Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guåhan 96932 *Phone: 649-5263 ext. 651 Fax: 649-5383*

Eddie Baza Calvo
Governor of Guåhan

Ray Tenorio
Lieutenant Governor of Guåhan

Commission Members

Michael J.B. Borja
Acting Chairman

David J. Matanane
Vice-Chairman

Amanda L.G. Santos
Commissioner

(Vacant)
Commissioner

(Vacant)
Commissioner

Monte Mafnas
Administrative Director

REGULAR BOARD MEETING
AGENDA

Department of Land Management Conference Room
3rd Flr. ITC Building, Tamuning
Tuesday, February 11, 2014; 1pm

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES
1. January 30, 2014

IV. PUBLIC COMMENTS

V. OLD BUSINESS
1. David Herrera – Status of grazing request

VI. NEW BUSINESS

VII. DIRECTOR'S REPORT
1. Revenue collection report for the month of January 2014
2. Staff report on applicant Joaquina Manibusan Ignacio

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

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Rev. 09/21/2012

COMMISSION MEETING MINUTES
Department of Land Management Conference Room
3rd Flr., ITC Building, Tamuning
Tuesday, February 11, 2014; 1pm – 2:48pm

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, Assistant Attorney General Kat Fokas and Land Management Administrator Margarita Borja. Not present was Acting Director David Camacho.

III. APPROVAL OF MINUTES (January 30, 2014)

Vice-Chairman David Matanane moved to approve the minutes of January 30, 2014. Commissioner Amanda Santos seconded the motion. There were no objections, MOTION PASSED.

IV. PUBLIC COMMENTS

(Chamorro translation by CLTC staff Eileen Chargualaf)

1. Trini Torres - *Hello everyone I hope everyone is doing fine. Because we entrust you with the peoples lands and if you do something good we are happy if there is something that you do wrong we would question you. There are a lot of questions that we have not just now that we're going to say because we already asked Senator Ben Pangelinan to hold an oversight roundtable discussion and to invite you guys because we have questions. We come today because of your agenda the Director's report on the collection of revenue for the month of January 2014. That's only one month. We need the rest of the past. We really feel that these people who applied and it's been a long time and they haven't been given the land. That land is very strong for our people. If we lose the jurisdiction on who would decide or to give the land, what are we going to do and which of our people we're going to give it to and if it's not in our hands then we don't have nothing. It's very important it's hard for me to say I'm going to die pretty soon and my age and the rest are getting older and up till now they haven't been giving land to our people. So what is the land for? It's for them. It's not for us to make money. That's why we pushed the Senator to make sure that bill 265 does not get passed. No because if you give more force for what you guys are going to do with the land that belongs to the people. That cannot happen all the time it has to stop, it has to stop please. They need to find a way because this excuse for infrastructure that's been a long time excuse. Because there's no infrastructure there's no money for all those. That's why we're questioning why it's been a long time. Why can't they put up the power, the road and the*

water and if you cannot, give the people the land. Survey it and divide it and give them their slot. Give them easement so they can pass. But because of all the excuses of we have to follow certain guidelines. We have been surviving without any of those, we can raise chickens or plant something. If you are stingy then that is not right. We need all the reports including the salary of the people that are working here and whatever else is left after you guys spent.

Acting Chairman Michael Borja – Thank you very much Mrs. Torres. I appreciate your comments and you know you have every right to go and express those on the bill especially on Bill 265 as well.

Vice-Chairman David Matanane – On that 265 that she was mentioning that was just a recent bill that was supposed to be heard yesterday. I wonder why the Senator cancelled that meeting because in doing out that particular bill it is our main objective in Chamorro Land Trust and this other law that is coming through has already been done. I mean it's an additional law. That's our main objective Chamorro Land Trust we do have the commercial lease or license which are in need of in order for us to put infrastructure. As you know Mrs. Torres most of our people when we give them the land they come crying to us and saying that she cannot afford to put in a hundred and eighty thousand dollar worth of pipes or they want power. Where do we get the money ma'am? You know I'm just saying this and to realize that we are trying hard and if we don't have the money then we don't have the money. But the person that received that property it's incumbent upon them to you know if they're going to build then let them build, if they're going to put in the water that's fine. But what we're trying to do is trying to get that money in order for us to put all the infrastructure. But right now we don't have that money. So we're moving forward with that. We have our other plans and our plans that is going to come to fruition we're going to have worry about water or infrastructure. Thank you Mrs. Torres.

Acting Chairman Michael Borja – Mrs. Santos do you have any comments on that?

Commissioner Amanda Santos – No I agree with what Trini has just said I agree on that. The Chamorros should get their land right away because they're not going to live here forever. They need the land to survive.

Acting Chairman Michael Borja – And unfortunately I mean we're only working on the list that dates back to 1995 that is not an honorable thing and I think that's what I think many of the people who have applied for Chamorro Land Trust properties also feel. It's not you know our doing to try and hold back people but what our purpose is is to make sure that when they do receive lands that it's something that is not going to cause them further hardship. Like not having water or being on a side of a property where they want to grow agriculture and you can't even grow tangantangan. We're trying to do our best on all of this and we're trying to correct what was wrong in the past but it is a long hard way. But sometimes you need to have money to be able to do a lot of these things and that's what we have to work with as well.

2. Peter S. Aguon – My name is Peter Sablan Aguon, I reside in Barrigada. I was here last meeting if you remember and I just want to kind of follow up on the status and as far as my plan my whole plan is concerned I'm working on it. I don't have it now, I haven't finished it. I'm looking to other people's area to get an idea of what really is needed. My progress is like you mentioned the water; I have to pay six hundred eighty dollars just for the meter itself. I mean I'm going to do it because I need water up there but is there any way that the Land Trust can if I get the receipt because according to the plan you guys are supposed to you know to provide the utilities supposedly.

Vice-Chairman David Matanane – That's what we just finished discussing.

Peter Aguon – I know I understand that. Is there a program where if it comes through when you guys do have the money can we get reimbursement for that?

Acting Chairman Michael Borja – Oh I would like to have that done yes but unfortunately our goal is to try and get the infrastructure to the land and then you can use to tap on. Now what Waterworks wants to charge is way out of our control and as far as reimbursement goes there is no policy or legislation. But I understand it's expensive and it's what we have to all live with when we want to hook up water or hook up power but what we want to prevent is for you coming in and saying it's going to cost me eighty thousand or a hundred sixty thousand dollars just to put the pipes in to my land and I can't even afford the water meter. So what we're trying to do is prevent that part. We don't think its right for people to have to spend thousands upon thousands of dollars to run water into their property that we have allotted to them. It should be ready to use in many aspects with the power and the water and the road or an access is already available for them. But as far as that goes there is no law that allows us to do that that we are aware of or policy. You can always ask the question because if you don't you'll never know what the real answer would be. But if there is a way that we would be having a windfall of monies coming in from properties that we're leasing for commercial purposes that gives us the ability to do those kinds of things by all means. But what we're trying to do as well is some of the commercial properties that we're looking at and being able to develop is that the monies there can be used for doing other things like helping to get homes built and getting the programs in place for people to be able to build affordable homes on the properties that we're going to allot out. And that's just as equally important because I think if you have the difference of being able to build a home or put a water meter in I think you would rather have a home be put in and to help pay and to have great programs in place that can help pay for that.

Vice-Chairman David Matanane – One good example Mrs. Torres here we gave him he applied since 1995 he got his property and now he's coming back to us and saying can you pay for this?

Peter Aguon – No, no not pay, reimbursement.

Vice-Chairman David Matanane – That's your question whether we could you know reimburse you.

Peter Aguon – Exactly.

Vice-Chairman David Matanane – We gave you the property and you know Mrs. Torres you had been mentioning that we have to give it to them and you know here is a good example we gave him the property and now he's coming back and saying hey I have a problem you don't have water.

Trini Torres – *Excuse me that is good if they can get help from you. But it's not your business to decide not to give the people the land. Give the people their land, everyone and it's their business what they're going to do on the land.*

Vice-Chairman David Matanane – *Yes I understand it's our job to give out the land.*

Trini Torres – *We're losing our land and if we don't have our land then we're nothing.* We use our homeland we need to give out the land. *Let them raise chicken to feed themselves. So give out the land to the people.* Don't wait you have no right to decide for (interrupted).

Vice-Chairman David Matanane – No we have not decided any that we are not going to give any property.

Acting Chairman Michael Borja – Alright let me give the floor back to Mr. Aguon.

Peter Aguon – Really that's it I just wanted to follow up on the status of you know my requesting additional acres.

Acting Chairman Michael Borja – Have you been working with the Chamorro Land Trust?

Peter Aguon – Yes I have, I haven't submitted my plan yet but hopefully before the week is over. I didn't know that the meeting was today.

Acting Chairman Michael Borja – Yes it was kind of short the next meeting is going to be on the third Thursday of March.

Peter Aguon – That's all I got thank you.

Vice-Chairman David Matanane – Work with Mr. Camacho.

3. William D. Sablan – My name is William D. Sablan, D like David. Primarily I'm here just to see what this is all about because I'm forming a group where we'll be called the Determination Group which is similar to something like the Decolonization and what have you. But the thing is we want to see what's going on with the properties and lands of Guam and a few other things before we make our abrupt entrance into the political arena of Guam and the US. We are not against the United States and we are not against Guam under the present Government but we would like to see some changes made as to some of the how would you say it the politics of Guam. I don't speak Chamorro very well I grew up in the

Americas. So I'm an educated Chamorro but dumb at the same time because I don't know what's going on here. So I'm trying to learn a few of the things that we have. But other than that we're going to be keeping an eye on all the areas of Guam and we'll be meeting more often later on.

Acting Chairman Michael Borja – Thank you for coming Mr. Sablan welcome back.

4. **Rose Taitingfong** – I am Rosita Taitingfong from Mangilao. I was born in Mongmong in 1946 and my mother is a Chamorro from Guam. I am a U.S. citizen four years later. I am a direct descendant of Taotaomona. I am part Taotaomona, part Chamorro, part time U.S. citizen and full time colonized. That's me. I hear too many people complaining about Chinese, Koreans and Filipinos and whatever non-Chamorro occupying Chamorro Land Trust. I hear I have no proof I hear. I also hear that public schools have been erected on Chamorro Land Trust. I also hear that Lada Estates is being erected on Chamorro Land Trust. So the Chamorro land is scattered out. Now the small people like what Trini said who want to raise chickens so they can eat because we can't even go fishing because then they'll arrest us. If we can't raise chickens and give them coconut then we can eat. If they cannot then it's because they haven't distributed the people the land until they come out with so much money if they have that much money for infrastructure and everything they can buy one of those two-story and big buildings all over the island popping up those fancy houses but nobody can afford that. If they are stingy with the people with their rights then goodwill for public trust I'm confused okay and I liked to eliminate the confusion and I will believe again because too many opinions. So I am requesting for the original by-laws. I am requesting for the chronicle changes of the original by-laws, two. I am requesting for the most current by-laws, three. Four, I am requesting for the history of all the Directors since the start of the Chamorro Land Trust. I want to eliminate this confusion so when people say hey that Korean says get out because he's got the land I want to be able to confirm and say no this is this is this because I want to change my belief and trust again that you are my people. That I am my people and that you are concerned for me not the money. Your idea is to spread it out to the business so you can generate the money to put the infrastructure in for somebody. There has to be another system. Giving our land out to anybody for money defeats the purpose of having a Chamorro Land Trust to begin with. Thank you for your attention I am Rosita Taitingfong from Mangilao.

Acting Chairman Michael Borja – Thank you very much Mrs. Taitingfong. I appreciate your comments because you know I think as far as the Chamorro Land Trust was first created back in the early 90s it even states in the public law from that very onset and the lands are for the people yes but in order to be able to provide for the people as well there has to a means in which they need to raise money as a Commission and it also gave us provisions to have commercial properties for doing so. Now is our primary purpose to get out all the properties for commercial purposes it is not. It has never been. But what we do have that was set aside or had already been leased out for commercial properties we're managing. What we've been asked to do is to look to see what kind of properties might be available for others and it's not like we're going to try and give away tracts of land that would be best for agriculture or best for residential. But perhaps maybe lands that are along some of the business areas already that aren't suitable for anything else but for

commercial or may have already been zoned for commercial. And it's for the purpose of like we've mentioned before and I think what we have here is a good group of people who have all great concerns and I take it to heart as well because I understand. It hurts us to not be able to release properties out to the people for both residential and agricultural because we're trying our best in every aspect to get properties out so that you could have whatever you want to do as you want on that piece of property. Likewise we're also looking for methods for those who really are looking to have a place to live that we can build a community of homes and of lots that are all suitable and ready to go for like a miniature neighborhood as well. In many cases some of the lands that have been allowed for commercial purposes or we've given the rights for commercial development is in conjunction with our needs as well. We're not giving to them so that they can have it purely for their purposes and I'll use the Yigo properties that are being used to develop homes. There are three sets of tract of lands that are going to be for home development. Two are for private development that's private property it has nothing to do with Chamorro Land Trust. It's not even Chamorro Land Trust property but there is Chamorro Land Trust property adjacent to those developments and so we're trying to take advantage of the fact that these commercial home builders are going to build a bunch of homes inside go past Chamorro Land Trust property and all they need is for the road to be wider because that's what the building codes and road codes say needs to be done. And in return we can tap into the water, power and sewer that they're going to be running into those homes that they're building so that we can use it for our properties that are going to be right along near it. That's what we're trying to do and in that case we're not spending money that we don't have to do this but as we've mentioned in the past and we've mentioned before we want people to have properties so yes you can go and if you want a piece of property to grow your chickens and whatever you want that's great but if you don't have the water to drink and to bathe and to take care of the basics of your life then that's going to be very difficult. Because I think most of us if we start at a young age if I can haul five gallons of water to my house every day that's fine but when you start to get a bit older like me hauling five gallons of water is not a fun thing to do and you wake up the next morning feeling sore and wanting to take a couple of Tylenols. But we are looking out for the interest that is what we have been tasked to do as Commissioners to look out for the interest of the Chamorro people and we're doing our best to do so. Not in the interest of commercial that is not what we're all about but it is also part of the law that we have to understand that the two have to co-exist. In order to get the lands available and ready for people there are some properties that are in commercial areas that the Chamorro Land Trust owns and we use those property monies to be able to help with the infrastructure. There's more to it that we're still trying to do so the monies I think in the bill that Senator Pangelinan has is trying to identify a specific Trust fund so that nobody else can touch it because right now what happens is the money goes into the General Fund and somebody else (interrupted).

Rose Taitingfong – We got to stop that.

Acting Chairman Michael Borja – Exactly.

Rose Taitingfong – We hear your sentiment. Look at Saipan's method they call it homestead over there but they would bring in the road and the infrastructure. They bring in all the utilities in. All you have to do is build your house and hook it.

Acting Chairman Michael Borja – With all due respect look at where Saipan is compared to Guam right now.

Rose Taitingfong – They're ahead of us.

Acting Chairman Michael Borja – No I don't think so (interrupted).

Rose Taitingfong – Now if our method if all the money we can generate goes to General Funds it's going to get lost. We need to have it separate like the Airport like the Port if we have our own budget so we can work with it.

Acting Chairman Michael Borja – Exactly ma'am and that's exactly what we're trying to do.

Vice-Chairman David Matanane – And we have the control of those things.

Rose Taitingfong - How do we do this to have our own budget? How? Who do I approach? Ben Pangelinan? Who? Who can I ask that the Chamorro Land Trust must have their own budget?

Acting Chairman Michael Borja – The Governor.

Rose Taitingfong – The Governor? He sees more of PI than Guam. If I'm going to ask the Governor it's not going to happen.

Acting Chairman Michael Borja – Exactly that's why there's also other legislation like Senator Pangelinan's (interrupted).

Rose Taitingfong – So who at the Legislature and I will go there and talk to that person. If you cannot tell me I'll find it.

Acting Chairman Michael Borja – No, no the Chairman is Senator Pangelinan.

Rose Taitingfong – In the meantime who among you can give me a copy of the original by-laws?

Acting Chairman Michael Borja – Well you can go to the Chamorro Land Trust office and they will provide you with all that you need its just down the hall. Thank you very much Mrs. Taitingfong.

5. Robert Benavente – My name is Robert Benavente, I am from Mangilao. I represent myself and the Chamoru Nation as a Maga'lahi. Mr. Borja, Michael Borja, Primu Dave, Tan Amanda hello. I don't know who is this other Commission?

Acting Chairman Michael Borja – No she's representing the Executive Director who is absent today. She's Magarita Borja she works with the Land Trust and Land Management.

Margarita Borja (DLM) – And our Attorney Kathy Fokas.

Robert Benavente – Attorney? For who?

Margarita Borja (DLM) – From the AG's Office.

Robert Benavente – Thank you. Anyway my question Mike if you don't mind me calling you Mike I'm probably older than you anyway in the beginning you know I'm talking to the Commission and the boss I guess for the Chamorro Land Trust which is the Land Management okay in the beginning what did Chamorro Land Trust ever done to exploit this out to the people that are very eligible for this Land Trust? What have they done? That was 1995 I believe okay I take out my hat, what year is it today? 2014 that's probably 17 years ago. Is there improvement, is there expedition, is there any quality of how to go about with this? Is there comparison with the Hawaiians Trust Act who have made their move first? Do they have the Alaskan Act or some kind of note you guys visit to? You know because of that reason we as the Chamoru Nation took this under advisement by the Chamorro Land Trust that it is officially right for our people our native people and we took it upon ourselves to protest and demonstrate for it for months. We took it to court, we took it to the Legislature we took it to the governor and where is it today. We're entertaining commercial we're entertaining not enough funds. Since day one 1995 how much does Chamorro Land Trust from one administration and legislatures that they either amend for the best I guess or revise or rewrite or utilize by a self interest group or by a non-profit organization what? I mean to tell you the truth how do you call it the cement bag it used to be what five dollars now it's what eighteen, something like that? I mean it's a waiting list and people approach from 1995 recipients up to now they still haven't, most of them are dead. I was talking about 2005 I guess under the Chamorro Land Trust or something like that was mentioned and they mentioned something about surveyor. The surveyors itself having problems with communications liaisons I guess with the Land Management. The person that's already theirs built his house everything is up but he's not in the record. What is going on? I mean is this a circus program or what? I mean I was in the military, Primu you were in the military I guess.

Vice-Chairman David Matanane – No.

Robert Benavente – Okay I am very organized and I need to base myself of an organization that I will somehow depend on and I'm not talking about you especially. I'm just talking on behalf of what I believe that is true what detained from 1995 on up to 2014 and what has happened in between is all political. Political and it's all a grabbing selfishness. They're making the people that is eligible to get in there and it's getting more

expensive. Look before you get your water how much you have to spend; seven hundred, eight hundred what are you crazy. Trying to build a Chamorro Land Trust Act Jesus Christ we're not competing with the outside world or any private enterprise or private property or a Government. We are trying you know Chamorro Land Trust purposes is to place these people in there period you know. Putting it in revolving fund. Who's idea? It's the Legislature, the Governor approved it, who? The Attorney General approved it too? All these questions I will come back for more and this time I need answers because to me it's ridiculous. We gave birth to this child I expect for you parents to do likewise. I asked myself did my sibling graduate from the kindergarten no it's still in kindergarten. Why? Because of bureaucrat? I'm sorry to say this I am very sorry it's a poor judgment on the Government. I can't rely on the Government no more. We're going to react to some program that we're going to introduce to ourselves in the future that will prevent things from happening and it won't enforce the people that are eligibly legal to go inside Chamorro Land Trust go in there. And if it takes for the high tech world today I will have permission from the Land Management to get an aerial survey, period. An aerial survey because it's useless to survey a Government of Guam land it's useless. You're just making the people spend money which they don't have a lot not in this time. Believe me Mike and Tan Amanda and Dave and the rest of the guests there that's where I'm coming from. Enough is enough. If this Government doesn't change something will. In this new generation you can't control. Even if you're up there and you are President or whatever you might be deleted out of there. Reasons why enough is enough please I'm asking you guys nicely today. Tomorrow I don't know, I might not take my pills tomorrow. Today I take my pills trying to be nice, trying to concentrate and trying to know what's really happening with this dearest entity. Why is it that it's merged from Ancestral, Chamorro Land Trust to Land Management? Why? To save money? How much is this costing us versus the last time at Corn Building, versus the last time at other buildings? How much is it costing today? How much? Are we saving? It's just like the Revenue and Taxation from thirty five thousand I guess, I was on the talk host show with that Mike and they said it's costing this and that but it's better up there at Barrigada Heights. It's costing us more! Every time the Government of Guam makes a decision it's your own decision it is not the people's decision. That's why they put everybody up there that is very intelligent, very smart but one thing they don't have is wisdom, how to survive. The wisdom of wherever the Government of Guam is going is to a doomed. A dooms day and we're going to end up being a minority in our own island. The bottom line Mike I'm going to tell you it is for the rich not for the poor. That is so sad. I grew up Mike and Primu knows that we grew up fishing, ranching and farming whatever. In heart we're rich but today the value of that is gone. Because Tan Maria's farm versus the hotel or apartment there it got to go today. That's today. That's why when something things like this happen Mike you know they took the American knowledge of laws here and we provide it to the society we don't have fog here, we don't have snow, we don't have to accept the United States law if we don't want to. If they say you better or you're put in jail just ignore them let us see what they're going to do. Believe me Mike and I don't have time to be limit here because I know you know guys have limitations but this is our time we're paying you. Thank you.

6. Robert Baumgartner – My name is Robert Baumgartner, Toots is what I'm called from Barrigada. I've been on Chamorro Land Trust since 1990 and I just came here to ask some

information. Lucky I just met the guy that I've been looking for so many years. He was the person who surveyed my land. Since 1998 to 2014 it's not registered yet. The question that I'm trying to ask from here is I met Joe Borja when Joe Borja is done, I met Dungca when Dungca is done, I met Tom Elliott and so on and so on and up to this Director right now and it's still not registered. Am I right? On my property?

Margarita Borja (DLM) – I don't know.

Robert Baumgartner – Well it's not registered to this day. Anyways the question my daughter had her property resurveyed. When we had it surveyed that surveyor the Tagalog guy came in and took half of my house because his survey (referring to Paul Santos, DLM Chief of Cadastre) is all wrong. There are no markings, no nothing. Every Director that I speak to when he was trying to help me out left, it was changed. The only Director I think you know that sir about this right. Every time I try to talk to a Director he's always gone. It's always changed. I never speak to the Director now. I never did talk to him yet. The Acting Director right now I didn't really correspond with this yet. I know that guy is willing to help me okay. But that's not the point you guys should make a law that if any and it's you guys recommendation Chamorro Land Trust not you it was Chamorro Land Trust who recommend them to me for them right after the typhoon my house is since 1998 and I've been looking for him. When I went to start looking for him I talked to Carl Untalan when I was telling Carl Untalan he said no it can't be, can't be then later I found out it's his boss. He used to be his boss so I'm deadlock on that. The question there I paid three thousand dollars to resurvey that property. When I could get that money back and I can show you guys the receipt. When I've been trying to look for him when that I could get that money back? You know guys the Chamorro Land Trust was built for poor people like me. Residential, agricultural, commercial or whatever, it was built for me. If you give me a property like what you guys did you give me in the jungle I'll find a way okay to fix it all up. The Government's responsibility is their responsibility is to put water and power into that easement not me buying the pipes and what, no. They have been using that excuse for so many years, infrastructure. Give it to the Chinese because they got the money they gave them Chinese park. Before those things are not supposed to be that way. They were built for our children that are poor. You're rich now what about your great grandkids? Are they going to have the money like you? I don't think so. That's why we need to protect this today. You guys are now controlling Chamorro Land Trust okay. I've seen so many Directors and it's a lot of bs I'll be honest with you. One so far when I checked into the land for my daughter he responds fast and helped us. Only one Director, David, it's too bad he still acting to this day. You know you guys find a way and protect the land of the Chamorros. Find a way if you guys assign a surveyor tell the land agent to come and check if they put the markers there because there was no markers. I paid three thousand dollars. For so many years I've been looking for him now I found him in here and I asked Joffre Aguon is that Paul over there and he said yes I said okay thank you. That's why I asked him right now.

Acting Chairman Michael Borja – Okay so I think you've already been working with Dave Camacho right?

Robert Baumgartner – No not yet he doesn't know this situation. I just brought this up now to start now that I know that he's here.

Acting Chairman Michael Borja – Okay so who have you been working with?

Robert Baumgartner – Nobody yet only you guys I'm just informing you guys. Another question that I'm going to ask you okay since 1998 or 1990 something I want to know from you guys are you allowed to have two Chamorro Land Trust residential and agriculture now?

Margarita Borja (DLM) – Yes.

Robert Baumgartner – Can you? One say no one say yes.

Margarita Borja – You can have one of each.

Robert Baumgartner - See that's the problem because I paid fifty dollars twice and I got back then you could. I was occupying six acres there. Paul only surveyed one acre. What's going to happen to my five?

Acting Chairman Michael Borja – Okay so do you have a lease?

Robert Baumgartner – Yes.

Acting Chairman Michael Borja – Well then that's what we have to work with.

Robert Baumgartner – It was approved, my house was built up from SBA. Everything was approved but the problem there is how come my land is not registered? You guys make me build un-surveyed property and I just found this out. If the Federal Government finds that out my ass is grass or you guys ass.

Acting Chairman Michael Borja – No and that's one of the issues that we have there's a lot of property tracts that the Chamorro Land Trust has that are not registered.

Robert Baumgartner – Because there's two what happen for that residential one agricultural? The two lots that I paid I mean one parcel that's part fifty dollars. What's going to happen to that? One I already paid ninety-nine dollars okay with the fifty dollars. What about that other fifty dollars that you guys will not make me pay another ninety-nine dollars according to Tom Elliot that's illegal.

Acting Chairman Michael Borja – Okay well you know I cannot discuss the specific details on what you're asking for (interrupted).

Robert Baumgartner – I'm know I'm making you know ahead.

Acting Chairman Michael Borja – I understand but I really need you to be working with one of our agents specifically to get the details of this. Margarita Borja who is representing the Director right now will get your name and your information and then you can check with her as well later on or she can work with you and assign you with a specific land agent so that you guys can go through the details of all of this. But you know as far as if you have a lease in what we are doing is we are honoring whatever has been done in the past.

Robert Baumgartner – Yes but see only one. Only one I got the residential lease for ninety-nine years what about the agricultural? I already paid fifty bucks.

Acting Chairman Michael Borja – Okay.

Vice-Chairman David Matanane – That's an application fee the fifty bucks so you submitted two applications so you paid for the application fee.

Robert Baumgartner – They can't find my application that's the thing.

Vice-Chairman David Matanane – You got the receipt?

Robert Baumgartner – I got the receipt.

Vice-Chairman David Matanane – Then bring it in we want to see it. When you receive a lease that's when you pay the ninety-nine dollars.

Robert Baumgartner – Already that was paid.

Vice-Chairman David Matanane – Okay so you got one lease already.

Robert Baumgartner – Yes but what about the agricultural? They cannot they won't lease me they will not give me. I'm just basing what the Director said.

Acting Chairman Michael Borja – Like I said they'll get into the details okay.

Robert Baumgartner – That's why I was trying to check Dave to help me out because something's wrong.

Vice-Chairman David Matanane – And we have a lot of those things too and we're trying to rectify it.

Robert Baumgartner – The problem with Chamorro Land Trust the problem there is time. You know you don't give the Chinese because they have the money just to put the infrastructure. The Chamorros they are survivors they don't need to have infrastructure they could always build it by themselves. Yes those people will say we have no power we don't have water can you help us. The Government's responsibility is to put any easement the water and the power.

Margarita Borja (DLM) – What do you currently have? An agricultural lease or a residential?

Robert Baumgartner – Only residential lease. When I came in there I found out that Balbino got fired, Mesa got fired and that's everybody.

Vice-Chairman David Matanane – There's a lot of problems that the reason that's the delay. It's not that we don't want we need to fix it before we move forward

Robert Baumgartner - I'll even show you the letter what Tom Elliot wrote me up.

Vice-Chairman David Matanane – Bring it in we would like to see it I hope that the files are still here.

Robert Baumgartner – No files, I got the receipt I got the letter that the Director wrote me.

Acting Chairman Michael Borja – Just bring in all your documentation and they'll work with you.

Commissioner Amanda Santos – How come you didn't call the attention of Tom Elliot when that thing was happening?

Robert Baumgartner – I did. He was the one that wrote me the letter that says you're not supposed to have two lots. Back then you could. He said no it never did Joe doesn't know what he's doing.

Commissioner Amanda Santos – Most of them are crooks.

Acting Chairman Michael Borja – Okay thank you very much.

Robert Baumgartner – Thank you.

7. Rose P. Taitano – My name is Rose Perez Taitano from Mount Santa Rosa, Yigo. It's sad and it's seventeen years since the way we protested down at Adelup for four months, three months and there's no additional people that are getting lands at all but there is a lot of new rules and regulations that they come out with and it blows me away. People I believe there's like twelve thousand now that registered with their fifty dollars and there's no hope. And it's sad like I said if it's seventeen years they're dead. If my parents had applied they're dead I'm on the dying list, very close. Life is too short we're just passing through and its hell now here with the kids calling needing land. It's so sad when we feel, we're colonized by our own people and we're colonized Spanish, Japanese, you name it, American. On our way of life we're being robbed. We were in the history book as the most believable creatures they're so unique, they're so kind, they're so open hearted, friendliest island in the world, paradise you name it people are dying to come here. A lot of them just look at our place and fell in love with it. A lot of military stationed here or passing by they say this is paradise. It is better in Saipan because when they come up with the

Commonwealth they wrap it up and they own their own land. Even if you're married to one of them you don't get it only the children. It don't matter who you marry, if you're Chamorro you get it and the kids pass it down. You don't have put a Will or when you kick the bucket the kids are getting it. With new rules and regulations now it seems the American way is just defacing the value of life itself. Trying to survive in a world full of hate and yet other nations do come in and kill each other in our own back yard. Excuse me Micronesia I'm one of them I'm the biggest one but I don't want to be known as the Micronesia with the Chuukese family. The gang related, the rape gangsters again from their island and excuse me but they just found out last month or two months ago that ninety days if they don't get a job or go to school they're out of here. America is sitting back going oh, that was in the rule? Hello? We open the door what's his name Bordallo out of the goodness of his heart because like Trini was saying you know we are teaching our teachers our aunties, manam'ko, taotaomona telling them what is wrong and what is right. There was no killing in Guam, hello. I think the first one is when the military rape in Marbo and they killed the black person two of them they just demolished them in Guam. They went trial in the States brought them back that was to us as a Chamorro we don't kill we love. And when they said your parents and your grandparents and great, great teaches us when somebody is hungry feed them when somebody is thirsty; it's in the Bible. The teaching of the Lord it says open your heart. But then it gives us a sense too of we're being invaded. Our way of life we were being robbed and colonizers excuse me we're the one that are well off. We're not evil, we're loving people, peaceful people. Talk about prejudicm excuse me we never heard of that word here. With the colonizers telling us your savages your thieves excuse me you're in my bedroom get out. And that's how I feel about these business people that bill that Ben Pangelinan 265 heard about us getting radical and getting like hey they found out we're going to do something not nice, not dirty, hello. It is evil. Satan is controlling this earth. It's so sad when our own people are ashamed that they're Chamorro, they don't speak Chamorro. I don't know is there someone here on the table that don't know how to speak Chamorro? Raise your hand please.

Acting Chairman Michael Borja – I don't but I can understand it.

Rose P. Taitano – So it's sad.

Acting Chairman Michael Borja – It is sad.

Rose P. Taitano – It's sad.

Acting Chairman Michael Borja – I don't have to explain it to you why I don't but I just need you to get to the point. I understand your comments and you know the politics of the past are something that is the past and we're trying to move forward and trying to be more proactive in what we're trying to do for everybody. I mean if I wanted to go out and just take a deck of cards that has a pot of land and just throw it out to the crowd that would solve our problems I guess for many people in their minds but that is not the way to do it. We have to be more orderly about it. Mr. Benavente likes to be the guy who's orderly, I'm an orderly person too and I think our Director who is unfortunately off-island combating his own personal medical illnesses is a very orderly person, has a great vision on what he's trying to

do with the Chamorro Land Trust. You know the comments brought on why we suddenly merged well in the reality of this Government you can't be paying more people you got to do more with less. And in the synergy in the unification of Chamorro Land Trust, Ancestral Lands all working with Land Management is not because Land Management is taking over of them but there are able people, very highly qualified people in the Land Management department that can greatly assist both the Ancestral Lands and the Chamorro Land Trust in getting the job done. Where in the past those individuals that we needed that can do those things no longer existed, were no longer present in the organizations and so those organizations in the past were extremely limited in being able to do a lot of things. And so now looking at the reality of today's Government where whatever mandates but the most important mandate is money. If you don't have the money you can't do a lot things but you got a lot of people saying I need a lot of things done. With all due respect to Senator Pangelinan's bill which many of you here today are greatly in opposition that is your opinion and I highly respect it. But the opinion of the Chamorro Land Trust is that we can't really move forward if we don't have the ability to collect certain monies from properties that are already been made zoned as commercial that are in commercial areas that belong to Chamorro Land Trust that are currently unused. And I don't think you want to set up a ranch or put a house in the middle of a commercial development to be able to allow those properties that are in the areas that are going to be beneficial for residence and agriculture so they can be used. I mean there are days when we sit here in this meeting and we have people coming and saying and I'm sure even the Chamorro Land Trust agents get the inquiries by phone calls or visits saying I cannot use this land it's not suitable for growing, why did they give me property that's poor for agriculture. And that's the point we're trying to correct some of the wrongs in the past and trying to proceed forward without making those same kinds of errors. We're not moving as fast as any of us want and that is fact and that is what I'll continue to always say. It's not right because the people in 1995 who signed up for this some have passed and have not realized the dream and that is not a nice thing either. Because the dream is for the people who have no land to have the properties to do what they want and that's to build their homes and to have their farms and to enjoy the land of this island. We all know this is a tiny little island it's hardly even a dust speck on the globe but it's precious to all of us and it's precious to you and to your descendants and to your relatives as just as much as it is to me. I find it fortunate that my only property that I have is the house I live on which I was able to purchase. But I didn't come back to this island I served my country in many different capacities before I returned back to Guam. I didn't have any land. I worked hard and bought my own house and that's where I live in and it's not anything grand. I don't have a view. In fact when it rains really hard my road turns into a river and my yard becomes a flow of water around it so it's not like I'm in the best set of property in the world but it's mine and I own it and I live in it and I take care of it. I think many people as well who aren't as fortunate to do that we want them to have that dream too but we want them to be able to at least have the water line. I mean I was deeded some property by my mother but I can't use that property because there's no water and there's no power accessible down to it and then I wouldn't have to pay thousands and thousands of dollars to use. It wouldn't make sense it's not feasible right now. Of course someone else mentioned as the years go by it becomes more and more expensive and yes it does. In 1995 getting a water meter cost you I don't know fifteen, twenty-five dollars not six hundred and some dollars which is you know ridiculous but that's what the going rates are for these

kinds of things because that's what it cost. But Mrs. Taitano I appreciate your comments today and we all do and we appreciate everybody who came in, Ms. Torres, Mr. Sablan, Ms. Taitingfong, Mr. Benavente, Mr. Baumgartner and to you as well. We take your comments with great weight and it helps us in forming how we feel where we need to move in a direction. So do you have any other comments?

Rose P. Taitano – No my husband is a retired military, retired Government of Guam worker, our land is inherited but in Guam. We buy land in the states and sell it when you move. It's not my children either it's the others that I watch homeless Chamorros getting kicked out from GHURA because they live with their sister because they don't have homes, excuse me. People are being mistreated, homeless on Guam is not only thousand it's more than thousand, doubled and they're hungry. They can't afford, they can't apply for any foodstamp, welfare, Medicare, Medicaid because the system said no.

Acting Chairman Michael Borja – And the system just got harder today. The laws just change.

Rose P. Taitano – People are dying and they need a place to stay to sleep I don't I got just like you.

8. Trini Torres – First of all I wanted to know who you are, your name in what capacity are you? You're the Chairman?

Acting Chairman Michael Borja – Ms. Torres all this information is made available at the Chamorro Land Trust and I know you have a number of questions. I am Michael Borja I am the Acting Chairman of the Chamorro Land Trust Commission. Mr. David Matanane is a Commissioner and a member and Ms. Amanda Santos is also a Commissioner and a member. We have two vacant seats on the Commission which have not been filled and as such without the three of us present at every meeting we could not have a meeting. We must have a full presence of all three of us otherwise a quorum cannot be made and we cannot conduct a meeting. Those are the members of the Chamorro Land Trust Commission. The Executive Director is Mr. Monte Mafnas he is the Administrative Director of the Chamorro Land Trust Commission and his other hat is the Director of Land Management. The Acting Administrative Director is David Camacho he is not present today. Mr. Monte Mafnas is also not present because he is off-island taking care of his medical illness.

Trini Torres – And who is it who said they don't know how to speak Chamorro?

Acting Chairman Michael Borja – I don't Mrs. Torres.

Trini Torres – How come?

Acting Chairman Michael Borja – Well Mrs. Torres because I don't need to discuss my personal issue with that.

Trini Torres – No it's very important.

Acting Chairman Michael Borja – I grew up in a family not here on this island and while Chamorro was spoken around the house we weren't expected to speak it okay. Thank you Ms. Torres we need to move on with this meeting.

Trini Torres – Excuse me but you do need to learn.

Acting Chairman Michael Borja – No ma'am I do not need to discuss the personal issues.

Trini Torres – You need to learn, you need to learn, you can learn it because this is important to the Chamorro people please.

Acting Chairman Michael Borja – You're right thank you.

Trini Torres – I hope you take that by heart thank you.

Acting Chairman Michael Borja – I do. Okay is there anybody else present that wants to speak publically? And Ms. Torres you know some of your members that were here are also unaware of not being able to speak Chamorro whoever with this group that came in today and I don't fault anyone for not understanding or being able to speak a native tongue but while I cannot speak Chamorro I can understand it but my heart is here okay.

9. Rose Taitingfong – I'm sorry when I spoke earlier I didn't realize that.

Acting Chairman Michael Borja – Oh no I understood you ma'am don't worry about it.

10. William D. Sablan – I finally met somebody that can equal me not knowing how to speak Chamorro fluently.

Vice-Chairman David Matanane – Your name is William D. Sablan right?

William D. Sablan – Yes it is sir. Nothing pertaining to language and what have you, we're all here English and Chamorro are one and two languages here on the island so either one you can speak, speak it. But other than that as long as we understand one another and we have new understanding that's all that matters.

Acting Chairman Michael Borja – That's exactly right sir. I don't think I was named here because I didn't have the heart for it you know I do. Today of the two, three years I've been doing this this has been one of the most colorful meeting I've had to attend and to hold. And I've enjoyed this meeting because you know why I'm hearing from the heart of people who deserve the properties and while you may not be the ones that spoke that are looking out for yourselves you're looking out for people who have a voice that's not normally spoken out okay and I think that's very important.

William D. Santos – I'm like you I was gone for twenty years and in my house we were not allowed to speak Chamorro unfortunately and I learned it forcefully when I came back because I would get beat up by the Chamorro boys. Every time they see me they would say I'm half Chamorro and I said I'm getting tired of getting a bloody nose all the time so I better start learning how to speak this language. But I tell you what though when it came time for orientation or dissertation in school they all kept their mouths quiet. But other than that though I understand your point. But please help our people out that's all I'm saying.

Acting Chairman Michael Borja – That's what we're trying to do and contrary to what I think some people might hold in their beliefs we're not in the interest of looking to give properties out to other ethnicities and other folks for commercial purposes that's not what we're here for. The issue is to make sure that there is a balance actually not even so much of a balance so we can provide for those who need there has to be a means to do it. It's really tilted like this the properties that are available for commercial are a small amount but they have to represent an enough amount that we can make from in order to accommodate and pay for the needs of the lands and we haven't been doing a good job at it because the monies while some have been coming in and we've been keeping track and part of the thing was some commercial properties in the past administrations have been leased out and people haven't been paying and so we have been going forward trying to collect on these now the next step is to isolate or we know where the monies been going and it's identified now to keep it there for our use.

William D. Santos – The Chamorro Land Trust now it's the old arrendo type program that was here before?

Vice-Chairman David Matanane – No.

William D. Santos – Totally separate. Okay where is the Chamorro Land Trust office now where I can go and see?

Acting Chairman Michael Borja – Right here down the hall.

William D. Santos – Land Management?

Acting Chairman Michael Borja – No down at the end of this hall pass the elevators is the Chamorro Land Trust office.

William D. Santos – So we can refer people to your area in case they're interested in property.

Margarita Borja (DLM) – Yes.

Acting Chairman Michael Borja – Oh yes and those who have signed up and need to get clarification on where they stand or what's going on.

William D. Santos – So those with applications and all that.

Acting Chairman Michael Borja – And those who have been assigned properties and now need to get the survey. We have been issuing out properties commercial and residential but we're going by the list. A problem occurred a while back where it became extremely political and properties were being given out out of order and it became well known publicly and as a result you know there had to be a correction to that and we believe it needs to stay on that course of assigning properties out to people according to the sequence in which they signed up for because that's only right. I mean the guy who stood in line forever and ever and ever and is the number 99th person who signed up shouldn't be jumped by the 5,000th person just because he knew somebody that could help out. And we have been very clear about that in many aspects around here where people stand.

William D. Santos – Okay.

Acting Chairman Michael Borja – Thank you very much.

Commissioner Amanda Santos – I'm speaking as a Chamorro and from a Chamorro prospective especially if a Chamorro was denied Chamorro land. Chamorro Land Trust was being used and abused by former high officials for political votes. And some of these Chamorros were given land out of a golden platter it was already surveyed and with clear title. This corrupted methodology has prevented all means of infrastructure to be installed in other Land Trust lands. I believe Government and money was used for all these political demise. Thank you.

V. OLD BUSINESS

1. David Herrera – Status of grazing request

Acting Chairman Michael Borja – They've identified some property for you. I think a long story short on this for the grazing the thing is it is zoned as R-1 Residential single family dwelling.

Marvin Aguilar (DLM) – Basically my assessment of the property and we did go out and did a site inspection of the property and it's undulated. There's a lot of hills and it's typical of the area where you have a lot of; it's supported by hydrology that further supports wetlands and waterways. It's pretty much typical throughout the Pagachao area and it's unfortunate that this subdivision it was plotted on that property. There are some parts of the subdivision that can be utilized that have been utilized for residential use and it's evidenced by the various single family housing developments around Lot 18. But it also appears in going out there you can see that the property has not been developed and it's because of the topography the extreme topography, the various wetland areas and the obvious river way that goes down the middle of the lot. It's my assessment that I think it is my personal opinion that that's the reason why the property has not been developed for residential use. The fact that the property is R-1 the reality is the property lays idle because of these practical difficulties before it so it can't be used for residential use. I feel that it can be used for other uses to include non-intrusive development such as pasturing, grazing, low key farming and of course conservation.

Acting Chairman Michael Borja – So because this land is rated residential would that withhold the ability to be used for grazing?

Marvin Aguilar (DLM) – I would take it a step below it which would be agricultural use.

Acting Chairman Michael Borja – Right so does it have to go through a rezoning process to be turned back to agricultural?

Marvin Aguilar (DLM) – Not necessarily only because if you were to talk a land use plan the question is can you develop on it the answer is yes. Are you going to have to spend a million dollars to build on it? Definitely.

Acting Chairman Michael Borja – But I don't want to run into the same issues as Mr. Aguon had when I think he started his piggery on an agricultural and suddenly became zoned for residential now he's looking to have to relocate his animals.

Marvin Aguilar (DLM) – In my report I forgot who is currently on the property but there should be ample space there to provide certain buffers. The thing about non-commercial farming or for that matter grazing is that the property in certain natural processes can be reverted back to other uses. Whereas if you were to develop that you know apply manmade development on it it can't revert back to its natural state. The reason why I say that the reason why that's important is because as technology progress when materials become lighter you can actually expand bridges through this property and actually develop this into residential properties.

Acting Chairman Michael Borja – But that's a lot of work.

Marvin Aguilar (DLM) – That's a lot of work. I see an opportunity here where you can accomplish a win-win situation by allowing the property to be used for something provided that you separate the two uses and that the use itself is limited in either time or in space.

Acting Chairman Michael Borja – Have you had a chance to see this property?

Margarita Borja (DLM) – He currently is occupying it. He's currently occupying but his initial request was for another lot, Lot 252-1 in Agat which is zoned agriculture which actually was a part of his packet. He initially came in to request for that piece of property. Because he was utilizing the current site which is Tract 319 we went ahead and we did an assessment just to see if we would be able to accommodate because he's already there.

Acting Chairman Michael Borja – So to enlarge it?

Margarita Borja (DLM) – And this is his findings it's in R1 and it's you know.

Acting Chairman Michael Borja – Suitable for grazing.

Margarita Borja (DLM) – Suitable for but we have another lot which is 252 which he initially requested which is already agriculturally zoned and that was his first presence. Second was this so we have a choice now either to give him an agriculture zoned property which his request was for fifteen acres and I believe we're looking at the 252-1 in Agat which is agriculturally zoned at fourteen acres.

Acting Chairman Michael Borja – But you're already in this current area.

David Herrera – Yes sir Mr. Chairman.

Acting Chairman Michael Borja – And you were just trying to get additional adjacent property so you can expand it out.

David Herrera – Correct.

Acting Chairman Michael Borja – But you're already using this full thirteen point nine acres?

Margarita Borja (DLM) – No without authorization.

Acting Chairman Michael Borja – Oh without authorization.

Margarita Borja (DLM) – Because he lives across the street from there he was utilizing it.

Acting Chairman Michael Borja – So what's the recommendation?

Margarita Borja (DLM) – So it's either we give him the 252-1 which he initially requested for and is agriculturally zone or his alternate was to look at Tract 319.

Acting Chairman Michael Borja – Well will this being fully authorized to use this area now be better?

David Herrera – Very much better for security.

Acting Chairman Michael Borja – Because you already know you've already got this thing set up for this piece of property right.

David Herrera – Yes sir.

Acting Chairman Michael Borja – And these neighbors that are adjacent to this property are okay?

David Herrera – Plus or minus.

Acting Chairman Michael Borja – Really.

Marvin Aguilar (DLM) – Sir in my report what I did note is the potential to have some form of co-use of the property as a whole but what Mr. Herrera has to understand is that people only complain when they smell it. So it would be appropriate if the Commission may if I may consider requiring him to implement some kind of buffering, appropriate buffering a green space buffering away from these residential lots.

Acting Chairman Michael Borja – Which is only on a couple of places right.

David Herrera – Right.

Acting Chairman Michael Borja – There's only a couple of houses that are; well I see a structure that's on the property is that your structure?

David Herrera – No it's coral, three or four backfill it's for the backfill.

Acting Chairman Michael Borja – Oh okay so then we're looking at those three homes that are off on the; towards the center.

David Herrera – Right.

Acting Chairman Michael Borja – Have you already have fence line put up along some of this area?

David Herrera – I'm basically using rope and chain.

Acting Chairman Michael Borja – Oh you're tethering the animals.

David Herrera – Right until I have a definite perimeter markings then I'm going to install the proper fencing.

Acting Chairman Michael Borja – And how many total livestock were you using?

David Herrera – Right now I have five cows and two carabaos. I just bought a couple of goats up in Yigo. So I'm ready to expand now that I understand where the property is at then I can start with planting the high protein forage and set it for a permanent operation for the next five, ten, forty, fifty years down the line.

Acting Chairman Michael Borja – Okay but how many total livestock you were looking to introduce?

David Herrera – I have to make a new computation for this thirteen point nine. The first computation I made was for the fourteen acres and the fourteen acres had several problems with it because there are two creeks that run parallel (interrupted).

Acting Chairman Michael Borja – In this piece of property we're talking about?

David Herrera – On the 252 so that kind of reduced the forage spacing versus this property now.

Acting Chairman Michael Borja – Do you know who these neighbors are?

David Herrera – Yes sir.

Acting Chairman Michael Borja – Are they relatives?

David Herrera – Relatives, friends because they basically moved in right after the Chamorro Land Trust was implemented in 95.

Acting Chairman Michael Borja – Okay and so they would be the ones who could potentially have some issues if the grazing was near your home.

David Herrera – Right and you know you brought up a very good point regarding Mr. Aguon's operation. His operation is piggery and normally with piggery right you're required to have a cesspool, septic tank for your drainage. Now with the cattle grazing operation the cattle normally discharges their solid matter in different areas so that's where we have to separate the property and bag up or subdivide it in certain areas where you don't concentrate on one particular area for them to over accumulate their waste matter. So you kind of spread the cattle within this particular zone and then the solid matter that goes down to the ground will become fertilizer at the same time enriches your soil so it's a win-win situation.

Vice-Chairman David Matanane – So the 351 is thirteen something.

Acting Chairman Michael Borja – 319.

Margarita Borja (DLM) – Tract 319.

Vice-Chairman David Matanane – The 319, you are residing right next door right?

David Herrera – Yes.

Vice-Chairman David Matanane – Now the other one according to Mrs. Borja that was Lot No. 252-1 which is way out of where you're at right?

David Herrera – Right that's about three miles four miles away from my primary dwelling.

Vice-Chairman David Matanane – I believe for grazing we have some limitations right? I cannot recall how much land that's supposed to be given for grazing but within that limitation you think; I'm not too sure how much land is given. Can you check that one out what is the limitation for grazing? As you know that one is thirteen and other is fifteen.

Acting Chairman Michael Borja – Thirteen point nine.

Vice-Chairman David Matanane – Thirteen point nine and the other one is fifteen point six right? And what's your preference Dave if I may call you Dave?

David Herrera – 319 would be best for both applications.

Vice-Chairman David Matanane – So you would prefer that.

David Herrera – Yes sir.

Vice-Chairman David Matanane – So you would give up what you are occupying right now at 319?

David Herrera – No 319 would be first preference.

Vice-Chairman David Matanane – Ideal for you and not this one? And not 252?

David Herrera – Yes sir.

Vice-Chairman David Matanane – You have seen the place.

David Herrera – Yes we kind of did a preliminary assessment if you notice the first pages of my grazing plan Dr. Thorn came here Thanksgiving and I asked him a big favor to help me compute the production of forage in 252 and the maximum we can raise on 252 is ten cattle because of the topography number one. And number two the creek or river that runs parallel through the property and it subdivides the property in three parcels therefore minimizing your grazing capability versus having a lot of pago, bamboo and bettlenut.

Vice-Chairman David Matanane – Understood but you prefer the current area of 319 right?

David Herrera – Yes sir.

Vice-Chairman David Matanane – You have seen 252.

David Herrera – Correct.

Vice-Chairman David Matanane – And it's bigger.

David Herrera – Yes 252 is bigger.

Vice-Chairman David Matanane – You explain to me why you cannot graze in 252 because it's limited because of all the, it's mangrove only.

David Herrera – Actually it's a lot of wetlands.

Vice-Chairman David Matanane – I understand where you're coming from but since you're occupying 319 and you still don't have the paperwork I think we should pursue to try and get you in order right Mr. Chair because if he is requesting for that and it is ideal for him and you're already set to go right?

David Herrera – I'm very much, very anxious.

Vice-Chairman David Matanane – Three meetings right consecutively you've been here and I think we should try and settle this thing and its ideal for him because he's right next door right? It's your private property on the other side?

David Herrera – Yes sir.

Vice-Chairman David Matanane – See you're still at home. Thank you. I just wanted to question and I believe this is less than the requirement of twenty acres for grazing use.

Acting Chairman Michael Borja – Can be no more than twenty acres.

Vice-Chairman David Matanane - So you would accept that thirteen.

David Herrera – Yes thirteen is (interrupted).

Acting Chairman Michael Borja – Thirteen point nine.

Vice-Chairman David Matanane – I believe we should have Mr. Camacho or Mrs. Borja take care of that.

Marvin Aguilar (DLM) – If I may again sir the report was an assessment of the property one of the other question that Chamorro Land Trust was asking was which you brought up was about the zoning. I just want to make it clear that there's kind of a fine line between zoning and land use and the opinion that I'm expressing in this report is regarding the land use and as we identify land use today. Notwithstanding the property is zoned R1 there is no statutory room for grazing or farming in an R1 zone just to make that clear. We are in favor of the use of this property because of its current condition however we would be opposed to it if the property was converted completely for agricultural use including fixed structures and the sort where it's actually used for agriculture.

Acting Chairman Michael Borja – Okay so then if we just go specifically and go for the lease on this that it's with the condition of knowing that it is zoned R1 but it's for the purpose of grazing only right. And then for the growth of some of the products some of the plants you said you need to grow right.

David Herrera – And the rules and regulations Mr. Chairman also state some of the limitations like what Mr. Marvin was mentioning of building a structure and operating an agricultural kind and integrating it into the grazing system. There's some limitation and based on the rules and regulations that we have now on Public Law 23-38.

Acting Chairman Michael Borja – So what you can't build out there it's just for grazing but can he build anything for holding the you know if there is any kind of (interrupted).

David Herrera – Oh like the barn.

Acting Chairman Michael Borja – Yes barn or something to store the (interrupted).

Marvin Aguilar (DLM) – I'm referring to like excessive fixed structure development. If it's something that he needs that's minimal to support with that would be fine. The whole idea behind there is would there be an opportunity for the property to be reverted back to its intended use for residential development in the far future.

Acting Chairman Michael Borja – I see so it's not altered in significant ways that we can't return it back.

Marvin Aguilar (DLM) – Also sir the property was zoned to R1 through Public Law 22-14. At best what we can do what I can do is I can bring this matter up before the Guam Land Use Commission which (interrupted).

Acting Chairman Michael Borja – But the problem with this particular lot is that it's not really usable for homes like it's intended for without significant manipulation to the land.

Marvin Aguilar (DLM) – No current development trait right now they emphasize best use practices and of course the green approach.

Acting Chairman Michael Borja – So the best use practice for this is (interrupted).

Marvin Aguilar (DLM) – I mean he is not a Texan grazer with fifty to fifty thousand heads. I think he's trying to accomplish maybe fifty or sixty heads which I think is a durable number.

Margarita Borja (DLM) – I just also want to note that originally the lot was fifteen acres but we've issued out, we haven't issued out any leases but those six individuals who were given some sort of authorization to survey.

Acting Chairman Michael Borja – Okay and where was that at?

Margarita Borja (DLM) – They have not surveyed.

Acting Chairman Michael Borja – So you haven't taken that piece of property into account that's excluded from this area.

Margarita Borja (DLM) – Right but I already brought it down to thirteen point nine. So originally it was fifteen so two acres I took out.

Acting Chairman Michael Borja – Because we have given authorization for these people to survey the property so they can receive the land and we're going to leave that open for them okay.

Margarita Borja (DLM) – So the remainder would go to Mr. Herrera.

Acting Chairman Michael Borja – Okay.

Paul Santos (DLM) – My name is Paul Santos I'm the Chief Surveyor, in pursuit of the parceling initially parceling into half acre parcels Margarita asked me to do a table top survey and so I did. I overlaid the Ladar contour data that we had and I laid out the parcels and in that exercise the road as designed would be like fifteen percent grade. The parcels would be twenty to thirty percent which means that these are not your ordinary buildable lots.

Acting Chairman Michael Borja – Fifteen percent grade on the road?

Paul Santos (DLM) – Yes as it is and probably more in some cases and then it would traverse a creek so that was the table top exercise using available data and then we actually went out and looked at it and our confirmation is that it's not reasonable at this point in time to try to pursue a (interrupted).

Acting Chairman Michael Borja – Where does this creek pass through? What part of the property is this creek?

Paul Santos (DLM) – On the southern end towards the (interrupted).

Acting Chairman Michael Borja – Towards the ocean?

Paul Santos (DLM) – No away it's probably on the eastern end of the boundary.

Acting Chairman Michael Borja – So it's flowing down towards the ocean?

Paul Santos (DLM) – Yes eventually it will get but within that area there will be wetland and it's delineated in the back.

David Herrera – Just notice that dark green there Mr. Chairman from the top side that's going downward you see the dark green vegetation then you see some reddish light green the dark green indicates the path of the creek on the top side.

Acting Chairman Michael Borja – Okay I just want to make sure we're not messing up someone's water supply.

Vice-Chairman David Matanane – Because it's ideal for you to get your cows and whatnot your water supply.

David Herrera – That's a good water source again.

Vice-Chairman David Matanane – Don't dump it up okay don't put a damp on it.

Acting Chairman Michael Borja – Okay do we need to have a formal approval of this by the Board? Okay.

Vice-Chairman David Matanane – Move to accept the request by Mr. Herrera and have him work with Director Camacho and Mrs. Borja.

Acting Chairman Michael Borja – Okay so the motion is to approve the request for David Herrera his grazing request to use Tract 319, Block 6, Lot 18 in the municipality of Agat and the property is rated as a R1 Residential but could be used for grazing it is less than twenty acres of land and it is only thirteen point nine acres. Any second on the motion?

Commissioner Amanda Santos – I second it.

Acting Chairman Michael Borja – So the motion has been said and a second has been made. Are there any other discussions or comments on this?

Vice-Chairman David Matanane – Just to emphasize Tract 319, Block 6, Lot 18, Municipality of Agat.

Acting Chairman Michael Borja – All in favor say aye.

Vice-Chairman David Matanane – Aye.

Commissioner Amanda Santos – Aye.

Acting Chairman Michael Borja – Aye. Ayes have it good luck Mr. Herrera. Thanks for your constant presence.

David Herrera – Thank you so much. I thank you so much for your leadership and the staff.

Acting Chairman Michael Borja – Good luck to you and your family.

David Herrera – I understand it's a hard task what you guys are facing with. I've been with the Chamoru Nation since back then up until now I can see a very positive evolution in the structure and the implementation of best business practices.

Vice-Chairman David Matanane – And you're so calm Mr. Herrera.

David Herrera – Thank you sir.

VI. NEW BUSINESS – None.

VII. DIRECTOR'S REPORT

1. Revenue collection report from the month of January 2014

Acting Chairman Michael Borja – One of the issues that was brought to my attention by a citizen was on the lease that the Chamorro Land Trust has with the Guam Resource Recovery Partners down in Agat and the question that was brought up was the issue of their rental payments. The information I was given was that the rental payments were allowed to be stopped because of a litigation that they are undergoing right now. In this statement that we have there's over 90 days past due of $17,600 for that group. I would like to ask that the attorney's office could please look into the matter of whether or not a lease that's been provided by the Chamorro Land Trust for commercial purposes if the lease payments can be halted in any way. And I don't believe the Chamorro Land Trust Commissioners have permitted such a cessation in the lease payments and that when we grant a lease the payments are to be made without exception unless they come forward to the Commission for any kind of reason to hold back. So if we can just get that, our next meeting is not until the third Thursday of March so if there is a way that information can be passed on to the Administrative Director so we can take a look at that and move forward on this matter.

Assistant Attorney General Kat Fokas – Is it possible to obtain a copy of that lease?

Acting Chairman Michael Borja – Yes, Margarita will get you guys that.

Vice-Chairman David Matanane – If they continue not to pay that we will terminate whatever lease and they won't have; what they're pursuing for I believe which is for a dumping area but if they feel that they're not responsible on that lease we can always terminate it.

Acting Chairman Michael Borja – Well yes and I think what we need to do is we need to find out what the facts are on the matter first and then proceed with that because like we've had in the past we'll have a discussion specifically with the leaseholder or in this case I think (interrupted).

Vice-Chairman David Matanane – Time and time again Mr. Chair we can see it on TV with the Guam Resource Recovery and all that with their bickering with you know in their (interrupted).

Acting Chairman Michael Borja – Well I'd like to stay neutral on what the purpose of the lease is you know and try to stay focus on really the leaseholder's agreement with the Chamorro Land Trust on payment and not get involved with the purposes behind what the organization is about. Yes there could be a lot of emotions behind that one way or the other and I want to stay neutral on that aspect and just stick strictly with the facts of what's owed okay.

Vice-Chairman David Matanane – If I may Mr. Chair how much does the and when did it start to take off or haven't, a couple of months, years?

Acting Chairman Michael Borja – I looks like May or June of last year the payments; the last payment received was in April and then we actually received two payments in October for two different months so the arrears right now is $17,600.

Vice-Chairman David Matanane – So they're paying sporadically rather than they stopped it.

Acting Chairman Michael Borja – Well in this statement though the invoices stopped in October so I need to know have we issued any invoices for November, December, January and February so that would be another four months which adds $16,000 on there so that will come up to $33,600. That's what the arrears would be, is close to $33,000 dollars and that's a pretty sizeable amount.

Vice-Chairman David Matanane – Especially when we're scrounging around to try and get the infrastructure.

2. Staff report on applicant Joaquina Manibusan Ignacio

Margarita Borja (DLM) – What it is is Ms. Ignacio came in our last meeting requesting for the additional acreage for her farm. She currently has some pigs, cows and all that and we went ahead and entertained her one of the land agents and we informed her that these are things that we're going to need in order for her to present. She took the paperwork went home and called us right back and said okay we don't want to do this we'll just go ahead and just maintain what they've got. So they don't want now the additional acreage. I guess with all the paperwork that (interrupted).

Acting Chairman Michael Borja – Oh to do a plan?

Margarita Borja (DLM) – Yes the farm plan.

Vice-Chairman David Matanane – But still the portion that she has already doesn't have a plan.

Margarita Borja (DLM) – No.

Acting Chairman Michael Borja – Which is how many acres?

Margarita Borja (DLM) – Which is an acre. So anything over an acre requires a farm plan. So she was asking for additional but then she thought about it she had to present all this.

Acting Chairman Michael Borja – Okay was there anything else on that?

Margarita Borja (DLM) – No.

Acting Chairman Michael Borja – Alright we're going to go into Executive Session now so the next meeting would be held on the March 20th.

VIII. EXECUTIVE SESSION

Board members requested the presence of CLTC staff especially the Land Agents at the Board meetings to assist with any concerns brought up by the applicants during public comments.

IX. ADJOURNMENT

Meeting adjourned at 2:48pm.

Transcribed by: Teresa Topasna: Teresa Topasna

Approved by Board motion in meeting of: April 17, 2014

David V. Camacho, Acting Director: DV Camacho Date: 4/17/14

Michael Borja, Acting Chairman: Date: APR 17, 2014