



# Chamorro Land Trust Commission

## (Kumision Inangokkon Tano' Chamoru)

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### CHAMORRO LAND TRUST COMMISSION SPECIAL MEETING MINUTES

Rm. 104, College of Agricultural and Applied Sciences, UOG  
Thursday, December 10, 2009; 10:15am - 12:11pm

*Felix P. Camacho*  
Governor of Guam

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

#### Commission Members

*Oscar A. Calvo*  
Acting Chairman

*David J. Matanane*  
Vice-Chairman

*Pauline Gumataotao*  
Commissioner

*Carmen G. Tajalle*  
Commissioner

*Andrew S. Leon Guerrero*  
Commissioner

*Jesse G. Garcia*  
Administrative Director

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

Meeting was called to order at 10:15am by Administrative Director Jesse Garcia.

#### **II. ROLL CALL**

Present were Acting Chairman Oscar Calvo, Vice-Chairman David Matanane, Commissioner Andrew Leon Guerrero, Commissioner Carmen Tajalle, Commissioner Pauline Gumataotao, Legal Counsel Delia Lujan and Administrative Director Jesse Garcia.

#### **III. PURPOSE OF SPECIAL MEETING**

##### **1. To receive the report of the MOA Agricultural lease inspections.**

Joseph M. Borja - Thank you very much for the opportunity to speak. Yesterday afternoon I received a call from Director Garcia and Chairman Oscar Calvo inviting me to the meeting today. I really appreciated that and that's very parable because this project really stands couple of administrations and turnovers in the Commission. For example I believe out of the five Commissioners sitting today one maybe two of you maybe even three of you were not really involved on the onset of how this project came about. The same with Jesse and I here I'm the former Director and Jesse is the present Director but it actually stands a couple of projects. Having said that I do want to say that we are all part of the responsibility of the report even the Commissioners who just came on board because you have the report. It's like the dog chasing the car, after the dog catches the car then you know then what? Now you have a report before you and I hope that it's the first of many reports because if you do have problems you can't even begin how to fix it if you don't know what the problem is. This is a report that I think is a long time coming. One of the dignities and the credibility of this report the strongest part about this report really is that it was a multi-agency endeavor through this MOA. And that's really a fancy word for hey gang let's get together and do our job what we're really supposed to be doing but somebody has got to say well okay but who's going to pay for the gas and things like that. It comes down basically to that. So you not only have the MOA but you also had the source of the funding of the MOA I think that you guys have to consider and as we all know that the source of the funding of the MOA really are those

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benefits that the Commission derives from its commercial licenses and commercial leases. You know where did you get the money to do the report in the first place? But it really was getting together of a department and agency and saying let's do what we're supposed to be doing. You know when ever people talk about Guam we all say oh it's so small. You know it's quite the contrary it's so big if you're here it's the biggest thing in your life and that translates to the land issues. Let me just tell you that I've been through this Land Commission for several years now and the very first Commission that sat had an endeavor to identify lands within it's inventory for specifically agricultural purposes. That's very important that you do that because as one Commissioner at that time said you can build houses on cliffs and people like to build houses on cliffs but you can't farm everywhere. So you have to go into your inventory and lock up properties that are farmable or agricultural and at the same token hopefully the report addresses that. That and one of the first items that came before the Commission back in 1993 was a request by USDA I believe at that time to designate a piece of property in Talofofo, the Taki Beijo area, Lot 421 I believe to be used for agricultural purposes for the next 10 years at that time. I think that time has since expired but the reason why they wanted to do that was I believe they were putting in a drainage system I think seven hundred fifty thousand, eight hundred fifty thousand dollars so that area is farmable year round. Even at that time in 1993 the US Government and the Commission at that time held special importance for agricultural purposes. In the Chamorro Land Trust Act there is a special section that says the Commission or the Department shall help the people market the products. Well if you're down the line of helping to market then you better have been in the line helping them growing in the first place at the other end of that. But also built into that is the word trust in 1993 and not only you know they say Land Trust Commission okay we trust the Commission but trust works both ways. If I gave you this 20 acre parcel and you say you're going to farm it I trust that you will farm it and hopefully that's what the report is. I gave you this land in some cases seven, ten years ago, five acres, three acres whatever the situation was so you trusted me to lease you that land so you come to me now and say I want twenty acres it's time to call in that trust and let's check and see what it is and hopefully that's what the report is. So trust works both ways I think in the title Chamorro Land Trust Commission. You don't only trust the Commission you trust your clients that they are farming that because if they're not it comes back to the Commission. I'm glad like I said that I was invited today because the Commission actually spans several years, several people and like that so it will be an eye opener I assume. It will be on the report but I think it's due time and I hope that this is the first of many to come about. It's the funding that is the problem and I did want to mention like I said if the Commission is asked administratively where did you get the money to do this, we got it from those commercial licenses and commercial leases that have been coming in throughout the year. Secondly and finally is that the Commission has two ends, you have the applicants coming in whatever they may be, commercial, agricultural, residential but on the other end you have to address the issue of you open up the store you have to have something on your shelves. What you have on your shelves it's supposed to be land. So the Commission also has to look to if you're going to pursue your mission you're going to have to look at increasing your inventory. This kind of narrows it down your inventory of agricultural lands. You're going to have another issue of your inventory of residential lands and that's another issue that you're dealing with it's really not usage at that time. It's like Director Garcia has been saying all along infrastructure, infrastructure. Yeah I got the land but if you don't have the power and the water you're going to be coming down everyday saying where is it and I can't even get to my land, open the road. So you have that kind of inventory issue and then you also have your commercial issue/military issue, you have that

issue. But today is purely I guess an agricultural land issue and at some point in time I think the Commission would be better served if they just developed an agricultural inventory of your lands. But don't lose the fact that your lands are not being replenished and you've got a competing interest that is coming on the horizon which are the "original landowners". Don't mistake yourself although these lands in your inventory are "trust lands" legally and like that. A long time ago some family owned this land it's not like the land that you own is not owned by anybody you know and there's a big competition for land now. Somebody came to Guam yesterday I think and wanted to see if he could put an airbase on it so it might be on your land. Thank you for the opportunity and I don't think anything but good can come out of the report. The report may be bad, it may be critical, it may be severe. But at this point on I think after it's released I don't think anything but good I think can come off it. Thank you very much for the opportunity.

Acting Chairman Calvo - Before we go any further Joe I really appreciate for you coming today because this MOA would have been not that possible without you helping us and I remember back then where you and I have sought many hours trying to figure out how we're going to resolve these issues and so forth. And also with the audit report and everything that's what it complied to everything. We sat all those hours in trying to figure out what's the best and ultimate solution to solve all these problems and with the MOA. I know there were times where they made a suggestion why not just do it in-house and I simply told you at that time I don't want to do it in-house because if we do it in-house it'll be something different but if I went out on the outskirts like the University which has been very greatly helping us in helping us solving all these problems. And I asked Mr. Garcia and I'm glad that Mr. Garcia is following the same legacy what I have asked him to and for you to continue on and to you know in any time that we need help I know that I can count on your back Joe. Today is a I guess a beautiful day for the Chamorro Land Trust and what entails what we have discussed earlier and what Joe has spoken to. And when he spoke back then with you Joanne and I said I needed help and you guys were willing to stretch out and help us out on how to resolve these issues. That's why we went with the MOA with you folks to identify the problems and to give us ideas on how and also entails to that issue is also to give us how we can really keep a perfect record. Maybe not so much of a perfect record but it gives us an idea now where are the weak points and how we can identify these problems and then now we can also ultimately can present to the Legislature that these are the problems that we have identified and to help in passing a law or whatever to make this more a solid thing for the Chamorro Land Trust. So Bob I'll turn it over to you and Joanne and please feel to whatever report you have put in there and you know from there on it's your show.

Joanne Brown - Thank you very much Mr. Chairman and members of the Chamorro Land Trust Commission. It's certainly a pleasure to be here this morning to provide what has been a very long term endeavor. The initiation of this request by your current Chairman Mr. Oscar Calvo, the work that had been executed by the previous Administrative Director Mr. Joe Borja and your current Administrative Director Mr. Jesse Garcia certainly has been a long time in coming. The report this morning represents the initial 52 site visits. Since that time over a 100 Chamorro Land Trust agricultural leases have been inspected by the Cooperative Compliance Team. I'm just going to give you an overview and background on what has led us to where we are today. Over a year ago in December of 2008 again at the request of the Land Trust Commission the University of Guam Cooperative Extension Service and Department of Agriculture entered into a memorandum of agreement that

essentially created the Cooperative Compliance Team (CCT). The Chamorro Land Trust had provided over \$99,000 that has been invested in this endeavor to address the staffing capacity, the resources, the equipment that has been needed to initiate this process. The agricultural Land Trust inventory that has been issued extends over a thousand lots. They may range from our half acre, one acre to acreage that's over ten, twenty acres in size that the CCT has and will be inspecting. Under your direction Mr. Chairman one of your priorities that you initiated was to request and ensure that employees that worked with the CLTC or partner agencies which includes Dept. of Agriculture, Land Management and of course the University of Guam Extension Service if they indeed hold any Land Trust lots that they would be the very first ones to be inspected. We will elaborate on the reports of those employees. But before I proceed I do also want to recognize a very important partner even though they are not formal parts of the agreement they were very intricate and they represent the community members that are very concerned over the implementation process of Chamorro Land Trust agricultural properties and that is the Soil and Water Conservation District. Last year the northern district held two meetings in Yigo and Dededo and one of the major concerns that were raised by farmers in those villages was concern as to how the Chamorro Land Trust agriculture program was being implemented and whether there was proper compliance to the letter of the law in how the Land Trust lands were being used. I would like to recognize the Chairmans because there are a number of the board members that are also here to attend this presentation. We have the northern chairman Mr. Roland Quitugua, the southern chairman Mr. Benny San Nicolas, the southern vice-chairman Mr. Bill McDonald, the northern vice-chairman Mr. Ernie Wusstig, we have Mr. Frank Eclavea from the northern district, Mr. Tony Siguena from the southern district and Mr. Tom Camacho from the northern district. So pretty much we have a majority of the board members that are here for this presentation. The main concern of the Soil and Water Conservation District is to ensure soil quality and water quality and as you will find in the report there are concerns with regard to the northern Guam water lens and the management of agricultural Land Trust properties over the water lens. So you certainly have the representation here not just from the concerns raised by the Land Trust Commission Board but also by members of the community in most basic sense are in touched with our lands. With that I will turn it over in a few minutes to now officially in a transition time since the MOA was implemented to congratulate Dr. Bob Barber. Officially now he is Dr. Bob Barber and Mr. Barber has served as the project manager so he will be able to elaborate on the details of the Cooperative Compliance Team. Just for the members of the public here the Cooperative Compliance Team of course are made up of the Land Trust staff, members from Agriculture also from the University of Guam. The requirement for these inspections and as the Chairman had brought up there were some concerns about the ability of the Land Trust Commission to do these inspections internally. So one of the stipulations that were required in the MOA is each of the team members had to be present at the agriculture inspections the actual field inspections to ensure that everyone there was doing their respective area of concern but also to ensure that the inspections were done properly. When the reports were compiled they also had to concur on the reports that were written and certainly there are sensitivity to that particular as it applies to employees that work within these respective departments or agencies. I also want to clarify no member of the team because this is very important to ensure credibility, no member of the team has a Chamorro Land Trust property nor and if they did they cannot be in violation of the standards. They have to have a clean record in order to sit at the team. That was a very critical requirement and request that was included to ensure integrity of this process because we do recognize there's been tremendous criticism against the

Land Trust, against the implementation, against the individuals within that have received agricultural leases that are not properly complying. So we wanted to ensure integrity from the very beginning. So with that I will interject as we go along if there are any questions or comments you may have or things that you may desire for us to further elaborate on we will do so and with that I will turn it over to Dr. Bob Barber to provide his report.

Dr. Bob Barber - Thank you Joanne, I tend to talk very fast and actually you give me a good run for my money here. Joanne has covered some of the stuff that I was going to actually start at the beginning but if you have any questions at any point here ask me. The presentation that I'm going to do today pretty much follows the structure of the report itself. Before I begin though I want to also note for the public and all others that this would not have happened if it wasn't for the current Commission, the former Executive Director and the current Executive Director. They need to be commended to the whole island of Guam for recognizing the serious problems the Chamorro Land Trust face and not hiding them but rather coming out to the public and making the whole public aware of it, letting the newspapers and others know about this, continuing to follow up with PDN and others and then in recognizing the problems reaching out and asking for help. And allowing those of us with some expertise to step in and help and then on top of that to provide funds to enable us to do this. This is a pretty exceptional thing. I've been watching the Chamorro Land Trust as the University's liaison since the mid 90s and while this has been discussed often over the years it finally happened and so all of you need to be commended. Now I hope I can now live up to the responsibilities in this current period and on up till we finish this current MOA. The report is going to cover a period from July to September. In this I also feel this can only be done by a multi-agency team. Stuff of this report is going to turn out and some, the stuff deals with individuals and files and you the Commissioners have it. I don't think some of this stuff would come out had it been one agency doing it. I just don't think but a whole team looking at it, it really brings light into dark corners and I think this is the way these types of issues should probably be addressed. I think the issues are so great that the team we currently have in place will need to be, you would need to use it as a model to form other teams and other agencies to address some of the other issues that we're going to talk about today. I think this is a start and a model for really getting the Land Trust which I believe is probably one of the greatest resources on this island. While its intent is for Chamorro I firmly believe that a rising tide lives all and so I believe the Land Trust will do the whole island an enormous good and that's why I'm dedicated to try and help at every way I can. Another thing before I go in the report is to note that even though the Land Trust has been in place over a decade this is going to be the first time when you start sending the letters out based on this report that any of the leaseholders had been given any kind of feedback on how they're doing in terms of compliance to the lease. I believe that a vast majority of the Land Trust leaseholders honestly want to do the right thing and really do want to be engaged in agricultural production. Of course there are always bad apples but I don't want to see us throw out the baby with the bath water when we start coming up with our actions to address the issues so I believe we should proceed cautiously, deliberately and openly as we go forward with what we're doing. Because of the nature of this being a very unusual thing I'm not sure I'm not aware of something like this being done in recent history. It took a while to get it going. We started with this MOA, Mr. Borja and I it was over almost 2 years ago we first started discussing these types of issues. We finally had the Governor's signature in late December but still to identify the funds, transfer the funds, get them in place, set up the accounts and actually get started while the start date was January 1<sup>st</sup> we did not actually have everything in place until late April to

begin. What I'm reporting on now is what has gone on from late April up till the end of September. I will come very soon with a follow up report on the following three months. Doing the first one was probably the hardest. So once we got the funds and we started then we glide to the point where we have this report. The report is basically divided into three sections. We're looking at what's happened in the past six months and then special protocols. Today it's a fairly long report and it's a fairly long presentation so I'm going to try to go through this first part fairly quickly so I can spend more time on the last two. The second part is the presentation of the most pressing and I stress the most pressing initial issues we found and the findings that the project manager, I and the Cooperative Compliance Team have identified. There are many, many other issues that do not even show up in this report and they will arise as we go on and have more and more evidence with them. But what we're talking about today are some of the most pressing issues that have to be addressed and then I'm going to give an initial set of recommendations that are based on the findings and the accumulated knowledge of my own knowledge as an agronomist who's worked with land issues and farm management and the multi-agency team which represents the institutional knowledge of the Chamorro Land Trust of the University Cooperative Extension Service and the Guam Dept. of Agriculture. And I think this team represents an enormous body even more so now than when they started because they have been sharing ideas and cross training each other over the last six months. This Cooperative Compliance Team is a gem that you do not want to lose. Whether you continue with the MOA I would strongly recommend that you at least whatever you do in the future don't lose this team. Whether you steal them from Ag and steal them from the University and bring them in to the Land Trust whatever you do that you've got the beginning of what should be the beginnings of your agricultural technical staff and I think that you're going to need to fully develop that as the years go by. It'll take time and funding may be an issue but they're good and they're doing their job. So first I'd like to talk about the implementation. We started in late April 2009, we got the funds and then we identified the Cooperative Compliance Team members and their backups. This actually it sounds simple but this was a very difficult process and at this point I want to make a statement on why it was difficult. For a decade now the island has done the Chamorro Land Trust a grave disservice. At one of the first things we recognized was how severely understaffed the Land Trust is both in terms of numbers and in terms of expertise. For an agency charged with hundreds of millions of dollars of assets for the long term good of the Chamorro people they have never been given the adequate resources to meet this mission and yet the Land Trust has struggled along. So one of the problems we had was everybody had so much work to do at the Land Trust getting someone who could go out with the team. We needed one or two people at least two, a main person and a backup who is always with the team. This was hard and separating them from the pressing needs of meeting legislative oversight and the rest it took a little while. On the other hand with Dept. of Ag they also faced issues. The ADS Unit has had enormous burdens to put on our military involvement and other nations. Quite a few of them are constantly being rotated into guard duty and so identifying someone again from Ag took a little while and then getting the team to show up and being placed well this was a bit of an issue. But within a month we had this settled we had these bugs worked out and it's been going fairly smoothly since then. The first thing we did once we had the team is we reviewed the laws, we reviewed the leases and by the way you have many versions of your agricultural lease out there you even have commercial leases that forbid the farmers from selling what they grow. There's many different things that we found and it indicates that there has not been a standard protocol that has gone from beginning to present and we hope to address that with some of our

recommendations today in handling and processing lease. We also reviewed both Extension and Dept. of Ag production monitoring protocols. We reviewed your files and we felt reviewing your files would be a very easy task. It turns out it's not. The variance of what is in the files is extreme. Files are various levels of complete and so as we started going through this thinking we would have a standard file we work with we'd have a standard set of information it turned out that we don't. And so in many cases we were having to fill in the blanks as we go along. Again that goes back to we need to have a standard protocol in place and very secure control of the files of what goes in and out of them. Currently I believe that's in place, it's been in place I think for the last couple of years but we're looking at a ten year history. At the request of your Chair, the Chamorro Land Trust and associate Government agencies that would be Dept. of Ag, Land Management and then University Cooperative Extension was going to be but we have no one in Cooperative Extension who has a Land Trust lease but these were the leases that we would inspect first. Two reasons, one is to clean house and then these would be familiar people who would understand what we were doing so that we're going out asking the hard question we'd have people who at least are mandated to work in these areas. So we did this we identified 7 employees and former employees who have agricultural leases or are land use authorizations where they actually have control of their land. There are other Chamorro Land Trust employees who have various stages of completeness of lease application but they don't yet have control of their land. If they don't have control of their land we did not inspect their site. It's kind of feudal if they can't control it they can't be responsible so we didn't go to those yet. This is to the best of our ability to identify who were the former employees and who had leases. There may be many out there that we'll find as t we go on and continue through the thousand eighty ag leases. But the idea was to clean house first. We should not go out telling other people what they should be doing until we've told our own people what to be doing. These site inspections also provided on the job training to the team and in the process we identified the core issues and started formulating how we're going to address these issues that we suspected would prove true and has proven true we will see throughout our whole inspection and there are some very common issues and we're going into them in a little bit. During the first two months up through July I went with the team on all the inspections it was part of the training process. I intend to today out of the 52 I have 35 of the completed lease application and 17 that are pending a revisit for one issue or another. In the coming month I'd be going with the team to visit those 17 and complete them. We also have others from the later 50 that will need revisiting. I'd be going with the team as we address some of those sites.

Oscar Calvo - You stated a few minutes in your statement those 7 personnel, are they up with the compliance on all those?

Dr. Bob Barber - No neither one of them is. All 7 are out of compliance for one reason or another. It varies from illegal structures to subleasing to non-Chamorros to some who are very close to being within compliance in terms of production which is the only reason they're not to some who have really little production on their lands. So there's a whole range but of the 7 I'm afraid I'd have to say none of them at the time of inspection were in compliance. There are 2 that may well be in compliance now because they were noted of what they needed to do and I felt they had it easy. Some of the others may be a little more difficult as we go along. So as we look at what actions we're taking realize you'll be taking actions against your own people as we start moving and sending letters. Briefly I'll go over the protocol of what we're doing. I don't have it in here but there were considerable amount of

meetings with the Attorney General's office and with the Guam Police force and several mayor's offices discussing the protocols we would be following before we ever started. One of the first things we decided when we started looking at the list of agricultural leaseholders is we decided to address the three hundred plus leases greater than one acre before trying to go out and take on the full thousand eighty. There were two reasons for this, one the leases that have greater than one acre have the greatest economic and agriculture and environmental impact or that was what we assumed. On the environmental impact I think I'm wrong on that assumption but in terms of the economic and agricultural impact they had the greatest. But the other reason I had it is I knew in terms of the production compliance which at the time I thought would be the single biggest issue of noncompliance I assumed that the ones less than one acre once we had the educational programs that you funded and placed they would be far easier to address and they will be far easier to address than the larger acreages so I wanted to hold them to later. So this is what we've been doing and we've been looking at all these except for the employees all the leases that we've looked at have been greater than one acre. The first step in the process is the CLTC staff sets up the site visit by phone weeks in advance so people know we're coming, they're present when we come because we felt in this initial visit we needed the leaseholder present. It has several reason, one since it's a new thing it's the first time it's ever happened we don't want to just show up and then have someone start firing to these strangers wondering around their land. But the other thing was a major part of this is a needs assessment. We're trying to find out what problems the leaseholders are facing and the only way we can do that is to talk to them. So in the first visit we set up the following now this poses problems you know certain illegal activities may not occur when we come to that visit because they've been forewarned. But the follow up visits we are not obligated to notify them. So when we find a site that we may need a follow up visit to we may choose it with the person there or we may choose to do a follow up spot check. But for the first one the protocol was we will make an appointment we will show up and if we don't show up we'll contact them by phone and let them know and reschedule the visit. Then each agency member has a core role. The Land Trust is to check for the various issues of compliance within the various issues in terms of the survey, the power hook ups, the structures on the site, the completeness of the files. These are the questions the Land Trust employees are tasked to ask. The Dept. of Ag is tasked with production monitoring and the Dept. of Ag and Cooperative Extension together are tasked with recommending and evaluating land use practices and environmental impact on the site. Cooperative Extension is tasked with conducting a needs assessment, identifying problems and issues and needs of the leaseholders. But all members are crossed trained so that when one completes their task they can be helping the others. In particular the task given to Ag is by far the most time consuming so the rest of the team does help Ag as soon as they complete their portion of the counting of the trees, the measuring the area under production that actually takes walking the whole lease site it's not something that you can sit, drive around with a truck and see it you have to get out and walk the fields and actually look at everything. The team has been crossed trained another reason these people are so valuable is now they have increased expertise. The team conducts inspections on Tuesday, Wednesday and Thursday. Those days are dedicated fully to do inspections. If we can get them scheduled the average is about three. Sometimes you can cram in four but it's fairly difficult and not very likely. I'll be more likely when we get to smaller acreages but it's two to three here what happened on them. Mondays and Fridays are for follow up, studying the files, follow up visits, scheduling appointments and preparing reports. Periodically in the reporting process we stop a week because we need the whole team for doing these reports because in compiling these it was

more than any one of us could do and we need to pull everybody together. So it's flexible in how we operate under this. For example in the recent storm we had canceled appointments and so we meet into some of the Monday and Friday office work time to catch up on where we're at. But that's basically how the team is operating. It matches very closely to what in the old days when Dept. of Ag did production monitoring, it's about the same numbers that an individual person can get out and cover. Now I'm going to go slower on this and take a little bit more time you've got very great detail written on the report but I'm going to talk about each of these issues to some degree and then I'm going to separate it and first talk about the problem and then come with some recommendations for it. The single greatest environmental issue we found facing the agricultural lease program has nothing to do with agricultural production. It's the homes and septic systems that are constructed without the required authorizations and permits. Now let me just back up and explain that for a second. The lease requires that before any structure is built on the land that you guys preauthorize in some way either through you or through your Executive Director they have to receive authorization to construct it. It's part of that authorization is the expectation that they go through all the GovGuam permitting process. As a matter of fact it's very explicit in the lease that they have to follow GovGuam laws in the operation of their agriculture lease. This will include housing, labor laws, a whole host of laws. These laws are very important to follow in home construction and yet in your files we did not find complete documentation of anyone that we visited so far showing all this process followed for the homes. Three of the ones and I'll go into more detail, three say they have the documentation and we'll talk about this more. But I believe this is the most serious problem facing it. When you realize the number of homes constructed on the northern aquifer that may not have appropriate septic systems in them I believe it makes Gil Baza pail it's more like a tempest in a teacup. The potential of the environmental damage being done in some of these is great and it's not due to agriculture it's just due to people constructing without, illegally without following the process. So that's one issue and that's the one that the team cannot address. We can make you aware of and offer some recommendations but you're going to end up needing another task force and we'll go into more detail in a minute. I don't want to talk about all these in great detail now I'd like to address them individually. Another one is failure to meet the minimum tree planting requirement in the agriculture lease. The lease requires that everyone plant 50 trees of varieties recommended by Dept. of Ag. In some conservation practices and forestry practices you see native species and other forestry. The key thing is the idea I believe is to get fruit trees out there to create a subsistence reserve of food on this island. That is probably the easiest to fix. The failure in the end by the way you funded as part of this MOA \$5,000 to Dept. of Ag to plant and produce fruit trees as well as from an earlier program we had a nursery in place on campus and had also been producing and we're giving these trees out and we'll go in that in a moment. The second one though that had to do with production is failure to meet the minimum production requirements of the agriculture lease. The lease require that they bring  $2/3^{\text{rds}}$  of the land the arable land on the lease into production. This is more difficult to address and we'll go into it in a minute but again it's a high level of people are not in compliance because they are not meeting it. But this one is at the very heart of the agriculture lease. Why would you have an agriculture lease except to engage in agriculture. You don't it to sit on a bunch of land and do nothing with it. There are other people waiting in line. Then we come to another where I have to link two issues that I unfortunately do not like linking together but are somewhat related. Unauthorized subleasing to non-Chamorros actually your rules do not allow subleasing period without preapproval from the Commission. This is the issue I hear probably more common than anything else from the

farmers on Guam is this that's going on. Unfortunately when we get to sites that we believe that their subleasing we hear things like well no they're my laborers this is my farm labor, I'm not subleasing this. We hear all kind of variation in this. The lease disallows subleasing but the lease also requires that you comply with GovGuam labor laws. That would you mean you have an EIN number that would mean you're paying social security. These will be linked and we'll talk about it in a moment so unfortunately we have several that are in noncompliance for one or the other of these. Then we have it's a much smaller number but we have unauthorized livestock operations. The lease requires that livestock operations be preapproved by the Commission. I would suspect that is so that you ensure a waste management plan was in place so that once again you don't have huge waste going into the Guam aquifer. It could be for odor reason, it could be for others but in any case that rule is in place. So this was the other area an issue that we found high levels of noncompliance. These issues comprised the bulk of people who are not in compliance for one reason or another. There are other issues and these are the ones we believe could be addressed and we have recommendations for. The other issues that I'll talk about later that we realized under the horizon that you're going to have to address. Let's talk about this home and septic system in just a little bit more detail. I've already said it's the single biggest environmental problem you face especially over the water lens. It's also going to be the single biggest political issue you face, these are people's homes that they have built and lived in. So as you attempt to address it, it would be very good if we could have the support of our legislature and other politicians in terms of how we move forward on this. To give you an idea of the magnitude the first 52 leases over 20 had some form of residential structure most with no approvals or permits on file. Three stated they do have the permits though of those 20. There are several categories of these some are easier to deal with others. You have to realize that many of these homes came into your inventory in place. Dept. of Ag had a ag lease program in which people were allowed to build homes on them. Many nice homes on many of these, many of them probably followed the GovGuam rules. All you need to do for this is to document that these did go through the proper process and it gets them off the slate of farms and most of these would be the ones that are over one acre because they came from them. Land Management also had a program for land use that may have homes that followed the proper permitting process. For these it's a very simple thing of obtaining documentation or I'm assuming it would be simple I don't honestly know but that's one category. Then you have a second category where the leaseholder just built a house without authorization or permits. I'm afraid to say that this is one of those multi-agency taskforce that I mentioned you're probably going to need to do. It's certainly beyond the scope of this compliance team and it's beyond the scope and expertise of this compliance team to address. In my recommendations I'll address it but partners in this would be EPA, Guam Public Works, Public Health, Guam Housing, I mean there's several partners, UOG can help in this, there's roles for everybody in it and I'm thinking that what we may want to do is call a conference of these agency heads and key staff people to discuss how to go about addressing it.

Joanne Brown - I just want to elaborate Mr. Chairman because even though this is not part of the scope of the MOA agreement we have already taken the initiative working with your Administrative Director. We had a preliminary meeting with Public Health and representatives from Public Works and my understanding I'm sure he'll report to you at the appropriate time that they have done some joint field inspections. But certainly we concur with the concern that's been raised by Dr. Barber. This is a serious issue with regards to water quality. The more disturbing part of it is it's almost a Government supported and

initiated process because there have been no proper compliance, no proper inspections. This is probably one of the things if we're going to prioritize in terms of protocol and things that need to be addressed by the Land Trust Commission that is going to be the most critical. It's unregulated unfortunately some of these inspections that have occurred as a result of this MOA is a first and only kind of inspections that have occurred. So we cannot even begin to stress and I know certainly for the Soil and Water Conservation Districts this is one of their major concerns as how this is affecting water quality and it's something that the Government itself has helped facilitate. So I think corrective action needs to be prioritized and certainly we are open to working with the respective Government agencies. They have the authority to address these concerns how they go about it and to what degree your Commission decides to follow through with it certainly is left to your discretion. But we cannot over emphasize how critically important this one particular issue is in terms of the immediacy. In all cases it's not always acceptable to have septic systems. Particularly over sub basins in northern Guam water lens it's actually preferable that these homes be hooked up to the sewer system. It's not desirable to encourage development of septic systems in northern Guam particularly if they do not have adequate space. In some cases there may be more than one structure there may be multi-families that may be living on these properties. So that is something most definitely I know the list that you have to address is considerable. But we cannot over emphasize the importance of addressing the water quality issue because this is drinking water that our people drink and over 90% of our island residents and tourists that visit Guam receive their water from the northern Guam water lens so this is a very critical issue to us. But we also want to let you know that steps have been taken to coordinate with the key Government agencies. You may want to further explore that and direct your leadership within CLTC to expand the work being done with Public Works, Public Health and with the Guam EPA.

Acting Chairman Calvo - I'm glad you brought that up. That's okay because that's exactly what I want is to get cited you know the Chamorro Land Trust to really be cited on all these issues whether it be on the health issue or in the environmental part. I'm glad that you folks looked at that like you said even if it wasn't part of the MOA agreement but you took the initial step of doing all that other stuff and I appreciate that and also the board would appreciate on that issue.

Dr. Bob Barber - At this point I'd like to note something, I'm putting on a different hat right now. One of my role is the Sustainable Act Coordinator for Guam in this role I have funds. You've provided funds to do this that I didn't have funds to this kind of thing and yet the agriculture community has known for a decade that we needed to do this compliance assessment and land use planning and needs assessment of the Land Trust new farmers. One of the things that I'd like to offer to you is that the University has enormous expertise in facilitating discussions of these types of things, conducting and coordinating. I'm quite willing to utilize my funds if you guys could pull together the members of these partner agencies. I'm quite willing to bring them and a key staff into we can get a room somewhere and take a one or two day retreat conference just to discuss this type thing. I would be happy to fund that. You know I can't fund it for hundreds of people but I certainly could do it for a smaller group you know twenty or thirty for us to sit down and work with. Because I think this needs time away where you get the experts from Public Health, EPA, Land Management and all these different agencies together talking where they can bring their expertise on how can we best address this issue because I truly believe it's an extremely

serious issue that we need to move forward with and so I'm willing to work through your Executive Director. I'm willing to work with helping you facilitate the process if you like.

Acting Chairman Calvo - I have no problems with that Bob and Jess take that into consideration and maybe we'll set a time and date sometime next week or next year in the beginning of next year so we'll get all these you know the fast track. I want to get this thing rolling so we can ultimately foresee what are the answers and solutions to all these problems.

Dr. Bob Barber - Okay. Next one noncompliance with minimum tree planting. This is the one close to my heart and that I'm most interested in addressing and I think is the easiest thing to address. Education programs are the key to this and we plan on starting these educational program. It's part of the MOA you funded the educational programs. I've had staff working on curriculum. We did a pilot back in August we did a pilot run of some of the modules of this with a group of extension agents from the College of Micronesia which basically sent people from Palau, Marshalls and the four states of Micronesia all came and we piloted it with them and good results. So we got curriculum in place to deal with this issue. We got a number of people trained in delivering this curriculum which we will subcontract to help us do these educational programs. Roughly half of the 35 that are not pending that we got, 17 were not in compliance. Some were just barely out of compliance may have needed only planting if they had to a couple of hundred of trees they may have only needed to do 20. Some were quite a bit farther they had almost no trees planted. At any case it's a very easy issue to bring into compliance. Not during the dry season but we can start training them and help them start getting their seedlings ready for when the rains begin because in many of these farms one of the issues they raised was lack of water. But this is something I believe we can address. Under the MOA as I mentioned before DOAG is growing fruit trees and we've only touched a portion of the funds set aside for that and I'm hoping that together with DOAG we can get a huge number of trees ready for planting come June. Like I said another thing in this educational program is we to teach them how to set up their own backyard nurseries for some of the larger sites so that they can easily meet this and maybe even provide trees for others. This is the easiest to address. Making the people aware that they have to do this is the first step. Second step is making them aware of how they can do it and in the recommendation I'll show you how we make them aware. The next one is the noncompliance with the minimum production requirements. Now this is a bit more difficult particularly for some of the larger lease tracts if they're not in production and they got 10 acres you know this is a significant thing. I would ask why are you not in production? There are many excuses and what we have to do is look at them, evaluate them. Again of the 52 sites, 17 are going to require follow up visits for one reason or another. To give you example of one of the type cases is you may have a father and sons who have a block, three contiguous leases that have not yet been clearly surveyed due to the cost of surveys and so they're operating sort of together. Well one of the things for us to actually do each lease we have to sort of separate the production. The team wasn't sure how to deal with it. I'll be going back to many of the sites with the team and even without a survey we can separate this out at least nominally. Others because of various issues another one was in an area where EPA said hey you can't grow there and so some of these would have to be looked at and it may require relocation. So of the 17 there's a host of reasons why they weren't done and we're going to follow back up with them. But of the remaining 35, 18 farms were in compliance. So that means there's some significant production going on in your lands, they're right there. But 17 or one-half were not. Now

training programs we're probably going to start sometime in late January with training programs on development of realistic farm plans. Let me just take a second to speak on farm plans. Initially when this stuff was coming down the intent was that every ag lease applicant would submit a farm plan and that would be a primary criteria in judging whether they were qualified to farm the land. As we go through the files very few files actually have farm plans on file and then quite a few do not reflect what's actually going on in the ground. A farm plan is an easy thing to get somebody to make you up something that came make everything look wonderful and yet I mean a person can come to me and I can tell him stuff and they can put it down and it will look good but in reality they couldn't implement it. What we're going to do is hold training plans to develop realistic farm plans based on the lack of resources. If you don't have water and cannot afford to get water to your site they're going to have to develop a farm plan based on no water which means they're probably going to be involved in agri-forestry production they're not going to do intensive vegetable production. If you're a weekend warrior because you're a GovGuam employee or some other employee you can still there are plans you can do but they have to be realistic. And again now that people have the land they may consider looking at what they can realistically handle. Although I will note one of the questions that we asked is if people wanted to change their lease size. It was about half and half. A few more said no they didn't want to change and then said yes. Of the 17 or so people who said yes they'd like to change it not one said they wanted to reduce their land holding. They all wanted more. So you know I don't have a lot of hope for people getting realistic and who are not farming realistically want to reduce theirs. But the farm plan I think is a critical thing and having them realize what resources they have and realize what type of production...(interrupted).

Acting Chairman Calvo - Excuse Bob, in those 17 they did not want to reduce theirs but they are not in compliance to that degree right?

Dr. Bob Barber - I can't tell you which are the ones who said that they did not want to reduce whether they were in compliance or not.

Acting Chairman Calvo - Regardless whether they agree or not but lets hypothetically you know whether it be a 5 acre, 10 acres and yet none of these are not really in compliance to what they initially came forth to the Chamorro Land Trust and says I want 10 acres because I'm going to farm 10 acres. But literally not even an acre or half an acre has been addressed and I think it's only fair to say the other farmers who are interested you know why should I continue on your lease when Mr. So and So can have that extra 10 acres. So I think you know either they come up with the plan itself whether it be 5 acres or 1 acre for that matter and they have to showcase that. Because they are not just going to sit down because oh I don't want to lose that land, no. Either you plant it because you came like what Mr. Borja said it's the trust I gave you that piece of property because you said I am going to farm 10 acres or 1 acre for that matter and you haven't done nothing in the last 4, 5 years you know that's not going to go. That's not going to fly because either they comply to the issues or not.

Dr. Bob Barber - That's right. You're right and I think the first step is we have to tell them you are not in compliance and that's the next step now is to tell them you are not in compliance. They sort of got a verbal thing by the Team when they were there now we have to formally notify them.

Joanne Brown - I want to add on a point and again this may be in some cases and I know Dr. Barber will elaborate further on the report but also one of the things that the Land Trust needs to examine is to determine whether or not the intent in obtaining this property was actually for agricultural purposes. One of the things that need to be addressed within the CLTC agricultural lease plan is to verify that that is the intended use. From our understanding it was easier to obtain an agriculture lease property than it was to obtain a residential property. So there are individuals that may have gotten this agricultural property with no intention whatsoever of farming. One of the things that also need to be looked at is whether or not even the standards should be enhanced or increased because right now these are minimal standards. It doesn't take in some cases an awful lot of effort to plant a fruit tree maybe some effort to maintain it but pretty much once it's there short of a typhoon it's going to produce on its own. Especially the fruit bearing trees and I'm not talking bananas but the other type of fruit trees that are there. But that is something that seriously needs to be looked at and I know Dr. Barber will further elaborate on some cases where lands are being subleased. The intention at least the evidence so far does not show that the intention was in any way shape or form to do any type of agricultural production. That's why when we're looking at very minimal standards that most people probably could make and even the training programs certainly through the MOA, the University will assist in providing these training programs to allow individuals that are not aware or needs this assistance we can make it available as directed by the Commission. And certainly they would have to take the initiative to make the effort to come and invest the time to get the training. But the Commission needs to seriously look at cases where there is extreme misuse of the property with no intention whatsoever to do any type of agricultural production.

Dr. Bob Barber - And I guess I should also note in both the cases of the homes and in the cases of people who may not intend to farm I think you're going to see a greater percentage of the people who have one acre or less being out of compliance for those reasons than you're going to see on these larger tracts. As she said and one of the things I note on an issue is there are many people who have small ag leases who never really wanted ag leases. It was just much easier for various reasons to get those I believe and we have to sort of separate those out at some point. One of the things is to the criteria and seeing how serious they take it and what they do after this notice. I got to say one of the issue that we here and extension hear of and spoken with great anger, I just want that to be out there, most often from commercial farmers and those without leases is the subleasing of CLTC lands to non-Chamorros. The idea that you have thousands of people waiting to farm and then you have someone sitting there like a land baron having this one dollar a year acre land maybe having a 20 acre tract and turning around and leasing it to a completely unintended population just grade some people big time. Unfortunately this is one of the most difficult of the non compliance to detect. A home is there you could see it, a lack of production is there you could see it, we can go and see a huge number of Chinese farmers present on a farm farming. We can't talk to them we don't speak Chinese or we can go to a farm and we can see a huge level of production and yet we see a couple who, an older couple who we just have to really wonder how could you possibly with no real serious equipment do this level of production and yet there's not a single farmer worker present on the side. Or we see the farm workers we see the workers and we see the brokers and we see them communicate and the produce moving from the farm laborers to the other and yet we have them first to tell oh those are my employees and yes that's our vegetable broker. How do we verify that? That was a real issue that we tore our hair out for a long time. As

of right now of the various ones that we suspect we've only been able to positively identify one person who actually said yes, I'm involved in a share cropping arrangement. We really pushed on the whole thing which share cropping is a form of subleasing. You know we had one person and we will find others. The way it comes up is this link to compliance with GovGuam labor laws and because once again if you're on a lease you're required to follow the laws of Guam. One law of Guam is if you have employees you should have an EIN number and you should be paying social security unless you only have this employee for a very short time and some minimal amount I don't know I'm not familiar with the law so I'm not sure but it's in the hundreds of dollars range you pay them this amount. There's nothing wrong with having your own family labor help you but when you start bringing others in then you have to follow GovGuam laws. So when we see this obvious large work force of non-family labor then we think that the way to do is to ask for verification that they are following the labor laws because the lease mandates it so we suspect and I'll talk about this in my recommendation. Now on all my recommendation I hope that you'll run them by legal counsel and you guys discuss them because they're just my recommendations and you may want to get some input from some of the farmers on all this. But the other thing we found when we go to sites that production definitely exceeds the building and equipment or the resources of the people we see who tell us they're the leaseholders for various reasons and yet we see no signs of it. Although we see what may be traditional Chinese production methods going on and it's very distinct from traditional Chamorro or Micronesian production methods. So it makes us suspect I mean it could be they learned from Chinese and are farming that way but what we think what we're going to have to do on those cases is follow up with unannounced spot checks then we'll see who was actually doing the labor. If we drive by the farms and we have our cameras and you funded the team having cameras so we'll be using them to take pictures. We're going to continue on this one it's the hardest one to catch. And then as we start giving you people you have to figure out what you want to do with them. That will be up to you guys on how to deal with those issues. But anyone in some form of business arrangement it was supposed to be preapproved before they ever get into it and I would imagine if it's a commercial arrangement you'd want to switch them from an ag lease to commercial lease and get some money off them. I mean that would be my thoughts at least. The other one is the unauthorized unpermitted livestock operations. The lease states that livestock operations must be preapproved by the CLTC. I'm not sure the reason of this but they're supposed to be confined operations. The Guam law also has permitting regulations for livestock that get beyond a certain number. Of the 52 sites and the lease requires they follow GovGuam laws, of the 52 sites we've identified 7 livestock operations that do not have authorization from the Land Trust. A concern is a need for approved waste management to the team we look at this is another environmental issue. It could be public health nuisance issue and odor nuisance issue possibly but we believe you need to have a waste management in place. That's part of the reason for having the Land Trust pre-approve livestock operation to ensure that they have them especially if they're over our northern water lens. Now the University of Guam has developed curriculum on alternative livestock waste management system that use deep litter that do not require water other than the drinking water and this will be part of the new farmer curriculum that we've developed for you. I believe this is going to take follow up and working with the Executive Director in getting the people to submit. One of the things we recommend is have a plan, make sure they follow it, have the Director present to you guys the ones he thinks are suitable for approval but there are 7 that are currently out of compliance because they do not have the preapproval. In my recommendation on these production things I'll tell you how we recommend addressing these. But before I go to that I want to just discuss

other issues that are bubbling up and you're going end up facing and we're going to deal with in later reports. First and foremost surveys are a huge issue and they are issues because people are saying that's my land, others are saying no that's mine, they each have a survey, the surveyors each surveyed it, they overlap. When you have a giant block of land and you don't have a central clearing house of surveyors and you have all these different ones, different people, we have Land Management but the stuff gets to Land Management at different times and no where is it noted oh this is already claimed so that it's sort of almost first come first served. But maybe somebody else was actually before this one on line they just didn't have the money. So we have issues with this. We also have issues that the way its being done right now is incredibly cost inefficient. It is incredible. Every surveyor has to establish the perimeter points, the bounds for the overall block and then their own little one in there, that's a replication of effort that is then put on the farmer's back and that's when you hear farmers telling you they're going to have to spend twenty, thirty thousand dollars for a survey. We're working on a white paper but we'd like to again expand to some partners, people from Land Management, maybe other agencies as well as Land Trust and University and the Compliance Team. But we hope in our next report to have a recommendation to you on how to do this. Ideally the Land Trust needs an inventory and you need to start taking blocks and develop blocks of land and maybe and then allow people and if someone doesn't want to be in that block they may just have to wait a little longer to get their ag lease. Now the ones that are already out there we also have to look at a way of addressing them. We're going to come up with some recommendations I just wanted to put that on the table because very few of the lease had registered surveys in their files. We have lots of them that had various surveys some from previous people on the land, some pulled from public records with theirs sketched in, others where they had a surveyor. But there are fights, some of the most heated issues that we have seen is when we have two neighbors ready to kill each other while we're there. Now the Attorney General have of course given us a letter that we pass out anytime we perceive there are any improprieties going on for one reason or another we give a letter where they can write. It's a self stamped envelope that they can send to the Attorney General and these are going out regularly. Very few people are willing to sign those things and send them in unfortunately. This leads to the recommendation we kind of need a hotline at some point where people can anonymously call and make you guys aware. We've heard oh yeah it's because you know so and so and that's why you got this. What we hear is hear say and we've heard a lot but what we need is a way to get it to the Attorney General's office so they can investigate with details that they can utilize. We've tried with these letters but I'm not sure what kind of response rate the AG's office has had yet. That's something we need to follow up on to see if anyone has sent anything out because we've given out at least a hundred of those things by now.

Joanne Brown - Also one of the point that is important for us in the district Mr. Chairman I want to elaborate on because of the lack of identified boundaries of these properties there's a number of federal conservation programs with the Natural Resources Conservation Service that Chamorro Land Trust farmers could be eligible for but because there is no formalized boundaries and paper that's been properly recorded of their use of that property they are totally ineligible to apply for these programs. One of the agenda of the district is to ensure conservation practices become the standard for Chamorro Land Trust properties. So we're talking of an additional hundreds of thousands of dollars on a yearly basis that Chamorro Land Trust farmers could be benefiting from but they're not benefiting from. The other factor too with regards to allowing individual surveys is there's no guarantee that

these lots are formally registered with Land Management. And certainly the records have shown in some cases there are registration in other cases they may have gone through the paper work, done the survey but not gone to Land Management and formally register these properties. And of course when you have so many different surveyors, so many different people in the process of assessing boundaries we don't have to look too far back in the history of Land Management with regards to how properties may be improperly recorded, how boundaries may be shifted around, how government properties may be reduced and private properties can be enhanced. So that's a very limiting issue for the Land Trust Commission of ensuring the proper administration of these properties because in many cases you don't have clear boundaries of who owns what and that creates conflicting issues. It makes it difficult to go out and do the inspections because one of the things the team has to do is determine where are the boundaries of these properties, how large are these properties. In the case of where it may involve family members where you may have parent that has a property and has a child that has a property is it an adjacent property? Where do those boundaries begin and end? So the issue particularly with regard to surveying has created a whole other problem simply because those lots were not identified as whole and set survey was put in place and maps delineated for those specific lots. That would have been preferable. I mean I of all people understand the political issue of how things were moved along or maybe previous Commissions were pressured to facilitate issuing these properties. But we are talking multi-million dollars worth of asset if we had multi-million dollars worth or cash right in front of us right now we would not be as casual in handing it out, if it was money sitting right in front of us. That is what this property translates to and yet how it's administered because we don't have proper recording of it and ensure that the individual receiving it knows for sure what their boundaries are and it's recorded for that purpose. It is creating a whole host of other problems and that's something certainly Mr. Chairman and members of the Commission you need to examine with regards to continuing to issue leases that do not properly address this survey issue because it also allows a lot of opportunity for misuse of the land. You have no clear identification of what your properties are and that to me is the most fundamental basic foundation that's needed to properly administer the Land Trust program.

Dr. Bob Barber - I should note on the side that we've come across at least one person who the Land Trust had paid for his survey so this sets odd precedent. Some of the ideas that I have that will go into white paper came from when we visited a site of a former Land Management surveyor and he made some very excellent suggestions on how this might could be done and like I said in your next report we'll have a white paper that gives some recommendations on how you might want to look at it. Until it's reviewed by Land Management and others it's inappropriate to bring it forth. But you need to be aware this is a big issue and the farmers will tell you that the cost currently is just prohibitive. Another issue we face and needs to be, it needs clarification is we find people who potentially have multiple leases. At this point it's hear say but in one case where a person has an ag lease that we inspected and we're at another site and they're telling us this is his lease the land right next door. And I'm like how can this guy have this and then other places where people have residential and ag leases. This is somehow not right and then what is the status with a husband and wife and how many leases between the two of them can have you know. These are things that are issues that we'd like to get a little bit more data and clarify but we're already seeing problems along these lines. It's a particular problem when we come across people who have been forced to give up their residential lease in order to obtain an ag lease and so there needs to be an even handed standard practice in these things. In

reviewing the files another issue we found and I guess it's because once you sign your agreement the clock starts ticking for you to do things like get surveyor and other, there are unsigned agreements in the files as we were going through. These may be simple issues after 60 days the agreement is null and void and they have to do a new agreement but that needs to be part of protocol. It's not currently as far I'm aware a part of such. Then the issue Joanne mentioned earlier which is the conversion from residential application to agriculture application for reasons other than the desire to engage in agriculture. It may be that I just want my house on a big one acre tract or it may be that there's some real reasons under the current rules and this is why you may have to look at rule changes. You may have a development that you intended to get sewage to with quarter acre lots and yet some of you find it's cost prohibitive to get sewage so you want to increase it to half acre lots or one acre lots so they can actually put septic systems in. Well under your current rules that would then incline you to make those residential leases ag leases but you have people going for those who may not be inclined to do agriculture. As again I firmly believe that if someone has a will they can easily bring an area less than acre through agri-forestry practice into a pretty productive area. But you need to look at this and when people convert from leases why and there needs to be some serious look at what's going with this. The key thing is you don't want for convenience to call it an ag lease. If it's for purposes of getting septic you might call it a rule residential lease or something but don't call it an ag lease and then put on your ag team to make these people do ag when you're really doing it just so they can come up with a septic. Of course you wouldn't want to do that at all in the north but down south that's something that's very viable because your demand for residential leases is huge. But you can put a house anywhere you can't put ag anywhere and you certainly don't want houses going over as I said you can put it anywhere, anywhere except over the northern water lens, there you have to think about what you're doing. But anyway that's an issue also for later. And then I don't have it here but I'll distribute it to you later, one of the things we did was we asked a series of questions on needs and technical support. I didn't include it in the report because it's just a raw of tabulation, I kind of wanted to put in a little bit more. But we have come up with a host of issues of what people needed help training in and we started targeting the training program that we planned on initiating with the new year and as part of our recommendations I relate how this goes to these recommendations. First let me just talk about compliance with three groups together because these had to do with compliance on the different forms of ag production, the tree planting production requirements and livestock requirements. What we've included in your report is a series of letters one for people out of compliance for planting trees, one for people who are out of compliance for levels or non production, and one for those who have unauthorized livestock things. In every one of these letters it mandates that they respond to you within 60 days and that they include a farm plan. Many people don't know how to write a farm plan. But what our intent is is not just tell you here's what we're going to do or this is why we can't and maybe give a lot of excuses but actually come up with a realistic plan within 60 days of getting the letter because the lease requires they bring things into or at least make efforts within 90 days to start coming within compliance. We want them to submit it in writing too within 60 days. We haven't sent a single one of these letters out because you need to review them but you also need to have your legal counsel review them because in writing this I'm the compliance there may be legal issues we're not aware of or we may be taking positions you don't want to go. I think I've discussed with your Executive Director and your Chair on this but you all need to see these. So I've included a draft for each of the three letters. One of the things that I put in to the Chair a suggestion at the very first paragraph is a note that if you're out of compliance it is grounds for termination

eventually so people need to pay attention to these things and it gets their attention. And then we offer to put in writing your plan and then we note at the end in each of the letters we are going to be you are funding a series of training programs it will be good for people who are out of compliance to attend these training programs. The first ones are going to all be free we'll have to look at what future ones come but with the money you gave us we'll be able to put on a series in the coming 6 months with no problem at all. So these letters basically tell them what they're out of compliance for, what they roughly need to do and then ask them to provide a plan for addressing and where they can get information. I think that the next step is to get these letters out as soon as possible. Then we also note that in most cases once we get the letter we'd like to do a follow up at least file check to see how many of them have submitted the necessary information to the file and when it looks then based on what that says schedule follow up site visits. That's what I recommend with the production, livestock and tree planting requirements and believe these are the easier issues to address. The compliance and authorization and permitting requirements for structures on CLTC land. This team can only go so far in helping you on this but we drafted a letter where you note what they're required to have done and what they should have done and the letter basically says if you did get permits please provide copies so that we can know. Many of these cases you acquired the land and the house was already in place. That's a different group of people than the ones that you know after they got the Chamorro Land Trust lease just went and did something without asking you. So we need to have those people provide the documentation so this letter will go out and I'll imagine that we'll hear a lot of if it goes out and you may want to look at it and tweak it and others but something along those lines need to go out just to get those who are in compliance with GovGuam laws cleared and separate from the group that are not. Now the second thing is multi-agency task force and as I said I'm quite willing to help you guys have a one or two day retreat for a core group of people from each agency that would be involved to develop a solid plan of action because there's a whole range of scenarios. You know people who followed the laws but maybe didn't get all the permits but who can prove it, have their engineering plans and the rest. There are people who are just flat out totally out there and you need to figure out how you're going to deal with those. It'll be well worth also asking key members of the legislature to attend this because I guarantee you when something happens on this there will be enormous lobbying in it and you need to be prepared. The thing is this is a really serious issue I mean we heard so much about Gil Baza and it is honestly nothing compared to what the issue you've got on your plate. Once again I've given you a draft letter to at least notify people and get them aware. Let me interject something I don't have in my presentation here there was one more recommendation and one more letter. I have a letter I drafted for those who are subleasing I don't know how I overlooked it in preparing the presentation because it's such a hot one for our farmers. What I've done is developed a letter that notes the same rules and regulations and it notes two possible reasons they're receiving a letter. Either they receive a letter because they've identified that they have some form of business or subleasing going on that's not approved or they said they have agriculture labor outside their family on their farm or we observed agriculture labor outside their family on their farm. In each case the first and the second I've asked them to provide to you in writing within 60 days and explanation and a plan on how they intend to come into compliance or if they have documentation in terms of the sublease in your approval then fine provide that documentation. In the case of the labor laws we asked them to provide their EIN number and some proof of following the labor law such as tax showing payment of social security. This is one you may want to look at and you might not only have legal counsel give you a little of advice on it but maybe Department

of Labor or Revenue and Tax. I felt it was important to at least get you a draft so you could see something to start on because the subleasing thing is something we must address. On all these letters time is of the essence because we've been to these farms. Some of them it was four months ago, five months ago that we were on the farm and they haven't heard back from them. But we must have these letters approved to send back to them. When we send them the letter I think we probably might want to give in here you have for every site you have a copy we put all the information in the computer and you have the data collection form that we utilize to get the data on the farm and then you have a summary with my recommendations and not the Team's recommendations, I take responsibility in the recommendations in the summary sheet. I also take responsibility for the actions I recommend that the Executive Director take to proceed on each of these. I would like to when we send the letter it might be good to include at least the summary sheet for the people too so they know what we said and then they can know if they want to see the full data sheet they can see it. They were shown the data sheet as it was collected. I mean we have a hand written copy also. So anyway that deals with the compliance issue. Now another recommendation that I've come up with and I think that maybe the Land Trust needs to because of some of the issues that we've encountered as we've gone through and the misuse of some of the Land Trust of their lands I think it would be a good idea and you guys should consider a moratorium on pending and any new Chamorro Land Trust employee lease applications. I honestly think just until you have such a backlog of people out there and yet there's a high percentage of the people in your agency and former people in your agency who have leases or have very advanced applications. I think just for the public perception it would be a good idea to put a moratorium on issuing any leases except in the case where the person actually had a land use occupancy of that land prior to the Land Trust claiming it because they already have a valid claim just like everyone else. So in those cases I would separate it but truly think and I'm recommending to you to consider. It don't have to be permanent but at least until you get caught up until we restructure, clean up some of these issues and you might want to have a moratorium on it so people don't think I'll go work for the Land Trust and I'll get myself and my family an ag lease or a home lease or anything else.

Joanne Brown - You know Mr. Chairman we recognize that this is a sensitive issue because you do have some very good people working for the Land Trust. Please don't misinterpret that our intention is to discredit the employees that you have at the Chamorro Land Trust. The basis of this recommendation that Dr. Barber is providing is just based on the records that have been reviewed by the Compliance Team. But that is something that needs to be looked at. It may not be by our group it may be by another entity that's determined by you. We would recommend that you review your files in terms of previous employees that may have worked at the Land Trust. There may be issues with some current employees. Certainly when the official records are and I know that Dr. Barber will be providing them to you at the conclusion of this meeting today each report that outlines the current inspection status and I believe there might be several employees of the Land Trust that are part of this initial inspection of course that you requested. But also to ensure integrity which to us is a very valuable component of this that does not exist right now. The confidence of the public and certainly the expectations of those that may have applied that have not received lease properties I think we want to ensure that the process is clean. So protocol needs to be set up internally to address how do employees go about. Is the question to permanently disband employees? What is the legal issue of that? But there needs to be protocol set up within the Land Trust Commission on how do you address leases particularly because of

conflict and certainly as a Government of Guam employee no matter what level you are from the highest elected position to administrative position to service position our intent is not to benefit from our service to the public. So that is something the Commission seriously needs to look at. Unfortunately there are some individuals that may have improperly misused their official position and then that doubt is cast on everyone. But we want to clarify that this is not to throw a net over everyone that has worked in the past with the CLTC or currently works at the CLTC. Because you do have some very good dedicated people despite of the conditions and circumstances and limitations that they have to face. And sometimes there's not very pleasant people out in the field including the challenges the Compliance Team has met with individuals out in the community who have these Land Trust leases that are not very receptive to having their property or the property that they've leased inspected. You know it needs to be examined because the question of integrity is very much there I mean it's staring at us in the face and that's something that we would recommend to the Land Trust to address in terms of proper protocol.

Acting Chairman Calvo - I'm glad that you brought that up too. When we first signed off this MOA and what Mr. Borja earlier stated you know the Land Trust and the integrity of the Chamorro Land Trust and that's always been my take is you know in the employees, previous or present employees whatever transpired in the past you know I want to make sure that these things are taken care of now like you said you know. Because that's the only way that we, I have to clean my house first which the Chamorro Land Trust and it starts in our department in this organization before literally going out to the other department to make it a fair play to everybody to the media and to the public that we are cleaning in house. But I'm cleaning it in my house first and whatever employees were involved in this issue and anything then they have to take the consequences in what direction it's going to go. Because it'll be a different token if I was to take an MOA and say concentrate on Land Management or just concentrate on this. I feel that this is where the bulk of it is and this is where we start. We clean in here and then ultimately go out there just so we can show out to the people too that there are going to be other people that are going to be checked on like what Dr. Barber stated and you have stated and also Mr. Borja. That was one of the things that I and you know that I made that numerous and emphasize that during the MOA when we signed that off that I want to make sure that we first be the first ones to be checked at. Even if one of the Board members had all these things I wanted to make sure that there was no repercussion within anybody else and I have no bad feelings to that you know.

Joanne Brown - Mr. Chairman we also want to elaborate because Dr. Barber had relayed that the employees were reviewed that we have knowledge of and this does not of course limit the scope to all employees in GovGuam. The only ones that were reviewed were partner agencies that are involved in the MOA implementation so we do want to clarify that point. But the review is not just limited to the employee if they had an immediate family member that may have a lease agreement that was also reviewed to ensure that was not an issue of conflict because that's also very possible. We assumed that your administrative staff, your Administrative Director would look at the sequence that were signed up for and when they were distributed. Part of your process as we see in the paper is you publish all the listings that are done on a regular basis in terms of the sequence that individuals may have applied for Land Trust properties and that's something that needs to be further examined. Is what sequence if your number 1 then we assume your number 1 to get your lease. If your number 20 you may not expect number 35 or 500 down the road to be ahead

of that individual. That is something again that the Land Trust needs to go back to ensure that no employee while they were there during their time of service or currently under their time of service with the Land Trust in anyway are affecting that sequence of proper distribution of Land Trust properties simply because they have access to resources. One of other points because we're talking about the in-house issues within Chamorro Land Trust is access to the files and records. It is brought up by the report but we want to further elaborate. We want to ensure that a procedure is set in place internally within Chamorro Land Trust to ensure that access to the files that are there that there are some procedures put in place to address that so that not just anyone or not just anyone within Land Trust can come in open a file, add to a file, take away from the file. We have heard and again I cannot justify this Dr. Barber is more in a position and it's also discussions we've had back and forth with the Administrative Director that a certain file in particular has disappeared, has reappeared, has disappeared and this particular file has to do with an employee that works at the Land Trust Commission. This should never be issues of discussion. There should be a protocol set up there should be a sign in sign out sheet you may need to determine internally within Chamorro Land Trust which employees at what level are authorized or would have a need to access files. Because what we have on record to find out inconsistencies on the files or a critical file disappearing you know that's not how things should be. You should have an inventory of the official records that are kept and that there's credibility in that process of how those files are maintained. That is currently not the case with Chamorro Land Trust and we bring that up to you because that has come up in the course of the review work and that's really all we've been doing is we've obtained the files that you have on record once it's identified who and which lots are going to be inspected the team reviews those files. But the inconsistencies that's come up and then also the disappearing file question you know again all that just raises speculation. I don't think that provides comfort to those of us who are working on the project and the general project in terms of integrity of how these records are being maintained.

Vice-Chairman Matanane - Dr. Barber I'd like to ask you Dept. of Ag has the training program on hand so it's ready?

Dr. Bob Barber - The University has it's the University we have it here.

Vice-Chairman Matanane - Dept. of Ag.?

Dr. Bob Barber - No not Dept. of Ag although Dept. of Ag will help and support in doing the training they have enormous expertise I would love to tap in doing it.

Vice-Chairman Matanane - Is this on-going?

Dr. Bob Barber - We've done some of these trainings we haven't yet started for your actual leaseholders we plan on starting in January with this. I want these letters to go so people know they should come. We've held many of these topics for the training over the past two years because I've been looking ever since we first started talking about this I've been developing a curriculum for new farmers, people who've never farmed before who want to farm. As soon as I found out years ago that there were over a thousand ag leases out there and more coming and many of these people have never farmed I realized we got a major issue and we started developing curriculum. Many people in this room the farmers have been part of helping me and some of the people in this room have helped me do some of

these trainings so we could start in January 5<sup>th</sup> to the 10<sup>th</sup> we could start right in there doing some of these trainings. It's the kind of thing I think we're going to need multiple sessions but we've held these trainings and yet the form of participation is usually the backyard market gardener that comes to them. But I think when your letters go out suddenly especially farm planning how many people want to attend the training on farm planning but when it suddenly becomes a major knowledge bank that you have to have in order to keep your lease if you're out of compliance then we'll have people come and not only come but they'll come with the specific information they need to develop their own plans. So we look forward to getting the letters out and starting the trainings.

Vice-Chairman Matanane - So it will be easy access to the trainings.

Dr. Bob Barber - Yes very easy.

Vice-Chairman Matanane - All we have to do is just refer them.

Dr. Bob Barber - Right, exactly.

Commissioner Tajalle - In line to the employee issue within the department when we first got on board I speak for myself I was very concerned with the compliance structure in handling the files. Being a former banker, the former Mr. Borja I explained to him that you know one of the biggest issues is the documentation is not completed and coming from the banking industry we must have some kind of audited, monthly or quarterly, yearly to keep everybody honest. To keep the Chamorro Land Trust integrity there because obviously in listening so far we the Commission are well aware of these issues and you know this is the beginning. We are to be the Trustees that manages government properties and given rightfully to the people but at the same time to keep the people in check and I appreciate all these information because these are things that I've been pondering and you know granted the criticism are there but we can make it we can work it out. It may not be overnight but at least we can start with this information and I appreciate it.

Joanne Brown - You know one of the things the Chairman has discussed over and over with us and this is certainly something of the appropriate forum if there is and I really don't doubt there'll be future meetings with the legislature with regards to this report and recommendation but it's also going to be the type of position that maybe you need to the Chamorro Land that may be needed to bring in the expertise. You know sometimes in the past the hiring has been looked as a political process in the Land Trust. There's certain key agencies in GovGuam that are looked at as political hires and then occasionally there are those where you have to have people that have the educational background to execute the work that needs to be done. The levels of expertise that are needed at Chamorro Land Trust are considerable. I mean you have the real estate aspect of maintaining and managing the real estate inventory. You have the banking issues with regards to lease agreements that may be entered to for construction or equipment that may be purchased for the use on these properties. There's a whole host of expertise that is needed. The Land Trust currently does not have that ability. I mean you have some of your people that are overextending themselves in the area that they can do because there are others that quite frankly that can't do. That's one of the challenges that we have experienced. That's a reality that needs to be reckon whether the Land Trust is going to be anywhere near the level that it needs to properly administer a multi-million dollar asset. That's a challenge that

needs to be addressed. So certainly it's important to identify what those key positions are and what the key type of expertise that can be provided. The expertise that's here in the community one of the things that we've been in discussion with the Administrative Director and the Chairman including what is brought to the Compliance Team is having individuals that are actually trained and educated in these fields that can come in and from the very beginning know what to do to provide assistance once direction is facilitated from the Board to the Administrative Director. And we're just talking agriculture leases keep in mind we are not venturing into residential issues we are not venturing in this report into commercial issues but that structure I'm sure is going to be critical for those other areas as well. But it's important to do an evaluation of staff capacity, staff needs, training issues that need to be addressed, ethical training issues that needs to be address and the levels of expertise in this different component areas that are needed in order to properly execute the administration of this program. We certainly can provide you recommendations in the areas that we have the expertise in but that is something that's going to have to be further explored by the Land Trust Commission.

Acting Chairman Calvo - You know Dr. Barber when you stated we want to set up a moratorium Jesse and I and the former Director has also we want to set that moratorium temporarily until we get all these. Now that we have hashed out most of the problems which you have identified all the problem for us that gives us a foundation now to hand piece this over to the legislature because in order for this to really happen everything here is also we need the support of the legislature. And that's where we need their assistance on how we're going to resolve all these problems and with the help of Mr. Borja and Mr. Garcia and the Board members and you know I've been always up front with issues Joanne and Dr. Barber and even when Mr. Borja was in you know. I said we got to clean house I don't care what it takes I don't care if we have to hurt people in here it's simple as that. You know that's my take I mean if they don't like it that's tough for them you know. So it's the integrity part and you know the word trust itself we got to gain that confidence of trust back to the Chamorro Land Trust and by giving that now ultimately now that we have these reports now that we can ultimately state these are the problems okay and that's why when I got on board one of the things that I asked Mr. Borja was you know I need an audit. And we are complying with a lot of the audit reports you know and what initially has transpired to this and I needed to go out there in the you know people in the college level and agriculture people with the expertise because I don't have the expertise down at the Chamorro Land Trust. I don't have what you have done for us. There's no way I could have we have done this today without the help of you out there in doing this MOA because if I was just to task just one of the Chamorro Land Trust to do it it's not going to happen, it's not going to happen. And I needed that's why I wanted to get other agencies involved from the agriculture to the Attorney General, EPA, Guam Police and all these we have put all these in place. I remember one of the Public Health and EPA said Mr. Calvo we're going to have cite you. That's exactly what I want you to do. I'm not there to look good it's what I'm going to show to the public that there's nothing here in the agenda and I want to make sure and Mr. Garcia here and the Board members and Mr. Borja you know we looked at this and said you know what we have to do something. At least this sets the stage now from here on. And it will also set the stage for others whether it be the new administration comes in and a new Director there's positive guidelines now that they can follow through. Because if we don't do that you know every administrator, every Government has a different way of doing things. One Director says that was back then, no now we have something that is being blessed by the legislature and say okay these are the problems that we need and these are

the things that we need to solve and we need the blessing of the legislature and make it a public law for whatever reason and everything. Yes we do have laws in the Chamorro Land Trust and it's specifically but you know some of those could be challenging issues. I need to clarify all of that to make it clear out to the media and to the public that we're not trying to hide anything for that matter because I myself I don't even get paid for this job to begin with you know but it's okay you know. I mean I go to a party or somewhere and they say how can you take all that and I say you know I enjoy it, it's like riding a roller coaster. Seriously that's how I foresee it but at the end of that roller coaster when it stops you know and you're going down that roller coaster fast you know you got to think it makes it you think. So I'm just simply and I appreciate you know the University and all the and Board members to really look into these because we have seen the problems and like I said even for some of the employees and I directed even with Mr. Borja but we need to get you know first hand information in order to really now even say we can do it.

Joanne Brown - Mr. Chairman what we can provide certainly are the factual information on the field visits and certainly at any future meetings you have with the legislature or public hearings that you would desire us to provide this report to the members of the legislature certainly to the oversight land chairman we've already initiated communication once he returns to formally discuss the report with him. But instead of hearsay what we can present are the factual evidence of the field visit and even though these individuals I will not recognize them by name they are here these are the actual members of the Cooperative Compliance Team that are really out there doing the real hard work. We're here and we're doing the administrative things and we're providing the writing for this report but the real work that had been shouldered by this whole project has been by the members of the Cooperative Compliance Team including from yours at the Chamorro Land Trust, University of Guam Extension Service, Department of Agriculture have actually had to go out there and confront very challenging issues out in the field. And also just want to recognize because one of our board members finally was able to join us this morning but Mrs. Frances Bernardo she's the member of the southern Soil and Water Conservation District and Mr. Chairman you have a quorum of all members of the Soil and Water Conservation Districts that are here this morning for this hearing. Just to relay to you just like you they are private citizens they don't get compensated for serving on the work that they do but this issue has been important enough for them that all of them all 100% of the board from the north and south have been present this morning to hear this report and they are hearing it for the first time just as you are. But they are just expressing their interest in wanting to ensure that these issues are addressed for the betterment of our farming community and certainly protecting and conserving our soil and water conservation resources.

Acting Chairman Calvo - And I thank all these board and water conservation that you have brought in today listening and to hear us and to literally to see what really transpired here, there's no hidden agenda to this issue and I really thank for them. It's a first step like one of the board members stated you know this is the first step and there'll be more to come. But at least you know we opened a can of worms so let it be there.

Dr. Bob Barber - In recognition to the Soil and Water Conservation District I want to comment just briefly on this also. I run hit long like a bull in a China factory and do a lot of different things but I'll be honest taking on this task scared me to death. I mean I'm a tenure faculty so there's very little that would professionally bother me but taking on this really bothered me but the Soil and Water Conservation Districts have stood behind me

repeatedly and said we're behind you we think this is important you need to do it. As Joanne mentioned earlier they did needs assessment and this was stuff of the community and this was a primary thing and they have come back to me and you probably have a far more complete report than you might otherwise because they've been on my back to get it done, get it done faster every meeting I attend why haven't you submitted the report yet?

Vice-Chairman Matanane - That's my question Dr. Barber, what is the timeframe?

Dr. Bob Barber - The timeframe, this report right now is reporting up to September and it comes to my next recommendation. Technically this grant this MOU started in January but because the funds didn't, I'm very tight with money because the MOU did not have the money to the University I had staff trained to pick it up but I kept on other projects until April so I didn't touch any of your money. I have money to continue this thing until April of 2010. But anyway I propose that we do a no cost extension in the MOA it means you're giving your staff for these extra months to this effort that means Dept. of Ag will be doing the same. But if the Board here and the three Directors are in support I have the funds in place I would like to continue till the end of April. What you're going to see is we've already completed the inspections for the next report. Now that we've set up the template which is really a lot more difficult than I ever imagined but now that the template and how we process the data into the final form is in place I'm hoping that very early in the new year I give you your second report. Then I will follow that in 3 months with another and then with the final report. Each time I hope to increase the intensity and the degree of white papers and recommendations you get on possible ways we can do this. I hope to involve with Jesse some other agencies to help us come up with some better ideas. Like I said I believe that for the home thing we need to have some form of multi-agency taskforce to go on a retreat and discuss all the various implications and come up with some really solid recommendations. I think probably given the number of parties would have to be involved would probably be best to shoot for early in the new year to do this. I think it can be very easily done in a few days time because you get that much brain power together in a room talking on this one issue I think we can come up with our best recommendations. Where we go from there? I'm not sure. The team is going to continue to go out. Now I do need you all's approval for us to continue this. Then the other thing is the Chair has mentioned and originally when Joe and I first started talking about this we were thinking of a five year MOA but we said let's first do a one year and show them what's going on. I'm hoping that I can get a significant number of the three hundred over one acre done in this year. We'll see it's not going as fast as we'd like. I always knew it will take at least three years to hit every one of your ag leases I mean I've know that always. Another issue on the table you're going to have to realize is the lease states that you'll visit them every three months. Manpower wise that is just impossible. What I think we should probably start looking to work and discuss with the legislature is say you'll be visited six months after you have the lease and you'll be visited one year after. You know six months is sort of to discuss and provide tactical support, one year later to provide a compliance review and then annually after that. But to do you're going to need a lot more staff than this current MOU has. I think right now we need to look at how do we go out and do the complete assessment of all of them and then look at building in this process you're getting highly trained staff. I am better trained now because I learned from your staff a whole lot about the leases, the Land Trust than I did before. My people learned enormous amount about ag production monitoring, Dept. of Ag has learned a whole lot about the leases and the various rules and regulations. Your people are learning about production monitoring. You need all these skills in a land

agent and sadly they haven't always been there before and so I'm hoping in terms of timeline I'm hoping what we can do is get through this and give you significant results. I believe this is probably best dealt with for the next few years as a multi-agency effort. I honestly think there might even be some way when we show all these issues that the legislature really wants us to hurry up maybe we can look at outside funding support. You know the University is quite capable of handling this task but funding was always an issue. You provided the initial funding. But if we're going to want an MOA to take place after the end of April we're going to need to start and working on it now because our experience the previous year it took Joe and I a year to get the first one hammered out with the partners and get the signatures. Now hopefully it won't be such trouble to get through the different government agencies to get the funds from Land Trust to the other agencies but it does take some time so we probably need to start talking on that. In terms of timeline also the giving out of fruit trees we will be providing people right now we're only giving the lessees 15 trees but Dept. of Ag is planning and trying to gear up for a large I'm assuming that something is going to continue beyond April so I'm gearing up for large plantings for June distribution. In terms of training I would like to be seen we're doing multiple trainings each month for the remaining starting in January for the remaining portion of the lease or the lease monitoring period we have going on now. That's almost it there's one other thing that we had in the recommendations that didn't appear here and that is and I mentioned it earlier but we really believe that we might need to look at some form of hotline for people to report problems and issues similar to crime stoppers kind of thing. Once again that might be something to look at the legislature for support with or the Attorney General's office somewhere. I'm not sure that the hotline should go to the Land Trust I think it needs to go somewhere else.

Acting Chairman Calvo - No I think the hotline because that was brought even during the public hearing by the legislature but I disagree with that to me personally and Joe and I when he was Director you know if you want to do a hotline it'd be more ideally to go directly to the Attorney General for the fact at least because it becomes more confidentially there than if it was to be set up whether it be Land Management or Chamorro Land Trust. That information will go directly because at the end of the day any way that information if it was set up at the Chamorro Land Trust ultimately it will go to the Attorney General so to alleviate that problem you know and yes there are a lot of people that come and says you know when you do your formal complaints of lot just go to the Attorney General you file your complaints there because that is really the proper channel to go to is to the Attorney General. Because the most you give me a letter I give it to the Attorney General and that's it I can't really take any legal course of action for that matter. So I think whatever the complaints are it should go to the Attorney General. The hotline itself that was talked with the legislature but I disagree with that portion because it's not going I can't stationary 8 hours, 10 hours for an employee for a week and only have one phone call you know what I mean. So I think the hotline itself and I agree with you on the hotline you know but those hotlines I think should be or you know if there is you know make it be to the Attorney General and make that formal complaint there.

Joanne Brown - Mr. Chairman we just want to elaborate to the members of the board and to the public that are here with regards to the reporting forms and we have copies of the reporting forms to be sent out on the new letters for those who have yet to be inspected and some of the earlier ones that were inspected we will back track and issue them copies of these forms. But also to avoid the issue as you mentioned of conflict or who's hands do

these reports go to we just want to make it very clear that what's included in these letters is an envelope that is addressed to the Office of the Attorney General. They do not go back to the Land Trust, they do not go back to members of the team. They're specifically addressed to the Attorney General's Office and the Attorney General's Office will determine and review whatever information is provided. If someone making a write up or complaint on the form wants to refer the issue to the Guam Police Department it will be the Attorney General's Office to refer that particular complaint directly to the Guam Police Department. So we set those protocols in place and we just want to make everyone aware that especially in the case if the allegations in some cases we've heard if the allegations made for example an employee of CLTC you will have people who have Land Trust leases that may be hesitant to raise that because they think that might affect them adversely because the individual they may be raising it against was a Land Trust agent for example. So to avoid those types of things or go give confidence to anyone who wants to make a formal complaint or a legal complaint about any improper activity on Chamorro Land Trust agricultural properties the procedure is in place and it doesn't have to be signed. If someone does not want to sign it for whatever reason because the only address on the envelope is the Attorney General's Office they don't have to sign it. They have the option to sign it if they want to be contacted for further information or if they don't want to they can just simply send it in. But that complaint form goes directly to their office and it's not reviewed, touched or even known to any member of the compliance team or the Chamorro Land Trust office staff or board unless it's something that comes out down the road that becomes public information. Otherwise we do not impact that process and it's open for anyone to have the confidence that if they want to provide a complaint or report that they're free to do that without worrying about any repercussions or are they going to know who I am or is it someone in the Land Trust going to identify that I'm the one who filed the complaint against that particular individual. So we just want to clarify that point.

Acting Chairman Calvo - Does that sum up our agenda?

Dr. Bob Barber - Yes, the key thing is in here you have at least handling and processing protocol I hope you will approve so we can start using it as the formal thing. You have the letters that we'd like to get out. It's up to you to decide if you want to do another MOU and I would certainly encourage you to go ahead and at least authorize me to continue till April with the current MOU because I've got the money to do it. I'm happy to keep the people on board.

Acting Chairman Calvo - Bob as far as the board members are concerned continue on to what you know and I'm hoping and when we meet next week with Senator Ben Pangelinan we definitely because I honestly and truthfully want to continue on with this program at least for another year that way by that time we'd have a real solid things that we can work on. But I would certainly make that one of my recommendations to the senator who handles the land issue. So as far as the board is concerned to continue on to with whatever remaining balance that we have and maybe we'll set up like you said next year for the organization with the other land agencies and so forth so we can really have a true session with all these agencies. All the board members want to thank you for really doing a good job for us and like I said none of these would have been possible without you. It's a good relationship for us now you know and letting it known now to the public and to the media that you know we are doing something about it. And do we have a problem? We do have a problem but there are problems and there are answers and solutions to these problems. But we have

now identified these problems and now we're going to set the stage. But the reality part of this to make it more strong is you know with the help of the legislature and I emphasize a lot to the legislature because it's the funding sources that I need and the right people that I want to work in there you know. I even made this clear to some of the Senators is just I don't care, I just want the right bodies in there working because I don't want someone to come in there and just be you know just because a political hire. And I got to give thanks to the Governor when the Governor asked me to take over this one of the things he stressed to me and Mr. Garcia is just do the right thing whatever it takes and you know he will support us to the issue. He said do what's the best way and the right thing to go in resolving all these issues. Like one of the board members said this is the first step and you know I want to thank for today for really doing a good presentation for the board members. Thank you.

Dr. Bob Barber - And my expertise can help you in any way with the legislature whether it's developing budgets whether it's developing expertise lists or whether it's just telling them just frankly and straight having an outside body tell them what is happening and what are possible solutions, I'm happy to help you in any way I can.

Acting Chairman Calvo - Oh don't worry Bob you'll be there, I'll make sure.

Dr. Bob Barber - Well thank you for the opportunity.

**IV. ADJOURNMENT** - Meeting adjourned at 12:11pm.

Transcribed by: Teresa T. Topasna: *Teresa Topasna*  
Date completed: December 28, 2009

**Approved by Board motion in meeting of:** *Jan. 21, 2010*

Administrative Director, Jesse G. Garcia: *[Signature]*  
Date: \_\_\_\_\_

Chairman (Acting), Oscar Calvo: *[Signature]*  
Date: *Jan. 21, 2010*