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

David V. Camacho
Acting Director

REGULAR BOARD MEETING
AGENDA

Department of Land Management Conference Room
3rd Flr. ITC Building, Tamuning
Thursday, May 15, 2014; 1pm

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES
1. April 17, 2014

IV. OLD BUSINESS
1. Robert Baumgartner application status

V. NEW BUSINESS

VI. PUBLIC COMMENTS

VII. DIRECTOR'S REPORT
1. Revenue collection report for the month of April 2014

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

Rev. 04/30/2014

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COMMISSION MEETING MINUTES
Department of Land Management Conference Room
3rd Flr., ITC Building, Tamuning
Thursday, May 15, 2014; 1pm – 2pm

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, Legal Counsel Kristan Finney and Acting Director David Camacho.

III. APPROVAL OF MINUTES (April 17, 2014)

Vice-Chairman David Matanane moved to approve the minutes of April 17, 2014 subject to corrections. Commissioner Amanda Santos seconded the motion. There were no objections, MOTION PASSED.

IV. OLD BUSINESS

1. Robert Baumgartner application status

Robert Baumgartner – My name is Robert Baumgartner. I don't know how I'm going to start this regardless its Residential or Agricultural. Residential is taken care of already. The agricultural here like what I said I was always occupying it okay and that time it was Tom Elliott who was the Director at that time. I cannot survey the entire whole lot I don't have the money to do it. Regardless if I could save more if I survey it all at one time. I just found this out from what's her name (Margarita) and they told me I can't do that. Well they only gave me one acre at the time to survey and I think Mr. Matanane I think you were aware of that thing that agricultural when I had it surveyed when they had that Board meeting there.

Acting Chairman Michael Borja – They assigned you one acre at a time?

Robert Baumgartner – Yeah but see what happened there that she made me understand Margaret made me understand that it only states there one acre see. I assuming because when I asked that time the Director I assuming that to have it surveyed acre, five acres but an acre at a time because I am paying a $1,000 each acre and I can't afford $5,000. So what I'm doing right now is I'm trying to survey an acre at a time and according to Margaret that you're not supposed to do that. So the question here right now what's going to happen now?

Acting Chairman Michael Borja – So the original application assignment was for how many total acres?

Margarita Borja (DLM) – His application he requested for five acres as a pre-occupier.

Acting Chairman Michael Borja – As a pre-occupier and that's what the original document said that he was going to receive or was something ever assigned? Who has his records?

Robert Baumgartner – You see what happened here sir, remember that I was occupying the whole places, the whole thing. They gave me a residential in an agricultural zoning so the people from the Chamorro Land Trust came up to the house and said Toots you can't do that we have to change it. So when we changed it they found out again that Chamorro Land Trust can't do it. I said why? Because you cannot have two agricultural at the same time. That's what I was trying to say from day one. So anyways that's where they changed it again that you saw me yesterday they gave me back the residential okay. Right now like what I said is taken care right now.

Acting Chairman Michael Borja – And that's where the house that you built exists.

Robert Baumgartner – Right, right, right. The problem here right now is that agricultural thing what's going to happen to that? I already surveyed one acre and according to her we can't do that you have to survey the entire five acres. I'm only listening what your land agents tell me what to do. The problem here sir is every land agent has different policies different rules and we're as the lessor are falling into, we're the ones suffering now. That's what happened. Like I said you guys came up to my house and changed it then Margaret was the one to tell me hey Toots you're the one who gave up your residential. I didn't give it up you guys came up to tell me to change it. So that's what I did then they changed it and it's wrong again so they put me back. Then that's taken care now right. What's going to happen to my agricultural lot? That's the question now.

Acting Chairman Michael Borja – Now does this residential lot that you received yesterday is that part of (interrupted).

Robert Baumgartner – Yes it's all connected yes that's correct.

Margarita Borja (DLM) – It's on the same lot but he severed out, out of the basic lot he severed out his acre for his residential. So he was authorized I believe out of the five to survey one acre at a time. So he did an acre already supposedly out of the five that he was supposed to receive. So he's question today now is (interrupted).

Robert Baumgartner – What's going to happen?

Acting Chairman Michael Borja – So this residential lot you got yesterday that's how big? One acre?

Robert Baumgartner – That's one acre yeah.

Acting Chairman Michael Borja – Okay and there was a total of five.

Robert Baumgartner – Yeah that's correct.

Acting Chairman Michael Borja – So there's a balance of four?

Acting Director David Camacho – No, no Mr. Chair the one acre for the residential is outside the agriculture of the five acres. But what happened according to him he was instructed that he could survey an acre; five acres within that and we cannot do that to issue a lease on five different on the same lot five different acres.

Acting Chairman Michael Borja – Five different we'd have to make them five different lots and then that becomes the problem.

Robert Baumgartner – That time the Director was what's his name too from Agriculture I think Torres was the Director he was going to give me extra wire to fence it that's why I had it one acre at a time because I was surveying it for the place for the pigs. If I was to survey another one it was going to be for goats. That's what I was planning to do but every time someone leaves from here the policy changes again.

Commissioner Amanda Santos - And does he have his farm plan?

Acting Director David Camacho – We don't have a policy like that.

Acting Chairman Michael Borja – To allow people to survey in sections.

Acting Director David Camacho – If he still wants the five acres that's how it has to be he has to survey out the five acres.

Robert Baumgartner – The markers are there everything is there.

Acting Chairman Michael Borja – Right but the idea is it has to be surveyed as a one complete lot.

Robert Baumgartner – That's what Margaret told me.

Acting Chairman Michael Borja – Not in separate lots.

Robert Baumgartner – I cannot afford that because if it's $1,000 a lot I can't afford $5,000.

Acting Chairman Michael Borja – So the cost to survey five acres is (interrupted).

Robert Baumgartner – Well I'm basing on one acre is a $1,000 an acre. That's what I'm basing myself and that's cheap that's what they're saying is cheap I don't know because I'm supposed to look for a surveyor. I got screwed up already one time from a surveyor but you know this is what all started this from a surveyor. It's gone now what am I going to do with that?

Acting Chairman Michael Borja – So what has been accomplished so far on the agricultural?

Robert Baumgartner – What?

Acting Chairman Michael Borja – How much has been surveyed so far?

Robert Baumgartner – Only one acre right now.

Acting Chairman Michael Borja – One acre of the agriculture.

Robert Baumgartner - One acre in the agricultural right now surveyed and she's telling me right now you can't do that. That's why I don't want to deal with no land agent no more. I want to see I (inaudible) with the Director it's still screwed up.

Acting Chairman Michael Borja – Now is this whole process is this part of the original signups for land or did this come before this happened you were already residing on this?

Robert Baumgartner – I was on the lot long time ago since 1990.

Acting Chairman Michael Borja – Okay so this came before (interrupted).

Robert Baumgartner – Yes before Chamorro Land Trust ever created.

Commissioner Amanda Santos – Does he have a farm plan?

Acting Director David Camacho – I believe he got the instruction through the Agriculture at the time.

Robert Baumgartner – Yes I got the agriculture stuff I do have what they call farm plan or whatever everything is there I've been there for a long time. They do come and check. Yes there is a shack where my brother in law is staying to watch to the ranch that's true I'm not going to deny that.

Acting Chairman Michael Borja – Any comments?

Robert Baumgartner – It's the same when I paid two times the $50. Last night I was talking to my cousin about the lease that was signed and he told me that's useless. I said why is it useless? Because your house is sitting down in an unregistered land. I said who cares two Governors signed it I'm satisfied. Right now I don't know what to do honestly.

Acting Director David Camacho – I think the only remedy to this is that if he's under agriculture at that time the LUP once the property is transferred to CLTC we could only give him one acre. Now if he's going to continue with the five acres he has to come in again with the farm plan and through the approval of the Board with the five acres. As far as the survey is concerned I don't know it's up to him it's his responsibility as of now.

Acting Chairman Michael Borja – But until the survey is completed we cannot do any kind of formal lease.

Acting Director David Camacho – Unless he accepts the one acre for now then he has to come to the Board again and ask for an amendment concerning his farm plan and everything.

Acting Chairman Michael Borja – Now if he does if you end up having to do what you're doing one acre at a time could those points on those surveys the entire perimeter be used to still create that, show the designation of that five acres (interrupted).

Margarita Borja (DLM) – After consolidation.

Acting Chairman Michael Borja - Without it being subdivided into those different and so that's where we stand then.

Acting Director David Camacho – You could have the basic lot or the remainder of that five acres he could have the points the four corners as far as the cut up of one acre that he did already you can show that on the map.

Acting Chairman Michael Borja – The concern I have here is it's not part of the original application process it was a grandfathered issue right that came before the CLTC. It's been quite a long time since you've had this that you've been told to survey but how much longer do you think and I know it's a lot of money to come by because the thing is (interrupted).

Robert Baumgartner – The only time I can survey is when the COLA check comes out that's the only time I could survey that's it.

Acting Chairman Michael Borja – But until the entire survey is complete then the lease cannot be completed do you understand?

Robert Baumgartner – Yeah.

Acting Chairman Michael Borja – That's where we stand here. So if we can take the points the outside points of all those surveys and keep it as one lot not subdivided into smaller lots because that's not what it was supposed to be then that's the only thing we can do is wait till you get it all fully surveyed. Or until you know sometime if there's a way that we can end up surveying all the Chamorro Land Trust properties ourselves but that's not here yet. That's kind of like a dream once we're able to get some money to do that but we can't make any promises on that. That's something that I know some folks have requested and it's a great idea but we're not at that point yet to do that because we don't have the money to do it. We're working on trying to get some money to be able to do that. So you're concern is are you going to lose the land?

Robert Baumgartner – Yeah that's the thing.

Acting Chairman Michael Borja – I don't think so.

Robert Baumgartner – Okay.

Acting Chairman Michael Borja – I don't think we see it that way but the point is it's not going to be formalized where you can get the lease like you got yesterday for the residential until the surveying is fully completed.

Robert Baumgartner – As long as you guys don't take it that's my concern about because I don't want a deadline that I have to do this.

Acting Chairman Michael Borja – Just know too now that you have a residential lot this agricultural lot that you're trying to obtain under a lease once it's surveyed you cannot build on it according to the rules.

Robert Baumgartner – Yeah I understand that. I understand that.

Acting Chairman Michael Borja – If you build on it then you have to surrender one or the other okay. You probably don't want to surrender a house that's a lot of money put into that okay.

Robert Baumgartner – Okay.

Acting Chairman Michael Borja – Are we okay with this?

Robert Baumgartner – Yeah okay.

Vice-Chairman David Matanane – So whenever he needs additional acre he has to come in and then we (interrupted).

Commissioner Amanda Santos – He has more than enough now.

Acting Director David Camacho – He's utilizing the property already.

Vice-Chairman David Matanane – All the five?

Robert Baumgartner – There's already plantation there. I'm just trying it to break down an acre at a time for a place for the animals and a place for plantation because there's rocks up there. I don't use fertilizer like Wusstig is doing I do not use fertilizer.

Vice-Chairman David Matanane – Where are you at?

Robert Baumgartner – Chalan Palauan by the tank and sometimes there's no water.

Vice-Chairman David Matanane – I guess it has to be stipulated on the agreement before we really close on the lease.

Acting Chairman Michael Borja – Stipulate what on the agreement?

Vice-Chairman David Matanane – On the agreement right now we haven't signed a lease for agriculture.

Acting Chairman Michael Borja – No he hasn't it can't be done until the survey is complete and that's what the rules are and that's still the policy. So just to let him know and Mr. Baumgartner's concern is that he's afraid he's going to lose the property but that's not what we're looking at we're just saying you cannot get the lease until the surveying is completed.

Vice-Chairman David Matanane – But we would have a certain agreement right now you'll have on record stating that this occurred and this is what's going to happen stated in his record as far as the agriculture. So when ever it's completed then we'll finalize the lease.

Acting Director David Camacho – It's going to be noted on the case file.

Acting Chairman Michael Borja – Okay so note it on the case file with the minutes of today's meeting.

Vice-Chairman David Matanane – So if such a time we're not here (interrupted).

Robert Baumgartner – See that's the scary thing about that.

Acting Chairman Michael Borja – Yes you've seen all the things that changed so that's why we're going to have it documented.

Acting Director David Camacho – And it's being recorded in the minutes.

Vice-Chairman David Matanane – But still stipulate it in his records.

Acting Chairman Michael Borja – Anything else sir?

Robert Baumgartner – That's it thank you.

V. <u>NEW BUSINESS</u> – None.

VI. <u>PUBLIC COMMENTS</u>

1. Alan Quan – My name is Alan Quan. I'm here because I need help. Chairman Mike Borja I need your help, Mrs. Santos I need your help all the Director's I need your help. I was driving up here this morning you know coming up through the driveway and I was talking to myself saying why couldn't it be like the employee of Government of Guam help people okay on the right thing instead of people like begging to be helped. My situation is I

have an arrendo with Land Management in 1985, 1985 okay. So this is only about maybe like six years ago my entrance was blocked. I don't know who it was but then I found out that the Preservation or Naval Parks owns the you know that's the reason why they're blocking it okay. So I couldn't farm anymore. I spent a lot of money developing that area. You know when you try to farm with a lot of gravel, a lot of rocks you spend a lot of money breaking it so I had to use a backhoe instead of just a pick. You can't do it you have to hire a backhoe but I did make something out of it. But I couldn't farm anymore because it belongs to the Federal Government. So I requested to be relocated I mean I have no way out. I have requested to be relocated. So I was relocated to Yigo and that was ten years ago maybe eleven years no twelve years ago. So I started developing the area, I cleaned all the metallic, cut down the trees you know how it is when people start dumping. I cleaned all those things because I wanted to have a long term planting and also to raise goats. I spend a lot of money going to the States doing research to raise goats. So anyway I was working with the Government of Guam so I retired hoping that I could replace my income by farming. But when I retired when I was up there doing some farming another person came to me and said Mr. Quan this land belongs to me. I said do you have any documentation? He said it belongs to me. They're even guarding it with carbine. You go in there and it you know even all the neighbors are saying what are you doing here I mean that place is owned by somebody else and they're patrolling with their rifle. So I went to Chamorro Land Trust you know to discuss the issue and I don't want to dwell with the past because the Directors you know because there's another Director and I don't want to screw up the present. So I wrote a letter to him two years ago and today I never had a response number one. Number two Chamorro Land Trust never issued me any documentation that I was to vacate the area. I have a program with the Department of Agriculture you know planting long term the ifit trees I have a program with them. When I retired I started planting but every weekend when I go up there it's all pulled out so I was wondering what happened here. So I don't want to create anymore problem out there I mean you know this is way inside it's a jungle so it's kind of scary to go in there by yourself and I don't live there. So in order not to create any animosity with the person given I said maybe the only alternative is to try and be relocated to another area. But I invested a lot of money in that area clearing but I don't have any money to fight the Government on this issue. I know I'm right.

Acting Chairman Michael Borja – Who relocated you?

Alan Quan – Chamorro Land Trust.

Acting Chairman Michael Borja – Okay so you said starting off in 1985 you had some property and that property was given to you or how did you get that property?

Alan Quan – To farm.

Acting Chairman Michael Borja – The Government gave you the property to farm?

Alan Quan – That's right.

Acting Chairman Michael Borja – And then we found out it belongs to the Federal Government and so then they (interrupted).

Alan Quan – Maybe like four, five, six years later they blocked the entrance that's how I knew.

Acting Chairman Michael Borja – And in what year did they relocate you to Yigo?

Alan Quan – This was twelve years ago.

Acting Chairman Michael Borja – Twelve years ago so that is in 2002.

Margarita Borja (DLM) – 2001.

Acting Chairman Michael Borja – 2001 and you were relocated because you were already under the system with the Government or how did that happen because he was already in the system not as one of the 1995 applicants?

Margarita Borja (DLM) – No he wasn't a 1995 he was a pre-occupier again under the arrendo program.

Acting Chairman Michael Borja – And then somebody in Chamorro Land Trust put him in property that was assigned to somebody else?

Margarita Borja (DLM) – Actually according to him Quan.

Alan Quan – Not according to me, the record would show.

Margarita Borja (DLM) – No but you mentioned that CLTC removed you from Lot 28 or Parks and Rec came in and just blocked the area and then?

Alan Quan – You're talking about Piti?

Margarita Borja (DLM) – Yeah how did that come about?

Alan Quan – No just one day I came in to do some farming and then the entrance was blocked with concrete. So right away in my mind I mean you know it's got to be something big here because normally if it's just like they put a tree or block it with rock you can remove it right but this one you can't remove it without equipment.

Acting Chairman Michael Borja – So then you were relocated to Yigo (interrupted).

Margarita Borja (DLM) – So in 2001 he was relocated, he was given the authorization from Chamorro Land Trust to relocate to Yigo because of his issue with Lot 28 in Nimitz Hill. So the only thing that's holding him to that property up there basically was since 2001 was an

authorization from the Trust. So there were no lease agreement there was an issuance of a UT but those were the only two documents that he has with the Chamorro Land Trust.

Acting Chairman Michael Borja – The authorization which meant he had to go get it surveyed and do all that stuff too?

Margarita Borja (DLM) – He wasn't even issued a survey authorization for the area. He was only issued an authorization to occupy and develop. It didn't mention anywhere here that he would have to and there was never an SA that was issued to him.

Acting Chairman Michael Borja – What's an SA?

Margarita Borja (DLM) – Survey authorization and then a UT was issued in the same year in April. April of 2001 a UT was issued and then since then there was nothing ever issued after that. The only authority he has is the authorization.

Acting Director David Camacho – The property that he was sent up to in Yigo is being occupied by one of the Land Trust recipient. He has a twenty acre lot up there. And through their agreement the recipient wants to change his lease agreement and only utilize five acres so there's fifteen acres available so he went in and started farming the place with that relocation went in and started farming the place he plant and all those things but later on another document was issued to another person and this person came in and claimed that that's his lease.

Acting Chairman Michael Borja – After Mr. Quan was already there.

Acting Director David Camacho – Yeah but Mr. Quan don't have any lease but he was farming in that area.

Margarita Borja (DLM) – And I think that individual came before the Board and it was Board approved, Ernest Torres. Was that Board approved?

Acting Director David Camacho – I don't know whether its Board approved.

Margarita Borja (DLM) – He was given the same area where he was given the authorization to farm.

Acting Chairman Michael Borja – Was that an oversight of some kind or how did that happen?

Margarita Borja (DLM) – I really don't know. I'm not sure how that happened.

Vice-Chairman David Matanane – Who was this Torres?

Margarita Borja (DLM) – Ernest Torres. In 2011 he was given a survey authorization to survey. So the only time Mr. Quan realized the area was given was when one day he came

there and all his plants were being removed and I believe he mentioned that the individual did confront him and told him that he was given that property. So he I guess from there he just removed himself and is now coming here to request that the Trust give him some property for what the Chamorro Land Trust had done to him because they had authorized him to occupy and develop the area and then in 2011 after he expended so much money.

Acting Chairman Michael Borja – So all that is documented about the issuance of properties.

Margarita Borja (DLM) – Yeah.

Acting Chairman Michael Borja – How many acres?

Margarita Borja (DLM) – Twenty, twenty acres was given to Mr. Torres.

Acting Chairman Michael Borja – How about Mr. Quan?

Margarita Borja (DLM) – Mr. Quan (interrupted).

Alan Quan – You know what doesn't add up that tract is only twenty acres and that tract there's a lease for somebody else prior to this so in reality you're totaling forty acres on a twenty acre lot. So how can that be it doesn't add up? I mean you know I don't want to create any animosity I'm willing to raise my hand to be in another area because I know that if I remain there I'm going to continue having problems pulling of plants and I don't want that. I mean I can't afford to do that. They even steal my container up there a twenty foot container a lot of things you know if you're not staying there.

Acting Chairman Michael Borja – So can we reissue some land?

Acting Director David Camacho – Yes we're in the process of doing that and I did ask him whether we can relocate him to another place where it's feasible for him and we're still going back to that area up in Nimitz Hill in which three acres is available.

Margarita Borja (DLM) – Four.

Acting Director David Camacho – Four acres available.

Acting Chairman Michael Borja – On Nimitz Hill?

Acting Director David Camacho – Yes.

Vice-Chairman David Matanane – Where was the property on the arrendo back then?

Alan Quan – 1985.

Vice-Chairman David Matanane – Where's that property at?

Alan Quan – In Piti.

Vice-Chairman David Matanane – And you have first choice as to Chamorro Land Trust right?

Acting Director David Camacho – Yeah but at that time what I gathered from him at that time when he was relocated up he was working for Chamorro Land Trust and he didn't pursue to get the property surveyed he didn't pursue to get the lease agreement done.

Alan Quan – No I did get a retracement but the only thing that hold me back is that the person that was there before he only wanted five acres because people are stealing his cows and he wanted to reduce and he didn't have enough help. So I was willing to take over so I started clearing fifteen acres but later on something came out that he wanted more so him giving me the opportunity to be up there I hold back but I did retrace it. I have the map that took care of that but I was waiting for him if he wants ten acres that's fine whatever left over because he was the one that help me to be there. So I'm willing to wait because all I want to do is farm. I'm not the type of person that applied for my kids I applied for myself to farm. Two years I have a lot of seedlings dying, bettlenut tree, lemon tree name it and I spent a lot of money buying those seedlings from the flea market all over and it's not peanuts it cost $10, $15 for a small tree. And every time I plant they pull it out and throw it away so that's why it is very difficult for me to go up there even if I have to fight him. He should have some consideration that I spent a lot of money even putting water it cost me $5,000 to put the water in plus all the (interrupted).

Acting Chairman Michael Borja – You brought a pipe in?

Alan Quan – Yeah 800 feet galvanized pipe and schedule 40. A lot of money it cost me like $1500 just to connect that to rent from Waterworks. And then without any notice they pull me out. All I'm asking is consideration that if they should put me up there is that I was hoping because when I had that property up there it was surveyed. I'm the first one that introduced that to the Director and give it to him and said you know I spent a lot of money on this Yigo already can you give me consideration so that I don't have to spend for survey again because it's already surveyed. That's all I'm asking if you relocate me to that area I mean you know it's not fifteen acres but at least for expansion purposes also help me. But I guarantee you that in one month you'll see a lot of difference because I'm a bonafide farmer I'm not a cracker jack.

Acting Chairman Michael Borja – So we're already working on something right now?

Acting Director David Camacho – We're addressing that now.

Acting Chairman Michael Borja – And he's seen the properties?

Acting Director David Camacho – Yeah he knows the property.

Margarita Borja (DLM) – He's the one that identified the property.

Alan Quan – I'm the one that presented it to, the next thing you know they were giving it to somebody else.

Commissioner Amanda Santos – I think the land agent is a mistake maybe.

Acting Director David Camacho – No, no.

Commissioner Amanda Santos – To assign two people on one land.

Acting Director David Camacho – Oh on that the first up in Yigo yes.

Acting Chairman Michael Borja – So where do we go from here? You guys are already working with Mr. Quan on trying to identify another area.

Acting Director David Camacho – The previous area that he was working on up in Nimitz Hill. We have about three acres, four acres and he's willing to accept the number of acreage.

Acting Chairman Michael Borja – And the documentation to go with that is all going to be in order or what's the deal?

Margarita Borja (DLM) – What it is is we've authorized two individuals up there so the remainder is what we're offering him but he doesn't want the remainder he wants the entire lot because to save on survey cost he'd rather have because that lot is already surveyed. But if we give two individuals he's going to have to survey the remainder and he doesn't want to have to do that. We've already issued two individuals up there survey authorizations for a half acre each and he wants the area but he wants the whole five acres, four acres or five acres I forget what it is.

Acting Director David Camacho – I thought that we discussed it with him he's willing to accept the balance. The Nimitz Hill on the balance of the property or the remainder of the acreage you're willing to accept that right?

Alan Quan – Okay. No but I'm asking for help here. It's not my fault okay that I was relocated and I spent a lot of money all I'm asking is you know not to spend for a survey. I spent already for a relocation I mean for a retracement you know what I'm saying. I was hoping that when I presented that plan because it's already surveyed that I don't have to survey anymore but I have still have to put water in there. I already spent $5,000 putting water. All I'm asking is for consideration so I'll be able to farm again.

Acting Chairman Michael Borja – Those other two people who have been given parts of that land half acres how long ago was that?

Margarita Borja (DLM) – Just about a month ago.

Acting Director David Camacho – It started since last year then we due to the fact that there's some questionable things they were relocated or we tried to give them down in Agat and up in Dededo. But when we cleared all the questionable things on that they returned back because they want that property piece of property. The bottom line and Mr. Quan don't have any documentation on the Nimitz Hill but he's asking for that Nimitz Hill. But I did talk to him just today before I left and he's willing to accept whatever the balance of the; the problem that he's facing is that he don't have the money to do the survey that's the question. But again as I said (interrupted).

Alan Quan – No I'm asking for consideration because I already spent for surveying you know what I'm saying and it's duplication of effort here. I already did I spent a lot of money and you know I was hoping the Government would help and they're not really helping me if that's the case. And another thing if you were giving a person that property right and it's only a half acre is that a residential or agricultural? Because if you try to combine agricultural and residential you're going to have major issue with the environmental. You cannot combine a farmer and a residential. When he sprays they're going to complain oh my son's got asthma, my son have this, you cannot, impossible. You're going to have legal battle.

Acting Chairman Michael Borja – Those other two lots are assigned as what? Agricultural or residential?

Margarita Borja (DLM) – I'm not really sure I think they are residential.

Sean Aldan (CLTC) – Agricultural.

Acting Director David Camacho – The application is agriculture.

Acting Chairman Michael Borja – Those other two?

Sean Aldan (CLTC) – Yes.

Acting Chairman Michael Borja - So is it still a work in progress then to try to sort this out?

Acting Director David Camacho – The only thing is for us to find a way he's asking for help on the Board and I believe since it's a Land Trust property I believe that we could help him out on the survey because the property has been surveyed already. And once those two lots are cut up the only thing you need is a retracement and identify a new lot number for the remainder.

Vice-Chairman David Matanane – The question is would he accept that remainder?

Acting Director David Camacho – He does.

Vice-Chairman David Matanane – He's willing to accept the remainder.

Alan Quan – If it's surveyed.

Acting Chairman Michael Borja – So then those other two people then are going to have to survey their half acres and then all you said is just re-designate that lot.

Acting Director David Camacho – It's been surveyed already it's just a retracement.

Alan Quan – Is it going to be clear that the remainder is going to be a lot or just a remainder of lot what 234?

Acting Chairman Michael Borja – It's going to be a new lot right?

Alan Quan – I just want to clarify this because like I said I mean we're wasting time here and we should be planting out there you know.

Vice-Chairman David Matanane – So once the two lots are identified then the remainder would be a lot itself right.

Acting Director David Camacho – Yeah.

Acting Chairman Michael Borja – Because those guys have to survey out their portions. Once they have surveyed out their portions then Land Management can then make the drawing for that specific lot that you're looking at.

Alan Quan – That I can use.

Acting Chairman Michael Borja – That you can use.

Alan Quan – That I can use to support if I was to borrow money from Farmers Loan or something like that.

Acting Director David Camacho – Yes.

Alan Quan – If it doesn't work like that then it would be useless to me.

Acting Chairman Michael Borja – It will be its own lot because those others would be renumbered too.

Vice-Chairman David Matanane – And there will be a lease agreement right.

Acting Chairman Michael Borja – Yeah and we'll follow through with an agreement as well a lease agreement.

Acting Director David Camacho – Yes.

Acting Chairman Michael Borja – You'll get your lease agreement and all that and now-a-days we're even wording the lease agreements, specific verbiage so that you can qualify for USDA programs.

Alan Quan – I'm pretty sure I can qualify for something.

Acting Chairman Michael Borja – And that's what USDA has been working on and Department of Agriculture to make sure that things are spelled out in those leases so that you'll be eligible for other kinds of programs that are out there with the Federal Government.

Alan Quan – There's always some program out there that you can qualify. The next question is in the event that this person did not survey it for the allowed period of what 60 days are you willing to give me the whole lot? Because you do have a criteria right you have a requirement that they have to survey within 60 days but I have a strong feeling that if you're going to survey a five acre lot and to cut up it's going to cost a lot of money too.

Acting Chairman Michael Borja – The lot has already been surveyed they have to cut out their half acres survey out their half acres and so your question is when are those people are going to get their surveys.

Acting Director David Camacho – It's being done now.

Acting Chairman Michael Borja – They have surveyed their lots?

Acting Director David Camacho – They already hired a surveyor.

Alan Quan – I'm just saying in the event because you know I don't know I mean you know.

Acting Chairman Michael Borja – Well I guess we'll have to get; when that happens we'll see what we can (interrupted).

Alan Quan – Okay then we go to the next step.

Acting Chairman Michael Borja – Yeah.

Alan Quan – I appreciate it and I thank you for your time.

Acting Chairman Michael Borja – You're welcome good luck sorry about that.

Alan Quan – I really need it.

Acting Chairman Michael Borja – I apologize for all that confusion I know that's not a nice headache to have.

Alan Quan – Farming after ten years and then to be given out without no notice is hard to absorb. No notice, nothing what so ever you know what I'm saying. They kick you out or what you didn't pay for your rent you know or something like that it's very hard to accept that.

Acting Chairman Michael Borja – Anything else sir?

Alan Quan – For now thank you so much I appreciate it and all the Commissioners and all the employees of the Chamorro Land Trust.

VII. DIRECTOR'S REPORT

1. Revenue collection report for the month of April 2014

Acting Director David Camacho – On the back you have a copy of the revenue collection.

Acting Chairman Michael Borja – So where does Guam International Country Club stand right now? That payment was for what period of time? Are they still past due?

Acting Director David Camacho – The Guam International Country Club is behind again in payment. We already issued out the 90days notice again on this on their payment.

Acting Chairman Michael Borja – When did that go out?

Acting Director David Camacho – We sent it out about I think two weeks ago.

Acting Chairman Michael Borja – Have they responded?

Acting Director David Camacho – Not yet.

Acting Chairman Michael Borja – Has anyone called them?

Acting Director David Camacho – Did we call?

Acting Chairman Michael Borja – No one has gotten a hold of them?

Margarita Borja (DLM) – I'm not sure.

Acting Director David Camacho – I believe our ASO did that, Jean and she's the one that sent out I signed the 90days notice and we sent it out via certified mail.

Acting Chairman Michael Borja – Okay so in this aging you gave what's the negative on this side is that payments that were made?

Acting Director David Camacho – This on the side are the May payments that we received we're just now, we haven't (interrupted).

Acting Chairman Michael Borja – Put it into the books yet.

Acting Director David Camacho – Put it into the books and I have the ASO put it down. Those are the payments. The bottom one $1,348 it was paid off the $129, the $4,000 there's two checks that came in on the Johnny Cool and then on the $48,000 that would be GRRP. We received $3,630 as of May 8th. And just to let you know on the GRRP that we received the $44,000 check we received was stop payment. But we called up Dave Sablan on this and he's off island now he's in Hawaii and he (interrupted).

Acting Chairman Michael Borja – Who put a stop payment?

Acting Director David Camacho – The company did. What happened is Dave Sablan communicated with Department of Administration, Andy Quinata who is handling our account and what he said is that they stop payment because they're going to reissue another check because I believe that check that they used is in reference to another company. According to Sablan and this is coming from Andy Quinata that they're going to replace that check and I have yet to see that. This happened, the call happened on Monday.

Acting Chairman Michael Borja – Just this last Monday?

Acting Director David Camacho – Yeah. We just received the stop payment last week.

Acting Chairman Michael Borja – Yeah that's been over a month how can he do a stop payment on a check? We didn't deposit it right away?

Acting Director David Camacho – It was deposited.

Teresa Topasna (CLTC) – On the 17th.

Vice-Chairman David Matanane – Last month.

Acting Chairman Michael Borja – Last month.

Acting Director David Camacho - We deposited the money. We deposited the check but through the DOA (interrupted).

Acting Chairman Michael Borja – How can you put a stop payment after it's been negotiated?

Acting Director David Camacho – Well that's what happened they cannot cash the check with DOA.

Acting Chairman Michael Borja - So what did Dave say?

Acting Director David Camacho – So Dave called Andy Quinata who is the head of the; that the reason why they stop payment because they're going to replace that check.

Acting Chairman Michael Borja – And when is that going to happen?

Acting Director David Camacho – I just talked to Andy yesterday or two days ago Tuesday and I told Andy that as soon as he receives any information from them (interrupted).

Acting Chairman Michael Borja – Then should our notice of those 90 days still continue to be counted as from the original since that I wouldn't say that payment was (interrupted).

Acting Director David Camacho – We already prepared, Jean our ASO already prepared a document and as soon as there's nothing that we didn't receive any this week we're going to send it out again. I called the company up and I talk to the Secretary and the only thing that I could get out from them is we have to wait until Dave Sablan comes back.

Vice-Chairman David Matanane – When do you think he's going to be back?

Acting Chairman Michael Borja – Well I guess we need to just keep on top of that one because that's you know going to start moving then to terminate their lease if they're going to; I mean the calendar should have started and continue to go when we first gave them the notice right?

Acting Director David Camacho – Right.

Acting Chairman Michael Borja – Because technically I don't think they you know you give me a check and then issue a stop payment is not a payment.

Acting Director David Camacho – The first notice the 90days notice we sent it out to an off-island address but it came back.

Acting Chairman Michael Borja – The certified mail was returned also?

Acting Director David Camacho – Because it wasn't received and all those things so at the same time remember when he came in here and gave the $44,000 he came here Dave Sablan the following day is the time the day that we received the letter back.

Acting Chairman Michael Borja – Was there an address on that check? Did we make a photocopy of that check?

Acting Director David Camacho – Yes we did.

Acting Chairman Michael Borja – And does that address jive with anything? That address wasn't part of in any of our documentation?

Acting Director David Camacho – It's (inaudible).

Acting Chairman Michael Borja – So they now, we don't know how to formally contact them.

Acting Director David Camacho – I'm not sure if Dave Sablan (inaudible).

Acting Chairman Michael Borja – Okay the next time we communicate with Dave we need to get from him the correct address and contact information, phone numbers, address. There's a lot of other stuff coming down on this thing you know.

GPA – P.L. 31-77

Acting Chairman Michael Borja - How about GPA?

Acting Director David Camacho – GPA I'm checking on the, I got this this is under Public Law 31-77.

Acting Chairman Michael Borja – What we have here Ms. Finney is that on this law we transferred some property to GPA for the purpose of them building that new headquarters building over there in Mangilao on Route 15 and as part of that they were supposed to pay us some money. They had to pay us $875,000 every fiscal year and we've given them notice already last August and we continue again.

Acting Director David Camacho – We continue giving them every (interrupted).

Acting Chairman Michael Borja – Statement every month.

Acting Director David Camacho – Yeah statement.

Acting Chairman Michael Borja – And they have not paid so if there's anything we need to just probably give them some sort of formal notification legally to let them in accordance to the law that there's an obligation for them to pay that. One of the things that we have discussed in the past as well is that you know and it's subject to the Board's final approval but in lieu of that full payment that there will be in-kind services rendered. For example putting power poles to our properties so that they can get electricity things like that but not just power poles but running the electricity in to the lots. So you know there's, we can work with them on whatever we can but the fact is that they owe money and they haven't made any payment or any response. So I think if there is in any way we can contact them.

Acting Director David Camacho – I believe Mr. Chair that we need the help of the Attorney to actually give us an opinion on that thing because of the fact that it's very vague. What it's saying there that every year they have to appropriate that money for the payment to the CLTC. What we, the instruction from the front office the Bureau of Budget he said go ahead and keep on issuing the invoice to them so that's what we're doing we keep on doing the invoice.

Acting Chairman Michael Borja – That's just something because it's such a huge amount of money and it's a recurring amount. For example $875,000 could do a whole bunch of

land surveys. It can do a tremendous amount of surveys and what our hope is is that we can try and get as much of the land that's been subdivided out surveyed so that when we issue the property to the individuals they don't have to spend all that money $1,000 an acre just to do surveys that we've gotten to that level where they can receive the properties and be moving on to their life. Further than that too we're also hoping as part of our goals is to not only have the properties surveyed but for infrastructure to be put in place water and power so you know that's why if there's ways for them to put power into places then at least put the poles in. We had one applicant come in and said that they were going to get charged what $25,000 by GPA to put five poles in to her lot. So you know I mean that's the kind of money that they're charging individuals so $875,000 goes a long way.

Vice-Chairman David Matanane – We haven't received one payment yet?

Acting Chairman Michael Borja – No, no payment has been made so that's why it's important that we continue to invoice them. Does it have anything in there about interest?

Acting Director David Camacho – It's a one time every year one time appropriation.

Acting Chairman Michael Borja – Anything else?

Acting Director David Camacho – Remember the meeting that we had with Trini Torres I just want the other (interrupted).

Acting Chairman Michael Borja – The one where she asked the Legislature to appropriate $800,000?

Danny Jackson - cleaning of trail in Pagat

Acting Director David Camacho – She did went down to the Senator's office and started pushing out for hopefully that it materialize I don't know how but just to let the other two members know that she came here and talk to us. The other issue is Danny Jackson he appeared in front of the Guam Ancestral Lands Commission already and he's been approved by the Board for him to be authorized to be the one to be clearing or cleaning the passage going down to Pagat Village up in Pagat. The upper property from Route 15 belongs to Ancestral and the lower part belongs to CLTC. So Ancestral already sign off on the agreement.

Acting Chairman Michael Borja – Is that that entrance that goes down like in to Marbo Cave?

Acting Director David Camacho – Right it's the trail going down. I receive a support document from various entities.

Acting Chairman Michael Borja – So he wants to be the one that clears the path?

Acting Director David Camacho – To be cleaning it up with debris and all those things you know cans and all those things and cutting the path down.

Acting Chairman Michael Borja – And what does he want?

Acting Director David Camacho – He's just going to work out. In essence they're up to par on identifying all these medicinal herbs and all those things.

Acting Chairman Michael Borja – Oh there's some plants down there?

Acting Director David Camacho – Yes you know those herbs that Chamorro people use and there they're preserving it and taking video of it and they're putting it out on posters and all those things. There's a lot of supporting clients on this from the Senators from the you know and I think I got the listing of all the people that signed the petition for him to I think I got over 300, 400 petition of names. So as I said Guam Ancestral Lands Commission already authorized him to be clearing. On the portion of the CLTC down that is what is needed from the Board if you want me to call him in and appear in front of the Board to present.

Acting Chairman Michael Borja – Sure.

Vice-Chairman David Matanane – Ask him what does he want.

Acting Chairman Michael Borja – Yeah.

Acting Director David Camacho – It's good what he's showing us and all those things because he did some presentation.

Acting Chairman Michael Borja – Yeah if he could be here for a presentation at the next meeting and then you know we just need to identify what that specific property is and that he's not using it to go to refuge in.

Commissioner Amanda Santos – And he wants to be called Maga'Lahi of that place that's what he was saying.

Vice-Chairman David Matanane – I think we still have certain items there for Mr. Jackson because the brother and himself I believe he was asking for so many acres if I could remember correctly that he still hasn't settle those things. So that's why I'm kind of laughing because just because we tell him to go ahead and allow him to lease that and he'll come back later and say well you know you allowed me to clean it. Really because I do remember facing up with Mr. Jackson when he was here because he planted the coconut trees so many coconut trees and he wants that particular lot.

Acting Director David Camacho – I'll provide the Board with some of the write ups from the Senators and various people that came in supporting.

Acting Chairman Michael Borja – Well you know I mean it's commendable to keep that area down there preserved and to be an inviting place for people to go down there for

cultural hikes but is there anything else that he's wanting in lieu of this I mean he's doing it out of goodness of his heart or is there something more to this?

Acting Director David Camacho – That's in reference in cleaning the place and in reference to all these medicinal herbs they're trying to preserve. I believe the video is already finished they're doing videos from various areas not only on that Pagat even up in Anderson on the cliff side so that people would understand and know what type of medicine is there and for them to preserve it and take care of it. As a matter of fact I'm going to ask him for a cd on that. The last one I gave you a copy for the two Commissioners that we did issue 29 leases we did a lease signing yesterday.

Acting Chairman Michael Borja – Yes good turnout thank you very much to everybody who made all the calls and I know the two ladies were there yesterday.

Vice-Chairman David Matanane – Just to make a comment on this Mr. Chair that clearing the place down there is fine and we agree to that but you know it invites people too to come and there's certain liabilities if anything should happen down there.

Acting Director David Camacho – That place is open for (interrupted).

Vice-Chairman David Matanane – For the public.

Acting Director David Camacho – The only thing that he's asking is for the trail, cleaning the trail because in reality every weekend you know people goes there and dump their cans and paper cups and all those things.

Vice-Chairman David Matanane – But we should put up a sign enter at your own risk if anything happens down there the CLTC shouldn't be responsible for anybody.

Acting Director David Camacho – And that's one thing on the agreement that we did for Ancestral about the liability and all those things.

Vice-Chairman David Matanane – That's our concern.

Acting Director David Camacho – It's there and that was through one of our Attorneys.

Vice-Chairman David Matanane – There should be a sign out there. Anyway for our own if somebody breaks his neck down there.

Commissioner Amanda Santos – Enter at your own risk.

Acting Chairman Michael Borja – Yeah that's true. Okay anything else? I just want to let you guys know that the Front Office is still pursuing to fill the vacancies here as soon as possible. I don't know how soon is soon but they are working on it.

VIII. EXECUTIVE SESSION - None.

IX. ADJOURNMENT
Next meeting date is June 19, 2014.

Vice-Chairman David Matanane moved to adjourn the meeting. Commissioner Amanda Santos seconded the motion. Meeting adjourned at 2pm.

Transcribed by: Teresa Topasna: Teresa Topasna

Approved by Board motion in meeting of: July 25, 2014

Michael J.B. Borja, Director: _____ Date: 7/25/14

DAVID MATANANE, ~~Acting~~ Vice Chairman: _____ Date: 7/25/14