Chamorro Land Trust Commission

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

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

REGULAR BOARD MEETING AGENDA
Guam Ancestral Lands Commission Conference Room, Anigua
February 8, 2006; 4pm

I. CALL TO ORDER

II. APPROVAL OF MINUTES (January 4, 2006)

III. OLD BUSINESS
- A. Draft RFP – Update
  - 1. Ypao Point Development
- B. Survey Requests – Status
  - 1. Danny H. Jackson – Final
  - 2. John E. Finona - Supplemental
- C. Request for larger area – KGTF Antenna Site

IV. NEW BUSINESS
- A. Inadahen I Lina'la Chamoru
  - Ann Marie Arceo, Ge'helo'
  - Request for Cultural Facility @ Ypao Point
- B. Global Recycling
  - Daniel Chu/Joe Morcilla

V. DIRECTOR'S REPORT
- A. Revenues and Expenses for December 2005
- B. General Advisory
  - 1. Priority Placement Program
  - 2. Audit 2005 – Corrective Measures Progress
  - ~~3. Subdivisions Assessment~~
  - 4. Adacao School Site
  - 5. Regional Land Conference Update

VI. PUBLIC COMMENTS

VII. EXECUTIVE SESSION

VIII. NEXT MEETING DATE

IX. ADJOURNMENT

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(Kumision Inangokkon Tano' Chamoru)

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COMMISSION MEETING MINUTES
Guam Ancestral Lands Commission Conference Room, Anigua
February 8, 2006

I. CALL TO ORDER

Meeting was called to order at 4:17pm by Chairman Delfin Damian. Present were Commissioner Annie Perez, Commissioner David Matanane, Commissioner Oscar Calvo, Legal Counsel Luis Littlepaige and Administrative Director Thomas Elliott.

II. APPROVAL OF MINUTES (January 4, 2006)

Commissioner Matanane moved to approve the minutes of January 4, 2006 subject to corrections. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED.

III. OLD BUSINESS

A. Draft RFP update – Ypao Point Development

The Administrative Director commented that he had made some recent amendments on the RFP and a preliminary timeline. As to the recent amendments it falls under Section III of the draft RFP under the Master Developer Responsibilities, paragraph 6 which reads "upon selection, as master developer by the CLTC, submit to CLTC a good faith deposit of $100,000 or a performance bond in such an amount as to assure performance by developer and/or to insure the CLTC against anticipated or unanticipated delays, costs or liabilities arising through non-performance by master developer.

The Administrative Director inquired if Legal Counsel had any comments on the language.

Legal Counsel Littlepaige commented that the amount of the performance bond is low considering the amount of work that you would like done up there. The performance bond is not going to cost them that much and they would probably be willing to put up the $100,000 and I think you should ask them for a higher performance bond.

The Administrative Director commented that it is a good faith deposit or a performance bond.

Legal Counsel commented that they would more than likely go with the performance bond because it would cost them less and not tie up $100,000.

The Administrative Director commented that it was originally at $50,000.

Chairman Damian commented that we will take Legal Counsel's recommendations to heart and take up discussions on the matter. If it merits we will look at the anticipation of increasing that amount before we actually send the RFP out.

Commissioner Matanane commented that the AG mentions that they will go with the performance bond because it is only 10% of what ever the amount it is.

Commissioner Perez inquired if the Commission can eliminate the performance bond and just settle with the $100,000 cash deposit.

Chairman Damian commented that it is an option for us. One of the reasons for the performance bond part of the course that whenever you're putting these types of projects but certainly I don't think there is anything hindering us from changing and just sticking with a set amount so we will be able to do something like that.

Commissioner Calvo commented that he agrees with the other Commissioners and inquired from Legal Counsel if $100,000 is adequate.

Legal Counsel commented that he would have to look at other building construction sites to actually give an opinion on that. You're looking at the performance bond to primarily go to be paid to the Land Trust Commission and lots of time is that the performance bond for constructions is set up to be paid to ensure that the contractor doesn't back out and the money doesn't necessarily come to the person.

Commissioner Calvo commented that the performance bond is basically if they fail or what ever cash flow that they do not come up with that's where the performance bond comes into place.

Commissioner Calvo commented the option of having the performance bond is that in due process that somewhere down the line they back out then that performance bond whatever the balance is that they put in but we will have the $100,000 from them anyway to begin with.

Commissioner Perez commented that the first Ypao Point development process was a loss to the Commission because there was no deposit at all and then the developer backed out.

The Administrative Director commented that we could increase the good faith deposit amount to a level that is more commensurate with the type of development or we could include language associated with the performance bond that will be more specific perhaps a percentage of the total development cost that would be estimated.

Commissioner Perez commented that it is important that we have that in writing so that they know exactly the options that they have and if they choose to get the 10% then we are looking at the total value of what they are looking at. They would probably just say that they would go with the good faith deposit of $100,000 than to give 10% of the value of the whole project.

The Administrative Director commented that we don't want the developer to look at this particular amount whether it's at the percentage of development cost because they may try to bring down the development cost or perhaps take shortcuts in development of the property.

Commissioner Perez commented that she doesn't think that would be necessary because that's the reason why we are going to have a taskforce to make sure and assure the Commission that they are going to follow the guideline of what the development is all about not shortcuts.

Chairman Damian commented that we then have an option of continuing the language on paragraph 6 with respect to the cash faith deposit or the performance bond with stipulations to include what ever percentage based on the numbers that are going to come in on the developer. We would need to take a vote on that or we can have the Administrative Director look into what kind of percentage and language can be inserted into paragraph 6 of the RFP.

Commissioner Calvo commented that we should stick with the $100,000 deposit and the option for the performance bond that it be 10% of the value of the project. But the initial $100,000 will be deposited to the Chamorro Land Trust. Even if they decide to go with the performance bond the $100,000 is not going to be touched.

Commissioner Matanane commented that we are asking for $100,000 up front to be deposited to CLTC with no refund and the performance bond would be a part before construction starts.

Chairman Damian inquired if the Commission is in agreement with item 7 with the fee of $500,000 for the developer to actually going into the project. This is also based on the taskforce's recommendation. Once the taskforce is rejuvenated we can see them following suit on the $500,000 fee.

Chairman Damian commented that the fee is going to be used as part of the rent for the first few years and we will spell that out in the actual contract when we sit down to negotiate the breakdown or amortization of the $500,000.

Commissioner Perez recommended that the Director and Legal Counsel meet and do some fine point with respect to the money issues. We can give Legal Counsel the opportunity to research if this is legally fitting to our developer so that we don't have to re-enter it.

The Administrative Director commented that the discussion on these issues also affects the timeline as well. The Director was looking at a publication date of no later than February 13, taskforce activation by March 23, submission deadline of March 24 and bid opening on March 28.

Commissioner Calvo commented that there should be specific timelines for the developers to submit the $100,000.

Chairman Damian agreed and it will be noted once the Commission has identified who the award goes to.

The Administrative Director commented that he had forgotten to include a pre-bid conference for all the interested developers which would take place after the publication date.

Legal Counsel commented that the Board may need to clarify for anyone who submits where it talks about the $500,000 being applied to the annual rent on when does the rent begin?

The Administrative Director informed Legal Counsel that he can discuss that with him and that this is a two facet project where we have a ground lease and a development agreement to negotiate.

Chairman Damian commented that copies of previous documents can be provided to legal counsel for his review of what had transpired.

B. Survey Requests Status

1. Danny H. Jackson - Final

The Administrative Director advised the Commission that the mapping for Mr. Jackson's lease is nearing its final approval stage. The initial survey fee was invoiced for 5 acres and that was paid in full in the amount of $4,900. At the Board meeting on January 4th the acreage was increased from 5 acres to 7 acres and there will be an additional charge however the Director was unable to secure an invoice from the surveyor for the additional charges. The Director was told verbally that the fee would be approximately $1, 400 for the additional 2 acres inclusion of the survey.

2. John E. Finona - Supplemental

The Administrative Director commented that on September 6, 2002 John Finona had signed a lease for 3 acres on Lot 7150. One year later in 2003 a Mr. Benavente signed a lease for 1 acre on Lot 7153. It wasn't until June 2004 when the Land Trust realized that the lot number occupied by Finona was Lot 7153 and not Lot 7150 which was indicated on his lease agreement. Lot 7153 is an unregistered parcel however there are several Land Trust lessees on the property. Mr. Finona was misplaced by this mix up created by the Land Trust staff where Mr. Benavente was placed on the area where Mr. Finona previously occupied. The Director's recommendation is perhaps the Land Trust Commission can award 3 acres on a portion of Lot 7150 or another area agreeable to Mr. Finona. Although Mr. Finona was given a lease outside of time and date for the wrong lot we do not have evidence that he had paid a surveyor to cut out his lot. The Director's best determination based on information in file and interviews with the Land Agents and all parties involved, Mr. Finona voluntarily relinquished the area he had been taking care of based on this evidence and unless Mr. Finona has additional information that would suggest further consideration, the Director cannot recommend that the Commission approve his request that the Commission pay for the survey fees.

Commissioner Matanane inquired from Mr. Finona on how did he acquire the property from Pedro Cruz and if he has any relation to him.

John Finona commented that they were ranching together before he passed away. What had happened was when he actually past away he took care of the property.

Commissioner Matanane inquired if he had applied for Chamorro Land Trust property.

John Finona commented yes.

Commissioner Matanane inquired from Mr. Finona on how much acreage was he asking for when he applied and to compare it to what Mr. Cruz had been utilizing.

The Administrative Director commented that the Commission's records does not indicate Mr. Pedro Cruz as a Land Trust lessee. He was under the Land Use Permit program.

The Administrative Director commented that Mr. Cruz and Mr. Finona had been farming on Lot 7153.

Commissioner Matanane inquired on how much acreage did Mr. Cruz have.

John Finona commented that it was about 3 acres.

Commissioner Matanane inquired if what Mr. Finona is asking for is to take over what Mr. Cruz had.

John Finona commented yes.

Commissioner Matanane inquired on how much acres did Mr. Finona apply for.

The Administrative Director commented that Mr. Finona signed a lease for 3 acres on Lot 7150.

Commissioner Matanane commented that he just wants to clarify this because if he is taking over Mr. Cruz's lot he still has his other application that he had submitted. We have to coincide each application now that he is taking over this particular property and that his timeline is moving up, we are moving him up because he hasn't gotten his piece of property that he had applied for. We need to make sure that we don't come upon Mr. Finona again asking for 3 acres because he had applied for 3 when we come to his name. How do we justify that now? I guess Mr. Finona has to give us an affidavit that he had been farming that piece of property and that he would have known already all the boundary lines. Had Mr. Cruz surveyed the property already?

The Administrative Director commented that Mr. Cruz does not have an application with the Chamorro Land Trust Commission. He was occupying Lot 7153 as a Land Use Permittee under the old arrendo program through Dept. of Land Management.

Commissioner Matanane commented that what he is worried about is Mr. Cruz's family on who is his next of kin who would want to take over.

Chairman Damian commented that the arrendos come under the Commission's inventory and once it does become under the jurisdiction of the Trust certainly with respect to policies and provisions of law, Mr. Cruz's family is entitled to take over that particular property and not Mr. Finona. However if there is no claim from Mr. Cruz's family then this Commission has the authority to have Mr. Finona take over the property and also to relinquish his original lease under the Chamorro Land Trust since he is going to be occupying the 3 acres. We need to first clarify the issue of whether in fact any of Mr. Cruz's family is going to be filing for any claim for continuation of that lease. If there is none and we have received official notification then this Commission will need to go back and review and make a decision whether to continue the use of Lot 7153 by Mr. Finona.

The Administrative Director commented that by law we cannot issue a lease on unregistered land. Lot 7153 is unregistered. The confusion here began when the Land Trust had Mr. Finona sign a lease agreement for Lot 7150. He was not on Lot 7150 but on Lot 7153. The issue is not Lot 7153. The issue is a clerical mistake that occurred which Mr. Finona was relying on as fact. When in fact he believed he was on Lot 7150, he was not. That is the issue. He had a lease agreement on Lot 7150 and was never on Lot 7150. He was not aware that he was on Lot 7153.

Commissioner Perez commented that it is an unregistered land yet two people, one is occupying it by mistake and another one is issued a lease. How is that possible for an unregistered property to be issued to a Land Trust lessee?

The Administrative Director commented that he does not know the answer to that.

Commissioner Perez commented that the problem we have here is two people are going to occupy the same property.

Chairman Damian commented that the issue of the unregistered land is something that can be fixed and the issue still is who has first right to the property even if it was unregistered. The Land Trust Commission would need to take a look at amending some of the mistakes it has made regarding theses issues.

Commissioner Matanane inquired from Mr. Finona on what is his relation to Mr. Pedro Cruz.

Mr. Finona commented that his father-in-law, George Flores, is the one related to Mr. Cruz. This is how he got involved with Mr. Cruz.

George Flores informed the Commission that Mr. Cruz is his relative. We talked about the land that used to be arrendo so when the old man passed away we've been cleaning the area and removing all the boulders so I told John to take over because there is already water and power. The Land Trust made a mistake and gave John Lot 7150.

Commissioner Matanane inquired if Pedro Cruz is Mr. Flores's brother.

George Flores commented that he is his cousin.

Commissioner Calvo commented that if Mr. Cruz was living all that time on that lot and Mr. Finona now that he wants to claim it, it took for Mr. Pedro Cruz to die to find out where the mistakes were? It is ironic that it was property that was occupied that was a wrong lot number but coming back does the original family of Pedro Cruz the one who died, does he have any nieces or nephews that are close relationship who have interest in this piece of property? Technically they have first hand on this property and it is unfortunate but that is the way the law is written. If one of the families of Pedro Cruz comes forward to take claim and we award that to you this is where we are going to have a problem.

Chairman Damian inquired if the Administrative Director's recommendation is to move Mr. Finona to another parcel if he so agrees.

The Administrative Director commented that we can help Mr. Finona. We can find an amount of land up to 3 acres but he is requesting to be placed back in that same area. That is not a workable solution because it is going backwards not only for the Trust but for Mr. Finona as well. It is best that we relocate him elsewhere without of course having him sign a declination of municipality which is what is required from people who request for relocations. Mr. Finona is also requesting that the Chamorro Land Trust Commission foot the bill for the survey cost.

Chairman Damian inquired on Mr. Finona's thoughts of being awarded another parcel somewhere near the area of Lot 7150 and if there were buildings on the lot.

John Finona commented that he had already been cleaning and maintaining the place for so many years. He had put a kitchen there and everything already and to relocate him, everyday he has worked that land.

Chairman Damian commented that we are bounded by law that specifically states that based on Mr. Elliott's investigation into this scenario that we cannot number one include you on unregistered land, number two even if you were on registered land we cannot give you first crack at the property because the law is very clear that the lease is to be continued by immediate family. The third problem is because of your time and effort there we realize how much time and effort you have put into this property perhaps we're asking that you may be in agreement to relocate in that same lot outside of the immediate area but awarded the 3 acres and certainly because of the mistake that the Land Trust has made that I don't know if we have a problem with the Commission voting to pay for the surveying of the property. That is up to the Commission to decide if you want to relocate.

Commissioner Perez commented that Mr. Finona is requesting a survey fee and would like to know what is the expense of your survey? That was how many years ago that Mr. Cruz had the property and when was the survey done that you determine that now that the Commission has to pay for that survey. If you've been using that property when was the property surveyed?

Commissioner Calvo commented that what is holding us here is the law.

Commissioner Matanane commented that Mr. Finona's application was received on September 28, 1998 and inquired from the Director on what date is the Commission on.

The Administrative Director commented that we are on December 4, 1995.

Commissioner Matanane commented that Mr. Finona would have to wait until we reach his application date. There are other people who applied before him.

Chairman Damian commented that the law strictly prohibits the Commission from awarding this property to Mr. Finona. With respect to that particular property we are unable to provide you the continuation of that property for you to continue occupying due to law. There are other avenues available. You're welcome to speak with Senators involved with land issues and other areas and other Senators who would be able to look at it and perhaps make some amendments to the law. Right now this Commission by law cannot award your continuation on Lot 7153.

Legal Counsel commented that he does have a lease signed for Lot 7150 and that is one of the recommendations is to award him that. He is entitled to that under the lease. Basically you can't displace him altogether because he does have a lease so the question is primarily for the Board at this point, is he going to pay the survey cost or is the Board going to pay the survey cost. He does have 3 acres on Lot 7150. He is not entitled to Lot 7153.

Commissioner Perez commented that is not the property that he is claiming that they surveyed, it is Lot 7153.

Legal Counsel commented that it is already determined that the Land Trust cannot award him that. He does have a claim to Lot 7150. Now it is a matter of if he wishes to pursue that and whether or not if he does if he can be shown that and then determined on who pays for the survey.

Chairman Damian informed the Mr. Finona that the solution to this is for him to be able to agree to the new area that the Commission would like for him to look at and if he agrees then the last thing that the Commission would need to decide is the paying of the surveying.

John Finona commented that in regards to the unregistered land the law states that a person cannot have unregistered land then why did the Commission approve two families right now who are on his land?

The Administrative Director commented that he has no idea why or when that was done however it is the policy of this Board to comply with the law and not to approve leases on unregistered lands.

John Finona Sr. inquired on what about the two people who are occupying the property now. Is the Commission going to relocate them because it is unregistered?

Chairman Damian commented that the Commission will send its land agents to take a look at it and whatever is prescribed by law is what we have to continue with.

John Finona Sr. commented that two Land Trust agents showed him the place where Lot 7153 is.

Commissioner Perez recommended that since this is unregistered property yet Mr. Ken Benavente was issued a lease is there a possibility that the Director meet with Mr. Benavente so that this has to be cleared up. If the Finonas are to be asked to be relocated then what about the Benaventes? If the property is not going to be given to the Finonas then why is it going to be giving to the Benaventes?

Chairman Damian commented that there are steps already in place which would either be relocation or registering of that property.

The Administrative Director commented that with respect to Lot 7153, it is not just Mr. Finona and Mr. Benavente who are on that lot. There have been several leases executed for Lot 7153 and the Commission may have to relocate them.

Commissioner Calvo acknowledged that Director Joseph Borja from Dept. of Land Management is present and inquired on the possibility of the Commission registering the property.

Joseph Borja (Director, DLM) commented that they had already started that with the Land Trust Director who had given them a list of the top 3 properties that are scheduled for land registration. One in Umatac, one in Dededo and this one. There is a total I believe of 11 unregistered parcels in the Land Trust inventory. Several months ago we started that. We do have a couple of problems on that one of course is that the Dept. of Land Management and the Attorney General's Office are the only ones that can register Government lands. The Commission's Director has been in contact with Speaker Forbes to allow the Land Trust Commission to be a part in initiating land registration procedures.

Commissioner Calvo inquired on what legal counsel thinks about the issue.

Legal Counsel commented that he doesn't know anything about that.

Chairman Damian informed Mr. Finona that he will need to make a decision regarding a relocation on registered land or await the official documents from the AG's Office and Dept. of Land Management in order for you to continue with Lot 7153. In the meantime we are going to have to wait and let the legal process go through its motion before we actually make communication with you regarding either relocation or awaiting the decision from the two agencies.

Commissioner Perez inquired if the Commission can put Mr. Finona at peace if we are awaiting for the determination of that land to be registered and whether to give Mr. Finona that property. After we dish out all the applicants under the same property can we as a Commission, I don't want so many people to be displaced and especially if that's where Mr. Finona is now residing, I wouldn't want Mr. Finona and his family out on the street because they are displaced at this point. Can we as a Commission give him that time to stay until because this is a mistake from this Commission? I think we need to have some apathy about

this individual person. We can't just kick him out of the property and go out on the street at this point. I think that is why they are here to have some assurance from this Commission whether to be kicked out tomorrow or right after this meeting.

Legal Counsel commented that he will look into the procedures of registering lands but it is not his job to clear them out.

Commissioner Calvo clarified from Joe Borja that if the AG's office makes the clarification of registering properties that the Dept. of Land Management does not have any problems.

Joe Borja commented that we had already started the process with Mr. Elliott in identifying the lands. The lots have already been mapped out The problems we have is that the maps are more than 10 years old. The data has to be recertified and that is not really a problem it is the initiation of the land registration procedures.

Commissioner Calvo inquired on why does the AG have to play a role in that.

Joe Borja commented that the AG is the officers of the court that will file the pleadings to register the lands. It needs to be done by an attorney.

Chairman Damian commented that as far as Mr. Finona is concerned this body will need to give its approval for the continuation as subject to the Attorney General and Dept. of Land Management's work on registering the land.

Commissioner Matanane made a motion to continue Mr. Finona's continuation until the lands get registered and also to allow the other applicants to continue their leases on the property. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED.

John Finona commented that in regards to his lease, the two families that are placed there, is there any way for the Commission to hold those two families until this situation is resolved?

Chairman Damian commented that no one is going to be displaced until we resolve the issue with Dept. of Land Management.

John Finona commented that right now they are destroying the property, the plants and all that.

Commissioner Calvo inquired on when was the last time he was on the property or how long since Mr. Cruz died, have you been cleaning it up?

John Finona commented yes.

Chairman Damian commented that the motion is to continue the issue until Dept. of Land Management and the Attorney General's Office go through the proper proceedings of registering the lands. Until such time the motion is for the continuation of status quo.

C. Request for larger area – KGTF antenna site

The Administrative Director commented that KGTF TV12 previously requested the use of 1 acre at Barrigada Heights antenna site and re-establishment of a translator station in Merizo during a board meeting on December 1, 2005. At a site inspection with CLTC staff and Dept. of Land Management the client is now requesting the remaining area of approximately 6,206 square meters of Lot 10-R2 in Barrigada. As previously reported, the Merizo station was abandoned after Typhoon Pamela in 1976 due to damage and lack of funding. Use of this site would allow KGTF to extend its broadcast signal to southern areas. This lot is currently available and there are no impediments. In this particular case I believe the applicant is requesting for the larger area at Lot 10-R2 in Barrigada and my recommendation is that we approve both licenses in accordance with all applicable rules and regulations at the standard rate of 12% per annum.

Johnny Sablan (Assistant General Manager, KGTF) is here to ask the Commission's approval and authorization for a commercial license for the entire lot of Lot 10-R2. When we did the field site inspection a couple of days ago it felt that to sever the lot for 4,000 square meters which you originally had approved for us, Mr. Joe Borja, Director of Land Management looked at the site and felt that we would probably have a small area after severing that would be basically useless. While in the sense we would have to create an easement on that unusual irregular lot. Mr. Joe Borja is here to talk about that on our behalf.

Joe Borja (Director, DLM) – What KGTF is looking for really is a usable area. The area is actually 6,000 square meters now, if you were to cut off 4,000 square meters you probably would end up with a landlocked area so you would have to provide a minimum of 15 foot access easement for the lot in the back. Part of the area is leased out to HafaTel and another area has been occupied by Communication Specialists under very suspicious circumstances. This is involved in litigation, the owner of that company was the nephew I believe of a former Director of the Land Trust whose wife also worked for the Land Trust during the summer and somehow the records could not be found for any lease on the lot. The company is Communication Specialist who was involved in a bombing in Saipan. Also if you were to cut off the 4,000 square meters you have two serious encroachments. One of the antenna tower has guide wires that extend down to another lot so the reality is a portion of the lot would probably not be usable to KGTF. The other issue that you have here is the speed of the survey. If you were to approve the 6,000 square meter request, all the surveyor would have to do is to come in and relocate the points and you've got your map. If you sever the lot, it has to go through the Land Management approval process. You can't create a lot that is landlocked and you can't create a substandard lot in that area. The severance map would probably take at least two months on the fast track to get approved. I think KGTF probably needs it, I think their license is up for renewal at Washington D.C. now. Again, if the Commission grants the 6,000 square meters, the entire lot, the only thing the surveyor needs to do is to retrace the points and confirm it on the map that already exists and show KGTF where their boundaries are. If they have to sever it you have to go out and do field surveys and bring that back to Land Management, get it checked, if everything is not correct give it back to the surveyor and who knows how long that will take. You have that speed issue. The access easement, if you cut this lot out in the back, again you would have to provide an access easement. As built conditions have guide wires coming down into the property. The left over portion would have to meet the minimum lot area for that size as well as access.

You could create a pan handled lot but you would have the problem with the guide wires extending down. They are not really asking for a larger lot, they are asking for 4,000 square meters of usable land that they need. The other concern is how fast can they get the map. If it is a severance map through Land Management it is a full blown survey whereas if it's the entire 6,000 square meters it is basically retracing those points, there is already a map for this lot and showing it to KGTF on the where the boundaries are. Secondly of course is the speed, the easement, the lot creation, it can't be a landlocked lot, it might be a substandard lot so those are issues that they would have to live with to cut out the 4,000 square meters. Maybe the Commission can approve the 6,000 square meters conditionally with advice from Legal Counsel.

Commissioner Calvo commented that if the Commission was to approve the 4,000 square meters, how much of a landlocked of the land be usable?

Joe Borja commented that it would probably be a maximum of 2,000 square meters but we have not done any calculation as to what the 15 foot access easement encompasses. It might be 300 or 400 square meters.

Joe Borja commented that when he was at the Land Trust 6 years ago one of the occupants situated on the area is illegal. They actually went onto the property without any papers.

Commissioner Calvo inquired if they are still there.

Joe Borja commented yes, there are a couple of 40 foot containers and two antennas. Land Trust staff informed him that this is under litigation and referred to the Attorney General's Office. The area is occupied by Communication Specialist who is out of business and the owner I believe is incarcerated.

Commissioner Calvo commented that if they are out of business then who ever is there shouldn't be there at all. If they have occupied that piece of property all this time illegally I don't see why we should not terminate them for that matter.

Commissioner Calvo inquired if Legal Counsel can follow up on the status.

Legal Counsel commented that he can follow up on it and it sounds that there is an unpaid lease at the very least here.

Commissioner Perez commented that if we do award KGTF the 6,000 plus square meters, would that encroachment, when that is done, are they subject to be moved away from where they are encroaching?

Joe Borja commented that the company that occupies this is defunct, they don't operate anymore.

Commissioner Perez commented that if KGTF is awarded would the guide wires be an interference for your use of the property?

Johnny Sablan commented first of all that's really an engineering question but after discussing it with my chief engineer, yes it would be a problem with us because we would probably do the same thing and we would need the space. That's why having a zigzagged lot like this we are trying to locate the most usable area. Unfortunately if was severed smaller than that we would be encroaching in other areas too when we do the guide wires. We are looking at building about a 100 foot high digital tower.

Joe Borja commented that there was also another "encroachment" on the property. There are 5 sections of 20 foot antennas and about 10 sections of metal pipes. I can't speak for the engineer but when they were looking at it they seemed to think that it might be usable. It's in fairly good condition and I believe this was abandoned by KStereo if I'm not mistaken. According to the engineer the antennas are usable so that would also clean up the area.

Chairman Damian commented that we do have one slight problem here and that is the guide wire from the encroachment parcel and unfortunately that is under litigation right now so we have to look at what steps we could take. One of those being to actually go out and remove those guide wires in order for you to have a clean slate of that property. The second option is to take the 6,000 square meters with the guide wire in there and have it removed once litigation or an opinion or a declaration has been made on the legal side of things. The reason why I bring that second option out is to be able to move this licensing forward that you may be able to start work on it once the documents have been settled. That would be one set back to this property right now is that particular guide wire there and I believe your engineers are going to be looking at assessing and have made some initial assessment on some of the equipment that is there now. I believe those are options right now, you're welcome to wait until litigation takes place or you're certainly welcomed to take it as is with the understanding that once legal steps have been taken and when we get a legal declaration we can remove those guide wires so that you could continue.

Legal Counsel commented that there may be a problem legally in removing the guide wire unless you're removing the entire antenna because we are looking at the next typhoon and it might not have good support on it.

Commissioner Calvo inquired if Mr. Sablan is willing to take it.

Johnny Sablan commented that he believes that he could make that decision on behalf of his general manager after discussing if you are giving us the whole part of the land and then that way we can identify a more assessable area until such time. We'll take option 2.

Commissioner Matanane inquired from Mr. Sablan if they have 4,000 square meters already leased out to KGTF? Are we entertaining a new lease agreement? Or is this an extension of 2,000 square meters just to get the access?

The Administrative Director commented no and that it is a request for additional acreage from the initial 4,000 square meters request.

Johnny Sablan commented that there is no lease at this time and they are just asking for an amendment to size after they had conducted a field inspection.

Commissioner Calvo commented that he wants KGTF to understand that there may be litigation in the future with respect to another company that had been utilizing the area.

Johnny Sablan commented that he understands option 2.

Joe Borja commented that previously KGTF had given approximately 4 hours of live air time to the Commission to explain its program through KGTF.

The Administrative Director inquired from Mr. Sablan if he can assure the Commission that no other entity piggy backs from their antenna.

Johnny Sablan commented that they would like to have the opportunity to also have KPRG another non-profit public radio station that they are looking for an antenna site and if they could be with us also.

The Administrative Director commented that he was referring to commercial entities.

Johnny Sablan commented that at this time no.

Commissioner Calvo commented that this is a government entity and if you start piggy backing someone they we are going to have to start charging them.

Johnny Sablan commented certainly you can put that condition in because they are trying to raise funds and that's their main operations cost. Please do not restrict us from carrying commercial and just include that in our negotiations that should we carry them then a certain fee would be charged by the Commission.

Commissioner Matanane made a motion to approve the entire square footage request by KGTF subject to some of the litigation regarding the encroachment issues. Commissioner Calvo seconded the motion. There were no objections, MOTION PASSED.

Chairman Damian requested that the Administrative Director makes sure that the point with respect to other entities piggy backing is taken care of.

IV. NEW BUSINESS

A. Inadahen I Lina'la Chamorro – Ann Marie Arceo, Ge'helo'

Ann Marie Arceo – Thank you for giving us the opportunity to present our proposal. We are here to present the Inadahen I Lina'la I Kotturan Chamoru and the Hurao Cultural Camp inetnon famaguon. Before starting with my testimony I would like to call up some distinguished people. Ben Garrido (Ma'ga Lahi for Nasion Chamorro) he helped fight for the Chamorro Land Trust enactment, Attorney Mike Phillips who defended the creation of this Chamorro Land Trust Act and our Commission and Mayor of Sinajana Roke Blas. They are here to support what we are asking for our children.

My name is Ann Marie Blas Arceo, President for the Inetnon Para I Inadahen Kotturan Chamorro, a non-profit organization here in our community. We are here today to plead to the Commission that consistent with the mission of the Commission to insure that lands are available for our indigenous Chamorus for generations to come, we feel, that a part of that mission is the need to protect an essential element to our identity which is to perpetuate our peoplehood through the education of our children with our Chamoru language and culture. We firmly believe, ,that land, culture and language are all essential elements that identifies who we are as Chamorus. The organization that I represent here today are comprised of many Chamorus, whom the community considers, masters in their own fields. We have Chamoru language teachers, traditional weavers, wood carvers, traditional jewelry makers or body ornamentation, painters, and an array of various artists, talaya makers, writers and authors, traditional chanters, dance instructors, fishermen, instructors in medicinal herbs or suruhanas, hut builders, instructors in traditional cooking, stone carvers, farmers, crafters, instructors in indigenous plants, metal and tool makers, instructors in traditional celestial and navigation and proa experts. All of these people here today have had the opportunity to be ambassadors for Guam in activities abroad such as the Festival of the Pacific Arts or Festpac, Saipan's Flame Tree Festivals and the Guam Micronesian Island Fair, and other exhibitions and festivals held here in Guam and abroad. These are just some of the many other experts and artisans that have conceptualized the idea that all these bodies of knowledge should be brought together to one location for the purpose of showcasing and teaching our indigenous children, the community and tourists about Guam's true culture. A truly living and vibrant Chamoru Cultural Center. Becaue of this passion to find ways to pass on what we have left of our culture, I too, took on the challenge of personally piloting the Hurao Summer Camp last summer with the blessings of the Mayor of Sinajan as the main sponsor of the program. And in that, the all day curriculum consisted of applications in all aspects of our Chamoru language and culture. No words can express the success and gratification that the children, the parents, the teachers, the manamko, the artists, the staff and the community at large experienced last summer. Forthcoming, I will share with you a taste of that experience. With this evidence, there is no question that the program was a success. This brings me to our purpose here today. All of the experts and artisans that I mentioned above must continue to work collectively for the sake of our children and our community. The only missing ingredient is to have some kind of home for our people, a permanent dwelling so to speak. These instructors and masters, can not continue to log around their wares and products. We can not continue to just depend on our Mayors for office space to teach our children. We are not even asking for the government to build us a million dollar Chamoru Cultural Center. We honestly believe we will be successful by starting small. We wholeheartedly come here today to let you know that you hold the key in making his Chamoru Cultural Center a reality for all of us teachers and artisans alike, that would ultimately benefit our community, the visitor industry and most importantly our children. We are here today to respectfully request from the Commission a license for the usage of the 8 abandoned buildings under your inventory to serve as a Chamoru Cultural Center and to showcase and teach all that I've mentioned earlier. These abandoned buildings were formerly the old physician homes and are located in Oka in a small area abutting the northeast cliff side overlooking Ypao. In return the Inetnon Para I Inadahen Kotturan Chamoru promises that we will refurbish and maintain and improve these buildings and its surroundings with our own labor and solicited contributions and donations from the community and the private sector which we already have support from as evidenced in letters

forthcoming. All our organization is asking is at least 2 years to prove to you that we can take care of these 8 buildings and its access and make it beneficial for our children and the entire community for generations to come. Each of the buildings would be equally shared and used by teachers, masters and artisans alike in instructing our children and the community. The parameters of the building and parking areas will be landscaped to meet the design of a Chamoru Cultural Center. Again, our organization is only asking for a small portion of this large parcel. There may be concerns that the severing of the lot for purposes of a Chamoru Cultural Center would somehow devalue the entire parcel which would be negotiated with the possible developers. We believe that not wavering the 8 structures would devalue the entire parcel. The fact that a Chamoru Cultural Center is already a part of any negotiations with the potential developers automatically devalues the property. Like any other type of negotiation between buyer and seller or between lessee and lessor, that once conditions are added or included by the seller and the lessor as a part of a negotiation then there is always a natural tendency for the buyer and lessee to negotiate at a lower rent or purchase price hence a devaluation of property. We therefore wholeheartedly believe that an approval for the licensing of the Chamoru Cultural Center by the Commission in the area where the 8 buildings are located would be more beneficial and advantageous for CLTC in that the Chamorro Land Trust Commission would enter into negotiation with the developers with a clean slate, a raw land, its true market value with out any form of added conditions. Secondly, we know that the Commission is sincere and diligent in trying to make the Cultural Center and the Naftan Manain-ta become a reality and that you as Commissioners really do not want our people's culture relegated to become subject to a deal by including it in a negotiation which we all agree to be demeaning and degrading. That is why we feel that what we are humbly requesting would be a win-win for everybody, ourselves as educators and artisans and the Commission as stewards of the Chamorro Land Trust Commission. Moreover, the Commission is always rest assured that because our request is for a license the 8 structures will always be in the Commission's inventory. The other concern is that the property in question is CLTC's cash cow for the CLTC's revenues that would provide the badly needed infrastructure for the other Land Trust parcels and that any severing of the basic lot from Oka Point would only translate to mean fewer revenues for infrastructure. Again, we firmly believe that the small area where the 8 buildings are located would not lessen the possible revenues collected. We believe that the opposite is true because the Commission does not have to include the Chamoru Cultural Center, if approved, in its negotiations with the potential developers. The remaining large parcel can then be negotiated at face value or at fair market value with out any conditions. There is also the possibility that you as the Commission would offer us other properties elsewhere to build our Chamoru Cultural Center. Thank you for the offer, but no. For two reasons, one, a Chamoru Cultural Center is suppose to represent who we are as people and there is no doubt that we are the native people of this island, we are also the host of Guam. Therefore, it must be us that must be showcased liken when we visit other places. We naturally want to experience the uniqueness of those countries' peoples and culture. Therefore, the Chamoru Cultural Center that we propose should not be construed as just another non-profit venture to be categorized along with other non-profit groups. Secondly, location, what better way or testament to dignify and honor who we are than the pride of showcasing our culture at the edge of the tourist district area. The visitors we believe would see this great gesture as honorable in that we as a community are showcasing that we value with pride our culture and people within a metropolis. This position is similar in how our visitors perceive Guma'

Trankilidat, that we as a community value our manamko by giving then the dignity and respect to reside in those homes in their twilight years. Values like these are memorable and leaves lasting impressions for both the community and visitors alike. Before I end the children have a gift for you from them that represents why they are here. (song presented to Board from children of Mt. Carmel School coming from their hearts)

Ann Marie Arceo - As more evidence to show you what we can do with this property, true evidence that really existed last summer. I want to show you that our artists as much they have their difference they all came together during the summer to support our children. They were willing to put aside their differences to come together to unite to support our children. We all know we have a common goal, we all know we want to pass this on and this is our chance. This is our chance, we don't have too much time left. This documentary was supported by man, land and sea. I'll just give you a little taste of what we experienced last summer. (video shown to Board of children at summer camp which teaches them about our Chamorro heritage) Just a little bit more and then you'll feel the glory of the kids that are here and what we shared. Those 8 homes could be for our visitors, our own indigenous children and other children alike and the whole community. Do you feel it, do you see it? It's alive and well and we need to have a place to put it so that it continues. Look at their faces, their thirsting and they are hungry to learn our culture and our language. I witnessed it along with my colleagues the teachers and the rest of the artists that joined me for the camp last summer. Thank you. In ending, we hope the Commission would consider our request favorably. Thank you for giving us the opportunity today. Before you make your decision we ask that you look into the future of our children and what we are asking.

Vicente Garrido – Yes lets come together and protect our language and culture because if not then it is done, no more. It is beautiful what Ann Marie Arceo and all the children are doing, my heart is crying and the spirits are here. My self and members of Nasion Chamoru want this to move forward. Let me start now with my testimony for this. Hello to you Mr. Chairman Delfin Damian and all members of the Chamorro Land Trust Commission. I am Ben "Pa'et" Garrido, President for the Nasion Chamoru. Our people are here behind me who came today to support this that we are asking for. Thank you for the opportunity you are giving us to talk today and for Ann Marie Arceo. We support Ann Marie Arceo, President for the Inadahen Kotturan Chamoru, with their position for a Chamorro Cultural Center. With us who are fighting amongst each other because we have a Chamorro Land Trust Commission we have some complaints against the Commission that if they did not give Ann Marie Arceo the 8 homes she is asking for the Chamoru Cultural Center. Lets give our people our blessings before those from the outside, before you decide in what we asking for, before we leave our island, we the Chamorro people. Thank You.

Attorney Mike Phillips – I was one of three attorneys actually who argued on behalf of the constitutionality of the Chamorro Land Trust Act and we won and of course we are here today. I could go on and on and most of you could probably finish the story if I start to talk about the fact that when the tourists come to Guam that really what they know about Guam is Kmart, Duty Free, the massage parlors, the strip joints and places like that. We can wait forever for the market forces down there to change and that's what people say "'don't worry, it will work" but that's only half of the equation. The other half of the equation is our people and so when you think when you want to start with what it looks like from the outside, what's

the most important thing to the people is real easy to determine. It's just by without anybody saying anything how a people treat anything, each other, a piece of land. In Japan without anybody telling you, you would know that the Buddah is really important just by the way people behave there. In Washington D.C. you would know the same thing with the tune of the unknown soldier. No one explains anything, you know there's great reverence. Here on Guam we have an area that right now if you're not Chamorro and you're not from Guam you have no idea of the significance of Tumon. They think it's a tourism district, that's the only thing they know about it. Aside from Mr. Calvo's business now, there's very little connection between Chamorro and Tumon. I guarantee you that if you've not been on Guam for 30 years you probably don't know the historical connection between the Chamorros and Tumon. Someone might think "Oh we're giving this Chamorro proposal a spot in Tumon because of the fact that it's the chief financial commercial tourism district." But all of us know that is not the case, there's historic ties between the Chamorro people and Tumon. Inevitably most of the burial grounds, my friends had done a lot of litigation in that area too, you find that in Tumon. Historically the Chamorros are tied to Tumon and so there's great significance here. I wanted to add something to what Mr. Garrido said regarding the legitimacy of the people you are dealing with here. It was very interesting and I applaud the Commission for being very careful with regard to discussing a bond, non-refundable, or maybe refundable, good faith money and things like that because those people we don't know. Those people, it's all about money and if something more attractive comes, they'll let you keep the $100,000 dollars and they'll leave. The people you have before you, they've been here forever. They've been here for 4 thousand years and these are the same people that when the economy goes down, they don't open a massage parlor, they continue to do what they are doing. When the economy is good they continue to do what they are doing. They raised their kids here. They'll be here generations after generations after generations. I'm sure although Ann Marie with some good humor, pointed the fact that at times some of the artists have differences but very few people on Guam can point to examples of failure on their part, one success story after another. I don't see any money associated with it. Obviously at times they charge for the products but that's a small tiny fraction of work that they do for the people of Guam. For every 1 dollar that you can point to that they raised by maybe selling some of their work, I point to 9 more dollars that they contributed from their heart for the purpose of continuing the culture or just to help people. It's very important to recognize not just the proposal but the people you are dealing with. Because I mean it from the bottom of my heart at the very end of discussions and negotiations, this entire proposal may change 100% but the people won't. They'll work with you in good faith, if it's not working, they'll change it. They'll make it work. There's no way that the group that you have in this building tonight is going to fail. They're all winners, they're winners in their areas, they're winners collectively. You saw it on TV. If you can and I don't think it's hard to imagine and with what little you saw on TV, imagine what we can do for not only our people but even for the people in Tumon. Even if they don't want it, even if they don't believe that you can actually have something about Guam down there, about the Chamorro culture and make it. Whether they want it or not, we'll do it for them. Because when people come to Guam they don't ask what's most important to the business, they just look around and they can tell. You can pass out all the brochures you want about the jungle fari and all that but what they know that's most important is what the people of Guam treat as most important. Ann Marie had a great example with Guam Trankilidat. You don't have to say anything. When they ask "what is that?" And you say oh that's where our elders stay. You don't have to explain, they

understand, you gave the most precious land to your elders. You don't have to say anything more. You don't have to say "because they are so important". You don't have to say anything, it means a lot. The advantage that we have commercially with the Japanese is that they are also very culturally sensitive people. They appreciate this kind of stuff. It still baffles my mind why we think Duty Free and Kmart are most important to them. You can find that anywhere, you can even find that in Japan. But you can't find anything that you saw on TV or these people in the room or everything that they told you they are going to do. You can't find that in Japan, you can't find that in Bali, you can't find that in Hawaii. You can only find that in one place and that is Guam with the Chamorro people. They're giving you the opportunity to do that and asking you to join them in that venture. They've not failed yet and I have no reason to believe that they are going to fail in this venture with your help. As I said earlier, I think the specifics obviously need to be negotiated. These people are willing to work with you. I've told them that I will do everything that I can to help them on the legal side. Any work they need I'll do it. The beginning needs to start with a commitment and they've given you their commitment and obviously what they need in return is your commitment. I can't think of anything more important right now in terms of using the Chamorro land. We understand that it is limited and as Ann Marie said so is our time. Hopefully and the reason I am here tonight is to support them 100% unconditionally. Hopefully, you ladies and gentlemen will agree. Thank You.

Mayor of Sinajana Roke Blas - Thank you all members of the Commission. I am here to defend the request by Mrs. Arceo. I took the offfer to open the Chamorro program through my office. It's a new program for me to protect our culture because our culture is fading away. Whenever an elder dies we lose part of our culture and custom. The custom we have now, we are losing respect, we are forgetting who we are. When someone from the outside with a different culture comes to our island, money talks and we are buying something we cannot afford. This is our culture, we are the people of this land. This is why I started this program which was two months long. Look at what are children did, we have evidence to see. We can start to protect our culture by our children while they are still young. For us who are older it's getting harder to teach our children about our culture because we are forgetting. If we let our children go and thinking that they are going to learn the culture on their own, they won't learn if no one is teaching them as they get older. The responsibility for us that are here now we cannot forget to teach our culture to our children and for them to protect it. For the elders that are in Tumon and you ask why you did not put them back there, and they're the people of our island. Before they leave our island give them what they deserve. For our children now they need to hold on to our culture more than ever. For tonight this is what I'm asking for you to dig into your hearts and give us a chance along with Mrs. Arceo. Everyone who is testifying tonight has good intentions. What is going to happen tomorrow will not happen without us starting today. We need to start today before we can get to tomorrow. If we fall asleep tonight then there will be no tomorrow and if we fall asleep today, nothing is going to take place. We need to think of what we need to do for tomorrow and we have our children and if we start from them I know we are not going to loose it. It will be so hard to take it away from them because they are from here and it's in their heart. That's all I'm going to say really is I wait for your favor and hoping that it will come our way. Thank you.

Jose S.N. Chargualaf – I was once a Commission member of this very important Commission for the people of Guam. I came here today because I feel that time is running

out. I have been the past President of Gef' Pago back in 1992 when we started that and we started with nothing. I cannot help but to appreciate the little things that she presented but in a big way we're all winners. This request is not by any means of depreciating the value of giving little but we're gaining big. I have recently requested to be excused from the Board of Director's of the Gef' Pago because of other responsibilities that I took. But today and yesterday and tomorrow it's going to be there because we have started it, something down in Inarajan, that is never going to be taken away. And that is the testimony and I don't have to repeat what she had presented but tomorrow is something else and we need to start today because we are already behind, we're behind times. I am a painter, I am a weaver, I am a carpenter, I built my own house. The things that we built down in Inarajan is similar to what Mrs. Arceo has started in a very little way and the good Mayor of Sinajana and we need to respond to our community, not just to cater the money hungry tourist district down in Tumon. I have no problem with development but I do have a problem when our culture is being eroded because we are being just pushed to the side because not too many people care where we came from, where we've been and where we are going. Thank You.

Josephine Castro Jackson – When watching the kids in the TV, I am going to tell you that I got the chills and a person came out and said give, give, give our kids our culture. It is already dying, give our kids a chance. Give, it's the kids, they are going to be ones to hold the land. They are the children of tomorrow, not of yesterday, not of today but tomorrow. Thank You.

Johnny Sablan - I come here not as a government employee but as a personal support for this project and cultural center that Inadahen I Lina'la Chamoru is seeking for. Back then I sing about our culture, I have dances of our culture and now I feel good of what I have done for our culture. Up till now I still sing of our culture, the songs of our elders, church, culture, and songs of the people of our land. I'm here to ask you, I know that you support our land, our culture and it's harder to decide without money, but please remember our culture of our children. Look at our children now how they are suffering to keep our culture alive. Our children here now, that's our responsibility. It makes me feel sad when they come up to me and ask me for a portion of our land, the land of our Chamorro people. Commission members and Mr. Chairman, I came here to support this cultural center for these artists. For these people that had planted a seed and let it grow, give them a chance. I know to be a leader to make this decision should not be very hard because I know you love your people. To have this culture continue you have to make the decision that to love your people is to give them this cultural center. Thank You.

Jeanne Pangelinan – Former Deputy Director of the Council on Arts and Humanities and I know that following Johnny is a big deal but we've both worked for the agency. We know the artists and we know what is needed. It's been needed even before we came into those offices. But I'd like to ask those of you that are on this Commission to dig down deep. I've looked at the names of the members and I guess there's no legislation that says that there has to be membership of some other culture on this Commission. We have the one woman, Ms. Perez. I think it is very important for you to really, really think hard that we are asking for property from the Chamorro Land Trust Commission. I have background information about this property because my husband's family owned the property years ago. When I worked at the Legislature several years ago for the Committee on Justice and Community Development

it was one of the last pieces of legislation before Governor Gutierrez went into office. They tried to return the property back to the family. But because there was group of people in Tamuning that convinced the family that the property should be turned into a park and to a cultural activity center that that's what should be done. The family did not oppose it. The family was never fully compensated by the Government for the property to build the hospital. It was during Governor Skinner's time and he admitted to this. I'm sure that if you dig for the documents you may find it. I think that it is proper that we at least give this property for the purpose, some Chamorro activity. If you look in your office here you will see the art work of many Chamorro artists. I can tell you the ones that are not Chamorro artists which is the two fish pictures. Over the years, getting to know the artists their main activity has always been slided by the Government in every possible way. They had never been given the opportunity to really develop a Chamorro village because an artist cannot man the little store 24 hours or what ever 8 hours a day like the rules and regulations of Chamorro Village requires them to be. It requires them to be present. The shop keeper has to be present. Well how can they do their art? The space is not even big enough for them to do any art. The Government is so politicized, that this administration had Tun Jack Lujan removed from Chamorro Village. He was honored by a Presidential fellowship. The only Chamorro and the only one in the Pacific to receive such an honor and yet he was removed from Chamorro Village because he wasn't there to sell. He was only there to show the fruits of his labor, the fruits of traditional art of blacksmithing. We have no place for our artists. We've tried during my term to go down to Tumon after having a spectacular opening with the support of the entire hotel industry who provided all of the refreshments for the evening, top of the line refreshments. We were told by the Legislature to move out. The monies that we were going to use for the rent was monies that a previous administration used for travel. So what did the Legislature do? They took the money away instead of giving us an opportunity to showcase the artwork and the culture of our island. We struggled and we did our best. We took the best groups to Samoa and built a latte house that I failed to see here built on Guam. We were the talk of the festival. Every time the artists go to the festival they come back with a renewed sense of renaissance to build on their culture and their art. It's sad because they come back and they don't have the support. Both Ann Marie and I both worked to have the Department of Chamorro Affairs established and all it has become is politicized. It hasn't really moved. It's continued to perhaps publish some books but other than that it has not provided things that need to be provided for the people of Guam. I think that it is long over due. The people of Inarajan are very fortunate that those properties where Gef' Pago is were properties that the Legislature negotiated with the people that had substandard lots to trade off so that it became like a park way and they were able to establish Gef' Pago. We need things throughout the island. We only have Gef' Pago right now. We have programs like summer programs and things but we need things of a more permanent nature and we are asking for this opportunity to show you that it can be done. We ask that you give the support. Thank You.

Joe Peredo– I came here for the children. I didn't plan on what I am going to say to you but I have one mission. I am a teacher at FBLG for Chamorro language and culture. When I teach Chamorro language and culture, the elements, the values of culture, especially the values of culture. If I tell my kids to do a project where do they go? I teach them, I even mention some of the artists name. But where are the artists? Why can't they find them? I support Ann Marie Arceo here. I've worked with her ever since the beginning. I look at my job as a Chamorro teacher but I don't look at it as job, it's my life. I never get paid a cent for

doing what I have always been doing ever since back in the early 1990s. I write songs, I'm an artist, I write songs. I wrote that song that Stacia Guzman sang, Manmamatai papa I manainata (our parents are dying before us). When my parents died I feel sad because I didn't take everything that she knew. But of what I've known, I want to pass it down. It's a sin to change our culture. How can our kids continue the culture if we're all gone? All the artists here, how can they continue? Then it will be dead. I'm here to support the approval of what we are asking, the land. Without land you can't practice your culture. I teach that to my kids, we have to have the land in order to practice our culture. Coming to you, we ask you humbly, respectfully, that you approve. I will not stop working for the kids until I die. That's my life and I just hope and pray that you'll approve this. I'm in support for the children. Thank you.

Theresa "Ewy" Taitano – I also didn't plan on speaking today, I'm also a teacher at C.L. Taitano school and it is not enough of 20 to 30 minutes to teach our children our language every other day. We don't even have a classroom to teach our language. I teach our children from my heart of our language. It is necessary for me to ask what is needed to teach our language and culture. I have no classroom to show and teach of our culture to our children. It is not just our Chamorro children who we are teaching our language to but those children of outside cultures as well who are attending public school. I'm about to retire, I'll be leaving the educational system. Though I am walking classroom to classroom every time I need to teach, this is what's keeping me alive, is that I love to teach our language/culture to our children. I teach Chamorro language and culture in the elementary school system and it is not enough that we have 20 or 30 minutes for language teaching especially when we are not afforded a classroom so that they can see entirely what it is that we are teaching them. I am one of the teachers during the Hurao Cultural Camp in the summer, 8 hours of culture and language. It really does a whole lot for the students and everybody that was involved there. Having a place is definitely an importance in regards to perpetuating and promoting and to preserve our language and culture. Like I said I do thank you for listening to my little statement here and I plead with you that yes it is our place and we should be first. Thank you.

Ray "Raf" Unpingco – I want to apologize first because although I was able to blow up our projected plan, my thumb stick was erased in the middle of everything so I couldn't give you all and 8x10 copies of everything. I do have letters of support from two members of the community of Guam. One of which is from Manuel Duenas, he's a librarian from the Guam Community College and the other from Mary Therese Edgerly from Gibs which is a family support group of Project I Fama'guon-ta. The reason why I am here right now is to give you my opinion on it all. I personally embarked on my own feasibility study. It has taken a lot of me, financially and just out of my own life. What I have learned from Guam's economy and the community and everything is very beneficial and we are going to be applying it to this project. One of which was in 2001, I embarked on a 11 hotel, 7 month long traveling exhibit. These 11 hotels were all on Guam and the artwork was actually progressive from about 32 local artists of Guam varying in ethnicity. We just want to show just what kind of artwork was coming out of Guam because a statement came about saying that there is no art on Guam, let's just go to Bali. So now people started recognizing the arts not because of that but because a lot of people get that impression from many people in the business community.

Myself again, I've also embarked in a market study as far as what's the interest in the community, tourists industry and also in the military. Just by clicking what are the people that come in, just interviewing them that walk into the display exhibit or gallery. Majority are from the locals. They just come in, they may not buy anything which isn't the intent first of all but they come in to learn. Second is the military, they come and they look. They actually like things but they are not the major focus. The major focus is the community. I went again and I did another project with Agana Shopping Center to do a progressive art and history display on the second floor. That was only supposed to be about a month long. It ended up turning into four because people kept requesting for us to stay open. Mainly because we had no place, we had no physical location. I could only stay open for 4 months. I was doing it all out of my own pocket, it was pro-bono, I wasn't charging anything. I got a lot of information from the community, through surveys and it was all great and it all supports our project. Thank you for giving me a chance to speak.

Chairman Damian thanked all the speakers who provided testimony in favor of the parcel of land down in Ypao. We want to thank all of you and in particularly the kids and Ann Arceo for her presentation today.

Chairman Damian commented that the Commission has a lot to look at and he believes that this is right there with what the mission is with the Trust. We will need to look at the finer points before we issue a declaration on the property. I want to let you know that we will be very, very serious about looking into these matters and providing you an opportunity for input when it comes time down to actually sit down to work out the finer points.

Chairman Damian commented that we are going to be looking at the negotiations and looking for further discussions with the group. If we could give you the land right now we would however, there are statutes and policies that we need to adhere to. We ask for your indulgence and your patience while we continue to work with you.

The Administrative Director commented that he got this letter from Ann Marie Arceo about a week ago and owes her an apology because he was under the mistaken impression that she was looking for anything. Not anything specifically but anything in general. He assumed that when she mentioned the old GMH housing that she was asking for that in desperation and he was not about to agree to let this organization or their children move into the abandoned houses in their dilapidated conditions. If he had extracted more information from her he would probably have been able to provide more information to the Commission as well to consider such as how much area does that encompass that the physical condition of the houses and what it would take to repair those houses if they are repairable.

Ann Marie Arceo informed the Commission that the area that they are asking for is approximately 8 acres. That's the area where the homes are at and she has consulted with professionals on an estimate on the skeletal home and how much it may cost to rebuild or refurbish it. It's going to cost approximately $10,000 per home. We are ready and willing as an organization. Today you saw only a partial of the support. We are ready and willing to do whatever it takes to make this happen today. Mr. Chairman, with all due respect, I understand that there are laws and statutes that you had mentioned but with all due respect before we leave here from our hearts we humbly ask you to give us an answer today. I know

that you need to look at the finer points and if we could just have an answer today so that our children can be happy and feel that their coming here was worthwhile and that all the people who were here today who testified can feel a comfort in their hearts. You have heard from very distinguished people in our community, not just anyone. I understand all the statutes and laws that we need to look at ahead but can we work with that in the future. With all due respect, can I and may I and on the children's behalf ask what your votes are as individuals.

The Administrative Director commented that Public Law 25-179 binds this Commission to negotiate for the development of Ypao Point, the entire 48 acres. If there is someway to get around that I am not aware of it. If there is and I'm sure that this Commission would agree that perhaps this is something that is very important and it's something that we would like to have on the record as approving. At this point we have to at least examine the public law and of course through our legal counsel to see if there is a way that we can incorporate, allow you the use of that portion of the property and incorporate that as a separate part of the development that can compliment and likewise the development can compliment your area as well. I don't think we can give you an answer at this point.

Ann Marie Arceo - So in regards to that whole parcel of property that you say is binded to you by law, if I remember, did we say that part of that property was given to the rape and crisis center?

The Administrative Director commented 2,000 square meters which is approximately a half acre.

Ann Marie Arceo – I ask and beg the Commissioners to please, please deep in your hearts consider our culture.

The Administrative Director commented that the rape and crisis center was also by public law.

Chairman Damian commented that each of the members can let them know how they feel about the project but cautioned the public that these are their sentiments and certainly has no official declaration on the approval of this particular venture. There are some issues that we need to take care of and go through the motions so that no matter what happens, what we vote for to give you that property would hold itself in any court of law no matter who says that we are discriminating against other people because it is only for Chamorros. We want to be ready to tell them that the land is Chamorro and there is no other way to do it but for Chamorros.

Chairman Damian commented that he is with them on this 1,000% and if we find that it needs work from the legislature to amend the law, I will be there to provide testimony to amend the law so that we get this property to you.
Commissioner Calvo commented that earlier when Ann Marie was talking he whispered to the Director and said that has always been his dream too and he doubles the percent of his support. Personally it has always been a dream for himself because many times when he drives down to Inarajan, why does he have to go down to Inarajan? Many years ago when they used to have that beautiful cultural center there he used to enjoy going down there. It's

ironic because his son asked him why he never taught him Chamorro and he felt so bad because when he was growing up they were all speaking in Chamorro. English was taught in class and when they came home his parents would say okay come now and we'll speak Chamorro. He was really touched and very moved with this. He speaks for himself but like what the Chairman said that there are laws and when that law provides us to go through they can be assured that they have his support for this.

Commissioner Matanane commented that he is also in support of Ann Marie's request. As he looked at the issues here they also wanted either the land or a part of the Ypao Point development. Rest assured, I was in the taskforce and we demanded that there will be a cultural center incase there is a development. I am really with you and with the predicament that we have right now we cannot give you an answer on it but we are in support with what you are requesting.

Commissioner Perez commented that she is definitely in support of that because her job is a teacher aside from being a Commission member. I will be in support of that so that my students can have a place to see and live the Chamorro culture. When you speak and teach in class and you don't have anything to show then teaching does not really always go through because you don't have that constructive thing to show. That the child could see what the Chamorro culture is all about. I am in support but we need to know what the law stands for and if everything is in place I am more than a thousand support.

Ann Marie Arceo - One more final thought from me, I sit here before you honestly and humbly telling you that the reason why I started the Hurao Cultural Camp out of government, I resigned from government and I refuse to go back to government, is to continue with grass roots because this is where it will live. We will continue to change governors and there will be governors that will come and go that will support us and some that won't. We will always be for our children. So please keep in mind.

B. Global Recycling – Daniel Chu/Joe Morcilla

Joe Morcilla who is a planning consultant is here representing Felix Quan who is his client from Global Recycling Center. Felix is part owner of a company called Global Recycling Center that operates currently up at the property just north of the DPW transfer station which is owned by the Chamorro Land Trust. Global Recycling Center is a company that recycles primarily metal waste. If you're familiar with the site you can remember the cars that are stacked about 20 to 30 feet high. A lot of those vehicles has since been processed and taken off island and they were done by this company, Global Recycling Center. What the company is seeking, they don't have a lease with the Chamorro Land Trust right now. The way they have begun operation there was that they were affiliated with a company called BKA KoKu Recycling and they had a relationship with them to process metal waste on the property. The primary operator at the site is Global Recycling Center not BKA. If you look at the map that I presented to you, Global Recycling Center just operates on a portion of that lot right now, the north-east portion of the lot. They would like to lease the entire lot because their plan is to make it a receiving site for recycling island wide. They plan to improve the property by removing the existing material that is there. There are about 70% that is removed right now and there is still quite a number of metal waste up there. But there are also tires and heavy equipment that are up there that needs to be removed. They also plan to make it a real

recycling center by constructing concrete pads there and constructing also a storm drainage system to ensure that the aquifer is protected. They are also planning to put in perimeter fencing to ensure security and safety for the neighborhood. They plan on making it a top notch recycling center. They also are willing to offer the Chamorro Land Trust to assist them in removing metal wastes from other Chamorro Land Trust properties island wide. They can do that for some negotiated fee but they are willing to do a discounted rate so that they can make a win win situation for both the Chamorro Land Trust for cleaning up the site and for them by being able to sell the metal waste that they collect from those properties. In closing we know that the island is really focused on getting rid of these metal wastes, we see that on the news quite often. This company is one of the primary leaders on removing these metal wastes from the island. They want to continue to operate because they feel that there is a lucrative business for this type of operation on the island. They think the site is ideal for this kind of operation. By removing all this metal waste of course we are going to enhance the image of the island as being a tropical paradise. The company would like to continue this operation and are looking for the Chamorro Land Trust Commission to approve the negotiation of a lease of this property.

Legal Counsel inquired from Joe Morcilla if he is asking the Commission to not renew the lease with BKA and to give it entirely to his client.

Joe Morcilla commented that he thinks there is an issue here whether BKA actually owns a lease or not. That's why we are here. From our research there is no existing lease on the property right now. If there is no existing lease then we would like to initiate a lease with the Land Trust, to the primary lessor of the property.

Commissioner Calvo commented that if that is the case how did BKA acquire that?

Legal Counsel commented that the documents stated that BKA has a license agreement that includes a clause that allows them to the lot in Dededo. They may not have a lease for the Dededo site but it is something included in the Barrigada site.

Chairman Damian commented that we need to get final determination on what BKA has to do and if there is an actual severance between the two companies.

Chairman Damian inquired from the Director if there are any official documents.

The Administrative Director commented that he had not looked at the license agreement in reference to Lot 5219 in Barrigada which includes that clause however he is wondering if there is any expiration date on that clause. He did speak with Mr. Joe Secat earlier today in terms with what his intentions where with the site up at Dededo and he stated that he may continue using that site given that he is deeply involved in the abandoned vehicle program. He will get back to me in reference to his intent whether to continue using the site or to transfer his operation down to Piti.

Chairman Damian commented that the only thing that will hamper the Commission's decision right now is whether in fact the license is still in effect. The Commission needs to make sure that the lease is cleared before we can actually turn this lot over. For himself he doesn't have

a problem of having Global Recycling move into the project site, Lot 10122 particularly if we've met all of the GEPA requirements. Once we get a clearance on that the Commission is going to be ready to vote subsequent to any further negotiations.

The Administrative Director commented that the scrap baling agreement with BKA expires this year in August. If the Commission were to approve an area for you would there be a problem with you working in the same general area with BKA should BKA decide to also stay in the area?

Felix Quan commented no that won't be an issue we just want to know what space we are talking about.

Felix Quan informed the Commission that they had invested already over $800,000 on the site.

Joe Morcilla commented that it is also important to know that BKA is not doing anything up there right now.

Commissioner Calvo inquired if BKA does the same operation as Global.

Felix Quan commented that they are into metal just like we are but we take just about anything. We do anything that has metal. BKA is sort of like a hit and run operation where they did heavy metals at one time when the metal prices are high then they stopped their operation and stayed dormant for a while. We don't do that, we do this everyday, anything that has to do with recycling we take it in.

Commissioner Calvo inquired if BKA is still in business at this point.

Felix Quan commented that he thinks they are. Global Recycling Center is trying to expand to the same thing as the northern hard fill which is a USEPA certified hard fill that belongs to their company which is an alternative to recycling. They would do construction debris other than household trash. They have that facility which is in existence in Yigo.

The Administrative Director inquired if this activity is for Global Recycling or is it for BKA.

Felix Quan commented that they have nothing to do with BKA.

The Administrative Director clarified that they are not doing anything more with BKA and their physical contract that part is still done but they still have an agreement that's still in place until August.

Felix Quan commented that is correct.

Legal Counsel inquired if BKA has the right to sublease.

The Administrative Director commented that this is not a sublease but a subcontract.

Felix Quan commented that they are actually doing BKA a favor by cleaning up what they are not capable to doing because they have the necessary machines.

Chairman Damian commented that the main thing is to make sure that there is a complete severance with BKA so that Global Recycling Center would be free to conduct their business at the project site in Dededo.

The Administrative Director commented that he will provide the license agreement for BKA for the Barrigada site to legal counsel for his review before the end of the week.

V. DIRECTOR'S REPORT

Due to time constraints only items 3 & 4 of the Director's report will be entertained.

3. Adacao School Site

The Administrative Director commented that the Adacao School site came up as in issue on the radio station and he had received a couple of phone calls from the public at large and from the Nasion Chamorro letting him know that if one person stands there refusing to be relocated from the Adacao School site that they will stand with that person and they will protest and demonstrate and do all to protect that one person's interest in that property. Their argument is that because there is a school site over at Marbo that could be used instead of Adacao that is one issue and there are federal lands that could be returned to GovGuam for the use of public schools. Nonetheless they do intend to picket and demonstrate. He had received a call this evening during the meeting from another Chamorro Nation member letting him know that they are gearing up for some activity in the next few days regarding this issue. All authorized occupants and lessees have been notified up at Adacao. CLTC has requested to meet with the one occupant (Mr. Crisostomo) who his resistant to relocate, to hear his concerns. The area south of Adacao has been identified for relocation and if necessary we have other areas as well that we can fall back on when the time comes.

Commissioner Calvo inquired if that was a law that was passed for the school site.

Chairman Damian commented that it was the Legislature and the Governor who made that determination.

Commissioner Perez inquired on what kind of housing structure do the occupants have in the area.

The Administrative Director commented that they are semi-concrete and wood and tin.

Commissioner Perez commented that when the families are relocated and they have to be placed on another area, who foots the bill to this transfer?

The Administrative Director commented that certainly the Government of Guam he would think would end up footing the bill and perhaps the Commission specifically.

Legal Counsel commented that we do have some resistance in the Government to that at the moment since you know they're looking at the same issue with the dollar down.

Chairman Damian commented that there are some people now responsible, we provided the land. Some of the things that we have already talked about earlier regarding the issue is the support that we are going to get from the various agencies. An example is the Department the Education with respect to moving some of these people to the south side of Adacao. I've already made contact with the powers that be at the Guam Public School System regarding any kind of support with flatbeds for instance to help them move. The second thing of all is meeting with all the people involved so that they are well informed of the relocation plans. Number three, as usual we're put in together with the Gill Subdivision and so people have erroneously put us together with the subdivision in question these days. We did our part with respect to giving proper notice to the lessees and it looks like minus one all of them are ready to accept relocation.

Commissioner Perez inquired if south of the area is feasible to build the school.

The Administrative Director commented that the area is not empty and there is space there to move these people to it.

Commissioner Matanane inquired on how many people are resisting.

The Administrative Director commented one.

Chairman Damian inquired on the timeline for the actual relocation.

The Administrative Director commented that if all things go well he is anticipating by the end of the month.

4. Regional Land Conference Update

Chairman Damian commented that the land conference is set for March 13 to the 18 and would like the Commissioners to be there at least a day before the actual conference.

Chairman Damian commented that he did a great deal of work on the GIS satellite system with our counterparts in Palau and have set up timeframes for us to be there to watch and learn about the system.

Chairman Damian commented that he had sent out letters of inquiries to Governor Camacho and at this point he is trying to make it at least for the opening ceremony.

Chairman Damian inquired from the Administrative Director if he had already identified our land agents or other people beside the Commission members who would need to be there for training.

The Administrative Director commented that with respect to his trip to Manila he was tasked on recruiting two individuals to be speakers at the land conference. He was successful on

recruiting one of them and the other one just simply said that he didn't have the time nor the interest in participating in the land conference.

The Administrative Director had met with Mr. Butch Bernabe a senior surveyor at F.F. Cruz who had offered to design a survey mapping system for CLTC to incorporate GPS, GTS and GIS technologies. The Director will be continuing further communications with him to find out what they can do for the Commission.

Chairman Damian commented that hopefully you can set up a timeframe for an audience with the Commission members to meet with him.

The Administrative Director was once again requested to take another trip to Palau and/or Manila this week and he declined not just because of work reasons but for personal reasons as well. The organization that is coordinating this land conference needs to finalize the logistical issues such as grant disbursement, transportation and accommodations for key speakers/presenters, etc. in Palau and also they were hoping that given the one failure the Director had in Manila that he would consider taking a second trip to Manila.

As a point of note, the Administrative Director commented that the Chamorro Land Trust Commission is a sponsor of this land conference. The Commission is an active sponsor. Department of Land Management is also listed as a sponsor on the brochure however they unfortunately have not helped out on any aspects of the conference.

Chairman Damian commented that we would need to entertain a motion to approve the cost of the trip for all the Commission members and those required to attend subject to the final cost of the trip.

Commissioner Matanane inquired on what is the total cost for the trip.

Chairman Damian commented that we will need to take a look at room rates, ground transportation and airfare which should be discounted because we will be going as a group.

Commissioner Perez inquired on how many people are we talking about beside the Commission members.

The Administrative Director commented that at this point there will only be about 3 or perhaps 4 individuals among the staff that will benefit from this land conference or that would probably be interested in attending but nonetheless he will poll the entire staff to determine interest.

Commissioner Matanane made a motion to approve the disbursement of funds to cover the cost of the trip to Palau for the land conference. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED.

VI. ADJOURNMENT

Meeting adjourned at 8:10pm.
TT