

# Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guam 96932

Phone: 475-4251 Fax: 477-8082

## MEETING SUMMARY

### REGULAR BOARD MEETING AGENDA

Guam Ancestral Lands Commission Conference Room, Anigua  
September 27, 2006; 4pm

#### I. CALL TO ORDER

- Meeting called to order at 4:10pm. All members present including Legal Counsel Ignacio Aguigui & Acting Administrative Director Joseph M. Borja.

#### II. APPROVAL OF MINUTES (August 11, 2006 & September 13, 2006)

- Commissioner Matanane moved to approve the minutes subject to corrections. Commissioner Calvo seconded the motion. MOTION PASSED.

#### III. NEW BUSINESS

1. Signatories on FHB account
  - Chairman & Acting Administrative Director authorized signors.
2. Office Space
  - Director to look into possible areas.
3. Legal Counsel Contract
  - Commissioners to review contract.
  - Staff recommends approval

#### IV. OLD BUSINESS

- a. Eclavea/Naputi: Occupation Rights
  - Director to meet w/Legal Counsel to begin process of addressing issue.
- b. KGTF TV12 - License Agreement & Request for Waiver
  - Staff to prepare license agreements w/different options along with figures.
  - Commissioners opt for shorter term such as 3 to 5 years to determine how they established first.
- c. Subdivision of Lot 7022, Yigo - Preliminary Survey Schematic
  - Director to have engaged surveyor indicate as-built, pre-existing situations.
  - Need to work w/Yigo Mayor on abandoned vehicle removal.
- d. Duenas Bordallo & Associates - Survey of Tract 1022 – Statement
  - Director to meet w/Duenas & Bordallo on work details.



Felix P. Camacho  
Governor of Guam

Kaleo S. Moylan  
Lieutenant Governor of Guam

#### Commission Members

Delfin R. Damian, Jr.,  
Chairman

Annie R. Perez  
Commissioner

David J. Matanane  
Commissioner

Oscar A. Calvo  
Commissioner

(Vacant)  
Commissioner

Joseph M. Borja  
Acting Administrative Director

V. ADVISORY

a. Financial Report – August 2006

- **Need to follow up on \$500,000 trust fund for USDA.**
- **Need legal counsel to review GRRP license relative to liability on \$227,000 paid out to CLTC.**

b. Hawaiian Rock Products – September 2006 progress report

- **Director to follow up on transfer of 2 acres reserved for Guam Energy Office back to CLTC.**
- **Need to follow up on terminating shooting range license on Lot 5412.**

VI. PUBLIC COMMENTS

Anita Fejeran – Unregistered lot

- **Director to meet with Speaker re: land registration.**
- **Issues before Ms. Fejeran are recouping survey cost, cost of plants & possible relocation.**

VII. EXECUTIVE SESSION – Yes.

VIII. NEXT MEETING DATE – None scheduled.

IX. AJOURNMENT – Meeting adjourned at 6pm.





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*(Vacant)*  
Commissioner

*Joseph M. Borja*  
Acting Administrative Director

## COMMISSION MEETING MINUTES

Guam Ancestral Lands Commission Conference Room, Anigua  
September 27, 2006

### I. CALL TO ORDER

Meeting was called to order at 4:10pm by Chairman Delfin Damian. Present were Commissioner Annie Perez, Commissioner David Matanane, Commissioner Oscar Calvo, Legal Counsel Ignacio Aguigui and Acting Administrative Director Joseph M. Borja (current Director Thomas Elliott on leave).

II. APPROVAL OF MINUTES (August 11, 2006 & September 13, 2006)  
Commissioner Matanane moved to approve the minutes of August 11, 2006 and September 13, 2006 subject to corrections. Commissioner Oscar Calvo seconded the motion. There were no objections, **MOTION PASSED.**

### III. NEW BUSINESS

Acting Administrative Director informed the Commissioners that he has three administrative matters that he would like to bring up to the Board which are:

1. **Signatories on the FHB account** - Because of Mr. Elliott's leave status the Acting Administrative Director is requesting that the signatories on the First Hawaiian Bank account be the Chairman and the Administrative Officer of the Commission which would be James Diaz. Normally it would be the Director but since he is Acting he doesn't want to change it and then when Mr. Elliott comes back it would need to be changed again. The Acting Administrative Director is requesting if this can be approved.
2. **Office Space Lease** - The lease for the office space expires this Saturday and in the lease provisions there is a month to month allowance. The Acting Administrative Director would like the Commission's approval to allow the Acting Administrative Director to negotiate for a new lease. We are looking at actually moving the Commission out of its present offices because it is over crowded. The Acting Administrative Director had met with the landlord who had indicated that there really is no room to expand in the current building but we may be able to obtain more office space in another location with the same landlord. With the Commission's approval the Acting Administrative Director can go ahead and negotiate the situation.
3. **Legal Counsel Contract** - Staff has reviewed the professional services agreement for legal counsel and we recommend approval of the agreement itself which is very basic. The Acting Administrative Director has had previous experiences in processing these agreements and the

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agreement that the Commission had several years ago is very much in line with the new one in terms of cost and the like.

**Item no. 1 (FHB signatories)**, Chairman Damian commented that in the audit of the Commission it was critical of the checks and balances of the authorized signatures in the account. One of them caught the issue of Mr. James Diaz being involved with all the accounts to include writing the checks and so on and I'll leave it to the Commission to review that but it seems to me that under the audit there was a problem with having him as a signatory as well because of his involvement of processing and working out the financial aspects of those checks. Chairman Damian commented that we might want to vote on it or instead of having Mr. Diaz as a signatory maybe another Board member can be an authorized signatory and this will still take care of Mr. Borja's issues on not being able to sign and then when Mr. Elliott comes back changing the signatories again.

Acting Administrative Director commented that he is cognizant of the audit report that was given out by the public auditor in the sense that Mr. Diaz receives the funds, disburses the funds and also keeps track of it. My experience with Mr. Diaz has been nothing but the best and honest service that we get. Mr. Diaz though is quite hesitant to take it, it was only through my urging that he agreed if the Commission so decides.

Commissioner Matanane inquired if it would be a problem for the Acting Administrative Director to be a signor.

Acting Administrative Director commented no and that he was only thinking of having to change the signature cards back again but he doesn't have any problems with it.

Commissioner Matanane commented that he believes it is the responsibility of the Director and the Chairman and that Mr. Diaz is the one handling the account and it wouldn't be kosher for him to also be signing the checks.

Chairman Damian inquired if it is the pleasure of the Board to continue having the Acting Director to sign in lieu of Mr. Elliott's absence.

Commissioner Calvo commented that he agrees with Commissioner Matanane on having the Acting Director as a signor along with the Chairman and that it would be another helm for Mr. Diaz to carry on his shoulders if he is a signor.

Acting Administrative Director commented that it is okay with him and to let the record show that it is no reflection on Mr. Diaz.

Chairman Damian inquired from the Acting Administrative Director if it is going to be okay with him to be a signor.

Acting Administrative Director commented yes.

**Item no. 2 (office space lease)**, Chairman Damian commented that we can exercise the month to month lease if another area has not been identified. We will require at least a two to three week period to move should we find a different venue.



Acting Administrative Director commented that he will do his best to find adequate space for the Commission. It is very crowded now and it is not a good idea to put the staff through those crowded conditions.

Commissioner Matanane inquired on the other locations that the landlord has.

Acting Administrative Director commented that he hasn't seen them yet but he will try to keep the location in Hagatna.

Chairman Damian commented that the record will show that this Commission has initiated steps and has given directive to Mr. Elliott to find a different venue. Chairman Damian informed the Acting Administrative Director to go ahead and look into the possible areas and if need be we will need to accommodate the time factor with the month to month renewal of the current office space until such time we actually locate another office space.

**Item no. 3 (Legal Counsel Contract)**, Chairman Damian commented that the contract does require the Commissioners signatures and requested the Board to further review it and to report back to the Director or himself on any discrepancies that they may have. We want to make sure that it is in compliance with the RFP that was sent out and of course the expenses should be indicated so that there are no discrepancies regarding payment. The scope of work is quite important as well. Chairman Damian requested the Commission's attention on this matter so that the contract can be processed. Chairman Damian commented on getting feedback by then next day from the Commissioners if any.

#### **IV. OLD BUSINESS**

##### **A. Eclavea – Naputi: Occupational Rights**

The Acting Administrative Director commented that this case between Eclavea and Naputi is not a new case. It actually surfaced during his earlier tenure with the Chamorro Land Trust Commission. This is the worst case that the Land Trust has before it. This is such a bad case that it should be referred to a grand jury for investigation and prosecution. We have in this file documents indicating that Julie Cruz Eustaquio actually sold Chamorro Land Trust property to individuals. We have cancelled checks and documents in file. Documents in file that also shows her planning to rent out the property that was leased to Ms. Julie Cruz Eustaquio in Agafa Gumas to defuse and correct the situation in Tagachang. She received an SBA loan to build a house on the lot and then in return there is a leasehold agreement to rent the property out. Not only did she abuse the Tagachang property by selling property to people who are occupants down there and occupying the property but also when the Commission tried to help her by relocating her up to Agafa Gumas to a lot that was surveyed and had infrastructure who was also approved for an SBA loan to build a house, she had tried to sell the property as well as the house. Because she couldn't get a buyer she has tried to lease out the property. I urge the Commission to refer this case which had been referred to the Attorney General's Office however no action was taken on it. At the very least this should be investigated by a grand jury because there is just so much abuse which is possibly about 4 or 5 situations. With legal counsel on Board I think it is time that the Chamorro Land Trust Commission has some teeth in its bite because this just cannot be allowed to continue. This has gone on through three Directors including myself. The assistance that the Commission has given to this person is exactly the type of assistance that we should be giving to our clients but yet she has turned around and abused it. Not only is it the abuse that she created she is also in a harassment mode down there and the reason why I bring



Julie Cruz Eustaquio's name up instead of Eclavea and Naputi is that Ms. Teresita Naputi along with her husband were one of the people who were brought in by Ms. Eustaquio. Julie Eustaquio was married to a Felix Eustaquio whose parents were the original lessees under the arrendu program back in 1976. Felix Eustaquio has since passed away and Ms. Eustaquio maintained her occupancy on the property who also invited people onto the property and actually sold the property to them. This is why we have this problem now. I also understand that she is actually encouraging Ms. Naputi to continue her fight to remain on the property. Ms. Naputi was also given some options by previous Directors on this to try to defuse the situation such as setting her up in a much more solid area where she can get a lease on. It is getting to the point where violence is border line to the point of pit bulls being let loose on people down there. The extreme to this is the physical violence whereas the police had to get involved in it. You have a family that is on one side who are following the rules, the laws and going through the procedures which are the Eclavea families yet we have these two applicants, Julie Cruz Eustaquio and Teresita Naputi, who are actually abusing it and they seem to be the one getting the upper hand on the whole situation. I recommend to the Commission to refer this to legal counsel and to the Attorney General's office again for possible grand jury investigation on this matter.

Chairman Damian commented that this does require immediate action and we do have legal counsel on board. We can utilize the expertise of Mr. Aguigui and the law firm to be able to begin the process of finally putting closure to this be it grand jury or any other. There must be closure on it now as per the seriousness of this case and the delivery by Mr. Borja.

Chairman Damian commented that we will go ahead and give the authority to Mr. Borja to meet with Legal Counsel and to begin the process of addressing this issue in order to provide closure. We won't require a motion on this because it is already part of the duties of the Director.

**Esther Eclavea** - Because of the severity of what is going on we are unable to continue our ranching because Teresita Naputi and her husband Isidro Naputi are letting loose vicious dogs to make sure that we are to get injured badly. I request from the Board to recommend a court order to be issued to Mr. and Mrs. Naputi because everything now is at a stand still and I want to continue my ranch otherwise all my plants are going to die.

Chairman Damian commented that we are going to be looking into this matter and as legal counsel meets and if that is a viable solution immediately then we will go ahead and take the necessary steps to do that.

**Esther Eclavea** - I abandoned my projects because of the threats and I am begging the Commission to please assist me. Ms. Naputi was already evicted on May 15 and was given 60 days to vacate and it is not arbitrarily kicking her out, she has land to fall back to. Even the police cannot restrain her and just the site of us will enrage her and start yelling and she is known to own guns.

Chairman Damian commented that we will begin to take action I'm sure as tomorrow morning to being the process to provide you immediate assistance on that problem.

Commissioner Calvo inquired from Legal Counsel on how could we act on that as soon as possible.



Legal Counsel Ignacio Aguigui requested the chance to review the documents but if it was referred to the Attorney General's office and assume that it was a criminal matter then that's outside the jurisdiction of the Commission.

Commissioner Calvo commented that he is concerned because she was already issued an eviction notice and she should have honored that. I think it is endangering the other lives in those areas.

Commissioner Calvo requested from the Chairman that this be top priority.

### **B. KGTF TV12 – License Agreement & Request for Waiver**

The Acting Administrative Director commented that he had reviewed the documents which are quite detailed on what KGTF is asking for which is basically under Section V, Compensation 1 which are:

1. A full waiver of the commercial license fee for ten years; or
2. A lower market rent of one-fourth (¼%) of one-percent (1%) of the appraised market rent instead of the appraised market value of the property; or
3. KGTF would like to offer a trade in service for rent payment in a combination of both monetary and trade services.

The other waiver they are asking for is under Section V, Compensation, 3ii which is the waiving of the forty-percent (40%) fee when KGTF enters into such agreements for space on the towers with other public non-profit organizations.

The Acting Administrative Director commented that this is not a commercial station and if a commercial station were to come to ask for space on the antennae then the 40% situation would apply. The second request of the station is that when it comes to other public non-profit organizations that the 40% fee is waived. Under this section what it means is that if there is an interested party and space on the antennae tower that if they are being charged \$100 on that space the 40% would go to the Chamorro Land Trust Commission and 60% would be retained by KGTF.

**Jackie Ronan (General Manager for KGTF Channel 12)** appreciates the Board's willingness to consider this opportunity which we feel is a very important opportunity for KGTF. As Mr. Borja had already explained we are certainly looking for some support from the Chamorro Land Trust Commission. KGTF is a non-profit, non-commercial organization. We are considered an autonomous agency of the Government but there is a huge portion of our operations that is relied upon fundraising so the majority of our time is spent in fundraising for the operations of the station. It is for this reason we are asking for consideration from the Board. It's a huge opportunity that is in front of KGTF right now. The land that we are going to be engaged in using is land up in Barrigada Heights that will be used for us to put up our digital tower. The FCC has required that all television stations nationwide be putting out a digital signal by 2009. KGTF was fortunate in obtaining federal grants to go through the process of procuring and building a new tower and new facility. The location in Barrigada Heights is a huge benefit to the station. Certainly all of our educational programs that we air on KGTF is to the benefit of our local community. Again because we are a non-profit organization all of the funds that we fundraise for is primarily for the operations of the station.



Acting Administrative Director commented that during his previous tenure with the Chamorro Land Trust Commission KGTF provided 3 hours of live air time to the Commission to get out its program and service over broadcast. KGTF is the only non-commercial public station that we have on Guam and certainly some serious consideration should be given to their request.

Commissioner Calvo inquired on how much land are we looking at.

Acting Administrative Director commented that he believes they were authorized up to 6,000 square meters and they did get less after surveying.

Commissioner Calvo inquired on how many antennas are going to be put up.

**Benny Flores (KGTF)** commented one.

Commissioner Calvo inquired if it is with guide wires.

Jackie Ronan commented that it would be straight up, a self supporting tower and with that of course will include a concrete building to hold the generator and transmitter and so forth.

Commissioner Calvo inquired on what would the height of the tower be.

Jackie Ronan commented that right now they are awaiting clearance from FAA because of the location of Barrigada Heights.

Benny Flores commented that a minimum of 199 feet is being discussed.

Commissioner Calvo commented that in the past storms some of those antennas went down and we want to make sure that it is secured. I want to make sure that on the aviation portion that it is cleared because of the flight zone there and inquired if they have gotten clearance on it.

Jackie Ronan commented that they are at that point of waiting for final approval. They have a verbal approval from FAA but they need it in writing. There is a whole engineering study that needs to be done and before it can be done they need the FAA approval.

Benny Flores commented that until such time they determine exactly what type of tower then we will still be meeting the possibility of the anchoring of the guide wire.

Jackie Ronan commented that we are leaning towards a self supporting tower because at the end of the day we are in a typhoon belt and we would like to build the strongest tower that we could afford. The engineering consultants will tell us what is best for our area.

Chairman Damian requested that the Acting Administrative Director go through the options and waivers for the Commission.

Commissioner Matanane inquired if we have an existing lease agreement already for this particular property.



Acting Administrative Director commented that he is not sure if we do but is aware that there is an appraisal in terms of the amount. The license agreement that we would have would be the standard form that we would have. The appraisal comes in at \$2,267 per month using a 12% rate of return.

Commissioner Matanane inquired if they are requesting for a lease agreement or is it a waiver that they are requesting for.

Acting Administrative Director reiterated the waiver options requested by KGTF.

Commissioner Matanane inquired if we have a lease agreement with KGTF already and if not are they saying that they are submitting a lease agreement.

Acting Administrative Director stated that it would be a license.

Jackie Ronan commented no.

Commissioner Matanane commented that he is confused because they are asking for a waiver of commercial which we do have.

Acting Administrative Director commented a commercial license agreement with the Commission which has already been approved but the terms have not been worked out.

Commissioner Matanane inquired if they are requesting for a waiver of the commercial license fee.

Acting Administrative Director commented the rent fee.

Jackie Ronan commented that they are in the stage right now of entering into their lease agreement with the Commission.

Commissioner Matanane commented that if we don't have a lease agreement and you are requesting for a waiver of the fees we're way ahead. I need to take a look of the proposal in writing if possible. If we don't have a lease agreement in the system right now with the Land Trust and also the commercial license I can't comprehend that. I need something in writing of what you are requesting and we have not approved any lease or commercial license.

Commissioner Perez inquired if they are just asking the Commission to waive this fee before. I understand that you don't have any license yet but you're asking ahead of time before the license is signed that we either waive it for 10 years or lower the 1/4<sup>th</sup> appraisal value and that's where you are coming from.

Jackie Ronan commented yes.

Acting Administrative Director commented that the Commission staff is working to finalize the license agreement. Knowing the process here, the staff will draft the license with this waiver agreement in there. It wouldn't be a waiver in a sense because we haven't given it yet. The Commission staff will submit the license agreement for Board approval using what they are requesting for.



Commissioner Calvo commented that because you are requesting for a waiver before it even exist and basically it is almost like you want to ensure that in the next 10 years whether you will be giving us free commercials or what or other services that may be piggy backing on the tower. I know it is a non-profit organization but I think we should give you the first 3 years to see how you have established first. I think in the 3 years time then we can take a look at it and say if it is warranted. This assures us that if at one point that KGTF does default in any way then we don't have to wait for the 10 year gap. My take here on the Board is to not give you the full 10 years but I think we need to restructure that and look at in a better view. I know you are not out there as a business venture.

Commissioner Perez commented that she thinks 10 years is too long and agrees with Commissioner Calvo. We have to be a little bit more reasonable also when we talk about and it may take over a year to build and I would ask the Commission if your license is up to 21 years if we sign the license so up to 21 years I would say that we give you the first 5 years to get your tower working and that would be 1/4<sup>th</sup> of the 21 years. I don't know if this Commission would agree on that but 1/4<sup>th</sup> would be a reasonable time if you are looking at if you are going to continue or not so then the Commission is not going to be at a loss.

Commissioner Calvo commented that he is pretty sure that within a year to 2 years time they would have already have figured out where they stand as far as financial and they can always come back and we can re-do the contract.

Commissioner Perez requested if the Acting Administrative Director can look into the second option of the 1/4<sup>th</sup> of the price if it would be feasible. We need to really look at the options available to find out which would be the most feasible for the Commission and KGTF.

Acting Administrative Director commented that we can prepare the license agreements with the three different options for the next meeting and we should be able to probably provide figures.

Chairman Damian commented that speaking on behalf of the Commission and the Director they support and wish them all the best at KGTF.

### **C. Subdivision of Lot 7022, Yigo – Preliminary Survey Schematic**

The Acting Administrative Director commented that the engaged surveyor Mr. Frank Castro has provided a subdivision scheme that indicates a possible 56 half acre lots in property which is next to the FB Leon Guerrero School behind the GHURA subdivision in Yigo. We have the subdivision sketch which shows the proper access to the lots that is to be subdivided. I would like to request from the Commission a little bit more time because my understanding is that there are some signed leases on this property already. I would like the surveyor to indicate that it in the map as as-built pre-existing situations. The Commission had already approved some maps on this lot which the surveyor did not take into account in the preparation of the proposed subdivision scheme. I would recommend the Commission to go ahead with its plan in developing this subdivision into half acre lots but again I would like to provide the Commission with a more complete report of pre-



existing leases and surveyed maps in this lot. Because of these pre-existing leases we may be looking at 40 lots in this area.

Chairman Damian inquired on how far away is the infrastructure for the area.

Acting Administrative Director commented that the infrastructure is close by but he doesn't know if the staff has checked into the capacity of the infrastructure. We need more information relative to the infrastructure in the area before we absolutely accept this. Secondly, the area has as close to 200 abandoned vehicles which is a sizable amount to clear and at whose responsibility is it to clear it up. On average it cost about \$100 per vehicle to remove. We could be looking at possibly \$20,000 dollars to remove the vehicles if we don't catch the island-wide program to remove these vehicles. As far as Yigo is concerned the removability of abandoned vehicles is possibly in October. We would need to work with the Mayor to make sure that this round of removal of abandoned vehicles is addressed in this particular area otherwise somebody is going to have a \$20,000 bill to remove the vehicles before people can move in.

Commissioner Calvo requested the Acting Administrative Director to work with the Mayor on the removal.

**D. Duenas Bordallo & Associates – Survey of Tract 1022DE – Statement**

The Acting Administrative Director commented that what we have is an invoice in the amount of \$57,500 which is 90 days overdue from the Commission for civil engineering and surveying work on Tract 1022. The Acting Director has not yet met with Duenas and Bordallo on this but it certainly looks like they have done some work. I would like to ask the Commission at least until the next meeting to meet with them to exactly pin point the details. The bill is over due more than 90 days and I am assuming that with the 90 days over due that the work has been done. The civil engineering work involves the planning of the infrastructure in the area as well as roads and the surveying work involved the transformation of the quarter acre lots into half acre lots because of the location over the aquifer. The reason why these were created as quarter acre lots was because this property used to be under the jurisdiction of Guam Housing Corporation. When the dollar homes were being built over in the Astumbo area this subdivision was supposed to piggy back on the infrastructure for the GHURA subdivision but that plan didn't materialize. When the property was turned over to the Commission it was turned over under quarter acre lots but EPA will not approve any building permits in that area because of the density.

Commissioner Matanane inquired on how many lots would be in this area.

The Acting Administrative Director commented that it would be about 108 proposed parcels. The average lot size is 1,800 square meters.

**V. ADVISORY**

**A. Financial Report – August 2006**

The Acting Administrative Director commented that the financial report for the Commission for the month of August is broken down in two sections. The revenue account which in the past fiscal year the legislature transferred the First Hawaiian Bank account receipts where any moneys coming in would go over to the Department of



Administration. For the month of August the account increased by approximately \$34,000 which are from the deposits of the commercial licenses.

The Acting Administrative Director commented that there is a balance in the First Hawaiian Bank account of approximately \$864,173. He understands that the USDA is waiting for a \$500,000 trust fund so that they can issue loans for the construction of some houses and approximately \$227,000 has been paid from the GRRP license and is recommending that the Commission work with legal counsel to look if there are any liabilities in case GRRP doesn't materialize. GRRP licensed the property in Guatali in anticipation of building an incinerator site. They had to pay a \$30,000 signing fee and approximately \$4,400 a month on it and when they receive a permit as the next step towards building an incinerator on the site they are to pay \$70,000 to the Commission upon the granting of that permit. I am not sure what action GRRP would take if they don't get the permit and if they don't build an incinerator site they might come back and request for the money back. The incinerator situation is tied up at litigation and the proposed landfill is still a proposed landfill. This company is possibly looking at if the landfill deal does not go through then they stand to receive that land fill business using the incinerator technology.

Commissioner Matanane inquired if they have been using the property.

Acting Administrative Director commented that they have not done anything with the property at all.

Chairman Damian commented that the issue of the \$500,000 was authorized by the Commission and he is not sure what work has been done to expedite or to move the process along.

Acting Administrative Director commented that he met with USDA and they are still waiting for the check.

Acting Administrative Director informed the Commission that the Department of Land Management through the Guam Land Use Commission has approved a real estate requirement map for the Dan Dan site and this map is the next step to condemn the property either to condemn it or go through negotiated sales. Out of the 3,000 acres that the property has EPA and DPW had identified approximately 300 acres of that property. They have developed a map for that and they will present that map as the proposed site and use that map to enter into negotiations with the landowner if they can go through a negotiated sale. If not then the next step would be to go through a judicial condemnation. The money has already been put aside for that condemnation. I also understand that the owners of that property are open to a possible land exchange of course with Government property. Knowing that the vast majority of Government property is under the control of the Commission so if they are looking at a potential exchange it may be with Chamorro Land Trust property.

Chairman Damian commented that the Legislature and the Executive branch are going to be initiating this however we are part of that process should the time come when there is going to be an exchange of land the legislature I'm positive will be the ones to implement that motion and then it would go to the Executive Branch and it will come to this Commission as well. I want to go on record saying that the particular land exchange was



not initiated by this Commission and that it is a function of the government and it is beyond our powers here at the Commission.

### **B. Hawaiian Rock Products – September 2006 progress report**

Chairman Damian commented that this is a progress report from Hawaiian Rock Products on their study and activities on Lot 5412, Mangilao in August and September.

Acting Administrative Director commented that the report cites Lot 5412 however the entire lot is not owned by the Commission. There is a 15 acre portion that is reserved by public law for the central operations of GPA. GPA has secured an easement from GCC and private landowner Manuel Perez because the property is actually landlocked. The Chamorro Land Trust Commission portion consists of about 25 acres and I believe there was 2 acres reserved for the Guam Energy Office for a demonstration of an energy efficient office which the Guam Energy Office has already built on the DPW compound. The Acting Director commented that he will be in contact with the Director of Land Management to release those 2 acres back to the Commission. The other issue is that there was a previous license agreement that was given to a shooting range several years ago in this area. The holders of that license has been very uncooperative in meeting and in accessing the property. The Acting Administrative Director recommended that the license be terminated.

Chairman Damian commented that the Commission did initiate the move that we did agree and forwarded our attempts to terminate the license.

### **VI. PUBLIC COMMENTS**

**Anita Fejeran** – I have been following this up and thank you for entertaining my complaint this afternoon. The reason why I am here is because I was issued Land Trust land for my children and apparently I had it surveyed. Earlier this year we got situated in the area wanted to put the water in and this is how we found out that we cannot do it because this map is just a dummy map. This is why I was so upset because why was I issued the map and even when I had seen Mr. Elliott about this map and he told me that he had Mr. Unpingco check on it and said that there was nothing registered on this map. Apparently this map is just a dummy map that they gave me to pacify me. I have my receipt that I paid \$4,500 and it's going on 3 years. We have been planting banana trees, taros, donne and lots of other plants. We were clearing it with a back hoe and cleaning it with our hands. Now we cannot do anything about it because according to Mr. Elliott that place is not going to be surveyed. I want to find out from this Commission on what am I going to do about it and what happens to my money. I need another piece of property or what is going to happen to the plants that we have been planting on the property already?

Chairman Damian commented that we will look into that particularly since we have Mr. Borja on board who can provide a lot more insight on that. We will trace from where the map came from and as to who issued you that map. Do you have any idea who issued that map to you?

**Anita Fejeran** - Yes it was Mr. Robert Ventura. Twice I approached him and he said to call him. He gave me some numbers but it doesn't seem to work.

Chairman Damian inquired if Mr. Ventura is her surveyor.



**Anita Fejeran** - He was the surveyor.

Acting Administrative Director commented that it is true that this lot is unregistered meaning that the government is a claimant to the property and does not hold title to it. This map seems like it was initiated even before Mr. Elliott. This is one of the lots on the top 3 priorities. As the Director of Land Management, Mr. Elliott and I have been working on potential lots for land registration. Right now only Land Management and the Attorney General's office can initiate land registration proceedings. Mr. Elliott was working with Speaker Forbes to allow or authorize the Chamorro Land Trust Commission to do land registrations on their own. When I was Director of Land Management I asked Mr. Elliott for a list of the top three lots that he would like to have surveyed and land registered. He indicated Lot 7153 in Yigo, Lot 272 in Umatac and I believe Lot 10154 in Agafa Gumas area. Land Management already has land registration maps for all of those three lots unfortunately those maps are more than one year old. If they are more than one year old then the statute of limitations runs out on them and you would have to do another map. I can only answer Ms. Fejeran now that there is an ongoing effort to land register this property but I'm sure that does not satisfy her immediate need. I think she is looking at three issues which are her surveying cost, her cost of the plants and if there is another lot that she can be relocated onto.

Acting Administrative Director commented that land registration map that would have to be prepared would be for the entire basic parcel.

**Anita Fejeran** commented that she would rather stay on the property because they have a lot of plants there already.

Acting Administrative Director commented that the land registration process is on going and that he can't give a definite time when it would be completed. We had started the land registration process about a year ago but the land survey division got prioritize to survey the new school sites and the new site for the museum. For the last six or seven months the Department of Land Management survey division has not done anything relative to land registration for this lot.

Commissioner Perez commented that prior to having her to do her survey, how was it possible for her to get the property when it was never registered?

Acting Administrative Director commented that under the Land Trust Act there was a specific prohibition that the Commission shall not lease out any unregistered lots. Unfortunately when land was put into the Chamorro Land Trust Commission back in 1994 out of approximately 410 lots Land Trust staff has identified 71 lots that are unregistered. Mr. Elliott and staff member Desmond Mandell communicated that to Land Management. We offered our surveying services to the Land Trust but we could not do all 71 at a time so we asked Mr. Elliott for the top 3 priority lots.

Acting Administrative Director commented that he did inform Speaker Forbes and Mr. Elliott is on record as having sent communications to the Speaker to amend the Guam Code Annotated to allow the Commission to do their own land registration because the Land Trust has funds to hire surveyors as they have done in the past as well as legal counsel.



Chairman Damian commented that the priority would be to try to keep you on the lot Ms. Fejeran but if we do that the time frame is probably going to be too long for your satisfaction.

Acting Administrative Director commented that he would recommend that Ms. Fejeran stay on the property with the blessing of the Commission and not face any eviction or relocation situation. Secondly, she is looking into utilities onto the property and as the Director of Land Management we might be able to give her utility authorization under Land Management which would satisfy GPA and GWA so that utilities could be provided to her. The other long term issue about getting the property registered so that she could have a legal map would be a big obstacle when and if any of these lessees decide to build a house on it.

Chairman Damian commented that the other option would be to relocate which might not be the best option to Ms. Fejeran but it is a very good option with respect to settling the land issue once and for all because you will be on property that is already registered. I get a little weary on tentative arrangements on property like that without the legal documents supporting it because it leaves the Commission open for liabilities when we do that. The other option is to look at the possibility of the Commission paying for the surveying of a new property.

Acting Administrative Director commented that he would like to have the opportunity to meet with Ms. Fejeran and the surveyor tomorrow as well as meeting with Speaker Forbes to see how we can expedite this process and will report back to the Commission.

Chairman Damian commented that if we don't get any solution from the legislature we may have to relocate.

**Anita Fejeran** - We started the foundation for our shelter in case it rains and I told my son in law to hold back because there is something wrong with the property.

**VII. EXECUTIVE SESSION** - Yes.

**VIII. NEXT MEETING DATE** – None scheduled.

**IX. ADJOURNMENT** – Meeting adjourned at 6pm.

TT