



# Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guam 96932

Phone: 475-4251 Fax: 477-8082

*Felix P. Camacho*  
Governor of Guam

*Michael W. Cruz, M.D.*  
Lieutenant Governor of Guam

Commission Members

*David J. Matanane*  
Commissioner

*Oscar A. Calvo*  
Commissioner

*Pauline Gumataotao*  
Acting Commissioner

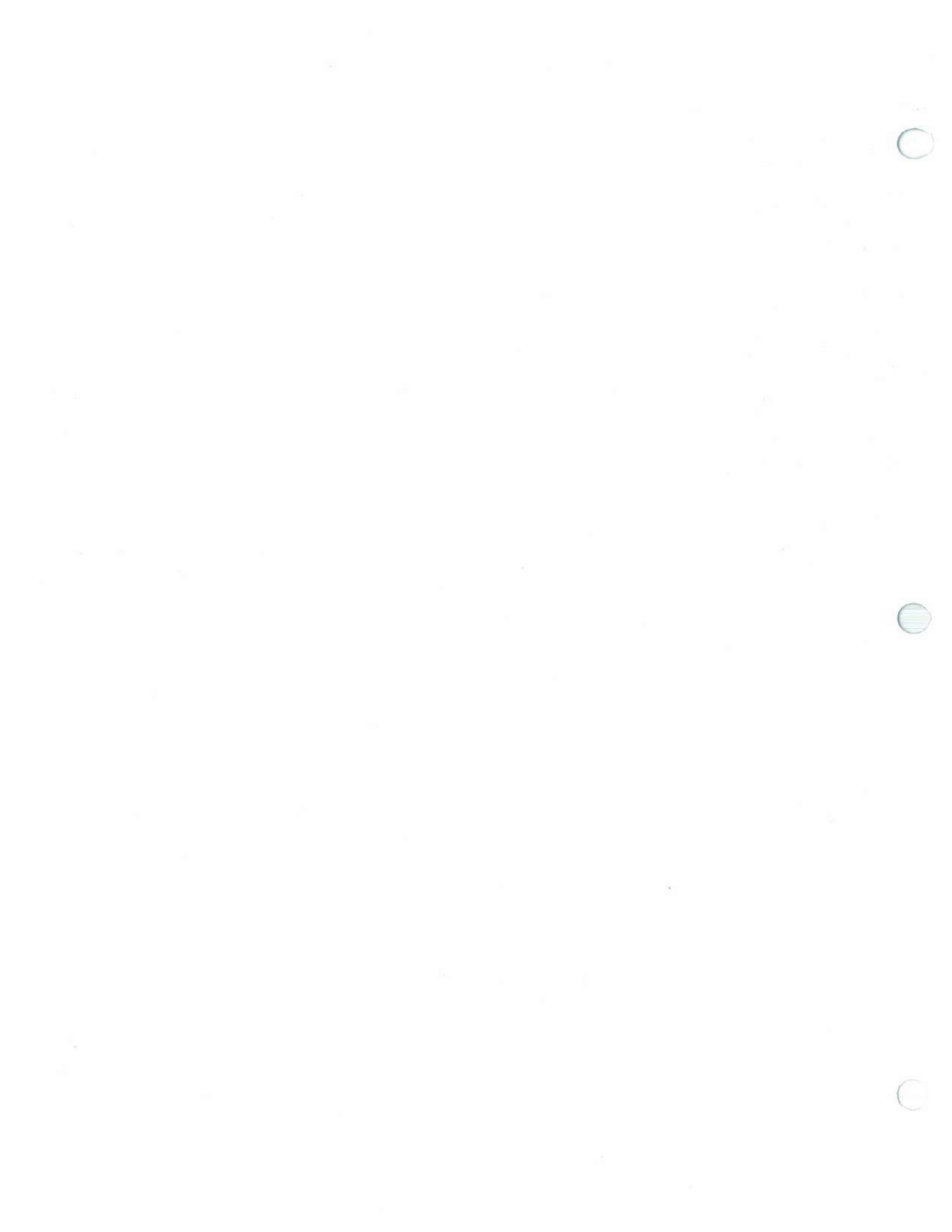
*(Vacant)*  
Commissioner

*(Vacant)*  
Commissioner

*Joseph M. Borja*  
Administrative Director

## REGULAR BOARD MEETING AGENDA Guam Ancestral Lands Commission Conference Room, Anigua December 20, 2007; 1pm

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES (October 24, 2007)
- III. PUBLIC COMMENTS
- IV. UNFINISHED BUSINESS
  1. Ramon Torres
  2. Premier Hotels & Resorts (Guam), Inc.
  3. George Toves
  4. RPM
  5. Ironwood Estates (Lot 10090-1, Dededo)
  6. Community Affairs, Governor's Office
  7. Juan Q. Acfalle – Commercial request withdrawn
  8. George Torres
  9. Ironwood Estates (Lot 10114-NEW-2, Dededo) – Commercial request withdrawn
- V. DIRECTOR'S REPORT
- VI. NEW BUSINESS
  1. From Rosario P. Camacho – Request for reconsideration of reimbursement
  2. From Dept. of Agriculture – Request to utilize Ypao Point as a staging site
  3. From Mackelen Mark & Bonnie Solomon – Request to utilize property in Harmon for producing hair and body oil
  4. From Annie Garrido, Vicente Salas, Jose & Anastascia Mesa & Edward San Nicolas – Request for installation of water main & power distribution on Lot 10125, Dededo
- VII. ADVISORY and ADMINISTRATIVE MATTERS
- VIII. EXECUTIVE SESSION
- IX. ADJOURNMENT







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Administrative Director

## COMMISSION MEETING MINUTES

Guam Ancestral Lands Commission Conference Room, Anigua  
December 20, 2007; 12:59pm – 3:35pm

### I. CALL TO ORDER

Meeting was called to order at 12:59pm by Chairman Pro-Tem Oscar Calvo. Present were Commissioner David Matanane, Acting Commissioner Pauline Gumataotao, Legal Counsel Ike Aguigui and Administrative Director Joseph Borja.

### II. APPROVAL OF MINUTES (October 24, 2007)

Commissioner Matanane made a motion to approve the minutes of October 24, 2007 subject to corrections. Acting Commissioner Gumataotao seconded the motion. There were no objections, **MOTION PASSED.**

### III. PUBLIC COMMENTS

**Ernie V. Rivera** – (read written testimony) *To Joseph M. Borja, CLTC Director: Dear Sir, let me avail to your letter dated December 5, 2007 according to the reply Land Use Permit is no longer existed. As a farmer I love to plant trees and vegetables so if you would be kind I will arrange lease for only 10 to 15 years. I do not intend to take or have my own land. When the approved or give to the title to my late wife I was there listening and I was briefed that I cannot have the land. Yes, I understand clearly because I was not born here only the relative of my grandfather or father why because there are plenty of Riveras. When I came here on the island on June 4, 1963 as a defense worker for Andersen AirForce Guam I wonder why the Filipinos and the Guamanians have the same last name. Mostly 90% in those times. I consider Guam to be or it's my destiny or homeland. The people of Guam are very nice, respectful and friendly. I never encountered any disrespect. Today I have too much trouble with my third son. He treats me like a boy, "disatento" in your language. He arouse the family like he is the oldest one or his common-law wife or girlfriend brainwashed him. All of this is her idea, that woman. I built him a house and the contract is in good paid. I said okay every time you get paid you give me money to pay my credit card. This is what I used to build a small house. I spend even \$1,000 with this new tiles 16x16, windows and shutters also the labor for these two guys who did the plastering and the job. After the anniversary of my late wife they wanted to move into the house but I told him he will down \$10,000 to pay the debt that was left behind when I bring my wife to St. Lukes, I borrowed money, Citibank. Today I have a balance of \$10,000. I borrowed again \$20,000 from the Government of Guam Credit Union because I wanted to take my wife to the mainland. They did not find any sickness on her then we took her to St. Lukes, Philippines. Today I have a balance of \$17,000 at GovGuam Credit*

Rev. 08/17/2007



*Union. Guam Memorial Park it cost me \$11,000 where I keep my late wife, monthly payments, Citibank \$336, GovGuam Credit Union \$465, SV \$36, Guam Memorial Park \$300 and Pentagon Credit Union I have a balance of \$5,500. Mr. Director do you expect me to evacuate with all these problems? Who will be responsible for my loans if I will be renting a bedroom for \$500? My power, telephone and cable is all cut. Please give me time to pay these bills that was left behind anytime I can evacuate until this day I am still in pain the sadden death of my wife. Most of all, the problem that is happening now. The paper you handed to my son makes too much problem. The other day they report me to the Dededo Police Precinct last night. On the 17<sup>th</sup> of this month he hits my older son. So please be kind to solve this problem before it's too late. I will be expecting your decision in the near future. Thank you.*

Administrative Director commented that what we have here is a situation where Mr. Rivera was married to a qualified applicant under the Chamorro Land Trust program. Previous to this the property was under the arrendo program under the Land Use Permit program. That program was discontinued and the property was transferred to the Chamorro Land Trust Commission. Mr. Rivera's wife, Marie, who was the qualified applicant under the Chamorro Land Trust passed away. In her file she designated her grandson as the beneficiary of her Chamorro Land Trust application and lease. That grandson is now trying to assert his rights to the property. The Commission has given permission to that beneficiary to begin surveying of the property. However, there are some side issues to the property, problems. For example, there is no power to the property. Some family members are living by generator and yes, you can understand buying gasoline is quite expensive. We've given them authorization to apply for power but I believe Mr. Rivera refuses to have the bill paid because he's disputing the bill.

Mr. Rivera commented because they give me a paper to sign that they are the ones that are going to pay the \$1,010 and I am going to pay them back. If I don't pay them they are going to bring it to Small Claims.

Administrative Director commented although there is somebody that wants to pay for the bill so that power can get hooked since Mr. Rivera is the account holder payment cannot be made without his authorization. Secondly, although this group, the beneficiary, wants to build separately and to have a separate meter he is not allowed to do that in the area because you cannot have two power meters in that type of zoning. Mr. Rivera is hampering their efforts to build the property. I do want to say that there are some side domestic family issues as Mr. Rivera himself indicated that makes the problem a little bit more complex than it is. The decision of the land agents and the Director was that Mr. Rivera vacate the premises in favor of the beneficiary as stated in the file. I believe Mr. Rivera is here appealing for more time or appealing that decision.

Mr. Rivera commented yes I do Mr. Director. I cannot just sit back to do it because it is just a sentimental value that piece already for me. Every time typhoon comes we fix the house. All my investment is in there, the house. If I go rent a house outside I cannot pay my debts already left behind when I brought my wife to St. Lukes. I borrowed \$24,000 and again I borrowed \$20,000 to the GovGuam Credit Union. How do you expect me to pay that sir if I am going to rent a house for \$500? Also they chase my other son, 2 sons already moved away. I am not happy like that it is almost Christmas.



Administrative Director commented I understand that and also I understand that there is a family with children living without power and there is also a qualified applicant and a family that you're denying the very things that you are claiming for you. For you it's paying your loans, for this family it's the quality of life of at least having power in this day and age. Without having to discuss your situation before the Commission I would be happy to meet with you next week and see what we can work out based on the dispute that you have with my letter of eviction to you.

Commissioner Matanane commented you mentioned that there is no power and you are living on generator power. What is the billing for?

Mr. Rivera commented only his son has the money to buy the generator, the one bothering me too much.

Commissioner Matanane inquired if Mr. Rivera has a billing for power.

Mr. Rivera commented yes.

Commissioner Matanane commented then you must have power before.

Mr. Rivera commented yes.

Commissioner Matanane commented and the problem is that GPA won't hook up any other meter.

Administrative Director commented that the power was disconnected.

Commissioner Matanane commented if it's disconnected you are responsible for the payment of that power bill that you guys owe. I don't see why GPA won't want any other customers other than getting somebody else to apply for that power.

Administrative Director commented only because in that area the zoning is agricultural and you are only allowed one power meter.

Commissioner Matanane commented but that meter is terminated already.

Administrative Director commented that the meter is terminated but the account hasn't been paid so the account really is not terminated. The power is terminated but the account is still there you still owe it.

Mr. Rivera commented yes, sir.

Commissioner Matanane commented he sees but it would really depend on GPA if they would want to put another power meter and bill it to another person.

Administrative Director commented that he will see what he can do to appeal to GPA to hook up another because of the humanitarian needs.

Commissioner Matanane requested that the Administrative Director look into it because

he doesn't see why GPA doesn't want any more clients or getting more generation of revenue for them. Just because one other meter got disconnected and you can't hook up another meter under another name then that other meter is the responsibility of whoever was using it.

Chairman Pro-tem Calvo reiterated to Mr. Rivera that he had an existing power but is terminated now there is another family there next door that wants to hook up but because of the account and like what Mr. Matanane is saying here that from what I understand from GPA in the past is even if the person had been terminated and had not paid the individual that is applying for that should not be responsible. The responsibility falls on you. I don't see where GPA is coming in that direction to deny power for your next door neighbor as long as you don't pay that bill, unless you intend to pay that bill.

Administrative Director commented that they are not denying the installation of the power to the beneficiary based on the old bill. They are denying the installation of the beneficiary's power because they cannot have two power meters on the lot. The beneficiary is willing to pay Mr. Rivera's bill but Mr. Rivera doesn't want it paid.

Chairman Pro-Tem Calvo commented so in reality you don't really want to terminate that.

Mr. Rivera commented no I want to pay that but it is not yet time because I am already paying too much. I'm trying to look for something like a part time job so I could pay maybe \$100 monthly.

Chairman Pro-Tem commented that normally they would make a payment arrangement from GPA. I think what you really have to do is go back to GPA. If you can't come up with that amount of money they can have a payment plan. I don't know if they offered that to you or not.

Mr. Rivera commented you know the one doing the plan there is too much smart. Imagine when I complained he charged me \$914 for April. I said how could that be this is not a two-story house or a duplex house. How come you are charging me \$914 because the one taking the meter just sit down in the car and calculate.

Chairman Pro-Tem inquired if Mr. Rivera had received a power bill before it was disconnected.

Mr. Rivera commented yes, \$200 something like that.

Chairman Pro-Tem commented so prior to that when you were disconnected you were making payment.

Mr. Rivera commented yes, I was making payment because they were charging me \$600 to \$800 for one month. I pay twice a month.

Chairman Pro-Tem commented I think you and Mr. Borja should see how you could work out this issue. That is a totally different issue from what you are asking, payment at this point. That is really of a personal issue.



Administrative Director informed Mr. Rivera that he will contact him next week sometime to meet on the matter.

**Jason Rivera** - I just think that it is not fair for my nephew to have the land because we grew up there. They didn't have a place to stay so my dad went ahead and let them stay there and now they are claiming that just because he's a Filipino and I was raised in the Philippines they are going to kick us out. Yes that is what it is, its chaos at the house. They want to just take everything and kick my dad out.

Administrative Director commented that the decision to award it to the beneficiary was not made by the Commission it was made by your mom. For whatever reason your mom wanted to make that decision, that was a decision that your mom made.

Jason Rivera commented so then I blame my mom for making that mistake. What do you want me to do?

Administrative Director inquired if he had applied under the Land Trust.

Jason Rivera commented he can't because he wasn't born here.

Administrative Director inquired on who is your mother.

Jason Rivera commented his mother is Marie. I was born in the Philippines so there is no way that I can.

Administrative Director commented that is not the qualification. You are a descendant of somebody who became a U.S. Citizen through the Organic Act therefore you qualify. If you are the son of Marie Rivera, Marie qualifies and all of Marie's children qualify. If you take the effort to apply you could be being processed for a lease the same as your nephew now whom your mother had designated. If you had applied and marked on your application even if you had applied last month and you marked on your application that you were preoccupying that property, you have a power bill to show that you have been living there since 1995 you would qualify for the property. You have to take that effort to come down and check. Just talking to you right now I would think without seeing your birth certificate I would think that you would qualify under the Chamorro Land Trust program but I am not going to apply for you. You have to apply yourself.

Jason Rivera commented ok but it's just not fair for them to do that to us even though they have the saying in black and white.

Administrative Director commented he does think it's fair because they are doing it within the rules and regulations. If you put in an application we could be processing it.

**Annie Garrido, Vicente Salas, Jose & Anastacia Mesa & Edward San Nicolas** – The Administrative Director informed the clients that their request for installation of water main and power distribution on Lot 10125 is listed under New Business on the Agenda. We would have to get the map and see what the area is and see what we are looking at in terms of costs. I do know that there was another request for Tract 1022 in Natibu Street that had an estimate of about \$40,000 for about 1,000 feet of pipe. In this particular case



we are looking at 800 feet for power and 1300 feet for the water main. I am going to have to come back to the Commission and say this is the approximate cost for materials and in the other one that we were looking at in Natibu Street we're looking at the cost of the labor to install it. We don't know yet how much it is going to cost and I don't think the Commission is going to make a decision on this today. There is still some information that the Commission needs to get.

**Jovita Salas** – The reason why we do not have all the necessary documents today is that Mr. Benavente (GWA) was supposed to be here with all the estimates that is supposed to put the water in to our property.

The Administrative Director commented that the two basic costs we are looking at are materials and the installation costs.

**Florentina Salas** – My case is on-going for about a year and four months. I had surveyed a lot in Agat, Lot 480 and I was told to hold on what ever necessary things that I need to do on the lot that I was authorized to have surveyed because of the other people in front of me which is the Aguon-Reyes family.

Administrative Director commented that he believes Ms. Salas's map was turned in yesterday for review by the Commission. It's true that her case had been going on for about a year. What her problem was that there were original land use permit holders as she said the Reyes-Aguon family who had an arrendo in the area. As you know most arrendos are not surveyed property. From the time the Aguons had the arrendo property there another land agent from Chamorro Land Trust Commission assigned Ms. Salas a lot in the area. When they started surveying the area it appeared that the two claims, the two applications were overlapping in the land that was being used. We had asked Ms. Salas since she was already surveying her property to hold off until we could get the surveyor who at one time was supposed to be the same surveyor for the two parties but I don't think that is the case now. In any event we had asked that surveyor to do an overlay of the area showing the original basic lot, showing the lot claimed by the Reyes-Aguon family and showing the lot that was surveyed for Ms. Salas. I did talk to the surveyor in about 3 occasions, Meliton Santos is the surveyor and Blas Atalig is the field crew. The map is kind of like a check print, a draft, we comment on it. If there is no corrections to be made we give it back to the surveyor, the surveyor then puts it on the mylar paper and resubmits it to the Chamorro Land Trust for signature by the Director then it is taken to Dept. of Land Management for review. If DLM has comments or problems with it, it goes back and forth between Land Management and the surveyor at least two times. After Land Management approves it and signs it then it is recorded at Land Management and then those boundaries become legal. The map was signed by Ms. Salas on the December 17<sup>th</sup> and then it was turned in to us I believe the following day so if I could just have a couple of days to look it over. Will we have problems in the area? I think we will. We are beginning to see the surfacing of problems in the Agat area especially on Lot 480 of duplicate assignments whether it is on purpose by the Land Agents or honest mistakes. Ms. Salas is the first one that we actually paid attention to but as we were overlaying and plotting all the other people that got lots in the area we are beginning to find overlaps. I think so far it comes to 13. Also in the area Land Management had recently completed a survey of 25 acres to complete a court ordered land exchanged. The basic lot that Ms. Salas is located on fortunately or unfortunately is the result or is the subject of various



mapping at this point. I believe maybe 26 lots in all in that subdivision. One of the "delays" also is that her map could not get approved until Land Management's map gets approved. We have the map now and if you could give us a couple of days.

Chairman Pro-Tem inquired if we could have the map by the next meeting.

Administrative Director commented he thinks so but he doesn't promise anything because it is not a good idea to rush these things because once this map is recorded that's the law.

Ms. Salas commented so now I can't go in and start cleaning or anything since I was on hold for what a long time ago already. My main concern is why was I stopped to do whatever project I need to do on that particular lot.

Administrative Director commented that would be up to you to do, the map is not approved. That is the status of the map. You wanted a status of the map, the map is not approved whether you can go onto the property now I would leave that up to you.

Ms. Salas commented but you mentioned to create no problem with the other landowners or whatever in front of me we had to hold cleaning.

Administrative Director commented that he hasn't reviewed the map yet and knowing that there is "problem" in the area he would prefer that he goes to the site and look at it before he signs the map. He is not looking for the technical part, he just wants to look at the area so that when he signs the map he knows what to defend.

Chairman Pro-Tem inquired if Ms. Salas doesn't mind waiting.

Ms. Salas inquired waiting for how long? I've waited for a year and four months already. Am I going to wait another six to a year?

Chairman Pro-Tem commented you won't wait that long just give us ample time to review the map.

Administrative Director inquired if the surveyor had shown her the markers.

Ms. Salas commented yes he did but the other people behind and in both areas took out the markers.

Administrative Director commented so the markers are not there now.

Ms. Salas commented there are some that you can pinpoint but the surveyor is willing to go out there to redo the markers. That is why I am asking if we could go there and do whatever we need to do while the map is being processed.

Administrative Director commented I would leave that up to you.

Ms. Salas inquired if the Reyes-Aguon had been informed that the area is surveyed and what not.



Administrative Director commented no because we've just met you now so they haven't been informed. I couldn't even go out and show you where the points are because I don't know myself even if I was to inform them. Probably that would be the best thing to do once the markers are on the ground is to take them out also and show them where the markers are. Apparently there is an adversarial and a hostile relationship between you and your neighbor already so the best thing to do is to go out there and show where the markers are. Of course probably at the next meeting they would come over here and dispute the map.

Ms. Salas commented so we can go out and start cleaning and what not and what ever the case may be with the other land owners we can just show them the authorization to survey and whatever map.

Administrative Director commented you can show them the markers that are not there.

Ms. Salas commented there are some markers that are still there.

Administrative Director commented I would leave it entirely up to you. You know your neighbors more than I do. You know what situation can develop if you do and if you don't. All I am saying is once the map is signed and approved then we have to defend it and if I'm going to defend it I want to look at it. Now whether you can go on the property or not while the map is being approved and the markers are not there that I'll leave up to you. The Reyes and Aguon have not been informed of this map which I just received a couple of days ago. All I am asking is a chance to look at it and go out to the site and the best thing to do is inform the Aguon-Reyes of it and take it from there.

Ms. Salas commented I can go in then. That is all I wanted to know.

Chairman Pro-Tem commented the responsibility is on your part but as for our part we don't take any responsibilities at this point in time until it is actually signed and agreed by the Board. So any friction anything happening in there just to make sure for the record that you understand that you are taking that at your own personal risk in there.

Ms. Salas commented I am not a trouble person they are.

Chairman Pro-Tem commented that I am not disputing that but until the Director and the Board finds that it is okay and once he signs off on the map then we can defend that. Even if the Reyes or Aguons come down and say no, if we have the map approved by Land Management and that would be our strong hold right now. Yes you may know where the points are at this point in time but the responsibility does not fall on the Chamorro Land Trust. If anything was to happen you can't come back and say to us well you gave me the authorization. I just want to clarify that with you.

Ms. Salas commented okay.

Before proceeding further Commissioner Matanane congratulated the new board member, Pauline Gumataotao on her confirmation. Commissioner Matanane stated that he read a comment on the newspaper about the Commission being stale and since we have a new Commissioner on board the Commission won't be so stale anymore.



#### **IV. UNFINISHED BUSINESS**

- 1. Ramon Torres** - The Administrative Director commented that previously the previous Commission had approved certain surveys of properties for certain applicants and authorized payments for those specific surveys. One of them being Mr. Danny Jackson and another one being Mr. Ramon Torres. With Mr. Jackson's process that survey has been completed and has been paid. With Mr. Torres we have just recently completed the negotiation as to which property he is going to survey and I'm ready to give the go ahead on the notice to proceed on the survey. This basically is just to inform the Commission that down the line one of the two Commissioners will be asked to sign a check for surveying cost and this survey cost would be for Mr. Torres's. I've gone through the minutes and I've found previous motion and approval by a previous board not all of you were board members at that time approving that particular expenditure from Chamorro Land funds.
- 2. Premier Hotels & Resorts (Guam), Inc.** - The Administrative Director commented that this is a request for commercial use of Alupat Island. They did present a concept to the Commission. The basic process for this is the Commission looks over the presentation that a commercial applicant has, if they have any questions that is asked of the applicant, information is then provided and then it comes before the Board for approval or disapproval or for tabling. After the Board approves the concept the commercial applicant then goes out and gets an appraisal of the property from which the rent amount is determined. The license the Commission has is basically a template and has the basic form of 21 years, 5 year increments. The fees for the licenses vary from 3% to 10%.

Commissioner Matanane commented that he has no problems about them using the place but he supposes that the Director will be mindful of the issues that were discussed at the last meeting which is the environmental the aspect of the lease amounts. We would appreciate it if it should go through after everything is completed with the help of Legal Counsel to see the final product on it, the contract.

Administrative Director commented that he will put that in a letter form and respond to it specifically on those items you requested and ask them to do a presentation.

Chairman Pro-Tem commented as stated in the last meeting and like what Commissioner Matanane mentioned a lot of the issues there are the environmental issues. I am still trying to figure out how they are not going to do a dredging there. They are going to have to move some rocks or something there. I really want to see their blue print plan on what they are actually going to use that land because they said that they are not going to knock down trees or anything.

Commissioner Matanane commented to be mindful that the Army Corps of Engineers would also be a part of this.

Chairman Pro-Tem commented before we actually take steps on this is that they have to come with their full package on what their intentions are and their timeframes. If they feel that they can make something out of that island that is fine with me but we have some problems there in the area such as the corals, the reef, safety factors and everything. If anything was to happen to any of the tourists and we gave them that permission and knowing that we knew that I don't want to be haunted for it.



Commissioner Matanane commented we can only be as harsh as any other regulatory agency that does approve it and we'll be fine. We don't want to be burdened with something that we agreed on and not know the decision that the other regulatory made.

Chairman Pro-Tem commented he just wants to make sure that all the safety factors are considered and make sure that everything that they say they would be held responsible and not the Commission.

Administrative Director commented that he will draft a letter to them.

Acting Commissioner Gumataotao commented that we just need to see also that included in the contract with Alupat that should the hotel decide to sell that that piece of property is not transferred.

Chairman Pro-Tem commented as discussed at the last meeting if the Sheraton was to be sold that the property would not be transferred to whom ever takes over and that it would automatically go back to the Commission.

**3. George Toves** – The Administrative Director commented that Mr. Toves is a private landowner in the Ukudo area. Mr. Toves has property that is right next to the Ukudo High School and next to Chamorro Land Trust property. His property as well as the Chamorro Land Trust property is a long sliver making the extreme ends of the property unusable. During the time that they were developing the Ukudo High School the Legislature and the Commission approved a land exchange so that Mr. Toves can square off his property as well as the Chamorro Land Trust property. There are two pieces of property now in a usable developable shape that is fronting Route 3, the road up to NCS. The applicant is requesting to operate a commercial operation on that Land Trust property developing along with his private property. His intention is using the Chamorro Land Trust property as a parking lot. Again the procedure is in this particular case Mr. Toves had identified the specific piece of property that he wants to license and he is asking for approval before the Commission for the license. Once he gets approval for it he would then engage the services of an appraiser and then come back and make an offer on the rent based on the guidelines that the Commission has established for those licenses. If he likes the price and the Commission agrees to it then we would issue him a commercial license for the property. There are no other applicants for this particular piece of property.

Chairman Pro-Tem commented that at the last meeting he requested that Mr. Toves clear it with DPW if they are going to do an expansion on the road.

The Administrative Director commented we checked on that and there is no problem in terms of the expansion of the road. The problem that Mr. Toves is encountering as a private landowner as we will and as other landowners in the area is there is an unused easement there that Mr. Toves is trying to get the military to sign off because it is unused and it is still showing up on the map and on the research. With it being there it requires the signature of the military in order for us to pass over it. He is working on that.

Chairman Pro-Tem commented so why don't we just table the request until he has all his paperworks and clears the military issue.



The Administrative Director commented that the Commission could still approve it subject to final approval. You still have to final approval it when the rent comes in. He is just asking if there could be a commitment on the Commission at least for that particular property.

**Commissioner Matanane made a motion to approve the commercial request by George Toves subject to the completion of all paperworks needed and final approval. Chairman Pro-Tem seconded the motion. There were no objections, MOTION PASSED.**

4. **RPM** – Mr. Mike Anderson (General Manager) along with assistant Debra Retuyan commented that they are both working on this project to open up one of Guam's premier technical institute to train a lot of our youths and adults and hopefully to project the island to a more suitable trained skilled labor force. Mr. Borja had informed him of a couple of properties that would be available for him to look at and one of the areas is the area where the old DISID lies across JFK. He's submitted a letter based on the study of the property and the history of the property and the potential value a couple days ago.

Relative to said property the Administrative Director commented that several years ago GEDCA developed a list of properties in the Tamuning area for possible development. It was called the Mamahanao Development plan. Basically where that lot is located at is called Mamahanao. That request for proposal package included the area, JFK and some other vacant lots within. This is the deal where a developer would come in lease/rent JFK as a commercial area, as a hotel area and build a high school somewhere else transferring the high school operations out of the area. What is in it for the Government? The Government gets a new school and also gets lease payments from the developer for developing the area, property taxes, etc. I found out from GEDCA that the package has been pulled that would make this lot available if it was still in the package. What is being considered now by the legislature for this particular property although I haven't seen any bill or anything formal but my understanding is that the legislature is possibly looking at this site for the Guam Police Department headquarters. There were two other sites that the Guam Police were looking at. One being behind Tiyan across the street from Home Depot which had access problems so this is one of the sites that they are looking at. We would have to check specifically if this particular property is in our inventory. I do know that the area is actually two lots. One lot is the vacant area in front of the building and the other lot is where the building is at. In the building there are two existing leases both to non-profit organizations. One of them is the car wash the other is the sale of donated clothes and items.

Chairman Pro-Tem inquired if we are collecting money from it.

Administrative Director commented no. The lease on the building was a long term lease even before the Land Trust was instituted.

Chairman Pro-Tem inquired if the property belongs to the Commission.

Administrative Director commented if a property is not reserved by public law and not



under lease. As long as there is a lease on it the Land Trust doesn't own it.

Commissioner Matanane inquired if the acreage is sufficient for Mr. Anderson's operations.

Mr. Anderson commented yes, I think it is very much sufficient considering the history that it has had being an old trades center where small engines and generators were taught and the long history it's had. Also considering that the back part of it is the Harmon Industrial Park where a lot of our workforce is for a lot of the skill workers that we will be addressing and also the area in front where we are surrounded by the Girls & Boys Scouts and JFK and the Brodie Memorial Elementary School.

Commissioner Matanane inquired on what is the acreage of the property.

The Administrative Director commented that he doesn't have the map with him.

Mr. Anderson commented that they are looking at around 7 acres.

The Administrative Director commented that he is not sure that is 7 acres. The next step is we'll check on the title to make sure that it is absolutely ours and then get a map and specific lot number that we can refer to and then develop it from there. I actually have the map that was transferred to me from GEDCA electronically and will email it to Mr. Anderson.

Chairman Pro-Tem inquired from Mr. Anderson that if we have problems with that particular area would he be willing to look for another site.

Mr. Anderson commented yes. One of the things I had noticed with the Government is they've had a very difficult time maintaining a lot of the government vehicles. A lot of them go in and out of the shop and are requesting different kinds of POs but there a lot of private businesses that probably won't work with them because of the history of payment. I do understand that since as long as we've been in business and that's 8 years it's something that's been a regular thorn on the side of the government. Maintenance of vehicles is pretty pricey and for a business to do it and not be paid for it is also pretty detrimental to the way a business operates. One of the things I would love to do is maybe even team up with the Guam Police Department and maybe share the property if it is available. I would definitely look forward to making a solid program where a lot of the government vehicles would be able to come to the technical institute and they would be able to get the proper maintenance that they need and I would be able to work this out with the government in many ways.

Chairman Pro-Tem commented the thing he likes about this is that we can attract the other islands and it can bring tremendous income to the economy and at the same time we save a lot of people from flying to the mainland to get trained.

Mr. Anderson commented he agrees and they've been working on the project for a year now. The type of curriculum level that we plan to have at the technical institute is factory level type of curriculum. Basically it is the highest level that you can get at any kind of technical institute. I think a lot of our community would be able to utilize this kind of



training.

The Administrative Director commented that we can have the information ready if Land Management is not too busy to check on the ownership. Because it's been done before we should be getting it from GEDCA. I did get a copy of the file from GEDCA and a copy of the map along with correspondences between GEDCA and the Guam Police Department. In so far as the legislature I haven't seen any action by the legislature on it so there's still hope in a sense of having that. But I do have the maps that accurately reflect the way that the area is subdivided and can email that you.

Mr. Anderson thanked the Commission and commented that when we first started this project it kind of have been difficult. We didn't think whether people saw the type of project that we are trying to build and operate here on Guam. I've gotten a very warm commission from the Commission as far as what we plan to do and a lot of support so I would like to thank you for supporting our efforts.

Acting Commissioner Gumataotao inquired if he had looked at other sites other than the one across JFK.

Mr. Anderson commented that they have looked at a couple of other sites. One is the area along the back road which I think is kind of a nice area. We have looked at other sites. With this school we would like to be very strongly be successful so we would like to get something if it's possible of a commercial property that has great exposure and be able to sit there and be able to serve the community for the years to come. It's kind of imperative that we get a pretty good selection of sites. There haven't been too many others that we could look at.

Acting Commissioner Gumataotao commented if you are requesting for a certain amount of square footage and that property is perfect if the Guam Fire or Guam Police Department acquire that and you may wish to request to share that property with them that would lessen your square footage of course and as well as what you would be able to provide in that building based on the amount of space that you have in sharing that with them.

Mr. Anderson commented I don't know what the actual size of the property is but just by looking at it and looking at the building and from a birds eye view we could tell that it is something that we can basically place a school in. Part of the school is a working yard and training yard for security of equipment and all the machinery that is going to be around there. I don't know what kind of Police or Fire Department would be put up there but if its possible that there is space that we would be able to fit then I would like to see what their plans are and see how we can incorporate our plans. If not then we are also hoping to look at other locations. One thing I would like to ask the Commission for and I don't know if it is something that you might be able to do but a strong letter of support in our program and maybe like a letter of intent on working with us would be good for us to continue our existing paperwork right now in getting all the financing and all the plans together. Is that something that we might be able to receive from the Commission?

Chairman Pro-Tem commented he doesn't have a problem with that.  
Administrative Director commented sure.



5. **Ironwood Estates (Lot 10090-1, Dededo)** - The Administrative Director commented that this is the area north next to Ironwood Estates and the Mayor as well as Ironwood Estates is asking that the 1,000 feet radius around the water wells in the area be declared as a green area for recreational use only because of the prohibition by law to developments in that area. The reason why the two people are asking for it is because the Mayor will accept responsibility of the maintenance of the recreational facilities and Ironwood Estates will be the responsible party to build the facility and then turn it over to the Mayor. Of course the facility will be available to members of the public. What they are seeking is basically a resolution, a declaration from the Commission to declare that as a green zone a recreational area nothing to be built.

**Commissioner Matanane made a motion to approve the request by Ironwood Estates. Acting Commissioner Gumataotao seconded the motion. There were no objections, MOTION PASSED.**

6. **Community Affairs, Governor's Office** – The Administrative Director commented that the Community Affairs office is asking for money to open up a 1,000 feet water line in Dededo in Chalan Natibu. They've estimated material cost at \$40,000 and what we need to do is get the labor cost to install that.

Speaking also on behalf of Item 4 under New Business John Benavente (GWA) commented they (applicants) came in and asked us approximately how much it would cost to bring in water to this location. We estimate the material and labor to be about \$150,000 to bring in water to this area. Perhaps what may be good if I can explain some of the processes that we go through when new installations are to occur so that we can kind of understand and perhaps the Commission can look ahead as to what alternatives might be available for most of the properties being leased out. In this case they would have to put in \$150,000 and put in the water line. With that the current policy is that anyone hooking up within 5 years to that line they would get a pro rata cost to them which will be reimbursed to who ever made the investment.

Administrative Director commented in the case it would be back to the Chamorro Land Trust Commission.

Mr. Benavente commented in this case it would be the Chamorro Land Trust Commission. The good news is I'm trying to get that to not only be a 5 year but its looking like we would be recommending between 10 to 20 years. Because there's one thing about water infrastructure the infrastructure is high cost but the revenue stream for water is low. Not like on the other side like with power when they put in a power line extension the revenues are based on GPA's 30 month average non-fuel revenues. That tends to off set a lot of the cost over a period of time over a shorter period of time. So I believe in GPA we addressed that to be 5 to 7 years. Usually within that 5 to 7 years there is almost a full reimbursement of the balance of cost. On the water side a 5 year certainly an extension like this certainly I don't see that would be recoverable within a 5 year period unless a big development or something occurs within that area. But again providing for it to be a longer term and I'm quite sure that sometime in January in the CCU meeting I'll be asking them to adopt the 15 to 20, I'm looking between 10 to 20 years right now as the line extension. The difficulty would be administrating this but I think with the computer



technology these days we should be able to do that and in fact with the help lets say for example this is the account of the Chamorro Land Trust with the help of the Chamorro Land Trust in keeping eye on who's hooking up to these areas we can be able to reimburse. There is a reimbursement it doesn't say that it cannot go to the government and it says to whom ever puts in the infrastructure so there are opportunities to do that. This is a constant problem really that is coming to us and that is one reason why I wanted to come here today to address the Commission and perhaps we can all work together to find solutions to this is that more and more are coming in wanting to get water.

Administrative Director commented what also triggered it is this Commission of course and it's really a spin off from the Gill Baza situation. The previous Commissions had been accused of just handing out these properties without infrastructure. At least this particular Commission has made allowances for the properties to be surveyed, easements opened up and power and water installed. The subdivision that we created for the occupants of the new school site your staff has already been working with our staff in developing that area with the infrastructure on it, as well as Mr. Acfalle from Community Affairs. He's actually ahead of line from the other people because they were also looking at 1,000 feet and the funding for it. The question that I have is the Commission operates basically on cash funding. If the Commission were to do that project that you had we would literally write you a check for it unlike the street light account with the government that you run into problems with. How do we work that out? For example if you say \$150,000 we actually have that in the bank right now that we could write you a check but that is not in the DOA process. So do we write you a check and say John can you turn on that switch next week on the water?

John Benavente commented actually what we've been doing again in the interest of expediency and that is normally the occupant is going to develop and bring the water there actually goes out and gets quotes from a contractor and actually puts it in. Then we verify all the cost and everything and accept that.

Administrative Director commented so we would put out an RFP for the installation of 1,000 linear feet of what ever pipe is required and hydrants.

Mr. Benavente commented in your case you would probably have to do that right but in the case of the regular customers it is not a problem. We don't need an RFP exactly the point is we don't want to have to out through an RFP. What we are trying to do with developers is yes they do put it in but under our guidance and our oversight we make sure that the cost is reasonable and that is the cost that we would accept for potential reimbursement.

Administrative Director inquired for budgeting purposes do you have office there where we can say we have lot 6 up there in Dededo and we want to put in an 8 inch water line can you give us a written cost so that we can plan and go before the Commission and say in Chalan Natibu is 1,000 feet Commissioners this is what it is going to cost materials and labor do I hear a motion for approval? That type of process.

Mr. Benavente commented I think it would be quite easy for us to work out an arrangement. This is your request I'll have our engineers or permits section because it's a standard estimate. Our goal is that eventually and we're working towards getting



construction crews on board in GWA because we don't have any construction crews. So at that point we may be able to put in these lines ourselves and would be able to reduce cost and make it competitive but keep the private sector, again its supply and demand. There is demand right now but very little supply and therefore you can see the line extension costs are going up. So we're trying to get that leveled off by having our own construction crew.

Administrative Director commented and you would have a fixed cost of labor.

Mr. Benavente commented we will have a fixed cost.

Administrative Director commented it fluctuates of course.

Mr. Benavente commented in the mean time the second process that we have a contractor that can work with you and make the estimation so that you can get your approvals and by then we will know because we always have the contractors coming in and we always have to verify that cost before they proceed with the project. So we have constant updating of costing so that can be done. Furthermore have a mechanism in place to be able to give you the credits back.

Administrative Director commented it's a revolving fund.

Mr. Benavente commented that is one way to develop your infrastructure by a lot of people who would probably build or if they're provided the initial trunk line in. Unfortunately, we are not in the position to install those. We have our own problems these days and our limitations on budget. This is one way to be able to get lines in.

Administrative Director commented that USDA has indicated that they also have funds for the development of infrastructure in rural areas. Would the process be the same where we build and then get the reimbursement?

Mr. Benavente commented the policy would be the same for whether it's a government entity or a regular customer. Again what the practice perhaps been in the past is where the Government is not really aware that they could get some reimbursement just like the customer is. That is why I wanted to give you an idea what the policy is today. Usually power is not as difficult. Perhaps we will be going to complete underground which will be a bit more expensive but the revenues again are going higher. But with water and sewer the infrastructure is really a very high cost and the revenue per customer residential is probably \$60 per month and you're talking about \$150,000.

Chairman Pro-Tem commented if we were to go along with this and you say that if GWA was to actually handle the project the cost containment of that or the budget could be a little less than \$150,000 in that range.

Mr. Benavente commented I expect that our cost would be lower.

Chairman Pro-Tem commented when you do go out on the bidding on your side you go out there to put the water what your actual cost estimation is \$150,000 and then reimburse back to the Chamorro Land Trust. On an estimation I think you guys charge



about \$700-\$800 for water hook up.

Mr. Benavente commented that is correct, that's separate from the line extension.

Chairman Pro-Tem commented the cost containment that is being reversed to Chamorro Land Trust is when the actual consumer starts using the water. So if his water bill is \$100 a month it's going to be paid on a percentage we get back to the Chamorro Land Trust.

Mr. Benavente commented I think with construction that goes in up front. The reimbursement will be on a regular basis. If anybody hooks in then you would get a prorated from who ever is hooking up to it.

Chairman Pro-Tem commented technically that piece of water line in reality it really belongs to the Chamorro Land Trust.

Mr. Benavente commented technically it does but then on another way its not. In other words by you putting in this construction and then you'll still be required a turn over within one year. If you hire a contractor once they turn it over we are responsible now. Technically it becomes our line in others words we won't be able to touch it but then we have the commitment to you to reimburse you.

Chairman Pro-Tem commented that's where I'm coming from, I know that once you assume and take that responsibility because if you leave it to us to take that responsibility we don't want it in our hands. When that becomes turned over to you guys you assume whatever happens whether it be a broken pipe in the future all maintenance cost will be cleared through your company but we'll still maintain our percentage.

Mr. Benavente commented you still have a reimbursement based on additional hookups up to a 5 year period under the policy today. What I'm trying to do is extend that policy from 5 years to 15 years perhaps so that therefore there is a better opportunity for the customer to recover their investment into the system.

Chairman Pro-Tem commented I think that would be a better sense too. So with your Board I think it would be in the best interest for us like what you said we have that long range because not everybody is going to build right off the bat like a year from now you have 2 to 3 houses but 5 years from and then it breaks off and then we don't have that mechanism anymore. But in the long range and I think the Director would have to factor out the cost on that. We really need to get down to the bulk of the cost and what really we're looking at and what is the time frame of money projections and things of that nature.

Mr. Benavente commented again that is one reason why I wanted to come today but I wanted to at least have some discussions with the Commission as to what the policies are and how do we find alternatives to it. There are a lot that are coming in and asking us to give them an estimate to be able to provide them a water line and at the end of the day once we tell them the estimate they go back out and we don't have another happy customer for us. So we are trying to see how we can best service our customers with the limitations that we have.

Chairman Pro-Tem inquired on the policy why do we have to put up the fire hydrants.



Mr. Benavente commented the fire hydrants are put out because there is a need for fire and all that.

Chairman Pro-Tem commented I understand that portion but don't you think that should also fall under the responsibility of you guys or under the Fire Department?

Mr. Benavente commented we've been trying to put it under the Fire Department but we haven't gotten paid in 10 years or more. In fact even the maintenance of the fire hydrant has been stopped in the past but I have begun getting the maintenance done today because I do not want a fire without water under my head. We are maintaining the hydrants and certainly our expectation is then I would go to the legislature and showing that we are doing this and expect something.

Administrative Director commented when a private landowner applies for power he signs an easement over to the agency and in other times the easement is the power pole maybe a guy wire or something like that but with the Chamorro Land Trust subdivision the Chamorro Land Trust is giving up a lot of acreage in terms of easement. When the new school was being built in Adacao we had to give up almost 1,000 feet by 15 feet of easement on one side and then there were a couple of large easements that we had to give Waterworks that actually services the area but actually ran right through the lot and it wasn't really known. What is the policy since we're the developer in the area and we're giving up a lot of land is there any break on the cost on the development of the infrastructure?

Mr. Benavente commented no, when it comes to easement we need that for access for maintenance and assurance. One important thing in having easements for us is that we put in this infrastructure but we allow you also to come back later to be able to move our infrastructure out to another location. If you care to now it is going to be at your cost. Because we fact scenarios where of course now say the infrastructure is on someone's property no easements recorded or anything like that therefore if we are going to move it and the customer wants us to do so we ask for an easement so that we will absorb all the cost to relocate that. But the next time you want to relocate it for whatever reason your building, your extension then that cost becomes yours. It's really access for maintenance but also so that we can begin to address that. This is not just a run away cost for us just because the developer or who ever wants it moved. The only reimbursement though is really on the infrastructure prorated. I do want to also note that we are in the process of developing what they call a system development chart. That system development chart I hope to get passed by the CCU in January and we'll go to the PUC and it may take another one or two months to approve. Within that the initial discussions are like the initial numbers that are coming out is that for water for residential is like \$4,000 and for sewer its \$4,000 so its almost an \$8,000 per resident buy in cost to the system. For the developers depending on the size of the meter for like a hotel scenario you're looking at maybe 1.1million dollars, 1.2 million dollars for them to buy in to the system. That money is used to upgrade the capacity of the system. I wanted to expound on that as you have seen probably in the news of what we are trying to do with this system development chart. Its done through all utilities its just that it is going to be an added burden again per unit but also at least we can start using that money to start addressing some of these other infrastructure capacities. The only question now because residential policies are more difficult to implement as such so we may be looking at perhaps a phasing in instead of



phasing in \$8,000 maybe the first year might be \$2,000 then \$4,000 so that by the third year going in to the full system development charge. The developers themselves I can tell you right off that if they want to buy into the system they have to put in that investment.

Commissioner Matanane inquired since we are giving you the easement can we off-set the easement value? Since it's government to government and we're trying to improve the infrastructure in this island while don't you meet us half way.

Mr. Benavente commented my answer is getting to be no. The easement is not because we wanted the property the easement is because you wanted us to come in and all we're saying to protect the access at anytime to our the investment that are there for the operation and maintenance we need the easement and we can minimize that. If we being one penny for easement this whole island has many issues about easement so where does the payment stop. So that's what I mean it is kind of a big problem if I were to begin to start paying easement because then our rates are going to go up for different people on the easement. In most cases what I've done is gone to the point where we make the expenditure to relocate a line out that is on private property relocate it to a government easement so that we don't end up paying for the easement because its kind of a run away deal. I'm sorry Mr. Matanane I didn't mean it in that respect.

Commissioner Matanane commented I was listening to you where everything goes through actually we're trying to help out people here. We're the same government entity that we're trying to help out the people. It looks like okay you have to give us this particular property because we are going to need the access for the service that you guys are providing but consider Chamorro Land Trust that we are also providing customers for you guys and our rate of return for that \$150,000 if it may it will take us years down the line but still it remains that this easement belongs to GWA. Lets say the project goes through and you charge us \$150,000 and you have the right for that easement in essence we're giving you the easement. You said that there is reimbursement to Chamorro Land Trust as people come in and hook up which Chamorro Land Trust has provided the clientele for your operation and no return for Chamorro Land Trust.

Mr. Benavente commented the other way to look at it is really we're not out there to increase our business and the volume and all that. We're here as a public service to serve and the way we serve that is to be able to make sure that the costs are reasonable also for everybody else. So that's why if a new developer wants to buy in and again this is not something I dreamed up it is something typically done in the utilities and most especially in the waste water section and that is why it is kind of set this way. Certainly we can work on other opportunities on perhaps whether promissory notes, extension of time to pay, different terms and conditions would probably work.

Commissioner Matanane commented it seems like of course we're going to have to pay what we need to improve which is government to government in that order we pay you guys to bring in the line, right?

Mr. Benavente commented at your request.

Commissioner Matanane commented we forgo the property that you are going through.

Mr. Benavente commented at your request though.



Commissioner Matanane inquired if your line is on our property can you guys be paying us on a lease agreement? If we're going at that rate as Mr. Borja has mentioned up at Adacao we forgo now it doesn't belong to Chamorro Land Trust anymore because it belongs to GWA or GPA, does it? I mean we have no right because you guys have all the right to go in there and do the service.

Administrative Director commented an easement doesn't give you ownership to property it gives you a license to do something in the property but it's out of your use at the same token.

Mr. Benavente commented but you can come back and ask to use it but again the relocation of cost. When it comes to eminent domain where we now have that need then we go in and we do buy the property.

Commissioner Matanane commented like I said GWA, GPA in fact work with the same government entity that are functioning. The property that you will have the access you would act lets say like the owner of that piece of property.

Mr. Benavente commented but we have no need for it other than to service the customer that is asking for it.

Commissioner Matanane commented but you have the legal aspect of getting that piece of property where you are going to have to clear it, make sure that it is presentable there, you have all the legal right on that property. That means that Chamorro Land Trust had forgo those particular properties.

Mr. Benavente commented if you have quite a few of this in different areas and I'm sure you get that line into this area I'm pretty sure its going to spur development of that other area because that's been the key of getting that first infrastructure in there. Again you're correct I believe and I may be wrong but its really has not been emphasized or stressed between the government agencies that you can get reimbursement. Like the Chamorro Land Trust is an entity that Joe was saying he's going to give us a check for \$150,000 then we should be able to reimburse them with that prorated share.

Chairman Pro-Tem commented we wanted to make sure that the cost containment is really cleared out that we have those stipulations so that we know down the line who ever is going to be the next Board or the next governorship that itself, the policy, will not change. That I want to make sure.

Mr. Benavente commented I don't think that will change because that is in the service rules and regulations. As far as the issue of the Board approving a 10, 15 or 20 year period actually they are all on board to do something like this. They do recognize the difficulty in recovering within 5 years for the customer.

Chairman Pro-Tem commented you have to understand too that it doesn't belong to us, it belongs to the Chamorro Land Trust and you want an investment back, we want our investment back at the same token.



Mr. Benavente commented we are all helping each other to serve that same customer and again that's why if we can return the reimbursement of funds so that we can do it on a regular basis between Chamorro Land Trust and GWA and GTA then that should happen. I guess similarly that is something also on the power side of the house. There is one catch in that we catch all of this out but we don't normally do that so therefore should keep an eye who's hooking up in this area and report back to us for sure we can reimburse you. So it's kind of watching who's in the neighborhood cutting into this line because there is a tendency administratively to fall between the cracks.

Chairman Pro-Tem commented like in the GPA situation and I've experienced that is after 5 years GPA gave that entire line, we went and spent a whole lot of money to run that power line, I don't want to go through that same detail. In this issue I want to make sure that everything that we land down there is that we the Chamorro Land Trust would get that reinvestment back. Because 5 years down the line you say it's no longer ours it belongs to GWA and I want to make sure that you stress that to your Board. We want it that it will not change in the future for whatever reason.

Mr. Benavente commented it will not change I believe because it is really a contractual arrangement between GWA and yourself.

The Administrative Director commented Mr. Benavente is actually here on response to item 6 under Unfinished Business and item 4 under New Business. I'll receive whatever information Mr. Benavente has now concerning the Salas, Garrido request and with the Governor's Office request we are going to need to work with Mr. Benavente's crew to get the labor cost on the 1,000 feet.

**7. Juan Q. Acfalle** – The Administrative Director commented that Mr. Acfalle had submitted a letter to withdraw his commercial request.

**8. George Torres** – The Administrative Director commented that Mr. Torres is requesting a commercial license on Lot 7163 in Yigo. It's a 1.8 million square meter lot and Mr. Torres is looking at possibly capturing some of the aggregate market here on Guam especially with the up coming military build up. Mr. Torres had submitted his documents relative to his business and partners involved.

Mr. Torres commented I was here on October 24<sup>th</sup> requesting to lease property up in Yigo which is Lot 7163 for a quarry. The last time I was here one of the board members requested if the property was registered or unregistered. As I did my research I encountered that the property was registered in 1998 by Judge Unpingco for the fact that it was done because of an easement that was given to the Taitanos. At that time when I was here one of the board members requested if the property was under Chamorro Land Trust which it is. So it was cleared and I also presented a plan on how I am going to build the quarry, the topo and my corporation license combined with it.

The Administrative Director commented that the lot is north of the Guam Raceway Park. It comes in three levels, ocean level, another plateau or cliff and then up to the street level which is Route 15. Mr. Torres is right the government of Guam did get title to it. It's listed in our inventory and its approximately 404 acres. It is not entirely leveled. Mr. Torres has submitted several supporting documentations, his letter with names of his partners and



his corporation certificates.

Chairman Pro-Tem inquired on how far are they going to dig because this piece of property has a lot of value as far as being cut up for residential.

Mr. Torres commented in my letter I suggested that I would taper the land down so in the long run the government can come in and use the land to build homes. I will not cut or develop the land where it is unusable in the future. In my letter I requested if I can develop the land into a beach park. The northern part of Guam doesn't have a beach park except Taragi in Andersen. When you guys should decide to license me the land I would like to see it in contract. What ever you put in contract I should follow because all the quarries we have in Guam they dug it sea level where you can see the ocean. Perez Bros. has done it, Hawaiian Rock even the Government of Guam coral pit has done it. Why? Because there is no law in it. They went in and cut it the way they want to. Where I would follow what ever you guys put in writing where I would go in an taper down and not just cut it straight down. In federal law guidelines there is a sea level depth that you shall not come across.

Chairman Pro-Tem commented it is just that I don't want to see a nice piece of property because whenever we talk about quarrying you're looking to dig and that's my concern because it is just like to dig a hole right down there and then you have this piece of property where you can't even build a house. I want to make sure that when it comes back and the lease is done that the land can still be reusable for development. But at the same token I don't want it 200 or 100 feet down.

Mr. Torres commented that there is another thing that I was going to offer in the plan that if I develop and remove the corrugate on this property if my company can come in and develop and build new homes and turn around and ask the government to split the cost of it. Or get as we sell it whatever the government decides to do that we get reimbursed half back if my company should decide to do that to go in and develop it, one section. This land is 400 acres. So in terms this land can be developed as a table or as a step where the government can come in and build homes on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> level and it will be ocean view luxury homes because it's an ocean view property.

Chairman Pro-Tem commented so what you're actually saying is you're going to build a terrace style.

Mr. Torres commented yes.

Chairman Pro-Tem commented I want to see how you are going to taper the land and that the Commission needs to see the plan.

Mr. Torres commented as far as federal law its 150 feet. The farthest you can go in that is 200. The closer you get to 150 feet you are already hitting sea level. Here on Guam like the other quarries they never follow the specs. They past the 150 feet and get over to 75 feet like Hawaiian Rock where the ocean is right in the middle of the quarry.

Chairman Pro-Tem commented the reason why I am asking this is years ago I used to work at Perez Bros.



Mr. Torres commented and so you see that they did it wrong because the land belongs to them so they don't care.

Chairman Pro-Tem commented and that is exactly because it's their property and in this case it is not it belongs to the people of Guam which is the Chamorro Land Trust. If I'm going to do this I am going to waste 400 pieces of property and its unusable after you say okay its done and then guess what I have a hole down there.

Mr. Torres commented at the same time too the government can come in too yearly and check if we're doing it the proper way as we go along this contract because that's what the government is, Public Works has inspectors. I am not sure if we can use the whole land because I have to get an appraiser and also bring Agriculture in to see which is an endangered area. I'm asking since I'm only new to this that I want to be given a chance to open up a corporation that belongs to a local boy. You look around this island it is owned by 80% outsiders.

Chairman Pro-Tem commented I understand where you are coming from. What happens in the long run if your partnership decides to get out? What guarantee do we have if you sign a 5 year lease with us for that matter?

Mr. Torres commented then that 5 year lease agreement shall be stipulated with what you get. What we already sign we shall follow. We can't just walk away from a contract, that's default on the contract.

Chairman Pro-Tem commented I like the idea and concept of that because at the same time you do develop the roads and land and everything at no cost of the government or the Chamorro Land Trust. That will save us a lot of money to open the roads and everything. But I certainly want to make sure that when this land is done I want to see an actual layout or plan of how you guys are going to develop or how you are going to do the cutting.

The Administrative Director commented the tier extraction plan I think that is what you are looking for in terms of the terrace planning. Unfortunately we don't have any experts on the Commission staff to study it but let me try and see if I can get some help from Land Management on the type of application and of course when the Commission licenses these properties it is up of course to the licensee to make sure that they meet all the regulatory agency requirements in terms of permitting and licensing and things like this. We're licensing land in case we approve it to Mr. Torres but his opening of a quarry would be subject to whatever government rules and regulations that are required for that type of operation. I'll see what type of information the staff could present back to the Commission.

Mr. Torres inquired on what does he need to do to come back on the 26<sup>th</sup>. I had already gone through the Contractor's Board. They said I had to take a test I already got that covered, getting the license through Rev&Tax I already did that. All I'm asking now is to get approval.

Chairman Pro-Tem commented the bottom line too is we need because anything that you



do you have a master plan on what you are going to do. Like I said I just want to make sure that everything is in that respect. When the time comes for us to really negotiate and really get down Mr. Borja and the Legal Counsel will write up what will be in the contract that stipulate everything in the rules and regulations that we want and will be presented to you in that fairness whether you agree or disagree.

Commissioner Matanane informed Mr. Torres to go ahead and do the paperworks with Mr. Borja.

Administrative Director commented it would probably be the same letter as the one to Premier Hotels, you have the same concerns.

Acting Commissioner Gumataotao inquired on what are the regulations in regards to if in case remains are found on site or any part of the property.

Mr. Torres commented if we do some excavations on the property that if anything should appear like latte stone or anything then we call the proper authorities to come and do what ever needs to be done. Even if it hampers the operations or the grading of the property things need to be kept in respective not like the one in lower Tumon where they went in and they only requested to do a drilling and they went in and cleaned the whole property. There are so many types of licenses or applications of going in and clearing a property because now you have to go through a lot of boards meaning government agencies to get approval. Parks and Rec will not sign anything and other agencies not unless you follow the rules and regulations.

The Administrative Director commented the procedure for that would be if they applied or a clearing or grading permit or a building permit is that Parks and Rec would have to clear it the Historic Preservation Office. They have a list of potential archeological sites around the island. If this lot is listed on there they'll make a field inspection and based on that field inspection they may see a need for a full blown archeological study or they may say that the area is highly disturbed or they may say no potential archeological sites in that area. If during construction they unearth archeological remains or artifacts they are required, the contractor or developer, is required by law to stop work immediately and to inform Historic Preservation Office.

Mr. Torres commented I went ahead and did almost the same concept of cleaning a property and I had a very hard time of trying to get the license because I had to go to I think 6 doors to get that license. But at the end I had to follow the law why because I wasn't about to break the law. The law itself will ground the company and will never succeed and also the land is big. I know if Parks and Rec goes in there and there is a designated area it wouldn't be 400 acres it will be less than that. So whatever amount is left then I'm willing to lease or license to my company. At the same time I will follow the law because I did law enforcement long enough to say that. The guidelines are there and also Public Works is there too.

Chairman Pro-Tem informed Mr. Torres to work with the Administrative Director and once everything is put together that needs to be done then the Director will get back to us.

**9.Ironwood Estates (Lot 10114-NEW-2, Dededo) – The Administrative Director informed**



the Commission that Ironwood Estates had withdrawn their commercial request.

## **V. DIRECTOR'S REPORT**

**GRRP** - The Administrative Director commented a couple of the Commissioners had asked for a briefing concerning GRRP and the Guatali landfill issue, it having been that none of the sitting Commissioners were Commissioners at the time that the contract was signed and I myself was not the Director. The lot in question, Lot 439-R1 is a large lot that actually extends from Guatali to Atantano.

The Administrative Director informed the Commission that the license was signed on December 31, 2002 between Guam Resource Recovery Partners and the Chamorro Land Trust Commission. The particular issue that Commissioner Matanane inquired about the option to extend and the renewal thereof can be found on page 3 of the 10 page license which reads "This license shall automatically renew at the end of the initial term and at the end of every extended period unless licensee notifies Licensor in writing within 60 days prior to the termination of the then existing term of its intent not to exercise its option to extend." So on the Chamorro Land Trust Commission side the renewal is automatic. What is not automatic is the part of the Licensee (GRRP) in this case can notify us in 60 days before the end of a term, the 5 year term, if they do not wish to extend. The Commission did not have the option to renew or not renew. It came about basically automatic operation by the contract.

Commissioner Matanane inquired if on the lease if there is a specific reason why they are leasing that property.

Administrative Director commented yes, on the license itself it does say that the licensee has demonstrated its interest on developing a landfill on Guam for the disposal and processing of solid waste. So they did identify what they were going to use the property for but the Commission did not license a landfill they licensed them the use of the property. They did inform the Commission that they intend to use it as a landfill for disposal and processing of solid waste. The other issue that I want to bring up when we talk about GRRP and when we talk about Guatali and the license is that as far as the Commission is concerned and as far as the staff is concerned what we have is a license agreement for a piece of property called Parcel B of Lot 439-R1, Santa Rita, Guam. I caution the Commission against using the word Guatali as the site of the land involved in the license. Lot 439-R1 is a huge piece of property about 280 some acres. It is a real weird shape like a backward "L". Back in 2001 the Chamorro Land Trust Commission Director at that time Ron Teehan signed the map that transferred 200 acres of this 280 parcel. The 200 acres is known as Parcel A of Lot 439-R1. The reason why it is important to designate and determine Parcel A and Parcel B is because Parcel A is actually Guatali. Also there is a description of Guatali using the land square system which puts it there. The bottom part of the lot is actually Atantano. Both of these areas Guatali has Guatali River going through it, Atantano has Atantano River through it because that is the name of the place. The type of property and the terrain from both parcels is like day and night difference. One is the top of the mountain and the other is the bottom of the river creek. Is the top of the mountain a good place for a landfill and incinerator? I don't know. Is the bottom of a creek good for it? I don't know. I'm just saying although we're talking Lot 439 as that big lot one part of 439 Parcel A is up in the mountains the other part Parcel B is basically down in the river bed. If you read the license when it was signed it basically



says "Licensor further voted to authorize the Administrative Director to negotiate with the US. Government for the acquisition of Parcel A by way of an exchange." So the Commission back in 2002 supposedly voted also to order to authorize the Director to approach the US Government and say can we exchange A for B. We've met with the National Park Service I believe her name is Sarah Cringbaum, the local superintendent of the park and basically to do that exchange you are going to need an Act of Congress. That is why I am just cautioning people from saying where is this new landfill going to go, Guatali right? Well, its really not going to go to Guatali it is probably going to go to Atantano which is where the license is actually is.

Chairman Pro-Tem commented even if they were to decide I'm telling you it is not going to go because they have to get clarification from the Federal Government to get to clear that issue and this is also adjacent to the Mylena Club in the back by Taco Bell.

Administrative Director commented that part of the lot is in Piti and part is in Santa Rita. What we had Land Management do because place names are usually not lot numbers we had them look up Guatali and where in the place name inventory using the land square sections system it was and this is what land management plotted out.

**Adacao School Site** – The Administrative Director informed the Commission that yesterday one of the employees and several other people were threatened to be shot at up at Adacao and we are going to be making a full fledge police report.

Chairman Pro-Tem inquired why.

Administrative Director commented it had to do with the relocation of some of the occupants at the new school site.

#### **VI. NEW BUSINESS**

1. **From Rosario P. Camacho** – Request for reconsideration of reimbursement
2. **From Dept. of Agriculture** – Request to utilize Ypao Point as a staging site
3. **From Mackelen Mark & Bonnie Solomon** – Request to utilize property in Harmon for producing hair and body oil
4. **From Annie Garrido, Vicente Salas, Jose & Anastascia Mesa and Edward San Nicolas** – Request for installation of water main & power distribution on Lot 10125, Dededo (item discussed with Unfinished Business No. 6)

Items will be addressed on the December 26, 2007 Board meeting.

#### **VII. ADVISORY and ADMINISTRATIVE MATTERS**

The Administrative Director informed the Commission that the Advisory and Administrative Matters will be taken up at the December 26 meeting where he had prepared a report on all the issues that have come up before the Commission either small or large, complaints that people have made and requests for Commission actions.

#### **VIII. EXECUTIVE SESSION** – None.

#### **IX. ADJOURNMENT**

Meeting was adjourned at 3:35pm.