

The 50th anniversary of the war in the Pacific has fueled questions regarding the status of the implementation of the War in the Pacific National Historical Park. The purpose of this report is to discuss implementation efforts particularly in terms of the acquisition of lands for the Park. This report also updates and refines a prior report produced by the Bureau of Planning in 1984 entitled "Government Property Deeded for the National Park".

In 1978, Public Law 95-384 formally created the War in the Pacific National Historical Park. The table below shows acreage and ownership.

OWNERSHIP OF PARK LANDS
(in acres)

	<u>LAND</u>	<u>WATER</u>	<u>TOTAL</u>
Interior	601.26		601.26
Navy	11.50	193.16	204.66
GovGuam	65.38	808.69	874.07
Private	237.96		237.96
Unknown	7.95		7.95
TOTAL	924.05	1001.85	1925.91

Source: Land Protection Plan, Sept. 1983.

It should be noted that the General Management Plan (Jan. 1983) reported 1072 acres of fast land and 1002 acres of submerged lands.

On April 4, 1969 (Doc. No. 90143), the U.S. Department of the Interior deeded 62 acres (30 acres commercial port and 32 acres

industrial park lands) to the Government of Guam under the authority of the Submerged Lands Act of 1963 with the condition that GovGuam convey public lands for the proposed National Park. Between 1970 and 1972, GovGuam conveyed 816.7 acres of land for the proposed park¹.

Comparing the boundaries of the Park as created by law with the properties that were deeded to the NPS before the Park was Congressionally established indicates that 319.24 acres of GovGuam land that were deeded for the Park fell outside park boundaries. Of these lands, 3.29 acres were returned to the Government of Guam for the Agat Marina and 42.02 acres were traded by NPS to a private landowner for properties located within park boundaries. Therefore almost 273.93 acres of GovGuam property deeded for the park remain outside park boundaries under DOI ownership¹.

At present, almost 884 acres of GovGuam lands (809 acres of submerged land and 75 acres of fast land) included in the park boundaries have not been deeded to the NPS. Of the 75 acres of fast land, 62 acres consist of shoreline properties while 13 acres are inland properties. Of the inland acreage, according to PUAG, 9.25 acres were to be utilized by PUAG as part of the public water

¹Figures are based on National Park Service's 6/11/91 letter to Bureau of Planning regarding the status of lands and waters within the War in the Pacific National Historical Park.

system. PUAG has since changed plans and indicated that the parcels are now under private and NPS ownership. The 62 acres of shoreline property include the beaches in Agat, Asan and Adelup Point currently used for picnics and barbecues. The continuation of these activities appears to be consistent with the General Management Plan.

Regarding submerged lands, GovGuam retains ownership of over 809 acres in Agat, Asan and Adelup. Although the Bureau is in the process of identifying the marine resources situated in this area, it is not expected that the existence of such resources would negate the possibility of submerged land usage by NPS. However, transferring submerged land ownership to the NPS will probably not be condoned. The General Management Plan does provide for less than fee simple ownership of park lands.

The General Management Plan proposed reportedly minor revisions to the boundaries as provided for in P.L. 95-384. Revisions included the deletion of 36.5 acres and the addition of 137.9 acres. It is unknown whether these revisions have become official. Therefore, an exact accounting of the number of acres of fast and submerged land cannot be determined at this time. The Land Protection Plan identified the deletion of 36.5 acres. Two areas in Asan totalling 4 acres; 29 acres above the Oceanview High School in Agat; 3.5 acres in two parcels in the vicinity of the Agat Community Center and Gaan Point were proposed for deletion. One of the two parcels in Asan is GovGuam owned but not formally transferred to NPS. The

other Asan parcel is Navy owned. The 29 acres above Oceanview High School was formally transferred to NPS by GovGuam (part of lot 446). The 3.5 acres in Agat appear to be GovGuam properties that have yet to be transferred to NPS. Therefore since most deleted parcels are still owned by GovGuam, no further action is needed on these parcels. The 29 acres above Oceanview High School however, might be candidates for return to GovGuam ownership.

The over 137.9 acres of additional land needed for the park include 9 acres surrounding the Governor's Complex in Adelup; 47.5 acres in Asan; 38 acres at Fonte; 1 acre in Piti; 30 acres at Mt. Tenjo; and 11.9 acres in Agat. The 9 acre addition at Adelup is GovGuam property that has not been deeded to the NPS. The 47.5 acres in Asan and the 38 acres in Fonte appear to belong to the Navy. Roughly half of the 30 acres at Mt. Tenjo appears to be GovGuam land deeded to the NPS while the remaining half appears to be privately owned. In Agat, 3 acres near the Oceanview High School are owned by GovGuam (part of lot 446) which has not been deeded to NPS and 8.9 acres between the Agat Cemetery and Bangi Point appear to be privately owned.

In order to continue implementation of park plans, meetings with NPS officials will need to be conducted. At these meetings, it is suggested that the following issues be addressed:

1. GovGuam needs to ascertain the status of NPS' effort in adding 137.9 acres and deleting 36.5 acres from the park's boundary. This is needed in order to determine the actual acreage of

GovGuam property needed for the park.

2. NPS needs to inform GovGuam of its plans concerning those GovGuam properties deeded to the park but excluded from park boundaries, to include those GovGuam lands recommended for deletion. GovGuam may desire to reacquire these properties, even though many of them were transferred to NPS in exchange for Commercial Port lands.
3. GovGuam and NPS need to discuss acceptable methods for utilization of GovGuam owned submerged lands without a fee simple transfer by GovGuam.
4. GovGuam needs written assurance that traditional and current uses of public shoreline property will not be prohibited. This could be accomplished with appropriate language contained in deeds that transfer such properties to NPS, if desired.
5. Although not addressed in this report, GovGuam should inquire about the possibility of allowing portions of the park to be used for active recreational purposes that may not be consistent with the park theme, especially given the impact created by the park on the villages surrounded by the park.
6. GovGuam is in the process of identifying federal lands that it needs (such as Camp Edusa, Asan Annex, Tanguisson Beach, etc.) to exchange for GovGuam lands needed by the park should a land exchange program be entertained. We feel that GovGuam shouldn't address this issue, however, because of Congressman Blaz's pending excess lands transfer bill in Congress.



IN REPLY REFER TO:

United States Department of the Interior *Rec'd BOP* JUN 27 1991

NATIONAL PARK SERVICE
WAR IN THE PACIFIC
NATIONAL HISTORICAL PARK
MARINE DRIVE, ASAN
P.O. BOX FA
AGANA, GUAM 96910

L14(WAPA)

June 11, 1991

Peter P. Leon Guerrero
Director
Bureau of Planning
Government of Guam
Agana, GU 96910

Dear Director Leon Guerrero:

In response to your letter dated May 29, 1991, enclosed, please find the present status of our lands and waters within the War in the Pacific National Historical Park. This is an August 14, 1989 update of the letter you enclosed addressed to former Senator Quitugua of June 28, 1988. Acquisition has been nil since this update.

Lands Presently Owned by NPS

These lands are in three categories:

- A. Federal lands transferred at no cost directly to NPS by the U.S. Navy or to NPS through GSA (8 tracts totalling 152.7 acres).

<u>NPS Tract No.</u>	<u>Acreage</u>
101-27	41.36
101-28	13.07
101-39	30.09
101-40	16.45
101-41	2.00
101-42	1.71
101-51	36.52
106-01	11.50

- B. Former Government of Guam lands quitclaimed to NPS. These lands were conveyed to NPS in fulfillment of a condition attached to an earlier conveyance to Government of Guam by the Federal Government (U.S. Navy) of lands on nearby Cabras Island to be used for the development of a commercial port

and industrial park complex; i.e. these Government of Guam lands were conveyed to the National Park as part of a quid pro quo exchange¹ (11 tracts totalling 816.7 acres).

The actual amount of land received by NPS was less than expected because some of the Government of Guam land conveyed had bad title and turned out to be in private ownership.

<u>NPS tract No.</u>	<u>Acreage</u>
101-09	50.74
101-10	42.02
101-15	59.81
101-23	198.30
104-01	23.64
104-02	73.93
105-04	200.00
107-01	157.91
107-02	6.75
107-05	.29
107-11	3.29

Four of these tracts (101-10, 104-02, 105-04, and 107-11) are located outside of the authorized park boundary (the Government Of Guam lands were conveyed prior to the establishment of the park in 1978). The status of the four tracts is as follows:

1. Tract 101-10, after being appraised, was exchanged in partial payment for a tract of private land within the park.
2. Tract 107-11 was transferred at no cost to the Government of Guam for use in connection with the construction of the Agat Small Boat Harbor (NPS previously had been offered \$100,000 for this property as partial payment in the purchase of private property in the park).
3. For the remaining two (tracts 104-02 and 105-04), NPS is continuing to seek equal value exchanges, but because of their remote location and steepness, private property owners in the park do not appear to be interested.

¹The actual amount of land received by NPS was less than expected because some of the Government of Guam conveyed had bad title and turned out to be in private ownership.

C. Privately owned lands aquired by NPS through purchase or exchange (10 tracts totalling 69.13 acres). All of these tracts, except for three, are located along Marine Drive in Asan.

<u>NPS Tract No.</u>	<u>Acreage</u>
101-45	42.02
102-05	.12
102-11	.26
102-13	.11
102-19	.38
103-01	.14
103-03	.12
103-05	.57
101-17	.60
101-48	24.81
	69.13

Land Within Authorized Park Boundaries Not Yet Acquired by NPS

These lands fall into several categories:

A. Land, consisting mainly of submerged lands, belonging to the U.S. Navy (3 tracts totalling 194.59 acres).

<u>NPS Tract No.</u>	<u>Acreage</u>
101-03	152.12 (submerged)
101-38	1.43
106-02	31.04 (submerged)

Communication with the Navy (Facilities Engineering Command, Honolulu) indicated that they have prepared the necessary documentation and that a no-cost transfer to NPS should be completed in the near future.

B. Government of Guam land (17 tracts totalling 883.54 acres).

<u>NPS Tract No.</u>	<u>Acreage</u>
101-01	1.67
101-02	26.00 (submerged)
101-05	256.74 (submerged)
101-06	9.45
101-29	2.02
101-36	1.80

<u>NPS Tract No. (Con't.)</u>	<u>Acreage (Con't.)</u>
101-44	39.87
102-24	2.03
103-12	1.31
106-04	525.95 — <i>submerged</i>
107-03	1.36
107-04	2.86
107-12	2.62

Since park authorization in 1978, six additional tracts within the park have been acquired through condemnation by the Government of Guam for public purpose (flood control and water storage). These are:

<u>NPS Tract No.</u>	<u>Acreage</u>
101-18	1.07
101-22	8.18
102-01) now	.18)
102-02) 102-23	.21) .39
102-20) now	.09)
102-21) 102-22	.13) .22

During Congressional hearings held in 1972 on the then proposed national park, Government of Guam officials indicated these lands would be made available to the U.S. Government for the park at no cost. To date, they have not.

C. Privately-owned land (46 tracts totalling 164.37 acres)

<u>NPS Tract No.</u>	<u>Acreage</u>
101-11	12.11
101-12	12.95
101-13	1.65
101-14	.74
101-19	.45
101-20	1.36
101-21	1.21
101-22	8.18
101-24	1.24
101-25	11.86
101-26	12.11
101-30	.77
101-31	3.01
101-32	2.27
101-33	10.65
101-34	7.64
101-35	1.73
101-43	.39
101-46	3.54
101-47	8.39
101-49	.84
101-50	1.32
101-52	6.72
102-07	.38
102-08	.05
102-09	.38
102-10	.09
102-12	.15
102-15	.18
102-16	.08
102-17	.06
102-18	.09
103-02	.12
103-04	.12
103-06	.26
103-07	.27
103-08	.40
103-09	.81
103-10	.17
103-11	.17
105-01	40.56
105-02	1.38
105-03	2.29
107-06	.27
107-07	3.33
107-08	1.63

1. Privately-owned lands appraised for NPS -- in addition to the tracts already acquired or exchanged (13 tracts totalling 18.44 acres).

<u>NPS Tract No.</u>	<u>Acreage</u>
101-11	12.11
101-43	.39
101-46	3.54
102-08	.05
102-09	.38
102-12	.15
102-15	.18
102-16	.08
102-18	.09
103-04	.12
103-06	.26
103-08	.40
103-09	.81

The purchase of these appraised properties has been stalled for a number of reasons:

- a. NPS has been prevented from purchasing tracts 101-11, 101-43, 102-08, 102-09, 102-12, 103-06, and 103-09 because of the property owner's unwillingness to accept the appraised value. Some of these tracts have been appraised more than once.

- b. NPS has made offers to purchase tracts 102-^{15?}~~151~~, 102-16, 102-18, 103-04, and 103-08 but has received no reply from the owners.

- c. The owners of tract 101-46 are no longer willing to sell.

2. Privately-owned lands NPS has attempted to have appraised (8 tracts totalling 4.73 acres)

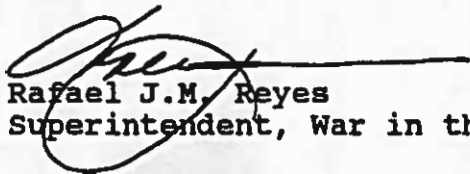
<u>NPS Tract No.</u>	<u>Acreage</u>
102-07	.38
102-10	.09
102-17	.06
103-07	.27
103-10	.17
103-11	.17
107-06	.26
107-07	3.33

Appraisal of these tracts not possible at this time because:

- a. Owners of tracts 102-07, 102-10, 102-17, and 103-07 have refused to grant NPS permission to appraise.
- b. Tracts 103-10, 103-11, 107-06, and 107-07 have either title or encroachment problems, some have both.

For the remaining 24 tracts of privately owned land in the park, where we are able to proceed² and subject to the availability of funds, NPS will continue to approach owners for permission to appraise. (We have received permission on Tract 101-14) This will be done on a parcel basis, generally following priorities listed in the park's land protection plan.

Sincerely,



Rafael J.M. Reyes
Superintendent, War in the Pacific NHP

²On several of these remaining tracts, owners have indicated to us that they do not wish to sell and want to be left alone; on a few others we have not been able to determine the legal owners.

**GOVGUAM-OWNED LANDS WITHIN AUTHORIZED PARK BOUNDARIES
THAT HAVE NOT YET BEEN ACQUIRED BY NATIONAL PARK SERVICE**

NPS Tract No.	Acreage	Lot No.	Notes
101-01	1.67	264	
101-02	26.00	-	submerged
101-05	256.74	-	submerged
101-06	9.45	283 282-1 282-2 282-3	portion of " " "
101-29	2.02	440(217)	
101-36	1.80	491(221) 492 496(219)	portion of " "
101-44	39.87	283	portion of
102-24	2.03	324-REM 324-1 325-REM 325-1 326-REM 326-1 327-1 328-A 328-1 329-1 329-A1 329-A2 330-R 330-1	
103-12	1.31	289 (PT) 291 (PT)	
106-04	525.95	-	submerged
107-03	1.36	443P-1-R4	portion of
107-04	2.86	443P-1-R4	portion of
107-12	2.62	443P-1-R4	portion of
SUBTOTAL: 873.68 acres			

**GOVGUAM-OWNED LANDS WITHIN AUTHORIZED PARK BOUNDARIES
THAT HAVE NOT YET BEEN ACQUIRED BY NATIONAL PARK SERVICE**

NPS Tract No.	Acreage	Lot No.	Notes
101-18	1.07	414	
101-22	8.18	416	
		416-A	
		416-B	
102-23	.39	331-REM	was 102-01
		331-1	was 102-02
102-22	.22	316-REM	was 102-20
		317-1	was 102-21

SUBTOTAL: 9.86 acres

TOTAL: 883.54 ACRES

REMARKS: Of the 883.54 acres of GovGuam-owned lands, 808.69 acres are submerged lands while the remaining 74.85 acres are fastlands.

**PRIVATELY-OWNED LANDS WITHIN AUTHORIZED PARK BOUNDARIES
THAT HAVE NOT YET BEEN ACQUIRED BY NATIONAL PARK SERVICE**

NPS Tract No.	Acreage	Lot No.	Notes
101-11	12.11	285	
101-12	12.95	289-6N-R2	
101-13	1.65	298-1	
101-14	.74	299-1	
101-19	.45	412-1-9-R1	
101-20	1.36	412-1-10-R1	
101-21	1.21	412-1-11-R1	
101-22	8.18	416	condemned by GovGuam
		416-A	"
		416-B	"
101-24	1.24	429-4-REM	
101-25	11.86	428	
101-26	12.11	429-8	
101-30	.77	496(219)	
101-31	3.01	495(220)	
101-32	2.27	490(222)	
101-33	10.65	492	
101-34	7.64	491(221)	
101-35	1.73	430	
101-43	.39	283	portion of
101-46	3.54	500(223)	portion of
101-47	8.39	461	portion of
101-49	.84	277-4-1	portion of
		281-1	"

SUBTOTAL: 103.09 (94.91) acres

**PRIVATELY-OWNED LANDS WITHIN AUTHORIZED PARK BOUNDARIES
THAT HAVE NOT YET BEEN ACQUIRED BY NATIONAL PARK SERVICE**

NPS Tract No.	Acreage	Lot No.	Notes
101-50	1.32	283 281-1 277-4-1	portion of " "
101-52	6.72	500(223)	portion of
102-07	.38	323-REM 323-1	
102-08	.05	322-1	
102-09	.38	321-REM 322-REM	
102-10	.09	321-1	
102-12	.15	319-REM	
102-15	.18	315-REM	
102-16	.08	314-1 314-1A	
102-17	.06	313-REM	
102-18	.09	312-1	
103-02	.12	306-REM	
103-04	.12	305-1-R1	
103-06	.26	302-1	
103-07	.27	301-REM	
103-08	.40	294-REM	
103-09	.81	293	
103-10	.17	292-7-1	
103-11	.17	292-7-R1	
105-01	40.56	98	portion of
105-02	1.38	A-1-2-1	
105-03	2.29	A-1-2-R1	
107-06	.27	175-2-1	
107-07	3.33	175-2-R1	
107-08	1.63	174	

SUBTOTAL: 61.28 acres

TOTAL: 164.37 (156.19) ACRES