Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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

SPECIAL BOARD MEETING AGENDA
Guam Ancestral Lands Commission Conference Room, Anigua
June 28, 2006; 4pm

I. CALL TO ORDER

II. APPROVAL OF MINUTES (June 14, 2006)

III. NEW BUSINESS
None.

IV. OLD BUSINESS
- A. Commercial Licenses
  1. IT&E Overseas Inc.
  2. Bernard Watson
- B. Geographic Information Systems (GIS) Update
- C. Selection of Legal Counsel

V. NEXT MEETING DATE

VI. ADJOURNMENT

Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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

COMMISSION MEETING MINUTES
Guam Ancestral Lands Commission Conference Room, Anigua
June 28, 2006

I. CALL TO ORDER

Meeting was called to order at 4:07pm by Chairman Delfin Damian. Present were Commissioner Annie Perez, Commissioner David Matanane, Commissioner Oscar Calvo and Administrative Director Thomas Elliott.

Chairman Damian commented that this special meeting is to address two major items on the agenda and also to go back as per the request of the Commissioners to review IT&E and the Bernard Watson commercial request.

II. APPROVAL OF MINUTES (June 14, 2006)

Commissioner Calvo moved to approve the minutes of June 14, 2006 subject to corrections. Commissioner Matanane seconded the motion. There were no objections MOTION PASSED.

III. NEW BUSINESS

None.

Chairman Damian informed the public that because this is a special meeting the Board will not be entertaining any public comments however the Commission welcomes all the public comments at the next calendared meeting.

IV. OLD BUSINESS

A. Commercial Licenses

1. IT&E Overseas Inc. (Lot 7151-R5, Yigo & Lot 5219-3, Barrigada)

The Administrative Director commented that IT&E Overseas Incorporated is requesting to erect a tower on a portion of Lot 7151-R5 in Yigo and Lot 5219-3 in Barrigada. Both lots measure 232 square meters. The surveys and the appraisal reports are still pending. All the other particulars that were provided in the last meeting are essentially the same. IT&E Overseas is a current client of the Chamorro Land Trust Commission and the Director believes that the Commission should give them favorable consideration. Perhaps it would be prudent to recommend conditional approval subject to the completion of the appraisal and survey. The Commission can certainly impose a timeline on that in terms of 30, 60 or 90 days. The Director recommends that should the appraisal indicate that the license fee is lower than what is recommended here which is $1,309.80 a year that this amount

remain the same. If the appraisal indicates a higher rate then the Commission should go for the higher rate.

Chairman Damian commented that subject to the appraisal report and the survey map are they waiting on the wings to get started on the construction of the antennae sites?

The Administrative Director commented yes they are and there has been preliminary identification of the lot boundaries so they will be well within the lot boundaries as well.

The Administrative Director commented that he expects the survey map to be completed within the next 2 to 3 weeks. The appraisal however may take perhaps 4 weeks because the appraisal must wait for the survey map to be completed.

Commissioner Perez inquired if there are any other companies connected to IT&E.

The Administrative Director commented no but if there is any piggy backing on their tower then there is a clause within the Commission's license agreement that requires that they remit 40% of that revenue to the Commission.

Commissioner Matanane commented that because the lots are in two different areas the appraisal amount will differ.

The Administrative Director commented yes and after speaking with the Planner at the Commission he believes that the Commission should hold this license fee rate for the time being until such time the appraisal does come in. This will assure some sort of revenue coming in to the Land Trust from the very beginning.

Commissioner Matanane inquired if we will be giving two separate leases.

The Administrative Director commented that it will be two separate licenses.

Commissioner Calvo commented that why doesn't the Commission just wait until the appraisal and survey is done first.

Commissioner Matanane commented that he believes also that the Commission should wait until everything is done.

Commissioner Matanane made a motion to table the IT&E Overseas Inc. license agreement until such time that they have completed the survey map and the appraisal of the lots requested. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED.

2. Bernard Watson

The Administrative Director commented that he is a bona fide farmer and is currently on Lot 7151 in Yigo. Mr. Watson is requesting for an additional 10 acres on the same lot and the survey has been completed. The applicant is a relocation from federal excess property

which has been returned to the original land owners. He is presently leasing 20 acres and his main crops are bananas and papayas. He has already submitted a site development and management plan which was approved by USDA. USDA/NRCS is waiting in the wings to provide him monetary assistance for his additional 10 acres that he is requesting from the Land Trust. The applicant is an existing pre-occupant and CLTC agricultural lease. His agricultural lease started on January 25, 2001. The Director recommends approval and the monthly license fee would be $100 or $1,200 per year estimated based on the last recorded USDA/LUP rate of $60 per acre per year. The applicant's rate for this case has been doubled to $120 per acre per year.

Commissioner Calvo commented that his only objection to that and had brought this up at the last meeting is if he is indeed utilizing the whole 20 acres.

The Administrative Director commented yes.

Commissioner Calvo commented that if we are going to approve this then the Commission should not go with the 21 years but rather for 5 years for the license and within 3 years that improvements be shown to the Commission. The Commission should make this a board policy for all these kinds of issues.

Commissioner Matanane inquired if the Commission has copies of Mr. Watson's plans for the 10 acres that he is requesting for.

The Administrative Director commented that we do have the plans in file. The Commission should refer to NRCS because they are in the business of monitoring farmers and making sure that they adhere to the plans that they submit and what have been approved by NRCS. The other issue is that Mr. Watson stands to receive some funding support for his efforts in farming and his conservation practices as well. Mr. Watson is a model farmer and he is perhaps going to be a landmark for the Land Trust aside from maybe two or three others that will show the community on Guam that agriculture is a viable industry. Mr. Watson is quite a farmer, he has done very well in the past 5 years since 2001 when he first initiated his lease and has already exceeded his 20 acres. NRCS is standing by for additional support for Mr. Watson.

Commissioner Perez commented that she agrees with the Director and if a person is going to use the land to the plan that he had inquired for the use of the land I think we as the Commission should grant the request. There are a lot of people who are leasing land and we don't see any productivity going on the property and these are of concern. The question that comes into my mind is we are saying not 21 years of the lease and she is all for that also but we have to be very mindful now when we start changing that because what does the law spell out? The law can only be altered through legislation. We have to make sure that it is not in the law and if it is just a policy that was made in the Land Trust then that is fine. 5 years would be a good target to look and review. To limit to only 5 years I would like to caution the Commission to make sure that it is not in the law, the 21 years for agriculture and that it was only a policy made by the Commission.

Commissioner Matanane commented that since Mr. Watson already has 20 acres what is the maximum for agriculture licenses?

The Administrative Director commented that at this point we are following the example of the commercial licenses and in this case since it is a commercial endeavor with an agricultural use we are just essentially following it.

Commissioner Matanane commented so one is commercial and one is agricultural.

The Administrative Director commented that in this case it is a combination of both. If the Commission prefers we could do the 5 year initial license term and subject to approval we can do an option to extend.

Commissioner Matanane commented that Mr. Watson already has 20 acres for agricultural and he believes the maximum is 20 acres.

The Administrative Director commented that he is leasing 20 acres.

Commissioner Matanane inquired if there is a maximum or minimum for agricultural use.

The Administrative Director commented that it is a matter of policy of the Board. There are some vague references to maximums for grazing, agricultural use and the like however because of the limited availability of usable lots previous Boards have limited awards to 20 acres or less.

Commissioner Matanane commented that he doesn't think it would be a problem to go with the 20 acres for agriculture and 10 acres for commercial use.

Commissioner Matanane made a motion to approve Mr. Watson to have the 20 acres for agricultural use and 10 acres for commercial use. Commissioner Perez seconded the motion. There were no objections, MOTION PASSED

Commissioner Calvo commented that when we approve the 5 years then language should be put in that it is subject for review.

B. Geographic Information System (GIS) update

Chairman Damian commented that he and the Director had met with the Chief of Staff today regarding GIS. At the last meeting the Commission all approved to begin the process of getting GIS to the Trust. Because there is protocol to follow the person that needs to be involved with the GIS is Jim Laxan. The other thing that was brought to our attention is as the island does expand for whatever reason that it is timely that we go into GIS. As you know a lot of the Government agencies are already exploring GIS. All of that information needs to be networked with us. We have spoken about getting funding from the Department of Interior for the purchase of the hardware and software and of course the training that comes along with running GIS.

The Administrative Director commented that GIS was available here in some agencies of the Government of Guam however he is under the impression that this Commission is also open minded in the sense that it does not necessarily rely on other government agencies and perhaps it would be prudent to rely on it's own resources in seeking theses items for the betterment of the Trust. With that being said nonetheless we will go ahead and take what we can from the other agencies that have some data available and then go from there and decide how much farther we need to go.

Chairman Damian commented that our next step is to send out an RFP for those companies who are interested in providing the technical service, the GIS hardware and software package.

Commissioner Calvo made a motion to approve the RFP for GIS. Commissioner Matanane seconded the motion. There were no objections, MOTION PASSED.

The Administrative Director commented that he will have the RFP prepared by the next meeting for the Commission's review.

Chairman Damian commented that the list of questions to consider in the Commissioner's meeting package will be incorporated in the RFP.

C. Selection of Legal Counsel

Commissioner Matanane commented that what the Commission needs to ask the candidates who are applying to be the Commission's legal counsel is what do they think about the Chamorro Land Trust relative to the constitutional issue and if they are really in support of the Land Trust?

Chairman Damian commented that we would need official documents from the three potential bidders with regards to answering Commissioner Matanane's questions.

Chairman Damian requested for the Administrative Director to request for official statements from the three firms who submitted proposals and the Commission can call a special meeting to address this one issue.

The Administrative Director requested to respectfully address the Board. Commissioners and Mr. Chairman there was a time of harmony for the Land Trust particularly between the Chamorro Nation and the Chamorro Land Trust Commission. There were many words of encouragement, many words of support and particularly many words were giving to me by one individual that sits in this room right now. Words such as stand tall, do what you can, fix what you can, do what ever it takes to push the Trust in the right direction. Words of encouragement such as we love you guys, words such as now there is really hope for the Trust, words to the affect that this Board and this Administrator will make a difference. This Board recognizes possibilities for the Trust. This Board, correct me if I'm wrong Commissioners, this Board won't settle for the present. This Board is looking to the future and part of that future obviously is the technological advancement of the GIS, right? Yes, well we are all aware of the availability of GIS within the Government as I had mentioned

before. But this Board was just not satisfied with that and I certainly wasn't, I was not impressed. I was not particularly impressed. Particularly not after the Land Conference in Palau, after that demonstration. Am I right Commissioners? This Board wants the best for the Chamorro Land Trust Commission and they are willing to invest toward that end, a small investment. An investment that will look at a GIS system that is customized for CLTC needs. Bureau of Planning has no clue what we need neither does Land Management and if they do, they're certainly reluctant to help out. That's my view by the way and not that of the Board. This Board is open minded contrary to the isolationist attitudes of some members of our audience in other meetings when they all came in here. This Board believes that as key participants in planning the Land Conference, the Land Conference in Palau because we were part of that planning. We had to go back repeatedly because this was a new thing. This was something that had not been planned before and we were just planning essentially in the dark. But we got it, we got it off the ground and it was successful contrary to what anybody else may want to say about it. This Board believes that there are benefits that would accrue from our participation from this conference. Benefits such as lessons learned from other island nations with similar problems. We found out quickly that Palau has similar problems. The other benefits would include establish a network and framework for collaboration with other nations to assist with resolution of CLTC problems. One statement that was made at the land conference, Commissioners if you recall, was made by Minister Fritz Koshiba and he pledged that he will do all possible and he will secure whatever help he could from the Government of Palau to assist us with our squatters. To assist us, now I don't know how far he can take that, I don't know what can be done about that but certainly I believe that is something worth considering. Other benefits would include conveying an awareness to other island nations that the Trust is striving, the Guam Land Trust or the Chamorro Land Trust is striving and hopes to set a standard for agricultural land use in the region if not worldwide. Now unfortunately we have words of derision, words of criticism, innuendo, presumption and assumption. The very person who often called me "Chelu" who never failed to say "we love you guys", the very person who vowed un-waivering support when I struggled in my first weeks here at the Trust. I really got the impression that she allowed her listeners to steer her in the direction of what smells like rotten politics and she would not give me the opportunity to answer or comment on concerns, me a "Chelu", did not come to ask me for comment. Resorted to fabrication and rumors to increase talk show ratings and/or perhaps for political expediency. There was no heart in those words of support in the expression of Chelu in assurances of we love you guys. Those were just empty words, meaningless words with questionable intent. This Board is undaunted and not intimidated by unsubstantiated rumors, innuendo, presumptions or assumptions. But her campaign against the Trust has turned personal, has affected me personally, has had a significant adverse effect on my personal life and health. So much so that I was often questioned as to the nature of my relationship of this individual. Her name was often the subject in what started out as uneasy discussions and eventually turned into heated arguments between my wife and I. This individual claimed to be a close friend of my wife for many years yet I've never met her until I started working for this Trust, how strange. Bottom line, Ms. Q. had a significant hand in the ongoing dispute between my wife and I. Her personal vendetta against me has pushed my marriage beyond the bounds of reconciliation. It is you who are the traitor Debbie. You called me Chelu and

then you betrayed me Debbie. I blame you for having a hand in my marriage. Thank you Commissioners, I apologize for my lack of decorum.

V. ADJOURNMENT

Meeting was adjourned at 4:55pm.

TTc:/cltcboard/june28.06