Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guåhan 96932 Phone: 649-5263 ext. 435 Fax: 649-5383

Eddie Baza Calvo
Governor of Guåhan

Ray Tenorio
Lieutenant Governor of Guåhan

Commission Members

Pascual V.A. Sablan
Chairman

Joseph I. Cruz
Vice Chairman

Amanda L.G. Santos
Commissioner

Gyongyi "Pika" P. Fejeran
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

COMMISSION MEETING MINUTES

Department of Land Management Conference Room

3rd Floor, ITC Building, Tamuning

Thursday, November 17, 2016, 1:00 p.m. – 4:08 p.m.

I. CALL TO ORDER

Meeting was called to order at 1:00 p.m. by Acting Chairman Joseph I. Cruz

II. ROLL CALL

Present were Chairman Pascual Sablan, Acting Chairman Joseph I. Cruz, Commissioner Amanda Santos, Commissioner Gyongyi "Pika" Fejeran, Legal Counsel Kristen Finney and Administrative Director Michael J. Borja.

III. APPROVAL OF MINUTES –October 20, 2016

Commissioner Pika Fejeran moved to approve the Minutes of October 20, 2016 with the notes. Chairman Pascual Sablan second the motion. There were no objections, motion passed.

IV. PUBLIC COMMENTS

No public comments

V. OLD BUSINESS

Joseph Cruz: Item no. 5 of the Old Business, the status of the previous agenda action items.

Commissioner Pika Fejeran: I have a couple questions, I think one of our main priority should be getting that MOU. What's the progress on that?

Administrative Director Michael Borja: Well the last time you guys instructed me to proceed, and the discussions, I have not had a discussions with it yet. I had a brief discussion with Larry Toves who would work on those things today to begin discussion on (inaudible) so we will (inaudible) the items that was in specific concern was the percentage of their take and then we would find a way to use them really for our (inaudible) for the management of the properties ourselves. So that's what the basis of our agreement is going to be (inaudible). I'll have more on that hopefully next month.

Vice Chairman Joseph Cruz: So they are drafting that now?

Administrative Director Michael Borja: It has not gotten drafted at all, but that's what the (inaudible) of what we discussed in the last board meeting here on which direction we will go for the MOU. Because that MOU there's certain items that needs to be deleted like rules and regs.

Commissioner Pika Fejeran: My next question was PBS, I know we were talking about memorializing the agreement with them?

Administrative Director Michael Borja: Right, the staff is still working with Daryl Taggerty on the process to memorialize that.

Commissioner Pika Fejeran: For all these pending items, once you draft you will bring it to us in the Old Business? Is that right?

Administrative Director Michael Borja: We could. Right. Definitely the MOU has to be approved and follow up with what you wanted from PBS with something you will present back to us (inaudible).

Vice Chairman Joseph Cruz: Present it on our Technical Meeting on the follow up.

Commissioner Pika Fejeran: Prior to the next meeting. Okay. This is also from the old business. Kristan, you mentioned that you drafted a decision or something regarding whether an applicant can lease two properties or even have two applications.

Kristan Finney (Legal Counsel AG): Yes, I did have a draft (inaudible).

VI. NEW BUSINESS

1. **Vice Chairman Joseph Cruz**: Item VI, New Business. Item 1, **Robert Bautista** request to decline Lot 14, Block 10, Track 9210.

Margarita Borja (CLTC): We have a staff report on Bautista. Basically, Mr. Bautista is not here nor his representative so I'll go ahead and summarize the request. He was issued a lease on a Yigo Lot and we did a site inspection and he indicated at first that there's no infrastructure; we went out there and we did confirm that there is power but there is no water. But then he recommending he be transferred to Barrigada area and we identified a parcel for him if approved.

Vice Chairman Joseph Cruz: You have a Lot description?

Administrative Director Michael Borja: Yes, in lower Barrigada Heights, Lot 5382 North -10 or 11. In that parcel there's (interrupted).

Vice Chairman Joseph Cruz: In the event can they be relocated?

Margarita Borja (CLTC): No they are here today to request to decline the Yigo property in order to receive the Barrigada parcel.

Vice Chairman Joseph Cruz: And the intent of the Barrigada is for?

Margarita Borja (CLTC): Residential. He's got a residential lease, and the reason why he indicated there that he was farming because he couldn't build in the Yigo Lot.

Commissioner Pika Fejeran: Why?

Margarita Borja (CLTC): Because of no full infrastructure, so we are relocating him to the Barrigada property.

Vice Chairman Joseph Cruz: and Barrigada has power and water?

Margarita Borja (CLTC): Yes, within a 100 feet.

Vice Chairman Joseph Cruz: And the area? Lot area?

Margarita Borja (CLTC): Half acre verses a 948 square meter lot so basically his lot is going to increase from 948 to half acre. The reason its half-acre in Barrigada is because there's no existing sewer. So the minimum lot size will be half acre. So this request today is to decline the Yigo Lot in order for him to build a residence in the Sagan Barrigada.

Chairman Pascual Sablan: So in other words, it's more suitable for farming in Barrigada Heights than Yigo?

Margarita Borja (CLTC): No it's more suitable for farming in the Yigo lot than it is in Barrigada.

Chairman Pascual Sablan: But if he's a farmer then why he transfer?

Margarita Borja (CLTC): Because he has a residential application. He does not have an agricultural application.

Commissioner Pika Fejeran: Is this the new (inaudible) that you're just talking about? I have two questions, how many lots do we have with this new cleared road that are available?

Margarita Borja (CLTC): 41

Commissioner Pika Fejeran: How many have we already earmarked?

Margarita Borja (CLTC): 10

Commissioner Pika Fejeran: Is he ready to build or?

Margarita Borja (CLTC): I believe so.

Chairman Pascual Sablan: Has it been surveyed?

Margarita Borja (CLTC): We haven't issued any properties so that would be the first thing if it does get approved a survey would have to be completed before we issue a lease. The Yigo property was already surveyed it was not surveyed by them it was surveyed by the Department.

Vice Chairman Joseph Cruz: Going back to Barrigada, is it coming from a basic lot that they have to survey or is it a retracement survey?

Margarita Borja (CLTC): It's a basic as per master plan.

Vice Chairman Joseph Cruz: and the basic is? How big?

Margarita Borja (CLTC): It's big. I don't know the total square meters.

Administrative Director Michael Borja: It's about 40 plus acres.

Vice Chairman Joseph Cruz: That's why we need to know both sides of the exchange if we're relocating them to Barrigada. It is going to be the same situation in Yigo and in Barrigada with no sewer verses no water.

Margarita Borja (CLTC): There's power and water in Barrigada Lot and no water and Sewer in Yigo, but there is power. They have the basic necessities to hook up and build in Barrigada verses Yigo.

Administrative Director Michael Borja: Applicants do have up to three declines and this will be his first so it just got your attention to let you know this is going on because (inaudible) for that reason.

Chairman Pascual Sablan: In Barrigada, what's the zoning?

Administrative Director Michael Borja: It's agriculture.

Commissioner Pika Fejeran: Going back to how many lots we have there does it sound like they are very viable? Like the applicants who lease these lands can move forward quickly? All 41 that's been identified? How about for the 10 that already been issued leases?

Administrative Director Michael Borja: Those were issued long time ago so some of them locked out and got lots larger than one acre.

Margarita Borja (CLTC): If you look at the (inaudible) into the pocket near the Barrigada mayor there maybe aerial photo there; the same area. If you are familiar with the Korean Church, the Barrigada Heights, it's right behind it.

You have an aerial view that's not very clear but you have the master plan that was done for the subdivision. That's our master plan.

Vice Chairman Joseph Cruz: So which area here is under the R-40?

Margarita Borja (CLTC): The R-40 is coming in for the Barrigada mayor and 5382 N-10 is the proposed lot if approved.

Vice Chairman Joseph Cruz: So these are old sketches now? None of them are mapped up officially?

Margarita Borja (CLTC): Only two lots are mapped out. Four lots to include the GWA well sites, the GPA. I think 2 GWA pump stations.

Commissioner Pika Fejeran: I just want to point that with this master plan and moving him, I feel like we need to plan more comprehensively. Like if we have a neighborhood like this that we're ready to move in, get some lessee's out there that actually do things with the land, we need to do it comprehensively and it makes me a little bit concern that we are just doing one at a time. But I know we are not at that point yet but, I know in the future we will be. So for this gentleman who is ready to move ahead I appreciate that he's being proactive and wants to do something with his lease so I make a motion to approve his decline of his current property in Yigo and move to the lot that was identified for him in Barrigada.

Vice Chairman Joseph Cruz: It's been moved, any second?

Commissioner Amanda Santos: Second.

Vice Chairman Joseph Cruz: It's been moved and second by Mrs. Santos. We will approve the transfer of lease of the transfer from Yigo to the Barrigada area subject to the condition of the map.

2. **. Department of Agriculture** – Request to transfer Lot 1110-1NEW, Mangilao to Department of Agriculture for the future expansion of the Guam Koko Bird captive breeding facility.

Mathew Leon Guerrero (CLTC): Chairman, we have a staff from the Department of Agriculture here. They submitted a request to transfer a lot, adjacent to the Department of Agriculture for the Koko Bird breeding facility, a decision to bring this forth to the legislature to request to remove this out of the Land Trust inventory to the inventory of the Department of Agriculture for this stated purpose. We have a representatives from the Department of Agriculture who will brief us more on the needs for this property.

Administrative Director Michael Borja: The lot is only under one acre right? And it lays right there behind GTA station at the corner intersection of Route 15 and Route 10 in Mangilao across the street from Price Elementary School

and behind GTA building, there is a lot back in there and it's actually partially being used by the Department of Agriculture already and it's not really (inaudible) will be suitable for us to be using but in this case what we're seeking in trying to find and they will be talking a little bit more about the Koko Bird program is that we take the request to acquire the land under their administrative control and it still require a legislative action but we can do a resolution to approve it if that's the desire and then present that resolution as an exhibit for a bill.

Vice Chairman Joseph Cruz: Let me start with the mapping that I received on this package. If you notice the alignment of the intersection, is offset from this alignment where the lot is being serve by a *sabanan* from this road verses 1215. Is there a new map rerouting this alignment to align with 1215 because that would change an area or the use of this lot meaning that there be another cap between GTA and this (inaudible) in the back? Right now the intersection is just consistent and if you look at the two alignment the 60 feet *sabanan* and the 100 feet Route 15 is about GTA, the alignment (interrupted).

Administrative Director Michael Borja: That road still exist even though it's been detoured over to (interrupted) intersect directly with route 15. This map is to show, as you can see it's a 1992 map, is to show the actual Lot itself that is being requested.

Vice Chairman Joseph Cruz: I'm referring it to this alignment, the road goes through here now so what is the final basic area of agriculture verses GTA, because on this Lot 1110 is the consolidation of three Lots, if you notice on the bottom.

Margarita Borja (CLTC): We didn't pull out the *sagan magas* , we didn't look at any of the route 15. This is the last map for this parcel.

Commissioner Pika Fejeran: In the map it's also showing in the zoomed out portion that the planogram (inaudible) its like two lots. It says the one triangle, the subject lot, they are asking for but then the other half of it is a different lot number, you see that when you zoom in.

Vice Chairman Joseph Cruz: So how much of this area is now being occupied by (inaudible) on the 4,000 square meters?

Celestino "Tino" Aguon (Agriculture): If you may let me identify myself, my name is Celestino "Tino" Aguon. I am the Chief of the Division Aquatic and Wildlife Resources, Division of the Department of Agriculture. With me is our **Assistant Chief, Mr. Jay Gutierrez** as well. The history of this area actually dates all the way back to 1980, I believe, '85, '84, that was the time when captive breeding program at the Department of Agricultures had started and this was via Fishing and Wildlife Services funding under the Fishing and Wildlife Endangered Species so we had this over close to twenty plus years

already as far as this. And we were using on the footprint of the Department of Agriculture just the small section of the Lot that actually had belong to the Department that was mainly used for the site for captive breeding, sub-facilities, as well as things of that nature. So this was kind of a combination of all that and then just putting it in somewhat formal setting as far as having the facility and the Lot so that we can move forward. I think what was, I remember one of the biologist relayed to me their concern that with the new development of the area that we were potentially going to be neighbors with some stores, or something nearby because we already see that top of houses of where the captive breeding foot prints for the Rail is. And so at this point we are trying to move forward and set up a situation where we can create a somewhat a buffer, so to speak, and (inaudible) still report on that program. Of past I believe annually the program probably bring is probably about $300,000 to $400,000 as far as the funding for that source. And all our investment in the program both Fisheries and Wildlife is about $2,000,000 annually in federally funded programs. So that's quite a bit of investment so to speak as far as our ability to move forward and also to manage the resources as far as we participate in the conservation program at the U.S. Fish and Wildlife Services. Thank you.

Chairman Pascual Sablan: By doing this protecting all the endangered species do you receive any federal fund to administer this?

Tino Aguon (Agriculture): The federal funds that we receive is to manage, yes.

Chairman Pascual Sablan: So you have the fund?

Tino Aguon (Agriculture): We have the funding to build the cages and to do everything.

Chairman Pascual Sablan: No land?

Tino Aguon (Agriculture): You know that's the new realm that we could possibly do as far as purchasing land. We haven't gone down that route since the Department itself already had property that was available for us to use. I think I talked to the Fishing and Wildlife Service coordinator and they said that's always a possibility. The purchase of land is like a different track as far as getting the funding and doing all that. But for now what it is, is that this area since it really is not a significantly large area it's basically the area we're using to house these birds.

Chairman Pascual Sablan: What about if we go to Ritidian, the firing range its on the top and you people are on the bottom?

Tino Aguon (Agriculture): Yea, you know those are other potentials and we don't know whether or not. See the thing is with the Koko the biologist here, we got that program almost nailed really well and there has been situations

where we literally had to shut down because, you've head the expressions, "they breed like rails", that's what they do. They can chunk it out as quickly as you can figure out where you want to put them. They average about 3-4 eggs per breeding attempt and that's a clutch and they can go as high as 6-8 eggs, and they can do that 3-4 times in one season. So they technically can really chuck it out if they really wanted to. I'm not sure probably some of you remember the days of the Koko back in the 60s and I remember talking to a Lot of the old timers and they all say to me *ai boy, oya sun a bula Koko gi ritan gima* you know, around the house and I said boy, I remember those days because I was still growing up but you know, I think we all kind of remember those things and they were all coming to the outside kitchen.

Chairman Pascual Sablan: How about exploring the, you know, if you can buy the land from us, we need the money so we can hire surveyors to survey the other land for the land exchange and you get your support?

Tino Aguon (Agriculture): We can explore that but you know sir, I have no promises. Most of the time when we are on this program... there are programs within different funding sources for purchase of land but there is no guarantee.

Commissioner Pika Fejeran: I agree, this is a Lot with infrastructure within a 100 feet sitting there. I know there's farming across the street. I'm not comfortable either just transferring it out of our inventory and to be honest I don't want to transfer a land out for a parking Lot, tracking and storage. I mean I understand it's for Koko but perhaps like the Chairman mentioned we might be open to exploring other options.

Administrative Director Michael Borja: Are there any unused land at the Department of Agriculture that would be available for transfer that they are not using actively?

Tino Aguon: I can't tell you about that as I'm not in the position to speak in that regard.

Chairman Pascual Sablan: So if you're with me he wouldn't try.

Tino Aguon: If I may, also this is just kind of include...I think what we should always be (inaudible) we are heavily involve in conservation. The Koko has a Lot of heritage associated with it and I believe at some point we should do as much as we can to, I hate to use the word preserve, this is not a preservation, and it's a conservation effort. And to me that's a heritage that is irreplaceable at this point and if we kind of feel that it's not important than the message that I believe that we are sending to the public and everybody else is it's not important and so I think we should be very careful with that stuff.

Commissioner Pika Fejeran: Yes sir I don't think that as taking no action on it today doesn't mean we don't support and fully understand the meaning but

we are also trying to protect our land and our assets to come to some mutually beneficial agreement.

Administrative Director Michael Borja: Does the Department of Agriculture have any reserve lands in 22-18?

Tino Aguon: I don't know.

Administrative Director Michael Borja: We will check it.

Vice Chairman Joseph Cruz: Do you have an alternate site that you can search on or is this the best location you can have or… can it be up in Dededo, up in Yigo or where the identifying conservation areas?

Jay Gutierrez (Agriculture): I don't know about that but he's talking about this land here near the species being captively bred and it may be an issue in the past because it may be affecting (inaudible) if you do it on that area, and plus that area there seems to be landlocked (inaudible) up in the front of the land that belongs to the Agriculture. Price Elementary uses that Lot therefore it belongs to Agriculture, it part of Lot 2395-5 and little around the other area there I think it's private and that's the Lot they are trying to sell, I see the sign in the front all the time. So this seems to be landlocked as well so what are you really going to do.

Vice Chairman Joseph Cruz: That's the reason why I asked about the map earlier because of the alignment of that intersection is not consistent with what it is now. The mapping shows that lot is served by a 60 foot *Sabanan Magas Road* so how's that going to be a landlocked when the map reflect and it's not being deleted? That's why I asked if that alignment is still legal to serve that Lot? If you look at the map back on the first there, this is the subject Lot right up here which is this one. This alignment is still there which serve this Lot so there's no way this is landlocked because the existing road comes this way so if you don't delete this we're still being served as a right of way for that Lot.

Commissioner Pika Fejeran: I don't think we are saying no. I think we are saying let's sit down at the table and find something. Have you been working with the land agent staffs or just with the director so far?

Jay Gutierrez: The deputy was working with the staffs here. I think we should get some additional information and options so we're clear as to how to proceed. Thank you.

Chairman Pascual Sablan: So a motion is in order to table this for a way to go and (inaudible).

Commissioner Pika Fejeran: I second.

Vice Chairman Joseph Cruz: So a motion has been made to table the Koko request for further research, and second by Mrs. Fejeran.

Chairman Pascual Sablan: Those in favor say aye.

All: Aye

3. **U.S. Fish and Wildlife Services (USFWS)** – Presentation of Partners Program

Administrative Director Michael Borja: It's about the use of the portion of Mr. San Nicolas's property for this program in the U.S. Fish and Wildlife so what we have is that there's program that the members of the Fish and Wildlife will come up and speak with you about this, but they have a program to plant indigenous trees in a portion of Mr. San Nicolas's Lot in Yigo. I think he has ten acre Lot and he's going to give his one acre portion to plant these trees. These trees are indigenous to Guam and the relationship as well with this type of tree is Mrs. San Nicolas of the Nelson family, the tree is named after the father. And so the Fish and Wildlife, in order to conduct this process, has a plan or program and they are here to discuss that and we can talked about it at that point. Okay, so we have two members of the Fishing and Wildlife so we will have them introduce themselves and explain their program.

Jacqueline Flores: I'm Jacqueline Flores, I'm the Mariana Island (inaudible) Manager and basically we help protect endangered species, federally listed endangered species, so we have an office here on Guam, one in Rota and one in Saipan and they are all staffed with biologist, and Leilani's out of our Guam office.

Leilani Takano: Hi I'm Leilani Takano, Fish and Wildlife Service, Biologist in our Guam Office and today I prepared 15 slides for presentation today. I just like to thank Director Borja's commission for having us today. As you are aware Mr. San Nicolas did submit a proposal for our partners program and what I would like to do is just kind of give a brief introduction of this opportunity to fund projects on lands here on Guam to restore habitat for plants and animals. My first slide is just the picture of some of the listed animals as well as plants in Marianas Islands. We recently in 2015 listed a bunch of plants, I would say, half of our endangered species here (inaudible) and 39 protected species in the Mariana Islands, and plants so that's basically our focus today. Next slide, so just a brief introduction. The U.S. Fish and Wildlife Service, our mission is to enhance fish and wildlife and plants and their habitat for continuing benefits of the American people we have a jurisdictions over many island, our main office is in Honolulu, Hawaii and we are actually under a division called Ecological Services, you may be more familiar with the National Wildlife Refuse, that's a different division, in Ritidian, that's also law enforcement. Both Jackie and myself work with the Ecological Services, there's probably a staff of 5 biologist scattered around the Marianas Islands.

So briefly what we do we administer the Federal Endangered Species Act which was passed in 1973 is one of our oldest laws in the United States, our office works closely with many our federal agencies under the Fish and Wildlife Coronation Act and we basically give technical assistant or we permit construction, we also provide technical assistant on migratory birds. We work closely with Cocos Island as well, we have some migratory birds' issues there. We also have a contaminants, very small contaminants division in our Honolulu office so there's any kind of spills in our waters, and we have a small division in Honolulu that assist the Marianas Islands. So I did mention the Endangered Species Act and that's just one of the things that we do, however with the recent listing this has been the main focus. It's reestablish this office on Guam about 3 years ago. This is the first time we ever had the Fish and Wildlife Service Office with local folks on the ground and this is just kind of the preamble and the intent of the U.S. Congress is that not only our endangered species important for scientific (inaudible) it's historical, educational, and recreational.

So what is the partners with Fish and Wildlife Program? So I mentioned administering the Federal Endangered Species Act as part of doing that the Fish and Wildlife Service is hold the responsibility of covering all of the listed species and we also provide funding to States and in this case CNMI, as well as the U.S. Territories, Guam so we have Section 6 funding. But on this slide we have this wonderful program the Fish and Wildlife Service is able to provide funding to non-federal lands and they could be private lands, it's primary focus is on private lands because 70% of the land in the United States is private land and we need partnerships to recover these species. This program is also used with the Hawaiian Homelands in the Hawaiian Islands so we thought that might be a good program to introduce to Guam. And currently, last year we actually funded (inaudible) Rota. So Rota was our first partners program for our area and we're really happy about that. Next slide, so these are the 5 goals of our partners with the Fish and Wildlife program and it's to conserve habitat as I mentioned. It's to broaden and strengthen partnerships on a local scale, it's also information sharing. A Lot of these projects are (inaudible) native trees, inferring from each other, learning from local partners. It also to enhance our workforce, we provide funding at a local level. This is really important as well as increasing our accountability that we all our kind of stewards in the land and protecting the native species and their habitat is really important is really important for the next generations.

Next slide, so how does it work? I know some of you recognize that bird, King Fisher, it's really great to have Dar here before us to talk about the Rail. So this is one of the birds they also have and that (inaudible) is really passion about the recurring this bird and reintroducing it to Guam potentially in the future. So the partners program, the Fish and Wildlife Service provide technical assistant for habitat restoration. What that really means is that we help write a proposal, we help with project planning, not only on Guam but in Hawaii, who I administers this program, we help with any kind of permitting

whether local, federal depending on the project whether it's a small scale verses a large scale, maybe you may need a core permit I don't know maybe it's a huge project, maybe it's small, maybe there's no permitting at all. So we would provide that in-kind service and then most importantly we have funding to assist with restoration efforts. And so what does the land owner provide? So there's basically three main things: The first thing is a commitment to preserve the land and restore for the period of 10 years and what that means is for example, you have 10 acres, it may not be the whole entire 10 acres but if you want to restore one acre of your property so just promising to keep that a restore state for the restoration depending on the proposal for 10 years. There's also co-shared in-kind services and it doesn't have to be anything whether, your car and going out there monitoring. It's very open and we do require reporting so we want to know how the project is doing so those are the three main things. Next slide, and so you saw from the earlier map about our jurisdiction and the partners program has been very successful in the Hawaiian Islands. As you can see on the map, the green spots, those are kinds of the priority areas and there a document which I don't have today, but I'll give you a copy in the future, but those are the areas, I understand, a high quality forest and this is a kind of a priority working with the state of Hawaii as well as their local partners to restored areas. And then on the left there is the island of Rota and that's the savannah area, some of you have been to Rota, it's a beautiful area, and it's already in the conservation status so one of the focus of our office as well as the folks on Rota to work closely with the forestry there is to restore areas within the savannah. In the beginning I did mention we were successful in providing funding, I think they have 2 years of funding in planting three native species there including the *Serianthes Nelsonii* discussed today.

Next slide, can't really see the numbers there but the point of the slide is the Fish and Wildlife Service especially in Hawaii has been distributing (inaudible) funding to the Hawaiian Islands since we established the Fish and Wildlife Service Ec office on Guam, Jacky and I both really want some of this money to come to the Mariana Islands and so as you can see, I think the Rota Project maybe $33,000, I can't read from here. But we really like to start something on Guam, it has not been establish at a priority area on the island of Guam but we want to start this so that's why we kind of continue to play with this program that maybe this could be the initial start. Next slide please, so in that plan, and this is an example of something that maybe we could work with our local partners here, we kind of thinking about conservation strategies to achieve for forest areas on Guam even on wetlands and these are basically the four points and I'm not going to read through them but that they had establish for the island or Rota. For the Mariana crow, there's no more crow on Guam, they only exist in the wild and very, very small populations on Rota and one of the factors that they are facing is capitation so however funding goes to kind controlling cats and pro areas. I mentioned the savannah, there's feral angelus and they really degrade the forest so we are working with folks there to try to control some of the angelus and there's 3 main plants or trees

Serianthes, (inaudible), and (inaudible) these plants had been waiting for almost a decade so we're been working with forestry there to really kind of restore areas with these three plants. Next slide, so the project I mentioned the Rota plant project, we have two private land in use with designated areas on the property to devout to conservation. We've been recruiting along with forestry training volunteers to our plan and care for these plants and, they're all volunteers but we have stipends available to them, especially for the gas and vehicle use and so this has been a really made us very hopeful to see this project work on Rota and maybe potential for Guam as well Saipan and the *Serianthes Nelsonii* tree on the right is a really beautiful majestic tree. Unfortunately, there's about 30 adult trees left on Rota and I think there's about 122 adult trees, 1987 Gary Wiles who used to work with Dar went out there in the forestry and they counted all the trees and they found 122. Fish and Wildlife Service, myself and forestry and then another botanist went out there about 2 months ago in the summer. We counted 33 adults so this tree is in really declining status. On Guam we only have one adult tree. There's a few seedlings but this tree is really kind protocol to condition and that's why we really want a project on Guam that will help suppose recovery of this tree. Next slide please, so I showed you the slide about the conservation strategies for Rota. For Guam, where do we start with the rare plants and there has been some movement and I know some of you have probably know of the UOG and the Guam Plant Extinction Prevention Program (GPEPP) and this is directly from the website. It started with the collaboration from not only the local partners but forestry and University of Guam. They receive U.S. Forest Service funding. Our agency as well has been funding them as well as, I think DOD. I feel like this movement of restoring our lands with rare plants they started is beautiful. On the left there you can see they have a little seedlings or sampling of the *Serianthes* tree, I believe you just bumped into **Dr. McCannel** now, so that's Dr McCannel there kind of teaching folks on sharing what his doing at the facility. So we kind of work with the rare plants groups on Guam to try to figure out the strategy of how to plant our native plants. Not only our listed species but other native plants that are on lands on Guam. Next slide please. And so as Director Borja had mentioned Mr. San Nicolas with the help of GPEPP had actually submitted a proposal to us for this tree, *Serianthes Nelsonii* which I believe their family is named after the Nelson Family and so these are the pictures of the tree on Rota and it's just a beautiful majestic tree, it's one of the high canopy floristries. We're just trying to get this back into the habitat on Guam. Next slide, that's the end of my presentation. We're happy to take any questions regarding this program.

Commissioner Pika Fejeran: I just have a question.

Administrative Director Michael Borja: Go back to one of those middle slides that talks about finances.

Commissioner Pika Fejeran: Sorry, I had one on the second to last slide. I saw like a little, looks like the flower with the

Leilani Takano (USFWS) (inaudible)?

Commissioner Pika Fejeran: Yea the (inaudible), is that the tree? I think I have it right outside my house.

Leilani Takano (USFWS): Then you would want to know about it. It's very important.

Administrative Director Michael Borja: In 10 years, how big is this tree be?

Leilani Takano (USFWS): That's a good question. It depends. When you plant the sapling so Dr. Nakano has actual sapling and I think they are about 10 feet high so they actually have some plants ready to go.

Administrative Director Michael Borja: On this slide you talked about financial assistants and cost share of in-kind services, so the person that enters into this partnership, they are on Chamorro Land Trust land are they going to be paid?

Leilani Takano (USFWS): No so we would have a third party agreement. So for example, Mr. San Nicolas it would be GPEPP (Guam Plant Extinction Prevention Program) University of Guam and they are the ones that have those seedlings, I think it's the next two slides over. They have some seedlings already and (inaudible) needs to be out planted.

Commissioner Pika Fejeran: So you are saying there's enough funding from the partners (inaudible)? And they would be the ones hiring this (inaudible)? Or they would be the ones carrying the saplings?

Leilani Takano (USFWS) My understanding it would be the GPEPP in caring for the saplings.

Jacqueline Flores (USFWS): Within that proposal we were funding for some fencing exclusionary fencing so that would help take care of initially deterring the angle from damaging the out planting.

Vice Chairman Joseph Cruz: What would be Mr. San Nicolas cost or share cost of this project if he had the program on hand? Let's say we have $47,000 is being allotted for this proposal, how much of that will be Mr. San Nicolas share that he has to come up with?

Jacqueline Flores (USFWS): He's basically allowing to GPEPP to come in and do the out plantings on the lease land, that one acre lease land. One of the ten acres.

Vice Chairman Joseph Cruz: (inaudible) the official contractor between the federal funding to implement the project?

Jacqueline Flores: University of Guam would need to sign off they would be the third party to receive that.

Chairman Pascual Sablan: I really support your suggestion and the (inaudible) otherwise (inaudible) only classical thing is to justify 4,000 square meters on property for one horse. Can I ask you this question, if you refer to this document I think Exhibit A, second paragraph almost to the last sentence. It says the family property, in other word the Nelson which (inaudible) his name as already taking (inaudible) to the service of planning *Serianthes Nelsonii* on their family property. Is this the same the property on this page it says used property?

Jacqueline Flores: Yes it would be the same.

Chairman Pascual Sablan: Actually they are not the properties, right, we're talking about what they are leasing from us?

Jacqueline Flores: Right, that's why it wasn't able to go through because we couldn't get concurrence from the Chamorro Land Trust.

Chairman Pascual Sablan: I just want to make sure, you follow me?

Administrative Director Michael Borja: I think we might need to look at this from the legal stand point, should this be in partnership with the Chamorro Land Trust with the concurrence of the lessee who wants to be part of this program because as you know as the lessee he can't be going out and assigning parts of his land if he doesn't have that right on his lease. So if we are looking to support a program like this which is a worthwhile program then perhaps we need to redirect and check the legal stand point from which from which the agreement is with the Chamorro Land Trust and if it's for the particular lessee with the concurrence of that lessee for his property and then we identify through a sketch of what that piece of property is so that that property is exclusively for the length of the program.

Chairman Pascual Sablan: what would happen if Mr. San Nicolas can use this program to justify, for example, the existing land that he has I believe that if we were to go out and make inspection you will find Mr. San Nicolas has almost 40,000 square meters for one horse. I agree with the Acting Chairman that it's better if we severe it out and let's build with Fish and Wildlife.

Vice Chairman Joseph Cruz: No you don't want to do that if the applicant is Mr. San Nicolas, not Chamorro Land Trust to concur how the program is (inaudible) based on the lease of Mr. San Nicolas. We recommending that we should sever an acre out of Mr. San Nicolas jus to encumber the program.

Commissioner Pika Fejeran: I'm just curious why the Lessee is not present?

Jacqueline Flores: It's my fault I forgot to inform Mr. San Nicolas that we just met with Director Borja on Monday and I didn't realize that that was a meeting the same week for the commission. I've been in meetings the whole week and actually we just came from a meeting this morning so. I am going to call him as soon as I get back to the office and tell him what was discussed here.

Administrative Director Michael Borja: The thing I would like to get from the commissioners is which direction you want to go, you want me to pursue this partnership program with U.S. Fishing and Wildlife? But they will discuss and work on the details on how this partnership should exist because it really has much more ramification down the line and maybe partnering up with some other activities moving forward in the other lands the Chamorro Land Trust has, or it goes with the other lessees in other areas that have big open areas in the South was a good location for these trees. We have a group of lessee who have 20 acre lots and maybe you might work in those areas too.

Vice Chairman Joseph Cruz: I think this is going to be our first (interrupted).

Administrative Director Michael Borja: I wanted you to know what the partnership program was and the issues that I had about it and that would really encumbrance of the land and what we need to determine which is the best route to go the partnership is jointly with us and the lessee and that we would be the agreeing partner with the concurrence of the lessee who would be the managing partner in this as well because you need that lessee to assist in this whole program because you are transmitting through their property, you needing them to help keep an eye on things as well. I think there's a reason they are partners in this not just to give the land but to assist watching out for the trees too.

Kristan Finney (Legal Counsel AG): Is this something the lessee approach you guys or you guys found this property or how did that? I'm just wondering how is that work?

Jacqueline Flores: Good question. I think it was a previous biologist in our office she knows the Nelson family and thought to bring this up to them as part of something that could be a legacy, because *Serianthes* is named after the family so that individual, she's not in our office anymore, spoke to San Nicolas about it and then connected with the Guam Plant Extinction Prevention Program who are propagating the seedlings. The problem with these seedlings is you need a place to out plant them in. Basically the problem with these seedlings is you need a place to out plant them and basically the offer was can she plant some seedlings "on your property Mr. San Nicolas, you know there's some historic ties connected to your family" and he was very much excited about it and he understands lease language and he knew he would check with the Chamorro Land Trust Commission to

determine whether or not he could enter into agreement with the U.S. Wildlife Service for this program.

Kristan Finney (Legal Counsel AG): So the end result that you guys are looking for from the commission will be some kind of agreement to use this section of this property that he's leasing for this program and it would be kind of fenced off?

Jacqueline Flores: Right.

Leilani Takano: I would like to add that I probably should have mentioned this during my presentation but project submitted to us here locally, I actually compete for funding against all the other projects in Hawaii and the other islands so actually Mr. San Nicolas (inaudible) proposal went to competitive process last fiscal year and was quickly rose to the top and what we wanted to know because obviously fiscal year 2017 has started whether to submit this for funding again for consideration. So there's no guarantee how because it got chosen last year, we hope we get chosen again this year. It's still a competitive process.

Chairman Pascual Sablan: One quick question, do you have this kind of program with the military? In the military land?

Leilani Takano: So the partners with the Fish and Wildlife Service is solely reserve for the financial assistant for non-federal lands so no. For this particular program we don't find any respiration work on military lands.

Commissioner Pika Fejeran: Excuse me, but what is out planting verses this planting?

Jacqueline Flores: Basically it's taking the seedling from the nursery and planting it out to the forest or.(paused).

Commissioner Pika Fejeran: So this will be the first of the partners program for Guam? I'm sure it makes sense that in this acre program many are planted and (inaudible) for the health of the trees?

Leilani Takano: That's why we engage GPEPP because it's because they have the expertise. I don't remember if the proposal has the number of trees in it.

Jacqueline Flores: I think it's 10. Ten trees.

Administrative Director Michael Borja: I think commissioners as I mentioned before this would an initial step in probably even a greater partnership with the Chamorro Land Trust possibly in the forestation and the preservation of the forest of conservation areas we may create in the future

so our support on this one will be worthwhile although the language in the process will need to be more specific so that it's all legal.

Commissioner Pika Fejeran: I agree. Do we need to make a motion to that?

Administrative Director Michael Borja: Yes I would like that to give encourage to move forward on this so that we can find the proper solution to begin the engagement of Mr. San Nicolas.

Commissioner Pika Fejeran: So moved?

Administrative Director Michael Borja: so the Chamorro Land Trust is would want to enter into a partnership with the U.S. Fish and Wildlife and for our lessees to participate in the program.

Commissioner Pika Fejeran: We would be the partner with the lessee concurrence.

Administrative Director Michael Borja: Right.

Commissioner Pika Fejeran: That's my motion. With the (inaudible) for this with the condition that it would be mark out on the lessee's property.

Chairman Pascual Sablan: I make the motion.

Commissioner Pika Fejeran: You made that motion.

Commissioner Amanda Santos: I second.

Vice Chairman Joseph Cruz: It was a motion to approve the project for the Fish and Wildlife Services planting in San Nicolas's lease property and it's second by Mrs. Santos. All in favor.

All: Aye.

4. **Scotdy Camacho Aguon** – Appeal of CLTC's disapproval to revoke transfer of application rights to Gisella Acfalle.

Vice Chairman Joseph Cruz: Our next agenda Item VI no. 4. Scotdy Camacho Aguon.

Margarita Borja (CLTC): Mr. Aguon is not here.

Vice Chairman Joseph Cruz: A request has been made for Item 6 to move up before Item 5 here so we are entertaining Joseph D. Cruz.

5. **Joseph D. Cruz** – Respond to GEPA violations

Administrative Director Michael Borja: Joseph D. Cruz is a lessee who has 18,000 square meters of agriculture lease in Dededo along Ysengsong Road. He received his agriculture application in February 1998 and then he was given a lease in 2003. Mr. Cruz's property became the subject to the Chamorro Land Trust number of times but was recently when the Guam EPA presented to us a Notice of Violation on the lessee for activities conducted on his lease property that were in violation of EPA rules and regulations. What you have before you in this packet is not only the description of where his Lot is at but pictures that were presented by both the land agents on the site inspection in October 2016 and also site inspection done earlier this month in November and also pictures that were provided to us as part of EPA Notice of Violation. As you can see Mr. Cruz's property is liter throughout with all kinds of metal waste, his citations were as a result of the fire department request because of numerous incidences of having to respond to toxic smoke coming from the area as a result of burning items such as rubber. Upon my inspection as well that there's scrap cars there being used for scrap parts and there's just liter throughout the Lot. His agricultural lot should have agriculture and to some extend there are some trees planted but not sufficiently satisfied the requirements laid out in his lease. So he was served the order to come before the commission to answer in respond to the Notice of Violation from the Guam EPA and for the commissioners to determine what they should do with this lease. So as I said again, there are numerous violations to the lease in which I think it's mentioned within the documents he received. What are the specific violations again that we have noticed? Not only the lack of complying with agricultural terms but also littering. When I went on back out it was on the 15th day following the Notice of Violation which the lessee had to respond as to his activities. We didn't give notice to the lessee about out visit but we visited by myself along with two land agents and Mr. Glen San Nicolas who was the person who issued the Notice of Violation. We went back out to re-inspect and to determine what the condition of the property was and if it had been anything had been done to correct the situation and it was determined that there was none that was there. So the site inspection that we found, it was subject to the Notice of Violation for Guam EPA farming activity does not support the 5 acres ground lease agreement, the recycle goods and construction materials were found throughout the premises and burning of the miscellaneous items without valid permit. And it look like the process was underway for additional burning. So before us is Mr. San Nicolas if you would like to question him or if you have any questions for me and my staff concerning this violation.

Vice Chairman Joseph Cruz: When was the last inspection done by the office?

Administrative Director Michael Borja: On November 10th. We went out at the end of the period of time (interrupted).

Vice Chairman Joseph Cruz: So the Notice of Violation was issued on October 19 by EPA? And they mentioned here Order of Compliance, one of the order is within 7 days from the receipt of this order. Any of this compliance been done when they did the inspection?

Administrative Director Michael Borja: None, as you see, the pictures that we have were also dated in November 10th when we went back out and we showed again the area is still liter throughout with a variety of metallic (inaudible).

Commissioner Amanda Santos: They gave him a time limit to clean it out?

Administrative Director Michael Borja: The Notice of Violation from the Guam EPA specifics the conditions to come in to compliance. It's on Page 3 of 5.

Commissioner Pika Fejeran: I would like to address the lessee. Sir, do you have anything to say about this?

Joseph D. Cruz (Lessee): Yes ma'am, I am very pleased that's how I've been brought in for my attention here. I thank you as to how I presently today. I assure that my work assignment is how I do the scrap.

Vice Chairman Joseph Cruz: Introduce your name.

Joseph D. Cruz: Okay, let me apologize, I'm Mr. Cruz. Joseph D. and I'm assigned up there as how I took 15 (inaudible) in Ysengsong.

Administrative Director Michael Borja: Are those sun glasses necessary for. . .?

Joseph D. Cruz: This is my reading and my vision of glasses sir. It's not called sunglasses, it's how I see and read. This all I'm qualified from my doctor's prescribe. Ok. I thank you as how I did here, Mr. Mike Borja, and I'm very pleased to meet today as how my presence wasn't there as how you did mention you came aboard and I thank you as how you did mention you have your review of my area but I assure that those things have cited me in the beginning before the year of this month as how they cited me on January 20, 2016. I was given and we worked around it with the EPA which is Mr. San Nicolas and I came aboard to them as to how they cancelled my meeting on my first appeal. Now this is a second appeal and how it's been done on the October of this month and that's how the action was given to me on October as to how I did received it and I compiled it as I turned in my Notice of Intent to Appeal. As how it's already a done deal on the property.

Administrative Director Michael Borja: You have a copy there?

Joseph D. Cruz: Yes I do sir.

Administrative Director Michael Borja: Can we get a copy of that.

Joseph D. Cruz: On which one, the 20th?

Administrative Director Michael Borja: you said you responded on October 19 (inaudible)?

Joseph D. Cruz: Sure, I'm just waiting for them to give me a call as I recalled.

Administrative Director Michael Borja: you provided them with the response to that?

Joseph D. Cruz: A Notice of Intent which I wrote down as how I fill it in the request for a year. That is what I turned in.

Administrative Director Michael Borja: Can we get a copy?

Joseph D. Cruz: Sure, you're welcome.

Commissioner Pika Fejeran: Sir, we're not Guam EPA we're basically your landlord.

Joseph D. Cruz: I'm very sorry ma'am but this is how I am speaking. Let me just apologize as how. I am in the military as I still wear my uniform. I'm sorry. This is how I present myself. I don't know how low or how volume I can adjust my tone of voice but I assure that I do hear that as to how. You know, I mean, we are all under medication and I'm sorry that is who I am today. How lower do I want to adjust my volume?

Vice Chairman Joseph Cruz: You're fine, you're fine.

Commissioner Pika Fejeran: I wasn't adjusting your volume. I think that's actually good for Mr. Pascual here.

Joseph D. Cruz: I am very pleased as how you say the landlord because that's how (interrupted).

Commissioner Pika Fejeran: What I meant with that sir, if you would allow me to speak, was the issue at hand is we have the report from the Guam EPA Notice of Violation so now that is between you and Guam EPA so the actions you are taking with them you mentioned the Notice of Intent to Appeal that's between the 2 of you. We are here today to talk about the lease you have with us and way you are using the land.

Joseph D. Cruz: Well I'm burying it as to how I'm correcting my mistake as I don't break the law. I work for the love as how I'm very comfortable of doing as I got that blessing for the 5 acres and I assured that I'm upgrading it. Other than what I heard today I assure that if you go up today as the time is good

on the time I'll be very pleased for you to see the difference of where I have done. And still going to go forward as to how I do recycle and it will be all gone at the time as to how I just started this year.

Administrative Director Michael Borja: The recycling sir?

Joseph D. Cruz: I agree to the recycling company as how I do recycling sir.

Administrative Director Michael Borja: you have a permit to do?

Joseph D. Cruz: No I don't. I don't have that permit but I do (inaudible) as how I do work for myself sir.

Commissioner Pika Fejeran: Sir, do you understand in your lease that we have with you are required to farm on the land.

Joseph D. Cruz: Yes I am, I'm farming there ma'am I still got a lot of stuff but I don't bring it there because of my back door neighbor have grabbed a couple of livestock off me. And even my brother-in-law as how he's right behind me. So that's where my faith and trust don't trust in them that's how I may (inaudible) to put my livestock there. But other than that I'm upgrading the 5 acres as how I'm blessed and I'm doing it to my best of my knowledge as it looks like a Garden of Angel. The pictures you may have seen and what EPA have taken they have big changes and it's still going to make changes as to how.

Administrative Director Michael Borja: Since when was it changed, we were there in November 10th?

Joseph D. Cruz: You are welcome to come aboard again there sir as to how those things are coming out very smartly and slowly.

Administrative Director Michael Borja: What have you done? What have you done to make it a Beauty of Angels?

Joseph D. Cruz: Well as how I made it as you come up with me as my presence wasn't there when you do come aboard. I want to apologize as how.

Administrative Director Michael Borja: Have you removed all the canisters of fire hydrants?

Joseph D. Cruz: No sir I am working on that.

Administrative Director Michael Borja: Has the bus been removed?

Joseph D. Cruz: The bus? I'm working on it sir.

Administrative Director Michael Borja: How many cars have you removed if you are working on it?

Joseph D. Cruz: (inaudible) maybe as the others are still in terms of stripping it and recycle it in a separate away as how we do receive.

Commissioner Pika Fejeran: Sir do people pay you to take their fire extinguishers?

Joseph D. Cruz: No ma'am they don't pay me I just take it as to how I do take it out for a cause of recycling for metal as how we may cut it apart and segregate it and dispose. Where we could put those things as how I have completed yet. But I assure that I have quite number of fire extinguishers there and I'm going to work with it as to how I'm there on my time as to how I still do recycle as how I work each car and other items there. But it's a big difference as how you may come aboard tomorrow and also today as the buses are getting stripe and some cars are also to (inaudible) and also tires as how I take it out from the proper rim and I am asking that you pay as how they told me to write a letter to them requesting a permission as how I may use the tire without the rim on to barricade the other 5 acres behind me. As how the other family are up forward of me. So I can use that as a barricade and that is where I'm just waiting to be called for and my letter will be presented on my time of my hearing to be present.

Vice Chairman Joseph Cruz: Mr. Cruz what is your plan on farming and using the property as per your lease?

Joseph D. Cruz: Sir as how I do have the other one there are trees growing of course.

Vice Chairman Joseph Cruz: What kind of trees?

Joseph D. Cruz: I got the mangos, the avocado, and the sour pickle.

Vice Chairman Joseph Cruz: So to your standard you are complying with the lease that you have.

Joseph D. Cruz: Yes sir and on top of that I do have the other kind of (inaudible) as how I got.

Vice Chairman Joseph Cruz: Now being that you're being cited by the EPA you're activity is not permitted under your lease. The recycling.

Joseph D. Cruz: I understand that.

Vice Chairman Joseph Cruz: So what are we going to do about that?

Joseph D. Cruz: I'm going to remove those in terms of...it's not going to happen in one day alone.

Vice Chairman Joseph Cruz: That's now what EPA is saying.

Joseph D. Cruz: I understand that sir.

Vice Chairman Joseph Cruz: But EPA is our enforcement entity to ensure that property is being used (interrupted)

Joseph D. Cruz: Yes, I agree as how I presented myself today. I am very acknowledge as to what EPA is trying to tell me but I assured that my first appeal was dropped as God knows why. And they cited me on the second one as how I was not recognized to be heard on the first.one.

Vice Chairman Joseph Cruz: That's in lieu of your violation of EPA environment, not land use (interrupted).

Joseph D. Cruz: I understand that sir but as how I appreciate you are asking me about the lot that I have I am upgrading it as how it's going to get more better into a matter of more food to plant.

Vice Chairman Joseph Cruz: But your main activity is recycling, isn't it?

Joseph D. Cruz: I also plant as the same time as how am disposing what (inaudible) I am not making any money from nobody but I do yard sale. That's how I you may recognize the work as how I do.

Commissioner Pika Fejeran: Sir, I see a sign in one of these photos, "used tires for sale, auto/car parts for sale".

Joseph D. Cruz: I mean there's nothing wrong having a used parts for sale.

Commissioner Pika Fejeran: There is when it's on your property that's suppose (interrupted)

Joseph D. Cruz: Well then I'm sorry I thank you as to how maybe...well that's where I find myself need to be corrected as to how that can come to a change and I can have that remove and the sign may just stand as how I do sell yard sale words. That's how I storage of the things from people belonging as how, I don't know, I don't got license but I take other people does have things they do put out in a yard sale and it's going nicely and smoothly. It may not be very fast but things will go out as how people are inquiring about the quality that I have that I bought it and it's not a waste as other people may use it for lesser price for others that has the interest occupying it and taking if off my hand. I do yard work ma'am that is my pride and joy.

Administrative Director Michael Borja: When was the last time read your lease with the Chamorro Land Trust?

Joseph D. Cruz: Well maybe the Chamorro Land Trust I read was 2013, if I'm not mistaken or before 2013 and I didn't have that merchandise there in the beginning.

Administrative Director Michael Borja: When was the last time you read the lease that you have? Not when you got your lease, you got your lease in 2003. When was the last time you read your lease?

Joseph D. Cruz: Yes sir 2013 as how I read it. I'm going the (inaudible) I kind of glanced it and read it but I didn't read it completely complete.

Administrative Director Michael Borja: You have a ground lease that stated with your signature January 2, 2003. Are you aware under the agriculture, how many trees you are supposed to have planted on your 5 acre property?

Joseph D. Cruz: Yes sir I do have that made it's just (inaudible).

Administrative Director Michael Borja: How many trees are you supposed to have planted per acres?

Joseph D. Cruz: We're talking about maybe 300 and the most and more.

Administrative Director Michael Borja: You have 300 or more trees?

Joseph D. Cruz: Yes sir I have coconuts, betel nuts, pickles, papayas.

Administrative Director Michael Borja: Pickle trees?

Joseph D. Cruz: Yes sir.

Administrative Director Michael Borja: Our agents counted considerably less (interrupted). You are supposed to have 100 trees and we don't see 100 trees.

Joseph D. Cruz: I do as I'm not complaining but if you don't then I guess the trees or the grass outgrow it as how it's sitting in an area you may not recognize.

Administrative Director Michael Borja: Let me read Item no. 15 in your lease. Lessee not to commit waste. Lessee covenance not to commit waste upon premises and upon the expiration upon the term of this lease to deliver peaceful possession of the premises to the lessor. Do you consider what we see, you think that is waste?

Joseph D. Cruz Yes, but I'm working on it and relinquish it over to (interrupted).

Administrative Director Michael Borja: But you already committed waste.

Joseph D. Cruz: I understand that sir.

Administrative Director Michael Borja: To the extent that Guam EPA has cited you with the Notice of Violation. Not us. We are not the compliance agency for that side of the house. But the people responsible for that have noted to you that you are not in compliance and you have violated the law. The laws of Guam and in specifically then it relates this item in your lease saying you shall not commit waste to the property and you have. It's a serious violation of the terms of your lease and you can be held in default of your lease and your lease can be terminated. Are you prepared to abandoned the premises and be committed to having to undergo the consequences of cleaning it up at your cost? This is supposed to pay on termination of your lease your will deliver peaceful procession of the premises, actually upon expiration but if we terminate your lease you got to give it to us as clean as you got it. But you are subject to termination. You met the qualifications to have your lease terminated.

Joseph D. Cruz: I don't see any disqualifications that I can better it as to how I'm still doing that. I'm honestly. I got the capacity of the heart that whatever you move that as how it could be corrected.

Administrative Director Michael Borja: My understanding from the Guam EPA and you said it too, this is not the first time they have come to you they have attempted on many different occasions to work with you on variety of different ways to clean up that land and you have failed to do so and that's what prompted them again to issue you this notice of violation.

Joseph D. Cruz: I don't think that way sir.

Administrative Director Michael Borja: I don't understand why you don't think that way that's not the point. How you think is not the point. The fact that you violated the Guam laws as noted by the Guam EPA you've violated the terms of your agreement with your Chamorro Land Trust agreement and the Chamorro Land Trust Commission to ensure your properties are not spoiled by rendering your property throughout with all kinds of metallic waste. Some of which could have possibly have spoiled the ground itself with oil, leaking into the ground. Do you know you sit atop of the singular largest source of drinking water for this island and the oils and other automotive fluids being allowed to go into the ground contaminate our drinking water? Now we found areas with Guam EPA that could possibly by just visibly observing it the areas where oils have been putting into the ground. It could prove it.

Joseph D. Cruz: I'm not going to hide anything sir. There are few areas there but it's not as how that bad as it is.

Administrative Director Michael Borja: It doesn't matter it's bad as it is. There's no condition of how bad something can be ones you haul contaminants and toxic materials into the ground and it goes right down to the major source of our drinking water. That is extremely serious, detrimental to the entire population of Guam and to you as well if you used the water if you used the water that comes out of your tap like almost all of us do.

Joseph D. Cruz: I understand but I'm correcting it to the maximum of my time and I'm still doing that today sir.

Administrative Director Michael Borja: It didn't appear that any correction was made in any way between the periods of their violation to the period in which you were allowed (interrupted).

Joseph D. Cruz: It's been corrected sir. I've been upgrading the area.

Administrative Director Michael Borja: What do you mean upgrading?

Joseph D. Cruz: I'm just cleaning up what the mistake is to be corrected for and I am sure that I'm going to . . .(paused).

Administrative Director Michael Borja: You've been removing cars and buses and fire extinguishers and washers and dryers and tires?

Joseph D. Cruz: I have proof.

Administrative Director Michael Borja: What are your proof?

Joseph D. Cruz: The receipt bills that we bring it over to Global, FSM and the recycling company as how we do receive and that's a blessing for me and that will be also remove in time as how it can be gone. So please I'm not trying to say I'm going to just leave it unattended. I'm there to do my job and I'm there to take every out of there as old vehicles, and the body of the bus will all be cut and dispose on my way of doing today. And it's changing and I'm still into that and I'm doing that every day. I got all the receivable as where I dispense it to. And it better for me as help others that are out of a job, as they lost their job they come and support me with their heart. They need to receive something in a daily basis.

Administrative Director Michael Borja: I don't know what you just said.

Joseph D. Cruz: I'm sorry sir but...

Administrative Director Michael Borja: They give you their heart for what?

Joseph D. Cruz: I'm sorry I didn't ask them but they want to enjoy and help me get their parts out as how they probably take it and give it to a family they may need in term of their earning and receiving other than me having it all because I can't have all that. But I keep myself busy I got my certain equipment that I deal with. I got my truck and trailer that does carry it as how that thing will be chopped in a likely manner for me to load it on my trailer to take it out and dispose it on the recycling Global. And it's an everyday thing as how I bring it to them. It's a big difference if I may say that it kind of hurt me, it still looks the same. No it's not the same right now it's more intact as how it's getting better. I just want to give you the compassion of where I am and I'm going to take it out sir.

Chairman Pascual Sablan: Mr. Cruz, I'm very convince that you are a good dancer, dancing around the EPA citation but as Mr. Borja is saying all that toxic thing that you put on the ground and on the air is toxic, mind you, toxic that is fatal. So for me you are guilty as hell in EPA, show us in Chamorro Land Trust. You good talker and a good dancer that's all I can say but you are really guilty as hell in everything that you do. In Chamorro we call it *che pis palabra* and you are.

Commissioner Amanda Santos: Who granted you that 5 acre land because as a limit for agriculture lot? Who granted you that? What director?

Joseph D. Cruz: I have brothers as I'm not the only sibling and that will be improvised for their usage as how a few of them are still here so I do get their help as all of them may not be present here so maybe that was the choice of them granted me that for the other siblings that are still here.

Commissioner Pika Fejeran: Sir I have a question, do you live on the lot?

Joseph D. Cruz: Do I live there, yes ma'am. I live there every day.

Commissioner Pika Fejeran: Do you have families that live with you?

Joseph D. Cruz: Yes ma'am.

Commissioner Pika Fejeran: How many?

Joseph D. Cruz: Just me and my girlfriend and my daughter and my son but as how I work they don't like the joy of work I do as they don't cut the yard so I took care of that as how I do it. And it's lovely as how I like it and you are welcome to come and see it and it's going to look a lot better.

Commissioner Amanda Santos: Do you have power and water there? Do you have bathroom?

Joseph D. Cruz: Yes ma'am I do.

Administrative Director Michael Borja: When I went out there and the we had brief conversations over the telephone who was it who initiated the call? Who was the lady that made the call?

Joseph D. Cruz: Sir I thank you because I just got to know her as how her boyfriend works for me and maybe she's a very impolite, disrespectful lady.

Administrative Director Michael Borja: Oh no she wasn't, she was very respectful although she did tell me she was the wife.

Joseph D. Cruz: That could be my girlfriend as her name is Debra L. Leon Guerrero. She is part of my caretaker as how she calls me as terms of the others coming in, in needing of what items, and what purpose they are for. Just part of the security sir.

Commissioner Pika Fejeran: Sir if I can give you some background. Sitting at this table we hear from many of our applicants that are waiting for lands. They are waiting for lands, maybe they even have land from us but they don't have water to farm, they don't have power and sir you have 5 acres of land that you are not using the way you should be using. Never mind that you are not planting okay. You know we might not be able to understand that however, the way you are spoiling the land we can't get past that. Do you understand the gravity of the spoilage of the land?

Joseph D. Cruz: Yes ma'am I understand that but I am taking it out I made a mistake, really in the beginning and I know the EPA have cited me as how the (inaudible) came aboard as how I do burn toxic waste so we all do bend the law but I do.

Administrative Director Michael Borja: No we don't bend the law and think that we can get away with it. You know when you burn all those tires, where do you think the burnt rubber goes to? It melts into a liquid and it seeps into the ground.

Commissioner Pika Fejeran: Sir you know, in our eyes knowing the history that you had with EPA and how they tried to work with you since January of this year it's too late. Even us being out there 6-7 a days a week ago and not seeing the improvement that we should be seeing it's too late sir. So I make a motion to terminate Mr. Cruz's lease at his property and part of that termination would require you to clean up the land and give it back to us in the state that it was when you received it. Sir you would have to do that anyway, EPA is forcing you to do that anyway.

Joseph D. Cruz: I understand ma'am but I haven't been heard yet and I am bringing myself forward today as how I'm doing my very, very quickly trying to get it in a working standard.

Chairman Pascual Sablan: Thank you Mr. Cruz. Second the motion.

Vice Chairman Joseph Cruz: It's been moved to terminate the lease of Mr. Joseph D. Cruz, it was seconded by Mr. Sablan. All in favor.

All: Aye.

Administrative Director Michael Borja: Mr. Cruz, let me explain to you what we are going to be doing. We will be providing you with a letter informing you that your lease has been terminated as of today with a provisions that we require within 30 days to clean up the property. The letter will also further explain to you your right under the Guam Code Annotated to either accept the termination in total for what the conditions were that we explained or to appeal before a hearing officer and that you have to give us a response in writing to our issuance of our termination. We will further explain to you that because there's a house on the property that the house will become appraised and then we will find a buyer for the house that will assume the lease of the property if we can even get it leased and at that we will pay you for the cost of the house that is appraised for minus every cost that is required to conduct the sale of the house which includes the cost of appraisals, any delinquent taxes, and whatever else there is, and at that time we'll take it. If we're required to clean it up ourselves that cost will be included into whatever the cost of the home was that we should reimburse you with. You have 30 days. You will be receiving a letter probably served to you no later than Monday.

6. **Mayor of Barrigada** – Request to transfer Lot 5382N-R40, Barrigada to the Mayor of Barrigada for the use of a recreational sports field

Vice Chairman Joseph Cruz: Item 6 or the last item of the agenda on the New Business. Mayor of Barrigada requesting to transfer Lot 5382N-R40 Barrigada.

June Blas (Barrigada Mayor): *Buenas* and *Hafa Adai, Good* Afternoon! Director Mike Borja, Deputy Director Mr. Camacho, Chairman, Vice Chairman and the board, as well as Ms. Margarita of course the staff. Thank you for allowing us to be here this afternoon to come to the board to request in reference to a property that was identified in Barrigada Heights for Lot 5382N-R40. This property that has been identified and fits the needs for communities request to build a sports facility for our community. Of course the Vice Mayor and I have gone through many obstacles in trying to obtain a property for the usage of our community that is growing in population and that we can't call any sports facility our home. There was once a property that was used way back up on the Radio but that property has been given back to the original land owners. Unfortunately today we still don't have one and we would try to work together with Parks and Recreation to keep our sports organization such as our softball, our football going, keeping one kid out of the street is a lot for us. Having a sports facility where our community is a growing community we will be very ideal for all of us. There's properties up in the Barrigada Heights that you have been issuing out to residence and that's great, but where do we

put these kids? We need to put them in facilities so identifying an area in the Barrigada Heights that would one ideal for all of us. It will a mixture of all sports. We also have soccer so we have to include that and looking at almost seven acres of property that would be enough at least to start off for our kids and that's why we are here today and on behalf of our Municipal Planning Council to see if we are able to obtain that portion of that property so it becomes a reality for our people of Barrigada. In order to add on to this there was a law back in, actually in the 16th Guam Legislature and I think you have it in your packet that there was a portion of property that was given back then to give Barrigada knowing that it's one of the most heavy populated village. Now till today, we came across this weeks ago, and knowing that it is we kindly ask that we revisit and I know that this property that was identified was up towards maybe the Villagomez area. I see an area and knowing that there's one that actually identified today. That will be great because the road has been open and it's also flat so that gives us an opportunity (inaudible) to come in now and do something for the betterment of our community.

Vice Chairman Joseph Cruz: I'm sorry but could you just mention your name.

June Blas: I'm sorry, I'm June, the Mayor of Barrigada and of course to my right is the **Vice Mayor Mr. Jessie Bautista.**

Commissioner Pika Fejeran: *Hafa Adai*, I'm Pika. I'm a resident of Barrigada. Toto Canada I consider Toto but technically Barrigada. So you know I appreciate that you're trying to create these facilities for the youth. I guess, a couple of questions, I'm not exactly clear about the location and then second I guess we'll look at the location first. And it looks like you have a land use plan created? Is this based on the subject property or this was kind of put together?

June Blas: This is some that we just put together Mrs. Fejeran only because we are trying it now to expand and think how we would want to develop this property to include a walking path, a park and all soccer field, baseball, football. Because every year we try to find fields outside of Barrigada now to get our kids into sports. We have 10 baseball teams, 19 basketball, very active soccer, football. We have a dance group and we have all these going and Barrigada heavily populated now and growing by the day, we don't have something of recreation to call our home. So that's why we're hear pleading and asking this board to please allow us and give us something for our community for our kids so that they can use and better themselves and putting their efforts in all their strength into playing and not doing something outside or on the streets.

Jessie Bautista (Vice Mayor, Barrigada) and you know this was proposed since 1981 and the Mayor wasn't working at that time, and I was still going to high school but it was prepared since 1981. They had money appropriated

for it but they had the $250,000 but I guess it didn't go through. It went through but the plan never follow through.

June Blas: Somehow it was probably de-obligated for that reason but now we are trying to ask and starts from scratch and try to get this back for our community and ones in the 16th Guam Legislature so I really thank for my municipal planning council that they found something to help us so that we can expand and grow to our communities and better our kids as well and our families to enjoy the park, the sports facility and we can call home.

Administrative Director Michael Borja: Part of the dilemma we have with the central part of Guam is that's very little in the way of any Chamorro Land Trust properties for most of the central villages. Barrigada is actually is best benefit of the areas around Barrigada Heights as the most prominent areas we have available for the Chamorro Land Trust properties. Part of the Chamorro Land Trust law allows for the use of lands for the purpose of use for the mayors and for public facilities and public fields and this fall into that category. Again, if we did do something like this it would be a requirement to go get the legislature to give it administrative control. What we've done in the past with regards to these mayors, and what's been available to a lot of the mayors as well is that once they have properties that have been administered/transferred to their control, they are eligible for programs under community development block grant with GHURA, the Housing and Urban Development people to be funded for facility improvements and you've seen them in different places, Sinajana, covering for their basketball courts so it's not really an enclosed area but it's protected from the elements. So you get that kind of available funding for doing these kind of things and GHURA has been doing this throughout for many of the different villages when they have the lands available and the funds and the block grants available for them. So this is really one of the few areas that's available that we're looking at and it does have some topographical issues that I think the mayors are well aware of and there is a slope and it will be something that they would have to definitely work with. I don't think this picture is the most recent picture because it doesn't show the road coming down but show on there, John, where that road would be. You can see the easement coming in and that has been cleared and it's going down the hill to that dirt road that goes to a Guam Waterworks pumping station. So the area that we are looking at is exactly where (interrupted).

Vice Chairman Joseph Cruz: Right there on the "eye" shape.

Commissioner Pika Fejeran: What's the rounded?

Administrative Director Michael Borja: This is the SNU, the nursing facility, at the very end. This is the Korean Church so it's directly. If you go out there today like Mr. Borja said this easement here is opened all the way down to the pump station and the well site, gravel road.

Commissioner Pika Fejeran: So is this at the western boundary of Barrigada?

Vice Chairman Joseph Cruz: Actually, right behind DMV if you look at it.

Administrative Director Michael Borja: That big building right there in the corner is Revenue and Tax. See the H shape building is the Coca Cola building in front of Revenue and Tax.

Commissioner Pika Fejeran: Mike you kind of mentioned it, but my next question is, is this proposal to transfer out of the Chamorro Land Trust inventory into Barrigada?

Administrative Director Michael Borja: Right, and to the administrative control. And that's what we've done in a number of villages and in some other places it's already been part of the use of their land but they haven't use it. But again it's just one of the things that while Chamorro Land Trust is to try to give out for agriculture residential it's also for a bunch of other things.

Commissioner Pika Fejeran: But wouldn't that be under a license that we issue Barrigada?

Administrative Director Michael Borja: No the way this work is that the land actually transferred out of our inventory into the control of the mayor. Now one way, to have worked this is Public Law 2218 had a reserve list and unfortunately the mayors' of Guam and no entry into that. There's a section in there for them but it's blank. That would have been the way to say the reserve land in some location on Guam then we can delete part of that inventory. Let's say they reserve a 150 acres and you need 7 so we delete 7 out of the inventory and transfer it over so they have less land on their reservation. Unfortunately they don't have reservation and so the only way to do it in this case is to have it administratively transferred. Again, the severability or the Revolutionary Clause will say if you fail to use the land within a period of time then it reverse back to the Chamorro Land Trust. But most recently we did one for the village of Inarajan but I can tell you right now, they are all coming in and asking, but it's all primary for sports complexes throughout the island. It's an obvious need, as the mayor pointed out they have a number of needs. Almost all villages have a significant number of sports teams, youth sports teams, and they need some place to exercise that sport but with very little places to do that.

Vice Chairman Joseph Cruz: Can I ask from Bill 91 that was executed back in 1981, 52-80 where's that at?

Administrative Director Michael Borja: That's a Resolution.

Margarita Borja (CLTC): Going up the road, going up to Latte Heights. Coming up Mechache.

Vice Chairman Joseph Cruz: How much acreage is that?

Margarita Borja (CLTC): It's big. It's a big parcel. This is where the water tank is.

Vice Chairman Joseph Cruz: I just want to do a comparison as to the proposal back in '81 and the proposal today. Because right now the accessibility of that lot is not even a 2 lane road servicing those subdivisions that's going to Barrigada Heights and down.

Administrative Director Michael Borja: I drove through that sometime last month when that road wasn't fully done yet and we were able to transit around all those available side road and ended up near the over pass.

June Blas: I really want to move on. We do have contractors and people want to help us at a zero cost to the Government of Guam so the more the we have this investors coming saying Mayor, Vice Mayor we're here to help you we are more than happy to get them on board. Because everything is about funding and we were very resourceful to have these other companies that says, here we are, where do you want us to go. We have already identified someone to plan this and how to develop it. I know people from Barrigada that have this capability and putting the group, a dynamic group together we can make this as a reality.

Commissioner Amanda Santos: How big is the land?

June Blas: Seven acres. Actually, I want to ask for more but I want to ask whatever we can get at least to identify a baseball field, football, soccer, a jogging path even a park for the kids to play and for the parents' running and walking, all that. That would make a great Barrigada. Remember the properties are issued now to the Chamorro Land Trust usage for building, where are these kids going to go? They've taken a property way back, I remember this because I was the Administrative Assistant to Mayor Laguana, and that property was where the skilled nursing was supposed to be, where it's at today, it was supposed to be a park, it was taken and yet what they built was a facility. So I remember that way back in the 80's so I'm still here today almost about 30 years. And that's why I'm staying on top and try to find properties now for our people.

Commissioner Pika Fejeran: Do you know how big the Dededo Sports Complex is is? How many acres that is? I'm just trying to wrap my head around.

Vice Chairman Joseph Cruz: This is half the size. The 29,000 square meters is 3 size of that Skinner Plaza where the Guam Museum is at. That's one hectare. So three of that is equivalent to what they are asking. So just imagine three of those blocks in Hagatna.

Vice Chairman Joseph Cruz: Margarita, on this mapping. Do you have that triangle curve *cur de sac*? That's a Waterworks right?

Margarita Borja (CLTC): That's the well side.

Commissioner Pika Fejeran: So this is our master plan of that property?

Margarita Borja (CLTC): No it's existing. It's there. The well side is there.

Commissioner Pika Fejeran: I mean this map.

Margarita Borja (CLTC): Yes.

Vice Chairman Joseph Cruz: What's the changes of relocating of deleting that *cur de sac* and putting it towards the inclusive lot. That would reduce a lot of area acreage on that roadway. Since they're going to put fuels in there that's going to limit their development of having that *cur de sac*.

Margarita Borja (CLTC): But we have to go to the Guam Land Use right? If we have to. . .

Vice Chairman Joseph Cruz: No, as long as you don't eliminate access to that lot there. So if you reverse this and put it here so you can utilize the whole area. Right now if you are going to issue as it, it's very limited for you to struggle a baseball field and a soccer field with that. But whoever is using that triangle on we need to notify them that we are realigning their access.

Administrative Director Michael Borja: That's the pump station I think the pipes come in there.

Vice Chairman Joseph Cruz: Okay then let's provide them a utility easement instead of an access easement. Because the utilities are underground, you can have that utility easement for the line but accessibly is going to be on the other side.

Margarita Borja (CLTC): Could you guys put together a plan based on this?

Vice Chairman Joseph Cruz: Yes, but keep in mind the Waterworks (inaudible).

Margarita Borja (CLTC): But are you able to utilize it?

June Blas: We have given it to someone to take a look at it, we of course is one of them, we have other planners that are looking into this and seeing how can we work with this property and putting football field, baseball field, soccer. Well soccer can also be used on a soccer because it's not. . .

Vice Chairman Joseph Cruz: I'm bring this out because once we do the approval that lot number stick with that alignment.

Margarita Borja (CLTC): Just know that's a documented easement already.

Commissioner Pika Fejeran: I just going to throw this thought out there. I didn't realize that we had already Chamorro Land Trust plan to get these lots to residential applicants. And they have close connection to utilities which many of our applicants and lease holders don't. With that in mind I understand, I fully support what you are trying to do here, but I also have to look at it through the eyes of a commissioner. I'm sitting here to think exclusively in the interest of our Chamorro Land Trust applicants. And our applicants on our list, thousands long are waiting for lots to get connected. So looking at this it would pain me to just get rid of all this planning that's been done and to turn it into a recreational facility.

Administrative Director Michael Borja: But part of the subdivision planning is to have green space to have parks and when we try to create those kinds of areas. I think I'm going to show you a diagram that depicts an area that restricts us by current EPA requirements because of wells and it kind of put us in a quandary because there's a number of those kinds of places existing and it's also isolated a bunch of places that we were thinking of using because of the mere fact that there's a well.

Margarita Borja (CLTC): The first one in the middle is 300 buffer from the well side and the one outer is (inaudible).

Commissioner Pika Fejeran: So we can't put any applicants in the 300 buffer?

Administrative Director Michael Borja: In the 300 subject to sewer line. So for example, Waterworks was seeking in one area in Yigo to activate a known potentially good well and we said no. Not unless you're going to put a sewer in that could connect to our line. We don't want to give you that land because when one needs the water but if this was a private property you would have to give me something for telling me I can't use my land around here.

Commissioner Pika Fejeran: So looking at these circles, what is that mean for this Master Plan?

Margarita Borja (CLTC): It's based on this so that's how we were able to come up with the Master Plan and we severed out the portion that is within the 300 radius of the water well side and that's where we were able to identify the R4.

Commissioner Pika Fejeran: So this has already taken into account those buffer zone?

Administrative Director Michael Borja: The problem is those back logs inside there those probably would have to be like the last be given. You know once the sewer line comes in then they could be issued out but limited to be given out to anybody unless. Just because they can't put a septic tank (inaudible).

Commissioner Pika Fejeran: I'm trying to think how we can do this and both get what we want out of this. What if we say we give you the back half or the back three quarters, does that mean we can still lease out the bottom left corner 5382 and 32? The rectangles right there?

Vice Chairman Joseph Cruz: What's available is 300 feet diameter from the outside. That's what's available because anything outside there we can create a lot.

Commissioner Pika Fejeran: So they just told me that this Master Plan they've already taken into consideration the buffer zones that you can't do anything in.

Matt Leon Guerrero: That's why we have that part severed out already it's not a part there, it's a big piece of the Master Plan you got there is to account for that, there it is within the water well there in the middle.

Commissioner Pika Fejeran: and none of these lots we have here fall within that?

Matt Leon Guerrero: There's a couple here in the back.

Commissioner Pika Fejeran: So this has not taken this into account the buffer zones? Do you see what I'm saying?

Administrative Director Michael Borja: Right it did but the thing is that you can see it's one lot behind another so what we have is these lots in here can be issued out but these lots we hold on issuing them out until sewer becomes available then they can use these lots. But for now we didn't want to give them a big sizable lot like that, we wanted to give them something that was within the limitations of what they are allowed to get so that would hold us back from doing that. What happen in an existing facilities, let's just say somebody already happen to be there, it's too late. We can't tell that person to get out because we have to pay for everything, but that's the dilemma that we have in many places that we have already people that issue out leases within the 300 foot radius but we stuck with it because they are kind of grandfathered in. But once they notified us of that requirement moving forward we have to comply.

Commissioner Pika Fejeran: So it's not a restriction of having a house there, it's a restriction is a house with a sewer. So then my question would be for your development I imagine you would have to bring in power, water, and

sewer. Is there a way we can marry your proposal with part of our proposal? We're going to give you our land but then you would also be bringing in the utilities for the applicants. This is my proposal, we give you from this map, there's like a rectangle from the bottom left, 1, 2, 3, 4, 5 and then on up to the left would still be Chamorro Land Trust and to the right we would give to you so it would be small than what you have proposed for us here but then maintaining properties for applicants and part of us giving you that property means that you are going to be bringing in the sewer, water and power for our applicants to be able to tap into right away and build.

June Blas: You know, honestly, there is power, water already on that area and trying to get that is, I don't know how we do this, but that's another funding that we need to work with, with the legislature. I've been there for almost 30 years and here we are today. We have 19 basketball teams, 10 baseball teams, 1 football planning on another and we need also not a playing field but practice fields. We want to make sure we expand. Even the 7 acres to me is still kind of small but I cannot be choosy right now, I'll take what it can, if it's there and available then let's try to work with what we have. And putting a park up to the top side of the foster home maybe that's another thing considered but maybe right now the most important right now is the sports field.

Vice Chairman Joseph Cruz: What is your time frame for this development?

June Blas: We have these developers, we have contractors, I don't want to lose them and lose interest and say Barrigada has been waiting for you. I don't want to go to Dededo or another district. Right now they have a little down time because of all these contractors not coming in. First of we need the Right of Entry and then allow us to do so. I would get the proper documentations to move on with Public Works to go in and get all cleared so we can start. Because right now come January we have the baseball, baseball is coming up soon and "where we going to practice again Mayor?" we only have one top field at the Parks and Recreation, okay fine and we have 10 so how we do we schedule these kids in five days. Monday, Tuesday who's doing one day Wednesdays, how? We even use other facilities so that we can accommodate our kids. The amateurs practice in Dededo for ground ball or throwing because we don't have a field in Barrigada. So all we're asking is to please give us a field or a property so we can move and get this to reality. I think we've waited so many years and waiting for another couple of years again our kids will be grown to adults.

Jessie Bautista: We applied for baseball field but it was taken away because it was not under our Mayor's office lot.

June Blas: Right now we are utilizing a soccer field in Tiyan that belongs to the private owner that allowed our mayor's office to use it because we don't have a soccer field. You know how sad that is, I mean, I'm so happy that the

(inaudible) seeing the vision that we have in keeping these kids on the fields and not on the streets. So we are trying to work together as community with one heart, one voice. We just need something for our kids to get their energies out and keep them in fields. Keep them actively growing into sports.

Commissioner Pika Fejeran: I appreciate your passion, I do, but again I'm thinking of our beneficiaries under the Trust I wonder if there's some way that we can have a discussion off line and say okay if we're going to give you guys this much then what would you do with it. How much more do you need because I don't know what you can put there, I don't know the limitation.

June Blas: It depends on the terrain of the property again and how much work we have to put in to it. So we got to get someone that knows the typography of the property and say okay how it needs to be done, where do we go from here, how much money we have to pump in (inaudible) to the legislature to give us monies to upgrade or to get going with this property.

Vice Chairman Joseph Cruz: Like you said we need a conceptual plan as to whether you are putting in a football field or are you putting a baseball field. All require different acreage. We would like to know what activities so that we gauge the acreage verses the activity that you're putting in.

Commissioner Pika Fejeran: This looks like 34 residential lots that we have plotted out on this map. It's 34 families that have been waiting since 1995 for their home so what the vice chairman is saying is we just need to know what we can keep for these families and what you can use the rest.

Chairman Pascual Sablan: I think if you concern is the water, the power.

Vice Chairman Joseph Cruz: It's all there. What's there now is the main line. What we need is lateral. The lateral to feed the individual lots that we're assigning so that's not there.

Chairman Pascual Sablan: So why not go like this, we entertain the request and they can come back and modify it but they have to be back as you said, what the time frame is before we make a (paused).

Vice Chairman Joseph Cruz: We still don't know the time frame. But like I said if you can give us a detail proposal of what is to be put there then we can consider the typography, the configuration of the lot.

Commissioner Pika Fejeran: Imagine if we end up agreeing that we'll keep the bottom left lots for applicants and they end up building homes there and then you have your park.

Jessie Bautista: It's going to serve everybody. It will be a good plan. Actually, we're thinking ahead before the process has been done of building

houses. So at least we will have a field there, we will have a park there, and the infrastructure will be there and the kids have some place to go.

June Blas: We need to expand. We really need to. It's just sad that our properties have been given to original landowners. We do have properties up there that were given back to the people so they can build a better life but we also forgetting that we have a future and we have our kids. So we try to think out of the box and say hey what we are doing for these kids today, tomorrow and in the future. What do we have for them? Barrigada has none. We always working with Parks and Recreation and say, can we use the field today because we have to close this out, they have their own leagues by the way so it kind of coincide with ours. So we have to beg or wait with them. They do have league with the Guam Hotel Association and sometimes that coincide with our baseball for the kids in January and this one goes all the way up to July.

Commissioner Pika Fejeran: I would like to make a motion to approve the transfer the land to Barrigada Mayor's with the condition that will be working on the easement right away.

Commissioner Amanda Santos: I second it.

Vice Chairman Joseph Cruz: It's been moved to approve the transfer of Lot 5382N-R40 Barrigada and it was second by Mrs. Santos. Correction 5282 North R-40. All in favor say aye.

All: Aye.

VII. DIRECTOR'S REPORT

The monies are all showing here what we've received. We will be receiving just under a half a million dollars sometimes next month from Guam Waterworks for the purchase or two pieces of properties out of the three. One of the reason for not getting any money yet from Astumbo is because it's an unregistered property so once we complete the land registration we can issue them a deed that they will pay us. I don't want to receive monies for deed that they will pay us. I don't want to receive any money for deed that we haven't issue. What I would be requesting from the Legislature in January is to spend that money to survey. Because it's coming out of the infrastructure survey fund and in part from GTA and have at least a million dollars over a three year period to do a land survey so hopefully that should get it all done.

Commissioner Pika Fejeran: Are the RFP coming to us or that has to go through GEDA for the surveying?

Administrative Director Michael Borja: We have to go out and do an RFP. We may be able to coordinate that with GSA. The auditor bids have been finalized with really only one. We went through the whole process with OPA

and our people to certify it and we then unsealed the payment and it's pretty much the same thing with an escalation over the next three years. But we haven't finalize the contract so we can still negotiate the amounts and we think it should be a little bit lower. It was a lot of work. Late yesterday, I received a letter from the Public Auditor and it was the draft audit of the Chamorro Land Trust lease with the Guam Municipal Golf Course. As you recall in 2015 there was an oversight hearing on the Golf Course and why we renewed their lease agreement and we went through the process and said it's because it wasn't even the Chamorro Land Trust lease in the first place. The problem is the way the auditor viewed it is that we didn't get the proper approvals from the Governor, the Lt. Governor, the Attorney General, we didn't get the authorization from the Legislature for it, we didn't reappraise the properties and we allowed the lessee to assign the contract to somebody else. And we feel that all those findings are false and none of that was needed to occur because this was just the renewal of the lease that was already authorize by the legislature which gave us, in the language of the law and in the language of the lease no provisions to do the things that they told us to do. So we have a meeting with the auditor on Monday morning at 10:00 if any of you would like to be here for that it will be up in my office and then we have to provide a written response by Monday the 28th. If you want I can email you copies of that report. It is a draft report.

Chairman Pascual Sablan: What happened to the $360,000 that the General Fund hasn't reimbursed us?

Administrative Director Michael Borja: I don't know the total amount is but we will follow up on it.

Chairman Pascual Sablan: How about the contract for this building? The land lease?

Administrative Director Michael Borja: I just brought it up to your attention but nothing is come of it. GEDA owns the land until 2065 and after that it should fall into the hands of Chamorro Land Trust until someone changes the law again.

Chairman Pascual Sablan: Last but not least, remember we were going to put out a RFP for interest about the Global Recycling?

Administrative Director Michael Borja: No we can't move on that because the land, the property has not been designated for commercial use. I can't dedicate something until it's approved for commercial use. It was one of the properties that went up for public hearing and it was one of the properties that was presented to the commission for approval. In December we can entertain some of those lands that we've already looked at and then it would be a perfect time too if we did approve any of these properties that have gone through the public hearing process. The only one that was not included is

Lahuna then it would be a perfect time to present it in January for the 90 day count. Then we kind of looked at the opportunity to finally have two meetings a month. By statute we have to have this one every 3rd Thursday of every month but you are allowed to have payments for 2 meetings a month so we can have the 1st and 3rd Thursdays of every month. That way we can get the agenda to be shorter and be able to cover some more details into other things that needs to be discussed. Next meeting will be December 7, 2016 at 1:00 p.m.

Commissioner Amanda Santos: I move that this meeting be adjourned.

Chairman Pascual Sablan: Second.

Vice Chairman Joseph Cruz: So moved to adjourn the meeting and second by Mr. Sablan. Thank you all.

VIII. **COMMISSIONERS' COMMENTS**

IX: **ADJOURNMENT**

Amanda Santos moved to adjourn the meeting. Chairman Pascual Sablan seconded the motion. Meeting Adjourned at 4:08 p.m.

Transcribed by: Ruth Sakuma, Administrative Assistant:
_____ 12/15/16

Approved by Board motion in meeting of: December 7, 2016

Michael J.B. Borja, Administrative Director: _____
Date: 12/15/16

Pascual Sablan, Chairman: _____
Date: 12/15/16