Felix P. Camacho
Governor of Guam

Kaleo S. Moylan
Lieutenant Governor of Guam

Thomas A. Elliott
Administrative Director

Commission Members

Delfin R. Damian, Jr.,
Chairman

Annie R. Perez
Commissioner

David J. Matanane
Commissioner

Oscar A. Calvo
Commissioner

# Chamorro Land Trust Commission

P.O. Box 2950 Hagåtña, Guam 96932 Phone: 475-4251 Fax: 477-8082

## COMMISSION MEETING MINUTES
## Dept. of Land Management Conference Room, Anigua
## April 27, 2005; 4:05pm

## I. CALL TO ORDER

Meeting was called to order at 4:05pm by Chairman Delfin Damian. Present were Commissioner Annie Perez, Commissioner David Matanane, Commissioner Oscar Calvo and Administrative Director Thomas Elliott.

## II. APPROVAL OF MINUTES (March 9, 2005)

**Commissioner Matanane moved to approve the minutes of March 9, 2005 subject to corrections. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED.**

## III. OLD BUSINESS

The Administrative Director informed the Commission that the agenda had been revised to include the following:
Under Old Business item #6 – Ruel Valencia/Ernest Wusstig;
Under New Business item #2 – Historic Preservation Office and item #5 – Victor B. Duenas request for additional acreage.

**Commissioner Matanane made a motion to approve the revised agenda. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED.**

### 1. Ypao Point
### Re: Procurement Discussion/Negotiations

Chairman Damian commented that the Commission was informed this morning that the YTT negotiators had confirmed their arrival Saturday night and had also confirmed to be here next week Wednesday for us to negotiate. According to the Chairman the negotiators are here to stay for the entire duration until the contract or the lease is signed.

Commissioner Calvo commented that he would like Mr. Elliott to establish hold on the Ypao Point issues. Commissioner Calvo commented that he knows that Mr. Dungca was tasked to oversee the project and that he doesn't have any problems with that but that Mr. Elliott should also be working side by side with Mr. Dungca so that he is not left out.

The Administrative Director commented that there are several people here today for the specific purpose of listening to the negotiations that would have taken place should the investors arrive on time.

The Administrative Director commented that perhaps it is time that the Commission impose a time limitation on the investors which may have already been stated during the TaskForce meetings. The delay is unreasonable at this point and the Commission needs to put the developers on notice that it is time to come to the table.

Commissioner Matanane commented that the TaskForce has already been dissolved and now it is between the Commission and the developers.

Chairman Damian stated that he will draft a letter to the developers with the Commission's signatures informing them of the Commission's concerns on the constant delay on the project and to make sure that we are on record that time is running out.

Commissioner Perez requested that the letter also state that any transactions between the developer in the process of the negotiations should be directed to Mr. Elliott instead of Mr. Dungca. Mr. Elliott is the official person in charge of the Land Trust and we can just keep Mr. Dungca on a counseling task.

Chairman Damian commented that Commissioner Perez's request will be put on the letter which should be done by tomorrow afternoon.

Chairman Damian commented that prior to the Commission taking helm there was work done by the Ypao Point TaskForce relative to producing an RFP. The RFP was then sent to GSA which is the process we have been using.

**Commissioner Matanane made a motion to continue using the procurement process for future development as we continue to adopt new policies subject to change by the Commission. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED.**

Commissioner Matanane inquired if Attorney Phillips's requests has been accommodated.

The Administrative Director commented yes and that he is still asking for some additional information which was forwarded to Mr. Dungca. According to the Administrative Director, Mr. Dungca has been working with Attorney Phillips making sure all his needs are met.

## 2. Ramon Torres

The Administrative Director commented that Mr. Ramon Torres since as far back as1995 has been communicating with the Land Trust Commission. Based on the timeline on record there are some uncertainty as to what Mr. Torres's status is relative to being entitled to the 20 acres which at one point was awarded and at another point was denied. Back in December 1998, Mr. Torres was provided a letter from the Chamorro Land Trust Commission where he was quoted a rate for the square meters he was awarded at that time. Since then there was a lease and survey authorization issued to Mr. Torres and nothing else transpired after that other than the fact that for

whatever reason the Land Trust staff has continued to place other applicants in the area designated for Mr. Torres. This has since reduced his acreage and consequently we are having to try to come up with some solutions to his dilemma and to provide him closure on his request.

Ramon Torres informed the Commission that he is a retiree from GPA and is a rancher from Yigo. Mr. Torres is here today to follow up on the status of obtaining land for him and his family. The last time he was here before the Commission was on November 18, 2004. According to the minutes of the November 18, 2004 Commission meeting *Ramon Torres informed the Commission that when the Commission first started accepting applications he had submitted one application for him and his sons Ernie and Raymond. Ever since the beginning the Trust never objected to that. Mr. Torres was entertained up until 1997 when his application for 20 acres was approved and his two sons were not identified on the approval. On August 1997 Mr. Torres informed former Chairman Joseph Gumataotao on what is he going to do with the 20 acres that the Commission approved. His sons will be raising cows, goats and pigs and the area is not enough. The Chairman's comments from the September 23, 1997 meeting was "Commissioner Gumataotao suggested that Mr. Torres accept the 20 acres and then the Commission can work with his other sons on their grazing application."*

*Ramon Torres commented that he was approved since 1998 and then it was rescinded due to an error made by the Commission. He applied according to the Chamorro Land Trust record on December 4, 1995 and his application was processed before his date and time was up. According to Mr. Torres the error hasn't been corrected until May of this year when he called the Trust and said that his application was approved in 1998 and then rescinded. Within 3 weeks he was called and informed that he would have to come down because the Commission has approved his application. Mr. Torres stated that he went in and got his application notarized and processed. Mr. Torres is here before the Commission because of his two sons who were left out and inquired if there is any way this Commission can see what they can do regarding the application. The problem is Mr. Torres got his 20 acres approved then rescinded and the status is up in the air. Now his two sons cannot be processed because their application has not yet come on the first come, first served basis. Mr. Torres's sons Ernest Torres applied on December 4, 1995 and Raymond Torres on August 19, 1997. The Commission has processed applications only on December 2, 1995. Of the 9,000 plus applicants, 3,300 applications were made on December 2, 1995. One-third of the applications were made on the first day.*

*Ramon Torres informed the Commission that he has a map on the tract of land which consists of 37.5 acres.*

*Mr. Torres is requesting the Commission to consider his sons applications because there is no other land that can be used for grazing in the same area where he is at. Mr. Torres commented that if he keeps his mouth shut there won't be any cows or goats anywhere on Guam. The Torres' have to send their goats to Saipan because of the situation here. Up till now they are still there and there are 50 cows waiting to come to Guam to be raised here.*

*Chairman Damian commented that previous Land Trust members bypassed procedures and that is the reason why he was led to believe that Commission would be granting his son's applications.*

*The Administrative Director suggested that the Commission members wait for a written briefing report from the staff before they make a decision on the matter. There may be some liabilities that the Commission owes to Mr. Torres for leading him on like that. The Commission does not have any obligations to his sons right now but rather to the people who are standing in line first. Although it wasn't this Commission who approved Mr. Torres's situation, none the less he has a 20 acre lease on a piece of property in Yigo that someone who lined up ahead of him could have had.*

The reason why Mr. Torres is here is to request for the additional acreage. His application and his son's applications were not denied ever since only until November 18, 2004 that the former Administrative Director Joseph Borja is now objecting to it.

Mr. Torres commented that his sons paid their processing fee on the same day that he did.

*Continuing on the November 18, 2004 minutes Mr. Torres commented that the Administrative Director informed the Commissioners that the written staff report would be provided to the Commission no later than Thursday. This is also the reason why Mr. Torres is here today.*

*Commissioner Perez made a motion to table the situation until all the findings are available so that the Commission can properly act on it rather than repeat the same mistake that was made. Commissioner Matanane seconded the motion. There were no objections, MOTION PASSED.*

*Vice-Chair Pangelinan commented that in so far as Mr. Torres's sons, the Commission can address that now. The Commission has to stick to procedures and his sons did not apply on the first day. The Commission can't entertain his sons application until it comes to their date and time.*

Ramon Torres stressed that up till now the Commission is still working with applicants who had applied on December 2, 1995.

*Ramon Torres commented that when his application was first approved he was given the authorization to apply for utilities and had fenced the area. The parcel of land that was issued to him was already surveyed. This time around he was moved to another location which consists of 37 acres which is why he insisted on it because there are very few people in the area. Mr. Torres questions the Commission on why nothing has been said or done on the application he had submitted for him and his two sons when the former Commission Chairman acknowledged it in 1997.*

*Chairman Damian inquired from the Administrative Director if that could be done.*

*The Administrative Director commented that it is one application per person.*

*Ramon Torres commented that when he knew his application was on the list to be processed he went to Guam Power Authority and inquired on the used telephone poles. The poles are still on the property and the past Commission had offered him to remove it to where he was to be moved. Mr. Torres stated that the poles remain where they are because he knows that is the only location that is possible for his family's use.*

*Ramon Torres inquired that because the previous property issued to him was already surveyed and then the approval was rescinded if the tract that he was relocated to can be surveyed before he moves in.*

*Chairman Damian informed Mr. Torres that the Commission will be reviewing all the information before a decision can be made.*

*Ramon Torres commented that this is the only tract that has 37 acres.*

*Chairman Damian commented that Mr. Torres's situation will be entertained at the next meeting pending all information.*

Mr. Torres commented that this is the first meeting he has attended since the November 18, 2004 which is why he is here. Mr. Torres wants to know the status of his situation. The reason why Mr. Torres is requesting for an additional 17 acres on the tract that he was supposed to have moved onto is because he had solicited a surveyor which quoted the following on August 20, 2004. They will attempt to survey and map as nearly as possible the 20 acres of the 35 or 37 available. They won't know the exact acreage available until they have surveyed the boundary and provided the easement and other considerations required by the Chamorro Land Trust Commission who must provide access to neighboring lots if necessary. They have already started preliminary work for Ted Concepcion on the south, approximately 15 acres of the lot. Doing the survey and the mapping for both Ramon Torres and Ted Concepcion, entries will result in consideration saving for both of them since there will be field work, research and mapping paper, common efforts which are common to both new lots. This proposal will be best only on doing one map which will solve Mr. Torres's northern and Ted's southern portion.

Mr. Torres commented that he selected the northern and the southern was supposed to be the 17 acres that he is requesting for.

Mr. Torres stated that he was not given any information from the Chamorro Land Trust Commission not until he requested for survey and this is again another individual who will be moving in on the southern part of the lot.

Mr. Torres informed the Commission that he can prove to the Commission that his son Ernie Torres applied in 1995 and this other individual applied in 1998. Mr. Torres inquired on where is the logic here that it says first come, first served.

Mr. Torres commented that Teddy Concepcion applied on September 23, 1997 at 10:34am.

The Administrative Director commented that according to the Commission's records in August 22, 1997 the Board moved to approve 20 acres for Mr. Torres and that motion passed. Then approximately a year later on October 6, 1998, there was a recommendation that the Board disapprove the lease after it was awarded. The Commission met on November 25, 1998 and based on a letter dated November 27, 1998 the Board denied Mr. Torres's agricultural lease until his date and time is reached and that is the reasoning.

Mr. Torres stated that he was approved for the 20 acres by former Director Felix Dungca. The reason why he came here at the last meeting is because he is asking for the other applicants who joined him. Of course the application was one for three people but it states individually what he has to do and what his sons have to do. Mr. Torres informed the Commission that he will be farming, his son Raymond will be raising cows and pigs and his son Ernie will be raising goats. The processing fee is paid on the same day that Mr. Torres had paid.

Mr. Torres commented on why should the former Administrative Director note that at the last meeting that the application is only for one person when he was there when we had all of this going on.

Commissioner Matanane inquired from Mr. Torres if he along with his sons had paid the $50 processing fee.

Mr. Torres commented yes and that he and his son Ernie paid in 1995 and Raymond paid in 1998.

Commissioner Calvo inquired from Mr. Torres that when he submitted the application if it was for all three of them.

Mr. Torres commented yes.

Chairman Damian stated that the Commission needs to make a decision on it and that the former Commission had already approved it. For the Commission now they are all in agreement that it was an erroneous move on the Land Trust part to approve the application for three people in one. Chairman Damian commented that this is not a mistake on Mr. Torres and that it is the Trust's responsibility to let him know at that time that the Commission would not accept it because it is supposed to be one application per person. The Land Trust needs to swallow up the mistake and we need to correct the wrong. In line with the Teddy Concepcion situation it is already a mistake to award a piece of property that has already been awarded.

Chairman Damian commented that according to Mr. Torres one of his sons applied in 1995 and the other in 1997. Through the error of the Land Trust during the years of the late 90s they went ahead and provided access to the property to Mr. Concepcion by not following the first come rule which also causes another dilemma.

Chairman Damian commented that once the Commission decides whether to accept Mr. Torres's application as three or if we accept Mr. Torres's as one application and his sons are not going to be covered on that then everything will fall into place.

Commissioner Perez recommended that through the oversight of the Land Trust personnel that were administering this application that the Torres' family rewrite an application for each member who already had paid just so that we would have a record of each individual. We, the Commission members have to take that fault now regardless if we are the ones who did it or not. I recommend that they separately put their names on separate applications because the money had already been received. Mr. Torres and his sons should have the property as what was to be given in compliance with what he is requesting for.

Commissioner Matanane clarified from Mr. Torres if his sons had already made separate applications.

Ramon Torres commented no.

Commissioner Perez commented that it was probably just the payment where 2 was paid in 1995 and 1 in 1997. The Commission has received the payment and property was not given correctly to the person who has applied. As a Commission member, Commissioner Perez commented that she doesn't want to be tarnished with that kind of situation, that we oversee and we cannot swallow our mistake.

Commissioner Calvo reiterated that it is not Mr. Torres's fault and we have to take the bull by the horn. Commissioner Calvo commented that from here on the Commission should screen the application and make sure that it is for one person only.

Chairman Damian commented that the Commission would need to have legal counsel look into this because we are back dating an application here and we need to make sure that it holds. We need to make sure that once we submit an application and back date it that there is something in authority for the Commission to do that.

Mr. Torres commented that in regards to the survey information that he had provided regarding Mr. Concepcion his question is not only because his son Ernie applied earlier than him but that Mr. Concepcion also applied and had an arrendo with Dept. of Agriculture. Mr. Concepcion's application that is with Dept. of Agriculture is not for Lot 7151.

Chairman Damian inquired from Mr. Torres if he is informing the Commission that Mr. Concepcion is on arrendo land with the Dept. of Agriculture.

Mr. Torres commented yes and that Dept. of Agriculture had given the Chamorro Land Trust Commission a list of all the arrendo with Dept. of Agriculture.

Chairman Damian inquired from the Administrative Director if Lot 7151 is in the Commission's inventory and if Mr. Concepcion is still occupying the property.

The Administrative Director informed the Commission that Mr. Concepcion is a client of the Chamorro Land Trust Commission and the 17 acres being occupied by Mr. Concepcion is in the Commission's inventory.

Mr. Torres commented that he has not seen anyone there on the property.

The Administrative Director informed Mr. Torres that Mr. Concepcion was awarded the 17 acres.

Mr. Torres stated that former Land Trust employee Jeff. Aguon was the one who showed him the map and said to make the selection.

Mr. Torres commented that he went to the location with Commission staff and that there was no one within the area.

Chairman Damian commented that apparently Mr. Concepcion moved up on rank as far as being awarded the piece of property. Mr. Torres's total acreage for himself is 20, the total acreage if we accept the application as separate would come up to 37½ acres. Irregardless that Mr. Concepcion moved up in rank that of course is not Mr. Concepcion's problem but rather the Land Trust error again. The dilemma here now is once we accept these applications, Mr. Concepcion's lease automatically becomes null and void because the three applications under one is a total of 37 acres which covers Mr. Concepcion's area. Our primary mission now before anything else falls into place is to decide whether we are going to accept these applications separate or if we are going to accept them as one individual 20 acres and when the time comes the other two sons will be entertained when their issue comes up.

Commissioner Matanane commented that the Commission needs to consult legal counsel.

Chairman Damian commented that we need to have closure on this and we need to provide Mr. Torres with a timeline with respect of getting back some legal advice.

The Administrative Director commented that he would like to take at least a week to get the information passed on to the Commission's legal counsel.

Chairman Damian informed Mr. Torres that the Commission goes on record that we are doing what we can do to get you what you were originally awarded because through no error of your own you are caught in a dilemma now. We will do what we can in the next few weeks to provide you closure not an extension subject to the Attorney General's feedback.

Ramon Torres commented that he accepts the Commission's request and to take as much time needed provided it is something acceptable due to the things that he had presented. This is the map that he had obtained from Land Management and he was plotted on the north. His neighbor is Mr. Artemio Maanao but what worries him is after they made the inspection, the Chamorro Land Trust continues to give leases on the

north. Ramon Torres questions why is it that after he had been shown the area the Commission continues to award?

The Administrative Director commented that there is a moratorium on placements within the area.

Chairman Damian informed Mr. Torres that there will be no further movement in his area until this issue has been clarified.

**Commissioner Perez made a motion to have the Administrative Director put Mr. Torres issue on priority so that it can be rectified immediately. Commissioner Matanane seconded the motion. There were no objections, MOTION PASSED.**

**3. Perez Bros., Inc.**

The Administrative Director informed the Commission that Perez Bros. is requesting a license to quarry Chamorro Land Trust cliff-line property adjoining Ancestral Lands which is southwest of the Guam Raceway Park.

A site inspection was completed along with Mr. Greg Perez and Henry Simpson and we found the site to be of limestone forest with moderate to dense vegetation. As a reminder Perez Bros. is requesting alternative transactions, terms and/or other considerations as resolution for a claim of interest in another property.

The Administrative Director recommends that the Commission consider other options such as a land exchange. An example proposed by the Administrative Director is perhaps trading the Chamorro Land Trust cliff line property with usable property in the Perez inventory, value for value. Otherwise the Commission can proceed with a 21 year license at 8% market value plus royalties. Perez Bros. has assured the Commission that they will address all environmental concerns. The Chamorro Land Trust Commission also has other cliff line properties in the Pagat area such as Lot 5402 which has similar geologic characteristics. It would be in the best interest of the Chamorro Land Trust Commission and also in the best interest of the public to consider a moratorium on placements of applicants on such areas not only for environmental reason but possibly safety reasons.

The Administrative Director informed the Commission that Perez Bros. is open to anything that we put before them.

Chairman Damian informed the Administrative Director to propose his recommendation to Perez Bros.

Commissioner Matanane inquired if the property to be exchanged will be value for value.

The Administrative Director commented that it is hard to say without getting an appraisal on the lot that is under the Commission's inventory.

Commissioner Calvo inquired on the fair land exchange if they are willing to talk with the Commission on the proposal.

The Administrative Director commented yes.

Chairman Damian commented that the Perez Bros. issue will still be put under old business pending the possible proposals.

**4. National Car Rental**

The Administrative Director informed the Commission that National Car Rental were requesting to license 2 acres near the Anderson AirForce Base main gate. Since then the Commission has determined that the area is not available. The area immediately fronting Route 1 is not under the Commission's inventory. It is not numbered as a lot per say so the Commission can't be sure if it is or not in our inventory. There is an alternate site in Tumon which is an irregular shaped lot and it doesn't look like it would be appropriate for a car rental however, the representatives of National Car Rental looked at the map and indicated that they do not need a large lot just something small enough to place a small modular type building for their office and at least space to park at least 3 cars as a display. They have not returned to the Commission with indication that it is sufficient to their needs.

**5. Miniature World of Guam**

The Administrative Director informed the Commission that he would like to take this off the agenda because they are requesting up to 50 acres for a theme park and at this point we have not identified anything containing that much acreage that could be used for such a case. In the event that the Trust does register lands and brings those lands into our inventory we may have that acreage available.

Chairman Damian commented that the Commission will table the request until the there is new information relative to the availability of registered lands.

**6. Ruel Valencia/Ernest Wusstig**

The Administrative Director informed the Commission that Mr. Wusstig was approved for a portion of Lot 5001 and Lot 5002 in Dededo which is the area right next to the Valencia commercial business. Mr. Wusstig would like to use a portion of the property for a vegetable stand. He is a bonifide farmer and has some substantial acreage in Dededo and is looking for a place to exhibit his produce and to generate some revenue. According to the Administrative Director, Mr. Valencia is also requesting the same area to expand his parking lot for his restaurant. At one point Mr. Valencia offered that if granted this area he would be willing to work with Mr. Wusstig to share the area.

**Ernest Sablan Wusstig** commented that the Commission had already given him the property and it shouldn't have even been brought to the table. Alot of the restaurant patrons are using his area for a parking lot. The land that he was given for agriculture

is ready for him to start producing. Mr. Wusstig has been selling his produce in front of the National Guard building in Barrigada but was told he needs to stay at least 100 feet from the area. Mr. Wusstig is expected to harvest his crops in June but knows that he won't be selling as much in the Dededo property as compared to Barrigada. It is going to take him 6 months to a year at his new location for the people to know that he is there. Mr. Wusstig intends to put up a fence and do a drive through produce stand.

Mr. Wusstig commented that if his neighbor is good maybe he can share the parking lot but of course there are the fees that he has to pay the Land Trust.

Commissioner Calvo commented that the issue here is basically between Mr. Valencia and Mr. Wusstig relative to use of the area for parking for both of them.

Chairman Damian commented that there is no issue with Mr. Wusstig and the area in question because the previous Commission did approve the use of the property to Mr. Wusstig.

The Administrative Director informed the Commission that Mr. Valencia was writing to the former governor and directors as far back as 1997 without any productive results. In March of 2001, Mr. Wusstig was authorized to operate his agriculture/aquaculture outlet on Lot 5001 and Lot 5002 and he was also authorized to proceed with permitting development and operations. Mr. Valencia insists that he had a prior claim however, according to our records there is no claim.

Mr. Wusstig clarified if he could tell the other businesses within the area to remove their signs from his area.

The Commission members commented yes because he is the one authorized to use the property.

## IV. NEW BUSINESS

### 1. Hagatna Mayor's Office request

The Administrative Director informed the Commission that Hagatna Mayor John Cruz is requesting authorization to use Lot 1364-1-B-R1 which is the site of the former public market next to the GPA substation against the cliff face on West O'Brien Drive. The Mayor wants to use the area as a park and playground for the young children in Anigua. The Mayor has cleared the lot and he has been maintaining it for the past few weeks. The Administrative Director commented that it seems appropriate for the proposed use and recommends that the Commission in the interest of good neighbor policies that we go ahead and allow the mayor to use the site.

Commissioner Calvo commented that since it is so close to the GPA substation we need to look at the safety issues.

Chairman Damian commented that the other liability is the road area and if we allow him the use of the lot maybe we can ask him to put up a fence.

The Administrative Director commented that he will ask for a development plan first to address the safety issues and then report back to the Commission.

## 2. Historic Preservation Office (Lujan House)

The Administrative Director commented that the Historic Preservation Office would like to take possession and restore the Lujan House and resolve an encroachment issue where the post war lot and block system created a fractional lot. To provide a buffer zone the Historic Preservation Office would like to take possession of Lot No. 1 directly north of the Lujan House where an abandoned modular house is surrounded by overgrown tangantangan. Formerly identified as Lot 106, the Lujan House now straddles Lot 2 and Lot 3 of Block 24 in Hagatna. It has come to my attention that another entity has some interest in preserving the Lujan House as well. I recommend that the interested party be invited to provide a preservation plan to the Trust and to provide proof of financial ability to immediately implement the preservation work.

Chairman Damian inquired if the Administrative Director is talking about the Hagatna Restoration people.

The Administrative Director commented that he believes they have also expressed interest.

Chairman Damian commented that we have also made some changes on the zoning with respect to changes made with Mr. G. Ricardo Salas.

Commissioner Matanane inquired if the Commission has jurisdiction on the area where the modular home is located at.

The Administrative Director commented that according to the Director of Dept. of Land Management it is, subject to verification.

**Lynda B. Aguon** (Historic Preservation Office) – Commented that two weeks ago they found that two of the ifit balusters were pulled apart and were used for barbequing next door at the Guevara modular house. They get the blame for not protecting the site but it takes effort from everyone to protect our heritage. The Lujan house is close to 100 years old which was built by Mr. Jose Lujan. It became the Guam Institute in 1928 to 1941 and a lot of well know individuals went to school there. According to Lynda Aguon the Lujan house is one of 5 homes that comprise the Agana historic district.

Ms. Aguon commented that their office submitted a Save America's Treasures grant application and by June they should be getting some feedback. The grant applicaton is for a matching grant to restore the house to use the upstairs as a museum to showcase what was in Hagatna then. The first floor would probably be an office and classroom which can be used on a first come, first served basis.

Commissioner Calvo inquired if the building is still holding up.

Ms. Aguon commented yes. They did apply through the Guam Preservation Trust to start the A and E. It does have some earthquake damage but it did go through many typhoons and it is still there.

Ms. Aguon commented that it would be best that it stay in the Historic Preservation Office.

Commissioner Calvo commented that he does not have any objection to that because in reality it is good for the long run for the heritage for young kids and they can keep up the building more rather than sitting idle.

Commissioner Perez commented that she supports the movement because of her profession she is a school teacher and would like to see something like this available for our children to see what has been preserved for 100 years.

Commissioner Matanane inquired on what is their plan for the modular house.

Ms. Aguon commented they plan to leave it as an open space such as a garden park.

Commissioner Calvo inquired if they would be fencing the area.

Ms. Aguon commented that she is going to start some signs that are not too obstructive because if you start fencing it, it would not be too inviting.

Commissioner Matanane inquired on how big are the two lots combined.

Jose Ulloa Garrido (HPO) – commented that it is more or less 1,300 square meters.

Ms. Aguon commented that Mr. Joe Borja (DLM) informed her that there may still be some value to the modular home and you may want to seek someone to move it. We have cleared it with Mr. Elliott and started to clear the vegetation.

**Commissioner Matanane made a motion to transfer formerly Lot 106 out of the Commission's inventory to the Historic Preservation Office subject to legal review and approval. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED.**

### 3. Request by GHURA/DLM

The Administrative Director commented that Guam Housing and Urban Renewal Authority requests the Commission's blessing to secure ownership of a part of Block 24 to construct a new building for GHURA offices. They were initially requesting the upper half of Block 24 and have assured the Administrative Director that they would take care of the claims filed by the Cristobal family. However, Land Management had already been planning that they would take the entire lot to build a building. The upper portion of Block 24 comprises of 2,865 square meters and the lower portion is 2,725

square meters. The Cristobal family is resisting GHURA's offers to settle their claim against the Government of Guam. GHURA has already approached Senator Lujan's office to seek help in legislative transfer of this property to them. DLM on the other hand is offering the Land Trust a full floor in the Land Resources Building should we approve that they get the property.

Commissioner Calvo commented that the Cristobal issue needs to be clarified.

Chairman Damian conquered with Commissioner Calvo that all litigation with the Cristobal family needs to be addressed first.

Commissioner Perez commented that when the Cristobal issue is cleared then the Commission should look at both entities to see who has a better offer for us.

Chairman Damian commented that the request is tabled until the next meeting pending clarification on the Cristobal issue.

**4. Robert Baumgartner**
**Re: Request for transfer**

The Administrative Director commented that Robert Baumgartner claims that his minor daughter of 13 years is the designated beneficiary to Mary Cruz Tulop's rights to Lot 7150-R4NEW-R1, Yigo. The Commission was not able to locate the original Land Trust interview report which is a requirement for each applicant. The copy of the interview report shows a signature by former employee Jesse Garrido. The interviewer's signature does not match any other signatures of Mr. Garrido in other files. Joseph Cruz who is the brother of Mary and who was occupying the property passed away and may have willed the lease to his son Joseph A.T. Cruz. Several attempts were made to contact Joseph A.T. Cruz which were unsuccessful. The property is being occupied by unqualified individuals who claim that they were authorized by Mary Tulop prior to her death to occupy the property. Eviction notices were issued in August 2004 however, these people are still on the property.

The Administrative Director recommends that the Commission disregard the interview report which does not show the genuine signature Jesse Garrido who is the purported interviewer in this case.

Commissioner Calvo inquired if Mr. Baumgartner has supporting documents to his claim.

Chairman Damian commented that the Commission is not going to take any action pending all documents are received and that the Commission continue to try to contact the parties involved in this issue.

The Administrative Director commented that Section 75109 of the Chamorro Land Trust law directs the Commission to select a successor from among immediate family members to assume the lease in the absence of a designated beneficiary.

The Administrative Director commented that on April 20, 1998 the lease was signed by Acting Director Lydia T. Cruz and the Governor but not signed by Mary C. Tulop.

**Robert Baumgartner** commented that his daughter Clarissa was living with Mary who is her godmother. Before she died Mary said that she had signed a paper at the Land Trust to give the property to Clarissa. When he went a couple months after her death he found out that there was no Mary Tulop on record. The reason why was because it was already transferred to her brother. Mr. Baumgartner commented that Felix Dungca was the Director at the time and stated that he doesn't understand why they can't give the lease to his daughter. Mr. Baumgartner commented that Mr. Dungca informed him there was no beneficiary listed for Mr. Cruz who had also passed away. This is why he is asking if the lease can be given to his daughter. Mr. Baumgartner commented that the Chamorro Land Trust Commission has so many problems also citing his dilemma that he applied and was approved for 5 acres for agricultural but was told he can't get it because he already has a lease for residential. Mr. Baumgartner is frustrated because there is another family living on the property who is renting the place.

The Administrative Director explained to Mr. Baumgartner that Joseph C. Cruz did not designate a beneficiary but by law the Commission can step in and select a successor to the lease.

Commissioner Calvo inquired on who is occupying the property now.

Mr. Baumgartner commented Palau and Yapese people are staying on the property.

The Administrative Director informed the Commission that he had already issued eviction notices and they are still there.

Chairman Damian commented that the Commission needs to provide the documentation on the situation and refer it to the Attorney General. The Attorney General, after reviewing and finding cause, will direct the Marshall to give the eviction notice. Once they receive the documents it will explain that they are given a certain amount of days typically 10 days to vacate the premises. Upon the 10 days should they not move then the only recourse by law that the Marshalls have is to take them to prison or take them to court to set a court hearing. We cannot allow anyone other than Chamorros on Land Trust property.

Chairman Damian informed Mr. Baumgartner that we need to take this one step at a time. Once we get all the information, Mr. Elliott will inform him where the Commission is at with the issue.

Mr. Baumgartner commented that if the Commission gives it to Mr. Cruz's son then it is okay with him.

**5. Victor B. Duenas**
**Re: Request for additional acreage**

The Administrative Director commented that Mr. Duenas currently has 20 acres and is requesting additional property to sustain his livestock. He has 11 carabaos which are expecting. According to Chapter 75, Section 75107, subsection A allows no more than 20 acres for commercial agricultural use and no more than 20 acres for grazing use. As per a letter from the Natural Resources Conservation Service, Mr. Duenas is described as a successful full-time farmer/rancher. Mr. Duenas enjoys the support and financial assistance of the NRCS environmental quality and census program. A conservation plan was developed for Mr. Duenas by this group to ensure sustainable agricultural operations and to protect or enhance natural resources. Mr. Duenas maintains of a herd of 11 carabaos and would eventually need additional pasture lands to prevent over grazing and erosion potential. The Administrative Director recommends the additional acreage.

**Victor B. Duenas** informed the Commission that he is requesting for an additional 20 acres.

Administrative Director inquired on what is the minimum amount of acres that he is requesting.

Victor Duenas commented that according to the federal government they said that every 1 cow head needs 3 acres. Mr. Duenas commented that he has 11 carabaos and he wants to have more because we are losing the animals. This animal is antigo which is why he wants to continue producing them.

Commissioner Perez inquired that besides from just preserving the animals so that we would have more carabaos in the future is there any other intention of the carabao besides just raising and maintaining or do you use them for substance such as food.

Mr. Duenas commented yes and that is why he is asking for additional acres because he is going to maintain the field for rotation. The height of the grass has to be maintained at a certain level because of the erosion. All the acres that was given to him was already bad from the animals so now he has to make the field rest and just plant trees.

Chairman Damian clarified if Mr. Duenas is looking for additional acreage to provide rotational basis for the feed.

Mr. Duenas commented yes.

Commissioner Calvo inquired on where is the area located.

Mr. Duenas commented in Ija, Inarajan.

Mr. Duenas commented that the place that was given to him has hills and ditches. Now what he is doing is planting the field not to farm but putting in trees. The farm that he conducting is on his brother's land.

Chairman Damian inquired from the Administrative Director on where is the Commission going to provide the additional acreage.

The Administrative Director commented that the area available is adjoining Mr. Duenas's current area.

Commissioner Matanane inquired on what other financial assistance does the NRCS provide.

Mr. Duenas commented that they provide a lot of assistance. Mr. Duenas further stated that they are going to assist him in fencing the area and they are also going to fix the road.

The Administrative Director recommends to provide the additional acreage subject to survey and availability of acres.

Commissioner Calvo inquired if there are any areas there where in the near future we can break the acreage down to subdivision areas.

The Administrative Director commented not really because the area is very rugged.

Commissioner Calvo suggested on tabling the request so that the Commission can make one more follow up on the area.

Commissioner Perez inquired on what is the reason behind tabling the request and is assuming that Mr. Elliott had already researched the area.

The Administrative Director informed the Commission that a field inspection was conducted and as far as the amount of availability of land, it has not been determined yet.

**Commissioner Perez made a motion to approve the request by Mr. Duenas subject to the availability of land not to exceed 20 acres. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED.**

## V. PUBLIC COMMENTS

**Vincent Joseph Cruz Aguon** informed the Commission that he had met with the Director twice concerning being awarded a Chamorro Land Trust lot. Mr. Aguon was contacted by the Commission in February and had met with Land Agent Allan Quan to be shown an area on Lot 5402 in Mangilao.

Mr. Aguon is inquiring on the status of the moratorium that was imposed on said lot that was issued to him.

Mr. Aguon stated that he had not received any paper works from the Commission relative to the hold on the lot and was made aware of this by his surveyor and Allan Quan.

According to Mr. Aguon during his second meeting with the Administrative Director he was informed that the staff was informed as to the concerns on Lot 5402. Discussions were made on seeking the advice of Guam EPA, Department of Parks and Recreation and Dept. of Agriculture relative to the area. Mr. Aguon stated that he did meet with the agencies and have documents from their offices stating any type of concerns. Mr. Aguon will provide copies of his reports from the different agencies.

Relative to the moratorium, Mr. Aguon inquired from the Administrative Director on what the issues were and the first one of course was the safety concern seeing that the area is a cliff line and also the requirement of him meeting the half acre minimum for the residential lot. As far as safety, he did get the different agencies approval and their concern is mostly if it is awarded to him then that is when he needs to talk to them about permits.

Mr. Aguon's reason for being here is to check on what is going to happen now.

The Administrative Director informed the Commission that the area that was shown to Mr. Aguon was already on hold however, he had not issued the memorandum to the Land Agents to place the property on hold. The Administrative Director commented that as the Commissioners know, Mr. Quan is one of his problem employees and he seems to have a difficult time following directions. In many occasions Mr. Quan has counter manned his directions whether it is written or spoken. This is one of the cases and unfortunately it has created a situation where he had shown a lot to Mr. Aguon and Mr. Aguon liked what he saw. Mr. Aguon felt getting the property was worth doing all the research from the other agencies.

Commissioner Calvo inquired if there was research done by Mr. Quan on the area. Commissioner Calvo commented that this is not Mr. Elliott's problem but it is a personnel matter that comes to your office that has to be rectified and resolved. If issues are continuously going to that then we are going to have another problem like this.

The Administrative Director commented that part of the problem with Mr. Quan is that he caters to some people and not to others.

Chairman Damian clarified if the Administrative Director is suspecting that it could be an error on Mr. Quan or some other Land Agent.

The Administrative Director commented that Mr. Aguon stated that Mr. Quan showed him the lot.

Chairman Damian commented that we can look at some other property that he might be interested in or to simply wait until the moratorium on Lot 5402 is lifted.

The Administrative Director informed the Commission that Lot 5402 is a fairly large tract of land and in this particular area we try to reserve it as a residential area. The Administrative Director commented that he is holding 4 other lots for Mr. Aguon and his family members right within close proximity of the particular area he was first shown.

Mr. Aguon commented that as a client if he is awarded the lot, the safety concern would be on his part such as probably building a retaining wall. Mr. Aguon expressed with the Administrative Director that if the Commission wishes to say that they would not award it to any clients then he is fine with that but the Administrative Director commented that it was not definite.

The Administrative Director recommends to have the appropriate agencies do an assessment on the area if there are any impediments. The Administrative Director commented that we may have to include clauses on the lease that the Land Trust cannot be liable.

Chairman Damian informed Mr. Aguon that once the Administrative Director clears with the appropriate agencies on any concerns on the area then he will be informed.

Commissioner Perez inquired from Mr. Aguon that if there is some safety issue that would be the blocking stone would he accept the other 4 lots for his family that has been reserved for them.

Mr. Aguon commented that if it is based on research and safety concerns then yes he will.

## VI. DIRECTOR'S REPORT

### 1. CLTC Farmers Certification Program

The Administrative Director commented that the issue at hand is certifying CLTC farmers in collaboration with the University of Guam, Dept. of Agriculture, Bureau of Statistics and Plans and others. Bureau of Statistics and Plans is a new player in this because they are able to use their GIS/GPS technology to map out our agricultural and residential areas and let us know what we need in terms of infrastructure and things of that nature. This program will promote the agriculture industry by helping CLTC farmers gain the knowledge and support necessary to succeed with their farming activities. UOG has obtained a grant to set up a collaborative demonstration of sustainable agricultural and conservation. Three model farms are proposed to demonstrate cultivation and conservation practices over varying soil conditions. The model farms will encompass one-half to three acres and demonstrate the practices that are easily implemented by local farmers for subsistence or commercial purposes. The objective of this program would be to provide farmers with an increased understanding of costs and resources needed to implement these practices.

## 2. Municipal Leasing Program – Adacao Relocation

The Administrative Director commented that notices have been issued to current lessees and occupants of Lot 5402, Adacao.

The Administrative Director's recommendation is that we determine what costs are compensable. If the Commission decides that some items are compensable they can designate and set aside funds which may include lot surveys and cost of reconstruction of temporary improvements. Most of what we see on the property are wood and tin shacks. The Administrative Director commented that he is sure that these applicants are going to demand compensation for that.

Chairman Damian commented that there is some substantial amount of money in the thousands that we are going to have to either put out or somebody is going to have to put out and it is not going to be our lessees. The costs involved is moving out and moving in.

Commission members inquired on how many clients are we looking at who need to be relocated.

The Administrative Director commented that there are about 10 to 11 families.

Commissioner Perez commented that the lessee should already know that on Land Trust property in the event that it is going to be used for a school that the Government has the option to have them removed.

Commissioner Calvo inquired on the possibility of having a lottery on the placements of these individuals so that there will be no complaints.

Relative to the land agents, Commissioner Matanane suggested that they be required to make a report every time they go out in the field on what they have accomplished and the status of the lands.

Going back to the Adacao relocation, Commissioner Perez commented because this is a government project and because it is government property the funding should be provided.

## 3. Appropriation for survey work and heavy equipment

The Administrative Director commented that there are areas that have been surveyed and remain physically inaccessible or marginally accessible. Several lessees have been awarded leases but are prevented from access by jungle growth or un-navigable terrain. Placements or awards in these areas are slowed because of the accessibility issues. In some areas, clearing the easement would provide access for as many as 12 lessees and allow placements for several more. Many of our approved maps require proposed easements to serve the surveyed and leased lots.

The Administrative Director recommends to proceed with clearings, overseen by a land agent and surveyor to insure that markers are not disturbed. Clearings would remain well within the proposed or designated easements, just wide enough to allow safe access to our lessees. The Administrative Director is hoping that the Commission could set aside or appropriate from CLTC funds an approximate amount to rent equipment for clearing these easements. As a pilot effort, the CLTC may consider a beginning amount not to exceed $10,000 for clearings and an additional $10,000 for easements survey and recording.

Commissioner Calvo commented that the legislature should be the one to provide the funding for the projects that they task the Commission do.

**Commissioner Matanane made a motion to approve the appropriation of $10,000 for clearings and an additional $10,000 for easements survey and recording. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED.**

### 4. Proposed relocation of CLTC Office

The Administrative Director commented that there is roughly 2,432 square feet available within the same building. The landlord's initial proposal was for $1.59 per square foot and the 30 cent difference between the proposed $1.59 and what we are currently paying right now which is $1.29 is applied to the square footage which would give us roughly $729.60 monthly amortization of the interior improvements. The landlord came back with a counter proposal saying that if we pay $9,000 for the interior improvements in advance they would maintain the current $1.29 per square foot for an increase in square footage which would be $3,137 per month.

Commissioner Calvo inquired on what are we paying for rent right now.

The Administrative Director commented that right now we are paying roughly $2,400.

The Administrative Director commented that the $9,000 is basically to cover cost of the drop ceilings, the dividing walls and the air condition. According to the Administrative Director it would probably take 30 days to do the necessary renovations.

The Administrative Director also informed the Commission that he is meeting with a realtor relative to the old NavMar Credit Union building in Anigua next to the Flamingo restaurant on the possible renting or purchasing of the building.

Commissioner Calvo commented that the Commission needs to remember to make sure access to the handicapped is available.

## VII. ADJOURNMENT

Meeting was adjourned at 8:03pm.