

1 **GUAM CONSOLIDATED COMMISSION ON UTILITIES**
2 **RESOLUTION NO. 61-FY2016**

3 **RELATIVE TO SUPPORTING PROPOSED DRAFT LEGISLATION**
4 **FOR ACQUISITION OF CERTAIN GUAM ANCESTRAL LANDS**
5 **COMMISSION PROPERTIES**

6 **WHEREAS**, under 12 G.C.A. § 14105, the Consolidated Commission on Utilities
7 (“CCU”) has plenary authority over financial, contractual and policy matters relative to the
8 Guam Waterworks Authority (“GWA”); and
9

10 **WHEREAS**, the Guam Waterworks Authority (“GWA”) is a Guam Public Corporation
11 established and existing under the laws of Guam; and
12

13 **WHEREAS** the Guam Waterworks Authority (GWA) has identified property, owned
14 by the Guam Ancestral Lands Commission (GALC), for the purpose of construction of the
15 expansion of the Northern District Wastewater Treatment Plant (NDWWTP) to meet the
16 secondary treatment discharge limits required to comply with the current National Pollution
17 Discharge Elimination Systems (NPDES) permit (GU0020141) and to handle the additional
18 flow due to increased military and civilian population expected for the 2020 relocation of
19 Marines to Guam; and
20

21 **WHEREAS**, the existing wastewater treatment plant presently provides only Court
22 Ordered chemically enhanced primary treatment (CEPT) without disinfection, and that the
23 upgrade to the NDWWTP will ensure NPDES permit requirements are met for all discharges of
24 wastewater flows from the proposed build up and increase in civilian populations in northern
25 Guam; and
26

27 **WHEREAS**, the upgrade is necessary to mitigate increases to ocean discharge which
28 will significantly impact marine resources, and to protect the Northern Guam Lens Aquifer; and
29

30 **WHEREAS**, GWA received grant funds from the Office of Economic Adjustment
31 (OEA) for the design and construction of the expansion/upgrade of the NDWWTP; and
32

1 //

2 **WHEREAS**, GWA and GALC have discussed the basic terms of the transfer to meet the
3 needs and mandates of both parties, and are committed to addressing any reasonable
4 modifications to the draft legislation that would lead to a finalized compensation to the Guam
5 Ancestral Lands Commission that is mutually agreeable; and

6
7 **NOW BE IT THEREFORE RESOLVED**, the Consolidated Commission on Utilities
8 does hereby approve and authorize the following:

9
10 **Section 1.** The foregoing recitals hereto are hereby ratified, confirmed, and
11 incorporated herein by reference.

12 **Section 2.** The Consolidated Commission on Utilities supports the intent of the draft
13 attached bill (Exhibit A) with reasonable modifications based on GALC comments as deemed
14 appropriate:

15 **AN ACT TO TRANSFER A PORTION OF LOT IDENTIFIED AS**
16 **ANDERSEN COMMUNICATION ANNEX NO. 1 (AJKD), AS**
17 **SHOWN ON DEPARTMENT OF LAND MANAGEMENT**
18 **SKETCH IDENTIFIED AS NORTHERN DISTRICT**
19 **WASTEWATER TREATMENT PLANT(NDWWTP),**
20 **MUNICIPALITY OF DEDEDO WITH AN AREA OF ±70,000.**
21 **SQUARE METERS or 17.297 ACRES FROM THE GUAM**
22 **ANCESTRAL LAND COMMISSION INVENTORY TO THE**
23 **GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF**
24 **CONSTRUCTION OF THE EXPANSION OF THE NORTHERN**
25 **DISTRICT WASTEWATER TREATMENT PLANT**
26 **(NDWWTP);AND TO REZONE A PORTION OF ANDERSEN**
27 **COMMUNICATION ANNEX No. 1 (AJKD), MUNICIPALITY OF**
28 **DEDEDO, AS SHOWN ON DEPARTMENT OF LAND**
29 **MANAGEMENT SKETCH IDENTIFIED AS NDWWTP FROM**
30 **HOTEL (H), IN ACCORDANCE WITH THE OFFICIAL ZONING**
31 **MAP COVERING THE MUNICIPALITY OF DEDEDO “DOS**
32 **AMANTES” PLANNING AREA, INSTRUMENT NO. 817995 TO**
 PUBLIC FACILITY ZONE (PF). (Attached)


1 **RESOLVED**, that the Chairman certified and the Board Secretary attests to the
2 adoption of this Resolution.

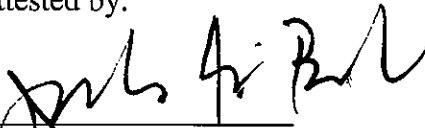
3 //

4 **DULY AND REGULARLY ADOPTED**, this 27th day of September, 2016.

5
6 Certified by:

Attested by:

7 

8 

9 **JOSEPH T. DUENAS**
Chairperson

J. GEORGE BAMBA
Secretary

10
11 I, J. George Bamba, Board Secretary of the Consolidated Commission on Utilities, as
12 evidenced by my signature above do hereby certify as follows:

13 The foregoing is a full, true and accurate copy of the resolution duly adopted at a regular
14 meeting by the members of the Guam Consolidated Commission on Utilities, duly and
15 legally held at a place properly noticed and advertised at which meeting a quorum was
16 present and the members who were present voted as follows:

17 AYES:	<u> 3 </u>
18 NAYS:	<u> 0 </u>
19 ABSTENTIONS:	<u> 0 </u>
20 ABSENT:	<u> 2 </u>

21
22
23
24 ///

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27 ///

28
29
30 ///

EXHIBIT A

DRAFT

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

Bill No. _____

Introduced by: _____

1 AN ACT TO TRANSFER A PORTION OF LOT IDENTIFIED AS
2 ANDERSEN COMMUNICATION ANNEX NO. 1 (AJKD),
3 MUNICIPALITY OF DEDEDO AS SHOWN ON DEPARTMENT
4 OF LAND MANAGEMENT SKETCH IDENTIFIED AS
5 NORTHERN DISTRICT WASTEWATER TREATMENT
6 PLANT(NDWWTP), MUNICIPALITY OF DEDEDO WITH AN
7 AREA OF ±70,000. SQUARE METERS or 17.297 ACRES FROM
8 THE GUAM ANCESTRAL LAND COMMISSION INVENTORY
9 TO THE GUAM WATERWORKS AUTHORITY FOR THE
10 PURPOSE OF CONSTRUCTION OF THE EXPANSION OF THE
11 NORTHERN DISTRICT WASTEWATER TREATMENT PLANT
12 (NDWWTP);AND TO REZONE A PORTION OF ANDERSEN
13 COMMUNICATION ANNEX No. 1 (AJKD), MUNICIPALITY OF
14 DEDEDO, AS SHOWN ON DEPARTMENT OF LAND
15 MANAGEMENT SKETCH IDENTIFIED AS NDWWTP FROM
16 HOTEL (H), IN ACCORDANCE WITH THE OFFICIAL ZONING
17 MAP COVERING THE MUNICIPALITY OF DEDEDO "DOS
18 AMANTES" PLANNING AREA, INSTRUMENT NO. 817995 TO
19 PUBLIC FACILITY ZONE (PF).
20

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

22
23 **Section 1. Legislative Findings and Intent.**
24

25 *I Liheslaturan Guåhan* finds that the 2015 Record of Decision for the Final
26 Supplemental Environmental Impact Statement for Guam and Commonwealth of the Northern
27 Mariana Islands Military Relocation identifies mitigation measures needed to address demands
28 on the Guam civilian water and wastewater infrastructure expected to result from the relocation
29 of Marines to Guam.

30
31 *I Liheslaturan Guåhan* finds that an Implementation Plan was developed in 2015
32 by the Economic Adjustment Committee that supports the preferred alternative for upgrades to
33 the civilian water and wastewater infrastructure, and that in conjunction with that plan, the

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1 Department of Defense, Office of Economic Adjustment has been authorized to provide the
2 necessary funds to the Guam Waterworks Authority (GWA) to expand the Northern Guam
3 Wastewater Treatment Plant.

4
5 *I Liheslaturan Guåhan* finds that the Department of Defense supports the construction
6 the upgrade and expansion of the Guam's Northern District Wastewater Treatment Plant such
7 that required United States Environmental Protection Agency's (USEPA) Clean Water Act
8 (CWA) requirements and Guam 's water quality standards are met.

9
10 *I Liheslaturan Guåhan* finds that the Guam Waterworks Authority (GWA) has identified
11 property, owned by the Guam Ancestral Land Commission (GALC) and adjacent to the existing
12 treatment plant, for the purpose of expanding and upgrading the Northern District Wastewater
13 Treatment Plan (NDWWTP) to meet the secondary treatment discharge limits required to comply
14 with the current National Pollution Discharge Elimination System (NPDES) permit (No.
15 GU0020141) and to handle the additional flow due to increased military and civilian population
16 expected for the 2020 relocation of Marines to Guam.

17
18 *I Liheslaturan Guåhan* finds that the under 21 GCA Real Property Chapter 80, Guam
19 Ancestral Lands Commission§ 80104, (e) Land Bank, GWA's interest in obtaining the property
20 for public benefit with the appropriate compensation agreement is consistent with the intent of
21 contributing to the assets and revenue of the land bank established under the law.

22
23 *I Liheslaturan Guåhan* finds that the existing wastewater treatment plant presently
24 provides only Court Ordered chemically enhanced primary treatment (CEPT) without
25 disinfection, that the upgrade to the NDWWTP will ensure NPDES permit requirements are met
26 for all discharges of current and future wastewater flows from the proposed build up and increase
27 in civilian populations in northern Guam., and that the upgrade is necessary to mitigate increases
28 to ocean discharge which will significantly impact marine resources, and to protect the Northern
29 Guam Lens Aquifer.

30
31 *I Liheslaturan Guåhan* finds that Guam Waterworks Authority (GWA) has been working
32 with the staff of the Office of Economic Adjustment (OEA) and US Environmental Protection
33 Agency (USEPA) to identify funds for the design and construction of the expansion/upgrade of
34 the NDWWTP.

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1 *I Liheslaturan Guåhan* finds that this project is necessary and will benefit the people of
2 Guam and intends to authorize the Ancestral Land Commission to transfer approximately
3 ±70,000 square meters (17.297 acres) to the Guam Waterworks Authority to accomplish the
4 necessary improvements described above. GWA and GALC have discussed the basic terms of
5 the transfer to meet the needs and mandates of both parties, and are committed to finalize
6 compensation to the Guam Ancestral Lands Commission within one hundred eighty days (180)
7 of the enactment of this Act.

8
9 **Section 2. Authorization to Transfer Land Identified to the Guam Waterworks**
10 **Authority.** Notwithstanding any other provision of law, rule or regulation, *I Liheslaturan*
11 *Guåhan* authorizes the Guam Ancestral Lands Commission (GALC) to transfer approximately
12 ±70,000 m², a portion of Andersen Communication Annex No. 1 (AJKD), municipality of
13 Dededo, as shown on Department of Land Management sketch identified as Norther District
14 Wastewater Treatment Plant (see Exhibit A), for the construction of the upgrade and expansion
15 of the existing wastewater treatment plant, to include the oxidation ditches, odor control,
16 enhanced headworks, secondary clarifiers, digesters, pumps and associated piping, and
17 stormwater basins, from the inventory of the Guam Ancestral Land Commission to the Guam
18 Waterworks Authority. The administrative transfer of property shall become effective upon the
19 enactment of this Act.

20 (a) Guam Waterworks Authority shall pay for the appraisal of the property by two
21 different appraisers, one of which shall be selected by the Director of the Department
22 of Land Management.

23 (b) Guam Waterworks Authority shall have the property surveyed at its own expense and
24 the surveyed map shall be approved and recorded by the Department of Land Management.

25 (c) Guam Waterworks Authority shall work with Guam Ancestral Lands Commission to
26 determine an appropriate compensation for the property to include but not limited to land
27 exchange, land lease, in kind services, purchase, or a combination of these options to be
28 approved by Guam Waterworks Authority (GWA), the Consolidated Commission on
29 Utilities (CCU) and Guam Ancestral Lands Commission (GALC) and will have one hundred
30 eighty (180) days to finalize a compensation agreement.

31 (d) Guam Ancestral Lands Commission grants right of entry immediately for GWA to
32 complete required geotechnical survey, topographic survey, other required testing and
33 studies, and to initiate design and construction of the expansion of the NWWTP while both
34 parties are finalizing compensation and the deed is recorded.

35 (e) Guam Ancestral Lands Commission is authorized to use compensation received from
36 Guam Waterworks Authority for the purchase of the land specified in this section to be
37 designated as inventory for the Land Bank.

38 **Section 3. Zoning Designation.** The portion of Andersen Communication Annex No.1
39 (AJKD), municipality of Dededo, as shown on Department of Land Management sketch

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1 identified as NDWWTP. (see Exhibit A), that will be utilized for the expansion of the
2 Northern District Wastewater Treatment Plant (NDWWTP), shall be rezoned from an Hotel
3 Zone (H) in accordance with the Official Zoning Map Covering the Municipality of Dededo,
4 “Dos Amantes” Planning Area, Instrument No. 817995 to Public Facility Zone (PF)
5 pursuant to 21 GCA, Chapter 61, § 61313.

6 **Section 4. Reversionary Clause Upon Inaction.** The Guam Waterworks Authority
7 must begin construction of the detention basin within five (5) years from the date of the
8 enactment of this act. In the event, the Guam Waterworks Authority does not begin
9 construction of the NDWWTP within the stipulated period, without notice to the Guam
10 Ancestral Lands Commission, or defaults on the compensation agreement, the property shall
11 revert back to the Guam Ancestral Lands Commission.
12

13 **Section 5. Effective Date.** This act shall take effect upon its enactment.

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

18

OFFICIAL ZONING MAP

COVERING THE MUNICIPALITY OF DEDEDO
"DOS AMANTES" PLANNING AREA
NAME PLACE OF "UKUDU"

Department of Land Management, Planning Division

Adapted By the Guam Land Use Commission on February 28, 2009.

Joy L. Lychar
Joy L. Lychar
Chairman, Guam Land Use Commission

Approved by the Governor of Guam on 24th day of December, 2008.

Felix P. Comacho
Felix P. Comacho
Governor of Guam

Approved by the Committee on Rules of the Guam Legislature on 4th day of January, 2009.

Senator Harry J. Ranspice
Senator Harry J. Ranspice
Chairman, Committee on Rules

Label of Land Use Categories of Guam
Issued by Department of Land Management Office of the Municipality of Deededo
File No. Record to Survey No. 817885
File No. 11 Subdiv. No. 17 File No. 1105
Recording No. 1105
Surveyor Juan Lyman
Date of Survey

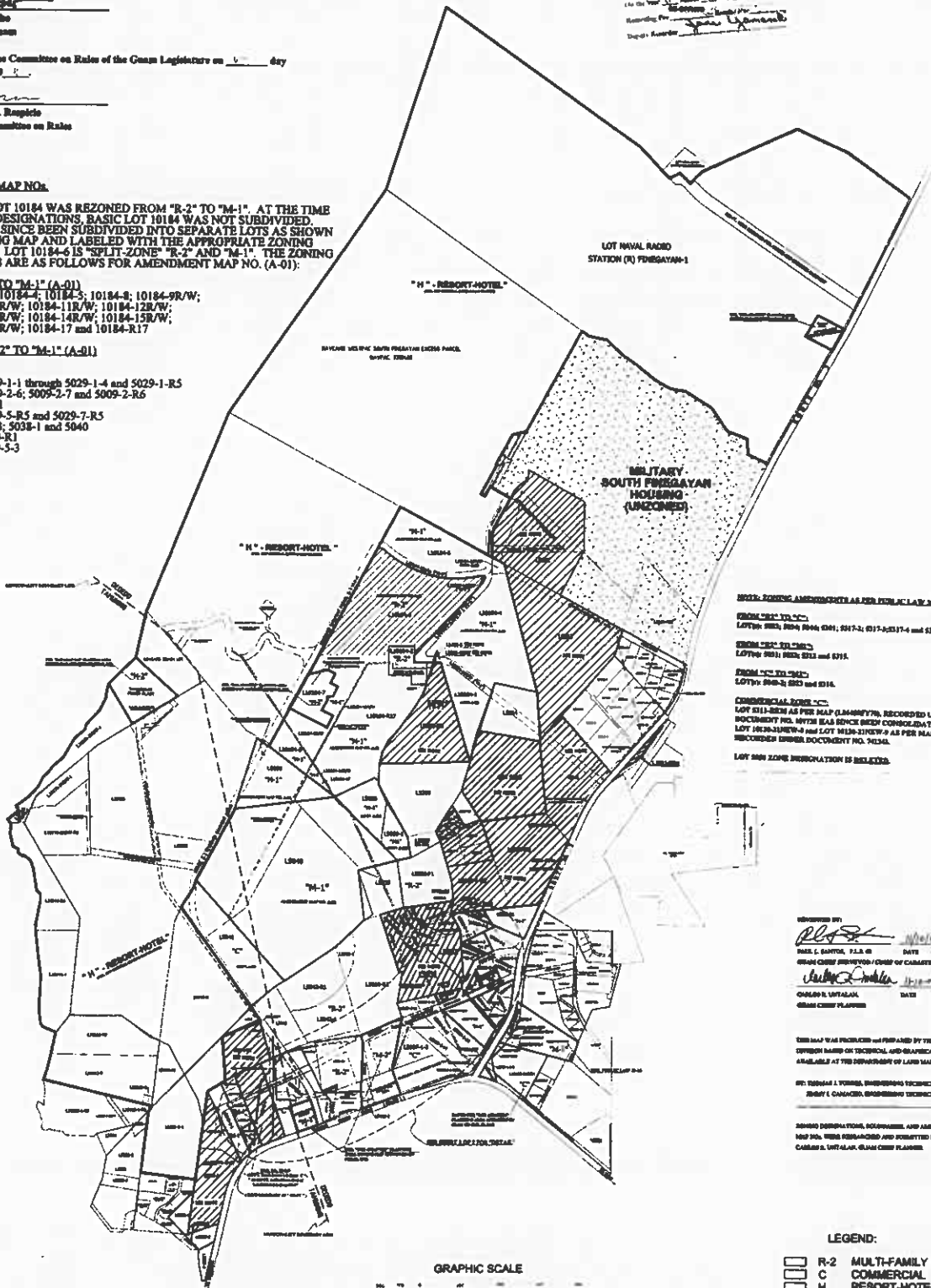
AMENDMENT MAP NO.

A-01 - BASIC LOT 10184 WAS REZONED FROM "R-2" TO "M-1". AT THE TIME OF THE ZONE DESIGNATIONS, BASIC LOT 10184 WAS NOT SUBDIVIDED. LOT 10184 HAS SINCE BEEN SUBDIVIDED INTO SEPARATE LOTS AS SHOWN ON THIS ZONING MAP AND LABELED WITH THE APPROPRIATE ZONING DESIGNATION. LOT 10184-6 IS "SPLIT-ZONE" "R-2" AND "M-1". THE ZONING DESIGNATIONS ARE AS FOLLOWS FOR AMENDMENT MAP NO. (A-01):

FROM "R-2" TO "M-1" (A-01)
LOT(s) 10184-1; 10184-2; 10184-3; 10184-9; 10184-9R/W;
10184-10R/W; 10184-11R/W; 10184-12R/W;
10184-13R/W; 10184-14R/W; 10184-15R/W;
10184-16R/W; 10184-17 and 10184-R17

SPLIT ZONE "R-2" TO "M-1" (A-01)
LOT 10184-6

A-02 - LOTS 5029-1-1 through 5029-1-4 and 5029-1-R5
A-03 - LOTS 5009-2-6; 5009-2-7 and 5009-2-R6
A-04 - LOT 5041
A-05 - LOTS 5029-5-R5 and 5029-7-R5
A-06 - LOTS 5038; 5038-1 and 5040
A-07 - LOT 5038-R1
A-08 - LOT 5029-5-3



OTHER ZONING AMENDMENTS AS PER PUBLIC LAW 36-211
ENACTED 1967
LAW NO. 36-211
LAW NO. 36-211
LAW NO. 36-211

OTHER ZONING AMENDMENTS AS PER PUBLIC LAW 36-211
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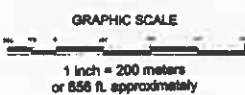
OTHER ZONING AMENDMENTS AS PER PUBLIC LAW 36-211
ENACTED 1967
LAW NO. 36-211
LAW NO. 36-211
LAW NO. 36-211

DESIGNED BY
[Signature]
DATE
CHECKED BY
[Signature]
DATE

THIS MAP WAS PRODUCED AND PERFORMED BY THE SURVEY DIVISION BASED ON TECHNICAL AND GRAPHICAL DATA AVAILABLE AT THE DEPARTMENT OF LAND MANAGEMENT

IF THERE IS A CHANGE IN THE SURVEYING TECHNICIAN'S NAME OR ADDRESS, THE SURVEYING DIVISION WILL BE NOTIFIED

OTHER INFORMATION, RECORDS, AND AMENDMENTS NOT SHOWN HEREIN ARE THE PROPERTY OF THE DEPARTMENT OF LAND MANAGEMENT



LEGEND:

	R-2	MULTI-FAMILY DWELLING
	C	COMMERCIAL
	H	RESORT-HOTEL
	M-1	LIGHT-INDUSTRIAL
	M-2	HEAVY-INDUSTRIAL
	UNZONED	
	SPLIT ZONES	
	MUNICIPALITY BOUNDARY	
	AMM	AMENDMENT MAP NO.

Joy L. Laffor
 Chairman, Guam Land Use Commission

Approved by the Governor of Guam on 4th day of March, 2009.

Felix F. Camacho
 Governor of Guam

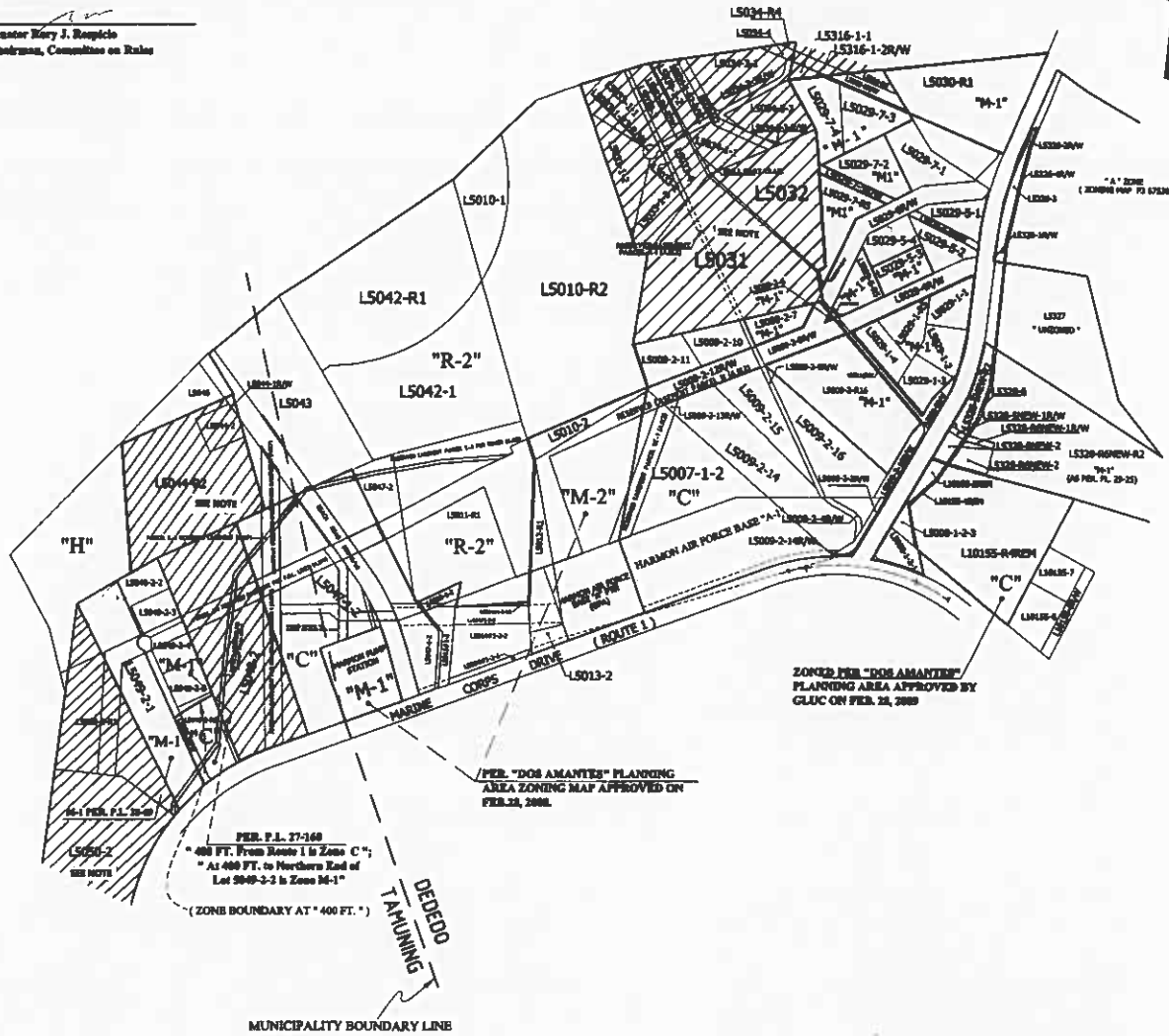
Approved by the Committee on Rules of the Guam Legislature on 4th day of January, 2009.

Senator Mary J. Respicio
 Chairman, Committee on Rules

OFFICIAL ZONING MAP (DETAIL SHEET)

COVERING THE MUNICIPALITY OF DEDEDO
 "DOS AMANTES" PLANNING AREA
 NAME PLACE OF "UKUDU"

Model of Land Use, Construction of Greater
 Department of Land Management Office of the Secretary
 File for Record in Instrument No. 817925
 Made Year II, Month 02, Day 15, Year 1, 05
 Instrument No. 817925
 Capacity Secretary: [Signature]

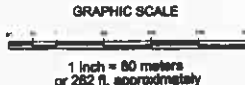


ZONED PER "DOS AMANTES"
 PLANNING AREA APPROVED BY
 GLUC ON FEB. 23, 2009

PER "DOS AMANTES" PLANNING
 AREA ZONING MAP APPROVED ON
 FEB. 23, 2009.

PER P.L. 27-160
 "400 FT. From Block 1 to Zone C";
 "At 400 FT. to Northern End of
 Lot 5049-2-3 to Zone M-1"
 (ZONE BOUNDARY AT * 400 FT. *)

- AMENDMENT MAP NOs.**
- A-02 - LOTs 5029-1-1 through 5029-1-4 and 5029-1-R5
 - A-03 - LOTs 5009-2-4; 5009-2-7 and 5009-2-R6
 - A-04 - LOT 5041
 - A-05 - LOTs 5029-3-R5 and 5029-7-R5
 - A-06 - LOTs 5034; 5030-1 and 5040
 - A-07 - LOT 5030-R1
 - A-08 - LOT 5029-4-3



RECORD ZONING AMENDMENTS AS PER PUBLIC LAW 30-211

FROM "R-1" TO "C":
 LOTs: 5021, 5024, 5044, 5051, 5071-2, 5111-2, 5117-1 and 5117-4.

FROM "R-1" TO "H":
 LOTs: 5031, 5052, 5013 and 5014.

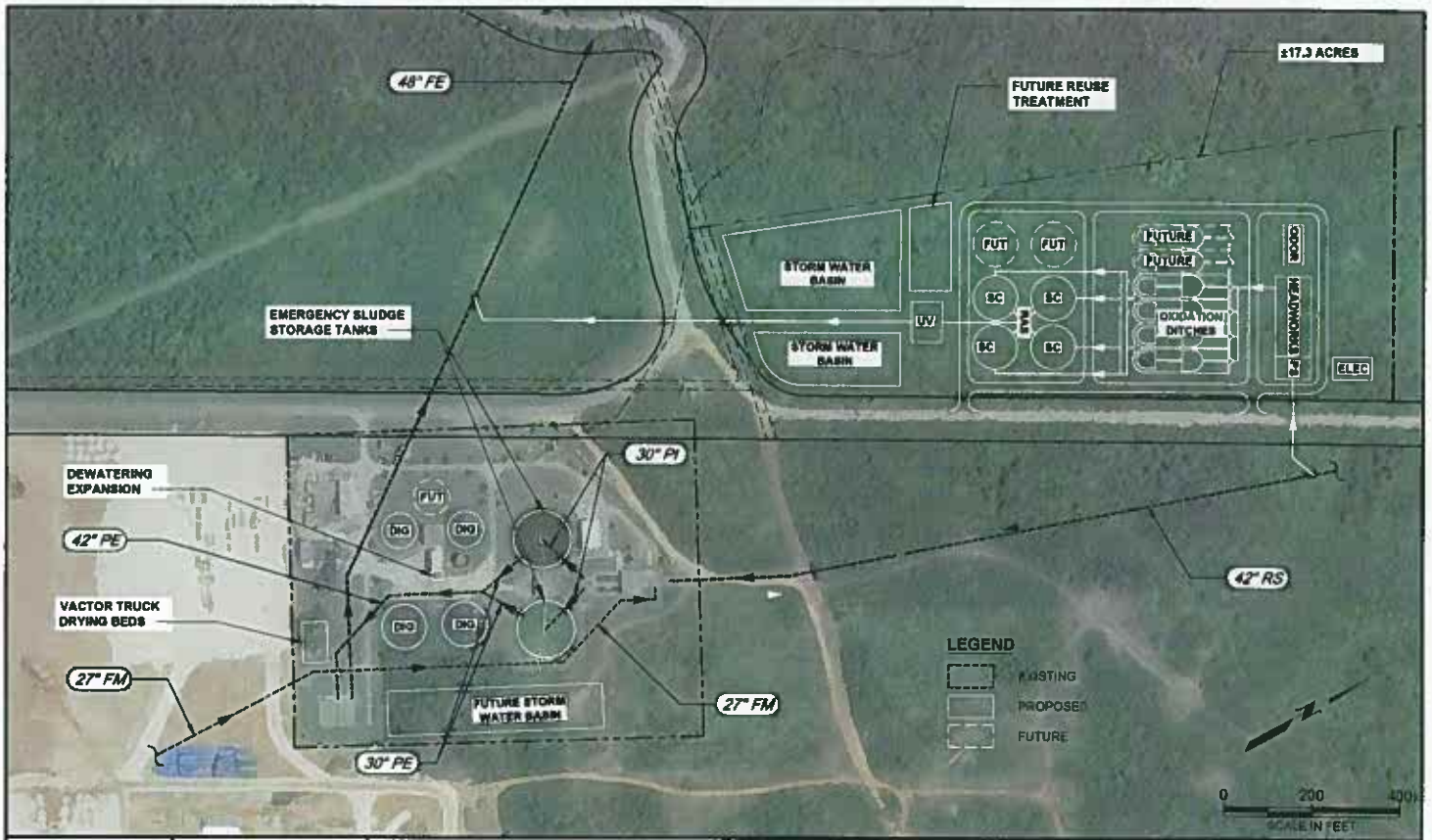
FROM "C" TO "M-1":
 LOTs: 5042, 5013 and 5044.

COMMERCIAL ZONE "C":
 LOT 5111-R05 AS PER MAP CLASSIFIED, RECORDED UNDER
 INSTRUMENT NO. 817925 (SPC) BEING CONSOLIDATED INTO
 LOT 5111-2-R05-4 and LOT 5111-2-R05-9 AS PER MAP CLASSIFIED
 RECORDED UNDER INSTRUMENT NO. 7413-0.

LOT 5009 ZONE DESIGNATION IS DELETED.

- LEGEND:**
- R-2 MULTI-FAMILY DWELLING
 - C COMMERCIAL
 - H RESORT-HOTEL
 - M-1 LIGHT-INDUSTRIAL
 - M-2 HEAVY-INDUSTRIAL
 - UNZONED
 - SPLIT ZONES
 - MUNICIPALITY BOUNDARY
 - AMN AMENDMENT MAP NO.

NOTICE: This map is for reading and planning purposes only. It is not to be used as a legal document. The Department of Land Management is not responsible for any errors or omissions. The Department does not assume any liability for any consequences to the map.



SCALE: 1" = 200'
 DATE: March 11, 2016

NDWWTP FACILITY PLAN
PRELIMINARY LAYOUT FOR PROPERTY PROCUREMENT - ALTERNATE SITE

FIGURE
4

MAP SHOWING NDWWTIP-GWA WITHIN
PORTION OF ANDERSEN COMMUNICATION
ANNEX NO. 1 (AJKD)

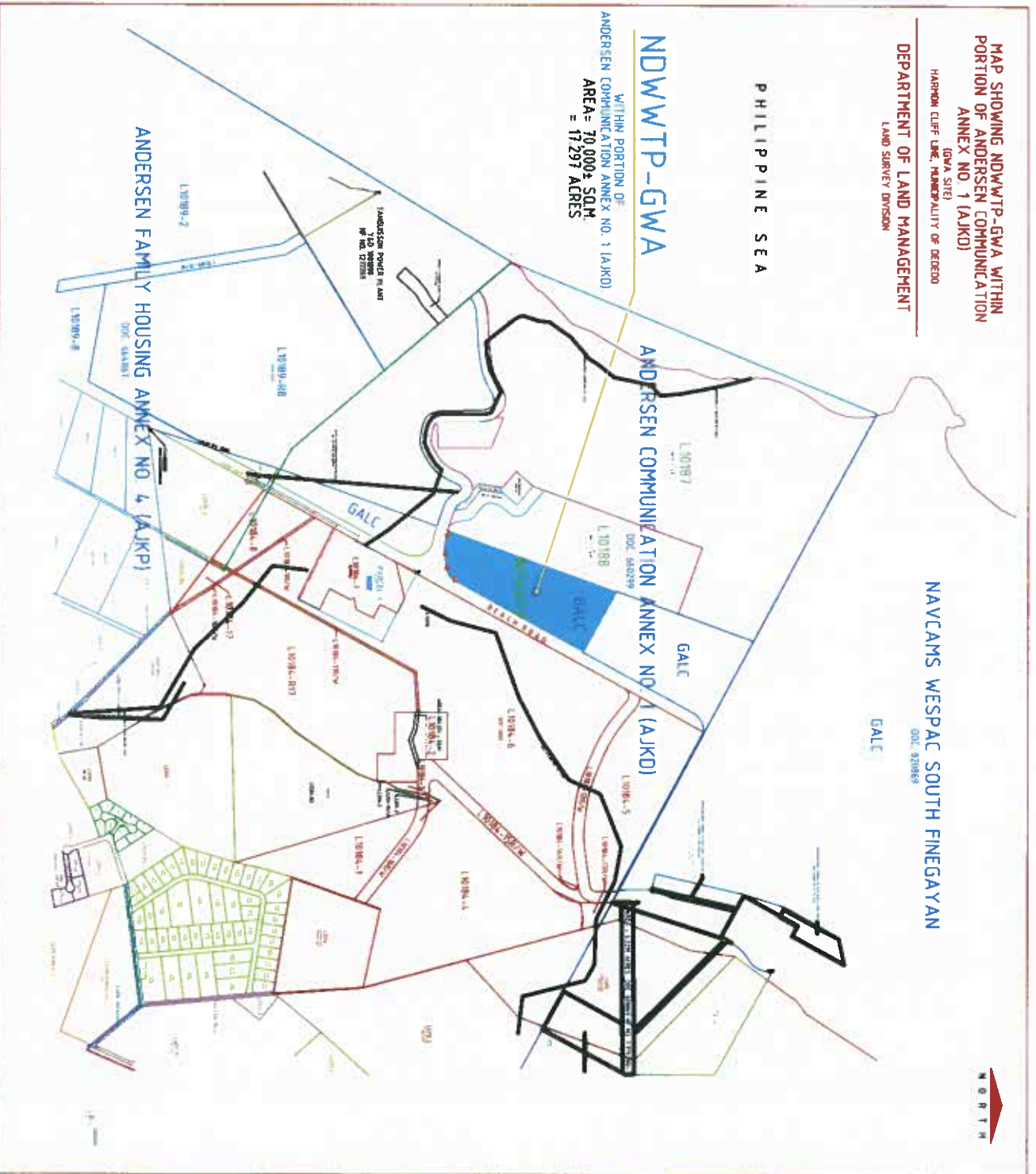
(GWA SITE)
HARBOR CLIFF LANE, MUNICIPALITY OF DEDECO
DEPARTMENT OF LAND MANAGEMENT
LAND SURVEY DIVISION

NAVCAM'S WESPAC SOUTH FINEGAYAN
SOCL. 820889

PHILIPPINE SEA

NDWWTIP-GWA

WITHIN PORTION OF
ANDERSEN COMMUNICATION ANNEX NO. 1 (AJKD)
AREA = 70,000+ SQM
= 17,297 ACRES



ANDERSEN FAMILY HOUSING ANNEX NO. 4 (AJKP)

L.10189-2

L.10189-8

L.10189-10B

L.10189-7

L.10189-8B

L.10189-10A

L.10189-10C

L.10189-10D

L.10189-10E

L.10189-10F

L.10189-10G

L.10189-10H

L.10189-10I

L.10189-5

L.10189-6

L.10189-11

L.10189-12

L.10189-13

L.10189-14

