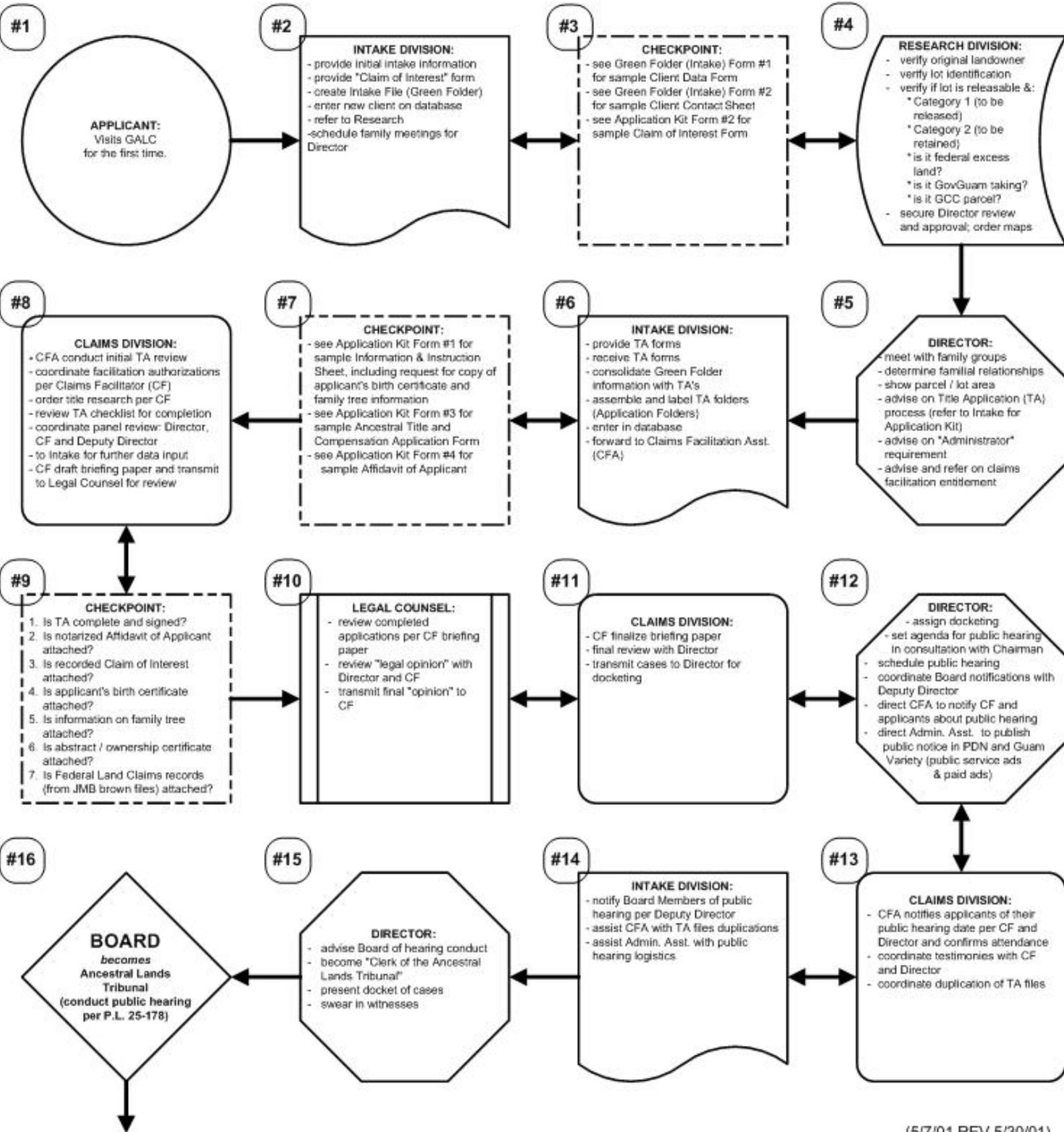


GUAM ANCESTRAL LANDS COMMISSION
7-POINT CHECKLIST FOR PROCESSING APPLICATIONS

There are seven (7) checkpoints in the processing of Title Applications to ensure the accuracy of information:

1. The Applicants themselves.
2. Intake Division review.
3. Research Division review.
4. Claims Division review.
5. Legal Counsel review.
6. Public Hearing.
7. Commission Vote.



GUAM ANCESTRAL LANDS COMMISSION
Rules and Regulations, Public Law 25-178

Section 80103.14. Hearing Conduct.

(a) Once the matter has been scheduled for a hearing, the hearing shall be conducted in the following manner:

- (1) all final determinations shall be heard before the Commission;
- (2) where the Commission conducts the public hearing it shall be presided over by the Chairman, or in the absence of the Chairman, the Vice-Chairman, or in the absence of the Vice-Chairman, by another member designated as the Presiding Officer by the Commission;
- (3) the hearing shall be conducted in such a way as to afford to interested persons a reasonable opportunity to be heard on matters relevant to the determination of the filed claim and to obtain a clear and orderly record;
- (4) the Presiding Officer shall have authority to administer oaths or affirmations and to take all other actions necessary for the orderly conduct of the hearing;
- (5) each such hearing shall be held at the time and place set in the notice of hearing, but may at such time and place be continued by the Chairman, Vice-Chairman or Presiding Officer from day to day, or adjourned to a later date or to a different place without notice *other than* the announcement thereof at the hearing; and
- (6) at the commencement of the hearing, the Chairman, Vice-Chairman or Presiding Officer shall read the notice of hearing and shall then outline briefly the procedures to be followed; evidence shall then be received with respect to the determinations specified in the notice of hearing in such order as the Presiding Officer shall prescribe.

(b) Submission of evidence shall include the following:

- (1) Before giving testimony, every witness shall state that person's name, address and any representative capacities in which the witness serves, and shall give other information respecting appearance as the Presiding Officer may request. The Presiding Officer shall confine the evidence presented to the questions before the hearing and may receive evidence whether or not the evidence would be admissible in a court of law, *and* every witness shall be subject to questioning by the members of the Commission.
- (2) All interested persons or agencies shall be afforded an opportunity to submit data, views or arguments which, in the opinion of the Presiding Officer, are relevant to the determinations specified in the notice of the hearing. In addition, persons or agencies may also file with the Commission signed, written protests, comments or recommendations in support of or in opposition to the proposed determination.
- (3) Testimony given at the public hearing shall be received in evidence and made a part of the record. All supporting written statements, maps, charts, appraisals or similar data offered in evidence at the hearing, and which are deemed by the Commission to be authentic and relevant, shall be received in evidence and made a part of the record. *Unless* the Commission finds that the furnishing of copies is impracticable, seven (7) copies of the exhibits shall be submitted, *unless* otherwise specified.

Section 80103.15. Commission Action.

The Commission shall fully consider the testimony under oath, all relevant believable evidence and the whole of the record before making its determination. The Commission shall issue a written decision in a timely fashion, stating the factual basis for its decision.

Section 80103.16. Contested Case Hearing Procedures.

The following procedures shall be followed in conducting a contested case hearing before the Commission.

- (a) The Chairman or Presiding Officer shall convene the hearing and shall read the nature of the filed Claim.
- (b) Each party or the party's representative shall have the following rights:
 - (1) to examine all documents; documents which a party does not have an opportunity to see shall not be used in making a determination;
 - (2) to bring witnesses to testify for the party;
 - (3) to establish all relevant facts and circumstances through verbal testimony or documents;
 - (4) to advance any arguments without undue interference;
 - (5) to question or refute any testimony or evidence presented by another party including the opportunity to cross-examine witnesses called by another party as authorized by the Presiding Officer; and
 - (6) to be notified either before or during the hearing if the Commission or Presiding Officer plans to consider facts not in evidence.
- (c) At any time before the filing of a final decision, the Commission, for good cause shown may reopen the case for the reception of further evidence.

Section 80103.17. Commission Decision.

The Commission shall consider the whole record, and will resolve all questions of fact by what it deems to be the greater weight of evidence thereon, and make a final written decision stating the reasons or basis therefore and enter an appropriate determination.

Section 80103.18. Rehearing.

The Commission may entertain a written petition to reconsider or rehear its final decision. The petition shall be determined promptly. Denial of such petition shall be in writing with the reasons stated therefore. Petition to reconsider or rehear any final determination of the Commission shall be filed not later than ten (10) days after a person is served with a certified copy of the final written decision and order of the Commission.

Section 80103.19. Extinguishment of Ancestral Land Claim.

After the Commission has made a final determination in favor of a Claimant, the ancestral land Claim will be duly registered and extinguished. In exchange for a deed of title, the ancestral titleholder surrenders all rights and interests in relation to ancestral land claims thereby permanently extinguishing all rights, interests and claims. Upon the Commission's issuance of a deed of title, the ancestral titleholder's name is entered into the Ancestral Lands Title Register by the Commission. The deed of title shall be subject to any existing conditions, covenants, restrictions and easements of record in conformance with existing government of Guam Land Use Law.

Section 80103.20. Notification of Extinguishment of Ancestral Claims.

The Commission shall ensure that all parties whose interests may be affected in the extinguishment of an ancestral Claim are notified in writing, if possible, and through public notice in a Guam newspaper of general circulation.

Section 4. Section 80104(c) of Title 21 of the Guam Code Annotated, as added by Public Law Number 25-45:3, is hereby repealed and reenacted to read as follows:

"(c) Four (4) Step Process for Extinguishment of Claims, Award of Just Compensation, and Recordation of Ancestral Land Title.

The following four (4) step process shall be detailed within appropriate written procedures and rules and regulations to be prescribed by the Commission.

Step 1: Filing of Ancestral Claim.

Applicant in this first step submits an application to the Commission containing applicant's assertion that applicant and others, *if any*, hold ancestral title in relation to a specified lot of land by virtue of inheritance. Based upon the information provided, the Commission shall make a determination *if in fact* a valid basis for an ancestral title claim exists. The ancestral title claim shall then be entered in the Claims Registry. The Claims Registry shall contain the information required to be entered, as established by the Commission by rules and regulations. The Commission must accept an application for determination of claim, provided the following minimum information is given:

1. date on which application was submitted to the Commission;
2. whether the application was submitted to the Commission, or Commission's designee, and the name of the Commission or designee;
3. name and address for service of notification to the person(s) who is the claimant (This is the person who shall be the registered ancestral title claimant.);
4. the area of land covered by the claim, including property descriptions and maps;
5. description of the persons who it is claimed hold the ancestral title; *and*
6. other details about the claim as the Commission may deem appropriate.

The Claims Registry may be inspected by any member of the public during normal business hours. No part of the Claims Registry are to be kept confidential from the public. The Commission must ensure that the Claims Registry is kept updated with details of any claims contained in applications given to the Commission, or of any application for amendments to a claim after a determination.

Step 2: Ancestral Title and Compensation Application.

An applicant may exercise the applicant's right to extinguish an ancestral claim by submitting an application to the Commission for a determination of a conditional title and compensation award. An applicant may submit an application in prescribed form for any of the following ~~three (3)~~ two (2) categories defined:

Category 1: Ancestral Title Determination.

For a determination of ancestral title in relation to an area for which there is no approved determination of ancestral title;

Category 2: Compensation Application.

This Chapter sets forth (2) forms of compensation for future title claims which shall be either the return of original ancestral land, or just compensation, as defined in Section 80101 of this Act, based upon mutually satisfactory negotiations between the government and the applicant. Before relinquishment of exchange land the Commission shall certify that the exchange lands show no history of ancestral ownership or ancestral ownership claim on or after January 1, 1930.

The Commission must accept ancestral title and compensation application provided the following requirements are met by the claimants:

- (1) that the kind of application falls within the ~~three (3)~~ two (2) categories defined above;
- (2) is in the prescribed form, as established by the Commission;
- (3) contains the information required and as prescribed in relation to the matters sought to be determined;
- (4) provide accompanying documents at the very minimum of which include:
 - (a) a sworn affidavit that the applicant:
 - (i) believes that the ancestral title has not been extinguished in relation to any part of the land claimed; and
 - (ii) believes that all of the statements made in the application are true;
 - (b) a statement containing all information known to the applicant about interests in relation to any of the land or waters concerned that are held by persons other than as ancestral title holders;
 - (c) a description and map of the area over which the ancestral title is claimed;
 - (d) evidence of heirship;
 - (e) name and address of the person who is to be considered the claimant (The name of the person given under this item will become the registered ancestral title claimant.); and
- (5) all accompanying fees as prescribed by the Commission.

Step 3: Conditional Award of Just Compensation.

In awarding ancestral title and just compensation, the Commission shall issue a Certification of Award of Just Compensation on Condition of Extinguishment of Ancestral Title Claim. The Certification of Award of Just Compensation shall be entered into the Conditional Awards Registry. The Conditional Awards Registry shall contain as much of the information in relation to each determination as must be entered into the Register, at minimum of which shall consist of:

- (1) the name of the Commission or designee that made the determination;
- (2) date on which the determination was made;
- (3) area, location, and description of specific land covered by the determination;
- (4) the matters determined; and
- (5) other details about the determination or decision as the Commission deems appropriate.

The Conditional Awards Registry shall be made available for the public's inspection during normal business hours.

Step 4: Extinguishment of Ancestral Land Claim.

An ancestral land claimant is granted claimant's land title either by land exchange or land recovery on the condition that the ancestral title holder surrenders all rights and interests in relation to the ancestral land claims thereby permanently extinguishing all rights, interests and claims to the claims. Upon the Commission's issuance of title by an award of just compensation and extinguishment of claims, the ancestral title holder's name is removed from the Conditional Awards Registry, and is entered into the Ancestral Lands Title Register by the Commission. The Commission shall prescribe the appropriate form to effectuate issuance of compensation and extinguishment of ancestral claims. The Commission shall ensure that the ancestral title holder is issued a suitable property conveyance deed in full satisfaction of ancestral title holder's ancestral title award. Once listed as ancestral title holder after acceptance of specifically described land, the holder and all of holder's heirs, successors and assigns, and those who may assert subsequent claims derived from the holder, are forever barred from reentry into the Claims Registry.