

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

August 8, 2019

The Honorable Richard V. Spencer
Secretary of the Navy
1000 Navy Pentagon
Room 4D652
Washington, D.C. 20350-1200

RE: Additional Land Parcels on Guam for Inclusion in Navy's Inventory of Potentially Excess Lands

Dear Mr. Secretary:

On this 75th Anniversary of Guam's liberation from Japanese Occupation during World War II, please accept my sincerest appreciation for all that the U. S. Navy has accomplished to help Guam recover from the devastating effects of the war and for moving Guam into the 21st century as America's western-most territory in the Asia Pacific region. We look forward to many more years of continued cooperation and collaboration in protecting American interests in this part of the world in a fashion that collectively improves the well-being of the people of Guam.

As you may know, a large part of Navy's continuing efforts to demonstrate its image as a collaborative and responsible partner with Guam on the global stage has been, in no small part, the return of excess Navy land to the Government of Guam for civilian use. This legacy started in 1950 with the return of properties not needed in the Navy's administration of the island's civilian affairs. Since that time, properties have been returned by the Navy on numerous occasions, most notably as a result of the 1993 and 1995 Base Realignment and Closure Acts and the implementation of the Guam Excess Lands Act, (Public Law 103-339, 108 Stat. 3116) in 1994. The 2019 National Defense Authorization Act (NDAA) offers another opportunity for the Navy to return such similar excess lands to Guam and it is with this spirit and cooperative relationship in mind that I submit this letter.

The 2019 NDAA provides that "the Secretary of the Navy shall maintain and update regularly an inventory of all land parcels located on Guam which meet each of the following conditions:



- (A) The parcels are currently owned by the United States Government and are under the administrative jurisdiction of the Department of the Navy.
- (B) The Secretary has determined or expects to determine the parcels to be excess to the needs of the Department of the Navy.
- (C) Under Federal law, including Public Law 106-504 (commonly known as the 'Guam Omnibus Opportunities Act' (40 U. S. C. 521 note), the parcels are eligible to be transferred to the territorial government."

The law also provides that "the Governor of the territory of Guam may submit a request to the Secretary to add parcels to the inventory maintained under subsection (a) and shall specify in any such request any public benefit uses or public purposes proposed by the Governor for the parcel involved, pursuant to the Guam Omnibus Opportunities act or any other relevant Federal law." The 2019 NDAA further provides that the Secretary of the Navy will provide a written response to the Governor's request.

Enclosed for your consideration is a report entitled "Potentially Releasable Federal Lands" which constitutes my initial request to add almost 2,596 acres of terrestrial land and 17,031 acres of submerged land to the Navy's excess land inventory. While the report itself does not specify public uses for each individual parcel, rest assured it is my utmost commitment to utilize each of these properties for purposes authorized by Public Law 106-504 (40 U. S. C. 521). As military land needs on Guam crystalize further, additional lands may be requested for inclusion in the Navy's inventory as a continuation of the Navy's legacy of returning excess properties for civilian development.

It is my hope and faith that your office will seriously consider my request along the lines of balancing both military and civilian needs for limited land resources on Guam as an integral facet of the One Guam policy. Should you or your staff have any questions, please communicate with myself or my Chief of Staff, Mr. Tony Babauta. The people of Guam look forward to your favorable consideration. Please accept my sincerest appreciation for your assistance in this regard.

Senseramente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

Enclosure

Cc: Hon. Michael San Nicolas, Member of Congress (D-GU)
Hon. Tina Muna-Barnes, Speaker, 35th Guam Legislature

Potentially Releasable Federal Lands

June 2019

Guam Economic Development Authority

Potentially Releasable Federal Land June 2019

In 2011, the Guam Economic Development Authority (GEDA) prepared a report entitled “Potentially Releasable Federal Land” which identified 2,339 acres of federally-owned terrestrial land and 17,021 acres of federally-owned submerged land for transfer to the Government of Guam. In June 2017, the Navy released its “Report to Congress on the Status of the ‘Net Negative’ Policy Regarding Navy Acreage on Guam” which indicated that the Department of the Navy owns 36,411.60 acres of fast land (including former Dept. of the Air Force properties) on Guam and after 734 acres pending transfer and/or acquisition is completed, will own 35,803.20 acres of fast land (note that this figure excludes lands owned by other federal agencies e.g., the Department of the Interior and submerged lands).

In March 2018, Congresswoman Bordallo introduced a bill to authorize the return of surplus property to the government of Guam. This bill identified 125.6 acres of terrestrial land that should be included in an “inventory of all land parcels located on Guam currently owned by the U.S. Government and administered by the DoD which the Secretary expects to transfer to the territorial government.” The bill also included 346.46 acres of “Other Parcels” to be included in the publicized inventory. Portions of this bill were enacted into law by the National Defense Authorization Act of 2019. All 125.6 acres identified in the bill were included in Section 2847(a)(1) of the 2019 NDAA for inclusion in “an inventory of all land parcels located on Guam which meet each of the following conditions:

- A. The parcels are currently owned by the United States Government and are under the administrative jurisdiction of the Department of the Navy;
- B. The Secretary has determined or expects to determine the parcels to be excess to the needs of the Department of the Navy;
- C. Under Federal law, including Public Law 106-504 (commonly known as the “Guam Omnibus Opportunities Act; 40 USC 521 note), the parcels are eligible to be transferred to the territorial government.”

None of the 346.46 acres of “Other Parcels” were included in the 2019 NDAA law.

The 2019 NDAA also provides that the Governor of Guam “may submit a request to the Secretary to add parcels to the inventory (Section 2847(c)(1)). This report is intended for consideration by the Governor as his request to the Secretary and recommends that almost 2,600 acres of terrestrial land under the jurisdiction of the Department of Defense be transferred to the Government of Guam for subsequent disposal as required by local law. While GEDA recognizes that 2,870 acres is only 8% of the 35,803.20 acres owned by DoD and that ancestral owners desire to regain ownership of all properties previously taken as a result of the injustices created during federal land takings, these properties are believed to be unnecessary for Marine Relocation. This report also recommends transfer of 17,031 acres of submerged land.

The need for Navy to retain land for its military functions is not questioned but any amount of property returned for civilian use is significant in furthering Navy and community relations and generating local jobs and revenue. Further, the Net Negative policy not only states that DoD will have a smaller footprint, but that DoD “will better utilize the lands and return underutilized land to the Government of Guam.”

GEDA acknowledges the staff of the Guam Ancestral Lands Commission and the Guam Power Authority for their assistance in providing information for this report.

Navy 2017 Net Negative Report to Congress				Requested for Return to GovGuam		# in this Report
Site #	Installation Name	Acreage	Current/Proposed Use	Acreage	Location	
1	Northwest Field	4,379.52	Aviation and maneuver training	69.19	Area between cliffline and Rte. 3A	1
2	Andersen AFB	11,035.58	Main site for Air Force operations	Easement	Andersen Substation	36
3	NCTS Finegayan	2,412.16	Marine base/Navy telecomm	5.00	Routes 3A and 9 intersection	2
3	NCTS Finegayan			30.00	Former FAA facility	3
4	Potts Junction Tank Farm	19.35	POL site	19.35	Routes 3A and 9 intersection	4
5	Lot 7133 AAFB	45.94	APZ1 to support airfield ops	45.94	South of Route 9	5
6	Former National Weather Service	4.59	Former weather site	4.59	West of Route 3	6
7	Mt. Santa Rosa	22.30	Utility requirements for site 2			
8	Parcel behind South Finegayan	440.30	Transferred to GovGuam in 2011		Transferred to GovGuam in 2011	
9	South Finegayan	289.64	Future site of photovoltaic array and comm. equipment			
10	Lot "A" Andy South	30.93	Utility requirements for site 2	27.00	Lot A6a near War Dog cemetery	7
11	Andy South	1,925.28	USMC ground maneuver and small unit tactics training	1.00	Yigo Fire Station	8
11	Andy South			3.12	Marbo Power Plant and Substa.	36
12	Parcel "C" Marbo Cave	5.00	40 USC 472; Navy directed 2015	5.00	Parcel "C" Marbo Cave	9

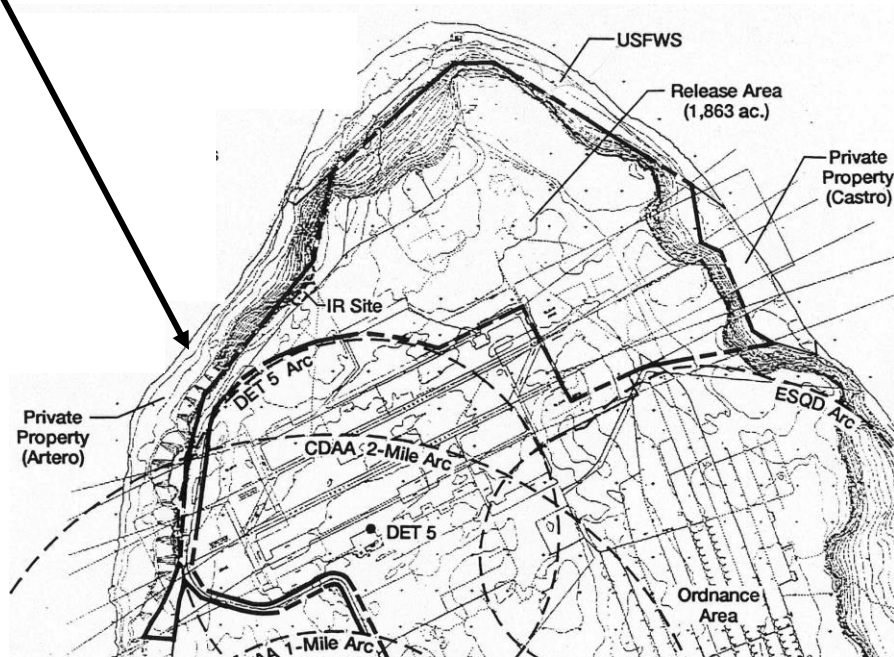
13	NCTS Beach near Power Plant	13.30	GLUP 77	13.30	Tanguisson Beach Park	10
14	Tanguisson Power Plant	5.00	Public Law 100-202	45.07	Tanguisson Power Plant	11
14	Tanguisson Power Plant			Easement	Waterline/Tank/POL	36
15	Harmon Substation Annex	9.90	Public Law 100-202	9.90	Harmon Substation Annex	36
16	Harmon Booster Station	5.59	Utility Requirements for Northern DOD Infrastructure	5.59	Air Force Pipeline	12
17	Tumon Tank Farm	23.77	Supports underwater sea cable; contingency fuel farm	23.77	Tumon Tank Farm	13
18	Tumon Maui Well	11.08	Navy water well for northern infrastructure	4.00	Australian Cable Housing	14
19	Fort Juan Muna	15.03	National Guard site			
20	NCTS Barrigada	1,366.29	Defense Communications site	1,366.00	NCTAMS Barrigada	15
	NCTS Barrigada			Easement	Barrigada Substation	36
21	Readiness Center	51.09	National Guard site			
22	Barrigada Transmitter site	432.21	Defense Communications site	310.00	Lot A7a & b Andersen Barr. Annex	16
23	ACEORP Maui Tunnel	3.70	GLUP 77	3.70	ACEORP Maui Tunnel	17
24	Route 1	50.40	Transferred to GovGuam in 2012		Transferred to GovGuam in 2012	
25	Route 4	117.70	Transferred to GovGuam in 2012		Transferred to GovGuam in 2012	
26	NavHosp Guam	120.48	Naval Hospital			
27	Adelup Reservoir	2.20	Water reservoir for site 26 and sites 29-31			
28	Naval Hospital Reservoir	2.68	Water reservoir for site 26			
29	Nimitz Hill HQ	35.70	Joint Region/NavFac Headquarters			
30	Nimitz Hill Fire Dept.	3.13	Naval Base Fire Dept.			
31	Nimitz Hill, Flag Circle	69.58	Military housing	6.00	Nimitz Hill Annex C-2	18

32	Asan Annex	0.24	Pump House supports NBG water treatment plant			
33	Nimitz Hill, Family Housing	93.28	Military housing	30.00	Nimitz Hill Annex C-3	19
34	Nimitz Hill Reservoir	2.62	Water reservoir supports site 31 and 33			
35	Sasa Valley Upper	323.96	POL Storage site			
36	Sasa Valley Lower	96.79	POL Storage site			
37	Hoover Park	6.00	40 USC 472; Navy directed 2015	6.00	USO beach park	20
38	Piti Power Plant and Substation	15.50	Public Law 100-202	15.50	Piti Power Plant and Substation	21
39	Piti Power Plant	7.90	Base Operating support site			
40	Sasa Valley annex	7.24	Contingency POL Storage	7.00	Navy PWC Utilities Dept.	22
41	Dry dock island	48.61	LCAC and Amphib veh. laydown	60.00	Parcels 1, 2, 3 and submerged	23
42	Glass breakwater	40.16	Berm protecting Apra Harbor			
43	Polaris Point	253.70	Submarine berthing			
44	Tenjo Vista	230.76	POL Storage site			
45	Naval Base Guam	3,107.62	Main Naval base	58.00	Portion, Apra Harbor Res. F-R13	24
	Naval Base Guam			Easement	Cold Storage Substation	36
	Naval Base Guam			Easement	Orote Substation	36
	Ship Repair Facility			100.00	Ship Repair Facility	25
	Ship Repair Facility			Easement	SRF Substation	36
46	USCG	14.25	US Coast Guard compound			
47	Apra View housing	172.82	Military housing			
48	Apra Palm housing	69.83	DON offices and military lodging	3.00	Apra Heights Quonset Site	26
49	Parcel 7 south of Camp Covington	60.80	GLUP 77	60.80	Parcel 7 Camp Covington	27

50	Tupo Water reservoir	10.25	Water reservoir supports site 45			
51	NBG Water Treatment Plant	8.79	WTP supports site 45	8.79	NBG Water Treatment Plant	28
52	Naval Magazine	8,645.54	Ordnance storage facility			
53	Dan Dan	159.12	Former Defense Comms Site: Requires Environmental Remediation	159.12	Dandan Property	29
54	Agana Power Plant & Substation	5.90	Public Law 100-202	5.90	Agana Diesel Power Plant	30
55	Apra Heights Lot 402-1	0.50	Public Law 100-202	0.50	Lot 603-1 Apra Heights	31
				4.00	Harmon Annex Photovoltaic	36
				Easement	POL Easement Sasa to Tanguisson	36
				Easement	Transmission Line-NBG to Piti	36
				Easement	Transmission Line-Piti to Agana	36
				Easement	Transmission Line-115KV line only	36
				Easement	Agana to Andersen	36
				200.00	Lot 439-R1	32
				73.70	Lot 259	33
N/A	Marbo School Site (Acquisition)	80.00	land reversion for USMC warfare training complex	80.00	Proposed Marbo School Site	34
	Subtotal	36,411.60		2,869.83		
	Net of transfers and acquisition	734.00		17,031.00	Submerged lands	35
	Total after proposed transfer	35,677.60				

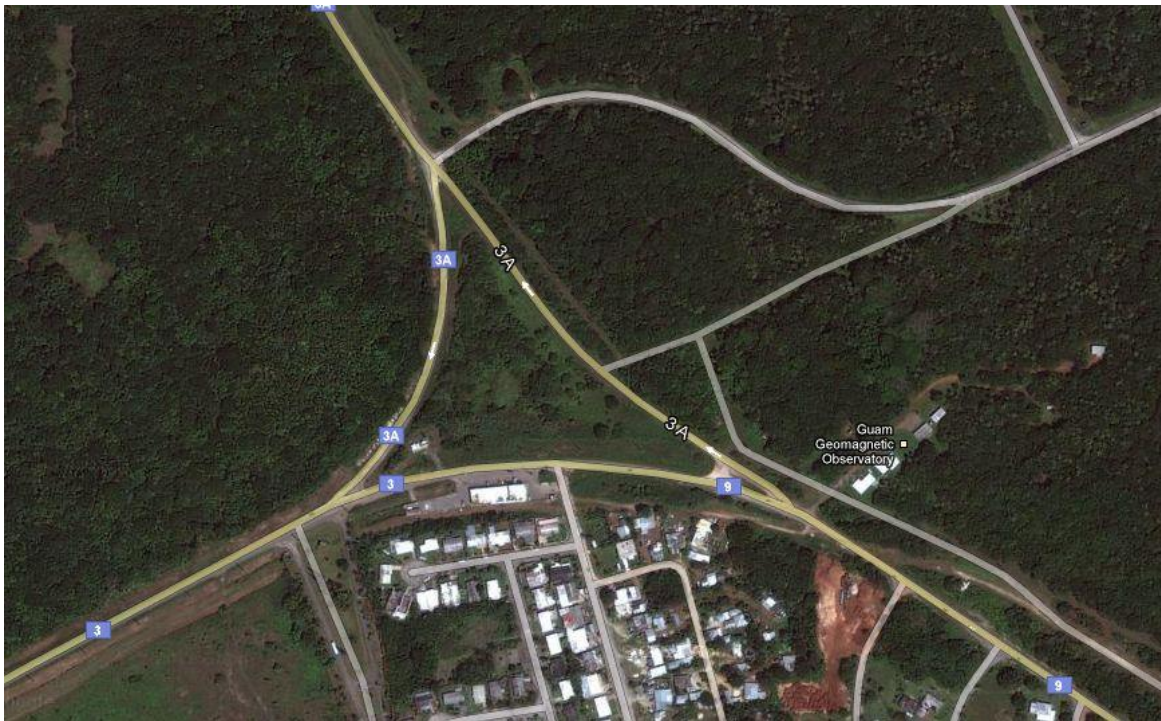
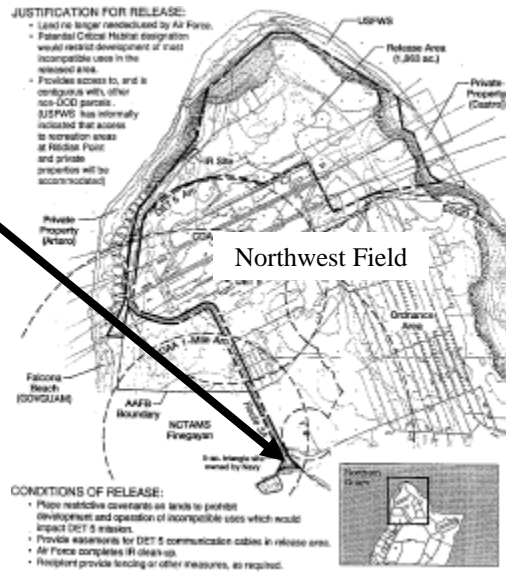
Details regarding each parcel deemed underutilized and potentially excess are presented in the following pages. A map of each parcel and a short description is presented, followed by pictures of the site where available. Properties requested by the Guam Power Authority are presented at the end of this report.

No. 1: Northwest Field



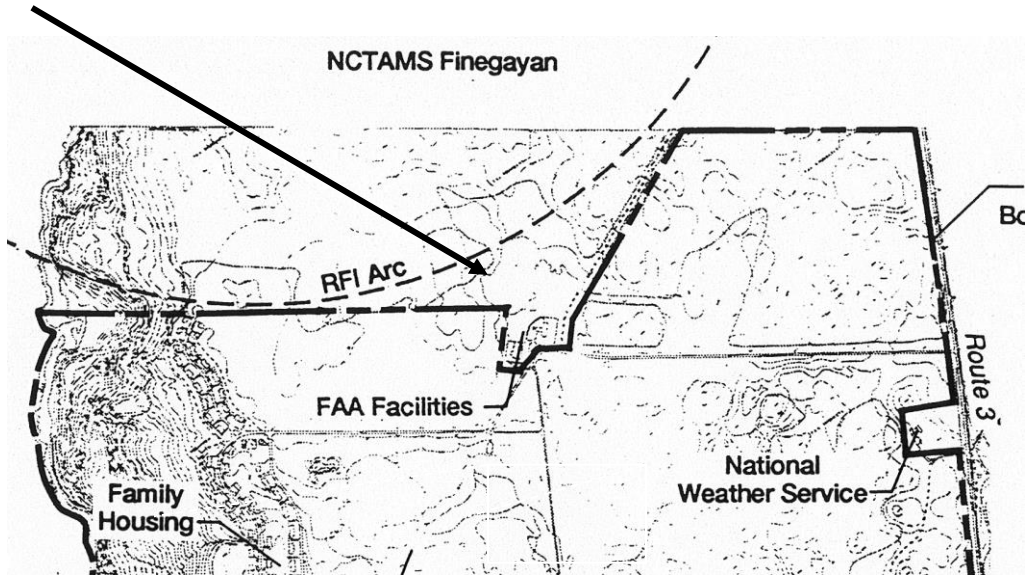
This 69.16 acre portion of Site A3 is identified as releasable under GLUP '94. The requested area is located between the privately owned property at Urunao and Route 3A. Release of the buffer will provide direct access to the private property. (No picture available). This area is on the periphery of Northwest Field and its release is not expected to adversely affect military operations.

No. 2: NCTS Triangle



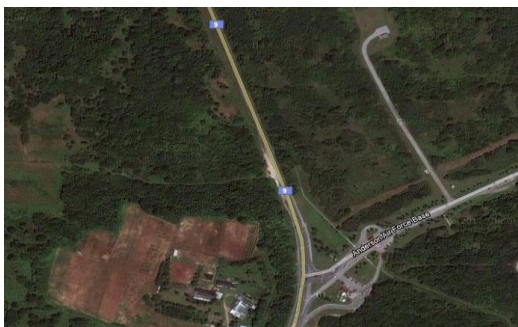
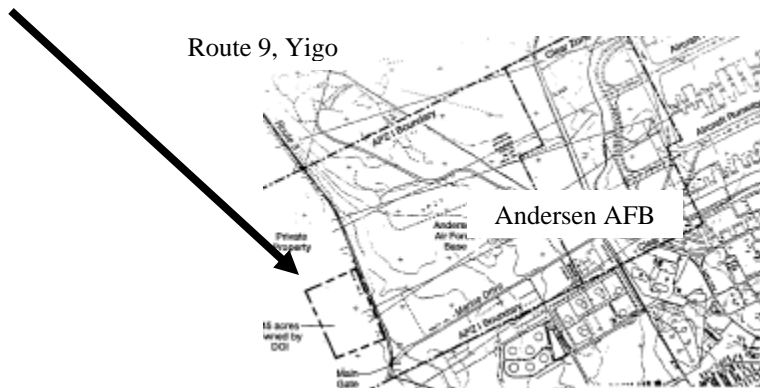
This 5-acre triangle site is owned by the Navy and is located at the intersection of Route 3 and Route 3A (Northeast of Potts Junction). The site is not affected by electromagnetic radiation generated by the NCTS WESTPAC CDAА transmitter facility and has no special environmental features.

No. 3: Former FAA Facilities



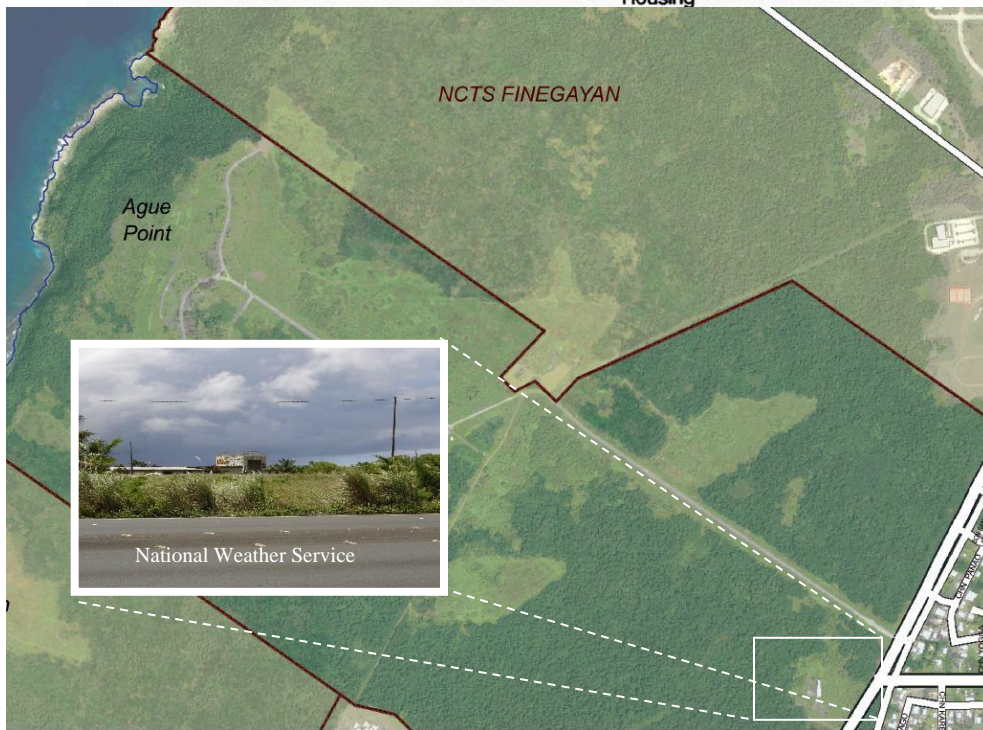
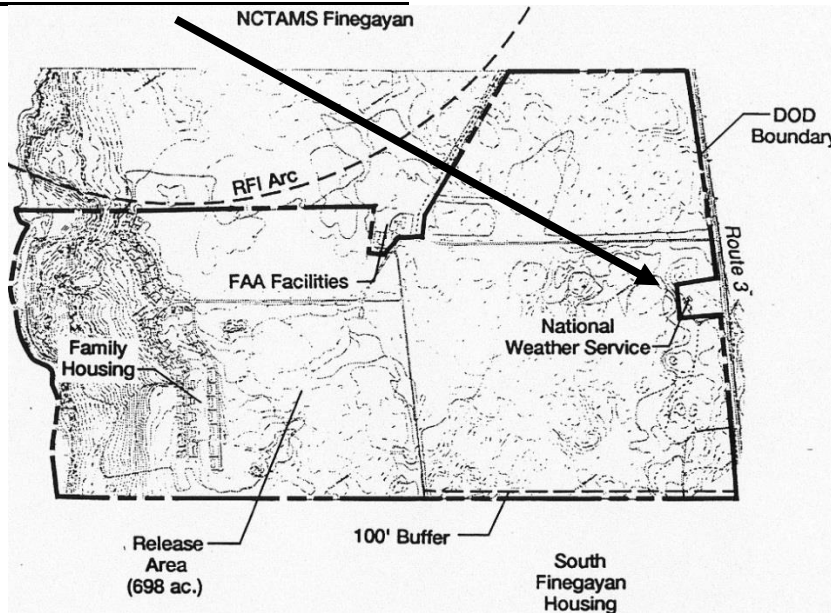
This 30-acre parcel sits on the northwest boundary of the Old FAA area which was previously returned to the civilian government. The property is not within the Radio Frequency Interference Free arc pursuant to the Navy's GLUP '94 update. This portion was not transferred along with the Old FAA area as the Navy Public Works Center was still utilizing a portion of the existing buildings. However, the buildings are no longer being utilized.

No. 5: Air Force Lot 7133



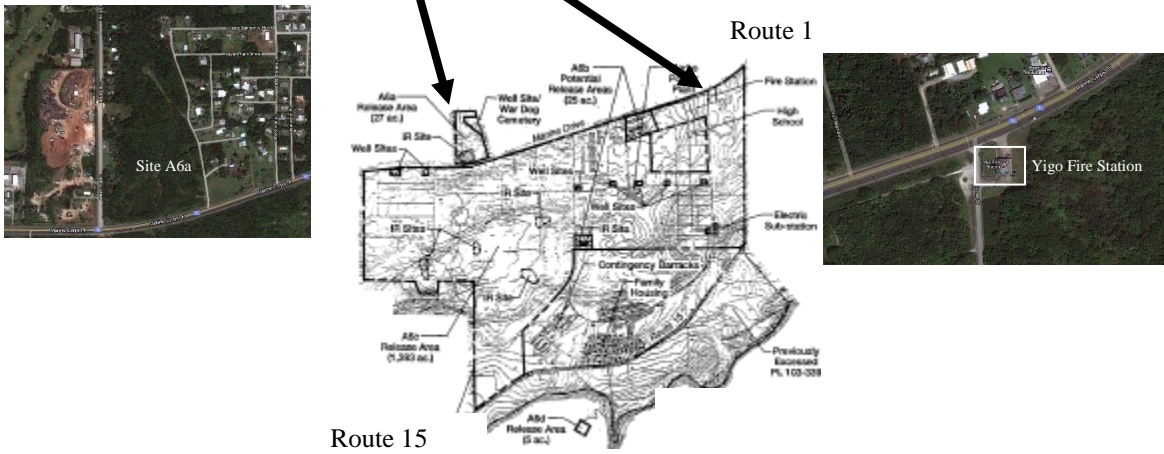
Air Force Lot 7133 is located just outside the Andersen Air Force Base main gate along Route 9 in Yigo. The property is owned by the U. S. Department of the Interior through a land trade in which the Government of Guam obtained the Agafa Gumás subdivision, located along Route 9. The property is vacant but under the flight path of aircraft operating out of AAFB. A previous local government attempt to obtain the property was denied by DOI because the property is located within the Accident Potential Zone of the military's Air Installations Compatible Use Zone (ALCUZ) program. However, Air Force ALCUZ regulations allow for industrial use of the property.

No. 6: Former National Weather Service



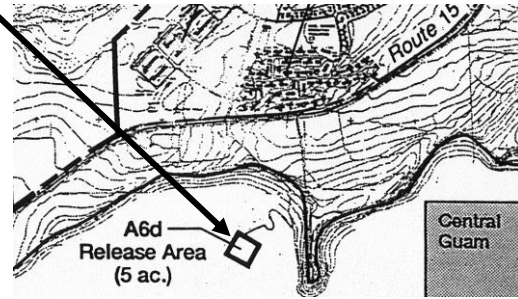
This 5-acre parcel was once home to the National Weather Service (NWS) prior to its relocation to the Guam International Airport. The parcel is entirely surrounded by the former FAA parcel which was previously under Navy jurisdiction but returned to the civilian government under BRAC '95. The abandoned NWS facility has deteriorated quite extensively over the years due to non-use.

Nos. 7 and 8: Andersen South & Andersen South Yigo Fire Station



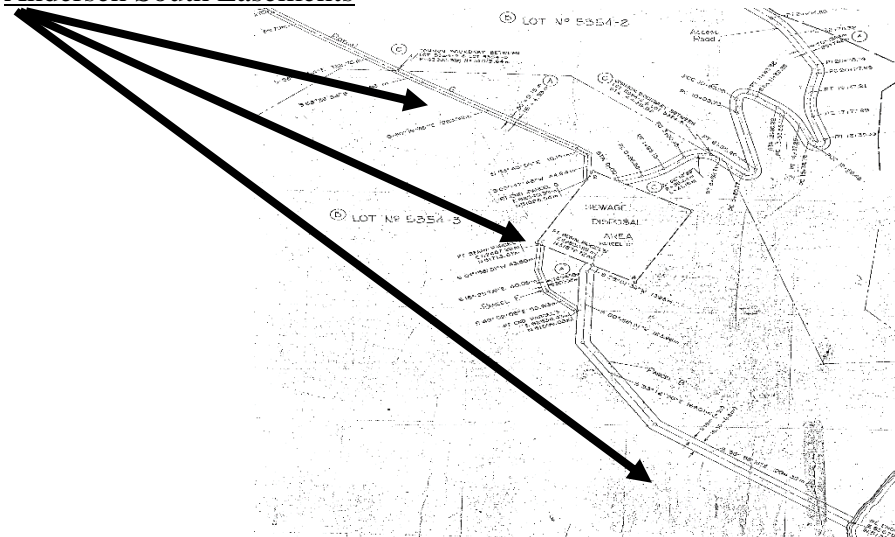
Two parcels consisting of 27 acres (Site A6a) north of Marine Corps Drive, and 1 acre upon which sits the Yigo Fire Station were identified as potentially releasable under GLUP '94. Site A6a is surrounded by private property on three sides and is physically separated from Andersen South by Marine Drive. The property on which the local government's Yigo Fire Station is situated is located on the fringe of Andersen South and is leased to the government of Guam for the fire facility.

No. 9: Andersen South



Lot A6d is a 5 acre parcel on the southern-most portion of Andersen South and has also been identified as releasable in the military's GLUP '94. The Net Negative Report indicates that this property (Site No. 12, Parcel C, Marbo Cave) is proposed for transfer to GovGuam. With no anticipated current and future plans to establish a sewer treatment plant in this area by DOD, the easements along the Former Marbo Base Command Area, adjacent to Lot No. 5354-2 and Lot No. 5354-3, and designated as Sewer Easement Parcels B, F, and G, should be removed. (See map below).

Andersen South Easements



No. 10: Tanguisson Beach Park

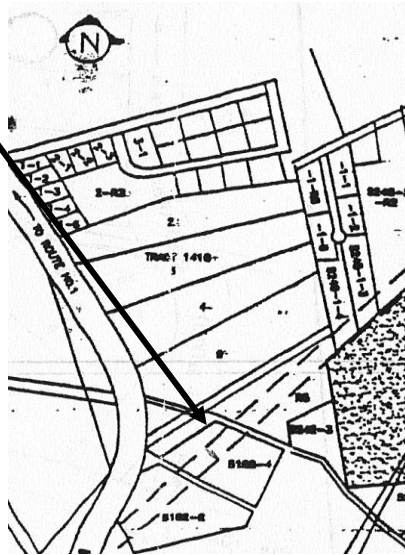


Although currently licensed to the Government of Guam, this 13 acre parcel was identified as Previously Excessed under the military’s GLUP ’94 update and PL 103-339. The area sits north and adjacent to Site N4a, Tanguisson Power Plant on the western shore of Guam. All military property surrounding the site has been returned to the government of Guam.

No. 11: Tanguisson Power Plant

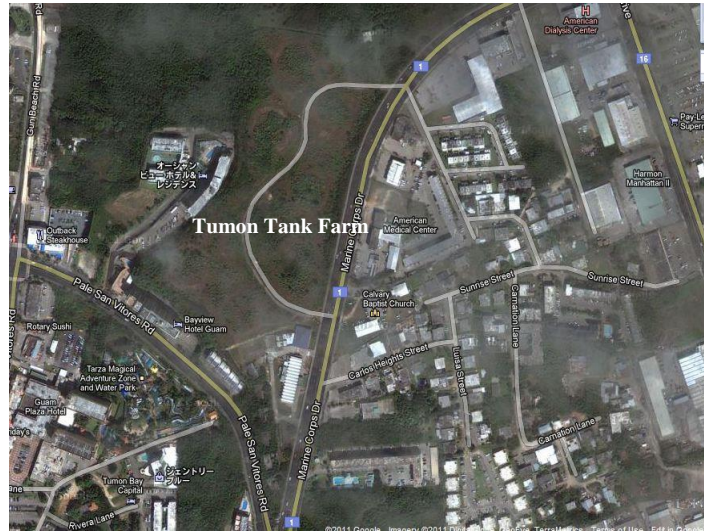
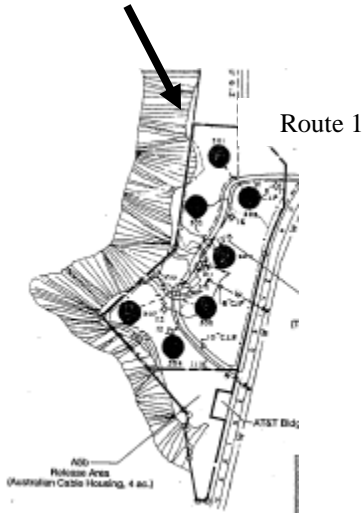
(Addressed in map and description for No. 10 above.) The Net Negative Report indicates that this parcel will be transferred pursuant to Public Law 100-202.

No. 12: Air Force Pipeline



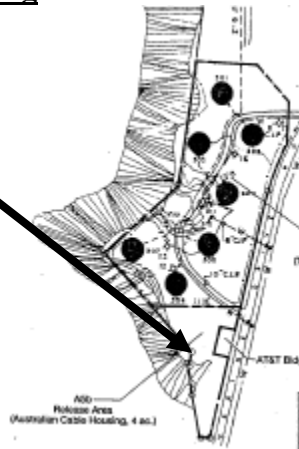
This 1-acre portion is an inactive section of the Air Force Pipeline and adjacent to the already-transferred Former Harmon AFB AVGAS Tank Farm. The inactive section and location of the above pipeline is also further described as ‘abandoned’ in Land Management Document number 273507. (No picture available). The reserved easements should be removed as they are no longer needed by the military.

No. 13: Tumon Tank Farm

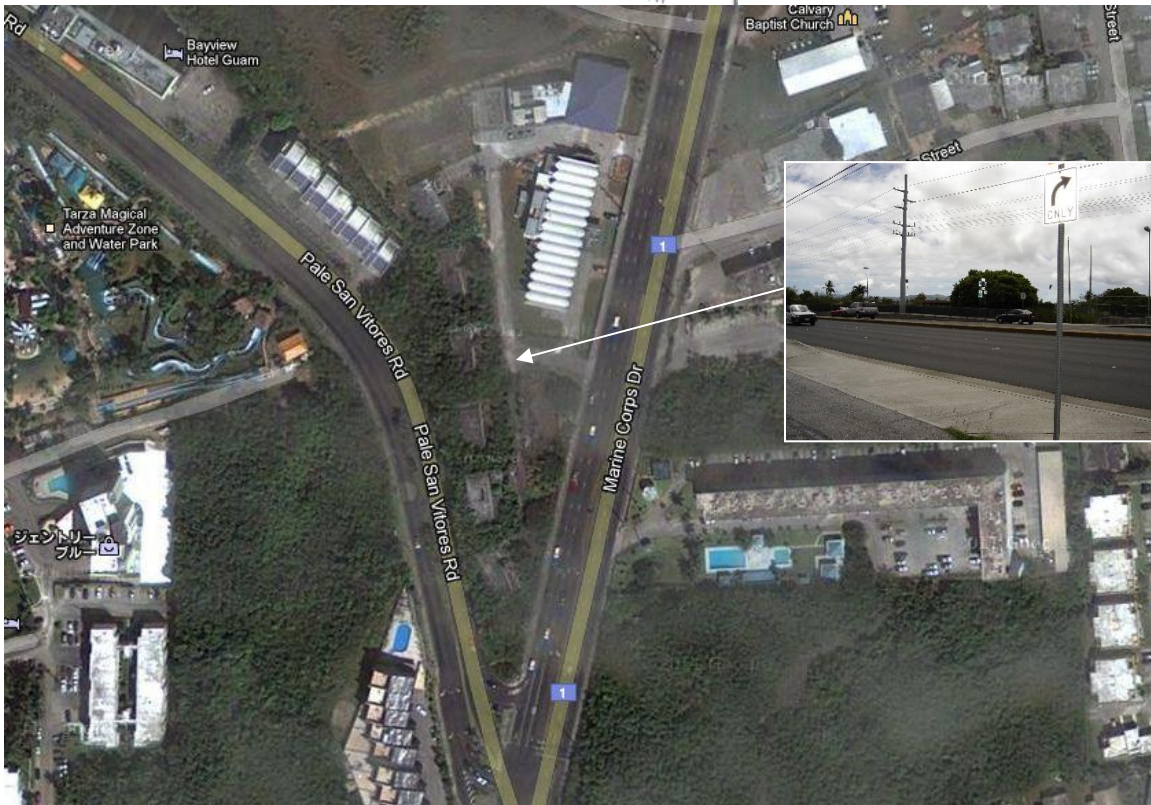


The Tumon Tank Farm consists of 24 acres fronting Marine Corps Drive (Route 1) in upper Tumon which was also releasable under the military's GLUP '94 update. The western boundary of the site is defined by a cliff line, and just north of the Australian Cable housing site. The Air Force has deactivated and removed all fuel storage facilities that were once located on the property.

No. 14: Australian Cable Housing

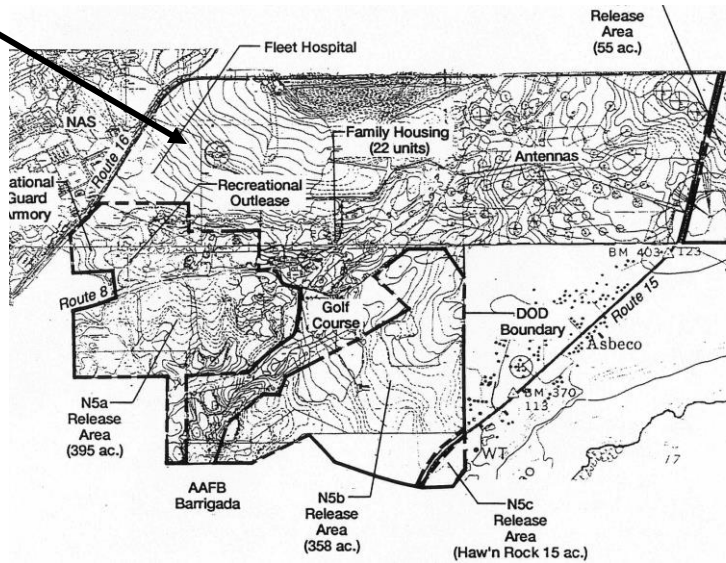


Route 1, Upper Tumon



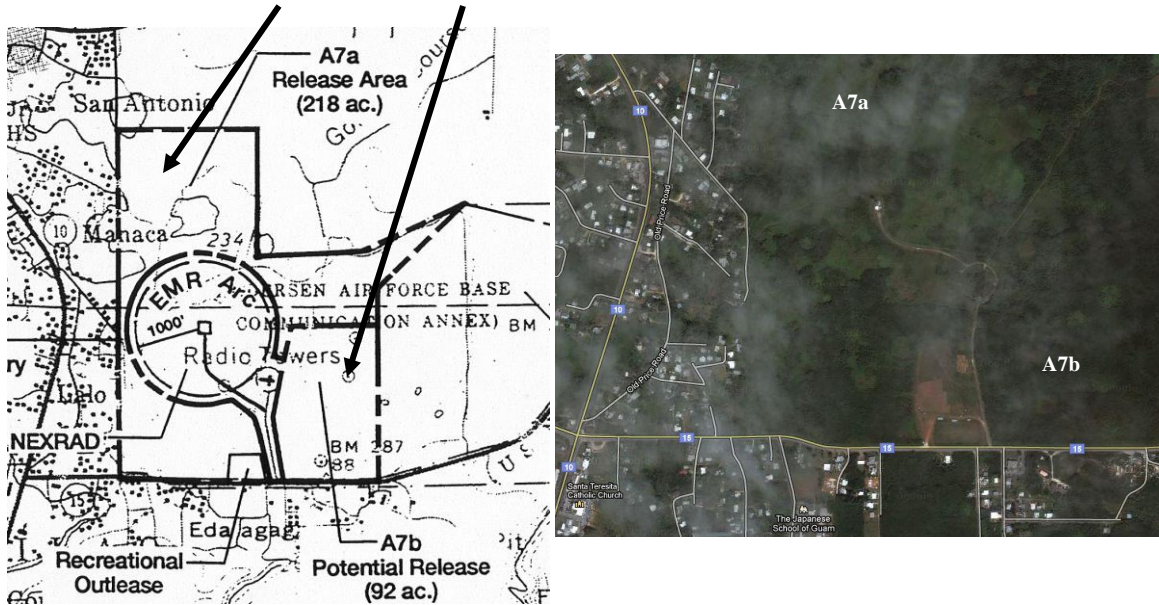
This 4-acre parcel was identified under the military's GLUP '94 update as one of seven parcels to be released by the Air Force. There are six (6) abandoned housing units located on the property which fronts Route 1, and is located at the corner of Marine Corps Drive and Pale San Vitores Boulevard in upper Tumon.

No. 15: NCTAMS Barrigada



Lot N5 NCTAMS Barrigada (1,366-acres) is situated in the western portion of Barrigada. The pre-positioned fleet hospital and the NEXRAD weather radar which are located on small pieces of this property are still in use however, the bulk of the property including the Navy golf course and housing area are no longer in use while the antennae that are located on this property are redundant to the facilities in NCTS Finegayan. The 2016 Joint Region Marianas Compatibility Plan indicates that a variety of military training occurs on this property. However, other Guam locations are used by the military for this training. 823 acres of this property were previously returned to the government of Guam under BRAC '95.

No. 16: Andersen Barrigada Annex I & II



Both of these lots (A7a & A7b) are located in Barrigada. The 218-acre portion (A7a) was identified as releasable by the military's GLUP '94. The 92-acre portion was identified as potentially releasable as consolidation of Air Force communications may eliminate need for this portion. Both lots are situated outside the NEXRAD EMR Arc and have not been identified for use in the FEIS. The 2016 Joint Region Marianas Compatibility Plan indicates that a variety of military training occurs on this property. However, other Guam locations are used by the military for this training. Approximately 10 acres along Route 15 are used by civilians for a football field (Eagles Field).

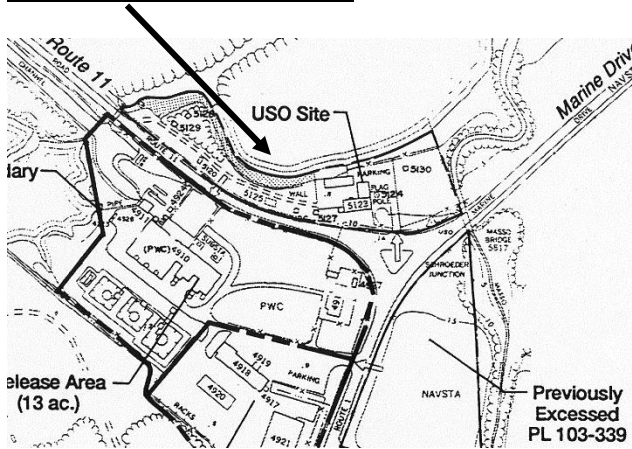
No. 17: ACEORP Tunnel

This 3.7 acre parcel is located in Tamuning behind the former Tamuning Telephone Exchange which was returned by the military to the government of Guam under BRAC '95. The property has been designated as excess since GLUP 1977 but has yet to be transferred. The Net Negative Report designates the property as “transfer in progress.”

ACEORP Tunnel



No. 20: USO Beach Park

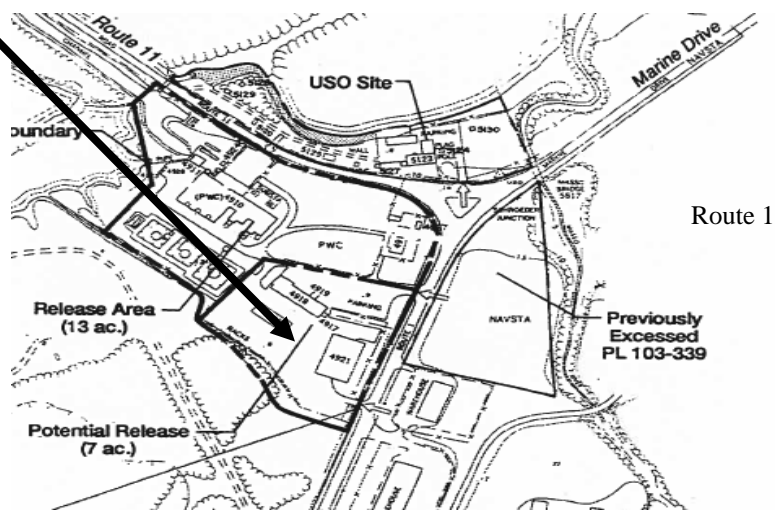


Situated on the North corner of Route 1 and Route 11, this 5.5 acre parcel lies across from the Piti Power Plant. The USO no longer utilizes the property and the Net Negative Report indicates that transfer is in progress.

No. 21. Piti Power Plant and Substation

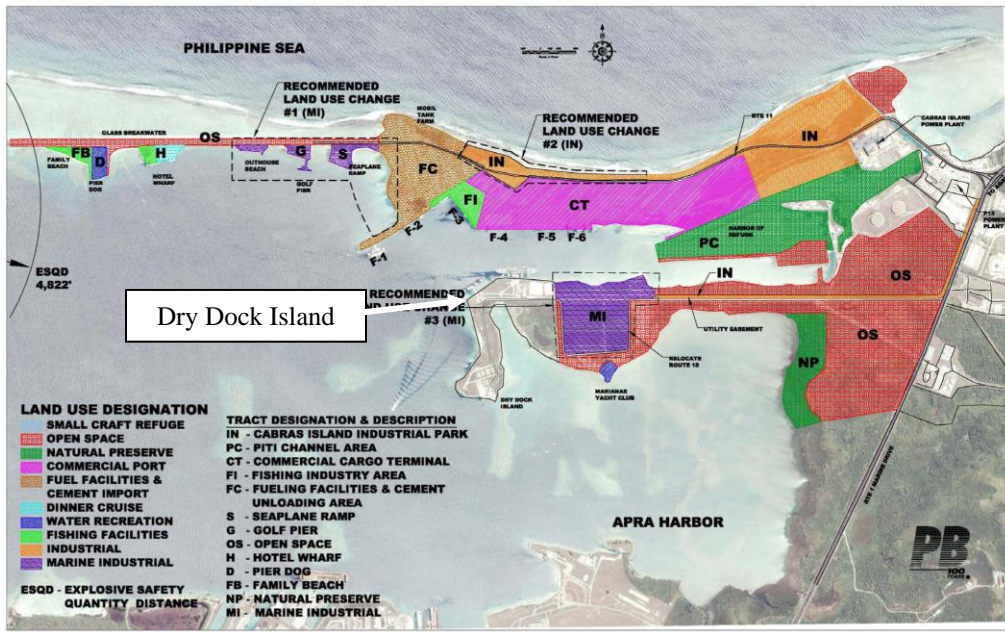
(See map and description under Guam Power Authority at the end of this report.)

No. 22: Navy PWC Utilities Department



This 7-acre parcel is located along Route 1, Marine Corps Drive across from the Piti Fire Station and adjacent to the Piti Power Plant. It was considered potentially releasable under the military's GLUP '94 update. Facilities on-site appear to be occupied by the Base Operating Support private contractor although the bulk of Base Operating Support Services are provided a few miles away on Naval Base Guam. The site includes 7 buildings containing a total of 40,767 square feet of storage, office and utility shop space.

No. 23: Dry Dock Island



Situated on Dry Dock Island are the Navy’s fuel piers (Wharves Delta and Echo both 800 feet long) and fuel facilities that pump off-loaded fuel to the Navy’s Sasa and Tenjo fuel storage farms. Much of the Dry Dock Island property has already been returned to GovGuam ownership and is included in the Port Authority of Guam’s master plan as indicated in the above map. Three portions of the property remain to be transferred.

The approximately 10 acre parcel closest to the Port’s Marine Industrial area (purple shaded area in the above map) was intended for transfer and a deed between the Navy and GovGuam was actually prepared by the Navy as authorized by U. S. Public Law 96-418 (Brooks Amendment). However, for unknown reasons, the Navy did not execute the deed.

The second and third area south of the Navy fuel piers is currently vacant but has been used by the Navy as a Landing Craft Air Cushion (LCAC) training area and to store booms that could be deployed should an oil spill occur in Apra Harbor. The area was also the berthing location for non-nuclear aircraft carriers. Nuclear carriers now berth at Kilo Wharf. The area consists of approximately 50 acres (excluding the fuel piers and adjacent fuel facility).

It is recommended that the total 60 acre area be transferred to GovGuam. The fuel piers and the fuel pumping station could be retained by the Navy as the need for the fueling facilities may continue to exist.

No. 24: Apra F-R13, Naval Base Guam

This approximately 58 acre area located southeast of the Naval Base Guam main gate is not utilized by the Navy and is recommended for return to the civilian government.



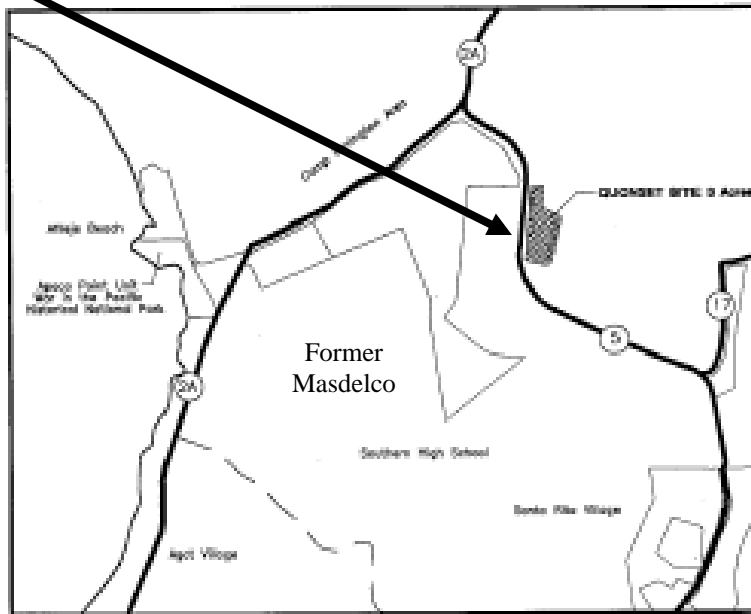
No. 25: Former Naval Ship Repair Facility

BRAC '95 closed the 100-acre Navy Ship Repair Facility. In all U. S. jurisdictions, closure of a facility by the Base Realignment and Closure Commission as approved by the Congress and President, resulted in the transfer of title to the facility by the military to the Local Redevelopment Authority which in Guam's case, was the Guam Economic Development Authority. However, transfer did not occur. The government of Guam again requests transfer of the facility as mandated by federal law.

Former Ship Repair Facility



No. 26: Apra Heights Quonset Site



The Apra Heights Quonset site is a 3-acre parcel located along Naval Magazine Road (Route 5) where three Quonset huts were located on the property and used as central warehouse for the Navy Exchange. The structures have since been removed from the property and property is now vacant.

No. 27: Camp Covington

This 60.8 acre property is listed as Site No. 49 in the Navy’s Net Negative Report and is listed in that report as “transfer in progress.” No map is provided.

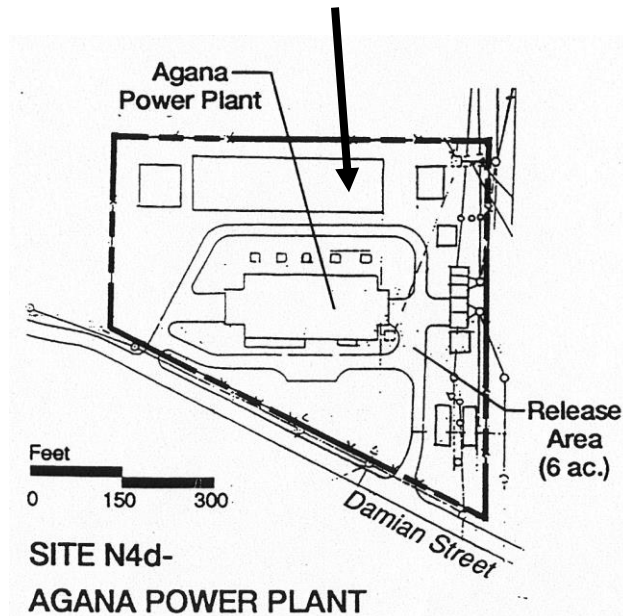
No. 28: Naval Base Guam Water Treatment Plant

This 8.79 acre site is listed as Site No. 53 in the Navy’s Net Negative Report and is included in Congresswoman Bordallo’s bill but is not included in the 2019 NDAA. No map is provided in this report.

No. 29: Dandan Property

This 159.12 acre site is listed as Site No. 51 in the Navy’s Net Negative Report and is included in Congresswoman Bordallo’s bill but is not included in the 2019 NDAA. No map is provided in this report.

No. 30: Agana Power Plant and Substation



This 6-acre parcel was identified as releasable under the military’s GLUP ’94 update. The Navy was to transfer the lot’s existing facilities to GPA in accordance with Customer Service Agreement.

No. 31: Apra Heights Lot 402-1

(See Guam Power Authority request located in the last section of this report.)

No. 32: Marbo School Site

Marbo School Site



No. 33: Submerged Lands



Pursuant to Public Law 93-435, as amended by PL 96-205, the federal government reportedly owns all submerged lands out to the limit of the territorial sea (3 miles) that are contiguous to federally-owned terrestrial lands. In other words, if the federal government owns coastal lands, it also owns the submerged lands out to three miles. Since the Navy has transferred some of these coastal terrestrial lands to GovGuam in earlier disposal actions including Public Law 103-339, the Commercial Port land transfers and various Base Realignment and Closure actions, adjacent submerged lands should also be transferred.

An alternative view of submerged lands ownership argues that the Government of Guam, under Sections 28(a) and (b) of the Organic Act of Guam, already owns all submerged lands out to the 3 mile territorial limit. This view indicates that the federal government was required by the Organic Act to reserve properties it needed prior to the effective date of the Act. Since the federal government failed to reserve submerged lands, they were automatically transferred to GovGuam on the effective date of the Organic Act. Subsequent passage of Public Law 93-435 then, constituted a taking of property owned by the Government of Guam for which compensation should have been provided. Since no compensation was given, submerged properties were not transferred to federal ownership and therefore remain under GovGuam title.

It is not within the scope of this report to determine the validity of the arguments on submerged lands ownership. This report simply includes submerged properties to ensure that ownership is or remains vested in the Government of Guam. It should be noted that the Navy's Guam Land Use Plan 1994 identifies these properties as "releasable."

Submerged lands (15,169.5 acres) located off Urunao and Jinapsan from the 100 foot isobath out to 3 miles, were transferred to GovGuam by Quitclaim Deed dated August 9, 2002, Land Management Document number 661952. The military retains jurisdiction of the submerged land from the high tide mark to the 100 foot isobath in this area. Four segments of submerged lands totaling approximately 17,031 acres remain to be transferred by the Navy under GLUP '94. These submerged properties are located offshore of the following previously transferred coastal areas:

- Afleje Beach;
- Commercial Port;
- Asan Beach; and
- Harmon Cliff line and Old FAA Housing.

