



Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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Vice-Chairman

Pauline Gumataotao
Commissioner

Carmen G. Tajalle
Commissioner

Andrew S. Leon Guerrero
Acting Commissioner

Jesse G. Garcia
Administrative Director

COMMISSION MEETING MINUTES

Agana Youth Center, Hagatna, Guam

June 18, 2009; 1:11pm – 3:58pm

I. CALL TO ORDER

Meeting was called to order at 1:11pm by Acting Chairman Oscar Calvo.

II. NOTICE AND ROLL CALL

Present were Acting Chairman Oscar Calvo, Vice-Chairman David Matanane, Commissioner Pauline Gumataotao, Commissioner Carmen Tajalle, Commissioner Andrew Leon Guerrero, Legal Counsel Delia Lujan and Administrative Director Jesse G. Garcia.

III. APPROVAL OF MINUTES

1. May 21, 2009

Vice-Chairman Matanane moved to accept the minutes of May 21, 2009 subject to corrections. Commissioner Gumataotao seconded the motion. There were no objections, MOTION PASSED.

IV. PUBLIC COMMENTS

Acting Chairman Calvo – On the public comments I would really like to just limit the comments to a certain degree okay, not so lengthy.

1. Edward Cruz - Good evening ladies and gentlemen, Mr. Chairman Oscar Calvo, Mr. Vice-Chairman David Matanane, Commissioners Pauline Gumataotao, Carmen Tajalle, Andrew Leon Guerrero and Legal Counsel and to Mr. Jesse Garcia, Administrative Director of the Chamorro Land Trust. Today I'm here in regards to a piece of land that was given out to another person because of a lottery over my land which I would like the Board to look upon and see if we can settle this matter.

Administrative Director Garcia – Apparently what happened was Mr. Cruz is on Lot 1, Block 1, Tract 19412 and what happened was a land agent had given an area that was assigned to Mr. Cruz away. He was supposed to have a half acre lot and apparently out of that half acre, half of it went to somebody else and it was reassigned. So that's the issue that he wants to bring up because he was supposed to have the half acre but half of it was given away by one of our land agents.

Edward Cruz – This was way back since Chamorro Land Trust came into play. It was under the arrendo with the Department of Land Management. I have been staying on this property since 1970. In 1970 we had this land and I had been farming on it. We raised over 50 pigs, 20 cows, 10 goats, hundreds of chickens, a lot of plants, freolis, sigidiyas, egg plant, name it, taro and we've been using this land like I said for the past 30 some years. What has

Rev. 04/21/2009

happened here of all our kids, we had 4 kids, we have 3 boys and a daughter. Since my son, our two younger sons were four years old and two years old, they all grew up on this land. They farmed on this land, they went to school staying on this property, they're married, they're in the service. They're still serving their country. Two of my sons were in Iraq, one of them came back, wanted to build a house. Come to it when we did a research we were not in. I went down to Chamorro Land Trust and requested to see the Director or somebody there to assist us on this property. What has happened was they asked me my name and my social security number, they run through the computer the biggest word they came out with is you don't have nothing. You don't have any property, there's no registration, there's no application on this land. But Mr. Chairman and to everybody here on the committee I have a lot of my papers here from Department of Land Management. It shows that I have been on this property since 1970. My kids all grew up, I have 12 grandkids like I said we had 3 sons, 3 boys, they're still serving Uncle Sam. They came back they've been through war, they came back and we were given nothing after serving the country. Somebody else, I don't know who came in and assigned somebody on that property. My wife has told several people that were sent in by the Chamorro Land Trust agents knowingly, knowingly that we were the first occupant and up till now we're still occupying that land for the past 35 plus years. And how dare for that individual to go ahead and build themselves and for that agent to kick us out and to tell us that we have nothing. I've been paying for this arrendo for the past 5 years, 10 years before it was turned over to Chamorro Land Trust. We have stayed on that property. Some of you in this panel here knew where this place is at. Some of you have come to this place and know this place. And our property which I have the map shows which portion of that land is where we're in. But as we go down there we were given letters so how can somebody say you don't have no records, no application and then they turn around and they gave us an authorization for survey. They gave us an authorization for survey three to four times. The piece of land was saying .50 acre. Two times a letter was given to us because every time I go down there and said I want it surveyed they told me I have no record. We have no record, you don't own that property, you never stayed on that property. Ladies and gentlemen my wife is here, our sons that are still in the service are all here. We have 12 like I said 12 grandkids when we started that property. We had no grandkids but we have 12 grandkids as of now, right now and what hurts me more here is we've been staying here. Now for somebody else to just come in and tell this individual go ahead and stay there, go ahead and plant if anybody asks you what you're doing just tell them we've been planting here for 5 years. This is our property, my wife is right here, she found two people that came in and my wife asked him what are you doing here? Can we help you? Oh, I'm here, I've been sent down here by the Chamorro Land Trust to start cleaning up my place. That place is clean I mean there's farms, what is there to clean? And after my wife told him that he left, he never came back. A month later another person came in, the same thing was told. They own the property for 5 months, they've been there for 1 year, we've been staying here for 2 years, that's what they tell my wife. My property ladies and gentlemen like I said I have the land here, I have the application all of it is here but when I went down to Chamorro Land Trust nobody knows where's my records. Though I know an individual that was taking my record they were tampering with government documents. They were tampering with my documents. I know they told me I'm not the only one that was done with this kind of deal. You know what happened to the rest? I'm sorry but that's not why I'm here. I'm here is to clarify and clean this matter up. Because like I said my oldest son, our oldest son was only 4 years old, by September he'll be 40 and we have never, never abandoned that property. And

that property when we stayed in there we're only about 10 of us people were living in there. Today there are over 200 to 300 people. We opened, there was no road in that property I had to open up my own road. We called it the bull cart trail in order for people to pass. And for somebody to go over there and tell us that we don't own that property or we never lived in there or tell us to get out of there because this is my property you know it hurts. I mean ladies and gentlemen I was in the service, I was in Vietnam, I fought in the war. I was injured in Vietnam and I fought for this freedom which every one of us I believe in here is enjoying this freedom. And then we come back to live peacefully to have our own dignity we find out this kind of problem and it's been going on for years and years and years I know since 1970. Somebody just came in 5 years ago I don't know how he did it, I don't know how he just went up there and built a house. There's a map here that shows and somebody told me who did the map, who wrote in the names of the people in this property. They built a house under SBA and the map the lease agreement that was showing the house was supposed to be built on Lot 2 but the house is not on Lot 2. They found out they can't do that because they don't have the property on Lot 2, I have the property on Lot 2. So they shifted that and put it up on Lot 3. So what they did when they cut my property from my boundary they took more than half acre to complete their acre. So they built the SBA loan a home here, it shows on Block 2 that the house is here on Lot 2. The house is not on Lot 2 ladies and gentlemen there was never a house there. These were all plants, these were all plantation. Like I said I raised over 50 pigs, over 20 cows, chicken and other than that vegetables, plants. When I was unemployed that's what grew up my family this farming and it was under the arrendo when I first started under Government of Guam the Department of Land Management, 1970. They gave me all kinds of documents after I spoke to Mr. Garcia here and I said I want a copy of my records. But before Mr. Garcia showed up at Chamorro Land Trust I've spoke to several people the only thing they tell me is I have nothing. Lucky that my wife found a couple of documents that we were holding on to. I had an application that when the property was under the arrendo and then they switched it over to Chamorro Land Trust. They even told me when my wife went down to Department of Land Management to make a payment they refused to take her payment because they said this land has been turned over to Chamorro Land Trust so you have to settle that with Chamorro Land Trust. So we filled out an application for Chamorro Land Trust and we were informed that we were priority over this land since we've been staying on that property for the past 30 years. They gave us approval of application for telephone, water and power. I was applying for it they told me I can't somebody owns the property. Somebody owns the property? How? How in the world can somebody own that property when I had that property, have farmed on that property, my family grew up on that property? My oldest son our oldest son is going on 40, my youngest is going on 24 and 12 kids and in all those years we've been there they're trying to say you have nothing. What is going on? I mean, my God this is wrong, we're all Chamorros man come on. We're supposed to be helping one another. We're supposed to be together not stealing from people's property. Not taking away what we sweat for, what we worked for. My kids when I asked them to go out there when they were young they used their bare hands to plow the grass, pull the grass, cut down the tangantangan tree and we feed the pigs with coconut and banana, papaya, lemai, name it whatever. If somebody is doing their jobs down there at Chamorro Land Trust properly and the person that is running that department or agency knows what they are doing these couldn't have happened. It couldn't have happened ladies and gentlemen. But this is my opinion a lot of connection, a lot of under the table, no respect. There's no respect. They gave me a paper here, Chamorro Land Trust inspection report that I've been

farming there for 34 years and they said they don't have a record. Ladies and gentlemen this is Chamorro Land Trust and it says here Lead Land Agent Jeff Aguon and Quan and this individual that's telling this person that I don't have a land is his name is on this paper. Somebody allowed them to do a survey, go ahead and do the survey, he doesn't know what's going on. He doesn't know we're going to build a house until the house finally got up. That lease agreement also from SBA said that that piece of property should be built on Lot 2 but it's not its on Lot 3. What does that tell you? What does that tell you? They cut that piece of property from that side down to that side of my property so they can cut me short and complete their 1 acre. Isn't it that the government is not supposed to give out land that is less than that size or a 100x100? Somebody built a house in there without a permit, without a septic tank and I see them use the bathroom right outside the yard. When I requested because the land was changed from agricultural to residential I cannot change it because I have a residence, I have a land. Yet they gave me the paper and said change it, it was done it was changed from Chamorro Land Trust agriculture to residential. I don't know whether that person that stays there that built their house were they given residential or agriculture I don't know. But if they did get them for agriculture I'll be honest with you ladies and gentlemen they never planted anything. They're my neighbors but I've never seen any banana trees, taro, eggplant or anything, nothing at all. How can the Chamorro Land Trust, somebody send a parcel survey that a property is one-half acre, two months later the same letter .50. Three months later the .50 became .25. How is that? I mean I was on this land. Two, three months later my land is like this? My kids came back from the military, they came back from war they asked me daddy I want to build a house. I said let me go check my son. Let me see what I have with the Chamorro Land to find out I have nothing and somebody else came in.

Acting Chairman Calvo – I think you have brought your point very strongly to this Board and I'll make it very personal that they will make an investigation into this issue. I understand where you're coming from and I think you brought a very good point to this Board and I sympathize with you where you're coming from. But we can go through this scenario over and over but what I need is for the Director to follow up on this issue to make sure what really transpired and how it transpired and so forth because knowingly we have to get all the facts together ourselves too. I'm not disputing, I'm not saying you're, what you have said to this Board today and we will take that into consideration of all the things that you have said today. I think we can sit all day here and not to say I don't want to listen to that but you brought a point already and I fully understand what you're alluding and what we should do. Mr. Garcia follow up on this and by the next board meeting hopefully that we would have a very resolvable answer to you and also with the legal counsel to look into that matter, okay?

Edward Cruz – I really appreciate Mr. Chairman and I'm glad. Is that the time frame you're giving me next month I should get a response?

Acting Chairman Calvo – Hopefully that I would have everything. We'll be publishing or Mr. Garcia will be giving you some sort of phone call letting you know where we stand and so forth on this issue.

Edward Cruz – Okay, I'm very sorry ladies and gentlemen if I take up your time.

Acting Chairman Calvo – No you're not, you have every right to come but I'm glad you

brought that to the attention and these are the problems that we have in the Chamorro Land Trust. And I'm glad these kinds of problems comes to this board to listen in to this issue and like maybe there are more than one or two cases that are in this situations that we have. And for whatever reason that that happened it'll be premature for me today to tell you something that I don't really know yet and the rest of the board. So until we really get something in factual and then we can honestly say okay this is what's our findings and then maybe we compare the notes and so forth. But Mr. Garcia will make a follow up on that.

Edward Cruz – I really, really appreciate, thank you very much.

2. Richard Rosario – My name is Richard Rosario from Rosario and Associates, my client is Mr. Chieng Tan of Hayden Corporation. We would like to have a permit or a grant of easement, 15 feet easement through Lot No. 5219-1. It begins on the northern boundary on the middle of the property of Lot 5 and it goes towards the north side for 15 foot easement, north also to the property of Lot No. 5223-5-A-3NEW which is the Catholic Social Service property which we asked for. We would like to connect to the sewer line at the end of 5223-5-1-1R/W. My client is planning to subdivide 12 lots and it's a gravity flow for the sewer, it's a good gravity flow for the sewer for the 12 lots. This is just a request. If we are granted we would provide survey and the size of the sewer, water and power that is applicable by GWA if we can't. We will do all the things that is needed to legalize this. Even through the easement documents we will do that too.

Acting Chairman Calvo – I know that we had the opportunity to meet you on this with Jesse but I ultimately did respond to you in what we wanted to do in that. Because just to give that easement road that 15 foot where you can run your pipe across our lot but I already made it clear to you at the time that you're encumbering all the expense and also since you're going to cross there what ever the specs that the Waterworks says whether it be 8, 10 or 12 inches whatever. Because since you guys, you're just really running a piece of pipe across the lot and that's what you're wanting and Jess and I we did speak to Mr. Rosario on this issue. At this point in time it would probably have to take this in ..(interrupted).

Richard Rosario – Just give us the conditions.

Acting Chairman Calvo – Yeah on the conditions on that.

Richard Rosario – And we will provide.

Acting Chairman Calvo – Get with Mr. Garcia on this and also on the and then the Legal Counsel would pretty much...(interrupted).

Richard Rosario – But we would like to get approval so we can start the survey and everything like that.

Acting Chairman Calvo – On this it's approximately 15 feet that you guys have made that issue.

Richard Rosario – Yes, for a vehicle to go through and dig out and something like that. We would like to get an approval first and then we would get all the specifications,

details and present it to the Board again for the final approval if you want.

Administrative Director Garcia – I would recommend for the Board to go ahead and have him prepare a sketch on what he plans to do on severing out that easement so in that way when he severs out that easement on the lot it's usable. It's not going to be having a substandard size lot so we'll just work out the conditions with Mr. Rosario.

Acting Chairman Calvo – Okay, so Jess you'll attend to that matter?

Administrative Director Garcia – Yes as soon as he comes up with his preliminary sketch of what he wants to do.

Acting Chairman Calvo – Just for the sake of making it understandable to the Board members and to the audience here is because you're actually just wanting to pass your pipe because it's running right on Chamorro Land Trust but you're not going to be leasing or paying. Basically it's just because you're pretty much on a landlocked issue and that's what you're really.

Administrative Director Garcia – What's going to happen is we're going to allow him to put in the sewer line and stuff and that's going to be open to anybody.

Acting Chairman Calvo – And it's going to benefit the Chamorro Land Trust in the long run.

Administrative Director Garcia – It's not going to be exclusive use for you it'll be for the public's use.

Commissioner Leon Guerrero – Mr. Rosario as long as we have a MOU or MOA stating that once that sewer line is in place that the Chamorro Land Trust would have access to it. If we could have that in writing I would appreciate it.

Richard Rosario – Sure, okay we'll do that.

Vice-Chairman Matanane – Make sure the MOU is approved first before we even react to it because we have some water blasting on us concerning others. But you are asking for conditional approval of the access, the easement.

Richard Rosario – Yes at least approved to proceed.

Vice-Chairman Matanane – And then a final approval when it's completed?

Richard Rosario – Completed, yes, we will present it to the Board again if you want.

Vice-Chairman Matanane – You want a conditional approval before the..(interrupted).

Richard Rosario – We would like to have approved to pass through Chamorro Land Trust with a 15 foot easement for water and power.

Vice-Chairman Matanane – I guess Mr. Garcia can work with you and then re-present it to us and then we'll consider that and like I said, like the Chairman said that it will be

useful also to Chamorro Land Trust property area when it's included in there the sewer lines. So Mr. Rosario you're going to have to work it out with Mr. Garcia and then represent it to us and then we will give it, you know, I don't know right now if you'll accept the motion of conditional approval. Conditional approval for now until the plans are in for the final approval when your plans are completed.

Richard Rosario – Yes.

Commissioner Leon Guerrero – As long as you understand conditional means until the final approval comes in so nothing can be done until that final approval. This is just conditional.

Administrative Director Garcia – I don't think we should use that word conditional because when you say conditional then people are going to throw out questions. What we're going to do is give him authority to authorize him to prepare a plan for our approval.

Acting Chairman Calvo – Okay. Until that plan ultimately has been given to Mr. Garcia then that's when he'll present it to us. Jess we got to make sure that we clarify those issues and like what Mr. Leon Guerrero said you know that we have that MOU especially with your and I did speak to you on this Richard on that in the future if the Chamorro Land Trust needed to tap in whether it be water, power or sewage that the accessible part will be reasonable. And there will be no repercussion on this issue because what is to say in the future if that lot was to be subdivided and sold away okay for us to be stopped and say I own that. You may own that but in the same token there is the Chamorro Land Trust and when the Chamorro Land Trust starts to distribute their own property there's the resources are right there already that they can ultimately just tap into that issue. And like what Mr. Leon Guerrero that we get that letter very informative so we can have that in our records so that we'll make sure in the long run in the future like I said that we have that. That now that if the Chamorro Land Trust was to go in there now and say hey we got the sewage running right through here, we have the water line running through here and the power we are able. We're not going to be blocked in the future and say no you can't do that because we ran it. So we want to make sure that clause is really clear by your legal counsel or your organization, okay?

Richard Rosario – Okay, thank you very much.

3. Norberto Castro Sr. – Thank you Mr. Chairman, Mr. Garcia. My name is Norberto R.V. Castro, Sr. I stayed in Pagat, Mangilao for 34 years on Lot No. 1, Block 1. I built a house in there in 1997 and a final inspection came by and Public Works approved it. And finally I noticed it that the leaching field the contractor relocated it without an as-built. I wrote a letter to Public Works to classify that. They didn't answer my letter so forth and all this time they came in 1997 to survey the property, there's no easement in there at all. I've grown coconuts in there all kinds of crops. We started, my kids were so small at the time and you could see my property right there it's on the level. Plus the tangerines, mangos, bananas, coconut you know they come around they're going to destruct my property, okay. Then I argued with the Land Trust, with Mr. Elliott the Director of the Land Trust they tried to tell me I'm a liar. Then comes Mr. Borja, same token, called me a liar. So I went to see the Assistant Attorney General Tom Keeler, he told me all the finding they said it they're all I'm a liar. Finally, Mr. Garcia came in, I'm

very thankful Mr. Garcia he had the initiative he got himself a pay loader, he dug a hole to find out whether there is a leaching hole and there is a leaching field there. Good I appreciate what Mr. Garcia did. So all those times I've been called a liar, all those times I've been called a liar. I personally invite you guys to come to my property and see it. They want to destruct my property there the way it is. And those coconut trees they're 20 years old, 30 years old and they're bearing fruit, mangoes, tangerine whatever and they're going to make an easement. To me it's unjustified really. I built that house, I built the surrounding yard for my family now they want to build a road in there. So Mr. Garcia decided to give me 22 feet from the boundary to there because the surveyor is saying I got 44 feet from the boundary to my house that's giving it 12 feet to my road. It's so disgusting really. Why did Public Works approve the building without checking the leaching field? What happened? I did bring it to their attention, I wrote a letter and nobody listened to me. What's going on? I don't know. My neighbor they've been there 20 years around the house nothing but junk, really nothing but junk. Here I am I'm trying to stabilize my family in a sanitation way. Now they're trying to put dirt on me, sir I should be given the credit like a grandfather clock on that property. I'm the first one there, I put a structure there, everything there. I went to Land Trust to get authorization to build a house there under SBA. What happened to Public Works? To me it's so disgusting. I keep my lawn there real nice there, my plantation is real organized. If you come in there anyone of you guys you'll find no problems there. Lucky that Mr. Garcia was appointed acting Director he came out with the initiative to see it what's going on. I sure appreciate it.

Acting Chairman Calvo – Jess what Mr. Castro has just alluded saying on that issue, how far are we on this problem now? Have we resolved this issue in some way or another?

Administrative Director Garcia – We pretty much came to a solution for him. The easement is still 44 feet I negotiated with Mr. Castro that we'll only open up 22 feet for the road. Any subdivision that I did during my tenure at Public Works we never opened up a 44 foot road. What it is, is you open up a road for access and then you have your water lines, your power lines, your utilities in there within that 44 feet but basic road for an area like that 22 feet is more than enough for road access.

Acting Chairman Calvo – On that road access, how many people will be serving that road if I may ask?

Administrative Director Garcia – There's 30 some lots in there but that's not the only access.

Acting Chairman Calvo – That's not the only access but where Mr. Castro's lot is, is saying that easement still has to serve maybe one or two lots around that area where he's at, right?

Administrative Director Garcia – Yes, it'll serve but we're not opening up a highway or anything.

Acting Chairman Calvo – So Mr. Castro basically Mr. Garcia has been working with you on this issue and what do you actually want to be done?

Norberto Castro Sr. – Sir, to secure my leaching field. What happened to my leaching field somebody run over it. Who's going to pay for the damage to the leaching field? Who's going to pay the damage? I thought this island of Guam is under democracy, we're not.

Acting Chairman Calvo – Well here's another scenario that we have on this issue, okay and anyone of the Board members can step into this issue. Mr. Garcia is giving you an ultimate solution at this point in time and I think what we can do is Jess to see how we can rectify this more problem in to trying to resolve Mr. Castro's position. And also you got to understand Mr. Castro too in what Mr. Garcia said that in doing all these property maps and everything the government usually allows within 40 feet to 20 feet to 60 feet and that depends on what the issues are. So I think I would rather have Mr. Garcia to follow up more on this detail in that way then we'll have a better clearer picture on how we can resolve this issue.

Administrative Director Garcia – Mr. Chairman, he has other issues, his son was also given a lot which doesn't meet the half acre requirement but it was subdivided and the map was approved. On the lease agreement it says half acre so what he wants to do is they want to propose some type of solution to make sure that the son's lot is a half acre and not less than that.

Acting Chairman Calvo – What would be that solution?

Anthony Castro – I'm Mr. Castro's second son, basically our purpose here today is we've generated a couple of letters thru Mr. Garcia as the Director and for the members of the Board for consideration. Basic bottom line is the government went ahead and surveyed a 44 wide easement into the property and this was done in 2007. Mr. Elliott was out there in 2005 and again as my dad said here he had basically told them that there was an existing leaching field within that area. That idea was not even considered. So Land Management came by in 2007 about January and basically conducted a survey on behalf of the Land Trust and low and behold the Tract number of 14411 as it's currently called came into law and was approved in November 2007. All that being said and done, there was no consideration given to my dad as far as where his leaching field was actually located at. It's only then when Mr. Garcia took helm that he took the initiative to bring a backhoe out there and excavated about 2 feet of the leaching field that it was determined that exists a leaching field. All that time now all said and done 2007 it was done on dad's 2.5 property. What should have been done the fact that he was actually grandfathered, he was actually the first settler in that area during the arrendo time like Mr. Cruz the previous speaker had mentioned he should have been given consideration in that. Well Public Works did not respond to a certified letter many times we've asked of their support and as dad said a permit would not be granted to a house for a home if the inspection had not been done according to the approved maps. All said and done again the 44 feet wide is in existence. Mr. Garcia went ahead and responded to my dad's letter and of Mr. Garcia's letter of June 8th both agreed on a 22 feet easement versus the 44 feet easement from the fence line which the eastern boundary of my dad's property which is private property and that easement would then basically extend only 22 feet versus the 44 feet. Now where lies my concern our concern is because that 44 easement is recorded and is a government easement what would prevent the government from not coming in the future again and continue widening up the 22 feet remaining easement? I understand Mr. Garcia is only here

temporarily he will be retiring pretty soon some time down the line so what guaranty does my dad have that the government would not come in 10 years from now or 2 years from now and just go ahead and execute that 44 wide easement where the leaching field sits on right now? So at that point where Mr. Garcia dug that's 24 feet from the fence line and its still 2 feet within passed the recommended agreed upon easement that Mr. Garcia is going to go ahead and open. We also basically suspect that the leaching field further extends 4 feet into the 22 feet easement. Now to make a long story short what assurance or what alternatives do we have? We don't put a band aid on this problem. We want to make a win-win situation. We want the government to get what they need. We're not denying the government anything. The government has a right to open up access. But also as a leaseholder and a household homeowner he has a right to protect his interest. If we continue along the road over that leaching field and I've consulted with GEPA on this it'll continue to...(interrupted).

Acting Chairman Calvo – To sink down because it's a leaching field.

Anthony Castro – Exactly, thank you for concurring with me. Now my concern is like I said we're not depriving the government from doing what they need to do but by all means secure my dad's interests. We don't want to put the government in a position of liability to come down 3 years, 5 years from now again to pay for a leaching field which could have been prevented 10 years ago or 5 years ago. I mean dates here are just basically hypothetical. In closing sir, my fix to this or my recommendation to the Board if the Board should consider it's in the writing my dad has a letter and my brother has a letter and I authored both letters is to respectfully request the Boards consideration that the remaining 22 feet that my dad's 2.5 be reestablished to include that 22 feet remaining from the 44 feet easement and make up for the shortage of my brother's 178 square meters of half acre property that he actually signed for back in 2008 and that would fix everybody's problem. Because we sure don't want to come back 5 years down the line again and revisit this again and appeal to the Board with the same problem which could have rectified it today.

Acting Chairman Calvo – And that's why I mentioned earlier on that when these maps were made and designed it shows easement roads and what the size of that lot and everything. I think what we can I'll get with Mr. Garcia on how we can and I agree with that because like you said what's to prevent the government 20 years, 5 years, 2 years down the line that if they do decide to open that road. But I have to give the opportunity also to Mr. Garcia and to the Board members here ultimately how we can really resolve this issue in a better terms and I don't want to give you a definite date but maybe Jess you and I are going to go out there next week and I really want to look into that issue to. And then maybe we can picture something in a sense where it'll be comparable what your dad wants to protect the interest of his property too. So I'm not going to give you an honest true answer at this point in time because I don't want you walking out of here and saying everything is okay. I think it will just be more appropriate that I just you know work with Mr. Garcia and then maybe ultimately we'll see how we can resolve the issue, okay?

Anthony Castro – Thank you Mr. Chairman.

Norberto Castro Sr. – Thank you Mr. Chairman.

4. Pilar Lujan – Good afternoon honorable Chairman and also members of the Commission on Chamorro Land Trust Commission. I'm Pilar Cruz Lujan, I'm President of the Guam Association of Government of Guam Association of Retired Persons and I'm here this afternoon to speak on the request that I had earlier made. As a matter of fact on July 2008 relative to in my letter to you it was to use the lot but I would like to amend that to say that I would like for the Commission to act on transferring the land to the Government of Guam Association of Retired Persons since we will be able to have great use to accommodate the needs of the manamko or the elderly citizens of our island since we are not confining it to only the people of Agana but from every segment of our community. Since we have been serving the manamko as a matter of fact we are going to be celebrating the 40th anniversary of the GGARP associations founding and that since that time we have been doing a lot in servicing the manamkos needs. As a representative of GGARP I am requesting that Lot 85-2 which is approximately 1.5 acres adjacent to the present property that we have where the office of GGARP is located as a matter of fact just behind this property or lot of the Agana Mayor's Office. I have two gentlemen here who will be speaking, one of them will be speaking on the property I think he has passed out the map and the other one who will be speaking on the reason why we or GGARP is requesting the property and it's use. And there is this great opportunity that through the development plan we would be able to also be accommodated in the development of the capital city of Agana. So in view of that I would like to introduce Mr. Carlos Camacho who is going to give us some very exciting and opportunities for GGARP to use that property.

Carlos Camacho – Good afternoon, Mr. Chairman, Vice-Chair, Board members, my name is Carlos Camacho, I'm here as an individual. I wear many hats but I'm here as an individual in support of GGARP's request for site control. The reason we say the word site control it's a terminology that is one of the pre-requisite that are needed in order for GGARP to fulfill its mandate to provide this multi-purpose center to utilize federal funds or any type of loan programs that are available to be assisted to build this multi-purpose center. When I was asked to participate many months ago prior to the ARA, ARA is the American Recovery Act under the Obama Administration, one of the things that is exciting about that is that there is so many funds for the term community facilities. As you've heard in the media you've been hearing a lot of piece meal released to Guam. By coincidence one of the federal agencies will be here on Guam this week to meet the other government agencies in regards to community facilities. We will be having an audience with the Chairwoman with this person from D.C. to see how we can leverage these ARA funds to build community facilities or multi-purpose center for the manamko as a whole for the community. She mentioned a couple of key factors, Hagatna also has been mandated by Guam law for some type of redevelopment authority to redevelop the city to bring back it's rejuvenation of its population base. This is one way where we can bring. I was excited when I was participating in the GGARP function last year up at the Micronesia Mall and we're sad to say now that expo center is no longer an expo center because Macy's is expanding for good reasons. But for a venue for people to use like GGARP uses that place we no longer have a place to use anymore and maybe University of Guam will be there at that point until GGARP builds if the opportunity is given through a site control. So there are many funds and I'm here to help the GGARP Association look at the opportunities to seek these funds to build their multi-purpose center and again just for the record one of the key ingredients is the word site control in order for them to submit an application for such funds. So I just want to let the Board know that GGARP has funds out there and I'm also here to assist them and

support them in their goals and objectives. Thank you.

Acting Chairman Calvo – Mr. Camacho and Mrs. Lujan I had the opportunity in meeting with you and Jess on this issue at the office and I remember you were saying that's good because I got the two heads that I need to see and I know that the program that you wanted was basically back here and I think for us now to go into this to give you an actual approval the Board would need more of the info in what your ultimate plans and so forth. I know what pretty much Mrs. Lujan have said and you have so I think its more I'm in support of that issue especially for the manamko portion and like you said this is a function that is basically needed for the manamko at the same time to bring back the culture part. But I think for us to and I don't know how the Board feels on this issue but I think we need more of info to this issue Mrs. Lujan. And I think maybe in the next Board meeting or whatever we, you know will be more of presentable issue to us. But as far as to give you a well over willing support I think you know because I know this property is in the back, there's a lot of swamp. And I mentioned that to you but you said you have no problems with that because the funds would be generated by the federal funds and so forth. But how big of a place are we looking? Is it almost I guess you want to build almost like civil center type right?

Carlos Camacho – When I met the organization they've mentioned how large their full GGARP society it's a huge membership. Unlike what GHURA has built where we built Senior Centers throughout Guam those are smaller versions just for that village so we're looking in hoping to build a multi-purpose center that can host and yield the capacity. Now that's why the request is for one and a half acres. Now I know the former Senator requests on the mechanism on transferring it and I know the legislature is the one that authorizes to transfer a lot to an individual. But I think for the first approach if I can speak a little based on the understanding your statute I think her first request would be through the licensee approach at this point and then because once they have site control then we can do the due diligence with the federal funds to do the master planning and maybe this is where you can place a timeline. I can't speak on your behalf but I know you just maybe don't want to give a grant and then nothing happens. But they do need site control in some fashion and maybe in that site control approval there could be timelines placed that will grant you this license subject to you delivering the milestones of the due diligence. You're right you know the back is wetlands and what we're doing is it'll be a little longer because we have to deal with the Army Corps of Engineer and all the environmental issues but we're very fortunate to just recently the Agana Shopping Center went through a wetlands mitigation on their parking lot property which is adjacent to this so we are planning to use the same engineering firm. Hopefully they have a sympathy heart to charge the GGARP as not much as a fee unless the full federal funds pay for it and use the same group that has already went through the mitigation process. But the first key is they do need some type of site control via the licensing agreement so that when we apply for the funds for the architectural and engineering portion of it so we can see what they can yield and from there we can probably show you further what their goals are.

Pilar Lujan – Mr. Chairman and members really what we have to do in order for us to even think in applying for the federal funds is to have the property first. That's a must and if you are concerned of it being a swamp area and all the things objectionable from the standpoint of the EPA we can't do much about it unless we have the property. There's no sense in putting in something, filling up the place when it doesn't really you

know have it rather the GGARP does not have possession of the property.

Acting Chairman Calvo – You know the only reason why I brought that issue about being a swamp area because I just want you to know what you're actually wanting and just to make that clarification and of course we have that understanding with you. I just want to make sure that you understand the piece of the prime. You know every property has its prime you know Mrs. Lujan. It doesn't matter whether it be in a swamp area whether it will be on the hillside vigorously you can build anything if you put your mind and focus what the design of the engineering work that wants to build. I mean if you can build a house underwater and drive a road and those things so I just want to make sure that these things are clear to you. I guess in essence to that I don't want you down the line maybe you might say the Chamorro Land Trust gave us swampy land.

Administrative Director Garcia – There's a couple of things you guys you need to be aware of. This Friday, tomorrow, Senator Pangelinan is introducing a moratorium on commercial leases or licenses so basically it's a commercial operation that we are going to be granting them and that's why they're asking for a license so in respect to that we won't be able to do anything. The fastest way would be through legislation.

Pilar Lujan – Has the bill been introduced?

Administrative Director Garcia – Tomorrow is the public hearing and then it will be introduced after that. So the thing there is if we're going to do that it would be best to go straight to transfer.

Pilar Lujan – Can you act on a conditional..(didn't finish).

Administrative Director Garcia – We made a commitment to Senator Pangelinan at the last oversight hearing that we weren't going to do anymore commercial leases until the rules and regulations are adopted through the Triple A process.

Acting Chairman Calvo – And like what Mr. Garcia is saying that bill is coming up tomorrow and he wants to put a moratorium, I don't know, maybe...(didn't finish).

Pilar Lujan – What is the time of the hearing?

Acting Chairman Calvo – It's at 1pm.

Pilar Lujan – May I ask the Commission that even though you don't have because you have also made a commitment that you will not act on anymore commercial leases, but we're not leasing we're asking you out right.

Administrative Director Garcia – Yes but that will need the legislature.

Acting Chairman Calvo – That will be the best way.

Pilar Lujan – At any rate what we would like to do is ask you I suppose at this time a conditional approval.

Acting Chairman Calvo – Well I think for us to make that conditional approval Mrs. Lujan

being tomorrow on that issue it's because what you're alluding, what you're asking is you want to outright purchase of this piece of property and we can't do that as far as the commercial, I mean as far as the Chamorro Land Trust. And it is better to go directly to the legislature and approach the issue to the speaker.

Carlos Camacho – For all the respect, I understand your position because of the request for the Senator and that's understandable then at least can the Board then consider because this would be going through the legislature if there is going to be some transfer of the property just like how GGARP got the property, can then the Board consider supporting a resolution in support of transferring Lot 85-2 to GGARP for those purposes? If no objection subject of course to this legislative process because any government transfer to any non-profit entity or government entity got to go through the legislature. So then could we seek your support then in some resolution of course with the prerequisite subject to legislative approval? If the resolution is a possibility your concerns regarding full disclosure that the property is wetlands that the potential recipient subject to legislative law which is GGARP has to understand all environmental issues all engineering issues with regards to wetlands.

Acting Chairman Calvo – I don't know if the other Board members want to take this course of action at this point in time.

Pilar Lujan – It is so important Mr. Chairman that some kind of support comes from the Commission even though Senator Pangelinan is coming out with this bill because there is a tied element here that in order for us to even get federal funds or apply for the federal funds we need to have the property.

Acting Chairman Calvo – And I understand that Mrs. Lujan but we're in a pretty much full seat you know.

Pilar Lujan – You're in a bind.

Acting Chairman Calvo – But it's no problem, it's all politics the way I look at it but just to be more we got to be very cautious. Because me you have my support to that I think these Board members would attest to that okay because this is something for the good of the manamko. But I'm just saying to give you that support you know at this point in time I don't know how the...(interrupted).

Vice-Chairman Matanane – I believe Mr. Camacho is asking for a resolution, right?

Carlos Camacho – Yes a resolution subject to legislative approval.

Acting Chairman Calvo – I think we can give that resolution I don't see any problem with that. We can get that resolution in support only pertaining to that piece of property.

Vice-Chairman Matanane – Yeah.

Pilar Lujan – Just so that they'll know that nobody else has applied for that particular property and that it is in a zoned area where commercial buildings are coming up.

Acting Chairman Calvo – I think the resolution because the resolution is just making

sure that we have first crack at it and that's basically before anybody and you're right to that. So I'm in support for that resolution, Jess you think we can...(didn't finish).

Pilar Lujan – Thank you very much Mr. Chairman and the rest of the Commission for entertaining our request this afternoon.

5. Cheryl Sourgose – Good afternoon Mr. Chair, Mr. Co-Chair and Board members, I'm like many of the complicated issues that were brought up this morning hopefully I'm not as complicated. I'm here today, my name is Cheryl Sourgose and I'm here to represent and also in regards to requesting for a transfer of lease to my daughter Pechel Sourgose Pascua. I am aware of the conditions regarding the ground lease. First of all I do obtain an agricultural land and I've had since 2006. I am aware of the 7 year grace period but I'm requesting this respectfully and sincerely on the basis of an emergency status. Between my husband and myself we have 7 children and 16 grandchildren, that's a lot but we're very blessed. 3 of which are off-island but the 4 remaining are on the island. We are all Guam residents, U.S. citizens and currently we all live in the same residential home. There are extensions within the home the only problem is my daughter has actually given birth to another child who was born in June 12. I spoke to Mr. Garcia on the situation and he highly recommended that I bring this in front of the Board members and that is why I am here today. Now the reasons like I said currently there are 15 people living in my residential home at the present time right now and I did write out a letter and I put in several reasons basically for the fact that Pechel being my only daughter I had filled out and applied for an addendum to include her on the ground lease which they've done that already since October of 2008. She was currently basically going through Guam Housing Corporation to try to find a way to finance and build a concrete structure on the home. The only problem was because of the issue at hand that my name is still currently on the lease one of their guidelines are in order to qualify or even to go further for the qualification of Guam Housing requirements the person or the applicant must not hold any ownership to a property or residential or whatever and basically my name is still on that ground lease on that particular contract. So that's the issue at hand, she's been pre-qualified and I'm really working very hard to actually help her out or assist her in anyway that I can. She is the beneficiary of the property mentioned. The property is Lot 31, Block 1, Tract 1021, Dededo. It's containing an area of 4,047 square meters, its 1 acre. My request basically is to transfer the lease so that her and her family could actually live on the property. We've utilized the property, we farmed on the property the problem is because I do have a residential I'm back and forth. So there have been situations where people are just helping themselves to the property either taking or so called stealing certain personal properties, farming equipments, animals for that matter because we have put farm animals and I don't live on it but I'm currently using it.

Acting Chairman Calvo – So what you're saying is you want to terminate your name from this lease and giving it to your daughter although your daughter is the beneficiary so in order for Guam Housing because right now you own a piece of property.

Cheryl Sourgose – No I do have my name currently on the ground lease.

Acting Chairman Calvo – Yes, but you stated earlier that you were living with your entire family into one home.

Cheryl Sourgose – Yes, this is a separate entity, this is a separate residential.

Acting Chairman Calvo – Yeah so the residential that you're staying has nothing to do with where this piece of property.

Cheryl Sourgose – No it's separate.

Acting Chairman Calvo – Yeah I wanted to clear that portion. So that piece of property right now is more or less idling, right?

Cheryl Sourgose – Yes.

Acting Chairman Calvo – But since you don't qualify to go to Guam Housing because of you having living in this one house so in order for you to terminate that issue you want to transfer that whole piece of property over to her name.

Cheryl Sourgose – Yes.

Administrative Director Garcia – Basically what she wants to do is she wants to remove her name and just leave her daughter's name in. That would need the Board's..(didn't finish).

Acting Chairman Calvo – As long as your daughter's name, that she qualifies too to that.

Administrative Director Garcia – But she wants to officially remove her name and just leave it under her daughter's name that's what she's asking.

Cheryl Sourgose – I cannot leave my name on the lease because of the fact of the requirements for Guam Housing. No other banking establishment will take on this particular matter when we go to different certain banks they say I'm sorry this is Chamorro Land Trust.

Acting Chairman Calvo - I know the Guam Housing they do have that program that's why they authorize you to go out and look for three banks and if they're in denial.

Cheryl Sourgose – And respectfully sir, with 15 people in the home and a new baby along it's very imperative that she have a home for herself and her family.

Acting Chairman Calvo – I don't think so there should be any problem in that because your daughter's name is anyway is going to be the so-called the one being you know and I think with the Board's I don't know legal counsel do you think that's because actually you know in the...(didn't finish).

Vice-Chairman Matanane – We can possibly make an addendum on the lease.

Administrative Director Garcia – Basically its 7 years that she has to have lease under her name to transfer it to anybody else less than 7 years it needs the Board's approval.

Cheryl Sourgose – I am aware of the public law.

Acting Chairman Calvo – We need to really clarify the issue to this issue okay. And I think Mr. Garcia will get to you and with the legal counsel on this. Because I know that in the Chamorro Land Trust when you do sign up and everything but you know we want to make sure that we're doing these things we don't want this scenario jumping all over again and so forth. So we just want to make sure that when we do terminate your name what's to prevent you from coming back and say I never told you guys this.

Cheryl Sourgose – Mr. Chairman, in all due respect I know that has happened to family members but I myself am a mother, a grandmother and my intention basically is for the well being of my children and my grandchildren. I have no intentions to later on you know say Co-Chair or Mr. Chair I did not tell you to do this, no I have no intentions.

Acting Chairman Calvo – No and I understand that but you got to understand to we as the sitting Board we want to make sure those things are documented.

Cheryl Sourgose – That's why I've written a letter and I have even given a copy to Chamorro Land Trust.

Acting Chairman Calvo – I just want to make sure these things are really cleared up because I think it'll be more appropriate for the legal counsel to look into it and make more of a...(interrupted).

Cheryl Sourgose – Okay, in closing sir, I know there's been so many troubled issues with the Chamorro Land Trust I really don't want to be a part of that basically and I don't, I'm not here to create any problems or situations for anyone. I just would like to assist my daughter in anyway that I can.

Acting Chairman Calvo – Delia can we look into this matter as soon as possible? Just to take out her name.

Legal Counsel Lujan – We can look into it but this is only public comments so we can't take any action because it's not on the agenda.

Acting Chairman Calvo – Yeah it's only the public comments.

Administrative Director Garcia – What I'll do is I'll just go ahead and write for the legal opinion to expedite it.

6. Arnold Davis – Hello Mr. Calvo and members of the Commission, my name is Arnold Davis, I'm 73 years old, I'm a retired military officer and Guam has been my home for the past 32 years. I appreciate the opportunity to come here and discuss today my rejected application for a Chamorro Land Trust lease. I hope to not take too much of your time. I filed an appeal to the rejection which you should have available. I understand very well that this Commission has little or no choice in this matter as far as the approval of this lease as it's bound and constrained by local law. It is my contention as others have noted before me specifically Charles Troutman in 2005 the late Charles Troutman in his legal opinion that the Chamorro Land Trust Act, Guam Public Law 12-226 is unconstitutional and that law and this Commission there have no legitimate legal basis. I am here only to satisfy a specific requirement today which I'm sure your legal counsel will understand. There's abundant legal precedent and support for my position.

Guam District Court Judge John Unpingco a Chamorro in ruling ten years ago in a civil action commonly known as the Moylan case which some of you may remember wrote the Chamorro Land Trust Act is an invalid exercise of the public trust. He also noted the Chamorro Land Trust act is an improper exercise of governmental power on behalf of a race based classification because of this the Chamorro Land Trust Act is not a legitimate exercise of a governmental purpose. And he also said in the case of the Government of Guam versus the United States which had to do with land ownership the Government of Guam received a ruling which in effect stated that the Chamorro Land Trust Act was unconstitutional for two reasons.

Vice-Chairman Matanane – Mr. Davis I thought you came here for a specific reason in your application where your application was denied not the constitutionality of the Chamorro Land Trust.

Arnold Davis – I'm here to discuss the appeal.

Vice-Chairman Matanane – The appeal not the constitutionality of Chamorro Land Trust.

Arnold Davis – Well, we'll get to that.

Vice-Chairman Matanane – Okay since you brought up the subject and you are here for your appeal any institution Mr. Davis if you applied for anything there is rules and regulations which we are bound also. So when you're application came in and the person taking in your application he will note whatever is specified in your application whether you are qualified or not. There are certain criteria when you apply for something and there's bound by law also of what criteria you are going to be qualified for.

Arnold Davis – Your rules and regulations specify that I must within 30days file an appeal if I don't agree with your action on my application and that's what I'm here for.

Vice-Chairman Matanane – Yes sir and we did respond that you have no Chamorro blood.

Arnold Davis – I don't have a response to the repeal.

Vice-Chairman Matanane – In the application it will indicate that in order for you to qualify that you would have one-fourth Chamorro blood or born before 1950 right? In the application Mr. Garcia, I think I did look in the application itself and in any organization or anything you are applying for and if you're not qualified it states so and in doing so in applying you know that you will be denied because of one item there in the application is not...(interrupted).

Arnold Davis – I fully expected that the application would be denied just as I fully expected my appeal will be denied. And as said the reason why I'm here is to satisfy a specific legal requirement. So if you don't mind I'll proceed.

Vice-Chairman Matanane – Sure.

Arnold Davis – In Fiscal year 2007, 2008 and 2009 GovGuam budgets each

appropriated nearly a half-million dollars to the Chamorro Land Trust Commission perpetuating a program that provides specific and significant race specific benefits to members of what is for all intents and purposes a single ethnic group and I strongly object the use of public funds for this purpose. The year 2000 census identified more than 93,000 Chamorros living within the 50 states a number that has probably significantly increased over the past nine years. Under the Guam law the Chamorro Land Trust benefits are theoretically available to each one of them all 93,000 plus. In many cases second or third generation mainland residents who have never set foot on Guam and many of them probably never will nevertheless it is strictly denied to the majority of Guam's resident U.S. citizens. I'm excluded though I've resided here and contributed to this community for 32 years and so has my youngest son who was born here 27 years ago and spent his early years here. So are entire families of prominent Guamanians who have devoted their entire lives to making this a better place. People like Mark Pangilinan, the Ysrael families, the Moylans, Madeline Bordallo, none of these are eligible for this kind of benefit and many of them have served at the highest levels of the local and national government. In a nutshell the Government of Guam had and has no authority to bestow rights and privileges upon any special or ethnic subgroup to the exclusion of others regardless of the intent of the rationale. It nevertheless attempts to do so through Guam Public Law 12-226 which is the Chamorro Land Trust Act which I believe to be inorganic, unconstitutional and illegal that's why I'm filing this appeal. The Ninth Circuit Court of Appeals reached the same conclusion in 1999. Case Number 17140 the Government of Guam versus USA mentioned earlier when it ruled that the Organic Act delegates authority over the property at issue to the executive branch of the federal government not to the territorial government of Guam. The constitutionality of the Chamorro Land Trust Act has never been subjected to a legal test. I hope to change that and to see resolution of the constitutionality issue once and for all and I thank you for your time and attention. I have only one question, when might I expect a response to my appeal?

Administrative Director Garcia – His appeal is brought to the Commission the Commissioners so we need to probably put that on the agenda or something.

Legal Counsel Lujan – We would need a copy of the application.

Acting Chairman Calvo – I want to caution you Mr. Davis right now that the Chamorro Land Trust is basically what Mr. Matanane has said earlier. Your application basically is what you came here for and that's basically it and the constitutionality of this issue has not really been resolved and it hasn't been. Now that is your prerogative if you want to challenge the issue back that's up to you but for us to give you the exact date when you're going to get your piece of property right now I'm not going to say and make that comment this point in time.

Administrative Director Garcia – Okay correct me if I'm wrong Legal Counsel we responded to his application within the 30 days so now he's appealing how many more days do we have? Can we bring it up in the next monthly meeting?

Legal Counsel Lujan – The rules provides that an applicant has 30 days to petition the Commission to review the application independently and to make a determination if we could and so Mr. Davis it appears that since you've received the notice of rejection of the application on May 27, 2009 approximately at that time that is within the 30 days to

petition the Commission to review independently his application. So it's my opinion that Mr. Davis since we don't have the application for the Commission but if we do have the application then I believe the Commission has power to...(interrupted).

Arnold Davis – Excuse me I can empathize with the first speaker you had up here who said his file was lost so mine was lost too almost immediately from the time I submitted my application. Fortunately I had copies of everything and we were able to reconstruct it.

Administrative Director Garcia – He came down to the office, I made copies of what he had. I made a file for him so from that file this is our response to his application that he wasn't qualified. So I guess maybe legal counsel recommendation to have it tabled for the next meeting.

Acting Chairman Calvo – Why don't we just table it out.

Vice-Chairman Matanane – Until the next meeting.

Arnold Davis – A month?

Administrative Director Garcia – The third Thursday of July at 1pm.

Arnold Davis – It takes that long?

Administrative Director Garcia – We're going to have to get the counsel members to meet and discuss it so in that meeting we'll discuss it.

Arnold Davis – Yeah, well that seems like a rather long time especially in view of the fact that the response and the initial evaluation of my application took about three months when under the law and under the rules and regulations it's supposed to happen within 30 days. You were two months late on that and I'd appreciate it if you could maybe accelerate this thing a little bit, expedite it some. I don't think it's going to be a very difficult thing to decide. Is it?

Acting Chairman Calvo – Like I said we would have to get back on the legal counsel's opinion on this. I don't want to give you an absolute answer at this point in time. I don't want you to say I'm going to give you an answer tomorrow or next week or the following day. So you got to understand that there are other cases that we are taking care of. There are other applicants that we are also working on. Respectfully I'm not saying that we are not going to entertain you. We will get to you and I'm not going to say to you when but until that time comes at this point we need to really clarify.

Arnold Davis – I understand you have lots of other applications. You probably don't have many like mine though.

Acting Chairman Calvo – Well that depends you know.

Arnold Davis – If you need further information especially with the legal counsel I'd be happy to provide it. Thank you very much.

(Commission took a 5 minute break)

7. Peter San Nicolas (Agfayan Inc.) – Good afternoon Mr. Chairman Oscar Calvo and members of the Board of Chamorro Land Trust, Mr. Garcia. My name is Peter San Nicolas, I'm a local fisherman growing fish actually a fish farmer from Inarajan. I grow tilapia, milk fish and shrimp. I have currently been awarded with Chamorro Land Trust a lot up in Dededo specifically adjacent to the Guam Telephone Authority building. First of all I'm here to ask the Board to reconsider some of the decisions they made on a previous board meeting or a status a few months back. The second one because I've actually have not violated any of those that seems to suspect that I did but none of those actually have done. I did not sublease or anything like that. Second is I've been trying to make my payments current but the payments is actually \$3,500 a month on the lot. I have asked to defer the payment. Originally I had a deferment for 6 months on that particular lot. But that lot actually took me longer to develop close to almost a year and a half. And from the time I started my lease it was about 2005 and I finally got an occupancy permit from Public Works of January 2008 and that's going through the different agencies, meeting the requirement, developing the property. So I'm here actually to ask the Board if they could reconsider. The second is the reduction of the monthly payment from \$3,500 to \$1,500 at least for a year until I actually get more of the business going. Because currently having from the fish farm and the economy being very tight a lot of the income that I have been producing up at Dededo area for the outlet has been actually really reduced. So currently I'm not able to pay the \$3,500 as on the license which is based on the appraisal. So I'm trying to ask for a reduction at least on \$1,500.

Administrative Director Garcia – Basically Mr. San Nicolas came down to the office maybe almost 2 weeks ago and he met with me and Kimbo Lujan and Ed Artero. We're going over the commercial lease division's problems and we called Mr. Pete San Nicolas down to update his file and he's explaining to us some of his hardships that he's going through right now with the property up there. So I asked him to prepare some documentation to support what he is going to be requesting. He submitted it I believe yesterday to the Commission. It's not on our agenda it's under public comment so he came in today to ask and then probably if we can table it and we'll make the package ready for the next or if there are any questions that you may want to ask him from the last meeting you guys had with him.

Acting Chairman Calvo – I know that we've been going through a lot of this issue Mr. San Nicolas but until we read up on all that package that you presented to the Board and also we need to discuss with the legal counsel on these things too. So at this point in time we can't give you a firm answer on this. But whatever package that Mr. Garcia has asked you, documentations and things of that nature that he asked you to put in then we'll get our packages and read and so forth then there will be a time a date where we'll probably be a hearing for you.

Peter San Nicolas – I appreciate that sir, thank you.

V. CORRESPONDENCE

None.

VI. PENDING BUSINESS

1. Guam Rugby Club & Guam Hals Angels Football Association licenses

Present: Sophia Santos Diaz (Calvo & Clark on behalf of Guam Rugby Club), Mac McDermott (Vice-President of Guam Rugby Club), Ivan Shiroma (Guam Hals Angels Football Association)

Acting Chairman Calvo – Before we go into this details we have already read, I've read your comments on why you should be the one on this position why you should have the field and so forth. But the comments that you guys put together we need more of in really clarifying on the issues on the map part portion okay. So I just want to make that issue that I did read your comments and that was one of the things that we brought in the board last meeting. So to make this more fun and games I guess is I know that you guys want to represent yourselves here in why this piece of property and I made that distinctly clear on the last board meeting and even to that, that we need to really more look into this because I just found out from Mr. Garcia that also there is a conflicting part on this on the map. And the legal counsel would need more of an evidence to really incorporate all these things. All the information that we got from you folks will be put together and then we'll work out the details. Because I really want to make sure that thing is done rightly the way it's supposed to be. Not that I don't appreciate your comments and I think for us to vigorously make accusations because of this and that I just want to make sure on these things, okay. So I just want to clarify that part to you guys and if you want to make a short comment please do.

Sophia Diaz – Very, very quickly Mr. Chair I just want to say on behalf of the Guam Rugby Club we appreciate that you know this is kind of a complicated issue and I appreciate that you want to take the time to really sort it out. Obviously, I'm here on behalf of the Guam Rugby Club and we take the position that the Guam Rugby Club is entitled to the property. But I do very much appreciate that you want to sort it out appropriately and if the Commission requires any further documentation from the Rugby Club please let us know and we'll submit what ever other documents you feel are necessary in order to make a decision regarding this matter.

Acting Chairman Calvo – I'm sorry to really put you guys this long in this agenda. But I think we need to really resolve this issue once and for all. I don't want to be on a favoring side who's right and who's wrong okay. You know there's legal aspect of these things that we really need to clear and was talking to my legal counsel on this earlier so we need to justify it rightly who really has overhaul on this piece of property. So I welcome your comments whatever you folks want to speak about and I'll give Mr. Shiroma his time in speaking out on behalf. But I would rather see a very stick within your own comments and your own that really in your own true words that why you should and what not and so forth so we can really try to cut down on these comments and then we'll proceed okay.

Sophia Diaz - The only other thing I think you indicated that there might be a third party involved and this is the first I've heard of it.

Acting Chairman Calvo – I didn't say any third party.

Sophia Diaz – Oh, okay I thought there was a map issue.

Acting Chairman Calvo – No I never said there was another third party okay so I just want to make that clear to you I never mentioned. I just said I want to make sure that all parties come together and we negotiate this the right and proper way. But I didn't say there was another third party because if there is I want to know who is the one too.

Sophia Diaz – Okay, that's fair.

Vice-Chairman Matanane – Has Mr. Shiroma received your comments, your proposal and your letter here given to us?

Sophia Diaz – The letter from Rugby Club?

Vice-Chairman Matanane – Yes.

Sophia Diaz – The letter from Rugby Club of June 4th sir?

Vice-Chairman Matanane – The June 4th yes. If I may refer to your last paragraph there and I don't know if Mr. Shiroma is aware of it.

Ivan Shiroma – No I haven't seen theirs.

Vice-Chairman Matanane – Okay so it's alright for Mr. Shiroma to receive your documentation and I believe this last paragraph will settle it if Mr. Shiroma were given a copy of your comments on that. To read it off it says *to simply put it GRC agreed to build a multiple use field for Has Angels to utilize, GRC created a master development plan that included this field. Right? GRC developing the property as quickly as they could with available funds. Now that CLTC have not renewed your lease agreement. Whose lease agreement is up for renewal?*

Sophia Diaz – The license agreement that GRC has.

Vice-Chairman Matanane – Your lease has expired?

Sophia Diaz – The license agreement was renewed sir. I'm sorry, I'm sorry I was not at the last meeting let me just make sure.

Legal Counsel Lujan – If I can clarify the license agreement with Guam Rugby Club is set to expire the first five year term of it is set to expire May 2007 or I think it was June 2007. But the license agreement provided that the Rugby Club would have 60 days would have to provide the list to the Commission of its desire to exercise the option to extend the license, 60 days prior to the expiration of the license and what happened was that as it's explained in the Rugby Club letter they provided their notice after the 60 days. So it could be argued that it's an untimely notice of their option to extend their license so that's the situation here and I believe that the Rugby Club is still occupying the premises.

Vice-Chairman Matanane – But I believe if I'm not wrong that Mr. Shiroma if you read the last sentence there if CLTC approves the lease extension GRC would continue to develop the property and Hals Angels will get their multiple use field. So that's the problem right that your practice field has not been developed. Is that the problem there?

I believe but I understood the last time you guys were here.

Ivan Shiroma – Mr. Chairman the key word here is under whose control? They haven't put anything down its going to be under our control. They haven't stated anything here it's still going to be under their control meaning it's their field. They have not been good neighbors to us, I don't trust them. I'd like to share the field and I think that's the right thing to do because this is for everybody. But I think they're being very slick for not including the fact that they are trying to acquire that extra piece of property and put it under their license agreement. Which it should rightly be under Hals Angels license agreement which is what I have right now. So I have no problem because it's under my control now. They're trying to take it back. If you guys renew their license they are going to take it back under their license. Just a quick reminder I agree with what they're trying to do put it under my organization's control and I'm happy.

Vice-Chairman Matanane – Okay yeah I got threw off by reading this that there is a lease agreement that has to be renewed. So that's another story. Okay I guess Mr. Chairman I have mentioned that we need more time on that and I believe we need maps and all that and see what's going on. I got threw off by you know you guys having a lease agreement that has been expired and you wanted a renewal of that particular lease so that's not the point here now. It's just the use of the field, alright. So Mr. Chairman I already mentioned that we need more time on that so I believe we should table it until the time we are clear about it.

Ivan Shiroma – Mr. Chairman this is a very I don't know why you guys look at it as complicated it is very simple. We were there almost 20 years before these people were there. Besides the property that we gave them that they are using right now for rugby there is an additional piece almost the same size or a little bit bigger that they are trying to take control of which is what they are trying to get right now. They should be happy with the piece that was given to them. They are trying to get an additional piece which leaves us still without a field a practice field. We can end this thing right now if they can just agree to just sign it over, develop it, sign it under our, well it's under my lease any way already and leave it at that. Develop it and I'm happy. We were there 20 years before they came. Now they're having more property than the Hals Angels Organization which my dad developed? 26 years and waiting for a license? They got theirs within 2 or 3 years. There was wrong there and it needs to be right, righted.

Acting Chairman Calvo – You know Mr. Shiroma I sympathize with that argument and truly it's to determine the fact that this issue that we have right now is and I've always stated along and you know the field itself is it should be an agreeable with the rugby and this thing has been procrastinated back and forth and so forth. Like I said at the end of the day it's really the kids that's going to suffer on this issue but what I wanted to see you know because we have to sit one room one way or another okay and really come to that compromising issue because we can rattle this thing over and over and over and we're not going to get any where. And I don't want to make that firm decision and saying well I have rights, he has rights okay. And as far as improvement of the fields that is the responsibility of rugby and that's the responsibility you know the comments that were made that okay you invested whether it be 15-20 thousand dollars okay, the Chamorro Lands interest there is we're giving you guys a piece of property it's up to you guys how you develop that piece of property okay. You put a stadium or whatever for that matter, okay. It's not encumbered to the Chamorro Land Trust okay. Improvement,

yes it's been done but that is what you guys because you are running a good rugby and the same thing with the Hals Angels okay. You want a good playing field and the expense of that is in yours not in the bull cart of the Chamorro Land Trust. So I want to make sure that these things are rightly where it's supposed to be. I know on the last meeting well we invested so much money, I'm not concerned about that because that is the responsibility of who ever leases the property or on this issue you wanted the property you wanted to improve that's part of your improvement okay. When you're done with it yes, okay it goes back to Chamorro Land because nobody really owns that piece of property at the end of the day. It still goes back to Chamorro Land Trust. So there's no the stakeholder is still going to be the Chamorro Land Trust not you know. It's just who, what, here to me is what I'm seeing here is a power struggle. That's what it is. That's what it is a power struggle okay. You know you're right across the field, they're right across the field, there is a field there that can be maintained and worked together like I said to really make this thing work you know. I would rather go back with the legal counsel and we'll get something on this resource.

Legal Counsel Lujan – Yes, I think it would actually be beneficial if I can meet with Mr. Garcia, with the Hals Angels and with Rugby Club all in just that one room and have the maps there and just discuss it and I'm available next week. I think that would be very helpful towards reaching a resolution.

Acting Chairman Calvo – What would be the appropriate date for you?

Legal Counsel Lujan – Tuesday and Wednesday.

Meeting was scheduled with all parties for Wednesday, June 24th at 4pm at Legal Counsel's Office.

Acting Chairman Calvo – So we're good in that okay, because there's no really, it's pointless for us really right now and this way we can honestly trace out what is going on. And like I said I read your comments not to say who is right and wrong on these things okay but at the end of the day like I said the winner is really the kids. So are you willing to compromise that portion and that's what I want on this. Because the stakeholder here is really the Chamorro Land Trust okay and whatever I know it was brought that whatever you people said well we spent a lot of money that's part of doing business or whatever okay is that encumbers in you. The expense does not fall on the Chamorro Land Trust okay.

2. Amot Taotao Tano & Opal/Bee Worm Farm – request for 6 acres

Bernice Nelson – My name is Bernice Nelson and I'm the owner of Amot Taotao Tano and the Opal Bee Worm Farm. I just come here to find out whether I can get the..(didn't finish).

Acting Chairman Calvo – You know I don't want to disappoint you at this point in time. As you know that we have a public hearing tomorrow on this issue with Senator Ben Pangelinan.

Bernice Nelson – Well I'm not asking for the commercial, I wrote a letter.

Acting Chairman Calvo – I know we need to clarify some of the issue with Jesse Garcia

on this issue.

Administrative Director Garcia – Basically they're asking to increase the acreage of their area and I think they feel that they're not for commercial benefit it's more a substantial or they're not really going to make any profit out of this thing. So they just need approval to increase the area.

Vice-Chairman Matanane – Mr. Garcia have you noticed yesterday's newspaper concerning a law that has been passed? I believe your problems are solved already.

Mr. Nelson – No.

Administrative Director Garcia – What was that? Is that the one acre...(didn't finish).

Vice-Chairman Matanane – No I believe there is a law stating that Chamorro Land Trust has to put portions of properties for this particular.

Administrative Director Garcia – Yes, that's the one acre lot divided into four so they'll be a quarter a house lot each and with this type of activity that these guys are asking for even the amot Chamorro is not large enough.

Vice-Chairman Matanane – We need to take a look at that law because I believe it's been directed to us to reserve property for this particular type of entities that Mrs. Nelson is requesting for. And it's by law now that we need to do that so for us to approve anything else other than there is a law already.

Administrative Director Garcia – But she needs more than one acre she's asking for more.

Vice-Chairman Matanane – Are we sure that law states only one acre?

Administrative Director Garcia – When I read the bill it was for one acre. I don't know if it was passed.

Mr. Nelson – Yes it was passed. It's just like a co-op they're going to take that one acre they're going to divide it into six or eight, different people are going to have it. If we went down there and planted stuff we'll have to live there 24-7 to make sure the stuff is still there the next day.

Administrative Director Garcia – When I read the bill its one acre lot divided into four. Its 100 x 100 each and with the type of plants that these guys have or that is required is basically you can't just farm it, it has to be grown naturally in a big location big area.

Vice-Chairman Matanane – Like a reserve area.

Administrative Director Garcia – Yeah, you know like when all of the amot for the Chamorros they got to go inside the jungle to get it you cannot just plant it, it's naturally grown.

Bernice Nelson – It's a botanical garden, herbals.

Vice-Chairman Matanane – I believe Senator Pangelinan received your request also.

Bernice Nelson – Yeah but I told the Senator that one acre is not enough compared to all the trees that you have to plant. Even avocado that's a big tree and that's medicine too. And then you have agao and all that other plants that you need. One acre is not going to do.

Vice-Chairman Matanane – Remember I'm not trying to object to from what you're requesting for but we'll like to clarify what's the intention of the legislature making out a law and how much piece of property or how big a piece of property that they are requiring us to put aside for this particular type. So you know it's very vague when I read that and said wow so we have a law in our hands already.

Administrative Director Garcia – Actually we do need to get the law because I don't know if it's amended from the original bill form.

Vice-Chairman Matanane – That's what I'm alluding to that we need to clarify that law.

Commissioner Gumataotao – Yes, unfortunately because I work in the office that provides that and we haven't received the official copy to transmit to the legislature yet I'll have to look that up but I'll make it available. Even after it's signed it goes through the process to have it officially you know in place and distributed out to the agencies that it affects. So that's still in the process.

Bernice Nelson – Well it's getting you know I mean the plant is, I need to get all the, our place is very small and I need to plant more and I got more seeds to plant and I cannot wait that long. A lot of suruhana and some people are coming over and asking for the leaves and I only have like one small area for and once they pick all that up I will have nothing to.

Commissioner Gumataotao – Understood, we just want to ensure we're not in violation of any public laws so just to protect you as well as us we just want to make sure. We don't want to just say okay we'll go ahead and you know and then we get back lashed from the legislature about in violation of a public law.

Bernice Nelson – With my worm too I cannot put the worm with the plant because I have worm farm I'm raising for the fertilizer. But the place I'm staying it used to be agriculture and now they changed it over to residential so I only get half acre of the residential. But some part on the other side there is none I don't have a neighbor only on the front across the street.

Vice-Chairman Matanane – Where are you located at?

Bernice Nelson – It's Okudo area.

Mr. Nelson – By Okudo in Swamp Road in Dededo.

Vice-Chairman Matanane – And there's still space in the back?

Mr. Nelson – Yes.

Vice-Chairman Matanane – But like I said we don't want to contradict any law that has you know and then we have to come back and readjust ourselves and get slapped around for what?

Bernice Nelson – How long it takes?

Vice-Chairman Matanane – You understand where I'm coming from?

Bernice Nelson – Yeah.

Vice-Chairman Matanane – It's very vague in the newspaper it just said that it's been passed and its requiring Land Trust to reserve properties like what you are requesting for. And I believe you sent a copy of your request to Senator Pangelinan and I believe Senator Pangelinan took it upon himself to go ahead and make a law for it you know. All I'm saying is we're going to check out the law and make sure we're doing it right and then we'll go from there. I'm not objecting to what you're requesting for.

Bernice Nelson – So I have to come back they're going to call us again.

Vice-Chairman Matanane – Yes we need to clarify that and see what the intentions are.

Bernice Nelson – Okay do I need anything else? I mean this is the proposal you asked me to do. I did a proposal.

Acting Chairman Calvo – You would need some proposal on that. The legal counsel can advise you on some of the things that we need to get to these issues to resolve this okay. Because what you're asking here is just in reference to what that law that was passed that public law but there's other issues here that's also and the legal counsel can pretty much explain that issue what else you need to do this stuff.

Legal Counsel Lujan – With respect to the worms Mrs. Nelson you intend to raise worm and to sell it?

Bernice Nelson – No we changed all that because I didn't know what's in or out, what you can't do or can do on the Land Trust. So I figure well you know just like pigs you raise the pigs you sell the pigs but they get land for that agriculture but we're in a residential.

Mr. Nelson – We didn't come in the first time trying to get lease property. She was just thinking I guess too far down the road about later on just trying to sell or whatever.

Acting Chairman Calvo – And what you guys are asking too at the same token if I'm not mistaken is also you're asking for the piece of property right next to you right?

Mr. Nelson – Not necessarily next to us.

Bernice Nelson – If you can do it next to us that's fine.

Mr. Nelson – It can be anywhere in the north but not next to us because if it was next to us it would be nice but it's a residential area.

Acting Chairman Calvo – But there are some things that we really you know I'm going to be very blunt with you I'm really taking these things very seriously because as you know we've been in the cold weather and I want to make sure that we stay cold. So I want to make that comment that these things when it comes to you guys that it's done you know.

Legal Counsel Lujan – Mrs. Nelson I believe at the last hearing you stated that you intend to use the property to grow you know to raise worms and that you're going to sell the casting.

Bernice Nelson – Well it's the casting like I said I don't know that they didn't tell me what I can't do and can do on the agriculture. Now that I know the rules that's a different.

Mr. Nelson – We've taken all that out of the new letter dated June 9th.

Bernice Nelson – It's a new proposal that we did.

Legal Counsel Lujan – Okay so we haven't seen it yet.

Acting Chairman Calvo – I'll leave it at the legal counsel.

Vice-Chairman Matanane – And we need to have the legal counsel also verify what was the intent of the legislature on that public law that was approved, that 30-04. Does it coincide with this particular item that they are requesting for?

Acting Chairman Calvo – I think its public law 30-4, I think it is. Any one of you Board members want to make comments?

Commissioner Gumataotao – Can I request because of that MOU with UOG if they are present here to give us status reports on what's going on?

Acting Chairman Calvo – We'll talk on that, okay.

Commissioner Gumataotao – Okay that's all for me.

Administrative Director Garcia – So legal counsel will just review and then we'll get back to her we don't need to have another meeting if legal counsel approves?

Acting Chairman Calvo – No we would still need to come back.

Vice-Chairman Matanane – Because she's submitting a new proposal. So we need to take a look at the proposal the new one. We would like to see that.

Acting Chairman Calvo – And that property cuts down to less than what you were asking in the beginning.

Bernice Nelson – Yeah I lowered it down.

Legal Counsel Lujan – How many acres?

Bernice Nelson – Six because I was asking for ten or more.

Commissioner Leon Guerrero – It's in the package the last three pages.

Vice-Chairman Matanane – I guess the legal counsel would just have to verify that law and what's the intention of that law.

Acting Chairman Calvo – I'm going to just make something here very clear okay, I know you guys are requesting for 6 acres of property okay, I'm not going to initially try to promise you guys that 6 acres because what I'm seeing now is I want to see production into these farmers. I'm not saying that you're not going to do that but I want to see something because we have too many farmers out there that say they want 10, 20 acres for that matter okay. Because we've been heavily criticized on those issues I just want to make sure now that when you do come here and you say hey I want 10 acres you know are you really going to do 10 acres? And I don't want to speculate into that okay but on the acreage you know I'm looking at you know maybe you'll get 4 or 5 acres for that matter.

Bernice Nelson – 4 or 5.

Acting Chairman Calvo – What ever is available to you guys I want to make that clear and understanding to you. I know you are requesting for that amount but you know I'm trying to make things now the way it's supposed to be, okay.

Legal Counsel Lujan – I should also point out that if this is a request for subsistence agricultural use, subsistence meaning home consumption.

Mr. Nelson – No where does it say subsistence we didn't say that.

Legal Counsel Lujan – Because if this is not for a commercial agricultural use.

Bernice Nelson – No it's not.

Legal Counsel Lujan – If it's not for commercial agricultural use then it would be subsistence agricultural farming which under the law is only limited to 0.50 acre. Commercial agricultural use permits the Commission to lease between half an acre and 20 acres and the commercial agricultural use has it's specific requirements as so does subsistence agricultural which like I said only limited to at most a half acre per each lessee. So if it's only subsistence agricultural farming then the Commission is bound by law to the half acre limit for each lessee.

Mr. Nelson – This is not this is medicinal plants and herbs they're going to brew not eat. Some they'll drink others that they'll grind up. It's not going to be sold anywhere and it's not going to be for you or I to sit down and have a salad burger.

Administrative Director Garcia – Legal Counsel I think maybe on the review of the commercial rules and regulations probably maybe you can add that in to some of your comments that you're going to get back to us. So that way it can clarify their type of

issues.

Acting Chairman Calvo – I think what the legal counsel is alluding to that on that as far as the law itself is you know the substantial part is mostly just to utilize more or less on your own personal thing. But in this case you're also going to be giving out or selling or whatever I'm not saying you are. That's why I said earlier when you're asking for a piece of lot you really got to narrow it down to what you actually want and what your intents are to that issue because there is a difference on that law. And that's why I want to make that clear to you guys yeah you submit it but you know we gave you that portion okay.

Commissioner Leon Guerrero – Mrs. Nelson looking at the different categories maybe the possibility of you getting the 6 acres if you would have fell on number 3 which is not less than 1 acre and not more than 20 acre of grazing land. Because you obviously can't fall under commercial if you try that. Right now everything is on hold with commercial properties so that's a lose-lose situation. For subsistence you're only going to get at most a half an acre so that's not going to help you any. And then the other category being not less than one half acre and not more than 20 acres well that's the commercial, I'm sorry. So the only possible category you would fall under that would pretty much satisfy your needs would be the grazing use. That will be the only one. So maybe if it's just a matter of wording it may fall under that category but that's the only category that can satisfy you and your needs.

Administrative Director Garcia – Would they qualify legal counsel with the worms?

Bernice Nelson – It's just like a pig.

Commissioner Leon Guerrero – We really just want to try to help so we're looking at all the options in front of us.

Bernice Nelson – Because it's growing, my worms is growing and I don't have enough space to do, you know it's for my plants.

Legal Counsel Lujan – We really need to know how much land you need for the worms but it's my understanding that was only a side project that the main focus is actually the herbal plants.

Mr. Nelson – The worms, the casting is what she's using as organic fertilizer to help the plants grow.

Acting Chairman Calvo – I guess we'll get back to you and whatever what the counsel and Mr. Leon Guerrero here stated on what you people might want to do and then you might want to go home and sleep on it and say okay do I want the herbs or the worms. That's why I caution you on the acreage of property that's what I'm saying.

Mr. Nelson – We put 6 acres as a ballpark we know it's probably going to go lower and that's why we put it at 6.

Administrative Director Garcia – Oscar this will also fall in line with Ben Pangelinan's bill for the commercial because it's more than the half acre so it's a question where legal

counsel is saying that they're limited to a half acre for substantial farmers. But if you're going to get more than that we can't authorize any commercial leases or licenses until the rules and regulations are adopted.

Bernice Nelson – The worms I'm just doing it for my plants but really I actually want the botanical garden because like I said all the Chamorro tradition is losing and I'm the only one working hard to get this thing.

Commissioner Leon Guerrero – But we're just looking at a loophole for some sort.

Legal Counsel Lujan – So there's not any plant to sell.

Mr. Nelson – No.

Bernice Nelson – No.

Mr. Nelson – Not at the time if we do later on we'll figure something out and find a place like in Harmon or whatever or rent a place to do it.

Acting Chairman Calvo – But if you're going to plant all these herbs for the suruhanus for that matter okay, I know you're more or less a non-profit organization because you are not making money but the suruhanu would be looking for you and say hey do you have hali'nunu or whatever for that matter. You know to me this is just my thoughts and it will be a point where you plant all this and you literally just be taking donations from this suruhanu for that matter right?

Bernice Nelson – Well I'm trying to get plants.

Acting Chairman Calvo – You know what I'm getting here is there could be a conflicting part of that on the Chamorro Land side okay for example is if we do give you that authorization for that matter I just don't want any public comments that say hey Mrs. Nelson is selling me all these things but her license is just basically for a lease she's going to plant herbs and all these things and distribute it out and give out. That's why it's very important that you think this off rightly because you're also going to be criticized at the same time and I'm really being really cautious on this Board issue now from here on. You know I want to make sure that these things are understanding to you guys that if that's the case because to plant all those herbs sooner or later you are going to have to either you sell it on the market or otherwise you're just going to be you know and I'm not saying that's going to happen okay. But its just we hear a lot of these things out there and I just don't want to come back and hit the Chamorro Land Trust again for that issue that hey they just gave Mrs. Nelson this in other words it'll make us look like a liar and also will look you as a liar. I just want to make that understand.

Bernice Nelson – I understand but like I said I don't sell anything..(interrupted).

Acting Chairman Calvo – No I'm not disputing that don't get me wrong and I rightly respect everything you said and everything but the people out there is what we have to look at it's not you talking but they're talking behind your back. So that's what I'm trying to say, okay and whatever the legal counsel you know. I think really you two and I know you need to get those worms maybe there will be an ultimate solution at this point in

time what the counsel may say take that .50 acre for now and put your worms there until you figure out what you really want to do.

Mr. Nelson – There's that much right next to us that's still open.

Acting Chairman Calvo – That's one ultimate solution and that one could be easily resolved but other than that.

Bernice Nelson – There's a lot of land around us not in front of us that we don't know whether it's Land Trust.

Acting Chairman Calvo - And that's another issue even the lands around you whether it's been already...(interrupted).

Mr. Nelson – Where we're at I was just telling Jess earlier three years ago we had it surveyed paid for it put the map down and we heard nothing yet, three years. We already know what to do about that.

Acting Chairman Calvo – But that's one option that you might want to look at the least and quote me on this issue legal counsel if you're really in that rush to really get your worms and what not okay...(interrupted).

Bernice Nelson – I'm more concerned about the medicines, I'm not concerned of my worms because I can put it in small container and use it but the medicine is starting to disappear.

Acting Chairman Calvo – But you understand where we're coming on this okay. I think it would be more prudent for us to and also like what Mr. Leon Guerrero designated on that maybe you know give you guys more of an idea what you guys want to do and then the legal counsel can be more specific too on what's the most best way to go that way, okay.

Bernice Nelson – Okay.

Mr. Nelson – If anyone does, who's interested to come out to look at it you're more than welcome to.

Acting Chairman Calvo – How does that work? You got all these worms and then what do you do you mix it with the topsoil or whatever?

Bernice Nelson – No I put like newspaper on the bottom then soil my red soil because there's a lot of iron in it and then I put another newspaper on the top.

Acting Chairman Calvo – But the worms are alive right?

Bernice Nelson – Yes they're alive.

Acting Chairman Calvo – But I thought the worms would eat the roots and so forth.

Bernice Nelson – They'll eat the newspaper but I feed them fruits and vegetables and

grass and I chop the food for them. They usually have the casting on the top and I'll scoop them and that's their poo-poo and their casting that's the fertilizer. And the soil that I put in is red soil then after three months it becomes black soil. There's the bottom where I do the tea and if I water them really good then the water will go down that's from their pee-pee and their poo-poo and that's 100% fertilizer.

Mr. Nelson – Everything she's using is all recycled.

Acting Chairman Calvo – So that's almost like what they call the miracle grower.

Bernice Nelson – Yeah, it's like super charger or something like that.

Mr. Nelson – It's all organic there's nothing in it.

Bernice Nelson – Now I changed all their beddings to coconut husks cause the newspaper got no nutrition value so I have to change it to something so that's what I'm out there doing all the time.

Acting Chairman Calvo – So anyway that's where we stand on this issue, okay.

Mr. Nelson – Do you need anything from us phone number or anything to call or anything?

Legal Counsel Lujan – I think it would be helpful to have a breakdown of what you would like to plant.

Bernice Nelson – I have 52 kinds of medicine, a hundred and some medicines.

Legal Counsel Lujan - Because that would assist the Commission in determining how much land.

Administrative Director Garcia – Actually if it serves me correct the bill regarding the Amot Chamorro, Department of Agriculture, UOG and Chamorro Land Trust is supposed to come up with the criteria for this type of. So when I went to the ARC meeting regarding the bill with the Governor's Office Department of Agriculture was saying that the area needed for that type of activity would be more than what was on that bill. So we have to see the actual bill.

Bernice Nelson – Okay but you're welcome to come up and see the place any time.

VII. DIRECTOR'S REPORT

Administrative Director Garcia – What I did is I'm doing the land inventory and I was supposed to have it completed by June 8th. As I was doing the review with our guys, Desmond and some of the guys at the Land Trust and then also with Land Management as I was reviewing what was being submitted I felt that the information that they were giving us wasn't enough. Because what's happening here is we're getting a big piece of property, they're just telling me about a big piece of property but what I'm asking them to do now is to give me everything that's inside that big piece of property like the leases. How much lease each person has and for how long and stuff like that. So they're compiling and they're requesting for more time and which I really want to get that

inventory done accurate and know what we actually have.

Acting Chairman Calvo – Do you think we can get that Jess before our budget hearing?

Administrative Director Garcia – I don't know it's a difficult task. I wrote a letter to Land Management requesting them to give us more assistance with the survey, the mapping and stuff like that. So you know it's coming through. I don't want to keep rushing it and then we have the same problem with the inventory, it's not accurate. So I'm trying to get it as accurate as possible. Even with regards to unregistered properties. The other thing is I wrote a letter to Director of Land Management requesting that all documents, leases, licenses, agreements that's recorded regarding Chamorro Land Trust properties that a copy be obtained from the recordation division at Land Management and given to us instead of us waiting for the client to bring the copy down to us in which sometimes they never do. So I already wrote the letter to Terry requesting for that to be done and I'm pretty sure it's going to be granted. The other thing I drafted today and probably by tomorrow we'll submit it to the PEALS Board is requesting that all professional land surveyors that are doing business with Chamorro Land Trust clients all of their maps that are being prepared by them be submitted to Land Management for their approval. All requirements of survey and planning division requirements are approved by them. No more sketches like what happen with Hals Angels and all these guys they're all giving us sketches. That's where all the problems start and that's also tied into my inventory. So you know I'm trying to make it easier and put everything in writing now to come up with a standard.

Acting Chairman Calvo – Actually Jess sketching is really more designed for property owners to see.

Administrative Director Garcia – Yeah but the problem is we have leases and licenses that you see there it says a portion of. I don't want that portion of anymore you want the lot number so that way it'll take care of the problem we're having with these leases. So you know I'm trying to make it easier for everybody to understand and there's no more dispute out there with neighbors fighting for the same area. So that's pretty much it for my report.

VIII. EXECUTIVE SESSION – None.

IX. ADJOURNMENT

Vice-Chairman Matanane moved to adjourn the meeting. Meeting was adjourned at 3:58pm.

Transcribed by: Teresa T. Topasna: 

Date completed: June 24, 2009

Approved by Board motion in meeting of: July 16, 2009

Administrative Director, Jesse G. Garcia: 

Date: July 16, 2009

Chairman (Acting), Oscar Calvo: 

Date: July 16, 2009