

MASTER PLAN
GUAM TERRITORIAL SEASHORE PARK

Department of Parks and Recreation

P.O. Box 2950

Agana, Guam 96910

January 1979

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complete copy of Plan
in at Pop Library

APPROVED BY:

Plot SP

12/27/78

Director, Department of Agriculture

12/25/76

O.V. Naturalism.

12/28/78

Director, Department of Land Management

Date

12/29/78

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GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 78-42

GUAM TERRITORIAL SEASHORE PARK

WHEREAS, Chapter I, Title XXVII establishes the Guam Territorial Park System under the Department of Parks and Recreation; and

WHEREAS, the National Park Service in the Proposed Guam National Seashore recommends protection of southwest Guam; and

WHEREAS, the Guam Comprehensive Development Plan recommends the establishment of the Guam Territorial Seashore Park; and

WHEREAS, southwest Guam is a distinct and valuable natural resource belonging to all the people of Guam and existing as a delicately balanced ecosystem and that the permanent protection of the natural, scenic, and historical resources of the seashore park is of paramount concern to the present and future residents of the island and that in order to promote the public safety, health, and welfare and to protect public and private property, wildlife, marine life, and other oceanic resources, and the natural environment, it is necessary to preserve the ecological balance of southwest Guam and prevent its deterioration and destruction;

NOW, THEREFORE, I, RICARDO J. BORDALLO, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby establish the Guam Territorial Seashore Park as delineated on the attached map, "Guam Territorial Seashore Park, December 5, 1978", to be comprised only of the 8,885 land and 6,276 water acres, more or less, of Government of Guam real estate, to be jointly managed by the Department of Parks and Recreation, Department of Agriculture, Department of Land Management, and the Guam Environmental Protection Agency according to a Seashore Park Master Plan to be jointly developed within thirty days.

Signed and promulgated at Agana, Guam this 12th day of December, 1978.

RICARDO J. BORDALLO
Governor of Guam

COUNTERSIGNED:

HISTORY OF THE SEASHORE PARK PROPOSAL

The southwest coastline and adjacent mountains have been identified and proposed for protection for twenty-six years. In 1952, a National Park Service study team recommended that the area be protected.

In 1955, a new study was conducted by the National Park Service which recommended a Guam National Seashore in the southwest section of Guam. This resulted in a Park Service's master plan for the proposed Guam National Seashore. The purpose of establishing a national seashore on the southwestern portion of Guam was to preserve and protect this unique natural and historic resources so that future generations of people could enjoy the park along with the present people.

The 1965 Economic Development of the Territory of Guam focused on the National Seashore as a necessary element in the economic development of the island. The reports stated that "the Park Service recommendations are so well conceived and fit so well into Guam's tourist development potential that they should be treated as urgent requirements.

H.R. 12340 was introduced into the U.S. Congress in December 1971 to establish a Guam National Seashore to "preserve for public use and enjoyment certain areas possessing outstanding natural, historic, and recreational values". A public hearing was held in Agana on January 15, 1972, with generally favorable local comments. This bill was not passed because of several reasons. First, the Nixon Administration did not favor new units of the National Park System. Second, the Defense Department decided it needed a new ammunition pier at Sella Bay which is located in the heart of the proposed National Seashore. The Sella Bay issue is now dead since elements of Guam have successfully fought against this proposal.

Another key factor was the possible high cost of the land. Last, there was a general lack of knowledge about the area in Congress and no organization was actively lobbying for the National Seashore.

Since the seashore proposal did not have much chance of coming into existence at that time on the Federal level and local control was probably desirable, efforts were made to establish the park through Guam Legislature. Bill No. 124 was introduced into the Twelfth Guam Legislature by Senators P.J. Bordallo and V.D. Ada to create the Guam Territorial Seashore Park. The administration testified in favor of the bill which also had the support of the Friends of the Earth, thirty local businesses, and twenty-five witnesses. The bill passed on January 11, 1975, but was subsequently vetoed by Governor Bordallo because it included the villages of Umatac and Merizo which should be omitted because of their large amount of private land and residences.

Subsequently, Bill No. 299 was introduced into the Thirteenth Guam Legislature by the Committee on Rules at the request of the Governor to establish the Guam Territorial Seashore Park, but omitting the Villages of Umatac and Merizo. The bill was heard and the Division of Parks and Recreation Resources, Department of Commerce, testified favorably, but recommended and later submitted a

revised boundary map, again excluding the two villages. However, the bill did not pass the Legislature.

In the same year, a proposal was expressed to construct an aerial cable car from Umatac to Mount Bolanos and money making tourist attraction. However, it has been found by the U.S. Forest Service that cable cars lose money unless they are part of a much larger complex. Thus a cable car to Mount Bolanos was found to be not feasible.

Over the past two years planning efforts and legislative resolutions have stressed special protection for Southwest Guam. In 1977, the Bureau of Planning developed Community Design Plans for the island. On the plans for the southwest portion of Guam, the Bureau of Planning has recommended the concept of the Guam Territorial Seashore Park. The Guam Historic Preservation Plan completed in 1976 recommended a historic preservation zone from Fort Soledad north to Facpi Point. This plan was subsequently endorsed by the Fourteenth Guam Legislature by passing Resolution No. 27 on May 11, 1977. Related, the Outdoor Recreation on Guam, 1973, recommended establishment of the Guam National Seashore. This plan was subsequently approved by the Fourteenth Guam Legislature by passing Resolution 28 on June 27, 1977.

In 1977, the Department of Parks and Recreation reactivated the Guam Territorial Seashore Park concept which the Governor subsequently transmitted to the Legislature on December 13, 1977, a bill to establish the park. It has been introduced as Bill No. 638 with one hearing having been held on February 15, 1978, and a second hearing held on July 10, 1978. With possible inaction on the bill, Governor Ricardo J. Bordallo created the park by signing Executive Order 78-42 on December 12, 1978.

Related, the National Park Service and the U.S. Congress have shown renewed interest. The National Park Service as related before has rated the area number two in priority for protection. In December 1977, Congressmen A.B. Won Pat and Phil Burton visited the island and discussed the proposal. Subsequently, legislation was introduced and incorporated into the National Parks and Recreation Act of 1978. Section 501 of Public Law 95-625 requires a study of southwest Guam by the National Park Service. P.L. 95-625, Section 501 is enclosed as Appendix III.

SUMMARY

Because of several reasons, the southwest portion of Guam was established as the Guam Territorial Seashore Park by Executive Order 78-42. First, this area has been identified as being second in priority nationwide for protection of the natural and historic features in the area. Second, Guam did not have any large parks comparable to state or national parks. Third, the seashore park will be an economic asset to the island and it could be the most viable economic incentive for southwest Guam.

The seashore park is based on three outstanding areas of southwest of Guam: Cocos Lagoon, Facpi to Fouha coastline, and the southern mountains. The plan excludes private land, the existing villages, areas for their expansion, and agriculture areas. However, the park concept will work with private owners to encourage compatible land uses.

Thus, the seashore park will be a multiple use concept on Government of Guam land. Cooperative management with other Government of Guam, private, Interior and Defense agencies will be stressed. Certain identified areas will be preserved while in other areas recreation facilities including beaches, trails, picnic areas, camping areas, group camp areas, water oriented recreation, natural interpretation, and historic site protection and interpretation will be developed. A headquarters, visitors centers, and maintenance facility will be constructed in the park. The plan will also encourage park related commercial enterprises including a resort and recreation services.

SETBISION MAMPLANEHA
Bureau of Planning

Review of Composite Listing of the Proposed Units of the
Guam Territorial Park System

The Bureau has reviewed the Agenda on the subject composite listing and has the following comments:

- Included in the listing are Government and Federal lots that have already been transferred to the Chamorro Land Trust Commission (CLTC). . . . Attachment I.
- The following lots have already been designated conservation areas per Section 13004, 13301, and 12350, Government Code of Guam.

1)	Lot 5397, Barrigada	648,088.57 sqm/160.00 acres
2)	Anae Island Conservation Area	15,278.35 sqm/ 3.77 acres
3)	Agana Springs, Area 72	24.91 acres
- Fonte River Valley (Asan/Agana Heights-Maina) - Lots 468-R1 and 469-R1 were included in the list of lots transferred to Chamorro Land Trust Commission. Attachment 2.
- Masso Valley, Piti - has been a subject of a Cooperative Agreement for the Conservation and Management of Fish and Wildlife Resources at the Masso River Reservoir Area between Dept. of Interior, GovGuam, & Navy per (1) Title 10, U.S. Code, Section 2671, (2) Public Law 86-797, (3) Public Law 89-669 approved October 15, 1966, in accordance with Title XIII, GCG, Section 12027 and should therefore remain a conservation area.
- Talofofo 'HH' Homer Facility - is currently identified as Federal releasable property, originally owned by Jesus Sablan Camacho, per Declaration of Taking dated 22nd June 1950, Doc. No. 23707, Case No. 22-50
- Included in the list are existing parklands, prehistoric/historic sites, and established conservation areas in the southern Guam which may have already been set-aside in accordance with the provisions of Article 77108, Guam Code Annotated and Article 77111 which reserved properties pursuant to §§77108 and 77110 and other related Guam laws. . Please see discussion . . . Attachment 3.

Our review of previous legislation regarding designations and establishment of the Territorial Park System under the jurisdiction of the Department of Parks and Recreation and other related documents such as the Territorial Seashore Park Master Plan gives us reason to believe that the provision of Public Law 22-18, section 3(c) should apply only to new or future/proposed park lands. Public Law 22-18, however, states:

"the Department of Parks and Recreation and of Agriculture, in conjunction with applicable Federal agencies, shall develop a comprehensive integrated master plan that clearly identifies, designates and establishes any proposed parks, conservation area, wildlife refuge, historic site and natural preserves on government (Federal and local) lands within three (3) years from the date of enactment of this Act for review and concurrence by the Chamorro Land Trust Commission and subsequent submission to the Legislature for adoption by statute, except for parks established under the Subdivision Law. . "

The Bureau of Planning recommends that the laws concerning the reservation of park and conservation lands be reviewed more closely to find out which lands have been duly reserved and exempted from the provisions of Public 22-18, aside from the those established under the Subdivision Law. We suggest that the Attorney General's opinion be solicited to find out if the provisions of Public Law 22-18 with regard to submission of comprehensive integrated plan to the Legislature applies to existing park lands and territory beach area that were already covered by either a Legislative resolution, Public Law, and Executive Order and/or if Public Law 22-18 takes precedence over the existing land legislations that gave the Department of Parks and Recreation's jurisdiction over lands designated by the Guam Territorial Park System and the 1977 Guam Territorial Seashore Park Master Plan and reserved by §77111, Chapter 77, Title 21, Government Code of Guam and other laws.. Public Law 22-18 does not contain any provision that repeals the existing laws and Executive Order that establish the Territorial Seashore Park and its boundary.

Additionally, please be reminded of the June 12, 1996 deadline for the submission of integrated implementation plan as required by Public Law 22-18 on all GovGuam departments or agencies' reserved land. "Failure by a department or agency to meet the guidelines would cause the agency's reserved land or lands to be added to the CLTC list of available lands."

ATTACHMENT - I

The following are proposed units of the Guam Territorial Park System that have already been transferred to the Chamorro Land Trust Commission:

			Total
1) Government Land			<u>Transferred</u>
Yigo	Lot 7139(8)		231.23 acres
	7100		55.64 acres
	7163		404.38 acres
	7117		76.00 acres
	7151		142.29 acres
	7153		153.55 acres
	7154		40.73 acres
	7159	119.56 acres	69.65 acres
	7160		103.55 acres
	5403		parcelled
	5412		61.70 acres
Dededo	10162		96.00 acres
	10139		178.00 acres
	10140-R1		102.00 acres
	10164		98.68 acres
Agat	257		10.00 acres
	258		9.30 acres
	259 (252-1)		14.60 acres
	260		3.60 acres
	261		9.50 acres
Inarajan	121-1		.75 acres
	382-R1		294.76 acres
Yona	200		14.16 acres
	201		12.41 acres

Note: a) Lot 7139 Yigo - should be corrected to read Lot 7138. Lot was previously designated for the Land for the Landless Program per Public Law 21-60 as amended by 21-72. However, Public Law 23-39 repeals sections of P.L. 21-60 and 21-72 relative to authorizing the Governor to sell public lands at less than fair market value in Agat, Yigo and Dededo and transferred the lots to the jurisdiction of the Chamorro Land Trust Commission.

b) Lot 7164 (Pagat Point - Item 4 of the Agenda) - Land area should read 376.97 acres instead of 276.97 acres.

The Bureau is unsure as to the Department of Park and Recreations plan of action on lots listed in the National Register and/or Guam Register such as historic sites: Lujuna, Pagat Point, Falcona Beach, Piga Beach, Asiga Beach, etc. which were inadvertently included with the Public Land Inventory of transferred Land by Department of Land Management to CLTC but were not addressed on DLM's Reconciliatory Report on Lands Transferred to the Chamorro Land Trust Commission (CLTC) attached to Bill No. 5 introduced by Senator Ted S. Nelson.

Page 2 of Attachment - 1

- 2) **Federal lands** (only those included in the agenda) that have to be transferred to the Chamorro Land Trust Commission upon return to Guam excepting any land that is presently utilized for direct public purposes such as schools, power substations, easements, roadways, and essential to the public's safety, welfare, health and protection, and in some areas proposed to be utilized in the Legislatures adoption of 1981 "Local Use of Federal Land Plan (16th Guam Legislature, Resolution 151), per Section 7, Public Law 22-145.

	<u>Total Acreage</u>	<u>Excluded For Public use</u>	<u>For Transfer To CLTC</u>
South Finegayan	445 acres		445 acres
Nimitz Hill Parcels 1 & 2B	208 acres		208 acres
NAVMAG Parcel 1	144 acres		144 acres
Apra Harbor Parcel 6	47 acres		47 acres
Apra Harbor Parcel 2	30 acres	30 acres	-
Harmon Com. Annex No.1	862 acres)		
Harmon Housing Annex No.4	396 acres)	230 acres	1336 acres
Harmon VOR Annex	226 acres)		
Harmon Annex VOR	82 acres)		
Talofofo Homer Facility	37 acres	37 acres	-

ATTACHMENT - 2

Fonte River Valley Description

The USDA Soil Conservation Service Soils Survey Map - described Fonte River Valley area to be shallow to very deep, well drained moderately steep to extremely steep soils; on strongly dissected mountains and plateaus. The General Soils map soil legend shows it as Agfayan-Akina association, extremely steep. This map unit is on mountainous, volcanic uplands in the interior, high elevation areas of southern Guam. Slope is 40 to 99 percent. Slopes are highly dissected and irregular. This unit is use as watershed and wildlife habitat. It can be used for recreational development. It is not suited to commercial or subsistent farming, grazing or homesite development. The main limitations are the steepness of slope and the hazard of erosion. The use of this unit as wildlife habitat and watershed can be enhanced by maintaining the forest cover and savannah vegetation and protecting it from wildfire. Establishing firebreaks and restricting public access can help to prevent wildfire. Prescribed burning of adjacent cropland should be closely supervised. Slope limits the recreational use of this unit mainly to a few paths and trails, which should extend across the slope and along ridgelines (Please refer to USDA Soils Survey of Territory of Guam for complete information).

Valley of Fonte River and Route 7 south of Naval Hospital is shown in the 1967 Property Map of Guam to be within the unsurveyed Government of Guam land. DLM record section has to be consulted to establish current land ownership.

Page 1 of Attachment - 3

The composite listing of the Proposed Units of the Guam Territorial Park System includes the existing historic sites, park lands, preserves and other established conservation land in its development of a comprehensive integrated implementation plan for submission to the Legislature. The Bureau of Planning suggest that clarification be solicited because although Public Law 22-18 requires land reservations for public use be reserved by statute, technically the lands within the Territorial Park System may have already been reserved, as follows:

Section 77108, Chapter 77, Title 21 Guam Code Annotated, states,

"There is hereby created the Guam Territorial Park System. The Director of the Department of Parks and Recreation shall inventory all lands belonging to the government of Guam and determine which lands shall be included therein. A detailed list shall be forwarded to the Speaker of the Legislature, the Bureau of Planning, the Department of Agriculture, the Department of Land Management. The Legislature shall, after public hearing and report by the appropriate standing committee, approve or disapprove those lands to be included within the Territorial Park System, as designated under §77111 within thirty (30) legislative days following receipt of such a list. Failure to so act shall be deemed consent by the Legislature. The list shall be added to or deleted from the aforementioned process as deemed necessary."

Source: GCA §26007 repealed and reenacted by P.L. 12-209, amended by P.L. 14-12:1, and as amended by P.L. 16-62:2.

§77111. Reserved Properties.

Pursuant to §§77108 and 77110 of this Chapter, the below described properties are reserved for public parks according to their respective classifications in numerical order:

- a) Natural Preserves;
- b) Conservation Reserves;
- c) Territorial Parks or Community Parks;
- d) Territorial Recreation Facilities or community Recreation Facilities;
- e) Historical and Pre-historic Objects and Sites.

Source: GCA §26009.1 enacted by P.L. 14 -12:2

The **Guam Historic Preservation Plan** completed in 1976 recommended a historic preservation zone from Fort Soledad north to Pacpi Point and include the inventory of sites. It also proposes the designation of the Umatac Historic Preservation District, and development of Fort San Jose and Pagat Village. It was endorsed by the 14th Legislature by passing Resolution No. 27 on May 11, 1977.

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The **Guam Comprehensive Outdoor Recreation Plan, 1973** recommends the establishment of the Guam National Seashore. It describes the existing and recommends future recreation facilities in Guam. It provides an island-wide recreation inventory (1979) which includes: a table on developed recreation sites/facilities by activity (excluding military property); detailed location maps and listings of recreation facilities, park and beach areas, water sports, hiking trails, camp sites, historic places, swimming holes, and swimming beaches; a listing of sites on the National Register of Historic Places as of 1976; and location maps and listings of caves, waterfalls, rivers, and the Territorial Seashore Park, etc. It was approved by the 14th Guam Legislature by passing Resolution No. 28 on June 27, 1977.

Guam Territorial Seashore Park

Pages 38-39 of the Guam Territorial Seashore Master Plan states that the Department of Parks and Recreation reactivated the Guam Territorial Seashore Park concept which the Governor subsequently transmitted to the Legislature on December 13, 1977 as Bill 638 to establish the park. Legislative hearings were held on February 15, 1978 and July 10, 1978. " **With possible inaction on the bill, Governor Ricardo J. Bordallo created the park by signing Executive Order 78-42 on December 12, 1978.**"

Executive Order 78-42 establish the Guam Territorial Seashore Park southwest of Guam, as delineated on a map, dated December 5, 1978 to be comprised of the Eight Thousand Eight Hundred Eighty-five (8,885) acres land and Six Thousand Two Hundred Seventy-six (6,276) water acres, more or less of government of Guam real estate, to be jointly managed by the Department of Parks and Recreation, Department of Agriculture, Department of Land Management and the Guam Environmental Protection Agency.

The Territorial Seashore Park Master Plan was developed in compliance with the requirement of Executive Order 78-42. It includes Summary Tables showing acreage of land per park and ownership status (private, GovGuam or Federal), recreation facilities that will be under the Mayors responsibility; and parklands that could be used for compatible non-recreational related purposes with location maps of all archaeological and historical resources, recreational resources, and the proposed Territorial Seashore Park in the southern Guam. Also included is the Recreation Rules and Regulations for the proper use, management, government, and protection of and maintenance of all parks and recreation areas under the administrative jurisdiction of the Department pursuant to Sections 26003(a), 26007, and 26008, Government Code of Guam.

Please note that Section 26030 of Bill no. 638 states that, "All lands within the boundaries of the Seashore Park shall be exempted from the Chamorro Land Trust Provisions of Chapter VI of Title XIV."

**ADDITIONAL SECTIONS FROM THE GCG WHICH MAY BE USED IN
REFERENCE TO THE DESIGNATION AND RESERVATION OF THE PARK
AND CONSERVATION LANDS**

§13985.21. Monuments: reservation of land; relinquishing of private claims. Upon the recommendation of the Department, the Governor may declare by **executive order** historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the territory to be territorial monuments and may reserve as a part thereof parcels of land the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. . .

§13453. Definitions: 'ocean shore', 'territory area' as per Chapter V-B, Title XIV Government Code of Guam.

- 1) 'Ocean Shore' means the land between the mean low waterline and a series of lines connecting angle points located at a distance of twenty-five (25) feet inland from the two (2) feet contour line as established and described by the U.S. Coast and Geodetic Survey. The angle points shall be so selected as to secure maximum parallelism of the twenty-five (25) feet setback line with two (2) feet contour.
- 2) '**Territory beach area**' means a land or water area, or combination thereof, under the jurisdiction of the Department of Parks and Recreation, used by the public for recreational and fishing purposes.

§13454. Ownership of Guam ocean shore. Ownership of the part of the ocean shore of Guam between mean high tide and extreme low tide, excepting such portions as may have been disposed of by the territory prior to January 1, 1972, is vested in the **territory beach area**.

§13455. Vesting of public rights in Guam ocean shore. All public rights or easements in any part of the ocean shore of Guam legally acquired through express dedication, implied dedication, prescription, grant or otherwise are confirmed and declared vested exclusively in the territory beach area. No land subject to rights vested pursuant to this section shall, after the effective date of this Act, be registered pursuant to the provisions of Article I, Chapter IV, Title IV, Part IV, Division Second of the Civil Code of Guam, unless the registration is in the **name of the government of Guam or clearly sets forth the existence of rights in the government of Guam**.