



Eddie Baza Calvo
Governor of Guåhan

Ray Tenorio
Lieutenant Governor of Guåhan

Commission Members

(Vacant)
Chairman

Joseph I. Cruz
Vice-Chairman

Amanda L.G. Santos
Commissioner

Pascual V.A. Sablan
Commissioner

(Vacant)
Commissioner

Michael J.B. Borja
Administrative Director

Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guåhan 96932

Phone: 649-5263 ext. 435 Fax: 649-5383

REGULAR BOARD MEETING AGENDA

Department of Land Management Conference Room
3rd Floor, ITC Building, Tamuning
Thursday, January 21, 2016; 1pm

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **APPROVAL OF MINUTES**
 1. November 19, 2015
- IV. **PUBLIC COMMENTS**
- V. **OLD BUSINESS**
- VI. **NEW BUSINESS**
 1. Decha Farms proposed land transfer/land sale
 2. Transfer of land for emergency homeless shelter
 3. Hawaiian Rock license for Lot 5412, Mangilao
 4. Resolution to approve proposed commercial properties
- VII. **DIRECTOR'S REPORT**
 1. Loan Guaranty, SBA chargeback status
 2. Revenue collection report for November and December, 2015
 3. New Public Laws:
 - a. Land for the Landless return
 - b. Creation of infrastructure and survey fund sites
 - c. Full payment of lease
 - d. Property tax exemption waiver
- VIII. **ADJOURNMENT**



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COMMISSION MEETING MINUTES

Department of Land Management Conference Room
3rd Flr., ITC Building, Tamuning

Thursday, January 21, 2016; 1:15pm – 3:58pm

I. CALL TO ORDER

Meeting was called to order at 1:15pm by Acting Chairman Joseph Cruz.

II. ROLL CALL

Present were Acting Chairman Joseph Cruz, Commissioner Pascual Sablan, Commissioner Amanda Santos, Legal Counsel Kristan Finney and Administrative Director Michael Borja.

III. APPROVAL OF MINUTES

1. November 19, 2015

Commissioner Pascual Sablan moved to approve the minutes of November 19, 2015 subject to corrections. Commissioner Amanda Santos seconded the motion. There were no objections, MOTION PASSED.

IV. PUBLIC COMMENTS

1. Francis Taitano and Frank Borja

Francis Taitano – We are here because we operate as independent tour guides and we have a concern to bring before the body.

Acting Chairman Joseph Cruz – Okay and this is in reference to?

Francis Taitano – The Pagat area the Chamorro site. First I'm going to make a few comments but I'd like to pose a question to the Commission. The question is did this body the Chamorro Land Trust ever authorize or empower and specifically the Mayor of Yigo to control who may or may not access the Pagat cave and site of the Chamorro Land Trust? Did this body authorize the Mayor of Yigo to control the access where some may come and some may not and I'm going to be more specific but is that news to you or? I'm going to bring that out first.

Acting Chairman Joseph Cruz – Is the access dedicated name? Is there a name to that street of that access?

Francis Taitano - No.

Frank Borja – What it is is what we're trying to find out whether or not the Yigo Mayor has been appointed as a Government representative to allow or

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disallow any specific private entity or persons from entering and hiking that area.

Acting Chairman Joseph Cruz – Not that I'm aware of. Director?

Administrative Director Michael Borja – What we have here sir is somebody is posting a sign with the Mayor of Yigo's letterhead on all the tour operators vehicles at the Pagat area advising them that they could not use the facility without prior coordination and approval of another tour company. When we received copies of that letter we contacted the Yigo Mayor and advised him that he needed to cease that and remove that; just retract that authorization immediately and he did so. We did not give anybody any authorization nor did we authorize the Yigo Mayor to take control over the access of that area.

Francis Taitano – So with that being said if I may continue on the specifics and the ramifications the implications of his action that was taken. First of all when we say that there were two notices that were put on our vehicles where we park when we do the trek the first notice and if I may I'll just go ahead and read it its very short so you have a sense of what's happening. To tour operators subject Pagat Cave, Hafa Adai due to liability and the safety of our island visitors all tour operators into Pagat Cave which is Government property and under my jurisdiction will not be allowed starting on January 18 this year. Should you have any questions please contact my appointed representative US Explorer and Study Inc. at this number, it gives a telephone number. Sincerely the Mayor signing his letterhead. When I saw this my first reaction was to run to you guys and to other entities that oversee Pagat. For example as tour people we have to go through GVB, where we're licensed. There is Chamorro Land Trust and I've learned from your people here that there's also Ancestral Lands and there's of course historical sites because it's an old Chamorro site so Parks and Recreation perhaps and environment EPA. I was thinking of running to those and get the feedback but I decided to give the courtesy to the Mayor and hear him out when I found this. It was posted on my car on a Saturday, a weekend not a Government working time and I approached him the following Monday and we sat and the gist of that meeting was oh, don't worry about it, disregard it, don't bother. I shared with him that the wording here as I read to you it says the liability and safety and I appreciate that because there's been loss of lives there, military, people jumping off the cliffs and things like that. So I understand his concern but he tells the reader of this document which is me and anyone else he posted with to go and talk to this other private our competitor if we have any questions. That's what it says here and I said we have a waiver of liability a whole harmless document that every hiker must sign if they're going to go with us and this is what we do this is how we try to protect ourselves. I said as far as the Government I believe it's kind of self-insured if they're walking on Government land. But this is what I told him I showed him his waiver of liability and he said this is fine, this is good, enough. I thought that was the end of it and a few days later I find a second notice on my car and it reads, it begins the same way, due to liability and concerns of the safety of island visitors it is under advisement that all tour operations must obtain liability insurance coverage no later than January 18, 2016. This is to ensure your clients are properly covered in the event of an accident. Should you have any further questions contact my office and this other private entity. So he now revised after saying everything is fine he revised this in saying I and anyone else must have an actual liability insurance as we walk the site. So now that's why

I'm coming to you because he said don't worry and he puts this and this puts me at a position of what he's saying as of Monday the past Monday I cannot be there, I cannot be there if I only have a waiver of liability. I must have liability insurance for people walking on Government land. And so that is why I'm coming before you. I went to GVB to ask them about it and they said we never gave the blessing and you are saying you did not. I've gone to these too now to you today. What I want to say is I'm glad to hear that but there are implications to this and I just want to share it with you what this implies if and when this is done. Because what I shared with him is something of this magnitude requires I think all the agencies involved like you folks and Attorney General's Office you have legal counsel where we need to come up with a position because ladies and gentlemen a lot of the sites where the tourists go are Government owned. Pagat is not the only place. Every time a tourist steps out of a vehicle be it a taxi this is talking, we're independent tour guides but this is a taxi, a transportation, bus, limousines when they step off into Ypao, to overlook at Cetti Bay, the Inarajan pools, they're stepping onto Government land is my belief. And if we say that you must have this then it implies to me. I may be totally wrong and need to be corrected but it's like taxi drivers, transportation, anyone that takes a tourist to a Government site that is owned by the Government must have liability insurance. I will assure you that I am certain without looking into the records the majority do not. There are over 170 independent tour guides, there are tons of taxis and transportation and they have insurance as we do within our vehicle. But the minute they step out very few have liability insurance it's only for themselves not for the Government I think, this is my guess. So what the implication here is like it's going to impact if it were to be ever enforced because any Mayor can ask that of any Government site in their municipality. It would greatly impact the tourist industry where you say you can't be here now. The other thing I want to mention is as we go to Pagat the specific location we are not the only users of the site. Local people go there regularly it's a very popular site. The military when they're off they're trekking that. And in particular the University of Guam the classes there environment, bio, anthropology, Chamorro culture, they're down there with the professors. I went to UOG and I asked and I got a copy of their waiver they do the same as we do. A student must sign a waiver of holding them harmless. That's what they have this is what we use and they don't have liability insurance as far as I know. So you have other users and if the concern is somebody is going to hurt on Government then let's close it off not just to the tour people. This is my thought. But when that was tried some time ago in the not too distant past we had the Department of Defense if I may remind everyone the marines wanted to use it as a shooting range and there was a great out roar of the public saying you know you cannot just use this to your exclusive. We need to go down and appreciate that site. So that's what is the result and now I think now they're moving elsewhere. So the public wants to go down there and we're not the only sole users of it. There's one more thing that happened as a result of this, the independent company our competitor who wants the exclusive use of the site has now taken that document that notice and put it on the electronic media on his site and basically and I have to qualify myself, I can't read Japanese but the translation that I asked of it he's basically saying I, this company are the exclusive authorized people and no one else is authorized. The Government of Guam and the GVB which never gave their permission this is the translation that said only they can do it. So someone, the Mayor from his notices it has gone and I think through the edging or the influence of this company he put this thing out that I think he should not have and now it's reached into another company

where our guests are looking at something and saying oh, the other companies can't go there only this company. So basically this is what has happened by his action. There are already repercussions of it and we're getting some feedback and they're calling us and saying is this true that you can't do this you can't go there anymore. And that is why I am here today, that is why we are here today because a Government entity is saying he has the power to make it exclusive and for some and not for others and the users are the whole island pretty much. If it's a liability issue then most of the users do not have and we use waivers at this point. Other companies have liability insurance. But that's a concern I wanted to bring to you today and the implications I don't know what repercussions what measures can be taken now that it has already affected the market where one is allowed and others are not. It's already out there, it's hard to retract. I don't know what actions you can take, what consequences can be levied out but this has already occurred.

Frank Borja – I am also here to address the same issue. Even though we work as independent tour guides and also operate an individual separate tour operators okay we go to the same site we hike. I've known Mr. Taitano for several years we found out we're related today which is no importance here but I wanted to be sure and clear of where the Land Trust stands on this. Because through hearsay you know so and so, I spoke to so and so, so and so I spoke to so and so and arms are just reaching everywhere I wanted to be clear on the Yigo Mayor whether his office has the power to do so or not. And if not he needs to be let known and the public needs to be let known. Also the company which he is also working hand in hand with to do all this they need to be put to a stop okay. And to prevent any other future incidences of this ever happening we ask whatever agencies are responsible for these areas make it clear in black and white to these tour operators and to the municipals of whatever village where their powers starts and ends. And also what companies can and can't do this and how it's supposed to be done. That's all I ask. We're here today because the Mayor did say he was coming here today and next week but apparently he's not here today to address this issue but we will because we understand that you guys do have the power. You are one entity which we need to talk to and this needs to be address because it is affecting our business and our business in particular in a negative way. Our competitor's thriving from the Yigo Mayor's action and ours is starting to slowly fail but we're picking up a little bit. But still we do get questioned, we've been questioned by tour, how do you say it, I'm trying to remember how to say it. Sorry, I'm bilingual I speak Japanese, English and Chamorro so I'm trying to remember how to say this in English, tour coordinator companies, booking agencies, those that we are very familiar with they are like is this true, is this true? Does this person have this sole proprietorship of this area? Are you guys operating illegally? And we want to stop all that it's making us look bad. It's not just bad for us it's also bad for Guam because now I have customers asking is this always like this I thought Guam was a friendly place. I'm like Guam is a friendly place but again this is business okay. I want to protect my heritage and that is that area okay. I am Chamorro and of course I love my island. So we need to be clear on what person's powers and no powers are there okay. I thank you guys for hearing me out on that.

Francis Taitano – Just to conclude we got the notice on our cars and within a week it says terminate and I don't think that's normal Government procedure where you're going to make a statement and you cannot do this and you have only this many days. When the military

wanted to use the place they had tons of public hearings and comments and the Mayor just said on this day no more. There was no breathing room or you know and that's what actually occurred.

Commissioner Pascual Sablan – Mr. Taitano, Mr. Borja, what is your primary objection of concern here? I believe as a tour company you should have that insurance liability insurance.

Frank Borja – Which I do but like I said my particular interest is the Yigo Mayor's pushing to this saying he has the right, the power to stop us from going there.

Commissioner Pascual Sablan – I guess looking at this angle that maybe because Pagat is under his municipality but I'm pretty sure you have liability insurance.

Frank Borja – And I do.

Commissioner Pascual Sablan – How about Mr. Taitano?

Francis Taitano – Right now we're trying to secure it. The local companies are very reluctant to do it give (inaudible) with the numbers. So some that have they have like through a broker and the actual insurance company is off-island.

Commissioner Pascual Sablan – Well here's my concern is that you're in business, you're making money and if you don't have that insurance and if anything happens to your client and Guam Memorial Hospital is going to foot all the bills you know and if you have insurance the insurance should pay for those liabilities or charge the cost you know. He might not be and I don't at this point whether he's the appropriate person to administer this or be the watchdog of those things but you I believe by law it mandates you as a tour company to have an insurance.

Francis Taitano – No sir I stand to correct. We got our license I asked GVB because we get our badge, Rev and Tax gives us our license and we took classes at GCC for independent tour. There was never a mention of you must secure this. If it was we would not be operating until we got it. They would not issue those things. They did not require it. GVB you ask them they do not require it. What we have done on our place is to try to be as safe as possible and gotten waivers until such time we have the liability.

Commissioner Pascual Sablan – Have you checked the Attorney General? You're talking about Guam Visitors Bureau and I don't know who but how about the Attorney General whether it's a must that you have liability insurance for your clients? Because to drive a vehicle on the road no matter whether 20 years old or 30 it's a must that you have liability.

Francis Taitano – We do we have commercial insurance for our vehicle. When you step out it's a different thing when you step off the vehicle. If you're saying then to us sir then say it to all the operators that do not have it that they step out onto Government land. Your

concern about our tourists then that's fine but that is a burden upon us. Please make a law that says we must. It does not exist.

Commissioner Pascual Sablan – I need to bring this up but you know you see all these drownings down at Ypao and Tumon, I don't know by law I know for a fact that it is a must that if you're in business and your clientele go to the water it's a must that you have a lifeguard. Where are all the lifeguards of all these hotels you know? So I think that is the same analogy that I'm trying to apply to you people that you have your client, you're making money out of Government land let's say Chamorro Land Trust and not even liability insurance you have.

Frank Borja – I do. The company I'm affiliated with we have insurance (interrupted).

Commissioner Pascual Sablan – Why that you have and he doesn't have?

Frank Borja – That was my advisement to my partner. But like I said my concern is and this is what we really wanted to address okay and maybe it's straight on topic is what I really want to know is where the municipal representative okay and my understanding as a citizen of the US Government and GovGuam okay is the municipal representative which is the Mayor doesn't represent the land. The Government represents the land and they have a separate entity that governs that which is you guys the Chamorro Land Trust. What I want to know is where the Yigo Mayor's power comes from to tell us that we must stop. That's what I want to know.

Commissioner Pascual Sablan – But you're not concerned about the cost if anything happens to your client.

Frank Borja – The thing is like I said what we really want to know is where the Yigo Mayor's power is coming from. If he was authorized through Land Trust and if not are you guys aware of his actions? It needs to be put to a stop if you guys aren't. Now that you guys are aware of his actions okay may I show this to you? You can take a look at this, it has the Mayor's Office header, his name printed down on the bottom along with his signature attached to it. This is just one copy along with other documents okay. Now where does the Mayor's Office get off telling us we can or cannot because there are other entities operating without licenses going there getting paid and I have seen these entities. Now our said competitor doesn't have licensed tour guides but yet he's still going there. So why does the Mayor's Office get the right to say who and who can't? That's what I want to address. Is it his power or is it your power that's telling us to stop?

Acting Chairman Joseph Cruz – That is your question right now.

Frank Borja – Yes that's why we're here.

Commissioner Pascual Sablan – We should look into that.

Administrative Director Michael Borja – We did when it was brought to our attention I made numerous attempts to contact that agent who's phone number is on there I was never successful. Were you guys successful? We were never successful in contacting them and we will continue now after this meeting to try because I wanted them to come in. But the day after I found this out the Mayor of Yigo did come to speak to me about it because it got to him that we were calling in these people. He came and apologized that he had allowed that letter to go out and he was supposed to retract it. So I'll chat with him and he said that he was going to come in here in this meeting as well but he did not show I guess but we did have a discussion about this.

Acting Chairman Joseph Cruz – So what is our remedy or what is our solution to this based on your conversation?

Administrative Director Michael Borja – Well that tour company has no right, the Yigo Mayor did not have any right to permit a letter like that to go out authorizing an exclusivity to one company.

Acting Chairman Joseph Cruz – Now is this park listed with Parks and Recreation? That will be the entity that will give out a public notice because it's a park area.

Administrative Director Michael Borja – But we didn't issue anything like this out. We didn't give any authorization so we'll follow through. We'll still try to get a hold of these people. We've tried on numerous times to get a hold of that company and never were successful.

Frank Borja – Thank you very much.

Administrative Director Michael Borja – Have you guys gotten a hold of them?

Frank Borja – As far as US Explorers go the only people we run into, I've tried calling their offices on several accounts but there's been no answer. I've tried talking with their employees but as far as their employees are concerned all our bosses say it's this okay. It's not even just the Yigo Mayor's Office who's also putting these signs on our vehicles it was the said company's employees who were told to do it okay. All we were told was to just put it there and not ask questions. Which answered my first question when I first came across this sign, how did they know which vehicles to target because sometimes we're using private vehicles under the tour because if our capacity exceeds our business vehicle our commercial vehicle then of course we would use a private vehicle to accommodate the extra customers on the overload okay.

Administrative Director Michael Borja – Are you guys two separate businesses?

Frank Borja – Yes we're two separate businesses, individual, freelance tour guides but we are affiliated because we go to the same area and sometimes we help each other's tours out. Like I said if we're on an overload we have a set number where we say okay this is the safe amount of customers one individual can take in and then after this number of

customers need two, three, four guides so sometimes we work hand in hand okay, which is why we came here together. We were targeted through the Yigo Mayor's Office and through this person's actions whether it be a commercial vehicle or private vehicle we were specifically targeted. There were days where there were more than several vehicles sitting out there on both sides of the road but only our vehicles were the ones where these signs were put. That's why I want to know who is the governing official of that area. Is it the Commission, is it the municipal, is it Parks and Rec, is it Caha? So we're going to everybody we can to try and you know to get this resolved. Our understanding is that this falls under three different departments, Land Trust, Ancestral and Department of Parks and Recs. That's why we're trying to get this resolved ASAP.

Francis Taitano – And GVB because they hold our licenses.

Frank Borja – No with the area and the actions of the Yigo Mayor these are the three places we need to go. Now with the set corporation the other entity there the private entity then that's why we're going to GVB. But this issue concerning the Pagat site the Pagat ancestral site falls into three different places that's why we're here because the Yigo Mayor is stepping in and getting involved and that's what needs to be cleared.

Francis Taitano – And it's just not proper I think for a Government entity to tell a private entity to go and see another private entity if you want some questions answered.

Administrative Director Michael Borja – You're right.

Francis Taitano – For me to call another private entity about Government property.

Frank Borja – Especially a competitor. That's all we ask is for the best of your help.

Commissioner Pascual Sablan – Now that you brought that up you raise a red flag. My concern is have you two ever experienced you know where one of your client gets injured?

Frank Borja – No.

Commissioner Pascual Sablan – But what will happen if one of your client gets injured you're going to take them hospital right? Who is going to pay for it?

Frank Borja – Our insurance covers.

Commissioner Pascual Sablan – You keep on saying insurance, thank you, but Mr. Taitano don't have insurance.

Francis Taitano – We do we have taken them to a clinic and stuff when there's a minor injury. Sir, the entity (interrupted).

Commissioner Pascual Sablan – As I said you raise a red flag and now my concern because you mention about the military or private citizen when they go there on their own

there's a different story between an individual going there on their own and you because you're a business.

Francis Taitano – I see the difference but when you brought up liability of people because the Mayor has had his people help clear the path. It's saying I'm afraid for the liability but his people are helping Danny Jackson the caretaker, unofficial caretaker to clear the path for people to come in so it's not consistent. But we have taken care, since you brought it up sir let me just share this the company in question does things that we do not do. For example we go down and we bring life jackets when we go into the caves. We do that all the time. I have not seen them do that. When we go out to the ocean on the coastline we do not get into the salt water there is no beach. On occasion the tour guide jumps into with the tourists and military. We do not it's forbidden. When you're talking about liability we do not put ourselves out there. We take every precaution and unfortunately the other company in question stretches the limit as far as safety. That's a fact sir. That's a fact.

Commissioner Pascual Sablan – But you're going to get insurance right?

Francis Taitano – We're pursuing it. This is what they told me one company because I've gone to Calvos and others they said if you wish we need to get like a broker to find some of them are insured beyond Guam a brokering company. The other company is saying then you must insure all of your stuff your cars and your houses before we because this is a separate thing you must package it. They're putting these conditions so it's very difficult for getting liability. I'm saying a ton of tour people don't have liability they can't and they would close down if they had to get the liability because that's what they have. Alupang Beach Club you know million dollar insurance for their jet skiing and stuff I'm sure of it but that's what they have too and you're going to require this or what is implied here is that these other tours not just us but all the others are going to be required to do this. If so then come up with a statute that requires this so we won't get our licenses or we'll get that before we get our license, they give us the blessing to operate. But then now he's saying you can't unless you have this.

Acting Chairman Joseph Cruz – Thank you Francis.

Francis Taitano – Thank you.

Frank Borja – Thank you, you guys have a good day.

2. Barbara Benavente – Good afternoon, my name is Barbara San Nicolas Benavente, I reside in Dededo. I recently retired from the Government of Guam, Guam Behavioral Health and Wellness Center and I've devoted 37 years of my life being in a position to support families where behavioral health, mental health is concerned and in substance abuse and suicide prevention work. So I've not ever been to anything such as this with the exception of one village meeting in Dededo where the late Angel Santos facilitated some discussions with the villagers around land issues. So I'm really new to this process. I'm here because I heard through Facebook just late last night and early this morning that there's a meeting held by the Commission or Land Management over in Dededo. I would

have been there had I known. I guess I bring to the Commission a request as a private citizen now, as a resident of Guam as a Chamorro person that when important meetings like this are held in the villages that there be a more strategic way to get as many people to those meetings. I'm fortunate to be able to be on emails and Facebook communications and other social media but for some reason I missed it and so I'm sad that I wasn't there. Nevertheless I heard about this meeting this morning so I'd like to just comment on a few things that I've heard over the last 24 hours. I went on the internet into your web page the Chamorro Land Trust Commission and I refreshed my memory about what the Chamorro Land Trust Act is about. And I do this because sometimes when things get very conflicting or confusing or challenging or you know it's always important for me to go back to what an organization's mission is or what the value is of a person or a family or a community. I reread the mission of the Chamorro Land Trust Act that says to advance the wellbeing of the Chamorro people by way of equitable land distribution. Your body is charged with the following things and it's to act exclusively in the best interest of beneficiaries of CLTC Act. I'm not reading this for your benefit I'm reading it really for mine because this may jump off maybe some other things I would like to address the Commission with and perhaps for others in the audience who have not read the Act in a long time as I have. The Commission is to hold and protect Trust property for its beneficiaries, to maintain and uphold their fiduciary responsibilities to the beneficiaries of the Trust, to exercise due care and diligence in the management of Chamorro homelands. I heard through Facebook postings and I wish I was able to download more information you know the laws, the Act, to better understand what the Commission's responsibilities are in detailed what your protocols and policies are for operations but I did read briefly that there's a proposal for additional property under the Chamorro Land Trust inventory to be leased out commercially. Whenever I see, or read, or hear, or observe some threats to what could be or could not be in the best interest of the Chamorros then my red flags go up, my interests are peaked. When I hear that 400 acres of Chamorro Land Trust property is going to be leased for quarrying and (interrupted).

Administrative Director Michael Borja – You heard it wrong ma'am I have to stop you there. It is not part of the list okay and you know I repeated that multiple times in the public hearing on Tuesday evening that this is not part of the list. If it is the basis of your argument, it is not part of the list.

Barbara Benavente – I'm not arguing.

Administrative Director Michael Borja – For everyone out in the audience it is not part of the list.

Cara Flores – Was it ever part of the list though? It was a part of the list.

Administrative Director Michael Borja – For the record it is not part of the list.

Barbara Benavente – Okay and this is why it is so important to figure out a way together the best way to get facts out into the community, documents, in whatever way works for a simple person like me who lives in Dededo. I was very excited and proud many years ago when the Chamorro Land Trust Act was passed. I thought that was one way for the

Chamorro people and the local Government with its people to ensure that there was land for the landless and that Chamorros who chose to continue to live on Guam was in fact privileged or blessed with some land to build their homes and raise their families. So I just want to say that I would like to be reminded of what the Act the mission is of the Act and the responsibilities are of the Commission not because you don't know what it is but because I wasn't certain until I reread it this morning and I want to be present for meetings and to better understand. One of the things that was very heartbreaking during the public hearings for the proposed military buildup, I attended all three meetings that were held, was that the climate set up as Chamorro people as Guamanians as residents of this island to fight. To fight publically to try to outsmart or out show their knowledge of power with the history of federal lands and occupation of the Chamorro lands by the Federal Government and Department of Defense. And I just wanted to say that I ask the Commission to ensure that as many residents as many Chamorro people are informed of all the meetings and proposed public laws that had come to play because it is our mission together you know. I'm a resident of Guam, I've lived here all my life, I'm a Grandmother for god sake of five children and if not for my husband's inheritance of land then I would be landless and I would like to see that there's opportunities for people like me and other families to truly own a piece of Guam because this is our home and this is our right. Thank you for this opportunity to speak. That's it I'm not arguing I'm just stating a fact.

Acting Chairman Joseph Cruz - Thank you Barbara.

(Commission took a five minute break; 1:50pm-1:55pm)

3. Monaeka Flores and Fadai Castro

Monaeka Flores – Good afternoon Commissioners, Mr. Borja and staff from the Department of Land Management. My name is Monaeka, I'm here as a concerned citizen. I attended the public hearing for the law and was opposed to the law that was introduced by Senator Tom Ada to allow for the commercial leases of Chamorro Land Trust properties. I'm here today also in opposition of the approval of the use of 600 acres for commercial leases. I believe that using Chamorro Land Trust properties for commercial leases completely undermines the spirit of what the Land Trust was created for and would be extremely detrimental. Additionally this practice does not prioritize leases to Chamorro owned entities which also undermines the whole reason why the Trust was created which is to serve our most marginalized communities and to protect lands for indigenous Chamorros. I know that the 400 acres is no longer on the list but it was on the list and that's why there are a lot of concerned citizens in this room today. While that might not be the case that the 400 acres have been removed it is in the law that if these leases are approved it is possible that there will be open removal of all natural resources from these properties. So how can lands held in public trust to be protected to indigenous people be exploited by companies for profit? It just doesn't make sense. I question the legality of this law in the first place. If you approve these leases I wonder if they're even legal because they go against everything that the Trust was created for. That's actually all I have to say at the moment.

Fadai Castro – Good afternoon, Hafa Adai, my name is Fadai Castro and I'm presenting testimony on behalf of 23 of my students who are not able to be physically present here

today and I'll also present a short snippet of my own testimony. The crown lands should be divided between the families who have no lands. Chamorros should be priority when thinking about these lands. It is in fact Chamorro land. Lands that are known as crown lands should be used for extra homes that are needed for the homeless people. It can also be used for other means that our Government needs other than commercial use. Let the public know and decide as a people. It's our land so it shouldn't be just up to a small group to decide what happens, they probably don't even care. Build housing for the homeless people on island we have enough shopping centers. People need homes to stay in. I believe that we are the land of the Chamorros and we all should respect the land. Our Chamorro people deserve to live a life filled with pride and dignity. We should continue to help our brothers and sisters. Regarding the crown lands I believe that we should not ignore where these lands came from or who they belong to. To use it for other needs would be somewhat stealing for the owners of the lands that are being taken away from what belongs to them. I believe that the land belongs to the people of Guam and that is where it should stay. Although it cannot be traced I do believe that it should continue to stay within the Chamorros and that if ever necessary given to the Chamorros. Because ancestry cannot be traced for the crown lands it really should be given to the people for use. Homelessness on this island is very rampant so please give this land to the people instead of using it to benefit businesses. The Chamorros should be the priority. For lands that have not been traced you should give the people a chance to find their homes and where their ancestry began. It is important that people know where they come from and have a chance to find their homes. Lands that are held for public trust should be for the people of Guam. The lands should be used for the benefit of the Chamorros who have no land. Houses, farming places and recreation places are needed for the islanders. Land is sacred and we all need to think carefully of what is to be done with the lands. I feel like the crown lands should be used for recreational parks where families can just go and chill. I think that the lands that are held as public Land Trust should be a topic brought up to the people of the land so that the public has a say in what should rightfully be theirs. They should be a deciding factor. I think that the crown lands from the Chamorro Land Trust should be returned back to the Chamorro people. It shouldn't be used for commercial use because it wasn't theirs to begin with. The land on Guam is sacred. Our people should have the right to choose what is rightfully theirs. The lands that the Chamorro Land Trust Commission is in charge of could not be traced to any ancestry. This does not necessarily mean that they should be given away though. These lands were taken away from natives and in the hands of natives they should stay. The Government can use those crown lands to build shelters for homeless people or for kids who are abandoned by their parents. Crown lands can also be sold to native people in lower price or these lands can also be used as farming. I would like to see the lands that belong to natives to be returned back to them. Not only do they wish to receive it maybe in the near future the natives can come together and create a park where they display the culture of Guam and let it live and thrive all throughout the island. I believe the crown lands should not be used for political or commercial stuff. Although there is no ancestry that cannot be traced it still belongs to the people of Guam the islanders. It should be used for what's indigenous to our people, a jungle to ranch in or to hike around. What our culture is about is what lands will be used for. The public trust should be protecting the land keeping it from falling into the hands of people who only have profit in their eyes. These lands shouldn't be seen as a profit when it embodies one's ancestry and

culture. Does anyone really want Guam to be known for a place for tourism but not its actual soul and culture? How can you plan to use these lands that may be nothing but money in your eyes but something sacred and dear to others and not inform them? This is wrong and deceiving. The public should know about this especially if it is a public trust. The people of our island are not left with much in terms of our ancestral land. It is wrong to strip away the people from land that was once theirs. While making this decision think of our Inifresi and our pledge to protect and defend the lands of Guahan. If land is the body of our people I'm confused to why it is one of the first things we give. What justice is there in giving my ancestors lands to new foreigners for a high price? I believe the Government is not doing enough to protect native lands because even the locals are losing their homes. Guam is a land for the Chamorros not a market to provide real estate. This is the voice of our future and when I testify now and I speak now I speak on behalf of myself. I speak on behalf of my mother who raised me and her sisters who also raised me and I speak on behalf of their mother my grandmother who also raised us. Land is how we identify ourselves. When all our children leave the island they will need a foundation to stand upon and a land to root themselves from. If you need to if you must imagine a world where when children identify where they came from they can only say this is where we once belonged. That doesn't have to be our future, that doesn't have to be our present. And as was said before the land belongs to us just as surely as we belong to the land. Water is life and land is life. So please think of our future who will inherit these lands and think of all of our parents whom these lands were taken from. Thank you.

Monaeka Flores – If I could add to that both of us are descendants of families who have lost several hundreds of hectares of land from military land taking and we are a displaced Chamorros. We would love to qualify and apply for Chamorro Land Trust land and we understand that we could not afford the water infrastructure if we were to get a piece of property. We understand the struggle that a lot of trustees are dealing with. We understand that this law was introduced in an effort to try to alleviate some of those struggles to provide funding for surveys and water infrastructure but the reality is you're not going to help farmers and agriculturists and native people by giving away property. You are a political entity and we humbly and sincerely implore you to please act ethically. Do not approve these leases. We're really asking you to please not approve these leases. There are other ways we can find this funding. You know one of the ideas we have is to take funds from the construction fees. Take funds from construction certificates for all the new businesses and buildings that are being built here on Guam and use some of that funding to support the water infrastructure or the land surveys for the trustees. You know how about taking back some of the pay raises? How about using visitors taxes or maybe starting a nonprofit arm of the Trust to fundraise or to identify grants to apply for. And what my friend and colleague is trying to do is get those ideas. To get as many ideas as possible to present to you for a positive alternative which not only will ultimately benefit our natural environment and our local community but not tear apart the fiber of the Chamorro Land Trust. So please Commissioners you know please hear us today and if other lease applications come please look at them really closely because if today that is taken off the list for the 400 acres to be taking all the kaskahu and the coral out of you're going to see others and it is in the law open removal of natural resources. We can't stand by and let this happen. Thank you.

4. John Salas Calvo – Hafa Adai Commissioners, Good Afternoon, my name is John Salas Calvo. I'm the son of the former Commissioner of Tamuning, Gregorio Acosta Calvo. I'm here before you to express some concerns upon reading the article pertaining to the commercial properties, the properties that are going to be put out for commercial use. I have a concern that within the village of Tamuning, I've lived in all of my life with the exception of the time I was in college in the States. I drive around today and I see so many vacant buildings already on commercial properties vacant in Tamuning. Are we going to be competing with our private sector in terms of those commercial leases? That's one of my concerns because we're not going to improve our economic stability within the village if we're going to be competing with our own business community in that respect. The Government needs to be finding solutions that should be benefiting the economic viability of the municipality not competing with it. My father retired in 1986 I remember him talking about earmarking certain properties within the village for future community use. Within the decades that came after that many of these properties were given to Public Works, given to PUAG and such for other projects. The Tumon baseball field you know is no more. Some of these properties that you're looking at for commercial use maybe some of them can be utilized for community purposes and with those community purposes funding can be found in terms of grants to develop these properties for community purposes. I remember one of the things my father always said is if you're going to come to an event try to come up with a solution as well. You said you need funding. All through Tumon bay Government of Guam has an easement from the high water mark 30 feet in. Every one of those hotels utilizes that easement. They restrict local people from using that easement because they said it's their property. Maybe the Government of Guam should look into leasing that easement if they're going to use that easement and I think you can get a lot of money from that. It's something you can look into. Okay so that's something I think that should be looked into because you go down to Tumon and all the public bull cart trails and stuff, the bull cart trail over behind Hilton the sign is behind the bush. All the trails for public access have been limited. There's no place to park down there with the exception of Matapang and Ypao beach and even those are restricted. Matapang is used by the hotel next door and Ypao beach is locked up. So you know we have to start looking at the community needs and desires. You know that was one of the things my father really planted in my mind is that the community is not healthy if the people are not healthy. So I leave you with just those concerns and thoughts. I know you guys have a very difficult job but please listen to what people are saying because they want you to be successful. But we need to look for other solutions that are going to be more beneficial. Thank you.

Acting Chairman Joseph Cruz – Thank you John.

Commissioner Pascual Sablan – You mention that there's easement between the hotels and the hotels close the easement right?

John Calvo – To the high water mark by public law there's supposed to be a 30 foot easement.

Commissioner Pascual Sablan – So if we have to have the hotel for example lease that easement what good would it do us again on a regular?

John Calvo – Sir I said to explore these opportunities. If the law prohibits or whatever this is something to discuss.

Commissioner Pascual Sablan – I believe that easement should be open.

John Calvo – Yes but currently they're restricting it. Many people that go to Tumon report that they can't go through the normal places because they're told you can't bring your coolers down if you're going to go to the beach. The beach is supposed to be a public beach but people going through certain areas of the waters because there's buoys out there and they're told that belongs to this hotel and they're told by security. So you know I've been looking at the easement portion along the beach where you have all the chairs and umbrellas and such then that needs to be looked at. If that is public easement and they're utilizing it I think like any other if you're looking for a commercial lease that's an opportunity to look into.

Acting Chairman Joseph Cruz – The intent of the high water mark is strictly for the wave. It's not for the usage of public use.

John Calvo – Like I said but they're utilizing it.

Acting Chairman Joseph Cruz – So the easement encumbered by that individual hotel is private property. They are encumbered by a high water mark easement that accommodate that high tide and the low tide. It's not for the purpose of recreation. So it's strictly private property.

John Calvo – Well as I said I think it's something to look into because of the (interrupted).

Acting Chairman Joseph Cruz – Yes we will we'll try.

John Calvo – So to my knowledge that is public easement. You didn't say private easement but public easement there is a difference. Can I just say look into it if there is an opportunity where you're able to lease those to get some funding to assist with the CLTC mission I mean I think that will be fantastic.

Acting Chairman Joseph Cruz – We'll work with Parks and Recreation because I'm pretty sure they're the ones that manage those.

John Calvo – And you know the properties as I said within Tamuning municipality if there's any opportunity to utilize that for community use because Tamuning is not going to grow any faster it's just going to grow hugely in terms of population but it's reduced in terms of open spaces and community spaces. According to the Mayor's Office the 2010 even though the census had those 19,000 people according to the census. According to the Mayor's Office which does the power, water hookup certification and school district there

was over 38,000 people living in Tamuning. And we're talking a major, major issue of congestion and not enough places for the young people to go to to have recreation especially when you have a major park which is Ypao beach having such restrictions. So I'm just saying to consider utilizing some of these spaces these properties within Tamuning for community purposes. If it's put for community purposes we could pursue federal grants and such to develop those to serve those purposes which I think is with the mandate of CLTC. Thank you sir.

5. George Perez – Good Afternoon, I am a retired Civil Service came back from the mainland to resume my life as I was when I was first born on Guam. I came back in '96 looking for a place to stay. My family does not have ancestral land in here. Everything that my dad has is nothing more than a piece of 5 acre land that was acquired by the Federal Government but that's beside the point. My situation here is I was looking for a place to stay when I came back in '96. I signed in for agriculture land and when I finally found a place it was a previously and I didn't know at the time that he was under a lease that is still in existence. I stayed on that property with her consent at the time and it was a 10 acre parcel. After staying in there for a good portion of 5 years I tried to get it down because I cannot handle at that time able to maintain the 10 acre land. I asked to have it divided in half so I'll be able to maintain only half of it. Come to find out that the land even after I had it surveyed, paid for the survey and later on years gone by I found out that my deed is not valid because the land was still under Agriculture. And I got the permission to survey that land from either at the time I don't exactly if it's from Chamorro Land Trust or from the Agriculture. But anyway it was surveyed and now I can't even go in the place because my ex would not leave.

Commissioner Pascual Sablan – We're listening Mr. Perez.

George Perez – Me I'm renting a place.

Acting Chairman Joseph Cruz – Are you still residing in the area that you were (didn't finish).

George Perez – I've been trying to. The lease is still valid but when I first got in that property the place was in a state of abandon ship. Even the time that I came in and the growth of the area the greens around it the piggery that used to be there has shown at least nothing less than 3 to 5 years of unattended for. The house was completely down from the typhoon and it was never addressed. There's no sign of agriculture product instead it was a dump site for construction materials. Along with it was abandoned vehicles, trucks along with I found a stack of vending machines that was dumped on the place.

John Gumataotao (CLTC) – Good afternoon my name is John Gumataotao I'm a land agent for Chamorro Land Trust. Regarding Mr. Perez's issue the property that's in question is accessible to Chalan Palauan which is in Dededo. The land is under the purview of the Chamorro Land Trust but leases are authorized and issued by Department of Agriculture. So we had these arrendo lands back in the early 70s that was administered by Department of Agriculture and since the lands were all transferred to Chamorro Land Trust we have

purview of it but there are still existing leases that go on maybe till the next 15, 20 years. So back in September Mr. Perez came into our office so we did some research on his issues. Chamorro Land Trust authorized a survey of 4 acres of a total of 3 hectares which is about 8 acres of property. Chamorro Land Trust authorized a survey for Mr. Perez. What he did was he went and got a private surveyor to survey 4 acres.

Administrative Director Michael Borja – What year was the survey authorization?

John Gumataotao (CLTC) – I believe it was in 2003, it was a request for a survey authorization.

Administrative Director Michael Borja – Mr. Perez is under an agricultural listing?

John Gumataotao (CLTC) – Yes. The original lease is with Department of Agriculture to a Rosita Gervacio who authorized Mr. Perez and at the time his wife to I guess take over the lease you know take care of the property. So in 2003 he had the property surveyed.

Administrative Director Michael Borja – But is Mr. Perez specifically under Department of Agriculture's own listing for the leases?

John Gumataotao (CLTC) – No.

Administrative Director Michael Borja – So he didn't have but he was just assuming someone else's or using someone else's Department of Agriculture lease?

John Gumataotao (CLTC) – Yes. So subsequently Chamorro Land Trust issued a ground lease to Mr. Perez for that same property that you know is considered under our purview but because of that long term lease (interrupted).

Administrative Director Michael Borja – Back in 2005? When was his lease issued?

John Gumataotao (CLTC) – In 2003.

Commissioner Pascual Sablan – How big?

Administrative Director Michael Borja – What's the size?

John Gumataotao (CLTC) – 4 acres.

Commissioner Pascual Sablan – And how much we give out?

Administrative Director Michael Borja – Back then up to 20 for agriculture. So CLTC issued him a lease in 2003 for a piece of property that was already still under a Department of Agriculture lease.

John Gumataotao (CLTC) – Administered yes, administered by Department of Agriculture.

Administrative Director Michael Borja – So there's a duplication on the land.

John Gumataotao (CLTC) – Yes.

Acting Chairman Joseph Cruz – So does Rosita also have 4 acres?

John Gumataotao (CLTC) – She has 8 acres.

Acting Chairman Joseph Cruz – 8 acres from the Agriculture.

John Gumataotao (CLTC) – Yes so in essence because the land is ultimately it is Chamorro Land Trust lands but because of that existing Department of Agriculture lease we can't really do anything, we can't sublet I guess that portion of the property.

Administrative Director Michael Borja – No it still belongs to that Department of Agriculture lessee.

John Gumataotao (CLTC) – Right so what we tried to do is try to find available lands for Mr. Perez. Because he did survey a property we tried to find available lands for him to relocate to. He wouldn't have to do a survey again but I think there are more issues.

Administrative Director Michael Borja – Okay well let's take this one off line we can work on this and let's also get a Mayor's certification that he has been there okay. Mr. Perez we'll work with you outside of this and be able to sort this out.

George Perez – I got one question, being the land was in a state of abandon ship should there be any lien or at least some kind of condition where if the lease that has been granted but it failed to be properly attend according to (interrupted).

Administrative Director Michael Borja – Well if it was a Chamorro Land Trust lease that this person had yes there are conditions in which if they do things like soiled the property with refuse and waste and anything else that's reason for them to be held in default and for them to be evicted off the land. Now in this case the occupant of that land is under a Department of Agriculture administration lease not the Chamorro Land Trust so we can't enforce that. We just have to honor that person's presence because of that lease that they have until it expires and then it will convert over to a Chamorro Land Trust lease. But until that time we don't enforce that. We're going through the process here of doing some enforcement and compliance on people who have had issues and just recently we terminated a lease for someone that severely violated the land. So in your specific case it's an exception to the rule. We had to absorb those kinds of leases, land use permits, arrendos all those things and when they eventually those leases expired we had to absorb them.

George Perez – I only ask because of my timeframe (interrupted).

Administrative Director Michael Borja – We'll work with you.

George Perez – Because for me to relocate at this stage it just as well go swim in the ocean somewhere.

Administrative Director Michael Borja – Okay we'll work with you and John Gumataotao will be touch to help you out. We'll get together okay sir.

George Perez – I appreciate it thank you gentlemen, ladies.

Acting Chairman Joseph Cruz – Mike maybe we can also inquire with Department of Agriculture as to the status of that lease being it is abandoned and is there a lease. Maybe you can get that recommendation from them.

Administrative Director Michael Borja – Sure we'll check onto that.

George Perez – I appreciate it.

Administrative Director Michael Borja – Because you already put some money out too.

George Perez – Yes and I also paid the taxes on it the last one come to an amount of over \$900 for taxes that I've been trying to get the property back on.

Administrative Director Michael Borja – Okay.

Commissioner Pascual Sablan – Mr. Perez what are you doing with the land now?

George Perez – I've been trying to come in there and live on it and continue the piggery that I had when I left when I went to get my surgery and came back to recover and she's still on the land and she won't let me come in, she won't leave.

Commissioner Pascual Sablan – Thank you Mr. Perez.

(Chamorro translation by CLTC staff Karen Charfauros)

6. Zita Pangelinan – My name is Zita Pangelinan thank you for the opportunity to speak today. I am the daughter of the late Francisco Sablan Pangelinan from the Kotla family and Engracia Pangelinan from the Galaide family. I am here to state that I do not approve of this action. Before I came here today I asked others why were they not coming here today to express their concerns on this matter. There are two mind sets that came from the people. One, it is not worth it because a decision has already been made about this matter. Based on culture, they are not giving this matter any thought or time as a means of protesting this action. They do not want to waste their time by coming here and listening to this. That is the first mind set, secondly, it is not worth it because they have faith in you all to listen to our concerns, listen to the people of this land. To listen is what we are asking of you. Yes they have considered that your responsibility as Board members is a heavy burden. But what then is this public hearing for but to hear the concerns of the people, the people of this land. But what if you were to have a public hearing to hear solutions and

ideas from the people so that land can be made available for the people? Because the ideas you have are not the only ones that can work as solutions. What are we afraid of? If we open this door we may lose ourselves as a people. The intention to create funding is a good one but how much time do you need to sit here in this situation? Once you leave who will protect the intentions that you have? Look at the stories of other islanders, look at Hawaii. Look at all their land and the Hawaiians are homeless. The door was opened just a little and look at the results. Those are stories that we can learn from. And yes your job is a burdensome one but look at those leases that were approved, are they benefitting the people of the land? Reach out to the people because we are a smart people. Have a discussion to come to a compromise with ideas and solutions that will meet all the needs of the people of this land and generate revenue that you say we need to issue out these lands. God bless you all as you carry this burden. Thank you for hearing me today.

Acting Chairman Joseph Cruz – Thank you Zita.

7. Cara Flores – Good Afternoon, my name is Cara Flores. I apologize if my actions were considered disrespectful earlier however I must point out that this place and public hearing should not be a place of hostility. It should be a place where we can come and feel comfortable to share our concerns and feel that we are being listened to and I don't feel that's the way many of us felt on Tuesday so you can understand that there are feelings in this room. These are issues that we care about. None of us and you've seen people would come in the middle of their work day, none of us are paid to do this. Many of us have invested much of our lives to contribute to this community and we aren't paid to do it, we do it because we love Guam. So we have nothing to gain from this. We're not after money, we're not after a construction contract, we're not trying to dig into the earth. This comes from a place of sincerity. A statement that I'd like to read I currently believe that our community is full of creativity and promise although this process and this option of turning this land over to commercial use is not an example of it. We are here to insist that our leaders expand their imaginations and effort. It is not an option to lease or sell Land Trust lands there are other ways to get money and I think we all know that. There are millions of dollars in grant funding available for agricultural, environmental and native people's projects you just have to go after them. If you need more ideas the purpose of us bringing the bag and passing around the slips of paper was to show there are many good ideas. And again we were not paid to come up with these ideas of how to solve this problem but we want to contribute to the conversation and I think what all of us want to make clear is this cannot and should not happen and if it goes forward we will continue to oppose it in whatever means necessary. So I will leave that bag with you. Some of the input that people have had in ways that we believe that the Trust can be funded are in that bag and I know that we could have typed it out on a sheet of paper but this whole process is not very fun so we thought that a bag might be a little more fun. Thank you.

Administrative Director Michael Borja – Thank you very much for that bag of ideas that's very creative and I look forward to looking at it okay.

Cara Flores – Thank you.

8. Nicole Quintanilla & Keisha Bautista

Nicole Quintanilla – I'm a student at UOG and I'm a spoken word artist. I guess we came here today to share our testimony on how we feel about not only the 600 acres but also at least for me what's been happening on our island for the past 100 or so years. Bear in mind it's a poem so it's a little metaphorical. In the city they dance with bloody silhouettes shimmy around chalk like shadows fathom hands cold and lifeless reach through cracks and sidewalks cause you to stumble to trip and lay where they once did. We often forget what lives have lied beneath us, what color death really looks like. We stumble over the souls the soles of our shoes pound beat into their quiet heart, pound feet into the concrete and arteries that click and clack of heels red like bloody silhouettes on sidewalks and a lot of like gun shots like the bass of a passing car falls heavy like fathers falling dead right before their sons right before their sun rises in the morning tomorrow. They will follow on their daddy's footsteps and who will sidestep their silhouettes dance across sidewalks and chalk and body bag. Who will listen to the fading of their heartbeat? No one seems to hear them. No one thinks anything of it after all there's nothing strange about dancing in the city and lately the city has become my island and it's a pity that we've traded our chance for a chance to dance around bloody silhouettes blinded by the lights of tourism and when I look to the ocean I can see our Saina trying to navigate hotel lights like stars in the sky skirting around our island like leaves with coconut trees around the curves of our women but this island have become unrecognizable. This is not the home that they have left behind for us. It seems like the streets of Guahan have become a series of crime scenes in Tumon hidden by buildings that scrape the stars out of the skies there are lives lost in the pavement and there are days when it feels like pavement is the only legacy we will leave behind for our children. In 100 years when all that is left of us will be dirt beneath the stones. Will our bones be quarried and our minerals extracted? We are a much a part of this island as the volcano it rests upon but do not think for a second that our people will remain dormant while our home is torn at the seams. It seems like piece by piece Guahan is being sold to the highest bidder and I guess the reason why I am so bitter is because we are being robbed 600 acres of Chamorro Land Trust territory when maybe the same amount of Chamorro people are landless with no one to trust. 42% of the homeless population on our island are Chamorro. Every night 536 indigenous lives turn bus stops into palaces, rest their heads on concrete mattresses, they carry entire kingdoms in shopping carts. So it's a little hard to imagine that we can spare 600 acres of land while our people are left empty handed. In 100 years will we still dance around sidewalks and chalk and body bags? Will anyone listen to the fading of our heartbeat? Will our bones still be quarried in 100 years? Will we all be living in bus stop palaces and living on concrete mattresses surrounded by commercial businesses?

Keisha Bautista – I also wrote a poem and it's called walking through Tumhom. I had a dream last night I was walking through the jungle and as I passed each tree it collapsed right beside me. The ground was dug up, the naked raw earth exposed. How could this happen to our tano, to our mañaina', to our mangafak, to us? The big strong tronkon nunu the taotaomo'na hid in were no more. I screamed tears numbing my blood red face. As I walk through the naked earth my body weakened. I fell to the ground my palms touching the unfamiliar earth, my eyes searching for the old tronkon nunu, my ears open to the calling of our mañaina'. But I didn't know this earth. I couldn't see the trees but in the

distance I could hear, munga ma'á'ñao hagao, munga ma'á'ñao ti bai undingu hao. It's okay our daughter, it's okay we will never leave you. I don't have any access to any of the Chamorro Land Trust lands but I am a Chamorro daughter of Guam and I would just like to support all my sisters and brothers who need land for residential and agricultural purposes because what good is damaging our lands and designating them for commercial purposes. What good would that do for our people now and in the future? Where will our people go if there's no land for them to call their own? And since when did we place more value on commercial and business endeavors than on sustaining our lands, our people, our health and our communities? Land for specific peoples which include our Chamorro people is life it gives us food, shelter and a place for our children to play. Once we give up our lands for other uses than what they're supposed to be used for then we will let go of a big part of our lives a big part of who we are. As Chamorros we have an obligation to protect our lands so we cannot allow this kind of development or this kind of procedure to happen. We can't let this suffocate our culture and our people. Thank you.

Administrative Director Michael Borja – I might just add on Tuesday morning at 9 o'clock at the Guam Legislature there's a public hearing on the transfer of some lands from the Chamorro Land Trust for the purpose of building emergency homeless shelters. I would really love if you could come and do your poem.

Commissioner Pascual Sablan – You said you're from UOG right? Are you representing here an organization or on your own?

Keisha Bautista – I'm here as a private citizen.

Commissioner Pascual Sablan – How about you?

Nicole Quintanilla – No I'm here as a private citizen as well.

Commissioner Pascual Sablan – As Mr. Director just mentioned about a proposed bill to be heard next Tuesday, what do you have say you mentioned earlier that approximately 42% of the homeless are Chamorro? How about the difference between let me see 58% would be other if you look at the demographic you know only 42% Chamorro, are you in favor of that bill giving Chamorro Land Trust so we can build a shelter for other people?

Nicole Quintanilla – Yeah I think that Chamorro or not if their homeless they need somewhere to go they can't be living on the streets they need homes and so I believe that they should.

Commissioner Pascual Sablan – So you have no objection on giving out Chamorro Land Trust for another people.

Nicole Quintanilla – I think in this case I don't object because whether they're Chamorro or not they're here this is their home and that's what the whole purpose of the Land Trust is for to provide homes for the people of Guam whether they're Chamorro or not. I think in this case if they need it then we should help them out.

Commissioner Pascual Sablan – You know I was watching this program I think 20/20 on the TV last weekend as to why we have so many homeless and there are people out there that they just want to be homeless okay.

Nicole Quintanilla – That's true yeah.

Commissioner Pascual Sablan – And you folks mentioned as to how precious the land is so we should be more concerned I think you folks should make more research and as the Director said come over and testify. And for Ms. Pangelinan thank you very much for recognizing how difficult and heavy the tasks we're experiencing here. I thank you for that and we're doing our very best to see what we can do really to bring in money or revenue so we can really you know have the land surveyed and whatever other thing that comes along so we can issue out rather than wait for another 20 years. So thank you that you recognize.

Zita Pangelinan – If you invite us back the people who are concerned then maybe we can all look for a way to make this possible.

Commissioner Pascual Sablan – I think I'm the newest here but I'm really contemplating of quitting you know because it's too much.

Zita Pangelinan – Give us a chance and I know that a lot of us will come back to help you.

9. Joni Kerr – My name is Joni Kerr and I teach at GCC. I teach science and I teach marine biology, I used to teach environmental science, I also teach chemistry. But in the past year or so I've also taken a great interest in our natural resources I mean that's what I teach natural resources. I teach eco system services and so on. One of my fieldtrips for my students is to take them into the limestone forest. I take them into Anao and also take them into the limestone forest behind GCC near UOG as well. I did have a couple of questions unrelated to that but first I want to express the concern that the Chamorro Land Trust Commission doesn't have very adequate guidelines and think that the need for those guidelines have to be addressed so that people don't have to keep coming up and showing up to these meetings like this because I mean I'm going to let you know it seems like people have to watchdog you. Even if it might have been a wrong impression or an incorrect impression of what the use of the 600 acres was going to be I mean my impression is that it would be leased for commercial purposes for practically anything and that could include extraction of limestone. Is that true or false? I need to clear that up.

Administrative Director Michael Borja – I don't know what you're talking about. For the whole entire property we're leasing out I don't know specifically what are you talking about?

Joni Kerr – So there was a notice sent out on Facebook that approximately 400 or 600 the number kind of varies that these acres of land in the Trust would be commercial leased (interrupted).

Administrative Director Michael Borja – Were you at the public hearing on Tuesday?

Joni Kerr – I was not able to make the public hearing.

Administrative Director Michael Borja – Did you see on the website the list of properties that we identified and the purposes that we were recommending that they be used for?

Joni Kerr – I have not seen that list.

Administrative Director Michael Borja – Well it was described there so take a look it's described there.

Joni Kerr – Okay.

Administrative Director Michael Borja – Even with the property that we were originally proposing but had to withdraw it was listed there for exactly what we were intending to use it for. Now you also need to go back and you're saying we're not transparent if (interrupted).

Joni Kerr – No I never said you're not transparent.

Administrative Director Michael Borja – Well you did you said we're doing; I don't know what guidelines you're talking about.

Joni Kerr – Right there were no guidelines with the way this Commission operates.

Administrative Director Michael Borja – There is too it's called Chapter 75 of the Guam Code Annotated, 21 GCA it's there.

Joni Kerr - And what's the controversy about why lands is being kind of funneled out.

Administrative Director Michael Borja – Were you here over the summer? Did you not see all the front page articles that the news organizations all published about the rules and regulations? It was a major debate for quite a while.

Joni Kerr – I wasn't here for part of the summer so I might have missed this but (interrupted).

Administrative Director Michael Borja – It's 20 years in the making for making these rules and regs but Chapter 75 describes everything on how we're supposed to lease agriculture and residential lands as well as how to do all the things. It also expressly states that every third Thursday at 1 o'clock in the afternoon we have a meeting okay. So we didn't just make these things up. Now listing of those properties is part of the requirement by the new public law that says you have the rules and regs to be able to commercially lease property but before you can touch any of those properties you need to be able to get them approved, announce what they are, have a public hearing, the Commissioners decide by resolution and it's submitted to the Legislature. They have the last opportunity to say

yay or nay. If it's approved then we can begin the process to even offer it out. None of these properties are available to anyone right now. Then we can offer it out by an open solicitation request like an RFP. It will be publically announced then people can then all who are interested can come in and try and express their interest on how they want to use this land or actually we express how we want the land to be used and they express how they're going to pay for it. But the law specifically also states how much they pay for it.

Joni Kerr – Okay that's fine but I would like to know if the law or your allowances permit the extraction of kaskahu. Is that permitted in your guidelines?

Administrative Director Michael Borja – Yes.

Joni Kerr – It is permitted.

Administrative Director Michael Borja – Yes.

Joni Kerr – Then I am going to fight tooth and nail to get that removed. Once you remove the kaskahu the limestone I'm talking about deep, deep removal.

Administrative Director Michael Borja – Well that's not exactly what we were talking about. If you read what we proposed it never said, you guys like to use the word quarry and you've used it consistently and continuously, we don't use the word quarry because we don't want it to be a quarry. We expressly state that it's not and how it's going to be extracted okay and that would be the intent.

Joni Kerr – Okay well people are concerned and I think (interrupted).

Administrative Director Michael Borja – Good but the concern should be just as responsible in knowing what the request is for.

Joni Kerr – Okay my other question is Henry Simpson the person who is leased land for the race track in Route 15 he is quarrying and my understanding (interrupted).

Administrative Director Michael Borja – You know that is a public law. If you have a problem with certain kinds of things look to see on how it was done. The Legislature let him have that land okay.

Acting Chairman Joseph Cruz – It didn't go through the Commission.

Administrative Director Michael Borja – And that's the things that we have to deal with. A lot of the issues that have been brought up by the media and by the Senators it's not because the Chamorro Land Trust created them they were just handed to us in a package when the Chamorro Land Trust was created and said now it's your problem. But public laws created them.

Joni Kerr – Okay that's all I wanted to know.

Administrative Director Michael Borja – Those are the things that we have to deal with after the fact and then we could only deal with them as good as the public law that created them give us guidance on because there's no other guidance. That's the reason why we have to also create these rules and regs because it also said in the law before you can do anything commercially you have to have rules and regs. And for 20 years it just couldn't get through the legislature alright. And in this whole process of creating the rules and regulations it wasn't an overnight thing at all, not at all.

Joni Kerr – But it took a long time. I'll go back and I'll look for the rules and regs and all that I apologize if (interrupted).

Administrative Director Michael Borja – If you would like 33-95.

Joni Kerr – If I was in the misunderstanding that this committee was operating without valid (interrupted).

Administrative Director Michael Borja – Well you're an educator take a look just like the other lady who spoke and read the rules and read the law before she came here to speak okay so she could understand. But please understand we're not trying to do something underhandedly and whatever you read on your Facebook is almost as good as the participants that add to that page okay. If you want to spread your own version of a story in your Facebook page that's your business but that's not how it is.

Joni Kerr – You know who this person is? You know who Cara is?

Administrative Director Michael Borja – Do I know who who is?

Joni Kerr – Cara Flores.

Administrative Director Michael Borja – Am I supposed to, what (interrupted).

Joni Kerr – She was part of the group that kept the military range out of Pagat.

Administrative Director Michael Borja – I'm glad for you then okay.

Joni Kerr - I just wanted to make sure that this Commission is knowing that people are really concerned about the way that land use is or the use or the perceived use of the land is I mean (interrupted).

Administrative Director Michael Borja – And I need you to also understand what you didn't hear on the very first, one of the very first person to speak at the public hearing expressly came and said I'm a long time holder of a Chamorro Land Trust lease and I can't do anything with it and I can't even afford to put the infrastructure on. And he's not a singular case, he's not even the exception to the rule he is the rule and that is the problem we have through the Chamorro Land Trust. We want to give out the lands. We want to

give it out in the best and most practical way with infrastructure that's all there but that's at a cost. I can't even get the legislature to give me enough funding to do the things we need to do because we have people who haven't even surveyed the property. Let alone we talked about land for the landless earlier that's a whole totally different separate set of properties. But a recent passed bill that became law instructed me to notify each and every one of them almost 400 people who had the opportunity to buy a plot of land to build a house for \$2,500 pay for it over a 10 year period that's almost 20 years ago and they still haven't. And now I have to send out the default letter saying I'm taking back your land unless you come up with all the money plus interest. The law even puts an interest amount. So here are people who had an opportunity to have land because they had no land that's the whole definition land for the people without land and now I've been given the instruction by law to have them be shown in default. But the land will come back to the Chamorro Land Trust is what the law says. Now we're getting a lot of feedback from these people and they're all coming in and saying oh my gosh I kind of forgot and so let me pay it in full and I want to hold on to this land. So there's programs out there and when the people get the land they become absent in what their responsibilities are as well.

Joni Kerr – I think you're kind of getting away from the point (interrupted).

Administrative Director Michael Borja – No we're not because this is a big, because you got to look at the overall picture of the Chamorro Land Trust. We have to manage the property. We are under even the Public Auditor's review to financially manage all the properties as well and to take care of it like that.

Cara Flores – It's kind of inappropriate to shame and yell at constituents. It's really inappropriate you've done it several times and it's really inappropriate to create a hostile environment for people with concerns to sit here at the table (interrupted).

Administrative Director Michael Borja – But don't come to the table and give me information that is not all truly straight there okay.

Cara Flores – Well excuse me is it possible that this land would have mineral extraction? Is that possible? If that's a possibility that is not incorrect information.

Administrative Director Michael Borja – And you know what it's published too we did say it okay.

Cara Flores – Right it's published but it is difficult for people to find. It is your job to put out correct information (interrupted).

Administrative Director Michael Borja – And on Tuesday I did put it out.

Cara Flores – But it is not appropriate for you to shame people who come here with genuine concerns. That's the bottom line. She's sitting here and we're sitting here all of us really disturbed by how you're speaking to her telling her to read it, you're an educator,

don't come here. That is not appropriate you cannot treat people like that it's called bullying. You can't do it (interrupted).

Administrative Director Michael Borja – I know and don't come bullying me either with information that are half true and (interrupted).

Cara Flores – Excuse me I don't get paid to do this I am here to protect land so please don't talk to people like that.

Joni Kerr – We didn't come to bully we came for the truth. I asked you a simple question. Is anywhere in your guidelines is there something that allows extractions of kaskahu and you gave me the answer but then you proceeded to go through all the stuff that you're supposed to be you know that you are charged with doing. I had a simple concern and I wanted some answers and that's all.

Administrative Director Michael Borja – Third Thursday of every month at 1 o'clock.

Joni Kerr – But I do agree with some of the comments here that the meetings are not adequately put out there.

Administrative Director Michael Borja – Then you need to also then tell the Legislature on how we need to do that because we follow the law. We follow the law. I'm sorry ma'am but (interrupted).

Joni Kerr – Well I'm not going to bully you I'm going to suggest that perhaps the Land Use Commission can get with the current mode of communication (interrupted).

Administrative Director Michael Borja – This is not the Land Use Commission.

Joni Kerr – And you can kind of get up to speed with communication. The paper doesn't seem to cut it anymore. I think social media is a good way to do it. We have an example of one of the members of the consolidated utilities commission who has gone on Facebook and he gets the word out there and he recognizes the necessity of how people are now communicating. So I am going to suggest that perhaps this body can get the word out like that. Thank you.

Acting Chairman Joseph Cruz – Thank you ma'am.

Cara Flores – I just need a clarification of the law. Does the law permit or require the commercial use of the property? Are you required to lease these properties for commercial or does the law permit it?

Administrative Director Michael Borja – Public Law 33-95 read it for yourself it will tell you what it is.

Cara Flores – So you don't know. I don't understand how this is okay (interrupted).

Administrative Director Michael Borja – It gives the authorization to do it.

Cara Flores – For people to come to these public hearings and to these meetings and to be treated like this, it's not okay. This happened on Tuesday not just to myself but to other people and I'm sorry I know how old I look and I know in some ways this looks disrespectful but you should not speak to people that way. This land belongs to the people of Guam it does not belong to you and so we have every right to be here.

Acting Chairman Joseph Cruz – Well the way I interpret the law is that I think it is not a requirement for us.

Cara Flores – I don't think it is either.

Acting Chairman Joseph Cruz – It is not a requirement.

Cara Flores – So you are permitted to commercially lease the land but it's not required that you do so.

Acting Chairman Joseph Cruz – No.

Cara Flores – Thank you for clarifying it I appreciate it.

10. Ted Nelson – Land for the landless please don't take back. Yes they sold the land for \$2,500. Ija Subdivision, As Lucas Subdivision, Umatac, Pigua, Merizo for \$2,500 for the Chamorros to purchase. Please if anyone cannot pay for it I don't believe something is wrong. \$2,500 they could be paying \$25.00 a month either they lost connection, they're in the military or whatever. But please take this item I got other things but this is the only thing I'd like to propose. Take this item the return the land for the landless. Give it back to the children, this land was 20 years ago. Many are students, many are in the military, many are off island, many were not told but the Mayors Albert Topasna, Tito Mantanona, Bob Cruz, Chilang all of them gave the land for the children in school or who are in the military. Give them a chance Mr. Chairman. Don't please. Give the land back to the children. Look

Administrative Director Michael Borja – Well Senator it's a public law now. I know you were at the hearing for the bill but it is a public law already that was enacted just either it went into law either end of November or early December. I'm not the one that came up with this bill.

Ted Nelson – Don't do it, you don't have to do it. Just like this this is another stupid law the commercial lease. Don't do it, help them.

Administrative Director Michael Borja – We are and I went to testify to give everyone an additional time to be notified.

Ted Nelson – Please I just want to concentrate on Chamorro Land Trust land for the landless.

Administrative Director Michael Borja – Yeah and I'm talking about land for the landless.

Ted Nelson – I don't want it indicate here that that program was not good. Like I said if you don't believe me go to As Lucas.

Administrative Director Michael Borja – Oh yes I believe it's good there's some beautiful areas there but (interrupted).

Ted Nelson – Pigua, Ija the program but please I'm asking you guys forget about that stupid law. You have also the attorney to write to them and find out where they are.

Administrative Director Michael Borja – And we have, we have. That was part of the law and so we wrote to them and told them how much they had to pay and to come in immediately. The law gave us all these guidelines on how many days they had to come back to us after they've received notification and then how many days after that. And it even gave the default remedy on what we needed to fix this.

Ted Nelson – I understand the law. Those lots that are sold for \$2,500 are worth \$60,000 now. And then you're going to tell me that these kids are going to get rid of \$60,000 worth of property?

Administrative Director Michael Borja – No they're coming in now that's why we had to notify them and so they've been coming in quite a number of them to sort this all out.

Ted Nelson – So defer the item until the notification is complete that's all I'm asking.

Administrative Director Michael Borja – Well sir the notification was completed last Thursday. We had until the 14th or 15th of January to complete the notification. I'm thinking about doing an extra amount but I have to advise the legislature about it because all the people who's letters, we had to send them out certified mail and the ones that have returned back undeliverable we'll probably do something about that and publish that list.

Ted Nelson – Please help them just don't take the land away from them.

Administrative Director Michael Borja – And I don't want to that and that's what I tell all the lessees I'm not here to take away your land I'm here to make sure (interrupted).

Ted Nelson – (inaudible) they tried to protect what they did 20 years ago.

Administrative Director Michael Borja – And it's a great program Senator and that's why we want people, you know what is the sad part about it is many of them because they have waited more than 20 years to finish off paying the balance and some of them didn't even

pay the initial payment but their interest and the law even sets an interest amount. The new law reduced the interest but the interest is greater than the principle now.

Ted Nelson – How much is the interest now?

Administrative Director Michael Borja – Well some people have to pay \$7,000.

Ted Nelson – But we can repeal that.

Administrative Director Michael Borja – Yeah we can repeal that.

Ted Nelson – Please for the interest.

Administrative Director Michael Borja – Well the initial law that you had had an interest in it too. The initial law established an interest.

Ted Nelson – But they can be paying it, \$25 (inaudible) don't make it default.

Administrative Director Michael Borja – But they had 10 years to do and now we're 20 years later.

Ted Nelson – Give them a chance.

Administrative Director Michael Borja – We are giving them a chance that's why we had to notify them.

Ted Nelson – Please do not take the land away.

Acting Chairman Joseph Cruz – Well another option is that we'll probably revisit on a case by case and if they cannot afford it we can probably throw in a long term lease and it's still theirs.

Ted Nelson – Whatever it is Mr. Chairman.

Acting Chairman Joseph Cruz – They won't lose the land but the (inaudible) of the lease is different.

Ted Nelson – Waive the interest.

Administrative Director Michael Borja – And some people have asked me to do that but (interrupted).

Ted Nelson – Ask Governor Calvo to do it executive order. (inaudible) Governor Calvo to waive the interest my god if we can waive millions and millions for outside businesses why can't we \$5,000 or \$2,000 for the children? Governor Calvo please executive order waive the interest on the land for the landless situation that's all I'm asking. Thank you. I'm sorry

but this thing just, the land for the landless is in my heart for 20 years and it's very important.

Administrative Director Michael Borja – That's why when the bill first came out my only comment to it was that it initially said it's over and I said no you need to still go back and find these people give them one last chance and that's what this letter was about.

Ted Nelson – Can you write Mr. Chair, write to Governor Calvo executive order to waive the interest for the land for the landless so that our children can have access to this property. Please do that for the Chamorros. Okay thank you.

Acting Chairman Joseph Cruz – Thank you Senator.

11. Jeffrey Kosaka – Members of the Board, audience, my name is Jeffrey Kosaka and I'd just like to speak on behalf of what I've heard today. The only thing I have to say is for constituents that are in need of the land is to give the Chamorro Land Trust a chance and do your homework in finding out the laws, the regulations, the policies, procedures, who's qualified and whatever the case may be before coming out to do stuff like this. Because if you're not educated on what you need to understand on the Chamorro Land Trust then I suggest and I recommend that you guys do so because a lot of hurt, we have a lot of good leadership that is taking the time to try and help the Chamorro people also. So please do your homework and these guys are more than willing to help. If you come in, you make appointments, you do follow ups you do what you need to do don't stay behind the curtain and wait for something to happen. You need to be outspoken, come inside and talk to these guys on a one to one base. I think that is very helpful in order for you to get your concerns out. So again members of the Board I thank you guys for continuing the mission to try and make it possible for the Chamorros here on the island. And for those that qualify under the law on acquiring land and for those that are non-Chamorro that make comments we really appreciate those but please give the opportunities of the Chamorro people and you know the chance to be the one to fight this forward. You know I'd like to point out a member of our board which is the mother of Senator Angel Santos who made it possible the Chamorro Land Trust to happen. Senator Nelson thank you for the land for the landless okay. There are a lot of these programs and laws that come into place to make things better for the Chamorro people. But as times change, policies change you know even Chamorro Land Trust leases is not ours. We have to lease it, we have to pay for it. If we don't pay our dues guess what happens it gets taken back you know. But again Chamorro Land Trust is here for the best interest of the people of Guam and I can attest to that because I'm going through the same process right now and I had to do my own homework okay. So again members of the Board thank you very much.

Acting Chairman Joseph Cruz – Thank you Jeff.

V. OLD BUSINESS – None.

VI. NEW BUSINESS

- 1. Decha Farms proposed land transfer/land sale**
- 3. Hawaiian Rock license for Lot 5412, Mangilao**
- 4. Resolution to approve proposed commercial properties**

Acting Chairman Joseph Cruz – We're going to table Items 1, 3 and 4.

Commissioner Pascual Sablan – I think a motion has to be made for us to bypass the others in the New Business because we don't have the document before us to review and make a decision. So I make that motion. My motion is under New Business, number 1, number 3 and number 4 we table it until such time that we receive the document you know. Like for example here they're asking for the resolution to approve proposed commercial properties I know Land Management is still working from the last Tuesday public hearing and we have to have that you know review it and make a wise decision.

Acting Chairman Joseph Cruz – Okay then make a motion.

Commissioner Pascual Sablan – That's my motion already.

Commissioner Amanda Santos – Second it.

Acting Chairman Joseph Cruz – There's a motion on the floor to table items 1, 3 and 4 on the New Business. It was seconded by Mrs. Santos. All in favor say aye.

Commissioner Amanda Santos – Aye.

Commissioner Pascual Sablan – Aye.

There were no objections, MOTION PASSED.

Administrative Director Michael Borja – All I'm giving you here then for your review and for discussion at the next meeting next month is the public hearing report digest which includes all oral and written testimonies that we have received to date. Also for your review are the resolutions for each of the lots that were here. So this is what would be what you would review to discuss at the next meeting. If there are any changes and we need to make any changes we'll provide that to you with ample time to review it.

Acting Chairman Joseph Cruz – Okay on these items, on item number 4 is there a way we can get an outline of what the department is following as to how we come about in approving a proposed commercial? Like for this listing what are the compatibility, what are the highest and is there any (didn't finish).

Administrative Director Michael Borja – It's in here it tells you. You'll have a thing in there that tells you everything.

Acting Chairman Joseph Cruz – Okay so we'll take a look at that. And this is for next?

Administrative Director Michael Borja – For the next meeting.

2. Transfer of land for emergency homeless shelter

Administrative Director Michael Borja – There is a bill I can't remember the number I think it's 210-33 that's up for a public hearing on Tuesday morning at 9 o'clock and it's the transfer, there's actually 2 or 8 acres of land that have been set in reserve from Public Law 22-18 for Public Health to build a homeless shelter. I'm part of the Homeless Coalition in the Government trying to find a location and to get homeless shelters built. This 2 acres that is set aside was reserved for homeless shelters. In that general area they put all the reserved properties in Chalan Pago that are not suitable because of the topography for building large structures like Public Health facilities, hospitals, things like that. Anyway we want to do is to be able to transfer that piece of property for CLTC properties by the Northern Public Health facility. And so that's what I'm just letting you know that there is a bill out for this purpose.

Commissioner Pascual Sablan – Wasn't there lands exchanged before?

Administrative Director Michael Borja – No there's still a lot more there's still lands in there. There's still a lot of lands in the reserve list but I think there has been recent public laws recently bills that were passed yesterday that will take some of those lands out of the reserves and just erase it off the reserve list and it's Chamorro Land Trust.

Commissioner Pascual Sablan – No but the one in Chalan Pago I thought they were supposed to swap that with (interrupted).

Administrative Director Michael Borja – They did for part of it for the Foster Care Home. They did part of it because it was designated for Foster Care facilities, designated for laboratories and so they're using that now. And in this case GHURA has some available funding for homeless shelters it's just we got to have a location site for it.

Legal Counsel Kristan Finney – Its Bill 225.

Commissioner Pascual Sablan – But why Mr. Director, GHURA has all the money in the world. Why can't they, I know the topography in Ordot Chalan Pago you know is lousy.

Administrative Director Michael Borja – No they don't have all the money in the world. You know money is not easy to come by anymore these days. But the land was already reserved but it's in a place that's not usable. Like I said even the hospital, another Public Health facility, DOE they're all in this one place. They just had these reserved sites. There's a DOE site that we're getting back. It's down there behind, that big area behind Ordot, between Ordot and Sinajana I mean it's in the hills too. I don't know how anyone can build a middle school back there.

Acting Chairman Joseph Cruz – So this item or item on said transfer of land where's the proposed site?

Administrative Director Michael Borja – By the Northern Health Center.

Acting Chairman Joseph Cruz – In Dededo.

Administrative Director Michael Borja – In Dededo there's a tract of land up there surrounded by GHURA, the Northern Health Center.

Acting Chairman Joseph Cruz – And they do have an assigned site already? Are we swapping this to another site that was reserved for them?

Administrative Director Michael Borja – Like I said the reserved site that Public Health, the Hospital and Mental Health were all given in Public Law 22-18 is all in this area in Chalan Pago that's not usable. It's good for farming.

Acting Chairman Joseph Cruz – So what we did up in Barrigada Heights the 10 acres.

Administrative Director Michael Borja – No it wasn't 10 acres.

Commissioner Pascual Sablan – 1 acre.

Acting Chairman Joseph Cruz – Is that the same lot then?

Administrative Director Michael Borja – No, no, no see there was a reserve for the Foster Care, there was a reserve for (interrupted).

Acting Chairman Joseph Cruz – In other words we're piecemealing the swap.

Administrative Director Michael Borja – No in the law it says Foster Care you know 2 acres, Homeless Shelter 2 acres.

Acting Chairman Joseph Cruz – But on the same lot.

Administrative Director Michael Borja – On the same lot.

Acting Chairman Joseph Cruz – So that's what I'm saying we're piecemealing the exchange with the Foster Care the home for the landless and putting them somewhere else.

Administrative Director Michael Borja – Right someplace where we can actually build it.

Acting Chairman Joseph Cruz – So when we did the transfer for the Foster Care.

Administrative Director Michael Borja – That eliminated that reserved list that item on the reserved list. The land has been set aside it's just a matter of the location being a (interrupted).

Acting Chairman Joseph Cruz – Public Health is handling their projection of the usage of this property because if there's other facilities that is needed to be transferred might as well put them all in one area not one in Barrigada Heights, one in Dededo and they're all under Public Health's jurisdiction.

Administrative Director Michael Borja – Well it's kind of hard to talk about the Barrigada Heights one so (interrupted).

Acting Chairman Joseph Cruz - No, no but I'm saying that we're piecemealing it from the reservation.

Administrative Director Michael Borja – This is probably the last of that reservation for Public Health. This is one of the last pieces.

Commissioner Pascual Sablan – You have any idea as to who will be the clientele of the (interrupted).

Administrative Director Michael Borja – Well the issue here is that like we mentioned before what the paper said 42% of the homeless are of Chamorro descent but the thing is is that it is also going to be a shelter for those who are in emergency situations, their house burns down, their house gets flooded even for typhoon periods. That's what the intent of what these shelters are for.

Acting Chairman Joseph Cruz – The entity of this ownership is under Public Health.

Administrative Director Michael Borja – Right and the reason why it's going to be put up in Dededo too is because we're looking to have I think Guam Housing operate the facility.

Acting Chairman Joseph Cruz – So who are we transferring it to Public Health or Guam Housing?

Administrative Director Michael Borja – Public Health. It's a Public Health reservation, it's a Public Health tasking to have that facility.

Commissioner Pascual Sablan – And the transfer is going to be a one to one like (interrupted).

Administrative Director Michael Borja – Well I think the bill is for 2 acres for 4 acres I mean if they only get 2 we get 2, area for area but you know the legislature can assign as much land as they want a little less than (interrupted).

Acting Chairman Joseph Cruz – Has this been parceled already out of the north?

Administrative Director Michael Borja – It is a specific lot.

Acting Chairman Joseph Cruz – It'll be nice to see.

Administrative Director Michael Borja – The bill has it.

Commissioner Pascual Sablan – We have to be consistent you know here we are we're saying that if we're going to lease out Chamorro Land Trust and (inaudible) of the appraised value could be more.

Administrative Director Michael Borja – But we work for Government that's not the issue it's only commercial.

Commissioner Pascual Sablan – It's going to be an issue because the Chalan Pago for me is worthless.

Administrative Director Michael Borja – No it's not worthless it's good for agriculture. In fact that's what we have up there right now we have folks that are already using it that have been signed before our time to leases in this area. It's for agriculture when it should not have been even given out. You know where the Evangelical Christian Academy is right there by the intersection its back in there back down in the hillsides back there. You know the terrain back there is pretty steep.

David Matanane – Can I address the Chair? I just wanted to know which public law are we transferring this particular land, to whom?

Acting Chairman Joseph Cruz – It's still a bill it's not a law yet.

David Matanane – But we are transferring it back to Public Health right? Is it?

Administrative Director Michael Borja – Well its Public Health's reservation land.

David Matanane – Okay so we are transferring it to Public Health is that?

Commissioner Pascual Sablan – We're swapping.

Administrative Director Michael Borja – We're swapping it with Public Health we're giving them something in Dededo for it.

David Matanane – But we have swapped this particular land once before.

Administrative Director Michael Borja – Right there's a whole bunch of property a bunch of itemized reservations from this big tract of land in Chalan Pago. And for some reason they assigned all the health reservations to this land. 35 acres for a hospital, 35 acres for Mental Health a whole bunch of different kinds of things for Public Health, laboratories all on a piece of property that on a flat piece of paper looks good but when you drive out there you need tracks on your vehicle to get around.

David Matanane – I'm just kind of curious because I understand that we have swapped land with Public Health the laboratory for the mosquito lab that we swapped from you know. Is that particular land been designated just (interrupted).

Administrative Director Michael Borja – For the lab.

David Matanane – For the lab and where was the land that was swapped for against it? Down there too the same place?

Administrative Director Michael Borja – Yeah.

David Matanane – And how many per acre with the exchange?

Administrative Director Michael Borja – On that one I can't remember I think probably 4 or 5 acres. Whatever the reservation was it was a pretty large piece.

David Matanane – If I remember correctly I was even indicating that the value of that piece of land up in Dededo where the lab is at should be worth 3 times the amount that is down there in Ordot. So I don't know Mr. Director I'm just you know it kind of ticked me off where we're going to be transferring this particular land to Public Health when they own the land or if it's under their name then why are we transferring it?

Administrative Director Michael Borja – Oh no, no, no this is a whole other piece of property a whole other area.

Acting Chairman Joseph Cruz – It's not the same lot as the Northern Public Health it's next to the Northern Public Health.

David Matanane – No, no I was indicating the Ordot property.

Acting Chairman Joseph Cruz – All we're doing is we're revising that reservation list out of that basic lot and removing what was originally reserved and that's what we're swapping. The acreage that was reserved for the land for the homeless and then we're shifting it up to Dededo. That acreage that was reserved on the basic lot reverted back to Chamorro Land Trust.

David Matanane – Which land is going to be reverted back to Chamorro Land Trust?

Acting Chairman Joseph Cruz – The reservation list that was created under the initial public law of the (interrupted).

David Matanane – The one up in Dededo.

Acting Chairman Joseph Cruz – Yes.

Administrative Director Michael Borja – Chalan Pago.

Acting Chairman Joseph Cruz – Chalan Pago, Chalan Pago.

David Matanane – Which consists of how many acres?

Acting Chairman Joseph Cruz – That's over 300 acres.

Administrative Director Michael Borja – Yeah it's a pretty large tract of land.

David Matanane – And compared to Ordot.

Administrative Director Michael Borja – Ordot is a large tract of land.

David Matanane – It is it's more than enough for the value to value type of thing.

Administrative Director Michael Borja – We weren't going on a value for value. You know we need the piece of property for a really important purpose because (interrupted).

David Matanane – I'm just going to caution because if we do this then we start precedence when we do swap other lands. I just want to inform you.

Acting Chairman Joseph Cruz – Like I mentioned earlier we did it for the one in Barrigada Heights.

David Matanane – And where's the (inaudible) of what we swap? That's all I'm saying please look into it before you know we do that because we need to put if it's 3 to 1, 2 to 1 or whatever. If we do it the first time then that is your guideline and if we do it 0 to 1. All I'm saying is (interrupted).

Administrative Director Michael Borja – The value for value was not a factor in these transfers.

David Matanane – Okay there are only two questions that I ask but which public law and I hope that there is a designated public law just for this one.

Administrative Director Michael Borja – Oh yeah.

Acting Chairman Joseph Cruz – Come to see at the public hearing on that bill.

David Matanane – Okay thank you gentlemen.

Acting Chairman Joseph Cruz – You want to make a motion on item number 2?

Commissioner Pascual Sablan – No already my motion is for 1, 3, and 4 and it's been carried out, we voted. Now let's move to number 7, Director's Report.

Acting Chairman Joseph Cruz – But did we agree on number 2 the transfer of land?

Commissioner Pascual Sablan – Well that's David's concern we don't even we didn't do much you know.

Administrative Director Michael Borja – Well there is a bill and I would really recommend that we allow for a transfer.

Commissioner Pascual Sablan – But do we have a say so? I thought the Legislature makes that decision.

Administrative Director Michael Borja – And then the Legislature can do anything they want.

Commissioner Pascual Sablan – Exactly.

Acting Chairman Joseph Cruz – So you want to keep silent on this.

Commissioner Pascual Sablan – No I'm not going to keep silent.

Acting Chairman Joseph Cruz – That's why I'm asking or do you want to make a motion or what because we're hearing it now?

Commissioner Pascual Sablan – I thought we discussed already? I'm sorry then.

Acting Chairman Joseph Cruz – Okay so let's go to Item 7.

VII. DIRECTOR'S REPORT

1. Loan Guaranty, SBA chargeback status

Administrative Director Michael Borja – The loan guaranty and the Small Business Administration charge back status the loan guaranty program is when people get loans to build their houses. But as a result of typhoons back in the 90s and Pongsona was the last one that SBA loan guaranty was issued out. There's a whole list of folks that received FEMA loans through SBA because you know (inaudible) giving a loan guaranty at that time. SBA came back and said there was number of them almost 2 dozen that had fallen in the category in the United States Government called charge back. Charge back is when you owe the federal government money and they have not been able to collect and it goes to their collector the US Treasury and it's a red hot item. If you try to receive any kind of federal monies if you are in the States and you were filing your income tax and you had a refund coming it would have been garnished. So we interviewed all these people and I think there was one that wasn't here, no we interviewed them all and advised them of the problems and in many cases the issues that resulted in them not making payments was things that come in human tragedies, deaths in the family, really bad divorce, things like that. But on whole we believe that almost all of them are rectifiable. Some of them are already in the process of resolving and closing out these things. Most of them while they might have received a loan for \$80,000, let's say they only got 5 the initial 5 and never received the rest so that's all they're paying off on plus interest to the Government. But there are a couple of cases that we believe may result in them defaulting on their loan and

in doing so they default also if we're required to have to pay off that balance then they would lose their lease and the house on it as well. And then it will be our job and it's written out specifically and clearly in the law on how we go about doing that and that's to find a viable candidate who is an applicant and qualifies for a loan to assume you know take over the property. In doing all of these things though we have to also go through the Triple A process and give them the opportunity to have a hearing through a hearing officer so we're going to be putting out an RFP shortly to seek a hearing officer. A hearing officer has to be an attorney and it cannot be ours, it cannot be the Attorney General so we have to go out and solicit for someone maybe to be on call for being a hearing officer. Some of these cases here one other lease termination we did recently for the land theft up in Dededo will have to go through this process and then even GRRP. We already served GRRP their notice that they're in default and we're terminating and by law we have to let them know that they have the right to an appeal. So they accept it and want to appeal. So we're going to go through a hearing officer for that. So I'm just letting you know about that.

Acting Chairman Joseph Cruz – Do we have a case I mean numbers? What are the number of cases that we have on the list charge backs?

Administrative Director Michael Borja – Yeah there's about 2 dozen of them that we had to discuss that we had to interview each one of them. So I have a full layout I can (interrupted).

Acting Chairman Joseph Cruz – Out of the whole?

Administrative Director Michael Borja – Well those were the ones that had the charge backs they were the most serious. Now in some cases the problem also rests with SBA. Small Business Administration on Guam and throughout the United States was a pretty large office and they were downsized significantly. In being downsized they no longer were managing, had financial management teams to look after these loans. So they sold the loans to a bank and they sold it to many banks and those banks sold it on and on and on. We haven't heard from any of these and in fact one bank who did try to take us to court the case was dismissed pretty quick because of their failure to conduct their due diligence in notifying that they had transferred the account. But these were the worst case ones we had to deal with and it's not to say it's the end but like I said the problems that rested with these people were just sad human drama that affected their lives. And those are the kinds of problems we can look into seeing in the future but the point here and this was where we've gotten to since two years ago is the touching base with all these people and having a full account and the ability to know where they're at at all times.

Acting Chairman Joseph Cruz – So what's an approximate amount that Chamorro Land Trust might risk paying for?

Administrative Director Michael Borja – Well what we would do is we will talk to who ever to the US Treasury to make an arrangement so we can do month to month until we found someone to take over and not have to assume the whole amount.

Acting Chairman Joseph Cruz – No but identifying the 2 dozen cases is it a million, a half a million or?

Administrative Director Michael Borja – What did it come out to Margarita do you remember? I can share that with you because it's not really something that's (interrupted).

Legal Counsel Kristan Finney – But also the initial numbers that were just kind of out there from what was sent over by the SBA was different from what we figured out in talking to all the individuals and so I don't know if all of that has been compiled to have a revised estimate.

Administrative Director Michael Borja – Yeah their records were pretty bad too. And so like I said if they told us that somebody got an \$80,000 loan but in reality they only got \$5,000 or \$50,000.

Acting Chairman Joseph Cruz – No because if we need to pay this we might have to close the department off because it's federal.

Administrative Director Michael Borja – Right you're right and that's the problem here it's very serious and that's the reason why we've gone through to do our part on this and we're reporting to SBA what we've done so that they can probably do something. I've spoken to the legal counsel for the Small Business Administration Disaster Loans and this is also part of the reason why we have to have the loan guaranty rules and regulations in place. That process is stuck in getting an economic impact statement right now and so it hasn't been forwarded yet for review by the Attorney General but that's the reason why we had to have these rules and regs because there was nothing. We have a big problem with this because loan guaranties were just arbitrarily given.

Acting Chairman Joseph Cruz – Okay anything else?

2. Revenue collection report for November and December, 2015

Administrative Director Michael Borja – Back in here you have a spreadsheet. You know it sort of mentioned in the new public laws that are listed there but we're going to see a lot more people who are going to be paying their land leases in full because there's a new public law that says that they have one year from the signing of their lease to pay the enormous amount of \$99 for 99 years all at once. We have created an accounting system and we've just gotten the full use at the enterprise of QuickBooks. Every one of our leases has a QuickBooks account so that we can track them at all times. The reason for that law was to not have to go and chase after \$1 every year. So you have the revenues in there for, we have not yet received our annual payment for Guam Telephone Authority so I'm going to be following up on that. They have to be in this month to pay it off. Their new lease began in the beginning of last year and requires them to pay off the annual amount in January. And that's roughly around, how much is that?

Margarita Borja (DLM) – About \$351,000, they made it today.

Administrative Director Michael Borja – Oh they made it today so we just collected \$351,000 from GTA today and that's for the use of where all the facilities are located at.

3. New Public Laws:

- a. Land for the Landless return**
- b. Creation of infrastructure and survey fund sites**
- c. Full payment of lease**
- d. Property tax exemption waiver**

Administrative Director Michael Borja – As I mentioned earlier the reason the Land for the Landless item is listed here is because it's one of the new public laws that basically spells out the notification of all the applicants who are current and that any lands that never get paid for they're returned and they'll be assigned to the Chamorro Land Trust Commission. That public law also states that if at any time we could consider to use some of those lands that have gone default for assignment to Mayors for public use like parks and whatever. All the letters went out last week and a lot of them have been coming in to discuss the letters and to make payment. These new laws also created the infrastructure and survey funds. Again this is in an effort to be able to raise money to be able to do the survey of all the lands and to have some money to try and do some infrastructure. So all the land for the landless monies that are going to be collected are going to go into the CLTC survey and infrastructure fund. Any lands that are sold like bull cart trails that belong to the Government of Guam if they're sold they go to this survey and infrastructure fund. One of the other laws also had two parts in it. One was that within one year of your lease signing you would pay the full lease amount of \$99 and if then if the Government does the survey of your property then you would be waiving the 7 year exemption from paying property tax. Right now a lessee if he does his survey his own survey he's exempt from paying property taxes for 7 years. If we do the survey then there is no exemption.

Acting Chairman Joseph Cruz – So the exemption is strictly for surveying?

Administrative Director Michael Borja – Uh huh and that's not in an effort to try and raise money in reality if we did the survey and they had to begin paying property taxes immediately and not get that 7 year exemption if your property is \$50 for 7 years that \$350. That's not a bad deal when you know you usually have to pay about \$1,000 or so for surveys.

Acting Chairman Joseph Cruz – But on the tax exemption does it apply to land alone or to include building?

Administrative Director Michael Borja – No just land.

Acting Chairman Joseph Cruz – Just land, got to be specific here.

Administrative Director Michael Borja – Yeah it is.

Commissioner Pascual Sablan – I think this Commission should make a policy that if you assign property to Chamorro Land Trust recipient give them 2 years and if they don't survey then take it back. I know again we're the ones supposed to pay for the survey.

Acting Chairman Joseph Cruz – The authorization has a limited timeframe.

Administrative Director Michael Borja – Yeah the authorization has a limited timeframe and one of the big problems that's actually coming to bite these people is that Guam Waterworks for example if you had a piece of property and you're already occupying out there and you don't have a survey because there's a lot of lease that were given out without the surveys if you have disconnected they want to see a survey map before they connect back up. And if you have no survey map you don't get reconnected which is unfortunate and is not cool and so we've talked with Guam Waterworks so we can work with clients one on one to get their water hooked back up because you know that's a necessity of life. Now in that master plan subdivision of all the agricultural master plan subdivisions we did throughout the island we've been able to use that for Waterworks because it shows where the easements are so that could substitute for the time being of an actual survey map because it is a recorded document that's been approved by the Chief Surveyor and the Chairman of the Guam Land Use Commission and Chamorro Land Trust Commission. So we've been working with that product when we've had to. But that product also helps when we tell people where their lands are because we've assigned lots numbers now to all these pieces of property and we know where they are and in fact every one of these lots is in our accounting software. That's how we have to track them.

Acting Chairman Joseph Cruz – That will eliminate duplication of lots.

Administrative Director Michael Borja – Yeah assigning more than one person to a lot. Okay that's all I have.

VIII. ADJOURNMENT

Commissioner Amanda Santos moved to adjourn the meeting. Commissioner Pascual Sablan seconded the motion. Meeting adjourned at 3:58pm.

Transcribed by: Teresa Topasna, WPSII: *Teresa Topasna*

Approved by Board motion in meeting of: *Feb. 18, 2016*

Michael J.B. Borja, Administrative Director: *Michael J.B. Borja*
Joseph I. Cruz, Acting Chairman: *Joseph I. Cruz*

Date: *2/18/16*
Date: *2/18/16*