REGULAR BOARD MEETING AGENDA

Department of Land Management Conference Room
3rd Floor, ITC Building, Tamuning
Wednesday October 26, 2016; 2:00 PM

Public Notice: The Guam Daily Post on
Wednesday, October 19, 2016 and Monday, October 24, 2016.

I. CALL TO ORDER

II. INIFRESI / ROLL CALL

III. APPROVAL OF MINUTES
   A. Minutes September 14, 2016

IV. PUBLIC COMMENTS

V. OLD BUSINESS
   A. GWA Proposed Legislation NDWWTP

VI. NEW BUSINESS

VII. REPORTS
    A. GEDA
    B. Director

VIII. Election of Officers

IX. ADJOURNMENT
I. CALL TO ORDER
Meeting was called to order at 2:20pm by Vice Chair Ronald Laguana

II. Roll Call/Reciting the Inifresi

Present were Chairwoman Anita F. Orlino-Tardy, Vice-Chairman Ronald T. Laguana, Secretary Maria Cruz, Commissioner Ronald Eclavea, Commissioner Anthony Ada, Commissioner Antonio Sablan-Absent, Commissioner Louisa M. Wessling-Absent, Deputy Director David Camacho, Land Administrator Margarita Borja, Karen Charfauros, Land Agent, Kristan Finney, Attorney.

Vice Chair Ronald Laguana: In Compliance with public law 24-109, Guam Ancestral Lands Commission published the public meeting announcement on Wednesday, September 7, 2016 and Monday, September 12, 2016 in the Guam Daily Post.

Vice Chair Ronald Laguana: This meeting is called to order. We are going to bypass the Inifresi and we move to the approval of the minutes.

III. Approval of Minutes
A. July 27, 2016

Commissioner Ronald Eclavea: I make the motion to approve the minutes.

Vice Chair Ronald Laguana: There is a motion on the floor to approve the minutes from July 27, 2016, is there a second?

Commissioner Anthony Ada: I second the motion.

Vice Chair Ronald Laguana: Seconded it by Commissioner Ada all in favor say "aye"

All Commissions: "Aye".

Vice Chair Ronald Laguana: All oppose?
Vice Chair Ronald Laguana: Motion passes. Move to item number four, Director are we able to conduct the title hearing with four members of the board?

Deputy Director David Camacho: Madam Chair just called and she will be about 10 or 15 minutes, she is stuck in traffic. Advice the public if we could move to item five and get back to item 4 when she gets here.

Vice Chair Ronald Laguana: Is it okay with the public if we move the title hearing until the Chair gets here. Everybody in agreement? No objections, we move on to public comments. Any public comments? None. We move to item number 6 GWA Proposed Legislation NDWWTP. Mr. Miguel Bordallo please make your presentation.

Commissioner Maria Cruz: Can you present a summary of your earlier meeting?

Vice Chair Ronald Laguana: Let him take the oath. Legal Counsel says it is not necessary.

Mr. Miguel Bordallo: My name is Miguel C. Bordallo, I am the General Manager of Guam Water Works Authority. I was here last meeting and I hope to introduce legislation through Senator Ada's office to purchase property from Ancestral Lands Commission property adjacent to the Northern District Waste Water Treatment Plant for purposes of expanding that plant to provide secondary treatment as required by Environmental Protection Agency. It is a public benefit project that would enhance our water treatment process to protect our resource both at the affluent that fall into the Philippine Sea and also to protect our water lens by providing additional capacity at the treatment plant and allow us to protect the water lens for these reasons we put together the draft legislation in which we propose to acquire the property at fair market value we would pay for all surveys that would be required. We also had lease or land exchange if that was more amenable to the commission at that time we submitted the report we did not receive your support with additional discussions subsequent to that meeting with my Chairman of the Consolidate Commission on Utilities, Mr. Duenas.

Vice Chair Ronald Laguana: We would like to acknowledge Mr. Joey Duenas of the Consolidated Commission on Utilities welcome Mr. Joey Duenas.

Mr. Joey Duenas: Sorry for being late.

Mr. Miguel Bordallo: Subsequent to that initial presentation a work session was held with members of your commission, Chairman and our staff at the GWA office to continue the dialogue with this acquisition and to further explain the importance of the project and the process by which we would be expanding the treatment plant improvements which are being funded by a grant which was just recently awarded August 30th from the Office of Economic Adjustment to provide the initial funding for these project subsequent to that discussion we were invited to this meeting to come back and present the draft legislation. I would like to advise at this time based on the concerns raised at the time during the first presentation specifically for the commission to use the proceed from the sale to maintain that inventory by purchasing another property that might be more commercially viable as rental income. We did take that into consideration and the proposed legislation has been amended, do you have a copy of the proposed legislation?

Vice Chair Ronald Laguana: We have that in our packet, yes.
Mr. Miguel Bordallo: On the 3rd page line 35.

Commissioner Anthony Ada: I remember the meeting was suppose to be confirmed back to us, we didn’t get a confirmation and the morning of the meeting I received a text but I never got a confirmation so I said I cannot make it, so who showed up to the work session?

Mr. Miguel Bordallo: Chairwoman, Mr. Sablan and the Deputy Director Camacho.

Commissioner Anthony Ada: as a result of that meeting you are moving forward with the draft, that work session came out with what you are going to show us today?

Mr. Miguel Bordallo: That and also from our first meeting things that we made note of from our first meeting, comments from that and from the work session resulted ............... 

Vice Chair Ronald Laguana: Do you have a listing of the recommended input by the commission members? Are they listed separately on here or are they highlighted?

Mr. Miguel Bordallo: No.

Vice Chair Ronald Laguana: Will you state those amendments?

Mr. Miguel Bordallo: The primary one is on the 3rd page line 35 labeled paragraph “e”. This was added to authorize the Ancestral Lands Commission the compensation received from us to purchase other properties you see fit for your land bank “Guam Ancestral Lands Commission is authorized to use compensation received from Guam Waterworks Authority for the purchase of the land specified in this section to be designated as inventory for the Land Bank”.

Vice Chair Ronald Laguana: What section?

Mr. Miguel Bordallo: 3rd page line 35 labeled paragraph “e”.

Mrs. Vangie Lujan: The only other thing is the lot description which was corrected the Andersen Communication Annex 1 AKJD the other one is the sketch that was uses.

Vice Chair Ronald Laguana: Just for the record please state your name and your title.

Mrs. Vangie Lujan: Vangie Lujan Senior regulatory Analyst and was involved in drafting the bill.

Vice Chair Ronald Laguana: Okay go ahead.

Mrs. Vangie Lujan: The other one is the sketch being used for the bill a recommendation that was added as well as the zone for the property that will be acquired. Under the Dos Amantes zone it is “H” zone so it will change to public use then there were grammatical error but the big thing was what Mr. Bordallo said the ability to utilize the funds.

Commissioner Anthony Ada: I thought there was an issue with the Dos Amantes plan where Dan Swavely came to the board and showed one version and at the legislature he showed another version I didn’t hear if they tabled it or which version was put in.
Mrs. Vangie Lujan: The documentation we received from land management shows it was a recorded document it went through legislation and executive order the Dos Amantes plan so the documentation that you see was recorded by land management the attachment shows the date it was recorded and the instrument.

Mr. Joey Duenas: That is this document here land management.

Mrs. Vangie Lujan: The Executive Order that adopted that was 2006-02 and I think the legislature did it as a subsection or it started as an executive order and then it eventually became law a document that approved it zoning conditions during the recording of the deed is attached.

Commissioner Ronald Eclavea: At the work session what was Mr. Sablan’s suggestions?

Mr. Miguel Bordallo: His suggestion was to make the changes, submit the packet and show up to this meeting to provide another presentation.

Commissioner Ronald Eclavea: Was it amicable?

Mr. Miguel Bordallo: He didn’t yell at me.

Mr. Joey Duenas: For the record there was no agreement, there was agreement to show up here and to present more information and to answer any questions.

Commissioner Ronald Eclavea: How can this be public benefit when it doesn’t benefit the people in Merizo?

Mr. Joey Duenas: Public use?

Commissioner Ronald Eclavea: Yeah public use.

Mr. Joey Duenas: Public use does not mean a benefit for a specific purpose it means it is going to be used for public use for a sewage treatment facility.

Commissioner Ronald Eclavea: Yeah I understand.

Mr. Joey Duenas: It is a public use for all the people in the northern side.

Commissioner Ronald Eclavea: There was a similar legislation trying to transfer properties from the trust and there was a landmark decision it null and voided the legislature’s, it became law but it null and voided the legislature’s….does this have any effect to that? I am addressing it to everybody.

Attorney Kristan Finney: You are talking about that case…….

Commissioner Ronald Eclavea: The one with Vanderbuilt.

Attorney Kristan Finney: There are two differences here, one is the court said the land was not going to be used for public purpose it was going to benefit a specific group; the second part is taking it and compensating it.
Commissioner Anthony Ada: Office of Economic Adjustment is that government of Guam?

Mr. Joey Duenas: No federal.

Commissioner Anthony Ada: And U.S. Environmental is federal?

Mr. Joey Duenas: Yes.

Commissioner Anthony Ada: Any regulatory from Guam government?

Mr. Joey Duenas: Guam EPA is involved but strictly from the local part the bigger thing here is this is related to the military buildup and therefore increase the need for capacity in this particular plant upgrade the plants secondary treatment and it benefits the island because we expect Guam EPA to begin an enforcement action against Guam water works to bring our two big plants one in Agana and this one in northern secondary treatment and we always told them it would take 100 million dollars, one hundred fifty million dollars. This one the military buildup is going to pay for it so it is a real benefit to the whole island.

Vice Chair Ronald Laguana: That was Mr. Sablan concern that the military pays for it.

Mr. Joey Duenas: The first part of the grant is already here we got 55 million there is another 100 some million coming they know because once we do the design of the plant then we will know the construction amount and then the grant to approve the rest of the money.

Mr. Miguel Bordallo: Had we not receive the grant it would not remove the requirement US EPA is trying to impose on us to bring it to secondary treatment which means the cost would still be there and the rate payers would end up having to pay for it we would have to go out into the bond market to get the funding.

Vice Chair Ronald Laguana: Are you done with your presentation is there anything else?

Mr. Miguel Bordallo: All the changes to the draft legislation have been incorporated I wanted to make that clear.

Commissioner Anthony Ada: Just the let you know that on the 3rd page line 18 in the word northern the "n" is missing.

Mr. Miguel Bordallo: Okay.

Commissioner Anthony Ada: How many villages will this ..........

Mr. Joey Duenas: It takes Tumon Bay, Barrigada and the whole northern end of the island.

Commissioner Anthony Ada: Anything for Agana?

Mr. Joey Duenas: Agana no.

Mr. Miguel Bordallo: As part of this project it provides better protection to our marine resources we are looking in the future reversing some of the flow from the pump station so that the central area parts of Tamuning will be sent north that frees up additional capacity for Agana.
Vice Chair Ronald Laguana: You are in collaboration with Guam Power Authority to manage the power to pump this system.

Mr. Joey Duenas: Yes, yes.

Vice Chair Ronald Laguana: Because right now we are suffering now.

Mr. Joey Duenas: If you look at the map here at the top of the paper GPA intends to buy that property to solve the power problem for the whole northern end where 60% of our load is and we won't damage the coral or the sea at Cabras anymore we are going to take out the four power plants down there and the remaining ones use sea water cooling we are going to go up to the northern plant because we are going to take the sewage water treat it some more for cooling purposes for the plants and then put it out in the ocean it will be cooler and it will be all mixed in.

Commissioner Ronald Eclavea: The power plant will be adjacent to it?

Mr. Joey Duenas: It is adjacent to Ancestral Land property.

Commissioner Ronald Eclavea: It is not private?

Mr. Joey Duenas: No, no, no. that is why this is a key piece of property, there is not enough land around it there is a privately owned property next to it.

Commissioner Ronald Eclavea: Why don't you just condemn the Coretec property, you have the authority to condemn it

Mr. Joey Duenas: We have the authority to condemn and we will if we need too but we always want to negotiate first at fair market value and we have the money. Two reasons we don't go the other way, one, there is not enough land, there is a waterline and then Coretec's property so we have to take out the waterline. Have you ever noticed that property slopes down this property is a better location.

Commissioner Ronald Eclavea: So you are saying that it is still possible, you can still condemn the property.

Mr. Joey Duenas: The problem is Coretec started developing that area there is a batching plant put in already.

Commissioner Ronald Eclavea: You can still condemn it.

Mr. Joey Duenas: But we would have to pay more because of their batching plant.

Commissioner Ronald Eclavea: But the federal government is paying for it.

Mr. Miguel Bordallo: Not all of it. the amount of money in the grant acquisition is fixed anything what is above the rate payers have to pay so we can do it but it would take longer we would prefer to negotiate and the expense would be greater because we would have to pay relocation of the plant.
Mr. Joey Duenas: And the topography is really bad.

Commissioner Ronald Eclavea: I guess anything is possible.

Commissioner Anthony Ada: We are option two. Vangie Lujan, before you appraise this land keep it at the "H" zone before you make it for public use.

Mr. Joey Duenas: We will give you the best highest price.

Ms. Vangie Lujan: It would be assessed at the existing condition at "H" zone it was only in June the legislature had a requirement that a government facility must be rezoned to PU, public Use.

Mr. Joey Duenas: We are aware of that.

Vice Chair Ronald Laguana: We are aware of that we are here to represent the ancestral landowners who never got their property back we have always been ripped off in a sense by people so if you ever feel special consideration and have grant money please feel free (inaudible)

Mr. Joey Duenas: When we met with your Chairwoman and Mr. Sablan they both said "we don't want you to do this we don't want to lose our property; we want to keep our property". We said we understand but this is something we need, they expressed the same sentiments you are expressing. Then they said to give them more money and we said we would appraise it and give the fair market value for a hotel zone. We are not the appraisers we have to leave it to the appraisers and if you think they are wrong you can always challenge them. Here is the thing we are negotiating for properties; we are acquiring properties all over the island.

Commissioner Anthony Ada: I remember when the presented the Dos Amantes plan they said that was the new Tumon

Commission Maria Cruz: Do you have a time frame to use that grant money?

Mr. Miguel Bordallo: There is a firm schedule of several steps that need to be taken and property acquisition is at the top of the list but everything as to be in place by 2021. In addition to the plant there is sewer lines that need to be run which will also be upgraded for additional capacity for neighboring properties that are not military that will be all projects combined.

Ms. Vangie Lujan: In the bill you will see that we will select one company and you will select another company and you will have two inputs.

Mr. Joey Duenas: And we pay for all the appraisals. There are only three commercial appraisal companies on island, Captain, Sitka, and Micronesian appraisals.

Ms. Vangie Lujan: I will provide to Karen all the track changes of the bill.

Commissioner Ronald Eclavea: In my opinion we don't need legislative action because the enabling legislation gives us the full authority to act as developers

Mr. Joey Duenas: I guess this was our thinking that it was the best way to go but if you believe you have the authority then that is fine. I think this was brought up do you have the authority to accept cash.
Commissioner Ronald Eclavea: enabling legislation gives us the full authority to act as developers.

Mr. Joey Duenas: Okay then.

Attorney Kristan Finney: I am not sure that is an accurate statement. (inaudible) what you guys brought up in the last meeting they compensate for the land and then use that to acquire different land (inaudible).

Vice Chair Ronald Laguana: This will allow it.

Mr. Joey Duenas: That is what we were told that is why we put it together so there is no doubt.

Vice Chair Ronald Laguana: We will take all this into consideration thank you for your presentation we will notify you Mr. Director if there is ratification of this bill. Has this bill been introduced?

Mr. Joey Duenas: No because we want to work with you once you approve the bill what we are looking for is a resolution from you supporting this bill.

Commissioner Anthony Ada: Are there original landowners in this area that have not developed the area because they cannot afford the utilities?

Mr. Miguel Bordallo: I don’t know about the immediate vicinity but I do know that we have frequent complaints from the cliff line area which we are working to address.

Commissioner Anthony Ada: They would have to fork out some money right.

Mr. Joey Duenas: There is going to be certain things correct me if I am wrong when we develop Tumon we are looking at putting another pump station in that line might just go straight up the cliff line between Eclavea and Flores will have ability for sewer. One of the things that gets to us with Ancestral Lands and even with Chamorro Land Trust sometimes when the military returns land with housing and roads in them but they just return lot numbers what happens is we tell the people you have to give us the easements we are running into that problem at Nimitz Hill we told them if you give us the easements we will put in a brand new water line but we need the easements because when the military returned it the just returned the old lot number which crosses over the easement. That is not too bad when you return raw land like in Radio Barrigada, when it is raw land it is up to them where they will put in the easements together with other families with no easements we can’t put anything in. There are lots of problems in NAS and Nimitz when they return the housing and some parts of the road go to this family and other goes to other family we even had a discussion with Senator Ada that he should come up with a law that if there are roads in there they should come with those easements because when the Navy knew they were going to return these lands they stopped maintaining it so we have a lot of leaky line in Nimitz and but before we can invest money to fix it we need to know we have an easement.

Commissioner Anthony Ada: I just put it out there to make it part of the deal.

Commissioner Ronald Eclavea: But based on his question based on the plan to build the power plant have you considered those properties there for this?
Mr. Miguel Bordallo: For what?

Commissioner Ronald Eclavea: For the waste water treatment plant.

Mr. Joey Duenas: There is not enough land in other words we want more land, we want some of your piece and we would take all of their piece.

Commissioner Ronald Eclavea: Oh I see.

Commissioner Anthony Ada: I just want to make sure those guys get their water.

Mr. Miguel Bordallo: It is our intention to improve the water they are already getting and to provide them gravity sewer.

Mr. Joey Duenas: But again we always encounter the problem with no easements we can't just provide a 2 inch line.

Commissioner Ronald Eclavea: Will the new facility handle all the new development up there?

Mr. Joey Duenas: Yes. As the General Manager said we are going to take some of the load so that we can free up the Agana treatment plant.

Vice Chair Ronald Laguana: Any further discussion before we move on?

No answer

Vice Chair Ronald Laguana: Thank you for your presentation. Madam Chair your presence is required now that you are here. We move to item number IV the title hearing.

Man from the audience: Isn't this waters works project based on the build up? And we are all in agreement that the military will foot the bill.

Vice Chair Ronald Laguana: I think it is in the EIS.

Man from the audience: My question is, why are they asking ancestral for property when it should already be in the master plan?

Chairwoman Anita Orlino: We gave those properties back to the original landowners.

Man from the audience: And you are going to take it back?

Chairwoman Anita Orlino: No we are not going to take it back.

Commissioner Anthony Ada: Mr. Bordallo just clarified for us that even without the build up the treatment plant cannot handle what is there now and it is a good time to do it because the military will pay for it.

Man from the audience: I know that. The land that has been returned and still condemned when you drive down FAA why don't the military just take that.
Chairwoman Anita Orlino: Pardon me but we need to continue and we finished the public comment, let me just answer: The land that has been returned they just have to deal with it. The seventeen acres they need for the waste water treatment plant that property has no ancestral landowner and that is what they are looking at all others they have to deal with the landowners they have to sell their property.

Unidentified Man from the audience: Now this is confusing because they said they will get the money and ancestral will buy property elsewhere.

Chairwoman Anita Orlino: One of the options if we approve that.

Unidentified man from the audience: Why can't we put in another option by using property bring maintained by the military. (inaudible) well.

IV. Title Hearing-Juan Cabrera Francisco, Lot 2456

Chairwoman Anita Orlino: It is just a proposal. It is not set in stone. Let's move on. Sorry I am late I had a minor emergency. We move to the title hearing for Lot 2456 Barrigada, within the federal released parcel Radio Barrigada A-7, Ostensible Landowner at time of taking Juan Cabrera Francisco. Please state your names.

Ms. Cecilia Navarro: My name is Cecilia Navarro.

Mr. Fred Blas: I am Fred Blas.

Mr. Francis Francisco: My name is Francis Francisco.

Madam Secretary Maria Cruz: What is your relationship to the landowner?

Ms. Cecilia Navarro: Cecilia Navarro I am the granddaughter of the original landowner

Mr. Fred Blas: Fred Blas, grandson.

Mr. Francis Francisco: Francis Francisco, grandson.

Madam Secretary Maria Cruz: (Administer oath).

Ms. Cecilia Navarro, Mr. Fred Blas, Mr. Francis Francisco: I do.

Chairwoman Anita Orlino: Ms. Karen Charfauros will facilitate.

Ms. Karen Charfauros: Madam Chair I would like to present the estate of Estate of Juan Cabrera Francisco, Lot 2456. EXHIBIT A, Ancestral Title and Compensation Application of Evelyn M. Francisco, Great Granddaughter of Juan Cabrera Francisco.

Ms. Cecilia Navarro: Correction, granddaughter.

Chairwoman Anita Orlino: Please make correction.

Ms. Karen Charfauros: Affidavit of Applicant, Applicant's Claim of Interest, Evelyn M. Francisco.
Commissioner Anthony Ada: Where is this Evelyn?

Ms. Cecilia Navarro: She is off-island.

Chairwoman Anita Orlino: You're the sister?

Ms. Cecilia Navarro: Yes.

Ms. Karen Charfauros: EXHIBIT A-1: Ancestral Title and Compensation Application of Cecilia Francisco Navarro, Granddaughter of Juan Cabrera Francisco. Affidavit of Applicant; Birth Certificate of Cecilia Tomasa Francisco, Daughter of Jose Camacho Francisco; Birth Certificate of Jose Camacho Francisco, Son of Juan Cabrera Francisco; Death Certificate of Jose Camacho Francisco; Family tree of Juan Cabrera Francisco; Applicant’s Claim of Interest, Cecilia Francisco Navarro.

Commissioner Anthony Ada: Jose is your dad?

Ms. Cecilia Navarro: Yes.

Ms. Karen Charfauros: EXHIBIT B, 1941 Tax Roll for Barrigada: Recorded Owner — Juan Cabrera Francisco for Pinate; EXHIBIT C, District Court Judgment for the heirs of Juan Cabrera Francisco Lot 2456 Barrigada under Civil Case No. 34-50; EXHIBIT D, Quitclaim Deed — United States of America to the Guam Economic Development Authority, Lot Radio Barrigada A-7; EXHIBIT E, Quitclaim Deed — Guam Economic Development Authority to the Guam Ancestral Lands Commission, Lot Radio Barrigada A-7; EXHIBIT F, Surveyor’s Certification for Lot 2456 Barrigada within Lot Radio Barrigada A-7 from Raymond A. Cruz, Registered Land Surveyor #73; Map of Lot Radio Barrigada A-7; Cadastral Map of Radio Barrigada; Overlay map of Radio Barrigada; EXHIBIT G, Abstract of Title from Title Guaranty of Guam, Inc. for Lot No. 2456, Municipality of Barrigada; Applicant’s Claim of Interest, Reme F. Pangelinan.

Commissioner Anthony Ada: Who is Reme Pangelinan?

Ms. Cecilia Navarro: Great granddaughter.

Commissioner Anthony Ada: What caused Reme to turn in an application?

Ms. Cecilia Navarro: I talked to her and she said she don’t remember.

Chairwoman Anita Orlino: We have the family tree showing her relationship to the Ostensible Landowner. Are there any other questions.

Vice Chair Ronald Laguana: But the three applicants are okay with this?

Ms. Cecilia Navarro: Yes they are willing to do whatever it takes to continue.

Chairwoman Anita Orlino: When we return this land you will have to take it to court, appoint an administrator, during the deed signing they could come in if they want to.

Ms. Cecilia Navarro: Evelyn has been off island since 2005.
Commissioner Anthony Ada: This is in Radio Barrigada?

Mr. Fred Bias: It is in the back road. It is adjacent to eagle’s field. Across the street from the new GPA building.

Chairwoman Anita Orlino: I can barely see it with my glasses but I found it.

Vice Chair Ronald Laguana: Just to clarify, when we have the deed signing we will make sure we have the easement in place.

Deputy Director David Camacho: Just for your information the family already attended the meeting for the easement.

Ms. Cecilia Navarro: Is there a way we can go back to the easement we have no appointed administrator but we have all the family representatives here and we are all in agreement for the easement instead of coming back again can we just sign off on the easement?

Unidentified man from the audience: No, no, no! Don’t confuse yourself the easements are already recorded don’t worry about it.

Deputy Director David Camacho: We could always say that before we release the property we put the easement in.

Unidentified man from the audience: What he is saying is to get all the family members and get them to agree regardless if they agree or not it doesn’t matter.

Deputy Director David Camacho: In the beginning I thought your property had been released but it was not yet released (inaudible).

Commissioner Anthony Ada: This map is the military version and this map because this does not represent the lot 2456 I am thinking that is the whole area.

Vice Chair Ronald Laguana: Mr. Director can you make sure everything is in place with regards to signing of the easement.

Chairwoman Anita Orlino: It will say subject to easement.

Vice Chair Ronald Laguana: Right. They are all aware of it have your administrator sign it and then record it.

Chairwoman Anita Orlino: Any questions from the commissioners? Legal Counsel?

No reply.

Chairwoman Anita Orlino: Any comments from the Deputy?

No reply.

Chairwoman Anita Orlino: Since there are no comments at this time we just completed the title hearing for lot 2456 Lot 2456 Barrigada, within the federal released parcel Radio Barrigada
A-7, Ostensible Landowner at time of taking Juan Cabrera Francisco. Is there a motion on the floor?

Commissioner Ronald Eclavea: Madam Chair I make the motion to approve the family's request the return of Lot 2456 Barrigada, within the federal released parcel Radio Barrigada A-7, Ostensible Landowner at time of taking Juan Cabrera Francisco. Based upon the Application of Cecilia Francisco Navarro, Granddaughter of Juan Cabrera Francisco. Affidavit of Applicant; Birth Certificate of Cecilia Tomasa Francisco, Daughter of Jose Camacho Francisco; Birth Certificate of Jose Camacho Francisco, Son of Juan Cabrera Francisco; Death Certificate of Jose Camacho Francisco; Family tree of Juan Cabrera Francisco; Applicant's Claim of Interest, Cecilia Francisco Navarro. EXHIBIT B, 1941 Tax Roll. EXHIBIT C, District Court Judgment under Civil Case No. 34-50; EXHIBIT D, Quitclaim Deed — United States of America to the Guam Economic Development Authority, Lot Radio Barrigada A-7; EXHIBIT E, Quitclaim Deed — Guam Economic Development Authority to the Guam Ancestral Lands Commission; EXHIBIT F, Surveyor's Certification; Cadastral Map of Radio Barrigada; Overlay map of Radio Barrigada; EXHIBIT G, Abstract of Title from Title Guaranty of Guam.

Vice Chair Ronald Laguana: I second the motion

Chairwoman Anita Orlino: The motion was seconded we go ahead and vote Commissioner Anthony Ada?

Commissioner Anthony Ada: Approved.

Chairwoman Anita Orlino: Vice Chair Ronald Laguana?

Vice Chair Ronald Laguana: Approved.

Chairwoman Anita Orlino: Madam Secretary Maria Cruz?

Madam Secretary Maria Cruz: Approved.

Chairwoman Anita Orlino: Commissioner Ronald Eclavea?

Commissioner Ronald Eclavea: Approved.

Chairwoman Anita Orlino: I myself approve the return of this land to the estate of Juan Cabrera Francisco, motion passed.

Deputy Director David Camacho: After 10 days of the notice of award we will have the deed signing and we will notify you.

Vice Chair Ronald Laguana: You can bring the whole family we will give you the time and date.

Unidentified Man from the audience: Can we get a letter or something so we can start the probate?

Vice Chair Ronald Laguana: Once we give you the title.

Chairwoman Anita Orlino: The deed, you need the deed.
Ms. Cecilia Navarro: But we can start right and go to my lawyer?

Deputy Director David Camacho: The 10 days kicks off with the first advertisement.

Unidentified Man from the audience: Most likely the Post

Ms. Cecilia Navarro: I thought it was free

Deputy Director David Camacho: Free for you.

Chairwoman Anita Orlino: Yes. Just to let you know at the deed signing there will be a $25.00 fee we do not accept cash we accept checks and cashier's checks. We take a 5 minute break.

VI Old Business
A. Tran Steel — Requesting approval of payment plan

Chairwoman Anita Orlino: This meeting will reconvene. We move to Tran Steel — Requesting approval of payment plan. Do we have a representative of Trans Steel?

Madam Secretary Maria Cruz: I am asked to swear you in please stand and state your name.

Mr. John Pearson: John Pearson

Madam Secretary Maria Cruz: And you are the manager?

Mr. John Pearson: Yes.

Madam Secretary Maria Cruz: Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

Mr. John Pearson: I do.

Chairwoman Anita Orlino: Go ahead with your presentation.

Mr. John Pearson: At the beginning of the year I engaged in this property in Piti our primary business is scrap recycling at that particular time (inaudible) stabilize the operations starting in 2014 the market plunged and even now the market is different from 2012, 2013. Due to that reason I had trouble paying the lease in 2014 and 2015. There is hardly any company buying the material so we had a lot of problems financially. Recently the market has been stable but not like 2013 but not plunging anymore. I contact Taiwan mill to engage selling the scrap even though it has little value. We are in negotiation right now and we most likely will be engaging with (inaudible) instead of scrap metal and I am hoping for the possibility of the unpaid balance amount be taken care of, I would love to take care of I think I will be able to make a payment of lease amount plus 200 toward the unpaid balance, which I owe to Ancestral.

Vice Chair Ronald Laguana: We see that in your letter.

Chairwoman Anita Orlino: Your arrears are a total of $2,050?
**Commissioner Anthony Ada:** That was a partial payment?

**Mr. John Pearson:** No. the partial payment I sold some equipment in which I came up with the amount $2,050 the balance I owe is about $6,000 some. I still have equipment for sale if I have a lump sum I will take care of what I owe but in the meantime waiting for the purchase is kind of (inaudible) I am getting into this scrap reselling with Taiwan which I will get a little bit of income I will be able to pay lease plus additional amount to pay the balance.

**Commissioner Ronald Eclavea:** You are currently making payments per month?

**Mr. John Pearson:** Yes.

**Commissioner Ronald Eclavea:** How much?

**Mr. John Pearson:** $2,050 last month.

**Deputy Director David Camacho:** That was a payment for the arrears.

**Mr. John Pearson:** The account is adding the additional $500.00 a month for the balance which I owe.

**Commissioner Ronald Eclavea:** You owe a total of $6,000 dollars.

**Mr. John Pearson:** $6,500.00

**Chairwoman Anita Orlino:** That you are in arrears?

**Commissioner Ronald Eclavea:** As of this month?

**Mr. John Pearson:** As of this month $7,000 I am working on making additional payment by the end of this month.

**Commissioner Ronald Eclavea:** Are you planning to make a payment anytime soon?

**Mr. John Pearson:** Anytime now.

**Commissioner Ronald Eclavea:** And you are asking for an extension to the end of this year?

**Mr. John Pearson:** Yes sir end of this year to fulfill the whole amount that I owe.

**Chairwoman Anita Orlino:** Any questions commissioners?

**Commissioner Anthony Ada:** I remember getting a copy of this letter in email and I remember asking a question the whole year 2015 was not discussed I saw the license that ended 2014 but nothing for 2015 but you still had a nonstop agreement for that place down there at $500 a month?

**Mr. John Pearson:** Yes sir.

**Commissioner Anthony Ada:** So this $200 over the $500 is to pay down the arrears.
Mr. John Pearson: To take care the amount which I owe.

Commissioner Anthony Ada: If you manage to sell equipment you will pay it faster.

Deputy Director David Camacho: I don't have the letter in front of me

Chairwoman Anita Orlino: The letter from August 22nd.

Deputy Director David Camacho: The one where he paid for the $2,000.00

Chairwoman Anita Orlino: $2,050?

Deputy Director David Camacho: He is asking that the arrears be paid off by the end of the December and I can't see how he is going to pay $200 dollars.

Mr. John Pearson: The first letter I sent I had a buyer for the heavy equipment which I have unfortunately it did not happen.

Commissioner Anthony Ada: What kind of equipment?

Mr. John Pearson: I have a 12 ton excavator, a transformer valued at 150,000 dollars I am trying to sell it for as much as possible. There was a gentleman named George and he was going to lease several equipment, thinking he was going to come up with the First Hawaiian check Monday he never showed up. I have to sell all this equipment which I have down there to bring my operation to stable but as for the meantime I just engage with the Taiwan mill to purchase my scrap metal that is another way to pay my unpaid balance.

Commissioner Anthony Ada: So you won't be able to pay it off by the end of the year is what you are saying.

Mr. John Pearson: That is very vague but if I have someone to purchase my equipment I will be very happy to pay what I owe but I will be making payment.

Vice Chair Ronald Laguana: This is like a gentleman's agreement in the event you manage to sell those equipment and attain some monies within your own good faith will you contact us on a monthly basis and let us know, send us an email of your status.

Mr. John Pearson: I will keep you up to date.

Vice Chair Ronald Laguana: Monthly until December I am just suggesting some communication with the Director or Madam Chair that you are still experiencing some financial strain and that you have some viable individuals looking into purchasing those equipment and give us a record of your progress because this is a big debt that you owe, $7,000 is just going to keep accumulating and compounding.

Mr. John Pearson: The additional amount will go toward that.

Vice Chair Ronald Laguana: The $200.
Chairwoman Anita Orlino: The $700.

Mr. John Pearson: I cannot live of that amount selling the scrap and equipment (inaudible)

Commissioner Anthony Ada: Did you tour this site? Did you guys go to Polaris?

Vice Chair Ronald Laguana: No.

Commissioner Ronald Eclavea: Are you currently selling scrap metal now on a consistent basis.

Mr. John Pearson: As you know the other scrap metal company is charging a fee.

Commissioner Ronald Eclavea: I understand the scrap it really hit a dive.

Mr. John Pearson: The representative of Taiwan mill I at least was able to set up....... 

Commissioner Ronald Eclavea: But you have some volume of business.

Mr. John Pearson: Yes.

Commissioner Ronald Eclavea: Is it picking up or are you just hoping?

Mr. John Pearson: It is not going down anymore I think it will go up sometime next year.

Commissioner Anthony Ada: You said you have transformers down there? Are there poison in them?

Mr. John Pearson: No I made sure when I received those things.

Commissioner Anthony Ada: Are there scrap down there now?

Mr. John Pearson: Yes.

Commissioner Anthony Ada: How many tons?

Mr. John Pearson: It is hard to say.

Commissioner Anthony Ada: How big of an area do you occupy there?

Mr. John Pearson: Half acre.

Commissioner Anthony Ada: Is it full of scrap already?

Mr. John Pearson: No.

Deputy Director David Camacho: Before you proceed are you addressing the older letter or the most recent which we received two hour ago?

Chairwoman Anita Orlino: This is the one we are going to address.
Commissioner Anthony Ada: Does this letter supersede that one?

Mr. John Pearson: For now yes.

Commissioner Anthony Ada: He cannot manage the previous letter so he submit this September 14th letter.

Mr. John Pearson: The previous letter was when I was able to sell some equipment I gave the $2,050.

Vice Chair Ronald Laguana: So he did put in $2,050 so he is asking to put $200 additional on top of the $500.00

(Everyone talking it is in audible)

Commissioner Anthony Ada: Do we know the past due balance? At $200 how long will it take to pay off the past due?

Chairwoman Anita Orlino: For October thru December it will be $2,100 and his arrears is $7,000 by the end of this month. So if you take that $2,100 and minus that.........

Commissioner Anthony Ada: No. he has to maintain the $500 a month.

Chairwoman Anita Orlino: The $200 is on top of the $500.

Commissioner Anthony Ada: The $200 to go toward the unpaid balance of $6,000 it will take 3 years to pay it off.

Chairwoman Anita Orlino: But in the event he sells his equipment he will pay it off.

Commissioner Anthony Ada: This letter pays $2,050 with the promise to pay by the end of the year.

Mr. John Pearson: That was the letter I explained to you when I had a potential buyer.

Commissioner Anthony Ada: Let me finish. This second part says you can pay at the end of this year and this one says you cannot.

Mr. John Pearson: Right now it is very vague.

Commissioner Anthony Ada: So we put that away, now you say you will pay the $500 so you don't fall behind you put $200 on top of that to cover the past due. $7,000 divided by $200 almost three years to pay back.

Vice Chair Ronald Laguana: But he said he has potential buyers for his equipment, trailers, back ho, forklift. How much hard equipment do you have? We should collateral one.

Commissioner Anthony Ada: We collateral Balli Steel and look where it got us.
Mr. John Pearson: I have a transformer which is valued high if you want I will collateral that, I am trying to sell it.

Vice Chair Ronald Laguana: What do you call it?

Mr. John Pearson: Load bank transformer.

Commissioner Anthony Ada: They emptied the pcv he said.

Mr. John Pearson: It is for testing of submarine and electrical.

Commissioner Ronald Eclavea: He needs time for the market then he will catch up.

Commissioner Anthony Ada: But that right now is a question mark but he will pay down his past due with $200 every time he pays his $500. He pays $500 on time he pays $200 to catch up with the arrears; at that rate with nothing else considered it will take about three years.

Vice Chair Ronald Laguana: That is the bottom line.

Madam Secretary Maria Cruz: On a typical lease you don’t have that option.

Mr. John Pearson: I understand that and I would like to fulfill my obligation (inaudible)

Commissioner Anthony Ada: Your license is year to year?

Mr. John Pearson: Right.

Madam Secretary Maria Cruz: Our license we can terminate in 30 days.

Vice Chair Ronald Laguana: You don’t want to do that.

Commissioner Anthony Ada: That is why I am putting those numbers out.

Madam Secretary Maria Cruz: So you are saying this is the figure but if you get more money you will pay it off.

(inaudible)

Commissioner Ronald Eclavea: Let us put a condition.

Chairwoman Anita Orlino: Let us put a timeline.

Commissioner Ronald Eclavea: Let us put a condition.

Chairwoman Anita Orlino: We are going to change the padlock and confiscate all the equipment.

Commissioner Anthony Ada: If he can’t sell it what are we going to do with it?

Madam Secretary Maria Cruz: I say we give him a time to pay of his arrears.
Commissioner Anthony Ada: That is what he is doing!

Chairwoman Anita Orlino: September, October, November, December. You are asking to put the $200 to offset the arrears? So what kind of offer can you give us for the end of the year? I am sure you have other assets or is this your only business.

Commissioner Ronald Eclavea: I think that is what he is offering that by the end of the year he will be up to par.

Chairwoman Anita Orlino: I know.

Commissioner Anthony Ada: No! That picture changed when his buyer backed out of the deal!

Chairwoman Anita Orlino: In the event he sells his equipment he will pay it off.

Vice Chair Ronald Laguana: I have a proposal. Mr. Pearson we will give you until December to clear out your balance.

Chairwoman Anita Orlino: December 2016

Vice Chair Ronald Laguana: Will that give you enough time? You got three months to come up with $7,000 are you willing to agree with us on that? Three years is just too long.

Deputy Director David Camacho: That is what he was saying in his first letter to give him until the end of December but he cannot make it.

Commissioner Anthony Ada: He cannot make it.

Chairwoman Anita Orlino: He cannot make it because the deal didn't go through.

Attorney Kristan Finney: When does the lease.......... 

Commissioner Anthony Ada: End of the year.

Chairwoman Anita Orlino: December 2016.

Commissioner Anthony Ada: It is not a lease it is a license.

Attorney Kristan Finney: But it ends in December.

Commissioner Anthony Ada: And if he goes at $200 it is going to take him three years that means we are going to be obligated another two years.

Attorney Kristan Finney: But you are concern about renewing this agreement with the outstanding balance.

Deputy Director David Camacho: It is not the renewing it is the payment of the arrears.

Commissioner Anthony Ada: The license is year to year.
Deputy Director David Camacho: I understand that.

Chairwoman Anita Orlino: He is in arrears $7,000 right now.

Commissioner Anthony Ada: When licenses are given out and we give it not GEDA, should a long term interested party come then there is a notification process that we are not going to renew the license.

Madam Secretary Maria Cruz: We are going to provide a thirty day notice

Commissioner Anthony Ada: Yes. And if agree to $200 a month

Vice Chair Ronald Laguana: You are going to continue for three years.

Commissioner Anthony Ada: We are hooked.

Madam Secretary Maria Cruz: My suggestion is paying it off by December.

Commissioner Anthony Ada: But he is saying he can't do it by December because the buyer

Madam Secretary Maria Cruz: I don't even know how he got this behind.

Mr. John Pearson: I will be very comfortable paying the unpaid balance by end of next year together with the current ....

Vice Chair Ronald Laguana and Commissioner Anthony Ada: December 2017?

Mr. John Pearson: That will give me enough time I won't have any excuse anymore.

Commissioner Anthony Ada: He wants to renew for one more year.

Vice Chair Ronald Laguana: He owes us $7,000 are we just going to ditch the guy and end up with zero?

Madam Secretary Maria Cruz: When does it expire?

Chairwoman Anita Orlino: December 2016

Madam Secretary Maria Cruz: Typically you don't renew with anybody that is behind it is not how it works.

Commissioner Anthony Ada: So what do you do?

Madam Secretary Maria Cruz: You are going to tell him we are not going to renew.

Commissioner Anthony Ada: And what do we do with all that scrap down there?

Vice Chair Ronald Laguana: And we lose $7,000! Where are you going to get $7,000? You are going to small claims?
Chairwoman Anita Orlino: Then he will be paying $50 a month.

(inaudible)

Commissioner Ronald Eclavea: He is asking until the end of next year.

Chairwoman Anita Orlino: So what amount can you assure us by December 2016?

Commissioner Ronald Eclavea: He can't meet December 2016 at all.

Chairwoman Anita Orlino: 2,100?

Mr. John Pearson: Yes I can make that amount.

Commissioner Anthony Ada: It will only be $600 because the $500 is to stay updated.

Chairwoman Anita Orlino: The total because he will give $200 on top of the $500 something like that.

Vice Chair Ronald Laguana: No, no, no.

Chairwoman Anita Orlino: No?

Vice Chair Ronald Laguana: Tony, explain it to her.

Commissioner Anthony Ada: The $500 a month is to stay current and he is already behind about $7,000 dollars. So this letter is asking to pay the $500 and the $200 is going toward the $7,000. By the end of the year only $600 will be applied against the old money, but now he is saying that if we give him to the end of the year December 2017 he will pay it off. The worst case scenario he can't make it because the scrap market is not doing good. What are your indicators that the scrap metal is stable?

Mr. John Pearson: That is in the international market website there are indicators every month in the fluctuation of value of the scrap, it hasn't been going down for a couple of months already.

Commissioner Anthony Ada: You said you have buyers from Taiwan?

Mr. John Pearson: Yes. It is not feasible like it was in 2013 you make 4 to 5,000 from one container but I can still bring in some income because the value has to go up slowly.

Commissioner Anthony Ada: Are you still shipping scrap out or are you waiting for the value to go up?

Mr. John Pearson: Even if you send out scrap you have no value, no profit. Starting this month I notice buyers coming in buying the material because they are also thinking of selling it when the price goes up. I can sell it for the less amount run the operation and pay the lease not making that profitable margin I can still go on not making that profitable margin but I can still go on, that is why I indicate $200 a month I wasn't intending to drag it so long to fulfill the obligation. If you can give
me until the end next year 2017 to fulfill the whole amount I think I can sell the equipment or the material.

**Commissioner Ronald Eclavea:** So you are asking an automatic renewal of your license

**Vice Chair Ronald Laguana:** In a sense.

**Commissioner Ronald Eclavea:** That is what he is asking.

**Chairwoman Anita Orlino:** Do you lease or rent out your equipment.

**Mr. John Pearson:** No.

**Chairwoman Anita Orlino:** What do you charge? For an excavator, I understand with an excavator you pull something out like huge boulders.

**Commissioner Anthony Ada:** Let’s not get into the equipment rental business.

**Mr. John Pearson:** Yes ma’am. If they have equipment.........

**Chairwoman Anita Orlino:** The excavator demolishes.

**Mr. John Pearson:** Yes ma’am.

**Chairwoman Anita Orlino:** I thought an excavator is what you dig out. Okay Commissioners what are your opinions?

**Madam Secretary Maria Cruz:** I will go with the flow

**Commissioner Anthony Ada:** He promises to pay by the end of 2017, are you going to increase your monthly payment so that it finishes by the end of 2014 or are you going to do a balloon payment at the end?

**Mr. John Pearson:** I will be very honest with you when I have additional income I want to pay it off.

**Commissioner Anthony Ada:** So at the minimum you will pay $200 but if you can pay more you will.

**Mr. John Pearson:** I have to pay more.

**Vice Chair Ronald Laguana:** Put it in writing.

**Commissioner Ronald Eclavea:** We are renewing a license and it is not even the end of the year isn’t it 30 days before expiration they can renew.

(Too many speaking at the same time-inaudible)

**Vice Chair Ronald Laguana:** He is giving us his bottom line if we terminate in December what is going to happen with the rest of the balance.
Commissioner Ronald Eclavea: Let us be amenable to the extension but wait until 30 days before the expiration in the meantime he keeps up with this $500.

Vice Chair Ronald Laguana: Mr. Pearson we will give you 30 days prior to the end of this license and you come before us and present what you have to offer us before the end of that lease because we can't predict what is going to happen before the end of December.

Commissioner Ronald Eclavea: I think we will be amenable to the extension but 30 days prior.

Vice Chair Ronald Laguana: You have September, October, November and December 1st to present to us what is your contingent plan to pay us off and come up to date then we will reconsider the renewal of the lease.

Deputy Director David Camacho: Just come up with the condition and let us finish this you keep going back and forth.

Chairwoman Anita Orlino: Come back 30 days before in the meantime keep paying this

Vice Chair Ronald Laguana: I make the motion that we allow Mr. Pearson to present to us 30 days prior to the end of his license to come up with the plan to pay off the balance of his license.

Madam Secretary Maria Cruz: Can we include the submission of his GRT's the past four months.

Commissioner Anthony Ada: He already told you he is not selling anything so it will come up zero.

Chairwoman Anita Orlino: So there is a motion on the floor to extend……..

All Commissioners: no, no, no!

Chairwoman Anita Orlino: There is a motion for him to present 30 days before the end of December 2016 your proposal to pay off your balance in addition to include GRT for the past four months July, August September, October.

Commissioner Anthony Ada: His GRT is going to tell you he is not making money.

Madam Secretary Maria Cruz: That is fine.

Chairwoman Anita Orlino: Do I hear a second on the motion?

Commissioner Ronald Eclavea: I second it.

Chairwoman Anita Orlino: We are now open for discussion.

Commissioner Ronald Eclavea: Basically 30 days prior he is going to ask for his extension provided he pay it off I would like to give him another year.

Vice Chair Ronald Laguana: We will give him 30 days until the end of the license
Commissioner Ronald Eclavea: He has to come back and report to us that he is in arrears and give us a reason to extend.

Vice Chair Ronald Laguana: We will give him time to pay it off, we will give you 30 days prior to the end of your license to pay it off

Commissioner Anthony Ada: I thought you cannot entertain a renewal until 30 days prior to the end of the current.

(Everyone talking over each other)

Commissioner Anthony Ada: What was stated earlier was at $200 a month it will take Mr. Pearson 3 years but he said he feels comfortable getting all caught up in 12 months not 36 months so what we are looking at here is in two months we are not going to entertain a renewal anyways we can't entertain a renewal until 30 days prior, so in two months we are hoping you will come up with a solid plan how you are going to pay it off by 2017 end of year or sooner because if it is not solid then we have different plans.

Commissioner Ronald Eclavea: We are cutting of his leg if we don’t give him a chance to pay off the arrears.

Commissioner Anthony Ada: How many times has he said he is not going to make it by the end of the year?

Commissioner Ronald Eclavea: He might sell his equipment that is why I am saying license to the end until 30 days prior and the $500 plus the $200

Chairwoman Anita Orlino: We are giving him a timeline to see........

Vice Chair Ronald Laguana: I am giving him 30 days prior to fulfill that balance the arrears that is the bottom line do you have $7,000 by December 1st 2016.

Madam Secretary Maria Cruz: It has to be by November because we have to make a decision by December.

Chairwoman Anita Orlino: To renew the license. Are you saying that in order to renew the license from January 2017 to December 2017 he has to pay off the arrears of 2015-2016, that is what I hear.

Madam Secretary Maria Cruz: I am hoping he comes up with at least half of what he owes and come up with a plan that will be submitted in November with the 4 months GRT.

Chairwoman Anita Orlino: But his presentation is asking for up to December 2017 or before that should money come whatever plan to pay it ahead and you will continue your license.

Deputy Director David Camacho: Madam Chair I thought you were addressing the motion.

Chairwoman Anita Orlino: We are discussing it.

Deputy Director David Camacho: The motion does not address December 2017.
Vice Chair Ronald Laguana: Madam Chair I withdraw my motion and if there is any other let these guys throw it in.

Chairwoman Anita Orlino: Are we going to strike that?

Commissioner Ronald Eclavea: One thing we know for sure he is banking on the scrap metal business coming back up right now he is in the dark, it looks good he doesn’t know, he got this scrap company from Taiwan and he is hoping but he cannot say anything right now but he is hoping business will come up and back to making payments and there is prosperity. He has to come up with a payment plan and it is based on the economy coming back up.

Mr. John Pearson: I do have inventory right now if I knew everything that was going to come up the last payment was brought up was to try and take care of my initial obligation it show clearly that I do sell my equipment that I had I sold it for $3,000 the $1,000 went toward my expense and $2,050 for that. I am not trying to ignore the situation as for the vague situation whichever way you look at it scrap metal or equipment wise that is why I feel comfortable if you give until 2017 to take care of all the obligation that I owe to the Ancestral Land Commission.

Commissioner Ronald Eclavea: But we can’t entertain that until 30 days prior.

Mr. John Pearson: I will go ahead and submit the documentation.

Vice Chair Ronald Laguana: I withdraw my motion.

Commissioner Ronald Eclavea: Okay I make a motion is to keep the minimum until the 31st at his $500 and the $200, Mr. Pearson needs to understand his license renewal is in jeopardy because of his arrears and he needs to make every effort to complete the arrears before the end of the year that way it will be more favorable when you come in to ask for a renewal of your license.

Madam Secretary Maria Cruz: This is November not December 31st.

Chairwoman Anita Orlino: 30 days before expiration.

Commissioner Ronald Eclavea: His license is until 31st and he is going to request 30 days prior.

Madam Secretary Maria Cruz: So he needs to come in November.

Commissioner Ronald Eclavea: Yes.

Vice Chair Ronald Laguana: Give him a date.

Chairwoman Anita Orlino: We have to set a date.

Commissioner Ronald Eclavea: Well he has to give us the notice 30 days prior he will give the Director in writing that they want to extend then we can meet whenever, end of November.

Chairwoman Anita Orlino: So that is the motion.
Vice Chair Ronald Laguana: Get a date.

Madam Secretary Maria Cruz: December 26 is when it expires so November 26.

Vice Chair Ronald Laguana: So put that in the motion. Set it for November 23rd.

Chairwoman Anita Orlino: When is November 23rd?

Commissioner Ronald Eclavea: It is a Wednesday the day before Thanksgiving.

Madam Secretary Maria Cruz: Let's hope everyone shows up there may be thanksgiving

Chairwoman Anita Orlino: Can we get the second Wednesday of the month?

Karen Charfauros: November 9.

Chairwoman Anita Orlino: Can you include that Commissioner Eclavea.

Commissioner Ronald Eclavea: When is that again?

Chairwoman Anita Orlino: November 9.

Commissioner Ronald Eclavea: November 9 is when you will appear before us that is way more than 30 days prior.

Commissioner Anthony Ada: Mr. Pearson where you invited here or did you just come here today?

Mr. John Pearson: I heard there was a meeting.

Deputy Director David Camacho: He was told to come. You guys are committing yourself to the renewal when there is no request for renewal we are talking about the arrears.

(Inaudible-everyone talking over each other)

Vice Chair Ronald Laguana: He is going to report to us his status.

Commissioner Ronald Eclavea: Let me clarify: he came in asking us to give him until next year we are telling him we cannot because the most we can do it is 30 days prior.

Commissioner Anthony Ada: And then what are you going to say?

Commissioner Ronald Eclavea: He has to come to us and hopefully the payment is made and it is favorable, he is asking right now to give him until next year.

Commissioner Anthony Ada: No! It started out with me projecting out the $200 payment by saying it is going to take about 3 years the conclusion is he is only getting it year to year, it is a mis-match because we tell the licensee 30 days prior if we are going forth.
Commissioner Ronald Eclavea: Everything is clear.

Commissioner Anthony Ada: He didn't ask for anything.

Commissioner Ronald Eclavea: Yes he did. He is asking right now to give him until next year and I said we cannot entertain until 30 days prior.

Commissioner Anthony Ada: No Ron.

Commissioner Ronald Eclavea: That is why I made the motion.

Commissioner Anthony Ada: But he said he cannot make it to the end of the year!

Commissioner Ronald Eclavea: He is asking right now to give him until the end of next year and I said we cannot entertain until 30 days prior.

Deputy Director David Camacho: He is not asking for thirty days he is asking............

Commissioner Ronald Eclavea: And we cannot entertain it. I made a motion on the floor if you guys want me to withdraw my motion I am willing to do it.

Commissioner Anthony Ada: It doesn't have to be a motion, just tell him to do it.

Vice Chair Ronald Laguana: If you don't withdraw it then we have to act on it.

Commissioner Ronald Eclavea: I formally withdraw my motion.

Chairwoman Anita Orlino: Strike that out, motion withdrawn.

Vice Chair Ronald Laguana: So tell him what he has to do Tony.

Commissioner Anthony Ada: Mr. Pearson the letter that you submitted to us it show good faith, it shows you are not going to run away from this obligation and your letter states you are going to pay $200 on top of the $500 that shows good faith but it doesn't match. So what we will do is toward the end of your current license we hope to see another letter that is better than the $200 from that point on we can decide.

Vice Chair Ronald Laguana: Look at least for $4,000

Mr. John Pearson: I will try.

Madam Secretary Maria Cruz: We cannot entertain your request until November because that is 30 days before your permit expires hopefully you can come up with a solid plan and some cash to pay half.

Vice Chair Ronald Laguana: Or in full.

Madam Secretary Maria Cruz: In addition you're GRT from July to November.
Chairwoman Anita Orlino: So you heard Mr. Pearson you have until November and you may continue payments.

Commissioner Ronald Eclavea: I know the scrap business is really struggling I know personally.

Mr. John Pearson: Thank you for your time.

VI. Old Business
C. Bryan Ha/ David Duenas-License of one acre in the former occupied area of Balli Steel (GEDA)

Chairwoman Anita Orlino: We now move to Bryan Ha/ David Duenas-License of one acre in the former occupied area of Balli Steel (GEDA). Is GEDA here today? No.

Commissioner Anthony Ada: How come GEDA is here when they don’t issue licenses?

Chairwoman Anita Orlino: They are the ones who told them they could lease for a $1,000 a month.

Karen Charfauros: I just carried over what was in the previous agenda from two meetings ago so it will strike a memory but the main reason it was placed on the agenda was so the board has to be clear if you are going to RFP a license or not. They sent a proposal because at the last meeting you asked him to provide a proposal, he did, and Mr. Borja advised me not to send it out to the commissioners because he said that it had to go through an RFP process. The board needs to discuss the RFP process with a license there are different schools of though and you need to take it from there.

Commissioner Anthony Ada: How come he didn’t say?

Karen Charfauros: It is in the minutes he said “you are going to have to RFP this property” but you guys continued to have the discussions. Kristan also advised the board.

Commissioner Anthony Ada: In this one or the last minutes.

Karen Charfauros: It is in that one.

Commissioner Ronald Eclavea: Are we discussing our options?

Commissioner Anthony Ada: Dong says they don’t do licenses so we have to go ..............

Madam Secretary Maria Cruz: I would like to get that in writing.

Commissioner Anthony Ada: The guy just left we didn’t RFP him right?

Commissioner Ronald Eclavea: We have to keep our options open for licensing because we have people who want a 6 month license.

Commissioner Anthony Ada: Then we need to find out from Mr. Borja why do we have to RFP this.
Attorney Kristan Finney: Before you guys start talking about this I want to say again that a lease or a license does not depend on how long it is, it is dependent on the kind of agreement or rights they have. If you make an agreement with someone to go onto the property and have defined use of this particular piece of property for a period of time they are going to have exclusive rights they are going to build on the property whatever you are looking at a lease, whatever you call it. I just want to say that again because every time this comes up there is always the discussion that if you call it a license or if it is for a short period of time it is just a license but that is not what is going to make it a lease or a license.

Commissioner Ronald Eclavea: You are clarifying that they are given certain rights

Chairwoman Anita Orlino: It depends on the activity they perform.

Attorney Kristan Finney: If somebody comes in and says they want to use this particular piece of property.............

Chairwoman Anita Orlino: Just for staging

Attorney Kristan Finney: Whatever they are going to use it for, that for their exclusive use you are most likely looking at a lease.

Commissioner Ronald Eclavea: So we need to RFP a license?

Chairwoman Anita Orlino: No.

Commissioner Ronald Eclavea: I am asking her.

Chairwoman Anita Orlino: She explained it.

Attorney Kristan Finney: I don't know, if you are going to let someone cross over and anybody can do it then maybe you don't but if you are giving some kind of exclusive rights to somebody that if I give you these rights and I can't give to anybody else then you are going to have to do a RFP because you have to make it fair right. You have to make it fair and you have to give everybody the opportunity and it is your responsibility to use it at its highest and best use.

Commissioner Ronald Eclavea: If we get a request for 4 months they are going to store pipes we don't need to RFP the property we can just give a license they are going to store pipes for 4 months and then it is out of there

Attorney Kristan Finney: Hypothetically.............

Commissioner Ronald Eclavea: We don't need to right.

Commissioner Anthony Ada: If you are saying that it is like a lease does the term predicate that it has to be for more than a year can we give them a one year lease?

Attorney Kristan Finney: I don't have that agreement in front of me I may have seen it but I don't recall but I know that a lot of the agreements that I have seen appear to have more
characteristics of a lease rather than a license. And I am not sure why they would follow a lease in the past I just know that it is not the matter of how long.

**Vice Chair Ronald Laguana:** It is the contents

**Commissioner Ronald Eclavea:** I am not saying you are wrong it makes sense but we have gotten different opinions from our legal counsel over the years it was kind of vague, they didn’t explain clearly like what you did they said if we are going for more than a year if it is a license then they would say you can do a year license but month to month then I say you want a year but it is month to month.

**Attorney Kristan Finney:** It is really hard to say about the advice you got because the advice that you get is a function of what you are asking. Speaking in general hypothetical terms and not any specific thing if you are wanting this agreement then your legal counsel will say if you are going to do this you will hear the things you need to think about from there it might be something that has to do with a specific circumstance and then if you take that advice and say our legal counsel said to do this would be incorrect because you are applying a different set of facts circumstance.

**Commissioner Ronald Eclavea:** As long as we are still able to perform a license

**Attorney Kristan Finney:** Again it depends on what you want to do with it I think what you should be thinking of is why wouldn’t you want to open it up why wouldn’t you want to say hey we have this piece of property it is not being used ...........

**Commissioner Ronald Eclavea:** For like a six month or three months nobody is making a request right now and if somebody wants it for six months or three months for a piece of property do we have to get GEDA to RFP it?

**Attorney Kristan Finney:** That’s not what I am saying.

**Commissioner Ronald Eclavea:** That what I am asking do we have the ability to license, it’s a 4 months use starting next month.

**Attorney Kristan Finney:** In that kind of circumstance you would make use of the property for a certain period of time.

**Commissioner Anthony Ada:** For a specific purpose.

**Attorney Kristan Finney:** For a specific purpose like you say someone is going to put some stuff here then it is going to be gone and the time frame is so short you wouldn’t even have a lease out RFP’d within the negotiated time, you could be using the property maybe those will be things taken into consideration.

**Commissioner Ronald Eclavea:** It is just so vague because a year is short.

**Vice Chair Ronald Laguana:** The Director suggested it so what are we going to do.

**Attorney Kristan Finney:** Again the license is not the period of time.
Commissioner Ronald Eclavea: I think we have an advantage in RFP in limited situations. GEDA is regulated to manage it without the procurement process so the 14% doesn't get involved with that whereas it still allows us to go in and make money anyway and it is not about favoritism we haven't had that much request for licensing when a license comes in that means they are interested.

Attorney Kristan Finney: Again you are saying a request for license you are getting caught up in this term license and lease what you need to do is ask what are they doing on the property that is what you need to be looking at not if somebody comes in and request for a license. If you tell them we can do as a license not a lease they will say ok, because they want to use the property but it is not the label that is important it is what they are asking to do with the property they are not necessarily coming in asking for a license they are coming in to use the property in a certain way.

Commissioner Ronald Eclavea: So what I am saying we can still give licenses depending on what they request. You are not giving me a clear......I see everything you are saying you are giving me a thin line to walk on this is very important are we going to ask a formal opinion on it or are we going to continue as is right now?

Attorney Kristan Finney: Even if you are asking a formal opinion unless you are talking about this specific request are you talking about in general.

Commissioner Ronald Eclavea: In general!

Vice Chair Ronald Laguana: What she is saying is licenses and leases are dependent on what they want.

Commissioner Ronald Eclavea: So that is what I am saying we can still license.

Attorney Kristan Finney: This answer is probably not the answer you want it depends and so if you asked the AG's office to give you an answer can we enter into a license without an RFP there response will be give us some specifics .

Commissioner Ronald Eclavea: Case by case basis.

Attorney Kristan Finney: From what I know of the request that was made I think they came to the commission twice they wanted to use this piece of property it sounded like they wanted a defined piece of property not just where they can be moved they wanted a specific piece, and they wanted an exclusive use of it and it sound like they wanted to lease that property that is what it sound like to me but maybe there may be more that I am not thinking of

Commissioner Ronald Eclavea: You are talking about the Brian Ha case.

Attorney Kristan Finney: Specifically to that it seems to me that they were looking to lease that property.

Commissioner Ronald Eclavea: But it looks like it was similar to Mr. Pearson's thing.

Attorney Kristan Finney: I haven't looked at his agreement I may have seen it but I don't recall it.
Vice Chair Ronald Laguana: They wanted the one acre and when they saw the rest they wanted to take the opportunity to clean it and extend it.

Deputy Director David Camacho: No, no, no! Not to clean it and extend it but in payment of rent. They wanted to use it for storage.

Attorney Kristan Finney: They wanted exclusive use they wanted a specific piece, and they wanted an exclusive use of it not hey! Can we come into your property and put something there where somebody else could come on to this property.

Deputy Director David Camacho: The property is five acres they only need a small portion if we a property that size we will move it to a property that size not for their exclusive use now you are depriving.

Commissioner Ronald Eclavea: I don't have any issues giving them a license.

Attorney Kristan Finney: Let me remind you that WESTCO is in litigation right now and they had a license for one year.

Commissioner Ronald Eclavea: But see we didn't have legal counsel at the time they drafted it is sad that we are going through that.

Deputy Director David Camacho: So you are saying that in that license we put a lot of stuff that kind of made it.....

Attorney Kristan Finney: The trial is going on right now the only thing I am trying to point out is you are in trial for a one year license so this idea that it is just a license and it is just for one year we can just cancel it.

Commissioner Ronald Eclavea: The language that was in there they put in their lawyers at the time not us we had that agreement with them on trust and we didn't have legal counsel now we have legal counsel.

Attorney Kristan Finney: Legal counsel is now telling you that if you are making an agreement with somebody that is they request for a specific piece of property for a period of time that it is very likely you are looking at a lease of that property. If you say we have this 5 acre piece of property they are going to store some stuff and anybody else can come there and store their stuff of course they can't touch the other person's stuff, but anybody else can come there and store their stuff and there is no exclusive use then you are looking at a license.

Deputy Director David Camacho: That is what is happening.

Commissioner Ronald Eclavea: The problem is maybe.

Attorney Kristan Finney: The facts are going to turn those maybes into something.

Commissioner Anthony Ada: There was a term there, there was an expiration date for a year right and that is why I asked you earlier could you have a one year lease and you said you can't
so something else is holding that this longer. I don't mind making it a one year lease what I mind is going through the procurement I think the law allows us not to go through the procurement.

Attorney Kristan Finney: Again it comes back to the particulars if it is something that is not exclusive that is the idea of procurement comes in also if you say you can come and clean this property and we will pay you to do it then you really are hitting the procurement law.

Commissioner Anthony Ada: The model or the method (word in audible) and we are suppose to take it highest and best use so how do we approach this that process of RFP comes up.

Attorney Kristan Finney: You have to have a fair way to say we have this piece of property we want someone to come and use it make us a proposal.

Commissioner Ronald Eclavea: But we need to see the language that states the license cannot be exclusive but you are limited to this one acre why is it that we limit them (inaudible- too many people talking).

Attorney Kristan Finney: A lease is rights over the property a license give permission ....it is not legal for you to come unto my property and do whatever it is you are going to do for example you buy a ticket to an event that is a license.........

Commissioner Ronald Eclavea: You are clear

Attorney Kristan Finney: ........................................You are not giving any rights when you are leasing the property you are giving certain rights

(inaudible- too many people talking)

Commissioner Ronald Eclavea: We want to get to the fine line so we don't lose any opportunity for the trust to make money; we want the fine line so it allows us to make money next month.

Attorney Kristan Finney: I understand but I can't give you that line because it depends on ........

Commissioner Ronald Eclavea: We want to go wherever that line is and not cross it.

VII New Business

Chairwoman Anita Orlino: There is no new business

VIII Reports- GEDA

Chairwoman Anita Orlino: No GEDA representative here

VIII Report-Director

Chairwoman Anita Orlino: Just review the statements.

Deputy Director David Camacho: Those are just copies of payments.
Vice Chair Ronald Laguana: How is going with the WESTCO hearings?

Attorney Kristan Finney: Highsmith is handling it; I was there this morning at the trial

Vice Chair Ronald Laguana: How is it going?

Attorney Kristan Finney: They made opening statements, they had a couple of witnesses and they have more witnesses to go, they are going to pick up tomorrow at 1:30.

Commissioner Anthony Ada: How do we read that? Kwik Space August 16, “incr” to July 16

Attorney Kristan Finney: Is this the only information we get from GEDA?

Chairwoman Anita Orlino: This is from the Director showing that they received the check.

Commissioner Anthony Ada: Have the QuickBooks report updates been done?

Deputy Director David Camacho: I really don't know I need to check.

Madam Secretary Maria Cruz: I am really disappointed with them this has been on-going with Quickbooks they need to tie in with Joey.

Chairwoman Anita Orlino: Okay this one shows they deposited on August 11, 2016 $31,316.48 and then September 6 they deposited another $31,589.32. They did not provide the breakdown and how much they took out are we expecting them next meeting?

Commissioner Anthony Ada: The MOU with them ends next year in July at the rate that we are going we only meet once or twice a month we don't have much time to discuss how we want it to look like. Everybody has a copy and should read what's in there, what they are suppose to do what we are suppose to do and really for the 14.3% it was worth it but if you go through that and do an evaluation a lot of those things they didn't do. There is a section there that says it is up to them to give some of that money back but if I were GEDA I would say never mind we have to think about that on the next agreement if they do nothing they get nothing.

Madam Secretary Maria Cruz: That should be in the new MOU we need to make it clear that if this is not done this is our plan.

Commissioner Anthony Ada: My suggestion for today is let us pull out the MOU

Vice Chair Ronald Laguana: And let's scrutinize it let's do it as a work session.

Madam Secretary Maria Cruz: Can we do that as a work session?

Chairwoman Anita Orlino: How soon are you looking at a work session because we have an upcoming oversight hearing?

Commissioner Anthony Ada: All the questions the senator wanted has an answer in that stack of paper? I don’t think so.

Chairwoman Anita Orlino: It is September 21st?
Karen Charfauros: They said tentatively the week of September 21st.

Chairwoman Anita Orlino: The date was not called.

Deputy Director David Camacho: Review the water works request.

Vice Chair Ronald Laguana: I am in support of that, it is either that or they can condemn it!

Chairwoman Anita Orlino: Commissioners in October we are having election of officers for the new fiscal year we are looking at Chair, Vice Chair, Secretary/Treasurer.

Commissioner Ronald Eclavea: When is that for?

Chairwoman Anita Orlino: October.

Madam Secretary Maria Cruz: Is that a special meeting that we are supposed to have?

Chairwoman Anita Orlino: We have not received any stipend for our previous meeting so can you check on that Karen.

Karen Charfauros: Okay I will.

Chairwoman Anita Orlino: We will set up a special meeting in October.

Attorney Kristan Finney: I think the Deputy Director is right you should set it up in a regular meeting, if you are going to set up a special meeting there are a lot of additional requirements.

Chairwoman Anita Orlino: So we will make it simple a .J. make it on our regular monthly meeting we will put it in the agenda “election of officer” than to do a special meeting right. You have to publicize a special meeting.

Commissioner Anthony Ada: You call an executive session; you end the meeting and call an executive session. You discuss only that one topic. Between now and the next meeting just throw your name in there is no need to discuss so the next meeting the names are there already

Vice Chair Ronald Laguana: The individual needs to accept that nomination

VIII. Adjournment

Vice Chair Ronald Laguana: I move to adjourn.

Commissioner Ronald Eclavea: I second the motion

Chairwoman Anita Orlino: All those in favor say “Aye”.

All Commissioners present: “Aye”.

Chairwoman Anita Orlino: All those not in favor say “nay”.
No answer

Meeting adjourned at 5:00pm

Transcribed by: Karen N. Charfauros:

Approved by Board motion in meeting of: October 26, 2016

David V. Camacho, Deputy Director: Date: 10/26/16

Anita F. Orlino, Chairperson:
DEED SIGNING/TITLE HEARING/MEETING ATTENDANCE SHEET

DATE: October 26, 2016
PLACE: DLM Conference Room

CONVENEVD: 2:15 P.M. Recessed: 3:12 P.M.
RECONVENEVD: 3:23 P.M. ADJOURNEVD: 4:45 P.M.

NAME: TITLE: SIGNATURE:

BOARD OF COMMISSIONERS:

1. Anita F. Orlino Chairwoman
2. Ronald T. Laguana Vice Chair
3. Maria G. Cruz Secretary/Treasurer
4. Ronald F. Eclavea Commissioner
5. Anthony J.P. Ada Commissioner
6. Antonio A. Sablan Commissioner
7. Louisa M. Wessling Commissioner

STAFF and GUESTS:

1. Michael J.B. Borja Director
2. David V. Camacho Deputy Director
3. Margarita Borja Land Administrator
4. Matthew Leon Guerrero Land Agent Supervisor
5. Jhoana Marie Casem Land Agent I
6. Karen N. Charfauros Land Agent I
7. Kristen Finney OAG - Legal Council
8. Joe Borja Senator Tom Ada

Check one:
- Work Session
- Executive Session
- Regular Meeting
- Special Meeting
- Title Hearing
- Rehearing
- Deliberations
- Final Determinations
- Deed Signing
- Other (Public Hearing)

Website: http://dlm.guam.gov
COMMISSION MEETING / HEARING ATTENDANCE SHEET

DATE: October 26, 2016  TIME: 2:00pm
PLACE: DLM Conference Room

PUBLIC SIGN IN SHEET: (OPTIONAL)

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I TC Building. Dept. of Land Management Office, 3rd floor, West Wing | P.O. Box 2950, Hagåtña, Guahan 96932
Tel: (671) 649-5263 ext. 432/435 | Fax: (671) 649-5383
Website: http://dlm.guam.gov
BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent.

I Liheslaturan Guåhan finds that the 2015 Record of Decision for the Final Supplemental Environmental Impact Statement for Guam and Commonwealth of the Northern Mariana Islands Military Relocation identifies mitigation measures needed to address demands on the Guam civilian water and wastewater infrastructure expected to result from the relocation of Marines to Guam.

I Liheslaturan Guåhan finds that an Implementation Plan was developed in 2015 by the Economic Adjustment Committee that supports the preferred alternative for upgrades to
the civilian water and wastewater infrastructure, and that in conjunction with that plan, the
Department of Defense, Office of Economic Adjustment has been authorized to provide the
necessary funds to the Guam Waterworks Authority (GWA) to expand the Northern Guam
Wastewater Treatment Plant.

The Legislature finds that the Department of Defense supports the construction
the upgrade and expansion of the Guam’s Northern District Wastewater Treatment Plant such
that required United States Environmental Protection Agency’s (USEPA) Clean Water Act
(CWA) requirements and Guam’s water quality standards are met.

The Legislature finds that the Guam Waterworks Authority (GWA) has identified
property, owned by the Guam Ancestral Land Commission (GALC) and adjacent to the existing
treatment plant, for the purpose of expanding and upgrading the Northern District Wastewater
Treatment Plan (NDWWTP) to meet the secondary treatment discharge limits required to
comply with the current National Pollution Discharge Elimination System (NPDES) permit (No.
GU0020141) and to handle the additional flow due to increased military and civilian population
expected for the 2020 relocation of Marines to Guam.

The Legislature finds that the under 21 GCA Real Property Chapter 80, Guam
Ancestral Lands Commission § 80104, (e) Land Bank, GWA’s interest in obtaining the property
for public benefit with the appropriate compensation agreement is consistent with the intent of
contributing to the assets and revenue of the land bank established under the law.

The Legislature finds that the existing wastewater treatment plant presently
provides only Court Ordered chemically enhanced primary treatment (CEPT) without
disinfection, that the upgrade to the NDWWTP will ensure NPDES permit requirements are met
for all discharges of current and future wastewater flows from the proposed build up and increase
in civilian populations in northern Guam, and that the upgrade is necessary to mitigate increases
to ocean discharge which will significantly impact marine resources, and to protect the Northern
Guam Lens Aquifer.
DRAFT

I Liheslaturan Guåhan finds that Guam Waterworks Authority (GWA) has been working with the staff of the Office of Economic Adjustment (OEA) and US Environmental Protection Agency (USEPA) to identify funds for the design and construction of the expansion/upgrade of the NDWWTP.

I Liheslaturan Guåhan finds that this project is necessary and will benefit the people of Guam and intends to authorize the Ancestral Land Commission to transfer approximately ±70,000 square meters (17.297 acres) to the Guam Waterworks Authority to accomplish the necessary improvements described above. GWA and GALC have discussed the basic terms of the transfer to meet the needs and mandates of both parties, and are committed to finalize compensation to the Guam Ancestral Lands Commission within one hundred eighty days (180) of the enactment of this Act.

Section 2. Authorization to Transfer Land Identified to the Guam Waterworks Authority. Notwithstanding any other provision of law, rule or regulation, I Liheslaturan Guåhan authorizes the Guam Ancestral Lands Commission (GALC) to transfer approximately ±70,000 m², a portion of Andersen Communication Annex No. 1 (AJKD), municipality of Dededo, as shown on Department of Land Management sketch identified as Norther District Wastewater Treatment Plant (see Exhibit A), for the construction of the upgrade and expansion of the existing wastewater treatment plant, to include the oxidation ditches, odor control, enhanced headworks, secondary clarifiers, digesters, pumps and associated piping, and stormwater basins, from the inventory of the Guam Ancestral Land Commission to the Guam Waterworks Authority. The administrative transfer of property shall become effective upon the enactment of this Act.

(a) Guam Waterworks Authority shall pay for the appraisal of the property by two different appraisers, one of which shall be selected by the Director of the Department of Land Management.

(b) Guam Waterworks Authority shall have the property surveyed at its own expense and the surveyed map shall be approved and recorded by the Department of Land Management.

(c) Guam Waterworks Authority shall work with Guam Ancestral Lands Commission to determine an appropriate compensation for the property to include but not limited to land exchange, land lease, in kind services, purchase, or a combination of these options to be approved by Guam Waterworks Authority (GWA), the Consolidated Commission on Utilities (CCU) and Guam Ancestral Lands Commission (GALC) and will have one hundred eighty (180) days to finalize a compensation agreement.

(d) Guam Ancestral Lands Commission grants right of entry immediately for GWA to complete required geotechnical survey, topographic survey, other required testing and studies, and to initiate design and construction of the expansion of the NWWTP while both parties are finalizing compensation and the deed is recorded.
(e) Guam Ancestral Lands Commission is authorized to use compensation received from Guam Waterworks Authority for the purchase of the land specified in this section to be designated as inventory for the Land Bank.

Section 3. Zoning Designation. The portion of Andersen Communication Annex No. 1 (AJKD), municipality of Dededo, as shown on Department of Land Management sketch identified as NDWWTP. (see Exhibit A), that will be utilized for the expansion of the Northern District Wastewater Treatment Plant (NDWWTP), shall be rezoned from an Hotel Zone (H) in accordance with the Official Zoning Map Covering the Municipality of Dededo, “Dos Amantes” Planning Area, Instrument No. 817995 to Public Facility Zone (PF) pursuant to 21 GCA, Chapter 61, § 61313.

Section 4. Reversionary Clause Upon Inaction. The Guam Waterworks Authority must begin construction of the detention basin within five (5) years from the date of the enactment of this act. In the event, the Guam Waterworks Authority does not begin construction of the NDWWTP within the stipulated period, without notice to the Guam Ancestral Lands Commission, or defaults on the compensation agreement, the property shall revert back to the Guam Ancestral Lands Commission.

Section 5. Effective Date. This act shall take effect upon its enactment.

Section 6. If any of provision of this law or its application to any person or circumstances is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this law, which can be given effect without the invalid provisions or application and to this end the provisions of this act are severable.
MEMORANDUM

Date: October 26, 2016

To: Michael Borja
   Executive Director, Guam Ancestral Lands Commission

From: Jay Rojas
   Administrator

Subject: GEDA Progress Report

Hafa Adai!

The following is a progress report on GEDA’s efforts to manage Land Bank Trust properties as required by Section 1(i) of the MOU between GEDA and GALC Land Bank Trust:

- **Apra Harbor Parcel No. 1 (Commissary Junction)** – There is no change to the status of this subleased area.

- **Apra Harbor Reservation F-12 (Polaris Point)** –
  - **Matson Navigation Company** –
    - Matson has indicated that the contractor is waiting for further federal funding to complete this cleanup although the Navy has not given Matson any indication as to when funding will be provided.

- **Portion of Lot Apra Harbor Reservation F-12, Parcel N14-I, Polaris Point** – GEDA is actively searching for a new tenant for property. GEDA has fielded some interest but due to the concerns of the 5 year law (P.L. 32-40) most parties have declined.

- **Balli Steel Guam (BSG)** – To date, BSG still has a remaining balance of rents owed to the Commission in the amount of $49,478.39 (including applicable penalties) for the period May 2012 to July 2013. Despite any further action to be taken against BSG, the property is available for lease should the Commission so desire. Our office has made attempts to identify whether BSG is still operating on island. The Department of Revenue and Taxation has indicated that BSG does not have an active business license. In consultation with our Legal Counsel, even if a law suit were pursued, there would be nothing left to collect from a non-existing corporation with no assets.
  - It is GEDA’s understanding that a party interested in licensing/leasing this property for use similar to a metal transshipment and storage yard has formally requested to license this property directly with the commission.
• **Brand Inc.** — It is GEDA’s understanding that a portion of the property has been licensed directly between GALC to TransSteel. Our office has made attempts to contact Brand Inc. in efforts to collect arrears owned to GALC however, the Department of Revenue and Taxation has indicated that Brand Inc. does not have an active business license. Our office has been in contact with a former representative, Mr. Roberto Cruz, of Brand Inc., and they expressed their hardship and GEDA asserted the necessity to pay for arrears. The representative stated that they will make a payment by the end of this year. GEDA has again asserted the necessity to pay for arrears.

• A site inspection was conducted by members of the Commission at the Polaris Point properties on 9/11/2016.

• **N5D Mangilao (Route 15)** — Issuance of a new RFP for the N5D 72-acre parcel is on hold until resolution is reached on the legal dispute between the GALC and WSTCO Quality Feed and Supply. GALC Legal Counsel indicated they would update the Commission on this matter. Any further action is still pending clarification with the AG.

• **Wettengel Junction** — GALC, in its April Commission meeting, approved another extension on the rental abatement until the end of June, 2016. In their formal request for, Northern Market has requested the rental abatement until they can obtain the final approval and clearance from DPR. In an email to the Director of Land Management, Northern Market has indicated that they are still experiencing delays by DPR due to historical on-site issues (Historical Survey). In June 2016, DPR allowed Northern Market to obtain proposals from consultants to complete the required survey. They anticipate that the work will be completed in about four months. The Commission has granted Northern Market LLC. an extension on the rental abatement until the end of December 2016.

• **License Agreements for Tiyan Properties**
  - **DPHSS WIC Program** — GEDA has received the memo from the OAG regarding the use of a MOU over a license. MOU has been approved by the Commission. DPHSS WIC has informed GEDA that they have yet to receive the MOU.
  - **Guam Environmental Protection Agency (GEPA)** — GEDA is in communications with GEPA to address these arrears. GEPA’s initial license period has expired as of October 2, 2015. GEPA has expressed interest in possibly acquiring a third party appraisal for the new rate. GEDA has prepared the MOU. MOU has been approved by the Commission.

Should you have any questions, please contact Larry Toves or Dong Choe at 647-4332. *Si Yu‘os Ma‘ase* for your continued support in generating revenues for the beneficiaries of the Trust.

*Senseramente,*

**Jay Rojas**  
Administrator
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**Remittance**

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**Department of Land Management**

**Guam Ancestral Lands Commission**
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<th>5/75.84</th>
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Invoiced: 3/9/2016

Department of Land Management
Gum Ancestral Lands Commission
Guam Ancestral Lands Commission
Department of Land Management

10/26/2016

DPHSSFY2017 Collections

Total $38,799.99

0.00

0.00

0.00

0.00

38,799.99

0.00

0.00

0.00

0.00

5.9

FY2017 Collections

CPhES
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Total

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