GUAM CONSOLIDATED COMMISSION ON UTILITIES
RESOLUTION NO. 61-FY2016

RELATIVE TO SUPPORTING PROPOSED DRAFT LEGISLATION
FOR ACQUISITION OF CERTAIN GUAM ANCESTRAL LANDS
COMMISSION PROPERTIES

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

WHEREAS, the Guam Waterworks Authority ("GWA") is a Guam Public Corporation
established and existing under the laws of Guam; and

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

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

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

WHEREAS, GWA received grant funds from the Office of Economic Adjustment
(OEA) for the design and construction of the expansion/upgrade of the NDWWTP; and
WHEREAS, GWA and GALC have discussed the basic terms of the transfer to meet the needs and mandates of both parties, and are committed to addressing any reasonable modifications to the draft legislation that would lead to a finalized compensation to the Guam Ancestral Lands Commission that is mutually agreeable; and

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

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

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

AN ACT TO TRANSFER A PORTION OF LOT IDENTIFIED AS ANDERSEN COMMUNICATION ANNEX NO. 1 (AJKD), AS SHOWN ON DEPARTMENT OF LAND MANAGEMENT SKETCH IDENTIFIED AS NORTHERN DISTRICT WASTEWATER TREATMENT PLANT (NDWWTP), MUNICIPALITY OF DEDEDO WITH AN AREA OF ±70,000 SQUARE METERS or 17.297 ACRES FROM THE GUAM ANCESTRAL LAND COMMISSION INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTION OF THE EXPANSION OF THE NORTHERN DISTRICT WASTEWATER TREATMENT PLANT (NDWWTP) AND TO REZONE A PORTION OF ANDERSEN COMMUNICATION ANNEX No. 1 (AJKD), MUNICIPALITY OF DEDEDO, AS SHOWN ON DEPARTMENT OF LAND MANAGEMENT SKETCH IDENTIFIED AS NDWWTP FROM HOTEL (H), IN ACCORDANCE WITH THE OFFICIAL ZONING MAP COVERING THE MUNICIPALITY OF DEDEDO “DOS AMANTES” PLANNING AREA, INSTRUMENT NO. 817995 TO PUBLIC FACILITY ZONE (PF). (Attached)
RESOLVED, that the Chairman certified and the Board Secretary attests to the adoption of this Resolution.

DULLY AND REGULARLY ADOPTED, this 27th day of September, 2016.

Certified by: 

JOSEPH T. DUEÑAS  
Chairperson

Attested by: 

J. GEORGE BAMBA  
Secretary

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

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

AYES: 3

NAYS: 0

ABSTENTIONS: 0

ABSENT: 2
EXHIBIT A
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I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (Second) Regular Session

Bill No. ______

Introduced by: __________________________

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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).

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BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent.

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

I Lihe slaturan Guåhan finds that an Implementation Plan was developed in 2015
by the Economic Adjustment Committee that supports the preferred alternative for upgrades to
the civilian water and wastewater infrastructure, and that in conjunction with that plan, the
Department of Defense, Office of Economic Adjustment has been authorized to provide the necessary funds to the Guam Waterworks Authority (GWA) to expand the Northern Guam Wastewater Treatment Plant.

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

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

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

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

_I Liheslaturan Gudhan_ finds that Guam Waterworks Authority (GWA) has been working with the staff of the Office of Economic Adjustment (OEA) and US Environmental Protection Agency (USEPA) to identify funds for the design and construction of the expansion/upgrade of the NDWWTP.
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I Liheslaturan Guåhan finds that this project is necessary and will benefit the people of Guam and intends to authorize the Ancestral Land Commission to transfer approximately ±70,000 square meters (17.297 acres) to the Guam Waterworks Authority to accomplish the necessary improvements described above. GWA and GALC have discussed the basic terms of the transfer to meet the needs and mandates of both parties, and are committed to finalize compensation to the Guam Ancestral Lands Commission within one hundred eighty days (180) of the enactment of this Act.

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

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

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

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

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

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

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

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

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

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