Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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Annie R. Perez
Commissioner

David J. Matanane
Commissioner

Oscar A. Calvo
Commissioner

COMMISSION MEETING MINUTES
Guam Ancestral Lands Commission Conference Room, Anigua
September 7, 2005

I. CALL TO ORDER

Meeting was called to order at 4:12pm by Chairman Delfin Damian. Present were Commissioner Annie Perez, Commissioner David Matanane, Commissioner Oscar Calvo and Administrative Director Thomas Elliott.

II. APPROVAL OF MINUTES (August 24, 2005)

Commissioner Perez moved to approve the minutes of August 24, 2005 subject to corrections. Commissioner Matanane seconded the motion. There were no objections, MOTION PASSED.

III. OLD BUSINESS

A. Ypao Point

The Administrative Director commented that to date the Commission has not received any response relative to the review of the RFDP for Ypao Point specifically the performance bond issue as per the Commission's request at the last Commission meeting from legal counsel. The Administrative Director commented that he understands that earlier this week Mr. Troutman was in the hospital.

The Administrative Director commented that the procedural options available to the Commission are either to proceed to the next developer in line for Ypao Point or to re-bid the bid entirely. After reviewing the TaskForce work it turned out that YTT was the only group out of three submissions that satisfied all the requirements of the TaskForce. The other two specifically Fashco and Sumigumi did not meet the requirements of the TaskForce. It would be prudent for this Commission to re-bid the project altogether. Project planner Felix Dungca stated in his memorandum to the Commission that if CLTC decides to proceed forward with offeror number two and three he asks the question can CLTC continue to use all preliminary documents previously prepared and submitted by bidder number one, YTT, as a condition for negotiation or must the Land Trust Commission allow those bidders to submit their own proposal for development on the subject property? The deliverables prepared by YTT was previously approved by the Ypao Point TaskForce as called for in Public Law 25-179. There was a commercial appraisal report prepared that gave an evaluation effective for a period of eighteen months from September 2004 to March 2006. Essentially it seems that option 1

raises more questions than answers. Another question that is raised is if bidder number two and three are amenable to negotiations using the same criteria or deliverables that were given by YTT will the current appraisal report have to be updated? Relative to option number 2 there are two additional questions that project planner Felix Dungca asks which is can the Chamorro Land Trust Commission bypass Section 13 in its entirety and proceed to Section 14 or is it required to follow to the strict procedures in that section before proceeding to solicit new bidders as provided in Section 14? Section 13 addresses the failure to negotiate development agreement with best qualified offeror. If a Development Agreement cannot be agreed upon with the best qualified offeror, a written record stating the reasons therefore shall be placed in the file and the Chamorro Land Trust Commission will advise such offeror of the termination of negotiations which shall be confirmed by written notice within three working days. Section 14 refers to failure to negotiate Development Agreement with offerors initially selected as best qualified. This section further states that offers may be re-solicited or additional offerors may be selected based on original, acceptable submissions in the order of their respective qualification ranking. These are a couple of considerations that this Commission can look at.

Another issue brought up by the project planner is that the current RFDP requires that the selected Master Developer make an initial non-refundable deposit of $500,000 at the time both parties enter or sign a Development Agreement. Obviously this does not apply to YTT's case because this never took place. The Administrative Director recommends that the Commission re-bid the project altogether.

Commissioner Calvo commented that he agrees with the Director because the other offerors did not meet all the criteria of the RFP in the beginning.

Commissioner Matanane commented that he wonders why item number 9 of Section IV of the RFDP which states that the selected developer shall pay a non-refundable fee of $500,000 to the Commission upon approval of the DA by the Commission was not followed through and also the $50,000 which is the application fee.

The Administrative Director commented that his understanding is that the $500,000 was payable upon the approval or signing of the Development Agreement. The $50,000 is the performance bond that should have been placed in the Commission.

Chairman Damian commented that we have already made two requests to legal counsel regarding these issues and unfortunately Mr. Troutman is ill but we will go ahead to continue to get in touch with him to get any response regarding the $50,000 issue. At this time we are under the impression that the $50,000 regardless if the Development Agreement goes through or not is money that is due to the Land Trust.

Commissioner Matanane commented that his understanding is that the $50,000 is an application fee and should have been collected during the TaskForce time.

Chairman Damain commented that the Commission will wait for a response from legal counsel and table the $50,000 figure.

Commissioner Perez commented that before we open the bid for any developer we need to look at our terms of business and make it clear that the $50,000 is not a performance bond but it is an application fee. It seems that anyone can put a bid and don't have to apply for anything. I want to make sure that this Commission is clear with the language of negotiation before we open the bidding.

Commissioner Calvo commented that he agrees with Commissioner Perez and that once the developer is notified that they have been selected that the $50,000 is paid on the spot and it is non-refundable.

Commissioner Matanane made a motion to re-bid the entire Ypao Point project. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED.

The Administrative Director commented that relative to the the contention for the developer for backing out of the deal relative due to a threatened lawsuit there is a section in the development agreement that speak to the issue that in the event where there is a transfer of ownership of the property, the transfer is subject to the lease meaning the lease does not die, the lease carries on to the next landlord. Section 14.5 of the development states that without limiting the foregoing, in the event ownership of the land is transferred by Landlord, the transfer will be made subject to this lease and transferee will assume all rights, duties and obligations of Landlord under this lease and will agree to not interfere with Tenant's quiet enjoyment of the premises provided Tenant agrees to attorn to the transferee. Essentially what this says is that there is no basis for their claim that they would loose out on the lease agreement.

B. Bill 127 – Conveyance of CLTC land to GHURA

The Administrative Director informed the Commission that Bill 127 which is authored by Senator Jesse Lujan is an act to authorize the Chamorro Land Trust Commission to release and convey title to Lot 14-NEWNEW3, Block 24, municipality of Hagatna to the Guam Housing and Urban Renewal Authority.

The Administrative Director testified in opposition of Bill 127 at the hearing held on Friday, September 2. The Director's testimony was that this is perhaps one of the more valuable pieces of land remaining in the Commission's inventory. Removal of this property will negatively impact the Chamorro Land Trust Commission, eliminating any potential revenue that could be derived from this land, and thereby limiting further the Trust's efforts to fund and fulfill its mission. The Director had suggested a long-term lease and one of the Senators had mentioned a property exchange not as solution of course to the impass or the opposition we had with GHURA at the time.

The Administrative Director commented that he thinks this is more important now than Ypao Point at least not for the short term. We were anticipating significant revenue from Ypao Point and without that coming up and being able to support us and our mission then we certainly need to maintain a strangle hold on our commercially viable lands and to put those out to generate revenues.

The Administrative Director informed the Commission that a letter was submitted to the Commission earlier this week by the MagaHaga of the Nasion Chamoru essentially saying that we were right in what we were doing. Towards the end of the letter, MagaHaga Debbie Quinata states that while on the subject of GHURA and CLT, I would like to suggest that it may be worthwhile and in all of our best interest if GHURA, CLT, Congresswoman's Office and HUD-Region 9 Representatives were to somehow get together, discuss the necessary legislation needed to enable GHURA through HUD to assist with the needed infrastructure as well as permitting funds for building off-code as has been accomplished in other districts with lands similar to the Chamorro Land Trust lands.

Debbie Quinata commented that the reason the letter was written is because the Nasion was shocked when they saw this bill coming up for review. We as a nation of people as Chamorros believe that we have to protect every square inch of the Chamorro Land Trust lands. It was a very hard struggle to get where we are today and we need to make clear, I'm not sure how the concept is of Chamorro Land Trust lands being welfare lands or land giveaways but these are lands to be held to in perpetuity. They are to be used by the Chamorro people of Guam and of course there is even room for others to use the necessary property. There is not a sense of greed but there is most a sense of ownership. I wrote the letter because I was made aware that the testimony that was given was not in support of the request by GHURA and I thought it was quite amiable. I wanted to make sure that everybody was aware that the honor that you guys are upholding, the obligations that you have taken was not being taken for granted. I wanted to ensure that you all knew that not only by myself but I am speaking for a large contingency of people. Today I am speaking on behalf of the Chamorro Nation as the MagaHaga. I can tell you without any doubt that you have the support of the Chamorro people of Guam and many others in the decisions that you have made to protect the Trust lands. I am here today to again state that we are very appreciative and humble to be amongst you. You guys are doing really good work and we truly appreciate it and I think that many generations that come before us are going to be very grateful. I think this is going to be a niche in very important history of our people. We would like to stand behind you and let you know that we are not here to interfere with your good judgment. We are here to thank you and to also reiterate the fact that we understand that there are some needs of some members of the community, other agencies on the island, and I think that everybody is amicable to assisting one another. The signing off of ownership, the granting of title, is a very big problem. That becomes a loss and of no benefit to the people of Guam. We hope to encourage the continued foresight that you guys have demonstrated. You guys are an honorable group. I got to add that there have been others before you but I don't think they have taken such a hard stand as you guys have. Thank you for your good heart and your good conscience, if this is from your heart. You understand a lot that your work here is hard. You know why you guys are here. You know it's hard when the rest of us ask for something, and that we put them aside. That is not what we want. The respect is necessary and the respect for the obligation they have given you. They should also give you honor because that it why they appointed you because they are putting their trust in you. Not only the person who appointed you but the rest of the people on the land because you were confirmed by the representative of the people.

We would like to continue with the stand that you have taken and it doesn't have to be adversarial. I think it just has to be proactive and it has to be for the betterment of the people that the enabling legislation was intended for. Thank you for your patience.

The Administrative Director requested Ms. Quinata to elaborate further on the legislation needed to enable GHURA through HUD for the needed infrastructure as well as permitting.

Debbie Quinata commented that she has been working with the legislature since the inception of the Chamorro Land Trust. When the late Senator Angel Santos took office, he sent me to Honolulu. He was the Chair of Housing then and I met with Mr. Gordon Furutani whom I have also given a copy of this letter. The teachings I have learned in this very, very crash course that I took was the opportunities that are available to the Land Trust and the recipients through community development block grants and through an initiate called project home. There are mechanisms in place that can enable GHURA through HUD to assist with the improvement and placement of infrastructure in Chamorro Land Trust lands as they have done in other Trust lands such as in Honolulu. Amendments have to be made through congress and it is not a difficult task I am told but it does need to be requested. To date no Commission has. We tried to work with GHURA to try and get them to move forward with this and they did start some of the initiatives such as assistance with educational programs to enable people. I have to clarify that the understanding that HUD has is that GHURA in itself, the funding source is a temporary solution. It is not intended to house people for the rest of their natural lives. The intent is supposed to be a limited timeframe to allow them to get back on their feet, move in to a home of their own or a rental unit. The intent is not for people to live there for eternity. That is still the intent of GHURA and if I am not mistaken I do believe that we are coming very close to that time where they are going to be cutting off a bunch of entitlements that GHURA has been getting mostly. Instead of going after grants that are competitive which enables things such as infrastructure improvements, roads, public facilities and very similar to and Trust lands as they did in Asan. They don't condemn the land, they enable it through legislation. They are going to find that they are not going to be receiving these entitlements that is set in stone if I am not mistaken to end in a particular timeframe. If I'm not mistaken we're looking at another good 5 years. What GHURA has been giving out which is the Section 8 housing and the public housing are considered entitlements and the amount of money is an economic thing. The other programs that they have available, they have barely touched. I have to tell you that it was very disheartening to go to Honolulu to meet with these regional leaders who oversee these programs here who tell me that they come here year after year or every two years and have given seminars showing the employees of GHURA how they have to apply for these grants. Everything is wonderful, the presentation is being made but once they go back there is nothing that comes out of the Department. That is the reason that nothing has been done to assist the Trust. That was the reason that I was hoping that there will be discussions brought up because this is a very real opportunity for us and it is sad that we have let it go for so long. I think it will enable the Trust to move forward and I think it would be healthy for the economy and I think HUD would be forever grateful simply because it would eventually cut down on their need to subsidize Guam so much. That is

the reason why I wrote that with the intent of drawing Mr. Furutani's attention because he is a very cognizant man of what is going on on Guam. He has been the regional director for many, many years. I don't know if any of you realize that we also have a HUD representative on Guam named Roque Mendiola. He was going to make the effort to come today unfortunately I don't think he was able to. He is not able to negotiate for HUD because of whatever reasons that are set up. I do believe he works with mortgaging and financing of homes that are also GHURA projects. HUD has these availabilities and Mr. Furutani is very cognizant of the needs of Guam and he is also very open to people to the leadership taking that role. I do believe that he will ask why this letter was sent to him. was at the HUD office in Honolulu and I do believe they would frown to the thought of putting a brand spanking new building in the middle of the capital that services the needyous in the community. GHURA's office in Sinajana is luxurious in comparison to the Region 9 office in Honolulu. I think they would ask why there would be a need to expand if the idea is to slowly wean people off that type of dependency. Hopefully it would stir the interest of the folks at GHURA to look into how they can obtain funding to legally assist with providing the much needed infrastructure and improvements for the Trust lands.

Commissioner Calvo commented that the program that Ms. Quinata refers to is a program that more or less falls under GHURA and it should be an educational program to the local people.

Ms. Quinata commented that it is a program that will provide funding so that they can put in infrastructure that would be a benefit to the community. They also have another program that provides funding that enables people to do exactly what you are saying.

Commissioner Calvo commented that he thinks that GHURA should be the one to educate the people that there are programs.

Ms. Quinata commented that the Attorney for HUD in Honolulu who said that one good reason to not educate the masses, one good reason to not promote self sufficiency is I think some people believe they would be working themselves out of a job. There will always be people who have needs. What we have at GHURA now are not just people who have needs, we have people who are dying to get into housing. I will contact Mr. DeGuzman and speak with him directly about this particular program called Project Home which has been around for a while.

Ms. Quinata commented that for a very long time at GHURA they wouldn't let people plant outside. They would cite them for somehow defacing what you call federal property. It took documents that came from D.C. stating that they encourage people who live in public housing, subsidize housing to empower themselves. They do have regulations however it does not include not planting food. The whole idea is to wean people off dependency, it is a helping hand, it is not a life style, it is not supposed to be.

The Administrative Director commented that on the same day that he gave testimony in opposition of Bill 127, he was called to the Chief of Staff's office and he was roundly criticized and scolded that this was not the position of the Administration at the time for

various reasons. They had asked that we meet again with the Chairman of the Land Trust Commission which we did yesterday and at that meeting they (Director of GHURA, Chief of Staff and George Bamba) assured the Chamorro Land Trust Commission that we will receive remuneration in some form for conveyance of the property to GHURA. Based on that information, the Director drafted a resolution that speak to those issues particularly with respect to at one point we had offered them a long term lease however, they insisted at the hearing that they had to have outright ownership. We want to be sure that we do specify something and try to be as equitable as possible so that the Land Trust does not lose. We may lose this portion of property out of our inventory, however, we need to get something back in return.

Chairman Damian commented that this was an outright handing over of property, we were going to get nothing in return. Their argument was that the land was not going anywhere and that is still within the Government of Guam.

Chairman Damian had informed the parties involved that this Commission would decide in writing what we would like to have in turn for the support that we are giving them with Block 24. Some options available is looking at the Sinajana property and building or free and clear leases for a number of years. The front office also agreed to provide a funding source for a larger area for us to move into.

The Administrative Director commented that he doesn't want to promote a sense of distrust or a sense of confrontation with GHURA however, one of the comments made by Ron DeGuzman (GHURA) was that someone had offered them a 15 year lease and they needed at least a 30 to 40 year lease agreement. My response was that yes the Commission may be willing to entertain something like that then they retracted from that position and said that they wanted something outright, fee simple. The panel at the legislature seemed to be leaning towards our direction, however, they did exercise some diplomacy in asking questions and most of the questions were directed to Mr. DeGuzman.

Commissioner Matanane inquired on the location of Block 24.

The Administrative Director commented that Block 24 is located right near Julale shopping center.

Commissioner Matanane inquired if this is the same place where we were planning on building our building.

The Administrative Director commented that they are on the side closes to the cliff line however the lot number in Bill 127 indicates the opposite side of Block 24 which may be a typographical error. If we granted Dept. of Land Management one portion of Block 24, they would give us office space free of charge in the building that they erect.

Commissioner Calvo commented that even if we were to get something out of it our stake here is to keep the land within the Chamorro Land Trust.

Commissioner Matanane agrees with Commissioner Calvo and if GHURA wants to lease the property then fine but the land should remain in the Commission.

Commissioner Matanane made a motion to table the matter pending further suggestions by the Commission. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED.

Chairman Damian instructed the Commission to continue to provide input before the end of next week so that communications can be submitted to GHURA on the Commission's stand.

C. Marianas ProPlan Inc.

The Administrative Director commented that Marianas ProPlan Incorporated represented by Mike Torres has come before the Commission before and has stated that they had been under a memorandum of understanding with the Chamorro Land Trust Commission in years past. They would like to renew the relation with the Chamorro Land Trust plus to explore the possibility of building low cost homes for Chamorro Land Trust lessees. In his letter to the Commission the president of the company expressed a great deal of concern over the need of a MOU. Apparently a great deal of money and time in negotiating the development agreement which they had been seeking an extension for was done back then and they are willing to do it again. On the second page of the letter is a sample of the memorandum of understanding. It seems passable but I think we would also like to include our own concerns if the Commission were inclined to approve this memorandum of understanding.

Chairman Damian commented that we will certainly not rubber stamp what previous Commissions have done purely in the premise of expediency. We need to have input on the memorandum of understanding. The Commission can elect to disallow the project as it stands right now or we can elect to come back and provide input on the MOU and then sit down to work out the development agreement.

Commissioner Calvo requested to have Mike Torres to explain more on the issue.

Chairman Damian inquired from the Commissioners if they would like input on the memorandum of understanding or to have a follow up meeting with Mr. Torres before proceeding further.

Commissioner Matanane recommended that Mr. Torres meet with the Commission.

Chairman Damian instructed the Director to schedule a meeting with Mr. Torres and the Commission.

Mike Torres, Vice President of Marianas ProPlan International – As you are aware in the last meeting we discussed the creation of an MOU to move things along. The Board of Directors would like to see the agreement extend at this point because everything has been negotiated however if the MOU is the way we need to go then we'll proceed in that

direction. One of questions they did have with regard to the MOU is that the MOU refer to the original agreement and that we hold to other than some of the key provisions regarding the pieces of land that are actually to be developed, that the rest of the agreement be adhered to as much as possible. Otherwise it will cause potential problems with the entire investment group and would basically change the entire character of what we are doing. The Board of Directors have authorized me to go ahead and work with the Commission to find another piece of property. They also said that if we have to start with a smaller piece then that is not an issue as long as we can still achieve a partial economy and scale something in the neighborhood of 300 to 400 homes.

Chairman Damian commented that the Commission would like to get some input on the MOU and the Trust is interested in this program.

Chairman Damian informed Mike Torres to check with the Director on the Commission's input by the end of next week.

D. Proposed Policies

1. Descendants of pre-occupants – P.L. 23-38 prevents eviction of preoccupants

The Administrative Director commented that in the last meeting there was a discussion regarding descendants of preoccupants. Preoccupants are those individuals who have been living on Government of Guam lands prior to the implementation of the policies and mandates of the Chamorro Land Trust Act. These individuals have been occupying these public lands under Land Use Permits. There was a question asked by Attorney Troutman in the last meeting regarding what law states that these individuals were not allowed to be evicted because of their preoccupancy status. Public Law 23-38, Section 6.4(a) states that the Commission shall not serve eviction notices to individuals who presently reside and have continuously resided on Chamorro homelands prior to July 12, 1995 and who qualify under the Act.

Commissioner Calvo commented that if we can't evict them and they are not paying their dues, I don't see why we should still continue to have them stay there because it is not fair for the other landowners. I think this can also be a challenge as far as the legal matter portion.

Commissioner Perez commented that she agrees with Commissioner Calvo and if there needs to be an amendment made to Public Law 23-38 then they should amend it. You can't continue to have status quo with governing a new law now in the Land Trust because then there is injustice of the recipients of Land Trust properties. To me I don't think it is justice when you waive payment or eviction for non payment of Land Trust recipients versus recipients that were on the status quo even if there was payment or no payment that they are free from being evicted.

Chairman Damian commented that the issue of eviction or the authority to evict must go through Public Law change and it is purely an amendment. What we can do is to transmit our amendments to the Legislature.

Commissioner Calvo commented that the Commission should make the amendments and for the Director to follow up on it.

The Administrative Director commented that the past Boards and Directors had essentially allowed these preoccupants to jump ahead of the line and sign leases or be awarded the same area where they are at. The good news about that is that when they are allowed to leap frog to the front of the line they are not necessarily allowed to retain the same large area that they had. Often in time the land area is reduced.

Commissioner Matanane inquired on what is our maximum of acres to be leased for agriculture and does it coincide with Section 6.5(c) of Public Law 23-38.

The Administrative Director commented that it is usually set by policy and at this point what I'm trying to do is hold fast to half acre awards given the real possibility that we will be running out of inventory very quickly if we don't hold down the amount that we are awarding.

Commissioner Matanane inquired if Public Law 23-38 is in conjunction with the Chamorro Land Trust Act.

The Administrative Director commented yes.

Chairman Damian commented that it is purely a law to simply grandfather those into the recognized henceforth law regarding land and leasing.

The Administrative Director commented that there were numerous families one perhaps two generations in some cases who grew up on these particular lands where they have been occupied and I am guessing that is what the intent of the law was for.

Commissioner Matanane inquired if we could get all the names of the people who were given arrendos and how long they have been there and the payment schedule.

Chairman Damian commented that there are records for the arrendo.

Chairman Damian commented that as per the request of Commissioner Matanane the Commission will go ahead and entertain looking at the database with regards to the list and begin the process of identifying who has it and whether payments have been made.

The Administrative Director commented that there has been several requests of land use permittees who we determine to be unqualified for the Chamorro Land Trust programs.

2. Placement of special cases (handicapped or elderly)

The Administrative Director commented that we do have a lot of applicants who are elderly and some applicants who are handicapped. They do come in from time to time requesting for special consideration mostly asking for a little piece of land to do little gardening and farming. They are sincere in their request for special consideration. I have

been toying with this idea and bounce it off with some of the staff members as far as experimenting with respect to capable individuals. I have tasked some staff members to identify and area in the south and north where we could perhaps grant the temporary use of no more than a quarter acre strictly for farming and gardening activities. I am asking the Commission if this is something that they would like me to pursue further and to identify if this is something that will be well within the bounds of our mandates and our mission. Certainly as a community service type thing for those who sincerely want to engage in this practice.

Commissioner Perez clarified if they are not going to reside on the property and if it is strictly for farming.

The Administrative Director commented that it is strictly for farming and if there is any structure it would be temporary.

Commissioner Calvo commented that he agrees with the concept and that it is a good program for the elderly people and that it should be indicated in the lease that if the applicant dies then the lease dies also.

Chairman Damian commented that we want to make sure that it is equitable and that it is very temporary.

E. Request by Hawaiian Rock to license Lot 5214

The Administrative Director commented that Hawaiian Rock had been before the Commission to secure a license to gage the feasibility of quarrying Lot 5412. Mr. Jere Johnson and Dan Swavely are present today to request the Commission to reconsider their quarrying request. They have described in their letter that Phase I will encompass most of the area inland of the coastal cliff and Phase 2 will encompass the coastal cliff area. These quarrying operations when done in two phases tend to create a large pit near the center of the property and I believe Hawaiian Rock is proposing that if they are allowed to do this they will certainly leave the property usable afterwards and perhaps maybe even more valuable then when they initially found it.

Chairman Damian commented that there was the environmental issues that needed to get cleared up when this request was before the Commission.

The Administrative Director commented that Hawaiian Rock had identified a different access to the property from a different side.

Jere Johnson (President of Hawaiian Rock Products) – We gave the proposal in two phases because there are a lot of environmental concerns on the portion along the cliff line. We still think the development of the inner portion initially will enhance the property because it is an old quarry plus it was used for dumping of old vehicles and rubbish and part of the cost on the proposal we are proposing is to clean up that portion of it and then submit a plan to the Commission on how to contour the property so that it would be more

valuable and leave it sometime in the future when we have taken a reasonable amount of material off the property then you can go out and turn it over to another development. We would have to do some archeological studies and environmental impact studies. We are asking for a year to do this and pay the Commission a fee while we are doing it and also to determine if the rock is suitable for what we are looking for. What we are looking for on the property is rock that can be used for the asphalt paving of roads. We have done some preliminary looking at it and it looks pretty good but until we get permission to go in and put a drill down to take some samples to test.

Commissioner Calvo inquired if they are going to cut the property in a contour type.

Jere Johnson commented that before we would start we will have a master plan and something that the Trust agrees upon.

The Administrative Director clarified that within the first 12 months or less of the license in determining the feasibility of the project they propose to pay the Commission a monthly fee of $500.

Jere Johnson commented yes.

The Administrative Director clarified that upon determining that it is feasible then they proceed with Step 2 where they begin the mass grading.

Jere Johnson commented yes and they would need to negotiate the royalty and finalizing the contour plans. We would have to justify the royalty based on that we had to spend money on the archeological, the environmental plus the clean up of the property.

Commissioner Calvo clarified that if they come across historical areas it would have to be preserved.

Jere Johnson commented that it be taken into consideration.

The Administrative Director inquired if they are aware that there is an existing quarry in a part of Lot 5412.

Jere Johnson commented yes.

The Administrative Director inquired if they are still metallic waste in the area and if that is going to be a problem.

Jere Johnson commented that it would be part of their proposal to clean it up.

The Administrative Director inquired if the areas where they will be conducting their feasibility studies would be in that particular area.

Jere Johnson commented that they will do it at random.

Commissioner Perez inquired that with the $500 that they will be paying on a monthly basis while they do the testing, when they do the cleaning would the fee be jeopardize based on their expenses?

Jere Johnson commented no and that they will amortize the expenses as they go along and when they negotiate the fee that is where it will come in to play.

Commissioner Matanane inquired on what materials are they going to extract in the one year agreement.

Jere Johnson commented that they will not be extracting any materials. They will be negotiating the terms and conditions on the royalty. The extraction will start in step 3 after we agree upon the royalty.

Commissioner Calvo inquired on how soon do they want to start.

Jere Johnson commented that when the Commission is comfortable in agreeing to accept the $500 a month and allowing them to get started.

Commissioner Calvo commented so they are not really pressing for time.

Jere Johnson commented no.

Commissioner Calvo commented that if the Commission negotiates this deal like in the beginning of next month then the clock starts ticking for first twelve months.

Jere Johnson commented that it will be fine.

Chairman Damian commented that there will be communications very soon and for Mr. Johnson and Mr. Swavely to keep in touch with the Administrative Director.

F. Lot 7151, Yigo – Request by Ramon Torres

The Administrative Director informed the Commission that Mr. Torres had come back to the office after the last Board meeting and was very humbly requesting additional acreage to fill the initial 37 plus acres for grazing in Yigo. The Administrative Director assured him that the staff will identify the area and determine if it is available. Mr. Torres was advised that his request would cause additional delay and he was fine with that.

IV. NEW BUSINESS

Legal Counsel

Chairman Damian commented that the Commission will be looking at the termination of our current legal counsel and the RFP for a new legal counsel. The Commission would need to include the termination date and time on the resolution.

Commissioner Perez commented that the letter can indicate the date of next week Friday.

Chairman Damian clarified as of 8am on Friday next week.

Commissioner Perez requested that a copy of the letter be given to the Governor also.

V. DIRECTOR'S REPORT

A. Consultant candidate to CLTC – Results of interview with Jon Abrams

The Administrative Director commented that both the Chairman and himself had met with Jon Abrams and have discussed some of the issues that were affecting the Trust with respect to master planning, mapping, registrations, land titles and other similar land issues, grants were also discussed. This gentleman is well versed in all issues. He has experience on all land issues particularly in the pacific region. Essentially he is a retired Dept. of Interior employee and he also has the knowledge, the expertise and the connections to be able to secure grants for us to purchase equipment and other things we may need to further the missions and mandates of the Chamorro Land Trust Commission. I hardly recommend that this Commission consider taking him on as a consultant.

Chairman Damian commented that there is a substantial amount of work that he is going to be responsible for. Before we even sign anything the Commission would have to provide input with respect to support, timelines of reports, short and long term plan for his tenure and then off course the specifics of the amounts that he is going to be contracted with. I endorse Mr. Jon Abrams because not only the task that he is going to be able to complete for us but that he certainly comes very well versed and very well connected with the pacific region land issues and the Dept. of Interior.

Commissioner Calvo commented that as far as the endorsement portion and the credentials of the individual from what I understand so far is that it is good and if he's got all that where he can get grants and things to help us out here, we need some people on that level. The bottom line is can we afford his fees?

B. Results of PALP work sessions

Chairman Damian commented that there will be a huge convention coming up in Palau in March 2006. It is an international convention of land professionals. The particular interest for us is the global positioning and the international satellites and what they can do for us at the Land Trust. The other issues that were very dear to us are the same kind of growing pains and issues that Palau faces.

The Administrative Director read excerpts from a letter written by the President of PALP to David B. Cohen, the Deputy Assistant Secretary of the U.S. Dept. of Interior, ..."Additionally and for the first time two officials from the Guam Chamorro Land Trust Commission, Chairman Delfin Damian and Administrative Director Thomas Elliott attended the meeting to offer their support for PALP activities and to established a vested interest in conference participation and assist with agenda development. The results of this planning meeting include the selection of Palau as the conference venue during the

week of March 13 thru 18, 2006. Designation of Palau community college for logistical preparations and ongoing conference activities and preparation of a technical assistance grant request through the community college for Dept. of Interior funding support of the conference. Especially encouraging at the current planning session was the interchange of management expertise between Chamorro Land Trust Commission and Palau Public Land Authority officials. Both organizations expressed strong support for conference participation with suggestions for presentations and round tables directed towards land tenure matters." They expressed their appreciation for everything that we have shared with them. There were a lot of common elements between how our Chamorros deal with land issues the same way Palau deals with their land issues as well.

Commissioner Calvo inquired if Dept. of Land Management was involved also.

Administrative Director commented that Dept. of Land Management was invited to the work session however they couldn't make it and they are in the communication loop.

Chairman Damian commented because we share the same land issues we are hoping that the Ancestral Lands Commission and the Dept. of Land Management will be able to join us in the conference.

Commissioner Perez inquired from the Administrative Director if he is anticipating sending some land agents to attend the conference.

The Administrative Director commented yes and it would probably be Desmond Mandell.

VI. PUBLIC COMMENTS

Robert Benavente (Rumbo) – Spokesman for Chamorro Nation - commented that from listening to all of the Commission members talk what they are saying is beautiful but the plan here that I am looking at is that many outsiders are being entertained rather than the mission of the Commission which is to give the Chamorros land. The price is not the same as we go forward for the materials to build a house. I already spoke to Tom here about the price to build a house. What are we waiting for, many of our people that are Chamorro on Guam are asking me, Rumbo I have already paid the $50.00 that I have paid since 19forgotten and that they going to leave the island. Are we going to wait for them to leave the island and then cough it up right now? From the beginning of the Chamorro Land Trust, we have fought for it for 6 months. It wouldn't appear if we weren't successful. I want the Chamorro Land Trust Commission to be successful in this category. For me there is a plan for the Chamorro Land Trust and that's the plan to give it out to the Chamorro people. If they say that it is inorganic so be it, take us to court and I want to see the American Congress chase out all the Chamorros on the land. That means that we are not Americans anymore. My point here is that the land is not for us, it's for our children that have not been born yet. I was talking to cousin Dave and I told him lets not do it for our interest, lets look for the ones that are born yet. That's our goal at the Chamorro Nation, that's our trust within the Chamorro Land Trust Commission. That we put that trust in you to make that commitment, that mission to be put out to the

Chamorro people because they are beating us. I don't come here to argue, I want to make sure that things do happen for the Chamorro people, that's my goal. The other thing is that we are entertaining a lot of outside vendors. If it takes for the Commission to do so, is it giving a lead way or loop hole to the other vendors to come in to Chamorro Land Trust so we the Commission could entertain them? Then in the future they are going to argue. Everybody is going to be entitled to this Chamorro Land Trust. Are we looking to that in the future? Because we already gave it away to the racing drag strip and right now it is Oka Point, what else? The Fisheye was the first one that came out. To me it was an insult and a slap to the Chamorro people. It is sad that there are Chamorros who need the land right now. Give it to them please because they are the one suffering more, us we have land and house. I know that all of you Commission members here have a house and land and the one that we are looking for are the ones that don't have a home. Here now our elders and brothers and sisters they are the ones that we are looking for. For me they say Rumbo, how come you did not apply for the Chamorro Land Trust? Because I have land, leave it for those who need it. I have a heart for our people I hope you guys got heart for giving for these people instead of exercising the rights of outside not including Chamorro Land including outsiders. I don't like to entertain that and if so if you are going to entertain it make a plan. I was looking at Hawaiian Rock, they already had a plan. I don't know if it was behind closed doors but I am assuming that they had a plan already to go about with Lot 5412. They have been down there, they have done their research already. What if they find oil or gold do you guys have that plan? I don't know if you do but if you don't please make that plan. How long is Hawaiian Rock going to stay there? That is the discrepancy between the Commission and the vendor. Which one are we supposed to entertain? What is our mission? Our mission is to give the Chamorro people the land to make them usable. The quarry in Lot 5412, yes they are dumping old cars. The person that is planning this is the one that put it there. We know who is planning Mangilao. He put it there and we the Chamorro Nation have always been challenging. How come Chamorro Land Trust didn't entertain that and put a stop to it? We together with the Chamorro Land Trust, hand in hand we will go through this with smoother ideas and more relaxation within our Chamorro people. Right now a lot of people are asking me where is the land that was promised to us? We gave the $50.00 and that is about 14-15 years ago and still we haven't gotten any and we are leaving the island. There is no land here. The land is getting smaller because the migrations are coming in. We cannot entertain the migrations coming in, we have to entertain our people before we even entertain anybody else. That's the Chamorro Nation's mission. It's to make sure that we are established first in this island which we call ours so we could help the people outside. That's the first thing, our mission is to make sure our people is being helped first. To me I like to support the Commission in doing this. I don't know if there is a program for dislocated tenants of the Chamorro Land Trust. Is there any kind of movement for that? Eviction notice for dislocation, is there any and if not why not? The question lies there because they have been building cement house and I've seen it happen and it is ongoing right now. Right now they are telling me that they are not moving out. Well that is not for them to decide. This is for the Commission to decide whether they are getting out or not. But if you are staying we will talk with the Commission, make sure that all the Chamorro people are entertained first before they do. The Chamorro Nation is awake again, if it takes for us to kill three birds with one stone so

be it. There is took much people on our island already. We're over expanding ourselves to the limit. Our resources over here are so limited, our water is so limited. I've worked with GPA for three years and we do assessment out there for water pumps and 27 wells has been down dry. Are we asking for another 100 because overwhelming? That leads back to the migration that we have to entertain our people first. Make sure that they do have the quality of the Commission under the Chamorro Land Trust. That's what our goal is. I'll leave it at that. We have to work together because the Chamorro Nation built this Chamorro Land Trust and I applaud you guys for doing something that is right. I hope you guys got plans for vendors like that, they made the plan for you not for you to make the plan for them. That's an insult to me and the Commission. I'm not saying I'm downgrading anybody's education here or what have you but I want to make sure that the Commission has a plan for this quarry and so forth ahead of time. When they come in make sure that is not $500 a month, make sure that it is $5,000 a month and let's see where they are coming from. You pull something like that they will grab it, why? Because it is a necessity for their business. And that's our goal, that your goal to make sure that the Commission has enough funding to make sure that all these people are having the programs to go inside the Chamorro Land Trust for housing development. I want a program in there to be established. To me and the rest of the members, that is what we are looking for. I hope to God that we stick together in this. I don't want to come back and protest against our people that's making the decision here. Close door, I just don't like closed doors. I promise you we will protest. To me I hope it doesn't come to that point. You're all my brothers and sisters and I want us to work together. The outsiders are laughing at us because we are fighting among each other. Please, let's get along.

Vicente Garrido (MagaLahi for Chamorro Nation) – If you look at the Inifresi and Fanohogue Chamorro good things would come. Like what Rumbo and Magahaga said, we support your decision but one condition that you as Commissioners defend and protect the Chamorro Land Trust Commission. That is the decision that we support you. The land within the Chamorro Land Trust, no it is not for the Americans or to be free land to be given out, no. Don't' forget that. Another, the secret meeting at the Governor's Office with the Chief of Staff, Duenas and George Bamba, we understand your intentions but we don't accept that kind of meeting. That is what I want to ask you Mr. Director, Tom Elliott, what is the intention of doing that because for me I thought that when they had the public hearing last week I thought it was over. But no, it is not over but the secret meeting. Good that we depend on you that you stand up and that you said that you did not accept what the English would refer to the out right bill. That is a dirty phase the outright bill. I don't know why they did that and it shows that there are dirty works from the upper level of the administration. We have already seen what GHURA wants and they want free and no strings attached on the deal. We don't accept that. On the Hawaiian Rock deal the two white men, please excuse my language I am not trying to be disrespectful, but we call them two white people because they are Americans. And it bothered me when you were done talking here those two were laughing. I don't' know why they are laughing but when I see those two in here they think that we are ignorant and stupid and that is why they are laughing. But it is like no big deal, like the English say. That is why the more I see, like Rumbo said the more these dirty deeds are being allowed then us the Chamorro nation we will defend and protect and if it is not for the

Chamoarro Nation we will not be here at this hour, the Chamorro Land Trust. That is all I am going to tell you guys, I respect all that you are doing but please like I said in the beginning the phrase Inefresi and Fanohgue Chamorro and lets not have the people from the outside tell us what is right.

Robert Benavente – The GHURA is asking or demanding I guess for lands from the Chamorro Land Trust Commission this is what my understanding is. What ever happened to the land grabbing in 1993 of the agencies that were given or grabbed from the Chamorro Land Trust Commission? What ever happened to those lands? Was it accounted for on that year or being subtracted from the Chamorro Land Trust? Because from what I know and I just talked to former senator Eddie Reyes he said to look into that because all of those lands has to be given back to the Chamorro Land Trust. Is that part of your assessment of how big the land is right now or is that all given back from the agencies or are they still keeping it in low profile? I don't like to say it but it is going to disappear to somebody. The question lies there, what ever happened to those lands? If so why can't one agency give it to GHURA which it has already been grabbed and give to GHURA until such time when the other agencies that gave lands who ever has financial to build their own government agency will have a chance. Let it breathe because all GovGuam agencies just don't have the money. Give it a breathing chance if there is a land grabbing lands still existing out there then use that. Not on what we got right now audited in this Commission. I will do further investigation on that and if any transaction going back to the Chamorro Land Trust I should know too.

Patty Garrido (Warrior with Chamorro Nation, President of Ancestral Landowners Coalition, former Deputy of Ancestral Lands Commission, former Commissioner of Ancestral Lands Commission and fighter for the Land Trust) – I just want to clarify what Rumbo was saying, are all the Commissioners familiar with what he has saying before lands were reserved for Chamorro Land Trust? That's a very good point. We don't want the Chamorro Land Trust inventory to end up like the Retirement Fund constantly being raided for whatever pet projects people in power might have at the moment. We will stand and fight as we have before occupying Adelup under two administrations, being taken to court. It matters not to us because what we are doing is just and right. No matter what the challenges are we have the strength to continue fighting. You may see only a few of us tonight but as you are well aware there are thousands and thousands of voices and supporters out there that will stand with us when the time comes if need be. I will combine my negative reaction to any outright conveyance of Land Trust lands to GHURA for the building of their office. If I am not mistaken this particular lot is also the original lot that was being planned for the building to house the offices of Land Management and then during the time I was here it was also to combine the land agencies which would have been Land Management, the Chamorro Land Trust and the Ancestral Lands Commission. As far as I am concerned if there would be no choice that would be my choice. Because when you consider what Land Management is going through and they have some of the most important land records there on constant threat of destruction because of the perilous conditions of the building and here with the Ancestral Lands and the Chamorro Land Trust Commission your paying an exorbant amount for rent so it would be for the benefit for all the land agencies to combine their resources and be under

one building. It would also be convenient to our people who have to do business with you. If it would be a choice I would prefer the original plan for the land agencies. I will not support any Chamorro Land Trust lands to be allowed for GHURA to build yet another beautiful facility. They can make do with what they have, they have the funds to go else where. As far as any of these other petitioners that came before the Commission tonight everything that you have should be public records now that it has been present at the public meeting. I am requesting a complete copy of whatever you discussed under GHURA both in your commissioner's package and when the minutes have been transcribed, documents regarding MPPI, the MOU in the past and present with Hawaiian Rock and documents on Jon Abrams.

Patty Garrido inquired if Mr. Abrams was hired as a consultant and if the position was put out to the public.

The Board confirmed that he was not hired.

Patty Garrido - To avoid any and all appearance of impropriety for any of you as sworn Commissioners to meet in any condition in secret to negotiate any of these MOUs or whatever it is that is coming before you, you absolutely cannot meet two or three or four together to make any decisions without it being put in a public setting, publicizing due notice so that the public is allowed to attend to be able to provide public comment. I caution you to that because we will also continue to monitor and I appreciate your conduct tonight. I appreciate that you are taking your duties and responsibilities to heart. I appreciate that even though because I as a former board member myself have opposed any obstruction to the exercise of my responsibilities as a former board member even to the Governor that appointed me to that position. We have to believe that when we are appointed to these positions they did so not just for political purposes but because they thought highly enough of us to make independent judgment. We need to carry that to the powers that be every time you trust me to make the right decision and you know that you are being coerced or put in a corner to make a decision where in your heart is not right I admire that you are willing to stand up to what you believe in because if you don't we will make you do it as Nasion Chamorro. I will officially go on record to request all of these documents in your package tonight. On behalf of Nasion Chamorro one copy would be sufficient. It could be give to MagaLahi and we will make copies ourselves to share among our members for discussion and future participation. I thank you and congratulations for your good work and I am hopeful that you get that fifth commissioner because there may come a time in the future you are going to need that one more person.

Commissioner Calvo commented that since we got on Board we are called the clean up committee. There are going to be some problems that we are going to have but whatever we do here we have never had closed door meetings. I want to make that clear. I don't believe for one on closed door meetings. Whatever information you need as part of the Commission member and I'm sure the rest of the Commission would agree at any given time Mr. Elliott would assist you to that portion. There is nothing here for me to hide. Sometimes we have to look at the other side too and there are times we may make a decision that you may not agree but there is a worthy cause on that too. What the

decision made on the Commission error for whatever the purpose it could be for the benefit of the community, it will benefit also the Chamorro Land Trust in some way or another. I just want to make sure that with this Commission at least for my part and I'm sure with the others that we have nothing to hide here. I am going to try my best for whatever timeframe I have here. There is so many things that we can't promise and there are things that's going be huddle.

Patty Garrido – When I was staff member after I stepped down from the Board I felt I earned the right so that I was the only staff member that was allowed to admonish my board but my admonishment was that I was the reason they could sleep at night.

Antonio Sablan – I understand the hard work and I'm wondering if you are being compensated. I respect and thank you all for all the work you are doing. This is all I am asking you guys and I know also that there are times when it is necessary for you to make a decision but you have standing orders from other places. I understand the pressure. Even with my own Commissioners at the Ancestral Lands there are a lot of times when we lock antlers. Continue forward with your work. This is what I am hearing from my three brothers here that they don't like to hear that they will be given fee simple title to another entity. It is much worse when the entity is GHURA because I know that GHURA has helped our people. There are a lot of outsiders that GHURA has helped also. Here now the long term leasehold we will still hold the title and our children in the future can still take back the title. I just don't want to be landless on our island in the future. This is something new for you to consider, I know the Chamorro Land Trust entertains commercial leases. At the Ancestral Lands Commission there is a land bank. All of a sudden we have this huge amount of supply both coming from the Ancestral Lands land bank and the Chamorro Land Trust. We are competing with the private sector out there. If we coordinate these things together with the Ancestral Lands land bank and the Chamorro Land Trust I think it's a win-win approach. If we could approach it instead of you guys doing your stuff and the Ancestral Lands is doing their stuff on the other side. It seems like both of you are going to lose. Could I encourage you guys to have a dialogue starting with the Ancestral Lands Commission especially the land bank sector. Approach the supply and demand. We know the principles of the economy where if there is a lot of land out there in the market, you're going to get bottom rock prices. If there is less preserve you determine that so much land is earmarked for the Chamorro people. Gear in that drive towards the Chamorro people and have this certain amount of land to generate that income or whatever to benefit the Chamorro people then you reserve a lot more land that is going to be available for the commercial entity out there. The Ancestral Lands Commission for example has the Polaris property and people are running in there trying to build parking space for temporary storage for the broken cars that are going to be shipped out. They are offering the Commission $500 a month? To me that is M-1 property, I can show you property in the heart of Chalan Pago that I got a contract for $2,000 a month per acre. How could something next to commercial port be $500? How could somebody buy quarry land like for example over at the Raceway Park for something like $50 per acre per month and then they enter into those kind of deals when I am getting $500 dollars and all you could do is build a house. Is there an abundance of inventory that somebody doesn't know what to do and I am talking here about the Ancestral Lands

Commission and I hope that you guys are not competing in the same wrong direction. I just want to bring this up to light to control the inventory from being available out there and then it would really control the demand for prices.

Commissioner Matanane commented that as far as the Hawaiian Rock request whatever previous agreement they had was done. The request now is for another quarry. That's the reason why I asked them what are they going to extract from the property and we will be receiving royalty.

VII. NEXT MEETING DATE

None scheduled yet.

VIII. ADJOURNMENT

Meeting was adjourned at 7:37pm.

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