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Assistant Majority Leader



I Mina'Trenta na Liheslaturan Guåhan
Thirtieth Guam Legislature

CHAIRPERSON, COMMITTEE ON THE GUAM MILITARY BUILDUP AND HOMELAND SECURITY

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FOR IMMEDIATE RELEASE

“Senator Guthertz to Military on Pagat Firing Range Land: ‘How do you plan to get it?’”

Committee on the Guam Military Buildup Chair Senator Judith P. Guthertz believes that all doubt about military plans for the Pagat area has been removed following two telephone and video briefings out of Washington, D.C. by the U.S. Marine Corps and the Joint Guam Program Office.

The military’s first and only desired choice as reflected in detailed plans is at Pagat. And that, Guthertz said, will mean limited access to the prehistoric, National Register-listed Pagat Village and the Guam Raceway Park or no access when firing is underway, which will occur five days of the week for at least 39 weeks a year. The range operation will also pose a serious threat of contamination to the northern Guam water lens.

Throughout the two briefings—one in the small hours of Monday and the other by video conference to the office of Guam Delegate to the U.S. Congress Madaleine Z. Bordallo late Monday morning—briefers maintained that no final decision had been made on the siting of the ranges, where the Marines to be moved to Guam from Okinawa would be trained and qualified in the use of small arms, ranging up to 50 calibre machine guns. They focused on the various factors which they said ruled out a variety of potential Guam sites, largely on property already owned by the Department of Defense.

Briefers deflected pointed questions about the Pagat range plans, some from Guam lawmakers, saying that they would be addressed in detail in the Final Environmental Impact Statement on the Buildup which is to be released the last week of this month.

Saying that local opposition to the Pagat site, which includes both GovGuam and private land is clear, Senator Guthertz asked JGPO’s Major General David Bice, “How do you plan to get it?”

“Negotiate,” said General Bice.

Guthertz reminded General Bice that under Guam law, the Legislature must sign off on such a lease of the government land and that further, under Resolution 275 which it approved unanimously and with the support of Governor Camacho and Delegate Bordallo, “the buildup *shall* be limited to the existing footprint of federal land holdings. *No* forced

land acquisitions will be permitted; and should there be an unavoidable need to acquire more land, such acquisitions *shall only* be achieved through mutually beneficial negotiations with the landowner; eminent domain/condemnation *shall not* be used to effect such acquisition. As previously stated, this "no condemnation" position was originally presented to the people of Guam by JGPO."

But despite earlier private statements to Senator Guthertz, JGPO has never ruled out the use of condemnation of land for the buildup, though it has been painted as a last resort.

The Pagat property in question includes GovGuam land as well as at least one parcel of private land. Some of the property has been ceded to Tiyan landholders in a long awaited exchange under a just-enacted law, but the Legislature imposed restrictions on its use, an amendment by Senator Guthertz saying it "*shall not* be made available via lease, sale or other form of land alienation to the U.S. Department of Defense, or any other U.S. government instrumentality, for purpose of construction and operation of a firing range, warfare training and/or for any similar purpose."

So short of condemnation under eminent domain proceedings, which may be subject to lengthy litigation, the question for the Pagat firing range remains, "How do you plan to get it?"

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