part hereof, and as shown on Document Number 624410, recorded in the Department of Land Management of the Government of Guam, comprising NAVFAC Drawing Numbers 7942087 through 7942122, inclusive;

(v) "Lot Naval Air Station Agana 23", (Airport Parcel 5), consisting of an area of 440,137 square feet or 40,890 square meters or 10.104 acres, more or less, as described in Exhibit "A", attached hereto and made a part hereof, and as shown on Document Number 624410, recorded in the Department of Land Management of the Government of Guam, comprising NAVFAC Drawing Numbers 7942087 through 7942122, inclusive; and

(vi) "Lot Naval Air Station Agana 15", (Fuel Booster Pump Site), consisting of an area of 26,453 square feet or 2,458 square meters or 0.607 acres, more or less, as described in Exhibit "A", attached hereto and made a part hereof, and as shown on Document Number 624410, recorded in the Department of Land Management of the Government of Guam, comprising NAVFAC Drawing Numbers 7942087 through 7942122, inclusive.

The aforementioned lots conveyed by this Quitclaim Deed are hereinafter referred to as the "LAND".

b. All improvements owned by the UNITED STATES located on the LAND, except those improvements herein specifically excluded. The improvements conveyed hereunder are hereinafter referred to as the "IMPROVEMENTS".

c. The personal property owned by the UNITED STATES located on the LAND conveyed hereunder is hereinafter referred to as the "PERSONAL PROPERTY".

AND, the UNITED STATES does hereby assign, transfer, convey and deliver to the GRANTEE, its successors and assigns, all of the UNITED STATES' right, title and interest in, to, and under the following grants of easement:

a. Those certain aviation easements in perpetuity, as described in Exhibit "B", attached hereto and made a part hereof, covering 167 acres, more or less; and

b. Those certain drainage easements in perpetuity, as described in Exhibit "C", attached hereto and made a part hereof, covering 41 acres, more or less.

The LAND, IMPROVEMENTS, PERSONAL PROPERTY, and easements conveyed or assigned hereunder are collectively called the "PROPERTY" or sometimes the "AIRPORT" hereinafter.

TO HAVE AND TO HOLD the same to only the proper use of the GRANTEE forever, TOGETHER WITH all the privileges and appurtenances to the same belonging, and all the rents, issues, and profits thereof, SUBJECT TO THE RESERVATIONS, LIMITATIONS, REVERSIONS, EXCEPTIONS, RESTRICTIONS AND CONDITIONS set forth in this instrument.

EXCEPTING AND RESERVING, HOWEVER, unto the UNITED STATES, in perpetuity, the easements, as further described in Exhibit "A", attached hereto and made a part hereof, and as shown on Document Number 624410, recorded in the Department of Land Management of the Government of Guam, comprising NAVFAC Drawing Numbers 7942087 through 7942122, inclusive, for the operation, maintenance, repair and replacement of the following utility facilities, equipment and related facilities, and FURTHER EXCEPTING AND RESERVING unto the UNITED STATES, ownership of such existing utility lines, navigation equipment and related facilities as are located within the easement parcels:

With respect to said "Lot Naval Air Station Agana R10"
(Airport Parcel 1):

(a) "30 Foot Wide Water Line Easement Within Lot Naval Air Station Agana-R10 and Agana 12 (Parkway)" for water lines and related improvements.

(b) "30 Foot Wide Water Line Easement Within Lot Naval Air Station Agana-R10 and Fuel Booster Pump" for water lines and related improvements.

(c) "Lot Naval Air Station Agana FAA Parcel 14 (Middle Marker Lot)" easement for navigation equipment and related improvements.

(d) "Lot Naval Air Station Agana FAA Parcel 15 (Underground Power Cables & Terminal Pole)" easement for navigation equipment, utilities and related improvements.

(e) "Lot Naval Air Station Agana FAA Parcel 24 New (MALS & Rail Lights)" easement for navigation equipment, utilities and related improvements.

(f) "Lot Naval Air Station Agana-9 (10 Ft. Wide Utility Easement)" for navigation equipment, utilities and related improvements.

(g) "Lot Naval Air Station Agana-1 (CSA Fuel Easement)" for fuel lines and related improvements.

(h) "40 Ft. Wide Fuel Line Easement" for fuel lines and related improvements.

(i) "30 Ft. Wide Telephone System Easement" for telephone lines and related improvements.

(j) "Lot Naval Air Station Agana FAA Parcel 1 (VASI Lights)" for navigation equipment, utilities and related improvements.

(k) "Lot Naval Air Station Agana FAA Parcel 2 (6 Ft. Wide Cable Easement)" for navigation equipment, utilities and related improvements.

(l) "Lot Naval Air Station Agana FAA Parcel 3 (6 Ft. Wide Cable Easement)" for navigation equipment, utilities and related improvements.

(m) "Lot Naval Air Station Agana FAA Parcel 4 (VASI Lights)" for navigation equipment, utilities and related improvements.

628020

(n) "Lot Naval Air Station Agana FAA Parcel 22 (Glide Slope)" for navigation equipment, utilities and related improvements.

(o) "Lot Naval Air Station Agana FAA Parcel 22A (Glide Slope) Electrical Easement" for navigation equipment, utilities and related improvements.

(p) "Lot Naval Air Station Agana FAA Parcel 36 (Power Control Station)" easement for navigation equipment, utilities and related equipment.

(q) "Lot Naval Air Station Agana FAA Parcel 38, 3 Ft. Wide Approach Lights)" easement for navigation equipment, utilities and related improvements.

(r) "Lot Naval Air Station Agana (FAA Lights West)" easement for navigation equipment, utilities and related improvements.

(s) "Lot Naval Air Station Agana FAA (10 Ft. Wide Elec. Easement No. 2, Runway Alignment)" easement for navigation equipment, utilities and related improvements.

(t) "Lot Naval Air Station Agana-8 FAA (10 Ft. Wide Utility Easement)" for navigation equipment, utilities and related improvements.

(u) "FAA Weather Station with 10 Ft. Wide Electrical Easement)" for navigation equipment, utilities and related improvements. Shown on NAVFAC Drawing No. 7942101 only.

(v) "Lot Naval Air Station Agana FAA Parcel 7 (VASI Lights)" for navigation equipment, utilities and related improvements.

(w) "Lot Naval Air Station Agana FAA Parcel 8 (6 Ft. Wide Cable Easement)" for navigation equipment, utilities and related improvements.

(x) "Lot Naval Air Station Agana FAA Parcel 9 (Power & Control Station)" easement for navigation equipment, utilities and related improvements.

628020

(y) "Lot Naval Air Station Agana FAA Parcel 10 (6 Ft. Wide Cable Easement)" for navigation equipment, utilities and related improvements.

(z) "Lot Naval Air Station Agana FAA Parcel 11 (VASI Lights)" easement for navigation equipment, utilities and related equipment.

(aa) "Lot Naval Air Station Agana FAA Parcel 12, (VASI Lights)" easement for navigation equipment, utilities and related improvements.

(bb) "Lot Naval Air Station Agana (FAA Lights East)" easement for navigation equipment, utilities and related improvements.

(cc) "Lot Naval Air Station Agana FAA Parcel 13 (VASI Lights)" easement for navigation equipment, utilities and related improvements.

(dd) "Lot Naval Air Station Agana FAA Parcel 18, (Localizer Lot)" easement for navigation equipment, utilities and related improvements.

(ee) "Lot Naval Air Station Agana FAA Parcel 19 (Under Ground Power Cables)" easement for navigation equipment, utilities and related improvements.

(ff) "Lot Naval Air Station Agana FAA Parcel 20 (Trailer Parking Lot)" easement for navigation equipment, utilities and related improvements.

(gg) "Lot Naval Air Station Agana - Parcel 7A FAA (Electrical Easement)" for navigation equipment, utilities and related improvements.

(hh) "Lot Naval Air Station Agana FAA Parcel 7B (10-foot wide Electrical Easement)" for navigation equipment, utilities and related improvements.

(ii) "Lot Naval Air Station Agana-9 FAA (10-Foot Wide Utility Easement)" for navigation equipment, utilities and related improvements.

(jj) "30-Foot Wide Water Line Easement Within Lot Naval Air Station Agana-R10 and Fuel Booster Pump" for water lines and related purposes.

(kk) "30-Foot Wide Water Line Easement Within Lot Naval Air Station Agana-R10, Mariner Avenue and Agana-17" for water lines and related purposes.

With respect to said "Lot Naval Air Station Agana 22"
(Airport Parcel 3):

(a) "40 Foot Wide Fuel Line Easement" for a fuel line and related improvements.

With respect to said "Lot Naval Air Station Agana 15" (Fuel
Booster Pump Site):

(a) "Lot Naval Air Station Agana-1; CSA Fuel Easement" for fuel lines and related improvements.

(b) "30 Foot Wide Water Line Easement Within Lot Naval Air Station Agana-R10 and Fuel Booster Pump for water lines and related improvements.

(c) Fuel Line Easement Affecting All of Lot Naval Air Station Agana 15 (Fuel Booster Pump Site) for fuel lines, fuel pump facilities and related improvements.

PROVIDED, FURTHER, that the GRANTEE (or succeeding owner of the property), may use, construct, install, reconstruct, operate, maintain, repair, and remove roadways across the easement premises described above as "40 Ft. Wide Fuel Line Easement" and "Lot Naval Air Station Agana-1 (CSA Fuel Easement)", under the following terms and conditions:

a. GRANTEE shall obtain the prior written approval of the Commander, 36th Air Base Wing, Pacific Air Forces, Department of the Air Force, or his successor in function, for the siting, design, and construction plans for each roadway crossing;

b. GRANTEE's use shall not materially interfere with the construction, installation, reconstruction, operation, maintenance, repair and removal of said fuel pipelines and related facilities;

c. GRANTEE shall construct and maintain said roadway

crossings in a structural manner to assure that UNITED STATES' property will not be damaged;

d. GRANTEE shall repair any damage it may cause to the property of the UNITED STATES;

e. GRANTEE shall bear any increased operational or maintenance costs incurred by the UNITED STATES in connection with GRANTEE's roadway crossings;

f. The UNITED STATES shall not be responsible for injuries to persons or damages to property which may arise from or be incident to the exercise of right hereunder by GRANTEE, its officers, agents, servants, employees, or others who may be on the property at their invitation or the invitation of any one of them arising from GRANTEE's use of the easement premises hereunder; and

g. GRANTEE shall hold the UNITED STATES harmless from any and all suits or claims which may result from the use of easement premises by GRANTEE, its officers, agents, servants, employees, or others who may be on the property at their invitation or the invitations of any of them arising from GRANTEE's use of the easement premises hereunder.

PROVIDED, FURTHER, that if the GRANTEE (or succeeding owner of the property), plans to conduct any construction or ground-disturbing activities at any and all of the above identified easement premises parcels as described in this paragraph (except for installation of a roadway as discussed in the preceding paragraph), GRANTEE shall first establish to the UNITED STATES' satisfaction that GRANTEE's proposed activities will not adversely affect easement rights of the UNITED STATES in these areas. GRANTEE shall obtain the UNITED STATES' prior written permission before commencing any such activity and be responsible for any damage to UNITED STATES' facilities as a result of GRANTEE's project. The approval of the UNITED STATES shall not be unreasonably withheld and would be provided by the UNITED STATES agency that has cognizance of the easement rights reserved herein.

RESERVING FURTHER, to the UNITED STATES, and its successors and assigns, until October 31, 2000, use of Facility Number 17-3304, the former Avionics Shop, containing approximately 7,194 square feet and this reservation shall automatically terminate on October 31, 2000.

RESERVING FURTHER, to the UNITED STATES, and its successors and assigns, for an indefinite period, use of a 115 foot by 135 foot parcel of land adjacent to and north of Facility Number 17-3304, the former Avionics Shop, for the duration of its requirement as determined by the UNITED STATES and the UNITED STATES shall notify GRANTEE by letter when this use is terminated and GRANTEE shall then have unimpeded use of this land.

RESERVING FURTHER, to the UNITED STATES, the right to excavate approximately 10,000 cubic yards of soil in and around Point of Interest (POI)-10 and approximately 50,000 cubic yards of soil in and around POI-11, as shown in Figures D-8 and D-9 in Exhibit "D", attached hereto and made a part hereof, which the UNITED STATES shall have the right to excavate and place in or on the NAS Agana Landfill (IRP-01) and roadbase, as shown in Figure D-1 in Exhibit "D", attached hereto and made a part hereof. RESERVING FURTHER, truck haul routes along existing roads and right-of-ways between POI-10/11 and the NAS Agana Landfill. Use of the soil for other uses of the soil are subject to receipt of regulatory approvals.

RESERVING FURTHER, to the UNITED STATES, the right to use Monitoring Wells numbered MW-01 to MW-17, DB-01 to DB-08, and LF-01 to LF-10 as shown on "Figure D-23" (part of said Exhibit "D"), for the duration of its requirement as determined by the UNITED STATES and the UNITED STATES shall notify GRANTEE by letter when this use is terminated and GRANTEE shall then have unimpeded use of this land. The size of each Monitoring Well site is a circle with the center at the location shown on said "Figure 1" above, with a radius of fifty (50) feet as measured from the center of the circle.

BY ACCEPTANCE OF THIS DEED OR ANY RIGHTS HEREUNDER, the GRANTEE assumes the obligation of and covenants to abide by and agrees to this transfer subject to the following conditions, reservations and restrictions set forth below, inclusive, of this deed, which shall be perpetual and run with the LAND; provided, that the PROPERTY transferred herein may be successively transferred only with the proviso that any such subsequent transfer shall be subject to the transferee's assumption of all the obligations imposed upon the GRANTEE by the provisions of this instrument.

A. Use by the GRANTEE.

1. Use as Public Airport. Except as provided in subparagraph A.4 herein, the PROPERTY transferred by this instrument shall be used for public airport purposes for the use and benefit of the public on reasonable terms and without unjust discrimination and without grant or exercise of any exclusive right for use of the AIRPORT within the meaning of the term "exclusive right" as used in subparagraph A.6. herein.

2. Maintain in Safe and Serviceable Condition. Except as provided in subparagraph A.4 herein, the entire landing area, as defined in 49 U.S.C. § 40102(a)(28), as amended, and Federal Aviation Regulations pertaining thereto, and all structures, improvements, facilities and equipment in which this instrument transfers any interest shall be maintained for the use and benefit of the public at all times in a safe and serviceable condition so as to assure their efficient operation and use; provided, however, that such maintenance shall be required as to structures, improvements, facilities, and equipment only during the useful life thereof as determined by the Administrator of the Federal Aviation Administration (FAA), or his or her successor in function. In the event materials are required to rehabilitate or repair certain of the aforementioned structures, improvements, facilities, or equipment, they may be procured by demolition of other structures, improvements, facilities, or equipment transferred as a result of this deed and located on the above-described LAND, which have outlived their use as AIRPORT property in the opinion of the Administrator of the FAA or his or her successor in function. Notwithstanding any other provision of this instrument: (1) with the prior written approval of the FAA, the GRANTEE may close or otherwise limit use or access to any portion of the AIRPORT that it deems appropriate if such closure or use limitation is related to AIRPORT operating considerations or is based upon insufficient demand for such portion of the AIRPORT; and (2) with respect to any such portion of the AIRPORT, the GRANTEE shall be under no obligation to maintain the same other than as may be required to maintain adequate public safety conditions.

3. Aerial Approaches and Compatible Land Use. Insofar as it is within its power and to the extent reasonable, the GRANTEE shall adequately clear and protect the aerial approaches to the AIRPORT. The GRANTEE will, whether by the acquisition and retention of easements or other interests in or rights for the use of land, airspace, or by the adoption and enforcement of

zoning regulations, prevent the construction, erection, alteration or growth of any structure, tree, or other object in the approach areas of the runways of the AIRPORT which would constitute an obstruction to air navigation according to the criteria or standards prescribed in Part 77 of the Federal Aviation Regulations, as applicable, according to the currently approved AIRPORT layout plan. In addition, the GRANTEE will not erect or permit the erection of any permanent structure or facility which would interfere materially with the use, operation, or future development of the AIRPORT, in any portion of a runway approach area in which the GRANTEE has acquired, or may hereafter acquire a property interest permitting it to so control the use made of the surface of the land. Insofar as it is within its power and to the extent reasonable, the GRANTEE will take action to restrict the use of land adjacent to or in the immediate vicinity of the AIRPORT to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft.

4. Disposal Without Consent. No property included in the AIRPORT shall be used, leased, sold, salvaged, or disposed of by the GRANTEE for other than airport purposes without the written consent of the Administrator of the FAA or his or her successor in function. This consent shall be granted only if the Administrator of the FAA or his or her successor in function determines that the property can be used, leased, sold, salvaged, or disposed of for other than airport purposes without materially and adversely affecting the development, improvement, operation, or maintenance of the AIRPORT. The term "PROPERTY" as used herein, is deemed to include revenues or proceeds (including any insurance proceeds) derived from the AIRPORT. The term "AIRPORT purposes" means uses of the PROPERTY that are directly related to aeronautical operations (including runway protection zones), or serve as noise buffer land, or which generate revenues which contribute to financial self-sufficiency of the AIRPORT.

5. Public Use for All Types, Classes and Kinds of Aeronautical Use.

(a) The GRANTEE will make its AIRPORT available as an airport for public use on fair and reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical use.

(b) In any agreement, contract, lease, or other arrangement under which a right or privilege at the AIRPORT is granted to any person, firm, or corporation to conduct or engage in any aeronautical activity for furnishing services to the public at the AIRPORT, the GRANTEE will insert and enforce provisions requiring the contractor to, (i) furnish said services on a fair, equal, and not unjustly discriminatory basis to all users thereof, and (ii) charge fair, reasonable, and not unjustly discriminatory prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

(c) Each fixed-based operator at the AIRPORT shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such AIRPORT and utilizing the same or similar facilities.

(d) Each air carrier using such AIRPORT shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the AIRPORT to serve any air carrier at the AIRPORT.

(e) Each air carrier using such AIRPORT (whether as a tenant, non-tenant, or subtenant of another air carrier tenant signatory or non-signatory) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such AIRPORT and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any AIRPORT provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.

(f) The GRANTEE will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the AIRPORT from performing any services on its own aircraft with its own employees

(including, but not limited to maintenance, repair, and fueling) that it may choose to perform.

(g) In the event the GRANTEE itself exercises any of the rights and privileges referenced to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by contractors or concessionaires of the GRANTEE under these provisions.

(h) The GRANTEE may establish such fair, equal, and not unjustly discriminatory conditions to be met by all users of the AIRPORT as may be necessary for the safe and efficient operation of the AIRPORT.

(i) The GRANTEE may prohibit or limit any given type, kind or class of aeronautical use of the AIRPORT if such action is necessary to serve the civil aviation needs of the public.

6. Exclusive Rights. The GRANTEE shall not grant or permit any exclusive right for the use of the AIRPORT, which is forbidden by 49 U.S.C. § 47107(a)(4), as amended, by any person or persons to the exclusion of others in the same class and will otherwise comply with all applicable laws. In furtherance of this covenant (but without limiting its general applicability and effect), the GRANTEE specifically agrees that, unless authorized by the Administrator of the FAA or his or her successor in function, it will not, either directly or indirectly, grant or permit any person, firm or corporation the exclusive right to conduct any aeronautical activity on the AIRPORT including, but not limited to, charter flights, pilot training, aircraft rental and sight-seeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products, whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity. The GRANTEE further agrees that it will terminate as soon as possible and no later than the earliest renewal, cancellation, or expiration date applicable thereto, any exclusive right existing at any AIRPORT owned or controlled by the GRANTEE or hereinafter acquired and that, thereafter, no such right shall be granted. However, nothing contained herein shall be construed to prohibit the granting or exercise of an exclusive right for the furnishing of

non-aviation products and supplies or any services of a non-aeronautical nature or to obligate the GRANTEE to furnish any particular non-aeronautical service at the AIRPORT.

7. Operation and Maintenance.

(a) The GRANTEE will suitably operate and maintain the AIRPORT and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the AIRPORT for non-aeronautical purposes must first be approved by the Secretary of Transportation. The AIRPORT and all facilities which are necessary to serve the aeronautical users of the AIRPORT, other than facilities owned or controlled by the UNITED STATES, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for AIRPORT purposes.

(b) In furtherance of this assurance, the GRANTEE will have in effect at all times arrangements for:

(i) Operating the AIRPORT's aeronautical facilities whenever required;

(ii) Promptly lighting hazards resulting from AIRPORT conditions, including temporary conditions; and

(iii) Promptly notifying airmen of any condition affecting aeronautical use of the AIRPORT.

(c) Nothing contained herein shall be construed to require that the AIRPORT be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operations and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility, which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the GRANTEE.

8. Reports and Inspections. The GRANTEE will: (a) furnish the FAA with annual or special AIRPORT financial and operational reports as may be reasonably requested using either

forms furnished by the FAA or in such a manner as GRANTEE elects so long as the essential data are furnished; and (b) upon reasonable request of the FAA, make available for inspection by any duly authorized representative of the FAA, the AIRPORT and all AIRPORT records and documents affecting the AIRPORT, including deeds, leases, operation and use agreements, regulations, and other instruments and will furnish to the FAA a true copy of any such document which may be reasonably requested.

9. AIRPORT Layout Plan.

(a) The GRANTEE shall keep up to date at all times an AIRPORT layout plan of the AIRPORT showing (1) the boundaries of the AIRPORT and all proposed additions thereto, together with the boundaries of all off-site areas owned or controlled by the GRANTEE for AIRPORT purposes and proposed additions thereto; (2) the location and nature of all existing and proposed AIRPORT facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing AIRPORT facilities; and (3) the location of all existing and proposed non-aviation areas and of all existing improvements thereon. Such AIRPORT layout plan and each amendment, revision, or modification thereof, shall be subject to the approval of the Administrator of the FAA which approval shall be evidenced by the signature of a duly authorized representative of the Administrator of the FAA on the face of the AIRPORT layout plan. The GRANTEE will not make or permit the making of any changes or alterations in the AIRPORT or any of its facilities other than in conformance with the AIRPORT layout plan as so approved by the Administrator of the FAA, if such changes or alterations might adversely affect the safety, utility or efficiency of the AIRPORT.

(b) If a change or alteration in the AIRPORT or the facilities or structures is made which the Administrator of the FAA determines adversely affects the safety, utility, or efficiency of any Federally owned, leased, or funded property on or off the AIRPORT and which is not in conformity with the AIRPORT layout plan as approved by the Administrator of the FAA, the GRANTEE will, if requested by the Administrator of the FAA (1) eliminate such adverse effect in a manner approved by the Administrator of the FAA; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Administrator of the FAA and all costs of restoring such

property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the AIRPORT.

10. Preserving Rights and Powers.

(a) The GRANTEE will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in the conveyance without the written approval of the Secretary of Transportation, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary of Transportation.

(b) The GRANTEE will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the PROPERTY without the written approval of the Secretary of Transportation.

(c) The GRANTEE will take steps satisfactory to the Secretary of Transportation to ensure that the AIRPORT will continue to function as a public-use AIRPORT in accordance with assurances hereunder.

(d) If an arrangement is made for a management and operation of the AIRPORT by any agency or person other than the GRANTEE or an employee of the GRANTEE, the GRANTEE will reserve sufficient rights and authority to ensure that the AIRPORT will be operated and maintained in accordance with 49 U.S.C. § 47107, the regulations and the terms, conditions and assurances in this deed that such arrangement also requires compliance therewith.

11. AIRPORT Revenues. All revenues generated by the AIRPORT from any property herein conveyed and any local taxes on aviation fuel established after 30 December 1987, shall be expended by the GRANTEE for the capital or operating costs of the AIRPORT; the local AIRPORT system; or other local facilities which are owned or operated by the GRANTEE and directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the AIRPORT.

12. Claim for Damages. If at any time it is determined by the Administrator of the FAA that there is any outstanding right or claim of right in or to the AIRPORT described herein, the existence of which creates an undue risk of interference with the operation of the AIRPORT or the performance or compliance with the covenants and conditions set forth herein, the GRANTEE shall, to the extent practicable, acquire, extinguish, or modify such right or claim of right in a manner acceptable to the Administrator of the FAA.

13. Compliance. As part of the consideration for the transfer, the GRANTEE covenants and agrees that: (a) the program for or in connection with which the transfer is made shall be conducted in compliance with pertinent laws, ordinances, rules, orders, or other applicable regulations, and the GRANTEE shall comply with all requirements imposed by or pursuant to the regulations of the United States Department of Transportation ("DOT") in effect on the date of the transfer (49 CFR Part 21), issued under the provisions of Title VI of the Civil Rights Act of 1964, as amended; (b) this covenant shall be subject in all respects to the provisions of said regulations; (c) the GRANTEE shall promptly take and continue to take such action as may be necessary to effectuate this covenant; (d) the UNITED STATES shall have the right to seek judicial enforcement of this covenant; and (e) the GRANTEE shall: (1) obtain from any person, including any legal entity, who, through contractual or other arrangements with the GRANTEE is authorized to provide services or benefits under said program, a written agreement pursuant to which such other person shall, with respect to the service or benefits which he or she is authorized to provide, undertake for himself or herself the same obligations as those imposed upon the GRANTEE by this covenant; and (2) furnish the original of such agreement to the Administrator of the FAA or his or her successor in function, upon his or her request therefor; and that this covenant shall run with the LAND hereby conveyed, and shall in any event, without regard to technical classification or designation, legal or otherwise, be binding to the fullest extent permitted by law and equity for the benefit of, and in favor of the UNITED STATES against the GRANTEE.

B. Use by the UNITED STATES.

1. Routine Use. The GRANTEE shall make available all facilities of the AIRPORT at which the property described herein is located or which are developed with Federal aid, and all

those useable for the landing and taking off of aircraft, to the UNITED STATES OF AMERICA at all times, without charge, and for use by aircraft of any agency of the UNITED STATES OF AMERICA in common with other aircraft, except that if the use of aircraft is substantial, a reasonable share, proportional to such use, of the cost of operating and maintaining facilities so used, may be charged by the GRANTEE against the UNITED STATES OF AMERICA. Unless otherwise determined by the FAA, or otherwise agreed to by the GRANTEE and the using Federal agency, substantial use of the AIRPORT by UNITED STATES OF AMERICA aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the FAA, would unduly interfere with use of the landing area by other authorized aircraft or, that during any calendar month: (1) either five (5) or more aircraft of any agency of the UNITED STATES OF AMERICA are regularly based at the AIRPORT or on land adjacent thereto; or (2) the total number of movements (counting each landing as a movement and each takeoff as a movement) of aircraft of any agency of the UNITED STATES OF AMERICA is three hundred (300) or more; or (3) the gross cumulative weight of aircraft of any agency of the UNITED STATES OF AMERICA using the AIRPORT (the total movements of such Federal aircraft multiplied by gross certified weights thereof) is in excess of five million (5,000,000) pounds.

2. National Emergency. During any national emergency declared by the President of the United States of America or the Congress thereof, including any existing national emergency, the UNITED STATES shall have the right to make exclusive or nonexclusive use and have exclusive or nonexclusive control and possession, without charge, of the AIRPORT at which the surplus property applied for herein is located or used, as it then exists, or of such portion thereof as it may desire. However, the UNITED STATES shall be responsible for the entire cost of maintaining such part of the AIRPORT as it may use exclusively, or over which it may have exclusive possession or control, during the period of such use, possession, or control and shall be obligated to contribute a reasonable share, commensurate with the use made by it, of the cost of maintenance of such property as it may use non-exclusively or over which it may have non-exclusive control and possession. The UNITED STATES shall also pay to the GRANTEE a fair rental for use, control, or possession, exclusively or non-exclusively, of any improvements to the AIRPORT made without UNITED STATES aid and never owned by the UNITED STATES.

C. Reservations to the UNITED STATES.

1. Land for Federal Facilities. The GRANTEE will furnish without cost to the UNITED STATES for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary of Transportation considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four (4) months after receipt of a written request from the Secretary of Transportation.

2. Public Road Access. The UNITED STATES and any successor or successors in interest in or to any remaining property owned or controlled by the UNITED STATES at the former Naval Air Station, Agana, shall have the right of access to and from such property or any portion thereof ("Other UNITED STATES Lands") to the nearest public road or public way along AIRPORT roadways open to public use and the use of the roadways in common with other users of the AIRPORT and all necessary and convenient rights of access to such roadways from contiguous parcels upon such reasonable terms and conditions as the GRANTEE may impose.

3. Future Easements to UNITED STATES. Upon the request of and at no cost to the UNITED STATES, the GRANTEE and its assigns shall at the request of the UNITED STATES, grant perpetual easements, not interfering with GRANTEE's facilities and operations, to the UNITED STATES permitting the construction, installation, reconstruction, operation, maintenance and removal of: water, gas, oil, fuel and other pipelines; drainage and sewer systems; overhead and underground power, telephone and other utility transmission lines; and navigational aids, in, on, under, and over the PROPERTY together with all necessary rights and privileges for the full enjoyment of the foregoing, as determined by the UNITED STATES, including, but without limitation on the foregoing, as determined by the UNITED STATES, the right of ingress and egress. The GRANTEE and its assigns hereby agrees to bear all costs as determined by the UNITED STATES for the relocation of utility lines and other facilities owned by the UNITED STATES in, on, under, and over the PROPERTY

which relocation may be required by or result from construction activities of the GRANTEE or its assigns, and shall prior to undertaking any such relocation, submit to the UNITED STATES for review and approval plans for the proposed relocation project.

D. Miscellaneous. The GRANTEE shall release the UNITED STATES from all liability the UNITED STATES may be under at the time of conveyance for damages limited to those arising under an agreement that provides for UNITED STATES use of any part of an AIRPORT owned, controlled, or operated by the GRANTEE on which, adjacent to which, or in connection with which, the AIRPORT property is located. However, no such release shall be construed as depriving the GRANTEE of any right it may otherwise have to receive reimbursement under the Federal Tort Claims Act of 1948, as amended (28 U.S.C. 2671 et seq.) for the necessary rehabilitation or repair of public airports heretofore or hereafter substantially damaged by any Federal agency.

E. Reservations and Restrictions.

1. In the event that any of the aforesaid terms, conditions, reservations, or restrictions are not met, observed, or complied with by the GRANTEE or any subsequent transferee, whether caused by the legal inability of the GRANTEE or subsequent transferee to perform any of the obligations herein set out or otherwise, the title, right of possession and all other rights transferred by this instrument to the GRANTEE, or any portion thereof, shall at the option of the UNITED STATES, revert to the UNITED STATES in its then-existing condition sixty (60) days following the date upon which demand to this effect is made in writing by the Administrator of the FAA or his or her successor in function, unless within said sixty (60) days such default or violation shall have been cured and all such terms, conditions, reservations and restrictions shall have been met, observed, or complied with, or if the GRANTEE shall have commenced the actions necessary to bring it into compliance with such terms, conditions, reservations and restrictions in accordance with a compliance schedule approved by the Administrator of the FAA or his or her successor in function, in which event said reversion shall not occur and title, right of possession, and all other rights transferred hereby, except such, if any, as shall have previously reverted, shall remain vested in the GRANTEE.

2. Any of the property included in the AIRPORT may be successively transferred to successors and assigns of the GRANTEE only with the approval of the Administrator of the FAA or his or her successor in function as required by the provisions of subparagraph A.4. herein, with the provision that any such subsequent transferee assumes all the obligations imposed herein unless released in writing therefrom by the Administrator of the FAA or his or her successors in function. However, the Administrator of the FAA or his or her successor in function shall have no authority to release the GRANTEE or any subsequent transferee from any of the historic preservation or environmental covenant(s) set forth herein.

3. If the construction as covenants of any of the reservations and restrictions recited herein as covenants or the application of the same as covenants in any particular instance is held invalid, the particular reservation or restriction in question shall be construed instead merely as a condition, upon the breach of which the UNITED STATES may exercise its option to cause the title, interest, right of possession, and all other rights transferred to the GRANTEE, or any portion thereof, to revert to the UNITED STATES, and the application of such reservations or restrictions as covenants in any other instance and the construction of the remainder of such reservations and restrictions as covenants shall not be affected thereby.

F. GRANTEE's Obligation. GRANTEE shall take title subject to such rights, if any, as third persons may have in the PROPERTY at the date of this deed by virtue of any grant from the UNITED STATES or others and shall assume all duties, obligations, and liabilities of the UNITED STATES or any agency thereof thereunder and hold the UNITED STATES harmless from all claims arising from such transfer of title.

G. Mineral Rights. Any subsurface rights to minerals or other interest included in the real property transferred for AIRPORT purposes may not be exploited in such a way as shall interfere with the efficient operation of the AIRPORT.

H. UNITED STATES Rights. The UNITED STATES reserves all right, title, and interest in and to all property of whatsoever nature not specifically transferred, together with the right, but not the obligation, of removal thereof from the AIRPORT within a reasonable time, which shall not be construed to mean any period less than one (1) year after the date of the instrument of

transfer. During such period, the UNITED STATES, its agents, customers, transferees, and successors shall have the right of ingress to and egress from the AIRPORT for the purposes of using, disposing of by sale or otherwise, and removing such property.

I. Payment of Taxes, Assessments, etc. The GRANTEE shall make payment in cash, certified check or postal money order to the UNITED STATES of any amount of money equivalent to the pro rata amount, as of the date of this deed, of all taxes, assessments, and similar charges made against the PROPERTY conveyed, in instances where the particular Federal agency holding the PROPERTY is liable for the payment of such taxes, assessments, or charges.

J. Environmental Provisions.

1. Applicability. The provisions in this Section J apply only to the LAND conveyed in fee simple by this Quitclaim Deed, to include the easement interests reserved by the UNITED STATES.

2. Definitions. Whenever used in this Quitclaim Deed, the terms "hazardous substance", "release", "removal", "remediation action" and "response" have the meanings given such terms under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq., as amended (CERCLA).

3. Environmental Documents. The UNITED STATES has prepared certain reports that describe environmental conditions of the LAND, and various investigative, cleanup or other response actions taken with respect to such conditions, which reports are listed in Exhibit "E", attached hereto and made a part hereof, and in additional documents referenced in said reports. GRANTEE acknowledges and agrees that it has received and reviewed and/or been provided access to such reports and documents listed in Exhibit "E", and that such reports and documents provide various notices with respect to the LAND.

4. Notice Required by 42 U.S.C. § 9620(h)(1)-(3). In accordance with 42 U.S.C. § 9620(h)(1) through (3), and all regulations promulgated thereunder, the following notice of hazardous substances with respect to the LAND is provided:

The UNITED STATES has made a complete search of U.S. Department of the Navy files and records to identify, to the extent such information is available: (i) the names and types of hazardous substances stored for one year or more, or known to have been released, or disposed of, on the LAND; (ii) the estimated quantity in kilograms and pounds of each of such hazardous substances stored for one year or more, or known to have been released or disposed of, on the LAND; and (iii) the time, as described by dates, that such storage, release or disposal occurred. The results of this identification are summarized in the table below. The information contained in this notice is required under the authority of regulations promulgated under 42 U.S.C. § 9620(h).

**Notice of Hazardous Substances Stored,
Released or Disposed of on the LAND**

Substance	Activity	Quantity kg/pounds	RCRA Haz. Waste Number	CAS Registry Number	Date	Response ¹
VOC²						
- TCE ³	Release	Unknown	U228	79-01-6	Unknown	LTM/treatment of groundwater/ Monitored Natural Attenuation
- PCE			U210	127-18-4		
SVOCs/PAHs						
- Benzo(a)anthracene	Residue of fuel combustion and/or burning of vegetation	Unknown	U018	56-55-3	Unknown	Land Use Control (LUC) – use of affected parcels is restricted to industrial use only
- Benzo(c)pyrene			U022	50-32-8		
- Benzo(a)fluoranthene			--- ⁴	203-33-8		
- Benzo(b)fluoranthene			--- ⁴	205-99-2		
- Dibenzo(a,h)anthracene			U063	53-70-3		
- Indeno(1,2,3-cd)pyrene	U137	193-39-5				
PCBs						
- Aroclor 1254	Release	Unknown	NA	11097-69-1	Unknown	LUC – use of affected parcels is restricted to industrial use only
- Aroclor 1260				11096-82-5		
Pesticides						
- Dieldren	Disposal	Unknown	P037	60-57-1	Pre-1975	Disposed at NAS Agana Landfill. Access to and use of landfill restricted; installation of landfill cap and

						storm water drainage system; LTM
Metals						
- Lead, Arsenic	Release	Unknown	NA	7439-92-1 7440-38-2	Unknown	Removal Action at POI-21
- Aluminum ³	Release	Unknown	NA	7429-90-5	Unknown	Metals in Soil: LUC - use of affected parcels is restricted to industrial use only. Metals in Groundwater: no response required as thallium may be naturally occurring. No other metals were detected above industrial PRGs
- Antimony				7440-36-0		
- Arsenic				7440-38-2		
- Beryllium				7440-41-7		
- Cadmium				7440-43-9		
- Chromium				7440-47-3		
- Copper				7440-50-8		
- Iron				7439-89-6		
- Lead				7439-92-1		
- Manganese				7439-96-5		
- Thallium				7440-28-0		

Abbreviated Terms:

CAS = Chemical Abstract Service
 RCRA = Resource Conservation and Recovery Act
 kg = kilogram
 NA = not applicable
 LTM = Long Term Monitoring
 LUC = Land Use Control
 PCB = polychlorinated biphenyls
 SVOC = semivolatle organic compound
 TCE = trichloroethene
 PCE = tetrachloroethene
 VOC = volatile organic compound

Notes:

- ¹ Details on the substances released and the remedial actions taken, if any, are included in Exhibit "F".
- ² For compounds not listed, no response was required because either the contaminants of concern were detected below the USEPA Region IX Preliminary Remediation Goals screening criteria or did not pose a risk to human health and the environment.
- ³ Basewide at Naval Air Station (NAS) Agana (Operable Unit-03). Trichloroethene (TCE), tetrachloroethene (PCE) and thallium occur in groundwater resources. TCE has been detected above regulated limits at production well "NAS-1." TCE, PCE, and thallium have all been detected at OU-3. However, only TCE has been detected above USEPA MCLs at NAS-1. Thallium may be naturally occurring. Source: Ogden Environmental and Energy

628020

Services Company, Environmental Baseline Survey (EBS) Update #1 for NAS Agana. Final. December 1999.

⁴ RCRA and Registry numbers have not been established for these compounds.

⁵ These metals were reported in excess of established NAS Agana background concentrations, although no source was identified.

5. Remedial Actions Taken and Planned. Pursuant to 42 U.S.C. § 9620(h)(3)(A)(i)(III), in the case of any real property owned by the UNITED STATES on which any hazardous substance was stored for one year or more, known to have been released, or disposed of, a description of the remedial actions taken (or where appropriate, a description of the planned remedial action to be taken) is provided in Exhibit "F", attached hereto and made a part hereof.

6. CERCLA Warranty.

(a) In accordance with 42 U.S.C. § 9620(h)(3)(A)(ii)(II), the UNITED STATES hereby warrants to GRANTEE that, in the case of any real property owned by the UNITED STATES on which any hazardous substance was stored for one year or more, known to have been released, or disposed of, any additional remedial action found to be necessary after the date of this conveyance shall be conducted by the UNITED STATES, through the Department of Navy; PROVIDED, HOWEVER, that GRANTEE acknowledges and agrees that the warranty described in this subparagraph (the "CERCLA Warranty") is expressly limited to remedial actions necessary to protect human health and the environment as required by applicable laws and regulations for industrial uses of the LAND, and any remedial actions required for other non-industrial use of the LAND, such as residential use, shall be the obligation of the GRANTEE.

(b) The CERCLA Warranty set forth in subparagraph 6(a) above, shall not apply to the extent that any remedial action required on the LAND is a result of an act or omission of GRANTEE, its licensees, or invitees, or others acting by or through GRANTEE, including, without limitation, members of the general public. As to any such act or omission, including any that adversely impacts or aggravates existing contamination conditions or results in the release of hazardous substances on the LAND, GRANTEE agrees to fund and conduct any such remedial action in proportion to GRANTEE's contribution to the necessity of any remedial action.

7. Response Action Assurances.

(a) Use Restrictions. Necessary restrictions on the use of the LAND to ensure the protection of human health and the environment are provided in this deed.

(b) Non-Disruption of Remedies. Pursuant to 42 U.S.C. § 9620(h)(3)(C)(ii)(II), GRANTEE covenants not to engage in any activity that will interfere, delay, or disrupt any response action conducted by the UNITED STATES, its licensees, invitees, and any other person or entity acting by or through it, on the LAND. GRANTEE agrees to cooperate in good faith by conducting its operations (including, but not limited to, construction activities by GRANTEE, its licensees, invitees, and any others acting by or through it) in such a way as to avoid any conflict with necessary environmental response activities on the LAND.

(c) Response Action Schedule. In accordance with 42 U.S.C. § 9620(h)(3)(C)(ii)(III), the necessary response actions to be conducted on the LAND are set forth below in the Schedule for Planned Response Actions (the "Schedule"), as approved by the appropriate regulatory agency.

Schedule of Planned Response Actions

Site	Summary of Current Status	Planned Response Action	Estimated Date of Completion
IRP-01 - NAS Agana Landfill	Removal Site Evaluation completed	(1) Install landfill cap and storm water drainage ponds (2) Monitoring of groundwater, leachate, and landfill gas wells	(1) February 2001 (2) Ongoing; subject to future requirements as may be necessary
POI-02 - Tank Farm Hazardous Waste Storage Areas	Based on a Preliminary Risk Evaluation (PRE), TPH concentrations remaining on site do not pose a risk to human health and the environment; Navy has recommended NFA; GEPA has concerns about TPH leaching down to groundwater	(1) Conduct additional TPH leachability testing (2) Provide results to BCT (3) Recommend NFA	Fall 2000

Operable Unit 3 - Groundwater beneath NAS Agana	TCE, PCE and thallium concentrations in groundwater exceed drinking water standards (USEPA MCLs). Thallium may be naturally occurring.	Monitor natural attenuation of contaminants by conducting biannual groundwater sampling at monitoring wells mutually agreed upon by GEPA and the Navy, and quarterly sampling at potable well NAS-1 and other wells, if necessary or appropriate; maintain and operate groundwater treatment systems as may be necessary	Ongoing monitoring and operation of treatment facility until TCE and PCE concentrations no longer exceed MCLs, as may be necessary
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Note:

All sites not listed have been approved for No Further Action (NFA) or No Further Response Action (NFRA).

Abbreviated Terms:

BCT = Base Realignment and Closure (BRAC) Cleanup Team
 GEPA = Guam Environmental Protection Agency
 IRP = Installation Restoration Program
 NAS = Naval Air Station
 NFA = No Further Action
 PCE = tetrachloroethene
 POI = Point of Interest
 TCE = trichloroethene
 TPH = Total Petroleum Hydrocarbons
 USEPA MCLs = United States Environmental Protection Agency,
 Maximum Contaminant Levels for Drinking water.

(d) Performance and Funding. In accordance with 42 U.S.C. § 9620(h)(3)(C)(ii)(III) and 42 U.S.C. § 9620(h)(3)(C)(ii)(IV), the UNITED STATES will take the necessary response actions as set forth on, and in accordance with, the Schedule set forth in subparagraph J.7.(c), above, and will submit a budget request to the Director of the Office of Management and Budget that adequately addresses the Schedule for investigation and completion of all necessary response action, on an annual basis; PROVIDED, HOWEVER, the UNITED STATES' response obligations are at all times subject to Congressional authorizations and appropriations.

8. Future CERCLA Warranty. In accordance with 42 U.S.C. § 9620(h)(3)(C)(iii), when all response actions necessary to protect human health and the environment with respect to any hazardous substance remaining on the LAND as of the date of this conveyance have been taken, the UNITED STATES, through the Department of Navy, shall execute and deliver to GRANTEE an appropriate document in recordable form containing a warranty that all such response actions have been taken. The making of such warranty shall be considered to satisfy the requirements of 42 U.S.C. § 9620(h)(3)(A)(ii)(I).

9. Federal Responsibility.

(a) The deferral under this Quitclaim Deed of the warranty required by 42 U.S.C. § 9620(h)(3)(A)(ii)(I) shall not be construed to increase, diminish, or affect in any manner any rights or obligations the UNITED STATES may otherwise have (including any rights or obligations under 42 U.S.C. §§ 9606, 9607, and 9620) with respect to the LAND and AIRPORT.

(b) Notwithstanding any other provision of this Quitclaim Deed, the UNITED STATES covenants and agrees that, subject to the availability of appropriated funds, the Navy will undertake or, in conjunction with the United States Department of Justice, fund necessary environmental response and remedial actions to the extent that it is required by applicable law to undertake or fund in order to respond to a release of hazardous substances beyond the boundaries of the LAND, if the GRANTEE demonstrates to the UNITED STATES' reasonable satisfaction that the release is the result of the Navy's release, disposal or storage of hazardous substances at, on, or under the LAND prior to the effective date of conveyance to GRANTEE by the UNITED STATES; provided, however, that any response and remedial

actions undertaken by the Navy shall be taken in accordance with Department of Defense policy, including that on prioritizing remedial funding.

10. Right of Access.

(a) In accordance with 42 U.S.C. § 9620(h)(3)(A)(iii), the UNITED STATES expressly reserves a right of access to and through all portions of the LAND in any case in which remedial action or corrective action is found to be necessary after the date of conveyance of the LAND, either on the LAND or on adjoining property. The right of access specified herein shall include, but not be limited to, the right to conduct investigations, tests, and surveys, including, where necessary, drilling, test pitting, boring and other similar activities, and additionally, the right to overfly the LAND. Such right shall also include the right to construct, operate, maintain or undertake any other response action as required or necessary, including, but not limited to, actions pertaining to landfill caps, surface water drainage facilities, monitoring wells, production wells and treatment facilities. Except in the case of imminent threat or danger to human health and the environment, the UNITED STATES shall provide GRANTEE written notice prior to any entry made pursuant to this reservation. Any such entry shall be coordinated with GRANTEE and shall be performed, to the extent reasonably possible, in a manner that mitigates any disruption or disturbance of the use and enjoyment of the LAND. GRANTEE hereby waives any and all claims against the UNITED STATES for disruption to or interruption in GRANTEE's activities as a result of such access.

(b) With respect to Installation Restoration Program (IRP)-01, Point of Interest (POI)-02 (Exhibit "D", Figures 1 and 3) and the Operable Unit (OU)-3 groundwater investigation, which includes all the LAND, and any other response action site identified on the LAND, the UNITED STATES and GRANTEE further agree that access will be specifically limited to the authorized personnel of the UNITED STATES, GRANTEE, or Government of Guam, and their respective authorized contractors, unless and until a No Further Action (NFA) or No Further Response Action (NFRA) has been approved for that site.

11. Land Use.

(a) Restricted Use. GRANTEE agrees that all portions of the LAND identified as IRP-01 and -02 and POI-02, -03, -04, -06, -07, -10, -11, -13, -15, -18, -19, -21 and -26 and any other

response action sites approved for no further response action (NFRA) (said IRP and POI sites are shown in Exhibit "D", Figures 3 through 17, attached hereto) and any other response action sites approved for NFRA (said IRP and POI sites and said other response action sites are collectively referred to as the "INDUSTRIAL SITES") shall be used only for industrial use, subject to the additional restrictions of subparagraph J.10.(c) below. As used herein, "industrial use" shall mean any use except residential use. "Residential use" means use as adult and child dwelling(s), and other facilities occupied by children on a consistent basis.

(b) Conditional Use. Notwithstanding the provisions of subparagraph J.11.(a), above, but subject to the provisions of subparagraph J.11.(c) below, GRANTEE may use the INDUSTRIAL SITES for residential use, provided that GRANTEE, at its sole and exclusive cost and expense: (1) performs all environmental response actions necessary to protect human health and the environment as required by applicable laws and regulations for said residential use; (2) obtains the necessary approvals for such use from applicable regulatory agencies; and (3) hereby expressly waives any claim, demand or cause of action arising under this Quitclaim Deed or any law or regulation against the UNITED STATES which may be due to the use of the INDUSTRIAL SITES for residential purposes. GRANTEE hereby agrees to indemnify and defend the UNITED STATES for any losses, claims, or demands against the UNITED STATES which result from such residential use. The obligation under this provision shall run with the LAND in perpetuity.

(c) Response Action Interim Use Restriction. Notwithstanding the provisions of subparagraphs J.11.(a) and J.11.(b) above, GRANTEE covenants and agrees that, with the exception of any use associated with a specific UNITED STATES' response action, it will prohibit all use of those portions of the LAND identified as IRP-01 and POI-02 and any other response action sites identified on the LAND. If GRANTEE plans to conduct any construction or ground-disturbing activities at these sites, GRANTEE shall first establish to the UNITED STATES' satisfaction that GRANTEE's proposed activities will not adversely affect the integrity and operation of the response action. GRANTEE shall obtain the UNITED STATES' prior written permission before commencing any such project and shall be responsible for any damage at the landfill caused by any such activity.

(d) Notice of Remaining Contamination. GRANTEE expressly acknowledges that, after the UNITED STATES has completed response actions on the LAND and executed and delivered the CERCLA warranty described in subparagraph J.8.

above, the INDUSTRIAL SITES will contain hazardous substances and/or petroleum, oil and lubricant (POL) contamination at concentrations that render them unsuitable for residential use and that, if GRANTEE wants to use said INDUSTRIAL SITES for residential purposes, it must first undertake and complete additional response actions in accordance with subparagraph J.11. (b).

12. Soil and Material Use Restrictions. GRANTEE, for itself and any others acting by or through it, agrees not to use or permit to be excavated, removed, or transported for off-site treatment, disposal, or placement, soil or construction material from within the boundaries of the INDUSTRIAL SITES and any other portion of the LAND identified for response action after conveyance of the LAND, unless such soil or construction material has been tested and found to meet all applicable regulations and standards for residential use (regardless of the use of the land upon which the soil or construction material has been taken for treatment, disposal or placement) and until GRANTEE shall first have obtained the prior written approval of the Guam Environmental Protection Agency (GEPA) and other regulatory agencies as required by applicable law and regulation. Notwithstanding the foregoing, the UNITED STATES and GRANTEE acknowledge and agree that soils from in and around POI-10 and POI-11 may be excavated, removed, hauled, and placed in the NAS Agana Landfill (Site IRP-01). The UNITED STATES and GRANTEE acknowledge and agree that these soils are also approved for road base use; provided that such soils, if used for road base purposes, shall not thereafter be used for any other purposes unless all of the requirements set forth above in this paragraph have been met.

13. Groundwater.

The funding and operational responsibilities to be taken by the UNITED STATES and GRANTEE to remediate groundwater attenuation are set forth in Paragraph 22, below. GRANTEE covenants not to permit the use, for human consumption, agricultural purposes, or industrial use, of untested groundwater from within the Land without approval by the UNITED STATES and the Guam Environmental Protection Agency. The UNITED STATES' approval in this context shall not unreasonably be withheld. This restriction shall expire upon the Guam Environmental Protection Agency's approval of remedies for groundwater contamination underlying the Land.

14. NAS Agana Landfill (IRP-01).

GRANTEE agrees not to take any action or permit any action that will disturb, remove, damage, or destroy the landfill contents, liner, cap, leachate collection system, groundwater and gas monitoring system, storm water retention ponds, fences and other facilities situated at IRP-01 or conduct any activities that may adversely affect the integrity and operation of the landfill cap. If the GRANTEE plans to conduct any construction or ground-disturbing activities at the landfill, GRANTEE shall first establish to Navy's reasonable satisfaction that its proposed activities will not adversely affect the integrity and operation of the landfill, the landfill cap or any related facilities and GRANTEE shall obtain Navy's prior written permission before commencing any such activity and such permission should not be unreasonably withheld. Furthermore, GRANTEE shall be responsible for any damage at the landfill caused by any such activity.

15. Unexploded Ordnance. Although GRANTEE is unaware of any unexploded ordnance ("UXO") on the LAND, the Parties recognize that the Island of Guam was a battlefield and that UXO could be encountered on the LAND as a result of the historic battles fought on Guam or the UNITED STATES' use of the LAND. The UNITED STATES hereby agrees that it will assist GRANTEE regarding the removal and disposal of discovered UXO if and to the extent required by then-applicable federal laws and regulations and then-applicable Navy and U.S. Department of Defense policies, and subject to Congressional authorizations and the availability of appropriated funds.

16. Asbestos-Containing Materials.

(a) GRANTEE acknowledges that the LAND is improved with buildings, facilities and equipment that contain or may contain asbestos-containing materials (ACMs). GRANTEE agrees that in its use and occupancy of the LAND, including but not limited to, demolition of buildings with ACMs, it will comply with all applicable Federal and local laws relating to such ACMs. GRANTEE shall maintain the condition of the ACMs to protect building occupants from releases of asbestos and shall be responsible for future releases of ACMs.

(b) GRANTEE covenants and agrees to be responsible for any liability arising by reason of GRANTEE's failure to

perform GRANTEE's obligations with respect to asbestos and GRANTEE's responsibility for maintaining the condition of ACMs and complying with applicable Federal and local asbestos laws and regulations.

(c) The UNITED STATES has no liability for damages for personal injury, illness, disability, or death to the GRANTEE or to the GRANTEE's successors, assigns, employees, invitees, or any other person subject to the GRANTEE's control or direction or to any other person, including members of the general public, arising from or incident to the purchase, transportation, removal, handling, use, disposition, or other act or omission by GRANTEE, its agents, or employees, or others acting under control or authority, causing or leading to contact of any kind whatsoever with asbestos on the LAND, whether the UNITED STATES or GRANTEE has or have properly warned or failed to properly warn the individual(s) injured.

17. Lead-Based Paint. GRANTEE acknowledges that lead-based paint (LBP) may be present in facilities on the LAND, especially those built prior to 1978. GRANTEE acknowledges that the LAND is improved with buildings, facilities, and equipment that contain or may contain LBP. GRANTEE further acknowledges that high concentrations of lead in the body can: damage the brain, nervous system, kidneys, or hearing; affect learning and coordination, cause behavioral problems, blindness, and eventual death; and cause problems in pregnancy and fetal development, and GRANTEE acknowledges that lead is especially hazardous to children of less than six (6) years of age. Prior to the use of any facility located on the LAND which contains LBP for residential habitation or consistent long-term occupancy by children under six (6) years of age, GRANTEE will abate all LBP hazards and all potential LBP hazards from that facility and comply with all Federal and local laws and regulations relating to lead or LBP. GRANTEE further agrees to be responsible for any liability arising by reason of GRANTEE's failure to perform GRANTEE's obligations with respect to lead, LBP and LBP hazards and GRANTEE's responsibility for abatement thereof and complying with applicable Federal and local laws and regulations relating to lead and LBP. The UNITED STATES has no liability for damages for personal injury, illness, disability, or death to the GRANTEE or to the GRANTEE's successors, assigns, employees, invitees, or any other person subject to the GRANTEE's control or direction or to any other person, including members of the general public, arising from or incident to any act or omission

by GRANTEE, its agents, or employees or others acting under GRANTEE's control or authority, causing or leading to contact of any kind whatsoever with lead or LBP at the PROPERTY, whether the UNITED STATES or GRANTEE has or have properly warned or failed to properly warn the individual(s) injured.

18. Radon. GRANTEE is aware that radon is or may be present in buildings located on the LAND. GRANTEE acknowledges that (1) radon, a naturally occurring, radioactive inert gas formed by the radioactive decay of radium atoms in soil and rock, is or may be present on the LAND, (2) radon can enter a building through cracks and openings in the ground and accumulate and distribute unevenly within a building until it reaches concentrations dangerous to the health of living organisms, and (3) radon is odorless, tasteless and colorless and can only be detected by proper instrumentation. GRANTEE further acknowledges that short-term and long-term exposure to radon and/or its decay products presents a significant health risk to living organisms, including, but not limited to, humans, which health risk may include, but not be limited to, lung damage and cancer. GRANTEE agrees in its use of the PROPERTY, it will comply with all Federal and local laws and regulations relating to radon. GRANTEE further agrees to be responsible for any liability arising by reason of GRANTEE's failure to perform GRANTEE's obligations with respect to GRANTEE's responsibility for complying with applicable Federal and local laws and regulations relating to radon. The UNITED STATES has no liability for damages for personal injury, illness, disability, or death to the GRANTEE or to the GRANTEE's successors, assigns, employees, invitees, or any other person subject to the GRANTEE's control or direction or to any other person, including members of the general public, arising from or incident to any act or omission by GRANTEE, its agents, or employees or others acting under GRANTEE's control or authority, causing or leading to contact of any kind whatsoever with radon on the LAND, whether the UNITED STATES or GRANTEE has or have properly warned or failed to properly warn the individual(s) injured.

19. Additional Notifications. In addition to all notices provided to GRANTEE in this Quitclaim Deed, GRANTEE expressly acknowledges all notifications provided in those documents listed in Exhibit "E" and any additional documents referenced in said documents which describe the existing environmental conditions of the LAND.

20. Annual Reporting Requirement. GRANTEE, for itself and any subsequent transferee of any interest in the LAND, covenants and agrees that it will report annually from the date of conveyance, at its expense, on the viability of all land use controls set forth in this Quitclaim Deed. GRANTEE shall submit the report in written form to the UNITED STATES, through the Commander, Pacific Division, Naval Facilities Engineering Command, or his or her successor in function. Upon request, GRANTEE shall also submit a copy of the report to GEPA and any other regulatory agency.

21. Beneficiary of GRANTEE Covenants. The UNITED STATES shall be deemed a beneficiary of all covenants made by GRANTEE as set forth in this Quitclaim Deed without regard to whether it remains the owner of any portion of the LAND or has any interest in land located in the locality of the LAND, and shall have the sole right to enforce these covenants in any court of competent jurisdiction. GRANTEE's obligations hereunder shall run with the LAND.

22. Indemnification.

(a) Subject to paragraphs (b) and (c) below, the UNITED STATES shall indemnify GRANTEE or any successor, assignee, transferee, lender or lessee of GRANTEE to the extent provided for by Section 330 of P.L. 102-484, as said law may be amended or repealed.

(b) GRANTEE for itself and its licensees, invitees, others acting by or through it, and any others on the LAND for any reason, including but not limited to, trespassers on the LAND, covenants and agrees that, except for claims or causes of action arising out of actions directly attributable to the UNITED STATES and its licensees or invitees or any others acting by or through the UNITED STATES and which arise directly out of the continuing obligations of the UNITED STATES expressly set forth herein, and except for situations where the UNITED STATES is obligated to indemnify under Section 330 of P.L. 102-484, as said law may be amended, GRANTEE will indemnify, defend and hold harmless the UNITED STATES and its licensees, invitees and any others acting by or through the UNITED STATES from and against any claims or causes of action arising out of or relating in any way to the LAND from and after its conveyance to GRANTEE.

(c) As set forth in the Environmental Services Cooperative Agreement, attached hereto as Exhibit "G" and incorporated herein by reference, the Navy and the GRANTEE and the Government of Guam (hereinafter called GOVGUAM) provide for the GRANTEE and GOVGUAM's assumption of responsibility for environmental response actions addressing the groundwater contamination underlying the Land. The Environmental Services Cooperative Agreement contains provisions addressing, among other subjects, the parties' respective indemnification rights and responsibilities. As to matters within its scope, the Environmental Services Cooperative Agreement shall control in case of conflict with this Deed.

23. Limitations to Environmental Liability. Subject to Paragraph 22 above, the GRANTEE and its assigns do not hereby contractually assume by this Quitclaim Deed any liability or responsibility for environmental impacts and damage to the extent caused by the Navy's past, present, or future use, generation, treatment, storage, disposal, release, or threatened release of toxic or hazardous wastes, substances, or materials, or petroleum or petroleum derivatives, on or from any portion of the former Naval Air Station Agana, including the Airport. Subject to Paragraph 22 above, the GRANTEE and its assigns have no contractual obligation under this Quitclaim Deed to undertake the defense of any claim or action, whether in existence now or brought in the future, to the extent arising out of the past, present, or future use, generation, treatment, storage, disposal, release, or threatened release by the Navy of any toxic or hazardous wastes, substances, or materials, or petroleum or petroleum derivatives, on or from any part of the former Naval Air Station Agana, including the Airport. This Paragraph does not relieve the GRANTEE and its successors of any obligation or liability they might have or acquire by operation of law in regard to its activities at the Airport.

24. Disclaimer. The description of the PROPERTY and all notifications and information set forth herein are based on the best information available to the UNITED STATES and to the best of the UNITED STATES' knowledge. However, an error or omission by the UNITED STATES shall not constitute grounds or reason for non-performance of the covenants herein to be complied with by GRANTEE.

K. Historic Preservation Covenant. A portion of the PROPERTY conveyed by this deed as shown on Exhibit "H", attached hereto

and made a part hereof, comprises a site that has been determined eligible for inclusion in the National Register of Historic Places in consultation with the Guam Historic Preservation Officer (HPO). The site, also referred to as "Site T-18" is an archaeological site that consists of prehistoric features (two small caves, latte elements and subsurface cultural deposits).

In its future use of the property identified in said Exhibit "H", in perpetuity, GRANTEE and its successors and assigns shall abide by the following terms and conditions:

1. No disturbance of the ground surface shall be undertaken or permitted to be undertaken on said T-18, which would affect its physical integrity without the express prior written permission of the Guam HPO. Should the Guam HPO require, as a condition of the granting of such permission, that the GRANTEE conduct archaeological data recovery operations or other activities designed to mitigate the adverse effect of the proposed activity on this site, the GRANTEE shall at its own expense conduct such activities in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 Federal Register 447344-37) and such standards and guidelines as the Guam HPO may specify, including, but not limited to, standards and guidelines for research design, field work, analysis, preparation and dissemination of reports, disposition of artifacts and other materials, and re-interment of human remains;

2. GRANTEE shall make every reasonable effort to prohibit any person from vandalizing or otherwise disturbing said Site T-18 and shall promptly report any such disturbance to the Guam HPO;

3. The Guam HPO shall be permitted at all reasonable times to inspect the archaeological site (Site T-18) in order to ascertain if the above conditions are being observed;

4. In the event of a violation of this covenant, and in addition to any remedy now or hereafter provided by law, the UNITED STATES may, following reasonable notice to the GRANTEE, institute any action to enjoin said violation or to recover the property; and

5. The failure of the UNITED STATES to exercise any right or remedy under this provision shall not have the effect of

waiving or limiting the exercise of any other right or remedy or the use of such right or remedy at any other time.

L. Cancellation of Existing Agreements for Airport Use. The GRANTEE and the UNITED STATES agree that the following listed real estate agreements affecting the AIRPORT are cancelled as of the effective date of this Quitclaim Deed:

1. That certain Interim Lease Agreement No. N6274295RP00021 between the United States of America, Department of the Navy, and the A. B. Won Pat Guam International Airport Authority, dated the 21st of September, 1995; and

2. That certain Joint Use Agreement, unnumbered, between the United States of America, Department of the Navy, and the Government of Guam, dated the 19th day of July 1974, as amended.

M. Terms. The term "UNITED STATES", wherever used herein, shall be held to mean and include the UNITED STATES and its successors and assigns, and the term "GRANTEE", wherever used herein, shall be held to mean and include the GRANTEE and its successors and assigns, and this instrument shall be binding upon and shall inure to the benefit of the Parties hereto and their said respective successors and permitted assigns.

N. The following Exhibits as listed herein are attached hereto and made a part hereof:

LISTING OF EXHIBITS

Exhibit "A" - Legal Technical Descriptions of Fee Simple Conveyance Parcels

Exhibit "B" - Metes and Bounds Description of Avigation Easement Parcels

Exhibit "C" - Metes and Bounds Description of Drainage Easement Parcels

Exhibit "D" - Figures and Legal Descriptions

Exhibit "E" - Environmental Documents

Exhibit "F" - Remedial Actions Taken and Planned

Exhibit "G" - Environmental Services Cooperative Agreement

Exhibit "H" - Property Description for Historic Parcel

IN WITNESS WHEREOF, the UNITED STATES OF AMERICA, acting by and through the Secretary of the Navy, and the A. B. WON PAT GUAM INTERNATIONAL AIRPORT AUTHORITY, have caused these presents to be executed as of the date first above written.

UNITED STATES OF AMERICA
DEPARTMENT OF THE NAVY

By: J. Michael Kilian
J. MICHAEL KILIAN
Head, Real Estate Department
Pacific Division, Naval Facilities Engineering Command
Real Estate Contracting Officer
Title:
Date: Sept 27, 2000

CONCUR: D. Bray

ACCEPTED BY:
A. B. WON PAT GUAM INTERNATIONAL
AIRPORT AUTHORITY

BY: Pilar C. Lujan
PILAR C. LUJAN
CHAIRMAN OF THE BOARD

DATE: September 29, 2000

ACCEPTED BY:
A. B. WON PAT GUAM INTERNATIONAL
AIRPORT AUTHORITY

By: Gerald P. Binling
GERALD P. BINLING
EXECUTIVE MANAGER
Title:

Date: September 29, 2000

APPROVED AS TO FORM:
CARBULLIDO & BROOKS

By: [Signature]
Title: GIAA Legal Counsel

CONCUR: [Signature]
CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

STATEMENT REGARDING POWER AND WATER

Pursuant to Section 13124 of the Government Code of Guam, as added by Public Law 18-40, the following statements are made:

a) Water is available on the PROPERTY. The GRANTEE (transferee) understands that it may have to pay for water hookup at its sole expense, notwithstanding its status as an autonomous agency of the Government of Guam;

b) Power (electricity) is available on the PROPERTY. The GRANTEE (transferee) understands that it may have to pay for electricity hookup at its sole expense, notwithstanding its status as an autonomous agency of the Government of Guam.

c) The foregoing document transferring an interest in real property is a quitclaim deed given for no consideration pursuant to 49 U.S.C. §§ 47151-47153.

Dated: September 29, 2000.

GRANTEE:

A. B. WON PAT GUAM INTERNATIONAL
AIRPORT AUTHORITY

By: 

Title: Executive Manager

Date: September 29, 2000

ACKNOWLEDGEMENT

GUAM)
) SS:
CITY OF HAGATNA)

On this 29th day of September, 2000, before me appeared Gerald P. Yengling, to me known, who being by me duly sworn, did say that he is the Executive Manager of the A. B. WON PAT GUAM INTERNATIONAL AIRPORT AUTHORITY, an autonomous public agency created pursuant to the laws of the Government of Guam, and said Gerald P. Yengling acknowledged that he executed the Quitclaim Deed as the free act and deed of said A. B. Won Pat Guam International Airport Authority.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Jeanette M. San Nicolas

NOTARY PUBLIC in and for the Territory of Guam

My commission expires: _____

Jeanette M. San Nicolas
Notary Public
in and for Guam, U.S.A.
My Commission Expires: Jan 20, 2004
P.O. Box 170174
Hagatna, Guam 96917

ACKNOWLEDGEMENT

State of Hawaii)
) SS:
City & County of Honolulu)

ON THIS 27th day of September, 2000, before me appeared J. Michael Kilian, to me known, who being by me duly sworn, did say that he is the Real Estate Contracting Officer of the United States of America, represented by the Commander, Pacific Division, Naval Facilities Engineering Command Under Authority of the Secretary of the NAVY, and said J. Michael Kilian acknowledged that he executed the Quitclaim Deed as the free act and deed of said United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

LS

Janette K. Kruse
Janette K. Kruse
NOTARY PUBLIC
My Commission expires: 3 Feb 2002



Office of the Mayor & Vice Mayor
124 Luayao Lane, Barrigada, Guam 96913

May 4, 2017

Honorable Thomas C. Ada
Chairman, Committee on Environment,
Land, Agriculture, and Procurement Reform
34th Guam legislature
Hagåtña, Guam 96910

Re: Bill No. 74-34 (COR), "AN ACT TO PLACE THAT LAND KNOWN AS TIYAN PARCEL T-18 UNDER THE ADMINISTRATIVE JURISDICTION OF THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL; AND TO AUTHORIZE THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL TO ENTER A PARTNERSHIP WITH A NON-PROFIT ORGANIZATION."

Senator Ada, Members of the Committee, *Buenas yan Hafa Adai para Todus Hamyu!* On Behalf of Vice Mayor Jessie P. Bautista, former Mayors of Barrigada, and members of the Barrigada Municipal Planning Council I am here to submit testimony in support of Bill No. 74-34 (COR).

In our review of the Quitclaim Deed between the United States Navy and the Government of Guam, more specifically, the Guam Airport Authority. We found that Item "K" of the Deed was labeled "**Historic Preservation Covenant.**"

We further found that Item "K" also outlined and provided that a portion of the PROPERTY conveyed by the Deed as shown on Exhibit "H" has been determined eligible for inclusion in the National Register of Historic Places in consultation with the Guam Historic Preservation Officer (HPO).

The site, also referred to as "**T-18**" is an archaeological site that consists of prehistoric features (two small caves, latte elements and subsurface cultural deposits). These caves, Mr. Chairman, members of the Committee, were found to have been used as a place of refuge for the Chamorro Slave Laborers utilized by the Japanese Imperial Forces to construct an airfield in the area.

When this issue was first brought to our attention the first thing that came to mind was this song called: "*Ramon San.*" This song is about the work gang who were forced by the Japanese soldiers to work on the airfield.

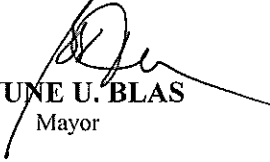
We are ready to assume the responsibility that would be placed on the Mayor's Office. Furthermore, we will work diligently with our Historic Preservation Office to ensure that this Site will be preserved and lobby our Congresswoman to ensure that necessary federal funding is appropriated.

To: Chairman, Committee on Environment, Land, Agriculture, and Procurement Reform
Re: Bill No. 74-34 (COR)
May 4, 2017
Page 2

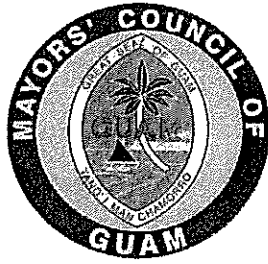
More importantly, we stand ready to enter into a partnership with a non-profit organization interested in developing site **T-18** as a historic and cultural site for all to enjoy.

Thank you for your time and attention and we look forward to your Committee's favorable reporting of Bill No. 74-34 (COR).

Sinceramente,



JUNE U. BLAS
Mayor



MAYORS' COUNCIL OF GUAM

Resolution No. 2017 – 16-004

Introduced By:

Mayor June U. Blas

Vice Mayor Jessie P. Bautista

AND ALL MEMBERS

RELATIVE TO THE MAYORS' COUNCIL OF GUAM SUPPORTING THE PASSAGE AND ENACTMENT OF BILL No. 74-34, "AN ACT TO PLACE THAT LAND KNOWN AS TIYAN PARCEL T-18 UNDER THE ADMINISTRATIVE JURISDICTION OF THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL; AND TO AUTHORIZE THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL TO ENTER A PARTNERSHIP WITH A NON-PROFIT ORGANIZATION."

1 **BE IT RESOLVED BY KONSEHELON MAHOT GUÅHAN:**

2 **WHEREAS**, during its review of the Federal Excess Lands Parcel Lot Naval *Air Station*
3 *Agaña R-10, I Liheslaturan Guåhan* found that it included in the returned parcel an area known as T-
4 18. Furthermore, this site "T-18" has historic significance relative to the pre-latte period and that the
5 caves in T-18 were found to have been used as a place of refuge and rest for the Chamorro Slave
6 Laborers utilized by the Japanese Imperial Forces to construct an airfield in what is known today as the
7 Guam International Airport; and

8 **WHEREAS**, recognizing the significance of this site, legislation was introduced to place
9 administrative jurisdiction of the site "T-18" under the Mayor of Barrigada and the Municipal Planning
10 Council. The legislation further authorizes the Mayor and the Municipal Planning Council to enter into
11 a partnership with a non-profit organization to develop, maintain and preserve the site for our people;
12 and

1 **WHEREAS**, most of the Chamorro Slave Laborers used to build the airfield under the rule of
2 the Japanese Imperial Forces were from the surrounding areas of Barrigada; now, therefore be it

3 **RESOLVED**, that the Mayors' Council of Guam, does hereby, on behalf of the people of
4 Guam, support Bill No. 74-34, "AN ACT TO PLACE THAT LAND KNOWN AS TIYAN PARCEL
5 T-18 UNDER THE ADMINISTRATIVE JURISDICTION OF THE MAYOR OF BARRIGADA
6 AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL; AND TO AUTHORIZE THE
7 MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL TO
8 ENTER A PARTNERSHIP WITH A NON-PROFIT ORGANIZATION," and it be further

9 **RESOLVED**, that the President certify to and the Council Secretary attests the adoption
10 hereof, and that copies of the same be thereafter transmitted to and that copies of the same be thereafter
11 transmitted to the Honorable Benjamin J.F. Cruz, Speaker of *I Liheslaturan Guåhan*; to Senator and
12 Bill Sponsor Thomas C. Ada, and all Senators of the 34th of *I Liheslaturan Guåhan* and, to the
13 Honorable June U. Blas, Mayor and Chairperson of the Barrigada Municipal Planning Council and to
14 Edward J.B. Calvo, *I Maga'lahaen Guåhan*.

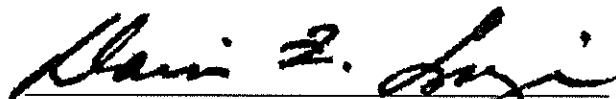
15
**DULY ADOPTED ON THE 3rd DAY OF MAY 2017,
IN THE CITY OF HAGÁTÑA, GUAM.**

CERTIFIED BY:



MAYOR PAUL M. McDONALD
President

ATTESTED BY:



MAYOR DORIS FLORES LUJAN
Secretary



Fwd: request for comment on Bill 74-34 (COR) relative to Tiyan Parcel T-18

tom@senatorada.org <tom@senatorada.org>

Thu, May 4, 2017 at 4:09 AM

To: Borja Joe <JBorja@senatorada.org>

Cc: rsalas@senatorada.org, Flores Charlene <flores@senatorada.org>, Luhr Cyrus <cyrus@senatorada.org>

Sen. Tom Ada
34th Guam Legislature

Sent from my iPhone

Begin forwarded message:

From: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Date: May 3, 2017 at 8:56:22 PM GMT+10

To: "Senator Tom C. Ada" <tom@senatorada.org>

Subject: Fwd: request for comment on Bill 74-34 (COR) relative to Tiyan Parcel T-18

Hafa Adai Sentator Ada,

Here is more information from Joseph Santos for the public hearing tomorrow on Bill 74-34.

Thank you.

--

The Office of Vice Speaker Therese M. Terlaje

Committee on Culture and Justice

I Mina'trentai Kuáttro na Liheslaturan Guåhan

34th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 472-3589

senatorterlajeguam@gmail.com

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----- Forwarded message -----

From: **Johnny Sablan** <johnny.sablan@dca.guam.gov>

Date: Wed, May 3, 2017 at 5:17 PM

Subject: Fwd: request for comment on Bill 74-34 (COR) relative to Tiyan Parcel T-18

To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Vice Speaker

Joe Santos of HRRRA has institutional knowledge of the area of subject lot. Please find his short narrative of the area for your information. Maps are included herewith.

si Johnny

----- Forwarded message -----

From: **Joseph Santos** <joseph.santos@hrra.guam.gov>

Date: Wed, May 3, 2017 at 3:03 PM

Subject: Re: request for comment on Bill 74-34 (COR) relative to Tiyan Parcel T-18

To: Johnny Sablan <johnny.sablan@dca.guam.gov>

Mas Ge'hilo Sablan,

Tiyan is a whole can of worms on discussing due to the various issues associated with the locale. Nevertheless, Guam had legislatively approve the Tiyan Reuse Plan that was to set the parameters of how the former NAS was to be used in accordance with what the Government of Guam had developed in conjunction with the Office of Economic Security, Department of Defense as a part of BRAC. During the latter part of Governor Guterriez's term and Governor Camacho term, the lands were transferred to GEDA and GIAA as the government's designated administrative representative. However, the legislature wanted to take the return lands and give it back to the original landowners. Who by the way was compensated three (3) times over with compensation record in the District Court of Guam. Nonetheless, that was what happened. FAA, NPS, and FHWA intervened and make it clear to the government of Guam that it would exercise its reversionary right under the Tiyan Reuse Plan and deed to the Government of Guam. Government of Guam returned the lands back to the administering government of Guam agencies.

The area specified in the bill has some issues, specifically environmental concerns. The area was in proximity to an airport dump and was designated a part of the CERCLA. GEPA and the GIAA should have more specifics on this subject matter. GIAA has designated the area in its Facilities Plan as the South Ramp with the primary land use as "Maintenance" having "environmental mitigation" As to the historical nature of the area, the Tiyan Reuse Plan, page 25 provides no cultural or archeological sites due to the heavy disturbance by Chamorro slave labor under the hands of the Japanese Imperial forces to the create the Tiyan Airfield. My grandfather, Ignacio Mendiola Cruz, from San Ignacio, Hagatna, was one of them.

I am attaching the references mentioned above.

My recommendation - instead of forcing DPR SHPO and GIAA to act of something that could not be proven but wish to have and antagonize FAA again, coordinate with GIAA to amend GIAA Facilities Plan to designate a memorial in that area to honor the Chamorro's who were used for slave labor under the Japanese Imperial forces and not the places within Barrigada.

I'm sending two (2) emails to fit the documents' mentioned.

Joe

JOSEPH C. SANTOS
Hagatna Restoration and Redevelopment Authority (HRRA)
(671) 475-4281
(671) 787-8808
joseph.santos@hrra.guam.gov

On Tue, May 2, 2017 at 4:00 PM, Johnny Sablan <johnny.sablan@dca.guam.gov> wrote:
Joe

Do you know about this land whether its historical etc.....Sen. Therese Terlaje would like informational knowledge.
Please let me know.

--

The Office of Vice Speaker Therese M. Terlaje
Committee on Culture and Justice
I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
T: (671) 472-3586 F: (671) 472-3589
senatorterlajeguam@gmail.com

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6 attachments

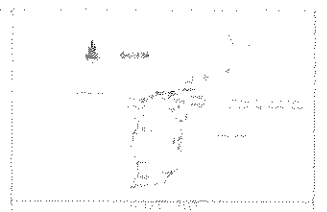
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261K

Historical and Archeological Resources

Brewer Field, a former coral bed airfield, is not eligible for nomination to the National Register due to severe alteration of the site. Fourteen other sites, which were constructed on NAS Añaña prior to 1954, were considered to be possible historical resources.

However, only 3 of the 14 sites are potentially eligible for National Register status: Building 12-65 and two abandoned aircraft, which are located near the fire fighting training pit. Four of the sites no longer exist and the other seven are not eligible for National Register status, being of minor significance or having undergone severe alterations. Building 12-65 is one of the earliest permanent structures on the installation and could be eligible for National Register status.

A cultural resources survey of NAS Añaña was performed in August 1993. No prehistoric Chamorro Period or Spanish Period archaeological sites were found (Ogden, 1994a). The Guam Historic Preservation Plan contains no sites on NAS Añaña (DPR, 1976).

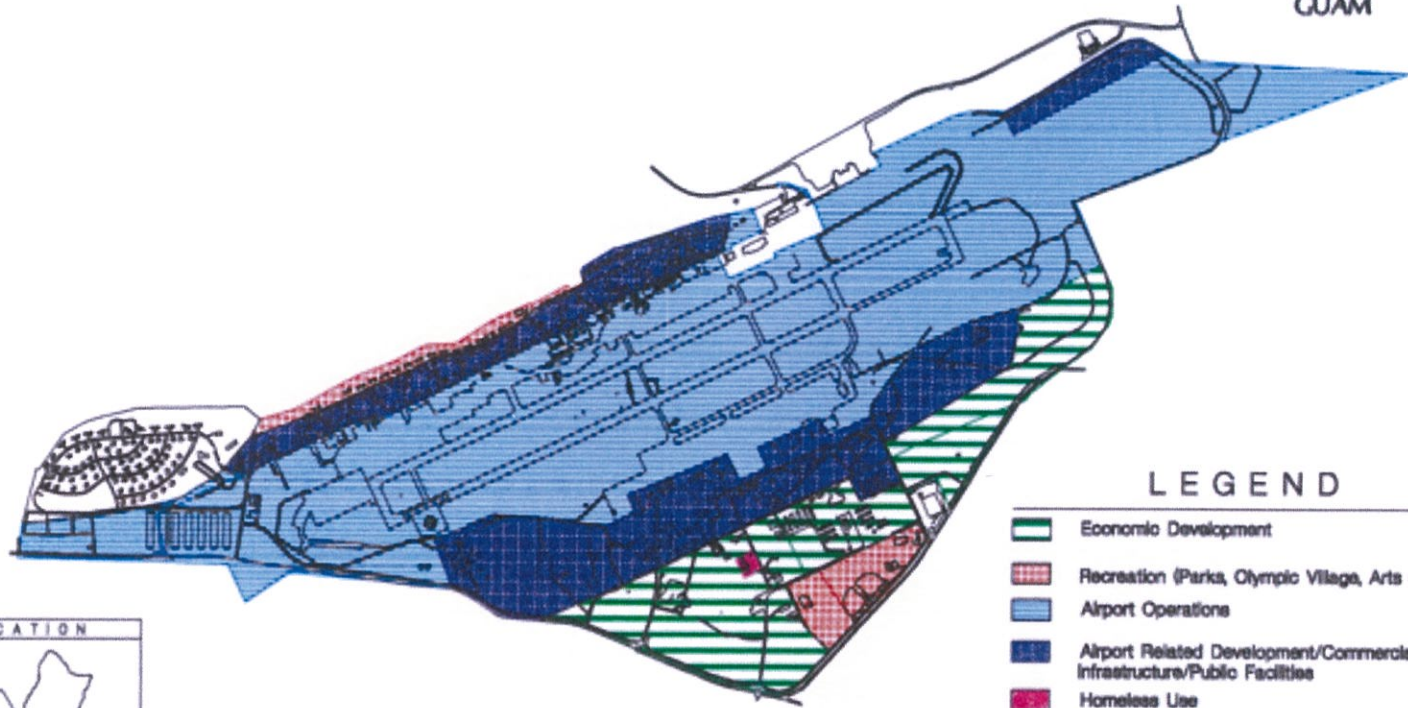


This document is a technical drawing of a land plot, showing the boundaries, internal divisions, and other relevant details. The drawing is enclosed in a dashed rectangular border.






The drawing is a technical drawing of a land plot, showing the boundaries, internal divisions, and other relevant details. The drawing is enclosed in a dashed rectangular border.

The drawing is a technical drawing of a land plot, showing the boundaries, internal divisions, and other relevant details. The drawing is enclosed in a dashed rectangular border.

The drawing is a technical drawing of a land plot, showing the boundaries, internal divisions, and other relevant details. The drawing is enclosed in a dashed rectangular border.



LEGEND

-  Economic Development
-  Recreation (Parks, Olympic Village, Arts Center)
-  Airport Operations
-  Airport Related Development/Commercial/Infrastructure/Public Facilities
-  Homeless Use

LOCATION



Prepared by BRAC GOVUJAM STEERING COMMITTEE
Base map by BUREAU OF PLANNING, February 1999

Draft

**First Five-Year CERCLA Review
of 15 BRAC III and IV
Land Use Control Sites**

BASE REALIGNMENT AND CLOSURE III AND IV, GUAM

March 2013

**Department of the Navy
Naval Facilities Engineering Command, Pacific
258 Makalapa Drive, Suite 100
JBPHH HI 96860-3134**



**Comprehensive Long-Term Environmental Action Navy
Contract Number N62742-03-D-1837, CTO 0017**

EXECUTIVE SUMMARY

This five-year review evaluates whether the remedies implemented for 15 land use control (LUC) sites on the island of Guam, 14 of which have been transferred by Naval Facilities Engineering Command (NAVFAC) Pacific under the Base Realignment and Closure (BRAC) III and IV programs, remain protective of human health and the environment.

The due date for this five-year review is driven by the signature date of the earliest decision document (DD) for the 15 sites. Three DDs (IRP-01, Agana Power Plant, and Route 2A) were signed on 21 July 2008, triggering the completion date for this five-year review. This five-year review has been completed in accordance with the United States Environmental Protection Agency (EPA 2001) *Comprehensive Five-Year Review Guidance* and with the Department of the Navy (DON 2011) *Policy for Conducting Five-Year Reviews*. The Department of the Navy is the lead agency in this five-year review and is responsible for conducting the five-year review, preparing the five-year review report, and submitting the report for regulatory review and comment. The Navy will ensure that recommendations and any actions or follow up identified during the five-year review are addressed. The five-year review report is consistent with Navy procedures and reviews, and has been executed by the Navy.

SITES REVIEWED

The 15 sites under five-year review (Figure ES-1) in this report include 12 sites located at former Naval Air Station (NAS) Agana that were investigated under BRAC III, and three other sites in Guam that were investigated under BRAC IV. Of the sites, 11 were investigated together with a single DD. Each of the 4 additional sites were investigated separately and a DD issued for each site. The 15 sites include all BRAC III and BRAC IV sites in Guam for which LUCs are part of the selected site remedy. The 15 sites are undergoing their first five-year review in this report and they are reviewed collectively here to synchronize the process for five-year reviews for the Guam BRAC LUC sites.

Documents provided prior to September 2012 were evaluated for this five-year review report. Documents available after that date will be included in this report only if they contain information that significantly impacts a current site remedy; otherwise, those documents will be evaluated during the next five-year review. In addition, the risk evaluation was conducted using May 2012 regional screening levels (EPA 2012), the most current screening criteria available as of September 2012.

An overview of the 15 sites is presented in Table ES-1. For each site, all relevant activities that have been performed, as well as data and documents that have been generated since implementing the various remedial actions, have been reviewed. Site inspections and interviews with relevant personnel have been recorded.

REVIEW RESULTS

For all 15 sites undergoing review, the Technical Assessment determined whether:

- The remedy is functioning as intended.
- The assumptions used at the time of remedy selection remain valid, and the remedial action objectives are still appropriate.
- Any other information was identified that calls into question the protectiveness of the remedy.

Recommendations are provided where necessary to close any data gaps and improve the effectiveness of the remedial actions in protecting human health and the environment. The Issues, Recommendations and Follow-up Actions, and Protectiveness Statements for each site are summarized in the Five-Year Review Summary Form, which follows this Executive Summary.

\\usshmf1p003\data\Projects\ENV\Federal\NAVY\CLEAN_II\ICTO 0017 (60135555)60_Reports\00_5-yr Reviews\02_Figures\GIS\02_MXD\Figure ES-1 - Site Location Map.mxd 2/22/2013

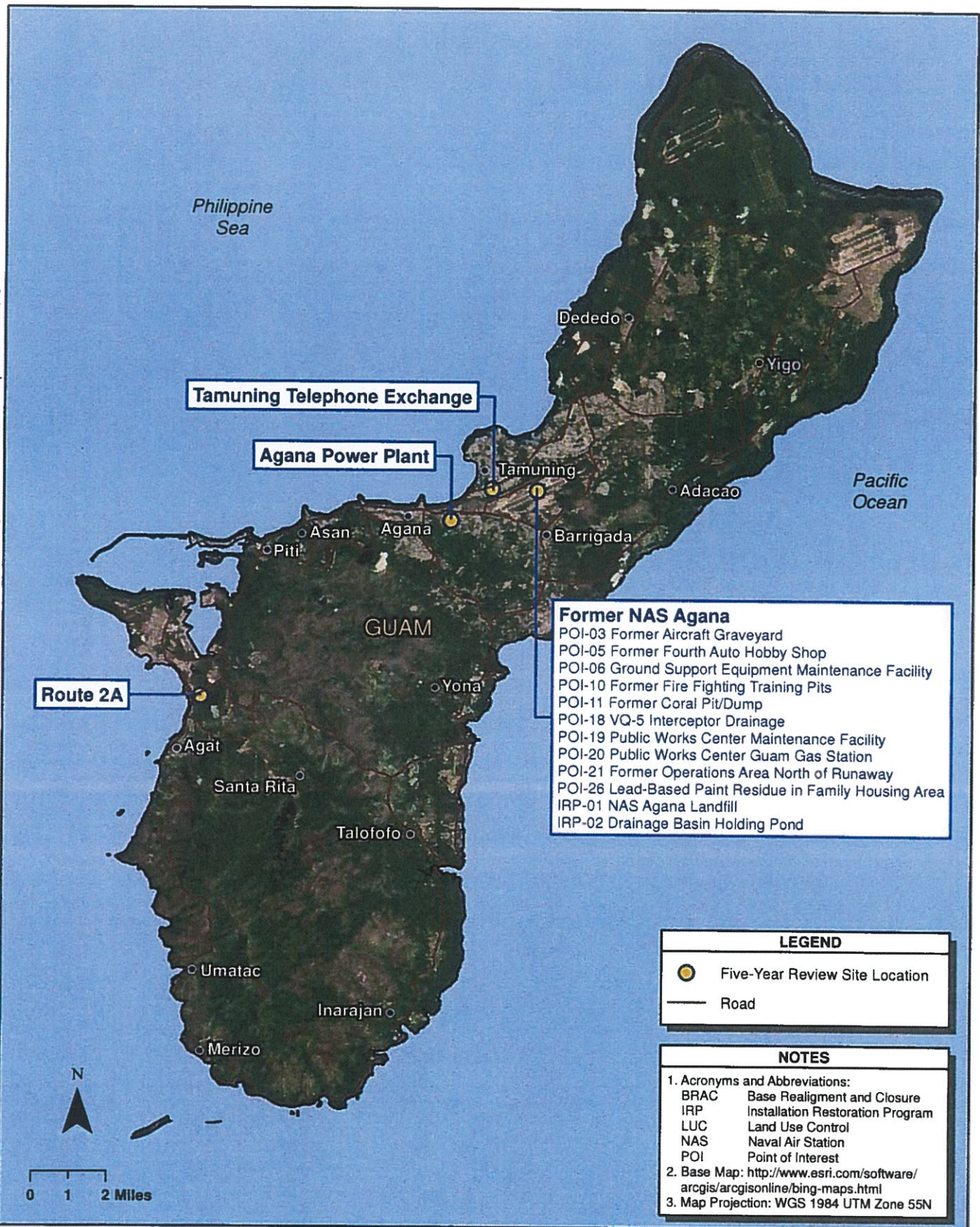


Figure ES-1
Location of Guam BRAC III and IV Sites
Undergoing Five-Year Review
First Five-Year CERCLA Review of
15 BRAC III and IV LUC Sites

Table ES-1: Overview of 15 Guam BRAC III and BRAC IV LUC Sites Undergoing Five-Year Review

Site Name	Description	Date of Decision Document	COCs Remaining on Site at Issuance of Decision Document		Selected Remedy
			Medium	Constituent(s)	
BRAC III Sites (former NAS Agaña)					
POI-03 – Former Aircraft Graveyard	A 5.27-acre site located on a hill opposite the current GEPA office. The site was used to store abandoned airplanes in various stages of disrepair. The western portion of the site is the supposed area where aircraft were buried. Potential contaminant sources included aircraft and aircraft parts.	DON (2009)	Soil	Arsenic Benzo(a)pyrene Chromium Dibenzo(a,h)anthracene Lead	LUCs
POI-05 – Former Fourth Auto Hobby Shop	An auto hobby shop located near the western boundary of Former NAS Agaña, which existed from the early 1970s through 1977. Potential contaminant sources included engine oil and other automotive fluids.	DON (2009)	Soil	Arsenic Benzo(a)pyrene Dibenzo(a,h)anthracene Lead	LUCs
POI-06 – Ground Support Equipment Maintenance Facility	POI-06 provided maintenance functions for all aircraft Ground Support Equipment (GSE) from 1965 through base closure in 1995. Prior to 1962, waste-dry cleaning solvents were discharged to the ground surface around the facility, and waste oil was reportedly used for weed control in the area before 1963. The site consists of two buildings separated by a concrete apron where various vehicle parts, machinery, and equipment were stored. From approximately 1978 to 1991, GSE operated a sandblast booth on site to strip equipment of enamel paint. Potential contaminant sources include a small battery storage area, a dry paint booth, metal cutting and welding equipment, scrap metal, storm water discharges, waste oil, dry-cleaning solvent, and sandblast grit/material.	DON (2009)	Soil	Arsenic	LUCs
POI-10 – Former Fire Fighting Training Pits	POI-10 contains two former Fire Fighting Training Pits (FFTPs) southeast of the Former NAS Agaña runways. Firefighting training activities conducted in these pits included burning 500 to 1,000 gallons of fuel at a time. Potential contaminant sources include aviation kerosene (JP-4 and JP-5) from the Fuel Tank Farm, waste oils, Freon, and hydraulic fluids from the GSE facility.	DON (2009)	Soil	Antimony Arsenic Benzo(a)pyrene Cadmium Lead	LUCs
POI-11 – Former Coral Pit/Dump	This area was originally excavated for coral construction sand, and was subsequently filled to grade with vegetative waste, construction rubble, and metal debris. Potential contaminant sources include discharge pipes from oil/water separators at POI-10 and wastewater flow from the POI-10 back pit.	DON (2009)	Soil	Arsenic Benzo(a)pyrene Chromium Dibenzo(a,h)anthracene	LUCs
POI-18 – VQ-5 Interceptor Drainage	A 0.13-acre site located along the flightline, straddling the old VQ-5 Hangar. POI-18 contains an oil/water interceptor, an oil/water separator and two large unlined drainage ditches in use from the 1960s until base closure. Potential contaminant sources include storm water from along Neptune Avenue, discharges from the oil/water interceptor and oil/water separator, and fuel/oil accidentally released to ditches.	DON (2009)	Soil	Benzo(a)anthracene Benzo(a)pyrene Benzo(b)fluoranthene Indeno(1,2,3-cd)pyrene	LUCs

*Draft First Five-Year CERCLA Review of 15 BRAC III and IV LUC Sites
BRAC III and IV, Guam*

March 2013

Exec. Summary

Site Name	Description	Date of Decision Document	COCs Remaining on Site at Issuance of Decision Document		Selected Remedy
			Medium	Constituent(s)	
POI-19 – Public Works Center Maintenance Facility	A 2.11-acre site located in the west-central portion of former NAS Agana, just south of the flightline. The site is currently in use as a maintenance facility for airport fire-fighting vehicles. It contains three areas. The first area consists of the Repair shop (Bldg. 16-6103) and two inactive USTs that are located adjacent to the building. The second area is the hazardous waste storage area that is also adjacent to Bldg. 16-6103. The third area is the vehicle refueler maintenance area (Bldg. 16-6105). Potential contaminant sources include waste oil, brake fluid, battery acid, antifreeze, automotive and jet fuel, and solvents.	DON (2009)	Soil	Aroclor 1260 Aluminum Antimony Arsenic Beryllium Chromium Manganese	LUCs
POI-20 – Public Works Center Guam Gas Station	A fuel dispensing station from the 1960s through 1993, the site is located south of Seabee Avenue and north of Sherman Boulevard. Potential contaminant sources include unleaded gasoline, gasoline components, and diesel fuel.	DON (2009)	Soil	TRPH	LUCs
POI-21 – Former Operations Area North of Runway	A 263-acre area located between Central Avenue and the north runway where aircraft operations and maintenance activities were conducted until 1962. Potential contaminant sources include airplane maintenance operations, fueling and defueling, bunkers used to store flammable materials and munitions, maintenance shops, drainage area, storm water, and discharges to a dry well.	DON (2009)	Soil	Aroclor 1260 Antimony Arsenic Benzo(a)anthracene Benzo(a)pyrene Benzo(b)fluoranthene Chromium Dibenzo(a,h)anthracene Indeno(1,2,3-cd)pyrene Lead Manganese	LUCs
POI-26 – Lead-Based Paint Residue in Family Housing Area	The site encompasses the former Enlisted Family Housing Area located along the north central perimeter of former NAS Agana. Constructed in the 1950s and 1960s and used for housing until the base closed in April 1995. Potential contaminant sources include paint-removal activities and lead residue.	DON (2009)	Soil	Lead	LUCs
IRP-01 – NAS Agana Landfill	A waste disposal site for NAS Agana and a municipal sanitary landfill that served the northern part of Guam from the early 1950s until 1975. Potential contaminant sources include municipal refuse and military wastes including domestic trash, construction debris, scrap military hardware, and some industrial and medical wastes.	DON (2008a)	Soil Groundwater Soil Gas	Arsenic * Bis(2-chloroethyl)ether * Chromium * Antimony bis(2-ethylhexyl)phthalate 1,2-Dichloroethane gamma-BHC Thallium Trichloroethene Benzene * Carbon tetrachloride *	Consolidating refuse and contaminated soil; Installation of a landfill cover, gas venting system, and drainage control structures; LTM; and LUCs

March 2013 Draft First Five-Year CERCLA Review of 15 BRAC III and IV LUC Sites
BRAC III and IV, Guam

Exec. Summary

Site Name	Description	Date of Decision Document	COCs Remaining on Site at Issuance of Decision Document		Selected Remedy
			Medium	Constituent(s)	
IRP-02 - Drainage Basin Holding Pond	The Drainage Basin Holding Pond site is located in the west central portion of former NAS Agana and consists of two storm water detention basins connected by a drainage channel. Potential contaminant sources include storm water runoff from the aircraft taxiway, the aircraft parking apron, and other surrounding areas.	DON (2009)	Soil	Aroclor 1260 Arsenic Benzo(a)pyrene Dibenzo(a,h)anthracene	LUCs
BRAC IV Sites					
Agana Power Plant	The Agana Power Plant was built in 1949 to provide electricity to NAS Agana and GovGuam customers throughout the central and northern parts of Guam. Potential contaminant sources include electrical facilities, transformers, drum storage activities, storm water, diesel, fuel oil, and waste oil tanks, as well as drains and sumps.	DON (2008b)	Soil	PCBs	LUCs
Route 2A	A 12.7-acre site located in the village of Santa Rita that served as a heavy equipment maintenance and repair unit from 1947 to 1967 and as a vehicle maintenance shop from 1967 to 1979. Currently, the concrete foundations of the old demolished buildings are used for the forming and curing of concrete building components. Potential contaminant sources include large-scale oil and lubricant handling, painting, and sand blasting.	DON (2008c)	Soil	PCBs	LUCs
Tamuning Telephone Exchange	A 2-acre site used as a telephone exchange and as a vehicle parking area. The TTE is situated along Marine Corps Drive (Route 1) in the village of Tamuning, Guam. Potential contaminant sources include diesel fuel from storage tanks, a septic tank, buried magnesium anodes, sulfuric acid from lead/acid batteries, and spent solvents.	DON (2008d)	Soil	Benzo(a)pyrene Dibenzo(a,h)anthracene Indeno(1,2,3-cd)pyrene Lead PCBs	LUCs

- BHC benzene hexachloride
 - Bldg. building
 - COC chemical of concern
 - DRO diesel range organics
 - GEPA Guam Environmental Protection Agency
 - GovGuam Government of Guam
 - LRO lube oil range organics
 - LTMM long-term maintenance and monitoring
 - PCB polychlorinated biphenyl
 - POI point of interest
 - TCDD tetrachlorodibenzo-p-dioxin
 - TEQ toxic equivalency quotient
 - TRPH total recoverable petroleum hydrocarbons
 - TTE Tamuning Telephone Exchange
- * Compound exceeds the screening criteria but do not pose a health threat.

REPORT FORMAT

The five-year reviews of the 15 sites are presented in parallel format in this report to maintain site-specific continuity while following the outline defined in the *Comprehensive Five-Year Review Guidance* (EPA 2001, Appendix E). Each site's five-year review follows an identical outline.

A single introduction section is presented in the front of the document, following the Acronyms and Abbreviations list. It includes a general physiographic description, as well as region specific information. One description is provided for the former NAS Agana vicinity where 12 of the 15 sites are located. The main report presents the individual site reviews in two groups – BRAC III sites and BRAC IV sites. Section and page numbering is independent for each site; page headers identify the site under review.

Each site is reviewed by the headings recommended in the EPA (2001) guidance:

- Site Chronology
- Background
- Remedial Actions
- Progress Since the Last Five-Year Review
- Five-Year Review Process
- Technical Assessment
- Issues, Recommendations, and Follow-up Actions
- Protectiveness Statement
- Next Review

Attachments to each site's review present the Five-Year Review Site Inspection Checklist, Site Photographs, and Interview Forms. Page headers and title pages identify the site under review.

Part C presents the Certification of Protectiveness for the 15 sites.

Five-Year Review Summary Form

SITE IDENTIFICATION		
Site name: 15 Guam BRAC III and IV LUC Sites		
EPA ID: N/A		
Region: 9	State: GU	City/County: Agana
SITE STATUS		
NPL status: <input type="checkbox"/> Final <input type="checkbox"/> Deleted <input checked="" type="checkbox"/> Other (specify) Non-NPL CERCLA Site		
Remediation status (choose all that apply): <input type="checkbox"/> Under Construction <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Complete		
Multiple OUs? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Construction completion date: Remedial actions completed at POI-03 and POI-18 completed 29 October 2010	
Have sites been put into reuse? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
REVIEW STATUS		
Lead agency: EPA State Tribe <input checked="" type="checkbox"/> Other Federal Agency: Department of the Navy		
Author name: AECOM Technical Services, Inc.		
Author title: --	Author affiliation: Navy CLEAN Contractor	
Review period: July 2008 to June 2013 (anticipated final publication date)		
Date(s) of site inspection: 17–21 September 2012		
Type of review: <input type="checkbox"/> Post-SARA <input type="checkbox"/> Pre-SARA <input type="checkbox"/> NPL-Removal only <input checked="" type="checkbox"/> Non-NPL Remedial Action Site <input type="checkbox"/> NPL State/Tribe-lead <input type="checkbox"/> Regional Discretion		
Review number: <input checked="" type="checkbox"/> 1 (first) <input type="checkbox"/> 2 (second) <input type="checkbox"/> 3 (third) <input type="checkbox"/> Other (specify)		
Triggering action: Actual RA Onsite Construction at OU # _____ Actual RA Start at OU# _____ Construction Completion Previous Five-Year Review Report <input checked="" type="checkbox"/> Other (specify): Signature date of Decision Documents		
Triggering action date: Signature date of earliest Decision Documents (IRP-01, Agana Power Plant, and Route 2A Decision Documents were all signed 21 July 2008)		
Due date (five years after triggering action date): 21 July 2013		

Summary of Five-Year CERCLA Review of 15 BRAC III and IV Sites

Issues	Recommendations and Follow-up Actions	Protectiveness Statement
<p>POI-03 - Former Aircraft Graveyard Contaminated soil was removed from the site.</p>	<p>Based on the remediation verification report and concurrence from GEPA, no further action is necessary at the site. Five-year reviews of POI-03 should be discontinued since the site is now suitable for unrestricted use and unlimited exposure. The procedure for lamination of LUCs spelled out in the LUC work plan (WP) should be followed.</p> <p>Soil with elevated levels of TPH, PAHs, and metals was removed from the site. GEPA and Navy representatives discussed whether LUCs should be placed on the area where soil from POI-03 was relocated. The new location of relocated soil from POI-03 may require further evaluation by the GAA in consultation with GEPA.</p>	<p>The remedy at Site POI-03 Former Aircraft Graveyard, a BRAC III site at former NAS Agaña, Guam, is protective of human health and the environment, and exposure to impacted soils that could result in unacceptable risks have been removed. The site is now suitable for unrestricted use and unlimited exposure, and five-year reviews are no longer necessary.</p>
<p>POI-05 - Former Fourth Auto Hobby Shop Based on observations made during the 2012 site inspection, the four dry wells at POI-05 are located in an area of dense vegetation and presumably no longer in use. Annual LUC inspections have not been conducted.</p>	<p>If the dry wells at POI-05 are no longer in use, recommend property abandonment/ing them.</p> <p>LUC inspections should be conducted on an annual basis to ensure the continued effectiveness of land use restrictions at the site.</p>	<p>The remedy at Site POI-05 Former Fourth Auto Hobby Shop, a BRAC III site at former NAS Agaña, Guam, is protective of human health and the environment. Furthermore, exposure pathways that could result in unacceptable risks are being controlled. The threats from impacted soils at the site have been addressed through implementing LUCs to restrict human contact with contaminated soil. However, annual LUC inspections should be conducted to ensure the continued effectiveness of land use restrictions at the site. A change in land use is not expected in the foreseeable future.</p>
<p>POI-06 - Ground Support Equipment Maintenance Facility Contaminated soil was removed from the site.</p>	<p>Based on the remediation verification report and concurrence from GEPA, no further action is necessary at the site. Five-year reviews of POI-06 should be discontinued since the site is now suitable for unrestricted use and unlimited exposure. The procedure for lamination of LUCs spelled out in the LUC WP should be followed.</p> <p>Soil with elevated levels of TPH, PAHs, and metals was removed from the site and placed elsewhere on GAA property. GEPA and Navy representatives discussed whether LUCs should be placed on the area where soil from POI-06 was relocated. The new location of the relocated soil from POI-06 may require further evaluation by the GAA in consultation with GEPA.</p>	<p>The remedy at Site POI-06 GSE Maintenance Facility, a BRAC III site at former NAS Agaña, Guam, is protective of human health and the environment, and exposure to impacted soils that could result in unacceptable risks have been removed. The site is now suitable for unrestricted use and unlimited exposure, and five-year reviews are no longer necessary.</p>
<p>POI-10 - Former Fire Fighting Training Pits Annual LUC inspections have not been conducted.</p>	<p>LUC inspections should be conducted on an annual basis to ensure the continued effectiveness of land use restrictions at the site.</p>	<p>The remedy at Site POI-10 Former Fire Fighting Training Pits, a BRAC III site at former NAS Agaña, Guam, is protective of human health and the environment, and exposure pathways that could result in unacceptable risks are being controlled. The threats from impacted soils at the site have been addressed through implementing LUCs to restrict human contact with contaminated soil. However, annual LUC inspections should be conducted to ensure the continued effectiveness of land use restrictions at the site. A change in land use is not expected in the foreseeable future.</p>
<p>POI-11 - Former Caval Pit/Dump Annual LUC inspections have not been conducted.</p>	<p>LUC inspections should be conducted on an annual basis to ensure the continued effectiveness of land use restrictions at the site.</p>	<p>The remedy at Site POI-11 Former Caval Pit/Dump, a BRAC III site at former NAS Agaña, Guam, is protective of human health and the environment, and exposure pathways that could result in unacceptable risks are being controlled. The threats from impacted soils at the site have been addressed through implementing LUCs to restrict human contact with contaminated soil. However, annual LUC inspections should be conducted to ensure the continued effectiveness of land use restrictions at the site. A change in land use is not expected in the foreseeable future.</p>

Summary of Five-Year CERCLA Review of 15 BRAC III and IV Sites

Issues	Recommendations and Follow-up Actions	Protectiveness Statement
<p>POI-18 – VQ-5 Interceptor Drainage Contaminated soil was removed from the site.</p>	<p>Based on the remediation verification report and concurrence from GEPA, no further action is warranted at a portion of the site, POI-18B. Five-year reviews of POI-18B should be discontinued since the site is suitable for unrestricted use and unlimited exposure. The procedure for implementing LUCs applied at the LUC WP should be followed. LUCs should be maintained at POI-18A because of concentrations of PAHs exceeding preliminary remediation goals in soil. Soil with elevated levels of TPH, PAHs, and metals was removed from the site and placed elsewhere on GIAA property. GEPA and Navy representatives discuss whether LUCs should be placed on the area where soil from POI-18 was located. The new location of the relocated soil from POI-18 may require further evaluation by the GMA in consultation with GEPA.</p> <p>Annual LUC inspections have not been conducted.</p>	<p>The remedy at Site POI-18 VQ-5 Interceptor Drainage, a BRAC III site at former NAS Agaña, Guam, is protective of human health and the environment, and exposure to impacted soils that could result in unacceptable risks are being controlled and have been removed at a portion of the site, POI-18B. POI-18B is now suitable for unrestricted use and unlimited exposure, and five-year reviews are no longer necessary. The threats from impacted soils at the POI-18A portion of the site have been addressed through implementing LUCs to restrict human contact with contaminated soil. However, annual LUC inspections should be conducted to ensure the continued effectiveness of land use restrictions at POI-18A as the LUCs specified in the LUC WP still apply to POI-18A. A change in land use is not expected in the foreseeable future.</p>
<p>Annual LUC inspections have not been conducted.</p>	<p>LUC inspections should be conducted on an annual basis to ensure the continued effectiveness of land use restrictions at the site.</p>	
<p>POI-19 – Public Works Center Maintenance Facility Annual LUC inspections have not been conducted.</p>	<p>LUC inspections should be conducted on an annual basis to ensure the continued effectiveness of land use restrictions at the site.</p>	<p>The remedy at Site POI-19 Public Works Center Maintenance Facility, a BRAC III site at former NAS Agaña, Guam, is protective of human health and the environment. Furthermore, exposure pathways that could result in unacceptable risks are being controlled through institutional controls. The threats from impacted soils at the site have been addressed through implementing LUCs and leaving the concrete and vegetative covers in place to restrict human contact with contaminated soil. However, annual LUC inspections should be conducted to ensure the continued effectiveness of land use restrictions at the site. A change in land use is not expected in the foreseeable future.</p>
<p>POI-20 – Public Works Center Guam Gas Station Annual LUC inspections have not been conducted.</p>	<p>LUC inspections should be conducted on an annual basis to ensure the continued effectiveness of land use restrictions at the site.</p>	<p>The remedy at Site POI-20 Public Works Center Guam Gas Station, a BRAC III site at former NAS Agaña, Guam, is protective of human health and the environment, and exposure pathways that could result in unacceptable risks are being controlled. The threats from impacted soils at the site have been addressed through implementing LUCs to restrict human contact with contaminated soil. However, annual LUC inspections should be conducted to ensure the continued effectiveness of land use restrictions at the site. A change in land use is not expected in the foreseeable future.</p>
<p>TPH readily degrades and contaminant levels may be decreasing. Therefore, a removal action may be feasible to implement at this site and allow for unrestricted use.</p>	<p>Due to the acceptable residential site risk, discussions with the regulators are recommended to evaluate whether LUCs should be removed or other actions taken to allow for unrestricted use at the site.</p>	
<p>POI-21 – Former Operations Area North of Runway Various soil disturbing activities have occurred at the site with the LUC areas and possible exposure has occurred.</p>	<p>GIAA must develop, in consultation with the Navy, a process to ensure that LUC requirements are being considered and followed during construction planning and implementation at the site. The process must ensure that the Navy and GEPA are notified in advance of proposed soil disturbance activities. The relocation of excavated soil outside of the LUC boundary may have occurred during construction activities although the Quilclem Deed for the property indicates that this is not acceptable. Therefore, the removal and relocation of soil during construction activities at POI-21 requires further evaluation by GMA, in consultation with the Navy.</p> <p>LUC inspections should be conducted on an annual basis to ensure the continued effectiveness of land use restrictions at the site. This will help ensure that unauthorized soil disturbance activities will not occur in LUC areas.</p>	<p>The remedy at Site POI-21, Former Operations Area North of Runway, a BRAC III site at former NAS Agaña, Guam, may not be protective of human health and the environment because exposure has likely occurred and institutional controls have not been adhered to by the landowner. Furthermore, exposure pathways that could result in unacceptable risks need to be addressed. Advance notifications to the Navy and GEPA and requirements for conducting work in the LUC areas need to be followed. Also, annual LUC inspections should be conducted to ensure future effectiveness of land use restrictions at the site. A change in land use is not expected in the foreseeable future, but construction activities are expected to continue.</p>
<p>Annual LUC inspections have not been conducted.</p>		

Summary of Five-Year CERCLA Review of 15 BRAC III and IV Sites

Issues	Recommendations and Follow-up Actions	Protectiveness Statement
<p>POI-26 – Lead-Based Paint Residue in Family Housing Area Although the DD selected commercial/industrial use only, residential use of a portion of the property was observed. The LUC area at POI-26 encompasses 108 acres. However, the areas of contamination are likely to include much smaller areas. In addition, many structures south of East Sunset Blvd. were demolished and removed. Annual LUC report was not prepared.</p>	<p>Coordinate with GEPA and other Gov-Guam agencies to evaluate additional action at the site as necessary to protect human health and the environment. LUC areas could be optimized to reduce the LUC footprint (amount of contaminated soil that requires special handling) to the extent possible. The landowner could review data collected during the remediation and removal of structures south of East Sunset Blvd. to determine whether contamination remains at this portion of the site. LUC inspections should be conducted on an annual basis to ensure the continued effectiveness of land use restrictions at the site. Informational letters and a communication event could be held with the landowners. Ensure that LUC requirements for soil disturbance, excavation, deposit, and worker safety precautions are implemented throughout the planning and construction phases of the planned construction.</p>	<p>The remedy at Site POI-26, Lead-Based Paint Residue in Family Housing Area, a BRAC III site at former NAS Agaña, Guam, is not protective of human health and the environment. Residential land use is occurring in violation of the LUCs, and institutional controls have not been adhered to by the landowner. Furthermore, exposure pathways that could result in unacceptable risks need to be addressed. The acceptable use of the property includes commercial/industrial use only. However, residential use was observed at a portion of the site. In addition, annual LUC inspections should be conducted to ensure the continued effectiveness of land use restrictions at the site. The Navy should coordinate with GEPA and other Gov-Guam agencies to evaluate additional action at the site as necessary to protect human health and the environment. Informational letters and a communication event could be held with the landowners. The proposed future land use for the site is construction of a public roadway, which is compatible with the remedy.</p>
<p>Construction of the Tyan Parkway is planned for the site and may involve soil disturbance within the LUC areas. IRP-01 – NAS Agaña Landfill Chemical concentrations in groundwater at downgradient portions of the landfill are comparable to the concentrations in groundwater at the upgradient portions of the landfill. Analytical data suggests that COC concentrations at the site are either stable or decreasing in concentrations. Groundwater pumps at the site require frequent repair or replacement.</p>	<p>Continue to evaluate sampling frequency, analyses, and locations to reduce overall monitoring costs upon completion of each monitoring event. An additional well may be necessary along the northeastern portion of the landfill to ensure adequate coverage. Evaluate the use of non-dedicated pumps for the monitoring wells at IRP-01 to reduce the rate of pumps needing repair or replacement and minimize potential release of contaminants from pumps that remain in-place. Currently the vegetation clearance is conducted twice a year. Recommend increasing the frequency of vegetation clearance during the rainy season.</p>	<p>The remedy at Site IRP-01, NAS Agaña Landfill, a BRAC III site at former NAS Agaña, Guam, is protective of human health and the environment. Furthermore, exposure pathways that could result in unacceptable risks are being controlled. The threats from impacted soils at the site have been addressed through implementing LUCs to restrict human contact with contaminated soil and monitoring is conducted on a semiannual basis for landfill inspections and gas monitoring, and on an annual basis for groundwater monitoring. However, annual LUC inspections and five-year reviews should continue to be conducted to ensure the continued effectiveness of land use restrictions at this site. A change in land use is not expected in the foreseeable future.</p>
<p>Excessive vegetative growth occurs during the rainy season and may compromise the integrity of the landfill cover. IRP-02 – Drainage Basin Holding Pond Annual LUC inspections have not been conducted.</p>	<p>LUC inspections should be conducted on an annual basis to ensure the continued effectiveness of land use restrictions at the site.</p>	<p>The remedy at Site IRP-02, Drainage Basin Holding Pond, a BRAC III site at former NAS Agaña, Guam, is protective of human health and the environment, and exposure pathways that could result in unacceptable risks are being controlled. The threats from impacted soils at the site have been addressed through implementing LUCs to restrict human contact with contaminated soil. However, annual LUC inspections should be conducted to ensure the continued effectiveness of land use restrictions at this site. A change in land use is not expected in the foreseeable future.</p>
<p>Agaña Power Plant Unauthorized construction and excavation, including exposure, has occurred within the LUC areas. However, confirmation sampling was conducted to confirm that unacceptable exposure did not occur during the unauthorized excavation.</p>	<p>Inform the licensee/owner of the LUCs and the need to adhere to notification requirements prior to soil disturbance activities. The case or deed file should be updated or prepared as necessary to support the LUCs. Licensee/owner should develop a plan to ensure anyone accessing the site is aware of the LUC areas and requirements. Consider installing signs along the perimeter of the LUC areas and the front entrance gate to notify anyone exiting the LUC areas and restrictions. Include site within the Dig Permit review process at Naval Base Guam.</p>	<p>The remedy at the APP site, a BRAC IV site at former NAS Agaña, Guam, as currently implemented, may not be protective of human health because exposure has occurred and institutional controls have not been implemented properly. Furthermore, exposure pathways that could result in unacceptable risks need to be addressed, and precautions should be taken to ensure that workers are protected when disturbing soil at the site. Advanced notifications to the Navy and GEPA, and requirements for conducting work in the LUC areas need to be followed. It is recommended that signage indicating the LUC areas and requirements are installed at the entrance gate and the LUC area perimeters. The least should be amended to incorporate LUC requirements. The site should be included in the Naval Base Guam Dig Permit review system while the Navy retains title to the land. A change in land use is not expected in the foreseeable future.</p>

Summary of Five-Year CERCLA Review of 15 BRAC III and IV Sites

Issues	Recommendations and Follow-up Actions	Protectiveness Statement
<p>Route 2A The DO used TSCA criteria to designate the LUC areas. However, a more site-specific risk evaluation based on current toxicity and site-specific RME and CTE parameters could lead to different conclusions about the human health protectiveness at this site.</p>	<p>A risk evaluation using a site-wide exposure point concentration based on the 95 percent upper confidence limit and site-specific RME and CTE parameters would likely yield a risk estimate at the low end of the risk range. Therefore, consideration should be given to re-evaluating the potential human health risks at this site and possibly removing the LUCs.</p>	<p>The remedy at Site Route 2A, a BRAC IV site at former NAS Agaña, Guam, is protective of human health and the environment. Furthermore, exposure pathways that could result in unacceptable risks are being controlled. The threats from impacted soils at the site have been addressed through implementing LUCs to restrict human contact with contaminated soil. However, annual LUC inspections should be conducted to ensure the continued effectiveness of land use restrictions at the site. A change in land use is not expected in the foreseeable future.</p>
<p>Annual LUC inspections have not been conducted.</p>	<p>LUC inspections should be conducted on an annual basis to ensure the continued effectiveness of land use restrictions at the site.</p>	
<p>Although the LUC WP indicated that signage was installed at each of the LUC areas, no signs were observed during the site inspection.</p>	<p>If there is a change in conditions at the LUC areas, the signage at the LUC areas may need to be replaced.</p>	
<p>Tamuning Telephone Exchange Annual LUC inspections have not been conducted.</p>	<p>LUC inspections should be conducted on an annual basis to ensure the continued effectiveness of land use restrictions at the site.</p>	<p>The remedy at the Tamuning Telephone Exchange, a BRAC IV site at former NAS Agaña, Guam, is protective of human health and the environment. Furthermore, exposure pathways that could result in unacceptable risks are being controlled. The threats from impacted soils at the site have been addressed through implementing LUCs to restrict human contact with contaminated soil. However, annual LUC inspections should be conducted to ensure the continued effectiveness of land use restrictions at the site. A change in land use is not expected in the foreseeable future.</p>
<p>GAIA PAH TPH Guam International Airport Authority polynuclear aromatic hydrocarbon total petroleum hydrocarbons</p>		

CONTENTS

Executive Summary	iii
Five-Year Review Summary Form	xi
Acronyms and Abbreviations	xix
I Introduction	xxi
I.1 Purpose of the Review	xxi
I.2 Authority for Conducting the Five-Year Review	xxi
I.3 Who Conducted the Five-Year Review	xxii
I.4 Other Review Characteristics	xxii
I.5 Report Structure	xxii
I.6 General Physical Characteristics	xxiii
I.6.1 BRAC III Site General Physical Characteristics	xxiii
I.6.2 BRAC IV Site General Physical Characteristics	xxiv
I.7 References	xxxvii
Introduction Figures	
I-1 Location of Guam BRAC III and IV Sites Undergoing Five-Year Review	xxvii
I-2 BRAC III Sites Location and Vicinity Map	xxix
I-3 Agana Power Plant Location Map	xxxii
I-4 Route 2A Location Map	xxxiii
I-5 Tamuning Telephone Exchange Location Map	xxxv
Part A: BRAC III Sites (former NAS Agana)	
POI-03 – Former Aircraft Graveyard	
POI-05 – Former Fourth Auto Hobby Shop	
POI-06 – Ground Support Equipment Maintenance Facility	
POI-10 – Former Fire Fighting Training Pits	
POI-11 – Former Coral Pit/Dump	
POI-18 – VQ-5 Interceptor Drainage	
POI-19 – Public Works Center Maintenance Facility	
POI-20 – Public Works Center Guam Gas Station	
POI-21 – Former Operations Area North of Runway	
POI-26 – Lead-Based Paint Residue in Family Housing Area	
IRP-01 – NAS Agana Landfill	
IRP-02 – Drainage Basin Holding Pond	
Part B: BRAC IV Sites	
Agana Power Plant	
Route 2A	
Tamuning Telephone Exchange	
Part C: Certification of Protectiveness	

**ACRONYMS AND ABBREVIATIONS
(INTRODUCTION SECTION ONLY)**

°F	degree Fahrenheit
APP	Agana Power Plant
bgs	below ground surface
BRAC	Base Realignment and Closure
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
EPA	Environmental Protection Agency, United States
IRP	Installation Restoration Program
LUC	land use control
msl	mean sea level
NAS	Naval Air Station
NAVFAC	Naval Facilities Engineering Command
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
POI	point of interest
TTE	Tamuning Telephone Exchange
U.S.	United States

INTRODUCTION

This report presents a five-year review of the following 15 Navy land use control (LUC) sites on the island of Guam investigated by Naval Facilities Engineering Command (NAVFAC), Pacific under the Base Realignment and Closure (BRAC) III and IV programs:

- **BRAC III Sites (former Naval Air Station [NAS] Agana):**
 - Point of interest (POI)-03 – Former Aircraft Graveyard
 - POI-05 – Former Fourth Auto Hobby Shop
 - POI-06 – Ground Support Equipment Maintenance Facility
 - POI-10 – Former Fire Fighting Training Pits
 - POI-11 – Former Coral Pit/Dump
 - POI-18 – VQ-5 Interceptor Drainage
 - POI-19 – Public Works Center Maintenance Facility
 - POI-20 – Public Works Center Guam Gas Station
 - POI-21 – Former Operations Area North of Runway
 - POI-26 – Lead-Based Paint Residue in Family Housing Area
 - Installation Restoration Program (IRP)-01 – NAS Agana Landfill
 - IRP-02 – Drainage Basin Holding Pond
- **BRAC IV Sites:**
 - Agana Power Plant (APP)
 - Route 2A
 - Tamuning Telephone Exchange (TTE)

All 15 sites are non-National Priorities List sites. A total of 14 of the 15 sites have been transferred. The general location of the 15 sites is shown on Figure I-1. The general location and vicinity map for the BRAC III sites are shown on Figure I-2. The APP, Route 2A, and TTE location and vicinity maps are shown on Figure I-3, Figure I-4, and Figure I-5, respectively.

I.1 Purpose of the Review

This five-year review has been conducted to evaluate whether the LUCs at the 15 BRAC III and IV sites remain protective of human health and the environment. This review is required to address the contaminated media that remain above levels that allow for unrestricted land use and unlimited exposure at the 15 sites. In addition, the report identifies issues found during the review, if any, and recommendations to address them.

I.2 Authority for Conducting the Five-Year Review

The United States (U.S.) Environmental Protection Agency (EPA) and Navy policies require a five-year review of remedial actions in compliance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The Department of the Navy must implement five-year reviews consistent with CERCLA Section (§)121 and the National Oil and

Hazardous Substances Pollution Contingency Plan (NCP) (40 Code of Federal Regulations [CFR] 300). CERCLA §121, as amended states:

“If the President selects a remedial action that results in any hazardous substances, pollutants, or contaminants remaining at the site, the President shall review such remedial action no less often than each five years after the initiation of such remedial action to assure that human health and the environment are being protected by the remedial action being implemented. In addition, if upon such review it is the judgment of the President that action is appropriate at such Site in accordance with [104] or [106]; the President shall take or require such action. The President shall report to the Congress a list of facilities for which such review is required, the results of all such reviews, and any actions taken as a result of such reviews.”

The requirement was further interpreted in the NCP; 300.430(f)(4)(ii) of Title 40 of the CFR, which states:

“If a remedial action is selected that results in hazardous substances, pollutants, or contaminants remaining at the Site above levels that allow for unlimited use and unrestricted exposure, the lead agency shall review such action no less often than every five years after the initiation of the selected remedial action.”

I.3 Who Conducted the Five-Year Review

NAVFAC Marianas and Pacific conducted this five-year review of the remedies implemented at the 15 BRAC III and BRAC IV LUC sites on Guam. The review was prepared at the request of NAVFAC Pacific under contract task order number 0017 of contract number N62742-03-D-1837.

I.4 Other Review Characteristics

The trigger date for this five-year review was 21 July 2008, when the decision documents for the following three sites were signed: IRP-01, APP, and Route 2A. This five-year review started in May 2012. It includes data collected from July 2008 through September 2012 when the site inspections were completed. In addition, the risk evaluation was conducted using May 2012 regional screening levels (EPA 2012), the most current screening criteria available as of September 2012. Depending on the site, earlier data pertinent to trend analysis or contained in reports examined for this review were also considered.

I.5 Report Structure

The following sections in this Introduction present a general background description for Guam, and site-specific backgrounds for former NAS Agana, the location of the 12 BRAC III sites in this review, as well as the site-specific backgrounds for the APP, Route 2A, and TTE.

Following the Introduction are the BRAC III sites, BRAC IV sites, and the Certification of Protectiveness (the approval signature). In the BRAC III and BRAC IV parts, each site is reviewed separately and in parallel by the 10 site-specific section headings used in the EPA (2001) *Comprehensive Five-Year Review Guidance* template. Site-specific references and attachments (Inspection Checklist, Photographs, and Interview Forms) are included at the end of each site's review. Appendixes to the overall report include the Five-Year Review Public Notice and Review Comments.

1.6 General Physical Characteristics

The former U.S. Navy support base of NAS Agana encompassed approximately 2,000 acres in the central portion of the island of Guam, at approximately longitude 144°45' east, latitude 13°28' north. NAS Agana was bounded to the east by U.S. Naval Communication Station Barrigada, to the west and north by mixed commercial and industrial developments, and to the south by mixed commercial and residential developments. Residential communities adjacent to NAS Agana include Hagatna, Tamuning, Barrigada, Mongmong, Toto, and Maite.

Geology. The island of Guam is divided into two distinct, fault-separated physiographic provinces: the Northern Limestone Plateau and the Southern Volcanics. The island of Guam was formed by volcanic deposition of lavas erupting from the Mariana arc that occurred during the Eocene, Oligocene, and Miocene epochs (Meijer 1982). These volcanic deposits of tuff, tuff breccia, tuffaceous sandstone and shale, volcanic conglomerate, and basaltic flows were overlain by limestone deposits during the Pliocene and Pleistocene epochs (Young 1988).

Hydrogeology. Changes in sea level result in fluctuations of regional groundwater levels, which increase with distance from the coast. Former NAS Agana is within the Agana Sub-basin as defined by the Northern Guam Lens Study (CDM 1982). The regional groundwater flow direction is derived from a review of groundwater well elevation data from onsite monitoring wells at former NAS Agana and is generally northward (Earth Tech 2003).

Climate. The climate of Guam is generally warm and humid throughout the year. The mean annual temperature at sea level is 81 degrees Fahrenheit (°F). Temperatures range from the high 80s (°F) during the day to the high 60s at night. Guam receives an average of 80–110 inches of rain annually (Karolle 1988); about two-thirds of the rainfall occurs during the wet season from July to November. Trade winds originate out of the east or northeast, with wind speeds of typically 15–25 miles per hour. Stronger and more constant trade winds prevail during the dry season from January through May. Relative humidity is generally 65–75 percent in the afternoon and 85–100 percent at night, with little seasonal variation (ERCE 1991).

1.6.1 BRAC III Site General Physical Characteristics

Topography. NAS Agana is located near the boundary of the two physiographic provinces in the southern portion of the northern physiographic province. The limestone of this northern province slopes southwestward from an elevation of more than 600 feet at the northeast, to less than 200 feet near the central portion of the island where the NAS Agana is located. The step seaward cliffs around the plateau, immediately west of NAS Agana, are marked in places by a series of wave-cut bench terraces (Tracey et al. 1964).

Geology and Soils. Former NAS Agana lies at the southern edge of the Northern Limestone Plateau, a broad, undulating, limestone plateau sloping toward the southwest. The exposed rock unit in this plateau is known as the Mariana Limestone, a reefal and lagoonal complex that formed on a volcanic rock floor. The limestone forms karst terrain with features including broad surface depressions, caverns and cave pits. Former NAS Agana lies on top of the Agana argillaceous member of the Mariana Limestone, a member containing high percentages of clay and detritus. Bedrock beneath the site chiefly consists of argillaceous limestone (Tracey et al. 1964). The geologic units underlying the site, in order of increasing depth and age, are Mariana Limestone and the volcanic Alutom Formation.

Soils consist of Pulantat-Urban Land Complex and are described as very shallow to shallow, well drained, and level to gently sloping. The eastern and southern edges of the site contain a mixture of soils. In general, the soils consist of reddish clays with thicknesses of less than 12 feet on slopes and up to 30 feet in depressions.

Hydrogeology. The groundwater north of the Adelupe fault contained within the porous limestone is referred to as the Northern Guam Lens. This groundwater is the source of more than 80 percent of Guam's public water supply (CDM 1982). According to the Revised Guam Water Quality Standards, the northern lens is designated as a principal sole-source aquifer and is protected by Guam's groundwater regulations. Groundwater at former NAS Agana is approximately 200–300 feet below ground surface (bgs) and was investigated as OU-03 (Ogden 1996). Under CERCLA's Early Transfer Authority of the Base Closure and Realignment Act, environmental responsibilities at OU-3 were transferred to Guam International Airport Authority (Earth Tech 2000).

1.6.2 BRAC IV Site General Physical Characteristics

1.6.2.1 Agana Power Plant

Topography. The APP is located in the village of Mongmong in central Guam approximately 0.5 mile south of Agana Bay, 2,000 feet southwest of the southwest corner of Antonio B. Won Pat International Airport (formerly the NAS Agana), and 325 feet north of Agana Swamp (Earth Tech 2007a). The elevation at the site ranges from 75 feet above mean sea level (msl) at the southwestern corner to 95 feet above msl at the northeastern corner.

Geology and Soils. The geology of Guam is divided into two distinct, physiographic provinces which are separated by the northeast trending Adelupe fault: the Northern Limestone Plateau and the Southern Volcanics (Tracey et al. 1964). The investigation area lies at the southern edge of the Northern Limestone Plateau, a broad, undulating plateau that slopes towards the southwest. The exposed rock unit on the plateau, the Mariana Limestone, was deposited in a reef and lagoon environment over a volcanic rock basement. This unit varies greatly in thickness, and is the most widely exposed formation on Guam.

The APP lies on top of the Agana argillaceous member of the Mariana Limestone, a member containing high percentages of clay and detritus. The geologic units underlying the site, in order of increasing depth and age are the Mariana Limestone and the volcanic Alutom Formation.

Soil at the APP site is part of the Guam Urban Land Complex, which occurs on 0 to 3 percent slopes on limestone plateaus (USDA SCS 1988). Permeability of this soil is moderately high, the soil is well drained, and the available water capacity is very low. Runoff is slow to develop, and the hazard of soil erosion is slight (Earth Tech 2007b).

Hydrogeology. The northeast-southwest trending Adelupe fault creates two distinct geomorphic and geologic provinces on Guam. The APP is situated on the northern, uplifted, coralliferous limestone plateau. The characteristically high hydraulic conductivities (i.e., 500 to 10,000 feet per day) of the northern limestones result in rapid percolation, few surface streams, and significant groundwater resources (Earth Tech 2007a).

The groundwater north of the Adelupe fault is the source of more than 80 percent of Guam's public water supply (CDM 1982). According to the Revised Guam Water Quality Standards, the Northern Lens is designated as a principal sole-source aquifer and is protected by Guam's groundwater regulations. The APP is located within the Northern Lens, but currently there are no groundwater

production wells within 0.5 mile of the site. Groundwater flow direction was determined to be northwest toward Agana Bay based on water levels taken from six groundwater monitoring wells at the APP (Earth Tech 2007b).

1.6.2.2 Route 2A

Topography. The Route 2A site is situated within the alluvial flood/coastal lowlands near Agat Bay. Topography at the site is generally flat with the elevation ranging from approximately 15 feet above msl at the northeastern end of the site to less than 10 feet above msl in the southwestern portion of the site. Surface drainage flows across the site toward the southwest (Ogden 1995).

Geology and Soils. The Route 2A site is located in the Southern Volcanic physiographic province of the island of Guam, in the coastal lowlands and alluvial valley floor. The soils at the site are underlain by the Alutom formation, consisting of tuffaceous shale and sandstone at depths up to about 3 feet, which in turn is underlain by lenses of limestone and lava beds. Following deposition of the first limestone, renewed faulting created the lines of knobs, ridges, and deep fissures on the island's surface (Ogden 1995, USGS 1964).

The soils in the area are fine-grained and cohesive and are described as predominantly clayey. The Soil Survey of Guam mapped the predominant soil types at Route 2A as Inarajan-Inarajan, Guam Urban Land Pulantat (fil), Ritidian-Rock outcrop-Guam, and the Akina-Urban land complex. These soils were derived from the underlying volcanic tuffaceous sandstone and breccia. The mostly shallow urban soils are well-drained clay loams and thick valley clay soils underlain by alluvium. The deep clay soil soils occur throughout the site, are somewhat poorly drained, and level on the coastal plains (USDA SCS 1988).

Groundwater Hydrogeology. The permeability of the Alutom formation underlying the site is generally low. The water table is found at variable depths, but reportedly yields water slowly to wells. Outcrops of the Alutom formation may contain perched water in weathered areas.

The site is characterized by water-bearing volcanic rock and associated sediments. The height of the water table in this region can range from a few feet above ground surface in coastal lowlands to a few hundred feet below ground surface in interior highlands. Numerous springs and seeps may occur in valleys within this subarea.

The effect of the wetlands on groundwater at the site is unknown. Groundwater flow direction is generally from the northwest to southeast across the full width of Route 2A (Ogden 1995).

1.6.2.3 Tamuning Telephone Exchange

Topography. The topography at the TTE is relatively flat, but slopes slightly upward in the southern portion of the property in the southern direction toward the Navy-owned Automotive Construction Engineering Operations Repair Plant Tunnel and the Tamuning cliff line on the northern border of former NAS Agana (Earth Tech 1998).

Geology and Soils. The TTE is located at the southern edge of the Northern Limestone Plateau physiographic province of Guam. The geologic units present beneath the site are, in order of increasing depth and age, the detrital facies of the Mariana limestone, Agana Argillaceous Member of the Mariana limestone, Barrigada limestone, and volcanic basement rocks of the Alutom Formation. The TTE site rests upon the detrital facies of the Mariana limestone and Barrigada limestone. The detrital facies is described as a friable to well cemented, coarse- to fine-grained,

generally porous and cavernous white detrital limestone that was deposited in a lagoonal environment. The combined thickness of these units increases in a westerly direction to approximately 800 feet at the western edge of the province in the vicinity of the TTE site. The Tamuning-Yigo Fault Zone trends northeast-southwest and lies south of the TTE. The TTE is on the downdropped block of the fault zone.

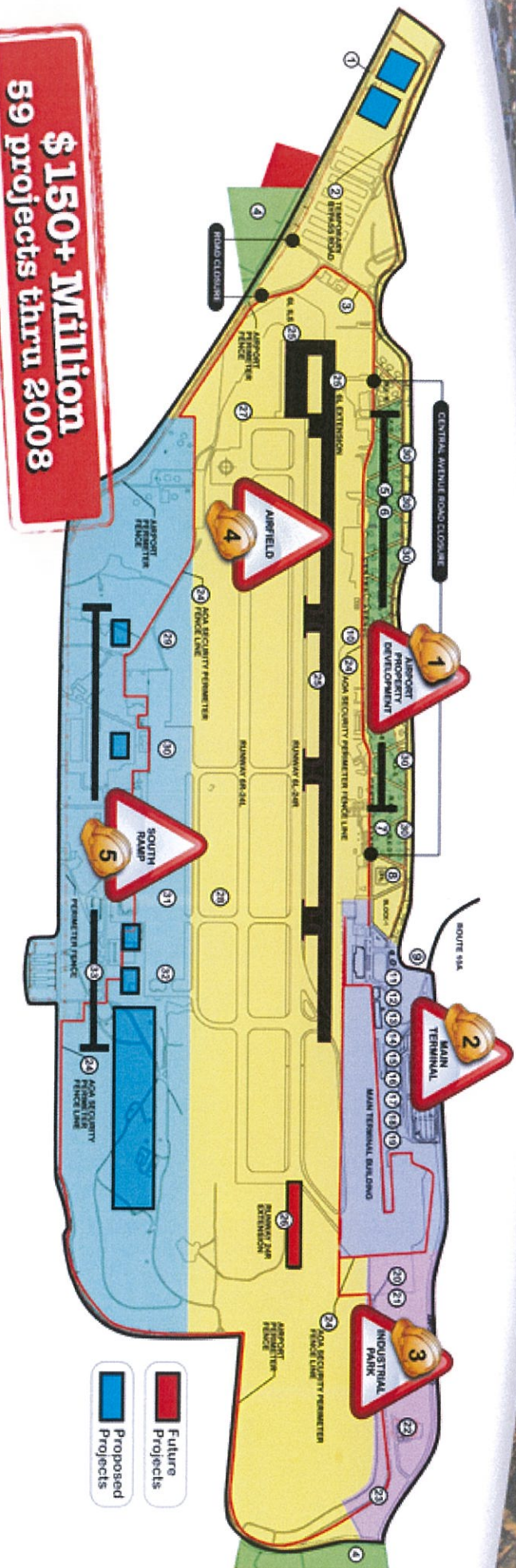
Hydrogeology. The TTE site lies within the Agana Subbasin. The elevation of the TTE is approximately 40 feet above sea level. The groundwater table at this site is approximately 3 to 4 feet above sea level (approximately 35 feet bgs). Groundwater is characterized as basal, defined as freshwater floating on denser seawater. Groundwater contained in this aquifer is termed the “Guam Northern Lens,” and is situated in the karstified and permeable Barrigada and Mariana limestones. The Guam Northern Lens was designated as a “principal source aquifer” and at the site is considered too near the ocean to safely pump without risk of causing further seawater intrusion.

Groundwater flow beneath the TTE site may exhibit both diffuse and conduit flow characteristics. Diffuse flow may occur through the primary porosity of the coralline limestone in what can be considered a “sponge-like” network of interconnected pores, while conduit flow may occur in zones where open caverns exist. If conduit flow is significant in this area, potential transport of contaminants in the aquifer away from this area may occur very quickly. Under solely diffuse flow conditions, transport of contaminants would be significantly slower. A groundwater investigation conducted at NAS Agana found that diffuse groundwater flow appeared to predominate. The study also showed that contamination of groundwater under the TTE from previous activities at NAS Agana is unlikely.

Groundwater flow measurements from NAS Agana monitoring wells (MW-01 and MW-09) closest to the TTE site indicate groundwater flows toward the south. Groundwater contour maps suggest that the central and eastern portions of NAS Agana exhibit a groundwater gradient to the north and northwest. This may be indicative of a groundwater flow discontinuity that separates the TTE from the central and eastern portions of NAS Agana (Earth Tech 1998).

Project: Airport Guam

\$500 Million
investment and growing



\$150+ Million
59 projects thru 2008

- 1 Airport Property Development**
1. Perimeter Security Fence \$5,000,000
 2. Temporary Bypass Road > \$7,898,702
 3. Security Perimeter Road
 4. Residential Sound Insulation Program \$11,500,000
 5. FEMA Underground Power \$4,500,000
 6. Detonated Former Naval Housing Units \$4,902,726
 7. Integrated Air-Cargo Facility w/ bonded
 8. Air Cargo Warehouse (Third Party)
 9. Landscape Restoration Program \$1,800,000
 10. Freight Forwarding Distribution Center

- 2 Main Terminal**
11. Seismic Zone Upgrade - Phase 2A (West Wing) \$3,670,000
 12. Terminal Roof Maintenance & Painting \$785,919
 13. Air Conditioning Upgrades \$500,000
 14. Concession Facilities Upgrade \$500,000
 15. Outboard Dispatch Diverters \$1,700,000
 16. O&M Graphics Equipment (WHCCO) \$435,000
 17. TSA International Transfer Facility (Permit) \$2,851,423
 18. Arrivals Conductor Design \$1,280,000
 19. Reprosec/Upgrade Ramp Lights System \$2,200,000

- 3 Industrial Park (Potential Uses)**
20. Consolidated Car Rental Facilities
 21. 2-Star Business Hotel
 22. Call Center
 23. Office Blocks

- 4 Airfield**
24. AOA Security Fence \$3,556,618
 25. Phase II Taxiway & Runway 0L Extension \$11,180,492
 26. Runway 24R Extension \$9,300,000
 27. Runway 6R (L&S & 24R Extension) Localizer, MALSR, PAPI, Glide Slope \$4,924,442
 28. Reprosec/Upgrade Airfield Lighting Systems \$5,794,757

- 5 South Ramp**
29. Consolidated Maintenance Facility \$350,000
 30. Aircraft Rehabilitation Hangars (Third Party)
 31. Utilities Infrastructure Upgrade (Water System)-MAP \$14,654,705
 32. Aviation Maintenance & Flight Training Facilities (Third Party)
 33. Environmental Mitigation Upgrades \$800,000

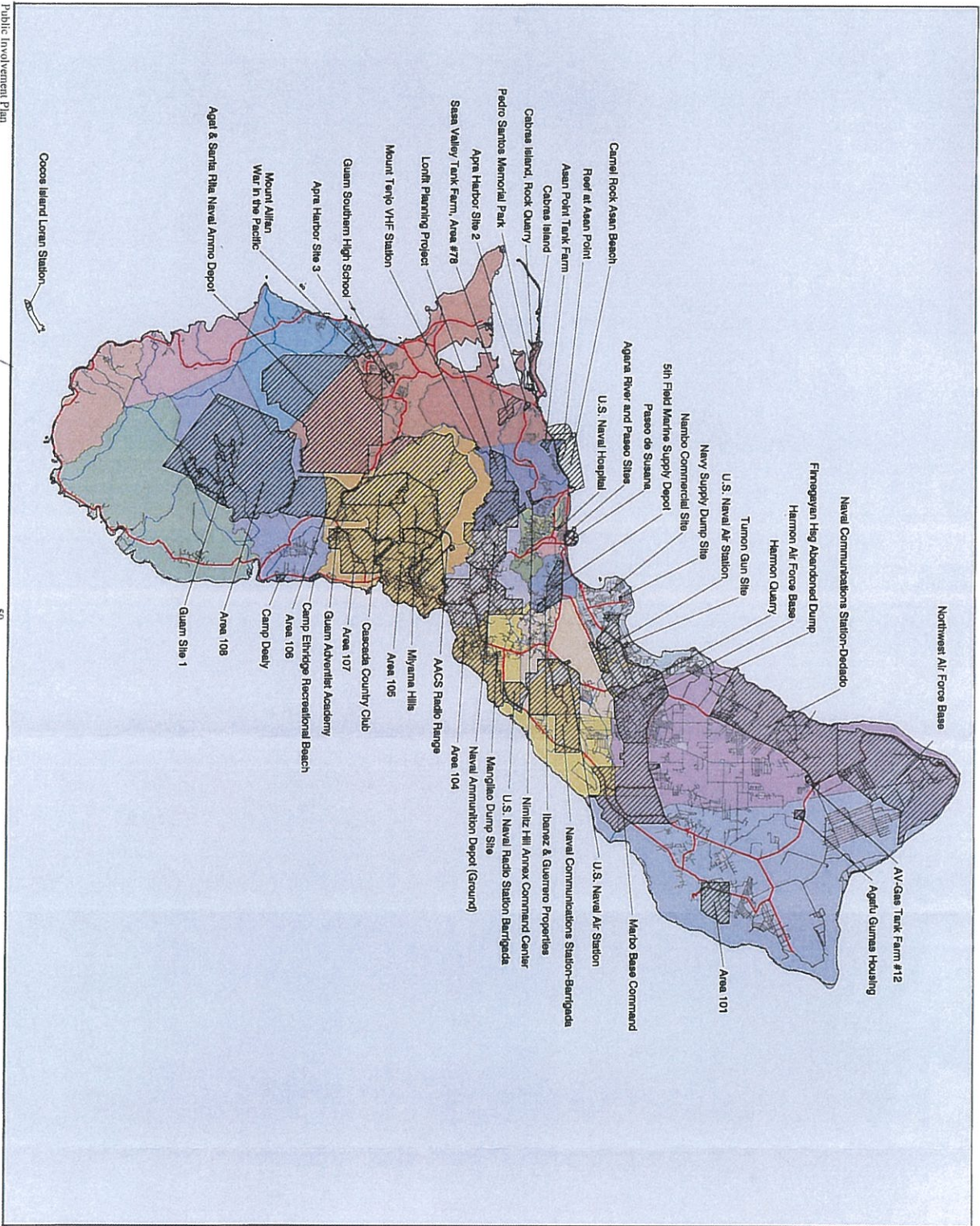
Future Projects
Proposed Projects

The Honorable Governor Felix P. Camacho
The Honorable Lt. Governor Michael W. Cruz, M.D.

A. B. Won Pat International Airport Board of Directors
Frank F. Blas, Chairman
Joseph Perez, Vice-Chairman
Luis Cruz-Casul, Director
Marion S. Lopez, Director
Marvin J. Garber, Director

A. B. Won Pat International Airport Management
Jesus G. Torres, Executive Director
Edith C. Pangelinan, Deputy Executive Director

A.B. WON PAT
INTERNATIONAL AIRPORT AUTHORITY, GUAM
ATUJIDAT PANGTION: PATUCH AIBEN GUAMIAN ENTIAJONAN



1. Farallon de Pajaros
 2. Maug Islands
 3. Asuncion Island
 4. Agaña
 5. Pagan
 6. Anigmagan
 7. Guguan
 8. Suriguan
 9. Anutan
 10. Farallon de Medinilla

Commonwealth of the Northern Mariana Islands
 1. Saipan
 2. Tinian
 3. Rota
 4. Guam

Figure 1
DERP-FUDS SITES
Guam





Charlene Flores <flores@senatorada.org>

Site T-18

tom@senatorada.org <tom@senatorada.org>
To: Sen Ada Tom <tom@senatorada.org>
Cc: Borja Joe <JBorja@senatorada.org>, Flores Charlene <flores@senatorada.org>, Salas Richard <rsalas@senatorada.org>
For the Record re Bill 74-34:

7/9/17, 12:20: Tom Ada to GIAA Executive Mgr:
Have you gotten any initial feedback fr FAA re transfer of jurisdiction of Site T-18?

7/9/17, 2:00:48 PM: Ada Chuck to Sen Ada:

Hey Uncle Tom; response was great; they're ok if we're ok (being that we can't really use it for anything)

7/9/17, 9:45:24 PM: Tom Ada to GIAA Exec Dir:
K. I'm pushing through w/ bill. Thanks.

7/9/17, 9:46:54 PM: Ada Chuck: Roger that Sir.

Sen. Tom Ada
34th Guam Legislature
Sent from my iPhone



Sen. Thomas Ada



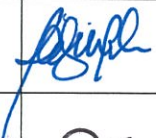

Chairman

Committee on Environment, Land, Agriculture, and Procurement Reform

I Mina Trentai Kuatro Na Libeslaturan Guahan • 34th Guam Legislature

COMMITTEE VOTE SHEET

Bill No. 74-34 (COR), As Amended by the Committee on Environment, Land, Agriculture and Procurement Reform, “AN ACT TO PLACE THAT LAND KNOWN AS “TIYAN PARCEL LOT T-18” UNDER THE ADMINISTRATIVE JURISDICTION OF THE OFFICE OF THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL; AND TO AUTHORIZE THE OFFICE OF THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL TO ENTER INTO A PARTNERSHIP WITH A NON-PROFIT ORGANIZATION.”

COMMITTEE MEMBERS	SIGNATURE AND DATE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
SENATOR THOMAS C. ADA Chairperson		✓				
SENATOR JAMES V. ESPALDON Vice Chairperson						
SPEAKER BENJAMIN J.F. CRUZ Member		✓				
SENATOR MICHAEL F.Q. SAN NICOLAS Member						
SENATOR RÉGINE BISCOE LEE Member		✓				
SENATOR THOMAS A. MORRISON Member		✓				
SENATOR WILLIAM M. CASTRO Member						



Sen. Thomas Ada

Chairman

Committee on Environment, Land, Agriculture, and Procurement Reform

I Mina Trentai Kuåtro Na Liheslaturan Guåhan • 34th Guam Legislature

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 74-34 (COR) was introduced on April 11, 2017 by Senator Thomas C. Ada and was subsequently referred on April 17, 2017 by the Committee on Rules to the Committee on Environment, Lands, Agriculture and Procurement Reform.

The Committee on Environment, Land, Agriculture and Procurement Reform convened a public hearing on May 4, 2017 at 9:00 am in the Public Hearing Room of *I Liheslaturan Guåhan*, to receive public testimony on Bill No. 74-34 (COR).

Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets and published in the Guam Daily Post, a newspaper of general circulation, on April 27, 2017 (5-Day Notice) and again on May 2, 2017 (48-Hour Notice), fulfilling the 5-Day Notice and 48-Hour Notice of the Open Government Law requirement.

Senators Present

Senator Thomas C. Ada	<i>Committee Chairperson</i>
Senator James V. Espaldon	<i>Committee Vice-Chairperson</i>
Speaker Benjamin J.F. Cruz	<i>Committee Member</i>
Vice Speaker Therese M. Terlaje	Legislative Member
Senator Mary C. Torres	Legislative Member

The public hearing was Called-to-Order at 9:00am.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Chairperson Ada called the public hearing to order, read the title of the bill and called those who have signed up to give testimony.

Chairperson Ada gave an orientation of the location of the property.

June Blas, Mayor, Barrigada: Mayor Blas read her testimony in favor of Bill No. 74-34 (COR).

Chairperson Ada: The intent was to develop this historic site and allow residents to come in, maybe, once a year to be able to observe what happened there, just the way it's done at the Naval Magazine area and *Sumay*. The Committee received testimony from the Airport and they have provided suggested revisions to the bill.

Vice-Speaker Terlaje: Clarified the *Barrigada* Mayor's testimony they want to partnership with a non-profit organization interested in developing the site and asked if they have such plans?

Mayor Blas: Responded yes, the Guam War Survivors with former Senator Frank Blas, Jr. and the *Barrigada* Veterans. There is an area in *Tiyan* and partnering with other nonprofit groups in terms of developing or having a memorial site, is a passion. The area reminded her of her father and great-grandfather, who told her that they were enslaved to build this runway. There are memorial sites in the north and in the south but there is nothing in *Barrigada*. There is the Battle of *Barrigada* area towards Radio *Barrigada*, where it's on private property. They want to recognize those that slaved through that area and not just *Barrigada* residents. To include the surrounding area of *Mongmong* and she's heard Mayor McDonald mentioned that his mother and father were among those slaves. They want to partner with the nonprofit group to get this memorial going. Maybe once a year during their festival during liberation, they can open it up to the residents to come and memorialize that moment.

Vice-Speaker Terlaje: Stated she think it's a great idea that the historic value of this property will be emphasized and suppose to have been when the property was transferred. She skimmed through GIAA's testimony quickly and their asking for a release of liability for compliance with historic preservation and that will be placed on *Barrigada*. GIAA asked it to be transferred to Parks and Rec, who is responsible for historic preservation and perhaps *Barrigada*. It's a serious undertaking to take care of historic property and was asking whether there were concrete plans as to what it means by development. For her this would all have to be something worked out with Department of Parks and Rec or the Historic Preservation Office, as to what exactly the plans are, they will not allow anything to go forward without specific plans. She can't see why they would not allow the *Barrigada* Mayor's Office to use it, to do the ceremonies and all that. To even get donations as to how to put a monument or something whatever they are thinking of but she knows it all must be approved. If the property was transferred and it is a historic site and be secured, is there any reason why it wouldn't be open more than once a year?

Mayor Blas: Responded there is access there now, anybody can get through. It is going towards the National Weather Service area and she went through the area and looked at the site. There's some banana plants and chickens and it is accessible. They want to revitalize the area and knowing they can make it a reality for the people. She is moved by this because they don't have anything in central and one of her goals in the municipal planning council is to identify this. She thanked Senator Tom Ada's Office and working with the Preservation Office with Parks and Recreation, it will become a reality.

Vice-Speaker Terlaje: Stated GIAA was charged to do all that and if they had done it, it would have been available for these memorials or whatever the community could do there. It's a big responsibility and she is wondering if they considered talking to GIAA and partnering with them, were they to continue the liability. They are an autonomous agency and they develop it or what they're supposed to do pursuant to the deed and the community can use it for memorial uses and things like that.

Mayor Blas: Replied they would love to partner with the airport but she hasn't seen their position statement. She wished to partner with nonprofit groups to get this going and working with parks and recreation. So, they can develop something and call a memorial site for *Barrigada* and those that slaved and suffered in the *Tiyan* area.

Senator Torres: Stated when she was the executive manager at the airport, the board of directors received a presentation by the late General Ben Blaz and brought this story to their attention. As an effort to memorialize that, he worked with them in creating a placard with an artistic rendition of the forced labor gang that built the airstrip. That placard and a small description of this historic event or period is now on the face of the airport facade outside. She fully supports the intent to bring this historic site to the public access so that they can remember those significant pieces of history. Which went into an airport that at one time was owned by the military and then transferred over to Guam. She acknowledged the good points brought up by Vice-Speaker Terlaje. The quitclaim deed does have a lot of conditions and one of the things is the National Register of Historic Places and it would be in everybody's best interest that they work collaboratively with the airport, who does have the resources and interest in all development around the airport properties. This is a worthwhile thing and she commended them for bringing it to everybody's attention and getting the project or the idea of the project going forward. She is interested to help work on the effort as well.

Chairperson Ada adjourned the public hearing for Bill No. 74-34 (COR).

Written Testimonies:

- June Blas, *Mayor, Barrigada*
- Charles H. Ada II, *Executive Manager, A.B. Won Pat International Airport*
- *GIAA and FAA concurrence email message*
- *Mayors' Council of Guam, Resolution No. 2017-16-004*

III. FINDINGS AND RECOMMENDATION

The Committee on Environment, Land, Agriculture and Procurement Reform finds that through testimonies submitted at the public hearing of Bill No. 74-34 (COR) and through the historical records, the Village of Barrigada needs land for a proper memorial of its War Dead and Suffering; and that the Building of the Tiyan Airfield by Chamorro Slave Labor needs to be memorialized by providing an area of remembrance.

The Committee on Environment, Land, Agriculture and Procurement Reform, hereby reports out **Bill No. 74-34 (COR), As Amended**, with the recommendation to DO PASS.

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 74-3A(cor)

Introduced by:

Thomas C. Ada 

AN ACT TO PLACE THAT LAND KNOWN AS *TIYAN PARCEL T-18* UNDER THE ADMINISTRATIVE JURISDICTION OF THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL; AND TO AUTHORIZE THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL TO ENTER A PARTNERSHIP WITH A NON-PROFIT ORGANIZATION.

2017 APR 11 PM 2:12



BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Deed Document No. 628020 returns Federal Excess Lands Parcel *Lot Naval Air Station Agana R-10* commonly known as the "Guam International Airport". *And* within the returned airport Parcel was included land known as "*T-18*".

I Liheslaturan Guåhan finds that "T-18" has historic significance relative to the pre-Latte period and that the caves in T-18 were found to have been used as a place of refuge and rest for the Chamorro Slave Laborers utilized by the Japanese Imperial Forces to construct an airfield in what is known today as the Guam International Airport.

I Liheslaturan Guåhan finds that most of the Chamorro Slave Laborers used to build this airfield under the yoke of the Japanese Imperial Forces were from the surrounding areas of *Barrigada*: Adacao, As-Machaute, As-Baraco, As-Boco, As-Caban, As-Capitan Regis, As-Conejo, As-Kusao, As-Nado, As-Pengao, Canada, Catan Sabana, Chalan Pinate, Chalan Sabanan Pagot, Corten Torres, Eda Agaga, Guae,

1 Jalaguag, Lagon Sabana, Lalo, Leyang, Luayao, Mafnas-Nete, Maite, Mangilao, Mapas,
2 Mongmong, Muyao, Nalao, Paiguan, Pinate, San Antonio, Sasajyan, Songlago, Toto,
3 Tujan (Tiyán), Uchunao, Ungaguan, and Y-Joya.

4 *I Liheslaturan Guåhan* further finds that the only war memorial existing in the
5 Municipality of *Barrigada* is a mediocre pile of rocks on a 20 feet by 20 feet parcel of
6 land belonging to the Archdiocese of *Hagåtña*.

7 *I Liheslaturan Guåhan* further finds that the Guam International Airport Authority
8 does not need this land for airport operations. Furthermore, the development of this
9 historic site has been neglected.

10 *I Liheslaturan Guåhan* further finds that the present day United States Navy has
11 from time to time provided access to the People of Guam to pre-World War II historic
12 and cultural sites, such as the *Sumay* Cemetery (on Naval Base Guam) and the *Fena*
13 Caves (at the Naval Magazine Base). *I Liheslaturan Guåhan* further finds that the
14 United States Navy presently has a program in place to provide access to the People of
15 Guam called the Public Access Program.

16 *I Liheslaturan Guåhan* intends to grant nothing less and requests that the Guam
17 International Airport Authority be sensitive and accommodating to the Community's
18 cultural and historic resources, by transferring that land known as Parcel T-18 from the
19 Guam International Airport Authority into the administrative jurisdiction of the Office
20 of the Mayor of *Barrigada* and the *Barrigada* Municipal Planning Council.

21 *I Liheslaturan Guåhan* further intends to authorize the Office of the Mayor
22 of *Barrigada* and the *Barrigada* Municipal Planning Council to enter into a
23 partnership with a non-profit organization interested in the development of T-18.

24 **Section 2. Administrative Jurisdiction.** Notwithstanding any other
25 provision of law, rule or regulation, administrative jurisdiction of the *Tiyán* Parcel
26 known as T-18 consisting of 2.43 acres is hereby transferred to the Office of the

1 Mayor of the Municipality of *Barrigada* and the *Barrigada* Municipal Planning
2 Council.

3 **Section 3. Authorization to Enter Partnership.** The Mayor of
4 *Barrigada* and the *Barrigada* Municipal Planning Council are hereby authorized to
5 enter a partnership with a non-profit organization interested in the development of
6 *T-18* as a historic and cultural site.

7 **Section 4. Technical Description and Location of the parcel known as T-18.**
8 Exhibit A is attached to this Bill as the Technical Description of the actual location
9 of T-18. Exhibit B is attached as the graphic representation of the general location of T-
10 18.

11 **Section 5. Exemption.** §2107 of Title 2, Guam Code Annotated, relative to
12 appraisals of land *shall* not apply to this Act.

13 **Section 6. Severability.** *If* any provision of this Law or its application to any
14 person or circumstance is found to be invalid or contrary to law, that invalidity shall *not*
15 affect other provisions or applications of this Law that can be given effect without the
16 invalid provisions or applications, and to this end the provisions of the Law are
17 severable.

Exhibit A - Bill No. 7434 (cor2)

LEGAL TECHNICAL DESCRIPTION
LOT T-18
MUNICIPALITY OF BARRIGADA
GUAM

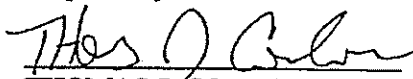
All that tract or parcel of land designated as LOT T-18 situated in the Municipality of Barrigada, Guam, more particularly bounded and described as follows:

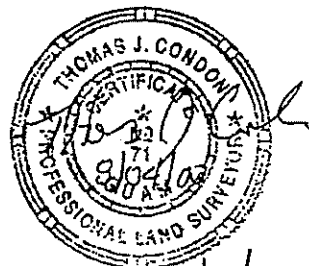
Beginning at a point, a 3" diameter brass disk set in 6"x6" concrete marked US Navy Boundary set by PLS 71, having coordinates of East 343,759.81 feet and North 647,004.43 feet being North 25° 29' 28" West, 1,060.97 feet from Guam Geodetic Network (GGN) 1993 Grid Station 1039, having coordinates of East 344,216.42 feet and North 646,046.74 feet.

Then, along the following Five (5) courses:

- 1) North 16°35'33" West, 279.58 feet to corner two (2), a 3" diameter brass disk set in 6"x6" concrete marked US Navy Boundary set by PLS 71;
- 2) Then, North 26° 40' 01" East, 200.83 feet to corner three (3), a 3" diameter brass disk set in 6"x6" concrete marked US Navy Boundary set by PLS 71;
- 3) Then, South 89° 45' 07" East, 171.57 feet to corner four (4), a 3" diameter brass disk set in 6"x6" concrete marked US Navy Boundary set by PLS 71;
- 4) Then, South 20° 32' 42" East, 360.50 feet to corner five (5), a 3" diameter brass disk set in 6"x6" concrete marked US Navy Boundary set by PLS 71;
- 5) Then, South 70° 31' 05" West, 327.11 feet to point of beginning containing an area of One Hundred Sixteen Thousand Five Hundred Seventy-Four (116,574) Square Feet more or less or Ten Thousand Eight Hundred Thirty (10,830) Square Meters more or less or Two and Six Hundred Seventy-Six Thousandths (2.676) Acres more or less as shown on NAVFAC Drawing No. 7942086.

Prepared by:

 08/04/00
THOMAS J. CONDON, PLS No. 71
Dueñas & Associates, Inc.



U.C. G.A. 9/30/00

EXHIBIT "H"



Exhibit B - Bill No. 74-34(002)

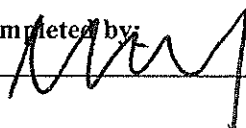


COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuattro na Liheslaturan Guahan • 34th Guam Legislature

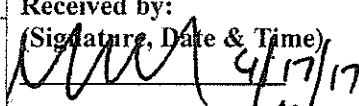
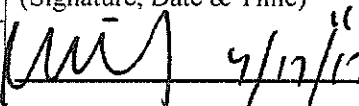



PRE-REFERRAL CHECKLIST

BILL NO. 74-34 (COR) AN ACT TO PLACE THAT LAND KNOWN AS TIYAN PARCEL T-18 UNDER THE ADMINISTRATIVE JURISDICTION OF THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL; AND TO AUTHORIZE THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL TO ENTER A PARTNERSHIP WITH A NON-PROFIT ORGANIZATION.		
(A) Legal Bureau	(1) One subject matter? [SR-§ 6.01(a), 2 GCA § 2108(a)] <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	Notice to Legal Bureau: <u>4/11/17</u>
	(2) Conform to Standing Rules as to form and style? [SR-§§ 6.02(b) and (d), 6.03(d)] <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	Completed by Legal Bureau: <u>4/12/17 11:10am</u>
(B) Office of Finance & Budget (OFB)	(1) Does the Bill contain appropriations or authorizations for appropriations from any fund sources? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A	Notice to OFB: <u>4/11/17</u>
	(2) Does the Bill contain an authorization to expend government funds? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A	Completed by OFB: <u>4/17/17 9:10am</u>
	(3) Does the Bill contain provisions that have <u>potential</u> fiscal impacts on the government of Guam budget? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A	
COR Action	Is the fiscal impact revenue negative to the government of Guam budget? <input type="checkbox"/> YES (Refer to Committee on Appropriations) <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	Completed by: 



PRE-REFERRAL CHECKLIST

BILL NO. 74-34 (COR) AN ACT TO PLACE THAT LAND KNOWN AS TIYAN PARCEL T-18 UNDER THE ADMINISTRATIVE JURISDICTION OF THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL; AND TO AUTHORIZE THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL TO ENTER A PARTNERSHIP WITH A NON-PROFIT ORGANIZATION.		
(C) DEBT		
(1) SR § 6.01 (b)(1)(A) Land, Infrastructure, Building Projects, Capital Improvement Projects	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	Received by: (Signature, Date & Time)  4/17/17 11:11 Completed by: (Signature, Date & Time)  4/17/17 11:11
(2) SR § 6.01 (b)(1)(B) Refinancing of existing debt (not less than 2%)	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	
(3) SR § 6.01 (b)(2) Authorize public debt to fund operations of agency, instrumentality, public corporation	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES (Return to Prime Sponsor) <input type="checkbox"/> NO <input type="checkbox"/> Waived (per official state of emergency, as attached)	
COR Action	<input type="checkbox"/> Return to Prime Sponsor <input checked="" type="checkbox"/> Refer to: CMTE Land TRA. @	Date & Time: 4/17/17 11:11

For COR Office Use Only	Pursuant to COR decision (COR Meeting, April 3, 2017): Completed within five (5) working days? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Initial:  <hr/> If NO: Provide letter of explanation (see attached).
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I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 74-34 (COR)

As Amended by the Committee on Environment,
Land, Agriculture, and Procurement Reform.

Introduced by:

Thomas C. Ada

**AN ACT TO PLACE THAT LAND KNOWN AS “*TIYAN*
PARCEL SITE T-18” UNDER THE ADMINISTRATIVE
JURISDICTION OF THE OFFICE OF THE MAYOR OF
BARRIGADA AND THE *BARRIGADA* MUNICIPAL
PLANNING COUNCIL; AND TO AUTHORIZE THE
OFFICE OF THE MAYOR OF *BARRIGADA* AND THE
BARRIGADA MUNICIPAL PLANNING COUNCIL TO
ENTER INTO A PARTNERSHIP WITH A NON-PROFIT
ORGANIZATION.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Deed Document No. 628020 returns federal excess lands parcel, Lot Naval Air Station *Agaña* R-10 and other parcels, commonly known as the “A.B. WonPat International Airport”; and, within the returned airport parcel included land known as “Site T-18”.

I Liheslaturan Guåhan finds that Site T-18 has historic significance relative to the pre-*Latte* period and that the caves in Site T-18 were found to also have been used as a place of refuge and rest for the *Chamorro* slave laborers who were utilized by the Japanese Imperial Forces to construct an airfield in what is known today as the “A.B. WonPat International Airport.” The development of this historic site has been neglected.

1 *I Liheslaturan Guåhan* further finds that most of the *Chamorro* slave
2 laborers who were used to build this airfield under the yoke of the Japanese
3 Imperial Forces were from the surrounding areas of *Barrigada*, which includes:
4 *Adacao, As-Machaute, As-Baraco, As-Boco, As-Caban, As-Capitan Regis, As-*
5 *Conejo, As-Kusao, As-Nado, As-Pengao, Canada, Catan Sabana, Chalan Pinate,*
6 *Chalan Sabanan Pagot, Corten Torres, Eda Agaga, Guae, Jalaguag, Lagon*
7 *Sabana, Lalo, Leyang, Luayao, Mafnas-Nete, Maite, Mangilao, Mapas,*
8 *Mongmong, Muyao, Nalao, Paiguan, Pinate, San Antonio, Sasajyan, Songlago,*
9 *Toto, Tujan (Tiyán), Uchunao, Ungaguan, and Y-Joya.*

10 *I Liheslaturan Guåhan* further finds that the only war memorial existing in
11 the municipality of *Barrigada* is a mediocre pile of rocks on a twenty (20) feet by
12 twenty (20) feet parcel of land belonging to the Archdiocese of *Hagåtña*.

13 *I Liheslaturan Guåhan* further finds, and confirmed by the GIAA Executive
14 Manager, that the A.B. WonPat International Airport Authority does not need Site
15 T-18 for airport operations.

16 *I Liheslaturan Guåhan* further finds that the present day United States Navy
17 has, from time to time, provides access to the people of Guam to pre-World War II
18 and World War II historic and cultural sites, such as the *Sumay* Cemetery on Naval
19 Base Guam and the *Fena* Caves at the Naval Magazine Base. *I Liheslaturan*
20 *Guåhan* further finds that the United States Navy presently has a program in place
21 to provide access to these cultural and historic sites to the people of Guam called
22 the “Public Access Program.”

23 *I Liheslaturan Guåhan* intends to grant nothing less and has received
24 concurrence from the GIAA Executive Director of its support of the objectives of
25 Bill 74-34. The Federal Aviation Administration (FAA) has similarly expressed its
26 support of the Bill 74-34 objectives.

1 *I Liheslaturan Guåhan*, intends to transfer that land known as “*Tiyan* Site T-
2 18” from the A.B. Won Pat International Airport Authority (“GIAA”) to the Office
3 of the Mayor of the *Municipality of Barrigada*. *And* further intends to authorize
4 the Office of the Mayor of *Barrigada* and the *Barrigada* Municipal Planning
5 Council to enter into a partnership with a non-profit organization interested in the
6 development of Lot T-18.

7 **Section 2. Fee Simple Transfer of Site T-18, Tiyan.** Notwithstanding
8 any other provision of law, rule or regulation, Site T-18, *Tiyan* is hereby transferred
9 in fee simple from the A.B. WonPat International Airport (GIAA) to the
10 Department of Parks and Recreation. Such transfer shall allow for the release of
11 GIAA from liability for failure to comply with the Historic Preservation Condition
12 contained in the Quitclaim Deed (DLM Instrument No. 628020).

13 **Section 3. Administrative Jurisdiction.** Notwithstanding any other
14 provision of law, rule or regulation, following transfer of Site T-18 to the
15 Department of Parks and Recreation, administrative jurisdiction of the *Tiyan* parcel
16 known as “Site T-18” consisting of approximately 2.43 acres shall be rescinded
17 from the Department of Parks and Recreation and vested in the Office of the
18 Mayor of the municipality of *Barrigada* and the *Barrigada* Municipal Planning
19 Council. With regard to its administrative jurisdiction and oversight over Site T-18,
20 the Office of the Mayor of the Municipality of *Barrigada* and the *Barrigada*
21 Municipal Planning Council shall abide by the Historic Preservation Condition
22 contained in the Quitclaim Deed (DLM Instrument No. 628020) and all laws, rules
23 and regulations, policies, and directives of the Department of Parks and Recreation
24 Guam Historic Preservation Division and the Guam Historic Preservation Officer.

25 **Section 4. Authorization to Enter into a Partnership.** The Office of the
26 Mayor of *Barrigada* and the *Barrigada* Municipal Planning Council are hereby
27 authorized to enter into a partnership with a non-profit organization interested in

1 the development of Site T-18 as a historic and cultural site. Such non-profit
2 organization shall abide by the Historic Preservation Condition contained in the
3 Quitclaim Deed (DLM Instrument No. 628020) and all laws, rules and regulations,
4 policies, and directives of the Department of Parks and Recreation Guam Historic
5 Preservation Division and the Guam Historic Preservation Officer in its
6 development of Site T-18.

7 **Section 5. Technical Description and Location of the Parcel Known as**
8 **Site T-18.**

9 “Exhibit A” is attached to this bill as the technical description of the actual
10 location of Site T-18. “Exhibit B” is attached as the graphic representation of the
11 general location of Site T-18. GIAA shall, at its sole cost, obtain a survey and map
12 of Site T-18 for recordation at the Department of Land Management, which map
13 shall be used for the transfer of Site T-18 from GIAA to the Government of Guam
14 or Department of Parks and Recreation. GIAA shall also, at its sole cost and in
15 conjunction with the survey and map of Site T-18; provide an access easement to
16 Site T-18 and such easement continuing to provide access also to the National
17 Weather Service Facilities on this GIAA property.

18 **Section 6. Exemption.** § 2107 of Title 2, Guam Code Annotated, relative
19 to appraisals of land *shall not* apply to this Act.

20 **Section 7. Severability.** If any provision of this Act or its application to
21 any person or circumstance is found to be invalid or contrary to law, that invalidity
22 *shall not* affect other provisions or applications of this law that can be given effect
23 without the invalid provisions or applications, and to this end the provisions of this
24 Act are severable.

Exhibit A - Bill No. 7434 (cor)

LEGAL TECHNICAL DESCRIPTION
LOT T-18
MUNICIPALITY OF BARRIGADA
GUAM

All that tract or parcel of land designated as LOT T-18 situated in the Municipality of Barrigada, Guam, more particularly bounded and described as follows:

Beginning at a point, a 3" diameter brass disk set in 6"x 6" concrete marked US Navy Boundary set by PLS 71, having coordinates of East 343,759.81 feet and North 647,004.43 feet being North 25° 29' 28" West, 1,060.97 feet from Guam Geodetic Network (GGN) 1993 Grid Station 1039, having coordinates of East 344,216.42 feet and North 646,046.74 feet.

Then, along the following Five (5) courses:

- 1) North 16°35'33" West, 279.58 feet to corner two (2), a 3" diameter brass disk set in 6"x6" concrete marked US Navy Boundary set by PLS 71;
- 2) Then, North 26° 40' 01" East, 200.83 feet to corner three (3), a 3" diameter brass disk set in 6"x 6" concrete marked US Navy Boundary set by PLS 71;
- 3) Then, South 89° 45' 07" East, 171.57 feet to corner four (4), a 3" diameter brass disk set in 6"x 6" concrete marked US Navy Boundary set by PLS 71;
- 4) Then, South 20° 32' 42" East, 360.50 feet to corner five (5), a 3" diameter brass disk set in 6"x6" concrete marked US Navy Boundary set by PLS 71;
- 5) Then, South 70° 31' 05" West, 327.11 feet to point of beginning containing an area of One Hundred Sixteen Thousand Five Hundred Seventy-Four (116,574) Square Feet more or less or Ten Thousand Eight Hundred Thirty (10,830) Square Meters more or less or Two and Six Hundred Seventy-Six Thousandths (2.676) Acres more or less as shown on NAVFAC Drawing No. 7942086.

Prepared by:

 08/04/00
THOMAS J. CONDON, PLS No. 71
Dueñas & Associates, Inc.

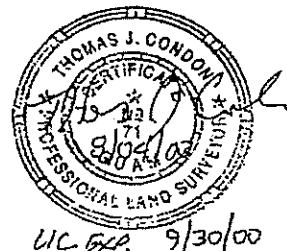
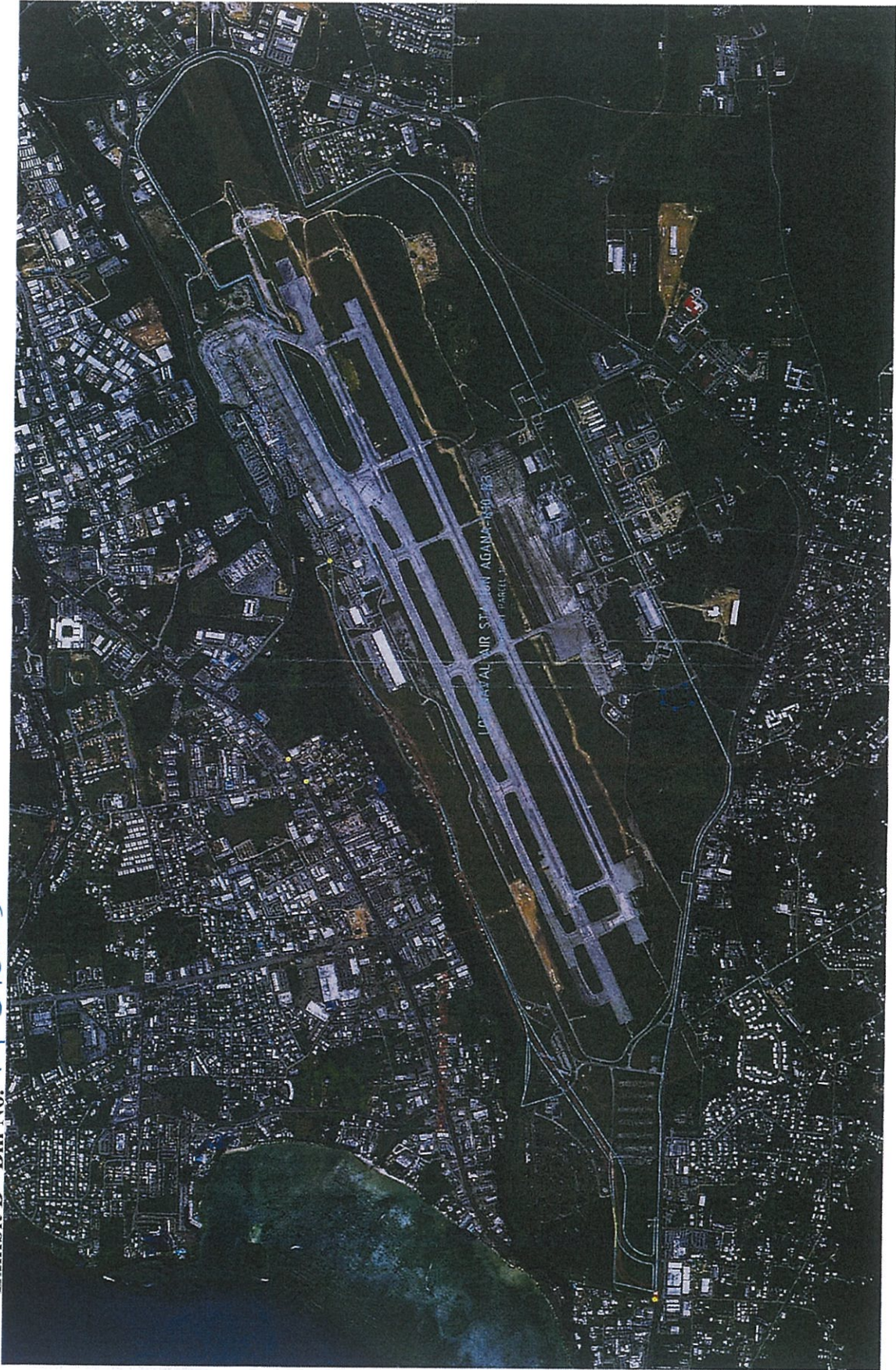


EXHIBIT "H"

Exhibit B - Bill No. 74 - 3A (cor)





COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuáttro na Liheslaturan Guáhan • 34th Guam Legislature



MEMO

To: Rennae Meno
Clerk of the Legislature

From: Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules

Date: May 4, 2017

Re: Fiscal Note Waiver

Buenas yan Háfa adai.

Attached, please find the fiscal note waiver (as advised by BBMR) for the following bill:

Bill No. 74-34 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

For any questions or concerns, please feel free to contact Christian Valencia, Committee on Rules Director, at 472-6453.

Thank you for your attention to this important matter.

Respectfully,


Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules





BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOSE S. CALVO
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

LESTER L. CARLSON, JR.
DEPUTY DIRECTOR

MAY 03 2017

Senator Michael F. Q. San Nicolas
Chairman, Committee on Rules
I Mina'Trentai Kuáttro na Liheslaturan Guahan
34th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

The Bureau requests that Bill No. 74-34 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill 74-34 proposes to place land known as Tiyan Parcel T-18 under the administrative jurisdiction of the Mayor of Barrigada and its Municipal Council with the intention to develop it as a historic and cultural site. The bill does not provide government funds to develop the site. However, it proposes to authorize the Mayor to enter into partnership with a non-profit organization for its development.

The intent of the Bill is administrative in nature and poses no fiscal impact upon any funds of the Government of Guam.

Si Yu'os Ma'ase,


JOSE S. CALVO

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Terlaje,
Member

Senator Thomas C. Ada,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telenia C. Nelson,
Member



Senator Dennis G. Rodriguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member

Senator Mary C. Torres,
Member

COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR
SIKRITARIAN LIHESLATURAN GUAHAN
I MINA 'TRENTAI KUATTRO NA LIHESLATURAN GUAHAN
LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

COMMITTEE REPORT CHECKLIST

Part 1 / 1

BILL NO. 74-34 (COR)		
As amended by the Committee.		
AN ACT TO PLACE THAT LAND KNOWN AS "TIYAN PARCEL SITE T-18" UNDER THE ADMINISTRATIVE JURISDICTION OF THE OFFICE OF THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL; AND TO AUTHORIZE THE OFFICE OF THE MAYOR OF BARRIGADA AND THE BARRIGADA MUNICIPAL PLANNING COUNCIL TO ENTER INTO A PARTNERSHIP WITH A NON-PROFIT ORGANIZATION.		
REFERRED TO:		
Senator Thomas C. Ada; Chairperson, Committee on Environment, Land, Agriculture, and Procurement Reform.		
(A) FISCAL NOTE or WAIVER	(1) Requested by COR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Date & Time: <i>Mon. 4-17-17 @ 2:25 pm</i>
	(2) Received by COR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Date & Time: <i>Thurs. 5-4-17 @ 10:14am</i>
	(3) Waived by COR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Date & Time: <i>Thurs. 5-4-17 @ 1:24pm</i>
	(4) Bill contains appropriations or authorizations for appropriations from any fund sources? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If YES: (4/5)(a) Funding Availability Note/Waiver (OFB) attached? <input type="checkbox"/> YES <input type="checkbox"/> NO (Unable to file CMTE Report) (4/5)(b) Funding source identified? 2 GCA § 9101 <input type="checkbox"/> YES <input type="checkbox"/> NO (Proceed to (A)(6))
	(5) Bill contains an authorization to expend government funds? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	(4/5)(c) Funds available and sufficient? 2 GCA § 9101 <input type="checkbox"/> YES <input type="checkbox"/> NO (Proceed to (A)(6))
	(6) Restrictions Against Unfunded Appropriations (2 GCA § 9101) <input type="checkbox"/> Identifies specific alternate funding source <input type="checkbox"/> De-appropriates from previous appropriation with available funds and fiscal note <input type="checkbox"/> Written certification by CMTE Chair that a situation exists which "threatens the safety, health and welfare of the community"	



Committee Report Checklist on
Bill No. 74-34 (COR) As amended by the Committee.
 Part 1 / 1

(B) PUBLIC HEARING	(1) HEARING NOTICES SR §§ 6.04(a)(1) and 6.04(a)(2), Open Government Law (5 GCA, Ch. 8)	
	<input checked="" type="checkbox"/> (a) Five (5) working days prior (A L Senators & ALL Media)	Date and Time of Notice: Thurs. 4-27-17 @ 12:18 pm
	<input checked="" type="checkbox"/> (b) Forty-eight (48) hours prior (ALL Senators & ALL Media)	Date and Time of Notice: Tues. 5-2-17 @ 8:50 am
	(2) Date and Time of Hearing: Thurs. 5-4-17 @ 9:00 am	or (4) HEARING WAIVED by Speaker in case of emergency SR § 6.04(a)(1) <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
	(3) Location: Public Hearing Room Guam Congress Bldg.	If YES: Attach memo indicating WAIVER
	(5) AMENDMENTS or SUBSTITUTIONS BY COMMITTEE SR § 6.04(b)	
	(a) Committee elects to substitute bill? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If YES: Date and Time: (a)(1) Vote sheet affirmative? <input type="checkbox"/> YES <input type="checkbox"/> NO (a)(2) Preliminary report filed with COR? SR § 6.04(b)(2) <input type="checkbox"/> YES <input type="checkbox"/> NO (a)(3) Public Hearing noticed? <input type="checkbox"/> YES <input type="checkbox"/> NO
	(b) Bill materially different after committee amendment or substitution? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If YES: SECONDARY PUBLIC HEARING MAY BE REQUIRED SR § 6.04(c)(3) <input type="checkbox"/> YES <input type="checkbox"/> NO
		COR Chair




**Committee Report Checklist on
Bill No. 74-34 (COR) As amended by the Committee.
Part 1/1**

(C) COMMITTEE REPORT	(1) Committee Report filed with COR? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If YES: Date & Time: <i>Thurs. 7-13-17 @ 2:47 pm</i>	Notes:	If NO: UNABLE TO PLACE ON SESSION AGENDA SR § 6.04(d)(1)		
	(1)(a) Secondary CMTE Report filed with COR? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A If YES: Date & Time:				
	(2) LAND LEGISLATION				
	(a) Bill involves government taking, transfer, purchase, or lease of land? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A			If YES: ATTACH TWO (2) PROPERTY APPRAISALS TO CMTE REPORT SR § 6.04(c)(4) 2 GCA § 2107(b)	
	(a)(1) Please indicate on both columns: <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"> (i) Type of transaction: <input type="checkbox"/> Taking <input checked="" type="checkbox"/> Transfer <input type="checkbox"/> Purchase <input type="checkbox"/> Lease </td> <td style="width: 50%;"> (ii) Type of entity: <input checked="" type="checkbox"/> Government <input type="checkbox"/> Non-government </td> </tr> </table>	(i) Type of transaction: <input type="checkbox"/> Taking <input checked="" type="checkbox"/> Transfer <input type="checkbox"/> Purchase <input type="checkbox"/> Lease	(ii) Type of entity: <input checked="" type="checkbox"/> Government <input type="checkbox"/> Non-government		
	(i) Type of transaction: <input type="checkbox"/> Taking <input checked="" type="checkbox"/> Transfer <input type="checkbox"/> Purchase <input type="checkbox"/> Lease	(ii) Type of entity: <input checked="" type="checkbox"/> Government <input type="checkbox"/> Non-government			
	(b) Bill involves legislative land rezoning? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A			If YES: INCLUDE Land Zoning Consideration Report 2 GCA § 2110	
	(b)(1) Bill involves legislative rezoning of property zoned Agricultural (A)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A			If YES: INCLUDE Agricultural Consideration Report (Dept. of Agriculture) 2 GCA § 2110 [Proceed to (b)(2)]	
(b)(2) Proof of Agricultural consideration report reviewed by Guam Land Use Commission? 21 GCA § 61637 <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A					



**Committee Report Checklist on
 Bill No. 74-34 (COR) As amended by the Committee.
 Part 1 / 1**

(D) COMMITTEE REPORT (continued)	(3) G.A.R.R. LEGISLATION SR § 6.04(c)(1) 5 GCA §§ 9301 and 9303	
	a) Bill involves approving or amending Rules and Regulations? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	If YES: INCLUDE Economic Impact Statement 5 GCA §§ 9301 (d), 9301 (e), 9301 (f)
	(4) COMMITTEE REPORT COMPONENTS	
	(a) Front Page Transmittal to Speaker	<input checked="" type="checkbox"/>
	(a)(1) COR Chair Signature Line	<input checked="" type="checkbox"/>
	(b) Title Page	<input checked="" type="checkbox"/>
	(c) Committee Chair Memo to All Committee Members	<input checked="" type="checkbox"/>
	(d) COR Referral Memorandum	<input checked="" type="checkbox"/>
	(e) Notice of Public Hearing & Other Correspondence	<input checked="" type="checkbox"/>
	(f) Public Hearing Agenda	<input checked="" type="checkbox"/>
	(g) Public Hearing Sign-in Sheet	<input checked="" type="checkbox"/>
	(h) Written Testimonies & Additional Documents	<input checked="" type="checkbox"/>
	(i) Committee Vote Sheet(s)	<input checked="" type="checkbox"/>
	(j) Committee Report Digest(s)	<input checked="" type="checkbox"/>
	(k) Bill History	<input checked="" type="checkbox"/>
	(k)(1) Copy of Bill as introduced	<input checked="" type="checkbox"/>
	(k)(2) COR Pre-Referral Checklist	<input checked="" type="checkbox"/>
	(k)(3) Copy of Bill as corrected by Prime Sponsor (if applicable)	<input type="checkbox"/> N/A
	(k)(4) Copy of Bill as <u>amended</u> substituted by Committee (if applicable)	<input checked="" type="checkbox"/>
	(l) Fiscal Note/<u>Waiver</u> and Funding Availability Note (OFB)	<input checked="" type="checkbox"/>
(m) Two (2) Property Appraisals (if applicable)	<input type="checkbox"/>	
(n) Related News Reports (optional)	<input type="checkbox"/> N/A	
(o) Miscellaneous (optional)	<input type="checkbox"/> N/A	
(p) Committee Report Checklist(s)	<input checked="" type="checkbox"/>	
(E) COR Action	<input checked="" type="checkbox"/> CMTE Report duly filed; Available for Placement on Session Agenda <input type="checkbox"/> CMTE Report non-conforming for acceptance; Return to Committee	COR CHAIR (Signature, Date & Time)  7/17/17 9.05am

