

**Government of Guam
Biennial Budget
Fiscal Years 2012 & 2013**

Department / Agency Narrative

FUNCTION: Land and Natural Resources

DEPT. / AGENCY: Guåhan Ancestral Lands Commission

MISSION STATEMENT:

Pursuant to Guam Public Law 25-45, the Guam Ancestral Lands Commission is created; defines the Commission as “Land Claims Facilitator”; mandates the establishment of a “Land Bank”; and compels “just compensation” as return of ancestral land(s) and/or monetary compensation, by:

- ❖ *facilitating* the return of excess U.S. federal and Government of Guam lands to their original owners;
- ❖ *pursuing and advocating* for the return of excess U.S. federal and Government of Guam lands to their original owners;
- ❖ *maintaining* a “Land Bank (Trust)” for those dispossessed original landowners who will never realize the return of their ancestral lands;

and further, pursuant to Guam Public Law 25-178:

that “...Ancestral land claims shall be expedited and claims processing shall be considered an urgency measure by all departments, agencies and instrumentalities of the government of Guam whose cooperation in facilitating meritorious claims is considered required.”

GOALS AND OBJECTIVES:

Guam Public Law 25-178 establishes the rules and regulations for the Guam Ancestral Lands Commission (GALC). It provides for the acceptance and processing of applications for ancestral title and/or compensation. Our ability to timely and accurately process these applications is dependent on the number of staff qualified to receive and process these applications. The GALC must sort through all the applications submitted to obtain and verify information in them. This requires qualified staff to do research and planning. The Commission also obtains title to lands that are not privately owned designated as “Crown Lands”. It must develop these properties to their highest and best use in a Trust for the dispossessed original landowners/heirs who are not getting their lands back. Without sufficient budgetary support for operations and personnel to conduct proper research, planning and development, we would not be able to accomplish our mission.

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Ancestral Lands is a *special class of lands*, rooted in GOVERNMENT of GUAM'S stated policy in land return to the rightful original landowners/heirs.

The agency continues to expeditiously carry out its duties and functions with only one (1) classified and one (1) unclassified staff assisting the Executive Director and its Board.

The Board of Commissioners comprise of seven (7) members. Its mission is to facilitate and expeditiously return all excess U.S. federal and Government of Guam lands back to its original land owners. The Board was able to hold work sessions, public meetings, and Title Hearings with no compensation due to the moratorium on stipends.

The Commission continues its goal to conserve on supplies, energy (utilities), and to recycle more.

The following is a list of mandates governing the work and processes followed by the Guam Ancestral Lands Commission:

1. **P.L. 22-73:** requires Government of Guam to properly compensate landowners whose property has been taken for public use and to make an appropriation to the Governor's Office in connection therewith.
2. **U.S.P.L. 103-339:** returns 3200 acres of excess lands.
3. **P.L. 22-145:** returns 3200 acres of ancestral lands, surveying of these lands, and creation of "Land Survey Revolving Fund".
4. **P.L. 23-24:** to prohibit the Government of Guam from entering into cooperative agreements with respect to the so-called Wildlife Refuge administered by the U.S. Department of Interior at the property in the northern area of Guam that was formerly the U.S. Naval Facility and to prohibit the use of Government of Guam resources and personnel in any manner that could be construed as supporting continuous federal holding of such properties.
5. **P.L. 23-25:** designating the former Naval Facility lands at Ritidian Point as property of the Government of Guam, and to demanding that the Department of Defense return these excess lands to the rightful owners from which they were originally taken by force, deceit, and outright theft.
6. **P.L. 23-141:** returns 6500 acres of ancestral lands, surveying of these lands, and creation of "Land Survey Revolving Fund".
7. **P.L. 24-109:** Notice of Meetings.
8. **P.L. 25-45:** Enabling legislation creating the Guam Ancestral Lands Commission and defines "Land Claims Facilitator" and "Land Bank" and compels "*just compensation*" as return of ancestral land(s) and/or monetary compensation.

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9. **P.L. 25-107:** provides for administrative jurisdiction by National Park Service of undeveloped Government of Guam-owned lands within the boundaries of the War in the Pacific National Historical Park under certain conditions.
10. **P.L. 25-178:** GALC Rules & Regulations (overall) and regulates that: “..Ancestral land claims shall be expedited and claims processing shall be considered an urgency measure by all departments, agencies and instrumentalities of the government of Guam whose cooperation in facilitating meritorious claims is considered required”.
11. **P.L. 25-180:** regulates quorum for Guam Ancestral Lands Commission.
12. **P.L. 26-25:** §4. Return of Land by Federal Government under GLUP 94.
13. **P.L. 26-36,** Section 3: Mandates that the Guam Ancestral Lands Commission establish the Land Bank Program by the end of Fiscal Year 2004.
14. **P.L. 26-100:** repealed Tiyan Trust and mandates the return of ancestral lands to original landowners from that identified as excess to airport needs, and to return those other Tiyan lands to original landowners that were under the jurisdiction of GEDCA, DPR, and GHURA.
15. **P.L. 27-113:** Transfers properties under the jurisdiction of the Department of Public Works that are located in *Tiyan*, alternatively known as the former Naval Air Station, Agana (Brewer Field), to the jurisdiction of the Guam Ancestral Lands Commission, by *adding* a new §80106 to Title 21, GCA.
16. **P.L. 28-68,** Section 75: Real Property Tax Moratorium on Returned Federal Excess Lands to Original Land Owners. *“A moratorium on the payment of real property taxes shall be in effect until tax year 2007”*
17. **P.L. 28-133:** An Act to Add a New Section 80105 to Title 21 GCA relative to Developing a Comprehensive Zoning Plan for Ancestral Lands. (b) A “Provisional Commission” was established to complete a comprehensive zoning plan for all properties and parcels under the jurisdiction of the Guam Ancestral Lands Commission.
18. **P.L. 28-150,** Section 75: Real Property Tax Moratorium on Returned Federal Excess Lands to Original Land Owners Continuation. *“Section 75 of Chapter IV of P.L. 28-68 is hereby amended to read: (b) Properties having no zoning designation after tax year 2007 due to their previous status as federal excess lands shall be subject to said moratorium on the payment of real property taxes until the property is designated a zone.”*

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19. **P.L. 29-25:** “An Act to Zone the previously Unzoned Lot Nos. 5328-5NEW-R2, 5328-R6NEW-R2 and 5328-6, All in the Municipality of Dededo to Light Industrial (M-1) Zone
20. **P.L. 29-61:** “An Act to *Amend* §§43201, 43202 and 43203 of Title 5, GCA, relative to Performance Reviews of Agency Heads.”
21. **P.L. 29-88:** “An act relative to applying a Real Property Tax immunity for original landowners, their estates, or their heirs on the return of federal excess lands which shall be effective until such time free and direct access or use of the returned property is properly recorded with the Department of Land Management.”
22. **P.L. 29-128:** An Act to Add a New Chapter 23 to Title 1, GCA, relative to creating *I Kumision Guahan Fine'nana* (The Guam First Commission) on the Military Mission in Guam; and to *Amend* §2105 of Title 4, Genders on Boards and Commissions”
23. **P.L. 29-135:** “An Act to Renumber §60907 and to add a new §60907 to Article 9, Chapter 60 of Title 21, GCA, relative to the Department of Land Management Building Construction Fund...”
24. **P.L. 29-145:** “An Act to Zone the previously Unzoned Lot Number 5327 in the Municipality of Dededo to Light Industrial (M-1) Zone”
25. **P.L. 29-151:** “An Act to *Add* a new Article 14 to Chapter 68 of Title 21 of the Guam Code Annotated, relative to the return of unused properties to their Rightful Owners and Heirs, and to cite the Act as “*The Return of Private Properties Act of 2008.*”
26. **P.L. 30-237:** “An act to add a new Section 4120 to chapter 4 of title 5, Guam code annotated, relative to requiring government agencies to post their budgets on their websites.”
27. **P.L. 31-01:** “Relative to the suspension of annuity payment from the defined benefit retirement plan.”
28. **U.S.P.L. 106-504:** Guam’s first right of refusal to federal excess lands.
29. **Executive Order 2002-13:** Creating task forces to support the missions of the Guam Ancestral Lands Commission and the Chamorro Land Trust Commission by the Department of Land Management.
30. **Executive Order 2002-19:** Ancestral land use and administration.
31. **Executive Order No. 2011-03:** Creation of the governor’s peace (prevention and early intervention advisory community empowerment) council.
32. **12GCA, Chapter 72,** Land Claims Loan Revolving Fund.

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33. **12GCA, Chapter 74**, Landowner's Recovery Fund

Other personnel, procurement, and civil service mandates:

34. **4GCA §4105 and Executive Order 96-24**, DOA Personnel Rules & Regulations

35. **5GCA Chapter 5**, Guam Procurement Act, Procurement Regulations

36. **Executive Order No. 2007-18**: Mandates all Government of Guam workplaces to be Tobacco-Free effective January 1, 2008.

37. **P.L. 29-20**: "An Act to *Amend* Title 4, GCA §2103.5. relative to Executive Nominations ; and to Amend Chapter 13 of Title 4 GCA to require Disclosure of felony convictions, to be known as "The Public Official Disclosure Act."

38. **Civil Service Commission** – Compensation & Classification Plan.

39. **Civil Service Commission** – Pay Schedule.

40. All budget laws, other Executive Orders, Board directives and Resolutions as may be pertinent to the Guam Ancestral Lands Commission.