



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

Copy of Bill No. 334
Vicente C. Pangelinan

DEC 31 2004

TIME: 4:35 PM
RECEIVED BY: [Signature]

31 DEC 2004

The Honorable Vicente C. Pangelinan
Speaker
Mina' Bente Siete Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 334 (COR), "AN ACT TO APPROVE AN AREA-FOR-AREA EXCHANGE OF PROPERTY UNDER THE JURISDICTION OF THE CHAMORRO LAND TRUST IN IJA, MUNICIPALITY OF INARAJAN, DISCOVERED TO CONTAIN SIGNIFICANT CULTURAL, HISTORIC AND ARCHEOLOGICAL RESOURCES, AND TO REQUIRE THAT A MEMORANDUM OF UNDERSTANDING BE PREPARED TO ADDRESS THE PROPERTY EXCHANGE," now designated as **Public Law 27-154**.

Sinseru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

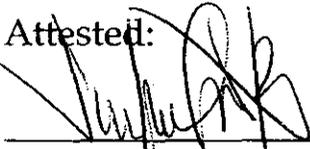
cc: The Honorable Tina Rose Muna-Barnes
Senator and Legislative Secretary

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

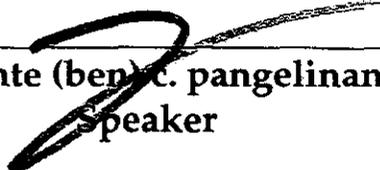
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 334 (COR), "AN ACT TO APPROVE AN AREA-FOR-AREA EXCHANGE OF PROPERTY UNDER THE JURISDICTION OF THE CHAMORRO LAND TRUST IN IJA, MUNICIPALITY OF INARAJAN, FOR A PRIVATELY OWNED LOT IN THE MUNICIPALITY OF INARAJAN, DISCOVERED TO CONTAIN SIGNIFICANT CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES, AND TO REQUIRE THAT A MEMORANDUM OF UNDERSTANDING BE PREPARED TO ADDRESS THE PROPERTY EXCHANGE," was on the 20th day of December, 2004, duly and regularly passed.

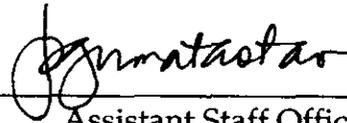
Attested:



Tina Rose Muña Barnes
Senator and Legislative Secretary


vicente (ben) c. pangelinan
Speaker

This Act was received by *I Maga'lahen Guåhan* this 20 day of December, 2004,
at 5:50 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: December 30, 2004

Public Law No. 27-154

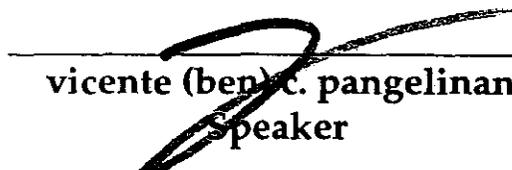
I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

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

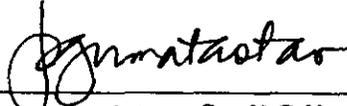
This is to certify that Bill No. 334 (COR), "AN ACT TO APPROVE AN AREA-FOR-AREA EXCHANGE OF PROPERTY UNDER THE JURISDICTION OF THE CHAMORRO LAND TRUST IN IJA, MUNICIPALITY OF INARAJAN, FOR A PRIVATELY OWNED LOT IN THE MUNICIPALITY OF INARAJAN, DISCOVERED TO CONTAIN SIGNIFICANT CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES, AND TO REQUIRE THAT A MEMORANDUM OF UNDERSTANDING BE PREPARED TO ADDRESS THE PROPERTY EXCHANGE," was on the 20th day of December, 2004, duly and regularly passed.

Attested:


Tina Rose Muña Barnes
Senator and Legislative Secretary


vicente (ben) c. pangelinan
Speaker

This Act was received by *I Maga'lahaen Guåhan* this 20 day of December, 2004,
at 5:50 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: December-30, 2004

Public Law No. 27-154

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

Bill No. 334 (COR)

As amended by the Committee
on Utilities and Land and further
amended on the Floor.

Introduced by:

T. R. Muña Barnes
F. B. Aguon, Jr.
J. M.S. Brown
F. R. Cunliffe
Carmen Fernandez
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
v. c. pangelinan
J. M. Quinata
R. J. Respicio
Toni Sanford
Ray Tenorio

AN ACT TO APPROVE AN AREA-FOR-AREA EXCHANGE OF PROPERTY UNDER THE JURISDICTION OF THE CHAMORRO LAND TRUST IN IJA, MUNICIPALITY OF INARAJAN, FOR A PRIVATELY OWNED LOT IN THE MUNICIPALITY OF INARAJAN, DISCOVERED TO CONTAIN SIGNIFICANT CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES, AND TO REQUIRE THAT A MEMORANDUM OF UNDERSTANDING BE PREPARED TO ADDRESS THE PROPERTY EXCHANGE.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*
3 finds that Mr. Benny Chargualaf, a private landowner, purchased and

1 subdivided a lot, located in the Municipality of Inarajan and comprising of
2 5,116± square meters, into contiguous parcels. Mr. Chargualaf hired a
3 contractor and obtained a building permit to begin the process of
4 developing the lots, but evidence of archaeological artifacts was discovered
5 when digging began.

6 As required by law, Mr. Chargualaf halted construction and
7 contacted the Historic Preservation Division of the Department of Parks
8 and Recreation (DPR) to investigate the area. It was subsequently
9 determined by DPR that a site containing rich cultural, historical and
10 archaeological resources is located upon his property. DPR believes that
11 the site is of significant importance and has requested that the property be
12 placed in their inventory for preservation and research purposes. However,
13 since the property to be used for exchange is in the inventory of the
14 *Chamorro Land Trust, I Liheslatura* desires to have the Chargualafs' lots
15 transferred and deeded to the *Chamorro Land Trust*.

16 Mr. Chargualaf is required by law to preserve the cultural, historical
17 and archaeological resources located on his property, and without
18 assistance from the government, this places a great financial burden on his
19 family in order to develop his lot. He is willing to exchange his land, area-
20 for-area, for a portion of a lot in *Ija*, Inarajan, under the administration of
21 the *Chamorro Land Trust (CLT)*.

22 *I Liheslaturan Guåhan* further finds that the private landowner, Mr.
23 Chargualaf, has incurred significant costs for subdividing property he can
24 no longer use, and does not have the resources to afford subdividing
25 another lot. Mr. Chargualaf should not be punished for following the law

1 and offering to make what DPR believes will be a significant contribution
2 to our knowledge of our ancestors.

3 It is therefore the intent of *I Liheslaturan Guåhan* to require the
4 subdividing of a specific lot in the inventory of the CLT and that an area-
5 for-area land exchange occur in which Mr. Benny Chargualaf receives the
6 subdivided lots and CLT receives the property from Mr. Chargualaf that
7 cannot be developed at the present time. It is also the intent of *I*
8 *Liheslaturan Guåhan* that CLT, the Department of Land Management and
9 DPR prepare a Memorandum of Understanding to ensure that the
10 Chargualaf property is studied for its historical and archeological
11 significance, and that CLT be adequately compensated for its property loss.

12 **Section 2. Area-for-Area Land Exchange.** The *Chamorro* Land
13 Trust shall survey and subdivide into four (4) equal lots a portion of Lot
14 No. 8-17-R2, *Ija*, Inarajan, to be comprised of 5,166± square meters, and the
15 *Chamorro* Land Trust shall convey and transfer said surveyed property to
16 Mr. Benny Chargualaf of Inarajan, in an area-for-area exchange for
17 contiguous Lots numbered 15D-4-1-R/W, 15D-4-2, 15D-4-3, 15D-4-4 and
18 15D-4-R4, comprised of 5,166± square meters, all in the Municipality of
19 Inarajan. The lots transferred from Mr. Chargualaf shall be placed in the
20 inventory of the *Chamorro* Land Trust. If any portion of the property
21 transferred from Mr. Chargualaf to the *Chamorro* Land Trust is determined
22 to be public right-of-way, then the area to be exchanged shall be reduced
23 accordingly and reflected in the area of property transferred to Mr.
24 Chargualaf.

1 **Section 3. Memorandum of Understanding.**

2 a. **Preservation of Historic Resources.** The *Chamorro* Land
3 Trust, the Department of Parks and Recreation, and the Department
4 of Land Management shall, through a Memorandum of
5 Understanding, stipulate that the future use of the lots transferred
6 from Mr. Chargualaf to the *Chamorro* Land Trust, identified as Lots
7 15D-4-1-R/W, 15D-4-2, 15D-4-3, 15D-4-4 and 15D-4-R4, comprised of
8 5,166± square meters, all in the Municipality of Inarajan, shall be
9 consistent with the findings of the Department of Parks and
10 Recreation's Historic Preservation Division.

11 b. **Compensation for *Chamorro* Land Trust.** The
12 Memorandum of Understanding shall specify that the *Chamorro* Land
13 Trust shall be compensated for expenses incurred relative to Section 2
14 of this Act over and above the valuation of the property involved,
15 and that *I Liheslaturan Guåhan* shall be informed if any appropriation
16 or appropriations are necessary.



The People

Mina' Bente Siete Na Liheslaturan Guahan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

DEC 15 2004

The 27th Guam Legislature
I Mina' Bente Siete Na Liheslaturan Guahan
155 Hesler Street
Hagatna, GU 96910

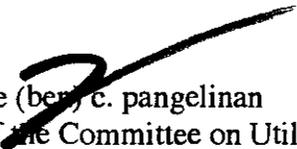
The Committee on Utilities and Land, to which was referred **Bill 334**, "AN ACT TO APPROVE AN AREA-FOR-AREA EXCHANGE OF PROPERTY UNDER THE JURISDICTION OF THE CHAMORRO LAND TRUST IN IJA, MUNICIPALITY OF INARAJAN, FOR A PRIVATELY OWNED LOT IN THE MUNICIPALITY OF INARAJAN DISCOVERED TO CONTAIN SIGNIFICANT CULTURAL, HISTORIC AND ARCHEOLOGICAL RESOURCES AND TO REQUIRE THAT A MEMORANDUM OF UNDERSTANDING BE PREPARED TO ADDRESS THE PROPERTY EXCHANGE," has had the same under consideration, and now wishes to report back an amended version with the recommendation to do pass.

The Committee votes are as follows:

<u>8</u>	To Do Pass
<u>0</u>	Not to Pass
<u>0</u>	Abstain
<u>0</u>	Inactive File

A copy of the Committee Report and other pertinent documents are attached for your immediate reference and information.

Sincerely,


vicente (ben) c. pangelinan
Speaker & Chairman of the Committee on Utilities and Land

enclosure

Committee on Utilities and Land
I Mina'Bente Siete Na Libeslaturan Guahan

VOTING SHEET ON

Bill No. 334 (COR): *As amended by the Committee on Utilities and Land: "AN ACT TO APPROVE AN AREA-FOR-AREA EXCHANGE OF PROPERTY UNDER THE JURISDICTION OF THE CHAMORRO LAND TRUST IN IJA, MUNICIPALITY OF INARAJAN, FOR A PRIVATELY OWNED LOT IN THE MUNICIPALITY OF INARAJAN DISCOVERED TO CONTAIN SIGNIFICANT CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES AND TO REQUIRE THAT A MEMORANDUM OF UNDERSTANDING BE PREPARED TO ADDRESS THE PROPERTY EXCHANGE."*

COMMITTEE MEMBER	INITIAL	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
vicente (ben) c. pangelinan Chairman		✓			
Carmen Fernandez Vice Chairperson					
Frank Aguon, Jr. Member					
Randy Cunliffe Member		✓			
Lou Leon Guerrero Member		✓			
Rory Respicio Member					
Toni Sanford Member		✓			
Joanne Brown Member					
Mark Forbes Member		✓			
Ray Tenorio Member		✓			

Committee on Utilities and Land
I Mina 'Bente Siete Na Liheslaturan Guahan

Bill 334 (COR)

AN ACT TO APPROVE AN AREA-FOR-AREA EXCHANGE OF PROPERTY UNDER THE JURISDICTION OF THE CHAMORRO LAND TRUST IN IJA, MUNICIPALITY OF INARAJAN, FOR A PRIVATELY OWNED LOT IN THE MUNICIPALITY OF INARAJAN DISCOVERED TO CONTAIN SIGNIFICANT CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES AND TO REQUIRE THAT A MEMORANDUM OF UNDERSTANDING BE PREPARED TO ADDRESS THE PROPERTY EXCHANGE.

The Committee on Utilities and Land, to which was referred Bill 334 (COR), "AN ACT TO APPROVE AN AREA-FOR-AREA EXCHANGE OF PROPERTY UNDER THE JURISDICTION OF THE CHAMORRO LAND TRUST IN IJA, MUNICIPALITY OF INARAJAN, FOR A PRIVATELY OWNED LOT IN THE MUNICIPALITY OF INARAJAN DISCOVERED TO CONTAIN SIGNIFICANT CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES AND TO REQUIRE THAT A MEMORANDUM OF UNDERSTANDING BE PREPARED TO ADDRESS THE PROPERTY EXCHANGE," conducted a public hearing on Tuesday, December 7, 2004, at the Guam Legislature Public Hearing Room. Speaker vicente (ben) c. pangelinan conducted the legislative hearing as Chairman on Utilities and Land. Also in attendance were Senators Toni Sanford, Joanne Brown, Robert Klitzkie, and Tina Rose Muna Barnes.

Summary

Mr. Benny Chargualaf purchased the lot for his three children and had it subdivided into four lots. When one of his children began construction of his home in one of the lots, he discovered that there were ancient Chamorro artifacts in the property, thus halting the construction. It is for this reason that he is requesting for a land exchange.

Mr. Benny Chargualaf, Jr., also testified in favor of the bill. After becoming a father, he had asked his father to deed one of the lots to him in order for him to build a home for his newly born son and his wife-to-be. He spent a majority of his savings account for the planning process, from blue prints to building permits, only to find out that he cannot continue the construction process because of artifacts in the property. He was informed that in order to excavate those artifacts, it would cost him at least \$50,000—money that

he does not have. A land exchange, although he would have to start all over, would allow him to finally build a home for his family.

Ms. Lynda Aguon of the Guam Historic Preservation Office testified on behalf of Mr. Vic April, Department of Parks and Recreation's Territorial Archaeologist. On Mr. Vic April's written testimony, he expressed his support for the bill. He wrote that Mr. Benny Chargaulaf obtained a bank loan to build a house, but prior to the excavation of the house foundation, the Department performed an archaeological testing that revealed significant archaeological resources. The artifacts recovered include sling stones, pottery, and shell adzes. There was also a pottery shard that dates back to 2,500 years ago. Mr. Vic April believes that the information recovered and the ones that will be recovered from the property will be a significant addition to Guam's understanding of prehistory. He also believes that the area-for-area land exchange is a win-win situation, wherein Mr. Benny Chargualaf is permitted to build a house for his family and the government of Guam will be able to preserve important historic artifacts.

Mr. Joe Garrido, in his capacity as an employee of the Guam Historic Preservation, testified in favor of the bill. He also commended the Chargualafs for their willingness and cooperation throughout the process of finding a workable solution in building a house while simultaneously protecting artifacts.

As a private citizen, Mr. Joe Garrido also expressed his support for the bill.

Mayor Franklin Taitague of Inarajan believes that the bill is a win-win situation for both the Chargualaf family and the Government of Guam.

Sen. Tina Muna Barnes thanked everyone for presenting testimony. She explained that when she was approached by Mr. Chargualaf, Mr. Chargualaf expressed his desire to build homes for his children, but at the same time, understands the importance of artifacts and that's the reason why he stopped the development of the property.

Mr. Benny Chargualaf, Jr., explained that he was approved from the bank to build his home. But if he were to have the property excavated for artifacts, it will cost him additional \$50,000 just for that one lot alone. Banks will not approve him this additional amount. He also mentioned that his approved loan had expired and he'll have to go through the same process of applying again to get a loan and build his home in the new lot, if this bill is approved.

Sen. Toni Sanford inquired as to whether the property has been subdivided. Mr. Benny Chargualaf indicated that it has not been officially subdivided.

Sen. Bob Klitzkie commented on Mr. Chargualaf's efforts to follow the law.

Ms. Lynda Aguon of the Department of Parks and Recreation, Office of Historic Preservation, said that she met with the Chargualafs and went over the options that they can explore. Mr. Benny Chargualaf, Jr., informed them that he couldn't borrow

additional money any more. Also, there is no money from the Preservation Trust Fund to pay for the excavation of artifacts.

Ms. Lynda Aguon commends Mr. Chargualaf's sincerity and willingness to find a solution that will both preserve the artifacts and provide a home for his son and his son's family.

Ms. Lynda Aguon requested that the bill's intent be clarified. She said that current law does not prohibit development in the said lot, but to do so, it requires a mitigation plan to be in place. For example, in Tumon, there are artifacts in the area, but hotels and other establishments continue to be built there because they have mitigation plans.

She suggested that to avoid or prevent these similar situations for other landowners, that prior to purchasing a lot, a law should require the purchaser to check with the Office of Historic Preservation/Department of Parks and Recreation whether artifacts are in the area.

Mr. Joe Borja, as a Director of the Department of Land Management, did not have any objections on the bill. Though, he requested that clarifications be made, such as who would be responsible for the cost of surveying, mapping and appraising. He also agreed with Ms. Lynda Aguon's suggestion that there needs to be a "disclosure" law for real estate transactions. Mr. Chargualaf is not the first to experience this type of situation. He's known of two other cases.

As an acting director of the Chamorro Land Trust Commission, Mr. Joe Borja explained that CLTC has a standard policy to oppose any drain from the inventory. But the land exchange that the bill intends to accomplish is an area-for-area, and therefore, would not deplete CLTC's inventory. There is no acreage depletion. By doing the land exchange, CLTC would also be protecting the artifacts. Believes that the government is fortunate that the landowner is willing to have a workable solution.

Sen. Bob Klitzkie requested CLTC's position. Mr. Joe Borja informed him that the board has no official position in regards to this bill.

Sen. Bob Klitzkie also inquired about the use of the word "transfer" on line 7 of page 3 of the bill. He asked Mr. Joe Borja's interpretation of the word, and whether the word "conveyed" would have been better.

Sen. Bob Klitzkie also raised the question of when this bill becomes law, wouldn't the Chamorro Land Trust serve as an "insurer" for those who purchases properties containing artifacts?

Mr. Joe Borja believes it is a policy call.

Sen. Joanne Brown also explained her concern that by passing this bill into law, it would set precedence for others. It is a common reality that there are artifacts in many areas of Guam. She also inquired about the money in the Preservation Trust.

Ms. Lynda Aguon responded that the release of funds lies within the Bureau of Budget Management and Research. She also expressed the need for additional funding for archaeological research.

Mr. Joe Borja offered an amendment to the bill: Line 4, page 3, delete "Department of Land Management" and replace it with "Chamorro Land Trust Commission".

Findings and Recommendations

The Committee on Utilities and Land, to which was referred Bill 334 (COR), "AN ACT TO APPROVE AN AREA-FOR-AREA EXCHANGE OF PROPERTY UNDER THE JURISDICTION OF THE CHAMORRO LAND TRUST IN IJA, MUNICIPALITY OF INARAJAN, FOR A PRIVATELY OWNED LOT IN THE MUNICIPALITY OF INARAJAN DISCOVERED TO CONTAIN SIGNIFICANT CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES AND TO REQUIRE THAT A MEMORANDUM OF UNDERSTANDING BE PREPARED TO ADDRESS THE PROPERTY EXCHANGE," recommends that the legislation be _____.

TWENTY-SEVENTH GUAM LEGISLATURE
 I MINA 'BENTE SIETE NA LIHESLATURAN GUAHAN
 Committee on Utilities and Land

Witness Sign in Sheet

Bill No. 334 (COR): "AN ACT TO APPROVE AN AREA-FOR-AREA EXCHANGE OF PROPERTY UNDER THE JURISDICTION OF THE CHAMORRO LAND TRUST IN IJA, MUNICIPALITY OF INARAJAN, FOR A PRIVATELY OWNED LOT IN THE MUNICIPALITY OF INARAJAN DISCOVERED TO CONTAIN SIGNIFICANT CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES AND TO REQUIRE THAT A MEMORANDUM OF UNDERSTANDING BE PREPARED TO ADDRESS THE PROPERTY EXCHANGE."

Name	Representing	Testimony (written/oral)	Testimony (against/for)
Mayer Frank R. Taitano	I MTD	Written	for
Joe Borja			



OFFICE OF THE MAYOR
MUNICIPALITY OF INARAJAN
P.O. Box 786, Hagatna, Guam 96932
Tel: (671) 475-2509/10/11/12 Fax: (671) 828-2543

Mayor Franklin M. Taitague



TESTIMONY OF MAYOR FRANKLIN M. TAITAGUE
(In support of Bill No. 334 (COR))

BUENAS! MY NAME IS MAYOR FRANKLIN M. TAITAGUE FROM THE SOUTHERN HISTORICAL VILLAGE OF INALAHAN.

IN BEHALF OF THE GREAT CITIZENS OF THIS ISLAND, WE WISH TO THANK YOU AND MEMBERS OF YOUR COMMITTEE FOR THE OPPORTUNITY TO HEAR TESTIMONIES FOR OR AGAINST BILL 334.

HONORABLE CHAIRMAN, COMMITTEE MEMBERS, AND SENATORS OF THE 27TH GUAM LEGISLATURE, THE FINDINGS AND INTENT OF THIS BILL IS VERY CLEAR FOR ALL. PLEASE ALLOW ME TO EXPRESS MY HEARTFELT APPRECIATION FOR BILLS SUCH AS 334 THAT CONTINUES TO BENEFIT OUR CONSTITUENTS AND ISLAND AS A WHOLE. THIS BILL IS A WIN WIN SITUATION FOR MR. BENNY CHARGUALAF AND HIS FAMILY, THE GOVERNMENT OF GUAM, AND OF COURSE THE HISTORIC PRESERVATION OF OUR ISLAND'S RESOURCES.

I'M IN FAVOR FOR THE PASSAGE OF BILL 334 (COR).

THANK YOU AND SI YU'OS MA'ASE!

"Respetu yan Setbisiu para TODU - Respect and Service for ALL"

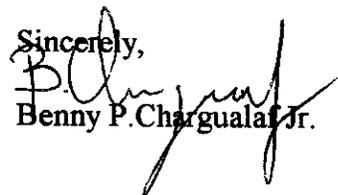
December 7, 2004

Re: Testimony for Bill 334: "The Land Exchange"

On December 22, 2003, one of the greatest events of my life occurred- my son was born! I knew that there would be many challenges ahead of me. One of them was learning to be a new father. One of the many fatherly instincts is to provide for his family a place they could call home. It was then on January (of this year) I approached my father, Benny Chargualaf, to plan the tedious task of deeding the land to me so I can proceed in building my home. During the planning process, a significant amount of money was used to pay for blue prints and building permits. The cost load practically drained everything I had saved in my bank account, but in my heart, I knew it would be all worth it when that day came when I could see my family under a roof that I provided for them. Unfortunately, those dreams were shattered when DPR put a halt on all construction when ancient Chamorro artifacts were discovered on my father's property. You should have seen the face of my future wife when I gave her the bad news.

The only way to build my home was to spend an insurmountable (\$50,000 per lot) amount of money, money that I do not have, to excavate the ancient Chamorro artifacts. Allowing this land exchange can once again rekindle that dream, that excitement, we had in our hearts.

It was a dream of mine to one day start a family. I dreamed of my son and I playing catch on our lawn; my wife cooking a wholesome home cooked meal in our home. These dreams can come true if you vote yes on bill 334. Please vote yes on my dream. Thank you.

Sincerely,

Benny P. Chargualaf Jr.

Re: Testimony for Bill 334 "Land Exchange"

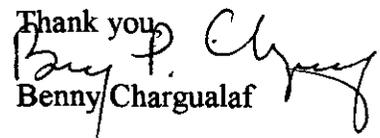
December 7, 2004

Good morning Senators:

My name is Benny Chargualaf and I reside in the village of Inarajan. In 1996, I purchased a property in Inarajan (lot 15D-4) which is approximately 5116 square meters, for the sole purpose of deeding it to my three children. In the year 2000, that lot was subdivided into 4 lots that cost approximately \$3000.

In January of this year, my son approached me with the intention of building his home in one of the lots. During the process of obtaining a mortgage loan, hiring a contractor, and getting building permits, I encountered concerns by the Department of Public Recreations in regards to the discovery of ancient Chamorro artifacts on my property. That was when I was informed by the DPR inspectors construction can no longer commence until further research from an archeologist.

This is why I am here today, to testify on behalf of Bill 334; the Land Exchange.

Thank you,

Benny Chargualaf

Vicente (Ben) Panglinan
Speaker and Chairman
Committee on Utilities and Land
155 Hesler St.
Hagatna, Guam 96910

Dear Chairman and members of the Committee on Utilities and Land:

My name is Vic April I am the Territorial Archaeologist with the Department of Parks and Recreation. I am here today to testify in support of Bill 334, an act to approve an area-for- area exchange of property under the jurisdiction of the Chamorro Land Trust in Ija, municipality of Inarajan, for a privately owned property identified as Lots 15D-4-1-R/W, 15D-4-3, 15D-4-4 and 15D-4-R4 in the municipality of Inarajan that contains significant archaeological resources.

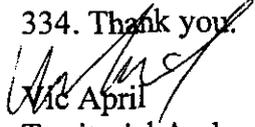
Several months ago Mr. Benny Chargaualof obtained a bank loan to build a house on his property. The location of the property, which is adjacent to the coastal area where likelihood of significant archaeological resources is high, prompted the Department of Parks and Recreation Historic Resources Division to perform archaeological testing prior to excavation of the house foundation. Three backhoe trenches were excavated to depths between fifty (50) centimeters and little over a meter. All three trenches revealed significant archaeological resources including human burials. The artifacts recovered include nicely shaped sling stones, shell adzes, pottery, charcoal, and numerous different types of seashells. One of the trenches exposed pottery shards that date back to 2,500 years ago.

The results of the three test trenches strongly suggest that the entire Lot that has been subdivided into four is very rich in archaeological resources which if studied thoroughly, the information recovered will be a significant addition to our understanding of Guam's prehistory.

The proposed exchange Lot in Ija subdivision has been inspected for archaeological/historical properties and did not reveal any significant sites.

The area-for-area land exchange between Mr. Benny Chargaualof and the Government of Guam will accomplish two very important issues. First, it will allow Mr. Chargaualof to build a house that him and his family need. Second, it will preserve a very important site which if researched carefully, the information of Guam's prehistory will be broadened, learned and enjoyed by the present and future generations.

Chairman and members of this committee, I solicit your favorable consideration on Bill 334. Thank you.


Vic April
Territorial Archaeologist

D.P.R.

