

PUBLIC NOTIFICATION

On

“Net Negative” Inventory of Land Parcels on Guam

**Prepared by:
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I. Requirement

This notification is being provided in response to the HOUSE OF REPRESENTATIVES REPORT 5515-642, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019, TITLE XXVIII-MILITARY CONSTRUCTION GENERAL PROVISIONS, SUBTITLE C-LAND CONVEYANCES, SEC. 2847, PUBLIC INVENTORY OF GUAM LAND PARCELS FOR TRANSFER TO GOVERNMENT OF GUAM

(a) NET NEGATIVE INVENTORY OF LAND PARCELS

(1) MAINTENANCE AND UPDATE OF INVENTORY. 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.

(2) INFORMATION REQUIRED.—For each parcel included in the inventory under paragraph (1), the Secretary shall specify—

(A) the approximate size of the parcel;

(B) an estimate of the fair market value of the parcel, if available or as practicable;

(C) the date on which the Secretary determined, or the date by which the Secretary expects to determine, that the parcel is excess and made eligible for transfer to the territorial government; and

(D) the citation of the specific legal authority (including the Guam Omnibus Opportunities Act) under which the Secretary will transfer the parcel to the territorial government or otherwise dispose of the parcel.

(b) PARCELS REQUIRED TO BE INCLUDED. The Secretary shall include in the inventory each of the following parcels, as described in the 2017 Net Negative Report:

(1) The Tanguisson Power Plant (5 acres), listed as Site 14 in the Report.

(2) *The Harmon Substation Annex (9.9 acres), listed as Site 15 in the Report.*

(3) *The Piti Power Plant and Substation (15.5 acres), listed as Site 38 in the Report.*

(4) *Apra Heights Lot 403–1 (0.5 acres), listed as Site 55 in the Report.*

(5) *The Agana Power Plant and Substation (5.9 acres), listed as Site 54 in the Report.*

(6) *The ACEORP Maui Tunnel-Tamuning Route 1 behind Old Telex (3.7 acres), listed as Site 23 in the Report.*

(7) *The Parcel South of Camp Covington, Parcel 7 (60.8 acres), listed as Site 49 in the Report.*

(8) *The NCTS Beach Lot, adjacent to the Tanguisson Power Plant (13.3 acres), listed as Site 13 in the Report.*

(9) *The Hoover Park Annex (also known as “Old USO Beach”; 6 acres), listed as Site 37 in the Report.*

(10) *Parcel “C” Marbo Cave Annex (5 acres), listed as Site 12 in the Report.*

(c) INCLUSION OF ADDITIONAL PARCELS IN INVENTORY.—

(1) **REQUEST BY GOVERNOR**—*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.*

(2) **CONSIDERATION BY SECRETARY**.—*Not later than 180 days of receipt of a request from the Governor under paragraph (1), the Secretary shall review the request and provide a response in writing to the Governor as to whether the Secretary will agree to the request to include the specific land parcel in the inventory maintained under subsection (a). If the Secretary denies the request, the Secretary shall provide a detailed written justification to the Governor that explains the continuing military need for the parcel, if any, and the date on which the Secretary expects that military need to cease, if ever.*

(d) **EXCLUSION OF PARCELS**.—*The Secretary shall not include in the inventory maintained under this section any parcel transferred to the government of Guam prior to the date of the enactment of this Act, without regard to whether or not the parcel is included in the inventory under subsection (b).*

(e) **PUBLIC NOTIFICATION**.—*The Secretary shall publish and update on a public website of the United States Government the following information:*

(1) *The inventory maintained under subsection (a), including the parcels required to be included in such inventory under subsection (b).*

(2) *All requests submitted by the Governor under subsection (c), including any proposed public benefit use or public purpose specified in any such request.*

(3) *A copy of each response provided by the Secretary to each request submitted by the Governor under subsection (c).*

(4) *A description of each parcel of land transferred by the Secretary to the territorial government after January 20, 2011, including the following:*

(A) *The approximate size of the parcel.*

(B) *An estimate of the fair market value of the parcel, if available or as practicable.*

(C) *The specific legal authority under which the Secretary transferred the parcel to the territorial government.*

(D) *The date the parcel was transferred to the territorial government*

(f) *DEFINITIONS.—In this section, the following definitions apply:*

(1) *2017 NET NEGATIVE REPORT.—The term “2017 Net Negative Report” means the report submitted by the Secretary of the Navy, on behalf of the Secretary of Defense, under section 2208 of the National Defense Authorization Act for Fiscal Year 2017 ([Public Law 114–328](#); 130 Stat. 2695) regarding the status of the implementation of the “net negative” policy regarding the total number of acres of the real property controlled by the Department of the Navy or the Department of Defense on Guam.*

(2) *GOVERNOR.—The term “Governor” means the Governor of the territory of Guam.*

(3) *SECRETARY.—The term “Secretary” means the Secretary of the Navy.*

(4) *TERRITORIAL GOVERNMENT.—The term “territorial government” means the government of Guam established under the Organic Act of Guam ([48 U.S.C. 1421](#) et seq.).*

II. Executive Summary:

The purpose of this report is to provide the public the status of the Department of the Navy's (Navy) implementation of the "Net Negative" policy as required by Sec. 2847 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019. The "Net Negative" policy as expressed in the statement released by Under Secretary of the Navy on January 20, 2011 and the follow-on letter to the Governor of Guam dated February 7, 2011 provides:

"...we will pursue a "Net Negative" strategy for DoD-owned land on Guam. The Department is committed to having a smaller DoD footprint on Guam after the military build-up than we currently hold. We will better utilize lands we currently have and return underutilized land to the Government of Guam."

Since January 20, 2011, the Navy has transferred three (3) sites totaling approximately 608.4 acres to the Government of Guam (GovGuam).

The Navy is also preparing to transfer 3 additional sites totaling approximately 77.8 acres from Guam Land Use Plan of 1977 (GLUP 77) and 5 sites from the Island-Wide Power System (IWPS) Transfer program totaling approximately 36.8 acres. These transfers total approximately 114.6 acres.

Additionally, as a result of a 2015 review, the Navy is preparing to transfer two (2) additional sites: Hoover Park Annex (also known as "old USO Beach") and Parcel "C" Marbo Cave Annex. These transfers total approximately 11 acres.

Upon completion of all transfers identified above, the Department of the Navy will be "Net Negative" by 734 acres compared to the DON's January 2011 footprint, which was approximately 36,331 acres of land.

III. Introduction

Military controlled land on Guam forms an integral part of the U. S. military's worldwide base support complex and serves as a major operational, logistical, training, weather and communication center for the Western Pacific. The scarcity of usable land on the island and the need for land to develop commercial, industrial and residential facilities for Guam's growing economy competes with the Navy's objective to retain sufficient land assets and facilities to preserve flexibility for current and future Department of Defense (DoD) mission requirements and contingencies.

The DoD has an ongoing requirement to assess its land holding and to make available that land that is "excess". "Excess properties" are defined by Title 40 U.S. Code section 102(3) as any property under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities as determined by the head thereof. Before transfer, the Navy must determine the property is excess to its needs.

This report presents the Navy's planned transfer of properties to GovGuam over the next several years. This plan is responsive to the commitment made by the Under Secretary of the Navy Mr. Robert Work on January 20, 2011 committing to the "Four Pillars" to guide the DoD's approach to the Guam USMC relocation and documented in his February 7, 2011 letter to Guam Governor, the Honorable Eddie Baza Calvo (see Figure 1). "Net Negative" is the fourth of the pillars.

The Net Negative Pillar will help guide the Navy's actions to better utilize current DoD real property and to return excess parcels to the government of Guam (GovGuam).

Figure 1: Letter from Under Secretary Work to Guam Governor Calvo regarding the “Four Pillars” of February 7, 2011.



THE UNDER SECRETARY OF THE NAVY
WASHINGTON, D.C. 20350-1000

February 7, 2011

The Honorable Eddie Baza Calvo
Governor of Guam
P.O. Box 2950
Hagatna, GU 96932

Dear Governor Calvo:

I want to thank you for the frank, informative discussions we had in Guam during my last visit. I would like to reiterate the four pillars which will guide DoD's approach to the military buildup.

First, through our “One Guam” initiative, the Department is committed to improving the quality of life for the people of Guam and the military personnel who will call Guam home. We have secured, and will continue to seek, funding for infrastructure upgrades directly and indirectly associated with the military buildup, and will continue to advocate for federal investment in Guam's other socio-economic needs.

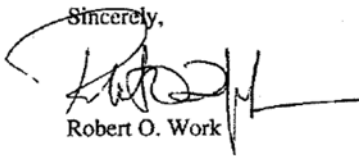
Second, through our “Green Guam” initiative, the Department is committed to developing the most energy efficient infrastructure possible and supporting Guam's efforts to develop sustainable and renewable energy projects. We will work hard to achieve “net zero” energy usage for our installations on Guam. Moreover, we will work closely with relevant Guam utilities, Guam agencies, and federal agencies to secure necessary funding for “green” projects.

Third, the Department is committed to providing 24 hours/seven days a week unimpeded access to the Pagat Village and Pagat Cave historical sites. We will adjust our proposed plans outlined in the final Environmental Impact Statement to continue unfettered access to these important historical and cultural locations.

Fourth, we will pursue a “Net Negative” strategy for DoD-owned land on Guam. The Department is committed to having a smaller DoD footprint on Guam after the military build-up than we currently hold. We will better utilize the lands we currently have and return underutilized land to the Government of Guam.

I believe that these initiatives take into account many of the concerns expressed by the people of Guam and will provide a solid foundation for resolving many of the outstanding issues related to the build-up. With these commitments, I am hopeful that we can resolve the issues we are facing and bring about a Guam build-up that benefits both the people of Guam and our military personnel. I look forward to continuing this dialogue during your visit to Washington, D.C.

Sincerely,



Robert O. Work

IV. Background

In 1959, an agreement to transfer certain rights of way in the Guam road system was made between GovGuam and the United States of America. This agreement allowed the orderly transfer of perpetual easements and/or fee simple title to the rights of way in the joint use highway system to GovGuam.

In 1977, the Navy completed a comprehensive study of DoD utilization of real estate on Guam titled “Guam Land Use Plan, September 1977” (GLUP 77). The study determined landholdings required to support the DoD presence on Guam, examined joint use of land and facility consolidations to promote effective and efficient use of real property resources, determined which landholdings could be released by the DoD in consonance with Executive Order (EO) 11954, and met the development needs of GovGuam.

In 1993, the Navy and Air Force services began another review of DoD landholdings on Guam, with the intent of developing a master plan for future military requirements. The Guam Land Use Plan, or GLUP 94, represented an update to previous land use plan of 1977. Pursuant to the lands identified in GLUP 94 and the authority of the Defense Base Realignment and Closure Commission (BRAC), various properties were released to GovGuam including closure of Agana Naval Air Station (NAS) on Guam. Other naval air stations in Hawaii and the continental United States assumed the operational functions of NAS Agana.

In 2011, Naval Facilities Engineering Command (NAVFAC) Marianas conducted a Defense Policy Review Initiative (DPRI) Guam DoD Land Inventory study for the purpose of identifying all military land holdings and their current requirements, and identify opportunities and recommendations for future use. The study included all land currently owned by the DoD on Guam. This amounted to a total of approximately 36,331 acres of land at that time, of which 36,264.88 acres is Department of Navy (DON) and 66.12 acres is Department of the Army (DOA). The total DoD land holdings constituted approximately 27% of the total land area of Guam.

V. Report Components

I. (a) NET NEGATIVE INVENTORY OF LAND PARCELS

Table 1: Guam DoD Land Transfers In Progress

Transfers In Progress					
SITE	SITE NAME	AREA (ACRES)	TRANSFER AUTHORITY	TRANSFER STATUS/FMV	ANTICIPATED TRANSFER
23	ACEORP MAUI TUNNEL- TAMUNING ROUTE 1 BEHIND OLD TELEX	3.7	Public Law 103-339; GLUP 77	Site undergoing environmental studies	FY19/20
49	PARCEL SOUTH OF CAMP COVINGTON - PARCEL 7	60.8	Public Law 103-339; GLUP 77	Site undergoing environmental studies	FY19/20
55	APRA HEIGHTS LOT 402-1	0.5	Public Law 100-202	Site undergoing environmental studies	FY19
13	NCTS BEACH LOT - ADJACENT TO TANGUISSON POWER PLANT	13.3	Public Law 103-339; GLUP 77	Site undergoing environmental studies	FY20/21
14	TANGUISSON POWER PLANT	5	Public Law 100-202	Site undergoing environmental studies	TBD
15	HARMON SUBSTATION ANNEX	9.9	Public Law 100-202	Site undergoing environmental studies	TBD
38	PITI POWER PLANT & SUBSTATION	15.5	Public Law 100-202	Site undergoing environmental studies	TBD
54	AGANA POWER PLANT & SUBSTATION	5.9	Public Law 100-202	Site undergoing environmental studies	TBD
37	HOOVER PARK- USO BEACH	6	40 USC 472; JRM REGCOM Direction 2015	Site undergoing environmental studies & CNO approval	TBD
12	PARCEL "C" MARBO CAVE ANNEX	5	40 USC 472; JRM REGCOM Direction 2015	Site undergoing environmental studies & CNO approval	TBD
Total Pending Transfers		125.6			

Table 2: Guam DoD Land Transfers Completed

Completed Transfers					
SITE	SITE NAME	AREA (ACRES)	TRANSFER AUTHORITY	FAIR MARKET VALUE	TRANSFER STATUS
8	PARCEL BEHIND SOUTH FINEGAYAN HOUSING	440.3	GLUP 77	TBD	Complete – Apr 2011
24	ROUTE 1	50.4	Guam Road Systems Joint Agreement of 1959	TBD	Complete – Jan 2012
25	ROUTE 4	117.7	Guam Road Systems Joint Agreement of 1959	TBD	Complete – Jan 2012
Total Transferred		608.4			

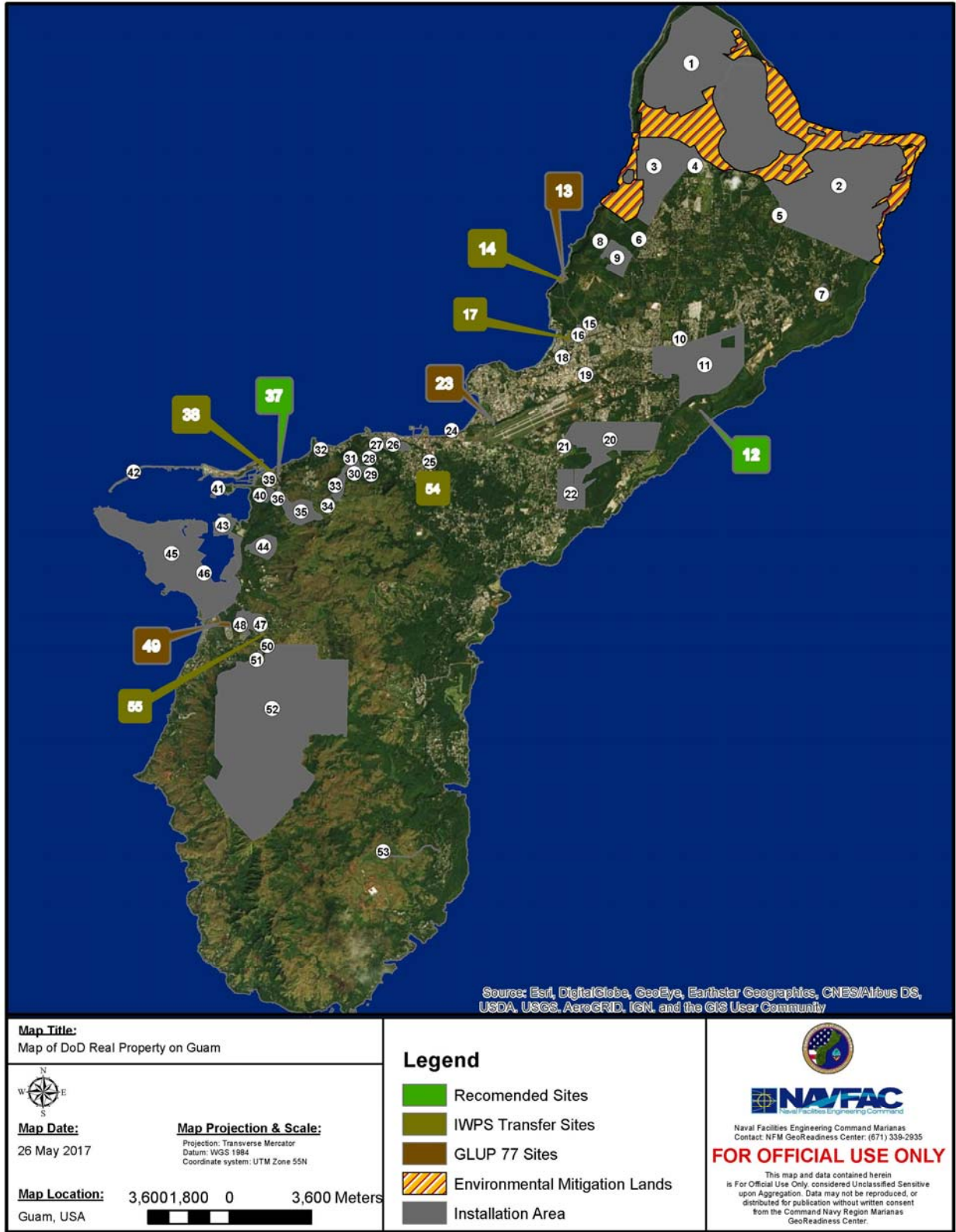
Since January 20, 2011, the Navy has transferred three (3) sites totaling 608.4 acres to the Government of Guam (GovGuam). The three parcels are the parcel behind South Finegayan housing, the Route 1 parcel and the Route 4 parcel. The parcel behind South Finegayan housing was transferred under the authority of GLUP 77 while the Route 1 and Route 4 parcels were transferred under the Guam Road Systems Joint Land Agreement of 1959.

The Navy is also preparing to transfer three (3) additional sites totaling approximately 77.8 acres identified in the Guam Land Use Plan of 1977 (GLUP 77) and 5 sites from the Island-Wide Power System (IWPS) Transfer authorized by Public Law 100-202 totaling approximately 36.8 acres. These transfers total approximately 114.6 acres.

Additionally, as a result of a 2015 review described later in this report, the Navy is preparing to transfer two (2) additional sites: Hoover Park Annex (also known as “old USO Beach”) and Parcel “C” Marbo Cave Annex. These transfers total approximately 11 acres.

In total 608.4 acres were transferred in April 2011 and January 2012. All total, 734 acres have either already been transferred or are in the process of transfer since Under Secretary Work’s February 7, 2011, “Four Pillars” letter (See Tables 1 & 2).

Figure 2: Map of DoD Real Property on Guam.



VI. Summary

Since the Under Secretary of the Navy signed the “Four Pillars” letter in February 2011 committing Navy to a “Net Negative” pillar, land actions have been completed, are in progress or are projected to occur as summarized in the table below. As a result, the Navy anticipates “Net Negative” by 734 acres compared to the January 2011 footprint (see Table 3).

Table 3: Summary of Land Transfers Completed and In Progress

SITE	SITE NAME	AREA (Acres)	TRANSFER AUTHORITY
8	PARCEL BEHIND SOUTH FINEGAYAN HOUSING	440.3	GLUP 77
24	ROUTE 1	50.4	Guam Road Systems Joint Agreement of 1959
25	ROUTE 4	117.7	Guam Road Systems Joint Agreement of 1959
14	TANGUISSON POWER PLANT	5	Public Law 100-202
15	HARMON SUBSTATION ANNEX	9.9	Public Law 100-202
38	PITI POWER PLANT & SUBSTATION	15.5	Public Law 100-202
55	APRA HEIGHTS LOT 402-1	0.5	Public Law 100-202
54	AGANA POWER PLANT & SUBSTATION	5.9	Public Law 100-202
23	ACEORP MAUI TUNNEL- TAMUNING ROUTE 1 BEHIND OLD TELEX	3.7	GLUP 77
49	PARCEL SOUTH OF CAMP COVINGTON - PARCEL 7	60.8	GLUP 77
13	NCTS BEACH LOT - ADJACENT TO TANGUISSON POWER PLANT	13.3	GLUP 77
37	HOOVER PARK	6	40 USC 472; Navy directed 2015
12	PARCEL "C" MARBO CAVE	5	40 USC 472; Navy directed 2015
Total "Net Negative"		734	