



**Felix P. Camacho**  
Governor of Guam

**Michael W. Graz, M.D.**  
Lieutenant Governor of Guam

Commission Members

**David J. Manante**  
Acting Commissioner

**Oscar A. Calvo**  
Acting Commissioner

**Pauline Gumataotao**  
Commissioner

**A. Tommy Guerrero**  
Acting Commissioner

**Carmen G. Tajalle**  
Acting Commissioner

**Joseph M. Borja**  
Administrative Director

# Chamorro Land Trust Commission

*(Kumision Inangokkon Tano' Chamoruj)*

P.O. Box 2950 Hagåtña, Guam 96932

Phone: 475-4251 Fax: 477-8082

## **REGULAR BOARD MEETING AGENDA**

Guam Ancestral Lands Commission Conference Room  
Anigua Commercial Building  
Wednesday, June 25, 2008 – 1pm

- I. CALL TO ORDER - Administrative Director
- II. INTRODUCTION OF MEMBERS – Administrative Director
- III. APPROVAL OF MINUTES (January 30, 2008)
- IV. PUBLIC COMMENTS – Sign-In Sheet
- V. APPLICANT REQUESTS
  1. Linda Cruz San Nicolas – transfer
  2. Ramon A.S. Leon Guerrero & Catherine Y. Leon Guerrero - transfer
  3. Joseph Terlaje Cruz – transfer
  4. Matilde Mercado – expedite
  5. Francisco T. Maanao – transfer
  6. Angelo Santos Gestada – expedite
  7. Joyce H. Perez & Peter P. Finona –husband&wife
  8. Lydia Manibusan Aldan – expedite
  9. Benny F. San Nicolas – expedite
  10. Ramon/Raymond S. Reyes – transfer
  11. Robert N. Celestial – expedite
  12. Rosemary Pablo Devney – expedite
- VI. ADVISORY and ADMINISTRATIVE MATTERS
  - a. Commercial Rules & Regulations review
  - b. Initiatives
  - c. Governance and training sessions
  - d. Work sessions
  - e. Budget Hearing Report
  - f. Oversight Hearing Report
  - g. Subdivisions Report
  - h. Legal work for commercial license review - charge
- VIII. UNFINISHED BUSINESS
  1. New building progress report – Block 24, Hagatna
  2. Relocations and Evictions report
    - a. All new school sites
    - b. Tagachang, Yona
    - c. Espiritu/Calara, Mangilao
    - d. Santos/Lin, Dededo
  3. Yung M. Song – reimbursement request, commercial application
  4. Guam Outdoor Shooting Range – commercial application, Lot 5412, Mangilao
  5. George Torres – commercial application, Lot 7163, Yigo
  6. Premier Hotels & Resorts – commercial application, Alupat Island, Tamuning

IX. NEW BUSINESS

1. Guam Rugby Club – Request to extend license agreement
2. Guam EPA – Solid Waste Management Facility Permit Application for Guatali
3. Base Corporation – Request to lease CLTC property
4. Law Office of Teker Torres & Teker – Frances H. Cepeda land exchange designation request
5. James F. Baldwin – Licenses held by IT&E Overseas, Inc.
6. Senator Palacios – Construction of a fire station & headquarters building on Ypao Point
7. Hawaiian Rock Products – License Agreement / Progress Report
8. International Bridge & Construction Marianas, Inc. – Commercial license request for a construction yard
9. Farmer's Cooperative Association of Guam – Request for property in Dededo for a Farmer's Cooperative facility
10. Francisco A. Rivera – Legal access
11. TG Engineers, PC – Survey fee proposal for a planning map for a portion of Lot 7151-R19, Yigo (Ramon Torres)
12. Global Recycling Center, Inc. – Commercial license request on Lot 10122-15-1, Dededo
13. GEDCA – Grant of easement, Lot 114-B-R3, Piti – GEDCA/KwikSpace
14. Three Wise Men LLC – Commercial application for Lot 7163, Yigo
15. KM Broadcasting of Guam, LLC – Request to renew license agreement
16. DuenasBordalloCamacho & Associates – Relocation of bull cart trail
17. Isla Horse Ranch and Garden – Commercial license request on Lot 5382-R7, Mangilao
18. Younez International – Request for a 3 year, 3 acre staging area
19. Calvo Enterprises, Inc. – Request to purchase bull cart trail

X. EXECUTIVE SESSION - Yes

XI. ADJOURNMENT

=====END=====



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## COMMISSION MEETING MINUTES

Guam Ancestral Lands Commission Conference Room  
Suite 101, Anigua Commercial Building  
Wednesday, June 25, 2008; 1:03pm – 6:12pm

### **I. CALL TO ORDER**

Meeting was called to order at 1:03pm by Acting Chairman Pro-Tem Oscar Calvo.

### **II. INTRODUCTION OF MEMBERS**

The Administrative Director introduced the members of the Commission which are Oscar Calvo who had been reappointed to the Board in an acting capacity, Carmen G. Tajalle newly appointed in an acting capacity, David Matanane reappointed in an acting capacity, Tommy Guerrero newly appointed in an acting capacity, Legal Counsel Rebecca Santos Tomas of the Law Firm of Lujan, Aguiqui and Perez and Commissioner Pauline Gumataotao. With the introduction of the members the Administrative Director reminded the Commissioners that he is up for a performance appraisal by the Commissioners which is overdue. One of the items that the Commission will be taking up in the Executive Session is when and how the Commission is going to conduct the performance appraisal. Secondly, relative to the position of Director the Administrative Director was actually accepted as the Administrative Director by a previous Commission. The current Director may need to be confirmed by this new Commission as being the Administrative Director. The Director is actually hired by the Commission and not by the Government per say or by the Governor.

### **III. APPROVAL OF MINUTES (January 30, 2008)**

**Acting Commissioner Matanane moved to approve the minutes of January 30, 2008 subject to corrections. Commissioner Gumataotao seconded the motion. There were no objections, MOTION PASSED.**

### **IV. PUBLIC COMMENTS**

**1. Jose S. Torres** – My comments today is regarding the property I have up in Yigo which is considered landlocked at this point. To my knowledge they tried to put a road on it and that was when I went over to the mainland and when I came back I went up to see what kind of a road we have. I thank the Director here for at least trying but when I came back I found out that there was a rock or a boulder right in the middle of the road that I couldn't get into the property anyway. I offered to see if we can get it right from the front and go right back into the property. That was primarily my concern. On top of that I've had some problem with people damaging the place and stealing the plants that I have planted up there, threatening to shoot which is probably one of the most dangerous part because I've been involved in some of these ideas about shooting and it's not a good idea. I know some of the fact that comes in with

threats like that so I try to stay away from it. With that in mind I hope that the Commissioners or the Director might want to look over this problem so I can get into that property one more time. I've spent a lot of money on this property from the beginning. I was told I was supposed to plant so many plants in there and I did. I went through all the things that I had to do. I even built a place up there for us to stay in if we are ever up there and stay all night if we have to but Typhoon Paka took care of that. Rather than prolong these comments because I see that you have a lot of things to do here I would like to leave that with the Commissioners and the Director to see what we can do about it and maybe give me a call to see what can be arranged. I would be glad to even help out in the event that they decide to do something about this. I would like to make sure that if we can do this I get that infrastructure problem corrected so we could get that military Veteran's loan that had been promised to us if we ever get the infrastructure in the property.

The Administrative Director commented for the Commission's information we had Dept. of Land Management survey the actual access roads that is on the maps. The access road was bulldozed by the Commission and opened. However, through non-usage it's been overgrown. We actually bulldozed that road two times. The first time a previous Director did not get the proper permits from GEPA and was stopped. The second time we did it we got the necessary permits and opened up the road. I will definitely go out and do a field inspection to see what boulder is blocking that off. The other item there concerning threats I would suggest to Mr. Torres that the moment you get a threat report it to GPD and thief also. That is something that is kind of hard for the Commission to control but please make sure that things like that are reported to the police so that they have a record of the complaints that have been made.

**2. Francisco A. Rivera** – Mr. Chairman and other members of the Commission I appreciate the opportunity to come before this Commission to express what I had already wrote in a letter to Mr. Borja requesting access to our family property which is Lot No. 259 located in Inarajan. The property is situated about 2 ½ to 3 miles in from the Inarajan Middle School but it is a landlocked property. We have no way of getting there without trespassing on other private properties. I am suggesting, I don't know whether there are other possibilities but one possibility that I see as the area where the access easement could be designated is Lot No. 1, Y Ledigao. That is a big government property under the jurisdiction administration of the Chamorro Land Trust Commission. I'm asking the Commission to please give us favorable consideration in approving access easement through that government land to our land which is back in as I said before about 3 miles in from the Inarajan Middle School. I am not familiar with what the legal size of any easement, I'll leave it up to Mr. Borja and his staff to determine that because I heard but it would be just purely speculation on my part that it is normally 40 feet wide. What I'm asking really is almost the whole length of Lot No. 1 which is big, probably close to the Dandan landfill. In fact the government property is in between the Dandan landfill and our property. I might mention this that if the Commission wants to consider this favorably there are other lots in that area that could benefit and be given hopefully the same legal access that is why I am asking the Commission. There are lots from behind the Inarajan School like Lot Nos. 248, 251, 253, 275, 264 (respectfully interrupted by Director).

The Administrative Director commented you are actually presenting your whole case which is on the agenda and this section of the meeting is public comments. On the details on that

I would offer that we could work with Mr. Rivera to iron out all the details rather than presenting his total case here, if you don't mind Mr. Rivera.

Francisco Rivera commented he doesn't mind and he was just finishing.

Acting Chairman Pro-Tem Calvo informed Mr. Rivera that the Director will follow up on the issue.

An appointment was set up for the Director to meet with Mr. Rivera.

**3. Marie Rimorin** – I am here on behalf of Base Corporation because the owner my employer is off-island for a business trip in Katar. Actually I just called but I don't have no idea in regards to what it is all about but according to this agenda my boss is requesting to lease government property land for business in his letter of February 29. My understanding is how can we able to apply for a land property to use for business as we are a general contractor on island and my boss according to his letter here that he is willing to lease property land to invest in some kind of business especially in construction industry. Do you have any recommendation for us to do what we can be able to apply on this because I believe if we can able, this is a very good advantage for Guam people.

The Administrative Director commented I previously met and you might want to go back and check with the people in your office but I previously met with two people who claim to be representatives of Base Corporation which was Violet Tinoso and Cesar. The letter that you have is a general inquiry and I told them basically what would be the necessary requirements to do. In so far as giving you a list of properties that may be available for commercial leasing we can give that to you. But the letter was just a general inquiry there was no indication of what property your company was interested or what type of use the property would be put to. If you can get those details then we can begin some sort of research and response to you.

Marie Rimorin commented she will go back to Mr. Hong and find out who is this guy and clarified that she remembers who Violet Tinoso is.

Acting Chairman Pro-Tem Calvo commented when they do apply for it to make sure that all the paper works as far as what kind of business they are applying for whether it be a small or big business so then we would have a general idea of where the property would be.

Marie Rimorin commented okay, thank you.

**4. Matilde Castro Mercado** – I am here to ask you if you could expedite my application. I applied this late because my house was taken by the bank and that is what made me apply this late. But because of my age and my illness and what I am suffering within my body I am asking you if you can assist me and give me a small piece of property that I can survive because at this hour it is very hard what I am suffering.

Acting Chairman Pro-Tem Calvo inquired when did you apply.

The Administrative Director commented she applied on November 8, 2006.

Matilde Mercado commented that is when they took my house. I had a house but the bank took it away, my brother that is why I am asking all of you if you can assist me and if you can give me a small piece of property that I can survive on because of my age I do not have much more years because I am sick and there is not much more for me to take.

The Administrative Director informed Ms. Mercado that she is listed on the agenda under Applicant Requests. Ms. Mercado is requesting to be expedited because of her age. She did apply on November 8, 2006 and her and several other people listed under the Applicant Requests are requesting for their application to be expedited due to their situation. The Administrative Director informed Ms. Mercado that the Commission doesn't have any houses just land.

Son of Ms. Mercado – I've been taking care of my mom ever since she lost her house and I would take care of her for the rest of my life but being a proud Chamorro my mom wants her own piece of property she can call home. I'm hoping maybe you can reconsider the guidelines and the rules of how you handle priorities and so forth on the applications. We are not asking for any favors or special treatment just that you reconsider the special circumstances and that hopefully she would be afforded a favorable decision where she can benefit from this agency and from your program while she is alive.

Acting Chairman Pro-Tem Calvo commented I just want to quote you on this issue of the land. First of all we go by the laws and the way the law was designed was on a first come basis on the line. I am trying to work with the legislature on this issue where people like your mom who is really in need of a place for a home whether for handicaps or for whatever reason. I did speak to Senator Ben Pangelinan, Senator B. J. Cruz and a couple of other senators on that issue and we will be talking about that and see how we can rectify that problem. I am going to be very honest with you at this point I don't want to commit to you at this time until this policy is clarified on the part of the legislature. That way the public that is here today that is listening it is clear to them also that I did not jump the fence that I have made everybody the same moving forward. That is like all of us respect one another.

The Administrative Director commented as Chairman Calvo had said we have been in conversation with Senator Pangelinan, Senator B.J. Cruz as well as our oversight Chair, Speaker Won-Pat on these issues where legally it says first come first served. As a matter of fact a large part of the last oversight hearing that we had recently concerned people that were processed before their time. I brought it up to the Senators both at the budget and oversight hearing that in my opinion there are some cases that should be expedited. As a matter of fact I basically said that senior citizens should actually get bumped up because by the time we're processing it may be too late for some of them. We have begun conversations with the legislature unfortunately or fortunately as the case may be the rules and regulations are in statute meaning that they are law. To change it requires legislative action. In the agenda under Applicant Requests almost all of these requests are requests for processing outside of the existing rules and regulations. I put all of these on the agenda and I invited these people to come in because it is a situation. It is not only one there are 12 on the agenda which are just the ones received in the last 3 or 4 months. In total there are probably 100 requests for expeditious processing of their lease. Of the 100 I am not sure if they can be justified or can be all accomplished but we do have a large number that have a variety of reasons. The majority of the reasons are being homeless and aged.

Matilde Mercado – Okay, thank you.

**5. John S. Unpingco** – Thank you for the opportunity to be able to address you today, we are on the agenda under Unfinished Business however I must ask for your indulgence because I have to return to a deposition I am presently involved in at 2 o'clock. As you have heard in the past, Commissioner Matanane and Commissioner Calvo both have heard our request. We are requesting to lease some land for a shooting range, restaurant and paint ball. We have prepared a business plan with pictures illustrating the site layout we intend to build also the financial information as to the target market for customers and also our projected income and revenue.

A picture diagram was displayed showing the layout of the facilities to include the paintball zone, handgun & rifle zone, shotgun zone, restaurant, clubhouse, office area and a souvenir shop.

John S. Unpingco - We can condense this if necessary and it depends on how much land is allotted to us. Our investors are primarily from Japan and they have been waiting for over a year to see if we can implement this. It would take us roughly a year to 18 months to implement this layout and to be fully operational. Right now the current range is near Talofo Falls and it is fully operational. Our market is going to be primarily Japanese gun enthusiasts. There are about approximately 500,000 to 600,000 gun enthusiasts in Japan. The range in Talofofo has been getting excellent coverage in the leading gun magazines in Japan. In fact the editor was here several months ago looking at this proposal and our facilities again. That in a nutshell is what we propose. I will not take up more of your time because we have all this information prepared in the business plan which also gives illustrations of the cover of one of the gun magazines and some of the activities. It is all written in Kanji and we apologize we didn't translate that but it is meant to give you an idea of what we have in mind. Some of these gun activities are currently being done at the Talofofo range.

Mr. Unpingco concluded the presentation and introduced Mike Moreno the controller of Guam Outdoor Shooting Range and Mr. Suzuki the president.

The Administrative Director commented about a year ago when the application first came in the property that they were looking at was under license to International Shooting Center. We reviewed International Shooting Center's license and found out that they had never paid any rent for the place. We have since terminated the license for International Shooting Center about 6 months ago. That was the same piece of property that Mr. Unpingco was applying for at that time.

Acting Chairman Pro-Tom commented that was the reason why we held it back to make sure and clearance with legal counsel to make sure that everything is within the law. That is the reason why it took so long. As of today I have no objection on approving this project that you guys are seeking for. What you have been putting out in the last year or so and we have communicated with Mr. Borja and I think you have communicated with Mr. Borja on this issue too on what you are trying to present for this rifle range issue. I know that the two Board members here are new members but as far as on my position to grant you this I have no problems unless there is an objection from the Board members at this present time to get this rolling on your part.

Commissioner Matanane commented that Mr. Unpingco has some documents that we need to look over it and I would suggest that he stay in communication with the Director and then we'll go from there and hopefully that it would be consummated sooner.

Administrative Director commented for information for the Commission there is also another item on the agenda that relates to this piece of property that being the application by Hawaiian Rock Products.

John Unpingco commented we are more than willing to work with Hawaiian Rock. As I said before during the course of the presentation that we are willing to compress our operations into a smaller land area if necessary so that might be an option to kill two birds or two applications with one stone.

Acting Chairman Pro-Tem Calvo commented like what Commissioner Matanane said we have to pass this issue back to see the other differences on the other land property, the Hawaiian Rock. If it is agreeable to your presence and Hawaiian Rock but of course since you made the application way before them then you would still have first crack at it in that situation. But like you said if want to kill which is good it would be a helping hand for you and also for the Chamorro Land Trust.

John Unpingco commented yes, we look forward to working with Hawaiian Rock if it be on an equal basis or on a sublease basis we welcome that. We are very open, we've waited a long time to get our application considered by you and we've worked very hard to get all the information required.

Acting Chairman Pro-Tem Calvo inquired from the Director on how soon can we get this.

The Administrative Director requested to meet with the applicants on July 8 at 9am and if the representatives of Hawaiian Rock is here to also note that date and time.

John Unpingco commented yes, that is agreeable.

**6. Robert Namauleg Celestial** – I heard some earlier testimonies and I believe you have my letter. I had sent Mr. Borja a letter requesting if it is appropriate for an exception to expedite my request for land lease because I would like to build a house. I don't have any property and I know everybody has as you mentioned it earlier that there is a law. I am 100% disability from the Army. I've been since 1983 and I would like to use my VA benefits to build a home. I hope that puts in your heart if not then I would just have to wait.

Acting Chairman Pro-Tem Calvo commented I sympathize with you because I myself am a veteran too. Believe me that is one of my programs too that I've been initially trying to talk to the legislature to see into helping some of our veterans through here. Like what I said earlier that we are in communication with the legislature and I've told them of some of the problems and it was even discussed in the oversight hearing some of the issues. I guess for me to honestly say to you to be more in the positive is when we finally talk to the legislature and they have to be the one to amend the law for whatever the nature is. It would be unfair for me to say too I guarantee you that you would get your property next week for that matter. I'm almost sure the other Board members feel the same way.

Robert Celestial commented I understand.

Acting Chairman Pro-Tem Calvo commented it is just unfortunate that the law was written in that way.

Robert Celestial commented I just felt just to ask.

Acting Chairman Pro-Tem Calvo commented and there is nothing wrong with that. It is good that you asked that because this gives us more power to go to the legislature and say we have these people that we need to support in getting these people to get whether they be disabled or veterans for that matter. I'm glad that you showed up today for that reason.

Administrative Director commented that every year the Veterans Administration makes available to Guam about 7 million dollars to provide housing to veterans here on Guam. Unfortunately all of it is never used. The most that has ever been used of that is 2 million dollars. What happens to the 5 million dollars? It gets returned back to the United States and where they say we gave you 7million and you only used 2million so maybe next year we will only give you 3million. This is a common problem that we have with Chamorro Land Trust applicants. The application list that we have is very heavy with veterans because a lot of our citizens, a lot of Chamorros are being deployed into combat zones where they may regain or they may get veteran status. Both the Chairman and I have met with Guam Housing Corporation, Mary Guerrero to see if there is anything we can do to process this. What is happening is these loans are available but the Chamorro Land Trust applicant is not yet next in line to do it. Sometimes by the time they get it the interest rates have changed or it's been so many years. I'm glad Mr. Celestial came here because he is actually representing I would say of the first thousand applicants we probably have 2 to 3 hundred of them that are eligible for veteran loans. These loans have a special factor that makes it very favorable for the Chamorro Land Trust Commission because the initial loan qualification is that you have to be a veteran but if that veteran defaults on that loan and builds a house on it and unfortunately loses that house the next person in line to take over that house or mortgage loan does not have to be a veteran. That's according to law so even if you give the loan to a veteran and the veteran doesn't fill the terms of that mortgage loan it can fall into the next Chamorro Land Trust applicant for that. I believe the maximum at this time is \$140,000 and in some cases Veteran's Affairs will approve loans up to \$400,000. The Commission right now has a backing of approximately \$11 million dollars of homes that have already been built and these were built with Veteran's Affairs loans. Unfortunately we can only provide that service to those veterans that are next in line or are in the line. But we are losing 5 million a year in not taking advantage of this situation. At the budget and oversight hearing I did mention that to the senators that they might want to consider some sort of adjustment in the application in the processing of first come first served because we are losing quite a bit of money in that program by not taking advantage of that Veteran Affairs loan program. If the Commission can make at the very least some formal request to the legislature to adjust that processing of applications to take into consideration veterans and their situation.

Robert Celestial commented thank you.

Acting Chairman Pro-Tem Calvo commented it would be good too at the same for you to see the senators.

**7. Jere Johnson** – I am on the agenda under Hawaiian Rock Products but I do want to make a comment on the shooting range. This is really the first I've heard of the new shooting range at the property that we've had under license with the Land Trust for almost 2 years. We've invested over a hundred thousand dollars in doing the environmental assessment, surveying and archeological study to be able to go in and grade the property so the Commission can use it sometime in the future. It very much concerns me how we are going to mutually agree upon two dangerous operations, one drilling and blasting and quarrying and a shooting gallery, how we can co-exist on the same property. I am willing to work with the shooting range to see how that is possible. I believe that Hawaiian Rock has been working on this for a couple of years before the shooting gallery got involved in it and I just want to bring up that point before you approve their application.

Acting Commissioner Matanane commented we understood that there was a shooting gallery lease there, the one that we have terminated.

Acting Chairman Pro-Tem Calvo commented yes, there was an original shooting gallery there but it never materialized for that reason and that was a long time applicant there and when they defaulted their application for all these they kind of really took over for that application. But there was an existing application not under that company's name though. One of the reasons why we terminated them was because they never fulfilled what they wanted to do but it did exist way before Hawaiian Rock was looking into that situation.

Jere Johnson inquired why did the Commission give us a license to do the studies.

Acting Chairman Pro-Tem Calvo commented that was the reason why you guys came in here because you wanted to make sure but you weren't so sure whether you guys were going to do some quarrying yourself at the time. That was the reason that you guys were authorized to go ahead because you wanted to look at the environmental and so forth.

Acting Commissioner Matanane commented I believe we've been renewing your license on a year to year basis and we haven't gotten your report stating you will be utilizing the property itself.

Jere Johnson commented I think we have been submitting reports on a regular basis.

Administrative Director commented yes, they have and they have even paid up their license. The license was signed in 2006 by the previous Director Mr. Tom Elliott. The license that he signed which I personally think had some flaws in it, identified an area of 80 acres but at the time this was signed for those 80 acres part of the 80 acres was really not available because it was still under license to International Shooting Center. The license was to identify which part of the property or whether the aggregate was good enough. They do have a signed license, they've paid their commitment on the license but I think as a researcher I think the license was defective in that sense that it shouldn't have been signed for 80 acres because 20 acres of the 80 was under license to International Shooting Center.

Acting Commissioner Matanane inquired if the license was for quarrying.

Jere Johnson commented the license says upon our investigation if we clear the environmental, the archeological and we do our investigation of the aggregate that we could complete a license for I think 25 years to grade the property to a grading plan that the Commission approves. We haven't spent the money on the grading plan because there are some uncertainty here right now that before we invest another 20 or 30 thousand dollars on the grading plan we need to get some direction. Like I've said we've already spent well over a hundred thousand dollars in this investigation.

Administrative Director commented the license reads for the purpose of conducting various assessments and studies necessary for determining the economic feasibility and the environmental impact for implementation for quarrying activities on the property. If the licensee determines that it is favorable then they will come back with the final mass grading plan.

Acting Commissioner Matanane inquired if they have indicated that they will be quarrying that.

Jere Johnson commented yes, the environmental and the archeological are clean and we have investigated the aggregate and the rocks on the property and it is good, it is usable. What we have to do as part of our license is we have to submit two grading plans for the approval of the Commission so we can give you a property when we get done quarrying that is usable that could be used for the shooting gallery or something at that point. If it is possible depending on their investment plans we can do their area first and then move on to another area but we haven't investigated that yet.

Acting Chairman Pro-Tem Calvo commented that is why I wanted the meeting with the applicants and the Director to find out more of the details. I know that when you had submitted the application I distinctly remembered at that time if it worked that you didn't know at that time that the quarry can be used for that matter then you would pursue it. Then you would come back to the Board and say yes we can do some quarry for that matter. Mainly your primary concern back then was to really find out the environmental part of whether it is really feasible and if it is workable. But there was never really a concrete saying that you are going to really have a quarry for that reason.

Jere Johnson commented it took almost a year and a half for the archeological report.

Acting Chairman Pro-Tem Calvo commented I just wanted to clarify that portion of that statement so that way we can have a mutual understanding. But I think with the shooting range gallery now and I know like you said both of you guys are going to be hearing booms and there has to be safety factors that have to be implemented. I think this is where we can collide and work and meeting with their company and if it is agreeable to you guys then of course there will be more in details that we have to work on.

Jere Johnson commented I want to clear that originally we asked for 80 acres and if 20 acres is a shooting range and we found out that subsequently 20 acres belongs to GPA.

Administrative Director commented that would be out of it, the entire lot is 98 acres.

Acting Commissioner Matanane clarified if the lease is for 80 acres.

Administrative Director commented the license is for 80 acres.

Acting Commissioner Matanane commented I remembered that when you guys were coming in it is only for the renewal of the environmental impact and that's about it and I didn't know that there was a lease for 80 acres.

Administrative Director commented that surprised me too because of the 80 acres at least 20 acres out of that was really not available because it was still under a license. The records show that Hawaiian Rock has inquired about this property and is going on 8 years now. The first record we have of their inquiry and their request was in the year 2000.

Acting Chairman Pro-Tem Calvo commented but on the record it is stating that it was 80 acres but technically because of the shooting gallery of Mr. Flores that was there and that was the 20 acres which we finally resolved that issue. But really I guess it's not to your fault for that reason when that was signed at that time. But there was an original shooting gallery that was proposed for that particular area I know that for a fact.

**8. Magalahi Maga Aniti (Howard Hensing)** – I came here on the first place to give my support to Joe so he doesn't get fired by the Governor that's official now. Going through this and I see all of these non-native names in here for business and yet the natives of Guam are having a hard time with their financial because of the economics on Guam are getting too ridiculously expensive for a native to live. Why are you entertaining these non-natives here? Why? This Chamorro Land Trust is for the natives. It is not for nobody else from outside of this island and that includes even Saipan. Why are these non-natives being entertained here? If they want land for lease I have somebody who is offering me 16 acres of land that is available to lease. Now if you guys want to lease you lease from us. You don't lease from Chamorro Land Trust, that is for the people and if you don't like it that is your problem. But this shouldn't be happening. We're having enough hard times surviving on our own homelands and this is being entertained. Now they want to create the land and make more money too and they want 80 acres for a firing range, wow. What is going on here? I mean if you want to kill us do it right now please because we are dying already and I'm available, I'm opening up my arms right to be killed. Do it. Because if you are going to entertain these non-natives to give them land that is wrong. Take care of the people who have been waiting since 1995, start from them work your way up. Don't entertain these non-natives and if you guys don't like what I'm saying who cares because it is the truth. There is not one line of lie in what I'm just saying. The Chamorro Land Trust was made by Paul Bordallo to give to our folks because they have the fortune of forcing the future. And what is happening right now, you might as well kill us because it is not being honored. Now this hurts, it irks out a person and if I wasn't this bored I couldn't sleep at night looking at all of this. What to get more money on this island? To get more rich so they can send it home and yet we're the ones having a hard time on this island. We can't even get a job and yet this old lady just had her house foreclosed because she couldn't afford mortgage and then she's asking for land and nobody cannot help her. What kind of business is this? When is this kind of business going to stop here? Our people should come first why is it the outsiders first? They are already rich they are living wealthy. How come we keep getting worse? They keep saying don't do this, don't do that. At least give me the lease and I'll lease it to those people and allow me to make money. But I can't do that either. I've

already went through that here, I have asked for a piece of property to build an apartment. No, I'm sorry Mr. Hemsing you can't do that and now these outsiders are here today to ask for land. First should be the people of the land since 1995, they should be the first ones you need to attend to. These outsiders that are rich and have money you should not tend to them. Our people should be first. Please excuse me but please listening to what I'm saying to let it into your heart so we can stop this situation. But if these business people are just from Guam you should give them but these outsiders no.

Administrative Director commented under the law and as well as an opinion from the AG's office there are certain lands the Commission can lease out to the general public.

Chamorro homelands of course cannot be leased out to the general public that's only for Chamorros. In so far as our budget is concerned 100% of our budget is coming from the commercial licenses. The Commission does not use any general fund money. On the contrary, in all fairness to Mr. Hemsing I believe he was given the wrong information because certainly Mr. Hemsing can apply under a commercial license application to build an apartment complex and rent it out. It would just have to be under the commercial licensing program. He must have been misinformed from our staff and I do apologize for that. But certainly Mr. Hemsing can come in license Chamorro Land Trust property not homelands and use it for commercial purposes whether it be setting up a retail outlet or financing the construction of buildings for apartments and rent it out, he can do that. There is nothing to prohibit him from doing that. I will contact him personally to let him know that the opportunity is available for him.

#### **V. APPLICANT REQUESTS**

The Administrative Director commented on the applicant request section we've had several of them come up during public comments and if I could ask the indulgence from the Commissioners since we allowed the previous ones I would just call up their name and see if they are here to present their situation. The reason why these applicants are here is because what they are requesting I don't think the Commission can do it administratively.

##### **1. Linda Cruz San Nicolas - transfer**

The Administrative Director commented in her case she wants to relinquish her application to her sister because she already owns property. She wants to be able to transfer her place in line to her sister which the rules and regulations do not allow now.

Acting Chairman Pro-Tem Calvo inquired if it could be transferrable.

The Administrative Director commented no, the only time you can transfer your application is when you die. Unfortunately, that is the way the rules and regulations are set up. That would necessitate legislative action to actually transfer that. In my personal opinion I don't see any reason why you can't transfer it to another qualified applicant.

##### **2. Ramon A.S. Leon Guerrero & Catherine Y. Leon Guerrero - transfer**

Applicant not present.

##### **3. Joseph Terlaje Cruz - transfer**

Applicant not present.

**4. Matilde Mercado - transfer**

Matter discussed under public comments.

**5. Francisco T. Maanao – transfer**

Applicant not present.

**6. Angelo Santos Gestiaada - expedite**

Jovita G. Duenas (speaking on behalf of Angelo Gestiaada a dialysis patient who is present) – My brother had applied for Chamorro Land Trust and is requesting for expedite due to his medical and for being also homeless. He is now residing back into my parent's house. He was at first living there although we had some family conflict where I have elders that are taking control over my parent's house and is now charging my disabled brother rental. Although he is a retired government of Guam and is undergoing dialysis three times a week but is able to use his hands and legs if you guys can assist him on that expedite for him to build his house. I have an older brother who is able to assist us with my brother to help build the place. He's not only dialysis he is also diabetic. He is not married he is a single person also. He's been diagnosed with his dialysis as of last year January and he is still well and able.

Administrative Director commented Mr. Gestiaada applied on September 2006 and I had checked with Guam Housing Corporation and Mr. Gestiaada automatically qualifies for a Guam Housing Corporation loan at 7.5% interest but his turn is not yet in line. That's what his problem is at this point.

Acting Chairman Pro-Tem Calvo commented I know that it's disheartening on your part but as I stated in the early stage about the law. Believe me I feel what you feel for your brother but you have to understand one thing that until the legislature clarifies these issues for us to go ahead. You guys can go to the legislature and present your problem too because we can work with them. We have already confronted the issue to the legislature telling them what we need to enhance people who are in need of help at this point in time. We have to be sure that when we do this, jump from A to Z what about the people in between?

Jovita Duenas commented I understand.

Acting Chairman Pro-Tem Calvo commented I don't want to cause that clash collision. I understand because you have a legitimate reason but there are other ways at this point in time that your brother could probably go to seek other assistance from other government agencies.

Jovita Duenas commented we have tried. Although, my brother is under the government of Guam retirement we've tried the Guam Housing which is GHURA.

The Administrative Director commented that GHURA and Guam Housing are different.

Jovita Duenas commented okay but I've tried. We went there and his income being a retiree and single person he does not qualify.

Acting Commissioner Guerrero commented according to his letter he is a single person with common-law and children. Why doesn't he go back to GHURA and apply under that as a family man, common-law, it is recognizable.

Jovita Duenas commented I've tried although common-law but not his kids those are step kids.

Acting Commissioner Guerrero commented okay so that's the click.

Jovita Duenas commented and the thing here is he's living under my parent's roof under my brother.

Acting Commissioner Guerrero commented there is another way around this why don't you let the common-law apply.

Jovita Duenas commented then they will still base it under his income though because he's in the household.

Acting Commissioner Guerrero commented he is probably in a higher income rate because this public housing is for all.

Jovita Duenas commented I guess that's why he is seeking from you guys to build his house there and no problem.

Acting Commissioner Guerrero commented but there are other ways so maybe you might want to revisit that.

Jovita Duenas commented we can though.

Acting Commissioner Guerrero commented to just bear in mind that this is a temporary situation until you get what you actually wanted to build your own home.

Administrative Director commented that he had met with Mr. Gestjada previously and he will meet with him to see what we can assist them with in terms of GHURA.

Acting Chairman Pro-Term Calvo inquired if there are other government assistance or federal assistance that they can apply for besides GHURA.

Jovita Duenas commented she has checked into it.

Acting Chairman Pro-Term Calvo commented I hate to put you left in the bag but we're not in a position until ultimately we clarify this with the legislature.

Jovita Duenas inquired when you clarify this with the legislature how long does this take.

Acting Chairman Pro-Term Calvo commented they will have to amend the law. They have to meet some certain rules to this application. They would probably require medical clearance and so forth. This is something that you and the legislature could probably discuss because before they amend the law stating that certain people can be qualified into

this program like the veteran disable. Those are some of the programs that I want to see go through but because the law ties our hand because of the way it goes by the number. I guess when it was written back then they didn't foresee the outcome of the future of what it would be, the transpiration of a lot of people like you that would run into this situation. Just the other day Mr. Matanane and I when we had our confirmation I simply told them that the ball is in their hands because I want to help these guys. That's why they get all these calls and our agency gets calls but there is nothing we could do at this point in time until the legislature acts on those issues. I wish we could just right in the middle and change the law and make a board policy right now but we can't do that. I don't want to make a commitment. I don't want to tell you that a month or two months from now everything will be fine. I'd rather that I be upfront with you in that way you would understand. Mr. Borja and I will follow up on the senatorial part. Like I said this is time of the season, this is the time to hit these guys.

Jovita Duenas inquired if she goes into GHURA would she have him (Acting Commissioner Guerrero) for her reference that she can apply for her brother.

Acting Commissioner Guerrero informed Ms. Duenas to give him a call and they can take it from there.

**7. Joyce H. Perez & Peter P. Finona – husband&wife**

Administrative Director commented the applicants actually didn't ask to be put on the agenda but he wanted to give the Commissioners another situation that is causing heartburn to applicants and to the Land Trust. Two single people lined up, made an application, got married and now they are going to have to give up one of their leases because the law says that if two individuals got a lease and get married they would have to give up one. This is a situation where the rules and regulations I think are discouraging people from getting married.

**8. Lydia Manibusan Aldan - expedite**

Applicant not present. The Administrative Director commented that she had applied February 2003 and she actually was renting from a Chamorro Land Trust lessee and she was kicked out and now that led her to have a homeless status because she didn't pay her rent. She is asking for her application to be expedited.

**9. Benny F. San Nicolas - expedite**

Applicant not present. The Administrative Director commented that the applicant is claiming homelessness and he has some mitigating circumstances where he is not allowed to live around certain type of people.

**10. Ramon/Raymond S. Reyes – transfer**

Applicant not present. The Administrative Director commented that the applicant wants to transfer his application to his brother. He says he can manage but his brother can't but we can't transfer his application.

**11. Robert N. Celestial – expedite**  
Matter discussed in Public Comments.

**12. Rosemary Pablo Devney – expedite**

Applicant not present. The Administrative Director commented that she was given an advanced placement on her property. She applied in 1996 and her lease was signed in 2004 by a previous Director because of the fact that she was homeless. There have been a couple of cases where the administrative part of the Commission had given leases when they probably shouldn't have.

The Administrative Director requested that in the interest of the people who have been here since lunchtime if the Commission could move the Advisory and Administrative Matters section to the last item of the agenda before the Executive Session. The budget hearing, oversight hearing and subdivision report is going to take about an hour to go through.

There were no objections from the Commissioners.

**VIII. UNFINISHED BUSINESS**

**1. New building progress report – Block 24, Hagatna**

**2. Relocations and Evictions report**

The Administrative Director requested to move items 1 and 2 to the end of the agenda so that the Commission can take care of the people who are present and have requests to be taken care of under the Unfinished Business and New Business sections.

**3. Yung M. Song – reimbursement request, commercial application**

The Administrative Director commented this is an informative section. This applicant was promised a commercial license, he is a non-Chamorro who incurred a certain amount of expenses to develop the area where his commercial application was requesting for. He never got a commercial license. The Commission denied his commercial license at some point in time. Mr. Song came back requesting for a reimbursement. The Commission threw a board action denying that reimbursement. Mr. Song is still requesting the Commission for reimbursement for approximately \$5,500 but I could not find any record in the meetings by any Board whether this one or any previous one approving any reimbursement. Mr. Song did indicate that he was promised reimbursement by the previous Director.

**4. Guam Outdoor Shooting Range – commercial application, Lot 5412, Mangiliao**

Matter discussed under Public Comments by John Unpingco.

**5. George Torres – commercial application, Lot 7163, Yigo**

The Administrative Director commented this is a commercial request application and Mr. Torres had submitted the necessary paper works. Because Mr. Torres is not present the Administrative Director requested that the Commission table the matter.

Acting Chairman Pro-Tem Calvo commented yes, I think we should table it.

**6. Premier Hotels & Resorts – commercial application, Alupat Island, Tamuning**

The Administrative Director commented that this license was previously conditionally approved by the Commission. The license was pending the appraisal which the applicant has submitted and pending the final draft and legal review of the license that needs to be done by legal counsel. This is the license for Alupat Island.

Acting Chairman Pro-Tem Calvo commented I know that we did pass that to give the authorization for the applicant to go ahead and do what has to be done.

The Administrative Director commented the only thing that we were awaiting for at time was the final license. We could not finish the draft because we needed to know the amount of rent to put in and also the legal description of the property. We've given the appraisal to legal counsel for review and the license itself.

Acting Chairman Pro-Tem Calvo inquired from legal counsel on when will the Commission get feed back on the matter.

Legal Counsel commented we received the appraisal yesterday and probably will provide feedback by the next meeting.

**Ed Calvo**, applicant representative – As Mr. Borja had pointed out we've exchanged drafts on the license agreement and I think that we are basically using the form that the Commission uses and there isn't much debate about it and then the appraisals came in. As far as we're concerned based upon the previous conditional approvals those conditions have been satisfied. It is just a matter of finalizing the contract and then actually executing the agreement.

Acting Chairman Pro-Tem Calvo reminded the applicant that in the near future if Sheraton was to sell their piece of the property that the property will not be part of the sale.

Ed Calvo commented absolutely. We understand that it is not transferrable. You are perfectly clear on that, we understand. I would ask that now that all the conditions have been satisfied it is really just a matter of filling out the license agreement and finalizing. If we could just go forward with that rather than waiting to come back, once we've done that if we could just move forward with the license agreement that would be great.

Acting Chairman Pro-Tem Calvo commented I don't see any problem with that.

The Administrative Director commented once it passes through legal counsel I don't have a problem signing it. The Board has approved it, the conditions have been met.

Acting Commissioner Matanane commented I believe the problem that should be stipulated on the license agreement that if they decide to sell that it not be transferred.

The Administrative Director commented personal and not transferrable.

Ed Calvo commented I think it's explicit in the license.

The Administrative Director commented yes, it's in the license.

Acting Chairman Pro-Tem Calvo commented I don't have a problem with that and the Director will proceed with the issues.

The Administrative Director informed the Commission that he will work with legal counsel to get it out as soon as they can.

## **IX. NEW BUSINESS**

### **1. Guam Rugby Club – Request to extend license agreement**

**Ross Morrison** – Thank you very much for receiving and assisting our request for extension of the Chamorro Land Trust license that we have. The request was made in 2007. We are a non-profit organization. Basically we've undertaken the development of a sports facility at the Wettengel Rugby field specifically for the youth of Guam and for our children. We've met a very high proportion of our stated goals in terms of development of the field, bleachers for spectators, toilet and shower facilities. We are currently in the second phase of development and the second field once again for the use of the general sporting youths which is about 80% complete. Once again we are here to ask your consideration to move through the standard process of re-approval of the license as the original agreement was set up. Also present with me is Mr. Tim Wenden, the president of the Guam Rugby Club. I am one of the founding members when the agreement was put into place and have a little bit more knowledge of the agreement.

Administrative Director commented this request came in almost a year ago. It was a request to extend the license agreement. The request I believe did not meet the deadline. I believe it was like 5 months prior to the expiration of the license that the request for extension had to be made. Upon reviewing the file we noticed a problem in the entire lot. This basic lot originally included Wettengel Elementary School, the Hals Angel Football Field, a baseball field and the field where the Guam Rugby Club is. There are actually two fields, a playing field and a practice field if I am not mistaken. The license for Hals Angels was actually approved first in terms of chronological order but the signing was after the Guam Rugby Club. In between that period of time though I believe it was the Rugby Club that took the initiative to have the property surveyed. When they surveyed the entire basic lot of course they cut out the Wettengel Elementary School and then carved out the lot for the Rugby Club and what was left was supposed to have been with Hals Angels. Mr. Ivan Shiroma did visit my office and wanted to ask the Commission to look over the issue because there might be a conflict on the use of the property the way that the property is surveyed. The property is actually surveyed and severed according to the use of each of them. Unfortunately, somehow Hals Angels got approved first by the Board but the actual signing was really later on. After Hals Angels was approved the Guam Rugby Club got theirs approved and they did the survey and then their license was signed before Hals Angels. But the license that was signed for the Guam Rugby Club was of course for that severed portion and along with Hals Angels and the Guam Rugby Club there is also another group claiming having usage of the property, the little league field area. If you're at the Johndel, the former Johndel intersection in Dededo when you make the right hand turn onto Santa Monica Avenue the whole area on the left side after you pass the pipeline is the property.

Acting Chairman Pro-Tem Galvo inquired on how big is the lot for the Guam Rugby Club. You quoted earlier although there is a miscommunication of the signing of the lease the Hals Angels applied first but they ended up having their lease signed later. This is really kind of a situation that we have right now with these folks with the Rugby Club and Hals Angels. I think we have to clarify this more.

The Administrative Director requested that the staff be given little time to do research and provide a written report to the Commission as well as to the Guam Rugby Club and Hals

Angels applying for that property and to clarify the other claim to the property which is the little league.

Acting Chairman Pro-Tem Calvo commented that is what I would think too.

The Administrative Director commented that in the meantime the area is still being used.

Ross Morrison commented the Rugby Club obviously we function a lot of private participation and sponsorship and we've got some sponsorship specifically from Anheuser Bush, Shell Guam, Outrigger Hotels those sorts of people. We've been ambitious of development of a certain field which costs us in the range between 50 and 70 thousand dollars. We just want to make sure, we want some sort of indication do we push ahead and finish this or do we stop?

Acting Chairman Pro-Tem Calvo commented I think we should really make our side clear first on the facts. I sympathize with where you're coming from but we're dealing with land issues here and we want to make sure that point A to point B is your lot and point C and point D belongs to the other side. I don't want anybody crossing over and saying that they are trespassing. I think it is wiser for the Chamorro Land Trust to clarify this issue more. I'm pretty sure the board members probably feel the same way. Before I make a final decision I want to make sure that we all have the same thinking.

The Administrative Director commented if it could be agreeable to all parties we can set a meeting for July 8 at 11am.

Ross Morrison commented that is fine and Mr. Wenden will be the one present.

**Ivan Shiroma** commented I am glad we are going to have another meeting because I want to oppose their license. I think these guys have been dealing in bad faith with the Hals Angels organization and I want to be able to give you evidence as to why they are dealing in bad faith. Why these guys want to extend or push for this new land or get their project going they are trying to use development and all that they don't even own the land.

Acting Chairman Pro-Tem Calvo commented and that is why it is important for us to really clarify this issue. This is something that we all have to communicate and talk about and really find out what are the issues. I don't really want to get into the issues of what they do and what you do. What our primary concern here is when we sub that lease to you A and B is yours and C and D belongs to him. That's my only biggest concern. What you do on that field that is within your purview between the two of you guys. Whatever things that goes in that at least not in my board and I don't know how the other board members feel and I appreciate where you are coming from. That is why it is important that we really sit down and really look at this issue more thoroughly and that's why I requested Mr. Borja so our people can go back and do research on this issue. From there on then the Board can ultimately decide what is the best. The bottom line here is it's for the kids. That is where we are looking at. Whether it be for football, for soccer or rugby. It all boils down to enhance for the kids. I think being cooperative I think everybody can work out together because it would be a sadly day if you guys can't get along.

Ivan Shiroma commented I just want to make it clear that the development is not going to continue because the development is going on now on the said property that is in question.

Acting Chairman Pro-Tem Calvo commented okay.

Ivan Shiroma requested if the board can make it clear that they are not going to continue until it is settled.

Acting Chairman Pro-Tem Calvo commented Mr. Borja take note of that and I think you'll agree with me other Board members that we will make sure that these issues are really set and put on the agenda the right way.

Administrative Director commented they will be given a report and on the administrative side to this as the Commission knows I am very short staffed. I don't have anybody in the commercial section. I would probably put in a couple of thousand dollars worth of Chamorro Land Trust time into this and the return of course are these are non-profit organizations. If anything they would probably pay a dollar a year on it. If I pay a lot of attention to this I'll be putting a lot of resources. But we've made that commitment to handle this issue and we will with that meeting time. But just to let the Commission know also that when I spend time on this it takes time away from other issues. On this one we've made the commitment but on these other ones coming up I do need some sort of guidance on it because I am very, very limited in staff and resources.

Acting Chairman Pro-Tem Calvo commented and I understand that we are limited on staff.

Administrative Director commented that we have that meeting set up already so we'll go ahead and take it from there for this one.

Ross Morrison commented the Guam Rugby team who most of them are products of the Guam high school program they are actually playing against a national team Brunai on Sunday at 4pm and next Saturday, July 5 we are playing against the Philippines. This is a full international sporting event. We would provide you a full invitation to come and watch a good hard sporting game of rugby.

## **2. Guam EPA – Solid Waste Management Facility Permit Application for Guatai**

The Administrative Director commented this is for information purposes telling the Commission that GEPA has denied so far the license for GRRP for the proposed Guatai landfill.

## **3. Base Corporation – Request to lease CLTC property**

Item discussed under Public Comments.

## **4. Law Office of Teker Torres & Teker – Frances H. Cepeda land exchange designation request**

Phil Torres of the Law Office of Teker Torres & Teker, applicant representative – We've submitted a request for a land exchange pursuant to P.L. 22-73 and 22-80 which was passed back in 1994 giving the Commission the authority to designate certain land areas for land exchanges when the Government has usurped private property for public purpose. In this case Frances Cepeda is the owner of property in Barrigada. It's being used by the

village of Barrigada as a ponding basin to prevent flooding. We've identified property, it's actually been identified for a very long time in Barrigada Heights for an exchange. We've provided documentation in the past, I don't know if everybody has had an opportunity to review it. That is the substance of our request.

Administrative Director commented basically what the Cepedas are asking for is that according to law the Chamorro Land Trust Commission, the Dept. of Land Management and I believe the Dept. of Public Works were mandated by that public law to get together and develop a list of properties that are available for land exchange. None of those agencies have complied with the law. The Cepedas are requesting that the law be implemented. That point that the list is provided by those three agencies and signed and given over to the government at that particular time because the land exchange I believe is already authorized by law. It is purely an administrative ministerial task of the government, the administration to do that land exchange. But I believe, correct me if I'm wrong Mr. Torres but what they want us to do is implement that law, provide the list to the Governor so that the land exchange can continue as per law.

Acting Chairman Pro-Tem Calvo commented I think we discussed this issue a couple of months ago and Dave you were here. I think it was also heard in the legislature and pretty much got it's clearance and also there was testimony done by Public Works and the Mayors and so forth in support of that issue of the Cepeda family. This is also where the government fails to sometimes where they were promised for many years for this property and they have helped out the village before it got flooded for that matter. I think we did pass on this on giving them that, we had no problems.

Administrative Director commented there was a bill introduced at the legislature to implement the land exchange and relative to that bill at the public hearing the previous Commissioners which included yourself and Mr. Matanane signed a document that the Commission at that time did not have any objections to the proposed law under that bill.

Acting Commissioner Matanane commented if it is in law form so we just follow the law.

Administrative Director commented there is already a public law to put that together it is just that the three agencies never got together to develop that list.

Acting Commissioner Matanane inquired if they had submitted a list of properties.

Administrative Director commented no, not pursuant to that public law and I believe that is what the Cepedas are asking for. Just to develop the list according to the law and at that point on it's an administrative function.

Phil Torres commented it gets forwarded to the Governor and the Governor is then authorized under the law to execute land exchanges with the Cepedas or anybody else who are similarly affected.

Acting Commissioner Matanane inquired which property are you trying to exchange.

Phil Torres commented this process has been going on for two decades. The administration would change but this property was identified in Barrigada Heights. It's at

the top of Barrigada Heights. Its property that remains undeveloped after these two decades. I've identified, I believe its Lot 8, Block 15, Barrigada Heights.

Acting Commissioner Matanane commented what we do here at Chamorro Land Trust is value for value.

The Administrative Director informed the Commissioners that it is value for value.

Phil Torres commented that is an interesting question. 22-73 said that the exchange should be a value for value exchange but 22-80 passed a month later changed it to say area for area. Under both analysis this would work because the properties were of similar value and actually the Cepeda property is a little bit larger than the property in Barrigada Heights.

Acting Chairman Pro-Tem Calvo commented the government has taken more property out of utilizing compared to what their size of property would be have been given back.

Phil Torres commented that is right.

Acting Chairman Pro-Tem Calvo commented so they would have taken a loss instead of a gain and the government would have gained more which actually has gained all these years.

Phil Torres commented that is correct by about 2,000 square meters.

Acting Chairman Pro-Tem Calvo commented like what Mr. Matanane said if that is what is stipulated in the law and we are only guiding ourselves to what the laws are saying here. I have no objection in going through this Mr. Borja.

Administrative Director commented well it is the law. I'll call a meeting with the two other agencies and develop that list.

Phil Torres commented and then it becomes the Governor's decision on what he wants to do with that list.

Acting Commissioner Matanane commented like what Mr. Borja said he'll try to get a hold of the agencies that are tasked to do that and then we'll look at it and then I guess we can send it up to the Governor because the Governor will be the ultimate.

Administrative Director commented we'll take a look at the law and work with legal counsel to follow the procedures as indicated in the law.

Phil Torres commented that he will forward a copy of the public laws.

The Administrative Director stated that he will call a meeting with the agencies probably for the 2<sup>nd</sup> week of July.

#### **5. James F. Baldwin – Licenses held by IT&E Overseas, Inc.**

**James F. Baldwin** representative for Pacific Telecom Inc. – They've entered into an agreement where they are acquiring the assets of IT&E. IT&E obviously can't transfer the

license agreement, those are personal to IT&E and non-transferrable. However, PTI has come before the Commission to ask if the Commission can consider either leasing PTI the IT&E licensed sites on the same terms with the remaining term or if you want to start a new license agreement and new terms and do an appraisal. Either way it would be fine with PTI. There is existing equipment on the land that PTI would be purchasing from IT&E and we would have to move that and I don't think that benefits anybody because it would interrupt the income flow to the Chamorro Land Trust Commission and my client would have to find a new site for the antennas. We're hoping that the Commission would look favorably on the request to lease the lands that are occupied currently by IT&E to PTI.

Administrative Director commented the Commission did approve previously a transfer of license which I believe was in the Guam Cell sale to DoCoMo. There is precedent in transferring these licenses that we have. We did that before in the latter part of 2007 I believe.

Acting Chairman Pro-Tem Calvo commented I have no problems because you're just actually taking over the towers and what not right from this license that you are acquiring for that belongs to IT&E.

James Baldwin commented that is right and they are antennas sites so they are not easily developable land for residential or agricultural purposes. They are pretty much just mountain tops.

Acting Chairman Pro-Tem Calvo commented he has no objections to that.

Administrative Director commented that their payments have been very good.

**Acting Chairman Pro-Tem Calvo commented when we do this transfer they would cover the legal fees on these things.**

Administrative Director commented that he would prepare a bill because the transfer needs legal review. What the Chairman is saying is we may charge you for the cost of the legal work.

James Baldwin commented that is perfectly understandable. We would be more than happy to bear those expenses. No objections whatsoever.

Acting Commissioner Matanane inquired from the applicant if they had communicated with IT&E that they are taking over.

Administrative Director commented they bought it already.

James Baldwin commented we've been communicating with them very closely.

Acting Chairman Pro-Tem Calvo commented I just want to make sure that all legal fees will be encumbered by your company.

James Baldwin commented that is understood and PTI has no problems with that condition, it is very reasonable.

Acting Chairman Pro-Tem Calvo inquired if there were any objections.

Commissioner Gumataotao inquired on what are the expirations of the licenses on the current sites. Are they going to continue or are we going to start a new license?

Acting Chairman Pro-Tem Calvo commented we're just going to do a transfer.

James Baldwin commented that one is expired and apologized that he only has the original licenses and doesn't have the 2005 renewals but it looks like most of them ran through 2005. Some go through 2012. There are four different sites.

Acting Chairman Pro-Tem Calvo inquired if these licenses are on a year to year basis.

The Administrative Director commented no.

James Baldwin commented that they are five year licenses.

Acting Chairman Pro-Tem Calvo commented I'm pretty sure it hasn't really come to that date of the expiration.

James Baldwin commented no, I believe 2012 is the expiration. The one that I said had expired through 2005 I believe that has been extended. I believe they run through 2012 at least the one I have with me runs to 2012.

Acting Chairman Pro-Tem Calvo commented what we need to do here is make sure that when we establish this new lease if we can do it one package deal. Let's say hypothetically you make the transfer July 1 for example that all the other licenses will be transferred at that same time.

**Administrative Director commented with legal counsel's advice maybe it might be better just to approve a whole new set of licenses for that site under their name and begin it anew. Is that a problem?**

James Baldwin commented it is not a problem. Either alternative will be acceptable to my client. The simplest would be for us to just take over for the remaining term but certainly a new license would be welcomed as well because we are going to be back in 5 years upon the expiration. We would just need to ask for an extension as well.

**Acting Chairman Pro-Tem Calvo commented okay why don't we just go ahead and put the application in totally under your company as the new applicant. You would still have the authority right now as the papers are being shuffled around.**

James Baldwin clarified if they would still have the authority to remain on the land.

Acting Chairman Pro-Tem Calvo commented yes. I know that the paper trail has to take place but in the mean time we want to make sure. I think about 60 days or 90 days would be sufficient enough.

James Baldwin commented the payments that are due from IT&E under the licenses our client will make sure that those get paid and that the Chamorro Land Trust Commission would not lose any license fees as a result of this.

Acting Chairman Pro-Tem Calvo commented that is fine.

#### **6. Senator Palacios – Construction of a fire station & headquarters building on Ypao Point**

The Administrative Director commented the letter from Senator Palacios is requesting that the Commission look into the possibility of establishing some acreage on Ypao Point for the construction of a new Tamuning fire station and a new GFD headquarters. The Chairman and I went out to the sites of Chamorro Land Trust properties in Tamuning and we have responded to Senator Palacios about other potential sites for the fire station and the headquarters rather than on Ypao Point.

#### **7. Hawaiian Rock Products – License Agreement/Progress Report**

**Jere Johnson** – As Mr. Borja said we paid the license fees through June 30<sup>th</sup> of this month. It's a \$500 a month fee that we are paying while we are doing our exploratory analysis. I hope the Commissioners got a copy of the report that we submitted on March 25<sup>th</sup> explaining what we've done up to date on the property. As I've explained we've invested over \$100,000 dollars on the environmental, archeological, surveying and other fees. What I am asking the Commission today is to consider an extension until the end of 2008 on our license because we need the extension just to finish. Obviously, we have to meet with the shooting range people and work out the details there. Plus we have to finish up the profiling of the two proposed grading plans that we need to submit to the Commission and also determine a royalty that we would pay to the Commission for the aggregate that we take off the property. I would like to ask if Mr. Borja could have the authority to go ahead and just extend the license agreement until the end of this year and we will make the commitment to try and complete our study and negotiate the lease rent by the end of this year.

Acting Chairman Pro-Tem Calvo commented I have no objections to that.

Administrative Director commented without objections I'll take that as the granting of that authority to extend the license.

Acting Chairman Pro-Tem Calvo commented just to the remainder of the year.

Jere Johnson commented I think we could complete it by the end of the year. Like I said we've completed the major hurdles which took the time. The environmental assessment, we had to bring an off-island person in to do that and the archeological had been submitted and comments had been made. So the final draft is ready for submittal and there seems to be no major obstacles as far as environmental and archeological on the properties. We've already done a complete survey of the property and all we need to do is about a month to do the two proposed grading plans and we'll now have to incorporate the shooting range into that plan and see if we can work that out. So maybe in a month from now we would have that grading plan and then we can estimate the amount of material that we would be removing from the property to give you what the property would look like at the end when we're complete and we move off the property. It's going to take several years but fortunately there is a boom coming up and hopefully we will be able to remove the material

much quicker than we anticipated 5 years ago when we started this process. I think you would have a nice piece of property when we get done that you can offer to another developer.

Acting Chairman Pro-Tem Calvo commented so we're looking up to the end of December. If you feel in the near future before December and you might need an extension to go all the way to December 31<sup>st</sup> you have to come in at least in a month or so.

Jere Johnson commented maybe in the agreement if we can put an option to extend for maybe a 6 month period at a time that would be subject to the approval by the Commission if that would be acceptable.

Acting Commissioner Matanane commented I have no objections to that.

Acting Commissioner Guerrero commented I have an objection for the simple reason that this is overdue already and if you are going to keep extending when is this going to stop?

Jere Johnson commented understood. You know when we started this process the economy was much different than it is right now. There wasn't really a need but we live with that. If we can be allowed to come in if we need an extension at the end of the year if we can be allowed to present that to the Commission we'll do that.

Acting Commissioner Guerrero commented we're in the new century so we should have no excuses.

Acting Chairman Pro-Tem Calvo commented you are okay for the end of December but like what Commissioner Guerrero stated I don't think we should put in a stipulation or a clause in there that if time does not permit you that you have the other option whether if be 6 months, a year. You would actually have to come back and approach the Board saying that you ran out of time. That is why I wanted to give you heads up that if you feel that you are not going to accomplish your mission within that period of time then we can agree to that issue. But when December 31<sup>st</sup> comes up and you say that you need another 30 days then you would have to go through the entire process.

Jere Johnson commented we are trying to do a status report for every meeting that you have so we'll continue that practice and keep you up to date on how we are progressing on it. Hopefully after this July 8 is the meeting we'll have some further direction on where we are going.

Administrative Director informed Mr. Johnson that the meeting is set for 9am on July 8.

#### **8. International Bridge & Construction Marianas, Inc.- Commercial license request for a construction yard**

The Administrative Director commented the applicant is requesting for a commercial license for a construction yard and staging area in Yigo. This is the lot next to the Yigo gym, the GAIN facility and the bus satellite station. The specific lot that IBC is requesting for is actually used after the typhoons as a staging area for debris. I believe right now if I'm not mistaken there is a small mountain of tiles I believe on it.

**William Toelkes**, applicant – We'd like to propose a 20 year lease on this piece of property if possible and we would like to work out an agreement that we could build roads to some of the lots that you are giving out to individuals that do not have access to them in exchange for the rental of this property if that is satisfactory.

The Administrative Director commented we've met previously with Mr. Toelkes on this request and they had originally requested another piece of property in Dededo near the solid waste transfer station. However, that particular property is problematic and they and us have identified another piece of property up in Yigo. Which I think would work better both for the Commission and for IBCM in a sense that the Commission has been giving out leases to a lot of lots in the Yigo area. Unfortunately, as you have heard Mr. Torres here earlier some of those lots don't even have roads to them. We give them leases, we give them authorization to apply for power and water but in most cases we don't even have roads to the property. One of the staff members made a suggestion that since this is a big construction company I believe IBC has been on Guam for maybe 30 years they are not a new visitor in town that maybe rather that the compensation be in dollars that the compensation be in terms of service to the property, in kind services. The Commission had previously done this to one of our earliest leases where in return for the first years rent the new licensee wanted to clear the area out of metallic waste and I believe at that time the Commission gave them credit for approximately \$15,000 to remove a lot of metallic waste in the Harmon area and that license is still on going. In this particular case because we are dealing with an applicant that has certain skills and certain capabilities as well as payment I would assume for the property that we use any construction services that they might have. This area is almost across the street from one of our developments and you'll see when I make my subdivisions report we have a subdivision that we are doing up in Yigo that includes approximately 150 lots. In the previous days it was easy to hand out leases because you identify the lots, give someone the lease no specific legal description just a portion of a lot, no guarantee of access roads or anything like that. At least the previous Commission of which Mr. Calvo and Mr. Matanane were members of they do not want to continue those leasing without providing at least access to these roads to these people. People come in and say that the lot that we gave them for lease they can't even get to it because there is no road so it is almost useless to that particular person, that particular lessee. Rather than asking for dollars I recommended to the Chairman and I'm recommending that if at all possible that the compensation be in terms of service. I do this actually to help me out administratively. As you'll see when I go into the budget presentation, the administration and the legislature up till now is denying the Commission the authority to spend its own money. They don't even let us know what we have in our account. We for example looked at our account and we estimated that there was \$54,000 left over from the previous year. At the budget hearing we found out that it wasn't \$54,000 it was \$185,000 and that's money that the Commission brings in from the commercial licenses. I like to call it green money and white money. They say Mr. Borja what is white money? White money is an appropriation from the legislature that says you are hereby given \$150,000 but it's given to you in white paper, an appropriation. Now when the cash becomes available maybe you'll get it. But the money the Commission has is green money. This is people from these commercial licenses, IT&E, Hawaiian Rock that pay to Dept. of Administration. They maintain the account and they've never given me the balance despite several requests. It was only at the budget hearing that the legislature and the Commission found out that for this year only we have lapse. We have money in our account, \$185,000 that belongs to the Commission and should be only used for the Commission. But even

getting the balance out from Dept. of Administration, I have a hard time getting it, I've never gotten it, I've gotten it through the legislature when the Senators pry it out from BMMR or pry it out from DOA at the public hearing. All I am asking is that we spend our own money. But if Mr. Toelkes or any other licensee were to continue that practice of putting the money over there and taking cash money for it, it literally takes an act of congress to spend that money that is rightfully ours. It is not general fund money, its money that we receive from these commercial licenses. But we are even having a hard time, our budget this year got increased by .0006 percent.

Acting Commissioner Matanane inquired where is that money coming from? Is it white money or green money?

Administrative Director commented that money is green money but you have an account here of \$185,000 what they are saying is you can spend \$3,000. That's how much our budget increased by this year. It was increase, that's the good news, the bad news is its only \$3,000 you can't have the \$185,000. That is why I am asking for something like this. The other ones of course like IT&E, we want the cash money because you can only have so much service on it but this company has something that the Commission could use and it might be a win-win situation because the lot that they are asking for is literally across the street from the Chamorro Land Trust developments. I think it is about half a mile from Mr. Torres's area who had requested for the easement. Maybe the company has some down time and I'm not sure. I've spoken to legal counsel on this and if there is any way that we can do it I would suggest, recommend and ask the Commission that that kind of compensation be approved rather than the cash money.

Acting Chairman Pro-Tem Calvo commented I don't have any objections on that. There are a lot of other companies that can come in but in this situation where we can use their services to our advantage. Because then this way we can say I have 100 lots out there but even if we have 100 lots out there right now like what Mr. Borja stipulated and I give you a piece of property and I do run into a lot of people who say you people give me a lot but I cannot even get to my property. So now we have something where these people are willing to fair exchange. They are willing to open the road to a good compacted road it is not where they just run a bulldozer and that will be stipulated in our agreement that the road will be compacted and well done professionally. Not just because you have a lease and all you have to do is just bulldoze it and dump a couple of rocks and that is it. That is my concern. I know your company has been here for almost 20 some years and you have done a lot for the community. In my experience too and in the past and I when I see this thing it is more or less as a corporate thing, you helping us and we'll help each other.

Administrative Director commented that is something that wasn't mentioned in Mr. Toelkes's letter so this is something new that we are presenting to him. That is my recommendation to the Board if the Board agrees with it. I don't know if Mr. Toelkes agrees with it.

Mr. Toelkes commented yes, we would like to handle it that way.

Commissioner Gumataotao commented your letter states to support the needs of your construction company and you said it is going to be used as a staging area. What is close by to this lot? Is there a residential area there?

Mr. Toelkes commented no.

Administrative Director commented no, not close. The closest thing to this lot is the Yigo gym and the GPA substation.

Commissioner Gumataotao inquired how close is this to the gym. My concern with this is the children. I don't know how often the Yigo gym is being utilized but if there is going to be children coming in and out of there using that facility.

Mr. Toelkes commented it is clearly on the other side of the power plant from where the children are.

Administrative Director commented you have the gym then the power plant and then this lot.

Commissioner Gumataotao commented so it doesn't jeopardize the safety of the children with your construction equipment coming in and out, the dump trucks or whatever.

Mr. Toelkes commented we'd be clear on the other side.

Administrative Director commented it is a different access road.

Mr. Toelkes commented if the children got over there they would have to go through two chain linked fences that fence in the power plant.

Acting Chairman Pro-Tem Calvo commented that is what I was going to ask you. You would secure it anyway because you would have to secure your equipment and so forth so you would put a fence all around.

Mr. Toelkes commented they would fence their area and the access would actually be either right onto Marine Drive or there is another road that goes in along the side and its on the opposite side of where the gym is.

Administrative Director commented I think Mr. Toelkes might need a permit or go through the permitting process through Land Management and DPW where any concerns of the site plan relative to safety should be brought up at that time.

Acting Commissioner Guerrero commented when it comes to a win-win situation I am always for it. However, my concern here would be the EPA. You are going to be using it as a staging area so I'm concerned as far because the aquifers are up there. What are you actually going to be putting down?

Mr. Toelkes commented we are going to use it as an equipment storage and repair yard.

Acting Commissioner Guerrero commented you have to put in writing what is authorized and not authorized just to protect the land.

Acting Chairman Pro-Tem Calvo commented I'm glad that you brought up that issue. The equipment that you are going to be putting in there whether it be a bull dozer or whatever kind of equipment and completely construction, you are not going to be doing any excavation for that matter within that lot.

Mr. Toelkes commented no.

Acting Chairman Pro-Tem Calvo commented you would have to clear it out with GEPA, DPW and other line agencies that you have to clarify to actually get your license to operate as a business. Like what Commissioner Guerrero stated this is a win-win situation also for the Chamorro Land Trust because now I can look forward and honestly say that if we have a lot to be open and we start doing the surveying of these lots I can honestly say to you that we have a project in Yigo or where ever that is and we need to get it done and opened.

Mr. Toelkes commented the one thing about building the roads into these lots is I don't know what kind of problems we'd have getting permits and things like that.

Administrative Director commented we will be the ones getting the permits.

Mr. Toelkes commented that is not a problem then if you can get the permits.

Acting Chairman Pro-Tem Calvo commented and all the debris will be cleared by you and not put on the side.

Mr. Toelkes commented building it is easier than getting the permits actually.

Administrative Director commented on this particular application the applicant has submitted all pre-requisite information we need to process the license and this one unlike all the others is really ready for approval by the Commission if they so desire and if the Director may be authorized to negotiate the terms.

**Acting Commissioner Matanane made a motion to approve the commercial application request by International Bridge & Construction Marianas, Inc. There were no objections, MOTION PASSED.**

**Acting Chairman Pro-Tem Calvo commented that the Board authorizes the Director to negotiate the terms.**

**9. Farmer's Cooperative Association of Guam – Request for property in Dededo for a Farmer's Cooperative facility**

**Tom Camacho** – Basically the Co-op made a request to the Commission to utilize Lot 10063-REMPORTION 1 in Dededo. This particular site was prior designated as a fire station site. As you all know the fire station has relocated to a lot behind GHURA 48 in Dededo. The former site where the fire station was at was given back by this Commission to the Dededo Municipal Planning Council. We did make a request to the Municipal Planning Council to utilize that property as a temporary location as we look for a more permanent site for our co-op. To appraise you it's been 30 years that the farmers have been struggling. 30 years is a very long time. A lot of our farmers most especially on the Land Trust properties up in Dededo the majority of the reasons why they are not utilizing

their properties at this moment is because there is no market. The intent of this co-op is to provide that market for them. We are currently in negotiations with the Hotel and Restaurants Association, as a matter of fact I had a 3 o'clock meeting with them but this is a priority for me, and basically to provide that avenue for marketing crops. The area in question is located right behind GTA in Dededo.

Acting Chairman Pro-Tem Calvo inquired if there is a business there right now.

The Administrative Director commented the area actually is three separate lots. The business that you see there, the building never received Commission approval for that lease. They've never paid for that except that when we called up several months ago they came in and made a first payment. Previous to us going out there it was being leased out to a Chinese company selling pottery and they are charging for rent also during those days. That's the situation of that lot. There are two other lots next to it between the pipeline and that lot. Those two lots one was reserved for the Dededo Fire Station and one was reserved for the Dededo Police Precinct. The Dededo Police Precinct and the Dededo Fire Station the new ones are located across Johndel. When they built that it released those two properties back to the Land Trust because they didn't need it anymore for those purposes. I believe Mr. Camacho's group is asking for one of those lots. That's on a side issue from Mr. Camacho but I think the Commission should look into that other one as to how that building got built without Board approval.

Tom Camacho commented beside the pipeline is a right-of-way and then after that is the portion 1 that we are looking at which was designated as the fire station and then after that is portion 3 which was designated as the police station.

Acting Chairman Pro-Tem Calvo inquired how big is the lot.

The Administrative Director commented its one and a quarter acre.

Tom Camacho commented it's approximately 5,432 square meters about 1.35 roughly. We want to put a place where we can call home for the co-op, it's a non-profit organization.

Acting Chairman Pro-Tem Calvo inquired what is going to happen across the street, the other farmers there. The reason why I am asking that is because I know the Mayor of Dededo also they lease out the area during the weekend.

Tom Camacho commented I have spoken with the Municipal Planning Council and they have no objection to what we are trying to do. Basically, we are trying to provide the avenue and resources for our farmers. Not only would they have a market during the weekends but they have a market 7 days a week.

Acting Chairman Pro-Tem Calvo inquired if they are going to open this like the old market that used to be held at east Agana.

Tom Camacho commented right, the old quonset hut.

Acting Chairman Pro-Tem Calvo so are you going to build something in that nature where people will come in there and lease a small portion of that.

Tom Camacho commented no, sir. What our intent here at least for this property where this is concerned is kind of like a storage facility for the co-op operations. Our intent is really not to take away from the current flea market. Our intent is to capture the target market that has not been captured by the farming community such as the Hotel and Restaurant Associations or the hotels and restaurants. They have roughly 12.5 million dollars of produce being imported into Guam where about 80% we can do locally. Our local farmers are not even hitting 1% of that.

Acting Chairman Pro-Tem Calvo commented so what you are actually looking for is for a storage area basically.

Tom Camacho commented yes and an office space. Your concept is a farmer's market and we do have plans for that in the future. As a matter of fact I did make a request to the Ancestral Lands Commission for another piece of property across Johnndel and that is 6.9 acres on that lot. On that property we intend to build a farmer's market. We intend to incorporate the existing flea market into this facility at this other site and we do have the blessing from the Dededo Municipal Planning Council as well for that project.

Acting Chairman Pro-Tem Calvo commented I pose that question because if it was the intention to open because the one that is in the back there it's really someone based on their produce. Where they say okay here is 10x10 or 5x5 there for you to sell your product instead of going across the street and building up a tent for that matter.

Tom Camacho commented they have their existing facility.

Acting Chairman Pro-Tem Calvo commented so what you are actually asking really is to store your produce who ever brings it in and you would buy it by the bundle for that matter. My concern there is if you were to go the opposite way like the farmer's market and you have to clarify that because if you don't I'm looking in terms that okay you are going to lease this building but at the same token you are going to whether it be leasing it for \$5 per table. I just want to make sure.

Tom Camacho commented our intent is not to infringe in the existing flea market operations at all.

Administrative Director commented so the farmer's bring their goods there.

Tom Camacho commented yes, well first of all we have strict requirements in our guidelines. Their farm would need to be inspected their produce would need to be inspected. They would need to comply with EPA regulations in terms of pesticide applications before we can even accept that crop to be sold to the public.

Acting Chairman Pro-Tem Calvo commented and that is what I am saying what you are really looking is for storage area and where you would build a walk-in freezer or whatever for that matter and an office space. That is why I want to clarify that because from a farmer's property you're saying as a whole when a business or a farmer across the street comes over there and I know you are going to have to meet the specs because you are going to be selling your produce whether it be Payless or to the Navy for that matter.

Tom Camacho commented yes and that is the exact reason why I didn't say farmer's market.

Acting Commissioner Guerrero commented for a point of clarification, this is similar to the concept, have you ever been to San Pedro in California, the fisheries? So is this exactly the same concept?

Tom Camacho commented yes.

Acting Commissioner Guerrero commented it is a staging area.

Tom Camacho commented the only difference is we are not going to be truck crop selling if you will. No driving in, no setting up canopies, we don't want to go that route at least at this time. We do have plans in the future if the Ancestral Lands Commission does approve our request for the other piece of property that is the avenue we are going take on that.

Acting Chairman Pro-Tem Calvo commented I have no problems because that is for the farmers and at least what you said this is one way down. Some farmers are kind of hesitant to grow their product real big out there but in this it's an incentive to help the bigger farmers.

Tom Camacho commented I just want to give you a little background about this co-op. We formed this co-op in November of 2007, 7 of us. Out of the 7, 6 currently hold Chamorro Land Trust leases for their farming operations. I am the only one who does not have a Chamorro Land Trust property putting to agricultural use or Chamorro Land Trust property at all. In the selection of the members of this committee I have Ernie Wusstig, Bernard Watson, Benny San Nicolas, Ike Guerrero who just had a piece of property in Barrigada Heights who is doing a very successful herb plantation in pots, Rick Guerrero who is in Dededo behind the soccer field, myself and Frank Cruz. Like I said out of the 7 of us 6 do hold Chamorro Land Trust leases on agriculture and they are putting it to good use. We want to provide that avenue for the other thousands of agriculture leases out there to put their property to good use and help them along the way. Not only in marketing their products but also in the proper way of farming, conservation of the land, we hold that true. The land is precious and we want to make sure that their children and their children's children can still be able to sustain the farm.

Administrative Director commented under the enabling legislation of the Chamorro Land Trust Commission the farmers are actually treated a little special in the law. There is actually a section in the law that says that the Commission shall assist in the marketing of the agricultural products from these agricultural leases. It almost actually mandates us to at least assist in whatever form we can. This is certainly one avenue where we can fulfill that maintenance of that legal mandate for us to help the farmers. All the farmers by the way that he had mentioned are successful farmers. We actually inspected them about a month ago each one of the farmers that Mr. Camacho named. Probably some of you know Mr. Watson's bananas and papayas, Ernie Wusstig's corn, Mr. Guerrero's corn and the others members. These are all people who have substantial background in agriculture.

Acting Chairman Pro-Tem Calvo commented I have no problems in supporting that but there is a lingering question here I really want to get to. You're saying here 5,432 square

meters at \$1 a year for 50 years I don't think so I can honestly agree with that 50 year lease at this point in time. The reason why is because I am not saying it is not going to work because I remember the old farmer's market used to be down by the old Chief Quipuha and it was beautiful and nice there, Sagan Dinana then it was pushed back there.

Tom Camacho commented we got pushed to the point where they were non-existent anymore for 30 years.

Acting Chairman Pro-Tem Calvo commented I think 50 years is too stiff.

Administrative Director commented well that is not allowed I believe under the law right now. The most that we can give a license for is for 20 years.

Tom Camacho commented and that is fine. I just hate to see as a non-profit organization, you know we really don't have money but the money in our pockets and if we do decide to construct a facility what is going to happen after that? You know if 20 years comes up you guys probably won't be sitting in this Board.

Administrative Director commented for Mr. Camacho's information this morning I transmitted the draft commercial rules and regulations to the legislature. The Chamorro Land Trust is specifically prohibited from entering into commercial long term leases until the rules and regulations are approved by the legislature. We did a draft back in 2000 it was never submitted to the legislature. If at some time the legislature passes the commercial lease rules and regulations then we can convert his 20 year license into the long term lease that is allowed under the rules and regulations.

Acting Chairman Pro-Tem Calvo commented the lingering part that bugs me is the \$1 a year. I'm trying to get rid of that \$1 a year.

Tom Camacho commented well as a non-profit organization.

Acting Chairman Pro-Tem Calvo commented you can't honestly say it is a non-profit organization because there is profitable part in this.

Tom Camacho commented but we, the business does not take in any money to keep for itself. All the money that is generated from this organization goes back to its members, 100%. By law we can only keep 10% for operations. We are in essence as far as our by-laws and articles are concerned abiding by government law. We are a non-profit organization.

Administrative Director commented the previous Commissions have given \$1 a year leases for community purposes. For example down in Inarajan I believe there are 3 lots that are leased to the community of Inarajan at \$1 per year. The Santa Rita community center is \$1 per year and a lot of these non-profit and municipalities are given that. I know you have a heartburn of the \$1 year and I do also.

Tom Camacho commented I would like to add into that the 7 of us are Chamorro.

Acting Chairman Pro-Tem Calvo commented don't get me wrong I sympathize with that. It is just that I'm trying to get away with this \$1 a year. I know it's a non-profit organization I can see where you are coming from you want to help the farmers and that is fine.

Tom Camacho commented I can say this right now that we are in no position to go up against these multi-million dollar corporations. There is no way we are going to be able to survive and once again our farmers are going to struggle and that is the position I am going to keep.

Acting Commissioner Matanane commented in your letter it says it's reserved for a fire station site.

Tom Camacho commented it was prior, it was legislative.

Administrative Director commented it was reserved under P.L. 22-18 by the legislature.

Acting Commissioner Matanane commented it has been reserved by the legislature, public law.

Administrative Director commented but the public law also requires that if you don't identify your funding source within one year and you don't build within three years then the property reverts back to the Commission.

Acting Commissioner Matanane commented I just wanted to clarify that because if Senator Palacios is looking for a fire station site.

Administrative Director commented that the Dededo police and fire stations have already been built. There is a brand new building.

Acting Commissioner Matanane inquired although you have been co-op on the books the Dept. of Revenue and Taxation have been more active, cooperative?

Tom Camacho commented there have been co-ops on the books and there are still co-ops on the books at Rev & Tax but none of them have been active for over 30 years. This is not the Guam Farmer's Cooperative this is the Farmer's Cooperative Association of Guam. It is a different name. We did not want to assume the former name because the liability under it.

Administrative Director commented if the Commission wishes to conditionally approve it the charter documents have not yet been submitted.

Tom Camacho commented I have it with me right now.

Administrative Director commented if he submits that then basically their file is complete.

Acting Commissioner Guerrero commented my hat goes out to you for getting into this venture. I believe we need to get back together and either re-discuss this or table this for now.

Acting Commissioner Matanane commented until we review their articles.

Tom Camacho commented I can give you the articles and by-laws right now. I don't see that there is a reason to table anything.

The Administrative Director commented the next scheduled meeting is scheduled for July 25<sup>th</sup> the last Wednesday but of course the Commission can call a meeting anytime it wants. (Error on date, the last Wednesday is July 30)

Acting Chairman Pro-Tem Calvo inquired if there were any objections to table the request.

Acting Commissioner Matanane commented I have no objections, if you want to table it now and maybe hash out the other items that he has to submit. I am kind of leery about your research and I was going to ask you what was the problem with the other co-op?

Tom Camacho commented I'm sure it was management and lack of trust. Our intent here sir, is not to have a farmer manage the co-op. You have to hire a manager. Similar to what this Board is doing. You hire Joe Borja to run the operations, the Board gives Joe Borja his instructions and that's the same way that this organization is going to work.

Acting Chairman Pro-Tem Calvo commented but the organization that you are in is membership.

Tom Camacho commented yes, non-discriminative membership.

Acting Chairman Pro-Tem Calvo inquired how many membership do you have.

Tom Camacho commented right now I have 7, potential I have thousands. You just look at all your agriculture leases, those are potential customers, potential members to this organization. Like I said we are just looking at an avenue to provide resources so these lessees can put their property to use. I can walk up there into Swamp Road and point out many properties up there that are not being used but yet they are still being held and I call that held in trust. But until such time we figure this out I guess we're back to square one. We just need to move forward and we're ready whether you give it us or not we're ready to go. I was just hoping that we can get your favorable consideration today so we can present to the Board and start moving. For the time being I will say that we do have a temporary location at the former Dededo Fire station that the Dededo Municipal Planning Council and I hold the resolution here, they gave us the authority to be in there. Thankful for this Board that gave them back the property that we now have a place to call home temporarily. We're just looking for something more permanent.

Legal Counsel Santo Tomas suggested that the Commission be given another opportunity to ask other questions you may have at the next board meeting.

Commissioner Gumataotao inquired where is the other lot located at that you are requesting from Ancestral Lands.

Tom Camacho commented it is located right across Johndel supermarket. It's a vacant lot on Santa Monica Avenue it is right across GHURA 48. It is about 6.9 acres, it's a triangle property, it's the corner lot.

Acting Commissioner Matanane inquired if he had submitted an application.

Tom Camacho commented I submitted a letter. I wasn't given any instructions on what to do next. They said give me your letter and they'll take it to the Board.

**Acting Commissioner Matanane made a motion to table the request by the Farmer's Cooperative Association of Guam until the next meeting, to hash it out at that particular meeting. We would like to take a look at all the documents that you submit. I have no problems about your efforts in this but another 10–15 days is not going to affect.**

Tom Camacho commented that is your prerogative sir.

**Commissioner Gumataotao seconded the motion. There were no objections, MOTION PASSED.**

(Break 3:45pm – 4:03)

**10. Francisco A. Rivera - Legal Access**

Item discussed under Public Comments. The Administrative Director commented that he had made a commitment to meet with Mr. Rivera next week.

**11. TG Engineers, PC – Survey fee proposal for a planning map for a portion of Lot 7151-R19, Yigo (Ramon Torres)**

The Administrative Director commented that a previous Commission approved the payment of surveying cost for a Mr. Ramon Torres however, at that time that the Commission approved the expense on behalf of Mr. Torres. The amount was not set although the concept of the Commission paying for survey due to certain circumstances was approved. The amount of the survey was never really known until now. The Administrative Director is hesitant although it's been approved by the Commission the concept of payment. This Administrative Director is hesitant on giving the go ahead to the surveyor to begin the project without actually knowing how much the cost is. The cost that came in is about \$8,000. This map that he is preparing is really a map of an entire area and not really just for Mr. Torres. However, this survey would be the first step in solving Mr. Torres's application. Mr. Torres previously had applied for 100 acres. This was back when the Land Trust was still up in Tiyan and at that time Mr. Torres was not next in line so the Commission kind of withheld the approval and throughout the years this situation has festered. A couple of years ago that Commission approved payment of survey for Mr. Torres but like I said at that time they did not know what the total cost of the survey was. We did engage the advice of a surveyor who did a lot of surveys in that area, Mr. Dave Eaton who works for TG Engineers. This is the survey of course for this particular project because of the work that he has already done in the area. This is the amount that he is submitting for the planning map for a portion of Lot 7151-R19, Yigo. As you can tell the subject area of the survey is approximately 72 acres that Mr. Torres is applying for. Mr. Torres and his two sons are actually applying for a total of 60 acres; 20, 20, 20. I believe actually 20, 20 & 5. What Mr. Torres is trying to do is he's trying to organize a family farm similar to the farm like Mr. Wusstig's farm. Ernie Wusstig who has a farm of actually about 40 to 60 acres but it is not just one lease. Ernie Wusstig has a lease for 20 acres, one son has 10 and another son for 10 acres. What they did is they lined up all at the same time,

they were being processed according to first come first served but the special request they had was that the property that they were each going to get would be contiguous, next to each other so that they can develop a bigger farm than just a 20 acre farm. That's the plan that Mr. Torres and his children had. As Administrative Director I am asking the approval or the review and consideration from the Commission on this particular project.

Acting Chairman Pro-Tem Calvo commented my only problem here on Mr. Torres and I can understand to incorporate the family business together into one area but it's kind of strange to me because he's talking on behalf of his sons. I never really had seen that representation of his sons here. I think one of his sons just passed recently if I'm not mistaken. I want to know what ever happened to that piece of lot that the son applied at that time.

The Administrative Director commented in our interview form that we bring up with these clients when they come in even before they get their lease they are asked to designate a beneficiary. In his particular case we would look through the file and see who he designated as the beneficiary of his lease and provided they are qualified then we would follow that designation. If there is no designation of beneficiary anyone of the family members can come in and request for it. If none of them come in and request for it then it's at the discretion of the Commission. What I am saying to you is under the rules and regulations it's not administrative procedure but it is in the law as to who shall take over the lease of a deceased lessee.

Acting Chairman Pro-Tem Calvo commented I know that we've talked about this on the applications fee that whoever of course has to give to the next of kin for that matter. But in this situation we don't know really yet until you find out in the files who did Mr. Torres's son really designate that. I want to clarify that whether because if it is somebody elderly in that family whether it be his elderly son or daughter for that matter I don't know. I want to know because this really kind of changes the ball game in some ways. I think we want to identify the issue to that other applicant or that party.

The Administrative Director commented the Commission had previously approved the expenditure but not the amount and what I am asking the Commission is to review it and either approve or disprove the fee proposal for that planning map for that portion of the property that Mr. Torres is requesting. The reason why we need this is because there has been other surveys in the area and we also have one lessee who originally had 20 acres and I believe that gentleman had released back some of the property to the Commission. There definitely needs to be a planning survey done of the area and I don't really think that one applicant or one lessee can shoulder the expense of a planning survey in that amount. I just want to make sure before I tell the surveyor to go ahead on the project that when the time comes to pay him one of the authorized signatories is one of the Commissioners and not leave me out in the cold about signing the check for the payment. Because there are some new Commissioners I don't have any problem of tabling the issue and getting more details in written form or work session for the Commissioners to review it and consider it. Of course every one of the applicants would like their lease and survey processed as soon as they can but it is \$8,000 and it was an expense approved by a previous Commission.

Acting Commissioner Matanane inquired what was the intention of the previous Commission on approving such matters, like you don't know what's the amount of the

survey. I don't get that. I hope the Commission here doesn't approve anything that will prolong and then we're going to have to eat it on this one. I am kind of leery about this because what was the intention of that previous Commission approving such items that would cost this?

The Administrative Director commented I think for several reasons, one was that Mr. Torres has been coming to the Commission very frequently and at one time what was happening was that there was a commitment made for Mr. Torres for 20 acres but he decided to hold off on accepting that until the other family members name came up. The previous Director Mr. Elliott ordered the staff not to issue anymore leases in that area until Mr. Torres's situation was clarified. Somehow or another staff went ahead and issued leases in the area. The previous Commission felt that because the Commission went out and started issuing leases that as to make things good with Mr. Torres I guess that the Commission would take over the expense of surveying that area for Mr. Torres. I would like to put this one in writing. I do recommend that the amount be approved but I can understand and would appreciate it better really as Mr. Matanane said if you Commissioners would look at the issue more in detail before voting for it. To be honest with you as Director it is a little different being a Director of an agency that is run by a Commission than for example Land Management. At Land Management the Director can basically do everything provided the Governor receives approval. Me as the Director of the Land Trust I really can't do anything until you guys approve which is protection for me. I would prefer if the Commission learn more details on it. If I leave here I don't want anybody coming in and saying well how come you paid that for Mr. Torres and you guys say oh, because Mr. Borja said so. I would like that it be on your own accord whether you approve it or disprove it.

**Acting Commissioner Matanane commented with that being said I move that we table this particular item.**

Administrative Director commented that he will put it on the agenda for the next meeting and will provide a written history of the case basically to answer your question as to why I think the previous Commission approved the payment of Mr. Torres's survey.

**Commissioner Gumataotao seconded the motion. There were no objections, MOTION PASSED.**

**12. Global Recycling Center, Inc. – Commercial license request on Lot 10122-15-1, Dededo**

The Administrative Director commented they are requesting for a commercial license to process metallic waste up in the Dededo Solid Waste transfer station area. This area has been under a lot of consideration and review because previously the Commission had authorized a license in this area without any money involved. The tradeoff on that license was that the previous company was supposed to have a license on this lot and in return for that they were supposed to clean up a lot up in Barrigada Heights. If you are looking at Revenue & Taxation from Route 16 immediately to your right that property belongs to the Land Trust. It was previously a quarry but instead of that licensee cleaning up the property he actually made it a lot more dirty by bringing in tires. Several years ago there was a tire fire in the area which was on that lot. The agreement at that time was this company, I believe it was called KoKo Recycling, was supposed to use the Dededo lot. There was a metal shredder there and they were supposed to use that lot to process metallic waste and

in return for their use they were supposed to clean up the Barrigada Heights area. The Barrigada Heights area now is under a notice of violation from Guam EPA where we cannot do anything until that situation is settled. For this particular one we still need the charter papers from Global Recycling but also I would like for staff to prepare a written report on that particular lot, the history of the lot. Because the previous licensee is still going around town waiving that original license saying that he still has jurisdiction or use of that property. In this particular one my recommendation is to table it and require the Director and staff to provide a chronological history of the use of that property and maybe for legal counsel to review the validity of the previous license. There was another license that I mentioned earlier that we actually terminated it and in this particular case we have not taken any steps to terminate that previous one so I don't know if that is still binding even though that licensee did not fulfill the terms of the original license. We have not taken any termination proceedings against that particular licensee. We have checked with Global Recycling, we've done a field inspection of the area, they are maintaining the area in a very healthful environment as much as you can for the processing of metallic waste. We have checked with Guam EPA and they are adhering to all of EPA's requirements for facilitating the site so they have a good record with EPA. The recent 3,000 tons that went off island in terms of metallic waste was handled by this company. They do have a successful track record in processing metallic waste. Absent the other documents that are in the file in this particular one I would be inclined to favorably recommend that they process this. They've already proven in that last shipment that they can do it and that they are keeping the area like as said as much as possible in that kind of operation in a sanitary condition. My hesitation in taking any action on this today is the fact of what are we going to do on the original license. I would like to have a clean termination of that one before we issue anything on this one.

Acting Chairman Pro-Tem Calvo commented I've been to that area and I think we should not even until they clean up what they started up there.

Administrative Director informed the Chairman that the one he is talking about this is not the same group. The one that you are talking about is Mike Mateo. On the lot next to the Dept. of Revenue & Taxation, there are actually two lessees on that lot. The front one is Koko Recycling and that is the one that is involved in this problematic situation. The other one that you are talking about is also a request to relocate an area and that is Mike Mateo's situation where the Commission issued him a license for two acres he went ahead and occupied six acres, has not paid any rent on the property and has brought at least 50 cars onto the property. We've been getting constant letters from Catholic Social Services to have our client clean it up. In that particular one I will have that on the next agenda but Mr. Mateo is asking to relocate to another lot to this lot where Global Recycling is but not only did he not fulfill the terms of his original license he used three times more than what he was authorized. He actually dirtied the place rather than clean it out and he had never paid any rent on that particular license.

Acting Commissioner Matanane inquired if Global Recycling has a lease agreement with Chamorro Land Trust.

Administrative Director commented no, they never had a license with Chamorro Land Trust. They were actually using a portion of the lot where the Dededo Solid Waste Transfer Station is which is under DPW. This lot is next to them so they are actually asking to expand their operation into the Chamorro Land Trust lot.

Acting Commissioner Matanane commented so your recommendation is to table it.

Administrative Director commented just because of the fact that we don't want to get into the same situation like what happened to Hawaiian Rock where we gave a license to the same piece of property that already had someone on it. I'll work with legal counsel to review the original license and then probably they might recommend that we terminate that one before we actually do this one which is what their recommendation is. Like International Shooting Center that before we lease it out to anybody even though they haven't paid or had any contact is go to the termination due process and then hopefully lease it out cleanly.

Acting Chairman Pro-Tem Calvo commented lets just go until the process is all done and what legal counsel's findings are.

Legal Counsel Santo Tomas commented that they will work with the Director since he is going to work on the history of the matter.

**Acting Commissioner Matanane made a motion to table the request by Global Recycling Inc. until the details are completed with the termination of the other company that is leasing that place. Commissioner Gumataotao seconded the motion. There were no objections, MOTION PASSED.**

### **13. GEDCA – Grant of easement, Lot 114-B-R3, Piti – GEDCA/KwikSpace**

The Administrative Director informed the Commission that the request is from GEDCA on behalf of their client KwikSpace for a grant of easement on a particular piece in Piti that belongs to the Land Trust. Under the terms of a program initiated by Ancestral Land's Commission they leased a piece of property to KwikSpace with hopefully the anticipation of getting a favorable decision from Guam Public School System to have another access through Guam Public School System property. Guam Public School System so far has been hesitant to grant them that easement and they have some other issues I guess to handle rather than this. So the Land Trust has property next to it and basically they are asking to purchase a piece of the property or at least license it for access to their project. On this particular one they are not asking really for a commercial license but rather a grant of easement. On this particular case it is a little strange because most of the time when people request for a grant of easement most of the time they don't really offer to pay for but in this particular case and in other recommendations they are actually offering to pay for the easement on the property. That would be something maybe legal counsel can do it. I reviewed it as a matter of fact I was the one who recommended certain style of easements. There were 3 options when I first met with GEDCA on this. I presented 3 options to them on providing access to the property. One was using GPSS land, one was using CLTC property and another was using a combination of both. They did try to go through GPSS but were not successful so now they are before the Commission. On this particular request I have no problem on favorably recommending this particular piece of property pursuant to their request. On this particular case I recommend approval on this particular piece of property and allow the Director to negotiate because what they are asking here is for a 50 year lease on the property. Again maybe it's just a matter of the legal wording but what they are asking for is an easement to the property rather than leasing the piece of land to use for commercial purposes. Really what they are asking for is access.

**Larry Toves (GEDCA)** – Mr. Borja pretty much explained the request that you have before you from our agency. Mr. Tony Blaz, our Administrator as we are also having our regularly scheduled Board meeting today so he asked me to come before you and present this request and ask for your favorable consideration. As Joe Borja mentioned our tenant, a lease had just been executed effective May 1<sup>st</sup> of this year. The situation in addition to what Mr. Borja explained as well the property is down in Piti as you know. It's fronting Marine Drive 1 and the intersection to Cabras Island. The problem that we have encountered with access from that very right of way is due to the power line easement and the cable easement, the aerial easements that run across the border. It is very difficult for our tenant with his heavy equipment and trailer trucks to traverse on to the property from Marine Drive. So in this instance the most feasible way to do this would be to access the property from the rear alongside Asuncion Road. What you have before you is our request to grant us the right of way easement in perpetuity to the Guam Ancestral Lands Commission. In turn the Guam Ancestral Lands Commission would license or lease the property for the easement to the tenant. The tenant has offered to pay as Mr. Borja had indicated the rent for this property and in addition he's proposing to pay for all costs associated with the operation development of this easement whether it be clearing, grading, laying down asphalt, erecting any fences if required. In essences he is asking your favorable consideration of this.

Acting Chairman Pro-Tern Calvo commented I have no problem in approving this but you noted that you people would cover the expense on all what has to be done to get the paper works, documents and so forth to be surveyed and what not to get this road widened and everything. With this I am in approving it for these issues and since you are going to fork out the expense and also the legal fees whatever that we incur on our expense.

Larry Toves commented the developer has agreed to do that.

Acting Chairman Pro-Tern Calvo commented I have no problem in approving this.

Acting Commissioner Matanane commented it bothers me again for a 50 year lease on this particular.

Larry Toves commented the lease for the property is with Ancestral Lands Commission. So it's a 50 year lease with Ancestral not with the Chamorro Land Trust. What we are asking for is a grant of right of way in perpetuity between Chamorro Land Trust Commission and the Ancestral Lands Commission.

Acting Commissioner Matanane commented I believe it's a power easement.

Larry Toves commented there are aerial power easements that about the property along Marine Drive in the front.

Administrative Director commented so they can't go out directly out to Marine Drive they have to come in to the back side.

Larry Toves commented normal traffic yes, but with the heavy equipment and the trucks that this type of business is going to operate on the property would be unsafe first of all and it probably wouldn't work out.

Acting Commissioner Matanane inquired if there is an existing easement.

Larry Toves commented there is an existing easement through Marine Drive, yes.

Acting Chairman Pro-Tem Calvo commented it's just that it is not feasible for the type of work that you guys are doing.

Larry Toves commented right.

Acting Commissioner Matanane inquired if it is a utility easement that they are going to be breaking through.

Administrative Director commented actually I believe the property fronts Marine Drive.

Larry Toves reiterated that it fronts Marine Drive.

Administrative Director commented but in that frontage you're pulling into heavy traffic area for container trucks and it is not safe. Like what Mr. Toves said if it was just a regular car access would be alright.

Larry Toves commented accessible through normal automobiles.

Acting Commissioner Matanane commented so you guys are going to take care of the power situation there.

Larry Toves commented our tenant has actually got all the clearances from Dept. of Public Works and EPA with regard to the use of the property and what he is planning to do on the property. With regard to GPA their concern again was not only with the power line easements but there is a lower aerial cable line that runs across and so that's another restriction. Not to mention the safety as Mr. Borja indicated along Marine Drive.

Acting Chairman Pro-Tem Calvo commented so actually what you guys are really looking for here is just on the safety factor from any harms from anything from the outside.

Larry Toves commented yes, and our tenant has worked with Mayor Gumataotao.

Acting Chairman Pro-Tem Calvo inquired if the Mayor of Piti is okay with it.

Larry Toves commented he is okay with it.

Acting Chairman Pro-Tem Calvo commented you mentioned here its about 165 foot long of easement and you guys are going to be leasing it out at the same token for this piece of property.

Larry Toves commented whether it be through a lease or a license with the tenant our legal counsel will develop that.

Acting Chairman Pro-Tem Calvo comment Joe work out the details on this but any billing incurred will be covered by you guys the legal fees and so forth. I have no problems on that.

Larry Toves commented yes, sir.

**Acting Commissioner Matanane made a motion to approve their proposal on the request for the grant of easement and for the Director to do the detail work. Commissioner Gumataotao seconded the motion. There were no objections, MOTION PASSED.**

**14. Three Wise Men LLC – Commercial application for Lot 7163, Yigo**

**Fred Horecky** – I am appearing today on behalf of Three Wise Men. We had recently in May submitted a letter of interest for a commercial lease for Lot 7163, Yigo and then more recently on June 20<sup>th</sup> we submitted an application. However, today unfortunately the main principles of this LLC, Mr. Alfred Lam and Fred Ote are off island. They certainly would be more able to address specifics of the proposal. I think many of you know Mr. Lam is the president of Ambyth Shipping and long time resident of Guam. I think today it might be appropriate since this is a new application I also understood today that there is another application for the same lot which I was not previously aware of. I would ask that this application be continued to the next regular meeting of the Commission and at that time I would also like perhaps to meet with Administrative Director Borja about the application to see what further requirements we would need. This is quite a large lot and obviously would involve a lot of planning and development details. So I think probably we would need to continue this application for the present time and do a little bit more background and due diligence.

Acting Commissioner Matanane reminded Mr. Horecky that there are times that come into play also.

Administrative Director commented there is one other applicant for the property so I think Attorney Horecky's request is very well received. The Director set the appointment to meet with the applicant for July 10 at 11am.

Fred Horecky inquired if that is a Commission meeting or a meeting for them.

Administrative Director commented for us and staff.

**15. KM Broadcasting of Guam, LLC – Request to renew license agreement**

The Administrative Director commented that KM Broadcasting of Guam is requesting to renew their license agreement. This is also known as 102FM. They've had a previous license, their payment record is outstanding and they are asking basically to renew their license agreement. Administrative Director and staff recommend favorably that the license agreement be renewed. This is for a tract of land up in Barrigada Heights.

Acting Chairman Pro-Tem Calvo inquired if this is for KGTF.

**Rolando Mannuntag** (applicant) commented the name of the station is KTKB-FM and KTKB-TV, Channel 26. We have a TV station also there, it's a free to air TV. I think that's

the most powerful TV station on Guam. We're scared up to this time that we don't have the commercial license to be there and we're just paying monthly. We're requesting the Commission to extend our commercial license over there. Is that going to be starting 2008 beyond, 5 years from now or from the day the rent expired or 5 years from there?

Administrative Director commented the applicant has sent a letter to Mr. Elliott, the previous Director, in 2005 but they didn't receive any feedback from Mr. Elliott. Now with a new Commission they want to make sure that everything is in order. This entire area up there is really an antenna farm. KGTF is up there as well as several other radio stations as well as other communications tower up there. The entire area around this particular lot is really full of antennas and communications towers in that area.

Acting Commissioner Matanane commented he has no problems in renewing the license.

Acting Chairman Pro-Tem Calvo commented he had no problems in approving it.

**Acting Commissioner Matanane made a motion to approve the request by KM Broadcasting of Guam LLC to renew their commercial license.**

Administrative Director commented and if the Director could be authorized to work out the terms.

Acting Chairman Pro-Tem Calvo commented yes, but when we do this renewal, the paper trail, that you take care of the expenses for the legal review. Is that okay with you guys?

Rolando C. Manuntag commented no problem.

Administrative Director commented the Commission incurs a certain amount of expense when we turn over the license to legal counsel.

Acting Chairman Pro-Tem Calvo commented for clarification that any billing as far as being approved today which I have no problem with that but all billings will be incurred by your company.

Rolando C. Manuntag commented yes, sir, no problem with that sir. We are open to that.

**There were no objections to the motion, MOTION PASSED.**

Administrative Director informed Mr. Manuntag to contact him to set up an appointment no later than the second week of July to go over the details.

**16. DuenasBordalloCamacho & Associates – Relocation of bull cart trail**

The Administrative Director informed the Commissioners that our legal counsel had indicated that they have a conflict of interest with this particular application because they represent Access Ypao. The Law Firm of Lujan, Aguigui and Perez submitted a letter stating per your earlier conversation with Attorney Aguigui and our telephone conversation of yesterday this is to confirm that due to conflicts, Lujan, Aguigui and Perez is not able to represent the Chamorro Land Trust Commission in matters involving Access Ypao

Incorporated. Having said that the Commission will be operating in this meeting without the benefit of legal counsel but I would like to hear the applicant and their request.

There were no objections from the Commissioners on hearing the request.

**Claudine Camacho** (from DuenasBordalloCamacho and Associates representing Access Ypao) – Access Ypao proposes to develop a condominium down in Ypao east and adjacent to Ypao Beach park and in order to accomplish this development they need to relocate a bull cart trail that splits two of the lots in their property. Their property is about 11 acres, the bull cart trail is about 800 square meters and that is all explained in your application. The purpose of relocating this is to provide several public improvements as well as to allow the development to move forward. Some of these improvements include memorializing the bull cart trail it is a historic road network down in Tumon. Unfortunately the road leads nowhere at this time. The adjacent PIC property chose to exchange the bull cart trail for other properties so it terminates it to the east of PIC, it doesn't go anywhere. Aside from memorializing the bull cart trail with signage, interpretation and benches there will also be a solemn pavilion constructed and memorial constructed in addition to that to house Chamorro remains that may occur on the property. There is an ongoing archeological survey. There is at least one set of human remains on the property. This has all been coordinated with Historic Preservation Office, they are in support of this relocation as well as the construction of this memorial. The relocation would also provide safe beach access down to Ypao Beach park and the beach itself, well lit, landscaped access supported by parking area in our property. In addition this entire proposal is consistent with the Tumon South Beach Master Plan. This is a group of developers in Tumon who want to revitalize the south Tumon area and this proposal is completely consistent with that master plan.

Acting Chairman Pro-Tem Calvo commented my only thinking here is when you guys purchased that property weren't you aware that there was a bull cart trail there in the middle.

Claudine Camacho commented yes, and the reason we're now before the Commission, we initially had been steered towards Parks and Rec. We had some meetings with them they were in full support of the relocation. It had not been brought to our attention to involve Chamorro Land Trust Commission until we went before the Guam Land Use Commission and that's when this issue came to our attention. But previously we were steered towards certain agencies and we met with them got their support and so we proceeded with our project.

Acting Chairman Pro-Tem Calvo commented but when you approached this to the Land Use Commission typically you would show them a map stating that you own this piece of property but at the same token there was a bull cart trail. Was that ever discussed at the time when you were meeting with the Land Use Commission?

**John Duenas** (DuenasBordalloCamacho) – Yes, Mr. Chairman. The owner purchased both lots completely aware that there was a bull cart trail. If you look at the exhibit you'll see the bull cart trail splitting two lots where the Guam Tokyo Hotel site used to be. They were completely aware of the bull cart trail being there however it doesn't go anywhere other than to the boundary of the PIC lot. The bull cart trail that was on the PIC lot that was

the continuation of this had been extinguished a long time ago through land exchange. Basically you have a bull cart going nowhere. It goes to the PIC boundary and stops there.

Acting Chairman Pro-Tem Calvo commented there is an existing public easement there that takes you right down to the beach so actually in reality what you guys are asking is to widen that road.

John Duenas commented not really what you have there is a right of way and an easement and a roadway but what the developer is proposing is to relocate that bull cart trail and take away part of his property so that you can build a pedestrian facility to the beach. There is no pedestrian facility that goes all the way to the beach right now. There is a road that does that and a parking lot but there really isn't a pedestrian access facility. As shown in the application he is going to be improving that and providing benches and interpretive signs and so forth.

Acting Chairman Pro-Tem Calvo commented that is also adjacent to the apartments right next door. I'm just thinking there is when this property was purchased at that time knowingly your company knowing that there is a bull cart trail why when we were really at least to be given that opportunity to at least come forward at this point in time now you guys want us to and I know what your intentions are. Just to relocate so you can consolidate your lots but what is there for the Chamorro Land Trust? That's what I want to know.

John Duenas commented in the first place you retain ownership of that property. It's an area for area exchange. He's taking part of his property and relocating the bull cart trail into that so you retain ownership of the property and he is also improving it. He's not taking anything from you he is just relocating it area for area and improving it.

Acting Chairman Pro-Tem Calvo commented the area for area that we are looking at is the minimum, it's a bull cart trail. Now he is only going to take a portion of his property off inside to incorporate that to cut it in so he can make it into one whole. What I'm saying is it becomes a public access to actually the company that is going to be building there because it's more or less could be for the hotel or whatever your company is going to build. All I'm saying is to me I think it would be wise for us to really settle this is to just take it and buy it, sell it.

John Duenas commented that's an option that he has and it's up to you.

Acting Chairman Pro-Tem Calvo commented the trail that you guys are going to put in there it serves more of your needs for the development that you have there.

John Duenas commented I don't think so because he has access to the beach as part of his improvements to the property. Again it's up to you. There are two options here, first you could relocate it. Obviously it's his preference to relocate it because it's money out of his pocket that he could use to develop the property.

Acting Chairman Pro-Tem Calvo commented its money that we can use too.

John Duenas commented remember you guys got white and green cash. This is white. There is another thing that could happen, he could have the option to buy it from you later.

He doesn't have to buy it from you now. What he is trying to do now is to be able to proceed with his development and he needs to move that bull cart trail or take it. We've talked to Land Management and it was the recommendation to relocate it now. If it's your requirement that he purchase it that could be done later as a condition.

Administrative Director commented I searched the records concerning those bull cart trails down there in Ypao and at one time at the Dai Ichi Hotel there was a beginning of a process for the Commission to sell property to Dai Ichi Hotel because of an easement that ran to their property. However, they found out at that time that the Commission could not sell property without legislative approval. Having known that back at that time the parties involved, Dai Ichi and the Land Trust, opted to pursue a land exchange which the Commission by statute is allowed to do without legislative approval. You can do land exchanges provided two conditions are met. One that it is a value for value exchange and that it enhances the property of the Chamorro Land Trust Commission. That project that Dai Ichi and Land Trust tried to do the Land Trust wanted a 100x100 lot in front of the property rather than relocation of an easement that did not go through. Dai Ichi just said that they will adjust their plan outside of the easement. In that case that was possible for Dai Ichi and in this case that may not be because it is right through the property. But maybe rather than calling this at least the request, a relocation of easement, is actually basically a land exchange.

John Duenas commented the proposal that the developer will make to you is that we can proceed with land exchange or relocation and then if we need legislative approval for the sale of the property then pursue that as a separate item. We can make that a two stage condition, relocation or land exchange and the second would be pursue purchase through approval with the legislature. The owner you know if he has to buy it, he has to buy it.

Acting Chairman Pro-Tem Calvo commented the only reason why I brought this you know is because I don't want the Chamorro Land Trust to be short changed. That's our take here in the Chamorro Land Trust at least in my position is to protect that. I will protect as much as possible to protect the land. If there is a land exchange and we can work out the details where we can negotiate to that term. I'm willing to sit down and agree to those issues in terms provided that the other Board members have a say so and it's not just my saying.

Administrative Director reminded the Commission that we don't have the benefit of counsel in this particular case. Any processing which ever road the Commission wants to go through we are going to have to hire and engage a conflicts counsel other than Lujan, Aguigui and Perez.

John Duenas inquired if that is necessary. Don't you have the authority to approve a land exchange?

Administrative Director commented we have the authority to approve the land exchange but there still has to be some legal work on it.

John Duenas inquired if it is too much to ask an approval on principle to proceed with the relocation or land exchange depending on how you want to call it and then pursue purchase and whatever legal opinions you need to handle this. It's really a request that the developer is making.

Acting Chairman Pro-Tem Calvo commented the only problem I see here and we're caught in a situation because although our legal counsel has representation and that will be a conflict of interest to that and I for one I want to make sure that this is done properly in a legal fashion. I don't want to be caught off line, it is Chamorro lands property. Regardless, it's a bull cart trail it's not the idea whether it's just a narrow road down the path we're talking about a Chamorro Land Trust thing here and that is what I am trying to protect here is the identity of the Chamorro Land Trust. I think we can probably sort this out but the legal counsel fee or whatever we would have to get someone Joe on this issue?

Administrative Director commented if the Commission decides that they need counsel on it yes, but I also understand that this application is really time driven also and they do have a serious concern about timing.

Acting Chairman Pro-Tem Calvo commented how about this way if we go ahead and noting that and let it be heard to the others that we will go back on the agenda on the legal ratifications of what has to be done and all legal expenses will be incurred by you guys and the removal of the property and the stakes of the property whether it be a survey and so forth would be incurred by your company. Is that agreeable?

John Duenas commented that is fine.

Administrative Director informed Mr. Duenas that he might want to state what the minimum he needs now for the Land Use Commission tomorrow.

John Duenas commented we need an agreement or an approval and principle from the Chamorro Land Trust that subject to legal counsel's decision that we will exchange property. If that's what you want to call it. We'll exchange the owner's property on the western boundary in exchange for the bull cart trail.

Administrative Director commented basically what this is, is a land exchange.

John Duenas commented right, then you can pick your legal counsel you want to review this and the owner will pay for the legal opinion. He'll underwrite all the expenses necessary. Unfortunately, his legal counsel is your legal counsel and that is the reason we can't address that today.

Administrative Director commented because if we had legal counsel we would be able to proceed.

Acting Chairman Pro-Tem Calvo commented okay, any objections?

Acting Commissioner Matanane commented I kind of like the first option that you mentioned that you actually land exchange where you're giving us the portion of that ownership of the property and for now because right now we don't have any representation and we don't want to commit ourselves on that.

John Duenas inquired if it is approval on principle to do the land exchange subject to legal counsel's approval.

Administrative Director commented and one of the items that you requested is also the stipulation that we look into future purchase knowing that it may require legislative action.

Acting Chairman Pro-Tem Calvo commented the only reason why I posed that question earlier with the Land Use Commission because when you guys presented that project knowing that there is a bull cart trail there I was just kind of curious how did the Land Use Commission because in reality I think when they approved your development they were approving it by the lots.

John Duenas commented by the consolidation of the lots and here's the reason, what had happened was initially we were working with Public Works and with Parks because we were advised by Land Management that they were the ones that had authority to deal with the bull cart relocation but we found out that it really was Chamorro Land Trust property and that's why we are here. Before we were going in the direction that had the support of both Parks and Recreation and Dept. of Public Works but now they are not part of the process any longer, you are because you own it. It wasn't that we all of a sudden figured it out that it was a big problem and we were attacking the problem at the beginning but not with the right people, now we are.

Administrative Director inquired how wide would the pedestrian walk way be.

John Duenas commented based on area for area exchange the computations that I say showed it to be a 12 foot wide strip. The width of the walk way could of course be 6 feet and it could meander down. I don't know that you want to pave all 12 feet, you'll probably have cars driving down there.

Administrative Director commented the memorial that you show here is wider than that 12 feet, I know it's just a concept but this particular portion would that be wider than the 12 feet.

John Duenas commented it could be it could spill over into the owner's property. Those details we can work out.

Administrative Director commented and it's at a part of the property that won't affect the buildings itself.

John Duenas commented that's right. I understand Mr. Chairman your concern, what is Chamorro Land Trust getting out of this? Well you're getting the property but if you're requiring that because it's not really useful to you that we need to purchase it we would pursue that but knowing that it has to have legislative approval somebody has to prepare a bill and submit it.

Acting Chairman Pro-Tem Calvo commented but you are in agreement with that, okay.

John Duenas commented yeah, the owner, if that's your requirement.

Acting Chairman Pro-Tem Calvo commented then I have no problems in approving it. Mr. Guerrero any objections, Dave?

John Duenas commented can I restate that again? It is approval in principle to do a land exchange to the western boundary and then have your legal counsel who ever you appoint to be with the expenses underwritten and all the mapping necessary to do that.

Acting Chairman Pro-Tem Calvo commented any expenses incurred to do all that transaction would be left to you guys so we're not going to be charged for any pennies.

John Duenas commented it would be underwritten by the developer. Actually he was going to prepare the map because he has to consolidate the lots.

Acting Chairman Pro-Tem Calvo commented and the stipulation in ending part of that is also that we in the near future...(did not finish).

John Duenas commented to purchase through legislation of some kind.

Acting Chairman Pro-Tem Calvo commented yes.

John Duenas commented can we work with Joe on the selection of legal counsel? You select it and get a proposal from them to review the matter and let us know how much it costs.

Administrative Director commented I'll select it with the approval of the Commission.

Acting Commissioner Matanane commented excuse me Mr. Duenas we have only white money.

John Duenas commented what you will find out on Guam is almost all the attorneys are conflicted at some point.

**Acting Chairman Pro-Tem Calvo commented okay it's approved.**

**17. Isla Horse Ranch and Garden – Commercial license request on Lot 5382-R7, Mangilao**

Administrative Director commented they are requesting for a commercial license on Lot 5382 originally –R7 but the acreage in that lot has been passed out very quickly and I believe now that lot is 5382-R10. This is the area west of Latte Heights subdivision below the antennae sites of Barrigada Heights and adjacent to federal property, Radio Barrigada in Mangilao. If you're standing on Route 16 and looking up at Barrigada Heights it on the slope on the right hand side right when it goes down and becomes flat. It's kind of a weird shaped property which caused some problems for us because the entire lot number actually contains 35 acres and staff was looking at the map and passing out lots in the area based on 35 acres but when you look at the property, the 35 acres is really not there. It's really 20 here and the other 15 is on the bottom connected by maybe a 20 feet narrow strip of land. There is lot acreage available in the area that they are asking but right now I don't know exactly how much there is. The part of the lot that they are asking is on the bottom part and as far I know we haven't made any commitment on that property. Whether that area is 15 acres or 14½ or 13 I'm not particularly sure at this time because it is a portion of a bigger lot. They are not asking for the entire lot they are asking for a portion of the lot. We have a

survey map of the entire lot and we also have survey maps of other portions that were given on the other side of the lot not the site that they are requesting.

**Adrienne Villagomez Loerzel** – Our paperwork is in I don't know if you had a chance to review it, we also can answer any questions you have. As far as exact acreage we're willing to take on this survey cost to separate out that piece for the lease and if it's not exactly 15 that's not a problem for us we can just work with what's available in the area.

Administrative Director commented they were previously located immediately on the right hand side before you get to the old Okura Hotel now known as the Aurora.

Adrienne Loerzel commented our business is still actually open down there. We had a year long lease and we're just going month to month right now. We'd like to relocate primarily because the demand we have is sort of different from how we're set up. We'd like to be in a more agricultural sort of quieter area to be able to do more. We have a lot of requests for lessons. We just did our first summer camp and there are a lot of requests for field trips and the set the up in Tumon is not really suited to that so we're looking for a piece of property that we can do more and meet the request of people that are coming in.

Acting Chairman Pro-Tem Calvo inquired how many horses do you have.

Adrienne Loerzel commented we have a total of 14. We only have 8 on the Tumon property because we don't have enough space in any one location so we're kind of stretched right now because they're spread out.

Acting Chairman Pro-Tem Calvo commented so if you have 14 and you only have 8 where are the other 6 located if you don't mind me asking.

Adrienne Loerzel commented we have boarded and a couple outside of houses so it's not really an ideal setup because they are in yards. We just don't have a space that's big enough for all of them together.

Acting Chairman Pro-Tem Calvo commented but then you're still going to be running that business down in Tumon.

Adrienne Loerzel commented no.

Acting Chairman Pro-Tem Calvo commented so you guys are going to shut down Tumon.

Adrienne Loerzel commented yes.

Acting Chairman Pro-Tem Calvo commented I wanted to clear that part so you are going to be closing that business and basically running a horse and business up in Barrigada.

Adrienne Loerzel commented yes, we're relocating the existing business with a little bit different focus so we can do for instance lessons. We have a lot of people asking to do beginner lessons and Tumon is not really suited for that.

Administrative Director commented your neighbors are going to be a piggery, cow pasture farm and federal antenna fields. What they are requesting for is basically compatible for the use of that area.

Adrienne Loerzel commented we can live with the antenna and the pigs its okay.

Acting Chairman Pro-Tem Calvo commented when you do get this property I know you are going to fence it in for that matter to secure your horses and of course you are going to build whether it be a barn to house the animals.

Adrienne Loerzel commented our primary goal is to first get the fencing and some sort of structure up to house when we have like field trips so there is some place for the children to use the bathroom and we can sit them down in the shade. Eventually as we get settled in we'd like to put up more permanent structures to include a barn if we can find an ideal place for it. We also have in addition to the horses a number of other animals. We have a carabao, some goats, lots of different birds and ducks and geese.

Acting Chairman Pro-Tem Calvo commented so it's not just horses that you have.

Adrienne Loerzel commented no sir.

Acting Chairman Pro-Tem Calvo commented so actually you are going to run like a zoo.

Adrienne Loerzel commented more like a farm. We don't have big scary tooth animals.

Acting Chairman Pro-Tem Calvo inquired are you affiliated with the Southern Comfort horse.

Adrienne Loerzel commented we actually purchased the horse from them but there is no affiliation with the people that were running it just the initial purchase.

Acting Chairman Pro-Tem Calvo commented so this piece of the property is going to be a business where you are going to have animals. I guess you might call it a miniature zoo but it's not up to me it would be up to the other Commission members to think about it.

Administrative Director commented just for point of clarification the application is applying for a commercial license and not a non-profit rig.

Adrienne Loerzel commented at the moment we're set up as a corporation. We've actually been in conversation with the 4H program at UOG potentially to switch it to a 4H Charter to focus more exclusively on the summer camps, after school programs. That is something we're trying to work out with UOG but our big stumbling block at this point is we don't have an ideal location for it. So that is something that we might look at in the future but right now that is not how we're set up.

Acting Chairman Pro-Tem Calvo commented so actually you're set up as a business but you're just looking down the line with UOG.

Adrienne Loerzel commented yes, they've expressed an interest in working with us to do that but we don't have the property so we haven't been able to go too far with those negotiations because we need a better site.

Acting Chairman Pro-Tem Calvo inquired why Chamorro Land Trust.

Adrienne Loerzel commented well you guys probably have the best property for this because the other big tracts are not really set up for agricultural uses between the costs and the neighbors. One of the problems we have in Tumon is we're trying not to upset the hotels, it's obviously hotel district. We have issues with people messing with the animals. We've actually had a couple of deaths from people doing things to them and so we are trying to look for a place more suited for the operations that we have and Land Trust has probably the best.

Acting Chairman Pro-Tem Calvo commented but if you're looking for safety. If you're down in Tumon and in an area more or less of a secluded area and like what Mr. Borja said you're surrounded with other animals there. There are hunters in that area they would be shooting for wild pigs because there are animals in that area running around loose. I'm just saying what you're opening up down there is basically to bring up and open a small business and you ideally want to protect the animals and of course that is going to be on your position on how you protect your animals because you invested a lot of those.

Acting Commissioner Matanane inquired on where exactly is Lot 5382-R7.

Administrative Director commented it's behind Latte Heights, way in the back behind Latte Heights that's the way that you access this. But it is actually closer to Barrigada. Like I said if you're standing on Route 16 looking up the hill to Barrigada Heights, right where the Barrigada Heights hill slopes down it's the lot on the right hand side of the slope. It is not the slope side it is the bottom part on the flat part of the property.

Acting Commissioner Guerrero commented so this would be adjacent to the antenna field.

Administrative Director commented it would be adjacent to the antenna field.

Acting Commissioner Guerrero commented you mentioned here and other creatures any particular creatures in mind?

Adrienne Loerzel commented we have lots of different birds, parrots, peacocks, goats.

Acting Commissioner Guerrero commented birds are mentioned, my concern is on hogs, pigs.

Adrienne Loerzel commented we at one time had a pig but it was taken from the property. If we do have one it would essentially be a pet not a farm.

Acting Commissioner Guerrero commented right above the hill there is exclusive homes and where the wind carries that is my concern.

Acting Administrative Director commented this is on the bottom of the hill and it's quite a distance from the housing area but whether or not the smell can carry up there I can't guarantee that it won't.

Acting Chairman Pro-Tem Calvo inquired if they pick up the everyday manure and where do they dispose of it.

Adrienne Loerzel commented yes, right now we have the manure area that we put it at and actually has been pretty cleaned up. People come in and pick it up and use it for fertilizer and soil augmentation. We actually have a greater demand for it than we are producing right now.

Administrative Director commented that the immediate concern in that area is we've relocated two piggeries into that area from the new Adacao Elementary School area. In the new Adacao Elementary School area there were two piggeries there one operated by Mr. Manibusan who had about 60 pigs and the other piggery in that area was operated by Mr. Frank Jackson who had at that time about 9 pigs. Those were relocated off the school site into this area because the biggest neighbor in that area is the antenna field and it is really down wind at least normally of housing projects but the winds of course could shift. Normally for about 70 or 80% of the year maybe more according to our wind rolls the direction of the winds are downwind from the residential units.

Acting Commissioner Matanane inquired how big is the lot.

Administrative Director commented that the one that she sites -R10 is actually 35 acres but 20 acres is on the slope and the area that they are requesting for is approximately 15 acres. The entire lot is 35 but is not all in one level.

Acting Commissioner Matanane commented but they are requesting for 15 acres.

Administrative Director commented they are requesting for the one in the bottom and in all clarity there is really nothing available on the slope because we have leased that out already.

Acting Chairman Pro-Tem Calvo inquired if they will incur all expenses relative to mapping and legal fees and so forth.

Adrienne Loerzel commented yes, sir.

Administrative Director commented what I would like to do on this particular one and it is up to the Commission is we've got to complete their file in terms of their charter papers how ever they're organized. It's owned and operated by 4 partners. I'm sure they have some sort of business organization as to what you guys are really, a partnership, or corporation.

Adrienne Loerzel commented we can provide all our paperwork, the corporation and by laws.

Acting Chairman Pro-Tem Calvo inquired if there were any objections.

There were no objections from the Commissioners.

Acting Chairman Pro-Tem Calvo moved to approve the application.

Administrative Director commented of course you would have to go through EPA and all those issues and that just because the Commission approved the usage of the property it doesn't necessarily mean that they are licensing a horse farm to you they are licensing property to be used for that. But to develop that you will have to get the regulatory permits required by the government for that type of operation.

**Commissioner Gumataotao made a motion to approve the commercial license request by Isla Horse Ranch and Garden. Acting Commissioner Matanane seconded the motion. There were no objections, MOTION PASSED.**

Acting Chairman Pro-Tem Calvo reiterated that the applicant will incur all costs associated with the paperwork.

Legal Counsel Santo Tomas commented that the administration will allocate the portion of bill to the applicants.

Adrienne Loerzel commented yes.

Administrative Director commented that also on the acreage it is not absolutely 15 acres it is whatever is available.

Acting Chairman Pro-Tem Calvo commented what ever is available there you guys are good with that.

Adrienne Loerzel commented yes, we will just need to survey maps which we'll incur that cost.

Acting Chairman Pro-Tem Calvo commented so if it came down to one acre it would be okay with you?

Adrienne Loerzel commented we'll make do with what we have.

**18. Younex International – Request for a 3 year, 3 acre staging area**

**David Tydingco** – I am the senior Vice-President for Younex International and I want to kind of show to you what we are actually involved in building a project. Back in 2007 we acquired the property adjacent to the Guam Memorial Hospital. It is about 41,000 square meters of property and what we intend to do is develop that property for a high end condominium project. What we intend to do is build 4 towers basically with a total of 260 units and 20 villas along the cliffside and a recreational center with 70% of the property open space and 30% building space. The 4 towers which were already approved by the Guam Land Use Commission in November really will be representing as part of the requirements be named after 4 Chamorro chiefs and again there will be two 18 story and two 15 story towers. The people behind the project, the project partners are Younex International Inc. Guam Corporation. The company in Korea that is our general contractor as the engineering and construction and their local Guam corporation Anil Construction

Company Limited. In developing the property we really designed the area with a maximum amount of open space and the one that we wanted to make sure of was improve the infrastructure to the community because we felt that it would improve the overall value of the entire neighborhood. The area is actually called Sakpon Point but everybody calls it Oka according to Land Management maps. The area allowed us to build 361 units but we felt that we could do well with 280 less density. So we're building 128 three-bedroom, 124 four-bedroom and 8 five-bedroom units. Previously the property which was owned by Jones and Guerrero they had a variance to build 160 units and were not required to improve any of the infrastructure. What we decided to do because it was actually really necessary, that area suffered not only severe water pressure issues but also they lacked sewer that we worked with GWA to make that happen. What we are doing is spending about 1.3 million dollars in infrastructure. We're taking a 12-inch water line which is going to start right around Bishop Circle. There is a 16-inch water line that dead heads right there and connect it all the way into pass GMH and actually it passes right through the Chamorro Land Trust property as well or at least the back road through Perezville and then connect it into Jonestown. The challenge for that area was they were only getting one source of water and that was coming from the Agana Heights water tank. By connecting the waterline coming from Tumon which is serviced by the Nissan water tank what we've done was created an additional water source and also improved water pressure. The other thing we're doing is we're actually installing sewer to the neighborhood to the northern most neighbors in Jonestown. The areas where Western Boulevard is right adjacent to our property do not have sewer and so in working with GWA they said we need to improve sewer to those people in that area and also prepare for future development. So we are going to actually install that. We had our groundbreaking not too long ago. The 4 towers will be built simultaneously. There is a 30 month construction period and we anticipate that we will complete the project by the 3<sup>rd</sup> quarter of 2010. What we've come to the Chamorro Land Trust Commission for is in building out the infrastructure we need a staging area for the pipes and necessary appurtenances to build the infrastructure. In fact I was just taking to John Duenas who was our engineer for that project since that 12-inch water line goes right by Chamorro Land Trust property, one of the things that we talked about was actually installing a lateral so that you guys would have water access to that property that doesn't really exist today, it probably exist but in a lower capacity. This is really a GWA project but as you understand GWA has a lot of challenges and part of it is not being able to fund infrastructure improvements. As part of our commitment and the Land Use Commission's approval along with GWA they said install the infrastructure for the entire community there and then you can tie your project to it. So we're really building a public project which will also benefit our project a well. What we're looking for though is not just the lay down area for the infrastructure. Again we have a 30 month build out period. We also would like to have the Chamorro Land Trust Commission consider giving us a couple of years for staging our supplies that will be coming in and again if the appropriate thing is a commercial license we would go that route and pay all fees associated with setting that area up as a temporary staging area and the maximum period would be 3 years. We're asking though consideration of a one year waiver because that's the one year time frame to build the infrastructure, the public benefit and the remaining period we will pay whatever fees are associated with the licenses.

Acting Chairman Pro-Tem Calvo commented let me get this straight, you want it for 3 years but you want 1 year waived.

David Tydingco commented just because right now the requirement of our approval is that the first thing that we do is we build the infrastructure. So that infrastructure we've already broken ground on and that we anticipate the pipe and stuff to be here in the next 60 days and we need to move on that immediately. Land Use Commission part of their requirements was that we don't get occupancy permit and we don't get utilization to infrastructure until we first service the residences and so that's what we're asking for. The remaining portion we don't anticipate until probably mid next year to be able to now receive our containers for our project because a lot of it is civil work that's going on.

Acting Chairman Pro-Tem Calvo commented the area that you are asking for is the old GMH and you know that's been one of the projects for investments to be built there and so forth. If I was to give you 3 years and next year a developer comes in there and wants that piece of property that's my only qualm there. I know you are asking for what 4 or 5 acres.

David Tydingco commented 3 acres.

Acting Chairman Pro-Tem Calvo commented I would rather go on a year to year basis but on the condition that also if I'm going to give you that one year on that first year then I have a couple of buildings there that I need to knock off. Clear that out for us and everything.

David Tydingco commented we'll take care of it.

Acting Chairman Pro-Tem Calvo commented I think that's a fair trade, I'll give you that for a year. You clean that and dump it wherever you want to dump it. If I'm going to waive you one year then give me that one year to clear up I think 14 or 15 buildings there and you dispose of that. Because I know the staging area that you want there is basically just to put your pipes and so forth and I can understand that because we have done that in the past. I have to go maybe on a year to year lease on that if that's okay to you.

David Tydingco commented okay.

Acting Chairman Pro-Tem Calvo commented the reason for that is because you know that piece of property is still being talked out and I have developers that might want that piece of property whether it's going to take all the way to where you are at I don't know, it all depends. I don't want to put myself in that situation where I can't give it to you because I got a 3 year lease agreement with these people for that matter.

David Tydingco commented if that was the case if it was a year to year and a developer came in and wanted to use the property could we at least work with them to figure out where we can stage because they would be under construction too?

Acting Chairman Pro-Tem Calvo commented and that is why I said that could be an issue too that we can work with the new developers for that matter. You can probably share the staging area or cost for that matter. That's my point on that. So giving you that waiver for one year which is what you're anticipating on asking and you're asking for 3 years. You might finish your project in 2 years or you might finish it in 1 year for that matter or a year and a half but you're asking for 3 years because you want to make sure that you cover your grounds. So in essence to that I think you give me something I'll give you back too. So I have buildings there that need to be cleared out and I think you're aware where that is.

David Tydingco commented sure, actually we were hoping to fix it up and use it.

Acting Chairman Pro-Tem Calvo commented that's up to you guys if you want for that year and another thing like I always stated is any legal things that have to be done you guys cover all the legal fees and all agreements that we sign off the bill will come to you guys not to us.

David Tydingco commented no problem. I think the one thing we want to make sure because I don't know what's there if the disposal costs are far greater than the annual lease payments then that wouldn't be fair to us as well right. There may be asbestos that is there and I don't know. So if we can make sure that there is a fair trade.

Administrative Director commented the property itself, Ypao Point, that was given to the jurisdiction of the Commission under P.L. 25-179. However, there have been several temporary usage of the area. The Commission previously gave a 20 year license in 3 or 5 year intervals to the cultural group which is on the extreme eastern portion closest to the Hilton, those last 8 houses there are under license to the cultural group. Also where the pavement is of the old GMH hospital we gave the Dept. of Agriculture temporary use as a staging area for their rhinoceros beetle extermination program. We also gave GPA to the left of the circle as their staging area for their underground electrical work and we also gave a construction company that was building the sewer line down in Tumon a staging area on that site. So using the area as a staging area we've done that before. Unfortunately, in one of the staging area tradeoff the Commission got nothing at least in this case the applicant is indicating that there will be some benefit to the Commission. There is also a half acre portion severed for the Rape Crisis Center.

David Tydingco commented that they will work with the Commission to survey the exact area.

Administrative Director commented there have been 3 or 4 instances where the Commission has given temporary use. None of them I believe benefited the Commission other than maybe cleaning up there.

David Tydingco commented the first stage of it is a public benefit. We are putting water and sewer to benefit the hospital, Perezville, the Jonestown residents and obviously it's going to benefit our development but we actually oversized it to be able to accommodate it. But we really think that if we do well for the community in that area all the values will be increased. We'd be glad to work with the Commission to make sure that what ever we do the Chamorro Land Trust Commission also benefits and we don't have a problem with that.

Administrative Director commented as Mr. Tydingco rightly stated on behalf of his company is that we don't know what's in the building. I do know that when we demolished all GMH in the boiler room we had PCBs and we literally had to have Congressman Underwood at that time amend the federal law to allow for the importation into the mainland of that toxic chemical. It took so long to do that. The buildings itself, the residential buildings I'm not sure when they were built I believe they were built by the government back in the 50s so there is a possibility that there might be asbestos in there. I have been working with the Governor's Office because the Navy is remodeling or demolishing Apra Heights housing

and those have asbestos. So the Navy in that project has to dispose of that asbestos somewhere. Previously when we demolished some of the buildings up there we had worked with the Navy to dispose of the asbestos in the Naval Station landfill. I don't know if that option is still available, I don't think so. That may be one of the obstacles that we or the applicant might have is where to dispose of that. We met with EPA a couple of months ago and EPA instructed us to hire an environmental hygienist to find out if there is asbestos in the building. We haven't done that of course otherwise you would know about it. If there is asbestos on the property on the building to develop a plan for disposal not only by a certified contractor for asbestos removal but also as to where the ultimate disposal on that place. With that 12-inch transmission water line that is there that is a definite benefit for the value of the property for the Commission. Right now the water line that services the Jonestown area actually goes through near where the old building is right through the center of the property. That particular water line is inadequate which is why they are being asked to do the 12-inch water line. So the infrastructure and the utilities that these guys are planning on putting in definitely will enhance the value of the Chamorro Land Trust property by providing adequate water and utilities in that area. The utilities is already adequate, I believe they were made underground I don't know if we'd be allowed to tap in to it. But anytime a developer looks at a piece of property he is also looking at what are the bull cart trails and what are the water lines and utilities available in that area. Who ever develops Ypao Point on that would probably have to remove that inadequate water line that goes through the middle of the property. You can't do it right now because it services Jonestown. So if they put this 12-inch water line transmission hopefully that would replace that inadequate water line so that they can provide that and by doing that they'd be taking that water line easement amongst government agencies out of the middle of the property so that the property can be developed as the developer sees fit. So there are some benefits to the Commission as well as the demolition of those buildings. One thing though I would like the Commission to request from the developer and probably the most important thing even before the demolition of those buildings is providing a security fence on the cliffside of the property at least if not around the entire property. Of course that will benefit them in terms of security for their operations but there had been a lot of times where we receive request to use that property even the Liberation Day Carnival they thought of as possible site for that but as long as you don't have that safety fence in the back of the cliff you might be creating a liability to the Government. That may be something that may precede the demolition of the building as some sort of security fence.

Acting Chairman Pro-Tem Calvo commented we can work on that and we can go the first year and the second year put all the fence for us.

David Tydingco commented okay, it's economics.

Acting Chairman Pro-Tem Calvo commented this way it's a win-win situation for the Chamorro Land Trust and for you guys. I think it's really fair and just to provide not a 4 feet at least 10 feet.

David Tydingco commented if you come up to the project site you'll see the fence line that we're installing on now and that is something that possibly can be used for that area. It's 12 feet high and it's actually used as a way to display what the project looks like. We're willing to work with you guys because we feel that if we're able to enhance the entire area not just our property everybody benefits in that area.

Legal Counsel Santos Tomas commented I just want to clarify because many people that come before you agree to undertake the legal costs that the Commission incurs. I just want to clarify that because we are not in a legal relationship with any of them, we are in a legal relationship with the Commission so they are agreeing to underwrite the cost that may derive.

Acting Chairman Pro-Tem Calvo commented exactly, what ever legal fee that we incur from you guys will be translated to them.

Legal Counsel Santo Tomas commented I just want to clarify that.

Acting Chairman Pro-Tem Calvo commented what ever bill that comes to us they will be responsible.

Legal Counsel Santo Tomas commented they are making an agreement with you.

Administrative Director commented what I would like the process to be without objection is that they do work relative to this project, send us the bill, we pay them because the relationship is with us and then we send a bill to them (the applicant) for reimbursement.

Acting Chairman Pro-Tem Calvo commented we can do it that way because we've been getting short changed with these issues. So I think it is time that we really get something back. I have no qualm with that and it's a win-win situation and I'm trying to make this work. You've heard some of the comments here for that matter and that's my intents at least for my objectives on this part in sitting in this chair is I'm here to protect the interest of the Chamorro Land Trust. I think its high time also whether it be a new developer or organization something has to give back to the Chamorro. It is the Chamorro Land Trust that owns this.

David Tydingco commented I think our actions already speak louder than words. We're putting in infrastructure to benefit that entire community at our expense and you can count on us to do the same thing because there is a benefit that we will receive by having that staging area so you can count on that and we'll make sure that we pay the legal fees so long as their reasonable.

Acting Chairman Pro-Tem Calvo commented it's a win-win and like I said we can work this out and if it's okay with the other Board members on this issue.

Administrative Director commented since we will be executing some legal documents I request a motion form for the approval of this request.

Legal Counsel Santo Tomas inquired from the Commissioners that I'm assuming your leaving it up to Mr. Borja to really work out the details and so you are just primarily approving the application pending his negotiation of the lease and terms.

Acting Chairman Pro-Tem Calvo commented right and what ever terms of the license and with Legal Counsel working with Mr. Borja on how to do the contract the right and proper way for it to be legitimate.

David Tydingco commented we have no problems with that I just want to make sure that this doesn't delay our infrastructure improvements and if we can work with them to like in the next 60 days when the pipes arrive and we need a staging area we can work with you to identify that.

Acting Chairman Pro-Team Calvo commented I have no problems because I think it's all in the minutes everything we say is all in the minutes so when you come back and you say you didn't tell me that. It's all in the record so that's fine with me.

Acting Commissioner Matanane commented we can always put it into motion as soon as you get the details together with Mr. Borja.

Legal Counsel Santo Tomas commented the Director can negotiate the terms.

Acting Chairman Pro-Team Calvo commented we can go ahead so they can proceed with their project because I know they are pressing for time.

**Acting Commissioner Matanane made a motion to approve the request by Younex International for a staging area. Commissioner Gumataotao seconded the motion. There were no objections, MOTION PASSED.**

**19. Calvo Enterprises, Inc. – Request to purchase bull cart trail**

The Administrative Director commented that Calvo Enterprises is requesting to purchase a bull cart trail in Mangiliao. The area is directly across the street from Kentucky Fried Chicken in Magat, Mangiliao and right next to Jesus Mariano Street which is the main road that service the residences of Magat, Mangiliao all the way to the back. Their request is for purchase but I think after hearing the discussion on the other bull cart trail they might be open to some other issue. Legal Counsel not having any conflicts of interest on this one I did speak to her about the selling issue of Chamorro Land Trust property and I myself did look at our enabling legislation and I can't find any authority to sell and we haven't done it anytime before but their request is actually for purchase.

**Monte Mafnas** representing Calvo Enterprise – Thank you so much for your time and perseverance. There is a bull cart trail that was sandwiched in between our subject lot and the neighboring Lot 2425 & 2424 in 1938 and it goes past Route 10 and connecting to old Price Road. The Salas family subdivided the basic lot 2424 in 1971 and that was under document 102243 and all it shows is the bull cart trail not showing the easement. Then in 1975 there are easements galore. Our property is what you call the classic example of sovereign tenement, we have easements galore. There is a 40 foot easement and a 72 foot easement also known as the Jesus Mariano Street which is 72 feet which is beyond the normal 30, 40, 50 feet requirement. It's 667 feet long so it equates to over 4,500 square meters of land that we cannot use. But that is not why we are here. Why we are here is again our property is with easements galore. Another easement that we are subjected to is a sewer and water line easement with no grant of easement from anyone, definitely not from our ownership. Jesus Mariano Street has sewer line, Jesus Mariano Street has all the utilities but our property is also subjected to the sewer manhole and additional pavement encroachment that was done by the government. So again we're sub sovereign and full of easements everywhere. Our case if very simple we humble request to purchase a portion

of the easement. We have spoken to the neighbors, the Quichocho family, John Lizama and family, the Salas family and Cruz family. All we want to purchase is the bull cart trail sandwiched in between our lot and the easement and Lot 2425 which is the Lizama lot. We do not wish to purchase the further lot belonging to the Salas and the Cruz. We want to leave it in tack. Please be mindful that there is a 72 foot wide easement and a 40 foot wide easement that really goes from nowhere to nowhere. I have pictures that shows no activities and an aerial photo that shows that the easement ends at the old Price Road and again goes nowhere to nowhere.

Acting Chairman Pro-Tem Calvo commented on this Mariano Street there are some utilities here that runs through like the cable I know that for a fact because when I used to work for GTA.

Monte Mafnas commented right and it is there.

Acting Chairman Pro-Tem Calvo commented what Payless is contemplating is in building right really more or less in the front of the Marine Drive area.

Monte Mafnas commented since you brought it up that is correct, we are doing a feasibility study at this point in time and that is part of the reason why we would like to acquire this easement because of the lot lines in Mangilao that was prepared by Brown Pacific and Madison. Remember the old BPM construction company, the old BPM road, there is a lot of boundary lines overlapping in Mangilao. Unfortunately, this is one of them and across the street and everywhere else in Mangilao. There is a lot. All we want is this bull cart trail.

Acting Chairman Pro-Tem Calvo commented when you do this easement road here the main road that still exists there the Mariano Street so basically it is really like you're putting a line in between here but the main drive would be still down the stretch but more or less you just want to make the property a little bit wider to extend out to Mariano Street or how you guys are going to build the store for that matter.

Monte Mafnas commented Mariano Street severs our property into half, it parcels it right down the middle, remains there. The bull cart trail we want to acquire is on north to south sandwiched in between our neighbor the Quichocho family and Lizama family Lot 2425 but we're not going to touch Mariano Street we're leaving that in tack. This easement serves no one as the photos can tell and Commissioner Matanane can tell you, he lives a couple of blocks down the street, it goes from no where to no where.

Acting Chairman Pro-Tem Calvo commented I've been there in that area I can see where you're coming from because like you said it's, you can't even build a garage I guess in some sense. It's narrowed down only through the front portion. How long is this Joe?

Administrative Director commented that easement itself is 368 feet long.

Acting Chairman Pro-Tem Calvo commented but they are only wanting half of that.

Monte Mafnas commented the total is 667 feet long, it's only 300 meters, 8 feet times 300, it's about 340 square meters.

Acting Commissioner Guerrero commented point of clarification that by looking at the map Lot 2425 the boundary line is past the bull cart trail.

Monte Matfnas commented it is actually on the center line because Lot 2425 is still a basic lot. They are in the process of subdividing and again I have spoken with the authorized representative and most of the heirs of the estate the Quichocho family and they also would like to see this deleted because it takes a lot of their land too. But the basic lot at this point in time is still in tack. It has not been subdivided they are in the process of going through the motion. But their main access that they want that their surveyors suggested is through Route 10, a panhandle or a hammerhead or a culisac design that way it is equally accessible and more functional and less area taken and removed.

Acting Chairman Pro-Tem Calvo commented and it makes the property a little bit more wider on your part.

Monte Matfnas commented it would help, we could probably park some cars there, yes, 8 feet.

Monte Matfnas provided a photo and commented that pavement is our property point is way across right next to the house. We've been through four different surveyors. We did retracement surveys, relocation surveys, point of beginning, same assignment. Because if you assignment them two different ways they come up with different area. But based on the same assignment and metes and bounds they are close but that monument is right next to that house. But we don't want to stir any hassle or create any havoc, we want to be amicable neighbors.

Acting Chairman Pro-Tem Calvo inquired Mr. Borja what is your position on this.

Administrative Director commented my recommendation on it should be a positive response from the Commission my only concern is the request to purchase whether we have the authority to sell. At a minimum at this time and I don't know if the applicant is agreeable to it I think at the minimum at this time the only thing that we can give them really legally is a license to use the property and somehow built into that license or resolution the commitment to work with the legislature for an actual purchase of the property. Of course purchasing of the property would give us more money up front rather than the license little by little but legal counsel probably should review it whether we actually have the authority to sell this easement. If we do have the authority to sell it that would be my recommendation to sell it. If we don't have the authority to sell it then at the very least I would recommend a license with a commitment in the license to work with the legislature if that's the power that be to actually sell this property to them. The easement the way I see it actually leads within their property to within their property. It doesn't really look like it services anybody other than them and if we were to do a land exchange on value for value that's about 320 square meters I don't know what the value is of the property but we might be lucky to be able to get a 100x100 lot which would be the basic lot size that we can divide other than a parental subdivision. So I don't even know if a land exchange would be feasible. My recommendation at this time is to find some way to sell it if we have the jurisdiction. If we don't at the very least approve a license on it with maybe the commitment to work with the legislature for a sale of the property.

Acting Chairman Pro-Tem Calvo commented we can't do much at this point in time but we'll go ahead I guess to grant you that lease but with a condition once we clarify this with the legislature. I would rather see that it be taken away and let the sole ownership be on you guys than for us. I mean it's good we can still be charging you every month maybe a couple of hundreds, I don't know for that matter. But it would be a better situation for us that way we can negotiate but to stipulate that we will go ahead and I guess clarify with the legislature on this issue and in the mean time what you suggested just to go ahead and license it so they can...(did not finish). But this project is not going to be happening right now is it?

Monte Mafnas commented we are still in the planning stage.

Acting Chairman Pro-Tem Calvo commented so you are just doing the ground work.

Monte Mafnas commented yes but I humbly request the ability and correct me if I'm wrong but it is my understanding that part of the function of the Chamorro Land Trust is also to generate income for administrative costs and that is why we want to submit an offer based on the fair market value and purchase this property and it's simpler like that.

Acting Chairman Pro-Tem Calvo commented and I would rather go that route. But the problem that we are having like the Director said we have to get with the legislature. They are the only ones that can pass a law that we can sell this piece of property because I don't want them coming down our throat too and asking why do we keep selling the land.

Monte Mafnas commented in the event that is created into law we would want to exercise that avenue please and I thank you very much.

Administrative Director inquired from Mr. Mafnas if he needs anything from the Commission as Chairman Calvo asked is this thing time driven in a sense that you have to make a presentation to the Land Use Commission to get your project approved and part of the approval might be the disposition of this easement.

Monte Mafnas commented yes, again we humbly request to get the documentation in order. It takes time to put everything together. It may affect the size of the building if we don't have the ample parking but then again we have to play it, the footprint of the building makes a difference, the size of the building so the quicker we get the license the more expeditious things move on and moving forward is the best way to go.

**Acting Chairman Pro-Tem Calvo commented I think we can go ahead and grant you the license** stipulating that we are still going to follow through because I would rather honestly, truthfully just sell it because it's a piece of property that just goes down right down the middle. I mean no property you can't say it doesn't have a cost because it does. There is a cost for every piece of property whether it be just a 2x2 but let me tell you that 2x2 has value.

Acting Chairman Pro-Tem inquired if the other Board members have any objections to this issue.

Acting Commissioner Matanane commented no objections but just to state to Mr. Matnas that we don't have the authority to sell.

Acting Chairman Pro-Tem Calvo commented as a point of clarification you guys would have to cover the expense.

Monte Matnas commented no problem.

**Administrative Director inquired if all the approvals are in order for his license.**

**Acting Chairman Pro-Tem Calvo commented yes.**

The Administrative Director commented that is the last item on the agenda under New Business. We moved Advisory and Administrative Matters down but on consideration of a 5 hour meeting which I never heard of a board meeting go into a 5 hour session and I do want to thank the Board members for that it is already 6 o'clock. The administrative and advisory matters would probably take me a couple of hours. I would like to request the Commission and maybe with the help of and maybe not of the legal counsel here is I would like to have another meeting maybe a special meeting purely to handle the advisory and administrative matters. No other business other than that.

Legal Counsel Santo Tomas commented you can adjourn it basically continuing it carrying it to a specified date, time and place and post that so it is actually a continuation of this regular meeting.

Administrative Director commented and what that avoids us doing is having to go through publication in the newspaper.

Acting Chairman Pro-Tem Calvo commented if the meeting is adjourned why don't we just recess.

Legal Counsel Santo Tomas commented that Section 8109 of Chapter 8 states a public agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of the adjournment. You guys would be moving directly to adjourn after that... a copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular meeting was held and when the meeting is adjourned the resulting adjourned regular meeting is a regular meeting for all intents and purposes. It's probably more than anything a title issue.

Administrative Director commented we just need to make sure on that. What I worry about is that any action that we take might be null and void if we don't provide the proper legal notice. The other issue on special meetings is that special meetings are supposed to have only one item on the agenda. Now on this particular case I would call that item advisory and administrative matters and include all of these issues there. So do we just adjourn this and then call a special meeting?

Legal Counsel Santo Tomas commented you can adjourn this but it is basically an adjournment that continues the meeting to this regular meeting at another time and place.

Acting Chairman Pro-Tem Calvo inquired if we still need to do a public notice.

Legal Counsel Santo Tomas commented you have to post a copy of the notice of adjournment. So if you adjourn this then you are going to post it near where the meeting was held.

Administrative Director commented not a publication but to post a notice.

Legal Counsel Santo Tomas commented you want to make sure that anybody who was here for this meeting will want to have an opportunity to hear this meeting that it is not like we re-set the meeting to a place and didn't tell anyone or when or where to go. But this meeting was called, notice was issued is that correct in compliance with the notice?

Administrative Director commented yes it was publicized.

Acting Commissioner Matanane commented but reconvening this meeting it is under the administrative section now that means the public is not (did not finish).

Legal Counsel Santo Tomas commented you are going to post a notice of when this meeting has been moved to. In your notice of adjournment make sure you say where and when this meeting is going to continue to.

Administrative Director commented that the Commission doesn't really have a resolution or any statute governing where and when it meets. It's just been the previous practice of meeting on the last Wednesday of the month and having several new members on the Board you might want to decide if 1 o'clock on the last Wednesday is a good day and time to meet or not. Of course staff is pretty flexible to whatever the Commission wants.

Acting Commissioner Tajalle commented that Wednesday is good for her because with her job she is required at the spur of the moment to service Government House and that might be a problem, usually we have it Mondays or Fridays.

Administrative Director commented that the only thing left on the agenda would be the administrative matters which would take no more than 2 hours.

Acting Commissioner Guerrero commented if it would take you about 2 hours if we could have it at 3pm. The morning is pretty hard for me.

Commissioners agreed on Wednesday, July 2 at 3pm.

Legal Counsel Santo Tomas inquired if somebody is making a motion to adjourn the meeting to next Wednesday, July 2<sup>nd</sup> at 3pm at this place at the Chamorro Land Trust office to continue the agenda as it was stated for this meeting.

Acting Commissioner Guerrero made a motion to adjourn this meeting and to continue for next Wednesday, July 2<sup>nd</sup> at 3pm for sole purpose of the discussion of the advisory and administrative matters as it is noted in the agenda of this meeting.

Legal Counsel Santos Tomas inquired from the Director if there were a couple of items under Unfinished Business and possibly Executive Session that were also skipped.

Administrative Director commented yes, on Executive Session I just wanted to make a report to the Commission on the status of the staff.

Legal Counsel Santo Tomas clarified with the Commissioners that you are continuing the agenda from this meeting to the next meeting.

Commissioners commented yes.

**Acting Commissioner Guerrero restated the motion to adjourn to continue the agenda of this meeting the advisory and administrative matters to the next meeting on July 2<sup>nd</sup> at 3pm and the rest of the agenda on the Executive Session. Commissioner Gumataotao seconded the motion. There were no objections. MOTION PASSED.**

Meeting adjourned at 6:12pm.

