Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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Administrative Director

Rev. 09/21/2012

COMMISSION MEETING MINUTES
Department of Land Management Conference Room
3rd Flr., ITC Building, Tamuning
Thursday, December 19, 2013; 1pm – 2:17pm

I. CALL TO ORDER

Meeting was called to order at 1pm by Acting Chairman Michael Borja.

II. ROLL CALL

Present were Acting Chairman Michael Borja, Vice-Chairman David Matanane, Commissioner Amanda Santos and Acting Director David Camacho.

III. APPROVAL OF MINUTES (November 21, 2013)

Commissioner Amanda Santos moved to approve the minutes of November 21, 2013. Vice-Chairman David Matanane seconded the motion. There were no objections, MOTION PASSED.

IV. PUBLIC COMMENTS

1. David B. Herrera – For the record my name is David B. Herrera. I'm a resident of the village of Agat. I would like just follow up on the last subject that I brought up a couple of months ago and that was in reference to Public Law 22-07; that was the land exchange. What we did is we finally got the property back to Chamorro Land Trust and we're working to facilitate the lease in accordance to 23-38 so that's for 22-07. In addition to that Mr. Chairman I was trying to follow up on my agriculture and grazing land permit and I was advised by management to develop a grazing plan and submit it. I did submit that last week for the committee's review and I would like to also request for the committee's consideration in granting me this endeavor that I'm requesting. I submitted the original; it's a colored copy of my grazing plan.

Acting Chairman Michael Borja – Who did you submit it to?

David Herrera – To Mrs. Borja, Margarita Borja. It should be in the file somewhere.

Acting Chairman Michael Borja – For the record what year did you sign up originally for land?

David Herrera – Since way back.

Acting Chairman Michael Borja – What year?

David Herrera – 2007 was when I submitted the (interrupted).

Acting Chairman Michael Borja – But you signed up for agriculture land in 2007.

David Herrera – Yes sir but since 1958 we were occupying arrendo land which now converted back to Chamorro (interrupted).

Acting Chairman Michael Borja – Right but that takes precedence over this right? So you submitted a plan for the grazing and agriculture?

David Herrera – Yes sir.

Acting Chairman Michael Borja – Have you had a chance to talk to any of the agencies in the Government like Department of Agriculture or the University of Guam Extension program or USDA?

David Herrera – Yes sir. What I did for the last two months is that I was making close contact with Dr. Mark Thorn from the University of Hawaii Extension Service. Dr. Thorn does an outreach program to the cattle association in Tinian and Rota. So what he did is I think he came out during the week of Thanksgiving and we did a preliminary assessment on the property that I was requesting too. What we did is that we took data sample on the forage, we did the measurement, we did the computation and we finally came to a preliminary conclusion of how much forage can be produced in that particular kind of soil and forage. And then what I did is that I did additional research with the USDA that's Mr. Tom Camacho and then also Mr. John Borja from Department of Agriculture. What I did is I compiled, anyway it's compiled in that format.

Acting Chairman Michael Borja – We haven't had a chance to review it yet; maybe for the next definitely in our next package. So where do we stand on this? So the land has been transferred or has all that coordination been done? I know there's a lot of stuff going on in the last couple of months.

David Herrera – That was that Lot 189 that we were working with.

Margarita Borja (DLM) – That's already been squared off. I met with Senator Pangelinan's Office and we provided them with the documents he said that there's no reason for them to repeal the law and that the property would automatically go back to the Chamorro Land Trust inventory. So with that I know his request through you was for him to obtain the property once it's in the inventory. He now wants to have his children obtain the lease for that portion and he would go into a grazing, a 15 acre which he is coming before the Board now. His kids' time and date are up we don't have a problem with issuing the kids that portion. They've come up with certified documents to show that they have been occupying.

Acting Chairman Michael Borja – So the land is registered? No not yet so that's what we have to deal with?

Margarita Borja (DLM) – No, no, no the land is registered.

Acting Chairman Michael Borja – Do we still need to do surveying of the property?

Margarita Borja (DLM) – They would have to be the ones to.

Acting Chairman Michael Borja – So then what do we need to do?

Margarita Borja (DLM) – Subject to survey and I think we've already taken care of all that.

David Herrera – Right that's resolved.

Acting Chairman Michael Borja – So everything is pretty much squared away now.

Acting Director David Camacho – It's up to the Board now to review the presentation on the (interrupted).

Margarita Borja (DLM) – His plans to go before on grazing for 15 acres.

Acting Chairman Michael Borja – Okay we really need to have a chance to look into it in more detail. If possible can we make sure that you are on the New Business for next month's meeting?

David Herrera – Okay that's good sir.

Acting Chairman Michael Borja - And then we can all get copies of this provided with the agenda package next time.

2. Frank Cabrera – My name is Frank Cabrera, I'm a resident of Piti and I've been here before maybe two times already. Anyway you guys approved my farm request and I was given 5 acres on the cliff line of Malojloj then I was given an authorization letter to get it surveyed. So I hired Mr. Frank Castro to survey the area, he basically completed the area I paid him half of the price to do the survey and then in the process of surveying the area it was not suitable for farming it was all rocks. It's all rocky. He sent a letter to Mr. Camacho letting him know that he didn't think that I should proceed he showed me the same letter because the area is basically rocks unsuitable for farming.

Acting Chairman Michael Borja – On the cliff side of Malojloj.

Frank Cabrera – He basically tried to survey two areas to basically find good soil for me to farm, it was all rocky.

Acting Chairman Michael Borja – Oh so we asked you to take a look at a wide area to determine what is good and we couldn't find anything.

Frank Cabrera – It was all rocks and so the land agent came down and they proposed maybe what about Agat? I said that would be great because I'm from Piti it will be closer you know going to Inarajan is pretty far. So basically the land agent said there might be some legal problems down there so they said we'll offer you something else in Inarajan which is basically going back to the farthest portion of Inarajan. I mean it's nice but I changed my mind about really going down there it's too far, it's too far. I timed it going out it took me like 40 minutes a drive basically to get down there.

Acting Chairman Michael Borja – Where in Agat was this place that they were looking at that had some problems?

Margarita Borja (DLM) – I think it was 480? Is that in the Santa Ana area?

Frank Cabrera – I don't know because the land agent she sent the letter to the Director.

Acting Director David Camacho – They didn't take you out to show you?

Frank Cabrera – No they said they were waiting for your authorization.

Margarita Borja (DLM) – So you never went down?

Frank Cabrera – I never went down.

Margarita Borja (DLM) – Did you still want to see Agat?

Frank Cabrera – Basically Agat because it's closer for me.

Acting Chairman Michael Borja – Okay can we arrange then to work with him to look at what this is in Agat. Who are you dealing with?

Frank Cabrera – Well I had several land agents in the beginning.

Acting Chairman Michael Borja – Who told you that there was a problem?

Frank Cabrera – Basically the surveyor Frank Castro.

Acting Chairman Michael Borja – No, no that there was a problem with Agat.

Frank Cabrera – Matthew Leon Guerrero. But I already spent like $1,500 to do the survey and I'm wondering whether I can get compensated for the survey of the property that I'm going to get in Agat if I do get it?

Acting Chairman Michael Borja – I'd love to survey all the properties if we could if we had the money to do it. That's one of the goals that we have down the line but I understand where you're coming from. Nobody did a walk-through of any kind through the Malojloj to determine that it was not suitable.

Frank Cabrera – After they did the survey.

Acting Chairman Michael Borja – I mean prior to the survey.

Frank Cabrera – I guess not.

Acting Chairman Michael Borja – The same thing goes with Agat I mean you can just take a look and kind of get a basic idea that it looks suitable to be farmed before the surveying is done.

Acting Director David Camacho – Mr. Chair we'll see what we could do but no promises on your compensation or what but I'll try the best and before you go can you drop by and see Matt.

Frank Cabrera – I actually was dealing with Lorraine Nededog because I guess she's from Agat she knows the area.

Acting Director David Camacho – Have you talked to her concerning which area?

Frank Cabrera – No the last time I talked to her was three weeks ago, she said she was waiting for your authorization to approve the site visit and I never got a call.

Acting Director David Camacho – Could you drop by and see Lorraine? Just tell her that I sent you to her.

Frank Cabrera – So you're authorizing her?

Acting Director David Camacho – Yes.

Frank Cabrera – Okay.

Acting Chairman Michael Borja – Go together arrange a time for both of you to go look at the property so that you can determine whether or not it is suitable together and then we can make the arrangements to swap out the different property and then begin the process to acquire the paperwork and the survey okay.

Frank Cabrera – Okay. Would I still get the same amount the 5 acres that you guys approved?

Acting Chairman Michael Borja – That's what we were talking about yes because that's what was approved and you already submitted your farm plan and everything. So take a look and see how the property is if it's good for farming. I don't think it's going to be like Malojloj.

Frank Cabrera – Like you said it was plenty of ayuyu. I was thinking maybe you might want to check with that guy in Barrigada who was having problems with his pigs or in Mangilao that would be perfect for him.

Acting Chairman Michael Borja – Okay thank you very much Mr. Cabrera.

Frank Cabrera – Thank you.

3. Felix Babauta – My name is Felix Babauta I'm here on behalf of Mrs. Carmen Tenorio on her Chamorro Land Trust. She was given long time for the agriculture lease up in the Astumbo area but I guess the Chamorro Land Trust transferred that over to Guam Housing. So now you know or anything whether any possibility that she can be given a property up there for her to be farming and to stay?

Acting Chairman Michael Borja – Okay so you were already assigned, what's your name ma'am?

Carmen Tenorio – Carmen Tenorio.

Acting Chairman Michael Borja – You're the one that had some property that was assigned to you from the Chamorro Land Trust Commission.

Felix Babauta – It's an agriculture lease.

Acting Chairman Michael Borja – You got an agriculture lease up in the Astumbo area and then Chamorro Land Trust took it back?

Carmen Tenorio – They reassign to another place.

Acting Chairman Michael Borja – You got reassigned.

Felix Babauta – Not yet.

Carmen Tenorio – Not yet.

Acting Chairman Michael Borja – Oh so your property was taken back but you haven't been given another agricultural?

Felix Babauta – Not yet.

Carmen Tenorio – No not yet.

Acting Chairman Michael Borja – When was this?

Carmen Tenorio – It's already been a year.

Acting Chairman Michael Borja – A year okay so do we know anything about this?

Acting Director David Camacho – I believe what they're saying that they're under the arrendo program and they took the property and gave it to Guam Housing that's what they're saying. Now they're asking through the LUP and they're trying to relocate her to a place. They're working with Lorraine Nededog on this.

Felix Babauta – Well according to information we received is that maybe next year or maybe and maybe is we don't know.

Acting Chairman Michael Borja – Okay so you have been talking to some agents here and you haven't gotten any word.

Acting Director David Camacho – Let me follow it up as soon as this thing is finished just wait.

Acting Chairman Michael Borja – Okay so Mr. Camacho will work with you on this.

Felix Babauta – Okay thank you

Carmen Tenorio – Okay.

V. OLD BUSINESS

1. Guam Gun Owners Association – Submittal of business plan

Jason Young – I'm Jason Young, I'm the Vice-President of the Guam Gun Owners Association. Hopefully you got the letter that we submitted. The last time we were here you asked us to submit a business plan for operating the range. We're working on that but it's a large undertaking.

Acting Chairman Michael Borja – Yes there is a little bit of work on it. I mean basically something like what you're going to do, it'll be how you plan on operating the business, the scope of the program, the kind of programs you're going to be offering, the kind of safety procedures you'll have in place, things like that. We know that you're still interested. Since you guys came here last we had the opportunity to go review and inspect the property we just got the pictures of it. It was still active and they have been told to cease operations at that facility because it wasn't properly assigned. It wasn't assigned to anyone to be used like this. I think since then Mr. Camacho and the staff has had the opportunity to meet with the person who thought the land belonged to him and his attorney to try to come up with some resolution on what's going on there.

Acting Director David Camacho – The biggest obstacle that we're facing on that property Mr. Chair is that the property is unregistered. It's going to take us quite some time to have it registered.

Acting Chairman Michael Borja – Is that part of the group of land that we have sitting waiting to be registered?

Acting Director David Camacho – Yes.

Acting Chairman Michael Borja – And this property was initially, the part of this I know it's this property but the land that the person thought it belonged to they were given this land how long ago?

Acting Director David Camacho – Way back then and he thought that the property in itself belongs to him the entire basic lot which he only owns a portion of it. And through that miscommunication way back with the Department of Land Management and all those things the Chamorro Land Trust wasn't even born at that time they starting using it for lease to lease it out.

Acting Chairman Michael Borja – So what basically is happening here is there's a large group of basic lots on the Island of Guam which they need to be registered in order for any legal action taken on them to be divided out to be assigned to anyone to be sold and things like that. And this property has never been registered so technically it's not in the books with Land Management and it's in the process a legal process a pretty long legal process it has to go through to get registered. It is ongoing right now there was some discussion about this actually down in a round table meeting with the Legislature and the member of the Attorney General was there to understand that this needs to be done as well. So because of that this piece of property here most likely cannot get assigned to anybody and the people who were using it prior thought they had a portion of this property. They never surveyed it and they ended up kind of encroaching more over into other areas. And so that land was never registered and the people who got it never surveyed it but then again even if they surveyed it there was nothing to put it on the books with because the land wasn't registered. But in your case though you still are interested in obtaining some land somewhere your organization we're still going to work with you guys on that it's just a matter of finding the proper place to be able to do something like this. And so where that will be I can't tell you right now but as you guys continue to move along on your stuff I mean once you guys put a business plan going we'll probably need to assign him or have them talk to someone specifically for commercial license and find a proper place to do something like this. So that's what we'll probably have your reps or whoever else come in and chat with one of the agents here to determine where might be a suitable piece of property to do your operation at that we can assign a license for and then what would be the appropriate size to do it.

Jason Young – We'd like to get as much land as possible. We talked briefly last time about the different types of things that people can do out there. For example right now in Piti their range is about fifty-five yards long but a lot of us own rifles that are capable of shooting accurately five, six, seven thousand yards and while we don't necessary want a thousand yard range at the minimum it would be really nice if we could have a place where we could do between one and three hundred yards distance.

Acting Chairman Michael Borja – It's obvious that what you're looking for has to be a piece of property that can be safe for anyone else around there. That perhaps they're

shooting out towards an area maybe towards the ocean or against the cliff that doesn't allow the bullets to travel too far and injure anyone that might be just behind there. So that's what we would probably need to do then is to look at something. We have some ideas like the gentleman before you spoke of an area up in Malojloj there's some areas I don't know if you know where Malojloj is it's beyond Talofofo and on your way to Inarajan.

Jason Young – I'm a realtor so I'm sure I can find it.

Acting Chairman Michael Borja – It may be land that's not suitable for agriculture and residential but somehow it can be used for something like this right and that's what we'll have to look at.

Jason Young – My parents actually own Security Title too so I've been dealing with land and houses for a long time.

Acting Chairman Michael Borja – Alright so any way that's where we're still, that's where exactly, move along on your business plan. Do we need to assign him to someone to talk to or can we set something down the line later on?

Margarita Borja (DLM) – Just submit your plan to us.

Jason Young – Okay.

Acting Chairman Michael Borja – Yes go in to the office and talk.

Jason Young – And also as at the same time I just want to let you know that two of the members of our group are going to be attending and industry expo next month in Las Vegas and as part of that we've signed them up for some courses while they're there specifically related to opening, running and operating a shooting range. So we're going to put a couple of guys through specialized training specifically related to this. So hopefully when they come back it won't be till the end of next month they'll have some other insights for us. Our other member here is working on our insurance but one of the issues that we are facing that we think is a big not necessarily an impediment to the business plan is that our understanding is that a quote for an outdoor shooting range is dependent upon its size. Before they can tell us what our insurance policy is going to be they need to know how much of an area they are insuring and they said it could be quite a bit different. So that was just one concern I mean of course we'll try to figure something out to come up with them but we're trying to put together a plan that has pretty solid numbers behind it. We actually just affiliated with the National Rifle Association nationally so now we have the ability to go through them. They offer insurance for shooting ranges and we just I think we got our approval letter from them last week. So we're at the point now where we can contact them to see if we're eligible in Guam under their umbrella for policies like that. We're keeping our fingers crossed if that's true and that they can help us.

Acting Chairman Michael Borja – Alright thank you for coming by.

Jason Young – Thank you very much.

Acting Chairman Michael Borja – Still on this subject can we still talk a little bit about the site visit to that Piti gun range? You guys have pictures here.

Acting Director David Camacho – There's three areas there that have the firing range and all those things.

Acting Chairman Michael Borja – So this facility those guys built? I mean it looks like it has a new roof and everything.

Acting Director David Camacho – They renovated it just recently.

Acting Chairman Michael Borja – So someone put some money into this facility.

Acting Director David Camacho – When they started operation again.

Acting Chairman Michael Borja – Do they have a business license?

Acting Director David Camacho – They do have a business license.

Acting Chairman Michael Borja – How did they get a business license? Doesn't it have to go through all the clearances?

Acting Director David Camacho – That's the question Mr. Chairman as to why and where and how.

Acting Chairman Michael Borja – Somebody approved it huh?

Acting Director David Camacho – Yes because there's a license. Right now we're planning to put probably a guy wire just to block it off so nobody will utilize the area. We already told them to cease all operation there.

Vice-Chairman David Matanane – Do you know who is the person that is really operating it?

Acting Director David Camacho – They're operating on the advisement of somebody.

Acting Chairman Michael Borja – Of counsel?

Vice-Chairman David Matanane – I remember Judge Unpingco when he was here that he had an agreement with the owner and he's leasing it from him and all the money that he's supposed to pay to the landlord it goes to a Trust account now. That's the reason why I requested for Mr. Unpingco to come in so we can ask what's the status of that. Are you still putting in the kitty in the trust fund that you're paying over to Santos I believe or

Cruz, either one of those? I'm looking at this now the documents you gave me either Santos and the tenant is Cruz.

Acting Director David Camacho – For information Attorney Unpingco is on the verge of coming in to face the Board on issues on this concerning the agricultural lease, concerning commercial license and what has been promised to the family of Cruz. I already mentioned to what Margaret and Paul that whatever is promised to them we cannot do it. Even though you go through legislation we cannot do it. So I told them that we're going to put all the necessary documentation or find all the documentation pertaining to this property and pertaining to the leases then we'll do a review on it and come up with a solution. But the solution as it is; is the property to be registered.

Acting Chairman Michael Borja – These leases that you gave us these are just leases between the guy who has the land and the business to operate. But where's the lease there's no Jose Santos? The landlord Jose C. Santos has no lease with us right?

Acting Director David Camacho – No.

Acting Chairman Michael Borja – He has no proof of authorization to use the land?

Margarita Borja (DLM) – Not at that time. You notice there the dates it's 1989 or something like that or 1990, it's prior to the Chamorro Land Trust.

Acting Chairman Michael Borja – Right prior to the Chamorro Land Trust but where did he (interrupted).

Margarita Borja (DLM) – I met with one of the family members the beneficiary Duane Santos and he's supposed to come up with those documents.

Vice-Chairman David Matanane – Have you gone back to the original when they got the land the person that passed away he would have a beneficiary on that lease agreement?

Margarita Borja (DLM) – There is a lease agreement with Chamorro Land Trust for the deceased which is Jose.

Acting Chairman Michael Borja – So there is a lease between the Chamorro Land Trust (interrupted).

Margarita Borja (DLM) – Chamorro Land Trust and yes.

Vice-Chairman David Matanane – That's what I meant on the lease does it have a beneficiary?

Margarita Borja (DLM) – Yes.

Vice-Chairman David Matanane – Which is the correct person here and I believe that guy came in at one of the meetings when he was with Mr. Unpingco.

Margarita Borja (DLM) – Actually I think he left no beneficiary but he was on the last Will and Testament.

Vice-Chairman David Matanane – Okay it wasn't on the lease.

Acting Director David Camacho – Yes not on the, but there's three kids involved on this but two are already identified to be given half acre each on the property.

Vice-Chairman David Matanane – Well anyway break it out and we'll take a look at it and we'll iron it out.

Acting Director David Camacho – Which we cannot do because it's unregistered.

Vice-Chairman David Matanane – No, no just to see where it came about.

Acting Director David Camacho – That's what we're doing we're putting all the documentation together to find out as to the beginning to what transpired because even me I'm confused already on some of the issues.

Acting Chairman Michael Borja – So Mr. Unpingco came to speak to you today with who?

Acting Director David Camacho – Yes with Mary Cruz the wife of the deceased George Sr. and the son George who is operating the firing range now.

Acting Chairman Michael Borja – And they are asking to continue operations?

Acting Director David Camacho – To continue operation and to look into the issue of three acres that was promised to Mary Cruz.

Acting Chairman Michael Borja – What was the result of the meeting?

Acting Director David Camacho – I told them as of now it's moot and we're going to try and find out what's going on with the property and again the bottom line is that it's unregistered we cannot do anything with it now.

Acting Chairman Michael Borja – Do they have insurance, the company that was operating?

Margarita Borja (DLM) – They said no.

Acting Chairman Michael Borja – They said they didn't have insurance to operate?

Margarita Borja (DLM) – Remember they mentioned that, you were talking about liability, that the concern was liability and according to her they ensured that there's nobody out there that, I don't know how they're going to determine that.

Acting Chairman Michael Borja – Well I think for the sake of public safety we need to make sure that it doesn't go into operation and that we advise the Attorney General's Office and maybe Guam Police Department that we have had to close this facility and we don't want it to be in operation until it is fully resolved.

VI. NEW BUSINESS

1. Guam International Country Club - Option to renew lease

Acting Chairman Michael Borja – Welcome back to the meeting I know that we were supposed to meet last month or the month before but you have since then exercised your option to renew the lease for another 25 years the Guam International Country Club and I had met for the record earlier this week or I think it was last week to discuss that option to renew and we have agreed upon it. So we signed the letter to allow the renewal to continue for another 25 years and on top of that there will be rental payments that have every 5 years they have always increased 10% and that will continue as well and you've agreed upon that as well. So as our best tenant welcome back again.

Yohei Koike (General Manager, Guam International Country Club) – Thank you very much.

Acting Chairman Michael Borja – Now I know you have some other items that you need to discuss I think there is some things that we've become aware of that the Guam International Country Club is also now the country club of choice for the junior golfers on Guam ever since the Nimitz Golf course is closed. It's now where you are now hosting and sponsoring a lot of the junior golf organizations on island with the school intramurals and some of the private junior golf groups and that's a great thing to do I mean you're allowing more and more folks on Guam to still have a place that's affordable that they can use especially for the children and to keep that sport active within the community. What we've became aware of is that you guys are now trying to build some Par 3 holes on the lands so that you can accommodate the younger golfers so it's in a safe area for them because obviously the golf course have some lakes that we need to make sure the kids are not too close to them or that they're kept safe from them. So from there I'll let you go ahead and make any presentation that you may have.

George Benoit (President, Guam National Golf Federation) – I think you've covered it all. We got involved in this when the Nimitz closed it really hurt across the board but it really hurt the little kids. So they came to us the Federation as the governing body for golf on Guam and asked for help. We went to the Governor and the Congresswoman and they both helped but the Navy said it's too late it's already decided and so they came to us and asked us to find a place and we looked at all the courses. We didn't look just at GICC we looked at every course. Only two courses had a driving range big enough to handle a lot of kids which is Leo Palace and GICC. GICC was willing to give the same package deal that Navy gave which is very generous of $30 a month to hit all the balls you want and

practice all you want, go out after 4. So that was very generous of them and the other courses weren't willing to do that to go that far. So we made that the home like you said. The biggest thing is for the little kids right now for the last nine months the little six year olds, seven years old where it all starts they just have no place to really play. They agreed to build these on the condition that we will get local community support and to have the money because it's kind of expensive surveying and all that stuff. So Black Construction agreed to clear the area and grade it for us if we got a Government permit free of charge. Tom Camacho, John Duenas and Associates agreed to do the surveying free. Macario and Associates agreed to do the plan which we have here and it's already been given to your office. So we're very amazed at the generosity of all those people and the GICC. We need those three holes and so we're pretty much as far as getting the permit we're pretty much done this is our final hurdle and we hope you can help us and we'd like to start as soon as possible.

Acting Chairman Michael Borja – And what's that hurdle?

George Benoit – We need your approval of course to clear the area by the driving range if you're familiar all behind there. To knock down all those trees and then build three greens, little short holes the kids won't be hitting it very far maybe a hundred yards max. The plan was given to Pat Muna to give it to Marvin so it's here and we're just waiting now.

Marvin Aguilar (DLM) – I'm in charge of the Planning Division, we pulled up the land use history of the project and the property is zone PUD or planned development and through that designation it had secured a particular master plan that's inclusive of several amenities. And so what we need to do is we need to address those structures that were supposed to be built versus what you're proposing now. So it's going to need some type of consideration through the Guam Land Use Commission.

George Benoit – Yes Celine told me we had to go through the Land Use Commission.

Marvin Aguilar (DLM) – Yes but what I'm trying to do is I'm trying to fit it so that it wouldn't have to be such a big challenge for you folks. It is a golf course and it appears that it is going to remain a golf course but notwithstanding we still have to address the master plan that was originally approved back in 19 (interrupted).

George Benoit – Yes early 90s. Do we need to do anything?

Marvin Aguilar (DLM) – I'm working on it right now. What we need is to do is we need a response from the, the challenge here is the fact that I think this is the second or, we don't have the original lessees here do we anybody? So more than likely your folks or your organization they are not too familiar with the requirements of the original approval. He is? (referring to Yohei Koike) So we have to sit down with his folks and find a way to see if we can move forward, expedite forward movement rather okay.

George Benoit – We appreciate that.

Acting Chairman Michael Borja – Okay so you've met Marvin you know who to talk to I mean he is the Territorial Planner. So they have to go before the Guam Land Use Commission as well to get approval from them? That's where the approval needs to be done?

Marvin Aguilar (DLM) – Worse case they would have to go up there and do a presentation. I would prefer you do it and address the fact that you do have a PUD and it was supposed to have swimming pools, tennis courts and a slew of other things in it and where you're at with that give them at the minimum give them a status. From a technical standpoint you would probably have to come in and amend the master plan and that could be quite an administrative fee.

George Benoit – I remember when it was first built they talked about Olympic pools and having swimming up there but that never happened.

Marvin Aguilar (DLM) – And if I'm not mistaken some condominium units. I think they were supposed to have housing clusters throughout on the golf course which kind of account for the wide buffers throughout.

Acting Chairman Michael Borja – So just to do the clearing for them to build the three small holes it has to go through this whole process to get approval. Is there anything you need from the Chamorro Land Trust Commission?

Marvin Aguilar (DLM) – Concurrence that they can proceed, you are the holder of the property. What I'm attempting to do is I want to see if it could be part of that master plan that includes golf courses.

George Benoit – That would really make it faster.

Marvin Aguilar (DLM) – And it makes sense. Some folks can be real sticklers for the administrative requirements so we'll try to avoid that.

Mario Garcia (CLTC) – The only thing I saw on the lease agreement is that if there is going to be a sublet that proponent in the contract there be a sublet on their lease agreement to lease it out to someone else.

Acting Chairman Michael Borja – Yes I don't think we're talking about a sublet here we're just talking about the same leaseholder the Guam International Country Club just building additional holes.

Mario Garcia (CLTC) – For them.

Acting Chairman Michael Borja – Yes some Par 3 holes.

George Benoit – This would mainly be for the kids they wouldn't make much off of it.

Acting Chairman Michael Borja – It's not for the main golf course it's just for the junior golfers the smaller younger junior golfers.

Vice-Chairman David Matanane – Just for the record I'll like to ask Dave everything else in the previous lease up till now everything is there with Guam International?

Yohei Koike – Yes it is.

Acting Director David Camacho – The only payment that hasn't been done is the December payment. Thank you for the payment last week.

Acting Chairman Michael Borja – So can we get a motion on the floor for the Chamorro Land Trust Commission to permit the Guam International Country Club to build three additional Par 3 holes on the golf course for the use by junior golfers?

Vice-Chairman David Matanane – Move to accept upon the expiration of their previous lease on February 1st (interrupted).

Acting Chairman Michael Borja – Oh no.

Vice-Chairman David Matanane – This is what they're requesting for renewal of lease right?

Acting Chairman Michael Borja – No, no we've already done that, that's done. To allow them to build three additional Par 3 holes.

Vice-Chairman David Matanane – Okay so we've done that already so you've got your lease already. Okay so I guess I don't know where I'm coming from. **Anyway, move to accept that Mr. Chair and you have mentioned what they need to do.**

Commissioner Amanda Santos – I second it.

Acting Chairman Michael Borja – So the motion is to allow the Guam International Club to build three Par 3 golf holes on their golf course for the use by the junior golfers and it's been seconded it, no objections, it's approved. So the Chamorro Land Trust Commission agrees to allow you to do that.

George Benoit – Thank you very much.

Yohei Koike – Thank you.

2. Bill 213-32 – An act to exchange Government property for privately owned property in Barrigada to be used for the Guam Flood Mitigation plan
Acting Chairman Michael Borja – Can we get some more details on this I think we had some stuff in here. This has to deal with Bill 213, Marvin this map you gave me is this that lot, Lot 15, Block E, Tract 9?

Marvin Aguilar (DLM) – It appears that this is the lot right here.

Acting Chairman Michael Borja - This is the property they want?

Margarita Borja (DLM) – Yes.

Acting Chairman Michael Borja - What about the property they want to exchange where is that at?

Margarita Borja (DLM) – It's in the village.

Acting Chairman Michael Borja – In the village of Barrigada? Where in Barrigada?

Acting Director David Camacho – That's going up to the golf course, Radio Barrigada golf course on the right side.

Acting Chairman Michael Borja – Is this the Cepeda family property behind right off of Route 16?

Acting Director David Camacho – Right.

Marvin Aguilar (DLM) – Route 8A, the Radio Barrigada.

Acting Chairman Michael Borja – There's kind of like a little bull cart trail that cuts through the whole family property that everyone became familiar with during the road construction.

Acting Director David Camacho – The property that they are talking about they are trying to use it for a ponding basin is further down.

Acting Chairman Michael Borja – Oh that's the property that they want.

Acting Director David Camacho – Their property is on the back.

Acting Chairman Michael Borja – That's the property that's going to be used for a ponding basin?

Acting Director David Camacho – They said they're going to use it for a ponding basin and that's the reason why (interrupted).

Acting Chairman Michael Borja – Who is going to use it for a ponding basin?

Acting Director David Camacho – The Government took it.

Acting Chairman Michael Borja – The Government took it?

Margarita Borja (DLM) – It's currently being used right now as a ponding basin. It's a natural ponding.

Vice-Chairman David Matanane – Is this right next to the gas station there?

Commissioner Amanda Santos – Next to Wendys.

Acting Director David Camacho – It's further back.

Acting Chairman Michael Borja – You guys don't have any map that shows where this place is at so we can identify it by a lot number? And this bill is in exchange for property up in Nimitz Hill?

Margarita Borja (DLM) – No Barrigada Heights.

Acting Chairman Michael Borja – I mean in Barrigada Heights.

Margarita Borja (DLM) – The lot before SNU, the Skilled Nursing Facility.

Mario Garcia (CLTC) – We're exchanging good land for wetland?

Acting Chairman Michael Borja – Well I can understand wetlands because I think there is a law isn't there out there about wetlands that they were allowing some exchange. I thought there was some law like that.

Acting Director David Camacho – Its Lot 2264-1-R3 consists of 11,000 square meters.

Vice-Chairman David Matanane – Is that what they wanted 11,000 square meters or the exchange for 9,000?

Acting Director David Camacho – The exchange for 9,000.

Vice-Chairman David Matanane – Who owns the 9,000 square meters?

Acting Director David Camacho – Land Trust.

Vice-Chairman David Matanane – Land Trust right and they want the 11,000.

Acting Director David Camacho – No they want the 9,000.

Vice-Chairman David Matanane – They want the 9,000.

Acting Director David Camacho – To replace the 11,000 that's being used now as a ponding basin.

Vice-Chairman David Matanane – You mean a whole ponding basin is 11,000 square meters? That's a big ponding basin.

Acting Director David Camacho – They call it unusable wetlands. It used to go all the way down past the barbershop. But since they backfilled that way back to the; and it causes a lot of (interrupted).

Acting Chairman Michael Borja – Yes that whole back there because I know the water goes like a river through my yard and somebody down the line from me gets flooded.

Acting Director David Camacho – That's one thing Senator Pangelinan made a comment that even my place when it rains it's about two feet up, three feet up with water.

Vice-Chairman David Matanane – I got some problems on this Mr. Chair it says here on the agenda Bill 213-32 an act to exchange, the bill or it hasn't become law yet right?

Acting Chairman Michael Borja – That's right.

Vice-Chairman David Matanane – So are we entertaining it?

Acting Chairman Michael Borja – Well what happens here I think in order for this thing to even I guess to get any to be valid we have to approve it.

Vice-Chairman David Matanane – No not necessarily Mr. Chair because this particular piece of property has been going on since way back and I believe that it's been entered into the legislature twice and it hasn't gone through with them. What makes I think Mr. Chair that we will sign off on it or even with this bill now if this bill goes through and the Governor is going to be authorized then so be it you know. I really don't really want to entertain this.

Acting Director David Camacho – This thing is still in Senator Pangelinan and I don't think (interrupted).

Vice-Chairman David Matanane – It's still in the process and all I'm saying my comment at the last meeting and it's quoted on the minutes that doesn't Mr. Pangelinan know that all land exchange goes through the legislature.

Acting Chairman Michael Borja – Well I think also I have a concern here Mr. Camacho is I think we discussed it before you submitted written testimony supporting this to happen prior to you know, you wear many different hats and I understand that but you signed it under as the Land Management Director but also your other hat is the Chamorro Land Trust Director you need to really get our commitment on any of this before it's written out. So I don't know if this testimony is still going to be offered up or if you're going to revoke it. I think you mentioned you were intending to revoke it but it hasn't been revoked yet. I think that if somebody wants to do this it has to be done by the legislature as Mr. Matanane had

mentioned. It is not you know in our place to begin setting a precedence to start swapping lands.

Acting Director David Camacho – I did talk to Senator Pangelinan on this and I did try to retrieve it, he said you cannot retrieve but if you want to follow it up on another follow up testimony do so. But what I heard is Senator Pangelinan is trying to do another bill concerning this issue to do a land exchange.

Vice-Chairman David Matanane – My comment, you read the 2008 when it was entertained there was a bill that was passed and one month later there's another bill to reflect to the last. If you read the comments on the, there's a bill that was passed then one month later it turns it to that (inaudible) so I said what's going on.

Acting Chairman Michael Borja – Well one of the things though I think that in the case of something like this I mean if there was definitely a reason for the Government to acquire land and it might have been some kind of natural layout of lands to be used for ponding basins to mitigate floods I think that's kind of important because it's in the publics' interest that we don't allow people who are living around an area to be flooded out. Now having said if people are going to decide they want to build a house in a flood zone that's their problem and they need to get flood insurance and there's services for that. But I think in the future if there is any reason why the Government needs to do this for safety of the population and for the best interest of population then we need to look at that specifically and act accordingly to assist in those efforts. But in this case I don't know if I can entertain any motions on it and from discussions it sounds like even though we may have a motion we would not have a majority vote.

Acting Director David Camacho – The only thing there Mr. Chair is there are minutes that we based ourselves too on that and that it was approved.

Acting Chairman Michael Borja – It was approved before by the Board?

Acting Director David Camacho – On Oscar Calvo's.

Acting Chairman Michael Borja – You were here then.

Vice-Chairman David Matanane – It was never approved. But now it surprises me to see it coming back again. It was never entertained.

Acting Chairman Michael Borja – I don't think there was any motion in here right? So is there any other discussion on this matter?

Acting Director David Camacho – No just to wait for the bill.

Vice-Chairman David Matanane – We'll table it until such time Bill 213-32 comes into play then we'll take care of it.

Acting Chairman Michael Borja – Okay.

VII. DIRECTOR'S REPORT

1. Revenue collection report for the month of November 2013

Acting Director David Camacho – You have it in your package.

Acting Chairman Michael Borja – What was the status on the last month one for GPA? Was that true?

Acting Director David Camacho – That's under the public law that designated that those agencies or the autonomous agencies pay that much and I'm trying to get as much information from Bureau of Budget on this. Again maybe Mr. Chairman we'll bring it up to Senator Pangelinan.

Acting Chairman Michael Borja – Well if it's in the law I think Margaret you mentioned that before it was in the law for the utilities commission or GPA to pay 80,000 a year.

Margarita Borja (DLM) – Autonomous agencies yes.

Acting Director David Camacho – Eight hundred some.

Acting Chairman Michael Borja – Oh $800,000 a year.

Margarita Borja (DLM) – I think $875,000.

Acting Chairman Michael Borja – Has anyone brought that to the attention of GPA?

Margarita Borja (DLM) – I think she sent out letters.

Acting Chairman Michael Borja – Who is she?

Margarita Borja (DLM) - Our ASO, Virginia Flores. She sent out letters, notices to them requesting for payment and they just haven't responded.

Acting Chairman Michael Borja – Well let's just follow up on it. If need be was the letters sent out certified mail?

Margarita Borja (DLM) – No.

Acting Chairman Michael Borja – Let's do that.

Vice-Chairman David Matanane – And did they quote the law? I think it would be wiser if you insert the law in the letter so they know where we're coming from.

Acting Director David Camacho – That's one of the agenda that we're going to bring up if we get the new attorney.

Acting Chairman Michael Borja – Next steps I want to do with large sums of money coming in to the Chamorro Land Trust from both the golf course and possibly this source of money I'll camp out over in Adelup to get them to set up our account over here. It's just that on our end over here we have to have people that are qualified to certify the monies in the system and do whatever is required for ensuring the money is properly dealt with because there's a lot of things that we want to do and there's some goals that we want to achieve and one of them is infrastructure developments, surveying properties if we can do that. We made some input into that in the last legislative roundtable meeting.

Vice-Chairman David Matanane – I've been harping about that Mr. Chair for the longest time you know this is a Trust.

Acting Chairman Michael Borja – It is and it's been long time. I mean look at how much money the golf course has paid we'd be in excess of a million dollars already.

Vice-Chairman David Matanane – At one point in time we had the money here we pay our own utilities and all that the rental and all that then all of a sudden something came up and everything was (interrupted).

Acting Chairman Michael Borja – So we just need to acquire it back.

Vice-Chairman David Matanane – Hopefully that we can camp out together.

Acting Chairman Michael Borja – Okay.

2. Legal Counsel

Acting Director David Camacho – Update as I mentioned on the Attorney, we're working on it with the AG's Office to get somebody on board. Once they get that person on board will be assigned permanently or full time.

Acting Chairman Michael Borja – How soon do you think it's going to have to take?

Acting Director David Camacho – I'm pushing it.

Acting Chairman Michael Borja – Did you hold money in front of their face?

Acting Director David Camacho – I did mention how much money we have and we're looking at an Attorney I or an Attorney II if we could get about a $60,000 or $65,000 attorney.

Acting Chairman Michael Borja – Yes I mean we had some funds do we still have funds for legal? And you know if there's an exchange I mean we're going to pay I wasn't talking about funny money I'm talking about our budget money.

Acting Director David Camacho – We still the $108,000 but again this is how we work it out with Pat Mason and Cathy is it's faster if we get the attorney for a limited term for one year and based on the performance on that if we want to keep him we can keep him in if not then not.

Acting Chairman Michael Borja – And they'd be under the supervision of the Attorney General so that their performance would be (interrupted).

Acting Director David Camacho – They'd be hired under the Attorney General but we pay for the salary but again it's going to be full time to us.

Acting Chairman Michael Borja – We need to set some timelines on this because you know it could be December of next year.

Acting Director David Camacho – I'm pushing to provide it within two weeks after January. They're looking for an attorney down at Superior Court because there's a lot of several of them that are really and one of our, Paul Santos our Cadastre Surveyor knows two of them and we have referred the name to the AG.

Acting Chairman Michael Borja – Can I ask then for the next meeting to have a list of duties that are going to be needed to be done? Land registration is one of them. Whatever those list of things that we need for this attorney to do and then we can look at it and maybe we can help with your assistance figure out what's the priorities that needs to be done so that this person then actually the Attorney General's Office or whoever hires them they know what their tasking is going be. They know what's in front of them not they show up and then they sit around and have coffee for a few hours and say okay what's my first item. And then we can actually set timelines on some of these things because things aren't going to get done if somebody is not on their case and then we can at least discuss that in the meetings with this attorney as well okay.

3. SUTA Program

Acting Chairman Michael Borja – Marvin is going to talk to us about the SUTA program. The SUTA program has actually a lot of great benefits for an opportunity for not only Chamorro Land Trust but for also some folks that are well for the Chamorro Land Trust really so we can do infrastructure development.

Marvin Aguilar (DLM) – (slide show presentation) This is going to be a quick presentation basically just on information on the SUTA program in relation to Chamorro Land Trust. What is SUTA? SUTA is the program under the RUS or the Rural Utility Service. It's a rural development policy and planning and lending agency of the USDA and they do have an office here under Mr. Joe Diego. The SUTA stands for Substantially Underserved Trust Areas and it's provided basically under the auspice of the Food, Conservation and Energy Act of the 2008 Farm Bill. From the 2008 Farm Bill it had expanded its interpretation and use determination of constituent eligibilities most recently and I'll talk a little bit more about it later on. Constituents such as Guam more particularly with Chamorro Land Trust properties that fall under the Government of Guam. The SUTA provisions give the RUS

new tools to finance improvements in electric, telecommunications, water and sewer infrastructure in underserved tribal communities. SUTA was intended for tribal communities in its advent and again the determination of eligible clients for this program had expanded through the expanded interpretation of the word tribal. The statute gives the RUS discretionary authority to offer interest rates up to as low as 2% to any type of entity. It can waive non-duplication requirements. It can waive matching or credit support requirements. It can extend the repayment terms and give eligible applications the highest funding priority when projects serve substantially underserved trust territories. So in this it would ultimately be a loan. It's at 2% and the payback to the Federal Government is very, very flexible. I think the highest so far payback time period was 72 years if I'm not mistaken. Why do we need SUTA? Well it's pretty obvious right now to do infrastructure improvements we either depend on public monies or public-private partnerships. The most recent public-private partnership of course is that one with PRI where they're bringing in the main infrastructure, sewer and water into our Yigo property and in return CLTC is allowing them to use a 60 foot easement. Notwithstanding there's still the need to try to fund some material infrastructure into these lots which has not been addressed at the time of this agreement. So of course SUTA is a potential funding source to meet CLTC mandates which is to best utilize as much property as possible for the benefactors of the CLTC. The SUTA program is in line with the CLTC's long term strategy to assist in meeting the Commission's utility infrastructure needs and improve economic development and quality of life. I've talked more about relative to the development of CLTC lands up in the northern and central areas of Guam. Is CLTC eligible? The Trust areas as defined includes Guam. This definition references "on any island in the Pacific Ocean if such land is by cultural tradition, community owned land as determined by the Secretary of Agriculture." It further goes on to give the citation of Title 38 and interestingly this determine was as recent as 2012. So as we proceed on with submitting this application the fact that we are an eligible recipient of this funding it appears that we're going to have to continue to remind the reviewers of the application that Guam is an eligible recipient only because the determination was so recent. Determination for need; major CLTC properties slated for residential/agricultural development is in northern Guam. Of course there is a need because CLTC desires to be a responsible organization that is sensitive to protecting our island's drinking water resources. I pretty much summed up those two statements with this quick display of how we use water up in the north. We all know that the northern aquifer is the main recharge area for our drinking water for the north and central area. Drinking water resources in the south of course is kind of opportune in its state and it's only good when there is water and the water is not requiring additional treatment before it's discharged to users. Here in the central and the north the minute you pump it up of course it takes very little treatment before it qualifies potable use. So we need to protect these resources and we need to protect it while still maintaining the mandates of the CLTC by further putting as many constituents or benefactors of the program into land resources in south and central areas. So this is where we are at right now. About a month ago we established face to face contact with the USDA area Director Mr. Joseph Diego, Jr. Administrative assistance is now provided by DLM's Chief Planner myself and Management Analyst IV (George Tydingco) as lead and sub-lead of putting the application together. We'll be assisting each other to try to get the first draft application prepared for submittal to the CLTC for review. In our latest round table we inadvertently

made a promise to the Legislature the Committee on Lands that we'll be sending them a report within 60 days so we're end staking February 2014 as the report to the 32nd Guam Legislature particularly the Committee on Lands. So as we go on and we try to work with the application it's quite lengthy. It's heavy side on the document requirements. We still need to solidify timelines. We need to establish a memorandum of agreement or understanding with GWA and GPA mostly for the purpose of projecting the cost of architectural and engineering requirements and to establish that process of transfer for operational responsibilities. So once we get the money we find the company to install the infrastructures. All the infrastructures are eventually turned over to these utility agencies. Of course throughout the process we will be requiring to some extent legal assistance as a tandem element for review. The mission objective of this endeavor is to exploit federal, local executive, and legislative interest in this successful SUTA program. Right now eyes on to us for the federal government is the fact that this would be the first time for Guam under a Government entity to use the SUTA. In so for as the executive and legislative branches the office of interest is for the purpose of obtaining untapped funding opportunities of course. We are to create an application template for future SUTA based request so we'd like to create a template for this project that's coming up in the north and be able to just plug and play the application to other CLTC lands. Of course we'd like to explore other development opportunities under the assistance of SUTA. If you saw in the first slide we talked about a whole slew of infrastructure support that they're willing to fund but my understanding is that it could extend even beyond infrastructure so we're investing those opportunities as well. Again current eyes on attention we have the Federal Government, we have the Area II office who is very, very excited and very interested and has been providing support and assistance to the CLTC. We have of course the Governor's Office who is looking at this as a source for federal funding and we have the legislature who is of course our constituents watchdog particularly the legislative chair the honorable Senator Ben Pangelinan who is the Committee Chair for lands. Otherwise that's where we're at right now.

Acting Chairman Michael Borja – Thanks Marvin. Well like you said it's going to take some money from us too to be able to do this. There's a requirement for the Government to put in some money into this program as well so that's the reason why we need to take advantage of trying to have the monies that are being paid for Chamorro Land Trust properties to be used for this kind of stuff because there's a lot of good things going. I appreciate your help and George on getting all these stuff and everyone that's working on this to move it along because we don't want to lose this event, its good deals. That Yigo property I don't want it to sit vacant because we couldn't get funding to put into place or anything else around there. Anything else?

Vice-Chairman David Matanane – I'd like to wish Chamorro Land Trust, Land Management and Ancestral Lands Merry Christmas and Happy New Year to their family.

Acting Chairman Michael Borja – Yes Merry Christmas everyone. Our next meeting will be in January the third Thursday.

VIII. EXECUTIVE SESSION – None.

IX. ADJOURNMENT
Meeting adjourned at 2:17pm.

Transcribed by: Teresa Topasna: Teresa Topasna

Approved by Board motion in meeting of: January 30, 2014

David V. Camacho, Acting Director: D. V. Camacho Date: 1-30-14

Michael Borja, Acting Chairman: M. R. Borja Date: JAN 30, 2014